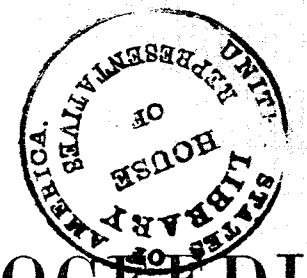
THE CONGRESSIONAL GLOBE:

CONTAINING



THE DEBATES AND PROCEEDINGS

OF THE

SECOND SESSION OF THE THIRTY-FIFTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

BY JOHN C. RIVES.

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THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

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And said Secretary is also authorized and directed to cause to be located for such persons each two hundred acres of land out of the tract of seventy thousand acres reserved by the second article of the treaty of June 5, 1854, with the Miamis, to be held by such persons, by the same tenure as the locations of individuals are held which have been made under the third article of said treaty."

The committee will now see the significance of this third section that has been struck out by the Senate. The proviso of the treaty of June, 1854, limited the payments to the Miamis of Indiana to three hundred and two persons, whose names were expressed and ascertained upon a corrected list in the office of the Commissioner of Indian Affairs. This third section of the act of June 12, 1858, not only authorizes, but directs, the Secretary of the Interior to enroll upon that list persons who are said to have been excluded from annuities since the year 1846. It does more. It directs, when so enrolled, that they shall be paid the current annuities; that they shall be paid annuities not only for the current year, but for twelve years past; and not this, only, but that they shall be paid as future annuitants, in like manner as those whose names are upon the corrected list.

As a consequence of this act of June 12, 1858, the Secretary of the Interior has added to the list of the Miamis of Indiana sixty-eight persons; has paid them as he was directed to pay them; and, of the money appropriated one year ago, in manner and amount the same as we make by this bill now, has applied the sum of $34,016. This is in violation of the treaty. It violates it because it attempts to add to the list by congressional enactment, when the treaty stipulates that all right of addition is reserved to the Miamis of Indiana. It violates it because it attempts to take by law and give to one set of persons what by treaty has been stipulated to belong to another set of persons. It overrides the treaty, and asserts an unquestioned sovereignty in Congress against the will and without the consent of the tribe. This legislative offense is flagrant and has no apology. Was the consent of the tribe first obtained? No. The Miamis of Indiana refused to give their consent. I have in my hands the letter of the Commissioner of Indian Affairs, under date of May 27, 1858, and quote from it for the purpose of showing that the question of embracing these persons that the Secretary of the Interior has now embraced on the Miami roll, was submitted to them, and that they utterly refused to entertain it:

"*November* 7, 1856.

"Instructions were written to John Dowling, Esq., special agent, Peru, Indiana, to submit the claims of the clients of Messrs. Borden and Brackenridge, to share in the annuities, to the Indians in council. In this letter of instructions Mr. Dowling is admonished to 'take care to state to the Indians that the question is left to their own voluntary action; that it is for them to determine against or in favor of the party applying.'

"The Commissioner, at the same time, instructing Mr. Dowling to inform the Indians that it is his advice to them to act honestly upon the subject, &c. John Dowling, Esq., December 10, 1856, reports proceedings in relation to the claims of certain individuals to participate in the annuities of the Miamis of Indiana. In this report, Mr. Dowling, after detailing his efforts to obtain the consideration of the claims of the applying parties, concludes with the following words:

"'Finding the Indians inexorably opposed to the opening or consideration of the question as to the admission of the claimants, either in gross or in detail, and that they had prejudged the case, I concluded the conference.'"

Thus, the act of 1858 was passed after the Miamis of Indiana, exercising the prerogative allowed by treaty, had refused to admit these parties. Why? If there were no reason even, it was done because they had, by treaty, the exclusive privilege to do it; and so long as the treaty shall stand, Congress cannot question it. But there was a reason. The whole affair was a bold professional enterprise. Year after year the tribe had been harassed with this annoying question. Year after year they had denied the nationality of these persons, who came to the doors of their councils and by attorney demanded admission. It cost them much money. It gave them much trouble. It annoyed them in their lodges and in their councils; and attorneys went to Washington, and dragged them there, to try questions of nationality, that by their national character it belonged to themselves only to try. The tribe, therefore, refused to entertain this subject, because, by the terms of the treaty and the instructions of Mr. Manypenny, it was their privilege to do so. The very provision in the treaty which defined and described the persons to whom payments were to be made, was put in in order to put to rest forever this vexatious and disturbing question. The legislation of the last year has defeated this beneficent object.

Such is the treaty; such is the violence done to it by the legislation of the last year. This third section, which the Senate has now struck out, is the remedy. I invoke this committee to stand by this provision as a necessary means of keeping the faith of our treaty with those now under our protection, who heretofore have been honored as enemies and honored as friends, till now, in utmost decline, they have nothing to trust but a high sense of justice in Congress.

Nor is this all. The section of the act of last year, that I have read, does not stop at this injury that I have already named. It goes further. But first, it is necessary to mention a few facts, in order that the objection I now take to the legislation of the last year may be made plainer.

Those familiar with the history of the Miamis are aware that, in pursuance of a treaty made in 1840, they agreed to emigrate, and subsequently, in 1846, did emigrate, to a region beyond the Mississippi. It was a stipulation that all should go. The fatal progress of colonization had long warned them that they, in turn, were to leave their pleasant hunting grounds, and—what the Indian last gives up—the burial-places of their dead. In anticipation of this, and before the treaty to remove was negotiated, by the fourteenth article of the treaty of the Forks of the Wabash, of November 6, 1838, an exception from that emigration was made in favor of John B. Richardville, the principal chief of the tribe. The treaty said he was very old and infirm, and not well able to endure the fatigues of a long journey; and it was therefore provided that the "United States should pay him and his family at Fort Wayne the proportion of the annuity of said tribe which their number should indicate to be due them, whenever the tribe should emigrate to the country assigned them west as a future residence."

By the fifth article of the treaty of November 28, 1840, the same exception was made in favor of the family of the late war chief, Francis Godfroy. By the seventh article of the same treaty, the same exception was made in favor of Meshingomesia, and his brothers. By a joint resolution of Congress, of March 3, 1845, the same exception was made in favor of many other members of the tribe.

They were thus allowed to remain in Indiana; and their payments were required to be made there. These, and these only, constitute the Miamis of Indiana—the persons of whom a census was made by the Indian Office, by its agent, Mr. Lindsay—the three hundred and two persons whose names are on the corrected list. The home of all the rest of the tribe is beyond the Mississippi.

It is worthy of notice, that no one of all these sixty-eight persons whose names have been added to the roll of Miamis of Indiana, as a consequence of the legislation of the last year, are within any of these exceptions. If they are Miamis, their national place is beyond the Mississippi. Another thing must also be mentioned. The treaty of June, 1854, was intended to be a summary of all previous treaties with the Miamis. They were thus distinguished into eastern Miamis and western Miamis, the Miamis of Kansas and the Miamis of Indiana. By that treaty, Miamis residing on the land in Kansas, in exchange for certain annuities which they gave up, were entitled to receive two hundred acres of land each, for every man, woman, and child. What lands remained, were to be the common stock of the western tribe. The Miamis east were to receive no lands; but in lieu of lands the Government stipulated to make an investment of $221,257 86, the interest of which was to be paid to them. Thus the beneficial interest in this large moneyed annuity belonged to the Miamis of Indiana alone, or to those persons who had been excepted from emigration to Kansas. This treaty of 1854 was made by the whole tribe. At this time, and at this very instant of time, the corrected list was made, not by a part of the tribe, not by the eastern Miamis only, but by the whole tribe, represented in council at this capital. One of the provisions of this treaty leaves to the Miamis of Indiana to indicate the manner in which their annuities shall be invested. The Miamis west, by the treaty, not by the amendment to the treaty, but by the treaty itself, left it to the Miamis of Indiana to determine the mode of this investment:

"And the said Miami Indians, now present from the State of Indiana, agree to take the opinion of their people, on their return home, and advise the Department without delay."

The Miamis of Indiana did accordingly confer with their people. It was agreed to invest at five per cent. per annum, to be paid annually, for twenty-five years; the principal, at the end of that time, to be paid in full. They returned here, according to the language of the amendment to the treaty, "by a fully authorized deputation;" the Senate has said so, and cannot gainsay it. The amendment to the treaty, which they were competent to make, is the result. Now, how can it be said, when, by the act of the United States, and of the whole Miami tribe, it has been declared that this money annuity is for the benefit, and subject to the control, of the Miamis of Indiana, that the amendment to the treaty is invalid, because the whole tribe was not present at its ratification? This objection is unworthy of us. It is the act of the United States by the public proclamation, made by the President, of one of its treaties. It is the nomination of our own bond, rational and equitable. Shall the Senate, that advised and consented to it under the Constitution, now disclaim it?

And now, to the other point of objection I propose making to the legislation of last year. It not only requires the enrollment of these sixty-eight persons among the Miamis of Indiana, and the payment of all past and future annuities, by means of which most of the appropriations of the last year have been absorbed, thus treating these sixty-eight persons as if they were Miamis of Indiana, when I have already shown that they are not; but it also goes on to direct the Secretary of the Interior "to cause to be located for such persons, each two hundred acres of land, out of the tract of seventy thousand acres reserved by the second article of the treaty of June 5, 1854, with the Miamis, to be held by such persons by the same tenure as the locations of individuals are held which have been made under the third article of said treaty," as if they were Miamis of Kansas, when, by the second article of the treaty of 1854, such lands can only belong to persons who at the moment were residing on them. None of these sixty-eight persons reside on these lands. No other Miami of Indiana, no one of the three hundred and two, is entitled to receive an acre of these lands. No Miami of Kansas is entitled to receive any share of the annuities of the Miamis of Indiana. But these sixty-eight persons, by law, are declared to be entitled to both. This action of Congress, which gives these sixty-eight persons benefits not belonging to any other members of the tribe, is a wrong; not intended, to be sure, but no less a wrong.

I might thus leave this matter to repose upon the faith of this treaty in confidence that this body will not require it to be impaired by any action of its own. But I have been compelled to go elsewhere in search for the objections that have been taken to this section, which provides only that the treaty of 1854 shall be observed. The answer is, that the proviso which I have read from the published treaty is no part of the treaty. A gentleman who sits in the Senate Chamber on behalf

of the State of Indiana, by the consent of that body, (I speak without any purpose of offense in alluding to him in this manner, having no other mode left me, in respect to the just and incontrovertible protest of that State against his official authority,) says that this stipulation is but an agreement, and has not the character of a provision of the treaty. Now, Mr. Chairman, what is a treaty but a convention between parties holding a national character to each other? The Miami tribe has had its nationality admitted over and over again. That character is historical. This agreement, if you are pleased to call it so, is made in its national character, and has, in every respect, the character and quality of a treaty. This objection is too poor for argument. If this agreement is something else than a treaty, an agreement only, what constitutional function has the Senate that confers on it the power of making an agreement? If this is something below the dignity of a treaty, why was it published in the statute-book? If it be but a poor, degraded bargain that a Senator can contumeliously sneer at, why is it required that two thirds of the grave and reverend Senate should be required to advise and consent with the President upon the subject? Why should a President, a national President, affix to such a beggarly instrument his sign manual, and make public proclamation of it to the land? Why should the Senate dignify it with the name of a treaty if it be not such? I shall not stop at this poor conception. It is enough for me that both branches of Congress, in the very article of this bill that is now under discussion, has recognized it as a treaty, because the third section, now struck out by the Senate, was intended to qualify the following clause of this bill, which now comes back to us in spite of the declaration that this provision has no quality of a treaty stipulation:

"For interest on investment of $221,257 86 at five per centum, for Miami Indians of Indiana, per Senate amendment to fourth article treaty 5th June, 1854, $11,062 89."

Thus the Senate, which sends us this bill, has recognized this treaty. By the enactment of this clause, this body has consented that it is a treaty stipulation. If it be not, what reason exists for this appropriation contained in this bill? An appropriation based upon this very provision, which is denied to have any binding obligation upon the Government, and being so admitted, I invite the chairman of the Committee of Ways and Means to furnish a reason why the remainder of this provision, which limits the payment to the corrected list, shall not, in like manner, be enforced?

Mr. GREENWOOD. By the permission of the gentleman, I wish to ask him a question for information. I wish to know why it is that these Miami Indians were excluded from the benefits of the treaty entered into in 1854, if they are not Miami Indians, to all intents and purposes? I desire to ask, further, if this supplement, which he has read, which proposes to exclude these sixty-eight Miamis in Indiana, ever received the sanction, in any form whatever, of that tribe? Is there any evidence that the tribe gave its consent to it?

Mr. PETTIT. I reply to the gentleman from Arkansas, [Mr. GREENWOOD,] with pleasure; and, first, to his last question. The Miami tribe, the whole tribe, both east and west, in their national character, made the corrected list. It was not a list to exclude persons who belonged to the tribe, but a list intended to embrace all who were members of it. The corrected list was made in June, 1854. The amendment to the treaty was made in the month of August. How that list was made is set forth in the following extract from a letter from the Commissioner of Indian Affairs. It deserves first to be stated, however, that in the month of January, 1854, with a view of obtaining an accurate census of the tribe in Indiana, Mr. Manypenny dispatched Mr. Lindsay there, who made a census, which he describes to be full and accurate, founded upon his own inquiry and personal inspection. The present Commissioner of Indian Affairs then goes on to say:

"The census list of Mr. Lindsay being submitted to this office, Colonel Manypenny, then Commissioner of Indian Affairs, on consultation with the Miami chiefs or head men then in this city, [June, 1854,] ruled the members of the families of La Croix, Minnie, and De Rome out of their shares of the annuities, for the reason that they were not considered to be of the Miami blood; notwithstanding, between 1846 and 1854, the members of the above-named families, by virtue of proof submitted to this office, were recognized as of Miami blood, and for a time were paid their annuities in Indiana under special instructions from this office."

The gentleman from Arkansas will thus see that the act of making this corrected list was cotemporary with the treaty, a period of two months before the amendment was proposed in the Senate, and was conjointly the act of the Commissioner of Indian Affairs, acting on behalf of the Government, and the whole tribe. To this, I add my own statement that I have seen Lindsay's original list in the Indian office, bearing on its face the handwriting of Mr. Manypenny, indicating that both branches of the tribe, east and west, advised and consented to the list in June, 1854; and now, in turn, I ask, if acknowledging the tribe as having a national character, competent to make engagements of peace and war, having a civil polity of their own, and executing laws and usages of their own, if that very national character does not confer on them the exclusive power of determining upon their own citizenship, and to admit and exclude from their number any persons they please, even if no such right were given them by treaty. This is my first answer. And this implies my answer to the second question. The whole tribe did give sanction to the corrected list, on which the names of these sixty-eight persons did not appear. And this action is not new. It has been its action for fifteen or sixteen years, within that right which belongs necessarily to every national character, that of determining who are the citizens of its own nationality. These persons do not, therefore, belong to that tribe, because the tribe which is competent to determine it has said so. I am aware, in spite of what I have said, that the Senator from Indiana already alluded to has said that the Commissioner of Indian Affairs has stated that these persons ought to be restored. I do not understand it so. That report is before me now, and asserts that he took no steps upon the subject. Nay, more, the Commissioner, in this very report, a report which does not attempt to question any part of this treaty, but shows a purpose of conforming to it, admits that the right of deciding that question belonged to the Miamis alone, an admission hardly necessary, because it has the stronger guarantee of a treaty.

Mr. LETCHER. Let me ask the gentleman a question at that point. I wish to ask him whether some of the sixty-eight who are excluded are not the legitimate descendants of the chiefs whose names appear in the preceding treaties of the Miamis?

Mr. PETITT. This diverts a little the course of my argument; but, in turn, I take great pleasure in replying to the gentleman from Virginia. I answer, "no." None of these persons are descendants of Chief Richardville, the individual I presume he has in his mind. They do not claim to be his descendants; but only the remote descendants of his sisters. I am compelled to be brief; but I can best reply by referring once more to the letter of the Commissioner of Indian Affairs, under date of May 27, last, and I now state that what I read is the only proof of any blood connection of any of these sixty-eight persons with Chief Richardville, that has come under my notice:

"I also find, by reference to the copy of a certain document in the French language, dated May 25, 1805, inclosed in the letter of Jon Kelly, 31st July, 1837, that certain elders of the nation of the Miamis renewed a grant of land to Jean Baptist Richardville, which grant was confirmed by the treaty of October 23, 1834. This ratification of the previous grant appears to have been made in consideration that he, Richardville, preferred remaining with the Miamis, who had appointed him their chief, (although his mother, on her death-bed, had advised him to go to his father and live with the white people,) and because he was the only one of his family who remained with them, his uncles having abandoned the nation. In the document referred to, it is also acknowledged by the chiefs or elders that he, Richardville, is of their blood."

The gentleman from Virginia will thus see that while the tribe, in 1805, admitted Richardville to be of their nation, that the ancestors of these claimants had abandoned the nation, and did not claim, nor did the tribe claim, that they belonged to the Miamis. Not to speak of its power, I ask if it would now be right for Congress, at the end of half a century, to baptize these strangers into the Miami tribe, not for the reason that they ever belonged to the tribe or held any interest in common with them, but at the expense of this poor, decaying nation, in order to invest them with the benevolences of this treaty.

I have said that, in the year 1840, the Miami tribe stipulated to remove beyond the Mississippi. I was a witness to that removal. An Indian emigration is a melancholy thing to look upon. I had then the first—I trust, the last—opportunity of witnessing the manner in which our nation begins its work of civilizing these rude children of the forest, when it removes them to what, in mockery, is denominated a home. Troops of the Government were sent out upon these old hunting-grounds of the tribe. The Indians were unwilling to give them up, and the Government resorted to it usual means—force. They were first hunted from their homes, and then hunted through the forest. They were caught, and put under duress. Some were pinioned. It was a work of savagery throughout. I shall not attempt to describe it. It was a picture all despair; no hope.

These troops were quartered at that time where these sixty-eight persons resided, or in the vicinity of where they lived, not as Indians, for there was in them but a vestige of Indian lineage, but in the character of citizens, exercising the rights of white citizenship. If they belonged to the Miami nationality, I ask why it was, when all the Miami lands were scourged with armed pursuers, after the scattered and fugitive members of this tribe, in order to compel them across the Mississippi—why it was that these sixty-eight persons were left there quietly pursuing the common avocations of life? Why, in sight of the very officers charged to remove these persons to their new homes, no attempt whatever was made to take them? It was for the reason that for a period of more than fifty years they had been separated from the tribe. If those who are curious to know as to the quantity of Miami blood flowing in the veins of these persons, will look at the report of the Commissioner of Indian Affairs, they will find but two persons who have as much as one eighth Miami blood. Another portion of them, I think about twenty, have one sixteenth Miami blood; others of them have but one thirty-second Miami blood; one or two have only one sixty-fourth part.

I ask now, in view of the fact that these persons have never been an actual part of the tribe, that they have never lived with them, that they have never adopted their usages, that they have never shared in their councils, that they are strangers to the language of the tribe; in a word, that they have never been Indians in any practical respect; except occasionally to ask to be admitted to the payments of the tribe; if, in the national motive of taking care of those who cannot take care of themselves, Congress should intervene for them against the wishes of the tribe? Will Congress, in order to confer these pecuniary benefits upon them, undertake to declare, legislatively, that they belong to the Miami tribe? They are, in usage, language, society, white people. They are so known to the law; and they share the privileges of white people within the State of Indiana. Such is my information. I ought to make an exception of a single family; and I cheerfully do so.

The fact that the Government officers, while attempting to execute the treaty of 1840, did not attempt to remove them, and did not count them among the tribe, and the fact that since that time they never have been identified with the tribe, are proofs both from the Government and themselves to support my argument. I have before me, in the letter of the Commissioner of Indian Affairs already quoted from, some proofs bearing on the subject of their nationality, to which I desire to call the attention of the committee:

"Robert McClure deposes that he was fifty-one years of age last March, (1854,) that he became acquainted with the chief Richardville and his family at Fort Wayne in 1822, was also acquainted with Josetta Robidoux and all her family, that they *lived like white people and talked English and French*, never heard Josetta Robidoux talk in the Indian language; when talking to Richardville's family, she spoke English and French, mostly French; *heard no talk of their being Indians, they were called French*, and *Josetta* claimed *to be of that nation*. Richardville's children claimed to be the cousins of Josetta's children, and called Josetta aunt.

"Have been present at nearly all the payments of the Miamis since 1822, and never saw Josetta Robidoux or any of her children draw money at the table at any of the payments, as other Indians do, and does not think that they did draw, at least in the early part of his acquaintance with them; at the forks of the Wabash, about 1834, thinks the descendants of Josetta Robidoux made application to draw

annuities as quarter-blood Miamis, and the Indians objected alleging that they were not Indians, but French; and his impression is, that they were ruled out, and not permitted to receive their annuity or pay at the table, as the other Indians drew. Has been present at a number of their treaties, at which Chief Richardville conducted the negotiations; the chief spoke the English language well, and conducted the treaties in that language; is of the opinion that most of the Indians knew but little about the stipulations of the treaties, having entire confidence in Richardville as their chief.

"Has been informed, and believes, that all the annuities or pay, which were drawn by Josetta, and her family, were drawn through the favoritism of chief Richardville, and without the knowledge or consent of the Indians. Recollects, that at the treaty of 1834, chief Richardville asked the Indians to permit the descendants of Josetta to draw a small portion, or to draw as quarter blood Indians, and Mechanegua, one of the principal chiefs objected. Richardville said that these people were his relatives, and poor. Mechanegua spoke on behalf of the tribe, and said, that if they were his relatives, and poor, to give them out of his own money, and not out of theirs. And it was then claimed that they were relatives of Richardville, on the French side, and had no Indian blood in them. Deponent knows, that in 1832, Margaret Lafalia, now the wife of Michiel D. Richardville, Tonsant, Jacko, Joseph Robidoux, and all of Josetta's children claimed to be French; and did not understand at that time, that there was any Indian blood in them, although intimately acquainted with them."

"Meshingomezia (a Miami Indian) was sworn, Samuel McClure, under oath, acting as interpreter. This deponent says he is about sixty-five years of age; that he became acquainted with Richardville at Fort Wayne, Indiana; when first acquainted with him he was not a chief, but a trader; was acquainted with Richardville prior to the treaty with the Miami Indians, concluded at Greenville, Ohio; was present at the time the tribe met in council near where the house of Godfroy now stands, on the Wabash river, and elected Richardville chief of the Miami tribe; and the reason why he was so elected was, that he could speak or talk in both the Indian and English language, and could thereby transact their business with the whites better than any of the rest; Richardville's mother was dead long before that time; Kah-kow-wich-con-yah was chief of the tribe immediately before Richardville, and before him Taw-we-tah, the grandfather of deponent, and before him the great-grandfather of deponent. Among the tribe of deponent women or squaws are never appointed or elected to any office, nor do they inherit any. The deponent understands the customs of his tribe by tradition; has always been the understanding of the deponent from his own knowledge, and from information derived from his mother, (who was older than Richardville, well acquainted with his mother,) that Richardville was the only child of his mother, and that he had neither brother nor sister.

"After the treaty of St. Mary's deponent was at a payment at Fort Wayne, and there was not one Frenchman drew an annuity to his knowledge; has been at all the payments from that time to the present, and has never known of any of the French drawing annuity. Jacko Robidoux was a Frenchman; Margerate Lafalia was a French woman; she lived with Chief Richardville as his wife, as was generally understood by the Indians; never knew Jacko Robidoux, or Margerate Lafalia, or any of the French relatives of Richardville, to draw money at any of the payments, as the Miamis drew it.

"By the custom of the Miami Indians, no man is permitted to marry or cohabit with his blood relations.

"In the treaties which Richardville made on behalf of the Miami Indians with the United States, most of the reserves and provisions of money for himself and friends were kept secret from the tribe until the treaty was closed.

"Samuel McClure deposed, that he was forty-seven years of age; has lived in this country since the year 1827, and traded with the Miami Indians since the year 1828; has been well acquainted with all their chiefs and principal men, and has attended every payment since the year 1827.

"In the fall of 1834, at a general council held by the principal men of the Miami tribe, at the forks of the Wabash river, deponent was present, and the question of the right of these French people to participate in the annuity of the tribe came up in council. Chief Richardville said that these people were poor and his friends, and he wished them to draw with the tribe; as well as the deponent can recollect, he said they had some Indian blood in them; then Mechanequa objected, and said, if they had any Indian blood in them he did not know it, and said if white men mingled with their people and got children, they must support them; that they would not. Mechanequa then sat down. Richardville then stood as though he was in a study. The agent—Colonel Pepper, the deponent thinks—said to Richardville, 'Chief, what are you going to do?' Richardville turned to Mechanequa and said, 'What are you going to do?' He replied, 'I have told you once, and if I can't be heard, I will leave the council;' and arose and left. Richardville said to the agent, 'hold still, I will answer after a while;' and followed Mechanequa into the woods. After some time they came back, and Mechanequa took his seat in the council; and it was the understanding of the deponent, that they were not to participate in the annuity, and Chief Richardville so notified the agent. Deponent has never known the children or grand children of Josetta Robodoux to draw as other Indians at any of their payments, with the consent of the tribe; Mechanequa was one of the principal men of the tribe, and one of the most influential; and in the conversation above referred to, he spoke on behalf of the tribe.

"Margerate Lafalia lived with Chief Richardville, and it was generally considered that she was his wife, or concubine. A short time before the death of Chief Richardville, and after his death, deponent heard a number of the tribe complaining of his course; and that he had cheated them, as they thought, for the purpose of conferring favors on his friends, English and French.

"Dr. William McKinsey deposes that in the month of March, 1805, himself and others were sent out on the Wabash river, by the Society of Friends in Maryland, for the purpose of trying to civilize the Miami Indians. They settled near the forks of the Wabash, and made improvements. At that time, deponent states, White Loon, *alias* Wa-pe-mon-guck, was chief of the village, and that Richardville, afterwards chief of the Miamis, was living there at the village, a private man. Deponent often met with the Indians in council, and Richardville seemed to have no power, and but little influence among them, and was to all appearances very poor; deponent and his companions looked upon him as rather below an ordinary Indian—in fact, was considered at least half French. (Never knew anything of the mother of Richardville, and never heard of his having any brother or sister.)

"Deponent was quite intimate with the principal men of the village; became also acquainted with some of the chiefs and leading men of the other villages. Prior to deponent's residence with the Miamis, he had been with the Shawnee tribe, and learned to speak the Shawnee language. This enabled him to converse with the Miamis, as most of them could converse in that language. It is the understanding of the deponent that they never inherit any office, but were promoted in the tribe on the ground of valor or statesmanship; that, by their customs, their women never had any voice in their councils, nor were they ever promoted to any office. Deponent thinks, from his familiarity with the Indians at that village, that if Richardville's mother had been a leading woman or person among them, and lived at the forks of the Wabash, he should certainly have known it. Deponent, in his deposition, states that he was twenty-one years of age on the 22d day of April, 1805."

There is some proof contradictory of this; but I have asked for the reading of these affidavits, obtained from the office of the Commissioner of Indian Affairs, for the purpose of showing that, in the year 1834, Richardville himself, the chief of the tribe, presented these relatives of his to the council for the purpose of having them admitted to the pay-roll of the tribe, and that proposition was rejected at the time as the act of the tribe, as it had been rejected before.

I now give way to my colleague, who feels, as I myself do, that I am using an undue share of time under the limited allowance permitted by the rule; but I venture again to invoke the favorable consideration of the House in favor of these poor people, whose respectful memorial asks you for justice and protection, that you may justify the honor of your engagement as a duty at the same time both to them and yourselves.

Mr. CASE took the floor.

Mr. MAYNARD. I ask the gentleman to give way to me for a moment, to enable me to make a statement of personal consequence to myself.

Mr. CASE. I cannot allow the explanation to be made in my time.

Mr. MAYNARD. I am sorry that the gentleman feels himself constrained to do a disfavor.

Mr. CASE. At another time I would cheerfully do it; but I cannot, now, as I have but twenty minutes to go over all the ground occupied by my colleague.

Mr. Chairman, beginning where my colleague left off with this very matter of the census list made out by this Mr. Lindsay, I desire to say this: I hold in my hand a copy of a part of this list. While it shows that the Commissioner came to the conclusion to omit the names of certain persons from this list, the report by Mr. Lindsay shows that this whole De Rome family, in favor of whom the relief was granted last year, was just as nearly related to the tribe as are many of the persons for whom my colleague is contending. Why, sir, I have here a list of the De Rome family, one of the families benefited by the legislation of last year, and this census of Mr. Lindsay shows that that family are all, save four, one quarter Miami blood; the four being only one eighth; and, sir, he found them living on a section of land reserved to them by the treaty of 1826. And I say, further, that if gentlemen will examine the treaties made with the Miamis, and the evidence filed in the Indian department, they will find the names of the ancestors of all these persons signed to one or the other of the several treaties made with this tribe.

Sir, I am utterly astonished when I hear it asserted here that even the Chief Richardville was known to be a Frenchman, and not a Miami. Such a statement as that will sound strangely in Indiana, where he lived and was well known as the favorite chief of that tribe for years and years, signing every important treaty made, from 1795 to 1840. No one has ever denied that he was a half-breed; and every one familiar with the facts knows that there are many of the same class connected with the tribe, and that many of the full-blooded Indians have been, for the last twenty years, hunting those persons down and trying to drive them out of the tribe because they had white blood in them. The names of all these persons were on the list when they undertook to prove it, as my colleague says, in 1854, although some of them had been stricken off in 1846.

My colleague has produced the evidence of two or three individuals to prove that these persons did not belong to the tribe, and had never been paid with the tribe. I beg the committee to remember that he has selected from the whole volume of evidence almost the only testimony in favor of his side of the question; and that against it you have the testimony of all the men who have been acting as agents for the payment of these Indians, stating that these persons were recognized as members of the tribe, and have received their money just the same as other members of the tribe; and their vouchers, filed in the Indian department, and which are referred to in this very report, show that such are the facts.

Now, it is said that Mr. Lindsay said that he could find no evidence that the Chief Richardville was an Indian, or that he had any sisters. The evidence in this report, which I cannot read, as it would take two hours, shows conclusively, that he had at least two sisters, and those persons, for whose benefit the legislation of last year was obtained, were descendants of those sisters. I grant that this agent, Mr. Lindsay, came to the same conclusion that my colleague has come to, in reference to the Minnie and Lacroix families. He could not determine their blood, though they are children of sisters of Richardville; but how either came to the conclusion that there was no Miami blood in him, when his report proves that the granddaughter of his mother's sister was a full-blooded Miami, I do not know. But my colleague asks why these persons were not removed in 1846, if they were members of the tribe? Well, as he truly says, the Government was engaged in the pious business of hunting down the tribe with dogs, and driving them out as fast as it could. Why were not the three hundred and two persons for whom my colleague is acting, removed at the same time? These persons, like those, were permitted to remain, and draw their annuities, because the Attorney General says that it is the evident spirit of the treaties, that they should be permitted to draw their annuities, though they did not remove with the tribe.

Mr. PETTIT. The three hundred and two Miamis of Indiana are those who, by the treaty of 1838, and the law of 1845, are allowed to remain; but all others belong to the Miamis west.

Mr. CASE. I beg my colleague's pardon. These Indians occupy very nearly the same relation to the tribe that the Grigg family do, who were restored to the lists of the tribe by the very amendment on which my colleague relies.

Mr. WILSON here asked a question, which was entirely inaudible to the reporters.

Mr. CASE. I do not care whether they did or not. When the Government was hunting them down, some of them took refuge in the State of Michigan, and live there to-day.

Mr. NIBLACK. I would inquire if they were not driven away in violation of the terms of the treaty?

Mr. CASE. I suppose they were; but I have not time to investigate that question. If the committee will take the opinion of the Attorney General on these very treaties, (which is to be found in volume six of the Opinions of the Attorney General,) they will find that this question has come before the Attorney General; and his conclusion, from an investigation of the whole matter, is, that it is the evident spirit of those treaties not to cut off these Indians from their annuities, from the simple fact that they refused to migrate with the tribe, and on that ground he justifies the resolutions passed at different times by Congress. The treaty itself has been somewhat carefully investigated in the other branch of Congress; and I will read the language of the distinguished Senator from Maine [Mr. FESSENDEN] in regard to it:

"I wish to state, for myself, that I examined this matter very carefully. I came to the conclusion that the proposition of the House of Representatives ought to be rejected. Our committee were unanimous on the subject, and came to the conclusion, in fact, that this subsequent provision, by which it is now claimed that a portion of the tribe should be excluded, was fraudulent in fact, and that the plain course of duty was to restore their names, and pay them their money."

I wish, now, to speak for a moment to the manner in which this provision of the treaty was obtained. I assert that it has no validity. This treaty was made between the tribe and the Uni-

ted States on the 5th day of June, 1854, and this proviso was an afterthought. The men who were here, representing the tribe in Indiana, thought they had the matter fixed up. But the Commissioner of Indian Affairs had ordered that testimony should be taken in regard to the blood of certain Indians. These men went home; and they found an agent there taking testimony under the orders of the Indian department, to establish the blood of some of the persons benefited by the legislation of last session; and when they discovered that that evidence would establish incontrovertibly that these persons were entitled to share in the annuities, they came back here and had that amendment made after the chiefs had gone home. The testimony then taken was not forwarded until after the amendment was attached to the treaty. If my colleague will examine the files of the Indian department, he will find that the Commissioner did not forward the testimony, and that it was ultimately sent here by the justice of the peace before whom it was taken several days after the amendment to the treaty was adopted by the Senate; and thus it appears that the Senate acted in the dark in regard to it.

I deny, right here, that that amendment to the treaty has any validity whatever, save such as the eleventh article of the treaty may have given it. It lacks altogether the sanction of the authorities of the tribe. But if it were valid, there is abundant authority in the treaty itself for the legislation of last year. There is a provision in the original treaty—the eleventh article already referred to—by which Congress has the power to legislate for the benefit of, and to do justice to, the members of that tribe. There is a provision giving the express right of interference, as to their lands, to the Secretary of the Interior. There is ample power given in the eleventh article of that treaty for the legislation of last session.

Mr. GREENWOOD. If the gentleman will permit me, I will read that eleventh article. Here it is:

"The object of this instrument being to advance the interest of said Indians, it is agreed, if it prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs as in his judgment may be most beneficial to them; or Congress may, hereafter, make such provision by law as experience shall prove to be necessary."

Mr. CASE. Here was an amendment attempted to be forced on this treaty by the action of the Senate when the chiefs had gone home, when the men who had come from Indiana and participated in the negotiation of that treaty had returned home. Here was an amendment by which sixty-eight persons were shut out from their rights as members of the tribe. What could be plainer under that treaty than that Congress should see that every member of the tribe should have justice meted out to him.

Now, Mr. Chairman, with regard to this legislation. It cannot operate to the injury of the Miamis. None are to be benefited by it, unless the evidence is clear and conclusive that they are, or ought to be, members of the tribe. It is confined to those who are of the blood of the tribe. I must pass over so much as my colleague has said in reference to the divisions of land. I do so, not because it is not capable of explanation from the terms of the treaty itself, but because it does not come within the legislation we have now before us. We do not propose to interfere with that; and, therefore, I will not reply, at this time, to that portion of my colleague's remarks.

The families that claim relief under the legislation of last year, are as I will state them. There is the Minnie family—Mary L. Minnie and her descendants. Mary L. Minnie, according to the evidence contained in the Commissioner's report, wss the daughter of Agatha, a sister of Chief Richardville. The Lacroix family descend from Josette, another sister, of the same chief, who is recognized as a Miami, and has a reservation of a section of land by the treaty of 1818. The mother of Angelina Lacroix, with the rest of the family, moved west with the tribe. The Derome family, to which I have already referred, are recognized as belonging to the tribe under the treaty of 1826, and to the ancestor of this family, a section of land was reserved by that treaty. As to the descendants of Wa-we-asse, Flat Billy and Mahqua-co-zong, who were driven to Michigan, or fled there to avoid removal, if you will look to the treaty of 1818, and subsequent treaties, you will find the names of every one of them, signing them as the chiefs of the tribe. Yet we are told that it is justice to shut out these men.

Let it be remembered that under the treaties of 1818, 1826, of 1838, and of 1840, these persons were members of the tribe. The testimony is conclusive with regard to them notwithstanding the extracts selected by my colleague. They were the owners of the property that the Government bought; and it is only right and sheer justice to allow them to participate in the value of that property. There is no question but that the legislation of last year was right. It was a local matter, affecting persons in my own district; and therefore I thought it was right to give it such aid as I could. There is no reason for saying that it interferes with treaty stipulations. Yet, if this amendment were a treaty stipulation, the power to abrogate it is ample and complete under the eleventh article, just read, and should be exercised.

The gentleman from Arkansas asks me if there were any attempts by treaty to exclude these Indians before this? There were not. I know there was objection to their drawing annuities. They were on the list of that tribe up to the day the treaty was signed. They had been cut off by the action of the Commissioner; but they were restored on the advice of the Attorney General. They were cut off in 1846, but restored in 1851; and they continued on the list until they were excluded by this alleged amendment.

Mr. Chairman, I would like to have said something further in regard to the authority of Congress to interfere with this amendment and abrogate it, even if it is to be considered a part of the treaty. I know, however, that I could not make myself clear on that point in the few minutes that are left me. I do not propose to take up and read this testimony to the House; and I only regret that every member of the committee is not able to take up the report and examine the whole testimony from the beginning to the end. There is the evidence of men who have lived there in the vicinity of that tribe for years—some of the most respectable citizens of my own county. If a question of blood can be made clear by evidence, the blood of these persons is established beyond dispute. There is no attempt to rob this Indian tribe of their money. It is only an effort to put men upon the list who are as much entitled as any men there; as much entitled as those of the tribe who have been pursuing them for the last forty years, because they were not full-blooded Miamis.

These claimants, as I have said, were stricken from the list, and this amendment added, at the instigation of members of the tribe who knew that testimony was being taken to establish their tribal rights; that that testimony would be conclusive, and that the amendment must be passed before the arrival of the testimony, if at all. They hurried back from Indiana to this city to accomplish that object, and they succeeded. If any wrong was done, they instigated it. If any fraud was perpetrated, it was when these claimants were rejected without a hearing. Their restoration to their tribal rights, under the act of last session, was but simple justice.

The CHAIRMAN stated that the hour for the close of general debate had arrived.

PERSONAL EXPLANATION.

Mr. MAYNARD. I ask unanimous consent to make a statement personal to myself.

There was no objection.

Mr. MAYNARD. Since I came to the House I have seen a copy of the New York Tribune, of yesterday. In it I find a telegraphic dispatch, dated in this city, on Sunday last. In that dispatch occurs this sentence, speaking of the passage of the Oregon bill:

"All the South Americans voted against it, except Messrs. Maynard, Ready, Underwood, and Eustis, who were absent or dodged."

I wish to say that so far as I am concerned, I was not absent, nor did I dodge. It is known that when the bill was under consideration, I spoke against it, that I attempted to amend it, that I voted steadily against it until the question of laying it on the table came up, which, at the time, I regarded as a test question, and for which I voted. After that I paired off with a friend of the bill, [Mr. KUNKEL, of Maryland,] for his convenience and at his request, as I stated more than once to the House, at the time. I wish to state further, that my colleague [Mr. READY] was also present, but that he was paired off with Mr. WARREN, of Arkansas, as he informed me, and as he announced when his name was called.

Mr. SMITH, of Tennessee. I desire to make a statement, to go with that of my colleague. I was a witness to the pair of Mr. READY with Mr. WARREN, of Arkansas, and therefore I know the fact that he was paired.

Mr. DAVIDSON. I desire to say that my colleague, Mr. EUSTIS, was not in the city. He was absent at the time.

Mr. STEWART, of Maryland. With the permission of the gentleman from Tennessee, I will state that it was announced, at the time, that my colleague [Mr. KUNKEL] had paired off with him.

Mr. MAYNARD. The facts that I speak of appear in the report in the Globe. I do not make this statement for the information of the House, to which, I presume, the facts are known, as upon that occasion the attendance was very full; nor do I make it with any expectation or desire, even, that the correction should be made in the quarter from which the statement emanated. I care nothing about it. I make this statement in order that other respectable papers, having a regard both for the Sabbath and for the truth, may not be misled into doing me injustice by copying this thing in the Tribune.

Mr. FARNSWORTH. I make the point of order, that it is not in order for a member to correct a misstatement that may happen to appear in a newspaper.

The CHAIRMAN. The point of order has no application; because the gentleman from Indiana, with the other members of the committee, consented that the explanation should be made.

Mr. FARNSWORTH. I was not aware of it.

Mr. BLISS. I ask the unanimous consent of the committee to say one word, which I should not have done, had not the gentleman from Tennessee brought the matter before the House? I rise simply to say, that I was absent from the House during the whole of Saturday, and did not dodge the question. Further, I do not care to say.

INDIAN APPROPRIATION BILL—AGAIN.

The first amendment was read, as follows:

Chickasaw Incompetents.—For arrears of interest due January 1, 1859, on five per cent. bonds of the State of Indiana, held in trust for the Chickasaw incompetents by the Secretary of the Interior, $350.

Mr. REAGAN. I yesterday made a suggestion in regard to the first amendment.

The CHAIRMAN. Does the gentleman move an amendment?

Mr. REAGAN. I move to strike out "$350." I object to the Government of the United States assuming the liabilities of States; and I wish now to state more distinctly the objections that I have to this first amendment. The same objection will also apply to the second, third, and fourth amendments of the Senate, and to all that class of propositions that look to the assumption by the Government of the United States of the liabilities of States. It appears that, in entering into this treaty with the Indians, stocks of the State of Indiana were purchased by the Government as trustee for the Chickasaw Indians. The Government of the United States, in so acting as trustee, had necessarily to pay to the State of Indiana the value of her stocks. Of course the State of Indiana was liable for the payment of the interest on her bonds. Now, from the embarrassment of that State, she is unable or unwilling to pay the interest unless, the Indians or the Government shall surrender the original bonds and accept new certificates of stock. They contend that the Treasury Department ought to return to the State of Indiana the funds retained in the Treasury as some sort of indemnity for the nonpayment of this interest, and Indiana will then consent to enter into a correspondence with the Federal Government.

That appears to me to be a very strange proposition. The State of Indiana, a sovereign power as well as the United States, is willing, in its gracious kindness, to enter into a correspondence about this matter.

Now, as I said yesterday, I do not want the

Government of the United States to pay the debts of repudiating States, or of repudiating individuals. The Government of the United States has now about as much as it can do to pay its own debts. The Government has paid for this stock, and the State has refused, or declined, to pay the interest on it. It was for the benefit of the Indians that this investment was made; and it is strange that the Government should now be asked not only to pay the arrears of interest, but also to refund to the Indians the amount of the original investment.

[Here the hammer fell.]

Mr. DAVIS, of Indiana. I have just a word to say in reply to the gentleman from Texas. I have not examined this question very carefully. The gentleman seems to insinuate, or he made the remark, that the State of Indiana has refused to pay its just debts, and that it is insolvent. All I have to say, Mr. Chairman, is this: that Indiana is perfectly able to pay all its just debts, and has met all its just debts, upon every occasion, without a single exception, notwithstanding the embarrassments which surrounded it a few years ago. The Government of the United States, to-day, is indebted to the State of Indiana more than treble this amount; and whenever the Government of the United States makes a settlement with the State of Indiana in reference to these questions, this matter will be settled, and all will be right. That is all I have to say in vindication of the honor and credit of my State.

Mr. REAGAN's amendment was rejected.

The question now being upon concurring in the first amendment of the Senate,

Mr. FLORENCE demanded tellers.

Tellers were ordered; and Messrs. MASON and CHAFFEE were appointed.

The committee divided; and the tellers reported—ayes 69, noes 30; no quorum voting.

The roll was then called; and the following members failed to answer to their names:

Messrs. Adrain, Anderson, Atkins, Avery, Bennett, Billinghurst, Bingham, Bishop, Blair, Bocock, Bonham, Boyce, Burlingame, Burnett, Burroughs, Caruthers, Chapman, Clay, Clemens, Clark B. Cochrane, John Cochrane, Comins, Covode, Burton Craige, Damrell, Davis of Maryland, Davis of Iowa, Dick, Dimmick, Durfee, Edmundson, Elliott, Eustis, Fenton, Giddings, Gillis, Harris, Hatch, Hawkins, Hodges, Hughes, George W. Jones, Keitt, Jacob M. Kunkel, John C. Kunkel, Lawrence, Maclay, McKibbin, Samuel S. Marshall, Morgan, Mott, Pottle, Purviance, Ready, Ritchie, Robbins, Savage, John Sherman, Shorter, Sickles, Singleton, Stevens, Tappan, George Taylor, Miles Taylor, Ward, Warren, Watkins, Woodson, and John V. Wright.

The committee rose; and the Speaker having resumed the chair, Mr. HOUSTON reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the bill of the House, No. 664, making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1860, with the amendments of the Senate thereto; and, finding itself without a quorum, had caused the roll to be called, and had directed him to report the names of the absentees to the House.

A quorum (one hundred and sixty-five members) being now present, the committee resumed its session.

The tellers again took their places; and the committee having divided, they reported—ayes 85, noes 43.

So the first amendment of the Senate was concurred in.

Mr. TAYLOR, of New York. I desire to say that upon the call of the roll just now, Mr. HARRIS, Mr. COVODE, and myself, were engaged, by the permission of the House, on our committee, and we wish it so reported, that we may not appear as absentees.

Second amendment of the Senate:

For redemption of the principal sum of said five per cent. stock held in trust as aforesaid, $2,000, to be invested by the Secretary of the Interior in the stock of the United States, in lieu of said five per cent. stocks: *Provided*, That the said Indiana five per cent. stocks shall be surrendered by the Secretary of the Interior to the Secretary of the Treasury, who shall be required to correspond with the Executive of Indiana for the purpose of effecting an arrangement relative to the amount due on said stock, and report progress to next Congress.

The Committee of Ways and Means recommended a non-concurrence in this amendment.

Mr. REAGAN. This amendment brings up the question in a still more distinct form. I will not trouble the committee long; but I desire to make one or two observations.

The CHAIRMAN. The gentleman must propose an amendment.

Mr. REAGAN. I move to strike out "$2,000."

Mr. PHELPS, of Missouri. I appeal to the gentleman to let the question be taken. The Committee of Ways and Means recommend a non-concurrence in the amendment.

Mr. REAGAN. Very well; if that is the recommendation of the Committee of Ways and Means, I am willing that the vote shall be taken.

The question was taken; and the amendment was non-concurred in.

Third amendment of the Senate:

Page 27, after line six hundred and forty, insert as follows:

For arrears of interest, due January 1, 1859, on five per cent. bonds of the State of Indiana, held in trust for the Pottawatomies by the Secretary of the Interior, $12,053 20.

The Committee of Ways and Means recommended a concurrence in this amendment.

Mr. PHELPS, of Missouri. That rests upon the same principle as the first amendment, which the committee have adopted.

Mr. DAVIS, of Mississippi. Does that amendment propose to pay interest on funds that have been invested by the Government for the Indians?

The CHAIRMAN. The Chair so understands.

Mr. DAVIS, of Mississippi. Then I am opposed to that amendment, and I hope it will not be concurred in. It is a rule, known to every lawyer, that where money is invested by a trustee, if it is invested in good faith, although the investment may afterwards fail, the trustee is not responsible for the investment. Now, the Government is in the position of a trustee for the Indians.

Mr. PHELPS, of Missouri. I rise to a question of order. What amendment does the gentleman offer?

The CHAIRMAN. The gentleman from Mississippi must submit an amendment.

Mr. DAVIS, of Mississippi. I move to strike out "$12,053."

If, then, the Government being a trustee for the benefit of the Indians or any one else, shall invest funds in good faith as a trustee, though the investment may fail, the Government is not responsible according to any rule of law. The Government stands, as trustee, exactly in the attitude of any other trustee; and it is a rule as universal and as old as the common law itself, that a trustee is not to be held responsible for any act performed in good faith.

Mr. REAGAN. Will the gentleman allow me to suggest that he is admitting too much. The investment was made by treaty stipulation, to which the Indians themselves were parties, as *cestui que trust*.

Mr. DAVIS, of Mississippi. Then I have not admitted too much. I have not gone far enough. That makes my case still stronger. If the money was invested by virtue of a treaty stipulation between the Government and the Indians, the Government is not responsible for the principal or the interest.

Mr. REAGAN. That is my position.

Mr. DAVIS, of Mississippi. Now, there may be but a small sum involved in this amendment; but, if you agree to it, you establish a precedent for all time, and, under that precedent, the Government may, in time to come, be held accountable for ten, twenty, fifty, or a hundred million dollars, which may have been invested by it in good faith as trustee, on account of the failure of the investment.

I hold that it is decidedly improper for the House to establish such a precedent, which is to bind this Government in violation of all the rules of law; and I trust that the strict economists of the House, who desire to reduce even the necessary expenditures of the Government, will be found to-day rallying with me on the side of the Government in resisting the payment of an amount for which the Government is not legally or equitably liable. The amendment ought to be voted down. The establishment of such a precedent as this would be fatal to the best interests of the Government, and might involve us in the payment of vast sums hereafter. I understand that last session the Secretary of the Interior drew some of these Indian funds from the Treasury and invested them in North Carolina bonds. Then, if we are liable for the interest, we are liable for the principal, and we may have to vote both. It is proper that these parties should stand upon the law, and that we should set our faces against a precedent which may be used prejudicially to the interests of the country, involving us in illegal and improper liabilities. I hope that the amendment will not prevail.

Mr. HOWARD. If we concede the principle laid down by the gentleman from Mississippi to be correct, still it does not meet the case. The State of Indiana pays interest on her bonds; she pays her liabilities at maturity.

Mr. REAGAN. How came the liability to grow up?

Mr. HOWARD. The difficulty here is this: The United States have kept back money due from them to the State of Indiana.

Mr. REAGAN. That was to indemnify the United States for the refusal of Indiana to pay interest on her bonds.

Mr. HOWARD. The interest is due from Indiana on these bonds, but the money due to Indiana was an offset. Now, the United States was a trustee to invest this money, and she has actually drawn the interest by keeping back the fund due to Indiana.

Mr. DAVIS, of Mississippi. If the gentleman says that the interest has really been paid to the Government, then I withdraw my objection. Let us have the facts.

Mr. HOWARD. I have not the figures with me now.

Mr. REAGAN. A correct history of the matter is given in the letter which the gentleman from Indiana [Mr. COLFAX] had read yesterday.

Mr. NIBLACK. The difficulty arose from the confusion of accounts between the United States and the State of Indiana. The State of Indiana has never been able to get a settlement from the United States of what is called the three per cent. fund reserved from the sales of the public lands, to be expended as she may think fit, and which we contemplate to expend in the building of roads and bridges, and improvements of that sort. A difficulty has occurred in getting those accounts adjusted. Indiana neglected to pay her interest, and the United States still neglects to render a proper account of this three per cent. fund. In this condition of things the State has declined, and I think properly, to pay that interest until she does get a settlement of her three per cent. fund. I introduced a resolution in reference to this very subject. When we get an adjustment of that account we are willing to pay over the interest, and not until then.

[Here the hammer fell.]

Mr. DAVIS, of Mississippi, withdrew his amendment.

Mr. REAGAN. I move to strike out "$2,000."

Mr. Chairman, I wish to have a correct understanding of the facts in this case. The gentleman from Michigan assumes that the State of Indiana refuses to pay interest because the Federal Government has withheld the three per cent. fund due that State on account of her public lands. The truth is developed, I think, by the papers. It is developed especially in a letter introduced yesterday by the gentleman from Indiana, [Mr. COLFAX.] The State of Indiana refused to pay interest upon stock invested for the benefit of these Indians, and then, after that refusal, the United States, as a means of indemnifying itself—for it had assumed the payment of the interest in one of the annual appropriation bills—reserved in the Treasury, under the authority of Mr. Guthrie, the three per cent. fund due to Indiana. But that, sir, would not cover the whole amount. The Legislature of Indiana acted on the subject, and the confusion to which the gentleman refers, is just that sort of confusion which is always brought about by a delinquent debtor to get an excuse for the non-payment of an honest debt. The State refused to pay the interest, and the Government has, in part, indemnified itself by reserving the three per cent. land fund. The State of Indiana scaled its debt and declared that it would only pay this in case the Government would surrender this stock and accept scaled stock and pay the three per cent. fund it had reserved. After the United States accepted the scaled stock, and returned the money it had reserved, to save itself, what does Indiana do? Not that it will pay its debt, but

that if the United States will pay it over again, it will consent to enter into correspondence on this subject.

I want to repeat what my friend from Mississippi, has said. Pay this interest, and you constitute this a precedent. If you acknowledge that you owe the interest it is an acknowledgment that you owe the debt. Next session you may be called on to pay the debt; and this vote of the House will be brought here as an acknowledgment on the part of the United States, that, having paid the interest, we must pay the debt, and let Indiana go scot-free. It will be the assuming of the debts of that State by this Government, when there is neither justice nor law in favor of that assumption.

Mr. KILGORE. I am sorry to hear the gentleman from Texas allege that Indiana has manifested a disposition to repudiate her indebtedness and the payment of interest on her indebtedness when it fell due. There has been a difficulty between Indiana and the United States, in reference to the three per cent. land fund.

There has been a time when Indiana, like many other of her sister States, was not able to meet the liabilities she had incurred. We, like other States, went into an extravagant system of internal improvements; and, unfortunately, we became involved in debt. We were not for a long time able to meet the interest due on debts that we had contracted. The Government, in the mean time, invested the trust fund of these Indians in Indiana five per cent.; a portion of our internal improvement bonds which we had carried into the market for the purpose of realizing funds to carry on our system. Indiana passed a law for a compromise to be entered into between her and the bondholders. Notice was given of the time and place for the meeting of the bondholders, to go into an arrangement for a surrender of the original bonds, and the taking of stock certificates. There may, perhaps, have been a little scaling. While the other bondholders came forward, the Government refused to do so, and avail herself of the advantages proposed in the act of the Indiana Legislature. We transferred the Wabash and Erie canal to the bondholders, in payment of a portion of the bonds, and issued stock certificates for the arrears of interest; becoming responsible for interest upon interest, as well as for the certificates issued.

The General Government, as I before remarked, was, in the mean time, allowing to accumulate in the Treasury the three per cent. fund. That fund had been retained for a series of years, and was still retained, instead of allowing the principal to be applied to the payment of interest on these bonds. Now, as a matter of justice between creditor and creditor, the Government should at least have allowed the State of Indiana the same amount of interest on the funds retained, as it was exacting on the Indian indebtedness. Instead of doing that, the Government retained the whole; not allowing the State to recover interest on any portion of it.

All that the State of Indiana asks is that the matter may be adjusted; and that the General Government may come forward, in the spirit of compromise and fair dealing, and settle the matter. Whenever that is done the debt will be paid, and paid promptly. Indiana is not only willing, but able, to pay her entire indebtedness. My word for it, it will be paid down to the last farthing, whenever justice is done on the part of the General Government; but not till then.

Mr. REAGAN withdrew his amendment.

The question being on the third amendment of the Senate,

Mr. GREENWOOD demanded tellers.

Tellers were ordered; and Messrs. WILSON and REAGAN were appointed.

The committee divided; and the tellers reported—ayes 87, noes 34.

So the third amendment of the Senate was concurred in.

Fourth amendment of the Senate:

For the redemption of the principal sum of five per cent. stock, held in trust as aforesaid, $68,000, to be invested by the Secretary of the Interior in the stock of the United States, in lieu of said five per cent. stock: *Provided*, That the said Indiana five per cent. stock shall be surrendered by the Secretary of the Interior to the Secretary of the Treasury, who shall be required to correspond with the Executive of Indiana for the purpose of effecting an arrangement relative to the amount due on said stock, and report progress to next Congress: *Provided further*, That the stocks with which the Secretary of the Interior is now charged upon the books of the Treasury under the head of "Chippewas, Ottowas, and Pottawatomies, mills and education," be charged to two separate accounts to be opened under the heads of "Pottawatomies—mills," and "Pottawatomies—education;" and the Secretary of the Interior is hereby authorized, with the consent of the Pottawatomies, to transfer the stocks charged as aforesaid to the new heads of account in such proportions as he may deem best for the interest of the Pottawatomies.

The Committee of Ways and Means recommended non-concurrence.

Mr. GREENWOOD. I propose to amend the amendment by striking out all of it down to the words, "provided further."

Mr. PHELPS, of Missouri. In conversation with the gentleman from Arkansas, I think that perhaps the latter part of the amendment might properly be concurred in.

Mr. GREENWOOD. I ask to have read a letter from the Secretary of the Interior, which shows the necessity of retaining the latter part of the amendment.

The letter was read, as follows:

DEPARTMENT OF THE INTERIOR, *January* 26, 1859.

SIR: I have the honor to inclose, for your consideration, a copy of a communication addressed to this Department on the 20th instant, by the Commissioner of Indian Affairs, in relation to the Indiana five per cent. stock held by this Department in trust for the Pottawatomies, and others.

In connection with this subject, I would suggest the expediency of authorizing this Department to transfer, with the consent of the Pottawatomies, a portion of the mill fund to the school account. The mill fund is unnecessarily large, and the school fund inadequate to their wants.

Very respectfully, your obedient servant,

J. THOMPSON, *Secretary.*

Hon. A. B. GREENWOOD, *Chairman of the Committee on Indian Affairs, House of Representatives.*

Mr. PHELPS, of Missouri. This is proposing a new method of keeping the accounts of the Interior Department, and I am not aware that any objection exists to that.

Mr. REAGAN. I will state what the objection is. Already, by a vote of Congress, the interest has been ordered to be paid.

The CHAIRMAN. What amendment does the gentleman propose?

Mr. REAGAN. I move to strike out the first four lines.

There is fog thrown around this matter; and now Congress is called upon to direct the Secretary of the Interior to open separate accounts between the fund for "mills" and the fund for "education." What is that for, unless it be to involve the matter in further confusion?

This thing reminds me of an anecdote told of a neighbor of mine, who was notorious for never paying his debts. He had been in debt to a neighbor for a long time, and had been dunned once or twice, and it became time for him to determine whether he would or would not pay the debt. He knew that he had the advantage; because, even if there was an execution issued, the debt could not have been made out of him. When he thought the time had come to make a final decision, he said, in conversation with a third person: "I will pay the debt now, if he does not make me mad; but if he does make me mad, I will never pay." It is just so with the State of Indiana.

Mr. PHELPS, of Missouri. I rise to a point of order. The gentleman is not confining his remarks to the amendment submitted by him.

Mr. REAGAN. I am showing that this amendment ought not to be concurred it; and I trust that the chairman of the Committee of Ways and Means, in his solicitude to involve the Treasury in new expenditures, will not be disposed to choke off light.

The CHAIRMAN. The Chair understands the amendment to embrace so much of the Senate's amendment as in effect to defeat it if carried. The gentleman is speaking against the whole amendment, and the Chair thinks he is in order.

Mr. REAGAN. It is apparent that the Committee of Ways and Means has determined that this Government will have to pay not only the interest on these bonds of Indiana, but also the principal. All that I can do in such a case is to enter my solemn protest against this Government having to pay under such circumstances.

[Here the hammer fell.]

Mr. SEWARD. I am opposed to the amendment, because I think we ought to be consistent. I was opposed to the other amendment of the Senate, but, inasmuch as we have agreed to pay interest, I think we ought also to pay the principal. That is what is proposed to be done. Besides, we ought to be charitable to these Indians. Let us pay this debt for the State of Indiana; let the papers be transferred, and let Indiana be discharged from her liability.

Mr. REAGAN withdrew his amendment.

The fourth amendment of the Senate as amended was concurred in.

Fifth amendment of the Senate:

Page 36, line eight hundred and forty-nine, after the word "Texas," strike out the words: "and for the establishment of the reserve west of the Pecos river."

The Committee of Ways and Means recommended non-concurrence.

Mr. BRYAN. I hope the House will not concur in this amendment.

The CHAIRMAN. Does the gentleman propose any amendment?

Mr. BRYAN. Yes, sir; I move to reinsert what the Senate has stricken out. This clause of the bill, as it passed the House, was inserted in conformity with the act of last session, which provides that "the Secretary of the Interior is hereby authorized to accept and survey the Indian reservation designated by an act of the Legislature of the State of Texas, approved February 4, 1856, and appoint an Indian agent for said reservation." In pursuance of that act, the Secretary of the Interior has instructed the supervising agent of the State of Texas to survey this reservation. The Senate propose to strike out from the House bill the Pecos reservation. It does not at all affect the sum of money that is appropriated. The sum of money that is appropriated is necessary for the support of the Indians that have already been collected upon the reservations in Texas; but it was thought that, by economy on the part of the supervising agent in Texas, the initiatory steps could be taken to organize this reservation. The necessity for the organization of this reservation is made apparent by the report of the supervising agent in Texas. He says:

"It is believed that as soon as the reserve is opened and settled west of the Pecos river, the mail routes now being established to the Pacific will be protected, and those roads rendered safe for travel. The depredations recently committed by the Indians upon those roads through Texas, have been of a very serious character, and have resulted in the death of four citizens, and the loss of a large amount of property."

Not only is it necessary for the protection of the mail routes, but for the protection of the emigrants to Arizona and California by those routes. The Indians are scattered all along that district of country, and if they are not collected upon this reservation, they will continue to make their depredations.

Now, it was said in the Senate, when this amendment was adopted, that it was proposed, not so much because this reservation was not needed to accomplish the object designed, but that it was the initiative step for the abrogation of the system of reservations. If, then, the House shall concur in it, it will be an expression of the sense of this House that it is disposed to destroy the reservation system. Will the House take such action? For years it has been the policy of this Government to collect the Indians upon reservations for the purpose of initiating them into the arts of civilized life. Is the House willing to say that it will abrogate entirely that policy?

But, sir, independent of the results of the adoption of this reservation, in this particular, you have pledged yourselves to protect the frontier of Texas from the depredations of the Indians. The commander-in-chief of that department—General Twiggs—in a letter, says that he is unable to protect that frontier on account of the insufficiency of the force at his disposal. If, then, you cannot do it by troops, you can do it by the peaceful and successful method of collecting the Indians upon reservations. If you fail to do that you must send more troops; and yet gentleman here advocate retrenchment in the expenditures of the Army. Sir, do the older States of the Confederacy forget that they were once on the frontier; that they once had the Indians to subdue?

[Here the hammer fell.]

Mr. BRYAN. I withdraw the amendment.

Mr. REAGAN. I renew the amendment for the purpose of making a statement, in addition to what my colleague has said, although, I suppose it can hardly be necessary to make any further argument to show the justice of retaining in the bill the clause which the Senate has stricken out,

On looking to the extent of the frontier to be protected in Texas, it will be found to extend over some seven or eight hundred miles. There are two reservations on the Brazos river. The territory which is occupied by the Indians, is a territory which is large enough to form a number of States as large as the State of Pennsylvania. A considerable number of Indians, of different tribes and different habits, but all more or less hostile, are along that frontier. A portion of them, who live more immediately on the frontier, and are of a more friendly and domesticated character, have been collected together, and are located on the lower Brazos reserve. There is another reserve, called the Comanche reservation, upon which as many of that tribe as the Government is able to control, have been located. There are still other bands of Indians roaming between the Pecos and the Rio Grande, and clear down the line of the settlements to the mouth of the Rio Grande, which are not included on the reservations; and so remote from them as to be difficult of control by the agents on the two Brazos reserves. The last Congress authorized the creation of an additional reservation two hundred miles west of those between the Brazos and the Pecos, where it was intended to concentrate the roving bands, as far as it could be done, on the extreme western frontier of Texas.

Now, this appropriation would enable that policy to be carried out. The amendment of the Senate does not change the amount of the appropriation; but it takes away from the Department the power to locate and colonize the Indians between the Pecos and the Rio Grande. I trust the House will reject the amendment of the Senate, and let the clause stand as it went from the House. It does not increase the expense, but will enable us to have more control over those wild Indians. I now withdraw my amendment.

The fifth amendment of the Senate was non-concurred in.

Sixth amendment of the Senate:

Page 36, at the end of line eight hundred and fifty, add the following proviso:

Provided, That no part of the same shall be expended for the establishment of a reserve west of the Pecos river.

Mr. PHELPS, of Missouri. That amendment is, in fact, a part of the fifth amendment, which has been non-concurred in. I presume the committee will take the same action in regard to it.

Mr. COX. I wish to offer an amendment, for the purpose of making a statement. I move to add the words:

Provided, That no part of the same shall be expended for arms and munitions which may be used for any other purpose than that of hunting.

Mr. Chairman, when this Indian bill was before the House, on the 6th of last month, the gentleman from Missouri [Mr. BLAIR] took occasion to impeach the conduct of the former Commissioner of Indian Affairs, Colonel Manypenny, now a constituent of mine, and distinguished in Ohio, as well as here, for his unflinching integrity and careful and fearless management of public affairs.

I deem it due to the late Commissioner to state, that the charges made, involving his official conduct, are, as I believe, wholly unfounded. It was charged that, after being warned by an Indian agent, Miller, he sent arms and ammunition to hostile Indians, which were used on the frontiers of Texas. If this preposterous charge were true, it would involve either culpable stupidity or demoniac malice, and the grossest malfeasance in office. I will not credit such a charge, on even ordinary evidence, much less on no evidence. No arms were furnished the Indians by Commissioner Manypenny, but for purposes of humanity; to enable them to bring down their game, and which he was required to furnish by treaty stipulations. But I wished, in rising, to put upon the record the answer of Colonel Manypenny, in his paper, the Ohio Statesman, of which he is editor, so that the charges of the gentleman from Missouri may be disposed of as publicly as they were made. I ask the Clerk to read what I have marked:

"The statement made by Mr. Blair that the Indian Agent, Miller, wrote to the editor of the Statesman, when Commissioner of Indian Affairs, not to send a supply of rifles and ammunition to be presented to the Indians on the Santa Fé road, and that we insisted on that kind of presents to the Indians, is simply a fabrication, a story without truth. We have no recollection of the precise nature of the first report of Mr. Miller after he became the agent for the Indians of Arkansas, but we are certain that it was made in the fall of 1856, and hence its recommendations were considered and approved or rejected by the Indian bureau in the spring of 1857, we having resigned the office on the 31st of March of that year. The editor of the Statesman did make a contract for some American rifles in the fall of 1856, to be supplied in the year 1857, to such tribes as were by treaty stipulations entitled to arms, and whose relations were, at the time of distribution, of such a character as to warrant their delivery. Had we been in the Indian office at the time, the whole matter of the delivery would have been confided to the discretion of the superintendent of Indian affairs; and that course was in all probability taken."

I withdraw my amendment.

The question was taken on the sixth amendment of the Senate, and it was non-concurred in.

Seventh amendment of the Senate:

Page 36, line eight hundred and sixty-eight, after the word "dollars," insert as follows:

And the Commissioner of Indian Affairs is hereby authorized, by, and with the consent of the Secretary of the Interior, to increase the number of reservations for Indian purposes in the State of California: *Provided*, The aggregate amount of land so set apart for reservations shall not exceed one hundred and twenty-five thousand acres.

The Committee of Ways and Means recommended a non-concurrence.

Mr. SCOTT. I move to amend, by increasing the number of acres to one hundred and fifty thousand, and I do so in order to get from the Committee of Ways and Means their reasons for a non-concurrence in this amendment.

Mr. PHELPS, of Missouri. I will do that when the gentleman has concluded his remarks. I cannot consent to be catechized, and then cut off without explanation.

Mr. SCOTT. I did not think the gentleman would be afraid of so young a soldier as myself.

Mr. PHELPS, of Missouri. If the gentleman will withdraw his amendment, I will make the explanation he desires.

Mr. SCOTT. I understand that the amendment of the Senate was non-concurred in by the Committee of Ways and Means, because of the fact that the committee was under the impression that it would increase the expenses for Indian affairs in California; or, in other words, that a disposition for retrenchment induced their non-concurrence. Now, let me explain the amendment. It merely proposes that, instead of having five reservations, there may be, in California, ten, or fifteen, or more. That will not increase the expense. Last year, Congress appropriated $162,000 for the expenses of Indian affairs in California. This year, though the superintendent estimated for $250,000, the Committee of Ways and Means recommend an appropriation of only $50,000. The appropriations are cut down here, so far as California is concerned, some two thirds and more. In this provision, the Secretary concurs. He says that it will not increase the expenditures one cent, and the Commissioner of Indian Affairs says the same thing. The Indian is like a wild deer; he loves the land upon which he has been accustomed to roam. With five reservations, we have to drive them into correls, as it were, in order to get them away from their old homes and into these reservations. It will save all this expense if the number of reservations is increased. If we have these ten or fifteen reservations that it is proposed we shall, then we can have reservations for the Indians in the lands they have been accustomed to roam over. This amendment is judicious; and I am at a loss to know upon what good ground the Committee of Ways and Means should non-concur in it.

Mr. PHELPS, of Missouri. I will briefly state the reasons why I, as one of the members of the Committee of Ways and Means, was in favor of a non-concurrence. It proposes to increase the number of Indian reservations in the State of California. The number there is now restricted to five, and the gentleman has correctly stated that we propose to appropriate this year only the sum of $50,000 for their support. This amendment gives unlimited power to the Secretary of the Interior to create as many Indian reservations in the State of California as he pleases. While I have confidence in the present Secretary of the Interior, as I have also confidence in the present Commissioner of Indian Affairs, yet I am unwilling, when we have been condemning this system of Indian reservations, when there was a fairly expressed opinion of the House against them the last time the Indian appropriation bill was up before the House for consideration; I am unwilling, I say, to provide reservations *ad libitum* for the State of California.

The gentleman says why oppose the amendment when it proposes no increased appropriation for the next fiscal year? If this amendment be adopted it may be so executed as to require, at the next session of Congress, an additional appropriation over that which is now made.

This amendment is urged upon another ground, and I do not think the gentleman has made his case as strong as he might have done. There are Indians inhabiting the public lands in California. They have not even a usufruct title to that land. They have not the right of possession, and the settlers go there and dispossess them. I understand the object here to be to secure these Indians who so inhabit those lands the possession of them until a different arrangement can be made. If you have an increased number of reservations, you will have necessarily to increase your agents. You must have more mechanics and farmers and school-masters. All these must add to the expense of the Indian Department in California. For that reason, as one member of the Committee of Ways and Means, I joined in recommending non-concurrence in this amendment.

Mr. SCOTT withdrew his amendment.

The question was taken on the seventh amendment of the Senate; and it was non-concurred in.

Eighth amendment of the Senate:

Page 37, after line eight hundred and seventy-five, insert as follows:

For the general incidental expenses of the Indian service in the Territory of Utah, or so much thereof as may be required for expenditure during the year ending the 30th of June, 1858, $56,599 31: *Provided, however*, That no part of this sum shall be paid until the Commissioner of Indian Affairs shall have first audited and passed the several accounts.

The Committee of Ways and Means recommended non-concurrence.

The question was taken; and the amendment was non-concurred in.

Ninth amendment of the Senate:

For defraying the expenses of the several expeditions against Ink-pa-du-tah's band, and in the search, ransom, and recovery of the female captives taken by said band in 1857, $5,114 91, in addition to the sum of $20,000 appropriated by the act of June 14, 1858.

The Committee of Ways and Means recommended non-concurrence.

Mr. PHELPS, of Minnesota. I move to amend by increasing the appropriation one dollar. During the last session, Congress appropriated $20,000 to defray the expenses of those who were engaged in the capture and ransom of the female captives carried away from Spirit lake, in 1857, by Ink-pa-du-tah and his band. The Commissioner of Indian Affairs, by virtue of the authority in said appropriation vested in him, directed the superintendent of Indian affairs for the northern superintendency, to receive, examine, and adjust all the claims that might be presented for allowance under the same. Claims to the amount of about fifty thousand dollars were presented to him and these he cut down to the sum of $25,114 95; some of which, I admit, he did not regard as provided for in said appropriation. He also carefully examined into the justice and character of the claims which were presented, and which he subsequently allowed, cutting them down to the lowest possible amount, yet still the sum of $5,114 91 remains unprovided for. This amendment, unanimously made by the Senate, was to provide for this deficiency.

If it was right to appropriate the $20,000 in the first instance, it is certainly equally right to pay and provide for this additional sum, which is a part of a class of claims equal in justice and merit, and has received the scrutinizing examination of the superintendent, and is upon precisely the same footing as the claims which were provided for by the $20,000 appropriation bill of last year.

The appropriation was originally dictated by a wise humanity, and the parsimony of refusing this amount, which is equal in merit and justice, cannot be excused. Whenever your armies cannot defend the frontier from outlaws, and the citizens are forced to protect themselves, especially when their claims have undergone a rigid and searching scrutiny, they should be paid. To show the committee that the amounts have been passed upon and allowed, I request that the letter which I now send to the Clerk's desk may be read.

The letter was read, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS, *February* 15, 1859.

SIR: In answer to your letter of yesterday, I have the

honor to state, that the amount recommended for allowances by Superintendent W. J. Cullen to claimants under the appropriation by Congress, for expenses incurred and services rendered by expeditions against Ink-pa-du-tah's band, and in search, ransom, and recovery, of the female captives taken by said band, in 1857, is $25,114 91:

To citizens of the State of Minnesota and the State, including the annuity Sioux Indians.....$20,277 00
To citizens of the State of Iowa..... 4,837 91

If, after the careful investigation of each individual claim now progressing, the Department should finally approve the action of Superintendent Cullen, and Congress should decide to pay in full the claims thus allowed, a further appropriation of $5,114 91 would be necessary to enable the Department to carry out such decision.

Very respectfully, your obedient servant,

J. W. DENVER, *Commissioner*,
By CHARLES, E. MIX, *Chief Clerk*.

Hon. W. W. PHELPS, M. C., *House of Representatives*.

Mr. CURTIS. I would say, in addition, that if the sum asked be not appropriated, it will be necessary for the whole matter to be referred back again to the superintendent of Indian affairs to be further scaled. I think the accounts have been already fairly scaled, and that the amendment of the Senate should be concurred in.

Mr. PHELPS, of Missouri. I desire to present to the committee the reasons which induced the Committee of Ways and Means to recommend a non-concurrence in this amendment of the Senate. At the last session, the gentleman from Minnesota offered an amendment, appropriating $20,000 to defray the expenses of the search for and ransom of some captives taken near Spirit lake. That amendment was agreed to, the gentleman from Minnesota saying that the sum asked would be sufficient. He presented then a statement of the expenses, and the whole of them only amounted to $14,335.

In the bills that have been presented to the superintendent, I perceive that it is proposed to allow to those persons who turned out for the purpose of rescuing their neighbors, higher compensation than is paid to the militia when called into the service of the United States.

If they went out as an armed body, as a militia, then they only ought to receive the pay given to the Army. I am informed that, in some way or other, these claims have accumulated to between fifty and sixty thousand dollars. I am informed too, that there are claims among them which ought not to be made or allowed. These men ought to recollect that there is something due from them to the defense of their own frontier—something due to humanity, on the part of those who went to rescue their own neighbors from the Indians. I believe that the matter should be left as it now stands, and a proper scaling of these accounts will be made so that all claimants will receive a *pro rata* share of the $20,000 already appropriated.

Mr. PHELPS, of Minnesota. Did the gentleman from Missouri understand me as saying at the last session that the claims then presented were the only ones outstanding?

Mr. PHELPS, of Missouri. I did not so assert. I stated that the gentleman from Minnesota then alleged that, in his opinion, $20,000 would be sufficient to pay all these claims. The language of the amendment was, "the sum of $20,000, or so much thereof as may be necessary;" clearly implying that $20,000 would cover the whole. Moreover, Mr. Chairman, I have this to say: there is no estimate submitted from any Department requiring this sum to be appropriated, and it is sufficient for us to make the appropriation when, on examination by the proper Department, it may be found that there is a deficiency, and that there are persons entitled, who cannot receive adequate compensation.

Mr. PHELPS, of Minnesota. I want to make another inquiry of the gentleman from Missouri.

The CHAIRMAN. By unanimous consent of the committee, the gentleman can make an inquiry.

Mr. PHELPS, of Minnesota. I would inquire of the gentleman if the superintendent has not already cut down these accounts more than one half; and if this reduction does not satisfy the gentleman——

Mr. LETCHER. We had better go on regularly.

The amendment of Mr. PHELPS, of Minnesota, was rejected.

The ninth amendment of the Senate was nonconcurred in.

Tenth amendment of the Senate:

For carrying into effect the twenty-fourth section of the civil and diplomatic act of March 3, 1855, the sum of $19,045 79.

The Committee of Ways and Means recommended a non-concurrence in this amendment.

Mr. SMITH, of Tennessee. I move to amend the amendment by inserting after the words "fifty-five," the words, "and also the third article of the treaty of August 6, 1846," so that it will read:

For carrying into effect the twenty-fourth section of the civil and diplomatic act of March 3, 1855, and also the third article of the treaty of August 6, 1846, the sum of $19,045 79.

The amendment now before us passed the Senate at the last session of Congress. It was debated there and fully explained.

I may state, also, that after it was debated in the Senate, the chairman of the Committee on Finance [Mr. HUNTER] stated to the Senate that it was to carry out provisions of existing law, and was, therefore, right. The treaty of 1835, between the Government of the United States and the Cherokee Indians, provided that the Government should pay for all improvements made by the Indians on the lands of which they were dispossessed. An appropriation was made to carry out the treaty; but that appropriation lapsed, and was carried to the reserved fund. In 1846 another treaty was made with the Cherokee Indians, by which the same identical claim was recognized. And Congress put a provision in the Indian appropriation bill of 1844 to carry out the treaty of 1835. I have both those treaties here before me; and if I could get each member of the House to read them, I apprehend that there would not be a single objection to this appropriation. Those who are claiming here are not speculators. They are the Indians themselves who were dispossessed of their lands. We have possession of those lands; and we have refused, up to this time, to pay them the money that we are required to pay by the treaty of 1835, by the treaty of 1846, and by the appropriation bill of 1844.

The treaties provided for the payment of these claims, but the fund was exhausted, or had lapsed by length of time, and the Indians failed to get their money. Commissioners were appointed and awards were made; but because of some disagreement, or some change in the administration of the Indian department, the commissioners were removed, and the claims have remained, to this day, unpaid, notwithstanding Congress has, on three occasions, appropriated money for their payment. This amendment, then, is intended to carry out the third article of the treaty of 1846, and the sixteenth article of the treaty of 1835. It passed the Senate unanimously last session, and came to this House and was lost. The Committee of Ways and Means then recommended a non-concurrence in it, as they have done on this occasion; but I hope the House will not do this injustice to these Indians, because the Committee of Ways and Means have not investigated the subject so as to lay it properly before the House, to enable the House to vote understandingly.

Mr. PHELPS, of Missouri. The amendment now pending is to provide for the payment of some claims of certain Cherokees in the States of North Carolina and Tennessee. They are the claims of persons who were detached from the Indian nation, persons who refused to migrate to the country assigned to the Cherokees west of the Mississippi; and they appear to be based upon the following section of law passed July 31, 1854:

"SEC. 10. *And be it further enacted*, That, to enable the Secretary of the Interior to settle and pay the award of commissioners on file for reservations, preëmptions, and for rents and improvements, under the twelfth, thirteenth, and sixteenth articles of the Cherokee treaty of 29th December, 1835, in pursuance of the stipulations of the third article of the treaty of August 8, 1846, the sum heretofore appropriated for those purposes, and carried to the surplus fund, is hereby reappropriated."

The thirteenth article of the Cherokee treaty of 1835 would have reached the cases under consideration; but unfortunately the twelfth and thirteenth articles of that treaty were abrogated the next year by another treaty, and only the sixteenth article of the treaty of 1835 was left as a foundation for these claims; and that article does not apply to the cases under consideration. It does not apply to rents, preëmption rights, nor improvements; but that sixteenth article of the treaty provides that the Cherokees are to migrate within a certain period to the country west of the Mississippi, and containing some other provisions which, in my judgment, have no bearing upon these claims. In other words, the claims were based upon the twelfth and thirteenth articles of the treaty of 1835. In 1855, this provision was passed:

"SEC. 24. *And be it further enacted*, That the tenth section of the act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, approved July 31, 1854, be carried into effect by paying the valuations ascertained and reported by Messrs. Upton and Summey, and other official assessors, as ordered by the commissioners under the Cherokee treaty of 1835 and 1836, with interest on said valuations, respectively, from the date of the said commissioners' orders for assessment; and that the Secretary of the Interior be further directed to fill the blanks in such awards as are on his files with such amounts respectively as may be established by proof of value satisfactory to him, and pay the same."

Now, here is an appropriation in a general and indefinite manner directing the amount to be paid which may be found due; and I understand that, by the action had under the legislation which I have recited, nothing was found due, in the opinion of the Indian department, to the claimants. Now, it is again sought to revive those claims, which have been sought to be revived for the last ten years, by inserting in this bill an amendment for carrying into effect the twenty-fourth section of the civil and diplomatic appropriation bill of March, 1855, by appropriating the sum of $19,045 79. The Indians of North Carolina and Tennessee who have chosen to remain, have had ample provision made for them by the legislation of Congress. They did not migrate to the country assigned to their nation west of the Mississippi; and, after considerable struggle, an appropriation was made by which it was provided that the same amount was to be paid—and it was paid—to the Indians residing in the States of North Carolina and Tennessee, who had not migrated, which they would have received if they had emigrated. Fifty-five dollars a head, I think, has been paid, together with interest upon that amount, so as to place them in a condition like that of their brethren west of the Mississippi. I am of opinion that a sufficient amount of money has been paid to those Indians in North Carolina and Tennessee. If they had desired to receive the benefits of the provisions of the act of 1846, they could have availed themselves of it by going and joining their nation in Arkansas. I look upon this claim—if there is any which should come here—as one which should be presented in a private bill, and not in an appropriation bill.

Mr. SMITH, of Tennessee. I can say, so far as my district is concerned, that these Indians are as respectable citizens as any we have, and that the very same treaty provided for them. The money was paid to them under the treaty, and under the act of March, 1844. And the appropriation having lapsed by length of time, it was extended, and the Commissioner of Indian Affairs refused to allow it. It lapsed again.

Mr. PHELPS, of Missouri. I do not doubt the respectability of the Indians of North Carolina and Tennessee; but I do not believe that they are entitled to anything under the laws upon our statute-book.

[Here the hammer fell.]

The question was taken on the amendment of Mr. SMITH, of Tennessee; and it was not agreed to.

The question then recurred on agreeing to the amendment of the Senate.

Mr. VANCE. I move to amend by striking out the amount appropriated, and insert $20,000.

I did not hear very distinctly what the gentleman from Missouri said in defense of the recommendation of the Committee of Ways and Means not to concur in this Senate amendment. But I am at a loss to see what right we have to go behind an act of Congress which has already passed, and which is now in existence. I do not believe that this committee has a right to inquire now into the justness of this claim, because it has already been recognized by Congress; because it has been recognized upon two different occasions by both Houses of Congress, in the most solemn manner, as the act of 1854, which I have before me, will show; and, as the act of 1855, making an additional provision for the same thing, will show. It has likewise been sanctioned by the Senate upon two different occasions, and I understand there is now in the possession of the Com-

mittee of Ways and Means, a letter from Commissioner Denver himself, showing that the claim is just, that it has not been paid, and that it ought to be paid.

Viewing it, then, in the light of a claim which is acknowledged to be just, and which the law has provided for the payment of, is it fair, or right, or honorable in this body to repudiate an existing law of Congress, and refuse to pay what we acknowledge to be just? I think there is no reason in the world why this claim should not be paid. It stands, by a thousand degrees, upon a better footing than many claims of the kind which have been presented here, and allowed.

By unanimous consent, I now withdraw my amendment.

No objection being made, the amendment was withdrawn.

The question was then put upon agreeing to the amendment of the Senate; and it was decided in the negative.

So the amendment was not agreed to.

Eleventh amendment of the Senate:

Strike out the whole of section three, on page 37, as follows:

And be it further enacted, That the amounts hereby appropriated for the payment of the Miamis of Kansas and the Miamis of Indiana shall be paid in conformity to the first proviso of the first amendment to the fourth article of the Senate amendment to the treaty with the Miamis of 5th June, 1854, and not otherwise: *Provided, however*, That no portion of the money hereby appropriated shall be expended in any way otherwise than as provided for in this act.

The Committee of Ways and Means recommend a concurrence in the amendment.

Mr. PETTIT. This section which has been struck out by the Senate, is one in reference to which I had the honor to address the House a short time since.

The CHAIRMAN. Debate is not in order unless the gentleman offers an amendment, except by general consent.

Mr. PETTIT. The question before the committee is the recommendation of the Committee of Ways and Means, that the amendment of the Senate be concurred in. I move to change it so that it will be a recommendation of the chairman of the Committee of Ways and Means; that the Senate amendment be non-concurred in.

The CHAIRMAN. That motion is not strictly in order; but the Chair will hear the gentleman, if there be no objection.

Mr. CASE. I object, unless I can be heard in reply.

The CHAIRMAN. The Chair has no right to recognize any agreements between gentlemen.

Mr. PETTIT. Then I move to strike out the last proviso.

Mr. PHELPS, of Missouri. I rise to a question of order. As I understand it, the amendment of the gentleman from Indiana is to strike out a part of the original bill which has passed from our control.

The CHAIRMAN. The Chair did not understand the gentleman's motion. The Chair would state that the original bill has passed beyond the power of the House to amend. The matter now before the committee consists only of Senate amendments to that bill.

Mr. PETTIT. Do I understand my colleague to object to my proceeding?

Mr. CASE. Not if I can have an opportunity to reply.

Mr. PETTIT. I hope the committee will give my colleague an opportunity to reply.

I have asked by the amendment proposed in the original bill, which the Senate has stricken out, that payment of the Miami annuities shall be made in conformity to the treaty. My colleague replies that the amendment to that treaty is no treaty stipulation; that it has no legal propriety or force. I answer the gentleman that the very clause of this bill reported here by the chairman of the Ways and Means Committee, and concurred in by the action of the Committee on Finance of the Senate, in which they recognize the stipulation of the treaty——

Mr. NIBLACK asked a question which was not heard by the reporter.

Mr. PETTIT. I will reply to my colleague. I was proceeding to say, when interrupted, that this is a treaty which has been recognized by this House as such, and which has been recognized by the Senate as such. Here is the third section for an investment of $220,251 86 at five per centum.

Again, sir, in the argument of my colleague there was a position taken by him that this corrected list, as it has been called—this list of two hundred persons, which did not comprehend the sixty-eight persons which have been referred to—was, by a fraud of the Miamis of Indiana, imposed upon the Senate. This is a fiction altogether. That list of two hundred and two persons was made in June, and is cotemporaneous with the original treaty. It was made by the Miamis both east and west, for the purpose that there might be a capitalization of the annuities of the tribe. In the first place, these sixty-eight persons have, by force of that proposition surreptitiously put upon that bill in the Senate last year, drawn $34,000 of money which ought to have been given to support and civilize the tribe in Indiana. They have got from the western Indians thirteen thousand six hundred acres of land. Now, what is this eleventh section? It simply provides, that instead of paying so much a year, there should be a capitalization. It is simply an operation by which these sixty-eight persons may come in and take their part of the $222,000.

[Here the hammer fell.]

Mr. CASE obtained the floor.

Mr. NIBLACK. My colleague says that this amendment was surreptitiously imposed upon the Senate. Now, what does he mean by that?

Mr. PETTIT. I will answer what I mean by it.

Mr. CASE. If it comes out of my time, I cannot yield. This amendment was proposed by the Committee on Indian Affairs of the Senate. The report of the Indian department was sent there, containing a full statement of all the testimony in the case. They thoroughly investigated it. That report was submitted to the Committee of Ways and Means in this House. And let me say that the legislation of last year was the result of no surreptitious movement, but was passed after a fair and candid investigation of the whole matter by the proper committees. Now, my colleague says that this corrected list was made in June, 1854. I know that was the time when the chief men, as they call them, from the State of Indiana, were here and insisted it should be done. Commissioner Manypenny signed a treaty, and when the head men went home and found that they would be overwhelmed by the testimony that was being taken, they returned here and got an amendment adopted by the Senate. The records of the Indian department will show it. It was a fraud upon these men, as well as the Senate. I can show my colleague the letter received from them by the Commissioner of Indian Affairs, at the time they were taking the testimony which has been since filed, but by some means has got off the files of the Department, and only copies can be found there. If he will examine, he will find this letter in the Indian Office, and he will find that the testimony taken at Fort Wayne, in July, 1856, was not filed here until the 12th of August, eight days after this amendment was adopted. It was sent here by the justice who took the testimony.

As to the eleventh article of the treaty, there is nothing about capitalization in it. Here it is:

"ART. 11. The object of this instrument being to advance the interests of said Indians, it is agreed, if it proves insufficient, from causes which cannot now be foreseen, to effect these ends, that the President may, by and with the consent of the Senate, adopt such policy in the management of their affairs as, in his judgment, may be most beneficial to them; or Congress may hereafter make such provisions by law as experience shall prove necessary."

Experience shows that there has been fraud upon the rights of men who were as much entitled as those now upon the list; and, as we are told, that Congress has no power to correct this imposition. Again, sir, the gentleman alludes to the amount of money they have drawn. They have drawn no more than was their due. By the amendment on which my colleague relies, the Griggs family was restored to the list, and some seven or eight thousand dollars paid to them in the shape of back annuities; and yet the Commissioner of Indian Affairs, in his lengthy report, puts these sixty-eight persons on the same footing, as to blood, with the Griggs family. All I insist on is, that the same measure of justice shall be dealt out to all who are equally entitled.

[Here the hammer fell.]

The question was taken on the amendment of Mr. PETTIT; and it was not agreed to.

Mr. DAVIS, of Maryland. I propose, before the question is taken on the amendment of the Senate, to amend the part proposed to be stricken out by adding to the same:

Provided, There be paid to the Indians the sum of $1,000, to be paid to the Miami Indians who are not included in the list appended to the treaty.

The CHAIRMAN. The Chair considers the original matter of the bill as not before the committee for the purpose of amendment. The House having agreed to the matter in the bill as it went to the Senate, it is not within the power of the House, now, to change that matter in any respect. Unless there be objection, however, the Chair will indulge the gentleman in his remarks.

Mr. DAVIS, of Maryland. I offer the amendment for that purpose, merely. I wish to make an observation on the matter before the committee, in which I think injustice is likely to be done. The effect of the amendment of my friend from Indiana, which was stricken out in the Senate, is, to take from one set of men a portion of money which we have stipulated to pay them, and to pay that money to another set of men, who claim to be equally entitled to it. The facts, I believe, are about these: there was, first of all, a list of the Miamis made; then there was a treaty made with them, and ratified by the Senate; it was not made with the nation of the Miamis, by that name; it was not for the general benefit of all who claim to be of the Miami nation; it was only for the benefit of the persons whose names were specified on the corrected list, and of those whom the Miami nation might thereafter see fit to admit; the language of the treaty refers to a list containing the name of every person that was intended to be a beneficiary under the treaty.

Mr. CASE. There was nothing said of a list in the original treaty, nor is one referred to at all in it. That was an afterthought.

Mr. DAVIS, of Maryland. It is impossible that there can be a question about it, since the amendment of the treaty refers to the corrected list.

Mr. CASE. That is just what I say; that this was an afterthought.

Mr. DAVIS, of Maryland. The parties to this treaty must have known to what they referred; and if the Government of the United States, having their officers to ascertain who the persons were, have allowed themselves to be cheated, now and here is not the time or place to correct that. They refer to a corrected list. There is no question about the identity of this document as the one to which the parties who made the treaty, referred. That is the only question that can be raised here. If it is true that the corrected list was known to the parties who made the treaty, and is the document referred to by the treaty, then, no matter by what fraud names may have been excluded from that list, I take it that the United States are not going to set up the plea that they have been cheated, for the purpose of withdrawing themselves from the payment of money which they have stipulated to pay. For, Mr. Chairman, there may be persons who are entitled to come within the equity of the treaty, who are still not included in it. That addresses itself to the equity of the President and of the Senate—to make a new treaty with them, paying them an additional sum. There is no doubt that this treaty stipulates that the parties named in that corrected list should receive this amount of money, and so long as that treaty remains unabrogated, it is binding on the faith and honor of the Government to pay them this sum, and not to share it with persons whose names do not appear in the corrected list. We are merely taking this money from these Indians to pay it to others who are not within the purview of the treaty. If we wish to pay these other Miamis, let us do so. If they have been fraudulently excluded from the list, I will vote to place them on the list and to pay them their *pro rata*, in proportion to others. But I will not vote to take part of the money stipulated to be paid to others, to pay it to these. It would be taking money out of one man's pocket to put it into another man's.

Mr. CASE. The simple reply to what the gentleman from Maryland has said, is, that the treaty which was framed between the tribe and the United States was a treaty by which these moneys were to be paid to the whole tribe, and not to any particular portion of it. That is the thing that is dodged all the while. This was an after operation, when the chiefs were gone home, and when

even the head men of the Indiana Miamis were not here. This amendment referring to the amended list, was got up after that.

Mr. DAVIS, of Maryland. Is it not signed on the part of the United States?

Mr. CASE. No, sir; it is a simple proposition of the Senate by which they say it shall be a part of the treaty.

Mr. DAVIS, of Maryland. The name of Franklin Pierce is to the bottom of it. It was passed by the Senate, and under it we are bound to pay that money If we wish to pay the others also, we must make another treaty.

Mr. CASE. Then we have the power to cheat two thirds of the tribe. I do not understand the gentleman's argument. If we are bound by the faith of the treaty, let us have the treaty that was signed by the chiefs and head men of the tribe.

Mr. DAVIS, of Maryland. I say that the United States knew what they were about. They are bound to pay these men named in the treaty the whole sum; and if others have been excluded, and the United States have made an improvident treaty, they must go on and make another treaty.

Mr. CASE. Again I say that they never agreed in this treaty to pay anything to any portion of the tribe, but they agreed to pay to the whole tribe.

Mr. NIBLACK. There was no mutuality in this agreement. I wish to say here, on the authority of a gentleman who was a Senator of the United States at that time, and who was familiar with the whole transaction, and gave it particular attention, that there was no amended list before the Senate at the time of the ratification of the treaty; and if the Senate had been aware that the aim was, under cover of a treaty, to cut off a portion of the tribe, the treaty would never have been ratified.

Mr. PETTIT. I would like to ask my colleague for the name of that Senator?

Mr. CASE. I give this reply to the whole of it, that after the time when the alleged corrected list was made out, the Indian department was taking testimony as to the rights of these persons, or some of them; and therefore there was no final and conclusive list at the time the treaty was made.

Mr. PETTIT. Will my colleague allow me to correct him there?

Mr. CASE. I cannot be corrected as to that, because I have investigated the facts and know them. The records of the Department will show it. Therefore there is no violation of the treaty. But in addition to all that, if there were ever so many allegations that the treaty stipulations were infringed, there is the provision by which we may do simple justice.

Mr. DAVIS, of Maryland. The treaty reads:

"The Miamis of Indiana being now represented in Washington by a fully authorized deputation, and having recognized the foregoing amendments."

Where will the gentleman put the falsification there: on the Indians, the President, or the Senate?

Mr. CASE. I know that the statement is there; but the evidence is that the chiefs and head men had gone home, and that the department was taking testimony as to whether these men were entitled or not.

The CHAIRMAN. The Chair will remark that this debate has been indulged by general consent, there being no amendment pending. If no objection be made to further debate, the Chair is willing to indulge it.

Mr. MORRIS, of Illinois. I object.

The CHAIRMAN. The Chair will state that this is an amendment from the Senate, striking out matter which was in the bill as it went from the House; and under the thirty-fourth rule of the House, which allows five minutes debate upon amendments, no discussion is in order. There is nothing before the committee that can be amended, and the vote must be taken on concurring in the amendment of the Senate.

Mr. LETCHER. Can it not be amended?

The CHAIRMAN. The amendment of the Senate proposes to strike matter from the original bill, and there is nothing, in the opinion of the Chair, before the committee that can be amended.

Mr. LETCHER. Why, sir, it was decided here in the last Congress, that we could concur in an amendment of the Senate with an amendment.

The CHAIRMAN. In any other case.

Mr. LETCHER. Will the Chair indulge me?

Mr. MORRIS, of Illinois. I object.

Mr. LETCHER. I desire to state my point of order preparatory to taking an appeal, and I presume the committee will allow me to do that at least. Suppose the Senate sends here an amendment which involves two propositions, and the House is satisfied that one part of it is right and the other is wrong; now, can it be possible that the House has no power to affirm what is right, and reject what is wrong in the amendment?

The CHAIRMAN. In reply to the gentleman from Virginia, the Chair would state that that has already been done to-day. One amendment has been amended already by striking from it half the matter which the Senate sent to the House, and the balance has been concurred in; and thereby the committee concurred in the amendment of the Senate with an amendment. And that is the every-day practice. But there is nothing now before the committee which can be altered or amended, in the opinion of the Chair.

Mr. LETCHER. Then I ask the unanimous consent of the committee to allow me to refer to a clause in this treaty, which shows that one branch of these Indians were never legally represented in any treaty at all; the very branch now complaining.

Mr. DAVIS, of Mississippi. I ask if there is anything before the committee?

Mr. MORRIS, of Illinois. Is debate in order?

The CHAIRMAN. The Chair thinks not. If objection be made, the Chair will rule that debate is not in order.

Mr. LETCHER. Is there any objection?

Mr. MORRIS, of Illinois. Yes, sir; I object.

Mr. LETCHER. The proposition of the Senate is, to strike out something. Cannot I move to insert in lieu of that?

The CHAIRMAN. The Chair thinks not.

Mr. LETCHER. Then, sir, from that decision of the Chair I beg leave respectfully to take an appeal.

Mr. PHELPS, of Missouri. I suggest to the gentleman from Virginia that he should let us take a vote on the amendment. The gentlemen from Indiana have discussed the question fully.

Mr. LETCHER. No, sir; there is a clause in this treaty that I want to get before the committee.

The CHAIRMAN. The Senate has stricken out a portion of the text of the bill as it passed the House, and have inserted nothing in place of it. The gentleman from Virginia proposes now to amend that amendment by inserting matter in the place of what the Senate has stricken out. The Chair decides that the amendment is not in order, and from that decision the gentleman from Virginia appeals.

Mr. JONES, of Tennessee. I desire to make an inquiry of the Chair. Suppose this committee should insert something in lieu of what the Senate proposes to strike out, and should then agree to the amendment of the Senate striking out the whole clause: would it not all go together?

The CHAIRMAN. That is the opinion of the Chair.

Mr. LETCHER. Well, but my friend from Tennessee has got behind the point. The question is whether it is in order to move to put anything in?

Mr. PHELPS, of Missouri. I demand tellers on the appeal.

Tellers were ordered; and Messrs. UNDERWOOD and JOHN COCHRANE were appointed.

Mr. DAVIS, of Mississippi. I move that the committee do now rise.

Mr. PHELPS, of Missouri. Oh, let us try and finish this bill.

Mr. DAVIS, of Mississippi. If there is a quorum here, I will withdraw the motion.

Mr. WASHBURNE, of Illinois. I renew the motion.

Mr. FLORENCE demanded tellers.

Tellers were ordered; and Messrs. JONES of Tennessee, and JONES of Pennsylvania, were appointed.

The committee divided; and the tellers reported —ayes 62, noes 45.

So the motion was agreed to.

The committee rose; and the Speaker having resumed the chair, Mr. HOUSTON reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill of the House, (No. 664,) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1860, with the amendments of the Senate thereto, and had come to no resolution thereon.

ARRANGEMENT OF THE HALL.

Mr. MILES. I ask the unanimous consent of the House that the committee on the arrangement of the Hall may be permitted to have their report printed. We propose no change this session.

No objection being made, it was so ordered.

Mr. CLARK B. COCHRANE. I move that the House do now adjourn.

The SPEAKER. The Chair asks the gentleman from New York to waive that motion for a few moments, to enable the Chair to lay before the House certain executive communications.

Mr. CLARK B. COCHRANE. I waive it for that purpose.

EXECUTIVE COMMUNICATIONS.

The SPEAKER then laid before the House a message from the President of the United States, transmitting a report from the Attorney General, in reply to the resolution of the House of the 22d ultimo, requesting the President of the United States "to report to the House what information has been received by him, if any, in regard to the recent importation of Africans into the State of Georgia, or any other State of this Union, and what steps have been taken to bring to trial and punishment the persons engaged in that inhuman violation of the laws of the United States, and to prevent similar violations hereafter;" which was laid upon the table, and ordered to be printed.

The SPEAKER also laid before the House a message from the President of the United States, transmitting a report from the Secretary of State, with accompanying papers, in answer to the resolution of the House, requesting the communication of all information and correspondence which may have been received in regard to any consular officers engaged in business in violation of law; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Navy, giving the names of the clerks employed in the Navy Department during the year 1858; which was laid upon the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of State, transmitting the annual report of passengers arriving in the United States; which was laid upon the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of War, in answer to a resolution of the House of Representatives, calling for information respecting the expenditures for barracks and quarters for the past ten years.

Mr. PHELPS, of Missouri. As that is a voluminous document, I think it had better be referred to the Committee on Military Affairs, before it is ordered to be printed, in order that they may examine it, and see if it is advisable to print it.

Mr. FAULKNER. I am confident that is a document which the House desires to see. I know the nature of its contents; and I hope it will be referred, and printed.

The communication was accordingly referred to the Committee on Military Affairs, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, in reply to a resolution of the House of Representatives requesting an explanation of non-compliance with a joint resolution of May 14, 1856, relative to statistics on the coast trade; which was laid on the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Navy, transmitting copies of the Naval Register for the use of members of the House of Representatives; which was laid on the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Interior Department, asking an appropriation to take the census of the people of Kansas; which was referred to the Com-

mittee of Ways and Means, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House of Representatives, adopted December 11, 1858, calling for a statement showing payments from the Treasury from the year 1840 to 1858 inclusive; which was laid upon the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, in reply to the resolution of the House of Representatives, adopted December 14, 1858, calling for certain statistics of trade under the reciprocity treaty with Great Britain; which was laid upon the table, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Secretary of the Navy, transmitting certain information in relation to the several navy-yards, called for by resolution of the the House of Representatives, January 15, 1859; which was referred to the Committee on Naval Affairs, and ordered to be printed.

The question recurred upon the motion of Mr. CLARK B. COCHRANE, that the House do now adjourn.

EVENING SESSION.

Mr. DAVIS, of Indiana. I ask the gentleman from New York to withdraw his motion, that I may submit a proposition that the House resolve itself into the Committee of the Whole on the state of the Union, with a view to an evening session.

Mr. CLARK B. COCHRANE. I withdraw my motion.

Mr. DAVIS, of Indiana. There are several gentlemen who desire to have an evening session for debate.

Mr. McQUEEN. I always object to night sessions, and I must object now.

MISSISSIPPI LEVEE.

Mr. ATKINS, by unanimous consent, moved that the special committee on the Mississippi river levee have leave to print their report.

The motion was agreed to.

EVENING SESSION—AGAIN.

Mr. DAVIS, of Indiana. The gentleman from South Carolina withdraws his objection to my proposition; and I now move that the House resolve itself into the Committee of the Whole on the state of the Union, with a view to an evening session; with an understanding that no question shall be put except upon a motion that the committee rise, and that the House do adjourn.

The motion was agreed to.

So the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. CLAY in the chair,) and proceeded, by unanimous consent, to the consideration of the President's annual message, and certain resolutions for the reference of the same.

Mr. MORRIS, of Illinois, obtained the floor, but yielded to

Mr. BUFFINTON, who moved that the committee take a recess until seven o'clock, p. m.

The motion was agreed to; and the committee accordingly took a recess until seven o'clock.

EVENING SESSION.

The committee resumed its session at seven o'clock, p. m., and was severally addressed by Messrs. MORRIS, of Illinois, ROYCE, CRAGIN, and WARD. [These speeches will be found in the Appendix.]

Mr. STEVENS, of Washington, obtained the floor, but yielded to

Mr. DAVIS, of Iowa, who moved that the committee rise.

The motion was agreed to.

So the committee rose; and Mr. WARD having taken the chair as Speaker *pro tempore*, Mr. CLAY reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the President's annual message, and had come to no resolution thereon.

And then, on motion of Mr. DAVIS, of Iowa, (at nine o'clock and twenty-five minutes, p. m.,) the House adjourned.

IN SENATE.

WEDNESDAY, *February* 16, 1859.

Prayer by Rev. D. WILSON.

The Journal of yesterday was read and approved.

Mr. GWIN. I ask for the reading of the 1st rule of the Senate.

The VICE PRESIDENT. It will be read.

The Secretary read it, as follows:

"1. The President having taken the chair, and a quorum being present, the Journal of the preceding day shall be read, to the end that any mistake may be corrected that shall be made in the entries."

Mr. GWIN. When the Vice President took the chair this morning, there were not ten Senators in their seats. I see that the papers have noticed a remark which was made yesterday morning by the Vice President as to the absence of Senators at the hour of meeting. The members of the Senate are in the committee-rooms, and I think the Sergeant-at-Arms ought to notify them that there is not a quorum present. I think we ought at least to begin our business with a quorum. I will state, while I am up, that some time ago I made a motion to reconsider the vote passing the bill to receive proposals for the construction of three railroads to the Pacific ocean. The Senator from Michigan [Mr. STUART] moved to lay that motion on the table. He has been unwell, and was not here at the proper time to withdraw his motion. He has authorized me to withdraw it, and I wish also to withdraw my motion.

The PRESIDING OFFICER, (Mr. HALE in the chair.) That can only be done when there is a quorum present.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. There is no quorum; and the attention of the Chair has been called to the fact that there is no quorum present.

Mr. BAYARD. I wish to present some formal business which I suppose may be received by unanimous consent, according to custom. I wish to report a bill.

The PRESIDING OFFICER. The Chair would be glad to receive it; but the attention of the Chair having been called to the fact there is no quorum present, and that being manifest, he can receive no business.

Mr. BAYARD. That, I suppose, is one of the benefits of meeting at eleven o'clock.

Mr. CLINGMAN. If there is no question and no division of the Senate, it is not absolutely necessary to have a quorum present, and we can save time by going on. I hope business will not be interrupted.

The PRESIDING OFFICER. When the attention of the Chair is not called to the fact, business is sometimes done without a quorum being present; but when the attention of the Chair is called to the fact that there is not a quorum present, and that fact is manifest, he can entertain no motion.

Mr. GWIN. I have seen it stated in the papers that yesterday the Vice President remarked, when he came in at eleven o'clock, that there were no Senators here; and after waiting some time only ten Senators appeared. Such remarks are calculated to produce an effect upon the country. The fact is, the Senators are in their committee-rooms; and I presume there are not half a dozen of them who are not in the building.

Mr. CLINGMAN. I do not think those remarks will much damage the Senate. I have no doubt the Senate can stand severer blows than those.

Mr. FOOT. I think the parliamentary rule is this—at any rate the practical rule is—that a quorum is always presumed to be present until a division shall show the contrary. I think that is the practice.

The PRESIDING OFFICER. The Chair will remark that, ordinarily, it is so; but the impression of the Chair is, that when his attention is called by any member to the fact that there is not a quorum present, and that fact is manifest, the Chair is obliged to notice it. If, however, the Chair is mistaken, he will be glad to be advised by older members of the Senate.

Mr. SEWARD. There are none such here. [Laughter.]

Mr. HUNTER. I think it has been the custom of the Chair not to count the Senate to see whether a quorum be present, unless a count is called for.

The PRESIDING OFFICER. The attention of the Chair has been called, by a Senator, to the fact that a quorum is not present; and the Chair has counted, and ascertained that fact.

Mr. HUNTER. I think, unless there is a call for a count, or the fact appears on a division, the Chair is not bound to notice it. At least, I think such has been the practice.

The PRESIDING OFFICER. If such has been the practice, the Chair will receive formal business.

PACIFIC RAILROAD BILL.

Mr. GWIN. The Senator from Michigan [Mr. STUART] has authorized me to withdraw the motion he made to lay on the table the motion to reconsider the Pacific railroad bill, that I may withdraw the motion to reconsider that bill, which I now do. I only made the motion for the purpose of giving an opportunity to those who advocated that mode of a Pacific railroad to make such amendments as I thought would be beneficial to the bill; but, as they have declined to do so, I withdraw the motion.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a report of the Secretary of State, communicating, in obedience to law, statements showing the number and designation of passengers arriving in the United States during the year 1858; which was ordered to lie on the table; and a motion by Mr. HUNTER to print the report was referred to the Committee on Printing.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the Speaker had signed an enrolled bill (H. R. No. 245) for the relief of A. Baudouin and A. D. Robert; and it was signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. SEWARD presented a petition of citizens of Taylor county, Iowa, praying that the public lands may be laid out in farms for the free and exclusive use of actual settlers; which was ordered to lie on the table.

Mr. BIGLER presented the memorial of John B. Bennet, relative to his preëmption rights under a contract to carry the mail from Highland, in Kansas, through Nebraska, to the Nyoway river; which was referred to the Committee on Public Lands.

Mr. JONES presented a petition of residents and citizens of the northern twenty-eighth township of Kossuth county, and of the west half o. Hancock and Winnebago counties, Iowa, praying the annexation of that portion of the State to the Turkey river land district; which was referred to the Committee on Public Lands.

Mr. FITCH presented a memorial of Archibald Henderson, praying to be allowed a pension for services in the war of 1812; which was referred to the Committee on Pensions.

REPORTS FROM COMMITTEES.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 562) for the relief of Anne E. Bronaugh, widow of the late John W. Bronaugh, reported it without amendment.

Mr. JONES, from the Committee on Pensions, to whom was referred the petition of James Albertson, of Holmes county, Ohio, a soldier in the war with Mexico, praying a pension, and the bill (S. No. 495) for the relief of James Albertson, asked to be discharged from their further consideration; which was agreed to.

Mr. HALE, from the Committee on the Post Office and Post Roads, to whom was referred the report of the Court of Claims adverse to the claim of Arthur Edwards and others, submitted a report, accompanied by a bill (S. No. 582) for the relief of Arthur Edwards and his associates. The bill was read, and passed to a second reading, and the report was ordered to be printed.

AFRICAN SLAVE TRADE.

Mr. BAYARD. The Committee on the Judiciary, to whom was referred the bill S. No. 510, in addition to the acts which prohibit the slave trade, have instructed me to report the bill back without a recommendation either way. The

ground of that report is this: the honorable Senator from New York, [Mr. SEWARD,] who introduced the bill, desired to have a consultation of several members of the Senate to see if they could perfect the details of the bill. At this late period of the session it was found impracticable to have any comparison of opinion upon the subject. There are differences of opinion as to the details of such a measure. It is one of great moment and importance, and probably would give rise to considerable debate, on account of the variances of opinion upon the general subject, and the details of the bill. Under those circumstances, the committee, believing it inexpedient and improper to act upon it at the present session, have instructed me to report it back without any recommendation in reference to it.

Mr. SEWARD, it will be seen, made an explanation on this subject at a later period of the day, when the consular and diplomatic bill was under consideration.

PRINTING OF DOCUMENTS.

Mr. FITCH. I desire, Mr. President, to make a report from the Committee on Printing. It is a joint resolution; and as it is somewhat lengthy, perhaps the Senate will listen to a very brief explanation of its object. The Joint Committee on Printing have had their attention called to the fact that certain ordinary documents, the President's message, the Patent Office report, the Smithsonian report, and the Coast Survey report, are printed by both Houses precisely alike. Our Secretary furnishes every member of the House with a copy, and every head of a Department. The Clerk of the House furnishes every member of the Senate with a copy as well as the members of the House, and therefore duplicate copies are published, bound, and distributed, at a very useless expense, amounting to $37,000 per annum. The object of this joint resolution is to prevent it. I have given a full explanation of the joint resolution; and the saving by it is estimated at $37,000. It is a small item, it is true, but perhaps worthy of the object.

The PRESIDING OFFICER. Does the report call for action now?

Mr. FITCH. It is a joint resolution; and I should like, if there be no objection, to put it on its passage at once.

Mr. FESSENDEN. I should like to hear it read.

Mr. FITCH. It is merely to prevent duplicate copies being published by both the Senate and House of Representatives.

Mr. HUNTER. Then I hope it will be passed at once.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent to consider the joint resolution now.

There being no objection, the joint resolution (S. No. 79) in relation to the printing of the Senate and House of Representatives, was read twice by its title, and considered as in Committee of the Whole. It is as follows:

Resolved, &c., That from and after the expiration of the present session of Congress, where the regular number of either of the annual reports herein named—that is to say, the annual message of the President of the United States, with the accompanying documents; the annual report of the Secretary of the Treasury on the state of the finances; the Coast Survey report; the agricultural and mechanical Patent Office reports; the report on the commercial relations of the United States with all foreign nations; and the report of the regents of the Smithsonian Institution—shall be ordered to be printed by either House of Congress, the House so ordering the same to be printed shall immediately notify the other House of such order; and the Superintendent of Public Printing is hereby directed, in all cases, when any one or more of the above documents has been ordered to be printed by both Houses of Congress, to withhold and not execute the order of the House last making the order to print such document or documents.

And be it further resolved, That in no case shall more than one thousand five hundred and fifty copies of the above named documents be printed under the provisions of this resolution, unless the printing of extra numbers be ordered by either House; and the one thousand five hundred and fifty copies as regular numbers shall be distributed by the officers of the House first ordering the printing of the same, as at present provided.

Mr. FITCH. It will be perceived by the Senate, that the object is to prevent duplicate copies; our ordinary number is one thousand four hundred and fifty; the House ordinary number is one thousand five hundred and fifty. We put it at the last, and prohibit any others being published. We now publish double that number, at an expense which is quite useless. I should prefer to have the joint resolution put on its passage immediately.

Mr. FESSENDEN. It applies only to all future Congresses.

Mr. FITCH. Yes, sir. We cannot make it retroactive.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSULAR AND DIPLOMATIC BILL.

Mr. HUNTER. I rise to appeal to the Senate, by general consent, to enable me to take up the diplomatic and consular appropriation bill. I hope to be able to get through with it in an hour or two if the Senate will take it up now.

Mr. CLAY. I rise to a privileged question. I wish to make some reports. I understand that is a privilege until twelve o'clock.

Mr. HUNTER. I think a decision made on that point would be reconsidered, if the Vice President were in the chair. I am very certain we cannot get along with the business if I cannot move to postpone the prior orders for the purpose of taking up the appropriation bills. I move to postpone all prior orders, that the Senate may take up the consular and diplomatic appropriation bill.

The PRESIDING OFFICER, (Mr. HALE.) Does the Chair understand that the Vice President decided that that motion was not in order?

Mr. HUNTER. He did yesterday; but I am sure, if he were here, he would reconsider his opinion. I have had some conversation with him on the subject.

The PRESIDING OFFICER. The Chair feels bound to adhere to that decision of the Vice President, though it is contrary to his individual opinion.

Mr. HUNTER. Why, Mr. President, the rule simply directs the Vice President to call for petitions and reports; it assigns no morning hour; but if that decision be correct, a majority of the Senate cannot control its business, because Senators could go on making petitions and reports all day.

The PRESIDING OFFICER. The Senator will indulge the Chair a moment. The opinion of the Chair is the same as that of the Senator from Virginia; but he feels bound by the decision which the Vice President made yesterday.

Mr. HUNTER. Then I appeal from the decision.

The PRESIDING OFFICER. The Senator from Virginia appeals from the decision of the Chair. Is the Senate ready for the question?

Mr. FESSENDEN. I hope the Senator from Virginia will let us offer some reports.

Mr. HUNTER. The Senator is aware that if I give way Senators will go on with them all the morning.

The PRESIDING OFFICER. The Senator from Virginia moves to postpone all prior orders, for the purpose of taking up the bill indicated by him. The Senator from Alabama interposed a question of order. The Chair understanding that it was ruled by the Vice President yesterday that the motion of the Senator from Virginia was not in order, adheres to that decision. From that decision the Senator from Virginia appeals; and the question is, "Shall the opinion of the Chair stand as the judgment of the Senate?"

The question being put, the decision of the Chair was overruled.

The PRESIDING OFFICER. The motion of the Senator from Virginia is now in order.

Mr. HUNTER. I now submit my motion.

Mr. CLAY. I hope the Senator will not press his motion until twelve o'clock, so as to allow us to go through with the reports. I will help him to take up the bill then, so far as I am concerned.

Mr. HUNTER. I think, if we can get up this bill now, we can dispose of it in an hour and a half, and I shall not be in the way of Senators again for a day or two, and they can take two hours to-morrow for morning business.

The PRESIDING OFFICER. The Senator from Virginia moves to postpone all prior orders for the purpose of taking up the bill making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th of June, 1860.

Mr. FESSENDEN. I ask for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. SLIDELL. I hope the Senator from Virginia intends to allow this bill to pass over at one o'clock. I shall vote with him to take up the bill with that understanding.

Mr. COLLAMER. His motion is to dispense with all orders.

Mr. HUNTER. If I can get it up, I will allow it to pass over at one o'clock; but hereafter I shall struggle for precedence for the appropriation bills until disposed of.

Mr. ALLEN. Is it understood that this bill is not to be taken up until one o'clock?

The PRESIDING OFFICER. No, sir. The motion is to take it up now.

The question being taken by yeas and nays, resulted—yeas 2[illegible] nays 18; as follows:

YEAS—Messrs. Allen, Bates, Benjamin, Bigler, Bright, Brown, Clingman, Fitch, Green, Gwin, Hammond, Hunter, Iverson, Kennedy, Mason, Rice, Slidell, Toombs, Ward, and Yulee—20.

NAYS—Messrs. Bell, Cameron, Chandler, Clark, Clay, Collamer, Dixon, Doolittle, Fessenden, Foot, Hale, Hamlin, Harlan, Johnson of Tennessee, Jones, Reid, Seward, and Wade—18.

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 666) making appropriation for the consular and diplomatic expenses of the Government, for the year ending the 30th of June, 1860.

Mr. HUNTER. I will offer the amendments of the Committee on Finance. The first is, in page 2, line fifteen, to strike out "fourteen" and insert "four," so that it will read, "for salaries of envoys extraordinary and commissioners of the United States, &c., $204,000." That is because they struck out in the House the estimate for the Minister to Persia, and it requires a corresponding reduction in the amount, which they did not make.

Mr. GWIN. What is that?

Mr. HUNTER. The House struck out the Minister to Persia without reducing the amount of appropriation. This amendment makes the appropriation correspond to the object for which it is made.

The amendment was agreed to.

Mr. HUNTER. The next amendment is, on page 3, line fifty-one, to strike out the word "Simoda," in the item for the salaries of consuls. The reason for that is this: we have made the consul general there minister resident, and it was deemed that one office was enough. The Department only recommended one; and inasmuch as we made him minister resident, we propose to strike out the provision for consul general at Simoda, in Japan.

Mr GWIN. I hope that will not be stricken out. A consul general is more important there than a minister. The consul general will reside at Simoda, and the minister resident will have to go to the seat of empire; and I am afraid our commercial interests, which are more important, will be neglected if we have no consul general. I do not object to a minister; but, between a minister and a consul general, I infinitely prefer the consul general. The trade between Japan and the Pacific coast of the United States is going to be very large, and we ought to foster our commercial interests there to the utmost extent of our power. I think one of the most important provisions in the bill is for a consul general at Simoda. I hope it will not be stricken out.

Mr. HUNTER. It seems to me one officer is enough. The Department only recommends one.

The amendment was agreed to.

Mr. HUNTER. The next amendment is in page 4, line seventy-seven, to strike out "forty" and insert "thirty-five," so as to reduce the appropriation for salaries of consuls from $240,000 to $235,000. That is to make the appropriation correspond with the reductions.

The amendment was agreed to.

Mr. HUNTER. The next amendment is to insert as a new section:

And be it further enacted, That the salary provided by the third section of "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856, as compensation for the consul general of British North America, as by schedule B, shall be in full of all compensation allowed to that officer; and all fees received by any vice consul or commercial agent in British North America, exceeding the amount allowed by the President, as compensation for his services, and all fees received by said consul general, shall be accounted for by such officers, respectively, to the Treasury of the United States.

That amendment speaks for itself. It puts a limitation on the salary of the consul general.

The amendment was agreed to.

Mr. HUNTER. These are all of the amendments of the Committee on Finance.

Mr. CLAY. I move to strike out "seventy-five," in the ninety-third line of the 5th page. The clause is thus:

"To enable the President of the United States to carry into effect the act of Congress of the 3d March, 1819, and any subsequent acts now in force for the suppression of the slave trade, $75,000; *Provided*, That so much of said appropriation as may be required to pay expenses already incurred may be used from and after the passage of this act."

If I understand the meaning of that appropriation, $45,000 is for the support of the fleet which is stationed, in pursuance of our treaties and laws, upon the coast of Africa, for the suppression of the slave trade; but $30,000 of that amount is for the support, maintenance, and education of the Echo Africans that were recaptured and carried from the United States by a Government vessel. I do not know any authority, either constitutional or legal, to warrant this appropriation. I know of no reason for it whatever, unless it is said to be one of humanity; and I do not think that, when properly investigated, it can even find any warrant in pure humanity.

Now, sir, this is a power which has been greatly abused. It is not, perhaps, known to the country at large, but of which they should be advertised, that every recaptured African which has been carried by the United States to Liberia, has cost this Government $1,018. I mean $1,018 for support and maintenance, and perhaps the education of the African after his recapture. This abuse was brought to the attention of Congress, many years ago, during the administration of General Jackson. I find that, in a report which was made by the Secretary of the Navy, at that time, (Governor Branch, of North Carolina,) he speaks as follows:

"The accompanying report of the Fourth Auditor of the Treasury, marked E, shows the several sums which have been paid in carrying into effect the act of 3d March, 1819, and other acts making appropriation for supporting and removing certain persons of color from the United States to the coast of Africa. It appears from this statement, that, under authority of these acts, two hundred and fifty two persons of this description have been removed to the settlement provided by the Colonization Society on the coast of Africa; and that there has been expended therefor the sum of $264,710.

"These several acts appear to have been passed in a spirit of justice and benevolence, to repair, as far as possible, the injuries inflicted by the citizens of the United States upon the defenseless persons who are the subjects of the African slave trade; and the appropriations have been made with a liberality corresponding with the humane intentions of the framers of the laws.

"The terms of these acts are sufficiently defined to be readily intelligible. It would seem that the authority given to the President was limited to the support of the negroes or persons of color during their stay in the United States, to their removal to the coast of Africa, and to the delivery of them to the care of an agent, &c. There is no power expressly in the Executive to provide, after such delivery, either for their support or protection. A liberal interpretation of the law might permit some allowance to be made for their maintenance, after being landed, until they could find employment by which it might be earned. But this, even, would be authority from inference only, and should be cautiously exercised.

"The practice has been to furnish these persons with provisions for a period of time, after being landed in Africa, varying from six months to one year; to provide them with houses, arms, and ammunition; to pay for the erection of fortifications; for the building of vessels for their use; and, in short, to render all the aid required for the founding and support of a colonial establishment.

"The latitudinous interpretation of the law has resulted in the heavy expenditures detailed in the annexed report. Understanding the law in the limited acceptation represented above, it will in future be executed accordingly, and every effort made by the Department to confine the application of this fund within the pale of its provisions."

Thus, sir, I find that in 1830 the Secretary of the Navy spoke of the abuses which had been practiced under the law without even any color of authority, as it seems to me, and pledged himself that in the future they should be corrected. How far the law has been transcended since, I do not know, except in the single instance now brought under consideration. But the law under which this liberal and munificent provision is proposed to be made, is in these words:

"SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color, as may be so delivered and brought within their jurisdiction; and to appoint a proper person or persons, residing upon the coast of Africa, as agent or agents for receiving the negroes, mulattoes, or persons of color delivered from on board vessels seized in the prosecution of the slave trade, by commanders of the United States armed vessels."

This needs no comment whatever. It speaks for itself. It provides that the President shall have power to support and maintain them until their removal beyond the limits of the United States, and their delivery to an agent. It certainly does not authorize his support and maintenance of them after their arrival in Africa. If it can be maintained that he can support, maintain, and educate them for a year, he may do it for an indefinite period, through their whole lives. I think it is a gross innovation, that it is violating that provision of the Constitution which denies to the executive officers of this Government the right to expend the public moneys without an appropriation made by law.

I said I did not think that, even on the score of humanity, it could be sustained. The statistics of that colony, and the whole history of it from its foundation, in 1820, up to the present time, sustain me in that assertion. The picture of the miserable decadence of the colonies of England, France, and Spain, in the West Indies, wherever the negroes had been manumitted, which was drawn by the Senator from Louisiana [Mr. BENJAMIN] the other day, is but a fair picture of the colony of Liberia. Although upwards of eleven thousand negroes have been transported there from the United States, it appears that at this day there are but little over eight thousand colonists. Notwithstanding the increase by birth, and by importation from the United States, they have not been able even to keep up with the number imported; but they have declined, and are reduced to a little over eight thousand inhabitants. The picture of their habits corresponds exactly with that which was drawn by the Senator from Louisiana, of the free negroes in the West Indies. They are represented as being lazy, unthrifty, and vicious. Hence I say that, even on the score of humanity, I do not think this appropriation could be maintained. I do not pretend to impeach the motives of the President in expending this money; I am willing to grant that he was prompted by humane motives, by philanthropic motives; but I think it is an appropriation unwarranted by law, and I am not willing to vote for it; and hence I shall vote to strike out the clause.

Mr. BROWN. I shall vote for the motion made by the Senator from Alabama, and I desire to state very briefly the reasons why I shall do so. Only a few days ago we were debating here a proposition to establish agricultural colleges in the States of the Union; and Senators on this side of the Chamber, almost every one of them, took the ground that we had no power under the Constitution to do it. I did not quite agree with their arguments. I think my friend from Virginia, [Mr. HUNTER,] who reported this item, was pretty clearly of opinion that we had no right to vote even land to educate our own people in the art or science of agriculture; and if we have not, I want to know where we get the power to vote money from the Treasury to feed and clothe and educate wild Africans in Liberia. I do not care whether the point taken by the Senator from Alabama is well taken or not, whether the appropriation is covered by the law as it now stands or not. If there be justification found in the law, then I take the ground that the law itself is violative of the Constitution, and ought not to be obeyed. Better that the committee had reported a bill to repeal the law, than report an item to carry out a law which cannot be sustained by an argument founded on the Constitution.

If this were a proposition to appropriate $75,000 to feed and clothe and educate the orphans of Washington city, gentlemen would turn up their eyes in horror, and say, "there is no warrant in the Constitution for such an appropriation;" and their horror would be still more increased if it were a proposition to vote this amount of money to feed and clothe and educate the pauper children of New York, or any other city in the Union; and yet wild Africans are taken under the especial guardianship of Congress, sent to a foreign country, and there maintained at the expense of the Federal Government. The President, speaking of this subject, in his annual message, says:

"Where to send them, was the question. There was no portion of the coast of Africa to which they could be returned, with any regard to humanity, except Liberia."

If that is true—and doubtless the President thought so, or he would not have said it—then I hold that it was an act of humanity to bring them out of the country. If it would have been an act of inhumanity to take them back to the country from which they were brought, must it not, necessarily, have been humane to bring them away from there? Why, sir, if they were to be returned at all, humanity would seem to dictate that they were to be carried back to the place from whence they were brought; that that portion of the coast of Africa on which they were seized should be sought out, and they returned to their kindred and their homes and their families. One would suppose, after all the outbursts of virtuous indignation we have heard over the transaction about these people having been kidnapped and torn away from their homes, that their kindred would have stood upon the shores with outstretched arms, to welcome them back again to the bosom of their families. Not so, it seems. The President says it would have been an act of inhumanity to return them to the place from which they were brought. Why? Because, I dare say, if all the facts were developed, it would turn out that these people, instead of being kidnapped freemen, were ransomed slaves and convicts. In the predatory wars which are constantly being carried on in that country, they had been made prisoners, reduced to slavery, and, being unprofitable, were about to be put to the sword to get clear of the expense of keeping them; and the people who sold them to the captain or crew of the Echo would not receive them back, except to put them to death. Therefore it was that it was an act of inhumanity to return them to their homes.

I repeat again, sir, if it were inhuman to take them back, it was humane to bring them away. The only inhumanity inflicted upon them at all was by the action of your Government. They would have been delighted to remain in our country. Slavery here is better than that sort of freedom which they enjoyed at home. They were not allowed to do it. They were seized, put on shipboard, sent out of the country. Now we are asked to foot the bill; to do it without even the shadow of authority under the Constitution. I demand again to know upon what clause of the Constitution this appropriation is based? I think you can make a pretty fair case if you simply look to the law. I would repeal the law, repeal it instantly, as not based upon the Constitution which we are sworn to support.

For these reasons, I shall vote for the motion made by my friend from Alabama to strike this item from the bill.

Mr. HUNTER. If gentlemen admit that it is a constitutional law to be carried out, I do not see how any objection can be made to this item in the appropriation bill which is designed for the purpose of carrying out the law. The item in the appropriation bill is designed to provide for the bounties to which, under the law, the officers and crew of the ship capturing them were entitled, and also to carry out the contract with the Colonization Society for the support, maintenance, and education of those negroes for a year, and here are the clauses under which the President acted. The second section of the act of March 3, 1819, prohibiting the slave trade, reads thus:

"SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color, as may be so delivered and brought within their jurisdiction; and to appoint a proper person or persons, residing upon the coast of Africa, as agent or agents for receiving the negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave trade by commanders of the United States armed vessels."

It is obvious from this that the President was bound to remove the negroes; and, although I do not pretend to affirm that there is any authority in the Constitution to allow the President to establish a permanent school for the education of Africans, or anybody else, abroad, or to allow this Government to do it, yet I maintain that, if the act suppressing the slave trade be constitutional, there must be some power to provide means of taking care of these people after they are seized. What is he to do? Is he to turn them loose on the shores to starve? No one would pretend that he must do that. Every one must maintain that it was a duty incumbent on the Government

which seized them, to give them for a time a temporary support. As I understand it, this is the whole object of the act of the President, for which he desires this appropriation. He was bound to send them out under this law; and, sending them out, the law allowed him to make such provision for their support and maintenance as might be necessary. The limit of course is, that it must be temporary. As to a permanent provision, I admit there is no constitutional authority for that; but there is as much authority for maintaining them for a year, as there would be to give them a day's support, when you turn them loose on the shores. If the law be constitutional which prohibits the African slave trade, there must certainly be power to provide the means to discharge that duty with humanity.

So far as the contract for education is concerned, I believe, I am informed indeed, it was put in *ex gratia* by the Colonization Society. It is a philanthropic society, and would have done it at any rate. The $30,000 were given for the support. But suppose it were for the education in useful arts of the negroes for a year: it was only as a means to enable them to take care of themselves—to live after they were turned loose. As to restoring them to their homes, nobody knew were they were. It might have required them to go into the interior of Africa, to places which have not been explored. The law, therefore, seeks only to provide that they shall be sent somewhere on the coast; and it has given the President a sort of discretionary authority in regard to the place. These cases occur but rarely. There are no particular limitations in the law. It may not be carefully guarded. I do not think, though, in this instance, that there has been any departure from what might safely be authorized to be done in order to carry out the law; a contract for a single year for their support, that they may learn to support themselves before they are turned loose. I see no constitutional objection to it; and, certainly, there is nothing in this law to prevent his exercising such a power. Indeed, he did it to carry out the law.

Mr. SEWARD. Mr. President, I wish to ask whether this money has been paid or not; whether the money has been expended; or whether it is yet to be paid out of the Treasury?

Mr. HUNTER. There is a contract with the Colonization Society. I do not know whether it has been paid or not. I suppose not; but I cannot say as to that. The other portion is under the third section of the law of 1819, which allows bounty to the officers and crew of the vessel making the capture.

Mr. SEWARD. If the money should not be appropriated, will the contract fail?

Mr. HUNTER. If the money should not be appropriated, the President would not have the means of carrying out the contract, certainly.

Mr. SEWARD. Who made the contract?

Mr. HUNTER. The President and the Colonization Society.

Mr. SEWARD. By whom on the part of the Government?

Mr. HUNTER. By the State Department, under the authority of the President.

Mr. SEWARD. Then the whole question is, whether the money shall be paid by the United States, or by the President, out of his private estate. It has been a contract made in good faith.

Mr. FESSENDEN. I look, Mr. President, before long, to see the ground taken that any laws for the suppression of the slave trade are unconstitutional. Certainly it would be as reasonable to say so, as to say that this act, performed by the President under the authority of the law framed for that purpose, and which is very clearly designed to carry out that purpose, and in a degree necessary to that end, is of itself unconstitutional; unless it be that the Senator from Alabama takes it for granted that anything which goes for the education of anybody, white or black, anywhere, is necessarily unconstitutional—and I do not know but it would be as reasonable to contend for that—that we have nothing to do with anything that by any possibility may operate for the improvement of anybody in this country, or out of it.

Sir, the act gives the broadest discretion to the President on the subject. It is at his discretion to make provision, such as he may deem necessary, for the removal of persons who have been stolen from the coast of Africa and brought here. There is nothing, in this contract which he has made, that is not calculated, specifically, to accomplish that purpose. To be sure, there is introduced into this contract a provision that a certain sum of money shall be paid for the removal, support, and education. How much of the $30,000 goes to the education, how much to the removal, and how much to the support, does not appear. It is to be presumed that the removal of this large number of persons, and their support for the year, would include the largest part of the sum. It is not, probably, intended to take them and send them to school, to be educated in the humanities, particularly, in that period, for it is not to be presumed any great progress would be made. Education, in the sense in which the term is here used, would rather be considered the beneficial employment of them in such manner as would tend to their advantage during that period of time; but the Senator from Alabama goes for striking out the whole of it. He would not only strike out so much as might, by possibility, be appropriated in that way, but also for the removal.

Mr. CLAY. My purpose was, if the motion prevailed, to move to insert $45,000. I only meant to strike out the $30,000.

Mr. FESSENDEN. Thirty thousand dollars is the amount appropriated for removal, support, and education.

Mr. CLAY. Thirty thousand dollars, as I understand, is what the President has contracted to pay the Colonization Society for the support of these people for one year.

Mr. FESSENDEN. Exactly. The Colonization Society removed them. The Colonization Society supports them. The Colonization Society, as I understand, does the whole thing. It is not education alone. The $45,000 is for another purpose. It is for remunerating expenses; for prize-money that is due, &c The $30,000, I understand, comprehends the whole sum paid in this case.

Mr. CLAY. The Senator is mistaken. The $45,000 covers the prize-money, and the $30,000 is what is paid for the support of these Africans after their removal and delivery to the agent.

Mr. FESSENDEN. By whom were they removed?

Mr. CLAY. By the United States, in a United States vessel, not in a private vessel.

Mr. FESSENDEN. Then it is appropriated for their support. He would strike out the appropriation for the support. Then, what is the argument? That the President should return them to their country simply; and that is the last of it. The Senator from Mississippi argues that the law means that they shall simply be dropped there, or returned to the place from which they were taken. Well, they were taken from the slave barracoons on the coast of Africa, from the slave traders. Should they be returned to the traders? Is that the argument? that we should hunt up those who originally, by force, fraud, violence, and outrage, got possession of their persons, and made sale of them, and return them to the original owners who sold them once, in order that they might sell them again? Is that the argument? or, if it is not, is it argued that you must go on an exploring expedition through Africa to see where these men came from, and return each one of them to his original place? In that case, I suppose the expenditure would be very much larger than the small sum that is appropriated for their support during the year.

The Senator from Mississippi seems to suppose, in his argument, that the objectionable part of this, the unconstitutional part, is, that they are returned to a place where they can be taken care of. If they were only returned to barbarism on the coast of Africa, it would be well enough. The provision being that they shall be returned to their homes, the argument is, that you must put them in as bad a shape as you can after you get them there. I think this is running this slavery matter into the ground; carrying it to a point which does not recommend it to the good feeling or the good sense of anybody, anywhere.

The President has exhibited a touch of humanity. It seems to be his misfortune that when he does light upon an idea that will do him credit, his friends on the other side of the House get up and quarrel with him. Under this particular provision of law which grants him discretionary power to return these persons, all he does is to put them back on that coast, and put them in a condition where they may be able—in some degree prepared after the outrage that has been perpetrated on them—to meet the contingencies of their situation away from their homes. Should he put them back suddenly and at once upon the coast, and leave them to take care of themselves, though they might be in a strange place, among hostile people, or return them to the barracoons from whence they were taken and sold, would that be creditable to this country in the eyes of civilization, especially when the power is granted, the discretion is broad, to do what the President may think to be necessary? Certainly he has done little enough; and unless the Senators hold that it is unconstitutional for him, under the law, to take one step in regard to their support for any time at all, his power is limited only by his discretion.

As was well said by the chairman of the Finance Committee, who reported this bill, if you may provide for their support for a day, you may provide for their support for a year. The question then comes up, whether the President has exercised his discretion unreasonably? whether, in providing for their support for a year, he has done anything more than the nature of the case demanded? If he has done it, it is an exercise of the discretion granted him by the law; and if he has overstepped that, certainly the proper mode is not to refuse to carry out the contract which he has made, and which is in the process of execution at the present time, but to limit the operation of the law itself specifically. The thing is done; and I hope the Senators will be willing to sustain their President in one thing, at least, which has a show of humanity about it.

Mr. CLAY. I have only a few words to say in reply to the Senator from Maine. I did not enter upon the constitutional question; yet I might well maintain that there is no constitutional power vested in the President, or in the President and Congress combined, to educate any portion of the people of the United States. I doubt whether the Senator would have supported the bill for which he voted, and which passed the Senate the other day, for the endowment, support, and maintenance of agricultural colleges within the States, if it proposed to appropriate the public money for that purpose. But the President certainly has no other power in respect to this question than is given him by the law under which he acted; and taking that law up, I repeat that there is no sort of sophistry, no sort of verbal legerdemain, by which the power given him under that act can be twisted and stretched into the extent of power which has been exercised. The language of the act is plain and distinct. It declares that he may make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States, of all such negroes, and for their delivery to a proper agent appointed by him.

Any one who is familiar with the history of this act and of the Colonization Society, cannot fail to understand and to acknowledge what was the meaning of the act. In 1816, this Colonization Society was organized. Its purpose was, as was professed, to better the condition of free people of color in the United States by providing for their removal and colonization in Liberia, and for Christianizing and civilizing the heathens in Africa. The understanding at the time the act of 1819 was passed, from which I have read, was, that it was to be auxiliary to the Colonization Society; that an agent of the Colonization Society would be there to receive the negroes who might be recaptured and transported in Government vessels to Liberia; and the power of the President was exhausted when he delivered the negroes to the agent. But, I say, without any warrant of law, it is proposed now, not merely to safe-keep, support, and remove the negroes from the United States, but to support them after they reach Liberia; and not merely support them, to provide for their animal wants, but also for their intellectual, by their education. This power has been strained to authorize the President to contract for "not merely colonizing them, but building them houses, furnishing them with farming utensils, paying instructors to teach them, furnishing ships for their convenience, building forts for their protection, supplying them with arms and munitions of war, enlisting troops to guard them, employ-

ing the Army and Navy in their defense." This colony of Liberia has been dependent entirely upon the Federal Treasury for its existence at this time, and it is proposed by this appropriation to continue this system which, I say, is unwarranted by law and by the Constitution. Therefore, I shall vote to strike out so much as was intended to provide for the support of those negroes after they reached Africa.

Mr. SEWARD. Mr. President, I suppose that the law was designed to secure, at least, so much as the extradition of slaves illegally imported into the United States. That that object may be effectually accomplished, they must be removed from the United States to some place beyond our territory. The law provides a further detail in regard to that purpose, and that is, that they shall be delivered to some proper agent in some other country, who shall receive them. That agent must exist, and must be found by the President of the United States; but his acceptance of these persons is a matter voluntary with him or with his principal. He is under no obligation to take them; and if you go beyond him to his principal, the principal is under no obligation to accept or receive these persons. It must, therefore, be a matter of agreement, negotiation, compromise, and arrangement, between the Government of the United States and that agent or principal.

Now, suppose the proper agent will receive these persons on the condition that he not only receives them, but is paid the expenses which he incurs by receiving them: that is clearly within the purview of the law. Suppose he attaches, as he may well attach, the further condition, "I will not accept these persons unless you stipulate for the further consequence of their provision for a day, two days, three days, a month, a year:" it is manifest that that condition must be accepted by the United States, or else the law cannot be executed.

Suppose the agent imposes a further condition, that during the time he is required to provide for their support, with the money furnished to him, care shall be taken for their morals and their instruction in order that they may be cared for more comfortably, more cheaply, and economically: it seems to me that this is an incident which belongs to the transaction, and about which he may stipulate in his contract, when, without attending to such details, the purpose itself could not be accomplished.

Mr. MASON. I can have no doubt that when the President was called on to execute the existing law with reference to the deportation of those Africans who were recently landed in the United States, there was great difficulty in knowing how far he could properly extend the provisions of the law to prevent what he very properly considered an act of gross cruelty to the people who had been thus brought over in violation of the law of the United States. I have had no conversation with him on the subject, and do not profess to give his opinions; but, looking at the law, and placing myself in his position, I can very well understand that he would have great difficulty in knowing to what extent he could extend that law without violating his duty as the Chief Executive.

According to my recollection of the law, it provides simply, that when negroes are brought into the United States in violation of the laws prohibiting the slave trade, they shall be delivered to the marshal of the district where they shall land, and the marshal shall take charge of them; of course at the expense of the Government of the United States. It provides further, that the President shall send them back to Africa; it does not say on what part of the coast they shall be landed. It provides further, that they shall be delivered to an agent appointed by him to receive them, and nothing more. That law was passed a great many years ago. There has been no instance, within my knowledge, when it was necessary to place a construction upon the law until here very recently, when the cargo of negroes that has been referred to was landed.

Now, if humanity had been consulted, or rather if humanity could have been consulted instead of consulting the actual provisions of the law, these negroes, I presume none will doubt, would have been far better provided for by retaining them in the country into which they had been illegally brought, and making such provision for them in a state of bondage as the laws of the States where they were landed would admit of or might require. But humanity could not be consulted; the law must be carried into execution. What is it? That they should be sent back to Africa and landed there, and turned over to an agent appointed by the President to receive them. I do not see that the President was called on to do more than to execute the law as it actually stood, appointing an agent to receive them, in order that the Executive might know that they had been landed *bona fide* upon the shores of Africa. The report made by the officer appointed to receive them would assure the Executive of the fact that they had been landed on the shores of Africa; and whatever he might do, on inquiry as to the proper place to land them, the place where it was most probable they would be able to provide for themselves after they were landed, they might go; but I can see no propriety in construing that law to vest an authority in the Executive to make provision for their maintenance, and still less for their education after they have been landed.

I understand, from the documents which have been sent here in connection with this subject, that he made a contract with the Colonization Society that they should take charge of them, and protect them for one year; subsist them and clothe them; and further, that during that year they should be taught some of the practical mechanic arts of life. That was very humane, I dare say, but humanity most illy directed; because they were to remain in their country after the year expired, and during that year, although humanely designed, that has been done for them which would be most likely to incapacitate them for the life they are to return to, because, that these negroes are to return to savageism, I presume none can question—every one of them. I should think, from what I know of the characteristics of the African race, that the chances are very large, whatever surveillance may be exercised over them by the Colonization Society in Liberia, that one half, or two thirds, will escape like rabbits, and go in the bush to get away from the restraints of civilized life.

I do not see that any harm, or any risk could be done by cutting down the appropriation as proposed by the Senator from Alabama. The expenses of receiving them while they were in this country, and taking charge of them here; of sending them across the seas, landing them on the coast of Africa, must be provided for, and the expenses of the agent to receive them there, in order that the Executive might be assured that the law was carried into effect after they were there, must be paid. Beyond that the law is perfectly silent, and I should take it for granted that the law intended, whether wisely or unwisely, that when the native of Africa got back to the place of his nativity, he was able to take care of himself. I shall, therefore, vote to cut down the appropriation.

Mr. CLINGMAN. I wish to inquire whether there is a binding contract made as a whole?

Mr. HUNTER. There is.

Mr. CLINGMAN. Then I will not vote for the motion. I agree with my friend from Alabama pretty much in his view of the law; but nevertheless the object of the law in providing for sending them back, was clearly that they should live. Well, everybody who knows anything of the condition of Africa, knows that if they had been sent there and turned adrift, unless there was somebody to take them in hand and enslave them, for they would not have been taken care of in any other way, they would, most likely, have perished. It was to be expected, therefore, that the President would take whatever steps were necessary to preserve their existence, and under that view he has made this contract. If he had just turned them adrift on the shore, and they had perished, he would have been censured. There is not a Senator here or a humane man who would have advised him to take any such course as that. He made a contract in good faith.

It is said that there was no neecssity, perhaps, for allowing a year's subsistence. It may be that he could not do better. How that is I do not know. But here is the President acting from humane motives, and endeavoring to carry out the law, which is one of difficulty; a law which, perhaps, any Senator here would have found somewhat perplexing. He may have exceeded his constitutional powers. On that point I do not express any opinion now. Some years ago some shipwrecked Japanese were sent back to Japan, at very considerable expense, I do not know what. I do not know anything in the Constitution or laws that directs such an expense to be paid, but there may be some provision. I put it very much on the footing of our appropriations of money to the families of men who die in the public service. It is a thing that occurs almost every session. If I were asked to point to some clause of the Constitution which authorizes us, when a member of this body dies, to send his remains home at a considerable expense, I could not do it. These are things done from feelings of humanity, and if they are not pushed to an extreme, I am not disposed to scrutinize them closely.

I rather think this case will lead to some modification of the law. Perhaps legislation is necessary. I am not prepared to say that I approve the law as it now stands; it may be that something ought to be done; but inasmuch as the President has simply done what the common ideas of humanity required of him, and has made a contract, which stands as a valid contract, I am not disposed to change it; and I shall be obliged to vote against the motion of the Senator from Alabama.

Mr. IVERSON. I do not propose to debate this question, but simply rise to object to the proposition which the Senator from North Carolina [Mr. CLINGMAN] has advanced, and which seems to have had the approbation of the distinguished Senator from Virginia, [Mr. HUNTER,] that this being a contract in whole, must be executed. I do not understand that that is the law, and both Senators being lawyers, I am very much surprised to find that they take that position. The President is nothing but an agent of the law, and he can only carry out the law. He has no right to go beyond it; and if the law does not authorize him to make a contract to support these Africans, or educate them, after they are landed in Africa, then the contract which he makes is not binding on the Government, but it is null and void. The Senator from North Carolina is lawyer enough to know that if he appoints an agent or attorney to make a contract for him, the attorney must keep within the scope of his authority, and if he exceeds it in any respect, the contract is null and void, and not binding on him. The President was, no doubt, actuated by motives of benevolence in making this contract, but it is conceded on all hands that he exceeded his authority. The contract, therefore, is not binding—certainly not binding in that part of it which was in violation of the power conferred on him by the law.

Well, suppose, instead of sending them to Africa, and making provision for them there for twelve months, he had, on principles of benevolence, required that we should keep them here in the United States and maintain them for twelve months, and had made a contract to that extent, would that have been binding on Congress? By no means. Suppose, instead of sending them to Africa, he thought the calls of humanity required that they should be sent to Laguayra, and kept there twelve months to be educated, would such a contract be binding on Congress? Certainly not. It is absurd to say that this contract is binding, and should be carried out in all its entirety, when it is admitted on all hands that a portion of it, at least, is in direct contravention of the law and the authority conferred on the President.

I did not rise to debate the question, but to give this as a reason why I am not controlled by the whole contract which the President has made.

Mr. CLINGMAN. Perhaps I may not have stated exactly what I meant. I agree that the distinguished Senator from Georgia may imagine many things the President might have done that I would not sanction. What I intended to say was, that the President, in obedience to law, had made a contract for their delivery; and it was to be expected it would be for their preservation. That they should be located in Africa to perish, was not, of course, the object and intent of the law; and in executing it he may have gone a little too far; yet, as the contract had been made and executed in part—and it struck me as not a very extravagant or unreasonable one in the amount of money paid, though, perhaps, there was too much money—I would not withhold the appropriation. Perhaps I should say it was wrong to make any stipulation for their education. I think

it was. It may have been wrong for him to provide for their existence for a year. That point I would not argue. I only meant that, as he had made a contract in good faith to carry out the law, it struck me that we had better execute it; and I give my vote in that way.

Mr. DOOLITTLE. Mr. President, some remarks have just fallen from Senators on the other side of the Chamber, which I cannot, in view of what I understand to be the facts, suffer to pass unnoticed. While, from the very great distance which exists between the United States and Africa, and other causes, I cannot hope that any large proportion of the colored population of the United States will be withdrawn from this country and find their homes in the land of their fathers, yet at the same time I cannot, looking upon the facts as I understand them, suffer some of the declarations which have been made here this morning to go uncontradicted.

It has been said by the honorable Senator from Alabama, [Mr. CLAY,] that colonization at Liberia, in Africa, has been a failure. Sir, I do not understand such to be the fact. On the contrary, I understand that that colony on the coast of Africa, for a distance of over five hundred miles, has practically put an end to the slave trade. That colony, feeble as it has been while struggling into existence, has already become the foundation of a Republic, whose independence has been acknowledged by some of the greatest Powers on the earth. I do not understand the facts to be as stated by the honorable Senator from Alabama, in reference to the condition of the people in that colony, either socially or otherwise. I cannot, of course, speak from my personal knowledge; I rely upon the authority of others. I desire to read a few words from an address by Mr. Hall, of Maryland, a general agent of the Maryland State Colonization Society. And first, as to his means of information. He states that he had a residence in Africa for ten years, and that for eighteen years last past he has held the office of general agent of the Maryland State Colonization Society, and that he has very recently visited the different settlements in Liberia. During this long period he says that he has not only been intimate with the people of color enslaved and nominally and actually free; but that his business and almost all the acts of his life have been, more or less, intimately connected with them, and that it is no affectation of humanity to say, mainly devoted to their interests. And now, sir, what does Mr. Hall say, speaking from his own personal knowledge? Speaking of the emigrants from the United States, he uses this language:

"From one to three years after their arrival, a majority of immigrants are permanently located on their town lots, or farm lands, under their own roofs, humble though they be, and have around them many of the comforts, and even luxuries, of life. Their small farms lie contiguous to each other, the houses being almost within hailing distance. A small amount of land only is cultivated for family use, as it yields much more abundantly than in this country. As before stated, their gardens produce a great variety of fruits and vegetables. Comfortable farm houses can be built for $100, and even less, if the lot is well supplied with building material. Many of the farmers live in houses costing $1,000, and some even more. Some houses in Monrovia cost as high as $5,000, and even $10,000."

Again he says, in speaking of the condition of society in Liberia:

"Society in Liberia is subject to the same laws which govern elsewhere in civilized lands—wealth, intelligence, and morality, one or all, are essentially requisite for admission to what is called the best society; and the best society in Libera, as far as I can judge, in general deportment and manners, will compare well with the best society in any other place of the same number of inhabitants, the same wealth and intelligence, and better than in most."

He goes on to describe the form of their Government and its working; and, throughout his whole address, delivered by him within the past year, to the free people of color of the State of Maryland, he shows the condition of the colony of Liberia, and says it is not a failure. Mr. President, I beg leave also to read certain statements made by another gentleman who has taken a deep interest in this question, and who speaks from his own personal knowledge. I refer to the Rev. Mr. Bowen, who, speaking in reference to colonization, says:

"Colonization *is civilizing the African race.* There are American blacks in Liberia, and even natives of Sudan in Sierra Leone, who can read Latin and Greek, and sometimes Hebrew; and their attainments in other branches of knowledge are far from being contemptible. I have lived among these men; I have talked with them and read with them. I have always been astonished at what I saw and heard; but the facts are there, and such examples of African improvement are multiplying from year to year. What shall be the end of these things? Many persons sincerely believe that we are laboring in vain for the improvement of Africa; but the work moves onward, and incredulity must change to faith before many generations shall pass away.

"Civilization *is developing a vast and rich commerce.*

* * * * * * * * *

"To prepare the way for civilization and commerce, colonization is banishing the slave trade from Africa. Liberia, more powerful than fleets, even in her infancy, has eradicated this cruel and impolitic traffic from more than five hundred miles of the coast. The same result has followed wherever a little colony has been planted. And it is astonishing to see how quickly the disappearance of the slave trade is followed by an active traffic in the productions of the soil. This is the true reason why the exports of western Africa have recently run up to at least $30,000,000 per annum.

"I have just remarked that the slave trade is cruel. The middle passage, of which we have heard so much, is but a small portion of the horrors attendant on that traffic. In one journey of sixty miles, I counted no less than eighteen towns, which had been reduced to utter desolation by the cruel wars which furnish cargoes for the slave ships. Forty years ago, the Egba kingdom contained more than a hundred towns, some of which were six or eight miles in circuit. In 1850, but one of these towns was remaining. All the rest had been swept away as a crop for the slave trade."

Mr. President, if we were to listen to the language we hear on this floor, we should suppose that these victims were all sacrificed upon the altar of humanity; that it is for the sake of humanity, for the advancement of Christianity and modern civilization, that these people are to be hunted down like wild beasts, and dragged from Africa, to be consigned to perpetual bondage upon the plantations of the American continent. He says further:

"Such facts would be incredible were they not attested by the evidence of all the missionaries, merchants, and travelers, who have visited that unhappy country. I suppose that for every slave landed in the American markets, about three persons are cut off in wars, and in the famines which follow, and during the middle passage from coast to coast."

Mr. President, when I heard the able and eloquent Senator from Louisiana [Mr. BENJAMIN] denouncing the cooly trade opened by Great Britain and France, my heart responded to every word he uttered; all its sympathies were stirred; and when he spoke of that infernal chemistry which was working up the coolies into sugar upon the British Islands, my deepest indignation was aroused. I could respond from my inmost heart to all he felt; to all he said. But, does the honorable Senator forget that this same slave trade, which the colony of Liberia is doing more to put down than all the fleets of England and the United States combined; that this same slave trade, which he and his friends are advocating, should be reopened now to supply compulsory labor to the tropics of this country, is, itself, an infernal chemistry which requires the sacrifice of two lives, at least, to every slave that is captured, and that when brought here and put upon the plantation, the average of his life does not exceed seven years?

Mr. BENJAMIN. I desire to inquire of the Senator from Wisconsin when he ever heard me, or any friend of mine, advocate the continuance of the African slave trade?

Mr. DOOLITTLE. I did not understand the honorable Senator from Louisiana to advocate directly, in so many words, the opening of the slave trade, but I understood and inferred from his argument upon the subject of Cuba, and the necessity of supplying compulsory labor in order to meet the demands of modern civilization in the production of sugar and cotton in the tropical regions of this continent, that it necessarily must be supplied by the slave trade; for he maintained that it could not be supplied by natural increase. He denounced the apprentice system, and denounced the cooly trade. I ask the honorable Senator from what other source or supply, then, will you derive your compulsory labor, if not from the reopening of the slave trade?

Mr. BENJAMIN. Mr. President, I regret that the honorable Senator from Wisconsin should so totally have misunderstood the line of my remarks. I did contend that the tropical productions of the Island of Cuba could not be maintained without an adequate supply of compulsory labor. I did endeavor to show that the continuance of that supply from natural increase was impossible. I did denounce the forcible introduction into the colony of cooly labor or of African apprentices; and I also denounced the African slave trade as the means of supplying that compulsory labor. I denounced them both; and I then intended, as I supposed, in the regular line of argument, to deduce the conclusion that Cuba must either relapse into barbarism, or that a supply of compulsory labor must be obtained for Cuba by the introduction of the beneficient system now existing in the slave States of the United States, which would secure such a natural increase of the labor of the island as would suffice for the production; or, in other words, that under the slave system, as it now exists in the southern States, the laboring population would double in every generation instead of dying out; but if left under Cuban control, Cuba being a Spanish colony, the laboring population would die out. The compulsory labor, to which I look for the continuance of cultivation in Cuba, is to be supplied by natural increase, and by intercourse with the southern States.

Mr. DOOLITTLE. I most heartily rejoice if I misunderstood the effect of the argument of the honorable Senator from Louisiana; and if, as I now understand him, he did, on that occasion, denounce the slave trade as well as the cooly trade, I most heartily accord with him in that denunciation. I confess that when he was denouncing the cooly trade, my attention was more particularly directed to the language which fell from him upon that subject. I have not had the pleasure of reading the speech of the honorable Senator as reported, and I may not have noticed that portion of his speech in which he says he also denounced the slave trade.

Mr. President, I have referred to these authorities for the purpose of showing that the colonization of Africa is not a failure; that for five hundred miles upon the coast of Africa the colony of Liberia, feeble as it is, and as it has been, has abolished the slave trade: while at the same time, as I said in the beginning, I do not hope, I never expect to see the day when the colonization of Africa from the United States will ever be carried on to a sufficient extent to remove the colored population of the United States to the homes of their fathers in Africa, as some of its friends have hoped. It is necessary that there should be an outlet provided nearer at hand. It is to Central and Southern America that we must look. Within the American tropics Providence is pointing out their future home.

While the Republican party will give to the free white laboring man homesteads in our Territories in the temperate zones of the West, they will open the beautiful and luxuriant tropical regions of America, to the South, and by treaty or purchase procure homes and homesteads there for the free colored men; and where those who may hereafter become emancipated may also find homes and freedom to the joy of the master, as well as the slave. We have been falsely charged, again and again, because we oppose the extension of slavery, that we design an amalgamation of the races. No charge can be more false. Nothing could so effectually prevent such a calamitous result as to induce a peaceful separation of the races, for the mutual benefit of both. For that purpose, and to accomplish that result, let us open western territories as homesteads for the free white men, and let us by treaty with the tropical States, four-fifths of whose population are already of the colored races, procure homesteads for our free colored men.

Mr. PUGH. May I ask the Senator a question?

Mr. DOOLITTLE. I have no objection.

Mr PUGH. Is he anxious that this appropriation should pass?

Mr. DOOLITTLE. I should like to have it passed. Certainly.

Mr. PUGH. I think the Senator is taking the most effectual way to kill it, by the introduction of so many collateral topics. I think the Senate understands the main question and this introduction of foreign topics, which must lead off to a debate on everything else, is the surest and most effectual way to defeat the appropriation.

Mr. DOOLITTLE. I think that the line of my argument is substantially in reply to the line of argument adopted by the honorable Senator from Alabama, which I think was made before the Senator from Ohio took his seat in the Senate this morning, and which if he had heard, the Senator from Ohio certainly would not have interrupted me. It is not, however, my purpose to take up time in the discussion of these subjects now, and, therefore, I will not press them further upon the

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consideration of the Senate. I felt it due, however, to the truth of history, as I understand it—and I speak on the authority of those who I suppose are best acquainted with the facts—to make this statement, and not to suffer this wholesale denunciation of the colony of Liberia as a failure to pass unnoticed.

Mr. HUNTER. I hope we shall have a vote now. It is nearly one o'clock.

Mr. CLAY. I must be permitted to say a word in reply to the Senator from Wisconsin. I will not make a speech; I have not made one this morning; I only made a few suggestions. I repeat, sir, the colony of Liberia has been a failure; and I am sustained by facts which I will read to the Senate, as they are very brief, and they come from the friends of the Colonization Society and one of its agents. I read from a work which was published only last year by the Rev. Alexander M. Cowen, of the State of Kentucky, an agent of the Colonization Society for that State. On the subject of mortality, presenting the statistics of the mortality in Liberia, he said:

"The American Colonization Society had sent out in all, nine thousand eight hundred and seventy-two up to January, 1858. The Maryland Society had sent out one thousand three hundred; by both societies, eleven thousand one hundred and seventy-two. After thirty-eight years, of this number, with their offsprings, seven thousand six hundred and twenty-one are living, leaving for deaths, three thousand five hundred and fifty-one, which is thirty-three per cent. loss by death in thirty-eight years."

Showing that, according to the statistics of the colony of Liberia, the whole population would die out in little over a century, and not a human being be left, if the supply did not exceed the relative supply heretofore sent there. Again, in respect to the revenue, he says:

"The revenue from her own productions last year, was but $4 65."

Where is this revenue of $30,000 derived from? He explains it. He says:

"The coast trade and the export duty was $25,625, very near two thirds of the reliable revenue of Liberia. But this sum is from the labor of the natives."

Not the Africans or mulattoes, or free persons of color sent from the United States. He then asks:

"Is there another nation that gets its national support as Liberia receives hers? As a nation, she may be said to live by the labor of foreigners." * * * * "The statistics furnished of exports, show a regular falling off in the last four years."

I could multiply quotations; I could show here that although it is said the climate and soil are admirably adapted to the produce of all the tropical fruits, and especially of sugar, rice, and coffee, they are depending on imports for the supply of those articles, and they export nothing. I could state further, that no horses or mules are used for draught, and rarely oxen, and that they depend entirely on the hoe for their cultivation; that instead of teaching the natives, it is said they have adopted the system of cultivation which exists among the natives of Liberia. I will not multiply words about it.

Mr. WILSON. Mr. President, I am not disposed to defend the American Colonization Society, and I must say that I care but little whether it has been a failure or a success. As a means tending towards emancipation in this country, I consider it of no account whatever. It has deceived and deluded many sincere, benevolent, conscientious men in the country. As a means of building up, on the coast of Africa, civilized society, it has made, I think, some success; but I am not disposed either to defend or attack it. I care but little about it.

The question before us to-day has no connection whatever with that Colonization Society. We have branded the slave trade; we have passed laws against it; and, although we were the first nation to brand the slave trade, I suppose that, owing to a variety of causes not necessary to discuss at this time, we have done as much as any other people to keep that trade alive. Our ships have hovered on the coast of Africa and have engaged in the traffic. One of those ships has been captured by a vessel of our Navy and brought into this country. These Africans, in the spirit of the law—I say nothing about the letter of the law—have been returned; and the President of the United States has made a bargain with the only men, it seems to me, with whom he could have made a bargain, the colony of Liberia, to take care of these recaptured Africans. I think the President of the United States, in so acting, acted according to the spirit of the law, and according to the public judgment of the country; and, for one, I give my vote most freely to carry out the bargain the President of the United States has made. Whether it be strictly legal or not, I care not. I always notice that when an act of humanity, an act of liberality, an act of justice, is to be performed, it is very difficult to find authority, either in the Constitution or laws of the country. For myself, I see in the law of 1819 enough to authorize the President to make this bargain; and my own heart impels me to give it a prompt and decisive vote.

I simply say, that there is a disposition in this country, and it is said there are secret organizations in this country, to reopen the slave trade; that hundreds of thousands of dollars have been subscribed to carry it out and engage in the trade—to defend the trade; and that, in portions of this country, grand juries cannot be relied upon to indict persons if caught in that trade. Well, sir, we have made a capture; we have returned those persons. I want it to go out to the country and to the world, for the credit of the American name and the American character, that the contract made by the President of the United States is in accordance with the sentiment of the people, and that he is sustained by a vote approaching unanimity in the Congress of the United States.

Mr. SEWARD. I do not wish to speak any further on this question; but as the matter is germane to a subject that came up this morning, about which I wish to make an explanation, I will occupy the attention of the Senate for but one moment for that purpose. I introduced, some considerable time ago, a bill for amending the laws prohibiting the African slave trade. It was referred to the Committee on the Judiciary, and that committee took it very properly into their consideration; but, on consultation between them and myself, it was agreed that a report upon it should be delayed until I could have a conference with them, which I intended to hold at an earlier day than this. I had then already called for correspondence from the President of the United States, which was necessary in order to show the importance of some of the details of the bill which I had submitted. That correspondence has not been received. Undoubtedly the President has delayed to send the correspondence for reasons which are proper and satisfactory to him; I raise no question about that. I have, in the mean time, been seeking information about the prosecution of the foreign slave trade, so far as it is carried on from the port of New York, and how the measures which I proposed might operate so as to disturb the legitimate commerce with Africa. On that subject I have not received the details so fully as is necessary to enable me, myself, to judge of the exact value of the details of the bill which I have submitted. For this reason it is, that that bill is found in its present condition, and probably cannot be acted on until another session of Congress.

Mr. REID. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HAMMOND. The Senator from Massachusetts says that there are parts of the United States where grand juries cannot be found to indict persons engaged in the African slave trade. I should like to know to what parts he alludes.

Mr. WILSON. Mr. President, I do not know that I said that there were parts of this country where grand juries would not indict. I said there were portions of this country where it was believed they would not. It remains to be seen whether that be the case or not. I want to say, in reference to the statement I made, that it was but a day or two since I had a conversation with a gentleman, who was a member of the last Congress from the southern States—a man who, in Congress, always spoke for and advocated the policy of slavery. He has spent this winter mostly in Alabama, and he said to me, the other day, that he was amazed at the sentiment he found in the Gulf States; that that sentiment approached unanimity in favor of reopening the slave trade; and from the investigations he had made, he was satisfied that organizations existed for the opening of the trade; that money was subscribed for the business; and that it would be extremely difficult, in that part of the country, to get a grand jury to find an indictment, or to get a conviction from a petit jury; that he was amazed at the sentiment generally prevading that part of the country; and that we had no conception of it here. I think that anybody who has read of the movement led by Mr. Yancey, of Alabama, and other gentleman in that part of the country, will come to this conclusion: that there is a party, mainly in the Gulf States, extending through a portion of the southern States, in favor of reopening the slave trade; and these doctrines have been avowed during the present session of Congress, by gentlemen representing that section of the Union, in the other branch of Congress.

Mr. HAMMOND. I am not at all, nor is any portion of the South, liable for the impressions which any person traveling through the South may form. There is no sort of doubt that a few persons in the South, some of them highly respectable, wish to open the African slave trade; but from what knowledge I have myself, and from what knowledge I have received, and I have been active in inquiry, my opinion is, that nine tenths of the people of the South are utterly opposed to it; and I think the more the subject is discussed the fewer will be the number who are in favor of reopening the slave trade. I will inform the Senator from Massachusetts of one fact of which I supposed he was cognizant: that during the past week the grand jury in Savannah has found true bills in two different cases against persons whom it was alleged had participated in the African slave trade.

Mr. WILSON. I am glad to hear the declarations made by the Senator from South Carolina, and I have no doubt they are substantially correct. No doubt, a large portion of the people of the southern States are opposed to the African slave trade; but that there is a party, young, vigorous, and active, that wishes to open the slave trade; a party that wishes to extend the country into the tropics; a party that believes not only in compulsory labor in the tropics, but everywhere else; a party that wishes to govern this country under that policy, and failing to do that, to establish a southern Confederacy and dissolve this Union, there is evidence. There is such a party. Now, I want the Senate, I want Congress to sustain the contract made by the President, and let it be understood in the North and in the South, by all parties, that this country has branded the slave trade, that it can never be opened, that the power and influence of this nation shall be used to put it down; and that we will go to the full extent, not only of the letter of the law, but the spirit of the law, to sustain this policy.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama to strike out the appropriation of $75,000; on which the yeas and nays have been ordered.

Mr. CLAY. And to insert $45,000, I will say.

The question being taken by yeas and nays, resulted—yeas 12, nays 40; as follows:

YEAS—Messrs. Chesnut, Clay, Davis, Fitzpatrick, Hammond, Iverson, Johnson of Tennessee, Mason, Reid, Thompson of Kentucky, Toombs, and Ward—12.

NAYS—Messrs. Allen, Bates, Bell, Benjamin, Bigler, Bright, Broderick, Cameron, Chandler, Clark, Crittenden, Dixon, Doolittle, Douglas, Durkee, Fessenden, Fitch, Foot, Green, Hale, Hamlin, Harlan, Houston, Hunter, Jones, King, Mallory, Pearce, Polk, Pugh, Rice, Seward, Shields, Simmons, Slidell, Smith, Trumbull, Wade, Wilson, and Yulee—40.

So the amendment was rejected.

Mr. PUGH. I have an amendment to offer. I move to strike out all after the enacting clause down to the eightieth line, and insert what I send to the Chair.

Mr. HUNTER. If the Senator wants to speak, I must give way to the Senator from Kentucky.

Mr. PUGH. The bill had better go over until to-morrow, because I want to press my amendment.

The VICE PRESIDENT. The Chair would have called up the unfinished business before, but that he understood that, on motion of the Senator from Virginia, all the prior orders had been postponed.

Mr. HUNTER. I agreed to give way at one o'clock. I give notice I shall call up the bill to-morrow.

The VICE PRESIDENT. The Chair was not aware of that, or he would have called up the unfinished business of yesterday at one o'clock.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed the bill of the Senate (S. No. 383) for the relief of Myra Clark Gaines.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed an enrolled bill (H. R. No. 810) for the relief of William Yearwood, sr.

ACQUISITION OF CUBA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 497) making appropriation to facilitate the acquisition of Cuba by negotiation; the pending question being on the amendment offered by Mr. FOOT.

Mr. THOMPSON, of Kentucky. Mr. President, it is annoying to me that, after having been on good terms with all my brother Senators, I have had so much difficulty in getting the floor to say what little I have to say on this subject, just as I am going out. I will not say that it is impolite or unfeeling, but it is certainly very annoying. I desire to say something on this bill which proposes to make an appropriation "to facilitate the acquisition of Cuba by negotiation," so far as my strength and voice may hold out.

In the first place, I object to the title of the bill. It imports that we are to acquire Cuba by negotiation, and that we simply want some facilities for that purpose, which, in mercantile phrase, means money. Here it means $30,000,000. I will not vote to commit myself to anything of that sort; and besides, before I get through, I hope to show to any reasonable man that the whole scheme is ill-timed, improper, and uncalled for.

The zeal and ability with which the Senators from Louisiana press the acquisition of Cuba have struck me with some surprise. It seems to me that if Cuba were acquired, the whole sugar interest of Louisiana, which is now protected by a tariff, would be prostrated. The lands of Louisiana are too far south to be very well convertible into cotton lands. The loss of machinery, the loss of time, the ignorance of the hands, would be equivalent to a fire on each plantation. Not only that; but there would go out from Louisiana to Cuba, for the purpose of getting lands there, the active, the enterprising capitalists, the men of value, and the men of substance. Many of the sugar planters, and the best of them, would emigrate; the drones, the idlers, and the triflers, would stay at home. We see this exemplified in the case of every new State. You find there an active, enterprising, thrifty population, more so than you see in an old State, because the active, the enterprising, the intelligent, the men bent on making a fortune, have gone there. Kentucky has been bled in that way by Missouri, by Louisiana, by Illinois, and by Indiana, until I will not say that it has such a sorry population that it lately turned to be a Democratic State; for I believe we still could have held our own, if it had not been for this everlasting nigger question and the American question.

Well, sir, what will be the second effect upon Louisiana? Wherever in the world commerce prevails, its entrepots are the points of transhipment—the termini of great lines; they are the places where commodities are exchanged, and there cities grow up. Now, suppose the city of Havana should grow up under American protection: it will be some six, or eight, or ten days shorter for foreign vessels to load with cotton there than to go to New Orleans; and cotton will be transported there from the Mississippi valley, passing by New Orleans. Cotton will land at the last terminus; land in a good harbor; and it is a pleasanter place than New Orleans, and no more liable to yellow fever. I say, then, this is a bill to break up the sugar-planting interest of Louisiana, and to dwarf the city of New Orleans. Why, Mr. President, that little city of Lexington of yours, in Kentucky, was a very nice, pretty, growing town until it had a couple of railroads run through it, and now nobody goes there at all; people do not even dine there. [Laughter.] Two railroads have run through it—one going to Cincinnati and one going to Louisville; and all the people go to the one city or the other where they have a larger stock of goods to pick from, and because they like a little pleasant travel, and ladies like to take an airing anyhow, and see another city. There is neither trade nor commerce, nor eating, nor anything, done there. Why, sir, the jimson weeds are all over the streets, and the town absolutely looks seedy. [Laughter.] That is the effect of going through one of these places and giving them a thing of that sort. Just before that, the little town of Danville, when I was a boy, as a matter of great enterprise, constructed, and nearly broke themselves in constructing, a turnpike road to the city of Lexington; and a fine turnpike road it was. At that time they had thirty-three stores and a good deal of trading there; but when the turnpike road was made, everybody went to Lexington, and Danville is now a perfectly finished town. There is a grocery, and, perhaps, one or two stores and a sort of tavern—just symptoms of a town having been there. Whenever you translate the terminus, the entrepot of transhipment, you will find that New Orleans, as a place of business, will shrivel up and sink in the same way. That is my judgment.

This bill proposes to grant the President of the United States $30,000,000, to be used in purchasing Cuba. It was known to the President, when he made the suggestion in his message, that Spain had refused the trade; and he knew very well that, by the civil or common law, it took two to make a trade. Now I will ask what was the use, instead of resorting to the ordinary means of negotiation, to put into the message a sort of proclamation to Spain, and to carry it forward by this bill, when we know that the proposition of the message was received at Madrid, I will not say with Castilian pride, but at least with Spanish pomp? They inscribed their determination on columns and pillars; and unanimously made addresses to the throne, saying that they would never part with Cuba. They have said to you they will not trade; and yet, in the face of their declaration, you propose to trade with them. What sort of a trade do you mean? You say your avowed policy is, that England and France shall not have Cuba. Do you mean to beat off all other bidders, and levy on the island by a sort of constable's sale of it, without authority of law? just say it is a sale and seizure, and buy it for what you please? That is it substantially. Or, if you do not mean that, I ask what kind of pious and Christian humanity there is in a proud nation like this, to a poor, weak, old Government that has a raw, sore place, to take an ignited firebrand and be jabbing her, and jabbing her, and jabbing her, just to torment her? Is the idea that, although she is not willing to trade, you will torment her so that she shall have no peace of her life, and finally make the trade to get rid of you?

Without regard to the fact that Spain says she will not trade, the bill is an enormous proposition upon its face. We gave $15,000,000 to the Emperor Napoleon for Louisiana, a vast territory, reaching from the mouth to the source of the Mississippi river, embracing the present States of Louisiana, Arkansas, Missouri, Iowa, and Minnesota. There was a perfect kingdom for $15,000,000. We got a vast domain of public land, of crown lands belonging to France, more than enough to pay all the expenses of the purchase, and of their survey, and leave us a profit. That is a trade that a man might well strain a point for. Jefferson was said to entertain some constitutional scruples about that acquisition; but almost any man's constitutional scruples would give way under the force of such a trade as that. Then we bought the whole southern end of Florida, that vast peninsula, for $5,000,000 It would have been a pretty good purchase, if we had not been paying ever since. I will not say that we have paid more than the State is worth, for it is a good State now, and I will not speak disrespectfully of her; but if it had not been for Osceola, and Sam Jones, and Jumper, and the enormous price *per capita* that it has taken to transport, catch, or kill the Indians there, that would have been a reasonable trade. But I do not suppose now, if Florida was put up at public auction and sold, it would bring more than would indemnify us for the expenses of the various Indian wars.

Now, sir, we come to the Island of Cuba, and what are we to get? We get the public property—the Moro Castle, the jails, and the court-houses. We do not own the negroes; we do not buy the land for ourselves; but it is a trade simply for the sovereignty. Well, what does that sovereignty amount to? It amounts to this: that you are to protect the people of Cuba; that you are to extend over them the laws of the Union; that you are to keep off pirates; that if they get into a fight you are to help them. Of course we shall have to build up their wharves; attend to their public wants. The youngest child in the family of course will be petted; and how much you are to expend to get her in proper trim, the Lord only knows.

Mr. President, I do not believe, with the Senator from New Hampshire, [Mr. HALE,] that our course of empire is, by any political trick, at least in this instance, going in a southern direction. That has been the natural course of emigration, from the time when the Goths and the Vandals came down upon the sunny plains of Italy, to the present time. It is the instinct of human nature to hunt out the best lands, find where they are, locate on them, and settle them. In the far-off North, during the long, cold, winter nights, the children, as they sit around the fire, perhaps chilblained or frost-bitten, eat figs and oranges and dates, and they are told that they come from a country where there is no snow and no ice, but a balmy breeze, and their notions start as though they want to get off to that better country.

> "O Christ! it is a goodly sight to see
> What Heaven hath done for this delicious land!
> What fruits of fragrance blush on every tree;
> What goodly prospects o'er the hills expand."

They have but one sentiment, and that is to go down there and better their condition. It is the natural tide and flow of emigration. It is by instinct, and they follow it. I do not think, properly, that a consideration of the nigger question ought to have been connected with this matter; but it has been forced into it, and forced upon us.

The Senator from Louisiana [Mr. BENJAMIN] gave us an essay, graphic and eloquent; a poem, I might say—a poem, I mean, as to eloquent diction, not a poem as to facts—upon the wrongs England has inflicted on her West India colonies; but the whole of it is no more relevant to this question than to examine whether Wilberforce, if he were alive, would repent of what he did or not. The Senator from New Hampshire, for whose great amiability, for whose good judgment, and especially for whose good feeling, I have eminent respect, overrates these things, over-estimates them. He is against the acquisition of more slave territory. The Senator from Louisiana gave us a beautiful description of Cuba; he spoke of the Cubans, of the Creoles, and the free negroes; and it is under the influence of descriptions such as he gave that our people rush that way, and there is a delusion upon them. They are what they call in the country "enthused"—run mad on the subject.

> "Know ye the land where the cypress and myrtle
> Are emblems of deeds that are done in their clime,
> Where the rage of the vulture, the love of the turtle,
> Now melt into sorrow, now madden to crime?
> Know ye the land of the cedar and vine,
> Where the flowers ever blossom, the beams ever shine;
> Where the light wings of Zephyr, oppress'd with perfume,
> Wax faint o'er the gardens of Gul in her bloom;
> Where the citron and olive are fairest of fruit,
> And the voice of the nightingale never is mute:
> Where the tints of the earth, and the hues of the sky,
> In color though varied, in beauty may vie,
> And the purple of ocean is deepest in dye;
> Where the virgins are soft as the roses they twine,
> And all, save the spirit of man, is divine?
> 'Tis the clime of the East; 'tis the land of the Sun—
> Can he smile on such deeds as his children have done?"

That is enthusiastically, in spirit and in feeling, imagined, and by a vast number applied to Cuba. I trust I shall be able to show that this

question is not to be met in that way. I regret, also, that the Senator from New Hampshire, in his speech, made objection to the acquisition because he does not like the Cubans on account of their Catholic religion. Mr. President, under the Constitution, I believe every man has the right to worship God according to the dictates of his own conscience; to do it in safety under his own vine and fig tree, without fear and trembling, and to follow whatever those dictates are. I would prescribe religion and faith to no man. I will not say it is illiberal. I will not discuss the question whether that faith is inconsistent with republican institutions. I rather think, myself, it is adapted to the genius and turn of the people where it exists. One thing I know: I have lived half my life with American Catholics, and better citizens I have never known—loyal, true, industrious, as good as any. I speak of American Catholics in this country; I do not know what the case may be elsewhere. Surely, that could be no objection with me if Cuba is to come in.

The Senator from Georgia [Mr. TOOMBS] the other day was for annexing Cuba; and I understood him to say that he was for annexing Canada too. Whether he said that in irony or in earnest, I am unable to say; but it is a monstrous proposition. The people of Canada are of Anglo-French descent, and, in the first place, I do not think them fit for a Republic. I have never seen a Frenchman in my life that had a notion of such a Republic as ours. They have tried it in old France several times; but the very height of liberty and republican institutions for a Frenchman is to get a chance to vote for an Emperor. Pick him a master to do his thinking about government, and he is satisfied. Mercurial and curious in his nature, he is unsuited to a Republic like ours. When the Senator talks against Great Britain he ought to recollect that Great Britain is a landholder on this continent. Take her possessions and provinces in Canada, and all over North America, running as they do to the polar regions, embracing all beyond our boundary except the Russian possessions at Petropaulovski; and she has a larger tract of land on this continent than we have—more acres, though they are not so valuable; and if we annexed that cold country, with the people in villages, having small States, as exemplified in New England, they would overrun us. I would not wish to be in a republic having a gentleman here from Vancouver, and another from Nova Scotia, and another from Davis's Straits, and a hundred of them at that, to overpower me by their vote and by their voice. I never approved or harbored any desire for a rupture of the Union; but if Canada and the British Provinces are to come in and be carved up into a hundred States, to weigh us down, I hope that the Union will break, like your humbug sub-marine telegraph line—break in two simply because it will be too long—break in two, as, in the Augustan age, one of her best poets sang of Rome:

"Roma ruat suis viribus."

It was said that Rome tumbled to pieces in consequence of acquisition; and that, I am afraid, is to be our destiny. I prefer tilting over into a southern confederacy, if the fissure is to be made anywhere down the Ohio river, as I suppose it is very likely to be.

Two or three very vague notions have been introduced into this debate. Gentlemen have talked about Americanizing Cuba. What sort of Americanization will go on there? I understood the Senator from Louisiana to express sympathy with Cubans, who, he said, were "panting for liberty." Annex Cuba; and men from Georgia, from Alabama, from Kentucky, will go in there; they will say: "The Government has bought it;" and, as against a Cuban, they will consider that it is pre-empted and paid for by them. The truth is, it is hereditary, or it has been taught to them; at any rate, it is in the Anglo-Saxon blood. Our people believe it is no harm to take away from a Spaniard or a Mexican or an Indian anything he has got, and they want; and they do not believe it is homicide or murder to kill him either. [Laughter.] What will be done by our adventurers when they land there? Not to be invidious, I will take my own State as an illustration. I will suppose that three Kentuckians go down to Cuba; one of them an old fellow, with a parcel of negroes. As Mr. Buchanan is going to buy Cuba by a sort of forced sale, without authority of law, warning off all other bidders, this old fellow would settle upon some Cuban, hunt him out, and take possession. He would then begin to survey and demark for annexation some other man's plantation. He would elbow him, browbeat him, and frown at him; show him bowie-knives and revolvers; knock him down with his fist, perhaps, and stamp on him a little in a place where he could not be seen, so as to escape the law. A man would be inclined, naturally, under such a process, to give up. There is a sentiment among our people that they have a right to do that thing. They would murder; they would marry; or they would do anything in the world to get all that was going.

The other two young gentlemen, whom I suppose to go down from Kentucky, are a couple of your fillibusters—elegant men, having nothing to live upon and doing nothing, and nothing to do anything upon. [Laughter.] They talk about fast horses, about pistol shooting, and about gunning, and they can shoot pistols. One of them will get to be an overseer for a widow, and marry her, and the next year you would find the rest of the family disinherited. [Laughter.] The other, being a remarkably spry and good-looking fellow, will run away with some old Cuban's daughter; he would get into the family, and he would be there but a little time before the old man would be in a corner of the plantation, and he in full possession and with a good title. That is the way it is to be Americanized, and the way they will go on when they get there.

Why, sir, there is not a Spaniard now to be found in New Orleans; and I have been there and perambulated over the whole city. There is not one that I ever saw in St. Louis, and I have been there two or three times. At St. Augustine and Pensacola there are none. The truth is, the Spanish race get out of the way of our race. They will not remain in Cuba; they have too much instinct for that. You just put out here in one of our forests, or on the plains at a spring or lick, a lion from the torrid zone, and let a herd of buffalo see him lash his sides with his tail, and roar, and strike down with a blow a horse and break the back of an elk, and they will have sense enough not to go back there. Put down a tiger, and let him, with his fierce sweep and his yellow, glaring eyes, pounce in upon a gang of deer, and I venture to say they will not be in that neighborhood, nor within twenty miles of that place, in forty days. Your Cubans know, if they have any sense, how this population have been rooted out. I will give a familiar illustration that you can all understand, and that I want the people in the country to understand. We formerly had about our barns in Kentucky what we called the old-fashioned blue rat, and there are in the country swarms of another description of rats called the Norway rats, who eat up the blue rats. When the traveling gangs of the Norway rats invade a barn, the blue rats scamper for their lives, knowing that they will be eaten up if they do not leave. They are literally Cubans "panting for liberty," and would also be Cubans panting for life under those circumstances. [Laughter.] That will be the effect of it, evidently and plainly. That is the process by which the Americanization would go on.

One effect of this measure will be its connection with the contest about the next Presidency, and I am going to venture a piece of advice on that, and I ask the attention of the Senator from New York, [Mr. SEWARD.] The Democrats have a Pacific railroad in their platform, and it is no harm for you to take one on board. As this seems to be a game for the Presidency, and a brag game at that, I think the American party, if they have a platform at all, ought to go two better, and go in for building all three roads. It was proposed that we should appropriate $10,000,000 a year to construct a railroad through a country where there is neither wood, nor water, nor population; where the mountains will have to be tunneled; where viaducts must be made, and bridges built; where the iron must be transported to every spot. Why, sir, we should be as long building that road as the children of Israel were in the wilderness; and I am not so certain that, as to the debt it would involve, we should not be in a sort of Egyptian bondage for four hundred years, making brick without straw, in order to build this road. I am willing to give land, but no money, for that purpose. That bill, however, has turned out to be a harmless proposition for a survey by which we may learn some geography, know something more about the country. Old Colonel Benton said the buffalo were the best engineers in the world. So they are, to a certain extent. If they travel from one pasturage to another, or one lick to another, they pick the best ground; but, in the Colonel's case, they happen not to come from San Francisco, and, of course, would not do for engineers. When we get in the reports of all those surveys, the estimates will fall far short of what will be required. The natural process is, as population progresses, the people will find where the good land is; they will find where there is water; they will get convenient to fuel; and, in the meantime, the transit routes will suit us well enough. Besides, we are yet in our infancy; a century is but a year in the age of a nation, and we are not a year old. Surely our rapid growth, thus far, ought to satisfy us. *Festina lente*, is the maxim of wisdom. As they say in the country, slow and sure is the true policy. Let us consolidate, compact, build up, secure, and settle, what we have.

The Senator from New York said the building of that road would afford an outlet for the wild spirits of the country. Surely, sir, it would be no outlet for them. Cork and Connaught and Belgium and all Germany would furnish the men to build it; the men who deal with the spade and pick; the men who crack rock on turnpike roads and work about the sills and carry iron. Talk to one of these regular fillibusters about working, letting off his steam by cracking rock away out in the wilderness on one of these roads, and he will be worse insulted than Spain is. If we get into a war about Cuba, these are not the men who are going to do any fighting unless you make up a regiment of colonels or majors. They would join that, but they will never go in the rank and file. They will follow in the track of the army like vultures and wolves following in the wake of any other army, greedy and hungry; and like jackals, when the battle is over and lost or won, ready to grovel for their food. That is what they will do. They go along to live by their wits outside of the camp. The men who die there are no men for fillibustering about here. They must all be officers. Go down to the taverns and look at some of them as you see them strutting about. They toil not, neither do they spin; yet Solomon in all his glory was hardly arrayed like one of them. I have seen two or three of them here this winter that out-strutted, and out-talked, and outshone any men I ever saw on the face of the earth. It is a shame that the Government should pander to that spirit; that feeling which is dominant in the land.

I made the point, in the first instance, that Spain will not trade, and it takes two to make a bargain. That, of itself, would be a sufficient objection to this bill; but I have some other objections. I think it is indiscreet to propose such a measure in the face of the world, after the declaration that Spain has made. It appears as if we wished to make her confess her shame and humiliation before the whole world. But there is a continual talk that England and France will get Cuba if we do not. Now, sir, I do not believe that either England or France want to get it, and I will tell you why. So far as the ambition of the Emperor of the French is concerned, he wants to carry his conquests into Algeria. I used to suppose that the Algerian struggle was simply a foreign war got up by the old French king to get rid of his fiery spirits; that it was a fight to keep them busy: a trick of Louis Philippe to employ his army. I see, however, that there is more French emigration to Algeria than anywhere else. Frenchmen do not come to this country; we do not suit them, and they do not suit us; they do not commingle with us. All that is now Canada once belonged to France; but England wrested it from her at the battle upon the plains of Abraham, and ever since it has been held by England, and France knows that she cannot wrest it from her. France sold us an empire on this continent for a bauble. She has only two or three little islands left over here, and probably Cayenne, a sort of penal colony, the whole of it of no value and no account. Her attention is not in this direction. She does not emigrate in this direction. She is advancing towards the Italian States, looking out on the Mediterranean, and on the old Rhem-

ish border. After the heart of his uncle and his policy, and after the man whom he affects to imitate, this would be the ambition of the Emperor. The Emperor would not forget, either, how difficult it is to conduct a war in these climates. In the time of Generals Beauharnais and Le Clerc, under the Republic, they sent out two or three expeditions of troops to San Domingo, and they were as good troops as those that fought at Austerlitz and Marengo; but did they accomplish anything? Not at all. In that climate it may be said, literally, that

"The angel of death spread his wings on the blast,
And breathed in the face of the foe as he passed."

Now, sir, do you believe, with that prestige of bad luck, the French Emperor would care about turning his eyes in this direction, and interfering with Cuba? Not at all.

Then the question is as to England. I am constrained to say that I do not know how to understand her. In virtue of having large possessions on this continent, being a large landholder here, she probably has a right to be heard, and a right to look out somewhat on this continent. That would be fair. But if she wanted Cuba, she would take it; and, in my judgment, we could not stop her, especially if she were backed by France. Look at what she has done in the Crimean war, which is just past; a war more destructive than any other, on account of the improved state of fire-arms, and the vast additions made by new inventions to destructive implements of every sort; a war such as you read of neither in fable nor in history. The fabled war of the gods, when the mountains were upheaved and the trees were torn up by their roots, or Milton's description of the battle with the fallen angels, does not equal in grandeur and greatness, and everything that pertains to fighting, of Balaklava and Inkerman, and the taking of Sebastopol.

Do these great achievements seem to stop her? Not at all. After that unfortunate charge of Cardigan's, I supposed she had hardly an efficient horse left; but she concluded, since that time, that she must go over into Persia, and box her jaws. Notwithstanding the example of the disaster of Cardigan's guard, the English made a charge against ten thousand Persians, on the plain of Teheren, compacted and fixed in the best way they could be for fighting. They stood their ground for battle; but the English troops came up—I suppose the same Scotch Greys that charged Napoleon's artillery at Waterloo—in three columns cuniform, and with but one forlorn man, a lieutenant, to break the rank. They charged down upon those ten thousand men. Two of the lieutenants were cut down, and the third one was killed, from the fact that his horse careened, and he lost his sword-arm before he plunged him on the bayonets; but all three columns made a road through the enemy, and they fell before them like nine-pins. They formed, and re-charged through again; and, compared with the number engaged in that battle, there were not, in twenty minutes, as many Persians left to tell the tale, as there were Grecians left by Leonidas at the straits of Thermopylæ. That is the sort of fighting they do. Ours is done with Mexicans and Indians.

What else has England done? She has made China come into her measures. The fact that there was a vast rebellion in her provinces in the East did not check her at all. General Havelock, who was to have been made a peer, and a glorious old Christian commander he was, in a series of one hundred splendid engagements subjugated place after place, until he eventually died. His successor, Sir Colin Campbell, seems to go ahead with equal spirit and equal strength. The provinces will all be brought in, and they will be made to pay the expenses of the fight. They will be put under stricter discipline by way of prevention, and to satisfy herself, England will annex a few other provinces. There is where her ambition is; there is where the prosperity of her empire, in a great degree, lies. She has been going on in this way for centuries, without the horrors of a war at home upon her own shores, or any fear of a foreign invasion, and with only occasional civil outbreaks. Of her it may be said that, for a thousand years, the temple of Janus has substantially never been closed. A bloody old bruiser, she has roamed around the world insulting, brow-beating, and whipping anybody and everybody she chose.

Her fleet is five or six hundred ships, ten or eleven times as strong as ours. The fleet of France is about ten times as large as ours, and I suppose she would join in such a struggle just for the grandeur of the thing. Suppose we get into a fight with them about Cuba: how are we to get men there? and if we get them there, how are we to succor them with other men and with provisions? Will they not cut off all intercourse? If the island was given to us to-day, they could come and take it, or starve us out, unless the climate killed them off; nothing but the yellow fever would ever save us. It is absolutely a point of weakness, in my estimation, instead of a point of strength. Gentlemen talk about its being the key, and commanding the Gulf of Mexico, the queen of the Antilles, a gem, and I hardly know what all. All manner of things are said. Why, sir, does not every man know that outside of the reefs of Florida there is passage enough for vessels, and that you cannot raise such works of fortification there as would interrupt the passage of vessels in the channel? So it is on the Cuba side, where you go into the Caribbean sea. It is utterly impracticable. Suppose we had the Moro Castle, and there were eight or ten seventy-four gun ships before it: how long do you suppose it would stand? There are many points on the island where soldiers could be landed. England keeps twenty-five thousand men in Canada as her regular complement. She could run them down and land in Cuba these regular soldiers trained in war. Your regular French Zouaves, Bedouin Arab fighters could go there; and what would be our raw troops, our green troops, against them? Our troops, of course, would be unprovisioned. We should be driven out of the island, not because our people are not brave and willing to fight, but because we could not stand such fighting.

Then, instead of going on in this way, I should like to have some reflection and some thought bestowed upon the subject. If we get Cuba, we must certainly hold it by fortifications; and I should like to send a commission there to examine it, such as we sent out in the Crimean war to examine the Russian fortifications and the armaments of the allied armies, and I would add to that commission the Senator from Mississippi, [Mr. DAVIS,] for I have more confidence in his military ability than in any man now in the United States; and I would also put on it the Senator from Minnesota [Mr. SHIELDS.] Let them go down and survey Cuba as a man would survey a piece of land before he bought it. Let them come back and tell us whether there is any Cronstadt there, such as the Russians have to defend St. Petersburgh. Let them tell us whether there is a place where a fortification may be built such as was built at Sebastopol under the genius of the immortal Todtleben. Let them tell us whether there are any places for a Redan and a Mamelon tower to rear their heights in such grandeur as to be able to beat back an English fleet. I would wish to be satisfied on all these points; because, when we come to get it, I should suppose we want to hold it.

I spoke before of our going in debt, for four hundred years, to build the Pacific railroad. I think that if we should get into a war on account of Cuba, we should be so crippled that we should never get out of debt. I think I propose a fair way of trading. A man does not buy a horse without looking at it.

I do not care for all the popular clamor down South about buying Cuba. They do not know anything about it. If you talk to the people in the South about it, and tell them what a fine country it is, they are very willing to have it; but our people have been so petted and so spoiled upon this subject, again and again surfeited, like a great child whose appetite is vitiated by sweatmeats, that they are eternally whining because their stomach is not as big as their eyes, and they cannot swallow everything they see. [Laughter.] They ought to have somebody who is willing to tell them the truth. When you talk to them about the acquisition of Cuba, they think it is all right. Men say, "Uncle Sam foots the bill; and who knows that there may not be a wind-fall for him; that I may not draw a ticket in the lottery? I do not know how it will come out." And so men go on, just as an adventurer, without knowing anything about the population, habits, pursuits, or character of the people. I have heard a man rant about Cuba, and if you landed him on the island he would be the most lonesome poor creature in the world. Imported African negroes would palaver and jabber at him, and supercilious Cubans would look at him scornfully and walk around by him as a turkey looks at a snake in a rain, [laughter;] and the very negroes, unless feed, would not wait on him; and they would not wait on him for a very substantial reason—they would not know what in the world he said, and he would not know what they said.

The people of Cuba speak a different language, they profess a different religion, and they are of different extraction from us; and our people have regarded them as aliens and outlaws from the pale of humanity and civilization. That is the feeling of our population out West, I know. Suppose we annex them: by the annexation you have the high prerogative of taking them under your wing. You have to protect them in war, and attend to them in peace. You marry them as a man does his wife, "for better or for worse." If the Senator from Louisiana gives a true account of Cuba, I would rather, before she comes into the family, consult a little further and a little longer about it. Saying nothing about color, I think I have been at more respectable weddings than it would be to bring her into the household. [Laughter.] She is to be civilized and Christianized, and all this under the guardianship and protection of the United States. It is a heavy job. No doubt the spirit of our people can accomplish it, for they have achieved wonders; but it is certain there would not be many of the natives of Cuba left there long.

Well, sir, what is the immediate haste for this measure now? There is no necessity for any haste about it. We are at peace with England, we are at peace with France, and we are at peace with Spain. Why make this attempt in time of profound peace, when even the authorities, cited in the able report of the Senator from Louisiana, [Mr. SLIDELL,] admit that we ought not to make any effort to take the island while it remains under Spanish rule. England and France proposed to us a tripartite treaty guarantying that we would not seize the island; but Mr. Everett refused to agree to it. They see that we eventually look to it, and we have all avowed it here, and still they do not interfere. I ask you, is not this bill calculated to create a rupture between the three nations? They may protest; they may not fight; but I ask, at this time, is it not premature, uncalled for, unnecessary? We had better pay the debts we owe now. I have known several very respectable Old Virginia gentlemen, of Anglo-Saxon blood, out in Kentucky, get broke just by paying taxes on too much land. Ragged negro after ragged negro would go; but they would still hold on to their land, and at last it would be eaten up by taxes, and they be insolvent; and, in some cases, after their death, their estates would not be worth enough to pay their funeral expenses. I have known one or two absolutely ruined by having too much land.

I think we have a pretty good sized country now; and it would have been entirely too large but for the fortunate turn up of gold in California. That was a godsend to the country; and if it had not been that we found gold there to redeem the country from the position it was in, the treaty of Guadalupe Hidalgo would have been a blistering sore to us for years and years to come. So, when we bought Louisiana, we made a lucky hit; but in buying Cuba there is no chance of anything of that sort. We buy the negroes for the owners to keep them; and we buy the land for the owners to keep it. We trade for the sovereignty; that is, the burden of taking care of them and protecting them and civilizing them. There is no godsend left there.

Why do you want Cuba? Some gentlemen talk about gravitation, and say it gravitates this way; and others tell us that there is a political necessity for our tide of emigration going in that direction. Well, sir, I know that if you go out into the country and talk to the people, you will find them in favor of the next war, or some war, and of getting more land; and it is a pretty safe platform to go upon.

Mr. Clay and Mr. Adams were not at the head of the Government when they spoke about this gravitation. They spoke of it, I suppose, as a kind of humbug for the South; but they put off the time

of acquiring it indefinitely, until Buchanan at last has brought it up. After Mr. Clay wrote his letter, and John Quincy Adams came into power, did they practice what they said? Not at all. They held it up as a happy delusion to all the Gulf States that they must eventually have Cuba, and would have it at no remote day; that such was manifest destiny and passional attraction, according to the free-love school; that Cuba would just rush into our arms any how. [Laughter.] It is said she is gravitating towards us; that is the term. Well, sir, she has not gravitated an inch from where she stood when they wrote; and if the Cubans understand how the Americans will treat them, it will not, with their consent, gravitate this way much longer, but they will keep "panting for liberty." I say that, because the report seems to insinuate that the population are willing to come to us. I do not know whether they are or not; upon that subject I have no information. They seemed at Cardenas to receive "with hospitable hands to bloody graves" the men who, it was said, went there to aid them in obtaining freedom. You may say those who did that were the soldiery. Well, that Spanish soldiery is a mixed up affair, and I suppose most of it is collected from the Cuban peasants who live on the mountains, and they will do the same thing again.

There is nobody to be benefited by this except Spain, who would get largely more than the island would be worth, and we would be cursed with a burden. The Cubans might stand their ground until they could sell out. Negroes are much cheaper there, I understand, than they are in Louisiana, and the annexation of the island would cause them to rise immensely in value there. The Cubans could sell out to the Gulf-State men, who wanted to go over there; and even if they were forced sales, they would get more than they are worth now. That is the way they would go off; that is the way the island would be settled up; but I do not take it for granted that they desire it, except as a mere matter of ambition, a matter of avarice—avarice of the meanest sort—and that avarice which the Senator from Louisiana says makes the Cuban planter annually count what is the value of a negro in sugar. He supplies him from the coast of Africa, and by his infernal alchemy, makes him into molasses or sugar. If the best of the population, the planters, are so cruel as to be professional pirates and negro traders, and regularly make calculations upon a negro's life in that way, I do not think they are fit to come into this Union. With their barbarism and their cruelty, they would not suit us.

Mr. President, there are many other things to which I should allude; but I know the time of the Senate is precious. Perhaps I should be indulged with a continuance; but, condensing as well as I can, I will make an effort to get through with what I have to say. I have an objection to the terms of this bill itself—an insuperable objection. It provides—

"That the sum of $30,000,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the President to make a treaty with Spain for the purchase of the Island of Cuba, to be used by him in the event that said treaty, when signed by the authorized agents of the two Governments, and duly ratified by Spain, shall call for the expenditure of the same, or any part thereof; full and accurate accounts for which expenditure shall be by him transmitted to Congress at as early a day as practicable."

What does this mean? O'Donnell, or Espartero, or somebody else, is at the head of Donna Isabella's Government. Who is in power, I do not know; but the intention is, that the money is to be drawn out and lodged safely with our Minister, Mr. Preston, under the flag of the United States, and then we are to wait for a revolution in Spain, and then we are to make a trade with the incoming Government—say it is a *de facto* Government—get them to sign a treaty, and the thing is finished. They will have got $30,000,000 of our money as a prepayment. It is to be on hand in readiness to take advantage of the nick of time; for it cannot be supposed it is to be used in any other way, or any other juncture, or at any other time. Some *pronunciamiento* or a *coup d'état* upsets the Government, and there is a trade of this sort. Well, sir, I am not much for that kind of negotiation; and besides, I am for keeping the money where it is.

The Constitution provides that the President may make treaties, by and with the advice and consent of the Senate of the United States—two thirds of them concurring. The framers of the Constitution were so cautious in regard to this matter that they put upon the President the check of requiring two thirds of the Senate to ratify any treaty he might make, before it should be binding. In the beginning of the Government the Senate was regarded as a consulting Executive Chamber. How many Senators the President has consulted about this matter, I do not know; what Senators he has consulted, I cannot tell. The money, however, is to be drawn out of the Treasury, and we are not to know how it is to be used; but after it has been spent the President is to file full and accurate accounts. What is filing full and accurate accounts?

Suppose the money is misspent, suppose it is lost or fooled away: you have granted him a vote of confidence, and I would as soon grant a vote of unlimited confidence as to have no further security than this. He is to file accounts of what he spends. He is to have this vast amount of money in his pocket, under his control. He is anxious to distinguish his Administration, anxious if possible to do something by which posterity will remember him and connect his name with Cuba. In addition to his natural ardor, and the opinions he already has on this subject, he might think if you vote him this money that he was under obligations to do something, that he must move. Well, sir, I will not put any such embarrassing obligation on him. I do not care how fair or how accurate his accounts may be, whenever they come, in there will be an eternal scandal and gossip in the politics of this country, and a supposition that all was not right. People will so talk and will so think, and you cannot help yourselves.

Besides, when the Senate come to ratify the treaty, I do not think it is fair for them to have such a constraint imposed upon them as the payment of such a large sum would be. When my successor comes here to act upon the treaty I want him to be untrammeled, to act according to his dictates of duty under his oath, and according to his conscience; but if you have already paid $30,000,000, that will hang like a millstone around his neck. The Senate will act, under the fear of losing this large sum, and the demand will be "come down with the balance to secure what you have already anted, or you will lose what you put up." That is not the Constitution; that is not the way the Constitution contemplates. It is not the way, in my judgment, to carry it on.

Mr. President, in reflecting on the proposition of the Senator from New York to let off the spirit of fillibustering, I must say a word or two more to him. He is a man of eminent ability, and genial in feeling. I do not think his election would be a *casus fœderis;* no breach of the league between the States. He is a constitutional man, and if he should be elected there must be some overt act of oppression, or rebellion, or dereliction from duty, before you could complain. My opinion is, that he is such a generous-hearted man that he would rather lean towards the South, by way of showing that he was impartial. But, sir, I do not want him to talk any more about that gang of Austrians and Netherlandmen and Irishmen in the Rocky Mountains, making his Pacific railroad, with the idea that that is going to work off the fillibuster spirit. It reminds me of an anecdote which I heard, about a countryman of my friend from South Carolina. For the first time in his life he saw some monkeys; and from the agility with which they jumped from prong to prong with their nice little fingers, he thought it would be the grandest speculation in creation to train them to cotton picking, and he got some for that purpose. A friend met him afterwards and asked him how he had made out. "First rate," said he, "except that it took two overseers to watch each monkey." [Laughter.] That will be precisely the way you will work the fillibusters out, according to the plan of the Senator from New York.

Mr. President, this is a mysterious thing for another reason. It brings up agitation on the negro question inevitably and certainly. I was in hopes that after we had got rid of Kansas, the country would have some quiet. I have been now, off and on, nearly twenty years in Congress; and I trusted that for one session, at least, I should live here in peace, and hear no more about negroes. Now, we have the same old story again. I do not say that the President proposes any such thing, or that he has any designs or views in it; but I know this: the other morning the Senator from Pennsylvania, [Mr. BIGLER,] who, it was said, represented the President—and he did not deny it when he was called upon by the Senator from New Hampshire—gave us his views on the tariff. As the Senator from New Hampshire said the President had not been invited to the Democratic caucus, or from some other cause, he did not agree with them, and the gentleman from Pennsylvania, representing the President's views on the tariff, went in for a pretty large incidentalism on iron for Pennsylvania. If his Cuba horse, his Cuba hobby, can tickle the South, and upon the iron question he can hang the old Keystone State to him by bars of iron and hooks of steel, he will be very apt to stand in a pretty good position for demanding a nomination—a position where he can say: "Gentlemen, just step upon the platform; here is your candidate; you must take him; you cannot do without him." It looks to me mightily that way.

I know, Mr. President, that it has been mentioned often, laughingly, that there has been a belief that if nothing else, your luck would kill him; that you got everything you ever went for, all you wanted, and that if there was nothing else in his way, he would never survive your luck. [Laughter.] Well, sir, I have taken a good look at him. He looks firm, pretty substantial, and strong, and I tell you the white of your eye is too white, and all the conjuration and witchcraft, and incantations of which you may be master, cannot avail. I give it as my opinion—I am somewhat of a doctor, acquainted with hygiene—I give it as my decided opinion that he is good for ten years, and I profoundly ask your pardon for saying so. [Laughter.] I know he has said that he only wanted to run for one term, but Jackson talked that way, and I suppose Jackson was nearly as firm a man, and probably as pure a man as Mr. Buchanan. Of Mr. Buchanan personally, I desire to say nothing. Although General Jackson only wanted one term, he was willing to serve another. Cæsar thrice put away the crown, and yet he took it. But beyond all history or example, I never knew a Scotchman when he had got a grip upon anything and had it in his grasp, who would ever let go, if it was a good thing, until death. He will hold on, unless you wrench it from him; and then if it were in his power he would send it to some lineal, favorite son of his—in politics, I mean, for none he has otherwise. [Laughter.]

I hear a great many gentlemen talking about it; and they say it is getting near time to have a southern President. Perhaps it will be after Mr. Buchanan shall serve eight years, according to the usage of the earlier Presidents; and he flatters himself that he can get Cuba as Jefferson got Louisiana; and I think, by that time, it will come to be the turn for a southern man once more; and, although it has been said that "old Virginny never tires," I think, before then, she will be getting a little impatient; and her descendants are not so patient as the old Commonwealth; they will get tired of waiting.

Well, sir, this is a fight in which I have no hand. Let them make it up among them. I do not desire to say anything harsh or severe about the Democracy. I admonish you of that, because in my position here,

"I feel like one
Who treads alone
Some banquet hall deserted,
Whose lights are fled,
Whose garlands dead,
And all but he departed."

When I was in politics, and I may say, when I was alive, [laughter,] and old man Clay battled against the Democratic party, lion-hearted as he was, like Richard Cœur de Lion himself, when he went into the Holy Land to rescue it from the custody of the Infidels, Mr. Clay, with a lion's heart, and his battle-ax uplifted, fought to rescue what he believed to be the Constitution and the rights of the country from the Democratic party, that he thought was disloyal and untrue to them; then, sir, I fought and felt like a field-marshal.

Well, sir, as to the Democratic party, I do not know that I could very well join them unless I see a little further into them. I could not be a

Locofoco anyway, and I understand that the discipline is extremely rigid. [Laughter.] They muster their men with great severity, according to regular drill, and if a man does not chalk up to the mark, overboard he goes; and the rule is, that it is better to have an enemy out of the camp than a friend in the camp cutting capers and cutting shines. John Randolph, of Virginia, said of the Democratic party—but I will not say it of them—that all they wanted was men of sense enough to lead, and fools enough to follow, [laughter;] and if any man could not subscribe to these principles, and went into the party as a leader, who had not sense enough to lead, he ought to be turned out. I believe you did cashier one or two. I do not know what the severity of the discipline is. If I can get a private conversation with my friend from Illinois [Mr. DOUGLAS] before I leave here, I should like to know if he has not learned something on that subject. [Laughter.] I wish, just privately and confidentially, to know from him if the discipline is not excessively tight. If I was to go in, I do not know upon what sort of probation or trial I should be put. I suppose it would be long enough to make them certain that they had got all the old, genuine, gentlemanly, Whig principles and feelings out of me, and that I really had the true religion, and was converted. Then they might put me in the kitchen of the household of the Locofocos until they believed I was really a Christian, and showed it evidently. I do not know how I should be treated. I think I shall look a little further before I go in.

I say platforms are fixed up in that way for the Presidency. Now, I do not know what may be the result of the next presidential election. I expect to take no part in it. I have been favored much by my own State of Kentucky, cherished beyond my merit, upheld always, except recently, when my successor was elected. I love her, even as a strong-hearted man loves his own mother. Whatever may be her waywardness in politics, or my own fortunes, I can only say that I hope that all day long the dews of heaven may fall lightly upon her fields and upon her forests, and the sunshine set brightly upon them.

Mr. President, my strength is failing me, but I must say something more. I utterly condemn this rampant spirit and cry for war. It is a wrong cry; it is a wrong teaching for the country; and I predict that, if we get into a calamitous war with France and with England on this account, we shall repent it to the latest day of our lives. Do not pass this unnecessary bill, and insult a neighbor by this proposition, which is every way unadvised and uncalled for. When you get into a war, you will find that fighting John Bull is not talking. When England sent men here in the last war, and burned this Capitol, it was a mere by-play for her. She was upholding all continental Europe then, against the colossal power of Napoleon; and yet she came here just as a by-play, and troubled us as she did. Our people think we whipped England, and you hear them say throughout the country that we whipped Wellington's invincibles; and they believe that we absolutely whipped the veterans who fought the battle of Waterloo, although that battle was not fought until the 18th of June after the 8th of January, when our battle of New Orleans was fought. They are stuffed up in that way, and inflamed with a war spirit.

Old John Bull, as I said, is a bloody old bruiser. If the Senator from Georgia was here, I would ask him if he did not see how Spain and Sardinia sent off their quota to the Crimean war at the request of England, although they had just about as much interest in it as I had. England just said to them, "if you do not fight on my side, I will whip you." That is the whole of it. They follow England in that kind of way. John Bull, if I may use a familiar illustration that will be understood in the country, is like a great unruly mastiff, a bull dog. Old Bull goes prowling about, hunting up fights. Along in his train follow Cæsar and Pompey, Jumper and Jupiter; and though the first two are Romans of high degree, and the last a god, they follow in his train with fear and trembling. When he nails a dog, they leg him, and nip him, and down they get him until he is throttled to death, and there is a nation blotted from the map of the earth; or if after worrying him and crippling him, and wounding him, they send him home, it is in pain to work the balance of his days to pay the expenses of the fight.

Well, sir, I do not know the Senator from Georgia's idea about it; but I take it that in making up a fight, there ought to be some sense about it, as there is about anything else. There ought to be some reason for it. Now, sir, the United States comparatively is a bull-terrier that is as game as ten thousand lions, and superadded to his natural pluck, he has the spirit of the seven devils that were driven out of Mary Magdalen. Do you suppose I would hiss him on that old bull, if I thought anything of the dog? and I know I love my country better than I could any dog. I do not want to make up a fight of that kind.

Sir, these men who are so ready to talk about fighting, very often are the last men to do it. Whenever I see a man out in a muster-field or in a court-yard, blustering and talking about his willingness to shed his last drop of blood, I would rather see somebody who would be willing to shed the first drop. [Laughter.] If we get into this war we must go through with it at all hazards, at every expense, and at every loss. Our commerce, our progress, everything would be loss and ruin to us. We, with our insufficient Navy, should be utterly unable to cope with those two Powers. They do not seem inclined to fight us; they do not want to fight us; they were willing to share fairly with us. I suppose the talk about fighting just means this, and no more; men know that there is in this country a deep-rooted popular sentiment of dislike, an inveterate feeling of hatred, towards England—I mean with the lower orders. It comes down traditionally from our revolutionary war. It was revived by the last war we had with her. It is a safe thing in any ignorant crowd to curse England, and you will not find anybody of any party who does not back you. I suppose it is a popular theme for declamation; but I think it is time we had quit it. I believe that is the prevailing, dominant feeling with the ignorant portion of our population. Whether it is just or unjust, I will not pretend to say, but it is an element in the American character; an element like their ignoring the rights of a Mexican or a Spaniard. It is a feeling they have. They hate a red-coat and a Britisher. Mr. Dallas and Lord Napier may have as many suppers and feasts as you please; they may talk about the same language, and reading the same Milton and the same Shakspeare and about a common blood and fraternity and all that. Very well, that is just as nice as two ladies who hate each other like the Devil, gossiping very pleasantly over a tea table. [Laughter.] That is what it amounts to. Folks do not feel that way. It is as harmless, and just about as foolish, as the ovations to the success of the Atlantic telegraph. That was another one of your schemes—a dead failure. It is said, now, that it is doubtful whether Mr. Buchanan ever did get that message of the Queen.

I have seen it stated that, so far from any of that sort of conversation passing, it was a trick of trade. The stockholders got up the messages, and they were conveyed as the Government's; and the shrewd ones got out, and the soft people got bit. Those not in the trick were left in the lurch. Whether that is true or not, I do not know; but I do not reckon any message was ever sent. Two years ago, the Senator from Louisiana, who is so enthusiastic now about Cuba, predicted repeatedly that we should have great results from this telegraph. I told him it would be a failure. I pointed out that you were contributing money to make a line of telegraph, both ends of which would belong to England; and I said that, throughout such an extent of ocean, a shark could bite it in two, or a whale could knock it in two, or it would be cut in two running over the mountains in the sea. Practically, in my mind, there was no chance for the thing.

Now, sir, you are here after Cuba. It seems to be a favorite project of Mr. Buchanan. I have not the time or ability to say all that I want to say, or to say it in such a style as I should like to be in trim to say it. I think Mr. Buchanan is hardly consistent upon this subject. When he was Secretary of State he wrote about it to Romulus M. Saunders, our Minister at Madrid—a rough, coarse, North Carolina man—a gentleman, though; but I reckon, from his manner and his walk and his look, (for he was ugly although he was clever,) the last man in the world to send upon such an errand. So keen and eager was Mr. Buchanan then to get Cuba, that he wrote a letter to Mr. Saunders on the subject. I will not put it in my speech, but I will ask somebody to comment on it who can explain it. He told him to approach the Spanish Government, not in the ordinary diplomatic way, by notes, but to talk to the Spanish Minister in a sort of *quasi* unofficial conversation, in a friendly chat. "Do not send notes, because they may bind the next Government against us, but make the suggestion;" and he told him how, in the most delicate and the most insinuating and plausible way, to approach the Queen's Government. One hundred million dollars was the limit; and if the proposition was not listened to, was not entertained at all, Mr. Saunders was to say, "really, I intended nothing at all; I purposed no insult to your Majesty." Here he comes again with this proposition, now by a sort of forced sale, warning off all other bidders, and he wants $30,000,000 to start on. He will never get $30,000,000 by my vote to hang as a millstone around my successor's neck; and if a treaty were made in that way, I would vote to reject it anyhow, even at the risk of losing the $30,000,000, just to vindicate the independence of the Senate,

Mr. President, I believe I have spoken nearly to the extent of my strength and power to-day. [The honorable gentleman, from physical debility, had been compelled to be seated while he spoke.] I will not ask for a continuance to any other day, because I know that the time of the Senate is precious. I can only say, in relation to this whole project, that it will reagitate the country with the slavery question; that it is, I think, contrary to the spirit of our institutions to put money in the President's pocket, I suppose to be sent to Madrid, for Mr. Preston to use in an emergency. I think it would be improper, unjust, and ungenerous to our successors, who are to ratify the treaty, to take this advantage of them. I think it is an unfair way of negotiation. I think it would injure Louisiana above all the States in the Union. I think that at this time we ought to compact and bind together and build up and strengthen what we have. We are young. Let the gristle grow into the bone; let us get our muscles developed. Let us feel strong before we enter into such a contest; let us cultivate the arts of peace, for "Peace hath its victories, no less renowned than war." That would be my policy, and I hope it will be the policy enforced upon the President by Congress. I am going to look for some sensible man for the next Presidency—a sound man, I would rather he had no platform; I do not want to run him in blinds. I confess to you that, in my opinion, my colleague [Mr. CRITTENDEN] would, of all men on the face of the earth, suit me the best. If you will give him a chance, I will risk him upon my personal confidence, without laying down a creed of faith for him to go by; I do not want to stand a man upon a platform, or run him in blinds.

Besides, these platforms are all nonsense. Let me say to my friend, the Senator from New York, if he should ever get to be President, I want him to recollect that this platform business is all humbug; and when he gets in power, to kick down the ladder by which he got there. The two or three last platform Presidents we have had, when they got in the car of State and safely seated, all around, everywhere, you could see, "do not stand on the platform when the cars are in motion." [Laughter.] That is the way they manage it. There is always some emergency, or something to justify a departure from it. Well, sir, I hope I shall be forgiven. I have been to four or five conventions myself, on account of Mr. Clay, chiefly, and once, I believe, on account of my colleague, to keep him out of a scrape of some sort, and I know a good deal about them. In the time I was in politics, and we were dominant, I always knew a long time before the convention came on who would be Governor. It used to be said that you never could know who was Governor until the election was over; but it was all fixed up—all done in advance. I wish the country to get on prosperously and peacefully and gloriously, without any slavery agitation. I want a man of sound heart and sound head, who will administer the Government with that view. I can say for myself, as was said by the immortal Webster, that I trust it will be one and indivisible, now and forever; and that the God who over-

rules us and guides us now, as heretofore, and as I hope for ages to come, will so shape out ends that all will result in good.

Mr. CHANDLER obtained the floor.

The VICE PRESIDENT. Senators will be good enough to come to order. The Chair reminds Senators that public business is waiting for them to come to order.

Mr. GREEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. GREEN. I desire to ask the Senator if he will give way for an executive session?

Mr. CHANDLER. I am willing to submit to the Senate. If they desire to have an executive session, I do not wish to interpose. I am prepared to go on now if it is the will of the Senate.

Mr. GREEN. I make that motion.

Mr. SLIDELL. I believe it is not in order to argue this point. There are reasons which might be given in executive session, but not here. I trust the debate will go on to-day. At a later hour the Senator from Missouri can make his motion.

The VICE PRESIDENT. The Senator from Michigan yields to the Senator from Missouri to move that the Senate proceed to the consideration of executive business. The question is on that motion.

The motion was agreed to; there being, on a division—ayes 22, noes 12; and the Senate proceeded to the consideration of executive business. After some time spent therein, the doors were reopened, and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 16, 1859.

The House met at eleven o'clock, a. m.

Prayer by Rev. Mr. McGRATH.

CALL OF THE HOUSE.

Mr. DAVIDSON. I object to the reading of the Journal unless there is a quorum present.

The SPEAKER counted the House, and stated there were but fifty-seven members present.

Mr. DAVIDSON. I move that there be a call of the House.

Mr. JONES, of Tennessee. I call for the yeas and nays.

The yeas and nays were not ordered.

A call of the House was ordered.

Mr. GREENWOOD. I ask that by unanimous consent the yeas and nays may be ordered. By the time the yeas and nays are called, there will be a quorum present.

Mr. WASHBURNE, of Illinois. On Monday last, very nearly two thirds of the House voted to meet at ten o'clock, and now at eleven o'clock only fifty-nine members are present. I want the names called to see how many of those gentlemen who voted to meet at ten o'clock are not here at eleven o'clock.

The roll was called, and the following members failed to answer to their names:

Messrs. Arnold, Bishop, Bocock, Bonham, Boyce, Bryan, Burlingame, Caruthers, Caskie, Horace F. Clark, Clawson, Clemens, Corning, Cox, James Craig, Burton Craige, Damrell, Davis of Maryland, Davis of Massachusetts, Dewart, Dimmick, Dowdell, Edmundson, Elliott, Eustis, Florence, Foley, Garnett, Gillis, Groesbeck, Robert B. Hall, Hatch, Hill, Hughes, Huyler, Jackson, Jenkins, Keitt, Jacob M. Kunkel, Lamar, Lawrence, Maclay, McRea, Samuel S. Marshall, Mason, Matteson, Miller, Millson, Montgomery, Edward Joy Morris, Freeman H. Morse, Murray, Olin, Palmer, Pettit, William W. Phelps, Potter, Ready, Ritchie, Roberts, Sandidge, Savage, Scales, Scott, Henry M. Shaw, John Sherman, Judson W. Sherman, Shorter, Sickles, Singleton, Stallworth, Stevenson, Tappan, Miles Taylor, Trippe, Waldron, Warren, Whiteley, Wood, John V. Wright, and Zollicoffer.

One hundred and fifty-four members having answered to their names,

Mr. MAYNARD moved that all further proceedings under the call be dispensed with.

Mr. BRANCH. I hope that motion will not be agreed to.

Mr. GROW. I hope that all the members who voted to meet at ten o'clock may be sent for.

Mr. ENGLISH. I call for the yeas and nays on the motion to dispense with further proceedings.

The call for the yeas and nays was withdrawn.

Mr. TOMPKINS also called for the yeas and nays; but subsequently withdrew the call.

Mr. MOORE. I renew the call for the yeas and nays.

The yeas and nays were not ordered.

Mr. KELLOGG called for tellers.

Tellers were not ordered.

The motion was not agreed to.

The SPEAKER ordered the doors to be closed, and the list of absentees to be called.

SAMUEL ARNOLD. No excuse offered.

WILLIAM D. BISHOP. No excuse offered.

THOMAS S. BOCOCK.

Mr. WINSLOW. The gentleman from Virginia is engaged on a committee of the House, by order of the House. I move that he be excused.

The motion was agreed to.

Mr. MARSHALL, of Kentucky. I move to dispense with all further proceedings under the call. It is a mere waste of time.

Mr. DAVIS, of Mississippi. I ask for the yeas and nays.

The yeas and nays were not ordered.

The motion was not agreed to.

Mr. JONES, of Tennessee. Would it not be the regular mode, in proceeding with this call, to direct the Sergeant-at-Arms, when the doors are closed, to bring in the absentees?

The SPEAKER. The rule is in the following words:

"63. Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which the names of the absentees shall again be called over; the doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose."

Mr. JONES, of Tennessee. I move to dispense with all further proceedings under the call; and on that I call for the yeas and nays. Let gentlemen have that way of putting down their names, and showing who it is that oppose suspending proceedings under the call when there is a quorum present.

The yeas and nays were not ordered.

Mr. JONES, of Tennessee, called for tellers.

Tellers were not ordered.

The motion was not agreed to.

MILLEDGE L. BONHAM.

Mr. McQUEEN. I have not seen my colleague [Mr. BONHAM] this morning; but I know that his health has been very precarious during the winter, and that he has been a great part of the time confined to his room. I move, therefore, that he be excused on the presumption that he is unwell this morning, although I have not seen him.

The motion was not agreed to.

Mr. KELLOGG. I move that all further proceedings in the call be dispensed with, and on that motion I demand the yeas and nays.

The yeas and nays were not ordered.

The motion was disagreed to.

WILLIAM W. BOYCE. No excuse offered.

GUY M. BRYAN. No excuse offered.

ANSON BURLINGAME. No excuse offered.

Mr. BURNETT. I desire to state the reason why I was absent when the roll was first called. I was at the Post Office Department, attending to very important business pertaining to my district.

Mr. BRANCH. I was also at the Departments with a constituent of mine.

Mr. COVODE. I discover that the doors are opened to let members in. Now I want this call to be carried out in good faith.

Mr. PHELPS, of Missouri. The gentleman undoubtedly refers to me. I was here and answered to my name when the call took place. I went to the committee-room on business, and had a right to enter the Hall. That is the explanation I have to make.

Mr. UNDERWOOD. I suppose that, if gentlemen are here upon this call, there is no necessity for their making any excuses.

The SPEAKER. The Chair thinks there is none.

SAMUEL CARUTHERS.

Mr. GREENWOOD. It is well known to the House that Mr. CARUTHERS is indisposed. I move that he be excused.

Mr. CLARK, of Missouri. I will state that the condition of Mr. CARUTHERS's health does not permit him to be present.

Mr. MARSHALL, of Kentucky. I would inquire if the cases of my colleague [Mr. BURNETT] and of the gentleman from North Carolina [Mr. BRANCH,] are not undisposed of? The House has not yet passed upon their excuses.

The SPEAKER. Excuses for gentlemen now in their seats are not necessary, they being present, and the presumption being that they came in during the call of the absentees and after their names had been respectively passed by the Clerk in calling the roll, and before the doors were ordered to be closed.

The question was taken; and Mr. CARUTHERS was excused.

JOHN S. CASKIE. No excuse offered.

HORACE F. CLARK. No excuse offered.

ISAIAH D. CLAWSON. No excuse offered.

Mr. CLAY. Is it in order to move that all further proceedings in the call be dispensed with?

The SPEAKER. Such a motion would be in order.

Mr. CLAY. I make the motion, and hope it will be agreed to. We have a great deal of business to do, and this is a waste of time.

The motion was not agreed to.

SHERRARD CLEMENS.

Mr. UNDERWOOD. It is known to the House that Mr. CLEMENS is detained from the House by severe indisposition. I move that he be excused.

The motion was agreed to.

ERASTUS CORNING. No excuse offered.

SAMUEL S. COX. No excuse offered.

JAMES CRAIG. No excuse offered.

BURTON CRAIGE. No excuse offered.

WILLIAM S. DAMRELL.

Mr. COMINS. My colleague, Mr. DAMRELL, as it is well known, is confined to his house by sickness. I move that he be excused.

The motion was agreed to.

HENRY WINTER DAVIS. No excuse offered.

TIMOTHY DAVIS, of Massachusetts. No excuse offered.

WILLIAM L. DEWART. No excuse offered.

WILLIAM H. DIMMICK. No excuse offered.

JAMES F. DOWDELL. No excuse offered.

HENRY A. EDMUNDSON. No excuse offered.

JOHN M. ELLIOTT. No excuse offered.

GEORGE EUSTIS, jr. No excuse offered.

THOMAS B. FLORENCE. No excuse offered.

JAMES B. FOLEY. No excuse offered.

MUSCOE R. H. GARNETT. No excuse offered.

JAMES L. GILLIS. No excuse offered.

WILLIAM S. GROESBECK.

Mr. PENDLETON. My colleague, Mr. GROESBECK, is absent on a committee which has leave to sit during the sessions of the House. I move that he be excused.

The motion was agreed to.

ROBERT B. HALL. No excuse offered.

ISRAEL T. HATCH. No excuse offered.

JOSHUA HILL. No excuse offered.

JAMES HUGHES.

Mr. NIBLACK. My colleague, Mr. HUGHES, is detained from the House by indisposition. I move that he be excused.

The motion was agreed to.

JOHN HUYLER. No excuse offered.

JAMES JACKSON. No excuse offered.

ALBERT G. JENKINS. No excuse offered.

LAWRENCE M. KEITT. No excuse offered.

JACOB M. KUNKEL.

Mr. STEWART, of Maryland. My colleague, Mr. KUNKEL, is indisposed. I move that he be excused.

The motion was agreed to.

LUCIUS Q. C. LAMAR. No excuse offered.

WILLIAM LAWRENCE.

Mr. COCKERILL. My colleague has been confined to his lodgings for several days, by indisposition; and I therefore move that he be excused.

The motion was agreed to.

WILLIAM B. MACLAY. No excuse offered.

JOHN J. McRAE.

Mr. BARSKDALE. My colleague has been unwell, and I have no doubt that he is, for that reason, detained at his room; and I move that he be excused.

The motion was agreed to.

Mr. JOHN COCHRANE. We are evidently suffering from an epidemic; the public business has the influenza; and I move that all further proceedings under the call be dispensed with.

The motion was disagreed to.

SAMUEL S. MARSHALL. No excuse offered.
JOHN C. MASON. No excuse offered.
ORSAMUS B. MATTESON. No excuse offered.
JOSEPH MILLER.

Mr. PENDLETON. My colleague has been unwell for several days, and I move that he be excused.

The motion was agreed to.

JOHN S. MILLSON. No excuse offered.
WILLIAM MONTGOMERY. No excuse offered.
EDWARD JOY MORRIS. No excuse offered.
FREEMAN H. MORSE.

Mr. GILMAN. My colleague has been detained at his room by the indisposition of his daughter; and I move that he be excused.

The motion was agreed to.

AMBROSE S. MURRAY. No excuse offered.
ABRAM B. OLIN. No excuse offered.
GEORGE W. PALMER. No excuse offered.
JOHN U. PETTIT. No excuse offered.
WILLIAM W. PHELPS.

Mr. CAVANAUGH. I presume that my colleague is detained from the House by illness, for he has been prompt usually in his attendance; and I move that he be excused.

Mr. WASHBURNE, of Illinois. What is the reason?

The SPEAKER. He presumes that he is indisposed. [Laughter.]

Mr. VANCE. I would like to know if such testimony can be rebutted? [Renewed laughter.]

The motion was disagreed to.

JOHN F. POTTER.

Mr. LEACH. My colleague is knocking at the door, but he cannot get in. I move that he be excused; for he would come in if he could.

The motion was disagreed to.

CHARLES READY.

Mr. MAYNARD. I presume that my colleague is absent on a special committee, by leave of the House. I move that he be excused.

The motion was agreed to.

DAVID RITCHIE.

Mr. HOWARD. Mr. RITCHIE is absent by leave of the House; and I move he be excused.

The motion was agreed to.

ANTHONY E. ROBERTS. No excuse offered.
JOHN M. SANDIDGE.

Mr. DAVIDSON. My colleague has been sick for the last ten days; and I move that he be excused.

The motion was agreed to.

JOHN H. SAVAGE. No excuse offered.
ALFRED M. SCALES. No excuse offered.
CHARLES L. SCOTT. No excuse offered.
HENRY M. SHAW. No excuse offered.
JOHN SHERMAN.

Mr. HOWARD. Mr. SHERMAN is chairman of the special committee on navy-yards, &c., and is absent by leave of the House. I move that he be excused.

The motion was agreed to.

JUDSON W. SHERMAN. No excuse offered.
ELI S. SHORTER. No excuse offered.
DANIEL E. SICKLES. No excuse offered.
OTHO R. SINGLETON. No excuse offered.
JAMES A. STALLWORTH. No excuse offered.
JOHN W. STEVENSON. No excuse offered.
MASON W. TAPPAN.

Mr. CRAGIN. My colleague is outside, and is anxious to get in. He informed me through the keyhole that, before the meeting of the House, he had received a telegraphic dispatch which had to be answered. Therefore he was detained, and I move that he be excused.

The motion was disagreed to.

MILES TAYLOR. No excuse offered.
ROBERT P. TRIPPE. No excuse offered.
HENRY WALDRON. No excuse offered.
EDWARD A. WARREN.

Mr. GREENWOOD. My colleague has been indisposed for a considerable time, and I move that he be excused.

The motion was agreed to.

WILLIAM G. WHITELEY.

Mr. WINSLOW. The gentleman from Delaware is a member of the Committee on Agriculture, and I have no doubt he is hunting the Department for information for his committee; and I move, therefore, that he be excused.

Mr. JONES, of Pennsylvania. He was at the door a moment ago.

The motion was disagreed to.

JOHN M. WOOD. No excuse offered.

Mr. WORTENDYKE. My colleague, Mr. HUYLER, has been detained from the Hall by business of his constituents. I make the statement now, because I see that the call has been nearly gone through with.

JOHN V. WRIGHT.

Mr. SMITH, of Tennessee. My colleague, Mr. WRIGHT, informed me yesterday that he was called to Baltimore. As he is not here this morning, and as he is usually very prompt in attendance, I presume that he has not returned, and move that he be excused.

The motion was not agreed to.

FELIX K. ZOLLICOFFER. No excuse offered.

Mr. PHILLIPS. I move that all further proceedings under the call be dispensed with.

The motion was agreed to; and the Speaker ordered the doors to be opened.

READING OF THE JOURNAL.

The Journal of yesterday was read and approved.

COMMITTEE OF THE WHOLE.

Mr. CAVANAUGH. I ask the unanimous consent of the House to introduce a resolution.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. CAVANAUGH. I trust the gentleman from Missouri will allow my resolution to be introduced.

Mr. WINSLOW. A bill reported by the Committee on Naval Affairs, to increase the number of surgeons, assistant surgeons, and pursers of the United States Navy, was postponed till to-day. If this motion prevail, what will become of that bill?

The SPEAKER. It will go to the Speaker's table.

Mr. BURNETT. There is a bill on the Speaker's table which was reported——

Mr. KELSEY. I call for the regular order of business.

Mr. PHELPS, of Missouri. I must decline to yield. Neither the Army nor the Navy appropriation bill has been yet acted on.

Mr. WINSLOW. I ask the House to postpone this bill till Tuesday next.

Mr. CAVANAUGH. How can the gentleman from Missouri move me off the floor?

The SPEAKER. He can do so on a motion to suspend the rules; for the gentleman required unanimous consent to introduce his resolution

Mr. CAVANAUGH. Then I request the gentleman to allow me to offer my resolution.

Mr. WINSLOW. Is the motion to suspend the rules competent during the morning hour?

The SPEAKER. It is competent at any time.

Mr. STEPHENS, of Georgia. I trust the House will devote the morning hour to the call of committees.

Mr. PHELPS, of Missouri. I desire to have the Indian appropriation bill disposed of.

Mr. MORRILL. I hope the suggestion of the gentleman from Georgia will be adopted; and then that we may go to the business on the Speaker's table to take up the agricultural college bill.

Mr. PHELPS, of Missouri, called for tellers on his motion.

Tellers were ordered, and Messrs. CHAFFEE and MCQUEEN were appointed.

The House divided; and the tellers reported—ayes 55, noes 87.

Mr. PHELPS, of Missouri, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 74, nays 107; as follows:

YEAS—Messrs. Atkins, Barr, Bliss, Bowie, Boyce, Branch, Bryan, Burns, Case, Caskie, Chaffee, Cobb, John Cochrane, Cockerill, Corning, Curry, Davis of Indiana, Davis of Mississippi, Dean, Dick, Dowdell, Edie, Edmundson, English, Faulkner, Florence, Gartrell, Giddings, Goode, Granger, Gregg, Lawrence W. Hall, Hawkins, Hickman, Hodges, Hopkins, Houston, Howard, Jewett, George W. Jones, Kelsey, John C. Kunkel, Leach, Letcher, Lovejoy, Maclay, McQueen, McRae, Miles, Miller, Millson, Moore, Edward Joy Morris, Isaac N. Morris, Mott, Murray, Pendleton, John S. Phelps, Phillips, Powell, Roberts, Ruffin, Scales, Aaron Shaw, Henry M. Shaw, William Smith, Spinner, William Stewart, Miles Taylor, Waldron, Ward, Cadwalader C. Washburn, Wortendyke, and Augustus R. Wright—74.

NAYS—Messrs. Abbott, Ahl, Anderson, Andrews, Bennett, Billinghurst, Bingham, Blair, Bocock, Brayton, Bufinton, Burnett, Burroughs, Cavanaugh, Chapman, Ezra Clark, John B. Clark, Clay, Clark B. Cochrane, Colfax, Comins, Covode, Cragin, James Craig, Curtis, Davidson, Davis of Maryland, Davis of Iowa, Dawes, Dodd, Durfee, Farnsworth, Fenton, Foley, Foster, Gilman, Gilmer, Gooch, Goodwin, Greenwood, Grover, Grow, Harlan, Harris, Haskin, Hoard, Horton, Jackson, Jenkins, Owen Jones, Keim, Kellogg, Kilgore, Knapp, Lamar, Landy, Leidy, Leiter, Humphrey Marshall, Samuel S. Marshall, Mason, Maynard, Montgomery, Morgan, Morrill, Freeman H. Morse, Oliver A. Morse, Niblack, Nichols, Olin, Parker, Pettit, Pike, Pottle, Purviance, Reagan, Reilly, Ricaud, Ritchie, Robbins, Royce, Russell, Scott, Searing, Seward, Judson W. Sherman, Robert Smith, Stanton, Stephens, James A. Stewart, Talbot, Tappan, Thompson, Tompkins, Trippe, Vallandigham, Vance, Wade, Walbridge, Walton, Elihu B. Washburne, Israel Washburn, Watkins, Whiteley, Wilson, Winslow, and Woodson—107.

So the motion was not agreed to.

During the vote,

Mr. CORNING stated that Mr. HATCH was detained from the House by sickness.

Mr. PHELPS, of Missouri, moved to dispense with the reading of the names, and that the result be merely announced.

Mr. WINSLOW objected.

The result was announced as above.

SURGEONS, ETC., OF THE NAVY.

Mr. FAULKNER. I ask the unanimous consent of the House to take up a bill from the Senate for retrenchment. It is an important bill.

Mr. MORGAN. I call for the regular order of business.

The SPEAKER. The first business in order is the consideration of the bill reported from the Committee on Naval Affairs, to increase the number of surgeons, assistant surgeons, and pursers, in the United States Navy.

The bill was read. It directs that the number of surgeons in the Navy of the United States shall not hereafter exceed eighty, nor the number of assistant surgeons ninety-five; and that the number of pursers shall not exceed eighty.

Mr. WINSLOW. I ask that the consideration of this bill be postponed till Tuesday next.

Mr. GROW. Oh, no; let us dispose of it now.

Mr. TOMPKINS. I move to lay the bill on the table.

The motion was agreed to; and the bill was laid on the table.

Mr. HOUSTON moved to reconsider the vote by which the bill was laid on the table; and also moved to lay the motion to reconsider on the table.

Mr. FLORENCE called for the yeas and nays on the latter motion.

The yeas and nays were not ordered.

The motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by ASBURY DICKENS, their Secretary, informing the House that the Senate had passed, without amendment, an act (H. R. No. 810) for the relief of William Yearwood, sr.

Also, that the Senate had passed the following acts, in which he was directed to ask the concurrence of the House:

An act (No. 560) to fix the pay and regulate the allowances of officers of the Army; and

An act (No. 65) to authorize and invite proposals for the construction of a railroad from the valley of the Mississippi to the Pacific ocean, upon three separate routes.

ENROLLED BILL.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that the committee had examined, and found truly enrolled, an act (H. R. No. 810) for the relief of William Yearwood, sr.; when the Speaker signed the same.

REPORTS FROM COMMITTEES.

The SPEAKER. Reports are in order from the Committee on the Territories.

Mr. WALBRIDGE. I rise to a question of order. I submit that the Committee on the Territories have already occupied the two days to which they are entitled under the rules.

The SPEAKER. The committee has occupied but one day in reporting, and has reported but one bill.

Mr. WALBRIDGE. That bill occupied three days.

The SPEAKER. Two of those were private-

bill days. But the first day, the day on which the report was submitted, the House made the bill a special order. The committee was not called for reports on the second day, at all. The gentleman will remember that the Committee on Public Lands occupied three days; two days in submitting reports, and the third, in disposing of a bill which had been left undisposed of.

Mr. WALBRIDGE. I recollect that the Committee on Public Lands had but one day, and a part of another, to report.

The SPEAKER. They had two days, as the rule is construed.

Mr. WALBRIDGE. I submit, of course, to the decision of the Chair.

TERRITORY OF ARIZONA.

Mr. STEPHENS, of Georgia, from the Committee on the Territories, reported a bill to provide a temporary government for the Territory of Arizona, and to create the office of surveyor-general therein; which was read a first and second time.

Mr. STEPHENS, of Georgia. I shall ask the House to consider that bill at this time. It makes no appropriation of money at all. The importance of the organization of this Territory is, I suppose, sufficiently appreciated by the House. No further time, at any rate, is necessary for its consideration, as, I presume, every member's mind is made up in regard to it. I wish a vote; but in order to keep the bill before the House, in case discussion arises, I move to recommit it to the Committee on Territories.

Mr. GROW. I hope the gentleman will allow me to offer an amendment.

Mr. STEPHENS, of Georgia. I will permit the gentleman from Pennsylvania to offer his amendment, and then I shall demand the previous question.

Mr. KELLOGG. I desire to ask the gentleman from Georgia to withhold the demand for the previous question until I can offer an amendment; the one I suggested to the gentleman the other day. I desire to have a vote upon it, and ask that it may be read.

The amendment was read, as follows:

SEC. —. *And be it further enacted*, That, whenever there shall be ten thousand actual resident inhabitants of said Territory, the Legislative Assembly shall provide, by law, for the election, by the people, of the Governor, chief justice and associate justices, secretary, attorney, and marshal of said Territory, who, when elected, shall be commissioned by the President, and qualified as provided in this act, and shall hold their said offices for such term as said Legislative Assembly shall provide; and that, when so commissioned and qualified, the terms of office of said Governor, chief justice and associate justices, secretary, attorney, and marshal, who may have been appointed by the President, as hereinbefore provided for, shall cease.

Mr. STEPHENS, of Georgia. I will allow the gentleman to offer his amendment. I have no objection to its being voted on; nor have I any great objection to allowing the people of a Territory to elect their various officers, provided, at the same time, they will assume all the expenses, the payment of salaries, &c. I am opposed to their electing and our paying. We do this now as to their Legislatures; that is enough. I am willing, however, that the amendment shall be received and voted on.

Mr. McQUEEN. Can I interpose an objection to the reception of that amendment?

The SPEAKER. The Chair thinks not. The Chair supposes that the gentleman from Georgia has a right to withdraw the demand for the previous question to permit the amendment to be offered. It is the constant practice of the House for gentlemen holding the floor to allow amendments to be offered.

Mr. HASKIN. I ask the gentleman from Georgia to allow me to offer an amendment?

Mr. STEPHENS, of Georgia. There are two amendments pending, and that is all that can be offered. I cannot yield the floor for any other.

Mr. HASKIN. I desire to offer the amendment which I send to the Clerk's desk as an additional section to the bill.

The amendment was read, as follows:

SEC. 2. *And be it further enacted*, That whenever the said Territory shall contain the requisite population for a member of Congress, to be ascertained by a census taken in pursuance of law for that purpose, it shall be lawful for the Legislature thereof to provide by law for the election of delegates to a convention to form a constitution, preparatory to admission as a State into the Union on an equal footing with the other States; which constitution shall be submitted to the legal voters of the said Territory, at a fair election, held in pursuance of law, for that purpose, for ratification or rejection; and, when ratified at the polls in the manner aforesaid, shall be transmitted to Congress for acceptance. This section shall be, and is hereby, incorporated into, and made a part of, the organic acts of each of the Territories of the United States, and shall constitute the rule of action upon which said Territories shall be permitted to form constitutions preparatory to their admission as States into the Union.

Mr. STEPHENS, of Georgia. That provision is not pertinent to the main object of the bill, and I cannot yield for it.

Mr. GROW. I now offer my amendment to the first section of the bill.

Mr. JONES, of Tennessee. I rise to a question of order. I want this bill proceeded with according to the rules of the House, and if there are any amendments pending let us vote upon them and decide them. I object to anything being read for information.

Mr. GROW's amendment was read, as follows:

Add at the end of the section the following:

And, whereas the tract of country comprised within the limits of the proposed Territory of Arizona was acquired from the Republic of Mexico, and was at the time of its acquisition, and by virtue of the laws and constitution of said Republic, free from African slavery, and no such slavery having been since established by any legal authority, therefore nothing contained in this act shall be held or taken to authorize African slavery in said Territory, but that slavery remains abolished and prohibited therein as at the time of its acquisition from the Republic of Mexico.

Mr. GROW. I wish to say that that amendment is in almost the same language as an amendment prepared by Mr. Benton for this bill, and may therefore be called the Benton proviso.

Mr. McQUEEN. I object to the introduction of everything that is not in accordance with the strict rules of this House.

Mr. STEPHENS, of Georgia. I call for the previous question.

Mr. KILGORE. I move that the whole subject be laid upon the table.

Mr. BOCOCK. Let that be a test vote.

Mr. STEPHENS, of Georgia. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 121, nays 79; as follows:

YEAS—Messrs. Abbott, Adrain, Andrews, Atkins, Billinghurst, Bingham, Blair, Bliss, Bocock, Branch, Brayton, Buffinton, Burlingame, Burnett, Burroughs, Case, Caskie, Horace F. Clark, Clawson, Cobb, Clark B. Cochrane, Cockerill, Colfax, Comins, Covode, Cragin, Curry, Curtis, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dodd, Durfee, Edie, Edmundson, English, Farnsworth, Fenton, Foster, Garnett, Giddings, Gilman, Gooch, Goodwin, Granger, Gregg, Robert B. Hall, Harlan, Harris, Haskin, Hickman, Hoard, Horton, Houston, Howard, George W. Jones, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Leach, Leiter, Letcher, Lovejoy, McQueen, Moore, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Nichols, Olin, Parker, Pettit, Peyton, John S. Phelps, Phillips, Pike, Pottle, Powell, Purviance, Ready, Ricaud, Ritchie, Robbins, Roberts, Royce, Ruffin, Russell, Sandidge, Savage, Scales, Henry M. Shaw, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Miles Taylor, Thayer, Thompson, Tompkins, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Ellihu B. Washburne, Israel Washburn, Wilson, and Winslow—121.

NAYS—Messrs. Ahl, Anderson, Avery, Barksdale, Barr, Bennett, Bishop, Bowie, Boyce, Bryan, Burns, Cavanaugh, Chapman, Ezra Clark, John B. Clark, Clay, John Cochrane, Corning, Cox, James Craig, Burton Craige, Davidson, Davis of Mississippi, Dimmick, Dowdell, Faulkner, Florence, Foley, Gartrell, Gilmer, Goode, Greenwood, Grover, Lawrence W. Hall, Hawkins, Hodges, Hopkins, Jackson, Jenkins, Jewett, Lamar, Landy, Leidy, Maclay, McKibbin, McRae, Humphrey Marshall, Samuel S. Marshall, Mason, Maynard, Miller, Millson, Montgomery, Niblack, Pendleton, Reagan, Reilly, Scott, Searing, Seward, Aaron Shaw, Shorter, Robert Smith, Stephens, Stevenson, James A. Stewart, Talbot, Underwood, Vallandigham, Vance, Ward, Watkins, White, Whiteley, Wood, Woodson, Wortendyke, Augustus R. Wright, and Zollicoffer—79.

So the subject was laid upon the table.

Pending the above call,

Mr. CLAY asked whether the motion carried everything to the table?

The SPEAKER replied that it did.

Mr. DEWART not being within the bar when his name was called, asked leave to vote.

Objection was made.

Mr. DEWART would have voted in the negative.

Mr. KILGORE moved to reconsider the vote by which the bill was laid upon the table; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

DACOTAH.

Mr. STEPHENS, of Georgia, from the Committee on Territories, reported a bill to provide a temporary government in the Territory of Dacotah; which was read a first and second time.

Mr. STEPHENS, of Georgia. Mr. Speaker, I do not propose to discuss this bill, but I shall ask that it be put on its passage. There was a number of counties cut off from Minnesota when it was transferred from a Territory to the condition of a State. They are outside of the State, without any government at all. I think that this territorial government ought to be created. But I leave the subject to the House. I move to recommit, and on that call for the previous question.

Mr. MORGAN. I move to lay the subject upon the table.

Mr. HASKIN. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 137, nays 62; as follows:

YEAS—Messrs. Abbott, Adrain, Andrews, Atkins, Barksdale, Billinghurst, Bingham, Blair, Bliss, Bocock, Bonham, Boyce, Branch, Brayton, Bryan, Buffinton, Burlingame, Burnett, Burns, Burroughs, Case, Caskie, Ezra Clark, Horace F. Clark, John B. Clark, Clawson, Cobb, Clark B. Cochrane, Cockerill, Colfax, Comins, Covode, Cragin, Burton Craige, Crawford, Curry, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Dawes, Dean, Dick, Dodd, Dowdell, Edie, Edmundson, English, Fenton, Foster, Garnett, Gartrell, Giddings, Gilman, Gooch, Goode, Goodwin, Granger, Greenwood, Gregg, Robert B. Hall, Harlan, Harris, Haskin, Hawkins, Hickman, Hoard, Houston, Howard, George W. Jones, Owen Jones, Keim, Keitt, Kellogg, Kelsey, Kilgore, Knapp, Leach, Leiter, Letcher, Lovejoy, McQueen, McRae, Millson, Moore, Morgan, Morrill, Edward Joy Morris, Freeman H Morse, Oliver A. Morse, Mott, Murray, Nichols, Olin, Parker, Pettit, Peyton, John S. Phelps, Phillips, Pike, Pottle, Powell, Purviance, Ready, Reagan, Ricaud, Ritchie, Robbins, Roberts, Royce, Ruffin, Russell, Sandidge, Savage, Scales, Henry M. Shaw, Judson W. Sherman, Shorter, Spinner, Stanton, William Stewart, Tappan, Miles Taylor, Thayer, Thompson, Tompkins, Trippe, Vance, Wade, Walbridge, Walton, Cadwalader C. Washburn, Ellihu B. Washburne, Israel Washburn, Watkins, Whiteley, Wilson, and Winslow—137.

NAYS—Messrs. Ahl, Anderson, Barr, Bishop, Bowie, Cavanaugh, Chaffee, Chapman, Clay, John Cochrane, Corning, Cox, James Craig, Davidson, Davis of Iowa, Dimmick, Elliott, Farnsworth, Faulkner, Florence, Foley, Gilmer, Grover, Lawrence W. Hall, Hill, Hodges, Hopkins, Horton, Jackson, Jenkins, Jewett, Lamar, Landy, Leidy, Maclay, Humphrey Marshall, Samuel S. Marshall, Mason, Miller, Montgomery, Isaac N. Morris, Niblack, Pendleton, Reilly, Scott, Searing, Seward, Aaron Shaw, Singleton, Robert Smith, Stephens, Stevenson, James A. Stewart, Talbot, Underwood, Vallandigham, Waldron, Ward, Woodson, Wortendyke, Augustus R. Wright, and Zollicoffer—62.

So the bill was laid upon the table.

Mr. COLFAX stated that he was in favor of the organization of the Territory, but opposed to the provisions of the pending bill; and that, therefore, he would vote in the affirmative.

Mr. MORGAN moved to reconsider the vote by which the bill was laid upon the table; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

TERRITORY OF JEFFERSON.

Mr. STEPHENS, of Georgia, from the Committee on Territories, reported a bill to provide a temporary government for the Territory of Jefferson; which was read a first and second time.

Mr. STEPHENS, of Georgia, moved to recommit the bill; and on that motion called the previous question.

Mr. MASON. If the morning hour has expired I move to go to the business upon the Speaker's table.

The SPEAKER. The morning hour has not yet expired.

Mr. KELLOGG. I desire to offer the same amendment to this bill that I offered to the Arizona bill.

Mr. DAVIS, of Indiana, moved that the bill be laid upon the table.

The question was taken; and the bill was laid upon the table.

NEBRASKA LEGISLATURE.

Mr. CLARK, of Missouri, from the Committee on Territories, reported back a bill of the following title; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill (H. R. No. 745) providing for defraying the expenses of an extra session of the Legislative Assembly of the Territory of Nebraska.

TERRITORIAL REPORTS.

Mr. CLARK, of Missouri, from the Committee on Territories, reported the following bills; which

were read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

A bill making an appropriation to build a prison-house in the Territory of Kansas;

A bill making an appropriation for the completion of the capitol of the Territory of Utah;

A bill making an appropriation to complete the capitol of the Territory of Nebraska, and to build a prison-house in said Territory; and

A bill making an appropriation for the completion of the capitol and penitentiary in the Territory of New Mexico.

COMMITTEE DISCHARGED.

On motion of Mr. CLARK, of Missouri, the Committee on Territories was discharged from the further consideration of the following bills; and the same were laid upon the table:

A joint resolution of the Legislative Assembly of the Territory of Nebraska, asking for an appropriation to bridge the Platte river, in said Territory;

A bill (H. R No. 747) for the relief of the city of Omaha, in the Territory of Nebraska; and

A bill (H. R. No. 744) to provide for a geological and mineralogical survey of the Territory of Nebraska.

Mr. ZOLLICOFFER, from the same committee, asked that that committee be discharged from the further consideration of a resolution instructing that committee to inquire into the expediency of amending the organic acts establishing territorial governments for New Mexico and Washington, so that the number of members in each of the two branches of the Legislative Assembly shall be equal to the number provided for in section four of the act approved March 3, 1849, to establish the territorial government of Minnesota, and that the same be laid upon the table; which motion was agreed to.

On motion of Mr. ZOLLICOFFER, the Committee on Territories was discharged from the further consideration of the subject of the expediency of making appropriations to increase the territorial libraries of New Mexico, Utah, Washington, Kansas, and Nebraska; and the same was laid on the table.

Mr. GROW, from the Committee on Territories, reported back adversely, a bill (H. R. No. 702) to authorize the laying out and constructing of a post road from Leavenworth city, in the Territory of Kansas, to the head waters of the south fork of the Platte river, near Pike's Peak, in the Territory of Kansas; and the committee was discharged from the further consideration thereof.

HESTER SARGENT BARTON.

Mr. FLORENCE, from the Committee on Invalid Pensions, reported a bill granting a pension to Hester Sargent Barton; which was read a first and second time, referred to a Committee of the Whole House on the Private Calendar, and, with the report, ordered to be printed.

RACHEL M'MILLAN.

Mr. FLORENCE also, from the same committee, reported a bill for the relief of Mrs. Rachel McMillan; which was read a first and second time, referred to a Committee of the Whole House on the Private Calendar, and, with the report, ordered to be printed.

MYRA CLARK GAINES.

Mr. FLORENCE also, from the same committee, reported back a bill (S. No. 383) for the relief of Myra Clark Gaines, with a recommendation that it do pass; and asked that the bill be put upon its passage.

The bill was read. It directs the Secretary of the Interior to place the name of Myra Clark Gaines, widow of the late Major General Edmund P. Gaines, upon the pension roll, at the rate of half the pay per month to which the said Gaines was entitled at his death, to commence from the 6th day of June, 1849, and to continue during her natural life.

Mr. FLORENCE. The history of this case is well known, and as the time of the House is so valuable, I will not now trespass upon it. I ask that the bill be passed, and—lest the morning hour should expire—I move to have it recommitted, and ask the previous question.

Mr. SMITH, of Virginia. Is it not in order to put it on its passage now?

The SPEAKER. That is what the gentleman from Pennsylvania proposes to do.

The previous question was seconded, and the main question ordered; and under its operation the bill was read a third time.

Mr. FLORENCE moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. COBB moved to lay the bill on the table.

The motion was not agreed to.

Mr. CRAWFORD called for the yeas and nays, and for tellers on the yeas and nays.

Tellers were ordered; and Messrs. BOYCE and CHAFFEE were appointed.

The House divided; and the tellers reported—ayes twenty-two, noes not counted.

So the yeas and nays were not ordered.

Mr. CRAWFORD. This bill is to be rushed through the House, without the yeas and nays, when there is not a dollar in the Treasury, and but little prospect of any. It is a mere gratuity, and reverses the whole policy of the Government from its foundation in regard to pensions.

Mr. DAVIS, of Mississippi. I object to debate.

Mr. CRAWFORD. I have said all that I desire to say.

Mr. DAVIS, of Mississippi. You have said more than you ought to have said.

Mr. CRAWFORD. Of that alone I am to be the judge.

The question was taken, and the bill was passed.

Mr. FLORENCE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

BUSINESS ON THE SPEAKER'S TABLE.

Mr. BUFFINTON. Has the morning hour expired?

The SPEAKER. It has expired.

Mr. MORRILL. I move that the House do now proceed to the consideration of business on the Speaker's table for the purpose of taking up House bill No. 2, with the Senate amendments.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union; and on that I call for tellers.

Tellers were ordered, and Messrs. CRAIG, of Missouri, and BUFFINTON were appointed.

The House divided; and the tellers reported—ayes 82, noes 93.

Mr. BURNETT called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 89, nays 99; as follows:

YEAS—Messrs. Ahl, Anderson, Atkins, Barksdale, Barr, Bliss, Bocock, Bowie, Branch, Burnett, Burns, Cavanaugh, John B. Clark, Cobb, John Cochrane, Cockerill, Corning, Cox, James Craig, Crawford, Curry, Davidson, Davis of Indiana, Davis of Mississippi, Edmundson, Elliott, English, Faulkner, Fenton, Florence, Garnett, Goode, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hickman, Hopkins, Houston, Jackson, Jewett, George W. Jones, Keitt, Lamar, Leidy, Letcher, Maclay, McQueen, McRae, Samuel S. Marshall, Miles, Miller, Millson, Isaac N. Morris, Mott, Niblack, Nichols, Pendleton, Peyton, John S. Phelps, William W. Phelps, Phillips, Powell, Reagan, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Searing, Seward, Henry M. Shaw, Shorter, Singleton, Stallworth, Stevenson, James A. Stewart, Talbot, Miles Taylor, Vallandigham, Ward, Watkins, White, Winslow, Woodson, Wortendyke, and Augustus R. Wright—89.

NAYS—Messrs. Abbott, Adrain, Billinghurst, Bingham, Blair, Brayton, Buffinton, Burlingame, Burroughs, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Clawson, Colfax, Comins, Covode, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dodd, Durfee, Edie, Farnsworth, Foley, Foster, Gilman, Gilmer, Gooch, Goodwin, Grow, Robert B. Hall, Harlan, Haskin, Hill, Hoard, Hodges, Horton, Howard, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Landy, Leach, Lovejoy, Humphrey Marshall, Mason, Maynard, Montgomery, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Murray, Olin, Parker, Pettit, Pike, Pottle, Purviance, Ready, Reilly, Ricaud, Robbins, Roberts, Royce, Aaron Shaw, John Sherman, Judson W. Sherman, Robert Smith, Spinner, Stanton, Tappan, Thayer, Thompson, Tompkins, Trippe, Underwood, Vance, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Wilson, Wood, and Zollicoffer—99.

So the rules were not suspended.

During the vote,

Mr. GARTRELL stated that he had paired off on the vote with Mr. HARRIS.

Mr. POTTLE stated that his colleague, Mr. PALMER, was detained at home by illness in his family.

The vote having been announced,

The question recurred on Mr. MORRILL's motion, to proceed to the consideration of business on the Speaker's table.

The motion was agreed to.

UNITED STATES PROPERTY IN PETERSBURG.

The House accordingly proceeded to the consideration of business on the Speaker's table, and took up joint resolution (H. R. No. 39) to authorize the Secretary of the Treasury to sell a certain plat of land in the city of Petersburg, Virginia, belonging to the United States, with the following amendment of the Senate thereto:

At the end of the bill, add the following proviso:

Provided, The Secretary of the Treasury shall fix the minimum, below which the said lot shall not be sold.

The amendment was concurred in.

MOBILE AND OHIO RAILROAD COMPANY.

The next bill taken up was an act (H. R. No. 669) for the relief of the Mobile and Ohio Railroad Company, with the following amendment of the Senate thereto:

Add to the end of the bill the following proviso:

Provided, nevertheless, That the said Mobile and Ohio Railroad Company be subject to, and shall comply with, all the conditions, restrictions, and limitations contained in the act of Congress above referred to, approved September 20, 1850; and provided nothing herein contained shall be construed so as to release the States of Mississippi or Alabama from any liabilities imposed upon them by the said act of September 20, 1850.

The amendment was concurred in.

AGRICULTURAL COLLEGE BILL.

The next bill taken up was an act (H. R. No. 2) donating public lands to the several States which may provide colleges for the benefit of agriculture and the mechanic arts, with the following amendments of the Senate thereto:

First amendment:

Page 1, line five, after the word "mentioned," strike out "five million nine hundred and twenty thousand acres of" and insert in lieu thereof, "an amount of public."

Second amendment:

Line eleven, after the word "entitled," insert the following proviso:

Provided, That to each State whose number of members in the House of Representatives shall be increased by the next apportionment under the census of 1860, there shall be granted the additional quantity of twenty thousand acres of land upon the same terms, as soon as said apportionment shall be made: *And provided further*, That no mineral lands shall be selected or purchased under the provisions of this act.

Third amendment:

Page 2, line ten, after the word "State," insert "or Territory."

Fourth amendment:

Page 5, line thirteen, after the word "institution" strike out "and the agricultural department of the Patent Office, at Washington."

Mr. MORRILL. I think the House understands fully the amendments as they have been read from the Clerk's desk. The main and material amendment is, that all those States that shall have an increase of representation after the census of 1860, shall have an additional twenty thousand acres for each Representative they may have over and above what they have under the apportionment of 1850.

The other amendment inserting the words "or Territory," relates to a provision, that in no case shall any State, to which land scrip may be issued, locate the same within the limits of any other State, and extends that provision to Territories.

The last amendment, striking out the agricultural department of the Patent Office at Washington, is quite immaterial, because the bill provides that the reports shall be made to the Smithsonian Institution, where they will be equally accessible as they would be, if sent to the Patent Office. I now call the previous question on concurring in the amendments.

Mr. BRANCH. I would like to ask the gentleman from Vermont one question.

Mr. MORRILL. I must decline to withdraw the previous question for any one.

Mr. COBB. I move to lay the amendments upon the table.

Mr. BLISS. I ask for the reading of the bill, as amended by the Senate.

Mr. WASHBURNE, of Illinois. That is not in order. The original text has passed from the consideration of the House.

Mr. BLISS. The effect of this motion is to kill the bill, and have we not the right to know what it is?

The SPEAKER. The effect of which motion?

Mr. BLISS. The motion to lay the amendments on the table, which would carry the bill with it. I want the bill read as it will stand if the amendments of the Senate are concurred in.

The SPEAKER. The Chair supposes, that as each amendment comes to be voted on separately, the gentleman will have a right to have the section, as amended, read; but the Chair supposes that the gentleman has no right to call for the reading of the original bill.

Mr. BLISS. Very well, sir.

Mr. COBB demanded the yeas and nays on the motion to lay the amendments on the table.

The yeas and nays were ordered.

Mr. CRAWFORD. Is a motion that there be a call of the House, in order?

The SPEAKER. It is.

Mr. CRAWFORD. I submit that motion. We want a full vote upon this question.

Mr. PHELPS, of Missouri. Let the vote be postponed until twelve o'clock to-morrow, and then we can have a full vote.

Mr. SEWARD. I object to debate.

Mr. WASHBURN, of Maine. I would inquire of the chairman of the Committee of Ways and Means if he is desirous of going on with the public business, and passing the appropriation bills?

Mr. PHELPS, of Missouri. I am.

Mr. WASHBURN, of Maine. Then why does he vote for the yeas and nays in order to consume time?

The SPEAKER. Debate is not in order.

Mr. McQUEEN. I demand the yeas and nays on the motion for a call of the House.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 62, nays 133; as follows:

YEAS—Messrs. Anderson, Atkins, Avery, Barksdale, Bonham, Bowie, Bryan, Caskie, Cavanaugh, Chapman, John B. Clark, Cockerill, Corning, James Craig, Crawford, Davidson, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Elliott, Garnett, Gartrell, Goode, Gregg, Grover, Lawrence W. Hall, Hodges, Hopkins, Houston, Jackson, Jenkins, George W. Jones, Keitt, Lamar, Leidy, Letcher, McQueen, McRae, Miles, Miller, Millson, Montgomery, Pendleton, Powell, Reagan, Ruffin, Scales, Shorter, Singleton, William Smith, Stallworth, Stephens, Stevenson, James A. Stewart, George Taylor, Miles Taylor, Vallandigham, Watkins, White, Whiteley, and Winslow—62.

NAYS—Messrs. Abbott, Adrain, Ahl, Andrews, Billinghurst, Bingham, Bishop, Blair, Bliss, Boyce, Branch, Brayton, Buffinton, Burlingame, Burnett, Burroughs, Case, Chaffee, Horace F. Clark, Clawson, Clay, Cobb, Clark B. Cochrane, John Cochrane, Colfax, Comins, Covode, Cox, Cragin, Curry, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dodd, Durfee, Edie, English, Eustis, Farnsworth, Fenton, Florence, Foley, Foster, Giddings, Gilman, Gilmer, Gooch, Goodwin, Granger, Greenwood, Grow, Robert B. Hall, Harlan, Harris, Haskin, Hill, Hoard, Horton, Howard, Huyler, Owen Jones, Kelm, Kellogg, Kelsey, Kilgore, Knapp, Leach, Leiter, Lovejoy, Maclay, Humphrey Marshall, Samuel S. Marshall, Mason, Maynard, Moore, Morgan, Morrill, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Niblack, Nichols, Olin, Parker, Pettit, Peyton, John S. Phelps, William W. Phelps, Phillips, Pike, Pottle, Purviance, Ready, Reilly, Ricaud, Ritchie, Robbins, Roberts, Royce, Russell, Sandidge, Scott, Searing, Seward, John Sherman, Judson W. Sherman, Robert Smith, Spinner, Stanton, Talbot, Tappan, Thayer, Thompson, Tompkins, Trippe, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Wilson, Wood, Augustus R. Wright, and Zollicoffer—133.

So the House refused to order a call.

The question recurred upon Mr. COBB's motion to lay the amendments on the table; and being taken, it was decided in the negative—yeas 95, nays 108; as follows:

YEAS—Messrs. Anderson, Atkins, Barksdale, Barr, Bliss, Bocock, Bonham, Boyce, Branch, Bryan, Burnett, Caskie, Cavanaugh, John B. Clark, Clay, Cobb, John Cochrane, Cockerill, Cox, James Craig, Burton Craige, Crawford, Curry, Davidson, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Faulkner, Florence, Garnett, Gartrell, Goode, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Houston, Jackson, Jenkins, Jewett, George W. Jones, Owen Jones, Keitt, Lamar, Leidy, Leiter, Letcher, Maclay, McQueen, McRae, Samuel S. Marshall, Mason, Miles, Miller, Millson, Montgomery, Moore, Isaac N. Morris, Mott, Niblack, Pendleton, Peyton, John S. Phelps, William W. Phelps, Phillips, Powell, Ready, Reagan, Ruffin, Sandidge, Savage, Scales, Searing, Henry M. Shaw, Shorter, Singleton, William Smith, Stallworth, Stephens, Stevenson, James A. Stewart, Talbot, Miles Taylor, Trippe, Vallandigham, Ward, Watkins, Whiteley, Winslow, and Woodson—95.

NAYS—Messrs. Abbott, Adrain, Ahl, Andrews, Billinghurst, Bingham, Bishop, Blair, Bowie, Brayton, Buffinton, Burlingame, Burroughs, Case, Chaffee, Chapman, Horace F. Clark, Clawson, Colfax, Comins, Corning, Covode, Curtis, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dimmick, Dodd, Durfee, Edie, Eustis, Farnsworth, Foley, Foster, Gilman, Gilmer, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Harris, Hill, Hoard, Hodges, Horton, Howard, Huyler, Kelm, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Landy, Leach, Lovejoy, Humphrey Marshall, Maynard, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Murray, Palmer, Parker, Pike, Pottle, Purviance, Reilly, Ricaud, Ritchie, Robbins, Roberts, Royce, Scott, Seward, John Sherman, Judson W. Sherman, Robert Smith, Spinner, Stanton, William Stewart, Tappan, Thayer, Thompson, Tompkins, Underwood, Vance, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, White, Wilson, Wood, Wortendyke, Augustus R. Wright, and Zollicoffer—108.

So the House refused to lay the amendments upon the table.

During the call of the roll,

Mr. CLARK B. COCHRANE stated that he had paired off with his colleague, Mr. FENTON.

Mr. BLISS said: I wish to say, that I am in favor of the object of the bill, but opposed to the land scrip part of it. I vote "ay."

Mr. SCOTT said: Last year I voted against this bill. Since that time the Legislature of the State of California has passed resolutions instructing the Senators and requesting the Representatives from that State to vote for it. I am still opposed to the bill; but acquiescing in the action of the Legislature of my State, I vote "no."

The result having been announced as above recorded, the question recurred on the demand for the previous question.

The previous question was seconded; and the main question ordered.

The first amendment of the Senate was agreed to.

Mr. READY. I desire to make a personal explanation in reference to the vote I gave just now. My attention was called off for a moment, in reference to the duties of the committee on which I am serving, so that I was not informed of the question before the House until just before my name was called. I then inquired of a gentleman near me, and I suppose I misunderstood him. If I had understood the question I should have voted in the negative.

The second amendment of the Senate was agreed to.

Mr. HILL. I beg leave to state, in justice to myself, that the vote which I gave a few minutes ago against laying the Senate amendments upon the table, was given for the purpose of bringing the amendments before the House. I vote against every one of them; and would do so on the yeas and nays, because I am against the bill, but I would not prevent the amendments from coming before the House.

The third and fourth amendments of the Senate were then agreed to.

Mr. MORRILL moved to reconsider the votes by which the amendments were respectively agreed to, and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

WRIGHT FORE.

The next bill taken up, was a bill of the House (No. 522) for the relief of Wright Fore, returned from the Senate with an amendment.

The amendment was read and concurred in, as follows:

In line seven, after the word "of," strike out "eight," and insert in lieu thereof "six," so that the bill will read:

That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Wright Fore on the invalid pension roll, at the rate of six dollars per month

EVELINA PORTER.

The next bill taken up was a bill (H. R. No. 458) for the relief of Evelina Porter, widow of the late Commodore David Porter, of the United States Navy.

The SPEAKER. This bill has been returned from the Senate with the following amendments:

First amendment:

Line eight strike out the words "invalid pensions;" and insert in lieu thereof "pensioners;" so that the bill shall read:

"Upon the list of pensioners," &c.

Second amendment:

Line nine, after the word "month," strike out "for five years;" so that the bill shall read:

"To be paid at the rate of $30 per month."

Third amendment:

Strike out after the words "fifty-eight," all to the end of the bill; which is as follows:

"If the said Evelina Porter shall intermarry before the expiration of the five years, then the said pension shall cease at the date of such intermarriage."

The amendments of the Senate were concurred in.

INDIAN APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I move to suspend the rules, and that the House resolve itself into the Committee of the Whole on the state of Union.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. HOUSTON in the chair,) and resumed the consideration of the Indian appropriation bill.

The CHAIRMAN stated the question before the committee to be the Senate amendments to the Indian appropriation bill, and that the pending question was on agreeing to the eleventh amendment, of the Senate.

The Clerk read the eleventh amendment of the Senate, as follows:

Strike out section third, as follows:

"SEC. 3. *And be it further enacted*, That the amounts hereby appropriated for the payments of the Miamis of Kansas and the Miamis of Indiana shall be paid in conformity to the first proviso of the first amendment to the fourth article of the Senate amendment to the treaty with the Miamis of 5th June, 1854, and not otherwise: *Provided, however*, That no portion of the money hereby appropriated shall be expended in any way otherwise than as provided for in this act."

The CHAIRMAN. There was an appeal from the decision of the Chair immediately pending when the committee rose.

Mr. LETCHER. I withdraw that appeal.

The amendment was concurred in.

Twelfth amendment of the Senate:

Add the following additional section:

SEC. 3. *And be it further enacted*, That from and after the 30th day of June next, the fifth section of the act establishing the Department of the Interior, approved March 3, 1849, be, and the same is hereby, repealed, and that the Office of Indian Affairs be then transferred to, and made part of, the Department of War, with all the books, records, papers, and business pertaining to Indian affairs then in possession of, or pending before, the Department of the Interior; and the Secretary of War shall, from and after the 30th day of June next, be, and he is hereby, reinvested with and shall exercise all the supervisory, appellate, and other powers and duties in relation to Indian affairs which are prescribed by the act entitled "An act to provide for the appointment of a Commissioner of Indian Affairs, and for other purposes," approved July 9, 1832: *Provided*, That where a difference of opinion shall arise between the Secretary of War and the Secretary of the Interior upon any point touching any Indian reservation, the question shall be referred to the President, and his decision shall be final.

Mr. BLAIR. I ask the House to permit me to make a personal explanation, in reply to the remarks of the gentleman from Ohio, [Mr. COX,] made yesterday, when I was absent from the Hall for a few moments.

Mr. PHELPS, of Missouri. I must object. I was about calling the gentleman from Ohio [Mr. Cox] to order yesterday, when I was anticipated by the gentleman from New York, [Mr. MORGAN.]

Mr. BLAIR. I move to amend the amendment of the Senate by striking out the last proviso.

Mr. Chairman, I offered an amendment, when this bill was before the House, in the early part of last month, providing that no portion of the money therein appropriated shall be expended for the purchase of arms and ammunition for the Indians, which amendment was concurred in by the House and Senate; and I made some remarks on that amendment, showing the folly and imbecility of our Indian policy. Yesterday, the gentleman from Ohio [Mr. Cox] undertook to deny the facts that I stated; and said that Mr. Manypenny, formerly Commissioner of Indian Affairs, and now a constituent of his, had not been notified that the Indians, to whom he was furnishing these arms, were hostile, and therefore my statement was unfounded. He said, further, that if this preposterous charge were true——

Mr. PHELPS, of Missouri. I rise to a question of order. This personal explanation will lead to personal explanations upon the other side.

Mr. COX. I hope the gentleman will be allowed to go on. I want to reply to him.

Mr. PHELPS, of Missouri. And thus time will be consumed.

Mr. COX. Objection was made to my proceeding yesterday.

Mr. BLAIR. I intend to show that the amendment of the Senate is a proper amendment, and that we ought to adopt it.

The CHAIRMAN. The gentleman proposes to amend the amendment of the Senate, and he must confine his remarks to his amendment. The debate now in order must be confined to the amendment to the Senate amendment.

Mr. RITCHIE. I take an appeal if the Chair decides that it is not in order to compare the amendment of the Senate with the original section.

The CHAIRMAN. The Chair has made no such decision. He does not say that a comparison may not be made with the bill, or any part of it.

Mr. BLAIR. The gentleman from Ohio puts a hypothetical case that, if the charge, as made by me be true, then this Commissioner is guilty of culpable stupidity, or of the grossest malfeasance in office. I intend to show that that denunciation of his constituent, by himself, is just.

The CHAIRMAN The Chair does not think that pertinent to the amendment.

Mr. BLAIR. I intend to direct my remarks to the amendment of the Senate. I want to show that this Indian bureau ought to be removed to the War Department.

Mr. CRAIG, of Missouri. I move that my colleague be allowed to proceed in reply to the remarks of the gentleman from Ohio.

Mr. COX. The charge was originally made by the gentleman from Missouri, and I only put in a denial.

Mr. BLAIR. Not only are the remarks I made upon this floor true, as to the fact that the Commissioner of Indian Affairs, Mr. Manypenny, furnished the Indians with arms who were hostile to the white people; not only is that true, but Mr. Jefferson Davis, at that time Secretary of War, declared, in his place in the other House, that when the War Department was sending out troops against them, the Commissioner was arming those Indians to fight these troops. Now, sir, to show that the Commissioner knew that these Indians were hostile, I shall proceed to read from the report of Miller, the Indian agent. He says:

"On the morning of the 12th July, all hands having come in, and having all things ready, I called the chiefs of the two tribes together, for the purpose of having a talk before making the distribution. The Comanches came forward as friends, in a friendly manner; the Kiowas with sullen countenances, and with bows strung, and their hands full of arrows, impatient for the least excuse to make an attack. I spoke to them as plainly as circumstances surrounding would permit, telling them their Great Father had heard of the wrongs they had committed on the road, and that he was angry, and if they persisted in their outrageous conduct he would certainly send his soldiers against them, who would destroy them as fire does the grass on the prairie. To which they replied, as might have been expected, in a taunting and contemptuous manner. They said they knew their Great Father sent them presents because he feared them; that he was no brave, or he would not talk so much, but would act; would send the soldiers, of whose coming they had been told of from year to year, but had never seen yet on the prairie.

"There is no use of denying the fact that the sending of presents to these Indians from year to year, notwithstanding their continued and almost daily outrages on the Santa Fé trail, can have no other effect than to create a contempt in their minds for the Government; and, if persisted in, must inevitably result in an outbreak of all the other tribes in my agency. The head men of their tribes told me that it was with the greatest difficulty they were able to control their young men, who, seeing the Kiowas have not only thus far escaped the punishment due them, but received their presents as if they had done no wrong, and this regularly every year.

"I would, therefore, earnestly, but respectfully, urge that the punishment so richly deserved be no longer withheld, and that no more presents be sent to them until they have been brought to a proper sense of their obligations to the Government. I subsequently learned at Bent's Fort, that on the very day I distributed to them, a war party of Kiowas laid waste a ranche near Moro, New Mexico."

Now, sir, here is what the superintendent of Indian affairs, in the Missouri or central agency, says, in his letter to Mr. Manypenny, about these very Indians:

"The Comanches, who spend the winter months in the country below the Arkansas, committing depredations along the frontiers of Texas as far as the Rio Grande, are a wild and intractable race; well supplied with horses, they enrich themselves by rapine in the south, and in the spring proceed northwardly in pursuit of buffaloes. They pitch their lodges on the banks of the Arkansas, and there await the annual arrival of their agent with the goods for distribution among them. The annuities they receive from the Government they regard as a compensation for permitting travelers to pass unmolested along the Santa Fé road. They, like the Kiowas, are audacious and insolent, and always exhibit to the Indian agent evidences of their power, and their utter contempt for the officers of the Government."

That is what Mr. Cummings, the superintendent of Indian affairs for that district, says.

[Here the hammer fell.]

Mr. BLAIR. I withdraw my amendment; and move now to strike out the last line of the amendment.

The CHAIRMAN. With the consent of the committee, the gentleman from Missouri withdraws his amendment, and proposes to amend by striking out the last line of the amendment.

Mr. COX. I object to the gentleman withdrawing his amendment, unless I have a chance to answer him. If I have, I am perfectly willing that the gentleman shall proceed.

Mr. BLAIR. I will not withdraw the amendment I now offer; and as the gentleman from Ohio can speak in opposition, I hope he will not consume all my time.

Mr. COX. All I want is an understanding that I shall have an opportunity of replying.

The CHAIRMAN. The gentleman from Ohio has a right to object to the withdrawal of the amendment.

Mr. BLAIR. It is too late, now. I offered another amendment before the gentleman objected.

Mr. BURNETT. I rise to a question of order. I say, in advance, that I have no objection—if the committee be willing to indulge them—that these gentlemen should go on *ad libitum*. But I am opposed to this sort of debate, which is out of order. The gentleman ought to be confined to his amendment; and I insist upon it, unless permission be given.

Mr. BLAIR. I never asked to make a personal explanation in the House before.

The CHAIRMAN. The gentleman from Kentucy will remember that the Chair expressly submitted to the committee, whether it would consent to the explanation. The Chair ruled the gentleman out of order, and said that if the point of order were insisted upon, the Chair would cut off the debate. The committee acquiesced, and permitted the gentleman to proceed.

Mr. BURNETT. For five minutes. I make another question of order, that the gentleman cannot withdraw his amendment, and, by offering an amendment, thereby retain the floor.

The CHAIRMAN. The gentleman from Kentucky will remember, that under the 34th rule, a gentleman has permission to withdraw his amendment, if the committee shall consent to it, and then he can propose to amend again. If objection had been made, the Chair would have ruled that the amendment could not be withdrawn.

Mr. BURNETT. The Chair will recollect that the gentleman from Ohio [Mr. Cox] did object.

Mr. COX. I made the objection.

The CHAIRMAN. If the gentleman from Ohio states that he made objection, of course the Chair will recognize him.

Mr. COX. I made the objection; but I said that, with the understanding that I could reply, I would withdraw my objection.

The CHAIRMAN. Did the gentleman from Ohio state that he made an objection at the time the Chair put the question to the committee?

Mr. COX. I made the objection; but I withdraw it, with the understanding that I shall be allowed to reply.

Mr. BLAIR. Here is what Mr. Manypenny says, in reply to the suggestion made to him by Mr. Miller, the Indian agent.

Mr. PHELPS, of Missouri. I rise to a question of order. The remarks of the gentleman are not in support of the amendment submitted by him.

Mr. BLAIR. I intend to come to that point, and show that my remarks are relevant.

The CHAIRMAN. The Chair has heard the gentleman for one five minutes, and does not regard the remarks of the gentleman as explanatory.

Mr. BLAIR. More of my time has been occupied by the Chair and by the gentleman on the other side than by myself; and it is only equity that I should have five minutes more.

The CHAIRMAN. The Chair is perfectly willing to indulge the gentleman, with the consent of the committee.

Mr. BURNETT. With the permission of the gentleman from Missouri, I will say that if this personal explanation is to be made, I have no objection to it; but I want both gentlemen to be heard. With that understanding, I shall certainly interpose no objection.

Mr. PHELPS, of Missouri. I must object to any arrangement of that kind, and must insist that debate shall be confined to the amendment.

The CHAIRMAN. The Chair decides that the gentleman's remarks are not in explanation of his amendment.

Mr. BLAIR. I intend to show that my remarks are relevant to the amendment of the Senate, and that, with my amendment, it ought to be adopted by the House.

The CHAIRMAN. The gentleman can show by his argument that his amendment ought to be adopted; and to enable him to do so he has a right to refer to that or any other amendment before the committee. But, then, the amendment proposed by the gentleman has no relevancy whatever to the action of the Commissioner of Indian Affairs.

Mr. BLAIR. I want to show that the Indian department ought to be placed under the War Department.

The CHAIRMAN. That is what the amendment of the Senate proposes, and the gentleman proposes to amend that amendment. The gentleman has a right to refer to the entire amendment to show that the amendment he proposes ought to be adopted.

Mr. BLAIR. Then I modify the amendment so as to make it take effect on the 25th of June.

Mr. PHELPS, of Missouri. I object to the withdrawal of the amendment.

Mr. BLAIR. Well, I have a right now to debate my amendment, and to show that the Indian department ought to be immediately transferred from the Interior to the War Department.

The CHAIRMAN. The gentleman has a right to debate his amendment to the Senate amendment.

Mr. BLAIR. And to show that the Indian department ought to be transferred at once to the War Department.

The CHAIRMAN. The amendment proposed by the gentleman from Missouri is to strike out the last line of the proviso to the amendment of the Senate.

Mr. BLAIR. I have withdrawn that amendment, and submitted another.

The CHAIRMAN. Objection was made to its withdrawal.

Mr. SEWARD. We are wasting time. I ask the unanimous consent of the committee that the gentleman from Missouri be allowed ten minutes to make his explanation. We shall save time by pursuing that course.

Mr. LETCHER. And let the gentleman from Ohio [Mr. Cox] have ten minutes to reply.

The CHAIRMAN. Is there objection to that arrangement?

Mr. CURRY. I object.

Mr. SEWARD. I hope the objection will be withdrawn; it will save time.

Mr. GROW. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Pennsylvania has not got the floor for the purpose of making that motion.

Mr. GROW. Who has the floor?

The CHAIRMAN. The gentleman from Missouri [Mr. BLAIR] is entitled to the floor.

Mr. BLAIR. Now, sir, in regard to this matter——

Mr. CURRY. I do not object to a personal explanation, but I do object to anything outside of that.

Mr. BLAIR. I desire to read, for the information of the House——

The CHAIRMAN. The gentleman from Missouri will suspend for a moment.

Mr. BLAIR. What is the matter now?

The CHAIRMAN. The Chair understands that the gentleman from Alabama [Mr. CURRY] withdraws his objection to ten minutes being allowed to the gentleman from Missouri to make his explanation, and ten minutes to the gentleman from Ohio to reply. Is there objection to that?

No objection was made.

The CHAIRMAN. Then the gentleman from Missouri will proceed.

Mr. BLAIR. What does Mr. Manypenny say about this Indian policy? What does he say about the suggestion of his own agent, who was sent there to acquire a knowledge of the disposition of the Indians towards the Government, and towards the whites? He says:

"The 'policy' of retaining a portion of the annuities of 1855–56 in the Treasury until next spring, was not submitted to the agent for his views. That question was determined here, and, with the approbation of the Secretary of the Interior, action was taken, of which you were informed by letter of 14th August, and the sums deemed proper sent forward, and which the agent has received. The propriety, or policy, of the measure did not come before agent Miller,

and his reference to the subject, in that point of view, is as inappropriate as his views are, in my opinion, inconsistent with the true interests of the Indians themselves."

That letter was not in response to the letter of the Indian agent which I have already read upon this floor. It is not in regard to the arms, I admit, but it is in regard to another suggestion made by the agent, and it shows how he snubbed this man Miller, his own agent, whom he had sent out to ascertain the disposition of the Indians, when he ventured to make a suggestion.

I will now show that Mr. Manypenny did send arms to the Indians, after their hostility was ascertained. I read from a letter of Colonel Sumner, dated August 19, 1857:

"SIR: The object of the Cheyenne expedition was to demand from that tribe the perpetrators of their late outrages upon the whites, and ample security for their future good conduct. Failing in this, those Indians were to be chastised. As they showed no disposition to yield to these demands upon them, but, on the contrary, met the troops in battle array, they have been whipped, and their principal town burnt to the ground. Under these circumstances I know it would not be the wish of the Government that the arms, ammunition, and other goods sent into the country for those Indians should be left here a prey for them to seize (which they would certainly do) as some indemnity for the chastisement they have received.

"I therefore feel it to be my duty to direct that all the goods for the Cheyennes, now at this place, be disposed of as follows: As you have no means of transportation, you will please turn over to Lieutenant Wheton, acting assistant commissary, all the subsistence stores, to be paid for at cost and charges, or replaced at this point whenever required by your Department. The ammunition will be destroyed. The guns, and as many of the goods as the quartermaster can transport, will be taken out of the country. The residue of the goods you will please distribute as you may think proper to the friendly Indians, as an advance on their next year's annuities. This, however will, of course, be subject to the approval of your Department."

That is a letter written by Colonel Sumner after his chastisement of the Cheyennes; and he had to seize the arms and ammunition then in the hands of the Indian agent upon the banks of the Arkansas, to prevent the Cheyennes from getting possession of them to use against his expedition, and against all the white men with whom they were in hostility. Did not the Government know, when the arms and ammunition were sent, that the Cheyennes were arrayed in hostility against the Government? The fact was known, because Colonel Sumner had been dispatched with instructions to chastise these very Indians.

Now, Colonel Manypenny, who was the Commissioner of Indian Affairs at the time these goods were sent, and is therefore responsible, says, in the article in the Ohio Statesman, which the gentleman from Ohio read yesterday:

"The editor of the Statesman did made a contract for some American rifles in the fall of 1856, to be supplied in the year 1857."

And these are the very guns that were on the banks of the Arkansas, and which Colonel Sumner was obliged to seize; they were American rifles. He pretends, in this article, that these Indians are entitled, under their treaty, to receive such arms from the Government. Now, I claim that they are not. The arms furnished to the Indians are what are called northwestern guns. They are little pop-guns, with which nothing can be killed but the buffaloes; because you cannot approach the smaller game near enough to kill with the northwestern gun; and they are perfectly useless in battle, against the troops armed with the usual arms of the service. It was the folly of this man, Manypenny; it was his "stupidity," as it has been denominated by his immediate Representative, that induced him to send out American rifles, and put them in the hands of Indians who were, at the time, arrayed in hostility against this Government, and against whom an armed expedition had been dispatched.

Now, there is another remarkable circumstance of which we have heard nothing here. In the report made by Miller, which I have read, he says that he made a report in 1856, advising the Department here, that Shavehead, the chief of the Comanches, being dead, the nation would be in hostility with the whites; and that report was suppressed by the Commissioner, or at least it was not printed, for I do not find it anywhere in the report of the Commissioner for 1856. I have it from men who saw this agent Miller deal out the rifles to these very Indians when they were hostile, and were insulting him and threatening him, and he excused himself to the white people who saw him, for so doing, by saying that he had written a letter to Commissioner Manypenny making a suggestion on the subject, and that he had been "snubbed" by Manypenny, the head of the department here in Washington, for interfering, or daring to advise him as to what was proper.

Now, sir, we all know—it is a matter of which we have heard authentically—that the rifles supplied by this Commissioner were manufactured at Lancaster, Pennsylvania, by a very good friend of the President, who has a contract for supplying American rifles to be given to the Indians who are in hostility with us. These very Indians had destroyed a rancho at the mouth of the Red cañon, on Canadian Fork of the Arkansas, as it is called, and had killed one white man and several Mexicans, shortly after being supplied by the Indian department with these American rifles. An appeal was made to General Garland, then commanding in New Mexico, for assistance to punish the Indians. He refused to give any assistance whatever. The same man declared war against the Navajo nation because they had killed a negro belonging to Captain Brooks, of the Army. It seems that all the while the Indian department was dealing out, with a liberal hand, arms to the hostile Indians to beat down the traffic across from Missouri to New Mexico, and when arms and ammunition were furnished to them, when they were hostile, yet the Government refused to give any kind of protection.

I believe that the whole policy of the Indian department is characterized by imbecility. That is the concurrent opinion of all persons who have had any dealings beyond the frontier of the country. I have daily communication with men who have spent their lives upon the wild prairies beyond the frontier, and I have had the pleasure of residing in the Territory of New Mexico for a short time; and I know, sir, that the trade between that country and Missouri has to run the gauntlet of hostile Indian tribes that are furnished with arms and ammunition from the Indian department.

[Here the hammer fell.]

Mr. COX obtained the floor.

Mr. GREENWOOD. I ask the gentleman to permit me to make a remark. I shall not pretend to enter into the controversy in regard to the conduct of Mr. Manypenny. I leave that to the gentleman from Missouri and the gentleman from Ohio. I will say, however, that, in my intercourse with Mr. Manypenny, I have always regarded him as an honest man. Perhaps, in his zeal to take care of the Indians under his charge, he may have committed errors. All I now desire to say is, that so far as the office is now constituted, the policy is, has been, and I understand will be, where Indians assume a hostile attitude toward the Government or people of the United States, to withhold annuities, of whatever character, that may be due them.

Mr. COX. Mr. Chairman, the statement of the gentleman from Arkansas is doubtless right, and the policy he refers to is also right. I believe that it was the policy uniformly pursued by ex-Commissioner Manypenny. The charge which the gentleman from Missouri made here was, that Colonel Manypenny, after being advised specifically by agent Miller, that these tribes were hostile, and were using these arms against the whites, had the diabolical malice, or something worse, to send more arms to those Indians for the direct purpose of making war upon the whites. That is his charge.

Mr. BLAIR. That is exactly what Mr. Miller said.

Mr. COX. Let me go on. Such a charge ought not to be made here against any man without the best testimony, and especially against a man whose official conduct is above reproach; and as to which we have the statement of the chairman of the Committee on Indian Affairs, [Mr. GREENWOOD,] that if he ever erred, it was only zeal in the discharge of his duty as the guardian of the Indians.

Mr. Chairman, I have been to the Indian Office to examine into this matter somewhat. I would not make nor refute charges on rumor. I do not make statements upon what somebody said he heard some one else say he saw in that country. The facts, as I gathered them this morning in the Indian Office, are these: In the fall of 1856, Mr. Miller's report came to that office. That was while Colonel Manypenny was Commissioner of Indian Affairs. In that report he recommended, not that arms should not be sent, no, sir; but the "substitution of rifles of large bore, and flint lock, for the northwestern shot-guns." These guns, be it known, are those with which the Indians used to bring down their small game.

Mr. BLAIR. I want to ask the gentleman a question. Why is not that report published?

The CHAIRMAN. The gentleman is out of order. The gentleman from Ohio refuses to yield.

Mr. BLAIR. I wish to say——

[Cries of "Order!" "Order!"]

Mr. COX. The gentleman from Missouri made this charge when there was nobody here conversant with the facts to defend Colonel Manypenny. This charge was made before the whole nation. It impeached one of our best officers, and that, too, of so heinous a malfeasance that the gentleman ought to have been sure of the facts before he made the charge.

Mr. Miller, then, in the fall of 1856, called for these arms. The Indian Office made, as it always makes, its contracts with a view to these calls. It cannot advisedly advertise for bids without them. On the 31st of March, 1857, and before the arms were sent out, Colonel Manypenny went out of office. His policy had always been never to send out arms which would, in any reasonable probability, be used against the whites; and in forming his judgment he had, in a great measure, to rely on the reports of his subordinates.

Mr. BLAIR. The present editor of the Statesman did make a contract for some American rifles.

Mr. COX. No one denies that. But I did not interrupt the gentleman.

The CHAIRMAN. The gentleman from Missouri is not in order.

Mr. COX. Mr. Miller came on here in the spring of 1858. At that time the question came up whether arms should be sent out? It was made a question then; for some of these Indians, as I was informed at the Indian Office, who had got arms, had gone down to Texas, by the Wachita route, the year before, to make war upon some other Indians with whom they had a traditionary feud. A difficulty, too, had sprung up with the whites, who had indiscriminately mingled in these difficulties. It is just as likely that such difficulties would have occurred, if the Indians had only been armed with arrows. The difficulties the gentleman speaks of on the Santa Fé road, and at other places, would just as likely have occurred had not these arms been given. The object of the Indian Office in giving arms to these Indians, was one arising from motive of humanity. The trains had driven the buffalo away from their haunts, so that they were compelled to subsist on other game. For reasons I need not give here, they use the arrow for the buffalo, but prefer the gun for the small game. I understand what I say, when I tell the House that it was indispensable to the support of these Indians that they should have guns, in the absence of the buffalo, in order to keep themselves from absolute want. These guns were sent to them from motives of humanity, that they might live; that they might not starve, and, by their desperate condition, become an annoyance to the whites. The Indian Office was alone actuated by zeal for the good of the Indians under its care, by giving them guns. Had it not done this, the Government would have been bound to appropriate money to pay for supplies to them to keep them from starvation.

But to proceed: Mr. Miller came here in 1858, and advised either the sending of arms, or sending of an escort from the Army to whip these Indians into submission. He said he could not go into the Indian territory under his charge without an escort, or unless he took these arms for distribution. He said the Indians always expected these guns with their presents; and that, unless they were sent, there would be difficulty. He preferred the arms to the escort. He would not risk his life by going there; but that if he had these arms, he could preserve friendly relations with the tribes under his charge. A letter of his to that effect, dated 30th April, 1858, was written by him, and is now on file at the department. It was put in this authentic shape at the request of the Indian Office. This agent, Miller, who is said

to have warned Colonel Manypenny, is thus shown to have come here afterwards and asked that these arms might be sent along with the other presents, so that he might pacify the Indians and save them from starving, and the whites from depredation. He could not get the escort from the War Office. He took the arms and distributed them.

These I understand to be the facts of the case. They show that Colonel Manypeny was not "warned" by the agent; that he pursued the usual pacific policy; that he pursued it with good motives wisely; and that when these arms were sent, in 1857, he was not in office. Where, then, is the foundation for the charge of the gentleman from Missouri? It is utterly baseless.

One word as to the general character of this ex-Commissioner. There is not a man on this floor, that knows anything in regard to him, who does not know that he stood here for years fighting Missouri and other claim agents.

Mr. BLAIR. And fighting them with the aid of the Indians.

Mr. COX. Always standing on the side of the Indians, as he was bound to do!

Mr. BLAIR. And giving the Indians rifles to fight them with.

Mr. COX. All the time standing against these plundering schemers, who push in from the borders upon the Indian Office, crying out "give, give," from the Treasury, not for the good of the "poor Indian," but for the benefit of these Indian sharks whom the gentleman is now, by implication, defending. I know the *animus* of this attack on Colonel Manypenny.

Mr. BLAIR. I desire to say——

Mr. COX. Colonel Manypenny stood for years like a rock against all these claims agents and Indian-robbers; and now that he is gone home, after a faithful discharge for four years of the great trust reposed in him, he is not permitted to rest from his worthy labors. His character is dear to his friends in Ohio. He earned it honestly. It can never be called in question but to his advantage and added honor.

Mr. LOVEJOY. As I understand it, I think the service had better remain under the control of the Secretary of the Interior.

The CHAIRMAN. If the gentleman from Illinois wishes to debate the subject he will have to offer an amendment.

Mr. LOVEJOY. I am opposed to a concurrence with the Senate in its amendment.

The CHAIRMAN. The gentleman is not in order.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a non-concurrence in the amendment of the Senate. The effect of the amendment is to transfer the Indian department to the War Department.

The CHAIRMAN. The gentleman from Missouri is not in order.

Mr. GARNETT. I move to amend the amendment, by inserting, instead of the words "the 30th day of June next," the words, the "1st day of March next." The object of this amendment is to let the proposed change go sooner into effect. I consider it a very important reform, and regret very much that the Committee of Ways and Means should have recommended non-concurrence. The amendment is simply this: to transfer the Indian department from the Secretary of the Interior to the Secretary of War. Formerly, it was under the control of the Secretary of War, and it had this great advantage: the Secretary of War, who is called upon, after all, to exercise the necessary police over these Indians, had a constant knowledge of what was going on among the Indian tribes, and could, by a proper disposal of the force under his direction, often anticipate and prevent outbreaks and consequent wars. Now, he is only called upon to interfere when it is too late, and when we have to go into a regular system of hostilities. The transfer of the Indian department from the control of the Secretary of War to the control of the Secretary of the Interior, instead of being a reform, was one of those measures that tend to interpose obstacles and delays in the transaction of the business of Government, and that make Government much more of a circumlocution office.

This amendment of the Senate was recommended by the Secretary of War; it was approved by the Secretary of the Interior; it has the approbation, as I understand, of the Commissioner of Indian Affairs; it was reported, I believe, unanimously by the Indian Committee in the Senate; it was approved by the Finance Committee in the Senate; and passed the Senate with scarcely a dissenting voice. I believe there are few reforms in our power which would do more to promote the efficiency of the Government, and to prevent Indian troubles and hostilities, and thereby save expense and trouble to the Government, than this very amendment. I hope, therefore, the House will concur with the Senate.

Mr. NICHOLS. I have very great doubts, Mr. Chairman, about the propriety of making this change. As I understand the amendment of the Senate, it is to transfer the charge of the Indian department from a civil department of the Government to the War Department. To that I have very serious objections. I know no reason in the world why, when we treat with these Indian tribes as separate and independent nations; when we negotiate with them, and make treaties with them as nations, we should put them under the tender mercies of the War Department of this Government. I do not understand that that would be a reform at all. I have listened to the debate on the subject, and I cannot find any reason at all for the change. My ideas are, that the Government should treat the Indians with the same consideration, and be governed towards them by the same enlightened views, as influence our intercourse with other nations of the earth. More so. If there is any portion of the people of the continent who ought to be governed and regulated in a spirit of kindness, it is the Indian tribes. I, for one, prefer that, in all that pertains to their social condition, to their advancement in social intercourse, they should be under the control of a civil department of the Government, rather than that their interests should be committed to the War Department of the country.

What, sir, have been the fruits of the intercourse of the Army with the Indians in the past six years? Why, I recollect one notable instance, four years ago, in which the folly of an Army officer involved this Government in a war, and in an expense of very nearly two million dollars. I say that the spirit which ought to be manifested by this Government towards the Indians is a spirit of kindness rather than of hostility; and I do not want the interests of these tribes committed to the tender mercies of the War Department at all. It is better to feed them than to fight them; and it is more economical, too, in my judgment.

Now, if any gentleman can show me that the Department of the Interior is incompetent to attend to all the interests of these tribes, is incompetent to attend to their social condition, and to regulate their affairs, I shall be willing to make this change; but I believe that the experience of the Government in the last four years has shown that kindness and treaty intercourse with the Indians, are better than hostility; and I am, therefore, utterly opposed to the change contemplated by this amendment of the Senate.

Mr. GARNETT, by unanimous consent, withdrew his amendment.

Mr. GREENWOOD. I move to strike out "June," and insert "July," merely for the purpose of making a correction. I have no particular feeling about this amendment of the Senate; but the remarks of the gentleman from Virginia, [Mr. GARNETT,] in regard to the views, upon this subject, of the Secretary of War and the Secretary of the Interior, may have some weight with the committee when they come to vote on the amendment. Now, I do not understand that the Secretary of the Interior has expressed any opinion, in writing, on this subject; or that he has been called upon to do so. His opinion, as I understand it, is that, if the proposed transfer is made, radical changes should be made in the Indian superintendencies and agencies. The Commissioner of Indian Affairs, of course, expresses no opinion on the subject.

Mr. GARNETT. I should be very sorry to misrepresent any officer; but I thought I had good authority for saying—and, with due deference to the gentleman from Arkansas, I still think so—that, while the Secretary of War would not, of course, recommend this change, still he and the Commissioner of Indian Affairs, at least, do not disapprove of it. I know that the Finance Committee of the Senate approved of it; that it was reported by the Committee on Indian Affairs of the Senate; and that not a vote was cast against it in the Senate, although I believe one gentleman did indicate disapproval.

Mr. GREENWOOD. I think that the Secretary of the Interior has expressed no opinion in regard to it; but has simply stated that, if the transfer be made, some radical changes ought to accompany it.

Mr. GROW. I am opposed to the amendment of the gentleman from Arkansas, and in favor of the amendment of the Senate, and I will state briefly my reason for supporting that amendment.

When the War Department is charged with the protection of the frontiers, the prevention of Indian depredations, and the preservation of peace there, should it not also be charged with the intercourse with the people who commit the depredations and disturb the peace upon the frontier? Let our intercourse with the Indians, as was said by the gentleman from Ohio, [Mr. NICHOLS,] be that of kindness; but any one who knows anything of the Indian character, knows that his fear can be more strongly appealed to than his love. Let the intercourse of the Government with him, then, be with bread in one hand and the sword in the other. I think you will preserve the peace of the frontier, and put a stop to Indian depredations and hostilities, better by allowing the War Department to manage the Indians, so long as you charge that Department with the duty of maintaining peace and protecting the frontier; and, for that reason, I hope the amendment of the Senate will be concurred it.

Mr. GREENWOOD, by unanimous consent, withdrew his amendment.

Mr. HASKIN. I move to amend the amendment of the Senate by striking out the word "President" in the nineteenth line and inserting "Secretary of the Treasury."

Mr. Chairman, I am opposed to the adoption of the amendment of the Senate, and in favor of concurring in the recommendation of the Committee of Ways and Means. I am opposed to this kind of legislation, because I think it is indirect, covert, and mean. In the constitution of the State which I have the honor, in part, to represent upon this floor, we have a provision that no bill before the Legislature, of a general nature, shall embrace more than one subject, and that shall be specified in its title. This, sir, is a bill "making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with certain Indian tribes." Now, if the Constitution of the United States contained a similar provision to the one in the constitution of New York, to which I have referred, in my judgment a great deal of smuggling legislation would thereby be prevented. This section has been interpolated by the Senate into an appropriation bill, and by it one of the Departments of this Government is to be materially changed, and that, too, without any recommendation of such change by our venerable President in his message.

But, sir, apart from these considerations, I oppose the amendment upon other grounds. I am satisfied, from what has been said in the course of this debate, that this is an effort to get rid, by indirection, of a Commissioner of Indian Affairs; and I understand that the President of the United States makes that appointment. Sir, I am not willing, by any vote of mine, to say that I have confidence in the War Department, and have not confidence in the Department of the Interior. The War Department, under its present head, has expended more money during the past two years than was ever expended during a like period under any former Secretary of War—even during the Mexican war. If you are to judge of the expenditures of that Department for the next two years, by its expenditures during the two last, its expenditures during the four years of the present Secretary will exceed, by $12,342,578, the expenses of the Department in the years 1846, 1847, 1848, and 1849, under Mr. Marcy, and when we were carrying on our brilliant war with Mexico. Sir, I am opposed to conferring upon that Department additional patronage; and I judge, from this discussion, that this is a mere strife for patronage. It has already proven, by its enormous

expenses in relation to the Utah war, that it should not have this additional power conferred upon it. And I believe that the Department of the Interior has been conducted with more fairness and integrity during the present Administration than any other Department of the Government.

[Here the hammer fell.]

Mr. SMITH, of Virginia. I am very sorry that the gentleman from New York should allow himself to be governed in his judgment upon this measure by his own peculiar personal feelings and prejudices; and yet I think that there can be no doubt that he has done so. The question is not one between the two Secretaries. The question is as to which of these Departments could most successfully and economically conduct this branch of the public service. That is the whole question. The only question which seems to be controlling is, "can we save money, and, at the same time, protect the interests of the country." If so, it does not matter what the gentleman may think of this or that officer. It is his duty to go for it. So far as the immediate proposition of the gentleman is concerned, I suppose there can be no difficulty. In my opinion, the true policy on the part of the Government is that a retransfer should be made from the Interior to the War Department. I am satisfied that, if that be done, the Indian affairs will go on more harmoniously, more economically than before, and that the great interests of the Union will be better protected. Therefore, I trust it will be the pleasure of the House to agree to the amendment of the Senate.

Mr. PHELPS, of Missouri. I move to strike out all after the word "repeal," in the fifth line.

The amendment I move, Mr. Chairman, gives me an opportunity to explain the reasons which actuated the Committee of Ways and Means to recommend a non-concurrence in the amendment of the Senate. Gentlemen have advocated concurrence in the amendment, because it will save money to the public Treasury. Does the amendment propose to do away with a single superintendent? Does it propose to do away with a single Indian agent? Does it propose to dispense with the service of a single sub-agent employed in the Indian country? Nothing of the kind is in the amendment. When the Indian Department was under the control of the War Department, you had civil officers all over the Indian country, as agents and sub-agents. The duties were not discharged by officers of the Army, nor will the duties of Indian agents be discharged by officers of the Army, if this retransfer is made.

It is said that you send the olive branch in one hand and the sword in another. You do not do it. The troops are stationed at such posts as the Secretary of War may order. The standing order with them is that they shall endeavor to preserve peace with the Indians. The Indian agents are instructed to keep the Indians quiet. If the Indians are refractory or engaged in plunder, it is the duty of the Indian agent to make that known to the nearest military post; then the troops are to take such action as the circumstances may warrant.

Mr. GROW. Does it not often happen that the Secretary of the Interior has one policy and the War Department another? Is there not often a conflict between the Departments?

Mr. PHELPS, of Missouri. The policy of the Government with reference to the Indians is settled here, and not in the Indian country. It is determined here by the President and his Cabinet, and not by officers of the Army, or Indian agents. There is no conflict, as I understand it, between the War Department and the office of Indian affairs, in reference to this matter.

The Committee of Ways and Means thought it impolitic to adopt this amendment upon an appropriation bill, just at the close of the session, when there is not a single argument offered showing how it will save one dollar to the Treasury.

Mr. CURTIS. I am disposed to favor the amendment of the Senate, for the reason that I believe it will economize in the public expenditure. It is true, as the gentleman has said, that this amendment does not propose to dispense with any superintendent of Indian affairs. I do not agree that there is no conflict between the War and Interior Departments. I do know, from my own observation of the frontier, that the Commissioner of Indian Affairs, some years ago, made an excursion to the frontiers. He spoke of a distinct conflict between his Department and the War Department. Whenever you send a commissioner to the Indians, you have to send a military force; and generally, when you send a military force against the Indians, you send a commissioner.

Here, then, you have two different Departments operating in the same field. There are always some prejudices and feelings between men occupying like positions in different Departments of the Government. There is a pride of position and a determination on the part of each to support its own views. When you send out a military commission against the Indians, why cannot a quartermaster or paymaster discharge the duties of a commissioner? There is no reason why two officers should be sent on the same service; and I have no doubt that if the matter were left to the Secretary of War he would economize and avoid the sending out of more officers than were necessary to discharge a duty. Some years ago I recollect that a commissioner was sent out to Minnesota by order of the Indian Office. Not having a sufficient number of Army officers at hand, he took up citizens there at great expense. If the matter had been under the control of the War Department, soldiers would have been sent, and that expense would have been saved.

I recollect when General Harney went against the Sioux Indians, he went there for the purpose of vindicating the honor of his country; he slaughtered a great number of Indians. At the same time an agent of the Indian department went there, and while there the Indians were enraged and inflamed against the United States. He fed them and clothed them. There was here a conflict between these two departments. The direction of Indian affairs ought to be with the War Department, for it can then take care of them and protect them. I do not suppose there is any more hostility against the Indians in one Department than in another. I do not see why the War Department may not protect and take care of the Indians as well as any other. You must not suppose, because the profession of arms is one of war, that, therefore, they are all savages, and disposed to act cruelly toward the Indians. They understand what is due to the Indians as well as does the Interior Department, and are as much inclined to do them justice.

Mr. PHELPS's amendment, by unanimous consent, was withdrawn.

Mr. BRYAN. I move a *pro forma* amendment.

I hope, Mr. Chairman, that the amendment of the Senate will be adopted. I have listened with some interest to the debate on this subject; and I have heard nothing to change my opinion, formed from experience of the Indian reservations in my district. I know that conflicts do arise between the War and the Interior Departments. I have recent occasion to know that fact. The troops were ordered away from the reservations in Texas when it was most important that they should be there, in order to protect the Indians upon those reservations from incursions of wild Indians; and also to keep those Indians in subjection.

Now, if the Indian department were attached to the War Department, the Secretary of War could have the communications from the agents of the different reserves sent to him, and he would thus be informed of the condition of the Indians on these reserves. At present these reports are sent to the Secretary of the Interior; while the Army officers stationed near the reserves, send, perhaps, an entirely different set of reports to the Secretary of War. The officers may recommend the removal of the troops, while the Indian agents may recommend their being kept. Here, then, is a conflict. That conflict has existed in the State of Texas. Hence, it is most important to transfer the Indian department to the War Department, in order to produce that harmony which the gentleman from Virginia has spoken of.

Mr. PHELPS, of Missouri. I would inquire of the gentleman from Texas whether the troops that he refers to, were not ordered to march to Utah; and whether the same necessity of sending them to Utah would not have existed if the Indian service had been under the control of the Secretary of War?

Mr. BRYAN. A portion of them were ordered to Utah and a portion ordered elsewhere, to make a foray into the Indian territory. The remarks made a short time since by the gentleman from Missouri [Mr. BLAIR] are most true. The Indians come down from the northern frontier of Texas, with arms furnished them by the Government of the United States, and make war upon citizens of Texas. Last May, three hundred wild Camanches were attacked, and arms were found in their camp having the United States brand upon them. Those arms are furnished by the United States agents to be used against citizens of Texas. If the control of the Indians were transferred to the War Department there would be more care taken there, and the troops of the United States would not be sent to fight an enemy armed by the War Department.

Mr. LOVEJOY. I hope the amendment of the Senate will not be concurred in. In the first place, if it were offered in the House, it would be ruled out of order; and I insist that neither the Senate nor anybody else shall come in here and do what we cannot do ourselves. I will vote against such a thing whether it be right or wrong; and if there were no other reason, I would vote against it for this.

In the next place, Mr. Chairman, I understand, and I believe it is a conceded fact, that whatever purchases are made by the War Department cost very much more than the purchases made by other Departments — something like one hundred per cent., I am told.

Mr. SPINNER. And sell cheaper. [A laugh.]

Mr. LOVEJOY. Yes, I believe they do; and if we transfer the care of the Indians to the War Department, we necessarily increase the expenses of our Indian establishment.

Now a single word in regard to that protection which the gentleman from Iowa [Mr. CURTIS] has referred to. If I understand the circumstances, that war was occasioned by the butchery of innocent Indians by that same Harney. The Indians said they would make reparation, if he would only give them time; but the cannon was brought out, and they were slaughtered indiscriminately. For one, sir, I never will, by my vote, give the control of the Indian tribes into the hands of the War Department, whose tender mercies are cruelty, so far as the Indians are concerned.

Mr. PHELPS, of Missouri. The gentleman from Illinois has done injustice to General Harney, in regard to the slaughter of these Indians. These Indians had massacred a portion of a detachment of our own troops, and had killed emigrants on the plains. General Harney was sent out with instructions to punish these Indians and he did so; but he only obeyed his orders.

Mr. LOVEJOY. Yes, he punished the innocent, and let the guilty go. That is what I complain of. I do not care, however, to mix up in this debate, anything of a personal character. There is enough, which I conceive, outside of any considerations affecting any individual, to induce the House to vote down the amendment, and to concur in the recommendation of the Committee of Ways and Means.

Mr. BRYAN withdrew his amendment.

Mr. WOODSON. I propose to amend the amendment by striking out all after the sixth line. My object is simply to make a few remarks on the amendment of the Senate. I propose to do so for two reasons: first, because I am a member of the Committee on Indian Affairs, and have been called upon to examine this question; and second, because I represent a constituency who are much interested in the question now before the committee.

There have been two kinds of policy suggested with regard to the Indians. The one is that of extermination; which, from the remarks made by gentlemen on the other side of this question, would seem to be the favorite policy. The other is that of civilization and Christianization. Those who prefer the former will favor their policy by voting for the amendment of the Senate. Those who prefer the latter will see that the transfer of the Indian service to the War Department would be ruinous and destructive to their policy. For myself, I have no particular choice; but I have some interest in the well-being of the white people who have intercourse with the Indians. We have intercourse with them under the intercourse act, and under treaties made with the Indians by which we have acquired more than one hundred million dollars' worth of their lands. Are our relations with the Indians those of peace or war?

If they are those of peace, the Indians should be referred to a peace establishment. If they are the relations of war, then they come properly under the War Department.

Now, sir, the difficulties that we have had with the Indians, prior to their transfer to the Indian department, ought to indicate to us our true policy. Prior to that time, what was the condition of our highways passing through the Indian territory? What was the condition of our Indian frontier?

[Here the hammer fell.]

Mr. WOODSON withdrew his amendment.

Mr. GREENWOOD. I hope this discussion will now close, and that the committee will proceed to vote on the amendment.

The question was taken on the twelfth amendment of the Senate; and it was non-concurred in.

Thirteenth amendment of the Senate:

SEC. 4. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized and required to cause to be surveyed, and the boundaries thereof permanently marked, the tract or tracts of land lying on or near the Gila river, in the Territory of Arizona, New Mexico, now occupied by the confederated bands of Pima and Maricopa Indians; and the sum of $1,000 is hereby appropriated to defray the expenses of said survey.

The Committee of Ways and Means recommended a non-concurrence.

The amendment was non-concurred in.

Fourteenth amendment of the Senate:

SEC. 5. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized and required to set apart the tract or tracts of land aforesaid as a reservation of the confederated bands of Pimas and Maricopas.

The Committee of Ways and Means recommended a non-concurrence in the amendment.

The amendment was non-concurred in.

Fifteenth amendment of the Senate:

SEC. 6. *And be it further enacted*, That the sum of $10,000 is hereby appropriated to enable the Commissioner of Indian Affairs to make suitable presents to the Pimas and Maricopas, in acknowledgment of their loyalty to this Government, and the many kindnesses heretofore rendered by them to our citizens.

The Committee of Ways and Means recommended a non-concurrence in the amendment.

The amendment was non-concurred in.

Sixteenth amendment of the Senate:

SEC. 7. *And be it further enacted*, That if, in adjusting the claims of half-breed Indians under the tenth article of Prairie du-Chien, of 15th July, 1830, lying within the Ne-mo haw reservation therein described, as surveyed by McCoy, and confirmed by section thirteen of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending 30th June, 1859," approved June 12, 1858, there shall be found a deficiency in the quantity of land necessary to carry out the intentions of said treaty, then there shall be retained out of the proceeds of that portion of the public lands excluded from said reservation, as said half-breeds claimed its boundaries by the McCoy survey and the thirteenth section of the said act of July 19, 1858, so much money as shall equal that deficiency, estimating the same at $1 25 per acre; which said sum of money shall be paid to the Secretary of the Interior, to be held by him in trust for such of said half-breeds as shall be found entitled to it, and by him paid to them or invested for their benefit, as he shall think most judicious and proper, after the said mixed bloods shall have relinquished to the United States all their interest in and to said deficiency in said reservation.

The Committee of Ways and Means recommended a concurrence in the amendment, with an amendment to insert after the word "of," in the second line, the words, "the treaty of."

Mr. PHELPS, of Missouri. That amendment is merely to correct a clerical error.

The amendment to the amendment was agreed to.

Mr. WASHBURNE, of Illinois. That seems to be a very complicated piece of legislation. I desire some explanation of the amendment before the vote is taken on concurring in it.

Mr. PHELPS, of Missouri. I can explain it in a word or two. At the last session of Congress a section was passed in the Indian bill providing that the line surveyed by McCoy as the western boundary of the half-breed tract, should be the true boundary. McCoy was employed some years ago to run the line of the western boundary of this tract, and his line was supposed to be the true one, and settlers have settled upon the lands outside that line. Upon an examination of the survey, however, it was ascertained that that line was incorrect, and that there were really more lands belonging to the Indians than they would obtain by the McCoy line. The section to which I have referred, was adopted as a compromise at the last session of Congress by the committee of conference. I recollect that in explaining it to the House at that time, I urged its adoption on the ground that it would be easier to compensate the Indians than the white settlers who had gone upon the lands, and who supposed that they were rightfully entitled to their settlements. This amendment merely proposes to pay to the Indians the value of the lands thus wrongfully taken from them, estimating them at $1 25 an acre, and it is but right and just that they should be paid.

The amendment of the Senate, as amended, was concurred in.

Seventeenth amendment of the Senate:

SEC. 8. *And be it further enacted*, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to prepare rules and regulations for the government of the Indian service, and for trade and intercourse with the Indian tribes and regulations of their affairs; and when approved by the President shall be submitted to the Congress of the United States for its approval: *Provided*, That such laws, rules, and regulations proposed, shall not be in force until enacted by Congress.

The Committee of Ways and Means recommended a non-concurrence in the amendment.

The amendment was non-concurred in.

Eighteenth amendment of the Senate:

SEC. 9. *And be it further enacted*, That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases, either by the Indians, or by white men trespassing on the Indians, as described in the said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities as prescribed in said act: *And provided further*, That the President of the United States may, at his discretion, indemnify the Indians out of the Treasury for losses in cases where the said act required them to be paid out of the Treasury.

The Committee of Ways and Means recommended a non-concurrence in the amendment.

The amendment was non-concurred in.

Nineteenth and last amendment of the Senate:

SEC. 10. *And be it further enacted*, That the Commissioner of Indian Affairs is hereby authorized to make such agreements and enter into such arrangements as he may deem necessary and expedient, with any tribe or band of Indians for their location upon reservations, or touching the management of their tribal affairs, the application of their property and annuities to purposes of civilization and education, which, when approved by the President, shall be valid and binding: *Provided, however*, That no such agreement shall be of any effect when it involves any additional expenditure of money on the part of the United States, beyond what is required under treaty stipulations, or by an act of Congress, until the same shall have been first submitted to, and received the approval of, the Senate of the United States.

Mr. REAGAN. I move to amend the amendment by striking out the proviso. I confess that I have not much expectation of defeating this amendment of the Senate; for whenever such propositions come before Congress, I always take it for granted they will go through. The amendment proposes to transfer the treaty-making power from the President and the Senate to the Secretary of the Interior, or the Commissioner of Indian Affairs, upon whom all the personal interests involved in the making of contracts or agreements can be brought to bear. Adopt that amendment, and immediately all those who desire to circumvent the Indians, to remove them to new places for the purpose of helping speculations, will bring their influence to bear upon the Secretary of the Interior. I have as much confidence in that officer as any in this Government. I know that he would do everything in his power to deal justly with the Indians and to prevent such speculations; but it is not in the power of a Department, or of any man, to stand up against all the pressure brought to bear for the robbery of the Indians and speculation in their lands.

Mr. PHELPS, of Missouri. I am happy to hear the gentleman's argument in favor of the action of the Committee of Ways and Means.

Mr. REAGAN withdrew his amendment.

The Senate amendment was non-concurred in.

Mr. PHELPS, of Missouri. I move that the committee rise, and report the amendments.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the Senate amendments to the Indian appropriation bill; and had directed him to report the same back, some with and some without amendment, and with a recommendation of concurrence in some, and non-concurrence in others.

Mr. PHELPS, of Missouri. In order to expedite business, I move that gentlemen state the amendments on which they desire separate votes and then that the vote be taken on the rest *en masse*.

Mr. GARNETT. I desire a separate vote on the eighteenth amendment.

Mr. PHELPS, of Missouri. I call the previous question.

The previous question was seconded, and the main question ordered.

Mr. LETCHER. I want a separate vote on the amendment for the transfer of the Indian Office to the War Department.

Mr. GARNETT. I think that transfer will save the Government millions.

Mr. PETTIT. I want a separate vote on the eleventh amendment.

Mr. VANCE. I want a separate vote on the tenth amendment.

Mr. HASKIN moved that the House adjourn.

The motion was disagreed to.

The action of the Committee of the Whole on the state of the Union on the amendments of the Senate, except on those indicated for separate votes, was concurred in.

Tenth amendment of the Senate:

For carrying into effect the twenty-fourth section of the civil and diplomatic act of March 3, 1855, the sum of $19,045 79.

The SPEAKER. The Committee of the Whole on the state of the Union recommend a non-concurrence in the amendment.

The House divided; and there were, on a concurrence in the amendment—ayes twenty-four.

[Cries of "give it up!"]

Mr. VANCE. I cannot afford to give it up. It is for my constituents, and it is my duty to stand by their interests. I call for tellers.

Tellers were not ordered.

The amendment was non-concurred in.

Eleventh amendment of the Senate:

Strike out the third section, as follows;

"SEC. 3. *And be it further enacted*, That the amounts hereby appropriated for the payment of the Miamis of Kansas and the Miamis of Indiana, shall be paid in conformity to the first proviso of the first amendment to the fourth article of the Senate amendment to the treaty with the Miamis of 5th June, 1854, and not otherwise: *Provided, however*, That no portion of the money hereby appropriated shall be expended in any way otherwise than as provided for in this act."

The SPEAKER. The Committee of the Whole on the state of the Union recommend a concurrence in the amendment of the Senate.

Mr. PETTIT called for the yeas and nays.

The yeas and nays were not ordered.

The amendment was concurred in.

The twelfth amendment of the Senate was then reported, as follows:

SEC. 3. *And be it further enacted*, That from and after the 30th day of June next the fifth section of the act establishing the Department of the Interior, approved March 3, 1849, be, and the same is hereby, repealed, and that the Office of Indian Affairs be then retransferred to, and made part of, the Department of War, with all the books, records, papers, and business pertaining to Indian affairs then in possession of or pending before the Department of the Interior; and the Secretary of War shall, from and after the 30th day of June next, be, and he is hereby, reinvested with and shall exercise all the supervisory, appellate, and other powers and duties in relation to Indian affairs which are prescribed by the act entitled "An act to provide for the appointment of a Commissioner of Indian Affairs, and for other purposes," approved July 9, 1832: *Provided*, That where a difference of opinion shall arise between the Secretary of War and the Secretary of the Interior upon any point touching any Indian reservation, the question shall be referred to the President, and his decision shall be final.

The Committee of the Whole on the state of the Union recommended non-concurrence.

Mr. LETCHER called for the yeas and nays.

The yeas and nays were not ordered.

The amendment was non-concurred in.

The eighteenth amendment of the Senate was reported as follows:

SEC. 9. *And be it further enacted*, That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases, either by the Indians, or by white men trespassing on the Indians, as described in the said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities as

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prescribed in said act: *And provided further*, That the President of the United States may, at his discretion, indemnify the Indians out of the Treasury for losses in cases where the said act required them to be paid out of the Treasury.

The Committee of the Whole on the state of the Union recommended non-concurrence.

Mr. HOUSTON. I ask unanimous consent to offer an amendment to the amendment of the Senate, striking out the last proviso. The first part is evidently proper; but the last proviso ought to be struck out.

Mr. PHELPS, of Missouri. I must object.

Mr. HOUSTON. The gentleman from Missouri ought not to object.

Mr. GARNETT called for the yeas and nays.

The yeas and nays were not ordered.

The amendment was non-concurred in.

Mr. PHELPS, of Missouri, moved to reconsider the several votes by which the amendments of the Senate were respectively concurred in and non-concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

And then, on motion of Mr. WASHBURNE, of Illinois, (at half past four o'clock, p. m.,) the House adjourned.

IN SENATE.

THURSDAY, *February* 17, 1859.

Prayer by Rev. D. N. YOUNG.

The Journal of yesterday was read and approved.

ENROLLED BILL SIGNED.

The VICE PRESIDENT signed the enrolled bill (H. R. No. 810) for the relief of William Yearwood, sr.

PETITIONS AND MEMORIALS.

Mr. GREEN. I present a petition of citizens of New York and its vicinity, praying that the public lands may be laid out in farms or lots, for the free and exclusive use of actual settlers. I present the petition out of courtesy to the petitioners, saying at the same time that all such ideas conflict entirely with my notions of public policy.

The petition was ordered to lie on the table.

Mr. GREEN presented three petitions of residents of the northwestern part of Nebraska, praying that that portion of the Territory may be attached to the Territory of Dakota; which were ordered to lie on the table.

Mr. DAVIS presented two memorials of officers of the medical staff of the Army, praying that their allowances for forage may be made the same as those of cavalry officers of the same grade; which were referred to the Committee on Military Affairs and the Militia.

Mr. SEWARD presented the memorial of E. K. Collins and his associates, praying the payment of a balance alleged to be due them on their contract for ocean mail service between New York and Liverpool; which was referred the Committee on the Post Office and Post Roads.

Mr. DOOLITTLE presented a memorial of the Legislature of Wisconsin, praying a grant of land for the establishment of an agricultural college; which was ordered to lie on the table, and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills and joint resolution of the House:

An act (H. R. No. 2) donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts;

An act (H. R. No. 458) for the relief of Evelina D. Porter, widow of the late Commodore David Porter, of the United States Navy;

An act (H. R. No. 522) for the relief of Wright Fore;

An act (H. R. No. 669) for the relief of the Mobile and Ohio Railroad Company; and

A joint resolution (H. R. No. 39) to authorize the Secretary of the Treasury to sell a certain plat of land in the city of Petersburg, Virginia, belonging to the United States.

INDIAN APPROPRIATION BILL.

The message further announced that the House had agreed to some, and disagreed to other amendments of the Senate to the bill (H. R. No. 664) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1860.

ENROLLED BILL SIGNED.

The message further announced that the Speaker had signed an enrolled bill (S. No. 383) for the relief of Myra Clark Gaines; and it was signed by the Vice President.

PAPERS WITHDRAWN.

On motion of Mr. CLAY, it was

Ordered, That W. Y. Gill have leave to withdraw his petition and papers.

On motion of Mr. MALLORY, it was

Ordered, That the heirs of Philip Weademan have leave to withdraw their petition and papers.

NOTICE OF A BILL.

Mr. PEARCE gave notice of his intention to ask leave to introduce a bill making appropriations for the improvement of the navigation of the Patapsco river.

WILLIAM GASTON PEARSON.

Mr. KENNEDY submitted the following motion; which was considered by unanimous consent, and agreed to:

Ordered, That the Court of Claims be requested to return the memorial and papers of William Gaston Pearson; and that they be referred to the Committee on Public Buildings and Grounds.

BILLS INTRODUCED.

Mr. CLAY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 585) to amend an act approved 31st May, 1844, entitled "An act to amend the judiciary act, passed the 24th September, 1849;" which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

REPORTS FROM COMMITTEES.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill (H. R. No. 711) making appropriations for the legislative, executive, and judicial expenses of Government, for the year ending the 30th of June, 1860, reported it with amendments.

Mr. KENNEDY, from the Committee on the District of Columbia, to whom was referred the memorial of the Baltimore and Ohio Railroad Company, reported a bill (S. No. 583) to authorize the Baltimore and Ohio Railroad Company to extend the Washington branch of their road through a tunnel east of the Capitol, to some points on the water from Third street east to Seventh street west, exclusive of the public grounds; also from some point on the said road to a point or points opposite the city of Alexandria; which was read twice by its title.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. No. 522) to provide for the transfer of jurisdiction over certain claims against the United States from the Treasury to the Interior Department, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Elizabeth Osgood, heir of Joseph Fegg, a quartermaster in the army of the Revolution, praying to be allowed a pension, reported adversely thereon; and the report was agreed to.

He also, from the same committee, to whom was referred the petition of Daniel McAveny, a soldier in the Army during the Florida war, praying to be allowed a pension, reported adversely thereon; and the report was agreed to

Mr. RICE, from the Committee on Indian Affairs, to whom was referred the petition of Ambrose S. Mead and others, praying remuneration for property destroyed by a wandering tribe of the Sioux Indians, in the spring of 1857, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of Pierre Choteau, jr., & Co., licensed Indian traders, praying indemnity for goods and merchandise forcibly taken from them by the Sioux Indians at Fort John, on the north fork of the Platte river, in August, 1854, asked to be discharged from its further consideration; which was agreed to.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 549) for the relief of James P. Cook, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the petition of Commodore William Mervine, United States Navy, praying that he may be refunded the amount of a judgment recovered against him for the discharge of an official duty, submitted an adverse report thereon.

Mr. BIGLER, from the Committee on Commerce, to whom was referred the memorial of James H. Causten, attorney in fact of the legal representatives of Samuel Smith, James A. Buchanan, and others, submitted an adverse report; which was ordered to be printed.

The Senate proceeded to consider the report, and in concurrence therewith.

Resolved, That the committee be discharged from the further consideration of the subject.

Mr. COLLAMER, from the Committee on the Judiciary, to whom was referred the memorial of citizens of Michigan relative to the appointment of chaplains in the public service, asked to be discharged from the further consideration, and that it be referred to the Committee on Naval Affairs; which was agreed to.

Mr. BENJAMIN, from the Committee on Private Land Claims, to whom was recommitted the petition of William Sawyer and others, citizens of Anglaize county, Ohio, praying the confirmation of their titles to land in section No. 27, the the east half of section No. 28, and the west half of section No. 26, in township No. 5 of range 4 east, in said county, reported adversely thereon.

Mr. FESSENDEN, from the Committee on Finance, to whom was referred the memorial of Smallwood, Earle, & Co., praying to be allowed the amount of a fine illegally imposed on them and paid to the collector of the customs at New York, submitted a report, accompanied by a bill (S. No. 584) for the relief of Smallwood, Earle & Co., of New York. The bill was read, and passed to a second reading; and the report was ordered to be printed.

Mr. FITCH, from the Committee on Printing, to whom was referred a motion to print the report of the Secretary of War, communicating a copy of the topographical memoir and map of Colonel Wright's late campaign against the Indians in Oregon and Washington Territories, reported in favor of printing the usual number, and five hundred additional copies thereof, for the use of the War Department; and the report was agreed to.

Mr. MASON. The Committee on Foreign Relations, to whom was referred the message of the President of the United States communicating the report of the commissioner to Vancouver's Island and Fraser river, have instructed me to report it back to the Senate with a recommendation that so much of it as they report be printed. That embraces only the report of the commissioner. It does not embrace the documents accompanying it, most of which are not of general interest; but the report itself is certainly worthy of being printed for the use of the public.

The motion to print was agreed to.

BUTTERFIELD'S MAIL CONTRACT.

Mr. WILSON. I submitted, some days ago, a resolution of inquiry concerning Mr. Butter-

field's California mail route. The resolution calls for information, and I move that it be taken up.

The motion was agreed to; and the following resolution, submitted by Mr. WILSON on the 7th January, was adopted:

Resolved, That the Postmaster General, at the earliest practicable period, communicate to the Senate true copies of all contracts or agreements made with John Butterfield and his associates, for carrying the mail or otherwise, from the Mississippi river to the Pacific ocean, or from or to any intermediate points; that he state by what authority, and under what law or resolution, such contract or contracts, agreement or agreements, were made; and that he also state fully what payments or advances have been made, for or on account of such service, contracts, or agreements, when made, to whom, and in what sum or sums. And that the Postmaster General further state and set forth fully, what number of letter packages and dispatches, or other matter, have been carried or transported by said company, from, or to the Mississippi river, or California, or any intermediate points, and the amount of money collected or received for postage or otherwise, on such letters, dispatches, or packages, and what security or securities have been given for the performance of such agreement or contracts; and that he furnish copies of any bonds or other security, and the number of passengers that have been carried by said company, from what point, to what point, and for what compensation, and, also, the time made each trip between San Francisco and the Mississippi river.

HOMESTEAD BILL.

Mr. WADE. I move to postpone all prior orders, and to take up the homestead bill of the House of Representatives.

The VICE PRESIDENT. The Senator from Ohio moves to postpone all prior orders, and to take up the bill (H. R. No. 72) to secure homesteads to actual settlers on the public domain.

Mr. SLIDELL. If the homestead bill is to be discussed it will necessarily occupy considerable time. We have not many days of the session remaining. I introduced a resolution two days since providing for evening sessions, and I presume it will pass without any discussion. It certainly will be necessary, with all the questions which are before us, that some arrangement of that sort should be made by the Senate; and I do not think it will lead to any discussion.

Mr. WADE. I should like exceedingly to accommodate the Senator from Louisiana, but the homestead bill, to which I am a good deal devoted, has, I believe, twice passed the House and come to this body, but somehow it has had the go-by, and we have never had a direct vote on it here that I know of. I do not propose to discuss it for a single moment; and I hope none of its friends will debate it, because it has been pending before Congress for several years, and I presume every Senator is perfectly well acquainted with all its provisions, and has made up his mind as to the course he will pursue in regard to it. I have no hope that anything I could say would win any opponent of the bill to its support; and I hope every friend of the measure will take no time in debate, but will try to get a vote upon it, for I think it is the great measure of the session. In my judgment, it is worth every other measure that has been brought before us this session. All I want, all I ask, is to have a vote upon it.

Mr. REID. My recollection is, that during the present Congress we laid a homestead bill on the table—the bill of the Senator from Tennessee, [Mr. JOHNSON,] and I thought that was decisive of the intention of the Senate in regard to it. I believe that vote was afterwards reconsidered at the request of the Senator from Tennessee, who desired to make some further remarks upon the subject. I thought we had taken the sense of the Senate at the last session, by a solemn vote, showing that the Senate was opposed to a homestead bill.

Mr. FITCH. I desire to make a report.

The VICE PRESIDENT. It is not now in order.

Mr. JOHNSON, of Tennessee. I think the Senator from North Carolina is laboring under a misapprehension——

Mr. FITCH. I think the Committee on Printing have a right to report at any time; but if it is not in order to make a report, I ask the privilege of being allowed to do so. I was not aware that the morning hour had passed by.

The VICE PRESIDENT. The Chair called for petitions and reports; and having done so, he afterwards gave the floor to the Senator who makes this motion, which is now in order.

Mr. HUNTER. I believe the Committee on Printing has a right to report at any time.

Mr. STUART. Not here

The VICE PRESIDENT. If there be no objection the report will be received.

Mr. WADE. I have no objection to receiving the report.

The VICE PRESIDENT. Does the Senator from Tennessee yield the floor to the Senator from Indiana?

Mr. JOHNSON, of Tennessee. For that purpose.

Mr. FITCH presented a report from the Committee on Printing, which is given above.

Mr. FITCH. I desire likewise to call up a resolution which I reported from the Committee on Printing the other day, in reference to the mechanical portion of the Patent Office report.

Mr. HUNTER. I object to that. The Senator has no right to interpose that motion.

The VICE PRESIDENT. In the opinion of the Chair the floor was yielded to the Senator from Indiana to make a report, and the question now recurs on the motion of the Senator from Ohio, upon which the Senator from Tennessee has the floor.

Mr. JOHNSON, of Tennessee. It is not my purpose to consume the time of the Senate, and especially so at this late hour of the session. I was simply going to remark that the Senator from North Carolina was under a misapprehension as to the disposition of the homestead bill. During the last session of the Senate we had action upon it, but it was not of the character intimated by the Senator from North Carolina. It was made a special order, and after it had been under consideration for some time, and the bill was pretty well matured, a motion was made to postpone it until the first Monday in January of this session.

The VICE PRESIDENT. The Senator from Tennessee will pause a moment. The conversation on the left of the Chair is so general that he is entirely unable to hear the Senator on the floor.

Mr. JOHNSON, of Tennessee. I was remarking, Mr. President, that the Senator from North Carolina was under a misapprehension as to the disposition of the bill during the last session. It was a special order, and was postponed until the first Monday of January. That time has passed by. There have been repeated efforts to get the bill up. It is, in fact, a special order before the Senate, and subject to be called up in the order of special orders. This is a bill which has been sent from the House; and it is upon the Calendar, and is in a condition to be acted upon.

I will state in this connection that, in substance, there is no material difference between the two bills. I prefer the Senate bill, because I think its details are somewhat better matured; but, in substance, the bills are precisely the same; and, so far as I am concerned, I am willing to take the House bill. Let us have action upon that. If there be defects in the bill, as time and experience shall suggest proper alterations and amendments to be made to the law, they can be made. I do hope that the Senate will take up this bill, and let us have final action upon it; either adopt the bill as it came from the House, or add such amendments as they think proper, and send it back for conference. I prefer and will vote for the bill as it came from the House, rather than have no action upon this great and important measure, one which, I believe, involves the deepest—I was going to say, the most vital—interests of the whole country.

I will remark, further, simply repeating what the Senator from Ohio has said, that this bill has passed the House of Representatives three times. It received the indorsement and sanction of the popular judgment of this country, and has been sent to this body; but, somehow or other, sometimes by indirect legislation, sometimes by passing it over, the proposition has been defeated; but I do hope that we shall have final action upon the subject now.

Mr. HUNTER. I believe, sir——

Mr. REID. Will the Senator permit me one moment to reply to the Senator from Tennessee?

Mr. HUNTER. Certainly.

Mr. REID. I do not know that I was strictly correct in the remark that I made as to the disposition of this bill, or a similar one heretofore; but my recollection is very clear that the sense of the Senate was against this homestead measure, and my present impression is that we only postponed it so as to kill the Senator's bantling in a genteel, easy sort of a way

Mr. JOHNSON, of Tennessee. I will state, by permission of the Senator from North Carolina, as to his remarks about stifling or killing this bantling, that it has been tried a good while. That effort was made again and again in the other House; but this bantling, notwithstanding every effort to stifle it, has continued to gain strength and power from its introduction to the present moment. The time will come, I trust and hope, when the deliberate judgment of the people of this country cannot be stifled in the Senate or any where else. It was a special order, and as a special order was postponed until the first Monday in January. There was no definite action upon the proposition at all last year. The session was drawing to a close, and it was postponed until that period, with a view that it should be then taken up and maturely and deliberately considered.

Mr. REID. I do not dispute all that; nor do I dispute the fact that this measure has strengthened; but it has not that kind of strength which a great measure of public policy ought to have in this or in any other country. In regard to the material point I intended to enforce upon the Senate, I am correct that the sense and judgment of the Senate at the last session, when this bill was under consideration, was against the passage of the measure. If it had not been, it would have been passed. I think it is too late in the session now to take up this bill, to be acted upon here, at least, until we act upon other great measures upon which there is more unanimity of sentiment in the country, and a higher sense of duty upon us to pass them during the few days of the session that remain.

Mr. HUNTER. I believe, Mr. President, that a fortnight from to-day will take us to the 3d of March. Now, it is known that we have nearly all the important appropriation bills, and one that is unfinished, to take up. I gave notice yesterday that I would call it up at twelve o'clock to-day. I should have made an effort to take it up before, but for the absence of the Senator from Ohio, [Mr. PUGH,] who had an amendment pending. I hope there will be no effort to press this homestead bill so as to displace the appropriation bill. Would it be in order now for me to submit a motion to postpone all prior orders? I believe there is a motion of that sort pending.

The VICE PRESIDENT. There is a motion of that kind now pending.

Mr. HUNTER. That being the case, I must only appeal to the Senate to consider how little of the session is now left to us, and whether we ought not to take up the appropriation bill and dispose of it. I think we can do so by one o'clock. Let the gentlemen struggle to take up this homestead bill at another time; but the appropriation bills ought to pass as quickly as possible.

Mr. SHIELDS. I would say to my honorable friend from Tennessee, who takes so much interest in this bill, and to the honorable Senator from Virginia, that the friends of this bill desire nothing but a vote upon it, not to waste time in debate. It is true the session is nearly all gone; there is not much time for debating any measure; but the relative importance of measures is a matter of opinion. A great many of us think this is a very important bill; and for one I agree with the Senator from Tennessee, whether it is or not, let us take it up and have a fair vote on it.

Mr. HUNTER. I do not conceal the fact that I am very much opposed to it; but I suppose, whenever this bill comes up, it must be the subject of debate. So immense an appropriation of public lands as it proposes cannot pass, I presume, without some comment. I know if there be a majority who desire to consider it, they ought to consider it. I will interpose no factious obstacle in the way, but I think I am asking nothing but what is fair when I propose to take up the unfinished appropriation bill, and dispose of it. I think we can do so by one o'clock.

Mr. SHIELDS. Mr. President, the other day the honorable Senator presented his appropriation bill, as the chairman of the Committee on Finance, as I considered, with his usual zeal; but he permitted it to be laid aside on that occasion to take up what we call the Cuba question. I knew, when that was done, that he would have a great deal of difficulty in again taking it up and getting it passed. I was willing, then, to stand up and favor the appropriation bill; I am willing now to do so; but I

see no reason why this other bill should not be taken up, and let us have a vote upon it, unless it be the object to discuss it. I think it has been sufficiently discussed in the Senate.

Mr. ALLEN. Let us have the yeas and nays on this question.

Mr. WILSON. I appreciate the anxiety of the Senator from Virginia, to take up the appropriation bill; but I would suggest to that Senator that he allow us to take this bill up, and have a vote upon it. I do not suppose that anybody who is in favor of the measure desires to consume the time of the Senate, at this stage of the session, by discussing it. It has been discussed before the nation. It is well understood. I believe it is sustained by an overwhelming majority of the people of the country. I would suggest, also, to that Senator, that he had better press his appropriation bills upon another occasion. We are consuming the time of the Senate day after day, near the close of the session, in discussing a measure of no importance whatever.

Mr. HUNTER. The Senator will allow me to ask him, if I push this measure at one o'clock, will he vote with me to postpone the Cuba matter, and take up the appropriation bill?

Mr. WILSON. I will vote to postpone the Cuba matter at any time to take up appropriation bills. All I want is a vote upon this question.

The VICE PRESIDENT. On this question the yeas and nays are demanded.

Mr. SEWARD. What is it?

The VICE PRESIDENT. It is moved to postpone all prior orders and take up the homestead bill.

Mr. GWIN. Can the question be divided? Can we vote on postponing the prior orders first?

Mr. STUART. No, sir.

The VICE PRESIDENT. It seems to the Chair that the question is substantially a unit susceptible of a division in form, but not in fact.

Mr. GWIN. I want to take up the appropriation bill, and I want to vote for the homestead bill.

The VICE PRESIDENT. Upon this question the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. WADE. I have no doubt, from the business before us, that this is the last opportunity we shall have to act upon this great measure. I hope, as I said before, every friend of it will stand by it until it is either triumphant or defeated, and that, too, in preference to any other business that may be urged upon us. As to the appropriation bills, I have not the least fear but that they will go through. Their gravitation carries them through; but a measure of this kind requires some labor. All I ask, is for its friends to stand by this bill until it is either triumphant or defeated.

Mr. CLAY. I merely wish to remark that I gave notice on Monday that I would try to call up the next day, during the morning hour, a bill for reorganizing the collection districts, designating ports of delivery, and regulating the compensation of officers of the customs. That bill proposes to reduce the officers employed in the collection of the revenue by some four hundred and upwards, and the expenditures by upwards of seven hundred thousand dollars. I think it is much more important to the public interest to take up and pass that bill, than one which will tend to reduce, at least, if it does not entirely destroy, the revenue derived from the sale of public lands.

The question being taken by yeas and nays, resulted—yeas 26, nays 23; as follows:

YEAS—Messrs. Bright, Broderick, Chandler, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Gwin, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Pugh, Rice, Seward, Shields, Simmons, Smith, Stuart, Trumbull, Wade, and Wilson—26.

NAYS—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Hammond, Hunter, Iverson, Lane, Mallory, Mason, Pearce, Reid, Slidell, Toombs, and Ward—23.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 72) to secure homesteads to actual settlers on the public domain.

Mr. HUNTER. I do not want to commence any debate on this bill, but I wish to try the sense of the Senate, whether we cannot take up the appropriation bill. It is very certain that this bill cannot pass without some remarks upon it—a bill disposing of so much of the national domain—and I therefore move to postpone all prior orders for the purpose of taking up the diplomatic and consular appropriation bill. I wish to try the sense of the Senate.

Mr. STUART. Does the Chair hold that that motion is permissible now? The Senate having just decided to postpone all prior orders and take up this bill, is it permissible now to make another motion to postpone this and all other prior orders and take up another bill?

The VICE PRESIDENT. The Chair thinks that after the Senate have taken up a particular piece of business, and after spending whatever time they may choose on it, they can postpone it.

Mr. STUART. My own opinion was to the contrary, but I am not disposed to discuss the question of order. I say this proceeding is mere child's play; for if the Senator succeeds in his motion, I can make this motion, and so we may consume the entire day.

The VICE PRESIDENT. It is not for the Chair to say that the Senate may not of its own vote pass from the consideration of one piece of business to another.

Mr. STUART. I do not make any point of order on it, but I see that it opens an opportunity on this occasion for me to say what I desire to say on this subject. While I have no disposition to consume the time of the Senate in discussing these measures, it is unquestionably unfortunate for those who are interested in the settlement and cultivation of the public lands, that by one means and another their measures are postponed until the last hours of a session, when their friends cannot discuss them. It has been the case upon every single bill of the kind. By one means or another, it has been put off from day to day, until the point arrives when, if the friends of the measure discuss the question, it is lost for want of time. Such was the case upon the agricultural college bill. Those who thought themselves able to maintain the constitutionality of that measure were compelled to be silent, or not have a vote. The opponents of the measure have the whole field of argument, and there is no engine that is more potent than these appropriation bills. A man that is not out and out, beyond all contingency, and beyond all question, in favor of the measure, finds it easy to vote to take up an appropriation bill, and he says: "I did not vote against the measure; I would have voted for it if you could only have brought it to a final vote; but the appropriation bills certainly ought to be passed." So they should, sir; and they certainly will pass. I believe there is, in the history of this Government, but one case when an appropriation bill did not pass, and that was in the last Congress, when the Army bill was lost by a controversy about Kansas. I believe that is the only occasion. They will always pass. The Senate and House of Representatives will sit any length of time, and will forego any considerations, to pass those bills.

Then, sir, we need not be alarmed about them. They will pass. They have a motive power in themselves. But here is a measure that is of vast interest to the new States and to the Territories. I give it as my opinion, that all the measures in regard to the public lands put together, will not afford as much benefit to the States and to the United States as this homestead proposition. In regard to every objection which has been made to it, I hold that so far from it being true, exactly the reverse is true. I hold that if you desire to get revenue from the public lands, you should offer inducements to actual settlers to occupy a part of them; and by occupying a part of them, they will render the remainder desirable. Men of more means will buy them and occupy them, if actual settlers with less means go upon the public lands and occupy a portion of them.

Mr. HUNTER. I rise to a question of order. Is it in order to debate the merits of a bill on a motion to postpone?

The VICE PRESIDENT. The Chair will suggest to the Senator from Michigan, and the Senator from Virginia, that he must call up, at this hour, the unfinished business of yesterday.

Mr. STUART. What is that, sir?

The VICE PRESIDENT. The bill upon which the Senator from Michigan [Mr. CHANDLER] is entitled to the floor—the Cuba bill.

Mr. STUART. Was not the motion to postpone all prior orders, and did not that prevail?

The VICE PRESIDENT. The Chair will state to the Senate what he thinks is the rule upon that subject. The Senator from Ohio moved to postpone all prior orders of business and take up the homestead bill. The prior orders of business were what would have come up in succession, one after another, if his motion had not been made. The order for twelve o'clock had not then been reached; that was a special, separate order of the Senate. The Chair does not construe a motion of that sort, made half an hour, or three quarters of an hour, in advance of that time, to apply to it. However, the whole matter is in the control of the Senate. They can postpone this measure.

Mr. WADE. I make that motion.

The VICE PRESIDENT. It is moved and seconded that the unfinished business of yesterday, and the other special orders, be postponed.

Mr. MALLORY. I ask for the yeas and nays on that motion.

Mr. HUNTER. What is the motion pending? Is it my motion?

The VICE PRESIDENT. The motion before the Senate was the motion of the Senator from Virginia to postpone the pending business, and other orders, to take up the appropriation bill. Pending the consideration of that motion, the hour for the special order arrives. The Senator from Ohio moves to postpone the unfinished business, and the other special orders. If that motion prevails, the question will recur on the motion of the Senator from Virginia; and if that fails, we continue the consideration of the homestead bill.

Mr. HUNTER. My motion was to postpone all prior orders. That will settle the question. If there is a majority for going on with the homestead bill, they will vote it down. I have not yet had a vote on taking up the appropriation bill; we had a vote on the other matter. I gave notice, when the appropriation bill was laid over yesterday, that I should call it up to-day at twelve o'clock. If there is a majority of the Senate against me, I submit; I make no more motions about it.

The VICE PRESIDENT. The Senator from Virginia made his motion some ten minutes before twelve o'clock; and if it had prevailed, when the hour of twelve arrived the Chair would still have called up the unfinished business of yesterday. The hour of twelve having arrived, pending the discussion of that motion, the Chair sees no objection to let that motion lie. The motion of the Senator from Virginia will settle the question, if such be the sense of the Senate.

Mr. HUNTER. My motion is pending, and there cannot be two motions of the same sort pending at the same time; and the decision of that will decide the question. If they vote against it, then all the Senator from Ohio has to do is to move to postpone the special order.

Mr. WADE. Very well. I only wish to have it understood, then, that the Senator from Virginia moves to take up the appropriation bill.

Mr. HUNTER. Yes, sir. I move to postpone all prior orders.

The VICE PRESIDENT. This, then, will be the condition of the motion before the Senate: the question is on the renewed motion of the Senator from Virginia.

Mr. STUART. I object to that. The Senator's motion must stand as it did when he made it. I object to any renewal of the motion. I had the floor, and the Chair arrested me to call up the special order. When that matter is out of the way, there can be no motions made, because I am entitled to the floor.

Mr. SEWARD. That is clearly so.

The VICE PRESIDENT. The Chair supposed that it was by general consent of the Senate.

Mr. STUART. No, sir.

The VICE PRESIDENT. The motion now made then, if the Senator from Michigan insists on it, is the motion of the Senator from Ohio to postpone the unfinished business of yesterday and the other special orders. Upon that the yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. IVERSON. I do not rise to discuss the question, but merely to give notice of a rule which I propose to add to the standing rules of the Senate. I have to give notice of it a day in advance. It is a proposition which I think the discussions

on this floor constantly every day will show the necessity of. Upon motions to postpone, the discussion branches off. I want to cut off everything of that sort. I propose to offer this resolution:

Resolved, That the following shall be added to and form one of the standing rules of the Senate:

On all motions to postpone the prior order and take up any other bill or resolution, no Senator shall speak more than once, nor more than five minutes; and it shall be in order at any time to move to lay the motion to postpone on the table.

Mr. STUART. I object to its introduction now.

Mr. IVERSON. I only give notice that I shall offer it.

The VICE PRESIDENT. Objection being made, its introduction is not in order.

Mr. CLARK. I wish to make an inquiry. It seemed to be understood yesterday that the Senator from Michigan [Mr. CHANDLER] was to go on with the Cuba question to-day. It is now in order. The inquiry I wish to make is, whether if we go on with that question now, will the homestead bill come up as unfinished business, as a matter of course, when he gets through?

The VICE PRESIDENT. The Chair thinks that would depend upon a multitude of questions in the action of the Senate which he cannot answer.

Mr. BRODERICK. I hope that the Senator from Ohio will withdraw his motion, and let a vote be taken upon the motion of the Senator from Virginia. If that is voted down we shall come at once to a vote on the homestead bill.

Mr. STUART. The Senator will see we cannot do that. The Chair has decided that the unfinished business of yesterday, the Cuba bill, is up, unless it is postponed.

The VICE PRESIDENT. The Senate must take some action on that special order.

Mr. WADE. I understand it to be a very simple matter. The question now is on my motion to postpone the twelve-o'clock order, and continue the homestead bill. The friends of the homestead bill of course will vote for my motion.

The Secretary proceeded to call the roll.

Mr. CHESNUT, when his name was called, said: I have paired off with the Senator from Minnesota, [Mr. SHIELDS.] He would have voted for the motion, and I against it.

Mr. BRIGHT. I wish to keep the homestead bill before the Senate to-day, and so vote.

The result was announced—yeas 27, nays 26; as follows:

YEAS—Messrs. Bell, Bright, Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Pugh, Rice, Seward, Simmons, Smith, Stuart, Trumbull, Wade, and Wilson—27.

NAYS—Messrs. Allen, Bates, Benjamin, Bigler, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas, Lane, Mallory, Mason, Pearce, Reid, Sebastian, Slidell, Toombs, Ward, and Yulee—26.

So the motion of Mr. WADE was agreed to.

The VICE PRESIDENT. The question now is on the motion of the Senator from Virginia, to postpone the consideration of the homestead bill on which the Senate was engaged, with a view to take up the consular and diplomatic appropriation bill.

Mr. STUART. On that question I believe I had the floor.

The VICE PRESIDENT. The Chair understands some Senator to ask for the yeas and nays. The Senator from Michigan will have the floor, when the Chair ascertains whether the call for the yeas and nays is sustained.

The yeas and nays were ordered.

Mr. STUART. As I said at the commencement, I am altogether disinclined to consume the time of the Senate on this question; but I wish to repeat in a word, what I said before, that such is the arrangement of business that there is no opportunity for those who are the friends of the measure to discuss it. I had nearly concluded what I had to say, and was about to add, that every suggestion I have ever heard of public policy, both in respect to the United States, and the States themselves, is precisely the reverse of what is supposed, and this measure of all others, is the most beneficial to the public interests both of the United States and the States themselves. I hope that irrespective of appropriation bills and of every other consideration, we may be permitted to have a vote, that the sense of the Senate may be taken on this question.

Mr. MASON. I do not know what may be the pleasure of the Senate, and how far it concurs in the views of the honorable Senator from Michigan; but if the homestead bill is taken up, I take it for granted it will involve a very extended debate. I shall deem it my duty, for one, to go into it pretty largely; because, not intending at all to impugn the opinions of other Senators, I have not yet known in the Senate a bill so fraught with mischief, and mischief of the most demoralizing tendency, as the homestead bill. Then, where are we? Here, within a fortnight of the expiration of the session, and not the appropriation bills only unacted upon, but the great policy of the country, in reference to the finances of the country, unsettled, and but two weeks to do it in, with a prospect, and I am afraid an imminent prospect, of a disastrous session in the summer, to make up for our deficiencies here this winter. Sir, there are pending before the country, most important questions affecting the interests of the country in the finances, which will have to be settled, and there are but two weeks to do it in. I trust, therefore, it will be the pleasure of Congress to postpone all measures of every kind to take up those subjects.

Mr. SEWARD. Mr. President, the remarks which have been made by the honorable Senator from Virginia seem to me to prove conclusively that the proper course on the present occasion is to take up and dispose of the homestead bill. I had hoped that a bill like this, simply carrying out in a form well matured and well digested, a policy that has been submitted to Congress every year since I have been a member of this body, and has been discussed fully before the whole country, as well in the debates of Congress as in the press, might find the Senate of the United States prepared to act without further discussion; but since we are advertised by the honorable Senator from Virginia that such is not the case, and that debate is necessary, and that even extended debate is to be had upon the subject, it is very clear, there being only twelve or fourteen days more of this session, that it is high time for that debate to begin.

Mr. President, the question now is between laying down the homestead bill and taking up in its place the appropriation bills. The appropriation bills, like the homestead bill, must pass both Houses of Congress. The appropriation bills have already passed the House of Representatives, and they are sure to pass the Senate of the United States. As has been well said, there never was an occasion practically when an appropriation bill failed to pass the Congress of the United States. On the other hand, the homestead bill has been before the Senate every session for the last eight or ten years, and has always failed to pass; and for the last four or five years has failed only because it was not taken up and pressed on the attention of Congress at a period sufficiently early to secure its passage through both Houses.

The appropriation bills concern the business to-day; they provide the means for carrying on the administration of the Government for a single year. The homestead bill settles indefinitely the policy of the Government in regard to the public lands. It is a measure of permanent importance and interest. It is a business that concerns not only to-day, but to-morrow, next year, fifty, and a hundred years hence. The States of this Union will be settled, and the resources of the United States will be developed; the strength and power and integrity of the Union will be established; the force and vigor of the Republic will be perfected, just as soon as the public lands, hitherto held for the purpose chiefly of speculation by capitalists, at the cost of the labor and industry of the country, shall be taken out of that market.

Mr. HUNTER. I must rise to know if it is in order to discuss the merits of the bill on this motion. If the Senator has a majority, he will have the bill up directly, when he can speak on it; and I am afraid he has the majority with him.

Mr. SEWARD. It is very unfortunate——

The VICE PRESIDENT. Will the Senator be good enough to pause for a moment?

Mr. SEWARD. Certainly.

The VICE PRESIDENT. The Chair will state, in answer to the question of order, that the usage since he has occupied the chair, has been to indulge some latitude of debate on these simple business questions. The Chair has been in doubt under the vagueness of the rule, and the conflicting usage that has prevailed in the body, what decision ought to be made, and does not like to take the responsibility of overturning what seems to have been the custom of the Senate. Undoubtedly, according to general parliamentary law, it is not in order to discuss the merits of a question upon a proposition to take it up.

Mr. SEWARD. There was in my mind, at the time I was called to order by the honorable Senator from Virginia, some two words, which would have completed a sentence, and caused the climax of the argument which I was addressing to the Senate. Those words have gone from me. I have no doubt that when the spirit of my remarks shall come before the public, they will be able to supply them.

Mr. WADE. In moving to take up this bill, I was aware of all the difficulties that were before it, and I knew that it would encounter opposition in consequence of the measures that stand at the head of it, and many of which are very necessary to be passed; but if those measures to-day were all out of the way, I should have no hope whatever of having a vote on this bill. Every Senator knows full well that now is the day and now is the hour; stand by this bill to the end now, or give it up. It is because there is no time for that unlimited debate that might be instituted upon this bill, that I hope to-day to carry it through. I know there are measures behind it that must be passed this session; and because it is so, I hope we shall be permitted to have an early vote on this bill; and again I urge its friends not to talk about it.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia, to postpone this bill, and take up the appropriation bill.

Mr. CHESNUT. I have paired off with General SHIELDS.

The vote was taken; and resulted as follows:

NAYS—Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas, Kennedy, Lane, Mallory, Mason, Pearce, Reid, Sebastian, Slidell, Toombs, Ward, and Yulee—28.

NAYS—Messrs. Bell, Bright, Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Houston, Johnson of Tennessee, King, Pugh, Rice, Seward, Simmons, Smith, Stuart, Trumbull, Wade, and Wilson—28.

The VICE PRESIDENT. Upon this question the yeas are 28, the nays 28; the Senate being equally divided, the Chair determines the question in the affirmative.

CONSULAR AND DIPLOMATIC BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 666) making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th of June, 1860; the pending question being on the amendment of Mr. PUGH, which is to strike out all after the enacting clause of the bill down to the seventy-ninth line, inclusive; as follows:

"That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereafter expressed, for the fiscal year ending the 30th of June, 1860, namely:

"For salaries of envoys extraordinary, ministers, and commissioners of the United States at Great Britain, France, Russia, Prussia, Spain, Austria, Brazil, Mexico, China, Chili, Peru, Portugal, Switzerland, Rome, Naples, Sardinia, Belgium, Holland, Denmark, Sweden, Turkey, Buenos Ayres, New Granada, Bolivia, Ecuador, Venezuela, Guatemala, Nicaragua, Sandwich Islands, Costa Rica, Honduras, Argentine Confederation, and Paraguay, $214,000.

"For salaries of assistant secretaries of legation at London and Paris, $3,000.

"For salary of the secretary of legation to China, acting as interpreter, $5,000.

"For salary of the secretary of legation to Turkey, acting as dragoman, $3,000.

"For contingent expenses of all the missions abroad, $50,000.

"For contingent expenses of foreign intercourse, $60,000.

"For expenses of intercourse with the Barbary Powers, $2,000.

"For the relief and protection of American seamen in foreign countries, $150,000.

"For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing citizens of the United States from shipwreck, $10,000; to be expended under the direction of the President of the United States.

"For the purchase of blank-books, stationery, arms of the United States, seals, presses, flags, and for the payment of postages and miscellaneous expenses of the consuls of the United States, $40,000.

"For office rent for those consuls general, consuls, and

commercial agents, who are not allowed to trade, including loss by exchange thereon, namely: for office rent, $22,370.

"For salary of minister resident at Japan, from the 19th day of January, 1859, to the 30th of June next, $3,375.

"For salary of minister resident at Japan, $7,500.

"For salaries of consuls general at Quebec, Calcutta, Alexandria, Simoda, Havana, Constantinople, Frankfort-on-the-Main; consuls at Liverpool, London, Melbourne, Hong Kong, Glasgow, Mauritius, Singapore, Belfast, Cork, Dundee, Demarara, Halifax, Kingston, (Jamaica,) Leeds, Manchester, Nassau, (New Providence,) Southampton, Turk's Island, Prince Edward's Island, Havre, Paris, Marseilles, Bordeaux, La Rochelle, Lyons, Moscow, Odessa, Revel, St. Petersburgh, Matanzas, Trinidad de Cuba, Santiago de Cuba, San Juan, (Porto Rico,) Cadiz, Malaga, Ponce, (Porto Rico,) Trieste, Vienna, Aix-la-Chapelle, Canton, Shanghae, Fouchou, Amoy, Ningpo, Beirut, Smyrna, Jerusalem, Rotterdam, Amsterdam, Antwerp, Funchal, Oporto, Saint Thomas, Elsineur, Genoa, Basle, Geneva, Messina, Naples, Palermo, Leipsic, Munich, Leghorn, Stuttgardt, Bremen, Hamburg, Tangiers, Tripoli, Tunis, Rio de Janeiro, Pernambuco, Vera Cruz, Acapulco, Callao, Valparaiso, Buenos Ayres, San Juan del Sur, Aspinwall, Panama, Laguayra, Honolulu, Lahaina, Capetown, Falkland Islands, Venice, Stettin, Candia, Cyprus, Batavia, Fayal, Santiago, (Cape de Verdes,) Saint Croix, Spezzia, Athens, Zanzibar, Bahia, Maranham Island, Para, Rio Grande, Matamoras, Mexico, (city,) Tampico, Paso del Norte, Tabasco, Paita, Tumbez, Talcahuano, Carthagena, Sabanillo, Omoa, Guayaquil, Cobija, Montevideo, Tahiti, Bay of Islands, Apia, Lanthala; commercial agents at San Juan del Norte, Port au Prince, San Domingo, (city,) St. Paul de Loando, (Angola,) Monrovia, Gaboon, Cape Haytien, Aux Cayes, and Amoor river, $240,000.

"For interpreters to the consulates in China, $4,500."

And insert, in lieu thereof:

That the sum of —— thousand dollars be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the President of the United States to maintain diplomatic intercourse with the Governments of other countries for the year ending the 30th of June, 1860, the same to include the compensation of special ministers and assistants, appointed from time to time, as occasion may require: *Provided*, That every such appointment, if made while the Senate is in session, shall be accompanied by a message, explaining the necessity or reason thereof; and, if made during recess, to continue only until the adjournment of the Senate at its next session thereafter.

SEC. 2. *And be it further enacted*, That the offices of Ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary and assistant secretary of legation, and all other diplomatic offices, except as authorized by the first section of this act, together with the office of consul general, be, and the same are hereby, abolished.

SEC. 3. *And be it further enacted*, That in no case shall any minister, appointed under the authority of this act, be allowed or paid a larger compensation than at the rate of $10,000 per annum for the time of his actual employment and service abroad, and a reasonable time for going to and returning from the place of said employment and service; nor shall there be allowed or paid for the service of any assistant to such minister, whether as secretary, interpreter, dragoman, or otherwise, a larger compensation than at the rate of $3,000 per annum, for such time as aforesaid.

SEC. 4. *And be it further enacted*, That no consul, assistant consul, commercial agent, vice or assistant commercial agent, shall be allowed or paid any sum as compensation from the Treasury of the United States; but every such officer shall be entitled to retain the fees of his consulship or agency to an amount equal to the salary thereof, as prescribed by the act entitled "An act to regulate the diplomatic and consular system of the United States," approved the 18th day of August, in the year 1856; the excess of all such fees, if any, to be paid into the Treasury as now required by law.

SEC. 5. *And be it further enacted*, That the first, second, fifth, sixth, ninth, tenth, eleventh, twelfth, twenty-first, and twenty-second sections of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved the 18th day of August, in the year 1856, together with so much of the third, eighth, thirteenth, and nineteenth sections thereof, as are inconsistent with this act, be, and the same are hereby, repealed.

SEC. 6. *And be it further enacted*, That the second and subsequent sections of this act shall take effect on the 1st day of July next.

Mr. PUGH. Mr. President, the present act, passed on the 18th of August, 1856, fixes the rate of compensation of the various missions. The section is:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That embassadors, envoys extraordinary and ministers plenipotentiary, ministers resident, commissioners, chargés d'affaires, and secretaries of legation, appointed to the countries hereinafter named in schedule A, shall be entitled to compensation for their services, respectively, at the rates per annum hereinafter specified; that is to say, embassadors and envoys extraordinary and ministers plenipotentiary, the full amount specified therefor in said schedule A; ministers resident and commissioners, seventy five per centum, chargés d'affaires, fifty per centum, and secretaries of legation fifteen per centum, of the said amounts respectively: *Provided*, That the compensation of the secretary of the legation to China, acting as interpreter, shall be at the rate of $5,000, and if not acting as such, at the rate of $3,000; and that of the secretary of legation to Turkey, acting as dragoman, at the rate of $3,000, and if not acting as such, at the rate of $2,000 per annum."

Now follows schedule A:

"*Schedule A.*—Great Britain and France, each $17,500.

"Russia, Spain, Austria, Prussia, Brazil, Mexico, and China, each $12,000.

"All other countries, each $10,000."

We live under an Administration that makes great professions of retrenchment, and yet the extraordinary increase in the salaries of our ministers abroad, within the last twelve months, ought to arrest the attention of Congress and of the country. Until the incoming of the present Administration, it quite sufficed us to have a minister to China of the rank of commissioner, at a salary of $9,000 per annum; but the President of the United States has appointed a gentleman from Pennsylvania to that office, and elevated him to the rank of envoy extraordinary and minister plenipotentiary, in order to give him $12,000 a year. That is one case.

We got along well enough until within the last few months, with a consul general at Japan, who received a salary of $5,000. The President has elevated him to the grade of minister resident, in order to give him $10,000. We got along well enough until some time in October last, with a minister resident at Austria, at a compensation of $9,000 a year; but all of a sudden another citizen of Pennsylvania was sent abroad to that mission, and was elevated to the rank of envoy extraordinary and minister plenipotentiary, at a compensation of $12,000 a year. Here are three offices, at a respective increase of their compensation, by the mere *fiat* of the President, of $3,000, $5,000, and $3,000 per annum.

Now, sir, if it be that our legislation is of such a character that this expenditure can be put upon us, annually, by the mere will of the President, it is high time that this business was overhauled. How many more cases might be selected, I do not know. I am not aware of anything that has transpired in relation to these countries calling for such an increase of the compensation of our ministers. I have heard of no rupture between us and Austria; I have heard of no complication of our difficulties. I rather think it was trouble in the domestic relations, instead of the foreign relations, that brought about that increase of salary.

Mr. HALE. I tried to explain that in executive session, but I failed; and I believe I did not satisfy the Senator from Ohio. [Laughter.]

Mr. PUGH. In the earlier days of the Republic, we did not need all this. Take this list of officers. They remind one of that homely old phrase in the Declaration of Independence, "a swarm of public officers." Look at this bill:

"For salaries of envoys extraordinary, ministers, and commissioners of the United States, at Great Britain, France, Russia, Prussia, Spain, Austria, Brazil, Mexico, China, Chili, Peru, Portugal, Switzerland, Rome, Naples, Sardinia, Belgium, Holland, Denmark, Sweden, Turkey, Buenos Ayres, New Granada, Bolivia, Ecuador, Venezuela, Guatemala, Nicaragua, Sandwich Islands, Costa Rica, Honduras, Argentine Confederation, and Paraguay" —

with all their suites of secretaries, and assistants, and dragomans, and the Lord knows what besides.

Sir, in the time when we had a foreign policy worth calling such, old James Monroe, God bless his memory! was minister to five or six countries at once. He did not have anything like the compensation of any of these gentlemen, and he performed his duty ten times better than all of them put together. It is an enormous abuse. It is not to carry on our foreign intercourse. It is to pension personal and political friends. I have very little expectation that my amendment to strike all that out, and go back to the precedents of Washington's administration, of giving the President a gross sum with which to conduct the foreign intercourse, and requiring him, whenever he sends a particular officer abroad, to give us the reason of it, will be adopted; and probably, if I can perfect it in time, I shall simply content myself with a little reform, and shall propose, hereafter, in lieu of the first section of my amendment, to specify to what countries the President shall send an envoy extraordinary, and to what countries he shall send only a minister resident or a commissioner. I have no idea of allowing the President, at his own will and pleasure, to appoint one man to honor and another to dishonor in this way. I did not know the gentleman who was formerly Minister to Austria. I believe he was a citizen of Georgia. I had heard of him often, and heard him spoken of in the very highest terms—Mr. Jackson. I had heard a great many gentlemen, some of whom, I believe, were with him at college, speak of him as a gentleman of very extraordinary attainments and abilities. He served his country for four or five years, I believe, at a compensation of $9,000, as minister resident; but he resigned, or was removed, and a gentleman lately a member of the House succeeded him, and his compensation put up to $12,000.

I shall endeavor to perfect the amendment so that it will prescribe to what countries the President may send an envoy extraordinary, and to what countries he may send a minister resident; endeavoring, as far as I can with my limited knowledge, to apportion them to the countries with whom our intercourse is more important; and I think that a great many of these missions might be consolidated. I think there is no necessity for a minister to Rome and to Naples both. I think a minister at Rome might well perform the duties of minister at Naples, or *vice versa*. I think a minister at New Granada could well perform the duties of minister to the whole of the Central American States. I think a minister to Holland might perform the duties of a minister to Belgium. I shall endeavor to group some of them together.

But I propose now to speak of the other branch of my amendment, the consular system; and that exceeds in iniquity, if possible, the other. It was said, in 1855, when we undertook to give the consuls salaries, that we were going to save money; that it was cheaper for the Government. I do not know how that may have been under the act of 1855, but that act was not allowed to remain. The act of 1856 was substituted, which increased the salaries of the consuls; and now, for the first time, at this session we have laid on our tables a statement of the enormous saving of the consular system of the United States. That act created, among other things, a number of officers called consuls general, and it is at the will of the President to appoint a man consul general, or consul, or vice consul, or commercial agent, or vice or assistant commercial agent. He may rank the whole line, just as he ranks the diplomatic officers, at his will. He has appointed a number of consuls general, and I propose to show the Senate how much money we save by it.

I have before me Senate Executive Document No. 20, Thirty-Fifth Congress, second session, the report of the Secretary of State, in relation to consular fees, made in compliance with the eighteenth section of the act of August 18, 1856. Now listen. The consul general to British North America, Montreal, gets a compensation of $4,000; the fees paid into the Treasury last year, were $339 21. The consul general to Egypt, Alexandria, compensation $3,500; fees $100 57. The consul general to Japan, Simoda, compensation $5,000, fees $10 10. The consul general to Turkey, Constantinople, compensation $3,000, fees, $423 49. The consul general to the Hanseatic and Free Cities, Frankfort on the Main, compensation $3,000, fees $579 70. So much for the consuls general—*ex uno dice omnes*. Now let us turn to consuls. There is some very interesting information in this document in regard to them.

The consul at Melbourne receives a salary of $4,000; his fees paid into the Treasury last year, were $972 76. The consul at Hong Kong, salary $3,500, fees $659 05; at Mauritius, compensation $2,500, fees $464 30; at Demarara, compensation $2,000, fees $278 53; at Manchester, compensation $2,000, fees $313 80; at Southampton, compensation $2,000, fees $342 18; at Turk's Island, compensation $2,000, fees $341 08; at Marseilles, compensation $2,500, fees $1,528 55: that fellow comes the nearest of any of them. Consul at Lyons, $1,500, fees $907; at La Rochelle, compensation $1,500, fees $459 22; at Moscow, compensation $2,000, fees none; Odessa, compensation $2,000, fees $49 84; at Revel, compensation $2,000, fees none; St. Petersburgh, compensation $2,000, fees $221; Cadiz, compensation $1,500, fees $707 57; Malaga, compensation $1,500, fees $620 85; Vienna, compensation $1,500, fees $525 75; Aix la Chapelle, compensation $2,500, fees $1,211 90; Amoy, compensation $3,000, fees $20 87; Canton, compensation $4,000, fees $49 50; Fouchou, compensation $3,500, fees $300 94; Ningpo, compensation $3,000, fees $2 31; Shanghae, compensation $4,000, fees $1,562 87; Smyrna, compensation $2,000, fees $547 02; Jerusalem, compensation $1,500, fees $22; Beirut, compensation $2,000, fees $9; Amsterdam, compensation $1,000, fees $462 42; Rotterdam, compensation $2,000, fees $857 16; Antwerp, compensation $2,500, fees $1,591 53; Funchal, compensation $1,500, fees $74 50; Oporto, compensation $1,500, fees $153 95;

St. Thomas, compensation $4,000, fees $1,518 38; Elsineur, compensation $1,500, fees $140 15.

Shall I go on, sir? It is all the same. There are not six consulates, the fees of which pay the salary; and yet it was said to us that if we would pass a law requiring the fees of the consulates to be paid into the Treasury of the United States, they alone would more than pay the salaries of those officers. Now, this is the meager return; this is all that the business pays. You had a system that answered well enough before. It was a system by which the commerce of every port bore its own burdens; the business of the place supported the consul by the fees of his office. Those who had occasion for his services paid him; and, in order to make it the object of merchants in some small places to attend to our cousular wants —and I believe merchants were the best consuls we ever had—some little privileges were given to them; but you entered upon this extensive system; you provided for consul general, and consuls, and vice consuls, clear down to consular pupils. I believe you have abolished the consular pupils; and well you might. What has been the consequence? You added several other provisions; that no foreigner should be employed as clerk at a consulate—as if the foreigner, who, probably, could write as good a hand as anybody else, on the spot, was going to soil the consular records; and that the consuls should not trade in their ordinary employment; and thus you foisted the whole body of the consuls on the Treasury of the United States, under the pretext that their fees would more than compensate them. It has not proved to be true; and, instead of that, those who were competent to discharge the duties of consul —I mean those familiar with commercial business —have been driven out; and those offices, like the diplomatic offices, have become convenient pillows on which declining politicians can repose for the rest of their days. I say the system is a shocking abuse. The diplomatic system is as bad as it can be, and the consular system is infinitely worse.

Now, sir, there being one or two or three of the consulships, and not more—certainly, I think, not more than six in all—in which the fees exceed the compensation provided by law, (as is the case at Liverpool and Havre, but they exceed it very little,) I propose, by my amendment, that every consul shall take the fees of his office up to the limit provided in the act of 1856; and if there be any excess, let him pay it into the Treasury. My object is to relieve the Treasury of the United States from this burden, to cut these pipes through which all this money is sucked out of Uncle Sam's strong box. As to the consular system, it seems to me there ought not to be a moment's hesitation. As to the diplomatic system, as I know it is a part of the dignity of the country, as gentlemen say, and necessary for us to go to all this foolishness because other nations do it —not that I think we have the least occasion for it—I shall content myself, if I can perfect that section, with only endeavoring to make this foolishness cost as little as possible in our present circumstances. But as to the consular system, it seems to me there is no excuse for this expense. If commerce is not able to bear its own burdens, they ought not to be devolved on the Treasury. Now, in lieu of the first section of my amendment, which I shall withdraw, leaving the others, I move, in line eight, after the words "envoy extraordinary," to strike out to the end of the paragraph and insert:

Ministers plenipotentiary of the United States at Great Britain, France, Russia, Spain, and China; salaries of ministers resident at Prussia, Austria, Chile, Peru, Portugal, Switzerland, Holland, Sweden, Denmark, Turkey, Buenos Ayres, and New Granada, &c.

Then let the proper sum be inserted, and I propose to add:

And that the duty of the mission of the United States at Naples be performed by the minister resident at Rome; that of the mission at Sardinia by the minister resident at Switzerland; that of the mission to Belgium by the minister resident of Holland; that of the missions at Nicaragua, Guatemala, Costa Rica, and Honduras, by the minister resident at New Granada.

And then I propose to abolish the rest of them.

Mr. HUNTER. I do not propose to say a word on this proposition. I will merely say that this is an attempt to change the diplomatic system on an appropriation bill. I only want a vote.

Mr. MASON Mr. President, I do not know that the honorable Senator from Ohio could render a more acceptable service to the country than by giving his attention and examination to the subject which he proposes to remedy by his amendment; but I submit to the honorable Senator, that when it is done, it must be done with more scrutiny than his time has allowed him, or than can be brought to it by the Senate in this informal manner, by an amendment to an approation bill. I am satisfied that the consular service of the country will require a great deal of revision and amendment to redeem it from the mischievous consequences that have resulted from the bill of 1855. In 1855 a bill was prepared in the House of Representatives, which blended the diplomatic and the consular service in the same bill. It was a very long bill, filled with details, and, I think, filled with crudities and imperfections. One great feature of the bill was to change the whole character of the consular service. It had, theretofore, been treated as belonging purely to commerce, and not to the diplomacy of the country; and the compensation of the consuls was thrown, where I think it ought to rest, upon the commerce of the country, and the consuls were supported by their fees.

A great deal of disparity, of necessity, arose in the compensation of the various consuls abroad; but it arose from the fact that it was larger where there was large commercial intercourse, and smaller where the commercial intercourse was less. It resulted that at some points the emoluments of the consul were very large, and by many persons deemed too large; and at other points the emoluments were very small, and those consuls were complaining of the inadequacy of their compensation. But it could all have been remedied, and, I trust will be remedied; and, for one, I shall be happy to have the very able support of the honorable Senator from Ohio in applying the proper remedy. It can be remedied still by leaving the burdens of the consular compensation where it ought to rest—on the commerce between this country and foreign nations, and relieving the Treasury altogether from the burden that is now thrown upon it, and that will be by again remitting the consuls to the consular fees for their remuneration; and wherever it shall be deemed that those fees are too large, to require the surplus beyond what may be stated, to be paid into the Treasury; but that cannot be done, I think, without a very careful revision, in conjunction with the executive authority, of the tabular list of consuls, with the aid of the experience derived by the Department of State, to know in what manner the consular fees shall be reduced at some points and enlarged at others. But it has seemed to me that the burden of the consular system, which is one almost exclusively for the benefit of commerce, should be made to rest on the commerce of the country, and not on the Treasury.

Now, as to the diplomatic system, the scheme of the honorable Senator, as I understand it from a cursory reading of his amendment, is to go back to the first system that was adopted at the organization of the Government; that is to say, to give to the executive department a certain sum of money, and to leave to the executive department to determine how that money shall be expended under certain limitations, in sustaining diplomatic intercourse between this country and foreign nations; but the honorable Senator enlarges into a system which, I submit to him with entire respect, if it were adopted, would be not only to trench upon the proper functions of the Executive, but to assume to Congress functions which they are incompetent to discharge; that is to determine where there should be, and where there should not be, foreign ministers. That belongs to the Executive.

The first act upon this subject displayed the theory of the Government as it then existed, and so far as I have read the Constitution, I am satisfied the true theory of the Government. The first act, which was passed in 1790, placed the sum of $40,000 at the disposal of the President to be expended by him to maintain diplomatic intercourse between the United States and foreign Powers, and placed no limits whatever upon his discretion as to where this diplomatic intercourse should be instituted. It placed no limit upon the whole subject of diplomatic intercourse except, as Congress had a perfect right to do, by limiting the amount of compensation to those gentlemen

Now, with all respect to the honorable Senator from Ohio, I would say to him that it is not competent to Congress, it is not competent to both Houses, to indicate to the President where he shall send a minister and where he shall not. The Constitution vests in the President the executive power and says no more. It leaves utterly undefined by the Constitution what the executive power is; but it vests in the President the executive power, as wholly free from control as it vests in Congress the legislative power.

Mr. PUGH. Do I understand the Senator from Virginia to insist that the executive power includes the right to create offices?

Mr. MASON. The Constitution, as I have said, places in the President the whole executive power, without limitation or restraint, by any attempt to define what the executive power is. A part of the executive power, of necessity, as known to all publicists, is the conduct and the regulation of the intercourse between the United States and foreign nations. In regulating the intercourse between nations, the law of nations has pointed out as the organ a minister plenipotentiary, an embassador, or by whatsoever name he is called in public law. The answer to the Senator's question is simply this: that the function of a foreign minister is not an office in any sense of the word. A foreign minister takes with him abroad no commission; he takes nothing but a letter of credence, in the nature of a letter of introduction and recommendation, informing the foreign Power that the President of the United States sends him abroad with this letter, and asks for him a kind and courteous reception, with the immunities that, under the law of nations, belong to a foreign minister. It is not created by the Constitution, nor is it created by the law; it results from the necessity between nation and nation in their intercourse. The first law of 1790, respecting that, did no more than to place the sum of $40,000 at the disposal of the President, to be expended by him in the payment of foreign ministers, or in other proper expenditures for foreign intercourse, and for a portion of it, or such portion as the President might think proper to set apart, left him, for its expenditure, utterly irresponsible to Congress or to the country. The law is this:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby, authorized to draw from the Treasury of the United States a sum not exceeding $40,000, annually, to be paid out of the moneys arising from the duties on imposts and tonnage, for the support of such persons as he shall commission to serve the United States in foreign parts, and for the expense incident to the business in which they may be employed."

It further provides a limitation upon the compensation he should pay them—a subject, of course, entirely within the control of Congress:

"*Provided*, That exclusive of an outfit, which shall in no case exceed the amount of one year's full salary to the minister plenipotentiary or chargé d'affaires to whom the same may be allowed, the President shall not allow to any minister plenipotentiary a greater sum than at the rate of $9,000 per annum, as a compensation for all his personal services, and other expenses; nor a greater sum for the same than $4,500 per annum to a chargé d'affaires; nor a greater sum for the same than $1,350 per annum to the secretary of any minister plenipotentiary: *And provided, also*, That the President shall account specifically for all such expenditures of the said money as in his judgment may be made public, and also for the amount of such expenditures as he may think it advisable not to specify, and cause a regular statement and account thereof to be laid before Congress annually, and also lodged at the proper office of the Treasury Department."

It would appear to me that this legislation expounded the true theory of the Constitution in establishing the relations which exist under it, between the executive and legislative department. The Executive is to originate the foreign intercourse; but he cannot send a representative abroad in any capacity without the means of payment; and in order not to place a limit upon his proper executive discretion, Congress appropriated a sum, in gross, to be applied as he thought proper in the payment of foreign ministers, limiting only the salary that should be paid to each, according to the respective grade of each; a grade not fixed by the Constitution, a grade not fixed by the law, but a grade fixed by the public law of nations, as a matter which is interesting to them in the regulation of their foreign intercourse.

I would say, then, so far as the amendment of the Senator contemplates a restriction on the discretion of the Executive, as to where he shall send

a minister, and where he shall not, that it is trenching upon the executive power; and the President, at his discretion, may disregard it, provided the means are afforded to compensate a minister, if he chooses to do it. But I would again submit to the honorable Senator that it would be very inconvenient and unwise to have placed by the Constitution—and the Constitution alone could do it—any limit upon the executive power in reference to the foreign intercourse. There may be occasions—occasions have arisen where it became important to the interests of the country that a functionary of some kind should be sent abroad to a foreign nation upon a mission so secret that the Treasury should not know where the compensation went that paid it. If the President was required, as the amendment of the honorable Senator would require, whenever he sent a minister abroad, to report to Congress, not only where he had sent him, but why he had sent him, Senators will see at once how necessarily it must embarrass the interests of the country in the arrangement of the foreign intercourse.

I do not mean to make an extended speech on the subject, but only to say, that I am glad to find that the subject has attracted the attention of the very able Senator from Ohio, and that in due time, I hope, we shall have his assistance in revising the consular system, and, if necessary, in revising the diplomatic system, so far as the compensation of the diplomatic corps is concerned.

I might properly be deemed arrogant, or censorious, if I did more than express an opinion, with great deference to the executive power; I mean the executive power known to the Constitution; not the distinguished citizen, who, from time to time, may fill it; but I would say, with great deference, to that power, seeing as we have seen, that in a course of years, the diplomatic intercourse of the country has been extended far beyond what it has seemed to me and to many others, for whose judgment I have great respect, was necessary for the actual interests of the country; it may become prudent, it may become wise, not to limit the discretion of the Executive in the origination of foreign ministers by any direct indication of what he shall do, and what he shall not do; but by taking care to limit the fund appropriated in such manner as to cut off a great many of the minor missions, which are now distributed throughout the whole European continent, and the whole American continent; but that can be done only, as I understand, by a limitation of the appropriation.

Mr. STUART. Mr. President, I have not paid very close attention to the reading of the amendment of the honorable Senator from Ohio, and therefore do not rise to discuss the merits of that proposition; but if I understand the argument of the honorable Senator from Virginia, I desire to say something on that subject, lest a misapprehension might go abroad, that Congress does not possess the power, either as a Congress, or that the Senate by itself, has not the power to limit the action of the President in respect to the appointment of foreign ministers. I understand the Senator to say (and I understood him to remark the same thing at a former day) that the President has the right, exclusively, to send an embassador or minister abroad wherever he chooses, and that the only power Congress has over it is to withhold the fund to pay him. Now, sir, I must beg leave to differ with the honorable Senator in that opinion. The Constitution of the United States, as I understand it, does limit the power of the President of the United States. He does not possess the power to appoint an embassador or minister without the consent of the Senate. In defining the Executive power, the Constitution declares:

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers, consuls, judges of the Supreme Court," &c.

The language of the Constitution, it is to be observed, is comprehensive, "embassadors, other public ministers, and consuls." Now, by a proper course of reasoning, it seems to me that this is a limitation of the power of the President. Giving him the power to nominate, and, by and with the advice and consent of the Senate, to appoint to an office, is equivalent to saying that he can make that appointment in no other way. I hold that no public minister abroad can be appointed by the President, and that appointment continue, without the consent of the Senate. Doubtless, under another provision of the Constitution, he may make a temporary appointment in the vacation which will hold good until the end of the succeeding session of the Senate; but no longer. The power to appoint an embassador, other public minister, or consul, which language, I say, seems to me to comprehend all ministers abroad, is a power to be exercised in conjunction with the Senate, and not otherwise.

Mr. MASON. Will the Senator indulge me a moment?

Mr. STUART. Certainly.

Mr. MASON. He certainly cannot have understood me to say that the President could appoint a foreign minister without the advice and consent of the Senate. That is the very commencement of the Constitution; it runs through the whole Constitution. All appointments of a certain grade, not regulated by law, are to be made by the advice and consent of the Senate. What I meant to say—I repeat it for fear I did not express myself with sufficient definiteness before—was, that the executive power alone can originate a mission, can determine to what point a minister shall be sent. Of course, except there is a vacancy, he cannot appoint a minister without the consent of the Senate, as conferring the trust, or the charge upon him; but what I meant to say, of course, only was, that he can originate it, can determine where he will send a minister and where he will not. He cannot send him at all unless, when he makes a nomination, the Senate concurs with him as to the man. The Senate, of course, if it did not concur with him as to the object of the mission, might refuse to concur in the appointment. But the purpose of the Constitution was to leave to the President, as I believe, the appropriate duty of the Executive to determine where ministers should be sent. The function of the Senate is only to determine upon the man, though certainly they might extend their objection by refusing to appoint the man if they disapproved of the mission. What I meant to say, then, was, that the President alone is to determine where a minister shall be sent and where he shall not be sent, and that it is not competent to Congress or competent to the Senate to prompt him by legislation, saying we will appropriate to such a place and will not appropriate to such a place, with a view to trammel what I think is the proper privilege of the Executive.

Mr. STUART. Mr. President——

Mr. TRUMBULL. I wish to ask the Senate, if the Senator from Michigan will yield the floor, to lay this bill aside, to allow his colleague, who obtained the floor yesterday on the Cuba question, and who has come here prepared to speak on it to-day, to submit his remarks. It seems to me that it is due to him that he should have the opportunity. The floor was given to him yesterday, and he gave way, and came here to-day expecting to submit his views on that question; and without any design at all to postpone the appropriation bill, I think it but just to him that he should have an opportunity to submit his remarks, and this bill can come up afterwards. I make the motion that this bill be laid aside temporarily, so as to allow the Senator from Michigan to be heard.

Mr. HUNTER. I would suggest that, as we are on the appropriation bill, we had better go on and finish it, and let the Senator from Michigan speak to-morrow at one o'clock. All gentlemen here have been postponed occasionally for a day, when business came up unexpectedly. But for the struggle in the morning hour to-day, we should have probably gotten this bill out of the way by one o'clock. I hope it will be equally agreeable to him to speak to-morrow at one o'clock. It is now nearly half past one, and I think we should facilitate the progress of business by going on with this bill now. I hope it will be quite agreeable to him to speak to-morrow.

Mr. SLIDELL. I am inclined to think this will not be a protracted debate, and we shall probably get through with this bill by two o'clock; and it would be much better to do it.

Mr. TRUMBULL. I understand the Senator from Michigan would prefer to go on now. Of course, however, he is subject to the order of the Senate

Mr. HUNTER. If he goes on now, with the general understanding that we can take up the appropriation bill afterwards, I have no objection.

Mr. SLIDELL. I shall object to any understanding of that sort. If the Cuba bill is taken up, I shall press its discussion.

Mr. HUNTER. Then I cannot give way.

Mr. MALLORY. I trust the Senator from Illinois will make his motion, and test the sense of the Senate. I think it is due to the Senator from Michigan that he should have an opportunity to go on.

Mr. TOOMBS. I suppose the Senator from Michigan cares nothing about it, for I observed that he himself voted just now to take up another measure.

Mr. TRUMBULL. That was in the morning hour, I believe.

The PRESIDING OFFICER, (Mr. REID in the chair.) The question is on the motion of the Senator from Illinois to postpone the further consideration of this bill, and take up the Cuba bill.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the Speaker had signed the following enrolled bills; which, thereupon, received the signature of the Vice President:

An act (H. R. No. 2) donating public lands to the several States and Territories, which may provide colleges for the benefit of agriculture and the mechanic arts;

An act (H. R. No. 458) for the relief of Evelina Porter, widow of the late Commodore David Porter, of the United States Navy;

An act (H. R. No. 522) for the relief of Wright Fore;

An act (H. R. No. 669) for the relief of the Mobile and Ohio Railroad Company; and

A joint resolution (H. R. No. 39) to authorize the Secretary of the Treasury to sell a certain plat of land in the city of Petersburg, Virginia, belonging to the United States.

ACQUISITION OF CUBA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 497) making appropriation to facilitate the acquisition of the Island of Cuba by negotiation.

Mr. CHANDLER. Mr. President, this is a most extraordinary proposition to be presented to the Congress of the United States, at this time. With a Treasury bankrupt, and the Government borrowing money to pay its daily expenses, and no efficient remedy proposed for that state of things; with your great national works in the Northwest going to decay, and no money to repair them; without harbors of refuge for your commerce, and no money to erect them; with a national debt of $70,000,000 which is increasing in a time of profound peace at the rate of $30,000,000 per annum, the Senate of the United States is startled by a proposition to borrow $30,000,000. And for what, sir? To pay just claims against this Government, which have been long deferred? No, sir; you have no money for any such purpose as that. Is it to repair your national works on the northwestern lakes, to repair your harbors, to rebuild your light-houses? No, sir; you have no money for that. Is it to build a railroad to the Pacific, connecting the eastern and western slopes of this continent by bands of iron, and opening up the vast interior of the continent to settlement? No, sir; you say that is unconstitutional. What, then, do you propose to do with this $30,000,000? Is it to purchase the Island of Cuba? No, sir; for you are already advised in advance that Spain will not sell the island. More, sir; you are advised in advance that she will take a proposition for its purchase as a national insult, to be rejected with scorn and contempt. The action of her Cortes and of her Government, on the reception of the President's message, proves this beyond all controversy.

What, then, I ask again, do you propose to do with this $30,000,000? I ask any friend of the measure what he proposes to do with the money? The question is absurd. There is no man, woman, or child, who does not know for what purpose this $30,000,000 is intended. It is a great corruption fund for bribery, and for bribery only. It is a proposition worthy of its author; it is a

proposition worthy of the writer of the Ostend manifesto; a proposition worthy of the brigand; worthy of James Buchanan; but it is unworthy of the President of the United States; it is a proposition disgraceful to be made to the Congress of the United States.

Again I ask, what do you propose to do with the money? Is it intended that this grand corruption fund shall be used in the purchase of foreign ministers and ministers of State and high Spanish officials? Is this what the friends of the measure would have us believe it to be? Such, possibly, a small portion of it may be intended for; but, in my estimation, that portion will be found to be infinitesimally small. There are other, and, in the estimation of some, more important, objects to be attained by the use of this money.

The Democratic party is damaged, badly damaged at the North. Its principles are gone, and even its occupation of public plunder is gone, for there is nothing left to steal; your Treasury is bankrupt, and there is no hope of replenishing it before the presidential contest of 1860. In this emergency something must be done for the Democratic party, and here is the proposition to do it. A new issue is to be raised to call off the attention of the country from past extravagant expenditures and present bankruptcy. Cuba is to be the cry in the next presidential election, and $30,000,000 is to be the inducement to cry loud and long. This is a mere clap-trap proposition to go into the canvass of 1860; and the friends of this measure have no more idea of purchasing Cuba under it than I have of buying it on private account. They are to go before the country upon this cry of Cuba, and upon it they hope to float into power again in 1860. Vain, fallacious hope. Forty Cubas and $300,000,000 as a bribery and corruption fund, would not save the Democratic party from that annihilation which the Almighty has decreed.

But, sir, let us examine this proposition in its practical effects upon our constituency. I propose to take a practical view of it. I propose, before we go into a speculation of this kind, to ascertain whether it will pay. The computation which I am about to present, was made before Oregon was admitted, which has one member of the House of Representatives, and this fact would vary my figures a few dollars; but a few dollars only. Of this $30,000,000 bribery fund, each congressional district will pay $127,118 64. The State of Michigan, under the present representation, according to the census of 1850, having four members, will pay $508,474 56. But the population of Michigan has more than doubled since 1850, and she is now entitled, according to her population, to eight Representatives; and will, in 1860, be entitled to eight, at a ratio of one hundred and twenty-five thousand people to a Representative; so that her present proportion would be, according to a proper apportionment, $1,016,949 12, the interest upon which, at six per cent. per annum, would be $61,016 94. I name six per cent., because if you go into any such wild scheme as this, borrowing money to buy islands, you will find your national credit below par, according to the present rate of interest; and I believe six per cent. is the lowest rate at which you can borrow money if you conclude to go into this fillibustering proposition for the campaign of 1860. I say, then, you propose to mortgage my State of Michigan for $1,016,949, and to compel her people to pay an annual tax of $61,016. Before I vote this mortgage, and this perpetual annual tax upon the people of Michigan, I desire to consult my constituents; and after I have consulted them, even if they should make up their minds that this was a wise scheme, I should tell them that upon that point I differ from them.

But, sir, this is not all. You propose to authorize the President to purchase the Island of Cuba for any price he may see fit. It is true the Senator from Ohio, [Mr. PUGH,] has offered an amendment placing a limit on the price, but it has not been adopted, and if it were I do not suppose it would have any effect on the negotiation. What would President Buchanan care for $50,000,000, more or less, to accomplish his darling scheme? Give him this $30,000,000 to start with and he will pay two hundred, or two hundred and fifty, or any other number of millions that it may suit his whim to pay. I care not for your limit—he will not regard it. I will, however, take as the basis of my calculation the lowest price named as the sum which Spain will consent to accept for Cuba; to wit: $200,000,000. Two hundred million seems to be considered, on all hands, as the minimum price. What the maximum may be, I know not. I take as the basis of my calculation the minimum of $200,000,000. If that be the amount, each congressional district in the United States would pay $847,454, and the State of Michigan, as at present represented under the census of 1850, would pay $3,389,816; but, as I have already stated, her population has more than doubled since the last census, and is rapidly increasing, so that her present proportion would be $6,779,632. Upon this sum the annual perpetual interest would be $406,777 92. I call it perpetual, for no sane man believes that, if this debt be created, it will ever be paid in the world. It is but the commencement of an irredeemable debt. I say, then, you propose to mortgage the State of Michigan for $6,779,632, and to compel her to pay a perpetual annual tax of $406,777 92.

Sir, before I vote for any such scheme as that, I want authority from home; and I advise the Senator from Ohio to listen to his constituents before he votes for any such scheme. My word for it, if he has not heard from them, he will in 1861.

Mr. PUGH. I will take care of my constituents; let the Senator take care of his own.

Mr. CHANDLER. The State of Ohio will have to pay, of this purchase money, $17,896,534, the perpetual annual tax of which, on that State, will be $1,073,791. Of the $30,000,000 appropriated by this bill, Ohio will pay $2,669,478, the annual interest on which, at six per cent., will be $160,168. The Senator says he will take care of that. I trust he will; and I can assure him that if he does not, the people of Ohio will.

Now, let us admit for the sake of the argument, that this proposition is brought forward in good faith and will be successfully terminated, what does the State of Michigan gain, what does the State of Ohio gain, what do any of the northwestern States gain by the purchase of the Island of Cuba? I know something of Cuba, something of its soil, something of its climate, something of its people, their manners and customs, something of their religion, something of their crimes. I spent a winter in the interior of the Island of Cuba a few years since, and can therefore speak from personal knowledge. I differ in my views from the honorable Senator from Louisiana, [Mr. BENJAMIN.] My personal observation does not accord with his theories. Much of the soil of the island is rich and exceedingly productive; but it is in no way comparable to the prairies and bottom-lands of the Great West. You can go into almost any of your Territories and select an equal number of acres and you will have a more valuable State than you can possibly make out of Cuba. You have hundreds of millions of acres of land to which you can extinguish the Indian title for a song, and obtain better lands and create better States than you will ever make out of Cuba.

The Island of Cuba contains nineteen million three hundred and fifty thousand acres, and you propose to pay for it $200,000,000; or in other words, you propose to pay for the Island of Cuba more than ten dollars an acre for every acre of land on it, and then you do not acquire an acre. You are selling infinitely better lands, and have millions upon millions of them, for $1 25; and yet you propose to tax the people of the United States to pay ten dollars an acre for land that you do not get when you pay the money.

I notice by the report of the honorable Senator from Louisiana, [Mr. SLIDELL,] that Cuba contains, at this time, a population of one million nine thousand and sixty inhabitants, including negroes, old men, and small children. You propose to pay nearly two hundred dollars a head for every man, woman, child, and negro on the island, and then you do not own one of them. You propose to pay $200,000,000—for what? For the right to govern one million of the refuse of the earth. You propose to pay $200,000,000 to bring in a population that you would reject with scorn if they were now to apply for admission into the Union, free of all expense.

Do you think that proposition will pay? Do you think it will commend itself to the people of the Northwest? Do you think it will commend itself to the people of this Union? What do you get after you pay your $200,000,000? You acquire the right to build fortifications; to send an army to Cuba; to govern it; to create a navy to protect it; to expend through all time, from twenty-five to a hundred millions per annum, to take care of it. That is all you get. Do you think it will pay? But, as I said before, I know something of the people of this island, and something of their manners and customs.

The white population consists chiefly of creoles, or native-born Cubans. Of the slave population I should think a large majority are native-born Africans. The honorable Senator from Louisiana [Mr. BENJAMIN] spoke the other day of the great mortality among the slaves of Cuba. If he meant to apply his remarks on that point to the creole slaves, he made a vast mistake; for I never in my life saw a more healthy set of persons than the creole slaves of Cuba. They are not half so hard worked, they are better fed, they live longer than the slaves of Louisiana; and they are not as cruelly treated. This remark was made to me over and over again, "Give me anything but a Yankee master." They do not want an American master. He is energetic, he drives, he works his negroes; but the creoles are so utterly indolent themselves, that they allow their negroes to do pretty much what they please. If the Senator meant his remark to apply to the Africans, it was, perhaps correct. At the time I was upon the island, the mortality of the native Africans was estimated thus: one fifth of all shipped from the coast of Africa died upon the passage; one fifth more committed suicide within the first year after they were landed on the island; one fifth more died the first year in the process of acclimation, because they were unaccustomed to toil, unaccustomed to that mode of living. Consequently, three fifths of the entire exportation from the coast of Africa were lost in one year from the date of their exportation. In regard to the remaining two fifths, however, after becoming acclimated, they live as long as creole negroes. It will be seen that three fifths being destroyed the first year, in order to get an average of any length of time, you must rate a long life to the rest, unless you shorten the duration, perhaps to the time the Senator mentioned; but the lives of the creole negroes are as long as those of any other people in the world.

Now, as to the white population: they are ignorant, vicious, and priest-ridden. Prior to the administration of General Tacon, there was not a crime on the calendar which had not its fixed value in the Island of Cuba. I had at one time the tariff of crime there, but at the present moment I only recollect a single item. The price of assassination was two ounces of gold, or thirty-four dollars a head! You could have any man assassinated for thirty-four dollars before the administration of Tacon; and I was informed by many old Cubans you could scarcely walk out in the streets of Havana in the morning without finding one or more dead bodies, the result of the last night's assassinations and robberies. My own experience is, that the gibbet was a common sight—the gibbet, with the human skull rattling in the wind, at the corner of four roads, or at some place where a crime had been committed and the murderer met his fate.

On the accession of Tacon to office, he increased the army to twenty thousand men, and did establish, as the honorable Senator from Louisiana [Mr. BENJAMIN] said, an absolute military despotism, which exists there to this day. But it was not as the Senator said to prevent insurrection; it was to prevent crime, and that only; and if that military despotism had not been established, and had not been ruled with an iron hand, Cuba would be to-day what it was before the administration of Tacon. As I said before, the people are ignorant and vicious. They will not labor, and they will resort to any shifts of crime to obtain subsistence. Bribery is universal, from the Governor General, who receives two ounces of gold per head for every slave landed on the island. Let a slave trader land a single negro without paying his two ounces of gold, that negro will be wrested from him within three days. Two ounces of gold per head is the regular established bribe for every slave landed on the Island of Cuba, and it is done as publicly as almost any other transaction there. I went into the barracoons at Ha-

vana, and saw eleven hundred slaves within three days from the time of their landing there from the coast of Africa. They were landed within ten miles of the Moro Castle, and marched directly up to Havana, and placed in the barracoons for sale publicly, under the very eye of the Captain General. Everybody was talking about it, and the ship that brought them over, lay as quietly in the harbor of Havana as any merchant ship. If you had seen, as I did, those eleven hundred miserable wretches, you would not be surprised at the mortality among them. The laws of Spain are to-day as severe against the slave trade as those of the United States; nevertheless, slaves are continually imported there, and it is done because the Captain General is bribed. It is a well known fact, that every Captain General of Cuba acquires an immense fortune in two or three years, and it is from the slave trade and that alone. From the judge on the bench, from the priest in the pulpit, to the lowest tide-waiter, bribery is the rule, and there are no exceptions. You cannot remove the dead body of your friend from the Island of Cuba without bribing the priest, bribing the captain of the Partero, bribing the judge, and bribing the custom-house officer, through whose hand it passes. I know that, because I have had to pay the bribes.

Is not this a beautiful population to bring into the Union as a State—a beautiful population to take rank with the old States of this Union? But, sir, that is not all. The Catholic religion rules supreme in the Island of Cuba; no other religion is tolerated. Even the rites of a Christian burial are denied to a Protestant upon that island. The people are superstitious and vicious; and they are bigots as well. They are devout Catholics. The Catholic Church is true to Spain; the Catholic Church is true to despotism; and the people there, to a man, are true to the Church. If the honorable Senator from Louisiana has seen hundreds, or if he has seen one hundred, Cubans who were panting for liberty, as he asserts, he has seen every one that that island produced. There are a few creole Cubans, who have been educated in the United States, that are intelligent, that care nothing about their church, who are anxious to get their hands into the Treasury. They are anxious for plunder; they are anxious for positions where they can receive bribes. True patriotism does not exist on the Island of Cuba. They love the very chains that bind them. They love their church; they love this very military despotism of which complaint is made. The men of whom the Senator from Louisiana speaks, are men the majority of whom have been banished from the island. Where was the declaration of independence which he brought before us written? Who wrote it? Where was it adopted? In my opinion, it was adopted in some tavern in New Orleans. The people of Cuba never adopted a declaration of independence. What was the fate of the gallant Crittenden when he went to Cuba to help to rescue them from oppression? What became of that young man and the fifty associates who were with him, when they went there with arms in their hands prepared to shed their blood for the redemption of the Island of Cuba? Where, then, were the patriots who were thirsting for freedom? If there was one on the island, he kept himself pretty well out of sight; and that gallant young man, ten minutes before he suffered death, wrote a letter to a friend in the United States, saying: "I did not come here to plunder; I came here in good faith to aid these people in acquiring their freedom; I supposed they were thirsting for liberty; but I have been deceived. My time has come." In a postscript he added: "I will die like a man."

Where were the liberty-thirsting Cubans then, when as gallant a soul as ever lived on the face of this earth went to his last account because he sympathized with "gallant, suffering" Cubans? Sir, the gallantry is not there. There is no such thing as a love of liberty there. Do you want these people in your Union? Are you prepared to pay $200,000,000 to bring such a set of criminals into this Union? Do you propose to keep an army of twenty thousand men in a climate where they will be decimated every year, to govern that island? That is what Spain has to do, and that is what you will have to do if you mean to keep the people from cutting each other's throats. You will have to keep up a navy there to protect your possession, if you get it. You must spend from fifteen to twenty million dollars a year to govern the island; and in addition to that, you propose to place a perpetual annual tax of $12,000,000 upon the people of the United States for the purchase. I ask Senators whether they consider that a game that will pay?

Suppose you get the island: what will you do with it? Your people cannot live there. The impression has gone abroad that in the interior of the Island of Cuba the climate is cool and healthy; but such is not the fact. Tropical diseases always rage there at certain seasons of the year, and the foreign population is usually decimated every year. You cannot even sleep on a mattress, during the winter, on that island. The heat is so intense that you are obliged to forego the luxury of a mattress, and sleep in a hammock or upon canvas. Besides, there are certain other luxuries that I wish to call to the attention of northern men who may propose to go there. You are compelled to sleep under mosquito bars all the year round; and if you do not find scorpions in your boots in the morning, you will be more fortunate than I was. Lizards run about in every direction; worms annoy you at every turn. This is a beautiful place to emigrate to! And yet you propose to pay $200,000,000 for the island. In my opinion, it is not a paying investment.

But, sir, as I said before, this bill is not to buy the Island of Cuba, for you are advised in advance that you cannot get it. This is a mere electioneering scheme for 1860. It is to be one of the planks in the Democratic platform in 1860; and I propose very briefly to review a certain other plank which you have in that platform, as it has only two left—this one is not yet in. You have destroyed all your old platforms; they are utterly annihilated. Even the Cincinnati platform of tender years has ceased to be; and I am not surprised that that platform has been destroyed. There never was a sound plank in it. It said that everything was left "perfectly free, subject to the Constitution of the United States;" but the knowing ones in that convention were perfectly aware at that time that the Constitution of the United States was virtually subverted by a decision which the Supreme Court dared not then make, and whose final enunciation depended upon the result of that election. If President Buchanan had not been elected, the Dred Scott decision would not have been made. I propose now to spend a very little time in examining this last new platform of the Democratic party. The Supreme Court of the United States was merciful in its work of destruction. The Cincinnati platform was built precisely as boys build cob-houses—to see who could first knock them down; and the missile which the Supreme Court threw at the Cincinnati platform, which destroyed it, and which will virtually overturn the Constitution of the United States when it becomes the law; that very missile was itself a Democratic platform, which the Democratic leaders made great haste to mount; and at the North they found it large enough. There was but one plank to it, but it would hold all the Democratic party there. They had become infinitesimally small and few in number before that last new platform, and are growing beautifully less day by day.

I insist that the Dred Scott decision—for it is needless for me to say that it is to that I allude—is the only Democratic platform that now exists; and if any man throughout this broad land, who holds a Government office of any value whatever, doubts it, let him try the experiment. Let him say that he does not consider the Dred Scott decision the Democratic platform, does not consider it binding on him, and, my word for it, he will be shorter by a head within three days after the annunciation. Sir, it is the Democratic platform; it is the party test. Any man who does not swear allegiance to the Dred Scott decision is no Democrat. I hold in my hand an exposition of that decision, from a Democratic newspaper published in the city of Washington, which I believe is universally admitted to be good Democratic authority. It is more than that; the newspaper to which I allude distills the pure essence, the very essential oil of Democracy. I allude to the Union newspaper of this city, some of whose articles are understood to be written by the President of the United States and to be supervised by his Cabinet, and to send forth the perfectly pure Democratic doctrine. I believe that when this pure Democratic doctrine is seen, it will be offensive not only to the people of the North, but of the South likewise. But, sir, to the article. In the Union of November 17, 1857, appeared a long article, prepared with great care, evidently intended as a lasting exposition of the position of the Democratic party. It says:

"Slaves were recognized as property in the British colonies of North America, by the Government of Great Britain, by the colonial laws, and by the Constitution of the United States. Under these sanctions, vested rights have accrued to the amount of some $1,600,000,000. It is, therefore, the duty of Congress and the State Legislatures to protect that property.

"The Constitution declares that 'the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.' Every citizen of one State coming into another State, has, therefore, a right to the protection of his person, and that property which is recognized as such by the Constitution of the United States; any law of a State to the contrary, notwithstanding. So far from any State having a right to deprive him of this property, it is its bounden duty to protect him in its possession.

"If these views are correct, (and we believe it would be difficult to invalidate them,) it follows that all State laws, whether organic or otherwise, which prohibit a citizen of one State from settling in another, and bringing his slave property with him, and most especially declaring it forfeited, are direct violations of the original intention of a government which, as before stated, is the protection of person and property, and of the Constitution of the United States, which recognizes property in slaves, and declares that 'the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States,' among the most essential of which is the protection of persons and property.

"What is recognized as property by the Constitution of the United States, by a provision which applies equally to all the States, has an inalienable right to be protected in all the States."

There you see the doctrine announced, that the States are under obligation to protect slave property, although it may be brought within their limits with the intention of keeping it there. The free States are compelled to protect slave property within their limits, although it may be brought there for the purpose of remaining, under the doctrine here laid down; and if the Dred Scott decision be law, or if it be hereafter regarded as a law, this reasoning is correct. If the Constitution of the United States carries slave property one inch beyond the jurisdiction of the State law creating or regulating it, it carries it everywhere; for no person can "be deprived of life, liberty, or property, without due process of law;" but we deny, *in toto*, that the Constitution of the United States does recognize or regulate or acknowledge property in slaves.

In this connection, let me allude to a remark of the Senator from Georgia, [Mr. IVERSON.] Some days ago he told us what he would deem a sufficient cause for a dissolution of this Union. That I may not misrepresent him, I will read exactly what he said. He declared:

"Sir, it is not so difficult a matter to dissolve this Union as many believe. Let the Republican party of the North obtain possession of the Government, and pass a Wilmot proviso; or abolish slavery in the District of Columbia; or repeal the fugitive slave law; or reform the Supreme Court, and annul the Dred Scott decision; or do any other act infringing upon the rights, impairing the equality, or wounding the honor of the slave States; or let them elect a President upon the avowed declaration and principle that freedom and slavery cannot exist together in the Union, and that one or the other must give way, and be sacrificed to the other, and the Union would be dissolved in six months."

Now, sir, I propose to do two or three things, which the honorable Senator from Georgia declares are good and sufficient reasons for dissolving this Union. I do not speak for the Republican party; I speak for myself. I say I do propose the reorganization of the Supreme Court. The present organization of that court is monstrous. Judge McLean has as many causes to try in his circuit as have all the five slaveholding judges put together. When he was appointed justice of that circuit, it was a howling wilderness; now there are a thousand millions of commerce within it. Then he could hold a court in every State in his circuit; now he cannot reach some of those States once in five years. I propose to reorganize that court, so as to make it conform to the business of the country. I propose that its judges shall be located so that they can at least visit every State in the district once or twice a year; and in order to do that, the court must be reorganized. Three fourths of the entire business of the courts of the United States is at the North, where you have four judges of the Supreme Court. One fourth of it is at the South, where you have five. I propose to reorganize that court; and, if the Senator from Georgia were in his seat, I would ask him how he pro-

poses to dissolve the Union after it is done? I ask any Senator, who is blustering in the Senate or elsewhere about dissolving this Union, how he is going to do it?

We propose to do more; we mean to elect a President who entertains the same views; and if that be a just cause for dissolving this Union, again I ask, how are you going to do it? I want any man on this floor to tell me how he is going to dissolve this Union, because we, the people of the United States, see fit to exercise our constitutional privilege. We mean to annul the Dred Scott decision—no, sir, I take that back; it is no decision. We do not think it is a decision at all. The only point decided in that case was, that negroes cannot come into court. That we accept; that we cannot annul; that is decided; but the stump speeches of Chief Justice Taney, and the other judges, were mere fanfaronade, meaning nothing. It was not a decision of the court; and if we elect our President in 1860, *as we are going to do*, that decision will never be made. I do not say that that decision would not now be made. I think if a case were before the court now, it would make the Dred Scott decision legal; but the Supreme Court has always sided with the Administration in power. What did General Jackson do when the Supreme Court declared the United States Bank constitutional? Did he bow in deference to the opinions of the Supreme Court? No, sir; he scorned the opinion of the Supreme Court, and said that he would construe the Constitution for himself; that he was sworn to do it. I, sir, shall do the same thing. I have sworn to support the Constitution of the United States, and I have sworn to support it as the fathers made it, and not as the Supreme Court has altered it, and I never will swear allegiance to that. But I am not quite through with the Union article. It says further:

"The protection of property being next to that of person, the most important object of all good government, and property in slaves being recognized by the Constitution of the United States, as well as originally by all the old thirteen States, we have never doubted that the emancipation of slaves in those States where it previously existed, by an arbitrary act of the Legislature, was a gross violation of the rights of property."

There you have it declared that abolition of slavery in seven of the old thirteen States was unconstitutional, and, according to the Dred Scott decision, it was. I ask any man of common sense—I will not ask a lawyer; I am no lawyer myself—but I ask any man of common sense, if he believes that the old thirteen States, seven of which intended to abolish slavery within a very few years, would have adopted a Constitution which prohibited them from doing the very act which they contemplated doing *instanter*? I ask any man if he believes for a single moment that the Representatives of those seven States that intended immediately to abolish slavery within their borders, would ever have assented to a Constitution which prohibited them from doing the very act which they proposed to do? No, sir, the proposition is absurd; and the judges of the Supreme Court themselves did not believe it when they uttered it. No man of common sense can believe it. It is not so.

But, sir, monstrous as is this proposition, monstrous as is the article which I have read, if the Dred Scott decision be law it is all true; and it is a mere question of time when every State of this Union will become a slave State. If the honorable Senator from Louisiana, or any other man, should see fit to take a thousand negroes into the State of Michigan after that decision shall have become the law, I defy any power short of a revolution in this Government to prevent him, or take them from him. But, sir, it is not law; it is not common sense; yet this Dred Scott decision is the only platform of the Democratic party at the present time—the only issue before the country. I beg pardon; there is another issue, not yet perfected, and that is this $30,000,000 bribery and corruption fund. That is to be another plank in the Democratic platform. These two planks, the Dred Scott decision and Cuba, are to be the platform that is to float the party into power if it ever arrives there; the Dred Scott decision and the $30,000,000 loan, with, perhaps, the honorable Senator from Virginia [Mr. HUNTER] astride of them; and with that platform and that candidate, the Democratic party will march to certain defeat.

But, sir, as this measure at the present time is a financial question, I propose very briefly to allude to the financial condition of the country. I look upon this as the practical method of judging of its merits. I hold in my hand a letter written by a very distinguished man, at present connected with this Government, dated March 1, 1852, and addressed to a committee of gentlemen of Baltimore. It is signed "James Buchanan." It says:

"We must inscribe upon our banners, a sound regard for the reserved rights of the States, a strict construction of the Constitution, a denial to Congress of all powers not clearly granted by that instrument, and a rigid economy in public expenditures.

"These expenditures have now reached the enormous sum of $50,000,000 per annum, and unless arrested in their advance by the strong arm of the Democracy of the country, may, in the course of a few years, reach $100,000,000."

Well, sir, "the strong arm of the Democracy" has been managing our affairs ever since. The President of the United States was then mistaken a few millions as to the expenditures; for the entire expenditures of 1852, including payment of the public debt, was only $44,481,447; but let him have the advantage of his own figures. The strong arm of the Democracy has had charge of this Government from that time to the present, and we have already reached the point that he prophesied we might reach in a few years—$100,000,000 of expenditure. It was demonstrated to my entire satisfaction, and, I believe, to the satisfaction of the Senate, by the honorable Senator from Kentucky, [Mr. CRITTENDEN,] the other day, that $100,000,000 would not pay the expenses of Government for this year. I propose a change; I propose that we try some other hand at economizing the expenses of this Government. But let me go on with the letter. Its writer says further:

"The appropriation of money to accomplish great national objects, sanctioned by the Constitution, ought to be on a scale commensurate with our power and resources as a nation; but its expenditure ought to be conducted under the guidance of enlightened economy and strict responsibility. I am convinced that our expenses might be considerably reduced, below the present standard, not only without detriment, but with positive advantage both to the Government and the people."

If the expenditures could then be reduced below $50,000,000 with advantage to the Government and the people, what can be done now? Is there any reason why our expenditures should be greater now than they were in 1852? There is no reason except that money may be used for purposes of corruption; and I propose to examine into some of these corruptions now and here. This letter says further:

"An excessive and lavish expenditure of public money, though in itself highly pernicious, is as nothing when compared with the disastrous influence it may exert upon the character of our free institutions. A strong tendency towards extravagance is the great political evil of the present day; and this ought to be firmly resisted."

Sir, I propose to resist it with all the firmness God has given me. Now, let us look a little into the expenditures of this Government. I hold in my hand an official document of the Senate, printed at the last session, giving the receipts and expenditures of the Government from its formation to 1857; and I desire to present some facts which are shown by this document; and to be as brief as possible, I will take it by decades, and I will commence with the military service of the country. In 1790, the whole expenses of the Army amounted, in round numbers, to $917,000; in 1800, $3,272,000; in 1810, $3,107,920; in 1820, $4,923,027; in 1830, $5,082,843; in 1840, $6,504,830; in 1850, $6,838,919; and in 1857, $18,614,594. This last sum does not include all the expenditures of the Army for 1857; for Senators will recollect that one of the first bills we passed at the last session was a bill making an appropriation of $5,700,000 for deficiencies in the expenses of the Army. Thus it will be seen that the Army expenses alone, from 1850 to 1857, almost quadrupled, and this in a time of profound peace. Does any Senator on this floor believe there was any necessity for such an enormous increase in the expenditures for the Army? Does any man believe that a prudent administration of the Government would not cut down the Army expenditures at least one half? Sir, the extravagance is enormous and outrageous; and it requires something more than the strong hand of the Democratic party to rectify the evil. We will take it in the strong hand of Republicanism, and then we will remedy it

But, sir, let us look at the Navy. In 1800, the expenditures for the Navy were $3,042,352; in 1810, $1,870,274; in 1820, $2,709,243; in 1830, $3,496,643; in 1840, $7,562,752; in 1850, $9,571,646; in 1857, $14,117,434. Have we any more ships, or any more guns, or any more efficient force, to-day, than we had in 1850? I am informed that we have not. On the contrary, it is said, I know not with how much truth, that our Navy is hardly as efficient as it was at that time. At any rate, we have had no war, no extraordinary demand for excessive naval expenditures, and yet they have been reaching up until they are $14,000,000.

There is one other account here, to which I wish to call the attention of the Senate. It is headed "miscellaneous expenditures." I do not know exactly what constitute the miscellaneous expenditures of this Government, but I notice a most extraordinary increase in them of late. I take it for granted that what cannot be charged anywhere to anything, goes down as miscellaneous. The miscellaneous expenditures of this Government in 1800 amounted to $312,823; in 1810, $650,514; in 1820, $1,386,448; in 1830, $1,436,201; in 1840, $3,243,649; in 1849, $3,595,853; and in 1857, $20,442,860. I should like to know how these miscellaneous expenditures have swollen so enormously. There is another remarkable fact connected with the great increase of the miscellaneous expenditures of the Government. I notice that when any very great outrage is about to be perpetrated, the miscellaneous expenditures increase enormously. In 1849 they were $3,595,853; and they swelled in 1850, when the fugitive slave bill was passed, to $7,122,970. Again, when the Missouri compromise was repealed, I notice they reached the enormous amount of $19,899,000; and a goodly portion of this great increase may be legitimately charged to the negroes. That institution has been a very expensive one to this Government. It has cost, in my estimation, all it is worth. When any great outrage was to be perpetrated, the expenditures of all branches of this Government have swollen enormously. So when the Lecompton constitution came here to be passed last winter. We have not got the account yet, but you will find an enormous expenditure in several of the Departments of this Government, which, the less said about, the better the parties interested will be satisfied.

As I said the other day, we have had a bill under consideration in the Committee on Commerce to reduce the expenditures for the collection of the revenue over $600,000 a year, and we have not commenced the work of reform even at that. We have lopped off by that bill a thousand useless employés of the Government, scattered over the United States; but we have not probed the wound to the bottom. As I have said, that bill, if it becomes a law, will save $600,000 a year. I propose, for a moment, to call attention to some of the outrageous expenditures connected with that Department. In the Passamaquoddy district, at Eastport, Maine, the whole amount of revenue collected for the year ending June 30, 1857, was $14,285 33, and the expense of collecting it was $22,357 71; and nineteen men were employed to collect $14,000 of revenue. In Frenchman's bay district, at Ellsworth, they collected $954 96, and the expenses were $5,032 09; and it took ten men to collect the $954. At Wiscassett, in Maine, you collected $130 93; and it cost $7,359 09, and took eight men to collect $130. These are samples. At Portsmouth, New Hampshire, the revenue collected was $5,530 54; the expense of collection was $10,984 49, and twenty-one men were employed to make the collection. At Burlington, Vermont, the revenue was $8,581 70; the expense of collecting was $16,285 47, and thirty-three men were employed to collect it. At Marblehead, Massachusetts, the revenue was $250 85; the expense of collecting it $2,228 97, and nine men were employed to collect it. At Plymouth, in Massachusetts, the revenue collected was $395 12; the expense of collection was $3,216 04, and six men were employed to make the collection. At Barnstable, Massachusetts, the revenue collected, was $1,462 75: the expense of collection $11,953 20, and nineteen men were employed to make the collection. At Nantucket, Massachusetts, the revenue collected was $95 81; the expense of collecting it was $2,320 73, and three men were employed in the collection. At New London, in Connec-

ticut, the revenue collected was $3,223 89; the cost of collecting it was $29,789 48, and seven men were employed in its collection. At Oswego, in New York, the revenue collected was $6,149 09; the cost of collecting it $18,214 58, and twenty-three men were employed in its collection. At Niagara, New York, the revenue collected was $8,284 85; the cost of collecting it $12,296 92, and nineteen men were employed in its collection. At Buffalo, New York, the revenue collected was $10,140 53; the cost of collecting it was $16,896 51, and twenty men were employed in its collection. At Cape Vincent, New York, the revenue collected was $2,098 12; the cost of collecting it $7,138 87, and thirteen men were employed in its collection. I might continue the citations; but these will suffice.

True, we shall have lopped off these things by that bill, if it shall become a law; but I hold that these extravagant expenditures of the Government ought never to have been commenced; and I hold this Administration responsible for the enormous abuses that have crept into the collection of the revenue. The head of the Department had no right, under the law, to appoint inspectors; but he could appoint clerks and porters and boatmen, and a thousand other officers, and pay them the highest salary at his discretion; and under the abuse of that power these enormous expenditures have sprung up. You may go into any of the Departments of this Government, and you will find the same kind of abuse existing. Go into any bureau in this city, and you will find abuses. It requires an honest Administration of this Government; it requires a man who dares to take the responsibility of doing right; and then you may reduce your expenditures, as Mr. Buchanan suggested in the letter I have quoted, in my opinion, below $50,000,000; but we have tried the Democratic party; we have weighed them in the balance, and found them wanting. We do not propose to try them again. We propose to thrust out the corrupt, the lavish men, who now control the Government, and put in honest men, who will retrench in good earnest; not men who will write letters recommending retrenchment, but men who will take hold and do the work of retrenchment.

I have placed the expenditures of the Government this year at $95,000,000. I know not how much will be appropriated, but I know that if the Government pays its debts this year, and does not leave a deficiency for the next Congress to provide for, the expenses will be $100,000,000; but I take the basis of expenditure to be $95,000,000. Taking it at $95,000,000, without counting the sum of $30,000,000 for Cuba, in this bill, or the $200,000,000 for the purchase of Cuba, but simply taking the regular expenses, the cost of running the institution, and the quota of each congressional district would be $405,982; and the State of Michigan, upon the present basis of representation, would have to pay $1,623,928, but in truth the proportion of the State of Michigan is over three millions of this enormous expenditure for the support of this Government. The State of Maine pays $2,435,892, upon the present basis; the State of New Hampshire $1,217,846; the State of Vermont, $1,217,846; the State of Massachusetts, $4,465,802; the State of Rhode Island, $811,964; the State of Ohio, $8,525,622; the State of Indiana, $4,465,802; the State of Illinois, $3,653,838; the State of Iowa, $811,964; and so on. If this revenue was collected by direct taxation—and I wish it were tried for once—my word for it, the expenditures of this Government would be reduced more than one half before the expiration of twelve months from this day. It is because the people do not see how, and where, and when they are taxed, that the expenses of the Federal Government have increased very enormously. It would create a rebellion in ninety days from this time, if you were to send your tax-collectors around to the different congressional districts, to wrench from the pockets of the tax-payers $405,000. They would not stand it for a day; but because you can cover up these extravagances, because you can borrow money and leave future generations to pay it, these things are permitted; the expenditures go on, and God only knows where they will end. As I said before, we have tried the Democratic party; we have weighed it in the balance; we have found it wanting; and we propose, in 1860, to take possession of this Government, and not have Cuba, either.

Mr. POLK. Mr. President, the bill before us proposes the acquisition of the Island of Cuba, by purchase, from Spain. The question is, ought the measure to find favor with the American Senate? This depends, in my judgment, on the following considerations:

1. Whether the island will be advantageous to us, promotive of our material interests and our national welfare, and at the same time not injurious to the people of the island?

2. Is purchase the proper method to be adopted for its acquisition?

3. Have we the ability to pay the purchase money?

4. Is the present a fitting juncture to propose the negotiation?

Let us briefly examine these considerations.

1. Will the island be valuable to us?

The shore of the Gulf of Mexico is an immense circle of irregular circumference. Its continuity is broken by a segment exceedingly small when compared with the length of its entire periphery. This Gulf is a great sea, thrusting itself between North and South America, and dividing the New World into two great continents—a northern and a southern one. It is emphatically the great "Mediterranean sea" of the western hemisphere.

Two nations hold the dominion of its shores—Mexico and the United States. The larger part is held by the United States. Five of the States of our Union are washed by its waves. Texas, Louisiana, Mississippi, Alabama, and Florida, in part encompass it. It lies, as it were, in the very embrace of our Confederacy. And, from this fact alone, we ought to be permitted to claim it, as the Romans did the Adriatic, as *mare nostrum*—our own sea.

The waters from full one half of the territory of the United States are drained into it. Of the large number of rivers which fall into it, three fourths of them find their mouths within our territory. And of these rivers, all the important ones flow through the territory of the United States. One river alone—that "great Father of Waters," the Mississippi, with its tributaries, pours into it the waters of more than one sixth part of the North American continent. Rising far up in the regions of our utmost northern boundary, it makes its majestic way southwardly to the Gulf—broad, deep, and mighty; capable of bearing on its bosom the commerce of the mightiest republican empire the world has ever seen; dividing, near its center, the great continental valley between the Alleghanies and the Stony Mountains, and reaching with its branches to every portion and extreme of that vast valley—a great mediterranean river, tributary to this mediterranean sea.

The river navigation within our own borders, communicating with the Gulf of Mexico, is more than twenty-five thousand miles in length. By the application of steam, this is all available to the uses of commerce. Already there floats on it, a steam tonnage as large as, perhaps, that of all the world besides; and that, too, when a large proportion of the river basins, fertilized and drained by it, is unbroken forest and prairie, where the plow has never marked the soil. The Gulf of Mexico is, therefore, *our sea*, because it receives our waters, as well as because it is embraced by our coasts.

These rivers run, not from east to west, but from north to south. If their course were in an easterly and westerly direction, they would traverse the same climate, and, consequently, on their banks there would be no variety of productions. But, on the contrary, flowing from north to south, the longest of them pass through almost all the changes of climate, from the frigid to the torrid zone; and, consequently, in their long and fertile valleys, almost every species of animal and vegetable life abounds. Proceeding from the source to the mouth, there is a constant variety of plants, and of necessity there is a constant and correspondent variety in the animals on the banks; different quadrupeds, different birds, and different fishes, at each successive stage of the progress.

This variety of productions induces and necessitates the exchange of commodities; and that exchange constitutes commerce.

Trade must always follow the channels which nature has marked out for it. Facility and cheapness make this result inevitable. By consequence, the productions of the vast valley of the Mississippi, and also of the basins of the other Gulf rivers, unsurpassed in extent and fertility, will find their way to a market through the Gulf. What the amount of these productions is to be when these valleys, in all their immense length and breadth and teeming productiveness, shall be densely populated and fully cultivated, it would perhaps be vain to guess, because impossible to compute. But even now, in the very first stages of development, it rises to the enormous sum of about three hundred million dollars every year. Even at the present moment, therefore, production and commerce also make the Gulf *mare nostrum*.

I have said, Mr. President, that the form of our Gulf is that of an irregular circle, hugely expanded, to be sure, but still an immense circle. This fact gives to it the greatest possible adaptation to commercial uses. It is thereby more compact. Its differents ports and places are closer together. It can be traversed from any one point to every other in straight lines, and therefore in the shortest lines. And the shortest lines from port to port are by water. Hence ships can traverse it in much less time, and gather its commodities and make its commercial exchanges at much less cost than can be done upon any other sea as large on the face of the globe. The freedom and the control of such a sea, situated as I have shown this to be, is indispensable to our growth and greatness.

I remark further, upon the shape of this Gulf, its encircling shore is open but on one side—its southeastern. With this exception, it is completely land-locked; in fact, it is a perfect "*cul de sac*." But across the mouth of the bag lies the Island of Cuba, stretching almost from shore to shore of the opening. Its western end, at Cape San Antonio, reaches far towards the main land of Yucatan, which also advances far to meet it at Cape Catoche. And the Keys of Florida approximate so closely to the north shore of the island, that the booming of the morning gun from the Moro castle may almost wake the slumbers of the Tortugas of Florida.

Thus there are but two portals opening from the Gulf to the Atlantic. The situation of the first named, and the winds and currents which in a great degree bar its passage to outward-bound ships, almost make it a closed channel. The open and facile one which trade frequents, and through which commerce finds an easy transit, is the northern one, between the island shore and the projecting point of the peninsula of Florida. Through this, therefore, must pass, in all time to come, the constantly increasing and the never-ending productions and exports of the great river basins of the Gulf, as well as the rich equivalents to be received in exchange for them.

This channel is so narrow, that the commerce which floats on it passes along the northern shore of Cuba, within gun-shot of her fortifications. A few heavy war steamers would effectually close it—hermetically seal it.

There lies Cuba, holding in her hand the scepter of the Gulf, and commanding the mouth of the Mississippi—our Mississippi. When I say our Mississippi, I say it with emphasis and with feeling; because my own State, a part of the upper Louisiana, lies about the center of the valley, and on the right bank of the river. Suppose Cuba to be in the possession of a great naval Power, as England, or even France; and suppose such Power to use her for the purpose of blockading the Gulf: what would become of our commerce on that sea, and the surplus products of the sixteen States of the Union, and the vast Territories yet to become States, which are dependent on that sea? The stoppage of that commerce, and the loss of those productions that flow into that sea from these river basins, for a single season, would cost us incalculably more than the highest price that has ever been estimated for Cuba.

Suppose England firmly established in possession of that island; then let her have naval stations at the Bahamas, and also in her possessions to the north of us: what would be our condition? Our whole Atlantic sea-board covered and darkened and blockaded by her ships-of-war; it needs no description from me to be appreciated.

But this is not all. England, in possession of Cuba on the north, and at the same time owning Jamaica and many of the Windward and Leeward islands on the east, and on the main land holding

British Guiana on the south, and the Balize and the Mosquito coast on the west, she would surround the Caribbean sea, and hold it, as it were, in the hollow of her hand.

Still further. Cuba, Mr. President, lies right across the track of our great isthmian transit routes between our Atlantic sea-board and our Pacific coast. So that, in the absence of a Pacific railroad across the continent, for all purposes of trade and travel, Cuba lies *geographically* between our possessions on the Pacific and the States on the eastern side of the Rocky Mountains. The gold of California all comes to us through her ports. Thus Cuba, in the possession of an enemy, would not only be an impediment to our development, but the destruction of our Gulf trade, and of our communication with the Pacific, and also of incalculable damage to our safety even.

That she should belong to the United States, therefore, is of the very highest moment, alike to our growth, our commerce, and our security. Possessed of her, we possess and command the Gulf; we control the transit routes across the continent, and hold the commercial intercourse between the Atlantic and Pacific in our grasp. Moreover, we stand in a position to win the mastery over the Caribbean sea, and to subject the productions of its tropical river basins to our uses, and its commerce to our aggrandizement.

Cuba is the counterpart, as it were, of the valley of the Mississippi. Her productions are the reciprocals of those of the United States. She has sugar, coffee, tobacco, and tropical fruits to exchange with us for our surplus of flour and breadstuffs, rice, potatoes, beef, pork, lard, and lumber. Cuba, in this respect is, on the one hand necessary to the United States, and on the other the United States is necessary to her. Hence, in spite of most exorbitant imposts, both on exports as well as imports; in spite of differential duties against the United States on all importations from this country; in spite of heavy tonnage duties and port charges, a large commerce is, notwithstanding all, still carried on between the island and this country. More than one third of all the exports from the island come to this country, and more than one fifth of all her imports are received from the United States, although the unnatural step-mother does everything in her power, and more than ever was imposed by any other parent country upon her dependent colony, to compel her to receive her imports from Spain. On every barrel of flour imported from the United States there is a differential duty against the United States of $8 31 more than is imposed upon the inferior flour imported from Spain. And there is a like discrimination against this country on all other commodities imported from it into the island. So, also, the tonnage duty exacted from American shipping is $1 37½ per ton more than is levied upon Spanish. In short, our competition with Spain for the trade with Cuba is the most unequal on the whole globe. Yet still, we even now furnish the island with food and raiment and houses and furniture and domestic utensils and agricultural implements. Let Cuba be acquired, and all these restrictions and abuses would at once and forever cease.

Now, suppose our commerce with the island unshackled and our trade free, all imposts and duties abolished, to what incalculable totals would it not swell? Instead of only about six thousand barrels of flour annually, as is now the case, the aggregate would doubtless reach one million two hundred thousand, about one barrel for each inhabitant. Here would be an increase of two hundred-fold upon a single article; and all other articles of our export thither would probably be augmented in the same ratio. And many more articles would doubtless be added to the list, which have never heretofore been known there. Thus, Cuba would be the best market for our agricultural productions that the world could offer. And this market would be a domestic one, certain and unfailing. What an unprecedented stimulus would thus be applied to our agricultural industry! The same would be true of our manufactures. The mills and work-shops of our manufacturing States would be pressed to their utmost capacity of production. Our artisans and operatives would find constant and remunerative employment, while mechanical skill and invention would be taxed to their highest achievement.

But what would be the effect in the mean time upon Cuba? This abundant and cheapened supply of all their wants would engender necessarily a corresponding and commensurate increase of production by the inhabitants of the island. More than all, American skill and enterprise would be introduced there to raise the swelling tide. This increase would lessen the prices and multiply to us the supplies of sugar, coffee, tropical fruits, and West India goods, until every citizen would have them within his easy reach, upon such terms as would diminish in proportion our present annual expenditure for these necessaries to an unparalleled extent. On the other hand, there would be a reciprocal advantage to the people of Cuba in the abundance and cheapness of the supplies furnished to them from the United States. Proportionate to the augmentation of the interchange of commodities between this country and Cuba would be the advance and extension of our navigation interests. Our mercantile marine, already the equal of any of the maritime nations of the world, would then soon stand without a rival. Thus the purchase would be mutually of immense benefit both to us and to Cuba. For myself, my imagination can picture nothing to be compared to it.

Let this Queen of the Antilles be adopted into the sisterhood of our confederated States; let the flag of our Union float over Cuba, and we will hold unchallengeable dominion over the Gulf of Mexico. That sea will not only be *mare nostrum*, but, at our pleasure, a *mare clausum*. Its commerce, its forts, and its defenses, will be in our own hands.

We have already the world-monopoly of the production of cotton; we hold the British leviathan now with a *cotton hook* in his mouth. With Cuba incorporated with us, we shall monopolize the world's supply of sugar and molasses as completely as we now do its supply of cotton.

The trade of the tropics, Mr. President, is that which most enriches its fortunate possessor. Through California, we may out-compete our rivals for the trade of the East Indies; and with Cuba, we may draw to ourselves the trade of the West Indies. In former ages, and before the discovery of the New World, the trade of the East Indies was the richest on the earth, and made its possessor great and mighty. But in modern times the tropical trade of the West Indies has grown up to a rival importance. With the monopoly of the trade of both the Indies—the East and West—we shall stand in the advance of all competition.

The Island of Cuba, Mr. President, is well suited to accommodate a commerce of gigantic proportions. Its coast is studded with a succession of harbors unequaled in number and accommodations in the same length of shore-line in any part of the globe, ample both for military and commercial uses. She has on her northern coast thirty-seven harbors suitable for commercial purposes, and thirteen on her southern. She has also not less than thirteen harbors in which a line-of-battle ship may ride in safety, and which are capacious enough to afford safe anchorage to a whole navy of such ships. As a strategical point, this gem of the Antilles is not surpassed by any other on the surface of the round earth.

Is this all that may be said of Cuba? No, sir; by no means. A climate genial and salubrious; a landscape diversified and beautiful; its surface green and blooming with tropical exuberance; a soil of unsurpassed richness, abundantly fructified by teeming waters. The sun, in his course, does not look down upon a fairer land, nor one more capable of administering to the wants and gratifying the luxuries of man.

"Haud inexpertus loquor."

Cuba annexed, and her territory would be incorporated into our national domain just as have been our acquisitions from France and Spain and Mexico. Her productions and commerce would go to make up our national wealth and greatness, in the same manner as have those of our Hispano-French territory of Louisiana, and our Hispano-Mexican of New Mexico and California.

These facts, Mr. President, are all duly appreciated by Spain. She knows well how indispensably important Cuba is to this country. She has seen, too, how, in the progress of years and of events, that importance has steadily and rapidly been increasing—increasing in the same ratio as our population has multiplied; increasing with the development of our resources; with the growth of our manufactures; with the expansion of our agriculture; with the enlargement of our national dominion; with the achievements of our policy and our arts; with the swelling tides of our commerce in the Gulf of Mexico; and, most of all, since the settlements in California and Oregon and in the Territory of Washington, by the establishment of our transit routes over the Central American Isthmus. The Senator from New York [Mr. SEWARD] has told us that—

"Spain holds the island now more tenaciously—with a stronger and safer grasp than that with which she has held it at any time within the last fifty years."

And the Senator from Vermont [Mr. FOOT] concurs in the sentiment. No wonder, Mr. President; Spain has undoubtedly done all in her power to tighten her hold on Cuba, just as she has seen her daily increasing importance to us. She foresees, too, that the developments of every year in the future will still render Cuba more and more important to us; and she will endeavor to hold her from us by a still firmer grasp. And the Senator from New York has suggested that England and France will no doubt combine to second her. How imperative, then, upon us is the duty—the duty to act at once in this matter without hesitation.

2. Our second topic for consideration is: Is purchase the proper method to be adopted for the acquisition of the island?

I, sir, think it is. I know we have a long catalogue of unsatisfied claims and of wrongs unatoned for to press upon and enforce against old Spain; nay, sir, that many of these have the additional aggravation of having sprung out of outrages perpetrated in Cuba itself; that the hot pursuit of them, at the time of their perpetration, might even have justified the seizure of the island, as a mode of redress and indemnification. That seizure, too, could have easily been made. We could have adopted, in regard to it, the language of Cæsar to Metellus, on a memorable occasion: "*Durius est mihi hoc dicere, quam facere.*" But, sir, we allowed the moment of instantaneous vindication to pass. We resorted to diplomacy instead of reprisal; and now we are left to the chances and delays of negotiation. Of course, no just mind would harbor the idea of a forcible seizure merely because the prize is desirable, and because we might be able to do it successfully. Robbery by the nation would be not less abhorrent to justice than it is when perpetrated by the individual citizen. What other recourse is left to us then, except to purchase? That certainly is fair, and it is peaceful. I think, too, it is honorable; honorable to ourselves it surely is, and not less so, in my opinion, to Spain. I know it has been characterized as insulting to Spain. But, sir, I am unable to see what disrespect there can be in making an offer to purchase in a civil and courteous manner.

I know Spain is proud; and, perhaps, poor too—poor as well as proud. Is a proud man, or a proud nation, forbidden by honor to sell? And is the mere proposal to buy to be considered an insult? And suppose such a man or nation should choose to consider the offer as a reminder of their poverty, can such false construction change the character of the act? On the contrary, the very necessities that recommend a sale as prudent, ought to invest the proposal to purchase with the odor of kindness. But did not Spain sell Louisiana to the First Consul of the French? Did not he sell it to the United States? Has she not even sold Florida to this very country for a price? If it was no insult to Spain in 1819 to offer to buy, and actually to make a purchase of, Florida from her, how can it now be an insult to this same Spain, for the same United States to propose to purchase Cuba from her?

Nor do I forget, while on this point, the allegation that the people of the island are opposed to annexation. After the masterly and unanswerable refutation of that assumption by yourself, sir, (Mr. BENJAMIN in the chair,) a few days ago, I shall spend no time upon it. I shall pass it with the mere remark that the history of Cuba for the last four years, so well known to our whole country, is a full and sufficient answer to this objection. And, sir, notwithstanding the compulsory protests which have been forced from Cuban municipalities by Spanish officials, and laid at the foot of the Spanish throne, deprecating the sale of the island, for myself, I am satisfied that the

annexation of it to the United States would be hailed by the entire people with the most enthusiastic rejoicings. Sir, are the inhabitants of Cuba insensible to exactions and burdens and oppressions, such as no people ever before groaned under? Have they no desire for relief—no aspiration for freedom? Are they content to be ground down by the heel of Spanish tyranny in all time to come, as they have been for years past, subject to martial law, and treated as a besieging conqueror does an invested and starving population?

But, Mr. President, the honorable Senator from New York concedes that Cuba must ultimately be annexed to the United United States by the force of a *political gravitation*, as irresistible and as certain as the physical. If so, it must be either by purchase, or by voluntary surrender, or by the conquest of war. A voluntary surrender of the island to us by Spain without any equivalent, is not expected by the Senator from New York. I apprehend that that is a sentiment that none of us can entertain, or an event that we can believe at all practical in the future, for the Senator says, and truly says, that Spain holds Cuba with a firmer grasp now than she has ever done for fifty years past, and is aided in doing so, by the combined power of England and France.

Then there is only one of the other two modes left—purchase or conquest.

If by purchase, it is evident at the first glance, that the price to be paid will never be less than at the present moment. On the contrary, the probabilities are that it will be constantly and greatly enhanced. If by war, we all know that that mode will be infinitely more costly than any purchase can by any possibility be, to say nothing of the other direful evils that must result from the conflict, to Spain and even to Cuba herself. Besides, sir, our policy is not the conquests of war. It always has been, and I trust always will be, our policy to make our conquests of territory, as well as of everything else, the conquests of peace.

3. The third inquiry is, are we able to pay the price?

Who doubts the ability of this great nation? I ask emphatically, who doubts it? In 1803, when in our national infancy, within the first fourteen years after the establishment of our Government, we were able to purchase Louisiana, a domain far more princely than the Island of Cuba, and about equal, at that time, to all the other domain of the Government. Are we less able to make the purchase now? Since then, we have acquired Florida from Spain, and immense tracts of country from Mexico—Louisiana, Florida, New Mexico and California—all once the property of Spain. Have these vast regions, sufficient in themselves for an empire, diminished our resources? On the contrary, I ought rather to ask to what boundless extent have they not augmented them? Sir, however large may be the financial demands of this measure, the ability of this country is far more than equal to them; and Cuba is a prize not to be compared with them. Yet this was one of the two points of objection made by the Senator from New York, when this bill was reported to the Senate from the Committee on Foreign Relations. It has been dwelt on since by other Senators, and has been insisted on this morning.

But I call attention particularly to the grounds upon which it was placed by the honorable Senator from New York. The Senator said that the bill presented two aspects, a financial and a political one. And he objected to it, first, for its financial aspect. In order to ground this objection, he made some most exaggerated assumptions. These assumptions are as follows:

First assumption. He assumed first, without any warrant, that the President, under this bill, would pay the price of $250,000,000 to Spain for the Island of Cuba. Because it would be possible for the President to pay that sum, he *assumes* that it is certain that that sum will be paid. And this is his only ground for nominating $250,000,000 as the price, and setting that down as an item of the public debt, which he figures up to "frighten us out of our propriety" on this question. I deny that it is any authority at all for the Senator's position. That sum stands as a mere naked assumption.

Second assumption. Next, he states that we were then proposing to build a railroad to the Pacific; and, upon no other ground, he forthwith assumes that we have an indebtedness upon us for this purpose, of $125,000,000 more. But it has already been shown by the result, by the action of the Senate, that we shall have no such indebtedness upon us.

Third assumption. In the third place, he assumed that because the President, in his annual message, recommended the throwing into the States of Chihuahua and Sonora troops enough to afford protection to our citizens against Indian depredations and outrages, we, therefore, have taken upon us an indebtedness of $100,000,000 more from this cause. In the first place, even if the suggestion of the President should be carried out, it would cost nothing like the sum assumed by the honorable Senator; and in the next place, the suggestion is not likely to be carried out. It has not even been proposed, to my knowledge, in either branch of Congress. The $100,000,000, therefore, on this score, stands as an assumption merely.

Fourth assumption. In the fourth place, because the President suggests the propriety of granting him authority to employ the Army and Navy to resist the outrageous aggressions that are constantly being perpetrated upon the citizens of the United States, not only in regard to their property, but their persons, by the Spanish American States, he assumes that we are onerated with an indebtedness of $100,000,000 more from this cause.

Now, sir, I, for one, am very willing to incur any amount of reasonable indebtedness for the purpose of giving protection to our citizens in those Central American States. I was very glad when the bill reported by the Committee on Foreign Relations upon this subject, to which the Senator from Kentucky [Mr. CRITTENDEN] called the attention of the Senate in his remarks a few days since, which bill proposed to give power only to resist forcible aggressions upon the persons of our citizens, that you, sir, (Mr. BENJAMIN in the chair,) offered as a substitute another bill, which proposed to give immunity and security to the citizens of the United States on the territory of those Central American Republics against aggressions upon their property. Why, sir, we are told that when similar aggressions are made upon the citizens of any other country in any of the ports on the Gulf, as at Tampico, for instance, if a British citizen is robbed, or if a Frenchman is deprived of his goods, a British man-of-war, or a French armed vessel lying in the harbor, the commander demands immediate restitution, or the town will be battered down, and restitution is made; but if an American citizen is robbed, the commander of an armed vessel of the United States that lies there may say that redress is demanded and must be made, or else an appeal will be made to the authorities at Washington; and it may be that years after Congress may give authority (as this Congress did at its last session in the case of Paraguay) to demand redress, when it ought to have been given on the spot to the man who was robbed. But we have done nothing, and I say that this assumption is just as groundless as any of the others to which I have referred. And so his indebtedness of $500,000,000, conjured up by the honorable Senator, rests upon no better basis than mere assumptions—assumptions not only unwarranted by the facts, but contradicted by them. His objection, therefore, to the bill, because of the financial aspect it presents, must fail of effect.

But the Senator from Vermont objects because we have not got the amount of money requisite now in the Treasury. Sir, if this objection be valid, we shall never purchase Cuba; for we will never have the money in the Treasury at any one time sufficient to do it. There has never been, and never will be, any large sum of money lying idle in the Treasury, so long as this Government shall continue to be administered in the spirit and sense of the Constitution.

Mr. President, I ought not to pass from this point without remarking, that the argument in opposition to the bill seems to me to be completely "*felo de se.*" In one part of it, it is said that we ought not to pass this bill because it will entail upon us an immediate debt of $30,000,000, and a prospective one of, perhaps, $200,000,000; or, as has been stated this morning, of $250,000,000. In another part, it is said that it will be impossible for us to make the purchase. Now, sir, if we cannot make the purchase, we cannot incur the debt.

The objections to the measure on account of its political aspect are: first, it trusts the President with too large a sum of money. Sir, I am perfectly willing to trust the President with the money. For one, I do not distrust his honesty. I am sure that if the amount be used at all, it will be well and lawfully used for the accomplishment of the very object for which it shall be placed in his hands. I am just as ready to put the amount into his hands, to be paid for the purposes of the treaty, when ratified by Spain, and before it shall be ratified by the United States, as I would be to put it into his hands after the treaty shall be ratified by the United States. We must trust him in either case.

But, sir, the measure is not without precedent; the same thing was done in 1847, in the case of President Polk, to enable him, by treaty, to acquire territory from Mexico; and also in 1803, in the case of Mr. Jefferson, to enable him to purchase Louisiana. And, in the language of the committee which reported this last measure, (Annals of Congress, 1803,) "a similar course was pursued for the purpose of settling our difficulties with the Regency of Algiers, by an appropriation of $1,000,000 prior to the commencement of the negotiation."

The Louisiana case was much stronger than the measure now proposed. For although it was understood that the money was put into Mr. Jefferson's hands to purchase Louisiana, yet the purpose is not expressed in the act of Congress, but the money was intrusted to him as a part of the foreign intercourse fund and without indicating the object to which it was to be applied.

We propose, then, to acquire Cuba by this measure, after the same manner of procedure in which we acquired territory from Mexico, and in a way less liable to the objection urged by the Opposition than that by which our patriotic predecessors purchased the immense domain of Louisiana.

Our present patriotic President is just as worthy of being trusted in this case as were Mr. Jefferson and Mr. Polk in the cases parallel to the present. Our *predecessors* trusted *them*, and I am just as willing to trust Mr. Buchanan.

The Senator from Kentucky [Mr. CRITTENDEN] a few days since spoke of the purchase of Louisiana as an exceptional case, and dwelt on the circumstances of it. Sir, we have purchased territory from but three nations—France, Spain, and Mexico. In two of the three—in the purchase from Mexico and from France—we have taken, in this respect, exactly the same steps that are proposed by this bill. I say, therefore, that the case of the purchase of Florida, which was the only one in which the money was not put into the hands of the President in advance, is an exceptional one, and that the other two constitute the rule. In this bill, we follow the rule established by the majority of the instances of purchase.

Again, it is objected to the political aspect of the measure, that Cuba has a population of some twelve or fifteen hundred thousand, about one half of whom are whites; and of the other half, about two parts are slaves, and one part free blacks; and it is said we ought to know beforehand what is to be the *status* of the white population; what the *status* of the free colored inhabitants; what the *status* of the slaves; what are to be the institutions of justice and religion.

Mr. President, this is no objection to the particular mode of purchase now proposed. It is an objection against purchasing Cuba by treaty at all. For, in any and every case of purchase, the treaty must settle these questions to just exactly the same extent as it will if the measure under discussion be adopted. The objection is just as strong, just the same in all respects against a treaty upon which no payment of money shall be made in advance of its ratification by the Senate, as it is to the one contemplated by this bill.

The Senator from New York also says: "To-day England and France are not only allies, but they are united in the policy of maintaining Spain in the enjoyment of the Islands of Cuba and Porto Rico." Sir, if we wish to purchase, and Spain is willing to sell, it is a matter that England and France have nothing to do with. It is none of their business; and so far as a threat is implied of their combined intervention, it has no terrors for me. It will have no terrors for the people of the

United States. On the contrary, they will be for the acquisition for this very reason. If England and France wish a war with this country upon that issue, they can have it, and have it to their heart's content. Let them interfere in warlike posture, and we will fling defiance in their teeth. We will fight them with the last dollar of our means, and to the last drop of our blood; and I will say in answer to the Senator from Kentucky [Mr. THOMPSON] who spoke yesterday, the first drop of our blood. Thousands of them are ready to spend the first drop and the last drop of their blood if it be demanded on that question.

Mr. President, the Senator from New York, with great skill, insinuates as an objection to this bill, that it is unconstitutional. He says:

"When he [the President] has once obtained the Island of Cuba, and paid $20,000,000 as an advance upon the consideration money of the purchase, the treaty will be a contract executed, and Spain and the whole world would laugh with derision at the pretense that we could rescind the contract and repudiate the remaining debt on the ground that we had then looked into our Constitution and had found that we had violated it in passing the law by which we had authorized the President to make the improvident bargain."

Now, sir, if to pass this bill would be to violate the very charter of our liberties, that is objection enough to it. It ought to be at once rejected. But, Mr. President, the honorable Senator will not maintain that proposition. Sir, it violates no provision of the Constitution. And, as I have already said, it follows precedents already acted on, but does not go so far as Congress went in the purchase of Louisiana.

4. Our other point of inquiry is: Is the present a fitting juncture to propose the negotiation?

If not, why not? Will Spain ever be more willing or more constrained by her necessities to sell than she is at the present moment? The Senator from New York seemed to think that she is less disposed and less necessitated to sell now than she has been for the last fifty years. Is not the acquisition sufficiently desirable now, to both this country and to the people of Cuba? If the present is not an opportune juncture, when will such an occasion arise? The opponents of this bill will not assume the position that we ought never to acquire Cuba under any circumstances, but they say the present moment is premature. Has any one of them told us when the auspicious occasion will transpire? Will any one tell us? Sir, the reasons that will lead to procrastination to-day, will lead to procrastination for all time to come.

The Senator from New York seems to have settled down in the conclusion, that the time for opening negotiations for the purchase of Cuba has not yet arrived, and yet it seems to him, he says, that "the island gravitates back again to the parent continent, from which it sprang." But when and how this gravitation will effect the reannexation, the Senator has not undertaken to tell us. He will not even venture to guess. I ask again, when will the right juncture come to pass?

Let us bear in mind, Mr. President, that the ripe apple requires to be plucked from its native tree; and it must be plucked so soon as it is ripe. If deferred beyond maturity, the rich fruit will have lost its value; the golden opportunity will have passed away forever. This Cuban fruit, I trust, is even now ripe for the gathering.

Mr. SEWARD. Will the honorable Senator excuse me for interrupting him?

Mr. POLK. Certainly.

Mr. SEWARD. I am unwilling to leave the Senator in doubt on that subject. I cannot tell when the juncture will arrive; but I can tell him when the juncture will not arrive; and that is when, instead of Spain proposing to the United States to cede Cuba, or being ready to accept the proposition of the United States for Cuba in the ordinary course of negotiation, for a price to be submitted, and upon terms to be submitted by the President of the United States to Spain, with the advice and consent of the Senate of the United States, and approved by them, for the payment of an appropriation of $30,000,000, in advance, I imagine that at that time there may be a favorable juncture for the proposition; but when it is necessary to call upon the Congress of the United States for the $30,000,000, to be paid out at all hazards, to obtain a treaty which the Senate of the United States properly refuse to ratify, thus forfeiting the $30,000,000, then I think the juncture has not arrived.

Now, I wish to ask the honorable Senator one question, which will deserve his consideration. How is it, what has happened, what has befallen the President of the United States to bring about this strange result, that he cannot carry on a proper negotiation for a lawful, reasonable, just, and feasible object, in the forms of the Constitution, and according to the customs of our Government, until he obtains an indorsement from the Congress of the United States, with an appropriation of $30,000,000, to enable him to begin with, beyond what it was before when the United States had a President that would avow——

Mr. POLK. I did not give way for the Senator to make a speech. If he is going on with the question, I will hear him with great pleasure.

Mr. SEWARD. I will conclude my speech by the question: when was it before that the President of the United States would confess, in the face of the whole world, that he was desirous to make a proposition to a foreign Power, and yet could not make it, unless the Congress of the United States would authorize and make an appropriation of money in advance?

Mr. POLK. I will commence what I have to say as following the Senator's interruption, by answering the question he has just now put. The answer is, that I have given him two instances in which the Presidents of the United States did not enter into negotiations for the purpose of making the purchase until Congress had made appropriations of money in advance. The very first instance that has occurred in our history, the case of Mr, Jefferson, which I gave him, was one in which the money was put into Mr. Jefferson's hands, and not specified in the bill to be for the purpose of purchasing Louisiana, but as a part of the foreign intercourse fund. I say further, in answer to the Senator, that of the three instances of purchase, two of them have been those in which the money was put into the hands of the President in advance of negotiation; and I believe there are still others, though I have not particularly sought them out.

Mr. SLIDELL. If my friend from Missouri will permit me, I wish to correct an error into which he has fallen, and the correction will strengthen his argument.

Mr. POLK. I shall be very glad to be corrected in anything, whether it weakens or strengthens my argument.

Mr. SLIDELL. It was said that the cases of Louisiana and Mexico were exceptional cases; that there was an impending, imperative necessity, for the acquisition of the territory; and the Senator from Kentucky said that the appropriation for the purpose of the acquisition of territory, except under those very peculiar circumstance, was an anomaly in our history. The provisions of the act of February 3, 1806, must have escaped him. That act is entitled:

"An act making provision for defraying any extraordinary expenses attending the intercourse between the United States and foreign nations.

"*Be it enacted by the Senate and House of Representatives in Congress assembled*, That a sum of $2,000,000 be, and the same is hereby, appropriated towards defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who shall cause an account thereof to be laid before Congress as soon as may be."

The second section of that act shows that, in those days, at any rate, for the acquisition of territory, the Government and people of the United States were not afraid to contract a debt. It authorized a debt of $2,000,000 to carry that act into effect; and then provides, in the third section, for the permanent appropriation of the surplus on imports and tonnage for the payment of the interest and principal of the debt; and it simply requires that the President of the United States "shall cause an account thereof to be laid before Congress as soon as may be."

This act does not designate the purpose for which it was to be applied, but it is a matter of cotemporaneous history of which there can be no doubt. It was intended to aid President Jefferson in the negotiations for the acquisition of Florida. Those negotiations were protracted during a period of sixteen years. I think Florida was acquired in 1818. It was a very wise foresight to enable the President to go on, with the sanction of the nation, to carry out his policy. He did not use the money in that form, because we agreed to appropriate the price of the purchase of Florida to the payment of the claims of American citizens upon Spain.

Mr. POLK. I thank the honorable Senator from Louisiana for suggesting that fact to me. I had supposed that in the case of the purchase of Florida, that money had not been paid into the hands of the Executive to enable him to carry out that act.

Mr. SLIDELL. He had it for twelve years.

Mr. POLK. I am glad to find I was mistaken.

Mr. COLLAMER. Not when the purchase was made.

Mr. POLK. Ay, I understand that, Mr. President, and the Senator is mistaken; but I say that these acts show that this money was put into the hands of the President with the view of effecting the purchase of Florida from Spain. I say, therefore, that I thank the Senator from Louisiana for his explanation, because it leaves all the instances of the acquisition of territory by the United States after the same manner that we propose here, to wit: a purchase by treaty, after putting money in the hands of the President in advance of the negotiation, without an exception. That is exactly what we propose here.

Mr. SLIDELL. Will the Senator permit me to state another circumstance?

Mr. POLK. Yes, sir.

Mr. SLIDELL. This money remained at the disposal of the Administration of the United States for sixteen years, applicable to that purpose.

Mr. POLK. And of course, therefore, until the purchase of Florida was consummated.

Now, Mr. President, the Senator from New York rose to explain to me what his views were in answer to a question that I was putting. In the course of his explanation, he said he should deem that a fitting juncture had not arrived when Spain had not offered to sell. I ask the Senator if he will say that he will never go for the acquisition of Cuba until Spain shall offer to sell.

Mr. SEWARD. The honorable Senator does not state the whole of my proposition.

Mr. POLK. Mr. President, I did not state the whole of his propositions, but I stated the whole of one of his propositions.

Mr. SEWARD. No, sir.

Mr. POLK. The Senator went on to make an addition of some half a dozen more. He went on to make a speech in answer.

Mr. SEWARD. Will the Senator state my proposition?

Mr. POLK. I asked the honorable Senator if he did not put that as one of the events upon which only he would agree to the purchase of Cuba.

Mr. SEWARD. I am perfectly willing to answer the honorable Senator, provided he will allow me to answer his question as to what I did state. It was this: that a fitting juncture had not arrived when neither would Spain sell to the United States, nor could the President of the United States, without being backed by an appropriation of $30,000,000, make a proposition to the Court of Spain to buy it. That was my position.

Mr. POLK. In answer to that, I have to say that the Senator cannot state that the juncture has not arrived in which Spain will not sell. Sir, there is a very great difference between the Spanish minister having said what he did to the Cortes, and the response that the Spanish Cortes made to his declaration on the one hand, and the sale of the island on the other. I shall come to that as I proceed.

But, sir, the Senator from New York did not assume—and I want him to assume it, if he means to do it, directly and categorically—that he is opposed to the purchase of Cuba, under any circumstances. The Senator from New Hampshire [Mr. HALE] did say he was opposed to it. He did not speak of the time in the future at which this island should be brought back to us by gravitation. He did not speak of the political necessity compelling the sale of the island at some future time; but, while the honorable Senator from New York, in his speech, opposed the bill, at the same time it seemed to me—I may do the Senator injustice, but, as I heard his speech, and as I have read it since, it seemed to me—that he was very unwilling to assume any opposition to the acquisition; and wished that it should be understood that he was in favor of the acquisition of Cuba; but not just

now. Hence, I was asking if this is not the juncture, when will the juncture arrive? If you are in favor of the acquisition of Cuba at all, and you say this is not a proper time for it, I ask you to tell me when that proper occasion will come to pass?

Mr. SEWARD. Does the honorable Senator pause for an answer now?

Mr. POLK. Yes, sir.

Mr. SEWARD. When the juncture shall come it will be a practical question, and then I will answer it. Until then it is an abstraction; and I expressly said in my speech, upon which he is commenting, that the question of the purchase of Cuba is not now before the Senate or the country. It is totally impracticable.

Mr. POLK. That is just what I said the honorable Senator's position was. I have stated that he said this juncture is not now upon us; and now what does the honorable Senator tell us? He tells us that he will be in favor of the acquisition of Cuba when the proper time arrives. That is the substance of his remark.

The only plausible ground that I have heard thus far brought as showing that this is not a fitting juncture; that the occasion is not one in which it is probable that the purchase would be successful, is, that the Spanish minister expressed a determination against it to the Spanish Cortes, and that that body concurred with him in the expression of that sentiment. That is the only probable or plausible ground upon which the position has been assumed in opposition to the bill by the Senators on the other side. Upon what knowledge have they based the assumption, as I undertake to say it is, and will show that it is, that this is not the proper juncture? How can that be known? Has the attempt been made? One thing is certain: the purchase never will be accomplished until the offer shall be made. Then why not make it, and make it now? Is not the prize desirable enough to justify it?

We have seen already, Mr. President, by the acts of Congress referred to by the Senator from Louisiana, that there was put into the hands of President Jefferson, in 1806, a large amount of money, to enable him to effect the purchase of Florida; and it remained there, the honorable Senator says—and I have no doubt he is correct, because he is thoroughly posted on this whole question—until 1819. I ask, therefore, in this immediate connection, how was it in the case of Florida? Did not the Spanish Government show great reluctance to part with Florida? But, sir, political necessity and the force of circumstances, and above all the conviction that our Goverment was resolved upon the measure, overcame the retuctance of Spanish pride.

The people of the province were desirous of annexation to the United States. In 1810, West Florida erected herself into an independent State, and applied for admission into our Union. The United States took temporary possession of the country, claiming title by virtue of her treaty with France. Great Britain protested. Again, in 1818 the troops of the United States, under General Jackson, took military possession of the entire province—East as well as West Florida. Spain protested vehemently. But Florida was necessary to the protection of our southern frontier, in a military point of view. It was necessary in order to give us access to the Gulf of Mexico. It was necessary for the accommodation of our commerce, and for the expansion of our territory.

Spain saw that there was a purpose, with earnestness and determination, on the part of this Government to acquire Florida. Florida was purchased by treaty, in 1819; and even after the treaty was made, Spain was still reluctant to give possession, and possession was not taken, I believe, until 1820, and not until a menacing procedure was taken on the part of the Congress of the United States, for the purpose of compelling Spain to carry out that treaty.

How similar in character were the facts and surroundings in the case of Florida *then* to those of Cuba *now*—only in the multitude and strength of them far less. But the negotiation for acquisition was successful in the case of Florida; why shall it not also be successful in the case of Cuba?

Sir, I by no means concede that the effort to purchase Cuba will be abortive. Let it be once understood by Spain that this Government is resolved upon it, and that it has taken steps towards it with earnestness and purpose, and, in my opinion, the work will be well-nigh accomplished. Of this same opinion was one of the most sagacious men that ever held office in Cuba; a man who thoroughly understood Cuban affairs; who thoroughly understood the political necessities of the island, and its relations both to Spain and to this country. I allude to the Conde de Villaneuva. He said:

"So long as the affair is in the hands of private fillibusters, we can defend the island; but when the American Government takes the question in hand, we must look for another solution."

Does not General O'Donnell, the Spanish Premier, who was, for a long time, Captain General of the island, know the same thing? Sir, Spain knows very well that she is fated ultimately to lose Cuba. All her continental possessions in the New World, and all her islands, too, except only Cuba and Porto Rico, have passed forever from her grasp; and all of them, except those now held by the United States, have been wrested from her by force. Can she expect to retain Cuba? What has happened, in the course of events, with all her other transatlantic possessions, will also happen, in the fullness of time, with Cuba. Why, sir, in order to keep down the inhabitants, and to prevent them from making the conquest of the island for themselves, she is compelled to garrison it continually with twenty-five or thirty thousand troops, and to blockade its ports with her men-of-war. Will she not prefer to sell it for a fair consideration, rather than to yield it up for nothing? Let Spain be assured that the United States want the island, and that its inhabitants want her to have it, and, moreover, that the former are willing to pay her the full value for it: will she not see that it will be wise to sell it? Will this not be "the coincidence of opportunity and necessity," which, according to the Senator from New York, must bring about the sale?

Moreover, let the Spanish ministry see, as the Senator from New York sees, that Cuba gravitates to the United States as the ripened apple, yet hanging on its native tree, gravitates to the earth; and they will then also see, in the language of the honorable Senator, that "political necessities have determined that ultimate conclusion to which they must come." And that conclusion, I add, is most clearly the sale of the island to the United States. Sir, I make my thanks to the honorable Senator for what he has said on this point. These are his words:

"I have always received as a political maxim the declarations made by our predecessors in regard to the acquisition of Cuba. Every rock and every grain of sand in that island were drifted and washed out from American soil by the floods of the Mississippi, and the other estuaries of the Gulf of Mexico. The island has seemed to me, just as our predecessors have said, to gravitate back again to the parent continent from which it sprang. I have supposed that political necessities would determine that ultimate conclusion; and I know that to political necessities all actions of government must bend, and all sentiments of nations must accommodate themselves."

This, sir, is a full answer to all that has been said, or that can be said, against the present bill, for the inopportuneness, or impolicy, or hopelessness of the measure it proposes.

Sir, let one of those violent revolutionary storms come down upon Spain, to which we know she has been so often exposed in the recent past, and her Crown and ministry, in order to save themselves, may be willing to treat Cuba as the mariner in a gale does his cargo—throw overboard even the most precious part of it in order to save himself from shipwreck.

But, sir, whether the result be success or failure, in this case of Cuba, I adopt the sentiment and the language of the report of the committee in the case of the acquisition of Louisiana:

"If the purchase *can* be made, we ought not to hesitate. If the attempt should fail, we shall have discharged an important duty."

Mr. President, it was once said by one of my illustrious predecessors upon this floor, that the western limit of our Republic was never to extend beyond the Rocky Mountains—I do not quote the language; that the god Terminus had fixed our furthest western boundary upon the summits of that mountain-range. But, sir, subsequent events, in the lapse of comparatively only a few years, have proved the prediction to have been fallacious. The swelling tide of our population and enterprise, impelled by the spirit of Anglo-Saxon progress and adventure, has burst over the mountain barrier, spread itself over the golden sands of California, until it has met the waves of the Pacific sea. And now the refluent tide is returning, by the way of Central America and the Island of Cuba, to the Atlantic shore, from which it started.

I am glad, sir, that in that eloquent apostrophe, in which the honorable Senator from Virginia a few days ago expostulated with the young giant of the West, as he most appropriately called him, he did not dissaude him from the acquisition of Cuba by the use of all just and honest means. In his infancy he needed for his immediate growth the ancient Louisiana. Under the auspices of Mr. Jefferson it was purchased for him. Twenty years afterwards, that same sagacious, philosophical statesman saw that he would soon need the Island of Cuba also. And now, sir, in our day, when he is in the vigor and prowess of his young manhood, that necessity is upon us. This bill proposes to meet it; and I, for one, respond to it.

Mr. COLLAMER obtained the floor.

Mr. SEWARD. Will the honorable Senator allow me to ask him to give way for a motion to adjourn?

Mr. COLLAMER. I yield for that purpose.

Mr. HUNTER. I hope the Senator will not press the motion to adjourn. I think we can finish the consular and diplomatic appropriation bill this evening.

Mr. FESSENDEN. There is nobody here, and I think we might as well adjourn.

Mr. HUNTER. I move to postpone all prior orders, and take up the consular appropriation bill.

Mr. SEWARD. I must insist that my motion to adjourn be put.

The PRESIDING OFFICER, (Mr. BENJAMIN in the chair.) Does the Senator from New York insist on his motion to adjourn?

Mr. SEWARD. Yes, sir.

Mr. JOHNSON, of Tennessee. Let us get through with the appropriation bill to-night.

Mr. SIMMONS. I will state that I wish to offer an amendment to the appropriation bill; but I have not got it prepared.

The PRESIDING OFFICER. The question is on the motion to adjourn.

The question being put, there were, on a division—ayes 13, noes 18; no quorum voting.

Mr. SLIDELL. I ask for the yeas and nays on the motion.

The yeas and nays were ordered; and being taken, resulted—yeas 14, nays 23; as follows:

YEAS—Messrs. Broderick, Clark, Clay, Collamer, Dixon, Doolittle, Fessenden, Foot, Mallory, Pearce, Pugh, Seward, Simmons, and Wade—14.

NAYS—Messrs. Bayard, Benjamin, Bigler, Brown, Clingman, Davis, Fitch, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mason, Polk, Reid, Rice, Sebastian, Slidell, Smith, Toombs, and Ward—23.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question now recurs on the motion of the Senator from Virginia, to postpone all prior orders for the purpose of taking up the appropriation bill.

CONSULAR AND DIPLOMATIC BILL.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 666) making appropriations for the consular and diplomatic expenses of Government for the year ending June 30, 1860, the pending question being on the amendment offered by Mr. PUGH.

Mr. PUGH. With the leave of the Senate, I will withdraw that amendment for the present, in order to get a vote upon one which may not be so objectionable to some Senators, not so fundamental. I think that is the best proposition, but for the present I will withdraw it. In line eight, after the word "extraordinary," I move to strike out down to, and including, the sixteenth line in the following words:

"Ministers, and commissioners of the United States at Great Britain, France, Russia, Prussia, Spain, Austria, Brazil, Mexico, China, Chili, Peru, Portugal, Switzerland, Rome, Naples, Sardinia, Belgium, Holland, Denmark, Sweden, Turkey, Buenos Ayres, New Granada, Bolivia, Ecuador, Venezuela, Guatemala, Nicaragua, Sandwich Islands, Costa Rica, Honduras, Argentine Confederation, and Paraguay, $214,000."

And to insert the following; so that the section will read:

For salaries of envoys extraordinary and ministers plenipotentiary of the United States at Great Britain, France,

Russia, Spain, Brazil, Mexico, and China; for salaries of ministers resident at Prussia, Austria, Buenos Ayres, Chili, Peru, Portugal, Switzerland, Rome, Holland, Denmark, Sw den, Turkey, Japan, Venezuela, and New Grenada; for the salaries of commissioners to the Sandwich Islands and Paraguay, ——— thousand dollars: *Provided*, That the duties of the mission of the United States at Naples shall be discharged by the minister resident at Rome; those of the mission at Sardinia, by the minister resident at Switzerland; those of the mission at Belgium by the minister resident at Holland; those of the several missions at Guatemala, Honduras, Nicaragua, and Costa Rica, by the minister resident at New Granada; those of the mission at Bolivia, by the minister resident at Peru; those of the mission at Ecuador, by the minister resident at Venezuela, and those of the mission to the Argentine Confederation, by the minister resident at Buenos Ayres: *And provided further*, That no embassador, envoy extraordinary, minister resident, commissioner, or chargé d'affaires, shall be entitled to any compensation during the said fiscal year.

Mr. HUNTER. I only desire to say three or four words upon this proposition. I admit that the act which the Senator from Ohio proposes to amend, requires amendment; but it can only be done in some well considered separate law. The Senator had better turn his attention to it, and bring in a separate measure. In the meantime, let us pass this bill, which is simply according to law. There is nothing in it, except to carry out some provision of law, with the exception of a small appropriation for the northwestern boundary.

Mr. PUGH. Well, Mr. President, I have found out that there is no place for any retrenchment. Once before, when I objected to this act of the President in creating new offices, I was told to wait for the appropriation bill. Perhaps some Senators recollect that. Now I come to the appropriation bill, and I am told to wait until some other time. It is a continual cry, "Let the appropriation bill go through." Why so? Are the appropriations right? Do we give this money for public service? No, sir; the Senator admits that we do not. But Senators say let this bill go through; let this money be taken from the pockets of our constituents, in order to swell that huge cry for increased taxation that comes to us from the other end of the avenue. I thought my friend from Virginia was the last man who would oppose what he admits is a reform that ought to be carried out.

Now Senators tell me about the virtue of the act of 1856. We are told we ought to revise it leisurely, completely, and thoroughly. Sir, I was a member of this body when the act of 1856 passed. It was never read in this body—not a line of it. The Senator from Virginia [Mr. MASON] got up and told us that it had been prepared with great care in the State Department; and we took it on faith. I do not think there was any great deliberation in spreading out all this vast system. There was not as much said about it as has been said about my amendment. That act provides that, when the minister to one court is ordered to discharge the duties of another mission, he shall have, in addition to his salary, fifty per cent. of the salary of the other mission. My object is to save fifty per cent. of the salary of the minister to Naples, and many other courts. The fact is, neither the minister to Rome or to Naples has any business at all during the whole year round; it is all stuff to say otherwise; but still, instead of having two of them, I propose to have one and a half; that is, so far as salary is concerned. That is all my reduction. I propose that, in many of those missions which are mere names, that the minister of the next court shall pay them a formal visit, and that we shall save at least half the salary.

Now, sir, I do not see why this cannot be done upon the appropriation bill. I do not see the wisdom of refusing to place it on an appropriation bill. What is that bill for? I have never been very much in favor of general legislation on an appropriation bill; but I do not call a safeguard against the expenditure of public money general legislation. If I find a law in existence which requires the payment of money that ought not to be paid, then I am for repealing that law, because that supersedes the necessity of appropriating the money. But, if you yield to this cry, Senators, "let the appropriation bill go through," you will never get any retrenchment. It was the holding back of money bills in all ages that secured the rights of the people. If you want retrenchment of the expenditures; if you wish to avoid the necessity of borrowing money, of increasing the public debt, and increasing the public taxes, you will never let go the appropriation bills until you have brought them down to the lowest point consistent with the public interest. I think this is a good reform. It is little enough. It is not more than one tenth of what it ought to be. In order to see whether there is any real purpose of retrenchment, I shall ask for the yeas and nays on the amendment. It shall have my vote if it has nobody else's.

Mr. SLIDELL. I wish to hear the amendment read.

Mr. HUNTER. I should like to say to the Senator from Ohio that if I had time to look into the subject and examine it in connection with the law, and felt sure that it was a reform, that it would reduce the expenditures of the Government without injuring the service, I would go for it with pleasure; but I have not time to do that, and I am afraid to enter into this matter rashly for the very reason he has given. I was one of those who voted without examination for this original law—this law of 1856, which has turned out so badly. I went to the State Department for the purpose of seeing whether an amendment could not be devised to rectify some of its evils in regard to the consuls, and I came to the conclusion, from all I learned there, that it would require a provision so complicated that it could not be introduced on an appropriation bill. I will not say that the Senator from Ohio has not been more successful; but I have not time to look into it and examine it. I am as willing——

Mr. PUGH. It would be just as easy to look into that as into the bill. If the bill is worth passing, it is worth being made right.

Mr. HUNTER. I should like to hear the amendment read.

The Secretary read it.

Mr. PUGH. I ask for the yeas and nays on the amendment.

Mr. COLLAMER. I suggest to the Senator from Ohio to fill up the blank in his proposition.

Mr. PUGH. I can fill that up afterwards if the amendment is carried.

Mr. CLAY. I merely wish to ask a question to determine my own vote. Is this provision prospective for the next year?

Mr. PUGH. Certainly; it is to commence with the 1st of July next.

Mr. CLAY. It does not refer to the present?

Mr. PUGH. Oh, no.

Mr. CLAY. Then I shall vote for it.

Mr. PUGH. The former part of the bill was limited to that.

Mr. SLIDELL. I ask the Senator from Ohio whether it is intended that a minister who performs, for instance, double functions at Naples and Rome, is only to receive the present salary?

Mr. PUGH. He receives the salary of the minister to Rome, and half the salary of the minister to Naples. The law of 1856 gives it to him, which I have not touched.

Mr. SLIDELL. Then I am inclined to vote for several of these modifications; but I would suggest to the Senator from Ohio the propriety of taking them separately. I think I can point out one or two mistakes that he has made.

Mr. PUGH. I shall be very happy to have the Senator's assistance.

Mr. SLIDELL. So far as regards the missions to Naples and Rome, there is really nothing to do at Rome, but sometimes there are matters of consequence at Naples. If the consolidation be made—and I have always thought it ought to be made—the principal seat of the mission ought to be at Naples, and Rome ought to be an accessory. So with Switzerland and Sardinia. Sardinia is prepared to play a great *rote* in the theater of Europe. It is the only really constitutional Government on the continent. It is an enlightened, progressive Government; a truly representative Government; one probably that, before many years, perhaps before months, will control the northern part of Italy to the Papal States. Our commercial relations with Switzerland are important, to a certain extent; but our political relations are of no kind of consequence. Therefore, if the change should be made, the mission should be at Turin. That should be the seat of the mission. The duties of the mission to Switzerland should be performed by the minister at Turin.

I think I could point out two or three other errors in detail, in the project of the Senator. I agree with him that there are too many missions in Italy, too many in South America; and I believe the whole diplomatic corps would be promoted, would be advanced, and improved by the consolidation of these missions. If he is willing that we shall take up this amendment in detail, and consider it, I shall have no sort of objection to it; I approve of very many of them, but nevertheless, if he desires to have a vote upon them *en masse*, I shall be obliged to record my vote in the negative.

Mr. PUGH. I have no objection to change them. I am willing to do so. I am not a member of the Committee on Foreign Relations. I have only indicated a general outline. I will accept any suggestion of that character.

Mr. SLIDELL. I am only making a few suggestions on this subject. Now, as regards the Argentine Confederation, the amendment of the Senator is inoperative, because we have but one representative to the Buenos Ayrean provinces, and therefore that portion of the amendment fails. There is but one minister to the Argentine Confederation, and he resides at Buenos Ayres.

Mr. PUGH. They are separate in the original bill.

Mr. SLIDELL. I think not.

Mr. PUGH. Yes, sir. The Senator will find them separately stated in the bill.

Mr. SLIDELL. That may be. Then it is a new mission; ah, it is the new one to Paraguay.

Mr. PUGH. But there is a separate commissioner to Paraguay.

Mr. SLIDELL. It may be so; but I am not aware of it.

Mr. PUGH. The President sent one under the resolution of the last session.

Mr. SLIDELL. There is a new appropriation.

Mr. PUGH. I should be very sorry to have my amendment defeated because Senators who are in favor of the general proposition discover errors in detail. I am not familiar with the subject, not being a member of the Committee on Foreign Relations. I am willing to accept any suggestion that may be made in regard to it. It is the saving of the money that I am after. I accept the suggestion of the Senator from Louisiana in regard to those two missions of Sardinia and Naples.

Mr. SIMMONS. I will suggest to the Senator that it would be well to have the amendment printed, so that we can consider it, and have it before us. I think the amendment of the Senator from Ohio, in regard to assigning missions, is a good one, that men can serve in at least two capacities. There may be some reasons for selecting missions to other countries. You may have more efficient men at one place than another. For instance, the minister at Sardinia might be more efficient than the man in Switzerland. The character of the man, and the character of the business, ought to locate the ministers. I think if this amendment was printed, we could get at them in ten minutes.

Mr. DOUGLAS. I have not been able to read the amendment of the Senator from Ohio, and hence cannot be prepared to express an opinion about the propriety of the adoption of that particular amendment. I must say, however, that I do feel some interest in the principle which has been elicited in the discussion which has taken place. I do not agree at all with the Senator from Virginia, the respected chairman of the Committee on Foreign Relations, that the President of the United States, under the Constitution, has the right to send a minister anywhere he pleases, and to create, in his discretion, the office of a foreign minister. I understand that to be the position of the chairman of the Committee on Foreign Relations.

Mr. MASON. Will the Senator allow me a moment?

Mr. DOUGLAS. Certainly.

Mr. MASON. I may not have expressed myself very distinctly this morning; but the Senator certainly misunderstood me. It is very certain that the President, under the Constitution, cannot appoint a foreign minister at all without the Senate advises whom he shall appoint. What I meant to say, and what I have said, is, that none but the President can originate a foreign mission; that is to say, if we had no relations, if we had no diplomatic intercourse, say with the kingdom of Sardinia, the President might, or might not,

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at his discretion, institute diplomatic intercourse with it; but if he did not choose to do it, we could not compel him to do it. The Senate could not do it; nor could the Congress combined. That is all there is in it.

Mr. DOUGLAS. I differ *in toto* with the Senator from Virginia. I hold it is a matter for Congress to determine by law at what countries we will have ministers to represent us, and at what countries we shall not. It is proper for us to say that we will have a minister to England, or we have the right to say we will not be represented at England at all.

Mr. MASON. I should like to know where Congress gets the power?

Mr. DOUGLAS. I think that Congress gets the power under the Constitution. I will analyze this clause under which the power is claimed for the President. The clause of the Constitution is this:

"He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur, and he shall nominate, and by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law."

He has the same power to appoint judges of the Supreme Court, that he has to appoint foreign ministers or consuls. Will it be said that he could appoint a judge of the Supreme Court until Congress should have provided by law for such a court, prescribing the number of judges and their duties? It might be urged with the same propriety that it was in his discretion whether he would have any judges or not, or how many he would have, as to say that it was within the presidential discretion whether we would have foreign ministers, and if so, how many foreign ministers we would have. When Congress shall provide by law for the Supreme Court, and prescribe the number of judges, the power of appointment is vested in the President, by and with the advice and consent of the Senate. So, when Congress shall prescribe by law for a minister to Japan, the appointment of that minister is vested in the President, by and with the advice and consent of the Senate.

I hold that it is for Congress to prescribe by law where we will be represented, and where we will not. We should prescribe by law, not only the country, but the character of the office—whether he shall be an embassador, or a minister plenipotentiary, or a minister resident, or a chargé d'affaires—and what the salary of that officer shall be. So we should prescribe in the law whether we will have a consul, or a vice consul, or a consul general, and what his salary shall be; and at what point that consul, vice consul, or consul general, shall be located. These are all matters of legislation. I deny that there is any such office as consul, or embassador, or minister resident, unless Congress shall create the office. When Congress has created the office, and prescribed its duties and the salary, then the power of appointment is vested in the President, in the recess of the Senate, and in the President and Senate when we are in session.

There is an important principle involved in this question. I understand the Senator from Virginia to hold the doctrine that if the President chooses, he may send a diplomatic agent to Persia without our consent. We have had the proposition to create a mission to Persia before us and have declined doing it.

Mr. COLLAMER. It is said it can be done without the consent of the Senate.

Mr. DOUGLAS. I am not speaking about the power of appointment. Whenever it is proper to make an appointment at all, it must be made by the President and the Senate, if we are in session, and the President alone when we are not in session. But I am speaking about the right to create the office. I deny that under the Constitution there is any such office in existence as minister to Persia. The question is, can the Executive, without the authority of Congress create such an office? I hold that he cannot.

Mr. MASON. I cannot understand what the Senator from Illinois means by an office and an officer within the meaning of our law, as connected with the duties of a minister sent abroad. An office, as I should understand it, is some duties or privileges created by law which are to be discharged by some person who is to be appointed by law to discharge them, and the duty, the emoluments, the privileges, and the rights, and all that pertain to what is called the office, are to be fixed by law; in other words, the office is to be created by law. Now, a foreign minister, as I understand it, holds no office whatever—I mean within the meaning of our laws and our Constitution. The functions of the character of a foreign minister are influenced by international law, to which our Government is no more a party than all other Governments; and they are parties only by acquiescence. All the duties and privileges, the rights and the character, of a foreign minister are fixed by public law, international law.

So, as I said this morning, if I understand it aright, when the President of the United States, as the Executive, appoints a foreign minister, he can only do it by the concurrence of the Senate. Although it is directly within the appropriate functions of the Executive, yet the Constitution says he shall appoint only by the concurrence of the Senate; but when the appointment is made, all the duties, all the rights, all the privileges, all the functions that pertain to that office are defined, not by law of the United States, but by international law; and to that alone a minister looks as to what his rights, his duties, and his privileges are while resident abroad.

Now, as to the participation of the Senate with the President in this diplomatic intercourse, I have said nothing more than this: who doubts that the President of the United States, in conducting the foreign intercourse of the United States with a view to affect the foreign relations of the country, may, at his discretion, and without consulting anybody, send a citizen of the United States to Persia, Greece, or to Russia, not as a minister, not in a diplomatic character, but as his agent—the agent of the organ of the United States communicating with foreign countries, for any purpose that he may deem valuable to the public interest? For that very purpose, among others, there is always, from year to year, upon your statute-book, a fund, sometimes larger and sometimes smaller, for the contingent expenses of foreign intercourse. A commissioner is paid out of that fund, and what he is to do when he gets to the place to which he has been appointed, the President alone is to prescribe. A foreign minister is recognized by the Constitution as a functionary of the Government, but the character of his functions is prescribed by the public law. The Constitution does nothing more in restricting the general authority of the Executive than to say, "when you appoint a minister, you shall not do it without the concurrence of the Senate;" but where a minister is to go, when he goes abroad, is dependent altogether on the Executive.

Mr. DOUGLAS. The difference between the Senator from Virginia and myself is this: he thinks the minister to Great Britain is not an officer within the meaning of the Constitution——

Mr. MASON. Within the meaning of the law.

Mr. DOUGLAS. He says he is not an officer within the meaning either of the Constitution or of the law. I think he is an officer under the Constitution, and that his office is an office within the meaning of the Constitution; and I think so for the reason that the Constitution of the United States says so. It is an office created by law; it exists by the act of Congress under the Constitution, and the person appointed by the President, by and with the advice and consent of the Senate, to fill it, is an officer of this Government under the Constitution. The clause of the Constitution which I have already read, I will read again:

"He shall nominate, and by and with the advice and consent of the Senate shall appoint, embassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law."

It speaks of embassadors, ministers, consuls, judges, and other public officers, showing that, within the meaning of the Constitution, the minister to England is an officer of this Government as much as a judge of the Supreme Court. The minister to England, in the performance of his functions, is responsible to the law that creates his office, as much as a judge of the Supreme Court is responsible to the law. There can be no such office as minister to England without the authority of law. It is the law that creates the office; it is the law that prescribes its duties; it is the law that fixes the residence of the officer; it is the law that prescribes his salary. The Constitution says that when the law shall thus create the office, it shall be competent for the President, by and with the advice and consent of the Senate, to fill that office.

I illustrated my meaning by the proposition to establish a mission of the United States at Persia. I believe the President of the United States recommended an appropriation for such a mission. If we had made the appropriation, and created that mission, it would have been an office created by law, which the President could fill by appointment, by and with the advice and consent of the Senate. But Congress, having refused to create such an office, I deny that the President of the United States has a right to make the appointment, and create the office, by an Executive edict.

I will not enter into a discussion with the Senator from Virginia as to the question whether the President may use the foreign intercourse fund to send agents abroad to obtain information; for, if he has any such authority, it is by virtue of law, and not by this constitutional provision. If the law, fairly interpreted, authorizes him to send such agents abroad, I grant his authority to do it; but if the law does not confer that power, he does not possess it. He has no more right to appoint a foreign minister, when the law does not authorize it, than he has to appoint a judge, a district attorney, or a custom-house officer, where the law has not prescribed such an office, and conferred such an authority. I sympathized with the Senator from Ohio in the objection which he made to the confirmation of Mr. Harris, as minister to Japan, on that ground. The Senator afterwards withdrew his objection, as I understood him, on the ground that the law had conferred such authority. If the existing laws confer the authority, the objection fails.

Mr. PUGH. I did not mean to say that I thought the existing law conferred it; but the law was very vague—the act of 1856—and I understood the President had exercised the power once before, and I had no hostility to Mr. Harris.

Mr. DOUGLAS. I have the highest respect for Mr. Harris.

Mr. DAVIS. That is executive matter.

Mr. DOUGLAS. I beg pardon, but I can speak of Mr. Harris from what is known of him by the public. I have the highest respect for Mr. Harris, the late consul general at Japan, for his ability, for his discretion, for his services. I know nothing of him except what his discharge of his public duties has disclosed. I believe the manner in which he performed those duties, showed him eminently qualified for, and deserving of, an appointment as minister to Japan, if Congress should by law authorize the creation of such an office. I should have taken great pleasure in voting to confirm him if there had been such an office created by law; but if there is no law authorizing a mission to Japan, I deny that the President has a right to create such a mission, and send out a minister, and prescribe a salary, or confer any authority upon him as an officer of this Government.

I think there is an important principle involved in this question. If we wish to confine our expenses for foreign intercourse within proper limits, we must restrain the Executive authority within

the bounds prescribed by law. It has been suggested here that we should discontinue some of the missions already existing, as unnecessary. What is the use of discontinuing them if the President has a right immediately to create them again, and to send ministers there without the consent of Congress? I am not talking about the consent of the Senate in the matter of confirmation; I am speaking of the authority of Congress, acting by law, to create the mission. In other words, I hold that consuls are public officers; foreign ministers are public officers, whose offices exist by virtue of the law of Congress—not by virtue of the authority of the President.

Mr. MASON. Will the Senator allow me to interrupt him? Will he indicate any law of Congress that ever created the office of minister to England, or France, or anywhere else?

Mr. DOUGLAS. Certainly I will. There are various forms of words by which you may create a public office. If you put a clause in an appropriation bill appropriating $17,000 to pay the salary of a minister to England, you have thereby created the office by law, the same as if you made an appropriation of $5,000 for a district attorney in Oregon; or you may use a different form of words, and say "the office is hereby created, and $17,000 is appropriated to pay the salary." The appropriation of money recognizes the existence of such an office, and fixes the salary.

Mr. MASON. Will the Senator allow me to interrupt him once more, which shall be the last time? The usual course I understand to be this: the President sends a message to Congress, in which he recommends that an appropriation be made for the salary of a minister—to be sent to Japan, for example. Congress, in the appropriation bill, appropriates the money that is asked. Now, I inquire of the Senator if he means to say that that appropriation creates the office of minister to Japan.

Mr. DOUGLAS. I should hold that that appropriation does create the office.

Mr. MASON. Then I give it up.

Mr. DOUGLAS. I wish now to put a question to the Senator from Virginia. Suppose the President asks us for an appropriation of $15,000 to send a minister to Japan, and we, having considered the subject, come to the conclusion that no such mission is necessary, and refuse it: can the President then create the mission?

Mr. MASON. There is not a doubt that the President can then nominate a minister to Japan; and if the Senate advise and consent to it, the President can send him there; but he would not do it, because he would have no means of sending him there.

Mr. DOUGLAS. If the President has the power under the Constitution, by and with the advice and consent of the Senate, without the authority of Congress, to send a minister there, by that act he imposes the obligation on this Government to pay him. Let me ask whether the President of the United States can, by his act, create a foreign mission and send a minister there, and impose upon Congress the obligation to appropriate his salary, when Congress had refused to authorize the establishment of such a mission? According to the doctrine of the Senator from Virginia, the President can create this day one hundred missions in all parts of the world, in opposition to the unanimous vote of the House of Representatives.

Mr. MASON. The Senator of course does not intend to misstate me.

Mr. DOUGLAS. No, sir.

Mr. MASON. He has read the Constitution.

Mr. DOUGLAS. I have.

Mr. MASON. The Constitution declares that ministers shall be appointed by the President only by the advice and consent of the Senate. How, then, can the Senator ascribe to me the position that the President can appoint a foreign minister, and send him abroad without the consent of Congress? I meant to say simply this: if Congress, which consists of the two Houses, refused the appropriation, and the Senate and President together were still to institute the mission, they would have to send there some gentleman who would serve without pay, or else take the risk of a future appropriation.

Mr. DOUGLAS. The Senator——

Mr. JOHNSON, of Arkansas. Will the Senator allow me to make a suggestion?

Mr. DOUGLAS. Certainly.

Mr. JOHNSON, of Arkansas. The audience is rather small. There are very few Senators here; and those who are here must be fatigued. Many have gone home; and more are now going. I suggest that the Senator give way now, and be allowed to continue his speech on the next occasion when this bill shall be taken up. If he will do that, I will move an adjournment, if he will allow me to do so. I suppose the Senator from Virginia will oppose it; but it is palpable that there is not a quorum of the body present, and we can do nothing.

Mr. DOUGLAS. I have no desire to detain the Senate. I look upon this question as involving a principle of great importance to the country, and I shall be prepared to discuss the principle involved whenever it comes up. I intended to treat it as a serious question, involving a great constitutional principle—involving the extent of executive authority in derogation of the rights of Congress over the Treasury of the nation. I will not, however, continue the discussion to-day, but will yield to the suggestion of the Senator from Arkansas.

Mr. JOHNSON, of Arkansas. I move that the Senate adjourn.

The motion was agreed to; there being, on a division—ayes 15, noes 14; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 17, 1859.

The House met at eleven o'clock, a. m. Prayer by Rev. M. NOBLE, D. D.

READING THE JOURNAL.

The Clerk commenced to read the Journal of yesterday.

Mr. DAVIDSON. I object to the Journal being read, unless there is a quorum present.

The SPEAKER. The Chair will ascertain whether there is a quorum present.

Mr. CLARK B. COCHRANE. I suggest that it is better to have the Journal read, and by that time there will be a quorum present.

The SPEAKER counted the House, and stated that there were one hundred and nineteen members present.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message was received from the Senate by ASBURY DICKINS, their Secretary, informing the House that the Senate had passed a joint resolution (No. 79) in relation to the printing of the Senate and House of Representatives; in which he was directed to ask the concurrence of the House.

CONTUMACIOUS WITNESS.

The Sergeant-at-Arms presented himself at the bar of the House, and made the following return to the order of the House, in the case of John Cassin, Esq., of Philadelphia:

I hereby constitute and appoint Jo. Severns, Esq., my special deputy, for me and in my stead to execute the within order of the House of Representatives.

A. J. GLOSSBRENNER,
Sergeant-at-Arms H. of Reps. United States.

February 15, 1850.

I forwarded the foregoing deputation to Philadelphia; but before it could be executed the within named John Cassin had left that city for Washington. This morning he presented himself in the office of the Sergeant-at-Arms; and I now, having arrested him, present him to answer, as ordered by the House.

A. J. GLOSSBRENNER,
Sergeant-at-Arms H. of Reps. United States.

February 17, 1859.

Mr. TAYLOR, of New York. I offer the following resolution:

Resolved, That John Cassin, Esquire, of the city of Philadelphia, now in custody of the Sergeant-at-Arms on an attachment for a contempt in refusing or neglecting obedience to the summons requiring him to appear and testify before a committee of the House, be now arraigned at the bar of the House, and the Speaker propound to him the following interrogatories:

First. What excuse have you for not appearing before the select committee of this House, in pursuance of the summons served on you on the 7th day of February, 1859?

Second. Are you now ready to appear before said committee, and answer such proper questions as shall be put to you by said committee?

And that said John Cassin be required to answer such questions in writing, and under oath.

The resolution was adopted.

Mr. Cassin appearing at the bar of the House, the Speaker propounded to him the interrogatories indicated in the resolution of the House, to which he submitted the following answer in writing:

WASHINGTON, *February* 17, 1859.

To the Hon. JAMES L. ORR, *Speaker of the House of Representatives of the United States:*

On being summoned by the Sergeant-at-Arms of the honorable House of Representatives, I immediately prepared to attend at Washington, but allowed myself to be delayed by the illness of a near relation, for some days, but did come, voluntarily, and surrendered myself to the Sergeant-at-Arms yesterday.

I beg leave respectfully to state, that I meant no disrespect whatever to the honorable House, and humbly beg to be excused for any apparent or actual dereliction.

I am, sir, your most obedient servant,

JOHN CASSIN.

Sworn to before me, February 17, 1859.

JAMES L. ORR,
Speaker of the House of Representatives.

Mr. TAYLOR, of New York. I move that Mr. Cassin be discharged from custody.

The motion was agreed to.

POSTAGE ON NEWSPAPERS, ETC.

Mr. ENGLISH. I rise to a privileged question. On the 25th of last month, a bill was reported from the Committee on the Post Office and Post Roads, regulating the payment of postage on newspapers and periodicals, and for other purposes. The bill, having been read twice, was committed to the Committee of the Whole on the state of the Union, and ordered to be printed. A motion was entered to reconsider the vote referring the bill to the Committee of the Whole on the state of the Union; and I ask this morning to call up that motion.

The bill was read.

The first section declares that it shall be lawful for persons known as regular dealers in newspapers and periodicals to receive by mail such quantities of either as they may require, and to pay the postage thereon as they may be received, at the same rates as regular subscribers to such publications.

The second section declares that maps, engravings, lithographs, or photograph prints on rollers, shall be charged with postage by the weight of the package, at the rate of one cent an ounce or fraction of an ounce, to any place within the United States.

The third section declares that every person who shall receive or take any sum of money to be applied to the payment of postage upon any letter to be mailed, or to be received from the mail, and shall, with intent to defraud, omit to apply and use the money so received or taken for the payment of such postage; and every person who shall receive any letter from another to be deposited in any post office, and shall fraudulently omit to deposit the same in such post office; and every person who shall take from any post office any letter addressed to another person for the purpose of delivering the same to such person, and shall fraudulently omit to deliver the same; and every person who shall receive letters of others from the post office, either fraudulently or by mistake, and shall omit or neglect to return them immediately to the post office, or to the person or persons addressed, shall, upon conviction thereof, be fined not exceeding $100, or imprisoned not exceeding one year, or both, in the discretion of the court.

The fourth section declares that the Auditor of the Treasury for the Post Office Department shall have charge of all lands and other property which have been, or shall be, assigned, set off, or conveyed to the United States, in payment of debts due to the Post Office Department, and of all trusts created for the use of the said Department in payment of debts due thereto. And the said Auditor shall have power, with the consent of the Postmaster General, to sell, dispose of, and convey, all such lands and other property.

Mr. ENGLISH. I do not propose entering into any extended debate on this bill; but I desire to say a few words for the purpose of explaining the bill, and of removing certain false impressions in reference to its provisions. It has been reported extensively, through the press, that the object of the first section of the bill was to tax newspapers passing in exchange between the different newspaper offices. That is not the case at all. So far from that provision of the bill being injurious to the newspaper publishers of the country, I will state that the section was based on memorials sent to Congress by some of the most extensive newspaper publishers in the country. One of these memorials was presented and referred to the

Post Office Committee by my colleague over the way, [Mr. COLFAX,] who is the editor and publisher of a leading newspaper in my State. If it be determined to make the Post Office Department self-sustaining, as it was for a long series of years after its establishment, and if the general rule is to prevail, that whatever is carried through the mails should pay the cost of its transportation, then we may well consider the propriety of requiring postage upon newspaper exchanges and all other matter carried by the mail; but nothing of the kind is contemplated in this bill.

The object of this first section is, not to tax newspaper exchanges at all, not to increase the rates of postage, but to induce the carrying of a vast amount of matter through the mail, which is now carried outside of it, thus increasing the revenues of the Department, and operating to the convenience of news publishers and dealers.

It simply proposes that the dealers in newspapers and periodicals shall receive their papers by mail, on the same terms that regular subscribers do.

Mr. WASHBURNE, of Illinois. I indicated a purpose to move to lay the motion to reconsider upon the table. I have no objection to the first and second sections of the bill, and if the gentleman from Indiana, before he demands the previous question, will permit me to move to strike out the third and fourth sections, I will not make the motion to lay upon the table.

Mr. ENGLISH. It is not my purpose to attempt to force the bill through the House. I merely want to get it fairly before us, and the House can then amend, or make whatever disposition of it they please. Gentlemen may rest assured, however, that there are provisions of the bill which ought to be enacted into a law.

The second section provides that maps, engravings, lithographs, or photograph prints, on rollers, shall be charged with postage by the weight of the package, at the rate of one cent an ounce, or fraction of an ounce, to any place within the United States. At present, that class of matter is excluded from the mails, and no revenue is derived from that source. The second section simply authorizes that class of matter to be carried through the mails; and provides that it shall be assessed with the usual rate of postage—one cent per ounce, and that can be injurious to no class in the community, and will be beneficial to the Post Office Department. In reference to the third section, I will say that it now sometimes happens that persons take out of the post office, through mistake, or intentionally, letters not intended for them; and it has occurred that letters containing valuables have been thus taken from the post office, and the valubles converted to the use of the persons who took out the letters. And in other cases, letters containing important information, have been taken out by the wrong persons, and never returned to the post office or rightful owners. It is believed that there ought to be further legislation to reach that class of cases. The object of this section is to provide for the punishment of those who take letters by mistake from the post office, and fraudulently fail to return the same; and surely there ought to be some provision of law to cover cases of that description. A very important case of the kind recently occurred at New Orleans; and it was upon a memorial, very numerously signed, from that city, that this section was founded.

Mr. MILLSON. Do I understand the gentleman from Indiana to say that there is no law to punish a man for appropriating to himself valuables found in a letter addressed to another? Are not the State laws adequate to punish for that offense? I have seen, myself, a trial and conviction for such an offense.

Mr. ENGLISH. There is no United States law sufficient for the purpose; at least, it is so understood at the Post Office Department. I have a letter here from the Postmaster General, which, for the information of the gentleman from Virginia, I will ask to have read as a part of my remarks. This section also provides that, where money shall be given to any individual for the purpose of paying the postage upon letters, and the individual shall fraudulently withhold the money and fail to apply it to the purpose for which he received it, he shall be punished. There certainly ought to be some legislation on that point. I am not particularly wedded to the language of the section as it stands, and am perfectly willing that gentlemen shall have an opportunity of amending it.

Mr. WASHBURNE, of Illinois. I see that there is a provision in this third section, that if a person shall "omit or neglect" to return a letter he may have taken by mistake, immediately to the post office, he shall be punished by fine, or imprisonment, or both. I suggest that the words "willfully or fraudulently," ought to be inserted before the word "omit."

Mr. ENGLISH. I will state that that is the object of the section, and I am entirely willing that it shall be amended in the manner suggested.

Mr. WASHBURNE, of Illinois. As the section now stands, it provides that any person who, without fraud, shall take a letter out of the post office, and fail to return it immediately, shall be subjected to these penalties.

Mr. ENGLISH. The gentleman is mistaken, I think, as to the effect of the section as it now stands; but I have no objection to the amendment, because that is the object of the section.

Mr. WASHBURNE, of Illinois. Then I move to amend the section by inserting the words "willfully or fraudulently."

Mr. JOHN COCHRANE. I suggest to the gentleman from Indiana that it would be better for the fate of the bill if he would consent to the striking out of the third section.

The SPEAKER. The Chair would suggest to the gentleman from New York and to the gentleman from Illinois that the bill is not now before the House. The proposition of the gentleman from Indiana is to reconsider the vote by which the bill was referred to the Committee of the Whole on the state of the Union. If the House shall reconsider the vote, then the amendments will be in order.

Mr. GROW. In order to guide my vote, I desire to know of the gentleman from Indiana if he will allow a motion to be made to strike out the last section, and to insert the words suggested by my friend from Illinois in the third section, before he moves the previous question?

Mr. ENGLISH. Certainly. All I desire is to get the bill before the House, and I am then willing that it shall be so amended as to make it conform to the judgment of the House. I now ask for the reading of the letter from the Post Office Department, which I send to the Clerk's desk, and which fully explains the objects of the bill. After it has been read, I hope the vote will be taken on the motion to reconsider.

The Clerk read the letter, as follows:

POST OFFICE DEPARTMENT, *January* 24, 1859.

SIR: Your note of the 22d instant, covering the inclosed proposed sections of a law, with the request for a report upon the necessity and expediency of passing such law, has been received.

In answer, I have to state that the first section is necessary, in order to enable regular dealers in newspapers and periodicals to receive the same in such quantities as they may require, at the same rates as regular subscribers to such publications, paying the postage on receipt. This is considered right and proper, for the reasons fully set forth in the memorial, now before your committee, from the publishers of New York. Where publications are thus sent to regular dealers for sale, the sales being greater some weeks than in others, it appears to be reasonable that they should be allowed to go at the lowest rates, and in such quantities, from week to week, as the dealers may require, without their being obliged to pay for a certain number of copies by the quarter. Besides, it would seem to be good policy to encourage the sending of such in the mails, instead of by express.

The second section is necessary, to enable the Department to charge by weight of package, including the roller and wrapper of engravings, &c. Under the existing law, no charge can be made for the weight of the wrapper on printed matter, when sent as such; hence the Department has been obliged to prohibit the conveyance of engravings on rollers, except at letter rates, notwithstanding parties sending have always been willing to pay at the rate of printed matter for the whole weight of the package.

I have added a third section in accordance with the Louisiana memorial transmitted by you in another letter of the 22d instant, and herewith returned, and recommend its adoption. This section also embraces provisions to meet cases of the fraudulent application of moneys received by persons to be applied to the payment of postage, of fraudulent neglect to deposit letters in the post office, or to deliver letters received for others from the post office, all which provisions are deemed necessary to perfect the existing law on that subject.

A fourth section is added, conferring certain powers on the Auditor of the Treasury for the Post Office Department.

The Auditor has, *really*, charge of all lands and other property held by the United States for the use of this Department, and *actually* disposes of the same; but much inconvenience and unnecessary labor are occasioned to that office in being compelled to furnish the Solicitor of the Treasury with descriptions of the land sold, and in requesting him to execute deeds therefor, &c. This section is regarded as necessary to avoid this inconvenience and consequent delay.

I am, very respectfully, your obedient servant,

AARON V. BROWN.

Hon. WILLIAM H. ENGLISH, *Chairman of the Committee on the Post Office and Post Roads, House of Representatives.*

Mr. WALBRIDGE. It was, I believe, upon my motion that this bill was referred to the Committee of the Whole on the state of the Union. I made that motion with a view of having the third section of the bill entirely stricken out. I have no objection to the first, second, and fourth sections. I believe they ought to become law. But the penalties provided for in the third section are wrong, and I believe that the very cases are already provided for by the common law of the land. But whether that be so or not, if one person chooses to do an errand for another, and to accommodate another by taking a letter to the post office, and a three-cent piece to pay the postage on it, and fails to do it by inadvertence or forgetfulness, he ought not to be punished for it in the manner provided in this section. I have no objection to the vote being reconsidered, if the gentleman from Indiana will permit me to move to strike out the third section before he moves the previous question.

Mr. ENGLISH. I desire to have a memorial read which has a direct bearing upon the point referred to by the gentleman from Michigan, and which I think will satisfy him that there ought to be further legislation.

The memorial was read, as follows:

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the undersigned, citizens of the United States, humbly represents:

That your memorialists have repeatedly suffered, and are daily suffering, wrongs, injuries, and losses, from the inadequateness of the law provided for letter opening and the interruption of correspondence. It appears under the law, as it now is, a grievous offense may be committed and no penalty be reacted, and such test involving judicial interpretation seems the most assured basis of an appeal for legislative amendment. The following are the words of such section; and the same used by Mr. McKeon, in the case cited below:

"If any person shall take any letter or packet, not containing any article of value or evidence thereof, out of the post office, or shall open any letter, or packet, which shall have been in a post office or in custody of a mail carrier, before it shall have been delivered to the person to whom it is directed, with a design to obstruct the correspondence, to pry into another's business or secrets, or shall secrete, embezzle, or destroy, any such mail, letter, or packet, such offender, upon conviction, shall pay for every such offense a sum not exceeding $500, and be imprisoned not exceeding twelve months."—Extract from Gordon's Digest, Act 3d March, 1825, section twenty-two, act 3,134.

It is seen here that the act of deliberately retaining letters of others, after having received them from the post office, is attended with no penalty, and is not amenable to prosecution. Yet such is no less an offense against the public welfare, and against common morals, than the cases for which the statute provides. Proof of malice in obtaining letters might fail, and the proof of malice supplied by a wrongful retention fail of conviction. A recent case of unsuccessful prosecution before the United States circuit court of New York, supplies the amplest evidence of the urgent needfulness of this reform. It was the case of the Commonwealth against one James A. Sherman. The accused was a counsellor-at law, doing business at 187 Greenwich street. The prosecutor was one Jacob A. Sherman, a merchant of New Orleans, who, in August, 1856, visited New York for business purposes. He relied upon his correspondence, chiefly with New Orleans and Philadelphia, for the promotion of his designs. His letters were addressed J. A. Sherman, New York. They were there successively received, paid for, opened, read, and retained by James A. Sherman, during a period of nearly three months, notwithstanding Mr. J. A. Sherman, from New Orleans, daily called at the post office for his letters, and there repeatedly made complaints, as testified to on the trial by the delivery clerk. Several of the letters were addressed in a peculiar handwriting, and postmarked New Orleans. After Mr. James A. Sherman, of Greenwich street, was arrested, he was partially examined before a commissioner and dismissed. But this examination, brought about by the accused and his friends, did not satisfy the United States district attorney, who had looked into the case and saw that a most glaring outrage had been committed with impunity, under circumstances which could allow of no excuse whatever; and therefore, in accordance with his duty, he laid the matter before the grand jury, who, on a thorough examination, found a true bill of indictment against him. On the trial of the cause, the accused escaped conviction of wrongful intent or malice by reason of the inadequacy of the statute.

Your memorialists, with a view more fully to impress upon your honorable body the necessity of providing a penalty for the retention of letters or packages taken from the post office or letter-carrier, though it be in error, beyond a reasonable length of time thereafter, subjoin extracts from some of the many letters found in the possession of Mr. James A. Sherman, the accused, who learned from the first and every succeeding letter which he indiscreetly and presumptuously opened, that Mr. J. A. Sherman, for whom they were intended, was a resident of New Orleans, and then in the city of New York on business, that many of these letters were quite lengthy, and disclosed business matters and family affairs quite improper to be pried into by a

third party, while at the same time they were of the utmost importance to the right person; that the last four letters extracted, referred to the former ones, revealing that complaints had been sent from New York, by Mr. Sherman, of New Orleans, both by mail and telegraph, of his not having received the letters then in the possession of Mr. James A. Sherman; yet he persisted in his wrongful conduct, receiving, opening, reading, and detaining, letters which he must have known were not intended for him, up to the period at which they were received from him at his office, in the month of December.

Mr. ENGLISH. If the motion to reconsider prevails, I understand the bill will then be open to amendment. I hope, then, that that motion will be agreed to; and I give notice that I do not intend to call for the previous question so long as any gentleman desires to offer an amendment. I call the previous question on the motion to reconsider.

The previous question was seconded, and the main question ordered; and under the operation thereof, the motion to reconsider was agreed to.

Mr. WALBRIDGE withdrew the pending motion to recommit.

Mr. WASHBURNE, of Illinois. The gentleman from New York has an amendment which meets my view of the case, and I yield to him.

Mr. OLIN. I send the third section of the bill amended so as to meet with my views.

The Clerk read, as follows:

SEC. 3. *And be it further enacted*, That every person who shall receive any letter from another to be deposited in any post office, and shall fraudulently omit to deposit the same in such post office; and every person who shall take from any post office any letter addressed to another person for the purpose of delivering the same to such person, and shall fraudulently omit to deliver the same; and every person who shall fraudulently receive any letter of another, or shall fraudulently retain the same, shall, upon conviction thereof, be fined not exceeding one hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

Mr. OLIN. Mr. Speaker, the first part of this section, as proposed in the original bill, down to the word "postage," I move to strike out. The reason why I offer this amendment is, that the section creates an offense, punishable in the circuit and district courts of the United States, which is already an offense, at common law, and punishable in the State courts. It is, therefore, unnecessary.

The SPEAKER. Does the gentleman from New York propose his amendment as a substitute for the third section?

Mr. OLIN. Yes, sir. My amendment also obviates the difficulty of constituting as an offense, punishable by fine and imprisonment, that which is obviously no offense at all; that is, a mere accidental retention of a letter. My amendment punishes what is and ought to be an offense, namely, the fraudulent receipt or fraudulent retention of a letter. The section, as proposed to be amended, will, I think, meet the approbation of every one in the House who chooses to look into the subject.

Mr. WASHBURNE, of Illinois. I now move to strike out the fourth section; and I move the previous question.

Mr. KILGORE. I ask the gentleman from Illinois to withdraw the call for the previous question, that I may offer an amendment to the section proposed to be stricken out?

Mr. HORTON. I wish to amend the second section by including seeds, grafts, and cuttings, sent by mail.

Mr. KILGORE. Have not I a right to perfect the fourth section before the vote is taken on striking it out?

The SPEAKER. Not pending the demand for the previous question.

Mr. HORTON. I ask the gentleman from Illinois to withdraw the call for the previous question.

Mr. WASHBURNE, of Illinois. I am willing to withdraw the previous question so as to permit the amendments to be read and offered, if the House wish to vote upon them.

Mr. KILGORE. I desire to add a proviso to the end of the fourth section.

Mr. HORTON. I propose to amend the second section by adding, after the word "rollers," the words "seeds, grafts, and cuttings, sent by mail;" so that the section will read:

SEC. 2. *And be it further enacted*, That maps, engravings, lithographs or photograph prints on rollers, seeds, grafts, and cuttings, shall be charged with postage by the weight of the package, at the rate of one cent an ounce or fraction of an ounce, to any place within the United States.

There can be no objection to it; and it will be a great convenience to those engaged in agriculture and horticulture.

Mr. ENGLISH. I do not know that there can be any well-grounded objection to that amendment.

The SPEAKER. Is unanimous consent given to the receipt of this amendment?

No objection was made.

Mr. ANDREWS. Is it in order to offer an amendment as an additional section?

The SPEAKER. By general consent of the House.

Mr. ANDREWS. The gentleman from Illinois has withdrawn the previous question.

The SPEAKER. There are already three amendments pending.

Mr. ANDREWS. The gentleman from Illinois indicated that he was willing to withdraw his motion for the previous question so that all amendments might be brought in.

Mr. WASHBURNE, of Illinois. All amendments that can come in under the rules of the House.

The SPEAKER. The Chair simply indicated that no other amendments could be offered than those already pending, except by unanimous consent. If there be no objection the Chair will entertain all the amendments proposed by gentlemen.

Mr. ENGLISH. I wish to suggest to the gentleman from Illinois to withdraw his amendment until the amendment suggested by the gentleman from Ohio can be acted on; and then he can renew his amendment and move the previous question.

Mr. WASHBURNE, of Illinois. I will do that.

Mr. MILLSON. Would it not be in order to move to strike out the third section?

The SPEAKER. The gentleman from Michigan [Mr. WALBRIDGE] made that motion.

Mr. TAYLOR, of Louisiana. Will the gentleman from Illinois, before he moves the previous question, give me an opportunity of saying one word against the striking out of the third section?

Mr. WASHBURNE, of Illinois. I am willing to leave it to the sense of the House. I will move the previous question, and if the House desire any further discussion on the subject, it can refuse to second the previous question, and vote on all amendments under the rule.

The SPEAKER. The amendment of the gentleman from Ohio [Mr. HORTON] is in by unanimous consent.

Mr. HUGHES. Is any other amendment in order?

The SPEAKER. Not except by unanimous consent.

Mr. HUGHES. I have an amendment to offer.

Mr. EDIE. I object to any more amendments.

Mr. TAYLOR, of Louisiana. My only object in making that request was that I might make one statement.

Mr. HUGHES. I understood that the chairman of the Post Office Committee made a pledge that the bill was open for all amendments that might be offered.

The SPEAKER. The objection came from the Chair, and not from the gentleman from Indiana, [Mr. ENGLISH.] The Chair cannot entertain more than two amendments, except by unanimous consent of the House. The Chair simply indicated that fact to the House. If the House wish to entertain more than two amendments, it can be done by unanimous consent; or if the House desired to vote on the amendments as proposed, without the previous question, each gentleman can have an opportunity of offering his amendment.

Mr. PHILLIPS. I desire to call the attention of the gentleman from New York [Mr. OLIN] to the matter. He proposes to amend the section by saying that any one who shall fraudulently receive a letter belonging to another, and shall fraudulently retain the same——

Objection was made to debate.

The previous question was seconded, and the main question ordered.

The question was taken on Mr. HORTON's amendment, and it was agreed to.

The question now being upon the amendment submitted by Mr. OLIN to the third section of the bill—

Mr. OLIN, by unanimous consent, modified the same by inserting after the word "retain," the words "or destroy."

The amendment as modified was agreed to.

The question recurred upon striking out the third section as amended.

Mr. GROW. I do not quite understand the question. Is it on striking out what we have just passed?

The SPEAKER. The two propositions were pending, first to strike out and insert, and then the proposition of the gentleman from Michigan, [Mr. WALBRIDGE,] to strike out the entire section.

The motion to strike out the section was disagreed to.

The question then recurred upon agreeing to the motion of the gentleman from Illinois [Mr. WASHBURNE] to strike out the fourth section.

Mr. KILGORE. That is the section to which my amendment was offered. The gentleman from Illinois withdrew the previous question in order to let my amendment be offered.

The SPEAKER. The Chair did not understand that the gentleman from Indiana had the unanimous consent of the House to offer his amendment.

Mr. KILGORE. I heard no objection, and the previous question was withdrawn for the express purpose of allowing my amendment to come in.

The SPEAKER. If there be no objection, the question will be taken on the gentleman's amendment.

Mr. HUGHES. I shall object, unless I can offer an amendment also.

The SPEAKER. The Chair understood that objection was made upon both sides the House to the reception of the amendment of the gentleman from Indiana, and also to that of his colleague.

Mr. KILGORE. I hope my amendment will be read.

The Clerk read the amendment, as follows:

Add to last section, the following:

But such sales shall, in all cases, be made only to the bidder, by sealed proposals, after three months advertisement in a public newspaper, published at the capital of the State where such lands lie.

The motion to strike out the fourth section was disagreed to—ayes 42, noes 82.

Mr. KILGORE. I hope this bill will not be passed with that fourth section in the form in which it now stands, without my amendment. It confers power on the officers of the Government to sell and dispose of property worth millions of dollars, without ever giving notice or giving any opportunity for competition in the purchase of that property.

Mr. PALMER. I move to lay the bill upon the table, as gentlemen upon the other side will not consent——

The SPEAKER. Debate is not in order.

The House refused to lay the bill upon the table.

Mr. HUGHES. I wish to say that I will withdraw my objection to the reception of the amendment of my colleague on the condition that I shall be permitted to offer an amendment.

Objection was made.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time.

Mr. ENGLISH demanded the previous question on the passage of the bill.

Mr. HUGHES. I move to reconsider the vote by which the bill was ordered to be engrossed and read a third time, for the purpose of offering my own amendment, and letting in the amendment of my colleague, [Mr. KILGORE.]

Mr. ENGLISH. I understand that the object of my colleague is to get in an amendment abolishing the franking privilege. I will state to him that the Committee on the Post Office and Post Roads have reported a bill on that subject which I intend to call up to-day, if I have an opportunity.

Mr. WASHBURNE, of Illinois. I move to lay the motion to reconsider on the table.

Mr. HUGHES. I desire to have my amendment reported.

Mr. SEWARD. I object.

The motion to reconsider was laid upon the table.

The previous question was seconded, and the main question ordered.

The question recurring on the passage of the bill,

Mr. PALMER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 94, nays 77; as follows:

YEAS—Messrs. Ahl, Anderson, Atkins, Barr, Bliss, Bonham, Boyce, Branch, Brayton, Bryan, Burnett, Burns, Caskie, Cavanaugh, Chapman, John B. Clark, Clawson, Clay, Cobb, John Cochrane, Cockerill, Colfax, Corning, Cox, James Craig, Crawford, Curry, Davidson, Davis of Indiana, Davis of Mississippi, Davis of Iowa, Dowdell, Edmundson, English, Farnsworth, Faulkner, Florence, Foley, Garnett, Gartrell, Gillis, Gooch, Goode, Greenwood, Grover, Lawrence W. Hall, Robert B. Hall, Hawkins, Hopkins, Horton, Houston, Hughes, Huyler, Jackson, Jewett, Lamar, Lawrence, Leidy, Letcher, Maclay, McQueen, McRae, Mason, Matteson, Miles, Miller, Moore, Mott, Niblack, Olin, Pendleton, John S. Phelps, William W. Phelps, Phillips, Pottle, Powell, Reagan, Reilly, Ruffin, Russell, Sandidge, Scales, Scott, Henry M. Shaw, Sickles, Singleton, Samuel A. Smith, William Smith, Stevenson, Talbot, Valandigham, Vance, Ellihu B. Washburne, Watkins, and Woodson—94.

NAYS—Messrs. Abbott, Andrews, Bennett, Bingham, Blair, Buffinton, Burlingame, Case, Ezra Clark, Clawson, Clark B. Cochrane, Covode, Curtis, Davis of Maryland, Davis of Masaschusetts, Dawes, Dean, Dick, Dodd, Durfee, Edie, Fenton, Foster, Giddings, Gilmer, Granger, Grow, Harlan, Harris, Haskin, Hickman, Hoard, Hodges, Howard, George W. Jones, Keim, Kelsey, Kilgore, Knapp, Leach, Leiter, Lovejoy, Maynard, Montgomery, Morgan, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Murray, Nichols, Palmer, Parker, Pettit, Pike, Potter, Purviance, Ricaud, Robbins, Seward, Aaron Shaw, Robert Smith, Stanton, William Stewart, Tappan, Thayer, Thompson, Tompkins, Trippe, Underwood, Wade, Walbridge, Walton, Cadwalader C. Washburn, Israel Washburn, Wood, John V. Wright and Zollicoffer—77.

So the bill was passed.

During the vote,

Mr. HILL stated that he would have voted against the bill had he been present when his name was called.

Mr. ADRAIN stated that he was called out upon necessary business; but that he would have voted in the affirmative.

Mr. ENGLISH moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. DAVIDSON, from the Committee on Enrolled Bills, stated that the committee had examined and found truly enrolled the following bills and joint resolution:

An act (H. R. No. 2) donating public lands to the several States which may provide colleges, for the benefit of agriculture and the mechanic arts;

An act (H. R. No. 522) for the relief of Wright Fore;

An act (H. R. No. 669) for the relief of the Mobile and Ohio Railroad Company;

Joint resolution (H. R. No. 39) to authorize the Secretary of the Treasury to sell a certain plat of land in the city of Petersburg, Virginia, belonging to the United States; and

An act (H. R. No. 458) for the relief of Evelina Porter, widow of the late Commodore David Porter, of the United States Navy; when the Speaker signed the same.

FRANKING PRIVILEGE.

Mr. ENGLISH. I rise to a privileged question. On the 25th of last month a bill was reported from the Committee on the Post Office and Post Roads to abolish the franking privilege and for other purposes. That bill was referred to the Committee of the Whole on the state of the Union and ordered to be printed, and a motion to reconsider the vote by which the bill was referred, was entered. I now call up that motion to reconsider, for the purpose of having this matter finally disposed of.

Mr. PHELPS, of Missouri. The gentleman from Indiana has disposed of one of his motions to reconsider, and as I am very anxious to go into the Committee of the Whole on the state of the Union upon appropriation bills, I hope he will not pass to other matter to-day.

Mr. SEWARD. I move to lay the motion to reconsider upon the table.

Mr. ENGLISH. Very well; let us take a test vote upon that motion.

Mr. McQUEEN. I call for the yeas and nays.

Mr. SEWARD withdrew the motion.

Mr. KILGORE renewed it.

Mr. McQUEEN demanded the yeas and nays.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first, sixth, seventh, and eighth sections of the "Act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department," approved March 3, 1845, and the third, fourth, and fifth sections of the act to amend the act aforesaid, approved March 1, 1851, and all other acts and parts of acts granting and conferring upon any person whomsoever the right or privilege to receive or transmit through the mails of the United States, free of postage, letters, packets, newspapers, periodicals, books, or any other mailable matter, printed or written, be, and the same are hereby, abrogated and repealed: *Provided, nevertheless*, That nothing in this act contained shall be construed to repeal the laws heretofore enacted granting the franking privilege to the President of the United States when in office, to all ex-Presidents, and to the widows of former Presidents.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Senate and the Clerk of the House of Representatives, respectively, to procure from the postmaster of Washington, District of Columbia, and furnish each Senator, and each Member and Delegate of the House of Representatives, at the commencement of each regular session, $100 in postage stamps, to be paid for out of the contingent funds of the two Houses of Congress.

SEC. 3. *And be it further enacted*, That all letters, packets, newspapers, periodicals, public documents, and books printed by order of either House of Congress, and all other mailable matter, shall be prepaid by postage stamps or stamped envelopes before their delivery at any post office for transmission in the mails; and all letters, packets, and all other mailable matter, whether printed or written, directed to any member of either House of Congress, or to the Secretary of the Senate, or Clerk of the House of Representatives, shall be prepaid at the mailing office.

SEC. 4. *And be it further enacted*, That all letters, packets, and mailable matter sent from, or directed to, any of the Executive Departments, bureaus, or public offices, or officers, civil or military, at the seat of the General Government, except the Post Office Department and the office of the Auditor of the Treasury for the Post Office Department, shall be prepaid by postage stamps or stamped envelopes before delivery at the mailing office.

SEC. 5. *And be it further enacted*, That the Postmaster General, the Assistant Postmasters General, the chief clerk of the Post Office Department, the Auditor of the Treasury for the Post Office Department, and the chief clerk of the said Auditor be, and they are hereby, authorized to receive, and send free in the mails, all letters and packets, and other mailable matter, relating exclusively to their official duties, or to the business of the Post Office Department; and they shall, in every case, indorse every letter or package so to be sent free, over their own signatures, the words "official business." And the several postmasters shall be, and they are hereby, authorized to send through the mail, free of postage, all letters and packages which it shall be their duty to transmit, and which shall relate exclusively to the business of their respective offices, or to the business of the Post Office Department; but, in every case, the postmaster sending any such letter or package shall indorse thereon, over his own signature, the words "post office business." And for any and every such indorsement falsely made, the person making the same shall forfeit and pay $300: *Provided, however*, That each postmaster whose compensation for the last preceding fiscal year did not exceed $200, may send through the mail all letters written by himself, and receive through the mail any written communications addressed to himself on his private business, not exceeding half an ounce in weight free of postage.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to pay or refund quarterly, out of any money in the Treasury not otherwise appropriated, to each of the Executive Departments, bureaus, and offices at the seat of Government, except the Post Office Department and the office of the Auditor for said department, such amounts as the proper accounting officers of the Treasury shall audit and allow as having been expended for the purchase of postage stamps and stamped envelopes used or to be used for the prepayment of the postage on letters, packets, and mailable matter sent from their respective offices on official business. And if the contingent fund of any Executive Department, bureau, or office, with the exceptions aforesaid, shall be insufficient, after defraying other expenses, to purchase the postage stamps required for the use of such Department, bureau, or office, then, and not otherwise, the Secretary of the Treasury may, upon the requisition of the chief officer thereof, advance such sum as shall not exceed the estimated amount of the postages to be paid by such office in any one quarter, to be accounted for as other public moneys.

SEC. 7. *And be it further enacted*, That the eighteenth section of the "Act to reduce the rates of postage," &c., approved March 3, 1845, shall be so construed as to prohibit the Postmaster General from making contracts for the transportation of the mail with any view to the transportation of passengers, and to restrict him in making such contracts to the acceptance of such bids only as shall provide for the conveyance of the mails.

SEC. 8. *And be it further enacted*, That this act shall take effect from and after the 1st day of July, 1859.

Mr. STANTON, If the gent eman from Indiana will submit a motion to strike out the fifth section, I will aid him in getting this bill through the House.

Mr. WASHBURNE, of Illinois. I object.

Mr. ENGLISH. I will say to the House, as the gentleman from Missouri is desirous of disposing of the appropriation bills as rapidly as possible, that if they will postpone action upon this bill until next Tuesday, and make it a special order for that day, [cries of "No!" "No!"] I will withdraw the motion to reconsider.

Mr. PHILLIPS. I rise to a point of order. I would inquire of the Chair if this bill must not necessarily go to the Committee of the Whole on the state of the Union, because the sixth section makes an appropriation?

Mr. ENGLISH. I propose to withdraw my motion to reconsider, and ask the House to set apart Tuesday next, for the consideration of the bill in the Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman cannot withdraw his motion except by unanimous consent.

Mr. CLARK B. COCHRANE. I wish to inquire of the gentleman from Indiana what effect the passage of this bill will have upon the rates of postage upon letters, and whether it would not revive the old law requiring the payment of five cents?

Mr. ENGLISH. It will not increase the rates of postage.

The SPEAKER. The gentleman from Pennsylvania [Mr. PHILLIPS] has raised the question of order that the sixth section makes an appropriation, and consequently that, under the rules, the bill must be referred to the Committee of the Whole on the state of the Union, unless unanimous consent be given that it may be considered in the House. The Chair sustains the point of order, and decides that the sixth section does make such an appropriation as requires a bill to be considered in the Committee of the Whole on the state of the Union.

Mr. HOUSTON. Then I hope unanimous consent will be given to consider it in the House.

Mr. MORGAN. I object.

Mr. ENGLISH. Well, I give notice that, whenever we are in Committee of the Whole on the state of the Union, and in every other way, I shall use every exertion to get action upon this bill.

The SPEAKER. The question is on the motion of the gentleman from Indiana, [Mr. KILGORE,] to lay the motion to reconsider on the table.

Mr. ENGLISH. I withdraw the motion.

The SPEAKER. The gentleman cannot do it except by unanimous consent; and the Chair hears objections from both sides of the House.

Mr. ENGLISH. I hope the House will give its unanimous consent.

Mr. WASHBURN, of Maine. Inasmuch as by the ruling of the Chair the bill must be first considered in Committee of the Whole on the state of the Union, I ask if anything can be gained by laying the motion to reconsider on the table?

Mr. COLFAX. I desire to call the attention of my colleague, who reported this bill, [Mr. ENGLISH,] to the fact that the third section of this bill, requiring all newspapers to be prepaid before their delivery at any post office for transmission in the mails, would require every newspaper publisher in this country to prepay the postage on his entire circulation. It would ruin half the papers in the country; and has never been asked or desired by any one.

Mr. ENGLISH. That is not the object of the bill. It is to abolish the franking privilege, and restrict the Postmaster General to the acceptance of star bids only for carrying the mails; and, if not clear in language, it can be amended so as to cover the great objects in view. I do not propose cutting off amendments, and am not wedded to the precise language of the bill, but am decidedly in favor of carrying out the great objects which it was designed to reach, and to which I have referred, to wit: the abolishing of the franking privilege, and restricting contracts to carrying the mails without reference to passengers or freight.

Mr. PHELPS, of Missouri. As this bill must go to the Committee of the Whole on the state of the Union, I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HOUSTON. I understand the Speaker to have decided that the bill contained an appropriation; and that, necessarily, it must go to the Committee of the Whole on the state of the Union.

The SPEAKER. It must be first considered there, except by unanimous consent, and objection is made.

Mr. HOUSTON. I suppose the bill, then, is in the Committee of the Whole on the state of the Union now.

The question recurring upon the motion of Mr. KILGORE,

Mr. REAGAN demanded the yeas and nays.

Mr. HOUSTON. If we should reconsider the vote by which the bill was referred to the Committee of the Whole on the state of the Union, and the bill were then brought before the House, would not the Chair rule that the bill containing an appropriation must have its first consideration in the Committee of the Whole on the state of the Union?

The SPEAKER. That would be the ruling of the Chair.

Mr. HOUSTON. Then, as the bill is in the Committee of the Whole on the state of the Union, it had better remain there, for by bringing it into the House nothing will be gained.

Mr. ENGLISH. Will it not be in order to move a suspension of the rules, on Monday next, to discharge the committee and bring the bill into the House?

The SPEAKER. It will.

Mr. ENGLISH. Then I give notice that I will make that motion, if I get the floor.

The SPEAKER. To prevent all misconception, the Chair now decides that the bill have its first consideration in the Committee of the Whole on the state of the Union, because of an appropriation made by the sixth section, which is as follows:

"SEC. 6. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to pay or refund quarterly, out of any money in the Treasury not otherwise appropriated, to each of the Executive Departments, bureaus, and offices at the seat of the Government, except the Post Office Department and the office of the Auditor for said Department, such amounts as the proper accounting officers of the Treasury shall audit and allow as having been expended for the purchase of postage stamps and stamped envelopes used or to be used for the prepayment of the postage on letters, packets, and mailable matter sent from their respective offices on official business. And if the contingent fund of any Executive Department, bureau, or office, with the exceptions aforesaid, shall be insufficient, after defraying other expenses, to purchase the postage stamps required for the use of such Department, bureau, or office, then, and not otherwise, the Secretary of the Treasury may, upon the requisition of the chief officer thereof, advance such sum as shall not exceed the estimated amount of the postages to be paid by such office in any one quarter, to be accounted for as other public moneys."

Mr. COBB demanded tellers on the yeas and nays, but subsequently withdrew the call.

Mr. ENGLISH. I call for tellers on the yeas and nays, unless objection is withdrawn to my withdrawal of the motion to reconsider.

The SPEAKER. Objection is still insisted on.

Mr. CHAFFEE. I thought it was withdrawn.

Mr. HICKMAN. I make objection.

Mr. SMITH, of Virginia. If we get the bill into the House, cannot we move to strike out that sixth section?

The SPEAKER. The Chair has indicated that the bill must have its first consideration in the Committee of the Whole on the state of the Union, and amendments will not be in order if the bill be brought into the House on the motion to reconsider.

Tellers were not ordered, and the yeas and nays were not ordered.

The motion to reconsider was laid upon the table.

ARMY APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. GROW. I call for the regular order of business, which is the call of committees for reports.

Mr. CRAWFORD. I ask leave to introduce the bill of which I gave notice yesterday.

Mr. GROW. I insist on my call for the regular order of business.

The House was divided; and on the motion to resolve itself into the Committee of the Whole on the state of the Union, there were—ayes one hundred and twenty-two.

Mr. SEWARD. I ask for a count on the other side.

The SPEAKER. One hundred and twenty-two is a majority of the House, and the motion is agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union (Mr. JOHN COCHRANE in the chair.)

Mr. PHELPS, of Missouri. I move that the committee proceed to the consideration of the bill (H. R. No. 667) making appropriations for the support of the Army for the year ending the 30th of June, 1860.

Mr. SEWARD. How does that bill stand upon the Calendar? Is it the first bill?

Mr. PHELPS, of Missouri. I make the motion that it be taken up.

Mr. SMITH, of Virginia. I want to know whether, under the rules, the appropriation bills are not entitled to priority?

The CHAIRMAN. The gentleman is right; but it is obligatory, objection being made, that the question shall be put on the motion of the gentleman from Missouri.

The motion was agreed to.

Mr. PHELPS, of Missouri. I will move that the committee rise, with a view to go into the House and limit the general debate upon this bill. There are several appropriation bills still pending: there are the Navy appropriation bill, the miscellaneous appropriation bill, the fortification appropriation bill, the Post Office appropriation bill, and the mail steamer appropriation bill.

Mr. SEWARD. I rise to a point of order, that the motion that the committee rise is not debatable. I object to debate.

Mr. PHELPS, of Missouri. I will withdraw the motion for the time being, and then I may indulge in general debate.

The CHAIRMAN. The gentleman from Missouri has given notice of that motion; and he is now entitled to one hour, in which to open the debate on this bill.

Mr. PHELPS, of Missouri. When the gentleman interrupted me, I was desirous of calling the attention of the committee to the condition of the public business, and especially to the bills on which it is necessary for us to act at this session of Congress. I have referred to several appropriation bills which have not yet been considered in the Committee of the Whole on the state of the Union. I will here remark that two appropriation bills are still pending in the Senate, and have not yet been returned to us with the amendments they may deem proper. From these facts it will become necessary to limit general debate on these appropriation bills at an earlier period than I would have otherwise desired. I propose that we go into the House for the purpose of moving that general debate be closed on this bill to-morrow, at one o'clock.

Mr. GROW. I hope the committee will not rise.

The committee rose; and the Speaker having resumed the chair, Mr. JOHN COCHRANE reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 667, making appropriations for the support of the Army for the year ending 30th June, 1860; and had come to no resolution thereon.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. But, first, I submit the usual resolution to close debate on the Army appropriation bill to-morrow, at one o'clock; and on that I demand the previous question.

Mr. SEWARD. I move to insert to-morrow at four o'clock.

The SPEAKER. The gentleman from Missouri was on the floor, and moved the previous question.

Mr. SEWARD. Then I want to know how long the gentleman is entitled to retain the floor after he closes his remarks?

The SPEAKER. When such a case arises, the Chair will decide upon it.

Mr. SEWARD. I have no doubt the Chair will.

Mr. JONES, of Tennessee. I ask the gentleman from Missouri to withdraw the call for the previous question, and allow me to propose an amendment to terminate debate to-day at three o'clock.

Mr. PHELPS, of Missouri. I am willing that the House should decide between the two propositions. I withdraw the previous question.

Mr. JONES, of Tennessee Then I move to strike out the words "to-morrow at one o'clock," and insert the words "to-day at three o'clock;" and on that I call for the previous queetion.

The previous question was seconded, and the main question ordered; and under its operation the amendment was agreed to, and the resolution, as amended, was adopted.

Mr. JONES, of Tennessee, moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. FAULKNER. I ask unanimous consent of the House to take from the Speaker's table a bill——

Mr. SEWARD. I object.

Mr. HUGHES. I was detained from my seat by sickness when the Committee on Territories was called for reports yesterday. I ask leave now to present a report which will give rise to no debate, and will consume no time.

Mr. SEWARD. I must object, so long as I am denied the floor.

The question was taken on the motion of Mr. PHELPS, of Missouri; and it was agreed to.

So the House again resolved itself into the Committee of the Whole on the state of the Union, (Mr. JOHN COCHRANE in the chair,) and resumed the consideration of the bill making appropriation for the support of the Army for the year ending June 30, 1860.

The CHAIRMAN. If there be no objection, the first reading of the bill will be dispensed with.

Mr. SEWARD. I object.

The bill was read a first time.

The Clerk then proceeded to read the bill by paragraphs for amendment.

Mr. DAVIS, of Mississippi. Mr. Chairman, the gentleman from Virginia [Mr. GARNETT] made an address to the House a few days ago, which I propose to-day to examine and review. He set out with the declaration that Mr. Calhoun had said that all countries were divided into two classes, the tax-payers and the tax-consumers; and he announced that he arrayed himself on the side of the tax-payers; very natural, because I believe that is the strong side of the question. But I am not certain that Mr. Calhoun or the gentleman is right, especially in regard to its application to this Government. Who are the tax-payers of this country? The people who consume the taxes; the people, through their agents, of whom the gentlemen from Virginia is one. The taxes are paid by the people for their own benefit; for the purpose of sustaining this Government; for the purpose of defraying the expenses incident to the machinery of Government. Taxes are not paid here as they are paid in monarchies, and in countries where the Government is not republican; consequently the distinction drawn by the gentleman is incorrect, so far as our people and Government are concerned. The gentleman himself is a tax-payer, and is also a tax-consumer; and I regard as improper the effort made by him on this floor to array one portion of the people against another. That gentleman pays his share of taxes for the support of the Government, and he consumes his proper portion of the taxes also.

However, that is not the subject to which I desire to call the attention of the committee to-day. I desire to call its attention to the charges preferred by the gentleman from Virginia, either directly or by innuendo, against the extravagance of the Democratic Administration. He takes the year 1852–53, on which to predicate the charge of extravagance. He says that in 1852–53, the expenditures of the Government were only $43,544,262. That was the last year of Mr. Fillmore's administration. Why the gentleman should have selected that year to contrast with the expenditures of 1857–58, under a Democratic Administration—himself being a Democrat—I am unable to determine. I ask whether—even if the test he presents were a true test—he does justice to his own party, and whether he does not do more than justice to the Opposition party?

Now, the error committed by the gentleman, and which is calculated to mislead the public mind in reference to this charge, was the allegation of the fact that the territory embraced within the limits of the United States is identically the same as it was in 1852; with the exception of the Gadsden purchase, which has been added since that time? Now, sir, how does it stand? It is true that there has been no acquisition of territory except that to which the gentleman has referred; but I ask you if that is the criterion by which you are to determine whether our territory costs us more now than it did in 1852? Why, sir, in

1852 California had been but recently admitted into the Union, and had been no expense to the United States up to that time. What is her condition now? The cost of transporting the mails from the Atlantic States to California, at the present time, is nearly two million dollars a year—an expense which did not exist in 1852. What was the condition of Kansas and Nebraska then? They were only a portion of the general territory of the United States, and had not been organized under territorial governments, which are a source of expense to the country.

The organization of those Territories was not the act of the President or his Cabinet, but it was the act of Congress; and it has led to a considerable increase of expenditures. While, therefore, it is true that there has been no expansion of our territory, still it must be manifest to every one at all conversant with the history of the country, that the sources of expenditure have been very greatly enlarged by the progress of the country and the admission of new States into the Union, as well as by the organization of new territorial governments.

The gentleman should have taken this important fact into consideration and ought not to have withheld it; especially when, as a Democrat, he is making charges of extravagance against the Democratic party. What motive could have prompted him, I am unable to determine. Does the gentleman desire to destroy the Democratic party in order to sustain himself at home? I shall not be guilty of the uncharitableness of supposing that that was his motive. It is to be found, I apprehend, in a real desire to promote retrenchment; but the gentleman should have been careful to make such a presentation of facts as would properly inform the public mind.

The gentleman says that last year, 1857–58, the expenses of the Government were $71,492,398, and that the estimates for the next fiscal year, exclusive of payments on account of the public debt, are $71,256,633. And then he asks:

"Can any gentleman pretend that it is fair, that it is just, that it is legitimate, that the expenses of this Government, in time of profound peace, should have doubled in six years?"

To that point I desire to address myself. In 1852–53, the expenses of the Government were $43,000,000. In 1853–54, the expenses of the Government were $51,000,000. These figures do not include items of public debt. In 1854–55 the expenses of the Government were $56,000,000. In 1855–56, the Government expended $60,000,000; and in 1856–57, which was the year the Opposition had a majority upon this floor, and controlled the legislation of the country as absolutely as legislation was ever controlled, an Opposition who refused to make provision for the support of the Army—during that year, I say, the expenditures of the Government were $64,000,000.

Mr. GROW. I would like to ask how the Army bill passed at last?

Mr. DAVIS, of Mississippi. Well, perhaps some of your votes did help to pass it finally, but it was after a called session.

Mr. MORGAN. I would say to the gentleman that the largest vote that the Opposition had in that Congress, was one hundred and three out of two hundred and thirty-three members. How does that make a majority?

Mr. DAVIS, of Mississippi. You had the organization of this House. You elected the Speaker.

Mr. MORGAN. By a plurality only. We never had a majority.

Mr. DAVIS, of Mississippi. I should like to know how you succeeded in electing your Speaker by a plurality?

Mr. MORGAN. By the votes of Democrats, who gave us the plurality rule.

Mr. DAVIS, of Mississippi. It has always been understood, and the record shows the fact, that there was a majority upon this floor opposed to the Democratic party. I do not know whether that majority was composed entirely of Black Republicans or of their aiders and abettors, but there was a majority opposed to the Administration and to the Democratic party.

Now, then, sir, during that memorable year, the sum of $64,000,000 was expended for the support of the Government. And why it was that my friend from Virginia did not discover the important fact that this increase in the expenses of the Government is not chargeable alone to the Democratic party, I am unable to tell.

Still, sir, I am not arraigning the Opposition for these expenditures. In 1857–58, the expenses of the Government were $72,000,000; and it will be remembered that the Utah war prevailed during that year, and cost the Government some five or six million dollars. But for that necessity, the expenditures of the Government during the last year would have exceeded but very little, indeed, the expenses of the Government during the year when the Opposition had a majority on this floor. Now, how is that to be accounted for? I shall not charge, because I have not the facts before me on which to base the charge, any unnecessary extravagance either by one party or the other.

I account for it upon the general hypothesis which is applicable to all other things in nature. I might say the gentleman from Virginia is a boy. He would answer me he is a man, possessing all the elements and attributes of a man. I might answer he was a boy five years ago; and how could he become a man except by progress? The Government, during the period referred to by the gentleman, was far inferior, in point of size and wealth and population, to what it is to-day. Now, sir, when I see that the expenditures of the Government for years after have been gradually and regularly increasing in the hands of both parties, I take it for granted that there exist natural causes and good reasons for that increase.

Mr. STEWART, of Pennsylvania. I want to ask the gentleman whether, in 1856, the appropriations exceeded the estimates furnished from the Democratic Departments?

Mr. DAVIS, of Mississippi. I do not say they did. But if the gentleman insinuates that those appropriations were wrong, why did not his party, which had the power here, make an investigation into them? Why did it not correct them?

Mr. CURTIS. Were not those Departments under the control of a Democratic Administration?

Mr. DAVIS, of Mississippi. The Opposition party are constantly making charges of dishonesty against the Democratic party. Why did they not look into those estimates and publish to the country wherein they were wrong? If they could have shown they were wrong, were dishonest, then they would have had some predicate for their charges. But they have not done so. Either they did not make that investigation, or if they did, they found nothing to sustain their false aspersions.

Mr. CURTIS. Was not the Senate also Democratic at that period?

Mr. DAVIS, of Mississippi. I take it for granted, then, if there was a majority of one party here and of the other in the other branch, and a Democratic President, and a Democratic Cabinet, that they did what was right. The presumption of law is, that men are honest until the contrary is shown. Since you have charged dishonesty upon us, when you had the power in your hands to show that dishonesty, why did you not do it? Why did you not give the facts and figures? You knew that it could not be shown, and therefore you did not publish the results of your investigation to the world, if you made any investigation.

Mr. Chairman, the estimate for the present year is $52,441,315; a sum less by $11,000,000 than was expended by the Opposition party when it was in power in 1855–56. It is true that there are estimates of $8,000,000 and $12,000,000 for another purpose. It is estimated not only to supply deficiencies, but to meet laws passed at a former session. Then, sir, I may safely say, that the amount estimated for the support of the General Government for the present fiscal year, by the Secretary of the Treasury, is $20,000,000 less than that of last year, and nearly $10,000,000 less than the amount expended by the Opposition when it had control of this House. I make this contrast, not for the purpose of predicating a charge of dishonesty against either party; not for the purpose of reflecting upon either party; but to do justice to the party to which I belong. I want to show that the Opposition, when it had control of the affairs of the Government, increased the expenses gradually, as we did when we had control; and that, therefore, the presumption is, that there are natural causes for it arising, not only from the proper, but the increasing necessities of the Government.

Now, as to the War Department and the quartermaster's bureau: he says there must be wrong in these expenses. I ask whether in that he intends to insinuate that the Secretary of War is not an honest man? I apprehend not.

Mr. GARNETT. I presume that the gentleman from Mississippi cannot mean to seriously put that question to me.

Mr. DAVIS, of Mississippi. While I put the question, I at the same time made an answer to it. I presume that he does not mean to make a charge of dishonesty against the Secretary of War. As he does not make that charge, I suppose he does not mean to charge incompetency upon the Secretary of War. If he charges neither, then I would like to know how he infers that the estimates from the War Department are wrong and improper? If there is anything wrong in the estimates from that Department, that could be easily ascertained by investigation; and if the gentleman had desired a committee of investigation of these estimates, this House would have granted it. That committee could have examined into every item of expenditure on the part of that Department. It could have been seen for what every dollar expended since the present Secretary came into power has been paid out. When the report came to the House, if there was anything wrong reform could have been instituted. There, then, would have been a predicate, some basis, for the charge of the Opposition of wrong really could have been proved. But there is nothing of the sort. There is no showing of improper conduct on the part of that Department.

Take next the Navy Department. I suppose no man on this floor will insinuate that the Secretary of the Navy is dishonest or incompetent. I have not heard such an insinuation from his bitterest or most vindictive enemy. Then, we are to presume, if he is competent and honest, his etsimates are correctly made, and predicated on proper data; and that these data are the experience and observation of the operations of the Department during the previous year. If that is not to be regarded as the true rule by which we are to be governed, there is but one other rule left, and that the gentleman from Virginia has not seen proper to avail himself of. He might have moved for the appointment of a committee to investigate the expenditures of that Department; and if improper expenditures had been discovered, then the means of retrenchment would have been found out; and if the Secretary of the Navy had given cause for his removal, his place might have been filled by a better officer. That has not been done. Then, I say that the Department ought not to be condemned, in the absence of proof, by innuendo, or insinuation, or implication. Such a thing is not allowable on principles of justice, of law, or of right.

I come now to the Post Office Department. How does that stand? Complaint is made because $6,000,000 is asked to supply deficiencies in the Post Office Department. How has that been brought about, and who is responsible for it? Certainly the Postmaster General is not; certainly the President is not; certainly the members of the Cabinet, who consult with him in regard to the best mode of conducting that Department, are not. The Postmaster General, I apprehend, has not paid out a dollar, except in obedience to law. If he has, the fact can be ascertained; and the means of retrenchment could in that way be discovered. But no investigation has been asked for. No effort has been made to show that there has been an improper or unnecessary use of money in that Department. What is the cause of the increased expenditure of money in that Department, and in all the other Departments of the Government? It is known that in almost all the older States of the Union the receipts of the Post Office Department cover, or nearly cover, the expenses, while in the newer States and Territories the receipts are small and the expenses large. For instance, the ocean mail service to California, which came into the Union in 1851, now costs $3,000,000 a year. That is not the fault of the Postmaster General, nor is it the fault of California. California was admitted into the Union by the act of the Government, and we are bound to give it the same facilities and advantages that are enjoyed by other States of the Union. I admit that in all this there might have been retrenchment; and I endeavored last winter, most arduously, to defeat the ocean mail system, of which

the mail service to California is the most expensive part.

I ask any man on this floor, I ask the gentleman from Virginia, if he is willing to surrender a single mail facility in his district? I take it he is not. I am certain I would not surrender any of the mail facilities of my district. If there are too many mail facilities extended to the country it is not the fault of the Postmaster General. They are established by Congress, and members are induced to ask for them at the earnest and pressing solicitations of their constituents. If the people demand these facilities, of course they must foot the bill.

Now, I indorse all that part of the gentleman's speech in favor of retrenchment. I am as much in favor of retrenchment as any gentleman on this floor. But I do think if the gentleman had gone directly to work and introduced a bill with the object of effecting retrenchment, it might have been done in less time than has been consumed in discussing the subject. If, then, the expenses of the Government can be reduced, let us proceed to do so. Let a bill be introduced into the House, either by special committees or general committees, who have charge of such Departments of the Government. Let retrenchment come in that form; tangible, comprehensible, easily to be understood in the House and in the country.

I do not pretend to say that there is not more money expended than is necessary. I think there has been. But this money has been expended under the authority of acts of Congress, passed by our predecessors and by ourselves. It is not the President that is to be held responsible; nor are any of the Departments to be held responsible. The responsibility rests on Congress. And yet Congress has done what it thought was for the interests of the country, and on the best information within their reach.

Having said so much on that subject, I desire to examine, for a very short time, the remarks of the gentleman from Pennsylvania, [Mr. PHILLIPS,] on the subject of the tariff. He sets out with the declaration that American labor must be protected. I desire especially that my portion of the Union shall understand what is meant by American labor.

Now, what is American labor? I know that, in the southern States, we are told by gentlemen opposed to the Democratic party, that American labor embraces every species of labor upon this continent. It is not so understood at the North, and is not so defined. I take it, that Mr. Webster will be regarded as reliable authority on the subject; and what does he define American labor to be? He said:

"I have spoken of labor as one of the great elements of our society, the great substantial interest on which we all stand; not feudal service, not predial toil, not the irksome drudgery by one race of mankind, subjected on account of color, to the control of another race of mankind; but labor, intelligent, manly, independent, thinking and acting for itself, earning its own wages, accumulating those wages into capital, becoming a part of society and of our social system, educating childhood, maintaining worship, claiming the right of the elective franchise, and helping to uphold the great fabric of the State. That is American labor, and I confess that all my sympathies are with it, and my voice, until I am dumb, will be for it."

Now, you perceive from that, that the system of protection advocated by the gentleman from Pennsylvania does not include the species of labor denominated "slave labor" in this country. Mr. Webster put what he called the pauper labor of Europe, and the slave labor of this country, on precisely the same footing; and the only labor for which he asked protection was the white labor of the North. Are we, then, of the South, to be induced to support a measure which is intended to discriminate against our system of labor and in favor of a different system of labor? I, for one, shall never be found voting for any measure that is to have the effect of discriminating against the portion of the Union in which I reside, and in favor of a different portion of the Union.

Now, sir, we are constantly being told by gentlemen from Pennsylvania that they have assisted the slave interests of the South; and they think it extremely ungrateful in us now not to stand by them in support of a measure which is necessary to their prosperity and welfare. Now, I had not understood that that was the reason of the political action of the gentlemen from Pennsylvania. I had supposed they were governed by what they conceived to be their constitutional obligations; not only to themselves, but to every portion of this Union alike. And if, sir, their motives in such support as we have received from them heretofore, have been predicated upon the idea that we were afterwards to become slaves to them and to their interests, and their views of policy, then I must confess I feel no obligation to them for their votes.

Sir, the southern States, in seeking an expansion of the institution of slavery, have not been incited by a dread of the emancipation of their slaves. I, myself, have never had any, and I have none now; because I have always believed, and I believe now more strongly than ever, that the people of the North know their interests as well as any people on the face of the globe, and they know well that a more fatal blow could not be struck at their interests than the overthrow of the institution of slavery at the present time. They feel and know that it would involve every interest in the free States in ruin and destruction.

I say, then, that we apprehend no danger from that source. Our object has been to preserve an equality of power upon this floor, in order that the North might not force upon us measures of class legislation which would take from us the proceeds of the labor of our slaves, in the shape of taxes for the benefit of the people of the North. I would much prefer that our slaves should be emancipated at once, than that, by an unjust, unequal, and unfair system of legislation, you should take from us the proceeds of the labor of our slaves. Our object has been to preserve ourselves from a system of legislation which I believe, and which those whom I represent believe, would be unjust to us, and too oppressive to be borne.

Now, how does this question of the tariff stand? The gentleman from Pennsylvania told us that he did not desire protection—that he was opposed to protection; that he was in favor of fixing the tariff at a revenue standard, and that the revenue standard should afford incidental protection. We are compelled to collect revenue for the support of the Government, and I admit that that system must have the effect of giving incidental protection. But so far as the iron interest is concerned, I ask if Pennsylvania is not already amply and fully protected. What say the gentlemen from Pennsylvania? They tell us that the better kinds of iron, under the act of 1824, cannot be brought into this country for sale, because they can undersell the importer of foreign iron of that quality. So far as that quality of iron is concerned, the act of 1824 amounts to a prohibition. It is, therefore, not only protection, but absolute prohibition, according to the confession of the gentleman himself. But they want increased duties to enable them to compete with the inferior qualities of iron imported into this country from Europe; they want the duties raised upon the inferior qualities of iron in which they cannot compete with the European manufacturers, so as to amount to a prohibition also.

Now, in order to make this question so intelligent that it cannot be controverted, I desire to call attention to some figures. Iron costs, in Europe, $46; add $10 expenses of getting it here. This gives, at twenty-four cents, $13; and, of course, equalizes iron in this country, and gives $6 on the ton protection. In reference to this point, I desire to read again from Mr. Webster. He says:

"I will only add, that, if we mean to keep up American labor under these operations, we must hold to protecting our industry from the competition of foreign labor. Labor abroad is cheap, because the people live poor. English iron costs $8 02 per ton for wages; while American iron, the result of American labor, costs $15 82, because American labor means to live well, means to earn enough to educate its children, and to perform the duties of a citizen. Therefore I insist that it shall have wages, and high wages. We know that some others of these iron works are about to stop. The evil is not confined to this branch of industry. The wages of handicraft in Philadelphia are also cut down one third—I mean the hand-loom weavers—and fifteen hundred hands have been thrown out of employment in this branch of industry alone.

The cost of the labor of making a ton of iron in England is $8 02. In Pennsylvania, the cost of labor of making a ton of iron, as early as 1849—it is cheaper now—was $15 82. The difference of cost, then, is about $8 per ton. Now, sir, if you add $8 by way of duty upon English iron, you make the cost to the English manufacturer of delivering iron here $15 per ton, the same that it costs the Pennsylvanian. Then the Pennsylvania iron stands upon the same footing with the English iron, and they are on terms of equality in market, neither having advantage over the other in the cost of production.

Now, under this act of 1846 you have at the present time thirteen dollars per ton duty, and that gives you now $6 per ton protection; and any man who will reflect for a moment will acknowledge that six per cent. protection will soon drive out of the market all competition. Is not that prohibition? If it is not, I do not know what prohibition is. If it will not prevent the importation of iron into this country, I cannot tell what will. The gentleman, then, cannot be right, either in his figures, or else not right in the position he assumes, that he is not in favor of protection, but of a revenue only. Nine per cent. protection is not a revenue measure, but prohibitory.

Now, I desire to pursue this subject a little further. To make it perfectly plain, suppose five hundred tons of railroad iron were imported into New York. The price in Wales is $46 a ton. The freight, insurance, and other expenses, amount to $10 a ton, which makes it cost in New York $56 a ton; or $28,000 for the whole. On this sum, the duty, under the present tariff, would be $6,720. Thus it will be seen that our southern and western States, whose railroads are now in a state of progress, are required to pay $6,720, to enable the iron manufacturer of Pennsylvania to enter into the market in competition against the British seller. Thus the railroad companies, estimating eighty tons to the mile, are required to pay, in duties, $1,075 per mile for the benefit of the Pennsylvania iron interest. And that is under the act of 1846.

And yet gentlemen, not satisfied with imposing upon every little railroad in the southern country the sum of $1,075 per mile, are demanding an increase of six per cent. duty, so as to make them pay about $1,400 a mile. And this they demand, too, after the northern States have completed most of their great network of railroads. Now, is it right that we of the South and West should be compelled to submit to an increase of duties upon iron at this particular time?

But how stands the question as far as Pennsylvania is concerned? I had a document sent me last night from Pennsylvania, by some gentleman engaged in the manufacture of silk. At the present time raw silk belongs to the free list; and, while he insists that iron shall be protected, he as strongly insists that the article which he imports to carry on his business shall not be dutiable, but shall come in free.

Another gentleman from Pennsylvania writes here that he is a large wholesale importer of foreign fruit; and, while at present there is a duty upon it, he insists that, in a general revision of the tariff, his fruit shall be put upon the free list. So it is, that every man in Pennsylvania, who is engaged in a particular branch of business, insists that his pursuit shall be exempt from taxes, but that the entire burden shall be placed upon iron.

The demand is wrong in principle. Of course, I am in favor of a revenue tariff, leaving out of the question the matter of direct taxation. I say at the present time, that if we are to raise a revenue by a tariff, we must have a revenue standard. But that standard is not a prohibitory standard.

Mr. GRANGER. The *States* are *supreme*—are *sovereign*—within their geographical limits, in reference to all powers *not* delegated to the General Government, nor *prohibited* by the Constitution.

Thus far, they are sovereign against the world, and they are as much so against the Government at *Washington*, as against that at *Paris*, at *London*, or at *St. Petersburgh;* and of the extent of that sovereignty, they, the *States*, have a right to *judge*. The *States* have the same right to judge of the extent of their sovereignty, as the General Government has to judge of the extent of its sovereignty. *Thus far they are equals*. Here I quote from high authority:

"*Resolved*, That the several States comprising the United States of America are not united on the principle of unlimited submission to the General Government; but that, by compact under the style and title of a Constitution for the United States, and amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that whensoever the General Government must assume undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each

State acceded, as a State, and as an integral party; its co-States forming as to itself the other party; that the Government created by this compact was not made the exclusive or final judge of the extent of powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers, but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

Such was the true republican doctrine, enunciated by Jefferson, and known as the resolutions of 1798. He stood erect on that position; and there he was sustained and upheld by the American people, in the great republican triumph of 1800.

With this clear view of her position, New York has promised, in her constitution, to guaranty liberty to every person within her jurisdiction. If she keeps her *word;* if she maintains her *promise;* if she fulfills her *obligation*, as she ought to do, she will allow *no power on earth to take from her fold a human being to be made a slave.*

Her constitution was made prior to that of the United States; and by it she has promised *safety* and *liberty* to all of whom she claims allegiance, all and every human being within her empire limits.

She had an undoubted right to do so before the Constitution of the United States was formed.

She has never relinquished that right nor surrendered that power; and, as she claims allegiance, she owes protection in return. *Allegiance* and *protection* are reciprocal *ties*, and every man who owes the one is entitled to the other; and, with the ever present writ of *habeas corpus*, she is the guardian of the liberty of every *person* of every *age*, *sex*, or *condition*, regardless of *complexion* or *nativity*, who lives within her lines.

No *pedigree* is called for; no *naturalization* requisite; a foot-print on her soil *seals* the covenant.

And here she acts in glorious harmony with the Government of the Union.

The Constitution of the United States and the constitution of the State of New York, each for itself, in exactly the same words, declares: "No person shall be deprived of life, liberty, or property, without due process of law." *No person whatever.* Says the constitution of New York: "No person shall be deprived of life, liberty, or property, without due process of law," *in this State at any rate.* The Constitution of the United States repeats: "No person shall be deprived of life, liberty, or property, without due process of law," (article five, Amendments,) in this broad realm. And it further says: "The judges of every *State* shall be bound thereby, law of *States*, or constitution of *States*, to the contrary notwithstanding." (Article six, section two.) Thus *every judge, State or national*, however elevated, who heeds not this decree, *neglects his duty, forgets his oath, and disobeys the Constitution.*

And does not this Constitution say at the outset, in its preamble, "that its *object* is to establish *justice*, to guard *domestic* or *fireside tranquillity*, and to secure the blessings of *liberty* to ourselves, and to our *posterity?*" *Is that true, sir?* Or is the very first—the leading and controlling sentence in the Constitution—*a falsehood?*

"That no title of *nobility*, or bill of *attainder*, shall be passed by *Congress*, or any *State*," (section nine,) *South or North*, either to *elevate* one class of persons, or to *depress* another; to *ennoble* the one or *chattelize* the other; and especially not to attaint the blood of generations yet unborn.

"A bill of *attainder*." A law that *attaints* the blood, or creates disabilities on account of parentage or birth; a law that provides that the child of a slave mother and of a free father "shall follow the condition of the mother," and be a slave for life—and its descendants after it forever—is "a bill of attainder." Exactly what the Constitution says, (section nine,) neither Congress nor any State shall pass.

This clause of the Constitution *alone*, if not violated, would put an end to this whole controversy.

Sir, shall the son of a freeman be born and die a slave by the taint of a mother's blood—blood that flowed through hearts that ceased to beat on the battle-fields of the Revolution?

"That every family dwelling, however *lowly the cottage, or humble the hut*, is inviolate, with its inmates, papers, and effects." (Article four, of Amendments.) "And that the right of the people, and all the people, to keep and bear arms shall not be infringed." (Article two, Amendments.) Arms to defend their country, their wives, their children, and themselves.

Sir, is not all this enough? Shall this go for nothing. To secure to the people—*and all the people—freedom, liberty*, and *right*, against *slavery, oppression*, and *wrong*. Can words be more *determinate?*

Read, sir, as I have quoted from the Constitution; and if lawyers, *northern* lawyers, shut their eyes, let *northern laymen* read the truth and teach them law.

Sir, Congress is nowhere clothed with power to *legislate* for the return of runaway slaves, and *pack northern freemen for the chase*, the slave hunt, for southern *masters*. *Mark, sir*, the Constitution grants no such *power*.

In the language of that great, good man, whose vacant chair stands in the Senate Chamber for strangers to gaze at, I repeat, "Nowhere under the Constitution can the nation, by *legislation* or otherwise, *support slavery, hunt slaves*, or hold property in *man;*" and I repudiate the idea with pity and contempt.

Sir, it is the political *traders* of the *North*, the *dough-face traffickers* of the North, that *dicker* with the rulers of the day, that are most to blame. *The South has some excuse.* They can plead *precedent, habit, education;* and I am not disposed to underrate their force. The *North has no excuse. They can offer no plea but guilty.*

If the North was as *unanimous*, as *devoted*, and *half as true* to *freedom* as is the *South* to *slavery*, our national troubles would vanish like the dew, and our country become what it might be—prosperous and happy, and feared and respected by the world.

Sir, nothing is plainer than is the Constitution on this subject. If politicians dare not or will not understand it, it is time the *farmers*, the *mechanics*, the *manufacturers*, and the *laboring men* took up the subject. They can understand it, and they will understand it right.

Judge Marshall says, to get the true meaning of the Constitution, you must take its *words*. Judge Story says the meaning of the *instrument* must *prevail*, and its meaning must be gathered from its *words, and the Supreme Court has said the same.*

Sir, the Constitution of the United States is a *plain, out-spoken, anti-slavery document*. Take its words, and not hunt outside of the Constitution for its meaning, and there are no two ways about it; and to prevent all doubt or cavil, the Supreme Court has established the following invincible rule. "When *rights* are infringed, when fundamental principles are overthrown, the legislative intention must be expressed with *irresistible clearness.*" Now, sir, to see a man who would say in sober earnest that the Constitution expresses with irresistible clearness in favor of *slavery*, and against *liberty*, would be a curiosity entirely.

How strange and unreasonable, then, to contend that the Constitution was made to nourish and extend slavery. Is there a single word or sentiment in that great charter of liberty that favors it? Not a bit of it—not the first syllable in favor of slavery.

Foremost came the Declaration of American Independence—our *first great law;* then the Constitution of the brave Old Thirteen; followed and backed by the Constitution of the United States; and all act together with a *unity* and *trinity* of purpose to maintain and defend the "inalienable rights of man." Rights that no mortal man nor human Government has a right to abrogate, or call in question.

That Declaration, the strong foundation on which our Government stands, *explicitly affirms* that *liberty is the gift of God, is above all price and before all law*, and cannot be taken away; and the constitution of *New York* and the Constitution of the *United States*, with one accord, *respond "amen."*

Then, sir, where has slavery a right to show its head? Surely *not in my State—the State of New York;* and equally sure it is that the Constitution of the Union *bars the door against it.*

Sir, has a *State*, or the Federal Government authority or legal power to make one man a slave to another? *Nobody pretends it.*

Had the General Government, or a State government, ever the right to do it? Nobody will *claim* it. Was slavery allowed by the colonial charters from the British Government before we were independent? *Disallowed and prohibited by every one of them*, and condemned and driven out of England by the application of the writ of *habeas corpus* to a single slave, and that slave a Virginia negro brought there by a Virginia master, while Virginia was a colony of Great Britain.

That decision, by the high court of England, (Lord Chief Justice Mansfield,) took place two years before the Declaration of Independence, *and covered this country as well as that.*

Then, sir, *how came slavery here?* It came here *without law*, in violation of law, by *fraud* and *violence*, and remains here by no better title.

And now, sir, we are called on by the ruling party, not merely to tolerate slavery, but to legalize it all over the United States; and to do it, the whole power and patronage of the Administration is put in requisition. To do it, sir, the great leading interests of the country are disturbed, and the prosperity of the whole people seriously affected, while the Government itself is brought to the very *verge of bankruptcy*, with little or no prospect of relief while the party now in power are suffered to remain.

Sir, it is the nation, the American people, who are the sufferers; and *they* must interfere by the peaceful and potent remedy of the ballot-box; and, sir, I think they will interfere at their earliest opportunity.

But we are told that will never do—that would be *sectional. Sectional or not*, there must be a *remedy.*

But who made it sectional? The party in power, sir, have made it sectional.

They have taken the aggressive, and claimed for slavery all the land that joins it.

They have urged on the *trial*, and now let us have the issue.

As the Chief Justice of England said in the slave case referred to, when hard pressed for a decision in favor of slavery: "If you will have judgment, you shall have justice. Let the black man be discharged."

I told you on this floor, in April, 1857, and I repeat it now, that freedom and slavery must meet face to face, and try titles; there can be no joint ownership between them; and that one or the other must have full possession. The time of trial is at hand, and we may as well take it coolly and deliberately, for the crisis will surely come, and, perhaps, at no distant day. It is as inevitable as the march of time or the approach of death; and let us make up our minds for it and do the best we can.

The indications, I think, are quite clear that freedom must rule, and if 1860 does not so decide, I will confess I am "neither a prophet nor the son of a prophet," nor the grandson of a prophet.

There is not much room for argument. If we have a representative republican Government, *slavery, despotism, oppression*, can not much longer be tolerated, and much less allowed the preëminence. A preacher of the Gospel will hardly serve out his ten years in Maryland State prison for having had an anti-slavery book in his house; no other Mr. Underwood will be banished, like a traitor, from Virginia, his native home, for having been present at a Republican national convention at Philadelphia, to nominate a presidential candidate for the Republican party to support. Wiser councils will prevail. *These things are not to be repeated.*

Slavery can make no more Presidents. The present one is the last of the succession. No more Presidents that will proclaim from the Executive chair that the Federal Constitution carries slavery everywhere, and that he will back it with the Army. Our Constitution guaranties the writ of *habeas corpus* and trial by jury, and both must be blotted out for ever, or slavery must retire from the contest and leave for parts unknown. It must hereafter be content to act on the defensive, and fight on the retreat. I say this with no unkind feelings towards those of the South who may differ with me on this important and troublesome subject; far be it from me. I know they are *not responsible* for its first introduction among us. It came here by toleration of the British Government, *without law*, while we were *colonies*, and has been suffered to remain, in *violation of law*, ever since; and until it has grown to be an enormous and alarming evil, and *loudly* threatens the integ-

rity of our republican institutions and the very existence of the Union.

It enters into the entire circulation of the whole system, and *poisons every ramification of the Federal Administration.*

It has come to this, that no law can be passed, *no appointment made, no contract given out*, but the interest of slavery must first be consulted. The question of admitting States into the Union has to undergo this *all-controlling scrutiny.*

A law—yes, sir; *a law*—on your statute-books to-day, fresh from the mint, not a year old provides that, for the admission of *Kansas* as a free State, she must have *ninety-three thousand four hundred and twenty inhabitants*, and that, too, by a legally-certified census; while the same law allows her to come in as a slave State with half that number, more or less, and without any count at all.

Sir, freedom and slavery are so opposite, are so *antagonistic*, that they *cannot* be sustained by the same Constitution.

They cannot sit at the same table, and be nourished by the same aliment. What is meat for one is poison for the other. One or the other must perish.

Mr. LETCHER was recognized by the Chair.

Mr. LOVEJOY. I rise to a question of order. I addressed the Chair before the gentleman from Virginia; and I think I was heard by the Chair before the other gentleman was.

The CHAIRMAN. The Chair would state, in response to the point of order, that his hearing is not, perhaps, similar to that of the gentleman from Illinois. The Chair saw the gentleman from Virginia first, and accordingly gave him the floor.

Mr. LOVEJOY. Will the Chair state that he heard the gentleman from Virginia before he heard me?

The CHAIRMAN. The Chair heard a confusion of sound; but he saw the gentleman from Virginia first.

Mr. LOVEJOY. I appeal from the decision of the Chair.

Mr. STEVENSON. I move to lay the appeal on the table.

Mr. LOVEJOY. I wish to state the ground of my appeal.

Mr. HOUSTON. In reference to the motion to lay upon the table, I will say that there is no table in committee.

Mr. WRIGHT, of Tennessee. Is debate in order?

The CHAIRMAN. It is not.

Mr. WRIGHT, of Tennessee. Then I object to it.

Mr. HOUSTON. This is a question of fact. The truth is that, under the rules, the Chairman has the right to award the floor to whom he pleases. It is customary for him to give the floor to the member who first rises; but the rule does not require him to do so.

Mr. WRIGHT, of Tennessee. I object to debate.

The CHAIRMAN. The Clerk will read the 33d rule.

The rule was read, as follows:

"When two or more members happen to rise at once, the Speaker shall name the member who is first to speak."

Mr. LOVEJOY. I wish to state the ground of my appeal which I have the right to do. I appeal from the decision of the chair on the ground that I was first upon the floor, and that I was first heard by the Chairman. I do not say that I was recognized first, but the Chair does not say that I was not first heard and first upon the floor.

The question was taken; and the decision of the Chair was sustained.

Mr. LETCHER. Mr. Chairman, the gentleman from Ohio, [Mr. STANTON,] who addressed the House yesterday, (I do not see him in his seat,) ennunciated a proposition that struck me as a most extraordinary one. He avowed here, sir, that there was no responsibility whatever upon the minority in this House for the action of the body; and that they could not be in any respect, or to any extent, held accountable for the action of a body of which they constituted nearly one half. This proposition was announced while the gentleman was discussing the question of the expenditures of the Federal Government; and knowing his intelligence; knowing his experience in legislation and his familiarity with our rules; it struck me as so remarkable a proposition that it ought not to be allowed to pass without a reply, and without calling attention to some few points that would go to show that the burden of responsibility rested not only upon *me* and my side of the House, but that it rested also individually upon him and upon his side of the House.

The rules of this House have prescribed that certain committees shall be organized at the opening of each session of Congress, who are charged with specific duties, to which I shall have occasion directly to call the attention of the committee, and which committees are to be continued not only through the first session of Congress, but, in order to give them the extent of a Congress, and something of a permanent character, they are continued through the second session. I maintain, sir, if all these committees, organized at the opening of a Congress, held their regular meetings, discharged the duties prescribed for them strictly, that we should never have any question here in regard to retrenchment and reform, except such questions as were presented by them, and which would bring before the country intelligible recommendations upon those subjects.

Let us see what committees are to be organized. Here is one, in the first place, amongst the general committees, which lasts for a session, that is called the Committee on Public Expenditures. What is the duty of that committee, thus general in its organization?

"89. It shall be the duty of the Committee on Public Expenditures to examine into the state of the several public Departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws."

Here are very important duties. One of the grounds of complaint presented, not only in the last Congress but in this, is, that appropriations of money have been made for one purpose and applied to some other object, not contemplated by the two Houses of Congress, at the time the bills were passed. If this Committee on Public Expenditures would do its duty it would be enabled to ascertain——

Mr. KELLOGG. I would like to suggest to the gentleman that that committee has never been called. I am a member of that committee but have received no notice to attend its meeting. The chairman of the committee is of the gentleman's party.

Mr. LETCHER. Then the gentleman has a burden of responsibility to bear before the country, as a member of that committee, charged as it is with these important duties.

Mr. KELLOGG. You have the chairman and a majority of the committee, and they have not called the committee together.

Mr. LETCHER. I am laying down the proposition that there is a responsibility upon the gentleman as well as upon me; that the rules of the House have defined our duties as individual members of this body, and that they have prescribed that when we are assigned to these committees we are to perform the duties of the committees, and present reports to the House, showing that they have been performed, and proving to the country's satisfaction that the laws have been fairly, justly, and properly executed. Well, what more are they to do? They are to report from time to time, such provisions and arrangements as may be necessary to do—what? I ask the gentleman from Illinois—to do what? To add to the economy of the Departments, and the accountability of their officers. Now, sir, if this committee, charged with duties of this sort, has not undertaken to perform them, does it lie in the mouth of a member of that committee to rise in his place and say: "Your party here are responsible! You are to be held up before the country for extravagance, and your party is to be driven from power," at the time that the admission is made by him, "I have never met once with the committee to perform this public duty?"

Mr. KELLOGG. Does the gentleman assume that the committee has met?

Mr. LETCHER. No, sir. The gentleman himself says that it has not met.

Mr. KELLOGG. Why is it that that committee have not met, for the gentleman's party have the chairman and the majority of it?

Mr. LETCHER. I do not know why the committee has not met. I might well retort upon the gentleman the question, that he, as a member of that committee, can best explain the reason why it has not met.

Mr. KELLOGG. I have not the power to call the committee, and there has never been a call of the committee by the chairman.

Mr. LETCHER. Cannot anybody else call it? Cannot any two members call it? I find upon the committee that there are four of the gentleman's party. But I must go on; I have only half an hour. So particular were they in the early history of this Government in order to see that appropriations were properly disbursed, and to see whether offices could be dispensed with, that they organized other committees on this subject. Among them was one on Public Accounts and Expenditures in relation to the State Department; another in relation to the Treasury Department; another in relation to the War Department; another in relation to the Navy Department; another in relation to the Post Office Department; and another in relation to the Public Buildings.

Now, here are these additional committees, organized by the Speaker of the House, charged with duties as important as the duties prescribed for that general Committee on Public Expenditures; and I desire to know whether their duties have been performed.

Mr. HOWARD. I would like to ask the gentleman from Virginia whether any one of these committees has reported for the last five years?

Mr. LETCHER. I do not care whether they have or not. If they have not, so much the worse. Let them be held up and made to answer to the country why they have not met and performed their duty. Now let us see what is the duty of these committees:

"It shall be the duty of the said committees to examine into the state of the accounts and expenditures respectively submitted to them, and to inquire and report particularly—

1. "Whether the expenditures of the respective Departments are justified by law;"

That is one important duty.

2. "Whether the claims from time to time satisfied and discharged by the respective Departments are supported by sufficient vouchers, establishing their justness both as to their character and amount;"

That is another very important duty.

3. "Whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with appropriation laws; and

4. "Whether any, and what provisions are necessary to be adopted, to provide more perfectly for the proper application of the public moneys, and to secure the Government from demands unjust in their character, or extravagant in their amount.

"And it shall be, moreover, the duty of the said committees to report, from time to time, whether any, and what, retrenchment can be made in the expenditures of the several Departments without detriment to the public service; whether any, and what abuses at any time exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters or others; and to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the several Departments and the accountability of their officers."

Now, sir, here are duties specifically laid down; all important in their character; all looking to the same great result. If these duties had been discharged, and if the reports of these committees had been presented to the House, could we ever have had the question raised that we have had here for the last two or three weeks, on the subject of retrenchment and reform? We would have had measures presented to the House, distinctive in their character, specifically declaring what reforms could be made; whether officers had conformed to the law, and disbursed the money which passed through their hands in conformity with the law. If they had not, that fact could have been reported to the House, and we should have been enabled to ascertain who are faithless in the discharge of their duties.

Mr. PALMER. The gentleman from Virginia seems to be charging this side of the House with the fault of not scrutinizing the public expenses. I desire to ask him whether he recollects that, a few days ago, when the gentleman from Ohio [Mr. SHERMAN] moved to refer the naval appropriation bill to the Committee on Naval Affairs, the whole Democratic side of the House voted against the motion, and prevented that committee from discharging the very duty which the gentleman says devolves upon it?

Mr. LETCHER. In the first place, the gentleman has gone off without due reflection. I set out here to demonstrate the unsoundness of the proposition that a minority of a legislative body is not responsible, to any extent, for the actions of the body. That is the proposition I am endeavoring

to combat. I insist that they are responsible individually, and as a party also.

Mr. WADE. I ask the gentleman from Virginia, why the majority does not do up the business of the House?

Mr. LETCHER. I will have occasion to show that before I get through; and the gentleman may be patient on that score for the present. When the gentleman inquires why the majority does not do up the business of the House, I am sure he would not consider it a very proper reply for me to make to him, if I were to say: "If he does not intend to do anything in securing necessary legislation, what is he doing here?"

But let me go on:

"It shall be the duty of the several committees on public expenditures to inquire whether any offices belonging to the branches or Departments, respectively, concerning whose expenditures it is their duty to inquire, have become useless or unnecessary;"

It is said that we have a vast multitude of useless officers. It is said that a large number of unnecessary laborers were employed in the navy-yard of Philadelphia, for no other purpose than to help my jolly good-natured friend from Philadelphia [Mr. FLORENCE] to the House. Now, if these committees had discharged their duties we should have known all about the Philadelphia navy-yard. The facts would have been brought to the attention of the country, and we should have been enabled to speak understandingly on the subject.

Mr. STANTON. I wish to make an inquiry right at that point.

Mr. LETCHER. Well, go on; but be short.

Mr. STANTON. I want to know if it is not the uniform practice of all the committees of the House to await the call of the chairman to assemble for the transaction of business?

Mr LETCHER. I do not know. I know it is not always the case with the Committee of Ways and Means.

Mr. STANTON. And I want to know whether each of these committees has not a chairman belonging to the majority of the House, and whether each of these committees has not a majority belonging to that side of the House, which can control its business and discharge its duties without the aid of a single member of the minority; and I ask, can the minority do it without the majority?

Mr. LETCHER. Why not?

Mr. STANTON. Because they are in a minority in the committee.

Mr. LETCHER. Why not report to the House that they cannot act?

Mr. STANTON. They cannot make a report because they are not a quorum.

Mr. LETCHER. Who had the majority in this House at last Congress?

Mr. STANTON. Nobody.

Mr. LETCHER. Who elected the Speaker?

Mr. STANTON. The Speaker was elected by a plurality; by a minority, and the genteman knows it.

Mr. LETCHER. Yes, sir; and the Speaker decided that amendments to an appropriation bill, covering several million dollars, could not be read at the desk before the House was called upon to vote on them. Who sustained that decision?

Mr. STANTON. I did not; and I presume the gentleman from Virginia did.

Mr. LETCHER. Not at all. I was one of those who objected. The decision of the Speaker was sustained by the friends of the gentleman on that side of the House, with a very few on this side. But, in addition to all that, who appointed committees in the last Congress? Who had the majority upon all of those committees on expenditures? Was it not the gentleman's friends? Why did they not meet and prepare a programme of retrenchment, and present it? Why do they now come forward and charge that President Pierce's administration was corrupt, and disbursed more money than it ought to have done; that there was not that accountability on the part of public officers that there should be; and that the extravagance of that period ought to have been checked? They had the power then to arraign him, to present their indictment, and have him tried before the country on the facts.

Mr. STANTON. I wish to ask the gentleman—he having been on the Committee of Ways and Means—if every single appropriation bill that went from this House to the Senate, was not loaded down by additional appropriations there? And I wish to ask him further, if the appropriations made were not exceeded $10,000,000 by the Departments; and if the House did not last session vote a deficiency to that amount?

Mr. LETCHER. I grant you all you say in regard to the action of the Senate; but let the gentleman remember that the Senate have no such committees as those I have referred to.

Mr. STANTON. Why have they not?

Mr. LETCHER. Those committees belong to this House, and to this House alone. They are not in the Senate; why, it is not for me to say. Now, sir, let me go on with their duties:

—"to report, from time to time, on the expediency of modifying or abolishing the same; also, to examine into the pay and emoluments of all officers under the laws of the United States; and to report, from time to time, such a reduction or increase thereof as a just economy and the public service may require."

Well now, Mr. Chairman, I am calling attention to this declaration of the gentleman from Ohio, for another reason. It has been complained here, over and over again, not only by gentlemen upon the other side of the House, but by gentlemen upon this side, that it is the duty of the Committee of Ways and Means to introduce these measures of retrenchment in regard to public affairs, and in regard to the appropriation of public money.

Mr. HOWARD. I am sure the gentleman from Virginia does not mean to do any injustice.

Mr. LETCHER. Certainly not.

Mr. HOWARD. And inasmuch as it is universally claimed that the Committee of Ways and Means have absorbed all the business, I want to know——

Mr. LETCHER. I am very much obliged to my friend from Michigan for the suggestion; but I leave it to him to reconcile himself with his friends over the way.

Mr. HOWARD. It is not my friends, but my enemies, I want to be reconciled to. [Laughter.]

Mr. LETCHER. Well then, Mr. Chairman, the allegation is, that the Committee of Ways and Means have absorbed everything. You have heard it said here that we have taken a vast deal more of the business of the House than legitimately belongs to us; and yet gentlemen have been complaining, both last session and this, that the Committee of Ways and Means have not gone still further, and taken upon their shoulders the burdens and duties which legitimately devolve upon the Committee on Public Expenditures and these other committees on the expenditures of the several Departments of the Government.

Now, sir, the duties of the Committee of Ways and Means are laid down in the rules just as distinctly as the duties of these other committees are prescribed. I will read them:

"78. It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure, and to report, from time to time, their opinion thereon; to examine into the state of the several public Departments, and particularly into the laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the Departments and the accountability of their officers."

I think, then, it will be agreed that, if there has been any dereliction of duty on the part of any committee of this House, it has not been on the part of the committee of which the gentleman from Michigan and myself are members—that we have done the duties assigned to us; that we have reported our bills here within the thirty days from the commencement of the session, allowed by the rules of the House; that as these bills have been returned to us from the Senate with amendments, we have, within a reasonable and proper time, considered those amendments and reported on them to this body; and that, wherever we have found it in our power to reduce the expenditures, in any way whatever, upon necessary and adequate information to justify us in doing so, we have made those reductions. And, sir, if the other committees of this body had presented their programme of retrenchment, showing where expenditures could be reduced, and where useless offices could be abolished, then, upon the action of those committees, the Committee of Ways and Means would have been led to practical results, that would have been better calculated to reduce the expenditures than what has already been done.

Mr. STANTON. The gentleman from Virginia will not permit the Army appropriation bill to be referred to the Committee on Military Affairs. Suppose, however, that the Committee on Military Affairs shall irregularly, and without the authority of the House, take up that subject, and shall propose to reduce the appropriations recommended by the Committee of Ways and Means: shall we have his help?

Mr. LETCHER. Certainly, sir.

Mr. STANTON. Well, let us see, when the question comes up.

Mr. LETCHER. The gentleman knows me well enough to know that the great complaint against me here has been, that those who wanted to reduce the expenditures have too often had my help.

Mr. STANTON. I have not heard it.

Mr. LETCHER. The great complaint against me has been, that I have been too sparing and parsimonious in the expenditures of this Government.

Now, whenever a proposition comes here from the Committee on Military Affairs intelligible in its form, and they can show us that it is possible to reduce any branch of the expenditures of the Government, or to abolish any unnecessary offices, you will find me ready to act with that committee in cutting down the expenditures to the lowest amount that is possible. I think, myself, that these expenditures are too high. I have thought so all along. But, at the same time, I have not been willing, as a member of the Committee of Ways and Means, to strike in the dark where I might be just as likely to strike a proper expenditure as an improper one, in the absence of all the necessary information which the organization of these several committees was designed to furnish, as a guide for our acts.

Mr. MAYNARD. I would ask the gentleman from Virginia, in the course of his speech, to do justice to the party to which I belong; for I believe that no member of that party is upon either of the committees he has been submitting to his strictures.

Mr. LETCHER. I would like to know exactly what party the gentleman from Tennessee does belong to?

Mr. HOWARD. He does not belong to any "healthy political organization." [Laughter.]

Mr. MAYNARD. Well, perhaps it would not be easy to answer the gentleman's question in exactly the spirit in which it is put. We are a party of principle, sometimes acting with one side, and sometimes with the other; but we are generally against both. Wherever principle leads us, there we follow; with faint prospect, I admit, of either plunder or spoil.

Mr. HOARD. I desire to call the attention of the gentleman from Virginia——

Mr. LETCHER. Come, now, one at a time, if you please. [Laughter.] Give me some chance. I cannot attend to two gentlemen at the same time. I was going to remark that I did not understand very well, from the definition of my friend from Tennessee, exactly what platform he is on.

Mr. MAYNARD. I can very well understand that; but that is not my fault.

Mr. LETCHER. Well, then, it is so small a platform that it cannot be seen; it will hold very few. But it strikes me that, so far as expenditures are concerned, my friend over the way is pretty generally in for voting money. I think he went for the pension bill.

Mr. MAYNARD, I did, most certainly.

Mr. LETCHER. I think he went for the homestead bill.

Mr. MAYNARD. The gentleman is mistaken.

Mr. LETCHER. You did not vote for it?

Mr. MAYNARD. I did not.

Mr. LETCHER. How about the agricultural colleges bill?

Mr. MAYNARD. I voted for that, because I thought it a very good measure, involving the great principle of the distribution of the public lands.

Mr. LETCHER. Then, sir, you are in this position: while the gentleman complains that the Treasury is empty, he is voting, in the first place, for a bill that would impose a burden upon the Treasury of $29,000,000 (as ascertained by actual

calculation) to begin with, and an annual appropriation of upwards of $8,000,000 hereafter!

Mr. MAYNARD. Where does the gentleman get his information?

Mr. LETCHER. From the very best and most reliable source, the Pension Office, upon an actual calculation made from the returns of the militia. The gentleman will recollect that, under the bill as it passed the House, the pensions are to go back and begin in 1857. So that, if it becomes a law, you will have to make an appropriation to cover the pensions for three years to begin with, amounting to the sum of a fraction over $29,000,000.

Mr. MAYNARD. It is merely paying a just debt, and I do not hesitate because it is large. So much the greater reason for paying it.

Mr. LETCHER. If we are paying a debt, is it not a disgrace to this Government that it stood here and tendered bounty land when money was due?

Mr. MAYNARD. I think so. The old soldiers have been here for years, making application before Congress, and it is high time their just claim was allowed.

Mr. LETCHER. Now the Treasury is empty, and you have not money to apply to the purposes of your pension bill. What do you propose to do? You propose to cut off from the Government the public lands of the country, and to divert that source of revenue from the Treasury. Here are sixty-two million acres of land surveyed and open to preëmption, and which is all that is surveyed and in market. What do gentlemen propose to do? Do they propose to advertise those lands for public sale? No, sir; but instead of that, we have a measure passed through this House to give free farms to everybody, and allow them to go and occupy them; thus the value of that sixty-two million acres is to be diverted from the Treasury, so that the difference may be made up by a change of the tariff, and increased burdens upon the industry of the country. Is this the sort of legislation that meets the gentleman's approbation?

But let me go further. Take the French spoliation bill. That bill passed here once. How was it passed, and how, on the other day, when I made my point of order about sending the bill to the Committee of the Whole on the state of the Union, because it contained an appropriation, were parties divided? If I recollect, my friend from Tennessee was on the other side.

Mr. MAYNARD. The gentleman has not studied my record as carefully as I hoped that he had. I was with him on that occasion.

Mr. LETCHER. I will do the gentleman the justice to say that he is a little better than I expected in that respect. [Laughter.] Let me go on. Here are three propositions. There are others to which I might call attention, and show how the vote was. I wish to call attention to the vote on the homestead bill. There were for the bill, thirty-seven Democrats, eighty-three Republicans, and not one South American; and against the bill, sixty-two Democrats, one Republican, and thirteen South Americans—making, in all, one hundred and twenty to seventy-six. That is upon a measure which withdraws from the control of the Federal Government a source of revenue which it might rely upon in future time, as it has relied upon it in past time, for considerable additions to the income of the Government.

Mr. CURTIS. Let me ask the gentleman a question. Does the sale of lands ever go ahead of the settlements?

Mr. LETCHER. No, sir. If the sale of lands had got ahead of the settlements we would never have had a bill to give a farm to every man. It is from that very fact that the sales of lands are not ahead of the settlements.

Mr. CURTIS. The price of the lands that are left will be enhanced.

Mr. LETCHER. How much will be left to sell after you give away these sixty-two million acres?

Mr. CURTIS. It is not supposed that the settlers will take up all the public lands. If they take a portion and cultivate that portion, the remaining portion will be enhanced in price.

Mr. LETCHER. Gentleman on that side have alleged that they do not intend these lands shall be a source of revenue, and it strikes me that my friend from Iowa entertains that doctrine.

The CHAIRMAN. The time fixed for the close of general debate has now arrived.

Mr. JONES, of Tennessee. I want to ask the gentleman from Virginia a question: was it not the opinion of General Jackson that the public lands should cease to be a source of revenue?

Mr. LETCHER. But General Jackson never dreamed of such expenditures then as we have now, or he would not have given that opinion. [Laughter.]

Mr. PHELPS, of Missouri. Mr. Chairman, I propose to submit a few remarks in reference to the expenditures for the support of the Army. Gentlemen talk about expenditures in the military department and of their magnitude, and institute a comparison between them at the present time and preceding years. In that comparison injustice is done to the War Department. Within three or four years past, and at the present time, we have placed under that Department the construction of many new works. There has been devolved upon the Secretary of War the control of putting up the extensive additions to this Capitol. He has been intrusted, too, with the construction of the aqueduct from the Great Falls to Washington, and the construction of the additions to the Post Office Department. There is the expense of the additions to the Capitol, some four or five million dollars; nearly two and a half million dollars for the building of the Washington aqueduct, and some three hundred thousand dollars for the Post Office building; and yet neither of these works is yet completed. The money for their construction is charged to the War Department, because that Department disburses it; and yet they have no more connection with the War Department than with the Navy Department.

Therefore, those who institute a comparison between the expenditures of the War Department as now organized, and with the duties now devolving upon it, and the expenditures of the War Department as organized before 1854, do not institute a fair comparison. Then you had but fifteen regiments, and three of them only mounted; whereas, you now have nineteen regiments, and five of them mounted and in the field. Then the number of your enlisted men was nine thousand; and now, by the last returns, it is a little short of seventeen thousand. The addition to the number of regiments, the larger number of mounted regiments, and the greater number of privates, have all gone to swell the expenditures of the Department. Yet, it was demanded at the last session, as the imperative duty of Congress, to increase the Army by adding four new regiments. They were not merely for the exigencies of the Mormon war, but were to be added permanently to our military establishment.

At the last session of Congress, the Secretary of War, and the Committee on Military Affairs, recommended an addition to be made to the permanent force of the Army; but Congress refused to act favorably on that recommendation.

The pay of the enlisted men of the Army was, prior to 1854, seven and eight dollars per month. By the act of 4th August, 1854, the pay of the rank and file of the Army was increased four dollars per month. That added to the cost of the Army, $787,000 a year. By the act of 21st February, 1857, the pay of the commissioned officers was increased twenty dollars per month. The Army Register for 1859, shows that we have one thousand and eighty-four commissioned officers; and this increase of their pay adds to the annual cost of the Army $260,160. The same act authorized the officers of the Army to commute their rations for subsistence at thirty cents per ration—fifty per cent. higher than under the former law. This adds to the annual expenditure $332,811.

Mr. HOUSTON. I would like to ask the gentleman whether this increase of commutation does not only apply to the officers who do commute? and whether, in truth, the ration does not cost the Government more than twenty cents? and whether that change in the law was not intended as an indirect mode of increasing the compensation of the officers of the Army, and leaving the rank and file without any benefit?

Mr. PHELPS, of Missouri. My answer to the gentleman from Alabama is in the affirmative. Every one knows that the officer of the Army draws the commutation price of his ration, and does not draw his ration, unless when he is serving in the field. The commutation price of his ration is paid to him as regularly as his month's pay; and its increase was intended as an increase of his pay. I felt myself constrained to vote against it. I was willing to have the pay of the officer increased, but not his commutation for rations. The latter entails on the Government a heavier expense, by more than fifty thousand dollars a year, than does the former.

By the act of 3d March, 1855, four new regiments were added to the Army—two of cavalry and two of infantry; and I have prepared an estimate of the additional annual charge thereby entailed upon the Government.

The following table will show the additional charge on the Treasury by virtue of the acts to which I have referred:

By the act of 4th August, 1854, the pay of the rank and file of the Army is increased $4 per month. The report of the Adjutant General for 1858 shows total number of enlisted men, 16,399, at $4 per month.....	$787,152 00
By act 21st February, 1857, the pay of each commissioned officer is increased $20 per month. The Army Register for 1859 shows total number of commissioned officers, 1,084, at $20 per month.....	260,160 00
By the same act, the commutation price of the ration is fixed at 30 cents per ration, being an increase of.....	332,811 50
	$1,380,123 50

The act of 3d March, 1855, created two regiments of cavalry and two regiments of infantry.

Two Regiments Cavalry:		
Pay.....	$322,512 00	
Subsistence, officers.....	39,858 00	
Forage, officers.....	14,208 00	
Clothing, officers' servants.....	2,340 00	
Subsistence, 1,710 men.....	156,037 50	
Forage, 1,710 horses.....	167,580 00	
Clothing, 1,710 men.....	83,347 00	
Cost of mounting regiments, $273,600; annual cost of keeping them mounted.....	68,400 00	
Camp and garrison equipage and contingencies.....	25,080 00	
Proportionate part expenses of recruiting, regular supplies, and incidental expenses quartermaster's department, transportation of officers' baggage, transportation of troops and supplies, contingencies of the Army, and medical and hospital department.....	658,104 00	
		1,537,466 50
Two Regiments Infantry:		
Pay.....	$290,328 00	
Subsistence, officers.....	38,763 00	
Forage, officers.....	2,880 00	
Clothing, officers' servants.....	2,280 00	
Subsistence, 1,688 men.....	154,030 00	
Clothing, 1,688 men.....	79,172 00	
Camp and garrison equipage and contingencies.....	25,080 00	
Proportionate part expenses of recruiting, regular supplies, and incidental expenses quartermaster's department, transportation of officers' baggage, transportation troops and supplies, contingencies of the Army, and medical and hospital department.....	658,104 00	
		1,250,637 00
		4,168,227 00

Subject to the following deductions:

For two regiments of cavalry, 1,710 men; and two regiments of infantry, 1,688 men; at $4 per month.....	$163,104 00	
Increased pay for officers of two regiments of cavalry and two regiments of infantry, 136 at $20 per month.....	32,640 00	
Increased commutation of subsistence for officers.....	26,207 00	
		221,951 00
		$3,946,276 00

The deductions here made are because those expenditures have been twice estimated for in the foregoing table.

Thus, I show that by virtue of the several acts of Congress to which I refer, the annual expenditure of the Army has been increased nearly four million dollars.

Mr. CRAWFORD. I desire to ask the gentleman from Missouri, whether he can give us the exact amount of the increase of the pay of the officers and men of the Army, within the last eight years.

Mr. PHELPS, of Missouri. Yes. The increased annual pay of the rank and file under the act of 4th August, 1854, is $787,152. The in-

creased pay of the commissioned officers under the act of 21st February, 1857, is $260,160; and the increased commutation of the officers' rations amounts to $332,811. These three items show the increase of pay—independently of the expense of the four new regiments, except the monthly pay of the soldiers and increased pay of the officers—to be $1,380,121. The annual expense on account of the organization of the two regiments of infantry, is $1,250,637. But, this aggregate amount is subject to a deduction for the increase of pay of four dollars a month and the increased monthly pay of the officer and the commutation price of his rations, which I have already estimated, of $221,951; leaving as the annual cost of these four new regiments, the increased pay of the rank and file of the Army, and the increased pay of officers and commutation of their rations of $3,946,276. Those three acts of Congress to which I have referred, have then imposed an additional burden on the Treasury, of nearly $4,000,000 per annum.

Mr. CRAWFORD. I desire to ascertain from my friend from Missouri, whether or not the same amount of increased pay that was given to the other officers of the Army, was also given to the officers of the two new regiments of infantry, and the two new regiments of mounted men, and if so, how much the increased pay of these four regiments amounts to?

Mr. PHELPS, of Missouri. The act of 1854 provided that, from and after that date, the pay of the rank and file of the Army should be increased four dollars per month. The act of 1857 provided for an increase of pay to all the officers of the Army, and embraced the officers of the four new regiments, as well as those of the fifteen old regiments.

Mr. CRAWFORD. I want to know what is the amount of the increased pay of the four new regiments?

Mr. PHELPS, of Missouri. I have already given the total charge upon the Treasury, in consequence of the addition of four dollars per month to the pay of the rank and file of the Army. The Army is now organized with 16,399 enlisted men, which gives as the total of increased pay of the rank and file, $787,153. The act of February 21, 1857, increasing the pay of the officers, embraces the officers of the four new regiments as well as those of the fifteen old regiments, and the total amount of monthly pay is $260,160, and of increase of price of rations is $332,811 50.

Mr. Chairman, when the estimates for the support and maintenance of the Army were submitted to us, at the commencement of this session, we were informed by the Secretary of War that no reduction could be made in them. He transmitted the estimates of the Quartermaster General, and that officer had based his estimates of the expenditures in his department upon the supposed movements of the troops during the next fiscal year, and the stations where they might be placed. After all, the estimates for the transportation of the Army are conjectural. Something may occur upon the frontier, or in the Indian country, which may render it necessary to remove a portion of the force from the place where it is now stationed, to some distant point, for the purpose of suppressing Indian or other disturbances. Such was the case last year, when it was found necessary to remove nearly all of the troops upon the Gulf and upon the Atlantic border, and place them on the western frontier, with orders to take up their line of march to the Territory of Utah. And afterwards, when the Mormons promised submission and obedience to the laws, and it was found that the whole force would not be needed in that Territory, it became necessary, in consequence of the disturbances in the Territory of Washington, and on the borders of the now State of Oregon, to send some troops there to aid in suppressing the Indian war then being waged in that country.

When the estimates for the transportation of the Army were submitted, it was known to the country that a war had broken out in the Territory of New Mexico, and that the Navajo Indians had become hostile. Those Indians who are inhabiting the country one hundred and fifty miles and more west of the Rio Grande, had for years been engaged in plundering the citizens of the United States, of Mexican origin, residing in that Territory. These predatory hostilities broke out into open warfare in the month of September last. This information was in possession of the Government at the time the estimates were submitted, and I know that the estimates were based on the reasonable expectation that the hostilities would continue in the Territory of New Mexico to and during the next fiscal year. This tribe of Navajos is capable of bringing into the field three thousand mounted warriors; but information has reached us within a few days past that, in consequence of the energetic movements made by the officer in command of that military department, those hostilities had been brought to a close, and articles of agreement for a peace had been concluded between the superintendent of Indian affairs, who accompanied the officer in command of that department to the Navajo country, and the Indians, and those articles of peace, or terms of submission, have already been received at the Department of the Interior.

I have heard it remarked that the Committee on Military Affairs propose some retrenchments in the bill as reported by the Committee of Ways and Means. If reduction of the expenditures can be properly made, I shall be very glad to have them made, and I will coöperate with that committee in making them. But I desire to know whether the Secretary of War recommends any reduction in these expenditures. I desire to be informed by the Committee on Military Affairs, whether the Secretary of War recommends any reduction of the expenditures; or, in other words, whether he is willing to reduce his estimates, and is of opinion that reductions can be made without detriment to the public service. And I request any gentleman upon the Committee on Military Affairs to give me this information if they are in possession of it.

Mr. FAULKNER. As the gentleman from Missouri pauses for a reply, I will say to him that a communication was, a few days ago, transmitted by the Secretary of War to the Committee on Military Affairs, in which he indicated one item in the Army appropriation bill, to wit, tranportation, in which a specific reduction could be made. That reduction, however, it may be proper to say, had previously been determined upon, from a conference which I had had with the Quartermaster General. He also indicated another item, that of forage, in which a reduction might be made, and assured us of his sincere coöperation with us in all proper reductions. It is my purpose, as the organ of that committee, in the progress of this bill, and when the several sections are up for consideration, to indicate such reductions as, in our judgment, may properly be made in the bill. Gentlemen will hear from that committee when those sections are read.

Mr. PHELPS, of Missouri. If I understand the statement of the gentleman from Virginia, it is this: that the Committee on Military Affairs, in their committee room, have reduced the estimates of appropriation as contained in the Army appropriation bill; that they have determined to recommend to this House that certain reductions should be made; that after that committee had arrived at that determination, the Secretary of War sent to that committee a communication, in which he concurs in the recommendations determined upon by the committee in reference to a few items. Then, if the Secretary of War entertained an opinion that a reduction of appropriations could be made, why did he not communicate it to the House of Representatives through its Speaker? Why, I ask, has he not communicated to Congress the fact, that we might reduce the appropriations which it is proposed shall be reduced? Is it not his duty as a vigilant officer to guard against extravagant appropriations? And yet we were told at the commencement of this session, that the estimates of appropriations were reduced by the heads of Departments to the lowest possible limits consistent with the public service.

Mr. FAULKNER. In justice to the Secretary of War, it is due from me to say that he was, no doubt, aware that the Committee on Military Affairs were engaged in this examination of the Army appropriation bill; and it was for that reason that he transmitted to that committee his communication. I, as the chairman and organ of that committee, had been to the quartermaster's department, and to the surgeon general's department, and to other bureaus, for the purpose of obtaining the information upon which intelligent action could be based; and aware, no doubt, of that fact, the Secretary of War addressed that communication to the Committee on Military Affairs. The gentleman from Missouri himself has assigned the reason why one item to which the Secretary of War referred might be reduced, to wit: transportation; and that was on account of the termination of hostilities in New Mexico, Oregon, and Washington, events occurring since these estimates were originally proposed. It is not, however, upon any letter or assent of the bureaus or departments, but upon their own responsibility, that the Committee on Military Affairs will present their views of reduction, subject to the consideration and action of this body.

Mr. PHELPS, of Missouri. Then the recommendation of the Secretary of War comes merely to back up and sustain the recommendations of the Committee on Military Affairs, and not on his own mere motion. I hold that it is the duty of any head of a Department, when he finds, after he has submitted estimates, that they can be reduced, to recommend to Congress a reduction, and to communicate that information to all. I know the responsibility will be fixed somewhere, and in some quarter. If you make reductions, and you have no communication on file, addressed to Congress and printed with the public documents, upon which to base your action, and if any injury should result, in consequence of a reduction of the appropriations, or a deficiency should be found to exist at the next session of Congress, at once the cry would be that the deficiency exists, or the injury arises, because Congress had reduced the estimates submitted at the last session of Congress. I hold that this communication should have been sent here; that it should have been addressed to the Speaker of the House of Representatives, and communicated to us, in order that all the members of the House should have been informed upon the subject.

It has been the course pursued by the committee of which I am a member, for several years past, to demand of the Executive Departments that those communications which formerly were addressed to the chairman of the Committee of Ways and Means, recommending an increase of expenditure, and such like matters, should be contained in a letter addressed to the Presiding Officer of this House; that they should be presented in due form, in order that all the members of this House, and not those of one committee alone, should be informed of their contents.

Mr. FAULKNER. If the Secretary of War, upon subsequent examination, should find that an estimate which he had made was, by a new train of events, no longer necessary, would the gentleman regard him as not acting in the precise line of his duty, to send that suggestion to the Committee of Ways and Means? I say he would be perfectly justified in so doing, and to that committee he should send it, if the bill was still before them for examination and action.

So, if the Committee of Ways and Means had disposed of the bill, and had reported it to the House; and thus, as a committee had discharged themselves of the subject, and the Committee on Military Affairs were engaged in the investigation of the same items of appropriation, and the attention of the Secretary of War was called to that investigation, was it not proper that his communication should be with that committee, and that he should advise them of the fact that, in consequence of the termination of hostilities in New Mexico, he could dispense with certain portions of those estimates? He knew that you had reported your bill, and that we were about to bring those matters to the attention of Congress; and he knew that a letter addressed to us must be regarded as much an official document as if addressed to the Committee of Ways and Means, or to Congress; and that it would be placed before the House by us as explanatory of the change, and as the basis of the responsibility of the action of this body upon the diminished appropriation. But I will present my views more fully and explicitly on these points when I can have the command of the floor myself.

Mr. PHELPS, of Missouri. I desire to inquire of the chairman of the Committee on Military Affairs whether, on the 21st of December, the Secretary of War was in possession of information showing that, at that time, he could have reduced those estimates?

Mr. FAULKNER. I am not able to inform the gentleman as to the time when that information reached the War Department.

Mr. PHELPS, of Missouri. I have fixed the 21st December, because upon that day the Army appropriation bill was reported by the Committee of Ways and Means to the House, and prior to that time we were informed, not in a written communication, but in a verbal one, that no reduction could be made in the estimates of the quartermaster's department, in the opinion of the officer having charge of that service, with safety to the public interest. And now let me ask, if this reduction shall be proposed to be made in the estimates of transportation, whether that reduction will not be proposed in consequence of the cessation of hostilities by the Navajoes, information of which has only reached us within the last few days? In other words, had the Secretary of War, twenty days ago, any reason to believe that those estimates could be safely reduced? But the Secretary of War found that the Committee on Military Affairs were engaged in the matter of reducing the estimates, and after that committee had determined to make certain reductions, he received this information of a cessation of hostilities in New Mexico, and then he addressed a letter to the Committee on Military Affairs, informing them that they could reduce the item of transportation $490,000. Now, sir, I desire that information to be presented to the House. In what position does this place the Committee of Ways and Means? According to the statement of the gentleman from Virginia, [Mr. FAULKNER,] this reduction is based upon the fact that the Navajo war has closed. On the 21st December, all the information we had from New Mexico was, that additional troops were going out to the Navajo country, and that the troops were pursuing the Indians into their fastnesses; and there was no information coming from the Secretary of War showing that any reduction of the estimates could be made.

There is something due to the Committee of Ways and Means as well as to the Secretary of War, or to the Committee on Military Affairs. At the time I discussed the proposition to refer the Navy appropriation bill to the Committee on Naval Affairs, I then stated, as I now state, that if any committee having charge of any branch of the public service will show where a less amount than that which is estimated can be appropriated, and still secure efficiency in the service, I would be the advocate of that reduction. I do not want the Committee of Ways and Means placed upon the record recommending appropriations to a greater amount than that which the officer in charge of that service states he requires. The only complaint I make is, that the proposition making the proposed reduction was not presented to that committee, so that they might have reduced the expenditure accordingly, which was based upon the original estimate from the Department. The committee has charge of the bill, not merely whilst it is being prepared, but until the bill shall be disposed of by the House. It is the everyday practice for a committee which has reported a bill to propose amendments to the bill.

Mr. CURTIS. It is not my purpose to defend the Secretary of War; but I think that justice ought to be done him in this matter. The Committee on Military Affairs felt it was their duty to investigate some of the expenses of the Government. Amongst other things this question of transportation was especially brought to their attention by a resolution of this House. They determined to have a correspondence with the Department. They corresponded with the Secretary of War, and they received many suggestions from him. It is upon that correspondence and those suggestions that these changes are predicated. I submit, then, that the Committee on Military Affairs, and not the Committee of Ways and Means, ought to have the credit of this investigation. That committee ought to have the credit of bringing it before the people and before this House. It is no disparagement of the Committee of Ways and Means to show that this bill ought to be reduced $1,500,000. If the example of the Committee on Military Affairs be followed by the Naval Committee, as has been proposed, then there may be a like reduction of the Navy bill. I hope that gentlemen will not reflect upon the Secretary of War for having united with the Committee on Military Affairs, in the object they themselves proposed. He has acquiesced in their action.

Mr. PHELPS, of Missouri. I do not reflect upon the Secretary of War. I am glad that he has been able to recommend a reduction of expenditures.

Mr. CRAWFORD. I understand the gentleman to say that the Secretary of War acquiesced in what the Committee on Military Affairs have done.

Mr. CURTIS. Yes, sir.

Mr. CRAWFORD. Then it was the result, and not the cause, of the action of the committee?

Mr. CURTIS. As far as I was concerned it was not the cause. It may have influenced some of the members of the committee, but they themselves proposed a reduction of those expenditures. In order to have the coöperation of the Department, they consulted the Secretary. The idea originated with the committee.

Mr. CRAWFORD. That is what I want to know—whether it originated with the Secretary of War or the committee? I understand the gentleman to say that it originated with the committee.

Mr. CURTIS. Yes, sir.

Mr. FAULKNER. Permit me to say a word. My interview on that item was wholly with the Quartermaster General. I had an examination of this item with him. Upon his reports to him must the Secretary of War act. It is upon his statements he makes his recommendations to Congress. The result of that interview between myself and the Quartermaster General was that, in view of the change of facts, $490,000 might with propriety be stricken from that item. I have no doubt the Quartermaster General subsequently communicated that fact to the Secretary of War, and he directed his communication to the committee on the subject. It resulted from no interview with the Secretary.

Mr. STANTON. A question has been made as to who is entitled to credit, if there be any, for the proposed reduction. The modesty of the gentleman from Virginia [Mr. FAULKNER] will not permit him to claim it. It is due, however, to the country that it should be known that the Committee on Military Affairs charged that gentleman and myself with a special investigation of the subject. That investigation was conducted by the gentleman from Virginia alone by personal interviews with various subordinates in the War Department. It was from these interviews that it was ascertained by him that a reduction of from one and a half to two million dollars may be made without any injury to the public service. Some of the proposed reductions were acquiesced in by the Secretary of War when his attention was called to the subject.

Mr. PHELPS, of Missouri. I have no desire to do injustice to the gentleman from Virginia, or to any member of the Committee on Military Affairs. I do not desire to do injustice to the Secretary of War, or to any person connected with this transaction. Nor, sir, do I desire that any injustice shall be done to the members of the committee of which I am a member. I am gratified that an additional reduction can be made in the estimates submitted at the commencement of the session. The Committee of Ways and Means did not, from the information they received, feel authorized to make any reduction in the transportation for the Army, although they made reductions elsewhere. There was information that a regiment was to be sent from the Territory of Utah, to be stationed on the Gila river. At that time it was expected that other troops would be required in New Mexico, and that additional troops would have to be stationed upon the borders of Mexico, to keep the Comanches in subjection. You hear the members from Texas complain that a sufficient number of troops is not stationed upon their frontiers. You hear the Delegate from New Mexico make the same complaints in regard to that Territory. You hear the same complaint made by the Delegate from Washington Territory.

When Indian hostilities existed in most of the Territories of the United States, so that it might become necessary to transfer troops from one to another, the Committee of Ways and Means did not feel themselves authorized, with the information before them, to recommend any reduction in the item of transportation. To do so might endanger the public service. That committee recommended such reduction as they were sure would do no injury to the public service. That committee recommended the reduction of more than seven hundred thousand dollars in the estimate submitted to this House for the support of the Army.

Mr. CHAFFEE, by consent of Mr. PHELPS, of Missouri, obtained the floor within the time of the latter, and proceeded to address the committee.

Mr. FAULKNER. I rise to a question of order. Does the gentleman propose to amend the bill?

Mr. CHAFFEE. I am speaking by the permission of the gentleman from Missouri.

Mr. CLAY. I object to the floor being farmed out. I maintain that no member has a right to assign to another member any part of the time allowed him under the rules of the House.

The CHAIRMAN. The Chair does not understand the gentleman from Missouri as assigning the floor. The Chair rules that it is too late now to interpose objection.

Mr. PHELPS, of Missouri. I supposed that the gentleman from Massachusetts desired to say something in respect to the bill under consideration.

The CHAIRMAN. The Chair so considered.

Mr. CLAY. I appeal from the decision of the Chair.

Mr. HOUSTON. By referring to the rule, the Chair will discover that the right to make a speech, on the part of the gentleman who reports the bill, is a personal right.

Mr. CHAFFEE. I do not want to retain the floor against the wish of the committee. During the four years that I have been on this floor, I have never occupied more than one hour in debate.

Mr. GARTRELL. The gentleman from Massachusetts desires to occupy the attention of the committee for but a short time; and I move that by unanimous consent he be allowed to proceed.

Mr. WINSLOW. As I understand, unanimous consent has been already given.

Mr. CLAY. Have I a right to state, in response to what has been said by the Chair, the reasons why I take an appeal?

The CHAIRMAN. The question is not debatable. The question is: "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. BUFFINTON called for tellers.

Tellers were ordered; and Messrs. PHILLIPS and BUFFINTON were appointed.

The committee divided; and the tellers reported —ayes 111, noes 16.

So the decision of the Chair was affirmed.

Mr. CHAFFEE. I have little hesitation in asserting, and much confidence in calling on this committee to bear me out in the assertion, that I yield to no member on this floor in my efforts to secure an honest and economical expenditure of the public money.

But while I advocate honesty and economy in public expenditures, both by my votes and by whatever other influence I may possess, I cannot bring myself to a blind acquiescence in the doctrine that it is *true honesty* or *good economy* to cut down the appropriations as proposed in some parts of this bill.

Before coming to the specifications, I desire to remark generally on the subject of military expenditures, (which is the subject of the bill under consideration, and to which I propose to confine my remarks,) that we commit a serious error in comparing the amount of the expenditure for the military service with the numerical strength of the regular Army. It is the policy of this country, and the right policy, to maintain a numerically small Army; whilst it is now, and has been for some years past, the *necessity* of the country to require a large amount of military work to be done.

It is my good fortune, Mr. Chairman, to represent a *working* and *practical*, as well as *intelligent*, constituency; and it is very natural that, representing such a people, I should not be able to divest myself of the *practical* ideas current among them, and to form other notions, which appear to govern in the relations between the military expenditures and the numerical force of the

Army, in the minds of many, if not most, of those who are called to legislate on these subjects.

As a practical man, and one directed, I hope, by a just regard to the public service, I ask, is not the true measure of the amount of military expenditure the *work done* for the country by the Army, rather than the number of men who do that work?

Our Army—I say it with full confidence that the facts will justify the assertion—are now, and have been for years past, performing the work of an army, as ordinarily organized and required to work, of at least eighty thousand men; while the strength of our Army, in numerical force, is only sixteen thousand men. The *practical* cost of the Army, therefore, is found by dividing the whole military expenditures by *five*, and the quotient is the true index of the cost to the country of its standing Army, numerically considered.

If there be any extravagance, any corrupt or dishonest expenditure in our military expenses, or in any others, let any gentleman on this floor point it out, and I assure him he will find no one more zealous, or who will go further with him to correct the evil, than I will.

But I cannot condemn without the evidence of wrong-doing. It may be a *safe* expedient, in the absence of proof, and for the purposes of popular effect, to call hard names, and to lay a greater burden of extravagant expenditures upon the Army than justice requires it to bear, for the very good reason that it has no representative here to defend it, and no votes at the times and places where we are all politically created.

But, Mr. Chairman, "let justice be done." If the state of the country and its Treasury is such that it cannot afford to pay its servants according to their merits and works, let the reduction fall on all in their due and just proportions. If appropriations must be cut down for fear that an industrious, hard-working people may be supposed to be favored unduly, let the pruning be where the public service will suffer the least, and not where it will cost the most. Such does not appear to have been the ruling principle in fixing the details of the bill under consideration, making appropriations for the support of the Army for the ensuing fiscal year. I refer particularly to that portion of it which makes provision for the ordnance department, and the different branches of the public service under its management and control in pursuance of law. That department has but a single item of appropriation which it is possible to retrench without serious detriment to the public service—and that is the small item for "current expenses;" moderate enough in the amount of the estimates, and but lightly touched by the pruning-knife of the Committee of Ways and Means.

The other items of the estimates for that department do not involve, in reality, the *expenditure* or *consumption* of any part of the public wealth. The entire amounts of these estimates propose, simply, the conversion of a certain amount of *dollars of coin* into muskets, rifles, swords, sabers, and cannon; all of which still remain as a part of the *common wealth*—of the treasure of the nation. The only difference between them and the dollars is, that there never will be an emergency when this nation cannot command all the dollars it may want, at short notice; while *no amount* of money can fill your arsenals, in time of pressing need, with the arms and munitions of war necessary for the defense of your country; for the defense and protection of that money to which you seem to cling with the grasp of the pitiable miser, who begrudges the pittance necessary to keep his very existence from extinction.

Do gentlemen know that the expenditures of the ordnance department are not merely for the supply of our small standing Army, but that it is made the duty of that department, *by law*, to provide supplies, weapons, and munitions of war, for the *armies* of the United States? Do they reflect that, on the condition of our armories and arsenals, depends the efficiency or the worthlessness of our armies of more than two million citizen soldiery?

I think the committee which has proposed these small and insignificant reductions, in estimates reduced at the Department to the smallest limits that conscientious regard for the state of the Treasury and the wants of the country would admit, have not considered the true purpose to which they were to be applied, nor the importance of that purpose.

Take, for example, the item for the manufacture of arms at the national armories. The armories have just entered upon the manufacture of the new rifle musket, and, with the appropriation sought by this amendment, will be able to make about twenty thousand per year. This arm is rapidly becoming the arm of the world. The whole number of Minie muskets manufactured at the national armories up to this time is about thirty-five thousand. Three thousand two hundred and twenty have been delivered to the States from the Springfield armory alone, and probably as many more from the Harper's Ferry, which leaves less than thirty thousand now available to arm the national troops. The English armory at Enfield, near London, modeled after our national armories, is now manufacturing six thousand Minie muskets per month, and the superintendent of the Enfield armory, now in this country, has just ordered machinery to be made and sent to England to double the number per annum; or one hundred and forty-four thousand, beside the large number now being made by private contract—probably as large a number as is made at the Enfield armory.

This gives some idea of the comparative war material in this arm, now deemed the most effective for infantry, of the two countries, England and the United States.

This English armory was copied in all its details from the United States armory at Springfield. The machinery was all made in the United States, and the mechanics to supervise and put the armory in operation were all taken from this country. Russia has followed the example of England in this matter; and now France is about to follow, as she is now debating the establishment of a national armory for the manufacture of the Minie musket, with machinery like our own.

Is, then, this country prepared to abandon its superiority, and place herself in such a position as to be compelled, in case of a collision with either of these great Powers, to arm her men with the old modeled musket, which would be little short of murder to our own men?

It is questionable economy to weaken or abandon this our acknowledged superiority in the manufacture of this arm.

For many years, when this country was peopled with a population varying from twelve to twenty millions, the appropriation for the manufacture of new arms was $360,000; which was subsequently reduced to $250,000. Now, with an extended territory, an increased Army, with a population of from thirty to thirty-five millions of people, with such a meager supply of the improved infantry arm, it is little short of madness to arrest the progress of the manufacture.

It is but a change of national wealth; the money is but exchanged for the best arm the world has ever seen for the national defense; and how much better for England would it have been in the late Crimean war, if she could have exchanged gold for Minie muskets.

Take the item for ordnance, ordnance stores, and supplies. Every dollar so appropriated, must produce its representative, and a more valuable representative in the shape of swords, sabers, cavalry pistols and carbines, and horse equipments, swelling your wealth so far as real value is concerned, instead of reducing your Treasury in silver and gold. Take the estimate for account of fortifications. That is, to furnish the means to make available and useful the castles upon which you have expended such large sums in erecting, and which, without those means, are valueless for the protection of your maritime ports, the sources of all your revenue, and which, without that protection, would leave your Treasury far more empty than it now is, or than I hope ever to see it. So of the other appropriations for this branch of the public service, not of the Army service exclusively, but of the military service of the nation, and judging from this, so it may be, perhaps in a less degree, and in a less important aspect, of the other reductions made by the committee in other items of the estimates. At the proper time I give notice that I shall propose the following amendments:

At lines one hundred and twenty-nine and one hundred and thirty, increase the amount $150,000.

At lines one hundred and thirty-two and one hundred and thirty-three, increase the amount $100,000.

At line one hundred and thirty-six, increase the amount $50,000.

At line one hundred and thirty-eight, increase the amount $150,000.

Mr. STANTON obtained the floor.

Mr. CLAY. I wish to make an inquiry of the Chair. I wish to know whether the chairman of the Committee of Ways and Means is entitled to an hour in conclusion?

The CHAIRMAN. The gentleman from Missouri has availed himself of his privilege to close the debate.

Mr. STANTON. I move to amend by striking out of the bill the seventh, eighth, ninth, and tenth lines, making an appropriation of $100,000 for the recruiting service. I desire to call the attention of the committee to this amendment, which I propose on behalf of a minority of the Committee on Military Affairs. The question was taken in that committee, and a majority voted against the proposed amendment. It makes the question distinctly and fairly, and in the most unobjectionable form of a reduction of the Army. If the amendment prevails, it prevents any recruiting for the fiscal year 1860.

Here, Mr. Chairman, is a fair chance for gentlemen who profess to have in view some practical and extensive economy and retrenchment in the public expenditures. It is all idle to go for lopping off sixpences here and there, without any reduction in any branch of the public service. In my judgment, our present Army is four times as large as the necessities of the service require. I propose to cut off the recruiting service for the next year, and for two or three years in succession. The enlistment being for five years, you in this way reduce the strength of the Army one fifth every year.

If this amendment prevails, it of course carries with it a corresponding reduction in other portions of the Army expenditures.

Mr. Chairman, the only ground, as I understand it, on which the existing Army is required, is that it is necessary for the defense of the extended frontiers of the country, to defend the settlers from Indian depredations, and to protect trains crossing the plains from the Mississippi valley to the Pacific ocean. Now, in a Republic like ours, where the military defense of the country must always rest essentially on the great body of the people, and on the volunteer service, I disclaim the necessity of soldiers for any such service. You cannot require the Government to send a soldier to escort every man who travels from one section of the country to the other, for fear somebody might hurt him. The people of the country, in times past, have been able to protect themselves, to take care of themselves, and to defend themselves. The frontiers of Kentucky and Ohio were defended by Daniel Boone and his compeers; and they were worth a regiment of regular soldiers at any time.

The frontier settlers, the border men of the country, are their own best protectors. Our experience has proved that all the efforts we have made to protect them in sending the Army to their defense, and in promising them immunity and protection, have only tended to aggravate hostilities between the settlers and the Indian tribes. The settlers have availed themselves of the immunity which our protection was supposed to afford, and have perpetrated wrong and outrage upon the Indians. But if we teach them that they will have to rely on their own discretion, on their own judgment, on their own forbearance, and on their own sense of justice, they will not, unnecessarily provoke hostilities; and when hostilities must needs come, they are, themselves, their own best protectors. A regiment of trained soldiers know nothing of Indian warfare in the backwoods. They do not understand fighting in the bush and behind trees. It takes your backwoods frontiersman to understand that description of service; and they are the best men to engage in it.

What we want in this country is the mere skeleton of an army; a nucleus, around which we can rally a volunteer force, and which we can organize into an army when the public exigencies demand that we shall have an army in the field. That is, at last, with any army you can support in this country, your only reliance in time of foreign war. In the Mexican war, you relied on volunteers; and, in all the wars which you have

had, or which you ever will have, the main reliance has been, and will be, on the volunteer force of the country; and it is of no sort of consequence whether you have, here and there, a regiment, or half a dozen, or a dozen regiments, of regularly trained soldiers, or not. If you have a mere skeleton of an organization, which you can fill up with volunteers when the exigencies of the service require, that is enough.

[Here the hammer fell.]

Mr. BRANCH. Mr. Chairman, I shall not be found voting against many propositions that may be made to reduce the expenses of the Army. In my judgment, they are greatly beyond what the requirements of the service demand. But I am opposed to the proposition of the gentleman from Ohio, because I do not see in it any reduction of expense at all proportionate to the reduction of efficiency.

Now, sir, the officers of the Army of the United States are not recruited. You recruit only your privates. The amendment of the gentleman from Ohio proposes solely to reduce the number of privates in the Army; and I say to you that the expenses of our Army do not arise from the privates. It is the number of officers that the Army contains; it is the civil department of the Army, so to speak; it is the outside operations, connected with the Army, that roll up the expenses of the service by millions. It is not the small amount necessary for the pay and support of the privates.

I had occasion, during the last session, to call attention to a fact that is a very striking one, indeed, in reference to our Army; and that is, that there is no army in the civilized world that has anything like so great a disproportion of officers to the privates as has the Army of the United States. There is no army in the world in which the officers have so few privates to command as in the Army of the United States. The proposition of the gentleman from Ohio is to increase that disproportion instead of diminishing it. He talks to us about a skeleton of an army. We have been told that our true policy is to keep but a skeleton of a regular army, around which, in time of war, we may rally volunteers. But do we not all know that, whenever a war breaks out, and a necessity for an increase of our force arises, we hear no propositions for filling up that skeleton? The propositions are all to increase the number of officers. It is the anticipated increase in the number of officers that enables you to pass through Congress bills for increasing your Army. We hear of a skeleton in time of peace; but in time of war, it remains a skeleton. Instead of filling it up, you only increase and enlarge that skeleton.

Now, I say to the gentleman from Ohio, if he wishes to diminish the expense of our military system, let him submit a proposition to reduce the number of officers; for it is the officers that cost the money, and not the privates. Reduce the number of officers, and increase the number of privates.

Mr. STANTON. One thing at a time. Let us get through with the privates, and then I will take a turn at the officers.

Mr. BRANCH. But, Mr. Chairman, there are already too many officers for the privates. The gentleman is commencing at the wrong end. If you are going to reduce the Army, commence with the officers.

Mr. STANTON. I begin at the beginning of the bill. Whenever we get to a place in the bill where we can strike at the officers, I shall be on hand.

Mr. BRANCH. When the gentleman has succeeded in cutting down the number of officers—as I infer from his remarks he intends to attempt to do—I may coöperate with him in reducing the number of privates, if he can satisfy me that we have too many.

But, sir, outside of that, I think it has been, time and again, demonstrated, beyond all question, that the most expensive troops that we can employ, or that we ever do employ, whether in warfare with civilized nations, or with Indian tribes, are volunteers. I am not one of those who advocate the system of calling into service volunteers to carry on our wars. I will never support any proposition to reduce the Army below that point at which the Army, without the assistance of volunteers——[Here the hammer fell.]

Mr. FAULKNER. I move to reduce the appropriation for the recruiting service, $10,000; leaving $90,000 in the bill, and $100,000 applicable to the service of the next fiscal year.

Mr. Chairman, the gentleman from Ohio [Mr. STANTON] has well said that the Committee on Military Affairs did not concur in the amendment which he now proposes, and which is to strike out the entire appropriation for the recruiting service of the Army. That gentleman, sir, is always open and manly in his opposition; whatever he aims at he seeks to accomplish boldly and directly. He avows his opposition to the regular Army, and he well knows that the blow which he is now aiming is directed at the very existence of the Army. The recruiting service, as we all know, is the source, the matrix, from which the regular soldier springs; and to break down the recruiting service is to break down the Army itself. Now, I have not time allowed me, nor is this the fit occasion, to attempt to maintain, before this body, the necessity of keeping up our regular Army, at least to the extent of the maximum authorized by existing law. If there be any gentleman who is disposed to vote for the proposition of the gentleman from Ohio, because of his determination to break down and destroy the existing organization of the regular Army, there can be no time, in a five minutes' debate, to meet a question of that magnitude and importance. I shall therefore waive that branch of the inquiry now. To those who do regard an organized regular force as an indispensable part of our national policy, I will say that, according to a letter from the Adjutant General now in my possession, there will be required, to fill up the ranks of the Army, two hundred and seventy-three recruits for the mounted service, and one thousand one hundred and twenty-two for the infantry regiments, making a deficiency of one thousand three hundred and ninety-five men. The adjutant general asks for $110,000 for this service for the next fiscal year, as, indeed, he had a similar amount for the present fiscal year. He concedes that he has an unexpended surplus of last year's appropriation of $10,000. The whole appropriation, then, for the last year, has not been, and will not be, exhausted. If, therefore, it requires but $100,000 to maintain this service by the year, having already an unexpended balance of the present year of $10,000, it would leave only $90,000 proper for the present appropriation. I have not, therefore, moved my amendment for the purpose of making some general remarks in reply to the gentleman from Ohio, but for the purpose of making a proper reduction in that item of appropriation. I think that at least $10,000 may be properly stricken from that item, without injury to the public service.

Mr. STANTON. Mr. Chairman, I take it for granted that every gentleman understands that my proposition goes to the reduction of the Army. Enlistments are for five years; and if the enlistments are stopped one year, of course it will reduce the file one fifth. If it is the desire to reduce the Army one fifth, suspend the recruiting service for one year, and that object is accomplished. I do not expect members to vote for this who are not in favor of an immediate and gradual reduction of the Army. Now, Mr. Chairman, it does not follow at all, as my friend from Virginia says, that if you refuse to give anything for the recruiting service for the fiscal year, you will, therefore, destroy the entire Army. It only amounts to a reduction of one fifth. I admit, if the policy were followed out, it would result in the total destruction of the Army. If we reduce the Army one fifth, the question will come up next Congress, whether it is willing to reduce it another fifth.

Mr. Chairman, I desire to say a word or two further. I am perfectly satisfied that you have got to simplify this machinery of ours that we call a Government, or the whole thing will sink in rottenness and corruption. With an expenditure of $75,000,000 and $100,000,000, the idea of examining into the details of that expenditure, and watching over the manner in which it is used, is utterly absurd. It is impracticable. The Government must be simplified, and these expenditures reduced. Its character must be radically and essentially changed. There is no help for it. I know of no place where you can reduce the expenditures of the Government, or any branch of the public service, with less injury to the public than in this matter of the Army. But it is not merely a question of economy; it is merely a question about the simplicity and purity of your institutions. Even an army of eighteen thousand men may become a dangerous instrument of despotism. How is your Army used? It is now the settled practice of the executive department of the Government to use the standing Army as a *posse comitatus*, to aid in the execution of process in the hands of a civil officer, to the total subversion of the first principles of civil liberty. Why, sir, a standing army is not a *posse*, in any sense. Yet they are ordered out constantly, in every section of the Confederacy, to execute civil process in the hands of civil officers. That is a usurpation. An army ought not to be provided for such a purpose. It has been done in past years in Kansas, and I believe that it is being done now. It is probable that it may be done next year in Georgia, where they do not want to hang men who have been engaged in the slave trade. It is a question which looks to all sections of the Confederacy. My theory of this, however, is this: if there is a law upon your statute-book that cannot be executed by the volunteers of the vicinage in any section of the Confederacy, let it go unexecuted. You have no right to call in a standing army to ride down the sentiments of a community in which offenses are charged to have been committed, and execute laws that are so odious that public opinion will not support their execution.

Sir, it is for this purpose your Army is used. It is used as an instrument of despotism; and because it is so used I want it reduced and brought down to such limits as will not make it dangerous, and a source of annoyance and destruction and civil war. I tell you that these things cannot go on forever; whenever blood is shed in an attempt to execute an odious law, and the State authorities are arrayed in hostility against the Federal authority—State troops and Federal troops coming into conflict—then I undertake to say that this Government is pretty near its end.

[Here the hammer fell.]

The question recurred on the amendment to the amendment.

Mr. FLORENCE demanded tellers.

Tellers were ordered.

Mr. STEVENSON moved that the committee rise.

The question was taken; and the motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. JOHN COCHRANE reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the Army appropriation bill, and had come to no resolution thereon.

Mr. DAVIS, of Mississippi. I move that the House do now adjourn.

Mr. LOVEJOY. I ask the gentleman to yield to me, to bring up a question of privilege.

Mr. DAVIS, of Mississippi. The gentleman can do that to-morrow.

The motion was agreed to; and thereupon the House (at four and a half o'clock, p. m.) adjourned.

IN SENATE.

FRIDAY, *February* 18, 1859.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a letter of the chief clerk of the Court of Claims, returning, in compliance with an order of the Senate, the memorial and papers of William Gaston Pearson; which were referred to the Committee on Public Buildings and Grounds.

He also laid before the Senate a report of the Attorney General, made in compliance with a resolution of the Senate of March 30, 1858, relative to an examination of the title conveyed to the United States by the city of San Francisco, the 11th December, 1852, to lots Nos. 5 and 6, in Hospital square, in that city; which was ordered to lie on the table.

INDIAN APPROPRIATION BILL.

The Senate proceeded to consider its amendments to the bill (H. R. No. 664) making appropriations for the current and contingent expenses

THE CONGRESSIONAL GLOBE.

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of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1860, disagreed to by the House of Representatives, and the amendments of the House to other amendments of the Senate; and, on motion of Mr. HUNTER, they were referred to the Committee on Finance.

HOUSE BILL REFERRED.

A message from the House of Representatives by Mr. ALLEN, its Clerk, announced that the House had passed a bill (H. R. No. 823) regulating the payment of postage on newspapers and periodicals, and for other purposes; which was read twice by its title, and referred to the Committee on the Post Office and Post Roads.

PETITIONS AND MEMORIALS.

Mr. STUART presented a petition of inhabitants of Jackson and Ingham counties, Michigan, praying the establishment of a mail route from Franciscoville to Stockbridge; which was referred to the Committee on the Post Office and Post Roads.

Mr. SEWARD presented the petition of Catharine Beatty, only child and heir of Barnt de Klyn, deceased, praying the payment of certain loan-office certificates issued by the Continental Congress for moneys loaned to carry on the war, and which have not yet been paid; which was referred to the Committee on Revolutionary Claims.

Mr. BRIGHT presented a petition of citizens of Randolph and Putnam counties, Indiana, praying the establishment of a mail route from Nicholsonville to New Maysville; which was referred to the Committee on the Post Office and Post Roads.

Mr. GWIN presented the petition of Mary A. Moore, administratrix of Jacob B. Moore, deceased, late postmaster at San Francisco, praying compensation for services rendered by her husband as collecting and disbursing agent of the Post Office Department, in California; which was referred to the Committee on the Post Office and Post Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. DURKEE, it was

Ordered, That William J. Sears have leave to withdraw his petition and papers.

On motion of Mr. PUGH, it was

Ordered, That the petition of John P. Brown, dragoman at Constantinople, be withdrawn from the files of the Senate, and referred to the Committee on Foreign Relations.

DAILY HOUR OF MEETING.

Mr. STUART submitted the following resolution for consideration:

Resolved, That on and after Saturday next, the hour of meeting of the Senate shall be twelve o'clock, m., of each day, until otherwise ordered.

REPORTS FROM COMMITTEES.

Mr. STUART. The Committee on Public Lands, to whom was referred a petition from citizens of Iowa, praying the establishment of a new land district in that State, and also in favor of dividing certain land districts and annexing them to others, have instructed me to say that this subject has been before the Department and before the committee, and in their opinion the expense of either altering the present districts or establishing a new one, would be so large that it would entirely outweigh all questions of convenience to the inhabitants. I therefore report adversely on the petitions.

Mr. STUART. The same committee, to whom was referred the bill (S. No. 467) extending the provisions of "An act to enable the State of Arkansas to reclaim the swamp lands within their limits," to Minnesota, have instructed me to report the bill back with a substitute, which extends the provisions of the act to Minnesota and Oregon, and provides some very necessary limitations upon the original act.

Mr. STUART. The same committee, to whom were referred the several petitions in favor of laying out the public lands in farms or lots of limited size for the free and exclusive use of actual settlers, report them back, and ask that they be laid on the table, as the subject has been reported upon.

The motion was agreed to.

Mr. JONES, from the Committee on Pensions, to whom was referred the bill (S. No. 413) for the relief of Mrs. Ann Smith, widow of the late Brigadier General Persifer F. Smith, reported it without amendment, and submitted a report on the subject.

He also, from the same committee, to whom was referred the petition of Abby S. Chaplain, submitted a report, accompanied by a bill (S. No. 586) for the relief of Abby S. Chaplain. The bill was read, and passed on a second reading.

Mr. MASON, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 531) to allow to Edward K. Cooper and his assigns, being citizens of the United States, the exclusive right of occupying the Island or Key of Navassa, in the Caribbean sea, for the purpose of obtaining and selling guano therefrom, reported it without amendment, and that it be postponed indefinitely. He also submitted a report on the subject; which was ordered to be printed.

Mr. IVERSON, from the Committee on Claims, to whom was referred the bill (H. R. No. 386,) for the relief of Shade Calloway, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 488) for the relief of Cassius M. Clay, reported it without amendment

He also, from the same committee, to whom was referred the bill (H. R. No. 441) for the relief of the assignees of Hugh Glenn, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 560) for the relief of Lydia Fletcher, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs and the Militia; which was agreed to.

Mr. YULEE, from the Committee on the Post Office and Post Roads, to whom was referred the petition of Joseph Taylor, postmaster at Gratis, Ohio, praying to be allowed for postage stamps destroyed by fire while in his possession, submitted a report on the subject, and asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of Tennessee, in favor of such an amendment of the postage laws as will allow any person to indorse his or her name on any public document or newspaper he or she may desire to send to any person or place in the United States, asked to be discharged from its further consideration; which was agreed to.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom was referred the petition of Tilman Leake, submitted a report, accompanied by a bill (S. No. 590) for the relief of Tilman Leake. The bill was read, and passed to a second reading; and the report was ordered to be printed.

Mr. PUGH, from the Committee on Public Lands, to whom was referred the bill (S. No. 525) for the relief of Elias Yulee, late receiver of the land office in Washington Territory, reported it with an amendment; and submitted a report on the subject, which was ordered to be printed.

BILLS INTRODUCED.

Mr. PEARCE, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 589) for the further improvement of the navigation of the Patapsco river, and to render the port of Baltimore accessible to the war steamers of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SEWARD. I ask the unanimous consent of the Senate to introduce a bill, not in pursuance of previous notice.

Mr. BRIGHT. I object.

The PRESIDING OFFICER. Objection being made, it lies over.

Mr. STUART, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 591) to carry out the Shawnee treaty of May 10, 1854; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. LANE asked, and by unanimous consent obtained, leave to introduce a bill to provide for extending the laws and judicial system of the United States to the State of Oregon; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DURKEE asked, and by unanimous consent obtained, leave to introduce a bill to authorize the Commissioner of Indian Affairs to adjudicate and settle certain claims against the Menomonee Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

PRINTING OF REPORTS.

Mr. FITCH. Several reports, unimportant, perhaps, in themselves, have been made by the Committee on Printing, on which the motion to concur was not put. I wish that motion to be now put on the following reports:

The report of the Committee on Printing against printing the memorial of the Warren Baptist Association, of the State of Rhode Island;

The report of the Committee on Printing in favor of printing the report of the Secretary of the Treasury, relative to American vessels engaged in the palm-oil trade on the coast of Africa;

The report of the Committee on Printing in favor of printing the report of the Secretary of War, with a copy of the topographical memoir and map of Colonel Wright's campaign against the Indians in Oregon and Washington Territories, and five hundred copies additional thereof, for the use of the War Department;

The report of the Committee on Printing in favor of printing the usual number of the report of the Secretary of State, on the commercial relations of the United States with foreign nations, in quarto form; and

The following resolution, reported from the Committee on Printing on January 7, by Mr. FITCH:

Resolved, That there be printed, in addition to the usual number, five thousand copies of the report of the Superintendent of the Coast Survey for the year 1858, for distribution by said superintendent; that the same be printed and bound, with the charts and sketches, in quarto form; and that the printing of said charts and sketches shall be done to the satisfaction of the Superintendent of the Coast Survey.

Mr. COLLAMER. I desire to except from that general list the motion to print the statistics of commercial relations. I wish to amend that.

Mr. FITCH. By adding extra numbers?

Mr. COLLAMER. Yes, sir.

Mr. FITCH. Then let the question be taken on the rest.

The question was put on all the other reports; and they were agreed to.

Mr. COLLAMER. Now, I wish to call the attention of the Senate for a moment to the report which has been excepted at my request. It is a report from the State Department, in continuation of the commercial statistics which have been printed in quarto, in three or four volumes—four, I think. This is an addition, bringing it up to the present time, with the alterations which have been reported by our consuls and ministers abroad. It is proposed now to print the usual number of the present report in quarto. I desire to secure the printing of an additional number of copies, to correspond with those copies which have been heretofore printed of the other volumes. I understand the committee did not really pass upon that subject, as there was no motion to print extra copies referred to them. I desire that the publication of this work, if it is made at all, shall be made to correspond with the volumes which have been already published.

Mr. STUART. I submit that if the Senator from Vermont desires to accomplish his purpose, the proper way to do it, and perhaps the only

way, is for him to move the printing of the usual number, and send that motion to the committee, at the same time recommitting the present report. I think that will have to be done, under the rule.

The PRESIDING OFFICER, (Mr. GREEN in the chair.) The subject of printing extra numbers never having been considered by the committee, the Chair understands that to be the proper course.

Mr. COLLAMER. I ask the chairman of the committee what number of this document was printed heretofore?

Mr. FITCH. I do not know what extra number was printed heretofore. There was no question before the committee, except as to printing the usual number of this volume. I prefer that that motion should be agreed to; and if the Senator will send a resolution to the committee with regard to printing extra numbers, they will consider it.

Mr. COLLAMER. My motion is, that an additional number of five thousand copies be printed; and the committee, when they have that motion before them, can consider the whole subject. I move, at the same time, to recommit this report with that motion.

Mr. FITCH. I do not understand that there is any necessity for recommitting this report. The question can be taken on it.

Mr. HALE. I object to the consideration of the report to-day.

The PRESIDING OFFICER. The report has been made several days.

Mr. HALE. I thought it was made this morning.

Mr. COLLAMER. My object is——

Mr. FITCH. I make no objection to the recommitment.

Mr. COLLAMER. I desire the whole subject to be before the committee.

The PRESIDING OFFICER. The motion is to recommit this report, with instructions to the Committee on Printing to inquire into the propriety of printing five thousand extra copies.

Mr. COLLAMER. Or such number as the committee may recommend.

The PRESIDING OFFICER. The Chair will put the motion in that way.

The motion was agreed to.

THE SITE OF FORT DEARBORN.

Mr. STUART. The Committee on Public Lands, to whom was referred a memorial of citizens of Chicago, Illinois, together with a bill to legalize a sale that was made in 1839, of Fort Dearborn, have instructed me to recommend the passage of the bill. This sale was made in pursuance of a law of Congress, through the Secretary of War, and under the direction of the President of the United States. It is thought, however, that some question has been recently made as to the validity of that title. It is within the city of Chicago, covered by improvements that are immensely valuable, and the bill proposes to confirm that sale. I confess, that my own opinion is, that the sale is valid now; but it is a question of such vital importance to the owners there, that a law of Congress is deemed necessary. The committee report the bill favorably, and I think I am justified in asking the indulgence of the Senate for five minutes, it will not take longer, to pass the bill. It is very important that it should become a law at this session.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 565) to legalize the sale of the southwest quarter of section ten, in township thirty-nine, north of range fourteen, east of the third principal meridian, in the State of Illinois.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS HÜTTMANN.

Mr. CLAY. The committee on Commerce, to whom was referred the memorial of Francis Hüttmann, praying the return of tonnage and light duties exacted and paid by him on Peruvian, Danish, and German vessels, have directed me to report a bill for his relief. I wish the Senate would indulge me by the passage of the bill at once. We have had some $540 of this man's money, illegally exacted from him, in our use now for ten years, and all the bill provides is to pay him back the money, and the interest on it at six per cent. I think the bill ought to pass. He claims some consequential damages, and some of the committee were inclined to give him more; but we compromised on giving him what nobody certainly can refuse.

Mr. PUGH. That is an extraordinary bill.

The bill (S. No. 588) for the relief of Francis Hüttman was read, and passed to a second reading.

Mr. GWIN. I hope it will be considered now.

There being no objection, the bill was read a second time, and considered as in Committee of the Whole.

It directs the Secretary of the Treasury to adjust the claim of Francis Hüttman for return of tonnage and light duties illegally exacted and paid by him on Peruvian, Danish, and German vessels, at the port of San Francisco, California, and to pay him the amount due, with interest, at the rate of six per cent. per annum from the date of the exaction of the duties; but nothing in this act is to be construed to authorize the payment of any damages arising in consequence of the illegal exaction of the duties.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE FISHER.

Mr. SIMMONS. I am instructed by the Committee on Claims, to whom was referred the memorial of Thomas Brown, administrator of George Fisher, deceased, to report a joint resolution, and I ask that it be put on its passage now. It is merely an explanatory resolution. At the last session of Congress we devolved the duty of settling this claim on the Secretary of War by a joint resolution, and this is merely explanatory of that resolution.

There being no objection, the joint resolution (S. No. 80) relating to the claim of George Fisher, late of Florida, deceased, was read twice by its title, and considered as in Committee of the Whole.

It directs that the joint resolution of the last session, approved June 3, 1858, devolving upon the Secretary of War the execution of the act of Congress entitled "An act supplemental to the act therein mentioned," approved December 22, 1854, shall be so construed as to authorize the Secretary of War to reëxamine and settle the account therein referred to, and to admit the depositions formerly rejected for want of authentication, if they are now duly authenticated by the Executive of Alabama, and allow such items in the account as are proved to be true, and are in any wise affected by such testimony, without disturbing those not so affected.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIG CALEDONIA.

Mr. BELL. The committee of conference appointed on the disagreeing votes of the two Houses on the bill (H. R. No. 218) for the benefit of the captors of the British brig Caledonia, have come to an agreement, the particulars of which will be found in the brief report I present. The committee were unanimous.

The report was read, as follows:

The committee of conference upon the disagreeing votes of the two Houses on the bill of the House (No. 218) entitled "An act for the benefit of the captors of the British brig Caledonia in the war of 1812," having met, after a full and free conference have agreed to recommend to their respective Houses as follows:

That the House of Representatives do agree to the first amendment of the Senate, with the following amendment: insert the words, "the widows of the captors, if any; and if none, then to their children or grandchildren, but not to collateral heirs."

That the House of Representatives do concur in the second and third amendments of the Senate.

That the House of Representatives do concur in the fourth amendment of the Senate, with the following amendment: insert the words, "widows, if any; and if none, then to their children or grandchildren, but not to collateral heirs."

And that the Senate do concur in the said amendment to the amendments of the Senate.

JOHN BELL,
C. C. CLAY, Jr.,
Managers on the part of the Senate.
JOHN HICKMAN,
J. MORRISON HARRIS,
Managers on the part of the House.

Mr. PUGH. Is that bill here?

The PRESIDING OFFICER, (Mr. FITZPATRICK.) The Chair understands that the bill is not here.

Mr. PUGH. Then I object to the consideration of it now.

The PRESIDING OFFICER. It will lie over.

Mr. BELL. I should be glad to have that question settled. The Senator has taken the position which I did in this body upon a very important measure; but the Senate overruled me.

The PRESIDING OFFICER. The Chair will state to the Senator from Tennessee, that, under the rule, all reports must lie over one day if objected to. Does the Senator from Ohio withdraw his objection?

Mr. PUGH. No, sir.

Subsequently a message was received from the House of Representatives, announcing that the House had concurred in the report of the conference committee.

Mr. PUGH. I objected this morning to the consideration of the report of a committee of conference, because we had not the bill. The House has concurred in the report and sent the bill to us. I therefore withdraw my objection, and ask that the question be taken on concurring in the report.

The report was concurred in.

E. GEORGE SQUIER.

Mr. POLK. The Committee on Foreign Relations, to whom was referred the petition of E. George Squier, have directed me to report a bill for his relief. It provides for the payment of $4,500 to him.

The bill (S. No. 587) for the relief of E. George Squier, late chargé d'affaires to the Republic of Central America, was read once by its title, and ordered to a second reading.

Mr. DIXON. I wish the Senate would grant me the indulgence of taking up that bill reported by the Senator from Missouri, and consider it at this time. It is a matter of great importance to a very worthy man; and I think, if the Senate will listen to the report, they will pass it without any time being occupied on the subject.

The PRESIDING OFFICER. By unanimous consent, the bill may be considered now. The Chair hears no objection.

The bill was read a second time, and considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to E. George Squier, late chargé d'affaires of the United States to Guatemala, the sum of $4,500, for services and expenses incurred by him, as chargé d'affaires to the Republic of Central America, during the years 1849 and 1850.

Mr. HUNTER. How did that bill get before the Senate?

The PRESIDING OFFICER. By unanimous consent.

Mr. POLK. If the report is not read, and the bill is to be put on its passage, it is perhaps fair that I should state the circumstances. Mr. Squier was appointed chargé to Nicaragua. He went there. He also received letters of credence to each one of the other four Central American States. He remained there from September until April. He returned home, on leave of absence, in April. The letter that gave him that leave was highly complimentary to him. He negotiated treaties with four of the Central American States. Two of those treaties were sent to the Senate. One of them was not sent, because it was superseded by another arrangement; and the other one was withheld, perhaps for political considerations.

Mr. Squier claimed compensation and outfit to each one of those Central American States; and also claimed salary from the time at which he arrived here until he was superseded. Shortly after the death of General Taylor, he was superseded. The Committee on Foreign Relations refused to allow him the salary, he having received an infit, and he being told at the Department at the time that he might have either the salary or the outfit, but not both. He chose the outfit, and the committee refused to let him have the salary. Then the Committee on Foreign Relations gave him one outfit of $4,500 only—not one for each of those Central American States to which he was accredited, and with which he held diplomatic intercourse. They gave him one outfit. He

claimed, however, in the meantime, his traveling expenses from one of those capitals to the other, and he said that his clerk hire had been very heavy. The committee supposed, however, that $4,500 would be sufficient compensation for all that, and gave him one outfit. I will state that that was a deviation from what had been the case in some five or six different instances. In one of those cases it was stated in committee, by those who were in the Senate at the time, (and the particular case can be given by the chairman of that committee if the Senator desires it,) that where the Committee on Foreign Relations reported against a claim for outfits where the party had been accredited to another State than the one to which he was originally sent as chargé d'affaires, and that question came up before the Senate afterwards, the Senate overruled the Committee on Foreign Relations, and allowed an additional outfit. In this instance, however, the committee give him only one.

Mr. HALE. I do not think, from the statement of the Senator, that this bill ought to pass. This is private bill day, and I think we had better devote our time to some honest claims of poor people that have been waiting here for years, instead of giving this diplomatic representative extra pay. I presume Mr. Squiers got all he was legally entitled to, and I hope the time of the Senate will not be taken up with this bill. This is private bill day, and there are a great number of bills on the Calendar which we ought to proceed to the consideration of, and I think it would be well enough to let this diplomat wait. I am opposed to the bill.

The PRESIDING OFFICER. The Chair will call the special order at twelve o'clock.

Mr. DIXON. I wish to state what Mr. Squier actually did; and when the Senator from New Hampshire hears it, I think he will let the bill pass. Mr. Squier was appointed under General Taylor, in 1849. He was appointed chargé to Guatemala at a salary of $4,500 a year. Subsequently he received, as has been stated, special powers and instructions to each of the States of San Salvador, Nicaragua, Honduras, and Costa Rica, with all of which he held diplomatic relations, and with three of which he made treaties. For these extraordinary services, notwithstanding the largely increased expenditures which he incurred, he received no return whatever. Now, it does seem to me that he is entitled to compensation for those extra services. I do not wish to take up the time of the Senate with a statement of the case. I think if it was understood, the Senator from New Hampshire, and every other Senator, would allow it to pass.

Mr. HALE. If I understand the case it is this: he was appointed chargé to Guatemala, and received his outfit. He received his whole salary, and received an infit.

Mr. POLK. No, sir. He received an infit; but did not receive salary from the time he left until he was superseded. The Department gave him the alternative either to receive the infit or the salary down to the time he was superseded; but not both. He chose to take the infit. The committee then refused to give him the salary.

Mr. HALE. Well, sir, I think he has been paid just exactly what he ought to be paid. This paying of double salaries, because a man rides about in Central America, where some of the kingdoms are not so large as many of the counties in our State, I do not approve of. I take it, they are very small affairs.

A SENATOR. Not kingdoms.

Mr. HALE. They are sometime governed as kingdoms, sometimes as republics, and sometimes by a mob. I know that when one of our ministers (Mr. Stevens) went down there, he could not find any Government at all. If the minister receives an outfit and salary, it is all he ought to have, unless you pay him his actual traveling expenses that he incurred in traveling from one Government to another; but this $4,500 he ought not to have.

Mr. POLK. I will state to the Senator, that the precedents on which this is based, are six in number, commencing with Mr. Murray, in 1800, going on with Mr. Madison, in 1804, down to the present case. I will also state, according to my recollection, what was stated by the chairman and other members of the Committee on Foreign Relations, in the case of Mr. Pendleton, of Virginia, in 1852, who was chargé to Buenos Ayres, and afterwards had letters of credence to the Argentine Confederation and the Republics of Paraguay and Uraguay. The Committee on Foreign Relations reported against his claim, at least to the extent to which he preferred it, and when it came before the Senate, the Senate overruled the action of that committee, and gave him a compensation that corresponded with what had been the precedents theretofore. The committee say to Mr. Squier, although you were accredited to four States in addition to the one to which you were originally sent, and though you made negotiations with each of those four States, and effected treaties, we will not give you an outfit except for one of them. We agreed to give an outfit for one.

I will state to the honorable Senator from New Hampshire that that was done, I believe, by the committee, mainly on this consideration that that would be about a fair compensation for the additional expense and travel to which he had been put, in going to, and negotiating treaties with, these four other Central American States. They could not tell, they had not the means before them, the exact cost to which he was put in traveling. He said that he had bought horses and mules, and had to travel with his own establishment and carry his own provisions; but we could not go into that account, and we suppose that $4,500, the amount of an infit of a chargé to one of the Central American States, would indemnify him. We were willing to give that, and that is the amount reported.

Mr. CLINGMAN. There is one additional reason why I shall vote for this bill. It comes within the reason of several bills which have been passed by Congress, heretofore. The cases of Messrs. Pendleton and Schenck and others, are fresh in the recollection of gentlemen; but I desire to vote for it upon this ground——

Mr. POLK. Will the Senator allow me one moment? I only wish to state this other fact, that the report made on this case by the Committee on Foreign Affairs, in the other House, allowed him $9,000.

Mr. CLINGMAN. I am very glad to hear that. I was about to say, however, that during the time this gentleman was there, he made very active and energetic efforts to advance American interests in that country generally. If there was any complaint made against him at all, it was that he was too pressing. Any Senator who looks at the condition of things in that country, and the efforts made by our great rival there, will be satisfied that he could not possibly have gone farther than the British ministers and agents, and simply because he manifested very great zeal and energy, while in that country, in his efforts to advance the interests of the United States, in which I think our ministers are too slack, I would vote for it upon that ground, if it did not stand upon just grounds independent of it.

Mr. POLK. Let me read to the Senator a portion of the letter of General Cass, sent to the Committee on Foreign Affairs of the other House, in regard to this claim. He says:

"Mr. Squier's services in Central America were regarded by the President and by the Department as of great importance and value, at a most interesting juncture of our relations in that quarter, and especially in connection with the negotiations which were going on here at the same time with Great Britain. He was informed on the 25th October, 1849, that 'the President has been gratified with the intelligence and activity evinced' by him; on the 20th November, that the Department 'justly appreciated his energy, zeal, and ability,' and he was 'especially thanked for the valuable information contained in his dispatches.' On the 7th of May, 1850, he was told that his 'conduct in the negotiation of the treaty with Nicaragua, which was the great business of his mission, has been highly approved by his Government.' In reply to an application for leave of absence, the Department stated to him that 'the energy and zeal which he had exhibited in the public service and the state of his health entitled him to it.' Mr. Squier accordingly came home under that leave; whilst here, a new Administration was organized, and he was superseded."

Mr. HUNTER. If the vote is about to be taken on this bill, I will not interpose. ["Let us vote."]

Mr. KING. How did this bill come before us? Is there a report of the facts of this case?

The PRESIDING OFFICER. It was reported from the Committee on Foreign Relations, and considered by unanimous consent.

Mr. KING. Is there a report in the case? If there is, I should like to hear it read.

The PRESIDING OFFICER. There is a written report accompanying the bill.

Mr. HALE. Let us hear it.

Mr. HUNTER. Is it competent for me to submit a motion to postpone all prior orders, and take up the appropriation bill?

Mr. JONES. Let us pass this bill.

Mr. HUNTER. But Senators want to hear the report read.

The PRESIDING OFFICER. The Chair will state to the Senator from Virginia that there is a matter before the Senate. This bill is now before the Senate as in Committee of the Whole.

Mr. BIGLER. The Senator can move to postpone the bill.

The PRESIDING OFFICER. Certainly. Is the reading of the report called for?

Mr. ALLEN. I ask that the report may be read.

Mr. POLK. I hope the vote will be taken now.

Mr. HALE. Let the report be read. ["Oh, no!"]

The PRESIDING OFFICER. Is the reading of the report demanded?

Mr. HALE. Yes, sir.

The PRESIDING OFFICER. The Secretary will read it.

The Secretary read it, as follows:

The Committee on Foreign Relations, to whom was referred the memorial of E. George Squier, late chargé d'affaires of the United States to the Republic of Guatemala, praying additional compensation for extraordinary services performed by him during his mission, have had the same under consideration, and now report:

The memorial sets forth that, on the 2d April, 1849, the memorialist was commissioned as chargé d'affaires of the United States to the Republic of Guatemala, and also formally accredited to the Republics of San Salvador, Nicaragua, Costa Rica, and Honduras, by separate letters to the ministers for foreign affairs of those Governments; that the President also conferred upon him, in due form, full and separate powers to negotiate treaties with the Governments of Guatemala, San Salvador, Nicaragua, Honduras, and Costa Rica; that, with the first four of these Republics, he concluded important treaties, two of which were ratified by the Senate; that, in carrying on correspondence, and conducting negotiations with five different Governments at the same time, he was compelled to employ two secretaries, for which no compensation was allowed him; that, in collecting information with regard to the practicability of a ship canal between the two oceans, through Nicaragua, in accordance with his instructions, he necessarily traversed the State in every direction, and spent considerable sums of money in procuring proper instruments, and many weeks of time.

That in June, 1850, he returned to the United States on leave of absence from the Secretary of State, and whilst here a new Administration came into power, and he was superseded on the 13th September following. That upon the settlement of his accounts at the Department, he was allowed a salary only to the time of his leaving Central America, together with the usual infit of a chargé d'affaires.

In consideration of these facts, the memorialist asks that he may be allowed a sum equal to an outfit of a chargé d'affaires to each of the republics to which he was commissioned, and with which he opened relations; and also for the salary accruing between the 28th June, the date of his leave, and the 13th September, the date of his recall; and in support of his claim refers to allowances heretofore made in similar cases, namely: to Mr. Murray, in 1800; Mr. Madison, in 1804; Mr. Pinkney, in 1806; Messrs. Schenck and Pendleton, in 1852; and Mr. Kerr, in 1854.

It further appears that the Secretary of State, in a letter addressed to the Hon. D. E. Sickles, of the Committee on Foreign Affairs, in the House of Representatives, dated April 12, 1858, in answer to a call for information on the subject, fully sustains the statements of the memorialist in regard to the "value and importance of the services rendered by the memorialist at a most interesting juncture of our relations in that quarter, and especially in connection with the negotiations which were going on here, at the same time, with Great Britain;" and after speaking of the energy and zeal which he had exhibited in the public service as being such as justly to entitle the memorialist to the leave of absence asked for, and granted by the Department, the Secretary adds:

"The precedents referred to in the memorial of Mr. Squier are pertinent to its application. The 'letters of credence' and 'full powers' bestowed upon the functionaries named, were documents of precisely the same character as those hereinbefore mentioned as furnished to Mr. Squier."

In the various precedents cited by the memorialist and referred to by the Secretary, there may have been peculiar circumstances which, in the judgment of Congress, justified their allowance. But in the opinion of the committee, as a general rule, the purpose and object for which outfits are allowed to our diplomatic representatives, is mainly to furnish the means for fitting up necessary establishments suited to their grade at the Courts to which they are accredited, without having to draw upon either their salaries or private resources for that purpose. In this case it does not appear that any such establishments were necessarily fitted up; on the contrary, the very brief period (less than a year) during which the memorialist remained in Central America, renders it more than probable that none such were required, except, perhaps, at the Court where he chiefly resided whilst in that country.

In carrying out this view, the committee believe that a reasonable allowance should be made to cover the expenses of the memorialist in going from one Court to another, to-

gether with clerk hire and other charges incident to the negotiation of the several treaties concluded by him with the republics of Central America, and in the absence of any certain data from which to ascertain the amount of such expenses the committee regard the allowance of one additional outfit of $4,500, as amply sufficient for that purpose, and recommend it accordingly.

With reference to the claim for $939, for the balance of salary alleged to be due for the interval between the date of his departure from Central America (28th of June, 1850) to the time of his recall, (13th of September, 1850,) the committee are of opinion that the decision of this question rested properly with the Department. If justified by law and usage in such cases, it would doubtless have been allowed in the settlement of his accounts, unless excluded by special considerations. Unadvised of the peculiar circumstances which may have caused the rejection of this item by the proper accounting officer, in the settlement heretofore made, the committee are not disposed to disturb that settlement. They therefore report a bill in accordance with these views, and recommend its passage.

Mr. HALE. It seems I was not mistaken, and the Senator from Missouri was. According to the report, he has received an infit. That is what the report says.

Mr. POLK. The Senator from New Hampshire forgets what I said. The Senator from New Hampshire said he had received his salary and an infit. I said no; he had not received his salary, but he had received an infit. The alternative presented to him by the Department was, that he might either have an infit or his salary from the time he left until he was superseded, and he chose the infit, which he got, and the salary he did not get. That is what I stated. The Senator from New Hampshire misunderstood me.

Mr. HALE. I am obliged to the Senator. Will the Senator be so good as to tell me how long Mr. Squier was out in Central America?

Mr. POLK. The dates are stated in the report. My recollection is, he was there from September until April; whether the April of the next year or the year after I do not know; but the dates are stated in the report.

Mr. HALE. Will the Secretary be so good as to read that portion of it?

Mr. HUNTER. How much did he get for his whole compensation?

Mr. POLK. I do not know. I think he got his outfit—$4,500—and his salary up to the time he left.

Mr. HALE. Then this diplomat received an outfit of $4,500, and he received his salary for every day he was there up to the time he left to come home. It was as long as he ought to have been paid. He came home, and while here he was superseded, and he received an infit. He was out, I think, only six months. The Secretary can read that part of the report.

The Secretary read, as follows:

"In this case it does not appear that any such establishments were necessarily fitted up. On the contrary, the very brief period (less than a year) during which the memorialist remained in Central America, renders it more than probable," &c.

Mr. HALE. He was there, as the Senator from Missouri stated, from September until April, about seven months, and he got $4,500 to go out with; he got his whole salary paid up to the time he left the country, and he got an infit besides; and now for the seven months he comes here and asks $4,500 more. If the statement of that case is not an argument against it, I will not argue it, but simply ask the yeas and nays on the passage of the bill.

Mr. HUNTER. I ask the Senator from Missouri if the Senator from New Hampshire is right in stating the amount?

Mr. POLK. My impression is, that he is right in stating the amounts.

Mr. HUNTER. Then he got something like eleven or twelve thousand dollars.

Mr. POLK. How much he got I do not know. I do not know what his salary was. My belief of the facts is, that he received his outfit; he received his salary up to the time he left the country; and then he received an infit. When he came to settle his accounts, the question was whether he should have his infit and his salary, not only up to the time he left the country, but up to the time he was superseded. The Department refused to give him the salary up to the time he was superseded, but gave him his infit. I will state that what I have said, I have said more because the Committee on Foreign Relations have reported an amount less than has heretofore been reported under any circumstances similar to these. I was informed by old members of that committee that in one case where they refused to allow to Mr. Pendleton as much as he claimed, the Senate of the United States overruled their judgment and gave him what he claimed upon the precedents, which had preceded. I have nothing to say in this case further.

Mr. MASON. I hope I shall be indulged in a word. When the Senate, some years ago, set the precedent of giving to our foreign ministers who were abroad, and whilst abroad were sent on separate and distant missions, a large allowance, as in the case of Schenck and Pendleton, I thought the allowance was an extravagant one, and voted against it in the Senate, and spoke against it in debate. But I have not known an instance where an application has been made by a minister resident abroad, who has been accredited to one Court and has gone upon a separate mission, that he did not receive compensation for that new duty. In the case of Mr. Kerr—a case very similar to this—he was accredited to one of the Central American States, and was directed to go to another, on a visit only, to make a treaty; and he was paid an outfit for it, I think, together with his expenses. In the case of Schenck and Pendleton they visited different countries and received two outfits; and in the case of Pendleton, although he was but a chargé d'affaires, Congress gave him the outfit of a minister. Now, I respectfully say to the Senate that in the case of these gentlemen it does not seem altogether fair to give to one of them bread and to another a stone. This gentleman, while he was abroad, accredited to one of the Central American States, by direction of the Executive visited three of them, and made treaties with some of them. Besides that, he obtained a vast amount of valuable information, which was appreciated by the Executive. I thought he should be allowed, not in pursuance of, but in subordination to, other precedents, to have at least two outfits. The committee thought otherwise, and agreed to give him one. It would be very hard to deny him that, I think.

Mr. DIXON. The Senator from New Hampshire stated that Mr. Squier was absent six months; that he was gone between April and September. He was gone from April, 1849, to September, 1850, eighteen months instead of six.

Mr. HALE. I took the time as read from the report at the Secretary's table, and I am told now by the Senator from Connecticut that I am mistaken. I think he is, but I will not argue that. If the Senate has set these precedents, I ask them not to set another. The honorable Senator from Virginia, the chairman of the Committee on Foreign Relations, thought then, and thinks now, that the precedent on which you undertake to found this claim, was a bad one—that of Schenck and Pendleton. I thought so at the time, and so voted. These things are growing up to be an enormous abuse. I can state precedents. I remember when there was a minister abroad in one of the States of this continent, holding a commission at one court, and he was nominated to the Senate for a higher place. He was commissioner, and he was made minister plenipotentiary——

The PRESIDING OFFICER. (Mr. FITZPATRICK.) It is the duty of the Chair to announce to the Senate that the hour has arrived for the consideration of the Private Calendar.

Mr. DIXON. I hope the vote will be taken on this bill. ["Vote," "Vote."] One single word——

Mr. HALE. The floor is mine, unless we go on with the Private Calendar.

The PRESIDING OFFICER. The Private Calendar is called, and it can only be dispensed with by a vote of the Senate.

Mr. HUNTER. If the private bills are up, I move to postpone them, with a view to take up the consular and diplomatic appropriation bill.

Mr. DIXON. I will ask the Senator from Virginia to withdraw that motion, to permit the vote to be taken on the bill.

Mr. HUNTER. It is obvious the question ought not to be taken now. The report ought to lie over and give us time to examine it. I am not satisfied that the vote should be taken now on this case. I think it ought to be examined.

Mr. POLK. The Senator from New Hampshire is on the floor, I believe.

Mr. HUNTER. He had the floor; but if private bills come up he has it not. The bill on which he had the floor is not up. I submit my motion to postpone all prior orders, and take up the appropriation bill.

Mr. MALLORY. I submit to the Chair whether the Senator from Virginia can, without notice, make such a motion as this, which will supersede the private bills. Can they be postponed by any motion of this kind?

The PRESIDING OFFICER. The Chair has just called attention to the fact, that the hour has arrived for the consideration of the Private Calendar. That business comes up as a matter course under the order of the Senate.

Mr. HUNTER. The President decided it was up.

The PRESIDING OFFICER. The Chair considers the motion of the Senator from Virginia perfectly in order. It depends on the will of the Senate whether they will sustain it or not.

Mr. HUNTER. I submit that motion.

Mr. MALLORY. I ask for the yeas and nays on it.

Mr. HUNTER. I must ask the Senate to give me a vote on this question.

Mr. DIXON. I rise to a question of order. I desire to inquire whether one o'clock instead of twelve, is not the hour for taking up private bills?

The PRESIDING OFFICER. The Secretary will read the resolution under which the decision is made.

The Secretary read the following resolution, which was adopted on the 17th of January:

"*Resolved*, That for the residue of the present session, Friday of each week, after the expiration of one hour from the time of meeting of the Senate, shall be set apart for the consideration of private bills, in the order in which they stand upon the Calendar."

Mr. HUNTER. Then I submit my motion.

Mr. MALLORY. I ask for the yeas and nays on that motion.

Mr. IVERSON. I trust the motion of the Senator from Virginia will not prevail; and that the Senate will not take up the appropriation bill at present. I desire that we shall go on with the Private Calendar. If we take up that Calendar, I shall move that we take up first the bills that come from the House of Representatives; and pass those which shall not be objected to or do not give rise to debate. In that way we shall at least do justice to some portion of the private claimants who have had the trouble of getting their bills through the House of Representatives. I will state that in many of these cases persons have gone to the Court of Claims——

Mr. HUNTER. I make a proposition to the Senator from Georgia. I will not say a word on my side of the question, but allow it to go without debate, if he will do the same.

Mr. IVERSON. The difficulty is that the gentleman has such a momentum on his back in behalf of that appropriation bill, that it requires some resistance on the other side, in order to get rid of its effect. I am not disposed to debate the question at all, but I will simply say that many of these claimants have been driven to the expense and trouble and delay of going to the Court of Claims, where they have had to pay heavy fees. They have got their cases adjudicated by the court, they have carried them to the House of Representatives, and have passed the House, and now they are here before the Senate, and unless the Senate considers them, all this process will be gone over again; they will have to recommence at the next session. I think it an act of great and gross injustice to them that the Senate should not consider their bills.

Mr. CLARK. I find no fault with the action of the chairman of the Committee on Finance. He is in the able and faithful discharge of his duty; but I have got almost tired of hearing this eternal clamor about the appropriation bills. When it was proposed to take up the Cuba bill, we must take up the appropriation bill. When it was proposed to take up the agricultural college bill, up sprang the appropriation bill. When it was proposed to take up the homestead bill, up sprang the appropriation bill. When we now propose to go on with the Private Calendar, up comes the appropriation bill. Now, sir, I should be glad to consider something else if we could. I am glad to say for once that the appropriation bill is opposed to the Private Calendar. I want the Senate to determine whether they will vote money on the appropriation bill to pay the Government officials, and will not vote to pay their

just debts. Let it come in that shape, and let the Senate decide which they will do—put money in the pockets of their officials, make appropriations for them, and crowd out everything else, or pay debts which their own committees admit to be due, and ought to be paid. You make your appropriations from year to year, and every year as it comes along. Here stand your private bills, ten, twenty, or thirty years, clamoring for payment; and when you take them up reluctantly, time after time, you delay them this way by your appropriation bills. I hope the Private Calendar will be proceeded with.

Mr. HUNTER. Senators seem to argue as if the appropriation bills could pass themselves, without any human agency or assistance. We are always told that they are sure to pass; but how will they pass? We have not a fortnight left; and unless we act on them as they are matured and presented to the Senate for consideration, we cannot act as we should do, with due consideration. But, sir, I do not wish to debate this question of priority of business. I leave it to the Senate to say. I hope the vote will be taken.

Mr. PUGH. Last Saturday, we took up the Private Calendar. About three o'clock in the afternoon there was a vote taken, and there was no quorum; and, if I mistake not, the Senator from New Hampshire was one of the absentees.

Mr. CLARK. No, sir; I was here.

Mr. PUGH. I think the Senator's name was not recorded.

Mr. CLARK. I was here all the session.

Mr. IVERSON. The Senator from Ohio will allow me to correct him. We did not take up the Calendar until half past two o'clock on Saturday, although it was in order at one o'clock. There was another question under debate, and we did not reach the Private Calendar until half past two o'clock.

Mr. PUGH. I do not know what hour of the day we took it up. I know we did take it up; and at an unusually early hour of adjournment for the Senate, at this stage of the session, we found ourselves without a quorum; and I asked leave of the then Presiding Officer to make a short speech, in which I called attention to the fact that, after all the clamor on the subject of the Private Calendar, we could not keep a quorum here; and I believe the Senator from Arkansas [Mr. JOHNSON] added, that gentlemen who were most clamorous for the Private Calendar were the absentees. It was true. Now, sir, I have looked at this Private Calendar, and I do not believe that there are six bills on it that ought to pass. I hear a great deal said about the iniquity of the Government. I believe it is the most liberal Government in the payment of claims that ever was on the face of the earth. I do not believe the Government has ever defrauded a man out of a cent. There may be cases where, from the imperfection of proof and other delays, his claim has not been presented; but nine tenths of these private claims have no justice at all. We sit here and hear them debated; call for the reading of the report; and if there is debate, or a demand for explanation, and we offer to take a vote, there is no quorum. I am tired of it, and I shall vote this time, with the chairman of the Committee on Finance, to consider the business of the country.

The PRESIDING OFFICER. It is moved and seconded to postpone all previous orders, and proceed to the consideration of the consular and diplomatic appropriation bill.

Mr. HUNTER and Mr. MALLORY called for the yeas and nays; and they were ordered; and being taken, resulted—yeas 21, nays 28; as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Bright, Clay, Clingman, Davis, Fitzpatrick, Gwin, Hunter, Johnson of Arkansas, Johnson of Tennessee, Jones, Pearce, Polk, Pugh, Reid, Rice, Slidell, Stewart, and Ward—21.

NAYS—Messrs. Bates, Bell, Broderick, Brown, Chandler, Chesnut, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Fitch, Foot, Hale, Hamlin, Harlan, Iverson, Mallory, Mason, Sebastian, Seward, Shields, Simmons, Trumbull, Wade, Wilson, and Yulee—28.

So the motion was not agreed to.

PRIVATE CALENDAR.

The PRESIDING OFFICER. The Private Calendar is now in order.

Mr. IVERSON. I move that the Senate first proceed to the consideration of the bills from the House of Representatives, passing those to which there shall be no objection; and, after that, the Senate can go back and take up the Calendar regularly. I do that for the purpose of getting rid of those bills from the House of Representatives to which there is no objection, such as I think we ought to pass, and give an opportunity to those claimants to settle their cases.

Mr. YULEE. I hope that course will not be adopted. It is an unusual one. There will be time during the next two weeks to take up the House bills. They having already undergone the action of the House, will be disposed of finally when acted on by the Senate; and if, as the chairman of the Committee on Claims proposes, we act only on those to which there may be no objection, the same action can be had with very little consumption of our time at any future day. This is the only opportunity when we can have action on Senate private bills, with any prospect of consideration for them in the House of Representatives. I hope, therefore, the Senate will determine to proceed with the Calendar as it is, rather setting aside House bills than giving precedence to them, in order that we may dispose of such of the Senate bills as we may during the day, and send them to the House in season for action there.

Mr. BIGLER. Is the motion of the Senator from Georgia divisible? The motion is to proceed to the consideration of House bills——

Mr. IVERSON. If the Senator will allow me, I will modify my motion so as to proceed simply to the consideration of House bills, and take them up in their order.

Mr. MASON. Do I understand the Senator from Georgia to accompany that with a purpose of passing over such as are objected to?

Mr. IVERSON. No; to take them all up in their order.

Mr. MASON. I do not know much of the character of the House bills, but it was formerly the policy of the Senate to pass claims to which there was no obstruction. A single one may obstruct us for the day if debate arises.

Mr. IVERSON. That was my wish, but Senators around me seemed to prefer to take up all the cases in their order, under the impression that gentlemen would object to every one if they were allowed to do so, and thus we should be consuming the time fruitlessly.

Mr. MALLORY. The Senator's motion cannot be adopted, I imagine, without the general consent of the Senate, and I object to any such course. The Calendar, I understand, must be followed in its order.

Mr. IVERSON. That question was made the last day the Private Calendar was up, and it was overruled.

Mr. MALLORY. I presume if it was wrongly decided, that decision will be reversed to-day.

Mr. IVERSON. The question was made by the Senator from Missouri, [Mr. GREEN,] and the Chair decided against him. He appealed from the decision, and after debate withdrew the appeal. The decision stands, of course.

Mr. MASON. I take it for granted the Senate can control its own business. It cannot suspend any rule without a day's notice, but it can control business at its pleasure. It can make an order that it will confine the first call of the Calendar to House bills, and can equally make it a part of that order to consider no bills which are objected to.

Mr. MALLORY. The admission of the Senator from Virginia covers the whole case. He admits that we cannot depart from a rule of the Senate without a day's notice. The rule of the Senate is, that we must take up the Calendar. Now, taking an isolated case here and there is not proceeding with the Calendar. It is selecting some cases and rejecting others.

Mr. MASON. That is your construction of the rule, which I doubt exceedingly.

Mr. MALLORY. That, I think, is the correct construction.

The PRESIDING OFFICER, (Mr. FITZPATRICK.) This question was made last week, and the Chair determined that this was not a motion to change the rule, but a parliamentary motion simply to direct the order of business; and that it was competent for the Senate to direct the manner in which they should dispose of business. The Chair thinks the motion is in order.

Mr. HUNTER. It seems to me the Chair is undoubtedly right in affirming that a majority of the Senate can dispose of its business as it pleases; but if it be a rule that bills on the Calendar shall be taken up in their order, the Senate cannot reverse that rule without notice having been given. They may, as a bill comes up, postpone it, or do what they please with it; or they can postpone the whole special order assigned for this day, being the consideration of private bills; but it seems to me that if there is a rule that bills shall be taken in order——

Mr. STUART. Is there such a rule?

Mr. IVERSON. There is none such.

Mr. TRUMBULL. I should like to know if it is not in order to move to postpone all other bills except those coming from the House? That is all it amounts to.

Mr. HUNTER. It will be in order to postpone them when they come up, undoubtedly.

Mr. TRUMBULL. May you not make a motion to postpone all bills upon the Calendar, except those which come from the House, just as you move to postpone all previous orders every day? It is a common motion in the Senate.

Mr. IVERSON. I will read a rule of the Senate which I think disposes of the matter. "Special orders"—the Private Calendar is the special order for to-day—

"Special orders shall not lose their position on account of intermediate adjournment, nor shall they lose their relative position on the Calendar, except by vote of the Senate, until finally disposed of."

The vote of the Senate can dispose of them in the order of business.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia to take up private bills from the House of Representatives.

The motion was agreed to; there being on a division—ayes 26, noes 9.

JOHN HUERTAS.

The PRESIDING OFFICER. The first House bill on the Calendar is the bill (No. 251) to authorize the claimants, in the right of John Huertas, to enter certain lands in Florida, which is now before the Senate as in Committee of the Whole.

It is an authorization to the claimants, in right of John Huertas, to a tract of six thousand acres in Florida, confirmed by the Supreme Court of the United States, at the January term, in 1834, to enter, at any land office in the State of Florida, the quantity of three thousand three hundred and thirty-two acres and thirty hundredths of an acre of any of the public lands in that State, offered or unoffered, the same being in addition to the area of two thousand six hundred and sixty-seven acres and seventy hundredths of an acre surveyed for the claim, and designated as section forty-eight, in township nine south, of range twenty-seven east, in the St. Augustine land district, Florida, and being the difference between the quantity embraced by the survey, and the six thousand acres confirmed for the claim.

The bill, when before under consideration, was amended in line ten, by striking out the words, "offered or unoffered," and inserting the words, "subject to private entry;" and in line twenty-three, after the word "of," by inserting, "the projected route of;" and after the word "railroad," adding, "to which grants of land have been made by the United States;" so as to make the clause read:

A patent shall issue for the lands so located: *Provided*, said lands shall not be located on any land within six miles of the projected route of any railroad to which grants of land have been made by the United States.

Mr. YULEE. One of the Senators from South Carolina, who is not present, [Mr. HAMMOND,] desires that there should be a modification in one of the amendments made when the bill was formerly under consideration in the Senate. He seems not to be in his seat now. Perhaps it may be as well to let the bill be passed over informally until he is present.

Mr. BENJAMIN. The Senator from South Carolina requested me to have this bill passed with the amendments as they are, rather than have it postponed; so that, if the Senator insists on the amendments he has put in the bill, I shall make no objection to them, but let it pass. I think the amendments now in the bill were moved by the Senator from Florida.

Mr. YULEE. Yes, sir. The amendment in

the last clause was particularly objected to. I am not very solicitous on that point.

Mr. BENJAMIN. If the Senator will withdraw that amendment I shall be glad. Of course I prefer as few amendments to the bill as possible. It has passed the House.

Mr. YULEE. I will look at it, and see.

The PRESIDING OFFICER. It requires unanimous consent to withdraw the amendments.

Mr. STUART. Before anything further is done with that bill, I should like to hear the report to see the basis on which it is placed.

Mr. YULEE. If it meet with the general consent of the Senate, I will withdraw the last amendment.

Mr. STUART. Let us hear the report.

The Secretary read the following report made by Mr. SANDIDGE, of the House of Representatives, on the 3d of February, 1858:

The Committee on Private Land Claims, to whom was referred the memorial of T. C. Bolling, report:

That after the acquisition of Florida, in 1819, various acts were passed by Congress for the adjustment of private land claims within the ceded Territory, but the tribunals authorized to decide them were not authorized to settle any which exceeded one league square; on those claims exceeding that quantity they were directed to report especially their opinion for the further action of Congress. By the sixth section of the act of 22d May, 1828, all those claims exceeding the one league were, upon petition of the claimants, to be adjudicated by the judges of the superior court of the district in which the land is situated. The memorialist shows that on the 24th December, 1817, Don José Coppinger, Governor of Florida, for reasons stated, granted to John Huertas fifteen thousand acres of land in absolute property; and that on the 24th April, 1824, the land commissioners recommended to Congress for confirmation the claim of Francis J. Avice to six thousand acres of land, in certain locality, being a portion of the fifteen thousand granted to Huertas. (See State Papers, vol. 4, page 450.) On this recommendation, accompanied by final petition, judgment of the Supreme Court of the United States was delivered by Chief Justice Marshall, (8 Peters, page 488.) confirming the decision of the superior court of East Florida in favor of the claimants under Huertas to the six thousand acres mentioned by memorialist, to be located in conformity with the original grant, &c., &c.

Under this mandate, the surveyor general of Florida, in 1850, located at the proper place two thousand six hundred and sixty-seven and seventy hundredths acres of the six thousand acres; balance being located elsewhere. Dissatisfied with this failure to locate the whole amount in accordance with the decree of the Supreme Court, the parties in interest obtained an order from the United States district court in Florida for its rejection, in so far as it failed to conform to that decree, and a new survey was ordered by the court. This last order has not been carried out by the Land Office department, because its execution might interfere with claims of other persons, made in good faith, after the first erroneous survey, and whose claims would be embraced by the extension of the two thousand six hundred and sixty-seven acre tract, so as to make it six thousand acres.

Himself unwilling to disturb settlers in good faith, the present claimant is willing to take other Government lands to make up the deficiency.

In response to a communication from the committee, asking for any information to be furnished by his department, in reference to this claim, the Commissioner of the Land Office says: "The bill to authorize the claimants in right of John Huertas to enter certain lands in Florida, which is herewith returned, is approved by this office, and deemed an act of justice to the claimants. Although it is customary in cases of this kind for this office to recommend the restriction of such grants to lands subject to private entry, that rule is departed from in the present instance, and the location allowed on any lands in the State, 'offered or unoffered,' in consideration of the difficulty of finding in the class subject to entry land of a quality equal to that of which the claimants have been deprived."

The committee herewith report a bill, and recommend its adoption.

The PRESIDING OFFICER. The Senator from Florida asks consent to withdraw the last amendment made to the bill. It requires unanimous consent. The Chair hears no objection.

The bill was reported to the Senate, and the amendment to strike out the words "offered or unoffered" and insert "subject to private entry" was concurred in, and ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

LEONARD LOOMIS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 261) for the relief Leonard Loomis.

It directs the Secretary of the Interior to raise the pension of Leonard Loomis from six to eight dollars per month, and to pay him such increased pension from the 9th of August, 1857.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN F. CANNON.

The Senate, as in Committee of the Whole, next proceeded to consider the bill (H. R. No. 273) for the relief of John F. Cannon

It proposes to require the Postmaster General to pay to John F. Cannon, at the rate of $120 per annum, for and during the time he carried the mail, according to his contract, in addition to the amount already paid to him, for additional expenses incurred and extra service performed by him on mail route No. 2627.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARGARET WHITEHEAD.

The Senate as in Committee of the Whole, proceeded to consider the bill (H. R. No. 232) for the relief of Margaret Whitehead.

Its object is to require the Secretary of the Interior to place the name of Margaret Whitehead, widow of William Whitehead, a boatswain in the United States Navy, on the pension roll, and cause to be paid to her the sum of ten dollars per month, from the 9th of April, 1854, and to continue during her natural life or widowhood.

Mr. TOOMBS. Read the report.

The Secretary read the report made by Mr. CASE, of the House Committee on Invalid Pensions, on which it appeared that William Whitehead, while engaged, under orders, in removing some cannon and balls at Old Point, received a strain in the groin, resulting in hernia, and died of strangulated hernia and hydrocele, April 9, 1854.

Mr. TOOMBS. I move the indefinite postponement of the bill.

Mr. IVERSON. I desire, before the question is taken to say a single word, and I will not detain the Senate. I do not know anything about these bills. They are bills allowing invalid pensions to persons affected by disease or wounds received in the service of the country. I must rely on the report of the committee. They have had the whole case under investigation; they have investigated it thoroughly, no doubt, and are better able to come to a conclusion than I can myself, from reading the papers. I must pin my faith on the report of the committee.

Mr. CLAY. I will say a word on the subject of this bill. It was reported by a majority of the committee; but I did not concur with that majority. The objection I have to this bill is, that it provides a pension for a new class. This is a bill to pension the widow of a boatswain in the Navy. Under the general pension laws, they are not entitled to any pension whatever. Every widow of any officer of the Navy, who dies either of wounds received or disease contracted in the line of his duty, whether in war or in peace, is entitled to a pension now by the general pension laws; but there never comes before either House of Congress a pension case if it is not to provide for some class not within the pale of the general law. The objection I have to it is this: no general law provides for it; and, if you adopt this, it is a precedent for a new class, and we cannot, with any sort of equity or equality of legislation, refuse anybody else who appeals as strongly to our sympathy and makes as good a case. It is by these small degrees that the pension system has been enlarged from what it was originally and should be now—a pension of invalids and indigents; a pension system for those who have received wounds or injuries in the public service and are disabled thereby from supporting themselves, and have no means of support. Now we embrace everybody, rich and poor. A pension bill has been offered in the Senate for two or three sessions, and pressed with great vigor and energy, in behalf of a widow of a naval officer, who, on inquiry of the Navy Department, I ascertained had received, in ordinary and extraordinary pay during his term of service, of some thirty years, $150,000. Congress voted him, at one time, $30,000; and yet a bill has been pressed earnestly, and came very near passing the Senate, to pension his widow.

To show the exceeding flimsiness and falseness of the pretensions to these pensions, I will state a case that occurred only this session, in my own experience. I will not call names. A very worthy widow lady, pressing a pension bill here for her relief, sent in for me and requested an interview with me. I stated that I was opposed on principle to enlarging the pension system; that I could not vote for it. She appealed to my charity. I assured her I did not think she was any object of charity, for, that to my knowledge, her real estate in this city was worth more than I was, and I thought I was independent of public or private charity. I told her that the house and lot she occupied was itself worth as much as my entire property. "Oh, sir," said she, "but it costs so much to keep it up; you do not consider that." [Laughter.] It reminded me of the Spanish beggars, who, I am told, ride on horseback when they appeal for charity, and if anybody rebukes them for begging when they are riding a horse, "Oh," they say, "Señor, the greater cause to beg, for I have my horse to feed as well as myself." The objection to this case is simply that it provides for a new class. If you pass it, hereafter you will find that you will be cited to this as a precedent, and must follow it. Therefore I vote against it.

Mr. TOOMBS. My colleague says that he relies on the committees in regard to these cases. That was a good reliance many years ago. It was true until the last ten or fifteen years; for I found myself on one of those committees in the other House, when these pensions were put upon principle. When the case came within the principle of the act, and came broadly within its equities, but by some special circumstances, the pension could not be got at the office, the committee would report in its favor. Now, however, the committees pay no regard to principle, and last week for the purpose of showing it, I called for the reading of half a dozen reports. Here is a case where you bring in another class against all the practice of the Government, against all its laws. It is against all principle, and against all our practice hitherto.

The Committee on Pensions undertakes to override the settled policy of the Government; and instead of making a law to bring in a new class, they let them in as individual cases. Six or eight of them were read here the last private bill day. It looks to me as if gentlemen considered it almost ill-natured for any one to object to a pension bill. If we are to let them all pass without reading the reports, and without objection, it is simply putting the control of the Treasury in the hands of the committees. It is putting it under the control of people who do not agree with me, and do not agree with the majority of the Senate, and do not themselves act on any sound principle. We can no longer rely on committees, when they will not follow any fixed principles.

The duty of a committee, as I understand it, is to state the principle on which they propose any bill, and to give us the facts of the case. When they wish to make an exceptional case, they should state the grounds of the exception. I have observed that in some of these cases, a long cock-and-bull story about a man sleeping on the ground forty-five years ago, and catching the rheumatism, and that he is, therefore, entitled to a pension. Three or four reports were read the other day, and that was the whole account they gave. I objected to them. Such cases rest on no principle. The Pension Committee being kind-hearted gentlemen, I suppose, report in favor of those who solicit them the most, and I know such solicitations have an effect on all of us, especially if there is a lady in the case, and they are apt to vote for it; but these things ought to be settled on principle. Abuses grow up every day. If it is proper to add another class to our pension list, let us do it by general law, and not by making special cases. Do not confine it to those who are about the Capitol, and who are the most solicitous. If another class is to be added, make it universal; extend it to all of the class, absent as well as present. Do not merely make an exceptional case without any exceptional merit, or any exceptional circumstance whatever, such as these cases seem to be. If, on the reading of the reports, I find they are fairly exceptional, I do not object; but every one of them, except two or three, to which I did not object, on the last private bill day, are entirely outside of any principle or any practice of the Government, that has been settled upon consideration.

Mr. FESSENDEN. I am inclined to thinor on the statement made by the honorable Senatte from Alabama, [Mr. CLAY,] that I shall vote against this particular bill, although I was at first inclined to vote for it; because I think a new class of cases should be introduced by a general law, and the danger which he anticipates from the course of legislation may fairly be apprehended.

But I think the honorable Senator from Georgia is too minute and too particular about these matters. There are cases which he has the capacity to raise a laugh at, that I think may be fairly considered. I think I know particularly the case to which he has just alluded, or one very similar to it, and I am in favor of it. Perhaps he will say I am in favor of it because it comes from the State of Maine. I do not know but that it is so. That would not be very strange. If the principle which he lays down is a correct one, that those cases which come here appealing to a strong sense of equity, but excluded from the general law by particular circumstances, ought to be considered, I think they may fairly be left to the consideration of a committee; and if they think, on investigation, that the case does, on the evidence they have examined, come within the principles, it is a little too particular to take an exception to them when they come here, small in amount as they are, and embraced by the principles of the general law, although the facts may be such as to not quite bring them within its letter.

I do not wish, of course, to take issue with the Senator from Georgia upon any general principle. I only notify him that I do not exactly accede to his view of all these particular cases. I generally go with him; I have been with him in regard to those bills which I thought were exceedingly improper, granting large pensions, during life, to the widows of distinguished officers who died quietly in their beds. I have never seen any reason for them, and I do not see any now; and I have not been led away by those considerations which appealed so strongly to other Senators—the great distinctions that attended the man, and the necessitous condition in which the lady may have been left. They must take their fate in this world, and their fortune, as all the rest of us are obliged to do. I trust, however, the Senator from Georgia will not be so minute as to object to everything in the shape of one of these small pensions to invalids. I am in favor of invalid pensions, and have been from the beginning; although I am opposed to pretty much all other classes.

Mr. TOOMBS. I do not think I was fully understood by the honorable Senator from Maine; for, as he states the principle, I agree with him. I am opposed to all pension laws on principle; but as there are such laws, if a case is presented which comes within their general equities, but where, for some reason, by the rules of the Department, a man cannot get a pension, I will vote to grant him one. If he is only excluded by special circumstances, I will give him the benefit of the general law, if he is within its equity. But I have two great objections against these cases. One is, that you bring in cases which are not really within the equity and spirit of the law; but worse than all, they come with an *ex parte* statement after a great number of years. There is no proof at all, generally speaking, in one of these reports. The evidence before the committee is entirely *ex parte* and feeble and inconclusive and flimsy.

Mr. FESSENDEN. In regard to cases of that kind, I am willing to leave them to the committees.

Mr. TOOMBS. I wish to go one step further. There are a class of cases where, if the facts stated in the reports were true, the men would have been entitled to their pensions at the Department; but they do not give any reason why they have not obtained them, and why those facts could not be made to appear to the Department. I do not see why we should sit here, day after day, giving about one fourth of the public time to private claims, especially to gratuities, when they ought to go to the Department and make proof, unless they can show special reasons why the proof cannot be made there. In most of these cases, if the facts they alleged were true, they could get their pensions without troubling us; but the difficulty is, I am afraid, in many cases the facts are not true, the proof cannot be made, and it is easier to get a pension through a committee of Congress than through the Pension Office. I think that is the foundation of nine out of every ten of them.

The PRESIDING OFFICER. The motion is to postpone the bill indefinitely.

Several SENATORS. Take the question on its passage.

Mr. TOOMBS. I withdraw the motion, and let the question be taken on its passage.

The bill was reported to the Senate; and, on the question "Shall the bill be read a third time?"

Mr. HOUSTON. I ask for the yeas and nays. ["No! no!"] I withdraw the call.

The question being put, on a division, there were—ayes 4, noes 17; no quorum voting.

Mr. PUGH. I move that the Senate adjourn. We have come to that point.

Mr. STUART. Let us have a recount. Senators are here, and willing to vote.

Mr. MASON There is manifestly a quorum present.

Mr. STUART. I hope the Chair will put the question again.

The question being again put, there were, on a division—ayes 9, noes 22; no quorum voting.

Mr. PUGH. Now I renew my motion that the Senate adjourn.

Mr. STUART. I hope the Senator will withdraw it, and allow me to explain. The Chair did not count the Senator from Texas on the first count.

The PRESIDING OFFICER. The Chair did count him.

Mr. IVERSON. The Chair did not count the Senator from Missouri on the last count.

Mr. STUART. I hope we shall have the yeas and nays.

Mr. PUGH. I move that the Senate adjourn.

Mr. BROWN. I ask for a division on that question. That will show whether there is a quorum.

Mr. PUGH. If you drum up a quorum in that way, I shall not object.

The motion to adjourn was not agreed to; there being, on a division—ayes 3, noes 36.

Mr. STUART. Now I move to lay the bill on the table, as a test question.

The motion was agreed to.

FRANCIS CARVER.

The bill (H. R. No. 524) for the relief of Francis Carver was considered as in Committee of the Whole.

It provides for placing the name of Francis Carver on the invalid pension roll, at the rate of eight dollars per month, from the 18th of December, 1857, to continue during his natural life.

Mr. PUGH. I should like to hear the report in that case.

The Secretary read the following report:

The Committee on Invalid Pensions, to whom were referred the memorial and papers of Francis Carver, report:

That it appears, from papers submitted, that said Francis Carver has been, for a period of seventeen years, a soldier in the Army of the United States, having served through the war with Mexico. After that war, he was ordered to the frontiers of Texas, where, for eight or nine months, he was in active service, exposed to the damps and cold of the winter, without tent or covering. During that service, he contracted the disease with which he now suffers.

The discharge of the petitioner is filed with his papers. Said discharge is signed by C. A. May, brevet colonel, and states that Francis Carver is discharged for ordinary disability.

The certificate of J. A. Thompson, acting surgeon of the military asylum at Harrodsburg, Kentucky, states that the petitioner is laboring under a disease called St. Vitus's dance; that he is wholly disabled, &c.

In view of these facts, your committee think this is a case of merit; and report a bill for his relief.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ROBINSON GAMMON.

The bill (H. R. No. 525) for the relief of Robinson Gammon was considered as in Committee of the Whole.

It proposes to require the Secretary of the Interior to place the name of Robinson Gammon, of Roxbury, in the county of Oxford, State of Maine, upon the roll of invalid pensions, at the rate of eight dollars per month, from the 3d of December 1856, during his life.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

FREDERICK SMITH.

The bill (H. R. No. 526) for the relief of Frederick Smith was considered as in Committee of the Whole.

It provides for placing the name of Frederick Smith on the invalid pension roll, at the rate of four dollars per month, from the 1st of February, 1858, during his natural life.

Mr. CLAY. Read the report.

The Secretary read the following report:

The Committee on Invalid Pensions, to whom was referred the papers of Frederick Smith, of Pennsylvania, report:

That they have examined the same, and find that the petitioner alleges that he enlisted into the service of the United States as a private in the company of Captain W. H. Irvin, of the 11th infantry, in the month of May, 1846; that on the 11th day of June, 1847, he was wounded at the National Bridge, in Mexico, by a slug, which entered the left side of his head and became "imbedded between the external and internal plates of the cranium, near the posterior margin of left parietal bone;" said ball or slug was extracted on the 5th May, 1856.

John J. Marks, who signs himself M. D., swears to the character of the wound, and to the fact of his having performed the operation by which the ball was extracted.

Captain William H. Irwin, under whom he served, swears that Smith was wounded while in the line of his duty.

The committee report a bill granting relief, at the rate of four dollars per month, from the 1st February, 1858.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DAVID WATSON.

The bill (H. R. No. 535) for the relief of David Watson, was considered as in Committee of the Whole.

It provides for placing the name of David Watson, of Georgia, upon the list of invalid pensioners, at the rate of four dollars per month, to commence on the 15th day of February, 1858, and continue during his natural life.

Mr. PUGH. Let us hear the report in that case.

The Secretary read the following report:

The Committee on Invalid Pensions, to whom was referred the petition of David Watson, of Georgia, asking an invalid pension, report:

That they have had the same under consideration, and find that the petitioner states that he was mustered into the service of the United States as a private in Captain Charles H. Nelson's company of Colonel Calhoun's regiment of Georgia volunteers, for during the then existing war with Mexico: that, while in the line of his duty in the service, he was attacked with the diarrhea, which has continued until the present time, disabling him, in part, from obtaining his subsistence by manual labor.

George W. Anderson, who was a second lieutenant in the same company, swears to the service of the applicant, and also to the disease having been contracted in the line of his duty.

John Childes and James G. Austin, who were privates in the same company, swear to the facts set forth in the petition of the applicant.

James D. Rivers, who signs himself "M. D., graduate of the University of Pennsylvania, surgeon 44th regiment G. M.," swears to the character of the disease with which Watson is afflicted, although he has no knowledge as to when and where said disease was contracted.

John A. Moody and Nicholas F. Howard, who are certified to be physicians in good standing, swear that he, Watson, is disabled one half by reason of said disease.

All the witnesses are certified to be credible persons. Your committee report a bill granting a pension of four dollars per month, from the 15th day of February, 1858.

Mr. PUGH. I want to call the attention of the Senate to the fact that if this case goes through it will set a precedent of a very remarkable character. I suppose there was scarcely a soldier in the war with Mexico on the Rio Grande who could not make out the same case; for I know, from my own observation, that this was a universal disease among the whole of them, from the commanding officer down to the last private. I should take it to be one of the perils of the campaign that a man might expect, and it might as well happen to a man who never saw the face of an enemy, as to the bravest man in battle. If this bill is passed, if this rule is established, it is certainly extending the pension laws to an inordinate extent, and I shall be compelled to ask for the yeas and nays on this bill, that I may see whether the precedent is to be set.

Mr. IVERSON. I beg leave to read an affidavit which has been sent to me by a colleague of mine in the other House which bears upon this case, besides the proof which has been already adduced. This is the affidavit of a Mr. Sandford, who is represented to me, by persons on whom I rely, as a very highly respectable man, living in the immediate neighborhood of this individual

State of Georgia, Dawson County:

On this 18th day of October, 1858, before the subscriber, a justice of the peace in and for said county and State, personally appeared Raymond Sandford, and made oath, in due form of the law, that he is now well acquainted with David Watson, who was a soldier in the Mexican war, under Captain C. H. Nelson; that he has familiarly known said Watson ever since about the time of his return from Mexico; that during all this time he has been, and still is, the subject of affliction; that he is in every sense an invalid, and unable to gain his living by manual labor; and that he is a poor man, and has a wife and children who look to him for support; that he is a temparate man in his habits, and as industrious as his enfeebled health and broken constitution will admit of; and he knows that said Watson, with all his efforts, suffers much in gaining even the common necessaries of life. Deponent has always under-

stood, from those who knew said Watson before he went to Mexico, that, up to that time, he was healthy and robust as any man in the settlement, and the deponent never heard anything to the contrary. R. SANFORD.

JAMES CANTRELL, *Justice of the Peace.*

This man, it seems, was a very robust young man, as is testified by other persons. He volunteered and went to Mexico in one of the volunteer companies from my State. He was there seized with the diarrhea, which, of course, affected a great many others, and he came home, and from the effects of that diarrhea he is utterly unable to obtain a support. I understand from persons, who know him intimately, that he is as much an invalid as if he had lost an arm or a leg. He cannot work for half an hour—not from the operation of the disease at present, for that has left him, but from an organic derangement that has been brought about by the disease.

Mr. STUART. I sent for the papers in this case. They are, as I understand them to be on hearing them read at the desk; and the question that presented itself to my mind was, why it was not presented at the bureau.

Mr. IVERSON. I will give the reason, if the Senator will allow me.

Mr. STUART. Certainly.

Mr. IVERSON. The bureau requires the certificates of the officers of the company, and will not rely upon the testimony of privates. The officers of this company are dead, with the exception of a single one who has moved to California or Oregon, and beyond the reach of this party. I state that upon information on which I rely. That is the reason why he has made the application, and that is the reason why the office has not granted him a pension, because he is not able to procure the proof which the rules require.

Mr. CLAY. If the Senator from Michigan will pardon me, I want to correct a false impression that the Senator from Georgia might make. I have no doubt he has been informed as he states; but the law, or rather the rule of the department, is this: that there must be the certificate of a surgeon of some disability from wounds; or the disability complained of during the term of service, in order—as the Senator will see clearly—to trace it to the public service, to show that he incurred his disability in the public service. All the difficulty about these cases, as the Senator from Michigan observed, arises from the fact that they never make that proof; and they come here and get some surgeons in their neighborhood to testify that they are disabled, and that it might have arisen from that cause.

Mr. STUART. That was the very suggestion I intended to make to the Senate. The views presented by the Senator from Ohio certainly ought to have great weight. This case, giving a pension of three or four dollars a month, in itself does not amount to much; but it is known to every gentleman who had acquaintances that served in the war with Mexico, that the disease spoken of in this case, was almost universal to a greater or less extent. For myself, I had a near friend who died with it after he came home. But there is in this case no satisfactory proof that the disease was acquired while in the service; that it affected him there, that he went there sound and came back unsound.

Again, there is in the case no evidence. The statement read by the Senator from Georgia is proof, in a degree, going to show that he had the disease. Now the Senator says, in his argument, that the disease has subsided, but there is an organic derangement consequent upon it which disables this man. Now, sir, that is a question which I should say, without being at all educated in the science of medicine or surgery, but from experience and by inquiry and the range of my own experience, about which scientific men would differ whether this derangement, whether this difficulty that has now become chronic, was owing to that disease or owing to something else. The difficulty is, that it places the whole case upon a ground that, as a principle, you cannot defend; and there is an objection to taking up an isolated case which would be referred to hereafter in hundreds of cases as having set a precedent.

Mr. SHIELDS. I did not exactly catch the points in the report; but as far as I did it seems to be proven there that this disease was contracted in the service, of course; that the debility was a consequence of the disease, and that that debility has rendered the individual an invalid. If these points be so, it strikes me as a very strong case. I agree with the honorable Senator from Ohio, that this disease was almost universal in the army in Mexico; but there were cases, and that honorable Senator knows them as well as I do, that the disease was of such a chronic character as to produce permanent disability. The most unfortunate state of the body followed from this disease.

Mr. STUART. The second lieutenant of his company swears that the disease was contracted there.

Mr. PUGH. I have no doubt the disease was contracted while the man was in Mexico, for I do not think it could be contracted anywhere else; it was a peculiar disease, and as the Senator from Minnesota has said, there seemed to be no dealing with it in many cases; it was above all power of medical science and skill. The difficulty about this bill is this: there were individually such cases where the violence of the disease at the time may have produced some organic injury, or chronic, permanent, incurable disability; but those cases were to be decided upon by the surgeon, and in every such case, so far as my observation extended, the man was discharged at the time with the surgeon's certificate in his hand. But this is not that case. This is the case of a soldier not discharged while he was upon the Rio Grande or any other part of Mexico, but who long after the war comes forward upon the certificate of a private physician to state that he has this disease. Now, I have no doubt that he has the disease, and I have no doubt that the seeds of the disease were sown in Mexico; but that he incurred a permanent disability in the service is not proven. I tell the Senate, if you establish the rule of letting a private physician come forward years after the discharge of the soldier, and upon his certificate to the fact that he has this disease, the Mexican diarrhea, granting the soldier a pension, there will be no end to your pensions. I should like to know what is to become of the poor fellows who went with me to Mexico? I took with me from ninety to one hundred, and I believe more than one half of them are dead, probably more than two thirds. They returned just before the visitation of the cholera in 1849 and 1850, and they were predisposed to it. Their heirs could just as well prove that they died of diarrhea as cholera, for there is very little difference between the cases, and you must pension all their widows. There is no getting out of it. Now, the difficulty is in these cases of this disease, if you pass one of them without the certificate of the Army surgeon at the time, the chances are nine to ten that it is not a case arising from this disease.

Mr. JONES. I desire to know of my friend from Ohio, if the certificate of a private physician is not just as good as one from a surgeon of the Army of the United States, provided it is certified that he is reputable in his profession?

Mr. PUGH. My friend does not understand me. I do not doubt that private physicians are as good, or better, than Army surgeons; but the Army surgeon, being upon the spot at the time, states the fact then.

Mr. IVERSON. The Senator from Ohio thinks the proof is not sufficient to show that the party contracted this disease in the line of the service, or during his service in Mexico.

Mr. PUGH. I have no doubt of that.

Mr. IVERSON. I will read the affidavit of James Cantrell, a member of the Senate of the State of Georgia; and therefore, of course, his testimony is entitled to some respect.

Mr. SHIELDS. If the honorable Senator will permit me, I do not think that is the point the honorable Senator from Ohio makes. There is no doubt that the disease was contracted in the line of his duty, but the point of the honorable Senator, as I understand, is whether this disability was the consequence of that disease.

Mr. IVERSON. Well, I will read this affidavit, which I think bears on that question. This gentleman states:

"That he is well acquainted with David Watson, who is applying for a pension as an invalid soldier in the Mexican war; that said Watson was, or had the appearance of a sound, healthy young man, when he enlisted under Captain Nelson, to go to Mexico; that soon after his return home, deponent went to see him and found him in very bad health, down with the Mexican diarrhea, which has continued on him at times ever since, so deponent has been told by said Watson, so as to prevent his procuring a living by his labor."

That is the testimony of Mr. James Cantrell, who I know myself is a respectable man, entitled to credit. Now it seems to me, the party being in this condition from this disease, although it might be the Mexican diarrhea, is as much entitled to the equitable consideration of Congress as from any other disease. I do not understand that because this disease was more prevalent than any other, that fact is to exclude a party from the benevolence of Congress. It is very true a great many persons had this disease in Mexico. I had a son who was in Mexico, in the service, and he came home with this very disease on him, and was near dying from it. He was in a dangerous condition for many months after he came home. To be sure he recovered; but suppose he had not: would he not have had a claim on the benevolence of Congress? Clearly so. I do not know this man Watson, but I understand from those who know him, that the effect of the disease is this: that some portions of his intestines have adhered to the vertebræ of the back, and produced a cavity in front, which weakens and prostrates him so that he cannot work at all. The Senator from Indiana, [Mr. FITCH,] who is a physician, can explain how that affects him. I do not know anything about medicine, and therefore cannot say what is the nature and character of the disease; but such is the effect and consequence of it, as I understand, and I think he is clearly entitled to a pension, as much as any man who has been prostrated and made an invalid by the contraction of disease in the service of the country.

Mr. BAYARD. I should like to ask the honorable Senator from Ohio, and those who are more cognizant of the facts than I am, whether this disease came on the party first while he was in service?

Mr. PUGH. I have no doubt of it.

Mr. BAYARD. Then, I cannot doubt that, within the principle on which I suppose all pension bills, either in relation to the Army or the Navy, ought to stand, that if there are technical difficulties in the construction of the law at the Department, which I believe, for the most part, give rise to these bills, the bill ought to pass. In my judgment, the only principle on which a pension law for the Army or the Navy can be maintained is, that the duty in which the individual embarks in the service of the country is extra hazardous is its nature, and being extra hazardous in its nature, the Government, in order to induce men to enter into this service, provides pensions which it never allows in civil life. In civil life, though an individual may sink under his labors, no pension is ever awarded. I cannot conceive any possible principle on which the pension laws of this country can rest, except that the service in the Army and the Navy is of an extra hazardous nature, and that therefore you compensate the party, if he is injured in that service so as to disable him from pursuing the ordinary avocations of life, when he shall be discharged. On that principle the Department hold, I believe, that it is incumbent on the party to show that the disease is contracted in the service. In my judgment, if the disease attacks a party in the service, it ought to be presumptive evidence that it was contracted in the service, and the *onus* ought then to be on the Government to show that it arose from his own default or his own misconduct, if they meant to deny him a pension under these circumstances, because it is perfectly certain that, if the man is in the service, there are hundreds of diseases that may come on him that it is impossible for any medical man, no matter how scientific he may be, to pronounce how or by what mode they were contracted. It seems to me, in justice, within the principle, if it is intended to make this provision on account of the extra hazardous nature of the life, that, where disease comes on a man while in the service, it should be a presumption (capable of rebuttal by the Government, of course) that it was contracted within the line of his duty, and that he ought to be compensated; yet the Department, I believe, do not hold to that rule. It seems to me to be the rational rule in accordance with the principle on which I suppose pensions to be confined to services of that character. Under these circumstances, knowing what the rules of the Department are, I should vote for the bill which comes within the principle of the law, although it may not be within the construction given by the Department to the general law.

Mr. PUGH. It was not my object to say that

the case was not a meritorious one. The Senator from Georgia misunderstood me, if he understood me so; but I felt bound to call the attention of the Senate to the fact that this would become a precedent for a great many other cases, which are not embraced under the pension laws at present. I have certainly no ill-will towards any of my fellow soldiers; I wish them all the good luck in the world, and I shall be the last man here or elsewhere to interpose against them. I only want the voice of the Senate on the question. If they say this case in its circumstances is a proper case for a pension, it will be a precedent for a great many others hereafter.

The bill was reported to the Senate, ordered to a third reading, and read the third time.

Mr. PUGH called for the yeas and nays on the passage of the bill; and they were ordered and taken, with the following result:

YEAS—Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Brown, Chesnut, Clark, Clingman, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Gwin, Hamlin, Harlan, Iverson, Lane, Reid, Shields, Smith, Wade, and Wilson—26.

NAYS—Messrs. Broderick, Clay, Davis, Fitch, Fitzpatrick, Green, Houston, Hunter, Mallory, Mason, Polk, Pugh, Rice, Slidell, Stuart, Toombs, Trumbull, and Ward—18.

So the bill was passed.

BERNARDO SEGUI.

Mr. BENJAMIN. A private bill, passed by the Senate, has been returned by the House of Representatives, with an amendment to its title. It is Senate bill No. 177. I ask that it be taken up, and the amendment concurred in.

The Senate proceeded to consider the House amendment to the bill (S. No. 177) to confirm to William Marvin title to certain lands in East Florida. The amendment is to alter the title so as to read: "An act to confirm to the heirs and assigns of Bernando Segui title to certain lands in East Florida."

The amendment was concurred in.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. HENRY, his Secretary, announced that he had this day approved and signed an act for the relief of Myra Clark Gaines.

HOUSE BILL REFERRED.

A message was received from the House of Representatives by Mr. ALLEN, its Clerk, announcing that the House had passed a bill (No. 472) to authorize the sale and transfer of the Government barracks at Savannah, in Georgia; and it was read twice by its title, and referred to the Committee on Military Affairs and the Militia.

HENRY KING.

The bill (H. R. No. 496) for the relief of the representatives of Henry King, deceased.

It directs the Secretary of the Treasury to pay to the legal representatives of Henry King the sum of $1,817 36 for his services in the third Maryland regiment and in the commissary department during the revolutionary war.

Mr. PUGH. Let us hear the report in that case.

The Secretary read the following report:

The Committee on Revolutionary Claims, to whom was referred the memorial, &c., of the representatives of Henry King, deceased, for payment of arrears due him for services in the revolutionary war, present the following report:

It appears from the memorial, and is satisfactorily shown by the accompanying papers, that a claim for arrears of pay due the late Henry King, late of Kentucky, for services in the war of the Revolution, first as sergeant in a Maryland regiment, then as a commissary's clerk, and finally as assistant commissary of issues, was presented by him to Congress in 1794, and proven by annexed vouchers to be justly due, for the sum of £681 10s. 3¼d. The committee at that time reported that the petitioner had an authentic and well-attested claim upon the United States, but not having made a timely presentation of it, the act of Congress of July 23, 1788, was a bar to its admission. They lamented that any obstacle should arise to prevent the adjustment of a claim which appeared to be sanctioned by every equitable and just principle.

Nothing was done at that session further in the case; and King being a resident of Kentucky, then and for many years afterwards a frontier State, distant from the seat of Government, the claim was neglected till the year 1817, when King, having been pensioned by Maryland for his services in the Revolution, again visited his native State, and again applied to Congress for his hard-earned pay which had been so long withheld. A bill passed the House of Representatives that year for his relief, but was lost in the Senate for want of time. In consequence of the death of King soon after that time, and there being no administrator to his estate until 1835, no further action was had until after that year, since which time it has been pressed at various periods upon the attention of Congress. An able and very favorable report was made on the claim, in 1845, by Mr. Jarnagin, of the Senate. It was again reported by Mr. Dodge, in the same body, in 1850, and again by Mr. Foot, in 1852, with a bill which passed the Senate the same year.

The committee believe that the act of 1787, which prevented the payment of this claim in 1794, has been repeatedly and very properly disregarded by Congress; and, considering this the only bar to the present claim, report the accompanying bill, being the principal only of the debt acknowledged by Congress, in 1794, to be due to Mr. King.

Mr. CRITTENDEN. I desire only to state that although on the Calendar I am marked as the the member of the Committee on Revolutionary Claims who reported this bill, I have no recollection whatever, of ever having had the papers in my hands. By some mistake, I presume, my name has been substituted for that of some other member of the committee. I have no recollection whatever of it; but I have no doubt from the reading of the report that the claim is a just one.

Mr. CLAY. I could not hear the Senator distinctly. Did I understand him to say that he did not make this report?

Mr. CRITTENDEN. I have no recollection of ever having examined the case, or having had it in my hands, or making any report on it.

The PRESIDING OFFICER, (Mr. REID in the Chair.) The report which has been read was made in the House of Representatives.

Mr. CRITTENDEN. I see, by looking into the papers, that there have been several reports. Mr. Jarnagin, formerly a member of this body, made a report on the subject. It is a claim which has been long before Congress, and it seems has received the approbation of several committees who have reported in favor of it. It may be a very just claim, but it is one that I even now know very little about.

Mr. CLAY. I will ask the Senator, if he knows anything about the claim, to settle one doubt in my mind which will determine my vote. The report says it is to pay for his services in various offices which are mentioned. If it was his pay proper as an officer in the army, I would not oppose the passage of the bill; but if it be really, as I suspect, in the nature of a bounty or pension for his services, it is not inheritable; it is a personal bounty or a gratuity, and does not belong to his personal representatives. If that be the case, I shall vote against it, and I should like to have that doubt solved. If the Government really owed him this money for his services, his pay proper in the line of his duty, and did not pay it, I think it ought to be paid.

Mr. CRITTENDEN. It is neither pension nor a bounty—I ascertain that from the report—but it is for arrearages due him for services as a sergeant, I believe, in the line partly, and for acting as clerk, and acting as commissary. I suppose that he was a man of some business ability, and was employed in that way. He received a pension from the State of Maryland, as I understand, for some service to the State. I do not know what that was.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE H. HOWELL.

The bill (H. R. No. 510) for the relief of Dr. George H. Howell, was next considered as in Committee of the Whole.

It authorizes the proper accounting officers of the Treasury to pay to Doctor George H. Howell, an assistant surgeon in the Navy of the United States, the increased pay attaching to his increased rank as assistant surgeon, from the commencement of his increased rank to the time of the actual issue of his commission from the Navy Department.

Mr. STUART. Let us hear the report in that case.

Mr. TOOMBS. I ask my colleague if that is not one of the class of cases which the Senate rejected a few weeks ago.

Mr. IVERSON. No, sir. This is a different case altogether. This is one of the same officers, but the bill rests on an altogether different principle. The former case, which we decided some time ago, was where the assistant surgeons were entitled to their examination and promotion and were absent at the time, and the proposition was to give them their increased rank and increased pay from the time they were entitled to their examination. This officer, however, was promoted, but was absent at the time of the promotion, and during the time of his absence he asks for the pay of his rank. The report, which is a short one, will show this. I ask that it be read.

The Secretary read the following report:

The Committee on Naval Affairs, to whom was referred the petition of Dr. George H. Howell, assistant surgeon in the Navy of the United States, have had the same under consideration, and submit the following report:

The petitioner, at the time of the examination of other assistant surgeons of his date, was absent on a cruise off the coast of Africa, from which he could not return until seven months after said examination. Upon his return he was examined and promoted, but allowed pay only from the date of actual issuing of his commission from the Department, and not from the date of his increased rank, making a balance as against him $298 61.

Your committee, in accordance with its uniform practice in similar cases, report a bill for his relief, granting him increased pay from the commencement of his increased rank, and recommend its passage.

Mr. IVERSON. His rank was increased, but he did not get his commission until after his return from the service on which he was absent; but the Department only pay him from the date of his commission. This bill is to pay him from the time he got his increased rank. He was then off on service with the African squandron.

Mr. TOOMBS. If I understand it, it is precisely the same principle on which we decided the other cases. We decided that we did not intend to pay a man for one rank until he actually got it.

Mr. IVERSON. My colleague is mistaken. He had the rank, and this is only to pay him from the time he had it. The other bill was to pay him for the rank which he would have had if he had been on the spot at the time he was entitled to his examination.

Mr. TOOMBS. He did not get the rank until he had his commission. The whole bill goes on the idea that he was entitled to it, and was not here to get it. It is precisely within the principle of the decision of the Senate. That decision was that an officer shall not have the pay of a grade until he has the grade. I think the principle was fully discussed by the Senate and decided. I move, therefore, to lay this bill on the table.

The motion was agreed to.

JOHN LEE.

The bill (H. R. 461) granting an invalid pension to John Lee, of the State of Maine, was considered as in Committee of the Whole.

It proposes to place the name of John Lee upon the pension list at the rate of eight dollars per month, from the 22d of December 1857.

Mr. TOOMBS. I desire to hear the report in that case.

The Secretary read the following report:

The Committee on Invalid Pensions, to whom was referred the petition of John Lee for a pension, ask leave to report:

That said Lee, under the name of John Richards, a private, enlisted into the service for the war on the 3d of February, 1813, in the ninth regiment of the United States infantry, and has been traced on the rolls of his company up to the 15th of May, 1815. Said Lee fought in five pitched battles: battle of Williamsburg, in said regiment, in General Covington's brigade; at Fort Erie; at Chippewa, Queenstown, and Fort George; at Bridewater, or Lundy's Lane; the siege of Fort Erie, which lasted fifty or sixty days; and was in the fight when Fort Erie was blown up, and at the sortie near said fort when the enemy's batteries were taken and blown up by the American forces. It further appears that in said ninth regiment, at said battle at Lundy's Lane, all of said Lee's company, with the exception of himself and one other private, were either killed, wounded, or left the field before the termination of said battle. From the proof it further appears that at said battle, and in the night time, he was hit by a musket ball in the left shoulder and badly injured; that in consequence of said injury his left arm and hand have become almost disabled. For the foregoing reasons the committee believe the said John Lee justly entitled to the relief prayed for, and report the accompanying bill, and recommend that the same pass.

Mr. TOOMBS. There is not a single principle on which that bill ought to pass. I move to lay it on the table.

Mr. FESSENDEN. I hope that will not be done.

Mr. HAMLIN. I desire to say——

The PRESIDING OFFICER, (Mr. REID.) The question is not debatable.

Mr. TOOMBS. I do not mean to stop debate. I withdraw the motion to let gentlemen be heard. I say this report shows no principle on which this bill can be passed.

Mr. HAMLIN. I do not agree with the Senator from Georgia, and I do not believe the Senate will. I think he jumps at his conclusion. I think he states, without a fair investigation, results at which he would not himself arrive from a careful investigation. That is my judgment; I may be wrong. I have the papers before me,

and what do they show? They show, first, by the certificates of two as well educated physicians and surgeons as are in my State, both of whom I know personally, who happen to live in the town where I was born and educated, that the man is permanently disabled; and that his disability arises from a wound in the shoulder. I have also the affidavits of two soldiers who served with him in the same company, who were with him when he was wounded. That is the case. At the Department they say he does not prove that the disability at the present time is in consequence of that wound. He does prove that he was wounded in the shoulder at that battle; and the surgeons certify that they have no doubt that the disability, which is now total, is in consequence of that wound. His arm is entirely useless.

Mr. PUGH. Let me ask the Senator a question. Why is it that this soldier did not apply for his pension immediately after the battle, or upon his discharge?

Mr. HAMLIN. I will answer in his own words. I know the man. He is not a man of very great intelligence. He states in his affidavit, under oath, that he did not know until within the last few years that he was entitled by law to a pension, and that is the reason he did not apply. I say that it is one of the clearest cases in the world. It comes clearly within the rule which was laid down so well by the Senator from Delaware [Mr. BAYARD] this morning. It is a case where, I think, the Department ought to grant the pension; and, in my opinion, if the Senator from Georgia himself would take the evidence and examine it, he would say that the case comes within the law; but by the rigid rule of the Department, it is excluded. I hope the bill will meet the approbation of the Senate.

Mr. TOOMBS. So far as the Senator states the facts, of course I know nothing about them. I know nothing of the case, except from the report, and I only can know it from the report. It is the business of the committee to give it to me in such a form that it will display the principle on which I am to legislate. I cannot turn over my duty to the committee, and I do not intend to do it. I have no right to do it. In this case they have given no reason whatever for passing the bill. They do not tell us why there are difficulties in the way of producing the necessary proof now. The Senator says that for forty-five years this man did not know that he was entitled to a pension. That ground is not sufficient for me. I do not believe it. That reason does not appear in the report; and if I am to act upon the facts put before me by the report of the committee, I cannot receive it. The gentleman may have his papers and affidavits, but I cannot judge from them. I must take the report.

Mr. HAMLIN. These are the papers on file. I have just taken them from the Secretary's table.

Mr. TOOMBS. Be it so. I am merely stating that I am to cast my vote upon the facts as developed in the report, and of course I know nothing about papers submitted, except as they are disclosed in the report. The report states no such facts as have been alleged here. The Senator from Maine attempts to bring it within the rule. I am not at fault because the committee do not state any facts to make it an exception; but if the man should prove at the Department the facts that are alleged, they would bring it within the rule I laid down in the earlier part of the day. The only difficulty is, that now, after the lapse of forty-six years, he cannot prove any connection between the disability and the wound. I take it for granted, if he cannot prove that, it is not so, or at least it is a question of such doubt that the Pension Office ought not to grant the pension.

The Senator says this disability is entire, and the man's arm is entirely useless. That is not the report of the committee. That says it is nearly useless. Why, after forty-six years, he should have found out this fact, without proving it at the Department, I do not see. There seems to be no proof of any legitimate connection between the wound and the disability. It is a mere pretext, the proof being insufficient. People can come here and get such cases through the Senate easier than through the Department.

Mr. FESSENDEN. This is one of those cases to which I alluded when I was up before, fearing that my friend from Georgia would bring them within the particular line of objection which he has adopted. It is evident, in the first place what the difficulties of this man were. One was that he enlisted under a name different from his own. He did not appear on the rolls as John Lee.

Mr. HAMLIN. Let me correct my colleague. He did enlist under his name proper, but subsesequently the Legislature of our State changed his name.

Mr. FESSENDEN. Did he appear on the rolls under his own name proper?

Mr. HAMLIN. Yes.

Mr. FESSENDEN. Then that was not the difficulty. It seems, then, the only difficulty is as to the question of fact, whether he was wounded; whether his disability was occasioned by the wound that he received. It is clear that he served, and that he fought. It is proved that he was wounded; that he had a bullet-wound in the shoulder many years ago. It is proved in the next place that there is a disability of that shoulder and that arm. He is otherwise, for all that appears, a healthy man. Now, would not any one, on looking at these two facts in connection—the one, that he had received a bullet wound in the shoulder, and the other, that in the process of years that shoulder and arm have actually become disabled and shrunk—naturally infer that the disability was occasioned by that wound? Would not any ordinary man, understanding the two facts, put them together and connect them with each other?

If we need anything else, it is impossible for these physicians to say absolutely, and it is to their credit that they do not attempt to say absolutely, that the one was occasioned by the other, because that they could not know at such a distance of time; but speaking as men of experience, learned in their profession, they give it as their undoubted opinion that the one was the consequence of the other. What more evidence can you have? Do you require, in cases of this description, an absolute physical demonstration? Is it not enough to show that one of the facts would be likely to follow as a consequence of the other, and then to prove by the testimony of experts that, in their opinion, the one was in consequence of the other? It strikes me that the inference is not only natural, but inevitable, that it follows because there is no proof in the case, whatever, that anything else had ever happened to this man to occasion the difficulty.

My friend from Ohio, I am sure, will not make it an objection that he did not apply earlier. If the Government has been saved the expense of giving this man a pension for so long a series of years, it is no argument against giving him a pension now. The only ground upon which it is put is, that it is not likely that if he was really disabled in that way, he would not have applied before, and therefore the Senator from Georgia does not believe that is the fact. Well, in the first place, he says, under oath, it was the fact. In the next place, it was not likely, in the course of things, that this disability occurred all at once. On the contrary, it might have been a long time occurring, and it is natural to suppose that it should have been. He was wounded; the ball was extracted; and while his physical vigor continued, the injury might not develop its effects, and it would not be likely to do so; but, in the process of time, the injury having been a pretty severe one, it it very likely that the consequences would follow. That would explain it.

Under these circumstances, he swearing that it was so—it being very natural to suppose that it may be so—two surgeons of competence swearing that they believe it to have been so from their knowledge—is it enough for a Senator to say, "I do not believe it to be so?" It does not so strike my mind. It may be sufficient for the Senator from Georgia, but I hope other Senators will not be so hard to be convinced, under such circumstances. It is not to be conclusively inferred, that where a man does not know a fact, it is not so. He may have been an ignorant man; probably he was not educated, and had to labor for his living; and it may not have been until his old age, until the effects of this wound began to show themselves so severely, that he was informed by somebody what he might do if he could prove the facts. All these things are natural; and I hope, really, that the Senate will be convinced that they are so. It seems that the House committee, the House of Representatives, and the Senate committee, have acted favorably upon the bill; and with all our disposition to doubt about such cases, it is a little too much to hang up a man, I respectfully submit to the honorable Senator from Georgia, on the mere point he suggests, that, after all, the statement may not be true. I really believe it is, and that a case is presented for the interposition of that equitable consideration which the Senator from Georgia himself admitted to be right.

Mr. CLAY. I desire to have one or two questions answered in regard to this case. I do not know anything about this bill; I did not concur in the report; I did not know that it was reported. I want to know why the man changed his name; for it seems to me that if he had signalized the name of Richards by such heroic achievements as are detailed in this report, he would not have changed it. I want to know why it was that he got the Legislature to change that name?

Mr. FESSENDEN. I do not know why he changed it. It is nothing at all uncommon in our State, for I believe at every session our Legislature passes an act embracing a long list of people whose names are changed from John Stokes to Peter Stubbs, &c. It is a matter of taste. I think it is of no great consequence. I presume it is nothing discreditable.

Mr. HAMLIN. I have here a copy of the act of the Legislature of Maine, embracing some fifty or seventy-five names that were changed the same year. I do not speak of my own knowledge, but I have been told, and I presume it is true, that he took his present name because some part of the family desired him to bear the name of Lee instead of Richards. That is all.

Mr. CLAY. Does the Senator know this man?

Mr. HAMLIN. I do.

Mr. CLAY. Will he state whether he has been a temperate or intemperate man?

Mr. HAMLIN. I will read what the physician says. Dr. Dantford says he has been his family physician thirty years.

"His health otherwise has been good. His habits and mode of life have always been unexceptionable since my acquaintance with him."

Mr. CLAY. Does the Senator know him?

Mr. HAMLIN. I do know him to be a man of good character. He is a laboring man, but he sustains a good character.

Mr. CLAY. Is he not addicted to intemperance.

Mr. HAMLIN. Never in the world—a man of temperate habits always.

Mr. CLAY. I will make this further suggestion about the bill. If it is all true as stated, the pension allowed him, according to the bill, is just double what he is entitled to.

Mr. HAMLIN. How?

Mr. CLAY. The highest pension, as the Senator probably knows, allowed a private, is eight dollars a month. That is for full disabitity. The pension for half disability, as it is called, would only be four dollars.

Mr. HAMLIN. I hold in my hand the deposition of Thomas H. Brown and of Asa Dantford. Dr. Dantford says, in addition to what I have already read:

"I further testify that I have made several examinations of the state of the diseased shoulder within a few months past, and that the shoulder is much swollen, which extends the whole length of the arm into the hands, and ever since the 18th of September last (1854) he has lost the use of his left hand and arm entirely; and I am of opinion it is exceedingly doubtful whether he will be able to perform any manual labor whatever."

They certify, in 1854, that he is totally disabled.

Mr. TOOMBS. The honorable Senator from Maine, [Mr. FESSENDEN,] after all, does not seem to comprehend the principle on which I place my opposition to this class of cases. The bill is a matter of very little importance on itself; but it is one of a class. If the allegations which are made here *ex parte* were true, the man could get his pension to-morrow, at the Pension Office, and he would not get sixteen dollars, but eight dollars a month.

Mr. HAMLIN. The bill gives only eight dollars.

Mr. CLAY. A full pension is eight dollars; but for half disability, such as it would seem this was—paralysis of one arm—the pension would be four dollars.

Mr. HAMLIN. The surgeons certify a total disability.

Mr. TOOMBS. The report does not say so; but I am not on that point. If the facts, as here

stated, were true, he would get a pension at the Pension Office; but no reasons are stated why he cannot make the proof.

Mr. FESSENDEN. The reasons are obvious on the face of the report, after such a length of time.

Mr. TOOMBS. Not at all; because I take it, the opinion of the surgeons is sufficient to prove that the disability arose from the wound. Certainly their professional opinion is good evidence at the Pension Office. If he proved a wound, and proved fifty years afterwards by persons of sufficient skill and judgment that the disability must have resulted from the wound, he would get a pension from the Department. If the main facts were established, the Department would receive the medical opinion that the disability was the result of the wound. Such evidence is accepted at the Pension Office. The difficulty is, I presume, that the fact cannot be proved in this case by such evidence as the Pension Office ought to take, or as Congress ought to take. If there had been a special reason why he could not make the proof, after the lapse of time, it would be an exceptional case; but the truth is, that the testimony of a surgeon fifty years afterwards, expressing the opinion that he believes, from the nature of the wound, that the disability was the consequence of it, is perfectly good evidence in the Pension Office, and it ought to be as good there as here. I presume, however, that, if you looked at the facts, the difficulty would be there—about the very bottom of the case. There seems to be no principle on which this bill can be based, except that Congress will take less proof than the Department, without any reasons given to us for not bringing better proof.

Mr. FESSENDEN. All that depends on the decision of the Commissioner. If the honorable Senator from Georgia happened to be the Commissioner, it is very evident the case would be rejected on the view he takes of it, and it has been rejected simply because the mind of the Commissioner was not satisfied. That decision ought to be conclusive. If it was conclusive, we should have none of these cases here. They come here for the simple reason that in the individual case, the Commissioner has come to a conclusion which is not satisfactory to the claimant, and which he thinks ought not to be satisfactory to Congress. It is a question for Congress to settle.

Mr. TOOMBS. I think the Senator is mistaken. I will vote for no mere appeal from the Pension Office here. We should be the most contemptible of all tribunals for that. It is for the Pension Office to administer our laws. There may be equitable cases which come within the spirit, and not within the letter of the law; and in such cases we may properly interpose; but I will hear no appeal from the Commissioner of Pensions to Congress. I renew the motion to lay the bill on the table.

Mr. FESSENDEN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 15, nays 32; as follows:

YEAS—Messrs. Bright, Chesnut, Clay, Clingman, Davis, Fitzpatrick, Gwin, Hunter, Mason, Polk, Reid, Rice, Slidell, Toombs, and Ward—15.

NAYS—Messrs. Allen, Bates, Benjamin, Bigler, Broderick, Brown, Chandler, Clark, Collamer, Crittenden, Dixon, Doolittle, Douglas, Durkee, Fessenden, Fitch, Foot, Hale, Hamlin, Harlan, Houston, Iverson, Johnson of Tennessee, King, Mallory, Pugh, Seward, Shields, Stuart, Trumbull, Wade, and Wilson—32.

So the motion was not agreed to.

The bill was passed.

WILLIAM BULLOCK.

The bill (H. R. No. 520) for the relief of William Bullock was considered as in Committee of the Whole.

It directs the Seeretary of the Interior to place the name of William Bullock upon the roll of invalid pensions, at the rate of six dollars a month, from the 1st of January, 1854.

Mr. CLAY. I should like to hear the report in that case.

The Secretary read the report, as follows:

The Committee on Invalid Pensions, to whom were referred the petition and papers of William Bullock, beg leave to submit a report:

That there is good and sufficient evidence of said Bullock having rendered service in the war of 1812; that he received severe injuries, whilst in the line of his duty, which now unfit him for labor. At a former session of Congress a bill was introduced for his relief, but for want of time it failed to become a law. Your committee now report a bill granting him relief.

Mr. STUART. I think that is not very satisfactory.

Mr. CLAY. I move to lay the bill on the table.

The motion was agreed to.

JOHN C. RATHBUN.

The bill (H. R. No. 529) for the relief of John C. Rathbun was considered as in Committee of the Whole.

It provides for placing his name on the pension roll at four dollars a month, to commence February 15, 1858, and continue during his life.

Mr. CLAY and Mr. PUGH called for the reading of the report; and it was read, as follows:

The Committee on Invalid Pensions, to whom were referred the papers in the case of John C. Rathbun, report:

That they have had the same under consideration, and find that said John C. Rathbun enlisted as a private on the 10th day of May, 1814, in the company of Captain Claudius C. Boughter, of the New York militia, and served until the 8th day of November, 1814. It is alleged by the petitioner that he was taken prisoner by the enemy in the month of August, 1814. At the time of being taken prisoner he received three wounds—one with a saber on the head, which fractured his skull; another with a saber on the left shoulder, which cut through the left shoulder blade; and another with a pistol ball, which passed through the left thigh; from which said wounds he is unable to earn a living by manual labor.

Marvin Morgan, a fellow soldier in the same company and regiment, swears to having been present at the time said wounds were inflicted.

Jaspar Morgan substantiates the statements of Marvin Morgan.

Blewford Johnson and John H. Weir, who sign themselves surgeons, swear that they made a personal examination of the wounds, and are satisfied that they are of such a character as to incapacitate the said John C. Rathbun from earning a living by manual labor.

The applicant, as well as all the witnesses, are certified to be men of respectability and truth.

Your committee ask leave to report a bill.

Mr. PUGH. I ask the question which I asked before: why was not this application made long ago? Certainly, these stale claims, after so great a lapse of time, ought not to be favored. If these statements about the wounds of this soldier be true, it would have been the most natural thing in the world for him, on being discharged from the service, to claim all that the law gave him in the nature of a pension. The bill may be all right; but, without some explanation of the extraordinary lapse of time which has intervened, I am constrained to object to it. I think one of the wisest maxims ever delivered was by an old Kentucky judge, who said—it will be found in one of the early volumes of the Kentucky Reports—that when a claim had slept about thirty years it ought to sleep on forever. I object to the bill, unless there is some explanation.

Mr. CLAY. I will ask the Senator whether, if he received all these wounds, the roll of his captain, at the time of his discharge, would not show that he was disabled on account of his wounds?

Mr. PUGH. Of course, if there was a muster-roll, it would show whether he was dischaged for wounds or not. I move to lay the bill on the table.

Mr. TRUMBULL. I hope the Senator will withdraw that motion.

Mr. PUGH. I waive it for the present.

Mr. TRUMBULL. I have no personal knowledge about this bill; but I have been spoken to by a member of the other House in regard to it. It is very conclusively shown that this petitioner was wounded. The question has been asked, why the rolls do not show that he was discharged on account of his wounds? The evidence is, that he was taken prisoner at the time of his wounds. As I said, I have no personal knowledge of the case; but I was informed by one of the members of the House that it was a very meritorious case. Certainly, nothing more can be asked than this report discloses, unless you go upon the ground that you will reject all these claims. The evidence seems to have been satisfactory to the House of Representatives, and the evidence presented by the report appears to me to be quite sufficient. I think the case is as complete as you can ask to have it, unless you say that an explanation must be made of the delay. I think that ought not to be required. It is but four dollars a month; a very small matter at any rate. I presume the party lives in the State of Illinois, although I do not know that fact; for a member from that State came to me, gave me a copy of the bill and report, and stated it to me to be a meritorious case. I trust the bill will pass.

Mr. PUGH. I think my objection is well taken to the whole affair. If this man was wounded, and afterwards taken prisoner, when he was discharged from his captivity and discharged from the service the first thing he would do would be to apply for a pension. A most extraordinary statement has been made here, although I did not controvert it—that any soldier of that war should not have known, for thirty or forty years after his discharge, that he was entitled to a pension. It is a very unusual case. It cannot have happened in all these instances. Unless there is some satisfactory explanation given for the inordinate delay of the party in presenting his claim, I shall come to the conclusion that he had no claim at the time witnesses were living, and he trusts to the memory of his comrades. Sir, the memory of fellow-soldiers is a treacherous thing. I had an affidavit sent to me once, drawn out by some lawyer, wanting me to testify that a man who had been in my company received a gunshot wound in his foot on a certain day, from which he was disabled. I wrote back that I did not recollect the circumstance at all. The lawyer wrote me back a very saucy letter, insisting that I should make the affidavit in order to entitle the man to a pension. I reviewed all the memoranda I had, brought my best recollection to bear, and I could not recollect that the company was in any engagement at all on that day, or had seen the face of the enemy, or any gunshot operation, for two weeks before. It is a mistake to trust to the memory of soldiers. There is some reason why this man did not get his pension at the time; but it passed out of mind, and now there is nobody to take care of the Government. To be sure, it is only four dollars a month; but if you pass them all, it will amount to something. I think we had better make an end of them.

Mr. CLAY. My recollection is, that, as an inducement to volunteer, it was promised by the act of Congress that those who did volunteer should be pensioned, if they were disabled by wounds in the public service.

Mr. PUGH. I think it was offered, then, in advance of the service, as a part of the pay, that they should have pensions.

Mr. IVERSON. As the Senator who reported these bills is not here to defend them, and the chairman of the committee is also absent, I take it for granted that there is no merit in these claims. I therefore move to lay the bill on the table.

Mr. FESSENDEN. I hope the Senator will withdraw the motion.

Mr. IVERSON. Certainly; for the accommodation of the Senator from Maine.

Mr. FESSENDEN. I do not know anything about this case; but I do not think this is a proper way to dispose of it. I do not accede to the correctness of the position that because a man has waited a great many years, therefore he has forfeited all claim to a pension. Here is a case where the man received, according to the testimony, three wounds. It is perfectly evident that if he received these wounds, and they are sworn to by witnesses, he must be suffering under them to this day. The only astonishment to my mind is that he lived at all. We ought not to punish him for holding on to life as long as he can. He has let his country alone for forty years; and I really think that, for the two or three years longer that he may live, as he received his wounds in his country's service, he ought to have this pension. It is a little matter to us. Who will say that he shall not have it, because he did not, for forty years, come? I do not believe in turning off claimants in such an unceremonious manner when their bills have been passed by the House of Representatives. They do not look important to us; but they are important to the men who rendered the services.

Mr. TRUMBULL. Since the case has been up, I have referred to the papers, and I have found among them a number of affidavits by gentlemen whom I know. I was not aware that these papers were here. I find one signed by Mr. J. Gillespie, who has been a member of the State Senate of Illinois for many years, a very respectable gentleman, as reliable as any man in the State. He seems to be personally acquainted with Mr. Rathbun. I will read his affidavit:

"Joseph Gillespie, being duly sworn, deposeth and saith that he has been personally acquainted for about twenty-five years last past with John C. Rathbun, a resident of said

county; and is also, and has been for that length of time, acquainted with the general character of said Rathbun for truth and veracity; and that from his said knowledge of the general character of said Rathbun, as well as from his personal knowledge of the man, he has no hesitation in stating that he believes the statement made by said Rathbun in his declaration for a pension as an invalid, under the laws of the United States, to be strictly true. He further states that ever since his acquaintance with said Rathbun commenced, he has known, by reputation, that said Rathbun had been wounded; and he always heard and believed the said wounds were inflicted at the time and place and in the manner and under the circumstances set forth in the said declaration to which this affidavit is accompanying. Deponent states further that he believes that said Rathbun is totally disabled from making a living by bodily labor in consequence of said wounds, or some of them. He further states that he is cognizant of the fact that said Rathbun has been, and is, strictly temperate in his habits, and his infirmity of body is not the result of any irregularity in his habits."

There are several other affidavits, but I have read this one because I knew the gentleman who made it. I have not read the other affidavits. If the Senate wishes to hear them I will read them; but that is entirely satisfactory to me, as to the character of the man, and would be to any gentleman who know Mr. Gillespie.

Mr. MALLORY. Let me say to the Senator from Illinois that I have looked into these papers, and I am not surprised that the Senate should get into a habit of rejecting all applications for pensions, when we see that such a one as this can pass a committee. The only affidavit I can find in these papers touching the question of wounding at all, is from a fellow-soldier, who declares that he was wounded in August; that he was taken prisoner, but escaped and returned in October of the same year. He was able to be on duty again in two months; and yet it does not appear on the rolls, or in the military annals of the country, that he was wounded or taken prisoner.

Mr. CLAY. I wish to say, in reply to what fell from the Senator from Illinois, that I was exceedingly surprised to hear him say that the affidavit which he read was sufficient to satisfy his mind, or that any Senator should be satisfied by it, when it was from beginning to end all hearsay. A physician testifies upon hearsay what common rumor said as to his being wounded, and as to his having complained of those wounds, and he quotes what the memorialist says as to the manner in which he received his wounds and his disability. Now, I want to call the attention of the Senate to this view of the case, which applies to all of them—there may be disability and it may be connected with the wounds received in battle; but the question is, whether that is the remote and the proximate cause of the disability. A man may be wounded, but if he be a man of temperate, good habits, he may recover from the wound and suffer nothing.

Mr. TRUMBULL. The Senator from Alabama is laboring under a misapprehension. I did not read the affidavit of the physician. I said that I had only had my attention turned to the papers since the case was called up; and I read the affidavit of Mr. Gillespie—a gentleman who, I stated, had been for many years a member of the Illinois Legislature, and a very respectable man—because I happened to know him. There are affidavits of physicians. I have not read them at all; I do not know what they are; but I think, perhaps, it would be as well that they should be read to the Senate. Probably they will state particularly as to the wounds. The affidavit I read went merely to the character of Mr. Rathbun, and the knowledge of the deponent of him for some twenty-five years as a truthful man and a reliable man; and he had himself heard this account of the wounds. I stated it was sufficient to satisfy me as to the character of Mr. Rathbun, coming from a man I knew very well, as respectable as any man in the State. The affidavits of the physicians have not been read.

Mr. CLAY. The affidavit the Senator read was a mere statement of hearsay; the person who made the affidavit did not know the facts.

Mr. TRUMBULL. He knew the man personally.

Mr. CLAY. Yes, he knew him personally, and therefore trusted what he said and repeated what he said. As I was remarking, it will be observed that every one of these affidavits of physicians is merely hypothetical. They do not say the disability was caused by the wound, but that, in their opinion, it may have resulted from it; that, if the man received the wound at the time stated by him, and has been suffering ever since in consequence of the wound, the present disability may arise from it. If a pension can be granted to this man on this testimony, as was remarked by the Senator from Florida, I do not see any difficulty in getting a pension, at any time, through Congress.

Mr. WADE. It seems to me that the Senate is becoming very particular about small matters. If we have committees, we ought to repose some confidence in them, especially in small matters of this kind. They are generally composed of gentlemen of the bar, accustomed to legal investigations. Here is a small pension bill which has received the approbation of the committee of the House of Representatives, which has been passed by that House, which has been inspected by one of our committees who have examined all the proofs, and told us the bill ought to pass. It seems to me almost essential that we should repose confidence in our committees to allow them to determine these common affairs. If they had presented a new principle or an anomalous one, that would be a reason why we here should correct their action; but, it seems to me, that we may very well leave them to determine whether the proof is sufficient to justify the allowance of a pension. It seems to me that we are undertaking to do altogether more than we can perform, when we undertake to criticise minutely that which must have passed under the supervision of the committee who have reported a bill like this. I do not give myself much concern about these small claims when they have received the approbation of the committees of both branches, feeling satisfied that if I were to examine them here I should be quite as apt to err as those who have weighed the testimony. They are much more likely to come to a proper conclusion, after an investigation in their committee-rooms with all the evidence before them, canvassing it in all its minutia, than we are here. Indeed their opportunities to do so are much better than ours. I hope small bills like this will be permitted to pass according to the recommendation of the proper committees, unless it can be shown that there is some dangerous or anomalous principle involved. For myself, I generally rest upon the reports of the committees in such cases.

Mr. MALLORY. The remarks of the Senator from Ohio would do very well where there is no contest about proof, where there is no room to disagree; but here the proof of the man himself is, that he was wounded in the month of August with these three terrible wounds—one on the head, one on the shoulder, and a pistol-shot in thigh—and that he was taken prisoner, and returned to his duty again in October, and served to the end of the war, and was discharged. His recuperative energies must have been very extraordinary, indeed, to have recovered from those wounds in that short time; and still there is no record evidence of the fact. What is the use of relying on committees, where the case is not made out?

Mr. TRUMBULL. This is a small case, and I regret that it has taken up so much time. The papers are somewhat voluminous, and it amounts to a defeat of the bill to raise a debate about it, but I do not come to the same conclusion with the Senator from Florida. On looking at the papers further, I find that the case is much stronger than I had supposed it was. I find a certificate from the Treasury Department in these words:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
WASHINGTON, *November* 15, 1857.

From documents on file at this office, it appears that John Rathbun, a member of Captain Claudius C. Boughter's company of New York militia, entered the service on the 10th day of May, 1814, and served until the 8th day of November, 1814. On a muster roll of his company furnishing the above service, he is noted, "taken by the enemy, August 5th." No evidence of the injury alleged to have been received can be found. JOHN S. GALLAHER,
Auditor.

I find, also, the affidavit of a soldier who served with him. We have in the first place, the muster-roll, showing when he entered the service, when he was taken prisoner, and when he was discharged. Here is the affidavit of one of his comrades:

"Marvin Morgan, being duly sworn, says that he was a member of the company commanded by Captain Claudius C. Boughter, of the New York State volunteers, in the war with Great Britain, declared by the United States June 18, A. D. 1812; that deponent knew John C. Rathbun, who was also a member of said company in said war with this deponent; that, as near as deponent recollects, in the latter part of August, A. D. 1814, this deponent, in company with said Rathbun, was out on a foraging excursion, and met a party of the British dragoons; that the company of which deponent was a member was then pursued, and this deponent saw the said Rathbun wounded, by one of the party pursuing, across his head, and said Rathbun was then taken prisoner; that said Rathbun afterwards escaped, returned to said Boughter's company, and continued in service with this deponent in said company, and was discharged in due form, together with this deponent, on the 8th day of November, 1814."

It does not appear at what time he returned, but it seems he was discharged in November, 1814. Now, we have the affidavits of the physicians, which I did not read before:

"Blewford Johnson and John H. Weir, being duly sworn, declare that they are practicing physicians resident in said county, (Madison county, Illinois,) and that they have this day made personal and accurate inspection of the body of one John C. Rathbun, a resident of said county, and have discovered that he has been wounded in three different parts of his body, to wit: one in the head, as they suppose with a saber; another on the left shoulder, inflicted likewise, as they think, with a saber; and another through the left thigh, as they think, by a gun shot, which passed through the thigh about five inches above the knee. They are fully satisfied, from said inspection and examination, that said John C. Rathbun is not only incapacitated for military duty, but, in their opinion, is totally disabled from obtaining his subsistence from manual labor. The undersigned further declare, that they know nothing of the time, place, or manner in which said wounds were inflicted. They, however, state that they have been informed, and under his declaration believe, that said wounds were inflicted at the time and place and in the manner set forth."

Now, it does seem to me that that makes a reasonable case for the consideration of the Senate. You have here the fact that the man enlisted; you have his own affidavit as to his receiving the wounds; you have the testimony of a fellow-soldier that he was taken prisoner; you have the records from the Department showing that he was taken prisoner; you have the statement of the witnesses that he was wounded, and of physicians as to the character of those wounds. It seems to me that it is a case that the Senate ought to suffer to pass, if they pass any bills of this character.

Mr. CLAY. But as the Senator from Florida remarked, the testimony of the only man who does testify that he knows that this individual was wounded in battle, goes on to state that he was wounded in the latter part of August, and that he was taken prisoner at the time; that he made his escape, returned to the service, and continued until he was discharged. These physicians testify that he was so badly wounded that he was disabled for military duty, and even disabled from taking care of himself; but the chief witness adduced by the claimant to prove that he was wounded in the service of his country, says he did military duty shortly afterwards—he came back, performed military duty, and was discharged. In corroboration of the statement that he was capable of performing military duty, the rolls of the office show his discharge without showing that he was disabled at all. And yet, in the face of all that, the Senator from Illinois says there is a strong showing of his title to a pension. These physicians say the man is so disabled that, in their opinion, he is unfit for military duty, and that he is unable to support himself; and his chief witness that he offers to prove how he got these wounds, says he escaped from the enemy, and in less than two months he was performing military duty, and continued to perform it until his discharge.

Mr. TOOMBS. I have a word to say with reference to our duty as it has been laid down by the honorable Senator from Ohio, [Mr. WADE.] I totally dissent from him. No Senator has a right to transfer his powers over the public Treasury to the committees. I say general standing committees, without any exception, are great nuisances, and they ought to be abolished. Most of the evils in the country, in connection with legislation, grow out of them. Their duty, however, is to investigate and report to us the facts. Then, on those facts, each Senator is bound by his obligation to give his judgment. We have no right to act on our own faith in anybody. We have no right to transfer our power. It is proper the report should be read, to let us know the facts and principles on which the committee put the case. That is one reason why I so frequently call for the reading of the report. It has become a thing well understood in the country, that almost any bill for a claim of this kind can pass the Senate. A committee can easily be got to report in

favor of it. Some members are solicited on the subject; others do not attend the committee meetings. For myself, I can say that it is only occasionally that I go to the committee meetings to make a quorum to act on important business, for I care nothing about them. I do not attend them one day more than I am obliged to do; and, indeed, I had thought I would never attend another, for I am quite sure it is not my duty, unless charged with a special subject. This whole machinery is a means of transferring the legislation of the country from those to whose hands the Constitution commits it, to irresponsible juntas. Very often they bring bills here without giving us any report at all. In most of these cases there are no reports accompanying the bills, except those which were made in the other House. With regard to the facts stated by committees, I must take their statement, for that is their special business. If they will tell me what is proven in any case, how it is proven, the nature of the evidence, and the principle on which they act, I can pass an opinion upon the subject. Further faith than that I will give to nobody, and I want nobody to give me any more.

Mr. HAMLIN. In regard to a general rule applying to a class of cases, I am well aware that Senators will disagree. In the adoption of a new law, a law which will increase the number of pensions, or of pensioners, I can see very well, and very readily, there may be good and serious objections to it. But it does seem to me that we are making a great deal of fuss out of a very small capital in relation to these little bills that grant pensions of from four to eight dollars a month to poor invalids who have lost their health in the service of their country. I suppose if this were a bill to grant a pension to the widow of some deceased officer, and give fifty or one hundred dollars a month, it would have momentum enough to carry it along without so much opposition.

Now, what is the standing law—what has it always been? What have we always said to those who enlisted in the service of the country? I think we have always said—I understand that to be the standing law—"to a man who has become an invalid in consequence of disease acquired in the service, and in the line of his duty, we will grant a pension." That is the law now and always has been the law. In construing that law at the Department, and it seems to me, often, in seeing how rigidly they can rule it against the applicants, they cast out a great number of cases which do not come precisely within the rule they have laid down, and some of those individuals come here. While I would grant nothing that is wrong, I hold that this class of persons are entitled to the benefit of all reasonable doubts. If a man shows that he went into the service of the United States in good health, and came out in ill health, I think he ought to be entitled to his pension, and the burden ought to be upon the Government to show that he acquired his disability in some other way than in the line of his duty. A man may receive a disability in the full vigor of life, and may recover from it to all appearance, and become a well and able-bodied man, and that disability may attack him again. I think I have seen a great many such cases in my life; I think I have seen cases about which I had no real doubt myself, where men who had been in the service, went into the service able-bodied, were wounded, and who apparently entirely recovered from these wounds, but in the process of time, with age came a new development of what was supposed to be a healed wound, and the man becomes disabled. Then the case is presented at the Department. He cannot furnish the evidence they require there, to show that this disability is to be traced to the wound, either as the approximate or the remote cause, while to every man who knows him, to every man who has been acquainted with him, every man who sees him, there is not a particle of doubt that it is so.

That is the class of cases that come here; and I apply that reasoning precisely to this case. If the man could have proved by one officer or two witnesses, who served with him, that he was wounded while in the line of his duty, and could have proved that that wound was the proximate and remote cause of the present disability, he would get a pension at the department. Now, what does this claimant prove? He proves by one witness that he was wounded by a musket in the thigh. The evidence also shows that he recovered from it, and continued to serve; but what is the certificate from the two physicians? What is the new development of this case? Nothing more and nothing less than that it was supposed to be one from which he recovered—one which did not prevent his serving afterwards; but at this time those physicians expressly testify to you that in the progress of years, as age creeps upon the man, the wound has disabled him entirely from labor. That is the case as presented. I shall cheerfully vote for the bill.

Mr. WADE. It appears to me that the Senator from Georgia has been exceedingly unfortunate in his associations upon the committees. His experience is that all the committees of this body that he knows anything about have been nuisances. If that had been my experience, if I thought no confidence was to be reposed in what they did, that they falsified the truth without any motive to do so, or that they were such consummate blockheads that they could not understand evidence, or if they did understand it that they were so perverse that they would not give us the result of the testimony, I would not depend much on their reports myself; but that has not been my experience, so far as I have had any, in this body. I have been on some committees, and served a long time upon the Committee on Claims. I know very well that while I was a member of it, it was the purpose of the committee to ascertain the truth in regard to every claim presented to it, to investigate the evidence with a sincere desire to ascertain what the real truth was, and what the law and the evidence required at their hands. The result of our investigations, I believe, was always honestly given to this body. I believe every Senator is a member of some committee. All whose experience corresponds with that of the Senator from Georgia, of course, will give no effect to the finding of the committee in this case. Every man who, with him, has found that the committees have been nuisances; that they refuse to investigate matters before them; or if they have investigated them, have not done it with an honest purpose to report the truth; will place no confidence in the finding of the committee in this case, but will vote against it, and ought to do so. They will take nothing upon faith. Now I think there are a few things which we are almost obliged to take as matters of faith. Does the Senator from Georgia seriously mean to have us believe that he reads over every case that comes before Congress, that he investigates minutely all the testimony, that he never votes until he has fully examined and come to a conclusion upon the case?

I think we may very well trust our committees to dispose of these small matters. A great many gentlemen here have been judges in courts, and I think are perfectly competent to dispose, at least, of such small matters as we would intrust to a justice of the peace to decide. I suppose we are all as honest as we were when we were justices of the peace, and as competent in all these small matters as we formerly were to come to just conclusions upon the evidence. If so, I do not think every member of the Senate should interfere minutely to criticise what his brother members, on the appropriate committee, have done in regard to a small bill like this. As I said before, I am willing to take the conclusion of the committee, unless it is apparent that they have adopted some new, strange, dangerous, or anomalous principle. Especially may we trust them upon a question involving nothing more than a pension of four dollars a month to some poor individual. On such a point, I am willing to repose faith in the action of the House of Representatives, based upon the investigation of their committees, especially when their doings have been submitted to one of our committees who have found that they were right. I am willing to avow that in such a case, I will not criticise minutely all that they have done, as I would in a court criticise an indictment brought against a man for murder, if I were his counsel, and undertaking to quash the indictment because it was informal. I will not take a technical exception, because the committee have left out something which they might as well have embodied in their report. I think we are spending more time over these questions than would pay all these pensions. I should like to know what the expenses of this body have been while debating this four-dollar pension bill. I believe they would amount to enough to pay a great many four-dollar pensions. As I said before, I am perfectly willing to repose in the conclusion of a committee who have had the matter in charge, and have reported that it is right, just, and proper to grant this pension. That is my kind of faith. I act upon it, and I mean to act upon nothing else in regard to questions of this sort.

Mr. TOOMBS. The Senator has failed to attack the principle which I stated; but he has put his own version of my words in my mouth, and said that I had attacked the integrity of the committees. I did not do so; but, if I wanted to do so, I would have said so.

Mr. WADE. You said they were nuisances.

Mr. TOOMBS. Yes; I said they were nuisances, and I repeat it. They are not the proper bodies to exercise legislative power. They are not known in the country from which we draw our institutions. They have no standing committees. They raise special committees on special subjects. I am charged with a constitutional duty as a member of this body, and I have no right to delegate it to six or eight members of this body as a general standing committee. I said that where they investigate the facts, I will take their statement of them. It is their duty to give me the facts and principles involved in their report, that I may pass my judgment upon them. I ask what is the object of requiring the committees to make reports? Is it simply to increase the pay of the Printer? It would seem to be nothing else, according to the idea of the Senator from Ohio. He does not seem to think that we are to investigate these reports; and, according to his idea, the only use of making them is to give the congressional Printer more work to do.

Mr. WADE. If you repose no faith in what the committees have done, of what good is their report?

Mr. TOOMBS. I expressed no such opinion as that I would repose no faith in what they did. I said I would take the facts as they reported them, and it is their duty to investigate them; and I would take their principle unless I differed from them. I must take the facts from them because I cannot investigate them all myself. I must let them state the principle on which they act; and then, admitting the facts they state, I must bring my judgment to the principle they assert; and no Senator who does his duty acts in any other way. If you have less business than you can attend to, go home.

It is a mistaken idea to talk about spending money on these little matters. There is not one dollar more money spent to-day by our debating this claim than by our doing anything else. You will sit here until the 4th of March, at twelve o'clock, and will sit no longer, whether you have this bill up or something else up. It is a common newspaper idea that we are wasting public time by debating these matters. My own opinion is, that the best time you spend, the nine tenths of it, is when you do nothing; therefore it has been a general rule with me always to vote for adjournments, so as to get rid of the sittings of this body. That has been my general rule of action for fourteen years, unless in exceptional cases, and especially when you are doing no other business than taking all the paupers of the United States and putting them on the Treasury on no testimony except their own statement that they were in the Army forty years ago, and were wounded. I will vote for none of them on principle; but, when you have adopted a system, and bring me a case that is within the equity of your general law, I will put it in the list; but I will vote no pension as a gratuity. I never have done it, and never will do it. I think you are breaking down the Government as rapidly as it can be done by its own weight, pensioning all the vagrants who come here. According to the idea of the Senator from Ohio, all a man has to do is to make affidavit and get a pension. He tells us we have the affidavit of the claimant in this case. I do not think that amounts to much. In my country, even before a justice of the peace, it would not be taken; I do not know whether it would be before a justice of the peace in Ohio. According to my experience, it would not be received at all in the ordinary administration of justice. It was not received at the common law. It has no faith elsewhere than in the Senate. The statement of a party

himself is not admitted in the usual administration of justice according to the common law. I know there have been, in some States, statutory provisions to alter that; but that has been the ordinary course of the common law for eight hundred years. It is regarded here, however, as plenary. A man swears that he was wounded, and that is enough.

In these cases, I ascertain from the report of the committee what are the facts, and the principle on which the bill is based. If it comes within the principles of the general law, I am silent; but if not, I vote against it. The Senator from Ohio and myself differ *toto cœlo*. I have nothing to say as to his integrity; but if he were a member of the Pension Committee, according to his principles, he would take very slight evidence, slighter than I would do. A committee may accept evidence which I would receive. They bring me the testimony of a soldier; I know nothing of his character; I have no means of applying those legal tests which the experience of all ages and all countries has shown to be necessary to find out the truth. I do not see him; I do not know him; I have no evidence of his character but recommendations, which we know are easily obtained. I wish to depend upon the principles of justice, for the ascertainment of facts. No man resists more sternly than the honorable Senator from Ohio the reports of committees, when they come in conflict with his peculiar opinions. I think it is a bad mode of legislation to have general standing committees; and I will not part with a particle of my power, nor give my vote upon faith, except as to those facts which they present to me, and which they have examined.

Mr. WADE. I wish barely to say, that on the principle on which my friend from Georgia acts, that the less a legislative body does the more valuable it is, we are the most valuable body in the world. [Laughter.]

Mr. BENJAMIN. I have been waiting until this very important matter could be settled, for the purpose of calling up a message which I understand has been received from the President of the United States; but, as I see no hope of this bill being passed——

Mr. TRUMBULL. Let us vote on it.

Mr. BENJAMIN. The Senator has made two speeches himself in favor of it. I move to take up the message of the President, which is lying on the table, and have it read. It is on a measure of great public interest, and I prefer listening to that. I move to postpone this bill for the purpose of hearing the message which has just been sent in to us.

Mr. TRUMBULL. I hope that will not be done, sir. Let us dispose of this little bill. I apprehend no one wants to make any more speeches on it.

Mr. BENJAMIN. If nobody else wishes to speak, I shall not interpose.

Mr. MALLORY. I move that the bill be laid on the table.

The motion was agreed to; there being, on a division—ayes 19, noes 17.

AMERICAN CITIZENS ABROAD.

The PRESIDING OFFICER, (Mr. REID in the chair.) The Chair, by permission of the Senate, will present, and cause to be read, a message from the President of the United States.

The Secretary read the message, as follows:

To the Senate and House of Representatives:

The brief period which remains of your present session, and the great urgency and importance of legislative action, before its termination, for the protection of American citizens and their property whilst in transit across the isthmus routes between our Atlantic and Pacific possessions, render it my duty again to recall this subject to your notice. I have heretofore presented it in my annual messages, both in December, 1857 and 1858, to which I beg leave to refer. In the latter, I state that "the Executive Government of this country, in its intercourse with foreign nations, is limited to the employment of diplomacy alone. When this fails, it can proceed no further. It cannot legitimately resort to force, without the direct authority of Congress, except in resisting and repelling hostile attacks. It would have no authority to enter the territories of Nicaragua, even to prevent the destruction of the transit, and protect the lives and property of our own citizens on their passage. It is true, that on a sudden emergency of this character, the President would direct any armed force in the vicinity to march to their relief; but in doing this, he would act upon his own responsibility.

"Under these circumstances, I earnestly recommend to Congress the passage of an act authorizing the President, under such restrictions as they may deem proper, to employ the land and naval forces of the United States in preventing the transit from being obstructed or closed by lawless violence, and in protecting the lives and property of American citizens traveling thereupon, requiring, at the same time, that these forces shall be withdrawn the moment the danger shall have passed away. Without such a provision, our citizens will be constantly exposed to interruption in their progress, and to lawless violence.

"A similar necessity exists for the passage of such an act for the protection of the Panama and Tehuantepec routes."

Another subject, equally important, commanded the attention of the Senate at the last session of Congress.

The republics south of the United States on this continent have unfortunately been frequently in a state of revolution and civil war ever since they achieved their independence. As one or the other party has prevailed and obtained possession of the ports open to foreign commerce, they have seized and confiscated American vessels and their cargoes in an arbitrary and lawless manner, and exacted money from American citizens by forced loans and other violent proceedings, to enable them to carry on hostilities. The Executive Governments of Great Britain, France, and other countries, possessing the war-making power, can promptly employ the necessary means to enforce immediate redress for similar outrages upon their subjects. Not so the Executive Government of the United States.

If the President orders a vessel of war to any of these ports to demand prompt redress for outrages committed, the offending parties are well aware that, in case of refusal, the commander can do no more than remonstrate. He can resort to no hostile act. The question must then be referred to diplomacy, and in many cases adequate redress can never be obtained. Thus, American citizens are deprived of the same protection, under the flag of their country, which the subjects of other nations enjoy. The remedy for this state of things can only be supplied by Congress, since the Constitution has confided to that body alone the power to make war. Without the authority of Congress, the Executive cannot lawfully direct any force, however near it may be to the scene of difficulty, to enter the territory of Mexico, Nicaragua, or New Granada, for the purpose of defending the persons and property of American citizens, even though they may be violently assailed whilst passing in peaceful transit over the Tehuantepec, Nicaragua, or Panama routes. He cannot, without transcending his constitutional power, direct a gun to be fired into a port, or land a seaman or marine, to protect the lives of our countrymen on shore, or to obtain redress for a recent outrage on their property. The banditti which infest our neighboring Republic of Mexico, always claiming to belong to one or other of the hostile parties, might make a sudden descent on Vera Cruz, or on the Tehuantepec route, and he would have no power to employ the force on shipboard in the vicinity for their relief, either to prevent the plunder of our merchants or the destruction of the transit.

In reference to countries where the local authorities are strong enough to enforce the laws, the difficulty here indicated can seldom happen; but where this is not the case, and the local authorities do not possess the physical power, even if they possess the will, to protect our citizens within their limits, recent experience has shown that the American Executive should itself be authorized to render this protection. Such a grant of authority, thus limited in its extent, could in no just sense be regarded as a transfer of the war-making power to the Executive, but only as an appropriate exercise of that power by the body to whom it exclusively belongs. The riot at Panama in 1856, in which a great number of our citizens lost their lives, furnishes a pointed illustration of the necessity which may arise for the exertion of this authority.

I, therefore, earnestly recommend to Congress, on whom the responsibility exclusively rests, to pass a law before their adjournment, conferring on the President the power to protect the lives and property of American citizens in the cases which I have indicated, under such restrictions and conditions as they may deem advisable. The knowledge that such a law exists would of itself go far to prevent the outrages which it is intended to redress, and to render the employment of force unnecessary.

Without this, the President may be placed in a painful position before the meeting of the next Congress. In the present disturbed condition of Mexico, and one or more of the other Republics south of us, no person can foresee what occurrences may take place before that period. In case of emergency, our citizens seeing that they do not enjoy the same protection with subjects of European Governments, will have just cause to complain. On the other hand, should the Executive interpose, and especially should the result prove disastrous, and valuable lives be lost, he might subject himself to severe censure for having assumed a power not confided to him by the Constitution. It is to guard against this contingency that I now appeal to Congress.

Having thus recommended to Congress a measure which I deem necessary and expedient for the interest and honor of the country, I leave the whole subject to their wisdom and discretion.

JAMES BUCHANAN.

WASHINGTON, *February* 18, 1859.

Mr. MASON. The recommendations contained in this message are to be found in the annual message of the President laid before Congress at the commencement of this session. That part of the message was referred to the Committee on Foreign Relations, and the committee reported a bill to carry into effect the recommendations of the Executive. I presume it is because that bill has not been acted upon that the President has thought it wise and proper to send in this special message urging upon Congress the passage of such a law. I am disposed to think, so far as I can gather information from general conversation, that there will be found some difference of opinion among Senators as to the expediency of adopting the legislation which the President has recommended. Yet, for one, entertaining, as I doubt not other Senators do, respect for the opinions of the executive department and the recommendations which the Executive is bound to give to us, I should be disposed to consider that it was incumbent on the Senate to give to that subject immediate attention. I propose, therefore, that the message be referred to the Committee on Foreign Relations, with a view to present to the Senate the opinion of the appropriate committee as to the expediency of acting upon the bill which has been reported to the Senate during the present session. I move that the message be printed and referred to the Committee on Foreign Relations.

Mr. CLINGMAN. There are several things in the message that I approve very much, but there will be great difficulty in carrying it out, and I think the difficulty has been increased by some transactions that have occurred within the last two years. In 1856, after the occurrence at Panama which is spoken of in the message, I introduced a proposition, in accordance with our treaty with New Granada, as I understood it, authorizing the President to use force for the very purpose indicated in the message. It was voted down by a decided majority of the other House. Since then the only movements made in that direction, in my judgment, seem calculated to retard instead of advancing the objects we ought to have in view.

The President says—and I rather think rightly—that he has no power to fire a gun for the protection of our citizens anywhere in Nicaragua. If that be the case it is perfectly clear that the movement of Commodore Paulding was unconstitutional. He went into Nicaragua not, in fact, to protect our citizens; and if he had gone there for that purpose, the President says in substance he would have had no authority to send him there; but his conduct has met with no censure, either from the President or Congress. True, the President said he had committed a "grave error," but his special message was devoted to praising his motives and excusing and palliating his act.

That was an act driving out a body of men who had been American citizens, from that country. It is admitted in this message, and I believe admitted by everybody, that it would have been an unconstitutional act if directed by the President, and of course was wrong if done by an individual.

My object in making this reference, is to say that the only effort which has been made in that country by the Executive, has been of a kind to cast some doubt on my mind as to how this power would be exerted. I say this much, because if we are to station troops there to protect the transit routes, as we ought to do in my judgment for our own interests, we shall necessarily violate the obligations of a treaty by which we have tied our hands and declared to Great Britain that we will never colonize or occupy that country. If you send a body of troops to pass through it, momentarily you occupy it. I think the only means by which we can insure the safety of the transit routes, is by having a body of troops stationed there. That, however, we cannot do, under the Clayton-Bulwer treaty. What is the next step?

I feel some hesitation in referring to the matters to which I mean now to allude; but the papers everywhere are full of them. It seems that there is an effort now going on—I speak not of anything within my own knowledge, but what I see in the papers—to have a joint occupation of these routes by the United States, Great Britain, and France, and such other Powers as may choose to come in. The important question is now presented, shall we protect these lines in our own right, as used to be asserted, as was asserted by the Democratic party at Cincinnati, and as has been asserted by a large portion of the other side? Shall we claim a paramount right to keep open the connection between California and Oregon, on the Pacific, and the Atlantic States, or are we going into a joint occupation with Great Britain and certain other European Powers? That presents a very important question. I think Senators will see that we must do one of two things: we must either cut loose from the obligations of the Clayton-Bulwer treaty and acquire the right to keep open the highway between the different parts of our dominions, or we must enter into this new relation of a joint occupation with Great Britain and other Powers, until we determine one of these two things. I confess I do not see how we can carry out the recommendation of the President.

Mr. MASON. Allow me to ask the Senator where he ever got this idea of a joint occupation between the United States and any other Power; and where he ever got the idea of a separate occupation, by the United States, of any part of Central America? I never heard it from any quarter.

Mr. CLINGMAN. I will answer with very great pleasure. I have seen published—that Senator knows as well as I know whether these are correct copies or not—there was published last spring, and it has been republished lately, a *projet* of a treaty called the Cass-Yrissari treaty, by the terms of which, it is provided that the United States shall have a right to occupy with troops, that line, and there is another clause by which we bind ourselves to use our influence with other nations to make a similar guarantee of neutrality and protection. If we have the right to use troops, having guarantied it, of course those whom we invite to come in and make a similar guarantee, have the same rights, and I presume the Senator has seen the letters from that quarter in which the speeches of Sir William Gore Ouseley, the British Minister, and of the President of Nicaragua are given. It is said in Mr. Ouseley's speech that Great Britain has a greater interest in it than anybody else, and they propose to make just such a treaty. The Senator may say that we have no right to prevent Great Britain making a treaty with Nicaragua. Perhaps we have not, but it is a very different thing if we are to become a party to it. We cannot prevent Great Britain making a treaty with Spain, by which Great Britain will bind herself to protect Cuba, but we very properly declined to enter into the tripartite convention by which we were to become a party and tie our hands so that we should never take the island.

Now, I wish to put a question to the Senator from Virginia. I ask him to say before the Senate——

Mr. SHIELDS. Will the honorable Senator permit me to suggest to him that the more appropriate course would be to reserve the discussion until we have the report of the committee?

Mr. CLINGMAN. I was about simply to ask a question of the Senator from Virginia.

Mr. SHIELDS. When the committee shall have reported upon the message, will be the proper time for discussion.

Mr. CLINGMAN. Well, I will not take up the time of the Senate. I was about to make one or two suggestions in this connection; but the probability is the Senate will not to-day, and in this stage of the business, desire any discussion on the subject. I only wished to call attention to what I regard as a very important question. I will, however, waive any discussion for the present. But I was about to ask, and before I take my seat I will ask, the Senator from Virginia, whether he does not believe such transactions, as I have referred to, are going on, which in effect will produce a joint occupation of these two transit routes by the United States and Great Britain at least—I will not ask him about other nations—I ask him if he has any doubt about this?

Mr. MASON. Mr. President——

Mr. COLLAMER. I object to this.

Mr. MASON. I hope the Senator will allow me to give the answer. It will be brief.

Mr. COLLAMER. The propriety of the answer will be discussed, and there will be no end to this.

Mr. MASON. I would say, in answer to the Senator from North Carolina, that I am utterly ignorant, from any sources, official or unofficial, from newspapers or otherwise, of any engagement by this Government, or any European Government, either made or prospective, to occupy any part of Central America for any purpose. If the Senator means by occupation, the arrangements which it is said are proposed to enable the United States, or any other Government, with the consent of Nicaragua, to land a force for the purpose of driving off intruders and securing tranquility, and then withdrawing the force, I will say, that I have seen the *projet* of a treaty published in the newspapers—whether an actual treaty or not, I do not know—which contemplated that. But occupation is one thing, and transient presence is another.

Mr. CLINGMAN. It is a mere difference of opinion as to terms. The right to enter with troops whenever you please, whenever there is a disturbance, is the only occupation that I allude to. I do not think there is any difference of opinion between the Senator and myself. When the question takes a different shape, I may have something to say upon it.

Mr. BENJAMIN. I am wholly surprised at this discussion in relation to our Central-American relations. I do not see that it is at all germane to the message which is before us. In regard to that message, I desire to make a motion as an amendment to that made by the Senator from Virginia. I do not desire to see this subject go back to the Committee on Foreign Relations. I can see no advantage in that. I can imagine nothing to be gained by referring this message to the Committee on Foreign Relations. That committee had this subject before it at the last session. The honorable Senator from Illinois [Mr. DOUGLAS] introduced a bill having in view the protection of American citizens and their property on these isthmus transits. That bill was referred to the Committee on Foreign Relations, which reported it back with an amendment, but nothing was done with it. The President, at the opening of the present session, called the attention of Congress to that subject as one urgent in his judgment. The Committee on Foreign Relations took it into consideration, made a report upon it, and put a bill before us. That bill has been examined by us all, and I have offered a substitute for it, which has been printed.

Now, within the last ten or twelve days of the session, the President tells us again—and that is most significant: "I warn Congress that the rights of persons and the property of American citizens are in peril; I beg again for power to protect them on these transits." The question is before us. It has been suggested already by the committee that had it under consideration. The President asks for nothing more than he asked before. He merely asks us to take up this measure, and dispose of it. Why, then, send it back to the committee?

I asked for the reading of the message with a view to move, as I do now move, as an amendment to the motion made by the honorable Senator from Virginia, to postpone the further consideration of the Private Calendar, and take up the bill reported by the Committee on Foreign Relations, Senate bill No. 500, "authorizing the President of the United States to use the public force of the United States in the cases therein specified." I do so because I, for one, am unwilling that any responsibility shall rest upon me if, during the recess of Congress, it shall turn out that, notwithstanding these repeated calls of the President, which seem to suggest that he has information that makes him fear an attack upon the persons and property of American citizens employed in the peaceful passage over the isthmus transits—I say I am unwilling to share the responsibility that must rest upon Congress, if, under this state of things, we shall decline to take into consideration this recommendation, and refuse to give the President power to protect our people. I think the gentlemen who are unwilling to take up this subject, or who shall refuse to grant a power that the President demands so urgently, and evidently upon private information in his possession which he cannot communicate, will have a responsibility resting upon them that I am desirous to shake off my shoulders.

Mr. SEWARD. Mr. President——

The PRESIDING OFFICER. Will the Senator permit the Chair to say a word? The Chair thinks this whole debate, perhaps, is out of order. The Chair announced a communication from the President of the United States, and there was no objection raised to receiving it, and it was read; but the orders of the day have not been postponed. The Chair thinks the message was simply taken up by unanimous consent. The Senate has not postponed the Private Calendar, and unless there be a motion made to postpone it, this whole debate is out of order.

Mr. BENJAMIN. I did make that motion.

The PRESIDING OFFICER. That motion is in order, and the question is upon it.

Mr. SEWARD. Mr. President——

Mr. MASON. Will the Senator from New York allow me to say one word in response to the Senator from Louisiana?

Mr. SEWARD. Certainly.

Mr. MASON. I wish merely to say in reply to what fell from the Senator from Louisiana that I will cheerfully vote for his proposition to postpone the present business for the purpose of taking up that bill, and it was only because I thought the better way to get the action of the Senate upon it was to refer the message, that I proposed the reference. I thought that if the message was referred, and I should summon the Committee on Foreign Relations at once to consider it, possibly if they recommended immediate action, it would draw the attention of the Senate more directly to it than the motion which has been made by the Senator; but I concur with him, and shall cheerfully vote for his motion.

Mr. SEWARD. Then, I understand the question before the Senate is reduced to this: whether the Senate will postpone the present order of business, which is the Private Calendar, on this, the last day on which the private bills can be considered by the Senate, for the purpose of taking up this subject. I am against that. I see no ground for it. I was about to ask whether there were any documents sent in by the President accompanying this message? I suppose there are none.

The PRESIDING OFFICER. There are none.

Mr. SEWARD. Then the message states just exactly, so far as facts are concerned, to-day, what the annual message stated on the first day of the session, and no more. The honorable Senator from Louisiana imagines that there is private information which the President cannot communicate; and he asks us to assume the existence of such private information, enjoyed by the President, and to assume that it is important, and would have a bearing on this subject. I will weigh the value of that suggestion in the scales with the proposition which is made by the President to invest him with a power to make war against not one State, but several States, and practically against all the States on this continent, south of

the United States; and weighing it in that balance, I am of opinion that if the President of the United States wants war to be made against even one State, much more against all the States of this continent, and wants that war to be made either directly by himself, at his own discretion, or as he suggests in his message, indirectly by Congress, intrusting him with the exercise of that discretion, coming around to exactly the same proposition, then I say the Congress of the United States cannot wisely and constitutionally act upon that subject without a full knowledge of all the exigencies which require and demand the institution of war. It is a great subject. It is to say that the Congress of the United States is not competent to be trusted with the decision of such a question and even with the facts which rendered a resort to hostilities necessary.

Now, the information which the President has, in addition to what he has already submitted to Congress heretofore, is either important or unimportant. If it is unimportant, it is of no value. If it is important, it can be submitted to Congress in open session; and if it is necessarily private, and the interests of the nation require that it should be private, it can be submitted, as on all previous occasions such facts have been submitted to Congress, they sitting with closed doors, for the purpose of receiving the intelligence.

But, sir, I cannot suffer this branch of the subject to pass without saying that I am utterly unable to conceive of important facts on this subject within the knowledge of the President of the United States, which ought to be regarded as private and confidential. What are these States? There is not one of them that is able to maintain any resistance against the United States if it shall put forth its war-making energies. They are all feeble States; they are all distracted States, incapable of making a resistance. The very proposition itself implies that they are incapable of making resistance, and that the Government of the United States can, in regard to any one of them, strike the blow, chastise the offenses, and withdraw, even with impunity, after the assault. There can be no reason for regarding the supposed facts as private and confidential, improper to be communicated, except, indeed, on the ground that the communication would involve the country in danger; and, as I have already shown, this country is in no danger from any one or all of the States which are menaced by the proclamation of the President.

Mr. CLINGMAN. I should like to ask the Senator a question. When an attempt was made to make a call on the President for information in relation to this subject, did not he, with a majority of the Senate, refuse to make this call for information bearing upon Central America, and the condition of these lines particularly, at an early day this session? If we did not ask for information out of deference to the supposed will of the President, I do not know that we have any right to complain of his not informing us. It was intimated by the distinguished Senator from Virginia that it would be disrespectful or disagreeable to the President; and I think the Senator from New York, and others, refused even to entertain a proposition to ask for information on this subject.

Mr. SEWARD. I will answer the honorable Senator from North Carolina very briefly. That honorable Senator did submit a call upon the President for information which I did not understand to have any application to this subject, but to be a call designed to bring out some facts in regard to supposed negotiations in the form of a treaty. I voted against it upon the general consideration that the time was inconvenient; and that the President, for anything I knew or suspected, had submitted to Congress all the information on that subject which was in his possession, and that there was no reason to suppose he would not submit to the Senate any information he thought necessary without a call, and not from any opposition whatever to obtaining information.

Mr. CLINGMAN. The Senator misunderstands the resolution somewhat; it was of a broader scope; but it was open to amendment, and might have been enlarged or limited. There was an utter refusal to consider it. My purpose was to get at any facts which the President might think proper to communicate, that would account for the change of position between the message of December a year ago and last December. I thought it was due to the country and to the President, as there seemed to be a great change in the line of policy of the Government, that we should have an exposition of the reasons for the change, and that would have embraced this very subject.

Mr. SEWARD. I will close in a very few words what I have to say on this subject now. The President is unfortunate in suggesting that the disturbance which occurred on the Panama route, two or three years ago, in the Republic of New Granada, affords a suggestion of what may be apprehended hereafter, because it is known to the world that at this time a treaty has been negotiated by the President of the United States with the Republic of New Granada, for the adjustment of that difficulty, and for the payment of all the damages which were incurred in consequence of it; a treaty which, although it is now before the Senate under the seal of confidence, I may say is satisfactory to the President of the United States, because he himself has negotiated the treaty, and he is committed to it.

I will say, also, that before I proceed further in authorizing the President to make war against more of the South American States, I have some curiosity, and I think the public has some interest, in knowing, what is shortly to be ascertained, the success of the President in the one war which he is already authorized to make, and in which he is engaged—I mean the expedition against Paraguay. It is a sad thing to see in a message of the President of the United States a comparison drawn between this republican Government and the monarchical Governments of the Old World, in regard to the advantages of the powers reposed in the Executives of these forms of government. Those Governments being monarchical, and the war-making power being in the hands of the Executive, he is able to make war without appealing to the conscience or to the wisdom of the nation. It was thought, seventy years ago, that it was a great improvement, conducive to peace, essential to the permanent stability of republican institutions, that the Executive should be destitute of the power to make war, and that this last final remedy for national grievance should never be resorted to in any case without the deliberate consent and determination of the nation itself. It was thought that it was much better for the stability of republican institutions, and better for the progress of civilization and for the advancement of mankind, that the Executive of a republican Government, or of any other Government, should have power to deal with the controversies with other nations only by diplomacy. The President of the United States now regrets that those nations living under arbitrary forms of government are safer than we are who live under this, as we thought, improved system.

But, sir, I am unable to understand the logic which brings the President of the United States to the conclusion that this application to us will not be a surrender of the war-making power. He tells us that it would not be a surrender of the war-making power; but that we should be making war ourselves. Could anything be more strange and preposterous than the idea of the President of the United States making hypothetical wars, conditional wars, without any designation of the nation against which war is to be declared; or the time, or place, or manner, or circumstance of the duration of it, the beginning or the end; and without limiting the number of nations with which war may be waged? No, sir. When we pass this bill we do surrender the power of making war or of preserving peace, in each of the States named, into the hands of the President of the United States. The President tells us we can annex conditions to the grant; but of what value are conditions to a power to make war when hostilities have once begun? Who can prescribe the compliance with, and the execution of, those conditions by the Executive power?

It is for these reasons that, while I agree that there is no advantage to be gained by sending this subject to the Committee on Foreign Relations, they having already acted on it, I see no necessity for laying aside the present business of the day for this purpose.

Mr. FESSENDEN. Mr. President, I think we may as well look back a little, before we proceed further in this business, and give the President the power he ask of us. It was only at the last session that he desired Congress to place in his hands the power to bring the great nation of Paraguay to terms; and a very innocent-looking resolution was brought into this body by the Committee on Foreign Relations, authorizing the President to use force for the purpose of settling a little difficulty we were in with the Republic of Paraguay, if it is a republic—I hardly know what kind of Government it is.

Mr. MASON. It is a mixed Government.

Mr. FESSENDEN. It is a mixed Government, the Senator says. Well, sir, that measure was opposed by some gentlemen on this floor. It was said at the time that it was giving the President power to make war. The answer which the honorable chairman of the Committee on Foreign Relations made was, that it was only giving the President power to commence hostilities. Without making any distinction between commencing hostilities and making war, it was said further that it really amounted to nothing; that all the President desired was to send a single vessel in that direction; and that probably there would be no sort of occasion to send one vessel, for as soon as we passed the resolution some bird would carry the news to Mr. President Lopez, and there would be an end to the difficulty; that we should have no sort of occasion to go any further in that business. A majority of the Senate listened to that delusive idea, and were over-persuaded to pass that resolution; and it passed the House of Representatives. What has been the result? This, which was only a matter on paper, only a mere formal affair that was to amount to nothing, became at once the signal for a great expedition; and we know now the fact that, after that power was granted, on the strength of these declarations made by the chairman of the committee and others who advocated that movement, an expedition has been sent out for the purpose of bringing Paraguay to terms, consisting of some twenty vessels, I believe, from which we have heard no account, and of which we really know nothing as to what are its ultimate intentions.

It has been suggested by my honorable friend from New York that we may as well wait until we hear something from it. We have heard enough from it. We have seen the delusive character of the thing itself. We know upon what pretenses it was requested of us, and upon what pretenses it was granted; and we see now the result. This nation is actually plunged into a state of warfare with one of the Governments of South America. Having succeeded in that, the President comes to Congress at the beginning of this session, and requires of us to grant to him the power to make war upon all of them, or to commence hostilities against all—I will keep within the argument that was adduced on the former occasion. It has been on our table ever since the first of the session. We have had a bill here, to which there has been an amendment moved by the honorable Senator from Louisiana, who thinks it is not quite strong enough, and it has been suffered to rest there. Congress heard the suggestion; they understood the object; they heard what was said by the President; they chose to remain quiet as they were, with the information they had received. Now, how comes it that the President is here again with his special message, which the honorable Senator from Louisiana seems to have known all about in the first place, for he makes suggestions to us as to what is probable, and tells us that the President has probably some information in his possession which is very important, and which calls for immediate action.

Sir, why has not the country heard something of this? Usually, when we are in a state of hostilities with other people, it gets into the newspapers; we know something about it. How happens it that the country was so wonderfully quiet in relation to all these matters, up to the beginning of the session of Congress? There was no difficulty, unless the Senator or somebody else brought it when we came here. The country was quiet; we heard of none of these difficulties, except some little troubles with some of our citizens in these republics; and yet the President urges upon us—what? Substantially to put into his hands the power to send another expedition, and yet another and another, and some of a larger character, to Central and South America, in order to do what he may see fit to direct to be done. What

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is the argument? The argument is that we are all wrong; that the country is wrong; that the Constitution is wrong; that we are going on in an improper manner; that other nations have the power to make war at once; that that power is lodged in the hands of the Executive; that it is not so with us, and we are experiencing difficulties. Why not at once proceed to take initiatory steps to have changed the Constitution of the United States? This provision means something or nothing. It means that the Executive shall not have this power, or it means that he shall. It says distinctly that the power shall be lodged in Congress—that Congress alone shall have the power to make war. What is this demand? That we shall divest ourselves of this power and put it in the hands of the President, with regard to half a dozen different Powers of the earth, if you choose to call them Powers. What is the answer? That they are only small Powers. Suppose they are: does that make any difference in the principle? Is it not precisely as much of a surrender of our power as it would be if we were to say the President shall be invested with power to commence hostilities against all the world? Whether the Powers are large or small, weak or strong, there is no difference in the principle.

Now, sir, I do not choose, for one, to wrest this power from Congress, where the Constitution has placed it, and give it to the President of the United States. To speak plainly, I have not that confidence in the present President of the United States which would induce me to do so, except under the most urgent necessity, where no other course would answer. But we are required not only to do this, but to do it blindly. What facts have we? What facts did he communicate when he sent his annual message? Any? Not at all. He told us we had unsettled difficulties. Everybody knew that before; but they were of a slight character. He comes now, with this message, and presents himself before Congress again, for no reason that I can understand, urging the same thing upon us for the second time, and going further; taking a new step—advising Congress to take up a bill on its table, and pass it before the adjournment, because it is necessary that he should have this power. Are we a parcel of children? Have we no judgments to be convinced—no minds to be informed? Is that the mode of discharging the duties which the Constitution imposes upon us, invests in us, to take the President's word when he asks us to invest him with a power like this? Where are his facts? We have none. Where were the facts at the beginning of the session? We had none. Where are the additional facts now? None are presented.

But the Senator from Louisiana intimates that there is probably some information which the President has that is important, upon which he requires us to act. The answer is conclusive; why not communicate it? It is not necessary that we should have it publicly. We may have it in executive session.

I hope the time never will come when we shall have a man at the head of this Republic who has so much the confidence of the people that we shall be willing to invest in him powers, and trust them to his discretion, which the Constitution has vested in us. It was for wise purposes that our wise ancestors said the people should judge of the propriety of making a war against another people. As I said before, I hope the time will never come when we shall have a President in whose hands we shall be ready to trust so much power, because it would be a bad precedent. Much less am I willing to trust it to one who, in the exercise of the power that he has already possessed, has shown that he was so little fitted to wield it as the present President of the United States has, in my judgment. I should not say this without reason. I say it simply because he asks of us that which no man ought to ask except under special circumstances which do not exist—which at any rate have not been communicated to Congress.

It is not easy to pass this off as a trifle. I do not know what the object is, but I am free to say that I view the whole course of proceeding of this Administration and of the last, of our Government of late days—how far back it goes I do not know—as of the most unwise character with regard to the South American and Central American Governments. We might have had peace with them if we had chosen; we might have had our interests protected if we had chosen to have those interests protected, in my judgment; or if we had not ulterior objects which we have no right at all to enforce; and I am therefore averse for a single instant to placing any power which we have over these countries out of our hands, and especially to placing it in the hands which seek to grasp it. We should not only be unwise, but we should be entirely false to our duty.

It has been suggested that we should send troops to take possession of and guard the transit routes. What right have we to do it? We can only do so by treaty. Where are your treaties authorizing it? Are there any? Nobody pretends that there are.

Mr. CLINGMAN. The Senator will allow me to say there is a treaty in reference to the Panama route.

Mr. FESSENDEN. Then, so far as the Panama route is concerned, we may exercise it, but the President has no such power, and I will not vest him with it, because there is no pressing necessity for it. Do gentlemen contend that we are in any danger? Where is the proof? Why was it not laid before Congress?

Mr. BENJAMIN. Will the Senator permit me to interrupt him?

Mr. FESSENDEN. Certainly,

Mr. BENJAMIN. I said that we should necessarily be willfully blind not to suppose that there must be a necessity, under such circumstances as these: that at the beginning of the short session the President of the United States called upon us to give him power to protect these transits, suggesting the necessity of such a power that he feared he would be called upon to exercise; that the committee of the Senate had reported a bill to that effect, and that it was a very extraordinary circumstance, and indicative of a knowledge of facts making that power necessary, that the Executive should send in a special message within a few days of the end of the session, telling us again that the lives and property of American citizens would be in danger, and that he had no means to protect them unless we gave him this power; and the power asked for is not a declaration of war, nothing of what the Senator says, but a right, in case of an attack on American citizens, their persons, or their property, to protect them, and immediately withdraw the force.

Mr. FESSENDEN. I did not say, or intimate, and I trust I am not so weak or so ignorant as to say or intimate, that passing this bill is a declaration of war. I said pass it, and you put it in the President's power to involve us in war.

Mr. BENJAMIN. How?

Mr. FESSENDEN. How? Because we leave it to his discretion what to do with the Army and Navy in reference to foreign countries. That is how.

Mr. BENJAMIN. The Senator, I think, mistakes the bill. The proposition is not that the President shall do as he pleases with the Army and Navy, but that he shall use them to repel an attack, if an attack is made on us.

Mr. FESSENDEN. But who is to judge of the attack? The President, of course. Then is it not in his power? That is the very thing. The Senator talks about our being willfully blind, if we do not suppose so and so. I do not proceed upon supposition. Is a question of this importance to be settled by our own supposition, or the President's supposition? I am not so blind but what I see that the President wants the power; I am not so blind but what I see that he is urgent to get it; but I am so blind that I cannot see what has not been shown, and that is the necessity for it. Show me the necessity, and then I will act. The Senator argues that because the President urged it once and because the President urged it twice, and urged it in strong terms, therefore we are to suppose that a necessity exists to grant the power. That is precisely what I am contending against. I do not choose to proceed upon supposition in a matter of this kind. I do not choose to place the power of Congress in the hands of the President of the United States to be exercised at his discretion, simply because, as the Senator contends, I must suppose he thinks so. May he not be mistaken? Is he infallible? Is his moral sense so high and his intellect so keen that he cannot mistake and cannot err? Let anybody believe that who pleases; we have had no evidence of either.

Mr. BENJAMIN. If the Senator will permit me, I will put a question to him. Is not the President now invested with the power to repel, by force, any attack upon citizens of the United States within our own territory?

Mr. FESSENDEN. Well, grant it.

Mr. BENJAMIN. Who judges of the fact whether there has been an attack, Congress, or the President, in its recess?

Mr. FESSENDEN. The President.

Mr. BENJAMIN. Well, the President says that on these transits there is danger of an attack on our citizens, in countries where there is no power to protect them, and he says: "If there is such an attack there, I desire the same power to protect our citizens that I have on our own territory; and I ask for it there, because there are no organized Governments there."

Mr. FESSENDEN. Are these transits within our territory?

Mr. BENJAMIN. No.

Mr. FESSENDEN. Then they do not come within the provision of the Constitution, do they?

Mr. BENJAMIN. No.

Mr. FESSENDEN. The Senator argues that, because the necessities of the case require instant action at home, and, therefore, the Constitution grants the power there, hence we are to give the same power abroad. It is a *non sequitur*. The Constitution does not provide for that. The people who made the Constitution were too careful to do it. They were aware, as they must be, that it might be possible that an attack would be made on us here at home which required instant opposition, and in such a case that it must be necessary to protect our people. You cannot wait for the slow action of Congress in such a case. But if our people choose to go abroad—if they choose to put themselves within the jurisdiction of other Governments, must we extend that power which was granted simply for our protection at home, to any undertaking that our people may engage themselves in abroad?

The Senator cannot argue properly from the one case to the other. He admits that he desires that the President should have the power abroad, on foreign territory, with regard to the use of the Army and Navy, that he has at home, in cases where it is necessary to repel an attack. The two cases are entirely different. That is a power which our ancestors, those who made the Constitution, did not intend to vest the President of the United States with, nor do I, so far as my vote is concerned.

But let us get back. I was asking the Senator where in the world was the proof that this power was needed? What evidence have we of the necessity? What has been brought to us to show that we ought to divest ourselves of the power which the Constitution vests in us, and put it in the hands of the President—the power to involve this nation in foreign wars innumerable. Where is it?

Mr. BENJAMIN. I should like to ask the Senator one or two questions?

Mr. FESSENDEN. As many as the Senator pleases.

Mr. BENJAMIN. Suppose he knew now that there was danger; that our citizens in transit from the Atlantic to the Pacific States would be attacked; that there was imminent danger: would

he be willing then to give the President power to use our forces to repel an attack in case of an attack?

Mr. FESSENDEN. Not if we were in session.

Mr. BENJAMIN. That is all I want to know.

Mr. FESSENDEN. If I knew, I say I would not now. Why? Because Congress is in session, and Congress is to judge.

Mr. BENJAMIN. I put this question to the Senator, and I desire an answer.

Mr. FESSENDEN. I will answer categorically. Put it, and I will give an explanation.

Mr. BENJAMIN. If the Senator believed now that there was imminent danger that during the recess of Congress our citizens, in peaceful transit from the Atlantic to the Pacific shores, would be attacked, would he give the President power to use the force of the nation to repel it?

Mr. FESSENDEN. If I was satisfied of the fact, I might do it; but that is not the question presented.

Mr. BENJAMIN. I am speaking of the future, not of the past. If he was satisfied there was danger such a thing would occur, would he give the power?

Mr. FESSENDEN. If I was satisfied of the fact that such danger existed, I might do so; but that is not the question submitted.

Mr. BENJAMIN. As the Senator has said that, if he yields that point, I wish to suggest one further question, and that is this: as it is the special duty of the President of the United States to give information to Congress of the condition of our foreign relations, and as the President has communicated to us that very information, and as he apprehends that danger, where is the difference in the two propositions as to the power to be given?

Mr. FESSENDEN. I will explain it. It is very astonishing the Senator cannot see it himself. The difference is this: in the one case, I act on my own judgment; in the other, I am called upon to act on the judgment of the President, without knowing what the facts are. There is the difference.

Mr. BENJAMIN. Does not the Senator see that in either case he would have to rely upon the President's judgment for the future, whether or not there had been an attack? If he thought there would be an attack, he would give the power. If the President thinks there will be an attack and he does not, he will not give the power. But if the case existed which I first put to him, he would have to rely on the President's determination whether or not the facts had occurred of the attack that he apprehended; and after all he comes back to the presidential discretion.

Mr. FESSENDEN. Mr. President, the Senator marvels that I do not see. I think a little of that blindness which he imagines is over the eyes of others, has approached his own, keen as they are, that he cannot see the distinction. It is obvious. I am not contending that in no case would I give the President the power. That is not my ground. I am contending against this proposition as it is made to us; on the ground on which it is based. I say, and say frankly, there might be a case in which I would invest the President with the power, in anticipation of a difficulty with a foreign Government.

When I had got to that point where I would declare war, if I should propose to delegate that power I should be a derelict Senator. I might vest the power, to a certain extent, in the hands of the Executive for certain things. Does it follow from that, because, under a state of facts which I knew, I might give the power, that therefore, under a state of facts of which I know nothing, I am to take the President's word and give him the power, not only for one Government, but for half a dozen? It is precisely what I am contending against. I say this power belongs to us. We are the power to judge when the contingency arises, and whether there shall be war or not. I would give that power to no President—none that has ever stood upon this footstool. To none that ever God's sun shone upon would I give the power to involve us in foreign wars without acquainting me with the facts upon which he was to act, if I was one of his constitutional advisers, with reference to that matter. I should be derelict to my duty if I did any such thing.

Sir, I consider this proposition, as it stands before the Senate, a monstrous proposition. The President gives us no information; he communicates nothing to us; but he comes before us simply with the request to place all power in his hands, with regard to some of our sister republics, to involve us in war; not asking us to declare it, but to put it in his power to do so. I say again, under the exhibition we have had of what his wisdom is, and the little reliance to be placed upon his declarations in the case of Paraguay—for I take what was said by the chairman of the Committee on Foreign Relations [Mr. MASON] to have been said for him and from him—after that experience certainly we ought to be wise enough to hesitate long before we follow up that idea, and place a power so enormous, and which may be attended with such disastrous consequences to this country, in his hands. Sir, let us know something about these difficulties and these troubles. It is not sufficient that they rest in the bosom of my friend from Louisiana, [Mr. BENJAMIN,] and in the knowledge of the President himself. We are coequals here. We can act upon nobody's information where it is necessary that we shall act upon our own responsibilities. We must know ourselves before we proceed thus far. For myself, whatever may be the arguments, unless they are founded upon some facts, this proposition in any shape, whether it is taken up now, or come from the Committee on Foreign Relations with its recommendation, will never meet my support. I want to know something more about it.

Mr. DOUGLAS. I desire to say a word or two on this question. I am rejoiced that the President, in this special message, has called our attention directly to the question involved in the relations we bear to Mexico, Central America, the transit routes, and those southern republics. I think the President ought to have the power that he asks. I think that we have such interests connected with the Pacific, that we ought to have, and must have, the highway leading to our Pacific possessions kept constantly open. In order to accomplish that, we must necessarily repose confidence in the Executive. No matter who the President may be, when he achieves that high office he must be intrusted with those powers which the Constitution contemplated he should exercise for the good of the country; and unless we can trust the Executive whom the people have selected, we fail to accomplish those objects for which the Government was established. I would confer upon the present Executive just such powers as I am willing to give in advance to all his successors, no matter who they may be, or what their politics may be. I am not going to give a vote of special confidence to the present Executive, or to any other individual; but I am willing now to confer by law those rights and duties upon the President which I think the Chief Magistrate of the nation should always possess. I think, sir, that the President of the United States ought to have the power to redress sudden injuries upon our citizens, or outrages upon our flag, without waiting for the action of Congress. The Executive of every other nation on earth has that authority under their respective forms of government. If there is an outrage perpetrated at Tampico, or at any other point, upon the rights of their citizens, or upon their flag, they can demand instant redress, and enforce the demand if it be refused. We are now being driven out of the trade in the Mexican and South American ports, and many other ports of the world, for the want of the authority in the Executive to demand and enforce instant redress the moment the outrage is perpetrated.

The objection is, that under our form of Government this power cannot safely be granted to the Executive; that our ancestors were jealous of Executive authority; and that we must not give him that power which necessarily involves the power to make war, if he shall exercise it in that direction. Sir, your Executive can make war at any time, with any nation, under the powers that are conferred by the Constitution, if he is disposed to seek the quarrel. He may return such an answer to France, or to England, or to any other Power, as would force two nations into collision. But we are bound to believe that the Executive of the United States is not going wantonly to seek a quarrel with a foreign Power. We must have a degree of confidence that the foreign relations are to be wisely and discreetly managed. We must repose that much in his discretion. But, sir, I have very different views in regard to the amount of power that should be conferred upon the Executive outside of the United States from the amount that should be conferred inside. All Executive power inside of the United States is in derogation of the rights of the citizen. The Executive power exercised outside of the United States is yielded in support and defense of the rights and interests and privileges of the American citizen. Hence, I would give a liberal rule of construction where it is to be exercised outside of the limits of the United States, in behalf of the citizen, while I would insist upon a rigid and strict rule inside of our limits, where it is in derogation of the rights and liberties of the citizen. I think, sir, that you may confer upon the Executive the right and the duty of keeping open these transits across the continent, not only at Tehuantepec, but at Nicaragua and at Panama, so that we may have all the highways constantly open.

I go farther, sir; I would intrust the Executive with the authority, when an outrage is perperated upon our ships or commerce, to punish it instantly where he thinks the interests and honor of the nation require prompt action. I would confer authority upon the President, in the case of another Black Warrior affair occurring as it did a few years ago, to redress the wrong promptly, without going to Madrid, and from Madrid to Havana, and from Havana back to Washington, and exhausting years in fruitless negotiation.

I am glad that our attention is brought directly to this point. The Committee on Foreign Relations have reported a bill to confer this power on the President in certain cases in Mexico, Central America, and some of the South American States. I do not think that bill goes far enough. If the principle be right, if it is safe to trust that power to the President with regard to Mexico and some of those other States, I would make the principle general in its application. I am not willing to say that we will confer this authority upon the President in regard to the weak and feeble Powers that have not the means and capacity of resistance, but that we will not allow him to exercise it as to the other Powers. I would not limit the power to Mexico or to any other nation by name. I would say that in all cases where there are outrages upon our flag and citizens and property, demanding instant redress, not admitting of delay, the President may use the Army and Navy to enforce such redress, and then report the facts to Congress. I introduced a bill of that kind last year, during the last session of Congress, in order to confer this authority upon the President, not with reference to any case then pending, but as a general rule. I desire the President of the United States to have as much authority to protect American citizens, American property, and the American flag abroad, as the Executive of every other civilized nation on earth possesses. The American name will never be respected abroad until you intrust that power with the Executive. American citizenship will not be a passport to respectability and to protection until the Executive shall have that power. I therefore would confer, by a general law, the authority on the President in cases of sudden and gross outrages upon our flag, or citizens, or their property, which did not admit of delay, to demand and enforce instant redress.

We must do it as to Mexico; we must do it as to Central America; we must do it as to many of the South American States, and, perhaps, to some feeble nations in the East Indies; and we must do it as to Cuba, too. We have been in constant quarrel with regard to the Island of Cuba. Our commerce has been constantly interrupted; our flag has been outraged. We have at all times unsettled quarrels with Spain, growing out of our connection with Cuba. The Captain General and the officials in Cuba have ample authority for annoyance to American citizens and to American interests, but they have none to grant redress. When they seize a ship and tie it up in the harbor of Havana, we must not complain to the Captain General in Cuba, but to Madrid; then they send it to Havana; from Havana it is sent back to Madrid, and then to Washington; years elapse, and, in the mean time, our commerce is interrupted. We must have authority to enforce the release of a ship instantly, when it is seized in Havana, instead of going round in that system of circumlo-

cution. I, therefore, desire this authority to apply to Cuba especially, as well as to the transit routes, to Mexico, and to the Central and South American States.

There is a principle involved in it. The principle is, whether we are willing to trust the Executive outside of the United States with the discretionary authority to redress outrages upon American citizens and American rights, under circumstances that do not admit of delay. We must either do that, or we must allow ourselves to be driven out of the markets and the ports of all those countries. Now, when a revolution arises in one of those Spanish-American Republics, the revolutionists know that if they disturb an English merchant, or rob an English banker, there will be an English man-of-war in the port instantly demanding redress, and battering down the walls of the city if redress is not granted. They know, if they rob an American banker, or an American merchant, or exact forced loans upon them, we have no power to demand redress and enforce it; that it only results in negotiation; the negotiation will be protracted for years, and will never come to a termination until that revolution is over and the successful party again turned out, and it comes upon their successor to foot the bills, and not the Government or party that perpetrated the outrage.

Mr. PUGH. The bill is not footed half the time.

Mr. DOUGLAS. And as my friend from Ohio says, half the time the bill is not footed. We can see that British consuls and British agents intermeddle, and inform the revolutionary chiefs in Mexico and those countries that they had better make their seizures on American property, where they can do it with impunity. The British are rather desirous that American merchants and American bankers should be driven out, in order that they may have the monopoly of the trade, and our system of intercourse with those countries encourages this result. We have either got to assert the principle that American citizens shall be protected all over the world with the same vigor as British subjects or the subjects of any other country are, or we cannot maintain an equal respectability in foreign countries. You cannot maintain that principle, unless you confer this authority upon the Chief Magistrate of the United States. I will confer upon the present Executive no authority that I am not willing to continue to his successor and his successors in all time to come. I am willing to adopt the principle that this authority shall be vested in the Executive of the United States as a rightful authority and a permanent rule of action, applicable all over the world, wherever he thinks American interests and American honor require it to be exerted.

I repeat, sir, I am glad that this question has come up. I hope it will lead to definite action upon the subject. I hope it will originate a more vigorous and efficient foreign policy—a policy that will be felt throughout the world, and be not merely one in name; that we may act whenever an outrage is perpetrated upon our rights, or upon our citizens, instead of sending special messages to Congress and diplomatic notes to our representatives in those countries. The vesting of this authority in the President will do more to protect American citizens and American property abroad, than all the battles we may fight in the wars that may grow out of these specified cases. When it is known that the Executive has the same authority outside of the United States to redress these outrages, that the British Premier, or the French Emperor, or the head of any other nation, posseses, and that the American people are determined to maintain their equality among the nations of the earth, not only at home, but in the protection of their citizens abroad, you will find there will be a much less number of outrages perpetrated upon our citizens and our flag, than are now committted.

In my opinion, this power must be conferred. I know that there are those who have fears of its abuse. Why, sir, those intrusted with authority have now the power to abuse it if they are so disposed; but still, when we elect a Chief Magistrate, we must vest him with a certain degree of discretion. He is entitled by virtue of his election to a certain amount of our confidence; and I am prepared now, to adopt a rule that I am willing to abide by under all Administrations, and not in a special case applicable to the one under consideration.

Mr. DAVIS obtained the floor.

Mr. MASON. I hope the Senator will allow me to submit a motion to print the message; otherwise it may not be done?

Mr. DAVIS. Certainly.

Mr. MASON. I move that the message of the President be printed.

The motion was agreed to.

Mr. DAVIS. I cannot concur, Mr. President, in the doctrine which has been so forcibly presented to the Senate by the Senator from Illinois.

Mr. BELL. I hope not.

Mr. DAVIS. Though it may be very desirable to protect those American citizens who go abroad and engage in commerce, there is a higher and holier duty still—to preserve our Government at home. I cannot see to what limit we should not run if the Executive is to be invested with the power to send the land and naval forces to redress such wrongs as he may consider to have been perpetrated; to land troops wherever he may please, according to the lofty sentiment of the Senator from Illinois; not restricting himself to weak Powers, but extending also to the strong. Whenever ambition, or any other motive, should induce the President to have a war with England or France, he has nothing to do but to land a handful of men, who would certainly be whipped off the coast, and involve this country in a war; or else there would be presented the humiliating spectacle of the flag of the United States trodden under foot by a powerful nation, and the American Congress shrinking from its defense by voting censure on their Chief Executive.

Such alternatives as these do not commend the proposition to my consideration. If it has come to pass that it is needful now to go further than our fathers went in investing the Executive with power promptly to act abroad, it is only to be regarded as the decadence of the people of the United States. When we shall so far have lost political virtue that the question cannot be decided with that promptitude which belongs to a body of patriots, when a wrong inflicted upon an American citizen is to be canvassed in the two Houses of Congress upon party and sectional bases, then we shall have so far lost our right to be free, we shall have so far sunk from the virtue which existed in our fathers, when they formed this Government, that it may be necessary to stride further on the road to absolutism. Every step the Congress takes in renunciation of the power vested in them by the Constitution, and lodging it in the hands, and subject to the discretion of any man, is a step taken in the road to despotism. The necessity must be dire, must be visible, which induces me to take even one of those steps.

But I do not understand the message of the President as asking all this of Congress. I understand him very carefully to guard the transfer of the war-making power by such restrictions as the wisdom of Congress shall decree; and, for one, I shall restrict it to the special cases which are known to exist, and to the time within which it may be necessary to use it. I concede to the Senator all the force of his argument, that our Government is weak in its foreign relations; that they are slow; that we want the unity and promptitude which belongs to other Governments. Our people are not protected abroad with the same promptitude that belongs to the Governments of Great Britain and France. These are evils. I think it may be stated that our Government is too weak abroad and too strong at home. I have no wish in escaping from one evil to magnify the other. I prefer to bear such ills as belong to the improper treatment of our citizens abroad, and the delay consequent upon the action of Congress, rather than surrender this great constitutional right of the Congress of the United States to the discretion of the President.

In the case which is particularly cited in the message of the President, that of the Isthmus of Panama, it will be remembered that, by a treaty with New Granada, we guarantied their sovereignty and possession of that isthmus; that under that convention between the two Governments a company was incorporated; American capital went there and constructed a railroad to connect the Atlantic and Pacific oceans. American citizens were invited there. They were encouraged to believe they had the protection of their own Government. They invested their capital. The United States established a post route across the isthmus and upon this road. This constitutes a case not included in the general category of sending the President abroad to make war wherever he may think a citizen injured. There is a case where it would be entirely proper for the Congress of the United States to give the President the power to send naval forces to be landed when necessary, to protect that post route across the continent, to make safe those citizens of the United States who, under the protection of a treaty, had gone there to reside, and invested large amounts of their capital in a public work. It is an exceptional case. I was struck with the remarks of the Senator from North Carolina, who seemed to think the Clayton-Bulwer treaty the great obstacle. It was not applicable to the Isthmus of Panama.

Mr. CLINGMAN. If the Senator will allow me, the last article of the treaty does not apply it. It first applies to Central America; but if the Senator will look to the last article, he will find that it covers Panama and Tehuantepec by name, and any other route.

Mr. DAVIS. In relation to the privileges of inter-oceanic communication, that is all very true; but, in relation to the restrictions of colonization and the establishment of military posts, I think he will find that neither Panama nor Tehuantepec is included.

Mr. CLINGMAN. I shall send for the treaty.

Mr. DAVIS. I may be mistaken; but my recollection is, that two out of the three routes are not included in the restraints proposed by that treaty. Only one of the three, then, is subject to the objection which is offered. Whether the other two will ever reach the condition of the present route across the Isthmus of Panama, I am not prepared to say. One we know now to be interrupted; the other to be open, and to give promise of being a very prosperous postal, passenger, and perhaps commercial route, the latter being under the Government of Mexico. Notwithstanding all the intestine feuds which have existed in Mexico; notwithstanding all the unjustifiable taxation which has been imposed upon foreign capital, existing within her borders, we have no reason to believe that the Government of Mexico will allow such crimes to be perpetrated as mark the case of the Isthmus of Panama. It is at least to be hoped that such will not occur. They have advanced at least several steps further towards civilization than the New Granadians; and one reason why it may be needful to exercise this power in relation to those small Central and Southern American States, and not in relation to a great Government——

Mr. GREEN. I did not understand the Senator to say which Government has advanced further in civilization than New Granada.

Mr. DAVIS. My opinion is, that Mexico has. The Senator may entertain a different opinion; but that is not germane to my argument.

Mr. GREEN. I do entertain a decidedly different opinion.

Mr. PUGH. It is about six of one and half a dozen of the other.

Mr. DAVIS. I hold that one has advanced further in civilization than the other; that one has attained much greater power than the other. I hold that it is just in proportion as Governments advance in civilization and power, (and to any great elevation of power they cannot attain without an equal progress in civilization,) that we are secure from those interruptions which would justify the forcible action of the President of the United States.

But, sir, in the event of an extreme case occurring, in the event of citizens crying aloud for the protection of an armed vessel of the United States lying in the harbor, the American sailor who would not give it, without waiting for the law or a specific clause of the Constitution to enable him to do it, would deserve to have the epaulets stripped from his shoulders. I should have no apprehension, where ever a vessel bearing the arms of the United States was lying in a harbor, that any officer of the American Navy would allow an American citizen to be sacrificed to an infuriated mob, when he had the power to protect him. Any Administration which should attempt to punish an

officer of the United States for thus acting in a foreign port, would encounter a public indignation before which the greatest popularity would sink, and the persecuted officer rise to a consideration higher than otherwise he could attain. There is no dread, then, of future consequences to restrain our officers of the Navy in such cases. I have no fear that they will ever prove derelict to such a duty.

The experience of the delays at Havana, which has been urged as a reason for granting this power, was most forcibly presented as an argument by the late Secretary of State, Mr. Marcy, for changing the relations which the Captain General bore to the consul of the United States, to make the Captain General as responsible as he was powerful, to authorize the consul to have diplomatic intercourse with him, and the United States then to look to the Captain General, invested as he is with extraordinary powers, as the person who was to be held accountable when the rights of the United States were violated. That is a remedy which does not involve the granting of plenary powers to the President, but to correct an existing evil makes the individual responsible who has the power to violate the rights of a citizen of the United States, either resident or trading with the port of Havana.

But the Senator from Maine referred to the condition of things in Central and Southern America, and attributed the decline of the influence of the United States to the mal-administration of our Government. I dissent entirely from the position of the Senator. I think the result which he attributes to mal-administration, unless it include a policy which no Executive had the power to control, cannot be ascribed to any one department of the Government, unless it be the legislative. Look to the appropriations you have made, and the laws you have enacted for your great inter-oceanic line of communication; look to your transatlantic mail, where large sums are annually paid to keep up the correspondence with Europe; then to the lines which Great Britain has sustained with Central and Southern America, keeping a regular communication with every one of the important ports, and leaving the United States to maintain their correspondence by the circuitous route of the British ports. This policy or conduct affords a sufficient reason for the decline of our commerce and for the decline of our political influence within those States. Had some portion of that money which has been given—I will not say squandered, though such is my belief—in rivalry between the United States and other countries as to which should supply the fastest passenger steam vessels, been expended in the maintenance of mail lines to Central and Southern America, our influence would constantly have advanced, instead of declining. It would have brought to our ports a commerce which would have paid three-fold the expenditure, instead of remaining a standing charge to the end of time, as in other cases.

I cannot consent to admit that the Government of my country has, at any time within its history, so administered its affairs and relations with its weak neighbors as to give just ground of complaint. I think we have been tolerant to the last extreme, patient, persuasive, only contemplating or resorting to force after an amount of outrage which would have driven any monarchical Government to hostilities at a long anterior period. We have been involved in war with one; we have sent a hostile expedition against another. What the result of it will be it is useless to inquire, because it is unconnected with the present question. To wait until we hear what is the result of the expedition to Paraguay before we decide to maintain the security of mail routes across the Isthmus and to confer such powers as may be needful, would seem to me as if we should propose to wait for some other event equally unconnected with the one upon which we are now invited to legislate. To confer on the President the power, under certain contingencies, to land troops for the protection of post routes which we have established under conventions with foreign Powers, and to require him, as soon as the necessity is removed, to withdraw those troops from the land, neither constitutes the general provision indicated by the Senator from Illinois, nor that military occupation described by the Senator from North Carolina. If that be all which the President desires, if that will suffice to execute the duty which is devolved on him of protecting American citizens in those localities, so much I am willing to give.

Thus I construe the substitute offered by the Senator from Louisiana, [Mr. BENJAMIN.] If he designed it to be general, to give the President a roving commission to seek where some American citizen had been insulted, or his rights trampled upon, and, knight-errant-like, there to wage war with every Power so offending, we had better put our Army on a war establishment, and our Navy too. Our policy henceforth must be that of a military Republic.

Mr. FESSENDEN. Will the Senator allow me to ask him one question?

Mr. DAVIS. Certainly.

Mr. FESSENDEN. It is this: whether we have any power, or can properly confer power, upon the President to land troops in a foreign country to protect our citizens, or mail routes, or anything of that sort which we have by permission, unless by treaty that nation has specifically given up that power? Can we undertake to do it unless we have the right given by treaty?

Mr. DAVIS. Certainly. I understand the question. If the right be given by treaty, then it would only be for Congress to provide the means. I mean no such thing as that. I mean an act of war.

Mr. FESSENDEN. That is what I wish to understand.

Mr. DAVIS. I consider it an act which Congress alone has constitutional authority to perform, and therefore it is, I say, Congress must indicate the special occasion, the time and the manner. I am not playing upon terms, or seeking to escape from the fact which stands prominently before the mind of every one, that the remedy proposed looks to the invasion of a foreign territory. To invade with an armed force is war. The measure, limited by special act, may be temporary; it may be for a single object; but it is war, and I have no wish to defend it upon any other ground; therefore it is, I say, we must know and provide for the case in which it is proper to anticipate the contingency which will require the battle to be fought; but the case must be before us in order that we may consistently legislate upon it.

Mr. GREEN obtained the floor.

Mr. PUGH. Let us adjourn.

Mr. COLLAMER. I hope the Senator will give way for an adjournment.

Mr. GREEN. I was just about to say that if it be the desire of the Senate to adjourn, I will yield to it; but I regard this as an important question.

Mr. FESSENDEN. We cannot finish it this evening.

Mr. PUGH. We ought to take up the bill of the Senator from Louisiana; otherwise, this will not be the unfinished business.

Mr. FESSENDEN. This motion is the unfinished business.

The PRESIDING OFFICER, (Mr. REID in the chair.) Does the Senator from Missouri withdraw the motion to adjourn?

Mr. GREEN. I have made no motion. I am now debating the question.

Mr. COLLAMER. I move that the Senate adjourn.

Mr. GREEN. I have not yielded the floor to the Senator from Vermont, and did not intend to yield it.

Mr. COLLAMER. I thought the Senator desired an adjournment.

Mr. GREEN. If it is the desire of the Senate, I will give way for an adjournment.

Mr. COLLAMER. How can we have an adjournment, unless some one makes the motion?

Mr. GREEN. I want some expression of the sentiment of the Senate on the subject. Whatever they think is best, I will agree to.

Several MEMBERS. Let us adjourn.

Mr. GREEN. Well, it is five o'clock; and I will give way for that motion.

Mr. FESSENDEN. Make the motion yourself.

Mr. GREEN. If the Senate wish to adjourn I will yield; but I will not make the motion. Before I do it, I wish to make this remark: I regard this as one of the most important questions that has ever been before the Senate, and it ought to be considered. It is vital in its character. It strikes to the very heartstrings of the Republic; and our rights and duties depend upon the decision we make. For that reason it ought to be considered. If the Senate be not ready to consider it this evening, I will yield to a motion to adjourn.

EVENING SESSIONS.

Mr. SLIDELL. With the consent of the Senator from Missouri, I now move to take up for consideration the resolution that I introduced two days since, providing for evening sessions. It has now become manifest, perfectly plain, that the business of this Congress cannot be disposed of under the present system of conducting business. It will be absolutely necessary for us, during all of the next week, to sit in the evenings, and I ask that that resolution shall now be taken up and considered.

Mr. FESSENDEN. I hope the Senator will defer that until we have a full Senate. The Senate is not full now.

Mr. SLIDELL. If the Senator will permit me, I will say this. The resolution which I offered applied to Wednesday and to-day. It will have no vitality in it if not taken up to-day. My object this afternoon is simply to propose an amendment. I will not ask for the consideration of it, so that it may be in order to-morrow morning.

Mr. FESSENDEN. I have no objection to that.

The PRESIDING OFFICER. By permission of the Senate, the Senator moves to take up the following resolution——

Mr. MASON. I understand that the question before the Senate is on the motion of the Senator from Louisiana to postpone all other business, with a view to take up the resolution which he indicates.

Mr. SLIDELL. But in the meanwhile——

Mr. MASON. I object to its consideration.

Mr. SLIDELL. Why not permit me to make an amendment to the resolution?

Mr. MASON. I object to the consideration of the resolution.

Mr. SLIDELL. Very well. I do not know that the objection of the Senator from Virginia, unsupported by the majority of the Senate, can prevent me from having the resolution considered.

Mr. MASON. As a question of order, it requires unanimous consent to consider it, and I object.

Mr. SLIDELL. I do not understand that it requires unanimous consent. The resolution has been on the table for two days.

Mr. MASON. That may be; but there is a motion pending.

Mr. SLIDELL. Then I ask my colleague to withdraw his motion for the present.

Mr. BENJAMIN. If I do that, I am afraid my colleague will get me in a fix, and I shall not be able to take it up again. I would rather have a vote on taking up my bill; and after it is up, then we can take a vote on his resolution.

Mr. SLIDELL. Very well.

Mr. GREEN. I yielded the floor for the purpose of accommodating Senators, and for no other purpose.

Mr. SEWARD. Is a motion to adjourn in order?

Mr. GREEN. It cannot be made without my consent, as I am upon the floor, and about to make some remarks.

The PRESIDING OFFICER. The Senator from Missouri is entitled to the floor.

Mr. GREEN. I am willing, however, to permit a motion to adjourn to be made.

Mr. SEWARD. Very well; then I move that the Senate adjourn.

Mr. SLIDELL. I ask for the yeas and nays on that question.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 11; as follows:

YEAS—Messrs. Bell, Broderick, Chandler, Clark, Clay, Clingman, Collamer, Crittenden, Dixon, Doolittle, Fessenden, Fitzpatrick, Foot, Green, Hamlin, Harlan, Houston, Johnson of Tennessee, King, Mason, Pearce, Seward, Toombs, Wade, Ward, and Wilson—26.

NAYS—Messrs. Bigler, Brown, Davis, Fitch, Lane, Polk, Pugh, Reid, Rice, Slidell, and Smith—11.

So the motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 18, 1859.

The House met at eleven o'clock, a. m. Prayer by Rev. WILLIAM NORWOOD.

Mr. DAVIDSON. I object to the reading of the Journal, unless there is a quorum present.

The SPEAKER, (after counting the House.) There are only sixty-six members present.

Mr. JONES, of Tennessee. I move that there be a call of the House.

Mr. DAVIDSON. On that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 50, nays 73; as follows:

YEAS—Messrs. Andrews, Horace F. Clark, John Cochrane, Cockerill, James Craig, Burton Craige, Curtis, Davidson, Davis of Indiana, Davis of Mississippi, Dawes, Dowdell, Faulkner, Fenton, Foley, Foster, Goode, Greenwood, Gregg, Grover, Lawrence W. Hall, Harlan, Harris, Hickman, Houston, Howard, Hughes, Jewett, George W. Jones, Leiter, Letcher, Mason, Mott, Parker, Reilly, Ruffin, Robert Smith, William Smith, James A. Stewart, William Stewart, Thayer, Tompkins, Vance, Wade, Walbridge, Waldron, Whiteley, Woodson, Wortendyke, and Augustus R. Wright—50.

NAYS—Messrs. Abbott, Atkins, Bennett, Billinghurst, Bingham, Bishop, Bliss, Bonham, Bowie, Brayton, Buffinton, Burnett, Burns, Case, Cavanaugh, Clay, Cobb, Corning, Crawford, Curry, Davis of Massachusetts, Dean, Dodd, Edie, Gartrell, Giddings, Goodwin, Granger, Hatch, Hawkins, Hoard, Hodges, Keim, Kelsey, Kilgore, Leach, Lovejoy, Maclay, Humphrey Marshall, Matteson, Maynard, Morgan, Morrill, Oliver A. Morse, Nichols, Olin, Pendleton, Peyton, John S. Phelps, William W. Phelps, Phillips, Pike, Potter, Pottle, Powell, Robbins, Royce, Russell, Scales, Searing, Seward, Henry M. Shaw, Samuel A. Smith, Spinner, Stanton, Miles Taylor, Thompson, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Watkins, White, and Wilson—73.

So the House refused to order a call of the House.

During the call of the roll,

Mr. HOPKINS said: Mr. Speaker, for fourteen years I have been here, I now ask, for the first time, to vote out of order. The Committee on Foreign Affairs were misled by the clock furnished their committee-room by the House. I think the House ought to guaranty the correctness of its own time. I ask that the members of that committee be allowed to vote.

Objection was made.

Messrs. SICKLES and BURLINGAME asked to vote, not being within the bar when their names were called. They were misled by the clock in the committee-room of the Committee on Foreign Affairs.

Mr. WASHBURNE, of Illinois. I object. The House is not responsible for the clocks in the committee-rooms.

Mr. HILL moved that all further proceedings under the call be dispensed with.

The SPEAKER replied that the question was whether there should be a call of the House.

Messrs. GROW, HALL, COX, WRIGHT, of Tennessee, HILL, MURRAY, and KEITT, not being within the bar when their names were called, asked leave to vote.

Objection was made.

They would have voted in the negative.

Mr. JONES, of Pennsylvania, asked leave to vote.

Mr. HOUSTON. I object, and shall object, to all leave to vote for those who were not here when their names were called.

Mr. WALBRIDGE. So many gentlemen have asked leave to vote, that I think I will ask leave to withdraw my vote.

Objection was made.

Mr. ZOLLICOFFER asked what was the pending question?

The SPEAKER stated that the pending question was, "Shall there be a call of the House?"

Mr. ZOLLICOFFER did not think he would vote on the question.

Mr. JONES, of Tennessee. Do all these applications go upon the Journal?

The SPEAKER. They do not.

Mr. JONES, of Tennessee. Then what is gained by making them?

The vote was announced as above recorded.

The Journal of yesterday was read and approved.

GOVERNMENT BARRACKS IN SAVANNAH.

Mr. SEWARD. I rise to a privileged question. I had a motion entered some time since to reconsider the vote whereby House bill No. 472 was laid on the table. It is a bill providing for the transfer of the barracks in the city of Savannah to the city authorities. I desired a reconsideration for the purpose of amending the bill, so as to provide, by amendment, that the city of Savannah shall pay a fair consideration for the same. The barracks are going to wreck, not being repaired either by the Government or by the city authorities. Prior to the last session, the power to sell this class of public property was invested in the Secretary of War; but at the last session, owing to the Fort Snelling affair, the Secretary was deprived of that right. I corresponded with the Secretary of War on that subject at the last session, and he proposed to sell it at $45,000. I propose to amend the bill so that the barracks shall not be sold for less than $30,000. I move the reconsideration for the purpose of offering this amendment; and I shall call for the previous question so as to cut off any discussion.

The bill was read. It authorizes and directs the Secretary of War to transfer and cede to the city of Savannah the Government barracks and the lands belonging to the United States in said city, any law to the contrary, notwithstanding.

Mr. SEWARD. If the vote be reconsidered, I propose to amend the bill by striking out all after the enacting clause, and inserting in lieu thereof the following:

That the Secretary of War be, and he hereby is, authorized to convey to the city of Savannah the barracks and lands on which the same are situate, in said city, the same not being used for military purposes, for not less than $30,000 in cash, or on such time and on such security as will protect the Government against loss.

Mr. LETCHER. I should like to inquire of the gentleman from Georgia how he gets at the value, and why he does not provide for a public sale?

Mr. SEWARD. I entered into a correspondence with the Secretary of War at the last session, and he fixed the price at $45,000; but the law giving him power to sell such property was repealed. The Government of the United States derived title from the city of Savannah; and I hold it to be sound doctrine that whenever the Government of the United States acquires property from a State and subsequently abandons its use, it ought to go back to the State from which it was derived. I state, from my own knowledge, that the Government has not used these barracks for the last four years, and that they are going to wreck for want of repairs.

Mr. LETCHER. Will the gentleman from Georgia inform us what the United States paid for this land?

Mr. SEWARD. I think the Government of the United States paid about forty-five thousand dollars for it. That is my recollection, from the correspondence I have had with the Secretary of War.

Mr. LETCHER. Will the gentleman tell me what difficulty there is about having this property put up at public sale, and sold for its full value?

Mr. SEWARD. I think the Secretary of War is competent to manage the sale for the benefit of the Government. I do not propose to limit the maximum, but merely the minimum price. The Government got the title from the city of Savannah.

Mr. LETCHER. And paid for it.

Mr. SEWARD. I am willing to place the minimum at $45,000.

Mr. KELSEY. The previous question has been called; and debate is not in order. I therefore object.

Mr. JONES, of Tennessee. Will the gentleman from Georgia modify his proposed amendment, by striking out the authority to sell on credit?

Mr. SEWARD. Yes, I will strike that out.

Mr. JONES, of Tennessee. Then I will vote for it.

Mr. LETCHER. I suggest another modification. Strike out $30,000, and provide for the sale of the property, either in whole or in lots, at public auction.

Mr. SEWARD. I cannot do that. I think it is wrong in principle. The Government derived this property from the city of Savannah for a particular purpose. It did not pay an extravagant price for it; and if the city be willing to pay back the price it received for it, I think the city is entitled to have the property.

Mr. LETCHER. As I understand, the Government paid $45,000 for the land, besides what it paid for buildings and improvements. And now it is proposed to sell it for $30,000.

Mr. KELSEY. I object to debate, as it is out of order.

Mr. WADE. What is the quantity of land?

The SPEAKER. Debate is objected to by the gentleman from New York.

The question being on the motion to reconsider,

Mr. SEWARD demanded tellers.

Mr. LETCHER demanded the yeas and nays.

Mr. SEWARD. I hope the gentleman will not insist on that demand. I do not want to waste time upon this bill.

Mr. LETCHER. I want to see who will vote to reconsider to sell land in this way.

Mr. HUGHES. I move to lay the motion to reconsider upon the table.

Mr. SEWARD. To accommodate the views of the House, I am willing, if the vote shall be reconsidered, to modify my amendment, so as to provide for a public sale.

Mr. HUGHES. I withdraw my motion to lay the motion to reconsider upon the table.

Mr. MORRIS, of Illinois. I renew it.

Mr. GARTRELL. I hope the gentleman from Illinois will withdraw that motion.

Mr. MORRIS, of Illinois. Very well; I will withdraw it.

Mr. CLARK B. COCHRANE. I would suggest to the gentleman from Georgia that the public sale should be to the highest bidder.

Mr. CURTIS. And after sixty days' notice.

Mr. SEWARD. I am willing that gentlemen shall put the amendment in such shape as they please; but, I suggest to the gentleman from Virginia, that if the property is put up at public sale, he should strike out the $45,000.

Mr. HUGHES. I suggest to the gentleman that he should modify his amendment, so as to provide that no committee shall be hereafter raised to investigate this sale.

Mr. SEWARD. There is no necessity for that; as down South we have not got up a system of land speculation.

The motion to reconsider was agreed to—ayes one hundred and seven, noes not counted.

The question recurred on the motion to lay the bill on the table; and being put, the House refused to lay the bill on the table.

The SPEAKER. The gentleman from Georgia now moves to amend the bill, by striking out all after the enacting words, and inserting in lieu thereof the following:

That the Secretary of War be, and he is hereby, authorized to sell at public auction, after thirty days' public notice, and convey to the purchaser, the barracks and the land upon which the same are situate in the city of Savannah, the same not being used for military purposes, in whole or in lots, as to him may seem best, and for not less than $45,000.

Mr. SEWARD. The amendment has been modified by others, and does not exactly meet my views. I do not think that the words, "for not less than $45,000," ought to be retained.

The SPEAKER. The gentleman from Georgia will please arrange his amendment to suit himself.

Mr. SEWARD. Well, I will insert the words "to the highest bidder," as some gentlemen seem to think that necessary.

Mr. FAULKNER. If it be in order, I will move that the bill be referred to the Committee on Military Affairs. I will state to the House that the subject of the cession of these barracks to the city of Savannah—the cession merely—was before the Committee on Military Affairs, and the committee, without looking further into the subject, decided that it was not expedient to make that cession to any of the persons who were applying for it—some from New York and some from Georgia. We have taken no action on the bill now before the House, and I therefore move that it be referred to the Committee on Military Affairs.

The SPEAKER. The gentleman from Georgia is upon the floor. Does the gentleman yield for the motion of the gentleman from Virginia?

Mr. SEWARD. No, sir. I move the previous question on the bill.

Mr. STANTON. Permit me to say a word. I should be in favor of the reference of the bill to the Committee on Military Affairs, if it would not prevent the passage of the bill this session. I have no doubt that if we retain these barracks they will cost the Government $50,000 within the

next ten years. They are not worth sixpence. I would rather give them away than retain them; and I hope the House will pass the bill and sell this property for $45,000.

Mr. SEWARD. The House seems to be very much exercised about this little property in my city.

Mr. MARSHALL, of Kentucky. I thought, if the motion to reconsider was agreed to, the bill was to be passed in its present shape. I hope it will not be referred to the Committee on Military Affairs. I trust the House will not hesitate at all to sell this site. I recollect the matter was before the Committee on Military Affairs; and I recollect that it was perfectly understood by us that it was not necessary at all for us to retain it for military purposes. I hope the bill will not be referred, but that it will be passed without further delay.

The previous question was seconded, and the main question ordered.

Mr. LETCHER. That is not in accordance with my notions of propriety at all. I want to know how many acres there are in this reservation, in order to see whether there will be competition in regard to it.

Mr. SEWARD. Debate is not in order. I do not think the reservation amounts to more than five acres.

The amendment was adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. SEWARD demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

The bill was then passed.

Mr. SEWARD moved to amend the title, so that it should read:

An act to authorize the sale and transfer of the Government barracks at Savannah, Georgia.

The amendment was agreed to.

The title, as amended, was then passed.

Mr. SEWARD moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

BRITISH BRIG CALEDONIA.

Mr. HICKMAN. I rise to a privileged question. I am instructed by the committee of conference on the bill of the House No. 218, to submit the following report.

The Clerk read the report, as follows:

The committee of conference upon the disagreeing votes of the two Houses on the bill of the House (No. 218) entitled "An act for the benefit of the captors of the British brig Caledonia, in the war of 1812," having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the House of Representatives do concur in the first amendment of the Senate, with the following amendment:

Strike out the word "widow," and insert the words, "the widows of the captors, if any; and if none, then to their children or grandchildren, but not to collateral heirs."

That the House of Representatives do concur in the second and third amendments of the Senate.

That the House of Representatives do concur in the fourth amendment of the Senate with the following amendment:

Strike out the word "widow" and insert the words "widows, if any; and if none, then to the children and grandchildren, but not to collateral heirs."

And that the Senate do concur in the said amendments to the amendments of the Senate.

JOHN BELL,
C. C. CLAY, Jr.,
Managers on the part of the Senate.
JOHN HICKMAN,
J. MORRISON HARRIS,
Managers on the part of the House.

Mr. HICKMAN. I move the previous question on concurring in the report of the committee of conference.

The previous question was seconded, and the main question ordered to be put.

The report of the committee of conference was concurred in.

Mr. HICKMAN moved to reconsider the vote by which the report was concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

WILLIAM H. DE GROOT.

Mr. BURNETT. I ask the consent of the House to allow me to have printed a report of the Committee for the District of Columbia upon a joint resolution which ought to pass. I will state why this joint resolution was not reported when the committee was last called. The gentleman who had it in charge was confined to his room by sickness. I ask the consent of the House to report the joint resolution, and that it be recommitted to the Committee for the District of Columbia, and ordered to be printed.

There being no objection,

Mr. BURNETT reported, from the Committee for the District of Columbia, a joint resolution for the relief of William De Groot; which was read a first and second time, recommitted to the Committee for the District of Columbia, and, with the report, ordered to be printed.

ROADS AND BRIDGES IN MINNESOTA.

Mr. HUGHES, by unanimous consent, from the Committee on Territories, made an adverse report on sundry memorials of the Legislature and people of the Territory of Minnesota, asking appropriations for the construction of roads, bridges, &c., in said Territory; which was laid on the table, and ordered to be printed.

ARMY APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of disposing of the Army appropriation bill. I will say to the House, that I hope to dispose of that bill to-day; and to-morrow the House can proceed to private business, if it shall be so disposed.

Mr. FLORENCE. I move that the rules be suspended, and that the House resolve itself into a Committee of the Whole House on the Private Calendar.

Mr. WASHBURNE, of Illinois. I hope we shall have the committees called for reports.

The motion to go into a Committee of the Whole House on the Private Calendar was not agreed to.

The question then recurred on the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union; and being taken, it was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. JOHN COCHRANE in the chair,) and resumed the consideration of the bill of the House (No. 667) making appropriations for the support of the Army for the year ending June 30, 1860; the question pending being upon decreasing the appropriation to $90,000, in the following paragraph, which Mr. STANTON moved to strike out:

"For expenses of recruiting, transportation of recruits, three months' extra pay to non-commissioned officers, musicians, and privates, on reënlistment, $100,000."

The amendment to the amendment was reported, as follows:

Reduce the appropriation in the following paragraph from $100,000 to $90,000:

"For expenses of recruiting, transportation of recruits, three months' extra pay to non-commissioned officers, musicians, and privates, on reënlistment, $100,000."

The CHAIRMAN stated that tellers had been ordered on that amendment.

Messrs. CRAIG, of Missouri, and CHAFFEE were appointed.

The question was taken; and the amendment to the amendment was rejected—ayes forty, noes not counted.

The question recurred upon Mr. STANTON's amendment to strike out the entire paragraph.

Mr. FAULKNER. I move to reduce the appropriation $10,001.

Mr. Chairman, I submitted the proposition yesterday to reduce this appropriation $10,000. I did not do so as the mere basis of some general remarks to be addressed to this body, but for the purpose of making a reduction which I thought proper in that branch of the public service. The Committee on Military Affairs have looked with some care, I think, into all these Army appropriations. I certainly would be amongst the last men in this body to detract from the efficiency of the public service; but I am not willing to see money voted, unless I can perceive that the sum thus appropriated is necessary for the public service.

By referring to the recruiting service and the appropriations made for it, it will be seen that the amount annually called for, prior to 1856, ranged from $48,000 to $65,000. In that year, there was an estimate, by the War Department, of $110,000. What was the occasion of that extra demand thus made upon the public Treasury for the recruiting service? I presume it was because the four new regiments then authorized by law had to be brought into organized existence. Yet, sir, that same sum has continued to be asked for every year, from then to this moment. What is the fact exhibited by the report of the Adjutant General himself? That of the appropriation of the $110,000 you voted him last year, he has a surplus now of $10,000. Here is his estimate:

"Estimate of the balance of appropriation unexpended 30th of June, which may be applied to the service of the next fiscal year, $10,000."

Now, sir, if the recruiting service last year, in which a larger number of recruits was necessary than during the next fiscal year, left a surplus of $10,000, how can that sum be expended, when we are informed that there is only a deficiency of fourteen hundred and five men—two hundred and seventy-three in the mounted service, and eleven hundred and thirty-two in the infantry? I say that the proposition I make is a reasonable one, marked by a cautious regard to the public service. I am not disposed to vote money unless I can perceive there is an object to be attained by it. I think that we ought not to place one dollar in the hands of any of the Executive Departments, unless there is shown to be an obvious necessity for the expenditure. Excess of appropriation produces profligacy of expenditure, profuseness, extravagance, and ultimately corruption. It demoralizes——

[Here the hammer fell.]

Mr. PHELPS, of Missouri. Mr. Chairman, I am not a member of the Committee on Military Affairs, nor have I ever served in the military service of the country; therefore, I am not familiar with the military affairs of the country. But I have something to say in relation to this appropriation. The Secretary of War and the Adjutant General estimated that $110,000 would be required for the recruiting service of the Army, for the payment of bounty to the newly-enlisted soldiers, and the three months' extra pay to which they are entitled. We find it estimated that there will be an unexpended balance at the expiration of this fiscal year of $10,000. The Secretary has stated that he needed for this service $110,000, besides an expected unexpended balance of $10,000. But the Committee of Ways and Means concluded to recommend an appropriation of only $100,000, which will leave $110,000 for the service of the next fiscal year.

But the gentleman from Virginia remarks, that in 1855, and for ten years preceding, only $50,000 was appropriated for the recruiting service. I would say to him that there was a special item for the three months' extra pay of men, and this was kept as a separate account. But these accounts have been commingled since the year 1855. Prior to that time, $10,000 was appropriated to pay the men who reënlisted. But in 1854, Congress increased the wages of the soldiers, for the purpose of inducing good men to reënlist; and now we find a great number of reënlistments, which swell the recruiting accounts to a considerable amount. The expenses of last year amounted to $112,000, as reported by the Adjutant General. We leave now $110,000 for that service. The gentleman from Ohio [Mr. STANTON] says that the recruiting going on is too extensive; but I will state to him that, though men enlist for five years, the average length of service is not more than three and a half years. The reason of this is the frequency of desertions. It was expected that the increased compensation given to the soldier would prevent desertion, and also induce good men to reënlist. But where so many of your soldiers are stationed in distant Territories, where there is such an inducement to soldiers to go to the gold mines and receive large wages, desertion cannot be prevented; and the Army will probably be reduced next year, from that cause, by some eight thousand men.

Mr. FAULKNER. I ask the gentleman from Missouri whether, in addition to this $110,000, there is not also an appropriation of $30,000 for bounty for enlistment?

[Here the hammer fell.]

The question was taken on Mr. FAULKNER's amendment; and it was agreed to.

Mr. LOVEJOY. I move to strike out all of this $100,000, except one dollar.

Mr. MILLSON. I rise to a question of order. The committee has inserted a fixed sum, and it cannot be increased or reduced.

Mr. LOVEJOY. Then I move to strike out the whole sum.

The CHAIRMAN. The Chair decides the amendment out of order, the committee having fixed the sum.

Mr. LOVEJOY. Then I move to amend by striking out the three months' extra pay for non-commissioned officers.

I wish to say, Mr. Chairman, that I am opposed to this whole idea of protecting our frontiers by the Army of the United States. I believe the whole policy ought to be changed. I believe that we ought to allow the settler to go there and make him a home; to give him the land, and then tell him he must protect his home, and if he gets into any quarrel with the Indians, it is at his own peril. It is my honest belief that our soldiers create more wars than they prevent or quell, and that the very fact that there are soldiers on the frontier leads to quarrels between the Indians and settlers, and to injustice towards the Indians. Often wars are got up on purpose to have the Army ordered to the out-posts, in order to raise the price of town lots and of provisions. That is the use to which our Army is put, as I am credibly informed, and as I honestly believe. They make a little settlement at one point, and petition for a garrison to protect them against the incursions of the Indians. After they have built up that town, another speculator goes a hundred miles beyond, and makes a town site, and says: "We want a garrison of soldiers here, and if we do not have a garrison, we shall have a war." If they do not get a garrison there, they make a war, in order that the soldiers may be ordered there, and a town built up.

I protest against this use of the Army. That was the main use of the army which was ordered to Utah. I made the remark here a year ago, when the deficiency bill was up for consideration, and when we heard an Alpine ululation all through the Hall, careering through the galleries, about the rascalities of the Mormons, and that they should be exterminated; that they were not fit to live because they preferred white concubines, while in other parts of the country the concubinage of the blacks was preferred. But as soon as the ten million deficiency bill passed, all this outcry ceased; and there has not been a word uttered on the floor of the House since about the rascalities of the Mormons—not a word. I appeal to the members of the House if that is not the fact. Soldiers were ordered out to Utah. We paid $10,000,000 for that service; and one firm made $1,500,000, and now generously proposes to give up the contract, if we pay for all the old wagons and oxen. I want to hit the Army between the horns, to cut it down to a skeleton, and hang it up, so that it may afford a model for the study of comparative anatomy of an army. All we need of an army is the engineer department.

I hope the amendment will pass; and that the Army may be cut down. We do not need it to protect the frontiers; and, as a matter of fact, it is inefficient for that purpose.

And now a single word in answer to the gentleman from Virginia, [Mr. LETCHER,] who read us a lesson about nationality, about helping the majority to pass their appropriation bills, and saying that the responsibility was not on that side of the House.

Mr. PHELPS, of Missouri. I rise to a question of order.

Mr. LOVEJOY. Oh, yes.

Mr. PHELPS, of Missouri. The gentleman's remarks are not in order. They must be confined to the explanation of his amendment.

Mr. LOVEJOY. Yes; the spirit of order is always called up from the vasty deep, the very moment the harpoon touches the blubber. [Laughter.]

Mr. PHELPS, of Missouri. I oppose the amendment for the purpose of having a vote upon it. I want no speeches. I desire, however, to state that I shall call on the Chair to enforce the rule.

Mr. LOVEJOY's amendment was rejected.

The question recurred on Mr. STANTON's motion to strike out the whole clause.

Mr. BLISS demanded tellers.

Tellers were ordered; and Messrs. CRAIG, of Missouri, and BUFFINTON were appointed.

The committee divided; and the tellers reported—ayes thirty-two, noes not counted.

So the amendment was rejected.

Mr. COMINS. I move to amend the paragraph by striking out the words "non-commissioned officers," in the eighth line.

Mr. PHELPS, of Missouri. I rise to a question of order. My point of order is this: the gentleman from Ohio moved to strike out the entire clause. It was in order for the committee to perfect that clause before the vote was taken on striking out. The amendment of the gentleman from Massachusetts would have been in order prior to the vote being taken on the amendment of the gentleman from Ohio.

The CHAIRMAN. Debate is not in order. The Chair rules that it is still in order to perfect the paragraph.

Mr. PHELPS, of Missouri. After a motion to strike out the whole clause has been decided adversely?

The CHAIRMAN. The Chair thinks so.

Mr. COMINS. Mr. Chairman, I agree emphatically with my honorable friend from North Carolina, [Mr. BRANCH,] who addressed the committee yesterday, that the rank and file of the Army should be somewhat in proportion to the number of officers in commission. I find in one of the States an army composed entirely of officers—an army without privates. I do not wish to see the national Government follow this example. I think it anti-Republican and anti-Democratic. I ask the Clerk to read the paragraph which I send to the desk.

The Clerk read as follows:

"The Vicksburg Whig (Mississippi) gives the following inventory of the arms belonging to the State, discovered to be on hand: 4 flint-lock muskets—all rusty, and no breeches to at least two; 1 cannon; 7 bayonets—rusty, with no points. A pile of belts and scabbards, but no swords; 50 cartridge-boxes.

"The Whig adds: We have now 5 major generals, 10 brigadier generals, and 60 colonels, 60 lieutenant colonels, 60 majors, and will soon have 600 captains, 1,200 lieutenants, 4,800 sergeants, and 4,800 corporals. We are happy to inform them, however, that we have no privates, the Legislature having dispensed with that useless portion of the army."

Mr. DAVIS, of Mississippi. If we have not got arms in our arsenals, we have got them in the hands of our citizens; and are ready, whenever an invasion comes, either from any northern State of this Union, or from a foreign Power, to defend ourselves against whatever army they can send against us. And we are ready to defend ourselves without arms against any force the northern States could send against us with arms.

Mr. COMINS. I do not doubt the patriotism of Mississippi, or her ability to defend herself in any emergency.

The amendment of Mr. COMINS was rejected.

Mr. BLISS. I move to strike out the words "for the expenses of recruiting." I make the motion for the purpose of calling the attention of the committee to the singular use that the Army of the United States is being put to. Now, I think that, for the ordinary purposes for which armies are used in the Old World, we need no army. We have no United States soldiers in Ohio, nor along the whole length of our northern frontier, where alone there can be any danger whatever from any foreign Power.

We then need an army for only two purposes—the one is as a *posse*, and the other is to protect the Indian frontier. The gentleman from Illinois [Mr. LOVEJOY] has said enough upon the latter point. But the Army of the United States has been used as a *posse* to execute the process and decrees of the courts of the United States; and I claim that that is not a legal use of the military arm of the country. A *posse comitatus* is simply the force of the county; it is comprised of the people of the county, who are called by the sheriff to help him to execute the process of the court. I thank God that the common law was born, and its main principles developed, in England before there was any standing army; and the term *posse*, &c., has received a special and legal meaning, and is merely a citizen force, and not a military one. Yet, sir, within the last eight years, the practice has grown up of calling in the soldiers of the United States to execute the process of the courts and to enable the marshals and sheriffs to arrest persons accused of violating the law. I claim that that is an illegal use of the Army, and, because it is so, I am opposed to any further recruiting for it.

It is not long since, Mr. Chairman, that I read an account of an old neighbor of mine who was arrested upon the plains of Kansas upon a sham charge—acknowledged by every lawyer in this House to be a sham charge—of treason, and in poor health, driven on foot by the United States soldiers for twelve hours, under a burning sun, until reason left its throne and he became a temporary maniac. Bail was refused, and he was kept for a long time, with others, in close custody, guarded by these United States soldiers. After a hearing, he was, of course, discharged, as it was well known he had committed no crime. No wonder that his father, old John Brown, of Osawattomie, by this infamous act of our troops, by the destruction of his property, and by the cold murder of another son, was driven to desperation.

There are other acts, sir, in our history which plainly show that it is the design of the ruling power in this country to bring on gradually, but surely, a military despotism. A military *posse* is nothing else than such despotism, and opens the door for more glaring abuses. It is for this reason that I oppose the recruiting for the Army. Here is an instance in the District of Columbia. Not long since, when a riot was said to have existed, instead of resorting to the ordinary means to quell it the Army of the United States was called in.

Mr. PHELPS, of Missouri. I rise to a question of order. I make the point that the gentleman's remarks are not pertinent to the amendment.

The CHAIRMAN. The Chair thinks that the gentleman's remarks are in order. They are pertinent to the general subject under debate, though probably not immediately in order.

Mr. BLISS. I oppose the increase of the Army for this illegal use which is made of it. I am clearly in order. This matter was ably discussed in the last Congress. I only allude to it. There was, I admit, a riot, or an appearance of one. Where were the police, a part of which we support? Were all measures tried? Were we in insurrection? No; but in hot haste the troops were called out, and ordered, Napoleon-like, to shoot indiscriminately into a crowd, by which fourteen men lost their lives. I have yet to learn a lawyer who will stake his reputation in defense of the legality and propriety of that act. So long as the executive power of this country is in the present hands, I will oppose the addition to the Army of a single soldier.

[Here the hammer fell.]

The amendment to the amendment was rejected.

The Clerk read the following paragraph:

"For pay of the Army, $3,091,784."

Mr. WASHBURNE, of Illinois. I move to add these words to that paragraph:

And a sufficient portion of this sum shall be used by the Secretary of War to prevent trespasses on the military reservations of the United States.

Mr. PHELPS, of Missouri. I rise to a question of order. The amendment is not germane to the matter under consideration. It is independent legislation.

The CHAIRMAN. The Chair overrules the question of order.

Mr. CRAWFORD. I raise the point that it is general legislation, and that it is, therefore, out of order.

Mr. WASHBURNE, of Illinois. It is not general legislation. It refers to the manner in which the money shall be spent, and is, therefore, in order.

Mr. CRAWFORD. I ask for the decision of the Chair.

The CHAIRMAN. The Chair overrules the point of order.

Mr. WASHBURNE, of Illinois. Mr. Chairman, I wish to say that I offer the amendment in good faith, believing it to be in order, as the Chair has decided it to be. I hope that the amendment will be incorporated into this bill. It is known that we have many military reservations of great value, but their value is being destroyed by frequent trespasses upon them. I wish particularly to call the attention of the committee to the mili-

tary reservation at Rock Island, Illinois; in reference to which I introduced a resolution a few days since, calling on the Committee on Military Affairs, in their discretion, to report a bill more effectually to protect the rights of the United States on these reservations. Here is this reservation, in the Mississippi river, in my own State, one of the most beautiful spots on the face of the globe, which is now being sought after by speculators and sharpers, who are trespassing upon it and destroying its value. The timber upon that beautiful island, I am informed, is being cut down and carried off at the rate of one hundred cords per day, on some days. Yet, although the attention of the War Department was called to these trespasses by me during the last Congress, that Department has neglected to use the military power of the Government, as I contend it should have done, for the protection of that reservation.

I want to see something incorporated in this bill which shall make it the duty of the Secretary of War, if necessary, to send to these reservations a sufficient military force to eject all such trespassers as are now stripping and spoliating Rock Island. That is the reason I submit my amendment. And I appeal to the committee if they desire to see these reservations protected; if they do not want to see them stripped of their value, that it will adopt that amendment. I contend that this Rock Island reservation ought never to be sold. I never want to see it go out of the hands of the Government. I appeal to all western men to stand by that beautiful island, and to protect it from the gang of trespassers, speculators, and plunderers who are now spoliating and destroying it. Protect it, I say, from those who now seek, not only to despoil it by stripping it of its timber, but to secure the title to it at a nominal price. I want that island reserved. I am against its sale in any way or shape. I want to see it reserved and protected in its original beauty. I expect, at no very distant day, to see it the site of some splendid public work. It is one of the most fitting sites for a national armory or a military hospital for the Northwest. It should never be sold; and we should do something to protect it, either by the adoption of my amendment, or by the enactment of a more stringent law in the direction towards which my resolution looked.

[Here the hammer fell.]

Mr. FAULKNER. The gentleman from Illinois has referred to the fact that he caused to be sent to the Committee on Military Affairs a resolution directing an inquiry into this subject. That resolution was transmitted to the Secretary of War, with the request that he would inform them if any additional legislation was necessary, or whether the power now vested in him by law was not sufficient to guard and protect the public property. We have yet received no reply from the War Department. We have discharged our duty, and will proceed to do so when we have the proper lights before us. I presume the gentleman from Illinois can hardly be serious in asking to amend this section (which only applies to the pay of the Army) so as to make it applicable to the protection of public property from trespasses. I have no doubt that as soon as we receive a reply from the Secretary of War, we will be able to mature some legislation on that subject. I do not know to what extent the gentleman from Illinois desires us to apply the judicial and military energies of the Government to suppress these lawless proceedings; but we shall be prepared to go to any extent that may be necessary to put a stop to them.

Mr. HOUSTON. I will ask a question of the chairman of the Committee on Military Affairs. I would like to know if it be true that our military reservations are permitted by the War Department to be trespassed upon by those who want to take timber from them and otherwise destroy their value? I do not intend, by this question, to cast any doubt upon the word of the gentleman from Illinois, but the gentleman from Virginia is presumed to be familiar with the subject. If it is so, it is, in my opinion, very censurable.

Mr. FAULKNER. We have no knowledge of the existence of any trespassers at all, further than the communication made to me by the gentleman from Illinois personally, and through the medium of a resolution which he had sent to that committee. We do know that the laws of the land vest in the Secretary of War the power to use the military force of the country in the protection of these military reservations.

Mr. WASHBURNE, of Illinois. One word here in regard to that matter. That was one of the reasons why I offered the amendment. I had reliable and authentic information in regard to the trespasses on the Rock Island reservation, and I addressed a letter to the Secretary of War and informed him of the nature of the trespasses and of the amount of waste that was going on. His reply was that he had no force at hand with which he could protect this island.

Mr. MARSHALL, of Kentucky. I move to amend the amendment by striking out the words "military reservations." I do so merely for the purpose of saying that if there are trespasses committed on the military reservations of the United States, at Rock Island or elsewhere, and if any additional legislation is necessary to prevent them, that legislation ought to be introduced at some other point than this.

It seems to me improper that we should tack on to an item making an appropriation for the pay of soldiers, a direction to the Secretary of War to divert a portion of the sum to the resistance of trespasses on military reservations. I do not say anything in opposition to the legislation desired by the gentleman from Illinois. My remark is intended solely to exhibit the impropriety of putting on such an amendment to an appropriation bill like this. It is plain that if the Secretary of War should find it necessary to act under the legislation proposed, there would be a deficiency created which Congress would have to supply afterwards. If any legislation be necessary for this purpose, let it come in in its right place. I do not think it should go here. I have been at Rock Island myself, and I have no idea that there should be a military reservation there; but think that the proper course would be to sell it.

Mr. HUGHES. It strikes me that this proposition to divert a portion of the money appropriated, or to be appropriated, for the pay of the Army, is wrong. I ask the gentleman from Illinois if there are not statutes in the various States to punish trespasses on the public lands of the United States, the cutting of timber, &c.?

Mr. WASHBURNE, of Illinois. The gentleman from Indiana is well aware that these military reservations do not come within the description of public lands to which these statutes apply.

Mr. HUGHES. I merely rose to get that information.

Mr. MARSHALL, of Kentucky. I withdraw my amendment.

Mr. HOUSTON. The gentleman from Kentucky says that if you divert a portion of the money appropriated to the pay of the Army, you thereby create a deficiency. I do not so understand it. It is true that this item is for the support of the Army, but it is predicated on the idea that the ranks of the Army will be full; whereas we know that they are usually short, to the extent of twelve thousand, fifteen thousand, or twenty thousand men; and there will necessarily be a large amount unexpended for pay. The complement of the Army has never been full, and never will be full; and, therefore, there would be no deficiency if a portion of this sum were applied to the service indicated by the amendment.

Mr. MARSHALL, of Kentucky. I will answer the gentleman's question by asking him another; that is, whether he thinks it is safe and proper legislation to order a portion of a fund which is appropriated for the pay of the Army to be diverted to the institution of legal proceedings to prevent trespasses?

Mr. HUGHES. I wish now to put a question to the gentleman from Illinois. He states there is no law for the protection of that property. Then, in what way is the Secretary of War to employ that money? Is he to use force, or is he to employ the money in enforcing some law? If there is no law, how can the Secretary of War employ this money?

Mr. WASHBURNE, of Illinois. Does the gentleman address that question to me?

[Here the hammer fell.]

Mr. MARSHALL, of Kentucky, by unanimous consent, withdrew his amendment.

Mr. FARNSWORTH. I move to amend the amendment of my colleague, by striking out "reservations," and inserting in lieu thereof, "the reservation at Rock Island." I offer that amendment merely for the purpose of making a remark or two in reference to this matter. Some time in the latter part of December, or the beginning of January, I introduced a bill into this House, providing for the sale of the military reservation at Rock Island, which was referred to the Committee on Public Lands. Upon consultation with the Commissioner of Public Lands, he thought it best that it should be referred to that committee in order that the title might come from the General Land Office. That bill has never been reported, and I do not know what action the committee may have taken upon it. But it came to my knowledge, shortly afterwards, that the Commissioner of Public Lands was about making a decision, or had made a decision, that that reservation was subject to preëmption and sale at $1 25 per acre, like the general mass of the public lands, and on the 8th of January I introduced a resolution calling on the Secretary of the Interior for information in reference to it. He answered that resolution on the 1st of February, in a letter which I hold in my hand. The Secretary declares that he has never made any decision that that reservation was subject to preëmption and entry. He says that it has been squatted upon by two different sets of squatters, who claim preëmption rights; that they have made application to the Land Office through their counsel, to have those preëmptions sustained, and that he declines deciding that the reservation is subject to preëmption, believing that it is still a military reservation, and has never been transferred to his Department. He says that there is no power to sell any land that is under the military department of the Government, subject to be sold whenever Congress shall pass a law for its sale.

I disagree with my colleague in reference to the use of Rock Island. I think it ought to be sold and settled. It is true, as he says, that timber is being stripped from that island daily; but, recently, the authorities of the United States have taken notice of it, and have arrested several men and bound them over in the district court of Chicago for trespasses committed on that reservation. But unless some provision is made for the sale of that island, I have no doubt that the men who have conspired and congregated together for the purpose of stealing it, or unfairly obtaining it, will steal it sooner or later, unless we provide for the sale of it in a fair manner. I think it had better be sold. It is not worth while to keep it for ornament, because it is very valuable land, and there are very many men who desire to purchase it, and it will sell for a good round sum. It will then be settled, and it will be an advantage to the country, and an advantage to the Treasury.

Mr. WASHBURNE, of Illinois. Will my colleague inform me if he knows of any military reservation which there are not a great many persons willing to buy at a small price? I want some law made by which the Government can protect its rights.

Mr. FARNSWORTH. I propose by the bill which I have introduced, that the island shall be appraised by disinterested and sworn appraisers, and shall not be sold for less than the appraised value; that that appraisement shall be published in divers newspapers, and that it shall be sold in the smallest legal subdivisions in order to prevent combinations.

Now, if it has come to this, that the Government of the United States cannot sell property at a fair price, but that combinations must obtain it at an insignificant price, I think we had better cede it at once. I have no doubt that if the Committee on Public Lands will report the bill which I introduced, it will receive the favorable consideration of the House, and I think it ought to receive it.

Mr. BLISS. I desire to ask a question of the gentleman from Illinois [Mr. WASHBURNE] who offered the first amendment; and that is, if this property cannot be protected by the laws of the country and by the courts of the country? And why we are called upon to use the Army of the country to execute civil process?

Mr. WASHBURNE, of Illinois. I answer the gentleman that it is a military reservation of the United States. The Secretary of War has authority to protect it, and I think that is the most summary and efficient way of dealing with these trespassers and plunderers.

Mr. HOUSTON. If the gentleman from Ohio

will allow me, I should like to ask a question of the gentleman from Illinois, who moved the last amendment. Did I understand him to say that the Committee on Public Lands have a bill ready to report directing the sale of the military reservation at Rock Island?

Mr. FARNSWORTH. They have the bill before them. I do not know whether they are ready to report it.

Mr. HOUSTON. If the gentleman is a member of the committee, I would like very much to know how the Committee on Public Lands can take jurisdiction of a military reservation?

Mr. FARNSWORTH. I am not a member of the committee.

Mr. McQUEEN. I will state that I have been informed by the chairman of the Committee on Public Lands that there is a measure coming before us on the subject of the Rock Island reservation, but the committee have not acted upon it; nor do I suppose they will do it, and report this session.

Mr. HOUSTON. I should like to know how the matter got before the Committee. It evidently belongs to the Committee on Military Affairs. The Secretary of the Interior reports that the island is under the jurisdiction of the War Department, and has not been turned over to the Land department.

Mr. FARNSWORTH, by unanimous consent, withdrew his amendment to the amendment.

Mr. WASHBURNE's amendment was rejected—ayes twenty, noes not counted.

Mr. LOVEJOY. I move to strike out the eleventh and twelfth lines, as follows:

"For pay of the Army, $3,091,784."

Mr. Chairman, this raises the question of the extent and pressure of our obligation to vote appropriations that are proposed to this House. An appeal, half scolding and half expostulatory, was made to us yesterday on this subject; and an attempt was made to show that it was the duty of every individual in this House to come up to the help of the Democracy and pass their appropriation bills.

Now, I must say, in regard to this matter, that when those who have the majority in this House will constitute their committees with decent fairness, such an appeal will be reasonable, and will be responded to; but it is well known that the members on this side of the House are all crowded down to the tail end of every committee, and put into a hopeless minority. What is the excuse? The excuse is that the Democratic party have the Government, and are responsible to the country for its administration, and, therefore, the committees ought to be in the hands of that party. Why, sir, our majorities are, in many cases, larger than the entire votes of members of the other side; yet we have no voice in the legislation of the country, except to come up and do the drudgery, when they want to pass their appropriation bills. Then, we must be national! If we could, as the British Queen would, remove your incompetent Secretary of the Treasury, and the Secretary of War, reconstitute the committees of this House, give us a fair proportion upon the committees, and of the chairmen of committees; then we will march up and shoulder our responsibility for the administration of the Government. But, while we are crowded down from every point of influence and control, I insist upon it that you have no right to come to us and say that we are destitute of patriotism and nationality. Sir, this Rosinante of Democracy has got into the Slough of Despond, and now cries to us to aid in its extrication.

How was it, Mr. Chairman, in the debate on the Indian appropriation bill? Three out of four hours were given to that side. We had four half hours of general debate upon this bill, and three half hours were given to the other side, and half an hour that, as I supposed by prearrangement, belonged to myself, was given to the gentleman from Virginia, [Mr. LETCHER,] to make an appeal to the patriotism of Black Republicans and nigger-stealers to pass appropriation bills, twenty per cent. of which are used to corrupt the country and perpetuate a dynasty that I trust cannot be perpetuated.

Mr. LETCHER. The gentleman from Illinois has presented a reply, not to any point I made in my remarks on yesterday, but to such points as he imagines I might have made in founding what he calls an appeal to gentlemen upon that side of the House. Now, sir, it will be recollected by yourself and other members of this body, that the proposition, which I set out here to discuss on yesterday, was this: that there was an individual responsibility resting upon every member of this body, no matter to what political party he belonged, for the discharge of the public duties devolving upon the House as a part of the legislative branch of the Government. Does the gentleman from Illinois deny that to be the fact? Is he here without any legislative responsibility whatsoever to his constituents or to the country?

Mr. LOVEJOY. I will answer the gentleman. I acknowledge that individual responsibility. I am in my seat every session, and every hour of every session. My vote is upon the record on every question. The question is, whether we are bound to vote your extravagant appropriations.

Mr. LETCHER. If the gentleman recognizes his responsibility, he cannot undertake to get rid of the responsibilty which devolves upon his party; for his party is made up of individual members who acknowledge this responsibility on their part. I insisted here yesterday, and I say now, that, so far as responsibility for appropriations is concerned, I am prepared to take whatever of responsibility belongs to any vote I may cast on any proposition that may be before this House. The gentleman must take the same responsibility; and how does he undertake to excuse his party? Why, sir, on the ground that they have been crushed down on the committees; that the Speaker of this House has made up his committees unfairly; and that they have been put at the tail end, without any power whatsoever to originate legislation, or to introduce measures into this body. Will the gentleman go back to the last Congress, and tell me whether he approves of the manner in which committees were then constituted?

Mr. LOVEJOY. I was not a member of that Congress; but understand that the then Speaker was ultra liberal to that side.

Mr. LETCHER. But we are speaking of the committees that the Speaker has crowded you to the tail-end of.

Mr. MARSHALL, of Kentucky. I rise to a question of order. My point of order is this: Discussion as to Republicans and Democrats has nothing to do with this bill.

Mr. LETCHER. I am sorry my friend did not think to raise his point until the gentleman from Illinois had been allowed to go on his full time, and I half of mine.

Mr. MARSHALL, of Kentucky. The gentleman has had his talk. My point of order is that this debate is not relevant to the text.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LETCHER. Very well. I will stop right there, and go to another point.

Mr. LOVEJOY. Before the gentleman starts on another point, I wish to call his attention to the fact that the late General Quitman was appointed chairman of the Committee on Military Affairs by the Speaker of the last Congress.

Mr. LETCHER. He was appointed chairman of the Committee on Military Affairs, but I would like to know whether the gentleman has ever examined to see when the extra expense was created by an increase of the pay of the Army fifty per cent., and how the gentlemen on that side of the House voted on that item of expenditure. I think it will be found that fifty-seven of the ninety-two of the gentleman's party voted for that increase.

Mr. PALMER. I should like to know how long this discussion is to go on out of order? A large portion of yesterday was consumed with this irrelevant debate.

The amendment was rejected.

Mr. FAULKNER. I move to reduce the appropriation in the following paragraph $13,000:

"For the pay of the Army, $3,091,784."

The committee are aware that there exists to a large extent throughout this country amongst military men, a strong impression that brevet rank is the source of more jealousy, discord, and bad feeling in the Army, than perhaps any one feature that has become incorporated into our military system. But, without at this time undertaking to express any opinion of our own as to the abrogation of this feature of our military policy, I will say that the Committee on Military Affairs are unanimously of opinion, that the House should concur in the provisions of the bill passed by the Senate of the United States, providing that officers of the Army holding brevet commissions, while in the exercise of their command, ought not to have the additional pay of their brevet rank. I am very well aware that this reduction which we here propose will be of no practical importance, unless this body will agree to take from the Speaker's table the Army retrenchment bill and pass it. I have already made two efforts to have that bill taken from the Speaker's table and referred to the Committee on Military Affairs; but some gentlemen made objection, and I have so far failed to accomplish my object.

This present amendment is predicated upon the idea that the House will concur with the Senate, and pass that Army retrenchment bill. By it, the Senate have voted to strike out this system of brevet pay as a pernicious principle of our military policy—as one leading to the exercise of Executive favoritism and partiality, and calculated to destroy the manly and independent tone of the Army, by the power which the Executive may now exercise over their means of livelihood in the service. If the House should carry out the principle involved in this particular amendment, I propose to extend it to other sections of the bill, when we reach the appropriations for subsistence, forage, &c. This amendment will save to the Treasury, annually, some forty thousand dollars; but the pecuniary reduction is insignificant compared with the beneficial influence which it will exercise upon the harmony, efficiency, and personal independence of the officers of the Army.

Mr. BONHAM. I trust that the House will not take the step suggested by the chairman of the Committee on Military Affairs. I was not present when the committee directed the course to be taken that has been indicated by the chairman. I hope the House will not pass the bill to which the gentleman has referred, and that it will not adopt the amendment offered here by the gentleman from Virginia. It is not in order to discuss that bill. When it does come up, I will have something to say upon it.

The brevet rank was recognized as early as 1812 and 1818; and I believe this is the first time that a bill has ever been introduced into Congress to deprive those gentlemen, who have won their brevets by gallant conduct in the face of the enemy or by other meritorious conduct, of the pay attached to the honorable distinction which the country has awarded them. There has never been a murmur heard from any portion of the country in regard to this matter. One of the effects of this bill is, to cut down the pay of the commanding general, who has been breveted a lieutenant general, who has won fairly every honor that the Government has bestowed upon him. I call upon gentlemen who ask to tear his laurels from him, to show what part of the country has ever complained that he has received his brevet pay? I call upon gentlemen who propose to strike him down, to show us what portion of this great Republic has ever complained at the pay he gets? He is at the head of the Army of a great Government. The hospitalities that he extends require that he should get these extra rations. His allowances are not too large. If the House be inclined to adopt this line of retrenchment, I trust it will not take the step here, but wait till the bill referred to comes up, when we can act understandingly on the subject.

The question being on Mr. FAULKNER's amendment,

Mr. FAULKNER called for tellers.

Tellers were ordered; and Messrs. CHAFFEE and HAWKINS were appointed.

Mr. HUGHES. I move to amend the amendment by reducing the appropriation $1,000. I think there is misapprehension in regard to the circumstances under which Army officers draw their brevet pay. Where an officer is breveted for gallant conduct in the field, his brevet pay does not attach unless he is ordered on active service according to his brevet rank. When he does the duty, and has the command belonging to the brevet rank, he draws the brevet pay, and only then. Now, it is not right to put it in the power of the Government to impose the duty and re-

sponsibility of high command on officers of the Army, and to deprive them of the pay and emoluments belonging to that command. Moreover, the change is impracticable. Suppose that a captain in the line, who is a colonel by brevet, is ordered on detached duty, with the command and responsibilities of a colonel, he must have his horses, his orderlies, his servants, &c., and ought to have the pay and allowances of a colonel.

Mr. FAULKNER. This provision, as I have already stated, does not touch the allowances at all; it is the pay alone.

Mr. HUGHES. Well, I maintain that there is just as much reason for giving the pay as the allowances. If the officer is performing the duty of a colonel, he must have horses and servants. You cannot expect a man, placed in that position, to support himself on the pay of a lieutenant. And when you destroy (for it amounts to that) brevet rank and the allowances pertaining to it, you do more to strike down the *esprit du corps* of the Army, than by any other measure you could adopt.

Mr. WASHBURNE, of Illinois. I would ask the gentleman if this amendment does not take $5,000 from General Scott? For one, I will never vote for such an amendment.

Mr. HUGHES. Nor will I. I would just as soon vote to take his epaulets from him as to take one dollar of his pay or allowances.

Mr. WASHBURNE, of Illinois. I want to see if this House will vote to strike down that brave and gallant soldier.

[Here the hammer fell.]

Mr. STANTON. I am in favor of the bill which proposes to take away the pay for brevet rank, but I have no idea that that bill can pass, so as to deprive the officers of their right to brevet pay, at this session. I take it for granted that no gentleman expects the passage of that bill this session. The only effect of adopting the amendment proposed by the chairman of the Committee on Military Affairs, in which I grant you, I concurred in the committee, will be, as I understand it, to create a deficiency in the service of the fiscal year, which the next Congress will be called upon to supply. I do not see that anything else can come of it, and I do not see any good that can result from striking out the appropriation for the pay of brevet rank in advance of the passage of a law taking away the right to that pay, because there will still be a legal right on the part of these officers for their brevet pay, and you will be compelled to vote it hereafter.

Mr. PHELPS, of Missouri. Will not the deficiency be more likely to occur in the pay of the rank and file of the Army, than in the pay of the officers.

Mr. STANTON. I suppose so. There will be a general deficiency in the appropriation for the pay of the Army. It will not be the brevet pay that will be stricken off, but there will be an aggregate deficiency.

Mr. FAULKNER. I desire to make one single remark to the gentleman from Ohio. There is now upon the Speaker's table a bill which has passed the Senate unanimously, and which this House could take up and pass immediately, that would destroy the whole force of the argument which he advances upon the subject of reductions in the face of existing laws.

Mr. STANTON. I so understand; but the bill contains other provisions; and I take it for granted that it cannot pass this session. If it does, why, as a matter of course, the brevet pay will not be allowed; the officers will not be entitled to it, and the money will not be paid. If it does not pass, and we strike out this appropriation, a deficiency will be created, which the next Congress will have to supply.

The amendment of Mr. HUGHES was rejected.

Mr. MARSHALL, of Kentucky. I move to diminish the amount one dollar. I do so for the purpose of saying that my experience and observation in the Army incline me to cut off the pay and emoluments of brevet rank. In my opinion, the brevet rank ought only to be worn as a badge of honor; because, otherwise, it has the strongest tendency, practically, to disturb the relations which should exist between officers of the same arm of service. It can be made, in the service, a means of favoritism that is very obnoxious. As thus: you are going to send on an expedition of actual service a squadron of cavalry, and you want to give the command of it to a junior officer of the squadron; you attach to it a section of artillery—three pieces—and you give the junior officer brevet rank, which gives him command of the whole expedition over the head of the senior captain of his own squadron.

Mr. HUGHES. I desire to propound a question to the gentleman. I would like to ask if this very process that the gentleman from Kentucky has described is not the means of enabling the Secretary of War, or the commanding general, to put the command of the troops into the hands of the most efficient officers, passing over the superannuated and senior officers? And I would ask him further, if there is any instance in the history of the country in which brevet rank has been conferred except for meritorious services?

Mr. MARSHALL, of Kentucky. The gentleman's question requires of me an answer that would be entirely too pointed to the officers of the Army. I should not like to discriminate; and should not like to advance, in this place, my opinion, especially when called upon to do it in an individual case. But, sir, let me say to the gentleman from Indiana, that there are officers in the American Army who won their brevet rank in the Mexican war, who were never outside of the city of Washington during that war. I do not doubt that their service in the department in which they were employed was of great merit. I am not disposed to detract from it. But I am telling the House what is the practical working of this thing in the field. I have no objection to gallant service being rewarded with these badges of merit.

[Here the hammer fell.]

Mr. PHELPS, of Missouri. We are spending a good deal of time over a very small matter. The gentleman from Virginia, who moves to reduce the appropriation, tells you that it will be perfectly inoperative unless you pass the bill which is upon the Speaker's table; for by diminishing this appropriation you do not repeal the law under which compensation is made to officers for service according to their brevet rank.

Mr. HOUSTON. I desire to ask the gentleman a question. I understand that an officer who has been breveted does not receive the pay of his brevet rank unless he is detailed upon service that corresponds with that rank. Now, if we strike from the bill that portion of this appropriation which is intended to meet the brevet pay, will it not be an instruction to the War Department, not to detail officers unnecessarily to service according to their brevet commissions?

Mr. PHELPS, of Missouri. I entirely concur with the gentleman that it would operate as no instructions to the Secretary of War, one way or the other. Undoubtedly, if this appropriation is reduced $13,000, there will be sufficient left to pay the men, and to pay the officers, including those officers who draw their pay under brevet rank. I concur in what has been said by the gentleman from Kentucky, [Mr. MARSHALL,] that the brevet commission is one which should only confer honor, and not pay. When a bill was before the House in the last Congress, proposing to increase the pay of officers of the Army, I then desired the gentleman having charge of the subject, as a member of the Committee on Military Affairs, to give me permission to offer some amendments to that bill, among which was one to strike out the provision for increasing the compensation of officers by brevet. I did not obtain the consent of the Committee on Military Affairs to permit me to have those amendments presented. I therefore say that, upon this subject, as well as upon the other amendments the gentleman from Virginia [Mr. FAULKNER] indicates he will offer, I prefer, in order to expedite the business of this committee, to allow these amendments to be adopted, concurring with him that they will be utterly ineffectual unless the bill abolishing the additional pay for brevet rank shall be passed by the House.

Mr. MARSHALL, of Kentucky, by unanimous consent, withdrew his amendment.

Mr. BONHAM. I move to amend by adding $100 to the appropriation.

Mr. Chairman, this clause, as has been correctly observed by some of the members who have discussed the question, does not involve the brevet pay at all. But, sir, I desire to say a word in addition to what I have already said, in response to the chairman of the Committee on Military Affairs, [Mr. FAULKNER,] in respect to this amendment and other amendments, which that gentleman has indicated his purpose to offer.

The gentleman from Illinois has correctly remarked upon this subject, that the responsibility which may be imposed upon those officers who hold brevet rank ought to entitle them to the pay incident to that rank. But my object now is to call the attention of this committee to this fact. These officers are breveted generally for gallant services and for meritorious conduct. They are generally men of great energy and enterprise. They are men who have done service on the frontier, and are the very men we want for efficient service to be sent three hundred or six hundred miles beyond the borders of civilization among the savages, or along the routes of travel to the Pacific. These officers must have horses and must have servants, according to their rank. Take, for instance, a captain who has been breveted lieutenant-colonel: he is compelled to have horses and servants to correspond with his rank; and while he is in the line of his duty, it is necessary for him to have his allowances as well as his pay. At the places where these officers are stationed, they extend hospitalities to civilians as well as officers, who may be passing their posts. It is in accordance with the usages of the Army, and therefore I say it is necessary that they should have these allowances.

Mr. FAULKNER. I desire simply to correct the gentleman from South Carolina in the construction which he gives to the amendment. It does not touch the subject of allowances at all; it does not touch horses, servants, or anything in the shape of allowance, which, in the exercise of his brevet rank, would be essential to the proper discharge of his duties. It touches alone the matter of pay, leaving allowances as regulated by existing laws.

Mr. BONHAM. I understand that to be the effect of the amendment now before the committee; but if I did not misunderstand the gentleman, it is his intention to follow up this amendment, if it shall be adopted, by others which will touch the allowances to which I have referred.

Mr. CURTIS. I am opposed to the amendment of the gentleman from South Carolina. In my judgment it is not the purpose of any member of the Committee on Military Affairs to destroy any of the great elements of military power; but, sir, one of the great causes of expense in the Army is this brevet rank. I am perfectly willing that the Commander-in-Chief of the Army shall be made an exception in cutting off the extra pay of brevet officers; because I know that when Congress gave him his commission as lieutenant general, they expected he would receive his pay as such; but that was not the expectation in commissioning those other officers of lower grade by brevet. The very moment you brevet a captain to be lieutenant colonel, he is anxious to be placed in command as lieutenant colonel, in order that he may draw his pay as such, which he does not do unless he is in actual service as such. It is in consequence of the pressure of these brevet officers for service, in part, that so many divisions of the Army have been established. Here you have the department of the West, the department of Utah, the department of the South, and the department of the East. What is the object of multiplying these departments of the Army, unless it is to give the men who hold brevet rank the position and pay in the Army of the United States which they could not otherwise receive.

In my opinion, this thing has been extended too far; and it is with a view of placing a check upon the conduct of the Executive that we have been willing to cut down these estimates, to show that we do not approve of this extravagance in the arrangement of the Army of the United States for the accommodation of these brevet officers. I would not touch a hair of the head of the Commander-in-Chief. I am willing that his brevet rank shall carry the pay with it; but it was never expected that the matter of the expense consequent on brevetting officers of the lower grades of the Army should be carried to the extent it has been for the last few years. I am, therefore, in favor of curtailing the estimates which have been sent to us, for the purpose of showing the Administration that we do not approve the extravagance which we have seen in the management of our Army in this respect.

Mr. OLIN. Will the gentleman explain to the committee how the Pacific department has been cut up into two or three military departments?

Mr. CURTIS. I am not certain how many departments they have in the Army at the present time.

Mr. NICHOLS. I move to reduce the appropriation three dollars.

Mr. Chairman, on the 15th day of February, 1855, Congress, against my vote, conferred brevet rank of lieutenant general upon the Commander-in-Chief of the Army of the United States, for distinguished military service. The pay attached to that rank is regulated by law. Now, I have not a great interest in this matter, one way or the other, but I will vote against the decrease of pay founded upon that brevet rank. I submit that the action of this body and of this Government has been repeatedly in this direction. This pay has been conferred in acknowledgment, not for dues for present service, but for past services, which was my colleague's [Mr. GIDDINGS] argument—distinguished services.

The proposition received the sanction of the President and a most unexampled majority in Congress; and it is almost too late to come in and make a proposition to reduce it—to strike it down, so far as the Commander-in-Chief of the Army is concerned. I do not believe that he gets one cent more than he is entitled to for the services which he has rendered to this country. They are preeminent. They stand before the country and the world as preëminently meritorious. I do not think that you reach any sound principle of economy by ignoring and denying to such men as General Scott, General Wool, and General Twiggs, the money which past Congresses have voted was their due for their distinguished military services. If it has been voted to them, and if it is their pay now, in God's name, let them have it. It is for past distinguished service, and I want to see them get it. We may diminish the number of our standing army, if we desire economy in our expenditures; but leave to these men who have gone into the fiercest fights of our battles, the money which has been voted to them heretofore. They have the right to look upon it as in the nature of a contract.

[Here the hammer fell.]

Mr. NICHOLS, by unanimous consent, withdrew his amendment.

Mr. GIDDINGS. I move to strike out the word "million."

Mr. Chairman, I shall not enter into the contest in regard to the pay of individuals of the Army. I am rejoiced that my colleague has come to reflect upon the merits of past services. He and I were at issue a few days since on that very point. I then told him that I would bring him up on the Army bill. I was conscious where I would find him, and I now place him before the country advocating past services to a certain extent. He goes for the generals, but not for the soldiers; for the officers, and not for the rank and file. Against that aristocracy of my colleague I protest. [Laughter.]

Mr. NICHOLS. Allow me a word.

Mr. GIDDINGS. Not now. I do not think my colleague is deserving of it.

Mr. NICHOLS. Very well, then. I will make it all right after a while.

Mr. GIDDINGS. Now, I say to my colleague what I said before, that in my own district I can point out soldiers who have stood as gallantly upon the field of battle, have met the enemy's charge and fire with as much courage and coolness as ever General Scott or any officer of his army have shown. They are not known beyond their own school districts. They have, according to their position, done as much for their country as ever General Scott did. If the principle is to give money eternally to men high in rank, and withhold it from the soldier, then I am opposed to it, and I want it to be known.

My colleague was opposed to giving to the old soldiers of the war of 1812 a scanty pittance; and I was for it. I now meet him on millions for a standing army; millions annually dealt out to the men who fight your Mormon war; men, too, who are doing nothing; men who are here on furlough; men who are doing nothing but vitiating the manners and corrupting the morals of the country. I do not attack the Army generally; I mean that there are such individuals. My colleague will vote money to them, while I go against such an expenditure. It is an excrescence upon the body-politic. It is a cancer which ought to be cauterized. A standing army has ever proved to be the destroyer of the liberty of a nation. It has in history been shown to be the instrument of tyranny. We are going on increasing this curse upon our own country. And, sir, I rejoice to see a distinguished Democratic Senator of the other House taking my view of the subject. I rejoice to see that party strike home upon questions of vast importance to the Union. Let us cut down the swelling arrogance and the extravagant expenditures of this Government. Let all friends of the country unite in the good work. I thank my friends of the other side who have made attacks in detail upon the extravagance in the Army. I want everything done that will call attention to this excrescence, this cancer upon the body-politic.

I withdraw my amendment.

Mr. NICHOLS. I object. I want to say a word in reply to my colleague. It appears to me that my honorable colleague has some feeling in regard to the old soldiers' pension bill. I only say that I am perfectly prepared to stand by my vote on that bill. But it involves, in my judgment, a great lack of penetration on the part of my honorable colleague, not to see the distinction between the case I put and the bill he voted for. Now, here are brevet ranks conferred on gentlemen who have spent their whole lives in the military service of the country. My honorable colleague spent, perhaps, six months in the military service of the country.

Mr. GIDDINGS. Not so much as that.

Mr. NICHOLS. My colleague says, not so much as that. There are thousands of men in my district who have spent six months, or less, in the military service of the country, and afterwards went into civil employment; and, like my colleague, a good many of them have received distinguished civil honors from the mere fact of their military service. I would like to know how my colleague can establish a similarity between the service of himself, or the three months' or six months' or twelve months' men, and the service of General Scott or General Wool, or those men who have devoted their whole lifetime to the service of the country?

Mr. GIDDINGS. I will explain to my colleague.

Mr. NICHOLS. You refused to allow me time to explain, and I now object to any interruption. I put to my colleague this point, and I want his answer: The law, as it exists behind the appropriation bills, grants these allowances; and by adopting this amendment, what do you do? You simply create a deficiency, and throw it on your own party friends at the next Congress to supply. I am opposed to this thing. Can you change the system? Can you strike down the law? Not at all. But if you refuse the money, you throw it on your own party friends to supply the deficiency at next Congress.

I do not want any *ad captandum* argument here, or distinctions made between poor men and officers. I know poor men in my district who have served their country, and who have always rendered their services cheerfully, not influenced by any such considerations; and, as their Representative, I protest against such arguments. Whatever time these men gave to their country they gave gladly, and without hope of that reward which my colleague now contends for. But the man who entered into the service in his youth, and devoted his whole lifetime to it—the man who stands at the head of the armies of the world for military reputation, who has had the acknowledgment of both Houses of Congress, and whose brevet rank has been conferred upon him by a two-thirds vote of the Senate, is not to have the honors and rewards which his country has conferred upon him withdrawn by an amendment to an appropriation bill.

The question was taken on the amendment; and it was not agreed to.

Mr. DAVIS, of Maryland. I move to amend by striking out the word "three," before "million," and inserting in lieu thereof the word "one." I think, Mr. Chairman, that enough time has been spent in the discussion about striking out $13,000, when it is perfectly demonstrable that, if we did strike it out, we would accomplish nothing without the passage of another act, which is now on the Speaker's table. And if that act should be passed, it would render the amendment entirely nugatory; for, no matter how much money might be appropriated here, no part of it would be applied to the payment of the increased emoluments of brevet officers. On the other hand, if that law be not passed, then if we fail here to-day to make an adequate appropriation to meet payments of this kind, the only result of it will be that at the next session of Congress we shall have to appropriate $13,000 more, as for a deficiency in the pay of the Army. The whole controversy, therefore, involves an unnecessary consumption of time, without the slightest tendency to promote any practical reform.

But, even if we could accomplish something in this way, I would still be opposed to striking at this particular item. In my judgment the most meritorious payment that can be made, is to gentlemen who have distinguished themselves in the field, or even on the peace staff, when performing duties of a higher grade, in conformity with their brevet rank. I was in favor of the increase of the pay of the Army. I am in favor of it this day. I am not in favor of striking off one cent of the pay of any person connected with the Army, whether of lineal rank or of his brevet rank.

The evils which the gentleman from Iowa, [Mr. CURTIS] has referred to, and many of the other evils under which this country is now suffering, come not from liberal, fair, and honorable salaries for distinguished services, but from the abuses in the Departments, in needlessly multiplying military posts, and in allowing officers of high lineal grade to remain at home, and substituting for them men younger, and, perhaps, more capable to discharge their duties, who have the brevet rank. The remedy for that is to be sought in the firmness and discretion of the President and of the War Department; and till those qualities are found there, no remedy is practicable. But I am not willing, because they are indiscreet, to strike down the compensation for services in the field, so distinguished that the President and the Senate have seen fit to reward them by brevets, and the country has ratified their judgment.

The only way to relieve the country from the burden of double pay is to apply to the Army such a remedy as was applied to the Navy, but which the indiscretion of Congress and the lack of nerve and energy and independence on the part of the President and his Secretaries have rendered unavailing. As long as you allow the head of almost every regiment to be an old man, incompetent to do his duty in the field, you must pay a young man to discharge it. It is partly our own fault, and still more the fault of the Departments at the other end of the avenue, that men are retained in high positions, both in the Army and Navy who cannot discharge their duties; and these duties of necessity devolve upon their juniors. So long as we refuse to correct these evils, I will vote to make the pay of the junior, while he is discharging the duties of the senior, equal to the pay of the senior.

Mr. LOVEJOY. I do not care, Mr. Chairman, to discuss this question so far as individuals are concerned, especially not in reference to commander-in-chief. My objection is to the system as a system. I suppose it is understood all over the country that in case of war we are to depend, not on the regular Army, but on the volunteer force of the country. I wish to call the attention of the committee also to the fact that the range of pay for military services is higher than that of any other service in the country. We make the military a privileged class; and subordinate officers in the Army receive higher pay than the judges of the Supreme Court. The pay of the general commanding-in-chief is better than that of the President of the United States. Although not so large, it is permanent. A glance down the column of officers' pay will prove what I say. Here are $18,000 a year, $8,000, $5,000, and so on. Now, remember that this is a permanent salary for life, not a temporary salary.

Another point to which I wish to call the attention of the committee is, that only about one fourth of the entire officers of the Army are engaged in any military service whatever. Three fourths of them are unoccupied, waiting for orders, or engaged in some other employment aside from the appropriate duties of the Army. They are building your Capitol, or engaged on your

Light-House Board. And many of them are hanging around hotels. If you go to a ball anywhere in the large cities, every other man there will have some military insignia about him. Go to the leading hotels, go to the Metropolitan and St. Nicholas, in New York, and almost every other name on the record there will have "U. S. A." or "U. S. N." after it. We pay them for doing nothing while they live, and when they die, whether they die gallantly, as many of them do, and bravely meet their fate on the battle-field, or are found dead in some groggery, we vote pensions to their surviving widows and children.

Mr. PHELPS, of Missouri. The gentleman from Illinois has referred to the fact that officers of the Army are assigned duties on the Light-House Board. Does he not know——

Mr. LOVEJOY. Mr. Chairman, I cannot yield much of my time to the chairman of the Committee of Ways and Means. He can get the floor whenever he wants it.

Mr. PHELPS, of Missouri. I was only going to inform the gentleman that the old Whig party presented that as a reform of the light-house system, with a view to diminish the expenses.

Mr. LOVEJOY. I could not hear what the gentleman said. My idea is, that the genius of our country is that of peace; and that we do not want an army, as the despotisms of the Old World do, to sustain our Government; and, consequently, that we ought to reduce our Army to the lowest possible amount, and depend upon it simply as a nucleus around which volunteers could gather in time of actual war. We do not want an Army to be used in unjust and aggressive wars; and, whenever there is really just occasion for war, hundreds of thousands of citizen soldiers will rush to the battle-field. They will be educated men—men who have homes, and love their country, not mere mercenaries, who fight for so many dollars a month—and that kind of an army has always been invincible, and always will be. That is all the army we need. Why, sir, every year we grind out a grist of officers, and they come out of the hopper with epaulets on their shoulders, and green or red stripes up and down each side of their pants. [Laughter.] We are obliged to educate them at West Point; and the head of our Army (the officers) has swelled out of all proportion to the body, and become monstrous; and we keep up this establishment of privates on purpose to make places for the officers ground out to order annually.

Now, I do not know that we can effect any reform. I do not expect we will. But I do want to call the attention of the House, and possibly of some portions of the country, to the fact that the genius of the Republic itself is not to have a standing army, but to rely on the citizen soldiers when the occasion calls for an army.

The amendment to the amendment was rejected.

Mr. BONHAM. I move to strike out "ninety-one" and insert "one hundred." I agree with the gentleman from Maryland [Mr. DAVIS] that we are debating this question to little purpose, unless the bill to which the chairman of the Committee on Military Affairs has referred shall pass. On looking at the bill, I find that he is correct in regard to its effect upon the brevet pay; but there is a clause in it which strikes down the additional rations allowed, which are very important. Before we take the first step in reducing the pay of the officers of the Army, and in making the amendments which the chairman of the Committee on Military Affairs has indicated that he will ask the committee to make, I desire to call the attention of gentlemen upon all sides of the House to a fact which I learn from a source on which I rely. It is this: that if every brevet officer in the Army (excepting General Scott) were receiving brevet pay, the difference between the pay and the regular pay would not amount to $8,000 a year. But it is not often that all of them are on duty with brevet pay. My informant adds, that the effect of the bill of the Senate is to reduce General Scott's pay; and such also will be the effect of this amendment. Now, I hope we shall take a vote upon this question; and I submit to the committee that it would be better not to reduce any of these appropriations until the chairman of the Committee on Military Affairs shall have had a fair opportunity of having a vote of the House upon the bill from the Senate.

The amendment to the amendment was disagreed to.

The question recurred upon Mr. FAULKNER's amendment, on which tellers had been ordered.

Messrs. CHAFFEE and HAWKINS were appointed tellers.

The committee divided; and the tellers reported—ayes twenty-five.

The CHAIRMAN (understanding that a count of the negative vote was not required) announced that the amendment was disagreed to.

Mr. BLAIR. I desire to offer an amendment, to come in at the end of the paragraph.

Mr. HOUSTON. What has become of the amendment of the gentleman from Virginia?

The CHAIRMAN. It was lost. The affirmative gave it up.

Mr. HOUSTON. I did not give it up,

The CHAIRMAN. The Chair heard no demand for a further count.

Mr. HOUSTON. I did ask for a count on the other side, distinctly.

The CHAIRMAN. If the gentleman from Alabama insists upon it, the tellers will resume their places.

Mr. BONHAM. I ask if the gentleman from Alabama rose from his seat and demanded a further count? If he did not rise, he had no right to ask for a further count.

Mr. HOUSTON. I asked for a further count before the decision of the Chair was announced, and it matters not whether I rose from my seat or not.

The CHAIRMAN. A further count is called; and the tellers will resume their places.

The question was taken; and the amendment was rejected; the tellers having reported—ayes 42, noes 80.

Mr. BLAIR. I offer the following amendment:

Provided, That the pay of the officers of the Army shall be restored to the rate paid previous to the act of February 21, 1857, "to increase the pay of the officers of the Army."

Mr. CHAFFEE. I raise the point that that amendment is not in order. It is a change of existing law.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. BLAIR. It is as much in order as the retrenchment speech of the gentleman from Virginia.

The Clerk read the following paragraph:

"For commutation of officers' subsistence, $998,434 50."

Mr. FAULKNER. I move to reduce that item $60,000.

Mr. Chairman, I shall of course abandon the prosecution of the other amendments that would have followed if the House had sustained the Committee on Military Affairs in their views upon the question of brevet pay. My present amendment involves another and distinct principle. These extra rations were originally voted by Congress to those having command of separate posts, as affording the means of hospitality and entertainment; but, so far as the experience of those best acquainted with their operation goes, the result has not been beneficial to the public service. These extra rations have the effect of inducing officers of the Army to avoid their proper position in their regiments for the command of posts. It has unquestionably led to the multiplication of posts, which has been a source of perhaps as much unnecessary expense as any item of the Army service. Within the last ten years there have been established one hundred and three new military posts, of which fifty-seven have been evacuated. The committee believe that they will accomplish an important reform by cutting off those extra rations assigned to officers because they are placed in the command of separate posts or garrisons.

Mr. PHELPS, of Missouri. If I understood the gentleman's remarks correctly, he proposes to reduce this appropriation by the amount necessary to furnish extra rations to officers in command of departments and military posts. I think, then, that the gentleman is mistaken in the amount. The estimate, as submitted to us, is only $6,000 instead of $60,000.

Mr. FAULKNER. I am surprised that the chairman of the Committee of Ways and Means should be misled into such an error. He will find that the amount $6,000 is a typographical error, which, looking beyond the surface, he ought to have known was an error. Let him make the calculation, and he will find that the amount is $60,000. Such was the amount last year. This appropriation, the effect of a mistaken policy, has increased in the last few years from $30,000 to $60,000.

Mr. PHELPS, of Missouri. Make the correction which the gentleman from Virginia desires, and what will be accomplished? He speaks of one hundred and three new military posts having been established upon the frontier settlements and upon the lines of emigration between the valley of the Mississippi and the Pacific. Now, I say that he ought not to have complained that there were posts upon the frontiers; but why, he might ask, the necessity of continuing Carlisle barracks in Pennsylvania, and why the necessity of continuing barracks in Kentucky, opposite Cincinnati. I ask, also, what necessity is there for maintaining military positions within the interior of the United States? Why not provide for the sale and disposal of these military posts? If gentlemen desire a measure of reform, why not have a commission appointed to dispose of many of these military posts, which, for the purposes of protection, are now of no service whatever?

Mr. MARSHALL, of Kentucky. The gentleman inquires why a military post is retained at Newport? I say it is only a recruiting depot, and, as being a center for Cincinnati, Covington, and Newport, it is the very best place for a recruiting depot.

Mr. PHELPS, of Missouri. It is not necessary to retain the military posts as recruiting depots. The recruiting officer in Washington keeps his office in some room which he rents; and so, too, might the recruiting officer in Newport and elsewhere. The post in Newport cost the Government more than one hundred and fifty thousand dollars, and it would probably realize that sum now, if sold.

Mr. MARSHALL, of Kentucky. If the chairman of the Committee of Ways and Means does not think that there is any business for a recruiting office in Cincinnati, why it is kept there?

Mr. PHELPS, of Missouri. It is retained there precisely as it is retained in other cities. I find you have a recruiting officer at Columbus, in the State of Ohio; at Baltimore; at Detroit; at Buffalo, Pittsburg, and at various other towns throughout the country; and these officers are not stationed at military posts. They keep their offices in the village or the city, and support their recruits at some boarding place till they have a sufficient number to send to the depot where they are to be drilled.

I believe in abandoning these military posts in the interior, and establishing additional posts on the frontier, where they are needed for the purpose of giving protection to the frontier settlements. We have no use for the Army in the interior of the country; and yet we have heard it suggested here, in a spirit of economy, that it would be a good plan to withdraw the Army within the settlements, because we would thereby save much in the transportation of provisions and supplies. I grant that much money would be saved in this way; but those who advocate such a disposition of the Army ought, to be consistent, to advocate the entire abolition of the Army, and depending hereafter on the calling out of volunteers or militia for the defense of the frontier.

Mr. DAVIS, of Maryland. I move to amend the amendment by striking out $98,000. The amendment proposed by the gentleman from Virginia calls for a repetition of almost the same observations that I made a few moments ago on another of his amendments. There does not seem, Mr. Chairman, to be any sound reason advanced why the officers at the principal stations should be allowed commutation and extra rations. The grievance which the gentleman from Virginia wishes to remedy is this: that these additional rations form an inducement with the officers of the Army to seek for stations in various portions of the country, and that the needless multiplication of these stations, increases the cost of the Army establishment. I would like to ask the gentleman from Virginia whose fault that is? Does it rest with the officer of the Army to choose his station? Is it the officers who multiply stations in the western country, or on the eastern seaboard; or is it the will of the officer that places

him in command of a station, rather than on horseback in command of a moving detachment? Or is it not the fault, again, of those at the other end of the avenue? If those who have the control of the Government cannot put strong men at the head of the Departments, who can manage and control the military arm of the service, why are we called upon to break up a system which, in itself, is not evil? The evil is in the Administration, and not in the law. It is because personal interests are consulted, instead of the necessities of the country. It is because individuals are allowed to persuade, instead of being required to obey. It is because there is a disposition prevailing in the Departments to favor gentlemen of antique years—men who are incompetent for the rough service of the field, and who yet wish the pay of high position. I say the remedy is, leave the law as it is, and place men in office who can do their duty. Do that, and you need no reform of the kind proposed here, and with incompetency at the head, no reform can be effected anywhere.

Mr. HUGHES. I undertake to say that no material retrenchment or saving of money can take place in a reduction of the pay or allowances of the officers or men of the Army. I believe if there is any profuse expenditure in the Army at all, it is in the quartermaster's and commissary's departments. I am opposed to striking out the allowances or pay of officers or men, because I do not believe that either the one or the other get more than they are entitled to, and I believe that in many cases they do not get enough.

Now, when it is asserted here that the fault of the multiplication of permanent military depots lies at the other end of the avenue, it is a mistake. There can be no such thing as the establishment of a permanent military depot without a purchase of property and the erection of public buildings; and neither of these can be done without the authority of Congress. I do not know, and I do not admit, that there has been extravagance in the establishment of permanent military posts; but if there has been, one thing is perfectly clear, that the fault lies with Congress, and not with the Executive, the Secretary, or the commanding officer.

Now, to come to the question immediately before the committee, with regard to the taking away of extra rations allowed to officers in command of posts. Certain duties and expenses of hospitality are imposed on these commanding officers; and these allowances are made to them to meet the calls on their purse for that purpose. The thing is right in itself. If a man's expenses are increased in consequence of the public duties imposed upon him, the Government ought to furnish him with means to meet those expenses.

I deny, sir, that there has been any unnecessary multiplication of military posts; and I wish to call the attention of the committee to the inaccuracy of the remarks of the gentleman from Missouri [Mr. PHELPS] upon that point. He talks about recruiting posts at Detroit, at Buffalo, at Columbus, Ohio, and at other places; and he asks why not keep them there, and abolish those at Newport, Kentucky, and other places. Now, sir, those posts at Buffalo and Detroit and Columbus are only temporary ones at places where recruits are to be had; but the depots at Newport and elsewhere are for a different purpose. The troops enlisted at the various recruiting stations are collected there, drilled and classified and equipped and sent off to join their regiments at the different posts on the frontiers. The recruiting stations are scattered all over the country; and it would be impossible in all cases to drill, clothe, and equip the men there, and send them direct to the distant frontier posts. These are all matters of detail, which are much more within the province of the Secretary of War and the commanding general than of Congress.

I call the attention of the committee to one radical error in all these attempted reforms. The whole military system is based upon the one-man power. You cannot send a legislative council into the field to control the action of the commanding general or the Secretary of War. A large discretionary power must be left to the military department, from the very nature of the duties it has to perform. Hedge round a military commander with legislative restrictions; send him a council of civilians to control his movements, and you will introduce that imbecility, indecision, and inefficiency into the military system that will utterly defeat it.

[Here the hammer fell.]

The amendment to the amendment was disagreed to.

Mr. STANTON. I move to amend the amendment of the gentleman from Virginia, by adding to it the following:

And the amount of $60,000, which is deducted from the amount estimated for commutation and for subsistence, shall be deducted from the extra rations allowed to commandants of military posts.

Mr. Chairman, I apprehend that if the committee is disposed to adopt the amendment of the Committee on Military Affairs, this amendment should be agreed to.

Mr. PHELPS, of Missouri. I rise to a question of order. Does not this amendment propose to repeal existing laws, or to suspend the execution of them? I could not hear the amendment distinctly.

Mr. STANTON. No, sir. Undoubtedly, if we have a right to refuse to appropriate for any particular department of the public service, we have a right to designate in what particular branch of service the appropriations shall be reduced.

Mr. PHELPS, of Missouri. I heard the amendment indistinctly, and supposed that it proposed to change existing laws. I therefore propounded the inquiry to the gentleman. I did not understand the nature of the amendment.

Mr. STANTON. The difficulty in regard to the amendment proposed by the Committee on Military Affairs is, that after all it rests in the discretion of the Department whether the reduction shall be made in the precise item of expenditure that they contemplate, or not. They may make this reduction in some other part of the service, and not in the extra rations of commandants of military posts; and if they do that, they will defeat the very object that the Military Committee and the House will have in view in making the reduction. If the appropriation is reduced, it will be because it is believed that there is no reason why a gentleman who happens to be in command of a military post should have extra rations beyond what are allowed to others not in such command. If he needs it for the entertainment of his friends, that is a matter in which he can exercise his own discretion, and which must be dependent on his means. I do not propose to furnish him with the means of extensive hospitalities. I propose to place officers of the same grade on the same footing, and allow them the same rations; so that there will be no motive or inducement on the part of officers to bring influences to bear upon the Department to multiply military posts, with a view to increased rations for officers.

Mr. Chairman, while I recognize the truth of the proposition of the gentleman from Maryland, [Mr. DAVIS,] to a very considerable extent, that really no very essential reforms can be made except by the heads of the Executive Departments, yet I am not willing to go to the whole extent of saying that we must vote whatever appropriations the Departments may demand. I hold that there is a duty incumbent upon Congress to withhold, wherever they can, discretionary appropriations, which may be increased or diminished at the pleasure of the Executive Departments; and that we have power to limit the abuses of profligate and unnecessary expenditures by the Departments.

Now, I do not believe at all that there is any necessity for the one hundred and seven military posts that have been established within the last ten years. Barracks and other public buildings have been erected, at a cost of hundreds of thousands of dollars, and occupied for five or ten years, and then abandoned and sold for not one tenth of what they have cost. This, sir, is a very necessary and proper reform, and I do not think that there will be a necessity for supplying any deficiency at the next session of Congress. I trust that the next Congress will do no such thing.

Mr. BONHAM. I am opposed to the amendment. It refers to double rations for the very officers whose brevet pay was proposed to be affected. I understand that to be the object of the committee.

Mr. CURTIS. It is not only to strike them out.

Mr. BONHAM. It strikes out brevet officers as well those who have the full rank. I oppose the amendment for the reasons I have before stated. Congress, in 1842, attached these double rations. The expenses of officers are to-day far greater than they were then. So impressed was Congress with that fact, that it raised the pay of every officer of the Army. I have heard no complaint, from any quarter of the country, because of that change. So far as reduction of expenditures is concerned, I will go with gentlemen for the reduction of all expenditures which can, with propriety, be diminished. I will vote to reduce the appropriation of $100,000 for barracks, many of which are abandoned after a year's use. That, is, with others, believed to be excessive, and I will go for its reduction. There is no law fixing it.

Mr. BRANCH. Are these rations allowed by law, or only fixed by the Army regulations?

Mr. FAULKNER. There is a law of Congress allowing these extra rations; and the bill from the Senate, now upon the Speaker's table, is to repeal that law. I accept the amendment of the gentleman from Ohio, [Mr. STANTON,] as it embodies my idea, and explains the object and purpose of my proposed reduction.

Mr. BRANCH. I move to increase the appropriation $10,000.

Mr. Chairman, I have no doubt that it is proper in many cases that these double rations should be allowed to commanders of posts. The Army regulations specify who are entitled to them. I have no doubt that, at head-quarters of divisions, at the head-quarters of commanding generals, there ought to be an extra allowance to cover the expense of hospitality, and other expenses incumbent upon a commanding officer, in consequence of his position. But, sir, I cannot understand what reason there can be for an officer stationed amid the gorges of the Rocky Mountains, or upon the head-waters of your interior rivers, dispensing hospitality. Who passes his post? What civilized men are ever at such posts to call for the hospitality of the commanding officer?

Mr. HUGHES. These extra rations are sometimes commuted in money; and in the gorges of the Rocky Mountains the price of provisions is so high that it will take all to support the officer himself.

Mr. BRANCH. I will ask the gentleman a question right here, as he seems to be well-informed on this subject. I ask the gentleman from Indiana whether the Government does not transport provisions to these posts, and sell them to the officers at the price they command in the settled portions of the country, without adding in the cost of transportation?

Mr. HUGHES. The Government furnishes provisions, such as pickled pork and hard bread; and if an officer chooses to draw his rations in kind, that is what he gets. But the officers take the money and buy something a little more palatable, as the gentleman would probaby do himself.

Mr. BRANCH. The gentleman has not answered my question. I asked him whether the Government does not transport provisions to these distant posts, and then sell them to the officers without adding in the cost of transportation?

Mr. HUGHES. They sell such provisions as they have, but they only furnish provisions of the coarsest description.

Mr. BRANCH. What prices do they charge for them? Is it the price that it costs the Government at the post, or the price before the transportation?

Mr. HUGHES. During last winter, salt in Utah was six dollars per bushel, and corn fourteen dollars. The officers had to buy them with money out of their own pockets. The Government did not furnish them.

Mr. BRANCH. I will resume my remarks. I have no desire to cut down any just and proper allowances for the officers of the Army. Whenever they are in situations which induce calls upon their hospitality, allowances should be made to them. But, I repeat, what call can be made upon the hospitality of an officer commanding a post in the interior of the continent, and off the line of travel to California, where he never sees the face of a white man from year's end to year's end, except the men of his command. There is no necessity for allowances to such men, who are surrounded with Indians and buffalo and wolves.

Mr. SMITH, of Virginia. I rise, Mr. Chairman, not for the purpose of making any extended remarks, but simply to protest against any measure of compensation being founded on the claims of hospitality. That depends so much on position and disposition, that it is certainly an unsafe rule by which to measure out what we ought justly to pay for that branch of the public service. And I confess that I was not a little surprised to hear the usually accurate gentleman from North Carolina [Mr. BRANCH] talk of allowing officers compensation, because of their obligations to practice hospitality. Now, what is the measure of compensation that the public service justly demands, without any reference to natural considerations, which are as vague as human conceptions? That is the question. It does seem to me, unquestionably, that at this time, wherever we can make a reduction of the public charges, we ought to do so. It is enough for me to know that gentlemen who have given this subject examination favor the cutting down of these charges to induce me to vote with them. I advert to this without any purpose of extending my remarks, and merely oppose the amendment of the gentleman from North Carolina.

Mr. BRANCH withdrew his amendment.

Mr. CLARK B. COCHRANE. I move to amend by striking out "fifty-seven" in the fifteenth line. There is a desire expressed on all sides of the House, Mr. Chairman, for reform and retrenchment in the Government expenditures. I sympathize in this desire. I think, however, that the worst place to attempt any reform is in these appropriation bills. The law requires these appropriations of money to be made, in most instances. Wherever this House has any discretion, it should exercise that discretion in favor of economy and retrenchment. But your laws are contracts, and you are bound by these laws, as men of honor and integrity, to execute your contracts. The Committee of Ways and Means is bound by law to report these bills to the House, and to recommend appropriations. Now, if you want to make permanent reforms and reductions, change your laws. Let the majority of this House, which has the control of committees—the committees having control of legislation—report a bill looking to a permanent and beneficial reform, and we, on this side of the House, will vote for it. Reduce your Army from seventeen or eighteen thousand men to eight or nine thousand men; and those whom you retain in the public service, pay liberally and fairly. In this manner you can accomplish reform; but this striking out of appropriations where the law requires you to make them, is but a postponement of payment; is but a dereliction of duty; is but evading the obligations which the law imposes on this House.

Now, we have taken up a good deal of time in motions to strike out appropriations which the law compels us to make.

Mr. HOARD. I ask the gentlemen if he is going to vote for this appropriation bill?

Mr. CLARK. B. COCHRANE. No, sir.

Mr. HOARD. According to your own argument, you are in duty bound to vote for it.

Mr. CLARK B. COCHRANE. No, sir; not by any means. But I am opposed to postponing what must be done.

Mr. HOARD. You say it is our duty to vote for the appropriation bills.

Mr. CLARK B. COCHRANE. It is the duty of those who carry on the Government.

Mr. HOARD. And of this House.

Mr. CLARK B. COCHRANE. The majority of the House is the House.

Mr. SMITH, of Virginia. I ask the gentleman if it is not the duty of every Representative of the people to vote for proper appropriation bills when they are presented for his consideration? This bill, I understand, is to carry out the law, and nothing else.

Mr. DAWES. I would say to the gentleman from Virginia, that I, for one, would vote for such a bill; but I have not yet seen such a one—a proper appropriation bill.

Mr. SMITH, of Virginia. Then let the gentleman make his motion to correct any impropriety in it, else he is not a faithful Representative. Let him present a proper scheme and support it, or else support that which is presented.

Mr. CLARK B. COCHRANE withdrew his amendment.

The question was taken on Mr. FAULKNER's amendment as modified; and it was agreed to.

Mr. PHELPS, of Missouri. There is a clerical mistake at line sixteen, page 2. It should read $1,970,000, instead of $1,969,000. I move that it be so amended.

The amendment was agreed to.

Mr. FAULKNER. I move to amend by striking out $1,840,000, and inserting $1,400,000; so as to make the clause read:

For the regular supplies of the quartermaster's department, consisting of fuel for the officers, enlisted men, guard, hospitals, storehouses, and offices; of forage, in kind, for the horses, mules, and oxen, of the quartermaster's department at the several posts and stations, and with the armies in the field; for the horses of the two regiments of dragoons, the two regiments of cavalry, the regiment of mounted riflemen, the companies of light artillery, and such companies of infantry as may be mounted, and for the authorized number of officers' horses when serving in the field and at the outposts, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank-books for the quartermasters department, certificates for discharged soldiers, blank forms for the pay and quartermaster's departments; and for the printing of division and department orders and reports, $1,400,000.

The reduction is intended to apply to the item of forage.

It will be seen by the committee that the Quartermaster General estimates the forage for the next fiscal year at $1,600,000. The committee are of opinion that there is a much larger number of animals under the control of the quartermaster's department than there should be. It is somewhat difficult, from these reports of the Quartermaster General to ascertain the precise number of animals now owned by the Government. On page 156 of the volume of estimates, the Quartermaster states that the number of animals have been increased from nine thousand one hundred to thirteen thousand five hundred, which latter number, he says, cannot be reduced, if the operations in New Mexico, Oregon, and Washington, continue upon their then present scales. That communication bears date the 25th of October, 1858. Cotemporaneous with that, of the same date, is a note appended by the Quartermaster General to the item of $1,600,000 for forage; in which he says that the estimate for the present fiscal year was for twelve thousand five hundred and thirty-three; and the estimate for the next fiscal year is for sixteen thousand nine hundred and fifty-seven, horses, mules, and oxen, being for an increase of four thousand four hundred and twenty-four animals. Doubtless this discrepancy is the result of some accident or inadvertence, which might be easily explained. But it is the opinion of the Committee on Military Affairs that the number of animals now employed in the transportation service of the Government is too large, and that they ought to be reduced in number.

It is also manifest, from an examination of General Jesup's reports, that he predicates this increase of animals upon the existence and continuance of Indian hostilities in Oregon, Washington, and New Mexico. But inasmuch as all these disturbances have been brought to a peaceable termination, and there is no present prospect of their renewal, the committee came to the conclusion that there was no propriety in making provision for this anticipated increase of animals during the next fiscal year. We have, therefore, decided to recommend a reduction on that item of $400,000, it being at the rate of about one hundred dollars to each animal reduced in number.

Mr. PHELPS, of Missouri. While I must oppose the amendment of the gentleman from Virginia, *pro forma*, I do not really intend to resist it; but I desire to make an explanation, which is due to the Quartermaster General. In the transcribing of his report, as published with the annual estimates, a mistake was made. The number of animals in the Quartermaster's Department, upon which this estimate of $1,660,000 is based, is correctly stated in the note on page 160. The Quartermaster General informs you that if the usual amount of forage should be furnished to the animals in his department, it would require a larger sum than he has estimated; but he expects that at the military posts, where a large number of these animals are located, they can, during a portion of the year, be subsisted on grass. In consequence of the cessation of hostilities in Washington, Utah, and New Mexico, it is probable that the reduction recommended by the Committee on Military Affairs can be made in this item, and I shall make no opposition to it.

The amendment was agreed to.

The Clerk then read the following paragraph of the bill:

"For the incidental expenses of the quartermaster's department, consisting of postage on letters and packets received and sent by officers of the Army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation of judge advocates, recorders, members, and witnesses, while on that service, under the act of March 16, 1802; extra pay to soldiers employed under the direction of the quartermaster's department, in the erection of barracks, quarters, storehouses, and hospitals; in the construction of roads, and on other constant labor, for periods of not less than ten days, under the acts of March 2, 1819, and August 4, 1854, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains, where military escorts cannot be furnished; expense of the interment of officers killed in action, or who die when on duty in the field, or at posts on the frontiers, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including the hire of interpreters, spies, and guides for the Army; compensation of clerks of the officers of the quartermaster's department; compensation of forage and wagonmasters, authorized by the act of July 5, 1838; for the apprehension of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the two regiments of dragoons, the two regiments of cavalry, the regiment of mounted riflemen, and such companies of infantry as may be mounted, namely: the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named, $500,000."

Mr. MAYNARD. I move to amend that paragraph by striking out the words "picket ropes," in the seventy-seventh line. I am very glad to see the disposition that is manifested in the House to economize, and especially to economize in small things. It is a maxim that we very early learn, to "take care of the pence, and the pounds will take care of themselves;" to save the drops at the spigot, even though gallons are getting out at the bung. We know that Doctor Franklin, in a work called, if I mistake not, "The Prompter," left us the lesson of practical wisdom that, for want of a nail, the shoe was lost; for want of a shoe, the horse was lost; for want of a horse, the rider was lost; for he was overtaken by the enemy and slain; and all for want of a nail in a horse-shoe! I am glad to see gentlemen take an interest in these small things. We had the consular and diplomatic appropriation bill here a short time ago, and were working at it for several days, and I believe we got clear of the little mission to Persia. By a master-stroke of economy, we excluded the pine boxes from the legislative appropriation bill. I believe you, sir, boxed the compass on that occasion. Thus we saved the country a few dollars in one direction, even if we lost twice as much, at the same time, in another.

Mr. BURNETT. I rise to a question of order. The gentleman is not confining his remarks to his amendment. We shall never get through with this bill if this sort of discussion is indulged in.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MAYNARD. The gentleman from Kentucky is a great friend of economy, and I hope he will not interrupt me. I was going to explain the great importance of directing our attention to these picket ropes. I suppose they are used to tie the horses of the dragoons and officers. Now, do not we all know that no such things are necessary? Do our constituents ever use picket ropes? When you want to fasten your horse or hitch him, do you not use your bridle rein, if you have one, if not, do you not get a strip of leatherwood bark, or paw-paw, or a bit of grape vine, and why should not the dragoons and officers of the Army practice the same economy?

Now, I have no doubt that we might, by striking out this item, save to the Government a sum, perhaps, as much as has been saved by some other retrenchments that have been proposed and advocated. Then there is the item of "straw for soldiers' bedding;" if they were left to use leaves and hedge-grass to sleep on, should we not make another display of our economy?

Now, Mr. Chairman, I am very glad to see this spirit of economy, especially in little matters. It is doing great things in a small way. We have had propositions here to cut off the extra pay of soldiers for reënlistment, and many other things of equal dignity and importance; and I have no

doubt, if we go on in this laudable spirit of economy, we shall be able to reduce the general appropriations $20,000 or $30,000, at least, and possibly delude somebody into the belief that we really do wish to reduce the Government expenditures to something like reasonable dimensions. It is in that view that I have moved this amendment to strike out this item for "picket ropes;" and I have no doubt it will do much to assist gentlemen of this House—gentlemen both on the other side and on this side of the House—in accomplishing what they say they so ardently desire. [Laughter.]

I suppose gentlemen will wish to discuss this amendment; and if it were in my power, however, in committee, to call the previous question on the amendment, I should certainly do it, in order to save time and expense.

Mr. REAGAN. I only desire to say that if the gentleman has thrown but little light on the subject of his amendment, he has certainly given us a pretty strong illustration of his want of knowledge of frontier life.

Mr. MAYNARD. I do not pretend to any great knowledge of frontier life.

Mr. REAGAN. Or of the necessity of mounted troops in the frontier service?

Mr. MAYNARD. Certainly not. And does the gentleman consider that any knowledge of the subject of the expenses of the Army is necessary to discuss, most volubly, the question of economy in this committee? [Laughter.] He surprises me.

Mr. SMITH, of Virginia. One of the arguments that have been resorted to in opposition to the efforts of the friends of a sound and healthy reform in the expenditures of the Government, has been sneers and satire, the smile of contempt.

Mr. MAYNARD. I must call my friend from Virginia to order. He is not opposing my amendment.

Mr. SMITH, of Virginia. Certainly I am, because I do not think the gentleman wants it carried.

Mr. MAYNARD. I will give the gentleman the ropes if he needs them, leaving to the proverb to decide the use to be made of them.

Mr. SMITH, of Virginia. The gentleman does not seem to understand the ropes. But, sir, I am opposed to his amendment. I am in favor of giving rope, if not for the benefit of the gentleman from Tennessee, for the benefit of those who need it.

Mr. FAULKNER. I am instructed by the Committee on Military Affairs to offer the following amendment:

Strike out "$500,000" in the seventy-eighth line, and insert "$450,000;" so that the paragraph, as amended, would make a reduction of $50,000 in addition to the $57,000 already stricken off from the estimate by the Committee of Ways and Means.

Mr. Chairman, I will state very briefly, for I desire not to consume the time of the committee, the object of the Committee on Military Affairs in proposing to cut down this appropriation. We propose a reduction in the number of the laborers and employés in the quartermaster's department. That Department has now in its employment upwards of four thousand employés and laborers; and we propose to indicate, by this reduction of the appropriation, our opinion that the number of laborers and employés is too great, and should be diminished. We should have proposed a larger reduction from the estimates, if the Committee of Ways and Means had not, in the bill reported by them, made a reduction of $57,000 from the estimates of the Department.

Mr. PHELPS, of Missouri. I oppose the amendment of the gentleman from Virginia merely for the purpose of explanation. I call attention to the explanation of the Quartermaster General of this item. He says:

"The item for incidental expenses is $57,000 more than the appropriation for the present year. A small part of that increase arises from the expenses of the interment of officers of the Army, being, by the present regulations, chargable to this item of the quartermaster's department; formerly, when allowed at all, the expenditures were charged to the contingencies of the Army. It was only under very peculiar circumstances, however, that they were ever allowed. But the principal increase arises from the great increase of laborers, guides, interpreters, &c., rendered necessary in the operations against the Indians. This item will be seen to be contingent in almost all of its particulars; and the chance is that every dollar will be required."

The Committee of Ways and Means concluded to reduce the estimates of the Quartermaster General, as furnished by the Secretary of War. The estimates furnished to the committee for this item, amounted to $557,000. We reduced the amount to $500,000, which is the amount embraced in the bill. I desire to reduce the expenses of the Army to the lowest amount that it can be supported with in an efficient manner, and I merely make this explanation for the purpose of giving the reasons which actuated the Committee of Ways and Means in the course which they have pursued. If the House are of the opinion that this item will bear the reduction proposed by the Committee on Military Affairs, I most assuredly shall acquiesce in that decision.

Mr. SMITH, of Virginia. I would like to move to reduce the appropriation to $400,000. If gentlemen will only look at this item and the multitude of subjects to which it refers, they will see at once the large margin there is for a reduction. If they will look at the reduced price of labor all over the country, how the prices of labor of every description have been cut down, they cannot fail to see that if the Government will apply the same principle of reduction which is applied to every branch of private industry, there is a very large margin for bringing down this item to $400,000.

I would like to know why it is that the Government should pay $1 50 a day for labor, when individuals only pay seventy-five cents a day for the same labor? For one, I protest against it. Here, sir, the Government pays to laborers at least twenty-five per cent. more than individuals pay for the same service; and then if a toe or a knee is hurt, they call upon the Government to pay $500 for the doctor's bill. I insist upon it that $400,000 is a sufficient amount to expend for this purpose, and therefore hope the appropriation will be reduced to that amount.

Mr. CURTIS. I regret to see the disposition evinced here to break the Army down. The executive department of the Government must necessarily be intrusted with discretionary power. We must have our laws executed, too; and we must have an Army to do it. I know of no Government on the face of the earth that has not a power like this to keep up its executive department; and those who attempt to break down the Army desire, at the same time, I fear, to prostrate the whole civil power of the Government. You must have an Army just as you must have a police in this city, in order to coerce the execution of the laws.

Now, in regard to the quartermaster's department, there is no branch of the Government where, from the nature of things, there is greater necessity for some discretionary power. There must be celerity and promptness of action. We, of course, are obliged to give it a large margin. The Committee on Military Affairs has presented certain reforms and reductions. They are for the purpose of indicating to this bureau of the War Department that it shall be economical. We have heard of officers transporting wagon loads of water for the purpose of being used in a country where water was plenty, but not because they preferred rain water. It is such extravagance that we want to check. We do not want to paralyze the whole Army. We only indicate here, through the channel of the House, that we wish to check this extravagance; and we show how it can be restrained. I would not go any further than the Committee on Military Affairs have proposed. We do not wish to destroy the Army, of course, of which we are in part the representatives.

Now, in reference to the particular points here, I do not conceive men, as a general rule, receive rations at an exorbitant and extraordinary price, where there is an opportunity of purchasing at fair rates; but there are exceptions—general exceptions; and it is the duty of the executive department, and the heads of Departments, to prevent it. At the proper time, I will move some amendments.

Mr. LEITER demanded tellers on the amendment.

Tellers were not ordered.

The amendment to the amendment was rejected.

Mr. PENDLETON. I desire to move an amendment to the amendment. It is as follows:

Provided, That the amount of this appropriation below the estimates shall be deducted from the amount appropriated for pay of laborers in the quartermaster's department.

Mr. FAULKNER. I accept that amendment, as it describes the object which the committee have in view in the reduction of the $50,000 proposed to be stricken from the bill.

Mr. MARSHALL, of Kentucky. Before my colleague accepts that amendment, permit me to make an observation or two. The rate at which the laborers shall be paid is a matter estimated by law, and the amendment of my colleague from Ohio does not seem to me to reach the point that he desires to attain. It does not prevent the employment of as many laborers as the quartermaster may think proper. You say he shall select the amount deducted from the amount appropriated for the hire of laborers. Now, sir, there is no amount appropriated for the hire of laborers.

Mr. PENDLETON. Yes, sir, there is an amount appropriated for the hire of laborers.

Mr. MARSHALL, of Kentucky. There is no amount.

Mr. PENDLETON. There is a detailed estimate made somewhere.

Mr. MARSHALL, of Kentucky. The gentleman's investigation has been more accurate than mine, and I would like to know whether he, or the chairman of the Committee of Ways and Means, or the chairman of the Committee on Military Affairs, can tell the House how much is estimated for the separate item of laborers. It is to these things that I object. They come from your Departments in gross; and the legislation of this country is not intelligent, because these items, a dozen and fifteen, are sent here lumped together. The Quartermaster General, although you may cut down this item to $450,000, may retrench in a department where you do not demand any retrenchment, and expend in a department which does demand reform. And you give him a loose rein.

The proper mode to reach reforms in this business is to have an itemized account from your Departments, and, when you make your appropriations, to know and to say to what item every dollar is to be applied. But these estimates are piled upon us year after year, and they creep up $5,000, $10,000, $15,000, $20,000, $30,000, and so on, in the separate items, above the estimates of the preceding year. Hence it is, that the appropriations in the quartermaster's department have grown from two or three million to eight or ten million; and when you look at the items, even as they are furnished to us, you see that they are based on expenditures of preceding years. These estimates are growing, have grown, and will continue to grow, till the Representatives of the people conclude to take the ground which I suggest to them, of requiring from the Departments an itemized account, showing how much goes to each particular item. You may have to alter the rules of the House, and let your committees bring in measures of reform connected with the appropriation bills, or with the laws on which they are founded. Now, as to the very item that we are discussing, what general head does it come under? Why, under the general head of "incidental expenses of the quartermaster's department, $500,000;" and no man in the House, or Congress, or on the Committee of Ways and Means, or on the Committee on Military Affairs, can make head or tail out of it, or give us any intelligible explanation of it. But that makes a clean breast of it, and tells the story to the country that we are here, the Representatives of the people, voting this $500,000, and not a man in the House able to make head or tail out of it.

[Here the hammer fell.]

The question was taken on Mr. FAULKNER's amendment as modified, and it was agreed to.

Mr. HUGHES. I move to amend by striking out the whole section.

Mr. PHELPS, of Missouri. I rise to a question of order. We have passed that point, and a portion of the matter proposed to be stricken out has been already passed upon.

The CHAIRMAN. The Chair understands the amendment to be to strike out the paragraph on which the committee is engaged. The amendment is in order.

Mr. STANTON. It is certainly not in order

to strike out that part which the committee has amended and agreed to.

Mr. HUGHES. I move to strike out something else with it.

The CHAIRMAN. The Chair rules the amendment in order.

Mr. HUGHES. I offer the amendment in good faith. I think the whole of this section for the incidental expenses of the quartermaster's department ought to be stricken out, partly for the reasons that have been so clearly set forth by the gentleman from Kentucky, [Mr. MARSHALL,] and which I will not attempt to repeat, and for others which I will state. It is impossible to discriminate what portion of this sum is intended for each of the respective items. Furthermore I wish to say, as I have heretofore said, that, if any economizing is to be accomplished in the expenditures of the Army, I am clearly of opinion it is to be done in the quartermaster's and commissary's departments. It is in these departments that the profuse and unnecessary expenditure of the public money takes place, and not in the payment of the officers and soldiers. For instance: in the quartermaster's department large sums of money are expended in the purchase of horses and mules at high prices, and there is great room for favoritism in accepting the stock from the venders. After the animals have been in service for some short time, a board of officers is called together, and a large number of them are condemned as unfit for use, put up at auction at remote points where there are no bidders to be had, are sold at a mere song, and somebody realizes an immense speculation out of them. All this is a great waste of public money.

So it is in regard to wagons for the transportation of troops and public stores. They are condemned in large numbers for some slight defect, and sold for absolutely nothing.

Now, my opinion is, that if we appropriate $1,840,000 for the regular expenses of the quartermaster's department, we can well dispense with these incidentals; and I believe this House would do well to strike out the whole section. I offer the amendment in good faith, and I hope it will be agreed to.

Mr. PHELPS, of Missouri. The estimates for the incidental expenses of the quartermaster's department must, as a matter of course, be conjectured. They are made up of many items, small in amount; and the only way in which an opinion can be formed of the sum required, is the expenditures of preceding years. If it be contemplated to retain the Army as it is at present, similar expenses will undoubtedly be incurred in the ensuing fiscal year, as were incurred this year. I have before me the estimates in detail, showing the expenditures under this head, during the last fiscal year, amounting to the sum of $574,491. That was the expenditure for the incidental expenses of the quartermaster's department for the last fiscal year.

Mr. HUGHES. I ask the gentleman if he does not believe that those expenses might be greatly diminished?

Mr. PHELPS, of Missouri. That is what the Committee of Ways and Means have proposed. They have reduced the amount from $557,000 to $500,000; and the Committee of the Whole have already determined to reduce it to $450,000.

As to the remarks of the gentleman in reference to the purchase of horses and the condemnation of stores, they have no applicability to the appropriation now under consideration. That comes under a different head of appropriation. The gentleman will find, when we reach another portion of the bill, an appropriation proposed for the purchase of horses for the mounted regiments. That portion of his remarks, therefore, whilst applicable to the military service, was not applicable to these items of expenditure. With regard to the condemnation of stores, no stores are condemned and sold unless a board of officers has examined them, and pronounced them unfit for the public service, and then they are sold at public auction. Does the gentleman from Indiana desire that our soldiers should be fed upon this damaged food?

Mr. HUGHES. No, sir; but I will tell you what I desire. I desire to put a stop to the practice of selling, at a great sacrifice, a large stock of provisions, which are condemned *en masse*, because, perhaps, one or two barrels in a thousand may be slightly damaged; thus enabling speculators to make immense profits at the expense of the Government.

Mr. PHELPS, of Missouri. The statement of the gentleman from Indiana impugns the integrity of the officers in the military service. If such cases have occurred, charges should be preferred against those officers, and they should be put upon trial before courts-martial. I would condemn any such course of procedure, if any such has been pursued by officers of the Army. I do not say that it has not been; but if the gentleman from Indiana has any information upon that subject, it ought, certainly, to be communicated to the executive department.

Mr. HUGHES. I hope the gentleman from Missouri will allow me to say that I am now a member of Congress, and propose to apply the remedy to those abuses now in my power. If I were an Army officer, I might pursue the course he suggests; but I am not one at this time.

Mr. STANTON. I would suggest if it would not be better for the people to constitute themselves into a court-martial and try the Administration at the next election.

Mr. HUGHES. I would recommend the gentleman as prosecutor in that case. After his brilliant performance in the case of Lawrence, Stone & Co., he ought to be public prosecutor for life.

The amendment was disagreed to.

Mr. PHELPS, of Missouri. I am instructed by the Committee of Ways and Means to move to strike out the following paragraph:

"For constructing barracks and other buildings at posts which it may be necessary to occupy during the year, and for repairing, altering, and enlarging the buildings at established posts, including the hire or commutation of quarters for officers on military duty, the hire of quarters for troops, and store-houses for the safe keeping of military stores, and of ground for summer cantonments, and for temporary frontier stations, $700,000."

And to insert, in lieu thereof, the following:

For barracks and quarters, namely:

For rents, including hire or commutation quarters for officers on military duty, hire of quarters for troops, of store-houses for the safe-keeping of military stores, of grounds for summer cantonments, and for temporary frontier stations, $100,000.

For repairs of the barracks and other buildings at the different military posts in the States east of the Mississippi river, $20,000.

For the construction, alteration, and repair of barracks and other buildings, at the different military posts, which are or may be established in the States of Arkansas, Missouri, and Minnesota, and the Territories of Kansas, Nebraska, and the Indian territory, $70,000.

For the construction, alteration, and repair of barracks and other buildings at the different military posts, which are or may be established in the State of Texas, $40,000.

For the construction, alteration, and repair of barracks and other buildings, at the different military posts, which are or may be established in the Territory of New Mexico, $45,000.

For the construction, alteration, and repair of barracks and other buildings, at the different military posts, which are or may be established in the States of California and Oregon, and Territory of Washington, $80,000.

For the construction, alteration, and repair of barracks and other buildings, at the different military posts, which are or may be established in the Territory of Utah, $150,000.

Mr. Chairman, on examining the report of the Quartermaster General, it will be found that he reports that it has been difficult to regulate the expenditures on account of the construction of barracks and quarters in the different military departments of the Government. Hitherto, estimates in detail have been made of the amounts which it was believed would be necessary to be expended at the different military posts, and they have been aggregated in the different military departments, and we have usually appropriated a sum in gross for the construction and repair of barracks, quarters, and other buildings connected with the Army. The Quartermaster General, in his annual report, invites our attention to the fact that he cannot control these expenditures in his department, for the reason that the officer commanding a post, or the officer commanding a military department, may order buildings to be erected or repaired, and the quartermaster is compelled, under the orders of his superior officer, to incur this expenditure. By these means, large sums of money have been expended in a department where it was contemplated that a much smaller amount should be expended. The Quartermaster General gives a detailed estimate of the amounts proposed to be expended next year, and gentlemen will find it on page 165. The Committee of Ways and Means propose to reduce the sum, specifying the amounts to be expended in the different military departments. The whole reduction recommended by the committee is $195,000.

I have here in my hand the estimate submitted for the various military posts during the next fiscal year, provided this appropriation of $700,000 shall be made. As to whether any is to be appiled to Utah, is conjectural. We are aware that barracks and quarters are being erected in that Territory for sheltering the troops so long as they are stationed there. The same expenditure must be incurred in the States of Oregon and California, and in the Territory of New Mexico. It must be incurred in Texas, where it is necessary to repair the buildings at posts there, or to erect others.

[Here the hammer fell.]

Mr. FAULKNER. I am highly gratified that the Committee of Ways and Means have reconsidered this item, and have proposed to reduce it to some extent below the amount reported by them. I had been instructed by the Committee on Military Affairs to ask a reduction upon that item of $300,000. It is difficult, in the form in which the amendment is now presented from the Committee of Ways and Means, to indicate the precise reduction which should be made upon its several details. Some four or five weeks ago I submitted to this House a resolution calling upon the Secretary of War to furnish in detail the expenditures for barracks and quarters during the last ten years, indicating the locality where the expenditure took place, what barracks and quarters erected by this Government were now in use and occupied by our troops, and what had been evacuated and were no longer useful for military purposes. His reply, in the form of a bulky, but very valuable document, has been returned to this House, and has been ordered to be printed.

In its absence, for it has not yet made its appearance in the document room, I found it impossible, with any accuracy of detail, to specify where these reductions should specially be made. We were satisfied that there was not a source of expenditure crying more loudly for reform than the expenditure of money for Government barracks and quarters. A spot would be selected for a military post, extensive and costly buildings are erected under these general appropriations made by Congress, and in a few years it is found expedient to abandon it for other sites, and the buildings become perfectly useless. We were advised that at one single point, near the Dalles of the Columbia river, there has been expended for permanent barracks and quarters, nearly four hundred thousand dollars. Whether this rumor be true or not we cannot say, until the document to which I have referred, be printed.

In the general and unsatisfactory way in which these appropriations for barracks and quarters are brought before the House, we have no means of indicating the particular point where the pruning knife ought to be applied. You have the remarkable fact stated here by General Jesup, in his last annual report, that in the western department, although the appropriations for barracks and quarters, for the three years commencing in 1856 and ending in 1858, were but $350,000, yet there was expended, during that time, $594,182, being an excess of $242,000 of expenditure over the appropriations; and on the Pacific for the three years, 1856, 1857, and 1858, although the appropriations were $248,000, the expenditures amounted to $693,000, showing an excess of $345,000 of expenditure over the appropriations.

Mr. DAVIS, of Maryland. What remedy does the gentleman propose for that violation of law? There is the real difficulty of controlling the War Department. What remedy does the gentleman propose?

Mr. FAULKNER. The gentleman must be aware that the rules of the House forbid the Committee on Military Affairs from making an effort even for the correction of these abuses by legislation on the appropriation bills. If we were free to legislate now on this subject, we would have every quartermaster cashiered who was guilty of incurring expenditures beyond the amount of money placed in his hands for that purpose. Whilst, therefore, we are deprived by your rules of the power of suggesting legislation on this bill, we shall seek a remedy for the present in the expectation that the present Secretary of War will

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more fully enforce the responsibility of these officers.

[Here the hammer fell.]

Mr. DAVIS, of Maryland. I move to strike out $100. What I wish to say to the House is this: for the last three or four years, I have on several occasions called the attention of this House to the flagrant and persistent violations of law by the Secretary of War in the quartermaster's department.

I agree with the gentleman from Virginia that here we can impose no adequate restraint. This violation of law is the transgression of the Executive Departments; on their discretion or indiscretion we are, to a great extent, dependent. On several occasions, I have called the attention of the House to the fact that three years ago, if I mistake not, it appeared, from the reports, that the quartermaster's department had exceeded, by some $600,000, in the year ending 30th June, 1855, the amount appropriated for that service, and that that excess was not reported to this House, and provided for in a deficiency bill for the year in which the deficiency occurred, but that the money was taken out of the appropriations for the next fiscal year, and applied to pay the expenditure of the preceding fiscal year; and that like misapplications of moneys have occurred for three successive years. And yet, sir, no vote of censure ever passed this House on that account; but gentlemen on the Administration side of the House attempted again and again to defend the legality of that conduct, while there never has been an attempt to hold the Secretary of War to his proper and legal responsibility. Why were not the subordinates, who exceeded the limits of appropriation, dismissed the service? What reason have we to suppose now, that, when they expend one or two hundred thousand dollars over and above the amount appropriated, any further official notice will be taken of that improper conduct?

Sir, the evil is rooted in the character of the men placed at the head of the Government, and in the apparent determination of the Administration side of the House to hold them harmless in every act that relates to the expenditure of money. While I concur in these amendments, I tell you that they are, and must be, fruitless. Nothing will restrain the usurpations of the executive officers but a vote of censure, or a vote of impeachment. Punish the men who violate the law. We accomplish nothing by blindly cutting down the rate of expenditure. Heretofore the War Department has exceeded the vast appropriations year after year. It will now certainly, and to a greater extent, exceed smaller appropriations, for we have taught them to violate the law with impunity. The remedy here proposed for the evil is, in itself, inherently inefficient. You are striking entirely in the dark; and, as the gentleman from Kentucky well said, the discretion or indiscretion of the Department may retrench where you do not desire retrenchment, and may add on expenditure where you desire to cut down. We ought to require detailed estimates; but we ought also to require that the Departments shall be held within the limits of the sums appropriated. The House, at the last session, on repeated votes, rejected the amendment offered by my friend from Ohio, [Mr. SHERMAN,] which was designed to limit the Departments, by rigid enactment of law, to the amount appropriated. If the next Congress shall be called upon to pass a deficiency bill, I desire gentlemen to remember that they were warned more than once that the reduction of appropriations does not remedy the evil, and that nothing but a vote of censure or impeachment can remedy it; and that the reduction of the appropriations will only be an excuse for a deficiency bill.

Mr. DAVIS, of Mississippi. On three or four occasions to-day the gentleman from Maryland has taken occasion—while he has indicated a determination to vote for the measure before the House—to charge dishonesty and corruption and inefficiency against the head of the Government.

Mr. DAVIS, of Maryland. If the gentleman will pardon me, I have not said one word about corruption, and have not referred to it. I have merely spoken of violations of law of the kind I have indicated, but I made no imputation of corruption.

Mr. DAVIS, of Mississippi. I am gratified that the gentleman withdraws what I understood to be an insinuation of corruption and dishonesty on the part of the President and heads of Departments.

Mr. DAVIS, of Maryland. I am sure the gentleman will not find such an insinuation in any thing that I said.

Mr. DAVIS, of Mississippi. The gentleman has insinuated, at all events, that they have been guilty of acts which deserve impeachment. Now, I desire simply to say that I believe that a more honest man, personally and politically, than the President of the United States, does not live on the earth; and that his integrity as a man will compare favorably with that of any gentleman on this floor.

Mr. BINGHAM. I rise to a question of order. I want to know whether the President is on trial for impeachment?

The CHAIRMAN. The Chair is not aware that the President is on trial.

Mr. BINGHAM. Then I object.

Mr. DAVIS, of Mississippi. I think I have heard the gentleman from Ohio make some insinuations of dishonesty against the Democratic party.

Mr. BINGHAM. I must make my question of order on the gentleman again. I do not think that either myself or the President is on trial.

The CHAIRMAN. The Chair sustains the point of order. [Laughter.]

Mr. DAVIS, of Mississippi. I desire merely to say that, in my estimation, the honesty of the President or any head of the Departments, would compare favorably with the honesty of the gentleman from Ohio.

Mr. BINGHAM. I rise to a question of order again. I insist upon it that comparisons are odious. [Laughter.]

The CHAIRMAN. The Chair rules that this course of debate is out of order.

Mr. DAVIS, of Mississippi. They may be odious, for the reason that I may have contrasted very clever and very honest men improperly.

Mr. GROW. I would ask the gentleman whether he has read the testimony in the Fort Snelling investigation?

Mr. CHAFFEE and Mr. WASHBURN, of Maine, made some jesting remarks, which did not reach the reporter.

Mr. DAVIS, of Mississippi. I think the honesty of both the President and heads of Departments will compare favorably with that of the gentleman from Maine, [Mr. WASHBURN,] or the gentleman from Massachusetts, [Mr. CHAFFEE.]

Mr. WASHBURN, of Maine. The force of praise cannot further go. [Laughter.]

Mr. CHAFFEE. You have said all you can say in his praise.

Mr. DAVIS, of Mississippi. That is all I desire to say. It will compare—not well—but magnificently. [Laughter.]

Mr. DAVIS, of Maryland, withdrew his amendment.

Mr. SMITH, of Virginia. Is it in order to move to amend the amendment of the gentleman from Missouri?

The CHAIRMAN. It is.

Mr. CRAIG, of Missouri. Will the gentleman from Virginia yield to a motion that the committee rise?

Mr. SMITH, of Virginia. Certainly.

Mr. CRAIG, of Missouri. I move that the committee do now rise.

Mr. FLORENCE. I propose a compromise, which I have no doubt will be acceptable. It is that the committee take a recess, and come back here and do business to-night.

Mr. RUFFIN. I object.

Mr. PHELPS, of Missouri, demanded tellers.

Tellers were ordered; and Messrs. CRAIG, of Missouri, and BUFFINTON were appointed.

The committee divided; and the tellers reported—ayes 67, noes 55.

So the motion was agreed to.

The committee rose; and the Speaker having resumed the chair, Mr. JOHN COCHRANE reported that the Committee of the Whole on the state of the Union had had under consideration the state of the Union generally, and particularly House bill No. 667, making appropriations for the support of the Army for the year ending 30th June, 1860, and had come to no resolution thereon.

CHARGE OF CORRUPTION.

Mr. NICHOLS. I rise to a question of privilege. I offer the following preamble and resolution:

Whereas, in the correspondence of the New York Daily Times, signed S., under date of the 16th February, 1819, as also in the correspondence of other papers, it is charged that a member of the Committee of Accounts of this House made a bargain to receive money as a consideration for passing certain claims in said committee, and that subsequently the said member demanded the consideration for said services; and whereas it is further alleged that a member of said committee compelled claimants before said committee to agree to give a portion of the bills before said committee in consideration for their allowance by the same: Therefore,

Be it resolved, That a committee of five members be appointed by the Speaker to investigate said charge or charges; said committee to report before the close of the present session of Congress.

Mr. BURNETT. I rise to a question of order. I am always in favor of investigating charges of corruption or abuses in the exercise of any duties incumbent on the members of this House, but I am tired of these investigating committees that result in nothing. Now, my point upon the gentleman's question of privilege is that no specific charge is made in that preamble, nor is the member whose conduct is to be investigated pointed out or named. It touches the whole of the Committee of Accounts. I think it is but just to the members of that committee that the member against whom the charge is made should be specified, that the House and the country may know who it is.

Mr. LETCHER. Will the gentleman from Ohio allow me to make a suggestion to him as to his resolution?

Mr. NICHOLS. Certainly, sir.

Mr. LETCHER. I should suggest to him the propriety of striking out "five" and inserting "one," so that the committee shall consist of one member. I think he might probably get through with the investigation in the twelve days of the session that remain; but if you appoint a committee of five, they will not get through at all.

Mr. NICHOLS. I cannot consent to that amendment. I offer the resolution in good faith; and in reference to the question of order, I will say this, that the Committee of Accounts is the recognized organ of this House in all that pertains to its internal economy and the administration of its finances under the Speaker. It is a committee appointed by the Speaker. Now, this charge is against one of the five members of that committee, and I apprehend that it comes within the rule that makes it a question of privilege. With these remarks, I submit the question to the Speaker. If the Chair decides that it is a question of privilege, I demand the previous question on the resolution.

Mr. JOHN COCHRANE. I would suggest to the gentleman from Ohio that he should so amend his resolution as to give the committee power to report at any time during the session.

Mr. NICHOLS. I have no objection to that modification.

Mr. BURNETT. I am not opposed to the resolution. I do not take that position. I am in favor of investigations when charges are properly made; but I do insist that this is not a question of privilege.

Mr. FLORENCE. I hope the gentleman from Ohio will make the committee consist of three instead of five members. There is a single offense charged, and it can be investigated in one hour.

Mr. SICKLES. Has the Chair made its decision?

The SPEAKER. Not yet.

Mr. SICKLES. I wish to make a suggestion. I understand the fact to be, and I think the very article upon which this resolution is based recognizes this fact, that this charge amounts in substance to this: that a man who wrote a letter one year ago making a statement, to-day makes an affidavit that his letter was false. I say that no charge upon that man's testimony ought to be entertained or tolerated for one moment.

Mr. MORGAN. I call the gentleman to order.

The SPEAKER. The Chair is of the opinion, taking the preamble and resolution together, that they involve the privileges of the House.

Mr. BONHAM. I submit to the gentleman from Ohio that it is an act of justice to that committee that he should state the name of the member referred to. With the name stated, I am in favor of the resolution.

Mr. NICHOLS. I submit the resolution in good faith. The name of the member is not in the article upon which the resolution is based; but a committee of this House is specified. I do not know the name of the member referred to; and how could I know it? It relates to the organization of this House. The gentleman from South Carolina will see at a glance that it is the subject of investigation. I think that it is due to the House that the subject should be examined into. That is the view I take of it. I demand the previous question.

The previous question was seconded, and the main question was ordered; and, under the operation thereof, the resolution was adopted.

The preamble was then adopted.

Mr. NICHOLS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PUBLIC PRINTING.

Mr. SMITH, of Tennessee. I ask unanimous consent to take up Senate resolution No. 79, in relation to the printing of the Senate and House of Representatives.

There was no objection.

The resolution was referred to the Committee on Printing.

Mr. PHELPS, of Missouri. I ask unanimous consent that there be a night session, with the restriction that it shall be for debate alone.

Objection was made.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President of the United States, by J. B. HENRY, his Private Secretary, which was handed in at the Speaker's table.

Also, a message notifying the House that he did this day approve and sign bills and a joint resolution of the following titles:

An act for the relief of Mary Boyle;

An act for the relief of A. Baudouin and A. D. Robert;

An act for the relief of Monroe D. Downs;

An act for the relief of Evelina Porter, widow of the late Commodore David Porter, of the United States Navy;

An act for the relief of Dinah Minnis;

An act for the relief of Wright Fore;

An act for the relief of Rebecca M. Bowden, of Prince George county, Virginia;

An act for the relief of the Mobile and Ohio Railroad Company;

An act for the relief of William Yearwood, sr.; and

A joint resolution to authorize the Secretary of the Treasury to sell a certain plat of land in the city of Petersburg, Virginia, belonging to the United States.

And then, on motion of Mr. RUFFIN, the House (at half past four o'clock, p. m.) adjourned.

IN SENATE.

SATURDAY, *February* 19, 1859.

Prayer by Rev. C. H. STONESTREET.

The Journal of yesterday was read.

Mr. MASON. I wish to say a word about the Journal. Unless I heard it wrongly read, it seemed to me it did not recite that the Senate adjourned upon a motion made by the Senator from Louisiana [Mr. BENJAMIN] to postpone all prior business with a view to consider the bill indicated in the President's message. It seems to me that, as the Journal was read, it appeared from it that the Senate adjourned on my motion to refer the President's message. I ask the Secretary to read that portion of the Journal again.

The Secretary read as follows:

"The message was read.
"On motion by Mr. MASON,
"*Ordered*, That it be printed.
"On motion by Mr. MASON, that it be referred to the Committee on Foreign Relations,
"After debate,
"On motion by Mr. SEWARD that the Senate adjourn,
"It was determined in the affirmative—yeas 26, nays 11."

Mr. MASON. The Senator from Louisiana superseded my motion to refer the message, by a motion to postpone the prior orders, with a view to consider the bill which the message indicated; and that was the question before the Senate when the Senate adjourned.

The VICE PRESIDENT. The present occupant was not at that time in the chair; but he understood that the motion which is entered on the Journal was made by the Senator from Virginia, and that a suggestion was made by the Senator from Louisiana; but a motion to that effect would hardly have been in order while the motion of the Senator from Virginia was pending, unless he yielded for that purpose.

Mr. MASON. That may be; but I know the motion was made.

Mr. REID. I will state that, during the consideration of the Private Calendar, a message was received from the President, which was read by general consent. A debate ensued upon that message in regard to the reference of it. I believe the Senator from Virginia moved that the message be referred to the Committee on Foreign Relations. Pending that motion, the Senator from Louisiana moved to postpone all prior orders for the purpose of taking up Senate bill No. 500; and that was the pending question when the Senate adjourned.

The VICE PRESIDENT. The motion of the Senator from Louisiana?

Mr. REID. Yes, sir; his motion was pending.

Mr. MASON. I think this was the exact posture of things—and I ask the attention of the Senator from North Carolina, as he was the occupant of the chair: by general consent, the message was read; a debate sprang up on it; I moved to refer it to the Committee on Foreign Relations; and then some other Senator interposed, and suggested that the whole debate was out of order, because, the message having been read, the general consent had expired; and, in order to retain the subject before the Senate, the Senator from Louisiana moved to postpone all prior orders. I think that was the fact.

Mr. REID. The Chair, after the debate had proceeded for a while, stated that he did not consider it strictly in order; and I have a perfect recollection of recognizing the Senator from Louisiana, and having a distinct understanding in my own mind that his motion was under consideration.

The VICE PRESIDENT. That being the case, the Chair, unless some motion be made, will direct an entry to be made of the motion of the Senator from Louisiana, to postpone the question then before the Senate, with a view to take up that bill, as being the motion pending when the Senate adjourned.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Interior, communicating, in compliance with a resolution of the Senate, copies of the reports of the commissioner under the act of June 14, 1858, making appropriations to supply deficiencies for the Indian service for 1858; which, on motion of Mr. STUART, was referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS.

Mr. HUNTER presented a petition of citizens of Richmond, Virginia, praying an increase of the pay of the officers of the Navy; which was referred to the Committee on Naval Affairs.

Mr. BIGLER presented a memorial of citizens of Kansas and Nebraska, praying the passage of an act for the extension of the base line between those Territories, and the second standard parallel north and south of the same, west to the western boundaries of those Territories; which was referred to the Committee on Public Lands.

INDIAN APPROPRIATION BILL.

Mr. HUNTER. I am directed by the Committee on Finance, to whom were referred the amendments of the Senate to the bill (H. R. No. 664) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1860, disagreed to by the House of Representatives, and the amendments of the House of Representatives to other amendments of the Senate to that bill, to ask that the Senate disagree to the amendments of the House of Representatives to the amendments of the Senate, insist upon its amendments disagreed to by the House of Representatives, and ask a conference on the disagreeing votes of the two Houses thereon.

Mr. FITCH. One of those amendments, upon which there is disagreement between the two Houses, is relative to the transfer of the Indian bureau to the War Department, is it not?

Mr. HUNTER. Yes, sir; that is one of them.

Mr. FITCH. Instead of insisting and asking a conference, I would much rather that the Senate should recede.

Mr. HUNTER. There are a good many amendments, and the Senate could not act on all of them here.

Mr. FITCH. Very well.

The VICE PRESIDENT. It is moved and seconded that the Senate insist on its amendments, disagree to the amendments of the House, and ask a committee of conference.

The motion was agreed to; and the Vice President appointed Mr. PEARCE, Mr. SEBASTIAN, and Mr. BELL, the committee of conference on the part of the Senate.

LAND ENTRIES AT LEAVENWORTH.

Mr. WADE. There is a bill on the Calendar which I hope the Senate will consider now. Parties entered certain lands and have paid for them to the Government, but are not able to make their title on account of a mistake. I wish to correct that; and for that purpose I ask the unanimous consent of the Senate to take up the bill S. No. 551, and permit it to pass.

Mr. POLK. Are not petitions in order?

The VICE PRESIDENT. The Senator from Ohio asks unanimous consent to take up the bill for particular reasons.

Mr. WADE. It will not take a moment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 551) legalizing certain entries of land on Leavenworth Island, in the State of Missouri.

It provides that the lands lying in the State of Missouri, embraced within the island opposite Leavenworth City, known as Leavenworth Island, heretofore entered at Kickapoo, in the Delaware land district of Kansas Territory, shall be declared valid entries, in the same manner as if made in the proper land district of Missouri.

Mr. GREEN. I think there should be some qualification to that bill. I am not aware how far it will affect private rights. I desire that it may not affect them.

Mr. STUART. I can state to the Senator, and to the Senate, that the bill was examined by the Committee on Public Lands, with a letter from the Commissioner of the Land Office, saying that there are no opposing claims. The only question is this: These lands were surveyed as being in Kansas; they were entered as being in Kansas; supposed to be so not only by the parties who entered the lands, but by the Interior Department. Subsequently, it has been decided that the island is, in fact, in Missouri. There is no dispute about the claim. It has been very thoroughly considered, and I do not think there can be any objection to it.

Mr. GREEN. I will move to append this slight amendment to the bill:

Provided, That nothing herein contained shall be construed to affect existing rights.

Mr. WADE. I have no objection to that amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in; and the bill

ordered to be engrossed and read a third time. It was read the third time, and passed.

HOUR OF MEETING.

Mr. STUART. I submitted a resolution yesterday to fix the hour of meeting at twelve o'clock. I move to take up that resolution and consider it now. I can say, for one Senator, that I have a very large amount of public business from the House before my committee, which I find it impossible to do. I have consulted with very many other Senators upon committees, and I find that there is an equal inconvenience to them. We came here this morning at eleven o'clock, and there were nine Senators present after the prayer. I think the convenience of Senators and the public interests will be largely subserved by the adoption of that resolution and meeting at twelve o'clock.

Mr. DAVIS. Senators cannot be here and in their committee rooms both.

Mr. STUART. Certainly not.

The VICE PRESIDENT. The Senator from Michigan moves to postpone all prior orders, and that the Senate take up the following resolution:

Resolved, That, on and after Saturday next, the hour of meeting of the Senate shall be twelve o'clock, m., of each day, until otherwise ordered.

Mr. STUART. I introduced the resolution yesterday, but I modify it to read "after to-day."

Mr. SLIDELL. I have an amendment to propose to that resolution. I have endeavored to have considered a resolution I offered some days since providing for evening sessions. Now, I shall vote for the proposition of the Senator from Michigan, if my amendment be adopted. It is perfectly evident that we cannot get along with the business of Congress if we do not sit more than four or five hours a day. At five o'clock there is no quorum—that is the general rule—and the Senate adjourns. I move to amend the resolution of the Senator from Michigan by saying, that, after to-day, the Senate will take a recess from half past four to half past six o'clock, during the remainder of the session.

Mr. COLLAMER. Is that to take effect to-day?

Mr. SLIDELL. No.

Mr. COLLAMER. If gentlemen will permit me to occupy the floor to-day on the Cuba question, I shall not interfere. If the Senator means to confine the Cuba discussion to the night, I shall have to yield the floor.

Mr. SLIDELL. It is with a view generally to proceed to the business of Congress. I do not mean to confine evening sessions to the Cuba bill.

Mr. COLLAMER. You do not confine it to Cuba?

Mr. SLIDELL. No, sir.

Mr. COLLAMER. I merely wish to say that I do not wish to occupy the floor at night.

The VICE PRESIDENT. The Secretary will read the resolution and the proposed amendment.

The SECRETARY. The resolution, if amended as proposed, will read:

Resolved, That after this day the hour of meeting of the Senate shall be twelve o'clock, m., of each day, until otherwise ordered, and the Senate will each day take a recess from half past four to seven o'clock.

Mr. MASON. I ask that that question may be divided, so that we may first determine upon the hour of meeting each day.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Louisiana.

Mr. MASON. I thought the resolution had been modified in that way.

Mr. DAVIS. I hope the amendment will not be adopted. I think legislation like the action of juries should be made by those who fast. I have never yet seen a recess, for the purpose of dinner and an evening session, result in good, either in this House or the other. Let us sit here as long as we can, work as diligently as we can during the day, and when exhausted, adjourn. I am opposed to returning in the evening altogether.

Mr. MASON. I entirely agree with what fell from the Senator from Mississippi. I have had an experience of some years in this body, and I agree with him perfectly that there is no facility, no dispatch to the public business by sitting at night; I mean to say by having special afternoon sessions. As the session advances, it may be necessary to sit at night; but if so, I should prefer, from my own experience, that we should have a continuous session. I hope, therefore, the amendment will not prevail.

Mr. HALE. Let me say a single word. I happened to be here some ten years ago, when this subject was introduced, and there was never anything gained by night sessions. I may be permitted to say that the late Mr. King, who for so many years was here from Alabama, and frequently in the chair, remarked to me that he was always, after the experiment was made, opposed to night sessions, and voted against them uniformly; and I think it is the experience of everybody who has seen them, that they have never produced any good. I hope they will not be ordered.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Louisiana, to take a recess from half past four to seven o'clock, after to-day.

The amendment was rejected.

The VICE PRESIDENT. The question recurs on the resolution offered by the Senator from Michigan, that after to-day the Senate will meet at twelve o'clock.

Mr. HUNTER. I hope that will not be agreed to. If we are to sit on continuously we had better meet at eleven o'clock. It is obvious that we have not legislative hours enough now to get through with our business. It is accumulating very fast upon us, and but a very few days are left of the session. I hope we shall adhere to the present plan of meeting at eleven o'clock.

Mr. MASON. If we meet at twelve we lose an hour in open session here in the morning, but that hour is most advantageously appropriated to the business of the committees, and in preparing subjects now before the Senate; but if we lose an hour during the morning, it is perfectly competent to us if we please, to gain two or three in the evening.

Mr. POLK. It seems to me we have already as much business on the Calendar as we can dispose of by sitting daily from eleven o'clock to as late an hour as we shall probably sit during the rest of the session. More of the business before the committees may be matured if we meet at twelve, instead of eleven; but suppose it is: it goes on our Calendar, and will be undisposed of. I think we had better go on from eleven o'clock, until we shall have exhausted the business on the Calendar; and then, if it is necessary to supply us with something to do during the additional morning hour, we can postpone our meeting in the morning until noon, and let the committees bring forward more work for us.

Mr. STUART. That might be a very good argument as applied to the business which originates in the Senate; but there is a vast amount of business that comes from the House of Representatives, which is before the committees now; and I have consulted, as I said before, with members of other committees, and I find the same condition of things that exists in the Committee on Public Lands. It is impossible to consider it if the Senate meets at eleven o'clock. I called a meeting of my committee at ten o'clock. The gentlemen are unable to get there before half past ten, or a quarter before eleven; we have only fifteen or twenty minutes, and we cannot consider one bill; for we must be here in the Senate when eleven o'clock arrives. We come in here, and we find nine or ten Senators present—there were nine this morning. You, very likely, do not get a quorum until five minutes before twelve. The consequence is, that you do nothing here, and we cannot do the business that it is necessary to do in the committees. My experience has not been large in the Senate; it is only now a period of about six years; but I have never yet seen the time when the Senate gained anything by meeting at eleven o'clock, while great inconvenience is done to the public business. At the close of the session, we all know that the business is interchanged between the two Houses most rapidly. Bills are sent here, half a dozen a day; they have to be considered, and the committees must consider them. Now, I do hope, notwithstanding the argument of the Senator from Virginia, that the Senate will resolve to meet at twelve o'clock, so that we can have an opportunity to attend to our committee business. Some of us who are on the committees, I may say with propriety, have labor, a great amount of it, to perform; and we must have an opportunity to do it, and to be in our places when legislation is going on.

Mr. REID. It is known to every Senator, perhaps, that very often in the morning, after the Senate meets, some fifteen or twenty minutes are occupied by the reading of the Journal, and then frequently half an hour in presenting petitions and reports of committees, in which the Senate generally do not take a deep interest. This is considered mere formal business; and although Senators may be in their committee-rooms, they do not think proper to come into the Senate Chamber until after the Journal is read and the reports from committees have been generally made, and the business of the morning commences. That accounts for the fact that at eleven o'clock you see so few Senators here. There is no general interest felt in coming in and sitting here and hearing the Journal read for fifteen or twenty minutes, detailing all the tedious routine of the business of the day before. It is very evident, too, that for the remainder of the session a great deal of the work to be performed by the committees must be done while the Senate is in session; and for that reason I think we had better meet at eleven o'clock in the morning, as we have been doing. It will do no good for your committees to go to their rooms and make out their reports, if they can have no time to act upon them here, or report them to the Senate. I therefore hope the Senate will consent to adhere to eleven o'clock.

Mr. FITCH. I move to lay the resolution on the table, to stop this debate.

Mr. STUART. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 22, nays 26; as follows:

YEAS—Messrs. Benjamin, Bigler, Brown, Clark, Clay, Clingman, Fessenden, Fitch, Fitzpatrick, Green, Gwin, Hale, Hunter, Iverson, Kennedy, King, Mallory, Polk, Reid, Shields, Slidell, and Ward—22.

NAYS—Messrs Allen, Bayard, Bell, Bright, Broderick, Chandler, Chesnut, Davis, Dixon, Doolittle, Foot, Hamlin, Harlan, Johnson of Tennessee, Jones, Mason, Pearce, Pugh, Rice, Seward, Stuart, Toombs, Trumbull, Wade, Wilson, and Yulee—26.

So the Senate refused to lay the resolution on the table.

The VICE PRESIDENT. The question now recurs on the adoption of the resolution.

Mr. FITCH. It is manifest that we lose time by adopting this resolution, instead of gaining it, as the mover avers. Senators forget that some five or ten minutes must necessarily be consumed here in the prayer, to which some of them listen, though, perhaps, they would all be benefited by it; and then, twenty or twenty-five minutes more in the reading of the Journal. These forms, if forms you call them, will be gone through with; that much time is consumed, whether we meet at eleven, twelve, one, or two. If the chairmen of committees, and the committees themselves, choose to absent themselves until half past eleven o'clock, their presence here is not desirable or necessary, because we do not often reach the call for reports from committees until that period; and if we are to have this constant debate relative to the order of business, we shall do little else than wrangle over propositions of this kind to change the orders. For my own part, though, perhaps, on as laborious a committee as there is the Senate—not as important as some, but one on which drudgery, equal, perhaps, to that imposed on any other committee, is imposed—I am perfectly willing that the Senate should begin at ten o'clock; and I think we should expedite business by so doing.

The VICE PRESIDENT. The question is on the resolution of the Senator from Michigan.

Mr. POLK called for the yeas and nays; and they were ordered.

Mr. STUART. The Senator from Indiana moved to lay my resolution on the table to save debate; and, as soon as the Senate refused to agree to his motion, he is the very first Senator to debate it. The committees have no right, they are expressly precluded by the rules of the Senate, from being out when the Senate is in session. Again, it is not safe to be out. You take the very time in the morning hour, and there is business thrust through here that a majority of the Senate would not pass at all—that ought not to be passed. Reports of committees are brought in, and advantages taken of that. I am not willing, even if the rule permitted it, to be out of the Senate when

the Senate is doing business; and I think the experience of every Senator here will show that we shall gain rather than lose time by meeting at twelve o'clock.

The question being taken by yeas and nays, resulted—yeas 26, nays 25; as follows:

YEAS—Messrs. Allen, Bates, Bayard, Bell, Bright, Broderick, Chandler, Chesnut, Collamer, Davis, Dixon, Doolittle, Foot, Hamlin, Harlan, Johnson of Tennessee, Jones, Mason, Pearce, Pugh, Rice, Seward, Stuart, Trumbull, Wilson, and Yulee—26.

NAYS—Messrs Benjamin, Bigler, Brown, Clark, Clay, Clingman, Douglas, Fessenden, Fitch, Fitzpatrick, Green, Gwin, Hale, Hunter, Iverson, Kennedy, King, Lane, Mallory, Polk, Reid, Shields, Slidell, Toombs, and Ward—25.

So the resolution was adopted.

Mr. PUGH subsequently said: I move to reconsider the vote by which the resolution of the Senator from Michigan was adopted this morning, and I shall call it up before the adjourment to-day.

ORDER OF BUSINESS.

Mr. MASON. I deem it my duty, in view of the message received from the President on yesterday, to take the sense of the Senate upon his suggestion, that the Senate will consider and pass the bill indicated in it. I shall not debate it, and I shall regret if debate arises; but I move——

Mr. BIGLER. I have a memorial to present.

Mr. CLAY. I have a report.

The VICE PRESIDENT. Does the Senator from Virginia yield the floor?

Mr. MASON. No, sir; I am sorry to say I cannot yield.

Mr. CLAY. I wish to make a report that I think ought to be made.

Mr. BIGLER. I desire to present a memorial.

The VICE PRESIDENT. The Senator from Virginia is on the floor.

Mr. MASON. I shall not debate the proposition, but we have had a message from the President, calling the attention of Congress to this subject, which he deems of great and pressing public interest——

The VICE PRESIDENT. The Chair must interrupt the Senator from Virginia to call for the unfinished business of yesterday.

Mr. MASON. I move to postpone all prior orders.

The VICE PRESIDENT. The unfinished business of yesterday, is the motion to take up the bill to which the Senator refers.

Mr. MASON. The motion of the Senator from Louisiana, made yesterday, was to postpone all prior orders, and take up the bill (S. No. 500) to authorize the President of the United States to use the public force of the United States in the cases therein specified. Upon this question I ask for the yeas and nays. I shall not debate it.

The yeas and nays were ordered.

Mr. HUNTER. I merely wish to say that I shall vote against taking it up, because it is my purpose to move to take up the appropriation bill if the Senate should refuse to consider the question.

Mr. GWIN. Is this bill before the Senate?.

The VICE PRESIDENT. The motion of the Senator from Louisiana is to take it up. That is the question now before the Senate.

Mr. GWIN. I am in favor of taking up this bill in preference to any measure before Congress, appropriation bills or anything else, and I hope the Senate will take it up, and act on it to-day.

Mr. HAMLIN. I desire to inquire of the Chair whether this question is before the Senate? I think not. The motion is now, if I understand it, as stated by the Chair, to postpone the prior orders of the day. That was a motion made yesterday, and what were the orders for yesterday died with the closing of the session for that day, and the question is not up. It was a motion temporary in its character; it was limited to that particular business; and it must require, therefore, in my judgment, an affirmative vote to call up this motion.

Mr. BENJAMIN. In order to put an end to this question of order, which may occupy an hour or two, I make a motion now to postpone all other business and take up this bill.

Mr. SEWARD. On that question I ask for the yeas and nays.

Mr. DOOLITTLE. I do not desire to occupy the attention of the Senate upon the proposition itself which is involved in the bill reported by the Committee on Foreign Relations, but simply to advise the Senate in advance, that if that subject comes up for consideration and discussion, I for one shall not deem that I have discharged my duty without expressing my views, and expressing them fully, upon it. It is generally understood, it is conceded on all hands, that the power of the purse in this Government is already in the President, under the law which governs the quartermaster's department, because under that law the President can enter into contracts to an unlimited amount for supplies and transportation for the Army and Navy.

Mr. SLIDELL. I rise to a question of order. I submit to the Chair whether this argument on the merits of the bill is in order upon a motion to take it up?

The VICE PRESIDENT. The Chair has frequently suggested that it is not in order to discuss the merits of a proposition on a motion to take it up.

Mr. DOOLITTLE. I desire not to occupy five minutes; nor do I propose to make an argument, but I simply desire to state the question as it appears to me. I say that now, just as the law stands, the President holds within his hands unlimited power over the purse of this nation, so far as moving or supplying the Army or the Navy is concerned. He can at his own pleasure run the country in debt $100,000,000, if he deem it necessary for the support of the Army and Navy; because there is no limit upon the quartermaster's department. He can make contracts now, binding upon the Government and upon the people of this country, which cannot be repudiated, to any extent. All that is now necessary, therefore, to give full dictatorial powers to the President of the United States, is to give him the power over the sword, to say when he shall draw it, and against whom he shall draw it. Give him that power to be used at his discretion, and the whole power of this Government over the subject of war and peace is gone from Congress. From that hour it would be lodged in Executive discretion; the days of the Republic would be past, and the days of empire begun. I will not discuss it now, but if the question is to be pressed upon the consideration of Congress at this session which is involved in this bill, and which will substantially give to the President the unlimited discretion to make war at his pleasure upon all the Central American republics, I shall desire——

Mr. FITCH. I must call the Senator to order. The question is on taking up the bill, not on its merits.

Mr. DOOLITTLE. There was a motion made precisely like this yesterday, and upon it gentlemen spoke, some of them for half an hour, some of them three quarters of an hour; the Senator from Illinois, [Mr. DOUGLAS,] delivered a speech at considerable length. I do not propose to occupy five minutes. I simply propose to state the question, and my purpose in relation to it; and I say that if this bill is to be pressed, giving such unlimited powers to the President over this question of war and peace with the Central American States, as to when he will draw and when he will sheath the sword, I, for one, shall not consent that that bill shall pass without expressing my opinions, and expressing them at length. I should regard myself as being false to my constituents if I did not do so; and therefore I shall go with the Senator from Virginia who stands before me, that it is the duty of this Congress at the present session to take up the appropriation bills and dispose of the legitimate business now pending before Congress, and not enter upon a discussion which would involve more considerations, and a wider range of discussion, than any other question that has yet been brought before Congress.

Mr. FITCH. I am with the Senator from Wisconsin in my opposition to taking up this bill at this time, and hence the reason of my calling him to order. I do not want this debate to go on now. I am willing that this matter should come up in preference to other business, but not out of order. We only make rules here to violate them; only prescribe an order of business to have an interminable debate on motions to suspend it; and I submit to the Senator from Virginia, who made this motion, that much more progress will be made in the business if he will permit it to take the regular course. Let us be allowed to make reports from committees, and not permit them to accumulate here on our desks day after day; and when they are gone through with, his motion will be in order, and I will vote for it; but not now.

Mr. TOOMBS. I hope that course will be taken, or that the Senate will refuse to agree to this motion of the Senator from Virginia. There is no new or sudden exigency for this measure. The President of the United States has only called our attention to the recommendation of his message at the opening of the session; and the communication, I very respectfully submit, is wholly irregular anyhow—open to observation, and I do not think the Senate ought to depart from its order of necessary business for its consideration one instant. It has been already submitted to them; submitted to them before. I presume they know their duties, and intend to discharge them. I do, for one, and therefore shall proceed with the regular business of the Senate.

Mr. MASON. I have no disposition to interfere with the business of the morning hour. I did not mean to call up this bill until twelve o'clock; but I understood from the Chair that it came up at twelve o'clock as the unfinished business. If it is the general consent of the Senate that the question shall be taken on my motion after reports are made, I shall certainly, with great pleasure, yield, to allow reports to be received. I want the question taken by yeas and nays, that we may dispose of the subject. As to the suggestion that the bill may come up in its regular order, I will only say that it has been on the Calendar for the last two months, probably, and will there remain, and we shall never reach it unless by a measure of this kind. If the Senate will allow the question to be taken when the morning business shall be through, I shall yield with pleasure.

Mr. HUNTER. I cannot make any such agreement, because I shall move to take up the appropriation bill.

Mr. SEWARD. Let us have the question now.

The VICE PRESIDENT. It is moved and seconded to postpone the prior orders, with a view to take up Senate bill No. 500. On this question the yeas and nays have been asked.

The yeas and nays were ordered.

Mr. STUART. I suggest to the Senator from Virginia to modify his motion so as to say it shall be taken up at one o'clock. Then he will get the sense of the Senate.

Mr. MASON. I have no objection to modifying it in that way, so that at one o'clock the Senate will proceed to the consideration of this bill to the exclusion of other business.

Mr. COLLAMER. I merely wish to say that, some time since, the Senate, at the suggestion of the gentleman at the head of the Committee on Finance himself, voted to give preference to the Cuba bill over everything else. I took the floor on that subject a few days ago, and I desire to be heard on it. I suppose if this is taken up out of its order, it will thrust that aside.

Mr. MASON. The honorable Senator from Vermont knows that I would not be guilty of any discourtesy to him or any other Senator; but if it is the pleasure of the Senate to proceed to the consideration of this subject, it is with a view to supersede all other business. With every disposition in the world to yield to him, if it be desirable to him to speak to-day, I shall, with great regret, feel that it is not in my power to allow this subject to be laid aside, if it be taken up.

Mr. CLAY. Did I understand the Senator to withdraw his motion for the present?

Mr. MASON. I have modified it so as to move to take up the bill at one o'clock.

Mr. BAYARD. I do not mean to follow the example which has been set me, of going into the merits of the question on a mere motion about the order of business. I shall myself vote against this motion; not because I do not consider the question one of great importance, and one that ought to be disposed of, but I think it wiser in the course of business, when we have an appropriation bill half considered, that we should dispose, at least, of that first, before we take up a measure which necessarily must lead to debate. This bill involves important principles, in regard to which there may be a great variety of opinion, not only on the general question of any enlargement of the discretion which exists in the Executive, under the Constitution, but also as to the degree to which discretion shall be vested in him. We have already seen the great differences of opin-

ion that exist. I have some desire to express my own opinions, when the question does properly come up; but I think the appropriation bills which have been reported on by the committee, and are before the Senate, may well be acted on first, before this question, which must lead to general debate if taken up.

Mr. MALLORY. I have only to say, that, though I am in favor of the bill which it is contemplated to take up, and shall vote for it at the proper time, I shall have to vote against this motion now, because I do not wish to displace the question on which the Senator from Vermont has the floor, and which, I apprehend, may be considered to-day.

Mr. JOHNSON, of Tennessee. I understand this is a motion to make Senate bill No. 500 the special order for one o'clock.

Mr. CLAY. That is the substance of it.

Mr. JOHNSON, of Tennessee. I wish to state that I shall vote for no more special orders. We have a number of special orders now upon our Calendar; and, instead of taking up the bills in their regular order upon the Calendar, we go on irregularly, and there is nothing at all done in regular order in the Senate. I shall vote against making this bill a special order for one o'clock, without reference to what my course will be upon the bill itself when it comes up. I must add here, in continuation of what the Senator from Georgia said, that I do not see any great emergency for it. I see nothing so imperative upon us for action on it at this particular moment. There is no outrage; there is nothing of an illegal or unlawful character that is being inflicted on our citizens, that we are aware of, just at this time; and the President further informs us that he will resent any attack on them. This seems to me to justify us in proceeding regularly and safely with the public business. He says, in this message:

"It [the executive department] cannot legitimately resort to force, without the direct authority of Congress, except in resisting and repelling hostile attacks. It would have no authority to enter the territories of Nicaragua, even to prevent the destruction of the transit, and protect the lives and property of our own citizens on their passage."

He says further:

"It is true, that on a sudden emergency of this character, the President would direct any armed force in the vicinity to march to their relief; but, in doing this, he would act upon his own responsibility."

The President informs us that, if there was an emergency, if the rights of our citizens were violated in person or in property, he would march to their relief at once any forces that might be in the vicinity. Thus, they have protection at the hands of the Executive, and it is not necessary for us to postpone all other business to take up this bill at one o'clock. It is a bill that I think should be maturely considered. There are important principles involved in it in connection with the appropriating power and the sword of this Government. I shall vote against making it a special order for one o'clock, with a view of taking up other business that I consider more imperative, and more important to be transacted by the Senate, and among others is the homestead bill, which I consider certainly equal in importance to any bill that authorizes the Executive of this Government to make war and to conclude peace.

Mr. GWIN. What is the question before the Senate?

The VICE PRESIDENT. It is the motion of the Senator from Virginia, to make Senate bill No. 500 the special order, to the exclusion of all other business, at one o'clock.

Mr. GWIN. I thought he moved to take it up now. I am for taking it up.

Mr. SHIELDS. It strikes me that it is a most extraordinary thing to call up, in this way, a measure which, in my humble judgment, is the most important measure that has come before the Senate at this session, and will lead to more discussion than any measure which has come before this body since I have been a member of it. In my opinion, when you have the Cuba bill under discussion, with a gentleman prepared to speak upon it; when you have the appropriation bills suspended, and the honorable Senator from Virginia is pressing them upon the consideration of the Senate; it seems to me a strange course, to be calling up these three important measures, and have them jostling one another day after day. I will never let this bill pass without speaking upon it. I will never permit such a power as this to be transferred from Congress to the Executive, without giving my mind and heart upon the subject.

The question being taken by yeas and nays, resulted—yeas 25, nays 31; as follows:

YEAS—Messrs. Allen, Bates, Benjamin, Bigler, Brown, Chesnut, Davis, Douglas, Fitch, Fitzpatrick, Green, Gwin, Houston, Iverson, Jones, Lane, Mason, Polk, Pugh, Reid, Rice, Slidell, Smith, Stuart, and Ward—25.

NAYS—Messrs. Bayard, Bell, Bright, Broderick, Chandler, Clark, Clay, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Hamlin, Hammond, Harlan, Hunter, Johnson of Tennessee, Kennedy, King, Mallory, Pearce, Seward, Shields, Simmons, Toombs, Trumbull, Wade, Wilson, and Yulee—31.

So the Senate refused to take up the bill for consideration.

Mr. HAMLIN. I desire to offer a bill.

Mr. BIGLER. I desire to present a memorial.

Mr. CLAY. It is out of order.

The VICE PRESIDENT. There is a special order before the Senate.

Mr. HAMLIN. What is it?

Mr. CLAY. I move to postpone all prior orders, with a view of enabling Senators to make reports. I just ask that they be suspended for that purpose.

Mr. HUNTER. For how long? Any special time?

Mr. CLAY. I do not suppose it will take twenty minutes. ["Agreed."]

The VICE PRESIDENT. Is it the general sense of the Senate to suspend business until Senators make reports? ["Yes."] The Chair will receive reports of committees.

REPORTS FROM COMMITTEES.

Mr. DAVIS, from the Committee on Military Affairs and the Militia, to whom was referred the petition of Gomez & Mills, submitted an adverse report; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 487) to provide for the sale of the military reservation at Fort Armstrong, known as the island of Rock Island, in the State of Illinois, reported it without amendment, and submitted an adverse report; which was ordered to be printed.

He also, from the same committee, to whom was referred the petition of R. S. Simpson, submitted an adverse report; which was ordered to be printed.

Mr. BRODERICK, from the Committee on Military Affairs and the Militia, to whom was referred the memorial of J. T. Wright, reported a bill (S. No. 597) for the relief of John T. Wright, owner of the steamer America; which was read, and passed to a second reading.

Mr. GREEN. The Committee on the Judiciary, to whom were referred petitions of merchants and other citizens of the District of Columbia, praying for an extension of the jurisdiction of justices of the peace in this District, and a revision of the fee bill, have considered the subject, and find it so complicated that they think it best to defer action on the subject. They therefore ask to be discharged from the further consideration of the petitions.

The motion was agreed to.

Mr. FITCH, from the Committee on Printing, to whom was referred a motion to print the report of the Secretary of State, showing the number and designation of passengers arriving in the United States during the year 1858, reported in favor of printing the usual number; and the report was agreed to.

Mr. TRUMBULL, from the Committee on Patents and the Patent Office, to whom was referred the memorial of Frederick E. Sickels, submitted a report, accompanied by a bill (S. No. 595) for the relief of Frederick E. Sickels. The bill was read, and passed to a second reading, and the report was ordered to be printed.

PENSION BILL.

Mr. CLAY. I have been endeavoring for ten days past to find the Senate full in order to make a report on a bill which, if passed, will require an appropriation of $30,000,000. It is the bill called the "old soldiers' bill." The report is brief; and with the permission of the Senate, as I am more familiar with its contents and the handwriting than any one else, I will read it, and I shall ask the action of the Senate upon it immediately. I understand, on conference, that no one wishes to discuss the bill. The report sets forth that the Committee on Pensions, to which was referred House bill No. 259, entitled "An act granting pensions to the officers and soldiers of the war with Great Britain of 1812, and those engaged in Indian wars during that period," have had the same under consideration, and have instructed me to report that, in reply to a letter addressed by the chairman of the committee to the Secretary of the Interior, inquiring the aggregate and annual sum of money that would be required to pay the pensions allowed by this bill, and the additional pension agents and clerks of the pension bureau rendered necessary by the passage of the bill, he returned the following communication, prepared by the Commissioner of Pensions:

PENSION OFFICE, *January* 27, 1859.

SIR: I have the honor to return herewith the letter to you from the Committee on Pensions in the Senate, referred to me from the Department, on the 12th instant, inclosing a printed copy of House bill No. 259, entitled "An act granting pensions to the officers and soldiers of the war with Great Britain of 1812, and those engaged in Indian wars during that period," and asking,

1. What sum will be required to be appropriated at this session of Congress?

2. What average sum annually requisite, and for what period thereafter?

3. What the aggregate sum necessary to extinguish all claims that may be preferred under the bill?

4. What increase of clerks in the pension bureau, and of pension agents, if any, will be required, and the compensation therefor?

In submitting an estimate of the probable amount required to execute the proposed bill, it is proper that I should say in the outset, that experience has proved that but little reliance can be placed on any such calculations. To prove this, it is sufficient to state, when the act of June 7, 1832, granting pensions to the soldiers of the war of the Revolution, was under consideration in the House of Representatives, a very elaborate investigation was made by the committee having charge of the subject; but that their estimates did not reach to one fourth the actual demand under the bill, after it became a law. It was then supposed that the whole number of persons entitled to its benefits was ten thousand and fifty-seven, and that the amount of money required to pay the pensioners under it, would average $907,608 for seven years. The facts are, that thirty-three thousand four hundred and fourteen claims have been admitted, and over eighteen million dollars expended; and yet there are about two hundred surviving on the rolls of the several States.

In estimating the amount required for the new class of revolutionary widows, (those married subsequent to the year 1800,) provided for by the act of 3d February, 1853, this office was not more fortunate in its calculations, notwithstanding the advantages derived from experience in the execution of similar laws. The estimate of the amount, supposed to be required under that branch of the act, up to June 30, 1854, was $24,000, but that sum was found to be so entirely inadequate that an additional appropriation of $200,000 became necessary.

In the present case, the difficulties to be surmounted are not less than any of those hitherto encountered, and in some respects, are certainly much greater. I have no reason, therefore, to hope that I shall approximate any nearer to accuracy than former calculations have done.

The bill in question provides for services in the war of 1812 with Great Britain, and Indian wars of that and former periods, and grants pensions for life to the surviving, and to the widows of deceased, officers, non-commissioned officers, musicians, and privates of the regular Army, State troops, volunteers, or militia of any State or Territory; and the officers, non-commissioned officers, and marines in the naval service, as follows:

1. To those engaged in battle, or who served twelve months or more—$96 per annum.

2. To those who served less than twelve months, but as much as six months—$75 per annum.

3. To those who served less than six months, but as much as sixty days—$50 per annum.

The necessary data for the required estimates are:

1. The whole number of officers and men engaged, and the periods of service rendered by them respectively.

2. The number who were engaged in actual battle.

3. The probable number of soldiers and widows who still survive.

It has been found impracticable to ascertain the number or terms of service of the forces engaged in the Indian war of 1811, or those of previous years. It is not deemed very essential, however, for the reason that the troops in service in 1811 are, no doubt, comprehended in the returns for 1812, and will enter into the estimate for that war, and because the other Indian wars occurred at such remote periods that but few can survive.

It appears, from the reports of the Adjutant General's office, that the whole number of officers and men in the regular service, during the war of 1812, cannot be given; and the nearest approximation to it is the numerical strength of the Army at sundry irregular periods, namely:

In July, 1812	6,686
In February, 1813	19,036
In September, 1814	38,186
In February, 1815	33,424

It must be obvious that these facts will not enable us to determine what portion of these troops were in service for the periods of two, six, and twelve months respectively. As, however, the enlistments into the regular Army, at the commencement of the war, were for five years, it is not unreasonable to suppose that the average length of service still to be performed by those who were in the Army in July, 1812, was fully as much as twelve months. The number which, in 1813, had been added to the Army, were, of course, enlisted for, and served over, one year; and if we average the period of enlistment of those who entered the Army between February, 1813, and September, 1814, we shall find that they, too, had at least twelve months' service

to perform before the termination of the war, and that the whole number of the regular Army could not be less than 38,186.

Somewhat after the same manner we ascertain that the naval force engaged during the war will average 15,194, and the marine corps 2,652, for one year, making together, 17,846.

From reliable official data, it appears that of the large militia force engaged during the war, the whole number of those who served twelve months or more, was 7,147.

Making the whole number who served for the longest period required by the bill, 63,179.

The number who served less than twelve months, but as much as six months, was 66,325.

The number who have served less than six, but as much as three months, is 125,643. But there were 125,307, the precise duration of whose service is not known, only that it was between one and three months. It is reasonable, I think, to suppose that one-third of these served as much as sixty days. On this hypothesis, the number who were in service less than six months, but as much as sixty days, was about 167,412.

There were also 147,200 whose duration of service is known to have been less than one month, and to which number we must add the remaining two thirds of those who served between one and three months, making in all 230,738 whose service being less than sixty days, will not be entitled to the benefits of the proposed law, unless they were engaged in battle.

From the facts derived from the operations under the various bounty land laws, and an examination of the most approved tables of mortality, it is supposed that of those who served in that war of 1812, three eighths are now living. It is assumed that of those who have since died, two-thirds were married men, and that of these one-half left widows.

From these data and hypothesis we conclude that there are: 23,692 surviving soldiers, and 4,936 widows; in all, 28,628 persons who would be entitled to pensions of $96 per annum, making $2,748,288; 24,871 soldiers, and 5,181 widows, making 30,052 persons at $75 per annum, making $2,253,900; 62,779 soldiers, and 13,079 widows, in all 75,858 persons, at $50 per annum, amounting to $3,792,000, making the annual amount which will be required to pay these three of the four classes of pensions provided for by the bill, $8,795,088.

If the present ages of all these persons average sixty-eight years, their expectation of life, that is, the average duration, or mean length of all their lives, is ten years. The sum involved in the bill from the present time is, therefore, $87,950,880.

But the pensions are to commence from the 4th day of March, 1857, and we must, to this sum, add the amount that would accrue from that period to the present, namely; $15,591,404, making in all about $103,342,284; about $29,316,960 of which would be liable to be expended prior to the close of the ensuing fiscal year, and which would now have to be provided for, in addition to the expenses incident to the vast machinery necessary in the execution of so comprehensive laws.

The fourth class of beneficiaries consists of those who were engaged in battle; but it is utterly impossible to form any satisfactory estimate of their number. So far as those known, or supposed to have served twelve months, are concerned, it is immaterial whether they were in battle or not, because they would only be entitled to the same amount of pension.

But there are 30,052 whose pensions are calculated in the foregoing estimate at seventy five dollars each, and 75,858 whose pensions were calculated at fifty dollars each, and just so many as were engaged in battle will be entitled to twenty one dollars and forty-six dollars more.

There were also 230,738 not embraced in the foregoing estimate at all, because the duration of their service is supposed to have been less than sixty days, but who, if engaged in battle, will each be entitled to pensions for life, at the rate of ninety-six dollars per annum.

It is believed that a larger number of the militia and volunteers who participated in the numerous engagements with the enemy during the war of 1812, were called into service on the sudden emergency of the occasion, and left it soon after, and, consequently that this fourth class of pensioners, who would not otherwise come within the provisions of the bill, will be quite numerous, and that the amount required to pay them will greatly augment the large sum already reached; but should the proposed bill become a law, and its practical operation discover in this estimate similar errors to those known to have been committed by those who estimated the extent of the act of June 7, 1832, before its passage, the total amount above stated would be quadrupled; and what assurance does human reason or the experience of the past give, that it will not be?

It will be observed that the effect of this bill is to continue the pensions that may be allowed to soldiers now living, to their widows when they shall hereafter become such, as well as to grant pensions to those who are now widows. It is impossible to estimate the additional amount which will ultimately have to be paid to this class, but judging from the operation of the acts for the relief of widows of revolutionary soldiers, it will be by no means inconsiderable.

The present annual expense of the several agencies is about $24,000. The passage of the proposed bill would create so large a number of pensioners throughout the several States and Territories, as to demand the creation of many new agencies, and I should think the expense of maintaining them might, and probably would, go up to about $200,000 per annum.

It is not easy to say to what extent the clerical force of this bureau could be increased with advantage, in the event of the proposed bill becoming a law. I presume, however, it could be doubled; but the increase in the contingent expenses of the office would be in a large proportion. The present expense of the regular force of this office and contingencies is about $135,000 per annum. The additional expenses consequent upon doubling the clerical force, including office rent, printing, &c., would not be less than $150,000 per annum for some years to come.

On the whole, I should say, in answer to the specific questions of the committee of the Senate, that:

1. The amount it would be necessary to appropriate at the present session would be about $29,760,710.

2. That the average sum annually requisite thereafter would be about $8,800,000 for ten years.

3. That the aggregate sum necessary to extinguish all claims that may be preferred under the bill will not be less than $103,000,000.

4. That the increase in the clerical force of the office will be about double the present number, and the expense of such increase, including contingencies and the compensation of agents for paying pensions, about $355,000 per annum.

I am, with great respect, your obedient servant,

GEORGE C. WHITING,
Commissioner.

Hon. J. THOMPSON, *Secretary of the Interior.*

The committee think the Commissioner's estimates are well sustained by the facts presented by him, upon which they are based, and that experience will probably prove them to be below the actual expenditure, should this bill become a law. They are fortified in this opinion by the past experience of the Pension Office—of which two striking examples are presented by the Commissioner, and many others might be found—and by the further facts that his estimates do not embrace those engaged in the Indian wars, provided for in the bill, or the 230,738 soldiers who are supposed to have served less than sixty days, many of whom may have been in a battle, and thereby entitled to the largest amount of pension granted to any class by this bill.

Neither does he make any allowance for pensions that may be fraudulently obtained, which, if equal in proportion to those obtained under former pension laws, would considerably increase his estimates.

But, granting that his estimates fully equal the amount that would be required by the bill, it appears that the aggregate sum necessary to be appropriated at this session of Congress to pay pensions accruing for three years, (beginning 4th March, 1857, and ending 4th March, 1860,) and to pay additional pension agents and clerks in the pension bureau, will be $30,115,370; the average annual sum required for nine years thereafter will be $9,155,000, making the aggregate for those nine years $82,395,000; and the grand aggregate to be expended under this bill, for the sake of soldiers and their widows, will be $112,510,710.

The question necessarily occurs to the mind of any one acquainted with the present condition of the Treasury and resources of the Government, how is this large amount of money to be raised? The indebtedness of the Government now amounts to $65,000,000; its revenues fall below its ordinary expenditures, and there is no substantial ground for the hope of realizing, under the present tariff and from the public lands, during the next ten years, a surplus beyond the average ordinary expenditure of the last five years sufficient to discharge a debt of $112,510,710. The means to discharge the obligations assumed by this bill, if it become a law, must be derived from increased taxation, or from loans obtained on the credit of the Government. The committee are not prepared to recommend a resort to either of those modes of providing money to be bestowed in gratuitous pensions. They trust that a large majority of those who might share this bounty, would themselves oppose such an increase of taxation.

The committee cannot yield the slightest credence to the assertion, that we must either pension our volunteers or support a standing army large enough for any emergency. Our people are not, and it is devoutly hoped never will become, so depraved and so insensible to their country's honor, pride, and glory, as not to rally to her standard upon any appeal save that of avarice or cupidity. Indeed, they do not believe that there are many of the soldiers of the war of 1812, who demand, or desire, or stand in need, of the bounty of the Government. They did not engage in that war like foreign mercenaries, for pay and pillage, but for the defense of their firesides and the rights, the interests, and the honor of their country. Yet they have been already paid for their services, and have received more than was promised or they expected. They received more monthly pay and far better rations, clothing, and equipment than the soldiers of the Revolution. All such soldiers or their widows have received liberal grants of the public lands—those disabled by wounds or diseases contracted in the line of military duty, and, where they have died of such wounds or diseases, their widows, have received pensions upon application and proof of their claims upon the Government.

The committee cannot concede that all who volunteer in their country's service in war are entitled to pensions; or in other words, that citizen-soldiers have a right to claim the bounty of their Government because they have defended it, and thereby discharged a duty demanded of them by self-love as well as patriotism, and by private as well as public honor. Such a sentiment tends to demoralize the soldier, to weaken the Government, and to oppress the tax-payers with heavy exactions. In the opinion of the committee, this bill rests only upon that sentiment; for it embraces not only the invalid and the indigent, but the able-bodied and the rich; not only those who suffered for the sake of their country, but those who incurred no peril and endured no privation or injury; not only those who faced and fought the enemy "like brave men, long and well," but those who, with shameful dismay, fled at the first sight of his standards and sound of his artillery. If the principles of this bill can be maintained, they see no reason for excluding all soldiers of all subsequent wars from the bounty of the Government. Those who served in any of our Indian wars or in the war with Mexico, have the same claims upon the public justice, generosity, and charity. And the consequence of pensioning all who serve their country in time of war would be to render taxation so oppressive that the people might well begin to consider whether the Government was not more burdensome than beneficial, and the insults and injuries of foreign nations more tolerable than the cost of resistance or redress.

The committee cannot forbear to add, that the pension system has already grown far beyond the intentions or expectations of its original founders. It would be interesting and profitable to trace its gradual increase, from small beginnings, and to show how the different and successive classes of public stipendiaries have been created; but it may suffice to say, that, in the early days of the Republic, it was thought the Government discharged its entire duty to its soldiers when it provided for those who were disabled in its service, and could not provide for themselves. Only the invalid and the indigent were pensioned. Then those who were blessed with sound bodies and sufficient property to supply the necessaries of life, either disdained to ask pensions, or were refused them. The persistent and too successful efforts, during the last quarter of this century, to enlarge the system so as to embrace all who have rendered any military service, and their widows and children, admonish us to retrace our steps, rather than advance, and, in the future to confine the bounties of the Government to those who, in its service, have lost their ability to take care of themselves, and are dependent upon public or private charity for their subsistence.

In conclusion, the committee think this bill inexpedient and unwise, whether considered in relation to those who must bear its burdens in taxation, or may enjoy its bounties in pensions. They have, therefore, instructed me to report adversely, and to recommend that the Senate do not pass the bill.

Mr. FITCH. This matter is second in money importance to no proposition which has been before the Senate at this session. I move that the report, with the accompanying letter of the Commissioner of Pensions, be printed.

Mr. CLAY. I suppose the Senate are as well prepared to vote on it as they will be after it is printed. I therefore move that the Senate concur in the report of the committee. I will not trespass on the attention of the Senate.

The VICE PRESIDENT. It requires unanimous consent.

Mr. SEWARD. I object to the consideration of it to-day. I ask for the consideration of the motion of the honorable Senator from Indiana, that the report and communication from the Commissioner of Pensions be printed.

Mr. JONES. I want to amend that motion. I move that five thousand extra copies be printed. If the Senate knew how many letters I had received on this subject from people all over the United States, they would be satisfied that I ought to have some copies of the report. My friend

from Ohio suggests ten thousand. I think ten thousand would be better.

The VICE PRESIDENT. The motion to print the extra numbers goes to the Committee on Printing.

Mr. JONES. I am aware of that.

The VICE PRESIDENT. The other motion is to print the usual number of copies of the report for the Senate.

The motion was agreed to.

Mr. SLIDELL. Cannot the question be taken on printing the extra number, by unanimous consent?

The VICE PRESIDENT. Is there objection to taking the vote of the Senate on the motion to print the extra numbers?

Mr. KING. I think there is no necessity for it. It had better go to the committee.

The VICE PRESIDENT. Objection being made, it will go to the Committee on Printing.

MECHANICAL PATENT OFFICE REPORT.

Mr. FITCH. There is upon the table a joint resolution in relation to limiting, hereafter, the printing of the mechanical portion of the Patent Office report. I trust the Senate will adopt it at once. It will be a very great reformation in that matter, which is going on increasing from year to year.

Mr. SHIELDS. Before the Senator from Indiana presses that motion, I hope he will let me offer a resolution.

Mr. FITCH. This joint resolution will lead to no debate. It will be adopted *nem. con.* as soon as it is read.

The PRESIDING OFFICER. The Chair feels bound to call for reports, under the order of the Senate.

SAMUEL A. FAIRCHILDS.

Mr. WARD. The Committee on the Post Office and Post Roads, to whom was referred the bill (H. R. No. 445) for the relief of Samuel A. Fairchilds, have had the same under consideration, and instruct me to report it back and recommend its passage. I ask the courtesy of the Senate for only a few minutes, as the bill is very short, and has been examined carefully, to have action on it now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to direct the Secretary of the Treasury to audit and settle the accounts of Samuel A. Fairchilds, for expenses and services in arresting and bringing to trial certain persons charged with robbing the mails of the United States, and to pay whatever sum Fairchilds may show, by proper evidence, he expended in arresting and securing the parties and delivering them to the authorities of the United States; also, to pay him a fair compensation for his services in the premises; but the whole amount paid under this bill is not to exceed the sum of $802 50.

Mr. WARD. The bill, as will be seen by the reading of it, is for services rendered by a sheriff in bringing to justice certain robbers of the United States mails. He pursued them very diligently, as I was told by the mail agent, and did more service than is usually performed in such cases. The bill refers the settlement of the accounts to the proper Department, when the proper vouchers are presented and the proper showing made.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COAST SURVEY REPORT.

Mr. TRUMBULL. I desire to make a privileged motion. Yesterday a resolution passed the Senate ordering the publication of five thousand extra copies of the Coast Survey report. I move to reconsider that vote.

The VICE PRESIDENT. The motion will be entered.

BILLS INTRODUCED.

Mr. JONES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 594) for the relief of Mrs. A. E. Childs; which was read twice by its title, and referred to the Committee on Pensions.

ARMAMENT OF MOUNTED TROOPS.

Mr. LANE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, requested to furnish the Senate with information as to what changes have been proposed in the armament of the United States mounted troops, with a view to economy and increased efficiency of that force on the frontiers; an estimate of the additional expense, if any; and the means provided, or necessary to be provided, for paying the same.

STEVENS'S PACIFIC RAILROAD REPORT.

Mr. SHIELDS submitted the following resolution for consideration:

Resolved, That the resolution suspending the printing of Governor Stevens's report of explorations and surveys of a railroad route from the Mississippi to the Pacific, be rescinded.

TESTIMONIALS TO AMERICAN OFFICERS.

Mr. MALLORY. I ask the Senate to act on the joint resolution—which will lead to no discussion; if it does, I will give way immediately—authorizing Captains Sands and Hudson to receive certain testimonials. It can get through the House, probably, if it be passed now. It is the Senate joint resolution No. 58.

Mr. HUNTER. I hope that will be allowed to lie over. Let us see whether the Senate are disposed to take up the appropriation bill or not.

Mr. MALLORY. I make the motion. If it gives rise to debate, I will withdraw it.

Mr. PUGH. I think these gentlemen can wait another session for their medals. I object to its consideration. We have more important business.

Mr. MALLORY. I make the motion.

The VICE PRESIDENT. The motion is not in order at this time.

REGISTER TO A VESSEL.

Mr. HAMLIN. I ask the unanimous consent of the Senate to allow me to introduce a bill, of which previous notice has not been given. It is simply to issue a register to a vessel. The vessel is now lying up. It will not take three minutes, and I hope it will be allowed to be presented and passed.

There being no objection, leave was granted; and the bill (S. No. 596) to authorize the enrollment, registry, and license of certain steamboats or vessels owned by the Buffalo and Lake Huron Railroad Company, was read twice by its title.

Mr. PUGH. I object to the passage of the bill. I have no objection to its reference.

Mr. HAMLIN. I hope the Senator will not object.

Mr. PUGH. I must do so. I objected to my friend from Florida. I think we ought to have a vote on something.

The VICE PRESIDENT. Objection being made, the bill cannot be read further to-day.

Mr. PUGH. Let it go to the Committee on Commerce.

Mr. HAMLIN. Let me state to the Senator that I offered the bill with the approval of the Senate Committee on Commerce. I am authorized by that committee to offer it.

Mr. PUGH. Then I have no objection.

Mr. BIGLER. I hope the Senator from Ohio will allow the bill to pass.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which directs that certificates of enrollment, registry, and license, shall issue for any American built steamboats or vessels now owned, or hereafter to be owned, by the Buffalo and Lake Huron Railroad Company, a corporation created under and by virtue of the laws of the State of New York, in the name of that company, its president and secretary taking the oath required by the fourth section of the act of March 3, 1825; but nothing in this act is to be construed to prevent the oath required by that section of that act from being taken by the president or secretary of the company, by reason of any personal disability or otherwise.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE HOMESTEAD BILL.

Mr. WADE. I move to postpone all prior orders and take up the homestead bill.

Mr. HUNTER. I believe I had the floor, unless there has been a resolution to supersede me.

The VICE PRESIDENT. There were many Senators on the floor, and the Chair recognized the Senator from Ohio.

Mr. WADE. I hope this bill will not consume any time. Indeed, I hope the friends of the bill will make no speeches upon the subject. My desire is to consume no time, but to bring the Senate to a fair vote upon this bill. I do not think any light can be thrown upon it by debate, so as to change a single vote, because it is an old measure, well understood by everybody. I ask the yeas and nays upon my motion.

The yeas and nays were ordered.

Mr. HUNTER. I believe that if the Senator succeeds and gets up the homestead bill, and these other measures are pushed as it seems likely they will be, there will be no chance of preventing an extra session. How is it possible that we can pass the appropriation bills in the time that will be left to us after this matter is disposed of, and these other questions which are before us, and to which the Senate seems disposed at all times to give consideration? It is for the Senate to consider whether they will run the risk of an extra session for the purpose of taking up favorite measures. I do not see how it is expected to be possible that we can pass all such measures as this without any debate.

Mr. BRIGHT. I believe I am classed among the friends of the homestead bill; and I hope those who feel most particularly interested in that subject, will not take it unfriendly if I do not vote with them on this occasion. I am satisfied it will be a saving of time to allow the chairman of the Committee on Finance to take up and act on the appropriation bills. Being a member of the Committee on Finance, I feel it my duty to sustain him in his very laudable efforts to do so.

Mr. JOHNSON, of Tennessee. In consequence of the remarks of the Senator from Indiana, I desire to know whether the Senate will consent, after the unfinished appropriation bill is disposed of, to take up the homestead bill and give it a fair vote. Can we have an understanding of that sort?

Mr. SLIDELL. There can be no understanding.

Mr. BRIGHT. Of course, I can only answer for myself. I feel that it is a duty incumbent upon me to sustain my chairman in his efforts to dispose of the bill he has reported. After that, I shall vote with the Senator from Tennessee to take up the homestead bill.

Mr. JOHNSON, of Tennessee. I hope the Senator from Indiana will feel it incumbent on him to help us to pass this measure. It can be disposed of in a few minutes. It has been considered for a number of years; the public mind has been made up on it; and there is not a Senator here whose mind is not made up and who cannot vote without much consumption of time.

Mr. BELL. I have paired off with the honorable Senator from Arkansas, [Mr. JOHNSON,] who would vote against this motion if he were here.

The question being taken by yeas and nays, resulted—yeas 24, nays 31; as follows:

YEAS—Messrs. Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Hale, Hamlin, Harlan, Johnson of Tennessee, Jones, King, Pugh, Rice, Seward, Shields, Simmons, Stuart, Trumbull, Wade, and Wilson—24.

NAYS—Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Bright, Brown, Chesnut, Clay, Clingman, Crittenden, Davis, Fitch, Fitzpatrick, Green, Hammond, Houston, Hunter, Iverson, Kennedy, Mallory, Mason, Pearce, Polk, Reid, Sebastian, Slidell, Smith, Toombs, Ward, and Yulee—31.

So the Senate refused to take up the homestead bill.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the Speaker had signed the following enrolled bills; which thereupon received the signature of the Vice President:

A bill (S. No. 177) to confirm to the heirs or assigns of Bernardo Sequi, title to lands in East Florida.

A bill (H. R. No. 218) for the relief of the captors of the British brig Caledonia, in the war of 1812;

A bill (H. R. No. 461) granting an invalid pension to John Lee, of the State of Maine;

A bill (H. R. No. 524) for the relief of Francis Carver;

A bill (H. R. No. 525) for the relief of Robinson Gammon;

A bill (H. R. No. 526) for the relief of Frederick Smith;

A bill (H. R. No. 535) for the relief of David Watson;

A bill (H. R. No. 496) for the relief of the representatives of Henry King, deceased;

A bill (H. R. No. 261) for the relief of Leonard Loomis; and

A bill (H. R. No. 273) for the relief of John F. Cannon.

CONSULAR AND DIPLOMATIC BILL.

Mr. HUNTER. I now submit my motion to postpone all prior orders, for the purpose of taking up the consular and diplomatic appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 666) making appropriations for the consular and diplomatic expenses of the Government, for the year ending the 30th of June, 1860; the pending question being on the amendment of Mr. PUGH, to strike out the following clause:

"For salaries of envoys extraordinary, ministers, and commissioners of the United States at Great Britain, France, Russia, Prussia, Spain, Austria, Brazil, Mexico, China, Chili, Peru, Portugal, Switzerland, Rome, Naples, Sardinia, Belgium, Holland, Denmark, Sweden, Turkey, Buenos Ayres, New Granada, Bolivia, Ecuador, Venezuela, Guatemala, Nicaragua, Sandwich Islands, Costa Rica, Honduras, Argentine Confederation, and Paraguay, $214,000."

And in lieu thereof to insert:

For salaries of envoys extraordinary and ministers plenipotentiary of the United States at Great Britain, France, Russia, Spain, Brazil, Mexico, and China; for salaries of ministers resident at Prussia, Austria, the Argentine Confederation, Chili, Peru, Portugal, Switzerland, Rome, Holland, Denmark, Sweden, Turkey, Japan, Venezuela, and New Granada; for the salaries of commissioners to the Sandwich Islands and Paraguay, —— thousand dollars: *Provided*, That the duties of the mission of the United States at Naples shall be discharged by the minister resident at Rome; those of the mission at Sardinia, by the minister resident at Switzerland; those of the mission at Belgium by the minister resident at Holland; those of the several missions at Guatemala, Honduras, Nicaragua, and Costa Rica, by the minister resident at New Granada; those of the mission at Bolivia, by the minister resident at Peru; and those of the mission at Ecuador, by the minister resident at Venezuela: *And provided further*, That no other embassador, envoy extraordinary, minister resident, commissioner, or chargé d'affaires, shall be entitled to any compensation during the said fiscal year.

Mr. PUGH. The Senator from Illinois [Mr. DOUGLAS] had the floor on that amendment when the bill was last under consideration; but I do not see him here. I do not know whether he had finished his remarks or not. I wish to say a word. I want to call the attention of the Senator from New Hampshire [Mr. HALE] to a remark that seems to implicate me to some extent. I find in the Globe that, while I was speaking the other day on this subject, he said:

"I tried to explain that in executive session, but I failed; and I believe I did not satisfy the Senator from Ohio."

The reporter says there was "laughter" at that point. There might have been. I did not hear the laughter, nor the remark, as the Senator sat behind me; but it was wholly inappropriate, for I was not here the first month of the session, and therefore was not in executive session at the time the nomination was pending to which he alluded.

Now, another word for the benefit of the two Senators from Virginia. One of them, who is chairman of the Committee on Foreign Relations, thinks it will not do for us to touch the diplomatic system on this bill; and the other, who is chairman of the Committee on Finance, thinks the bill has been perfected to such an extraordinary degree that it will not do for us to touch it. The fact is, the bill appropriates for two missions at the same place: that is the amount of care which has been bestowed upon it. The bill provides for the salary of a minister at Buenos Ayres, and at the Argentine Confederation, and it is the same mission. That is the amount of care bestowed on it. It is by this pressing of appropriation bills through, and urging the necessity of them upon us, that we get into making these loose and vague appropriations. I need not be told of the care of the Committee of Ways and Means of the House, nor the care of the House, nor the care of our own Committee on Finance, when I see in the bill as gross a blunder as that. It satisfies me the Senate ought to pay more attention to it. However, I believe that I expressed my views sufficiently the other day.

We have seen, within the last year, that the President claims the power, under his constitutional authority, or by law, to elevate our ministers to whatever rank he pleases, and thus to increase the burden upon the Treasury. I do not think he has any such power under the Constitution, nor, rightly defined, any such powers under the law; but if he has it, I am for providing that if these gentlemen want an increase of rank, they shall have no increase of pay without the consent of Congress by law. Therefore I hope my amendment will be adopted. I ask for the yeas and nays on it, in order that I may ascertain, once for all, whether this shiftless system of diplomatic appointments is to be continued.

The yeas and nays were ordered.

Mr. SIMMONS. When this amendment was up the other day, I asked the Senator from Ohio if he would take some care to ascertain where the appropriate places would be for ministers where he proposes to have one for two, three, or more States. I should like to inquire of the Senator if he has ascertained, since we had this question up before, where the appropriate place for the minister's residence would be if we were to send him to more than one Court. For instance: the amendment requires the minister to Switzerland to do the duties of minister to Sardinia. Now, would it be better for him to reside in Sardinia, or in Switzerland?

Mr. PUGH. I have made no inquiry about that. I do not consider it material, for this reason: the minister is accredited to both Governments; he may reside at which ever place he finds the most important business to be transacted, and doubtless will do so. I do not think it material.

Mr. SIMMONS. Where does the present minister to Central America reside?

Mr. PUGH. I think he is an itinerant minister, like the itinerant bishops of the Methodist Church, traveling all around. You make him travel the circuit.

Mr. SIMMONS. Does that save money?

Mr. PUGH. It does save. It saves half the salaries of a great many of these men.

Mr. SIMMONS. I understand the proposition is to appoint a minister to New Granada, to do service in three other States; and he is to have a half salary for each of the States where he is accredited.

Mr. PUGH. I think not.

Mr. SIMMONS. That is what I understood. A man residing at Bogota, or some place there in the mountains, seven or eight hundred miles from the other States, is to go to them.

Mr. PUGH. My impression is, that if he is accredited to one Government, and is called upon to perform duty at an adjacent Government, in that case he gets fifty per cent. of the salary; but where the number of Governments to which he is accredited is increased he does not get fifty per cent. in every case. I had the law here, but some one has taken it from my table. Even that would be a saving.

Mr. SEWARD. It is several days since this subject was before the Senate, and I do not now understand exactly the extent of the honorable Senator's amendment. There are certain portions of the plan which he has suggested to the Senate that I should be very happy to vote for. There are others that I am not prepared to sustain. I wish to ask him whether it is possible to divide his proposition; so that, in regard to the Central American question, I can give a distinct vote without committing myself to the residue?

Mr. PUGH. I ask, then, for a division of my amendment in this form: The first branch of the amendment is to define how many ministers plenipotentiary and envoys extraordinary we shall have; and that reduces the grade of the missions to Prussia and Austria. They ought not to be of the highest grade. They ought to be reduced. Our relations with Austria and Prussia do not justify them. That may be the first branch. The second one defines the ministers resident and commissioners; the other one will be upon the question of consolidating certain of these missions, and even that may be divided so that we may vote on each mission. The first branch of the question may be taken on reducing the number of envoys extraordinary.

Mr. MASON. The only effect of the plan of the honorable Senator from Ohio, if it should be adopted by Congress, would be to bring the executive and legislative departments in collision upon their respective constitutional rights. The President, I take it for granted, would feel himself bound, from constitutional obligation, to regard the Constitution and to disregard the law. I had supposed that there could be no clearer proposition than that the grade of the minister, and the country to which he should go, as well as the duties he was to discharge after he got there, resided with the Executive, and were placed there by the Constitution.

In the law of 1855, which was drawn up as I have said, by a very able member then of the House of Representatives, in some way a provision of this sort got into it: the law said the President should appoint ministers of a certain grade to certain countries; and the President at that day very properly declined to execute that law, and afterwards it was remodeled in such a way as to leave the power in the President to determine the grade of the mission. Now, I submit to the honorable Senator, if he thinks it is wise that this discretion should be vested in Congress, and not in the Executive, that the only way to get at it is to remodel the Constitution. Congress might do this, if it thought proper; but I should think it would be an unwise exercise of its discretion. Congress might say that the salary of a chargé d'affaires or the salary of a minister resident being limited to such an amount, we will appropriate for a minister resident only, to Prussia, or for a chargé to Prussia; and in that way, it might restrict, but I think unwisely, the Executive discretion. But at last, if Congress were to legislate in that way to limit the salary to Prussia, or to Sardinia, or to any other country, to the salary appropriate to a minister resident, or to a chargé, although, certainly, the President could give the minister no other compensation, he has full power to raise the grade of the mission, and you cannot take it from him.

I think, therefore, the only effect of this proposition would be to bring the two departments into collision without attaining any other object than bringing about that collision; for it is clear —no gentleman doubts—that the Executive is a department of the Government, as entirely independent of this department, as this department is independent of the Executive, and made so by the Constitution for great and wise purposes; and it is not in our power to trench on the authority of the Executive, or to take from him what the Constitution gives.

Mr. BENJAMIN. I had intended, the other day, when this subject was up, to say a few words on it, although the Senate is impatient of debate, and we all desire to get a vote. I concur very fully in the general views of the Senator from Ohio. I desire very much to see the appropriations for our foreign diplomatic intercourse cut down; but I would suggest to him whether he has taken exactly the right course for that purpose. When the bill was passed, a few years ago, the question arose, as stated by the Senator from Virginia, and was submitted to the Attorney General. He gave it a very elaborate investigation. I have sent for his opinion, which is contained in the last volume of the Opinions of the Attorneys General. He showed, by the early practice of the Government, by the interpretation put upon the executive and legislative powers at the origin of our Government, that it was at that time considered that the Executive had the sole control of the foreign intercourse of the country, and that the only control the legislative department of the Government could properly exercise over him was in limiting the appropriations; and accordingly, in the early history of the Government, as the Senator from Virginia remarked the other day, the plan adopted was this: a certain amount of money was set apart for meeting the diplomatic expenses of the Executive, and he was allowed to expend that sum in just such missions as he pleased; but Congress did not assume, and, I agree with the Senator from Virginia, could not well assume, to indicate the precise grade or rank of each minister that should be sent to each foreign Power. If the President has business to be conducted with any foreign Power, which, in his judgment, requires an envoy of the first rank, we cannot, by law, prevent his sending to the Senate a nomination for an envoy of that rank. Congress may refuse to appropriate for him; but if the President sends to the Senate a nomination for a minister of a particular rank to a particular Power, we cannot refuse to act upon his recommendation, on the ground that there is no law authorizing him to send such a grade of minister to such a point.

In the origin, this power was exercised in the way I have indicated. The President looked over our foreign relations; and at different times, up to the year 1798, he made use of the appropriations of money allowed by Congress in sending abroad such diplomatic agents as he desired, with such rank as he desired, to such countries as he desired to send them to, and made return to Congress each year of the way in which he had expended the fund.

Now, by the Senator's amendment, we undertake to designate to the President to what countries he shall send agents, with what countries he shall entertain relations, and what shall be the grade of the agents he shall send. I think these are purely Executive functions. I think he cannot reach this evil, which I admit to exist, of the very unnecessary multiplication of our foreign agents, who really do nothing whatever. I do not suppose there is a solitary thing done by the minister to Rome at any time, except to introduce Americans to Court balls, and to kiss the Pope's toe; and so with fifty other missions that we have, scattered in all the minor Powers both in the Old and the New World.

Let us then, sir, take into consideration what we deem ourselves to be a sufficient fund for keeping up the foreign intercourse, on a footing that recommends itself to our judgment; let us appropriate that fund, to be used by the President in the foreign intercourse of the country; let him select the grade of agents to the countries with which he wishes to keep up this intercourse; and, being limited in the amount to be expended, the State Department will very soon find out where it can dispense with ministers, and where it ought to dispense with ministers. If the Senator will shape his amendment that way, so as to bring back the practice of the Government to what it was under Washington, I will go with him, heart and soul; but I cannot agree to pick out particular missions, with our limited information on the subject, and say how the President shall organize them, what grade of agent he shall send abroad, and which of them he shall discontinue. I am sorry to have detained the Senate.

Mr. SEWARD. Mr. President, I am unable to subscribe to the doctrine which has been advanced on this floor, that the entire arrangement and composition of the diplomatic establishment of the United States is independent of Congress, except that they may be consulted so far as to provide the moneys to be paid for their salaries or compensation. I agree that, by the law of nations, it is the duty of the United States to be a social nation, to maintain intercourse of friendship and amity and commerce with all other nations. I agree, also, that according to the practice of modern nations, the United States must maintain intercourse by ministers appointed for that purpose, with diplomatic functions. But, sir, I find nowhere in the Constitution any grant of exclusive power to the President of the United States to determine where those ministers shall be accredited or the length or duration of their offices. They are described in the Constitution just as all other officers are described—in the most general terms, indeed—but still in language as definite as that which describes other officers:

"He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law."

The Congress of the United States, it seems to me on this reading of the Constitution, have exactly the same right to direct, and are under the same responsibility to direct, where ministers shall be accredited, how long they shall remain in the discharge of their duties, in the appointment of ministers to other countries, on the grounds of the public welfare or expediency, that they have in regard to consuls and in regard to judges. The whole subject, it seems to me, is referred by the Constitution to the discretion of the Congress of the United States. With this view of the subject, I am obliged to differ from those who say that the President has power to appoint ministers, and that Congress have no check or power of restraining the Executive there except by refusing to appropriate for the salaries. But if there were good reasons for the proposition which I have been endeavoring to controvert, it still seems to me that the amendments proposed by the honorable Senator from Ohio avoid the objection which has been made. His amendments are merely to strike out the appropriations for ministers, leaving the President all the power that he would have should the bill pass without the amendment offered by the honorable Senator from Ohio. And now, in regard to it, I see several propositions here which I think it is quite as good to adopt now as at any other time. I see no reason why the minister of the United States at Naples should not be authorized also to perform the duties of minister resident at Rome; why the mission at Sardinia may not also embrace Switzerland, with which our relations are not at all embarrassing or difficult; and why the mission at Belgium might not also be conferred upon the same person who performs the duties of minister resident at Holland. So in regard to the Central American and South American States; and, indeed, in regard to many of these States, it is apparent that there is no necessity for a resident minister at all, but that special agents and ministers may perform the duties.

I have explained, now, my general view of the subject; and when the Senator comes to take the sense of the Senate on these several propositions, I shall with great pleasure vote for them, if the honorable Senator from Ohio will put them in a position where I can discriminate.

Mr. HUNTER. I understand the Senator from Ohio to say Buenos Ayres and the Argentine Confederation are the same place. I believe the fact to be that Buenos Ayres was once in that confederation, but she is now separate. We have had within my recollection separate ministers to Buenos Ayres—Mr. Pendleton and afterwards Mr. Harris.

Mr. PUGH. Then it has been created in the last year; for it is not in the Blue Book; and it is another case to show the extravagance of the system. I do not intend to go into this argument. I think the reply of the Senator from New York is perfectly triumphant. In the first place, if I should grant the whole premises of the Senator from Virginia and the Senator from Louisiana, my amendment does not touch it. My amendment simply fixes the appropriation. If the President has power to appoint any more ministers, he may appoint them with all the rank he can give them; but we do not pay for them. That is all my amendment proposes. As for me, I consider that he has no more right to appoint a minister at *his fiat* than he has to add to the number of judges of the Supreme Court; not a bit more. He has no more right to appoint a minister to Great Britain, without authority of law, than he has to make twenty judges of the Supreme Court. Nor do I understand that there has been any such practice. Congress authorized him, in early time, to appoint envoys extraordinary without naming the places, because he used to send one man to half a dozen Governments; but I am glad that the Senator says that, because at Buenos Ayres, which is a small State, separated from the Argentine Confederation, we now have a new mission. It is since the printing of the Blue Book; and I see, by the newspapers, that the President has tendered the mission to Bogota to some gentleman, and the gentleman declined it. When is this thing to end? Every little petty prince, or every little petty anarchy—for I do not call them Republics, or even Governments—that sets up, the President can appoint a minister and of any grade; can make every one of them envoys extraordinary and ministers plenipotentiary, we are told. If he has this unlimited power in the appointment of ministers, and can appoint as many as he pleases, what is to prevent him from appointing twenty ministers to England—twenty-five envoys extraordinary? Gentlemen say we do not appropriate the money. Let us tell him so now; let us tell him we are not going to appropriate money for any higher grades nor any more officers than those which we name; and, if he appoints more, their glory shall be their compensation. That is my amendment. If the President has any such power, it does not take it away from him; it simply holds on to the purse of the nation. The division which I propose is, that we may first vote upon the number of envoys extraordinary, and for which we will appropriate the salaries; and the only change I have made from the original bill is, to provide that we will not pay the salary of ministers plenipotentiary and envoys extraordinary at the courts of Prussia and Austria. There is no need for them there; we have no business with them adequate to such a grade.

Mr. MASON. I ask that the amendment shall be read. The honorable Senator has modified it, I think, once or twice, and I really do not know what its provisions are now.

The Secretary read the amendment, which is to strike out from line seven, and insert:

For salaries of envoys extraordinary and ministers plenipotentiary of the United States at Great Britain, France, Russia, Spain, Brazil, Mexico, and China; for salaries of ministers resident at Prussia, Austria, the Argentine Confederation, Chili, Peru, Portugal, Switzerland, Rome, Holland, Denmark, Sweden, Turkey, Japan, Venezuela, and New Granada; for the salaries of commissioners to the Sandwich Islands and Paraguay —— thousand dollars: *Provided*, That the duties of the mission of the United States at Naples shall be discharged by the minister resident at Rome; those of the mission at Sardinia by the minister resident at Switzerland; those of the mission to Belgium by the minister resident at Holland; those of the several missions at Guatemala, Honduras, Nicaragua, and Costa Rica, by the minister resident at New Granada; those of the mission at Bolivia by the minister resident at Peru; and those of the mission at Ecuador by the minister resident at Venezuela: *And provided further*, That no other embassador, envoy extraordinary, minister plenipotentiary, ministers resident, commissioners, or charges d'affaires shall be entitled to any compensation during the said fiscal year.

Mr. MASON. Then the effect of the amendment is simply this: to prescribe, in the first place, to the President what shall be the grade of the missions to the countries enumerated——

Mr. PUGH. The effect of the amendment is in accordance with the Senator's idea, to appropriate a sum of money, which would be the salary of an envoy extraordinary at these places; but if he chooses to appoint a minister of less grade, there will be a less salary. We allow him money enough to give the highest rank.

Mr. MASON. Then the amendment does not read so. The amendment appropriates salaries for ministers plenipotentiary at England and the countries embraced within one class; it appropriates for ministers resident at Prussia and the countries embraced within that class, &c. Now, that is to take from the President, or rather to assert the right to take from the President, if he thinks proper to send a minister plenipotentiary to Prussia instead of a minister resident. Then, in the next place, it prescribes who shall be the person to discharge diplomatic duties at one or more countries. It takes from the President the field of selection.

Mr. SEWARD. The honorable Senator will allow me to make a suggestion there. It does not take from him the power of discrimination of the persons by whom, or the character in which, negotiations shall be carried on in those countries, but it does say that the Congress of the United States will pay a certain class of agents, and it does not say that it will pay any other class if the President should send them. I should like to hear the Senator on that.

Mr. MASON. It says this: provided that the duties of the minister at one place shall be discharged by the minister at another place—that is the language of the amendment.

Mr. PUGH. That is, the same person shall discharge the duties of the missions at two places.

Mr. MASON. It reads, "provided that the duties of the mission of the United States at Naples shall be discharged by the minister resident at Rome."

Mr. SEWARD. That is a proviso.

Mr. MASON. That is perfectly immaterial; it is an enactment. Now, that is to say to the Executive, that it is the will of Congress that whoever you shall appoint minister resident at Naples shall discharge the duties of minister resident at Rome. The Executive may differ with Congress in that, and may differ for wise reasons; but you are calling upon the President to pass from the Executive the power that the Constitution lodges in the Executive to transfer it to Congress; and how? Not by a consideration, with proper deliberation, of the relative power of the Executive and the power of Congress, but by a sudden amendment here to an appropriation bill. I do not doubt that the end of the honorable Senator can be attained, so far as the number of these missions is concerned, by limiting the appropriations. He may put in an amendment to this bill

if he pleases, and will have full power to do it, declaring that no part of the money appropriated shall be used to pay a minister at Naples or at Rome, or at any other place—to pay any public functionary of a diplomatic character at any of those places. He may attain his end in that way; and, as I said to him at a former time, I should be very happy to coöperate with him in some general mode by which the number of these missions shall be limited; but I cannot coöperate with him to take from the Executive its constitutional duties when the only result will be, not to give effect to the legislation of Congress, but to bring the Executive into collision with the Legislature.

Mr. PUGH. I will obviate that difficulty by striking out the word "shall," and inserting the word "may." I see nothing in the objection; but I will provide that the duties of the mission at Naples may be performed by the minister at Rome; and if the President does not tell him to perform them, they may go without performance.

Mr. MASON. The Senator knows very well that "may," in law, is generally construed "shall."

Mr. PUGH. Not always.

Mr. MASON. Generally.

Mr. PUGH. If the English language will not obviate these constitutional objections, I think they will have to stand. I modify that part of my amendment; and now let us have a vote on the first branch.

Mr. HALE. I think I shall go for this amendment; not because I believe any great good will grow out of it—not the slightest; but because it will show that there is a disposition to do good. I think we had a little instruction on this point yesterday. You lump half a dozen of these little Republics together, and somebody will go out there, minister to Guatemala; with three or four Republics tacked on to the end of it, discharging the duties of several missions; and in some ten years, perhaps, he will come here and ask for an extra outfit and extra salary for every one of them. We have seen that; we had it up yesterday. We sent a minister to Guatemala, or New Granada, and he was gone about a year, and the thing has lain ten years, and now he comes up and wants an extra outfit; and I think he would have got it if we had taken the vote yesterday. If you lump these missions together, the result will be that these missions to South America will be the most desirable ones, because a man will have a pocket full of them, and he will have outfits and salaries to every one of them, and his pay will be some fifteen, twenty, or thirty thousand dollars—the Lord knows what.

But still I am for this amendment, because it will show what the disposition of Congress is, and I think the best way is to begin now. You know, Mr. President, and I know, and I think almost everybody knows, what is the use of these missions. I do not know that the one at Rome has anything else to do but kiss the Pope's toe, but I know that the one at Austria had another and higher purpose—a great deal higher, sir. It was to console the wounded feelings of a defeated Democrat in a Democratic district, [laughter,] and hurry him off to the Austrian Court, where he would never be in danger of having his ears worried with the sound of Republican triumph. You would have thought that he would have been safe from that in old Berks county, but he was not; and as long as the triumph did reach there, I do not believe, after a Republican triumph disturbed him in old Berks county, that there was another place on God's earth where he could have got and been safe short of Austria, [laughter;] and it was wise in the President to send him there.

Now, sir, I am for limiting this. I think it has been carried far enough; but the result will be what I have said. This reform will only be on the statute-book. There will be some way of getting around it; there is no doubt about that. There will be some construction; I have had a little experience of this, and I will tell it now while I am up, for I do not take the floor very often, and when I do, I do not occupy it long. Gentlemen talk about the President's authority. I happened to be in the Senate when we ratified the treaty with Mexico. The President nominated a gentleman for commissioner, with a salary of $6,000 a year, and an outfit of $6,000. He went out to Mexico with $12,000 as commissioner to ratify the treaty. He got it ratified. Then the President sent in his name here as minister plenipotentiary to the same place, raising his salary from $6,000 to $9,000. I believe it is in order for a man to tell what he himself did in executive session; I know that was the opinion of Mr. Benton and of Mr. Webster, and this was ten years ago. I objected to his confirmation upon the ground that if we confirmed him he would take an extra outfit of $9,000 in addition. I was assured by a man who undertook to speak for the Executive, that that would not be done; and he was confirmed upon a pledge that he should not have the $15,000 outfit. Well, what was the result? He got it, and, I suppose, if you were to ask the Supreme Court of the United States whether that was legal, they would tell you it was, for that gentleman is a member of that body now, and you would undoubtedly have an opinion that that was a constitutional payment and a constitutional way to get at it.

I am glad to see the amendment the Senator from Ohio offered. I do not want to impeach or impugn his patriotism at all; I think he has offered it not only with high motives of patriotism, but because he is willing to lay down safe rules for us when we come into power, which we undoubtedly shall. [Laughter.] I was gratified to hear the Senator from New York avow his support of it; I turned around privately and asked him in his private ear if he would stick to it when he was President, and he says he will. [Laughter.] Therefore I am for it.

Mr. SEWARD. I hope I may be indulged in one word of explanation about my part in that private debate. I said "we will." [Laughter.]

Mr. HALE. Exactly.

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) A division of the amendment is asked for. The first branch of the amendment, on which the vote will now be taken, is, to strike out from line seven to line sixteen of the bill, and insert:

For salaries of envoys extraordinary and ministers plenipotentiary of the United States at Great Britain, France, Russia, Spain, Brazil, Mexico, and China.

Mr. SIMMONS. I should like to inquire what the pay of the minister plenipotentiary to China is?

Mr. PUGH. Twelve thousand dollars.

Mr. SIMMONS. The law now prescribes the salaries of all these men?

Mr. PUGH. Yes.

Mr. SIMMONS. But it does not pay them, as I understand. I do not know what we are going to vote for.

Mr. PUGH. This will be $12,000.

Mr. SIMMONS. Is it not just so now?

Mr. PUGH. Yes.

Mr. SIMMONS. If we vote that part of the amendment, we have no change in the law.

Mr. PUGH. No.

Mr. SIMMONS. Then what is the use of it?

Mr. PUGH. We strike Austria and Prussia out of that list.

Mr. WILSON called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 26, nays 26; as follows:

YEAS—Messrs. Broderick, Chandler, Clay, Clingman, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Hale, Hamlin, Harlan, Johnson of Tennessee, Kennedy, King, Polk, Pugh, Reid, Seward, Shields, Simmons, Trumbull, Wade, and Wilson—26.

NAYS—Messrs. Allen, Bates, Benjamin, Bigler, Bright, Brown, Chesnut, Davis, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Jones, Mallory, Mason, Rice, Sebastian, Slidell, Smith, and Toombs—26.

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the remainder of the amendments.

Mr. MASON. As I read the amendment, it requires that the duties of the mission at Venezuela shall be discharged by the minister resident in Ecuador.

Mr. PUGH. *Vice versa.*

Mr. MASON. That the minister at Venezuela shall discharge the duties of minister to Ecuador?

Mr. PUGH. If the first branch of the amendment is lost, I do not know that it is necessary to press the rest, except the last proviso; and the last proviso I offer.

Mr. MASON. I understand I was entitled to the floor.

The PRESIDING OFFICER. Yes, sir.

Mr. MASON. I wanted the Senator to show how the minister at Venezuela was to get to Ecuador, and *e converso*, from Ecuador to Venezuela. The honorable Senator from Florida, [Mr. MALLORY,] who is more conversant with the geography of that country than I profess to be, says that he would have to go to New York first and then go there. [Laughter.]

Mr. PUGH. I do not think he would. I know enough about geography to be satisfied that that is not so.

Mr. MALLORY. He would have to go across the isthmus, certainly.

Mr. SLIDELL. It is perfectly evident the Senate cannot now act understandingly on this subject. There is no single member of the Senate that really knows what this amendment contains. It ought to have been printed. It then could have been deliberately examined. I propose to postpone, until to-morrow, the further consideration of this bill, with a view to take up the bill for the acquisition of Cuba. The Senator from Vermont [Mr. COLLAMER] has been entitled to the floor, and is prepared to speak, and I hope he will be permitted to go on. It is perfectly evident that the Senate cannot now act with that deliberation and knowledge that it ought upon this question.

Mr. HUNTER. I believe two days have elapsed since the amendment was offered; and if the Senate have not acquainted themselves with its contents or its nature in that time, they are not likely to do so between now and Monday. I maintain that there is so little time left, that we should dispose of the appropriation bills first. The Senator from Vermont, I have no doubt, will be heard in good time; but I suppose, he would rather speak in the morning, or some other day, than go on now. At any rate, we have this bill up, and I hope we shall finish it. We all know the difficulties we encounter in getting up an appropriation bill. When it is once up, it should not be laid down until we have a final disposition of it.

Mr. CRITTENDEN. I hope the bill will be proceeded with. The gentleman from Vermont will, I am satisfied, be perfectly contented with that course.

Mr. PUGH. I was about to relieve the Senate, when the Senator from Virginia answered so abruptly, of the difficulty If the Senate means to perpetuate the present salaries of the ministers to Prussia and Austria, I certainly am not going, after the Senate has confirmed what I consider so wanton waste of the public money as that, to squabble about these little places; and inasmuch as the first branch of my amendment had failed, I was about to withdraw it all, except the last proviso, which provides that we will pay no salary for any minister not already named in this bill. I want to stop that at least; and therefore, with the consent of the Senate, I withdraw all the amendment, except that to come in as a proviso.

Mr. POLK. I object to the withdrawal. Let us have it altogether.

Mr. PUGH. The proviso is that no other officer except those named in the bill shall be paid.

The PRESIDING OFFICER. The Chair understands that there is a motion made by the Senator from Louisiana to postpone the pending bill and all prior orders.

Mr. SLIDELL. As a preliminary motion, I move to print the amendment.

Mr. PUGH. It has been printed in the Globe.

Mr. SLIDELL. I insist on my motion to postpone the further consideration of this bill until to-morrow, and take up the Cuba bill.

Mr. HUNTER. I have only to repeat what I have said before, that I hope the question will be taken.

Mr. WILSON. I ask for the yeas and nays on this motion.

Mr. HUNTER. Perhaps it would be better to take the yeas and nays. Let us decide whether we shall go on with the appropriation bill or not.

The yeas and nays were ordered; and, being taken, resulted—yeas 5, nays 46; as follows:

YEAS—Messrs. Benjamin, Green, Houston, Mallory, and Slidell—5.

NAYS—Messrs. Allen, Bates, Bayard, Bigler, Broderick, Brown, Chandler, Chesnut, Clark, Clay, Clingman, Crittenden, Davis, Dixon, Doolittle, Douglas, Durkee, Fessenden, Fitch, Fitzpatrick, Foot, Hale, Hamlin, Hammond,

Harlan, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Kennedy, King, Mason, Polk, Pugh, Reid, Rice, Seward, Shields, Simmons, Smith, Stuart, Toombs, Trumbull, Wade, and Wilson—46.

So the motion was not agreed to.

The PRESIDING OFFICER. The Senator from Ohio withdraws all his amendment, except that portion which will be read.

Mr. SEWARD. Objection was made to the withdrawal of the amendment.

Mr. PUGH. The amendment was defeated by the former vote, and it is not worth while to go further. I think the Senator from Missouri will withdraw his objection.

Mr. POLK. I withdraw it.

The PRESIDING OFFICER. It does not require unanimous consent to withdraw it.

Mr. DOOLITTLE. I should like to have the precise state of the question announced.

The PRESIDING OFFICER. The Chair will state to the Senate, that the Senator from Ohio withdraws all of his amendment except that portion which will be read by the Secretary.

The Secretary read it, as follows:

At the end of the sixteenth line, insert:

Provided, That no other embassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, or chargé d' affaires, shall be entitled to any compensation during the said fiscal year.

Mr. DOUGLAS. Add "or diplomatic representative."

Mr. PUGH. I accept that.

Mr. DOOLITTLE. I confess that I am, as a general thing, opposed to legislation on appropriation bills; but if I am correctly informed, it is only by means of the appropriation bills that there can be any legislation upon this subject; and, therefore, it is perfectly proper, on this appropriation bill, to introduce provisions of this kind. I am disposed to favor the amendment offered by the Senator from Ohio, because I sympathize in the object which is avowed and which is sought to be attained by the amendment. I am, so far as it can be consistently carried out, in favor of retrenchment in the expenditures of the Government in every department. I confess, however, that I do not anticipate very large results in that direction from the diminution of the salaries of those officers who are necessarily employed in the service of the Government. If possible, I would reduce their numbers; but so long as they are employed, we must pay them enough to live.

Sir, I believe we are in the midst of a great commercial revolution going on throughout the world; a revolution which does not depend upon acts of Congress, or decrees of emperors; a revolution which is determined by the laws of trade, and which can no more be controlled by legislation than you can control the currents of the air or the currents of the ocean itself. Sir, that revolution grows out of the great discoveries of gold and silver which have been made within the last ten or fifteen years. There is a rapid depreciation going on, day by day, in the value of money. The word "dollar" is changing its signification every month and every year; and the rate at which that word is changing its signification is greater than the amount of interest which may accrue upon it at six, or even seven per cent. We are experiencing, to-day, in the commercial world what was experienced more than two hundred years ago on the first discovery of the gold and silver mines of the New World. What was the effect of that discovery? During a period of about twenty-five years, when the annual product of the mines was five times as great as it had previously been, the prices of all commodities, the prices of all real estate, the prices of all personal property, upon the average, trebled in their nominal value; and during the next thirty-six years, after the annual product had become over six times as great, the average value of property quadrupled in nominal value; while from 1636 to 1846, two hundred and ten years, the value of the precious metals underwent no material alteration. We are undergoing, to-day, just such an operation, and from the same causes. Previous to the year 1846, the annual production of all the gold and silver mines of the earth did not exceed forty or fifty million dollars. At once, in 1846, and from that time onward, the amount of these productions has risen from forty or fifty million dollars to one hundred and seventy-five or two hundred million dollars. I hold in my hand the statement, as made by Baron Humboldt, on this subject. He tells us that the annual supplies of the precious metals obtained from America, were as follows:

	Average per annum.
From 1492 to 1500	$250,000
" 1500 to 1545	3,000,000
" 1545 to 1600	11,000,000
" 1600 to 1700	16,000,000
" 1700 to 1750	22,500,000
" 1750 to 1803	35,300,000

McCulloch estimates the annual productions of the gold and silver mines

From 1800 to 1809	$49,000,000
" 1810 to 1836	30,000,000
" 1836 to 1847	67,000,000

Up to the discovery of the California and Australia gold mines, the annual production of all the mines of the world did not exceed fifty or sixty million dollars. What has been the effect of these large discoveries in those countries? During the last ten years the annual productions have been more than one hundred and fifty million dollars. The effect throughout the commercial world is beginning to be felt, the same that it was two hundred years ago. After the year 1636, when the amount of the annual production of the gold and silver mines of America had been ascertained to be reliable; from that time onward, for more than two hundred years, the average price of property in England remained about the same. A quarter of wheat, an acre of land, with equal improvements, a horse, a cow, any of the common necessaries of life, not the result of manufacture by improved machinery, remained the same upon the average. Like causes produce like effects, and we are to-day, undergoing precisely the same commercial revolution. I do not mean a commercial revulsion from temporary causes, but a permanent revolution. Legislation cannot prevent it, acts of Congress cannot prevent it, nor the decrees of the most powerful potentates on earth. It is controlled by the laws of trade; it is as certain as the revolutions of the earth. The truth is, and we may as well open our eyes to the fact, that money is depreciating in its nominal value; gold is becoming cheaper in comparison with the other productions of the world; therefore it is that these great changes in price are going on, and therefore it is that I desire to say a single word on this subject of salaries, of which we have heard so much.

The truth is, that a salary of $5,000 to-day, is not worth as much as a salary of $2,500 fifteen years ago. A salary of $5,000 to-day will not buy as much of the actual necessaries of life as a salary of $2,500 would before the discovery of the gold mines of California and Australia. That revolution is going on, and in the period of about twenty-five years we may expect to see the same results which were produced in a period of twenty-five years of the successful working of the gold mines of Potosi and other American mines, in the latter part of the sixteenth century.

Whilst, therefore, Mr. President, I am in favor of retrenchment in all reasonable ways, when applied to the administration of the affairs of this Government, I do not believe that any very great retrenchment is to be found in attempting to reduce the salaries of the officers who are necessarily employed by the Government. If there are any unnecessary officers, discharge them; but while we employ them we must pay them enough to live, or we can have no honest men in our employ. None but the dishonest will seek them, and then for corruption and plunder. Owing to these causes, and the vast expansion of our territory, a much larger sum in dollars to-day, compared with what was necessary thirty-five or forty, or even twenty years ago, is necessary in the administration of the Government.

I have felt called upon to say this, because I expect that the party with which I act will come into power with the next Administration, and I desire to say for one that I do not indulge the hope which I sometimes hear expressed, that the expenses of the administration of this Government can be reduced down to $30,000,000, or even $40,000,000. Still, Mr. President, I will go with those who are prepared to go furthest in retrenchment and lopping off every unnecessary expenditure. I am not, however, prepared to reduce the salaries of officers who actually perform service which is necessary to carry on the administration of the Government, down to or below the starvation point.

Having said this much (and it is all I desire to say on this whole subject) in reference to retrenchment of salaries, I shall conclude by simply saying that I shall support the amendment which has been offered by the Senator from Ohio, as it seems to put some limit upon Executive discretion.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) The question is on the amendment of the Senator from Ohio.

Mr. MASON and Mr. SEWARD called for the yeas and nays.

The yeas and nays were ordered.

Mr. HUNTER. I hope my colleague will not insist on the yeas and nays. The amendment only provides that none of the money appropriated shall be applied to new offices to be created. We have a perfect right to confine it to those which are mentioned in the bill.

Mr. MASON. The effect of it will be this: There is an existing law which provides that whenever the President, at his discretion, shall direct a minister at one place to be accredited as minister to another place, which he has an undoubted right to do, then the minister accredited to the second place shall receive, as his compensation, half the salary of the place to which he is so accredited, in addition. It was put in for the purpose of cutting off those frequent applications that were made, when the President directed the minister at one place to be accredited to another place, for the full salary of both. It was intended to cut that off. The effect of this amendment will be, by implication, to destroy that law. What other effect it may have I do not know; but I do know that when measures of this sort are sprung upon Congress without deliberation and examination into existing laws to see what effect they may have, it very frequently operates, and in the instance I have put it will operate, to defeat the operation of the existing law, when, I presume, it was not so intended.

Mr. PUGH. I fully examined the existing laws before I offered my amendment. The Senator evidently has not, or he would not make the objection. The bill already appropriates the full salary of every mission we have, so that the proviso will not have any such effect as he suggests. It will prevent paying for new missions.

The question being taken by yeas and nays, resulted—yeas 32, nays 15; as follows:

YEAS—Messrs. Benjamin, Broderick, Chandler, Clark, Clay, Clingman, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Fitch, Hale, Hamlin, Harlan, Hunter, Johnson of Tennessee, Jones, Kennedy, King, Polk, Pugh, Reid, Seward, Shields, Simmons, Stuart, Trumbull, Wade, Ward, and Wilson—32.

NAYS—Messrs. Allen, Bates, Bigler, Bright, Brown, Chesnut, Davis, Fitzpatrick, Houston, Johnson of Arkansas, Mallory, Mason, Rice, Slidell, and Smith—15.

So the amendment was agreed to.

Mr. SIMMONS. I believe that amendment stops a further increase of diplomatic expenditure; no new mission is to be created under this bill. I desire to offer a further amendment, with a view to make some retrenchment in the present expenditures of the diplomatic service. It is to add this proviso:

And provided further, That the salaries provided for in this section, and the salaries and compensation of all other officers provided for in this act, shall be computed in the gold coinage of the United States; and in no case shall there be any allowance to any officer upon any draft drawn by him for his salary or compensation of more than —— per centum upon the amount of such draft.

I will state that this is for the purpose of cutting down a most extraordinary allowance, in the form of exchange upon the salaries of very many of our diplomats abroad. There was a letter addressed to the chairman of the Committee on Finance, by the former Secretary of the Treasury, in April, 1856, setting forth the enormous loss of exchange to which the Department was subjected by this usage of the Government. I called the attention of the chairman of the committee last year, when the diplomatic bill was up, to this matter. The exchanges range from four to seventy-five per cent. on the amount of the salary. I propose to limit it, so that it shall in no case exceed ten per cent. When I was up the other day, I stated that the Chinese exchange amounted to forty per cent. on every cargo of goods imported; that we did not get duties on more than three dollars for every pound sterling of the value of a Chinese cargo imported; and that, therefore, taking the expenses of importation and exchange, the rates of duty did not exceed one half what

the law fixes. The Senator from Georgia [Mr. TOOMBS] said I was mistaken, and that he could show it some time. Well, I have waited three or four days in hopes that he would venture upon such an explanation.

I do not desire to detain the Senate long; but whenever a statement I make in reference to any business is called into question, I generally take the pains to get the documents. I intend, whenever I speak, to speak to a matter of business; and when the Senate become acquainted with me a little, they will be a little careful how they dispute it. I went to the State Department. I called upon the Senator from Louisiana, who reported a bill last year to pay one of these foreign officers, and he stated they did not pay the exchanges at the Department. I thought I could not be mistaken. I noticed that the former Secretary of the Treasury, to whom I allude, was hardly ever mistaken when he called the attention of Congress to a subject. I went there yesterday and got certificates of the rates of exchange in 1856 and 1857, that were paid by the Government upon the drafts of the officers who drew for their salaries. I will read the one for 1856, to show what we pay in addition to what is allowed by law:

Certificate of exchange.

SHANGHAE, *December* 31, 1856.

I, George Griswold Gray, merchant, and doing business as such at the place aforesaid, do hereby certify that I am acquainted with the rate of exchange, at this day, between said place and the United States of America; and a bill of exchange or draft drawn here, payable at the Treasury of the United States, cannot be sold for a greater sum than fifty-eight cents upon the dollar, upon the face of said draft.

GEO. GRISWOLD GRAY.

I said the discount on exchange was forty per cent; that, therefore, for a pound sterling, which was about five dollars, you would get only three dollars in Shanghae. That was the statement I made the other day, when the Senator from Georgia so confidently contradicted me. This certificate shows that the discount, in 1856, was forty-two per cent. Here is a certificate from the consul, which confirms it:

UNITED STATES CONSULATE,
SHANGHAE, *December* 31, 1856.

I, R. C. Murphy, United States consul at this place, do hereby certify, that a bill of exchange, or draft, payable at the Treasury of the United States, could not be sold for ready payment, on this day, at this place, for more than *fifty-eight* cents upon the dollar of the face of said draft or bill; and that is the value of the difference of exchange between the two countries at this date.

R. C. MURPHY,
[L. S.] *United States Consul.*

That was the rate in 1856. When I made the statement about the difference of exchange with China, I alluded to the rate of 1856 and 1857. I had seen them in the newspapers. I have one here, dated March 1, 1857, which is just forty per cent.—what I stated. I will read it:

SHANGHAE, *March* 1, 1857.

I, George Griswold Gray, merchant, and doing business as such, at the place aforesaid, do hereby certify that I am acquainted with the rate of exchange, at this day, between said place and the United States of America; and a bill of exchange or draft drawn here, payable at the Treasury of the United States, cannot be sold for a greater sum than *sixty cents* upon the dollar upon the face of said draft; and further, that *Mexican dollars* are only worth, at this day, *seventy-two cents* upon the dollar.

GEO. GRISWOLD GRAY.

I got these certificates to convince the Senator from Georgia that I was correct in my statement about the exchange in 1856 and 1857, which I said was three dollars for a pound sterling. I am told by the Secretary of State that now, when any of our diplomatic agents or consuls draw for their salaries, the practice is to allow them the difference of exchange. I wish to call the attention of the Senator from Virginia to the fact, that the present minister plenipotentiary to China, if he were to draw for his salary, at that rate of exchange, would get over twenty thousand dollars; whereas his salary, by law, is $12,000. There would be over eight thousand dollars exchange. Here is a man who is given, by the law, $12,000 a year; and every year he draws his salary it is over twenty thousand dollars. The Mexican dollars, which are the currency in the south of China, are here stated to be worth only seventy-two cents, and the Carolus dollars are the circulating medium of the country. That is stated in one of these certificates; but I do not know what that had to do with it. I see by a document in the State Department, that one of our present consuls has made an arrangement that duties may be paid into the Treasury of China in Mexican and Spanish dollars, which will save some twenty-eight per cent. on the amount paid; but such were the prejudices against them, and the interest of the English merchants, that he was unable to get them to take this money as currency; but that modification has tended very much to lessen the exchange, because there is not so much demand for these Carolus dollars. I knew the Senator from Georgia was mistaken, instead of myself, when I made the statement of what the exchange was. Besides, exchange is very much affected, as everybody knows, by the falling off of business. Imports into the United States from China are less than they were a year ago, and now the rate is probably not quite so high.

My amendment presents a fair test of supplying the Treasury by a reduction of the outlay. The Senator from Virginia, the other day, when he interested us so much with his speech, said the true way of replenishing the Treasury of the United States was by cutting down appropriations; and I have waited with great anxiety to see how far we should succeed on this diplomatic bill; and we have taken two days, and have not cut off a dollar yet. Now, I propose to take out this premium. That will be some saving, perhaps, of fifty or sixty thousand dollars a year. Here are your whole disbusements for the Navy paid in the same way. We disburse a great deal of money in the China seas, and there is a difference of twenty or thirty per cent. in the different ports between the different kinds of money. In the intrinsic value of the money that passes, there is not a mill's difference on a dollar; and our dollars would pass as well, I have no doubt, if we had them there. But we are paying from twenty to twenty-five and forty-two per cent. on exchange, and it goes on from year to year, disbursing millions, with nobody here to see that you do not lose two fifths of it, when you might as well send the coin there as have it in your sub-Treasury, and save this expenditure. I do not want to disturb the ordinary mode of our ministers' transacting the business. If they can do better by drawing exchange, let them do so. I am willing to compensate them liberally; but I do not believe in letting them draw exchange at forty-two per cent. discount, when a man in China can invest the money in tea that will pay one hundred per cent. on what it costs. We have had some of these tea merchants in Newport, and they have built palaces. One who was here investing for his brother, four or five years ago, told me the commissions of that house had invariably netted enough to enable him to invest two to one for every dollar remitted to China.

Now, I say that our Treasury has been bleeding for years by the simple process of paying this immense exchange on the salaries of our ministers, and I have never yet been able to call the fact to the attention of the Senate so as to secure a reform. I do not like to make speeches to get it done; I generally vote with the chairman of the committee; but I believe it never will be done without some talk. I ask the Senate to cut off this item. Here is our minister to France, and the distinguished Senator from Virginia, the chairman of the Committee on Foreign Relations, wanted to get his salary increased the other day. He gets about five hundred dollars exchange for drawing on London.

Mr. MASON. I know as little about exchange as any man in the Senate, probably; I have never had anything to do with commerce in any form; but my impression is the Senator is misinformed as to the minister to France.

Mr. SIMMONS. The Secretary of the Treasury has given the names of the men, and the amount they draw, and some of them get as high as seventy per cent.; and he reports an allowance of $500 for exchange, to the minister to France.

Mr. MASON. I have not seen the returns of the Treasury; but my impression is, that the difficulty in adjusting the salary of that gentleman was, because the Treasury did not allow the rate of exchange between the two countries at the time. While up, as the Senator has alluded to the effort made the other day to get this gentleman's salary enlarged, it enables me to say—what I did not say then, and would not deem necessary now, but that some allusion was made to it afterwards—that although that justly distinguished gentleman who represents the Government in France bears my name, comes from my State, and is a very valuable and cherished friend, yet there is no relationship between us of any kind or description.

Mr. SIMMONS. I hope the Senator did not think that I intimated that.

Mr. MASON. Certainly not. It was not in reference to anything the honorable Senator said, but it gave me the opportunity of making that declaration.

Mr. SIMMONS. I happened to have my attention called to this peculiar difference, and I told him I should be ashamed, if I was in the Treasury Department, to be higgling about four or five hundred dollars; but that was in regard to a contest about the difference between the amount of his salary in gold and in silver dollars. I call the attention of Senators to the fact, that when one minister drew for about $11,000, on that $11,000 the President of the United States paid over $6,000 exchange. The table to which I have already alluded, shows that during the fiscal year ending June 30, 1855, Mr. R. M. McLane, minister to China, received on his drafts $17,040 81, of which $6,040 84 was "amount of loss in exchange," being fifty-four and five tenths per cent. Thus it appears that $17,000 paid from the Treasury here, netted only $11,000 in China. Our disbursements for the Navy in that region have been going on at the same rate. This year it is lower; it is continually fluctuating. Here is a certificate of what it was last year:

AMOY, *December* 24, 1858.

We, F. D. Syme & Co., and Jameison Ellis, merchants, and doing business as such at the place aforesaid, do hereby certify that we are acquainted with the rate of exchange between said place and the United States of America; and a bill of exchange, or draft, drawn here, payable at New York or Washington, cannot now be sold for a greater sum than sixty-five cents upon the dollar upon the face of said draft, either for Spanish or Mexican silver dollars, or for American silver or gold dollar currency.

F. D. SYME & CO,
p. pro. JAMEISON ELLIS,
W. W. CONIELYON.

That was the rate in 1858—thirty-five per cent for Mexican or Spanish dollars, or the gold or silver currency of the United States. I do not rely on that as much authority; for there is a difference of three or four per cent. between the value of our gold and silver currency. One of our gold dollars is only worth four shillings sterling, and a penny and a farthing over, whereas the old-fashioned dollar was worth fifty-four pence—five and three quarter pence more than our present coinage; and the trouble with these salaries in Europe was, that the diplomatic salaries were claimed according to the old dollar, and the Treasury wanted to pay them according to the new. Now, when they are payable in the Mexican or Spanish dollar, everybody knows the increase of the value of the Spanish or Mexican dollar is six cents and some mills more than the coin of the United States; so that the men who gave the last certificate I read, could not very well understand what our gold and silver coinage was worth. Mexican dollars are worth six cents more than the gold coinage of the United States.

I meant to say something in reply to some remarks of the Senator from Virginia, as this opens up the whole question of finance. These bills are now relied upon to make the expenditures of the Government come within its receipts, and we are to have no revenue system otherwise than we can get it out of appropriation bills, as I understand. But I will wait for the Senator from Georgia to explain, because if there is any mistake about this, I want it corrected.

Mr. TOOMBS. Certainly; I will correct the Senator with very great pleasure. The whole mistake of the Senator from Rhode Island lies in this: He calls that exchange which is not exchange at all, and so do the certificates which he has read. What they speak about is the difference between the value of the unit of currency in China and in this country. The Carolus dollar, which is the dollar of currency there, is worth in our market from one dollar sixteen to one dollar and twenty cents. The last time I saw it quoted, it was about one dollar and eighteen cents. It has attained that high price because it is used for the special purpose of the China trade. One of the certificates which the Senator read let it out, for it is said one hundred Mexican dollars will not buy more than seventy-two of the Carolus dollars in China. There is not that difference in the value of the silver. The exchange has nothing

to do with it; but it takes a hundred Mexican dollars to buy seventy-two Carolus dollars. That is their real commercial value.

The practice of the Government has been to pay our foreign ministers, not a certain number of American dollars in the country to which they are accredited, not so many dollars under our unit, but an amount sufficient to make them that sum there. This varies according to the differences in the currency. You see exchange quoted every day between New York and Liverpool at $1 09, $1 09½, and $1 10. That grows out of commercial usage. The true par of exchange ordinarily is about $1 09⅜. The reason of it is that anciently we estimated the pound sterling at $4 44, while the real value of it, the commercial value, is about $4 85 or $4 86, and by the present law we rate it at $4 84. The difference between $4 44 and $4 85 in the pound sterling is called exchange, in commercial transactions, but it is not exchange at all. If you give a hundred guineas to a man in New York, you can get a hundred guineas for it in Liverpool or London for one half of one per cent.; but if he went to convert your Federal money he would say the rate of exchange was $1 09½. It is clear that nobody would be fool enough to pay nine and a half per cent. for carrying money from New York to Liverpool. Real exchange, natural exchange, is the cost of transportation, the insurance, and the time. That is not more than from one half to three fourths of one per cent. Exchange on England is quoted, in commercial language, at from nine and a half to nine and three fourths per cent; but that arises simply from $4 44 having been long ago fixed by law as the value of the pound sterling, instead of the real value at $4 85 or $4 86. Last year, during the convulsion, in some places exchange was absolutely more than ten per cent. below par; for instance, it was worth about eighty-eight or eighty-nine at New Orleans, during the convulsion. There was a very great demand for money there to maintain their banks; and if they had the silver in New York to draw a bill upon they would rather draw than pay the actual cash in hand. It was important to those great institutions to save themselves. Probably, and I think ordinarily, at this season of the year, exchange on New York is about one per cent. below par in New Orleans. The cost of carrying an ounce of silver of a certain fineness from here to China is the exchange, with a reasonable addition for the time and insurance; and it is nothing more, because if a Chinaman brings his Carolus dollar to New York, and wants to get it home again, what it costs him to get it there is all the exchange he has to pay. There may be a higher nominal rate of exchange when you come to convert an inferior dollar. I believe we debased the half dollars which we issued three or four years ago, even below our ordinary currency, for the purpose of keeping them in the country; and the rate of exchange, as it is improperly called, is largely increased when you come to convert an inferior dollar into Carolus dollars. There cannot be such a thing as fifty per cent. legitimate exchange between here and China. There is not a man in New England who would not have more sense than to pay it. Instead of doing that he could make money by buying Carolus dollars here, and carrying them there. Just what it cost him to carry them there, with the insurance and the time consumed, would be the exchange.

The Carolus dollar in China has much more than its natural and real value, because they will take nothing else. You might take a Carolus dollar to our Mint and convert it into an American dollar of the same fineness and having the same quantity of silver, and yet if you carried it to China you would still have to pay forty or fifty per cent. on it as nominal exchange; but if you took bullion there and sold it, the difference would not exist. Now, if we pay a man in the dollar of China, it is no objection that it takes more of our dollars. We may take Mexican dollars there—and I presume plenty of them are to be got in market—and it seems one hundred of them will buy seventy-two Carolus dollars. Our ministers say, "we are entitled to what are dollars in China, and if you only give us an American dollar, you take off fifty per cent.;" but if you pay in Chinese dollars, you give them this forty or fifty per cent. That is all the difference.

Mr. MALLORY. I wish to ask the Senator from Georgia a question for information. To reduce this matter to a simple point, I will put it thus: we pay our minister in China, through some public agent, either in sovereigns or in American gold, say $9,000. He is paid that at Canton, or Hong Kong, or Shanghae, or where ever he happens to be. He receives there nominally $9,000; but that money, to be expended in China, is not $9,000; but is $9,000, less what he has to pay to get an exchangeable medium, and that is Spanish or Mexican dollars. If he buys the Mexican or Spanish dollars, he has to give forty per cent. additional; therefore, when we say we pay our minister in China $9,000, we do not pay $9,000 that he can get the value of in that country; but we pay him the $9,000, less the forty per cent. he has to give for the currency of the country.

Mr. TOOMBS. That is true; and that shows the impolicy of the amendment of the Senator from Rhode Island. Suppose you send a ship to the eastern seas, and give the purser a hundred thousand gold dollars to buy supplies for the Navy. He is chargeable with it; but when he buys supplies for the Navy, whether coal, or beef, or mutton, or anything else in China, and his bill is made out in dollars, only one hundred of his dollars will buy seventy-two of theirs, and unless you allow him this nominal exchange, he is that much out of pocket. That would be the case with the minister to China. If you paid him $12,000 of your dollars, as the Senator from Florida says, he would get that less the forty-two per cent. discount. That is, he would only get some $7,000.

As I am up, I will say one word on the subject of retrenchment. I think the Senator from Rhode Island has started too soon. There is nothing to retrench in your foreign affairs. Your foreign ministers are limited in number, and their compensation is very small, in the main insufficient to maintain them in the way every American citizen would want them maintained. I believe the whole bill appropriates for them only $214,000. It is no place to retrench. You ought rather to enlarge. A friend of mine told me that he had an interview with Dr. Parker, who has been in China for many years, and he says that the salary of our minister, to enable him to live properly at Pekin, ought to be carried up to $20,000, and he cannot live there properly for less. I had hoped that the Government would recommend that his salary should be raised, and it will receive my vote with very great pleasure. There is nothing to reduce in regard to the salaries of foreign ministers. You may, perhaps, have some at places where you do not need them; you may send one to Rome and pay him eight or nine thousand dollars a year, where he has nothing to do; but you have only $214,000 in this bill for them all, and you pay as much for printing, or some nonsense here. There is no abuse in it. There will be abuses in armies, and abuses in navies, because there you have a great many persons, a great many contractors; but here you have twenty or thirty or forty persons scattered in distant portions of the world, having no influence to control legislation. The fact is, that from the beginning of the Government you have starved them, and the least reputable of them come away in debt. As stringent an economist as I am, I prefer to take up the foreign missions, one by one, and raise the salaries.

Mr. SIMMONS. I gave way to the Senator from Georgia to explain this matter, and now I will analyze his explanation. The difficulty between him and me originally arose in this way: I said that when a cargo of teas was bought in Shanghae, it was invoiced in our dollars, and that the currency of the south of China was the Carolus dollar; and that in the purchase of those Carolus dollars they gave from six shillings and eight pence to seven shillings and four pence for each dollar they got; and, therefore, for a pound sterling at the lowest rate they got but three dollars, and it cost five to remit it, and I showed how. I will tell you another incident, to show how much the Senator knows about this. I went to the Department to see what the intrinsic value of this coin was, and they showed me a correspondence with the director of the Mint. The Department asked him to assay a Carolus dollar, and give them its intrinsic value. The director of the Mint told them there had been none coined for sixty or seventy years, they had all been taken to the east, and they were not the circulating medium of any country. The Senator says Carolus dollars can be bought for $1 16. I want to know if the Senator ever knew them to be bought?

Mr. TOOMBS. I have seen them quoted at $1 18.

Mr. SIMMONS. Did you ever hear of any being bought?

Mr. TOOMBS. I am not in the trade. I saw it in the prices current.

Mr. SIMMONS. I was making inquiries on this subject of a merchant, a partner in one of the largest houses in China, who was here last year——

Mr. TOOMBS. I ask the Senator to tell me what is the value of the silver in a Carolus dollar.

Mr. SIMMONS. One hundred and six cents on the dollar is what they say it is intrinsically worth. The Senator says there is no exchange about it, and he has gone into the exchange between us and England. Now, I undertake to say that the pound sterling has as much fine gold in it, within thirteen cents, as a half eagle, and that is the reason our Government put it up. It is intrinsically worth more than the old standard of the law; and when we reduced the alloy in our coin from one twelfth to one tenth, we depreciated it six or seven per cent; yet the Senator says that this is not exchange. He is a man who can understand what I state, and I should like him to tell me if an invoice of goods was bought in China, and paid for by a draft on England, as is generally done, at three dollars a pound sterling, and that invoice was sent to us as costing the three dollars, should we get any more duties than the percentage on the three dollars?

Mr. TOOMBS. No.

Mr. SIMMONS. Then what are we disputing about? The Senator said I was mistaken.

Mr. TOOMBS. I said the Senator was mistaken in supposing that to be exchange. I stated the true basis to be natural exchange; and the whole difference, as he now admits without seeing it, grows out of a difference of value in the unit of currency.

Mr. SIMMONS. The Senator said I was mistaken about the cost of the invoice of teas and silks in the case I put. I said we did not get over twelve per cent. on an invoice of silk on what it cost laid down in New York. I knew I was right, and I have brought these certificates to show, that not only is it the case in teas and silks, but we lose in paying salaries in the same proportion. The Senator from Florida is entirely wrong. I was told by the Secretary of State, yesterday morning, when I went there for these papers, that it was the greatest outrage in existence; and I think he is as good authority as the Senator from Florida. The Departments require, when a bill of exchange is drawn on them, that it shall be accompanied by the certificate of a merchant in the place, and the certificate of the consul, stating what the current rate of exchange is. I have got the printed regulations on the subject, and I have brought the certificates here to show exactly what we do pay.

Mr. TOOMBS. Will the Senator allow me to correct him in reference to a point made by the Senator from Florida? You say it is a great outrage; does the purser make one dollar in the case you put of navy disbursements?

Mr. SIMMONS. Yes, sir.

Mr. TOOMBS. Not one. If he buys goods in China, and pays a bill of seventy-two dollars, it takes one hundred of his dollars on board the ship, and he does not make a dime by the operation.

Mr. SIMMONS. If we pay our salaries at the Treasury of the United States in bills of exchange drawn in China at fifty-eight cents on the dollar, we pay over twenty thousand dollars, while we nominally give the minister $12,000 salary. Can you deny that?

Mr. TOOMBS. I admit we pay that much of our money, but not of their money.

Mr. SIMMONS. We pay that much in our money. Well, I want to know what are the salaries on our statute-books? When we say in our law that we will pay $12,000, do we mean to pay in the currency of China, in Carolus dollars that are not in existence, or do we mean to pay it in the legal currency of the United States? That is the question. I say that a minister in China, for

a salary of $12,000, gets $20,000, and he can remit his bill here, with his certificate of exchange, under the regulations of the Department. Now, however, they require him to sell it. How easy it is for him to sell it to anybody there who will give him the dollars. If he wants to invest, he can send it here to New York; and so he can send $20,000 to his family here for $12,000 salary.

The Senate will never find me carping about $1,000 for this man or $1,000 for that. If we do not pay our diplomats enough, raise them by law; but do not have a man who, professedly, goes to China at a salary of $12,000, get more than you give to a minister at any other court in the world, and have it appear on the statute-book less. That is what I am after. I have no objection to raising the salary, if it is too low; but Congress never imagined, in fixing the salary of the minister to China, that he was actually to get more than the minister to England or France.

Mr. TOOMBS. Will the Senator allow me a moment to reply?

Mr. SIMMONS. Certainly.

Mr. TOOMBS. I do not wish to continue this debate; for I find it utterly impossible, when I state a fact clearly, for the Senator to admit it. The custom from the beginning of the Government until now, has been, as I stated, to pay our ministers their salaries at the value of money in the country where they go to; for it is there they spend it. I have looked through these tables with reference to my public duties here, and I say that, by that rule, the Government, in some cases, actually makes money, and in other cases loses it. If you take the report of the Secretary of State, for the last year, you will see that on account of the difference in currency in some countries, we are gainers, and in others we are losers, as compared with our own unit of currency. The custom having been, uniformly, to pay what the currency is worth in the country where it is expended, I say it is the meaning of the act to pay in that way, and no other way. The simple question is, whether you will do this, or make the minister lose the difference. If you send him to a country where the rule works the other way, the Department saves the difference, and there are two or three cases of that kind, as I saw in the report of last year. I recollect reading it, as I do all the reports of the Departments. I have not got it by me now; I have not seen it since the beginning of the session; but I recollect that in some countries there is a positive gain to the Government, and loss to the minister, by the universality of this rule.

Mr. SIMMONS. I should like to see the gain in any country. If a man draws exchange upon the United States in any country, and loses upon it, he is not fit to represent us there. If he is not sharp enough to look out for that, I would not trust him to look out for the interests of the country. In point of fact, there is a general loss, as shown by the documents to which I have alluded. But the Senator from Georgia is getting off from this matter about China. I know the fact, that when I was a boy, Carolus dollars could be got for one hundred and five cents anywhere; but there has not been one of them coined in sixty years. I was about to tell the Senator what the result was of trying to get them coined. The Senator says if there was such a percentage to be made, why would not people go around to get them? There is an arbitrary rule in regard to them; but ten years ago there was a profit on the rupee of Bengal of ten per cent. more than on the Carolus dollar. The whole of this business in China is a monopoly; but few merchants can do the business, and they own all the Carolus dollars, and they establish the rule and make from sixty-six to seventy-five per cent. premium; and you cannot pass anything else there.

But the Senator says this has been the prevailing custom. It is only within ten years past that these difficulties about the rate of exchange have existed. I have no doubt that formerly, what the old silver dollar of the United States was intrinsically worth, was based exactly on one of these Spanish dollars; it was worth as much; and why should it not be? A friend told me they sent to Italy and had Carolus dollars coined, with the exact amount of pure silver, and the exact amount of alloy, as near a *fac simile* as could be; they had them sent out there and brought to China, and mixed them with the China dollars, and these Chinamen would throw them out without looking at them, and would not take them.

My object is to prevent this great waste. When we say that we are paying a salary of $12,000, I do not want to pay $20,000. I would prefer to say that the salary shall be $20,000, and shall be paid in the legal currency of the United States. Let us know what we are paying, and I am content. There is no more reason for our paying one of these commercial agents, whose salary is $4,000 at Shanghae, $6,666, in order to give him the $4,000, than there is in paying a salary anywhere in South America at the same rate. But I believe there is a defense here for any extravagance and outrage that is committed on the Treasury. There is no possibility of making a plain statement of facts without raising a controversy as to the money unit of the world, and the exchange of the world. And what is exchange? Exchange is the difference between the currency of one country and the currency of another country, and is so recognized by merchants throughout the world—enhanced, to be sure, by the cost of transmitting sometimes the remittances from country to country. When we say the par of exchange between our currency and that of Great Britain is nine and a half per cent., we fix what the intrinsic value of their coin is over ours; and that is called exchange, and has been since the world began. When exchange is against us, you find it go up to ten or ten and a half per cent., because it costs freight and insurance on the coin to send it, about one per cent.; and bills drawn on England generally, when they are quoted, are drawn at sixty days. Now, at any time it will cost eleven per cent. premium on American gold to lay it down and pay a debt in England—a sight debt; but when you pay it by sixty days exchange, you save the insurance upon the voyage, because you draw two or three bills, and if one fails another will get through. That is about the history of it.

I say here is an abuse; and when we come to the naval bill, I shall the attention of the Naval Committee to see if they cannot find some method of remitting Mexican dollars. There is a difference between the Mexican and Carolus dollars of some fourteen per cent., and Mexican dollars are the currency in Canton where a part of our disbursements are made; and we had better pay the Mexican dollars at seventy-two than our dollars, and lose a discount of forty-two per cent. I want the Government of the United States not to waste two fifths of all they pay out in exchange. I am willing to allow ten per cent. for the difference of interest and the cost of remittance; but there is no reason or propriety in paying the salaries of the officers of this Government at fifty-eight or sixty cents on the dollar, so that when our law provides for a salary of $12,000 to the minister in China, we actually pay $20,000. I am in hopes the chairman of the Committee on Finance will see the propriety of some such provision. I am not captious about it; but I desire to save the Treasury from this great burden. The attention of the Senate has been called to it heretofore, and there is a continual chafing and higgling about this exchange, and we ought to remedy it. If the salaries we pay are not such as to secure the right kind of men to represent us, let us increase them; but let us know what we pay.

Mr. HUNTER. As I understand it, the controversy which arose between our foreign ministers and Mr. Guthrie, as to the mode of payment, originated in the difference between silver and gold. About that time, the gold of the world, as compared with silver, was depreciated something, I think, like five per cent., perhaps between five and six per cent. The foreign ministers admitted that all they had a right to claim was $9,000, laid down in Paris, or Shanghae, or wherever they were; but they claimed, inasmuch as the silver dollar was then worth five per cent. more than the gold dollar, that the silver dollar should be laid down to them at that place, and not the gold dollar. Mr. Guthrie, on the other hand, maintained that it was the gold dollar which should be paid to them. He practiced upon that decision, and I understand it has been practiced upon ever since at the Treasury Department. He had controversies originally with the foreign ministers as to whether it should be the gold or silver dollar, and it was for that reason he invoked legislation. It was for the purpose of declaring that it was the gold and not the silver dollar to which they should be entitled. The practice, however, I understand, has settled that matter. They are paid now in the gold currency; but it is the $9,000, or the $15,000, or whatever the amount is, laid down at the place where they are, to which they are entitled; and this whole difficulty arises as to their getting it there. Nobody disputes that, if the Government were to take the money and pay them in specie in the place, their claims would be satisfied. In most instances, it does not do so, but allows them to draw; and difficulties arise in regard to the expense of exchange, in regard to what the exchange costs them. I do not see how that is to be regulated by law; I do not see how that is to be regulated in any other way than through the discretion of the Department, to take evidence as to what is the real par of exchange between the place where they draw and the country on which they draw, or else by sending out the money to them. These are the only two modes in which I see that it can be regulated.

I understand, however, in point of fact, that there begins to be a demand for the old American dollar in San Francisco. I think the superintendent of the mint there has applied for authority to the Department—the authority exists by law now—to coin those old dollars, for the purpose of transmitting them to China, in order to gain the premium which they pay for silver; and, if this be done, I suppose that, so far as China is concerned—which is the place in regard to which there have been most difficulties of exchange—there will soon be abundant opportunities for the remittance of the silver itself. But, be that as it may, whatever the actual cost of exchange is the minister is entitled to; and we cannot specify by the law what it is to be, because it is his right to have his salary paid down to him in the dollars to which it will amount at the place where he is living; and, unless you carry them there actually in specie, you have to resort to the circuitous mode of exchange, and have to pay the actual charges, whatever they are.

Mr. SIMMONS. I suppose the Senator from Virginia does not undertake to deny that, according to the certificates that I presented from the State Department, if a minister or consul in China draws a draft for a dollar, only fifty-eight cents goes towards the man's salary. That is a discount of forty-two per cent., which is an advance of seventy per cent.

Mr. HUNTER. I do not know what they pay. All I can say is, that is a matter of Treasury regulation. We cannot regulate the rate of exchange by law. Whatever it is, they will have to pay. If, in any such instances as these, the charges for exchange are so extravagant, it would be better, and wiser, perhaps, to transmit the money itself; but these are things, after all, for which we have to trust to the discretion of the Department. I do not see how we can legislate in regard to it. Exchange is a matter of trade, not of legal regulation.

Mr. SIMMONS. The Senator now understands that all payments made in China by the Treasury of the United States, and drawn by our officers and disbursing agents there, are drawn at the rate of five dollars for three due. It is time some regulation of law was made to stop this. We should either direct the Secretary of the Treasury to place sufficient funds in the hands of our consuls and commercial agents to make these payments of salaries, or we should limit the rate of exchange at which they should be drawn. There is no mistake about it, that a man whose salary by the law is $12,000, actually realizes $20,000. If the pay of these functionaries is not enough, I am willing to raise it; but there is no propriety in having a man to appear to be getting $4,000 and yet be actually getting nearly $7,000. It does not follow that I propose to cut down these salaries. I propose to remove these inequalities in our missions. There is an inequality amounting to almost two thirds advance in some cases. There is no difficulty in our saving this. This is the only place we can save it by putting some qualification on these exchanges. I have no objection, if the Senator prefers to draw up such an amendment, to a provision saying that the Secretary of the Treasury shall be directed to place funds in China for the payment of the salaries of the agents of the Government, instead of being drawn upon at these ruinous rates. I am

content with that. I do not want to injure any of these people, but there is no propriety in our paying these exorbitant prices.

Mr. PUGH. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SIMMONS. I fill up the blank with ten per cent.

Mr. FESSENDEN. I should like to hear the amendment read.

The Secretary read the amendment, to insert after line sixteen the following proviso:

And provided further, That the salaries provided for in this section, and the salaries and compensation of all other officers provided for in this act shall be computed in the gold coinage of the United States, and in no case shall there be any allowance to any officer upon any draft drawn by him for his salary or compensation, of more than ten per centum on the amount of such draft.

The question being taken by yeas and nays resulted—yeas 27, nays 18; as follows:

YEAS—Messrs. Bell, Broderick, Chandler, Clark, Clay, Clingman, Collamer, Davis, Dixon, Doolittle, Douglas, Durkee, Fessenden, Fitzpatrick, Foot, Hamlin, Harlan, Johnson of Arkansas, Johnson of Tennessee, King, Pugh, Reid, Seward, Simmons, Trumbull, Wade, and Wilson—27.

NAYS—Messrs. Allen, Bigler, Bright, Chesnut, Fitch, Gwin, Houston, Hunter, Iverson, Lane, Mallory, Mason, Polk, Rice, Smith, Stuart, Toombs, and Ward—18.

So the amendment was agreed to.

Mr. FESSENDEN. I wish to offer an amendment as an additional section:

And be it further enacted, That the fee for certifying invoices, and for certifying the place of growth or production of goods made duty-free by the reciprocity treaty, to be charged by the consul general for the British North American provinces, and subordinate consular officers or agents in said provinces, shall be fifty cents for each certificate, and no more; and no such certificate of growth or production shall be required for goods not exceeding in value the sum of $200.

Mr. HUNTER. The Committee on Finance reported an amendment regulating the salary of the consul general in the British North American provinces, and this is now a proposition to regulate the fees. I do not think we are able to go into that question on this appropriation bill. I hope that the existing law on that subject will be taken up next session by the Committee on Foreign Relations, or the Committee on Commerce, and that such changes as are necessary will be made; but, until then, I think we had better not attempt to remedy it by partial legislation. I was in hopes that, at one time, perhaps we might be able to report some simple provision restoring the old law in regard to consuls, under which they were paid by fees; but, on looking into the subject, and consulting the State Department, I found the matter was too complicated to attempt a reform on an appropriation bill. This proposition of the Senator from Maine may be all right, but we have not time to look into it; and I submit to the Senator himself whether we had not better wait until the law undergoes general revision?

Mr. FESSENDEN. I should be willing to wait, if this was not a present subsisting evil. It being so, and there being, in my judgment, no sort of difficulty to be apprehended from the amendment which I have offered, if it should pass, I think we had better adopt it now. I can explain in a very few words, the condition of things, and the object I expect and desire to attain by the amendment which I have proposed.

The present consul general of Canada has adopted a new system; he has appointed a great number of officers at different parts of the line, and they exist by means of consular fees, and consular fees which never, up to this time, have been charged, or, at any rate, have not been charged to anything like the extent at which they are charged now. The effect has been very seriously to embarrass the trade between the two countries. Since the reciprocity treaty was adopted, that trade has become very much larger than it was before, and it is not the kind of trade which we have with foreign countries. We trade with foreign countries in large amounts by shipments, and invoices are required. Along this line, which is merely a dividing line between us, there is a great deal of trade under the reciprocity treaty, which is in very small parcels of goods. The same system with regard to consular fees has been applied by the consul general, and his officers, (and perhaps legally,) to this small trade, that goes on between the two countries, that exists in regard to our large trade with foreign countries. The same consular fees are exacted. The result is a very oppressive burden to the business, and very large fees are charged by the officers. The amendment which I have proposed, goes only to the trade between ourselves and the British American colonies. We have a small report in answer to a resolution of the Senate which shows precisely what the provisions are. I will read a sentence:

"Under the provisions of the act of March 1, 1823, invoices of all imported goods subject to *ad valorem* duty, belonging to non-residents, must be sworn to and verified by consular certificates. The currency in which the invoices are made out must also be certified by the consul. For these certificates the consul general was entitled to charge a fee of two dollars each, according to the tariff of fees prescribed by the President under the act of March 1, 1855, and at the same rate under the act of August 18, 1856.

"The Canadian consul general has the additional duty of taking affidavits and certifying to the place of growth or production of all importations of goods made *duty free* by the reciprocity treaty of 1854; for each of which certificates, including oath, he is authorized to charge a fee of two dollars."

I understand, as a matter of rumor, that he does not charge the fee on a package of goods not exceeding $100 in value. That probably is only a small part of the trade. What is the result? If a small package of goods, exceeding $100 in value, is to be imported, he certifies the invoice, for which he charges the sum of two dollars; he also makes a certificate, under the reciprocity treaty, that it is the growth and production of the provinces, for which he charges two dollars more. You see that it operates as a very heavy tax, whereas those fees for merely certifying invoices were intended to apply to shipments of goods in large quantities, ordinarily covering a whole cargo. It will be at once perceived by gentlemen that the system provided by law, and for which the fees were regulated by the President, for foreign countries and foreign shipments, is entirely inapplicable to the trade which is carried on between us and the British North American colonies, and the result is a very heavy burden and embarrassment to the commerce which takes place over the borders, and is constantly increasing

This has nothing to do with the salary. The salary is fixed by law, and we have required that he shall receive no more than his salary. The difficulty is with thefees charged by the subordinates; and the amendment which I have introduced goes simply to this point, that for those certificates thus requisite, he shall receive only fifty cents each, instead of two dollars. That will allow one dollar—fifty cents for certifying the invoice, and fifty cents for the certificate of growth and production on each invoice of goods. These goods come by railroad almost entirely, over the border. The quantity is very large; the number of packages is very large; and I extend the amount on which fees shall not be charged a little further under the reciprocity treaty from $100 to $200, and make it a matter of legislation.

If this could be reached in any other way, within reasonable time, I would not offer this amendment here. I do not want to interfere with the President's tariff of fees as laid down for the ordinary business which is transacted between us and foreign countries; but this is an exceptional matter; it stands on its own grounds. We know that here is a serious embarrassment to the trade. It has occasioned great difficulty and trouble all along the border. The regulation which I propose is perfectly understood; it does not interfere with the general system at all, and we are perfectly able to comprehend it. I hope the amendment will be adopted. In my judgment it is necessary.

Mr. HUNTER. The consular system used to be, under the old law, nearly, and perhaps may be said to have been entirely, self-supporting. The changes which were made by the bill of 1855-56, also reduced the fees. The consequence is, it is becoming daily a heavier and heavier charge on the Treasury. Here is a proposition to interfere, the Senator from Maine says, not with the general tariff of fees, but he interferes with the tariff as laid down by the President over a very large extent of country. This matter ought to be systematized; the burdens, whatever they are, ought to be equalized; and it seems it is a subject for general regulation. I would, therefore, greatly prefer that this matter should all be postponed until there is some revision in the law, which, I presume, must take place very soon.

Mr. FESSENDEN. The Senator does not answer the point I suggested. The tariff of fees I do not quarrel with. It is not to be presumed that the President, when he made it, had reference to the British American provinces. He had reference to business abroad—the great bulk of our business with foreign nations—and not to this trade.

Mr. HUNTER. The President can alter the tariff of fees now in regard to this matter, if he thinks it necessary to do so.

Mr. FESSENDEN. The President and the Departments can do a great many things which they do not do, and which the honorable Senator, as well as myself, complain of them for not doing. It is no answer to say that they can do things. The Senator himself proposes to do several things here to limit and restrain them. I only carry it into a little matter that is of pressing importance, as I happen to know. Before the appointment of the present consul general, there was no complaint anywhere; the business went on well; but the President has chosen, I suppose on the recommendation of the consul general, to appoint a very large number of consular agents at different places, and the result has been exactions on this trade, by those consular agents, to support themselves, they having no salary, and being entitled to none. They can be withdrawn at any moment, if they are not willing to take the fees we provide; so that it will lay no sort of burden on the Treasury. There is no salary provided for any of them; and this amendment will do what is much more important to this country than supporting a dozen, or fifteen, or twenty consuls; it will relieve the reciprocal trade between this country and the British Provinces of a heavy burden, and it does not interfere with the general tariff of fees elsewhere at all.

Mr. KING. The present extended system of consular agencies in Canada has grown up under the increased importations into this country from the Canadas under the reciprocity treaty. Previous to that, this line of consular agents did not exist there. I have before me a letter from the Secretary of State, transmitting, in compliance with a resolution of the House of Representatives, a list of these agencies appointed in the British provinces and the amount of fees received during the year 1858. I find at Kingston, Canada West, the agent received $388 for the quarter ending March 31; $448 for the quarter ending June 30; $328 for the quarter ending September 30; and so with a list of these fees, showing a large amount of fees received for the certificates which they give. The operations of that treaty are giving extended dissatisfaction along the frontier, and a part of the complaint against it is the fees which are exacted on the trade between that country and this, which are new impositions upon the trade that our people believe there is no necessity for.

Another cause of dissatisfaction with that treaty is, that since its formation, the British Government have imposed very heavy duties on articles going from this country into Canada, which are not enumerated in the schedule in the treaty, of articles which are to be free between the two countries. Nearly all the articles which are made free by the treaty, are articles which are exported by Canada, and which they do not desire to buy, and of which they have a surplus. It has, of course, largely increased their exportations to this country, while the tariff, which they have since enacted, has reduced our exportations to the Canadas, and is a cause of complaint on our frontier; and a just cause of complaint. The benefits resulting from that treaty to our side have not been very great. The transportation of their heavy produce on our railroads and canals is, of course, advantageous to this country; but the treaty, when originally made, was unequal.

I speak the more freely in relation to it, because, long antecedent to the negotiation of the treaty, there was an effort in Congress by law to regulate this matter, and procure a free interchange of duties between the Canadas and ourselves—a proposition which I favored. I was in favor of the reciprocity treaty; I should be glad to see it vastly extended; but I desire, in a regulation of our intercourse with any country, which is called reciprocal, that there should be some real reciprocity about it; that it should not be a treaty inuring pretty much to the benefit of one side. I introduced a resolu-

tion the other day, referring the subject to the Finance Committee; but as this is one of the causes of serious complaint, as it is one which has grown up principally on account of exportations from Canada, and so on account of that treaty, I hope this modicum of amendment may be adopted, and to that extent I am sure it will serve some causes of complaint. When this subject shall hereafter come up, other difficulties may be modified; but this is one which I think may be very properly corrected at once. I shall, therefore, vote for the amendment of the Senator from Maine.

Mr. HUNTER. It seems to me, the difficulties of which gentlemen complain, grow out of the reciprocity treaty itself. The Senator from Maine complains that so many vice consuls have been appointed. Perhaps they were necessary to certify the invoices in order to see that the reciprocity was fully carried out, and that goods were not brought in under it which ought to have paid duties. That may be necessary for the protection of the revenue. I do not say, because I do not know, but I can well see that that might be the case; and if they are necessary incidents to the reciprocity treaty, then Senators from that section of the country have to consider whether they prefer the reciprocity treaty, with these necessary evils, or whether they will put an end to it. I have no doubt, whenever they desire it, it will be very easy to get an end put to the reciprocity treaty; but until then, if it be necessary to keep up these vice consuls and agents in order to see that frauds are not practiced under this law, they should submit to whatever charges are necessary. I think they ought to be no greater than just enough to keep up sufficient officers to guard the revenue. It is very possible the charges now may be too high; but is the Senator sure that they will be high enough as he has fixed the tariff? Will not the consequence be that they will have to dismiss all the vice consuls, if they can only be paid out of the fees? We thus lose these guardians of the revenue. That is the point on which I am apprehensive. If the Senator can convince me that there is no danger on that question, that the fees are high enough to sustain the officers, I shall not make much objection to the amendment.

Mr. HAMLIN. I desire to reply to the Senator's interrogatory. My colleague, who is always very prudent, has offered an amendment, and the only objection to it is that it does not go to the root of the evil. I shall vote for it; but with his great prudence, he has not applied the remedy which he ought to apply. It is not the remedy which the case demands. Now, sir, I undertake to say, that all these vice consuls along the border of Canada are as useless things as can exist on earth. They are of no earthly importance in the world except to extort, from the exporter of the commodity from the provinces into this country, a little fee to pay somebody. All these articles go through your custom-house, whether they have got the consular certificate or have not got it; and we might, with just as much propriety, require consular fees for goods imported into this country from any part of the world, as to require these consular certificates on goods imported from Canada. There is just as much propriety in the one case as the other, and there is nothing in it from end to end; there is nothing about it in any way or shape, except to put a fee into the hands of the consul for signing his name, that does no good on earth.

We had none of this until the present consul general went there. All these goods came through the custom-house, and all of them bore the proper certificate of the custom-house officer. Now, they have in some way or other, got an old rule of the Department revived—I have no doubt they supposed there might be some necessity for it—and this great number of vice consuls has been appointed. The amount of fees is very large, and it is a tax on that free exchange of commodities which we had a right to expect we should have when the reciprocity treaty was entered into between the two Governments. All they do in the world is simply to sign their names.

Now, I want to answer the question of the Senator from Virginia. He asks, does the amendment offered by my colleague give a sufficient compensation to the consul for the service he performs? It is fifty cents for writing his name. That is just what it is. Everything he does has to undergo the supervision of the custom-house officer subsequently, and his signature does no good whatever. He makes no inspection, but simply signs his name to the different certificates and gets a dollar under the amendment. I think it is pretty good compensation. I should like to get a small proportion of that sum for every time I sign my name, and I think it is about as important in the one case as the other.

I am sorry that the Senator from Virginia objects to this proposition, because I deem it highly important, and is it not a case that is limited to the border, although we feel it more directly from the lakes all the way down the St. Lawrence along the border. Here is an evil which has grown up under this treaty; and though there may be a variety of evils existing under the consular system, and I think I know there are, when we present you a tangible point where you can apply a remedy at once, do not say you will not apply the remedy there, because you have not got all the evils that exist before you. Let us do this. I wish we could apply the true remedy, and abolish all these vice consuls. This consul general was sent to Canada, if you will go into the history of the matter, to collate statistics of the commerce of the two countries to show the important relations the one bore to the other. That is the object. We had Andrews's report on the commerce of Canada. That was the design of getting up a consul general—never to send him there with a horde of officers around him to demand fees on the commerce of the country for consular certificates. They are as useless as the paper we tread beneath our feet.

Mr. FESSENDEN. I stated that this was a new thing. My colleague has said it is entirely unnecessary. I agree with him; but I did not think it proper, as these officers had been appointed and had the right under the law to charge fees, to strike at the whole thing in the manner he has suggested; lest, by asking too much, I should fail to get anything. I have just been informed by a gentleman who made a purchase of five or six thousand dollars' worth of lumber in Canada and sent it over one of the railroads, that he saw no consul and got no consular certificate, but he was stopped by a custom-house officer. The custom-house officer on the other side examined it, and the custom-house officer on our side examined it. He certified to his own invoice; they saw that it was correct. There was no difficulty about it. There is no place where goods go from one country to the other that there is not a custom-house officer on the other side of the line and a custom-house officer on this side of the line, under whose supervision that property must go. There is no need of these consuls at all. The English Government have no consuls on our side of the line to certify invoices. They trust it all to the custom-house officers. The business is so done, and well done. But under the present consul general, the moment he was appointed, to make money he got this whole list of consular agents appointed along the line, who embarrass the business and live on fees, and make no returns that are worthy of credit, as I really believe, to the Government here as to the fees they receive. I believe no sort of reliance can be placed on them. I have no doubt they get from thirty to fifty thousand dollars a year. We cannot strike them out, because the President appoints them; but what I want to do is to disembarrass the trade between the two countries, that it shall not be embarrassed by these fellows whom you send there because there was nothing else for them do. Let them have a reasonable sum, and stop it at that.

Mr. KING. I reside on the frontier, where this treaty in its operations is under the eye of all who are living there. There is a custom-house in the village in which I reside, and one opposite. I know that the consular officer opposite is one of those whose fees are returned. As the Senator from Maine has said, all goods which are imported or exported pass through the custom-house of the country into which they go; our collectors supervise them as regularly as they do goods that pay duty. They are as exact in regard to them. Whenever there is any infringement of the law, they are seized. They are carefully examined to see if there is any violation or irregularity in their papers. This system has grown up from the disposition of people to get places, in my judgment, and multiply offices, more than from any service they perform to the country. I do not believe they are necessary. I should prefer to vote for abolishing these vice consular fees on the Canada frontier; but the amendment proposed by the Senator from Maine is moderate and reasonable, and I shall go for it. I see by the report of the State Department, that some of these officers get $1,500 a year for merely signing these papers. I wish to stop that; and as I expect at some future period, not remote, that this whole subject will undergo a thorough investigation in Congress, I am content to take the amendment which he offers, which gives them fifty cents for a certificate, and it is a good high price for signing their names, in my judgment. It is fifty cents instead of two dollars.

The amendment was agreed to.

Mr. HUNTER. I offer this amendment by direction of the majority of the Committee on Finance:

And be it further enacted, That no more money during the fiscal year commencing July 1, 1859, shall be expended for the objects herein provided for, than the amount appropriated in this bill, together with such amounts of the permanent and indefinite appropriations as may be applicable thereto.

The object of the amendment is to do this—and if the Senate should concur with me, I desire to offer the same to all the appropriation bills—to confine the expenditures to the annual appropriations, and the amounts of the permanent and indefinite appropriations that may be applicable to the various subjects of expenditure. It does not prevent their using the outstanding appropriations in order to pay the liabilities of last year that are brought in at this; but it provides, if they should use them in that way, that they should economize enough of the annual expenditures to pay the same sort of liabilities that will go over into the succeeding year. In other words, the amendment, if applied to the naval appropriation bill, for instance, would limit the Navy Department to their estimates of what would be expended out of the annual appropriations and out of the permanent and indefinite appropriations, that is to say, $13,000,000; that is the same amount they actually did expend in the last fiscal year. The effect of all this will be, if the Senate will concur with me in putting this limitation on all the appropriation bills, that we shall diminish the appropriations from $73,000,000 down to $61,000,000. That is to say, we shall act on the supposition that all that ought to be used will be the amount estimated for by the annual appropriations and the amount to be drawn from the standing appropriations, that is, the permanent and indefinite appropriations, and act upon the presumption that as much will be left standing over of the liabilities of next year, to be paid in the succeeding year, as will be left of the liabilities of this fiscal year, not to be paid in the next fiscal year. I think if the Senate will concur with me in that, we shall be able to limit the expenditures, and curtail them in a manner which will not affect injuriously the public service.

Mr. SIMMONS. I want to inquire of the Senator from Virginia whether, in the list of outstanding appropriations which he read from the other day, there was any applicable to the diplomatic service?

Mr. HUNTER. I do not know that there was. It would be a small amount, if there was any. This amendment would not have much effect on this bill; but it would have very great effect on the others, and in order to accomplish the object, I propose to apply the same limitation to all the appropriation bills.

Mr. SIMMONS. If it does not have any effect on this bill, I do not wish it put in. But when I heard the Senator, the other day, undertake to limit the amount that would be expended next year, by pretending to deduct from the estimates $12,000,000 for the outstanding appropriations, I thought it was the most singular logic I ever heard in my life. He stated as one instance, that last year we expended $36,000,000 on the civil list——

Mr. HUNTER. Twenty-six millions, exclusive of the payment of the public debt.

Mr. SIMMONS. The figures were $36,000,000, and the Senator said $36,000,000. Perhaps he meant $26,000,000. He said that the Secretary of the Treasury estimated $19,000,000 for this year, and asked liberty to use $4,000,000 that was outstanding from the appropriations of former years. I was thinking of it, as the Senator was

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going on, and it seemed to me singular that the Committee on Finance should have placed in the hands of the civil department of the Government last year enough for $36,000,000 of expenditure and $4,000,000 of balances, which would make together $40,000,000, and then expect that he could have $4,000,000 left this year, when he asked for only $19,000,000, and estimated for only $19,000,000, as if you were going to get along this year for about one half what you did last. I have no idea of any such thing. It is hard work to get a dollar off one of these appropriation bills. I thought I never heard so fallacious an argument as that which the Senator from Virginia made on that occasion. The Secretary of the Treasury asks this year for $19,000,000 for the civil list, on which last year he spent twenty-six or thirty-six million dollars, and yet you expect him to have just as much left over from a $19,000,000 estimate as he had from a $36,000,000 estimate, with a $4,000,000 balance on hand from the year before. If he has cut down these estimates to $19,000,000, I should look upon it pretty much as the Senator from Georgia did when he was speaking about these tables. He said he had no faith in tables that were made up to produce a result. The Secretary of the Treasury is trying, in my deliberate judgment, by these statements on paper, to make us believe we can get revenue enough under the present tariff, to show that a revenue system which yields $42,000,000, is enough to enable us to get along this year; and to show that we can postpone any action on the revenue system of the Government for another year; and he has estimated for $19,000,000 for the civil list, though he spent last year $36,000,000 as the Senator said before; and now he says $26,000,000.

Mr. HUNTER. Twenty-three millions is the estimate, and $4,000,000 the outstanding appropriations.

Mr. SIMMONS. He estimates now for $19,000,000, with liberty to use $4,000,000 of the outstanding appropriations, making $23,000,000 altogether. I say, if he spent $26,000,000 last year, and had $4,000,000 of balances left over from the preceding year, he must have had $30,000,000 at his disposal during the year. If he estimates for only $19,000,000 now, he must calculate that this Government is to get along with nearly half the expenses of last year, saving $11,000,000. I thought it was a very extraordinary estimate, to suppose that he could get along with $23,000,000 this year, when he spent $36,000,000 last year. I am astonished that the Senator from Virginia should suppose that the Secretary, when he estimated $19,000,000 of expenditures for the next year, would have $4,000,000 left, as well as he had when he had $40,000,000 at his disposal.

Mr. HUNTER. We spent last year only $26,000,000 on the civil list, exclusive of the payment of the public debt; and we know we redeemed a good deal of debt in the last fiscal year, which we shall not do this when we propose to spend $23,000,000. I propose to limit him to the $19,000,000, which he has estimated for. If he spends a certain amount out of the outstanding balances of last year, let him retrench on the others, so as to have the same amount this year.

Mr. SIMMONS. Suppose he spent $26,000,000 last year, and estimates for $19,000,000 this year. If he had $26,000,000 last year, and an outstanding balance of $4,000,000, it is clear he had $30,000,000 at his disposal last year; and, if he asks now for but $19,000,000, and you are going to restrict him to that, you cut off $11,000,000 from the civil list. That is a kind of paper calculation. It will never be carried out in practice.

Mr. HUNTER. How can it be cut off $11,000,000? He estimates for $19,000,000; and I propose to confine him to $19,000,000. He estimates for $19,000,000, besides $4,000,000 of outstanding balances. I propose to confine him to the $19,000,000; and if he pays the $4,000,000 outstanding, let him leave that amount of the present appropriations to apply to the liabilities of that year to be paid in the next.

Mr. SIMMONS. But how will the Senator from Virginia get over the result? If he confines him to $19,000,000, with an outstanding balance of $4,000,000, and denies him the right to spend the $4,000,000, how will he pay $26,000,000 with $19,000,000? Do you pretend that you mean to curtail the civil list $7,000,000 this year?

Mr. HUNTER. I would curtail it to $19,000,000.

Mr. SIMMONS. The result will be that you will curtail it to make a paper-showing, and have a deficiency bill next session. This, in my deliberate judgment, is a mere pretext to get over this session without supplying the revenue. I do not think the Senator from Virginia believes—at least, I cannot conceive he has that opinion—that we are going to reduce the expenditures on the civil list from $26,000,000 down to $19,000,000 this year, because I do not see anybody who is willing to vote anything off any appropriation bill that comes here to pay officers. But, sir, I have no idea of embarrassing the Government. If the Secretary of the Treasury, or if the chairman of the Finance Committee, will point out to me the items of saving in the next year from the last, which will amount to $11,000,000, I would go with him; but is there nothing estimated for the public debt in the estimates of the Secretary of the Treasury? I should like to ask the Senator from Virginia, the chairman of the Committee on Finance, who has charge of these bills, if there is anything in the $19,000,000 estimate of the Secretary of the Treasury that goes towards the payment of interest on the public debt?

Mr. HUNTER. When I had occasion before to refer to this matter, I showed that in the case of one bill the only use that was proposed for the outstanding appropriations was to pay the liabilities that had accrued in the previous fiscal year, but could not be paid then. From the nature of things, the same liabilities must exist in the next fiscal year. These balances were not to be used for the service of this year, but for the service of the preceding year. Therefore it is that I propose to limit him to what he has estimated to be used out of the annual and permanent appropriations.

Mr. SIMMONS. I asked one question, and the Senator has answered another. I asked the Senator from Virginia if, in this estimate of the Secretary of the Treasury of $19,000,000 for the civil list for the year to come, there was any item included for the payment of interest on the public debt?

Mr. HUNTER. There is.

Mr. SIMMONS. Then, including that item, this is an estimate to correspond with the $36,000,000 of the year before. I have a way of cyphering as I go along; and no man can undertake to cover up an item of $10,000,000 in an appropriation of this sort by answering one question when I ask another. If the item for interest on the public debt is included in the $19,000,000 estimate, I ask the Senator how he is going to get along with less than $36,000,000? True, there was $3,000,000 of public debt purchased last year; but we now have interest to pay on $40,000,000 of debt which we had not the year before. He must have estimated for the interest on these $19,000,000, and that is an offset to all the purchases of stock which he made the year before. The interest on the public debt is from two to three millions more than it was last year. Now, I should like to ask the Senator from Virginia if there is any pretense that he is going to save $17,000,000, when the interest is larger than it was before?

Mr. HUNTER. The Senator makes his whole case by misstating the premises. What I affirmed was, that there were $26,000,000, exclusive of the payment of the public debt, expended last year. Now, he says there were $36,000,000 inclusive of the payment of the public debt; and he argues that there will be more to pay for the public debt the next fiscal year than last, when it is notorious that we redeemed a good deal of public stock last year; and when, also, it is notorious that, in estimating that amount, we already charge the Government with every Treasury note that is redeemed, although it may be reissued; and thus they swell the amount, nominally, far beyond what is really paid. These $10,000,000 are to be thrown out of the question. You have to compare for the saving, between the $26,000,000 and this estimate of $19,000,000 and a fraction—I have not the figures by me: I say that is not an extravagant estimate for reduction. There are items estimated for, upon which there might be reductions. Many of the public buildings might be suspended, and the Department might very well reduce the amounts expended upon them. I do not understand that the outstanding appropriations are to be used for the service of the next fiscal year; but they are to be used to discharge liabilities of this fiscal year. Now, if there are liabilities in this fiscal year, they are not paid off, because they cannot be presented until the next; there will be liabilities in the next year which cannot be paid off, because they will not be presented until the year after. The Secretary has himself estimated that all he will want to use out of the permanent and indefinite appropriations, and out of the annual appropriations, is between nineteen and twenty million dollars. I propose to confine him to that. I propose that if, out of the $4,500,000 of unexpended balances, the whole amount be not necessary in order to meet the liabilities of the preceeding fiscal year, the residue should not be expended—should not be used along with the annual and permanent appropriations for the service of that year.

Mr. BIGLER. I think I understand the Senator from Virginia; and if not, he will correct me. If I understand him rightly, there is no connection between the estimate of $19,000,000 for the year and the $4,000,000 of balance of unexpended appropriations. Then, it is a simple question of time. The $19,000,000 and the $4,000,000 must be paid. The object of the Senator is to confine the whole payments for the fiscal year to the $19,000,000. Now, suppose it should become necessary, and is right, that the Department should expend the $19,000,000, and the unexpended appropriations of last year of $4,000,000: what does it amount to? Simply a deficiency. The Secretary would be unable to make the payment, although the payment was demanded and was due; and we should be obliged immediately to pass a law repealing this interdiction, or pass a deficiency bill. It in no way affects the amount to be paid, but only restrains it as to time. During the next fiscal year, under the amendment, only the $19,000,000 could be paid, as I understand, and the Secretary would be obliged to retain an amount of unexpended appropriations equal to the last year, whether it was proper we should do so or not. If I am right in this understanding, I am unwilling to vote for this amendment. I do not see what is to be gained by forcing an unexpended balance. If we save it, it is one thing; but as I understand the Senator, we do not save it.

Mr. HUNTER. The Secretary of the Treasury estimates that he will want so much for the civil list, which is a sum between nineteen and twenty million dollars. He estimates that, in addition to that, he will want a sum between four and five million of the outstanding balances, in order to meet liabilities which will be made in this year, but not paid until the next; and here is what he says:

"The existing appropriations, part of which are required for the payment of the liabilities of the present fiscal year, but which will not be drawn from the Treasury until after June 30, 1859, and the balance applied to the service of the fiscal year ending June 30, 1860."

Now, it seems to me, we have a right to conclude that there will be as much of the liabilities of the next fiscal year left for payment in the succeeding as there are of this fiscal year left for payment in the next. That is all I ask. For the rest, I give all that he estimates for the service of the next fiscal year.

Mr. COLLAMER. I understand that the Secretary estimates that he will want, besides the unexpended balances, $19,000,000. I understand

that he wants the unexpended balances and $19,000,000 to make out what he needs this year. I take it the Secretary does the same thing in that estimate that the gentleman now does here. He says "that unexpended balance I want the authority to expend in the next year, for the accounts of this year will come in then;" and there will be just so much more of those that lapse from the succeeding year into the one afterwards. Then he says: "Notwithstanding all my accounts, which will accrue in the year ending the 30th of June, 1860, and pass over into the next year, I shall still want $19,000,000 to meet that year, and the unexpended balances in the Treasury." Now, if he will need the $19,000,000 and the unexpended balances to meet what will be presented to him this year, why should we tell him he must hold $4,000,000 on hand, equal to the unexpended balances at the end of the year? Has he made any such estimate as that? Certainly not at all. He says he wants $19,000,000 to use in the year, and $4,000,000 of unexpended balances. Now, you turn around on him and say, we grant all that, but you must have $4,000,000 at the end of the year besides. I do not understand how that is to meet the requisition at all. I do not see how it meets the estimate. I cannot see why this restriction should be imposed, for certainly the estimate is not made on any such basis.

Mr. SIMMONS. If I understand the Senator from Virginia, we spent $26,000,000 last year, besides what was appropriated for the public debt. The public debt is now about $70,000,000, as I understand.

Mr. HUNTER. The public debt, including Treasury notes out, is about $65,000,000.

Mr. SIMMONS. I say last year, including the Treasury notes passed back and forth, there were $9,000,000 of the $36,000,000 of that character, and about $26,000,000 or $27,000,000 were used for the civil service. In the $19,000,000 now estimated for, there is between $3,000,000 and $4,000,000 to pay the interest of the public debt, leaving about $15,000,000 to be applied to a service which last year confessedly cost us $26,000,000 or $27,000,000. I ask the Senator from Virginia, if he puts this restriction in, does he believe that we can get along the next fiscal year with an outlay of $15,000,000 or $16,000,000, exclusive of the public debt? If he does, it is safe to limit it; but I have no idea that we can get along with $19,000,000, including these $4,000,000. If, however, he gives it as his deliberate judgment that he is going to retrench $11,000,000 during the present fiscal year, on the civil list, I have no objection to making the attempt.

The amendment was agreed to.

Mr. MASON. I want to offer an amendment, which I do with some diffidence, but I think it due to offer it. It is, at the end of line seventy-seven, to insert:

> And that there be allowed to the consul at Liverpool, out of the fees received by him, for compensation to the clerks in his office, $4,000 per annum: *Provided*, The whole amount paid to said consul, including his salary, shall not exceed the amount of fees received in any year at his office.

I do this with diffidence, because I am aware that it would be a great deal better to remedy any one evil at the time when other existing evils may be remedied; but it really has been made to appear in the case of this consul, that the salary which is given to him is so necessarily and heavily taxed by the payment of the clerks in his office, that I think it is due to the public service that he should be relieved, at least to that extent. There is a paper which, I suppose, has been sent to other members, and communicated to us, also, by the Secretary of State, showing that that officer now has in his office at Liverpool five clerks, at very moderate salaries, who, with a messenger, are paid altogether $4,000; an evidence, I think, that it is not an improvident expenditure of money to have this number of clerks. He pays the same number of clerks, and at the same compensation, that he found there when his predecessor was paid out of the fees of his office. His predecessor paid those clerks out of the emoluments of his office. The salary given to this officer is $7,500. He pays $4,000 for his clerk hire; which reduces the salary to less than one half what the law allows. I see in the report on the finances, in the table of the salaries and fees of the different offices, that there was received during the last year, at Liverpool, $11,169 in fees paid into the Treasury. The amendment provides that out of those fees shall be paid clerk hire to the extent of $4,000; with a proviso that in no event shall the emoluments of the office, together with the clerk hire, exceed what shall be received as fees.

Mr. FESSENDEN. I should like to inquire of the honorable Senator if he moves that amendment by direction of the Committee on Foreign Relations?

Mr. MASON. No, sir.

Mr. CLAY. The amendment is not in order if it is not moved by the authority of a committee.

Mr. MASON. I do not see that it is out of order.

Mr. CLAY. I understand there is a standing rule of the Senate that no amendment to an appropriation bill can be moved at the instance of an individual member of the Senate, for increasing the appropriations. I understand it must be done by the authority of a committee of the Senate. You, sir, are more familiar with the rules of the Senate than I am, and I appeal to the Chair.

The PRESIDING OFFICER, (Mr. STUART in the chair.) That is the rule of the Senate. The appropriation must be estimated for by a Department, or recommended by a committee of the Senate.

Mr. MASON. I submit to the ruling of the Chair.

Mr. DAVIS. I wish to amend the bill in the eighty-fifth line, by inserting after the word "hundred" the words "and fifty," so that it will read "$150,000." This was the estimate. If amended as I propose, the clause will read:

> For compensation of the commissioner, secretary, chief astronomer, and surveyor, assistant astronomer and surveyor, clerk, and for provisions, transportation, and contingencies of the commission to run and mark the boundary line between the United States and the British possessions, $150,000.

This is the sum which was estimated for by the commissioner, and reported by the State Department. It has been cut down in the other House, I understand; but for what reason I do not know. It appears in the estimate which was made in the State Department, that $150,000 was considered the lowest sum which could be properly asked, and it was restricted to that sum in view of the condition of the Treasury, so as to meet the objection which then existed to large appropriations. I will merely say that this survey is now in progress; our surveyors have entered the interior of the country; this sum is only adequate for determining the astronomical position, crossing the streams, and such marked localities as it was thought proper to note. The British part of the survey has lingered behind our own; but the British commissioner is now in the field with adequate means to prosecute the survey The consequence of cutting down the appropriation, I fear, will be that the American commissioner cannot keep pace with the British, and some portion of the line, therefore, from the want of means, will be surveyed entirely by the British, without that full coöperation on the part of the United States which I think essential in determining the boundary. This sum falls greatly short of what will be required if the line is to be cut out and traced. It is a heavily-timbered country, and it was deemed unnecessary, by the commissioner, at that time, to estimate for the amount which was cut out the line across from Puget Sound, from the termination of the last survey. Since that time, however, the attraction of gold deposits discovered upon Fraser river, and the constant influx by migration to that country, would, probably, render it advisable that the line should be marked from end to end—cut out through the forest; but as there is no estimate for that, and I have, therefore, not a right to move it, I only move to restore the appropriation to the sum estimated for as the smallest sum which would suffice for the year's efficient operations.

The motion was agreed to.

Mr. WILSON. I see, Mr. President, that, by the law of last year, there was appropriated, for consular salaries, $173,750. This bill appropriates $240,000. Here is an increase of nearly seventy thousand dollars, for the pay of consuls, over last year's appropriations. This may be right; but, before I vote for the bill, I should like to know the reason why this increase is to be made at this session?

Mr. HUNTER. Last year there was a balance of outstanding appropriations, which they used.

Mr. WILSON. Then I would ask another question. I see that, by the bill of last year, the appropriation for contingent expenses of all the missions abroad was $50,000; and, for the contingent expenses of foreign intercourse, $60,000. Now, I should like to know if it be necessary to appropriate so large an amount for these purposes this year as last?

Mr. HUNTER. The "contingent expenses of foreign intercourse" was the old secret-service fund; and, for the contingent expenses of all the missions abroad, $50,000 was not deemed large. The estimate, I think, was $60,000. It was cut down to what was given last year, $50,000.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. KING. I want a separate vote on the amendment which was offered by the Senator from Virginia, [Mr. HUNTER.]

The PRESIDING OFFICER. That amendment may be excepted; and the question will be taken on the remainder in the aggregate.

The amendments were concurred in.

The PRESIDING OFFICER. The question now, is on concurring in the amendment indicated by the Senator from New York.

Mr. KING. Let it be read.

The Secretary read it, as follows:

> *And be it further enacted*, That no more money, during the fiscal year commencing the 1st of July, 1859, shall be expended for the objects herein provided for than the amount appropriated in this bill, together with such amounts of the permanent and indefinite appropriations as may be applicable thereto.

Mr. KING. When that amendment was read and adopted before, so far as a limitation of the expenditures and a reduction of the expenditures was concerned, I was perfectly willing to assent to it. It did not strike me that the amendment repealed appropriations heretofore made; but I am given to understand that it may be construed so as to repeal former appropriations, or provide that the Secretary may not expend money for purposes heretofore appropriated. A few years ago money was appropriated for certain purposes, which has not been expended. If it should pass into the surplus fund, this amendment, I fear, from what I am told, may operate as a repeal of those appropriations. I allude to appropriations which were made for custom-houses and post offices, in one of which I am more especially interested from its locality. If this amendment should be construed as giving authority to the Secretary of the Treasury to discriminate and refrain from expending that money, I am opposed to it. Whether it was intended for this purpose, or whether that is to be the effect of it, I am not certain. I certainly would not so understand the language of the amendment; but if that is to be its effect, I am opposed to it. The Secretary of the Treasury was opposed to these appropriations, and he has herctofore refrained from executing these laws, but considers himself bound by the postive action of Congress in its laws, and would feel constrained to go on and construct the buildings unless some action of Congress be taken against them. My own opinion is, that so much of the amendment as applies to appropriations heretofore made ought not to be adopted. So far as the appropriations of this year are concerned, I suppose he cannot expend any more than is appropriated; and the limitation of $19,000,000, if that shall not be the exact sum appropriated, would not amount to much. I desire to ask the Chair whether an amendment to this amendment will be in order, if the Senate should adopt it?

The PRESIDING OFFICER, (Mr. STUART.) Not after it is adopted. An amendment to the amendment is now in order.

Mr. KING. But will not be after it is adopted?

The PRESIDING OFFICER. It must be amended now, if at all.

Mr. KING. We are then put unfavorably upon this proposition; but I move to amend it by adding this proviso:

> *Provided*, That nothing herein contained shall authorize the Secretary to suspend the execution of laws for which appropriations have been heretofore made.

Mr. HUNTER. I am opposed to the proviso which the Senator from New York offers, because

—I will be very frank—a part of my purpose was to enable the Secretary of the Treasury, as he intimates in his report, authority ought to be given, while the times are hard, to suspend the application of appropriations to public buildings which are going on. That was one of the things I had in view. If the Senator will not press his amendment, I will offer a modification of my original amendment which, it seems to me, will perhaps accommodate both parties. Instead of saying "the whole amount expended during the next fiscal year," I will say "the whole amount for the fiscal year." That will give the Secretary of the Treasury between nineteen and twenty millions to be spent in the service of the fiscal year; it will give so much of the $4,500,000 outstanding as it may be necessary to apply to the liabilities of this year; but will not allow him to expend anything of that over what may be called for by the liabilities of this year. Out of that, if, in his discretion, he chooses to go on with the public buildings, he can go on. It will still be leaving the matter as it now is. With the consent of the Senate, I should like to modify the original proposition so as to read "for the fiscal year," instead of "during the fiscal year."

The PRESIDING OFFICER. That will require unanimous consent. The Chair hears no objection, and it is so modified.

Mr. TOOMBS. I wish to reserve for a vote the amendment of the Senator from Rhode Island.

Mr. SIMMONS. That has passed.

Mr. TOOMBS. I move to reconsider it, if it has passed. I will wait, however, until this question is disposed of.

The PRESIDING OFFICER. The Chair understood the Senator from Georgia to interpose a motion to reconsider the vote on concurring in the amendment offered by the Senator from Rhode Island. The question now is on the amendment proposed by the Senator from New York, to the amendment made us in Committee of the Whole.

Mr. KING. I ask that the amendment which has been agreed to be read as it has been modified.

The Secretary read it, as follows:

And be it further enacted, That no more money for the fiscal year commencing July 1, 1859, shall be expended for the objects therein provided for, than the amount appropriated in this bill, together with such amounts of permanent appropriations as may be applicable thereto.

Mr. KING. I will now ask the Senator from Virginia to construe it.

Mr. HUNTER. The Secretary, under it, would be allowed to expend the sum of between nineteen and twenty million dollars, which he estimates for the civil service of the next fiscal year. He would be allowed to expend, out of the outstanding appropriations, as much as might be necessary to meet the liabilities of the preceding year.

Mr. KING. Would it be matter of discretion with the Secretary to carry out the previously existing law?

Mr. HUNTER. It would be a matter of discretion the same as heretofore.

Mr. KING. All I want on this subject is, that the law shall be so clear that there can be no misunderstanding about it; and I will state frankly the views of the Secretary, as I understand them from him. I trust it will not be regarded as any impropriety for me to state here his views, for it is a subject in which I have felt some interest, and I have conversed with him in regard to it. He considers an act of Congress making an appropriation, and directing him to expend it for a particular purpose, as obligatory on him; and I have no doubt it is, and he does not feel at liberty to refrain from executing the law, whatever may be his own opinion of its fitness or propriety, without authority from Congress; but as this amendment is now modified by the Senator from Virginia, I understand it gives him that discretion.

Mr. HUNTER. It does not.

Mr. KING. If it does not, of course I am content with it. In all my intercourse with these gentlemen I have felt great confidence in relying on the statement which they make; but I know that in the construction of laws, very honest differences of opinion may exist as to their effect.

The Senator from Maine [Mr. FESSENDEN] has prepared an amendment which simply goes to that extent, which I hope the Senator from Virginia will allow me to add for greater security. It is in the form of a proviso.

Provided, That nothing herein contained shall be so construed as to repeal any existing appropriation, or to authorize the suspension of expenditures authorized by existing laws.

Mr. HUNTER. If you will say nothing shall repeal any appropriation, I will not object; but the Secretary must judge how much he can expend.

Mr. FESSENDEN. That leaves it as it was before.

Mr. HUNTER. If you will say only that it shall not repeal any appropriation, I shall not object; but if you say it shall not suspend it, he may construe it into a direction to go on.

Mr. KING. I do not ask a direction that he shall go on. I only ask that there shall be nothing in the law which can be construed into authority to him to suspend it.

Mr. HUNTER. Would not the Senator's object be accomplished by just striking out all after the words, "repeal any existing appropriation."

Mr. KING. I think not; and surely the subsequent words only go to that fact. They simply say we do not suspend the appropriations. I say with frankness that I think it creditable to the Secretary that he would probaby have voted against most of these appropriations which were made. I think I should myself if they were original propositions now here; but they have been made, and in many instances the sites for the buildings have been purchased. It has been so in the place where I reside. I regard appropriations already made and sanctioned by the two Houses of Congress, as subjects which ought to be dealt with frankly and fairly. I do not speak with any disposition to complain of the opinion of the Secretary of the Treasury or of his desire to retrench; but I deny to him, what I believe is not claimed anywhere, authority or discretion in him to omit to execute a law of Congress; and I am unwilling that, in any appropriation bill, by any ambiguity of expression, any phrase shall be inserted which may be construed to confer this discretion on him. If it is conferred, there is no doubt of the manner in which he will exercise it, and I therefore hope, as this proviso accomplishes nothing but this purpose, it may be allowed to be added to the amendment.

The PRESIDING OFFICER. The Senator from New York proposes the following amendment to the amendment:

Provided, That nothing herein contained shall be so construed as to repeal any existing appropriation, or to authorize the suspension of expenditures authorized by existing laws.

Mr. HUNTER. That last clause, I think, would be a direction. I move to amend the amendment by striking out all after the words, "repeal any existing appropriation."

Mr. FESSENDEN. It is very clear that the Senator from Virginia wishes to do away with the whole force of the proviso, if I understand it. I do not understand the exact drift of the original amendment; but let me suppose a case. After a certain period, appropriations go to the surplus fund. Now, if the Secretary chooses to keep off for another year that which has already been appropriated and not expended, if he may spend all the money appropriated within the year at his discretion, the result will be that the appropriations alluded to by the Senator from New York will go into the surplus fund. On the other hand, if this limitation be not imposed, he might use the money which lies over for these purposes, and leave just so much deficiency; that is, money unexpended on the appropriations made this year. Now, the object of the Senator from New York is simply to prevent that, and the Senator from Virginia must see that it cannot be construed as a direction in any way. It provides simply that what we have said in this clause shall not be construed to authorize him to suspend any appropriation heretofore made; that is, it shall give him no authority on that subject, which he would not possess without the provision we now make. That is the legal effect of it, unquestionably. So there is no difficulty about it; but it is simply preventing what the Senator from New York designs to prevent; and that is, that the Secretary shall not avail himself of it to put any portion of the moneys thus appropriated into the surplus fund; that he shall have no authority, under this provision, to suspend the execution of the laws. I did not understand, when the original amendment of the Senator from Virginia was submitted to me, what the alteration would be in these cases; it never occurred to me, and I am very glad that the Senator from New York has brought it up; for, although I consented in committee that the amendment should be reported, unless it is made in the way suggested I shall be constrained to vote against it.

Mr. TOOMBS. I cannot understand exactly what the Senator from New York wants to prevent. I should like him to propose in his amendment, in specific terms, what he wants to do. I recollect a case in which the Senator from New York took some interest, where, a few years ago, Congress, as he states, ordered a custom-house to be built at a particular place, and he says a lot has been bought. It is a place where there is no revenue collected, according to my recollection. So appropriations were made for custom-houses at Knoxville, at Memphis, and at Nashville. They were all put together. There has been no contract to erect them, and they are unnecessary; and I desire to repeal the act which authorized them. If it is a bad measure, an unexecuted bad measure, I do not see any difference between supporting it originally and not repealing it now. If it was a thing that ought not to be done, I would not do it. I do not say I would stop buildings in process of construction; I do not wish to go that far now, for I have no information on the subject; but if it is better for the Government to abandon than to go through with them, I would stop. I would act as a private individual would do. In all that class of cases in which the Government has made no contract for buildings, I, at least, desire when we come to the miscellaneous appropriation bill to put in a clause that money shall not be spent for any such purposes. I do not know a more proper item of retrenchment. If, a number of years ago, Congress ordered a custom-house to be built where there were no customs to collect, a building wholly unnecessary, and difficulties in the Treasury have prevented them not only from completing it, but even from beginning it, I would repeal the appropriation. The fact that a lot has been bought does not make any difference. It can be sold for something. I do not suppose the Government can sell it for what they paid for it; but something can be got for it. So far as the public is concerned, it is not wise to spend money in this way. If the appropriations were originally unwise, and the Senator says he might originally have voted against them himself, why not abandon them now? In many places a lot has not even been bought; in others a lot has been bought; but because you have bought an unnecessary lot, must you go on and put up an unnecessary building? It is not a sound rule. My purpose is, in all cases in which these buildings have not been commenced, to propose to repeal the law. Why should we not remove this injudicious action of a former Congress when we injure nobody? Why should we continue what is almost admitted now by the Senator from New York himself to be an unnecessary expenditure, simply because it was done two or three years ago by ourselves or anybody else? I know no reason for it. It strikes me that it is clear that if we would not do this thing now, we ought not to carry it out, and my purpose is to repeal it entirely.

Mr. KING. In the remarks which the Senator from Virginia made, in advocating the passage of this amendment, he alluded to public buildings; and although I saw nothing in the amendment which, in my judgment, as it applied to the bill before us, would justify such a construction, still, as he had made that remark in debate, and I have been disposed to be watchful on this subject, and not allow it to pass unnoticed, I asked him what would be the construction of this amendment, and he frankly stated that he thought it would cut off those appropriations.

Mr. HUNTER. I was thinking of the general purpose in my mind. I forgot, at the moment, that this amendment was applicable only to the consular and diplomatic bill.

Mr. KING. I have that confidence in these gentlemen that nothing will be construed different from what it is intended to be; and if this amendment is not designed to have, as, in my opinion, a fair construction would not give it, this effect, I have no disposition to embarrass it by anything

unnecessary; and I therefore withdraw my proposition.

The PRESIDING OEFICER. The question is on concurring in the amendment made as in Committee of the Whole, as it has been modified by the Senator from Virginia.

Mr. SIMMONS. I understood the Senator to say he intended this to apply to the whole civil list.

Mr. HUNTER. This does not apply to all the civil list. I said I intended to offer such amendments as the other bills came up.

The amendment was concurred in.

The PRESIDING OFFICER. The question now is on the motion of the Senator from Georgia, [Mr. TOOMBS,] to reconsider the vote by which the Senate concurred in the amendment proposed by the Senator from Rhode Island, [Mr. SIMMONS,] which was, after line sixteen, to insert:

And provided further, That the salaries provided for in this section, and the salaries and compensation of all other officers provided for in this act, shall be computed in the gold coinage of the United States; and in no case shall there be any allowance to any officer upon any draft drawn by him for his salary or compensation, of more than ten per centum upon the amount of such draft.

Mr. TOOMBS. I am quite certain that if Senators had observed the operation of this amendment, it would not have been adopted before, whatever may have been the views of the Senator from Rhode Island, on this question, in relation to what he chooses to call exchange. Mr. Guthrie in 1856, in the tables from which he read, gave an account of how our ministers have been paid from the beginning of the Government. I say the practice has prevailed from the beginning, of paying them in this way. You have ministers now in different portions of the earth, who have gone away with this rule prevailing. You sent a gentleman the other day to China, who drew from the Treasury of the United States his salary under that law. At all events, I should suppose that when he had been really paid at one rate, this retrenchment should not be made until he shall have notice of it, and have a chance to come back to this country.

Now I propose to show the effect of the amendment of the Senator from Rhode Island. It does not affect a single one of the ministers in Europe, except those at Turkey and at Naples. The amendment allows ten per cent. for the loss of exchange. It appears from the table annexed to Mr. Guthrie's report, to which I have alluded, that there are only two missions in Europe where the exchange allowed has been more than ten per cent.—at Turkey and at Naples. The percentage allowed in France is four and two tenths; in Spain, three and eight tenths; Russia, seven and one tenth; Switzerland, four and two tenths; Rome, four and five tenths; Naples, thirteen and seven tenths; Sardinia, two and seven tenths; Belgium, three and four tenths; Holland, four and five tenths; Portugal, three and three tenths; Denmark, eight and six tenths; Sweden, four; and Turkey, ten and three tenths. It thus appears that the limitation of ten per cent. does not affect the salary of a single minister in Europe in point of fact, for the slight difference in Turkey and in Naples is hardly worth counting. You propose to settle with them upon one principle, and to apply the same rule to those where the premium is larger, or what they call exchange is larger. According to this rule, the salary of the minister from China would be cut off one half, according to the gentleman's statement, or more; whereas he proposes to settle with the other ministers on a principle which still allows the loss of exchange if it is not ten per cent. Where is the reason of that? Where is the sense of it? On what possible reason shall we say that men may have six, seven, eight, or nine per cent., but shall not have the difference in the money value of the two countries where it is more than ten per cent.? The rule has been to pay them the par of exchange, considering the silver dollar at three hundred and eighty-six and seven hundred and four thousandths grains of pure silver, taking the value of that in the country to which the minister is accredited as the basis.

The list to which I have alluded shows the rate allowed at Prussia to be about seven per cent. If you give your minister there $12,000 salary, and pay him seven per cent. for exchange, you give him $840 more. Then you allow that minister $12,840. This is according to the Senator's rule, if this premium is an addition to the salary. Then applying the same rule to the minister to China, instead of getting $12,000, which the law allows him, he would not get $9,000 in all. In China the natural exchange would necessarily be greater, independent of the difference in the unit of exchange. The dollar of exchange, I believe, is three hundred and eighty-six and seven hundred and four thousandths grains of silver. You pay it to these ministers, and allow ten per cent. where the natural exchange is much less than it is with these distant countries, for to reach them it takes time, and it takes risks, and they are rather a barbarous people. Oftentimes, with countries where there is but little commerce, there is great difficulty of making real exchange, to say nothing of the difference in currency. Where there is no difference in currency, the exchange is always greatest with barbarous Powers. Turkey has the largest per centage in this respect of any State in Europe; Brazil is next. There it is twelve and four tenths per cent.; in Bolivia it is twelve per cent.; in Ecuador, ten and five tenths. In the countries remote from the great centers of commerce, exchange is greatest; and yet you propose by this amendment to allow them ten per cent., and no more. I want to know the principle of it. If the Senator from Rhode Island is acting on principle, why will he allow some ministers ten per cent., when the actual difference of exchange does not go beyond that, and yet restrict them to ten per cent. where the actual difference is much greater. It is unjust to make this discrimination. The remote ministers ought to be on the same basis as the others. If you will not consent to do that, you ought, at least, to make this provision prospective in its operation, and not act on them without notice. Having some knowledge of the mission to China, I am quite certain that the present minister, at least, would not have gone there with this salary. He cannot live there with it, as I understand from the account of Dr. Parker; and, as I stated before, I understood from the head of the State Department that a recommendation would be made to put it on the basis on which the minister could live.

Mr. COLLAMER. I inquire of the gentleman, if a minister to China be apointed here today, and goes away and receives his salary, how much of our money would he get?

Mr. TOOMBS. He would get the value of that much money in China, allowing what they call exchange, whatever it happens to be. It varies from twenty per cent. in Foo Chow to fifty-one in Shanghae. It is a changeable sum.

Mr. COLLAMER. Then the practical construction is this: we do not pay the man the salary mentioned in the law in our own money; but we pay him what would be so many dollars in China.

Mr. TOOMBS. You pay him the value of our dollar. We have had three or four standards; but we have settled down on the gold dollar. By the act of 1792, the silver dollar contains three hundred and seventy-one and twenty-five one hundredths grains of pure silver. The basis of these salaries from the Revolution has been to pay the value of those grains of silver in the country to which the minister is accredited.

Mr. COLLAMER. How would you pay him that? Would you pay him the number of dollars mentioned in the law, and enough more to make up the difference between the standards of the two countries?

Mr. TOOMBS. The value of the grains of silver in your dollar in the country to which he is accredited, is the rule; and it is a certain rule, a universal rule. The dollar of exchange is three hundred and eighty-six and seven hundred and four thousandths grains of silver. If that quantity of silver here, which is the par of exchange, was worth but three hundred and forty grains of silver in China, or three hundred grains of silver in China, or two hundred grains of silver in China, you would give him enough to make up the difference.

Mr. COLLAMER. Then, suppose the salary is $10,000, and he calls for it here; he is here and gets it when he starts. Ten thousand of our gold dollars would not pay him.

Mr. TOOMBS. It would not; and yet it might more than pay him. Mr. Guthrie's report shows that in some cases the Government makes money by this difference in exchange, as it is called. Nine thousand five hundred dollars, in some cases, might pay him. If you paid him on the silver unit, it would be the value of the grains of silver in a dollar, according to the laws of the United States, in the country where he receives it. In some countries they are worth more, and in some less.

Mr. MASON. Allow me one moment. The Senator from Vermont asks, if he comes to the Treasury to receive his pay, what he would get? The minister to China is in China, and cannot come to the Treasury to receive his pay. Pay is not given to him while he is in this country, except, I think, for thirty days after his appointment, while he is here receiving instructions.

Mr. TOOMBS. This bill appropriates for the next fiscal year, and he will be there then, of course.

Mr. MASON. The minister is in China, and is to receive his pay there. How is he to get it? He is not to come to the Treasury to get it; but the Treasury is to give him authority to draw upon the Treasury here, or, which I believe is the present arrangement, to draw on London. He is entitled, by law, to receive $12,000 a year. He draws on London for one quarter's salary, $3,000, and sells his bill in China. What does he get for it? That is the inquiry. Does he get for it there the one fourth of $12,000, which would be $3,000? I understand not; but he gets the one fourth of $12,000 diminished by what I think the Senator from Georgia very properly termed not the exchange, but diminished by what it costs to convert the $3,000 he is entitled to draw for, into that which alone is recognized in the currency in China, and which is some fifty or sixty per cent. difference. It is clear that if the amendment offered by the Senator from Rhode Island prevails, it will have exactly the effect suggested by the Senator from Georgia. All our ministers abroad, the rate of exchange on whose pay does not reach ten per cent., will not be affected by it; they will receive the difference; but in China, or anywhere else, if there be such a place, where it does exceed ten cent., they will lose all above ten per cent., and you produce not only inequality, but the effect of it will be not to comply with the law, for the law intends, I presume, that the minister shall receive what the law provides for him.

Mr. SIMMONS. I have never seen a proposition made in the Senate, however plain, which could not be elaborately answered; and the more elaborately, in the judgment of others, the more conclusively. I think I understand the law. The allowance of loss by exchange is an abuse that has grown up within the last ten years. It is not ten years since the Carolus dollar was ten per cent. below the rupee of Bengal, in comparison with its intrinsic value. Now, I will take one branch of the Senator's proposition at a time. He wants to know why I propose the limit of ten per cent., and he goes on to give the rate of discount on different bills drawn on various countries in Europe. There is a propriety in putting the limit of ten per cent. It is one half per cent. more than the intrinsic value of the currency as indicated by the fineness of the gold. The real exchange between our currency and the English currency is nine and one half per cent. Everybody knows that as commerce was carried on, the English pound sterling was originally $4 44 in our currency, because a silver dollar contained the value of fifty-four pence in pure silver. Anybody can see that, at four shillings and six pence to the dollar, $4 44 is a pound sterling.

Mr. TOOMBS. We never had a dollar worth fifty-four pence.

Mr. SIMMONS. The tables you were reading from in that book show it. Let me have the book.

Mr. TOOMBS. Here is the book; it is easy to settle it.

Mr. SIMMONS. Here it is.

Mr. TOOMBS. What is it?

Mr. SIMMONS. "Dollar of exchange, fifty-four pence."

Mr. TOOMBS. That is not our dollar.

Mr. SIMMONS. It was the first dollar we ever coined.

Mr. TOOMBS. We never coined such a dollar. I can show you what was the value of every dollar we ever coined.

Mr. SIMMONS. But that is of no consequence now. We have made the gold dollar the

dollar of unit in this country, and it contains twenty-three and twenty-two hundredths grains of pure gold. Taking it at that, the intrinsic value of a pound sterling is four dollars, eighty-six cents and six mills, and therefore, it is nine and one-half per cent. on the old way of reckoning the pound sterling at $4 44, and this covers the exchange. As we draw on England, I have fixed a limit in the amendment, sufficient to cover the natural exchange. We pay now in the British standard instead of our own, and will do so under the amendment I propose. In all those countries in Europe to which the Senator referred, the difference between their currency and the British currency is less than between us and England; and therefore, in many of them, the rate is seven per cent., instead of being nine and a half, as with us. They give seven and a half per cent in our currency for a bill on England, which is one twelfth alloy, instead of one tenth, as ours is. France is one tenth, just as ours; they go by decimals, as we do.

Now, we come to this currency of China. Here is an artificial currency in China, in two or three of the principal ports at which we trade. At Canton, the Mexican dollar is the currency. It is intrinsically worth more than our gold dollar, as the common currency of the world goes. There you can get four dollars for a pound sterling, and that is the way the draft is drawn; but when you go to Shanghae, you only get three dollars for a pound sterling. At Amoy, they use the old head dollar of Spain, and that is thirteen per cent. below a Carolus dollar. All these are artificial, I admit; but they are treated of in the books. Here is a letter from one of our consuls in China, in which he says he succeeded in getting them to take Spanish head dollars and Mexican dollars for duties, but they could not get the merchants to take them for tea. I say the law contracts with the minister to China to pay him $12,000 a year, and $12,000 in the gold coin of the United States, according to its legal value. We agreed to pay him that. We did not agree to pay him Carolus dollars; we could not buy them for four dollars apiece in the United States. We agreed to pay him the legal currency of our own country; but as he is abroad, for the purpose of allowing him to make his exchanges so as to draw on London, where our banker is, I propose to give him the whole difference between the currencies for his convenience. I want no man to lose a dollar; but if he buys these Carolus dollars, he gets but fifty-eight cents for the dollar of our standard of value. I say it ought to be stopped. I have read certificates obtained from the State Department, showing that, in 1857, we paid forty per cent. increase on the salaries in China. Can anybody pretend that there was any such exchange in the world as that? Everybody calls it exchange; all the returns call it exchange. We have been, throughout our lives, accustomed to call the difference between our standard of value and that of other nations exchange; but the Senator from Georgia says it is not exchange. Well, call it what you please. What I say is, that the contract, the legal contract we enter into when we appoint a minister, is to pay him his salary in the legal currency of the United States. If we permit him to draw elsewhere, it is for his own convenience.

Mr. BENJAMIN. Will the Senator permit me to ask him a question?

Mr. SIMMONS. Certainly.

Mr. BENJAMIN. I think there is very little doubt that the understanding of members of Congress, at the time they fixed the salary, was originally as the Senator from Vermont states it: when they spoke of dollars, they meant dollars of the United States; but if a custom has grown up the other way; and in point of fact, when you furnish your American Minister $12,000 to pay his expenses in China, and he gets there, you find that that money you furnished him will not buy him the provisions and necessaries of life there, will not support him there, because it will not pass there, and because he has to give nearly half of it in order to convert it into current money where he is; the question then becomes simply a question of discretion whether he gets too much with that exchange, or whether you intend to diminish his salary. If you intend to diminish his salary by changing the construction of the law, would it not be better for the Senator from Rhode Island to put it on the ground that he gets too much under the present construction of the law? If he gets too much under the present construction of the law, let us repeal that construction; but if the actual, practical construction of the law, as given, does not pay him too much for his expenses, why not let it stand?

Mr. SIMMONS. That remark is more ingeniously put to get $8,000 added to a man's salary, than the Senator from Georgia put it; but it amounts to the same thing in the end. I say, when this usage grew up, there was no such rate of exchange existing in the world; and it has been increasing for the last ten years, until it has got us very often to pay seventy-five per cent. advance. In some cases we have had to pay $1 75 here to get a dollar in China. The Secretary of the Treasury told us three years ago that it was a great outrage, and that we ought to correct it. He addressed a letter to the chairman of the Committee on Finance on the subject. Now, the Senator says that if a dollar of ours will not buy a dollar's worth in China, the exchange should be added, and that is what was contemplated when the law was made. It will buy it. By no law, or by the arbitrary regulation of those wealthy men who have the control of the Carolus dollars, three Carolus dollars will buy as much there as five of our dollars. That is the whole of it, and it is all artificial. Now the question is, whether we shall give a man five dollars where the law gives him three. The usage that is complained of at the Department as an outrage, is refused to be corrected here, because a man gets $20,000 when the law only gives him $12,000. I say, as I stated before, let one rule prevail throughout these foreign missions, and let the ministers, if it is more convenient for them to draw on us, do so, instead of our sending the money directly. I leave enough margin to cover that. A man can buy in China for three dollars what will bring a fair profit on five in any other part of the world. Senators talk about a man not being able to use the money in China. Why, sir, he can buy food in China for a smaller piece of money than was ever conceived of in the United States. Their smallest piece of money is about fifteen hundred to the dollar; and it is the cheapest place in the world to live in. You can hire a man to carry you about all day for four cents.

I have no objection to raising the salary, if it is necessary to do so; but I have no idea of doing it in this way. I do not believe in adding fifty or seventy-five per cent. to a man's salary on account of an arbitrary rule in China, occasioned by their prejudices in regard to money. The result has been nearly to double the salary. Are you going to continue that? The law ought to be uniform. The Secretary of the Treasury asked us to make all these salaries payable in gold coin without any addition; but I thought, as we had been a long time permitting them to draw on London, we ought to provide for that, or else it would be practically reducing all these salaries to our standard, and we have hitherto paid them by draft on London, and they have had the benefit of it. I do not propose to reduce it; but a usage has grown up in three ports of China, and we are wasting or spending a great deal of money there; and I shall insist on calling the attention of the chairman of the Committee on Naval Affairs to the outlays that we make for the Navy in that part of the world. It is a great outrage that we should spend money at such a great loss. These dollars that are current in the south of China, can be bought here at six per cent. When a man is there, with nothing but his salary to live on, I am willing to let him draw on London, and allow him enough for the exchange; but I have no idea of paying sixty or seventy-five per cent. premium on the salary.

If we ought to pay more, why not vote for it directly in salary? I talked with one gentleman about it, and he said he did not like to vote for it as direct salary. A salary of $20,000 could not get three votes in the Senate, and yet that is what you are practically paying. I want to reduce these folks, so that they will all fare alike. Let all that are in China draw at the same rate of exchange, and if they complain that their salaries are not remunerative, I will agree that the chairman of the Committee on Finance shall recommend such an addition to them all as he thinks proper, and I will vote for it. I do not want to curtail these men below a fair remuneration for their services, but I want the law to be executed according to the understanding of Congress in passing it.

Everybody admits that when we provided for this salary, we thought it would be $12,000 of our money. That is what the Senator from Louisiana says. When it passed, we intended to pay $12,000 of our money; but this usage he says has grown up. It has grown up until we have to pay $20,000 for $12,000, and I say it is time to stop it. The ten per cent. I allow, would bring his salary up to $13,500, and that should cover all the trouble. I would not say this, but that the attention of Congress has been called to the matter for the last three years, and I know when I called for these papers at the Secretary of State's office yesterday, he said it was the greatest outrage in the world.

Mr. TOOMBS. The Senator's amendment allows the exchange to be paid where it does not exceed ten per cent. It pays it yet, if it is ten per cent. If the rate is no more than that; if it is five, or six, or seven, or eight, or nine per cent., you pay the exchange, as the Senator calls it; but if it is more, you will not pay it. Where is the principle in that? The present principle is, that you pay the amount of the salary with the exchange, as you call it, added. According to the Senator's amendment, you would still continue to do it in every country in Europe, except Naples and Turkey; and in these countries the amount beyond the limitation is so small as hardly to be worth notice. The truth of the business is, there is no such difference in currency, and there is no such thing as nine and a half per cent. exchange between here and England. That computation results simply from the rule we formerly adopted of counting a pound sterling at $4 44, when the real value, the commercial value, the legal value here is $4 85. The number of cents difference between the $4 44 and the $4 85 being forty-one cents, makes about nine and three eighths per cent., and that is very nearly the ordinary rate of exchange. Two per cent. real exchange between New York and Liverpool would break every bank in America; and when a year and a half ago the exchange went up to one hundred and ten and a half and one hundred and eleven, it stopped every bank in New York, and would do it to-morrow, and that was not two per cent. real premium. Probably, one and a half per cent. premium would drive silver out of the country in a moment. I speak of real exchange, not what the merchants call exchange. That is to say; when it was cheaper to pay our debts across the water in bullion than by bills of exchange drawn on commodities, of course the premium rises. One hundred and eleven is not two per cent. above the real par of exchange, that is $4 85 to the pound sterling. The dollar of exchange contains three hundred and eighty-six and seven hundred and four thousandths grains of pure metal, worth fifty-four pence.

Mr. SIMMONS. That is what I said.

Mr. TOOMBS. No, you said that was the United States dollar. Now, by our act of August 8, 1786, our gold eagle was worth at the rate of fifty-two and twenty-six hundredths pence to the dollar, and the silver dollar by the same act, fifty-two and forty-four hundredths pence. The gold eagle by the act of April 12, 1792, was worth fifty-two and fifty-two hundredths pence to the dollar, and the silver dollar by the same act, fifty-one and sixty-eight hundredths pence. The gold eagle by the act of February 18, 1837, was worth forty-nine and twenty-seven hundredths pence to the dollar, and by the act of February 1, 1853, we reduced the silver dollar to forty-eight and twenty-five hundredths pence. We have never had a dollar worth fifty-four pence. We never had any such dollar by nearly two per cent.

Mr. SIMMONS. The old dollar of exchange was called four shillings and sixpence.

Mr. TOOMBS. You said the American dollar was worth that sum, and that was the question. There is a difference between the dollar of exchange and our own dollars, for ours are fixed by acts of Congress, and there are so many grains of gold in it of so much fineness, when turned into English currency. The dollar of exchange is different from any American dollar, either gold or silver. This ten per cent. is not exchange in any legitimate sense at all; but if it is, I put it on the principle the Senator says he wants to put it.

He says he will pay what he calls exchange, up to ten per cent. and no further. He says it is a monstrous outrage, and that the Secretary of State told him it was a monstrous outrage. If it be true, as he says it is, that merchants pay it for their silks and their teas, I should like to know where is the monstrosity that you shall punish ministers for? Monstrosity upon whom? Go and whip the Chinese, and make them take opium, and probably you can fix exchange better. That was the reason the English are able to fix it on better terms.

The Senator is mistaken about there being no Carolus dollars. There are some of them, though not many. England went to war with the Chinese to make them take her opium, and the result was that she had credits in Shanghae and other ports of China; and she did not have to buy Carolus dollars. She bought opium, and made them take it at the cannon's mouth; and that gave her credits to draw upon. But now you must punish your minister because exchange has risen to sixty per cent. in China. This is absurd. Congress having voted a salary on this ground—an inadequate one, as I before stated—it is unjust that it should be reduced in this way; because the basis on which it was fixed was so many dollars value in China. I did not believe, when I voted $12,000 salary for the mission to China, that it was to be paid as the gentleman supposes. I hardly think he did; for he seems to have been looking into it for two or three years, and Mr. Guthrie has been proposing changes. Mr. Guthrie has been proposing to pay according to our dollar unit; but Congress has not agreed to it.

As for the Senator's calling the attention of the Government to the expenditures of our naval service in the neighborhood of China, the thing is perfectly absurd. A purser in the Navy, as I stated before, who goes abroad and buys bread and beef, and pays for them in dollars, draws his draft. If it is one hundred per cent., he pays it. If he accounts for all the silver he gets for his bill on London, though he has to pay two hundred per cent., are you going to make him pay it? If he draws for a dollar and gets three hundred and eighty-six grains of silver and it does not give him, in China, more than the value of two hundred and forty grains, are you going to make the purser pay the difference? He draws for a dollar on London. A dollar of exchange is three hundred and eighty-six grains and a fraction; but it is not worth, in China, more than two hundred and forty grains; but it is such an outrage that the Senator is going to call the attention of the Navy Department to it. They cannot control it. If that be the truth of the case, he will get his two hundred and forty grains of silver for every dollar, and he will go and buy for them what he can, and that is all his power. If his draft for three hundred and eighty-six grains will not bring him any more, I will not hold him responsible for more.

Mr. JOHNSON, of Arkansas. Mr. President, I really believe we might as well adjourn, but I do not make the motion yet. I think the debate has come to such a pass that it seems to me it must be tolerably plain to us all that it cannot be settled between these two gentlemen, who do debate the subject; it is impossible. [Laughter.] They can never agree. We all know the convictions upon which each goes, and neither will ever be scarce of words to maintain the convictions that urge him forward. I know that the Senate is very thin; and yet those who are here are anxious that this bill should be disposed of. It has been long pending. I feel bound to make that motion, which I think will give gentleman an opportunity to become cool, and, at least, in some measure, indifferent on this subject, so that hereafter it is possible we may get clear of a very contentious matter—a matter which is to keep us here, I have no doubt in the world, until ten or eleven o'clock, on a single solitary point, one, it is true, that has been settled before, but it may have been settled wrong. I am not satisfied that it was not settled wrong; but at the same time these gentlemen cannot convince those who listen to them, any further than they are already convinced by a very elaborate discussion. I move now that the Senate adjourn.

Mr. HUNTER. I hope my friend will withdraw the motion, and let us take the vote. I think we can get a vote.

Mr. JOHNSON, of Arkansas. If the Senator has any idea that we can get a vote within an hour, I shall have no objection to sitting here.

Mr. HUNTER. I think we can get the vote at once.

Mr. JOHNSON, of Arkansas. Very well; I withdraw my motion.

Mr. SIMMONS. I shall not detain the Senate much longer; but there is one remark which fell from the Senator from Georgia about the ridiculousness of the proposition I made. I stated that the Mexican dollar was worth seventy-two cents in Shanghae, whereas the American dollar would bring but fifty-eight cents. I said it was ridiculous to be paying the difference between fifty-eight and seventy-two cents on every dollar, when we could buy Mexican dollars for five per cent. premium. I said we should remit money in some different currency than our own; we might remit Mexican dollars, for they pass in China, and will pay duties in Shanghae. The Senator had not brains enough to see it, and then says I was talking ridiculously. I stated that here was a letter——

Mr. TOOMBS. I stated facts. The Senator did not state that, and I did not answer it. He said he would compel pursers to account for the difference between the two currencies; he said it was ridiculous to allow these exchanges. He did not state, at that time, any such fact as he has now stated.

Mr. SIMMONS. I know you did not hear it; but if a man does not pay any attention to what is said, he ought not to make a statement in reply that is perfectly ridiculous.

Mr. TOOMBS. You ought not to manufacture facts——

Mr. JOHNSON, of Arkansas. I call the gentlemen to order. My point is that the debate has assumed the form of mere conversation. I call the Senators to order.

The PRESIDING OFFICER. The Senator from Arkansas is correct in suggesting that Senators must address the Chair.

Mr. SIMMONS. Well, Mr. President, I have no idea of consuming the time of the Senate. I know the Senator from Georgia does not mean to reflect on any proposition I make here as ridiculous. In fixing the legal salary for any officer, we mean to pay in our currency; but if the officer is abroad, I am willing to allow him to draw on the common center of exchanges—London. The difference of exchange between us and London is about nine and a half per cent.; the Senator may call it what he pleases. I concur with him, that when exchange rises so that it is cheaper for the merchant to send coin than to buy exchange, it will break the banks; but it never rises in that way, unless they cannot get exchange enough to pay their debts. It would break the banks in sixty days, because we are always in debt to England; and when exchange gets up to $1 11½, coin will go there. That is the reason for the ten per cent. I have put in the amendment. He asks, why give the ten per cent.? I give them the ten per cent., which covers all the difference between our standard and the standard of the country on which we allow them to draw for their convenience. London is the common standard of the world. There is no other difference in China than what is artificially made. If he means to say that when we agree to pay the minister in China $12,000, we agree to pay him at the rate of $1 75 for one dollar, which will make him $21,000 instead of $12,000, very well; and if that is the opinion of the Senate, they will reject the amendment. If their opinion is that he shall be paid like all other officers, and have the difference of exchange not exceeding ten per cent., which covers exchange in any part of the world, so far as the mere difference in the intrinsic value of the coin is concerned, then we shall have it right, and serve them alike, and allow them to draw on the common center for their convenience, without giving them fifty or seventy per cent. advance.

The PRESIDING OFFICER. The question is on the reconsideration.

Mr. JOHNSON, of Arkansas. I ask for the yeas and nays. I fear there is not a quorum present.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 9; as follows:

YEAS—Messrs. Bayard, Benjamin, Bigler, Broderick, Brown, Clay, Clingman, Crittenden, Davis, Douglas, Fitch, Hale, Houston, Hunter, Johnson of Arkansas, Lane, Mason, Polk, Reid, Rice, Sebastian, Slidell, Smith, Stuart, Toombs, and Ward—26.

NAYS—Messrs. Bell, Clark, Dixon, Durkee, Johnson of Tennessee, King, Simmons, Wade, and Wilson—9.

So the motion to reconsider was agreed to.

The PRESIDING OFFICER. The question recurs on concurring in the amendment.

Mr. DAVIS. The only objection I have to the amendment is, that it does not go far enough. I think the ministers should be paid a salary, and that that should be measured in the American dollar, and that to give a premium of ten or twenty per cent., so as to convert the American dollar into the Spanish milled dollar in China, or to convert it into the money of Naples, or any other country, is not in accordance with the frankness which should characterize the legislation of the United States. I object to the ten per cent. allowance, because I do not think we should adopt sterling bills as the basis on which to pay salaries abroad. We should pay them in the American dollar; and if $12,000 is not enough, if you want twenty per cent. additional to that, add it to the salary. I am willing to vote for it there.

Mr. SIMMONS. I will strike out the ten per cent., if I have the right to do it.

Mr. HUNTER. By general consent it can be considered as so modified.

Mr. SIMMONS. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. SIMMONS. Then I withdraw the amendment.

The PRESIDING OFFICER. If there be no objection, the amendment will be considered as withdrawn. The Chair hears no objection.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

Mr. SIMMONS. I move to reconsider the vote by which the bill was passed.

The PRESIDING OFFICER. The motion will be entered.

MECHANICAL PATENT OFFICE REPORT.

Mr. FITCH. We have just been expending money liberally, and I now appeal to the Senate to save a little before the adjournment. We shall then have done a very good day's work. I wish to call up the joint resolution relative to the abridgment of the mechanical portion of the Patent Office report. It is entitled a joint resolution (S. No. 76) directing the manner of preparing and printing the annual report of the Commissioner of Patents on mechanics.

Mr. CLARK. The Senate is very thin; and I move an adjournment.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 19, 1859.

The House met at eleven o'clock, a. m. Prayer by Rev. T. J. O'TOOLE.

The Journal of yesterday was read and approved.

THOMAS L. HARRIS, DECEASED.

Mr. HODGES, by unanimous consent, introduced the following resolution, which was unanimously adopted:

Resolved, That the Speaker be authorized to pay to Mrs. Mary J. Harris, widow of Thomas L. Harris, deceased, whatever sum was due him as member of this House at the time of his death.

ACCOUNTS OF THE DOORKEEPER.

Mr. WASHBURNE, of Illinois. I call for the regular order of business.

Mr. HUGHES. I rise to a privileged question. I call up the report of the select committee, in relation to the accounts and official conduct of Nathan Darling and R. B. Hackney, late Doorkeepers of the House of Representatives of the United States.

The SPEAKER. The bill was read a first and second time, and the question now is on its engrossment. It is a bill to provide for the folding and distribution of documents for the House of Representatives.

The bill was read. It provides that there shall be appointed by the House of Representatives a superintendent of the folding-room, who shall hold his office for the same term as the Sergeant-at-

Arms, and shall give a bond in the same penalty, and to be approved in like manner as the bond of the Sergeant-at-Arms, and who shall receive for all his services an annual salary of $2,500. That the superintendent shall have charge of the folding-room, of all property pertaining thereto, and of all documents for distribution to or by members of the House, delivered to him for that purpose, and shall be responsible on his official bond for the same; that the superintendent shall cause to be kept a set of books, in which shall be entered, in proper form, all documents, books, and other publications which pass through his office, with the time when received, who from, and for what purpose, and also the times when and persons to whom all such documents are delivered, taking and giving proper receipts, when the same shall be necessary, or shall be required of him; and the superintendent shall furnish the Committee of Accounts of the House, within sixty days after the beginning of each session of Congress, and every sixty days thereafter during the session, a report making a complete exhibit from said books of the condition of the folding-room and of the business done there; and the first report made at each session of Congress shall embrace the operations of his department from the time of his last preceding report; that all purchases for the folding-room shall be made by the proper officer of the House, on estimates made by the superintendent and approved by the Committee of Accounts, and not otherwise; that the superintendent shall have power to employ not exceeding two clerks, at an annual compensation of $1,000 each, and not exceeding ten folders and packers, at a compensation of $2 50 per day each, and such additional temporary force, during the session of Congress only, as the Committee of Accounts shall authorize, at a compensation to be fixed by said committee; provided that no such temporary employment shall extend beyond a period of thirty days without a reappointment.

It further provides that all the employés authorized in the last preceding section shall be appointed in writing, and the appointments of the permanent employés shall be signed by the superintendent, and dated on the day they are made and approved, and countersigned by the Speaker of the House, and shall be void until so countersigned; and all the temporary employés authorized in the last preceding section shall be appointed in writing by the superintendent, and the appointments dated the day they are made, and approved and countersigned by the chairman, or some member of the Committee of Accounts, by authority of said committee, and shall be void until so countersigned; that each of said permanent employés shall, before receiving any compensation, deposit his written appointment with the proper pay-officer of the House, and so long as said appointment remains in the hands of said pay-officer unrevoked, the name or names of the said employés shall be kept on the proper pay-roll, and they shall be paid accordingly; and each of said temporary employés shall deposit his appointment with the Committee of Accounts, and their services shall be paid by the proper disbursing officer, on the certificate of said committee; provided that in every case where the compensation of said employés, or any of them, shall be paid by the day, or by the piece, the superintendent shall cause the amount of compensation due to be certified to the Committee of Accounts for their examination and approval; that whenever any of the said employés shall be removed, his appointment shall be revoked in writing by the superintendent, and the revocation made and filed with the pay-officer aforesaid, or the Committee of Accounts, who shall have possession of the original appointment; and after the said revocation is made and filed, as aforesaid, it shall not be lawful for said disbursing officer, or said committee, to pay or authorize the payment of said employé for any services rendered after the date of said revocation; but no substitute or successor shall be paid, unless regularly appointed in manner aforesaid.

It provides further, that the power of appointing all messengers, and other subordinates heretofore employed in the folding-room, is hereby taken from the Doorkeeper of the House, and all laws and resolutions, vesting such power in the Doorkeeper, are hereby rescinded and repealed. That the superintendent of the folding-room shall be responsible, on his official bond, for all malfeasance, misfeasance, and nonfeasance of his subordinates which would charge him, if committed by him in person, and shall be liable to be dismissed from office by the House of Representatives, upon resolution of the House. That if the said superintendent, or any of the said employés shall fraudulently sell, dispose of, destroy, or convert to his own use, any book, document, pamphlet, speech, or any thing, or article of value, pertaining to the folding-room of the House of Representatives, or which may come into his possession as such employé, he shall be liable to indictment therefor, in the criminal court of the District of Columbia, and, upon conviction, shall be fined not exceeding fifty dollars, to which may be added imprisonment in the penitentiary not exceeding six months; and it shall be sufficient, in any such indictment, to allege the ownership of such property to be in the United States. That the right of members of the House of Representatives to receive books and documents printed by order of the House, made during their term of office, for distribution to the people, through their Representatives, shall cease thirty days before the franking privilege of the members, respectively, expires; and it shall not be lawful for the superintendent to deliver any such documents to such members after that time; but all such books and documents remaining undelivered to the members at the time aforesaid, shall be delivered to their successors respectively; and the right of members elect to such books and documents, shall begin at the time when the right of the outgoing members expires, under the provisions of this act.

Mr. KELSEY. How does that bill come here? Is it a privileged question?

The SPEAKER. The select committee of the last session reported that bill, under the resolution authorizing the appointment of the committee; the House gave them liberty to report at any time. The privilege to report at any time, involves the privilege to call up the bill at any time.

Mr. JONES, of Tennessee. When the bill is open to amendment, I want to move that the salary of the superintendent be reduced from $2,500 to $2,000, for $2,500 is a larger salary than is paid to any officer, except the Clerk of the House of Representatives.

Mr. MORGAN. The present salary is $1,500.

Mr. JONES, of Tennessee. I am willing to put it at that.

Mr. HUGHES. The select committee which reported this bill was appointed at the last session, under a resolution, to inquire into the accounts and official conduct of the Doorkeeper. Their powers were afterwards enlarged, by a resolution of the House, so as to include the then Doorkeeper; and subsequently their powers were enlarged so as to include an inquiry into any abuses affecting the publication or sale of books printed by authority of the House of Representatives. The committee examined a good many witnesses, and the resolution and bill here reported are the result of that investigation. This report was made some time in May last; and I have permitted it to lie till the present time because the press of public business was such that no suitable opportunity for action upon it occurred. It is now within a few days of the end of the session, and I have felt it to be my duty, as the chairman of that committee, to call the matter up and let the House dispose of it in such manner as they may deem proper. I do not wish, Mr. Speaker, to occupy the time of the House with this matter; and if there be no disposition to debate it, I will, after such amendments as gentlemen think proper to propose, ask the previous question. I would inquire if the question will not be first on the resolution reported by the committee, that it may be disposed of before the bill is acted on?

The SPEAKER. The House has already got the bill before it; and it must be disposed of first.

Mr. CRAIGE, of North Carolina. Is it in order to move to lay the bill on the table?

The SPEAKER. When the gentleman from Indiana yields the floor, it will be in order.

Mr. CRAIGE, of North Carolina. The House has not got time now to consider this matter.

Mr. HUGHES. As the gentleman from North Carolina indicates a disposition to move to lay the bill on the table, I wish simply to say, before yielding the floor, that I hope the House will not make that disposition of the bill. I think it is a very important measure, and one which introduces some wholesome restrictions.

Mr. WASHBURNE, of Illinois. I ask the gentleman if this measure meets the unanimous approbation of his committee?

Mr. HUGHES. Yes, sir, it does.

Mr. JONES, of Tennessee. I now move the amendment which I suggested—to strike out $2,500 and insert $1,500; so that the section will read:

That there shall be appointed by the House of Representatives a superintendent of the folding-room, who shall hold his office for the same term as the Sergeant-at-Arms, and shall give a bond in the same penalty, and to be approved in like manner as the bond of the Sergeant-at-Arms, and who shall receive for all services an annual salary of $1,500.

Mr. MORGAN. That is the present salary.

Mr. HUGHES. Before moving the previous question, I would state that we propose to place considerable responsibilities on the superintendent to be elected under this bill, which do not now rest on the superintendent. The present superintendent is a mere subordinate to the Doorkeeper of the House; but we propose to make the superintendent an elective officer; to place responsibilities upon him, and require him to give a heavy bond and security. I think the salary proposed is not too large.

Mr. MORGAN. I never knew a bond to amount to anything.

Mr. RUFFIN. This bill authorizes the superintendent to employ folders not exceeding ten in number. I want to know whether the messengers of the House now authorized by law are to be kept during the recess of Congress, without any work to do, and drawing their pay? Under the present management, the Doorkeeper turns over his messengers, after the adjournment of Congress, to the superintendent of the folding-room.

Mr. HUGHES. The gentleman from North Carolina misapprehends the provisions of the bill. The bill provides that the superintendent of the folding-room, and not the Doorkeeper, may employ not exceeding ten folders.

Mr. RUFFIN. During the recess he is allowed ten folders.

Mr. HUGHES. The messengers employed by the Doorkeeper, in the discharge of his duties proper, are not affected by this bill at all. This bill relates exclusively to the folding-room.

Mr. RUFFIN. That is exactly my understanding. The Doorkeeper of the House keeps ten or twelve men during the whole recess, drawing a salary. I believe the House decided, the other day, that the resolution passed at the last session amounts to nothing, and that the Doorkeeper's messengers are entitled to the full pay allowed under the law. Under this bill, these messengers will have nothing to do during the recess, and will draw their pay from the Government.

Mr. HUGHES. This bill does not affect that force at all.

Mr. RUFFIN. That is exactly what I said. That is the reason I complain of it.

Mr. HUGHES. I call the attention of the gentleman from North Carolina to the section of the bill which gives to the superintendent of the folding-room the power to appoint his own messengers.

Mr. RUFFIN. That is exactly what I complain of. The superintendent is allowed to appoint his own messengers, while the Doorkeeper is still authorized, under the present law, to have his permanent messengers here during the recess of Congress. Unless you repeal the law, there will be, from the 4th of March to the 1st of December next, some ten or a dozen men in the employment of the Doorkeeper who have nothing to do.

Mr. KELSEY. Has the previous question been called?

The SPEAKER. The Chair does not know whether it has or not.

Mr. KELSEY. Then I move to lay the bill on the table.

The SPEAKER. The gentleman from Indiana has the floor.

Mr. HUGHES. The gentleman from North Carolina totally misapprehends the matter. The committee have only attempted to reform the folding-room department; and is it any objection to that measure that the reform has not been extended to matters not submitted to the commit-

tee? If the reforms are good, so far as they go, let them be adopted by the House; and if the gentleman from North Carolina has other reforms to recommend, let him propose them.

Mr. BURNETT. I would suggest to the gentleman from Indiana that he, and not the gentleman from North Carolina, is mistaken. Under the existing law, the Doorkeeper is entitled to these permanent messengers for the purpose of employing them in the folding-room. Now, if he adds to this bill a section taking from the Doorkeeper the power of appointment of these messengers, I think it will meet the views of the gentleman from North Carolina.

Mr. HUGHES. That is provided in the ninth section, which reads as follows:

"*And be it further enacted*, That the power of appointing all messengers and other subordinates heretofore employed in the folding-room is hereby taken from the Doorkeeper of the House; and all laws and resolutions vesting such power in the Doorkeeper are hereby rescinded and repealed."

I move the previous question.

Mr. CRAIGE, of North Carolina. I move to lay the whole subject on the table.

The motion was agreed to; and the bill was laid on the table.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HUGHES. The resolution reported by the select committee has not yet been acted on. I ask for a vote upon it, and demand the previous question.

The resolution was read, as follows:

Resolved, That all extra copies of books and documents printed by order of the House of Representatives, and divided equally among the members of the House, are intended for gratuitous distribution to public libraries, and among the people, and are given to members respectively in trust for that purpose; and that any other use or disposition of the same is a violation of the trust aforesaid, and an abuse which meets the unqualified disapprobation of this House.

The previous question was seconded, and the main question ordered; and, under the operation thereof, the resolution was adopted.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union; and I desire to inquire of the Speaker whether, when the committee shall rise, and the business then brought before the House shall be disposed of, the morning hour would not then commence?

Mr. HUGHES. I hope the gentleman from Missouri will let me dispose of this matter. I move to reconsider the vote by which the bill reported from the select committee was laid upon the table.

Mr. PHELPS, of Missouri. I have no objection to the motion being entered; but I object to its consideration at this time. The gentleman has a right to submit his privileged motion; but it cannot come up pending the motion to go into the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. I suggest to the gentleman from Missouri that the motion to reconsider is not debatable, and that we might just as well dispose of it now.

Mr. HUGHES. If it were debatable, I presume the gentleman from Missouri could not take the floor from me. I ask for the yeas and nays on my motion. I did not discuss the bill; but the objections which have been started to it do not apply to it at all.

Mr. CRAIGE, of North Carolina. I move to lay the motion to reconsider upon the table.

Mr. HUGHES. I demand the yeas and nays on that motion.

The SPEAKER. Does the gentleman from Missouri waive his motion to go into the Committee of the Whole on the state of the Union?

Mr. PHELPS, of Missouri. No, sir; I do not. I see that this matter is going to consume a good deal of time; and it is important that we should dispose of the Army appropriation bill to-day.

Mr. LOVEJOY. I desire to move to reconsider the vote by which the resolution in relation to the pay of the late Major Harris was passed, for the purpose of amending it so as to extend it up to the time when his successor took his seat here.

The SPEAKER. The gentleman's motion will be entered.

Mr. HUGHES. I move that the rules be suspended, and that the House resolve itself into a Committee of the Whole House on the Private Calendar; and on that motion I demand the yeas and nays.

The yeas and nays were not ordered.

The motion was disagreed to—ayes twenty-eight, noes not counted.

ENROLLED BILL.

Mr. PIKE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled an act (S. No. 177) to confirm to the heirs or assigns of Bernardo Segui title to lands in East Florida; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. DICKINS, their Secretary, notifying the House that the Senate had passed bills and resolutions of the following titles; in which he was directed to ask the concurrence of the House:

A resolution (No. 80) relating to the claim of George Fisher, late of Florida, deceased;

An act (No. 565) to legalize the sale of the southwest quarter of section ten, in township thirty-nine, north of range fourteen, east of the third principal meridian, in the State of Illinois; and

An act (No. 588) for the relief of Francis Hüttman.

That the Senate have passed an act (H. R. No. 257) to authorize the claimants in right of John Huertas, to enter certain lands in Florida, with an amendment, in which he was directed to ask the concurrence of the House.

That the Senate have passed, without amendment, bills of this House of the following titles:

An act (No. 261) for the relief of Leonard Loomis;

An act (No. 273) for the relief of John F. Cannon;

An act (No. 461) granting an invalid pension to John Lee, of the State of Maine;

An act (No. 496) for the relief of the representative of Henry King, deceased;

An act (No. 524) for the relief of Francis Carver;

An act (No. 525) for the relief of Robinson Gammon;

An act (No. 526) for the relief of Frederick Smith; and

An act (No. 335) for the relief of David Watson.

That the Senate agree to the amendment of the House of Representatives to the bill (S. No. 177) to confirm to William Marvin title to lands in East Florida.

Also, that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 218) relative to the captors of the British brig Caledonia.

ARMY APPROPRIATION BILL.

The question then recurred on the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. WASHBURN, of Maine. I appeal to the gentleman from Missouri to withdraw his motion to go into the Committee of the Whole on the state of the Union, and let the committees be called for reports on private business.

Mr. PHELPS, of Missouri. The committees can be called when we come into the House, and have disposed of the appropriation bill.

Mr. WASHBURNE, of Illinois. The gentleman must know that that is impracticable. I hope his motion will be voted down.

Mr. HARRIS. I ask the gentleman from Missouri if he will not waive his motion for one hour?

Mr. PHELPS, of Missouri. No, sir; I cannot.

Mr. HUGHES demanded the yeas and nays.

The yeas and nays were not ordered.

The motion of Mr. PHELPS, of Missouri, was agreed to—ayes 103, noes 40.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. JOHN COCHRANE in the chair,) and resumed the consideration of the bill of the House (No. 667) making appropriations for the support of the Army for the year ending the 30th of June, 1860.

The CHAIRMAN stated the pending question to be on the amendment moved yesterday by the gentleman from Missouri, [Mr. PHELPS,] on which the gentleman from Virginia [Mr. SMITH] was entitled to the floor.

The amendment was reported, as follows:

Strike out the following paragraph:

"For constructing barracks and other buildings at posts which it may be necessary to occupy during the year, and for repairing, altering, and enlarging the buildings at established posts, including the hire or commutation of quarters for officers on military duty, the hire of quarters for troops, and store-houses for the safe-keeping of military stores, and of grounds for summer cantonments, and for temporary frontier stations, $700,000."

And insert, in lieu thereof:

For barracks and quarters, namely:

For rents, including hire or commutation of quarters for officers on military duty, hire of quarters for troops, of store-houses for the safe-keeping of military stores, of grounds for summer cantonments, and for temporary frontier stations, $100,000.

For repairs of the barracks and other buildings at the different military posts in the States east of the Mississippi river, $20,000.

For the construction, alteration, and repair of barracks and other buildings, at the different military posts, which are or may be established in the States of Arkansas, Missouri, and Minnesota, and the Territories of Kansas, Nebraska, and the Indian territory, $70,000.

For the construction, alteration, and repair of barracks and other buildings at the different military posts, which are or may be established in the State of Texas, $40,000.

For the construction, alteration, and repair of barracks and other buildings, at the different military posts, which are or may be established in the Territory of New Mexico, $45,000.

For the construction, alteration, and repair of barracks and other buildings, at the different military posts, which are or may be established in the States of California and Oregon, and Territory of Washington, $80,000.

For the construction, alteration, and repair of barracks and other buildings, at the different military posts, which are or may be established in the Territory of Utah, $150,000.

Mr. SMITH, of Virginia. I move to reduce the appropriation of the amendment of the gentleman from Missouri to $20,000.

Mr. Chairman, I simply desire to call the attention of the committee to the gigantic appropriation proposed for the structure of public buildings. Seven hundred thousand dollars is the amount in the paragraph of the bill. This large sum of money, it is proposed, shall be expended under the orders of commanders of posts; expended for buildings without plans proposed, and expended without orders, I understand, from the War Department. The amount is frightful. It is true that the chairman of the Committee of Ways and Means proposes to reduce the amount of the bill; but at what does he leave it?—$505,000. He still leaves that sum to be expended in a miscellaneous way, and without any proper responsibility.

Now, it strikes me that it may be well questioned whether, to a great extent, this whole class of expenditures is not entirely useless and improper. Why should such an enormous amount be expended as is here provided? On what principle is it that such a vast sum is annually appropriated? What exhibition had we yesterday on the motion of the gentleman from Georgia, [Mr. SEWARD?] A proposal to sell property acquired for military purposes, at a sum less than its original cost, and without payment for the after expenses of building barracks and other improvements. So, also, has it been at other military posts of the United States. When a post is located upon the frontier, we have been in the habit of erecting splendid palaces for the accommodation of officers of the Army. Soon the tide of emigration comes rolling along, and they cease to be military posts. They are abandoned, and become a dead loss to the Government. Then new structures are erected, and other hundreds of thousands of dollars expended. Why is it that an army cannot do now as they have done before? Why cannot they put up their tents, remain at their temporary locations, and, when emigration renders the occupation of the site unnecessary, pull up their stakes, and take up the line of march onward for a more remote location? Why is it that every one of these posts requires the expenditure of thousands and thousands of dollars? It seems to me that this system of expenditure is more likely to pamper the schemes of speculators than anything else. I want to strike at the root of this expenditure. I believe that $20,000 is amply sufficient for the necessary demands of the military posts of the country.

Mr. SMITH, of Virginia. Fort Laramie is a point where considerable expenditure is to be

made. I ask how far population has gone west of Fort Laramie, already?

Mr. PHELPS, of Missouri. Population has gone to Utah, which is west of Fort Laramie. Fort Laramie is about the dividing point between the States of Iowa and Missouri and the settlements of Utah.

The question was taken on the amendment to the amendment; and it was not agreed to.

Mr. FAULKNER. I suppose it is in order to perfect the original proposition proposed to be stricken out.

The CHAIRMAN. It is.

Mr. FAULKNER. I move to amend by reducing the amount in the original proposition to $400,000, and adding the following proviso:

Provided, however, That no portion of the money hereby appropriated shall be applied to the construction of permanent barracks and quarters, until plans with full specifications and detailed estimates, shall be submitted to Congress, and the same shall be approved by a special appropriation for the same.

I indicated yesterday, Mr. Chairman, that it was the purpose of the Committee on Military Affairs to move to reduce the appropriation $300,000. The amendment of the Committee of Ways and Means, would seem, from its character, to introduce something of specifications and certainty in the appropriations. But it does not do so, in fact. For example, it makes an appropriation to provide barracks and quarters at the different military posts that are, or may be, established, in California, Oregon, and Washington Territory, and the other States and Territories. This is almost as vague and indefinite, and leaves as little to the discretion and judgment of the body, as the original proposition contained in the bill reported by the Committee of Ways and Means. I am satisfied, therefore, that the true interests of the public service will be promoted by retaining the section, originally reported by the Committee of Ways and Means, reducing the appropriation $300,000, and adopting the proviso which I have submitted, and which forbids the Secretary of War from applying a single dollar of it to permanent barracks and quarters until there shall be submitted to Congress detailed estimates on which we may hereafter act advisedly.

Now, sir, it will be recollected by the House that, on the 11th of January, I called on the Secretary of War to furnish a statement of the expenditures for barracks and quarters during the last ten years. I succeeded, this morning, in obtaining at the printing office, some of the sheets of that document, which is not yet printed entire. From this, it appears that there has been expended, within the last ten years, for barracks and quarters, $4,146,168 18. This, sir, would seem to be a most unnecessary sum. The Quartermaster General, in replying to the interrogatories which I proposed to him, as to the expediency of arresting this cause of expenditure, expresses a most decided opinion against the system of permanent barracks upon our shifting frontiers. The posts are, in their nature, temporary; they are soon abandoned, and the money invested in their improvement is lost. He thinks, under such circumstances, the appropriate barracks are huts erected by the soldiers themselves. This used to be the old system, before the luxury of modern extravagance was introduced, before assistant quartermasters felt at liberty to indulge their taste in the erection of costly quarters, without any regard to the appropriations of Congress, and before a redundant Treasury taxed the wits of officials to squander the public money. It made, also, better soldiers, more hardy, more subordinate, better satisfied troops. It is time to think of returning to the old system, and of dispensing with the army of civil employés which the quartermaster's department has now under its control.

Now, it is manifest that if we adopt the proposition submitted by the Committee of Ways and Means, and appropriate, say so much in the general for Utah, so much for California, &c., we will leave the department very little restrained in its practice of going on with the present system of permanent barracks. It is shown by this document, to what I have called your attention, that the expenditures for the last ten years for this object have reached over four million dollars; and the Quartermaster also tells you that that was, in some respects, and in many of its items, an injudicious expenditure, and should not have been made. My opinion, therefore, is that if you will retain the section as it originally came from the Committee of Ways and Means, and will cut down the appropriation $300,000, and will then add the proviso forbidding the Secretary of War from expending a dollar in erecting there permanent quarters and barracks, until estimates and details are submitted to Congress for its approval, you accomplish every object of military policy, and, at the same time, guard the Treasury from that excess of expenditure which has marked this branch of the public service.

Mr. PHELPS, of Missouri. The gentleman from Virginia proposes to reduce the appropriation down to $20,000, the appropriation embracing the military stations within the department of the West. I have in my hand an estimate, prepared at the Quartermaster General's office, for repairs and erection of new buildings in the department of the West, including the Platte district; that estimate is for $77,000; and there is an intimation that more may be required, if it should be determined to erect temporary store-houses at Camp Walback, and the posts upon the great trail leading from the States of Iowa and Missouri to California and Oregon, through the Territory of Utah. A stable is required at the post in Minnesota. An appropriation is required for the repair of quarters which have been injured by fire. Does the gentleman expect that the Army is to spend the winter in that rigorous climate with no shelter but the covering of their tents? Does he suppose that these expenditures are entirely for the comfort and convenience of the officers? I say that it is cheaper for you to properly house and take care of your soldiers, when they are stationed at these distant posts, than it is to jeopard their health and lives by exposure to the cold. At your military posts you require store-houses, in which your quartermaster's supplies and your commissary's stores shall be kept sheltered. At each one of your military posts you need a suitable building as an hospital for the sick. At Fort Leavenworth additional repairs are required. In the district of the Platte, at Fort Laramie, Fort Kearny, and Camp Walback, it is estimated that the sum of $36,900 will be required.

I do not see the propriety of the reduction proposed by the gentleman from Virginia, [Mr. SMITH.] The Committee of Ways and Means have endeavored to fix the responsibility upon the officers of the department. The gentleman's colleague [Mr. FAULKNER] remarked, that the expenditures in the preceding year exceeded the estimates which were submitted by this particular department. That is literally true; and yet it is not true in fact. The law did not appropriate any specific amount to be used in any military department; and the commandants of certain departments exceeded the amount estimated in the Quartermaster General's office to be expended there, though there was no excess of the appropriation for the construction of barracks and quarters.

Mr. PHELPS, of Missouri. I know that the Quartermaster General is of opinion that temporary huts should be erected at our frontier posts. That is the true policy in regard to those posts that must necessarily be temporary in their nature; but there are some military posts which become the distributing depots, and, where it becomes necessary to provide for all the munitions of war. I ask whether it is not cheaper for the Government, if it can safely withdraw a portion of the mounted troops from the distant posts to the nearest settlements, where provisions can be easily got, to do so?

I submit to any gentleman acquainted with the operations of the Army, whether, although during the summer season it has been found necessary to station a portion of mounted troops at Fort Laramie, it would not be better, as the winter season comes on, to bring them in to Fort Kearny and other forts, where supplies of forage and grain can be procured cheap, and where the heavy cost of the transportation of supplies is avoided. I know that in the country now lying between the Territories of New Mexico and Utah it is contemplated to erect temporary buildings instead of permanent ones. If the amendment of the gentleman from Virginia shall prevail, the whole $300,000 may be expended in any one military department of this Government. If the amendment submitted by the Committee of Ways and Means shall be adopted, no more money can be expended during the next fiscal year in any one military department for barracks and quarters, than the amount specified in that amendment and assigned for that military department. It is a step towards reform to endeavor to restrict these expenditures within the different military departments.

If you are to retain a military force for any length of time in the Territory of Utah, considerable expenditures will be required there. A larger amount is estimated to be expended in the military department of Utah than in any other military department of the Government; because no buildings have been erected at the posts already established in the Territory of Utah; and, if your army is to be retained there, the Quartermaster General says that, in his opinion, $180,000 will be necessary in that department; but the Committee of Ways and Means have reduced it to $150,000. For these reasons I hope the amendment of the gentleman from Virginia will not be adopted.

Mr. SMITH, of Virginia. I move to amend the amendment of my colleague, by striking out "four hundred" and inserting "three hundred." I am gratified that the proposition of my colleague has been submitted.

Mr. CURTIS. I rise to a question of order.

Mr. SMITH, of Virginia. If the gentleman will wait a moment, he will see that I am in order. I believe in the principle of the amendment; but I think the amount is too large.

Mr. CURTIS. The gentleman's amendment is in the third degree. The gentleman from Missouri submits an amendment. The gentleman from Virginia [Mr. FAULKNER] moves to amend that; and this is an amendment to an amendment to an amendment.

The CHAIRMAN. The Chair will state that the gentleman from Virginia [Mr. FAULKNER] on the right of the Chair, offered an amendment to the paragraph proposed to be stricken out by the chairman of the Committee of Ways and Means, and the gentleman from Virginia in front of the Chair, [Mr. SMITH,] offers an amendment to that amendment. The Chair holds that that amendment is but an amendment to an amendment, and that it is in order.

Mr. SMITH, of Virginia. I was stating, when I was interrupted, that I approved of the principle of my colleague's amendment. It is evidently right and proper, but still the amount is larger than I think necessary.

Mr. Chairman, you have a curious exhibition here to-day. The chairman of the Committee on Military Affairs—which is immediately and directly interested in this bill—is trying to economize, and the chairman of the Committee of Ways and Means is trying to prevent it. That is precisely the extraordinary issue that is presented here. The chairman of the Committee on Military Affairs, having the immediate supervision of the bill, and acting, as I conceive, upon his official responsibility, says that $400,000 is enough, but the chairman of the Committee of Ways and Means says $505,000 is the *minimum*. Now, that is rather extraordinary, and I trust this committee will adopt the policy of the chairman of the Committee on Military Affairs, especially as it involves a diminution. Still I think the amount is too large.

The gentleman from Missouri says that his bill introduces specifics. That is one of my objections to it so far as Missouri, Arkansas, Minnesota, and Kansas are concerned, because it assumes, without any proof of the fact, that $70,000 is needed. Where is the evidence of the fact that that amount is needed? We have speculations upon the subject, to be sure, but where is the evidence of that necessity. Those speculations are well founded, of course, if we are to build magnificent palaces for the officers. The gentleman talks about the cold climate of the north. Let your troops do as the Indians do, and as the wild geese do, travel south until the frosts are over.

Mr. PHELPS, of Missouri. Then you will have to pay the cost of transportation.

Mr. SMITH, of Virginia. Let them transport themselves, especially the cavalry. Certainly they can do it. Besides that, will they not have to be transported to the posts where these buildings are to be erected? I say let the men wait on themselves. Let them live in tents, or, if they are not satisfied with that, let them put up log-huts, and not have palatial residences put up for them. Let them cut down trees and erect log-houses, or else

live in tents as their ancestors did. Where is the necessity for these permanent establishments and enormous expenditures? I say enormous because the amount of $500,000 annually for these improvements is wholly and absolutely out of the question. I am reconciled, however, to the proposition of the gentleman who presides over the Military Committee of this House, because it provides that the plans for these improvements, before they are undertaken, shall be submitted to, and approved by, those who will vigilantly watch the expenditure involved. That is the controlling principle which makes me hope that the amendment of my colleague will be adopted.

INDIAN APPROPRIATION BILL.

The committee here informally rose, and the Speaker having resumed the chair, a message was received from the Senate, by Mr. DICKINS, its Secretary, notifying the House that the Senate agree to the amendments of the House of Representatives to the amendments of the Senate to the bill of the House making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various tribes of Indians, for the year ending June 30, 1860; that the Senate insist on their amendments to said bill disagreed to by the House of Representatives, and ask a committee of conference on the disagreeing votes of the two Houses relative to said bill; and that the Senate have appointed Mr. PEARCE, Mr. SEBASTIAN, and Mr. BELL managers on the part of the Senate of said conference.

Mr. PHELPS, of Missouri, by unanimous consent, moved that the House insist on its disagreement to the amendment of the Senate, and agree to the conference on the disagreeing votes of the two Houses.

ARMY BILL—AGAIN.

The committee then resumed its session.

Mr. CURTIS. It is true, as the gentleman Virginia [Mr. SMITH] says, that we have, on this occasion, a conflict between the two committees. That has been apparent to the committee ever since this bill has been before it; but it is not the fact, as the gentleman says, that the chairman of the Committee on Military Affairs is trying to reduce the expenditures, while the chairman of the Committee of Ways and Means is trying to prevent it. The chairman of the Committee of Ways and Means proposes to reduce the amount by $195,000, and the chairman of the Committee on Military Affairs proposes to reduce it $300,000.

Now, Mr. Chairman, the chairman of the Committee of Ways and Means has proposed to itemize the bill; and in that he has suggested a very valuable improvement in the bill; because it is necessary that the expenditures should be made in the different departments.

I do not agree with the gentleman from Virginia, [Mr. SMITH,] that the troops at the north should be taken south in the winter season, and should carry their own baggage. I presume it would be somewhat difficult for the infantry to carry their tents and camp equipments upon their own shoulders, to the sunny South. The gentleman proposes that they shall go south, like the wild geese, in the winter season, and I presume they would have to go north in the summer season. We should have Old Point Comfort coming north, bag and baggage, and the other posts in the old Dominion moving to the northwest. And then we will have an artillery school in Iowa, instead of where it is now, in Virginia. How ridiculous is this idea of a migratory army! The transportation of the Army would then be enormous. It seems to me, sir, that the Army ought to be more permanently located than it is; and it is for that reason that we will have to have a reorganization of the Army and a reorganization of the posts, and to establish them where they should be, and where they will be of the most advantage. As a member of the Committee on Military Affairs, I am bound to support the chairman of that committee.

Mr. SMITH, of Virginia. I desire to ask whether the Indians do not migrate south as the winter approaches, and whether there is not always around every post enough means for the transportation of all that is necessary for the use of the Army? Of course, we ought not to pay for the transportation of wines, and all the indulgences and luxuries of the Army.

Mr. CURTIS. Some of the Indians migrate south; but in the northwest, there are the Sioux Indians, who do not migrate there—the very Indians who have committed depredations in the State of Iowa. That State is constantly annoyed by them at this time; because the troops which were there for the protection of that frontier have been ordered to the south. I do not believe in this policy of sending troops north and then south. I think the troops are supported much cheaper in the north than they are in the south, even during the winter; and the troops ought to be in the north during the winter; because, when they are removed to the south, the Indians, who are then in a starving condition, come down upon the settlements, committing great depredations. It is time that there should be a stationary military force there. You want military posts there. They are, doubtless, necessary there, as well in summer as in winter. As a general thing, I am opposed to permanent barracks in the interior of the country; but there are exceptions, and in some places you must have them. For the extravagance of appropriations, against which there has been so much talk, I hold this Administration accountable.

Mr. REAGAN. I move to increase the appropriation $100,000. Mr. Chairman, I doubt not that the chairman of the Committee on Military Affairs and the chairman of the Committee of Ways and Means are as well advised of the interests of the Army as they can be; and it is with no expectation of throwing any light on the subject, that I now rise, as others have done, to participate in this discussion. It is to be presumed that the object that gentlemen have had in view is to give the House some intelligible information upon which it can act with reference to a matter of so great importance as furnishing a temporary protection for the Army of the United States, while in the service of the country. It is gravely suggested, by the distinguished gentleman from Virginia, that, in order to save the expenditures of building temporary barracks, the Army should be made migratory in its character—that it should migrate from the north to the south in winter, and from the south to the north in the summer. The blazing summer's sun on the prairies of the south produces sickness, disease, and death, just as much as the frost and snows of winter in the north. The same character of appropriation is alike necessary for the animals, as well as for soldiers, in every portion of the country. The gentleman from Virginia objected to the appropriation now made on the ground that the officers have rich wines and other luxuries, which they require to be transported. Does not the gentleman know that this appropriation covers no luxuries for officers; no wines, or anything that can be tortured into luxuries? Why, then, should he make such an argument before grave and intelligent men, who are legislating upon a subject of the greatest importance? This is for the protection of those men who suffer more in the public service than any other class in this Government. It is for the soldiers in the Army. It is for the protection of the animals from starvation, and from disease and death.

It seems to me that there is another feature in this matter, which ought to have some consideration from the House, aside from the consideration of the health and life of the soldiers, and the interests of the public service. This Government has a great future before it. It has immense territories yet to be settled—territories now occupied by Indians, of more or less hostility, which have to be overawed by the power of the Government. They appreciate no other course. The settlements of the country are certainly extending all along our frontier; and they certainly enter into the consideration of the necessities of our defenses. No man who has been on the frontier, (and I doubt not that the gentleman has,) but will have seen that some character of protection is essential to the health and life, not only of the soldier, but the officers of the Army. That protection, under these appropriations, has usually been of the cheapest character. Log cabins have been erected for officers as well as soldiers; and stables have also been made of the cheapest material, for the protection of the animals, and the grain which is designed for those engaged in the military services of the country. Hospitals have been built of the cheapest materials. Now, sir, all these are indispensable to the efficiency of the service. I am not urging the question of the expenditures. I am willing to take the amount proposed by the chairman of the Committee of Ways and Means. I doubt not that he correctly understands the subject. I perceive that he reduces the estimates of the War Department $195,000. That goes, I think, as far as it will be safe for us to go at the present time. But when gentlemen talk of retrenchment, they ought to talk intelligently upon the subject. When they wish to economize, they ought to satisfy themselves and the House that they have some conception of the nature and character of the items which it is proposed to reduce.

[Here the hammer fell.]

Mr. STANTON. I desire to call the attention of the committee especially to the proviso proposed as part of the amendment of the chairman of the Committee on Military Affairs. It proposes not merely a reduction in the expenditures of the current year, but also an exceedingly valuable permanent reformation. It inaugurates a new system. Under the existing order of things, as I understand it, every commander of a post goes to work and erects permanent barracks without any limitation as to the amount expended. This is a discretion for which he is in no way responsible; and if any abuse be committed in practice, he has never been called to account for it.

The amendment proposed by the Committee on Military Affairs directs that no new barracks shall be erected until there is a detailed plan and estimate for their construction, and an appropriation made by Congress for the purpose. This is not one of those temporary reforms that will operate only for the present, and that we would have to appropriate for afterwards in a deficiency bill. It goes to the permanent legislation of the country, and cuts up a tremendous source of abuse in all future time. I am not so certain that the chairman of the Committee on Military Affairs has gone far enough in reducing the amount of this item, when coupled with the limitations to the expenditure proposed in the amendment. I am by no means certain that there is a necessity for expending $400,000 merely for repairs. But perhaps it may be well enough to trust the department that they will not steal it, and that, if a balance be left, they will report that balance. The proviso in the amendment is the essential thing; and I hope the committee will take good care that it shall not be overslaughed, either here or in the House.

The question was taken on Mr. REAGAN's amendment to the amendment; and it was not agreed to.

Mr. MARSHALL, of Kentucky. I move to amend the amendment, by adding the following proviso:

Provided further, That any officer of the Army who, as a disbursing agent, shall hereafter undertake to engage the public credit in advance of the appropriations made by Congress, shall, on conviction before a court-martial, be dismissed from the service, unless he shall exhibit as his justification an order in writing, to make such disbursment, from his superior officer, approved by the President of the United States.

Mr. PHELPS, of Missouri. I rise to a question of order. The amendment proposes to ingraft on an appropriation bill what is a matter of general legislation.

Mr. MARSHALL, of Kentucky. It is no more a matter of general legislation than the other proviso in the amendment, which provides that no permanent barracks shall be erected without detailed estimates.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. HOUSTON. I should like to appeal to the gentleman from Missouri to withdraw his point of order.

Mr. PHELPS, of Missouri. I have no objection to that proviso being incorporated in the bill; and I do not insist on my point of order.

Mr. MARSHALL, of Kentucky. I hope the amendment will be agreed to. It affords the only remedy that we can apply. It leaves it to the President of the United States, on his responsibility, to engage the public credit; but says to the subordinate officer of the Army, that if he attempts to disburse money beyond the sum appropriated by Congress, he will, on conviction, lose his commission. Whenever you apply a remedy so stringent as that, you will effect a re-

form, and escape deficiency bills. Until you do so, we stand here for no other purpose than to register the edicts of the executive bureaus. My object is to bring these disbursements within congressional control, and to provide that if the appropriations be exceeded by executive officers, they shall be exceeded on the direct responsibility of the President of the United States, who may justify himself on the necessity arising from the circumstances under which he acts. I hope there will be no opposition to this amendment.

Mr. FAULKNER. As I indicated on yesterday in reply to the gentleman from Maryland, [Mr. DAVIS,] I shall be pleased to see such an amendment ingrafted on the bill, if there be no objection to it on the score of order. If the question of order is waived, I accept the amendment as a part of my own.

Mr. PENDLETON. I move to amend the amendment proposed by the chairman of the Committee of Ways and Means, by reducing the amount to $300,000. I think the amendment offered by the gentleman from Virginia, as modified by the proposition introduced by the gentleman from Kentucky, meets the very case presented to us by the Quartermaster General, in which he complains, in two official documents sent to this Congress, that the expenses of constructing barracks and buildings for the troops are not within the control of any Department or any officer of the Government. I trust that the amendment will be adopted, and that this limitation will be placed upon executive officers.

But I desire to go further. I desire to meet the objection made by my colleague, [Mr. STANTON,] when he said that he thought $400,000 was too large an amount to be appropriated in one year for the repairs of buildings. I think it is entirely too large. I think there is room for as great an abuse there as has been complained of by the Quartermaster General. I think there is as good an opportunity of exceeding the proper amount of expenditure, when you give to the Department $400,000 to be expended for the alteration and repairs of old buildings, as there is when you give it $500,000 for the construction of new ones. I think that the amendment which I propose only reduces the amount to a proper sum. It leaves $100,000 for rent of quarters which we do not own; and gives $200,000 for the repair and alteration of buildings which we do own. That amount is, I think, abundant; and I trust the amendment which I offer will be agreed to by the committee.

The question was taken on Mr. PENDLETON's amendment to the amendment; and it was agreed to.

The question recurred on Mr. FAULKNER's amendment as modified; and it was agreed to.

Mr. REAGAN. I move to amend the amendment of the gentleman from Missouri, by adding to it the proviso that has already been added to the amendment of the gentleman from Virginia, on motion of the gentleman from Kentucky, [Mr. MARSHALL.]

Mr. PHELPS, of Missouri. With the permission of the gentleman, I will say that the amendment now pending was reported from the Committee of Ways and Means. If I am at liberty to accept his amendment, I will do it.

The CHAIRMAN. The Chair thinks the gentleman can accept it.

Mr. PHELPS, of Missouri. Very well, sir; then I will do so.

The amendment of the Committee of Ways and Means, as modified, was read, as follows:

Provided, That any officer of the Army who, as a disbursing agent, shall hereafter undertake to engage the public credit in advance of the appropriations made by Congress, shall, on conviction before a court-martial, be dismissed from the service, unless he shall exhibit as his justification, an order in writing, to make such disbursement, from his superior officer, approved by the President of the United States.

Mr. McQUEEN. I want to ask the gentleman from Missouri a single question. I believe that this amendment proposes to appropriate $520,000.

Mr. PHELPS, of Missouri. The bill as reported, proposed to appropriate $700,000—the amount estimated by the Secretary of War. The amendment emanating from the Committee of Ways and Means, recommends $505,000, distributed in different departments, as therein specified. One hundred thousand dollars of that amount is needed for the payment of rent and commutation of quarters, leaving only $405,000 for the construction of barracks, and so forth.

Mr. McQUEEN. And the amendment proposed by the Committee on Military Affairs, proposes to appropriate only $300,000?

Mr. SMITH, of Virginia. Four hundred thousand dollars.

Mr. PHELPS, of Missouri. The amendment of the Committee of Ways and Means appropriates $505,000.

Mr. McQUEEN. Well, I shall vote against it.

The amendment reported from the Committee of Ways and Means was disagreed to—ayes twenty-eight, noes not counted.

Mr. HUGHES. I move to strike out the whole paragraph. I will not detain the committee a moment. This is an appropriation for the construction of barracks and other buildings at points which it may be necessary to occupy during the year. I wish to give those members of the House who are opposed to the multiplication of these posts an opportunity to vote upon a proposition to strike out the whole clause.

The amendment was rejected.

Mr. MARSHALL, of Kentucky. I offer the following as a proviso to the clause providing for mileage or the allowance made to officers of the Army for the transportation of themselves and their baggage, when traveling on duty:

Provided, That the mileage hereafter to be drawn shall be confined to their actual traveling expenses.

Mr. PHELPS, of Missouri. Is that amendment in order?

The CHAIRMAN. The Chair holds that it is.

Mr. MARSHALL, of Kentucky. It is well enough, as we are retrenching the expenses of the Army, that we should strike at the proper points. An officer traveling under orders, but without a command, receives mileage at the rate of ten cents a mile.

Mr. HOUSTON. I think the gentleman's amendment is as broad as it can be. There ought to be some restraining word in it.

Mr. MARSHALL, of Kentucky. Let the phraseology then be, "necessary actual traveling expenses." An officer now traveling under orders, but without a command, is allowed ten cents a mile. It is proper, when an officer is ordered on a court-martial, or ordered elsewhere, that his actual expenses should be defrayed. Officers ordered to report for duty are paid that mileage; and, sir, some of the higher officers have swollen up that account of mileage, as the books will show, to a startling amount, while their actual expense in traveling, to report for duty, was not one eighth of what was paid to them. While they are traveling their pay is all the time going on. I would not have an officer move at his own expense; but I think that, when the Treasury is in its present condition, an officer ought not to be permitted, under the head of mileage, to make a profit upon the order that he receives. Therefore, I propose that the mileage shall be cut down to the point of actual traveling expenses.

Mr. REAGAN. This proposition should be considered before it is acted upon. It would seem that the gentleman was proposing a reduction of the expenditures; but, sir, when you recollect what are the expenses of traveling in addition to the cost of living, it is probable the expenditures of the Government will be double what it now is. At present, officers get ten cents a mile for traveling. That would only pay their stage fare in most of the portions of the country where they are required to travel. They could not live while they were traveling for less than two or three dollars a day. That, sir, would be a part of the expense of traveling. Then, instead of paying three dollars for thirty miles travel, or four dollars for forty miles travel, you will have to pay six or eight dollars under the gentleman's amendment. I present this suggestion for the consideration of the House.

The question was taken; and the amendment was rejected.

Mr. MARSHALL, of Kentucky. I move another amendment:

Provided, That the mileage of any officer shall not exceed five cents per mile.

Mr. CHAFFEE. Does not that change existing law?

The CHAIRMAN. The Chair thinks that it is within the scope of the last amendment, and that, therefore, it is in order.

Mr. MARSHALL, of Kentucky. I want to see whether there is a disposition here to cut down the mileage of officers, so as to approach their actual traveling expenses.

Mr. WASHBURNE, of Illinois. I submit that the amendment makes a change of existing law.

The CHAIRMAN. It merely qualifies appropriations under existing law. The Chair rules the amendment to be in order.

Mr. BONHAM. I rise to oppose this amendment of the gentleman from Kentucky, my colleague on the Committee on Military Affairs. It not unfrequently happens, and I apprehend that it has come within his own knowledge, that an officer's expenses of travel are greater than ten cents a mile. He may be detained by sickness, or want of connection between the trains. Ten cents is not a large amount for an officer's traveling expenses. Members of Congress receive something like forty cents a mile; and when gentlemen propose to cut down the mileage of officers of the Army, perhaps they had better look at their own mileage. I trust that the amendment will not prevail.

Mr. MARSHALL, of Kentucky, demanded tellers.

Tellers were ordered; and Messrs. BUFFINTON and McQUEEN were appointed.

The committee divided; and the tellers reported—ayes 73, noes 50.

So the amendment was agreed to.

Mr. BRANCH. I offer the following amendment:

Provided further, That mileage shall not be allowed when the officer has been transferred or relieved at his own request.

The amendment explains itself; and I will not consume the time of the committee in discussing it.

The question was taken; and the amendment was agreed to.

Mr. FAULKNER. I move to amend by striking out $490,000; so that the section will read—

For transportation of the Army, including the baggage of the troops when moving either by land or water; of clothing, camp and garrison equipage, from the depot at Philadelphia to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments, and of subsistence from the places of purchase and from the places of delivery under contract; to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms, from the founderies and armories, to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferries; for the purchase and hire of horses, mules, and oxen, and the purchase and repair of wagons, carts, and drays, and of ships, and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as from their situation require that it be brought from a distance; and for clearing roads, and removing obstructions therein to the extent which may be required for the actual operation of the troops on the frontier, $3,000,000.

Mr. FAULKNER. As the chairman of the Committee of Ways and Means acquiesces in the propriety of this reduction, it is unnecessary to make any explanation of it.

The question was taken; and the amendment was agreed to.

Mr. BRYAN. I offer the following amendment:

Add, in one hundred and fifteenth line, after the word "dollars:"

And $184,554 50, or so much thereof as may be necessary to pay the amount due for the protection of the frontier of Texas, assumed by Texas prior to the 27th day of January, 1859, under calls for volunteers from General Smith, Governors Pease and Runnels: *Provided*, That satisfactory proof shall be made of the amount expended, and that the same was necessary and proper for the said volunteers, and the time said troops were in service: *And provided further*, That the volunteers so called out shall not receive higher pay and allowances than volunteers of the same description in the service of the United States.

Mr. PHELPS, of Missouri. I rise to a question of order. The expenditures proposed to be paid for by that amendment were not authorized by existing law. Although these troops may have rendered service, still, they were not called out in the manner provided for by the laws of the United States. The State of Texas, I understand, has paid these expenses, and therefore the amendment is not in order.

Mr. BRYAN. I have drawn that amendment with a view to obviate the objection just raised,

on a point of order, by the gentleman from Missouri. The Committee on Military Affairs reported a bill to reimburse the State of Texas that amount which is now before the Committee of the Whole on the state of the Union. The amendment has been drawn so that the matter might be referred to the accounting officers of the War Department, and settled by them, and not, as was proposed by the bill, to reimburse the State of Texas. It simply proposes to make an appropriation to pay these expenditures to the amount that will be found due.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out of order; because it is in the nature of a claim.

Mr. SMITH, of Virginia. I would like to hear some explanation of this clause:

"For the purchase of horses for the two regiments of dragoons, the two regiments of cavalry, the regiment of mounted riflemen, and the companies of light artillery, $200,000."

Mr. PHELPS, of Missouri. Five regiments of mounted troops are now engaged in difficult and arduous service on the frontiers, in which many horses are injured and rendered unserviceable. The troops have been engaged in the prosecution of hostilities against the Indians, in the Territories of Utah and New Mexico; and the destruction of horses, in consequence of these campaigns, has been very great, and renders the appropriation necessary. Last year $200,000 was appropriated for the purpose, besides a further sum in the deficiency bill, on account of the Utah expedition.

I will further remark to the gentleman from Virginia, that if you intend to keep the Indians in subjection, it must be done by mounted troops; and unless you furnish them with horses it is useless to keep an army there. This is the amount which the Quartermaster General estimates will be needed during the next fiscal year.

Mr. SMITH, of Virginia. I move to strike out "two" and insert "one," so as to make the amount $100,000. Mr. Chairman, all our Indian wars are now, I believe, at an end; and we have no wars at this time.

Mr. BRYAN. With the permission of the gentleman from Virginia, I will ask him what he means by the term "war?"

Mr. SMITH, of Virginia. Well, I suppose the absence of peace. That is as broad a definition as I can give.

Mr. BRYAN. I presumed that was what he meant, and I will inform him that the whole line of the frontier of Texas is now at war.

Mr. SMITH, of Virginia. I am satisfied that, if the people of Texas would stay at home and mind their own business, and let the Indians alone, there would be no war.

Mr. BRYAN. On what *authority* does the gentleman say that?

Mr. SMITH, of Virginia. Let me go on with my remarks; I have but five minutes. In this state of our relations with the Indians, and in view of the fact that, after recent developments, the Indians are not likely to interfere with us, it is my conviction and belief that $100,000 is an ample sum to keep up the force that is already mounted. I am desirous of reducing the expenses of this branch of the service somewhat. I am not willing to allow an overflowing appropriation for the purpose of enabling military men to gratify their fancy in horse-flesh. I know how easy it is for a man who has a horse that is not exactly to his liking, to have him condemned as unfit for service and sold, when there is plenty of money for him to purchase some pet or favorite. I trust it will be the pleasure of the committee to reduce the amount.

Mr. PHELPS, of Missouri. I will say, in reply to the gentleman from Virginia, that we have a mounted force upon the frontier, and that it is necessary to furnish them with good horses. The appropriation, under this head, for 1856, was $295,256; and for 1857, it was $221,723.

I will state the prices at which horses have been purchased. The horses purchased at New Orleans, in 1856, cost from $180 to $250 each; and in 1857, $235. Those purchased at St. Louis and Memphis, in 1856, cost $150; in 1857, $160 to $175; and in 1858, $159. The horses purchased at Fort Leavenworth, in 1856, cost from $100 to $135; in 1857, from $125 to $160; and 1858, from $115 to $170; and so at other points at which they have been purchased.

In reference to the condemnation of horses in the service, the gentleman from Virginia is mistaken. The horses are not purchased for the use of the officers, but for the privates and non-commissioned officers of the mounted regiments. The officers furnish their own horses; but you furnish the mounted men with horses, and it is not an easy matter for a private to get his horse condemned, and none are condemned, unless they are unfit for the service.

The amendment was rejected.

Mr. MORGAN. I move to reduce the appropriation one dollar, and I do it for the purpose of asking a question of the chairman of the Committee of Ways and Means. I would ask him how many horses there are in the Army and what is the average price paid per horse? Supposing each horse to cost $100—which is about as much as they ought to cost—the amount which he proposes to appropriate would supply one third of the horses every year.

Mr. PHELPS, of Missouri. You have to purchase one fourth or one third of the horses for the troops every year. I mean that one third or one fourth of the horses are worn out in the service each year. I have already stated the price of the horses purchased at different places; but perhaps the gentleman from New York did not hear me. Those purchased at New Orleans, in 1856, cost from $180 to $250, and in 1857, $235. Those purchased at St. Louis and Memphis, cost, in 1856, $150; in 1857, from $160 to $175, and in 1858, $159. Those purchased at Fort Leavenworth, in 1856, cost from $100 to $135; in 1857, from $125 to $160, and in 1858, from $115 to $170.

Mr. MORGAN. I think the constituents of my friend from Missouri have a pretty good time of it selling horses.

Mr. PHELPS, of Missouri. The misfortune is, that the horses are bought elsewhere than in the State of Missouri.

Mr. MAYNARD. I should like to ask the chairman of the Committee of Ways and Means a question upon this subject. I understood him to say that one third of the horses in the service were worn out every year.

Mr. PHELPS, of Missouri. From one fourth to one third.

Mr. MAYNARD. That would make a change of the horses in the service every three or four years. Now, we know that under ordinary usage, a horse, after it gets to be four years old, will last with care from five to six years. I would ask the gentleman whether the shorter life of the horses in the service is owing to the harder usage, or to the want of care and attention?

Mr. PHELPS, of Missouri. It is owing to the severe service to which the horses in the Army are applied, and to the fact that we refuse to appropriate the money necessary to procure the grain upon which the animals are to be fed at these distant posts.

Mr. MAYNARD. Then, I would ask the gentleman whether the proposition now made to reduce the appropriation would not, in his opinion, be very poor economy on the part of the Government, in causing the destruction of the horses of the Army?

Mr. MORGAN withdrew his amendment.

Mr. REAGAN. I move to increase the appropriation one dollar.

Mr. Chairman, when my colleague stated that the frontier of Texas was in a state of war, the gentleman from Virginia [Mr. SMITH] made a remark, which I feel that if he had reflected before it was made, would have been unsaid. He stated that if the people of Texas attended to their own business, they would not have had any war with the Indians. I presume that the people of Texas are as humane as the people of any other portion of the Union. We have, it is true, to live upon the frontier——

Mr. SMITH, of Virginia. I would say that I did not mean particularly to refer to the people of Texas, but I alluded to the people upon all the frontiers of the country. I allege that they are all too severe upon the Indians.

Mr. REAGAN. I cannot yield now. We have the misfortune of having an Indian frontier of several hundred miles. People from all sections settle upon that frontier. Settlements are going on there as they are all along the line of new frontier extending westward from the Mississippi, and eastward from the Pacific ocean. Occasionally, conflicts grow up, because of the advance of the white settlements upon the Indian country. I will not discuss whether it is the policy of humanity or not that the settlements of the white people should advance upon the savages. I will not discuss the question whether it is the policy that barbarism should give way before the light of civilization and the policy of our Government, which has been humane and just. Nor would I be understood as denying occasional acts of injustice, on the part of the people of my State, towards the Indians. But that will not justify the general and sweeping remark made by the gentleman from Virginia.

It is said that Indians are the weaker party, and, therefore, would never provoke hostilities. That is the language of theory. The Indians are in absolute ignorance of the power of the Government. They are wild, roving bands of ignorant savages. They have no knowledge of moral obligation; but live mainly by thieving. They steal the property of our citizens. They murder the good as well as the bad. For several years they have been devastating the frontier. It has been found necessary for the Government to take active measures to punish these roving bands of wild Indians. General Persifer F. Smith felt it to be his duty to call out six companies of volunteers, which were a part of those provided for in my colleague's amendment. Governor Pease felt it to be his duty to call volunteers in addition to the troops furnished by the Government. Governor Runnels, a discreet, humane man, felt it to be his duty to call additional troops into the field. General Twiggs, who had command of that department, justified that action. He felt it to be his duty to complain that the Government had not given troops enough to protect the people of that extensive frontier; to protect their property, and the lives of themselves and their families, against the incursion of the savages.

We are told that it is our fault that war exists; and that is attempted to be made an argument why Texas shall not be given proper protection. We are building an empire there for the benefit of the Government, and the aggregate interest of the United States. It is alleged that that State is not entitled to be reimbursed the money they have paid out for the protection of our frontier. I trust that the remarks to which I refer will be withdrawn. Let the gentleman's family be placed where thousands of as good men's families are, upon the frontier; let him feel the agony of seeing his wife and children tomahawked; let him be distressed by having his horses stolen and his cattle killed, and then he will appreciate why this Government should afford protection to that frontier.

[Here the hammer fell.]

Mr. REAGAN, by unanimous consent, withdrew his amendment.

Mr. STEPHENS, of Georgia. I move the following amendment:

For pay, subsistence, and transportation of two regiments of volunteers, authorized by act of April 7, 1858, should the President call the same into the field to suppress Indian hostilities, $200,000.

Mr. Chairman, the act of the last session authorized the raising of two regiments of volunteers. There has been no provision made for their pay and subsistence. From information which we have from Arizona, it seems that there will be an urgent necessity for calling out these regiments. I think that we should now make provision to meet the necessary expenditure if they are called out.

Mr. PHELPS, of Missouri. No information has yet been given to Congress of any expected necessity for the calling out of these troops.

Mr. STEPHENS, of Georgia. I think that the President called attention to the subject in his annual message.

Mr. PHELPS, of Missouri. If it had been deemed necessary that they should be called out, estimates would have been submitted to us for defraying the expenses of those troops if they should be called into the field. It will be recollected, too, that information has reached us, since these estimates have been submitted, that Indian hostilities have been brought to a close in Washington Territory. Information has reached us that difficulties, which were expected to occur in Utah, have subsided; and that the Navajo war,

which broke out last fall in the Territory of New Mexico, has been brought to a termination. I understand that it is in contemplation to move a portion of the army now in Utah to the southern portion of the Territory of New Mexico. Even, however, if it be necessary to call out these two regiments, $200,000 will not pay half the expense. There is their monthly pay, and the cost of their transportation, and the transportation of their subsistence. You must furnish them with provisions, clothing, and all the supplies of war; and, if it be proposed to make the appropriation asked for by the amendment of the gentleman from Georgia, there is no reason why the amount should stop short of $800,000 or $1,000,000.

Mr. STEPHENS, of Georgia. I believe that the two regiments raised by Georgia to repel Indian hostilities cost $200,000; and I thought the amount suggested in my amendment was fair and reasonable, and sufficient for the purpose. Whether that is so or not, I will not undertake to say. I do not know whether it is the intention of the War Department to call these regiments into service; but if so, this appropriation will be necessary. If the regiments be not called into service, the adoption of this amendment will not necessitate the outlay of a single dollar.

Mr. CURTIS. I propose to amend the amendment by a proposition which, in my judgment, would, if adopted, reduce the expenses of the Army.

The proposed amendment was read, as follows:

And be it further enacted, That all officers of the Army, who have attained the age of sixty-five years, or may hereafter attain that age, may, with the approval of the President of the United States, retire from the active Army list, upon the rations and other emoluments, exclusive of pay, which may be due to their rank in the service; subject, however, to be recalled into the service in the time of war, at the discretion of the President, when they shall again receive full pay, according to the rank held when they retired from service.

And be it further enacted, That all officers of the Army, (except the Commander-in-Chief and the Quartermaster General,) who have attained the age of seventy years, and have maintained a fair fame in the service, shall be relieved and honorably retired from the active list, subject to recall, at the discretion of the President, in time of war; and, while so retired, they shall receive, in addition to rations and emoluments due to their rank, only half the pay due to their rank in the service.

And be it further enacted, That a joint commission of members of Congress and officers of the Army, to consist of one Senator, to be named by the Vice President, two Representatives, to be named by the Speaker of the House, and six officers of the Army, to be selected by the President, as follows: one officer to be taken from one of the staff corps, one from the artillery arm, one from the infantry arm, one from the dragoon arm, one from the cavalry arm, and one from the mounted rifle regiment, shall be assembled as soon as practicable after the adjournment of Congress, for the purpose of revising the existing militia and volunteer laws of the States, and for the revision of the Army laws, organization, and regulations; and it shall be the duty of said commission to present to the next Congress their report, with such suggestions for further legislation of Congress as they may deem necessary for the better organization, efficiency, and discipline of the said military forces.

Mr. PHELPS, of Missouri. I rise to a question of order. The amendment is not germane to the bill. It proposes a retired list.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. CURTIS. Then I wish to say that at the proper time I will propose that reform.

Mr. FAULKNER. I propose to amend the amendment of the gentleman from Georgia, by reducing the amount $100,000. The gentleman from Georgia has truly said that, during the last session of Congress, we authorized the creation of four regiments of volunteers; but, it will be remembered that, subsequently, we received a communication from the President, informing us that the volunteers were not needed, and that the appropriation for their support might well be dispensed with. Early in the session, in view of the recommendation of the President in reference to the establishment of military posts in Sonora and Chihuahua, a communication was addressed by me, on behalf of the Committee on Military Affairs, to the Secretary of War, to know whether, in the event that Congress should decide to carry out the President's policy, on our southwestern frontier, any increase of the military force of the country would be necessary? and he replied that, in his judgment, no additional military force would be required.

So, again, sir, when a bill was referred to the Committee on Military Affairs, during the present session, asking us to vest in the President power to call out one regiment of volunteers for the defense of New Mexico, we referred to the Department of War the inquiry, whether the public interests required any such addition to our military force? The Secretary informed us that additional force was not necessary; that all difficulties, for the present, in New Mexico, had ceased, and that it was his purpose to transfer troops to New Mexico sufficient to quell any future disturbance that might arise. With these facts before the committee, presenting a disavowal by the Executive of the want of any such force as that now asked for, I presume the amendment of the gentleman from Georgia will hardly receive the sanction of the committee.

Mr. STANTON. I would like to ask the gentleman from Virginia, if he and the House understand the law of last session as being a continuing law, operative in all future time; and whether the President can call out these regiments whenever Indian difficulties render it necessary; or was it not a law providing for a temporary emergency, and ceasing with the exigency?

Mr. FAULKNER. There is no doubt of the fact that the law to which the gentleman from Ohio refers was passed with a view to an existing temporary emergency; but, nevertheless, until that law is repealed, the powers created by that law exist in the President of the United States, and are only rendered nugatory and unavailable by the refusal of Congress to make the necessary appropriations to carry the law into effect.

Mr. MARSHALL, of Kentucky. I do not know that I address the committee with any hope that the appropriation will be made that is asked for by the amendment of the gentleman from Georgia. But I desire to say here, that in my opinion a very serious responsibility rests somewhere, and is to be discharged by the proper executive officers or by Congress. The President of the United States, when he hears of disturbances at the frontier, finds an ample excuse for not calling out these troops, in the fact that, although Congress has passed a law authorizing their employment, it has not made an appropriation to pay and subsist them.

I am in favor of supplying that deficiency and placing the responsibility where it properly belongs, by affording the means of executing the law, and of defending the frontier, if, in his opinion, the emergency shall arise. We are told by the chairman of the Committee on Military Affairs that the Secretary of War has intimated his intention to transfer a portion of the troops from Utah and Washington to the southwestern frontier. I do not know how other gentlemen on the committee feel, but I confess that I read with shame and mortification the message of Pesquiera, the Governor of Sonora, to the Assembly of that State.

MESSAGE FROM THE SENATE.

The committee here rose informally; and the Speaker having resumed the chair, a message was received from the Senate, by Mr. ASBURY DICKINS, its Secretary, informing the House that the Senate had passed, without amendment, the bill of the House (No. 445) for the relief of Samuel A. Fairchilds.

Also, that the Senate had passed a bill (No. 596) to authorize the enrollment, registry, and license of certain steamboats or vessels owned by the Buffalo and Lake Huron Company; and

A bill (No. 551) legalizing certain entries of land on Leavenworth Island, in the State of Missouri; in which he was directed to ask the concurrence of the House.

ARMY BILL—AGAIN.

The committee then resumed its session.

Mr. MARSHALL, of Kentucky. At the very time that President Buchanan was proposing to assume a protectorate over Sonora by our troops, the Governor of Sonora was proposing to the Assembly of that State to protect our frontier, because it was left in a state of lawlessness and disorder, and subject to the ravages of the Apache Indians. He states in his message that he was only restrained by *neutral* considerations from punishing the Apaches, who come into his country and commit outrages, and then return to the United States, whose denizens they are.

Now, sir, as a member of this House, I do not want the Government of the United States to become an object of pity and commiseration for Mexican chieftains. I would place such a force upon that frontier as would protect our citizens there, and insure the respect of our neighbors. You have, by treaty stipulations, drawn a set of people into your system who have never yet felt the protecting hand of your Government. They came here last session, and asked for a judicial district, and you refused it to them. They asked for a branch of the surveyor general's office, and you refused it to them. They came here this year and asked for a territorial government, and you refused it to them, by laying the bill reported for that purpose upon the table. The very last mail that has arrived from that country shows that our military force on that frontier is not able, even, to guard its own rations; that our soldiers are shot down at the very edge of the town; and that the property of the citizens is carried away. There are two thousand Apache warriors upon that frontier, and there are no soldiers there to protect the people. Sir, I believe that this is criminal negligence on the part of Congress; and that a Government that cannot extend protection to a people, ought not to expect fealty from that people. I want the saddle put upon the right horse. I want the responsibility to be left with the Executive, and I want Congress to furnish him with the means of meeting that responsibility. I want the people of the country to feel that there is a protecting care over them; and I want the Indians upon the frontier to be made to feel that they cannot commit their depredations with impunity.

I will take this occasion to say that I was in favor of establishing a territorial government for Arizona. I have no idea of leaving men to go nine hundred miles through a forest to reach a court, or to execute a deed, or record a title. And, in my opinion, whenever the Government is so careless of the wants of the people of the frontier, the time has come when it has no longer a title to their allegiance.

Mr. FAULKNER, by unanimous consent, withdrew his amendment.

The question was taken on the amendment proposed by Mr. STEPHENS, of Georgia; and it was rejected.

Mr. BRYAN. I move to amend the bill by adding, after line one hundred and nineteen, the following:

For the payment of the regiment of volunteers authorized by law to be raised in the State of Texas, for the protection of the frontier of that State, $1,000,000, or so much thereof as may be necessary.

It will be recollected by the House, Mr. Chairman, that at the last session of Congress a bill was passed authorizing the President of the United States to call out a regiment of volunteers in the State of Texas. An appropriation bill passed the House for that purpose, but was not reached in the Senate. This amendment provides for the payment of that regiment, should the President deem it necessary to call it into the field. That that necessity now exists, no one can doubt who is at all acquainted with the condition of the frontier of Texas. We have heard it asserted by the gentleman from Virginia, [Mr. SMITH,] (who is not now in his seat,) that if the people of Texas would stay at home and attend to their own business, they would have no difficulty with the Indians. Such language, sir, is not becoming from one who represents an old State, that long since has ceased to be upon the frontier. The time was when Virginia was upon the frontier, and had the same difficulties and dangers to encounter that Texas and the other States now upon the frontier have to encounter.

Sir, when Texas was brought into this Confederacy—and I allude to the fact with all becoming deference to other members upon this floor—pledges were made to her which have not been complied with, and, as a Representative from Texas, I would be recreant to my duty if I did not *remind* the members of the House what were the pledges made to her at that time. What was her condition when she came into the Union? She was at peace with the whole world. The President of the Republic of Texas said, in his last message, that—

"The Executive is happy to announce to Congress that Texas is at peace with the world; that with all foreign Powers, with whom we have had intercourse, friendly relations are maintained. The different tribes of Indians on our borders, with whom treaties exist, have continued to observe the same with good faith, and, within the last few days, information has been received that the only band of Camanches within our limits, who had maintained until

then a hostile attitude towards Texas, have sued for peace and expressed a wish to be permitted to come to Bexar to celebrate a treaty of friendship, which, on the part of this Government, has been complied with.

"The arrangements made at your regular session for the additional companies of rangers to be mustered into service have been carried into full effect, and have afforded adequate and very efficient protection to our frontiers.

"The receipts into the treasury have been sufficient to meet the various expenditures of the Government. A specie currency has been maintained without difficulty, and nearly all the exchequer bills which were in circulation at the period of your late adjournment have been redeemed and withdrawn from circulation, and the Executive is happy to congratulate the Congress and the country upon the state of peace and happiness and prosperity never before experienced by Texas, and rarely, if ever, equaled by so young a nation."

England and France were then doing in Texas what they are now doing in Mexico. They besought Texas not to annex herself to the United States; the most brilliant prospects were opened to her if she would not. The English Minister, Mr. Elliot, went to Mexico, and brought back written articles—called, the other day, by the gentleman from Ohio, [Mr. GIDDINGS,] a treaty—signed by the authorized officers of the Government of Mexico, providing that, if Texas was not annexed to the United States, her independence should be recognized by Mexico. England proffered to us at that time, a commercial relation of such a nature as would have made us the depot of the whole continent of America for the exchange of commodities. We should have been the free port for the commerce of the Republics of North and South America. But we rejectes all these advantages, and came into the Union under the solemn promise made to us by Mr. Donelson, the United States Minister, that if we would disregard these considerations, the "contingencies of annexation," the magnanimity, the power, and resources of the Government of the United States would care for us, and do what the joint resolution of annexation had not provided for. Your harbors shall be improved; your fortifications shall be erected. All these things shall be done in consideration of your giving up your customs, &c., &c. We relinquished our customs to you; we relinquished our fortifications; we relinquished every kind of public property required of us. Now, our people are being killed and their property taken upon the frontier, and still we have no protection. We feel that we are neglected. We have an empire of territory soon to be full of people; and if we do not have protection, their allegiance ceases. Allegiance and protection are reciprocal. We are a free people. We know our rights; and if it be necessary, we will assert them without the Union as we defend them within it. While we are of the Union, we will regard the Union; but never, if you continue to exclude us from all protection of the Government, will we, or can we love it.

[Here the hammer fell.]

Mr. PHELPS, of Missouri. I oppose the amendment. I hope that we will have less discussion and more voting.

Mr. KILGORE. I would like to know from the gentleman from Texas where he will go when he leaves the Union?

Mr. BRYAN. Where we once stood—under the lone star; and when we go we will take with us the whole of the Gulf States, if not the whole South.

Mr. KILGORE. Then you will of course return the $10,000,000 we have given you.

Mr. GRANGER. Mr. Chairman, I move to reduce the appropriation ten dollars. I am opposed to the amendment. I have heard before much of this same demand for aid to protect Texas against the Indians that we have listened to this day. I am satisfied this Indian business is all wrong. A proud, powerful, sovereign State like Texas coming here and asking Congress, nay, demanding of us to send regiment after regiment to protect it against a few ragged, straggling border Indians; and now ask the appropriation in advance. Send regiments of troops to protect Texas against the Indians? What an idea! Why, Mr. Chairman, if the Texans were half as brave there as here, there would not be a Camanche found within five days' run of the frontier of that State. Sir, it is not Texas alone that I have in view; I am opposed to the whole thing, in or out of Texas. I am satisfied that this having on hand a dozen Indian wars at once is all unnecessary and radically wrong. Wherever we hear of a small tribe of one hundred Indians there is a war; then, in another place, where there are five hundred Indians, there is a war; and whenever a little nest of Indians, can be found, there is a war.

It is all wrong; there is no need of any war at all. The blame is wholly on our side. There is no people on the face of the earth so easy to keep peace with as the Indians. Treat them fairly and honestly, and you have their confidence at once, and they are the most faithful friends in the world. How did Mr. Penn keep their friendship so sure and long? Why, sir, his old, honest-looking Quaker hat was a sure protection against the fiercest and most savage tribes he had to deal with. They knew he was honest and fair in all his dealings with them, and that was all that was necessary. Cheat them, wrong them, and deceive them, and they are quick to discern your character, and they lose their respect and friendship for you, as they should do. How is it with Canada? She has more than fifty wild warlike tribes to deal with, and never has a quarrel with them at all. They treat them fairly and truthfully, and they are all firm friends to the Canadas. I do not profess to know as much about Indian character as those who profess to know more than I do; but I know enough about it to know that fair and honest treatment always wins their confidence and secures their friendship. Send three good men—and there are yet some few men that have their confidence; send them such men, (it is useless to send border ruffians,) with full power to treat, and they will put an end to all your expensive, foolish, and cruel Indian wars in ninety days, and at less expense than it now costs in a single month. Then withdraw all your troops and keep them away, unless you want a few of them there to protect the Indians, and you will have peace so long as you can keep your own people straight. Why, sir, what did the commanding general on the Pacific station, General Wool, the old war-dog, General Wool, a fighting man—whose business is to fight by the month, and who is always ready to fight when he can do it honorably—what does he say? What did he tell you officially, here in this House? Sir, he told you that it cost him more trouble and money to protect the Indians against the whites, than to protect the whites against the Indians; and I remember, too, the hostile whites tried hard to get the brave old warrior removed from his command; for the best of reasons. He was in their way. I recollect two or three years ago, they sent here to us for a great sum of money for powder. We voted them $300,000, I think. (I did not do it; not I.) I knew then the powder was not needed. There was no requisition from the commanding general. I knew then it would be used to shoot Indians and papooses and raccoons indiscriminately.

[Here the hammer fell.]

Mr. PHELPS, of Missouri. I rise to oppose the gentleman's amendment. Let us have a vote on the proposition.

Mr. GRANGER, by unanimous consent, withdrew his amendment.

The question was taken on Mr. BRYAN's amendment, and it was rejected.

Mr. FAULKNER. I move to reduce the appropriation of $105,000 to $91,000.

Mr. Chairman, by referring to the report of the surgeon general, it will be perceived that he estimates $105,000 as the necessary expenditure for the next fiscal year. He exhibits a balance of appropriation which will be unexpended on the 30th of June, 1859, of $14,000. The Committee of Military Affairs propose to deduct that balance, which will remain in his hands on the 1st of July next, from the appropriation of $105,000, so as to make it $91,000. I know that there is appended to this report of the surgeon general a note, that the appropriation for the current fiscal year is $15,000 less than the expenditure on the year ending June 30, 1858. This may produce the impression, on the part of the House, that, notwithstanding the fact stated there of this unexpended balance on the 30th of June, 1859, of $14,000, still that bureau will require the full amount of $105,000 during the next fiscal year. I do not, myself, understand the surgeon general in that way.

An examination into the matter, satisfied our committee of this state of things. In 1857, there was a fund of $75,000 placed under the control of the surgeon general's bureau. Twenty-five thousand dollars of it was a new appropriation, and $50,000 a reappropriation of an unexpended balance remaining in the medical fund from the Mexican war; so that, after deducting the sums referred to in the note of the surgeon general, there will remain in that department, over and above what is estimated for, at least $15,000, independently of the $14,000, which he says will remain as a balance to the credit of the next fiscal year. In view of that state of facts, and with the highest confidence in that bureau, and solely because the general principle which we have adopted, that it is not expedient to leave under the control of the department more money than is needed to discharge its proper duties, the Committee on Military Affairs have decided to recommend this reduction from the bill reported by the Committee of Ways and Means.

Mr. PHELPS, of Missouri. If the gentleman from Virginia had read the entire note at the end of the estimate, I would have said nothing in opposition to the amendment submitted by him. This appropriation is to provide for the sick of the Army, and to procure medical stores for them. Certainly there is no member of the committee who would desire, in consequence of the diminution in the appropriation, to subject the men of the Army to any inconvenience because of the inability of the Government to furnish, under existing appropriations, those things that are necessary for them in sickness. The surgeon general estimates for $160,000 for the ensuing year, and also estimates that there will be a balance on hand, at the end of this fiscal year of $14,000. He says:

"The appropriation for the current fiscal year ending June 30, 1859, is $15,000 less than the expenditures during the year ending June 30, 1858, and it is believed will prove nearly, if not quite $30,000 less than the total amount of expenses incurred during that year. Assuming that for the year ending June 30, 1859, the expenses will be the same as they were last year, the whole of that appropriation, as well as the greater part of the balance remaining to the credit of the medical and hospital department on the 30th June, 1858, will be required during the current year."

Thus the surgeon general tells you that if the expenses of the medical department of the Army should be as much next year, as they have been last year, they will exhaust all, or nearly all, the balance of the existing appropriations on hand, and require an additional appropriation of $105,000.

The question being on Mr. FAULKNER's amendment,

Mr. FAULKNER. I move to amend by reducing it a dollar.

Mr. PHELPS, of Missouri. The gentleman cannot amend his own amendment. He can modify it.

The CHAIRMAN. The Chair supposes it is not in order.

Mr. FAULKNER. I merely desire to make a brief explanation.

Mr. STANTON. I move to reduce it one dollar. The gentleman from Virginia may speak in opposition to that.

Mr. FAULKNER. I desire simply to say, that there is scarcely any expenditure connected with the Army that I would feel so much reluctance to interfere with as this, and I only do so from a strong sense of public duty. The Committee on Military Affairs considers it inexpedient to leave in the hands of any bureau money which is not required for the necessities of the service. The gentleman from Missouri has read to the committee the report of the surgeon general, but he forgets to take into consideration the $75,000 appropriation in 1857. Take the $30,000 from that referred to by the surgeon general, and it will leave $45,000. Take $30,000 again from that fund for the next fiscal year, as anticipated by the surgeon general, and it will still leave $15,000 to the credit of the special appropriation made in 1857, and, indeed, would leave $15,000 which might be deducted, in addition to the $14,000. But I will not interfere with that, because of some recent unexpected demands on that bureau.

Mr. PHELPS, of Missouri. I ask the gentleman from Virginia whether the surgeon general has not stated that, if the expenditures for the next fiscal year should be equal to those of the last fiscal year, they will absorb all, or nearly all, the balance of the appropriation on hand?

Mr. FAULKNER. He says it will absorb all, or nearly all. But I made a somewhat careful examination, and I find it will leave $15,000 still remaining of that special fund.

The question was taken on Mr. STANTON's

amendment to the amendment; and it was rejected.

The question recurred on Mr. FAULKNER's amendment; and it was agreed to.

Mr. CRAWFORD. I propose the following amendment, to come in after line one hundred and twenty-eight. I am instructed by the Committee of Ways and Means to offer it:

Page 6, after line one hundred and twenty-eight, insert: For the payment of the Florida volunteers called into the service by General Harney and Colonel Loomis, in the years 1857-58, which shall be in full satisfaction and payment for the services of said volunteers during the years aforesaid, $413,600.

That amount of money is necessary for the purpose of paying the volunteers called into service in the State of Florida.

Mr. STANTON. I rise to a question of order. It is perfectly clear that there must be some rule adopted in the committee in regard to the claims of the several States to reimburse expenses. The Chair has already decided that the claim set up for Texas was not in order as an amendment to this bill. Massachusetts and Maine, and other States, have claims of a similar character. I trust the question of order will be settled now definitely. The circumstance of one State being so fortunate as to get the recommendation of the Committee of Ways and Means, does not entitle it to be taken out of the operation of the rules that are applicable to all the others.

Mr. CRAWFORD. I understand the point of order to be, that there is no existing law authorizing the payment of this money.

Mr. STANTON. It is a private claim, in favor of a State, the same as the case of Texas.

Mr. CRAWFORD. I want the Chair to understand the point of order; because, if I do not misunderstand the matter, we are authorized to offer this amendment on the ground that the law of 1795 authorized the Secretary of War to call into service such volunteers as might be necessary to repel invasion, or to prevent insurrection on the part of Indian tribes; and it is under that law that we insist that this amendment is in order. I have the law before me, and will read it, if the Chair has any doubt on his mind in regard to it.

The CHAIRMAN. The Chair is under the impression that the amendment is of the same character as that offered by the gentleman from Texas, [Mr. BRYAN,] and is in the nature of a claim; and therefore out of order.

Mr. CRAWFORD. I must appeal from the decision of the Chair; and I desire to refer the Chair to the law of 1795, which declares that, whenever the United States shall be invaded, or shall be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call for such militia or volunteers from the State or States most convenient to the place of danger, as may, in his judgment, be necessary to repel such invasion, and shall issue his orders for that purpose to such officer or officers of militia as he may deem proper. It was in pursuance of this law, and under this law, that the volunteers were called out.

The CHAIRMAN. Will the gentleman from Georgia state in whose hands these claims now are?

Mr. CRAWFORD. They are from the State of Florida, and have not been paid by the War Department at all. The money is due to the soldiers, and not to the State.

The CHAIRMAN. The Chair sees no reason for reversing its decision.

Mr. CRAWFORD. I hope the gentleman will waive the point of order.

Mr. STANTON. I would rather not. I want the States to stand upon the same footing.

Mr. CRAWFORD. It is not for the State of Florida.

Mr. STANTON. It is for money paid by the State.

Mr. CRAWFORD. No, sir; the gentleman is misinformed. The State has never paid it.

Mr. STANTON. So much the worse. If the claims are in favor of individuals, the amendment is certainly not in order. This is a bill making appropriations for the expenses of the Army for the fiscal year ending June 30, 1860, and it is not in order to tack on to it old claims.

Mr. CRAWFORD. The Department asks for this money to pay the soldiers.

Mr. HAWKINS. Mr. Chairman, these troops were called out by virtue of the law just read by the honorable gentleman from Georgia, [Mr. CRAWFORD,] and——

Mr. DEAN. I object to further debate.

The CHAIRMAN. Debate is not in order.

The question was taken on the appeal; and the decision of the Chair, ruling the amendment out of order, was sustained.

Mr. CHAFFEE. I now move to strike out "$150,000," in the one hundred and twenty-ninth and one hundred and thirtieth lines, and to insert in lieu thereof "$300,000," so that the clause will read:

For the armament of fortifications, $300,000.

I offer that amendment for the purpose of restoring the appropriation to the estimate of the Department. I find, by the report of the Department, that $300,000 were appropriated for this purpose for the last fiscal year, and that $300,000 is estimated for the next fiscal year.

I offer the amendment, also, for the purpose of showing to the committee, if possible, the necessity of arming the fortifications of the country. I suppose it is an admitted fact, and need not be expressed here, that this country may, by possibility, be forced into a war. Now, what is the condition of the fortifications of the country? We have already expended upon the fortifications of the country $20,500,000, whilst for the armaments that have been put into those fortifications we have paid but $3,000,000; and it would require over eight million dollars to complete the armament of the fortifications of the country already erected. Well, suppose we go on and make appropriations for this purpose as we have done in years past: I find, by consulting the report of the Secretary of War for the year 1856, that, at the rate we have been progressing in arming the fortifications of the country for the last ten years, it would take forty years to complete the armament of those fortifications. You have expended over twenty million dollars in erecting fortifications all along your extended coast, and yet you have but $3,000,000 worth of armament in them.

Now, sir, the head of this bureau says:

"*Armament of Fortifications.*—The object of this item of the estimate is to procure cannon for the sea-coast and garrisons, and the means of mounting and equipping them for the defense of the Atlantic, Gulf, Lake and Pacific coasts of the United States, including the repair and preservation of the armament already in place. The amount appropriated will be applicable to the purchase of the cannon mentioned, and materials for sea-coast and garrison carriages, with their implements and equipments, and payments of the mechanics at the arsenals employed in their manufacture. The amount asked for is the same as that of last year's appropriation."

What would be the position of the United States if a fleet of twenty British ships-of-the-line were to appear off the harbor of New York to-day? Gentlemen grudge every shilling that is to be expended for the protection of the vast revenues of the country. Unless these fortifications are armed, there is no security for this country in case of a collision with any other. We are told gravely—men are preaching it everywhere—that "in time of peace we should prepare for war." Well, sir, what preparation for war are we making? Why, we are cutting down the pitiful appropriation of $300,000, for the armament of the fortifications of the country, to $150,000. Sir, unless this country is prepared to enter upon a system of defensive armament and to equip the fortifications already erected, the best and cheapest thing that the House can do is to appropriate money to buy powder and blow them up, instead of leaving them standing along our coast as monuments of the folly of the country. I would sooner vote for their total annihilation and destruction, and trust to the citizen soldiers of the country, with their warm hearts beating in favor of liberty, for defense.

Mr. DAWES, (in his seat.) Trust in Providence.

Mr. CHAFFEE. Yes, sir; one of the greatest generals the world has ever known believed in that, "trust in Providence;" but he added, "keep your powder dry." I would not only do that, but I would equip these fortifications so that we might be prepared to meet, with the most perfect assurances of success, the most formidable Power that could assail us.

I know very well that the argument is made use of, that in consequence of the introduction of railroads and steamboats and telegraphs, you can concentrate at any given point a sufficient force to repel invasion. What would be the consequence if forty British ships-of-the-line should enter New York harbor?—and I undertake to say that such a fleet could come up the harbor in spite of all the defenses you have there. True, you might, in forty-eight hours, bring one hundred thousand men together in the city of New York. But what could they accomplish? They would simply encumber each other, and furnish no means of defense; whereas, if you will expend this miserable pittance yearly, and continue it long enough, you will be able to garrison the port of New York, or any other port.

Mr. Chairman, I object to this miserable retrenchment that is cutting down these appropriations dollar by dollar.

Mr. HUGHES. I am opposed to the appropriation of the public money for fortifications on the sea-coast, and I am in favor of appropriating it to the payment of pensions to the soldiers of the war of 1812, so that a military spirit may be encouraged among the people of the country by rewarding the veterans of former wars.

When the hour comes that this country shall need fortifications on the sea-coast, it can avail itself of those telegraphs and railroads to which the gentleman has referred, and to that citizen soldiery which will be ready at the call of duty and of patriotism, and can present to an invading army *fortifications of men*, whose strong arms and true hearts will be a better defense than any walls of stone that the public money of the country can erect. The times have changed since this policy of building fortifications was inaugurated. There is no longer any necessity for this system, and it is a waste of money to expend the public money in this way.

Gentlemen say that the system of rewarding the soldiers of 1812 is an extravagance; that it will bankrupt the Treasury; that it is wrong; and the cry of economy is interposed to prevent them from receiving a public recognition of their services. But, sir, I say that there are two words which never ought to be mentioned in this House: one of them is "economy" and the other is "order." I have never seen either "economy" or "order" since I have been here. I have seen this House economize by striking down the just claims of citizens for fifty or a hundred dollars, when the private individual has come and humbly petitioned the Government for what was his due, when you are ready to pass the French spoliation bill, appropriating $5,000,000, and opening the door, as I believe, for $40,000,000. In my opinion, there is a decided majority of the House in favor of it; and it is too much the case that large claims pass without merit, while small claims fail, though founded in justice.

Mr. PHELPS, of Missouri. I rise to a question of order. The gentleman is not opposing the amendment of the gentleman from Massachusetts, [Mr. CHAFFEE,] but is speaking on the French spoliation bill.

The CHAIRMAN. The point of order is well taken. The gentleman from Indiana will confine himself to the amendment.

Mr. HUGHES. I am sorry that I failed to observe the instructions given by the gentleman from Missouri, two or three times to the House, to the effect that gentlemen must confine themselves to the point; but the gentleman has so frequently violated his own instructions, that I thought I might plead his example against his precept.

Mr. CHAFFEE's amendment was not agreed to.

Mr. BRYAN. I submit the following amendment:

Insert after line one hundred and thirty-one as follows: For the erection of fortifications on the Gulf side of Galveston Island, near the city of Galveston, Texas, $40,000.

Mr. PHELPS, of Missouri. I rise to a question of order. The amendment of the gentleman from Texas may be germane to a fortification bill, if we have one, but it certainly has no place in this bill.

The CHAIRMAN. The Chair sustains the question of order, and rules the amendment to be out of order.

Mr. BRYAN. Then, for the purpose of bringing the verbiage of the amendment within the rule, I modify my amendment by substituting in it the word "armament" in place of the word "erection."

Mr. Chairman, objection was made by the State of Texas to annexation, on the ground that there were too many "contingencies" surrounding the resolutions of annexation; that Texas was not sufficiently provided for in the resolutions of annexation. In response to this objection the minister of the United States, then in Texas, acting under the instructions of the then Secretary of State, now President of the United States, said:

"The undersigned doubts not that there are objections to the terms proposed, which, under ordinary circumstances, ought to be obviated before a basis which admits them is adopted. But the circumstances are not ordinary; and the objections, when weighed in the scale of importance with the magnitude of the interests involved in the success of the measure, become secondary in their character, and may well be postponed until the natural course of events removes them. If annexation should now be lost it may never be recovered. A patriotic and intelligent people, in pursuit of a measure of general utility, if they commit a partial mistake or inflict temporary injuries, were never known to fail in making the proper reparation. If they have, in this instance, made proposals of union to Texas on terms which deprive her of means that should be exclusively hers, to enable her to pay the debt contracted in the war for her independence, it has been accidental; and no assurance from the undersigned can be needed to give value to the anticipation that such an error will be corrected, whenever it is communicated to the Government of the United States.

"It is objected that Texas, in surrendering her revenue from customs, parts with the ability to put into efficient organization her State Government. This objection must result from an undue examination of the expenditures which the United States, on the other hand, will make in the many improvements necessary on the sea-coast of Texas, to protect and facilitate her commerce, in the removal of obstructions in her numerous bays and rivers, and in the military organization necessary to guard her extensive frontier against the inroads of a foreign enemy."

Now, sir, I contend that, in not one single particular, has that pledge been redeemed. Our frontier has not been protected, our sea-coast of near five hundred miles, has not one gun on it, and our harbors have not had one dollar expended upon them; this amendment now proposes to provide an armament for a fortification on the Gulf side of Galveston Island in order to save, in case of war, the city of Galveston from destruction. The largest vessels can now ride in the open roadstead within less than two miles of the city, and destroy the whole city, in destroying the shipping in port, for the city would be between the vessels and the shipping. The United States have never erected a single fortification on our frontier, or placed a single gun on the sea-coast of Texas, nor has it redeemed any pledge which she gave us for protection. What allegiance, sir, do we owe to a Government which affords us no protection whatever? We, sir, have surrendered much, and have got but little in return.

The question was taken on Mr. BRYAN's amendment; and it was not agreed to.

Mr. CHAFFEE. I move to amend the clause which the Clerk has just read, being an appropriation for ordnance stores and supplies, including horse equipments for the mounted regiments, $150,000, by increasing the sum to $250,000.

I find that the amount for this item in the regular estimate is—

"To procure siege and field guns, carriages, caissons, and battery wagons, with their implements, equipments, and harness; side arms and accouterments for the different kinds of troops composing the Army; and to defray the expense of making and repairing the same; and for the purchase of materials for, and preparing ammunition; and for procuring horse equipments for the mounted troops. Same amount as appropriated last year."

Now, Mr. Chairman, what kind of economy is this that the Committee of Ways and Means have adopted in reference to this appropriation bill? This ordnance bureau is required by *law* to furnish, upon the requisition of the officers of the Army, and of the several States of the Union, the articles mentioned in this item of appropriation, and yet we find the estimates cut down $100,000. Here comes a request from an officer of the Army for horse equipments, and what is the answer? The answer simply is, that Congress has refused an appropriation to furnish those items, and the consequence is, that the troops must go without. Here you require "brick without straw." You require the ordnance bureau to furnish these items *according to law*, and you refuse the bureau the money necessary for the purpose of arming the troops. You require them to furnish side-arms and accouterments for the different kinds of troops composing the Army, and for arming the militia of the country, and yet the appropriation is cut down to the pitiful sum of $150,000. Why, sir, the amount asked for in the original estimates is trivial enough, in all conscience. The estimates were cut down by the officers to the lowest possible degree consistent with the efficiency and the exigency of the service. You cannot go a dollar lower, unless the service suffers; and yet gentlemen, in their fits of economy and retrenchment, ay, sir, this wild and insane hand of retrenchment itself, proposes to paralyze the service, and requires the officers of that bureau to violate the law, because the law requires them to furnish these articles.

If this is good economy, I yield the whole argument, and leave it where it is; but my conviction is that this bill has been trimmed enough; trimmed enough in the Committee of Ways and Means; trimmed still more in the Committee on Military Affairs; and now it is trimmed until its skeleton bones rattle here in the Committee of the Whole on the state of the Union.

Mr. HOWARD. The gentleman, in proposing his former amendment, referred to the fortifications of the country. I believe it is universally conceded, in this country, that in all the money we have ever expended, we have expended more money foolishly upon fortifications than in any other way. Of all the things in the world, fortifications are what we do not want. There may be exceptions to the rule. It may be said, indeed, that a hostile army may march into our country anywhere. That is true; but it is equally true, that they would never get out alive.

I will simply say—for I do not wish to detain the committee—that the Committee of Ways and Means reduced the estimates for fortifications tenfold; they have recommended an appropriation of only one tenth part of the estimates of the Department. In reference to ordnance stores, equipments, &c., we only reduced them one half, and recommended only that appropriation; and we reduced the items contained in the clause under consideration only forty per cent. Now, I submit, if we have erred at all, we have erred in not reducing the estimates enough, and I hope the amendment will be voted down.

Mr. VALLANDIGHAM. I move to insert, after line one hundred and thirty-eight, the following:

For arms and equipments for the whole body of the militia of the United States, in addition to the amount appropriated by the act of April 23, 1808, $300,000.

Mr. WASHBURNE, of Illinois. Is that amendment in order?

Mr. VALLANDIGHAM. What is the point of order?

Mr. WASHBURNE, of Illinois. It is, that the amendment proposes general legislation in an appropriation bill.

Mr. VALLANDIGHAM. Upon that I desire to say a word.

The CHAIRMAN. The question is not debatable. The Chair hardly thinks the amendment germane to the bill. It is general legislation; but the Chair will hear the gentleman from Ohio.

Mr. VALLANDIGHAM. The usual formulary of an objection of this kind to an amendment proposed to an appropriation bill is, that "it changes existing law." This is not a correct statement of the ground of objection. I know of but one rule of the House under which the objection can be made. That is the 81st; and it provides, in the first clause, that—

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law"—

I understand that to refer to the subject-matter of appropriation, not to the amount; and, if so, the amendment is clearly in order; because the subject matter of expenditure is authorized by the act of 23d April, 1808. But, if not in order under that portion of the rule, it clearly is under that which follows:

—"unless in continuation of appropriations for such public works and *objects* as are already in progress, and for the contingencies for carrying on the several departments of the Government."

The arming and equipping of the militia of the United States is one of the "objects" which is already in progress, and has been for more than fifty years.

Mr. WASHBURNE, of Illinois. I desire to ask the gentleman if the object which he wishes will be accomplished if his amendment is not adopted? If not, then his amendment is legislation.

Mr. VALLANDIGHAM. I only propose to increase an appropriation which has been regularly made for fifty years.

The CHAIRMAN. The Chair will state that the committee are considering a bill making appropriations for the support of the Army for the year ending June 30, 1860, and this amendment purports to make an appropriation for the equipment of the whole body of the militia of the United States. The Chair thinks the amendment is not in order.

Mr. VALLANDIGHAM. But I will state to the Chair that the last provision of this bill is "for the continuation of the survey of the northern and northwestern lakes, including Lake Superior, $75,000." What connection, I would inquire, has that appropriation with the support of the Army for the year ending June 30, 1860?

The CHAIRMAN. That is a question for the committee to consider and decide when they reach that clause.

Mr. SMITH, of Illinois. I move to reduce the appropriation $50,000. Mr. Chairman, before making any remarks, I wish to ask the chairman of the Committee on Military Affairs the number of arms we have now on hand, and also the number of troops in the service of the Government? We ought to have that information, in order to see whether it is necessary to manufacture any more arms.

Mr. FAULKNER. The number of improved arms—for I regard the old arms of but little value—

Mr. SMITH, of Illinois. Give us the number of each now on hand.

Mr. FAULKNER. I know there are several hundred thousand of the old arm in the arsenals of the United States, and elsewhere. But I regard the improved arm as now the only effective weapon of war. There are, of the new arm, thirteen thousand two hundred and ninety-nine in the arsenals and ordnance depots, and eleven thousand seven hundred and forty-four in the hands of the troops, making a total of twenty-five thousand and thirty-nine. The number of troops is something upwards of seventeen thousand. The old muskets are now abandoned as a weapon of war, both in this country and in Europe.

Mr. SMITH, of Illinois. I am ready to vote the necessary appropriations for the manufacture of arms, but not more than is necessary. Let gentlemen go back to the days of the Revolution, and see what were the services rendered by our forefathers with the weapons they then had. They were but a handful of men, but they achieved their independence in a war with one of the most enlightened and powerful nations of the globe. How will the arms, the half a million now upon hand, compare with the weapons our forefathers used? Were theirs any better?

We talk of retrenchment and reform. Here we have arms enough already manufactured to crush under the load the Army itself, and yet we are asked to manufacture more. I think that it is now time for us to stop the manufacture of any more muskets. Let us wait until the right kind of arm is invented. If the arms in the arsenals and deposits are useless, why keep them and pay men for burnishing them? Why not sell them, or destroy them? When my friend from Virginia talks of reform, I say that I am with him, and I am willing to give him this year $25,000 to keep that beautiful establishment at Harper's Ferry in operation. I appeal to my friend from Massachusetts, and to my friend from Virginia, to show their patriotism, and that sectional and local appropriations have no weight with them. Let them show that they are willing to retrench expenditures in their own districts until the Treasury is replenished.

[Here the hammer fell.]

Mr. FAULKNER. Mr. Chairman, I feel in some degree the embarrassment of the position in which the gentleman from Illinois has placed me. I have been, throughout this bill and for the last three days, the advocate for all proper retrenchment, and I am very well aware that in opposing any reduction in the appropriation for the national armories, I subject myself, in some degree, to the imputation of personal or sectional feeling, as one of these national establishments happens to be in my district. But, sir, I defy any man to indicate a single amendment suggested by the Committee on Military Affairs, and which I have brought to the attention of the House, which, however much they may reduce the appropriations, will,

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in the slightest degree, interfere with the efficiency of the public service.

Whilst I regard it my duty to cut off all unnecessary appropriations, and to retrench all unnecessary expenditures, I have felt that the knife of reform should be so applied as not to touch the heart's blood of the country. Let us not, in our indiscriminate zeal, impair those institutions which are essential to the national defense. I hold that the national armories belong to this latter class. Why, sir, every State in this Union is interested directly in the results of our national armories. The arms are made there for distribution to the Army and the militia of the States and Territories. It is not a sectional institution; one armory is located in the North, and the other in the South. Every State in the Union has a right to call upon the Federal Government for its supply of arms. Let me tell the gentlemen that they are not content to receive the old muskets; but they demand of the Secretary of War, as they have the right to do, the improved arm. Already five thousand of the improved arm have been distributed to the States; and they are clamorous for more. Upon the table of the Committee on Military Affairs we have petition upon petition, from all parts of the United States, to increase the arms amongst the militia; and there are applications that the law shall be so changed as to authorize the States to purchase this arm from the Federal Government. The arm now manufactured at our national armories is the most perfect weapon of war now anywhere in use. There are none to excel it in the European service. And how has that great object of perfection been attained? By the subdivision of labor; there being not less than three hundred and fifty operations to be performed in the manufacture of a perfect gun. Each operative acquires peculiar skill by exclusive attention to a particular branch.

Let gentlemen recollect the events which last year took place in the northwest. In the month of May, Colonel Steptoe was defeated by the Indian force which had collected there against him, and prominently amongst the causes was the defective character of the arm. He had a portion of his troops armed with the old musketoon. But when, six months after, Colonel Wright met this same foe at the battle of the Four Lakes and Spokane plain—his command being armed with the long range rifle—peace was promptly conquered in the course of a few weeks with immense loss to the enemy and without the loss of a single soldier killed or wounded, because of the great range of our rifle and the inadequacy of their arm to cope with it.

Mr. SMITH, of Illinois. I would ask the gentleman from Virginia, by whom that weapon was made—whether it was made at the armory or by private manufacturers?

Mr. FAULKNER. I take it for granted they were manufactured at the national armories, where such guns, I believe, are alone made.

[Here the hammer fell.]

Mr. BOWIE. I offer the following amendment:

For the building and armament of a fort, to be made at some point on the Patuxent river, to be selected by the Secretary of War, $200,000.

Mr. MORGAN. Is that amendment in order?

The CHAIRMAN. The Chair will have to decide the amendment out of order.

The question was taken on the amendment offered by Mr. SMITH of Illinois, and it was rejected.

Mr. BOWIE. I move to increase the appropriation $200,000. Mr. Chairman, when I look around this magnificent Capitol of the United States, which has cost above six million dollars; when I look around and see the other immense public buildings of the Federal Government, and when I call to recollection the fact that the only point by which the British could have reached this Capitol in the war of 1812, was by the Patuxent river, I am impressed with the great necessity of erecting fortifications to defend that point of attack. Look at the Old World. Look at London, Paris, St. Petersburgh, and all the capitals of the Old World, how they are defended, how they are armed with forts and fortifications, bristling with guns and bayonets. But you have not a single gun to defend this Capitol. I know there is Fort Washington on the Potomac; but the British came the back way, [laughter,] up the Patuxent river, and landed within twenty-five miles of the Capitol, marched to it, and destroyed it. And they can do it again, sir, unless you erect fortifications on the Patuxent. Their small sloops, carrying hundreds of thousands of soldiers, can run up the river. They know the depths of the channels. They know that there is a depth of water there sufficient to float the navy of any nation on earth. If we should get into a war on the Cuba question, with England, or France, or Spain, I want to avoid the danger from this quarter. I hate war, but if it does come, I say you must protect this Capitol. Instead of having forts and fortifications all down along the Gulf, you must have them here. I ask any member what is there to protect this city from an attack? There is nothing; but you are bound to provide defenses for it. I do not know that you can defend it better than by placing a fort at the precise point where the landing was effected before.

I therefore desire, Mr. Chairman, that some movement may be made, by which we can, at least, protect the seat of Government.

[Here the hammer fell.]

Mr. BOWIE's amendment was rejected.

Mr. SMITH, of Illinois. I would like to correct an error into which I think the chairman of the Committee on Military Affairs has fallen. I asked him where the improved arms were manufactured, whether at the national armories or by private manufacturers, and he replied, as I understood him, at the armories. Now, I understand from the gentleman from Connecticut, [Mr. ARNOLD,] that the arms that did such execution at the battle of the Four Lakes, under Captain Wright's command, were manufactured at Sharpe's manufactory, at Hartford, Connecticut, and I believe he will find that all or nearly all the improvements in arms have emanated from individual mechanics and manufacturers.

Mr. SEWARD. I move to strike out the whole clause, as follows:

For the manufacture of arms at the national armories, $250,000.

I make the motion for the purpose of presenting a question of order in relation to the paragraph. Under the rules of the House, an individual member could not offer that clause as an amendment to the bill, because it is not provided for by existing law. The Chair ruled out an amendment to-day to provide for the expenses of the Florida war, which were really incurred under existing law. But, because the Committee on Ways and Means have inserted this in the bill, I suppose it is to be considered in order. I want to know how it is that I and other members are restricted from offering amendments of this sort, when the Committee of Ways and Means themselves can put them in their bills? Now, I should like to know from the Committee of Ways and Means where there is any law authorizing the appropriation of money for the manufacture of arms? The law does not contemplate such a thing, and therefore the provision has no business in this bill. I make the point of order in good faith, because I want the House to determine what peculiar privileges the Committee of Ways and Means have over and above individual members of this House. I have moved to strike out the clause so that we may have a vote upon it in any event; but I would prefer that the Chair should decide the point of order.

The CHAIRMAN. The Chair feels incompetent to decide the question of order as not being referable to him, the bill having been referred by the House to the Committee of the Whole on the state of the Union.

Mr. SEWARD. I do not complain of the decision of the Chair. I think it is right. But I think the House ought to vindicate itself, and exclude from the bill everything that could not be offered as an amendment to it.

Mr. PHELPS, of Missouri. The two armories are established by law, and this is merely an appropriation to keep up those establishments authorized by law.

Mr. SEWARD. There are other appropriations in the bill for the repair of machinery at the armories, and it does not follow that we are compelled to keep up the manufacture of arms because armories have been established.

Mr. CHAFFEE. I am opposed to the amendment of the gentleman from Georgia, and I propose to give my reasons briefly. The question has been asked here, and pertinently asked, by the gentleman from Illinois, [Mr. SMITH,] by whom were the improvements in the arms intended to be manufactured in the national armories made? whether they were made at the national armories or by private individuals? Sir, it gives me great pleasure to assure the gentleman that *all those improvements* have been made by the mechanics and artisans of the armories of the United States. Sir, I do not wish to detract one iota from the inventions of Sharpe, and Colt, or any other man. I speak of the arms manufactured at the armories of the United States, and I say that the improvements of those arms have been conceived and executed by the mechanics and artisans of those institutions, and by nobody else. More than that, sir, all the machinery in those armories has been invented and put in operation by the mechanics and artisans of those institutions. Ay, sir, and more than that, I say here, and I call upon this House and the country to witness what I say, that the armories of England and of Russia have been copied exactly from our armories at Springfield and Harper's Ferry, and now France is debating the establishment of a similar institution. Ay, and more still: the present superintendent of the Enfield armory, near London, where they are now manufacturing six thousand Minie muskets per month, or seventy-two thousand per annum, is the late master-armorer of the Harper's Ferry armory. Ay, more than that, sir: England is so enamored of the Minie muskets, and our method of manufacture, made first in this country at our national armories, that she has recently ordered from this country machinery that will enable her, when she receives the same, to manufacture one hundred and forty-four thousand per annum. More than this; she is now manufacturing, by private contract, about as many more of this arm; altogether, nearly three hundred thousand Minie muskets per annum. And who is the man who has been sent for from this country and placed at the head of the private contract system in England, at a salary of £1,500 a year, with quarters, and fuel, and all his expenses paid? Why, sir, he is no other than one of the laboring mechanics at the Springfield armory, who left the employment of the United States at a salary of $1 75 a day. And that is the class of men that is attempted to be stricken down by this miserable system of economy; men who, by their education and manly bearing, and everything that contributes to make the gentleman, are fitted to fill seats in this Hall, or any other position in the country. Ay, who is it that has made these inventions? I answer, triumphantly, they have been made by the *artisans* and *mechanics* in the national armories.

One fact further. The present master machinist of the armory at Springfield was offered the position in a private armory, with a salary of $5,000 per annum. He refused it, and now lives upon three dollars per day at the national armory at Springfield—an old man, who has spent thirty years of his manhood in the service of his country, and who, by the reduction made in this bill, will be deprived of employment.

[Here the hammer fell.]

Mr. FAULKNER. I am instructed by the Committee on Military Affairs to move to increase the amount for the manufacture of arms at the national armories, from $250,000 to $400,000, which was the original estimate.

Mr. GARNETT. I rise to a question of order.

If there is any point well established, it is, that when the committee or House have refused to strike out a certain paragraph, it is no longer in order to further amend that paragraph.

The CHAIRMAN. The Chair thinks the amendment is in order under the 53d rule, which is as follows:

"A motion to strike out and insert shall be deemed indivisible—*December* 23, 1811; but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.—*March* 13, 1822."

Mr. FAULKNER. I am instructed by the Committee on Military Affairs to move to restore the original estimate of the Department for the manufacture of arms, which is $400,000. The Committee on Military Affairs desire to retrench and prune down all the expenditures of our military service, in points where the public service will not be injured by such retrenchment; but they believed that the public service will be injured by a concurrence in the action of the Committee of Ways and Means cutting down the original estimates of the ordnance bureau to $250,000. The Government has already gone to great expense in constructing these great national workshops, and in procuring all the necessary machinery for the manufacture of arms; and the committee could not perceive that any end of economy would be promoted by striking off any portion of the money for the manufacture of arms. They concurred with the action of the Committee of Ways and Means, so far as they reduced the amount designed for the repairs and improvements of the national armories; but so far as they sought to reduce the sum appropriated for the manufacture of arms, they departed from the judgment of that committee. We could see no economy in it, because, as I have said, all the buildings, machinery, and everything requisite for the full operation of those national establishments, is ready, and fifteen thousand arms can be manufactured almost as cheaply as ten thousand. There is, therefore, no end of economy promoted by this action of the Committee of Ways and Means.

The question was raised by the gentleman from Illinois, [Mr. SMITH,] as to the particular arm which did such effective and important service recently in the Northwest. By referring to the official report of Colonel Wright of the battle of the Four Lakes, the gentleman will find that he says, in substance, that it afforded him the highest gratification to report that he did not lose a single man, either killed or wounded; attributable, in a great measure, to the fact that our long-range rifles reached the enemy where he could not reach our troops.

Mr. SMITH, of Illinois. Will the gentleman state what those arms were?

Mr. FAULKNER. Every officer of the Army knows, or ought to know, what is technically known as the "long-range rifle." It is described in the document which I have before me, a letter from the heads of the ordnance bureau, which prescribes the arms and equipments of war which the States may call for in lieu of their quota of muskets under the act of 1808. In that document, this arm to which I allude is described, and it is there called the "long-range rifle," a weapon manufactured at the national armories, and the same, I presume, to which Colonel Wright refers. Their manufacture was commenced some four or five years ago. The Government expended a large amount of money for the erection of the necessary machinery, and the armories have now manufactured about twenty-five thousand. That is all we have to supply the wants of this extensive Republic. And I here say, that no Secretary of War would dare to place in the hands of troops going into battle the old muskets manufactured ten, fifteen, and twenty years ago, when the new gun could be supplied. He would stand impeached of a reckless disregard of the lives of our troops, before the country, and before the world, were he to do any such act. There is, therefore, Mr. Chairman, no economy in the reduction which is proposed; because I maintain that, with all the buildings and machinery now in perfect operation, the Government can manufacture fifteen thousand guns almost as cheaply as it can manufacture ten thousand.

Again, look to the demand for this arm throughout the United States. The Government has already distributed among the States, in accordance with their earnest demand, five thousand of this improved arm, and the table of the Committee of Military Affairs is loaded with petitions asking that Congress shall make some provision for a large distribution of those arms amongst the militia, and to clothe the Secretary of War with power to make a sale of those arms to the States, in order that, from such distribution, he may supply the militia of the several States.

Mr. ARNOLD. The gentleman quotes from the report of Colonel Wright, in reference to the superiority of our arms used in that battle. Those rifles, I have understood, were furnished to the Government, not by the national armories, but by a private manufacturer of arms at Hartford, Connecticut. They were what are called Sharpe's rifles. Soon after that battle took place, a report appeared in one of the Washington papers of the effectiveness of those rifles. Now, I will give my vote for every reasonable appropriation for the national armories; but it is well known that there is not a more effective arm used in this country than the Sharpe's rifle, manufactured at Hartford, Connecticut.

Mr. FAULKNER. The gentleman seems to have no personal knowledge of the fact which he states. What knowledge has he? He has seen it, he says, in the newspapers, and that may have been placed there by some person interested in the sale of the article.

[Here the hammer fell.]

Mr. ARNOLD. I would refer the gentleman to the Secretary of War for information upon that point.

Mr. GARNETT. This is the first time I have had it in my power to agree with the Committee of Ways and Means.

Mr. STANTON. The Committee on Military Affairs was not unanimous in that recommendation.

Mr. GARNETT. The Committee of Ways and Means propose to reduce this appropriation from $400,000 to $250,000. My colleague proposes to restore it. Why? Because a certain arm, used by Colonel Wright in Oregon, was made at Harper's Ferry armory. I understand, then, that the gentleman from the Springfield district, Massachusetts, says that it was made at the Springfield Armory. Then my friend from Connecticut says that it was made in a private establishment.

Mr. FAULKNER. I never said that it was made at Harper's Ferry. I said that it was made at the national armories.

Mr. GARNETT. I knew that my colleague represented Harper's Ferry, and I thought it was to that armory he made reference. I think that sound policy forbids our manufacturing any more arms at present. The very fact alluded to by my colleague, that improvements in arms are going on daily, is an argument in favor of that position. I say there was never before a period, since the invention of gunpowder, when more rapid improvements were taking place in the weapons of war. If appropriations of this character had been made forty or twenty or fifteen years ago, the arms then made with the money would be superseded, and be useless. Such are the improvements now that my colleague says that the Secretary of War would not feel himself justified in putting the old musket into the hands of the troops. You cannot take up a journal upon this or the other side of the Atlantic, without finding a notice of some inventions, in the way of improvement, of this kind of arms; and the chances are that next year the guns now made will be superseded by improved guns.

I say, therefore, that the Committee of Ways and Means did wisely, even in a military point of view, in reducing this item, and still more so in an economical point of view, in thus postponing expenditures not absolutely necessary, and thus taking the part of the tax-paying classes of the community. While I have great respect for all my colleague says, and for all that falls from the gentleman from Massachusetts, I cannot but consider it remarkable that in all other items they have favored motions for reductions, and here in this item vote to increase the appropriation. We cannot but consider that, representing the only two national armories in the country, they are somewhat biased by that consideration.

[Here the hammer fell.]

Mr. PENDLETON. I move to amend the amendment, by reducing the amount one dollar; and I do it for the purpose of asking the gentleman from Virginia whether this appropriation embraces the annual appropriation of $200,000 for the purchase and manufacture of arms for the militia.

Mr. FAULKNER. My reply is, that it does not.

Mr. PENDLETON. I am one of those who, in the Military Committee, was opposed to the amendment as offered. I find that by law there is an annual appropriation of $200,000 for the purchase and manufacture of arms. Manufacture where? At the national armories, of course.

Mr. FAULKNER. The gentleman is mistaken. It is for the purchase of such arms and equipments as are not manufactured at the national armories.

Mr. PHELPS, of Missouri. There can be no doubt that, under the act of 1808, the Government may expend that amount at its own armories.

Mr. PENDLETON. That is the point I make, that the whole of that $200,000 may be applied to the manufacture of arms at the national armories. If gentlemen will look at the provision in this bill they will see that more than $109,000 are appropriated for the repair of the two national armories, $250,000 for the manufacture of arms, and $200,000 for the manufacture and purchase of arms. We thus find that there is within a fraction of $600,000 proposed to be appropriated for the repair and the manufacture of arms there. Without making any opposition to the argument adduced by the gentleman from Massachusetts and by the gentleman from Virginia, of the great utility of these armories, I submit that the amount proposed to be appropriated by the Committee of Ways and Means for one year, when the Treasury is so embarrassed, is quite as much as should be appropriated for that purpose.

Mr. FAULKNER. I desire to make a few remarks in explanation of that law. The gentleman has fallen into an error in regard to this appropriation. It is true, as the gentleman from Missouri has said, that the Government may appropriate this $200,000 for the purpose of manufacture, but such has not been the practice; nor would the States of the Union now submit to any such construction of its terms.

Mr. PHELPS, of Missouri. Permit me to inquire how these rifle muskets of the model of 1855 have been distributed to the States to the extent of $5,000?

Mr. FAULKNER. Under the act of 1808, and the amendment to that act. The distribution in form is in muskets. So many muskets, at a fixed price, to each State and Territory, according to its federal population. But the States have the right, in lieu of muskets, to demand some other arm or equipment of war; and it is their habit to make such selections. I herewith append a table exhibiting the articles furnished by the ordnance department to the States, in lieu of the musket, and the prices at which they are exchanged.

Statement of the cost of small-arms, field artillery, &c., at their equivalent in muskets.

Price of each article, except with attachable carbine breech, which are charged at $50 per pair.

		Muskets.
$13 25	ten percussion muskets, including appendages,* cal. 69, equal to	10 2-13
13 93	ten rifle muskets and appendages, new pattern, cal. 58,	10 9-13
12 88	ten percussion rifles and appendages, cal. 54	9 11-13
17 43	ten long-range rifles, with sword bayonets, cal. 58	13 5-13
15 20	ten cadets' muskets and appendages, cal. 58	11 9-13
18 00	ten Hall's carbines and appendages	13 1-13
7 00	ten percussion pistols and appendages	5 5-13
18 00	ten belt pistols, including appendages (Colt's patent revolving breech arms.)	13 11-13
22 50	ten holster pistols (Colt's patent revolving breech arms.)	19 3-15
50 00	a pair ten holster pistols (with one attachable carbine breech per pair) (Colt's patent revolving breech arms.)	17 4-13
35 50	ten cavalry carbines including appendages (Colt's patent revolving breech arms.)	25
35 00	ten artillery carbines; with sword bayonets (Colt's patent revolving breech arms.)	25 12-13
42 50	ten rifles with appendages (Colt's patent revolving breech arms.)	32 9-13
30 25	ten sharpes' carbines with appendages	23 3-13
8 50	ten cavalry sabers	6 7-13
5 50	ten horse-artillery sabers	4 3-13
4 00	ten foot-artillery swords	3 1-13
5 50	ten non-commissioned officers' swords	4 3 13
4 40	ten musicians' swords	3 5-13

*Appendages include screw-drivers, ball screws, spring-vices, and bullet-molds.

$4	02	ten sets of infantry accouterments	3 1-13
3	40	ten sets of rifle accouterments	2 6-13
*4	52	ten sets of accouterments for long-range rifles	3 6-13
6	40	ten sets of cavalry accouterments	4 12-13
1	52	ten horse-artillery saber belts	1 1-13
1	46	ten foot-artillery sword belts	1 2 65
	80	ten non-commissioned officers' or musicians sword belts	73-130
4	04	one 6-pounder gun	31 1-13
3	62	one 12-pounder howitzer	27 11-13
1	75	one mountain howitzer	12 8-13
2	30	one 6-pounder gun or 12-pounder howitzer carriage with implements and equipments	25 5-13
1	28	one mountain howitzer carriage with implements	9 11-13
3	86	one caisson with tools and spare parts	29 9 13
4	47	one traveling forge with tools	34 5-13
7	74	one battery wagon with tools	59 6-13
67	25	one set of artillery harness for two wheel horses	5 2-13
56	25	one set of artillery harness for two lead horses	4 4-13

The practice has been to consume this $200,000 in purchasing for the States the munitions of war, other than such as are manufactured at the national armories.

Mr. PHELPS, of Missouri. I hope the gentleman will be permitted to withdraw his amendment, and that then a vote will be taken on the motion to increase the appropriation.

Mr. PENDLETON, by unanimous consent, withdrew his amendment.

Mr. SPINNER. I move to strike out the words, "at the national armories."

Mr. Chairman, it is well known that there are many establishments in the country where these arms can be manufactured, as cheap, if not cheaper, than the national armories, and furnish their building, their hands, and their machinery.

Mr. CHAFFEE. At what armory, except the national armories, is the Minie rifle manufactured?

Mr. SPINNER. I do not speak of this particular arm; but I know the fact, generally, that arms are manufactured in various parts of the United States for the Government at prices less than they are manufactured at the national armories, notwithstanding the fact that you are paying for buildings, machinery, engines, &c.

Mr. CHAFFEE. Does not the gentleman and the committee know that the Minie musket is the infantry arm of the world to-day, and that that arm is manufactured at the national armories? And I undertake to say, that there is no other establishment, public or private, in the United States, that manufactures the Minie musket.

Mr. WASHBURNE, of Illinois. Can they do it?

Mr. CHAFFEE. Not until they build the works.

Mr. WASHBURNE, of Illinois. They can build the works very easily.

The question was taken on Mr. SPINNER's amendment; and it was rejected.

Mr. SEWARD. I move to reduce the appropriation $5,000. During the Thirty-Fourth Congress, Mr. Chairman, an appropriation of $150,000 was asked for, and the application put upon the ground that it would be a matter of economy to remodel the old arms we had, and so avoid the necessity of manufacturing new ones. That money was appropriated; and I suppose that all the old arms have been remodeled and converted into Minie muskets. If that be so, there is surely no necessity now for making any part of this appropriation.

Now, Mr. Chairman, I do not desire to interfere with the laborers of the country; but I think it bad policy for the Government to spend money in making arms, simply because there are laborers who desire to be employed by the Government. Whenever there is a necessity for Government to expend money for any particular purpose, I am willing that that money shall go to the employment of laborers to do the work; but I object to this whole system of appropriating money simply because there are a number of employés in the armories, or in other branches of the public service, who must be kept in employment. Why, we should have a nation of Government laborers after a while, if all the men now in its employment were to be continued, and if appropriations were still to be made to keep them employed.

Now, I assert, and, I think, truthfully, that there is no necessity at present to manufacture another solitary gun in this country. We have got more arms than we want. It was so stated here in the Thirty-Fourth Congress, by one whose knowledge on that subject was equal to that of any man on this floor. He asked for, and got, an appropriation to convert the old arms to the new model; and said that there was no necessity for further appropriations to make new arms.

Mr. MAYNARD. I suppose it would be considered very trite to repeat the old remark that peace is the time to prepare for war. We are told that we have on hand a very large number of guns manufactured, burnished, and kept ready for use. Now, I ask gentlemen how long a space of time it would take, in anything like a general war, for all of these arms to be used up, destroyed, rendered worthless? A nation as large as ours; aggressive and progressive as we are; continually running counter to somebody; continually liable to thrust ourselves into a quarrel, either on our own account, or on somebody else's account, ought always keep itself in readiness to make attacks and to resist aggression. And yet it is seriously said here, by grave gentlemen, for whose judgment we have high respect, that we should adopt a policy in the procurement of our arms, which would close up our national armories, and make us dependent on Tom, Dick, and Harry, all over the country, who would come in now and undertake to manufacture our arms at a cheaper rate than they are manufactured at the national armories. But, when war came, and we were driven to straits, and it would become necessary for us to have arms at any cost; when our armories were closed, our workshops shut up, and our skillful artisans scattered and gone; then these same good gentlemen would come forward and tell the Government that they had got Uncle Sam by the nose, and would put their hands into his pockets as deep as they chose, and make him pay any sort of price that they saw fit to charge.

The weapons must be had; the arms must be got; and the Government must pay any price for them. Would not then the Government be at the mercy of these private armorers, who are now telling us that they can manufacture arms cheaper than they can be made at the national armories? I am surprised at the recommendation coming from the gentlemen who, perhaps, like my friend from New York, [Mr. SPINNER,] are protective-tariff men.

Mr. SPINNER. I beg the gentleman's pardon; I am a free-trade man.

Mr. MAYNARD. I am very glad to hear the gentleman make that admission. Then it is his anti-tariff notions; his notions of aiding foreign manufactures, that he is bringing in here. I undertake to say, from my acquaintance with the subject—and I profess to have some acquaintance with it—that arms are manufactured by the Government as good, and at as low a price as they can be fairly done for, rendering a fair and just compensation for the kind of work we require.

[Here the hammer fell.]

The question was taken on Mr. SEWARD's amendment, and it was rejected.

Mr. BOWIE. I move to amend by increasing the appropriation for the national armories $5,000. I am surprised, Mr. Chairman, at the position which this House is placing itself in before the world. Here we are, actually at war with Paraguay, and have sent off a large fleet to conquer her. [Laughter.] We have just had a war with Utah, and have actually three thousand men out there, at this time. And, sir, we are going, it is said, to take Cuba; even though the whole world be against us, and in the very face of the *tripartite* treaty between Spain, France, and England. And, sir, the American Congress are about to vote $30,000,000 to the President to enable him to obtain Cuba; and, sir, you know what that means. It is, sir, the beginning, the entering wedge to a war, and we must be prepared to meet it. Instead, therefore, of cutting down the appropriation for the manufacture of arms, I would double it—increase it to $500,000; because I feel confident that we never can get Cuba without running the risk of involving ourselves in a war with Spain, England, and France; and we shall want all the arms we can manufacture.

Mr. DAWES. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Maryland, and in favor of the amendment offered by the gentleman from Virginia. I sympathize with this disposition to retrench, which seems to be so prevalent in the House, but I desire that the retrenchment may be reduced to a system. I think that if we have made one thing more apparent than another in this House, and in this discussion upon retrenchment, it is that we are as extravagant in our retrenchment as we have been in everything else. My idea is that we should discriminate in our retrenchment so that by reducing our expenditures in some branches of the public service, we may thereby be enabled to carry on other branches with more efficiency.

Now, I believe that no gentleman here—unless it be my friend from New York, [Mr. SPINNER,] seriously contemplates the idea of abolishing the national armories, throwing away all the property, and all the capital invested in machinery there, and turning out of employment all the men who have been educated to this business.

If, then, we are to keep up these armories, is it not a matter of economy upon our part to keep them up in the way that will be most efficient and render most service to the country? Sir, the machinery and all the capital invested there becomes, to a great extent, a dead and useless capital, wasted and destroyed, unless we carry on the business on the plan laid down by those who are acquainted with the operations at, and have the management of, these armories; and the War Department and the Military Committee of this House tell us that we cannot reduce the amount of the expenditure of this branch of the service. I do not see a corresponding disposition to cut down expenditures where we can cut them down without injury to the public service. I want reason in our retrenchment. I want to apply the pruning knife with some sort of discretion. If we apply it alike to the useful and to the useless, we shall utterly fail to accomplish any reasonable retrenchment. I am opposed to these wild and extravagant motions, either on one side or upon the other. I think that, as reasonable men, we ought to listen to the estimates of the Department and to the estimates of the Committee on Military Affairs, who are the eyes and the ears of this House, or who ought to be, upon this subject.

[Here the hammer fell.]

The question being on Mr. BOWIE's amendment to the amendment,

Mr. MASON called for tellers.

Tellers were not ordered.

The amendment to the amendment was rejected.

Mr. MARSHALL, of Kentucky. I move to amend the amendment of the gentleman from Virginia by reducing the amount to one dollar.

I regret to occupy the time of the committee when I know the committee is anxious for a vote. But, as one of the members of the Committee on Military Affairs, who has not agreed to this proposition, I feel that it is proper for me to say a few words. Improvements in these arms are going on every day, and if we appropriate this money, the probability is, that it will be improperly and uselessly expended. I have in my desk an invention which has been patented within the last few days, by which, the inventor informs me, he can furnish a better arm—and Minie's, too—than any now existing, for the price of the old musket. Now, whether this be true or not, it shows that we ought to curb our appropriations within proper limits, and not to spend hundreds of thousands of dollars at Springfield and Harper's Ferry in the course of a year, in the manufacture of particular arms. The $250,000 may be increased, as it was increased last year, by the application to the same purpose of the $200,000 for the purchase or manufacture of arms for the militia. The House will remember that last year, at the instance of the Representative from the Harper's Ferry district, we put in more than three hundred thousand dollars, which had been left out accidentally by a clerk, because the President of the United States had used this very appropriation of $200,000 for the manufacture of arms at Springfield and Harper's Ferry. That shows that it can be done.

Mr. FAULKNER. The gentleman will permit me to say that the money which had to be borrowed from the ordnance fund because of the neglect of an engrossing clerk, has every dollar of it been refunded.

Mr. MARSHALL, of Kentucky. I have no

doubt of that; but the very fact that it was borrowed, shows that the President of the United States can, within the lines of the law, according to his construction, divert the whole fund and expend it at Harper's Ferry and Springfield, so that, in truth, the amendment is $450,000 instead of $250,000.

[Here the hammer fell.]

Mr. MARSHALL, of Kentucky. I withdraw my amendment.

Mr. MASON. I desire to speak in opposition to the amendment.

Mr. GREENWOOD. I object to debate. The amendment was withdrawn.

Mr. MASON. I rose and objected to the withdrawal of the amendment, the instant my colleague announced his purpose to withdraw it; but if the committee do not want to hear my speech, I will not inflict it on them.

The question being on Mr. FAULKNER's amendment,

Mr. CHAFFEE demanded tellers.

Tellers were ordered; and Messrs. BUFFINTON, and CRAIG of Missouri, were appointed.

The committee divided; and the tellers reported —ayes thirty-one; a further count not being demanded.

So the amendment was not agreed to.

Mr. GARTRELL. I move to amend by inserting as follows:

For the construction of a national armory at Atlanta, in the State of Georgia, $200,000.

Mr. PHELPS, of Missouri. I rise to a question of order. That amendment is changing the existing law.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment to be out of order.

Mr. GARTRELL. I desire to say one word upon that point of order. I think I can satisfy the Chair, as well as the chairman of the Committee of Ways and Means, that if this amendment is out of order, one-third of the items in this bill are out of order. I will not, however, take an appeal from the decision of the Chair, because two or three appeals have been taken from his decision to-day, and the Committee have universally sustained his decision. I have no doubt that my appeal would meet with the same fate if I were to take one.

Mr. PENDLETON. I move to strike out from line one hundred and thirty-nine to line one hundred and forty-nine, inclusive, as follows:

"For the Alleghany arsenal, $5,000.
"For the Benicia arsenal, $50,000.
"For Fort Monroe arsenal, $14,000.
"For New York arsenal, $3,000
"For North Carolina arsenal, $2,235.
"For Texas arsenal, $15,000.
"For Washington arsenal, $2,500.
"For Watertown arsenal, $1,000.
"For Watervliet arsenal, $25,000."

I will state that the object of the amendment is to strike out the whole appropriation for repairs and improvements of arsenals, except $20,000 for contingencies. I am not certain that ought not to be stricken out likewise; but I am willing to leave that in the discretion of the Department, to apply if it shall become necessary. I have examined the estimates of appropriations, and I have been struck with the entire absence of any necessity for the outlay demanded. I have been struck with the trifling nature of the objects for which it is proposed to appropriate one hundred and thirty or one hundred and forty thousand dollars. If the committee will look at the report of the Secretary of War on the subject, they will see that a great portion of this appropriation is for grading and fencing grounds. Now, sir, I submit that this is no time for beautifying our public buildings and grounds. Here is one arsenal, for the building of which an appropriation is asked, in reference to which, if gentlemen will look at this report, they will discover that there is now a controversy existing in reference to the site for the arsenal; that it is now proposed to sell the site which was purchased last year, and buy another. Then, in reference to the arsenal in North Carolina; when I look into the report of the Secretary of War, to see the operations of the last year, I find there:

"Extensive repairs of boundary fence, for which 1004 pounds spikes were extracted from decayed parts; walls of magazine for fixed ammunition repainted and yellow-washed; walls of arsenal, barrack, and line of shops, also yellow-washed; 2 axes and 1 grubbing hoe repaired; wheels and body of wagon repainted, and 2 cart wheels newly tired; wheel, buckets, and other parts of apparatus for drawing water from the well, repaired, renewed, &c.

"*Other work done.*—Care and preservation of battery, small arms, tools, implements, &c.; 45 rifles issued to the militia; 2 boundary corner stones cut and lettered; 192 cubic feet of stone received from quarry; 7,060 superficial feet of lumber received from mills, and 1,700 hauled; 19,460 bricks received from kilns; stores and lumber removed from shops to timber store; 2 wrenches and 6 cold-chisels made; 6 pieces samples of North Carolina oak, hickory, and pine timbers, prepared and sent to Alleghany arsenal for experiment; care and grooming of 1 horse and 2 mules."

And for an arsenal whose operations for one year were so extensive, we are asked to appropriate, for repairs alone, more than $2,500.

[Here the hammer fell.]

Mr. BRANCH. That shows the economy with which the money has been expended. I venture to say there is not another arsenal in any other State where they would draw old spikes out of decayed fences, in order to save the expense of new ones.

Mr. WINSLOW. I rise to oppose this amendment. These items are necessary, in the condition of the arsenals and armories, and to the military service of the country. But, sir, I especially desired to say, that so far as the remarks of the gentleman who last addressed the committee seem to indicate a reproach that no work has been done at the North Carolina arsenal, the best answer to give is, that, until the last session of the last Congress, no appropriation had been made to purchase machinery. It has now been done, and the machinery has been placed, and the arsenal prepared to execute work. This arsenal was originally located by General Jackson. It has just been completed. That it has not been done before, perhaps may have been the result of the continuous opposition of the present head of the ordnance corps—a hostility which, I trust, has not proceeded from sectional prejudice. The late distinguished head of the Department of War, in his last report, recounted the putting in operation, for the manufacture of the material of war, the arsenal in Springfield, that in North Carolina, and one at some point on the Pacific coast. It was in consequence of this suggestion that the last Congress made a liberal appropriation for the purchase of machinery. It has been honestly and faithfully managed by the present and preceding commandants who have had charge there. Connected by railroad, as it soon will be, with extensive and valuable deposits of coal and iron, some forty miles distant, it will compete, I am sure, with any similar establishment in the country, when put under construction.

Mr. PHELPS, of Missouri. I desire to say one word. The estimates submitted to us for the repair and improvement of the various arsenals in the United States were $224,006. The Committee of Ways and Means, upon an examination of the matter, came to the conclusion to reduce it to the amount stated in the bill which is before us. We believed that some repairs were necessary to preserve the property, and also to finish one or two buildings which were in progress of construction.

Mr. DEWART. I move that the committee do now rise.

Mr. VALLANDIGHAM. I hope the gentleman will withdraw it until we can do some work, and imitate the example of the Senate, which meets at eleven o'clock, and works until seven or eight in the evening.

Mr. DEWART. I cannot withdraw my motion.

The motion was not agreed to.

The question recurring on the amendment to strike out all the appropriations for arsenals,

Mr. FLORENCE demanded tellers.

Tellers were ordered; and Messrs. BUFFINTON and PEYTON were appointed.

The committee divided; and the tellers reported —ayes 72, noes 51.

So the amendment was agreed to.

Mr. PHELPS, of Missouri. I propose to submit an amendment, and it is for the purpose of terminating the session of the committee. I move to strike out the residue of the clauses in the bill. I am willing to vote for it in committee; but in the House, where we can have a separate vote upon each clause, I intend to vote against the concurrence in the action of the Committee of the Whole on the state of the Union.

Mr. OLIN. I wish to inquire of the Chair, whether, if this motion prevails, we can have a vote upon the separate items when we act upon the bill in the House?

The CHAIRMAN. The Chair thinks not.

Mr. MARSHALL, of Kentucky. I appeal to the chairman of the Committee of Ways and Means not to press his motion. There are two clauses here making appropriations for repairs, improvements, and new machinery for the armories that I want a separate vote upon.

Mr. PHELPS, of Missouri. I withdraw my motion, as it was only intended to expedite the disposition of the bill.

Mr. MARSHALL, of Kentucky. The next clause in the bill is for contingencies of arsenals, $20,000. As we have stricken out all the detailed estimates of appropriation for the arsenals, I propose to leave this contingent appropriation as it is. Then I propose to move to strike out the two next clauses, which are as follows:

"For repairs and improvements, and new machinery, at Springfield armory, Massachusetts, $53,910.
"For repairs and improvements, and new machinery, at Harper's Ferry armory, $55,000."

The committee will perceive, by looking at the estimates, that the amount proposed to be stricken out from these clauses was mostly estimated for grading grounds, for general repairs, and improvement of grounds, for building culverts, erecting iron fences, bridges, &c.

I move to strike those clauses out.

Mr. CHAFFEE. Is it in order to move to strike out the enacting clause?

The CHAIRMAN. It is.

Mr. CHAFFEE. I make that motion.

Mr. JONES, of Tennessee. If the enacting clause be stricken out, we cannot have a separate vote upon any part of the bill.

The motion was not agreed to.

Mr. FAULKNER. I rise to oppose the amendment of the gentleman from Kentucky. I desire to state that some of the estimates in the clauses which he proposes to strike out, are essential to the manufacture of small arms. The improvements are now in progress of construction; and if we withhold the appropriation, it will be impossible to go on with the manufacture of arms.

Mr. MARSHALL, of Kentucky. I desire to have a separate vote upon striking out each of those clauses. I do not want to combine the strength of the Springfield and Harper's Ferry armories together.

The question was taken on Mr. MARSHALL's amendment; and it was agreed to.

Mr. FLORENCE. I submit that the item now up is not in order. The gentleman from Kentucky expressly stated that he wanted a separate vote on the two paragraphs of the bill.

The CHAIRMAN. Objection was made. It is now passed; it is too late to make a point of order on it.

Mr. FLORENCE. I ask the gentleman from Kentucky whether he did not propose to strike out first one portion of the paragraph, and then the other portion?

Mr. MARSHALL, of Kentucky. I certainly did; but I understood the Chair to overrule me, objection having been made.

Mr. SMITH, of Virginia. I move to strike out the following:

"For surveys for military defenses, geographical explorations, and reconnoissances, for military purposes, and surveys with armies in the field, $50,000."

Mr. Chairman, what are the officers of the Army engaged at that they cannot perform that duty out of the ordinary Army appropriation? What are these officers for but for the performance of the duty here stated? I think it is right that we should have some explanation of this amendment.

Mr. WASHBURNE, of Illinois. I oppose the amendment. Let us have a vote.

Mr. STEVENS, of Washington. I move to increase the appropriation $100,000.

Mr. Chairman, that is an appropriation which it has been usual to make from year to year, and I esteem it to be the very life and soul of our military service. It proposes the means for furnishing information which enables the Department to direct the movements of troops. Perhaps under no other appropriation has so large an amount of valuable information been collected. I can refer to several parties which have furnished the military arm with important information. One is

the survey of the Colorado river, which determined that that river was navigable by steamers to the great cañon of the Colorado, thus opening a line of communication to supply the Utah country from the Gulf of California.

In like manner other parties have gone out and have given us most valuable information in regard to the lines of communication. Our army in Utah has been able to reduce its expenses in consequence of the information gained by these parties. It may be that the expense of moving our army from Fort Leavenworth to Utah, a distance of one thousand two hundred miles, may be reduced one half, by an examination of the country. It is believed by many, and that is my judgment, that from the Yellowstone, you can open a line to Utah, shortening the length of transportation by one half what it now is. If you can reduce the transportation of corn and barley from twenty-seven cents a pound, from Fort Leavenworth to thirteen, or fourteen, or fifteen cents a pound, it will be a great saving. Such are the issues involved in these explorations. Are gentlemen aware that it costs the Government sixteen dollars a bushel to carry corn to Utah? Are they aware that for every pound of forage carried there you have to pay twenty-seven cents? It is therefore a matter of moment to see whether you can reduce your bill of expenses one half.

Mr. McQUEEN. Why cannot the Army make those explorations?

Mr. STEVENS, of Washington. There is a special corps set apart for that duty.

[Here the hammer fell.]

Mr. OLIN. I am opposed to the amendment offered by the Delegate from Washington Territory; not that those explorations are not important and could not enlighten the House, but for other reasons. I was desirous, before this appropriation bill was disposed of, to get the report of one of these military explorations, but I have failed to do so. The ingenuity of some gentlemen on this floor, acting for the Secretary of War, prevented me from accomplishing what I desired. I think it is hardly worth while to expend more of the public money in these explorations, when, after being made and the report being called for by a resolution of the House, the House cannot get the opportunity of reading it or having it produced. The document which I called for would, I think, have shown the House that the fortification and military arsenal at Benicia has the same difficulty that was attributed to General Pillow's ditch, which was on the wrong side of the breast-work.

But it is said that the reasons assigned in this report were not quite satisfactory to high public functionaries. The Department did not approve of it, and therefore it could not be laid before the House. I should like to inquire of the chairman of the Committee on Military Affairs what has become of the fortification at the mouth of the Columbia river? Is it given over as a bad job? I believe that has been found to be placed in the wrong position; and I should like to hear the opinion of my friend from Washington Territory on that subject, as he is a scientific man. In the estimation of every military man in the country, whose judgment is worth three cents, this fortification is a failure—an ignominious failure. I think that that would be seen, had this topographical report been placed before the House. But it could not be had, although a copy of it lies on the desk of the Secretary of War, and although his attention has been called to it repeatedly on the floor of the House, and although a resolution has been passed by the House calling for it. He has not leisure to send the colored man who stands at his door with the report to this House, although we have been waiting for it for months.

The question was then taken on Mr. STEVENS's amendment to the amendment; and it was rejected.

The question recurred on Mr. SMITH's amendment; and it was rejected.

Mr. BRYAN. I offer the following amendment, to come in after line one hundred and sixty-one:

For survey of the entrances and harbors of Galveston, San Luis, mouth of the Brazos river, Caballo, Aransas, and Brazos Santiago, in Texas, $20,000.

Mr. PHELPS, of Missouri. I rise to a question of order. There is no authority on the statute-book for the survey proposed by the gentleman from Texas. There is a law providing for the survey of the lakes, but none for this.

Mr. BRYAN. The last clause of the bill provides for the survey of the northern and western lakes; why should not this amendment be in order?

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. GARNETT. I move to strike out the following lines:

"For continuing the survey of the northern and northwestern lakes, including Lake Superior, $75,000."

We have already appropriated a sum for the continuation of the coast survey. We are pushing that magnificent work as rapidly as we possibly can, consistent with the work itself and consistent with the resources of the Treasury. It has been carried around all the coasts of the United States, the ocean coasts, and lakes, also; and I see no reason why we should make a special appropriation for the northern lakes. I do not mean by that to be understood as having a decided hostility to the survey of the northern lakes. On the contrary, I desire that they shall be surveyed, just as much as the sea-coast is surveyed.

Mr. PHELPS, of Missouri. The coast survey is under the control of Professor Bache; but he does not prosecute the surveys of the northern lakes; they are under the control of the Secretary of War.

Mr. GARNETT. Then I think it would be a great deal better to have the survey of the northern lakes carried on under Professor Bache; for there is no work in the world superior in character to the American coast survey; and therefore, whatever there is in the way of surveying, should be placed under the control of the Coast Survey department. Let us push that work as rapidly as funds will permit us; but not too rapidly. I move to strike out this item, as not being in its appropriate place. I think this is not the proper time for enlarging our surveying operations.

Mr. HATCH. I had expected to find some opposition to this very small item in this appropriation bill to the inland commerce of this country. It is entirely in harmony with the action of legislation here, for the last number of years, towards every interest connected with the navigation on our northwestern lakes. Here is a bill appropriating over fifteen million dollars for the Army service, and at the tail of it is appended an appropriation of $75,000 for the survey of the northern lakes, and the gentleman from Virginia moves to strike this out. I will detain the committee whilst I give a brief statement of the commerce and extent of these northern lakes. There are over sixteen hundred vessels navigating these lakes, manned by over thirteen thousand seamen. Their tonnage is over four hundred thousand tons, and the exports and imports transported over these western waters amount to over six hundred million dollars, equal to all the imports and exports of the United States. There are over six thousand miles of lake and river coast, equal to the Atlantic coast of this country. My limitation of time will not permit me to add further details, except to say that here is an inland commerce, in grandeur and magnitude unsurpassed in the world, worthy of national care. And now, sir, this insignificant appropriation only, to point out the dangers of our inland navigation, for the survey of our lakes, the gentleman from Virginia proposes to strike out, when the Atlantic coast survey has cost this Government over five million dollars, and there is now appropriated for its continuance, annually, over five hundred thousand dollars. We have had no general appropriations for the improvement or even preservation of our harbors for years. Appropriations for charts and light-houses have been made; but nothing has been given to remove the dangers which these charts indicated, and these lights have only served the purpose to warn the mariner away from unimproved and dangerous harbors.

This motion is entirely in keeping with the movement in the other wing of the Capitol to get rid of the light-house system on our lakes. This course of legislation, sir, if carried out, would not only deprive our mariners of charts, but even extinguish the lights on our inland coast. I have not time now to urge the claims of the inland commerce of this country, but I shall take some future occasion and vindicate its equality, as a branch of the public service, either with the Army or Navy. Now, by the arbitrary ruling of this House, no appropriation for its benefit, except for charts and lights, can be placed in a general appropriation bill, and by the operation of the two-third rule, a minority has the power to exclude all other appropriations, such as for the improvement of harbors, or rather prevent their consideration by the House. So, sir, there is this singular legislation here, that whilst a majority may be in favor of this class of appropriations for general improvements of harbors on our lakes, a minority can defeat all legislation. This inequality in legislation here has no foundation in common sense or common justice. I appeal to gentlemen not to strike out this very small concession to the inland commerce of this country, perhaps the only appropriation that can be secured for it.

[Here the hammer fell.]

The question was taken on Mr. GARNETT's amendment, and it was rejected.

Mr. PENDLETON. I offer the following amendment, to come in at the end of the bill:

For pay to the Missionary Society of the Methodist Episcopal Church, for land taken from said Society, for military purposes, at the Dalles, in Oregon Territory, the sum of $20,000, upon filing in the proper Department a release to the United States, to be approved by the Attorney General, of damages on account of the appropriation of said land, and destruction of property on or near the said land, by the troops of the United States, or volunteers, or Indians, at any time anterior to the date of said release.

Mr. HOWARD. I rise to a question of order. That is a private claim, and is not in order.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. BONHAM. I offer the following amendment, as an additional section to the bill:

SEC. 2. *And be it further enacted*, That it is, and is hereby declared to be, the true intent and meaning of this act, that the commutation of subsistence to officers of the Army shall not be withheld by virtue of anything herein contained, until existing laws regulating the same shall be repealed.

In order to make my point understood, it is proper that I should advert briefly to the action of Congress upon this subject. When the act of 1857, increasing the pay of the Army, was under consideration in the Senate, this question was raised, both by the Committee on Military Affairs and other Senators, and the two amendments, which I will read, were rejected by very decided votes. The first of those amendments was as follows:

"That hereafter double rations for command of posts garrisoned with troops, are prohibited, unless especially ordered by the President of the United States; and all laws and regulations contrary to the provisions of this act are hereby repealed."

That was rejected by a vote of 33 to 17.

The following amendment was also offered:

"That, from and after the passage of this act, additional or double rations for command are prohibited; and all laws contrary to the provisions of sections of this law be, and the same are hereby, repealed."

That was rejected by a vote of 28 to 19. I have not been able to turn to the debates in the House upon this subject, but I have shown that two years ago, when the matter was fully debated, this question was decided. And now, only two short years afterwards, we propose in an appropriation bill to reverse that decision. I will not go into an argument to show the importance of these double rations to the officers; but there is another branch of the subject to which I wish to advert. I am satisfied, from the temper exhibited by the committee yesterday on the subject of the brevet pay, that, if they had understood the question, they never would have agreed to the amendment of the Committee on Military Affairs. That amendment not only cuts down the compensation of your officers on the frontier, who are in command of posts, but it cuts down the pay of the Commander-in-Chief more than three thousand dollars. I have ascertained, since yesterday, that this will be one of the effects of that amendment.

I now wish to call attention to the action of Congress upon the subject. At that same session of 1857, this question as to the construction of his brevet pay came up. In 1855, Congress passed the law under which the rank of lieutenant general was conferred upon General Scott. Be-

tween that time and 1857, the then President of the United States, General Pierce, and the Secretary of War, Colonel Davis, now a Senator from Mississippi, had the question under consideration whether General Scott was to receive the extra allowances which he claimed. The Secretary of War held that he was not entitled to these allowances, and the President sustained that decision. But the Congress of the United States itself decided the question in the following year. The act making appropriations for the support of the Army, passed in 1857, contained this section:

"SEC. 16. *And be it further enacted*, That the joint resolution, approved February 15, 1855, 'authorizing the President of the United States to confer the title of lieutenant general by brevet,' shall be so construed from and after March 29, 1847, in favor of the brevet lieutenant general appointed under said act, while exercising command according to that rank, as to entitle him to the pay, allowances, and staff specified in the fifth section of the act approved May 28, 1798, 'authorizing the President to raise a provisional army,' and also the allowances described in the sixth section of the act approved August 23, 1842, 'granting additional rations to certain officers.'"

I have only time to add, sir, that I trust we shall not furnish another illustration of the oft-repeated declaration that Republics are ungrateful.

[Here the hammer fell.]

Mr. JONES, of Tennessee. I wish to submit a question of order on the amendment proposed by the gentleman from South Carolina. We have passed from the consideration of all that portion of the bill which relates to the commutation of officers' rations, and we cannot go back now and amend it in this mode. If this amendment is in order, you can still go back, and amend every section of the bill.

Mr. WASHBURNE, of Illinois. I submit that the point of order comes too late, even if there were anything in it.

The CHAIRMAN. The Chair decides that the amendment is in order.

Mr. JONES, of Tennessee. I appeal from that decision.

The question was taken on the appeal; and the decision of the Chair was reversed.

So the amendment was ruled out of order.

Mr. PHELPS, of Missouri, moved that the committee rise and report the bill to the House, with the amendments.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. JOHN COCHRANE reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the bill of the House (No. 667) making appropriations for the support of the Army for the year ending the 30th of June, 1860, and had directed him to report the same to the House with sundry amendments, and with a recommendation that it do pass.

Mr. PHELPS, of Missouri, demanded the previous question.

The previous question was seconded, and the main question ordered.

ENROLLED BILLS.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 524) for the relief of Francis Carver;

An act (H. R. No. 261) for the relief of Leonard Loomis;

An act (H. R. No. 535) for the relief of David Watson;

An act (H. R. No. 218) for the benefit of the captors of the British brig Caledonia, in the war of 1812;

An act (H. R. No. 461) granting an invalid pension to John Lee, of the State of Maine;

An act (H. R. No. 526) for the relief of Frederick Smith;

An act (H. R. No. 496) for the relief of the representatives of Henry King, deceased;

An act (H. R. No. 273) for the relief of John F. Cannon; and

An act (H. R. No. 525) for the relief of Robinson Gammon.

And then, on motion of Mr. HICKMAN, (at four o'clock and twenty-eight minutes, p. m.,) the House adjourned to Monday.

IN SENATE.

MONDAY, *February* 21, 1859.

Prayer by the Rev. M. ALIG.

The Journal of Saturday last was read and approved.

Mr. HUNTER. I rise to what I believe to be a privileged question. I understand the Senator from Rhode Island [Mr. SIMMONS] entered a motion to reconsider the appropriation bill which was passed on Saturday; and I believe, under the rules, that is the first thing to be acted on this morning. I think we ought to act on it. Let us dispose of that bill at any rate.

Mr. DAVIS. Petitions and reports come first.

Mr. HUNTER. Before that motion to reconsider?

The VICE PRESIDENT. The Chair thinks so.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 19th instant, information as to what changes have been proposed in the armament of the United States mounted troops, with a view to economy and increased efficiency of that force on the frontiers; an estimate of the additional expense, if any, and the means provided, or necessary to be provided, for paying the same; which, on motion of Mr. LANE, was referred to the Committee on Military Affairs and the Militia; and a motion by him to print the report was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Chamber of Commerce of St. Louis, Missouri, and citizens of Shawneetown, Illinois, praying the establishment of a branch of the United States mint at St. Louis; which was referred to the Committee on Finance.

Mr. GREEN presented a memorial of the St. Louis Chamber of Commerce, and of citizens of Roanoke, Howard county, Missouri, and its vicinity, praying the establishment of a branch mint at St. Louis; which was referred to the Committee on Finance.

Mr. DAVIS. I present the petition of Thomas O'Sullivan, asking to be enrolled on the pension list. His claim is founded on twenty years' faithful service as a soldier of the United States. It constitutes a case somewhat new in the Senate, and entitles him, I believe, to favorable consideration. Having served until he had passed the age at which he could be reënlisted, he was thrown upon the world with the mere profession of a soldier, having lived upon a pay too small to leave him any means of future support, and unable, at that period of his life, to commence labor. With these remarks, I move to refer the petition to the Committee on Pensions.

The motion was agreed to.

Mr. STUART presented a petition of citizens of Newaygo, Michigan, praying the establishment of a mail route from Newaygo to Greenwood, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. SHIELDS presented a petition of citizens of St. Cloud, Minnesota, praying the establishment of an overland mail route from the head of Lake Superior, via St. Cloud and Sauk Rapids, to Puget Sound, on the route surveyed by Governor Stevens, in 1853; which was referred to the Committee on the Post Office and Post Roads.

The VICE PRESIDENT. The Chair has received, and will lay before the Senate, a memorial from residents of the parishes of Ascension and Iberville, in the State of Louisiana, claiming to be owners of the Houmas lands in that State, and asking Congress to repeal the act of June 2, 1858, which they deem detrimental to their interests.

Mr. DIXON. I have been requested by a constituent to ask for the reading of that memorial.

Mr. HUNTER. It seems to be a long memorial, and I believe it cannot be read except by the order of the Senate. I hope the Senator will withdraw his request. It is important that we should get at the appropriation bill, which is hung up here by a motion to reconsider.

The VICE PRESIDENT. The Chair will state that the memorial is a brief one. Does the Senator from Virginia object to the reading of it?

Mr. HUNTER. If I have a right to object, I do.

The VICE PRESIDENT. Does the Senator from Connecticut move for its reading?

Mr. DIXON. I make that motion.

Mr. STUART. I submit that a Senator has not the right to object to the reading of a memorial. Any Senator has a right to have it once read.

The VICE PRESIDENT. I believe that is the rule.

Mr. HUNTER. Let it be read. I will not waste time about a point of order.

The VICE PRESIDENT. The Secretary will read the memorial.

The Secretary read it, as follows:

NEW RIVER, PARISH OF ASCENSION,
STATE OF LOUISIANA, *January* 19, 1859.

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, residents and owners of the Houmas lands, in the parishes of Ascension and Iberville, in the State of Louisiana, most respectfully petition your honorable bodies:

Whereas a bill was introduced into the United States Senate, by a Senator of that honorable body, which we find approved June 2, 1858, the title of which being "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes:"

The second section of this bill makes valid a claim in Louisiana, that, for nearly half a century, previous sessions of Congress have refused to recognize, and our highest courts of justice have decreed against.

That the confirmation of this claim by Congress, if undisturbed, would reduce to the greatest distress and ruin about five hundred families in the parishes of Ascension and Iberville, and who claim to have an incontrovertible title from the Government of the United States, Spanish grants, and otherwise.

That at the time of introducing this bill into Congress, in order to get the confirmation of such a claim, a suit was pending in the circuit court of the United States, fifth district, Louisiana, to try the validity of the original title, entitled "United States *vs.* Donaldson and Scott;" a suit was instituted in 1827 or 1828, entitled "Minor *vs.* Tillottson," in which the Houmas claimants, under the "alleged" grant, were defeated; and, again, we would most respectfully submit that the claimants who shield themselves under the second section of the bill, complained against by this petition, obtained a "judgment" from the circuit court of the United States, fifth district, Louisiana, in a suit entitled "United States *vs.* Daniel Clark *et al.*," instituted 1846; that pending the suit their pretensions to that claim were proved fraudulent, and a judgment rendered that their patent be annulled.

That we would respectfully submit to your honorable bodies, for a full and lucid exposition of all facts referring to the claim, the report and opinion of the Hon. Nathan Clifford, Attorney General of the United States, to the President, in pursuance of a joint resolution of Congress, 25th June, 1846, entitled "A resolution in relation to the issuing of grants of certain lands in Louisiana."

And in conclusion, we ask your honorable bodies to make such investigation in the premises as you see fit, and petition for a repeal of that iniquitous bill. And for which, as in duty bound, we will ever pray.

The VICE PRESIDENT. If no motion be made, the memorial will go to a committee.

Mr. GWIN. I move to lay it on the table.

Mr. STUART. Let it be referred to a committee.

Mr. GWIN. What committee?

Mr. HUNTER. The Committee on Private Land Claims.

Mr. GWIN. Then I move that it be referred to the Committee on Private Land Claims.

The motion was agreed to.

REPORT FROM A COMMITTEE.

Mr. DAVIS, from the Committee on Public Buildings and Grounds, who were instructed, by a resolution of the Senate, to inquire into the propriety of extending, to the center building of the Capitol, the system of heating, now applied to the wings, submitted a report accompanied by a joint resolution (S. No. 81) providing for heating the center building of the Capitol. The joint resolution was read, and passed to a second reading, and the report ordered to be printed.

BILLS INTRODUCED.

Mr. CRITTENDEN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 82) to allow a credit to certain disbursing officers therein mentioned; which was read twice by its title.

Mr. CRITTENDEN. I will state that this joint resolution proposes that a credit shall be allowed to certain officers who were charged with the disbursement of money for the improvement of the navigation of the Ohio and Mississippi

rivers, and with the disbursement of a sum of money appropriated at the same time and by the same section, to build steamboats and other machinery necessary for executing the work. It was found, in the progress of the work, that the appropriation for the necessary machinery cost more than was estimated, and, in the exigency of the case, they took the responsibility of applying a portion of the money that had been appropriated for the purpose of improving the river, to finish the boats; the appropriation for that specific object being insufficient. This resolution proposes that credit shall be allowed them for those expenditures. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

RED RIVER RAFT.

Mr. JOHNSON, of Arkansas. The Senate will recollect that this Government has made many efforts to remove the Red river raft. The States of Louisiana and Arkansas have passed acts of legislation incorporating a company, by which they have attempted to secure the navigation of that river through their own exertions. It is very desirable that they should be aided, so far as to be granted the concurrence of Congress to their action. I present those acts for the purpose of having them referred to the Committee on Commerce; and at the same time offer the following resolution:

Resolved, That the Committee on Commerce be, and are hereby, instructed to inquire into the propriety and necessity of a law of this Government approving and concurring with certain acts of the States of Louisiana and Arkansas, concerning the raft of Red river, and to report by bill or otherwise.

The resolution was considered by unanimous consent, and agreed to.

NEGOTIATIONS WITH SPAIN.

Mr. BELL. I present the following resolution, and ask for its immediate consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, if not, in his opinion, incompatible with the public interest, copies of all the correspondence addressed to Mr. Marcy, Secretary of State, in the years 1854 and 1855, by Horatio J. Perry, Secretary of Legation at Madrid, together with copies of the letters of Mr. Marcy in reply; and also a copy of an overture for a treaty, made by the Spanish Minister of Foreign Affairs, which accompanied the correspondence of Mr. Perry, together with the programme of a treaty, if any, and which he described, in a letter to the President, as "conceding immense benefits to our commerce, and securing the prompt and complete protection of the political, religious, and social rights of our citizens, in future, in every portion of the Spanish domain, in consideration for similar benefits conceded to Spanish subjects and their commerce by the United States."

Mr. MASON. Let it go over.

Mr. BELL. I want to appeal to the Senator from Virginia. Does he mean to block this inquiry?

Mr. MASON. Let the resolution go over. I object to its consideration to-day.

Mr. BELL. Unless it can be acted on to-day it can be of no service, I suppose, in the further discussion of the important subject to which it relates. I trust the Senator from Virginia will withdraw his objection.

Mr. MASON. I am sorry I cannot do it. I make the objection out of no sort of discourtesy to the honorable Senator; but I think we had better examine the resolution a little.

The VICE PRESIDENT. Objection being made, the resolution lies over.

INDIAN APPROPRIATION BILL.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House insists upon its disagreement to certain amendments of the Senate to the bill (H. R. No. 664) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1860; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. A. B. GREENWOOD, of Arkansas, Mr. J. S. MORRILL, of Vermont, and Mr. SAMUEL A. SMITH, of Tennessee, managers at the same, on its part.

ARMY APPROPRIATION BILL.

The message further announced that the House had passed a bill (H. R. No. 667) making appropriations for the support of the Army for the year ending the 30th of June, 1860; which was read twice by its title, and referred to the Committee on Finance.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed an enrolled bill (H. R. No. 455) for the relief of Samuel A. Fairchild; and it was signed by the Vice President.

CONSULAR AND DIPLOMATIC BILL.

Mr. HUNTER. I must now submit my motion to take up the motion to reconsider the bill which we acted upon on Saturday. We ought to finish something; and I understand it can only come up by my calling it up now. I move to take it up.

Mr. SEBASTIAN. I appeal to the Senator from Virginia to let us get through with the reports. It is very likely that the motion to which he refers will cause discussion, and he will thereby defeat the very object he has in view, to get through with something. I think we had much better get through with the ordinary morning business, and then I am sure the Senator can get the floor for the purpose of making his motion.

Mr. HUNTER. The Senator from Arkansas can get his reports in to-morrow; but this is the only chance we have to get this question acted on. We want to send the bill back to the House at once.

Mr. SEBASTIAN. The morning business will only occupy a few minutes. I hope the Senator will allow us to present petitions and reports.

Mr. HUNTER. I cannot give way. I must submit the question to the Senate.

The VICE PRESIDENT. It is moved and seconded that the Senate take up the motion to reconsider the vote passing the bill (H. R. No. 666) making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th of June, 1860.

The motion was agreed to.

The VICE PRESIDENT. The question now is, will the Senate reconsider the vote passing the bill.

Mr. FITCH. Can a motion be made to lay the motion to reconsider on the table, without carrying the bill with it? My object in asking the question is to make the motion, in order to cut off debate, if it can be made without carrying the bill with it.

The VICE PRESIDENT. The Chair thinks the rule of the Senate is different from that of the House of Representatives in that respect.

Mr. STUART. That motion would certainly carry the bill with it.

Mr. FITCH. I am satisfied.

The VICE PRESIDENT. Will the Senate reconsider the vote by which the bill was passed?

Mr. SIMMONS. Mr. President——

Mr. HUNTER. The Senator will allow me a moment. The reconsideration is for the purpose, as I understand, of introducing the amendment of the Senator from Rhode Island. He wished to try the sense of the Senate upon it, but I think when he comes to find that the practice of the Department has been what I stated it on Saturday to be, merely to give the minister the gold dollar at the place where he resides, and that he is allowed in the way of exchange only the actual expense of taking it to the place, he will scarcely press his motion for a reconsideration. In order to prove that that is the case, I want to read the circular of the Treasury Department on that very matter, which shows that the minister is paid in the gold coin of the United States, according to the value of the gold dollar, and the Government assumes to put the gold dollar at the place at which he resides, which it can do either by carrying it there, or by paying the actual expense which it takes to get it there. I think this circular will put an end to the question:

[Circular.]

TREASURY DEPARTMENT,
COMPTROLLER'S OFFICE, *October* 1, 1858.

To ——, *United States* ——, *at* ——:

SIR: The Secretary of the Treasury having decided that when payments are made to our foreign ministers, consuls, commercial agents, &c., &c., for salary by means of drafts drawn in the foreign countries where they are accredited and located, they shall be entitled to payment in a gold or silver currency of equal value to the gold coinage paid at the United States Treasury; and also, that only such charges for losses by exchange as shall be shown to have been actually and necessarily sustained in the negotiation or sale of such drafts will be allowed at the Treasury, it has become necessary to prescribe forms of certificates conforming to these decisions, and, as far as practicable, to establish fixed and uniform standards of value for the various foreign coins in which such drafts may be paid.

You are therefore instructed that hereafter, in making up your accounts, you will be required to present vouchers in accordance with the forms herewith, containing an example, and exhibiting:

First. The date of draft;
Second. The amount of draft in the United States currency;
Third. Gross amount of draft in foreign currency;
Fourth. The rate of exchange;
Fifth. The cost of negotiation or sale of draft;
Sixth. The net proceeds in foreign currency;
Seventh. The net proceeds in United States currency;
Eighth. Upon whom and on what account drawn;

And in estimating the relative value of the foreign currency, in which you may receive the proceeds of your drafts to the gold coinage of the United States, you will use the value placed upon the same in the table given below, namely:

Table of foreign coins, with their equivalents in United States currency, gold valuation, prepared at the request of the Comptroller of the Treasury, November, 1857.

			D.	C.	M.
Austria	Specie dollar	Silver	1	02	5
"	Florin	"		51	2
Brazil	Double milreis	"	1	02	5
Belgium	Franc	Gold		19	2
"	"	Silver		19	6
Bremen	Rix dollar	Money of account,		75	0
Buenos Ayres	Doubloon	Gold	15	50	0
Central America,	Dollar	Silver	1	00	0
Chili	" old	"	1	06	0
"	" new	"		98	2
China	Tael	Money of account,	1	48	0
Denmark	Specie daler	Silver	1	10	7
"	Riga-bank daler	"		55	3
England	Sovereign	Gold	4	84	8
France	Franc	"		19	2
"	20-franc piece	" being,	3	84	0
"	Franc	Silver		19	6
Germany North,	Thaler	"		72	0
" South,	Florin	"		41	7
Hamburg	Marc-banco	Money of account,		37	0
India	Rupee	Silver		46	6
"	Star pagado	Gold	1	81	0
Lombardy	Lira	Silver		17	1
Mexico	Dollar	"	1	06	2
Naples	Scudo	"	1	00	5
"	Carlin	"		07	5
"	Onzia, (ounce)	Gold	2	48	0
"	Ducat	Money of account,		83	0
Netherlands	Guilder	Silver		41	4
Norway	Specie daler	"	1	10	7
Peru	Dollar, new	"		95	0
"	" old	"	1	06	0
Portugal	Milreis	"	1	18	0
Prussia	Thaler	"		72	0
Rome	Scudo	"	1	06	0
Russia	Rouble	"		79	4
Sardinia	Franc or lira	"		19	6
Spain	Real vellon	"		05	0
"	New doubloon	Gold	4	96	3
"	New Peninsula Silver, (peso of dollar, 20 reals,)	Silver	1	01	5
Sweden	Specie daler	Silver	1	11	4
Turkey	Piastre	Gold or silver		04	4
Tuscany	Florin	Silver		27	7

N. B. Four of the above, being moneys of account only, are estimated by their legal relation to certain coins.

JAMES ROSS SNOWDEN,
Director of the Mint.

MINT OF THE UNITED STATES,
PHILADELPHIA, *November* 12, 1857.

As United States diplomatic and consular officers are instructed to transmit their accounts for contingent, miscellaneous, and authorized expenses, in the currency of the United States, and to draw their drafts for the reimbursement of the same, not in foreign money of account or currency, but for its equivalent in money of the United States, the same rule will apply, and the same vouchers will be required to accompany, in all cases, this class of accounts.

I am, sir, very respectfully, your obedient servant,

——— ———, *Comptroller.*

Mr. GWIN. I want to raise a point of order. It is stated here that a motion to lay this motion to reconsider on the table carries the bill with it. If that is the decision of the Chair, I want to appeal.

The VICE PRESIDENT. The Chair made no decision whatever. The Senator from Indiana withdrew his motion.

Mr. GWIN. I ask if I make a motion to lay this motion to reconsider on the table, whether it carries the bill with it or not? If we lay the motion to reconsider on the table, will not the bill be sent to the other House?

The VICE PRESIDENT. The Senator from California can make the motion. The Chair will then determine whether it is in order.

Mr. GWIN. I make the motion. The Senator from Michigan [Mr. STUART] made a motion some time ago to lay the motion to reconsider the Pacific railroad bill on the table; and he stated that, if his motion prevailed, it would carry the bill with it. If that be the case, and such is the decision of the Chair, I want to appeal.

Mr. HUNTER. I hope the Senator will not press that point of order.

Mr. GWIN. I want to stop debate.

Mr. HUNTER. So do I; but we cannot do it.

Mr. REID. It is too late to attempt that now.

The VICE PRESIDENT. The Senator from Virginia is on the floor; and the Senator from California takes the floor to ask the Chair what is his opinion in a given case.

Mr. GWIN. I want to make a motion.

The VICE PRESIDENT. If the Senator from Virginia yields, the Chair will decide the question.

Mr. SLIDELL. With the consent of the Senator from Virginia, I wish to state another reason that induces me to vote for the reconsideration of this bill, and I think my friend from Virginia will assent to the propriety of it. It is in reference to the amendment offered by the Senator from Ohio, [Mr. PUGH,] and which received the sanction of the Senate. The purport of that amendment is, that no diplomatic agents of any kind shall be appointed, or receive any pay, during the fiscal year commencing July 1, 1859, excepting those who may be specified in the bill. Now, I presume, that the Senator from Ohio did not intend that this restriction should apply to the disposition of the contingent fund, because if it does, it certainly cannot receive the sanction of the Senate. It will be striking at the very root of the system which has prevailed for the last fifty years, almost ever since the establishment of this Government. The amendment of the Senator is worded in such general terms, that it may very well bear that construction, and I will ask the Secretary to read it.

The Secretary read it, as follows:

Provided, That no other embassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, diplomatic representative, or chargé d'affaires, shall be entitled to any compensation during the said fiscal year.

Mr. SLIDELL. As I said before, from the very foundation of the Government it has been the habit of Congress to place at the disposition of the President a certain sum of money to be employed at his discretion for the purpose of foreign intercourse. In the bill now under consideration, $50,000 are allowed for the contingent expenses of all the missions abroad, and for the contingent expenses of foreign intercourse the sum of $60,000. There probably has been no one year since we have had any foreign relations, in which it has not been necessary for the President of the United States, either to charge persons who had no official recognized character with the task of acquiring information in foreign countries, or perhaps of carrying on some informal negotiation without consulting the Senate upon the subject. If the Senate were in session, and the appointment were to assume any official form, of course it would be necessary to submit it to the sanction of the Senate; but under the provisions of this amendment, as I understand it, during the recess of Congress, if any sudden emergency should arise by which it became necessary to send a special mission to any part of the world, or even to send private agents having no public diplomatic character, the President would be unable to do it. He has now in Mexico, an agent not clothed with any official public functions as a diplomat—Mr. Churchwell, a former member of Congress is there for the purpose of acquiring information; information essential to the proper conduct of our foreign affairs.

He either has, or wishes to send, very shortly, an agent to St. Domingo and to Hayti, where a new state of affairs exists; one, perhaps, that may require the presence of some very intelligent and discreet man. If this amendment be adopted, and it be susceptible of the construction which I think it may bear, the President is cut off in the exercise of those powers which have uniformly been conceded to every President by every Congress. I shall vote to reconsider this bill, for the purpose of confining this amendment to the specific appropriations made up to line sixteen, which include all foreign missions, leaving the appropriations for contingent expenses of foreign missions, and for the contingent expenses of foreign intercourse, under the discretion of the President, to disburse the money as he may think proper, subject only to that accountability which exists to Congress under the laws.

Now, I will read the third section of the act of the 1st of May, 1810. That law has never been repealed, changed, or modified, in any way since. It is now the existing law:

"SEC. 3. *And be it further enacted*, That where any sums of money shall be drawn from the Treasury, under any law making appropriation for the contingent expenses of intercourse between the United States and foreign nations, the President shall be, and he hereby is, authorized to cause the same to be duly settled annually, with the accounting officers of the Treasury, in the manner following, that is to say: by causing the same to be accounted for specially, in all instances wherein the expenditure thereof may, in his judgment, be made public, and by making a certificate of the amount of such expenditures as he may think it advisable not to specify, and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended."

I merely state this so that my reason for voting for the reconsideration may not be misunderstood. I think it imperatively necessary that this bill should be reconsidered.

Mr. MASON. I have but a word to say. It was the pleasure of the Senate to adopt that remaining clause of the amendment of the Senator from Ohio. I pointed out one objection to it, that it would repeal, by implication, a very wise provision of the existing law, and I said, that what other effect it might have upon the existing laws and usages of the country, I could not tell. I am very happy to find that the honorable Senator from Louisiana has pointed out another. If there is this legislation sprung upon us without notice, without time to deliberate, without any examination to see what its effects may be, the inevitable result will be to unsettle and complicate the existing legislation of the country which has been framed after deliberation. It will have that effect, I presume, upon the expenditures which have been alluded to.

Mr. GWIN. I move to lay on the table this motion to reconsider, and I will give the reason why I make the motion, and I want to know what will be the effect of the motion if it succeeds. This practice of moving to reconsider appropriation bills is likely to lead to very serious results in the Senate if it can prevent the bill from being further considered until that motion is disposed of. I have never seen a motion to reconsider an appropriation bill, that I recollect, until this session, in the Senate. It has been done twice; this is the second time; and now I move to lay this motion to reconsider on the table, and I wish to know whether, if that motion is carried, it will carry the bill with it. If that is the decision of the Chair, I want to appeal from that decision, so that we shall establish the practice here that if a motion to reconsider is made, and it is laid on the table, it does not disturb the bill; it does not prevent its being taken to the other House. My object is to facilitate business. A motion to lay on the table is to be decided without debate—summarily disposed of.

The VICE PRESIDENT. The Chair will state to the Senate, in answer to the Senator from California, that the question is: "Will the Senate reconsider the vote by which the bill was passed?" The Senator from California moves to lay that motion on the table. The Chair recognizes the motion of the Senator from California to be in order; but, before the vote is taken upon it, the Senator desires to know what will be the effect of that vote. Perhaps it may expedite business for the Chair to give his opinion. The Chair thinks that if the Senate shall determine that the motion shall lie on the table, it lies there subject to be called up by the Senate at any time, and the effect of it is still to suspend the operation of the bill. The bill goes with the motion to the table. The usage in the House of Representatives has been different. The practice of the Senate is as now stated by the Chair. Undoubtedly, it might be very convenient to make a motion to lay on the table, if carried, decisive; but such has not been the usage of the Senate.

Mr. GWIN. Then I will not make the motion for the present.

Mr. SIMMONS. I suppose the question now is on reconsidering the vote passing the bill?

The VICE PRESIDENT. That is the motion before the Senate.

Mr. SIMMONS. I want to state to the Senator from California that I withdrew my amendment on Saturday, because I supposed the sense of the Senate was averse to the proposition. I was afterwards told that I was mistaken in that, and that the objection to the amendment, as agreed to in Committee of the Whole, was, that it allowed the privilege of retaining ten per cent. exchange on the drafts, and if that was stricken out it would be agreed to. After having that information, I moved to reconsider the bill with a view of offering the amendment. I supposed it would not pass; but, afterwards, I was assured it would. The Senator from Virginia has read a circular, stating in what way these accounts for exchange are made up. I will state that I went to the State Department, and called for some of those certificates of exchange, and they gave me certificates as late as December, I think, some of which I had read, and one of those which I submitted was made up after that circular. I had the circular by me, and I could not conceive that the circular of the Secretary of the Treasury would allow twenty-four or thirty per cent.; but I see that merchants have hitherto certified what the real exchange was on the day the bill was drawn, whether the bill was to be sold or not; and that the State Department issued another circular, requiring the officers to state what they were sold at. I see here, that a bill of $496 on London sold at $233. I will read, for the information of the Senator from Virginia, an extract from a book I have got from the State Department, showing how perfectly we are in the control of foreigners about this exchange. It is an arbitrary matter. I read from the report of our consul to Shanghae, dated June 25, 1855:

"When the foreign trade became important in China, foreign dollars were introduced; and, on account of their superior qualities as a circulating medium over the ponderous sycee, became quite popular, and were universally adopted. The Carolus dollar was the first adopted; afterwards the Bolivian, Peruvian, Chilian, and Mexican; but the Carolus having been first introduced, the Chinese formed a prejudice in its favor to the extent of a discount of ten per cent. on all others. When this port was first opened, the Chinese received the Mexican at a premium over the Carolus, and the rupee at a premium over both; but the native broker from Canton instilled into the traders here the same prejudice which existed where they came from, and the Carolus gradually rose in value, and the others sank, until the difference has become twenty-five or thirty per cent., which is equivalent almost to an entire exclusion from circulation." * * * * * * * * *

"Thus this prejudice in favor of the Carolus has been fostered by a few commercial houses until the evil consequent upon a limited currency, and one which is becoming less and less every year, is almost beyond a remedy. The longer it is permitted to exist, the more vexatious will its remedy become. The Carolus dollar is carried into the interior to pay for teas and silks, and never returns; thus each year renders the amount of circulating medium less and less. The Carolus dollar is the standard, and, therefore, as it decreases in quantity, exchange rises. The same houses which have the control of the Carolus dollar also discount all bills of exchange, and thus hold the entire commercial machinery of this port at their control. They discount bills of exchange at whatever rates they please to fix at Canton and all the other ports in China. The foreign dollars at present circulate, according to treaty, with reference to their purity in silver as compared with sycee; but here a distinction is kept up in favor of the Carolus far above its relative value in pure silver, and against all other dollars far below theirs. Thus exchange, at this port, rules from twenty-five to thirty per cent. above any other port in China."

I introduced these certificates——

Mr. HUNTER. I propose to the Senator from Rhode Island that he and I submit the question upon the papers he and I have read.

Mr. SIMMONS. I have several others.

Mr. HUNTER. The question was so largely debated on Saturday, and we have so little time, that I hoped we might decide it at once.

Mr. KING. There has been a good deal of discussion on this subject; and I wish to inquire if either of these gentlemen can tell how much money goes out of the Treasury to pay the salary of the minister to China?

Mr. TOOMBS. That depends on the exchange entirely.

Mr. KING. I want to know how much it took for the salary last year?

Mr. TOOMBS. It was the salary and exchange.

Mr. KING. Can the Senator from Georgia say how much that was?

Mr. TOOMBS. Yes, sir.

Mr. KING. How much?

Mr. HUNTER. I cannot state exactly what was the rate of exchange; but the minister to China was paid in the value of our gold currency, and he was allowed the exchange established by trade—that is to say, the mere expense of getting it there. The Senator will see that the circular provides that he is to get that, and nothing but that. The whole discretion left in the Department, is to see whether he charges the true rate of exchange or not—that is to say, the true expense of transporting the money to him. If he is paid in gold dollars, he gets so many less dollars,

because the silver dollar is more valuable than the gold. He may take it in any currency he pleases; but he has to take it according to its value, as valued by our gold currency, our gold dollar; and then he has, in addition, the expense of getting that to the place where he resides, and that is regulated by the actual rate of exchange—that is, what trade has made it.

Mr. KING. The Senator from Rhode Island, the other day, said it took $20,000 to pay $12,000. The object of my inquiry was, through all these ramifications and circumlocutions about the mode of payment, to see whether anybody could say how many dollars went out of the Treasury to pay it. I want to know how many dollars it costs to pay the minister to China.

Mr. SIMMONS. I presented here, on Saturday, certificates showing the rates paid on the drafts drawn for these salaries, and they varied from forty-two per cent. discount to twenty-four per cent. discount. At forty-two it is about one hundred and seventy-one cents for every dollar we pay; and one of them was at sixty per cent.; That would be one hundred and sixty-six and two thirds cents for every dollar that goes toward the salary, and on a $12,000 salary it would make just $20,000.

Mr. KING. Was that amount paid?

Mr. SIMMONS. That was in the year 1857. In the latter part of 1858, when business was very dull, owing to the revulsion, exchange came down to twenty-four per cent. The report made by the Treasury Department, which I read, shows how this varied. I had a conversation with a China merchant, this morning, who explained to me the mode of keeping accounts there, and the extreme variations in exchange. It often varies twenty per cent. in a single week. My object is not to embarrass anybody on this bill; but to provide that we shall pay in the legal coin of the United States, not the arbitrary value fixed on foreign coin, in foreign currency, that may vary twenty per cent. in a week. I will state, for the information of the Senate, the mode in which this China currency is regulated.

The only legal currency in China is a copper coin, which they call cash. That is all the legal currency there is there; and the common dollar that is the circulating medium is not the legal currency, but the medium of trade. The price of the silver dollar that circulates there, in these copper coins, is from twelve to eighteen hundred in the dollar, according as they are in demand or not. All accounts in China are rendered in so many taels. When you get an invoice of teas from China, they say they pay twenty taels a measure; and a measure is thirty-three and one third pounds; and these taels, when the account was first established, represented the dollar of currency in the country. The last advice from China is, that it requires one hundred and nineteen of the Carolus dollars to buy one hundred taels. There is no steadiness in the market; and our ministers are paid in this variable currency, which varies from time to time.

I have no disposition to reduce the pay of men; but I say, as a principle, we should pay our officers in one coin all over the world, in our own coin; and we ought to be at the expense of remitting that coin to them where they do the work; but as to making it their interest to sell their drafts whenever this variation is against them, it is not proper. We shall never carry our currency into circulation anywhere, when it is the interest of every agent we have, in every country in the world, to have it depreciated as much as possible; because, the more it depreciates, the more they get for their salary. This reform was recommended by a former Secretary of the Treasury; and I had supposed there would be no objection to it. It will probably cost fifty or sixty thousand dollars to pay this exchange. I see there is an appropriation in the bill of $45,000.

I certainly have no feeling about this subject. I did not know, when I was speaking on Saturday, who was minister to China. I will say now that the man has been changed without my attention having been called to it. I am assured by two old China merchants that the last quotations of the Carolus dollar are six shillings and nine pence to the dollar—a penny more than I stated the other day—so that you get less than three dollars for a pound sterling in Shanghae, when you draw on England. The intrinsic value of the Carolus dollar is about six cents and four mills above our gold standard, and yet we are paying from sixty to seventy per cent. premium on it. I think everybody ought to be willing to have a uniform mode of payment to the officers of the Government. I stated on Saturday, and I think nobody controverted it, that when we appointed a minister to go abroad with $12,000 salary, a contract is made to pay him in the gold coin of the United States; that is the law. Any expense of transportation so as to get the money to him, I am willing to provide for; but as to paying $1 75 for a dollar, there is no reason for it. I hope that the vote will be reconsidered; and on that question I ask for the yeas and nays.

Mr. HUNTER. I hope the Senator will not call for the yeas and nays on the motion to reconsider, as it seems we have to reopen the bill to correct the error pointed out by the Senator from Louisiana. I hope, by general consent, we shall reconsider it, and decide these two points; and I submit to the Senator from Rhode Island whether it would not be as well to take the sense of the Senate on his amendment without further debate? I am very anxious to close this bill, and send it to the House.

The PRESIDING OFFICER, (Mr. STUART in the chair.) The question is on the motion to reconsider.

Mr. PUGH. I move to lay the motion to reconsider on the table.

Mr. HUNTER. That carries the bill with it.

Mr. PUGH. I want to carry the bill with it.

The motion was not agreed to.

The PRESIDING OFFICER. The question is, Will the Senate reconsider the vote passing the bill?

Mr. TOOMBS and Mr. HALE called for the yeas and nays.

The yeas and nays were not ordered.

The motion to reconsider was agreed to; there being, on a division—ayes thirty-four, noes not counted.

The PRESIDING OFFICER. The question now is on the passage of the bill.

Mr. HUNTER. I move to reconsider the vote on the engrossment of the amendments and the third reading of the bill, so as to get back to the stage where an amendment may be made.

The motion was agreed to.

Mr. SIMMONS. I now offer the amendment I moved on Saturday.

Mr. SLIDELL. I think the other comes in order first.

Mr. SIMMONS. No; I made this motion to reconsider, so as to offer the amendment. I modify the amendment as I offered it on Saturday, by striking out the allowance for exchange.

Mr. HUNTER. Let the amendment be read.

The Secretary read it, as follows:

And provided further, That the salaries provided for in this section, and the salaries and compensation of all other officers provided for in this act, shall be computed in the legal currency of the United States; and in no case shall there be any allowance to any officer upon any draft drawn by him for his salary.

Mr. HUNTER. As I understand, that cuts out any allowance of the cost of getting the money there.

Mr. TOOMBS. This no more gets rid of the difficulties of this inequality, than the amendment which the Senator moved as to the ten per cent. It is still unequal. If you give a minister in Austria, for instance, $12,000, as you do, I believe, by this amendment, in the money of the United States, which is rather more valuable than the money of Austria, he can actually buy for it there a bill of exchange, payable in a better currency, at a premium. So he gets more money than the $12,000. It is different in a far-off country like China. Distance is one element of natural exchange, laying aside the difference in money. As to your minister to Pekin, this is the first time you are sending one there. Hitherto you have sent your ministers to reside at Shanghae. Since your late treaty, you send him to Pekin. He is there in the country; he wants the money. Is it the object of the Senator to change the mode of paying foreign ministers which has existed from the beginning of the Government, and make him put his money in Pekin? That is the effect of it. If so, you make him pay the cost of getting it there. Generally speaking, exchange is a little less than the cost of getting the money to a particular place; but it may be more, on account of the risk or danger. If it costs him ten or fifteen per cent., with the risk and distance, in exchange and loss of interest, you reduce his salary that much, while you pay your minister in Austria more than his $12,000. Yet the Senator says he wants to pay them both $12,000 in the currency of the United States, but he does not do it. He fails to do it by all that difference.

The only just and equal rule is the one now adopted at the Treasury Department. You pay the minister, under that circular, his $12,000, and the cost of getting it to him. If it is more costly to get your money to a more distant country, if there is more difficulty and danger in getting it there, the more you pay; but, under this amendment, you take off the salary of a man just in proportion to the difficulty of getting his money to him. The more difficulty and the more expensive it is to get his money to him, his salary is reduced by the amendment, although the effect, nominally, is to give each man $12,000 of the money of the United States. The minister is not here to get it. He must draw his draft or send for it, or you must send it to him. It costs something to get it to him. If he is in distant portions of the world, on the other side of the globe, thousands and thousands of miles away, where there is very unfrequent communication, it taking six or eight months to get there, he loses interest, and has to encounter the difficulties of freight; and instead of paying him what you affect to pay him, $12,000, you deduct what it costs to get the money to him.

If you are going to alter the system, that is not the true basis of alteration. You are departing from the rule of justice to a rule of injustice. Take the consul general at Canada a near place to us; or take the minister to Mexico, where he can get his money from the United States probably in less than ten days at the natural exchange, and the risk and insurance and cost of the transportation of the coin. You may get it to him for one or two per cent.; and if you give him $12,000, he gets $12,000, less this diminished exchange. Now, take the minister in China. He loses six or eight months' interest in the first place, for he cannot draw his salary until it is due. Besides making him lose several months' interest, you now propose to increase the disadvantages of his position. Mr. Guthrie, in this report which the Senator has crammed from for this discussion, tells us that the system of which the Senator complains has been the uniform practice. He says:

"But as the mode of transacting the business and adjusting the accounts have their commencement with the Government, and the indirect sanction of Congress, by appropriations, to cover these losses on exchange, it was deemed proper to submit it to Congress for their consideration and action."

Then you are going to alter the system on which your salaries have been based, upon some of which the Government actually gains, according to this very book, by the present rule. The Government gains as much over twelve thousand dollars as exchange is in our favor, or as our gold dollar is above the unit of Austria, or Prussia, or wherever the minister happens to be. In other countries, for instance in China, it is different; exchange is the other way. The Senator from Rhode Island tells us that everybody has an interest in it. I should suppose they had not the slightest interest in the world. All the laws of this country will never alter exchange in China. You may pass a statute-book full of them; you may get the Senator from Rhode Island to frame them, and every law he can frame and the Senate can pass, from now to the day of judgment, will not effect the exchange between China and London a single particle.

Mr. FOOT. It is evident that the discussion on this bill will occupy the day from present indications. I move, therefore, to postpone the further consideration of this bill and all prior orders for the time being, with a view to proceed to the consideration of the bill to facilitate the acquisition of the Island of Cuba, in order to give the opportunity to my colleague, [Mr. COLLAMER,] who took the floor on that bill on Thursday last, to be heard upon it at this time. At the conclusion of his remarks, I presume it will be the sense of the Senate to resume the consideration of the bill now before us.

Mr. SLIDELL. I do not wish to be understood as at all giving consent to any such arrangement.

I am perfectly willing this bill should now be postponed; and I desire that the Senator from Vermont should go on to-day; but it is evident that if we are to arrive at a vote on the Cuba bill, the discussion must be closed to-day or to-morrow. I hope, that when it is once taken up, no other business will be entertained by the Senate until it is disposed of; and I give notice that, so far as my efforts will go, I shall endeavor to bring the Senate to a final vote on that question to-morrow, and, if it be necessary, in the night, if we cannot get through with it in the course of the day.

Mr. HUNTER. I regret extremely to do anything that may interfere with the wishes of the Senator from Vermont in regard to addressing the Senate on this question; but it is obvious that if the appropriation bill be passed by now, it is uncertain when it will ever be resumed again. I believe we have reached that period of the session when it is my duty to press the appropriation bills so far as I can, and, with that sense of duty, I must ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SLIDELL. Before the vote is taken, I desire to ask whether it cannot be understood by common consent that we will vote on the bill now under consideration without further debate.

Mr. KING. It cannot be understood by common consent that the Cuba bill is to be acted on before we adjourn.

Mr WILSON. I want it understood that the vote will not be taken for some days, until a large number of speeches be made on the subject; and we shall take time to make them.

Mr. SLIDELL. Senators on the opposite side do not understand me. I ask, cannot the vote be taken on the consular and diplomatic appropriation bill without further discussion?

Mr. KING. That I do not know.

Mr. FESSENDEN. We cannot control gentlemen.

Mr. COLLAMER. I desire not to interpose on the subject. If the Senate really wish to take the vote on the appropriation bill, very well.

The PRESIDING OFFICER. The Senator from Vermont moves to postpone the consideration of the present bill and all prior orders to take up the bill (S. No. 497) making appropriation to facilitate the acquisition of the Island of Cuba by negotiation.

The question being taken by yeas and nays, resulted—yeas 24, nays 31, as follows:

YEAS—Messrs. Bell, Bigler, Broderick, Brown, Cameron, Chandler, Clark, Collamer, Crittenden, Dixon, Doolittle, Fessenden, Foot, Foster, Houston, Johnson of Tennessee, Mallory, Pugh, Rice, Simmons, Slidell, Thompson of Kentucky, Trumbull, and Wade—24.

NAYS—Messrs. Allen, Bates, Bayard, Bright, Chesnut, Clay, Clingman, Douglas, Durkee, Fitch, Fitzpatrick, Green, Hale, Hamlin, Hammond, Harlan, Hunter, Iverson, Johnson of Arkansas, Jones, King, Mason, Reid, Sebastian, Seward, Smith, Stuart, Toombs, Ward, and Wilson—31.

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Rhode Island to the appropriation bill.

Mr. TRUMBULL. I hope this amendment will be adopted, not because I desire that the salaries of the ministers who are abroad should be reduced; for I am not sufficiently advised to know whether that would be proper, but because I think it should appear upon the face of the law what salary we pay. I am little surprised that the Senator from Georgia, who is usually in favor of doing things openly and above board, should advocate a kind of system which makes it impossible for us to tell what salary a man receives. Now, let us pay our foreign ministers in the currency of the United States, and if the minister to China ought to have $12,000, or $20,000, or $40,000, make it so; but do not leave it to the uncertain arrangements of bills of exchange, that he shall make a profit on the amount paid him by drawing a bill for it. If the amount paid is too small, raise it to a sufficient sum; but here you leave a margin by this system by which officers, perhaps, may make a little speculation. It does seem to me that we ought to pay our ministers in the legal coin of our own country, and pay them an adequate sum, and not allow them to draw a draft of $12,000, and then pay twenty per cent. premium, or forty per cent. Therefore I hope the amendment will be adopted, and upon that question, as I do not see the Senator from Rhode Island in his seat, I hope we may have the yeas and nays.

The yeas and nays were ordered.

Mr. TOOMBS. I do not wish to delay the Senate a moment; but I do not want the Senator to bring my position into a different one which grows out of his not comprehending the principle at all. The present rule is just as certain a one as it is possible to have. I say, that to pay a man his salary in the country where he is to expend it, is the right principle; but that is not a fixed quantity. What it costs to put it there is a variable quantity. I have already shown that the Government gains by it sometimes; and the rule is a fixed one, and a good one. It is not only an old one, but a good one. I say again, the question is whether you will pay the man the cost of carrying the money to the country where he lives, or make him pay it? Your ministers do not get the same salary if you pay them the same number of gold dollars at the Treasury, because, as I endeavored to explain, one is in a country where the cost of converting our currency is not more than one half of one per cent., while another is where it is twenty per cent. One half of one per cent. would come off the salary of one, and off that of the other there would come twenty per cent. If I were abroad in England, and had to pay a debt in New York, I must send the money there, or pay the expense of carrying it there. If you pay a man in a foreign country, you must send your money there or provide for it. Do you pay a colonel of the Army in Oregon at the Treasury? That would be unjust, for the colonel in Washington city would get his five thousand gold dollars; but if he were in Oregon, it might cost him five per cent. to get his money; and therefore you would pay to colonels in the Army different rates. A clerk draws $2,000, and gets his $2,000; but if you pay to a man in Oregon from your Treasury here the same number of dollars, without providing for the cost of carrying the money, you take that much off his salary. It is a simple question, whether the Government will pay the cost of putting the money there, or the man himself?

Mr. TRUMBULL. I do not see how it is as certain now as it would be if we had a fixed amount paid out of the Treasury. There is not one man in ten thousand who can tell you how much money it takes out of the Treasury to pay the salary of the minister at Constantinople. I doubt if the Senator from Georgia can tell to-day how many dollars it will take from the Treasury to pay it. He knows that we pay a certain salary, and then we pay the expenses incurred——

Mr. TOOMBS. The Senator will allow me to interrupt him. If I owe $1,000, payable in New Orleans, how many dollars will it take to pay it? Is that a certain sum? I am here in Washington city, with $1,000 in my pocket, will that pay my $1,000 due in New Orleans? It will take me $1,000, and the cost of getting it there.

Mr. TRUMBULL. It may cost something to get it there; but if he has $1,000 payable in New Orleans, of course the contract compels him to pay it there; but I would pay our ministers in this country the amount that is due them, and let them get it wherever they want the money. Let that be a private transaction; and let them draw for it, if they please. If the amount we pay is not enough, increase it. Some gentlemen may have some knowledge of what the ordinary expenses of this transfer may be; but I would prefer to pay a fixed sum. I want the people of this country to know how much they pay to a minister at Constantinople, or a minister at Pekin. They do not know by this system.

Mr. HUNTER. I rise to appeal to the Senate to let us take a vote. This question has been argued until argument is exhausted. Let us dispose of this bill, and send it to the House of Representatives.

Mr. HALE. I move to amend the amendment by inserting after the words, "United States," the words, "and paid in the several countries to which the minister, consul, or other officer, is accredited," so that it will read:

And provided further, That the salaries provided for in this section, and the salaries and compensation of all other officers provided for in this act, shall be computed in the legal currency of the United States, and paid in the several countries to which the minister, consul, or other officer is accredited; and in no case shall there be any allowance to any officer on any draft drawn by him for his salary.

The object of my amendment is simply to subject the United States to the expense of getting the coin to the foreign country, instead of the minister.

Mr. SIMMONS. I have no objection whatever to that.

The amendment to the amendment was agreed to.

Mr. CRITTENDEN. Now, I understand we are to pay the amount of the salary in the country where the minister is resident, ["That is it."] and of course, we are to be at the expense of transporting it there. ["Yes."] That, I think, is right.

Mr. GREEN. If that is the effect of the amendment as now amended, it is wrong; for it is our duty to make the payment at the place where the officer is located. That is the present law, without this amendment. It is the present practice and the present law. I will state that the reason why I object to this amendment, and why it ought to be voted down. Under the law as it now stands, the contract is to pay the officer wherever he is located, and to incur the expense of getting the money to that place. That money is got to the location ordinarily through drafts in a commercial exchange. The Department authorizes the minister to draw on London, Liverpool, or Paris, just as the course of trade shows it to be for the interests of the Government to permit him to draw. This is all right and proper; but the Attorney General decided under the law as it now is, that if a minister, in the course of trade, can sell a draft at a premium, he must account for that premium and pay it into the Treasury. Adopt this amendment and the consequence will be that wherever it is sold at a loss, the Government will have to foot the bill, and wherever it is at a premium the minister will put it in his pocket. The law as it now is, is equitable, fair, and just. If it can be sold at a premium, let him account for it; he ought to get no more than the salary. If it is sold at less, he ought to be paid the deficiency. The law is better as it is, and the amendment ought to be voted down entirely.

Mr. SIMMONS. One word. Under this amendment, a man abroad who has a salary, has his choice to draw on the Treasury or take the money in the country where he is. That is the whole of it.

The question being taken by yeas and nays, resulted—yeas 24, nays 33; as follows:

YEAS—Messrs. Bell, Broderick, Cameron, Chandler, Clark, Collamer, Crittenden, Davis, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Hamlin, Harlan, Kennedy, King, Pugh, Seward, Simmons, Trumbull, Wade, and Wilson—24.

NAYS—Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Chesnut, Clay, Clingman, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hale, Hammond, Houston, Hunter, Iverson, Jones, Lane, Mallory, Mason, Polk, Reid, Rice, Sebastian, Shields, Slidell, Smith, Stuart, Thompson of Kentucky, Toombs, and Ward—33.

So the amendment was rejected.

Mr. SLIDELL. I now move to reconsider the amendment adopted on the motion of the Senator from Ohio, [Mr. PUGH,] for the purpose of offering, when the reconsideration is had, an amendment defining more strictly the intention of that provision.

The PRESIDING OFFICER. The amendment which the Senator proposes to reconsider will be read.

Mr. SLIDELL. Is it open to amendment now without consideration?

The PRESIDING OFFICER. It is necessary to reconsider it.

Mr. SLIDELL. So I supposed.

The Secretary read the amendment, which is to insert after line sixteen:

Provided, That no other embassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, diplomatic representative, or chargé d'affaires, shall be entitled to any compensation during the said fiscal year.

The PRESIDING OFFICER. The question is on reconsidering the vote by which the Senate concurred in this amendment, which was made as in Committee of the Whole.

Mr. SLIDELL. As the Senate was not full at the time I made my former statement, and there are many Senators now present who were not in then, I wish to state what the object of the reconsideration is. I have no objection at all to the provision offered by the Senator from Ohio, provided it be qualified by adding the words, "out of the preceding appropriation;" so that it will read:

Provided, That no other embassador, envoy extraordi-

nary, minister plenipotentiary, minister resident, commissioner, diplomatic representative, or chargé d'affaires, shall be entitled to any compensation, during the said fiscal year, out of the preceding appropriation.

The object of that amendment is to leave intact, as I said before, the system which has existed without interruption since the year 1810. It was then made a general law, applicable in all future time; and it has not been modified, changed, or repealed, since. It had been the subject of annual legislation before that period; but since 1810, it has been the fixed system of the country. It is to allow a certain sum of money to be applied to the contingent expenses of foreign intercourse, and the contingent expenses of foreign missions, entirely at the discretion of the Executive, to be accounted for by him—in cases where the public interest will permit that the manner in which the money has been expended shall be communicated to Congress—by presenting the vouchers, but in cases where the money has been expended for objects that it would be improper to communicate, then the money is drawn from the Treasury upon the simple certificate of the President, and he is under no obligation to give any account of it. The effect of the amendment offered by the Senator from Ohio, unaccompanied by the provision I seek to attach to it, would be to take from the President the power that every President has enjoyed since the establishment of this Government—the right of having a certain sum of money to be applied under certain circumstances for exigencies in the public service not contemplated, and which could not have been anticipated at the period of the passage of the law, at his discretion.

Mr. PUGH. I will only say that, if the amendment of the Senator from Louisiana is adopted, I should like to withdraw mine, for it will be all nullified and made of no use.

Mr. HALE. I would rather give what the Senator from Louisiana asks for in a more direct manner. I do not know how far the doctrine of transfers of appropriations is applied in the various Departments; but I do know that when Congress have said, in the most emphatic language that could be used, that no part of the money appropriated by a certain bill should be applied to pay certain things, the Departments have found another fund that was not expended, which they have transferred. The effect of this amendment, qualified as the Senator from Louisiana proposes, will be simply to say that there shall be no extra allowance paid out of one fund, but that they may be paid out of another. That will be the meaning of it. I am not clear that I would not be willing to agree to an amendment such as suggested by the Senator from Louisiana, that this should not be construed to limit the discretion of the President in the use of his contingent fund.

Mr. SLIDELL. I will accept the amendment of the Senator from New Hampshire.

Mr. HALE. Then I have no objection to it.

Mr. SLIDELL. Let the amendment be in this form:

Provided, This provision shall not be so construed as to control in any degree the disbursements of the contingent fund under the authority of the President.

Mr. PUGH. I have no objection to that.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now recurs on the adoption of the amendment.

Mr. SLIDELL. I move to amend it by adding:

Provided, That nothing herein contained shall be so construed as in any manner to control the discretion of the President in the disbursement of the contingent fund.

Mr. HUNTER. Say, "the appropriation for contingent expenses of foreign intercourse."

Mr. SLIDELL. "And foreign missions."

Mr. HUNTER. No, not foreign missions; that is a different thing.

Mr. DAVIS. I think the appropriation is not for contingent expenses. The appropriation is a fund to provide for foreign intercourse.

Mr. COLLAMER. I suggest that it be in this form:

Provided, That nothing in this act shall be so construed as to interfere with the disbursement of the contingent fund at the disposition of the President.

Mr. SLIDELL. That will do.

Mr. PUGH. I accept that amendment.

The PRESIDING OFFICER. The Senator from Ohio accepting the amendment, the question is on concurring in the amendment as modified.

Mr. SLIDELL. Let it be read.

The Secretary read it, as follows:

Provided, That no other embassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, diplomatic representative, or chargé d'affaires, shall be entitled to any compensation during the said fiscal year: *And provided*, That nothing in this act shall be construed to interfere with the disbursement of the contingent fund at the disposition of the President.

Mr. SLIDELL. Say "the appropriation for contingent expenses of foreign intercourse;" that is the language.

The PRESIDING OFFICER. It will be amended in that form.

The amendment was agreed to.

Mr. PUGH. As we have got this bill back, I think I will try my former amendment in a different shape. I move to strike out from line eight to line sixteen, and insert:

For salaries of envoys extraordinary of the United States, at Great Britain, France, Russia, Spain, Brazil, Mexico, and China; for salaries of ministers resident at Austria, Prussia, Chili, Peru, Portugal, Naples, Sardinia, Holland, Denmark, Sweden, Turkey, New Granada, Venezuela, and the Argentine Confederation; for salaries of commissioners to the Sandwich Islands and to Paraguay, $ ——: *Provided*, That no embassador, envoy, minister, commissioner, or chargé d'affaires, other than those named in this act, shall receive any compensation during the said fiscal year; but the duties as minister resident at Switzerland, Rome, Belgium, Buenos Ayres, Bolivia, Ecuador, Guatemala, Nicaragua, Costa Rica, and Honduras, may be performed by such envoy, minister, or commissioner accredited to a neighboring Power, as the President shall designate, in pursuance of the ninth section of the act regulating the diplomatic and consular service, approved August 18, 1856.

I will only say, that if that amendment be adopted, the utmost stretch of authority or abuse under it will, nevertheless, retrench about thirty-one thousand dollars in these expenditures, and with any reasonable and fair exercise of the power, it will save $50,000. The ninth section of the act of 1856, gives fifty per cent. of the salary during the time of actual employment; and if the President should accredit them the whole twelve months of the year to neighboring Powers, and give them fifty per cent. of the highest salary that could be given by law, the saving would, nevertheless, be $31,000. I ask for the yeas and nays.

The PRESIDING OFFICER. With what sum does the Senator propose to fill the blank?

Mr. PUGH. We adopted an amendment the other day, and afterwards filled the blank. I do not think it is material. The reduction will be $31,000 off the estimate. The Secretary can insert that. Deduct $31,000 from $204,000. The saving, at the outside, will be $3,000 in Austria, $3,000 in Prussia, $2,500 in Switzerland, $2,500 in Rome, and $2,500 in Belgium, Bolivia, Ecuador, Guatemala, Costa Rica, Nicaragua, and Honduras, respectively.

The yeas and nays were ordered; and being taken, resulted—yeas 25, nays 29; as follows:

YEAS—Messrs. Broderick, Cameron, Chandler, Clark, Clay, Clingman, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Pugh, Reid, Seward, Simmons, Trumbull, Wade, and Wilson—25.

NAYS—Messrs. Allen, Bates, Bayard, Bigler, Bright, Brown, Chesnut, Crittenden, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Kennedy, Lane, Mallory, Mason, Rice, Slidell, Smith, Stuart, Thompson of Kentucky, Ward, and Yulee—29.

So the amendment was rejected.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time.

Mr. KING. On the passage of the bill I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 35, nays 23; as follows:

YEAS—Messrs. Allen, Bates, Bayard, Bell, Benjamin, Bigler, Bright, Brown, Chesnut, Clingman, Collamer, Crittenden, Douglas, Fessenden, Fitch, Foot, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas, Jones, Kennedy, Lane, Mallory, Mason, Polk, Rice, Seward, Slidell, Smith, Stuart, Thompson of Kentucky, and Yulee—33.

NAYS—Messrs. Broderick, Cameron, Clark, Clay, Davis, Dixon, Doolittle, Durkee, Fitzpatrick, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Pugh, Reid, Simmons, Toombs, Trumbull, Wade, Ward, and Wilson—23.

So the bill was passed.

HOUR OF MEETING.

Mr. PUGH. I wish to withdraw a motion to reconsider, which embarrassed a great many Senators. I moved to reconsider the vote by which the hour of twelve was fixed for the meeting of the Senate. I made the motion on Saturday to get rid of discussion about the order of business. I desire to withdraw it.

The PRESIDING OFFICER. The Chair hears no objection to allowing the motion to reconsider to be withdrawn.

ACQUISITION OF CUBA.

Mr. SLIDELL. I now move to postpone all prior orders for the purpose of proceeding with the consideration of the bill (S. No. 497) making appropriation to facilitate the acquisition of the Island of Cuba by negotiation.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill, the pending question being on the amendment offered by Mr. FOOT.

The PRESIDING OFFICER. On this question the Senator from Vermont [Mr. COLLAMER] is entitled to the floor.

Mr. MASON. By the kind permission of the Senator from Vermont, I ask leave to submit an amendment, which I shall offer as a substitute for the bill, and move that it be printed. I ask that it be read.

The Secretary read the amendment; which is to strike out all of the bill, and insert:

Be it resolved, &c., That Congress fully approves the policy in the message of the President respecting the propriety and ultimate necessity of acquiring the Island of Cuba by the United States. That, whilst refraining, at this time, from any committal as to future measures, which circumstances, whether affecting the peaceful relations of the two countries, or the safety of the United States, may render necessary, it is deemed sufficient at present only to declare that, whenever it shall seem fit to Spain to transfer the island, the United States will be prepared to receive it on terms that shall be just and equitable to both countries, and for a fair equivalent. And that, because of the position of Cuba in the Gulf of Mexico, and more especially because of its proximity to the coast of the United States, this Government can never remain neutral under any European or other policy which should separate Cuba from the dominions of Spain in favor of any foreign Power.

The amendment was ordered to be printed.

Mr. COLLAMER. Mr. President, it has appeared to me that this bill, with the necessary consequences which are involved in it, and the policy which it initiates, is the most important measure that has ever been presented to the consideration of Congress since I have had any connection with it in either House. It is not so much the mere proposition to purchase Cuba: that is but a single step; but, as I have said, the policy which it involves, the great ultimate projects which necessarily lie behind it, and which follow in its train when that step is once taken, make up the importance of the measure.

Our policy in relation to Cuba has certainly been a very uniform one, so far as the public have known it; and the first thing that strikes the mind in this measure, is, that it is proposed entirely to change that policy. I say our policy has been clear and distinct and uniform, so far, at least, as the public have known it. I feel, Mr. President, that I ought to verify this assertion; and I therefore desire now to refer to the different expressions of our Government, at different periods, when this matter has been the topic of negotiation. Mr. Clay, during the administration of Mr. Adams, states it thus:

"The United States are satisfied with the present condition of those islands (Cuba and Porto Rico) in the hands of Spain, and with their ports open to our commerce, as they are now open. This Government desires no political change of that condition."

Mr. Van Buren, in writing to Mr. Van Ness under General Jackson's administration, says:

"Your general instructions are full upon the subject of the interest which the United States take in the fate of those islands, (Cuba and Porto Rico,) and particularly of the former; they inform you that we are content that Cuba should remain as it now is, but could not consent to its transfer to any European Power."

Mr. Buchanan, under President Polk, says, in his letter to Mr. Saunders, our Minister to Spain:

"You might assure him [the Spanish Minister for Foreign Affairs] that, whilst the Government is entirely satisfied that Cuba shall remain under the dominion of Spain, we should in any event resist its acquisition by any other nation."

Mr. Everett, in his letter of December 1, 1852, says:

"A respectful sympathy with the fortunes of an ancient ally and a gallant people, with whom the United States have ever maintained the most friendly relations, would, if no other reason existed, make it our duty to leave her in the undisturbed possession of this little remnant of her mighty transatlantic empire."

Here, then, we have the expression of opinion

from the accession of the younger Adams down to the last President, one uniform expression of opinion, that this country is perfectly content that Cuba should remain in the possession of Spain, and will not interfere in regard to it, unless it is attempted to be transferred to some other country. It appears to me that there should be shown to us some occasion, some new cause, some intervening subject-matter, which has arisen to change our national policy. The President says he has had no communication with Spain on the subject; he has nothing new to lay before us; he has no new matter to present. Of course, then, it follows that what we are now called upon to do, is to do the very thing which we have assured Spain and the world over and over again it was not our policy to entertain.

The proposition for the acquisition of Cuba is presented to our attention in the message of the President, and in the report of the Committee on Foreign Relations which accompanies this bill. We have in this report, I take it, the great principle, the substratum on which it is claimed we should enter upon this policy. Now, what is it? It all lies in a very narrow compass, and is this. I read from page 9 of the report:

"The law of our national existence is growth. We cannot, if we would, disobey it. While we should do nothing to stimulate it unnaturally, we should be careful not to impose upon ourselves a regimen so strict as to prevent its healthful development. The tendency of the age is the expansion of the great Powers of the world. England, France, and Russia, all demonstrate the existence of this pervading principle. Their growth, it is true, only operates by the absorption, partial or total, of weaker Powers—generally of inferior races. So long as this extension of territory is the result of geographical position, a higher civilization, and greater aptitude for government, and is not pursued in a direction to endanger our safety or impede our progress, we have neither the right nor the disposition to find fault with it. Let England pursue her march of conquest and annexation in India, France extend her dominions on the southern shores of the Mediterranean, and advance her frontiers to the Rhine, or Russia subjugate her barbarous neighbors in Asia; we shall look upon their progress, if not with favor, at least with indifference. We claim on this hemisphere the same privilege that they exercise on the other—

'Hanc veniam petimusque damusque vicissim.'

In this they are but obeying the laws of their organization. When they cease to grow, they will soon commence that period of decadence which is the fate of all nations as of individual man."

There is the great principle enunciated in a very well chosen form of expression; and what is it? It is that great nations must increase in their territorial extent; that they do it; that France, England, Russia do it, and do it how? Do it by conquest, do it by force; and what is claimed here is that we must do it for the same cause; that is, that when we cease to increase in territory we shall commence our decadence; that it is the law of national existence and that we shall do it, too, as they do it, because not only their acquisition, but the manner of that acquisition is here quoted with approbation and as worthy of our imitation; for the report says:

"We claim on this hemisphere the same privilege that they exercise on the other."

That is, the privilege of extending our territory by arms and by force:

"In this they are but obeying the laws of their organization. When they cease to grow, they will soon commence that period of decadence which is the fate of all nations."

There is laid down the broad principle, the substratum of the course of national policy, which we are asked now to initiate by the passage of this bill. It needs very few words to explain or enlarge on these views. They certainly are very clear; they are very distinct; and the question now is, will the Congress of the United States indorse them by the passage of this bill? because that is but an initiatory step in this policy. It here becomes me, in the first place, to say that I utterly deny, I entirely take issue with, the first principle laid down in this proposition. I deny that it is a law of national progress and improvement that a nation must extend its territory. That entirely depends on how much it has already, and how far that which it has is adapted to its wants. If it is true, that when a nation ceases to extend its territory its decadence commences, it must be on the ground that this people and this nation are utterly incapable of any progress in the way of maturity; that they are utterly incapable of any progress by way of improvement on what they already possess. It goes upon the ground that nothing can be gained to the nation; that it can make no progress in national grandeur and greatness and power, unless it steals from its neighbors. I utterly deny that there is any such principle of national growth. A nation may grow in numbers, in wealth, in civilization, may grow for centuries, and never enlarge its territories one inch. The commandment of God to the family of men that they should go forth, multiply, and replenish the earth, and subdue it, that is cultivate it, applies with equal force to a nation like ours. Improve what you have, multiply and replenish, and subdue your country. That word "subdue" is not a commandment to fillibuster against your neighbors.

But, Mr. President, it will become us to consider whether there is not a very broad mark of difference between the political condition of our country and those countries which are cited to us here as examples worthy of imitation. What use do England and France and Russia make of their conquests of the countries which they subdue abroad? What do they want them for? Take England, with which we are most acquainted: they subdue a country, take possession of it, and occupy it, what for? For a colony; for a colonial dependency, forever to be holden in a condition of colonial dependence; to be subsidized to their own use; to be the hewers of wood and the bearers of burdens for the country at home. Those colonies have no participation in the Government of England itself. They never have any participation in the laws, the regulations, the proceedings for the administration of the home Government and the shaping of the destinies of the mother country, England; and they never are to have any participation. But how is it with us? Can we hold colonies? In the very much noted Dred Scott decision, in which certainly there are some general principles announced that we may agree in, though not in all the particulars, the Supreme Court say:

"There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed by the pleasure of Congress."

This is more fully repeated and enlarged upon in another part of the decision which I shall not take time now to read; but clear it is, that we have no power to obtain colonies near to us, and at a distance, and to retain them and govern them as colonies, as dependencies. Whatever country we take becomes a part of our own. It must, as soon as its population and condition will permit, be represented. It is to be received as an integral part of our Government, to contribute to the formation of our own institutions, to the molding of our national affairs, to have an equal participation in everything that is done by this Government. While other nations, by foreign conquests, obtain colonies which may be serviceable to them, we can never do so. All that can ever be of any service to us is to obtain territory adjoining our own which we may incorporate into our own national Government, into which we can march our militia, or our Army, to defend and maintain them, and from which they can march to us for the same purpose.

Another thing: the manner in which they obtain these foreign countries is entirely unadapted to our condition. As this report says and approves, they obtain them by conquest, and it is claimed that we are to exercise the same power on this continent. Now, sir, we go upon the ground that ours is a popular system of government; that it is the government of the people's own choice. Therefore, to obtain a foreign country, even if you annex it to this, against the will and pleasure of its people, to obtain it by fraud or by force, is as inconsistent with the principle of our Government as it is to attempt to propagate Christianity by the sword. Do you suffer that people to have the choice of their own government if you pursue this policy? Clearly, not at all.

I have thought it proper to call attention to these two leading features, attempting to show that what the committee approve of, and lay down as the basis of the policy which this Government is to initiate by this bill, is a policy utterly inconsistent with the whole framework of our Government. That is, the obtaining, by conquest and by force, foreign acquisitions.

Besides, Mr. President, the obtaining of a country not bordering on our own, into which we cannot march our armies to protect them, and when they cannot contribute to our protection, necessarily implies that the nation which attempts to make such conquests, and hold such colonies, must always have a large standing army and a large and powerful fleet. England may hold colonies at any distance from home. She has a fleet to hold intercourse with them, to send to them to protect them against invasion. She has an army which she can transport by her fleet, and put in a position to hold and to defend any colony of which they may choose to take possession. That is all contrary to our institutions. We have no large army, and we expect none; and we desire to avoid all that policy which shall require one. In the next place, we have no great and extensive and powerful navy. We expect none, and we are opposed to any policy which shall require us to have one. Both these things will be necessary, however, when this policy of foreign acquisition is once entered upon.

Mr. President, I think it cannot be disguised that the undertaking to entertain a policy of this kind seems to be based upon the notion that our people have a certain voracity for obtaining land and country, which is utterly irresistible and uncontrollable. This has been designated by high-sounding names; it is said to be an infirmity of the Anglo-Saxon family. I do not know that it is peculiar to them. I am sensible that our people have a great desire for land, but they want it to be pretty good soil and such as they can use themselves. I have thought that one of the most powerful reproaches of that sort of feeling was found in an incident recited in Stone's life of Brandt. Our people would go beyond the Ohio against the Indians. The Indians thought, after our treaty with England, that we had no right beyond the Ohio, without a treaty with them. Our people would go there. They went there from all quarters of the country, and got into a controversy with the Indians. They had a severe Indian war, and they penetrated at one time, under General St. Clair, pretty far into the Indian country. They encountered the Indians there, and were most fatally defeated. They fled from the field and left large numbers on the ground. When a few days afterwards they returned to bury their dead, they found the mouths of all those dead people stuffed full of earth, saying in the symbolic language of the Indians, "you would have earth; take your fill of it." It is supposed that this great desire for obtaining land is so uncontrollable and so voracious, that you have nothing to do but present a project to obtain land, and it is totally immaterial with what it is encumbered, it is totally immaterial where it is situated, the blind avidity of this people is such that they can be made to swallow it without discrimination; and the proposition is presented to them much as if they were like the ostrich, or like the shark following a ship, to which you can throw even a hot stone, no matter whether it is digestible or not, they will swallow it. I do not believe that this presumption upon the voracity of our people in relation to land, on account of their supposed indiscrimination and blind proceeding, is well founded. I believe the people of this country, notwithstanding all their desire for land, are capable of understanding whether what is now presented to them is adapted to their wants, and to reject it if it is not.

If we search the history of our country for manifestations of the disposition of this nation upon that topic, I think I shall be fully borne out in my presumption that their proceedings have been conducted with great discrimination, and they have obtained only such acquisitions as were adapted to their wants. What have they been? The first was the obtaining of Louisiana. What was it? Almost a million square miles of country, about one third of all we own now, almost utterly uninhabited, with only a French settlement down at the mouth of the Mississippi, and here and there a scattered Indian post. It was a territory adjoining to ourselves; it was an extensive region of country, of great fertility, exactly adapted to the wants of our people, open to their settlement. The small French settlement at the mouth of the Mississippi, though it might be regarded as a slight incumbrance, being composed of people who were foreigners to us, was so slight as to be a matter of very little or no consideration. It was clearly seen that when that country was settled up to any considerable extent, it would be Americanized; whatever French population there was would disappear in the progress of our own fam-

ily. Besides, there was a large and extensive tract of fertile country with which to replace in the Treasury ten times over the money we paid. Did that purchase manifest any want of discrimination in what our people were buying, as adapted to their wants? Certainly not at all. Was it not a country into which our people could go, and carry with them and build up and promote all the institutions of our own land—a country, too, not only into which they might go, but into which they must go, and expected to go, as they have gone, carrying with them their wives and their little ones, their household gods and all their institutions, and there building up, all over its surface, their churches, their school-houses, and their court-houses, in which they aid in administering those laws which they have participated in making?

What was the next? We obtained Florida, a large country, with a small, scattered Spanish population. I am sensible that in regard to Florida, and its resources and fertility, there has been a great deal of disappointment at almost all ages. In 1762, our people went and took possession of Cuba; and four thousand of the troops who went there, in what was called the old French war, went from New England; and they conquered the country, and took possession of Havana. The very next year England surrendered it to Spain, in exchange for Florida; for all the golden dreams of Florida, and the expectations that there was to be found the spring that would rejuvenate mankind, had not passed away; nor did all the enchantments round about the name of Florida pass away until a very recent period, and perhaps they have not now passed away entirely. But our people obtained that country, and they obtained it because it lay immediately adjoining to ourselves; it was a country which we could defend; it was a country which we could build up; it was a country which we could assimilate to our own.

What further acquisition have we made? We acquired Texas. Texas was contiguous territory to ours; and, besides, it was very sparsely peopled, and therefore furnished the opportunity for our people to Americanize that too. But that was not all; the main leading feature was, that the people who were there were ours; there was comparatively a small number of Mexicans. The people of Texas were bone of our bone—children of our families, who went there to engage in the Texas controversy with Mexico; who declared themselves independent; who had for some time sustained their independence, and joined themselves to us at their desire. We gave no money; we got no land—that was left to the people of Texas. We paid nothing; we got nothing, in a pecuniary point of view; but we knew what the country was; we knew what its people were; we knew what its position was; we knew it was adapted to our wants; it was a country for which we could furnish defense; it was a country that could furnish defense to us whenever it was filled up with population. The acquisition of Texas, therefore, shows no want of discrimination in this people in obtaining territory; that is, to obtain no territory but such as is adapted to their wants and their condition; such as adds to our growth, and strengthens us as a people, by obtaining people of the same language, the same interest, and the same attachment.

But, Mr. President, what is proposed now? In the first place, it is proposed to get an island, a country that is not contiguous to us, that does not join us—a country into which we cannot march our army if we want to defend it—a country which, if ever so well filled up and assimilated to us, could not furnish defense to us. Besides, it is a country all owned by private individuals; there is no land there which our nation could obtain if we bought the country, or conquered the country; no land which we could sell to replace what we paid from our Treasury. There is no land we could get to give our people, either as bounties to our soldiers or inducements to our settlers—nothing by which we could begin the process of Americanizing such a country. The land is all in private hands now; the country is thickly populated, for the number of people in proportion to the square mile is as large as it is in Virginia or in Tennessee. It is a well-inhabited country; comparatively, a populous country.

Then, sir, what are we obtaining? Any country that is contiguous to us? No. Any country adapted to the wants of our people? Certainly not. Any country where our people can go to get land to cultivate? Certainly not at all. Anything that we, as a nation, obtain that we can deliver to them? Nothing at all. It does not fall within any one of that category of circumstances which would commend a country as desirable to us.

It is sometimes said that it is wanted for our defense. I am not much of a military man, but clear I am that we should take no country that requires the use of Army and of Navy to sustain it. I agree with Mr. Jefferson in his notions of progress, when he said in the beginning, "Nothing should ever be accepted which should require a navy to defend it." That was said by him in the very beginning of our country. Well, sir; what is now said about Cuba being necessary for our defense? It has been said over and over again, that we have no fear, nor can we expect any danger from that country while it remains in the hands of Spain; but that it might be a dangerous place of deposit, and dangerous as a naval depot in the hands of a nation of extensive naval power; that they might find harbors of refuge for their ships, and places for the construction of vessels, out of which harbors they might run, to the annoyance of our commerce passing in and out of the Gulf of Mexico. That may be true; but what is such a nation? Who are they? The real apprehension our people ever have on this subject is from England; a great naval Power. Is it dangerous for us to have England in possession of a country in which there may be naval stations, out of which they can send a force to annoy our commerce? We have thought that we were going on pretty largely in our progress to prosperity, and yet we have Great Britain now in possession of a country ranging two thousand miles along our whole frontier, over which they may march an army anywhere, any day; and they are in possession of the whole coast north of us, which commands our commerce, for all our commerce passing to the eastern continent by the Atlantic goes directly along the borders of New Brunswick, Nova Scotia, and Newfoundland. It is a saying among the ship officers who navigate the Atlantic, that when you wish to make a prosperous and successful voyage to Europe, your right way is to follow the Gulf stream, to run so close as to scrape the sea-weeds off Cape Race. Directly in the train of our commerce, our vessels go within the reach of British harbors, out of which they can at any time send a force to annoy our commerce, but yet we feel easy about that.

Cuba can only be dangerous to us in the hands of a powerful naval nation in time of war. In time of peace, it can annoy nobody. Well, then, in time of war who will have possession of Cuba? It is an island lying in the Atlantic, almost eight hundred miles long, and, upon the average, only about forty miles broad, filled with bays and inlets and harbors on both sides, with a coast two thousand miles in length around. Cannot a naval power, as a matter of course, take and hold possession of that island? Certainly, the most powerful one will do it. If, then, we have that island, whenever a war takes place, the most powerful nation of the two who are engaged in it will take possession of Cuba, as a matter of course. That idea, then, of its being necessary to us for our defense, has in it nothing in the world, in my opinion. It is a mere pretext.

It appears to me, Mr. President, that if we are ever to take in with ourselves a country where we do not get land for our people to settle, where we have no space for them to occupy, and no opportunity for them to Americanize, we should stop to consider what people it is we propose to take in. As we are not obtaining it for our benefit, as we are to take nothing but the people, for land we get none, and to take merely the sovereignty and political disposition of them, it would very properly become us to stop and inquire what sort of people it is we are going to take in. Are they a people adapted to our institutions? Are they a people who, if they understood those institutions, would desire them? Are they a people whom we should desire to have? Inasmuch as this is to be a marriage into the family, the question is, are they adapted to come in, are they suitable for us?

Well, now, what are the people of Cuba? In round numbers there is very little over half a million of Spanish creole persons there; a few intelligent persons among them, but the mass of them entirely unintelligent. In the next place, there are between four and five hundred thousand slaves, and there are two hundred thousand free blacks. They are totally unadapted to our condition. They have passed no apprenticeship in popular government. They have always endured an entirely absolute Government from abroad over them. They are undrilled, unintelligent, speaking the Spanish language, unacquainted with ours. How are you going to make such a people as that become a part of a society like ours, with our schools, our churches, our institutions of learning, our notions of popular self-government? What are we to take them in for? To help us to administer our own Government? to assist us, by their enlightenment and power, to select a President? to aid us here in shaping the institutions of our own country?

We have had two particular subjects of agitation, which in recent days at least, have created a great degree of ill-blood in this country; nor are they entirely removed. These two subjects are, first, the question of slavery, into the merits of which I do not propose to enter, but certainly it is a disturbing topic in this country; and secondly, the great accession of foreigners, invited if you please, and coming into this country in great numbers, who, after very short periods of probation, are admitted to all the rights of citizenship, uneducated to our institutions, and unfitted, as I think, in a great measure, to the exercise of those powers. They certainly deeply disturb the probable success of our political experiment, at least in the most populous part of the country. At times there have been misgivings in the minds of our most intelligent men in relation to this experiment of ours, especially in our populous cities; and in a great measure this element of foreign population is calculated to create not only disturbance, but at times matter of alarm.

But, now, what is proposed here? Strip it of all other circumstances, and what is there of it? We are to say to the people of this country, a majority of whom are in the free States, that they shall contribute their portion of $30,000,000—which is one dollar for every man, woman, and child in the United States—to begin to facilitate the acquisition of Cuba. Not that that is to obtain Cuba; not at all. Well, what is the purpose? what are you going to effect by it? You want to repeal the law against the importation of foreign slaves so far as to allow the importation, at one sweep, of four hundred thousand. There are four hundred thousand slaves in Cuba; and, if we take in Cuba, we import that number of slaves into our country. Now, I would ask gentlemen, especially those who better understand that sort of property, as they call it property, to tell me, are they really sincere? do they really believe it is best to aggravate this disturbing topic by adding four hundred thousand more slaves to our number to-day? and, especially, do they think it a very modest request, to ask the majority of the people of the United States, in the free States of this country, to vote this money for that purpose? Does that manifest any spirit of conciliation on their part? It has not always been perfectly easy to convince our people that our southern friends should be protected and preserved in the use of their slaves as they please, without our interfering at all; and that that is by virtue of the Constitution. I say, it has not always been easy; and you have not always succeeded in convincing them of it; but gentlemen now say, "we want you to overcome that; tell your people in New England that we want them to furnish, by their own accord, by their own votes, their share of $30,000,000, to begin to try the experiment of importing four hundred thousand slaves at one sweep." It is suggested to me that, when we have invested the money, the men who now own the slaves own them still, and we are not to get anything. Our southern friends, who desire to get slaves, get not a single negro by it after they have paid their money.

In the next place, there has been some difficulty as to what we were to do with our free colored population. If anything that we read is true in relation to the agitation of that question in the slaveholding States, it certainly is a very troublesome question with them. What more is there

in this proposition? Why, we are asked to pass a law to take in Cuba, and thereby take into our country two hundred thousand free blacks. That is rather a startling proposition. But, further, you are disturbed about the naturalization of foreigners, with the facility with which it is done, and their great and rapid increase of numbers. There have not been quite so many foreigners imported this year as there have been for some years past, and I take it some persons begin to be alarmed. They fear they are not going to get them in fast enough, and now it is proposed to pass a law by which, by taking in Cuba, we shall take in a Spanish creole population of five hundred thousand foreigners in one day, and naturalize the whole of them; because, when we acquire the country, as I have already shown, we cannot hold it as a colony; it becomes an integral part of our country; it contributes to the forming of our destinies, and our institutions. Have any of the people who lived in New Mexico, or California, when Mexico ceded them to us, or have the people of Louisiana, that were there when we took it, ever gone through any process of naturalization? Never at all. They all became citizens at once when we took them in, and now it is proposed by this process, by a single law, to take in five hundred thousand persons of Spanish descent and naturalize them at a single sweep. Even if we could make the purchase, even if we could secure it peaceably and quietly by paying out, if you please, one hundred or one hundred and fifty million dollars to buy that people from Spain, such as they are, never consulting them about it, we should pay from two hundred to three hundred dollars a head for them, black, white, and gray—the whole of them, and agree to incorporate them in our family, set them down by our threshold to participate in our institutions, and to select our officers to administer our Government.

The next topic to which I wish to direct attention is this: It is said that the obtaining of Cuba would check, and perhaps put an end to the African slave trade. I am sensible that if that were a well-founded idea, it would be one that would address itself with some considerable force to a large body of my people. It would be with them a question of humanity. But I have seen, on all occasions like this, a vast deal of pretension, which was utterly unfounded. If any man had heard and could recollect all the various addresses which were made to the people of this country, in order to induce them to take in Texas, and how utterly they failed, how the people were deluded; and I do not know but that many of them desired to be deluded—I fancy he would hardly listen to propositions of this kind without very serious examination. We were told that by acquiring Texas, the slave would move on down through Texas, and slide away into Mexico and disappear. Has any man seen that process commence in the fourteen years since that day? Can an instance of that kind be found? And yet it is said that many people were deluded with that. So, too, it was said, if Texas were obtained, all the manufactures of the North would flourish; there would be an outlet for them all; and there, too, as they would raise cotton, was to be found a sale for all the productions of the northwest. There has never a bushel gone to them, never a single particle of it, been realized. It has been a total failure.

In relation to the African slave trade, we must look at the present condition of slavery in Cuba, and the present condition of the slave trade, to judge what effect would be produced by annexing Cuba to the United States. I have in my hand a production by Mr. Torrente, a Spaniard, a man of high intelligence, a former member of the Cortes of Spain, who resided many years in Cuba. This gentleman was in England when much fault was found with the conduct of the Spanish Government in the Island of Cuba in relation to the slave trade. It was contended that they had acted with insincerity, and thereupon he published a memoir, giving, as he said, the true condition—and no doubt it is, for it has never been disputed—of that subject as it existed in Cuba; and he agrees entirely with the Senator from Louisiana, [Mr. BENJAMIN,] who informs us that the island is utterly valueless, and of no sort of importance unless it be cultivated by slave labor, or compulsory labor, as he termed it—labor by Africans, if you please—whites not being adapted to its cultivation.

It will be recollected, that in 1817, Spain made a treaty with England by which she agreed to abolish the African slave trade with Cuba, and she received $2,000,000 in consideration of it. At that time, or immediately afterwards, there was a further arrangement made by the setting up of a mixed commission in Cuba, which was to judge of all the negroes brought before them said to be imported contrary to law, and set them at large, if it were proven to be so. From that time forward, England has surrounded the coast of Cuba with fleets to break up this trade. They have placed their fleets, too, on the coast of Africa, made a treaty with us, by which we assist in putting a naval force on the coast of Africa, and what has been the effect? The truth is, the slave trade to Cuba has gone on in the same degree as before, with very little check. The slave trade to Brazil, to be sure, has been broken up within a few years, by the action of the Government of Brazil; but the slave trade with Cuba has gone on the same as before; and he says it is utterly impossible for that people to have any value left in their land on any other ground. He says:

"I will pass on to the fifth and last part of my dissertation, which is confined to proposing the means for terminating amicably and peaceably the negro question—the never-ending source of annoyance and contention. These means England herself has furnished. Why have so many difficulties and compromises been raised, since the signing of the treaty for the abolition of the slave trade? Why have the English had to maintain, and still keep up at immense expense, numerous squadrons on the coasts of Africa and Cuba? Why have they been compelled to establish superintending commissions in both places? All these sacrifices have been necessary for suppressing that illicit traffic. And have they attained their object, or can they attain it? We can well advance the same negative answer as would be given to whosoever should question the possibility of putting down the smuggling of English produce, which is unceasingly carried on in the Peninsula."—*Torrente's Slavery in the Island of Cuba*, page 47.

The same author says these expeditions are fitted up, and subscriptions made for them, by the planters themselves. They agree to take shares in the expedition, as low as $500 and $1,000 up to $5,000 or more. The slaves are landed and partitioned out to these people; and the secrecy with which it is done is never broken, and never can be broken. Such being the character of the slave trade there, it is pursued, and pursued notwithstanding all that England can do, and notwithstanding the aid which the United States give, and notwithstanding the aid within the island itself. I cannot here but refer to what is quoted in the report of the committee, on that subject, as coming from Admiral Hotham. His examination before the British Parliament is alluded to on page 14 of the report:

"Sir Charles Hotham, one of the most distinguished officers of the British navy, and who commanded on the coast of Africa for several years, was examined by that select committee. He said that the force under his command was in a high state of discipline; that his views were carried out by his officers to his entire satisfaction; that, so far from having succeeded in stopping the slave trade, he had not even crippled it to the extent of giving it a permanent check; that the slave trade had been regulated by the commercial demand for slaves, and had been little affected by the presence of his squadron, and that experience had proven the system of repression by cruisers on the coast of Africa futile—this, too, when the British squadron counted twenty-seven vessels, comprising several steamers, carrying about three hundred guns and three thousand men. The annual expense of the squadron is about $3,500,000, with auxiliary establishments on the coast costing at least $1,500,000 more."

The honorable Senator from Louisiana, [Mr. BENJAMIN,] who seems to be familiar, as he considers, with that country, says on the same subject:

"I affirm, then, Mr. President, that this magnificent fabric, built up by the slave labor of Cuba, must perish, or must, whilst Cuba is a Spanish colony, be sustained by the slave trade; a trade branded as piracy by her own laws, by ours, by those of Great Britain; forbidden to her by treaty voluntarily made by Spain; forbidden by our treaty with England; and which, by the treaties of the three nations, each is solemnly bound to prevent. The last refuge on earth for this trade is now found in the Island of Cuba. The combined power of England and the United States is now exerted at the cost of nearly six millions per annum in the suppression of this traffic. Its continuance has, on more than one occasion, brought us to the very verge of hostilities with Great Britain for the protection of our flag, and yet tens of thousands of slaves are annually imported into Cuba."

Notwithstanding the united forces of Great Britain and the United States are kept up at this great annual expense, and although the trade is contrary to the laws of Spain over Cuba, so great is the demand for slaves that they will run all these hazards, and successfully run them too, and carry into that island ten thousand a year.

Mr. BENJAMIN. Twenty-five thousand.

Mr. COLLAMER. No matter; I will say ten thousand, at least. I want to be moderate in all statements of this kind. Now, what is it that carries these slaves there? My opinion is, that any people who desire to have slaves, and will pay enough for them, can have them in any country. They went by from forty to fifty thousand a year to Brazil, as long as Brazil would take them. The people of Cuba buy these slaves and use them; and no doubt now a large majority of the slaves in that country are imported, are known perfectly to be so, and yet all the power of that Government, with a mixed commission court sitting in the Island of Cuba, does not relieve one of them, and does not prevent their being taken there. They pay for them—that is all; and they will not themselves execute the laws of Spain against their own interest. I have no doubt that our people of the Gulf States, if they desire to have slaves, will have them. That is a point which will regulate itself; as Admiral Hotham says, it depends on the demand and supply; it depends on the price of the article. But, now, what is the price of these slaves in Cuba? The extreme has been $500; and yet that price has been a sufficient inducement to men to beard and defy the whole power of England and America with the laws against the trade.

Mr. SLIDELL. Will the Senator from Vermont allow me to say that the price is fifty ounces—$850?

Mr. COLLAMER. That is since the recent rise here. Our price here is $1,600 or $2,000; but that does not alter my proposition. When Cuba belongs to the United States, what will be the price of the slaves? You cannot expect that when you have between three and four million in the United States, their price is to be lowered down to the price of the less than half a million in Cuba; not at all. The price of slaves in Cuba, when it belongs to us, will be the same as the price of slaves of the same ability here; because, I take it, you can bring a cargo of slaves—of course you can do it according to law when the country belongs to us—from Cuba, into Charleston, or New Orleans, for a dollar a head. The transportation cannot cost more than that.

Mr. MALLORY. Ten dollars, at least.

Mr. COLLAMER. That will depend on whether you can pursue the business legally. I suppose now it would cost something, because you have to run the gauntlet, and a man has to import them with a halter around his neck; but the moment you make it lawful, the moment Cuba belongs to us, I venture to say you will find Yankee vessels enough to carry them in cargoes of five hundred for a dollar a head. I say Yankees, because there is nobody else, in fact, who navigate your vessels to any considerable extent, and there are probably men enough in all our cities of the North, ready to supply the market with slaves, if you will give price enough. Then the price of slaves in Cuba, when it belongs to us, will be the price of slaves here, and *vice versa;* because the price of transportation from one place to the other is merely nominal, when it can be done lawfully.

Now, I simply put the proposition thus: If $500 a head is enough inducement to bid defiance to the whole power of England and America to prevent the traffic, what will $1,000, or $1,500, a head do? The very statement of the proposition furnishes a reply: $500, $600, or $800, now, as it is said, does defy all power to stop the trade. What will the $1,000, or $1,500, a head do? It is said Cuba is the only place to which African slaves are now carried; and if we receive Cuba into this country, I take it the British will stop the keeping of their fleet on the coast; because, they will say, now there is no country that allows their importation. If their fleet is withdrawn, it will be simply left to what the United States may do. We know what little they will do by knowing what even they and England put together could not do. Suppose, further, we should really undertake that business, and undertake it with success. Now we find that $6,000,000 a year, laid out by England and America, does not stop the trade at all, I ask you how much will stop it altogether if we should build a fleet, and sustain it,

actually sufficient for the purpose? It is utterly beyond the reach of our power.

Therefore, I say that the undertaking to obtain Cuba, for the purpose of putting an end to the African slave trade, is a delusion, an utter delusion. So far from that, the necessary effect of it would be that, instead of stopping this trade, Cuba would be the depot, the point of putting out, and the point of bringing in, all the slaves wanted for the South and the southwestern part of the United States. Does any man believe that the Gulf States, who desire so much the acquisition of Cuba, really mean to take that country, and expect to supply to it from ten to twenty or thirty thousand slaves a year from the United States? Or, do they expect to leave it to the decimation which the honorable Senator from Louisiana says it must come to unless it is supplied? We all know they never can be furnished in that way; there is not a supply for them. Another thing: the States in the extreme South have no desire to have Cuba supplied with slaves from Maryland and Virginia and Kentucky. They want all their own, and more, too. They do not want the border slave States shaded off into being what they call, if you please, abolition. They are not entering into this policy with a view to anything of that kind at all. They do not expect to supply slaves for Cuba in that way.

I have a single word to say in relation to the unsuitableness of that people to become a part of ourselves. One leading feature of our institutions is the entire freedom of religion. I am not now to commence any tirade against Roman Catholics, or any other order of the Christian Church of any kind; but it is a very leading feature of our system that we not only tolerate, but encourage, the public administration of the ordinances of religion in all the forms in which men profess it, and protect each other in the exercise of this privilege. Now, what are these people? They are bigoted and tenacious; so that on these points, I may say from want of enlightenment, they cannot endure the performance of any of the rites and ceremonies of the Christian Church in any other form than that approved by the Government; nay, so far is this carried that they will not permit it at the funeral of a Protestant. I know it has been sometimes complained that there, as well as in Spain, they do not permit the interment of the bodies of Protestants in their burial grounds and cemeteries. I believe that is usual with the Catholic church. I do not myself think that furnishes much ground of complaint; but it is said they deny them the right of Christian burial. This same Mr. Torrente, from whose pamphlet I read before, undertakes to answer this objection, and insists that it is not well founded; but see the conclusion to which he comes:

"It has never objected to such individuals purchasing and inclosing pieces of ground in the form of cemeteries for the purpose of depositing therein, with all decency, the mortal remains of their brother religionists; but it (the Government) cannot do less than oppose ostentation in such funerals, as well as all other religious ceremonies different from that of the Catholic faith." * * * "They will be allowed to do so, provided they renounce all pomp and ceremonies, except such as are in accordance with the religion of the State."

That is to say, we cannot do more than permit you to bury your dead in burying-grounds of your own making; we cannot permit, even at a funeral, any religious ceremonies whatever, but such as is according to the religion of the State. How can such a people be in any way molded in with us, and cheerfully indulge and encourage the free exercise of religious ceremonies?

There is no thought, I believe scarcely the slightest hope, indulged or expressed by any observing man that it is expected we are to purchase Cuba under this proposition. That is not left in doubt or uncertainty. It is perfectly known that it cannot be purchased. I cannot but observe, that since the report was made some disclosures have been made on this point. On the 9th page of the report we find this expression:

"Much has been said of the indelicacy of this mode of proceeding; that the offer to purchase will offend the Spanish pride, be regarded as an insult, and rejected with contempt; that instead of promoting a consummation that all admit to be desirable, it will have the opposite tendency. If this were true, it would be a conclusive argument against the bill."

Thus the committee state, that if we knew the matter was objectionable to Spain, and would be regarded by her as offensive, it would be a sufficient objection against the bill. We have that concession from the committee. Well, sir, immediately after the publication of this report, we had information of the action of the Spanish Ministry and Spanish Cortes, leaving no possible doubt about it, utterly abnegating any possibility of the purchase; and yet, were the exertions to carry this bill through in the least remitted? Not at all. Is the sentiment of the report, that that would be a conclusive objection against the bill, regarded as true? We all perfectly understand that Cuba is not for sale; that Spain will deem it offensive for us to make the offer. It is not for me here to say whether that ought to be so or not: it is enough that it is so. The truth is, it is preposterous to make the offer, and it is to them about as objectionable as the proposition of Simon Magus; and the only answer which will be returned to it is that which was returned to him: "Thy money perish with thee." I do not mean to take time on this point. It is enough for us to know that Cuba is not for sale, and cannot be bought, and nobody expects to buy it.

Well, then, if this island is not wanted for defense, if it is not wanted for settlement, if it is not wanted to put an end to the African slave trade, if it is not wanted as a good purchase, pray what is the purpose of this bill? what is the object of it? Here, of course, I must be left, in some measure, to conjecture; but I shall state what I believe to be the purpose, and my reasons for entertaining that belief.

It is intended to make the offer with the expectation that it will be rejected. It is then intended to take measures to get up as many claims and charges and complaints against Spain as you can, and then to seize the island by way of satisfaction. I do not say all this is to be done in a day or in an hour; but that is the process to be entered upon. In the first place, you will observe that the President of the United States does not ask for any $30,000,000. His proposition was to get something like what Mr. Polk had, something like what Mr. Jefferson had, in the cases he cites. How much was that? Two million dollars. He does not mention the sum, but cites these cases by way of example. He does not ask any $30,000,000. What the President wants is a legislative expression of our approbation of this policy. Before he enters upon the prosecution of it, in all its relations, he desires to be backed by having his propositions in some way indorsed by legislative action, by an expression of the will of Congress. There is no other way in which that can be properly and regularly and legitimately expressed, but in the form of an appropriation of some kind; that is, legislative action. Resolutions containing expressions of opinion would not be anything of a legislative character; would not be within the scope of our delegated powers. He wants legislative action, as I say, for the purpose of initiating his policy.

A man can hardly avoid, in this discussion, asking why this comes up at this time, and in this way, and why it is that the President finds some ground of expectation that he can be doing something that anybody will indorse? On that point, I hold in my hand a speech of the honorable Senator from South Carolina, which has obtained for him something like a national reputation. It has been spread broadcast over the land, and read with much approbation, if you please. Now, what is the sum and substance of this "address of the Hon. JAMES H. HAMMOND, at Barnwell Court-House?" I have read it, and reread it. It is essentially an effort on the part of the honorable gentleman to dissuade his audience and the people of the South from three or four notions which they entertain. I allude to it merely for the purpose of showing what those notions are, so that it may not be said I have charged the people of the South with entertaining them; but I show from this speech that Governor HAMMOND labors with them and tries to dissuade them from entertaining these notions. I take it that proves that they do entertain them. What are they?

In the first place they desire to obtain Mexico. What for? To form it into slave country, in order that the slaveholding States may come back again to an equal position in the Senate with the free States. I will not say there is anything discreditable in that; but that was a sentiment of Mr. Calhoun. It was what he called equality of States. He thought the free and the slave States should be an equal number in the Union; and, of course, have equal power in the Senate. That, with him, was a *desideratum*, and he seemed to consider it necessary for the safety of the slaveholding States. When the disturbing topic of slavery was settled by the Missouri compromise, he agreed to it; he participated in it; and I ought, in credit and honor to him, to say, he never attempted to disturb it. But it was found, before a great many years, that by admitting Louisiana and Missouri and Arkansas and Florida, they had used up pretty much all the territory that could be used for making slave States south of the line, and it would be necessary, as new free States were formed north of 36° 30', to balance them by some country acquired, for we had no more country to make into slave States. Hence, the annexation of Texas was put on foot for that purpose; which was not disguised at all. In the making of the treaty, which did not succeed, Mr. Calhoun, then Secretary of State under President Tyler, officially announced that the policy was to sustain and perpetuate the institution of slavery; that that was the object of obtaining Texas. I know that many of our people were humbugged with the idea that it was going to be one of the institutions for abolishing slavery; but the author of it, the man who formed the treaty, Mr. Calhoun, as Secretary of State, announced officially that the purpose was to sustain slavery; but those who rather chose to be humbugged by Mr. Walker's statements in regard to it, would not take the official announcement. We know that treaty failed; and the matter was presented to the Democratic party in their convention at Baltimore. Everybody expected that they would run Mr. Van Buren; but when they came together, it was found that Mr. Van Buren had written and published a letter against the annexation of Texas; and that was the end of him. Then the Democracy of the North were plainly told, if you choose a President to carry into effect this purpose of ours, you can have a Democratic President; if you will not let us take one that we select for that purpose, you cannot have a Democratic President at all; and they were constrained to agree to it. We know that the result was, that Texas was annexed by a joint resolution; and provision was made for dividing her into three or four States, with her own consent, so that they might be brought in as slave States, to balance the free States as they came in. I do not say there was anything discreditable in this.

All that, however, did not seem to answer. I do not know exactly why Texas has not been divided; but I believe that State, on the whole, does not like to be dismembered; she rather desires to retain her importance as a great State; and I am not sure but that there may be another view, and that is, if they should divide it with a view to make more slave States, it is problematic whether some of them would not turn out to be free States. At any rate, no attempts have been made toward that division.

Then the people who had entertained these notions, desiring to keep up this equality of States, enter upon the business of obliterating the Missouri compromise. Mr. Calhoun is dead; all that generation has passed; another has come up "that knew not Joseph;" and then it was that the line of 36° 30' was obliterated from the map, for the purpose of getting some slave States north of the line, as there was no other country to make into slave States. I need not go over now the efforts which have been made to form Kansas into a slave State, nor detail particularly the instrumentalities which the party have thought proper to use in countenancing fraud, violence, and blood, to effect that purpose; but all has failed.

What next? Is the idea abandoned? I know that the Senator from South Carolina, in his Barnwell speech, undertakes to convince these people that they had better abandon that idea; but they have not abandoned it; it is not given up. The effort now made before us is part and parcel of the same thing, because one of those views was the acquisition of Cuba. He labors that point in his speech, I think, with very much ability, and very much candor; and I respect him for it; but I think he has hardly succeeded in convincing that people to give it up. At any rate, I think the President has adopted their notion, and is pushing it forward on us, as being one that will give him great strength at the South, in his opinion.

So, too, of the acquisition of Mexico. The Senator labors to convince his people that that is a delusion; that it cannot be effected. This business of acquiring Mexico for the purposes of that people, is a very doubtful affair. Slavery has failed in Mexico once already. That mixed population are not exactly of the kind that they can reasonably expect the institution of African slavery will prosper with. I am very suspicious that it would hardly do to undertake to take Mexico for this purpose, except it was in homeopathic doses. Sweep in Mexico at present, and it is the beginning of amalgamation. That is a people of mixed race and blood. So far from marking a line of discrimination between black and white, it is almost utterly obliterated, and would step over, and gradually spread itself over, and, instead of aiding this country, debauch it. The people there have tried self-government, and it is a perfect failure. Those are hardly desirable elements to ingraft into our institutions. I very much coincide with the views expressed in the speech by the honorable Senator from South Carolina, that that is a subject that had better be touched with great care. It is a very doubtful policy, especially for the purposes for which they desire it.

Another idea that they entertain is the opening of the African slave trade. I think the honorable Senator's views on that subject very well and candidly expressed to them, but I doubt very much whether he has persuaded them. He may have persuaded the people of South Carolina; but we have reason to believe that the desire to open the slave trade is entertained to a very large extent at the South. I do not mean by the majority of its people; I do not mean by the most intelligent of its people; I do not mean by the northern portion of the slaveholding States; but it cannot be disguised that there is such a feeling in the South. Formerly, when you said to us, "slavery is an institution which has come down to us from our fathers; we have three million slaves; we know not what to do with them; we must manage them in the most prudent way we can, and you ought not to visit us with anathemas in consequence of our having this unavoidable evil amongst us; it was not of our introducing;" as long as that was the position held, it commended itself very much to the consideration of all candid men; but we have passed over that period; that is utterly discarded. It is now claimed that slavery is a Divine institution, the very best possible condition for both races, the highest state of civil society.

The middling classes of people in the slave holding States have seen prosperity only by the slaveholders. They have seen the planters, the farmers, the men of wealth and prosperity, the cotton-growers, the sugar-growers, prospering and thriving—how? By the use of slave labor. These people never saw any other prosperity; they do not know that a white man is capable, by his own labor, of self-elevation; they never saw it; they cannot know it. Now, is it at all astonishing that a man of that class should say to his brother, "You and I are men of moderate circumstances; do you not see that all the wealth and prosperity, all the ease and luxury is with those who own slaves? Cannot you and I have some slaves?" "No; they cost $1,500 a head; here is the Governor has five hundred, and our Representative to Congress has a thousand; you and I have not got one, and we cannot get one because we have not $1,500 or $2,000 to pay for one. Now, how are we ever to elevate ourselves? How are we ever to have any prosperity? How are we ever to have any ease and luxury?" "I can tell you: add prosperity to this divine institution by aiding in the importation of large numbers of slaves, and put them at such a price that we shall be able to get some, and then we will see whether we cannot take position with our more wealthy neighbors." This view is entertained, and with the slave-holders, the men of intelligence, if you please, men of worth, men of patriotism, it has got to be, and is fast getting to be, a very delicate subject and a rather troublesome point.

A ship goes out—the Wanderer; it brings in a cargo of slaves; they are scattered through the country and carried on the railroad cars; but does any man reclaim any of them and deliver them to the Government to be taken home? Not one. Is there a governing public opinion against the importation of slaves when three hundred imported Africans can be scattered through the southern country in the most public manner, and not one of them reclaimed? What is it for? With political men it is looked at in this way: "we desire to obtain Mexico, to make an equality of States; we desire to open the slave trade, that we may get slaves with which to settle new States, and make them slave States in order to produce that equality; and we want Cuba, because it is already filled with slaves; we shall not have to import slaves to add to our numbers there; we will just levy a tax on all the free people so as to raise $30,000,000 now, and $100,000,000, or more, afterwards, to buy that for the purpose of adding to our political weight." That is the proposition. The question is, whether our people will do it?

Mr. SLIDELL. Will the Senator from Vermont permit me to make a remark here?

Mr. COLLAMER. Certainly.

Mr. SLIDELL. He states, what is the fact, that the slaves brought in by the Wanderer have been openly carried through Georgia and Alabama; but there is no power, no authority, that will enable anybody to arrest these slaves under the law of the United States. The efforts of the Government, up to this time, have been entirely directed towards the prosecution of the men who have dealt in them, who have purchased and sold them; and I will only say to the Senator from Vermont, that if he will introduce a bill by which the power shall be conferred upon the Government of the United States to arrest a slave illegally introduced into the United States, I will coöperate with him very cheerfully in the passage of it.

Mr. COLLAMER. There is a bill lying on the table now; it has lain there for weeks and weeks; and has any southern gentleman tried to move it? It has been reported from the committee long since. Does the honorable Senator wish to clear his State of this apparent imputation, or, if not his own State, other southern States? Is the least effort made about it? He wants that I should do something. I have nothing to do with it.

Mr. SLIDELL. I will answer the Senator if he desires it. I think that the sentiment of the southern portion of the United States is decidedly adverse to the traffic in slaves, so long as it is prohibited by the laws of the United States. I think that is the universal sentiment. There is a portion of the people of the southern country who think that the interests of civilization and humanity, and the industry of the country, would, perhaps, be promoted by the renovation of the slave trade, under certain regulations. I think they are still a very small portion of our community; but if the slave trade be not suppressed in other countries; if the people of Cuba can purchase slaves at a very reduced price; if the Emperor of France can take them in unlimited numbers into his colonies, the people of the South may fear the competition of cheap slave labor, or pretended free labor, and there will be a total change of public sentiment at the South, and you will find many advocates for the slave trade among men who are not so now.

Mr. COLLAMER. I desire to exercise all courtesy to the gentleman in relation to this, which is his peculiar topic; but I do not wish to have speeches in favor of the African slave trade, in any aspect in which it can present itself, thrown into the body of my speech, and published with it. [Laughter.] I do not like it.

Mr. SLIDELL. There is a very simple remedy; not to have it published in the pamphlet speech.

Mr. COLLAMER. I do not contemplate having a pamphlet. I do not make any speeches for Buncombe. Mr. President, I am not practically familiar with all the laws on this subject; but I take it that imported slaves into this country may be surrendered to the Executive, and it is his duty to return them home. I know that, if public opinion in Georgia, or Alabama, and that portion of the country, is so decided against the renewal of the African slave trade as gentlemen would seem to suppose, those Africans would be given up; but there will not be a man of them given up. It has been published in the papers that "Brother such a one has gotten one of those boys for $200. I have looked him over, and I think him a great acquisition." Nobody undertakes to say that they must be delivered—not at all. The truth is, as I stated, that the large part of the people in the South—I do not say the most intelligent people there, but a large part of them in point of numbers—think their condition would be decidedly improved, and the condition of the African, too, by having the slave trade revived. Recently, I see it stated in their papers, if the slave trade is open, you cannot get a jury to indict and convict. I believe they have found a bill recently against the master or owner of a vessel. Whether he will be convicted, remains to be seen.

I have only called attention to these topics for the purpose of showing that these are the sentiments entertained by our southern people: that we should open the African slave trade; that we should extend our borders and take in Mexico and all that country for the purpose, as they think, of their own security; if you please, for the purpose of obtaining at least equal weight in the command of this Government. When I have said that, I am not charging upon them anything of a criminal nature at all. I do not charge them with an intent to abuse that power if they could get it; but that is not the point. The acquisition of Cuba, opening the African slave trade, and the dissolution of the Union, secession, those are the topics on which the honorable Senator thought proper to address the people, and very soundly to address them. I wish he could convince the whole of the South on that topic, but he has not done it.

I think that the President himself disagreed with the Senator from South Carolina in relation to these points. He has proceeded to indorse them. I do not mean that he favors their idea in regard to the dissolution of the Union, but he has indorsed them for the purpose they avow. Perhaps he has done so from a fear of the dissolution of the Union. He may have thought it necessary to accommodate them in their feeling upon all these subjects by his aid, in order to prevent their dissolving the Union. Senators have argued this case as if they were talking entirely to the people of the southern States. Somehow or other, it seems to be forgotten that the majority of the people of the United States participate in none of these views. The question presented is, will the people of the free States contribute their substance to enter upon this policy for the purpose of aiding the South in obtaining power to govern the North in the Union, or to get out of it, if they desire to do so?

In order to present more fully my view in relation to the purposes and designs, that is, the ultimate use of this power of force, I wish to enter a little more into the detail and history of this subject. I know it is true that the President has long entertained this project. It is a favorite child of his old age. The notion has been entertained more or less distinctly in his mind for some time. It is only more fully developing itself at this time. The President knew full well, not only before these recent manifestations of the public feeling of Spain, that he could not purchase Cuba; he knew it as well in the first place as he does now. The very proposition, in the form in which it is put forth, is utterly inconsistent with the idea of the purchase. Why, sir, when he himself was Secretary of State, in his instructions to Mr. Saunders, at the time he was our Minister to Spain, upon this topic, what does he say to him? Speaking of the manner of conducting this business, he tells him:

"Such delicate negotiations, at least in their incipient stages, ought always to be conducted in confidential conversation, and with the utmost secrecy and dispatch."

And now, he comes to the Congress of the United States to get a declaration in the face of the world of the purposes that we design. How utterly inconsistent is that with the idea he thus properly expressed of the manner in which alone such a thing could be done. He knew another thing perfectly as well, and that is, that when Mr. Soulé went as our minister to Spain, Mr. Marcy told him this:

"Under certain conditions the United States might be willing to purchase it; but it is scarcely expected that you will find Spain, should you attempt to ascertain her views upon the subject, at all inclined to enter into such a negotiation. There is reason to believe that she is under obligations to Great Britain and France not to transfer this island to the United States. Were there nothing else to justify this belief but the promptness with which these two Powers sent their naval forces to her aid in the late Cuba disturbances, the proposition for a tripartite convention to guaranty Cuba to Spain, and, what is more significant than either of the above facts, the sort of joint protest by England and France, to which I adverted in my instructions to Mr. Buchanan, against some of the views presented in Mr. Everett's letter

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of the 2d of December last, to M. Sartiges, the French Minister, would alone be satisfactory proof of such arrangement."

Then the Secretary of State had informed Mr. Soulé that there was no doubt there was a treaty between Spain on the one side, and France and England on the other, that they would guaranty that Cuba should not be taken from her; and she would guaranty she would not sell it to the United States. Now, that is not my conjecture. That is the official announcement of the view then taken. The present President knew of this. He not only understood it, but he knew it had been tested, too; because Mr. Soulé went to Spain, and he did not give up the idea of obtaining Cuba. How do you suppose he expected to obtain it after the information he had from the Secretary of State? Why, it is quite obvious. There were claims—among others the Black Warrior claim—on foot then, not settled; there were other things to complain about; transactions in Cuba; claims upon Spain under the old commission, not settled to this day, and are published now among the list of claims against Spain. What did Mr. Soulé undertake to do? There is no doubt about it. He undertook to get Cuba in satisfaction of those claims. That was the mission he went upon. He did not go to settle the claims in any other way, because in his letter written after the Ostend conference to the Secretary of State, and before he left Spain, he says this. This letter is dated the 23d of December, 1854:

"The question of Cuba was the other day (18th instant) brought into discussion in the Cortes, and gave rise to the animated debate which you will find reported in the inclosed number of the Official Gazette.

"The minister of Foreign Affairs, with an emphasis full of significancy, repelled the suspicion that the Government might be disposed to part with it, by declaring that, in its judgment, 'to part with Cuba would be to part with the national honor.'

"The declaration was covered with the frantic applause of the galleries, and received the spontaneous and undivided sanction of the house."

Now I come to the sentence on which I rely:

"Thus was disposed of, in a single session of that grave body, the Cortes, what of hope the United States might still retain of bringing their difficulties with this country to a peaceable and friendly adjustment through the cession to them of that island."

What hope had been entertained of getting the cession from Spain of that island, for those claims, was ended. That was in 1854. The President knew of that, too. He did not need the recent demonstration in the Cortes. That is nothing but a mere repetition of the affair. Then he did not want this appropriation with a view and expectation of the purchase of Cuba. He knew it could not be purchased before.

I cannot but make a few observations, Mr. President, as to how this subject is now brought up for consideration. I have endeavored to show why it is. These sentiments entertained by the southern people, give the reason why this time is taken; but how has it got up? I ought to follow a little further into this topic. I speak, now, not so much upon authority; but still I think upon good grounds of suspicion. It will be found that there never was any attempt, by Mr. Soulé, to settle those claims and the points of difficulty between us by treaty. His ministry there was not to do that, except it was by getting the cession of Cuba. That was his object; and when he left that mission, I believe it would be found, if the archives of the State Department were searched, that there had been submitted a most liberal and fair proposition, on the part of Spain, for the settlement of difficulties and the arrangement of commercial affairs, and the reciprocity of privileges to our commerce and our trade and our people, in their country, as well as theirs here. That proposition was never entertained by him. I believe it was never sent to this Government by him; but I think it will be found. The claims were intended to be kept back for the purpose of being used upon some more auspicious occasion for the great object of the acquisition of Cuba. I think that the archives of the State Department will verify what I say.

Mr. DAVIS. If the Senator will permit me, I wish to direct his attention to this point: As I understand, he passes from the first letter of Mr. Marcy to the first letter of Mr. Soulé, as though nothing intervened.

Mr. COLLAMER. I am going to attend to that.

Mr. DAVIS. And he argues from this, that Mr. Soulé never attempted to get any settlement of the claim against Spain.

Mr. COLLAMER. I think I shall show how he managed that.

Mr. DAVIS. And I will further direct his attention to the fact, that he treats the Black Warrior case as hanging up after Mr. Soulé went there.

Mr. COLLAMER. It has been settled since that time.

Mr. DAVIS. It began since that time, and interrupted the progress of negotiations by its current.

Mr. COLLAMER. I will say to the Senator, the Black Warrior case was settled by itself; but we had a variety of claims against Spain. There are great numbers of them; a great quantity of them, ready at any time to be brought out when wanted. They are here on the schedule, printed. Gentleman can easily find them. There is a large ledger account, heavily balanced in our favor, against every nation in Europe.

Mr. DAVIS. Perhaps the Senator does not understand what I mean. He was arguing against the Black Warrior case, as existing when Mr. Soulé went there.

Mr. COLLAMER. The gentleman will not get me diverted from the particular case which I am arguing, by making a side issue.

Mr. DAVIS. The Senator has made a side issue, by arraigning the minister and doing injustice to the negotiation.

Mr. COLLAMER. My opinion is, Mr. President, that the claims, whatever they were, were intended to be used by him; and I do not know but that he tried to use them. I do not say there is anything discreditable in that. No doubt was entertained that it would be desirable to get Cuba, if we could at a rational price, and in the settlement of these claims. I do not complain that there is anything dishonest or unfair or dishonorable in that; not at all. He did not succeed; he could not succeed in it.

Mr. DAVIS. The claim did not exist when his negotiation began.

Mr. COLLAMER. Mr. President, the Senator seems to suppose that I make the Black Warrior a single case. I tell you there are now existing a long list of claims which were unsettled then, and are unsettled now.

Mr. DAVIS. That case did not exist—was not in the category at all.

Mr. COLLAMER. What if it did not?

Mr. DAVIS. The whole argument falls?

Mr. COLLAMER. No, sir; it does not. My argument is not founded on the Black Warrior case. I choose not to have an issue thus made on an unimportant point. I am speaking of the claims which did exist, and there were a large catalogue of them, and which now exist, for they have never been settled. He endeavored to use those claims as a means for the acquisition of Cuba, but he did not succeed.

When Mr. Soulé was there, and had ascertained that there was no prospect of succeeding in obtaining Cuba, what next took place? The next thing coming in order is the Ostend conference. Mr. Walsh, an old and experienced statesman, says, in relation to Cuba, recently:

"Europe imagined that the anomalous and marvelous Ostend conference was held in consequence of Mr. Soulé's despair of such a consummation as purchase or cession being made."

Sir, the Ostend conference was holden because Mr. Soulé utterly despaired of the success of his negotiations; and that brings us to-day to that Ostend conference. Now, what is the great sweeping point of that Ostend conference? It is all summed up, and lies in a very narrow space. Speaking of the acquisition of Cuba, they say:

"Whilst pursuing this course we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed.

"After we shall have offered Spain a price for Cuba, far beyond its present value, and this shall have been refused, it will then be time to consider the question: does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union?

"Should this question be answered in the affirmative, then by every law, human and divine, we shall be justified in wresting it from Spain, if we possess the power; and this, upon the very same principle that would justify an individual in tearing down the burning house of his neighbor, if there were no other means of preventing the flames from destroying his own home.

"Under such circumstances, we ought neither to count the cost nor regard the odds that Spain might enlist against us."

When that manifesto, that declaration of sentiment came here, the Secretary of State disapproved especially of it. Mr. Marcy said to them, in his letter to Mr. Soulé of the 13th of November, 1854:

"The language of some part of the report might, perhaps, be so construed as to sustain the inference that you and your associates in the conference were of opinion that the proposition should be made, though there should be no chance of its being entertained; and that it should be accompanied with the open declaration, or a significant suggestion that the United States were determined to have the island, and would obtain it by other means, if their present advances, so advantageous to Spain, be refused by her."

That is the sense in which he received that part of the communication. He disapproved the policy of making an offer which they had good reason to believe would be rejected. He so informed Mr. Soulé, in his letter in answer to this manifesto of the Ostend conference. That was in October. On the 13th of November, Mr. Marcy wrote this to him, and immediately on receipt of it, Mr. Soulé, in December, enters his resignation. He says:

"Your dispatch of the 13th ultimo, leaving me no alternative but that of continuing to linger here, in languid impotence, or of surrendering a trust which, with the difficulties thrown in the way of its execution, I would strive in vain to discharge, either to the satisfaction of the Government or to my own credit, you will not be surprised at the course which a sense of dignity has impelled me to adopt.

"I resign my commission of envoy extraordinary and minister plenipotentiary at this Court."

Here, then, we find this history. Mr. Soulé goes there with the attempt to obtain Cuba in payment of these claims against Spain, and utterly fails; thereupon the Ostend conference is holden, and its manifesto published. I shall not attempt to English it. Mr. Secretary Marcy stated the import of that portion of it. Mr. Soulé, upon being informed that the Government did not approve of making an offer to be rejected, resigned his position and came home. The subject has slept from that time to this; nothing more has been said about it until this message came from the President. Can any man, putting these facts together, understand it differently from this? The President, in his present message, has been a little more cautious, though the other was somewhat ambiguous and oblique. In his annual message he says, upon this topic:

"All the territory which we have acquired since the origin of the Government, has been by fair purchase from France, Spain, and Mexico, or by the free and voluntary act of the independent State of Texas, in blending her destinies with our own. This course we shall ever pursue, unless circumstances should occur which we do not now anticipate, rendering a departure from it clearly justifiable under the imperative and overruling law of self-preservation."

Then we do understand that this is but a new edition, a little different impression of the Ostend conference. We mean to get Cuba by purchase, if we can peacefully; but, at the same time, he says: "I hope the time will not come when we shall have to take it any way, because it is necessary to us. Spain, you sell us Cuba. I want Congress to make an appropriation that I may make an offer to you; and I want it distinctly understood that if they do so, I hope I shall not have to whip you; I hope the necessity of that will not arise at all." What does that mean? It means precisely what the Spanish Cortes understood it to mean—menace. Now, we are asked,

when is that occasion to arise? When is that shadowy notion of necessity ever to arise? Can any man really believe that the necessities of the political existence of this country are staked upon the possession of Cuba? You cannot suppose this Union can be dissolved by the possession of Cuba by any other nation. By the power of this Legislature we might build thousands of ships, to carry millions of men, and, I was about to say, we could not merely sweep the island to desolation, but we could shovel up the whole of it into the ships and dump it off into the Atlantic ocean. The idea that the possession of Cuba is necessary to the actual existence of this country, is a mere figment of the imagination. That, then, is not what the Ostend conference alludes to. It is not what the President's message alludes to. To what, then, do they allude? I am not forced into conjecture. It appears to me that we find the solution of that point in this very report. What does the report say?

"The law of our national existence is growth." * * * * * * "When they cease to grow they will soon commence that period of decadence which is the fate of all nations, as of civilized man."

That is, not the day that thou diest thou shalt surely die, but dying your death shall commence. That is the sentiment: the moment this nation ceases to grow by expanding its territory, this nation commences its decadence—dying it shall die. Therefore, the consequence surely flowing from that is, when we come to Cuba and want to take that, and expansion is necessary in that direction, or we think it is, one of two alternatives is presented to us: we must take it, or we commence dying. That is the necessity. There cannot be a higher notion of the necessity as that describes it. The time has come, it says, for us to take Cuba. If Congress will declare that to be the national policy, whenever it is necessary to take Cuba to prevent our decadence commencing, to anticipate that point of culmination, we must seize upon it, and are justified by the law of national necessity. That appears to me to be a fair exposition of the principles contained in that report as illustrative of and declaring the condition and the exigency under which the right to take it is justified.

Now, sir, if you turn to the speech of the honorable Senator from Ohio, [Mr. PUGH,] you will find that he sustains the same view of it. He says that every nation has a right to self-defense and to attack for that purpose. He instances the case of the Caroline cut out by the British from a harbor upon the strait of Niagara and sent over the falls, and he says that was justified and justifiable. Very well; so it was. Then he says that the very possession of Cuba by Spain is to us of greater danger and more annoyance than the Caroline ever was to the people of Canada. That is the substance of it. Then the necessity has come; the seizure of the island is justifiable as a necessity; and that is the manifestation of this principle as declared here.

Mr. President, I believe that the use of force is intended in this case. I have here in my hand a little extract from the annual message of the Governor of Louisiana, the same State from which the honorable author of this report, written with very great ability as it is, and the honorable Senator who spoke in its support, come. Governor Wickliffe, after speaking of the "southern policy" of the present Administration, and congratulating the people that it is negotiating for the acquisition of Cuba, hopes that "if this means of setting the island free should fail, some more potent one will be used."

That is his view. I have before me the report made in the House of Representatives on this same subject of the acquisition of Cuba. They were tender-footed at first, but after all the purpose comes out. After arguing the case at some length, to see what the manner of annexing it would be, they tell us:

"The committee hope that circumstances may never occur rendering it incumbent on the United States, 'under the imperative and overruling law of self-preservation' "—

That word comes in again—

—"to take possession of the island without the consent of Spain; but if they should, summary measures could be much more easily justified, if we are prepared to show that we have exhausted honorable negotiation in attempts to avert the necessity, and had offered to Spain an equivalent in exchange for it. As such an offer might be necessary to the complete vindication of this Government hereafter, we ought not to be deterred from making it by any supposed unwillingness on the part of Spain to accept it, or even to entertain it in an amicable spirit."

According to this report, the offer should be made, even if we knew they would reject it. That is the very point on which Mr. Marcy disapproved of the manifesto of the Ostend conference; but here it is announced to the world that the United States propose to take up the subject and make the offer. What does all that mean? Why, it is, that the manifesto of the Ostend conference, signed by the present President himself, shadowing forth the ultimate purpose of this policy, and disapproved of by the then Administration of the United States, is now taken up, revived, presented to this body, and even that feature of it directly approved by the report of the committee of the House of Representatives. Can any man tell me, after all this, that we cannot understand the purpose of it? I know that another step has got to be taken before you use force, that which is always taken on such occasions—to begin to pick a quarrel, prepare the public mind, and fix the public appetite, upon the acquisition of that island. Senators find fault with the people whom they are about to rob of this possession. The honorable Senator from Louisiana [Mr. BENJAMIN] occupied a large portion of his speech, and displayed much of his elequence, in undertaking to show how tyrannical a government Spain exercised over Cuba. The first thing it is necessary to do in such cases, is to call names and get up prejudice against them. Even Jack Falstaff, when he robbed the carriers of the money at Gadshill, called them "gorbellied knaves." You must call names and opprobrious epithets to get up a prejudice in the public mind. The next step is to disparage their title. The honorable Senator has even done that. He says that the only title which Spain has got over Cuba is, that she possesses sovereignty over it. I wonder what country in this world owns another by a better title than Spain owns Cuba. I should like to see any better title. They have had it for more than three hundred years, with the exception of a short time in 1762, when it was taken possession of by the British, and surrendered the next year. I think they have got as good a title as we could be able to show, in a court of justice, against our Indian friends and their descendants.

The Senator from Ohio, not content with this, attempts to find fault with the title which they have to the country. The amount of his argument is, that there is no equitable title to Cuba on the part of Spain. He says:

"It is a possession by mere strictness of title, without any reason of equitable consideration."

Some Senators, particularly the latter gentleman, act upon the notion that Cuba naturally belongs to us.

Mr. PUGH. I think it naturally belongs to the people who live there; and when the title is asserted by mere force, against their will, I say it has no existence.

Mr. COLLAMER. The gentleman knows nothing about their will. They have not been consulted about their will. He does not propose to consult them about it at all.

Mr. PUGH. I supposed the Senator would allow me to interpret my own language.

Mr. COLLAMER. There is nothing in this proposition, from the beginning to the end, about ever asking the people of Cuba anything about what is to become of them. He says there is no title. The Senator from Virginia, and I believe even the Senator from New York, [Mr. SEWARD,] have a notion that it naturally belongs to us. Now, what would we think of a man whose neighbor's farm joined his, and the owner of it lived some distance from it, who would insist upon it that it naturally belonged to him; that he could make more of it than the man who owned it; and besides that, it joined his property? I can merely say that such a man would not be likely to be a very acceptable neighbor. I think the country which entertains notions of that kind in relation to territory which joins them, or is near them, belonging to a nation at a distance, although it might be more profitable to them, and insisted upon it that it naturally belonged to them, and that they therefore were unnaturally deprived of it, I think such a nation is more employed in coveting their neighbor's property than cultivating their own, and as likely to be as unacceptable neighbors in the family of nations.

Again, we not merely call them names and find fault with their titles, but we find the report filled up with complaints about them. The very preamble of the bill before us goes upon the ground that there are constant aggressions on the part of the people of Spain in Cuba upon us, increasing, magnifying every day, and endangering us. It is obvious, Mr. President, that the next step is to get up a large body of charges to prejudice the public mind, and excite the public indignation if you can about it, in some way or other, and then proceed to the taking possession. It is, indeed, nothing more than a repetition, upon a large scale, of the old case of Ahab and Naboth. Naboth refused to sell the inheritance of his father to Ahab, for a garden of herbs or for the money. Charges were gotten up against him at the instigation of Jezebel; he was stoned; and she said, "Now Naboth is dead, go and take possession of his vineyard, that he refused to sell to you for money;" and he did it.

Much has been said in the progress of this debate about the prospect of the interference of England and France in this transaction. You will observe Mr. Marcy says, that we have good reason to believe that there is a treaty existing between Spain, on the one side, not to sell Cuba, and France and England on the other to guaranty its possession to her. Very well. Now, when gentleman say if England interferes in the case of our trade with Spain for Cuba, she will interfere in that which is none of her business; and thereupon they commence a long attack upon Great Britain. They show what violence she has committed to the world, and tell her, "why do you interfere with us in a trade which both of us agree to?" Why, Mr. President, that is an unfair attack upon her. Nobody has suggested that France and England are about to interfere with force in relation to any trade we may make with Spain for Cuba. To be sure, the course taken with this measure was to institute proceedings in Congress, and publish it to the world that we are moving about it, and thus giving France and England notice to prevent Spain from making the trade. That is what the proceeding is; but they do not propose to interfere with force about it. It is when we attempt to take it by force that their interference is to come in; not that they will interfere with a trade with which they have nothing to do, but that they will interfere pursuant to their own treaty in guarantying that to Spain when we attempt forcibly to wrest it from her. I do not choose to pursue that part of the case any further. I agree entirely with what was said by the honorable Senator from South Carolina to his people in his address at Barnwell Court-House, that our undertaking to take forcible possession of Cuba would involve the world in war. That such a purpose is contemplated now, I have already given my view upon.

I come now to speak for a little while on the commercial aspects of this subject. I shall not occupy a large portion of time with that branch of the discussion. It is said that if we were to take in Cuba, we should have no sugar duties to pay. I believe those sugar duties amount to a very considerable sum—$4,000,000 a year. Besides what we have from Louisiana, at least eight tenths of all the sugar imported into this country comes from Havana and Matanzas, in Cuba, and the duties upon it amount to a very considerable sum—$4,000,000. That mode of argumentation addressed to the northern and commercial part of the United States, seems to be based upon the simple idea of their cupidity. It is saying to them: "You gain something by this business; you can have more trade there; you can save your sugar duties;" just as if that people were ready, utterly independent of any sentiment of regard for the principles of right and wrong, to agree to the annexation of Cuba on that ground. Such is the overweening opinion of their cupidity, that it seems to be supposed they would enter into anything if they could make money by it. I do not think that is well founded. But if these duties upon sugar are really so much of a grievance and annoyance and trouble, we have got them on entirely for the benefit of Louisiana; and I can merely say, that if the honorable Senators from Louisiana want that sugar duty repealed, so that the people shall not have to pay it, they shall

have my vote to do it. If they do not want those duties, they need not have them. It is a matter of their own entirely. I can merely say that it is unnecessary to steal Cuba for that purpose. But what relief is there in that? All the duties that you fail to collect upon sugars we have to pay upon some other importations. It would be no relief at all.

Mr. President, these three great purposes are thus entertained in the view of the people of the South, in the manner I have stated. I have shown that they have been, and still are, maintained by them. Among others, is the acquisition of Mexico, and, I suppose, Central America. Indeed, the very ground on which this proceeding is instituted, the very first incipient stage in it, is based upon a claim which shows it has no termination to it. We are told in this report, we are told in the speeches of Senators, that the necessity for obtaining Cuba arises from our owning Louisiana and Florida. The acquisition of Louisiana, they say, necessitated the acquisition of Florida, and these two now necessitate the acquisition of Cuba. Why? Because you must not have in the hands of a foreign power a country where there are ports that can give shelter to a navy that may annoy your commerce. Then, if you take Cuba, you must take Jamaica, because they could fit out ships from there to annoy Cuba; you must take San Domingo; you must take the Bahama islands. The step you first take necessarily implies and includes that you shall take the whole sweep of the West India Islands, around to Venezuela, at the northeast angle of South America, and then upon the coast upon which it breasts take down through Mexico and Central America, until you come around to meet it. In short, as the honorable Senator from Georgia, [Mr. TOOMBS,] who seldom disguises matters, said, he desires to have announced as the policy in this country, that we shall take the tropics, I mean on this side of the world.

Mr. TOOMBS. It is true—the whole of it.

Mr. COLLAMER. Exactly. The very foundation for this first step produces the necessity for every other you are to take in the tropics; but the value of it, as a possession, is yet problematical. When we look at the people of the tropics, living in nakedness, unsheltered and unhoused, and see them live in idleness and prosper in growth of numbers, we cannot but at once turn our attention to how this is done. We find them furnished with the spontaneous productions of the earth for their support. There are fruits and nuts all the year round; and half an acre of untilled banana will support one hundred men for a year. What does this intimate? That they were made to live in idleness, and the country was made with fruits, to enable them to do it. [Laughter.] It is the indication of Providence; and but a very slight degree of philosophy will confirm it. Man never grows there. He never takes that position which should entitle him to be a member of a free, popular Government. He never was and he never can be, I care not whether he be white or black.

But, Mr. President, there is something more than that, that leads me to this conclusion and confirms me in its correctness; and that is, those West India Islands have been possessed for almost three hundred years; they have been possessed by all the principal leading Powers of Europe: England, Denmark, Holland, Belgium, France, Portugal, Spain—I will not say certainly as to Portugal; I am not sure of that—have possessed them. They have been possessed by people of all races, and how have they kept them? and how cultivated them? Wholly, exclusively, with African labor. I agree entirely with the honorable Senator from Louisiana, that that is so; perhaps, it must be so.

Well, Mr. President, you have had them freely supplied for more than two hundred years, without the propriety of it being in the least questioned by any Christian nation, with labor from Africa. I will state, in all moderation, that there have been carried to those islands from Africa, four times as many Africans as all the people that are now in them. Is it not a tropical region? Yes. Does it not produce spontaneous sustenance for man? Yes. Why have they not thrived there? Why has their supply to be so constantly renewed? They have been labored; they have been worked. I do not charge that all these Christian people have labored them excessively and improperly. It is not their interest to do it. Sir, that result jumps with the conclusion which I before stated: they were never made to live within the tropics and labor. The thing is a failure. How does this contrast with the existence of domestic slavery in this country, outside of the tropics, and in the temperate zone? Do they not multiply here? Certainly. It is not the race that runs out; it is the country; it is the climate. It is not the treatment so much. People do not destroy their slaves wantonly anywhere, to any very great extent, probably. There are some cruel unreasonable masters, no doubt; but they are limited in number.

What is the doctrine I deduce from this? It is this: the experiment of slave labor, for the cultivation of the tropics, in the hands of all the people who have thus far tried it, is a failure; and, unless you accompany it with a constant re-supply from Africa, it always must be a failure; and therefore, the suggestion that we should undertake this business upon ourselves, for the purpose of carrying through a successful experiment in that country and in our way, has all the physical laws of human existence and the indications of Divine Providence against it. Though I do not suppose what I should suggest to our southern brethren will receive much consideration, I humbly submit to them whether it is advisable to cultivate these new attachments for new countries, and every now and then be disturbing our domestic peace and threatening to get a bill of divorce and to displace those relations which will enable us, as a Christian people, to get along as we are, quietly.

Mr. President, as to the mode of obtaining these countries—I mean Central America, and, if you please, Mexico—do you not perceive that one of the objects which the southern people entertain is this very thing: how is it to be done? The President evidently indorses their view. He sends in his message here recommending to us that he be clothed with power to establish military posts in Chihuahua and Sonora. I hardly think that has been responded to by any committee in this body, as yet; how far it has been in the other House, I know not. That is one of the means. What is the rest? The next thing is his annual message, and then another message following it, urging and indorsing it, that the Senate shall take care about the order of their business, and so to do it that they shall take up the recommendation he made in the beginning. What is that? The truth is, as he says, that our poor little weak neighbors down south of us are constantly marauding upon our people, invading their rights, violating their personal liberties, depriving them of their property, they are a sort of gang of outlaws upon us. It seems we have no good neighbors, especially if they are weak ones. Now, what is to be done with them? The President asks of us to invest him with power—and a bill is now before us for that purpose—to use the force of the Army and Navy of the United States in procuring redress for such a violation. The bill before us does not provide anything in relation to making defense; it is not to defend our people that that bill is introduced. It commences:

"Whereas, the President of the United States, in discharge of the duty imposed on him by the Constitution, 'from time to time to give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient,' has informed Congress that, by reason of the distracted and revolutionary condition of Mexico, of certain of the States of Central America, and occasionally of those in South America, as well the property as the lives and liberties of American citizens, peaceably and rightfully within their respective limits, are subjected to lawless violence, or otherwise placed in peril, by those claiming to be in authority," &c.

By way of a long recital and preamble. Then we come to the act:

"That whenever it shall be made to appear to the President that any citizen or citizens of the United States have been subjected, within the limits of any of the States aforesaid, and without commensurate offense on their part, to any act of force, on the part of those claiming to be in authority therein, affecting the life or liberty of such citizen or citizens, and the case, in the opinion of the President, demands on his part the interposition hereinafter provided, it shall be lawful for the President to use the land and naval forces of the United States, or such part of them as he may deem requisite, in such way as, in his judgment, may be most effectual by force within the country so offending, to give full and adequate relief and protection to any citizen or citizens of the United States so injured or imperilled, and at his discretion to obtain redress for any wrongs so done: *Provided*, That the President shall report to Congress (if in session forthwith, or if in recess at its first meeting thereafter) whatever may be done by him at any time in execution of this act: *And provided further*, That, as soon as the object shall be obtained, in any case where the provisions of this act shall be carried into execution, the land and naval forces so used shall be withdrawn."

Now, how could such an act furnish protection to anybody? It is only when the man has been violated in his person or liberty, and makes a complaint to the President, or the President is informed of it in some way, and he believes that that case calls for force for the purpose of getting redress, not for defense—he cannot defend him from it; it is after the violence has taken place that the President has then, if in his judgment it requires it, the use of force, and he is hereby authorized to use force to procure redress. I would ask whether that does not clothe the President, in any case of supposed violence complained of in Mexico, south of us down to Venezuela, to use the Navy and Army of the United States, by force, to procure redress? Who is to decide when he gets redress? Most unquestionably he must decide it for himself. If he does not secure redress, he may retain possession of the country until he does procure redress. That is the bill. Now, to my mind, that bill is made and shaped—it took its conception in the mind of the President—as an instrumentality to be given to him, by which to take possession of these weak countries for the purpose of acquisition. It certainly clothes him with all the power necessary for that. I consider it part and parcel of this same plan, which is entertained for this same purpose, in support of these same southern views.

Mr. President, the Constitution provides that Congress shall declare war. What is war? I say, forcible occupation of any part of any country by armies is war. You need not qualify it by saying it is an act of war, that it is hostility, or something of that kind—it is war. Sir, when the Emperor of Russia took possession of the principalities of Moldavia and Wallachia with a military force, merely on the ground claimed to give protection to the Greek Church, all Europe declared that war existed. They made no more declarations. It was prosecuted as a war, and terminated as a war, after all its scenes of blood. When Mexico sent an army across the Rio Grande they were driven out, after the battles of Palo Alto and Resaca de la Palma; but the act they did was to come over with an army, to cross the Rio Grande into a country which they claimed; and what was done? Our Congress declared that war existed by the act of Mexico. So we ourselves have indorsed it, that the occupancy of any part of any country by a military force is war. Now, sir, I have merely this to say: when the Constitution says that Congress shall declare war, I take it, it necessarily implies this: that no war shall exist in this country by the act of the functionaries of this Government unless Congress has passed upon the constitutional causes of that war. When power is given to them to declare war, there is given to them, and to them only, the power to judge whether there is occasion for a war; and it necessarily follows that if any war exists in this country, not declared upon us from abroad, but by the act of this country, if war exists by any other instrumentality than the declaration of Congress, it exists unconstitutionally.

The people of this country had been, long before the adoption of their form of Constitution, the colonists and descendants of the people of England. They had lived under a Government where the discretion of the king could involve the nation in war when he pleased; they had had enough of that; and accordingly, in the Constitution, they carefully reserved the power to make war to be alone in Congress. When it is said that really our people would be better protected abroad if it was known that the President could at once use force and make war when he pleased, that those Governments would be more careful in the treatment of our citizens, what does that mean? Why it means this: a monarchical form of Government with the power of war in the hands of the Executive, is a desirable Government, better than ours. It is a power needed, and it should be had, in the Executive. Sir, the Constitution is not so; the people thought otherwise when they made it. But it is said the President can involve this nation in war whenever he pleases, in the exercise of his diplomatic

power; he has nothing to do but to send an insolent correspondence to a foreign nation and involve the nation in war. Because the President may, by abusing the power that he has, make a war, is a miserable argument that we should give him the right to make war when he pleases without abusing anything. If he abuses his diplomatic power for such a purpose, he may be impeached. If you tell him he may use his discretion about going to war when one of our men is imprisoned in Mexico, he can go to war and cannot be impeached. It is no reason, because he has the power by abusing his diplomatic functions to involve this nation in war and subject himself to an impeachment, that, therefore, you shall give him the power to make war so that he shall do it without impeachment.

This bill does give him that power. It says that, when in his opinion it shall be necessary to use force, he may do it. Heretofore, when diplomacy had done all its duty, had exhausted all its arts, the Executive presented the case to Congress, saying, "I have exhausted all my powers, and I have exhausted my patience; do with it what you please." That is the theory of our Government. When General Jackson had prosecuted his claims against France, and had brought them to a termination by their standing out and neglecting and refusing to pay as they agreed, his patience became exhausted: what did he do? Ask for power to take that and all other cases into his hands, and that he judge whether to use force or not? Not at all. He presented it to Congress, and all the evidence with it. Now Congress, on such an occasion, may take a variety of different courses. The case may be one in which Congress may think it proper to authorize reprisals. It may be one in which they think that another form of diplomacy should be used about it, more correspondence be opened, a new minister be sent, or more patience exercised. That is all matter for Congress, left to them by the Constitution with great prudence and care, and which ought to be exercised in the same spirit. But this bill proposes to leave it either to the judgment, taste, or caprice of the Executive, to judge, in any one particular case, and every particular case, whether, in his opinion, force should be used; and if so, to use it. Congress is never to pass upon the case at all. It is never to be presented to them. They have never to exercise their judgment, opinion, or discretion, about it. Sir, this is a most extraordinary stretch of the claim of power in the hands of the Executive. In my estimation, it never could have been called for but for the purpose of being used in the spirit in which it is asked; and that is, in the spirit of domination and power; the exercise of the spirit of acquisition and lust of conquest and dominion, for the gratification of those people of the South who desire it.

The honorable Senator from Louisiana very eloquently described to us the condition of the West India Islands, and the havoc which he said had been produced by the attempt at emancipation, and the introduction of coolies, and other abortive efforts of that kind; and he says the danger is that the whole of that fertile region of the tropics will be entirely desolated, unless we take it and introduce our system of slavery. To aid us further in that, he proceeds to describe to us the tyranny inflicted on that people. First, having informed us that the slave-owners in Cuba, for nearly two hundred years, have been using up African slaves, and coining them into sugar, molasses, coffee, tobacco, and cigars, at the rate of some sweeping amount, so that twenty or thirty years suffice to carry off the whole mass of them—such is the cruelty and severity with which slavery is conducted in that country—he then tells us how much these very slave-owners are domineered and tyrannized over by the power of Spain. He then, I take it, addresses this nation now to come to the rescue. This is addressed to the whole United States—the people of the free States—to come to the rescue. What is it? He seems to assume that it is our mission upon this earth to undertake a great crusade to right the wrongs of Cuba, and especially to relieve those cruel and domineering men who coin the blood of Africans into sugar to relieve themselves from the oppressions of Spain. Are they not a strange people to appeal to us for such help? Is it possible that gentlemen can use an argument of that kind with any idea that it will reach the hearts of the northern people? Do they mean to say to our people, "we want you to make slavery perpetual through all the West India Islands and the tropics, and help the masters from being in any way frustrated in this design by any foreign country?" The eloquence of the Senator from Louisiana for such a purpose is almost equal to, and almost as reasonable as, the eloquence of Peter the Hermit, when he preached the crusades of the middle ages. Sir, we will respond to nothing of that kind. We do not believe these men entitled to our help. They have manifested no such character as lays foundation for any claim upon our humanity; nor does the great purpose for which he asks our aid, address itself any better to our assistance.

It is assumed here, as I think, that Cuba will consent to all this; that they desire to be annexed to us. Where do we find evidence of that? Gentlemen seem to suppose, because we like our institutions, because we like our forms of popular government, that, therefore, they would desire it? Now, there is no quarreling about tastes—*de gustibus non est disputandum*. Do you believe that the Cubans really desire it? Why, sir, more than half of their slaves now are those bozal negroes brought from Africa contrary to law, since 1817. Do you really believe they want a Government put over them that would say, you shall not hold these people that you obtained contrary to law? Not they. They desire no such thing.

There is another topic on which I desire to make some remarks in this connection. Gentlemen say that the Island of Cuba commands the commerce of the Mississippi. I do not believe it. There is nothing in it at all; but I have a word to say on that topic, inasmuch as they view it in that light. One of those sentiments entertained, against which the honorable Senator from South Carolina labored with his people, was this desire of separation, secession, division of the Union. Among our great securities against such a result, was this very river Mississippi. We have believed that while the Alleghany Mountains stood where they do, and while the Mississippi flows where it does, a division of this Union is impracticable—absolutely impracticable. The whole of the head waters of the Mississippi and its branches are inhabited by the people of the free States. There never was, and never will be, a successful commercial people upon the face of this earth, that have the outlet and the inlet to their commerce in the hands of a foreign nation. It never can be endured. Our first settlement upon the Ohio, when the mouth of the Mississippi river was in the hands of Spain, was broken up; at least, it did not progress any; but the moment Spain refused to renew her treaty, they threatened to go down there and take possession of that country, even in that infancy of the Government. Now, sir, the natural outlet of all that region drained by the Mississippi and its upper tributaries, the whole region beyond the Ohio, Kentucky, western Virginia on each side, or, if you please, Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, and Minnesota, is by the way of the Mississippi.

This is the great channel of commerce, and always must be. I can merely say, if the slave States of this Union form a Confederacy, and choose to make a separate nation by themselves, they cannot retain the mouth of the Mississippi unless they take those western States in with them; and then they will be in the same condition of division and conflict that they are now. Those States will of course take possession of it; and that divides your supposed and projected kingdom utterly in two.

It may be that some of those southern gentlemen have the idea that if they get us to buy Cuba, when they separate they will have the key to the mouth of the Mississippi; and inasmuch as many of them say they are going out any way, without any conditions to it, without a peradventure, it is certainly a very modest request for us to advance money to obtain that country, to enable them to be strong and sustain themselves as a nation, to the entire destruction of the western commerce, whenever they shall separate and set up for themselves. They can hardly expect that we should really respond to that, and aid them in getting it for that purpose, to encourage them to make a division; yet that seems to be the project which is now presented to us.

Mr. President, I have some other subjects standing in various relations to this topic, but I am sensible that I have occupied very much time, and infinitely more of the attention of the Senate than I expected. I will say, however, that in my own opinion it is advisable for us to attend to the improvement of our internal condition. We ought properly to estimate the blessings we possess. We ought to enable ourselves to realize its value. It contains great and unoccupied regions. Take a single State for instance, like Illinois; say it has a million and a half of inhabitants in it now. It is agreed on all hands that there is not more than one eighth part of its surface that has the mark of cultivation upon it. That country, then, is capable of sustaining a population of twelve million people as well as what it does what they have there, and each million to occupy as much ground as those now there do, and never disturb them at all; and yet we are wanting land. Mr. President, when that shall fill up with the enterprise and intelligence of this people, they will be a people in all the relations of life better fitted, better housed, better clothed, and better instructed, than they now are. So, too, will be the whole condition of our country, as well of other States as that. Let us build the pyramid of our greatness, not on shifting sands, not upon a constantly changing basis, by enlarging its borders and going for expansion; but let it rise in unity, symmetry, and beauty, making a nation governed by principles, not of fillibustering, not of coveting other possessions, but governed by principles which shall command our respect, our patriotism, and love, at home, and the respect of nations abroad.

Mr. MALLORY. Mr. President, I prefer going on now, late as the hour is, because I perceive that unless the friends of this bill stand by it, we shall not get a final vote upon it. In rising, particularly after the address to which we have just listened, to support a bill which appropriates money for the purchase of the Island of Cuba, my mind is embarrassed and impressed not only by the multitude and variety of the topics which cluster around it, and which, as we have seen here at this moment, have, more or less, entered into the discussion, but by the importance and gravity of the considerations which it involves. The honorable Senator who has just taken his seat has referred to this as somewhat of a sectional issue, as if the South were supporting this measure to get a few more slave States into the Union, to restore some fancied equilibrium.

Mr. President, I come to the discussion not as a sectional man; and whether there was a slave in the Island of Cuba or not, the course which I took would be the one I take now. Whenever the issue is presented where the rights of the section which I, in part, represent, shall depend upon an equilibrium of slave States with free States in this Confederacy, I shall take the responsibility of using what little influence I possess to advise my people to quit it. No, sir; our rights in this Union depend, I trust, on our enlightened intelligence; upon our loyal hearts and strong arms, and our ability to maintain them, as those will find who ever choose to invade them.

Now, Mr. President, this is no idle discussion. Whether we shall have a vote or not, the results are to be tangible for good or evil. If this bill shall pass both Houses of Congress, nay, if it shall pass but the Senate, I trust it will appear to Spain at least as a shadow which certainly tells of coming events. Nay, sir, whether it shall pass this body or not, the effect will be, inevitably, that by concentrating and enlightening public opinion, it will show Spain that there is a destiny which shapes the ends of this country, to which she, no less than ourselves, must submit. Therefore, sir, I want the discussion; I believe the effect on the main question will be gained whether the bill shall pass or not.

Here, upon the very threshold—for I intend to discuss the question frankly, having given some little attention to the subject, it being one in which I feel very deep interest—I am bound to say that, in my own judgment, Cuba is not for sale for money; that in my judgment she has not been for sale for money for a quarter of a century; and that, for twenty-five years past, annually, the disinclination of Spain to part with her has been increasing; and that we are further from it to-day, for a moneyed consideration, than we have been for a quarter of a century. Spain has seen her American offspring wandering off, each in its

separate orbit; she gave a most unwilling assent to their independence on the urgency of mutual friends, and she still retains an angry recollection of their dereliction. She has watched Cuba in her infancy; she has watched her adhering to the parent country until she has earned for herself, with what justice I will not here undertake to ascertain, the title of "the ever faithful;" and now, when she has increased in strength and beauty, and when the mother is winning golden earnings from the abasement of the daughter; now, sir, when the ties of self-interest have clustered around her, increased also by the ties of affection, it is not surprising that Spain should be unwilling to part with her. But, before I sit down, I trust to be able to satisfy the Senate that Spain may be induced even now, in this very year, for a proper consideration, a proper relation to ourselves, not as an enemy, not as a belligerent, but as a friend having mutual ties and mutual interests, perhaps to part with Cuba upon fair terms.

The vigorous views so unequivocally presented by the President in his annual message, constituting as they do not only a marked feature of this Administration, but of the age in which we live, calculated, as I sincerely believe they are, to expedite the regeneration of Cuba, either as an independent Power, sustained and supported by our arms, or under the stars and stripes of our own country, have touched a chord of the popular heart that is certainly awakening a fervid response throughout the length and breadth of the land. Scarcely a paper can we take up now which does not convince us that this is no longer a sectional issue; and I honestly believe that if the country were polled to-day, there would be found more men north of Mason and Dixon's line in favor of the acquisition of Cuba, than there are south of it. It should not, therefore, be treated as a sectional measure; and all of the South who support it should not be charged with anticipating the addition of a few more slave States to the Union. The President is entitled to my thanks, at least, for bringing this long cherished Cuban policy, which I now see is denominated political necessity, to the attention of Congress; and, so far as I can act, he shall have my coöperation in attaining a work which I doubt not is identified with the future welfare of the country.

Why, sir, from the acquisition of Louisiana to the present hour, the acquisition of Cuba has been regarded as a necessary consequence of that measure; and every prominent statesman in the present century, from Jefferson to Mr. Buchanan, or nearly every one, has, directly or indirectly, advocated this measure as one of great national policy. Banks, tariffs, internal improvements, domestic slavery, questions of peace and war and conquest, have disturbed political parties throughout the country, each in their turn; but the acquisition of Cuba has been an admitted and cherished feature in the platform of every political party of this country yet. When Mr. Clinton, of New York, was discussing the Mississippi question before the Senate, in 1803, he made these remarks:

"The seizure of New Orleans would vest us with a place of deposit; but a place of deposit without a free use of the Mississippi would be entirely useless. As long as the enemy holds the country below New Orleans, and possesses a superior naval force, so long will we be excluded from the Mississippi. Suppose, however, this obstacle *removed;* suppose we are enabled to pass into the Gulf, without molestation: is it not necessary for vessels to *hug the Island of Cuba*, on their passage to the Atlantic States? And will not *this* expose them to *certain capture*, as long as *Spain* retains that important possession? To secure the great object said to be aimed at by this resolution, and to *establish*, beyond the reach of annoyance, a free communication between the *Atlantic* and *western States*, we must *seize* not only *New Orleans, but the Floridas and Cuba;* and we must immediately create a formidable Navy."

It appears distinctly that in that time not only the friends of the Mississippi question, but its enemies, looked to the acquisition of the Island of Cuba as the necessary consequence of the acquisition of Louisiana. I quote now from Mr. Huskisson's remarks, in speaking of this very question, and calling the attention of the British Parliament to it, and to Mr. Jefferson's opinions on the subject:

"If the United States have declared that they cannot allow the Island of Cuba to belong to any maritime Power in Europe, Spain excepted, neither can England, as the first of those maritime Powers—I say it fearlessly, because I feel it strongly—suffer the United States to bring under their dominion a greater portion of the shores of the Gulf of Mexico than they now possess. Within the last twenty-seven years, they have become masters of all the shores of that Gulf, from the Point of Florida to the river Sabine, including the mouths of the Mississippi, and of other great rivers, the port of New Orleans, and the valuable and secure harbors of Florida; and, within these few days, we hear of their intention of forming a naval station and arsenal at the islands of the Dry Tortugas, a commanding position in the Gulf Stream, between Florida and Cuba. With all this extent of coasts and islands, we know, further, that designs are entertained, and daily acted upon—I will not say by the present Government of the United States, but, notoriously, by the people—to get possession of the fertile and extensive Mexican province of Texas. To borrow an expression of a deceased statesman of that country, 'the whole people of America have their eye' upon that province. They look on all the country between the river Sabine and the river Bravo del Norte as a territory that must, ere long, belong to their Union. They have also, I believe, that same eye upon some of the western coast of Mexico, possessing valuable ports in the Gulf of California. Should they obtain these districts, the independence of Mexico, I will venture to say, will be no better, or more secure, than that of the Creek Indians, or any other Indian tribe now living within the circle of the present recognized limits of the United States; and the Gulf of Mexico will become as much a part of their waters as the Black sea was once of the waters of Turkey, or as the channel which separates England and Ireland may be considered as part of the waters of the United Kingdom.

"I may be told, sir, that these are visionary alarms, contemplating schemes of aggrandizement and ambition which never have been, and probably never will be, entertained in any quarter. At this moment, I willingly admit that there exists a friendly disposition in the Government of the United States; and I cannot doubt that his Majesty's Government fully reciprocates that disposition. Upon every account, I am glad to see these two powerful States living upon terms of honorable and mutual confidence, each relying upon the peaceful counsels of the other. But it is not to be imputed to me that I am undervaluing this good understanding, or that I am guilty of want of respect towards the United States, or even of discretion as an individual member of Parliament, if, on this occasion, I do not lose sight of those circumstances of a permanent nature which belong to the fixed policy of the United States, and to those motives of action which, however dormant at present, would probably be révived under contingencies that, in the course of events, may hereafter arise—contingencies which the views and passions of the American people would not fail to turn to account for the attainment of a long-cherished and favorite object." * * * * * * *

"In respect to the Gulf of Mexico and the immense interests—commercial, colonial, and maritime—which are closely connected with the navigation of that Gulf, these memoirs are full of instruction—I might say of admonition—well deserving the most serious attention of the people of this country. I will not trouble the House with any long extracts from them; but I cannot deny myself the opportunity of pointing their attention to a few passages, which show how soon the United States, after they became a separate nation, fixed their eye upon the Gulf of Mexico, and how steadily and successfully they have watched and seized every opportunity to acquire dominion and ascendency in that part of the world. Within seven years after the time when their independence had been established, and finally recognized in 1783, we find them setting up a claim of free navigation of the Mississippi from its source to the Gulf of Mexico; and it is not a little curious to see what was the opportunity which they took of asserting their right against Spain—a Power that had materially assisted them in obtaining their independence. In the year 1790, it will be recollected that a dispute had arisen between England and Spain respecting Nootka Sound. Whilst these two countries were arming, and everything appeared to threaten war between them, the United States thought that they saw, in the embarrassment of Spain, an opening to claim the navigation as of right. Whether such a claim could or could not be sustained by any principle of the law of nations, is a question which I will not now stop to examine. The affirmative was at once boldly assumed by America, and her demand proceeded upon that assumption. The right once so affirmed, what does the House think was the corollary which the Government of the United States built upon their assertion of their supposed right? I will give it in the words of Mr. Jefferson himself, not a private individual, but the Secretary of State, conveying the instructions of his Government to Mr. Carmichael, then the American envoy at Madrid: 'You know,' writes Mr. Jefferson, 'that the navigation cannot be practiced without a port, where the sea and river vessels may meet and exchange loads, and those employed about them may be safe and unmolested. The right to use a thing comprehends a right to the means necessary to its use, and without which it would be useless.' I know not what the expounders of the law of nations in the Old World will have to say to this new and startling doctrine. In this instruction, which is dated the 2d of August, 1790, the principle is only laid down in the abstract.

"I will now show the House the special application of it to the claim in question, by quoting another letter from Mr. Jefferson to Mr. Short, the American envoy at Paris, dated only eight days after the former, namely, the 10th of August. It is as follows: 'The idea of ceding the island of New Orleans could not be hazarded to Spain in the first step: it would be too disagreeable at first view; because this island, with its town, constitutes, at present, their principal settlement in that part of their dominion, (Louisiana,) containing about ten thousand white inhabitants, of every age and sex. Reason and events, however, may, by little and little, familiarize them to it. That we have a right to some spot as an *entrepot* for our commerce, may be at once affirmed. I suppose this idea (the cession of New Orleans) too much, even for the Count de Montmorin at first, and that, therefore, you will find it prudent to urge and get him to recommend to the Spanish Court, only in general terms, a port near the mouth of the river, with a circumjacent territory sufficient for its support, well defined, and extra-territorial to Spain, leaving the idea to future growth.'"

He quotes this extract from a letter of Mr. Jefferson to Mr. Monroe, of the 4th of May, 1806:

"We begin to broach the idea that we consider the whole Gulf Stream as our own waters, in which hostilities and cruising are to be frowned on for the present, and prohibited so soon as either consent or force will permit us."

Mr. Huskisson continues:

"If the United States 'broached this idea,' in 1806, they are not likely to have abandoned it in 1819, when, in addition to Louisiana, they procured, by treaty with Spain, the further important cession of the Floridas. That it is a growing, rather than a waning, principle of their policy, I think we may infer from a letter which we find in this correspondence, not written, indeed, by Mr. Jefferson in any public character, but addressed by him, as a person exercising, from his retirement, the greatest sway in the councils of the Union, to the President. This letter, dated so lately as the 24th of October, 1823, discusses the interest of the United States in respect to Cuba and the Gulf of Mexico, and these are the statements which it avows: 'I candidly confess that I ever looked on Cuba as the most interesting addition that could ever be made to our system of States. The control which, with Florida Point, this island would give us over the Gulf of Mexico, and the countries and isthmus bordering upon it, as well as all those whose waters flow into it, would fill up the measure of our political well-being. Yet I am sensible that this can never be obtained, even with her own consent, but by war.'"

In connection with this subject, because the opinions of my friend from South Carolina [Mr. HAMMOND] have been quoted here, I looked to his speech and, I found that his friends might be mislead into the idea that even Mr. Calhoun was opposed to this policy. It is well known to Mr. Calhoun's private friends that he was in favor of the acquisition of Cuba at the very earliest period compatible with the honor of the country. In this body, in 1848, in a speech upon the Yucatan question, he said:

"There are cases of interposition where I would resort to the hazard of war, with all its calamities. Am I asked for one? I designate the case of Cuba. So long as Cuba remains in the hands of Spain—a friendly Power, a Power of which we have no dread—it should continue to be, as it has been, the policy of all Administrations ever since I have been connected with the Government, to let Cuba remain there; but with the fixed determination, which I hope never will be relinquished, that if Cuba pass from her, it shall not be into any other hands but ours; this, not from a feeling of ambition, not from a desire for the extension of dominion, but because that island is indispensable to the safety of the United States; or rather, because it is indispensable to the safety of the United States that this island should not be in certain hands."

The remark which is put into Mr. Calhoun's mouth, that Cuba is forbidden fruit, he never used. As I said before, his friends knew well that his whole heart was in the acquisition of Cuba, at the very earliest day compatible with the honor of the country. I could quote hundreds of authorities, binding upon both sides of all political questions. I could show you how the leading men of the last century, whom we are accustomed to quote for authority, regarded this question. I am yet to learn one who was not in favor of the acquisition of Cuba at the very earliest moment consistent with the interests and honor of the country.

Now, sir, whence comes this general unanimity? Why is it that the varied interests of our country, differing widely as they do in population, in climate, in soil, in production, have generally concurred in the wisdom and policy of regarding this as a great national measure? Why is it that the pro-slavery cotton planter of Texas, and the abolitionist manufacturer of Massachusetts, meet with a common union and a common platform, and are to-day, while I am speaking, battling together for this very policy? Why is it that the State of Connecticut, in New England, has inserted a resolution, within a very few days past, in favor of the acquisition of Cuba? Here let me say, that she was the first State to lead off for the annexation of Texas.

Mr. FESSENDEN. Does the Senator say the Legislature of Connecticut has passed any such resolution?

Mr. MALLORY. No, sir.

Mr. FESSENDEN. It was passed by a Democratic caucus.

Mr. MALLORY. That is authority for that State, of course.

Mr. BENJAMIN. It was a Democratic State convention; not a caucus.

Mr. MALLORY. I ask, whence comes this general unanimity of feeling? It is not confined to the South; it is equally found North, East, and West. It is a growing notion; and, as this discussion progresses, it will become, in my judgment, an overwhelming one, and will shape somewhat the future policy of the country. It is found,

unquestionably, in that general view which all sections of the country entertain, that the industrial, the agricultural, the mechanical interests of the United States are all, more or less, identified with the acquisition of Cuba; but it comes from a deeper-settled principle—that patriotism which burns in the heart of every American, and which teaches him instinctively that the first blow this country is ever to receive is from the direction of Cuba. It must necessarily be so. I think I can demonstrate that, if danger ever threatens us at all from abroad, it must be from a point contiguous to our shores, and under the control of another Power than ours; and the most important point of all on the face of the earth, in that view, is Cuba.

In the report which the Committee on Foreign Relations have presented us with, we have important statistics of the trade, commerce, and resources of the Island of Cuba. Whatever influence this may have over the minds of gentlemen as to the price to be paid for Cuba, it can certainly have none whatever on the question of whether we ought to have it or not. That is a preliminary question. When that is decided, the statistics will furnish us with an item as to the cost; but there is one beyond, which we have yet to consider, and that is the contribution that Cuba herself may make to this purchase, which I am prepared to show somewhat.

In a national point of view, I said that the first blow this country is ever to receive, in any contest, will be near Cuba; necessarily so. The Gulf of Mexico is emphatically an American sea. Its waters wash the shores of five of our States. All the rivers of Texas and Alabama, and part of those of Georgia and Florida, flow into it, together with the Mississippi, and all its tributaries, exposing at least twenty-five thousand miles of internal navigation. Over its bosom floats a commerce which, to-day, is worth $300,000,000; and all this commerce passes between a narrow strait ninety-four miles wide, presenting some seventy-eight miles of navigation; and this space six steamers will bridge across, and speak each other every fifteen minutes by signals; and with a naval power it would be done, and the Gulf of Mexico would be sealed up as securely as if nature had reared a wall from the bottom of the ocean to the top, until naval supremacy could remove the obstacle. There, at the mouth, you may say, a hostile power could lay in wait, and sink or capture everything that pretended to enter it. In form it may be regarded, to use a familiar illustration, as a demijohn on its side; and through its mouth, between Cuba on the south and Florida on the north, floats this vast commerce, upon which the hills of Cuba, like sentry boxes, look down. Where would the first naval action, in which this country would be engaged, take place? Necessarily there. It was predicted by two of our leading naval captains, after the last war, on just looking at that strait, that it must necessarily be so; because no sea upon the habitable globe offers the temptation to a maritime enemy against our commerce, that the Gulf of Mexico does; and when we shall enter into a maritime war, it will be in an unprepared state. It will be as we are now, when, if we were to put all the guns afloat that we have, we should muster only eleven hundred.

There is another outlet to the Gulf of Mexico that ought not to be lost sight of, and that is between the west end of Cuba and Yucatan, between Cape Catoche and Cape San Antonio. That outlet is one hundred and four miles wide; but from the adverse winds and currents which prevail there for eight twelfths of the year, and that portion of the year when the great cotton crop and the great products of the West are upon the sea, no sailing ship ever attempts it. They go through the other way. From Jamaica they come up through the Yucatan pass, through the Gulf of Florida. If they were to take the other outlet, from the prevailing winds and currents there and the circuitous passage through the Caribbean sea, it would prolong the voyage to New York to twenty days, when in fact it ought only to take nine days; and under no circumstances will commerce seek that path.

Then, between Cuba and Florida passes the commerce that comes from the Belize, the mouth of the Mississippi, and from the Gulf terminus of the Tehuantepec railroad; and if an enemy wishes to annoy us to-day, they would not go to the Balize, they would not go to the terminus of the railroad, they would go here to this pass, upon the open sea, with a friendly or neutral port under their lee, because they would be well assured nothing could pass them.

Is not this plain? Can it be disputed? If it be so, then, in a geographical point of view alone, if no other, no prudent man in the United States can disregard the acquisition of the Island of Cuba. If a planter lose a bale of cotton on the Mississippi, and leave it to the ordinary direction of the winds and currents, what becomes of it? It takes its way through the Balize, goes in a southeasterly direction, doubles the Tortugas, goes through the Florida pass, and out into the Atlantic. There is scarcely a day, from that lone and distant Tortugas, where we are now erecting a fortification, that you may not see, in the business season, from one hundred to one hundred and fifty square-rigged vessels entering and clearing from the Gulf, because they necessarily hug the Florida shore, not the Cuban shore, as Mr. Clinton supposed; because on the Cuban shore there is a westerly current, and it is an iron bound shore, too.

Now, sir, the possession of a position like this on our very frontiers, at our very doors, cannot be overlooked by any person. I know we have held the language to Spain which is set forth in the report of the committee, and it has been quoted here, that so long as she chose to hold the island, we would not disturb her in its possession. Mr. Jefferson held that language; but he also intimated precisely the course I do here, that the very moment we, as a powerful people, can take Cuba by purchase, or by any other means consistent with the honor of the country, we are bound to have it as a measure of self-defense. Gentlemen talk here about the West Indies, and about Jamaica, and about the Bahamas. I would not receive them as a gift; but when they can show me that they are identified in any measure with the defense and prosperity of our country, I will consider the question. Great Britain, no doubt, would give us the Bahamas to-day, and would be thankful to us for taking them; but there is not even a sloop-of-war harbor in the whole Bahamas. From the distant Orinoco river to the Caribbean sea, to the Bay Islands, to the distant Bermudas, there is not a point on which a gun can be planted or a standard raised, that Britain has not taken possession of, while, at the same time, she has sought to undermine us in every part of the earth, even from getting a coal depot.

The day of our voluntary acquiescence in the tenure of Cuba by Spain, I think, has passed, or, if it has not, I think it ought to have passed. Have gentlemen reflected, when they talk about being satisfied with Cuba remaining in the hands of Spain, that this language was used by our fathers in our infancy, and in the day of Spain's strength when she occupied a position before the nations of the earth that she no longer occupies, for she is now in the decline of life? Gentlemen may say that should make no difference. Why, sir, it makes this difference: in the event of war between ourselves and any maritime Power to-morrow, what would be the condition of Cuba? Spain would still have it. Take the contingency of war between ourselves and any maritime Power, and what would be the condition of Cuba then? All that Spain would have to do would be to declare the ports of Cuba perfectly neutral—open to both belligerents alike. She undoubtedly has the right to treat both belligerents alike; and neither has the right to complain. In that case, the fifty-two ports of Cuba, many of them the finest upon the face of the globe, would be at the very points where the enemy would place them, if he was placing them. If a maritime enemy of ours wanted a port of refuge, of repair, or of shelter, where would he go for it, if nature had not provided it? He would select this very spot on which nature has placed the Island of Cuba. Then, if Spain, in the event of war between ourselves and any other Power, should remain perfectly neutral, it would be exceedingly better for the enemy, because he would not have to maintain the government of the Island of Cuba, while all the resources of the island would be his for purchase.

Have gentlemen reflected, that during the late war between the allies and Russia we were perfectly neutral between both parties, and made powder and guns for both parties, and our ships transported the troops of the allies to the Crimea, and would have been just as ready to transport the troops of Russia? Let that be the course of Spain; let us go to war to-morrow with any maritime Power, and what will Cuba be to us then? The necessity for taking Cuba would be overwhelming, it would be to us then what Florida was in 1812, when the necessity for occupying Florida forced itself upon every thinking man in the United States.

Can that be denied? And are we to wait until a great necessity shall spring up in the policy of a foreign country for Spain to hold it? Should we not now, by every honorable means, endeavor to acquire it, and to guard against a contingency of this kind? If I am correct in this brief summing up the matchless geographical position of Cuba upon this vast and growing trade of ours—a trade which I have not touched upon at all, a trade whose wealth is to be swelled by the enormous imports from China over the isthmus—if I am right in this brief summary, does not that alone answer all the arguments which have been urged against the acquisition?

When I said that we were further off from obtaining the island now than we were twenty-five years ago, I should say, in that connection, that the island has become much more valuable to Spain. If she were to lose it, she would fall from her high position at once. It is a matter of immense revenue to her, and her indisposition to part with it is much greater; while the facts that I have been detailing, of its bearing upon the Gulf of Mexico, its command over the Mississippi, and over the isthmus routes, and the stab which it would give to the vital interests of this country in the event of hostilities, induce England and France to encourage Spain in that opposition. What interest have they in Cuba? None whatever. England professes a desire to abolish the slave trade. She made a treaty with Spain in 1817, to go into effect in 1820; she made another, and a much more perfect and binding one, in 1835; but no session of Parliament passes without some reflections on Spanish faith and Spanish credit, for failing to observe their treaties; and yet, in the very face of this, and with a knowledge of the fact that the acquisition of Cuba by the United States would at once abolish the African slave trade forever, we find England entering into a treaty formally to defend Cuba in the possession of Spain; and whenever her public men speak of it, down to the latest moment, they speak of Britain resuming her reserved rights—as if she ever had any on this continent on the question of Cuba—to act as she pleased on this subject.

Now, sir, I would counsel speedy action in this matter, because I believe I am able to show that there is a deliberate intention upon the part of the Government of Spain, following the lead and demands of the Government of Great Britain, to turn Cuba into a second San Domingo, or, in other words, to liberate every African that has been imported into Cuba since 1820. I believe I can show that that has been demanded, and that that has been responded to, and that that is the settled policy of those countries; and that that will be the issue unless Cuba comes to the United States. Now, I ask gentlemen upon the other side, facing this question, if that is to be the alternative; if we are to acquire Cuba and govern her as a southern State, or if we are to assist to gain her own independence that she may establish a government upon the plan of ours; or if she is to be abolitionized—that is, all her slaves since 1820 turned free—which horn of the dilemma will they take? I do them the justice to believe they would say: "Let us assist to establish independence in Cuba; let us lend our strong arm to them." We have been sending our ships there, with the stars and stripes, in their harbors; we have spread our declaration, our living principles of civil and religious freedom everywhere throughout the world; we have educated her men; we have married her women; we have taught them to love liberty; and now when they are seeking it, let us use the strong arm and uphold them in their own defense; do not let us abandon them to a fate which is too horrible to describe. I believe I but do them justice in saying they would all advocate the speedy acquisition of Cuba, even, as Mr. Calhoun said, if they had to resort to war for it.

Mr. FESSENDEN. Will the Senator allow me to ask him one question?

Mr. MALLORY. Yes, sir.

Mr. FESSENDEN. I dislike to interrupt gentlemen to put questions; and I only do it now by the Senator's permission. I wish to ask him whether, if slavery were abolished in Cuba, he would then be willing to take it on any terms?

Mr. MALLORY. I answer that question very freely. I would not.

Mr. FESSENDEN. Then what becomes of the Senator's argument as to its being a point of defense?

Mr. MALLORY. I would not take it then, because, if slavery were abolished in the Island of Cuba, there would be a general massacre there; for ten or fifteen years there would be war going on. I am speaking of our acquiring it peaceably. We should have to take it by war then.

Mr. FESSENDEN. Would it weaken its military position?

Mr. MALLORY. Its military position would not be affected by it one iota. I do not see that that question touches it; but I say that, in the face of that alternative of turning the slaves free, we had better meet the difficulty now, while Spain holds a control over the island, and when, in turning it over to us, she could also turn over her authority.

Mr. President, Spain has a written constitution, and under its provisions life, liberty, and property find general security. In her national assembly, or Cortes, the people, no less than the State and the Church, are represented; but from the provisions of this constitution, readopted in 1837, by a special article, and from the Cortes also, unhappy Cuba is entirely excluded. She sent her deputies there in 1837; but they were ignominiously excluded. They published an indignant remonstrance to the Spanish nation; but it had no effect, and Cuba was turned over to the tender mercies of royal ordinances and royal edicts; governed by a viceroy, under the title of Captain General, who is clothed with all the powers usually devolved on the commander of a besieged city; who exercises power over life, liberty, and property; who, trained in the camp, and at the head of an army, recognizing no divided authority, enforces a despotic will at the point of the bayonet; who, not unfrequently found a traitor or a troublesome character in his own country, is sent to Cuba to govern her people, to burnish up his own reputation, and recruit his fortunes.

I say the Government of Cuba stands out to-day as the most appalling instance of mis-government on the face of the earth—a despotism to which the misrule of Japan is absolute freedom; and I will say to my friend from Vermont, who deprecated any allusion to the Government of Cuba, that I am surprised at him. I am surprised that, in this nineteenth century, here in the American Senate, we should not be permitted to speak of a despotism within almost hearing distance of our own shores, which has existed under our own eyes, to which our citizens are compelled to submit, and which we have yet made no effort at all to obviate. The Senator says they are under no compulsion to go there. We have a treaty of amity and commerce with Spain of 1793, under which our people go there, and they go there with the understanding that they are entitled to all the rights, and subject to the laws and usages, of Spanish citizens. To an American the shield of the law means something; it conveys, at least, the idea of some protection; but let me tell him, that in Cuba, where the law is the will of the Captain General, and where that will depends upon an after-dinner notion or a previous one, the term law is not to be applied to it. Our citizens are there daily; and I say again, the Government of Cuba is a proper subject of comment, because the people of Cuba are entitled to our sympathy; and, as I shall show before I sit down, their antecedents and their whole conduct, from the first moment they breathed the spirit of freedom, show that they evinced a desire to establish their own independence and come under the stars and stripes of our country; and they merit our respect, our confidence, and our sympathy. A very intelligent English traveller, (Phillips,) who cannot be supposed to be biased, says of the Government of Cuba:

"The Government of Cuba, though, as already said, similar to that of the parent State, is much more oppressive. It is a kind of military despotism, or, rather, an oligarchy, in which the love of dominion is carried to a species of fanaticism, and degraded into meanness. As nothing is too large for its ambition, so nothing is too small for its cupidity. Its appetite is insatiable, and its digestion omniverous. There are no limits to its rapacity. Both the legislative, judicial, and executive power are almost entirely in the hands of the Governor. Indeed, the power with which he is invested is almost equal in extent to that granted to governors of besieged towns. Even the higher classes may be said to have no civil rights; neither those of personal liberty, personal security, nor personal property; immunities declared by Blackstone as the inalienable birthright of every man.

"The taxation is said to exceed in variety and extent that of any taxation imposed by any Government in any country of its size upon earth, viz: upwards of twenty million dollars collected by the order and for the uses of the Spanish Government alone, independently of those appropriated to the wants of the country itself, or for social purposes.

"The creole population are excluded from almost all influential and lucrative offices and positions. The judges and most of the officials are from Spain; and, being without salaries, like so many vultures they prey upon the unprotected within their jurisdiction. There are no means, dishonest, tyrannical, or cruel, which the Spanish authorities have left untried in their apparent endeavors to ruin the colony. Bribery and corruption seem to be recognized as necessary methods of this Government."

The natural fruits of such a Government as this, are visible to every eye in Cuba; they are making themselves manifest everywhere, and every department of her Government exhibits, habitually, in all its intercourse with our citizens, a degree of corruption that can hardly be imagined—a corruption that extends from the highest officer to the lowest, from the Captain General, who receives his bribe in ounces for violating the faith of his country, for violating her treaty obligations, for admitting slaves knowingly, down to the humble tide-waiter, who receives his bribes in dollars for making a false custom-house return. All is corruption, all is bribery in their officials, and integrity is the exception to the rule. Are the people of Cuba responsible for this? Sir, they rise above it, and in spite of it; and, as something has been said here to their discredit, let one speak somewhat in their favor, who knows something of them. I profess to know something of Cubans for the last twenty years, and I would remind those gentlemen who have dealt here in wholesale abuse, and in some innuendos against their indisposition to liberty, against their incapacity for self-government, against their ignorance and superstition, that in a population of about six hundred thousand whites they sustain one daily journal, at least, having nine thousand daily circulation, while in the mother country there is not a single paper that has two thousand, and that daily journal, about the size of our Journal of Commerce, is twice the size of any in Spain.

Let me say that, deprived of every office of honor, trust, and profit—not trusted in the Army, not permitted to enter the Navy, not permitted to enjoy any of the benefits of the church, not permitted to leave the island, or return, without permission; or bear arms, or enter upon a trade, or transfer a residence, without permission; crushed by law, and looked upon by habit as an inferior race, they have yet speedily adopted all our mechanical contrivances, they have shown the most remarkable capacity for managing their own affairs, in the administration of the island, as its unrivalled prosperous commercial and agricultural condition to-day manifest. They are the planters and mechanics of Cuba, while the old Spaniards are the governing class.

They have sought the United States upon every occasion; and those that you have seen here are fair specimens of the Cubans. In private virtues I do not believe they will compare unfavorably with our own people. The spirit of hospitality rests upon every creole mansion in Cuba. Most especially does it to an American, and an American should be the last man on earth to complain of the want of private virtue in the creole population of Cuba. The miserable pretense has been set up, and sometimes urged here, that this people, crushed and down-trodden as they are, do not desire a change of government. It is the most preposterous presumption on earth, that a people thus crushed, living almost within hearing of our own bells which celebrate our 4th of July, coming to our country, educated in our public schools, carrying back with them and spreading the principles of civil and religious freedom, should tamely submit to the rod, if they could possibly avoid it.

Why, sir, these people, within my own recollection, have, on five different occasions, organized a well-directed revolution; and the existence and maintenance of an army of trained soldiers, usually twenty-five thousand men, never less than seventeen thousand, and numbering with the militia and partidos, twenty-five thousand at all times, besides the Government spies, in their private houses—the very existence of this force shows how the liberties of the people of Cuba are guarded. But for the maintenance of a standing army, a great deal larger than this country ever had, or I hope ever will maintain, for years, Cuba would have been free by the exertions of her own sons, long ago. On every occasion when manhood and courage could be shown, the people of Cuba have not been backward. In that little melancholy affair of her chosen liberator, Lopez, there was one company of forty-three men, commanded by a young Cuban of Cardenas, some of whom went from our shores under my own eyes, some of them were my own friends; they appealed to me whether to go or not; I told them it was going to absolute, certain destruction; but they left their wives, their children, their property, nay, they would not take a suit of clothes with them, because they would have to go back to their houses to pack them up. They elected cheerfully to die, and, they said to me, they would be ashamed to look their countrymen in the face, if they could remain away when there was an expedition on foot to free the Island of Cuba; and I believe, to-day, they but expressed the honest conviction of every Cuban heart in the island. I believe there is not a creole in the island, who would not raise his hand for freedom; and if the island is to be bought, they are ready to raise money. Gentlemen here have not entered into a calculation of the fund that may be raised on the Island of Cuba, either by the sale of her public property, the acquisition of her public lands, or the voluntary subscription of her own people.

But, sir, they are habitually crushed by the despotic will of a Captain General at the point of the bayonet—a man who, as I said, has been, perhaps, sent from Spain to get rid of a troublesome customer. In illustration of this, I need go no further back than the present reigning Viceroy. All men who have given any attention to the affairs of Spain, will recollect very well that this same General Concha rebelled and revolted against his Royal Sovereign in Gallicia. They remember very well that he turned over to the Government, and was sent back to murder and butcher his old companions, whom he had assisted in rebellion. They remember that, after he returned from the Island of Cuba, in 1853, as Captain General, he again raised the standard of revolt against his Queen to depose her, and made his pronunciamento in the streets of Madrid; that he fled, was pursued, apprehended, convicted, declared a traitor, and condemned to death; but with the tortuous ways of Spanish diplomacy and General Concha's own matchless character and ability for intrigue, he was recalled from Spain, where he was planning, then, independence for Cuba, and sent to Cuba and declared a loyal citizen, to govern over that island; and when he got there, in perfect keeping with his character for intrigue, he seized the very friend who had stood by him in his adversity, and who, it was supposed, was possessed of papers which might compromise him, and he commanded the judges to put that friend to death, because he said he had in his possession sufficient evidence to convict him of treason. Under his dictation, but fortunately spreading the order upon their records, they did put him to death; and Pinto was garroted under his orders.

Such men as these are sent to the Island of Cuba to govern these people, with a nominal salary of $50,000 a year, but a despotic will to crush the people out of any amount of money they may think proper. But, in spite of all this, the people of Cuba to-day present a degree of commercial and agricultural prosperity that is hardly to be seen in any similar latitude upon the face of the globe.

Mr. BRODERICK. Will the Senator from Florida give way for a motion to adjourn? It is now quarter past six. He can go on to-morrow.

Mr. MALLORY. I give way.

Mr. BROWN. I ask the Senator from California to suspend his motion for a moment. Before the conclusion of this question, which the Senator from Louisiana has given us notice he means to press to-morrow evening, I shall desire

to say a word, and that word I desire to say to the northern Democracy.

I say distinctly, I desire to say it to them and whenever, during to-morrow, I shall have an opportunity of speaking, I wish their presence, because what I have to say I design for them especially and separately.

Mr. KENNEDY. If the vote is to be pressed to-morrow evening——

Several SENATORS. No, no.

Mr. BRODERICK. It cannot be pressed then.

Mr. KENNEDY. I hope not. I desire to be heard on this question. I am prepared to go on to-night or to speak to-morrow.

Several SENATORS. We will hear you to-morrow.

Mr. FESSENDEN. You may depend upon it the vote will not be taken to-morrow night.

Mr. BRODERICK. I renew my motion to adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 21, 1859.

The House met at eleven o'clock, a. m.

The Journal of Saturday was read and approved.

ENROLLED BILLS.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled an act (H. R. No. 445) for the relief of Samuel A. Fairchilds; when the Speaker signed the same.

COMMITTEE OF INVESTIGATION.

The SPEAKER appointed Messrs. NICHOLS, WINSLOW, EUSTIS, WHITELEY, and CLARK B. COCHRANE, as the select committee under the resolution of the House of the 18th instant, to investigate the charges against a member of the Committee on Accounts.

COMMITTEE OF CONFERENCE.

The SPEAKER appointed Messrs. GREENWOOD, MORRILL, and SMITH of Tennessee, managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the Indian appropriation bill.

WASHINGTON AQUEDUCT.

Mr. BURNETT. I ask the unanimous consent of the House this morning to permit me to report a bill which I am unanimously authorized by the Committee for the District of Columbia to report, to supply the cities of Washington and Georgetown with water. It prescribes the terms on which they shall tap the main pipe. The bill will not consume five minutes of the time of the House; and I ask leave to report it and that it may be put upon its passage.

Mr. LOVEJOY. I object.

Mr. BURNETT. Then I move to suspend the rules.

The SPEAKER. There is a motion to suspend the rules already pending, and the previous question is also operating.

Mr. BONHAM. I ask the unanimous consent of the House to report back a Senate bill, without amendment, for the purpose of having it referred to the Committee of the Whole on the Private Calendar. I missed the opportunity of reporting it on the last day the committee was called.

Mr. MORRIS, of Illinois. I demand the regular order of business.

ARMY APPROPRIATION BILL.

The SPEAKER. The first business in order is the consideration of the Army appropriation bill and the amendments thereto reported from the Committee of the Whole on the state of the Union, on which the main question has been ordered.

First amendment:

Page 1, line nine, strike out "one hundred thousand," and insert, in lieu thereof, "eighty-nine thousand eight hundred and ninety-nine;" so that the clause will read:

For expenses of recruiting, transportation of recruits, three months' extra pay to non-commissioned officers, musicians, and privates, on reënlistment, $89,999.

Mr. WASHBURNE, of Illinois. I desire to inquire of the gentleman from South Carolina [Mr. BONHAM] if this is the amendment which affects the pay of General Scott?

Mr. FAULKNER. It does not affect the pay of General Scott.

Mr. HOUSTON. I object to debate.

The amendment was agreed to.

Second amendment:

Page 2, line fourteen, strike out "ninety," and insert, in lieu thereof, "thirty;" and at the end of line fifteen, add the following:

And the sum of $60,000, which is deducted from the amount estimated for commutation of officers' subsistence, shall be deducted from the extra rations allowed to commandants of military posts;

So that the paragraph will read:

For commutation of officers' subsistence, $938,434 50; and the sum of $60,000, deducted from the amount estimated for commutation of officers' subsistence, shall be deducted from the extra rations allowed to commandants of military posts.

Mr. BONHAM. I would like to inquire of the Chair if this House understands that this amendment would take $4,380 from the pay of the commanding general?

Mr. WASHBURNE, of Illinois. If it does, we will vote it down.

Mr. HOUSTON. I object to any debate.

Mr. BONHAM. I say it has that effect; and I hope it will be voted down.

Mr. HOUSTON. I demand the yeas and nays on the amendment.

Mr. SMITH, of Virginia, demanded tellers on the yeas and nays.

Tellers were ordered; and Messrs. CRAIG, of Missouri, and CHAFFEE were appointed.

The yeas and nays were not ordered; the tellers having reported—ayes seventeen, (not one fifth of a quorum.)

Mr. JOHN COCHRANE demanded tellers upon the amendment.

Tellers were ordered; and Messrs. JOHN COCHRANE and DURFEE were appointed.

Mr. BONHAM. Mr. Speaker, the chairman of the Committee on Military Affairs informs me that——

Several MEMBERS objected to debate.

Mr. BONHAM. I only wish to correct a mistake.

Objection was renewed.

The House was divided on the question; and the tellers reported—ayes 57, noes 69.

So the amendment was not agreed to.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid upon the table.

Mr. SMITH, of Virginia, demanded the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH, of Virginia. I think that the House have voted under a misapprehension.

Mr. WASHBURNE, of Illinois. I withdraw my motion.

Mr. SMITH, of Virginia. I renew the motion to reconsider; and, on that motion, call for the yeas and nays.

Mr. WASHBURNE, of Illinois. I move that the motion to reconsider be laid upon the table.

Mr. SMITH, of Virginia. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. BONHAM. Has the gentleman the right to move to reconsider the vote by which the amendment was rejected? He did not vote with the majority.

The SPEAKER. It has been usual to allow any member to move to reconsider where no record of the vote has been made.

Mr. BONHAM. Justice requires me to state that——

Mr. SMITH, of Virginia. Debate is not in order.

The question was taken; and it was decided in the affirmative—yeas 95, nays 82; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Andrews, Avery, Bennett, Bingham, Bonham, Bowie, Brayton, Burlingame, Cavanaugh, Chaffee, Ezra Clark, Clawson, Colfax, Comins, Cragin, James Craig, Davidson, Davis of Mississippi, Davis of Massachusetts, Davis of Iowa, Dawes, Dimmick, Durfee, Edie, Farnsworth, Fenton, Florence, Foster, Gillis, Gilman, Gilmer, Gregg, Grover, Grow, Robert B. Hall, Harlan, Hawkins, Hickman, Hill, Horton, Howard, Hughes, Owen Jones, Keim, Kelsey, Kilgore, Landy, Leach, Leidy, Leiter, Lovejoy, Matteson, Maynard, Miles, Montgomery, Morgan, Morrill, Edward Joy Morris, Oliver A. Morse, Murray, Olin, Palmer, Parker, Pettit, Peyton, John S. Phelps, Phillips, Potter, Pottle, Purviance, Reilly, Ricaud, Robbins, Royce, Scott, Seward, Shorter, Samuel A. Smith, James A. Stewart, Tappan, Thayer, Thompson, Trippe, Vance, Walbridge, Cadwalader C. Washburn, Ellihu B. Washburne, Israel Washburn, Watkins, White, and Wilson—95.

NAYS—Messrs. Anderson, Atkins, Barksdale, Bocock, Boyce, Branch, Bryan, Buffinton, Burnett, Case, Caskie, John B. Clark, Clay, Cobb, John Cochrane, Cockerill, Burton Craige, Crawford, Curry, Curtis, Davis of Indiana, Dean, Dick, Dodd, Dowdell, Edmundson, Elliott, English, Faulkner, Foley, Gartrell, Giddings, Goode, Lawrence W. Hall, Hoard, Hodges, Hopkins, Houston, Huyler, Jackson, Jewett, George W. Jones, Keitt, Kellogg, Lamar, Letcher, Maclay, McQueen, McRae, Samuel S. Marshall, Millson, Moore, Isaac N. Morris, Mott, Niblack, Pendleton, Powell, Ready, Reagan, Ruffin, Russell, Savage, Scales, Aaron Shaw, Singleton, Robert Smith, William Smith, Spinner, Stallworth, Stanton, Stevenson, Talbot, Miles Taylor, Tompkins, Vallandigham, Wade, Waldron, Walton, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—82.

So the motion to reconsider was laid upon the table.

Pending the above call,

Mr. BLAIR stated that he had paired off with Mr. GREENWOOD, of Arkansas, upon the Army appropriation bill and amendments thereto.

Third amendment:

Reduce the appropriation in the following paragraph $400,000, so that it shall stand $1,440,000:

"For the regular supplies of the quartermaster's department, consisting of fuel for the officers, enlisted men, guard, hospitals, store-houses, and offices; of forage in kind for the horses, mules, and oxen of the quartermaster's department at the several posts and stations, and with the armies in the field; for the horses of the two regiments of dragoons, the two regiments of cavalry, the regiment of mounted riflemen, the companies of light artillery, and such companies of infantry as may be mounted, and for the authorized number of officers' horses when serving in the field and at the outposts, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank-books for the quartermaster's department, certificates for discharged soldiers, blank forms for the pay and quartermaster's departments; and for the printing of division and department orders and reports, $1,840,000."

The amendment was agreed to.

Fourth amendment:

The Clerk read the following paragraph:

"For the incidental expenses of the quartermaster's department, consisting of postage on letters and packets received and sent by officers of the Army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation of judge advocates, recorders, members, and witnesses, while on that service, under the act of March 16, 1802; extra pay to soldiers employed under the direction of the quartermaster's department, in the erection of barracks, quarters, store-houses, and hospitals, in the construction of roads, and on other constant labor, for periods of not less than ten days, under the acts of March 2, 1819, and August 4, 1854, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains, where military escorts cannot be furnished; expense of the interment of officers killed in action, or who die when on duty in the field, or at the posts on the frontiers, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including the hire of interpreters, spies, and guides for the Army; compensation of clerks of the officers of the quartermaster's department; compensation of forage and wagonmasters, authorized by the act of July 5, 1838; for the apprehension of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the two regiments of dragoons, the two regiments of cavalry, the regiment of mounted riflemen, and such companies of infantry as may be mounted, viz: the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named, $500,000.

The SPEAKER stated that the Committee of the Whole on the state of the Union recommended that the appropriation be reduced $450,000; and that the following be added to the end of the paragraph:

Provided, That the amount of this appropriation below the estimates shall be deducted from the amount estimated for the pay of laborers in the quartermaster's department.

The amendment was agreed to.

Fifth amendment:

The Clerk read the following paragraph:

"For constructing barracks and other buildings at posts which it may be necessary to occupy during the year; and for repairing, altering, and enlarging buildings at the established posts, including hire or commutation of quarters for officers on military duty; hire of quarters for troops, of storehouses for the keeping of military stores, and of grounds for summer cantonments, and for temporary frontier stations, $700,000."

The SPEAKER. The Committee of the Whole on the state of the Union recommend that the above appropriation be reduced to $300,000; and that the following be added to the end of the paragraph:

Provided, however, That no portion of the money hereby appropriated shall be applied to the construction of permanent barracks and quarters until plans, with full specifications and detailed estimates, shall be submitted to Congress, and the same shall be approved by a special appropriation

for the same: *Provided further*, That any officer of the Army who, as a disbursing agent, shall hereafter undertake to engage the public credit in advance of an appropriation, shall, upon conviction before a court-martial, be dismissed from the service, unless he shall exhibit as his justification an order, in writing, to make such disbursement, from his superior officer, approved by the President of the United States.

The amendment was agreed to.

Sixth amendment.

The Clerk read the following paragraph:

"For mileage or the allowance made to officers of the Army for the transportation of themselves and their baggage, when traveling on duty without troops, escorts, or supplies, $125,000."

The SPEAKER. The Committee of the Whole on the state of the Union recommend that the following proviso be added to the above paragraph:

Provided, Such mileage, to be hereafter drawn, shall not exceed five cents per mile.

The House was divided on the amendment; and there were—ayes 81, noes 64.

Mr. CHAFFEE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 66, nays 127; as follows:

YEAS—Messrs. Abbott, Anderson, Atkins, Billinghurst, Bingham, Bliss, Bocock, Boyce, Branch, Buffinton, Burlingame, John B. Clark, Clawson, Clay, Cobb, Cockerill, Colfax, Cragin, Burton Craige, Crawford, Davis of Indiana, Davis of Massachusetts, Dawes, Dean, Dowdell, Durfee, Elliott, English, Fenton, Gartrell, Giddings, Gooch, Goodwin, Grow, Harlan, Hoard, Hodges, Hopkins, George W. Jones, Owen Jones, Leidy, Leiter, Lovejoy, Humphrey Marshall, Matteson, Maynard, Morgan, Isaac N. Morris, Oliver A. Morse, Mott, Pettit, Pike, Potter, Ricaud, Royce, Ruffin, Scales, Henry M. Shaw, William Smith, Stallworth, Stanton, William Stewart, Vance, Wade, Waldron, Walton, and John V. Wright—66.

NAYS—Messrs. Adrain, Ahl, Andrews, Avery, Barksdale, Barr, Bonham, Bowie, Brayton, Bryan, Burnett, Case, Caskie, Cavanaugh, Chaffee, Ezra Clark, John Cochrane, Comins, Corning, Covode, James Craig, Curry, Curtis, Davidson, Davis of Maryland, Davis of Mississippi, Dick, Dimmick, Dodd, Edie, Edmundson, Eustis, Faulkner, Florence, Foley, Foster, Garnett, Gillis, Gilman, Gilmer, Goode, Gregg, Grover, Lawrence W. Hall, Robert B. Hall, Hatch, Hawkins, Hickman, Hill, Horton, Houston, Howard, Hughes, Huyler, Jewett, Keim, Keitt, Kilgore, Knapp, John C. Kunkel, Landy, Lawrence, Maclay, McQueen, McRae, Samuel S. Marshall, Mason, Miller, Millson, Montgomery, Moore, Morrill, Edward Joy Morris, Freeman H. Morse, Murray, Nichols, Olin, Palmer, Parker, Pendleton, Peyton, John S. Phelps, William W. Phelps, Phillips, Pottle, Powell, Purviance, Reagan, Reilly, Roberts, Russell, Sandidge, Scott, Seward, Aaron Shaw, Shorter, Sickles, Singleton, Samuel A. Smith, Spinner, Stevenson, James A. Stewart, Talbot, Miles Taylor, Thayer, Thompson, Tompkins, Trippe, Underwood, Vallandigham, Walbridge, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Watkins, White, Whiteley, Wilson, Winslow, Wood, Woodson, Wortendyke, Augustus R. Wright, and Zollicoffer—127.

So the amendment was disagreed to.

Pending the above call,

Messrs. LETCHER, and STEPHENS of Georgia, severally stated, that if they had been within the bar when their names were called, they would have voted in the negative.

Seventh amendment:

Add to the paragraph just read, the following:

Provided further, That mileage shall not be allowed when an officer has been transferred or relieved at his own request.

The amendment was agreed to.

Eighth amendment:

The Clerk read the following paragraph:

"For transportation of the Army, including the baggage of the troops when moving either by land or water; of clothing, camp, and garrison equipage from the depot at Philadelphia to the several posts and army depots, and from those depots to the troops in the field; of horse equipments and of subsistence from the places of purchase and from the places of delivery under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small-arms, from the foundries and armories, to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; for the purchase and hire of horses, mules, and oxen, and the purchase and repair of wagons, carts, and drays, and of ships, and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as from their situation require that it be brought from a distance; and for clearing roads, and removing obstructions therein, to the extent which may be required for the actual operations of the troops on the frontier, $3,490,000."

The SPEAKER. The Committee of the Whole on the state of the Union recommend that the appropriation be reduced $490,000, so that it will then stand "$3,000,000."

The amendment was agreed to.

Ninth amendment:

Reduce the following appropriation from $105,000 to $91,000:

"For the medical and hospital departments, $105,000."

The amendment was agreed to.

Tenth amendment:

Strike out the following paragraphs:

"For the Alleghany arsenal, $5,000.
"For the Benicia arsenal, $50,000.
"For Fort Monroe arsenal, $14,000.
"For New York arsenal, $3,000.
"For North Carolina arsenal, $2,235.
"For Texas arsenal, $15,000.
"For Washington arsenal, $2,500.
"For Watertown arsenal, $1,000.
"For Watervliet arsenal, $25,000."

Mr. REAGAN called for the yeas and nays; and tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. REAGAN called for tellers.

Mr. STANTON. It ought to be understood that $20,000 is left for contingencies for all the arsenals.

Tellers were ordered; and Messrs. BUFFINTON and McQUEEN were appointed.

The House divided; and the tellers reported—ayes 78, noes 82.

So the amendment was not agreed to.

Mr. MARSHALL, of Kentucky. I move to reconsider the vote by which the amendment was rejected, and on that I call for the yeas and nays. I want to have a record as to who it is that votes for this useless expenditure.

Mr. CHAFFEE. I move to lay the motion to reconsider on the table.

Mr. MARSHALL, of Kentucky. On that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 95, nays 91; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Andrews, Arnold, Barr, Billinghurst, Bingham, Bliss, Branch, Brayton, Bryan, Burlingame, Case, Chaffee, Ezra Clark, Colfax, Comins, Corning, Covode, Curtis, Davis of Mississippi, Davis of Massachusetts, Dawes, Dodd, Durfee, Eustis, Faulkner, Fenton, Florence, Foster, Gillis, Gilman, Gilmer, Goodwin, Gregg, Grover, Robert B. Hall, Hawkins, Hickman, Hoard, Hopkins, Horton, Howard, Huyler, Jackson, Kelsey, Kilgore, Knapp, Jacob M. Kunkel, John C. Kunkel, Landy, Letcher, Maclay, Millson, Montgomery, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Olin, Palmer, Parker, John S. Phelps, William W. Phelps, Phillips, Pike, Potter, Pottle, Powell, Purviance, Reagan, Reilly, Ritchie, Robbins, Royce, Scott, Sickles, Spinner, James A. Stewart, Thayer, Thompson, Tompkins, Vance, Wade, Walbridge, Walton, Ward, Cadwalader C. Washburn, Israel Washburn, Whiteley, Winslow, Wood, Woodson, and Wortendyke—95.

NAYS—Messrs. Anderson, Atkins, Barksdale, Bocock, Bonham, Bowie, Boyce, Buffinton, Burnett, Caskie, John B. Clark, Clay, Cobb, John Cochrane, Cockerill, James Craig, Burton Craige, Crawford, Curry, Davidson, Davis of Indiana, Dean, Dowdell, Edie, Edmundson, Elliott, English, Farnsworth, Foley, Garnett, Giddings, Goode, Grow, Lawrence W. Hall, Harlan, Hill, Hodges, Houston, Hughes, Jenkins, Jewett, George W. Jones, Keim, Keitt, Lawrence, Leach, Leiter, Lovejoy, McQueen, Humphrey Marshall, Samuel S. Marshall, Mason, Maynard, Miles, Miller, Moore, Morgan, Isaac N. Morris, Mott, Nichols, Pendleton, Pettit, Peyton, Ready, Ricaud, Roberts, Ruffin, Sandidge, Scales, Seward, Aaron Shaw, Henry M. Shaw, John Sherman, Shorter, Robert Smith, William Smith, Stanton, Stephens, Stevenson, William Stewart, Talbot, Trippe, Underwood, Vallandigham, Waldron, Elihu B. Washburne, Watkins, Wilson, Augustus R. Wright, John V. Wright, and Zollicoffer—91.

So the motion to reconsider was laid on the table.

Eleventh amendment:

Strike out the following paragraphs:

"For repairs and improvements and new machinery at Springfield armory, Massachusetts, $53,910.

"For repairs and improvements and new machinery at Harper's Ferry armory, $55,000."

Mr. SMITH, of Virginia, called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 100, nays 97; as follows:

YEAS—Messrs. Abbott, Anderson, Atkins, Avery, Barksdale, Bennett, Billinghurst, Bonham, Boyce, Branch, Burnett, Caskie, John B. Clark, Clay, Cobb, John Cochrane, Cockerill, James Craig, Burton Craige, Crawford, Curry, Davidson, Davis of Indiana, Dodd, Dowdell, Edie, Edmundson, Elliott, English, Eustis, Farnsworth, Fenton, Foley, Garnett, Giddings, Gilmer, Goode, Goodwin, Grow, Lawrence W. Hall, Harlan, Hatch, Hill, Hoard, Hodges, Houston, Jackson, George W. Jones, Keitt, Kellogg, Lamar, Lawrence, Leach, Leiter, Lovejoy, McQueen, Humphrey Marshall, Samuel S. Marshall, Mason, Maynard, Miles, Miller, Moore, Isaac N. Morris, Mott, Pendleton, Pettit, Pottle, Ready, Ricaud, Royce, Ruffin, Russell, Sandidge, Scales, Aaron Shaw, Henry M. Shaw, Shorter, Sickles, Singleton, Robert Smith, Samuel A. Smith, William Smith, Spinner, Stallworth, Stanton, Stephens, Stevenson, William Stewart, Talbot, Tappan, Tompkins, Trippe, Underwood, Vallandigham, Vance, Waldron, Elihu B. Washburne, Augustus R. Wright, and Zollicoffer—100.

NAYS—Messrs. Adrain, Andrews, Arnold, Barr, Bingham, Bishop, Bowie, Brayton, Buffinton, Burlingame, Burroughs, Cavanaugh, Chaffee, Clark B. Cochrane, Colfax, Comins, Corning, Curtis, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dimmick, Durfee, Faulkner, Florence, Foster, Gillis, Gilman, Gooch, Gregg, Grover, Robert B. Hall, Hawkins, Hickman, Hopkins, Horton, Howard, Hughes, Huyler, Jenkins, Owen Jones, Keim, Kilgore, Knapp, Jacob M. Kunkel, John C. Kunkel, Landy, Leidy, Letcher, McRae, Matteson, Millson, Montgomery, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Murray, Nichols, Olin, Palmer, Parker, Peyton, John S. Phelps, William W. Phelps, Phillips, Pike, Potter, Powell, Purviance, Reagan, Reilly, Ritchie, Robbins, Roberts, Savage, Scott, Seward, Judson W. Sherman, James A. Stewart, Miles Taylor, Thayer, Thompson, Wade, Walbridge, Walton, Ward, Cadwalader C. Washburn, Israel Washburn, Watkins, Wilson, Winslow, Wood, and Wortendyke—97.

So the amendment was agreed to.

During the vote,

Mr. SMITH, of Virginia, said: Is it in order, Mr. Speaker, to inquire if there is a record kept of the changes in the votes as they are made? I think that it is important that it should be done.

The SPEAKER. Gentlemen have a right to change their votes.

The vote having been announced as above,

Mr. McQUEEN moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

Mr. MORGAN called for the yeas and nays on the latter motion.

Mr. McQUEEN withdrew his motion.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PHELPS, of Missouri, moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. MORGAN called for the yeas and nays on the passage of the bill.

The yeas and nays were ordered

The question was taken; and it was decided in the affirmative—yeas 116, nays 93; as follows:

YEAS—Messrs. Adrain, Ahl, Anderson, Arnold, Atkins, Avery, Barksdale, Barr, Bishop, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Caskie, Cavanaugh, Chapman, John B. Clark, Clay, John Cochrane, Cockerill, Corning, James Craig, Burton Craige, Crawford, Curry, Davidson, Davis of Indiana, Davis of Mississippi, Dimmick, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Florence, Foley, Garnett, Gartrell, Gillis, Goode, Gregg, Grover, Lawrence W. Hall, Hatch, Hawkins, Hickman, Hodges, Hopkins, Houston, Hughes, Huyler, Jackson, Jenkins, Jewett, George W. Jones, Owen Jones, Keitt, Jacob M. Kunkel, Lamar, Landy, Lawrence, Leidy, Letcher, Maclay, McQueen, McRae, Samuel S. Marshall, Mason, Miles, Miller, Millson, Moore, Morrill, Isaac N. Morris, Niblack, Pendleton, Peyton, John S. Phelps, William W. Phelps, Phillips, Powell, Reagan, Reilly, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Aaron Shaw, Henry M. Shaw, Shorter, Sickles, Singleton, Robert Smith, Samuel A. Smith, William Smith, Stallworth, Stephens, Stevenson, James A. Stewart, Talbot, Miles Taylor, Vallandigham, Vance, Ward, Watkins, Whiteley, Winslow, Woodson, Wortendyke, and John V. Wright—116.

NAYS—Messrs. Abbott, Andrews, Bennett, Billinghurst, Bingham, Bliss, Brayton, Buffinton, Burlingame, Case, Chaffee, Clawson, Cobb, Colfax, Comins, Cragin, Curtis, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dodd, Durfee, Edie, Fenton, Foster, Giddings, Gilman, Gilmer, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Harris, Hill, Hoard, Horton, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Leach, Leiter, Lovejoy, Humphrey Marshall, Matteson, Maynard, Morgan, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Nichols, Olin, Palmer, Parker, Pettit, Pike, Potter, Pottle, Purviance, Ready, Ricaud, Ritchie, Robbins, Roberts, Royce, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Thayer, Thompson, Tompkins, Trippe, Underwood, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Wilson, and Zollicoffer—93.

So the bill was passed.

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

CONTUMACIOUS WITNESS.

Mr. COVODE. I rise to a question of privilege. I am instructed by the select committee on the accounts of the late Superintendent of Public Printing, to offer the following resolutions:

Whereas, Harry Connolly, of the city of Philadelphia, was, on the 19th day of February, A. D. 1859, duly summoned to appear and testify before the select committee appointed to investigate the accounts of the late Superintendent of Public Printing, and has failed and refused to appear before said committee, pursuant to said summons: And

whereas the said witness denied himself to the messenger, and tried to avoid service of the summons, and afterwards left this city, at which place the summons was served, without answering to the same:

Resolved, That the Speaker issue his warrant, directed to the Sergeant-at-Arms, commanding him to take into his custody the body of said Harry Connolly, wherever to be found, and to have the same forthwith before the bar of this House, to answer for contempt of the authority of the House.

I have here a copy of the subpœna served on Mr. Connolly. He was sent for twice to Philadelphia, and was afterwards subpenaed in this city. Mr. Connolly called on me at my room yesterday afternoon, and stated that since he came here he had been notified that an offensive missive was to be put into his hands; and that when the subpena, inclosed in an envelop, was handed to him, he did not read it, but tore it up and threw it away. I insisted on Mr. Connolly's remaining, and told him that I would convene the committee early this morning to take his testimony; but he said he could not remain, and returned to Philadelphia. I ask the passage of the resolution, and move the previous question.

The previous question was seconded, and the main question ordered; and under its operation the resolution was adopted.

Mr. COVODE moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

GOVERNMENT LOAN, TARIFF, ETC.

The SPEAKER stated the business first in order to be the motion to suspend the rules, made by Mr. PHILLIPS, to enable him to introduce a bill to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duty on imports, and for other purposes.

Mr. LOVEJOY. I call up the motion which I submitted last week, to reconsider the vote by which the resolution for the payment of Mrs. Mary J. Harris was adopted.

The SPEAKER. That motion does not take precedence of the motion to suspend the rules.

Mr. HOUSTON called for the yeas and nays on Mr. PHILLIPS's motion.

Mr. MORRILL. I desire to ask the gentleman from Pennsylvania whether, if the rules be suspended, he will accept my bill as a substitute for his own?

Mr. PHILLIPS. I will.

Mr. KEITT. I object to debate.

Mr. HUGHES. I ask for the reading of the bill.

Mr. SICKLES. I desire to ask the gentleman from Pennsylvania whether, if the rules be suspended, he proposes to have the bill referred to the Committee of the Whole on the state of the Union?

Mr. PHILLIPS. It is my intention to move its reference to the Committee of the Whole on the state of the Union.

Mr. HOUSTON. I object to debate, either interrogativeiy or otherwise.

The Clerk proceeded to read the bill.

Mr. BURNETT. I desire to inquire whether the bill which is now being read by the Clerk is the same bill that was offered last Monday? I believe another bill has been substituted.

The SPEAKER. The gentleman from Pennsylvania had the right to modify his bill.

Mr. CRAIGE, of North Carolina. The bill has manifestly been changed.

The SPEAKER. The gentleman from Pennsylvania has a right to modify his bill at any time before the question is taken. He might, perhaps, have a right even to modify it after the rules are suspended?

Mr. GROW. Is that a modification of the bill?

Mr. BONHAM. The objection to that is that it is a substitute—an entirely different bill.

The Clerk resumed the reading of the bill.

Mr. SMITH, of Virginia. The object of reading that bill is to give information to the House; is it not?

The SPEAKER. The Chair does not know what the object is.

Mr. SMITH, of Virginia. I presume that is the object, but nobody seems to be listening; and if any one was, the confusion is so great that he could not hear.

Mr. McQUEEN. My friend from Virginia is much mistaken. I am listening to the bill with great care, and am waiting to see a point in the bill where the planting interests of this country are not to be taxed to the highest limit, but have not yet reached such point in the bill.

Mr. SMITH, of Virginia. Is it in order to move to dispense with the further reading of the bill?

The SPEAKER. The Chair thinks it would require unanimous consent.

Several MEMBERS objected.

The Clerk continued the reading of the bill.

Mr. HOUSTON. I understand that the bill is being read on my call. If that is the case, as enough of it has been read to satisfy me that it is the worst bill ever introduced into the House, I withdraw the call for the reading.

The SPEAKER. If there be no objection, the further reading of the bill will be dispensed with.

Mr. KELSEY. I object. I called for the reading of the bill in the first place, and I want to hear it.

Mr. KELSEY subsequently withdrew the objection.

Mr. CRAIGE, of North Carolina, renewed it.

The reading was again resumed.

Mr. ZOLLICOFFER. I ask that, by unanimous consent, the further reading of the bill may be dispensed with.

No objection was made.

The bill is as follows:

A bill to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix the duties on imports, and for other purposes:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and hereby is, authorized, at any time, within twelve months from the passage of this act, to borrow, on the credit of the United States, a sum not exceeding $21,000,000, or so much thereof as in his opinion the exigencies of the public service may require, to be applied to the payment of the appropriations made by law, and the balance of Treasury notes now outstanding, and no other purposes, in addition to the money received, or which may be received into the Treasury from other sources: *Provided*, That no stipulation or contract shall be made to prevent the United States from reimbursing any sum borrowed under the authority of this act, at any time after the expiration of two years from the 1st day of July next, by the United States giving three months' notice, to be published in some newspaper published at the seat of Government, of their readiness to do so; and no contract shall be made to prevent the redemption of the same at any time after the expiration of six years from the said 1st day of July next, without notice.

SEC. 2. *And be it further enacted*, That stock shall be issued for the amount so borrowed, bearing interest not exceeding six per centum per annum. And the Secretary of the Treasury be, and is hereby, authorized, with the consent of the President, to cause certificates of stock to be prepared, which shall be signed by the Register, and sealed with the seal of the Treasury Department, for the amount so borrowed, in favor of the parties lending the same, or their assigns; which certificates may be transferred on the books of the Treasury, under such regulations as may be established by the Secretary of the Treasury: *Provided*, that no certificate shall be issued for a less sum than $1,000: *And, provided also*, That, whenever required, the Secretary of the Treasury may cause coupons of semi annual interest payable thereon, to be attached to certificates issued under this act; and any certificate, with such coupons of interest attached, may be assigned and transferred by delivery of the same, instead of being transferred on the books of the Treasury.

SEC. 3. *And be it further enacted*, That before awarding said loan, the Secretary of the Treasury shall cause to be inserted in two of the public newspapers of the city of Washington, and in one or more public newspapers in other cities of the United States, public notice that sealed proposals for such loan will be received until a certain day, to be specified in such notice, not less than thirty days from its first insertion in a Washington newspaper; and such notice shall state the amount of the loan, at what periods the money shall be paid, if by installments, and at what places. Such sealed proposals shall be opened on the day appointed in the notice, in the presence of such persons as may choose to attend, and the proposals decided on by the Secretary of the Treasury, who shall accept the most favorable offered by responsible bidders for said stock. And the said Secretary shall report to Congress, at the commencement of the next session, the amount of money borrowed under this act, and of whom, and on what terms it shall have been obtained, with an abstract or brief statement, of all the proposals submitted for the same, distinguishing between those accepted and those rejected, with a detailed statement of the expense of making such loans: *Provided*, That no stock shall be disposed of at less than its par value.

SEC. 4. *And be it further enacted*, That the faith of the United States is hereby pledged for the due payment of the interest and the redemption of the principal of said stock.

SEC. 5. *And be it further enacted*, That from and after the 1st day of July next, in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid, on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty; that is to say: First. On raw sugar, commonly called Muscovado or brown sugar, not advanced beyond its raw state by claying, boiling, clarifying, or other process, 1 cent per pound; on syrup of sugar or of sugar cane, and concentrated molasses or concentrated melado, 1 cent per pound; on white and clayed sugars, when advanced beyond the raw state, not above number twelve, Dutch standard, by claying, boiling, clarifying, or other process, and not yet refined, 1 cent per pound; advanced above number twelve, Dutch standard, and not yet refined, 1¼ cent per pound; on refined sugar, whether loaf, lump, crushed, or pulverized, 2⅝ cents per pound; on sugars after being refined, when they have been tinctured, colored, or in any way adulterated, and on sugar candy, 5 cents per pound; on confectionery of all kinds not otherwise provided for, 30 per centum *ad valorem*; on molasses, 4 cents per gallon: *Provided*, That all syrups of sugar or of sugar cane, concentrated molasses or concentrated melado, entered under the denomination of molasses or any other appellation than syrup of sugar, or of sugar cane, concentrated molasses or concentrated melado, shall be liable to forfeiture to the United States: *Provided*, That an inspection, under such regulations as the Secretary of the Treasury may prescribe, shall be made of all sugars and molasses imported from foreign countries, in order to prevent frauds, and the introduction of sugars, syrup of sugar, syrup of cane, concentrated molasses or concentrated melado, or bottling syrup, under the title of molasses, or in any other manner.

SEC. 6. *And be it further enacted*, That from and after the day and year aforesaid, there shall be levied, collected, and paid on the importation of the articles hereinafter mentioned, the following duties; that is to say: First. On brandy, for first proof $1 00 per gallon; on other spirits manufactured or distilled from grain, for first proof 40 cents per gallon; on spirits from other materials, for first proof 40 cents per gallon; on cordials and liquors of all kinds, 50 cents per gallon. On arrack, absynthe, kirschenwasser, ratafia, and other similar spirituous beverages, not otherwise provided for 50 cents per gallon; on bay-rum 50 cents per gallon: *Provided*, That the duty upon brandy, spirits, and all other spiritnous beverages herein enumerated shall be collected upon the basis of first proof; and so in proportion for any greater strength than the strength of first proof. On Madeira, Sherry, and Port wines, in casks or bottles, 75 cents per gallon; on champagne and sparkling wines, Burgundy, and hock, in bottles, $1 00 per gallon, in casks 50 cents per gallon; on Claret, Teneriffe, Sicily, and Canary wines, in casks or bottles, 30 cents per gallon; on all other wines not enumerated 30 per centum *ad valorem: Provided*, That all imitations of brandy or spirits, or of any of the said wines, and all wines imported by any names whatever, shall be subject to the duty provided for the genuine article, which it is intended to represent, and to the highest rates of duty applicable to the article of the same name: *Provided further*, That when wines, brandies, or other spirituous liquors are imported in bottles, the bottles shall pay a separate duty, according to the rate established by this act. On ale, porter, and beer, in bottles 25 cents per gallon, otherwise than in bottles, 15 cents per gallon; on all spirituous liquors not enumerated 30 per centum *ad valorem*. Second. On cigars of all kinds 40 cents per pound, and in addition thereto ten per centum *ad valorem;* on snuff 10 cents per pound; on all other manufactured or unmanufactured tobacco, 30 per centum *ad valorem*.

SEC. 7. *And be it further enacted*, That from and after the day and year aforesaid, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties; that is to say: First. On bar-iron, rolled or hammered, comprising flats, not less than one inch or more than six inches wide, nor less than one quarter of one inch or more than one inch thick; rounds, not less than five eighths of one inch, or more than three inches in diameter; and squares, not less than five-eighths of one inch, or more than three inches square, $15 per ton: *Provided*, That all iron in slabs, blooms, loops, or other form, less finished than iron in bars, and more advanced than pig-iron, except castings, shall be rated as iron in bars, and pay a duty accordingly; on all iron imported in bars for railroads or inclined planes, made to patterns and fitted to be laid down upon such roads or planes, without further manufacture, and not exceeding six inches high, $12 per ton; on all other descriptions of rolled or hammered iron, not otherwise provided for, $1 per one hundred pounds. Second. On iron in pigs, $6 per ton; on vessels of cast iron, not otherwise provided for, 1 cent per pound; on sad-irons, tailors' and hatters' irons, stoves and stove-plates, $1 25 per one hundred pounds; on cast-iron butts and hinges and hollow-ware, glazed or tinned, 2 cents per pound; on all other castings of iron, not otherwise provided for, 25 per centum *ad valorem*. Third. On old scrap-iron, $6 per ton: *Provided*, That nothing shall be deemed old iron that has not been in actual use, and fit only to be remanufactured. Fourth. On band and hoop-iron, horse-shoe shapes, and cut nails and spikes, 1 cent per pound; on iron cables or chains, or parts thereof, anchors or parts thereof, and anvils, $1 50 per one hundred pounds; on wrought, board-nails, spikes, rivets, and bolts, 2½ cents per pound; on bed-screws, wrought hinges, chains, halter-chains, fence-chains, blacksmiths' hammers and sledges, axle-trees, or parts thereof, and malleable iron in castings, not otherwise provided for, 3 cents per pound; on horse-shoe nails, 3 cents per pound; on steam, gas, and water-tubes and flues, of wrought iron, 2 cents per pound; on wrought-iron railroad chairs, $1 25 per one hundred pounds; on cut tacks, brads, and sprigs, not exceeding sixteen ounces to the thousand, 2 cents per thousand; exceeding sixteen ounces to the thousand, 2 cents per pound. Fifth. On smooth or polished sheet iron, by whatever name designated, 2 cents per pound; on other sheet iron, common or black, not thinner than number twenty, wire-guage, $1 per one hundred pounds; thicker than number twenty, and not thinner than number twenty-five, wire-guage, $1 25 per one hundred pounds; thinner than number twenty-five, wire-guage, $1 50 per one hundred pounds; on tin plates galvanized, or iron coated with zinc, 2 cents per pound; on mill irons and mill cranks, of wrought iron, and wrought iron for ships, locomotives, and steam-engines, or parts thereof, weighing each twenty-five pounds or more, 1¼ cents per pound; on screws, commonly called wood screws, one inch and a half, or over, in length, 6 cents per pound; less than one inch and a half in length,

9 cents per pound; on screws, washed or plated, and all other screws of iron or any other metal, 30 per centum *ad valorem;* on all manufactures of iron, not otherwise provided for, 25 per centum *ad valorem.* Sixth. On all steel in ingots, bars, sheets, or wire, valued at seven cents per pound, or less, 1¼ cents per pound; valued at above seven cents per pound, and not above eleven cents per pound, 2 cents per pound; and valued at above eleven cents per pound, 2½ cents per pound: *Provided,* That no steel in any form, shall pay a duty of less than 20 per centum *ad valorem;* on all manufactures of steel, or of which steel shall be a component part, not otherwise provided for, 30 per centum, *ad valorem: Provided,* That all articles partially manufactured, not otherwise provided for, shall pay the same rate of duty as if wholly manufactured. Seventh. On coal, $1 per ton of twenty-eight bushels, eighty pounds to the bushel; on coke and culm of coal, 25 per centum *ad valorem.*

SEC. 8. *And be it further enacted,* That from and after the day and year aforesaid, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties; that is to say: First. On lead, in pigs and bars, 1 cent per pound; on old scrap lead, fit only to be remanufactured, 1 cent per pound; on lead in sheets, pipes, or shot, 2 cents per pound; on pewter, when old and fit only to be remanufactured, 1 cent per pound. Second. On copper, in pigs, bars, or ingots, 2 cents per pound; on copper, when old and fit only to be remanufactured, 1½ cents per pound; on sheeting copper, in sheets forty-eight inches long and fourteen inches wide, and weighing from fourteen to thirty-four ounces the square foot, 2 cents per pound; on copper rods, bolts, nails, spikes, copper bottoms, copper in sheets or plates, called brazier's copper, and other sheets of copper not otherwise provided for, 25 per cent. *ad valorem;* on zinc, spelter, or teutenegue, unmanufactured, 5 per cent. *ad valorem.*

SEC. 9. *And be it further enacted,* That from and after the day and year aforesaid, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties; that is to say: First. On white or red leads, litharge, or acetate or chromate of lead, dry or ground in oil, 2 cents per pound; on chromate, bichromate, hydriodate, and prusiate of potash, and chromic acid, 15 per centum *ad valorem;* on whiting, 25 cents per one hundred pounds; on Paris white, and ochres or ochrey earths, when dry, 50 cents per one hundred pounds; when ground in oil $1 50 per one hundred pounds; on putty, 1 cent per pound; on linseed, flaxseed, hempseed, and rapeseed oil, 15 cents per gallon of seven and a half pounds; on alum, 50 cents per one hundred pounds; on copperas, green vitrol or sulphate of iron, 25 cents per one hundred pounds; on refined camphor, 6 cents per pound; on refined borax, 4 cents per pound; on tallow, 1 cent per pound; on tallow candles, 2 cents per pound; on spermaceti or wax candles and tapers, and on candles and tapers of spermaceti and wax combined, 8 cents per pound; on stearine candles, and all other candles and tapers, 4 cents per pound; on corks, 6 cents per pound; on spirits of turpentine, 10 cents per gallon; on opium, $1 25 per pound; on morphium and its salts, $1 50 per ounce.

SEC. 10. *And be it further enacted,* That from and after the day and year aforesaid, there shall be levied, collected, and paid on the importation of the articles hereinafter mentioned, the following duties; that is to say: First, on salt, 4 cents per bushel of fifty-six pounds; on bristles, 4 cents per pound; on honey, 10 cents per gallon; on vinegar, 6 cents per gallon; on mackerel, $2 per barrel; on herrings, pickled or salted, $1 per barrel; on pickled salmon, $3 per barrel; on all other fish pickled, in barrels, $1 50 per barrel; on all other foreign-caught fish, imported otherwise than in barrels or half-barrels, or whether fresh, smoked, or dried, salted, or pickled, not otherwise provided for, 50 cents per one hundred pounds. Second. On beef and pork, 1 cent per pound; on hams and bacon, 2 cents per pound; on cheese, 4 cents per pound; on wheat, 20 cents per bushel; on butter, 4 cents per pound; on lard, 2 cents per pound: on rye and barley, 15 cents per bushel; on Indian corn, or maize, 10 cents per bushel; on oats 10 cents per bushel; on potatoes, 10 cents per bushel; on rice or paddy, 50 cents per one hundred pounds; on flaxseed or linseed, 8 cents per bushel of fifty-two pounds; on hemp or rapeseed, 8 cents per bushel of fifty-two pounds; on raw hides and skins of all kinds, whether dried, salted, or pickled, not otherwise provided for, five per centum *ad valorem.*

SEC. 11. *And be it further enacted,* That from and after the day and year aforesaid, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties; that is to say: First, on cassia, 4 cents per pound; on cloves, 3 cents per pound; on pepper, 2 cents per pound; on pimento, 2 cents per pound; on cinnamon, 10 cents per pound; on mace and nutmegs, 15 cents per pound; on prunes, 2 cents per pound; on plums, 1 cent per pound; on dates, ½ cent per pound; on currants, 2 cents per pound; on figs, 2 cents per pound; on Sultana, Muscatel, and bloom raisins, either in boxes or jars, 2 cents per pound; on all other raisins, 1 cent per pound; on almonds, 2 cents per pound; on shelled almonds, 4 cents per pound; on all nuts not otherwise provided for, except those used for dyeing, 1 cent per pound.

SEC. 12. *And be it further enacted,* That from and after the day and year aforesaid, there shall be levied, collected and paid, on the importation of the articles hereinafter mentioned, the following duties; that is to say: First. On all wool, unmanufactured, and all hair of the alpacca, goat, and other like animals, unmanufactured, the value whereof at the last port or place from whence exported to the United States, shall exceed 16 cents per pound, there shall be levied, collected, and paid, a duty of 8 cents per pound: *Provided,* That any wool of the sheep, or hair of the alpacca, the goat, and other like animals, which shall be imported in any other than the ordinary condition, as now and heretofore practiced, or which shall be changed in its character or condition for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt or any foreign substance, to 16 cents per pound, or less, shall be subject to pay a duty of 8 cents per pound, anything in this act to the contrary notwithstanding: *Provided also,* That when wool of different qualities, of the same kind or sort, is imported in the same bale, bag, or package, and the aggregate value of the contents of the bale, bag, or package, shall be appraised by the appraisers at a rate exceeding 16 cents per pound, it shall be charged with a duty of 8 cents per pound: *Provided further,* That if bales of different qualities are embraced in the same invoice, at the same price, the value of the whole shall be appraised according to the value of the bale of the best quality: *Provided also,* That wool imported on the skin shall be estimated as to weight and value as other wool.

SEC. 13. *And be it further enacted,* That from and after the day and year aforesaid, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties; that is to say: First. On Wilton, Saxony, and Aubusson patent velvet, Tournay velvet and tapestry velvet carpets and carpeting, and all medallion or whole carpets, 50 cents per square yard; on Brussels and tapestry Brussels carpets and carpeting, 35 cents per square yard; on all treble-ingrain and worsted-chain Venitian carpets and carpeting, 25 cents per square yard; on all other kinds of carpets and carpeting of wool, hemp, flax, or cotton, or parts of either, or other material, not otherwise specified, a duty of 30 per centum *ad valorem: Provided,* That mats, rugs, screens, covers, hassocks, bed-sides, and other portions of carpets or carpeting shall pay the rate of duty herein imposed on carpets or carpeting of similar character; on all other mats, screens, hassocks and rugs, a duty of 30 per centum *ad valorem.* Second. On all woolen cloths, or cloths of which wool shall be the chief component material, fulled or milled, kerseys and plains, valued at 25 cents per square yard and under, a duty of 20 per centum *ad valorem;* on all cloths, cassimeres, kerseys, buck-skins, doe-skins, tweeds, plains, and felts, or goods of a similar character, valued at 25 cents and not exceeding 75 cents per square yard, a duty of 16 cents per pound, and in addition thereto, 20 per centum *ad valorem;* valued at over $1 50 per square yard, a duty of 16 cents per pound, and in addition thereto, 25 per centum *ad valorem;* on all beaver cloths, Duffil cloths, pilot cloths, petershams, felt cloths, or similar cloths, suitable for overcoats or blankets, and valued at $1 or less per square yard, a duty of 16 cents per pound, and in addition thereto, 15 per centum *ad valorem;* valued above $1 and not above $2 per square yard, a duty of 16 cents per pound, and in addition thereto, 25 per centum *ad valorem;* valued above $2 per square yard, a duty of 16 cents per pound, and in addition thereto, 20 per centum *ad valorem;* on all broadcloths, twilled or plain, valued at $1 or less per square yard, a duty of 16 cents per pound, and in addition thereto, 15 per centum *ad valorem;* above $1 and not above $2 per square yard, 16 cents per pound, and in addition thereto, 20 per centum *ad valorem;* valued above $2 per square yard, a duty of 16 cents per pound, and in addition thereto, 25 per centum *ad valorem;* on all flannels, valued at 30 cents or less per square yard, 25 per centum, *ad valorem;* valued above 30 cents per square yard, and on all flannels colored, or printed, or plaided, and flannels composed in part of cotton or silk, 30 per centum *ad valorem;* on all baizes, bockings, floor-cloths, and paddings, 10 cents per pound: *Provided,* That all baizes, bockings, floor-cloths, and paddings, costing over 40 cents per pound, shall pay a duty of 25 per centum *ad valorem;* on hats, of wool, 20 per centum *ad valorem;* on woolen and worsted yarn, 16 cents per pound, and in addition th ereto, 15 per centum *ad valorem;* on clothing, ready made, and wearing apparel of every description, composed wholly or in part of wool, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, 16 cents per pound, and in addition thereto, 25 per centum *ad valorem;* on blankets, valued at not over 75 cents each, and of the dimensions not less than 72 by 52 inches, a duty of 10 cents each; on all other blankets, comprising Witney, rose, Bath, Duffil, point, cradle, crib, Mackinaw, and horse-blankets, composed wholly or in part of wool and not exceeding in value the sum of $3 each, 16 cents per pound, and in addition thereto, 20 per centum *ad valorem.* Third. On all de laines, cashmere de laines, or muslin de laines, composed wholly or in part of wool, valued at not over 16 cents per square yard, 25 per centum *ad valorem;* on all de laines, cashmere de laines, or muslin de laines, valued at over 16 cents per square yard, and on all mousseline de laines, barege de laines, of whatever material composed, and all gray or uncolored goods of similar description, 30 per centum *ad valorem;* and on all manufactures of wool, or of which wool shall be a component material, not otherwise provided for, 30 per centum *ad valorem.* Fourth. On oil cloth for floors, stamped, painted, or printed, 30 cents per square yard.

SEC. 14. *And be it further enacted,* That from and after the day and year aforesaid, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties; that is to say: First. On all manufactures of cotton, not bleached, colored, stained, painted, or printed, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding in weight five ounces per square yard, 1 cent per yard; on finer or lighter goods of like description not exceeding one hundred and forty threads to the square inch, counting the warp and filling, 2 cents per square yard; on goods of like description, exceeding one hundred and forty threads and not exceeding two hundred threads to the square inch, counting the warp and filling, 3 cents per square yard; on all goods embraced in the foregoing schedules, if bleached, there shall be levied, collected, and paid, an additional duty of ½ cent per square yard, and if printed, painted, colored, or stained, there shall be levied, collected, and paid, a duty of 1 cent per square yard, in addition to the rates of duty provided in the foregoing schedules: *Provided,* That upon all cotton goods, not included in the foregoing schedules, and upon cotton goods of every description, the value of which shall exceed 16 cents per square yard, there shall be levied, collected, and paid, a duty of 25 per centum *ad valorem: And provided further,* That no cotton goods having more than two hundred threads to the square inch, counting the warp and filling, shall be admitted at a less rate of duty than is provided for goods which are of that number of threads. Second. On spool thread of cotton; containing fifty yards or less each, 2½ cents per dozen spools, containover fifty yards, and not over one hundred yards each, 4 cents per dozen spools; containing one hundred yards, and not over one hundred and fifty yards each, 6 cents per dozen spools; containing over one hundred and fifty yards; and not over two hundred yards each, 8 cents per dozen spools: *Provided,* That on all spool threads containing more than two hundred yards to each spool, there shall be levied, collected, and paid, for every fifty yards of excess, or fractional part thereof, 2 cents per dozen spools. Third. On shirts and drawers, wove or made on frames, composed wholly of cotton, 20 per centum *ad valorem;* and on all manufactures, composed wholly of cotton, bleached, unbleached, printed, painted, or dyed, not otherwise provided for, 30 per centum *ad valorem.* Fourth. On all brown or bleached linens, ducks, drills, coatings, brown Hollands, blay linens, damasks, diapers, crash, huckabacks, handkerchiefs, lawns, or other manufactures of flax or hemp, or of which flax or hemp shall be the component material of chief value, being of the value of 30 cents and under per square yard, 25 per centum *ad valorem;* valued above 30 cents per square yard, 30 per centum *ad valorem;* on all other manufactures of flax, or of which flax shall be the component material of chief value, and not otherwise provided for, 30 per centum *ad valorem.* Fifth. On flax or linen threads, not over No. 20, 8 cents per pound; finer than No. 20, and not over No. 30, 12 cents per pound; finer than No. 30, and not over No. 40, 15 cents per pound; finer than No. 40, and not over No. 50, 18 cents per pound; finer than No. 50, and not over No. 60, 20 cents per pound: *Provided,* That any thread as described in the foregoing schedule which shall be bleached, shall pay 2 cents per pound additional duty, and if dyed or colored, such thread shall pay 3 cents per pound additional duty; on flax or linen thread, finer than No. 60, a duty of 30 per centum *ad valorem; Provided,* That no thread shall be admitted at a less rate per pound than is levied herein upon No. 60.

SEC. 15. *And be it further enacted,* That from and after the day and year aforesaid, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties, that is to say: First. On unmanufactured hemp, $35 per ton; on Manilla and other hemps of India, $25 per ton; on jute, Sisal grass, sun hemp, coir, and other vegetable substances not enumerated, used for cordage, $15 per ton; on codilla, or tow of hemp, $10 per ton; on tarred cables or cordage, 2½ cents per pound; on untarred cordage, 3 cents per pound; on yarns, twine, and pack-thread, 4 cents per pound; on seines, 6 cents per pound; on cotton bagging, or any other manufacture, not otherwise provided for, suitable for the uses to which cotton bagging is applied, whether composed in whole or in part of hemp or flax, or any other material, or imported under the designation of gunny cloth, or any other appellation, 2 cents per square yard; on sail duck, 25 per centum *ad valorem;* Russia and other sheetings, brown and white, 25 per centum *ad valorem;* and on all other manufactures of hemp, or of which hemp shall be a component part, not otherwise provided for, 25 per centum *ad valorem;* on unmanufactured flax, $15 per ton; on tow of flax, $5 per ton; on grass cloth, 25 per centum *ad valorem.*

SEC. 16. *And be it further enacted,* That from and after the day and year aforesaid, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties, that is to say: First. On silk, raw, not more advanced in manufacture than singles, tram, and thrown, or organzine, 10 per centum *ad valorem;* on all silks valued at not over $1 per square yard, 20 per centum *ad valorem;* on all silks valued at over $1 per square yard, thirty per centum *ad valorem;* on all silk velvets, or velvets of which silk is the component material of chief value, valued at $3 per square yard or under, 25 per centum *ad valorem;* valued at over $3 per square yard, 30 per centum *ad valorem;* on floss silks, 20 per centum *ad valorem;* on silk twist, twist composed of mohair and silk, sewing silk in the gum or purified, and all other manufactures of silk, or of which silk shall be the component material of chief value, not otherwise provided for, 30 per centum *ad valorem.*

SEC. 17. *And be it further enacted,* That from and after the day and year aforesaid, there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties, that is to say: First. On colinder window-glass, and other window-glass not otherwise provided for, 20 per centum *ad valorem;* on all plain and mold, and press glassware, not cut, engraved, or painted, 25 per centum *ad valorem;* on all plate, rough-plate, and crown window-glass, 30 per centum *ad valorem;* on all articles of glass, cut, engraved, painted, colored, printed, stained, silvered, or gilded, 30 per centum *ad valorem;* on porcelain and Bohemian glass, glass crystals for watches, paintings on glass, glasses or pebbles for spectacles, and all manufactures of glass, or of which glass shall be a component material, not otherwise provided for, 30 per centum *ad valorem.* Second. On China and porcelain ware of all descriptions, 30 per centum *ad valorem;* on all other earthen, stone, or crockery ware, and all other wares composed of earthy or mineral substances, 50 per centum *ad valorem.*

SEC. 18. *And be it further enacted,* That from and after the day and year aforesaid, there shall be levied, collected, and paid, a duty of 10 per centum on the importation of the articles hereinafter mentioned and embraced in this section; that is to say: Acids, acetous, nitric, and all other acids of every description, used for medicinal purposes, or in the fine arts, not otherwise provided for; ammonia, salammonia, and sulphate and carbonate of ammonia; arrow-root; bamboos; bananas; bark, quilla; barks of all kinds not otherwise provided for; beeswax; bleaching powders; blue or Roman vitriol, or sulphate of copper; books, printed, magazines, pamphlets, periodicals, and illustrated newspapers, bound or unbound, not otherwise provided for; borate of lime; Brazil paste; brimstone in rolls; building stones; cassia buds; cayenne pepper; chronometers, box or ship's, and parts thereof; chicory root; cocculus indicus; compositions of glass or paste not set; corn meal; diamonds, cameos, mosaics, gems, pearls, rubies, and other precious stones, imitations thereof, not set; diamonds, glaziers', set or not set; engravings or plates, bound or unbound; flocks, waste or shoddy; fruit, green, ripe or dried, not otherwise provided for; furs, dressed or undressed, when on the skin; furs, batters', dressed or undressed, when not on the skin; ginger, ground, preserved or pickled; gold beater's skin; grind-stones, wrought or finished; gum, copal; gum, substitute, or burnt starch; gum benzoin, or benjamin; hair of all

kinds, cleaned but unmanufactured, not otherwise provided for; horns, horn-tips, bones, bone-tips and teeth manufactured; iron liquor; juniper berries; lemon and lime juice; lime; liquorice, paste, juice or root; manganese; manna; marrow and all other grease, and soap stocks and soap stuffs; mineral kermes; music printed with lines, bound or unbound; nitrate of lead: oat meal; oils, palm, seal, and cocoa nut; oranges, lemons, and limes, orange and lemon peel; paintings and statuary, not otherwise provided for; paving stones; pearl or hulled barley; pine apples; plantains; plaster of Paris, when ground; rhubarb; rye flour; sago; sal-soda, and all carbonates of soda, by whatever name designated, not otherwise provided for; saltpeter, or nitrate of soda, or potash refined or partially refined; sarsaparilla; sepia; shaddock; sheathing paper; sponges; spunk; squills; tapioca; taggers' iron; terne tin in plates or sheets; tin foil; tin in plates or sheets; vegetables not otherwise prov ided for; verdigris; vermilion; watches and parts of watches; watch materials and unfinished parts of watches; yams; zinc, spelter and teutenegue in sheets.

SEC. 19. *And be it further enacted*, That from and after the day and year aforesaid, there shall be levied, collected, and paid, a duty of 20 per centum on the importation of the articles hereinafter mentioned and embraced in this section; that is to say: blank-books, bound or unbound; boards, planks, staves, lath, scantling, spars, hewn and sawed timber, and timber to be used in building wharves; brick, fire-brick, and roofing and paving tile, not otherwise provided for; burgundy pitch; calomel, and all other mercurial prepauations; castor oil; castorum; chocolate; chromate of lead; cobalt; cotton laces, cotton insertings, cotton trimming laces, and cotton braids; cubebs; dried pulp; Dutch and bronze metal in leaf; ether; feather-beds, feathers for beds, and downs of all kinds; felspar; figblue; firewood; fish glue, or isinglass; fish skins; flour of sulphur; Frankfort black; fulminates, or fulminating powders; glue; gold and silver leaf; grapes; green turtle; gunpowder; hair-cloth, hair seating, and all other manufactures of hair, not otherwise provided for; hair, curled, moss, seaweed, and all other vegetable substances used for beds or mattresses; hat-bodies, made of wool, or of which wool is the component material of chief value; hatter's plush, composed of silk and cotton, but of which cotton is the component material of chief value; lampblack; leather, tanned, bend or sole; leather, upper of all kinds; malt; manna; marble, in the rough, slab, or block, unmanufactured, and not squared, dressed or polished; matting, China, and other floor matting, and mats made of flags, jute or grass; metals, unmanufactured, not otherwise provided for; miperal and bituminous substances in a crude state, not otherwise provided for; musical instruments of all kinds, and strings for musical instruments, of whip, gut, or catgut, and all other strings of the same material; needles of all kinds for sewing, darning and knitting; oils, neatsfoot and other animal oil; spermaceti, whale, and other fish oil, the produce of foreign fisheries; osier or willow prepared for basket-makers' use; paints, dry or ground in oil, not otherwise provided for; paper hangings and paper for screens or fire-boards; patent mordant; periodicals and other works in course of printing and republication in the United States; pitch; potassium; quicksilver; quills; Roman cement; rosin; saddlery, common tinned or japanned; salts, epsom, glauber, rochelle, and all other salts and preparations of salts, not otherwise provided for; shoes or boots, and other articles composed wholly of India-rubber, not otherwise provided for; skins, tanned and dressed, of all kinds; skins of all kinds, not otherwise provided for; slates, roofing slates, and slate pencils; spices of all kinds not otherwise provided for; spirits of turpentine; starch; stereotype plates; still bottoms; sulphate of barytes, crude or refined; sulphate of quinine; tar; thread laces, and insertings; type metal; types, new or old; velvet, in the piece, composed wholly of cotton; velvet in the piece composed of cotton and silk, but of which cotton is the component material of chief value; whalebone, the produce of foreign fisheries; white vitriol, or sulphate of zinc; wood, unmanufactured, not otherwise provided for; woolen listings.

SEC. 20. *And be it further enacted*, That from and after the day and year aforesaid, there shall be levied, collected, and paid, a duty of 30 per centum on the importation of the articles hereinafter mentioned and embraced in this section; that is to say: Alabaster and spar ornaments; anchovies, sardines, and all other fish preserved in oil; Argentine, Alabata, or German silver, manufactured or unmanufactured; articles embroidered with gold, silver, or other metal; articles worn by men, women, or children, of whatever material composed, made up, or made wholly or in part by hand, not otherwise provided for; asses' skins; balsams, cosmetics, essences, extracts, pastes, perfumes, and tinctures, used either for the toilet or for medicinal purposes; baskets and all other articles composed of grass, osier, palm-leaf, straw, whalebone, or willow, not otherwise provided for; beads of amber, composition, or wax, and all beads; benzoates; bologna sausages; bracelets, braids, chains, curls, or ringlets composed of hair, or of which hair is a component material; braces, suspenders, webbing, or other fabrics, composed wholly or in part of India rubber, not otherwise provided for; brooms and brushes of all kinds; buttons and button molds of all kinds; cameos, real and imitation, mosaics, real or imitation, when set in gold, silver, or other metal; canes and sticks for walking, finished or unfinished; capers, pickles, and sauces of all kinds not otherwise provided for; caps, hats, muffs, and tippets of fur, and all other manufactures of fur, or of which fur shall be a component material; caps, gloves, leggins, mits, socks, stockings, wove shirts and drawers, and all similar articles, made on frames, of whatever material composed, worn by men, women, or children, and not otherwise provided for; card cases, pocket books, shell boxes, souvenirs, and all similar articles, of whatever material composed; carriages, and parts of carriages; clocks, and parts of clocks; clothing, ready made, and wearing apparel of every description, of whatever material composed, except wool, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer; coach and harness furniture of all kinds; combs of all kinds; compositions of glass or paste, when set: composition tops for tables or other articles of furniture; comfits, sweet-meats, or fruits preserved in brandy, or molasses; coral, cut or manufactured; cotton cords; gimps, and galloons; cotton laces, colored; court plaster; crayons of all kinds; cutlery of all kinds; diamonds, gems, pearls, rubies, and other precious stones and imitations of precious stones, when set in gold, silver, or other metal; dolls and toys of all kinds; encaustic tiles; epaulets, galloons, laces, knots, stars, tassels, tresses, and wings of gold, silver, or other metal; fans and fire screens of every description, of whatever material composed; feathers and flowers, artificial or ornamental, and parts thereof, of whatever material composed; flats, braids, plaits, sparterre, and willow squares, used for making hats and bonnets; fire crackers; frames and sticks for umbrellas, parasols, and sunshades, finished or unfinished; furniture, cabinet and household; ginger, pickled or preserved; hair pencils; hat bodies of cotton; hats and bonnets for men, women, and children, composed of straw, chip, grass, palm-leaf, willow, or any other vegetable substance, or of hair, whalebone, or other material not otherwise provided for; human hair, cleansed or prepared for use; ink and ink powder; japanned, patent, or enameled leather or skins of all kinds; japanned ware of all kinds, not otherwise provided for; jewelry, real or imitation; jet, and manufactures of jet, and imitations thereof; lead pencils; maccaroni, vermicelli, gelatine, jellies, and all similar preparations; manufactures of silk, or of which silk shall be a component material, not otherwise provided for; manufactures of the bark of the cork tree, except corks; manufactures of bone, shell, horn, ivory, or vegetable ivory; manufactures, articles, vessels, and wares, not otherwise provided for, of brass, copper, gold, iron, lead, pewter, platina, silver, tin, or other metal, or of which either of these metals or any other metal shall be the component material of chief value; manufactures of cotton, linen, silk, wool, or worsted, if embroidered or tamboured, in the loom or otherwise, by machinery, or with the needle, or other process, not otherwise provided for; manufactures of cedar wood, granadilla, ebony, mahogany, rosewood and satin-wood; manufactures of marble, marble paving tiles, and all marble squared, dressed, or polished, or more advanced than the rough block or slab; manufactures and articles of leather, or of which leather shall be a component part, not otherwise provided for; manufactures of paper, or of which paper is a component material, not otherwise provided for; manufactures, articles, and wares of papier-mache; manufactures of goat's hair, or mohair, or of which goat's hair or mohair shall be a component material, not otherwise provided for; manufactures of wood, or of which wood is the chief component part, not otherwise provided for; medicinal preparations, not otherwise provided for; metallic pens; mineral waters; muskets, rifles, and other firearms; oil cloth of every description, of whatever material composed, not otherwise provided for; oils, volatile, essential, or expressed, and not otherwise provided for; olive, salad oil, and all other olive oil not otherwise provided for; olives; paper, antiquarian, demy, drawing, elephant, foolscap, imperial, letter, and all other paper not otherwise provided for; paper boxes, and all other fancy boxes; paper envelopes; parasols and sunshades; patent and gilt ware of all kinds; playing cards; prepared vegetables, meats, fish, poultry, and game, sealed or unsealed, in cans or otherwise; red-chalk pencils; saddlery of all kinds not otherwise provided for; salmon, preserved; scagliola tops for tables, or other articles of furniture; sealing wax; side-arms of every deseription; silver-plated metal, in sheets or other form; slate chimney pieces, mantels, slabs for tables, and all other manufactures of slate not otherwise provided for; soap, castile, perfumed, windsor, and all other kinds; twines and packthread of whatever material composed not otherwise provided for; umbrellas; vellum; velvet, when bleached, printed, painted, or dyed; wafers; water colors; webbing, composed of wool, cotton, flax, or any other material.

SEC. 21. *And be it further enacted*, That from and after the day and year aforesaid, the importation of the articles hereinafter mentioned, and embraced in this section, shall be exempt from duty; that is to say: Acids, acetic, benzoic, boracic, citric, muriatic, white and yellow oxalic, sulphuric, pyroligneous, and tartaric, and all acids, of every description, used for chemical and manufacturing purposes, not otherwise provided for; alcornoque; all books, maps, charts, mathematical, nautical instruments, philosophical apparatus, and all other articles whatever, imported for the use of the United States; all philosophical apparatus, instruments, books, maps, and charts, statues, statuary, busts and casts of marble, bronze, alabaster, or plaster of Paris; paintings and drawings, etchings, specimens of sculpture, cabinets of coins, medals, gems, and all collections of antiquity: *Provided*, The same be specially imported in good faith for the use of any society incorporated and established for philosophical or literary purposes, or for the encouragement of the fine arts, or for the use, or by the order of any college, academy, school, or seminary of learning in the United States; aloes; amber; ambergris; annatto, roucou or Orleans; animal carbon, (bone black;) animals, living, of all kinds; anise seed; antimony, crude or regulus of; argol or crude tartar; arsenic; articles in a crude state, used in dyeing or tanning, not otherwise provided for; asphaltum; assafetida; bark, Peruvian; barilla, or soda ash; bells, old, and bell metal; berries, nuts, flowers, plants, and vegetables used exclusively in dycing, or in composing dyes, but no article shall be classed as such that has undergone any manufacture; bismuth; bitter apples; bolting cloths; bones, burnt, and bone dust; books, maps and charts imported by authority of the Joint Library Committee of Congress for the use of the Library of Congress: *Provided*, That, if in any case, a contract shall have been made with any bookseller, importer, or other person aforesaid, shall have paid the duty, or included the duty, in said contract, in such case the duty shall be remitted; borax, crude or tincal; boucho leaves; brass, in pigs or bars, or when old and fit only to be remanufactured; brazil wood, braziletto, and all other dye-woods, in sticks; breccia, in blocks or slabs; brimstone, crude, in bulk; brime; bronze liquor; bronze powder; bullion, gold and silver; burr stones, wrought or unwrought, but unmanufactured; cabinets of coins, medals, and all other collections of antiquities; cadmium; calamine; camphor, crude; cantharides; castor beans, or seeds; chalk, French chalk, and red chalk; clay, unwrought; cochineal; cocoa, cocoa shells, and cocoa nuts; coffee and tea, when imported direct from the place of their growth or production, in American vessels, or in foreign vessels entitled by reciprocal treaties to be exempt from discriminating duties, tonnage, and other charges; coffee, the growth or production of the possessions of the Netherlands, imported from the Netherlands in the same manner; coins, gold, silver, and copper; copper ore; copper, when imported for the United States Mint; cotton; cork tree bark, unmanufactured; cream of tartar; cudbear, vegetable; divi divi; dragon's blood; emery, in lump or pulverized; extract of indigo; extract of madder; extracts and decoctions of logwood, and other dye-woods, not otherwise provided for; felt, adhesive, for sheathing vessels; flints; flint, ground; fish, fresh caught for daily consumption; fuller's earth; gamboge; ginger root; gums, Arabic, Barbary, East India, Jeddo, Senegal, Tragacanth, and all other gums and resins, in a crude state, not otherwise provided for; gutta percha, unmanufactured; grindstones, rough or unfinished; garden seeds, and all other seeds for agricultural, horticultural, medicinal, and manufacturing purposes, not otherwise provided for; glass, when old and fit only to be remanufactured; goods, wares, and merchandise, the growth, produce, or manufacture of the United States, exported to a foreign country and brought back to the United States in the same condition as when exported, upon which no drawback or bounty has been allowed: *Provided*, That all regulations to ascertain the identity thereof, prescribed by existing laws, or which may be prescribed by the Secretary of the Treasury, shall be complied with; guano; household effects, old, and in use of persons or families from foreign countries, if used abroad by them, and not intended for any other person or persons, or for sale; hair of all kinds, uncleaned and unmanufactured; India rubber, in bottles, slabs, or sheets, unmanufactured; India rubber, milk of; indigo; iodine; ioe; ipecacuanha; iridium; iris, orris root; ivory, unmanufactured; jalap; junk, old, and oakum; lac dye; lac spirits; lac sulphur; lastings, cut in strips or patterns of the size and shape for shoes, slippers, boots, bootees, gaiters, and buttons, exclusively, not combined with india rubber; leeches; madder, ground or prepared, and madder root; marine coral, unmanufactured; machinery suitable for the manufacture of flax and linen goods only, and imported for that purpose solely, but not including that which may be used for any other manufactures; maps and clarts; models of inventions and other improvements in the arts; *Provided*, That no article or articles shall be deemed a model, or improvement, which can be fitted for use; munject, or India madder; natron; nickel; nutgalls; nux vomica; oil, spermaceti, whale, and other fish of American fisheries, and all other articles the produce of such fisheries; orange and lemon peel; orpiment; paintings and statuary, the production of American artists residing abroad, and all other paintings and statuary: *Provided*, The same be imported in good faith as objects of taste, and not of merchandise; palm leaf, unmanufactured; pearl, mother of; personal and household effects, not merchandise, of citizens of the United States dying abroad; plaster of Paris, or sulphate of lime, unground; platina, unmanufactured; plumbago or graphite; polishing stones; pumice and pumice stones; rags, of whatever material, except wool; ratans and reeds, unmanufactured; rotten stone; salts of tin; safflower; saffron and saffron cake; saltpeter, or nitrate of soda, or potash, when crude; seedlac; seeds, of all kinds, not otherwise provided for; sheathing metal, or yellow metal, not wholly of copper, nor wholly or in part of iron, ungalvanized; shellac; shingle bolts and stave bolts; silk, raw, or as reeled from the cocoon, not being doubled, twisted, or advanced in manufacture in any way; smalts; specimens of natural history, mineralogy, or botany; substances expressly used for manure; sumac; terra japonica, catechu or cutch; tin, in pigs, bars, or blocks; tortoise and other shells, unmanufactured; trees, shrubs, bulbs, plants, and roots, not otherwise provided for; turmeric; vanilla beans; wearing apparel in actual use, and other personal effects, (not merchandise,) professional books, implements, instruments and tools of trade, occupation, or employment, of persons arriving in the United States: *Provided*, That this exemption shall not be construed to include machinery, or other articles imported for use in any manufacturing establishment, or for sale; weld; woad or pastel; woods, namely: cedar, lignumvitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satin wood, and all cabinet woods, unmanufactured; wool, unmanufactured, and all hair of the goat, alpacca, and other like animals, unmanufactured, the value whereof, at the last port or place from whence exported to the United States, shall be 16 cents, or under, per pound.

SEC. 22. *And be it further enacted*, That from and after the day and year aforesaid, there shall be levied, collected, and paid, on the importation of all raw or unmanufactured articles, not herein enumerated or provided for, a duty of 10 per centum *ad valorem;* and on all articles manufactured, in whole or in part, not herein enumerated or provided for, a duty of 20 per centum *ad valorem*.

SEC. 23. *And be it further enacted*, That all goods, wares and merchandise which may be in the public stores, on the day and year aforesaid, shall be subject to no other duty upon the entry thereof, than if the same were imported respectively after that day.

SEC. 24. *And be it further enacted*, That wherever the word "ton" is used in this act, in reference to weight, it shall be deemed, and taken to be, twenty hundred weight, each hundred weight being one hundred and twelve pounds avoirdupois.

SEC. 25. *And be it further enacted*, That railroad iron, partially or wholly worn, may be imported into the United States without payment of duty, under bond to be withdrawn and exported after the said railroad iron shall have been repaired, or remanufactured; and the Secretary of the Treasury is hereby authorized and directed to prescribe such rules and regulations as may be necessary to protect the revenue against fraud, and to secure the identity, character, and weight, of all such importations, when again withdrawn and exported, restricting and limiting the export and withdrawal to the same port of entry where imported, and also limiting all bonds to a period of time of not more than six months from the date of importation.

SEC. 26. *And be it further enacted*, That no claim for abatement or diminution of duty shall be allowed by reason or on account of any damage or depreciation in value of any goods, wares, or merchandise, arising after exportation,

but the same shall be valued as at the time of exportation; nor shall any such deduction be made for or by reason of any discount or abatement from the value contained in the invoice.

SEC. 27. *And be it further enacted*, That the annual statistical accounts of the commerce of the United States with foreign countries, required by existing laws, shall hereafter be made up and completed by the Register of the Treasury, under the direction of the Secretary of the Treasury, so as to comprehend and include in tabular form the quantity by weight or measure, as well as the amount of value of the several articles of foreign commerce, whether dutiable or otherwise; and also a similar and separate statement of the commerce of the United States with the British Provinces under the late so-called reciprocity treaty with Great Britain.

SEC. 28. *And be it further enacted*, That all acts and parts of acts repugnant to the provisions of this act be, and the same are hereby, repealed: *Provided*, that the existing laws shall extend to, and be in force for, the collection of the duties imposed by this act, for the prosecution and punishment of all offenses, and for the recovery, collection, and distribution, and remission of all fines, penalties, and forfeitures, as fully and effectually as if every regulation, penalty, forfeiture, provision, clause, matter, and thing, to that effect, in the existing laws contained, had been inserted in and reënacted by this act.

Mr. McQUEEN. I move that there be a call of the House, with a view of bringing in members before the vote is taken on this important question.

The motion was disagreed to—ayes 40, noes 123.

The yeas and nays were then ordered on the motion to suspend the rules.

Mr. HUGHES. I wish to inquire of the gentleman from Pennsylvania, whether, if the rules are suspended, he will allow all propositions on the subject of the revenue to come before the House?

Mr. HOUSTON. I object to debate.

Mr. SICKLES. I wish to make an inquiry of the Chair. I desire to ask the Chair whether, if the rules are suspended, this, as a revenue bill, will not have to go to the Committee of the Whole on the state of the Union?

Mr. HOUSTON. I object to debate.

Mr. SICKLES. I have a right to make the inquiry of the Chair.

The SPEAKER. The bill must go to the Committee of the Whole on the state of the Union.

Mr. HOUSTON. I object to inquiries of the Chair being made.

Mr. SICKLES. I had a right to make the inquiry.

Mr. HOUSTON. Let the Chair decide whether the gentleman has the right or not.

Mr. DEWART. The Chair has decided, and has answered the question.

The question was taken on Mr. PHILLPS's motion; and it was decided in the negative—yeas 122, nays 91; as follows:

YEAS—Messrs. Adrain, Ahl, Andrews, Arnold, Barr, Billinghurst, Bingham, Bishop, Blair, Bliss, Brayton, Buffinton, Burlingame, Case, Cavanaugh, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Clawson, Clark B. Cochrane, Colfax, Comins, Corning, Covode, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dewart, Dick, Dimmick, Dodd, Durfee, Edie, Farnsworth, Fenton, Florence, Foster, Giddings, Gillis, Gilman, Gilmer, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Harris, Hatch, Hickman, Horton, Howard, Huyler, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Landy, Leach, Leidy, Leiter, Lovejoy, Humphrey Marshall, Mason, Matteson, Maynard, Montgomery, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Murray, Olin, Palmer, Parker, Pettit, William W. Phelps, Phillips, Pike, Potter, Pottle, Purviance, Reilly, Ricaud, Ritchie, Robbins, Roberts, Royce, John Sherman, Judson W. Sherman, Sickles, Stanton, William Stewart, Tappan, George Taylor, Thayer, Thompson, Tompkins, Underwood, Vance, Walbridge, Waldron, Walton, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, White, Whiteley, Wilson, Wood, and Zollicoffer—122.

NAYS—Messrs. Anderson, Atkins, Avery, Barksdale, Bocock, Bowie, Boyce, Branch, Burnett, Caskie, John B. Clark, Clay, Cobb, John Cochrane, Cockerill, James Craig, Burton Craige, Crawford, Curry, Davidson, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Foley, Garnett, Gartrell, Goode, Gregg, Lawrence W. Hall, Hawkins, Hill, Hoard, Hodges, Hopkins, Houston, Hughes, Jackson, Jenkins, Jewett, George W. Jones, Keitt, Lamar, Lawrence, Letcher, Maclay, McQueen, McRae, Samuel S. Marshall, Miles, Miller, Millson, Moore, Isaac N. Morris, Mott, Niblack, Nichols, Pendleton, Peyton, John S. Phelps, Powell, Ready, Reagan, Ruffin, Sandidge, Savage, Scales, Seward, Aaron Shaw, Henry M. Shaw, Shorter, Singleton, Robert Smith, Samuel A. Smith, William Smith, Spinner, Stallworth, Stephens, Stevenson, James A. Stewart, Talbot, Miles Taylor, Trippe, Vallandigham, Watkins, Augustus R. Wright, and John V. Wright—91.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the call of the roll,

Mr. BONHAM stated that he was absent from the Hall on pressing business when his name was called; and asked leave to vote.

Mr. DEAN objected.

Mr. BONHAM stated that if he had been in the Hall, he should have voted "no."

Mr. BRYAN made a similar statement.

REPEAL OF FISHING BOUNTIES.

Mr. MILLSON. I ask the unanimous consent of the House to report, from the Committee on Commerce, a bill that will secure an annual saving of $400,000. It is Senate bill (No. 10) repealing all laws or parts of laws granting allowances or bounties to vessels employed in the bank or other cod fisheries.

Mr. DAVIS, of Massachusetts. I object.

Mr. MILLSON. I move a suspension of the rules.

Mr. DAVIS, of Massachusetts. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 104, nays 104; as follows:

YEAS—Messrs. Anderson, Atkins, Avery, Barksdale, Barr, Bishop, Bocock, Boyce, Branch, Bryan, Burnett, Caskie, John B. Clark, Cobb, John Cochrane, Cockerill, James Craig, Burton Craige, Crawford, Curry, Davidson, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Faulkner, Foley, Garnett, Gartrell, Gilmer, Goode, Gregg, Lawrence W. Hall, Hatch, Hill, Hodges, Hopkins, Houston, Hughes, Huyler, Jackson, Jewett, George W. Jones, Keitt, Jacob M. Kunkel, Lamar, Lawrence, Leiter, Letcher, Maclay, McQueen, McRae, Humphrey Marshall, Samuel S. Marshall, Mason, Maynard, Miles, Miller, Millson, Moore, Isaac N. Morris, Mott, Niblack, Nichols, Pendleton, Pettit, Peyton, John S. Phelps, Powell, Ready, Reagan, Ruffin, Russell, Sandidge, Savage, Scales, Seward, Aaron Shaw, Henry M. Shaw, Shorter, Sickles, Singleton, Robert Smith, Samuel A. Smith, William Smith, Stallworth, Stephens, Stevenson, James A. Stewart, Talbot, Trippe, Vallandigham, Vance, Ward, Watkins, Whiteley, Winslow, Woodson, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—104.

NAYS—Messrs. Abbott, Adrain, Ahl, Andrews, Arnold, Billinghurst, Bingham, Blair, Bliss, Bowie, Brayton, Buffinton, Burlingame, Case, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Clawson, Clark B. Cochrane, Colfax, Comins, Corning, Covode, Cragin, Curtis, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dewart, Dick, Dimmick, Dodd, Durfee, Edie, Florence, Foster, Giddings, Gillis, Gilman, Gooch, Goodwin, Granger, Grover, Grow, Robert B. Hall, Harlan, Harris, Hickman, Hoard, Horton, Howard, Owen Jones, Keim, Kelsey, Kilgore, Knapp, John C. Kunkel, Landy, Leach, Leidy, Lovejoy, Matteson, Montgomery, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Murray, Olin, Palmer, Parker, Phillips, Pike, Potter, Pottle, Purviance, Reilly, Ricaud, Ritchie, Robbins, Royce, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Thayer, Thompson, Tompkins, Underwood, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, White, Wilson, and Wood—104.

So (two thirds not voting in favor thereof) the rules were not suspended.

LAND TITLES IN MINNESOTA.

Mr. PHELPS, of Minnesota. I ask the unanimous consent of the House to have taken from the Speaker's table Senate bill (No. 432) to confirm certain entries heretofore allowed under the act entitled "An act making appropriations for the service of the Post Office Department during the fiscal year ending 30th June, 1856."

The bill, which was read, provides that all entries which have heretofore been allowed by registers and receivers, under that portion of the third proviso to the first section of said act, in the following words: "That each contractor engaged, or to be engaged, in carrying mails through any of the Territories, west of the Mississippi, shall have the privilege of occupying stations at the rate of not more than one for every twenty miles of the route on which he carries a mail, and shall have a preëmption right thereon when the same shall be brought into market, to the extent of six hundred and forty acres, to be taken contiguously, and to include his improvements; but no such preëmption right shall extend to any pass in a mountain, or other defile," be confirmed, subject to any *bona fide* claim under any law of the United States, to the whole or any portion of the lands embraced in said entries or locations, made prior to the date of the selection thereof by the persons aforesaid; and that the Commissioner of the General Land Office be directed to issue patents for the land embraced in said entries.

Mr. ENGLISH. I object.

Mr. WASHBURNE, of Illinois. I hope the gentleman from Minnesota will be permitted to state the reasons why this bill should pass, before the vote is taken.

Mr. COBB. If the House will allow, I will state that the Committee on Public Lands have had this question under consideration, and have unanimously instructed me to report a bill similar, in every respect, to this.

Mr. HOUSTON. I would like to know whether it is the intention to refer that bill to the Committee on the Post Office and Post Roads if the rules are suspended to let it come in? I would like to know whether these contractors perform their service?

Several MEMBERS objected to debate.

Mr. PHELPS, of Minnesota. I move that the rules be suspended for the purpose I have indicated. But before the question is put, permit me to say that this bill was unanimously recommended by the Committee on Public Lands in the Senate, and was unanimously passed by the Senate. The bill was prepared by the Secretary of the Interior, and its passage recommended by him; and our Committee on Public Lands unanimously ordered it to be reported to this House. Its passage will do an act of justice, will take no money from the Treasury, but rather save the public Treasury from the repayment of about $25,000 of the money it has received from these entries, which were made by the contractors, with cash, at $1 25 per acre, in good faith, and under the decision and direction of the United States district land officers.

Mr. CAVANAUGH demanded the yeas and nays; but subsequently withdrew that demand, and called for tellers.

Tellers were ordered; and Messrs. BONHAM and GOOCH were appointed.

The House divided; and the tellers reported—ayes 79, noes 81.

Mr. CAVANAUGH. I demand the yeas and nays. I wish the House would allow me to say a word in reference to this bill. It was prepared and recommended by the Secretary of the Interior.

Several MEMBERS objected to debate.

The yeas and nays were not ordered.

So the rules were not suspended.

POST OFFICE APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union. I intend to move to take up the Post Office appropriation bill.

Mr. SMITH, of Virginia. I ask the gentleman to yield to me, to move that there be one day set apart for territorial business.

Mr. PHELPS, of Missouri. I cannot yield for one without yielding for others.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. HOPKINS in the chair.)

Mr. PHELPS, of Missouri. I move that the House now proceed to the consideration of House bill (No. 872) making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1860.

Mr. PHILLIPS. I object, unless this bill is the first bill upon the Calendar.

Mr. GROW. Is that the first bill upon the Calendar?

The CHAIRMAN. It is not.

Mr. PHELPS, of Missouri. I make a motion that the committee proceed to the consideration of the bill I have indicated.

The question was taken; and the motion was agreed to; there being, on a division—ayes ninety-nine; noes not counted.

Mr. PHELPS, of Missouri. I move that the committee do now rise; and I make that motion with a view to close general debate on this bill.

The question was taken; and the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill (No. 872) making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1860, and had come to no resolution thereon.

Mr. PHELPS, of Missouri. I move the usual resolution, that general debate on that bill be closed within five minutes after its consideration is again resumed in the Committee of the Whole

on the state of the Union; and on that motion I shall call for the previous question.

Mr. LOVEJOY. I ask the gentleman to extend the time to two hours.

Mr. PHELPS, of Missouri. We have not that much time to spare.

The previous question was seconded, and the main question ordered; and, under the operation thereof, the resolution was adopted.

CONSULAR BILL.

A message was received from the Senate, by ASBURY DICKINS, their Secretary, informing the House that the Senate had passed the consular and diplomatic appropriation bill, with certain amendments, in which he was directed to ask the concurrence of the House.

Mr. PHELPS, of Missouri. I ask that the bill be referred to the Committee of Ways and Means, and hope there will be no objection.

There was no objection; and it was ordered accordingly.

POST OFFICE APPROPRIATION BILL—AGAIN.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. HOPKINS in the chair.)

The CHAIRMAN. The question before the committee is the Post Office appropriation bill.

The bill was read a first time for information, and was then read by paragraphs for amendment.

The Clerk read the following paragraph:

"For transportation of the mails, (inland,) $12,633,060."

Mr. PHELPS, of Missouri. If gentlemen will refer to Executive Document No. 54, they will find the estimates submitted by the Postmaster General for the inland mail service during the ensuing fiscal year. In that estimate there was embraced the sum of $250,000 for the compensation now being paid to the Tehuantepec Company. The Committee of Ways and Means transferred that estimate to the mail steamer appropriation bill, diminishing this item, of course, to that extent.

Mr. BLAIR. I move to amend by adding, after the clause last read, the following proviso:

Provided, however, That the contract with Butterfield & Co., for carrying the mail from the Mississippi river to San Francisco, in California, shall be so construed as to allow said contractors to carry the mail by any route they may select, in accordance with the act of Congress under which said contract purports to be made.

So that the section will read:

For the transportation of the mails, (inland,) $12,633,060; *Provided*, &c.

Mr. PHELPS, of Missouri. Is that amendment in order?

The CHAIRMAN. The Chair supposes so. The service is already provided for.

Mr. REAGAN. I present this point of order. This contract with Butterfield & Co. is made under law, and is a question disposed of. If this amendment were allowed, it would change existing law, and the existing contract; and that is certainly not in order as an amendment to an appropriation bill.

The CHAIRMAN. The Chair thinks it is a mere regulation of the service; not a change of law.

Mr. LETCHER. I hope the law will be read, that we may see whether the amendment does change it.

Mr. GROW. The amendment provides that the service shall be according to law.

Mr. BLAIR. It will be recollected that the last Congress passed a law authorizing the Postmaster General to contract for carrying the mail overland from some point on the Mississippi river, to be selected by the contractors, to San Francisco, California. Under this law, bids were invited by the Postmaster General for several routes. The Postmaster General required the mail to be carried, starting from St. Louis and running down to the thirty-second parallel, then across to Fort Yuma, and up again to San Francisco, adding nine hundred miles to the distance. This, Mr. Chairman, was in violation of the act, and in derogation of the duty confided to him. At the beginning of last session, I prepared an act which was sent to the Post Office Committee to correct this violation of law on the part of the Postmaster General, but I have not heard of it till this day.

I therefore propose this amendment, so as to compel the Postmaster General to execute the law as it stands upon the statute-book. I understand sir, that one of the great motives which may have induced the Postmaster General to order the mail to be carried down to the thirty-second parallel of latitude was, that he himself was the owner of a large body of land in Arkansas, through which this mail route runs. Another reason was, to influence the location of a Pacific railroad route.

Mr. ATKINS. I desire to ask the gentleman from Missouri whether he knows that the Postmaster General owns a large body of land in Arkansas, through which this route runs?

Mr. BLAIR. I have it on the authority of two members of this House; and whenever it shall be denied, I can give the names of those members who informed me of the fact.

The law says that the contractor shall select the point on the Mississippi river; and that includes the selection of the route itself. Does any man suppose that, if these contractors had selected St. Paul as the point from which the route was to start, the Postmaster General could have come in and required them to carry the mails from St. Paul down to El Paso, and across in that way? In making the contract as he did, has he not violated the spirit and letter of the law? Sir, it is as plain as anything can be that here is a violation of the law, whether for a purpose personal to the Postmaster General himself, or for the political purpose of influencing the location of the Pacific railroad, it is not necessary to consider; and I desire that the Congress of the United States shall have power to correct an abuse of which the Postmaster General has been guilty.

Mr. SCOTT. I would like to have the law read.

Mr. REAGAN. This Butterfield contract is one that was made by the Government on great consideration. It is a contract under which the Government pays some six hundred thousand dollars a year for the transportation of the mails across the continent, from the Mississippi river to the Pacific ocean. It may be that a modification was made of the terms on which the bids should be made by the Department, for the purpose of enabling bidders to bid on the most practicable and convenient route. It is a fact, which is, perhaps, within the knowledge of the gentleman from Missouri, that there were several Cabinet meetings, at which arguments in favor of, and against, the several routes, were deliberately considered. All the facts were fully presented, and the relative merits of the different routes were considered. The contract was concluded with the Butterfield company for the route over which the mails are now carried. That company has commenced operations upon the route. The line has been stocked; their depots have been established; stations have been arranged; the route is in successful operation. Public expectation has been disappointed in this, that the contract has been faithfully and punctually performed, and that, too, in less time than was contemplated by the contract of twenty-five days from San Francisco to St. Louis. Everything connected with it has surpassed public expectation. It passes over a country having no interruption by snow and ice. It passes over a country where there are good roads. It avoids the difficulties that would be encountered upon any other known route, as exhibited by the surveys of the Pacific railroad, which are familiar to most members of the House.

Now, after all this has been done, after the contract has been made, depots established, and the route is in successful operation; after it has been demonstrated that the object of the Government has been attained, we have a proposition to authorize the contractors, at their will, to change the contract. I have no idea that they will change the contract, if they are allowed to do so; yet I think that the proposition, coming up in this irregular way under the five minutes' debate, is not showing proper respect to the action of the Government in reference to a matter of such consequence. I trust the members will not, in view of what has been done, undertake to disturb the action of the Government in relation to this route. It has been said that one reason why the mail has been carried over this route is, because the Postmaster General owns lands in the State of Arkansas. As to that, I have no information; but I think that any one acquainted with the Postmaster General might safely affirm that his action as an executive officer would never be controlled by any selfish interest of that description. And if he has land there, does that affect the quality of the route? Does that affect the transmission of the mails? Does that affect the virtue of the contract? I think it is assuming a great deal—if it be granted, about which I know nothing, that the Postmaster General does own lands in Arkansas—to say that that fact vitiates a contract entered into, not by him alone, but entered into after full consideration, by the President and the whole Cabinet, and a careful review of the advantages and disadvantages of all the routes. I trust that this contract will not be interfered with in this irregular and hasty manner.

Mr. BLAIR. This is the law:

"SEC. 10. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to contract for the conveyance of the entire letter mail, from such point on the Mississippi river as the contractors may select, to San Francisco, in the State of California, for six years, at a cost not exceeding $300,000 per annum for semi-monthly, $450,000 for weekly, or $600,000 for semi-weekly service; to be performed semi-monthly, weekly, or semi-weekly, at the option of the Postmaster General."

The question was taken on Mr. BLAIR's amendment; and it was agreed to—ayes 86, noes 51.

The Clerk proceeded with the reading of the bill.

Mr. REAGAN. I do not know whether I have waived any right, but I trust I may be permitted to add an amendment to the amendment, which has just been adopted.

The CHAIRMAN. It is too late.

Mr. REAGAN. I desire to propose an amendment providing that if a new route is to be established, the contract shall be readvertised and relet. I trust I may be permitted to offer that amendment.

Mr. WASHBURNE, of Illinois. It would not be in order, anyhow.

Mr. SHERMAN, of Ohio. I move to add at the end of the nineteenth line, which reads, "for advertising, $70,000," the following:

Provided, That the advertising shall be in the two newspapers in each State having the largest circulation.

The only remark I desire to make is this: the advertising of the Post Office Department, in Ohio, is done in two insignificant papers, the aggregate circulation of which, I do not think, would exceed two thousand. One of them is published in an interior town; and it is about the only county town in the State to which a railroad does not run. I do not know where the other is published; it is somewhere in the southern part of the State. There has been a good deal of abuse growing out of this advertising business, and I think that Congress ought to regulate it. I therefore offer the amendment.

Mr. SMITH, of Virginia. I think that this amendment might cause considerable embarrassment. The great object is, that this information shall be so circulated as to reach the people. Now, sir, to divide it up among the small country papers in the different localities, is, perhaps, the best way by which this intelligence can be circulated. [Laughter.] Gentlemen may laugh; but it is so. If you put it in the principal papers of the States, it will only reach the politicians; whereas, if it is put in the county papers, it goes to the door of every man's house. In my district, in Virginia, I have selected the county papers and publish in each the advertisements for the service in that county, and in that way this information reaches all portions of the district. Now, sir, if the gentleman's proposition prevail, there will be selected only two political papers in each State in which to publish proposals for all the routes in that State. Then there will be thousands who will never see the proposals from the Department. I think the proposition is calculated to defeat the diffusion of general information which, I presume, we all have in view. The best way, in my judgment, to disseminate this information, is to make the publication in the county papers.

Mr. GROW. Does the gentleman propose to publish in each county paper of the State?

Mr. SMITH, of Virginia. Let the publication be as it is now, and of course the Postmaster

General will see to it that the best mode of publication is adopted for the most general dissemination of the desired information. It is palpable to us all, that, if the publication is made in the county papers, the information will reach those who are most likely to bid for contracts for carrying the mail.

Mr. MORRIS, of Illinois, obtained the floor.

The CHAIRMAN stated that debate on the pending proposition was exhausted.

Mr. HOUSTON. I make a point of order on the amendment: it proposes a change of existing law.

The CHAIRMAN. The Chair thinks that the amendment is in order. The law provides for the publication of these proposals, and the amendment is only in execution of that law.

Mr. HOUSTON. I make the point that it changes the law. It not only limits the law, but it makes another law.

The CHAIRMAN. The Chair thinks that the amendment is in order. It is a mere restriction of power under the law.

Mr. MORRIS, of Illinois. I would like to offer this amendment:

Provided further, That it shall not be necessary for the Postmaster General to require the advertisements to be published in any paper in the city of Washington.

Mr. PHELPS, of Missouri. That amendment is not in order. It proposes a change of existing law.

Mr. SHERMAN, of Ohio. I wish to modify my amendment so that it will read:

Provided, That the advertising the mail routes in each State and Territory shall be made only in two newspapers of the largest circulation in said State or Territory.

Mr. HOUSTON. I rise to a point of order. I think the amendment, as amended, is surely a change of existing law. The law is, that two papers in a State may be selected. The amendment changes the law, and says that two papers of the largest circulation shall have the publication. There could not be a more distinct change of law.

The CHAIRMAN. The Chair thinks that the amendment is in order. It leaves discretion to the Postmaster General as under the law.

Mr. HOUSTON. That amendment makes a change of the law. The Postmaster General is obliged to advertise in the papers having the largest circulation.

The CHAIRMAN. The House cannot amend anything unauthorized by law. These advertisements are authorized by law, and the House can limit the appropriation in any way it pleases. The gentleman from Alabama mistakes the rules.

Mr. FLORENCE. I move to add five dollars to the appropriation. I suggest to the gentleman from Ohio, [Mr. SHERMAN,] and the committee, that the adoption of his amendment will prevent the accomplishment of the very object he has in view. The Postmaster General, under the law, selects the newspaper having a circulation in the immediate vicinity of the routes for which the contracts are to be made. He can, under the amendment, select only two papers in which to publish the same advertisement. Under the law, he may, as he does, occupy the columns of fifty different newspapers of a State. The paper having the largest circulation is generally in the metropolis of a State, and these advertisements will not reach those who would most likely bid for the contracts. County papers in the vicinity of the mail routes are the papers that are selected by the Postmaster General. He can advertise in those papers at a less cost. Their circulation is limited to the immediate vicinity. They will not charge one half what a city paper does. I know that the practice of the immediate predecessor of the present Postmaster General was to distribute the post office advertising all over the State. I know that was the practice in Pennsylvania. [Laughter.] Gentlemen laugh. Well, I will say that the advertisements were published in the Democratic newspapers nearest the neighborhood of the routes, and I approved of that distribution of patronage.

Mr. BLISS. The gentleman states that that was the practice in his State. I want to state the practice in my State. One of the papers my colleague has referred to—a paper of less than a thousand circulation—advertised the lettings for the State of Alabama.

Mr. FLORENCE. Let the members for Alabama take care of their own newspapers. Now, I say that the purpose is better attained in the plan which I suggest. This amendment proposes to take away from the Postmaster General the very discretion which enables him to save money. Now, I submit to gentlemen who are now smitten with this desire to be economical, who desire to save the public money, who are striking at working men, and are reducing the compensation paid to working people, whether it would not be better to continue this service as it is now carried on?

Mr. PHELPS, of Missouri. I oppose the amendment of the gentleman from Pennsylvania, as well as the amendment of the gentleman from Ohio. No economy will be accomplished by the course proposed by the gentleman from Ohio. A discretion must be left to the executive department, in selecting newspapers in which the advertising the annual mail lettings shall be made. This item of appropriation embraces not merely the annual advertisements of mail lettings, but also the advertisement of uncalled-for letters; and these latter are directed to be published in the newspapers having the largest circulation, and this is to be decided by the local postmaster.

Mr. SHERMAN, of Ohio. The gentleman from Missouri will allow me to say that my amendment does not at all affect the advertisement of uncalled-for letters.

Mr. PHELPS, of Missouri. This appropriation embraces both classes of advertising.

Mr. SHERMAN, of Ohio. My amendment does not.

Mr. PHELPS, of Missouri. With regard to the advertising of the mail lettings, much must be permitted to rest in the discretion of the Department. I can only speak of the manner in which the advertisements for lettings are distributed in the State which I have the honor in part to represent. The Postmaster General was unwilling to grant the request made of him by the delegation for the publication of the annual Post Office advertisements last year; but I thought he exhibited a commendable zeal in placing notice of the mail lettings within the reach of all, while he did not increase the expenditures of advertising over those of the four preceding years. The law requires these annual advertisements to be published in two newspapers in the State for twelve weeks; but it also permits the Postmaster General to publish them in other newspapers. He did not give them to the same newspapers for the whole length of time, but only for two or three weeks; advertising the rest of the time in other newspapers. By this means the most extended publication was given to the advertisements. I hope, therefore, the amendment of the gentleman from Ohio will not be adopted.

Mr. FLORENCE withdrew his amendment.

The question was taken on Mr. SHERMAN's amendment; and it was agreed to; there being, on a division—ayes 64, noes 60.

Mr. LETCHER. I propose to amend by adding at the end of the clause the following:

And provided further, That the two papers aforesaid shall not be selected in the same city or town in any State or Territory.

Mr. NICHOLS. I would suggest to the gentleman from Virginia to add, "and they shall not be of the same politics." [Laughter.]

Mr. LETCHER. I think the amendment which I offer is a very proper one to the amendment that has just been adopted. I imagine that in almost every State and Territory in this Union it will happen that the papers published at the seat of government, or at some one commercial point, within a State or Territory, of the most importance, will be those having the largest circulation. Take, for example, the State of Ohio. I imagine that the papers of Cincinnati all have a much larger circulation than those of any of the other cities or towns. And so with regard to my own State. The papers of the city of Richmond will be found to have a larger circulation than those of any other part of the State.

Now, would it not be proper, in publishing this sort of advertisements, to put them in two of the Richmond papers? denying, in a great measure, to one whole portion of the State all opportunity of seeing them—except so far as they might be seen by the subscribers of one or the other of these two papers, scattered here and there throughout the State? It seems to me that it would be much fairer to assign the advertising to papers in two different sections of the State, so that each section should have an opportunity to know what the advertisement proposes, and that parties disposed to contract might have an opportunity of doing so, on the information thus acquired. It seems to me that the proposition is a very important addition to the amendment of the gentleman from Ohio.

The question was taken on Mr. LETCHER's amendment; and it was agreed to.

Mr. NICHOLS. Is it in order now to move to strike out the whole clause?

The CHAIRMAN. It is.

Mr. NICHOLS. I make that motion.

Mr. FLORENCE. I desire first to perfect the clause proposed to be stricken out, by adding the following:

And that the advertising shall be given to the paper nearest the center point of where the service is to be performed.

Mr. NICHOLS. Has the gentleman the floor, or have I the floor?

The CHAIRMAN. The Chair thinks it would be competent for the gentleman from Pennsylvania to move to perfect the clause before the question is taken on striking it out.

Mr. FLORENCE. The argument of the gentleman from Virginia [Mr. LETCHER] ought, in my judgment, to convince the committee of the impracticability of this amendment. The papers having the largest circulation in the States are published in the large cities, and do not reach the people who are to bid for these contracts. If the amendment provided that the advertisements should be inserted in the paper having the largest circulation within a circuit of fifty miles, the object might be attained. But it would be throwing money away to put these Post Office advertisements in the city papers when the service is to be performed hundreds and hundreds of miles off. I have had some opportunities of knowing something about this matter; and I know that to put the advertisements in the paper in the city of Philadelphia having the largest circulation, would cost six or ten times as much as to put them in the county papers; and it will not answer the purpose had in view, which is to get the proposals for service before those who are to bid for it. Gentlemen must recollect that the service performed in some counties in the State does not cost fifty dollars; and to advertise that service in the paper having the largest circulation in the city of Philadelphia, will cost three times as much as the service itself costs. I think that the amendment of the gentleman from Ohio would lead to an extravagant and useless expenditure of the public money; and I hope that it will be rejected by the House.

Mr. NICHOLS. I propose to say all I intended to say, in opposition to the amendment of the gentleman from Pennsylvania. Now, in my view, this provision for advertising the Post Office lettings is wholly unnecessary, and a useless waste of money. The Post Office Department prints these proposals in pamphlet form, and sends them to all the post offices throughout the congressional districts in the Union. They are accessible there, and are examined by those who propose to be contractors for mail service. It was formerly the custom to select two or three leading papers, having the largest circulation in the State, as the medium of laying these proposals before the people; but within the last six or eight years that system has been changed, and the Post Office advertisements are published in gross in the leading papers of this city, and then cut up into sections and divided amongst a whole swarm of papers throughout the different States, in order to gratify the clamor that the publishers of certain newspapers have made for a division of the spoils. I say, then, that the whole object can be attained by the publication of these Post Office lettings in the leading newspapers here, and then distributing in pamphlet form by the Department to the post offices throughout the country. This appropriation is, therefore, entirely unnecessary; and, in my judgment, it is a mere fund for the sustenance of partisan papers. I do not want to see a swarm of honest country printers attracted here by a desire of participating in the spoils of this Government, to spend just about as much money in paying hotel bills as the miserable pittance they receive for the advertisements awarded to them. I believe that if we were to strike out the whole appropriation, no interest in the country would suffer, and that the

papers of the country would be more honest in the expression of their opinions upon public measures.

Mr. FLORENCE's amendment was rejected.

Mr. NICHOLS. I now ask for a vote on my motion to strike out the whole clause. I make the motion in good faith.

Mr. FLORENCE demanded tellers.

Tellers were ordered; and Messrs. CHAFFEE and McQUEEN; were appointed.

The House divided; and the tellers reported—ayes 64, noes 65.

So the amendment was rejected.

Mr. REAGAN I now ask that my amendment be read.

The CHAIRMAN. The gentleman's amendment would more properly come in at the end of the bill.

Mr. REAGAN. Let my amendment be read.

The Clerk read the amendment, as follows:

That whenever any contract authorizing the carrying of the United States mails shall be changed under the authority of an act of Congress, said contract shall be readvertised and relet as other contracts are.

Mr. PHELPS, of Missouri. I rise to a question of order on that amendment. It is not germane, in the first place; and in the second, it changes an existing law.

Mr. REAGAN. I was prepared for such an objection, and am not surprised that it comes from the gentleman from Missouri.

Mr. PHELPS, of Missouri. The gentleman need not be surprised, for the gentleman from Missouri has objected to every amendment not in order.

The CHAIRMAN. The Chair thinks that the gentleman's amendment is not in order.

Mr. REAGAN. Permit me to say a word. I objected to the amendment changing an existing contract. The Chair overruled me, and decided the amendment to be in order. I now only ask to amend so as to limit the terms under which that change of existing contract shall be made. Surely, if it be in order to change an existing contract, it is equally in order to limit the terms of that change.

The CHAIRMAN. The amendment to which the gentleman refers was germane to the pending clause of the bill; and the Chair thinks that this is not.

Mr. REAGAN. I wish to say——

Mr. PHELPS, of Missouri. I must object to debate. The clauses of the bill are being read for amendment; and no amendment is in order not germane to the amendment pending.

Mr. REAGAN. I appeal from the decision of the Chair. I have a right to place a restriction upon an innovation made upon the bill.

Mr. GROW. What is the paragraph to which the gentleman proposes his amendment?

The Clerk read the clause, as follows:

"For advertising, $70,000."

Mr. REAGAN. I propose my amendment to come in after that as an independent clause.

The CHAIRMAN. It cannot be entertained as an independent clause. The committee is considering the section just read.

Mr. REAGAN. I withdraw my amendment, and will offer it at the end of the bill.

Mr. COLFAX. I move to strike out "For blanks, $100,000," and to insert in lieu thereof the following:

For blanks, $80,000, to be printed by the lowest responsible bidder, after advertisements inviting bids for the same shall have been published at least thirty days by the Postmaster General.

Mr. Chairman, I have two reasons for offering this amendment.

Mr. PHELPS, of Missouri. I make the point that the amendment is not in order. It changes existing law.

The CHAIRMAN. The Chair thinks that the amendment is in order. The law provides for the printing of blanks.

Mr. COLFAX. I have two reasons for offering this amendment. The first is, that the sum for printing blanks has been largely increasing within the past few years, while every other item of the incidental expenses of the Post Office Department has only gone on *pari passu* with the ordinary progress of postal business. For instance: the items for mail-bags, wrapping paper, locks, keys, stamps, &c., are the same as they were three years ago, and a very small increase beyond what they were in 1852, seven years ago. This item, on the contrary, has more than doubled in that time. The appropriation in 1852 was only $45,000; increasing, in 1850, to $80,000; and now coming up to $100,000. I think that we ought to retrench here, for I am certain that double the amount of blanks is not required now, that were required in 1852; the other incidental expenses of the Department remaining nearly the same.

The second reason for my amendment is this: Both branches of Congress, by deliberate votes, at the last session, passed a law requiring these blanks to be printed by the lowest bidder; but when the Post Office appropriation bill was sent to a committee of conference in the expiring hours of the session, that clause was struck out, with others like it that had been agreed upon by both Houses. This is within the knowledge and recollection of the members of this House. This provision ought to be placed in the appropriation bill, and ought to be the general law of the land in regard to this thing.

Mr. PHELPS, of Missouri. That the expenditure under this head has increased, is true; but it has increased in consequence of the increase of mail matter. It is for the printing of the usual blanks known as the way-bills, the quarterly accounts current, the registers of mails received, and the registers of mails sent. Since the year indicated by the gentleman from Indiana, the number of post offices has increased from twenty-two thousand to twenty-eight thousand. Consequently, the number of these blanks, necessary for the business of the Post Office, has increased in proportion. The gentleman, however, does not recur to the fact that at the last session of Congress, we appropriated, for this fiscal year, $125,000 for these blanks. The Postmaster General recommended an appropriation of a similar amount to be made now; but the Committee of Ways and Means have reduced it to the sum named in the bill—$100,000.

Mr. COLFAX. Will the chairman of the Committee of Ways and Means allow me to say one word. I state that I am authorized by responsible printers to say that they will do this work at less than one half that is now paid for it.

Mr. PHELPS, of Missouri. These propositions, Mr. Chairman, are unaccompanied by any guarantee. It is an easy matter to say that we could obtain printing, or labor, or have our public buildings erected, at a much cheaper rate than we now pay. Disappointed applicants oftentimes make such declarations. In all the branches of the Government, persons who have been disappointed in getting employment have declared that they would be willing to perform the service at a less rate.

This clause only proposes to appropriate so much money as may be necessary to procure such blanks as are needed in the post offices throughout the country for the next fiscal year. In the opinion of the Postmaster General, a larger sum was necessary; but the Committee of Ways and Means concluded to reduce the estimate.

The question was taken on Mr. COLFAX's amendment; and it was agreed to.

Mr PURVIANCE. I move that the committee do now rise.

The motion was not agreed to.

Mr. OLIN. The principle that has been applied to the printing of the blanks, I wish to have also applied to the other items of appropriation—that the work shall be given to the lowest bidder. That principle is right in itself, and I see no reason why it should not be applied to all these appropriations.

Mr. FLORENCE. The existing law requires that proposals for all supplies shall be in writing.

Mr. OLIN. No matter about that. I move to amend by adding to the clause, "for wrapping paper," the following proviso:

Provided, That the contract for supplying the same shall be given to the lowest bidder.

Mr. FLORENCE. That is the law now.

The amendment was agreed to.

Mr. ATKINS. I move that the committee do now rise.

The motion was not agreed to.

Mr. OLIN. I offer a similar proviso, to be added to the clause for locks.

Mr. FLORENCE. If the gentleman will look at the Washington papers, he will find proposals for these very supplies.

Mr. JOHN COCHRANE. I am quite opposed to these conditions, which it seems to be the desire and determination of the committee to insist upon. I have no idea, nor will the experience of the Department sustain the position, that these conditions at all guard against fraud. On the contrary, I have heard it repeated, again and again, that frauds are constantly committed under the application of this very principle of letting to the lowest bidder. It is not often that the worthiest and most acceptable bid, as well as the most economical one, is that which ranges at the lowest figure. Those who are experienced in bidding fix the highest prices for articles that are to be of less frequent employment; and in the inverse order. And so it occurs, oftentimes, that the article proposed to be supplied at the lowest figure is the worst for the practical use of the Department. I think it is not always the case that the principle of giving the contract to the lowest bidder is the best protection against frauds. Indeed, the contrary is frequently the case, particularly when the principle is attempted to be applied under circumstances illy adapted to it. It opens a door more widely to frauds. I think we may go too far with the principle, and that its application in this connection would not be judicious.

Mr. LETCHER. I move to amend the amendment by inserting the word "responsible" before the word "bidder;" and I desire to say that, as I understand it, these mail locks are patented locks—the result of discoveries on the part of individuals who have received patents for their discoveries. After ample trial and tests, the Department decides which lock is best suited for the protection of the mails, and, having ascertained the fact, purchases from the owner of the best lock. Now, under these circumstances, I do not know how this provision of the law could be executed. It does seem to me that it would be calculated to create mischief and embarrassment.

Mr. OLIN. The statement of the gentleman from Virginia satisfies me that my amendment is wrong; and I withdraw it.

Mr. HATCH. I renew the amendment, with the addition of the words "with adequate security." It is well known that the State of New York is more largely engaged in internal improvements than any other State of this Union. After a struggle for years, in consequence of the corruption practiced in the contracts for the public works, the people of that State adopted an amendment to their constitution providing that all contracts for public service should be given to the persons who would do the work at the lowest price, with adequate security. This is now a part of the organic law of the State of New York, and by it that State has saved millions of dollars, I have no doubt. I have sought an opportunity to introduce a resolution here, making that a general law, applicable to every department of the Government; but I was told by the chairman of the Committee on the Post Office and Post Roads that there was a law applicable to this branch of the service. I understand, now, that such is not the case; and, therefore, I hope my amendment will be adopted.

Mr. LETCHER. Unless history is very much at fault, as we derive it from the newspapers, this provision of the constitution of New York has led to very serious consequences; for not two months since it was stated that the canal board, acting under this provision, had actually run the State into debt to the amount of millions.

Mr. HATCH. There is no telling how much they would have run it into debt without that provision. [Laughter.]

Mr. FLORENCE. I am opposed to this amendment, for the reason that I am opposed to the entire contract system. I ask gentlemen to examine the stationery furnished them here, and they will find there a practical exemplification of the folly of the contract system. I do not intend to reflect on any of the officers of this House; but I think that the Government is daily robbed under the contract system. I would have the officers of this Government honest enough to go into open market and purchase, on fair competition, all the supplies needed for the Government. We should not then have these constant investigations to ascertain whether officers of the Government have been guilty of fraud or malfeasance in office. I

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-FIFTH CONGRESS, 2D SESSION. WEDNESDAY, FEBRUARY 23, 1859. NEW SERIES....No. 76.

know very well, and the experience of every gentleman will bear me out in the declaration, that no single article of supply furnished to the Government, under the contract system, comes fairly up to the standard; and it never has been otherwise, from the foundation of the Government to this hour. Take, for instance, candles, soap, or any other article you choose, and you will find a deterioration from the samples in every article that is supplied. No supervision, no inspection, no means of investigation, will ever prevent it; because the quality of the article cannot be ascertained until it is distributed all over the globe in the ships of war, or wherever else it is required to be used. Then it is discovered that the candles run away, and that the soap will not effect the purposes for which it is designed, in salt water, and all that sort of thing, [laughter,] even although the contractors have given adequate security that the candles will not run, and that the soap will be equal to the purposes for which it is required. [Renewed laughter.]

Now, I desire that the people who use these candles and this soap shall be protected. I desire that that sort of light and that sort of soap shall be given to them that shall come up to the standard of the proposals invited. I have referred to these two articles because every gentleman uses candles and every gentleman uses soap, [Cries of "Oh no!" and laughter;] and when he sees candles that will run, and soap that will not wash, he will recollect that the contract system is a failure, and will come here and vote intelligently, as a gentleman ought to do who has a seat here, and break up the contract system altogether.

Now, Mr. Chairman, this is the sort of economy that I would practice in the expenditure of this Government. I would have the supplies for the Government bought in open market.

[Here the hammer fell.]

Mr. SHERMAN, of Ohio. It is evident that we cannot finish this bill to-day, and I therefore move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committtee of the Whole on the state of the Union had had the Union generally under consideration, and particularly the bill of the House (No. 872) making appropriations for the service of the Post Office Department during the fiscal year ending June 30, 1860, and had come to no resolution thereon.

EVENING SESSION.

Mr. ABBOTT. I move the adoption of the following resolution:

Resolved, That the resolution of the House, authorizing evening sessions, be so extended as to allow a session this evening.

Mr. McQUEEN. I object; and now move that the House adjourn.

The question was taken; and the House refused to adjourn; there being, on a division—ayes 42, noes 83.

Mr. ABBOTT. I move a suspension of the rules for the purpose I have indicated.

The question was taken; and the rules were suspended.

The resolution was then adopted.

Mr. WASHBURNE, of Illinois. I ask the unanimous consent of the House to discharge the Committee of the Whole on the state of the Union from the further consideration of Senate bill No. 341. It is for the protection of the piers and light-house at Chicago. I have a letter from the engineer in charge, in which he says that, unless this appropriation is made, the piers will go to decay and the light-house topple over.

Objection was made.

Mr. WASHBURNE, of Illinois. I move a suspension of the rules.

Mr. ABBOTT. I ask the gentleman to withdraw that motion; otherwise we will not have a night session.

Mr. WASHBURNE, of Illinois. I withdraw it for that purpose alone.

Mr. BURNETT. I move that the House do now adjourn.

The House refused to adjourn.

Mr. ABBOTT. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. SMITH, of Tennessee, in the chair.)

Mr. ABBOTT obtained the floor.

Mr. PHELPS, of Missouri. The understanding is, that there will be no business done, nor votes taken, at the evening session.

Mr ABBOTT. Certainly.

Mr. MORGAN. If the gentleman will yield, I will move that the committee take a recess until seven o'clock, p. m.

Mr. ABBOTT. I yield for that purpose.

Mr. MORGAN. I submit that motion.

The motion was agreed to; and at five o'clock, p. m., the committee took a recess until seven o'clock, p. m.

EVENING SESSION.

The Committee of the Whole on the state of the Union resumed its session at seven o'clock, p. m., and by unanimous consent resumed the consideration of the President's message.

Mr. ABBOTT being entitled to the floor, addressed the committee for an hour. [His speech will be found in the Appendix.]

Mr. SEWARD. Mr. Chairman, I expected to occupy the floor this evening; but under the present circumstances, I think I will not do so.

Mr. LOVEJOY. I will occupy the floor, then, if the gentleman has no objection.

Mr. SEWARD. I yield to the gentleman.

Mr. FOSTER. With the gentleman's permission I will not trouble the committee with the reading of some remarks I have prepared upon the subject of a European and North American railway. I ask leave to print them.

No objection being made, leave was granted.

Mr. GILMER asked and obtained leave to print a speech on the bill introduced by his colleague, [Mr. BRANCH,] to establish a national foundery in the valley of Deep river, in North Carolina, setting forth the superior advantages of said valley for such an institution.

Mr. LOVEJOY addressed the committee for an hour upon the subject of slavery.

Mr. OTERO. I ask leave to hand the reporters, for publication, some remarks I have prepared upon the depredations of the Indians in the Territory of New Mexico.

Leave was granted.

Mr. MONTGOMERY next addressed the committee upon the tariff question.

Mr. HATCH addressed the committee on the condition and demands of the inland commerce of the country.

Mr. JACKSON next obtained the floor, and addressed the committee in defense of the Secretary of the Treasury.

Mr. LAMAR then addressed the committee on the tariff question, and in reply to Mr. STANTON. [These speeches will be found in the Appendix.]

Mr. STEVENS, of Washington, obtained the floor.

Mr. STANTON. If the gentleman will permit me, I would like to make some reply to the gentleman from Mississippi.

Mr. STEVENS, of Washington. I have been here two nights waiting to get the floor. I cannot yield now.

Mr. STANTON. I should like to make the remarks I desire to submit at this time, and on the impulse of the moment.

Mr. GROVER asked leave to print a speech which he had prepared, upon the subject of the Oregon war debt.

Leave was granted.

Mr. STEVENS, of Washington, addressed the committee in reference to the Oregon and Washington war debt. [These speeches will be found in the Appendix.]

Mr. FOSTER moved that the committee rise.

The motion was agreed to.

So the committee rose; and Mr. GROVER having taken the chair as Speaker *pro tempore*, Mr. SMITH, of Tennessee, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and especially the annual message of the President of the United States, and had come to no resolution thereon.

Mr. SMITH, of Tennessee, moved that the House adjourn.

The motion was agreed to.

The House accordingly (at half past eleven o'clock, p. m.) adjourned.

IN SENATE.

TUESDAY, *February* 22, 1859.

The Journal of yesterday was read and approved.

NEGOTIATIONS WITH SPAIN.

Mr. BELL. I think it my duty to call attention to the resolution which I submitted yesterday, which was then objected to, and, of course, had to lie over under the rule. I rise now, not so much with a view of pressing the consideration of it, as to say that an hour or two hence, if the business of the Senate will permit it, in deference to the wishes of the honorable Senator who is the chairman of the Committee on Foreign Relations, [Mr. MASON,] I shall desire, then, to call the attention of the Senate to it. It is at his request now that I forbear to press it at this moment.

PETITIONS AND MEMORIALS.

Mr. STUART presented a resolution of the Legislature of Michigan against any increase of the rates of postage; which was ordered to lie on the table, and be printed.

Mr. HAMLIN presented a resolution of the Legislature of Maine, against any increase of the rates of postage; which was ordered to lie on the table, and be printed.

Mr. WILSON presented the petition of George W. Dorrance, chaplain at the penitentiary, in the city of Washington, praying that the recommendation of the board of inspectors in regard to his compensation may be carried into effect; which was referred to the Committee on the District of Columbia.

Mr. POLK presented a petition of citizens of New York, praying for the passage of a law to prevent all further traffic in, and monopoly of, the public lands, and that they be laid out in farms or lots, for the free and exclusive use of actual settlers only; which was ordered to lie on the table.

Mr. KING presented a memorial of John Reeves, praying that the United States Minister at Constantinople may be instructed to submit his claim to pay for service while employed and detained at Constantinople to construct vessels-of-war for the Turkish Government; which was referred to the Committee on Foreign Relations.

Mr. HALE. I hold in my hand, and have been requested to present to the Senate, a petition from William Dease, a young man of about twenty-three years of age, who represents that on the 6th of February, 1855, he enlisted in the military service of the United States for the term of five years, and was immediately marched to Nebraska Territory; that there he had both his hands frozen off up to the knuckle joints; so, that, at the early age of twenty-three, he is entirely disabled; that about a year since, he was admitted to the Military Asylum, and, from that asylum, he has been arbitrarily and unjustly dismissed; and that, at this age of twenty-three, maimed and mutilated in his country's service, he is obliged to appeal to Congress for relief. I move that his petition be referred to the Committee on Pensions, of which the Senator from Iowa [Mr. JONES] is the head. As that Senator is about to leave the Senate, I

have no doubt he will be glad to signalize the close of his service by this act of humanity and justice.

The petition was referred to the Committee on Pensions.

Mr. WARD presented the memorial of Joseph W. Taylor, praying to be relieved from a judgment recovered against him as security for a defaulting postmaster; which was referred to the Committee on the Post Office and Post Roads.

He also presented the memorial of Sampson McCown and Allen D. Burress, praying to be relieved from a judgment recovered against them as sureties for a defaulting postmaster; which was referred to the Committee on the Post Office and Post Roads.

REPORTS FROM COMMITTEES.

Mr. DOOLITTLE, from the Committee on Indian Affairs, to whom was referred the memorial of William H. Forbes and others, guardians of minor children of mixed bloods of the Sioux Indians, reported a bill (S. No. 599) to authorize the sale of the scrip or certificates of certain minor children of the half breeds or mixed bloods of the Dacotah or Sioux nation of Indians, issued under the act of Congress approved July 17, 1854; which was read, and passed to a second reading.

Mr. FITCH, from the Committee on Printing, to whom was referred the motion to print ten thousand extra copies of the report of the Committee on Pensions on the bill (H. R. No. 259,) entitled "An act granting pensions to the officers and soldiers of the war with Great Britain of 1812, and those engaged in Indian wars during that period," reported in favor of printing five thousand copies; which was agreed to.

BILL INTRODUCED.

Mr. GREEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 598) concerning courts in Kansas Territory; which was read twice by its title, and referred to the Committee on the Judiciary.

PRINTING OF A BILL.

On motion of Mr. FITCH, it was

Ordered, That the bill (S. No. 572) to provide for the construction of certain classes of public works, be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 251,) to authorize the claimants in right of John Huertas to enter certain lands in Florida.

ENROLLED BILL SIGNED.

A subsequent message announced that the Speaker had signed an enrolled bill (H. R. No. 251) to authorize the claimants in right of John Huertas to enter certain lands in Florida; and it was signed by the Vice President.

COAST SURVEY REPORT.

Mr. FITCH. Some time since a report was made from the Committee on Printing in favor of printing five thousand additional copies of the Coast Survey report for last year. The report was made upon a request from the Department to which that survey belongs for additional copies, for the use of the Superintendent of the Coast Survey. The resolution ordering the printing of five thousand extra copies was adopted at the time by the Senate, and was so far acted upon, I understand, that the work is in the hands of the Printer. Subsequently, on the 19th of February, the Senator from Illinois [Mr. TRUMBULL] moved a reconsideration; which, of course, suspends the further progress of the work. It is unjust that it should remain in that suspended condition. There should be some decision immediately, either for it or against it. If the Senator were in his seat, I would ask him to withdraw the motion; but, as he is not here, I hope it will be taken up and rejected at once, in order that the Printer may go on.

Mr. FESSENDEN. I had some objection, myself, to the resolution reported by the committee, inasmuch as it gave the distribution of all the extra copies to the Superintendent of the Coast Survey. There was, on my part, no objection to the number proposed to be printed, and I presume there is none anywhere; but the provision that the Superintendent shall have the distribution of all the copies is a new feature in our arrangements with reference to this matter, and I should like to hear the reasons why it was proposed.

Mr. FITCH. The reasons, if I can speak for my associates of the committee, are simply these: Desirous of stopping, as far as is within their power, the circulation of documents of that character by members of the Senate, they felt unwilling to print any extra numbers for such general distribution by members; but the Superintendent especially asked for this number, five thousand, for the use of his office. We were willing to grant him that request upon his statement of the necessity, he desiring to distribute these documents along the coast, where they would be particularly useful. For myself, situated unlike the Senator from Maine, I felt no interest in it, and no desire to have a single copy in my possession, but I have no objection whatever to a modification of the resolution, so that any given number the Senate may indicate shall be placed in the hands of members of the Senate.

Mr. PEARCE. I think a session or two ago we changed the usual order for the publication and distribution of these documents. I think the number formerly printed was ten thousand; one half for the use of the Coast Survey Office and the other half to be distributed by members of the Senate. We subsequently changed it to about six thousand. I think the last time we ordered the printing of this report the number was reduced to six thousand two hundred, of which one thousand two hundred copies were to be distributed by members of the Senate and the residue by the Superintendent of the Coast Survey. I rather think it would be desirable to retain a small number of copies for distribution by Senators, who are often called on for them, particularly from the maritime States; but I have no desire to return to the old amount of ten thousand. I would prefer that a small number should be retained for distribution by Senators.

Mr. FESSENDEN. I have no desire to increase the whole number of copies printed; I am satisfied with five thousand; and I shall make no question on that point; but I think the Senator from Indiana, and other Senators situated as he is, cannot judge so exactly of the propriety of the mode which they have decided upon for the distribution of this document, as other Senators who live at points where these books are very much desired. It is hardly to be supposed that the Superintendent of the Coast Survey knows in the different States a sufficient number of people who are the most fit persons to whom these books can be distributed. Undoubtedly, he has a very large aquaintance along the coast, where he has been conducting these operations; but, of course, it must be limited among mercantile men. The book is very much required in my State. We have an extensive sea-coast, as everybody knows, and a great many men engaged in commerce, and the Senators and Representatives from that State have an excellent opportunity to distribute these books. They know to whom they may be sent with advantage, where they will be found useful; and I can only say to the Senator from Indiana, who probably cares nothing about them, that I should be very happy to receive the number that may come to his share for distribution. Several Senators have been kind enough heretofore to present me with more or less of theirs, and I have been under great obligations to them, and so have been my constituents. We have a large number of people to whom they are exceedingly desirable. For that reason, if the whole number is reduced to five thousand, I think that at least three thousand five hundred ought to be allowed to the Senators for distribution, leaving one thousand five hundred for the Superintendent. At any rate, I can very well dispose of a much larger number than will fall to my share under that ratio. I hope the resolution will be reconsidered with a view to modify it, so that we may have an opportunity to distribute a certain portion of these books at least.

Mr. DAVIS. The object of the reconsideration, as it is stated by the Senator from Maine, is with a view to limit the number now assigned to the Coast Survey, and give some to Senators. I think the whole number now assigned to the Superintendent of the Coast Survey is required for his correspondence; and he can distribute them more judiciously, I believe, than anybody else. His intercourse with the Chambers of Commerce, with merchants and navigators all along the coast which he has been engaged in surveying, is so extensive that, even in the State of Maine, I doubt if those who are most interested in it do not know the Superintendent of the Coast Survey quite as well as anybody else. That an individual, a general reader, who might desire such a work, would know a Senator better than the Superintendent of the Coast Survey, is most probable. For myself, I will say that I have frequently had the same character of applications as those referred to by the Senator from Maine; and I have thus far found no difficulty, by application to the Superintendent of the Coast Survey, in securing at least a reasonable supply for that portion of the coast which lies in the State I represent.

I prefer, generally, that the Department having charge of a work should have the distribution of the documents. So far as I have observed, the giving of them to Senators for general distribution throws them into the hands of those to whom they are of no use; a class of persons who never would apply to the officer having charge of a special work; and the officer having charge of such special work, will have an intimate acquaintance with the persons most interested in it, if his operations be coextensive with the Union, as in this case. The long shore line of the coast of the State of Maine, much the longest of any State in the Union, of course would render a greater number desirable there than elsewhere. On the basis of distribution usually adopted here, which is giving an equal number to each Senator, Maine does not get so much; but, by giving the distribution of the work to the officer in charge of it, his acquaintance with persons along that great shore line will be peculiarly available, and their knowledge of the value of the work would lead them to apply to him for it; and I am quite sure the State would get a larger portion on this basis of distribution than on any other. If it be desirable that Senators should have some copies for distribution, then, I say, increase the number; but do not divide the five thousand, being the number which has been graduated for the wants of the Coast Survey Office in its known, existing correspondence.

Mr. FESSENDEN. I have a word to say about that. The idea that the Superintendent of the Coast Survey has such a correspondence along the shore that he can best distribute five thousand copies, is, to my mind, a little singular. The Superintendent has undoubtedly been in my State very considerably; but I cannot believe that his acquaintance with the people interested in that matter can be anything like so extensive as the acquaintance of the Senators from that State.

Mr. DAVIS. I do not mean that he has an acquaintance with individuals anything like equal to that of the Senators, but an official acquaintance with the class of persons who require this work.

Mr. FESSENDEN. No, not with the class of persons who require this work. I do not believe that Professor Bache knows twenty people of that description in my section of the State. He is a man very little known personally; he has very little connection with the people; he attends to his business, undoubtedly, with correctness; but that he has that kind of knowledge which will enable him to make this distribution in my State, I certainly cannot believe to be true. The reason of my wish is, that I am apprehensive we shall not get the portion which we ought to have for distribution. The idea which the office has is rather to extend the reputation of the work abroad and in other quarters than to distribute it throughout this country. I want the people who pay for it to have it, and I believe those who represent the people can best tell who ought to have the book, and in whose hands it would be most serviceable. That the Superintendent should have the same number that we give to the superintendents of other offices, comparatively, I have no objection. We give to the superintendent of the Patent Office two thousand copies of all we print of the agricultural report for distribution; he wants a certain number. I am willing to give the same number to the Superintendent of the Coast Survey. I really hope this resolution will be reconsidered and modified in some way, so that we may have a voice in the matter.

Mr. HUNTER. Is it not in order for me now

to submit a motion to postpone all prior orders for the purpose of taking up the appropriation bill? I must make my question of order. Unless I make my motion now, the Senator from Florida [Mr. MALLORY] will have the floor on another subject at one o'clock.

The VICE PRESIDENT. It is now in order for the Senator to move to postpone the pending motion, and all other orders.

Mr. HUNTER. I presume I can move to postpone all prior orders?

The VICE PRESIDENT. The Chair thinks the Senator can accomplish his purpose by the motion he has suggested.

Mr. HUNTER. I make that motion.

Mr. FESSENDEN. I do not believe there will be any more talk about this subject of the Coast Survey report.

Mr. HUNTER. If I were to yield now, I should not get the floor again before somebody had the floor on Cuba. I want to make my motion now, and try the sense of the Senate.

The VICE PRESIDENT. The question before the Senate is the motion of the Senator from Indiana to take up the motion to reconsider the vote by which the Senate passed the resolution to print five thousand copies of the Coast Survey report, to be given to the Superintendent for distribution. The Senator from Virginia moves to postpone, until to-morrow, that motion and all prior orders, with a view to take up the bill making appropriations for the legislative, executive, and judical expenses of Government for the year ending June 30, 1860.

Mr. PEARCE. I hope the Senator will give way for one moment. I think it likely that we can get a vote upon this question without any further debate.

Mr. HUNTER. If I give way to allow the vote to be taken, I fear I shall not get the floor any more. I hope my friend will excuse me.

The VICE PRESIDENT. The question is on the motion to postpone.

Mr. HUNTER. I have but a word to say in regard to that motion. I want to call the attention of the Senate to the fact that all the heavy appropriation bills are behind, and that in addition to them, we shall have to act upon some bill to raise means to enable the Government to get along—either a bill to reissue Treasury notes, or a loan bill; and if we mean to do those things which are absolutely necessary, in order to prevent an extra session, we must give the appropriation bills precedence. I have stood by and permitted the Cuba bill to occupy a much larger proportion of time than the appropriation bills. I have a statement here of the number of days occupied by each. I find that, on this question of Cuba, we have consumed eight days, and generally whole days. I find that on all the appropriation bills together we have had but nine days, and only a small part of yesterday appropriated to them. I must say I regret very much to have to push these appropriation bills when Senators are entitled to the floor on other subjects; but I find it will not do for me to yield out of courtesy; because if I do it to-day, I shall have to do it to-morrow. If we were to take up the Cuba bill, undoubtedly, the Senate would adjourn for some set speech, and thus we should have that question going on until the end of the session; and we shall be forced into an extra session unless we take up the appropriation bills and act on them at once. Having given this explanation, it will be for the Senate to determine what they will do.

Mr. FESSENDEN. I desire to ask a question about the order of business. If the appropriation bill be taken up, will it, or will it not, be deferred at one o'clock?

Mr. HUNTER. I shall not agree to postpone it. It can only be deferred by a vote of the Senate. I cannot help that.

Mr. FESSENDEN. I did not know but that it went over, of course, at one o'clock. If it will go on, I will vote to take it up.

Mr. HUNTER. I move to postpone all prior orders in the way, for the purpose of taking up the appropriation bill.

The VICE PRESIDENT. The Senator from Virginia moves to postpone the subject under consideration; but the Chair will state that the Senate have made a special order for one o'clock, and when that time arrives, the Chair will call it up.

Mr. HUNTER. I move to postpone that along with the other prior orders. I move to postpone all prior orders.

Mr. BIGLER. And subsequent orders.

Mr. HUNTER. Yes, sir; I move to postpone them all.

Mr. SLIDELL. It would be well, Mr. President, to have an understanding upon this subject. I shall certainly interpose no objection to the consideration of the appropriation bill until one o'clock; but when that hour arrives, unless the bill for the acquisition of Cuba comes up in order, as a matter of course, without a renewed motion to postpone the appropriation bill, I must now object to the proposition of the Senator from Virginia.

Mr. CRITTENDEN. The Senator from Virginia can move to continue the appropriation bill at one o'clock.

Mr. SLIDELL. I should prefer to go on with the Cuba bill.

The VICE PRESIDENT. It is unusual; the Chair knows of no instance of a motion being made to postpone a piece of business which will not come up for an hour. The Senator from Virginia moves to postpone all orders of business that would come up at this time, clear through the Calendar. The Chair, at one o'clock, unless the sense of the Senate be otherwise, if this motion should prevail, will call up the unfinished business of yesterday.

Mr. HUNTER. I have made my usual motion. I have always, heretofore, been able to postpone all prior orders, by such a motion; but, if the Chair is correct, this Cuba bill will always shut me out, for we shall always adjourn on it with somebody on the floor; and when the Chair calls for the special order, a Senator will be entitled to the floor, and I shall be shut out entirely.

The VICE PRESIDENT. The Chair will take the sense of the Senate when the time comes.

Mr. HUNTER. Very well; let us try the sense of the Senate upon it. I ask the Senate now to indulge me in postponing all prior orders, and taking up the appropriation bill.

Mr. FESSENDEN. I should like to understand this point. Does the Senator mean at one o'clock to suspend the appropriation bill for the special order?

Mr. HUNTER. No, sir; I do not. I desire to go on with the bill. If the Chair decides against me, I will take the sense of the Senate on the decision of the Chair.

Mr. FESSENDEN. Suppose the Chair decides that, at one o'clock, the special order comes up: will the Senator move to postpone the special order, in order to go on with the appropriation bill?

Mr. HUNTER. I shall insist that the appropriation bill is up; and if the Chair decides against me, I shall take an appeal.

Mr. TOOMBS. I would suggest to my friend to move to postpone all the orders of the day, if that is his object.

Mr. HUNTER. I have moved it. I have moved to postpone them all; and if the Senate agrees to it, I shall insist that, at one o'clock, unless there is another motion to postpone the appropriation bill, we go on with it through the day.

Mr. FESSENDEN. I wish to have a distinct understanding on this subject. As a member of the Committee on Finance, I am perfectly willing to sustain the chairman in getting up the appropriation bills. I believe there is hardly time enough left now to pass them; but I wish to understand whether, if once up, he will continue their consideration if possible.

Mr. HUNTER. Certainly I will.

Mr. FESSENDEN. Suppose it is then ruled by the Chair, and the ruling is sustained by the Senate, that this bill being up is displaced by the special order; will the Senator move to postpone the special order, and continue the discussion of the appropriation bill?

Mr. HUNTER. Yes; I will.

Mr. FESSENDEN. Very well. Then I will vote to take it up.

The VICE PRESIDENT. It is moved to postpone the pending motion, and all prior orders, with a view to take up the appropriation bill.

The motion was agreed to.

Mr. WARD. I ask leave of the Senate to present a memorial.

The VICE PRESIDENT. It requires unanimous consent. The Chair hears no objection.

Mr. WARD. It is a memorial of the citizens of Texas, asking that Joseph M. Taylor be relieved from on injunction of the United States against him for a defaulting postmaster. I also desire to present another memorial of the same character.

Mr. HUNTER. I did not give way for petitions and reports. I thought the appropriation bill was up.

The VICE PRESIDENT. The bill was up, but it is in order for any Senator to ask the unanimous consent of the Senate, and the Chair heard no objection.

Mr. HUNTER. I object. I want to go on with the bill.

Mr. WARD. I shall be through in a moment.

The VICE PRESIDENT. The Chair must say to the Senator from Texas that it requires unanimous consent to present the memorial, and the Senator from Virginia objects.

Mr. HUNTER. I am opposed to presenting them. I have got the bill up, and I want to go on with it.

The VICE PRESIDENT. The Chair feels obliged to continue the order of business, if insisted on.

Mr. DAVIS. I ask the consent of the Senate to offer a memorial, and to make a report. I came in and found a discussion going on, and then the Senator from Virginia made his motion. If I am not allowed to present them, I shall move to reconsider the vote by which we postponed all prior orders. I hope there will be no objection. I do not wish to take up any time.

Mr. HUNTER. If I give way to the Senator, I shall have to give way for all others. I cannot agree to it. Let the Senate reconsider the vote, if they think proper.

Mr. DAVIS. Then I move to reconsider the vote by which we postponed all prior orders, and thus shut out petitions and reports in the morning hour.

The motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed a bill (H. R. No. 92) to amend the act entitled, "An act in addition to certain acts granting bounty land to certain officers and soldiers, who have been employed in the military service of the United States," approved May 14, 1856.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 711) making appropriations for the legislative, executive, and judicial expenses of Government for the year ending the 30th of June, 1860, which was reported from the Committee on Finance, with amendments.

The first amendment of the committee was in lines eight and nine, to strike out "$319,018 88," and insert "$338,861 72;" so that the clause will read:

For compensation and mileage of Senators, $338,861 72.

The amendment was agreed to.

Mr. WILSON. Have we passed that portion of the bill which concerns mileage?

The PRESIDING OFFICER, (Mr. IVERSON in the chair.) Yes, sir.

Mr. WILSON. I wish to give notice that I have just sent for a bill which I intend to move as an amendment. I will move it before we get through with this bill.

The next amendment of the Committee on Finance was on page 3, line fifty-eight, to strike out "$32,509," and insert "$35,004," so that the clause will read:

For clerks to committees, pages, police, horses, and carryalls, $35,004 50.

This relates to the contingent expenses of the Senate.

The amendment was agreed to.

The next amendment of the Committee on Finance was to add, on page 3, line fifty-nine, after

the appropriation for the Capitol police, the following:

And for the additional police appointed January 12, 1859, during the present fiscal year, $1,558 32, making, together, $36,504.

Mr. HUNTER. These additional police were appointed by the Speaker of the House, and President of the Senate, on account of moving into the new buildings. It became necessary for that purpose.

The amendment was agreed to.

The next amendment of the Committee on Finance was to strike out from line one hundred and twenty to one hundred and twenty-five, on page 6, as follows:

"To pay John C. Rives one cent for every five pages of the Congressional Globe and Appendix when the same exceeds three thousand pages for a long session of Congress, and fifteen hundred pages at a short session of Congress, per act of eighteenth of August, 1856, $11,000."

Mr. HUNTER. The House struck out the regular appropriation for the Congressional Globe, and this appropriation then is useless.

The amendment was agreed to.

The next amendment of the Committee on Finance was on page 5, to strike out from line one hundred and twenty-six to one hundred and thirty, inclusive, the following words:

"For the usual additional compensation to the reporters for the Congressional Globe for reporting the proceedings of the House of Representatives for the first session of the Thirty-Sixth Congress, $800 each, $4,000."

Mr. HUNTER. This is an amendment to strike out the appropriation for the reporters of the House of Representatives. As the House destroy the Globe, the committee did not see what they wanted with reporters.

The amendment was agreed to.

The next amendment was on page 20, after line four hundred and sixty-six, to insert:

To enable the Secretary of War to employ temporary clerks in the office of the Quartermaster General, on bounty land service, $5,000.

Mr. HUNTER. That is the usual appropriation made for clerks, to carry out the bounty land act.

Mr. STUART. I should like to know if there is any necessity for it. The business under the bounty land acts, if we are to believe the reports from the Departments, and I presume they are correct, is very nearly completed. We certainly should not continue this appropriation when the business is light, or, perhaps, nearly completed. I am not willing to vote this sum of money every year, merely because there are bounty land laws in existence. Indeed, I do not see very much what use the War Department can have for this number of clerks because of bounty land acts. This business is done in the Pension Office.

Mr. DAVIS. That is a mistake.

Mr. STUART. Well, sir, the examination of the rolls would not require that amount of force at this time.

Mr. DAVIS. The Senator from Michigan, I suppose, has overlooked the fact that a large number of the persons to whom bounty land is granted under the successive laws, were teamsters and employés in the quartermaster's department, and there alone can the evidence of their service be found. A number of clerks had to be added to give the information necessary, which could only be drawn from the quartermaster's department.

Mr. STUART. I am very well aware that there was a necessity for some additional force when the law was passed, and for years afterwards, while the business was heavy; but I see that the reports from the Department now show the bounty land business to be very small. The great amount of that business has been done, and the necessity for extra service for the purpose of ascertaining who is and who is not upon the rolls, is now not necessary, in my opinion. Therefore, I call upon the chairman to know whether he had any information from the Department to show that the present business required this extra service? From all the information from the Department, I should think not.

Mr. HUNTER. The general statement is made in the report of the Secretary of the Interior that petitions under the bounty land act are coming in constantly, and the Department have estimated for this force as necessary. No special inquiries were made. I presume if they were ever necessary, they are now.

Mr. PUGH. It appears by the original bill that we appropriated $16,440 for the compensation of clerks and messengers in the office of the quartermaster general. Now it is proposed to add $5,000. It seems to me the proposition ought to be rejected. However, I have not the slightest idea that it will be defeated.

Mr. STUART. I move to strike out "$5,000" and insert "$2,000." I believe we have gone far enough in this business, and that we should reduce the force somewhat. My opinion is, that the appropriation is wholly unnecessary; that there is not any necessity for a dollar of it; but I think we had better strike out a portion of it. I move to strike out "$5,000" and insert "$2,000."

The amendment to the amendment was agreed to; there being, on a division—ayes 20, noes 16.

The amendment as amended was adopted.

The next amendment of the committee was on page 26, line six hundred and nine, in the appropriation for the Mint at Philadelphia, to strike out "$30,000" and insert "$74,800," so that the clause will read:

For wages of workmen and adjusters, $74,800.

Mr. HUNTER. The House of Representatives reduced the appropriation for labor in the Mint. Now, it is well known that the labor there, to a large extent, is composed of experts; that if you dismiss them they are not easily recalled; and not only that, but it will be a great inconvenience to the Mint, and they might not be able to discharge their functions so necessary to the country. However desirable we thought economy and retrenchment, in this instance we considered that it was no saving to diminish the working force of the Mint. Accordingly the Committee on Finance have offered the amendment restoring the appropriation for labor in the Mint.

Mr. PUGH. It seems to me that this amendment and the next three or four proposed by the committee defeat an attempt which has been made by the House of Representatives to retrench the expenditures of this department; and I have very little doubt the House were right, because the Senator seems to have no definite information about it. He only fears that it is not right. This is a good place to make a test, and I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PUGH. The next amendment of the committee proposes an additional appropriation of over $100,000 for the Mint. These four amendments include an immense sum. One proposes to strike out $30,000 and insert $74,800; the next, to insert $100,000 more; still further to strike out $22,000 and insert $45,000; and still further, to strike out out $15,000 and insert $34,000. It seems to me that here is almost a quarter of a million increase for the Mint. I cannot believe it to be necessary.

Mr. GWIN. The amendments of the Committee on Finance, in regard to the mints, are to restore the estimates of the Department. The House of Representatives, without any report, without any examination of the subject, on the simple motion of a member, not coming from any committee, reduced these appropriations. Any legislation in regard to the coining establishments of the United States, should be approached with great caution and care. Why, sir, the coining of our own gold product amounts to from twenty to fifty millions a year. Here are carefully prepared estimates of the Department, which, without a reason given, upon the simple motion of a member of the other House, are struck down, in this indiscriminate mode of striking at all appropriations, when there is not time for examination, as was the case there. The only reason that has been given for the motion in the other House was, that the appropriations were large and not definite. The fact is the estimates were prepared with care at the Mint. As the Senator from Virginia has stated, the workmen engaged are experts. The increase of gold in the country is greater than it was formerly, and the necessity for the Mint is greater than it has been; and nothing could be more injurious than to strike out the estimates of the Department, and close up the mints, for the proposition of the House would have that effect. We should have to send gold off to foreign countries, instead of having it assayed, refined, and coined at home.

Mr. PUGH. It makes very little difference, for all these twenty dollar pieces are exported; and they may as well be made into large bars. It is a very foolish thing, I think, for the United States to be engaged in the twenty dollar coinage to such an extent. The coin is exported; and I do not know but that the object of making that large coin was to let it be exported; and it might just as well be a gold bar. When we are urged to stand by an appropriation bill that comes from the House, we are told that the House has carefully considered it. We do not know how much the House has considered it. We see that here is a systematic effort which has been made to retrench the expenditures of the Government in that department, which has been made by the coördinate branch of the Legislature—that branch which has peculiarly the charge of the public revenue. It is said we have the estimate of the Departments. Oh, yes; we have them for everything; and, if the Departments are to legislate money out of the Treasury, we had better go home.

Mr. GWIN. The Senator says we might as well send it off in bars. How will you put it into bars unless you assay it and refine it? The main service performed is in getting it into bars. These very laborers are employed for that purpose. The coinage is a small portion of it; it has to be prepared for coinage.

Mr. PUGH. I do not care about preparing it for gentlemen who want to export the gold. Let them prepare it for themselves.

Mr. HUNTER. The Senator from Ohio is mistaken in regard to this matter. It requires expert laborers and faithful men in this regard, men who have to be trained to it. But that is not the only thing. Suppose, by reducing the labor, which is the cheapest thing in the Mint, we should disable them from coining money as fast as it might be wanted, it would be dangerous to commerce. It is one of the things with which it is dangerous to tamper. I would rather be wrong, I would rather spend some money unnecessarily in this particular, than run the risk of injuring commerce by disabling ourselves from coining the gold and silver that might be deposited in the Mint, in time for the wants of trade and commerce. We thought, therefore, it would be safer and better to reconsider the appropriations to the amount of the estimate. There would be no economy in stopping the operations of the Mint, if it would have that effect, and there is danger that it would.

The VICE PRESIDENT. The Chair will now call up the unfinished business of yesterday, in order that the Senate may determine the question which was suggested a short time ago by the Senator from Virginia.

Mr. SLIDELL. I suggest that, by common consent, the yeas and nays be taken on this amendment, and then the other question can be raised and decided. I will simply suggest that the effect of not adopting the amendment offered by the Committee on Finance will be to leave all the officers of the Mint in the full enjoyment of their salaries, without the power of doing anything—to pay the officers and have no men. That would be the direct effect.

Mr. PUGH. How can that be, when there is already $30,000 appropriated for adjusters and workmen.

Mr. SLIDELL. That is not enough.

Mr. PUGH. The bill contains an appropriation of $30,000. Now, let me repeat, that the Senate may understand the question, that, at the Philadelphia Mint it is proposed to strike out $30,000 and insert $74,800. Here is the mint at San Francisco, and it is proposed to increase the appropriation for that from $65,493 to $165,493. Here is the assay office at New York, and there is an increase there from $30,000 to $45,000. Here is the branch mint at New Orleans, and it is proposed to increase that from $15,000 to $34,000. Here is more than one hundred per cent. on every single one of them.

Mr. DOUGLAS. Above the estimates?

Mr. PUGH. I do not know what the estimates are.

Mr. HUNTER. These are strictly according to the estimates.

Mr. PUGH. Then the House has reduced the estimates.

The VICE PRESIDENT. The Senator from Louisiana suggests that, by common consent, the yeas and nays be taken on the pending amendment before the Chair calls up the unfinished business of yesterday.

The question being taken by yeas and nays, resulted—yeas 33, nays 17; as follows:

YEAS—Messrs. Allen, Bayard, Bigler, Bright, Broderick, Brown, Chesnut, Clingman, Collamer, Crittenden, Davis, Doolittle, Fitch, Fitzpatrick, Green, Gwin, Hale, Houston, Hunter, Iverson, Johnson of Arkansas, Jones, Kennedy, Mallory, Mason, Pearce, Reid, Simmons, Slidell, Stuart, Thompson of New Jersey, Ward, and Yulee—33.

NAYS—Messrs. Bates, Bell, Chandler, Clay, Dixon, Douglas, Durkee, Foot, Foster, Hamlin, Harlan, Johnson of Tennessee, Polk, Pugh, Trumbull, Wade, and Wilson —17.

So the amendment was agreed to.

Mr. SLIDELL. Mr. President——

Mr. BELL. I wish, before the honorable Senator from Louisiana makes the motion for which he has, no doubt, risen, to state that I have modified the resolution I offered yesterday in such a manner as to lead to no objection from the honorable Senator from Virginia.

Mr. HUNTER. The appropriation bill is up, and I mean to take the sense of the Senate as to whether it is superseded at one o'clock. I hope the Senator from Tennessee will wait until we decide whether the appropriation bill goes on.

Mr. BELL. I have no objection to that.

Mr. HUNTER. It is important to settle this question, and for that reason I wish to take the sense of the Senate by way of appeal. My motion was to postpone all prior orders, one of which was this special order, for the purpose of going on with the appropriation bill through the day; and I maintain that when the Senate agreed to that, they postponed it for the day, unless they choose by another majority vote to postpone this bill. It is competent for them to postpone this bill, and to take up something else by a majority; but until they do so, it seems to me, the appropriation bill is still pending, because the motion to postpone all prior orders included this special order. On that I should like to have the sense of the Senate.

The VICE PRESIDENT. The Chair would prefer, as he desires himself to have the sense of the Senate, that the Senator would let it take the form of a submission of the question from the Chair to the Senate.

Mr. HUNTER. I prefer that.

The VICE PRESIDENT. The Chair will state the question to the Senate. It is a matter of some consequence for the convenience of business. The Senator from Virginia this morning moved to postpone the prior orders to take up this appropriation bill. That motion was made a little after twelve o'clock. It prevailed; and the Senate proceeded to consider the bill. But there was a special order of the Senate set for one o'clock. It was rather the opinion of the Chair that the special order was not included in the motion of the Senator from Virginia, because it was not then before the Senate. There was nothing for the Senate to act on in postponing it. It did not stand in the way of the motion of the Senator to take up the appropriation bill. Accordingly the Chair recognized the motion of the Senator from Virginia. The regular Calendar, the prior orders of business, were postponed, and this bill was taken up. It might have been finished before the hour arrived which the Senate had set for the consideration of the special order. When the hour of one arrived, the Chair called up the special order. The question is, whether it is the sense of the Senate that the appropriation bill continues before the Senate to the exclusion of that special order, or whether the Chair ought to call it up, and it ought to be postponed by a vote of the Senate, if they desire to continue the appropriation bill? Upon that question the Chair will take the sense of the Senate, deeming it important to have the order of business fixed, and being, of course, indifferent as to the manner in which the Senate may choose to decide it.

Mr. STUART. Inasmuch as I intend to vote contrary to the intimation of the Chair, I beg leave to state, in a very few words, why I do so. The Senate, by its rules, has authority to make, and has made, several special orders. Some seven, I think, are pending, which would come up in their order at one o'clock. That in relation to Captain Paulding is first in order, which, by the rules of the Senate, it would be the duty of the Chair to call at one o'clock. Another rule of the Senate makes the unfinished business of yesterday take priority among the special orders at one o'clock. Now, sir, I hold that all these are prior orders, because they are orders which have been made by the rules prior to the motion. They may not come up regularly for an hour afterwards, or for two hours afterwards; but they are orders made prior to this motion; and the motion of the Senator from Virginia is to postpone all prior orders and take up this bill, which the Senate has decided to do.

Now, sir, in answer to the suggestion of the Chair, that possibly this appropriation bill might be completed before the hour of one o'clock arrives, I think it will be seen that that does not alter the case. The motion postpones them for this bill; and whenever this bill is ended, they return to their place. Therefore, if the bill was ended before one o'clock, it would be the duty of the Chair to call up the special orders in their order, and the unfinished business of yesterday would be the first. That was made the special order yesterday by the adjournment while it was pending; the others were made special orders at the dates at which they were so made. They are all prior orders. The parliamentary effect of the motion is to affect that business which had priority by the previous action of the Senate, whether they would come up then, or come up half an hour or an hour afterwards.

Mr. FITZPATRICK. I generally defer to the opinions of the Senator from Michigan on questions of order; but from the slight reflection I have been able to bestow on the subject during the few moments it has been before the Senate, I must differ with him about his construction of the rules. You know, sir, that, under the rules, petitions are first in order, and reports come next. It has been repeatedly held that it is in order to move to suspend the call for petitions or reports, and to proceed, in what we call the morning hour, to the consideration of any particular bill. The reception of petitions and reports is equivalent to what may be called, under the rules, a special order; and yet it has been always held that when the hour fixed for any other special order arrives, it must come up, unless the Senate otherwise determine. We often make a special order to proceed to the consideration of a particular bill at half past twelve o'clock; we have an order to proceed to the consideration of another bill at one o'clock; and it has been uniformly held that the latter is the bill in order at one o'clock.

Now, if I understand the motion of the Senator from Virginia, it was to postpone all business then before the Senate, and proceed to the consideration of the appropriation bill. Well, sir, when we proceed to the consideration of that bill, and the hour of one o'clock arrives, the bill which is the special order for that hour is in order, and cannot be reached before then. I think the decision of the Chair is correct, and I shall vote to sustain it, although I differ with a gentleman who I know is very conversant with the rules of order. I think it would involve an absurdity to say that the Senate could take up and dispose of a bill when the bill was not before the Senate. You do not reach the special order before one o'clock, nor could you, except by common consent. A bill, to be disposed of by the Senate, must be before the Senate to be acted on; and you cannot reach this special order under the rule until the hour of one o'clock. I think the decision of the Chair is strictly in conformity with the rules as well as the practice of the Senate, and I shall vote to sustain it with a great deal of pleasure.

Mr. CRITTENDEN. I hope we shall not get into a discussion on the question of order. I should think that the honorable Senator from Virginia, who, I know, desires economy of time on this subject, had better make his motion to postpone this special order, (for that is the question at last,) in order to go on with the appropriation bill. To that question it must come at last, and let us come to it at first. Of all interminable questions, a question of order is the worst. I think, sir, that your intimation as to the rule is perfectly correct, and I shall be obliged to vote to sustain it.

Mr. HUNTER. I accept the suggestion. I will waive the question of order, reserving to myself, however, to take the sense of the Senate on it at some other time; but I move now to postpone the prior orders, for the purpose of proceeding with the appropriation bill.

Mr. SLIDELL. I wish to make but very few remarks on this subject. I gave notice yesterday, after consultation with many friends of the bill for the acquisition of Cuba, that I should press, to-day, the consideration of that bill to the termination of the debate; and I believe that if, in accordance with that suggestion, that bill be now taken up, the debate will be closed to-night. If that course be not pursued, it is quite evident that no vote can be obtained upon that measure during this session of Congress. That is the avowed design of many gentlemen on the other side of the House. I am afraid that there is, perhaps, a disposition on the part of some of those who theoretically are in favor of the bill, to give it the go-by. My desire is that there shall be a direct vote upon it, and I shall consider the evasion of a vote—and I use that term in no offensive sense at all—as exhibiting a disposition to escape a vote on that bill. To my mind, it will be a pretty sufficient evidence that all on this side of the Chamber, at least, are not hearty advocates of the bill.

Now, I will make another remark. If there were any discipline on this side of the House, there might be some hope of arriving at an ultimate vote on this bill; but at five or six o'clock in the afternoon, the regulars are always in their seats on the other side; but we have a sort of guerilla party here—militia; they disband as the hour of dinner approaches. The gentlemen on the other side, at any rate, have the merit of being well disciplined; they are the best sitters that were ever seen. They are always in their seats—*sedent æternumque sedebunt*. You will always find them here. On this side of the Chamber—I do not say this in any spirit of reproach; I say it more in sorrow than in anger—we cannot count on the attendance of our members. I am willing to try it to-night. I hope it will be tried to-night; and if we should not fail in securing the attendance of a sufficient number of gentlemen who are friends of the bill, on this side of the House, I shall be prepared to press the debate to a conclusion.

Mr. FESSENDEN. I wish simply to say, not in any unkind spirit or any spirit of bravado, that the wish of the honorable Senator from Louisiana to carry the Cuba bill through to-night cannot be gratified, for the simple reason that there are more gentlemen on this side of the House who are prepared and desire to address the Senate upon this subject than can possibly be heard in the time which the Senator is willing to allow. Consequently, it must follow, it arises from the necessity of the case, that the Senate must choose between taking up that bill and devoting time to it, and failing, as I think you will fail, in the attempt to finish it within the time specified, and taking up the appropriation bills, which must be attended to. Everybody conversant with business here at all—even for the short period I have been here—must know, that if the Senate begin to-day and devote all the time that is left and that can be devoted to the consideration of the appropriation bills necessary to carry on the Government, it will take all the remaining period of this session; and the Senate will judge whether the necessity of the other bill is so pressing with the prospect it has at present. It is not for me to say and not for me to utter anything that would be considered in any way disrespectful. The responsibility of the whole matter with reference to an extra session of Congress and with reference to passing the necessary bills for the support of the Government, which on this side we are prepared to do, if the Senate choose to go on with that, and prepare to aid in, is with the majority, and they must decide themselves as to what is expedient and proper.

Mr. PUGH. I wish to say that the Senator from Florida [Mr. MALLORY] had the floor last evening, and desired to finish his speech. It was at the earnest interposition of Senators, I think, twice or thrice, that he yielded the floor for an adjournment, on the understanding that he was to proceed to-day. I think we owe it to the Senator, at least, to allow him to conclude his speech on that subject before we go any further, because he would have finished his speech last evening, but for that.

Mr. SLIDELL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. REID. I should like to know from the Senator from Louisiana whether he desires to try to get a vote on the Cuba question during to-night? I think we ought to take up the appropriation bills, and other important business that is indispensably necessary. I will vote to take up this question in preference to the appropriation bill, if we can dispose of it to-day. My vote will depend upon the answer which the Senator from Louisiana gives me.

Mr. SLIDELL. The Senator asks a question which it is impossible for me to answer with any degree of certainty. Whether we can get a vote to-night or not, will depend upon the number of gentlemen who are to speak on the other side; but we certainly can sit, if we are so disposed, until they have finished the discussion. I believe there are but one or two Senators on this side of the Chamber who will occupy any further time in the discussion. So far as I am concerned, although by usage I have the right to close the debate, if there be any economy in time to be gained by it, I shall certainly waive that privilege. I take it for granted, that the friends of the bill will not be disposed to pursue the discussion in a way that would lead to its ultimate defeat. I think that, if we insist on sitting here, we can bring the debate to a close before we adjourn, whether it be to-night or to-morrow morning.

Mr. CLARK. I could not understand all that fell from the honorable Senator from Louisiana, because I could not hear him. I did not understand him to say distinctly whether they intended to press for a vote on the Cuba bill to-night?

Mr. SLIDELL. I did say so, very distinctly. I intended so to say, at least.

Mr. CLARK. I am very glad to know it, because we shall get ready for a night session.

The question being taken by yeas and nays, resulted—yeas 33, nays 23; as follows:

YEAS—Messrs. Allen, Bates, Bigler, Broderick, Chandler, Clark, Clay, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Hunter, Iverson, Johnson of Tennessee, King, Lane, Mason, Rice, Seward, Simmons, Smith, Stuart, Trumbull, Wade, and Wilson—33.

NAYS—Messrs. Bell, Benjamin, Bright, Brown, Chesnut, Clingman, Davis, Douglas, Fitch, Fitzpatrick, Green, Gwin, Houston, Johnson of Arkansas, Jones, Mallory, Polk, Pugh, Reid, Sebastain, Slidell, Ward, and Yulee—23.

So the unfinished business of yesterday was postponed; and the Senate, as in Committee of the Whole, resumed the consideration of the legislative, executive, and judicial appropriation bill.

The next amendment of the Committee on Finance was, to insert in page 26, line six hundred and twenty-three, after the word "adjusters," the words "one hundred and," so as to appropriate for the branch mint at San Francisco:

For wages of workmen and adjusters, $165,493.

Mr. WILSON. I move to amend by putting in "fifty," instead of "one hundred."

Mr. CLAY. The Senator then would reduce it below what the House of Representatives have fixed it at. They make it, "for wages of workmen and adjusters, $65,493."

Mr. WILSON. I understand this proposed amendment makes it $165,493. The Finance Committee propose to add $100,000. I propose to amend the amendment so as to add only $50,000.

The PRESIDING OFFICER, (Mr. IVERSON.) The question is on the amendment to the amendment to strike out "one hundred," and insert "fifty," so that it will read:

For wages of workmen and adjusters, $115,493.

Mr. HUNTER. I have already explained the purpose the committee had in restoring the estimate. It will be for the Senate to say whether they will restore it.

Mr. GWIN. I have only to say that this is the exact amount of the estimate of the Department. The case is precisely like the one that was voted on before.

The amendment to the amendment was rejected.

The amendment of the committee was agreed to.

The next amendment of the Committee on Finance was, on page 26, line six hundred and thirty-one, to strike out "twenty-two," and insert "forty-five," so as to appropriate for the New York assay office:

For wages of workmen, $45,000.

The amendment was agreed to.

The next amendment of the Committee on Finance was, on page 27, line six hundred and thirty-six, to strike out "fifteen," and insert "thirty-four," so as to appropriate for the branch mint at New Orleans:

For wages of workmen, $34,000.

The amendment was agreed to.

The next amendment of the committee was, on page 29, after line six hundred and ninety-five, to insert:

To enable the Secretary of the Interior to have taken a census of the people of the Territory of Kansas, with a view to its admission into the Union as a State, $20,000.

Mr. SIMMONS. It is utterly impossible for anybody to keep the run of these things. I should like to have an explanation of where this amendment goes to.

Mr. HUNTER. This is an estimate from the Secretary of the Interior. He proposes to take the census of Kansas. He thinks it expedient and politic to do so. Under the English bill, which was passed, whenever they have the representative number, they are entitled to come in, but not before; and with a view to do everything that is fair and equal, he proposes to take this census.

Mr. PUGH. Did I understand the Senator from Rhode Island to object to that amendment?

Mr. SIMMONS. I do not object to it, but I want to know why it is proposed, so as to know how to vote. I cannot tell from the mere reading of these amendments. I am satisfied with the explanation.

The amendment was agreed to.

Mr. GREEN. I have some amendments to come in appropriately at that point.

The PRESIDING OFFICER. The question is first on the amendments of the committee.

Mr. GREEN. According to original parliamentary law, I have a right to offer my amendments now.

The PRESIDING OFFICER. The practice of the Senate is to go on with the amendments of the Committee on Finance first.

Mr. GREEN. It is the practice of the Senate, but contrary to parliamentary law.

The next amendment of the Committee on Finance was, at page 35, in line eight hundred and forty-one, to strike out the word "paper," and insert "printing," so that the clause will read:

For deficiency in printing for first session of Thirty-Fifth Congress, $38,579 13.

Mr. HUNTER. That is merely to correct a verbal error.

The amendment was agreed to.

The next amendment of the committee was, at the end of the bill to add:

For deficiency in the appropriation for the compensation and mileage of Senators during the present Congress, $6,263 88.

Mr. HUNTER. That is made necessary by the admission of a new State.

The amendment was agreed to.

The next amendment of the committee was to add as a new section:

SEC. 2. *And be it further enacted*, That the authority given by the sixth section of the act entitled "An act relating to foreign coins, and to the coinage of cents at the Mint of the United States," approved February 21, 1857, to pay out at the Mint the cents authorized and directed by said act to be coined, in exchange for the fractional parts of the dollar therein named, at their nominal value of twenty-five, twelve and a half, and six and a quarter cents, respectively, shall be, and the same hereby is, extended to two years from and after the 21st of February, 1859, and no longer.

Mr. HUNTER. There was a law passed providing that for two years the Mint should give the new cents in exchange for the worn Spanish coin of the old denominations. The Government makes something by the operation, and the Director of the Mint recommends that it shall be extended for a further time.

The amendment was agreed to.

The next amendment of the committee was to insert as a new section:

SEC. 3. *And be it further enacted*, That when refined gold bullion shall be deposited in the United States Mint, or any of its branches, it shall be the duty of the treasurer to make payments for such bullion as soon as the value thereof shall have been ascertained, and the coin made from the same; but the treasurer shall not be required to pay the amount until it has been actually coined.

Mr. HUNTER. The other section ought to be read with it, as part of the same amendment:

SEC. 4. *And be it further enacted*, That the charge for making coin from refined gold bullion shall be three eighths of one per centum.

The object of this amendment is particularly designed for the mint in California, which is probably too small for the operations to be required. It is to encourage the refining of gold outside of the Mint. It provides that if the holders of bullion shall present coin properly refined outside, they may get it coined at one eighth less than where the whole operation has to be performed in the Mint. This little advantage is given in order to encourage what Mr. Hamilton said when he recommended the original scheme for the Mint ought always to be done: that is to say, that the refining should take place outside of the Mint. It is done in England and in France; and if this provision should encourage that practice, we shall get rid of the necessity for enlarging the mint in California; we shall get rid of the most expensive part of the operations and the most dangerous part, for we incur most risks in refining the gold dust and bullion inside of the Mint. It is done for the purpose of giving the depositor his option either to have it refined outside or inside, at his pleasure. If he has it refined outside, it is coined for a little less than if he has it refined inside. If this should end, as we believe it will, in bringing the practice of refining outside into general use, the United States will avoid a great deal of risk; they will avoid the necessity for enlarging their buildings, and will be enabled then to dispense with the labor which it is proposed to cut off. If this plan should succeed, we can cut off more than the House cut off in the labor that is employed in the Mint.

Mr. STUART. For the purpose of placing this all in one amendment, as it ought to be, I move to strike out of the amendment the words "Section 4. And be it further enacted," and insert the word "and," so as to make it all one section.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment as amended.

Mr. SIMMONS. If I understood the chairman of the Committee on Finance, the object of this amendment is to prevent some expenditure in the mint at San Francisco.

Mr. HUNTER. No, sir. I stated that, if this led to the adoption of refining outside of the Mint, it would produce a great saving, because we should get rid of the most expensive part of the operations in the Mint, to wit, refining; and it would save us the necessity, which may otherwise be pressed on us, of adding to the building at San Francisco, because it is not large enough to refine and coin, too, all the gold that will probably be brought there, but is large enough to coin all that will be brought if the refining is done outside.

Mr. SIMMONS. I think if the object is to have its application at San Francisco, the amendment should confine it to that place. Why should it be necessary to impose this restriction on all the other mints, if it is intended only to operate at a particular mint where the gold is dug out? I have some doubt as to the propriety of interfering with that mint by this regulation.

Mr. HUNTER. If it be the sense of the Senate, I am willing to confine it to that mint; but I thought if there was benefit in the operation, we might as well extend it to the Atlantic side also. I think it will ultimately be an economical process; but still, if they find it better there, the practice will extend itself east. I am willing to confine it there.

Mr. SIMMONS. I want to inquire further, whether it is intended that those who deposit bullion in the Mint shall be obliged to wait three or four months before they can get the coin. ["No!"] That is what it says here. I understood the whole policy of establishing these mints was to facilitate the holders of dust and bullion, or bars, in getting the money readily from the mints. I recollect last year that the chairman of the Committee on Finance urged us to pass the Treasury note bill, because some money was required for that purpose. Now, it seems to me that here is a provision that nobody shall get pay for the bullion until it is actually coined. I want to get it right. I have voted for all these laborers, because I think it important not to have this money lying by for the want of persons to work it up.

Mr. GWIN. I will state to the Senator from Rhode Island, that the practice now is in California to deposit in the mint unassayed gold. Then it has to be assayed, which takes time; then it has to be refined, which takes time; and then it is coined. If it were presented as refined gold all they have to do would be to put in it ten per cent. of alloy, and coin it instantly. Now, it takes fifteen or twenty days when they put in the gold dust; but by this process they could get it out in one or two days. It shortens the time greatly. At present they put in the gold dust, and it has to be assayed and refined, and then coined; but if the assaying and refining were done before it is put in the Mint, the coining would be done rapidly. The reason for such a provision now is more imperative, because we heretofore had a bullion fund; but the exhausted state of the Treasury has taken our bullion fund away from all the mints, and hence they cannot pay for assayed bullion immediately when it is deposited, as was the case two or three years ago, when there was a surplus in the Treasury, and this money was not needed. In order that the bullion fund that is necessary to be kept, if there is any refining done in the mints, should not be exhausted by these deposits of refined gold, a proviso has been inserted by the chairman of the Committee on Finance, an over-precaution, as I think, that the coin shall be paid out of the refined gold deposited. I do not think that it is necessary; but the chairman of the Committee on Finance has inserted it, in order to reserve the bullion fund which is necessary to pay for the deposits of gold dust, if persons choose to refine in the Mint as under the present law. I think it is an unnecessary precaution; but, at all events, this is a vast saving of time; for when the refined gold is placed in the Mint, they have nothing to do but put it in the alloy and coin it at once.

Mr. SIMMONS. I do not object to that. I am willing that the Senator from California and the chairman of the Committee on Finance, should agree about the mint in California. It is a large one, and it may take some time. But I do not see the propriety of this provision. I understand the chairman of the Committee on Finance is willing to agree to an amendment that it shall apply to California, and with that I shall be satisfied.

Mr. HUNTER. I have no objection to that—say, "shall be deposited in the branch mint of the United States, at San Francisco."

Mr. SIMMONS. Make that amendment and I shall not object.

The PRESIDING OFFICER. The Chair hears no objection to that amendment being made, and it will be so modified. The question recurs on the amendment as amended.

Mr. SIMMONS. It now reads, "but the treasurer shall not be required to pay the amount until it has been actually coined." Why not insert the words "refined or" before "coined?" If it is refined we ought to pay for it.

Mr. HUNTER. That would involve the necessity for a large bullion fund.

Mr. SIMMONS. Not very large, if it can be done, as the Senator from California says, in one or two days.

Mr. GWIN. In two or three days they can coin refined gold if it is not deposited in great quantities.

Mr. SIMMONS. It never can be in great quantities daily.

Mr. HUNTER. I hope that will not be done. That will entail an expense on the operation. We want to cheapen things.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island to the amendment.

Mr. SEWARD. What is it?

Mr. SIMMONS. I propose to strike out from the sixth line the words, "but the treasurer shall not be required to pay the amount until it has been actually coined." Then it will read that when its value is ascertained, and it is refined gold, he shall pay for it. The provision as it stands might induce a great deal of favoritism. If a man carried refined gold to the mint, and happened to be in a little disfavor, he could be kept off for months. They might say his parcel of gold had not been coined. He must wait until his parcel is coined. That would be a hardship. How is he to know when his particular bars of gold are coined? He will have no knowledge of it. If the value of it is actually ascertained, and the Senator from California is right, that in the course of a week it can be coined, it will impose no hardship on the treasurer to pay the money. I therefore move to strike out the words, "but the treasurer shall not be required to pay the amount until it has been actually coined." Then it will read that whenever refined gold is deposited he shall pay as soon as its value is ascertained. That is proper.

Mr. HUNTER. That would give an improper advantage to the persons who have it refined out of the mint. They would not only have it coined one eighth cheaper, but have the money advanced the moment they produced the gold. It is not always the case that those who carry it to the mint to be refined, have it coined there. If that amendment is adopted, I could not go for the original amendment, because it would impose on the Government the expense probably of keeping some half a million dollars as a bullion fund to make these advances, and I am not willing to impose any additional burdens in that way. I am willing to give them the chance. I believe it would be a great thing if we could introduce the policy, and if we could give them the one eighth—that is enough.

Mr. GWIN. I hope the Senator from Rhode Island will not insist on it, if it should cause the loss of the original amendment. The inconvenience cannot be great.

Mr. SIMMONS. It may not be great, but it might be very great. I suppose the policy of these mints is, to a large extent, to encourage the coinage of gold.

Mr. GWIN. I am in favor of the Senator's amendment, but I should not like to lose the original one; and the chairman of the Committee on Finance will go against it, if it be amended.

Mr. SIMMONS. We shall not lose it if the people that understand it will vote for it.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now, is on the amendment of the committee, as amended.

Mr. KING. Let it be read.

The Secretary read it, as follows:

"SEC. 3. *And be it further enacted*, That when refined gold bullion shall be deposited in the branch mint of the United States, at San Francisco, in California, it shall be the duty of the treasurer to make payments for such bullion as soon as the value thereof shall have been ascertained, and the coin made from the same; but the treasurer shall not be required to pay the amount until it has been actually coined. And that the charge for making coin from refined gold bullion, shall be three eights of one per centum."

Mr. SIMMONS. I should like to ask the chairman of the committee if there has been ever any charge before?

Mr. HUNTER. It is now one half of one per cent.

The amendment as amended was agreed to.

Mr. PUGH. I wish to call the attention of the Senator from Virginia to the appropriations for the Territory of Oregon. They ought to be stricken out, since Oregon is admitted as a State. The appropriations are on page 27, lines six hundred and fifty-one to six hundred and fifty-eight. I move to strike out the following items:

"*Territory of Oregon.*

"For salaries of Governor, three judges, and secretary, $12,500.

"For contingent expenses of said Territory, $1,500.

"For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, $20,000."

Mr. HUNTER. They ought to be stricken out.

The motion was agreed to.

Mr. MASON. I understand the chairman of the Committee on Finance has got through with the amendments of that committee. I desire to offer an amendment, on page 13, to insert, at the end of line three hundred and six, this clause, to follow the appropriation for the Treasury Department:

And that the time fixed by law within which the creditors of the late Republic of Texas may file their claims at the Treasury Department be, and the same is hereby, extended to the 1st day of January, 1861.

Mr. HUNTER. I leave it to the Chair if that be not a private claim, and whether it can come in under the rule?

Mr. MASON. I took it for granted my colleague was satisfied it was not a private claim, in any form or shape. It is to carry out a provision of an existing law, and is not to provide for a private claim. The case is this: There is in the Treasury the balance of a fund appropriated to pay certain creditors of Texas; but the law requires that they shall file their claims by a given day. That time expired on the 1st day of January, 1858; and, therefore, claims that were not filed at that time were excluded. The creditors were required to have their claims adjudicated at the treasury of Texas; and when thus adjudicated they were to be filed and reëxamined at the Treasury of the United States. This matter was referred to the Committee on Finance, who reported a joint resolution for its payment; but there is no chance of that joint resolution passing. I consulted the chairman of the Committee on Finance, and did not understand him to object. I did consult another member of the Committee on Finance, asking their approbation to offer it in this way. If it is not done, the whole effect will be that this balance will remain in the Treasury, without the power of the authorities to apply it to the purposes of the appropriation to pay the Texas creditors.

The case that called it to my attention was one of very trying hardship. A foreigner, a gentleman whom I happened to have known in former days, became possessed of a portion of the debt of Texas which remained unpaid, and there was very little prospect of its being paid until the United States made an arrangement with Texas, by which a certain sum of money was appropriated to pay a certain class of Texas debts. This gentleman was in Europe, and never had heard of the law until the time had been extended up to the 1st of January, 1858. He then learned it accidentally, and sent his claims to Texas, as required by law, with a view of having them adjudicated there, and they would have been in time for the 1st of January, 1858, but that the mail-steamer between New Orleans and Texas was lost, and thus he was shut out. I only instance that to show the propriety and the justice of giving time for those who are at a distance to present their claims. That is the whole object. It is not to provide for a private claim, because the money is already appropriated to pay this class of claims. The claim is not to be paid until it is adjudicated. It was to be adjudicated in Texas. That has been done. The money is in the Treasury, ready to be paid, and the money is appropriated. I hope it will be the pleasure of the Senate to adopt the amendment.

Mr. WARD. In addition to what the Senator from Virginia has said, I can state that there is no additional money to be paid. The money is already in the Treasury, and it is only necessary now to extend this time to accommodate persons who have neglected to attend to this matter. I can say that the best portion of the community that have these claims, are farmers who have not kept up with the dates and times necessary to file their claims. I have received several communications, on the subject from planters who are in this condition since I have been here.

Mr. FESSENDEN. I wish simply to say, that in no sense can this be considered a private claim, for the reason that it is no claim at all. It is neither a private nor a public claim. It is not a claim on this Government in any shape or form. The question is a very simple one. We appropriated a certain amount of money, and part of it is now in the Treasury, to pay certain creditors of Texas. There is a residue on hand. It must go either to the creditors who have already received a percentage, or else it must go, so far as may be necessary, to some who, by reason of accident, have received nothing. The time having expired within which these men could come upon the list, upon examination the committee were perfectly satisfied, when they reported the former resolution, that they ought to have an opportunity to come in and take their portion of the percentage before it was disposed of to others who had been before paid a portion. These persons have made no claim upon this Government in any shape or form. The claim is upon the fund which we have already appropriated, not upon us; and it is a question between them and other parties. That is the amount of it. The amendment is eminently just and proper, and I hope that there will be no sort of objection made to it anywhere.

The PRESIDING OFFICER. The Chair does not consider the amendment obnoxious to the 30th rule, and therefore overrules the point of order

The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. BAYARD. I wish to move, by instruction of the Committee on the Judiciary, an amendment, to come in at page 30, lines seven hundred and nine, seven hundred and ten, and seven hundred and eleven, to strike out the words "For salaries of the Attorney General, and the clerks and messenger in his office, $14,967," and insert:

For salaries of the Attorney General and assistant and clerks and messenger in his office, $14,967: *Provided*, That the Attorney General, in place of the six clerks now employed in his office, be, and he is hereby, authorized to appoint one assistant, learned in the law, at an annual salary of $3,000, two third-class clerks at salaries of $1,600 each, and one second-class clerk at a salary of $1,400; and that the said Attorney General be authorized, when necessary, to employ temporary clerks, provided that the allowance to such temporary clerks shall in no one year exceed $1,000: *Provided also*, That all moneys hereafter drawn out of the Treasury upon the requisition of the Attorney General, shall be disbursed by such disbursing officer as the Secretary of the Treasury may direct.

The effect of the amendment is to reduce the expenses in the office of the Attorney General by about sixteen hundred dollars a year, in clerks, and to give about one thousand, if he finds it necessary to employ temporary clerks. I presume, therefore, there can be no objection to it. It rearranges the force in his office, providing salaries in such a mode that it may be made more effective, and reduces the general expense to the Government. The second clause of the amendment is in order to protect the officer as well as the Government. As it stands now, all moneys, no matter for what purpose; drawn by the Attorney General, are disbursed by him without any security on his part, and he is obliged to intrust them to some of the persons in the office. The second clause of the amendment requires that it shall be done by a disbursing clerk whenever the money is drawn on his requisition, to be designated by the Secretary of the Treasury. The effect of it will be that the disbursing clerk will give security, and the United States will be secured from loss; and it is more regular that it should be so. I trust there will be no objection to the amendment. It creates no expense.

Mr. HUNTER. The only objection I have to it is that it increases the system of appointing assistants to the heads of Departments. I do not believe it is a good plan. I believe the operation of it is to relieve them of responsibility to a great extent.

Mr. BAYARD. I am unable to see how this mode of appointment takes away any responsibility. The word "assistant" is used, because the class of officer he must employ for the purpose he cannot get at a less salary, and yet he is more efficient aid to him than half a dozen clerks. The truth is, that the business of the office of the Attorney General has expanded so much in the last six or eight years, that it is impossible for him, without having a man skilled in the law to aid him in the performance of his office duties, to perform properly his duties in the Supreme Court. The number of California land cases alone places him in that position. He had at one time eight hundred of those cases brought in a single batch for his examination, to determine whether he would appeal to the Supreme Court or not. He has still pending a vast number of those cases. The records occupy hundreds of pages. They involve an inquiry both into fact and into law. He cannot expect an ordinary clerk in a Department to do that. To have the Attorney General go through these records would be physically impossible, and, at the same time, perform his duties in the Supreme Court.

Mr. MASON. Allow me to ask if this is recommended by the Judiciary Committee.

Mr. BAYARD. Yes, sir; it is.

The amendment was agreed to.

Mr. KING. I desire to offer an amendment to the last clause of the section relating to the assay office, in New York, in line six hundred and thirty-one, as it was amended by the Finance Committee. I propose to insert:

Provided, That any sufficient surplus in the funds applicable for incidental and contingent expenses of the assay office at New York, shall, under the direction of the Secretary of the Treasury, be applied to such alteration of the assay office building, and the purchase of such machinery and implements as shall be necessary for executing at said office the coinage of all gold and silver bullion that shall be deposited therein for that purpose; and as soon as the necessary arrangements shall have been completed, the operations of coinage at said office shall be commenced—subject, in all respects, to the provisions of the act establishing said office, and to the laws of the United States relative to the Mint and branches, so far as the same shall be applicable.

Mr. HUNTER. I raise a question of order on that. It does not come from any committee. It proposes an additional appropriation.

Mr. KING. No; it does not propose any additional appropriation.

Mr. HUNTER. It proposes an appropriation for contingent expenses. That is an additional appropriation. There is no such appropriation now in the bill.

Mr. KING. They have a fund for contingent expenses there; and this makes no appropriation, and is not designed to do so.

Mr. HUNTER. I submit it to the Chair to decide.

The PRESIDING OFFICER. From the reading of the amendment, it appears to the Chair that it is only a direction as to the application of an appropriation already made.

Mr. HUNTER. I think it is not an appropriation already made. The amendment makes an appropriation.

Mr. KING. No, sir.

Mr. HUNTER. There is no appropriation in the bill for contingent expenses of the assay office at New York.

The PRESIDING OFFICER. As the Chair understands the amendment, it only provides that if there be any surplus in the appropriation for contingent expenses, it shall be applied in a certain way. The Chair thinks it is not obnoxious to the rule.

Mr. HUNTER. Does the Chair decide that it is in order?

The PRESIDING OFFICER. Yes, sir.

Mr. KING. I trust there will be no objection to it.

Mr. HUNTER. I have a word or two to say on it.

Mr. KING. I supposed there would be no objection to it. It seems to me the reason for its passage is obvious; but I will hear what the chairman of the committee has to say.

Mr. HUNTER. This is a proposition, as I understand, to make a mint in New York. Although it might be well enough that New York should have a mint, if you were to make a general change of the mints and diminish the number of them, still, I do not believe it is right to do anything so radical upon an appropriation bill. If there is anything which ought to be a separate measure, it is this. I hope the Senate, without regard to the question of the propriety of establishing a mint in New York, will vote down this amendment on the ground that it is inappropriate here.

Mr. KING. The amendment does not propose either to remove any existing mint or to establish a mint in New York. The assay office in New York was established some years since, and the benefits to result from the provisions of the amendment, it seems to me, are too obvious to require any comment. I have here, a brief statement of the business which has been transacted at that assay office, from its establishment in October, 1854, to December 31, 1858. During that time, the gold bullion deposited there has amounted to $92,200,000; the silver bullion to $4,500,000; making a total of $96,700,000. Of this, there has been sent to the Mint at Philadelphia for coinage, during the same period, of gold, $31,300,000; of silver, $4,500,000—total, $35,800,000. The cost of transportation of bullion to Philadelphia, and the return of coins, has been, for gold, one dollar per $1,000, $31,300; silver, three dollars per $1,000, $13,500—$44,800.

This is a very considerable amount of money which has been expended simply for the transportation of the bullion to Philadelphia and its return to New York as coin. Although that is entitled to consideration, it is not by any means the only point to be looked at. In the transfer of these large sums of money between the two cities, the Government is liable to great loss by casualties or felonies during the period of transportation. The bullion is transported by an express company, sometimes in quantities of $500,000, and in case of a loss by robbery, or by any accident, none of those express companies would be able to indemnify the Government. The crossing of the two rivers, the Delaware and the Hudson, in many seasons of the year, exposes these amounts, in the vessels in which they pass, to great danger by collision and sinking; and thus the risk to the Government is a very large consideration.

I do not propose to bring to the attention of the Senate the considerations which arise from the character of the city of New York and its business, as to the propriety of furnishing there this facility for stamping coin. The proposition which I make is, to enable the assay office at New York, out of its contingent fund, to purchase the materials which may be necessary to enable it to stamp the coin. New York is, and necessarily must be, the point at which the price of exchange between this and other countries is ascertained and determined. When the price of foreign exchange is high, bullion goes abroad either in coin or in the ingots of refined metal from the assay office, and they go into foreign mints for coinage; large amounts of gold have been carried abroad in this way. All that can now be done at the assay office in New York is, to refine the metal, stamp the bars of bullion, and designate their weight and value. This contributes to carry the metal abroad, and in this view is an object of interest to those who desire to retain in our own country, at all times, a substantial amount of specie circulation.

I will not argue in relation to the propriety of the original location of the Mint. When Philadelphia was selected as the location for the Mint, it was the political and commercial capital of the country. All the reasons which existed originally for the location of the Mint at Philadelphia, now exist in a much stronger degree for its location in New York; but that is not proposed. We understand and comprehend the rival interests of commercial cities and of States, and the interest they feel in this matter. We do not propose to disturb the Mint at Philadelphia. What we ask is, that, at this great entrepot of commerce, the assay office already established may be authorized without any expense to the Government, by economising its contingent fund, to purchase the necessary instruments for coining the gold. This can be done, out of the moneys saved in the expense of these transmissions of the metal to and from Philadelphia, in a very short time. The proposition which I make is, simply to extend to New York what already has been extended to New Orleans, to Dahlonega, and other places of no great commercial importance from their facility to mining districts; and what appropriately has been extended to San Francisco. The whole country is just as much interested in it as the people of the city of New York. There is no portion of the country interested in manufactures or commerce, which is not interested in permitting this facility. It is a tax on the coinage to be compelled to carry the bullion from New York to Philadelphia and back again; and as a friend of mine, residing in New York, said, you might just as well abolish the custom-house, in the city of New York, on the ground that a custom-house at the city of Philadelphia could transact all the business. It certainly could receive all the goods; and you might as well require that goods brought to New York should be sent over to Philadelphia for entry and for the payment of duties, and then returned to New York. There is no good reason for this. The only reason why a branch mint, in form and in the ordinary mode in which such establishments by name are established, has not been already established in New York, has been from the apprehension that it might lead to a change of the location of the Mint, and that New York might become the seat of the principal Mint instead of a branch. This reason, however, is not a good one for refusing to supply merchants both at home and abroad, and the whole country, with the facilities which such an establishment in the city of New York would afford.

I have deemed it my duty to make the proposition. Of course the Senate will act according to its judgment. I did not expect any opposition to the amendment from the chairman of the Committee on Finance. I think he ought not to have made objection, inasmuch as the amendment does not involve any expense. I think a suggestion from that committee ought not to be urged as a make-weight against the adoption of this proposition, but that it should stand nakedly

on its merits. I believe the Senator from Virginia, in his judgment of the wants of the country, must say, if he were compelled to speak, that this is but a just and fair proposition; that it will be beneficial to the whole country in its operation. Then why not make it here upon this bill? The objection to the manner might just as well be made to the thing itself; and it is no good reason for rejecting a proposition, sound, right, just, and proper in itself, because it does not come in a separate bill. It is in order to be moved here. The Senate can vote upon it and pronounce its opinion. I have offered it upon this bill because I have not supposed that a separate single bill for this object could be brought to the action of the Senate and House of Representatives so as to command a vote to decide it. We all know the difficulty of getting up such a question at this stage of the session with various important propositions that are pending before Congress, and the scuffle between members as to the priority of business. I have offered this proposition, and the Senate can give its opinion on it just as well as if it were presented in a separate bill.

Mr. SEWARD. I cannot conceive, Mr. President, that there is any legitimate objection to the adoption of this amendment. The bill proposes to pay the expense of the coinage, at New York, of bullion coming into the United States at that port, for purposes of domestic and foreign commerce, and for the uses of revenue. The amendment is, that, at the assay office in New York city, they may be authorized to coin bullion received in excess of what is required to be transported in the shape of bullion, and which must be received at a time when exchange requires coin in preference to bullion. In such cases, a vast amount of gold is necessarily carried at the expense of the Government from the city of New York to the city of Philadelphia, and is there coined, and carried back again to the city of New York. That involves a risk, to the Government, of some portions of the bullion and coin thus conveyed backwards and forwards; and, besides, it involves a direct expense to the Government of $20,000 a year. This amendment simply proposes, legitimately within the action of the assay office at New York, to save that $20,000, and avoid that risk.

It is, then, a proposition, in effect, to retrench the expenses of the Government $20,000 a year. What answer is there to such a proposition? Nothing, but that it will be inconvenient to the officers who are engaged in the Mint of the United States at Philadelphia. It is no inconvenience to the public, but an advantage. It may be said that it would be better and more convenient to have a certain number of officers at Philadelphia; but those officers are not wanted at Philadelphia, if they are wanted at all; they are wanted in the assay office in the city of New York, and it would be a simple proposition to transfer them from Philadelphia to New York. But in point of fact, they are not wanted in either place; and this $20,000 goes to support, in the city of Philadelphia, officers who are practically useless to the United States.

I hear no objection raised against the principle of the amendment. The only one is that which arises from a question of form; namely, that we propose to incorporate this provision into an appropriation bill; but the provision is of the same character with the other directions which are given in this bill, in regard to the expenses of coinage. It is exactly like that which has already been incorporated into the bill in regard to the mint at San Francisco, and is in itself pertinent and proper. Everything is proper here which reduces the expenses of the Government of the United States, and at this time particularly desirable. I am very glad to see that the honorable Senator from Pennsylvania, on the other side of the Chamber, [Mr. BIGLER,] is now in his seat, for it was with some embarrassment that I rose to second my colleague when both the Senators from Pennsylvania were absent. I intended to speak long enough to give them an opportunity to come in, if possible.

Mr. KING. I will say to my colleague that I called the attention of the Senator from Pennsylvania to this subject, showed him the proposition which I intended to offer; and, as he is in the Senate, he can speak for himself. There was no design to get a vote without the presence of Senators. Before I offered the amendment I showed it to the Senator from Pennsylvania, and stated to him my intention to submit it.

Mr. BIGLER. I am sorry that I happened to be out when the Senator from New York offered the amendment. Although I had some knowledge of it, having seen it in the Senator's hands, I had not understood its full import, and I do not know that I do now. I suggest to the Senator from New York that he allow the amendment to pass over until the bill comes up in the Senate, in order that I may have an opportunity, in the mean time, of reading it.

Mr. SEWARD. Very well.

Mr. KING. I think we had better take the vote on it now. I would prefer to have a vote on it at once; though, if my colleague thinks it better to let it go over, I shall not object. The proposition is simply to allow the assay office in New York to stamp ingots without additional expense to the Government.

Mr. BIGLER. I think I understand it.

Mr. SEWARD. Very well.

Mr. BIGLER. I think I understand it; and it will necessarily withdraw a large proportion of the business of the Mint at Philadelphia. That is the inevitable effect.

Mr. SEWARD. We want to hear why that should not be done, if it is advantageous to the public.

Mr. BIGLER. I want the amendment to go over until the bill shall be reported to the Senate.

Mr. KING. I desire that the proposition shall not be stated in that way. It does not propose to take any of the business from the Mint at Philadelphia. It simply proposes to stamp the coin deposited at New York, at the place where it is deposited.

Mr. BIGLER. That is, of course, just doing the business that is done at Philadelphia. I do not say that it would increase the expense; but as the Senator from New York very kindly consents to let this amendment lie over——

Mr. SEWARD. Will the honorable Senator indulge me in an explanation for a moment? This amendment was offered by my colleague. I am not authorized to dispose of it, and he declines to accede to the proposition I made.

Mr. BIGLER. I have not read the amendment.

Mr. KING. I think to put it over would prejudice the amendment. It seems to me there can be no objection to it; it ought to be adopted, and I fear that delay will hazard its success, because I do not know that we shall be able to get it in again. I prefer now to have it adopted in Committee of the Whole, when it is offered. If it is not offered until the bill is reported to the Senate, we can have but one question on it. I do not see any motive for delay. If I had not, at an anterior period, notified the Senator from Pennsylvania of my intention to offer it, I should not press it now. We conversed about it, and there was a question of order which I discussed with him. I did not say that the Senator from Pennsylvania gave his assent to the amendment. I only said that I showed it to him.

Mr. BIGLER. I must dissent entirely from the statement of the Senator from New York. I happened to be at his desk by mere accident, speaking to him of an amendment which would be offered by the Senator from Delaware. He spoke of an amendment which he designed to offer, and I suggested to him that, as I understood the rules, it would be necessary for him to have the assent of a committee. He showed me the amendment in his hand; but I did not read it, nor did I understand its full import. I suggested to him that, in my opinion, it would be necessary for him to get the consent of a committee before he offered it; but I did not look into its effect, nor understand its import; and I did not understand myself as being consulted in reference to it at all. If the Senator had said, "Here is a subject that may get up some differences of opinion between the representatives from Pennsylvania and New York," I should have looked into it; but I did not so understand it, and I cannot agree that I was I consulted at all on the subject; for it was the merest accident that I saw the amendment in the hands of the Senator. I only ask now that he will let it lie over until I can examine it, or if not, I will certainly claim the right to have it read.

Mr. SEWARD and Mr. KING. Certainly.

Mr. BIGLER. And have it further discussed.

Mr. SEWARD. Let it be read.

Mr. KING. There is no reason for a misunderstanding. I did not claim that the Senator from Pennsylvania had assented to it. It was he that suggested to me that there was a probability that the amendment was not in order, and that it might require the assent of a committee. I dissented, and thought not. The chairman of the Committee on Finance, however, raised the point of order. I only allude to this fact to show that there has been no intention on my part, in offering this amendment, to take anybody by surprise; but to obtain simply a fair judgment of the Senate upon the proposition, on its merits. I alluded to the fact that I had showed it to the Senator from Pennsylvania, in reply to a suggestion of my colleague that he had spoken upon the subject in the absence of the Senator from Pennsylvania, to show that there had been no intention to have this proposition acted upon without the full knowledge of all the parties interested in it. I did not claim, at any time, that the Senator from Pennsylvania had assented to or approved of this proposition. On the contrary, on my suggesting it to him, he exhibited a disposition against it. I so understood him.

Mr. BIGLER. I do not suppose that the Senator from New York intended to take advantage of the absence of the Senators from Pennsylvania. The point I make is, that I was not consulted as to this amendment. I saw it in the hands of the Senator, under the circumstances which I have described. If he had consulted me, and called my attention to its character and its probable effect and the discussion to which it was likely to lead, I should feel myself required to give way at once, and allow the vote to be taken. If the Senator, in the course of the discussion, has left the impression on the Senate that I so understood the amendment, and had been consulted, of course I must dissent entirely from his position. I was not consulted as to its effects; but I rather volunteered an opinion as to the question of order, without knowing exactly what the amendment was; for I was talking to him in reference to another question.

Now, Mr. President, if the Senator from New York will not allow this amendment to go over until my colleague, who, I suppose, is somewhere about the building, and myself, can read and examine it, I shall have to call for its reading, and insist upon its rejection, by the best reasoning I can employ at the time.

Mr. KING. I ask that the amendment may be read, so that there may be a full opportunity to understand it.

The Secretary read the amendment

Mr. BENJAMIN. I went to the desk and looked at this amendment a moment ago, and I do not exactly understand it. There is something about it that I should like to have explained by the mover, or the honorable chairman of the Committee on Finance. The amendment seems to take it for granted that there is a surplus somewhere sufficient to build and establish a mint. Where does that surplus come from?

Mr. HUNTER. I am not aware of it. I raised the same objection. I do not know where it is.

Mr. BENJAMIN. I do not understand it. What is the fund out of which the mint is to be built in New York, under this amendment?

Mr. KING. They have funds on hand for their contingent expenses, as I understand, which makes it unnecessary to appropriate now for that purpose. They obtain them, I suppose, from a former appropriation. Here, however, there is no proposition to build a mint. The proposition here is, that, in a building, in an office already constructed and all its expenses provided for, they shall have authority, out of this surplus, to buy certain machinery for stamping the metal as coin, instead of as ingots. There is none of the extraordinary expense which the Senator from Louisiana seems to suppose. If they have no funds, they can do nothing. I understand that they have been saved there, and there has been no necessity to use them; and in the report of the Secretary of the Treasury, giving his estimates for the present year, he states that there is no necessity for any appropriation for the contingent expenses of the assay office, because they had enough on hand.

Mr. BENJAMIN. I cannot vote for anything

without understanding it, and the chairman of the Committee on Finance does not seem to know where there is any fund; and really the Senator from New York does not seem to know himself. We have no indication of what it is going to cost. If there is a surplus of a contingent fund in the assay office in New York, it ought to be returned into the Treasury, if not required for the assay office. Then, are we ready to make a direct appropriation for coining purposes there? I do not indicate at all any opposition to a mint in New York; I have not thought of the subject; but I think we should know what we are voting upon. I really do not understand it.

Mr. HALE. It is not my fortune, sir, to live either in New York or Philadelphia, and therefore I have no right to complain that I was not consulted before this amendment was offered; and I think it is a little curious that the merits of the amendment should turn upon the question whether business is to be diverted from Philadelphia or prevented from going there. It seemed to be conceded, on the statement of the honorable Senator from New York, that this measure would involve no additional appropriation, and would be a great accommodation to the mercantile and business community; and thereupon the objection started was that it would divert from Philadelphia a part of the coinage which is now carried on there. Well, sir, suppose that to be so: what particular interest have the people of the United States in having their coinage done at Philadelphia instead of New York, provided it can be done just as cheaply at New York, and without involving any additional expense? I know that sometimes, when you manufacture a certain article, in a certain locality, the community come to think you cannot manufacture that sort of article anywhere else. I recollect a little stream somewhere in the county of Essex, in Massachusetts, where, some fifty years ago, they used to manufacture a sort of little boat, called chebacco boat. There was lumber enough there to build them; but, in process of time, the lumber was all cut away, and there is not a stick out of which you can manufacture any chebacco boat there; but they go down into Maine, a hundred or two hundred miles off, cut timber, and bring it to that stream in Essex county, because the people have the impression that that is the only place where these boats can be manufactured. That seems to be the impression in regard to the city of Philadelphia: that it is the only place where coin can be manufactured and stamped.

Now, inasmuch as the city of New York does not ask any money, but simply from their prudent arrangement which they have had heretofore, have saved up a nice little sum, they ask the privilege of expending their savings, not in increasing their salaries, (and it is a little wonderful that it has not come in that shape,) but simply for the accommodation of the people in general, I am in favor of the amendment; and I should be in favor of it even if it involved an expense equal to that which it costs to take bullion from New York and transport it over the Hudson and over the Delaware into Philadelphia and back to New York, at an expense of one dollar in every thousand. I do not know what necessity there is for the United States to carry their bullion from New York to Philadelphia and back again, unless it be on the impression that Philadelphia is the only place on the earth where this coinage can be carried on. I do not believe it. My own opinion is, that it would be a judicious, economical, and wise arrangement, to transfer the Mint from Philadelphia to New York; but, perhaps, I am going further than my friends would have me; they may fear that I am injuring this measure by advocating so much. I think, however, that the money should be coined where the gold is brought; and we all know, that of the gold which comes from California and from all other parts of the earth to this country, more than ninety per cent. of it comes into the city of New York. If it is necessary to have it carried by express companies one hundred miles before it is coined, I am willing to pay the expense; but if it be not necessary, and it can be done just as well at the place where it comes to and has to go from, New York, I do not see, for my life, the propriety or the economy of paying one dollar in every thousand, to have it sent by somebody's company from New York to Philadelphia, and then from Philadelphia back again to New York.

In making these remarks, let me be understood as having not the slightest hostility in the world to Philadelphia. I admire the city; it is a very beautiful city, well laid out, spacious in all its arrangements; improving in every point, politically, as well as otherwise. I have no sort of hostility to it; but I think that when the bullion comes to New York, it is wise and statesmanlike and prudent and economical, to allow it to be stamped there, instead of subjecting it to the expense of going one hundred miles, and back one hundred miles, which we may as well avoid.

Mr. BIGLER. Mr. President——

The PRESIDING OFFICER, (Mr. IVERSON.) Will Senators allow the Chair to make a correction of a decision which has been made? When the point of order was raised by the Senator from Virginia, the Chair took it for granted that appropriations were made in this bill for contingent expenses of the assay office at New York, and that this amendment was only intended to make a direction or application of the surplus of that fund that might arise——

Mr. KING. Before the Chair makes the decision which I perceive he is inclined to make, I wish to state——

The PRESIDING OFFICER. I am about to correct the former decision; but I will hear the Senator from New York.

Mr. KING. They have an appropriation for contingent expenses in the assay office at New York, which is provided by law, and that fund is now on hand; so that no appropriation is required in this bill. The fund results from the small percentage for the refining of the metal. This contingent fund exists; and it is one which they have from their own prudence and saving in the management of the assay office, instead of calling upon the Treasury for a direct appropriation for it.

Mr. HUNTER. The Senator will find, from line six hundred and twenty-nine to six hundred and thirty one of the bill, the appropriations for the assay office, and there is nothing there about contingent expenses. The items are:

"For salaries of officers and clerks, $24,700; for wages of workmen, $22,000."

Mr. KING. There is not, in this bill, any appropriation for a contingent fund, and it is very creditable to the assay office in New York that there is none. They have, out of the percentages allowed by law for the refinement, saved this sum. It is ample for their purposes, and they thus require no special annual appropriation for the contingent fund, and yet they have there a contingent fund.

Mr. BIGLER. The decision of the Chair is evidently correct.

The PRESIDING OFFICER. The Chair has not yet decided the point. [Laughter.] Senators interposed and prevented the Chair from deciding. If Senators will be a little more patient, the Chair will decide.

Mr. BIGLER. I will await the decision.

The PRESIDING OFFICER. The Chair decided, at first, that the point of order was not well taken, under the impression that an appropriation for the contingent expenses alluded to, and the application of which were directed by the amendment, was contained in the bill. It now appears, on discussion, that there is no such proposal in the bill, and that the surplus of any appropriation for contingent expenses is what has heretofore accumulated in the assay office at New York, which the Chair thinks belongs to the Treasury of the United States.

Mr. BIGLER. Certainly.

The PRESIDING OFFICER. And, therefore, it would be an additional appropriation, which must come from a standing committee, and cannot be offered by an individual Senator. The Chair sustains the point of order.

Mr. BIGLER. I was about presenting that view. Whether there be a surplus fund in the assay office at New York or not, it is clear there is not one dollar there for this purpose——

Mr. GREEN. I rise to a point of order. There is nothing pending, and I wish to offer an amendment.

Mr. KING. I do not know that there will be any use in taking an appeal from the decision of the Chair. I think the first decision was correct, and the last decision wrong; but I will not now take an appeal. I will consult and see if I can offer this amendment in some other form, so as to get a vote of the Senate. I want a vote of the Senate upon it.

The PRESIDING OFFICER. It can be offered again in the Senate.

Mr. CAMERON. I was called out of the Senate by a fair lady from my State—and I believe any gentleman here would be glad to obey such a call; and I understand that in my absence——

The PRESIDING OFFICER. The Chair will inform the Senator that there is no amendment pending.

Mr. CAMERON. I wish to get some information.

The PRESIDING OFFICER. The amendment of the Senator from New York was ruled out of order.

Mr. CAMERON. I was called into the Senate by information that something had been offered which affected the Mint at Philadelphia. If there is any question which involves the interests of Pennsylvania, I should be very glad to be on hand.

Mr. BIGLER. It has been ruled out of order.

Mr. GREEN. The Committee on Territories have instructed me to offer the following amendment, to come in between lines six hundred and ninety-two and six hundred and ninety-three, under the head of the "Territory of Kansas:"

For deficiencies in the contingent expenses of Kansas, being the amount incurred during the administration of Governor J. W. Denver on that account, $2,275 22.

Mr. HUNTER. That is a very just claim; and if it is not a private claim, it ought certainly to pass.

Mr. GREEN. It is not a private claim; it is an expenditure incurred by the Executive of the Territory. If necessary, I ask that a communication from the Treasury Department be read. ["Oh, no!"]

The amendment was agreed to.

Mr. GREEN. The same committee instruct me to offer a further amendment, in lines six hundred and ninety-one and six hundred and ninety-two, to strike out "1,500," and insert "6,500;" so as to increase the appropriation for contingent expenses of Kansas Territory to $6,500. This is on the recommendation of the Secretary of State.

The amendment was agreed to.

Mr. GREEN. I have another amendment, which I offer as an individual Senator. It is to come in as an additional section:

And be it further enacted, That the provisions of the fifth section of the "act making appropriations for the civil and diplomatic expenses of the Government for the year 1841," approved the 3d day of March, 1841, and the eighth section of the act entitled "An act making appropriations for certain civil expenses of the Government for the year ending the 30th of June, 1858," approved the 3d day of March, 1857, are hereby construed and declared to direct the Secretary of the Treasury to allow and pay to surveyors of ports performing or having performed the duties of collectors of customs, since the passage of the law last above recited, the same compensation, and no other, as is allowed to collectors for like services.

Mr. HUNTER. I must raise a question of order. That, I believe, relates to the past claims of public officers. I should like to hear it read again.

The amendment was read.

Mr. GREEN. I beg leave to make a little explanation of the amendment; and it will be very brief. The object is to place the surveyor of a port, who performs the duties of collector, and gives bond, and undergoes the responsibility of a collector, on the same basis of compensation as a collector by name *eo nomine*. At the last session of Congress I moved this amendment. I put it into this shape at the instance of the Senator from Vermont, who united with me in supporting it; and it was passed. It was numbered sixty-three—this identical amendment, word for word, letter for letter. It went to the House of Representatives; and the House, at first, disagreed to it. There was a committee of conference; and the conference committee agreed to this amendment numbered sixty-three, as the Senate will see by referring to the Senate Journal. The report of the conference committee was confirmed by the House and Senate. Thus this identical proposition was approved by Congress at the last session; but the enrolling clerk, by ignorance, mistake, or from some other cause, permitted it to drop out. It was then an amendment to a bill similar in character to the present one; it passed both bodies of

Congress; and ought to have been, and would be, the law of the land now, but for the fault of a subaltern officer in the employment of Congress. I have again presented it; and hope the same judgment which the Senate pronounced before will be pronounced again, and that it will become the law of the land.

Mr. BENJAMIN. I will ask the honorable Senator from Missouri whether this involves any additional expense to the Government, and how much?

Mr. GREEN. There are about five ports where the surveyors will get more compensation as collectors than they now get as surveyors, and the amount will not be large; but it is just, whether it be large or small, and it is in accordance with the law of 1841. The law of 1841, in my opinion, entitles them to it, and the judge of the district court of the United States, at Mobile, so decided it, and the United States have brought it up on appeal to the Supreme Court, and it is now pending, and I expected to attend to it this term if it could have been reached. I have no doubt about the law of 1841. That law, I think, gives to surveyors of ports performing the duties of collectors, and giving bond as collectors, and receiving money as collectors, and incurring the responsibilities of collectors, the same compensation as collectors; yet the Secretary of the Treasury construed it otherwise, and he confined them to a different compensation. There are only now about five ports, Mobile, St. Louis, and three more, where the compensation as collector would be more than that as surveyor.

Such being the construction of the Treasury Department, on the 3d of March, 1857, Congress adopted the following section—not the Senate merely, but Congress, with the approval of the President of the United States—which is, this day, the law of the land:

"SEC. 8. *And be it further enacted*, That the provisions of the fifth section of the act entitled 'An act making appropriation for the civil and diplomatic expenses of the Government for the year 1841,' approved the 3d day of March, 1841, which established and limited the compensation of collectors of customs, shall be construed to apply to surveyors performing, or having performed, the duties of collectors of customs, who shall be entitled to the same compensation as is allowed to collectors, for like services, in the settlement of their accounts."

This is, to-day, the law of the land; and yet the present Secretary of the Treasury refuses to carry it out. At the last session of Congress, I moved the amendment to make it coercive, and the Senate sustained me; the House of Representatives sustained me; but the neglect of a clerk permitted it to fall. Is not this a section explicit enough? If it be not, as I wish no quarrel with the Secretary of the Treasury, let a legislative explanatory act be passed. Suppose it does take five or ten thousand dollars out of the Treasury, if it be due under the act of March 3, 1857, let it be paid. It is but carrying out the law of 1857; and again, the amendment which I now propose, being word for word the one adopted at the last session, does not go back behind the law of 1857, which I have just read. To this I invite attention; and I ask the Senate to say, whether it be not wise and proper to do now what Congress did at the last session, but which was dropped in the way I have stated?

Mr. BENJAMIN. If the honorable Senator from Missouri will permit me, I should like to ask one or two questions. We sometimes adopt these sections in appropriation bills without consideration, and find afterwards that they involve hundreds of thousands of dollars. I should like to know, in the first place, whether there is any retrospective construction to be given to this section?

Mr. GREEN. None behind the act of 3d of March, 1857. It goes back to that, but no further.

Mr. BENJAMIN. Another question, if the honorable Senator will permit me. Has he here anything from the Secretary of the Treasury which shows upon what grounds he refuses to make the allowances which the Senator thinks so clear?

Mr. GREEN. I have not here, but have in my room, his opinion given on this subject.

Mr. BENJAMIN. His opinion is that that section does not give the allowance?

Mr. GREEN. No; his opinion is that it is so vague that he does not know how to execute it.

Mr. HUNTER. I think my friend from Missouri is mistaken in saying there will not be a very large amount of claims under this provision. I think that, on consulting the Secretary last year, he told me there would be. I am afraid there is a much larger leak here than the Senator is aware of.

Mr. GREEN. The Secretary answered that with reference to applying the construction to the act of March, 1841, reaching back seventeen years. This amendment, however, specially limits it to the passage of the act of March 3, 1857, from which date they are legally entitled to it, and will recover it in court. The collector in Mobile, availing himself of his right, retained the money, and the consequence was he had to go out of office and be sued, and, in that suit, he cast the United States. With my collector, the case is different. He does not want to be sued. He is not afraid of the responsibility of a suit. He is the son of our old compeer here, Senator Linn; and I am not willing to see him subjected to a suit in court, under circumstances so equitable and just as these.

Mr. CHANDLER. I think it is hardly worth while to legislate on the subject of the compensation of collectors in this way. The honorable Senator from Alabama [Mr. CLAY] has a bill now before the Senate which covers this whole ground, and I trust that bill will pass, fixing the compensation permanently for all these officers. Why should we bring into an appropriation bill legislation which will not be needed in case the other bill shall pass? I trust this amendment will not prevail. We found a vast amount of apparent corruption, and a vast amount of money plundered from the Treasury, without any service rendered. We have cut that off, by the bill reported from the Committee on Commerce, to the extent of six, or seven, or eight hundred thousand dollars a year. I trust that that bill will pass, and that this amendment will not prevail.

Mr. GREEN. This amendment is merely explanatory, and it is so plain, that I do not think it can be possibly misunderstood. The general legislative bearing on the subject will control all these officers in future, if the bill alluded to should pass, and I hope it will pass; but the object of this amendment is to enforce a present law. When it was proposed, at the last session, it will be recollected by Senators that it was at first opposed, condemned, and rejected; but it was afterwards modified, and put in its present shape, so as to extend only from the time the law of 1857 was passed; and in that form it met with universal acquiescence. It passed this body, and was at first rejected by the House of Representatives, as they generally reject all amendments of the Senate; for they make it a rule to disagree to as many as possible, with a view of forcing the Senate to recede from as many as possible, which I think is a very bad rule in legislation; but in the conference they agreed to the Senate amendment number sixty-three, as the Journal shows, and the record of the bill in the House shows that this Senate amendment is number sixty-three. Although it passed, the negligence of the Clerk permitted it to fall, and it was not incorporated into the enrolled bill.

Now, sir, I think we ought to rectify these mistakes of clerks. It is but carrying out a rule of justice; it is but enforcing a preëxisting law, and these parties ought not to be delayed and postponed to a later period of time, for the purpose of taking up general legislative bills, when they have rights at present, and the United States are seeking to coerce money out of them by suit or otherwise.

Mr. HAMLIN. I desire to ask the Senator from Missouri if the effect of his amendment will not be this, if it shall pass: The surveyor at the port of St. Louis, and some other ports, have received, I think $3,000, that being the maximum fixed by the Treasury order for the salaries of surveyors, and they have settled their accounts on that basis; but if this section shall pass, it will reopen their accounts, and give them $6,000. Is not that the effect of it?

Mr. GREEN. Not at all. It will reopen their accounts back to the 3d of March, 1857, and then pay them their per centum, dependent on the amount received.

Mr. HAMLIN. I ask the Senator if it does not amount to $6,000 at St. Louis?

Mr. GREEN. It does not.

Mr. HAMLIN. How near does it come to it?

Mr. GREEN. Under the decision of Attorney General Cushing, under the law of 1841, they are entitled to $5,000. He has decided that point expressly and explicitly.

Mr. HAMLIN. Well, what is the amount?

Mr. GREEN. About $5,000, under the commissions and fees as allowed by law, and it only reaches back to that period of time.

Mr. TOOMBS. It seems to me to be a very plain case. The Senator says it is in the courts.

Mr. GREEN. Not at all; the Senator misunderstands me. This case is not in court; but there is a case from Mobile in court.

Mr. TOOMBS. Well, that is what I meant to say. Whether this particular case is in court or not, this question is. Now, if these persons are entitled to the money, when the court decides that they are, it will be time enough for us to appropriate it. When these men went into office, the Department thought they were entitled to $3,000 a year; they thought so, too, and they got their pay and pocketed it; but it seems, by going back and giving a construction to the law of 1841, they claim to be entitled to $5,000 a year. I do not think we ought to aid them in that business, until the court decides that we are bound to pay the money. The proposition is to overrule the decision of the Department in advance of the decision of the court, to give them $2,000 a year additional back pay.

Mr. GREEN. I will, so far, as my vote is concerned, overrule the Departments whenever they decide against the law. I ask the Senator from Georgia, the representative of the Secretary of the Treasury, whether this section of the law of 1857 does not make it plain now?

"That the provisions of the fifth section of the act entitled 'An act making appropriations for the civil and diplomatic expenses of the Government for the year 1841,' approved the 3d day of March, 1841; which established and limited the compensation of collectors of customs, shall be construed to apply to surveyors performing or having performed the duties of collectors of the customs, who shall be entitled to the same compensation as is allowed to collectors for like service in the settlement of their accounts."

Is not that the present law? If a Secretary of the Treasury, or a President of the United States, decides wrong, is the Senate to say, "We will stop until the court so says, and allow you, in the mean time, to prejudice the rights of individuals; force them to resign, or force them to be kicked out of office, and force them to be harassed with suits." Is it not better at once to do, at the present session, what we did at the last session—pass an explanatory law that can injure nobody, but simply carry out the provisions of the existing law?

Mr. TOOMBS. I would ask the Senator how many persons are interested in this matter?

Mr. GREEN. I have already answered that. I believe there are about five ports interested.

Mr. TOOMBS. Then the proposition is to put five private claims on this bill.

Mr. GREEN. Is this a private law? It concerns the rights of a public officer. Is it therefore a private claim? If it was, then the Senate at the last session, made it a private claim, and Congress, in 1857, made it a private claim; and the 30th rule of the Senate is expressly that an amendment even to provide for a private claim is in order to an appropriation bill, if it be to carry out an existing law. If I were to propose to add to this bill an appropriation of $2,000 to W. A. Linn, for having performed the duty of collector of customs at the port of St. Louis, his commission having amounted to that sum under the law, it would be in order; but I do not desire to single out one man, for there are about five ports interested. I desire to make it general; I desire to do justice to all alike, and to ask no favoritism for my own locality.

Mr. FESSENDEN. I desire to inquire for information whether this amendment that the Senator proposes is the matter about which a gentleman from St. Louis has been very busy here for several years—I forget his name, but he has been here as an agent?

Mr. GREEN. Mr. Linn is the officer that I have reference to, and if he has any agent here I do not know it.

Mr. FESSENDEN. Is there no other person here in regard to it?

Mr. GREEN. None that I know of.

Mr. FESSENDEN. I will state the reason why I ask the question. I voted for this proposition at the last session, not exactly understand-

ing its full import; but I took it on the statement which was made. After I returned home, at the close of the session, my attention was called to this provision, which it was understood had passed and become a law.

Mr. GREEN. It did pass.

Mr. FESSENDEN. My attention was called to it by its being stated that the effect of it was understood to be, to my surprise, to give back pay to a very large number of persons throughout the United States. It was claimed that that had been acted on here, and had been kept entirely in the dark. My reply was, that I did not understand it so when it was passed, or I should have opposed it; but the remark was made to me that it was certainly so, that letters had been received on the subject; and it was stated that a gentleman in my own city would receive a very considerable amount, for services he had performed several years before, he being then out of office.

I am suspicious, I confess, of the effect of this amendment. It is so understood out of doors, though I do not exactly understand the effect of it now. My attention was turned to the act of 1841, and to this provision of it which said that no collector should receive over a given amount. That is construed in certain places to increase the pay of the collectors up to that amount, and where many of them are gone out of office, to allow them to draw large sums of money. That was the effect of it, as explained to me.

Mr. HAMLIN. I have an indistinct recollection of this matter, and my impression is, that there is a point which lies behind what has been stated by the Senator from Missouri. If I am right in my recollection, the difficulty grew up in this way: there were certain designated ports of the United States at which the salaries of the collectors were limited to five or six thousand dollars, and at certain other ports they were limited to $3,000. At the ports where the compensation was five or six thousand dollars, according to law, they received their money. At other ports, where the compensation was limited to $3,000, they got their money, and their accounts were settled, and everything was adjusted on that basis; but it was found that if the limitation of $3,000 at certain designated ports were removed, the effect would be to give an increased compensation to those collectors, and it was for the purpose of getting that increase that the act of 1857 was passed.

Now, if I understand the opinion of the Secretary of the Treasury, it is just this: take the place now in controversy before the court for instance, the collector at Mobile, who claims $6,000. He is not entitled to it; because under the law, according to the construction of the Department, the limitation of $3,000 applies there; and that now is the very question in controversy. If the court shall decide that the collector at Mobile is entitled to $6,000, surely we shall have nothing to do but to make an appropriation to pay the money; and when that is done, I think there will be ample time to apply the remedy here. If the court shall decide in one case that the collector is entitled to the pay within these limitations, it will be just and equitable to apply the remedy in others; but I do not think it quite just to adopt this amendment now. It is true, this section passed last year, but it did not become a law; and if it was not well founded then, there is no reason why we should reënact it now. I have stated my recollection; I was familiar with the case some years ago, and understand precisely the origin of the difficulty and the application of the law as it passed. I think I am right in my statement.

Mr. GREEN. The Senator is not quite right. The law of 1841 fixed a rate of commission at certain ports, and fixed a limitation upon the amount at certain ports. It named certain ports specifically. It included all others, and gave them one per cent. At a subsequent session, in 1846, another law was passed, which required all collectors to pay into the custom-house all the fees received from certain sources therein specified, over and above $2,000. Add the $2,000 to the $4,000 and it made the limitation, $6,000, at the large ports; and adding the $2,000, if they received that amount in fees, to the smaller ports, made $3,000; yet the amount at the smaller ports always depended on the amount of customs received, and the rate per centum was fixed by the law of 1841. Attorney General Cushing has decided that all collectors are governed by the limitation of $3,000 for their fees on collecting duties. Of the other fees they are entitled to reserve $2,000 if they do business enough to amount to it; making their compensation $5,000. This has been decided by the law officer of the Government. It thus makes all collectors entitled to $5,000; or at the large ports $6,000, if they do business enough.

There is one other fee that they are entitled to if they perform the duty, and that is for the light-house service. If they act as superintendents of light-houses, they receive $400 for that, and that is the only additional amount which can be added to any collector in any port of the Union. This light-house service does not belong to the interior, but the commissions on the duties belong there as much as they do anywhere else. The services are performed there under the same responsibility, and as efficiently. They render to the Government the same amount of service; and the law of 1857 said they should receive the same fee, whether they were named a surveyor or named a collector.

There is this other point to be remembered; a surveyor, by the law of 1841, is limited to $2,500; and by the law of 1846 the additional pay of $2,000, on account of certain other fees, does not apply to surveyors. If you include those $2,000, and exclude the application of the law which applies to surveyors performing the duties of collectors, then the Secretary has decided wrong in allowing $3,000 heretofore. There is no warrant of law to allow the $3,000. They are either limited to their $2,500, under the law of 1841, or, to escape from it, you must say that they are collectors in fact, although not in name, and therefore governed by the limitation of $2,000. If that be the law of the land, this additional compensation, growing out of other fees not enumerated until the law of 1846, gives them $2,000 more, which which would entitle them to $5,000.

This is the whole case; but I do not choose to go into that. I content myself with what Congress has done, and I do not seek to go behind that. When the Senator from Maine [Mr. FESSENDEN] says there is a secret, private, large claim covered up in this, I have only to answer and say I know nothing of it; and to give him this other additional answer, that it cannot possibly be a very large one, since the amendment I propose limits it to the passage of the act of the 3d of March, 1857. If it were to go back seventeen years to the passage of the law of 1841, it might be a large claim; but I will also hazard this other expression: there are not exceeding five ports of the Union to which the amendment will have any practical effect. Why, then, legislate? Because, in my opinion, the law already entitles these men to this allowance. The officers of the Government do not administer the law; the opinion of the Attorney General is, that it ought to be administered, and yet there is no coercive power. There is a legislative power. That legislative power was invoked at the last session. They affirmed it; but the accident of the clerk, or the negligence of the clerk, or some other motive that influenced the clerk, caused it to drop out of the enrolled bill. Now, will the Senate, after having gravely affirmed this principle, and Congress, on mature deliberation, having carried out this principle, and the merest slip of a clerk defeating its application—will they seize hold of that to injure active, vigilant, and meritorious public officers, by the law of 1857, to the very compensation that I have enumerated?

Mr. FESSENDEN. I voted for this last year, on the explanation and argument of the Senator from Missouri; but the information I have got since, and the strong suspicions I have about it, induce me to hesitate, and I am glad it is not in such a shape as to be carried out, and I shall vote against it now.

Mr. BENJAMIN. The fact that this provision passed both branches last year would not control me at all. It was not submitted to the President; was not approved by him. We have still perfect control over it. If it is right, we can pass it now. If it is wrong, we ought not to pass it, even though we did last year. I must confess that I am afraid of this amendment. I do not think we ought to pass these provisions that nobody seems to understand in the Senate except the gentlemen who propose them; that none of us have studied at all. If this matter had been referred to a committee, if a committee had examined it, and told us the precise effect of the amendment——

Mr. GREEN. I refer the Senator to the law, and he can understand it himself.

Mr. BENJAMIN. Things appear perfectly plain and simple when stated on one side. I think I could state anybody out of court at any time, if I were allowed to make a statement on one side, and no answer were permitted. I could state the opposite side out of court forever. There are none of us who understand the Government side of this question. It appears that the Secretary of the Treasury will not pay this money. If it were so perfectly plain as the Senator supposes, what should be the objection to making the payment? Yet it seems he will not pay.

It is said the act of 1841 gave a clear right, but the Secretary did not pay under that. The act of 1857 was passed; the gentleman says that is beyond doubt, yet the Secretary still refuses to pay. No committee has reported to us the side of the Government. The Senator from Missouri, in his zeal in pushing this claim, which I have no doubt he defends very honestly, states his side of the case, and yet he has not told us what the Secretary's argument is on the other side; and if he had, is he, with the interest he displays in this subject, the proper person to represent the Government side of the case? His mind is evidently made up in favor of the claim of his constituent, no doubt honestly and fairly; but on the whole, is it not better for us to refrain, at such a moment as this, from sanctioning the increase of salary to such a large extent? The Senator wants to go back only to 1857. Very well, $2,000 a year in five ports is $10,000 a year at all events, and this will make up a claim of that amount for three years; and so we are called upon to vote $30,000 out of the Treasury with very imperfect information. I think that if the Senator desired to renew this matter before Congress at the present session, he ought, under the experience of the past, to have had some examination made of it by some committee.

One word more, and I shall say nothing further on the subject. The Senator says this question is now before the Supreme Court of the United States, and he thought it would even come up at the present term. If it was so near coming up at the present term, it will certainly be reached in the next term, or within a few months after this very law will go into operation, for this bill is for the fiscal year beginning July 1, 1859. Why, then, for the purpose of advancing two or three months the rights of these parties, undertake ourselves to adjudge them in their favor, when the Supreme Court may determine that they have no rights at all? I think we had better let this matter alone. We have not a Treasury sufficiently abundant now to be paying claims that are at all doubtful. If the claims are entirely just, these parties will get them a few months after the date at which they would get them if we adopted the Senator's amendment. It is more prudent to reject it.

Mr. GREEN. How the Senator can make it three years, from the 3d of March, 1857, to the present period of time, is more than I am able to divine. I make it a little less than two years; but he makes it three years, and says this will involve an expense of $30,000 for five ports. It is but $20,000. The Senator is about as much at fault in his arithmetic as in the rest of his argument. But even suppose it were $200,000: are we to stop and say we will not do justice, and will not execute the law, because we are poor, and because we heedlessly fool away our time, and refuse to apply the powers of the Government to collect a revenue? Is that an argument? We are to stultify ourselves, refuse to pay our debts, drive off our claimants, put our hands on the lock of the Treasury, and then say we will not tax the people. Sir, the people of the United States are ready and willing and anxious to be taxed to maintain the honor of their Government. Is this a doubtful claim? It is no claim. It is the execution of a law; but the Senator says it never was a law. The present amendment which is now proposed, I stated explicitly, never did become a law; and the reason why it never did become a law, I also explained; but the law that I am seeking to enforce by the adoption of the proposed amendment, is clear enough for my mind.

The Senator is a little at fault in another respect. The case that comes up from Mobile reaches back to the law of 1841. It originated under the law of 1841, before this law of 1857 was passed. Even if that decision were reversed by the Supreme Court, it would not conflict with the rights of the parties whom I seek to support and sustain, under the law of 1857. Therefore, why wait for a decision that cannot be decisive of the rights of the parties?

The Senator is at fault again when he says we have but to wait a few months. This act, he says, will not take effect until next July. I think all general legislation in it takes effect at once from the approval of the bill. But, besides all that, that case is No. 175 on the docket of the Supreme Court; and I am assured by the clerk that the Court will hardly reach it during the whole of the next January term. Congress will adjourn again; these parties will have to work and labor; the law has given them certain rights as collectors; they have discharged their duty. The law is plain and express in its provisions; and yet we are to put up the poor man's plea that we have not got the money, and therefore will not pay. If it were the case of an individual, the coercive power of Congress would make him pay; and shall we skulk behind the mere fact that the United States cannot be sued, that their property cannot be taken in execution? Is that to be the plea of this Government, whether with reference to general law, private claims, or anything else? We must collect money enough to pay our debts, and to provide for the wants of the Government; but, refusing to collect that revenue, we then seek to avoid the discharge of our duty, and leave the Government drifting upon the breakers that lie before it.

The amendment was rejected.

Mr. BRIGHT. I have an amendment to offer from the Committee on Finance, to insert after line one hundred and fifty-nine, to follow the appropriations for the Court of Claims:

For commissioners' fees for taking testimony on behalf of the Government, fees of witnesses and of agents or attorneys to be appointed by the solicitor to attend to the taking of depositions under sections two and three of the act of 1855, to be disbursed under the solicitor by such marshal as he shall direct, or other suitable agents to be appointed by him, $5,000.

I have the letter of the solicitor stating that, by accident, this appropriation was omitted when the bill was before the House of Representatives. It is the usual sum, $5,000, which has been heretofore appropriated. The letter can be read, if it be desired.

Mr. FESSENDEN. It is not necessary; there is no objection to the amendment.

Mr. SIMMONS. I should like to hear the amendment. I do not understand exactly what it is.

Mr. FESSENDEN. It is merely to appropriate $5,000 for taking testimony, on behalf of the Government, before the Court of Claims.

The amendment was agreed to.

Mr. FESSENDEN. I have an amendment to offer from the Committee on Finance. It is to insert, among the appropriations for the congressional library, after the word "library," in line one hundred and thirty-eight, "and pay for binding, labor, and other incidental expenses;" so as to make the clause read:

For purchase of law books for said library, and pay for binding, labor, and other incidental expenses, $2,000.

The amendment was agreed to.

Mr. CHANDLER. I move to strike out on the twenty-seventh page of the bill, from line six hundred and thirty-nine to line six hundred and forty-nine, inclusive. The clauses which I propose to strike out are the appropriations for the branch mints at Dahlonega, in Georgia, and Charlotte, in North Carolina. I find from the last finance report, that last year the entire coinage at Dahlonega was $100,167; and this bill appropriates $8,180 for that mint; or, in other words, it proposes to appropriate a little more than eight and eight-tenths per cent. upon the entire coinage of that mint. I see by a table in the same volume, that the whole coinage at that mint, for the year 1857, was $32,906, and the cost of coining it was about twenty-five per cent. of the whole amount. I think that is a little too expensive a price for coinage. The expense of sending the bullion that is there coined to Philadelphia or New York, would not be over a quarter of one per cent., and certainly not more than one half of one per cent. to take it there and send it back; and yet you have paid, on an average, for the last three years, over ten per cent. upon the entire coinage at Dahlonega

The branch mint at Charlotte, North Carolina, is bad enough, although not quite as bad as the other. I find that the coinage there last year amounted to $177,970; and this bill proposes to appropriate for it $8,600. In 1857 the entire coinage at that mint was only $78,965. The average expense to the Government of the coinage there, for the last two years, has been about eight per cent.

The amount coined at these two mints has been running down gradually from year to year, until it would appear to be time to abolish the establishments. I perceive that at these two mints you are paying $6,000 a year for the salary of superintendents, and in one of them $2,600, and in the other $2,800 for laborers. In other words, you pay $6,000 for superintending $2,000 worth of labor. It must be perfectly evident to every Senator present, that it is time this was done away with. I move to strike out the appropriations in the following clauses:

"*At Charlotte, North Carolina.*

"For salaries of superintendent, coiner, assayer, and clerk, $6,000.

"For wages of workmen, $2,600.

"*At Dahlonega, Georgia.*

"For salaries of superintendent, coiner, assayer, and clerk, $6,000.

"For wages of workmen, $2,800."

Mr. HALE. I had occasion some years ago to call attention to this matter, but was voted down. I desire now, if there is any necessity for keeping up these mints, to have it stated. What is the use of paying six per cent. a year for coinage at these two little establishments. It is over six per cent. taking them together—Charlotte and Dahlonega. They only coin about $277,000 at both of them. These mints were established, I think, about 1838, when there was an idea that there was a great and profitable location of gold in that neighborhood; but that has been entirely exploded. There is no gold there, or none that can be profitably worked, and these mints have got now so as to do little or nothing. It seems to me the only earthly use of keeping them up is simply to pay salaries. I hope the economical chairman of the Committee on Finance, will give his support in this reform.

Mr. REID. I trust the amendment proposed by the Senator from Michigan, will not prevail. These mints have been established by law, and I suppose it is necessary to make the appropriations to carry them on while they are in existence. I can speak for North Carolina, and so far as that State is concerned, perhaps the amount of coinage during the past year may not be so large, yet there are a number of persons in my State who are engaged, and extensively engaged in mining, but I doubt very much whether during the last six months there have not been larger lumps of gold found in North Carolina, than even in California. It is true that this monopolizing northern feeling which desires to concentrate everything to the North, does already take a good deal of the gold that is found in North Carolina, and carry it to the North.

Mr. FESSENDEN. Why do you let us have it? Why do you not keep it at home?

Mr. REID. Under your system that has been pampered here of taxing the South for the benefit of the North, of legislating for everything that has about it dollars and cents, so as to give it a northern direction, it goes to the North, and the South is made the tributary of the North. We have a little mint there to be sure, and you desire to strip us of this merely because you say, in proportion to the amount of coinage there the expenses are great. But this is not the principle that we should apply to a thing of this sort. If you desire to abolish this mint, refer the subject to a committee, let them inquire into its affairs, and see whether it can be properly discontinued. Do not, upon an appropriation bill, while you have the mint in operation, refuse the necessary appropriations to carry it on.

Mr. TRUMBULL. If this amendment shall prevail, as I trust it will, I will offer another amendment to the bill repealing the law establishing mints at Dahlonega and Charlotte and directing the President to make sale of the sites of the public buildings there, and place the proceeds in the Treasury. We hear a great deal said here about economy, and to judge from what gentlemen say, there would appear to be a very general disposition to reduce the expenses of this Government. Here is a case where we can economize. Two Government establishments were set up some twenty years ago in localities where it was supposed there was gold. There is some little gold in the mountains of North Carolina and Georgia. These establishments have now been in operation some twenty years. It needs no reference to a committee to ascertain what they are doing. We have here the report of the Secretary of the Treasury, and the report of the Director of the Mint, showing the amount of business done at each of these branch mints. They coin nothing but gold, and at one of these mints I perceive there has only been $32,000 coined at an expense of eight or nine thousand dollars, twenty-five per cent.; while the expense of coining the millions that are coined at Philadelphia, including copper and silver, is not one per cent. In this case, however, you are paying more than eight per cent. for the coinage last year, and some years you have paid as high as twenty-five per cent. for the amount of business done at these branch mints. And for what purpose? We have had them for twenty years; we have tested them. If the Government is to appropriate money for this purpose, it would be a great deal better, and it would be a great saving to appropriate money to pay the expense of conveying every ounce of gold that may be discovered in Georgia and Carolina to the principal Mint at Philadelphia, or to the branch mint at New Orleans.

This is not a northern measure, as the Senator from North Carolina seems to suppose. Is there not a branch mint at New Orleans? Is it proposed to abolish that? We do not propose to abolish the branch mint at New Orleans, or at San Francisco; but there is no necessity for these branch mints in Georgia and North Carolina, as shown by the experience of twenty years. They cost more than they are worth. Now, if we are sincerely desirous of reducing the expenses of the Government, whenever we come to a case like this let us put the principle in operation; let us adopt the rule that will cut down the expenses. Whenever you find anything like this in the northern States, I shall not appeal to northern gentlemen to sustain it; and I am sorry that there should be a sectional appeal here to sustain extravagance, any more because it is in Carolina or Georgia, than if it was anywhere else. I trust the amendment will be adopted.

Mr. HALE. I have heard the Senator from North Carolina; and if I understood his remarks, he does not base this matter on any national grounds at all; but entirely on sectional grounds. Now, sir, I am opposed to all such appeals. He objects to this amendment because these mints are in the South, and he thinks they ought to be sustained. We have heard from North Carolina, and now I should like to know what Georgia has to say on the subject. I want to know whether Georgia thinks so much tribute has been levied on them that they ought to have these $8,000 a year for coining this little money.

Mr. REID. If the Senator from Mass—Vermont, I mean—will permit me——

Mr. HALE. I am neither from Massachusetts nor Vermont, if you mean me.

Mr. REID. You are from the same region of country—it is six of one and half a dozen of the other. The Senator from New Hampshire.

Mr. HALE. Exactly; now you have got it.

Mr. REID. The Senator is mistaken as to the position which I took in regard to this matter. It was not that I desired these establishments sustained, because it was a southern appropriation; but I alleged that it was obnoxious to the gentleman, and some associated with him, because it was a southern appropriation. If this appropriation was for the State of New Hampshire, perhaps the gentleman might oppose it as much as he does now; but if it were an unconstitutional appropriation for taking some African negroes, and carrying them somewhere on the face of God's earth, where there is no warrant under the Constitution, it would be very acceptable to the gentleman, and he would find a sufficient warrant

under the Constitution; and it would neither be northern nor southern, I suppose.

Mr. HALE. Mr. President, I am sorry that the Senator is still sectional, [laughter;] that he does not appreciate my position. The bill of which he speaks was passed by southern votes, and a southern leader lead off. I voted against it, and I am so recorded.

Mr. REID. Did the Senator vote against that amendment?

Mr. HALE. I voted against the whole bill.

Mr. REID. Did the Senator vote against that item in the appropriation bill? Did he not vote to sustain that item, and keep it in the appropriation bill?

Mr. HALE. I do not remember what item the Senator refers to, [laughter;] but I voted against the whole thing. I did not go piecemeal; I took the whole thing, and voted against the whole bill, and I was voted down by these southerners. [Renewed laughter.]

Now, sir, let me tell the Senator from North Carolina, for I have always had high respect and kind feeling for him, that he misunderstands me entirely. When I make war upon the South, if I ever should do it—and I never will, except in defense—I will not make it in this picayune way. I will not go out on such a contemptible little business as striking off a superintendent of a mint, and cutting down $8,000, because I do not believe that southern sensibilities are so keen that they can be touched in that way. It is said you can touch Yankees through their pockets; but I never heard that you could reach the South in such a way, and I do not believe it. I do not believe but what, if this money is stricken out, and I think it will be, it will have a tendency to restore fraternal feeling, rather than to exasperate it. I moved to strike out these appropriations years ago; I think I made the motion when I was a member of the House of Representatives, because I had seen constantly, year after year, that whilst you were providing in your general laws that the expenses of coining at the Mint shall not cost over three eighths of one per cent., which I believe you have enacted this very day, you are paying six, eight, or ten per cent. for coinage at these two little mints in North Carolina and Georgia. Now, sir, I think I know myself, and if it was in the State of New Hampshire, and in the county of Strafford, and in the town of Dover, and on my lot, I would vote against it. I have never voted, and I never will vote, for what I think to be so extravagant and useless an appropriation of public money as this. But, sir, I will say no more. I sit down, because I am impatient to hear from Georgia.

Mr. TOOMBS. If the honorable Senator from New Hampshire wants the benefit of any information I have on the subject, I will give it very freely. When these mints were established, about twenty years ago, there had been large discoveries of gold in that region of Georgia. I let North Carolina speak for herself, as she has so well done. The mint at Dahlonega was established on the idea that there would be a very large business done there. Like most of the gold discoveries in the United States, on this side of the Mississippi, at least, it has turned out to be chiefly surface mining. The gold gave out, and it strikes me, from all I can see, that the necessity for the mint has gone with it.

Mr. CLINGMAN. This motion is to refuse the appropriation for these two mints. It is true, the Senator from Illinois says, if this motion prevails he will move to abolish or dispense with the mints; but I believe it is always held that legislation is out of order on appropriation bills, and such an amendment would not be in order. It is a mere question, therefore, whether you will carry out the existing law. I think it not unlikely that originally these mints ought not to have been established; but they are now existing. If gentlemen be willing to dispense with everything that is not paying, I shall give them up very cheerfully, so far as I am concerned; but it is well known that a large number of custom-houses are now existing in the country, some of which are up in the Northeast, and do not pay anything like the expense of the men who are employed.

Mr. TRUMBULL. We want the assistance of the Senator from North Carolina to abolish every one of them.

Mr. HALE. You shall have my vote.

Mr. CLINGMAN. That proposition shall have my support.

Mr. TRUMBULL. We have a bill now pending, I understand, to abolish a great many of them, and I hope we shall pass it.

Mr. CLINGMAN. I may vote for that bill even if it includes these mints, for I have no doubt my people will save more money by abolishing all those non-paying establishments, and certain others that I will not now go into, than they would lose by the abolition of these mints. What I mean to say is, that I shall resist the striking out of these appropriations at this particular time, until you go into a general system of economy. I may say that, though the gold-mining there has run down very much since the discovery of California, which carried of the miners, it seems to be on the increase again, both in Georgia and my own State. I have very little doubt that the quantity of gold obtained in future will increase from year to year for some time to come. I hope, therefore, this appropriation will stand until you adopt a general system. I have nothing further to say.

Mr. REID. I will state to the Senate that, so far as North Carolina is concerned, there is no question but that we have an immense amount of gold there. For many reasons, however, within the last few years, the mines have not been extensively operated. One of the causes has been the high price which all agricultural productions have borne; and the California feeling has, to some extent, paralyzed the mining operations of that country; but there is a vast amount of gold throughout the State, and the mint there is not only useful now, but it will be useful for all time, and ought never to be discontinued.

Mr. TRUMBULL called for the yeas and nays.

Mr. REID. Would it be in order to divide the amendment so as to take the question separately on the mint at Charlotte, and the one at Dahlonega?

Mr. CLINGMAN. We had better take them together.

The yeas and nays were ordered.

Mr. PUGH. I should like to ask a question which, probably, the Senator from Virginia can answer. Are these salaries already provided for by law?

Mr. HUNTER. Yes, sir; I believe they are provided for by law; but I understood the Senator from Illinois to say he would introduce a provision to repeal that law.

Mr. CLINGMAN. He cannot do it upon this bill. On the same principle you may strike out an appropriation for the pay of members of Congress, or anybody else, because some Senator may hereafter intend to propose to repeal the existing law. This stands on the footing of all other laws at present.

Mr. TRUMBULL. I have an amendment already prepared, to abolish these mints, and direct the President to make sale of the sites, and pay the proceeds into the Treasury; and it will be in order when this amendment prevails. The rules do not exclude an amendment of a general nature. It is only when you propose an amendment for an additional appropriation that the rule intervenes.

Mr. CLINGMAN. All amendments are ruled out of order, if they provide for legislation. ["Oh, no!"] It seems to me the gentleman's motion would be out of order, but it has not been adopted yet. Suppose I should ask you to strike out every appropriation in this bill, on the ground that I or somebody else promised to move to repeal a law; there would be about the same reason for it.

Mr. PUGH. I might be disposed to vote possibly for an amendment to repeal the law establishing these mints, but I hardly think we shall gain anything by striking out the appropriation and letting it come next year in a deficiency bill. The whole amount for these two branch mints is about seventeen thousand two hundred dollars, and it does not begin to equal the amount we have this day added to every one of the other branch mints against the vote of the House of Representatives. I think this is straining at the gnat, when we have already swallowed the camel.

Mr. REID. I understood that it was in order to divide the amendment so as to take the question first on striking out the appropriation for the Charlotte branch mint.

The PRESIDING OFFICER. It is too late now to divide the amendment. The yeas and nays have been ordered on the whole amendment.

Mr. REID. I asked for a division before that.

The PRESIDING OFFICER. I understood the Senator from North Carolina merely to inquire before, whether it could be divided. The Secretary will call the roll on the amendment of the Senator from Michigan.

The question being taken by yeas and nays, resulted—yeas 34, nays 15; as follows:

YEAS—Messrs. Bayard, Bell, Benjamin, Broderick, Chandler, Clark, Clay, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Hale, Harlan, Houston, Hunter, Johnson of Arkansas, Johnson of Tennessee, Jones, Kennedy, King, Mason, Polk, Pugh, Rice, Simmons, Slidell, Smith, Toombs, Trumbull, Wade, and Wilson—34.

NAYS—Messrs. Allen, Bright, Brown, Cameron, Chesnut, Clingman, Douglas, Fitch, Green, Gwin, Iverson, Lane, Reid, Seward, and Ward—15.

So the amendment of Mr. CHANDLER was agreed to.

Mr. BROWN. Mr. President——

Mr. TRUMBULL. Will the Senator from Mississippi allow me to offer an amendment to carry out what we have just agreed to?

Mr. BROWN. No; it will give rise to debate, and I have amendments to offer.

Mr. TRUMBULL. It will take no more time now than at any other period, and it is on the same subject upon which we have just been acting.

Mr. BROWN. I am instructed by the Committee on the District of Columbia to offer the following amendment, to come in after line eight hundred and sixty-one:

And to repay to the Corporation of Washington the compensation of twenty policemen, from the 13th day of July, 1858, to the 30th day of June, 1859, $12,530 12.

The amendment was agreed to.

Mr. BROWN. I am further instructed by the same committee, to propose the following amendment, to follow the one which has just been adopted:

For compensation of twenty policemen in the city of Washington, to be appointed in the same manner as the auxiliary guard are now appointed, $13,000.

The amendment was agreed to.

Mr. BROWN. I am instructed to propose the following amendment, to which I suppose nobody will object, to come in at the end of line three hundred and seventy-eight:

And to enable the Commissioner of Public Buildings to pay to C. B. Cluskey a balance due him for services rendered as engineer for the United States in 1849, $126 50.

Mr. HUNTER. That is a private claim. I raise the question of order.

Mr. BROWN. A word of explanation will show that the amendment is in order. This was an employé of the Government, employed under an existing law, to fix the grade of the streets in Washington. He was not paid, as the documents show, because the appropriation gave out, and the officer by whom he was employed died. It is no private claim. It is a balance due a salaried officer of the Government which I propose to provide for.

Mr. HUNTER. It has been decided that back pay comes under the rule.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) The Chair has no doubt that the amendment is excluded by the rule.

Mr. BROWN. I have some other amendments, but I will reserve them for the miscellaneous bill.

Mr. CLINGMAN. I move to strike out lines six hundred and twenty-nine, six hundred and thirty, and six hundred and thirty-one, making appropriations for the New York assay office, as follows:

"For salaries of officers and clerks, $24,700.
"For wages of workmen, $22,000."

I am very glad to see that the Senate is disposed to be economical. It has been shown a dozen times, perhaps a hundred times, in the debate, that you can transport all the gold that comes to New York to Philadelphia and send it back for one tenth the sum of money that is spent for coining at New York. It is not pretended by anybody that any gold is gotten in New York. It comes there in the course of trade. We have a Mint at Philadelphia which can coin every dollar that is wanted in the United States. New York is within four hours' travel of Philadelphia, and gold can be taken there and coined or stamped, and sent back for one tenth part the sum we are

now spending. I hope, therefore, the Senator from Illinois and the Senator from New York will join us with the magnanimity of the Senator from Georgia, and strike out all these appropriations for the assay office at New York, and I will follow up this movement, when the present amendment is adopted, as I suppose it will be, with the motions that are necessary to relieve us of all this expenditure.

Mr. PUGH. I shall vote for this amendment. I think it is in furtherance of the policy just adopted, and I think it would be a good idea to extend it to the branch mint at New Orleans. That was established on the idea that we imported gold and silver from Mexico. Now we get hardly any from Mexico. We get it principally from California, and hence that mint is unnecessary. I am glad to see the Senate started right. I hope we shall abolish this New York establishment, for it is nothing but to spend public money; and then I hope the Senator from North Carolina will give the New Orleans mint a touch, and if he does not, I will. I shall vote for this; and if it is not carried, I will vote to reconsider the other.

Mr. CLINGMAN. It is done merely to spend money at New York. It is not pretended that any gold is found in New York, or that the gold which comes there cannot be taken to Philadelphia and coined. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. CAMERON. Perhaps it may seem natural to some that I should be in favor of this amendment, for I live in Pennsylvania, and am proud of being a son of that State, and have some pride in the Mint, at Philadelphia, which has been there since the existence of the Government. It has performed its duties to the country faithfully, cheaply, and honestly; and I think all these additional mints have been of no service to the country; but they are upon us, and I do not believe in the sincerity of gentlemen who desire to make these curtailments at present. If I believed there was an intention in the Senate to curtail all the expenses of the mints, except at Philadelphia, I should vote for the amendment at once, but I do not believe that is going to be the result. I desire that the Mint in Philadelphia shall be there permanently; that it shall continue to do what it has done since the commencement of the Government, coin the money which is used in this country, and it is capable of doing it. I think the establishment of an assay office in New York was a mere trick to get a mint there. I believe all that can be done by that assay office will be done faithfully and cheaply by the Mint in Philadelphia. As the Senator from North Carolina has justly said, there is but four hours' difference between Philadelphia and New York. There is no money saved by coining the gold in New York that will not be saved by having it done in Philadelphia. But I am satisfied that if you strike this off, the next thing will be to spring up some other amendment which will affect the Mint at Philadelphia.

Mr. PUGH. We will let that stand.

Mr. CAMERON. If I was satisfied of that, I should vote with the gentleman; but I am willing to let well enough alone. The mints throughout the country are well enough as they are; and I am not for disturbing them. They do not cost much. The principal portion of the coinage of the country is done at Philadelphia; and the great expenditure is there, so far as the expenditure is faithful and honest. I think there is a great deal of money wasted at New York; and I am sure, if you were to abolish the Mint at Philadelphia, and say that the whole coinage business should be done at New York, it would not only cost twice as much, but I think, in a few years, ten times as much as it does now in Philadelphia. The people of Philadelphia are an honest, careful, industrious people; and they render proper accounts, and proper vouchers for everything they do. I do not doubt the integrity of the people of New York; but they are a great people; they do everything on a magnificent scale; and that which costs you a dollar in Philadelphia, may cost a hundred or a thousand dollars in New York. I think it is better to let the Mint at Philadelphia alone. If it had not been for the kindness of some gentlemen here this morning, an amendment would have been adopted which would effectually have abolished that Mint, and taken it to New York; because the gentlemen from New York are quicker, and, to use a common word in my country, smarter than we are in Pennsylvania; and they bring forward things which look a great deal further than we in Pennsylvania think at first sight. They always have a design in everything they do, beyond what they show. I think, if the amendment to which I have alluded had been adopted this morning, the effect would have been to blot out the Mint at Philadelphia, to abolish the mints in California and at New Orleans, and all the others, and concentrate them all in that magnificent city of New York, which aspires to be not only the great commercial center of the country, but the great political center that is to control all the money, and all the politics, and all the business of the country. I am perfectly willing that they shall have an assay office, as they said they intended to use it when they got the first appropriation, but I am not willing that they shall abolish the first establishment which was set up in the United States for coining money.

Mr. CLINGMAN. I assure my friend from Pennsylvania that I have no disposition to strike at Philadelphia. I think we ought to have a Mint there, and ought to have one in California; and I suppose they are the only ones we ought to have. I had some doubts about the California mint; but I think there is no excuse in the world for keeping up this assay office in New York. It is merely to catch the gold four hours sooner than it would get into the Mint in Philadelphia. If the gold which is obtained in Georgia and North Carolina can wait to be coined several days, until it gets up to Philadelphia, I am very sure that the gold which comes to New York can wait a few hours. This expenditure was made at first just because New York had thirty-four votes in the other House. I was there, and I saw how it was managed. There was a struggle for many years to get it, and New York having a very large number of members, and they working about and maneuvering, voting for other gentlemen's bills and helping things along, finally got this appropriation. We were very full of money at that time; there was a large surplus in the Treasury. There was not a single man who pretended to say that the gold could not be transported to Philadelphia and brought back at the Government expense, for one tenth the money we were spending; but it was done because New York, being a small, poor place, wanted to get something to improve the town, and put up a handsome building. That is the way things go there. I am perfectly consistent. I say if you intend to act economically and have no more mints than are actually necessary, I will carry it out. Let us, therefore, abolish this. I am quite sure the Senator from New Hampshire, the Senator from Illinois, and other gentlemen, will now vote to abolish this assay office in New York, and then we will let Philadelphia alone.

Mr. SEWARD. Mr. President, I confess myself very much embarrassed by the argument of the honorable Senator from North Carolina. It has been quite ineffectual to satisfy me that the assay office in New York ought to be abolished; while it has demonstrated to me that I was wrong in voting to retain the mint in North Carolina—for the honorable Senator says that he proposes to abolish the mint in New Orleans, and that he thinks there ought only to be a Mint in Philadelphia and in California.

Mr. CLINGMAN. I say on principles of economy—looking to that alone.

Mr. SEWARD. The honorable Senator now amends his speech by saying, on principles of economy alone. I have voted upon other grounds for sustaining the mint in the State of North Carolina, though I confess I do not understand very well the grounds on which I cast that vote, except that on previous occasions I had always voted in the same way, and I desired to preserve a consistent record, though the argument was growing stronger against me continually.

Mr. President, if the honorable Senator from North Carolina, or any one else, thinks he can wound or hurt anybody's feelings, or thinks he will at all affect anybody's pride, or thinks he will do the State of New York, or the city of New York, or anybody in New York, any harm or prejudice, I invite him to go ahead and abolish the mint and other public institutions in the city of New York, and we shall see how he will come out in the long run. There is one place in the United States above all others where there ought to be a mint; where, wherever commerce is left to the working out of its own legitimate operations, it will be in preference to all other places; and that is the city of New York, where it can be coined the most cheaply, and put into circulation at the smallest expense. There is now no mint there; but there are mints elsewhere, where there are no such necessities for them.

In my argument this morning upon the proposition which was made by my colleague to authorize coinage in the city of New York, at the assay office, I showed that $20,000 a year of expense would be retrenched by the acceptance of that amendment authorizing the assay office to coin money. The Senate has refused to do that. That is $20,000 of expense that the party maintaining the policy of retrenchment, and balancing between raising revenue and reducing the expenses by retrenchment, has already committed itself to. I will now show the honorable Senators how much more they will make by abolishing the assay office in New York.

It is four years since the assay office was established in New York, and since that time there have been deposited at that office, $96,700,000 of bullion; of which $92,200,000 were in gold and $4,500,000 in silver. Of these $92,000,000 of gold, $61,000,000 have been stamped at the assay office with the Government stamp, which gives it a market value, as money, in foreign countries, and sent abroad into circulation as bullion in bars. If there had been no assay office there, it would have been required to transport that to Philadelphia—that $60,000,000—and have it stamped there, and brought back again to New York to be shipped; and whatever the risk and the expense of transportation would have been, that is the amount which has been saved by stamping it in New York, instead of sending it abroad, to say nothing of the risk of sending $60,000,000 of the precious metals across a railroad by an irresponsible express company that is incapable of guarantying the Government, and which necessarily involves, therefore, insurance on the transportation.

Now, what is the cost of transporting $60,000,000 from New York to Philadelphia? It is just exactly one dollar for every thousand of gold. There is $60,000 which have been saved, to say nothing of the risk. Now, then, there has been $4,500,000 of silver received there; and that silver has been sent to Philadelphia to be coined, because it has not to be stamped. If that silver could have been coined in New York, it would have saved the expense of transportation; and how much is that? The expense of transportation of silver from New York to Philadelphia, for the purpose of putting it into the form of money, is three dollars per $1,000, making $13,500 on that item.

In the aggregate, then, there has been saved $60,000 on the gold which was stamped as bullion at the assay office; and there has been lost one dollar upon every $1,000 of the $30,000,000 which have been transported to Philadelphia, and back again, to be converted into coin. Then, if you abolish the assay office, you will add to the expenses of the Government just one dollar for every $1,000 of gold which is received in the city of New York to be put into bullion, or to be put into coin.

Mr. MASON. Will the Senator allow me to ask him why it is that the Government pays the expense of transportation to Philadelphia from New York? Why is it that the owner of the gold does not pay it?

Mr. SEWARD. The Government receives the gold for the purpose of having material to coin and stamp and give it its value to maintain the coinage system. It assumes to receive deposits in the city of New York and San Francisco for the purpose of coinage.

Mr. MASON. To enable the Senator to explain it fully, I would ask him if the assay office at New York were abolished, would not the Government save the expense of carrying gold between the two cities, because the owner must take gold to the Mint?

Mr. SEWARD. No, sir. If you take it away it will cost just so much more to get it in kind.

Mr. IVERSON. I am not at all surprised at the course which the Senator from New York,

and gentlemen upon the other side of the Chamber pursue in this case. It is but a few minutes since they voted to cut down the salaries, or abolish the salaries and expenses of keeping up the little mints at Dahlonega, in Georgia, and Charlotte, in North Carolina. They talked about economy, and saving these small sums for the Government. It was very important then to the Government to save the expenses of these two branch mints in those two cities. But now, when a proposition is offered to save a large amount of the expenses of the Government by abolishing the assay office in New York, gentlemen think it is a very different question. The circumstances being altered, it alters the case. It is the old fable of the bull and the ox, and nothing more. The branch mints at Dahlonega and Charlotte were established many years ago for the convenience and interest of the poorer classes in those States, and the surrounding country, who were working in the gold mines in that region.

Mr. SEWARD. Will the honorable Senator allow me to interrupt him?

Mr. IVERSON. For what purpose?

Mr. SEWARD. Simply to make an explanation.

Mr. IVERSON. The Senator from New York can have an opportunity of making an explanation after I get through.

Mr. SEWARD. I simply appeal to the honorable Senator to allow me to suggest to him that he is inflicting severe chastisement upon me for voting in favor of his proposition. I voted with him against striking out those branch mints.

Mr. IVERSON. Then so far as the honorable Senator is concerned, I make the *amende honorable*, and take back all that I said. I take it for granted that other Senators who usually vote with him, will vote against this proposition. I desire to ask the Senator from New Hampshire if he will vote for this amendment to strike out the assay office at New York?

Mr. HALE. I can tell better after I have heard the Senator's argument. [Laughter.]

Mr. IVERSON. Well, sir, I have only this to say: these branch mints were established in North Carolina and Georgia, not for the purpose of making money to the Government, but for the convenience and necessity of those who mined in that region. It was for the benefit of the poorer classes. The persons who generally mined in North Carolina and Georgia, were poor men, who went into these branch mines, or surface mines, and operated for their individual profit. If they did not have a branch mint in their neighborhood, to get the gold coined, they would be compelled to send it, at a vast expense, to the Mint at Philadelphia, New York, or elsewhere, or to sell it at a sacrifice in their neighborhood, to speculators and capitalists. They were not established for the purpose of making money, but for the purpose of promoting the interest and convenience of those poorer classes who mined in that particular region.

The assay office in New York was established for the benefit of the rich; for the benefit of the great speculator, William B. Astor, Drexel & Company, and other enormous capitalists, in New York and elsewhere, who had a large amount of shipments of gold from California sent to them. The assay office was established for their benefit in order that they might avoid the expense of taking it to Philadelphia and back. When we propose to cut down the expenditures of the Government by taking away this expenditure at New York, the Senator from New York rises and gives as a reason why we should not do it, that it costs so much to take the gold to Philadelphia and back. Who is better prepared to pay the expense of that transportation than these millionaires for whom the Senator from New York would legislate? Sir, I think it is a fair subject for the pruning-knife to cut down the expenses of the Government there, when these sums are expended for the benefit of rich men who can very well afford to take their gold to Philadelphia and have it coined and brought back to New York for shipment. But when we come to the poor people of Carolina and Georgia, in the immediate neighborhood of the branch mints there; when we propose to have this small expense of six or eight thousand dollars a year expended for their benefit, to save them the expense of sending their gold to New York or sacrificing it, Senators say that there is no necessity for it; that the expenses of the Government are enormous, and, therefore, we must use the pruning knife in this poor pitiful manner.

Sir, I hope the Senate will adopt this amendment. I voted against the motion to strike out the expenses of the mints at Dahlonega and Charlotte, in North Carolina. I thought it was just and proper that the Government should encounter some expense for the benefit of the poorer classes interested in those branch mints; but, inasmuch as Senators on the other side have manifested so much zeal in favor of retrenchment and curtailment of expenditures, I hope that they will pursue the example so generously set, and will cut down the expenses of the assay mint in New York. At any rate, following their example, I shall vote for it.

Mr. CLINGMAN. I desire to say a single word in reply to the Senator from New York. I was very much surprised by the course of his remarks. I think this is a mere matter of dollars and cents. A gentleman on the other side of the Chamber proposed to strike out the appropriation for the mints at Dahlonega and Charlotte, because he said, the gold could be transported to the Mint, and coined for less, at Philadelphia. In remarking upon that proposition, I happened to allude to the assay office in New York, and the Senator from New York seems to take it in high dudgeon. He rose with an air of offended dignity, and spoke of my assailing New York, and how little I would make by assailing that great State. It is extraordinary that we cannot save a little money expended in that way, but that the representatives of the State bristle up against it. He tells us that it costs about one dollar in a thousand to transport the gold from New York to Philadelphia. If it costs them that much, I would like to know how much it would cost to transport it from Dahlonega or Charlotte to Philadelphia? It would cost ten times as much, I have no doubt; and yet, according to the arguments of Senators, it is a hardship upon New York to bear this small expenditure; but it is perfectly proper when applied in the other section. I wish to see some consistency in this matter; and I tell the Senator further, if this motion prevails, I will move to abolish the salaries, and strike out the appropriation for the custom-house at Albany. There is no need upon earth for a custom-house there. Goods must either go by New York up the Hudson, or by Boston, or some point on the frontier. Why they should keep a custom-house, and salaried officers in Albany, in his own State, I do not know. I suppose if I were to offer such an amendment, it would be said that it was an offense to the State. I deemed it right to say thus much.

Mr. WILSON. Mr. President, I think this is a very strange exhibition. We have been talking during the whole session about economy and retrenchment. The necessity of retrenchment and economy has certainly been manifest to us everywhere. What have we done here to-day to excite all this emotion, all this talk about poor men in the Carolinas and Georgia, and the aristocrats in New York? We find in the bill before us a proposition to appropriate $12,000 for officers to superintend a few workmen that receive $5,400. It is plain to every one in this Senate that these officers are unnecessary, and that, in the present condition of the Treasury of the country, they ought to be abandoned. I say with the Senator from New Hampshire, were they in the town in which I live, I would go for their abandonment. I do not give a vote to abandon them because they are in Carolina and Georgia. On the contrary, if there was any reason why I had any reluctance to do so, it was because they were there, and I saw that there was some feeling on the subject.

Now, sir, having carried that amendment, which is to be a permanent reduction of the expenses of this Government, having performed one practical act of retrenchment, we are met here with a proposition to abolish the assay office in New York. I care nothing about that office. It has been shown here by the Senator from New York that it performs a vast amount of labor for the accommodation of the country. I wish we had never established any offices for this purpose, excepting those at Philadelphia and at San Francisco; but looking at the condition of things before the country, it seems to me that we had better retain the offices at New York, New Orleans, San Francisco, and Philadelphia.

Mr. CLINGMAN. Will the Senator allow me to ask him a question?

Mr. WILSON. Certainly.

Mr. CLINGMAN. If we are sinking and losing money, as is clearly shown, by keeping up the assay office, what is there in the condition of the country that requires us to lose that money at New York more than anywhere else? Here is an annual appropriation of nearly one hundred thousand dollars which could be saved by abolishing this assay office.

Mr. WILSON. Mr. President, New York is the great commercial point of this country. It is the place were millions upon millions annually go; and that is some reason, at any rate, why this office should exist there. If the proposition was to establish an assay office there now, in the present condition of the country, I certainly would not vote for it; but as it has been established, as it has accomplished much for the accommodation of the country, I would keep it there. If we were acting upon this subject as an original question, I would say the mint should be at New York, where the mint ought to be; and there should be a mint at San Francisco, on the Pacific ocean, where a mint ought to be; and I would let New Orleans, and Philadelphia, and all other places, go there for their coinage; for they are the great commercial points of the country, and they would accommodate the whole country.

I have found, through this whole session, that whenever a practical proposition has been made to reduce the expenditures, we have had opposition from some quarter; and when we have succeeded in making a reduction, we have had exhibitions of feeling which struck at something else. Now, we ought to be practical in this matter. I think we ought to vote to reduce all unnecessary expenditures. I have given my vote for the proposition striking out these small branch mints. I would have been willing to reduce the expenditures there, or to have retained them, if it would have done any good; but certainly it must be manifest to everybody that the permanent good of the country requires the abandonment of those two offices, which were established under peculiar circumstances.

Mr. CLINGMAN. I was about to ask the Senator, before he took his seat, one question. In reply to the question I put to him, he said that New York was a great point, a great center. Is that any reason why we should waste money on it? We pay a considerable amount, I believe, for the rent of the buildings; I think they are merely rented; but even if they belong to us, we could sell them and get the money for them, and save nearly one hundred thousand dollars in salaries. Now I submit to him, when we can do that, had we not better save it? There is no reason assigned against it, except that New York is a great point, a great center.

Mr. CAMERON. Mr. President, the Senator from Massachusetts says we ought to look at this as a practical question; I agree with him. We ought to look at it practically, and look at it with regard to the effect it is going to have on the country. We may all be in favor of the reduction of, and a reform in, the expenditures of this Government; but we have a saying up in the country where I live, that foolish people save at the spigot and let it run at the bunghole. This saving in this small way, is a very small business. I believed originally that the Mint at Philadelphia could do all the business that was required of it; but the Congress of the United States thought proper to establish mints at several other places, for the purpose of benefiting the local business, and the local interests of those neighborhoods. The commercial people of the country thought it was necessary to have what they called an assay office at New York, which I supposed, at the time, was merely a place of deposit for the gold which should come into the country. New York is a large city, the largest in the country, and probably more infested by dangerous people than any other city in the world. Men coming from California and other places with gold were always in danger of losing the money they had about them. They could not wait to carry it to a safe place in Philadelphia, but they required some place in New York, in which it could be taken care of during the night. That was all that was

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intended, as I understood then, by the establishment of that assay office. Now, the distinguished Senator from New York, [Mr. SEWARD,] in whom I believe so much that I can hardly believe or imagine that he ever does anything wrong, has certainly made some mistakes in his arithmetic. He tells us it requires a dollar for every thousand of gold which is carried from the city of New York to the city of Philadelphia, and, by inference, he leads us to imagine that it would require another dollar upon each thousand to carry it back.

Mr. SEWARD. Oh, no; that is both ways.

Mr. CAMERON. Well, I will take it both ways, and meet it upon that ground. Now, the gold which comes into the city of New York is not intended to be used altogether in New York. It is brought there as a commodity of trade, just as so much wheat, or so many bushels of potatoes, or so many dollars' worth of any other agricultural product, are brought into New York. It is money when it gets the stamp of the Government upon it. It requires to go to the Mint and receive that stamp. Well, sir, suppose I arrive in New York, from one of the California steamers, with $100,000 of gold, which I require to receive that stamp, I have no means of taking care of it in New York, and I must go to Philadelphia to deposit it at the Mint and get my certificate. It costs me three dollars to take myself and my baggage with me to Philadelphia. My baggage is the gold which I carry. When it gets to Philadelphia, it is not necessary that it should be carried back; but it is there in the depository of the Government. My draft upon that is better than gold. I may go to the extreme ends of the earth; and wherever I go, my draft, properly certified upon the depository of the Government of the United States, is better than the gold which is there; so that it really requires nothing to carry it back to New York.

But, Mr. President, if it required that transportation which the Senator from New York speaks of, then it proves the error which was committed in establishing that assay office, because the gold is the property of individuals, not of the Government; and why shall a man, going to New York, charge the Government a dollar upon every thousand of gold that he has to take to Philadelphia, in order to have it coined? There is no necessity for that. It is his property, not the Government's. The Government is not asked to pay that. That is the way I look at it. I am a practical man. I know nothing of theories, but I know something about currency, and I know something about exchanges; and I believe that a dollar deposited anywhere, with the stamp of the Government of these United States, is to me a dollar in any part of the world.

Having said this much, it is only necessary to say that I do not want to interfere with what New York has there. They have got an assay office, and they ought to be content with it, and thank God they have got it; because I believe, if the subject had been properly investigated, they never would have got it. I am glad to hear the Senator from Georgia [Mr. IVERSON] talk about poor men. I thought there were no poor men down South. I thought they all belonged to the North. It is the first time in my legislative experience that I ever heard a man from the South talk about poor men and industrious men, and the injustice done to them. I thank God there has been a change down South, and that they begin to talk about the laboring men, the men who do the work, as proper objects for the care of the Government. I do not know anything about those little mints in Georgia and North Carolina; but they do not cost much, and I would let them have them; I would let them keep them all around, and if they want more of them, let us give them. Senators from that region will not give us protection for iron; but we in the North, Pennsylvania particularly, are willing to assist everybody. We look upon this country as a great family, each State of which is entitled to our aid, and we are willing to give it to them. I will help Georgia, and I will help South Carolina, and even help Louisiana; I believe they are interested in this subject. I take it for granted that kindness begets kindness. After we have been civil to them, they will be very likely to be civil to us.

Mr. GWIN. It is perfectly evident that we cannot get through with this bill to-night, and I therefore move to proceed to the consideration of executive business. ["Oh, no."] We have some very important business to transact in executive session.

Mr. CLINGMAN. I hope the vote will be taken.

Mr. HUNTER. I hope we shall have the vote. We can get through with the bill very soon now.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) Does the Senator from California make a motion for an executive session?

Mr. GWIN. I withdraw it for the present, to see if we can get through with the bill.

Mr. TOOMBS. This argument has taken a very wide range, and I desire very briefly to bring it down to the point involved, without having anything complicated with it. The Constitution gives power to Congress to coin money, and to regulate the value thereof. It is the business of the Government to make establishments for coining money. The Congress has claimed, under the Constitution, the exclusive manufacture of gold and silver into money, and stamping it, because it is that stamp which gives it value in the United States. It can give it value nowhere else, as the Senator from Pennsylvania has erroneously supposed. It gives it a fixed value here, but nowhere else. Our stamp hurts it in any part of the world; instead of being a benefit it is injurious to it.

In exercising this duty to coin money and regulate the value thereof we must fix establishments for coinage at points most convenient to the greatest number of people. That is the only sound principle—not to maintain paupers either in Georgia or New York, rich men or anybody else—but to exercise the power in such manner as shall be most convenient to the greatest number of people. When the Mint was established at Philadelphia, that was the commercial and financial center of the country. The most of the imports were there, and therefore our financial operations were at Philadelphia. In the course of years the imports were transferred to New York, and therefore New York became the great financial center. It is the financial and commercial center of the country to-day. There is no reason why the Mint should be carried to the place where the gold comes from. That is not the rule. The gold of California goes to New York simply because the Government have established a line of steamers from New York to California. If you had established a line to New Orleans it would have gone there, and that probably will be the result in three or four years. The gold might have gone to the financial center, either in a raw state or stamped; I do not know which.

I do not think we should consider the consequence as affecting New York; and this question is not to be looked at with a view of its consequences anywhere. The true rule was that which was adopted in Philadelphia, that, as that was the financial as well as the commercial center of the country, the Mint should be there. That is now changed; and if the advantages were sufficiently great to change it, it ought to be in New York. As a new question, I would put it there; and I would put it there not as a new question. Upon the whole, it is the best place for it. The rule which induced the establishment of the Mint at Philadelphia is the one which has been adopted in nearly all countries. Take England, for example: London being the financial center, they have their mint there, and but one. France has but one. I think most countries have but one mint, and that is established in their own financial centers, which are generally their capitals; but, on account of the large extent of our country, we have no common financial center. This business of coining silver is generally done at the centers of large portions of the Union. San Francisco is the great financial and commercial center of the Pacific coast. There is good reason, probably, and it is safe in us, in so vast a country, to consult these different financial centers; and, therefore, New York, New Orleans, and San Francisco, are three places where there ought to be mints, and there I would go to put them; and hence I do not concur in this amendment. I do not think the reasons given for it are good.

Upon the question of economy, I will retrench large abuses or small ones. I will abolish any expense where there is no corresponding benefit to the Government, no corresponding benefit to the people. That is what I object to. I refused to spend $500,000 for the improvement of Buffalo harbor, though I have no doubt it was important to the people of Buffalo, both the poor and the rich; because I have no right to spend the money of the whole United States for the benefit of a particular locality, neither for the rich nor poor. For this reason, I voted to abolish the mint at Dahlonega, in my own State, and the one in North Carolina. The amendment to strike them out was founded upon sound principles, and I have voted to strike them out the rather because they were at home. I do not want a dollar of the public money expended in the State of Georgia. If you are going to spend money wrongfully, if you are going to spend money profligately, I wish you to do it anywhere else but within the limits of my own State.

Mr. HUNTER. I hope that the question will now be taken. There seems to be an anxiety to close up the bill.

Mr. CLINGMAN. I rise to ask for the yeas and nays upon the amendment; and I will barely say to the Senator from Georgia, that his principles, if carried out, must abolish the Mint at Philadelphia or New York. I agree that we do not need them both. So far as they are concerned, I would prefer to strike out the Mint at Philadelphia. That will raise another question. As the Mint is there, however, I think it clear that we do not need an assay office at New York.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. SEWARD. I do not know what its purport is; but the honorable Senator from North Carolina has given notice that if this amendment prevails, he will endeavor to strike down the custom-house officers in the city of Albany.

Mr. CLINGMAN. I spoke of the interior custom-houses. I am against the whole system.

Mr. SEWARD. I have only to say that the honorable Senator can go on and cut down the salaries of custom-house officers, and all other functionaries of the Government, as liberally and as largely as he pleases. It is the first time in my experience that I have had any reason to suppose that any member of the Senate of the United States could suppose the State of New York would, in any degree, be affected in its feelings, its views, or its principles, by the patronage of the Federal Government which might be bestowed upon it.

Mr. PUGH. I intend to vote for this amendment, and do not intend to stand upon any reasons which the Senator from New York has thrown out. The simple question, as the Senator from Georgia has stated, is, does this establishment pay the Government for its expenses? If it does not, I do not care where it is located, it ought to be abolished. What is it for? It is not a mint; it is an assay office. What do they do? The Senator says they take the gold and put it into bullion. What then? They export it. It is just for the accommodation of a parcel of traders in the city of New York. The great part of it does not go into the circulation of this country. It is no benefit to the people at large. Instead of the gold coin which the Constitution provides, the State of New York, and a few other States of this Union, have issued counterfeit paper money to supersede it. If you act upon the principle that wherever a man has got bullion or gold dust you must coin it for him, you ought to have a mint at every cross-road. The argument is just

as good for every twenty men in California assembled around the gold placers as those who meet in the city of New York. This Government established the Mint at Philadelphia because it was the seat of Government at that time. That was the reason.

Mr. BENJAMIN. If the Senator will permit me a moment, I wish to ask him does he suppose that the Government assayed this gold at New York gratis?

Mr. PUGH. No, sir.

Mr. BENJAMIN. Does the Senator know whether or not the assay duty does not pay the expenses of the assay office of New York?

Mr. CLINGMAN. I think it does not.

Mr. PUGH. I am pretty certain it does not, from the appropriations in this bill.

Mr. BENJAMIN. Why, they say they have got a surplus there.

Mr. PUGH. To what do they apply it?

Mr. BENJAMIN. They propose to build a mint with the surplus saved.

Mr. PUGH. I venture to say, there is no surplus there, or anywhere else. We understand that here. I judge from the appropriations made by this bill, including the sum of $10,000 for carrying bullion from New York to Philadelphia to be coined. That is a pure outgoing of money from the Treasury.

The Mint was established at Philadelphia, because that was the seat of Government. It ought to be at Washington City, in my judgment. It ought to be here, that the Secretary of the Treasury and the Treasurer of the United States could control it, and see that it was rightly conducted; but we left it at Philadelphia when we moved the seat of Government, because we could not go to the expense of erecting buildings here. It answers the purpose. It is quite sufficient for all the gold coined this side of the Rocky Mountains; and this establishment in New York—I do not care whether the Senators from that State find it convenient or not—is for no purpose but to expend the public money in a particular neighborhood. New York is a great State. She has a great representation; she has great influence; and when this large division of the public money comes on, she generally gets the lion's share.

Now, I said, that the striking out of these Carolina and Georgia mints was the small part of the business; but I am satisfied, from the heat displayed to-day, that the knife has been put to the right place in regard to the whole of these mints. If you are going upon fair and economical principles, appropriating in this department only what the Government requires, I am with you to the last extent; and if you find any places in my State that the Government do not want, I will be obliged to you to abolish them. I am not certain that I would not abolish all the officers of the Federal Government in my State to-day—the whole of them. I do not think they do us any good, and we do not want them. But I think this establishment ought to be suppressed; and if we go upon sound principles, it will be suppressed. If you do not, if there is a division of the public money for the purpose of supporting office-holders, I think these half dozen people in North Carolina and Georgia are quite as meritorious as the people of New York, and do not get one tenth part of the public money. As I said before, if this amendment be rejected, I shall move to reconsider the other one, in relation to the mints at Dahlonega and Charlotte.

Mr. SIMMONS. I voted to strike out the appropriations for the mints at the South, simply because I supposed that the circumstances which induced Congress to establish them had ceased to exist. If there had been a reasonable amount of gold to be assayed there, and the expenditures were not so heavy, as compared with the amount coined, I would very cheerfully have voted to keep them up.

I think this proposition to strike out the salaries of the assay office has no possible connection with the question of coining money in the State of Georgia or the State of North Carolina. This notion that the identical people who are engaged in the pursuit of digging gold and carrying it to the mints, are to pay all the expenses, is a very mistaken notion, in my judgment. Why do we not require the people who are injured by those who are engaged in counterfeiting coin in the country, to pay the expense of guarding the public against the annoyance of such villains? It would be just as proper for us to do that, as to require the people who dig gold and bring it into the market, to pay the expense of prosecuting, criminally, those who counterfeit the coin. This coining of money is a great function of the Government. It is one of those functions which cannot be done by anybody else. It is the duty of the Government. It is for the protection of society at large, and everybody is interested in having it carried out, no matter whether he digs gold or not.

This assay office in New York, by which it is stamped in bars, is a great saving to the whole industry and productive labor of the country. If we should coin it, everybody knows that for every thousand ounces that we send abroad there is absolutely a loss of fifty ounces of silver. If we did not put silver into it, it would be of no earthly value in commerce. There are at least fifty ounces in every thousand. This is a great saving in the country at large. It makes our productive labor more remunerative. The object is to put the stamp upon the coin. New York is the place for such an office; not for anything they have done, but because that is the most convenient place for people of California to get their gold made available in commerce, unless they stamp it at home.

Now, as to this notion of the expense of transmitting the gold from North Carolina, there is not a bank in North Carolina that would not prefer a check upon New York to a check upon any depository at Charlotte. It is the great center of exchanges, and everybody likes to have the value there where they can realize it. It is so all over the country. I do not like to see these great cities grow up. I think they are a disadvantage to the community; but we cannot legislate about that. That is outside of anything we can do.

If I thought the proposition to allow coining in New York was to interfere with the establishment already in Philadelphia, I should have voted against it. I have the same feeling towards that Mint that I have towards the old place where the Declaration of Independence was signed; and I should just about as soon think of moving the mint, as of moving Independence Hall to New York for them to exhibit for the gratification of their pride. I think Philadelphia deserves something for what it has been, and a great deal for what it is now; for I believe it is the safest place, of its size, of any that I know of in the world. When you come to talk about abolishing the mint in New Orleans, there are elements at work there that will make that a great center for the bullion of this country. It will be the place that can be reached in the shortest time from the gold regions beyond the Rocky Mountains. When it becomes so, there will be more gold coined there; and it will have to be stamped at the commercial center, where the gold will arrive, before it is transmitted through the country. It is the cheapest way, in my opinion, of first stamping the piece of gold in the bar.

The Senator from New York has said that it is sent over to Philadelphia and back to put a stamp on it at the expense of a dollar in a thousand. Sir, that stamp can be put on it for two cents. It is a mere question of economy. I do not think it is right that this nation should thus collect a toll upon the men of business in this country, whether they reside in South Carolina, North Carolina, or Georgia, or the Pacific ocean, because the Constitution and laws of the country require this subject to come under our supervision merely for the security of society at large.

The question being taken by yeas and nays, resulted—yeas 14, nays 38; as follows:

YEAS—Messrs. Bayard, Clay, Clingman, Fitch, Fitzpatrick, Green, Hammond, Iverson, Johnson of Arkansas, Jones, Polk, Pugh, Reid, and Sebastian—14.

NAYS—Messrs. Bell, Benjamin, Bigler, Bright, Broderick, Brown, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Gwin, Hale, Hamlin, Harlan, Houston, Hunter, Johnson of Tennessee, Kennedy, King, Lane, Rice, Seward, Shields, Simmons, Slidell, Smith, Stuart, Toombs, Trumbull, Wade, Ward, and Wilson—38.

So the amendment was rejected.

Mr. PUGH. I wish to make a privileged motion. I move to reconsider the vote by which the Senate struck out the branch mints of Georgia and North Carolina.

Mr. HUNTER. The Senator can except that amendment when the bill is reported to the Senate, and get a separate vote on it.

Mr. PUGH. Very well.

Mr. TRUMBULL. I offer the following amendment, to be inserted as an additional section:

And be it further enacted, That all laws establishing branch mints at Charlotte, North Carolina, and Dahlonega, Georgia, be, and the same are hereby, repealed; and the sites now occupied by the branch mint establishments at the said places, with the buildings and improvements thereon, of a permanent character, are hereby surrendered to the States in which they are respectively situated.

Mr. CLINGMAN. I raise a question of order, whether that amendment is not excluded by the rules of the Senate, from a place on this bill?

The PRESIDING OFFICER. The Chair is under the impression that the amendment is in order. It does not contain an appropriation of money.

Mr. TRUMBULL. I at first had prepared an amendment directing those sites to be sold, but on reflection I shaped it in accordance with the practice which had been established in the case of the Memphis navy-yard. When there was no use for it, we surrendered it to the State.

Mr. TOOMBS. I hope the Senator will alter that amendment. The States have no use for these buildings. I think the amendment, with that exception, is a wise provision. We ought to turn these buildings over to the Government, and sell them. The States have no use for mints at all. They are public property, and ought to be disposed of. I am opposed to the amendment, because we want none of these buildings. Let the Government carry on its own business, and sell its own property. So far as I am concerned as one of the representatives of Georgia, I repel the proposition. I do not want to have anything to do with this property. I would not accept it.

Mr. SIMMONS. The State might want it for the purpose of assaying gold.

Mr. BELL. I beg leave to say that I gave a vote against the appropriation for the support of these mints in Georgia and North Carolina upon very little reflection and consideration; and seeing that there is some feeling upon the subject by some gentlemen from that quarter, and learning that there is a prospect that there will be an increase of the yield of gold in those regions, I feel very much inclined to change my vote. These sums are small and insignificant in themselves. I remember the circumstances under which those mints were established in Georgia and North Carolina. It is true that there was an expectation that there would be a large yield of gold in those districts. Gold had then been recently discovered there. I remember that it called forth a good deal of consideration, prompted by the almost universal cry in one section of the Union, and even in two, that the expenditures of this Government were all concentrated in a particular section. I thought there was weight, to some extent, in the complaint. I then acted on the principle that wherever there was a reasonable ground, a reasonable pretext in reference to the public service, I would vote to expend the public money in any quarter or section of the Union where the expenditures of the Government had been heretofore, and were likely forever to be, very limited. I thought that should be taken into consideration in the establishment of such institutions as these. I remember that I have been controlled in my vote by considerations of that character.

I have been controlled in my course since I have been a member of Congress, not so much in the Senate as in the House of Representatives, by the same principle, in sustaining the naval depot at Norfolk, Virginia, and in building up a navy-yard there. That was never founded upon any principle of economy. Again, in establishing, recently, the navy-yard at Brunswick, in the State of Georgia, I acted upon that principle. I preferred that that yard should have been at a different point; but I was not tenacious; I had no great preference of one point over the other; but I went upon the principle that I was in favor of building up a great naval depot, or one as large as the public necessities or the public convenience and resources of the country could bear, at Norfolk, Virginia. So, sir, I have ever been the advocate of establishing a national foundery at some point of the West, if a suitable site could be found for that purpose. Then, when a navy-yard, or a naval depot, or if you should call it only a rope-walk, was once established at Memphis, although I had nothing to do with the establishment of it,

the same principle would have led me to the support of such an establishment, if it had been at Vicksburg, or any place less convenient than Memphis. So now, if a fair opportunity were presented to me of acting upon the same principle, and upon the same feelings, I would vote for the establishment of a national foundery at some point in the Southwest, or in the West, at all events.

Sir, it is not dollars and cents that ought to control Senators upon such questions as this. Statesmen should look at the operation of our system of Government, and our great Union. Necessarily from the force of interests—individual, commercial, and general interests—there is, and there ever will be, a tendency to concentrate on particular points, to the great metropolis, the central depots of trade, such as New York, the benefits of public expenditure. They are large, and they are growing larger every day. They are considerations and principles that lie far deeper and are of far more importance than any few hundred thousand dollars of expenditures connected with them, or even when you take them in the aggregate, of millions of dollars. Sir, I do not credit that there is any feeling or disposition to take away from any State of the South anything which is necessary. Let us discard any motives or considerations of that kind that actuate members. Sir, that individual sentiment is not a general sentiment.

I would not, for fifty times over the amount of the expenditure involved in these two little establishments in the South, which upon mere economical principles might well be dispensed with, incur that sentiment. I would not raise a feeling that there was a disposition to take from those poor people the little modicum of benefit which they get, and refuse to cut down appropriations for a large section of the country. Gentlemen of the North may appreciate these feelings as they please; but the principle I wish to present to Congress is, that although dollars and cents, when they reach a high aggregate of hundreds of thousands and millions of dollars, are to be considered as connected with the social prosperity and development of this great country; yet there are many hundreds of thousands and many millions of dollars, if you please, that I would be willing to sacrifice to these higher objects and motives.

Sir, I did not think when I rose that I should be called upon to express my sentiments as fully, or take so much time with this question as I have done; but, still, I desired to recall the feelings of gentlemen, and to state the conclusion at which I arrived long since, not within the late period of excitement between one section and another, but in a period extending back a quarter of a century ago. I stand consistent upon the record on that subject. Sir, I think it may be some convenience, in a large district of neighborhood, to establish mints, as in Georgia and North Carolina.

Some allusion has been made, and surprise expressed, that any opposition should be manifested to the amendment because of any effect it might have upon the poor laborers, or the poor workmen, in the South. I wish I could correct the sentiment that exists in the North upon that subject. There are more thousands and tens of thousands of poor laboring men—farmers, generally, are not quite so bad—engaged in mechanical employments in the South than are dreamed of in the conception, or all the learning, or all the information that has been had by many gentlemen of the Senate upon this subject, as I have found by personal interviews and private conversations with them.

But, sir, I do not intend to enlarge upon this topic and upon the general sentiment of economy. I think the view that is taken of the popular feelings on this subject is a great mistake. The mousing reformer goes into the Departments to find where there has been some misapplication of appropriation, or where a few clerkships could be retrenched in any branch of the public service situated in any part of the United States. We have heard long debates in the Senate on retrenchment resolutions. What has become of them? They were very popular; they seemed to be approved by everybody; there was a general clamor of approbation and applause; gentlemen were very earnest on the subject. What has become of them? Whither did they tend, and how did they profess to reach the object? They were merely upon the surface, and never went to the core; they did not even profess it. They have never reached the disease, nor did they point to the disease in our system that has produced the extravagant expenditures, of the impropriety of which there was general complaint.

I should like, upon some occasion, to address the Senate upon them. I hope that that question will come up yet. I have never found it convenient, or thought it proper, to speak upon that subject in any of the morning hours in which it has been casually presented here. I should like to have some opportunity to speak of the pretensions to economy and curtailment that have been made by so many in this House, to show that they have not pointed in the right direction. The evil lies deeper; the disease is more venomous; there is a poison in the system which nobody, that I have heard, has pretended to probe.

But, sir, I will not say any more on this subject. I rose merely to say that in the few moment's reflection I have had since the vote was taken on striking out those branch mints, I, for one, shall retrace my steps and vote against the proposition to strike it out.

The PRESIDING OFFICER. Is the Senate ready for the question on the amendment of the Senator from Illinois?

Mr. TRUMBULL. Mr. President——

Mr. HUNTER. I hope the Senator will allow us to take the question. We are all ready to vote.

Mr. TRUMBULL. I was going to modify my amendment, as the Senator from Georgia objects to having these buildings surrendered up to the States, so as to correct it in that regard. I had first prepared the amendment in that form. I will send my modified amendment to the Chair:

And be it further enacted, That all laws establishing such branch mints at Charlotte, North Carolina, and Dahlonega, Georgia, be, and the same are hereby, repealed; and the President of the United States is hereby authorized to cause to be sold, at such time and on such terms as he may deem most conducive to the public interest, the sites now occupied by the branch mint establishments at Charlotte and Dahlonega, and also to cause the proceeds to be paid into the Treasury of the United States.

Mr. IVERSON. I call for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. SIMMONS. It seems to be pretty late. I want to think a little on this subject. I am inclined to vote against the amendment, and I believe we should go back and give the salaries in those two mints. I want one night's sleep on the subject, and I therefore move that the Senate adjourn.

Mr. HUNTER. I hope not. I hope we shall finish this bill. We are getting towards the end of the session, and I hope we shall finish something to-day.

The PRESIDING OFFICER. The question is on the motion to adjourn.

Mr. HUNTER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 21, nays 27; as follows:

YEAS—Messrs. Bell, Broderick, Cameron, Chandler, Clark, Clingman, Dixon, Doolittle, Durkee, Foot, Hale, Hamlin, Harlan, Kennedy, King, Reid, Seward, Simmons, Trumbull, Wade, and Wilson—21.

NAYS—Messrs. Bayard, Bigler, Bright, Brown, Chesnut, Clay, Douglas, Fitch, Fitzpatrick, Green, Gwin, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mason, Polk, Rice, Sebastian, Slidell, Smith, Stuart, Toombs, and Ward—27.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Illinois.

Mr. BAYARD. If it is in order, I wish to move an amendment to the amendment of the honorable Senator from Illinois.

The PRESIDING OFFICER. It is in order.

Mr. BAYARD. I move to insert, after the word "Georgia," the words "and the assay office at New York;" and after the word "Dahlonega" the words "and the assay office," so as to include within the laws repealed the law establishing the assay office at New York. I am unable to see, myself, any reason why, for the purposes for which the power to coin money was given to the Government, we should have a Mint at Philadelphia, an assay office at New York, and also a mint at California. I think all the proper functions of the Mint to be discharged by the Government can be discharged by the Mints of California, New Orleans, and Philadelphia. I doubt, further, whether the establishment of an assay office, as such merely, not for the purpose of refining and assaying gold, in order to convert it into coin, but refining and assaying the gold for the purpose of converting it into bullion, which is merely a commodity still, is in the intent, or meaning, or spirit of the Constitution, which gives the power to coin money and regulate the value thereof. The establishment of the assay office at New York was passed upon an appropriation bill. I am unable, myself, to see the necessity for an assay office for the purposes for which the Government is authorized to establish mints; that is, to coin money for circulation to go out to the country. The object of the assay office at New York is solely in reference to the interests of commerce, to convert a commodity into a different shape, still to be used as a commodity, and nothing else. I confess, leaving the point of expediency, that I have some doubts about the constitutionality of establishing an assay office separate from the Mint, to be a simple conducive to the refining and assaying the gold to be used at the Mint to be coined into money. Taking both reasons combined, I think the law ought to be repealed. I therefore move the amendment to insert, after the word "Georgia," the words "and the assay office at New York," and insert after the words "Charlotte and Dahlonega" the words "and the assay office at New York." I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. KING. As the yeas and nays have been ordered, I will not go into any argument to satisfy the Senator from Delaware that his amendment is one that, if adopted, would not promote the public interest. I am only astonished that he does not himself observe and know and understand the value of the assay office at New York, in stamping the gold, a great deal of which passes abroad in commerce that is not carried to Philadelphia, and brought back to New York. The Government saves that expense. It is a great public benefit. The object of it is to promote the public good.

Mr. MASON. The Senator from New York cannot have heard the Senator from Delaware, or he manifestly does not understand him. The point taken, and I think well taken, although I apprehend, at this late period of the day, it will not bear much debate, is, that the Constitution, which gives Congress the power to coin money, does not give to Congress the power to establish the fineness of gold for the purpose of commerce, as a commercial commodity.

Mr. KING. So far as that point is concerned, although in my judgment, Congress is a very good judge of what it ought to do, yet upon the various questions presented by the Senator from Virginia, and the Senator from Delaware, upon the constitutional aspect of the case, of course they are entitled to respect. If I believed there was a constitutional question in this matter, it would be a different thing. I do not think there is. I think that the object and purpose of the establishment of an assay office at New York, is not only perfectly constitutional and legitimate, but of great service to the public interests; but, as I stated, I will not proceed to debate it. I believe it is so obvious, and so well understood, that a naked vote of the Senate is the best disposition to be made of this subject.

Mr. MASON. I have seen very few instances in the Senate in my experience, or in the working of the Government, where a constitutional objection is regarded; but I should ask the Senator from New York, or any Senator who hears me, to show when the Constitution gives to Congress the power to coin money, that it gives at the same time to Congress the power, by establishing the fineness of the metal, to establish it as a commercial commodity. The power to coin money is perfectly understood. As I can perceive, it means nothing more than this: Money is not a commercial commodity; when it becomes a commodity in commerce, it ceases to be money. Money is a medium of exchange for other articles of commerce, and nothing more. The Government stamps the fineness of the coin, and by that Government stamp it passes as the certificate of value and weight; nothing more. Then, when the Government coins the money, it does nothing more than fix the counter by a Government stamp, which shall be the medium of exchange of com-

modities of commerce. Now, if an assay office has any purpose in the world, it is that the Government shall ascertain the fineness of the metal, be it silver or gold—what are called the precious metals—by the chemical agencies used for that purpose, and to fix the Government stamp upon it, to fix its fineness, not as money, but to go into commerce. I ask that Senator then, or any other, when the Constitution gives to Congress the power to coin money, where they find at the same time the power by the Government stamp to fix the commercial value, and the commercial value alone? That is the point.

Mr. KING. If a constitutional question of validity were interposed, I certainly would be inclined to treat it with great respect. I will say here, that the constitutional scruples about which I have heard so much, and which were often interposed, as "Virginia abstractions" were scruples, which I had always great respect for; and I wish they had now more influence and weight in both branches of Congress than they have. I wish we were careful, both in the levying and collecting of money, and in its expenditure, in regarding the objects to which this Government was limited by the Constitution. So far as regards any intimation of the Senator from Virginia, that I should be disposed to look upon a constitutional objection as one that ought not to have much weight, it is not so with me. But in this matter the very power to coin money is to coin it out of the metals. I had very little respect for that sort of legislation, which undertook to coin money out of paper, as they did at one time; but to coin money and to stamp it, it is requisite that you should refine it. It is absolutely necessary that this stamp which is placed upon the metal should be one of truth, of genuineness; and in order that that should be so, it is necessary that the metal should be refined so as to bring it all to a common standard; and when you have brought it to that standard, you stamp it. A stamp placed upon metal, which should not be true in point of fact; a stamp placed upon metal of one fineness or another fineness, would not answer the purpose. There is an absolute necessity for the refinement of the metal before you shall put a stamp on it, and the metal should be stamped where you refine it.

Mr. MASON. Will the Senator allow me to interrupt him?

Mr. KING. Certainly.

Mr. MASON. The Senator has not answered the objection. You must certainly refine the metal before you coin it; but the object of the assay office is to refine it, and put a mark upon it to show its fineness, and not to coin it. They have no power to coin it.

Mr. KING. I have proposed to remedy that to-day.

Mr. MASON. That is another thing. The assay office is to ascertain the fineness of the metal and stamp it—for what purpose? That when it is used in commerce its commercial value is known by the stamp of the Government, and it passes as commercial commodity—nothing more. Although the true way to coin money is first to refine the metal and bring it to the standard fixed by law, yet it does by no means follow that because you must refine the metal in order to coin, you have power to refine it when you do not intend to coin it; when it is not refined for the purpose of being coined, but for the purpose of fixing its commercial value.

Mr. BAYARD. Mr. President I will not detain the Senate, at this late hour of the evening, in attempting to argue further the question of the constitutionality of this law. I suggested it as a doubtful matter in my mind, and the more I think of it the more that doubt increases, whether Congress can, under the power given them by the Constitution to coin money and regulate its value, establish an assay office which is not intended to coin money, nor to be assistant to coining money. I can perfectly understand that you can establish a mint to coin money, and have a right in that mint to refine it. You must have an assay office connected with the mint for the purposes of the mint; but if you establish an assay office separately, for the mere purpose of converting gold into bullion, as an article of commerce, under what law of the Federal Constitution do you find the power? I am unable to see it. I might be enlightened by further argument, but I doubt it.

Then I turn to the question of expediency. I have been unable to see, on the point of expediency or the general necessities of the community, the necessity for this office, because the object of giving the power to Congress of coining money was, that the people of the United States, whether merchants or not, should have a general currency; the object was to control the currency of the country. It may have been departed from in other respects. We may, unfortunately, not have adhered enough to the Constitution in requiring the currency of this country to be solely the coin of the United States; but that is no argument against what the intent of the Constitution is. The Constitution authorizes you to coin money, and that is the sole power under which you could establish mints, and the general purpose of currency is the only legitimate purpose for which you could establish them; not for the mere purpose of commerce outside of that, in order to convert gold dust into bullion as an article of commerce alone, not to be used as money, not as currency, not to be circulated as money. I am perfectly willing to foster commerce by all legitimate means, but I am not willing to use a doubtful constitutional power for the purposes of commerce.

Nor do I see the necessity of it. You have a Mint where you can coin money, where you can refine it and assay it, in the first instance, in Philadelphia. You have one in San Francisco, the great gold-producing portion of the country. You had them before you established this assay office. You have one in New Orleans, which, in an extensive country like ours, may be requisite; but where is the necessity for this establishment at New York? You do not desire to convert foreign coins into the coins of this country. Your assay office is not needed for that purpose. There is no necessity, therefore, as there might have been formerly, before the discovery of gold in California, when the supply of money for the purpose of coinage might raise the necessity of your obtaining the coins of other countries, in order to convert them into the coin of your own country for circulation among the masses of the people. There might have been some excuse for that then. There is no reason for it now. We have the gold dust, when refined, sufficient to produce any amount of coins you may want. The object of this law establishing an assay office, in addition to that, is not to coin money for the circulation and currency of the country, but to convert gold dust into bullion as an article of commerce, and that alone. Now, sir, I cannot see the warrant, and I do not see the necessity of that.

Allow me to say on this constitutional question that it certainly has this sanction: until the year 1854, or 1852 certainly, the Congress of the United States established no separate assay office under that power given them to coin money and regulate its value. They did establish mints—they may have been unnecessary—at Dahlonega, and at other points. The power unquestionably existed to establish mints under the Constitution; but after sixty years of our existence had elasped, and then on an appropriation bill, you just find the power to establish an assay office, the object of which is not at all to coin money, but simply to convert gold dust into bullion for the facility of commerce, not for the circulation of the country.

Sir, if there were time, I would like to pursue this question a little further. It has sprung upon me only during the course of this discussion. I have a strong conviction, apart from the constitutional question, that there is no necessity for the establishment of this assay office at New York as regards the general currency of the country and as regards the necessity of the whole people of the country, and that you have no right, in the present state of the Treasury at any rate, independent of the constitutional objection, to make these expenses merely for the accommodation of a particular class of individuals, those who deal in bullion, by incurring an expense of $100,000 or more in this establishment at New York. That is the reason upon which I base my vote.

Mr. STUART. I do not rise for the purpose of discussing this amendment; the subject has been one passed upon by the Senate; but with great respect to ask the Senate to dispose of this bill to-day, because there are several important public measures, some of which I have reported from the committee of which I am chairman, that ought to be acted on, and unless we get rid of the appropriation bills and get them out of the way, we shall certainly not have an opportunity to act upon them.

Mr. SEWARD. I do not intend to discuss, at length, this constitutional question, which comes so late. It is five years since we established an assay office at San Francisco to ascertain the value of the gold delivered there by the merchants for the purpose of being transported to the Mint to be coined. We have since established one in New York. What is an assay office? It is the office of an assayer. What is the function of an assayer? He is an officer of the Mint for the due trial of silver, appointed between the master of the Mint and the merchants that bring silver there for exchange. Then the Government of the United States is charged with the responsibility of coining money and regulating the value thereof. It is impossible for it to coin money until it first regulates its value, and it is impossible for it to regulate the value of money unless it has an assay office where it can also receive and stamp and mark, and ascertain the value of the gold which is uncoined and which is to remain uncoined but which goes into the trade as silver. If it be possible to separate the act of coining from the act of assaying, then it is possible to establish the one in Philadelphia and locate the other in New York. This is one answer. The other is that bullion is money, for money is nothing else but the precious metals, whose value is ascertained and stamped by the Government, for the purpose of regulating trade and exchange. Coin, in a general sense, and bullion, are the same; that is, they are not identical, but both are money. Bullion is coin, and coin is money.

Mr. MASON. The Senator will allow me to ask him, is it necessary, in fixing the value of coin, to fix its weight?

Mr. SEWARD. Yes, sir.

Mr. MASON. Does not the law of the United States, which fixes the relative value of gold and silver, fix the weight as well as the quality of fineness to be in it?

Mr. SEWARD. Yes, sir.

Mr. MASON. Very well; then I ask, for any purpose of the Government in ascertaining the value of the metal, whether they should ascertain the weight also?

Mr. SEWARD. I answer, yes, sir; and that they fix the value of the bullion made of gold and silver, and stamp it at the Mint.

Mr. MASON. Then they fix the value by weight. They do nothing more than fix the money value. The money value is not to circulate as coin. The Senator may present it in any ingenious form he can, but he will not say, and cannot be brought to say, that within the meaning of the Constitution, or in a mercantile meaning, it is anything more than coin, and that coin is anything in the world but so much of the precious metals as the law ascertains, to be called by certain names, and which has a prescribed Government stamp upon it, which is the coinage; the stamp is evidently the coinage, and that alone is money. Now, bullion is a mercantile commodity and nothing else.

Mr. SEWARD. It is money.

Mr. MASON. Certainly not. Money is a mercantile commodity when it ceases to be money, and no longer. Bullion, as he calls it, is then nothing more than the metal refined, with the Government stamp upon it. That holds the same relation in commerce under that stamp that a barrel of flour, raised in his State, or a hogshead of tobacco, raised in mine, holds in commerce when it has the inspector's stamp in the case of the flour, or the inspector's stamp in the case of the tobacco, and nothing more.

Mr. HALE. I move that the Senate adjourn.

Mr. HUNTER. I hope not. Let us go through with the bill.

Mr. POLK and Mr. HUNTER called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 18, nays 28; as follows:

YEAS—Messrs. Bell, Cameron, Chandler, Clark, Dixon, Doolittle, Durkee, Fessenden, Hale, Hamlin, Harlan, King, Pugh, Seward, Simmons, Trumbull, Wade, and Wilson—18.

NAYS—Messrs. Bayard, Bigler, Bright, Brown, Chesnut, Clingman, Crittenden, Davis, Douglas, Fitch, Foster, Green, Gwin, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Lane, Mason, Polk, Reid, Rice, Sebastian, Smith, Stuart, Toombs, and Ward—28.

So the Senate refused to adjourn.

Mr. BAYARD. I have but a word or two more to say, and after that I shall be content to let the vote be taken without any further comment. The argument of the honorable Senator from New York, or rather the authority he gives, only confirms me in the opinion I had previously entertained. He reads to you the definition of an assayer, an officer of the Mint for the purpose of coining money. Be it so. My objection to this office is not that you have no right to refine for the purpose of the Mint, but it is this: because you have the power, and you must necessarily have an assayer in your Mint for the purposes of coinage, you cannot avert that power to establish an assay office alone; not a mint, not intended for coinage, at New York, in order to convert gold dust into bullion for the purpose of commerce, as a commodity. That is the objection. I think it a valid one.

Further, the honorable Senator says bullion is money also, as well as coin. Now, I had always supposed the money of the United States was well known—its cents, dimes, and dollars—I might repeat them all, with a certain amount of alloy, described as such in the laws, known as such, and circulated as such. But this bullion, stamped in bars, has nothing to do with the alloy of your coins. It is a commodity of commerce; is stamped, and it circulates as a commodity in commerce alone; and it is not intended as money, or to be used as money; and it is not recognized as money by the United States. It may be used as a substitute for money; but it is not one of the coins of this country; it is not part of the money of this country; and when you have stamped a gold bar worth so many dollars or so many eagles, that does not make it the money of the country. It is not alloyed in the manner in which the law prescribes in reference to the money of the country, when it is intended for the circulation of the country. It is money in no sense whatever. It is a commodity of commerce; and as such, in my judgment, you have no right to establish an assay office for the mere purpose of refining gold for the benefit of commerce.

Mr. CLARK. Upon looking at the Constitution, I find this provision: "to coin money"—a general provision to coin money, not to coin the money of the United States, but to coin money. Now, here the word is used in the ordinary acceptation, I take it, not in the technical meaning. There is no better rule of construction than that, when a word is used, it is to be used in its ordinary acceptation, and taken in its ordinary sense and meaning, unless it clearly appear that it is in its technical sense and meaning By the best lexicographers you will find that money is any piece of metal, stamped by the authority of the Government, which they make to be money. To coin is to stamp, to stamp money, to stamp a piece of metal so as to make it money, no matter whether your piece of metal is round, or of a given size, or of a given weight. If you stamp it by the authority of the Government, so that its fineness, weight, and value is known, then it is money. It is not necessary even to be metal. What do the Indians use? Wampum. But we have the power in the Constitution to coin money; that is, to stamp metal and give it the value and character of money; and that is all they have done in the assay office. They take the metal; they refine it and stamp it, and give it its value. The Mint fixes the coins of different kinds. Because, in the Mint, they make a round coin of one size and another size, it does not prevent the Government, if it choose, under this constitutional provision, from stamping a square bar of gold and passing it as money.

Mr. SIMMONS. I merely wish to say that this constitutional question, raised by the Senator from Delaware, and repeated by the Senator from Virginia, is a more elaborate refinement of constitutional law than the Mint is upon the metal of the coin of the world. It results from this fact: that in the Constitution the States are prohibited from making anything but gold and silver coin a tender in the payment of debts; and therefore, the inference is drawn that the Government of the United States can make nothing but gold and silver coin a tender in the payment of debts. But the Government of the United States can make oyster shells a tender for the payment of debts, if they see fit; I do not intend to say that they are very likely to do it. As the Senator from New Hampshire said, they can make a bar a tender in payment of a debt as well as a round coin. It is not only a constitutional right, but a constitutional duty, so to stamp what is to be passed in commerce, as to make it the least possible expense to the citizens of this country, in making it a medium of payment; and this assaying and stamping bars of gold is a saving of vastly more than the cost of coining.

As I stated before, the coins of the United States are required by law to consist of nine parts of fine gold or silver and one part of alloy; and it is required that one half part of the alloy of the gold, at least, shall be of silver, and it may be all silver; so that for every thousand ounces of gold that you make, there is a necessary loss in commerce of fifty ounces of silver. That is a dead loss; whereas, when you put it into a bar, there is no loss whatever; for there is no law in the exchange market of the world that the alloy in our coin in those countries is worth a brass pin, and there never will be. All the tables here are mere calculations of pure metal coined according to the weight and the degree of fineness. Our standard is ten per cent. of alloy. That of England is one twelfth; and the computation of these exchanges and all these tables is to show how much pure metal there is in an ounce or grain of the standard coin of the country in which it is coined.

The Senator from Delaware said that, as a matter of constitutional law, or of national expediency, he could see no reason for stamping these bars in the assay office. I think the whole constitutional question was disposed of by the Senator from New York and the Senator from New Hampshire. You might as well make a square piece, or a long bar, or a wedge in any form you please, to have it pass as currency, as well as a round coin. If it is stamped by an authorized officer of the Government of the United States, the authorized value thereof is fixed according to the Constitution.

Mr. SEWARD. By law?

Mr. SIMMONS. Yes, sir; by law; and if you were to pass them here amongst us as a tender in the payment of debts, no court in the world would call its constitutionality in question even as a currency. But we make our currency in a more convenient form. These twenty dollar pieces are the most ridiculous form of currency I ever saw in my life. They are neither fit for hand to hand circulation nor remittance abroad. They can never circulate from hand to hand in the transactions of life. It is a great saving of the comparative cost by assaying and stamping the bars.

The Senator admits that the fineness of the gold is to be ascertained, and that it is to prevent those outside from assaying the gold that it is done by the establishment of the United States, and is stamped. The authority of law to punish the counterfeiting of one of these stamps upon a bar, would be just as effectual as to punish the counterfeiting of the coin of the country; and I have no doubt, though I know nothing about law, that it would be held in the courts that counterfeiting one of those bars was equivalent to counterfeiting what is known in common commerce as coin. Therefore, the only doubt thrown upon the power to establish an assay office, being merely upon the circumstance that the States themselves cannot make gold bars a tender in the payment of debts, is answered by the fact that they have nothing to do with fixing the value of any piece of metal whatever. The people surrendered that to the Congress of the United States. When we establish the value of any current coin, and stamp it, and it is fixed by the General Government, it is a tender in all the States, for transactions from man to man. That is the whole object of this power. Since gold has become such a valuable article of commerce—we producing $50,000,000 a year, upon the average for the last ten years—the propriety of this law, and its necessity, becomes apparent to Congress; and hence, immediately after the discovery of gold, this assay office was established.

The Senator says that we went on for sixty years, in the history of the country, without making such a law. We had no gold to stamp. There was no necessity for the establishment of such an office, until we had gold enough to make it an object; and as soon as we had enough, the power vested in Congress was exercised with judgment and propriety. Until it was necessary or proper to exercise that power, it would have been mere child's play to make such a law and work up the coin and lose the alloy, and put the fine gold into wedges or bars. That is all it would have been before; but now we need such laws. I am astonished to hear a constitutional objection, and much more astonished to hear a question of the propriety of such a law, when we receive the sum of $50,000,000 a year in gold dust. Until then, I agree it would have been useless; but no man who knows anything about commerce would expect Congress to be at the expense of coining and then transmitting it abroad, losing the expense of coinage and the alloy which the law requires should be put into it. The necessity of this alloy is well known; it is to harden the coin; otherwise, it would be sweated, as it is called. But for the alloy, you would have gold sweaters in the neighborhood of your mints or banks as they have in Europe. I have never seen a sovereign yet that weighed its full value, and its value is according to the weight in it. So if the Senator from Delaware had read the Constitution and followed the acts of Congress from the origin of the Government, and considered the necessities of the country, he would have seen that the acts of Congress have traveled along with these necessities. There is no part or parcel of it that is not within the legitimate letter of the Constitution. The propriety of it, which he seemed to question more than its constitutionality, is as obvious as daylight. When we had a vast amount to transmit abroad, we relieved the community from the expense and trouble of coining it and wasting ten ounces of good silver for every ninety of gold. That is the whole of it. ["Question!" "question!"]

The PRESIDING OFFICER (Mr. IVERSON in the chair.) The question is on the amendment of the Senator from Delaware, to include the assay office in New York in the amendment.

The Secretary proceeded to call the roll.

Mr. BELL, when his name was called, said: I agreed to pair off with the Senator from Alabama, [Mr. FITZPATRICK.]

Mr. FOOT. I have paired off with the Senator from Iowa, [Mr. JONES.]

The result was then announced—yeas 10, nays 33; as follows:

YEAS—Messrs. Bayard, Clingman, Davis, Fitch, Green, Iverson, Johnson of Tennessee, Polk, Pugh, and Reid—10.

NAYS—Messrs. Bigler, Bright, Broderick, Brown, Cameron, Chandler, Clark, Crittenden, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foster, Gwin, Hale, Harlan, Houston, Hunter, Johnson of Arkansas, King, Lane, Rice, Sebastian, Seward, Simmons, Smith, Stuart, Toombs, Trumbull, Wade, Ward, and Wilson—33.

So the amendment to the amendment was rejected; and the question recurred on the amendment offered by Mr. TRUMBULL.

Mr. PUGH. I think we have been long enough in session—something over six hours—and I move that the Senate adjourn.

Several SENATORS. Let us get through with the bill.

Mr. HUNTER. I ask for the yeas and nays on the adjournment. I hope to get through with the bill to-night.

The yeas and nays were ordered; and, being taken, resulted—yeas 20, nays 25; as follows:

YEAS—Messrs. Broderick, Chandler, Clark, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, King, Pugh, Seward, Simmons, Trumbull, Wade, and Wilson—20.

NAYS—Messrs. Bayard, Bigler, Bright, Brown, Cameron, Clingman, Crittenden, Davis, Fitch, Green, Gwin, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Lane, Polk, Reid, Rice, Sebastian, Smith, Stuart, Toombs, and Ward—26.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Illinois; upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 26, nays 17; as follows:

YEAS—Messrs. Bayard, Broderick, Chandler, Clark, Crittenden, Davis, Dixon, Doolittle, Durkee, Fessenden, Foster, Hale, Hamlin, Harlan, Houston, Hunter, Johnson of Arkansas, Johnson of Tennessee, King, Polk, Simmons, Stuart, Toombs, Trumbull, Wade, and Wilson—26.

NAYS—Messrs. Bigler, Bright, Brown, Cameron, Clingman, Douglas, Fitch, Green, Gwin, Iverson, Lane, Pugh, Reid, Rice, Seward, Smith, and Ward—17.

So the amendment was agreed to.

Mr. WILSON. I offer the following amendment as an additional section:

And be it further enacted, That, from and after the pas-

sage of this act, the mileage of the Senators, Representatives, or Delegates in the Congress of the United States, in going to and returning from the seat in Congress, shall be twenty cents per mile; to be computed by the nearest mail route from the place of residence of such Senator, Representative, or Delegate, and paid in the same manner as is now provided by law; and all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

I find, in this bill, that the House of Representatives has made no appropriation whatever for mileage. I do not know by what motive they were actuated. We have heard a great deal, in the public press of the country, about the inequality of the mileage of members of Congress. It has generally been denounced and condemned by the press, and, I may say, the public judgment of the country. Whenever we are called upon to advocate a reform measure, we are told that we do not begin in the right place, and that we ought to correct abuses of the mileage system. It may be that the members of the House of Representatives, in refusing to make any appropriation for their mileage, have been actuated by these considerations. It may be that they condemn the present system.

By the present law forty cents a mile are allowed. I propose to meet this action of the House of Representatives, by which they have refused to appropriate any mileage for the next Congress, by correcting our own mileage, and reducing it from forty cents to twenty cents a mile; it will be just one half—fifty per cent. deduction. I believe that twenty cents a mile is as much as it ought to be, and I shall vote for it as a measure just in itself; but when we find one branch of Congress refusing to make appropriations for mileage for their branch, I take it that it is a condemnation of the present law. I want to meet that question, and test the sense of Congress upon it. Therefore it is that I have moved this amendment. It does not meet my views precisely. I introduced a bill the other day that more nearly came to my view of what change we should make; but I am told by gentlemen from the committee to whom it was referred that there is but one opinion about it, and that is, that the bill was wrong in principle. I proposed that all those of a thousand miles should receive fifteen cents per mile; all between one thousand and two thousand five hundred should receive twenty cents per mile; all beyond two thousand five hundred miles should receive twenty-five cents per mile. I am told that it is the opinion of Senators that it should be the other way.

I disagree altogether in that view. Within a thousand miles of this Capitol, in any direction, we have good roads; we have rapid communication; we can return to our homes in sixty hours, on a summons of sickness or of pressing business. We ought not to have the same rates that men have who live beyond that thousand miles. In some portions of the country, and especially on the Pacific coast, they must leave their families behind them, or bring them here. They cannot return home to see their families, no matter if sickness and death should come upon them. They must bring their families here, or be separated from them; and they cannot go home, no matter how pressing the business may be. Therefore, I think they ought to have more. If there is anything to be made out of mileage at all, it ought to go according to the inequalities on which members stand here. Living, as I do, within five hundred miles of this Capitol, and able to return to my home in twenty-three hours, at any time on a sudden summons, to look after my family or my business, I do not feel that I ought to have the same rates per mile that the Senators from Oregon, or the Senators from California, who must bring their families here at great expense; must remain the whole session, and cannot return home or to their business, no matter what sudden affliction may come upon them.

That was my view of the question. I would vote for a bill of that character sooner than I would for the amendment that I have now proposed. I am told, however, that nobody agrees with me in that view of the matter, and I have, therefore, moved this amendment, which is a reduction of precisely fifty per cent. on the mileage of us all.

Mr. SEWARD. I wish to ask the Senator whether his amendment is to take effect for the present Congress or is prospective?

Mr. WILSON. It is to take effect after the passage of this act. This Congress has received its mileage. The bill makes an appropriation for the mileage of the Senate for the next session, but no mileage for the members of the House of Representatives. I do not know whether it was a peculiar fit of economy that the House got into or not. I take it that it is a condemnation of the present rate of mileage, and I want to test those gentlemen and see if they are willing to reduce the mileage one half, as I think it ought to be.

Mr. HUNTER. I know that this is a delicate and difficult subject to deal with; but I think all such matters upon which we have to act had better be presented in a separate bill. Upon this matter I can speak disinterestedly, for I get no mileage, or next to none; but I am free to say that those Senators who live at a distance ought to get more, in proportion, than we who live nearer. We thought it best in the Finance Committee to restore the mileage, which the House struck out. If we choose to regulate the matter, let us do it by a separate bill.

Mr. PUGH. We have not restored the mileage.

Mr. CAMERON. This seems to be a test question. ["Oh, no."] I think the Senator from Massschusetts seems to make it a test to know whether gentlemen are disposed to reduce expenses. If it is to test the sincerity of gentlemen in reducing expenses, I will vote for it. I have different views upon this matter of mileage from other Senators. As regards my mileage, I do not care a button about it. It only amounts to eighty or ninety dollars. ["Question!"]

The amendment was rejected.

Mr. FITCH. I am instructed by the Committee on Printing to offer sundry amendments, one of which is to be inserted as an additional section.

And be it further enacted, That after the expiration of the present session of Congress, when any document shall be ordered to be printed by both Houses of Congress, whether the copies ordered to be printed be the usual (regular) number or additional (extra) number, the entire printing of such documents shall be done by the Printer of that House which first ordered the same, and the House so first ordering the same shall immediately notify the other House of such order; and the Superintendent of Public Printing is hereby directed in all cases, when any document has been ordered to be printed by both Houses of Congress, to cause the order of the House last making the order to print such document to be executed by the Printer of the House first ordering the same, and to further cause the other House to be furnished with the number ordered by it; and in no case shall more than one thousand five hundred and fifty copies of any document be printed, unless the printing of extra numbers be ordered by either House; and the one thousand five hundred and fifty copies, as usual regular numbers, shall be distributed by the officers of the House first ordering the printing of the same, to the same persons and in the same manner as such numbers heretofore ordered by both Houses have been distributed.

The object is simply to cut off duplicate numbers of any document, and to prevent double composition.

The amendment was agreed to.

Mr. FITCH. I am further instructed by the same committee to offer the joint resolution, which was introduced by me from the committee some time since, and which is now in the hands of the Secretary, as another section of the bill:

And be it further enacted, That the Secretary of the Interior be, and he is hereby, directed to cause the annual report of the Commissioner of Patents on mechanics, hereafter to be made to the Senate and House of Representatives, to be prepared and submitted in such manner as that the plates and drawings necessary to illustrate each subject shall be inserted so as to comprise the entire report in one volume, not to exceed eight hundred pages.

The amendment was agreed to.

Mr. FITCH. Some time since there was referred to the Committee on Printing a report of the Secretary of the Senate and Clerk of the House of Representatives, in relation to the continuation of the compilation of the State Papers. The committee have instructed me to offer an amendment upon the subject as an additional section.

Mr. HUNTER. I will say to the Senator that all appropriations in regard to the publication of the State Papers come in the miscellaneous bill. I hope he will keep his amendment until then.

Mr. FITCH. I am not at all particular about the bill to which the amendment shall be offered.

Mr. HUNTER. The original proposition went into the miscellaneous bill.

Mr. FITCH. At the suggestion of the Senator from Virginia I will withhold the amendment until that bill comes up. I am not particular as to the bill to which it shall be offered.

Mr. HALE. As other Senators seem to be through with their amendments, I have one here which I hope will commend itself to the Senate and give rise to no debate. It is to be inserted as an additional section:

And be it further enacted, That the first section of the act entitled "An act for the admission of the State of Kansas into the Union," approved May 4, 1858, be, and the same is hereby, amended by striking out the following words, to wit: "whenever it is ascertained by a census duly and legally taken, that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives in the Congress of the United States;" which words are hereby repealed.

Mr. HUNTER. Surely the Senator from New Hampshire would not bring up that subject on an appropriation bill?

Mr. HALE. I think that is the best place in the world to put it on, because I have great doubts whether we should be able to pass it as a separate bill. [Laughter.] There is a provision in the bill to take a census with a view to the admission of the State. I want to state the argument for my amendment. I will not be long. I will be regardful of the hour of the evening. I hold in my hand a printed speech made in a legislative assembly called the House of Representatives, by a distinguished member of that House—a man for whose judgment as a lawyer, and whose candor as a man, I have a very high regard; I refer to the Hon. Mr. STEPHENS, of Georgia. On the bill for the admission of Oregon into the Union, based upon a population much less than the representative ratio, he justified himself by this argument—I quote from memory: Mr. STEPHENS said that by the act organizing the territorial government of Oregon in 1848, the inhabitants of Oregon were entitled to admission into the Union upon precisely the same terms as the Territories comprised in the territory northwest of the Ohio river; and by reading that act, to wit, the ordinance of 1787, to find out what were the rights of the people of the territory northwest of the Ohio, you will find provided in express terms that they might be admitted into the Union when they had a population of sixty thousand. Mr. STEPHENS said, inasmuch as it was an express provision in the act organizing the territorial government of Oregon, that they should come into the Union when they had the population required by the ordinance of 1787—which was sixty thousand—he felt bound to admit them; and the question, so far as Congress was concerned, was foreclosed, and Oregon had a right under that bill, or that act which organized her, to come in. Then, sir, it was clear, by the passage of the Oregon bill in 1848, and by the ordinance of 1787, which was confirmed by the Congress, and by the practice of the Government, that it is constitutional to admit a State into the Union with sixty thousand inhabitants, because, by the act organizing the territorial government of Oregon, the faith of the Government was pledged to them that they should come in when they had sixty thousand. That argument prevailed, and the State was accordingly admitted. Looking at the third article of the treaty by which we acquired Louisiana from France, I find it is provided:

"That the inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, privileges, and immunities of citizens of the United States."

Then, sir, by our treaty with France, we are bound, just exactly as quick as the principles of the Federal Constitution will allow us, to admit these people to all the privileges of being incorporated into the Union. By the ordinance of 1787, and by the act of 1848 organizing the territorial government of Oregon, which was acted upon by the Senate and by the House, we have admitted the State with sixty thousand inhabitants—less than sixty thousand; but we have provided, in a solemn compact, that when they have sixty thousand they shall come in. Then the faith of the nation is pledged to France by this treaty, which is the supreme law of the land, that as soon as we can, consistently with the provisions of the Federal Constitution, admit a State out of that Territory into the Union, it shall be done. Well, sir, I have shown you, by the practice of the Government, by the compact, and by the action of the Government at this very Congress, that a State may be admitted with less than ninety-three thousand—may be admitted with sixty thousand. By the principles of the Federal

Constitution, I think we admitted the State of Florida into the Union when it had not fifty thousand inhabitants, and I am told she has not got it now. The faith of this nation is pledged to France; it stands upon your public records and treaties forever, that just exactly as soon as a State can be formed out of the territory that we bought of France in 1803, by the principles of the Federal Constitution she shall be admitted. In the face of this treaty stipulation, and of your practice, you have exacted an odious and discriminating law against the people of the Territory of Kansas, in violation of the public plighted faith of the nation.

I am unwilling to believe that this thing has been deliberately done. I believe that when that provision was incorporated into that act, it was done by an oversight of the Congress, who did not turn their attention to the plighted faith of the United States with France, of whom we bought the territory, that as soon as the Territory could come in agreeably to the provisions of the Federal Constitution, she should come in. I appeal, then, to every Senator upon this floor who voted for the admission of Oregon, that he vindicate his reputation for consistency by voting to repeal this unjust, this odious, this unconstitutional restriction against the people of Kansas. I do hope that these distinguished gentlemen who have signalized the advent of Oregon into this sisterhood of States by their advent upon this floor, will manifest their consistency by applying to Kansas, at least, if not the benefit of the Constitution, the principles of that Christian religion which calls upon them to do unto others as they would be done to. I do not ask the distinguished Senators from Oregon to come up to that standard, but simply ask them to do unto others as they have been done by, not as they would be done to. In this case there is no treaty stipulation, nothing but an act of Congress. According to the argument which I have read, the public faith was plighted to admit Oregon with sixty thousand. I ask the Senate, when the public faith is pledged by solemn treaty to admit Kansas, just as soon as it can be done consistently with the provisions of the Federal Constitution, to admit her.

Sir, I beg pardon for trespassing so long upon the patience of the Senate, for I trust that they are impatient to manifest their regard for the Constitution and the faith of treaties, by voting to repeal this unconstitutional restriction.

Mr. LANE. I do not know but that I am called upon to say something on this subject, as the Senator from New Hampshire has appealed to the Senators from Oregon to stand up now and do by others as they have been done by. Now, I say to the Senator from New Hampshire that, when Kansas comes here with her constitution, I shall deal fairly and justly by her; but she is not here. I have heard enough of Kansas in the last year or two. I wish my friend would let this thing go over until a proper time. Let us wait until Kansas comes here, and then, I say to the Senator from New Hampshire, I will treat her as I think she ought to be treated.

Sir, so far from my State having the benefit of the ordinance of 1787, which was made a portion of the organic law of Oregon by the act of Congress, I tell the Senator that, in my opinion, we had not the advantage of it, for we have, in my judgment—I stated it in the House and I state it here—a ratio of population sufficient to entitle us to a Representative in the House. We have the number sufficient to entitle us to admission; and Kansas cannot come here for admission until she has a population of ninety-three thousand four hundred and twenty. As soon as she comes with that population, then I will consider the question of her admission. I have no doubt that the sooner she is admitted into the Union, the better it will be for all of us. I want to see it done. When she comes here, as I said before, I will do what I think is right by her; but I cannot vote for this amendment. I do not want to go into Kansas, nor to hear of Kansas, until she comes for admission.

Mr. SMITH. The Senator from New Hampshire calls upon the Senators from Oregon to do as they would be done by, or rather as they have been done to. I would like to inquire of the distinguished Senator from New Hampshire whether he desires the Senators from Oregon to do by Kansas, in this instance, as he, the Senator from New Hampshire, did by Oregon? We are here, but not, I believe, as the result of that gentleman's vote.

But I rose, sir, for another purpose. I desire to be understood in my position in relation to this matter, and in relation to the vote which I shall give upon the proposed amendment. I am not particularly partial, and never have been, to the Kansas restriction. I regretted its passage through Congress. If Kansas were now here, notwithstanding that restriction—here at the instance of her own people, presenting a constitution of her own choice, of her own adoption—asking admission into the sisterhood of States, she would receive my vote. But, it occurs to me that there is no necessity just now for ascertaining the sense and judgment of the Senate in relation to that restriction, from the fact that Kansas herself is not here; she is not propounding this question to the Senate; she is not calling for a vote. On the contrary, her Delegate in the other House affirms that she is not prepared to come into the Union, and does not now desire to come in; that she is pursuing the arts of peace; she is recovering from that tornado; she is recovering from that sirocco-blast which has rolled, at the instance of men outside of her borders, over that fair land. I am disposed to let her recuperate her energies, and come up here in her own time and her own way, as Oregon has done. When she shall have done works of repentance first—done her work over again; when she shall have gone back to the starting point, and, not only abjured outside interference, whether it be by Missouri border-ruffianism or New England emigrant aid societies; when she shall come for herself; when the voice of her people shall be fairly ascertained, and gathered up and presented here, it will be time enough for the Senate and the House of Representatives—for the Congress, to regulate their action, and, if they have committed an error, to right it.

In the mean time, I repeat, she is not asking additional renewed agitation, here or elsewhere, through the country; and, in my humble judgment, but for the agitation which has been engendered in Congress, which originated here, which had its seat and its home from among statesmen and politicians, outside of the borders of Kansas, her record would have been a very different one from that which exists to-day, and which has induced the shedding of blood in Kansas, which has diverted the attention of the people there, the honest, *bona fide* settlers of that country, from the pursuits of husbandry, from the pursuits of peace. I see no occasion for reviving this question at this hour, and at this time. Will you let Kansas alone, when she herself elects to pursue the course of peace, and to bide her own time, to be governed by her own volition, and her own will? or must agitation, useless, in my judgment, originate here? Is it germane to the question before the Senate? Does it pertain legitimately to the bill under consideration that a restriction, now dead, now obsolete, now inoperative, must be repealed? Wherefore?

It is said by the organs of the party represented in part by the gentleman from New Hampshire, and said, I think, outside of the record, and in disregard of the fact, also, that when a comparison is instituted between Oregon and Kansas, that Kansas has a much larger population than Oregon. That I do not conceive to be true. I believe Oregon has thirty-three and one third per cent. more inhabitants to-day than Kansas has ever boasted. That is affirmed; but if it be true, as it is alleged in some quarters, that she has an amount of population equal to the ratio of representation in the House of Representatives, where is the necessity of the repeal of that which is, in effect and in fact, a dead letter? If she has the population, it is no kindness to her, and would not be, if she were now moving in the formation of a State government.

If, sir, the effect of my vote on the proposed amendment was simply to affirm my non-concurrence in the original restriction, or if by recording an affirmative vote, I could render any kindness to the people of Kansas; if it were to contribute to staunch any bleeding wound; if it were to eventually restore peace to Kansas, where disorder now reigns; if it were to facilitate her introduction into the sisterhood of States, in pursuance of her ascertained will, then I should not hesitate to vote affirmatively; but neither of these things are to be accomplished by this vote. I think the proper issue, the proper result, to be attained by any vote at this time upon this question, should be labeled all over "Buncombe;" and therefore I shall vote against the proposition.

Mr. HALE. I was going to say that I had heard before a good many such speeches as that to which we have just listened; but I have not. I have heard, however, the staple of it; bleeding wounds and agitation and all that sort of thing; and I think I have heard all the changes that can be profitably rung on it; but there is one part of the Senator's speech to which I desire to reply. He says my amendment is not germane to this bill. Let me read what is in the bill by the recommendation of the Finance Committee:

"To enable the Secretary of the Interior to have taken a census of the people of the Territory of Kansas, with a view to its admission into the Union as a State, $20,000."

Now, sir, it is proposed to take a census. That is a recommendation of the committee; and we appropriate $20,000 to take the census of the Territory of Kansas. In doing that, I want to say to them that the restriction which we have imposed upon them—and it is the first time it was ever imposed upon any Territory asking admission; that restriction which we have imposed, in violation of our plighted faith to the country of whom we purchased the territory; that restriction which we have never practically applied in any single instance; which is unjust, odious, and unconstitutional, shall be obliterated. Does the gentleman ask for peace? Does he ask that the bleeding wounds may be staunched, and that agitation may be crushed? Why, sir, the best way in all the world to do that is to begin by doing justice. The best way to begin is by telling those, inside or outside of Kansas, who are for getting up agitation, that so far as the Government of the United States is concerned, we take no part in it; we take off our heavy hand; we forbear to punish you, because you have not submitted to our dictation hitherto; and we repeal this odious and unjust restriction; one so odious and so unjust that gentleman tell us if Kansas were here, asking admission, they would feel bound to disregard it.

Sir, Kansas is not here, because this act tells her she cannot come here. Kansas is not here with her constitution, because, by the enactment of the last session of this Congress, you have forbidden her to come, and now when you yourselves are taking the initiative, when you are renewing the question by proposing to take a census, all we ask of you is to tell Kansas that she may stand as every other Territory has stood, and that she may come into the Union without this violation of treaty faith.

The cries of agitation, and all that sort of thing, have no terrors for me; and let me say, and I will say it with all kindness, that the cry of agitation comes with an ill-grace from any friend of this Administration or its predecessor. The agitation of this country has come from President Pierce and President Buchanan. The agitation comes from those who are trying to call agitators. The agitation comes from those who are first to cry out against it. It comes from the Administration; it comes from Congress, in undertaking to apply this restriction here, which they have not applied in any other case. But, sir, having answered the principal part which I intended to answer, and that was that my amendment was not germane to the bill, I leave the matter to the Senate.

The PRESIDING OFFICER, (Mr. STUART in the chair.) The question is on the amendment proposed by the Senator from New Hampshire.

Mr. HALE called for the yeas and nays; and they were ordered.

Mr. DOUGLAS. My vote upon this question will be determined by the adoption of another clause, which is already in the bill. I see no reason for bringing up this Kansas question at this time. My opinions, in opposition to the restrictive clause, are well known. I have not modified them in the slightest degree, and do not expect to modify them. But, sir, I do not consider that this question has been introduced by the amendment of the Senator from New Hampshire. There is a provision in the bill reported by the committee to take the census of Kansas.

Mr. COLLAMER. Has that amendment been adopted? I have just come in.

Mr. DOUGLAS. I believe it has been agreed to; it appropriates $20,000 to take the census of Kansas, with a view to its admission into the Union. If that provision were stricken out, then it could be said with a good grace, by my friend from Oregon, that this subject was improperly brought up.

Mr. HUNTER. I have no objection to striking it out. I was not very favorable to it at first, but it was introduced under the idea that it would tend to settle and quiet things. If that is the cause of the difficulty, I prefer to postpone the taking of the census. Let us agree, by general consent, that that go out of the bill.

Mr. COLLAMER. Who recommended it? where did it come from?

Mr. HUNTER. It came from the Finance Committee. It was recommended by the Department of the Interior.

Several SENATORS. Let us reconsider it.

The PRESIDING OFFICER. The Senate may refuse to concur in the amendment when the bill shall be reported to the Senate; but it is not in order to reconsider it except by common consent.

Mr. KING. If it be taken out by common consent, I have nothing to say.

The PRESIDING OFFICER. If there be no objection, the Chair will state the question upon reconsidering the vote on the amendment.

Mr. FESSENDEN. I shall prefer having the question taken on going out of the Committee of the Whole; and I object to the amendment being taken out of the bill now.

Mr. PUGH. What is the question now? on withdrawing this amendment, or the other one?

The PRESIDING OFFICER. On withdrawing the first amendment, the one offered by the Committee on Finance.

Mr. PUGH. I shall make no objection to that, if it is insisted upon by the gentlemen on the other side; but I warn them that withdrawing that amendment is really adding to the difficulties in the way of the admission of Kansas. I never considered that I was bound, as by the laws of the Medes and Persians, by this clause of the conference bill; nor do I consider that a census is the only possible way of ascertaining population. Nor have I ever felt that if Kansas were so nearly within the ratio as to make it an immaterial matter, it would not be just as well to admit her by an act or joint resolution. But the very difficulty which will beset her if she comes here with a constitution at the next session, or the session beyond it, will be an argument that we do not know her population, because no census has been taken. I say that the gentlemen who try to strike out the provision for taking a census—whatever their motives may be—are really laying obstacles in the way of the admission of Kansas.

Mr. DOUGLAS. I must say to my friend from Ohio that I dissent from him entirely in the supposition that taking a census is going to obviate difficulties. In my opinion, when a census shall have been taken, it will show that there are not ninety-three thousand four hundred and twenty people in Kansas; and when it shall have been demonstrated that there is not that number, her admission will be resisted at the next session, because of the want of that number. I shall then vote for her admission, if she comes with a constitution republican in form, and sanctioned by her own people; and no good reason can be shown, aside from the want of population, why she should not be admitted. I expect to vote to admit her; and upon the ground that she has been made an exceptional case.

I have tried for years to adopt the rule of requiring the requisite population for a member of Congress. I offered last year to apply that rule to Kansas, and every other Territory. I have offered that proposition at various times. An exception has been made of Kansas, and other Territories have been admitted without that requisite population. Now, inasmuch as Kansas has been made an exceptional case, and inasmuch as Congress has passed an act to admit her with her present population, in the event that she would take a particular constitution, I hold that she ought to come in with whatever constitution she may desire to form. I am not willing to make the admission of a State dependent upon the condition that she will take such constitution as we may choose to impose up her, instead of forming one to suit herself. Hence, I do not want a census taken as to Kansas. I am satisfied that it will demonstrate that she has not that amount of population according to this rule; and, inasmuch as this law applies to Kansas alone, and is not a general law, I wish either to have the appropriation for a census stricken out, or the restriction repealed. If the appropriation is kept in, affirming that we are going to apply this rule to Kansas, and yet not apply it to other Territories, but that we are proceeding to go on and execute it as to Kansas, I shall vote to repeal the restriction.

Mr. GREEN. I have paid a good deal of attention to the affairs of Kansas from the beginning; and while I have regretted, deeply regretted, much of the excitement and unfortunate controversy that has sprung up in consequence of that question, I must enter my protest against the renewal of it on the present occasion. There is now before me, and before my committee, a constitution, adopted at Leavenworth, presented by the Senator from New York, [Mr. SEWARD,] proposing admission into the Union; and I am this day authorized to report against it. I have been delaying the report at the instance of the Delegate from that Territory, who says that the people of the Territory do not desire admission into the Union under that constitution. That constitution was submitted to the people, and it received four thousand five hundred and forty-four votes only, while the Lecompton constitution received six thousand five hundred and fifty-one. It was alleged against the latter that it did not meet the will of the people, because, there being more than ten or twelve thousand voters in the Territory, the votes cast upon it were not enough to prove to Congress that a majority preferred the admission of the State. That subject is all passed; but if that argument be worth anything, and be worthy of consideration, and if the will of the representative of that Territory is to enter into our consideration, then neither is the Leavenworth constitution worthy of being considered before the Senate. I have refrained from presenting the report upon it, because I desired earnestly, ardently, sincerely, yes, truly and heartily desired, to avoid the introduction of anything like agitation at the present session.

To take the census of a Territory is a right which Congress has at any and all times; and because Congress proposes to take the census of a Territory at any time, is no pretext or justification for introducing other irrelevant and inflamatory subjects to excite this nation. Ohio was introduced with half the population that Kansas has this day. Forty-one thousand Ohio had; Kansas has more than eighty thousand. So I might illustrate and go on from Territory to Territory, and from new State to new State. But these are not the real points; there is a secret in the heart, deeper, behind the whole of this. I know it, the country knows it, the Senate knows it, whether it be avowed or not. I intend to maintain my course on all territorial questions, and on all questions pertaining to the rights of the States, without reference to persons or parties, or any other accidental or adventitious circumstances. I feel no prejudice against the North or the South; I feel no prejudice against the East or the West; I feel no prejudice against the different personages who, unfortunately, in the mixing up of affairs, have been arrayed against each other. I am indifferent and friendly to both, and I intend to do justice to both; but while my determination is this, I do not intend, nor will I submit, to be placed in a false position. This is a fixed fact, and all the furies that ever were summoned up from the infernal regions can never drive me from it.

Why, sir, Kansas has all the rights that any other Territory has, but Kansas has no more rights than other Territories have. Kansas must submit to the law, Kansas shall be protected by the law. If it be supposed that we would apply a rule to Kansas which has never been applied to any other State or Territory, it is a misapprehension. Before the admission of Oregon, Congress had never intimated to a Territory what population she ought to have before she applied for admission as a State. It was an open question. The Constitution of the United States contemplated that little States might be admitted with a population insufficient to give them a member under the ratio of representation, but yet, out of a sacred regard for the rights of the States to maintain equality in the Senate and comparative equality in the House, they would give to them one member anyhow. Hence Delaware, whatever may be the rule, whatever may be the number, has always had one member, and I believe between two decades she had two members. Ohio, with forty-one thousand, had one; Florida, with forty-five thousand, when the ratio was seventy thousand, had a member.

Mr. PUGH. The Senator must forget that when Ohio had one member, the ratio was only thirty thousand.

Mr. GREEN. I do not forget it; but if she was fit to be a State with forty-one thousand, Kansas will be fit to be a State with eighty or eighty-five thousand.

Mr. PUGH. I will vote for her admission with eighty-five or eighty thousand.

Mr. GREEN. Yes; he will vote for her; but how will he know whether she has eighty or eighty-five thousand? The proposition already adopted, and which has been stated to be the cause of the introduction of this controversy, is an appropriation to take the census. For what? To limit us in our power? Not at all; and the Senator from Illinois is at fault in supposing that it was proposed with that intent. No man feels himself, in acting under constitutional authority, limited by a law that would conflict with his constitutional obligations. But where there is an indication to the people, lest they may undertake to act, without any indication from the power which has the control, it is a good advisory element to them not to act until they know whether or not their action will be acceptable. That is all. Kansas may adopt a constitution; Kansas has passed a law now for the purpose of calling a new convention, with the view of adopting a new constitution, and thus repudiating the very constitution now in my hands, to make a report upon in this Senate. It is repudiated by the member, repudiated by the legislative authority of the Territory, repudiated by the minority vote of the people of the Territory of Kansas; and hence I am instructed to present a report against it.

But, then, what afterward? Shall we introduce a rule here that shall forever circumscribe the power of the people of Kansas? Not at all. Shall we introduce a rule that shall inflame the North and the South, and array one against the other in hostile combat? It is against my feelings to do that; and when an effort is made to do it, I shall most assuredly oppose it as far as I am concerned. There is a power in this country capable of controlling this Government. There is an innate democracy that lies in the heart of the American people that needs but to be aroused, consolidated, segregated, and brought together, or separated; yet if its action be in unison, it can control the destinies of this great Republic. In this nation we ought to be united. If there are antagonistic principles against us, and if they array themselves against us, let us oppose them; but as a people, as a party acting with a view to the accomplishment of great ends, let us be as one people. Why, sir, suppose you and I differ whether an agricultural bill shall be passed or not; I vote one way, you the other; but yet on the great general principles affecting the policy of the country you and I agree. Am I, because of this slight difference between us, to draw the sword and cut your throat, in a political sense; or are you to draw yours and cut mine, in the same sense? Never; and if you should wrongfully undertake to do it, am I therefore to take a course that will turn the party against you, and hang the halls of the great Democratic party in the habiliments of mourning? No. I will suffer wrong, I will lie under the ban of reproach, I will sink in the condemnation of public sentiment for the present rather than take a step that will sink the only party in this Government which can save it from infamy and disgrace.

I have looked upon this question, from its inception, with no little degree of interest, not merely for Kansas, not merely for Missouri, and yet in one sense Missouri is more deeply interested than any other State in the Union; but I have looked upon it with the deepest degree of interest in another sense, higher and more important than any other, and that is to say, lest it might have an unfortunate tendency to alienate good, glorious, warm-hearted Democrats. If there be a power in this Government capable of saving

it from destruction; if there be a power in this Government capable of resurrecting it from the depths to which it may be reduced by the Opposition, it is the power of the Democratic party; and when any incidental or direct effort is made to divert the energies or to alienate the feelings of the party, it behooves all who believe in the integrity of the party to check those efforts, to counteract those movements, and to use all our powers to consolidate the strength of the party on one point, and that is this: first, the union of the States; second, that that union is in conformity with the rights of all the States; third, that the great principles of individual right and personal security shall be maintained at all hazards; fourth, that while we are jealous of power within our Republic, while we are vigilant in watching the rights of States and of persons, we are a unit with reference to our foreign policy, and that, whether it be against England, or France, or Russia, or the Spanish Government, we are one—united, firm, and determined! Let these points mark our conduct, and all alienation will cease; all disruption in the Democratic party will sink and terminate; all difficulties with reference to our foreign relations will at once vanish; and this great western Republic will stand unequaled since the days of the great Roman republic.

Mr. President, I have been drawn inadvertently, without design, into the making of these remarks; but yet every remark I have made indicates some feeling, remote or direct, that I entertain. I could amplify them, enlarge them, and present them in a shape that would be more acceptable to the Senate and the country; but they are just such as I entertain, and such as I will enforce as long as I have a voice in this Government.

Mr. JOHNSON, of Arkansas. I have waited very patiently myself, and I presume there are many Senators who have remained here patiently, to pass this bill; but I have given up all hope of that to-night; and, before making the motion which I design to submit, I desire to give the reason why I shall make it. It is now entirely palpable that the regular set speaking has begun upon a subject that has no connection with the bill. It has been in the power of a single member to fling into our midst a matter which precludes the possibility of our passing this bill to-night, sit as long as we may. Then why punish so many who have heard so often the discussion of so old, so wearisome, and so fatiguing a subject as this which is now brought here? I think it is proper for us to adjourn now.

Mr. BROWN. Will my friend allow me?

Mr. JOHNSON, of Arkansas. The Senator knows I would oblige him with even my blood, if necessary; but I will not yield the floor now.

Mr. BROWN. HALE has gone.

Mr. JOHNSON, of Arkansas. Yes; and before he went he said he did not want to debate it. It is a tribute he pays, to what? I am afraid not to the sense of our side; because when the bone is here it is picked up and carried off by every man, and pursued by each one who goes after it, and they would make those of us who sit here perish and starve for want of water and bread. I am tired. I move that the Senate adjourn; and I give notice that, from no spirit of discourtesy, I shall refuse to withdraw the motion so as to prevent the power of reply.

Mr. HUNTER. I hope we shall not adjourn. Let us get this bill out of committee.

Mr. JOHNSON, of Arkansas. I call the Senator from Virginia to order. The motion is not debatable.

Mr. GREEN called for the yeas and nays; and they were ordered.

Mr. DOOLITTLE. I desire to say that the Senator from Maine [Mr. HAMLIN] has paired off with the Senator from Alabama, [Mr. CLAY.]

The question being taken by yeas and nays, resulted—yeas 22, nays 18; as follows:

YEAS.—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Harlan, Johnson of Arkansas, King, Pugh, Sebastian, Seward, Simmons, Trumbull, Wade, and Wilson—22.

NAYS.—Messrs. Bigler, Brown, Clingman, Davis, Fitch, Green, Gwin, Hunter, Iverson, Johnson of Tennessee, Lane, Polk, Reid, Rice, Smith, Stuart, Toombs, and Ward—18.

So the motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 22, 1859.

The House met at eleven o'clock, a. m.

The Journal of yesterday was read and approved.

PROTECTION OF AMERICAN CITIZENS.

The SPEAKER, by unanimous consent, laid before the House a message from the President in relation to the protection of American citizens on the transit routes.

The Clerk proceeded to read the message.

Mr. HOPKINS. As everybody has read that message already in the newspapers, I move to dispense with the further reading of it, and that it be referred to the Committee on Foreign Affairs, and printed.

The motion was agreed to.

PAY AND ALLOWANCES OF NAVY OFFICERS.

The SPEAKER also laid before the House a communication from the Secretary of the Navy, transmitting, in compliance with the resolution of the House, of June 14, 1848, a statement of the pay and allowances to the officers of the Navy and marine corps, during the fiscal year ending June 30, 1858; which was laid upon the table, and ordered to be printed.

JOHN HUERTAS.

By unanimous consent, the bill of the House (No. 251) to authorize the claimants in right of John Huertas, to enter certain lands in Florida, was taken from the Speaker's table, and the following amendment of the Senate was concurred in:

Page 1, line thirteen, after the word "State," strike out "offered or unoffered," and insert in lieu thereof, "subject to private entry."

BOUNTY LAND LAW.

Mr. TRIPPE. I desire, for the first time in four years' service here, to ask a favor of the House. I never did such a thing before, and I trust I will not be compelled to do so again. I ask the House, by unanimous consent, to permit the Committee on Public Lands to be discharged from the further consideration of House bill No. 92. It is a bill to amend the act entitled "An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved May 4, 1856, and it makes a very slight amendment in the bounty land law.

The bill was read for information. It provides that the following be added as an additional section to the before recited act:

That, when any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they served as volunteers with the armed forces of the United States subject to military orders, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized, in all such cases, in computing the length and service of the officers and soldiers of any such company, battalion, or regiment, there shall be one day for every twenty miles from the place where the company, battalion, or regiment, was organized, to the place where they served as volunteers with the armed forces of the United States subject to military orders; and also one day for every twenty miles from the place where such company, battalion, or regiment, was discharged, to the place where it was organized, and from where it marched to render service.

Mr. BLISS. I object. I am opposed to the whole land warrant system.

Mr. TRIPPE. I move to suspend the rules so as to enable the committee to be discharged.

Mr. BLISS. I call for tellers on that motion.

Tellers were not ordered.

The question was taken; and on a division there were—ayes 80, noes 39.

So (two thirds voting in favor thereof) the rules were suspended.

The Committee on Public Lands were then discharged from the further consideration of the bill, and Mr. DAVIS, of Indiana, reported the bill to the House, the question being "Shall the bill be engrossed and read a third time?"

Mr. TRIPPE. I will state in one word that the only effect of this bill, which has been reported from the Committee on Public Lands, is, that it is not made necessary for the soldiers to have been mustered into the service of the United States in order to entitle them to mileage. But all the other limitations and conditions of the act of March 14, 1856, are left as they were. Under the construction which has been given to the act of 1856, they are not entitled to mileage unless they have been regularly mustered into the service. The intention of Congress in passing the bill, was evidently to include this class of soldiers, and in the first application that came before the land office from this class, that construction was given, and the warrant issued. Afterwards, however, the law was construed differently, and the warrants were withdrawn. I have never submitted the point involved to any member of this House, who has not at once acknowledged the justice of the bill. I have stated what is the whole operation of the bill, and I call for the previous question upon it.

Mr. McQUEEN. This bill will have the effect, if passed, to let in a large class of claimants to bounty land who are entitled to it under no existing law. I think the thing has gone far enough.

Mr. SMITH, of Virginia. I desire to ask the gentleman from Georgia a question.

Mr. WASHBURNE, of Illinois. I object.

Mr. TRIPPE. I shall be glad to hear and answer any question which the gentleman from Virginia has to ask.

The SPEAKER. Does the gentleman withdraw his demand for the previous question?

Mr. TRIPPE. I do not withdraw it generally; but I hope, by general consent, the gentleman will have permission to ask his question, and I to answer it.

Mr. DAVIDSON. I object.

The previous question was seconded, and the main question ordered to be put.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

Mr. TRIPPE. I call for the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. GIDDINGS. I call for the yeas and nays upon the passage of the bill. I think we had better have a record, as the principle involved is a new one.

The yeas and nays were ordered.

Mr. JONES, of Tennessee. I ask to have the bill read. I understand that it has been read twice, but I have not heard a word of it.

The SPEAKER. The Chair is not surprised that the gentleman from Tennessee did not hear it; he is only surprised that any other gentleman did hear it, in the confusion which prevails in the House.

Mr. JONES, of Tennessee. I only ask that the bill may be read now.

The bill was read.

Mr. TRIPPE. As several gentlemen have submitted inquiries to me, in reference to this bill, I wish to make a single explanation.

Mr. DAVIDSON. I object.

Mr. McQUEEN. I wish to state that the Committee on Public Lands were by no means unanimous in favor of this bill. I think it is a bill which ought not to pass.

Mr. WASHBURNE, of Illinois. I object.

Mr. DAVIS, of Indiana. I ask the consent of the House to make a single statement in reference to this bill.

Mr. McQUEEN. I object.

The SPEAKER. The Chair thinks the gentleman from Indiana is entitled to address the House for an hour, he having reported the bill from the Committee on Public Lands.

Mr. McQUEEN. I am a member of the Committee on Public Lands; and if I cannot be allowed to make a statement, I object to that courtesy being extended to the gentleman from Indiana.

The SPEAKER. The gentleman from Indiana having reported the bill, is entitled, under the rules of the House, to close the debate, after the previous question has been seconded.

Mr. GIDDINGS. I rise to a question of order. There has been no limitation of debate upon this bill, and I submit that the gentleman from Indiana is not entitled to an hour to close debate. The rule does not apply, unless the debate has been limited.

The SPEAKER. The Chair thinks that the gentleman from Indiana has the right to address the House upon the bill.

Mr. DAVIS, of Indiana. Mr. Speaker, by act of Congress, of the 14th of May, 1856, mileage was allowed to officers and soldiers of the war of 1812, and other wars. In this connection, I ask that a section of the present law be read.

The Clerk read the law, as follows:

SEC. 7. *And be it further enacted*, That, when any com-

pany, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized; in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized to the place where the same was mustered into the service of the United States; and also, one day for every twenty miles from the place where such company, battalion, or regiment was discharged to the place where it was organized, and from whence it marched to enter the service: *Provided*, That such march was in obedience to the command or direction of the President of the United States, or some general officer of the United States commanding an army or department, or the chief executive officer of the State or Territory by which such company, battalion, or regiment was called into service.

Mr. DAVIS, of Indiana. By the decision of the Commissioner of Pensions, these companies &c., are not, under that act, entitled to bounty land, unless they were actually mustered into the service of the United States. This bill changes that act in this, and this only: that if they rendered the service they are entitled to their mileage, whether they were mustered into the service of the United States or not. That is the only change this bill contemplates in the act of 1856.

Mr. McQUEEN. That is precisely my objection to this bill. The law, as it exists, allows mileage to all those who have been mustered into the service. This bill proposes to allow computation of mileage to those who have never been mustered into the service. And, sir, it does not specify the nature and character of service which a soldier shall have performed, or the evidence by which that service shall be established to entitle him to bounty land. It throws open a wild field of confusion as to services. That is my material objection to this bill; and it was the objection I pressed before the committee.

What sort of service is specified in that bill? That a company shall have shouldered their muskets and marched, or shall have fought a battle, or shall have once passed inspection, or shall have mustered and marched one hundred miles up a hill to turn round and march the hundred down again? There is no service specified in that bill; and here will be hundreds and thousands of soldiers who will come and claim bounty land under this bill. It will create more confusion in the Department in reference to bounty land laws than all the bills which have gone before it. There is no rule established by which the service, even if specified, shall be proved. Every company organized, and that marched, can come in and make their fourteen days by the computation of mileage under that bill.

Mr. TRIPPE. There is a limitation as to the character of service in that bill, and a limitation precisely like that of every bounty land law. It is required that they shall have rendered service to the United States, in an organized form, and subject to the military laws of the United States.

Mr. McQUEEN. The bill provides for the companies who have served; but specifies no service whatever.

Mr. TRIPPE. Subject to the military laws of the United States. It is the precise service required in every bounty land law.

Mr. McQUEEN. I think that the system has been carried far enough. I think that it would be unwise to enlarge it by a bill which would create the confusion this will.

Mr. CLARK, of Missouri. I wish to make a statement. The House will observe that this bill makes this change, under the bounty land act. Under the construction given to it by the Commissioner of Pensions, the companies must be actually mustered into service. This bill provides that where they have rendered service under the orders of a commanding officer, or the orders of a chief Executive of a State or Territory, rendered service in an embodied form, they are entitled to bounty land, though the form of mustering in did not take place. That is the only difference. The gentleman from South Carolina [Mr. McQUEEN] is, therefore, at fault, when he says it gives a greater latitude. It only gives bounty land to those under orders of a commanding officer, or of an Executive of a State or Territory.

Mr. McQUEEN. What character of service will entitle a soldier to bounty land, under this bill?

Mr. CLARK, of Missouri. That he was ordered into service, and performed it as under the bounty land act, whether he was mustered in form or not.

Mr. McQUEEN. Does not my friend know that the mustering in service was evidence of the service itself?

Mr. CLARK, of Missouri I know from experience in Missouri and Illinois, and in some of the Territories, that men are cut off from bounty land warrants who performed the same service as the men who have obtained them.

Mr. BURNETT. I object to this farming out of the floor.

Mr. JONES, of Tennessee. I desire to ask the gentleman from Indiana a question, so that I may understand the object of the bill.

The SPEAKER. The gentleman from Kentucky objects to debate.

Mr. BURNETT. I waive my objection for a moment.

Mr. JONES, of Tennessee. I am not going to make any speech about it. The law, as it at present stands, grants bounty lands to all those who have been regularly mustered into service, and who served fourteen days, including one day for every twenty miles of travel going and returning, and who were subsequently paid by the United States, whether they were called out and mustered into service by a State, a Territory, or by the United States. Now, the question that I wish to propound is, whether the object of this bill is to apply to all those who, in an organized form, marched more than twenty miles, and tendered their services, but were never mustered into service and never paid by the United States; and whether it places them on the same footing as those who rendered service?

Mr. TRIPPE. The bill does not do that.

Mr. DAVIS, of Indiana. I have but a single word to say. This bill makes no change in the act of 1856, or in any other act of Congress on the subject of bounty lands, except this: that if a company was duly organized and marched a certain distance for the purpose of rendering service, and were ready to render service, although they might not be regularly mustered into service, they are to have bounty lands, the same as if they had been mustered into the service of the United States.

Mr. TRIPPE. And it requires that they should be paid by the United States.

Mr. MOORE. If they marched twenty miles and abandoned the service and returned home, would they not be, under this bill, entitled to bounty lands?

Mr. DAVIS, of Indiana. I think not. That is my impression, and was the impression of the committee.

Mr. MOORE. Well, I think they would.

Mr. DAVIS, of Indiana. I think the bill ought to pass, and without further argument.

Mr. GARTRELL. Before the vote is taken, I desire to ask the gentleman from Indiana a question for information. I ask him whether the provisions of the bill will extend to companies that have not been mustered regularly into service, and that have never been paid either by the General or State government, and whether they would be entitled to the benefits of this bill?

Mr. DAVIS, of Indiana. I do not understand that they would be.

Mr. McQUEEN. I understand that they would be.

Mr. BURNETT. I must object to debate. The previous question has been seconded.

The SPEAKER. Debate is exhausted.

Mr. MONTGOMERY. I desire to suggest an amendment to the gentleman from Indiana.

The SPEAKER. No amendment is in order.

Mr. MONTGOMERY. The bill is not in an amendable state. It has passed that point.

The question was taken on the passage of the bill; and it was decided in the affirmative—yeas 108, nays 74; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Anderson, Andrews, Arnold, Atkins, Avery, Bennett, Bishop, Blair, Bowie, Brayton, Bryan, Burlingame, Burnett, Burns, Chaffee, Ezra Clark, Horace F. Clark, John B. Clark, Clawson, Cockerill, Colfax, Comins, Covode, Cragin, James Craig, Curtis, Davidson, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Durfee, Edie, Edmundson, Farnsworth, Fenton, Florence, Foster, Gartrell, Gilman, Gilmer, Gregg, Grover, Harris, Hatch, Hickman, Hill, Hodges, Hopkins, Howard, Hughes, Huyler, Jackson, Jewett, Keim, Kellogg, Kelsey, Knapp, Lamar, Leidy, McKibbin, Mason, Matteson, Maynard, Montgomery, Morrill, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Niblack, Palmer, Pettit, Phillips, Pike, Purviance, Reilly, Ricaud, Roberts, Royce, Scott, Seward, Aaron Shaw, Judson W. Sherman, Shorter, Robert Smith, Samuel A. Smith, James A. Stewart, William Stewart, Tappan, Thompson, Trippe, Underwood, Vallandigham, Vance, Walbridge, Waldron, Walton, Elihu B. Washburne, Israel Washburn, Watkins, Wilson, Wood, Woodson, John V. Wright, and Zollicoffer—108.

NAYS—Messrs. Barksdale, Billinghurst, Bingham, Bliss, Bonham, Boyce, Branch, Buffinton, Caskie, Cavanaugh, Clay, Cobb, John Cochrane, Corning, Davis of Mississippi, Davis of Iowa, Dawes, Dean, Dimmick, Dodd, Dowdell, English, Foley, Garnett, Giddings, Gillis, Goode, Goodwin, Grow, Harlan, Horton, Houston, George W. Jones, Owen Jones, Jacob M. Kunkel, Lawrence, Leach, Leiter, Letcher, Maclay, McQueen, McRae, Samuel S. Marshall, Miller, Millson, Moore, Morgan, Mott, Murray, Olin, Parker, Pendleton, Peyton, William W. Phelps, Potter, Pottle, Powell, Reagan, Ritchie, Ruffin, Russell, Sandidge, Scales, Henry M. Shaw, John Sherman, William Smith, Spinner, Stanton, George Taylor, Thayer, Tompkins, Wade, Cadwalader C. Washburn, White, and Wortendyke—74.

During the vote,

Mr. CURTIS stated that Mr. Cox was detained from the House by sickness.

Mr. DAVIS, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILL.

Mr. DAVIDSON, from the Committee on Enrolled bills, reported as correctly enrolled, an act (H. R. No. 251) to authorize the claimants in right of John Huertas to enter certain lands in Florida; when the Speaker signed the same.

WITHDRAWAL OF PAPERS.

Mr. STEPHENS, of Georgia, asked and obtained leave to withdraw from the files of the House, the papers in the case of Robert Kirkham, for the purpose of having them sent to the Department.

Mr. JENKINS asked and obtained leave to withdraw from the Committee on invalid Pensions the papers in the case of Michael Thorn, for a similar purpose.

RESOLUTIONS OF MAINE LEGISLATURE.

Mr. WASHBURN, of Maine, by unanimous consent, presented joint resolutions of the Legislature of the State of Maine, against an increase of postage; which were laid on the table, and ordered to be printed.

BOUNTY LAND TO PRIVATEERSMEN.

Mr. DAVIS, of Massachusetts. I move to reconsider the vote by which the bill (H. R. No. 546) to amend the law granting land to soldiers and seamen, so as to include those engaged on board private armed vessels regularly commissioned by the United States, was referred to the Committee of the Whole on the state of the Union.

The bill was read. It provides that each of the surviving officers and crew employed on board of any private armed vessel of the United States, acting under commission of letters of marque and reprisal, granted during any of the wars in which this country has been engaged, and who have not heretofore received bounty land from the United States, shall be entitled to receive a certificate or warrant from the Department of the Interior, for one hundred and sixty acres of land; and that the provisions of the second section of the act entitled "An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved March 3, 1855, shall apply to the widows and minor children of persons entitled under this act; and that the fourth, fifth, and sixth sections of said act shall apply to the warrants granted under this act, and to the registers and receivers of the land offices locating them.

Mr. DAVIS, of Massachusetts. I move the previous question on the motion to reconsider.

Mr. JONES, of Tennessee. I move to lay the motion to reconsider upon the table.

Mr. DAVIS, of Massachusetts. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 90, nays 77; as follows:

YEAS—Messrs. Ahl, Anderson, Atkins, Avery, Barksdale, Billinghurst, Bliss, Bonham, Bowie, Branch, Bryan, Burns, Caruthers, Caskie, Horace F. Clark, John B. Clark, Clay, Cobb, John Cochrane, Cockerill, James Craig, Crawford, Curry, Davis of Indiana, Dimmick, Dowdell, Edie, Edmundson, English, Faulkner, Foley, Garnett, Gartrell, Giddings, Gillis, Harlan, Hickman, Hoard, Hodges, Hop-

kins, Horton, Houston, Jewett, George W. Jones, Owen Jones, Keitt, Jacob M. Kunkel, Lawrence, Leach, Leiter, Letcher, Maclay, McQueen, Samuel S. Marshall, Mason, Miller, Millson, Moore, Isaac N. Morris, Mott, Murray, Niblack, Pendleton, Peyton, Potter, Powell, Ready, Reagan, Ritchie, Ruffin, Scales, Aaron Shaw, Henry M. Shaw, Shorter, William Smith, Spinner, Stanton, Stevenson, Talbot, Miles Taylor, Underwood, Vance, Wade, Cadwalader C. Washburn, Elihu B. Washburne, Watkins, White, Wortendyke, Augustus R. Wright, and John V. Wright—90.

NAYS—Messrs. Abbott, Adrain, Arnold, Bennett, Bingham, Bishop, Blair, Brayton, Buffinton, Burlingame, Chaffee, Clawson, Colfax, Comins, Corning, Covode, Cragin, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Durfee, Farnsworth, Fenton, Florence, Foster, Gilmer, Goodwin, Hatch, Hawkins, Howard, Hughes, Huyler, Keim, Kelsey, Knapp, Lovejoy, Matteson, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Palmer, Parker, Pettit, William W. Phelps, Pike, Pottle, Purviance, Ricaud, Robbins, Roberts, Royce, Russell, Savage, Scott, Seward, John Sherman, Judson W. Sherman, Robert Smith, Stephens, James A. Stewart, William Stewart, Tappan, Thayer, Thompson, Tompkins, Trippe, Walbridge, Walton, Ward, Israel Washburn, Wilson, Wood, and Zollicoffer—77.

So the motion to reconsider was laid upon the table.

During the call of the roll,

Mr. DAVIDSON stated that he had paired off with Mr. CASE.

Mr. GILMAN stated that he had paired off with Mr. SANDIDGE.

Mr. DAVIDSON stated that Mr. SANDIDGE had requested him to say that he [Mr. SANDIDGE] had been called suddenly to one of the Departments.

JOINT RESOLUTIONS OF MICHIGAN.

Mr. LEACH, by unanimous consent, presented joint resolutions of the Legislature of the State of Michigan, against any increase in the rates of postage; which were laid upon the table, and ordered to be printed.

POST OFFICE APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of proceeding with the Post Office appropriation bill.

Mr. BURNETT. I appeal to the gentleman from Missouri to withdraw that motion to enable me to have taken from the Speaker's table a Senate bill to incorporate the Washington Monument Society. There is no day more suitable for its consideration than this, and it will not take five minutes.

Mr. HATCH. I hope the gentleman will allow me to have taken up the Senate bill to provide for the deepening of the channel over the St. Clair flats, in the State of Michigan.

Mr. PHELPS, of Missouri. I cannot withdraw my motion.

Mr. BURNETT. Then I hope the House will vote it down.

Mr. WASHBURNE, of Illinois. It will be remembered by the House, that yesterday afternoon I obtained the floor and moved to suspend the rules for the purpose of taking up a bill. I gave way merely for the purpose of permitting the gentleman from Maine [Mr. ABBOTT] to move to go into Committee of the Whole on the state of the Union, with the implied understanding, at least, that I should have the floor this morning. I ask for the yeas and nays on the motion of the gentleman from Missouri, and for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. WASHBURNE, of Illinois. I ask for tellers on the question.

Tellers were ordered; and Messrs. BOYCE and CHAFFEE were appointed.

The House divided; and the tellers reported—ayes 86, noes 57.

So the motion was agreed to.

The rules were accordingly suspended, and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. HOPKINS in the chair,) and resumed the consideration of the bill of the House (No. 872) making appropriations for the service of the Post Office Department during the fiscal year ending June 30, 1860.

The CHAIRMAN stated that the pending question was on the amendment offered yesterday by Mr. HATCH to the following clause of the bill:

"For mail-locks, keys, and stamps, $15,000."

Mr. HATCH. I modify my amendment, so as to read as follows:

Provided, That all contracts for work, material, and public service enumerated in this act shall be made with the person who shall offer to do or provide the same at lowest price, with adequate security: *Provided*, That nothing herein contained shall prevent the execution of any contract made under existing laws.

The amendment was disagreed to.

Mr. POTTER. I move to insert, at the end of the following clause:

"For mail depredations and special agents, $75,000,"

this proviso:

Provided, That no special agent shall receive more than $1,600 per annum, as compensation for his services.

Mr. Chairman, I wish to state, in reference to this amendment, that the highest amount allowed to special agents, according to the Blue Book, is $1,600 per annum; and yet I am informed that in some instances as much as $5,000 has been paid to special agents.

Mr. PHELPS, of Missouri. I understood the gentleman from Wisconsin to say that salaries had been paid to special agents to the amount of $5,000. Did I understand him correctly?

Mr. POTTER. Yes, sir.

Mr. PHELPS, of Missouri. If that is the case, I suggest to the gentleman that he should introduce a resolution of inquiry. I state that the salary of the special agents of the Post Office Department is $1,600 per annum, and their traveling expenses, and these special agents, are engaged in ferreting out those who may commit depredations upon the Post Office Department. These special agents are the police of the Department. If a robbery is committed on a mail route, or a depredation is committed at a local office, special agents are sent by direction of the Post Office Department to investigate into the depredation or the robbery, and to endeavor to apprehend the person by whom the offense has been perpetrated; and they are allowed a certain amount for their traveling expenses.

Mr. POTTER. I ask the gentleman, if he is not aware that these special agents are allowed to travel free on all the railroads, steamboats, and stages in which the mail is carried?

Mr. PHELPS, of Missouri. I was just coming to that. I have nothing to conceal. The special mail agents of the Post Office Department, by virtue of their appointment, and by virtue of the contracts made by the Department with the various railroad, steamboat, and stage companies, for carrying the mails, are entitled to travel by any of these different modes of conveyance with the mail contractors, free of any charge for transportation; but, sir, bills for expenses are in the meanwhile accruing on the way. In consideration of these expenses, it has been the practice of the Post Office Department, for the last fifteen years, to allow these special mail agents two dollars per day for their personal expenses. They are often required to travel over routes where there are no public conveyances, and whatever amounts are necessary to cover their necessary expenditures have been paid out of this appropriation, in addition to the salary of the special agents, which is only $1,600 per annum. I assert that the Postmaster General is authorized to allow the special agents two dollars per day each, for their personal expenses, and to enable them to obtain private conveyances of travel whenever they are needed.

In consequence of the extended operations of the Post Office Department, the expenses under this head have a little increased, but they have not much increased. I hold in my hand a tabular statement showing the amount of expenditures under this head, since 1855, which is as follows:

Periods.	Mail depredations and special agents.
1855	$64,453 52
1856	63,591 77
1857	65,228 25
1858	73,527 01

I also remark to the committee that when a person has been apprehended, charged with an offense against the Post Office Department, the expense of his removal, of his preliminary examination before a magistrate or commissioner, is paid also out of this appropriation. There are at present, I think, about thirty persons employed by the Post Office Department, as special agents who are allowed a salary of $1,600 each, amounting in the aggregate to about forty-eight thousand dollars. The balance of the appropriation is paid for traveling and personal expenses of these special agents, and for the apprehension of offenders and bringing them to trial. I think the amendment of the gentleman is wrong, and I hope it will be rejected.

Mr. POTTER. I would suggest to the gentleman that this appropriation is simply for paying the salaries of these special agents. There is nothing in it about traveling expenses.

Mr. PHELPS, of Missouri. All the expenses of the special agents are paid out of this appropriation, and, if the statement of the gentleman be correct, then the amendment of the gentleman is unnecessary, for the law now restricts the salaries to $1,600 each.

Mr. POTTER. Then my amendment will do no harm; and I think it will stop many of the abuses which now exist.

Mr. POTTER's amendment was disagreed to—ayes 64, noes 65.

Mr. ABBOTT. I wish to offer an amendment in line twenty-six, by striking out "$200,000" and inserting "$50,000;" so that the clause as amended would read, "for miscellaneous payments, $50,000." I do this, Mr. Chairman, for the purpose of correcting what I believe to be a great abuse in the expenditure of the Government. Appropriations for miscellaneous purposes are, to a certain extent, absolutely necessary. That we all agree to. Appropriations made for miscellaneous purposes are made for the purpose of covering certain expenses which are too small to be named specifically. All the items of expenditures sufficiently large to be named specifically, are, or should be, made the subject of specific appropriations.

Now, sir, to show the history of these appropriations of the Government for miscellaneous purposes, I find that, for the year 1800, the amount of appropriations for miscellaneous purposes was only about three hundred thousand dollars. In 1810, I find they were $500,000. I find that, in 1830, the amount of appropriations for miscellaneous purposes was between one and two million dollars. I find that, for the year 1837-38, the miscellaneous purposes amounted to almost nineteen million dollars. Now, I believe this to be a great abuse. We complain on both sides of the House of the immense expenditure of the Government; but do we do anything to prevent it? I believe that $200,000 is an unreasonable amount for miscellaneous purposes in this bill. I think $50,000 is sufficient; and I hope my amendment will be adopted. In 1830, under Jackson's administration, which we all believe was a good one, the whole expenditures of the Government were only $13,000,000.

Mr. PHELPS, of Missouri. I desire, right there, to propound an inquiry to the gentleman from Maine. He objects to these miscellaneous items as being too great, and he says that he wishes to check them. Now, let me ask him whether he thinks it was right and expedient to erect the custom-houses in Maine, which have been erected within the last three or four years?

Mr. ABBOTT. I believe that it is right to build custom-houses in the State of Maine, and to appropriate a sufficient sum for that purpose; but I do not believe in the erection of custom-houses like that at New Orleans, to the tune of $3,000,000.

Mr. PHELPS, of Missouri. These custom-houses are a part of the miscellaneous items.

Mr. ABBOTT. I believe in erecting all the necessary buildings for the uses of the Government, but I do not believe in expending $19,000,000 annually, for unspecified miscellaneous purposes. I believe in no such practice. I want to know where the money goes to. It is all taken out of the Treasury; every dollar of last year's appropriation is gone, and yet not a man knows where it has gone, except the Government officials. Nineteen million dollars is asked for miscellaneous items; $6,000,000 more than the entire expenses of Jackson's administration in 1830.

Now, sir, as a member of this House, I ask whether this thing is right? Gentlemen make no objection to these miscellaneous items; but they are sure to object to small items, where the object is specified.

[Here the hammer fell.]

Mr. CRAWFORD. I rise to oppose the amend-

ment of the gentleman from Maine, reducing the appropriation to $50,000. If that reduction be agreed to, it will give an amount not sufficient for the object in view. On inquiry at the Post Office I ascertained the purposes for which this $200,000 are designed. The largest item is for the rent of post offices, for the fitting up of offices connected with custom-houses, and for repairs of offices held on leases by the Government. The next most considerable item is for fuel and lights in the post offices. Then, this appropriation is for stationery, and all other expenses incident to the carrying on of the business of post offices, including porterage, printing notices of mail arrangements, cleaning offices, &c.

There are other expenses charged to this miscellaneous item. All postmasters, whose compensation is less than fifty dollars a year, are permitted to procure sealing wax, wrapping paper, and twine, for the use of their offices, provided the net proceeds of the office exceed twenty dollars a year. Postmasters, whose commissions exceed fifty dollars a year, are required to obtain those articles from the agencies for their distribution. Wrapping paper, sealing wax, and twine, are procured by the Department under contracts, let, after advertisement, to the lowest bidder, and supplied to the several agencies constituted for their distribution. Payments to these contractors are made out of revenue, and charged under the head of wrapping paper. All law expenses attending the collection of debts due the Department, such as the fees of United States attorneys, marshals, and clerks of courts, are charged to this item. To this account are also charged the necessary expenses incurred by postmasters, who are often required to collect drafts drawn upon postmasters residing at a distance. Balances for weighing letters in the post office, and the cost of the drafts and warrants issued by the Department and the Auditor's Office, in payment of debts, are also charged to that item.

The expenditures under this item, were, in 1855, $168,011 29; in 1856, $200,080 40; in 1857, $189,107 99; and in 1858, $193,544 02. Fifty thousand dollars, then, it will be seen, will not be sufficient for the purpose. I am informed that the whole of the $200,000 will be required for the next fiscal year. Therefore, I hope that the committee will vote down the amendment.

Mr. SPINNER. I move the following proviso; which will, I think, relieve the objection of the gentleman from Maine, without reducing the amount of the appropriation:

Provided, That it shall be the duty of the Postmaster General to furnish to Congress, on the first Monday of December next, and of each and every year thereafter, a detailed statement of the expenditures made under the head of miscellaneous payments; and that it shall not be lawful to use any of the money hereby appropriated for the defense of suits brought against officers of the Post Office Department for malfeasance, misfeasance, or nonfeasance in office, or for acts committed by them under color of law in derogation of the rights of citizens.

Mr. CRAWFORD. I understand that the gentleman does not propose to reduce the amount of the appropriation; and therefore, I have no objection to his amendment.

The question was taken; and Mr. ABBOTT's amendment was rejected.

The amendment of Mr. SPINNER was agreed to.

Mr. POTTER. I move to strike out the following:

For publishing a new edition of the Post Office laws and regulations, and a list of post offices, $15,000.

The edition that was published by Mr. Rives, was published at an expense of $10,000; and I understand that Mr. Rives paid one of the clerks of the Department, for the original manuscript copy, $2,500. It seems to me that this expense is entirely unnecessary, and is only calculated to afford another job for some clerk in the Post Office Department. I wish to have two letters read, one from the Postmaster General, and the other from the Auditor of the Post Office Department.

Mr. SPINNER. I desire to say that the Postmaster General has stated that this edition is not official; and it is very desirable that there shall be an official edition, so that it can be used as evidence in suits.

Mr. POTTER. This edition is so far official that the Postmaster General has used and circulated them as an official document.

Mr. SPINNER. He says in his letter to the Senate that there has been no strictly official list of the post offices published for several years.

Mr. POTTER. I ask for the reading of the letters that I send to the Clerk's desk.

The letters were read, as follows:

POST OFFICE DEPARTMENT, *June* 12, 1858.

SIR: In answer to the resolution of the Senate, of June 11, 1858, I have the honor to state, that the books (List of Post Offices, &c., i. e. "List of Post Offices, and Regulations of the Post Office Department, compiled by D. D. T. Leech, of the Post Office Department") referred to in my answer to the Senate resolution of the 27th ultimo, were purchased by order of the Postmaster General, from time to time, under authority conferred upon him by law to conduct the affairs and regulate the expenses of the Department, and were paid for out of the appropriation for "miscellaneous expenses," for the years 1856, 1857, and 1858.

These books were purchased and distributed by the Department to its agents and postmasters, not so much on account of the regulations contained in them as for the list of post offices, which had been corrected up to a short time previous to their publication. To enable postmasters and agents of the Department to perform their duties promptly and correctly, it has been found necessary, on account of the constant additions and changes therein, to supply them with the corrected lists of the post offices; and these lists would have been of nearly the same value to the Department without the regulations.

As explained in my communication to the Senate of June 3, they were procured of individuals, not only for the reasons above mentioned, but because no appropriation had been made for the publication of such a manual under the supervision and authority of the Department, and this was the most economical mode of supplying the deficiency. Moreover, from an examination of the regulations therein, it was believed that they were generally correct copies of the official regulations of the Department.

I herewith transmit a copy of the last official edition (1852) of the regulations of the Department, marked A, together with printed circulars, marked B and C, which, it is believed, contain all the principal regulations now in use for the guide and government of postmasters in the discharge of their duties. Many of the circular regulations have been adopted since the publication of said book of laws and regulations, (of 1852.)

I also transmit a copy of a letter from the Auditor of the Treasury for the Post Office Department, showing the amounts paid, and to whom, for said list of post offices, &c. I have the honor to be, &c.,

AARON V. BROWN.

Hon. JOHN C. BRECKINRIDGE, *President of the United States Senate.*

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AUDITOR'S OFFICE,
POST OFFICE DEPARTMENT, *June* 11, 1858.

SIR: In compliance with your request, I have the honor to report that the following sums have been audited and paid out of the appropriations for "miscellaneous items," for the fiscal years ending June 30, 1856, 1857, and 1858.

May 8, 1856. J. Shillington for four thousand five hundred and fifty copies of "Lists of post offices and regulations," at twenty five cents each, per order of James Campbell, Postmaster General	$1,137 50
November 18th. J. Shillington, for two thousand copies	500 00
Amount paid J. Shillington	$1,637 50
Oct. 8, 1857. Paid John C. Rives for fourteen thousand seven hundred copies of the list of post offices, &c., at thirty cents each	$4,410 10
October 27, 1857. Amount paid John C. Rives for fourteen thousand eight hundred and fifty copies, at thirty cents each	4,455 00
One hundred copies printed on superfine paper, and bound with morocco backs and corners, at seventy-five cents each	75 00
Three hundred and fifty copies printed on superfine paper and bound in muslin, at forty-seven cents each	164 50
Amount paid to John C. Rives	$9,104 50

Respectfully, THOS. M. TATE, *Auditor.*
Hon. A. V. BROWN, *Postmaster General.*

Mr. POTTER. I ask the attention of the committee to the fact that the manuscript copy of this edition was prepared by a clerk of the Post Office Department, for which Mr. Rives paid him $2,500. I also ask attention to the fact that that edition contains all the recent rules and regulations of the Post Office Department. The appropriation that is now asked is only intended to afford another job for some clerk in the Post Office Department; and I should like to see how gentlemen on the other side of the House, who profess to be in favor of retrenchment and reform, will vote on this question.

Mr. SPINNER. I have a proviso which I think will obviate this difficulty. I think if the gentleman from Wisconsin will hear it read, he will withdraw his amendment.

Mr. PHELPS, of Missouri. There is a necessity at this time for a new list of the post offices of the United States, as well as for a publication of the laws and regulations. I was aware that, two or three years ago, a list of the post offices of the United States was prepared by a clerk in the Post Office Department, and published by Mr. Rives; and that the Department procured a number of copies from the publisher, which were distributed throughout the Union. That compilation was made and published in 1857. At that time there were only twenty-five thousand post offices in the United States. Now there are nearly twenty-nine thousand. I am only astonished that the gentleman from Wisconsin, a State in which the post offices have greatly increased in number within the last two years, should rise in his place and say that the post office register published three years ago gives information of all the post offices in his own State.

Mr. POTTER. I ask the gentleman whether this very list does not contain the additional post offices established since the publication of this edition?

Mr. PHELPS, of Missouri. There is a list of new post offices appended to it; and the only reason for the course pursued by the gentleman from Wisconsin is to make provision for a job in another direction; in other words, it is to keep up this old register, with the *addenda* of new post offices. I desire to see a perfect list of the post offices at the commencement of the next fiscal year, and this appropriation is to permit it to be made. It is needed for distribution among the post offices of the United States; and there are none to be had, unless we republish the old one, which is imperfect and defective. Therefore, the Committee of Ways and Means deemed it expedient to recommend this appropriation to be made for the purpose of publishing a new post office register, together with the laws and regulations appertaining to the government of the Post Office Department.

Mr. MAYNARD. I should like to ask the gentleman from Missouri whether it is proposed to publish this under the direction of the Post Office Department, or is it to be let out as a job?

Mr. PHELPS, of Missouri. It is proposed to be published under the direction of the Post Office Department itself. The Postmaster General, in submitting his annual estimates, says:

"No strictly official list of post offices and body of laws and instructions to postmasters, having been published for several years, and such a book being absolutely necessary for the proper administration of the post offices, I respectfully recommend that a sum, not exceeding $15,000, be appropriated for that purpose. It is proposed to procure an edition of not less than thirty five thousand copies, as it will require over twenty-eight thousand to supply the post offices now established, leaving the remainder for the supply of new offices, and for Congress, and the Executive Departments."

Mr. SPINNER. I offer my amendment as a proviso to the amendment offered by the gentleman from Wisconsin.

The proviso was read, as follows:

Provided, That the Postmaster General shall cause said new edition to be prepared by the regular force of his office, without any allowance for extra service; that he shall certify the same to be official; and shall give the contract for its publication to the lowest bidder.

Mr. SPINNER. I am willing to leave the amount as it is. Although, at twenty-five cents a copy, $7,000 would nearly pay for thirty-five thousand copies, still, with the proviso, I am willing to leave the amount at $15,000. I have a reason for offering this amendment. I have ascertained that a clerk in the Post Office Department has charged $2,500 for getting up this book, in addition to his regular pay.

Mr. MORGAN. I know that the work has not been done in the regular office hours, but out of office hours.

Mr. SPINNER. I wish to state here, on my responsibility as a member of this House, that I have ascertained the fact that the book has heretofore been published at twenty-five cents a volume.

Mr. PHELPS, of Missouri. I rise to a question of order. The amendment of the gentleman from New York is not in order, for it changes the existing law, which provides that the departmental printing shall be done by the Printer of one or the other branch of Congress, as may be designated by the head of the Department.

The CHAIRMAN. The Chair thinks the amendment is in order. The 81st rule simply provides that no appropriation shall be made, except by authority of law.

Mr. SPINNER. I desire to make another statement. Whenever suits are brought, these books cannot be used as evidence; and the Postmaster General has disavowed them, and says they

are not official. I desire, by my amendment, to make provision that they can be used as evidence against the Department, and in favor of the people. I ask for tellers on my amendment.

Tellers were ordered; and Messrs. DAVIS, of Mississippi, and BUFFINTON were appointed.

The committee divided; and the tellers reported —ayes 76, noes 44.

So the amendment was agreed to.

Mr. LETCHER. I would suggest to the gentleman from New York that he should insert in his amendment, between the word "lowest" and the word "bidder," the word "responsible."

Mr. SPINNER. I have no objection to that.

The CHAIRMAN. The amendment has already been adopted, and the modification could only be made by unanimous consent.

Mr. GARNETT. I offer the following as an additional section, to come in at the end of the first section:

And be it further enacted, That the Postmaster General shall not expend for the purposes named in the first section more than the sums severally appropriated therein, nor shall it be lawful for him to contract for any expenditures for the service of the next fiscal year in excess of the appropriations made for the same.

I think that amendment will sufficiently explain its own object. It is to restore the Post Office Department to the control of the legislative branch of this Government. It is to prevent one of the Executive Departments from seizing bodily upon the whole Treasury of the United States, and exhausting it without authority of law. The Post Office Department, formerly a self-sustaining Department, has risen in seven years from a demand upon the Treasury of $1,000,000 to between six and seven million dollars per annum. It spends not only all its own revenue, but between six and seven million dollars in addition. This charge upon the Treasury has grown at the rate of $1,000,000 a year, and there is no telling where it will stop.

Mr. BARKSDALE. I desire to ask the gentleman from Virginia if the Postmaster General has entered into any contract for mail service which was not authorized by law?

Mr. GARNETT. Under the practice now, there is no limit whatever upon the discretion of the Postmaster General. As we all know, the post route bills which annually pass are matter of form, and contain every route which any member may suggest. The proposition which was made to constitute every road in the country a post route did not pass this House, but that will be the end of the present system, and the consequence will be that the Postmaster General may, at any time, at his own discretion, extend the mail service of the country as far as he may please, imposing, by every addition to the mail service, an additional burden upon the tax-payers of the country. Since the establishment of the present rates of postage, the Post Office deficiency has gone on regularly and rapidly to increase, and in six years more I suppose it will be more than twelve million dollars; and so it will go on, until it will have made the Treasury itself bankrupt.

I do not charge the present Postmaster General, or any former Postmaster General, with improper conduct, though, by the way, the present Postmaster General, in his report, asks Congress to prohibit him from doing what he says the law, as it now stands, does not permit him to do. But, sir, the Postmaster General, under the existing law, has the authority to increase the mail service of the country until it shall have absorbed the whole revenues of the country. Whatever may be the views of gentlemen here, as to the Post Office Department becoming a self-sustaining Department, I think every gentleman will agree with me, that none of the Executive Departments should be allowed to go on without restraint from the legislative power of the Government, and absorb the entire revenues of the Government. I desire that he shall be confined, in his contracts for mail service, to the appropriations made by Congress.

Mr. PHELPS, of Missouri. I desire to ask the gentleman from Virginia, whether he desires to prevent the Postmaster General from placing mail service upon any one of the post routes which are contained in the post route bill, which has passed this House during the present session?

Mr. GARNETT. Under the present law, the Postmaster General has the right to place mail service upon any route he may think proper; what I wish to accomplish, and what my amendment is designed to accomplish, is to confine the service to the appropriations which are made. Make, if you choose, the appropriations direct from the Treasury to meet the deficiencies in the revenues of the Department to the amount of five or ten million dollars, or whatever you think proper, but confine the expenditures of the Department to the amount appropriated.

Mr. BARKSDALE. The gentleman, in the latter portion of his remarks, withdrew the charge which I understood him to make in the commencement of his speech, that the Postmaster General, in extending the mail service beyond the amount of revenue appropriated, had acted in violation of the law.

Now, Mr. Chairman, the Post Office Department is a tax upon the people of this country; and how has it been made so? Has it been made so by the action of the Postmaster General, or is Congress not responsible for it? I undertake to say that the postal service of the country, in not one single instance, has been increased by the Postmaster General, except by authority of law, or upon application by some member of this or the other House of Congress. And, sir, I say further, that he has been right in increasing this service, particularly in the southern and western country. Heretofore, the eastern and middle States have monopolized the postal service of the country, to a great extent; but, sir, with that enlightened liberality which has characterized the present head of the Post Office Department, those mail facilities have been extended to the West and South. He is entitled to the thanks of those sections of the country for the increased mail facilities he has given them.

But the gentleman from Virginia [Mr. GARNETT] says, the Post Office Department is a tax upon the people. Who is responsible for it? Is the Department or Congress responsible for it? And how is the evil to be remedied? The Postmaster General or the Post Office Department cannot remedy it; Congress alone can remedy it. And how? By enabling the Post Office Department to sustain itself by increasing the rate of postage on letters from three to five cents; by abolishing the franking privilege; and by cutting off the ocean mail steamer service; by which your Treasury is annually drained of millions of dollars, with no corresponding benefits. It is the duty of the Postmaster General to execute the laws passed by Congress; and I undertake to say he will do it.

One word more in relation to the present Postmaster General. I say that the administration of that Department has been more ably and more efficiently conducted than ever before. He has inspired new life and vigor into the Department, and extended its blessings into communities which have heretofore been utterly neglected and destitute of mail facilities.

Mr. SICKLES. I move to amend the amendment by striking out the latter clause.

I have no doubt the adoption of this amendment will be beneficial not only to the public service, but that it will be a welcome relief to the Postmaster General. I cannot imagine that, in any possible sense, it can be regarded as offensive to the Department.

Mr. GARNETT. I desire to say, that I never meant it as offensive; that I never made such a charge; and, therefore, that I had nothing to retract.

Mr. SEWARD. I rise to a question of order. The gentleman from New York is not speaking to his amendment.

Mr. SICKLES. I am supporting my amendment; and if the gentleman will listen to the end of my five minutes, he will see the relevancy of my remarks.

Mr. SEWARD. I will wait.

Mr. SICKLES. I say, Mr. Chairman, that the adoption of the amendment of the gentleman from Virginia, will relieve the Postmaster General from constant and embarrassing importunities for increased mail services. It will enable him to say to those applying for such service, that the amount of money at the disposal of the Department has been positively limited by law.

Mr. SEWARD. I do not see what relevancy the gentleman's speech has to his amendment.

Mr. SICKLES. I hope these interruptions will not be taken out of my time. I desire now to say that the gentleman from Mississippi [Mr. BARKSDALE] is mistaken in saying that the deficiency in the Post Office Department grows out of the support of the ocean mail steamer service. The ocean lines now running from New York to Europe perform the service for postages alone.

Mr. SEWARD. I insist on the point of order that the gentleman does not confine his remarks to the pending amendment.

The CHAIRMAN. According to the practice in the Committee of the Whole on the state of the Union, the Chair thinks that the gentleman's remarks are in order.

Mr. SEWARD. Not under the five minutes rule.

The CHAIRMAN. The Chair thinks that the gentleman's remarks are in order.

Mr. SICKLES. I am replying legitimately to the remarks made by the gentleman from Mississippi.

Mr. Chairman, these complaints in regard to the service, which proceed, more or less, from New York, by ocean or otherwise, come, I think, with an ill grace from gentlemen representing less populous portions of the country; for the inequality of taxation for postal services presses harder upon New York than upon any other State in the Union. If the service were to be made self-sustaining upon equitable principles, the postage for the State of New York could not exceed one cent per letter. But the gentleman himself must admit that the benefits which he describes so eloquently as having been conferred upon the West and the Southwest, constitute that very service which breaks down the Department, and renders necessary an increase of postage to five cents a letter; and this increase my constituents will have to pay for service rendered to the constituents of the gentleman from Mississippi, and of other gentlemen who are foremost in assailing appropriations for ocean service. I do not complain of this; but I insist, that when we submit without a murmur to this unequal taxation, complaints of the New York service, which is self-sustaining in the aggregate, come with an exceedingly ill grace from gentlemen representing constituencies whose postal service is a heavy burden on the Treasury. If it be the pleasure of the House, I will withdraw my amendment.

Mr. DAVIS, of Mississippi. I wish to move an amendment.

The CHAIRMAN. A further amendment is not now in order.

Mr. PHILLIPS. I rise to a question of order. I submit that the amendment is not in order.

Mr. GARNETT. The point of order comes too late.

Mr. PHILLIPS. I make this point of order: this is a bill making appropriations for services of the Post Office Department, and it appropriates the revenues of that Department only in conformity with the provisions of the act of 1836. Now, the amendment is not germane, for it looks to the approbation of contracts, and to expenditures of money other than those arising out of the revenues of the Department.

The CHAIRMAN. The Chair thinks the point of order is not well taken. He is of the opinion that this committee may adopt any rule which does not make any expenditure not authorized by law.

Mr. DAVIS, of Mississippi. I desire now to make some remarks in reply to the gentlemen from New York. This amendment is evidently intended to deny to the Postmaster General the right to put into operation the routes established at this session of Congress. Now, I should like to know if it is consistent in Congress to establish certain mail routes, with a view of extending mail facilities, and then to deny to the Postmaster General the right to put these routes into operation? The gentleman from Virginia has all the routes that he desires. His is an old State. If he has all the facilities for mail transportation that he wants, it is illiberal to deny it to others. And so it is with the gentleman from New York. He has all the facilities that his State requires.

Mr. SICKLES. Not at all.

Mr. DAVIS, of Mississippi. It is exceedingly illiberal with those gentlemen to refuse to allow to the new States just being admitted into the Union, and those which have not yet been settled up, the same facilities of mail transportation which they have themselves obtained.

The gentleman from New York says that his State pays more to the Post Office Department than she costs to that Department. I deny that proposition emphatically; and I say that he cannot prove it by a reference to the records. This is true of the State of New York in the exhibit which she makes in her payments. She has the benefit of all that is received at New York through the ocean mail steamers, amounting to perhaps a million dollars.

Mr. SICKLES. All that is paid for the ocean mail service, and nothing more.

Mr. DAVIS, of Mississippi. That State gets the benefit of about one million dollars from foreign postages, received at New York. Much of this mail matter is intended for Mississippi, for Georgia, and for indeed all the States of the Union, the postage on which is collected at New York, and credit is given to that State. In addition to that, it is known that a large number of persons who are in the habit of sending letters to Europe, first send them to merchants and agents in New York, who mail them, and the postage is paid in that city. Now, if it were not a fact that the city of New York is a great commercial point, and that communication between it and Europe is more direct than from any other portion of this country, those letters would not be mailed there, nor would that city be entitled to the benefit of the postage received from them. I state now, and I state it upon authority which cannot be shown to be incorrect, that taking the real postage of New York, after paying her postal service, she is a charge upon the Government as much as any State in this Union; unless, probably, some new State, such as Oregon or California.

[Here the hammer fell.]

Mr. SICKLES withdrew his amendment.

Mr. SEWARD. I move to amend the amendment of the gentleman from Virginia, by adding the following proviso:

And provided further, That the said sum so appropriated shall be expended equally among the several States for mail service.

I offer that amendment to demonstrate, as I think I shall, the utter folly of the amendment offered by the gentleman from Virginia, and its utter impracticability. The gentleman knows as well as I do, that all the mail routes of the country are advertised, and bids sent to the Post Office Department for the various routes proposed. Now, under the system proposed, the Postmaster General would have to ascertain whether the service could be performed with the appropriation. If it could not, he would have to dispense with some of the routes and continue others; and the responsibility would be thrown on the Postmaster General to determine what routes should be continued and what discontinued. If he has got to do that, then, to get him out of that difficulty, I propose that the money shall be spent equally in all the States.

Now, in regard to making the Post Office Department self-sustaining, I think it is all a farce. It cannot be done from the postages, and if it could be, I, as a southern man, am opposed to it. Take my own district as an illustration: There are twenty-eight counties in my district, a large portion of which are sparsely settled. If the people of my district were depending for their mail service to the extent of the postage they pay, there are sixteen counties in my district where the people would not hear from Washington city as long as the world lasts; and I want them to hear from me occasionally. One of the troubles in the way of the expenses of our mail system grows out of the fact that mails are carried from New York to New Orleans in bulk; while trains run daily for the distribution of the local mails.

Now, if these through trains be dispensed with, and leave the mails to be distributed by the local trains, one half of the expense would be saved. That is the trouble all through the country, that we have double service, and that the people of the southern and western States have to contribute to foster and protect the interests of the commercial men of New York; because it is for the benefit of the commercial men of New York, New Orleans, St. Louis, Cincinnati, and the other large cities. No gentleman can deny that. Then, I say, leave the postage as it is, and strike down the double service throughout the country, which is got up for the benefit of commercial men, at the expense of the agriculturists of the country.

In addition to this I propose, if I can get the floor again, to offer an amendment, abolishing the franking privilege. There is a great deal of clamor about making the Post Office Department pay its own expenses. There is, in my opinion, no blessing connected with this Government so great as the blessings flowing from our postal service. It benefits all the people equally, and is the only thing which does work equally. And yet gentlemen talk about making it a self-sustaining machine. If the attempt was made, the South would get no mail facilities. I am, therefore, opposed to it.

I now withdraw my amendment.

Mr. JOHN COCHRANE. I propose to amend the amendment by striking out the word "more," and inserting, in lieu thereof, the word "less;" so that the amendment will read:

That the Postmaster General shall not expend, for the purpose named in the first section, less than the sums severally appropriated.

This alteration, Mr. Chairman, signifies my unqualified judgment respecting the proposition of the gentleman from Virginia. I am not one who believes that the postal service should be cut down or retrenched in that direction. I am of the opinion that this Department of the Government should not be—as, in any political or economical sense, it cannot be—a self-sustaining Department. It will be the first time in the history of commercial nations, for the postal facilities of a country to be announced as under the obligation of self-support. The post office is but the implement, the precursor, of commerce itself; and commerce depends upon, and is regulated precisely by, the postal facilities afforded by the Government.

Mr. PURVIANCE. I ask the gentleman from New York whether, in the eastern and middle States, there is not an excess of receipts over expenditures to the amount of over one million dollars?

Mr. JOHN COCHRANE. Undoubtedly; I so understand it. I was coming to that point. The State of New York is unquestionably included in the proposition stated by the gentleman from Pennsylvania. I must differ entirely from my friend from Mississippi, in stating that New York is not self-sustaining. If I understand anything aright; if I can compute tables of statistics accurately; it is clear to me that that portion of the postal system devoted to the State and city of New York is eminently self-supporting. The gentleman from Mississippi has stated that it is not; but the figures will not support the assertion. The fact stands indisputable, that the receipts for postages in New York are largely in excess of expenditures.

Mr. BARKSDALE. I ask whether it is not the invariable custom for merchants to charge their postal accounts to their customers?

Mr. SICKLES. If they do, our southern friends are very apt to put it on to the sugar and cotton.

Mr. JOHN COCHRANE. The point is whether, by reason of the position of the city, its commercial and local advantages, the receipts for postages in New York, are not largely above the expenditures?

Mr. DAVIS, of Mississippi. Will the gentleman let me correct him in one particular? The expenses of the ocean mail system are not charged to the State of New York, and yet New York is credited with all the postage received in New York upon letters from other parts of the country. The State of New York is not charged with the expenses of the ocean mail service, which amount to over a million dollars a year, although she is credited with a million dollars or more, when, in fact, these facilities are intended for the benefit of New York, and she does derive that benefit.

[Here the hammer fell.]

Mr. LETCHER. I desire to submit a remark or two in reply to the gentleman from New York. It seems to me that it is utterly impossible to make with any force or correctness, a comparison in regard to the advantages or disadvantages connected with the postal system between the various States of the Union. It is a comparison which cannot be made, because we have not the means of arriving at a proper or just conclusion in regard to it. But I will say that the legislation of the country, in connection with this ocean mail system, has been of immense advantage to the city of New York, in concentrating there the commerce of the whole country, and making New York the importing point for all the balance of the Union. Now, if, instead of concentrating all the ocean mail lines at New York, and requiring them to start from there and return there, those lines had been distributed among the various seaports north and south, there would have been a marked difference in the commercial intercourse and commercial importance of the various ports of the Union. New York would have had her share; Philadelphia would have had her share; Baltimore would have had her share; and Norfolk, Charleston, and New Orleans would have had theirs. But as it is now, the whole ocean mail service of the country is made tributary to New York, and concentrates at that point all the commercial intercourse and commercial business of the land. I do not complain of this, because I am gratified to see her prosperity. But when gentlemen insist that the result of this is not a legitimate charge to New York in its business with the other States of the Union, they do injustice to those States whose intercourse, postal and otherwise, is with that city.

Now, sir, it seems to me that, so far as this matter is concerned, we ought to make, if it can be done, and I think it can be done, the Post Office Department of the United States self-sustaining. Why, sir, how was it done in the earlier days of the Government, when the country was nothing like as prosperous as it is at this period, and when there was nothing like the same amount of circulation of gold and silver coin throughout the various States of this Union? The Post Office Department then sustained itself. Why can it not do so now? I can see no earthly reason why, if under all the disadvantages of past years it could support itself, it cannot now, under the progress which our country has made, sustain itself at the present time, if we will undertake to direct our energies and our attention to it, and bring it under the control of the legislation of Congress.

Now, I have as high respect for the Postmaster General as any gentleman upon this floor—for his judgment and his capacity. But I know how this thing is managed. I know how it is with my own constituents, and I take it for granted that it is the same with the constituents of others. They write here complaining of the want of mail facilities. We go to the Postmaster General and represent the matter to him, and these facilities, if he thinks they can be granted, are granted, and, as a matter of course, the burden is to fall somewhere. Now, if we will check this thing, we can relieve the Postmaster General of responsibility, and make the Department self-sustaining.

Mr. JOHN COCHRANE, by unanimous consent, withdrew his amendment to the amendment.

Mr. JOHN COCHRANE. I move now to amend the amendment of the gentleman from Virginia by striking out all after the words, "nor shall." I desire to say a few words more in connection with the subject which is under discussion, by reason of the amendments which have been offered. I, sir, am altogether opposed, as I said before, to this political and economical heresy of making the Post Office Department support itself. I am for retrenchment and reform. I am willing to commence and to end with that reform embraced within the abrogation of the franking privilege. I say that, when that shall be accomplished, the whole reform necessary to that Department will have been effected by the representatives of the people of the United States in Congress assembled. But, sir, there is no truth in the assertion that, in any other sense than that, the Post Office Department should be made a self-supporting Department. Why, sir, it is to the arm of that Department that is to be attributed our increasing millions of dollars annually. Who has ever known, in this or any country, the channels of commerce to be opened unless they had been pioneered by your postal facilities and postal communications? Why is it that English commerce is far in advance of ours down each coast of South America? Is it not that while the communications from American factors are upon the isthmus waiting there the facilities and agencies towards the northern portion of the continent, those of the English factors are on their way to

London and back again, by reason of the facilities afforded to their communications? It is for this reason that, out of the $70,000,000 for the last eighteen months sent from Chili, we, in America, have had but $11,000,000 thereof.

Mr. CURRY. I would ask the gentleman if the postal system of Great Britain is not self-sustaining, and if there is not a large excess of revenue arising therefrom?

Mr. JOHN COCHRANE. It is self-sustaining, and for the reason that England, in the first place, and now, extends postal facilities to her ocean service.

Mr. SICKLES. Allow me to make a suggestion just there. The local service of Great Britain is self-sustaining, but they do not put into the account the sums referred to by my colleague. That is a dotation for foreign service, and with these included, the overplus would be millions. And I would like to add, that England does not charge these sums which she gives for ocean mail service to the postage account at all, but regards that as a commercial expenditure.

Mr. CURRY. I would ask the gentleman if the excess of postage will not more than pay for that ocean service?

Mr. SICKLES. It does not approach it.

Mr. CURRY. The excess is $5,000,000.

Mr. JOHN COCHRANE. Mr. Chairman, it is evidently unjust and unwise to test this question by any such considerations as have been advanced upon this floor to-day. Why, sir, it is improper to say that New York, or any State in the northeast, is not entitled to her balance stated favorably in respect to the accounts of the Post Office Department, because, forsooth, that balance is contributed from other quarters. As well might you say that the letters which come into the office at the city of New York from the country of New York, because they are contributed from the country, shall not, therefore, be carried to the city. Why, these balances are to be carried to the city for the simple reason that she enjoys advantages of position and location and character, commercial and otherwise; and it is because of those advantages that other parts of the country are made tributary to her; tributary because of her natural position; because of her rightful advantages; and until the possession of those advantages shall have been annulled and obliterated, she will be enjoying what she has a right to enjoy naturally and figuratively among her sister States of the Union. And when other ports shall enjoy the same natural advantages and the same artificial advantages, by reason of the increased energy and elasticity of their citizens, they, too, will be entitled to the same balances; nor should there be a reduction or abatement on account thereof.

Mr. MOORE. I have no hope that the Post Office can be made self-sustaining at this time; but I am in favor of reducing the expenditures of that Department whenever it can be done without injury to the public. I think the mails might be carried to the Pacific States at a greatly reduced cost to the Government. The sea service from New York to Astoria, via Panama and San Francisco, cost $860,750. The overland service to the Pacific cost $1,595,038. Total of sea and overland service, $2,455,788.

The revenue derived from the Post Office Department in 1858 amounted to	$7,486,792 86
Expenses	12,722,440 01
Deficiency	$5,235,647 15

For this fiscal year the deficiency will be greater.

The revenue derived from the Post Office Department in England, in 1856, amounted to	$13,880,897 36
Expenses	7,987,108 36
Excess	$5,893,789 00

Mr. Chairmain, I was surprised to hear the gentleman from New York charge that the deficiency in the revenue for the Post Office Department in the other States had to be supplied, in part, by the surplus realized in his State and city.

Mr. SICKLES. If the gentleman refers to me, I desire to explain.

Mr. MOORE. I did refer to the gentleman.

Mr. SICKLES. Then I desire to correct the gentleman by saying that I made no such charge. I repelled the charge from the other side, that the deficiency in the Post Office Department came from the service rendered in the city of New York from the ocean lines. I denied it. I said that the ocean lines from New York cost not a farthing to the Government; that they received only the postage. I made no charge. I merely repelled one which had been made on my State.

Mr. MOORE. I accept the explanation of the gentleman. New York is the great center and emporium of this country; all other portions to some extent pay tribute to her, and this accounts for the fact of the surplus in the Treasury on account of the Post Office Department in that city and State. Besides this, none of the postages now derived from the American ocean steamers from New York are now paid into the Treasury.

Mr. SICKLES. I ask the gentleman whether he would charge New York with the entire expense incurred for carrying the mails to California and New Orleans, merely because the steamer starts from New York?

Mr. MOORE. New York is the principal beneficiary. It is there that the steamers start; there they are loaded and unloaded; and there the passengers, both going and coming, are congregated.

Mr. SICKLES. Why, sir, if a letter is written in Baltimore or Washington, or in any of the eastern States, and transmitted to New York to be forwarded to California or New Orleans, the writer of the letter is the beneficiary, and not New York.

Mr. MOORE. That is true; and so letters which are written by New York merchants, to any part of the country, are transported for their benefit. The gentleman also states that the amount paid to the Bremen, Havre, Liverpool, and other steamship ocean lines, cost the Government nothing.

Mr. SICKLES. Not one dollar goes out of the Treasury for that service. They only receive the amount of the postages.

Mr. MOORE. How can the gentleman contend that the ocean lines from New York cost the Government nothing, when these lines receive every dollar of sea and inland postage by the United States steamers—as follows: from New York to Liverpool, $7,135 per trip; from New York to Havre, $7,491 per trip; from New York to Bremen, $8,621 per trip—amounting for the year to $399,706?

[Here the hammer fell.]

Mr. SMITH, of Virginia. I move to amend the amendment of the gentleman from Virginia, by adding the following:

Provided, That the mail sea service between New York and Havana, Cuba, and between New York and New Orleans, shall be discontinued from and after the 1st of July next.

Mr. PHELPS, of Missouri. I rise to a question of order. This bill provides merely for the inland mail service. There is another appropriation bill known as the mail steamer appropriation bill, to which the gentleman's amendment, if in order at all, would apply. I submit that his amendment is not in order to this bill.

The CHAIRMAN. The amendment is not in order. There is no provision in this bill making appropriations for the ocean mail service.

Mr. SMITH, of Virginia. Well, sir, I should have finished what I had to say by this time, if the gentleman had let me go on. I move to amend the amendment of my colleague, by adding, "unless the exigencies of the public service demand it."

Now, Mr. Chairman, I have to say in reference to the question of postages connected with New York, that it is customary for gentlemen from that State to boast that New York contributes largely to the postal revenue of the country, far beyond, in amount, to the expenditures on her account; but what is the actual fact? Why, sir, the correspondents of the merchants of New York pay the postage on their letters as now required by law; and those merchants charge their correspondents with the postage on their replies. For instance: if I write a letter to New York, I pay the postage on my letter; I receive an answer from the merchant to whom I have written, and for the postage paid by him upon it, he charges me in my account with him.

Mr. MORGAN. Why, I never heard of such a thing. The New York merchants do not engage in so small business.

Mr. SMITH, of Virginia. That I understand to be the case. Gentlemen boast of the large sums collected in the city of New York, and the committee can now see how little is really paid from the resources of that city.

Mr. Chairman, there is another matter I wish gentlemen to look to. There are three steamer lines from New York—one to Havana, one to New Orleans, and one to Aspinwall—all of which are heavily paid by the Government and kept up by Government money, and all of which are in direct conflict with the various railroad lines from New York to New Orleans. There is a sea line from Charleston to Havana fully equal to all passenger and mail necessities. That from New York to New Orleans is wholly unnecessary, and that from New York to Aspinwall may be advantageously superseded by rail to New Orleans, and steam thence, and which would secure quicker time, and at a great saving of public money. Millions have been expended in the construction of railroads between New York and New Orleans, by which superior and perfect security has been given to the mails and ample accommodation to the traveling public. Now, I ask why those sea lines should be kept up at an enormous expense, wholly without necessity, and to the deep prejudice of that great system of rails which connect those two cities? It should seem that a reform called for by justice and economy ought to be adopted.

I want gentlemen who are interested in the railroad lines to which I refer, to take notice that the sea-going service regularly takes from them hundreds and thousands of passengers. Why should the Government, without public necessity, expend hundreds of thousands of dollars to create a mischievous rivalry of the railroad lines between New York and New Orleans? Yet, sir, such is the fact; and I protest against it; I protest against this rank injustice. Why, sir, we can now go from New York to New Orleans in four days and a half by railway, and that soon to be reduced, and then in three or four days we can go to Aspinwall. By the steamers from New York it takes nine days. Why adopt a system which deprives the railroads between these extreme points of the legitimate business to which they are fairly entitled? If this be not the proper place to correct it, I will take care to offer an amendment to effect it when that time arrives.

Mr. SICKLES. Mr. Chairman, I am happy to hear from the gentleman from Virginia [Mr. SMITH] that New York is indebted entirely for her population, for her commerce, her shipping, her wealth, and resources, to the generosity of those who, like himself and his neighbors, have chosen it as the channel for commercial intercourse solely from patriotic, philanthropic, and self-sacrificing impulses. I had always thought before that common sense people were governed in their choice of a depot of import and export, of purchase and sale, of trade and commerce, by ordinary mercantile reasoning; that they went to New York to transact their business because it was their interest to go there; and that the gentleman, if he would go to California or Europe, would embark from New York instead of some port in Virginia, because it has more conveniences and advantages to do so.

Mr. SMITH, of Virginia. Permit me to interrupt you.

Mr. SICKLES. I cannot. I did not interrupt the gentleman. The gentleman makes up a postage account between New York and other States with the most extraordinary confusion of ideas.

Mr. BURNETT. I dislike to interrupt the gentleman, but I wish to stop this debate. I insist that gentlemen shall confine their remarks to the amendment pending, either in favor or in opposition to it.

Mr. SICKLES. I am opposing the amendment.

Mr. BURNETT. But the gentleman's remarks are not relevant to the pending amendment.

Mr. SICKLES. They are relevant to the remarks of the gentleman from Virginia. The gentleman should have made his point sooner. It is not fair to make it upon me now. I am answering the speech already made, without interruption, in favor of the amendment. The gentleman from Virginia says that other people pay the postage on New York letters. He says that letters to New York are prepaid. Be it so. If they are prepaid, they are paid at the point from which they are sent, and they do not go to the credit of the New York account. The returns from New York, therefore, do not embrace this amount.

The only portion which goes to the credit side of that account, is that which is paid in New York. Then the gentleman says the New York merchants charge their customers in their bills with all the postage. As a general proposition, I deny that statement. There are instances, doubtless, where merchants do charge postage, in their accounts. I have heard of such things; but the instances, I am confident, are rare. They do not constitute the general rule. Even if the postages were put into the account by the New York merchants, it proves nothing. Those who transact business with New York, would take that charge into consideration with many others, making up the aggregate cost of production of their commodities. We might as well argue that we pay the postage of other sections because we buy what they produce.

Mr. BARKSDALE. Allow me to make a suggestion.

Mr. SICKLES. I will when my five minutes are through.

Mr. Chairman, one of my colleagues [Mr. RUSSELL] has taken the pains to make out an exact statement of the expenditures and receipts for postage in the northern and southern States, by way of comparison. This statement ought to satisfy gentlemen of the South that they have the best of the copartnership so far as postal facilities to the whole country are concerned; the comparison does not place them in a very enviable position; we paying nearly all the revenue into the Department for their benefit. While they talk of increasing postages and making the Department self-sustaining, we, of course, will have to double our contributions.

Mr. RUSSELL. Mr. Chairman, I did not expect to take part in this debate, for the simple reason that we spend altogether too much time in talking, and decidedly too little in advancing the business of the country. But, sir, the remarks of the gentleman from Mississippi, [Mr. BARKSDALE,] made on this floor a few days since, to the effect that no State in this Union collected postal revenue sufficient to pay the postal expenses within her limits, and as my recollection was at variance with that of the gentleman from Mississippi, I was led to an examination of the report of the Postmaster General, and found the gentleman was in error. And, sir, as the examination exhibited a very novel state of things not generally understood, as I believe, I have taken the trouble to prepare the table referred to by my colleague, and to which I most earnestly call the attention of this House and of the whole country.

Particularly do I call the attention of southern gentlemen to this exhibit, with a view of showing them the great wrong that would be inflicted upon us of the North by doubling the present rates of postage, and to assure them that such a proposition will never be entertained by the northern States for a moment. For the present we are content with the present rates, notwithstanding *the fact* that *we pay largely in excess of our fair proportion of the postal expenses of the Post Office Department over that of the southern States*. But, sir, when a change in the present rates of postage is made, my word for it, it will be to reduce, in place of to increase, the present rates. Having said this much, I send to the Clerk's desk the tables of revenue, expenditures, and deficiencies of the Post Office Department in the NORTHERN and in the SOUTHERN STATES for the year 1858, and I trust the exhibit will have the effect to stifle further efforts on the part of the friends of a self-sustaining Post Office Department to an increase of the present rates of postage:

FREE STATES.

Table of revenue, expenditures, and deficiencies for postal service in the free States, for the year 1858.

	Revenue.	*Expenditures.*	*Deficiencies.*
Maine	$153,152 85	$209,676 10	$56,523 25
New Hampshire	105,414 87	113,275 65	7,860 78
Vermont	100,379 16	135,045 16	34,666 00
Massachusetts	565,6:3 14	435,236 93	-
Rhode Island	61,054 47	45,493 60	-
Connecticut	199,324 42	209,451 75	10,127 33
New York	1,458,711 39	1,154,111 37	-
New Jersey	121,272 46	154,456 09	33,192 63
Pennsylvania	617,756 85	642,1 3 57	24,346 72
Michigan	165,822 09	274,897 29	109,075 20
Wisconsin	185,228 41	205,953 67	20,725 26
Illinois	440,865 58	627,628 74	186,763 16
Ohio	503,019 66	780,776 10	277,757 04
Indiana	192,548 23	361,234 65	169,686 42
Iowa	156,791 90	213,260 57	56,478 67
California	256,746 42	283,420 57	26,674 15
	$5,283,721 30	$5,846,021 81	$1,012,857 61

From which deduct for excess receipts over disbursements for New York, Massachusetts, and Rhode Island $450,557 10

$562,300 51

SOUTHERN STATES.

Table of revenue, expenditures, and deficiencies for postal service for the southern States for 1858.

	Revenue.	*Expenditures.*	*Deficiencies.*
Maryland	$176,018 63	$298,671 08	$122,652 45
Delaware	21,822 03	32,702 93	10,880 90
Virginia	242,951 08	473,848 42	230,897 34
North Carolina	81,405 08	230,581 88	149,176 80
South Carolina	101,144 66	284,599 59	183,454 93
Georgia	161,616 86	348,801 20	187,284 34
Florida	24,683 43	156,888 20	132,204 77
Alabama	111,091 69	248,749 63	137,658 94
Mississippi	88,458 48	332,507 78	244,049 30
Texas	85,499 49	472,299 92	386,800 52
Kentucky	140,049 04	260,031 19	119,982 15
Louisiana	180,042 11	565,190 95	485,148 89
Tennessee	118,813 61	228,152 71	109,339 10
Missouri	190,180 02	448,509 66	258,329 64
Arkansas	35,726 54	244,589 09	208,863 55
	$1,760,502 66	$4,727,226 28	$2,966,723 62

Territories are excluded in this table, both as to revenue and expenditures.

Thus it will be seen that the total postal expenditures for all the northern or free States, is $5,846,022
Gross amount of revenue paid by the same, is 5,283,721

Total deficit in receipts as to expenditures, is .. $562,301
or equal to about nine per cent.; or, in other words, the northern States pay $910 for every $1,000 expended by the Department for postal services within their State limits.

The southern or slave States, being less densely populated, show quite a different state of things. The total postal expenditures for all the southern or slave States, for the year 1858, is $4,727,226
Gross amount of revenue paid by the same, is 1,760,502

Total amount of excess of expenditures over receipts, is $2,966,724
or equal to sixty-one per cent.; in other words, the southern States pay about $390 for every $1,000 expended by the Department for postal services within their State limits.

Of the thirty-two States named in the Postmaster General's report, only three pay a surplus of receipts in the Treasury over their postal expenditure: to wit, New York, Massachusetts, and Rhode Island, as follows:

New York pays an excess of	$304,600 00
Massachusetts pays an excess of	130,396 21
Rhode Island pays an excess of	15,560 87
Making a total of	$450,557 08

Mr. Chairman, it has been denied, over and over again, by gentlemen on this floor, that New York is self-sustaining in postages. I assert, upon official data, that *she is self-sustaining*. The accompanying tables prove my premises, and I repeat they are compiled from the report of the Postmaster General.

Now, sir, it is with pride and great pleasure that I call the attention of this committee to the proud position of the EMPIRE STATE in this connection. Sir, New York alone pays $1,154,111 37 revenue into the Treasury from postal receipts; whereas the entire southern States only pay $1,760,502; thus showing that New York alone pays about sixty per cent. as much revenue into the Post Office Department as the entire South. New York and Massachusetts, or New York and Pennsylvania, paying as much or more than the combined South. This showing ought to satisfy the friends of a self-sustaining Post Office Department that it would be unjust and unfair to the North, unequal and illiberal in every sense, and that the people of the North will never consent to an increase in the rates of postage. They are for progress; and when a change is effected, it will be to reduce in place of to increase the present rates.

Mr. FLORENCE. I move to amend the amendment, by striking out any word. I have had——

Mr. LETCHER. Will the Chair announce the amendment of the gentleman from Pennsylvania?

The CHAIRMAN. The gentleman from Pennsylvania will indicate what word he proposes to strike out.

Mr. FLORENCE. I move a *pro forma* amendment, to strike out any word; and I propose to speak to the amendment. [Laughter.]

Mr. MORGAN. I rise to a question of order. The gentleman moves to amend, by striking out "any word." There are no such words in the bill.

Mr. FLORENCE. Well, sir, the erudition of the gentleman is most wonderful; and I am much obliged to him for the information. However, I will accept the suggestion of a gentleman near me, to move to strike out the word "more;" and then I shall have a little more to say than I have already said. Let us end this matter of rivalry between gentlemen in New York and gentlemen out of New York; and let us go back to the amendment of the gentleman from Virginia, and see how that will work. It is confessed here that the Post Office Department is not self-sustaining; and it is confessed, on all sides, that to perform all the services of that Department, a larger appropriation will be needed than is contained in this appropriation bill. If gentlemen will look at the effect of the proposition of the gentleman from Virginia, they, perhaps, will not be so ready to support it; especially those gentlemen who desire a continuance of the lines from New York or Portland to New Orleans, and of all these great overland routes which now do so much service to the country. If the amendment is adopted, its effect must be to lessen the service; and I apprehend it would reduce the service between Washington and New York to three times a week. That will be the effect of it. I ask gentlemen to look at it seriously; and ask themselves, if the Postmaster General is confined to the amount specially appropriated in the bill, and that amount is not sufficient for the service, whether, as legislators, desiring to promote the services of the Post Office Department, they are willing to withdraw these mail facilities now enjoyed all over the land, and to do it by adopting the amendment of the gentleman from Virginia?

I do not desire to say anything in regard to the ocean mail service; yet, if a little of that might be distributed, and a little of it given to Philadelphia, Baltimore, Norfolk, Charleston, and New Orleans, it would add elasticity and courage to their citizens, and increase the material and artificial advantages which they have in the commercial relations of the country. I am anticipating a little the time when we shall have the ocean mail steam appropriation bill before us; and when it comes before us, I trust we will exercise an enlightened intelligence, and adopt a plan which will distribute that service all over the Union, and not confine it to New York, which has so many natural, commercial, and artificial advantages.

[Here the hammer fell.]

Mr. BRANCH. I am opposed to the amendment of the gentleman from Pennsylvania, because I am in favor of the amendment of the gentleman from Virginia, and shall oppose anything which will tend to defeat it. I think that the debate has taken a wider range than is justified by the amendment of my friend from Virginia. Gentlemen have discussed it as if it were a proposition to curtail the postal services of the country. There is not any such thing in the amendment, according to my understanding of it. The amendment is simply a proposition that the Postmaster General shall not expend in the year more than is appropriated by Congress. It is not a question as to whether the postal services shall be curtailed, but whether the Postmaster General, like all the other Executive officers of this Government, shall be subject to law, or shall be above the law. If gentlemen think that the amount appropriated by this bill is not sufficient to furnish all the postal service to the country which it needs, I respectfully submit to them that the proper mode to proceed is to propose to increase the amount appropriated by the bill. If they think that $3,800,000 is insufficient for this Department to draw from the public Treasury, let them move to increase that amount. If their object is to increase the postal facilities, let them increase the amount appropriated for postal facilities.

But I submit to the committee that the amendment proposed by the gentleman from Virginia does not raise that question. It is simply a question as to whether the Postmaster General shall be confined to law, or whether the Treasury of the United States shall be placed at his disposal. Why, sir, suppose any gentleman should propose here to allow the Secretary of War, the Secretary of the Navy, or any other Executive officer of this Government, to spend money *ad libitum;* suppose it was proposed to let the President of the United States himself, who is elected by the people, and responsible to them, spend money at his discretion, out of the public Treasury: how many voices would be raised in favor of it? I undertake to say, not one. But here is a proposition

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solely to confine the Postmaster General to the appropriations made by Congress, as all other officers of this Government are confined, and gentlemen rise up and magnify it into a question as to whether our mail services shall be extended, to a greater or less extent, in different parts of the country. I am in favor of the most liberal postal arrangements. I would not curtail them; but I am not willing that any officer of this Government, however much I might confide in his judgment and integrity—and no gentleman confides more fully in the integrity of the head of the Post Office Department than I do—I would not be willing to intrust any officer with power to draw from the public Treasury at his discretion. If gentlemen who propose to increase the amount appropriated by this bill will show to me that proper postal services cannot be performed for any portion of the country without such an increase, I stand ready to vote with them; but, until they do show that fact, I will not vote for a proposition which will leave it at the discretion of the Postmaster General, or anybody else, to exhaust the Treasury of the United States.

Mr. CLARK, of Missouri. I would inquire of the gentleman if this limitation has ever before been placed upon the Post Office Department?

Mr. BRANCH. If we have for five, or ten, or twenty years done wrong, that is only a reason why we should make haste to do right. I do not know what the fact is, and I cannot reply to the question put to me by the gentleman from Missouri, except to say, that if we have got into the habit of allowing the Postmaster General to draw money from the Treasury at his discretion, we have done wrong, and the sooner we correct it, the better. But in addition to that, until within the last few years the Post Office Department has confined its expenditure to its receipts; and it is only of late that the Postmaster General has been allowed to call upon the public Treasury at all to aid his Department. The fact that he is allowed to call upon the public Treasury now, only presents the greater reason why we should limit and control his discretion.

[Here the hammer fell.]

Mr. FLORENCE withdrew his amendment.

Mr. STANTON. I move to amend by striking out the second section of the bill.

The CHAIRMAN. The Chair suggests that the committee has not yet reached the second section of the bill.

Mr. STANTON. I thought that was the section to which the amendment was offered.

The CHAIRMAN. The amendment is to come in as the second section.

Mr. FLORENCE. I move to amend the amendment of the gentleman from Virginia by striking out the word "and." I presume, Mr. Chairman, that the Postmaster General, so far as he is individually and officially concerned, cares very little what the action of the House may be on this appropriation bill. If he is instructed only to expend the money appropriated, the natural consequence will be a reduction of the service. I do not know that it requires any elaborate argument for or against this amendment, except just that fact. An amendment was offered here yesterday to the first paragraph, requiring the Postmaster General to fulfil the contracts according to the law; and I ask gentlemen whether, if the Postmaster General be restricted in this way, the service will not be reduced? Instead of the overland mail being carried semi-weekly, as it now is, it will be reduced to a monthly service. Instead of having the service performed four times a day, it may have to be reduced to three times a week. That would be the effect of the proposition, in my judgment. The Postmaster General will have to issue his circular to contractors reducing the service to the lowest point. I believe that, in all these contracts, there is a provision that the service may be reduced; and the Postmaster General will, of course, have to fall back on that provision. I have no particular objection to the amendment of the gentleman from Virginia; but I wish to impress upon the committee what the effect must necessarily be. If gentlemen are prepared for it, let them act accordingly.

Mr. GARNETT. In answer to my friend from Pennsylvania, I will say, that the amendment is not designed to restrict the present postal service of the United States; nor will it have that effect. It is the business of the Postmaster General to estimate the amount necessary for the service of his Department for the fiscal year. The Committee of Ways and Means revise these estimates, and reduce or increase the amount, as they may deem proper. The House passes on these estimates, as revised by the Committee of Ways and Means, and appropriates the sum necessary for the service. If the bill does not appropriate enough, let the House increase the appropriation. I only claim that the House shall assist me in relieving the Treasury of the United States from the unlimited drafts of the Postmaster General. As the gentleman from North Carolina [Mr. BRANCH] has said, the thing stands thus: the Postmaster General can draw on the Treasury of the United States, virtually, for any amount he pleases—for two, three, five, ten, thirty, or sixty million dollars. And why? Because he can enter upon contracts to any amount, and can then come to this House and say: "here are existing contracts; the faith and honor of the Government are pledged, and you must redeem them by a deficiency bill." Now this amendment simply restores the Treasury of the United States to the authority and control of Congress; declaring that the Postmaster General shall not exceed the amount appropriated. It prevents a Post Office deficiency bill hereafter.

Mr. MAYNARD. Suppose the Postmaster General disregards this provision, and goes on and makes contracts, going beyond the amount appropriated—what then?

Mr. GARNETT. Then the Postmaster General will have done what I warrant the present Postmaster General will not do—violate an express mandate of the law. If he does, it will be for the gentleman, or any other member who is aware of it, to impeach him. We are now appropriating what the Postmaster General says is necessary for the service of the Department. All I ask is, that the House shall assist me in saying to him, as well as to every other officer of the Government, that we will not spend more than the law authorizes. In other words, I ask that the House shall assist me in carrying out practically what the Constitution of the United States provides—that no money shall be drawn from the Treasury unless in pursuance of an appropriation. I ask that the purse of the nation shall be placed under the control of the Representatives of the nation.

Mr. MAYNARD. I ask whether there is any practical difference between making contracts in violation of law, and making them without law?

Mr. GARNETT. If my amendment prevails, no contract can be made in violation of law. I am glad that the gentleman from Pennsylvania [Mr. FLORENCE] has brought the debate back to the amendment itself. The amendment has nothing to do with the question whether the Post Office Department is self-sustained or not? It has nothing to do with the overland mail, or with the ocean mails, or with the mails between North and South. It has simply this one point, this one issue: shall the Postmaster General be beyond the control of law; and shall the Treasury Department, and the taxes of the people, be at the indiscriminate mercy of any one executive officer? Shall the Constitution of the United States be a practical reality, or a nullity, by means of deficiency bills and extravagance of expenditures?

Mr. FLORENCE withdrew his amendment.

Mr. JONES, of Tennessee. I move to amend the amendment by adding at the end of it the following:

"Until the same shall be appropriated by Congress."

Mr. Chairman, I want to act understandingly, and I think it right that this House should act understandingly. Many gentlemen here profess great abhorrence at deficiency bills, and yet they are now, by the bill pending before the committee, voting a deficiency of $10,000,000, which must of necessity be provided for at the next session of Congress. What do you propose to appropriate by this bill, for the service of the Post Office Department, during the fiscal year ending June 30, 1860? Within a few thousand dollars of $17,000,000. Here are the estimates of the Postmaster General, upon which this bill is based: for the inland service, $16,922,000, and $15,000 in another place, for publishing the laws and regulations. Then, sir, there is the ocean mail service, for which you now have a bill pending here, reported from the Committee of Ways and Means, proposing to appropriate for that service, $1,055,000 and some fraction, making in round numbers the estimate for the service of the Post Office Department, for the next fiscal year, $18,000,000.

What is the Postmaster General's estimate of receipts for that year? It is $7,431,988. These are the estimated receipts for the year which you are now proposing to appropriate $18,000,000 for. You are, then, proposing to appropriate $10,500,000 for this branch of the public service more than the receipts from that branch of the service will bring into the Treasury. Now, will gentlemen vote this, and say, by their votes, to the contractors, to the postmasters, and to everybody else, that while, in this bill, we limit the Postmaster General to the revenues of the Department, yet we give them assurance that when the time comes we will appropriate $10,500,000 of excess out of the Treasury of the United States, paid there by taxes drawn from the industry of the country? I would ask these gentlemen from New York, and these protectionists, gentlemen who are striving to fasten burdens upon the honest industry of the country, for the purpose of fostering and building up and enriching their already overgrown capitalists, are they making these appropriations for the purpose of creating a necessity for increased taxes upon the people? If you pass these appropriation bills, do it with your eyes open. Put into this bill, before you send it to the President, a clause appropriating out of the Treasury of the United States the money to meet any and all the deficiency that may arise in complying with the provisions of this act. You will then be acting honestly towards yourselves, honestly towards your constituents, honestly towards the Department, honestly towards the contractors, and honestly towards the executive administration.

[Here the hammer fell.]

Mr. KEITT. My friend from Tennessee has clearly proved, I think, that the postal receipts are not equal to the expenditures. I think it is agreed upon all sides, that our legislation in relation to the postal service is inapt, extravagant, costly, and cumbrous; but we are not agreed as to the remedy, if anything at all has been said about a remedy.

Now, sir, I belong to that school of political economy which believes that some expenditures dignify and adorn, and others impoverish and distress. I am ready to take my share in the former; I am unwilling to run the risk of the latter. I believe that the Post Office Department should be self-sustaining. I believe that the Government has no more right to carry the letters of A B, than it has to carry the produce of A B. But the Government has gone into the system, and the question with us is how to disentangle it; and if we cannot disentangle it, how we shall conduct it, and in what points we can retrench. Gentlemen lay the stress of their whole argument upon the discretion of the Executive officer. Now, what discretion has he? Can he put service upon routes not prescribed by existing law? Can he do anything not authorized by existing law? The only discretion he has, is to increase the service on a route, to lengthen a route, or shorten a route. And, if the Government is to involve itself in the discharge of postal functions, then I ask the committee, how can you properly relieve the Executive from this discretion? Is it possible for your

legislation here to meet all the exigencies of your postal service so completely as to enable you, in justice to the public, to deprive the Executive of all discretion in the matter? If you do not deprive him of it, then how can you avoid deficiency bills?

Gentleman say they are prepared to vote any amount which may be necessary, but they desire to impose proper limitations. So do I; but, is deprivation of Executive discretion a proper limitation? Will you accomplish any purpose by it whatever, except, in all probability, to make your legislation inapt and inefficient? No, sir; whenever you touch this question, you must touch it all over; the whole system must be overhauled. Just so long as this Government discharges postal functions, just so long as it carries letters, you must extend the system through all portions of the country; and to do it well, you must invest the Postmaster General (for, in this Department, I hold him to be the Executive) with some discretion. I would make the expenses of the Department as light as possible; but if you go into this system at all, I would make it efficient. I would rather, therefore, that we should get through this bill without further discussion; because, so far as I have heard the discussion, not a single word of it has touched any of the provisions of the bill; it has been all in reference to general abuses of the system, not affected by any of the provisions of the bill, or any of the amendments which have been offered to it.

I am ready, whenever gentlemen will go into it, to go thoroughly into the whole system. I am ready to disengage the Government from it tomorrow. I am ready to make letters, like all other products, subject to be carried by private industry; but so long as the Government insists on making them an exception, I will do it in the best and most efficient way.

The amendment of Mr. JONES, of Tennessee, to the amendment, was disagreed to.

Mr. MAYNARD. I move to amend the amendment of the gentleman from Virginia by striking out the word "more;" and I do it for the purpose of stating the ground upon which I am opposed to that amendment. And it is, that it strikes me as being wholly unnecessary, and that it will accomplish nothing. If we do not give the Postmaster General authority of law to enter into contracts and expend money, then any contract made by him, or any expenditure incurred, is illegal, and he knows it just as well as he will do if we pass a law of the character of this amendment. To act without law is to act in violation of law.

As has been stated by the gentleman from South Carolina, as long as we keep up the present postal system—and there is very little probability that it will be discontinued—we must invest the Executive with a discretionary power. If it is abused, the evil cannot be reached by any such legislation as this. You must go to the people of the country for it. If the Administration will not execute the laws, or will go beyond the authority of law, and contract liabilities which are not authorized by the Government, the remedy is in the hands of the people, at the ballot-box, to provide an Administration which will faithfully execute the laws and be governed by them. The adoption of the proposition of the gentleman from Virginia, in my opinion, would be a reflection, or imputation, upon the manner in which the Postmaster General has discharged his dutics, and would effect nothing else.

Now, sir, if the present Postmaster General does not administer the postal department in a manner which I think right and proper, I will go before the people, and present them with the information, and urge them to furnish a better. This sort of legislation, it strikes me, is unnecessary; and, being unnecessary, is unwise. It is, in some degree, as I have already suggested, calculated to imply a want of confidence upon the part of this House in the administration of the Post Office Department; and I see no necessity for so doing. I do not propose to enter on any encomiums upon the present Postmaster General. He needs none, and, so far as I know, desires none. I simply say that I oppose a kind of legislation which implies a censure on the part of the House upon the Administration; and that is the reason why I oppose the amendment of the gentleman from Virginia.

Mr. BURNETT. I oppose the amendment of the gentleman from Tennessee, *pro forma*, merely for the purpose of bringing this discussion to a close, if possible.

Mr. MAYNARD. Then I will withdraw the amendment *pro forma*.

Mr. SICKLES. I offer an amendment to the amendment; and I do it in good faith, for the purpose of perfecting the amendment of the gentleman from Virginia. I move to add the following:

Together with such an amount of permanent and indefinite appropriations as may be applicable thereto.

My purpose, more especially, in rising, is to recall the attention of the committee to the amendment upon which we are to vote, and to repeat my desire that it may be adopted. The Senate has just adopted a similar amendment to the consular and diplomatic appropriation bill, almost in the words of the amendment offered by the gentleman from Virginia. Now, sir, no one can imagine that it was intended by the Senate, in adopting that amendment, to express any want of confidence in the administration of the State Department, or any disapproval of our foreign policy. And I say here, that no one is entitled, or ought to permit himself, to draw any inference, from the support of this amendment by gentlemen in this House, that they desire to evince thereby a want of confidence in the administration of the Post Office Department. For myself, I entirely repudiate such an idea. I believe, as I have already intimated, that it will actually be a relief to the Postmaster General; when he is pressed by gentlemen who now complain of extravagant expenditures for an increase of mail service, he could say that Congress had limited the expenditure for this purpose to a certain amount, which had already been expended. He could say to them, "you must go to Congress with your statement, and ask to have this route provided for in the post route bill, and an appropriation made for the increase of service."

I believe the adoption of such an amendment would tend to economy in the Post Office Department. I believe it would be the beginning of a most salutary reform in the administration of the postal service of the country; not as to the mode or manner in which the chief of that Department performs his duty, but a reform in the *system*. It is not the object of the amendment now before the committee, to limit the discretion of the Postmaster General as to where or when he shall disburse this money, or as to the amount he shall pay for any special mail service. The object is only to limit the aggregate amount of expenditure during the fiscal year by the Department, for all the service estimated to be necessary.

Mr. PHILLIPS. The bill reported by the Committee of Ways and Means reappropriates for the service of the Post Office Department, in its first section, the revenues arising from the postages collected. There is another section which has not yet been considered, and which appropriates from the Treasury a further sum of nearly four million dollars to meet the deficiency for the present fiscal year. The amendment of the gentleman from Virginia, as I understand it, effects a substantial curtailment of the postal service. Its first part applies only to the revenues received from the Post Office Department. The other branch of his amendment is of a character so comprehensive that, if it is adopted and becomes a law, it will abridge the postal service of the country. Now, sir, I am opposed to that legislation, and particularly in this manner. If the postal facilities of the country are to be abridged, if new routes are not to be opened, if old routes are to be discontinued, let it be done by a bill well considered and well guarded in all its parts, and not by this comprehensive clause, concealing its real effect, but substantially reducing the service of the Department.

It will be observed that the appropriation is of $17,000,000, *out of the revenues of the Post Office;* or, in other words, the revenues of the Post Office up to that amount. It is an admitted fact that the revenue will be $7,000,000 short of the sum appropriated; so that if the amendment proposed by the gentleman from Virginia [Mr. GARNETT] prevails, the postal service must be reduced to an extent for which the $10,000,000 of revenue would pay. The present service will cost $17,000,000, the sum appropriated; and to bring it down to $10,000,000 would require the Postmaster General to cut off as much mail service as would cost that sum. Let gentlemen understand this, and vote accordingly. I am not in favor of such a reduction; and shall vote against this amendment; which, with a plausible exterior, has a most dangerous meaning within it.

The gentleman from Tennessee [Mr. JONES] made a remark in this connection which I am sure he could not have intended. He surely does not believe that any members of this House desire to increase the appropriations, in order to make an excuse for increasing the revenues; and I am sure he will not say that any vote of mine was under such influences.

Mr. JONES, of Tennessee. I will say that, if not so intended, that it will have that effect.

Mr. PHILLIPS. Very well, sir; that is a different thing. Now, sir, if the service of the country requires this money, let us have it. No matter how much it is, or where it is to come from, so that it comes from a legitimate, constitutional source.

Mr. JONES, of Tennessee. I ask the gentleman, if he thinks it right to take $10,000,000 out of the Treasury to be devoted to the Post Office Department?

Mr. PHILLIPS. Certainly I do. If the service of that Department requires it, I do. There is no purpose to which it could be better appropriated, or to which the people would so willingly see it appropriated. I have before said that to the gentleman. It is a favorite notion with some gentlemen, that the Post Office Department ought to be self-sustaining. I do not know on what principle that is urged. It is a Department of the Government; it is a part of the governmental policy, like the Army, the Navy, or the Judiciary; and will gentlemen stand up here and seriously argue that either of these should be made self-sustaining? and why this? Simply because the tax, ay, sir, the tax in the shape of postage upon the citizens of this country heretofore has been so heavy as to have enabled the Department to sustain itself. The day for such legislation has gone by—I hope forever. If the amendment of the gentleman from Virginia means anything, it means the curtailment of mail facilities throughout the country. That is the only legitimate effect that its adoption can have; and that effect is one to which I will not contribute.

[Here the hammer fell.]

The question was taken; and Mr. SICKLES's amendment was rejected.

Mr. BARKSDALE. Mr. Chairman, I move to strike out the last clause of the amendment. I do so to make a remark or two. If this amendment be adopted, the routes which were established by Congress at its last session, and the routes which are to be established by Congress at its present session, cannot be put into operation. The constituents of the gentleman from New York may have as many mail facilities as they desire. Perhaps the constituents of the gentleman from Virginia have all the mail facilities they want. But, sir, my constituents have not adequate mail facilities. At the last session of Congress several new routes were established for their benefit, and I desire that they should be put into operation. It is important that they should be put into operation. I suppose that other gentleman have had routes established. If you adopt this amendment, then the hands of the Postmaster General are tied, and service cannot be put upon these routes. I trust, therefore, that the committee will vote down the amendment, and give the Postmaster General authority to put in operation routes which Congress has established.

Mr. WASHBURN, of Maine. Mr. Chairman, I am opposed to the amendment of the gentleman from Mississippi, because I am inclined to favor the amendment of the gentleman from Virginia. It seems to me it is true, as has been well stated, that this amendment, if it shall be adopted, will not necessarily have the effect to contract the service upon the mail routes of the country. But, sir, it will have the effect to bring the question directly before Congress, which has and always ought to have the control of the purse strings of the nation, to say what service shall be performed. It is for us, in our annual appropriation bills, to say just how much money we are willing shall be appropriated each year for the service of the Post Office Department. And why should we not do so? What reason is there that the Postmaster General should have this vast and enormous dis-

cretion? It is a discretion not confided to any other Secretary, and which cannot be safely or wisely confided to any. You say to the Postmaster General, by refusing this amendment and continuing the present system, that he shall have authority and power to make contracts for carrying the mails upon every post road in the country. You know that posts roads are established, as a matter of course. He can put upon them just so much service as he pleases, and at such rates as he pleases. It is too large a power. It is too vast a discretion. I believe that the gentleman from Virginia is moving in the right direction when he is for the withdrawal of that power from the Postmaster General.

Mr. STANTON. Is the gentleman satisfied that the appropriation is large enough for necessary purposes? If it is, I am with him.

Mr. WASHBURN, of Maine. I perceive by the bill now before the committee, that we propose to appropriate some $17,000,000 this year for the postal service of the country. At the same time, we are informed that the receipts from postages will only amount to some $8,000,000.

Mr. JONES, of Tennessee. Seven and a half millions.

Mr. WASHBURN, of Maine. The bill itself proposes to take from the Treasury something more than twenty million dollars—$4,000,000 of which is for a deficiency. If we are to go on this year and appropriate $17,000,000 for the postal service of the country, independent of the mail steamer service, unless there is some restriction placed upon the Postmaster General, what reason have we to suppose or believe, judging from the past, that there will not be in the next appropriation bill a deficiency as large or larger.

Mr. MAYNARD. The Postmaster General is to issue proposals for service during the year. Suppose those bids do not come in low enough under the amount appropriated, is the service to be stopped for that reason?

Mr. WASHBURN, of Maine. I do not understand that the Postmaster General is bound to put service at all events on these routes. He is only authorized to do it. When we limit him to the amount for which he shall make any contracts, then he will have no authority by law to increase them, and he will not make any contracts for the service beyond that limit. Let us establish this system. Then he can go to work and curtail the expenditures, and reduce the expenses of the Department to something like the receipts. It is a step in the right direction. No injury can result from it. A great deal of good may result.

Mr. MAYNARD. Is the gentleman willing to trust the Postmaster General if he curtails the service in Maine and Virginia?

Mr. WASHBURN, of Maine. In order to make his Department profitable, he has only to put the service upon the great routes.

[Here the hammer fell.]

Mr. BARKSDALE, by unanimous consent, withdrew his amendment.

Mr. STEWART, of Maryland. I propose to amend the amendment by inserting these words:

Provided, It does not violate existing laws.

Mr. Chairman, I give my friend from Virginia great credit for the effort he is making on this occasion, as well as heretofore, for the purpose of effecting reform, either in regard to the Post Office Department or any other branch of the public service. It occurs to me, however, that nothing will be accomplished in this way, and that nothing has been effected by this discussion. A vast deal of time has been consumed upon it, and certainly not a dollar has been saved. Whilst all possible economy should be used, I do not agree with the gentleman from Virginia, [Mr. GARNETT,] or the gentleman from South Carolina, [Mr. KEITT,] that the Post Office Department should be self-sustaining. Such, I apprehend, is not the contemplation of the Constitution of the United States in conferring this authority Where do gentlemen find the express power to charge postage on letters? It has been said that the Government might just as well carry other commodities free of charge, as to transport at less than cost, letters, papers, &c. Where in the Constitution is the power found to charge for the transportation of letters? Is it not derived from implication? The Constitution of the United States says that Congress shall have power to establish post offices and post roads. There it stops, just as it says that it shall provide or raise and support an army, a navy; but does that necessarily give authority to charge for the transportation of letters? That is a matter of sound discretion or construction, if you please, to be exercised by Congress.

I have heard a good deal said *pro* and *con.* about the discretion exercised by the Postmaster General under the authority conferred upon him by Congress. Much discretionary power must necessarily be confided in him, in this branch of the public service; for, if Congress were to attempt to undertake to manage the detailed business of the Post Office—to say on what routes service should be put, and what should be its character—it would require to be in perpetual session: yes, sir, from the beginning to the end of the year. In the discussion that has taken place here, participated in by gentlemen on all sides, I am glad to observe nobody has undertaken to impeach the integrity, competency, or efficiency of the Postmaster General. That Department has immense duties to perform. Look at the extent of the operations of the postal service throughout all the States and Territories of the Union, from the Atlantic to the Pacific, and around, over, and across the high seas. Look at its complexity on the land. From this city, for instance, the mails are dispatched to New York, as has been said here, several times a day; and so throughout the country. The discretionary power to arrange and regulate all the vast and complicated machinery of the system is, and must necessarily be, vested in the Postmaster General, or some other high officer. The Government could not be carried on without the Judiciary, without the Army, or without the Navy, I think; and certainly, the postal arrangements are quite as indispensable. As to reducing mail facilities in this day of progress, that is out of the question. I dare say, no such retrograde steps can be taken. All that we can reasonably expect, is the exercise of a sound and honest discretion in this now great and immense branch of the public service, and that all useless expense shall be avoided. I think the Postmaster General is faithfully discharging his duty, and deserves the commendation of the country for his industry and efficiency.

[Here the hammer fell.]

Mr. PHELPS, of Missouri. I have but a few words to say in opposition to the remarks which fell from the gentleman from Maine. He seemed to intimate that the Postmaster General, in the expenditures of the Post Office Department, had exceeded the amount of money placed by Congress at his disposal. The expenditures during this fiscal year, and the estimated expenditures for the rest of the fiscal year are no greater than Congress authorized. The gentleman from Tennessee [Mr. JONES] correctly called the attention of the committee to the appropriations contained in this bill; and the remarks which he submitted, were also applicable to the provisions contained in the Post Office appropriation bill of last session. Congress then appropriated upwards of $14,000,000, to be paid out of the revenues of the Post Office Department for inland service; and more than $400,000, to be paid out of the revenues of the Post Office Department for ocean mail service. The estimated revenues of the Post Office Department for the same year, were $7,100,000. That left a balance of over seven million dollars to be provided for and paid out of the Treasury. A portion, only, of this balance, was, at the last session, provided to be paid; and now Congress is called upon, at this second session, to provide as much as is necessary to enable the Postmaster General to execute the law which you have committed to his charge. The same remark is applicable to the revenues of the next fiscal year. The estimates of the Postmaster General show the revenue for the year to be upwards of seven million dollars; and yet this committee has already recommended appropriations to the amount of nearly seventeen million dollars.

If Congress inscribes on the statute-book a law making appropriations of money, and calls on the Executive Department to execute that law, it is to be presumed that Congress intends to supply the deficiency that may be created by the execution of that law. You have appropriated a sum in gross for the transportation of the mails. If gentlemen desire to reduce the mail service of the country, or to diminish the frequency of the trips on the mail routes, or to discontinue any of the mail routes, why do they not propose to reduce the appropriation made for next year, under the head of "transportation of the mails?" The Postmaster General tells you, in his letter, that the revenues of the Post Office Department will be insufficient even to pay for the transportation of the mails, much less to pay the other expenses; and it is for the House to vote such a deficiency as may be necessary for the service of the Department.

The question was taken on Mr. STEWART's amendment to the amendment; and it was not agreed to.

Mr. DAWES. I move to amend the amendment, by striking out the words, "in excess of the appropriations made for the same." I do it for the purpose of making an inquiry of the gentleman from Virginia, and it is this: whether it is his intention by this amendment to reduce the expenditures of the Post Office Department to the actual receipts, and thereby make it a self-sustaining Department?

Mr. GARNETT. While I do not disguise that my individual opinion is that the Post Office Department should be self-sustaining, I do not propose to make it so by this amendment. All I now propose is, that the amount to be expended by the Post Office Department shall be regulated by law, and not left to the discretion of the Postmaster General.

Mr. DAWES. I observe in the first section, that whatever moneys are to be expended for the support of the Department are to be taken out of the revenues of the Department. If, therefore, this amendment should be adopted, which provides that no money shall be expended except such as is appropriated by this first section, then it follows that not a dollar can be expended in the Post Office service except the receipts, and that would make it a self-sustaining Department. If the members of the committee are prepared to make the Post Office Department at once a self-sustaining Department, I apprehend they will vote for the amendment of the gentleman from Virginia. Whether the gentleman comprehends his own amendment or not, it seems to me, that the force and effect of it will be to limit the Postmaster General in the expenditures of his Department to the actual receipts; and I hope that our friends upon this side of the House, at least, who have not hitherto been disposed to vote to make the Post Office Department self-sustaining, will not vote for this amendment.

Mr. GARNETT. I merely wish to say this: that, if my amendment is adopted, it will be perfectly competent for the gentleman to move to appropriate whatever sum he chooses in aid of the revenues of the Post Office Department. I do not believe there is a majority in the House in favor of making the Post Office Department self-sustaining, and I do not expect them to do it; but I do expect to find a majority of the House in favor of saying how much the Postmaster General shall be at liberty to take out of the Treasury in aid of the revenues of his Department. If my amendment be adopted, gentlemen can follow it up by an amendment to appropriate whatever sum, in addition to the revenues of the Department, they think proper and necessary—one, two, ten, or twenty million dollars.

The amendment to the amendment was rejected.

Mr. ENGLISH. I offer the amendment to the amendment which I send to the Clerk's desk.

The Clerk commenced to read the amendment, which proposes to abolish the franking privilege.

Mr. WASHBURNE, of Illinois. I rise to a point of order. That amendment is clearly out of order.

The CHAIRMAN. The Chair holds that the amendment is in order. It is germane to the bill.

Mr. GARNETT. I suggest to the gentleman from Indiana to allow the vote to be taken on my amendment before he offers his.

Mr. ENGLISH. Very well; I will withdraw my amendment for the present.

The question was taken on Mr. GARNETT's amendment; and it was rejected—ayes thirty-four noes not counted.

Mr. AVERY. I offer the following amend-

ment, to come in at the close of the first section of the bill:

Provided, That the contract made and entered into between the Post Office Department and Butterfield & Co., for carrying the overland mail from the Mississippi river to the Pacific coast, be, and the same is hereby, ratified and confirmed, and that Butterfield & Co. be compelled to carry said mail according to said contract.

Mr. AVERY. Mr. Chairman, I offer this amendment in good faith, not only because I want it to pass, but, sir, I also do so in order to avail myself of this, the first opportunity which has been afforded, or likely will be during this discussion, to reply to the speech of the gentleman from Missouri, [Mr. BLAIR,] made yesterday upon his amendment to this bill authorizing Butterfield & Co. to select their own route for the transportation of the overland mail to California.

The gentleman saw fit, too, sir, in the course of his remarks, to attribute to the Postmaster General improper motives in establishing this route. All that I have to say upon this subject is, that the fair fame of the Postmaster General, not only in his own State, but in the nation, lifts him far above the reach of any imputations of such a character, let them come from whatever quarter they may. Whilst, sir, he deserves and is receiving at the hands of the people just praise for his wisdom and impartiality in this matter, this route was not selected by him alone, but by the whole Cabinet, with the President at their head, after the most deliberate and mature consideration.

But, sir, a few words as to the merits of the gentleman's amendment. By it, sir, he proposes to give to the contractors, Butterfield & Co., the selection of their own route. Under the present contract between the Post Office Department and Butterfield & Co., they are obliged to carry the mails from San Francisco to Memphis and St. Louis, branching at Fort Smith, in Arkansas. What, sir, will be the effect of this amendment? For what purpose is it moved? The whole and sole object is to obliterate the Memphis branch, and to unite and concentrate everything at St. Louis upon the northern route. Its effect is to strike down the whole interest of the section from which I come, in this overland mail; that they are to have no part nor lot in it. I say so, because this Butterfield company are in the interest and under the domination of St. Louis. I have it from the highest authority of gentlemen in this city, fresh from this overland travel, that the most shameful and iniquitous discriminations are made all along the line against the Memphis, and in favor of the St. Louis route; that every impediment and obstacle are thrown in the way of a Memphis traveler, whilst every facility and inducement are held out to the St. Louis route. I give gentlemen fair warning now, that if this amendment is concurred in by the House, I will bend my every energy, from this time on, to bring about an abrogation of the whole contract—a bursting up of the whole matter. If my section is to be sacrificed, I shall make unmitigated war upon her adversaries. That Butterfield & Co. are hostile to the Memphis route, independent of this positive testimony, is palpable, from the manner in which this service has been performed ever since it was put in operation. But, sir, there is another reason why this power should not be given these contractors. They now are compelled to carry the mail on two routes; by this amendment they would select only one, and get double pay for a single service; for they would still get the pay they now do; it would not diminish the expense a dollar.

Sir, this route was selected because it was wise and just; and I say, here, to-day, that it has fully vindicated itself. The southern route has proved itself to be the most practicable of any of the routes to the Pacific.

I want this contract carried out to its strict conformity; and hope, therefore, that the House will non-concur in the amendment of the gentleman from Missouri. This is all that I have to say upon the subject at present.

Mr. BLAIR. I am very glad the gentleman from Tennessee has again brought this matter to the attention of the House and the attention of the country. In regard to what the gentleman says about my casting imputations upon the motives of the Postmaster General, I have only to say that I stated upon this floor what I deem to be the facts in the case.

Mr. AVERY. Will the gentleman allow me to state what are the facts of the case?

Mr. BLAIR. You might have stated it in your own time. I cannot allow mine to be taken up. I stated, upon good authority, what I believe to be the facts of the case; and I leave it to the judgment of the House, to the judgment of the country, to draw such inference as the facts will justify.

Mr. ATKINS. Will the gentleman be good enough to state precisely what he did say yesterday? It is due to the reputation of Governor Brown, it is due to this House, and it is due to the country, that this thing should be exactly understood.

Mr. BLAIR. I have no objection to stating what I did say then. I say now, that if the facts of this case, as they have been given to me, are true, then the Postmaster General is not above the imputation, or inference, which it is very clear the country will draw from them.

Mr. ATKINS. What are those facts?

Mr. BLAIR. I stated, upon good authority, that the Postmaster General was the owner of a large body of land in Arkansas, the value of which would be affected by the location of this route.

Mr. ATKINS. I state, upon my personal responsibility, that the Postmaster General does not own one foot of land upon the line of this route, and that he does not own land within eighty or one hundred miles of it; and I call upon the gentleman for his authority.

Mr. BLAIR. I ask the gentleman from Tennessee if he will deny that the Postmaster General does own a large body of land in Arkansas?

Mr. ATKINS. I deny that he owns one solitary foot of land within eighty or one hundred miles of the line of this route. He does own land, but it is on the Mississippi river, below Helena.

Mr. BLAIR. That is not the inquiry I made of the gentleman.

Mr. ATKINS. It is true that the Postmaster General does own land in Arkansas, but, as I have said, not near this route; and now I ask the gentleman for his authority for the statement he has made?

Mr. BLAIR. I had it from two gentlemen that are members of this House, that he owned a large body of land in the second congressional district of Arkansas. It may be true, as the gentleman says, that it was not within eighty or one hundred miles of this route.

Mr. ATKINS. I understood you to say that it was near the line of this route; and I now understand you to take it back.

Mr. BLAIR. I did understand that it was on or near that route.

Mr. ATKINS. Now, I ask the gentleman to state who are the members of this House to whom he refers?

Mr. BLAIR. One is the gentleman from Missouri, [Mr. CRAIG,] and the other the gentleman from Indiana, [Mr. ENGLISH.]

Mr. ATKINS. Well, sir, I am authorized by the Postmaster General to say that he does not own one foot of land within eighty or one hundred miles of this route; and I care not who states it, it is untrue.

Mr. ENGLISH. Before the gentleman from Missouri goes any further, I desire to say that I understand he has made some reference to myself. If the gentleman gives me as his authority for stating that the Postmaster General was influenced in the location of this route by motives of personal interest, I desire to reply that I never said any such thing.

Mr. BLAIR. I have a distinct recollection that the gentleman make a statement in reference to land owned by the Postmaster General in Arkansas, in the presence of myself and Mr. CRAIG, of Missouri.

Mr. CRAIG, of Missouri. If the gentleman will allow me, I will state exactly what I remember in relation to this transaction.

Mr. BLAIR. I cannot yield just at this moment. I do not want this matter to go off in this way. I desire to call the attention of the House to a fact in regard to the location of this mail route, which may explain some things in reference to the matter, in its present attitude, after the denials made here on behalf of the Postmaster General. There was first located, by the Postmaster General, a route running from St. Louis and from Memphis, to unite at Little Rock with a line running directly from St. Louis through the heart of the second congressional district in Arkansas. Subsequently a strong pressure was brought to bear upon the Postmaster General from my own State, and particularly from national Democrats in my own State, who had a gubernatorial election pending at that time in Missouri, and who thought it would not do to have the interests of Missouri slighted at such a time. The chairman of the Committee of Ways and Means [Mr. PHELPS] was one who induced the Postmaster General to some extent, to make an alteration, which carried the line from St. Louis, by Springfield, in Missouri, to a town upon the western frontier of the State of Arkansas, *which route was about eighty or one hundred miles west of the first location, about the same distance that the gentleman says the lands of the Postmaster General are located.* I do not know now in regard to his ownership of land there. I stated that the information I had was derived from good authority. It was derived from conversation with my colleague, [Mr. CRAIG,] and from conversation with the gentleman from Indiana, [Mr. ENGLISH.] I made no other imputation upon the Postmaster General, except such inference as might be justly drawn from the facts. It was my impression that he might have been influenced not only by the effect that the location of this route would have in itself, but also by the fact that it was intended to make it the pioneer of a southern railroad.

If any gentleman will look to the communication laid by the Postmaster General before this House, and the Committee on the Post Office and Post Roads last winter, he will find that he makes that a portion of his argument, that this is to be the pioneer line of the Pacific railroad. He located this route. Whether he did it with the counsel or sanction of the President of the United States or not, he made this location in violation of law.

Mr. ATKINS. What law?

Mr. BLAIR. I will read it.

"And the Postmaster General be, and he is hereby, authorized to contract for the conveyance of the entire letter mail from such a point on the Mississippi river *as the contractors may select*, to San Francisco, in the State of California."

Mr. ATKINS. Just one word.

Several MEMBERS. "Order."

Mr. ATKINS. It is not in the mouths of gentlemen to call me to order, if the gentleman does not object to my interruption.

Mr. BLAIR. I yield.

Mr. ATKINS. It is not in the mouths of the contractors to say a word on this subject, for the reason that they waived the whole case. They consented to the termini which the Postmaster General submitted to them.

Mr. BLAIR. They cannot alter a law by waiving it. I will read——

[Here the hammer fell.]

Mr. BURNETT. I move to strike out the last line of the amendment.

Mr. CRAIG, of Missouri. I ask the gentleman to yield me the floor for a personal explanation.

Mr. BURNETT. I yield for that purpose.

Mr. CRAIG, of Missouri. Mr. Chairman, I regret that this question has arisen between my colleague [Mr. BLAIR] and the gentleman from Tennessee, [Mr. ATKINS;] but it is due to my colleague, as well as to the Postmaster General, that, since my name has become mixed up with it, I should state all I know of the matter. I have given cause, in no conversation with any gentleman, to base, upon my authority, improper motives attributed to the Postmaster General, for his location of what is commonly known as the Butterfield mail route. I cannot sustain either of the gentlemen who have made an issue of fact or of recollection. It is not within my remembrance whether the gentleman from Indiana [Mr. ENGLISH] was present or not at any conversation between my colleague and myself on the subject. I will state to the House, since it has come up here, that, in the conflict of interest between what is called the South Pass route and the Butterfield route, I have heard enemies of the Butterfield route make imputations upon the Postmaster General. I have talked of these things repeatedly to my colleagues and others, friends of the Postmaster General. My recollection is, that in a conversation with my colleague of the St. Louis district,

I mentioned to him that I had heard that the Postmaster General owned a considerable portion of land, a large tract I said, probably, in the district of my friend from Arkansas, [Mr. GREENWOOD.] I may have said that this mail route touches that district, or runs through it; but I never stated that it runs through Governor Brown's property. I do recollect to have stated to my colleague, that there was more of policy in the selection of that route than the enhancement of the value of property; and also, that it was intended as the pioneer route for a railroad through that section. I cannot suffer any gentleman to charge me as attributing to the Postmaster General the interested motive alluded to by the gentleman from Tennessee. I have never charged that, for the enhancement of his own property, he had taken a mail route out of its direction.

Mr. Chairman, I have often said, and I repeat it here again, that Mr. Buchanan is indebted for all the popularity of the present Administration to the Post Office Department; for certainly three fourths of it. [Laughter.] As has been already said, the mail facilities of this country have not heretofore wended their way towards the West. I have to say, for the present head of the Post Office Department, that he has remembered that there was a West. And, sir, it is true, the measures of this Administration which have won the affections of the people, which have gone home to the fireside of the people, and for which it has gained popularity, have, to a great extent, been those of the Post Office Department.

Mr. BLAIR. I hope their will be no objection to my saying a word. I did not quote my colleague as making any imputation upon the Postmaster General.

Mr. CRAIG, of Missouri. I so understood it.

Mr. BLAIR. I quoted him for the fact simply which I stated, that the Postmaster General owned a large tract of land in that congressional district, or in that part of Arkansas. I do not intend that this matter shall rest at this point. I wish to know whether the friends of the Postmaster General can deny that this land did touch the route as originally located by the Postmaster General.

Mr. ATKINS. So far as I know, I say it does not.

Mr. FLORENCE. I deny, positively, that it passes within eighty miles of the property of the Postmaster General, for I took occasion to ask him that question this morning; besides, the route was not adopted by the Postmaster General. It was a favorite project of General Rusk's. I believe he was the originator of the idea, and that he suggested the route. But the route was adopted in Cabinet council.

The CHAIRMAN. Debate is exhausted.

Mr. BLAIR. I ask the gentleman from Pennsylvania, how he happens to know the facts?

Mr. FLORENCE. I inquired of the Postmaster General himself; I went to the best source for the information. I believe him to be a truthful man, and I never heard his veracity called in question.

Mr. BLAIR. I am perfectly willing to take the answer that the Postmaster General——

The CHAIRMAN. Debate is exhausted.

Mr. BLAIR. I throw myself on the indulgence of the committee.

[Cries of "Question."]

Mr. CRAIG, of Missouri. I trust that before the question be put, the chairman of the Post Office Committee [Mr. ENGLISH] will be heard.

The CHAIRMAN. It is not in order; debate is exhausted.

Mr. BURNETT. I have no disposition to interfere with the wishes of the committee, but I think that the discussion on this particular subject has progressed far enough. If, however, it be the wish of the committee to permit it to continue, I withdraw my objection.

Mr. MONTGOMERY. I desire to offer an amendment to the amendment.

Mr. SEWARD. I move that the committee do now rise.

Mr. PHILLIPS called for tellers.

Tellers were ordered; and Messrs. CHAFFEE and MCQUEEN were appointed.

The committee divided; and the tellers reported —ayes 78, noes 53.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the Chair, Mr. HOPKINS reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill making appropriations for the service of the Post Office Department, for the year ending June 30, 1860, and had come to no resolution thereon.

WASHINGTON MONUMENT ASSOCIATION.

Mr. BURNETT. I ask the House to permit me to take from the Speaker's table, Senate bill (No. 544) to incorporate the Washington National Monument Society. Let the bill be read, and no gentleman on this floor can have any objection to it. If the bill is to pass, this day, the 22d of February, is the day most appropriate for its passage.

There being no objection; the bill received its several readings, and was passed.

Mr. BURNETT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PAPERS WITHDRAWN.

Mr. MARSHALL, of Kentucky, asked, and obtained, leave to withdraw from the files of the House, the papers in the case of Charles A. Perry & Co., on leaving copies of the same.

Mr. PHELPS, of Missouri. Several gentlemen have informed me of their desire to have an evening session, for debate only. I therefore move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the State of the Union.

OVERLAND MAIL ROUTE.

Mr. BLAIR. I ask my colleague to yield the floor for a moment to the gentleman from Indiana, [Mr. ENGLISH.] I wish him to make an explanation of the remark that he made a moment ago.

Mr. CRAIG, of Missouri. Let that be done to-morrow.

Mr. PHELPS, of Missouri. He can make the explanation in committee.

Mr. BLAIR. I prefer that it should be made now. I think it but just and fair that the gentleman should be allowed to make the explanation now.

The SPEAKER. Does the gentleman from Missouri yield for that purpose?

Mr. PHELPS, of Missouri. I do.

Mr. ENGLISH. Mr. Speaker, I have but a word to say upon this subject. I did not know that my name was in any way connected with this affair, and I only casually heard it at the time the gentleman from Missouri was addressing the committee to-day. There was so much noise and confusion in the Hall at the time that I did not distinctly understand what he said. I understood the purport of it to be, that I had asserted to him that the Postmaster General owned lands along the line of the overland mail route, to which I responded that the gentleman was mistaken, and that I had not asserted anything of the kind to him. I say now, that I have not had, and have not now, any knowledge of the sort. I have every confidence in the Postmaster General; and do not know that he owns any lands on the line of the road, or in that vicinity; and I never said that I knew it, or that I believed it, or that it was so.

It is true, however, as my colleague on the committee has indicated, that a rumor of that kind has been in circulation, and I heard it a long time ago. I may have spoken of the rumor; I may have made a casual remark in reference to it in the presence of the gentleman from Missouri, although I have no recollection whatever of the fact. It may be, however, that I have spoken of it as a rumor; but certainly not expecting it to be repeated as coming from me, and never as a matter that I had any personal knowledge of, or believed to be true. I never have asserted it to be true, because I have no information that would justify me in making such an assertion. I repeat, I have heard it spoken of as a rumor, and may have alluded to it as such, but in no other sense. I do not understand now that there is any issue between the gentleman from Missouri and myself on the subject.

Mr. BLAIR. I never quoted the gentleman as knowing the fact of his own knowledge. I simply stated that he told me, in conversation, that he had heard of this thing, and I intended to be understood as saying that I derived my information from him; but not that it was of his own knowledge.

Mr. ENGLISH. I have no recollection whatever of having such a conversation with the gentleman, and certainly never said the Postmaster General owned land on the line of the overland mail route; but I may have made some allusion to the rumor, in his presence.

Mr. BURNETT. I move that the House do now adjourn.

Mr. GROW. I would inquire of the gentleman from Missouri, whether his object is to have an evening session for business or for debate?

Mr. PHELPS, of Missouri. My object is to submit a resolution to allow an evening session to be held to-night for debate merely.

Mr. BURNETT. I call for tellers on my motion.

Mr. SICKLES. Is the evening session to be for work or talk?

Mr. PHELPS, of Missouri. Not for work. Several gentlemen have requested me to move to have an evening session to-night, as they desire to discuss some questions of financial policy. I intend to submit a motion for the purpose of continuing in force the resolution adopted yesterday for an evening session.

Mr. KUNKEL, of Maryland. With the permission of the gentleman from Missouri, I ask the unanimous consent of the House to withdraw from the files of the House the memorial of W. P. Bowie, a copy being left.

No objection being made, the leave was granted.

Mr. PHILLIPS. I make a similar request in the case of Dinah Minnis, for whose relief a bill has passed.

Leave was granted.

Mr. BURNETT. I withdraw the motion to adjourn.

Mr. HUGHES. I ask the gentleman from Missouri to permit me to introduce a bill, for the purpose of having it referred to the Committee of the Whole on the state of the Union.

Mr. JONES, of Tennessee. Well, it must not be brought back again by a reconsideration.

Mr. LETCHER. What is it about?

The Clerk read the title of the bill, as follows:

A bill to revive the tariff of 1846.

Mr. JONES, of Tennessee. I object to the introduction of that bill for any purpose on God's earth.

Mr. HUGHES. I move to suspend the rules.

The SPEAKER. The gentleman from Missouri has already a motion pending to suspend the rules to go into the Committee of the Whole on the state of the Union.

Mr. PHELPS, of Missouri. I move that the resolution authorizing the Committee of the Whole on the state of the Union to take a recess, and hold an evening session for general debate, be extended to this day.

Mr. BURNETT. I object.

Mr. PHELPS, of Missouri. I move to suspend the rules.

Mr. HUGHES. I rise to a question of order. I understood the gentleman from Missouri to yield me the floor, to enable me to ask leave of the House to introduce a bill for reference to the Committee of the Whole on the state of the Union. I presented the bill, and had it read; and objection being made, I moved a suspension of the rules.

The SPEAKER. The gentleman from Missouri had a motion pending to suspend the rules at the time and pending that motion; the gentleman from Maryland and the gentleman from Pennsylvania got unanimous consent to withdraw certain papers. The bill of the gentleman from Indiana could not be received and referred, if objection was made. Objection was made; and the Chair cannot entertain two motions to suspend the rules at the same time.

Mr. HUGHES. I ask the gentleman from Missouri if he did not waive his motion, to enable me to introduce my bill, and have it referred?

Mr. PHELPS, of Missouri. I have not withdrawn my motion. Whatever has been done, has been done by unanimous consent.

Mr. HUGHES. I will state to the House, then, that there was a great misunderstanding.

The SPEAKER. The gentleman from Missouri will have to withdraw his first motion to suspend the rules before the Chair can entertain the second.

Mr. PHELPS, of Missouri. I withdraw my first motion.

Mr. HUGHES. Then, if the gentleman's motion is withdrawn, I ask leave to introduce my bill.

The SPEAKER. The gentleman from Missouri was on the floor.

Mr. HUGHES. I understood him to state that he withdrew his motion.

The SPEAKER. The gentleman from Missouri had made two motions to suspend the rules.

Mr. HUGHES. Cannot the Chair entertain a third?

Mr. SICKLES. Will the Chair entertain a motion to adjourn?

The SPEAKER. The Chair will entertain such a motion.

Mr. SICKLES. I move, then, that the House do now adjourn.

Mr. HUGHES. I understand the Chair to say that he will entertain my motion to suspend the rules.

The SPEAKER. The Chair said he would entertain a motion to adjourn.

The question being upon the motion that the House adjourn, upon a division there were—ayes 51, noes 73.

Mr. SICKLES demanded the yeas and nays.

The yeas and nays were not ordered.

So the House refused to adjourn.

The question then recurred upon the motion to suspend the rules, for the purpose of introducing a motion to extend the order relative to evening sessions to this evening.

Mr. SICKLES called for the yeas and nays.

Mr. JONES, of Pennsylvania, called for tellers upon the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. HICKMAN moved that the House adjourn.

The question was put; and upon a division, there were—ayes 26, noes 91.

Mr. STANTON called for tellers, no quorum having voted.

Tellers were ordered; and Messrs. OLIN and HAWKINS were appointed.

The House divided; and the tellers reported—ayes 8, noes 102; no quorum voting.

The SPEAKER proceeded to count the House, to ascertain whether a quorum was present; and announced that 121 members were present.

CASE OF HARRY CONNOLLY.

Mr. COVODE. I rise to a question of privilege. Your order, Mr. Speaker, was yesterday issued for the arrest of Harry Connolly. As soon as he ascertained the fact, he left Philadelphia, and came here this morning, and presented himself before the committee, and desired to give his testimony. Inasmuch, however, as the Sergeant-at-Arms was executing the order of the House, we thought it proper that he should give himself up to the Sergeant-at-Arms, and, at my request, he did so. As there seems to have been a little misunderstanding in regard to the original subpena, his name not having been spelled right, and also, as it appears that there was some misunderstanding in regard to the service of the subpena; and as he is here, I suggest that he be discharged from the custody of the Sergeant-at-Arms. I make that motion.

The motion was agreed to.

EVENING SESSION.

The question again recurred on the motion of Mr. PHELPS, of Missouri, to suspend the rules.

Mr. VALLANDIGHAM. As this is the 22d of February, I move that the House do now adjourn.

The motion was not agreed to.

Mr. HOWARD. If the House will permit me to make a statement in regard to the snarl we are in, I think I can relieve the House from the difficulty. The gentleman from Missouri made his motion at my earnest request. My only object was to expedite business. I need not tell gentlemen that my uniform practice in this House has been to act with reference to getting along with the public business. But, sir, there are some men in this House who think that we should not make appropriations indefinitely, without providing the means for paying them. It was with that view that I asked for an evening session, in order that some of the various projects to that end might be explained. I did not see how the time could very well be spared for this discussion during the day. But inasmuch as there seems to be a persistent opposition to the motion, I ask the gentleman from Missouri to do me the favor to withdraw the motion. [Loud cries of "No, no!"] Let the gentlemen drive on their business in their own way. Withdraw your motion!

Mr. BURNETT. It is an outrage upon the character of Congress. It is doing wrong, in my judgment, to come here at night, when only seven or eight members are present, and permit gentlemen to take an order permitting them to publish speeches in the Congressional Globe at the expense of the Government, and which go to the country as having been delivered in the Committee of the Whole on the state of the Union, when not one word has been delivered. That is the reason I am opposed to these night sessions.

Mr. HOWARD. I only wanted to facilitate the transaction of business.

Mr. HUGHES. Every business seems to be in order except the motion I have made. I object to everything that is not strictly in order.

Mr. DAVIS, of Maryland. I move that the House adjourn.

Mr. GROW. I want the country to know it, if members on the other side will neither allow us debate on the provisions of these appropriation bills in the House or in committee.

Mr. FLORENCE. I protest against the gentleman holding me responsible for the refusal to go into committee. I have been here all the time, and have steadily voted against every motion to adjourn.

The SPEAKER. The Chair will order the Sergeant-at-Arms to arrest gentlemen, if they do not take their seats and preserve order. It is due to the dignity of the body that order should be preserved. The Chair has attempted to facilitate the business of the House, and has indulged gentlemen in debate, but it will not be further tolerated. Gentlemen who wantonly violate the rules will be put under arrest.

And then, on motion of Mr. PHELPS, of Missouri, the House (at a quarter to five o'clock, p. m.) adjourned.

IN SENATE.

WEDNESDAY, *February* 23, 1859.

Prayer by Rev. B. F. BITTINGER.

The Journal of yesterday was read and approved.

Mr. HOUSTON. I give notice that on Monday next I shall claim the courtesy of the Senate for a personal explanation.

SMITHSONIAN INSTITUTION REPORT.

The VICE PRESIDENT laid before the Senate a letter of Joseph Henry, Secretary of the Smithsonian Institution, accompanied by the annual report of the Board of Regents, showing the operations, expenditures, and condition of that institution for the year 1858; which was ordered to lie on the table.

Mr. MASON. I offer a resolution for the printing of that report, which is copied from the resolution of last year and preceding years:

Resolved, That ten thousand additional copies of the report of the Board of Regents of the Smithsonian Institution, for the year 1858, be printed; five thousand for the use of the Senate, and five thousand for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages contained in said report shall not exceed four hundred and fifty pages, without wood-cuts or plates, except those furnished by the institution.

The resolution was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

Mr. DAVIS presented the petition of the consul general and consuls of the United States in the Ottoman Empire, praying that the act of August 11, 1848, be so amended as to confer on the ministers and consuls of the United States in the Ottoman dominions, in questions of civil jurisdiction, the same judicial power as is possessed by their colleagues in China, and that they be allowed the same compensation; which was referred to the Committee on Foreign Relations.

Mr. SEWARD presented the petition of citizens of the city of New York and its vicinity, praying that the public lands may be laid out in farms for the free and exclusive use of actual settlers only; which was ordered to lie on the table.

He also presented the petition of underwriters and others, connected with the commerce of the northwestern lakes, praying an extension to the lakes of the system of meteorological observation now in use with such successful and useful results upon the ocean; which was referred to the Committee on Commerce.

Mr. SHIELDS presented a petition of citizens of Sauk Rapids, and Benton county, Minnesota, praying for the passage of an act establishing an overland mail route from the head of Lake Superior, by Sauk Rapids and St. Cloud, to Puget Sound; which was referred to the Committee on the Post Office and Post Roads.

He also presented a petition of citizens of Wilton, Minnesota, praying a donation of land for the benefit of the Wilton Seminary of Learning; which was referred to the Committee on Public Lands.

Mr. JONES presented two petitions of citizens of Iowa, praying the establishment of a mail route from New Oregon to Jacksonville, in that State; which were referred to the Committee on the Post Office and Post Roads.

He also presented three petitions of citizens of Iowa, praying the establishment of a mail route from Osceola to Fontanelle; which were referred to the Committee on the Post Office and Post Roads.

He also presented a petition of citizens of Delaware and Clayton counties, Iowa, praying the establishment of a mail route from Colony to Buena Vista; which was referred to the Committee on the Post Office and Post Roads.

He also presented two petitions of citizens of Henry, Jefferson, and Van Buren counties, Iowa, praying the establishment of a mail route from Rome to Birmingham; which were referred to the Committee on the Post Office and Post Roads.

Mr. SMITH. I present the petition of J. P. Durbin, in behalf of the Missionary Society of the Methodist Episcopal Church, praying payment for certain land at the Dalles of the Columbia river, in Oregon, taken as a site for a military post.

This claim is for the sum of $20,000 for lands taken by the Government for the establishment of a military post in Oregon. The memorial was originally presented to the other branch of Congress, and the committee unanimously reported in favor of the grant, and a proposition for the payment of the money was presented, but it was ruled out of order by the gentleman temporarily occupying the chair. They now present their memorial to the Senate; and I move its reference to the Committee on Military Affairs and the Militia.

The motion was agreed to.

Mr. JOHNSON, of Tennessee, presented a petition of citizens of Marlborough, Tennessee, and its vicinity, praying the establishment of a mail route from Paris, by Mansfield and Marlborough, to Sandy Bridge, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. KING presented a memorial of citizens of New York, praying the erection of earth-work redoubts for the defense of the city of New York and its vicinity; which was referred to the Committee on Military Affairs and the Militia.

Mr. GWIN presented the petition of citizens of New York, praying that the public lands may be laid out in farms for the free and exclusive use of actual settlers; which was ordered to lie on the table.

NOTICE OF A BILL.

Mr. KING gave notice of his intention to ask leave to introduce a bill to establish a branch mint at the assay office in the city of New York.

HOUR OF MEETING.

Mr. HUNTER submitted the following resolution for consideration:

Resolved, That on and after to-morrow, the Senate shall meet daily at eleven o'clock, a. m.

REFERENCE OF A BILL.

On motion of Mr. FITCH, it was

Ordered, That the joint resolution (H. R. No. 21) for the relief of Hall Neilson, be referred to the Committee on Claims.

MAIL ROUTES IN ARKANSAS.

Mr. SEBASTIAN submitted the following res-

olution; which was considered, by unanimous consent, and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing by law a post route from Camden, Ouachita county, via Buffalo and Tremont, to Champagnolle, Arkansas, to connect with the route from Warren to Eldorado, and report by bill or otherwise.

GOVERNOR STEVENS'S REPORT.

Mr. SHIELDS submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of rescinding the resolution suspending the publication of Governor Stevens's report, the said report now being ready for publication.

GREAT FALLS LAND CASE.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate a copy of the opinion of Judge Brewer in the Great Falls land condemnation case, involving a claim for damages to be paid by the United States.

NEGOTIATIONS WITH SPAIN.

Mr. BELL. I ask for the consideration of the resolution which I offered on Monday last. It has been modified in such a shape that I understand there will be no objection to it. I hope it will be passed this morning.

The Senate proceeded to consider the resolution; and it was modified and adopted, as follows:

Resolved, That the President be requested to communicate to the Senate, if in his opinion not incompatible with the public interest, a copy of a letter or letters from Horatio G. Perry, Secretary of Legation at Madrid, addressed, in 1854, to Mr. Marcy, Secretary of State, upon the subject of an overture for a treaty made by the Spanish Minister for Foreign Affairs (and also a copy of the programme of a treaty if any) described in a letter addressed to President Pierce as "conceding immense benefits to our commerce, and securing the prompt and complete protection of the political and religious and social rights of our citizens in future in every portion of the Spanish dominions, in consideration for similar benefits conceded to Spanish subjects and their commerce by the United States."

REPORTS FROM COMMITTEES.

Mr. DAVIS, from the Committee on Military Affairs and the Militia, to whom was referred the bill (S. No. 571) to provide for the payment to the State of Massachusetts of a balance due to said State, for money expended for the United States during the war of 1812, reported it without amendment.

He also, from the same committee, to whom were referred the papers in relation to the claim of Majors & Russell, contractors for Army transportation, for indemnity for losses of trains, animals, &c., destroyed and run off by the Mormons during the past season, asked to be discharged from its further consideration, and that it be referred to the Court of Claims; which was agreed to.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill (H. R. No. 667) making appropriations for the support of the Army, for the year ending the 30th of June, 1860, reported it with an amendment.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (S. No. 567) to repeal so much of the act of February 21, 1857, entitled "An act to divide the State of Texas into two judicial districts," as creates and establishes a district court of the United States for the eastern district of the State of Texas, and to incorporate the same with the western district of said State, reported it without amendment; and that it ought not to pass.

He also, from the same committee, to whom was referred the bill (S. No. 585) to amend an act approved 31st May, 1844, entitled "An act to amend the judiciary act, passed the 24th of September, 1789," reported it without amendment; and that it ought not to pass.

Mr. JONES, from the Committee on Pensions, to whom was referred the bill (H. R. No. 340) providing an increase of pension to Peter Van Buskirk, of Washington city, in the District of Columbia, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 838) for the relief of Daniel Cole, reported it without amendment, and adversely.

He also, from the same committee, to whom was referred the petition of Asa Sprague and others, of the State of New York, praying that persons entitled to pensions under the act of 24th April, 1816, may be allowed the same from the date of that act, submitted an adverse report.

He also, from the same committee, to whom was referred the petition of Mrs. Margaret Halsey, formerly widow of Captain Daniel Cushing, of Ohio, praying for a pension, submitted an adverse report.

He also, from the same committee, to whom was referred the petition of David Merry, a soldier in the war of 1812, praying for a pension, submitted an adverse report.

He also, from the same committee, to whom was referred the petition of Sarah S. Hine, widow of E. Curtiss Hine, late a lieutenant in the revenue service, praying to be allowed a pension, submitted an adverse report.

He also, from the same committee, to whom was referred the petition of Mrs. Mary Morris, widow of Peter Louis Morris, of the war of 1812, praying a pension, submitted an adverse report.

Mr. MASON, from the Committee on Foreign Relations, to whom was referred the memorial of R. M. Hamilton, late consul of the United States at Montevideo, praying compensation for diplomatic services rendered by him while at that post, submitted an adverse report; which was agreed to.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom was referred the report of the Court of Claims adverse to the claim of Charles V. Stuart, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the report of the Court of Claims adverse to the claim of Martin B. Lewis, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the report of the Court of Claims adverse to the claim of Samuel J. Hensley, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 534) to change the relations of the United States with the various Indian tribes within the limits thereof, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 474) to provide for a superintendent of Indian affairs for Washington Territory, and additional Indian agents, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 591) to carry out the Shawnee treaty of May, 1854, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 592) to authorize the Commissioner of Indian Affairs to adjudicate and settle certain claims against the Menomonee Indians, reported it without amendment.

Mr. FOSTER, from the Committee on Pensions, to whom were referred the petition of Elizabeth Myers; the petition of George Bickel; the petition of Dorothy Hyre, widow of Michael Plyman; the petition of Elizabeth Tennant, widow of Peter Tennant; the petition of Rhoda Noose, widow of Jacob Noose; and the petition of Elizabeth Knight, severally praying a pension, reported them adversely.

CREDIT TO DISBURSING OFFICERS.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the joint resolution (S. No. 82) to allow a credit to certain disbursing officers therein mentioned, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce.

Mr. CRITTENDEN. I wish to make a remark in relation to that report. The Senate have determined that the proper reference is to the Committee on the Judiciary; and, in my humble judgment, that is the proper reference, and there is no other appropriate committee in the Senate. Now, what is to be done? At this late hour of the session, when almost all hope is destroyed by this sort of diversion from what is the regular course, as I contend, they come in with a report discharging themselves. I hope the gentleman will think otherwise of it, and will take back the report.

Mr. BAYARD. The instructions of the committee to me were to make the report which I have made. The joint resolution only came into the committee yesterday; it was acted upon to-day, and these were the instructions. I am not aware that there was any determination of the Senate that the subject belonged to the Committee on the Judiciary. It was referred, on motion, to them, without any inquiry as to what was the appropriate committee. They decided that it did not fall properly within their jurisdiction. It connects itself with the application of an appropriation made for disbursements for the improvement of the navigation of the Mississippi and Ohio rivers. It is to effect the disbursements under that law in a different mode from that contemplated in the law. Now, we cannot see that the subject of the improvement of rivers and harbors legitimately belongs in any way to the Committee on the Judiciary. At least, that is the determination of the committee, and it is on that ground that they have instructed me to ask that the resolution be referred to the Committee on Commerce, to whom such subjects properly belong.

Mr. CRITTENDEN. I hope the Judiciary Committee will not be discharged, but that it will be referred back to them. They have nothing to do with questions of commerce, but here the work being done, a legal question arises upon the settlement of the accounts. That is all. The work is all done, the transaction is past, and the accounts are now to be settled; and I say the questions involved are legal questions, and properly belong to the Judiciary Committee. I move to recommit it to that committee.

Mr. BAYARD. The usage of the Senate, according to my recollection, is not to refer matters of account to the Judiciary Committee. If it is a claim, it should more properly go to the Court of Claims, but when that account relates to a particular branch of service, and that service belongs to the jurisdiction of another committee, why should it come to us? I can only give you the result of the determination of the committee; they ask to be discharged, because they do not think the subject belongs to them. According to my recollection of any usage of the Senate, I can see nothing in this joint resolution which properly belongs to that committee; and even although I might be willing myself to have reported upon it, the committee have determined otherwise.

Mr. CRITTENDEN. I have great confidence in the committee, and I wish them to decide the question. I think it does properly belong to them.

Mr. PUGH. I do not want to debate the question; and if the Senator from Kentucky insists that the matter shall not go to the Committee on Commerce, as we recommend, I move to lay the report on the table.

Mr. CLAY. I believe I introduced the bill, and had it referred to the Committee on the Judiciary, believing that to be the appropriate committee, not from any desire to shirk the responsibility or labor of investigating the question and presenting it to the Senate. I hope some action will be taken on it. I hope it will not be laid on the table. If the Judiciary Committee do not act on it, and it is referred to the Committee on Commerce, we will act on it to-day or to-morrow, and report it.

Mr. PUGH. The idea of the Senator from Kentucky is, that because there may be a question of law which I do not discover in these papers, it therefore belongs to the Committee on the Judiciary. Every committee of this body decides on questions of law. The province of the Judiciary Committee is to take care of the judicial department of the Government. What have we to do with rivers and harbors and snag-boats?

Mr. CRITTENDEN. It is very evident the Senator does not know what the case is.

Mr. PUGH. I withdraw my motion to satisfy the Senators from Alabama and Kentucky.

Mr. CRITTENDEN. If the gentleman from Alabama says it will be acted on promptly by the Committee on Commerce, I am content it shall go to that committee.

Mr. CLAY. I mistook the bill. I thought it was another bill.

Mr. CRITTENDEN. I withdraw my motion.

The VICE PRESIDENT. The Senator from Delaware moves that the Committee on the Judiciary be discharged from the further consideration of the joint resolution, and that it be referred to the Committee on Commerce. The question is on that motion.

The motion was agreed to.

PURCHASE OF LIME POINT.

Mr. DAVIS. The Committee on Military Affairs and the Militia, who were instructed by a resolution of the Senate to inquire into the allegations of fraud in the proposed purchase of a site for fortifications at Lime Point, upon the north side of the Bay of San Francisco, have instructed me to report that the committee find nothing to impeach the conduct of the agents of the Government, and that there is no evidence to involve them in any fraud. The committee report the evidence, record and oral, adduced in the course of the investigation, and ask to be discharged from the further consideration of the subject, and that the report and testimony be printed.

Mr. BRODERICK. I have a minority report from the same committee——

The VICE PRESIDENT. If the Senator from California will pause a moment, he will be recognized by the Chair. The Chair will first put the question on the motion to discharge the committee and order the report and evidence to be printed.

The motion was agreed to.

Mr. BRODERICK submitted the views of the minority of the Committee on Military Affairs and the Militia, in relation to the subject; which were ordered to be printed.

COURTS IN KANSAS.

Mr. GREEN. The Committee on the Judiciary, to whom was referred the bill (S. No. 598) concerning courts in Kansas Territory, report it without amendment. This is a bill to enable the territorial authority in Kansas to establish courts of common pleas—an intermediate court between the United States court and justices of the peace; the expense of which is to be paid by the Territory itself. I ask that the bill be put on its passage at once.

The VICE PRESIDENT. It requires unanimous consent.

Several SENATORS. Let the bill be read.

The Secretary read the bill; which provides that, in addition to the courts authorized by the twenty-seventh section of "An act to organize the Territories of Kansas and Nebraska," approved May 30, 1854, the Legislative Assembly of the Territory of Kansas may establish other courts, inferior to the supreme court of the Territory, with jurisdiction in civil cases only. These courts are to have such original, appellate, and concurrent civil jurisdiction, under the laws of the Territory, as shall be prescribed by the Legislative Assembly; and the judges are to be chosen in such manner, and for such times, as shall be prescribed by the same authority, the expense of which is to be paid by the Territory. Appeals may be taken from all final judgments of these courts to the supreme court of the Territory.

Mr. BAYARD. I object to the consideration of the bill.

The VICE PRESIDENT. Then it will lie over.

SETTLERS ON SCHOOL LANDS.

Mr. STUART. That being objected to, I desire to call the attention of the Senate to a House bill, which has been reported by the Committee on Public Lands, of an important character, in respect to the school lands in the States and Territories. It is very important that this bill should pass, for the purpose of preserving these funds as Congress designed. I move to take up the bill (H. R. No. 804) to authorize settlers upon sixteenth and thirty-sixth sections, who settled before the surveys of the public lands, to preëmpt their settlements.

Mr. YULEE. Is it likely that this bill will lead to discussion?

Mr. STUART. Not at all. I think there will be no discussion about it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It provides that where settlements, with a view to preëmption, have been made before the survey of the lands in the field, which shall be found to have been made on sections sixteen or thirty-six, these sections shall be subject to the preëmption claim of such settlers; and if they, or either of them, shall have been, or shall be, reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands, of like quantity, may be taken in lieu of such as may be patented by preëmptors; and other lands may also be taken to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever; with a proviso that the lands thus appropriated shall be selected and appropriated in accordance with the principles of adjustment and the provisions of the act of Congress of May 20, 1826, entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for."

Mr. GWIN. As this is a House bill, I do not like to amend it; but it is exceedingly important to the State of California that the same privileges should be given to that State——

Mr. STUART. This does give it.

Mr. GWIN. Will the Senator wait until I get through? The large portion of the school lands of California are within the mineral districts, and, therefore, excluded from survey; and the whole of that region, which comprises two thirds of the population of the State, is deprived of the advantages and benefits of those school sections; because, by act of Congress, those lands cannot be surveyed. Now, without jeopardizing this bill—for I am entirely in favor of it—I should like to ask the chairman of the Committee on Public Lands if a clause cannot be inserted, which would not obstruct its passage through the House, to give the State of California the same privilege of selecting other lands in lieu of the sixteenth and thirty-sixth sections in the mineral regions?

Mr. STUART. So far as that question is concerned, I feel bound to say to the Senator from California that I think such a provision would hazard the bill. The provisions of this bill are alike in all the States and Territories of the Union. Where preëmptors are on the school sections, and went there in good faith before the land was surveyed, it provides that they are to hold the lands, and the State or Territory is to select other lands in lieu of them; but if you now add to it a provision which will affect the question suggested by the Senator, although I should be very glad to relieve the State of California in any way I could, I feel bound to say to him it would have the effect to prejudice the bill.

Mr. GWIN. Then I shall not move it as an amendment to this bill; but at an early day I shall call up the subject. The resolutions of the Legislature of the State of California are before the Committee on Public Lands; and if they do not act on the subject, I shall introduce a bill to give the State of California the privilege of selecting other sections in lieu of the sixteenth and thirty-sixth sections in the gold regions.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MICHAEL PAPPRENIZA.

Mr. MASON. I desire to take up House joint resolution (No. 22) for the relief of Michael Pappreniza. It is one that is very interesting to a foreign Government, and a foreign minister, although it involves but $200. An appeal has been made to me which I cannot well resist, and I ask that the joint resolution may be passed. It has passed the Senate more than once, and has now passed the House. This is the last chance of passing it.

Mr. YULEE. I ask the Senator if it is likely to lead to any discussion?

Mr. MASON. If there is any discussion at all I will give it up. I know there will be none.

The motion was agreed to; and the joint resolution was considered as in Committee of the Whole.

It proposes to extend the provisions of the joint resolution approved March 3, 1853, entitled "A resolution for the relief of the Spanish consul and other subjects of Spain residing at Key West by indemnity for losses occasioned in the year 1851," to the case of Michael Pappreniza, an Austrian subject, who, it is alleged, sustained losses at the same time, in consequence of his being supposed to be a Spaniard; but the amount allowed as indemnity to him is not to exceed the sum of $200.

Mr. MASON. If any Senator wants an explanation of it, I will give it with great pleasure, but it has passed the Senate twice. ["That is enough."]

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

SARPY COUNTY, NEBRASKA.

Mr. STUART. I desire the indulgence of the Senate to take up and pass another House bill, on a similar subject to the one which has just been passed on my motion. That covered everything of a preëmption character, but this is to protect the school fund, under a treaty, and will not occupy two minutes of the Senate to pass it. I move to take up the bill (H. R. No. 551) to protect the land fund for school purposes in Sarpy county, Nebraska Territory.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

By the treaty between the United States and the Omaha tribe of Indians, by which that tribe ceded their lands in the Territory of Nebraska to the United States, a reservation was made of a part of section thirty-six, in township fourteen north, range thirteen east, for the Presbyterian Board of Foreign Missions; and by virtue of a joint resolution of Congress, approved March 3, 1857, a large portion of the remainder of that section has been preëmpted, leaving but a fraction for the use of schools. The bill authorizes the superintendent of the common schools of the county of Sarpy, in which that land is situated, to select six hundred and forty acres of any unoccupied public lands in that county, in subdivisions of not less than one quarter section, in lieu of section thirty-six.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM H. RUSSELL.

Mr. CRITTENDEN. Mr. President, I ask the great indulgence of the Senate to take up a bill which will not occupy five minutes. If it does, I shall consent to lay it down. It is a bill which has passed the House of Representatives, appropriating about eight hundred dollars for a claim which has been adjudicated by the Court of Claims. The bill was referred to the Committee on Claims of the Senate, at the head of which is the honorable Senator from Georgia, [Mr. IVERSON,] and that committee has reported in its favor. It is a bill (H. R. C. C. No. 83) for the relief of William H. Russell. It is to pay an arrearage of salary due him, for which he brought suit. It was adjudged to him by the Court of Claims; and the House of Representatives, on examination, have affirmed the judgment, and the committee of the Senate have affirmed it. He is detained here simply for the want of this small sum of money.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

It provides for the payment to William H. Russell of the sum of $839 66, in full for his salary as collector of the port of Monterey, in California, from the 13th of March to the 23d of June, 1851.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed the bill of the Senate (No. 544) to incorporate the Washington National Monument Society.

BILLS BECOME LAWS.

The message further announced that the President of the United States had approved and signed, on the 18th instant, the following acts and resolution:

An act for the relief of A. Baudouin and A. D. Robert;

An act for the relief of Mary Boyle;

An act for the relief of Monroe D. Downs;

An act for the relief of Evelina Porter, widow of the late Commodore David Porter, of the United States Navy;

An act for the relief of Dinah Minis;

An act for the relief of Wright Fore;

An act for the relief of Robert A. Davidge;

An act for the relief of Rebecca M. Bowden, of Prince George county, Virginia;

An act for the relief of the Mobile and Ohio Railroad Company;

An act for the relief of William Yearwood, sr.; and

A joint resolution to authorize the Secretary of the Treasury to sell a certain plat of land in the city of Petersburg, Virginia, belonging to the United States.

MARY BAINBRIDGE.

Mr. MALLORY. There are five minutes left of the morning hour; and I ask the indulgence of the Senate in that time to take up and pass House bill (No. 221) for the relief of Mary Bainbridge, which has been reported from the Committee on Pensions by the Senator from Connecticut, [Mr. FOSTER.] If it give rise to discussion, I shall withdraw my request immediately; but it is a case of peculiar hardship; and, I presume, will not occupy a minute. I move to take up the bill.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

It provides for placing the name of Mary Bainbridge, of Massachusetts, upon the pension list, at thirty dollars per month, commencing on the 1st day of June, 1857, and to continue during her natural life.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

POST ROUTE BILL.

Mr. YULEE. The Committee on the Post Office and Post Roads, to whom was referred the bill (H. R. No. 874) establishing certain post routes, have instructed me to report it back with the amendments which the committee recommend; and I ask the present consideration of the bill.

Mr. HUNTER. It is only to be considered until one o'clock, I understand.

Mr. YULEE. That is all.

The Secretary proceeded to read the amendments of the committee.

The VICE PRESIDENT. The Chair must call up the special order at this hour.

Mr. YULEE. This will remain as the unfinished business of the morning hour, I understand. ["No."]

Mr. GWIN. The Senator can call it up after the appropriation bill is through.

Mr. SLIDELL. I wish to give notice that on Friday next, at twelve o'clock, the bill for the acquisition of Cuba will be taken up for discussion.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. HENRY, his Secretary, announced that the President had this day approved and signed an act to confirm to the heirs or assigns of Bernardo Segui title to lands in East Florida.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE PRESIDENT. The special order is the bill (H. R. No. 711) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1860, which is now before the Senate as in Committee of the Whole; and the question is on the amendment of the Senator from New Hampshire, [Mr. HALE,] to insert as an additional section:

And be it further enacted, That the first section of the act entitled "An act for the admission of the State of Kansas into the Union," approved May 4, 1858, be, and the same is hereby, amended by striking out the following words, to wit: "Whenever it is ascertained, by a census duly and legally taken; that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives in the Congress of the United States;" which words are hereby repealed.

Mr. HUNTER. I understood that if, by general consent, we struck out the provision in regard to taking a census in Kansas, this amendment would be withdrawn.

Mr. SEWARD, and others. No, sir.

Mr. HUNTER. Well, then, let us take the vote.

Mr. STUART. I only wish to say what, being in the chair yesterday, I had no opportunity then to say, that while I regret exceedingly that this subject is now brought to the attention of Congress in any form, yet, having always been against the restriction, I shall vote to repeal it. I had intended, when the amendment of the committee was presented, authorizing the taking of a census, to object to it, because I thought it would lead to precisely this state of things, and that it could, in no event, do any public good. I think so yet. I think that any proceeding to take the census of Kansas by the Government of the United States, under existing circumstances, will not eventuate in any good to the public. But, sir, this question being presented, and being compelled to vote upon it, as I said, having always been against the restriction, I shall vote to repeal it.

Mr. SEWARD. Mr. President, I am quite surprised to hear any expression of regret from the honorable Senator from Michigan for the occurrence of this question. I agreed with him last year that the State of Kansas was entitled to admission into the Union under a constitution of her own choice. Congress acceded to that demand of the State of Kansas, as far as to allow her to come into the Union as one of the confederate States, provided she would accept the Lecompton constitution, without any condition or reservation in regard to the number of her people. On the other hand, Congress decided that if she would not consent to come in under the Lecompton constitution, then she should remain outside of the Union until she should have a population equal to ninety-three thousand four hundred and twenty, or the constituency of a member of Congress. The only ground for this discrimination which I could ever see, was, that the Lecompton constitution would make Kansas a slave State, and that any other constitution which she might adopt would make her a free State. It was, therefore, a discrimination by the Congress of the United States in favor of slavery and against freedom, as the fundamental law of the new State of Kansas. This discrimination was apparently cloaked under a policy which was then averred to be suddenly commended to the favor of Congress, according to which no State, free or slave, of one politics or another, should be admitted into the Union unless it should have a population of ninety-three thousand four hundred and twenty. Those who justified that prohibition in regard to the State of Kansas, claimed that thenceforward that should be established as the policy of the United States; but that policy has already been abandoned in the case of Oregon, which has been admitted without any reservation or condition in regard to the amount of her population, and while it was yet uncertain, and certainly not at all known to Congress, whether she had population enough to entitle her to one member of Congress or not, according to the Federal apportionment; so that this discrimination against the State of Kansas has been now embittered, marked, distinguished, by admitting a Democratic State, a State Democratic in its politics, without regard to population, and excluding Kansas and retaining her in a state of subjugation to the Federal Government when her politics was understood to be different. I am glad, therefore, to have the opportunity to renew to-day the vote which I gave last year against all such discriminations.

But I must avail myself of this occasion to make another remark; which is, that I am very glad to hear so many gentlemen upon the other side of the House state that this condition is not obligatory upon Congress, and that they would be prepared, if not to vote for the admission of Kansas into the Union, if she were here with a constitution of her own choice soliciting admission, yet, at least, they would be willing to give to her application a fair hearing. I am glad to hear this, because it proves what I have always supposed, that the attempt to bind down the future States of this Union by green withes, and to confine them to the choice of such constitutions favoring slavery, as the Congress of the United States shall propose, is proving to be inoperative and useless. I think it indicates that the time is coming when any new State, applying to be admitted into the Union will have a hearing of her claims, and they will be decided upon the merits of the application, entirely irrespective of all conditions and of all restrictions and of all stipulations which the Congress of the United States may previously have insisted upon. I think it is going to show that if the State of Texas should be divided into four States hereafter, and they should come here all as free States, those States will come into the Union as free States. I think it goes to show that if new free States shall be established, as I trust they will be in New Mexico, and, at some future day, under a better condition of society, in Utah, they will be received here as free States; and if, unhappily, any such States should come as slave States, the question will then arise whether it is wise and expedient and just and right to establish slave States, and that all these previous restrictions are to go for nought.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. BROWN. What is the question?

The VICE PRESIDENT. On the amendment of the Senator from New Hampshire. The Secretary will read the amendment again.

Mr. BROWN. I know what it is.

The Secretary called the roll, and Mr. ALLEN answered "nay."

Mr. BROWN. Mr. President——

The VICE PRESIDENT. The Senator from Rhode Island has answered to his name, and after that debate is not in order; but, with the consent of the Senate, the Chair will recognize the Senator from Mississippi.

Mr. BROWN. I spoke before the Secretary commenced to call the roll.

The VICE PRESIDENT. Then the Senator from Mississippi is entitled to the floor.

Mr. BROWN. Mr. President, I need hardly say that I shall record my vote against this amendment. Ever since I had a matured opinion on the subject of introducing new States into the Union, I have been clear in my own judgment that no State ought to be admitted without the requisite population to entitle her to at least one Representative. I think such is the clear meaning of the Constitution. The Constitution requires you to apportion representation among the States according to population. To enable you to do that, it authorizes you to take a census, an enumeration of the population, clearly indicating that the representation among the States is to be equal according to their respective population. I know of no rule which would entitle a young State to a Representative upon this floor with less than the ratio, which must not hold equally good in reference to an old State. Nay, sir, the reason why you should demand it of a new State is stronger than in the case of an old State, because a young State coming in is necessarily entitled to two Senators. She becomes the equal on this floor of New York, Virginia, or any other State, on the instant of her introduction. For these reasons, and others which I shall not weary the Senate with giving, I have always believed, and still believe, that a State coming into the Union ought to have the requisite population to entitle her to one Representative, according to the then existing ratio. Now, I think she ought to have ninety-three thousand four hundred and twenty, that being the ratio; but I said, when this question was up before, that I should be willing to admit Kansas or Oregon, or any other free State, or any other slave State, upon that fraction which entitles South Carolina to a Representative; but the fraction must be ascertained. You must know what the population is, and to ascertain it you are to do precisely what the Constitution authorizes you to do—have a census of the people taken.

This question is to have a very important bearing upon the next presidential contest—this precise question in reference to the manner in which you are to dispose of the Territory of Kansas. The Senator from Michigan, [Mr. CHANDLER,] the other day, gave us notice that the Republican party was going to carry the elections of 1860. Of that he was very confident. Whether he is to prove a true or a false prophet I shall not undertake to say; but I content myself with the hope that, if his party shall succeed in the presidential election, it will succeed for the vindication of principles. I am equally confident with the honorable Senator that the party of which I am a member will succeed in the contest of 1860; and, if it does, I want its success to be a success of principles, and not of men. However others may feel, I, at least, am no spoilsman. I would rather settle one sound principle in a presidential contest than secure all the patronage of all the Presidents who have ever been elected to or retired from the office. The spoils of office, to the people whom I represent, are as sounding brass and tinkling cymbal. They want principle—they want the vindication of great national, sound principles.

That vindication is necessary to the maintenance of their rights in the Union. Without it they cannot live for a year, scarcely for an hour. Therefore it is that I express the hope that, if the Republican party succeed, they may succeed upon a principle; and if we succeed, I want our success to be the vindication of a principle. I neither want to cheat nor to be cheated in the great contest that is to come off in 1860; and as this precise question, which we are now discussing, is to have a most important bearing on that election, I choose to give my opinions not only upon the main question, but upon some of the questions arising out of it collaterally.

I say, sir, I neither want to cheat nor to be cheated, and therefore it is that I am free to state to gentlemen where I stand, and where the people whom I represent stand, and then I shall be very glad to hear from other gentlemen as to where they stand.

Mr. President, the Supreme Court of the United States decided, in the celebrated Dred Scott case, that slaves were property, and that slaveholders had the same right to carry their slave property to the Territories that any other citizen from any other State, had to carry any other kind of property. The venerable Chief Justice declared further, that the whole duty of this Government towards slave property was to protect it. It therefore stands as the judicial exposition of the Constitution under which we live, that slaves are property; that we have the right to take them to the Territories, and have them protected after we get them there. If the decision means anything at all, it means that. Now, sir, by protection, if the word be not a cheat and delusion, we understand *adequate* protection, *sufficient* protection.

Mr. CHANDLER. Will the Senator permit me to ask him a question?

Mr. BROWN. Yes, sir.

Mr. CHANDLER. I wish to ask the Senator from Mississippi, whether, if slaves are property under the Constitution, he does not deem that they are protected wherever that Constitution exists, in States as well as in Territories?

Mr. BROWN. I will come to that. They are protected; but I will show the Senator that the mere naked Constitution does not afford that adequate protection which the nature and description of the property requires. The Constitution of itself, unaided by legislation, can no more protect slave property than it will protect any other species of property. Your ships upon the high seas are entitled to protection under the Constitution; but you aid your Constitution by statutory enactments, and, without that aid, the protection would not be efficient or effective. What I claim, and what the southern States will claim, upon this question, I will state in the spirit of the utmost frankness.

The judicial decision being such as I have described it, we shall claim for our slave property protection in the Territories. As I said before, by protection, we mean adequate protection—protection suited to the nature and description of property to be protected. We all know that a law which would protect inanimate property would not, in all cases, be sufficient to protect animate property; that is, a law which might give very adequate and sufficient protection to a wagon, might not give the same sort of protection to a horse. Then, if you superadd to the animate property the power of reason, your law again must be adapted to that kind of property. Now, the slave partakes of all of these qualities, the inanimate, the animate, and, adding the power of reason, your law must be adapted to the nature of the thing. I mean to be understood on this question. The Constitution never gave us rights and denied us the means of protecting and defending those rights. The Supreme Court having decided that we have the right to carry our slaves into the Territories, and necessarily to have them protected after we get them there, they virtually decided that we have a right to call upon somebody to give us that protection, and to make it adequate, to suit it to the nature, character, and description of the property to be protected.

Now, sir, upon whom are we to call? According to the doctrine of non-intervention our first call is upon the Territorial Legislature. I should, therefore, go to the Territorial Legislature of Kansas, for instance, and say: "here is my slave property; I demand for it protection, adequate and sufficient protection; protection suited to the nature, character, and description of the property." If the Territorial Legislature refuse, then what am I to do? Am I, at that point, to abandon my rights, rights guarantied to me by the Constitution, by the Constitution as expounded by the Supreme Court? Am I, because Congress has chosen to adopt what it pleases to term a party compromise, to abandon my constitutional rights? No, sir; when that Territorial Legislature refuses protection for my slave property, I mean to come to Congress, and this will be my speech to you, "Senators: this Territorial Legislature is your creature. You breathed it into existence; it could not live an hour but under the sunshine of your approval; I come to tell you that your creature is not obeying the Constitution; that your creature is denying to me rights guarantied to me by the sacred charter of our liberties as expounded by the highest judicial tribunal in the land; your creature denies me protection for my slave property; I come to ask you, the master, whether you will grant me that protection;" and I am curious to know, in view of the approaching contest, what response I am to have to that speech. I know perfectly well that the Territorial Legislature of Kansas will deny protection for my property. However, or by what influence prompted to make the declaration, they will declare, as they have within the last three weeks, that they will not only afford no protection; but that they will withdraw protection, as far as they can, and substitute unfriendly legislation in its stead. Is it expected of me and my people that we are to fold this injustice to our bosoms, and cherish it, because it comes stamped, "accept this, or break up the Democratic party."

I ask northern gentlemen whether they would be quite content, under the same sort of compromise between conflicting elements in party, to have their right to call upon this Government to protect their mercantile marine frittered away. Your ships go out upon the high seas, they are assaulted by enemies, attacked by pirates, and what do you do? If the law be insufficient, you come to Congress and invoke its aid. When you ask that, would you be content, Senators from the North, to be told, "we have agreed to non-intervention on this question; we cannot give you any protection." You would say, as I say to-day, "Senators, the obligation is imposed upon you; not by a party compromise, but by the Constitution of your country, to protect this property, and you must do it." So I say in reference to slavery in the Territories: the obligation is upon Congress; the Supreme Court has already decided that we are entitled to protection. The Territorial Legislature, I repeat again, which denies it to us, is your creature; you made it, and you can unmake it. It lives upon your breath; it exists by your forbearance; and I, for one, am not content to be thus compromised out of my constitutional rights—rights secured to me by my forefathers, and guarantied by the decision of the Supreme Court of the United States. I agreed to non-intervention; but I never agreed, after we had established rights by the decision of the Supreme Court, we were to be deprived of those rights by a congressional compromise. If, as the Supreme Court has decided, the obligation is upon you to protect my property, no agreement among politicians or parties can discharge you from that obligation.

I have heard it said, Mr. President, that when we come here with a bill asking protection for our slave property in the Territories, the dominant party of the North will take the other side of the proposition, and abolish slavery in the Territories. Impotent threat! Impotent appeal to cowardly fears! Have you any higher right to abolish slavery, because I ask protection for it, than you would have if I asked nothing? Does the mere fact of my coming and asking for my constitutional rights open the door to you to destroy my rights? Suppose the Senator from Massachusetts, who represents a very important commercial interest, a very important commercial marine, should come and ask you to amend and fortify your laws in reference to the coastwise trade; and should tell you that there were pirates in the Gulf, seizing his ships, plundering the cargo, and murdering the crews, scuttling the vessels; and suppose he came with a bill asking protection; I want to know if that would confer upon you any right to turn pirate yourselves, scuttle his ship, murder the crew, and steal the cargo? No, sir. If it were a case fairly stated and honestly fortified, you would say, "the obligation is upon us to give adequate and sufficient protection to this property, and we will do it by the naval and military power of the Government;" and have I, sir, less right to demand protection for my slave property in the Territories? and ought I to be content to take less? If I come and ask you to discharge your constitutional obligation, can you any more turn pirate in my case than you could turn pirate in the case of the Senator from Massachusetts? The obligation to protect is one thing; the power to destroy is altogether a different thing. I say, again, the threat that, if we come and demand protection for our slave property, you will take the converse of the proposition, and pass anti-slavery laws, passes me by as the idle wind. It is an impotent threat; and it appeals to cowardice and the meanest passions of the southern people.

I give you warning now, that if Kansas legislate in a spirit of hostility to slavery, the State which I represent, and, in my opinion, a vast majority of the southern people, will come to Congress, and demand of you, in obedience to the written Constitution as expounded by the illustrious men who adorn the Supreme Bench of the United States, that you annul their legislation, and substitute instead laws giving adequate and sufficient protection to slave property. When you have done that, you will have discharged your duty, and your whole duty; and, when you do less, you are derelict in your duty, under the Constitution of the United States.

When we came into this Union, Mr. President, we came as equals. Mine was not one of the original States; but the act which admits her admits her on a footing of equality with the original States. Therefore, she stands in the Union today, claiming all the rights, all the privileges, all the immunities, which belong to any one of the sisterhood; and, much as I honor her, I would never plant my foot on her soil again, so help me God, if she consented to take less than that.

We ask nothing which we are not willing to give. We ask nothing that we are not willing to yield. Come and demand protection for your property, upon the high seas or in the Territories, and I shall be ready to give it; not with stinted measure, but I will give you that sort of protection which will secure you in the peaceable, quiet, and happy enjoyment of your property. When I come as an equal, and demand the same thing, I want to know whether you will measure to me that equal justice for which, I tell you, I have always been ready and am still ready and shall remain ready to mete out to you.

I hope that on these points I am understood. I do not wish to weary the Senate with a long speech on this or any other question. I know how speedily the hours fly, and how impatient the Senate is to transact its business; but this, I repeat again, is an element which must enter into the next presidential contest; you cannot keep it out; and before we enter on the threshold of that contest, it is right for all who feel as I do, that they neither want to cheat nor be cheated—to understand where they are. I think I understand the position of the Senator from Illinois, [Mr. DOUGLAS,] and I dissent from it. If I understand him, he thinks that a Territorial Legislature may, by non-action or by unfriendly action, rightfully exclude slavery. I do not think so. But if territorial legislation is to be the end of legislation, he is right. If your doctrine of non-intervention shall be carried to the extent of allowing a Territorial Legislature, by non-action or unfriendly action, to annul a decision of the Supreme Court, then I say to the Senate and to the world that the Senator from Illinois is right; by non-action, by unfriendly action within the limitations of constitutional power, the Territorial Legislature can exclude slavery. But it is a question of power; not of right. What I want to know is, whether you will interpose against power and in favor of right; or whether you will stand by, dissenting in words from the Senator from Illinois, and yet, for all practical purposes, sustaining him by refusing to interpose your authority to overthrow the unconstitutional and tyrannical acts of your creature—the Territorial Legislature. The Sen-

ator thinks the Legislature has the right, by non-action or unfriendly action, to exclude me, with my slaves. You tell me you do not think so. But what matters it to me what you think, if you will do nothing to secure me in my rights? If the Territorial Legislature refuses to act, will you act? If it pass unfriendly acts, will you pass friendly? If it pass laws hostile to slavery, will you annul them, and substitute laws favoring slavery in their stead? If you cannot give affirmative answers to these questions, I care not a button for the difference between you and the Senator from Illinois. We have a right of protection for our slave property in the Territories. The Constitution, as expounded by the Supreme Court, awards it. We demand it; and we mean to have it.

I have already said that the Constitution, unaided by legislation, gives us the *right* to protection, but it does not give us the protection itself. It does not give us the power to punish those who trespass on our property. It does not give us the power to vindicate it in any manner, shape, or form. It gives us rights, but they are naked rights; and, until they are supported by legislation, they amount to nothing but naked rights. Non-action goes a great way to exclude slave property from a Territory—further, perhaps, than to exclude any other species of property; and yet it is true that no property can exist without laws to protect it. The Constitution may give the right, but the law must give the remedy.

But, sir, I admit, as I have done on former occasions; I admit, as I did in the House of Representatives, and, I think, in the Senate, that the legislative power, wherever it may be lodged, must necessarily regulate the relations between master and slave. Now, the precise point at which the regulating power must stop, is not very easily defined. And then we must all admit that the power of taxation must be in the Legislature. At what point the power shall be exercised so as to become unconstitutional, would be very difficult for a court to determine. Then, I say, that legislating in an unfriendly spirit upon the point of taxation, and upon the power of regulating the relations between master and slave, added to non-action—non-favorable action I mean—slavery would be as effectually excluded as if they had said in so many words, "if you bring your slave here, we will set him free."

I do not want to be misunderstood. If the Legislature may tax, at what point will the taxing power become unconstitutional? If it may regulate, when shall it stop? If it refuses to act, how will you force it to act? These thoughts suggest to my mind a concurrence with the Senator from Illinois, that a Territorial Legislature has the power, not the right, to exclude slavery, and therefore my question: when it exercises its power without the right, what will you do? The Senator says he will do nothing. Other Senators from the North—what will you do?

I do not care to elaborate the ideas that crowd on my mind. I do not care to run off into the collateral idea of the Government exercising its power to regulate commerce, and doing it in such a way as to break down the whole shipping interest at the North. You have a clear and distinct right to regulate commerce. At what point your exercise of that power would become unconstitutional, it would be a very difficult matter for a court to determine. So it is on the other side. I say that the Senator from Illinois is right to a certain extent; but he is wrong when he comes to another point, and that is, that under the doctrine of non-intervention, non-action on the part of the Territorial Legislature, or unfriendly legislation, may drive us from the Territories, and we are without a remedy. I understand that to be his position, and if so, I dissent from it *in toto*. We have a remedy. That remedy I have before indicated; but, as I want to impress it on the minds of my northern friends, I repeat it. The remedy is, by an appeal to Congress; by telling you "this creature of yours denies us our rights, refuses to give us protection for our property, and we come to you, the masters and the creators, and ask you to wipe this thing out of existence or force it to obey the Constitution of the country."

I understand from the Senator from Illinois, that when I make that appeal—that appeal which I and my people will make—he will deny it. I understand him, and I dissent from him. And now, sir, I should like to know of other Senators from the North whether I understand them. What will be your response, Senators? Will you respond favorably or unfavorably to the inquiry? When we come and demand that you interpose and force your creature to do us justice, will you stand by us or will you stand against us? Will you stand by the Senator from Illinois, or will you stand by me. Non-action upon your part will be more terrible to me than non-action on the part of the Territorial Legislature. What I and my people shall ask is action; positive, unqualified action. Our understanding of the doctrine of non-intervention was, that you were not to intervene against us, but I never understood that we could have any compromise or understanding here which could release Congress from an obligation imposed on it by the Constitution of the United States. If the obligation is upon you, and that it is I appeal to the opinions of your illustrious judges, then how are you to escape? You may refuse to act, you may refuse to discharge the obligation; but still it is upon you, and no agreements not to intervene, I care not by whom they may have been made or who may have yielded to them, can release you from them. I want to know where we all stand, because I can see, and do see, that if the Territorial Legislature refuses to protect my property, and I come and complain to you that it does so refuse, and you turn a deaf ear to my complaint, then there is no difference between you and the Senator, who says in advance, in so many words, that he will not respond favorably to my complaint. Indeed, I have more respect for a Senator who says right out—"I will do nothing," than for one who would delude me and my people with hopes never to be realized.

Mr. President, I may be asked what I would do in the event that my appeal for congressional protection turns out futile? I am prepared to tell you what I would do; but I am not prepared to tell you what the South would do. On this point I do not speak for the South; but I speak for that portion of the southern people who understand the question as I understand it. I will tell you what they and I will do. I will tell you more, what I will advise my people to do. At the very instant when you deny to us rights guarantied by the Constitution, as expounded by the Supreme Court, and do it by the mere force of numbers, my mind will be forced irresistibly to the conclusion that the Constitution is a failure, and the Union a despotism. If I cannot obtain the rights guarantied to me and my people under the Constitution, as expounded by the Supreme Court, then, sir, I am prepared to retire from the concern.

Mr. CLARK. Will the honorable Senator allow me to ask him one question?

Mr. BROWN. Certainly.

Mr. CLARK. I have often heard it said by southern gentlemen that they would retire from the Union, go out of it. I want to inquire of that gentleman, where is the way, and how he would go?

Mr. BROWN. When we make up our minds to go, we will find the way. We will make it so plain that, if the Senator and his Abolition friends want to pursue us, they will be able to follow the trail. We shall not sneak out of the concern; but, throwing our banner to the breeze, we will march out like men, leaving such a trace behind as that our enemies may pursue us if they have the courage to do so.

Now, I suppose, Mr. President, I shall be charged with making extraordinary demands, and then declaring that, if they were not yielded, we would dissolve the Union. I mean no such thing. I simply demand that which belongs to me and my people under the Constitution, as expounded, I repeat again and again, by the Supreme Court. There is nothing extraordinary in that. In this connection, I have declared, time and time again, that I would yield to similar appeals coming from any other quarter. I then ask gentlemen if there is anything extraordinary in the demand?

Mr. PUGH. Will the Senator permit me to ask him what his demand is? I wish to hear it.

Mr. BROWN. I wish my friend had listened to me. I am reluctant to repeat, and cannot do it even at his solicitation.

Mr. President, I have not said, if we do not get our constitutional rights, we will dissolve the Union. I have said, when our constitutional rights are denied us, we *ought* to retire from the Union. True manhood requires it. Why should we remain in? Why should we remain one hour in the Union after the Union denies us rights guarantied by the Constitution? What brought us into it, but to seek and give protection; and if you are going to convert the Union into a masked battery from behind which to make war on me and my property, in the name of all the gods at once, why should I not retire from it? The ordinary animal instincts, to say nothing of human reason, would dictate that course. Would not the veriest wild beast fly from a concern if he found it making war on him? You tell us constantly that this Union is to be used for the destruction of slave property. Your great leader and champion on the other side told us at Rochester, this last fall, that we were to be all free or all slave; all Republican, I suppose, or all Cossack; and yet we are told by gentlemen on the other side of the Chamber, in this debate, that they contemplate no attack on slavery in the States. I know that that declaration is not founded in sincerity; I know that you do contemplate attacking slavery in the States. The Senator from New York, [Mr. SEWARD,] in his Rochester speech, foreshadowed the policy of his party. When he speaks, the whole party speaks. He speaks not for himself; but he speaks for more than half a million of followers. When Napoleon issued his orders, it was never necessary to inquire what the army thought. The army thought and did as Napoleon thought and told them to do. When the Senator from New York speaks, he speaks for the Republican party. Other gentlemen may dissent if they please. They may say we do not agree to this. So Napoleon's field marshals may have said, "we think the order is bad, but we obey it;" and they dared not do otherwise. So with you. When your great Napoleon points out the way, you have to follow it; you dare not disobey. You may grumble and growl and say you dissent and throw obstacles in the way, and get deposed for doing so; but in the end you will have to fall into the line and march after the banner of the great Napoleon of your party. I thank the Senator from New York, not for the sentiments of the speech, for those I most heartily and from the inmost recesses of my soul despise, but I thank him for the manliness displayed in making the speech. He spoke out that which he and his followers do most honestly feel and think, that slavery is ultimately, through the agency of the Federal Government, to be overthrown in all the southern States. That is the issue we have to meet if the Union lasts, and no honest man ought to disguise it.

And seeing this, those of us who are for the hour on watch should ill discharge our duty if we did not sound the alarm that danger was approaching. Surrounded by difficulties and dangers of this sort, I do not want to stumble into the presidential contest of 1860 without knowing where we stand. All this Kansas difficulty could have been avoided, if there had been just a very little amount of firmness, and I may say honesty, at Cincinnati. Now, sir, I took the proposition there, borrowed from the report of the Senator from Illinois, that no State ought to be admitted into the Union with a less population than ninety-three thousand four hundred and twenty. I offered it, and it was rejected; and that meaningless nonsense put into the platform, which stands there now, that no State ought to be admitted without a *sufficient* population to entitle it to one Representative. What is a sufficient population? It all looks well enough on the face of the paper, but when you come to analyze it, it is miserable nonsense. It was not adopted by accident; it was done by design. My proposition, which meant something, which was designed to put the principle of introducing new States on a solid basis, was rejected, and the convention substituted a proposition that new States must have a sufficient population. One man says five thousand is sufficient; another thinks fifty thousand sufficient; and I think nothing less than ninety-three thousand four hundred and twenty sufficient; and when you come to vote on it, you find no two men agreeing. If my proposition had been incorporated into the Democratic platform, we should have stood together now; Kansas would never have applied; because she would

have been advertised through the dominant party here, at least, and through the President of our choice, that, until she showed the population, she could not get into the Union. I do not want any more such platforms. I want, in the next presidential election, that we shall know where we are, what we are, and where we stand. I would rather see the Democratic party sunk, never to be resurrected, than to see it successful only that one portion of it might practice a fraud on another. If we agree, then let us stand together like honest men. If we disagree, then let us separate like honest men.

Mr. President, very many other thoughts crowd on my mind in this connection; but, if I am understood, I have said all that I care to say.

Mr. WADE. I wish to remind the Senator, before he takes his seat, that I believe he has not answered the question of the Senator from Michigan; and as the Senator, I believe, is the Napoleon of that side, I wish to understand him also. I want to know whether the same doctrine of protection does not as well apply to a State as to a Territory; and if it does not, why not?

Mr. BROWN. That was not the inquiry of the Senator from Michigan, clearly, but I will tell the Senator why it does not. I utterly, totally, entirely, persistently, and consistently, repudiate the whole doctrine of squatter sovereignty. By squatter sovereignty I mean territorial sovereignty. I utterly deny that there is any sovereignty in a Territory.

Mr. WADE. I understand the Senator to contend, that, inasmuch as a slave is property in a Territory, the owner has a right to be protected in the Territory. He says he derives that right from the Constitution of the United States, and the decision of the Supreme Court under that Constitution. That I understand to be the claim. If so, I ask why it does not apply as well to a State as to a Territory? What is there in the Constitution, if it is the supreme law of the land, that prevents its operating in a State to the same extent as in a Territory?

Mr. BROWN. I hold, Mr. President, that each State is sovereign within its own limits; and that each for itself can establish or abolish slavery for itself.

Mr. WADE. Do I understand the Senator that State sovereignty dominates over the Constitution of the United States, in any instance, or can do so?

Mr. BROWN. If the Constitution, in terms, guarantied slavery in the States; in other words, if the States had surrendered to the Federal Government the power to maintain slavery within their respective limits, then, as a matter of course, the obligation would have been upon Congress to do it; but the extent of the guarantee is not that. The guarantee is, that you shall surrender fugitive slaves.

Mr. WADE. I do not wish to interrupt the Senator; but I believe the Dred Scott decision makes no distinction between this right in a State and in a Territory; but if it does, I should like to know from any lawyer why it does?

Mr. BROWN. I shall not undertake to discuss that question at large, because it is not involved in the controversy. The Supreme Court were simply dealing with a Territory; and I speak of the decision as I find it. No such hypothetical case as that presented by the Senator from Ohio has arisen, or probably ever will arise; but if it does, and the Supreme Court think proper to decide it, they will doubtless give sound reasons for the decision one way or the other. It is no business of mine to foreshadow what will be their decision on a point never presented, and never likely to be presented; but, Mr. President, if nobody else wants to interrogate me, I apologize for having consumed nearly three quarters of an hour of the time of the Senate, when I know that every minute is of vast importance; and I yield the floor.

Mr. DOUGLAS. Mr. President——

Mr. LANE. Mr. President, I rise to a question of order. I believe the call of the roll had been commenced, and debate cannot proceed without the unanimous consent of the Senate.

The PRESIDING OFFICER, (Mr. IVERSON in the chair.) The present occupant of the chair was not in the chair at the time the call of the roll commenced; but he inquired of the Secretary whether an answer to the call had been recorded, and he was told no; and that the roll was considered as not called.

Mr. BROWN. I can explain it. I was on the floor and had addressed the Chair; but the Vice President did not hear me. I spoke again, and he still did not hear me. If there was a response, it was out of order. Nobody had a right to answer while I was claiming the attention of the Chair. I rose precisely at the instant the Senator from New York was taking his seat.

The PRESIDING OFFICER. If the first person who had been called had answered yea or nay, debate would have been out of order; but there was no response to the call, and debate is in order.

Mr. DOUGLAS. If no other northern Democrat desires to be heard on the points presented by the Senator from Mississippi, I feel it incumbent on me to say something in vindication of my own position, reluctant as I am to occupy time at this stage of the session in a discussion of this question. I admire the frankness, candor, and directness, with which that Senator has approached this question. No man can accuse him, none will suspect him, of a desire "to cheat or to be cheated;" and I hope that I shall be able to put my opinions on the record in a manner that will acquit me of the slightest suspicion of desiring to cheat or to be cheated. To a certain point, that Senator and myself agree. Then there comes divergence, which grows wider and wider the further we travel. We agree that, under the decision of the Supreme Court of the United States, slaves are property, standing on an equal footing with all other property; and that, consequently, the owner of a slave has the same right to emigrate to a Territory, and carry his slave property with him, as the owner of any other species of property has to move there, and carry his property with him.

Mr. DOOLITTLE. Will the honorable Senator allow me——

Mr. DOUGLAS. I am replying to the Senator from Mississippi now, and would prefer, therefore, to go on.

Mr. DOOLITTLE. I wish to put a question to the honorable Senator from Illinois on that point.

Mr. DOUGLAS. I desire to deal with this point now. At another time, the Senator can present his point. The right of transit to and from the Territories is the same for one species of property as it is for all others. Thus far the Senator from Mississippi and myself agree—that slave property in the Territories stands on an equal footing with every other species of property. Now, the question arises, to what extent is property, slaves included, subject to the local law of the Territory? Whatever power the Territorial Legislature has over other species of property, extends, in my judgment, to the same extent, and in like manner, to the slave property. The Territorial Legislature has the same power to legislate in respect to slaves, that it has in regard to any other property, to the same extent, and no further. If the Senator wishes to know what power it has over slaves in the Territories, I answer, let him tell me what power it has to legislate over every other species of property, either by encouragement or by taxation, or in any other mode, and he has my answer in regard to slave property.

But the Senator says that there is something peculiar in slave property, requiring further protection than other species of property. If so, it is the misfortune of those who own that species of property. He tells us that, if the Territorial Legislature fails to pass a slave code for the Territories, fails to pass police regulations to protect slave property, the absence of such legislation practically excludes slave property as effectually as a constitutional prohibition would exclude it. I agree to that proposition. He says, furthermore, that it is competent for the Territorial Legislature, by the exercise of the taxing power, and other functions within the limits of the Constitution, to adopt unfriendly legislation which practically drives slavery out of the Territory. I agree to that proposition. That is just what I said, and all I said, and just what I meant by my Freeport speech in Illinois, upon which there has been so much comment throughout the country.

But the Senator says that while non-action by the Territorial Legislature excludes slavery; and, while the Territorial Legislature may, within the limits of the Federal Constitution, adopt such a system of unfriendly legislation as in effect to exclude slavery from its limits, yet it is wrong for the Legislature to pursue that policy; and, because the Territorial Legislature ought not to adopt that line of policy, he will not be content with such legislation, but will appeal to Congress, and demand a congressional code of laws protecting slavery in the Territories, in opposition to the wishes of the people. Well, sir, his conclusion is a logical one, unless my position is right. All men must agree that non-action by the Territorial Legislature is practical exclusion. If the people of a Territory want slavery, they will protect it by a slave code. If they do not want slavery; if they believe it is not necessary; if they are of opinion that their interests do not require it, or will be prejudiced by it, they will not furnish the necessary remedies and police regulations, usually called a slave code, for its protection.

The Senator from Mississippi says they ought to pass such a code; but he admits that it is immaterial to inquire whether they ought or ought not to do it; for if they do not want it, they will not enact it; and if they do not do it, there is no mode by which you can compel them to do it. He admits there is no compulsory means by which you can coerce the Territorial Legislature to pass such a law; and for that reason he insists that, in case of non-action by the Territorial Legislature, it is the right and duty of southern Senators and Representatives to demand affirmative action by Congress in the enactment of a slave code for the Territories. He says that is not necessary to put the question to me, whether I would vote for a congressional slave code. He desires to know of all other northern Democrats what they will do; he does not wish an answer from me. I am much obliged to him for taking it for granted, from my past record, that I never would vote for a slave code in the Territories by Congress; and I have yet to learn that there is a man in a free State of this Union, of any party, who would.

Mr. MASON. Will the Senator be kind enough to explain what he means by a slave code?

Mr. DOUGLAS. Yes, sir. The Senator from Mississippi defined it very well in his speech. His position was, that while the Constitution gave him the right of protection in a Territory for his slave property, it did not, of itself, furnish adequate protection. He drew a distinction between the right and the fact, and said that the protection could only be furnished by legislation; that legislation could only come from one of two sources—the Territorial Legislature or the Congress of the United States. He would look to the Territorial Legislature in the first instance. If he got adequate legislation there, he was content; but if the Territorial Legislature failed to act, and give him that adequate legislation, in the form of what is commonly called a slave code, such non-action was equivalent to a denial of his rights; and, losing his rights, it was no consolation to him that he had been deprived of them by the non-action of a Territorial Legislature; and hence he would demand of Congress the passage of laws to protect his slaves, and to punish men for running them off; to furnish such remedies for the violation of his rights as he thought he was entitled to from the Territorial Legislature. He said he would demand this from Congress.

Mr. BROWN. Because the Territorial Legislature was the creature of Congress.

Mr. DOUGLAS. He further said that he would base his demand on Congress to pass this slave code on the ground that the Territorial Legislature was the creature of Congress; and, if it did not do its duty, Congress should pass such laws as were necessary to protect slave property in the Territories.

Mr. GREEN. Will the Senator permit me to ask him a single question?

Mr. DOUGLAS. Certainly.

Mr. GREEN. If a law merely providing protection is to be called a slave code, then, I ask, if larceny, in general terms, were punished by the territorial law, and the Legislature should except the larceny of slaves, would he say he would submit to that at the option of the Legislature?

Mr. DOUGLAS. It is immaterial to me, whether you call this legislation a slave code, or by any other name. I will call it by any name the Senator chooses. I wish to be understood, however, and to use such language as conveys the idea. I take the language of the Senator from Mississippi, if that is satisfactory. All I have to

say, on the point presented by the Senator from Missouri, is this: while our Constitution does not provide remedies for stealing negroes, it does not provide remedies for stealing dry-goods, or horses, or any other species of property. You cannot protect any property in the Territories, without laws furnishing remedies for its violation, and penalties for its abuse. Nobody pretends that you are going to pass laws of Congress making a criminal code for the Territories, with reference to other species of property. The Congress of the United States never yet passed an act creating a criminal code for any organized Territory. It simply organizes the Territory, and leaves its Legislature to make its own criminal code. Congress never passed a law to protect any species of property in the organized Territories; it leaves its protection to the Territorial Legislatures. The question is, whether we shall make an exception as to slavery? The Supreme Court makes no such distinction. It recognizes slaves as property. When they are taken to a Territory, they are on an equal footing with other property, and dependent upon the same system of legislation, for protection, as other property. While all other property is dependent on the territorial legislation for protection, I hold that slave property must look to the same authority for its protection.

Mr. GREEN. The Senator will permit me to say that I think he does not understand the point I presented, and I therefore desire to present it more explicitly. The Supreme Court having decided that slaves constitute property, if a Territory, authorized by Congress to legislate for itself, should pass a law punishing larceny of all property except slaves, would that make slaves equal to other property in the Territory?-or would it not be a violation of the Constitution?

Mr. DOUGLAS. If the Senator cannot understand my answer to that question by what I have said, and the train of my argument, it is useless for me to discuss it further. I say that I leave all kinds of property, slaves included, to the local law for protection; and that I will not exert the power of Congress to interfere with that local law with reference to slave property, or any other kind of property. If the people think that particular laws on the subject of property are beneficial to their interests, they will enact them. If they do not think such laws are wise, they will refrain from enacting them. They will protect slaves there, provided they want slavery; and they will want slavery, if the climate be such that the white man cannot cultivate the soil, so as to render negro compulsory labor necessary. Hence, it becomes a question of climate, of production, of self-interest, and not a question of legislation, whether slavery shall, or shall not exist there.

But the Senator from Mississippi says he has a right to protection. The owner of every other species of property may say he has a right to protection. The man dealing in liquors may think that, inasmuch as his stock of liquors is property, he has a right to protection. The man dealing in an inferior breed of cattle, may think he has a right to protection; but the people of the Territory may think it is their interest to improve the breed of stock by discrimination against inferior breeds; and hence they may fix a higher rate of taxation on the one than on the other.

Mr. BROWN. The Senator from Illinois now makes a point which enables me to illustrate what I mean. I hold that the Territorial Legislature of Kansas—that being the Territory immediately involved in this discussion—has no right to enact the Maine liquor law. That is an act of sovereignty. It has the right to say that liquors carried into the Territory shall be so used as that they shall not corrupt the public morals nor endanger the public safety; but the power of prohibition does not belong to a Territorial Legislature. So I say in reference to slave property. As I said in my opening remarks this morning, while I demand justice, I will do justice. I hold that a Territorial Legislature has the right to regulate the relation between master and slave in such a manner that the master shall not permit the slave to endanger the public safety or corrupt the public morals. That is what I mean by the power to regulate; and not seeing the point at which a court could intervene and arrest this power if it were abused, I said it never would, or rarely ever, present a case which we could get before the court and upon which we could demand its judgment. By this I understood the Senator from Illinois to mean unfriendly legislation; that in the exercise of its power to regulate the relation between master and slave, it could act with such severity as effectually to exclude slavery as though it were a constitutional inhibition. That is what I meant.

Mr. DOUGLAS. I am willing to test this question by the illustration the Senator presents of a Maine liquor law. I shall not stop to inquire whether the Maine liquor law is constitutional or not; first, because Congress is not the tribunal to decide it; and secondly, because, by the platform to which the Senator from Mississippi and myself both stand pledged as the rule for our political action, it is provided that that question shall be sent to the court to test the constitutionality of the law, and we shall not come to Congress to repeal the law. When the Nebraska bill was first pending in the Senate, it contained the old clause that the territorial laws should be sent here, and, if disapproved by Congress, should be void. The discussion proceeded on the basis that we were conferring the whole power of legislation on the Territory, subject only to the Constitution of the United States, with the right in the Territorial Legislature "to form and regulate their domestic institutions in their own way;" and that if any man was aggrieved by such legislation, he should have a right to appeal to the Supreme Court of the United States to test its validity, but should not come to Congress to repeal the obnoxious law. When that argument was made, a distinguished Senator from Ohio, not now here, (Mr. Chase,) asked us why we kept that clause in the bill requiring the laws of the Territory to be sent here for approval or disapproval? We could not answer the inquiry, and hence we struck out the provision requiring the territorial laws to be sent here for approval or disapproval, upon the avowed ground at the time that the Territorial Legislature might pass just such laws as they wanted, with the right of appeal by any one aggrieved to the Supreme Court to test their constitutionality, but not to Congress to annul them. I undertake to say that this was the distinct understanding among the northern and southern Democrats at that time, and among all the friends of the Kansas-Nebraska bill. It was agreed that while we might differ as to the extent of the power of the Territorial Legislature on these questions, we would make a full grant of legislative authority to the Legislature of the Territory, with the right to pass such laws as they chose, and the right of anybody to appeal to the court to decide upon the validity and constitutionality of such laws, but not to come to Congress for their annulment. Hence, if the Territorial Legislature should pass the Maine liquor law, and anybody was dissatisfied with the provisions of that act, and thought it violated his constitutional right, he could not come to Congress for its annulment, but could appeal to the Supreme Court of the United States; and if that court decided the law to be constitutional, it must stand, no matter how obnoxious it might be to any portion of the American people. If it was unconstitutional, it became void without any interference by Congress, or any other legislative body. The Kansas-Nebraska bill was thus amended for the avowed purpose, at the time, of striking out the appeal to Congress, and substituting the appeal to the court.

After we had gone that far, a Senator from New Hampshire pointed out in the Nebraska bill the fact that no appeal could be taken to the Supreme Court of the United States unless the amount of property in controversy was $2,000 in value, and hence that a negro could not appeal for his freedom, nor could the owner of a single slave appeal to the Supreme Court to establish his title, if he thought that his rights were violated. In order to obviate that objection, we amended the bill by providing that where the title to property in slaves, or any question of personal freedom was the point in issue, the right of appeal to the Supreme Court should exist without reference to the amount in controversy.

Thus the Kansas-Nebraska bill stood, granting all rightful power of legislation on all subjects whatsoever to the Territorial Legislature, subject only to the Constitution of the United States, provided they should not pass any law taxing the property of non-residents higher than that of residents, nor any law interfering with the primary disposition of the soil, nor impose any tax on the property of the United States; but there was no exception made as to slavery. The intent was to confer on the Territorial Legislature all the power we had on the subject of slavery, to let them wield it for or against free institutions, as the people of the Territory chose; and the understanding was, that we would abide by whatever laws they might make, provided they did not violate the Constitution of the United States; and the Supreme Court was the only tribunal that could decide that question.

Now, sir, I stand on the Kansas-Nebraska bill as it was expounded and understood at the time, with this full power in the Territorial Legislature, with the right of appeal to the Supreme Court to test the validity of its laws, and no right whatever to appeal to Congress to repeal them in the event of our not liking them. I am ready to answer the inquiry of the Senator from Mississippi, whether, if I believed the Maine liquor law to be unconstitutional and wrong, and if a Territorial Legislature should pass it, I would vote here to annul it? I tell him no. If the people of Kansas want a Maine liquor law, let them have it. If they do not want it, let them refuse to pass it. If they do pass it, and any citizen thinks that law violates the Constitution, let him make a case and appeal to the Supreme Court. If the court sustains his objection, the law is void. If it overrules the objection, the decision must stand until the people, who alone are to be affected by it, who alone have an interest in it, may choose to repeal it. So I say with reference to slavery. Let the Territorial Legislature pass just such laws in regard to slavery as they think they have a right to enact under the Constitution of the United States. If I do not like those laws, I will not vote to repeal them; if you do not like them, you must not vote to repeal them; but anybody aggrieved may appeal to the Supreme Court, and if they are constitutional, they must stand; if they are unconstitutional, they are void. That was the doctrine of non-intervention, as it was understood at the time the Kansas-Nebraska bill was passed. That is the way it was explained and argued in the Senate and in the House of Representatives and before the country. It was distinctly understood that Congress was never to intervene for or against slavery, or for or against any other institution in the Territories; but leave the courts to decide all constitutional questions as they might arise, and the President to carry the decrees of the court into effect; and, in case of resistance to his authority in executing the judicial process, let him use, if necessary, the whole military force of the country, as provided by existing laws.

I know that some gentlemen do not like the doctrine of non-intervention as well as they once did. It is now becoming fashionable to talk sneeringly of "your doctrine of non-intervention." Sir, that doctrine has been a fundamental article in the Democratic creed for years. It has been repeated over and over again in every national Democratic platform—non-intervention by Congress with slavery in the States and Territories. The Nebraska bill was predicated on that idea—the Territorial Legislature to have jurisdiction over all rightful subjects of legislation, not excepting slavery, with no appeal to Congress, but a right to appeal to the courts; and the legislation to be void, if the Supreme Court said it was unconstitutional, and valid, no matter how obnoxious, if the court said it was constitutional. Let me call attention to the language of the Kansas-Nebraska bill. Its fourteenth section provides:

"That the Constitution and all laws of the United States, which are not locally inapplicable, shall have the same force and effect in the said Territory of Nebraska, as elsewhere within the United States, except the eighth section of the act 'preparatory to the admission of Missouri into the Union,' approved March 6, 1820, *which, being* INCONSISTENT WITH THE PRINCIPLE OF NON-INTERVENTION BY CONGRESS WITH SLAVERY *in the States* AND TERRITORIES, *as recognized by the legislation of* 1850, *commonly called the compromise measures,* IS HEREBY DECLARED INOPERATIVE *and* VOID; *it being the true intent and meaning of this act not to legislate slavery into any State or* TERRITORY, *nor to exclude it therefrom, but to leave the people* THEREOF *perfectly* FREE TO FORM AND REGULATE THEIR DOMESTIC INSTITUTIONS IN THEIR OWN WAY, SUBJECT ONLY TO THE CONSTITUTION OF THE UNITED STATES."

Thus, in the Nebraska bill, it is declared that a congressional enactment on the subject of slavery was inconsistent with the principle of non-intervention by Congress with slavery in the States

and Territories. This same article of faith has gone into the various Democratic platforms, and especially into the Cincinnati platform. Every Democrat, therefore, is pledged, by his platform and the organization of the party, against any legislation of Congress in the Territories for or against slavery, no matter how obnoxious the territorial legislation may be. If it is unconstitutional, you have your remedy; go to the court and test the question. If it is constitutional, you agreed that the people of a Territory may have it. I hold you to the agreement.

Mr. CLAY. Will the Senator permit me to ask him a question?

Mr. DOUGLAS. Certainly, with great pleasure.

Mr. CLAY. I ask the Senator whether he believes that a citizen of the southern States has a right to carry his slaves into the Territories under the Constitution?

Mr. DOUGLAS. When the Senator gets through with his question, I will answer.

Mr. CLAY. I should like the Senator to answer.

Mr. DOUGLAS. I do not like this thing of requiring categorical answers, when the Senator who puts the question holds the floor. When he gets through, I will give him an answer.

Mr. CLAY. If the Senator does not answer it, I will answer it. I think the citizen has that right. When I am asked whence he derives the right, I say from the Constitution. The Supreme Court has so decided. Then, I ask the Senator, if the Constitution gives the right, how can the Territory deny it? and if the Territory pass a law inhibiting the introduction of slaves there, where is his redress? The Senator says, in the Supreme Court. Suppose he takes a slave there; suppose it is stolen from him, and he brings an action for its recovery, and the local court decides against him, and he brings his case to the Supreme Court by appeal, and the Supreme Court decides that the law inhibiting slavery is unconstitutional, and that he has a right to hold the slave: what redress is given to him if Congress will not secure his rights? The result is just this: that if the Senator be right, the Constitution prevails in the States, but not in the Territories; squatter sovereignty is superior to the Constitution.

Mr. DOUGLAS. I will answer the Senator's question. First, I do not hold that squatter sovereignty is superior to the Constitution. I hold that no such thing as sovereign power attaches to a Territory while a Territory. I hold that a Territory possesses whatever power it derives from the Constitution under the organic act, and no more. I hold that all the power a Territorial Legislature possesses is derived from the Constitution and its amendments, under the act of Congress; and because I hold that, I denied last year that the people of a Territory, without the consent of Congress, could assemble at Lecompton and create an organic law for that people. I denied the validity of your Lecompton constitution, for the reason that constitutions can only be made by sovereign power; and because the Territory was not a sovereignty, that was not a constitution, but a petition. But, sir, I will not occupy time on that question. The limit of the authority of a Territorial Legislature is the organic act and the Constitution and its amendments. The organic act of Kansas provides, in its sixth section:

"That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposition of the soil," &c.

The whole legislative power possessed by Congress over a Territory was, by that act, conferred on the Territorial Legislature. There were exceptions on three points; but slavery was not one of the exceptions. I say, then, the intent was to give to the Territorial Legislature all the power that we possessed; all that could be given under the Constitution; and the understanding was, that Congress would not interfere with whatever legislation they might enact.

Now, the Senator from Alabama asks me whether the southern people, under the Constitution, have not the right to carry their slaves there? I answer, yes—the same right that you have to carry any other property. Then you ask, have they not a right to hold it there when they get it there? I answer, the same right that you have to hold any other property, subject to such local laws as the local Legislature may constitutionally enact. Can you hold any other property without law to protect it? No. Then, can you hold slave property without law to protect it? No, is the answer. Then, will Congress pass laws to protect other property in the Territories? I answer, no. We have created Territorial Legislatures for that purpose. We agreed that this Government should not violate the principles of our Revolution, by making laws for a distant people regulating their domestic concerns, and affecting their rights of property, without giving them a representation. The doctrine that Congress is to regulate the rights of person and property, and the domestic concerns of a Territory, is the doctrine of the Tories of the Revolution. It is the doctrine of George III. and Lord North, his minister. Our fathers then said that they would not consent that the British Parliament should pass laws touching the local and domestic concerns of the colonies, the rights of person and property, the family relations of the people of the colonies, without their consent. The Parliament of Great Britain said they had the power. We said to them "you may have the power, but you have not the moral right; it is violative of the great principles of civil liberty; violative of the rights of an Englishman, not to be affected in his property without his consent is given through his representatives." Because Great Britain insisted on exercising that identical power over these colonies, our fathers flew to arms, asserted the doctrine that every colony, every dependency, every Territory, had a right in its own domestic Legislature to pass just such laws as its people chose touching their local and domestic concerns, recognizing the right of the Imperial Parliament to regulate imperial affairs, as I do the right of Congress to regulate the national and Federal concerns of the people of a Territory.

Sir, I am asserting, on behalf of the people of the Territories, just those rights which our fathers demanded for themselves against the claim of Great Britain. Because those rights were not granted to our fathers, they went through a bloody war of seven years. Am I now to be called upon to enforce that same odious doctrine on the people of a Territory, against their consent? I say, no. Organize a territorial government for them; give them a Legislature, to be elected by their own people; give them all the powers of legislation on all questions of a local and domestic character, subject only to the Constitution; and if they make good laws, let them enjoy their blessings; and if they make bad laws, let them suffer under them until they repeal them. If the laws are unconstitutional, let those aggrieved appeal to the court—the tribunal created by the Constitution to ascertain that fact. That is the principle on which we stood in 1854. It was on that principle and that understanding we fought the great political battle and gained the great victory of 1856. How many votes do you think Mr. Buchanan would have obtained in Pennsylvania if he had then said that the Constitution of the United States plants slavery in all the Territories, and makes it the duty of the Federal Government to keep it there and maintain it at the point of the bayonet and by Federal laws, in opposition to the will of the people? How many votes would he have received in Ohio, or any other free State, on such a platform? Mr. Buchanan did not then understand the doctrines of popular sovereignty and self-government in that way.

Mr. BIGLER. Mr. President——

Mr. DOUGLAS. I will hear the Senator.

Mr. BIGLER. I shall not attempt to answer the honorable Senator's question; but he will pardon me for asking another, which I think quite as significant and quite as appropriate, and it is this: Suppose that in the campaign of 1856, instead of saying as that honorable Senator said, and as those who acted with him said, and as I said everywhere to the people of the States, who were about to emigrate to the Territories, "when you go there, you carry with you all the rights you enjoy in a sovereign State;" saying as he said and as I said, "it is but the extension of the great principle of self-government to the Territories;" suppose we had said to those proud people, "when there, and in the matter of changing your government from a Territory to a State, you shall have the high privilege of exercising the right to petition Congress for a redress of grievances?" They would have asked that Senator and me when it was, and where it was, that the American citizen had not a right to petition for a redress of grievances, whether white or black.

Mr. DOUGLAS. Mr. President, I shall not answer that part of the Senator's inquiry as to whether American citizens, white or black, have not the right to petition for a redress of grievances, because I do not recognize any black American citizens. I have no colored brethren of that description. [Laughter and applause in the galleries.] I know of no American citizens in this Republic except the white people, and I trust in God I shall never know any other kind. [Applause in the galleries.]

Mr. BIGLER. I know that as well as the Senator; and I ought to have said inhabitants.

The PRESIDING OFFICER, (Mr. IVERSON in the chair.) If there is any more interruption in the galleries, the Chair will order the galleries to be cleared.

Mr. MASON. If there is any more disturbance in the galleries, I shall certainly move and insist that the galleries be cleared.

The PRESIDING OFFICER. The Chair will order the galleries to be cleared at once if there is any further interruption.

Mr. DOUGLAS. I assert that in 1856, during the whole of that campaign, I took the same position I do now, and none other; and I will show that Mr. Buchanan pledged himself to the same doctrine when he accepted the nomination of the Cincinnati convention. In his letter of acceptance he says, referring to the Kansas-Nebraska act:

"The recent legislation of Congress, respecting domestic slavery, derived, as it has been, from the original and pure fountain of legitimate political power, the will of the majority, promises ere long to allay the dangerous excitement. This legislation is founded upon principles as ancient as free government itself, and, in accordance with them, has simply declared that the people of a Territory, like those of a State, shall decide for themselves whether slavery shall or shall not exist within their limits."

This extract from Mr. Buchanan's letter shows that he then understood that the people of a *Territory, like those of a State*, should decide for themselves whether slavery should or should not exist within their limits. I undertake to say, that wherever I went that year, his cause was advocated on that principle, as laid down in his letter of acceptance. The people of the North, at least, certainly understood him to hold the doctrine of self-government in Territories as well as in States, and as applicable to slave property as well as to all other species of property. I undertake to say, that he would not have carried one half the Democratic vote in any free State, if he had not been thus understood; and I hope my friend from Mississippi had no allusion to this letter, when he said that in the next contest he did not desire "to cheat nor be cheated." I am glad that the Senator from Mississippi means to have a clear, unequivocal, specific statement of our principles, so that there shall be no cheating on either side. I intend to use language which can be repeated in Chicago as well as in New Orleans, in Charleston the same as in Boston. We live under a common Constitution. No political creed is sound or safe which cannot be proclaimed in the same sense wherever the American flag waves over American soil. If the North and the South cannot come to a common ground on the slavery question, the sooner we know it the better. The Democracy of the North hold, at least, that the people of a Territory have the same right to legislate in respect to slavery, as to all other property; and that, practically, it results in this: if they want slavery, they will have it; and if they do not want it, it shall not be forced upon them by an act of Congress. The Senator from Mississippi says that doctrine is right, unless we pass an act of Congress compelling the people of a Territory to have slavery whether they want it or not. The point he wishes to arrive at, is whether we are for or against congressional intervention. If you repudiate the doctrine of non-intervention, and form a slave code by act of Congress, when the people of a Territory refuse it, you must step off the Democratic platform. We will let you depart in peace, as you no longer belong to us; you are no longer of us when you adopt the principle of congressional intervention, in violation of the Democratic creed. I stand here defending the great principle of non-intervention

by Congress, and self-government by the people of the Territories. That is the Democratic creed. The northern Democracy have so understood it. No Democratic State in the North ever would have voted for Mr. Buchanan, but for the fact that he was understood to occupy that position. I tell you, gentlemen of the South, in all candor, I do not believe a Democratic candidate can ever carry any one Democratic State of the North on the platform that it is the duty of the Federal Government to force the people of a Territory to have slavery when they do not want it. But if the true principles of State-rights and popular sovereignty be maintained and carried out in good faith, as set forth in the Nebraska bill, and understood by the people in 1856, a glorious future awaits the Democracy.

If we cannot stand together upon that principle there is no use of any angry excitement; no use of any violent controversy; no necessity for crimination or recrimination. The Senator from Mississippi has stated his position clearly and in a spirit of kindness. I trust that I have met him with equal kindness and frankness. I am sorry to have been under the necessity of occupying the time of the Senate in the discussion of this question at this late period of the session; but I am sure the Senate will do me the justice to say that I could not have been silent after the speech of my friend from Mississippi, without defending the position which was so severely and so ably assailed by him. I trust that I shall not be under the necessity of trespassing longer upon the time of the Senate upon these collateral questions.

Mr. DAVIS. Mr. President, when the people of these States became united, and formed a Constitution, their councils were guided by men who had hearts capable of expansion as broad as the continent; minds that stooped not to such degrading controversies as the character of labor employed by the people of other States; and if, in the progress of our history, we have reached the point where it is necessary to part, as the Senator from Illinois says, or to adopt a creed like that which he has announced, I wish him God-speed and a pleasant journey. No, sir; not the breadth of one hair would I follow the Senator in the career which he announces. His whole argument is based upon the supposition that there is a people residing in a Territory, and that the Constitution is a compact which we have made with them. Neither the one nor the other is true. There are inhabitants in a Territory, tenants for the States who own the Territory, waiting until the fullness of time shall fit them to become a State, by the consent of the existing States; then to assume the dignity of a people and equality with the other States. The Constitution is a compact between the sovereign States. It applies to the Territories, because they are dependencies of the States, and its principles follow the American people and appertain to the American soil everywhere, but not in the nature of compact between the States and inhabitants of a Territory.

But the Senator argues, and with his usual vehemence, that we claim that there shall be a discrimination made in relation to slave property, and that this is a violation of a great principle, which he is going to the end of time to defend. What, sir, is that Constitution under the shield of which he pretends to plant himself? A compact wherein this discrimination is broadly made by men who understood what they were about, and did not intend to war upon the domestic and local interests of their brethren. Not only, sir, were they guarded from the interference of Congress, but a higher authority than Congress—the authority of the States themselves, the creating power. In the fourth article and second section of the Constitution, it was provided:

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

There is no such provision made in relation to any other kind of property. It was made in relation to this, because of its peculiar character; made by men who rose superior to the petty prejudices of our day. Before the Constitution was formed, and before any such obligation existed upon them, the like spirit was manifested by the men to whom we are indebted for the institutions we possess. I send to the Chair, to be read by the Secretary, a report from a committee composed of Hamilton, Sedgewick, and Madison, and adopted by Congress on the day which is written above it.

The Secretary read as follows:

"ASYLUM TO FUGITIVE SLAVES.

"*August* 26, 1788.

"On the report of a committee, consisting of Mr. Hamilton, of New York, Mr. Sedgewick, of Massachusetts, and Mr. Madison, of Virginia, to whom was referred a report of the Secretary for the Department of Foreign Affairs, of the 14th instant—

"*Resolved*, That the Secretary for the Department of Foreign Affairs be directed to transmit copies of the papers referred to in his said report to the chargé d'affaires of the United States at Madrid, and instruct him to represent to his Catholic Majesty the inconveniences which the States bordering on his dominions experience from the asylum afforded to fugitive negroes belonging to the citizens of the said States; and that Congress have full confidence that orders shall be given to his governors to permit and facilitate their being apprehended and delivered to persons authorized to receive them, assuring his Majesty that the said States will observe the like conduct respecting all such negroes belonging to his subjects as may be found therein.

"*Resolved*, That the said Secretary be also directed to communicate the said papers to the Encargado de Negocios of Spain, and to signify to him that his interposition to obtain proper regulations to be made on the subject would be very agreable to Congress."

Mr. DAVIS. It there appears that the men who founded this Government, instead of seeking to escape from responsibility, by evasion, to effect what they dared not perform openly; instead of endeavoring, in any mode, to relieve themselves from responsibility, not only made this provision in relation to their brethren of the confederated States, but also in relation to the citizens of a foreign country; and in asserting the claims of our own citizens against those of Spain, they state, not as an obligation, but as a consequence of their own good faith and nice sense of honor, "returned, as in like manner from the States, if slaves should escape from the possessions of Spain, in Florida, into the States."

Now, the Senator asks will you make a discrimination in the Territories? I say yes, I would discriminate in the Territories wherever it is needful to assert the right of a citizen; where ever it is proper to carry out the principle, the obligation, the clear intent and meaning of the Constitution of the United States. I have heard many a siren's song on this doctrine of non-intervention; a thing shadowy and fleeting, changing its color as often as the chameleon, which never meant anything fairly unless it was that Congress would not attempt to legislate on a subject over which they had no control; that they would not attempt to establish slavery anywhere nor to probibit it anywhere; and such was the language of the compromise measures of 1850 when this doctrine was inaugurated. Since that, it has been woven into a delusive gauze thrown over the public mind, and presented as an obligation of the Democratic party to stand still; withholding from an American citizen the protection he has a right to claim; to surrender their power; to do nothing; to prove faithless to the trust they hold at the hands of the people of the States. If the theory of the Senator be correct, and if Congress has no power to legislate in any regard upon the subject, how did you pass the fugitive slave law? He repeats, again and again, that you have no power to legislate in regard to slavery either in the States or in the Territoties, and yet the fugitive slave law stands on the statute-book; and although he did not vote for it, he explained to the country why he did not, and expressed his regret that his absence had prevented him from recording his vote in favor of it.

From the plain language of the Constitution, as I have read it, how is it possible for one still claiming to follow the path of the Constitution, to assert that Congress has no power to legislate in relation to the subject anywhere? He informs us, however, that by the Kansas-Nebraska bill, the full power of the inhabitants of a Territory to legislate on all subjects not inconsistent with the Constitution, was granted by Congress. If Congress attempted to make such a grant; if Congress thus attempted to rid themselves of a trust imposed upon them, they exceeded their authority. They could delegate no such power. The Territorial Legislature can be but an instrument, through which the Congress of the United States execute their trust in relation to the Territories. Therefore it was, that notwithstanding the exact language of that bill which the Senator has read, the Congress of the United States did assume, and did exercise, the power to repeal a law passed in that very Territory of Kansas, which they clearly could not have done if they had surrendered all control over its legislation. Whether the Senator voted for that report or not, I do not know; I presume he did; but whether he did or not, does not vary the question, except so far as it affects himself. The advocates of the Kansas-Nebraska bill were generally the men who most promptly claimed the repeal of those laws, because they said they were a violation of those rights which every American citizen possessed under the Constitution.

But the Senator says territorial laws can only be set aside by an appeal to the Supreme Court of the United States. If so, then they have a power not derived from Congress; they are not the instruments of Congress. But in the course of the Senator's remarks, and quite inconsistent with this position, he announced that they possessed no power save that which they derived from the organic act and the Constitution. They can derive no power from the Constitution save as Territories of the United States, over which the States have given the power of a trustee to the Congress; and being the delegate of the Congress, they have such powers as Congress has thought proper to give, provided they do not exceed such powers as the Congress possesses. How, then, does the Senator claim that they have a power to legislate which Congress cannot revise; and yet no power to legislate at all save that which they derive from their organic act?

My friend from Alabama presented a question to the Senator from Illinois, which he did not answer. It was, whether a law pronounced unconstitutional by the Supreme Court was still to remain in force within the Territory, Congress failing to provide any remedy which would restore the right violated by that unconstitutional act? The Senator answers me from his seat, "clearly not." Then I ask him, what is the remedy? The law is pronounced unconstitutional, and yet the right which it has violated is not restored; the protection which is required is not granted; the law which deprived him of the protection, though it may be declared unconstitutional, is not replaced by any which will give him the adequate protection to hold his property. Then what is the benefit he derives from the decision of the Supreme Court? The decision of the Supreme Court is binding upon the Congress; but this squatter-sovereignty legislation, seeming to be outside of the Constitution, outside of the legislation of the Federal Government, erects itself into an attitude that seems to me quite inappropriate.

I concede to the Congress the power, through the instrumentality of a Territorial Legislature, to legislate upon such subjects as Congress itself has the right to make laws for; no more than that. More than that the Senator cannot claim, unless he can show to us that philosophical problem of getting more out of a tub than it contains; its contents being measured, to find something more which can be taken out of it. If he will not—and I suppose he will not—contend that Congress can delegate more power than it possesses, how does he get the power in the Territorial Legislature to pass laws which will interfere with the rights of a citizen choosing to migrate to a Territory? It is the common property of the people of the States. Every citizen has a right to go there, and to carry with him whatever property is recognized by the Constitution; the common law of the States forming the Union. Congress has no power to prohibit it; is bound to see that it is fully enjoyed. Then, I ask the Senator, where does he derive the power for the Territorial Legislature to do it? for he has planted himself now on the ground that they derive their authority from the organic act.

Mr. GREEN. Will the Senator permit me to give him a little information I have just received?

Mr. DAVIS. Certainly.

Mr. GREEN. The Legislature of Kansas has passed a law declaring that, from and after the passage of the act, slavery shall cease to exist in Kansas.

Mr. DAVIS. If it be the obligation of the United States to protect its citizens in their constitutional rights, and it be shown that those constitutional rights are violated by the inhabitants of a Territory, or anybody else, it is the duty of Congress to interpose, with whatever power it

possesses, to make that protection adequate. That has been urged forcibly by the Senator from Illinois himself in relation to citizens abroad. How is he to refuse it to citizens at home? Would he erect the inhabitants of a Territory into a power before which all the constitutional functions of Congress are to stand powerless and paralyzed? If not, his whole theory falls to the ground. He appeals to popular prejudice, and appeals without a fair reference to the history of the transaction in regard to the attempt of the Parliament to pass laws for the colonies, now the United States. The claim of the colonies was, that laws were passed in violation of their charters; and hence they were termed unconstitutional laws. They had rights under the British constitution; they had rights specifically determined by their charters; they were violated; and they rose, then, from the condition of colonies to the dignity of a people, and asserted those rights; they asserted them by revolution. That right of revolution I acknowledge to exist in the inhabitants of a Territory. If they choose to rise in rebellion against the United States, and assert the power which the Senator ascribes to them, and maintain good their assertion, then I am ready, when it is maintained, to acknowledge their independence and admit that we have no control over them; but, until that is done, or until they acquire the powers of a sovereign State, they remain the inhabitants of territory belonging to the United States; they remain under the control of the Congress, as the trustee of the States owning the property; and we are bound to see that they do nothing to the detriment of the Republic. They are not a distant people, over whom there is an attempt to legislate; they are the inhabitants of a Territory —people of the States; they are not a people at all; they are the possessors of the territory of the United States, not yet organized into a people, not yet having that sovereignty which belongs to the organization which gives a right to denominate any body of persons a people.

But the Senator's argument, if it were to be carried out, goes merely to this: that it would be legislation in relation to persons not represented in Congress, for he attempts to run a parallel between the Territories and the colonies, now the United States. What, then, is the remedy? Does he propose to give the Territories two Senators on this floor, and Representatives in the other House? If not, the complaint is verbal, merely, having no meaning in it. They are entitled to no representation, under our Constitution, other than that of a Delegate in the House of Representatives, there to make known their wants to the people who have the right to legislate over them, who stand as trustee of the owners of the property on which they live, there merely to present a petition, to represent their wants, to make known to the legislating power what is needful for the inhabitants by whom he is delegated. That is the relation of a Territory—not a people with a right to legislate at all.

As for the conclusion the Senator draws in relation to the vote, it may be very suggestive, and very useful to those who are to be subjected to such a test hereafter; but as, in the course of his remarks, he puts that party to which I belong in what I esteem to be a false position, I must say to him that, without assuming to know what would have been the vote in Pennsylvania, or what would have been the vote in Ohio, or what will be the vote in Pennsylvania, or what will be the vote in Ohio, upon a candidate who asserts the truth in relation to the constitutional rights of the South, I take issue with him entirely upon the ground which he assumes when he says that the President, in his letter, gave promise of the doctrine which he announces. The President, in his letter, said "the people of a Territory, like those of a State." Then the question arises, how can the people of a State act upon this subject? The people of a State act in convention when they form a constitution. The inhabitants of a Territory, when they become a people, have a convention to form a constitution, and then act like the people of a State. The President could not mean more than that, because the platform to which the Senator refers had specifically referred to the time when this power would be possessed, when, with a certain population, they formed a constitution, and asked to be admitted into the Union. The letter of acceptance could not have been intended to war with the resolutions of the convention by which the President was nominated; and if not so intended, it is to be construed in connection with these resolutions.

I have heard, time and again, gentlemen speak in derision of the platforms framed at these conventions. For myself, I can say, what few of my associates here probably can, that I have never been at, or near to, or in correspondence with, the national convention. I have stood utterly aloof. More than that, I hold, in common with the once deliberately expressed opinion of the people of Mississippi, that a member of Congress has no business at a national convention. Whether their platforms be soundly or delusively made, I have only to judge from that which they put forth to the country, and as one of the great Democratic mass. If there be anything covert, anything designed and not expressed, no man yet has so far mistaken me as to make me a confidant of what he was doing, and I hope none ever will. I take it, therefore, that the resolutions meant what they said. If they meant what they said, and the President, in accepting the nomination, accepted it as clearly he did, and his letter shows, upon the platform which the convention had made, it is not fair to argue that his letter meant something the opposite of that which the resolutions asserted. What may be the fate of the Democratic party, if it suffers that division to which the Senator refers, I cannot say. It has achieved many a glorious victory in the cause of its country. It can claim from the future credit for the acquisition of every acre of territory which has been added to our original domain. It leaves behind it the legacy to the future, of a glorious past. If it is to be wrecked by petty controversies in relation to African labor; if a few Africans, brought into the United States, where they have been advanced in comfort and civilization and knowledge, are to constitute the element which will divide the Democratic party and peril the vast hopes, not only of our own country, but of all mankind, I trust it will be remembered that a few of us, at least, have stood by the old landmarks of those who framed the Constitution and gave us our liberty, that we claim nothing more now from the Government than the men who formed it were willing to concede. When this shall become an unpopular doctrine, when men are to lose the great States of the North by announcing it, I wish it to be understood that my vote can be got for no candidate who will not be so defeated. I agree with my colleague that we are not, with our eyes open, to be cheated, and that we have no more respect for that man who seeks to evade the performance of a constitutional duty, than for one who openly wars upon a constitutional right; and if I have to choose between the two, I could forgive more to the blindness of the man who warred upon a constitutional right, and who I hoped was ignorant of its existence, than to the man who admitted it and withheld from me every possibility of its enjoyment.

I receive in sorrow the announcement that, upon a question like this, the Democratic party must be divided. I regret it, not merely for the fate of that party, but for the fate of my country. I believe it is to-day the only party which gives any promise of upholding the institutions we inherit. I believe it is to-day the only party, the component parts of which extend from the northeastern corner of Maine to the southwestern corner of California; differing, it is true, oftentimes, upon measures, but clinging to some great principles which are common to them, and which form the chart by which they would guide the ship of State. But, whilst I feel all this regret from this misapprehension, the principles we inherit, the principles we are bound to transmit to posterity, are dearer to me than success; and never, be the danger ten-fold as great as that which the Senator from Illinois has painted, never will I consent to abandon a constitutional right at the mere bidding of popular prejudice, and to surrender that which it is my duty here to uphold for those whom I represent, in order that my own party may still retain political power.

Mr. MASON. Mr. President——

Mr. DOUGLAS. I desire to make a word or two of reply to the Senator from Mississippi.

Mr. MASON. The Senator shall certainly have ample time to reply, and I shall be a patient listener in due time. Sir, I was one of those who thought, when the Democratic party from the free States, and the Democratic party from the southern States, called the slave States, united under the auspices of the distinguished Senator from Illinois, to pass that which has been called the Kansas-Nebraska bill, that we had really, by mutually laying down prejudices, or impressions, or prepossessions, upon the common altar of the country, established a system of legislation which would quiet, once and for all, the distracting question of slavery. I thought so sincerely and honestly. I have been mistaken; I will not say deceived.

Sir, the Senator from Illinois has correctly said that it was the purpose of that bill to remit the question of the introduction of slaves into the Territory to the judiciary, and to abide by its decision. It was a concession made with great reluctance by the southern States. It was one that we had thought over most maturely; and we knew that when we made that concession to remit the question to the judiciary, we took from the southern States a portion of their political rights, they having the right to determine that question for themselves independent of any judiciary. The same question was presented to Congress in 1848, and a committee was raised upon it, called usually the Clayton committee, of which the honorable Senator from Delaware, now no longer living, was the chairman, and the honorable Senator from South Carolina, now no longer living, was a member of that committee—Mr. Calhoun. They sat in deliberation upon the disposition of the territorial question for days and nights; those of us who were not members of the committee were consulted upon it; and, after much deliberation, it was agreed on the part of the southern men that they would trust the judiciary on this constitutional question. Clearly understanding, fully appreciating the political right in the sovereign States to determine the question for themselves, yet, as a measure of concession, it was agreed that it should be remitted to the judiciary; and so that committee reported, with the concurrence of that very distinguished leader, the late Mr. Calhoun. The Senate adopted the measure, but it was lost in the other House.

Well, sir, when we came, in 1850, to settle this question as a territorial question in the organization of the Territories of Utah and New Mexico, in the country acquired from Mexico, we made the same concession, and it was provided in those territorial laws that the question should be remitted to the judiciary, the laws providing, according to my recollection, that all subjects of legislation should be left to the people of the Territory without reservation; and this question of slavery was left to them, subject to the Constitution. We voted for that.

Then came the organization of the Territories of Nebraska and Kansas, when the honorable Senator from Illinois was at the head of the Territorial Committee. That bill was framed with very great care. It retained the principle of leaving this question of slavery in the Territories to the judiciary. It did more. With a view to give effect to judicial action on that question, the laws organizing the judiciary were changed. No appeal had theretofore lain from the court of last resort in the Territories to the Supreme Court of the United States, and the law was remodeled to give that appeal, both in a question of liberty affecting a slave in a Territory, and in a question of slave property; all done by consent and agreement, in order to leave the question of slavery in the Territories to the Supreme Court; and we agreed to abide our fortunes upon that.

Well, sir, the law was passed; it carried an almost undivided southern vote; it carried almost an undivided northern Democratic vote, and I thought we understood each other. I have been mistaken. A question arose in the case of a slave named Dred Scott. It was carried to the Supreme Court, and the Supreme Court decided that Congress possessed no power to prohibit the introduction of slavery into the Territories; an out and out decision, without qualification or limitation. The Supreme Court declared that there was no power in Congress, under the Constitution, to prohibit the introduction of slavery into the Territories; and, as a consequence necessarily following, a logical and legal consequence, fully admitted, as I understand, in the argument of the honorable Senator from Illinois, as the legislative

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power of the Territory was derivative, and purely derivative, there being nothing primary in it, it followed as a consequence, both logically and legally, that the people of the Territory possessed no such power. That is the law of the land at this day as pronounced by the highest judicial tribunal, that there is no power, either in Congress or in the people of a Territory, during their territorial condition, to prohibit the introduction of slavery.

Mr. DOOLITTLE. Will the honorable Senator from Virginia allow me to ask him a question on that point?

Mr. MASON. Certainly.

Mr. DOOLITTLE. It is the same point to which I desired to call the attention of the honorable Senator from Illinois. Where, by the law of the State from which we have acquired a Territy, slavery has already been abolished, does the Constitution of the United States, of its own force, reëstablish slavery in such a Territory when we have acquired it?

Mr. MASON. That question is entirely foreign to the line of argument that I was pursuing; but I have no difficulty in answering it, and will do so at the proper time, if the Senator will indulge me. I say the law of the land, as now established by the Supreme Court, under a power conceded to it by Congress, in the Kansas-Nebraska act, is, that there is no power in the people of a Territory to prohibit slavery; and I thought that the question was ended; but it seems not.

The honorable Senator from Illinois interprets that Kansas act to mean—what? Giving, as he says, full force and effect to the decision of the Supreme Court, yet that, as it regards the Territories, practically, it is a mere abstraction, of no vigor, of no force, of no potentiality whatever, to give effect to what we have always claimed to be a constitutional right—to take slaves into a Territory and to enjoy the property there. The honorable Senator says the people of a Territory have a power, derived from Congress, to refuse to pass what he calls a slave code. What is a slave code? These catch words are very dangerous things. A slave code! Does the honorable Senator mean that the people of a Territory may, or may not, at their pleasure, pass laws to secure the enjoyment of the property which the Constitution says we may take there; that they have that power, and derived it from Congress, either by acts of omission or commission? If he does, if that be his interpretation of the law, then I would say to the honorable Senator, as one of those who united fully with him in passing that act, and claiming to know the undivided opinion of the southern States, who reluctantly acquiesced in what we had done, as their representatives, I would say to him, you promised us bread, and you have given us a stone; you promised us a fish, and you have given us a serpent; we thought you had given us a substantial right, and you have given us the most evanescent shadow and delusion. Sir, the meaning of it is—according to the interpretation which that Senator puts upon the Kansas-Nebraska act—that, no matter what the Supreme Court has decided, our rights at last are dependent upon the will of the people of the Territory; and if the people of the Territory choose to respect our property, we can enjoy it; but if they choose, by a system of offensive laws, or by inaction to deprive us of that enjoyment, the people of the Territory have the right to do it; and the honorable Senator says he is not one of those who will ever interfere with that territorial power.

Now, I cannot understand how the honorable Senator can bring himself to that conclusion as a proper, logical sequence, from his own admission. He has said in the broadest manner, that the people of the Territory—more justly called in the proper discrimination of the honorable Senator from Mississippi, who has just taken his seat, the inhabitants of a Territory; because, by a people, in political nomenclature, we generally understand those who possess political power—he has said that the inhabitants of a Territory have this power given them by the Kansas-Nebraska act. What power? A power to contravene and to nullify and destroy not only the Constitution of the United States, but that Constitution as interpreted by the Supreme Court. That is his position clearly. He says the people of a Territory derive it from Congress under the Kansas-Nebraska act, which left them all power. If that interpretation were true, what would it amount to? He agrees, as I understand him, that the decision of the Supreme Court is the law of the Constitution, and he agrees, as I understand him, that Congress itself does not possess that power. Then, it follows as a consequence, according to his reasoning, that Congress, although it does not possess the power, can vest it in a different body—the inhabitants of a Territory; or that if Congress possesses and has delegated it, it cannot take it back, and ought not to take it back.

Mr. President, what are the true relations between the inhabitants of a Territory and the people of the United States? Are they fixed by law? Nobody will pretend that. They are fixed by the fundamental law, the Constitution. The people of a Territory are unknown to the Constitution in any political sense whatever—utterly unknown. The public property is recognized by the Constitution, the land; and it is competent to Congress, in administering the public property, to allow that land to be inhabited by inhabitants; but it is not competent to Congress, acting under the Constitution, to give to the people of a Territory political power in any sense whatever. It is true they can delegate to the people the power they possess themselves to pass laws for the proper administration of a temporary government. Congress may do that itself, or may delegate it to the people of a Territory. But does the honorable Senator confound a delegation with a grant? Can Congress grant any power whatever to the people of a Territory, using the term "grant" in its proper legal and technical sense? It can delegate, but it cannot grant. Congress, in other words, cannot divest itself of that control over the public property, and everything pertaining to the public property, which is vested in Congress by the Constitution. It can delegate for convenience, and purely for convenience, the administration of that property, and of the affairs which may arise among the inhabitants of that property, from time to time; but it can grant nothing.

But the honorable Senator seems to consider that there is something in the Kansas-Nebraska act, or in the Democratic platform, I know not which, or in both, by which Congress has irrevocably passed to the people of the Territory the power which he says they hold under this grant of Congress—power which, shape it as he may, amounts to nothing more, and can be made to amount to nothing less, than an investiture of that people with a political power granted by Congress, and not revocable. That is what, I suppose, some persons designate as squatter-sovereignty.

Mr. President, we have seen the doctrines said to have been entertained by that honorable Senator, through the public journals of the day, for the last six or eight months, not in an authoritative form. They come before us now in an authoritative form from the honorable Senator. I understood him to say, that Mr. Buchanan, the President, presenting it as a test of the popular judgment in the free States, could have received no votes in Pennsylvania, or Ohio, or elsewhere, under the construction which the South places upon this act. I know nothing about that; it is impossible that I can know, and I should think it was almost equally impossible that the honorable Senator could know, what led the Democratic party in the free States to vote for the present occupant of the Presidential chair; but, I will say, to the honorable Senator, that I claim to know this; and I do not fear one dissentient voice south of the old Potomac river, and extending to the borders of Mexico: that, if the Kansas-Nebraska act is to be interpreted as he interprets it; if it be, in truth, to remit the southern people for their rights in the Territories from the Constitution, from the Supreme Court, to the pleasure of the temporary occupants of a Territory for the time being; if that be the interpretation of the free States upon the Kansas-Nebraska act, and that is to be the rallying point in any further election of any candidate for any party, the southern States would be truant and recreant to themselves and to their safety and to their honor, if they should cast for him a single vote; I do not mean the vote of a State, but even an individual vote. If that is to be the doctrine in any platform of any party, by which, let me repeat it, according to the construction placed on that act by the honorable Senator, rights which the South have been contending for on this question for thirty years, nearly two generations, are to be taken from the Constitution, from the Supreme Court, and remitted to the popular will of the temporary inhabitants of a Territory, no party on that doctrine can ever receive one vote south of the Potomac river; and if it is to be the dissolution of the party, let it be dissolved, and the sooner the better. If it can only be reconstructed on that platform, to use a modern phrase, you will not find a single builder or plank in the southern States; not one; and they would be truants and recreants if it were otherwise. Sir, I have better hopes. I do not believe, I cannot be made to believe, that a doctrine so irreconcilable with law and reason and sense, can prevail with any party. It may be made to prevail a little at the husting where there is a tumultuous public assemblage, that has assembled for the purpose of applause, and gentlemen may be deceived, possibly, by taking that as the interpretation of the sound sense of the Democratic party. That may have arisen; but when the question is put to those men whom I have known amongst my few acquaintances in the northern States, men who are loyal and true to the Constitution, and who will follow its lights, be they carried where they may; when it is put to these men, and their followers; I have no fear that there will be any such plank in the platform. But if there is, there is a dissolution at once and forever of any party alliances and party action.

I did not mean to make a speech; I only wanted to express my opinions of this modern interpretation of that act, and the consequences to which I know it must lead.

Mr. PUGH. Mr. President, I am loth to go into this discussion, and I think it was all unnecessary; but when I entered the Chamber this morning, the Senator from Mississippi [Mr. BROWN] was engaged in some very impassionate demand on certain Senators from the northern States; and when I desired to know the nature of this demand, not having been present in the early part of his speech, I was referred to other Senators who heard it; but I understood the Senator to demand from the representatives of the northern States on this floor, whether they would agree to the passage of an act of Congress to protect slaves in the Territories taken there by the consent of their masters against the local legislation? I answer the Senator unhesitatingly, never; while I live, never. I consider it a monstrous demand, a violation of the plighted faith between the Democracy of the South and the Democracy of the North, again and again and again, in their legislation and in their platform; and if that be the price, as Senators say it is, the price will not be paid—certainly not, so far as I am concerned. Now, sir, I perfectly agree with the Senator from Virginia in his construction of the Kansas-Nebraska act. It was intended that, so far as the right of a slaveholder in the Territories was concerned, he should seek his remedy through the judicial department; and the Senator from Mississippi, who made this demand this morning, proclaimed that himself, in the year 1856, on the 2d day of July, and I have his words before me. Here is his language:

"I learn now, for the first time, that the people of a Territory have not the competence to regulate their own domestic and police matters in their own way, but that it belongs to Congress; that it is only in the higher branches that they have the right to regulate their own affairs in their own way. Am I to understand by this that the people of a

Territory have the right, if they choose, to exclude or abolish slavery; and that if I believe, as a southern man, such an abolition to be unconstitutional, I must go to the courts for the maintenance of my rights; and yet, if other measures of less importance, mere matters of police regulation, are adopted, they may come to Congress and beseech legislation to put it all right? If the major proposition includes the minor, as I suppose it does, and the people of the Territory have the right to legislate on these great questions for themselves, independent of the action of Congress, I apprehend they have an equal right to legislate for themselves on the smaller questions. I should like my esteemed friend from Connecticut to tell me where the line is; to what particular question it is applicable.

"Under the general phraseology of the Kansas bill, he admits the people of the Territory have the exclusive right to legislate. I suppose, when we passed the bill, that we intended by it to give them a right to legislate on all subjects touching their domestic policy; and that if anybody was dissatisfied he should go to the courts, and not come to Congress for his remedy. This has been my understanding, and I have endeavored to live up to it. My friend from Michigan and myself differ very widely as to what are the powers of a Territorial Legislature—he believing that they can exercise sovereign rights, and I believing no such thing; he contending that they have a right to exclude slavery, and I not admitting the proposition; but both of us concurring in the opinion that it is a question to be decided by the courts, and not by Congress. If we are agreed on that, let us agree on this other proposition. If I had been the party aggrieved by the laws of Kansas, I knew the place to which I was pointed to seek my remedy. If others are aggrieved, let them go to the same place."—*Appendix to Congressional Globe, Thirty-Fourth Congress, first session*, page 801.

There can be no question as to what was the meaning of the law at that time. Whatever construction Senators may find it advisable to put on the language of the present President of the United States, in his letter of acceptance, it is certain that, on the 2d day of July, 1856, after he had been nominated, and after the Cincinnati platform had been made, the Senator from Mississippi, at least, understood that bill in the language he has here expressed. Who was his friend from Connecticut, with whom he was engaged in that discussion? The present Secretary of the Navy. Is there any doubt as to the opinions of the present Secretary of State at that time? Surely not. Thus, we have two prominent members of the Cabinet who certainly, at that time, and, so far as we have any dispensation, to this time, believe in the very doctrine which the Senator now pronounces heretical. Have they changed their opinion? No, sir. I have to say this: if there be a citizen of any southern State, who thinks he has a right to takes his slaves into a Territory and hold them in defiance of the territorial authorities, let him assert his right in a judicial court. If the court gives him the right, I submit to it. If the court denies his right, he must submit to it. There must be mutuality; you must not come here to Congress, asking from us that we shall take the local and domestic affairs of the Territory into our hands, when we have laid our authority aside, if we ever had any.

But the Senator from Virginia says it is all decided. How decided? The Supreme Court has decided it. It seems to be given out, and in fact I have seen it published in a newspaper here, that it was perfectly right and proper for General Cass and Governor Toucey and others, to have erred from the straight path during the whole of the year of our Lord 1856, even down to December, 1856, when the Senator from Pennsylvania [Mr. BIGLER] preached the same doctrine on this floor; such errors were pardonable then; but we come to March, 1857, and the Supreme Court of the United States took it up and decided it, and forthwith we are told that the Supreme Court of the United States has become the appointed expounder of Democratic principles. Since when? Since they declared the Bank of the United States to be constitutional, which you repudiate in your platform? Since the judges of that court held the old sedition laws of John Adams to be constitutional, which you repudiate in your platform? Who constituted the judges of the Supreme Court the makers or expounders of Democratic principles? Certainly not Thomas Jefferson, who pronounced them the sappers and miners of the Constitution; certainly not Andrew Jackson, who told them he would interpret his own oath, as well as his own principles, according to his views of the Constitution. No court shall make me a platform. When we get to going by courts, it seems to me we have departed from the whole spirit and principle of the Democratic party.

But, sir, the fact is that the court decided no such thing; there was no such question before them. In the whole Dred Scott case there was no act of a Territorial Legislature before them in any shape or form. No such question was argued, no such question was decided; nor is there the slightest allusion made to it in the opinion of any of the judges, so far as I recollect, but in that of the Chief Justice, and then it is made simply by way of making an illustration—what the lawyers call *arguendo*. This is the first time I ever heard, in a case where nine judges pronounce their opinions *seriatim*, that because one of them in illustration collaterally makes a reference, that becomes the decision of the court. I think it will take lawyers generally by surprise. The court did decide, and properly, that Congress has no power to exclude slavery from the Territories; and why? Because it is not conferred by the Constitution. That is properly decided. It was an act of Congress they had before them—the act of 1820, to prohibit slavery north of 36° 30'. That was the case, and that was the decision.

But the Senator from Virginia speaks of their rights under the Constitution; he says that the Constitution gives them the right to carry slaves into the Territories. Where? Will the Senator give me the article and the section? Where is it? There is no such provision. We are told that slavery is recognized in the Constitution. Certainly; and wherein? It is recognized as an institution established by the laws of the States, and it is even recognized as having no extra territorial force whatever; because, but for the provision for the redelivery of fugitives, it is evident that the moment a slave escaped out of the State the power of his master would be gone. You needed that in the Constitution, and it was put in the Constitution to supply a defect in that very form of property. I believe the Psalmist tells us that riches have wings. This form of property seems to have legs, if not wings; and that provision of the Constitution was put there for the express purpose of guarding the weakness of the disposition to emigrate of that species of property. That you shall have, to the last extent. Then the Constitution said, that inasmuch as, although this form of property was a man, you had robbed him of his manhood and condemned him to labor, it, too, would strip him of two fifths of his humanity when it came to estimate him either for purposes of taxation or representation. That is all within the States. Then it was provided that Congress might prohibit any more of that property being brought into this country after the year 1808, and might tax it *per capita* before that time. That is all.

I admit that it is recognized in all these relations as a form of property established by the laws of the States, to be protected within the States; to be protected on the high seas by the Federal Government; to be protected in the unoccupied Territories of the United States as against all foreign intervention. But, sir, I repeat the question of my colleague, does it carry it into those States which do not choose to admit that property? Has the Constitution that extent? Does its recognition of slaves as property to that extent carry them, not only upon the high seas and into the Territories, but does it carry them into the State of Illinois, which has undertaken to declare that she will not have them? If there be anything in this constitutional right which the Senator from Virginia has invoked, it is a right which extends over Illinois as well as over Kansas to-day, for the Constitution of the United States is as supreme in Illinois as it is in Kansas. There is no such right, and the court did not say so. The court said that Congress had no right to pass acts of legislation for the Territories beyond certain limits, and within those limits the right to prohibit any form of property was not granted. Therefore, when a citizen of South Carolina or Kentucky goes to one of the Territories, he meets the local law, whatever it be. The question may arise whether, in the absence of any legislation, he can hold his slave? That is a question to be decided by the judiciary. There may be a question whether this form of legislation or that form of legislation would deprive him of his title or injure his title. Let him go to the courts. Suppose the Dred Scott decision should be reversed about a year hence; that there should be a change in the court; and I believe the Senator from New York threatened us last session that he was going to bring in a bill increasing the number of judges, like the railroad propositions of watering their stock, so as to swamp the present majority.

Mr. DAVIS. With the permission of the Senator from Ohio, I will ask him whether he understood the Senator from Virginia to assert that the Constitution of the United States would give the right to carry this property into the limits of a State where it is prohibited?

Mr. PUGH. No, sir; but I say that his proposition is nothing, unless it goes to that extent.

Mr. DAVIS. In the absence of my friend from Virginia, I would say that his theory, I believe, agrees with mine; and certainly does not go to that extent. It is that the Constitution makes it property throughout the United States. It can, therefore, be taken and held wherever the sovereign power of a State has not prohibited it. When it reaches the territory of a sovereign State where its introduction is inhibited, it there stops; except for the reserved right to recover a fugitive, and for the right of transit, which belongs to every citizen of the United States. That is the decision of the Supreme Court.

Mr. PUGH. I repeat my assertion: if the Constitution of the United States gives this form of property its peculiar protection, as gentlemen assert, and the right to carry it, it is carried into every State over the constitution and laws of the State; for the Constitution of the United States is supreme above the constitutions and laws of the States; and it means that, or it means nothing. There is no distinction; there can be none made; and my colleague put the very question which proved the fallacy of the whole proposition.

But Senators say there is no sovereignty in the Territories. I agree to that; but why do we deceive ourselves about words? There is no such language as sovereignty in the Constitution of the United States. Senators say it requires a power of sovereignty to exclude slavery, and the Senator from Mississippi has just now spoken of the sovereignty of the State which excludes slavery. He says it requires sovereign power to exclude slavery. Well, how is that sovereignty to be expressed?

Mr. DAVIS. When a State, being a sovereign, by its organic law excludes that species of property, the act is final. There is no sovereignty in the Constitution, as the Senator states, and why? Because the Constitution is a compact between sovereigns creating an agent with delegated powers; and sovereignty is an indivisible thing. They gave functions of sovereignty from their plenary power. Sovereignty remained with the people of the States.

Mr. PUGH. Then I understand the Senator that the sovereignty can only speak through a constitution, and that it is in the constitution of a State only that the power to admit or exclude slavery is to be exercised. Why, sir, until the year 1820 not a State of this Union, in her constitution, either admitted or excluded slavery, and I do not believe Virginia did until 1850 or 1851. None of the States did it until Missouri when she came into the Union, and she put it into her constitution, not upon the idea that that was peculiarly the place, but for the express purpose of disdisarming her Legislature. It was an ordinary legislative power, nothing else in the world; known and recognized as such and admitted as such by every State in the Union. New York abolished slavery by law, Pennsylvania abolished slavery by law, and in the States where the institution continued, it was fostered, protected, and recognized by ordinary acts of legislation.

Mr. DAVIS. I am sorry to interrupt the Senator again, and I believe this will be the last time. The first instance he will find was that of Massachusetts, who, in her bill of rights, at the revolutionary era, made a declaration which her supreme court held to be the abolition of slavery; and I think he will find that it has generally been acted on in that way; but he has not the right to assume anything more than I stated. I stated a mode.

Mr. PUGH. Massachusetts put into her bill of rights the very general declaration that is to be found in nearly every other State constitution, and her courts took it literally, and decided that it covered the negro; whereas I suppose the people who made the constitution did not consider the case of the negro at all. But the assertion now is—and it applies to the whole of this discussion—Senators tell me that the voice of the sovereignty is expressed in forming a constitution; *argal*, until a Territory comes to form her

constitution as a State, she cannot speak one way or another. I say the whole idea that the subject of slavery, its admission or exclusion, is a sovereign act, as distinguished from ordinary legislation, is a pure fiction, without any foundation in the history of this country. I do not want any sovereignty on this subject. It is just the same power of the Legislature to regulate this, as to regulate all other property.

Mr. MASON. Will the Senator allow me one moment?

Mr. PUGH. Certainly.

Mr. MASON. Does it not require sovereign power to pass any law?

Mr. PUGH. Yes; but it requires no more sovereignty to make a constitution than to make a law; not a bit more.

Mr. MASON. If it requires sovereign power to make any law, can a law be made by the inhabitants of a Territory by virtue of their sovereignty, or does it require power derived from Congress to enable them to make any law?

Mr. PUGH. That will depend upon the relation in which you consider the law. As between themselves, their own laws are valid; perfectly so. I do not suppose the question could be made in reference to the case of California; I think she had a territorial government of her own, or a military government; and certainly there was no warrant for it in the Constitution.

Mr. BAYARD. Will the honorable Senator allow me?

Mr. PUGH. Certainly.

Mr. BAYARD. I merely wish to understand the Senator's argument. I desire to know whether he means that, under the Constitution of the United States, when you organize a Territory, the people of that Territory exercise delegated powers through the Legislature, or have they inherent rights over and above what are granted by the act?

Mr. PUGH. I was coming to that. I say that it needs no sovereignty whatever to exclude or establish slavery in a Territory or a State; that it is an act of ordinary legislation. Senators tell me that the Territorial Legislatures are the creatures of Congress. In what sense? Because Congress passes the act authorizing the people to elect them? Does that make the Legislature, thus elected by the people, the creature of Congress? Then what do you say to the constitution of Minnesota; what do you say to the convention forming the constitution of Minnesota? Did you not authorize that convention to be elected? Yes, sir; and when they were elected they took their power from the people; a power which you could not give them. You merely agreed that, so far as you were concerned, they should proceed by the voice of the people to exercise the whole authority of an organized community; and I say that the people of the Territories do not derive their right of representation in the Legislature from you.

Gentlemen speak of the rights of the South in the Territories? What are her rights, or the rights of the North, in the Territories? People who do not go to the Territories have no rights there at all, except to see that their land is not abused. The Senator from Mississippi says there are no people in the Territories; they are only inhabitants. Well, I should like to know what the people can be except inhabitants. He certainly does not mean to maintain that those who are not inhabitants are the people. No, sir; it is the right of self-government; you may cover it with nicknames as much as you please. Congress has said to these people, you are a community, with interests of your own, domestic rights of your own; for your own peace, liberty, and security, we relinquish you to your inherent right of self-government, subject only to these conditions which we specify in the organic act. Your organic act is not an enabling act to the Territories; it is a restraining act. We restrain you within these limits; but as for all the rest, so far from professing to confer on you any rights, take the right which the people have everywhere, unless restrained by tyrants, the right of self-government.

Now, sir, what is the mighty right that the Senator from Virginia says the southern Democracy are going to fight for? It is the right of one man in the State of Virginia to go into the Territory of Kansas, with her ninety-two or ninety thousand inhabitants, all of whom are of one opinion—their authorities, their Legislature, all consider that the presence of slaves is injurious to them; but in order that this one gentleman from the State of Virginia, who has not aided to reclaim the wilderness, who has undergone none of the perils of frontier life, may enjoy his sacred right of carrying his negro there against the will of everybody else, the Senator from Virginia, and both the Senators from Mississippi notify us that they intend to leave the Union, carrying flags and banners and music. Well, sir, if they choose to go, on so small a provocation as that, I do not think the Union is worth preserving any longer. Sir, it is an attempt to press upon the people of the Territories the laws of the States from which they come. Do they all carry the laws of their States? If the law of Virginia goes into Kansas with the citizens of Virginia in order to protect their slaves, does the law of my State go with the citizens of Ohio, and the law of Indiana with the citizens of Indiana, and the law of Oregon with the citizens of Oregon? How many laws will you have in your Territories? Why, sir, every man will literally be a law to himself. The laws of Virginia cannot go there unless the laws of every other State go, and thus you establish a kind of organized anarchy in every one of your Territories.

Sir, all this is a vast piece of special pleading, eked out by fictions of history, by propositions of law that cannot be maintained for an instant, by assertions as to what constitutions give, and by assertions as to what courts have decided, to build up a doctrine that is offensive to the pride and self-respect of every citizen of the non-slaveholding States. I will give you equality of rights, but I will have equality. You shall not carry the laws of your State into the Territories, unless you allow me to carry the laws of my State there. I agree that the laws of neither shall go there. Let the people of the Territories by themselves, through their own immediate representatives, chosen by the people, responsible to them, decide the whole question. I will agree that the Federal Government shall not interfere on either side by act or word, that it shall be left entirely to the people whose interest is concerned during their territorial form; and when they come to form their constitution and State government, whatever they say on that subject, be it to exclude or to tolerate slavery, they shall have my vote so long as I sit in this Chamber without any hesitation. But when you tell me that there is a negro sovereignty extending over all the Territories, that there is a peculiar species of property which no law can restrain, which no government can put down or regulate, but which goes by force of the Constitution—as if the Constitution, instead of being made for the benefit of the people, was made for the special aggrandizement of negro owners—and which is to prevail everywhere, and to overawe and strike down the right of self-government of white men, either in States or Territories, I tell you you have perverted the whole foundation of your Government.

Now, sir, I hope, at least for one, that the Senator from Mississippi understands my position distinctly. I tell him I will vote for no code, no act of Congress to interfere with the local legislation of the Territories excluding or admitting slavery—none. The Senators from Mississippi and Virginia, severally, have issued their proclamation as to what is to be the consequence. They hold the Democratic party in such very light esteem that, if that is the general sentiment of them in the northern States, they will not keep company with us any longer. Well, sir, they can keep company with us just as long as they please. I am very sure that I will trouble myself to no very great extent to restrain them. I am willing to agree with them upon the principles declared in the platform of our party. I will stand there; and I will have nothing more than the Constitution authorizes. Satisfy me that you have a right, under the Constitution of the United States, to carry your slaves into Territories and hold them there, or into the States and hold them there, and I will give you as many acts of Congress as you can desire. In my judgment, you have no such right. The assertion of it is offensive. The assertion of it violates the equality of the States. It puts the rights of the southern States far above the rights of the northern States. It degrades every non-slaveholder in the United States, and certainly every citizen of a non-slaveholding State. We are no longer your equals under such a doctrine; and whether it be in the Democratic party, or anywhere else, for me, I intend to live on terms of equality, or I am content not to live at all.

Mr. GREEN. Mr. President——

Mr. BROWN. Will my friend from Missouri allow me just two minutes?

Mr. GREEN. Two minutes I allow.

Mr. BROWN. The Senator from Ohio read an extract from a speech of mine, which he seemed to rely upon to sustain him in his position that I was inconsistent to-day with what I had said on a former occasion. When that speech was made, the main point in controversy was as to whether we had the right to carry our slave property to the Territories, and have it protected there. To that point I spoke. That point I maintained then, as I maintain to-day; we were willing to submit to the decision of the Supreme Court. We have submitted the question, and it has been decided in our favor. I did not mean to be understood then, nor will I be understood now, that I am willing to submit to the Supreme Court on points which you can never bring before the court. The non-action of the Territorial Legislature can never be brought before the Supreme Court. Unfriendly legislation within the limitations of the Constitution can never be brought before the Supreme Court. Non-action and that sort of unfriendly legislation, I have maintained to-day, would as effectually exclude us as positive action. Whatever you can get before the Supreme Court fairly and justly, I am willing to submit to them, and abide by their decision; but, of course, I am not willing to be ruled out upon points which you never can get before the court. Suppose the Legislature does not act at all, how am I to have my remedy before the Supreme Court? Can I get a *mandamus*? Everybody knows I cannot. That is a form by which I am excluded. Then, suppose they act in an unfriendly spirit within the limitations of the Constitution; how am I to get such a case before the Supreme Court? If they legislate under the taxing power, as I pointed out this morning, and under the power to regulate the relation between master and slave; how am I to get such a case before the Supreme Court? I never can. I never meant to say I would stand only upon the decisions of the Supreme Court. I will stand upon them so far as they are rendered; and I maintain before the Senator from Ohio now, that I stand where I stood when I made that speech—upon the decisions of the Supreme Court; but I could not stand upon decisions never rendered, and which never can be rendered.

Mr. GREEN. Mr. President, the principal object that seems to have been designed by the Senator from New Hampshire, has been attained, and that was to stir up strife and contention and produce distraction, and to divide and alienate the Democratic party. I am sorry, extremely sorry, to see Democrats permit themselves to be thus divided on a question presented, no doubt, with the view of breaking down the only political party that can override the Republican party. While I differ with the positions taken by some Democratic Senators, and while it will be my purpose to show that they are wrong under the Constitution and under the laws of the United States, I shall do it in a spirit which, instead of driving them off from the party will, I trust, have a tendency to draw them back and unite us all together, for although we may differ a little on some minor points, the great end and object of the party in its institution, in its organization, and in its purpose, is to subserve the paramount interests of these United States. Party is essential not to advancement; party is essential not for personal considerations; but party is to be sustained only and solely for the good of our country, and when it ceases to subserve that interest, I shall cease to be a party man.

Sir, there are great leading points of difference between the different political parties, and there are minor abstract considerations that sometimes infuse themselves into our deliberations, stirring up our feelings; and, if we permit them to take a deep hold on our affections, they may drive us asunder. It behooves us, as statesmen, as patriots, and as friends of our country, to pause and reflect before we take a fatal step. While we differ upon minor points, and while we deliberate upon these abstract differences, let us treat each other as brethren, and not as political enemies.

I trust there is no dispute among Democrats, between the North and the South, on the great and essential principles of liberty. Governments have been established to protect persons and property; and whenever a Government ceases to protect either persons or property, it has ceased to perform the functions for which it was brought into existence.

But the amendment proposed by the Senator from New Hampshire, and the debate resulting from it, brings up another question: what is property? The debate springing out of that has also led to the inquiry whether the South demands of the North the passage of laws enacting a slave code for a Territory? Sir, I beg leave to answer all who are present within the sound of my voice, that the South have never made any such demand. Nor is the Senator from Ohio correct, when he insinuates the idea that Virginians, emigrating to Kanses, Nebraska, or Utah, claim the right to carry with them the local law of the State from which they emigrate. There is no respectable man that ever asserted any such idea. All that they have asserted, all that they do assert, all that they will maintain, is, that they carry the Federal Constitution; or, more correctly speaking, it being there before they go, that they shall have their rights protected under the Federal Constitution, and to that extent there is no legitimate power to impugn those rights, whether they be rights of persons or rights of property. There is not a school-boy who has ever supposed that a Virginian, emigrating from the State of Virginia and going into the Territory of Nebraska, would carry the Virginia law with him. Why he, then, should predicate a long argument upon that point, for the purpose of showing what a heterogeneous class would then be there congregated, is to me most surprising and astonishing. We do maintain that the Federal Constitution extends over all the Territories; we do maintain that the Federal Constitution designs the protection of all property; we do maintain that under the Federal Constitution slaves are property; and we do maintain that the decision of the Supreme Court is that slaves are property even in a Territory.

Mr. DOOLITTLE. Will the Senator from Missouri allow me to put a question to him on the point that he is now discussing, in order that we may understand his views?

Mr. GREEN. Certainly.

Mr. DOOLITTLE. Suppose we acquire Canada as a Territory, where, by the law of Canada, slavery is abolished would the Constitution of the United States, of its own force, apply to Canada, and reëstablish the law of slavery in Canada, so that slaves could be carried and held there by virtue of the Constitution, notwithstanding the law of Canada, which is against it? I wish to understand the honorable Senator.

Mr. GREEN. I will ask the Senator, before I answer his question, if slavery has ever been abolished in Canada?

Mr. DOOLITTLE. Slavery has been abolished by the common law of Canada.

Mr. GREEN. Abolished? Did it ever exist in Canada?

Mr. DOOLITTLE. Never, in fact.

Mr. GREEN. Then you cannot abolish a thing that never existed. Now I will proceed to answer the Senator.

Mr. DOOLITTLE. Will the Senator allow me to put another question?

Mr. GREEN. Certainly. Put it any shape you please

Mr. DOOLITTLE. New Mexico was a part of Mexico when slavery was abolished by the Federal Constitution of the State of Mexico; and I ask the Senator from Missouri whether the Constitution of the United States, of its own force, would carry the law of slavery into New Mexico, now one of our Territories?

Mr. GREEN. I will answer the Senator. He has abandoned Canada; but I will not. I am ready to open the portals of the Union for the admission of Canada. I will say that, although slavery never did exist, in fact, in Canada, yet, if Canada were annexed to the United States as a Territory, not admitted into the Union as a State—for then State sovereignty comes with it; but if annexed as a Territory—the sovereignty over it belongs to the Union, and the Constitution of the United States goes over it, and every citizen of the United States has a right to go there, and take his negro slave, and hold him. Now, a word as to New Mexico. In the case of New Mexico it is still stronger, and for additional reasons. First, all the argument that I used with regard to Canada applies; and, in addition to that, the decree of Mexico attempting to abolish slavery in that Government never was a valid decree. That Government undertook, on two different occasions, to accomplish it; once in 1828, in which they, by DECREE, provided that appraisers should value the slaves, and the owners should be paid; none of which provisions were carried into effect, and the decree was null and void. To prove that that decree was null and void, I need only refer the Senator to the fact, the historical fact—which I know he is familiar with—that in Texas, foreight years afterwards, slaves were held as property, notwithstanding the existence of that inoperative decree of 1828. In fact, slavery continued in Texas until the time of the revolution; thus proving the practical invalidity of the decree. No constitution of Mexico ever attempted to *abolish* slavery. The invalid decree, before referred to, did attempt it, but it did not succeed; and the only constitutional provision on the subject was to *prohibit* the *future* establishment of slavery—not to coerce its abolition.

The constitution of 1844 of Mexico—and I presume the Senator knows all about these things, or he would not ask me these questions—did not undertake to abolish slavery, but only *prohibited* its future establishment. These are the facts of the case, and the Senator ought to know them, and I presume he does. But even if the acts of the Mexican Government were valid and had been carried into effect, the moment the country was annexed to the United States, it would be property belonging to the Union. Then what? If Congress has not the power to prohibit slavery in a Territory already belonging to it, if it buys territory and annexes it to itself, then a previous prohibition, inconsistent with the power of Congress, would *cease and determine* the moment the annexation was made. Now, I trust the Senator understands me perfectly. I intend to deceive no one upon this point. The view I take of the subject is, to my mind, clear and distinct. If I am wrong, I am ready to be advised of that error; but my convictions are so strong that nothing short of powerful reasons will ever induce me to change them. The Supreme Court has decided that slaves are property. They go into the Territories, and the question has been sprung up here whether the Territories of Kansas and Nebraska, under the specific law of 1854, can prohibit and abolish slavery by direct or indirect legislation, or by nonaction. I answer, they can do neither; and if they were to undertake to do either, and thereby destroy the rights of citizens, it would be the duty of Congress to intervene. I hold, first, that they can do neither; but if they should, it would be obligatory on Congress to interpose. The purpose of government being the protection of persons and property, whenever any subordinate power, acting under the United States authority, contravenes those great ends of government, it becomes the duty of the superior power to interpose to protect the rights of persons and property.

The doctrine of non-interference by Congress with slavery in the Territories means, and can only mean, that Congress should neither *establish* nor *prohibit* it. That is all. Leave those questions to the Constitution and the courts. But whatever rights individuals have in the Territory, may demand, and when demanded, must have adequate protection. This can injure no one, and affords no cause of complaint to any section of the Union.

It has been admitted by the Senator from Illinois, that Congress has the same power, and the Territory has the same power, and no more, over slaves as other property in the Territory. Now, I ask this question distinctly, in the presence of the Senator, can the Territorial Legislature of Kansas, Nebraska, or Utah, prohibit the introduction of any other kind of property? Can they discriminate in regard to any kind of property? For I hold, if they cannot, by direct means, prohibit it, neither can they by dishonest, indirect means, accomplish the same thing. That which you cannot do directly, you cannot do indirectly; and it is a dishonest subterfuge to presume that such will be done. Can you prohibit the introduction of mules, of horses, of plows, of patent reapers? No; they are property known to the Constitution. Are not slaves property known to the Constitution? Yes. Can they then be prohibited? The Senator says, yes; I answer, no. The power to prohibit one is coextensive with the power to prohibit the other; and no legislative authority in the Territory or out of the Territory will permit of a discrimination between different species of property, so far as its protection and security are concerned.

But he says this thing may be done by "*unfriendly legislation.*" What is meant by unfriendly legislation? Unfriendly to my rights; unfriendly to my property! I had thought that rights, rights of persons and property, were beyond the power of legislation. I undertake to make the assertion, and defy contradiction, that without the special transference of authority, there never was a legislative body in existence on the face of the globe that could justly take any right of person or property from a citizen without rendering a just compensation. This is implied in the great principles of magna charta. It is but the expression of the honest hearts of the British people when they extorted magnâ charta from King John; and when the principle was transferred to the American continent, it was planted, took deep root, has grown up into a magnificent tree until it overshadows and shelters the whole Union. But how easy it is to trample down a *minority*. How easy to stop every privilege when the dominant swelling mob, headed by some bold leader carrying a majority says, I choose to sacrifice you to the accomplishment of my ends. Justice, truth, right, and correct principle, have said that one man's rights are as sacred as the rights of nine hundred and ninety-nine. I forget the quotation, but I remember having read it when I was a boy, and that was a long time ago; but a wise man was asked his definition of the best Government, and he answered, that Government which is ready to exert all its power to protect the rights of the humblest citizen. If I were asked to give my opinion of the greatest excellence of the American Government, I would say it is that principle which permits it to make use of money and men, to shed blood, and to do anything to protect the rights of the most humble citizen from being violated; and yet I am told that those persons who have property of a certain kind in a Territory, are to be sacrificed by the Territorial Legislature, under the guise of "unfriendly legislation." My view is to put all species of property on the same basis of protection. I will never exalt the rights of the owners of slaves, above the rights of owners of other property. They are equal—not superior.

But, it has been admitted by the Senator from Illinois, and I hold him to the admission, that a Territory has no power except what is conferred by Congress. Is there any power to make such discrimination in the organic act creating the territorial government? He says all legislative power is conferred that is not inconsistent with the Constitution. I have two answers to make to that assertion. First, if the power to destroy any kind of property was conferred, it would be inconsistent with the Constitution; it would be a destruction of private rights; and would be a breaking down of the great barriers between right and wrong, and, therefore, void. The second answer is this: if all legislative power, not inconsistent with the Constitution, is conferred by the organic act, then the power to institute steps to form the Lecompton constitution was undeniable; one or the other must be true. He may take either horn of the dilemma. If all legislative power is conferred that is not inconsistent with the Constitution, then they had the power to institute steps to form the Lecompton constitution. If it is not conferred, then there are reservations somewhere. Where are those reservations on the question now before us? In what do they consist? Why, sir, in all constitutions, in all laws, superior to all our action, there underlie grave principles of truth and justice which no law can override. These are for the protection of individual rights.

The Senator says—and I was sorry to hear him say it; for I have the highest regard for him not only as a man, but as a jurist—that under no circumstances could he be induced to intervene, by the action of Congress, to protect the rights of persons to slaves in any Territory. I was sorry to hear it. I have said the South do not ask it now; because, as yet, they have never seen the necessity. The time may come when they will

see the necessity; and the time may come when it will be proper this power should be exercised. The power certainly exists. All the power the Territory has is derived from Congress, and can be resumed at pleasure. The *creature* can never be *equal* to the creator.

But I was sorry for another reason. When Utah, by her misconduct, had propagated polygamy, the Senator was loudest and foremost to propose the intervention of Congress to stop it. Yes, "that is a case that will justify Congress in intervening." "Stop polygamy"——

Mr. DOUGLAS. When? Where? When did I speak so loud for intervention to stop polygamy? When, where, what measure, what speech, what report?

Mr. GREEN. Well, Mr. President, I said *loudest*, because he generally speaks loudest; I said *when*, because it was the 12th day of June, 1857; and *where*, because it was said at Springfield, Illinois.

Mr. DOUGLAS. I deny it. That speech will show that I was for repealing the organic act, because they were alien enemies to the United States, and not because of that domestic institution.

Mr. GREEN. I have got the speech before me, and I generally speak by the record.

Mr. DOUGLAS. Read it.

Mr. GREEN. I know he lugged in other considerations, but he did not confine himself to them. He did say they were alien enemies, but it was their misconduct, including polygamy, that he complained of. He had given them an organic act, and he then said, I will take it from you. But where, in such cases, is "squatter sovereignty?" Oh, says the Senator, you are alien enemies! The Senator *assumed* it to be true that they were; and then he says, I will take from under your feet the very authority which gave you existence as a people. In other words, I will intervene against you. For what? Because you are alien enemies? *How* do you know they were aliens? Where did you get your evidence?

Mr. DOUGLAS. Read it.

Mr. GREEN. *I will read it.* I know of what I speak. You had no evidence of it *then;* you have no evidence of it *to-day*. It was an assumption *then*, and it is an assumption *to-day*. But whether so or not, it cannot change the power of Congress to interfere, if the public good requires it. But you *will* intervene. Why? Because it is assumed they are alien enemies. How do you know but what there are alien enemies in Kansas, judging from their acts, as there are in Utah? How do you know that there are not as many in Nebraska as in Utah? But he will not intervene there, for those alien enemies only destroy the rights of slave property; but he will intervene in Utah, for those alien enemies propagate polygamy. That is the doctrine of the Senator, and he cannot escape from it. Now I will read the extract from his speech on the subject, and see whether he did not claim the right to protect persons and property by congressional intervention.

Mr. DOUGLAS. Read what covers that subject.

Mr. GREEN. Mr. DOUGLAS said:

"Suppose, I repeat, that Congress should pass a law prescribing a criminal code, and punishing polygamy among other offenses, what effect would it have—what good would it do? Would you call on twenty-three grand jurymen, with twenty-three wives each, to find a bill of indictment against a poor, miserable wretch for having two wives? [Cheers and laughter.] Would you rely upon twelve petit jurors, with twelve wives each, to convict the same loathsome wretch for having two wives? [Continued applause.] Would you expect a grand jury composed of twenty-three 'Danites,' to find a bill of indictment against a brother 'Danite' for having murdered a Gentile, as they call all American citizens, under their direction? Much less would you expect a jury, composed of twelve 'destroying angels,' to find another 'destroying angel' guilty of the crime of murder, and cause him to be hanged, for no other offense than that of taking the life of a Gentile? No. If there is any truth in the reports we receive from Utah, Congress may pass what laws it chooses, but you can never rely upon the local tribunals and juries to punish crimes committed by Mormons in that Territory. Some other and more effectual remedy must be devised and applied. In my opinion, the first step should be the absolute and unconditional repeal of the organic act, blotting the territorial government out of existence——

Mr. DOUGLAS. Precisely.

Mr. GREEN. Yes, precisely, and I will show you why "precisely" after a while:

——"upon the ground that they are alien enemies and outlaws, denying their allegiance and defying the authority of the United States. [Immense applause.]

"The territorial government at once abolished, the country would revert to its primitive condition prior to the act of 1850, 'under the sole and exclusive jurisdiction of the United States,' and should be placed under the operation of the act of Congress of the 30th of April, 1790, and the various acts supplemental thereto and amendatory thereof, 'providing for the punishment of crimes against the United States, within any fort, arsenal, dock-yard, magazine, or ANY OTHER PLACE OR DISTRICT OF COUNTRY, UNDER THE SOLE AND EXCLUSIVE *jurisdiction of the United States.*' All offenses against the provisions of these acts are required by law to be tried and punished by the United States courts in the States or Territories where the offenders shall be FIRST APPREHENDED OR BROUGHT FOR TRIAL."

One word there. Here these outlaws, these alien enemies, are to have their charter taken away because they do not conform to what we believe to be right. We choose to call them enemies, to say they are outlaws; and we choose to say they do wrong; but negro stealers and underground railroad operators are to be patted on the back, and to be told, "well done, thou good and faithful servant;" we have no power to stop you, and you may run at pleasure. But that is not all; for in the same speech the Senator says:

"Hence the necessity of repealing the organic act, withdrawing the pledge of admission, and placing it under the sole and exclusive jurisdiction of the United States"—

For what purpose?

——"in order that persons and PROPERTY may be *protected, and justice administered, and crimes punished* under *the laws prescribed by Congress in such cases.*"

Thus spoke Mr. DOUGLAS at Springfield; and now see how differently he speaks.

In the case of Utah, he wanted persons and *property* protected. To do that, he wanted Congress to intervene and protect *property*. He wanted something affirmatively done. He wanted justice to be administered; and he wanted the organic act wiped out of existence so that Congress might intervene. *Now*, in the most palpable case in which slave property may be destroyed in Kansas or Nebraska, he says we have no right to interfere. Sir, I cannot see the consistency of a position like this. If the Supreme Court was right in declaring slaves to be property, and if we stand by the decision of that court—not merely acquiesce and sustain and support it—then slaves are property; and if, in the case of Utah, the causes were sufficient to justify Congress to intervene and repeal the organic act and undertake the administration of affairs there, why not do so in other cases for the protection of *other* property? I know that many grave offenses have been laid at the door of the people of Utah; but I undertake to say that no charge against them is of a character deeper in its dark hue than that of the larceny of a slave. When I asked the Senator if the Territorial Legislature should pass a general law punishing larceny, but excepting a slave, would it be constitutional? he so answered it, that although it was perfectly plain to himself, it was unintelligible to me and everybody else. Would it be a constitutional law to say that larceny, of any property of the value of five dollars or upwards, shall be punished, upon conviction, by imprisonment in a penitentiary not exceeding ten years, excepting the larceny of a slave? Would that be constitutional, when, at the same time, he asserts that they have no more power over *other* property than they have over slaves?

But he asks, "do we want a slave code?" Sir, we have no slave code, and it is a misapplication of terms, and a confusion of ideas, to assert it. We have just as much a hog code, and a pig code, and a calf code, as a *slave* code in the States. If a man steals property of a certain value, it is grand larceny; if it is not of that value, it is petit larceny, except it be a pig, or other live stock, and then it is grand larceny, without regard to value. If it is a calf, or pig, it is grand larceny anyhow; and that is as much a pig code, or a calf code, as to call the other a slave code. It is idle to talk upon the subject. Slaves want no protection, over or beyond other property; but the general protection of the law for all property, without distinction, is all that could be demanded or expected. Why, sir, nearly nine tenths of all the laws in all the States that have slave laws, if you call them such, are laws to protect the slave against the master, or laws to *restrain* the master. They are laws to protect the slave, not laws for the benefit of the master. There are some two or three provisions in some of the States of this Union justifying the Executive in giving a small reward for the recapture of the fugitive slave. That is a benefit to the slaveholder; there is no doubt about that; and to that extent it affords an additional security; but, generally, you find the provision of the law restraining the master. If he commit a murder upon one of his slaves, it is just as much murder as if he were a white man. If he maltreats a slave, he is punished himself. There is left that ordinary and necessary discretion of police, such as the father has over the son, or the mother has over the daughter, in exercising it for the benefit of both, to restrain them in their excesses, to control them in their improper action, and conduct them with order and propriety, resulting in the mutual benefit of father and son, mother and daughter, master and slave, and as much for the benefit of one as the other; but to call that a slave code, and give them an odious distinction before the public, is not fair nor just to the owners of slaves in the slaveholding States.

But the Senator says, if they want slavery, they will protect it. That brings me back to the other point. If the majority do not want it, and the Constitution says it is *property*, and there is no power conferred upon them to prohibit it, what right have they, *a majority*, to take away the property in a slave from a single individual? If they have no right to take it away, what right have they to superinduce a species of legislation which will render it less valuable? Is not that a part of the great American principle of justice? and if we see a Territory persistent in the prosecution of a course of policy like that, and if we have the power, as the Senator at Springfield said, to repeal the charter, and if we see them persist in such an unjust course, ought not Congress to intervene for the protection of the unoffending citizen? Yet the Senator says he will not do it. I believe he made that expression in hot haste with a view to other things—that he supposed we were going to call on Congress to pass laws for the protection of slaves in the Territories, and it was a sort of protest against supposed contemplated action on the part of southern Senators here. No, sir, we expect no such thing; but I will enter my protest against his present doctrine; and in entering it, I expect, when the time comes, should it ever unfortunately come to exercise it, to have the hearty coöperation of that Senator; that if flagrant injustice, or manifest wrong, destructive of private rights, should occur in Kansas or other Territories, revolting to the common sense of justice and right, as polygamy in Utah was to the sense of propriety and morality of the Senator, I expect to have that Senator coöperate with me in proposing to repeal the charter of the Territory, and for the enactment of such laws as will protect private rights, whether of persons or property.

Why, sir, it may be, for aught I know, that it is only a *majority* in Utah that are given up to these violent passions. It may be that the minority are trampled down there.

But it is said the Territories may do this thing without positive action, and merely by non-action. Sir, that is just what has been done in Utah. It is non-action there with regard to polygamy. I have read the charge of Judge Sinclair, and had a long interview with Judge Eckels, from which it appears that there is no law upon the subject of polygamy, and that the whole evil has grown up for want of legislation; yet that want of legislation produced such evils in Utah as to justify the Senator in proposing to repeal the charter, and to take it in the hands of the Federal Government, because the rights of the people were violated. Now, if *non-action* in Utah can produce such a sore evil, may non-action on the subject of slavery in other places, produce equal evil? I hope it may not; and hence, I never expect to propose any legislation upon the part of Congress, merely on account of non-action in a Territory, unless a case of extreme necessity should arise. I am now discussing this abstract question of *power* and *right* of Congress to interpose, and not proposing any present exercise of it. Indeed, I hope it may never be necessary.

News has been received to-day from Kansas, that the Territorial Legislature, which adjourned on the 12th, passed a law declaring that from and after the passage of that act slavery shall cease to exist in Kansas. Who did that? The Legislature in a Territory of the United States? What says the Federal Constitution? The Supreme Court says that under the Constitution slavery may exist, and shall exist as long as it is a Territory; that every man who chooses to go there

can go, and take his slave with him. Here is a direct conflict between the Territory and the decision of our rights. But the Senator may say, this, being unconstitutional, will be declared null and void. How much property may be destroyed in the mean time, and how much property may be run off by such men as Montgomery and Brown, when they can declare they are not subject to punishment, and not violating law, but carrying out the provision of the law of their own Territorial Legislature? They may ask, have we not a right to legislate on our domestic institutions in our own way? Most unquestionably they may, so far as is consistent with the Constitution and the rights of other persons.

Sir, if the enormities in Utah would justify intervention, there may be cases affecting property only in Kansas and other places that would justify Congress in intervention. I do not say what kind of intervention. It may be the best policy to follow the plan indicated by the Senator in his Springfield speech; for he says first repeal the charter, and then take your own course. That may be best; but I do say that that Territory belongs to this whole Union; it has no element of sovereignty—not the first element of absolute sovereignty; it is a people, organized, having only such powers as we conferred upon it. Being subject to us, and subordinate to the Federal Constitution, the moment we deem it proper we can withdraw the charter by which it has been organized, and assume the jurisdiction to ourselves, where the principles of the Federal Constitution have vested it.

Again, the Senator says that all legislative power has been conferred upon the people of that Territory except certain specifications of reservation—that no property of the United States shall be taxed, and the property of non-residents shall not be taxed higher than the property of residents. Very well; let us examine that matter a little while. Unfriendly legislation, it is said, will prohibit slavery. How will unfriendly legislation do it? By taxation? The power to tax is the power to impose equal burdens, and for contributions for the support of the Government. The power of taxation is not the power of prohibition; it is not the power of destruction; it is not the power to divert any channel of business; but the power of taxation is merely a simple, single power to impose burdens for the support of the Government. But let us examine the other specification of reservation. No taxes shall be imposed upon non-residents higher than upon a resident. Suppose a resident in that Territory owns horses, and they are taxed at one fifth of one per cent., which would be twenty cents on the hundred dollars. They wish to keep slaves out of the Territory. I am a non-resident. I send my negroes in there and hire them. They tax them *one* per cent., one dollar on the hundred. How? By *unfriendly legislation*, and by taxation; but the Kansas-Nebraska act says the property of non-residents—it does not distinguish between KINDS of property—shall *not* be taxed higher than the property of residents. My property, as a non-resident, happens to be slave property. Your property, as a resident, happens to be land or stock of some description. Now, if such be the case, will not the Kansas-Nebraska act restrain them from taxing the one higher than the other? Yet it is said unfriendly legislation in taxation could keep it out. Sir, to believe that the power of taxation could be perverted to the destruction of a man's rights; to drive him from the enjoyment of a constitutional privilege, would be to suppose a case that I should imagine, in my simplicity, would meet the condemnation of every man. Is it a constitutional right to employ a slave in Kansas? Is it a constitutional right to hold slave property in a Territory? Yes. If, then, it be a constitutional right—and no power is conferred upon the Territory except that which is constitutional; then they have no right to discriminate for the purpose of destroying any constitutional right, by unfriendly legislation.

I will relate the proposition so as to be explicit. It is a constitutional right to have slaves in the Territory. The territorial power is only in conformity to the constitution; therefore, if the Territory undertakes to do anything prejudicial to the enjoyment of these rights, it would be null and void. It may be said the court will so declare it; but that is not a sufficient answer. The remedy may be inadequate. The legislative and executive power, in many cases, ought to be exerted for the protection of persons and of property, if there are enemies abroad and enemies within.

Generally speaking, within our own limits we can enforce the law. We have found in some few instances, however, that it has been necessary to resort to physical power. A resort to physical power, in other cases, may become requisite in the progress of events; but whether this does occur or not, it is certain the legislative authority is within the control of Congress, and is always competent to the task. The mere fact of the organization of a Territory carved out of the general domain of the Union, does not make it irrepealable. Is it not subject to repeal? Is it no longer subject to the jurisdiction of Congress! Has it become alienated so that we cannot reach it? That is answered by the Springfield speech, and answered by the common judgment of every Senator in my hearing. We know we have only transferred authority for the time being, to let them exercise it in their own way, because as a local body we presumed they would know more of the wants and necessities of the Territory than a foreign body at a great distance. This was done as a mere matter of choice, not as a matter of compulsory right and necessity, but as a matter of propriety. We have chosen to transfer the privilege of legislative power for the time being, in the Territory, over such branches as we thought proper, and, to my mind, without departing from principle and without a violation of the charter, we have the right to repeal the organic act and assume our original jurisdiction; and in any instance where we see a persistent effort to break down the rights of any portion of the people of the United States, it is the duty of Congress thus to act. What is Congress for? To make Presidents? To form political combinations? To build up individuals? To attract the attention of the world? No. It is to administer the Constitutions of the United States for the protection of *all*, the high and the low, the rich and the poor, without reference to condition. A man with his one slave is as much entitled to protection as is a man with his five hundred. A man with his one horse—yes, the widow with her small mite, is entitled to protection. In the States where sovereignty exists, this protection is afforded by them. In the Territories, where the only sovereignty is vested in the Federal Government, Congress must afford it if the Territory does not. For our own convenience, we, for the time being, transfer our legislative privileges to a Territory; but if we do it, we must keep a vigilant eye over them, and the moment they fail to afford due measure of justice and protection, we ought to intervene and do it ourselves.

The time has not yet come for it; but I am only throwing out these suggestions in advance, because I do not wish the question forestalled. I desire our brethren of the North distinctly to understand that we never intend to touch a single point in regard to this matter, unless driven to it. In regard to carrying out the Constitution, men differ in their construction. With the policy of the Government they differ. That difference of opinion causes those entertaining the same views naturally to associate together. Those who coincide form themselves into what is called a *party*. They are formed into a party from necessity. Interest and necessity form parties just as Governments are formed, and for the same purpose, and to the same extent, because they are useful and powerful when conducted upon principles of truth and of justice. And in thus forming parties, from a coincidence of principles, for the purpose of accomplishing the great ends of the Constitution, never let it be supposed that a party is to become subservient to *personal ends*. If it does, it ceases to accomplish the object for which it was brought into existence. It is a party for ends; ends for the people; ends for constitutional government; ends for the protection of private and personal rights. These are the great purposes contemplated when all parties are formed. Faction may exist, and cabals may exist, having in view the accomplishment of personal ends only; but parties, in the broad, national sense, only exist with reference to the accomplishment of national ends.

Now, sir, in these parties it has been my purpose heretofore—I trust it ever will be hereafter—never to throw in a firebrand to scatter, alienate, divide, and enable the common enemy of us all to conquer. It has ever been my purpose to smother little impracticable differences of opinion if the great ends can be the better accomplished. If a mere abstraction, though it may, in the future progress of the events, become a vital, living issue, is presented, I will, if necessary, declare my views upon it, just as I do this. There is nothing now before us for legislation, and nothing practical in the present question. It is the merest figment of a disordered brain, yet we are forced to stop and discuss it. It was thrust upon us by a common enemy. Will we permit it to injure ourselves? Will we permit a common enemy to make use of this figment to the destruction of the great purposes of the Democratic party? I cannot assist in it. I will sacrifice all personal considerations for the good of that party of which I am an humble member; and until we come to work by majorities, we will be disappointed in our expectations. Yes, within the limits of the principles and usages of the party, I will sacrifice to the will of a majority in all cases; and why? As necessity and interest bring us together in association as a body, just as governments are formed to accomplish that and to carry it out, so we must yield to the Democratic principle of majorities, or never accomplish anything. I could differ with every one on the floor of the Senate; and I have no doubt, on some point or other, I do thus differ. Every other Senator present differs from others on some matter or other; yet in the great and leading purposes as declared in the Cincinnati platform, we do agree; at least I think so; and hence we should not exhaust our strength and destroy our power on theoretical problems.

Shall we, then, permit an enemy to throw in, by injection, into the bill now under consideration, a subject-matter so delicate, affecting the South, where we are naturally sensitive? The North ought to have a little respect and a little consideration for the sensitive feeling of the South on this subject. The South ought also to remember that the North—yes, the North—have a peculiar element to deal with there, which is fanned and fed by fanaticism and pecuniary reward. Let the two extremes each remember and practice forbearance, trust, and confidence. That sensitive feeling, which imagines we have been insulted and wronged heretofore, is apt to prompt southern gentlemen to go into an extreme, and give utterance to a harsh expression, which, being repeated, and rolled over and over again in the North, magnifies itself, until it becomes a huge mountain, to frighten women and children. So with northern fanatics. They, too, say, down with the slaveholder; let the Union perish; the Constitution, or Bible, so far as connected with slavery, are but covenants with hell. Such expressions as these are made use of by the North; and you find sensitive southern gentlemen firing up, and saying, let us draw the knife and cut the bands of the Union, and separate at once and for ever. No, my friends, no. I say *no* to the North and to the South. Let this ebullition of feeling boil over, and exhaust or purify itself. There are principles of truth and justice yet embodied in the great heart of the Democratic party, that will crush out these profitless differences, concentrate its power; and then the Union, through that party, will be secure, and our rights will be protected.

Mr. President, I shall not enlarge upon this subject at this late hour of the session. I have not said one half that I ought to say; but I yield the floor.

Mr. GWIN. Mr. President——

Mr. DOUGLAS. I hope the Senator from California will allow me the floor.

Mr. GWIN. I shall not occupy five minutes.

Mr. DOUGLAS. I have been assailed very severely by three Senators.

Mr. GWIN. Well, I yield you the floor.

Mr. DOUGLAS. I am sorry, Mr. President, to occupy the time of the Senate on this question at this late period of the session. I have the consolation to know that I am not responsible for its introduction. It came first from the Committee on Finance, in an amendment to the appropriation of $20,000 to take a census to bring Kansas into the Union if she shall have the requisite population according to the English bill. Secondly, by the

Senator from New Hampshire, in his amendment to repeal the restrictive clause of the English bill; and thirdly, from the Senator from Mississippi, in his very able speech, directed against the position which it is well known I have occupied before the country. I can do no less than reply to the speech of the Senator from Mississippi, together with several others of similar tenor, all aimed very pointedly at myself, and each one of them denouncing my position. They seem to regard every man as no better than an Abolitionist, who advocates non-intervention by Congress with slavery in the Territories, and wishes to leave that question, like all other matters of domestic concern, to the decision of the Territorial Legislature, with the right of appeal to the Supreme Court of the United States by any person who thinks the territorial enactments repugnant to the Constitution of the United States. Why do they not carry out their principles of congressional intervention, by introducing a bill to annul the obnoxious territorial enactments, and substituting a congressional slave code in their place?

The Senator from Missouri tells us in debate, that the Territory of Kansas has passed a territorial act abolishing and prohibiting slavery in that Territory. When will he ever have a better chance to test his doctrine than by a bill now to repeal that law? If you are ever going to carry out your doctrine of intervention, now is your time. The Senator says the time has not come for Congress to intervene. If it has not come when they abolish slavery and set your slaves free, when will it come? For what purpose do you wait? When are you going to become indignant at this flagrant violation of your rights, and demand the intervention of Congress, if you do not now, when your slaves are manumitted? Are you going to wait until after the presidential election in 1860? Now is the time, and here the cause, if you ever intend to intervene! I shall think there is no political movement in these fierce attacks on me when I see Senators practice what they profess, by bringing in a bill to repeal that Kansas act, abolishing slavery, and their friends vote for it. The public will not be satisfied with the justice of these violent assaults on me for my opposition to congressional intervention, unless those who make them carry out their avowed principles when so aggravated a case is presented. When will the time for congressional interference come, if manumitting all your slaves and confiscating your property does not constitute sufficient cause for prompt action?

I do not say that an act of confiscation is constitutional; I do not say that the Territorial Legislature has any such power. To confiscate property is one thing; to tax it, to regulate it, is another thing; and yet it is not to be denied that taxation, regulation, may be so exercised as very nearly to destroy it. What I do say is, that, under the law organizing Kansas Territory, it is provided that the right of appeal existed to the Supreme Court of the United States. The understanding was, that if the territorial laws were constitutional, they would stand; if they were unconstitutional, they would become void by the act of being unconstitutional. Now, if the act confiscating that property, emancipating those slaves in Kansas, is unconstitutional, or in violation of the organic act, take it to the Supreme Court of the United States, and have it annulled. That is the remedy provided in the Kansas-Nebraska act. It is the remedy which you agreed to pursue, when you voted for the repeal of the Missouri compromise act. You agreed to do it by the Cincinnati platform. You are pledged by your political creed to appeal to the courts, but never to Congress, for redress in such cases. I am prepared to stand by the pledge. The Senator from Mississippi [Mr. DAVIS] says, if I am not willing to stand in the party on his platform, I can go out. Allow me to inform him that I stand on the platform, and those that jump off must go out of the party. [Laughter and applause in the galleries.]

The PRESIDING OFFICER, (Mr. IVERSON in the chair.) The Chair will have the galleries cleared, if a single demonstration of the kind is repeated.

Mr. DOUGLAS. It is for those to quit who cannot abide by the faith. It is for those to leave who cannot carry out the principle to which our party is irrevocably committed. I have no idea of leaving. I intend to stand here in my place, for the next six years, battling for those principles to which so much of my life has been devoted, and to which I am ready to devote the balance; those principles as they are recorded in the Kansas-Nebraska bill, and as they are affirmed by the Cincinnati platform, and reiterated by Mr. Buchanan in his letter accepting the Cincinnati nomination.

I have shown you, sir, that, by the Kansas act and the Cincinnati platform, non-intervention with slavery in the Territories by Congress was declared to be a fundamental principle of the party; and now I am assailed because I will not intervene in violation of the creed. No man denies that non-intervention is the fundamental article of the creed; but I am threatened with excommunication if I do not intervene. Would it not be more becoming in those who assail me to show their sincerity by offering an amendment to this bill repealing the act of the Kansas Legislature for the manumission and confiscation of all the slaves in Kansas? The Senator from Mississippi said that this petty controversy in Congress about the different kinds of property in the Territories did not become us. I agree that it does not become the American Senate to have a petty controversy about the rights of property in the Territories. Let us stand by the principle of non-intervention, which banishes it from the Halls of Congress, throws it back to the people of the States and Territories, and we shall have none of these petty squabbles or controversies about property.

Mr. DAVIS. I merely say to the Senator that if he intends to quote me, I said no such thing.

Mr. DOUGLAS. Of course I stand corrected. I took down what I understood to be the Senator's words at the time. I quoted them as I took them down. Of course, I stand corrected upon that point.

Mr. DAVIS. I would be willing to give the Senator what my view is, if he wishes to have it now.

Mr. DOUGLAS. If the Senator wishes to give it, certainly I am willing to hear it.

Mr. DAVIS. The petty controversy to which I referred, was not a squabble as to whether this particular species of property should be carried into the Territory or not, but a squabble by which men seek to build up a political reputation by catering to the prejudice of a majority to exclude the property of the minority. It is that upon which I set my heel with scorn and indignation.

Mr. DOUGLAS. And with not more scorn than I despise to see men from other sections of the Union pandering to a public sentiment against what I conceive to be common rights under the Constitution. I am willing that he should entertain his views, and I will entertain mine. Sir, it is not for each man to judge the motives of others. I do not impeach the motives of the Senator from Mississippi. It does not become him to impeach the motives of others. I am discussing a principle here, a principle that has received the solemn pledge of the party, to which we both belong, to carry out.

The Senator from Mississippi has said, that if any man holding those opinions is the candidate of the party for President, he cannot receive his support. The Senator from Virginia [Mr. MASON] has said, any man holding those opinions cannot receive the support of a southern State.

Let us see about that. If a man holding those opinions cannot receive the support of the southern Democracy, then that Democracy has changed amazingly. Ten years ago, General Cass was the nominee of the Democratic party. He was the champion of this doctrine in its broadest and most unrestricted sense, as explained in his Nicholson letter; and what southern Democratic State voted against him as such nominee? Mississippi gave him her vote. Virginia gave him her vote. Old Virginia now boasts that her escutcheon has never been tarnished by abandoning the time-honored principle of the national, State-rights, Democratic party. The southern Democratic States have, to a man, sustained the candidate of the party on these principles. They must change their line of policy, if not their principles, before they can oppose Democrats for entertaining these doctrines.

I make no pledges upon this point. I have not said to those Senators that I will vote for no man that does not agree with me in all things. I do not intend to say any such thing. I hold the control of my own action. I do not expect any presidential candidate to agree with me in all things. I do not say that I will not support a man for President who goes for protective tariffs and specific duties. I do not say that I will not support a man who goes for a bankrupt law. I do not say that I will not vote for a man who, in my opinion, has violated some cardinal principles of the party. I may be compelled, as a choice of evils, to support such a man. But when I find that Kansas has passed these laws emancipating slaves, and the time has not come for southern men to assert the right, as the Senator from Missouri tells us, when will it ever come, if such an act does not make cause for intervention——

Mr. GREEN. If the Senator quotes me, I hope he will quote me correctly.

Mr. DOUGLAS. Certainly.

Mr. GREEN. I told him and the Senate distinctly, that Kansas had passed an act declaring that from and after the passage of that act, slavery should cease in Kansas. This was the information received, whether reliable or not I did not know, and do not know to-day. We cannot act on the mere rumors we get, or telegraphic dispatches. If we are statesmen, we must act on facts, and not upon mere convictions.

Mr. DOUGLAS. I take it for granted, then, that when the Senator gets authentic information that Kansas has passed such a law as that, he will bring in a bill.

Mr. GREEN. The moment they undertake to take away the slave property now in Kansas, if we cannot protect them without that, I will bring in a bill, and shall expect the vote of the Senator on the principles he advocated in regard to the Utah bill.

Mr. DOUGLAS. Well, sir, one word about the Utah bill. When I demanded the reading of my remarks on the subject of Utah, did they show that I proposed to intervene or repeal the organic act because of polygamy or of Mormonism? Not a word of it. I showed that the information before us led us to believe that they were in a state of rebellion, defying the authority of the United States, and in alliance with the Indian tribes; and, if that was true, I argued that we ought to repeal the organic act, because they were alien enemies and outlaws; not on account of their religion; not on account of their domestic institutions; I never expressed any opinion as to what we ought to do in regard to their domestic institutions; but I would repeal that act, because they were in a state of rebellion, defying the authority of the United States. The Senator said I had no information of that fact. Whether my information was reliable, or not, I placed my action on that ground. I stated that I had such information as led me to believe it to be true; and, in a few days afterwards, the President confirmed that information by ordering an army there, at the cost of fifteen or twenty million dollars, to put down the very rebellion of which I was speaking. Pretty good evidence to lead us to suspect that there might be a rebellion! The Senator thinks I had not information enough to justify me in making a speech; but the President had plenty to justify him in sending an army; and when his army got there they found there was a rebellion. It was on the ground of rebellion alone, of resistance to the authority of the United States, under the circumstances, which rendered it wise to protect persons and property under the law which provides for the punishment of crimes in the unorganized territory, where the United States has exclusive jurisdiction, that I proposed to repeal the organic act of Utah; but not to intervene and repeal their territorial enactments while the organic act was in existence.

I repeat again, men must come to one of two positions, and there is none other; either property is to be protected in those Territories by the territorial laws, with the right of appeal to the Supreme Court, to test their constitutionality, or by the intervention of Congress. Every man who is not for congressional intervention occupies my position. It is either congressional intervention or leaving all property (slaves included) to the courts, and such laws as the Territorial Legislature may constitutionally enact for the protection of property. There is no middle ground, and there can be none. I do not pretend to determine the constitutionality or the unconstitutionality of the local laws passed by the Legislature. That

is a judicial question. By the Nebraska bill, it must go to the Supreme Court to be decided, and I shall abide by its decision in any case. It is not for me to pronounce on the validity or constitutionality of these local laws. What I assert is, that when they pass the laws they can only be annulled either by the court on the ground of being unconstitutional, or by Congress upon the ground that the majority do not like them.

I say I am opposed to congressional intervention in such cases. The Democratic party always has been opposed to it. Every man that stands by the Democratic platform must still be opposed to congressional intervention. The Senator from Virginia, or any other Senator, has a right to abandon the faith and platform of the Democratic party if he has come to the conclusion that the creed is wrong; but it will not do for him to read me out of the party because I will not follow his example and repudiate the time-honored principles of non-intervention, and adopt his new political catechism. If I thought the platform was wrong, I would go for changing it. If I thought the principles of the party were wrong, I would follow my conviction; but that platform suits me as it is, if carried out now as we understood and explained it in the presidential election of 1856.

Now, sir, I reciprocate all the kind sentiments expressed by the Senator from Missouri, that we ought to be tolerant of differences of opinion in a great party, for the reason that no two men, even, are expected to agree on everything. I do not wish to raise a standard for anybody else; but the Senate will not fail to observe that the points are all aimed at me, because I hold that Congress ought not to force slavery on the people of the Territories against their will. I am compelled, in self-defense, to reply. I regret these frequent discussions upon the question. This subject would never have been introduced into the Senate this year, if it had been left to me; I have not said a word upon the subject. I understood that these very points were discussed, and I was assailed in very severe terms, by the gentleman now occupying the chair, [Mr. IVERSON,] before I arrived this session. If I had been here, of course I would have felt bound to vindicate myself at the time, although I should have regretted the necessity. Not being here, I chose to let it pass; I never even read the Senator's speech to know how far he had gone in his criticisms. I only reply when I feel that I am compelled to do so; assailed, as I am, first on one side and then upon the other, as if it was something extraordinary that I should hold the same opinions now that I so fully expressed in the great contests of 1850 and in 1854 and in 1856. I do not think there is anything extraordinary in that. Possibly something might have occurred requiring a modification of opinion. I have no such pride of consistency as would prevent me from modifying my opinions when convinced of an error; but upon this subject of congressional intervention I think I am right. I do not believe the peace of the Union can be maintained on any other principle.

I do not put slavery on a different footing from other property. I recognize it as property under what is understood to be the decision of the Supreme Court. I agree that the owner of slaves has the same right to remove to the Territories and carry his slave property with him as the owner of any other species of property, and to hold the same, subject to such local laws as the Territorial Legislature may constitutionally pass; and, if any person shall feel aggrieved by such local legislation, he may appeal to the Supreme Court to test the validity of such laws. I recognize slave property as being on an equality with all other property, and apply the same rules to it. I will not apply one rule to slave property and another to all other kinds of property. I am not willing to leave all other kinds of property to the territorial laws and the courts for protection, and then call on Congress to intervene in behalf of slavery, in violation of the Democratic principle of non-intervention. Congress has never yet enacted a criminal code or a property code for any organized Territory of the United States. Why should Congress be called upon to enact a code for the protection of slave property any more than for other property? I repudiate the idea of intervention by Congress to make a property code of any description, or for any kind of property, in the organized Territories. The Senator from Missouri quoted a remark of mine about protecting property under the law of the United States where the Government had exclusive jurisdiction. That related to unorganized Territories. In all such cases this Government does exercise exclusive jurisdiction, but a very different principle has always prevailed in the organized Territories. As long as it is Indian country, or unorganized, there is no other jurisdiction but that of the United States. The moment you organize the Territory, and enable the people to elect their own Legislature for the purpose of self-government, that Legislature becomes the proper tribunal to pass the laws for the protection of property, instead of Congress. If we will carry out that principle in this matter, and allow the Territorial Legislature to pass all laws, subject to appeal on constitutional points to the Supreme Court, and then vigorously carry out the doctrine of non-intervention by Congress, upon slavery and every other species of property, neither the North nor the South has a right to complain. I am sure, sir, that it is with extreme regret that I have been compelled thus far to participate in this discussion.

Mr. DAVIS. If I understand the Senator, he renews the position to which I endeavored to make an answer to him, in relation to discrimination as to the kind of property. I wish to say that what the Government owes to person and property is adequate protection; and the amount of protection which must be given will necessarily vary with the character of the property and the place where it is held; that any attempt, therefore, to create a prejudice by talking about discrimination between different kinds of property is delusive, and does not meet the single inquiry, the only one we have a right to make, what kind of protection is adequate? The Senator's argument as to the change of the power of the Federal Government by the organization of the Territory, I thought was answered this morning. If that organization is a mere emanation of Federal power, if that territorial government is the mere instrument of the Federal Government, how does it change the power and jurisdiction which the United States holds? Why, then, the argument that the power is possessed in a Territory before the territorial government is organized, but not possessed afterwards?

I think that the Senator committed a fatal blunder, and drew the Senate into a fatal blunder, when he departed from the well established precedent of our Government, and struck out of the Kansas-Nebraska bill the right to pass upon the legislation of the Territory which had always theretofore existed in Congress, which ought to have been retained, and which, of necessity, was exercised when they passed a law clearly violating the constitutional right. This doctrine of non-intervention, as I said before, in reply to the Senator, is one which is constantly changing; changing with latitude and longitude and persons; changing with the session when it is introduced; and greatly changed since the time when the Senator from Illinois first discussed it. Then it was a question simply of whether the Federal Government should attempt to decide the question of whether slave property could be carried into the territory acquired from Mexico, or not; whether the Mexican law remained upon the land, or whether the Constitution, by its own force, carried slave property, as all other property, from the States there. A Senator, then a member of this body from the State of Delaware, now no more, (Mr. Clayton,) attempted to compose that difficulty by a bill which referred the whole question to the Supreme Court of the United States. I thought at the time his measure was well, wisely, and patriotically taken. I voted for the proposition, believing that, if the question was submitted to the Supreme Court, and decided as a question of constitutional right by the Supreme Court, then it would only remain for the United States Congress to see the right so defined carried into effect. If it was against us, we had to abide it; if it was for us, we were to be protected in its enjoyment.

So I understood the question, when it was discussed in 1850, to be avowed by every one who touched it. So I understood the operation of the Kansas-Nebraska bill to be a reference of this subject to the Supreme Court, in order that they might decide the constitutional and legal right. When decided it was to be considered as settled, upon Congress and against Congress. I think we took a great hazard when we agreed thus to submit a question of the constitutional rights of our constituents. If I had then been a member of the Senate, I should have presented the difficulty which existed in my mind. I was not; I take it for granted, however, my friends who are about me must have understood at that time clearly that this was the mere reference of a right; and that, if decided in our favor, congressional legislation would follow in its train, and secure to us the enjoyment of the right thus defined.

The Senator, however, makes a reference to the vote of the State of which I am a citizen, by whose authority I speak here, in the canvass of 1848, to show that the doctrine of squatter sovereignty was acceptable to the southern Democracy.

Mr. DOUGLAS. No; it was in reply to the statement of the Senator from Virginia that the South would never vote for a man holding that doctrine, and I reminded him that she had done it.

Mr. DAVIS. You reminded the Senator, then, that Mississippi had voted for this doctrine.

Mr. DOUGLAS. All the Democratic southern States, and Mississippi, too.

Mr. DAVIS. I have nothing to do except with the State of which I know something, and of which I have a right to speak.

Mr. DOUGLAS. I did not say that in Mississippi they voted for the doctrine. It was charged that they would vote for no man who held the doctrine. I showed that Virginia, Mississippi, all the Democratic States had voted for a man who held the doctrine. I do not pretend to say they voted for the doctrine; but they voted for a man who held it.

Mr. DAVIS. I did not misunderstand the Senator, and I am glad he has interposed if I was likely to make others misunderstand him. That is the exact point I meet. The candidate of the Democratic party had written a letter long and eloquent. Men differed as to its construction. I put a certain construction upon it, which was, that it admitted the power in the inhabitants of a Territory to decide the question of the right of another emigrating to take slaves there or not. That construction was denied. My political friends held it to be a heresy on my part, to believe that that was ever meant. One who claimed to have authority to speak, gave a different construction; and the State of Mississippi voted under the belief that that letter meant no more than that when the Territory became a State it had authority to decide that question; and even with that constant assertion, as by authority, the doubt that hung upon the minds of the people of Mississippi, as to whether it was correct or not, reduced the vote from thousands to hundreds. If it had been known that the venerable candidate then of the Democratic party, and now Secretary of State, held the opinion which he so frankly avowed at a subsequent period, on the floor of the Senate, I tell you, sir, [addressing Mr. DOUGLAS,] he would have had no more chance to get the vote of Mississippi than you, with your opinions, would have to-day. It was the same case in Alabama, where the majority sunk from thousands to hundreds, because of the opinion entertained. It was the constant assertion that that was not the opinion of the candidate.

Mr. CLAY. If my friend will permit me, I will state that Mr. Yancey, for construing that letter as the Senator from Mississippi says he did, was ejected from the party, or put himself outside of the party. He did not act with the party for years afterwards, because he was assailed in every Democratic paper in the State as misrepresenting General Cass's views.

Mr. DAVIS. That is very much my experience; but for the kindness which the people of Mississippi always showered upon me, all undeserved as it was, I suppose I should have been read out of the Democratic party for asserting that that was the creed of their own candidate. I performed what I considered a duty to my constituents, when I told them what my belief was. They thought it more than unkind that I should doubt the constant assertions that had been made. They forgave me what they considered an offense and voted for the candidate, reduced as I have stated in the majority, because of the doubt that hung over them.

The Senator quite misapprehended my remarks

however, when he supposed I was directing my censure and criticism towards the personal prospects of any one. I was battling for a great principle which stands as the barrier to protect the rights of those whom I represent—a principle which I believe is to be coexistent with the Union, which was announced at its birth, and will only disappear upon its grave. In advocating that principle, men are to me but as the counters that mark the day. I should have been glad if the Senator, when he appeared in the Senate, had answered the expectation of many of his friends, and by a speech here have removed the doubt which his reported speeches in the last canvass of Illinois created. It was not with satisfaction, therefore, that I heard him here making declarations so inconsistent with what I consider the constitutional rights of those whom I represent; so inconsistent, as I know them to be, with the sentiments, the settled opinion of that people. Much more grateful had it been to me if, by a speech delivered in the Senate, he had corrected the opinion which I entertained of the speeches he had made in the State of Illinois during his canvass. He has confirmed me, however, in the belief that he is now as full of heresy as he once was of adherence to the doctrine of popular sovereignty, correctly construed; that he has gone back to his first love of squatter sovereignty, a thing offensive to every idea of conservatism and sound government; a thing offensive to every idea of the supremacy of the laws of the United States, and destructive of every prospect to preserve peace, secure good government in the Territories, and point the way to the formation of States fit to be members of the Union.

Mr. GWIN. I am not going to enter into this discussion, but I wish to state to the Senate that if the Senator from Illinois had given the same interpretation as he does now to the Kansas-Nebraska bill when that question was before the Senate, I never should have voted for it. If I had understood that bill in the manner in which the Senator now interprets it, no power on earth could have induced me to vote for it. I undertake to say that there is not a member of this body that voted for that bill at the time, with the exception of the Senator, who entertains the same opinion in regard to its operation that he has expressed to-day. Now, sir, I call upon those by whom I am surrounded, who voted with me for that bill, to say whether any of them then put the interpretation upon it that the Senator has done to-day?

Mr. DOUGLAS. Call them out. Let us see them.

Mr. GWIN. I should like to see one. If there are any I wish they would show themselves. I should particularly like to know the Senator here representing a sovereign State, who voted for that bill with the interpretation the Senator has put upon it to-day. If there is one, I should like to see him.

With this understanding of the bill as it passed, that it was not the bill the Senator to-day represented it to be, I say somebody was cheated. Certainly I was, if the author of the bill had the same view of it then that he has announced to-day.

Mr. President, I undertake to say that when the Senator speaks for the Democratic free States, he has no right to speak for one as holding the doctrines he has here maintained, and that is the State I represent. I believe that State, and the Democratic party of that State, will stand by the constitutional rights of all the States, North or South. That is the view I had when I voted for the Kansas-Nebraska bill, that it did protect the rights, under the Constitution, to be interpreted by the Supreme Court, of the citizens of all the States within the Territories.

Mr. HUNTER obtained the floor.

Mr. DOUGLAS. Of course I shall not ask the Senator to give way. I wish to reply to the Senator from California after you get through.

Mr. HUNTER. It is with extreme reluctance that I say a word on this subject so unhappily sprung up on the appropriation bill, of which I stand here as the guardian, a very insufficient one as it seems; but the course of the debate has made it necessary for me, in my own vindication, to say a word or two in regard to this Nebraska-Kansas act.

I differ from the Senator from Illinois in regard to the bill, the history of its inception, and what was intended by it. As I understand it, we stood in this position: the southern Senators, I believe, almost without an exception, who spoke upon that question—I know I did for one, as I have always done from the time I first made my appearance on this floor—maintained that the South had the right, under the Constitution, of protection of this property in the Territories; on the other hand, Senators from the free States denied that right. None of them would vote to give it to us; but there were a portion of the northern Democracy who were willing to do this: they were willing to repeal the Missouri restriction, and establish a territorial government there. A bill was immediately drawn which left this right to the Territories to legislate for the prohibition of slavery in abeyance. It neither affirmed nor disaffirmed the power of the Territorial Legislature to legislate upon this subject of slavery; but it provided very carefully and cautiously that any question arising out of it might be referred to the judiciary. As a proof of it, I will refer to some remarks I made myself upon that occasion. In the speech that I delivered then, I said:

"But it has been often said by those who admit that Congress has the power of governing the Territories, that it is a power to be exercised, not in reference to the rights of the States, but in reference to the good and welfare of the people of the Territories. Now, if in exercising this power we are to be confined to the single consideration of the good and welfare of the people of the Territories, then, I say, the whole subject of government ought to be left to the people of the Territories. That is the true American principle. If the only consideration which is to apply to their government be the good and welfare of the people of the Territories, then they ought to determine all questions in regard to their domestic institutions and laws. But, in my opinion, the government of these Territories ought to be administered with the double object of securing the rights of the States as well as those of the people of the Territories, and to these last should be given all the rights of self government which are consistent with the limitation, that they shall not interfere with the equal rights of the States, or violate the provisions of the Constitution. With those limitations, all the power that could possibly be given to the people of that Territory, ought to be given to them. All that portion of the power which is to be exercised with a view to their interests, ought to be exercised as they wish it. That, in my opinion, is the true principle.

"I know we have most high, distinguished, and respectable authority for the opinion that the people of the Territories have a sort of natural right to exercise all power within those Territories. It is not my purpose to raise an issue upon that question. I do not mean to argue it. I do not wish to raise an issue with the friends of this bill, with those whom I am assisting, and who are assisting me, to pass this measure. Nor will I do it unless it should be absolutely necessary, which is not now the case. For, happily, the bill is so framed that it can be maintained, not only by those who entertain such opinions as I have referred to, but by those, also, who entertain opinions like my own. The bill provides that the Legislatures of these Territories shall have the power to legislate over all rightful subjects of legislation, consistently with the Constitution. And if they should assume powers which are thought to be inconsistent with the Constitution, the courts will decide that question, whenever it may be raised. There is a difference of opinion amongst the friends of this measure, as to the extent of the limits which the Constitution imposes upon the Territorial Legislatures. This bill proposes to leave these differences to the decision of the courts. To that tribunal I am willing to leave this decision, as it was once before proposed to be left, by the celebrated compromise of the Senator from Delaware, (Mr. Clayton,) a measure which, according to my understanding, was the best compromise which was offered upon this subject of slavery. I say, then, that I am willing to leave this point, upon which the friends of this bill are at difference, to the decision of the courts."—*Appendix to Congressional Globe, Thirty-Third Congress, first session*, pages 223, 224.

The case then stood thus: whilst the southern men maintained on one side (and I was amongst them) that they had the right to the protection of their property under the Constitution, those from the free States maintained the opposite opinion. There could have been no accord between them on that point; but the southern men, with some objection and reluctance, in order to harmonize, did agree, as the only mode of getting the Missouri compromise repealed, if the Territorial Legislature attempted to exercise the power, that the court should decide; and this they could do with perfect consistency, because they provided that whatever powers were delegated to the Territorial Legislature should be exercised under the Constitution. In their opinion, the Constitution not only prohibited Congress from delegating a power to abolish slavery to the Territories, but from exercising it itself. Whilst they maintained that Congress had the power to govern in the Territories, they maintained that there was an obligation on Congress, imposed by the equality of the States, that they should not prohibit the institutions of one State while they allowed those of another; and that was the mode in which it was passed. The bill in itself was, in my opinion, a compromise in which neither sacrificed principles, but left the whole question in abeyance to be decided by the courts without taking from Congress the power to resume jurisdiction, if they should choose to do so afterwards. They retained as much good as they could without raising those questions upon which there could have been no accord of opinion.

Now, sir, I say it never was understood, so far as I had anything to do with the bill, by the southern men who maintained the class of opinions of which I am speaking, that they were conferring on the Territorial Legislature the absolute power to deal with this subject. They did not; but they were secured to vote for a bill which would organize a Territorial Legislature which should leave this question in abeyance, and this bill decided nothing, but only provided that the question should go to the courts, to be decided under that jurisdiction.

Nor did the bill, although everybody consented to strike out the phrase to which the Senator from Illinois alludes—nor did the bill ever mean to say that Congress absolutely gave up jurisdiction over the subject. Inasmuch as it was a common point which accomplished good, which repealed what all the branches of the Democracy thought unconstitutional—the Missouri compromise—they passed a bill which did that, without deciding absolutely on other differences of opinion, but merely providing a tribunal to decide them when they should come up.

Having said so much, which bare and absolute justice required of me—I mean justice to myself and to those with whom I acted—particularly to the memory of the distinguished Senator from South Carolina, (Mr. Butler,) now no more, with whom I had many anxious conferences on this subject, I will pass to the other matter, which, I acknowledge, weighs heavily upon me; and that is, to ask how long shall we continue this discussion, which does not belong to the bill under consideration? I know the Senator from Illinois said the Committee on Finance introduced it. I stated yesterday evening why it was done. They supposed, upon reflection, that it might be thought unjust to the Territory, whilst this statute remained, not to give it a chance of showing that it had the requisite number to entitle it to admission. The moment we found that another view was taken, we offered, if the unanimous consent of the Senate could be given, to withdraw the amendment; because, for one, I was doubtful about it from the beginning; but I was not allowed to do so, for the purpose, I presume, of getting up this discussion. Surely it has lasted long enough; and I hope we shall be permitted to go on with the bill. I do not wish from this to preclude the Senator from Illinois from answering anything that may be personal to himself; but after that I will appeal to the Senate to let us vote.

Mr. DOUGLAS. I have but a word or two to say in reply to the Senator from California. He has taken it upon himself to say that he does not believe that any Senator voted for the Kansas-Nebraska bill on the construction put upon it by me.

Mr. GWIN. I said not a member on this floor now here, voted for it; and I call on them to speak for themselves.

Mr. DOUGLAS. I do not know by that general statement what particular quibbles there may be in the language used; but I do say that the records show a concurrence of sentiment, on the original passage of the Nebraska bill, in the views that I expressed, so far as the power of the Territorial Legislature is concerned; that we conferred the whole power on the Territorial Legislature, subject to appeal to the Supreme Court, but not with an appeal to Congress to repeal the local legislation. I do not understand any gentleman to say now that he voted for that bill with the understanding that it was the duty of Congress to interfere and repeal the territorial laws, and pass others in their place, instead of appealing to the courts to determine their validity under the Constitution. I would like to hear each Senator speak for himself on this point. I do not believe that Senators are prepared to say that such was their understanding when the Nebraska bill passed, nor that they will now vote for an act to repeal the emancipation act recently passed by Kansas, and to substitute a slave code in its place. Let such a

proposition be now presented to the Senate, and see how many votes it will receive, and who will vote for it.

Mr. HUNTER. Mr. President, I stated, in regard to the ground taken then by southern men, that the principle they argued that question upon was that they had the right to the protection of their property there. They did not pass it, because they knew it was equally believed on the other side, by a majority, that they did not have it. To press that would have ended in nothing; and therefore, I think very prudently and wisely, they agreed to leave that in abeyance and take up another point, the repeal of the Missouri compromise, upon which we could agree. That, I think, was the real history of that transaction. They left the question as to the territorial right to be hereafter decided by the court. The bill, I think, affirms or disaffirms nothing in regard to the right of the Territory as to slavery; and it left that question to the Supreme Court, because they believed there could be but one decision predicated upon it in any fair tribunal.

Mr. DOUGLAS. Precisely. There the Senator from Virginia and myself agree. Some persons here thought that Congress had the right to prohibit slavery in the Territories. Others thought they had not. Many of those who thought Congress had the power, thought it was not wise for it to exercise such a power, and would not exercise it. Others believed that Congress had not the power, but the Territorial Legislature had. Others believed that Congress had the power to protect it. Others believed that Congress should not interfere either way. Inasmuch as there was not any uniform sentiment on the power of Congress, it was agreed that we would confer all the powers we possessed on the Territorial Legislature, with the right to appeal to the Supreme Court to annul any act they might pass which violated the Constitution, with the understanding that the laws were not to be sent to Congress for approval or disapproval; so that all acts that were constitutional should stand, whether we liked them or not. That was the understanding, making it a judicial question as to whether the territorial acts were constitutional or not. If constitutional, they were to remain in force until repealed by the Territorial Legislature; if not, they were to become void, not by the action of Congress, but by the decision of the court. The Senator from Louisiana, [Mr. BENJAMIN,] in 1856, made a speech on this very question, sustaining the view I have taken. He said:

"Mr. President, those who use that argument at the North are right; those who sustain that bill upon the grounds which I have just mentioned, at the South, are right."

That is, the argument at the North, that the Territorial Legislature have the power to legislate on the subject of slavery; and at the South, that they cannot prohibit.

"Neither cheats; neither is cheated. The history of the passage of that bill is familiar to us all. There was a series of propositions presented to its advocates, upon all of which they could agree, save one. All agreed upon the right of a State to enter into this Union, whenever it had a sufficient population, and had formed a republican constitution, whether that constitution established or prohibited slavery. That provision was, therefore, inserted in the bill. All agreed that it was prejudicial to the best interests of the country, that the subject of slavery should be discussed in Congress. All agreed that, whether Congress had the power or not to exclude slavery from the Territories, it ought not to exercise it. All agreed that, if that power was owned by us, we ought to delegate it to the people, whose interests were to be affected by the institutions established at home. We therefore put that into the bill."

He says many argued that Congress had the power to exclude slavery; but all agreed that they should not exercise it; and all agreed, also, that the power, if it existed, should be delegated to the Territorial Legislature.

Mr. HUNTER. We should not exercise it in that bill.

Mr. DOUGLAS. Yes, sir; all agreed that we should delegate to the Territorial Legislature, in that bill all the power we possessed over the subject.

Mr. HUNTER. Those who believed that Congress could not exercise it, could not admit that power to the Territory. They said it would be unconstitutional.

Mr. DOUGLAS. I will continue with the reading of these remarks of the Senator from Louisiana.

"Then came the point upon which we disagreed. Some said, as I say, Congress has no power to exclude slavery from the common Territory; it cannot delegate it, and the people in a Territory cannot exercise it except at the time when they form their constitution. Others said, Congress has no power; Congress can delegate it, and the people can exercise it. Still others said—my honorable friend from Michigan (Mr. Cass) said—that the power to legislate on that subject was a power inherent in every people with whom the doctrine of self government was anything more than an empty name. On this proposition we disagreed; and to what conclusion did we come? We said, in this bill, that we transferred to the people of that Territory the entire power to control, by their own legislation, their own domestic institutions, subject only to the provisions of the Constitution; that we would not interfere with them; that they might do as they pleased on the subject; that the Constitution alone should govern. And then, in order to provide a means by which the Constitution could govern, by which that single undecided question could be determined, we of the South, conscious that we were right, the North asserting the same confidence in its own doctrines, agreed that every question touching human slavery or human freedom should be appealable to the Supreme Court of the United States for its decision."—*Congressional Globe, first session Thirty Fourth Congress*, Part II, page 1093.

Now, sir, when the Senator from Louisiana gave that exposition of the destiny and objects of the Nebraska bill, I remember it was received with approbation and satisfaction by this [the Democratic] side of the Senate. It was just previous to the presidential election of 1856. It was an exposition which showed the consistency of the northern and southern Democracy, and proved that the Territorial Legislature was authorized to enact just such laws as it pleased, subject to an appeal to the Supreme Court to establish their validity, but not appealable to Congress. Now, the only question between me and those gentlemen who controvert my position is, whether Congress shall intervene and repeal the territorial laws, and substitute others in their place; or, whether the Territorial Legislature shall pass just such laws as they please, subject to the decision of the court in regard to their validity under the Constitution? The speech of the Senator from Louisiana [Mr. BENJAMIN] fully sustains my position on this point. If I could have anticipated this discussion and had time to prepare for it, I could have produced extracts from the speeches of a large number of Senators, probably a majority of those who voted for the Nebraska bill, sustaining the same position. I may do so yet, on some other occasion, and show that the bill was understood and explained, at the time of its passage, in the same way and by the line of argument in which I now explain and defend it.

Mr. DAVIS. Will the Senator allow me to ask him a question?

Mr. DOUGLAS. Certainly.

Mr. DAVIS. I ask him, rather for his position than that of the Senator from Louisiana, whether, when this decision was made by the Supreme Court, it was still to be a subject to be discussed, until twenty-four minutes after six o'clock, as to whether it was the duty of Congress to protect a constitutional right, or not?

Mr. DOUGLAS. When the court decides on the validity of any territorial enactment, its decision is final, and there is an end of that controversy. I have answered that question several times to-day.

Mr. DAVIS. I could not get the answer to it.

Mr. DOUGLAS. I will try to give it to you again. Slaves, according to that decision, being property, stand on an equal footing with all other property. There is just as much obligation on the part of the Territorial Legislature to protect slaves as every other species of property, as there is to protect horses, cattle, dry-goods, liquors, &c. If they have a right to discriminate as to the one, they have as to the other, and whether they have got the power of discrimination or not, is for the court to decide, if any one disputes it. In my opinion, under the taxing power, a Territory may discriminate as well as a State. I think they may, if they wish to encourage the improvement of blood cattle, allow blooded stock to be free from taxation, and they may put heavy taxes on the inferior breeds. They may exempt school property taxation; they may exempt libraries from taxation. Nothing is more common than to exempt such property from taxation as in the estimation of the people the public good requires. I do not know a State in this Union that does not discriminate between different species of property in taxes. If there is no power of discrimination on other species of property, there is none as to slaves. If there is a power of discrimination as to other property, and I think there is, then it applies to slave property. In other words, slave property is on an equal footing with all other property. In my opinion, if the taxing power is exercised against any one species of property, it may have a tendency to drive it out. If, beyond that, there is an absence of legislation such as would fail to give it efficient protection, that does effectually exclude it. It is my opinion that, without violating the Constitution, such a system of legislation may be devised as would effectually exclude any species of property that the Legislature attempted to exclude, whether it be horses, mules, liquors, dry-goods, slaves, or cotton.

If gentlemen differ—lawyers may differ on these points—the remedy is not by appeal to Congress; the remedy is by appeal to the Supreme Court. The Legislature exercises power in the first instance, according to their views of their constitutional rights, subject to an appeal to the Supreme Court. Then the Legislature makes all laws that do not violate the Constitution which they choose to make. That is my idea; and I assert I so understood the bill at the time; and if you go back to the debates, you will find that most of us explained it that way at the time it was passed. We did not pretend to decide the question whether the Territorial Legislature had the power or not to prohibit slavery; but we did agree to give them all the power we had, and if they exercised it in such a manner as to violate the constitutional rights of any portion of the people, their remedy is to be found in an appeal to the Supreme Court, and not to Congress. The Senator from Virginia certainly will bear me testimony that the clause requiring the territorial acts to be sent to Congress, for approval or disapproval, was stricken out on the suggestion made in debate, by an Opposition Senator, that we did not intend to carry out non-intervention.

Mr. HUNTER. That clause was stricken out to satisfy Senators who desired it; but it was never the opinion of those with whom I was acting that it altered the real powers of Congress. It was no objection to them that the bill required the territorial laws to be sent up to Congress.

Mr. DOUGLAS. Of course the distinction is this. I did not say it altered the power of Congress. Congress is not bound to exercise every power it possesses. Congress may have power to do a great many things that it ought not to do. I say, then, the understanding was that we would banish this question from the Halls of Congress, whether we had the constitutional power to act on it or not. Some said we had the power, some said we had not. Some said we had it, but we would not exercise it; we would give it to the people; and hence the understanding was, that we would confer all the power we had on the Territorial Legislature. But, said an Opposition Senator, then why keep a clause in the bill requiring the acts of the Territorial Legislature to be sent here to be repealed or affirmed? We answered, that we did not intend to bring them up. It was predicted in debate, if I recollect aright, that if slavery was prohibited, Congress would be asked to intervene in behalf of slavery; and in order to rebut that suspicion, we struck out the clause requiring the laws to be sent up to Congress, with the understanding, as I have said—and you will find that understanding avowed by these gentlemen themselves when the question was raised upon that bill—that whatever the Legislature should do for or against slavery should stand, unless the court decided against it. I understood that to be the meaning of the Nebraska bill; I understood it to be the meaning of the Cincinnati platform.

I do not think that slavery ought to be forced upon any people that do not want it, any more than it should be forced away from people who do want it. If they want it, let them have it. No one in the South is injured by not being able to take his negroes and hold them where they would not pay. The people will want it, if the climate demands it. I think it is a question of climate, a question of production and self-interest, and not a question of legislation. Let us banish it from the Halls of Congress. It is banished now, unless it comes up here for affirmative legislation; and I very frankly state that if it should come up, I should vote against any affirmative legislation. I should like to see all men equally frank in avowing how they will vote, so that we may know where we stand. It may be agreeable to others

that one man should stand forward and take all the blows, and they not commit themselves at all; but my candid opinion is that we Democrats had better speak out plainly. When Senators come to speak on this subject, in my opinion, sir, you will find more men taking the view that I do, than you imagine. If we cannot agree, let us know it; if we can agree, let us know it.

Mr. President, I again ask pardon of the Senate for occupying so much time.

Mr. DAVIS. The Senator did not at last answer my question.

Mr. DOUGLAS. Put it, and I will answer it.

Mr. DAVIS. I asked the Senator, distinctly, whether, when this controverted question had been referred to the Supreme Court, and decided by it, and a right which Congress would not assert had been declared by the Supreme Court to be a constitutional right, he then would give that right the protection of congressional legislation? The Senator goes on to argue, at great length, as to the power of taxation and discrimination between the different kinds of property. He argues all the time for exemption and protection. That is not the point I am touching, at all. It was, whether the inhabitants of a Territory could, by their legislation, deprive other joint owners of the Territory of the right to enjoy it? and when the Supreme Court pronounces their action unconstitutional, whether, then, we could rely upon those who stood with him to submit this question to the Supreme Court, to come forward and honestly maintain the right which the Supreme Court had affirmed?

Mr. DOUGLAS. I will answer the Senator. I am willing, for the purposes of this argument, to assume that the decision of the Supreme Court goes to the extent of the expression of opinion by Chief Justice Taney, that Congress could not prohibit a man from going into a Territory with a slave, and, therefore, that the Territorial Legislature could not prohibit his coming in; in other words, according to that doctrine, the right of transit there is clear, the right of entry is clear, the same as all other property; and you have the same right to hold them the same as other property, subject to such local laws as the Legislature may constitutionally enact. If those laws render it impracticable to hold your property, whether it be your horse or your slave, why, it is your misfortune; but you are on an equality with others, and you hold him subject to such local laws as may be constitutionally made. When the Supreme Court shall decide upon the constitutionality of the local laws, I am prepared to abide by the decision, whatever it may be, and have it executed in good faith, as in all other cases.

Mr. DAVIS. I do not ask for the discrimination on which the Senator is wasting his strength. I say the obligation is upon Congress, as the trustee of the owners of the Territory, to protect the citizen who goes to this joint property, in person and property; and that, if the Territorial Legislature does not protect him in his rules, it is the duty of Congress to compel that Territorial Legislature to perform its proper function, or to enact the laws which are needful in the premises.

Mr. DOUGLAS. Well, on that point, the Senator and I differ. If the Territorial Legislature will not pass such laws as will encourage rules, I will not force them to have them.

Mr. DAVIS. That is not the question, because the Senator constantly goes to the position of a people holding territory as their own and administering it. I am considering the question of a territory belonging to a State where there may be but one hundred inhabitants who will band together to exclude all joint owners of the property by such laws as will not allow them to come in; when this is the property of the people of the State, and Congress is the trustee of the people of the State, I say that Congress is bound, in every form in which it can be considered, to see that the joint owners of the property, who have intrusted it to their safe-keeping, shall have the full and adequate protection which is necessary to its enjoyment.

Mr. DOUGLAS. One word about this joint property. The property is the joint property of the United States until it is sold; but the moment a man goes and settles on a quarter section, and puts up his house, and establishes his preëmption, it belongs to him and not the United States, after that.

Mr. DAVIS. Not the adjoining quarter section.

Mr. DOUGLAS. But the one he is on, and hence you find every inhabitant becomes the owner of the land on which he settles. The property that is the joint property of the United States is that on which your people do not live, but does not happen to be that on which they do live. Then again, I apprehend the citizens that have gone there to settle are not the property of the United States. They are American freemen, and ought to be permitted to enjoy all those great rights of self-government which underlie our free institutions. If the Constitution does not enjoin upon you to give them the benefits of self-government in the Territory, I would confer it upon them, to the extent of my power. Although the people of the Territory are not a sovereign power authorized to put a constitution in force, without the assent of Congress, yet they are recognized as a distinct people, a body-politic, by the law organizing them, and they ought to have self-government; they ought to be allowed to manage their own affairs to suit themselves, and if technically they have not got it, they ought to have it. If they are, in fact, only inchoate States, give them those rights that will qualify them to become sovereign, independent States to come into the Union, and put no other restriction on them than the Constitution of the United States imposes.

When a man goes into the Territory of Kansas from Mississippi, he is no longer a Mississippian; he is a citizen of Kansas, and then he has acquired the right to vote, to make his own law. The people of Mississippi are not to be governed by his law, nor is he to be governed by them; but you say that he and his associates make such laws as you do not like in Mississippi. Who cares whether you like them or not in Mississippi? They were not made for you; they were made for the people of Kansas. It may so happen that the people of Kansas may make such laws as they like, and the people of Mississippi may not like them, and now you are to call upon Congress to abolish the laws which the people of Kansas made for themselves, and do like, and to establish a set of laws that they do not want, but which Mississippi does. Now, with all due respect, permit me to say I do not think that is according to the principles of self-government. I do not think that it is consistent with the doctrines of congressional non-intervention; I do not believe the people of Mississippi are injured, if their inhabitants go there and make such laws as they want in common with the citizens of other States. They will have slavery if it is for their good, and not without, and slavery cannot be forced on them against their will. Hence neither your interests nor your rights are violated by this doctrine, but the rights and interests of the people of the Territory, those who make the laws, those who are to be bound by them, those whose fortunes and families depend upon them may be seriously violated by congressional intervention. But I beg pardon of the Senate for occupying so much time. I hope I shall not be compelled to continue the discussion.

Mr. BRODERICK obtained the floor.

Mr. DAVIS. The Senator did not answer my question.

Mr. DOUGLAS. I will answer it right here. I will not vote to intervene by a law of any kind by Congress.

Mr. STUART. I call Senators to order; the Senator from California has the floor.

Mr. DAVIS. I was not aware of it. I will, of course, yield.

Mr. BRODERICK. I will yield to you, sir, with the understanding that it be given to me again.

Mr. DAVIS. I shall be very brief. The Senator from Illinois did not answer my question.

Mr. DOUGLAS. I repeat, I will vote against any law by Congress attempting to interfere with a regulation made by the Territories, with respect to any kind of property whatever, whether horses, mules, negroes, or anything else.

Mr. DAVIS. Then, as I understand the Senator, if he intended to answer me at all, it is that he offers to us the proposition that the constitutional rights shall be submitted to the Supreme Court, and now announces that, whatever may be the decision of the Supreme Court, he will not legislate for the protection of the rights thus guarantied. As he would not answer my question, I now answer his: I have never claimed that the people of a Territory, if he will so call them, were to legislate for the benefit of the people in the States; but I have claimed that they have no right so to legislate as to appropriate to themselves the public domain, because they occupy a small part of it, and exclude other citizens from coming there to equally enjoy it. I claim that the foreigners who, under the mad legislation of Congress, have been invited to seize upon our public domain, and who have congregated with all their false notions in Utah, have no right now, by their laws, to exclude a citizen of the United States in that Territory. If that Territory had been desirable, the question is one which long since would have been made. Otherwise, I hold that the few Canadians who lived in the State which the Senator represents, at a very early period, had no right to proclaim themselves the sovereign possessors of the territory, and to exclude the people of the United States from coming to enjoy its fertile plains. A handful of men, nowhere, finding themselves upon the territory of the United States, can have the right to enact such laws as will exclude the joint owners from its equal possession. The one hundred and sixty acres of land upon which the emigrant may go, he may hold as his own; and on their one hundred and sixty acres the immigrants may make such rules and regulations and laws as may be needful for their own protection and government, in the absence of congressional legislation. Clearly, sir, they are limited and restricted to the point of their own necessity. They have no right to legislate so as to affect the rights of other owners of the Territory who are not within its limits.

When Congress, however, organizes a government, then I say this whole question of squatter-sovereignty passes away. The sovereignty of the State acting through their agent to Congress, then supplants the squatter sovereignty that might have existed without any law. Henceforth, legislation must not only be in subordination to the Constitution, in subordination to the will of Congress, who alone represent the owners of the Territory. Congress would make a gross departure from every liberal principle if they were to interfere with such domestic regulations as the good of the people of the Territory might require; but the Territorial Legislature are limited clearly, by every principle of equity, to such legislation as their own condition requires, and have no right so to legislate as to exclude other people of the United States; and no plea, no attempt to appeal to prejudice against a particular kind of property will ever make this doctrine stand before the honest men of the United States, be their personal opinions what they may. I would go into New England to-morrow and venture before the people, assembled *en masse*, this right of the citizens of the United States to go into a Territory, and, save here and there, where some man sought to obtain office upon prejudice, I should expect to get a verdict in favor of their brethren, wherever they might be found. Sir, if we had the power to take the Territories, and to proclaim that no man should enjoy them who did not bring a slave with him, to show what his future political opinion would be, I trust I have not a constituent who would not at once denounce it as a base interference with the equal rights of his brethren of the United States. Then, I ask, what is the difference if others seize possession of the Territory and say, that no man holding such property shall be allowed to come and enjoy it? The equity is the same.

But the point, and the only point to which I intend to bring the Senator was, whether, after having offered to us this proposition of allowing the Supreme Court to decide the constitutional right, he would stop at the point of decision, and leave us to the mere empty declaration of rights without any action on the part of the United States to protect and guaranty it?

Mr. DOUGLAS. The Senator perseveres——

Mr. IVERSON. I rise to a point of order. It is, that no Senator has a right to speak more than twice on any subject, without leave of the Senate.

Mr. DOUGLAS. That is, so long as any other gentleman wishes to speak. If the Senator from Georgia desires to speak, of course I will give way.

Mr. IVERSON. The Senator from California has the floor.

Mr. DOUGLAS. Then I ask him to allow me to say a few words—not the Senator from Georgia.

Mr. IVERSON. The rule does not depend on whether any other gentleman desires to speak, as I understand.

Mr. DOUGLAS. I demand the reading of the rule. The rule is, that no one shall speak twice so long as any other member wishes to speak.

Mr. DAVIS. I put a question to the Senator from Illinois in a manner which gives him a right to answer, if he chooses. I hope he will be allowed to do so.

Mr. BRODERICK. I will say that I have made half a dozen efforts to get the floor, within the last three hours.

Mr. DOUGLAS. I will yield on the claim of the Senator from California, but not on the point of order of the Senator from Georgia.

Mr. BRODERICK. I will permit the Senator from Illinois to make an explanation, and then I hope I shall be allowed the floor for a few minutes.

Mr. STUART. I hope the Senator from Georgia will enforce his point of order. There are several Senators here who, for three hours, have been trying to get the floor to speak once; and certain Senators have occupied the floor during the entire day.

The PRESIDING OFFICER, (Mr. MALLORY in the chair.) The fourth rule of the Senate is in these words:

"No member shall speak more than twice in any one debate, on the same day, without leave of the Senate."

Mr. IVERSON. That is the rule; it does not depend on whether others want to speak or not. I would not object to the Senator from Illinois going on upon this occasion if he had not already spoken at least six or eight times on this subject; and the Senator from Mississippi has spoken nearly as often.

Mr. DOUGLAS. Mr. President——

Mr. IVERSON. I have the floor, and I beg that the gentleman from Illinois be not allowed to interrupt me.

Mr. DOUGLAS. I will not interrupt you.

Mr. IVERSON. I intended to call the Senator from Mississippi to order the very first proper occasion that presented itself. It is evident that, if we permit these gentlemen to go on bandying arguments with each other, we shall never come to the end of the question; for there never will be an occasion when the Senator from Illinois cannot respond to the Senator from Mississippi, and *vice versa*. They can go on here arguing against each other from this until doomsday, [laughter;] and I think it is high time the discussion should be put a stop to; and, therefore, I call for the enforcement of the rule.

Mr. DOUGLAS. One word of personal explanation.

The PRESIDING OFFICER. The Senator from California is entitled to the floor.

Mr. DOUGLAS. Will the Senator from California allow me?

Mr. BRODERICK. I give way for an explanation.

Mr. DOUGLAS. The Senator from Georgia casts a censure on me for having spoken five or six times to-day. Every Senator will bear me witness that I have not spoken once to-day, except when defending myself and my position from severe attacks. If his statement is just, it only proves that they have had six men on one to-day, and then their friends are complaining of him.

Mr. IVERSON. I do not think that is altogether true, because I called the Senator to order for bandying arguments with the Senator from Mississippi, [Mr. DAVIS.] He made a speech in reply to the other Senator from Mississippi, [Mr. BROWN;] he made a speech in reply to the Senator from Missouri, [Mr. GREEN;] and he made a speech in reply to the Senator from Virginia, [Mr. MASON.] They did not come back at him; but the whole time of the Senate has been occupied for the last four hours in a running discussion between the Senator from Mississippi [Mr. DAVIS] and the Senator from Illinois.

Mr. DAVIS. I think the Senator overestimates my time; that is all. [Laughter.]

Mr. IVERSON. Perhaps I was a little impatient, and it was not unreasonable that I should be.

Mr. BRODERICK. Mr. President, I am very sorry to interrupt the Senators who have occupied some two or three hours of the time of the Senate to-day. I could sit here all night and listen to this debate. I never heard a discussion which has afforded me more pleasure than the debate of this day. I feel thankful to the Senator from Mississippi [Mr. BROWN] for throwing this bombshell into the Senate, for it will be the means of compelling every member upon this floor to define his position, particularly those from the northern States, because I believe he addressed himself to northern Senators. All I have to say on that point is, that I fully agree with the Senator from Illinois, and the Senator from Ohio, in everything they have said. The only thing I am sorry for is, that I did not obtain the floor before the Senator from Ohio, for he has gone over the whole ground, and I do not think it is necessary for me to take up the time of the Senate with the question.

But, sir, I have risen for the purpose of noticing the remarks that fell from the Senator from California, [Mr. GWIN.] I was surprised to hear him—a Senator from a free State—say that he did not understand the interpretation of the Senator from Illinois to be the interpretation given to the Kansas-Nebraska act when it passed in 1854. I can state that the interpretation given to it by the Senator from Illinois is the interpretation given to it by the Democracy of California. I recollect very well that when it passed, that was the opinion of the Legislature of California. I am the more surprised that the Senator from California states that if it had been his interpretation he would not have voted for the Kansas-Nebraska act. I suppose, sir, that a large number of the Senate recollect that the Senator from California took part in the convention which was called for the purpose of framing a constitution for California. There was an effort made there to make California a slave State. The Senator from California labored very hard to make it a free State, and he succeeded. I believe he took as much part in the proceedings of that convention as any member of it. I am the more surprised that he has seen fit to state that this interpretation is not now given to the Kansas-Nebraska act in California, because I will inform him, as well as the Senate—for he was absent from California at the late election—that the Administration convention gave that interpretation, and the two gentlemen who managed the convention, one from Illinois and the other from New York, were both Wilmot-proviso men in 1848. One was a gentleman from Illinois, Mr. Hoge, who held a seat, I believe, in the other House with the Senator from Illinois; the other was a gentleman by the name of Casserly, who went to Buffalo in 1848, and took an active part in nominating Mr. Van Buren for President. They there stated that the Kansas-Nebraska act intended to discriminate in favor of freedom and not of slavery; and that is the understanding among the free-State men of California; and if they had thought otherwise, I think they would have indorsed the action of my colleague, and the Representative in the other House. There was an attempt made by their friends to get an expression of the convention in their favor for their action during the last session of Congress; but such a resolution, as I was informed, failed in committee, and there was not a word said about the question which agitated Congress at the last session with regard to the Lecompton constitution and the English bill, further than to indorse the action of the Administration. I am sorry that I have taken up time.

Mr. GWIN. The Senator from California stated that the Legislature of California indorsed the interpretation of the Kansas-Nebraska bill, which the Senator from Illinois has placed upon it to-day. I deny it, sir. There is no such indorsement in the resolutions passed by the Legislature of California in 1854. I deny that any such interpretation was ever put upon that bill, or ever attempted to be put upon it, so far as my knowledge extends, until during the recent canvass of the Senator from Illinois in his own State.

The Senator says that I was a very active advocate of the constitution of California, and in favor of making it a free State. He says there was a party there attempting to establish a slave state. Who were they?

Mr. BRODERICK. Mr. Moore, of San Joaquin, at that time, and if I had the journals of the convention here I think I could mention others; but Mr. Moore more particularly than any other member.

Mr. GWIN. The gentleman ought to have the journals before he speaks.

Mr. BRODERICK. I wish I had, and I could show up your speech.

Mr. GWIN. The resolutions passed there in favor of making it a free State were unanimous, and it is so entered upon the record. The Senator says there was a party in that convention in favor of making California a slave State. I repeat the very clause which prohibited slavery was passed unanimously, and it is so entered upon the record. That was done in the formation of the constitution when the people had assembled in convention to determine what their institutions should be.

Now, sir, I repeat that if the Senator from Illinois had put the same interpretation upon the Kansas-Nebraska act when he brought it forward in 1854, there is not a member on this floor who then voted for it who is now here, that would have voted for it, so far as my knowledge extends, except himself. If there is a solitary member here who would have done so, let him get up and speak for himself; but certainly I should not.

I regret that this discussion has sprung up in regard to the action of the people of California. During the last canvass they put that interpretation upon the action of Congress and the Kansas-Nebraska bill, that is sustained by the majority of the members of this body. I wanted no special indorsement; I asked for none. I was sent here to carry out the views of the Democracy of California, and I have endeavored to do it. I want no indorsement at all for doing my duty. I never asked for it; never expected it. My understanding of the position of the Democracy of that State is, that they indorsed the action of the Administration, and the majority of the Democratic party in the two Houses of Congress on the Kansas question during the last session of Congress; and, as an humble member of that party, all I desired was that the policy of the party and of the Administration should be indorsed by the people of my State. I wanted no personal collisions with any members of the Democratic party, and no separate notice. It was not sought by any friend of mine, so far as my knowledge extends.

I come back to what I stated before, and I ask, is there a Senator on this floor who voted for the Kansas-Nebraska bill in 1854, that then believed it was capable of being interpreted as the Senator from Illinois has interpreted it to-day? If there is, let him speak. I want the Senators from free States and slave States, who were here and voted for that bill, to answer now, so that we may understand where we were then and where we are now.

Mr. STUART. Mr. President——

Mr. BRODERICK. I hope the Senator will allow me a minute to make an explanation.

Mr. STUART. Certainly.

Mr. BRODERICK. It is true, as the Senator from California states, that the convention did pass unanimously a provision to make California a free State; but I ask him if he did not take part in a debate on the subject before the constitution was submitted to a committee of twenty-one, that passed it under the previous question. I believe, and I think the journals will show, that an effort was made on the part of many members of the convention, to make California a slave State, and that my colleague raised his voice in favor of freedom at that time, and I think his speeches to that effect will be found in the debates of the convention.

Mr. GWIN. I say in the first instance that there was no previous question there, and there was not a particle of discussion on the question from the commencement; but it was a unanimous vote on inserting the clause that is now in the constitution; and being in favor of it, I never opened my lips on the subject, nor did any gentleman, with the solitary exception of a gentleman from New York, (Mr. Halleck,) who thought it ought to be put in a separate clause. The only difference of opinion was, whether it should go into the constitution as a part of the constitution, or should be submitted as a separate clause to be voted on separately. The Journals prove

what I say to be true, and no person can contradict it.

Mr. BRODERICK. I will not occupy the time of the Senate further now, but I will try to get the debates of the convention.

Mr. GWIN. I wish you would.

Mr. BENJAMIN. Before my friend from Michigan proceeds, I desire to read a line from a speech of mine by way of explanation. The Senator from Illinois has quoted a passage of a speech that I delivered in the Senate some two years ago, and as he did not quite quote the entire passage, I desire to read a sentence or two beyond what he quoted, for the purpose of showing the position that I took at that time. I said:

"There is the Kansas bill. Therefore, when I advocate this bill among my people at home, conscious that they share my confidence in the correctness of the principles which I here enunciate, I say to them, in all candor and sincerity, 'you are safe under this bill.' Let the gentlemen of the North, who profess an equal confidence in what they believe to be constitutional principles on this subject, go to the same tribunal, and follow the example, which the South has ever set them, of being a law-abiding and law-observing people, and this question will then be finally settled by a tribunal from which none of us will attempt an appeal."

It was then considered that this was to be conclusive. Nobody anticipated at the time, that after this final settlement, an attempt would be made to legislate in opposition to the principle settled by the Supreme Court; and of course no member from the South could, for a moment, have entertained the idea of the Senator from Illinois, that the people of the Territory, after the decision of the question in favor of the South, should have the right to legislate in opposition to the principle thus guarantied.

Mr. STUART. Mr. President, I regret very much that this subject has been introduced into the Senate at all, and more especially that it should have been introduced at this late period of the session, when we ought to be engaged in passing those laws which are indispensable to keep the wheels of Government in motion. But, sir, it so happens that the most disputatious questions are brought before the Senate without regard to time, and without regard to their application to the subject under consideration, and they are discussed mainly by two or three individuals. This debate has opened the whole subject of the political complexion of the Democratic party throughout the country, and I intend to follow it up; I intend to put the question here to-day, whether those who claim to belong to the Democratic party mean to stand upon its platform and abide its principles or not?

Sir, the history of this question is one fruitful of inquiry. The Senator from Mississippi [Mr. DAVIS] has referred to the early history of the country. With the exception of the Missouri difficulty, we went on for more than half a century without any difficulty on the subject of slavery. We went on until the framers of the Constitution were dead, and were succeeded by generation after generation, who had the wisdom, as the framers themselves had, to let this question alone; but at a later period—for the last ten or fifteen years, if you find an ambitious man in the country—ambitious, I mean, to occupy the highest office of the country—he seizes this question as the one that is to carry him into power; he takes one or the other side of it, either pro-slavery or anti-slavery, as the great shibboleth of himself and his party.

Sir, if we would recur to the wisdom of our fathers, to the wisdom of the older if not the abler members of the Democratic party, we would shun all discussion of this question as long as it was possible to do so. If there is a subject in the whole range of politics, in the whole range of the institutions of this country, which, of all others, should be let alone by a man who desires popularity, it is the question of slavery; and yet, you cannot discuss the smallest matter in Congress but that some member presses it in before you.

In 1852, for I intend to refer somewhat to the history of this matter, the two great parties of the country, then in existence, came to the solemn conclusion in their national conventions to let it alone in the halls of Congress. They passed solemn resolutions of non-intervention, and the country accepted the proposition. North and South, East and West, agreed that non-intervention in Congress should be the rule of action. Now, I want to know from the Senator from Mississippi, or the Senator from Alabama, or any other Senator who claims to belong to the Democratic party, whether he intends to stand by the creed and the platform of the party? What is it? Non-intervention by Congress with slavery in the Territories in any form, and under any pretext. That is the doctrine.

Mr. DAVIS. I do not know whether I understand what the Senator from Michigan means by non-intervention. I have stated to-day that it changed its phase so often that I could not keep the run of it.

Mr. STUART. Well, sir, we need not have any misunderstanding about it. We can easily refer to the platform itself. I call the attention of Senators to the emphasis of the language:

"That we reiterate with renewed energy of purpose the well considered declarations of former conventions upon the sectional issue of domestic slavery, and concerning the reserved rights of the States:

"1. That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their affairs not prohibited by the Constitution; that all efforts of the Abolitionists and others made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability and permanence of the Union, and ought not to be countenanced by any friend of our political institutions."

There is no misunderstanding that.

"2. That the foregoing proposition covers, and was intended to embrace, the whole subject of slavery agitation in Congress; and, therefore, the Democratic party of the Union, standing on this national platform, will abide by, and adhere to, a faithful execution of the acts known as the compromise measures, settled by the Congress of 1850, the act for reclaiming fugitives from service or labor included, which act, being designed to carry out an express provision of the Constitution, cannot, with fidelity thereto, be repealed or so changed as to destroy or impair its efficiency."

There is no misunderstanding that.

"3. That the Democratic party will resist all attempts at renewing in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

That is very explicit.

"That the Democratic party will faithfully abide by and uphold the principles laid down in the Kentucky and Virginia resolutions of 1798, and the report of Mr. Madison to the Virginia Legislature, &c.

"And that we may more distinctly meet the issue on which a sectional party, subsisting exclusively on slavery agitation, now relies to test the fidelity of the people, North and South, to the Constitution and the Union—

"*Resolved*, That, claiming fellowship with, and desiring the coöperation of, all who regard the preservation of the Union, under the Constitution, as the paramount issue, and repudiating all sectional parties and platforms concerning domestic slavery, which seeks to embroil the States and incite to treason and armed resistance to law in the Territories, and whose avowed purposes, if consummated, must end in civil war and disunion, the American Democracy recognize and adopt the principles contained in the organic law establishing the Territories of Kansas and Nebraska, as embodying the only sound and safe solution of the slavery question upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union—non interference by Congress with slavery in States and Territories, [or in the District of Columbia;] that this was the basis of the compromises of 1850, confirmed by both the Democratic and Whig parties in national conventions, ratified by the people in the election of 1852, and rightly applied to the organization of Territories in 1854; that by the uniform application of this Democratic principle to the organization of Territories and the admission of new States, with or without domestic slavery, as they may elect, the equal rights of all the States will be preserved intact, the original compacts of the Constitution maintained inviolate, and the perpetuation and expansion of this Union insured to its utmost capacity of embracing, in peace and harmony, every future American State that may be constituted or annexed with a republican form of government."

Now, sir, if that platform means anything, it means that the Democratic party, in national convention, agreed that the agitation of slavery in Congress, under any pretext or for any purpose, should not be countenanced by Democrats; that they would stand by the settlement of 1850 and 1854; and that the principle of the settlement was non-intervention by Congress. I have said it is fruitful of advantage to us to look to the history of the country to see how we stand.

The compromise of 1850 was accepted North and South. Can you point to the Democrat in the northern States who has not boldly, honestly, unswervingly advocated it before the people at every election canvass without any qualification, without any reservation, with no expression of his individual opinions? He has had no mental reservations; he has sought to rally the people of his State or district upon the creed of the party, and upon that alone. Can that be said of the South? What has been the result of this great controversy? Almost every man of prominence in the northern States has been cut down; and cut down—why? Because the creed of the party was wrong? No, sir; not because an argument could be made against the doctrines of the party, but because our opponents could point to southern papers advocating extreme opinions at war with the principles of the party; because they could point to southern statesmen and politicians advocating principles at war with the creed of the party; and claim that that was the intention of the party, and not the platform itself. That is the reason; and, as men belonging to the Democratic party have fallen, man after man, in the warfare in the northern States, they have been built up and strengthened in the South; and you can scarcely point to a district in the South this day that is not represented by a Democrat. In fifteen States you cannot rally a baker's dozen who are not elected by the Democratic party.

Now, sir, I stand here to say that when these controversies have gone on for ten years with such fidelity to principle, and with such results, it is time that southern men abided by the doctrines of the party, whether they square in all respects with their individual opinions or not. I deny that any man has a right to state what the creed of the party is, except the party in national convention assembled. When laid down there, it controls you and me, sir, politically. Are you willing to abide by it? Will you stand by non-intervention by Congress or not? Gentlemen remember well the years of controversy that grew out of the question whether Congress had any power over the subject in the Territories or not. The present Secretary of State, the then great leader of the party, denied that Congress had any power whatever over the question of slavery in the Territories, to establish, abolish, or protect it. Many gentlemen thought otherwise. Among that number was my humble self. The Supreme Court, in the Dred Scott case, have decided otherwise; but does that alter our action? Does that alter the action of any Democrat in this country? If there is honor among men, it is faithfully to abide by the doctrines and principles of the party. It had been ascertained in 1850, that the complexion of opinion on this subject was as various as men are numerous; that there was no such thing as coming to a conclusion in the Democratic party upon what was the true law of the question under the Constitution, and that was the reason why we agreed to let it alone; to take it out of a place where we never could settle it, and refer it to a tribunal where it could and would be settled whenever the case arose.

Now, after ten years of controversy; after ten years of the hardest fought political battles that have ever been seen in any country; after the Senator from Illinois has gone through a successful canvass, which surpasses anything that ever occurred in the history of the world, we are to be blown clear out of the water, it seems, on the question of what we would do if the cat was here to doctor; what sort of medicine we would administer, provided we had the animal here, and he was sick. Sir, that does not become men who wish to sustain the party and the Confederation. I can sit by, under ordinary circumstances, and hear my opinions and my acts denounced, with as much complacency as any other man; but when I am told to advocate the doctrines of the Democratic party as I have done, through good and evil report, and, as I have said, without reservation or qualification; without ever having announced my own opinion; when I am told that that course of conduct is no better than that of an Abolitionist, politically, I resist it; and upon the principle of Roderick Dhu, I right the wrong where it is given, though it were in the courts of heaven. I say again, I want to know of these gentlemen whether they intend to abide by the doctrines of the Democratic party as laid down at Baltimore and Cincinnati, or not. If they do not, it will be little difficult to understand who is in and who is out of the boundaries of the Democratic party. A man has a right to his opinions; they are conferred upon him by the great Author of all things; he has a right to entertain them and exercise them; but he has no right to claim to be in a church, and repudiate its creed.

Now, sir, I think, and I intend to express that

humble opinion here, that a little prudence, a little concession, where there is no vital principle concerned; a little refraining from agitating a subject which can bring nothing but evil in its train, would be wiser, and productive of better results. The Senator from California [Mr. GWIN] said that no man now occupying a seat on this floor, who voted for the Kansas-Nebraska bill, gives the construction to it that the Senator from Illinois does.

Mr. GWIN. I did not say that. I said, if there was such a Senator I did not know him, and I should like to have him speak. If the Senator entertains those opinions, I should like to hear the next one who does.

Mr. STUART. I am not going to bandy words with the Senator from California. His first declaration was understood to be that no man who voted for it, entertained that opinion.

Mr. GWIN. No; I said, no Senator now on this floor.

Mr. STUART. He then qualified it, and said no Senator now on this floor entertained those opinions. He now says he did not say that, and that he only wanted to know if there was such a one here. Well, sir, there are several, and among that number, you can rank my humble self. During all the time, since 1854, down to to-day, in no spot, in no discussion, upon no occasion, did I ever hear any other construction placed upon it till to-day. The Senator from Louisiana has read the remainder of what he said in 1856, and said so well, and that is the construction of his speech. We differed; as I said, our opinions were almost as different as we were numerous. We could not agree. We therefore came to this conclusion, and enacted that whatsoever power Congress held under the Constitution, be it more or less, we would give to the people of the Territories; that having parted with it, we would not attempt to exercise it ourselves; and it was upon the motion of the then colleague of the Senator from California, (Colonel Weller,) that the clause of the original bill was stricken out, which retained the power in Congress to revise the territorial legislation. Colonel Weller said that with that clause in the bill, he would not vote for the principle; that you must take it out, and leave the whole subject to the people of the Territory, so far as the Constitution would permit; that it should be let wholly and totally alone by Congress, or he would not vote for the bill.

I am neither a prophet, nor the son of a prophet, and I do not refer to it in any boastful spirit, but on that occasion I gave my voice and advice against the measure; I appealed to my party friends to let the subject alone, to stand by the compromises of 1850, not to agitate the question, for that no good could eventually come out of it, in my judgment. Now, I will ask my political friends whether they think they have made anything by the operation. But, sir, in good faith, as a member of the party, and I say again, without any mental reservation, I voted for that bill. I yielded to the opinions of others who thought their judgment was better than mine.

Now, I am going to make another suggestion. That law was adopted; it has become the settled policy of the Democratic party of this country. If the Democratic party will be contented unitedly to stand by it, without mental qualification, they can rise out of all the difficulties that surround them. I did not give my advice against it because I thought the principle wrong. No, sir; it is right. I never heard a man, however able, who could make a five minutes' argument against it, of any respectable consequence. I gave my advice against it because it threw in a disturbing element which was at rest by the overwhelming power of the two great political parties which had existence at that day. The principle is right. It has authority higher than mankind. It is, as the President himself so well said, as old as free government itself. I say that if the Democratic party unitedly, harmoniously, stand by the principle of non-intervention with slavery in the Territories, of leaving the question there to the people and to the courts, the party that has been arrayed against it cannot find an existence beyond 1860; they will go down then in the vortex of irretrievable error, never to rise again.

Why do I say so? Because, keep up the controversy as you may, cavil as you will, dispute about it to your heart's content; when the question is finally settled, it is settled upon the voice and wishes and will of the people of the State. Though you might, by congressional intervention, hold up a pale or sickly negro or two in a Territory just to maintain an opinion; when that people come to form a constitution, they will sweep him from the face of the earth, so far as his condition is concerned, if that is their voice and their will. Can you stop it, sir? Can the Senator from Mississippi stop it, or stay it? Is it not as irresistible as the law of gravitation? Then, why, I ask again, shall the Democratic party of the country be rent and torn asunder about what may happen in the course of one, or two, or three, years of territorial existence? How long do you suppose it would take you to pass your law through Congress, if you had it introduced, providing protection to slave property in the Territories, while the people there refused it? Introduce it to-day, and try it. You will be grayer, sir, than an old rat, and older than Methuselah, before you get it passed through both Houses of Congress. Why, then, engage in it? Why talk about it? Do gentlemen ever reflect that, when they have introduced this measure into Congress to protect slavery, they have submitted the whole question to Congress, and must take the result as it comes out? And if it shall happen to turn out to be a bill abolishing slavery, whom will they blame? They may say that it is unconstitutional; that it falls because it has no vitality. Amen; let it fall; but then I ask you how much have you accomplished; how far have you advanced in your abstract specious theory? Sir, I am sick of this business, tired of it; and, if it were a permissible remark in the Senate, I would say, I am offended at it.

Sir, it will not be permitted. I claim not to speak for any State, much less for any number of States; but I stand here to-day to speak forth the words of truth and soberness; and I tell you that the laws which govern people, that spirit of independence which was born in and pervades the great American mind, will never be dictated to by Congress or any other power on earth; and that is why I say that this principle of popular sovereignty, which is no more nor less than the principle of the right of a people occupying a State to have such institutions as they see fit, is a principle which will break down any man and any set of men who undertake to resist it. Will you, sir, in Alabama, in Mississippi, in Illinois, or North Carolina, permit a sister State to dictate to you what you shall do, or how you shall do it? And do you suppose that that feeling of resistance leaves you when you go into a Territory? No, sir. I tell you the fact is, a fact ascertained by the people residing there, that thousands of men in Kansas voted against accepting your proposition to come into the Union under the bill of the last session, not because they did not like the Lecompton constitution, but thousands who were in favor of it voted against your proposition, because, they said, it was congressional dictation, and they would never submit to it.

Can we learn nothing by experience? Are we to go on, year after year and age after age, committing blunder upon blunder, destructive of the best interests of the country? I repeat, can we learn nothing? Can we not let a subject alone, which is not only a two-edged, but a ten-edged sword, and cuts at all points? It seems we cannot. We cannot consider an appropriation bill without having it ascertained by a day or two of controversy, what we think it would be best to do on a question of slavery, if, forsooth, it should happen to come in; and men are to be denounced upon this floor as unsound, as controverting the great principles of the Constitution, as being unworthy of political association, because they are not willing to subscribe to all that doctrine which makes a southern man slide easily into Congress. Sir, I am tired of it; and I ask again, of any man and every man, do you intend to stand by the doctrine of the party, as laid down at Baltimore and Cincinnati, or not? That is the question; and there is no misunderstanding what that question is.

I have before me, Mr. President, (but I shall not take time, as I had intended, by reading it,) precisely what the Senator from Delaware, (Mr. Clayton,) who voted for the Kansas-Nebraska bill, said about it; what the Senator from North Carolina, (Mr. Badger,) who voted for it, said about it; what the Senator from South Carolina, now deceased, (Mr. Butler,) who also voted for it, said about it. Every one of them gave the same interpretation to that bill that the Senator from Illinois has given to-day. They said that Congress might part with all the power it possessed over the legislation of the Territory if it chose. The distinguished Senator from South Carolina said that he did not intend, by his action upon that bill, to be held to say that he would do it on every occasion. He said that if the Sandwich Islanders were the people under consideration, he would not do it; but he was prepared to say, and did say, that in respect to Kansas and Nebraska, he did it because he deemed it wise and proper. He said he did not believe that people would undertake, while a Territory, to exercise any authority over the question; and if they did, their power to do so would be determined by the courts, and to the courts he left it; that as a congressional measure he delegated all the power he had. That was the language of Mr. Badger; the language of the distinguished men who advocated that measure. They used this phrase: they said they left the Territory a *tabula rasa*, a clean sheet, upon which were to be impressed such institutions as the people chose to place upon it when they came to form a State constitution; that Congress would not legislate slavery in or out; that by repealing the compromise and placing what was known as the Badger-proviso in the bill, there was no slavery existing in that Territory. That is what they said; that we started afresh; and it was upon that occasion that I stated, that, in my humble judgment, the laws of population would make both of them free States when they came to be admitted into the Union. The Senator from South Carolina sitting by me, said from his seat, looking up in my face when I made that remark, "I think you are right." The laws of population have done it, and who is to blame? Has not the Democratic party of the North stood faithfully by the compromise and the act? Point to me the occasion where they have not, in Congress or out of Congress, sustained the principle that the people resident in that Territory, forming a constitution, should for themselves say slavery or no slavery, and we would abide the result.

Now, sir, not having said one half of what I desired to say if I could have got the floor in season to-day, but probably having said much more than the Senate desire to hear, I conclude with a remark which I have mentioned elsewhere in what I have said, that if the Democratic party in a body, if its able and efficient members throughout the States, stand faithfully and earnestly by this doctrine, our flag will remain in the ascendant; but if you seek to overthrow it; if, having said to the people for ten years that you would not interfere: if, having fought against congressional legislation upon the subject of slavery in the Territories, and insisted that they should not vote to sustain it, you now turn around and ask them to vote for it, you will find that they will spurn you from the high and the low places. The great body of the American people are not only honest, but patriotic. They will sacrifice their property, they will sacrifice their lives, anything but their honor, to maintain the rights of their country, the rights of every part of the country, the Union indivisible, now and forever. That is their sentiment, and they will stand by any men or any party of men who stand faithfully by that doctrine.

Sir, whatever may be the consequences, I shall feel that I have discharged my duty. I have spoken upon this subject as long as the great interests of the country would permit. The appropriation bills are before us unacted upon. Moments now are hours and weeks and months at the beginning of a session. They are more precious than silver or gold; and the man who dares to trespass on that time improperly is a bold man indeed. I could not in these, the last hours of my occupying a seat in the Senate of the United States, see such an onslaught on the principles of my party, such an attempt to overthrow it, such a disregard of its principles and its platform, without giving my voice of warning against the consequences of the attempt, if it be persisted in.

Mr. CLAY. I do not propose, sir, to reply to the argument of the Senator from Michigan; but to answer his question. If he had answered the question propounded by my friend from Missis-

sippi, [Mr. DAVIS,] by defining what he understood to be meant by non-interference, he would have saved me, perhaps, the necessity of making any explanation whatever. But, sir, I shall be brief; and I shall be candid in defining what I understand by the doctrine of non-interference, and what I supposed was the construction and intention of those who passed the compromise measures of 1850. I understand that it pledged Congress neither to legislate to establish nor to prohibit slavery within the Territories. To that doctrine I subscribe to-day; but I cannot go with the Senator, when he goes so far as to maintain that it ties up the hands of Congress, and takes from Congress all power to protect property guarantied by the Constitution and the decisions of the Supreme Court. If he mean to say, that by this doctrine of non-intervention the Democratic party in Congress is pledged to hold its hands and sit still, and see squatter sovereignty prevail so far as to destroy rights not created, but sustained, by the Constitution, then I differ with him. I do not maintain or believe that it was intended, in declaring that Congress would intervene neither to establish nor prohibit, that it was intended thereby to abdicate, on the part of Congress, the right and the duty to protect rights of property. I could never sustain such a doctrine as that, without stultifying myself, and surrendering the rights of the people whom I represent; and that doctrine I never will sustain.

Sir, what is this Government worth, what is any Government worth, that does not protect rights of property? Will the Senator maintain that the Government shall stand idly by and see our property taken from us in violation of law, in violation of the decisions of our courts, in violation of the Constitution itself? I think not, and to that extent I will not go; but I will sustain the pledge given in the platform so far as it declares that Congress will not intervene to establish or to prohibit; and that was the language, as I understood, of the compromise measures of 1850. I do not understand that the Democratic party is pledged to suffer a Territorial Legislature to infringe rights of property existing in the several States of the Union. By no means. According to my reading of the platform from which the Senator quoted, the power of the Territory is clearly defined in respect to the prohibition or the establishment of slavery; it is in a section which he did not read, in which it is declared that—

"We recognize the right of the people of all the Territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of a majority of actual residents, and whenever the number of their inhabitants justifies it, to form a constitution, with or without domestic slavery, and be admitted into the Union upon terms of perfect equality with other States."

There, sir, is declared when they may take away the right to carry and hold slaves there—when they have a sufficient number of people to form a constitution; and when they do so, to that doctrine I adhere to-day, and beyond that I will not go.

Mr. BIGLER. Mr. President, I shall occupy the time of the Senate for a very few minutes; and indeed, sir, I regret the necessity of saying anything on this occasion.

I think it was on the 2d of July, 1856, about six o'clock in the morning, when the Senator from Illinois [Mr. TRUMBULL] proposed an amendment to what was known as the Toombs bill, in which this question of the power of a Territorial Legislature over the subject of slavery was raised, and for the first time presented to my mind for practical consideration. His amendment was intended to define the view of Congress on the subject.

On that occasion I expressed the opinion that, by the Kansas and Nebraska policy, the whole question of slavery in the Territories had been referred to the people, and that they, through a proper law-making power, could control the subject; but at the same time, I held, as I believe it had been almost universally held by the friends of the Kansas policy, that the question was a judicial one; that it was not one for congressional decision; that it must be decided by the Supreme Court of the United States, and not by Congress; that Congress had conferred upon the people whatever power it possessed over the subject under the Constitution; that, as to the language of the Kansas-Nebraska act, there could be no difference of opinion; it was explicit; and the only question left for decision was, what measure of power does Congress possess? That question was necessarily a judicial one; and that was the very question, together with that of the rights of slave owners in the Territories, which it had been agreed should be taken from Congress and referred to the courts.

I was among those who held the opinion that the people of a Territory, through their local Legislature, under the language of the Kansas law, had the power, if not the right, to control the question of slavery. I say *power*, if not the *right*, because there is a clear distinction between the right and power of a people. They may have the power to do that which it is not their right to do; and in this connection that distinction becomes important; for I take it, the question under discussion is more one of legal right, than one of the power of a majority, or the power of a people.

There is certainly a very clear distinction between intervention by Congress to establish or abolish slavery in a Territory, or, if you please, to influence, in any way, the question of its expediency, and the exercise of the power of Congress to execute a right established by a decree of a court. I am against all congressional interference to encourage slavery, or to extend, or to restrict, or to maintain the institution against the will of the people of a Territory. We have agreed to leave all questions that may arise as to the institution in the Territories, to the people and the courts.

If the rights of any citizen be seriously impaired, his remedy is in the courts, and not in Congress; but a question may arise behind all these, and that is the question of executing an established right. There may be a case in which whatever power remains to Congress should be exercised to maintain the rights of the citizen as ascertained by the courts. It cannot be denied that the Senator from Illinois, [Mr. DOUGLAS,] at one time, entertained the opinion that such an occasion might arise; for he held and said that, in reference to Utah, such an exigency had arisen, and that the law organizing the Territory ought to be repealed; and thereby he claimed for Congress the highest degree of power ever pretended to by Congress; and this for the reason that the Mormons would not obey the law or the decisions of the courts. A similar state of facts in any other Territory might warrant a similar remedy. Should the Legislature of Kansas confiscate the property value of the slaves now in the Territory, and the courts should decide such an act unconstitutional, would the execution of the decision of the court be called congressional intervention for slavery? Certainly not. I claim to stand on the Democratic platform, as defined at Baltimore and Cincinnati, on the broad doctrine of non-intervention by Congress in the matter of slavery; but I cannot close my eyes to the distinction between the action of Congress to encourage a policy, and the maintenance of the rights of the citizen, as defined by the Supreme Court. And this point, more than any other, has baffled my judgment; and my mind was to-day dwelling upon the very inquiry presented by the Senator from Alabama, [Mr. CLAY,] to wit: if the citizen of a slaveholding State has a right, as decided by the Supreme Court, to take his slave into a Territory and possess him there during the territorial existence, whence comes that right, and how can its enjoyment be destroyed by a community not possessed of sovereign power? Nor can I understand what is intended by claiming for the local Legislature the legal means to destroy a constitutional right.

Mr. PUGH. Allow me to ask the Senator a a question.

Mr. BIGLER. In a few moments if the Senator pleases. What is a right that cannot be enjoyed, but a delusion and a fraud? The Supreme Court has held that the right to repossess a fugitive slave is in the owner; but what is that right worth, unless the means of executing it be furnished by Congress? And what is the right of a citizen in a Territory worth, if it cannot be enjoyed? What does it avail to the citizen that he has the right, under the decision of the Supreme Court, to take his property into a Territory, if a majority may deprive him of the enjoyment and use of that property? There is no constitutional right unless it can be enjoyed; the value of that enjoyment, it is true, may be lessened by a general public policy or by popular prejudice; but I do not see how it can be destroyed; it is too true that the constitutional right of the owner to reclaim his fugitive is, in some instances, almost destroyed in this way. It is for the courts, and not for Congress, to decide all legal questions that may arise as to the rights of slave property in the Territories; that is the Democratic policy; but it is not clear that a necessity will never arise for the interference of Congress to execute a right decree of the courts.

Now, sir, I do not intend to enter at length upon the question of how far it may be the duty of Congress to go to execute a decision of the Supreme Court against the actions of a Territorial Legislature; that exigency has not arisen, and I hope it may never arise; but I do not think the case so clear against all interference as some of my northern friends; I am not for intervention by Congress in the popular sense; I am against it; and I concur in nearly all that has been said by the Senators from Ohio and Michigan, as to the political consequence of such a measure. I deprecate, too, the precipitation of a question into the discussions of this body which may never arise—a mere imaginary state of affairs, the discussion of which must prove prejudicial to the Democratic party—a party which, in its career of usefulness, of integrity, of patriotism, of success, has had no parallel in the history of this or any other country. I have believed, and I still believe, that the best interests of the nation, its progress, and its glory, are closely identified with the perpetuity and ascendency of this organization. Why, then, should its ship be wrecked on imaginary breakers? Why should it be stranded on shoals that should never be encountered? I regret exceedingly that my friend from Mississippi [Mr. BROWN] should have felt required to initiate a discussion which evidently can lead to no other result than disaster to the Democratic party. Sir, it will be time enough to determine how far Congress should go to maintain the legal rights of a citizen in a Territory against the action of the local Legislature, when the necessity shall arise. I hope we may never have occasion for the discussion of a question of this kind for a practical end, and I warn our Democratic friends from the South, as they value the ascendency of the Democratic party in the North, as they value the ascendency of that organization which has uniformly stood by their constitutional rights, not to force unnecessarily an issue of this character; for the uncalled for issue will be even more injurious than would be the discussion of the real question.

I know how prolific, intricate, delicate, and dangerous this question is; and it was with the utmost reluctance that I could bring myself to the expression of any view which I entertain. What I have expressed, were the thoughts of the moment, unprepared and without reflection, for I anticipated no such debate as that we have had to-day. But, sir, I preferred to express to the Senate and to my constituents, just what I feel on this subject, regardless of any consequences to myself in the future. I do not favor the idea of congressional interference. The Democratic party are pledged against that doctrine; they ought not to entertain it now; but does it follow that a state of affairs may not arise in a Territory, when it would be necessary for Congress to interfere, not as to questions of local policy in the Territory, but to execute a law; to execute a right that had been established by the proper courts? I have made it a rule in my political career, to maintain the Constitution of the United States as defined by the Supreme Court, and shall ever do so. In reference to this very subject, the decision of the Supreme Court in the Dred Scott case, has, to some extent, overruled a doctrine which I had entertained and expressed freely; but I say, it is now my duty to stand by that decision, regardless of any peculiar view I may have had on my own part, or of any prejudice I may thereby encounter.

Mr. President, I shall not trespass upon the Senate further. I am deeply sensible of all the responsibilities that surround this subject. Perhaps I should amplify; perhaps I should say very much more in order to protect myself against misrepresentations; but I care not to trouble the Senate further. "Sufficient unto the day is the evil thereof;" and if ever it becomes necessary to meet ex-

igencies so momentous as those anticipated here to-day, I trust they may be met in a spirit of forbearance and of patriotism; that spirit which will maintain the unity of the States; that spirit, too, which will maintain the unity of the northern and the southern Democracy for the sake of the union of the States, and the future growth and glory of the country.

I observe, sir, that my friend from New Hampshire [Mr. HALE] is exceedingly anxious to get the floor, and he shall have it in a minute. I am quite desirous to hear his musical voice on this subject. I know that he has very clear opinions on the question, and is not so much concerned about the great constitutional question involved; not so much agitated about the results to Kansas, or Utah, or any other Territory; but he is especially delighted because he thinks the Democratic party are getting into a disastrous muss. [Laughter.]

Mr. CLINGMAN. I have risen, not to take a part in this debate, but to beg Senators to let us go on with the business. We are debating imaginary issues; we are converting ourselves into a debating society; and we might discuss with just as much profit the question whether Cæsar or Hannibal were the greater warrior; and I should listen to that with more pleasure, for it is longer since I heard a debate on that question than on the Kansas bill, and therefore it would be a little more entertaining. Now, sir, there is no bill pending under which this discussion can arise. The debate might enlighten us if there were a proposition of that kind. I have stood here patiently all day, in hopes that we might proceed with the business. It is now about eight o'clock; and, if this debate is to continue all night, I would rather go home; but, if business is to be done, if we are to take any votes, I wish to be here. I desire to make an appeal to gentlemen. I have no censure to cast on those who think proper to embark in the debate. When a gentleman imagines that his opinions are assailed, it is very natural that he should reply. If I chose to go into it, I might find something to say. I will do the Senator from Pennsylvania and the Senator from Michigan the justice to say that, as far as I remember—I say this because no gentleman from my section of the country has said the same thing, though I know many concur with me—from 1854 down to the election of Mr. Buchanan in 1856, there was no other opinion expressed. I mean, I never heard of gentlemen, either in this House or the other, expressing the opinion that Congress was to interfere, in any contingency, with the Territories. I may be mistaken; but, while I remember many opinions explaining it, as they understood it, I do not remember any one opinion adverse to this. Gentlemen differed as to how much power was to be given under the act. Gentlemen of the North said—some of them at least—that, under that act, they thought the Territorial Legislature might prohibit slavery; other gentlemen said they thought they could not prohibit it; but all agreed that the power Congress had was to be turned over upon the Territory, and they were to legislate on the subject, under the Constitution and the construction of the courts upon their acts. Now a contingency is presented which was not foreseen, it is said. If a bill is introduced, I shall be willing to examine it; but I do submit to gentlemen, ought we to go into a discussion of this abstraction of non-intervention, and what it means, upon an issue that is not raised in any way by the proposition of the Senator from New Hampshire?

I did not, when I got up, intend to say a word about it; but having been an actor in those scenes; having read and heard many speeches on the subject, I think it proper to these gentlemen from the North to say, that so far as I know, I never heard it denied but that Congress was going to abandon to the Territories the power of legislation upon the subject of slavery and all questions connected with it. We of the South contended that we had the right to legislate, and ought to protect; but we came to the conclusion that, on the whole, we would rather trust the Territory than Congress. Congress, we knew, was against us; whenever the subject was up, a majority were voting for the proviso; and we thought further, that, if a majority of the Territory were against us, any legislation here would be futile. While, by sending an army to Boston you could bring away a runaway negro against the wishes of the people, you could not expect to enforce a system on a Territory hostile to it. I think we acted wisely in turning it over to the Territory. I say this, however, not wishing to pursue the subject.

Mr. HALE. Mr. President——

Mr. BRODERICK. I wish, with the permission of the Senator from New Hampshire, to read an extract from a speech made by the Senator from California, in the convention of that State. He used this language:

"That will be the great battle-field. I confess I would greatly prefer a more restricted boundary. We have the natural boundary to make a greater State than any in the Union—the bay of San Francisco and its tributaries. If we had our choice, we would thus shape our boundaries; but what do our brethren of the South say? 'Although we prefer a territorial government, to avoid the heavy expense of a State organization, yet we prefer enduring taxation rather than separate from you, and run the risk of getting no government at all from Congress.'

"The line of 36° 30′ is a great question on the other side of the mountains. Here it is nothing. If any portion of our population are opposed to slavery, *per se*, it is that portion south of that line. It is utterly unfitted for slave labor, being a grazing and grape country, with a few rich valleys and extensive arid plains. My desire is that we should not jeopard the admission of the State by committing a blunder about this boundary line. Let our State boundaries be the same as the territorial boundaries. If Congress does not like them, it can alter them without destroying the work we are assembled to perform."

It will be recollected that the southern Senators who opposed the admission of California believed that the territory south of 36° 30′ ought to be dedicated to slavery, and opposed its admission into the Union on that ground. Here the Senator has made the territory south of 36° 30′ an arid plain, not fit for slavery.

Mr. GWIN. Is that all there is on the subject of slavery?

Mr. BRODERICK. There is a speech here of about one page, which I read. I have not had time to read any more.

Mr. GWIN. Lend me the book. You will find a good deal more of it.

Mr. BRODERICK. That is a strong point.

Mr. GWIN. Well, sir——

The PRESIDING OFFICER. Will the Senator from New Hampshire yield the floor to the Senator from California?

Mr. HALE. I think I had better put in an interlude before he replies. [Laughter.]

Mr. GWIN. The Senator from California has made an allegation as to the record. I want to show it.

Mr. HALE. Very well, sir.

Mr. GWIN. The Senator stated that there was a division on the subject of slavery in the convention that formed the constitution of California—that there was a party there in favor of slavery. I will read what was done in the convention. The Senator undertook to give a history of it. He said we stopped discussion by the previous question.

Mr. BRODERICK. I thought so. I have not had time to examine it yet; but I will do so by to-morrow.

Mr. GWIN. I will read from the record:

"Mr. Shannon moved to insert, as an additional section, the following:

"'Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.'"

That is the provision in the constitution of California.

"Mr. Carver moved to amend the amendment by adding thereto the following:

"'Nor shall the introduction of free negroes, under indentures or otherwise, be allowed.'

"After debate as to the propriety of a division of the two questions, Mr. Carver withdrew his amendment.

"Mr. Shannon's amendment then being first in order, Mr. Halleck, after debate in reference to the particular portion of the constitution which the provision should appear in, moved that 'a declaration against the introduction of slavery into California shall be inserted in the bill of rights;' Mr. Shannon temporarily withdrawing his amendment to enable Mr. Halleck to make the motion.

"The motion of Mr. Halleck was decided in the affirmative.

"Mr. Shannon then again submitted his amendment, and after further debate as to the expediency of submitting the question to the people in a separate article, the proposed section was *unanimously adopted*.

"On motion, the committee rose, reported progress, and obtained leave to sit again."—*Debates California Convention*, page 44.

What the Senator introduced here was a discussion on the question of boundary, not the question of slavery, and I insisted that we should not introduce that question at all, and gave the opinion which has been universally expressed, that southern California was a grazing and grape country, not adapted to the products of the South for which slave labor was indespensible.

Mr. HALE. Mr. President——

Mr. FESSENDEN. Will my friend give way for a motion to adjourn?

Mr. HALE. Certainly.

Mr. FESSENDEN. I wish simply, before I make the motion, to state the reason of it. The Senators on the other side of the House who have the business of Congress in charge, have occupied seven mortal hours here in their family quarrels upon divers and sundry subjects, and it is perfectly manifest from that that they think there is no hurry about the public business. It must be equally obvious that they cannot suppose that they are to discuss a question of such importance entirely to themselves. They have taken the day for seven hours. Now, allowing us a reasonable portion of time in comparison to our numbers, I think it will be very hard to crowd us into the night for the exposition which we wish to make of the policy of the different parties of the country, and it would be no more than fair to adjourn and let us have to-morrow to discuss it. I do not know that we shall claim a great part of the day, but certainly it would be very unreasonable to compel my friend from New Hampshire and several other gentlemen to discuss these great questions at this late hour, when gentlemen on the other side have taken the daytime at this period of the session for their own purposes. I appeal to them therefore, in advance, to sustain the motion which I now make, that the Senate adjourn, so that we may close this business to-morrow.

Mr. POLK called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 15, nays 26; as follows:

YEAS—Messrs. Allen, Broderick, Chandler, Clark, Collamer, Doolittle, Durkee, Fessenden, Foot, Hale, Harlan, Simmons, Trumbull, Wade, and Wilson—15.

NAYS—Messrs. Benjamin, Bigler, Chesnut, Clay, Clingman, Crittenden, Davis, Douglas, Fitch, Fitzpatrick, Gwin, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Lane, Polk, Pugh, Reid, Rice, Sebastian, Smith, Toombs, Ward, and Yulee—26.

So the Senate refused to adjourn.

Mr. HALE. I rise, Mr. President, to respond in a spirit of candor to the appeal which was made to the Senate by the honorable Senator from North Carolina, and that was to give over debating and speech-making, and to come back to the business before the Senate; and I will endeavor, as well as I may, to state clearly, so that the Senate may understand, what the question is; though I fear that those who have been listening to these speeches, how much soever they have been entertained, have had little information on the merits of the question that is now pending before the Senate. In looking over an act of the last session of Congress, passed in relation to the admission of Kansas, I find an enactment in direct contradiction of a treaty stipulation with France. The treaty was made a great while ago, some fifty years, and possibly it passed out of the minds of gentlemen; and I had a right to indulge the confidence that when the attention of the Senate was called to the fact that there had inadvertently crept into our legislation a provision inconsistent with our treaty stipulations, the Senate would at once wipe it out without any difficulty, or any debate; and when the Senator from Virginia [Mr. HUNTER] appealed to me not to introduce my amendment on an appropriation bill, I suggested to him that the late stage of the session was such, and we had got so near its close, that I feared that just as this question is, it might not command a majority of the Senate in a separate bill; and, therefore, I chose this way of bringing it before the Senate. The Senate will bear me witness that we have sat here now nearly eight hours, and not a word has been said on this side of the House. Little did I think that so harmless a measure as this was going to wake up such a volley of Democratic thunder as has been rattling over our heads for the last seven or eight hours; and it has come in all directions and assumed all sounds.

I heard the Senator from Pennsylvania warn his southern brethren most feelingly, and I sympathized with him in that appeal. I heard the Senator from Michigan, with a great deal of pathos, describe that slaughter of the innocents which has been going on in the free States, and I sympathized with that. I have listened to all

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this, and I rise now simply for the purpose of presenting the question to which I have alluded.

There is one doctrine which has been often proclaimed in this Chamber—I do not believe it is anywhere else; I do not believe it could be ventured in any respectable county court in any county in any State of this Union—that by the Constitution of the United States slaves are recognized as property in the same way that other articles of property are recognized. That is reiterated so often, so decidedly, and so emphatically, by gentlemen from the South, and from the North also, that I feel constrained to raise my voice against it lest it might be supposed that it was conceded, whereas the contrary is the fact, written all over the recorded decisions of the courts of this country, North and South. I might stand here from this time until the lights that now shine over us are superseded by the beams of the rising sun, and bring to you authority after authority to sustain the doctrine that that is not the law, never was, and not travel one inch northof Mason and Dixon's line. I might go to the highest tribunals of the slave States and find abundant authority to sustain the doctrine which is so well stated by Judge McLean, in a case in his circuit court, in which he says:

"Slavery is local in its character; it depends upon the municipal law of the State where it is established; and if a person held in slavery go beyond the jurisdiction where he is so held, into another State where slavery is not tolerated, he becomes free."

That is no Abolition doctrine, it is no doctrine of the free States, it is the doctrine of the courts of Kentucky and of Missouri—I mean the early decision of their own courts—and the doctrine of every court that ever had a judiciary that had learning enough to expound the rights of persons and the rights of property, until a very late period. The Supreme Court of the United States, in the famous case of *Prigg vs.* Pennsylvania, decided that there was nothing in the comity of nations, nothing in the law of nations that required a nation not tolerating slavery, to recognize it where it existed by virtue of the laws of any other State. But I shall not stand here to-day to multiply authority to prove what is so clear, so convincing, so conclusive, as laid down by Judge McLean in this volume, and sustained by so many authorities as this doctrine is. Slaves are not property in the sense that a horse is property. Slaves are property only by virtue of the local and municipal law of the territory in the jurisdiction of which they are found; and when they escape out of that jurisdiction, by the admitted doctrine of the common law, by the common consent of all civilized countries, and of the States of this Union, the condition of slavery ceases to exist, and it would not exist beyond the boundary of the States tolerating it in this country, except by the express provision of the Constitution of the United States in reference to fugitive slaves.

I know that a different doctrine has been attempted to be raised from the decisions of the Supreme Court of the United States. Upon that subject I shall certainly speak plainly. I have nothing to fear, and nothing to hope, from this Government; and I have no hesitation in pronouncing the convictions which I entertain on this floor, whether they relate to the action of this Government in its legislative, executive, or judicial departments. The Dred Scott decision decides this, and nothing else, so far as I think it is entitled to be considered a judicial decision, that Dred Scott could not maintain an action in the United States circuit court. When the court decided that, they decided everything before them that they had a right to decide; and when they went beyond that, they turned themselves into a mere political caucus. They saw that there was a great question agitating this country, and they postponed the decision a year, I will not say for what; but I will tell you what a great many people, of whom I am one, think they postponed it for: they postponed it because it would not be prudent, until after the presidential election of 1856, to announce the doctrine which they did announce. In the decision of the case, Judge Taney says:

"This case has been twice argued. After the argument at the last term, differences of opinion were found to exist among the members of the court; and as the questions in controversy are of the highest importance, and the court was, at that time, much pressed by the ordinary business of the term, it was deemed advisable to continue the case, and direct a reargument on some of the points, in order that we might have an opportunity of giving to the whole subject a more deliberate consideration."

I have no doubt about that; not the slightest in the world. I believe that, if I do not believe anything else in the book; that on consultation the Supreme Court deemed it advisable to postpone the case a year. They did postpone it for a year, and when they come to a decision on the question raised by the plea in abatement, they decided:

"And it appears from the record before us, that the circuit court committed an error in deciding that it had jurisdiction upon the facts in the case admitted by the pleadings."

When they decided that, they decided everything which was before them, and everything which they had a right to decide—everything to which their opinion is entitled to any judicial respect for. They say that an error had been committed in the court below, in deciding that Dred Scott had a right to appear in the court; and that, and that alone, is the judicial decision of the tribunal. The rest is entitled, I was going to say, to as much respect as the Cincinnati platform; but I do not think so, and I will tell you why. The men who went to Cincinnati went there to make a platform; that was their business; but it was not the business of the Supreme Court to make platforms, and they went out of their way to make one; and as long as the Supreme Court endures, and as long as this country endures, and as long as there is any intelligence in the country, this doctrine can never command the assent of the enlightened people of the country. When the excitement which existed at the time the decision was made has passed away, the record of it will stand, not a monument to the wisdom or to the integrity of the court, but it will stand as one of those unfortunate decisions which courts have frequently made when they have undertaken to mold eternal principles of justice and law to suit the purposes of power. This is no new thing to say of this Supreme Court. Power generally, in England, found its most subservient tools upon the bench; and wherever there has been an arbitrary Government, it has generally found a corrupt court to enforce its arbitrary behests. That is the history of the world. I am not one of that school in which the Senator from Virginia says he stands when he tells us that he has opinions which he gives up to the opinions of the Supreme Court. I do no such thing, sir. In the humble sphere in which I move, amongst the people to whose confidence I am entitled for a place on this floor, I denounce that opinion on every occasion; I invoke the public indignation upon it and its authors; and I will do it here and elsewhere, because I believe it is derelict to the great principles of law; to the recorded decisions of law; to what, by universal assent, the enlightened judicial mind of this country must believe and know the law to be. So much for the Supreme Court. If it were not so late, I might say more. I hope I may be excused if I have not denounced them sufficiently for the enormity of their decision; I will make it up on some other occasion.

Let me say another word, sir. I undertake to say that upon the discussion of to-day and the discussion of this session, those who have stood up here to speak for the South have entirely changed their ground. It used to be said, and it was constantly said, that the great difference between the South and the North was, that the South asked no action, desired none, wished to be let alone; whereas, on the contrary, we desired to interpose legislative action in favor of our views, our measures, our policy. Sir, I have heard that said over and over and over again. Any gentleman who will undertake to read the reports of the debates on the occasion of the famous Clayton compromise, in 1848, will find that Mr. Calhoun, in one of his great speeches which he made on that bill, laid that down as the great advantage which the South had in the controversy; and that was, "we desire nothing of the Government; you of the North desire positive interference and action." I remember of hearing, on one occasion, a discussion between an honorable Senator from South Carolina and an honorable Senator from Massachusetts, both now deceased, and it occurred in reference to some action which it was said the Senate should take in regard to the confirmation of certain gentlemen whose nominations were pending before the Senate. John Davis, of Massachusetts, said to the Senator from South Carolina:

"You may find that, when you come to apply this test, there are two sides to it; and if you undertake to reject a man on account of certain opinions which he entertains on this subject, you may find that those who entertain those opinions will strike back."

Mr. Calhoun said:

"Not so; the cases are not equal; we desire no action, but you desire positive action, and therein consists the difference between us."

Now, sir, I cannot go over all these theories, and over all this discussion, and over all this difference about what non-intervention means; but I call the attention of the country to the issue that the South now presents; and that issue, if I understand it, as put by the Senator from Mississippi, who first addressed us, [Mr. BROWN,] is, that they desire action, positive action, in behalf of the interests of slavery; that they will go first to the Territorial Legislatures; if they get it there, very well; but, if they do not get it there, they will come back here to Congress and demand legislative action by the Congress of the United States in favor of slavery. This is an entire, a total change. Sir, the slaughter of the innocents is not over if you push that issue home. The effect of that measure will be to decrease, and to decrease vastly and rapidly, that once powerful party which existed in the North, which upheld slavery in everything it demanded, and which has dwindled down to what it is, not, as the Senator from Michigan says, on account of anything the South have said, but because of what its northern men have not said. That is what has killed them. They never could have been slaughtered; that proud Democracy which stood so impregnable and invulnerable in my own State, and in others of the New England States, and in the State of New York, and in some of the northwestern States, could never have been broken down by anything that southern men could have said, provided their own men had been true to the positions which they had assumed, to the professions which they had made. The Democratic party in the State which I have the honor, in part, to represent, went down because they were false and treacherous to their professions. I will tell you what they resolved not a great while ago. They resolved that they were unalterably opposed to the spread of human slavery into any of the Territories. That was the position they took; and they went before the country and contended that, upon the question of a practical and wise and efficient opposition to the extension of slavery into the Territories, the Democratic party was more to be relied upon than its opponents; for its opponents were treacherous, but that the Democracy were true. They said, and they resolved, that they were opposed to the extension of slavery, as they had heretofore been, unalterably opposed to it. Sir, it was for their want of fidelity to this principle that they had avowed; it was because, when the day of trial came, they faltered and failed; and when you changed issues at the South they turned and followed; it was because of their own want of firmness and fidelity that those have fallen who have fallen. I speak for my own State and my own section of the country. I do not know how it has been in the Northwest; I do not know what it is that has produced that fatal epidemic which has laid low so many Democratic politicians in that region; but I know what the

complaint has been down our way; and I know what it is that has laid them out there, and it is what I have alluded to.

Well, sir, I have no regrets to express. I have heard a great many regrets expressed that this subject has been introduced here. Why should there be any regret about it? Is it not better to meet this question fairly, and look at it as it is? I have been enlightened by the discussion. I think the country will profit by it. The country will see that the discussion has not been forced upon the Senate by those of us who sit on this side of the Chamber. We have not participated in it. It has been on the other side altogether; it has been amongst the "harmonious Democracy," [laughter;] and if there has been any danger to the harmony of that unit, they must attribute it to themselves; not to anybody else. Certainly, in the introduction of this amendment, I had no desire to discuss this matter; and I have no desire to discuss it now, and I shall not; but when I hear the doctrine proclaimed so openly, so frequently, so boldly, and assumed as if it were an axiom in politics, that the Constitution of the United States recognizes slaves as property just as much as it does horses or mules, I will never submit to it without remonstrance. I do not believe it.

Perhaps, sir, I may be called extravagant for another remark. I hear it frequently said that the Constitution of the United States guaranties property in slaves. I have heard it said almost as many days as I have been a member of the Senate. I deny it. On the contrary, it is matter of history and cannot be controverted, that the founders of the Constitution entertained no such idea, and Mr. Madison has left it on record, that certain things were not admitted in the Constitution, because, he said, it would not do to admit in the Constitution the idea that there could be property in men. No, sir, they carefully excluded it; they shut slaves and slavery out of the Constitution. They not only shut out slaves and slavery, but they excluded the very idea that there was to be property in human beings. The men who framed the Constitution, framed it unquestionably with the idea that slavery was an evil which was amongst them; that they would tolerate it as long as it existed, leaving it to the progress of humanity and Christianity combined to wear it out; and they entertained the hope that, by the prohibition of the slave trade in 1808, it would receive its death blow, would soon fade away and expire and be no more, and then that great fabric of their wisdom and their patriotism, the Constitution of the United States, would remain whole, perfect, intact, with meaning in every line and every sentence, when there was not a slave left upon the continent. That was their idea, and they made the Constitution with that idea in their hearts, shutting slavery, and the idea of slavery, out of the Constitution, with the hope that the time would come when slavery would die under the blow which they gave it, by the act prohibiting the slave trade in 1808, and then there would be a glorious, perfect Constitution, uncontaminated with slavery. And yet, sir, we are told that this Constitution guaranties property in slaves; and if you believed some gentlemen when they talk about it, you would suppose the framers of the Constitution had no other idea in their heads but to perpetuate human slavery, and that we should never have had a Constitution but for that. The preamble which the immortal founders of that instrument have left us, the very first page of their Constitution, shows that that is not so; for they say that, instead of being made to establish and perpetuate slavery, it was made to "establish justice" and "secure the blessings of liberty." That was the object which they had in view.

Let me examine for a moment this question of guarantying slavery. How does the Constitution guaranty it? I have heard the Senator from Virginia [Mr. MASON] say that slave property is guarantied because slaves are included in the enumeration by which the Representatives to Congress are chosen; the famous three-fifths article; and also because of the clause for the rendition of fugitives. The Constitution provides that a certain proportion of slaves shall be counted in making up your Representatives for the popular branch of the Legislature; and, therefore, it is said slave property is guarantied by the Constitution. Well, sir, in my State, by virtue of that same clause of the Constitution, the inmates of the penitentiary are counted in making up the number of people for which my State is entitled to Representatives to Congress. If counting a portion of the slaves guaranties slavery forever, then, by providing that all the convicts of the State prison shall be counted, on the same principle, the Constitution guaranties that we shall always have convicts. It provides that only a portion of the slaves shall be counted; but that all the criminals and all the idiots shall be counted. Does the Constitution, therefore, guaranty that we are always to have idiots and criminals?

Sir, the Constitution dealt with slavery as it did with everything that pertained to the States. The Constitution does not punish murder in any one of the States. Does it guaranty that there shall be murderers in the States? No, sir; it simply leaves every State to deal with murder as it chooses, and so it does with slavery. It leaves every State to deal with slaves and slavery as it chooses; and because it refrains to interfere in the case of slaves, and provides that a portion of them shall be counted, it no more guaranties slavery than it does, by refraining from laying its hand on the criminals of the States, guaranty that there shall always be criminals. No, sir; the Constitution of the United States is subject to no such reproach. There is neither slave nor slavery, nor the idea in the Constitution, and you will find, by turning to the discussions of the framers of the Constitution, in the Madison papers, that the phrase, "held to service" was used in one of the articles of the Constitution, because these words imply the condition of freemen; and in that famous article for the surrender of fugitives, the same term "held to service," is used, because it implied the condition of freedom instead of slavery. But, sir, I am not going to argue the question in regard to fugitive slaves, but simply to controvert the doctrine which has been proclaimed here so frequently and so boldly, that the Constitution recognizes property in slaves.

I will say a single word in regard to the question put by my friend from Michigan, [Mr. CHANDLER,] which has not been answered, and cannot be answered. The doctrine that is undertaken to be drawn from the Dred Scott decision is, that Congress have no right to interfere with slavery in the Territories, because slaves are property, and, as such, must be protected by Congress. The doctrine is, that the Constitution protects slavery in the Territories, because it is property, and, as such, is entitled to protection under the Federal Constitution. Now, sir, I ask the question which the honorable Senator from Michigan put to the honorable Senator from Mississippi: if the Constitution of the United States protects slavery in the Territories, because it is property, why does it not protect it in the States? Where is the difference? Does the Constitution of the United States have one construction in the Territories, and a different one in the States? Is it not the supreme law of the land? Is there any place where it has any binding force and authority at all, that it does not have all force and all authority? No, sir; I defy human casuistry and human sophistry to find a place in the Constitution, or a suggestion, by which slavery is not protected in the States if it is protected in the Territories. The Constitution provides:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

That is the Constitution of the United States. Then, sir, if slaves are property under the Constitution of the United States, and as such protected in the Territories, they are protected in the States. I have at my room—I wish I had it by me now—an article from the Washington Union, published not long after this decision came out, which proclaimed and argued, I thought unanswerably, if the doctrine of the Dred Scott decision be the law, that all the laws and all the provisions of the constitutions of the free States abolishing slavery, were in direct contravention of this provision of the Constitution of the United States, and therefore void. I cannot conceive why it is not so. This is no idle theory. The attempt has actually been made to establish slavery in the free States. I do not know what became of the lawsuit which was begun in the State of New York some years ago, possibly the Senators from New York can tell us; but I remember that a Mr. Lemmon, a few years ago, found himself, on the way from Virginia to Texas, in the State of New York, with about six slaves. A *habeas corpus* was sued out, and the case was brought before Judge Payne and argued. What did Judge Payne do? He made a decision which I think will commend itself to the good sense of everybody. He decided that there was no law against bringing slaves from Virginia into New York, but that it was not legal to bring Virginia laws to keep them in slavery after you had got them there. That was all he decided; and he seemed to repent of even having gone so far; for I believe he very foolishly—he is dead though, and I would not say anything to his discredit; but, as I began the sentence, I will finish it—he very foolishly subscribed a sum of money to pay Mr. Lemmon the price of the slaves which had been freed by virtue of the laws of the State of New York. That case was carried up, by direction of the government of Virginia, to the highest court of the State of New York, with the understanding that it was to be carried from there to the Supreme Court of the United States, to decide whether men from Virginia could hold slaves in the State of New York. I believe there was a qualification put on to it, that it was to be *in transitu*. Well, sir, if the Supreme Court decide that slaves may be held in the free States an hour, they may be held forever; because, if the State of New York is not competent to abolish slavery in her limits for all time, I do not see where the argument comes from that she can abolish it for any time. If you can hold slaves an hour there under the Constitution, you may hold them a year; and if a year, forever. The same attempt was made in the State of Pennsylvania; and the history of that case is familiar to the country. The attempt was made to hold slaves in the State of Pennsylvania, *in transitu*, I believe. So, sir, it appears that this is no idle doctrine. If the people of the free States submit to it, and take this Dred Scott decision as law, what will be the next thing? We have already got to a demand that Congress shall protect slaves in the Territories by virtue of positive enactment; and the next thing which will follow, and that rapidly, will be another law to protect them in the States. If they can ask and obtain the consent of Congress to enact a provision to hold slaves in the Territories, I will give up the States; because the right cannot be resisted by any reason, by any argument, or by any authority. If you can call upon Congress to interfere and legislate for the protection of slaves as property in the Territories, you may have the States with them; for the difference between the two is too inappreciable to be observed by a man of ordinary capacity. There is no difference; because, if slaves can be held there, it is by virtue of the Constitution, and the Constitution is the paramount law as well of the States as the Territories.

It is for these reasons that I desire the action of Congress on the amendment which I have introduced. I hardly expect that it will command a majority of the Senate, though I hope it may, and I should be glad if it would; but, sir, I want to meet, here and now, decidedly, this doctrine. What is to be the next thing in this history? I suppose we shall hear that you call this northern aggression; for every time you make a demand, no matter how gross, no matter how grasping, if we resist, if we do not give up at once, it is aggression—northern aggression. The South demanded the repeal of the Missouri compromise; they wanted to break up the old landmark. We opposed it, and we were the aggressors—we were the agitators. That was a new proof, a new instance, of northern aggression. Well, sir, you wanted to carry slavery into the Territories; and you have got it by the action of Congress, and by the action of the Supreme Court. We resisted that, and we were the aggressors—another instance of northern aggression. Now, you demand that Congress shall intervene affirmatively and positively; and if we resist that, it will be another instance of northern aggression. But, sir, if you break over this barrier, if you call upon Congress, and Congress do affirmatively intervene for the protection of slavery in the Territories, take it in the States, it cannot be defended,

and it is not defensible; and it is because it is not defensible in the States, if you take the Territories, that I resist it here. I resist it at the outset. I say that if this principle obtains the sanction of Congress, the barrier that protects us is broken down; the bulwark of the Constitution, behind which we may stand with safety, and defy your assaults, is gone the moment we surrender to you the right, by act of Congress, to protect slavery in the Territories. I claim not to be a prophet; I do not issue the voice of warning to my own friends; but I think it requires no sagacity and no foresight to predict that the step by which Congress will be called upon for the protection of slavery in the States will come close behind that by which it intervenes for its protection in the Territories.

Sir, one honorable Senator who has addressed this body on this subject, says that the introduction of it opens up the whole policy of the Democratic party. I was glad to hear that admission. That is the doctrine I have been preaching to my people more than fifteen years, that the spread of slavery comprises the Alpha and Omega of Democracy; and that when you went to that, you went to the whole policy of that party. It is true, I know it is true; but I did not expect it to be admitted here to-day. It is none the less and none the more true for the admission. What other question is there upon which this Democratic party is united? Is it on the tariff? Do the President and the Secretary of the Treasury sing the same meter on that subject? Is there any unity of sentiment between the representatives of Pennsylvania and Virginia on that subject? What is the doctrine of the great united, harmonious Democracy, on the tariff upon iron—take nothing but iron?

Mr. TOOMBS. I do not like to call the Senator to order, but I would prefer to have him continue that interesting subject of slavery. He has got on another question, and I think he is out of order.

Mr. HALE. I am; because it has been laid down that slavery comprises the whole doctrine of the Democratic party; and I give up. [Laughter.] I yield, sir; and I am glad to be indorsed by the Senator from Georgia on that subject. I will not trespass any longer on the Senate. I am reminded that there is something on which I said I would speak, that I have not yet spoken on; but I do not want to detain the Senate longer, and I do not blame the Senator from Georgia for being a little impatient. They have only had about seven hours on their side, and we about forty minutes on ours; and according to an equal division of the subject, perhaps that is about a fair ratio of how the thing ought to be divided. [Laughter.] It seems to be an admission that their side requires a great deal more advocating than ours does. I never heard a man, and I never heard a series of men, who undertook to argue a case, and spoke so very long, that they did not lose the verdict. I am content to let the case stand, and stand where it does—stand not where I have put it, but where the friends of the Senator who has interrupted me have put it; and that is, upon the aspects which this question presents in relation to the next presidential election and the Democratic party. I admit, and I am glad that the admission has been made on the other side, that this covers the whole ground; and having said that, I leave the subject.

Mr. DOOLITTLE. Mr. President, I have listened with deep interest to the debate of the day, and especially in relation to the history of the Democratic party. I myself was trained in the Democratic party; I learned my A B C in the school of Jefferson, of Jackson, the apostle and the chieftain of the true Democratic Republican party; I have fought all my political battles in defending the principles and measures of the Democratic party of the United States while it remained, in fact, as well as in name, democratic; and it was only because this party, now in power here at Washington, ceased to be democratic, that I ceased to act with it. In 1854, when this party insisted that the Missouri compromise should be repealed, and that the free Territories of the United States should be opened to the introduction of slavery, it ceased any longer to be democratic in fact, and is no longer worthy of the name. The true Democratic party in this country, for more than two generations, not only advocated, but exercised, the power of legislation over the Territories of the United States, and always exercised that power for the restriction and never for the extension of slavery. The honorable Senator from Illinois, himself, [Mr. DOUGLAS,] for years extolled the Missouri compromise as almost as sacred as the Constitution itself. The President of the United States, Mr. Buchanan, also has advocated the Missouri compromise a hundred times over on the Senate floor and on the stump everywhere throughout the country; and within the last few years, in a letter to Mr. Sandford, he declared that the inference was irresistible that Congress had the power to legislate upon the subject of slavery in the Territories. When the repeal of the Missouri compromise contained in the Nebraska act was under discussion, the honorable Senator from Texas, [Mr. HOUSTON,] in the speech which he made on that occasion, said that the repeal of the Missouri compromise was putting the knife to the throat of the Democratic party. He told the truth. It did cut the jugular vein of that once honored and powerful party. From that moment all its best democratic blood has been flowing out; all that is democratic in principle or in policy, has departed from it; all its best and most earnest men, those who cherish principle instead of following for official plunder, have abandoned an organization which, though calling itself Democratic, has cut loose from all the landmarks of the old Democratic party. The veteran Senator from Texas, in this House, and the no less distinguished Benton, so long the Ajax of that party on this floor, clearly foresaw and warned you of the result. They told you the truth; had they been inspired, they could not have predicted more certainly what has followed

Sir, no party can abandon its principles and survive. And when did this measure originate? It was Mr. Dixon, a Whig Senator from Kentucky, that proposed the repeal of the Missouri compromise. It was denounced by the leaders of the Democratic party; it was denounced by the Washington Union. The report which the honorable Senator from Illinois first brought into the Senate on the 4th of January, 1854, when he proposed to organize the Territory of Nebraska, denounced, in advance, the repeal of the Missouri compromise. The Washington Union, as the organ of the Democratic party, for days in succession denounced it as a Whig device, got up for the very purpose of distracting the Democratic party. Sir, I can quote to you now the very language of the official journal in the city of Washington, which then spoke for the Democratic party of the country. Not only the report with which the Nebraska bill was first introduced to the Senate on the 4th day of January, 1854, by the Committee on Territories, a Democratic committee of a Democratic Senate, denounced, in advance, the repeal of the Missouri compromise; but the Union, speaking for the Administration, from the 4th of January up to the 24th of that month, continued daily to denounce it as suicidal to the Democracy—as a Whig device, introduced into the Senate for the purpose of distracting the Democratic party. In one of its issues it declared that "it involved the same issues which produced the agitation, the sectional strife, and the fearful struggle of 1850." It denounced it in another as "an insidious measure." It denounced it in another as "a measure proposed by Mr. Dixon, a Whig from Kentucky." It denounced it again as having been "a measure which the Whigs and the Abolitionists in the Senate of the United States were favoring;" and said "Whigism and Abolitionism have everything to gain and nothing to lose; the upshot may be that the agitation will inure to the benefit of the common opposition of the Democratic party." This was the language of the Washington Union, day after day, addressed to the people of the United States.

On the 24th of January, however, the Committee on Territories reversed their own action, and brought in themselves a new bill incorporating this very provision of Mr. Dixon, of Kentucky, repealing the eighth section of the act admitting Missouri into the Union. Then, forsooth, it became a Democratic measure. In just twenty days, a measure which had been so bitterly denounced as a Whig device, got up for the purpose of making mischief in the Democratic party, which trampled under its feet its whole policy for two generations, became at once a measure of the Democratic party. Presto, change! was the word. Then was it heralded through the whole country as a Democratic measure; and every man who opposed it was denounced and punished as a traitor to the Democratic party. It was made the test of party fealty; and, under the lead of the Senator from Illinois, [Mr. DOUGLAS,] pursued with relentless vigor throughout the whole country. Sir, with what measure ye mete, it shall be measured to you again. What right have those who set up new party tests, who abandon long-cherished principles to set up new and strange idols, and persecute, even unto death, those who will not bow down and worship them; to complain when the same thing is again attempted, and new demands are made, and new tests of party fidelity are set up, and they themselves are compelled to bow their necks to the relentless guillotine?

Sir, when the honorable Senator from Texas declared that that measure would be the overthrow of the Democratic policy of his long political life; that it would as sure as fate put the knife to the throat of the Democratic party; that it would, in effect, dissolve its organization, he spoke the words of prophecy, and they are already realized. We have seen the result before us this day, and exhibited on this floor.

Where is the Democratic party now? Look around you upon the parties upon this floor and tell me which is the Democratic party? If old Rip Van Winkle had been put to sleep in some of the purlieus of this Capitol ten years ago, and had been awaked up suddenly and were now to be brought in on this floor and asked to look around him upon the parties here, and the various Senators who represent them, which would he say was the Democratic party? Judging them by their principles, which would he say was the Democratic party? Judging by its principles, he would not hesitate for a moment; he would say at once that the party which is here organized under the name of the Republican party stands precisely on the platform of the old Republican party of Jefferson, Madison, Monroe, and Jackson. Ask him to look at the men, and then judge which is the Democratic party; what would he say? Why, sir, look along the Republican line, look all around on this side of the Chamber, and who are here? With very few exceptions, all on this side entered upon their political career as members of the old Republican party, while the living, earnest men of the Republican organization, who have fought its battles, and will continue to fight them with an energy and power which never fails, with a faith which takes no denial, which may be sometimes postponed, but never defeated, men who have never gone for a measure which they have not carried, who never have opposed one which they have not put down—these are the men whom you find ranged all along the Republican line here. The same men who, when the United States Bank undertook to enforce its recharter, organized to put it down, are organizing to put down a similar despotism which seeks to-day to control the administration of this Federal Government in its every department. We are organized, not to trample upon the rights of the States; not for the purpose of putting down slavery in the States, nor in any manner to interfere with it within the States; but we are organized to prevent its aggressions, to resist that attempt which, since 1854, has been so persistently made, to use every power of the Federal Government, in every department, to propagate and extend the institution of human slavery. We shall resist that attempt, and resist it to the end. We have sworn before high heaven to put it down. We are bound to put it down. We will put it down. We are organized upon the principles of the old Republican party, and for the same purpose: to prevent the Government of the United States from being made a mere instrument of class legislation for the benefit of any aristocracy in this country, either North or South.

Mr. President, there is not a plank in our platform to-day which does not conform to the principles of Jefferson; the man who, of all others, has ever been regarded the true representative of the Republican party of this country. He was its representative in the Congress of 1776. He was its leader and representative in 1800; he was its true representative in 1812; he is the true representative man of the Republican party to-day. We stand, sir, upon his doctrines, and we fight

for his principles. We stand upon no sectional platform; we present no sectional issues, but issues as broad as the whole country; and we are coming to take possession of this Government to administer it for the whole country, North and South; and neither suffer monopolists of the North or the South to control its administration and so shape its action as to subserve the interests of the aristocratic few; and the man who thinks to-day that the Republican party is either a Whig party or a Federal party, simply deceives himself. The questions which divided the Whig and Democratic parties for the last twenty years are all settled, and no more the subject of controversy than the war of the Revolution, or the war of 1812. It is, therefore, no doctrine of the late Whig party for which we are contending; it is no such policy with which we are dealing; it is not the purpose for which we are organized. We have organized, and are organizing ourselves to be the true, advancing, progressive Republican party of this country, which, from its earliest history to the present hour, has organized and reorganized itself once in about every generation. The true Republican party of America never dies; though its organization and name and members may sometimes change, the party itself is as eternal as truth and justice and freedom itself. Its leaders may betray or desert its principles, and for a time arrest its onward march; but it reorganizes itself, casting off the men and caucuses and conventions that would mislead it, as the eagle changes his plumage or the tree its useless foliage. Go back to the Revolution. It organized spontaneously in the Boston tea party; it organized upon principle; it went for the freedom of the colonies upon the land; it carried it through, organized the Government, and then dissolved its own organization.

In 1800, it reorganized itself again, and under what circumstances? It was when the Congress of the United States assumed to exercise the power, in the States, to indict, punish men for libel in the Federal courts, and those courts declared those laws, which everybody now concedes were dangerous usurpations, to be constitutional and binding. Then it was that the Republican party of 1800 reorganized under the lead of Jefferson and Madison, by the resolutions of Kentucky and Virginia, in which the rights of the States were declared, and in which it was declared that the Supreme Court of the United States had not the right to decide for the people of this country, and beyond any appeal, their political opinions. We admit that the Supreme Court may decide a given case, and so far as that particular case is concerned, there is no appeal; and of necessity the decision is final, but final only in the case which is decided. It by no means decides any other case. It is the business of courts not to make the law, but apply the law as they understand it to a case presented for their decision. It neither binds other supreme courts nor any other department; nor is it binding even upon itself. In this very Dred Scott case, the court, in effect, overrules its own opinions as declared on several former occasions.

But, as I said, Mr. President, the Republican party was organized in 1800 to put down Federal usurpation. It remained organized, and fought the war of 1812 for the freedom of the sea, when it again dissolved. In 1816, Mr. Monroe was elected without any opposition whatever. In 1824, at the close of his Administration, there were four Republican candidates for the Presidency. Mr. Crawford was the caucus candidate, the candidate of the healthy organization; General Jackson was a candidate of the Republican party; Mr. Adams was a candidate of the Republican party, and Mr. Clay also was a candidate of the Republican party. Mr. Crawford had the nomination of the healthy organization; but what did General Jackson care about that? Backed up by the real Republican party of the country, he strode right over your caucus nominations. He paid no attention to them whatever. To be sure he was defeated in 1824, but he was elected in 1828. He was not even then nominated by a convention; he was nominated by the people independent of all national conventions; and this whole convention system, commenced in 1832, was a contrivance of Mr. Van Buren for the purpose of ascertaining who should be permitted to run as Vice President under General Jackson, not for the purpose of nominating General Jackson himself. This whole caucus machinery was trodden under his feet when he led the Republican party into power in 1828.

How is it now? Since 1848, since the close of the Mexican war, there has been no question before the American people which divided the old Whig and Democratic parties. The bank question was settled; the tariff question was substantially settled; the Independent Treasury system was settled; the Mexican war question was settled in the nomination of General Taylor. Could any man in his senses suppose that a Whig party any longer had any existence, except in mere name, after General Taylor was nominated for the Presidency in 1848? There was not a single doctrine of the Whig party represented by General Taylor when he was brought forward as a candidate; and why was it that General Taylor was elected? Simply because General Cass put forward, in 1848, that same heresy which, when consummated by Congress in the repeal of the Missouri compromise, distracted and divided the Democratic party—ay, sir, which has absolutely broken it to pieces, and which now scatters it in fragments before us, as we see it here to-day. What was that heresy? The heresy put forward by General Cass was, that Congress has no power to legislate on the subject of slavery in the Territories of the United States. What was the result upon General Cass of the promulgation of that heresy? The men in the State of New York who had been schooled in the school of Jefferson and of Jackson, and thought more of principles than of men, said to General Cass and his friends that he could never be made the President of the United States upon any such fatal heresy as that; and though they could not consistently vote directly for General Taylor, whose opinions they could not positively know, they could throw away their votes on Mr. Van Buren, and elect General Taylor; and they did it, and did it for that reason. We met you at Baltimore in 1848; and when you undertook to change the Democratic faith, to dictate to us, and to force us to surrender principles which had been steadily maintained by the true Democratic-Republican party of this country for fifty years, we told you that, if you insisted upon it, we would overthrow General Cass and your so-called Democratic organization; and we did it. What was the result? General Taylor was elected, and California came into the Union as a free State. Your slavery-expanding policy, which forced General Cass upon the Baltimore convention, overreached and defeated itself. Every struggle you make for that purpose will bring home to you, in the end, disaster, disappointment, and defeat.

In 1852, there was no question raised between the Whig and Democratic parties. When General Scott and General Pierce were nominated for the Presidency, no question of principle was raised between the parties in 1852. It was a simple question of men. They both stood precisely on the same platform, both pledged before the people of the country that they would never reagitate the slavery question, in or out of Congress. This was the pledge upon which we elected General Pierce. Upon that pledge I stood before the people of Wisconsin, and asked them to vote for General Pierce. I said to them that the whole slavery question was settled; that California was admitted as a free State; that the Missouri compromise had excluded slavery north of 36° 30′ in the territory acquired from France; that the laws of Mexico had excluded it from New Mexico and Utah, and all that territory which we had acquired from Mexico. That question being settled, all that we asked was peace; and we elected General Pierce upon the express ground that we should have peace. We had peace for nearly two years, until 1854. Then it was that Mr. Dixon, a Whig from Kentucky, threw this firebrand into the Democratic party. Mr. Dixon, as a Whig Senator from Kentucky, moved to repeal the Missouri compromise. The Democratic party denounced it as violating their pledges; as reopening the slavery agitation; the Washington Union denounced it; your Committee on Territories denounced it in advance, but that committee yielded its own opinions in just twenty days. Some motive, some influence, some power, was brought to bear on that committee, which compelled them to yield up one of the oldest and most sacredly-established doctrines of the old Republican party. They brought in this measure. They called it a Democratic measure. The result has verified the predictions of Benton and Houston. Distracted, disrupted, belligerent, the Democratic party, under its present organization, is crumbling to pieces very much like the Republic of Mexico, where we hear of constant revolts, pronunciamientos, and revolutions. This one is in the ascendant to-day, and then that one is in the ascendant to-morrow. The organization of that party is broken up, and broken up because its self-confident leaders, trusting in party machinery more than in principle, cut it loose from the safe moorings where it had been held for more than two generations. This madness was followed up by an attempt, through force and fraud, to establish slavery in the free Territory of Kansas. All the power and patronage of the Administration have been wielded for that purpose, but in vain. The free white laboring men of Kansas have stood in the Thermopylæ of liberty, and Kansas is free.

Mr. President, what we have heard here to-day illustrates and shows most conclusively, that, with all our boasting, after all, the men of to-day are not so much wiser than their fathers. Washington, and all of his Cabinet, and so I may say of every Cabinet, and of every President, and of every Congress of the United Sates, from the beginning of the Government down to Mr. Pierce's administration, always maintained, asserted, and exercised the power of legislation over the Territories on this very subject. If it were possible, in imagination, to bring before us those great men who have now passed away; suppose it were possible to bring before you in imagination, as occupying the seats you now occupy, Washington, and all his Cabinet; Jefferson, and all his Cabinet; Monroe, and all his Cabinet; Adams, and all his Cabinet; Jackson, and all his Cabinet; Polk, and his Cabinet: if it were possible to bring all these men within these walls, and to bring here also all those thousands upon thousands of the greatest and best men which our Republic has ever produced, and which made up all the Congresses that sat during the administrations of these men, and you were to put to them the question whether the Congress of the United States has the power to legislate on the subject of slavery in the Territories of the United States, what would be their answer? Sir, judging by their actions and their lives, there would be but one united, affirmative, unanimous response. I undertake to say that no man of any distinction in the United States ever doubted the power of Congress to legislate on this subject, until about the time General Cass gave expression to that heresy in 1847.

Mr. President, when this question came before the Cabinet of Mr. Monroe, of which Mr. John Quincy Adams and Mr. John C. Calhoun were members, Mr. Monroe asked his Cabinet to give him their opinions, in writing, on the question whether Congress had or had not the power to legislate on this subject; and they gave a unanimous opinion, including Mr. Calhoun himself, that Congress had the power. Down to the time when General Cass expressed his doubts as to the power, no man of any distinction in the country ever raised the question, or ever doubted the power.

Sir, if anything illustrates the fact which I have stated, that we are not to-day so much wiser than our ancestors, it is what we have seen and heard from the other side of the Chamber. We hear those who advocate this modern heresy, boast that they are the advocates of popular sovereignty, that the people of each State must form their institutions for themselves. Who denies it? Who ever did deny it? Since the days of our Revolution, who ever questioned the right of every State to form its own institutions? That is not the question at all, and never has been. The question is, whether the Congress of the United States has the power to legislate for a Territory while it is a Territory? I, too, believe in what may be denominated popular sovereignty, even in the Territories of the United States; but the popular sovereignty in the Territories for which I contend, is the sovereignty of the people of the United States. It is the people of the United States who are sovereign in the Territories, through their representatives here in Congress. The responsibility is upon us to revise their legislation. We cannot shirk that responsibility if we would. You have attempted it in Kansas, and failed.

Mr. President, the proposition now pending before the Senate legitimately follows the amendment introduced by the Committee on Finance. The Committee on Finance propose to expend $20,000 for the purpose of taking a census preparatory to bringing Kansas into the Union as a State under this provision of the English bill. Sir, we cannot vote upon such a proposition, nor can we suffer such a provision to be incorporated in a law that sanctions that provision of the English bill, and therefore it is necessary, so long as this has been adopted in the bill itself, that there should be added to it this amendment proposed by the Senator from New Hampshire, to repeal this restriction contained in the English bill; an odious restriction upon the people of Kansas, which has never been put upon the people of any other Territory in the history of this country. It is necessary to repeal it; otherwise you make an odious distinction against the people of Kansas. We have admitted Oregon with what has been estimated at fifty thousand population. We have admitted Florida and several other States into the Union with a much less number of inhabitants than Kansas has even now. Why put this odious restriction upon the people of Kansas? How can a man consistently insist upon such a restriction being put upon that people which you have never imposed upon any other. I say to Senators upon the opposite side of the Chamber, it is but just that you repeal this restriction. Go with us and repeal it. Let us have an end of this controversy about Kansas. This is the way to end it, and the only way you can end it. If you refuse to do it, they will appear here next winter with a constitution under the law which they have passed. Then agitation will again be reopened. Why will you place them in a condition to keep up this continual agitation?

No one on this side of the Chamber introduced this topic now. You introduced it yourselves. So it has been through the whole of this session. Not a word has come from this side of the Chamber upon any of these agitating questions, until you have thrust them in upon us. You thrust Cuba upon us. You compel us to enter upon a discussion. You proposed by your amendments here, that this census of Kansas must be taken under this English bill, in effect, and you force us to the discussion, and yet complain of agitation. Go with us, Senators, let us repeal this restriction. Let them form their constitution and come into the Union, and then we shall have an end of this controversy, in relation to Kansas, now and forever.

I feel a deep interest in this question. I hope the amendment will pass, and that those who control the majority of the Senate will see the propriety of allowing it to pass.

Mr. CLARK. Mr. President, I did not believe, when this debate commenced in the morning, much less when the debate commenced yesterday, that anything would be said, or any amendment proposed, that would draw me into the discussion; but, after some things that have been advanced on the other side of the Chamber, which seem to make it necessary that there should be a reply, I find myself in this necessity, at this hour of the night to be compelled to submit the remarks to the Senate which I have to submit; because the Senate will not adjourn to give an opportunity of submitting these remarks on to-morrow. Of that I find no fault. The Senate can and will govern, and has the right to govern, its order of business. If it is thought advisable that we debate here to-night, in order to give utterance to what we have to say, then we shall, of necessity, be compelled to utter what we have to say here to-night. I do not choose, on that account, to forego what I have to say.

This debate springs up upon the amendment of my colleague. There was, in the act of June 4, 1858, which has been called the act admitting Kansas into the Union, or prescribing the manner in which she may be admitted into the Union, a provision that, if she did not accept certain proposals that we made in that bill, she should remain out of the Union of the States, in fact, until she had the necessary population for a Representative in Congress. There was a provision in the bill that when she, by a census actually taken, found herself possessed of a sufficient number of persons in her Territory, then she might form a constitution and apply for admission as a State. That was, in fact, a prohibition upon her, a declaration by the Congress of the United States that she could not come into the Union until she had that requisite number of population. My colleague has brought his amendment here which proposes to repeal that restriction, to provide that she may, when she has formed her constitution, apply here for admission into the Union, and become one of the States.

Now, sir, I shall take gentlemen on their own ground. They offer the strongest reason why Kansas should be admitted as a State. I want to take these gentlemen on precisely the ground which they put forward here, not because I believe it is true, not because I believe it is constitutional, but because I say it affords a ground why Kansas should be admitted. It is this: they declare, as the doctrine now established by the Dred Scott decision, that slavery is carried by the Constitution into the Territories of the United States; that is, according to that decision, by the force of the Constitution itself, it is carried everywhere, in all parts of the territory of the United States. Then, by the force of that decision, it is carried into Kansas, because Kansas is a Territory. The slaveholder, to-day, under that decision, can take his slaves into Kansas and hold them, if that decision be true.

But these same gentleman admit that, when the State comes into the Union, if she prohibits it by her constitution, she can exclude them. Then, I say, end this slavery agitation and admit her and let her exclude them, and that is the whole of it; that will settle the question; Kansas would be a free State; but she cannot prescribe to herself her own rules, and make herself a free State, until you do admit her upon that supposition. If it was properly before the court, and they decided, in that Dred Scott decision, that the Constitution carries slavery into the Territories of the United States, then it goes into Kansas by the force of that decision; but when Kansas is admitted as a State she has the power by her constitution to prohibit it; and that is the reason why she should come in, and this agitation will be at an end. I say, these gentlemen by their own showing furnish the strongest ground for repealing this distinction, and letting her come in as a State.

But, sir, I desire to submit a remark or two upon some things that have been advanced during the day by the other side. During this discussion I could not help thinking how far we had swerved, how far we had wandered, how far the good ship of State had drifted in the course of seventy years. Irving, in his Knickerbocker's History of New York, tells us a story of an old Dutch ship that made as much leeway as headway. We have made more leeway than headway; ay, sir, we have put up helm, turned about, and gone the other way. What was the policy of the Government in its early inception? We had certain Territories; it was the policy of the Government to exclude slavery from those Territories, to provide homes for free men; and they consecrated all the territory we had forever to freedom. We went on with that policy for fifty or sixty years. Then we heard first of the doctrine of non-intervention; then we were told this policy of yours is all wrong; the fathers of the Government were all wrong; they had no right, and they should not have excluded slavery from the Territories; we want you to give us a fair chance there; you shall not interfere and we will not interfere. The Democratic party said amen to that; the Kansas-Nebraska bill was formed, by which it was provided that slavery shall not either go in by act of Congress, or be kept out by act of Congress.

There it stood in 1854. We have gone on from 1854 to 1858 and 1859, in four or five short years, and now, instead of the policy of the fathers, that you should interfere for freedom, Senators demand that the Government shall interfere for slavery. They say this: the Constitution carries slavery into the territory of the United States; but, when they get there, they must have some law protecting them. It will not do to leave them there. If a man carries his slaves into the Territories, he must have some law to protect those slaves there. They will run away; they will not be useful to him; there must be some law to make them useful, and some law, says the Senator from Mississippi, which shall afford "adequate protection." That is it; the protection must be full and adequate. If, in the Territory, they will not provide a law for protecting slave property, then Congress is to provide the law. That is the way in which we are now to turn directly about in our policy in regard to the Territories. We formerly passed laws to protect freemen; to make free territory; to exclude slaves from it. Now we pass laws providing that slaves shall go there by the force of the Constitution, and then be protected by us when they get there. That is the policy of the Government. Now, if we have not made more leeway than headway, I do not understand what is meant by those terms.

I wish, Mr. President, to submit to the Senate a few remarks upon this question of the power of the Constitution to carry slaves into a Territory. I understand it to be maintained on the other side of the Chamber by virtue of the Dred Scott decision. I undertake to say that that decision does not go that length; and if it did, I desire to call the attention of Senators to the provisions of the Constitution, that they may see, and that we may form our own judgment, as to whether the Constitution carries slavery into the Territory. I understand it is asserted that the Constitution recognizes slaves as property. I say here, and I say it deliberately, as a Senator who has looked over the Constitution, that the Constitution nowhere speaks of a slave as property, never recognizes him as property in terms. It always, whenever it refers to the slave, speaks of a "person," and not property. "Persons" escaping from labor should be rendered back, not property escaping from labor. The Congress shall have no power to prevent the importation of such "persons" as the States may think proper to import, not property. The representation is founded upon "persons," three fifths of all other "persons," not three fifths of property. There is not a provision in the Constitution in which it recognizes a slave as property; not one. When the Constitution gives you the power, as it does, on providing that the slave shall be returned who escapes from one State into another, it speaks of him as a "person," and does not go one jot or one tittle beyond that. So far from the Constitution carrying slavery into a Territory, I maintain that, by the Constitution, when a slave goes into a Territory of the United States, he becomes, by that very act, free. I ask Senators to look at this a moment. The Constitution provides that when a person held to service escapes from one State into another—into another what? Why, into another State, not into another Territory. When he escapes from one State into another State, he shall be surrendered up; he shall not on that account be free, but shall be surrendered up; that is when he goes from Maryland into Pennsylvania, or from one State into another State, he shall be surrendered up; but there is no word in the Constitution that when a slave escapes from one State to a Territory, that you can go and deliver him up—not the first word.

I make this point: when you take a slave from a Territory of the United States by force of your fugitive slave law, and carry him back into servitude, you do an unconstitutional act; an act that you have no right to do. The Constitution gives you no warrant for any such thing. It is in restraint of liberty, and must be construed strictly. When a slave escapes from one State into another State, you may take him and carry him back; but when he goes from a State into a Territory, your Constitution gives you no power to touch him, and you cannot carry him back. Now, by the Constitution, take your pound of flesh, but not one drop of blood. If you can take him in the State by that Constitution, take him in the State; but when you claim, or anybody else claims by this Constitution to go into a Territory and take the slave there and carry him back into servitude, it is not nominated in the bond; it is not here; you overstep the bound of your Constitution. Instead of providing laws that, when the slave goes from a State into a Territory, you shall protect him as a slave there, I say repeal the law of Congress which takes and brings him back; because you have power to do it. I shall rejoice in the opportunity, Mr. President, the first time I can get a chance to give a vote for amending that fugitive slave act in that way, so that you shall not take a person escaping from a slave State into one of the Territories of the United States. You have no power to bring him back.

No man can show me in this Constitution the first word, the first sentence, the first syllable, that gives you any power in the territory of the United States to take a slave, and bring him back into servitude. He is free. He has gone out from under the law by which he is held in servitude. He cannot carry the law which has held him beyond the bounds of the State. No, sir; thank God those chains are broken, or meant to be, and when he goes over the bounds and beyond the jurisdiction of the State which held him, he becomes a free man, and it is entirely unconstitutional to take him in a Territory, and carry him back into servitude. There is no provision for it in the Constitution, and there was a good reason why it was not put in. Here were the thirteen old States, and a patch of territory on the northwest of Ohio; by the ordinance of 1787, the fathers of the Government had provided that you might take him and carry him back; but they confined the provision of the Constitution to the States. They did not contemplate, as the Dred Scott decision says, any new territory, and hence they did not put it in. So now when a slave goes out from a slave State into the territory of the United States, I maintain that he is a free man, under the Constitution, and I hope in God the time may soon come when the law, instead of protecting him as a slave, shall protect him as a free man, and when anybody attempts to lay hands on him as a fugitive slave, it shall smite that hand down and say: "you are a free man here; you brought no slave laws, no chains, no fetters, when you escaped; the Constitution gives no power to bind them upon you; we will protect you, and you shall not be returned into servitude." That is the sort of intervention that I want; not an intervention in the Territory to put the chains on; but an intervention under the Constitution that shall strike the chains off.

Mr. President, I want to say a word upon a subject which was largely debated during the last session of Congress, though I shall not speak of it in the view in which it was then debated. It has been decided by the Supreme Court of the United States; it has been decided by the highest courts, not only in the free States, but in many of the slave States, that slavery was local; that it existed only where the laws gave it sanction, in the States which provided, either by custom or by express enactment, for its existence; as, for instance, it exists in Virginia, and has existed there almost from time immemorial, since it has been a State; it exists in North Carolina; but the doctrine is well established that when a slave, held under the law of one State where slavery exists, goes out from beyond those laws, his fetters fall off. Now, let us apply that doctrine to the Territories. That was the doctrine early after the formation of the Constitution? Here is a slave, who, if you please, starts from Virginia; while in Virginia the slave law of Virginia attaches to him; when he goes beyond the line of Virginia the Virginia law ceases to operate. He then goes into the next State until he reaches a Territory; and when he has got into a Territory the laws of all the States have ceased to operate upon him, and then he is under the law of the Territory, under the Constitution of the United States. Now, sir, this is the point: is there any provision in the Constitution, or anything that can be construed into it, which extends the slave law of Virginia; whence he fled, into the territory of the United States, and holds that slave by it? That is the point. Are these slave laws of that elastic, India-rubber kind, that you can stretch them not only over a State, but from one end of the continent to the other, and make him a slave in that way? You have got no other law of the kind that will do it; and the very provision put in this Constitution, that when a slave did escape in that way, and went into another State, he should be returned, shows that the framers of the Constitution did not understand the law in that way. They understood distinctly that when a slave escaped from one State into another State, he should not thereby be free, though it was a free State, but he could not carry the law with him; and hence the provision of the Constitution that he should be returned. There was a necessity for that constitutional provision, but they did not put in a constitutional provision that you should take him out of the Territory and carry him back.

Now, sirs, confine yourselves to the Constitution as it reads; to its letter and its spirit, which is in favor of freedom, for establishing freedom for our posterity, and let its provisions attach to the largest number and bring the greatest good.

Mr. SIMMONS. If the Senator will give way, as it is about ten o'clock, I should like to move that the Senate adjourn. ["Oh, no."]

Mr. CLARK. I will conclude what I have to say in a short time. I should myself prefer to finish my remarks to-night, for I do not propose to occupy the time of the Senate more than a few moments longer.

Mr. SIMMONS. It is getting pretty late. We have now been here ten hours.

Mr. CLARK. I fully appreciate the motive of the Senator from Rhode Island. I should have been glad to have been dismissed long ago; but I saw it was the determination of the Senate not to adjourn. In that determination I acquiesced. I do not feel that Senators should sit here to hear anything I have to say as a matter of courtesy. I shall soon close my remarks, and will not take it unkindly if I am left alone.

I desire, Mr. President, before I close, to make one remark growing out of this Dred Scott decision. Here, in the Constitution, you find the provision that Congress shall have power to make the necessary rules and regulations to govern the Territories:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

The Supreme Court, in the Dred Scott decision, have undertaken to say that at the time the Constitution was formed, we had only the territory northwest of the Ohio river and east of the Mississippi; that it was not contemplated we should have any more territory at the time that provision was formed, and hence, that provision was not intended to apply to any new territory, and, on that ground, they say it does not apply, and, therefore, the Missouri restriction is void. Now the question I desire to submit to the consideration of gentlemen is this: that provision of the Constitution, they say, did not apply to the new territory; now, then, if that provision did not apply, I want to know how any other provision does apply? If that does not apply, because we did not contemplate having any more territory, then the other provisions do not apply, because we did not contemplate having any more territory. If that provision, and the rest of the Constitution, does not apply, then how does the Constitution, by force, carry slavery there? The reason of the court is that, at the time the Constitution was formed, we did not contemplate having any more territory; therefore, that provision does not apply to it. Then, I say, with equal force the other provisions of the Constitution do not apply, because we did not contemplate it. You admit the whole ground away when you say you did not contemplate new territory, and, therefore, that does not apply; because the other provisions of the Constitution could not apply any more than that one, because you did not contemplate having more territory. Then, if there is no provision in the Constitution applying to the new Territories, I ask you how you disposed of the new territory beyond the Mississippi river; how you formed it into new States? The Dred Scott decision gets new territory to form into States; but my answer is, Congress did not contemplate having new territory, and, therefore, that the Constitution did not apply to any new territory you might obtain. So, Mr. President, I do not see how there can be anything found in the Constitution, from one end of it to the other, looking through all its sections and all its provisions with the cotemporaneous history of the Government, and by the light of that history, that should say it carries slavery from any old State into a new territory and protects it there. This is the doctrine of the gentlemen on the other side.

I wish to say one word more upon another topic, and then I shall yield the floor. I do it with some reluctance; but having propounded a question to the Senator from Mississippi, [Mr. BROWN,] this forenoon, to which I received no direct answer, I feel called upon to make a remark or two here. Senators around me will remember that when the Senator from Mississippi was on the floor, he alluded to going out of the Union, secession from the Union, and I asked him the question, how that was to be done? I had often heard people say they were going out of the Union, but I wanted to know how it was to be done. I called his attention to it. He did not tell me how; he did not tell the Senate how; but he said when they undertook to do it, they would show us how. Now, sir, it is the part of the wise man, who contemplates an act like that, to know the way in which he is to do it before he attempts it, and to see where it leads, and what is to be the end thereof. It is not exactly sufficient to say, we will show you how when we begin; when we go we will make our trail broad enough so that you can see. I can conceive of the destruction of the Government, and I can conceive a ruin, that would not leave a trail; but I have looked the Constitution through, I have looked the theory of the Government through, and I will thank any gentleman who can tell me how you are going out of the Union. This Government was not formed by the States when they came into the Union. That was not the theory; it is not the declaration in your Constitution. Your Constitution says, not we, the States, form; but we, the people of all the States; "we, the people," form it; and they made the Constitution for all the States, and they did not leave any door by which a State could go out. The people of the States got together and formed the Government. They made a consolidated Government for certain purposes, and they did not make any provision in that Constitution for any State, or any portion of the people, going out from under that Government. I will tell gentlemen, when they undertake to go out, they go without warrant from the Constitution; nay, more, I say this: there is but one way out of this Union, and that is through the door of rebellion. You may say you will not obey the law, but the law will be over you still. Senators here may say, "we will not sit here; we will go home." You may go home, but the Union and the Constitution will exist, and that Constitution will be over you; and if you refuse to obey the law, you make yourself subject to the penalty of the law. Senators may say, "you cannot enforce the penalty; we will combine, and you shall not enforce the penalty." Exactly, sir, and that is just what I say; that is rebellion. The door is through the door of rebellion, when you go out, and there is no other way.

Now, sir, is it becoming in Senators to stand up here and say, in the way they do, "if you do not pass such and such laws, and do not give us our rights, we are going to rebel against the Government." You may do that. I admit there may be a rebellion which would crush the power of the Government, or which may defy the power of the Government, to speak more correctly, but I do not believe that any State or any gentlemen are going to take that course. There is no other course pointed out. The course of resistance to the law is the only course by which you can break up this Union. It is horrible to contemplate, Mr. President. It is not enough to say, "we will show you the way when we go." It is well for you to contemplate a purpose so destructive to the Government; to all Government; it is well, I say, to look long before you decide, to see clearly where you go.

Mr. SMITH. I know it is late Mr. President——

Mr. SIMMONS. Will the Senator give way for a motion to adjourn?

Mr. SMITH. I propose to occupy only ten minutes. Mr. President, I rose for the purpose of submitting a very few observations. I think it is mete I should respond very briefly to the Senator from Wisconsin. I had the honor of that gentleman's acquaintance some twenty years since, when we were citizens of the same city; and I bear him testimony that, at that time, he was what was regarded as a sound and radical Democrat. To-night he has favored the Senate with a very good stump speech, which would have sounded very well in that day, at least a very considerable portion of it. He has undertaken to enlighten the Senate as to the grounds of his defection and alienation from the Democratic party. I would have known, sir, had he not dwelt so extensively upon that subject, that he had left the Democratic party, inasmuch as he has predicted, with a great deal of assurance to-night, the dismemberment and the defeat of the Democratic party. It would be cruel in me to rob him of that hallucination; for I have discov-

ered, after some twenty-five years' experience in political life, that our political adversaries enjoy most of their triumphs before an election. The Senator from Wisconsin sees, in the discussion here to-day, the dismemberment of the Democratic party; that it is routed horse, foot, and dragoons; and that the Republican party, under the leadership of the prominent men of that party, is riding into place and power over the prostrate body of the Democratic party in this country.

"Optics sharp, it takes, I ween,
Too see what is not to be seen."

Let me suggest to the young convert to the Republican party not to lay this flattering unction to his soul. Now, as in days past, it is reserved to the members of the Democratic party and to its honored representatives in the Senate and counsels of the nation and elsewhere to differ in the progress of this nation upon questions as they may arise; but however much they may differ as to questions of national concernment, in their inception and progress, they seldom ever differ on the final paramount question into whose hands the destiny of this great nation shall be committed. They will be found united when the proposition shall be reduced to this complexion: whether the Democracy of this nation, who have built all along the pathway of our progress, from the days of Jefferson to this hour, monuments—speaking evidences of their progress and their triumphs, which have been the progress and the triumphs of this nation—shall continue the custodian of political power, or whether it shall be transferred into the hands of a sectional party who would array one portion of this Union against another; when that shall be clearly presented to the American people, I opine, sir, in the light of the past, there will be but little difference between Democrats—North and South, East and West.

It is not my purpose to follow the gentleman in his political speech, which has culled and gleaned and gathered up the political questions of the twenty years last past. I was much obliged to the Senator before he took his seat for informing the Senate what the question here pending was. I should have inferred, from the major portion of his speech, that a national bank, a high protective tariff, the distribution of the proceeds of the public lands, or the assumption of State debts, was in issue here; but he did announce, before he took his seat, that the question was, whether this Senate should repeal by its vote, so far as it could, as a constituent portion of the Congress, the Kansas restriction. Now, sir, I said last evening, when I had occasion to submit a very few remarks to the Senate, in response to a direct appeal upon the part of the senior Senator from New Hampshire, [Mr. HALE,] to the Senators from Oregon, that I regarded this question, this amendment, this proposition, as illegitimate to the question before the Senate. Here is an appropriation bill. We are upon the heel of the session. The Senate is soon to adjourn. There are questions of weighty and paramount importance involved; and at this juncture, the Senator from New Hampshire comes forward at his own election, at his own instance, unbidden by the people of Kansas, and proposes this amendment. I characterized it as illegitimate and improper, as I knew the discussion to which it would give rise would be. I intimated in the remarks which I then submitted, that the Senator from New Hampshire was prompted by partisan consideration, rather than the public good, in proposing this amendment. If that gentleman would desire to know my opinion of the extent of the partisan influence which prompted him to this movement, I could indicate it in no other way, better than by declaring my conviction, founded upon the record of the legislation of this Senate, and of Congress since he has been a member, and Oregon has been a Territory, that there has never been a single instance in the history of Oregon, and she now numbers more than ten years under her organic act as an organized Territory of this Government, when that Senator has pleaded the wants or the wishes of that people. We have come to the doors of the Capitol from that distant land, time and again, with our wants. We have preferred our wishes; we have pleaded our interests and our rights. Ay, sir, and when the people *en masse* have been permitted to pass upon propositions submitted to them by a five-sixths vote, we have never failed, with such an indorsement upon the part of the great mass of the people, to find that gentleman arrayed against us and our ascertained will; and yet, when Kansas is alluded to, the gentleman exhorts us to heed the views of the majority of the people of Kansas.

Look upon this picture, and then upon that. The majority of the people of Kansas can always arrest the gentleman's attention, and secure his coöperation, his voice, and his vote. Five sixths of the people of Oregon have ever failed to arrest his attention, his voice, and his vote. While upon this floor, opposing the application of the people of Oregon for admission into the Union by voice and by vote, he comes up here upon the occasion of the introduction of this amendment, and introduces an argument, drawn from the speech of a distinguished member of the other House, upon the Oregon bill, in favor of the repeal of the Kansas restriction. I think now, as I thought yesterday, that party has more to do with this amendment than country; the individual partisan desires and aspirations of Senators, more than the will and the *ipse dixit* of the people of Kansas. I said then, as I repeat now, that whenever the people of Kansas, be their numbers sixty thousand or eighty thousand, more or less, shall, in their own chosen time and way, perfect a constitution and present it here and sue for admission, I will, if at that time occupying a seat upon this floor, vote for their admission.

Kansas, in voting down the Lecompton constitution, has practically, in my judgment, repealed this restriction; for the restriction hath this extent, no more: it was the application of the people of Kansas, with the proposition of the Senate, or the conditions imposed by Congress in connection with her application, which were returned to them. They have negatived them. They have said they will not come into the Union under that constitution, and in the mean time, since the date of that vote, they have not moved in the premises; they have called no convention, formed no new constitution, made no new application to Congress. The people of Kansas have said, by their vote in rejecting the Lecompton constitution—and in saying that they indorse the doctrine and declarations entertained and uttered by their friends upon the floor of the Senate and the House—that every proposition, from the inception to the *finale* in the organization of the State government, should be submitted to a direct vote of the people. Oregon adopted that course, and it took her two years to pass from the inception of the proposition to form a State government to its consummation. If Kansas should improve on that time one hundred per cent., it will require one year. She has not taken the initiative; she is not here; she is not moving; she is not pressing at the doors of the Capitol.

Now, sir, when we have but six or seven working days remaining of this Congress; when all the important bills are still pending, still incomplete, still unpassed, a Republican Senator from New England comes in here, without authority of the people of Kansas, against the protest, and in violation and in opposition to the protestations of their chosen Delegate in the other branch of Congress, and moves what I still regard as an illegitimate and uncalled-for amendment to this appropriation bill. It has already consumed some two days of the session, and promises to consume more time. If the effect of this amendment shall be to render necessary the calling of an extra session of Congress, at whose door lies the responsibility of it but at the door of that gentleman?

I find myself betrayed, Mr. President, into talking longer than I intended. To come back to the discussion which has arisen upon this amendment here in the Senate, I must say, in a very few brief monosyllables, that the answer of the distinguished Senator from California, [Mr. BRODERICK,] and the other distinguished Senator from Ohio, [Mr. PUGH,] who coincides substantially with him, has been unsatisfactory to me to-day. I allude to the question propounded to those Senators when they were addressing the Senate—propounded and re-propounded, time and again, to which, in my judgment, there was no satisfactory answer given. I will preface any further allusion to this point by saying that, anterior to the decision of the Supreme Court in the Dred Scott case, I held the doctrine—proclaimed it through the press, and upon the stump—that the people of the Territories had the right to determine this question of slavery for themselves, to inhibit it, to tolerate it, to protect it, or to drive it out of their country. The last gentleman upon the floor, I believe, the junior Senator from New Hampshire, [Mr. CLARK,] stated that this doctrine was never promulgated until 1857. Perhaps he meant 1847; but the truth upon that subject is, that General Cass, when a member of General Jackson's Cabinet, proclaimed that doctrine and published it extensively; and, at a period not very subsequent to that, the Supreme Court indorsed it. General Cass has held that doctrine for some thirty years past.

Mr. CLARK. I suggest to the Senator that I gave no date, except the passage of the Kansas-Nebraska bill in 1854. I alluded to no other date, or no other event.

Mr. SMITH. I understood the gentleman, Mr. President, to speak of this doctrine of the right and the powers of the citizens of Territories as a very modern doctrine, and he fixed date to it. General Cass, twenty-five or thirty years ago, held the doctrine of popular sovereignty in the Territories, which I have quoted; and I, as an humble disciple, held that doctrine, and taught it until the enunciation of the decision of the Supreme Court in the Dred Scott case, to which, as a law-abiding man, I most humbly bow.

Aside from the stump speeches, aside from irrelevant matter, aside from that which antedates this question as it now presents itself, or has for six years last past, to the country, there is, as I conceive, but one main paramount point elicited in the discussion to-day, and that is this: I understood the distinguished Senator from Illinois [Mr. DOUGLAS] to-day in his leading speech, to declare that the people of the Territories of this Union had no political or legislative power except that which they derived from their organic act; that all political and legislative power in this country, outside of the independent and sovereign States of the United States, resided in Congress, under the Constitution; that the people of the Territories, as a sequence, had no political or legislative power except what was derived from Congress through their organic act. He, and other gentlemen, go back to the origin and passage of the Kansas-Nebraska act; to the decision of the Supreme Court, to which reference is constantly made, and which is subsequent, in point of time, to the Nebraska-Kansas act. Now, I understand the Senator from Illinois, and the Senator from Ohio, to admit that the Supreme Court have decided, in effect, that the people of the Territories have no political and legislative power except what they derived from their organic act; that the Constitution of the United States carries slavery into the Territories, or protects it when there. Now, if this be true, that the people of the Territories have no legislative power except that which they derive from Congress; and, if it be also true, that the Constitution of the United States carries slavery into the Territories, or protects it, being there, where does the Legislative Assembly of the Territory derive this power to inhibit slavery? The stream cannot rise above its fountain; the effect cannot transcend its cause; and if all the legislative power which they have is derived from Congress, and that is recorded in their organic act, and Congress itself has no power to inhibit slavery in the Territories, the Constitution carrying it there and protecting it when there, whence does the Legislature of the Territory derive this power to inhibit slavery? That question, in some form or other, has been asked repeatedly; and, I think, not satisfactorily answered.

The Senator from Illinois says to be sure, in response to this interrogatory, if any man is injured there, let him go to the Supreme Court for an answer. But where is the occasion of going to the Supreme Court, when, since the passage of the Nebraska-Kansas act, the Supreme Court have anticipated and decided that question by declaring that there is no power in Congress to inhibit, and that the people of the Territories have derived all power from Congress? I will not consume the time of the Senate upon that point. I am in favor, just so far as it is consonant with the Constitution of the United States, (but I take my interpretation of the fundamental law from the Supreme Court,) of the exercise of the largest sovereignty, the largest political rights and privileges, upon the part of the people of the Territories.

Now, sir, as has been well said to-day, this is

anticipating a question which has not arisen, and may never arise. It is, therefore, for the time being, practically an abstraction; and this matter has been sprung, not, as I conceive, by the Democratic party, or by a Democratic member of the Senate, but by a member of the Opposition, for the purpose of dividing and distracting, as I opine, the counsels of the party at a momentous period in the legislation of the country. Now, it occurs to me that it would be wise in the Senate to vote down this amendment, and proceed to pass upon the legitimate portions of the bill, or upon the bill in the aggregate, and proceed with the legitimate legislation of the country. It will be time enough for the Democratic party, it will be time enough for the Senate, and time enough for the country, to pass upon the question of the power of the people of the Territories when such a question shall arise. In the mean time, so far as this amendment, in its letter, is concerned, it amounts to simply this: will you repeal the Kansas restriction? That amendment is, professedly, predicated upon the preceding provision of the bill, that $20,000 be appropriated to take a census of the people of Kansas. It is immaterial to me whether the census of the people of Kansas is taken, or not. I differ with gentlemen upon that subject. Senators have urged here, if you strike out that amendment we will not insist upon this amendment. It occurs to me that the amendment is still more illegitimate and uncalled for because of the existence of that provision in the bill. Why? The people of Kansas, those who are anxious for a State government, are affirming, and the members in their interest affirm, that they have the numbers sufficient for a member of Congress, and that, if they have not that amount now, one year more of emigration will give them ninety-three thousand four hundred and twenty, and upwards. If that be true, or anything like true, then we have nothing to fear; they are not delayed. The Government proposes to take an enumeration of the people there, for the purpose of ascertaining the population. If there be any cogency, any pertinency, any reason for that provision in the bill, there is certainly no reason, at the same time and coeval with it, for repealing this restriction; because, if the restriction is repealed, we say by that repeal that we no longer impose any conditions as to population upon you, and, as soon as you can frame your State government, and apply at the doors of Congress, we are prepared to receive you; and, therefore, there is no necessity of enumerating the people; but, in the mean time, if this enumeration is to take place, there is certainly, in my judgment, no occasion for the repeal.

I am not in favor of that restriction. I repeat, I have no objection abstractly to its repeal, if that would be the effect of it; if Kansas were here with her constitution in her own chosen way applying for admission, and I were to vote for her admission, that would be in effect to vote for the repeal of this restriction, and that I would be prepared to do, provided always that she comes here legitimately and in the right way, in her own chosen way, without foreign interference. When she shall have adopted a constitution, and followed the example set to her by Oregon, if the number of her inhabitants is about that, or in the neighborhood of that of Oregon, sufficient for a member of Congress, I should not be particular; but I will not hold out a premium for this species of legislation, illegitimate and uncalled for, which embarrasses legislation, delays legitimate legislation, if not with a view, with the end, the certain end of embarrassing the Government. I will do that which my constituents sent me here to do, that which is in itself right and proper and legitimate, and attend to every case and proposition as they may arise.

Mr. TRUMBULL. We have had exhibited to-day, Mr. President, the miserable fruits of this unfortunate Kansas-Nebraska bill. A measure denounced at the time of its passage, as two-faced, as deceptive, as delusive, has been discussed here by its friends to-day, and they are differing now as to its meaning. In 1854, when the friends of that bill urged it through this body, and when amendments were proposed to make it certain, where were the gentlemen who, to-day, have declaimed so eloquently about the right of the people of the Territories? An amendment was proposed in this body, giving authority to the Territorial Legislature to regulate this subject of slavery, and it was voted down. I, myself, proposed an amendment in this body, in 1856, authorizing the Territorial Legislature of Kansas to regulate the subject of slavery for itself; and the Senator from Michigan, who, to-day, was so eloquent in favor of the great principle of this Nebraska bill, was one of those who united to vote it down. With what face can such Senators come into the Senate now, and say that that is the great principle of the bill? Why, sir, it has been notorious to the whole country that this bill was advocated upon different principles in different sections of the Union. What was called its great principle varied as you traveled from one State to another. It was one thing in South Carolina, and a different thing in New York. There never was a measure which passed the Congress of the United States, so unfortunate to the peace of the country, one which has given rise to so much trouble, so much alienation of feeling, as this one measure known as the Nebraska bill; and yet there are to be found persons here lauding it and praising it, and raising the cry of the Democracy to rally upon its principle, "the great principle underlying our institutions," the "great principle of self-government." Those who opposed the measure said, at the time, that it was a deceptive measure, intended to impose upon the country. They offered amendments to make it specific and certain, but its friends voted them down.

What has occasioned the alienation of feeling between the North and the South? What has given rise to these sectional parties? What has united the South as one man, in a sectional party against the North, and to a great extent united the North against the South? The only reason why it is not as completely united as the South is, that the South is more intensely sectional than the North; and yet the South charges the North with sectionalism! A party so intensely sectional that they will not suffer their principles even to be discussed, and so intense that they will put down by violence any opposition, charges the North with sectionalism! They even go so far as to tell the North that if a President of the United States is elected in the constitutional mode by what they choose to call the Abolition party, but by the great Republican party, that that will be a cause for the dissolution of the Union. That, sir, is a denial of the great representative principle which lies at the foundation of this Government. It is saying to the majority of the people of the United States, you shall not be represented according to your choice; and if you do not submit to the representation and the dictation of the minority, the Government shall be dissolved.

But, sir, apprehensions have been expressed here among the former friends and still advocates of this Nebraska bill, of the fate of the Democratic party; and though I would not rejoice in that which gives other men sorrow, as a general thing; yet, notwithstanding that the Senator from Mississippi grieved and mourned over the prospects of the Democratic party in view of this division upon the question, I must say that, for the good of my country, I rejoice in its disruption. It was held together by incoherent principles after all, which, the moment they developed themselves, have rent it asunder. This Democratic party that has had possession of the Government—calling itself Democratic, but which is a party that has departed from all the Democracy of the fathers—since 1854, and that is the date of the commencement and the origin of this party, I was about to say—has nearly dissolved the Union already, but I trust not; but it has done much towards alienating that friendly spirit which formerly existed between different parts of the Union. It has led to civil war in one of your Territories; and, sir, I verily believe, if the truth were told to-day, that more men have been murdered in Kansas, more lives lost in that Territory by violence, than they have been able to force slaves into it by the repeal of the Missouri compromise.

I ask you, Senators, would it not have been better when you organized the Territories of Kansas and Nebraska in 1854, to have left that old compromise alone? Suppose you had organized those Territories and said nothing about the Missouri compromise, which thirty years before had given peace to the country: sir, the Territories would have been settled in peace as Minnesota was settled, as Oregon was settled, under a similar law excluding slavery. We would have had none of this strife, none of this unkindness, none of this sectional feeling. This party organized in 1854, has pursued such a line of policy as has brought the whole country to the very verge of civil war, and we actually have had civil war to some extent, in one of the Territories of the United States. I think it about time that power was wrested from such a party, and I rejoice that I see the signs of its departure from their hands.

In regard to this controversy in reference to the government of the Territories which now divides parties, and is the only test of party faith, I think the exhibition we have had to-day, and the history of the country for the last five years, ought to admonish us all that it would be better to go back to the old policy of the fathers, to that policy under which all our other Territories have been settled, until we come to Kansas and Nebraska. Under this new doctrine many difficulties have occurred. It is contended by some who say that Congress has no such power, that the Territorial Legislature may exclude slavery. That seems to me the veriest absurdity that any one could ever urge. The Territories of the United States, we all agree, belong to the United States; they are to be governed by Congress. Whatever territorial government they have, is created by virtue of an act of Congress. We all agree to that; for the friends of the Nebraska bill, the very persons who argue that there is such a thing as territorial sovereignty, are the very men who voted for the act of Congress creating the Territory, and conferring upon it whatever power it had. As was well said by the Senator from Mississippi, can you take a greater quantity out of a tub than the tub contains? Can Congress confer a power which it has not itself to confer? If you deny the power of Congress to exclude slavery from the Territory, how is it possible that Congress can give the power to its agent to exclude slavery? It cannot be.

There are but two sides to this question, and there is no intermediate ground. One is the side occupied by the Republican party, which claims, according to the doctrine of the fathers—according to the practice of the Government until 1854; according to the decisions of the courts until 1856, both the State courts and the courts of the United States—that the power of governing the Territories is in Congress; that Congress may, in the exercise of that power, exclude slavery if it thinks proper. Congress may confer that power on the Territorial Legislature. Congress has conferred it on the Territorial Legislature of Kansas; whether wisely or unwisely, I will not undertake to say. I have no doubt that the Legislature of Kansas may rightly exclude slavery; because Congress, in the organization of that Territory, conferred upon its Legislature all legislative power upon this subject, and Congress itself has the power to exclude slavery; and having delegated that power to the Territorial Legislature, of course the Territorial Legislature may exercise it. I have no difficulty about this. This is a plain provision; we can all understand it; but to those who deny the power of Congress to exclude slavery, I would like to put the question, where does the Territorial Legislature get the power? It cannot have it. It does not exist there. Unless Congress has that power, it does not exist anywhere; for the Territorial Legislature can have no greater powers than those conferred upon it by the act of Congress.

This is one view of the question. The other is, that the power to exclude slavery, or keep it out of a Territory, does not exist anywhere in this Government. But it is contended that under and by virtue of the Constitution of the United States slavery goes into the Territories. This is a doctrine which has no foundation in the Constitution. There is no clause there establishing slavery in the Territories. This has been argued this evening conclusively, to my mind, by the Senator from New Hampshire, [Mr. CLARK,] that the Constitution does not create slavery anywhere. He has shown that there are but three clauses in the Constitution relating to slavery, or to persons where it is understood that slaves are referred to; and these clauses refer, as he has shown, to persons held to service by virtue of State laws; and there is no clause in the Constitution conferring upon Congress the authority to extend the fugitive slave law to the Territory. The power is only to extend the fugitive slave law to a State, and not to a Territory. How

does Congress, then, get the power to extend the fugitive slave law to the Territories of the United States? It gets it by virtue of its general power over the Territories. Congress, having the authority to govern the Territories while they remain in the territorial condition, may, if it thinks proper, extend the fugitive slave law to the Territories; not by virtue of that express clause in the Constitution which authorizes the reclamation of persons escaping from service or labor in one State into another, but by virtue of its general power over the Territory. That is the only way that it can exercise this authority of reclaiming a fugitive from a Territory at all.

The Senator from Michigan [Mr. STUART] argued to-day that the great principle of the Kansas-Nebraska act was non-intervention; that Congress would not intervene on the subject of slavery or any other subject; that Congress surrendered up to the Territory, at the time that it was created, all its powers over them. Why, sir, that is contradicted by the act, from beginning to end. Every section in it is a contradiction of that assumption. Congress did no such thing. Some one stated in debate here to-day, that a former Senator from California (Mr. Weller) moved to strike out of the Kansas-Nebraska bill, when it was pending, a clause which required the laws adopted in the Territory to be reported to Congress for revision; stating, that on the great principle of non-intervention which they were adopting, it would be improper to require these laws to be submitted to Congress, and he would not vote for the bill if that clause was in it. Why, sir, the whole clause, as I said, from beginning to end, is nothing but intervention. It intervenes even to the extent of fixing the jurisdiction of a justice of the peace. It intervenes by declaring what officers they shall have in Kansas; how many members of the Territorial Legislature they shall have; what their pay shall be, and what courts they shall have. All these things are prescribed by act of Congress to a people who are told they are not to be interfered with at all.

I suppose I will be answered in this, by saying that what is meant is, that Congress did not intend to intervene on the subject of slavery. Well, sir, that is not true. They did intervene on the subject of slavery, by extending the fugitive slave law into Kansas. In express terms, they extended the fugitive slave law to Kansas by the organic act. That was a direct intervention on the subject of slavery. They intervened in another respect; and it is manifest, from the language of this act, that its framers expected slavery to exist in Kansas. I will read a clause of it, providing for writs of error and appeals from the supreme court of Kansas to the Supreme Court of the United States. There is a law limiting the right of appeal to cases where the amount in controversy exceeds a thousand dollars; except—

"That in all cases involving titles to slaves, the said writs of error and appeal shall be allowed and decided by such supreme court, without regard to the amount of the matter, property, or title in controversy."

Here was a direct provision, looking to the holding of slaves in the Territory of Kansas, and giving the owner of a slave a special privilege. If the Territorial Legislature of Kansas should pass a law prohibiting slavery, and under that law the slave should set up his right to freedom in Kansas, this Kansas-Nebraska bill conferred on the person claiming to be his owner the right of takiug that case to the Supreme Court of the United States, though the negro might not be worth fifty dollars, or fifty cents—a special privilege conferred upon the owners of slaves by this Kansas-Nebraska bill, which was framed on "the great principle of non-intervention." Now, sir, is not this demonstration that there is no such principle in the bill? that it was not formed upon any such principle as that of non-intervention? It is a contradiction and an assumption to say that there is any such principle in it.

I wish to say a word upon another point. I do not mean to detain the Senate more than five or ten minutes. It is said that by the Constitution of the United States, as expounded by the Supreme Court in the Dred Scott case, slaves are put on the same footing as other property, and that therefore a man has a right to take them into Kansas, and hold them as slaves as long as the territorial condition continued. I deny that the Constitution gives any such right, and that the Supreme Court has made any such decision; but for the sake of argument, admitting that the Supreme Court has made a decision that under the Constitution of the United States a man has a right to take his slave to a Territory, and that the Supreme Court has decided that to be the meaning of the Constitution, then it is said that the Territorial Legislature may still exclude slavery, just as it could any other property, and that it may exclude any property. I deny it. I deny that it can exclude any property, or that slavery is, in any sense, to be placed on the same footing as any other property. Other articles are recognized as property by the universal law of mankind. A man has a right to the horse which he has in his possession, wherever he goes, and he may reclaim that horse if taken from him in any part of the world. Even among savages, this right to property is recognized as well as in civilized nations. But there is no such general right of one person to hold another person in slavery; and it is only by virtue of the local law that one man holds another man in slavery. It is by force, by arbitrary power, the power of the statute.

The cases are not at all alike. If they were exactly alike, then, sir, I would concede that you could not exclude slavery from a Territory. You could not exclude them if the title to slaves, and the title to articles of property, stood upon the same footing. I do not believe that the Territorial Legislature can, by law, prevent my going into a Territory, when it is open for settlement by the law of the United States; or can take my knife in my pocket, or my watch. That would be depriving a man of his property without the judgment of his peers, or the law of the land. I could reclaim my property, my watch, that was taken from me, in Kansas, by virtue of the principles of the common law which prevail everywhere in this country; and when courts were established there, I could sue out my right without any statute or enactment, in Kansas, to recover my watch, or its value, by bringing the common law action; but I could not maintain any such suit for a slave. The difference is, that the slave ceases to be property the moment it is taken without the jurisdiction which makes him a slave. It is upon this principle that we say that slavery does not exist, and cannot exist, in any Territory, without a positive law to establish it. But, if we put it on the same footing as other property, and if the Constitution of the United States declared that a man should have a right, in so many words, to hold another person as a slave, in any other part of the United States, or in any Territory of the United States, in the same manner as he held it in any State of the Union, by virtue of State law, then I would admit that the Territorial Legislature could not exclude slavery. But there is no such clause in the Constitution. There is nothing in the Constitution establishing slavery anywhere. There are in it provisions referring, I admit, to slaves, not by name, but referring to persons who we know by the history of the times to have been slaves.

My object in rising at all was to present these two or three views: to show that the difficulties which have come upon the country have come upon it in consequence of the false policy of 1854, and owe their origin to the passage of this Kansas-Nebraska bill; that the so-called Democratic party, now in power, has departed from the principles of Democracy; that it does not advocate one principle of the principles of the old Jackson Democracy. It is not economical, but it is extravagant. It is not for a strict construction of the Constitution, but is liberal in its construction of that instrument. It is not for State rights, but it is in favor of consolidating all power in the hands of the Executive. It does not protect the rights of the States, for you have seen them trampled down in the Indiana case. There is not a single feature which formerly distinguished the Democratic party, that is now advocated by the Democratic party, that is now advocated by the so-called Democracy of 1856 and 1858; or if advocated it is not practiced. Sir, the bill brought in, known as the force bill, to confer the power of making war upon the President, at his discretion, is not only a violation of the Constitution, but a violation of the cherished principles of the Democratic party and the old Republican party, the predecessor of the Jackson Democracy. I wanted also to call attention to the true theory, as I conceive, in regard to the government of the Territories; which is, that the power in reference to them is in Congress, to be delegated or not, as Congress shall think best; and to what extent it is to be delegated Congress is to determine. Congress having delegated all its legislative authority over slavery in the case of Kansas, therefore the people of Kansas, during their territorial existence, have the right to exclude slavery. Whether it was wise to delegate that power or not, may be another question. I believe that Congress itself should exercise that power.

Having said this much, so far as I am concerned I am willing to take the question.

Mr. CRITTENDEN. If you can, Mr. President, after such a lapse of time, inform me precisely what the question is, I shall be prepared to vote upon it.

The PRESIDING OFFICER, (Mr. HOUSTON in the chair.) The question is on the amendment submitted by the Senator from New Hampshire.

Mr. CRITTENDEN. What is that?

The PRESIDING OFFICER. The Secretary will read it.

The Secretary read the amendment, which is to insert the following as a new section:

And be it further enacted, That the first section of the act entitled "An act for the admission of Kansas into the Union," approved May 4, 1858, be, and the same is hereby, amended by striking out the following words, to wit: "whenever it is ascertained by a census, duly and legally taken, that the population of said Territory reaches or exceeds the ratio of representation required for a member of the House of Representatives in the Congress of the United States," which words are hereby repealed.

Mr. CRITTENDEN. I cannot perceive, Mr. President, what possible effect the repeal, or the refusal to repeal, this law is to have. Whenever Kansas shall present herself here for admission, my vote will not be at all affected, whether that law is repealed or not; and I think I can say that the vote of no Senator here can possibly be influenced by such a consideration. If this is the case, have we not been engaged in a most idle debate? If we adopt this amendment, it may lead in the other House to a debate as protracted as we have had upon it, and may endanger the passage of this important appropriation bill. No good is to be gotten in any view of it. Why, then, is it to be pressed? Why are we to endanger this bill, or why, when but one short week of this session remains, hazard anything and delay the consummation of our business here? I declare, sir, I can see no reason on earth for it.

Mr. TRUMBULL. If the Senator from Kentucky will allow me, I will state what I suppose to be the reason. I suppose it is this: there is an existing statute of Congress which expressly prohibits the people from framing a constitution and State government until they have this population. Now, then, if they go on under the territorial law to form a constitution and State government, it is in defiance of the act of Congress; and law-abiding citizens in Kansas would refuse, perhaps, to do so until this inhibition of Congress is removed. It would not be binding upon us. It would not bind me at all. I should not feel any difficulty in regard to the action of Congress; but a citizen of Kansas, or a member of the Legislature of Kansas, law-abiding men, may feel embarrassed by this existing provision of the statute in his way, which forbids any action until they have this population.

Mr. CRITTENDEN. I must be governed in my vote on this occasion by the influence which it will have on me. So far as respects my vote, the repeal or refusal to repeal the law will not have the slightest effect. I must act upon my own conviction, then, about it. I am no Democrat, and you know it. I am no Republican, and you know it. I therefore strive for no party victory on either side. I want the business done and proceeded with; and I would, if I could, take any course to avoid the agitation of this slavery question. What good has it ever done? I ask those who would propagate slavery and those who would propagate anti-slavery, what effect have all the struggles which have so affected this country produced? Look back to the one and the other, and see if you can claim one spot of territory that has been consigned to slavery, or one spot of territory that has been redeemed from it, by it.

Mr. DURKEE. We made Kansas a free State.

Mr. CRITTENDEN. No, sir; Kansas is an exemplary instance of the contrary. The one or the other party have sought to accomplish ob-

jects there; but they did not effect them. Now, sir, after twenty years of slavery agitation, what has either party effected? I ask gentlemen candidly to review the history of the past in this respect. The question of slavery has been determined by great natural causes, and so it will be. Mighty efforts have been made about Kansas. Is it not exactly the way it would have been by the natural course of emigration and of population? It is exactly the way it would have been; and yet, we have had a world of trouble and a world of national dissension about it. So, on the other side, I might ask, what has been gained? Nothing at all. Efforts have been made, and have been fruitless. The justice of the American people, the influence of the Constitution, and natural causes, control this question, and have always controlled it. Nothing has been done; and I regret, sir, that we are doomed to the perpetual reagitation of this question of slavery.

I am no party man. I simply want to proceed straight-forward in the business of the country; and my ardent wish would be that gentlemen on all sides, laying aside that bitter feeling which party spirit has engendered, should come together in a spirit of more nationality. What have all these party strifes, your organizations, governments within governments, a democratic government within a great constitutional government, organizations, parties, plans, caucuses, conventions, and so on, done for the people? The people of the country are, to a great measure, it seems to me, lost sight of. What have the people, for instance, to do in the election of a President? A parcel of gentlemen get themselves elected to a convention; they go there, and a few leading men hover about the outskirts and dictate all that is done, and then set up a platform, and that platform is infallible for four years. Here, in the debates of the Senate of the United States upon great national questions, the platform is quoted, and gentlemen are held to that platform. The people are taught that they must vote for the nominee, and can vote for nobody else. The people and the Constitution are in danger of being superseded in this long strife of parties.

An honorable Senator has said that parties ought to cease the moment they cease to be useful to the country. I think that time has come. The country is regarded as the theme to serve parties. The country is the prize and the prey of parties. That is the condition in which we are placed. I trust that this thing is not to last much longer. I want to see the people regain their rights. I want to see the Constitution regain its supremacy. I want to hear no more of platforms instead of the Constitution, or of conventions that are the masters of the people. That is the state of things which long party strife has created. It is well for the people and the country that there should be an end to it. It engenders nothing but bitterness, civil strife, and hardly deserves the name of generous party controversy. It has well been said, that this sort of party spirit is the madness of the many for the good of the few.

I come back sir, to the question, for I do not mean to prolong this debate. These are thoughts that had arisen in my mind upon witnessing the scenes for the last few days that engaged the attention of the Senate, and now to this time of between eleven and twelve o'clock at night. The question is simply whether we shall repeal a law or refuse to repeal it, which is to operate nothing. I shall vote against the motion to repeal. I will not send this important bill back to the House of Representatives with a sting in it, with a cause of debate and agitation and controversy there. It is better for the country that we should have no such debates. They produce no good—none whatever. I shall vote against the amendment.

The Secretary proceeded to call the roll.

Mr. MASON, when his name was called, said: I wish to state that I have paired off with the Senator from Michigan, [Mr. STUART.]

Mr. DOOLITTLE. I have been requested to state that Mr. HAMLIN, who is absent in consequence of indisposition, has paired off with the Senator from Iowa, [Mr. JONES.] If he had been present he would have voted for the amendment.

The result was then announced—yeas 19, nays 27; as follows:

YEAS—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Harlan, King, Seward, Trumbull, Wade, and Wilson—19.

NAYS—Messrs. Bigler, Chesnut, Clay, Clingman, Crittenden, Davis, Fitch, Fitzpatrick, Green, Gwin, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Polk, Pugh, Reid, Rice, Sebastian, Slidell, Smith, Toombs, Ward, and Yulee—27.

So the amendment was rejected.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. Shall the question be taken on concurring in the amendments made as in Committee of the Whole, together or separately?

Mr. HUNTER. I hope they will be taken in gross.

Mr. REID. I object to that.

The VICE PRESIDENT. Objection being made, the first amendments will be read.

Mr. HUNTER. Let us take the question on concurring in those that are not excepted.

Mr. REID. I desire that the clause relating to the branch mints at Dahlonega and Charlotte be restored.

Mr. COLLAMER. I desire to have a separate vote on the subject of that amendment about taking the census in Kansas.

The VICE PRESIDENT. The Chair was just going to suggest that the Secretary should read the amendments, and when one was objected to, it should be set aside for a separate vote.

Mr. HUNTER. Let us take a separate vote on the amendment providing for the taking of a census in Kansas, and strike it out.

The VICE PRESIDENT. The Secretary will read that amendment.

The Secretary read the amendment; which was on page 25, after line six hundred and ninety-five, to insert the following:

To enable the Secretary of the Interior to have taken a census of the people of the Territory of Kansas, with a view to its admission into the Union as a State, $20,000.

The VICE PRESIDENT. The question is on concurring in this amendment, made as in Committee of the Whole.

The amendment was non-concurred in.

The VICE PRESIDENT. The Secretary will now read the amendment in regard to the mints in North Carolina and Georgia.

Mr. HUNTER. I suggest that the question be taken on concurring in the other amendments made in committee, and that we then take a vote on that amendment.

The VICE PRESIDENT. Is it the pleasure of the Senate to take the question on the other amendments in gross? The Chair hears no objection.

The other amendments, made as in Committee of the Whole, were concurred in.

The VICE PRESIDENT. The Secretary will now read the amendment in regard to the mints in North Carolina and Georgia.

Mr. HUNTER. Before that is read, I wish to suggest an amendment. The Printer has undertaken to correct it. As the bill came from the House, a clause which read three dollars, should be $300. I move, in line one hundred and seventy-one, after the word "three," to insert "hundred;" so that it will read:

For contingent expenses of the Executive Office, including stationery therefor, $350.

The VICE PRESIDENT. Is it the general sense of the Senate that this modification be made? The Chair hears no objection, and the modification will be made. The Secretary will now read the amendment in regard to the mints.

The Secretary read the amendment, which is to strike out the following:

"*At Charlotte, North Carolina.*

"For salaries of superintendent, coiner, assayer, and clerk, $6,000.

"For wages of workmen, $2,600.

"*At Dahlonega, Georgia.*

"For salaries of superintendent, coiner, assayer, and clerk, $6,000.

"For wages of workmen, $2,880."

Mr. IVERSON. I trust the Senate will not concur in the amendment made as in Committee of the Whole, striking out the appropriation for these two branch mints. I desire to make a very few brief remarks upon that question. The Senate is in no condition to hear a prolonged debate; and I shall not weary their patience by anything like an extended debate on this occasion, although I feel some personal interest in the matter, as one clause of the amendment will affect a number of my constituents—the branch mint at Dahlonega—to which I shall confine my attention; going very little into the branch mint at Charlotte, North Carolina. I have before me a statistical table from the report of the mint, from which it will appear——

Mr. CRITTENDEN. I will vote with the Senator, if he will only let us have the question.

Mr. IVERSON. Very well. I will barely say that it is probable, from the information I have derived from correct sources, that the amount of gold which will be produced in the neighborhood of Dahlonega will be vastly increased beyond what it has been heretofore. I will give the reasons upon which I predicate this opinion. ["Oh, no."] Well, I trust that the amendment will be voted down. I will not trespass upon the Senate.

Mr. REID. I will not inflict anything in addition to what the Senator from Georgia has said on the Senate, except that I believe his is a good case, and that the mint at North Carolina is a still better one; and I hope both will be retained.

The VICE PRESIDENT. In committee, the Senate struck out the appropriations for these mints. The question is on concurring in the action of the Committee of the Whole.

The question being put, the Vice President decided that the amendment was non-concurred in.

Mr. TRUMBULL and Mr. CHANDLER called for the yeas and nays.

The VICE PRESIDENT. The Chair decided it, and the vote was overwhelming.

Mr. TRUMBULL. I called for the yeas and nays.

The VICE PRESIDENT. The Senator called too late. The Chair had decided the question.

Mr. TRUMBULL. I move to reconsider the vote by which the amendment was non-concurred in, and on that question I call for the yeas and nays.

Mr. IVERSON. I rise to a point of order. Nobody can move to reconsider except one who voted in the majority, and the Senator from Illinois did not vote in the majority. He knows he did not, and he has no right to move a reconsideration.

The VICE PRESIDENT. As the Senator from Georgia has made the point of order, the Chair will ask the Senator from Illinois whether he voted in the majority.

Mr. TRUMBULL. No, sir; I did not. I will ask some friend who voted for the measure to make the motion for me.

Mr. DOOLITTLE. I did not vote at all, and if I can do so, I will make the motion to reconsider.

The VICE PRESIDENT. It is the impression of the Chair that a Senator not voting can make that motion.

Mr. CLINGMAN. I was going to say that we should take the vote by yeas and nays by common consent on the amendment. It will take no more time to do it in that way than this.

The VICE PRESIDENT. Is it the unanimous consent of the Senate to take the yeas and nays upon concurring in the amendment?

Mr. MASON. I object.

The VICE PRESIDENT. Then the question is on the motion to reconsider the vote by which the amendment was rejected.

Mr. MASON. I submit to the Chair that none but one who voted in the majority can make that motion.

Mr. TRUMBULL. I would submit to the Chair that I intended to call for the yeas and nays, and spoke as quick as I could. The Chair did not hear me. I called for them before the decision was announced. It was done very rapidly. I desire to have the yeas and nays upon it, as there was a decided vote on it, by yeas and nays, to strike out the appropriation. I intended to call for them.

Mr. DOUGLAS. If my colleague will allow me, in order to avoid debate, I will move to reconsider, as I voted in the majority, although I shall vote against the motion.

The VICE PRESIDENT. The Chair thinks the motion made by the Senator from Wisconsin is in order. It is moved to reconsider the vote by which the Senate non-concurred in the amendment, and upon this question the yeas and nays are demanded.

Mr. TRUMBULL. I would prefer to have

the yeas and nays directly upon the question of concurring in the amendment. That is the simplest way.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The question now recurs on concurring in the amendment made as in Committee of the Whole.

Mr. TRUMBULL. Now I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLINGMAN. I hope it will be understood that the vote we are now about to take will apply to both mints, and also to the amendment of the Senator from Illinois to dispense with them, as well as this appropriation. I hope the understanding is, that the vote is on both of them together.

The VICE PRESIDENT. The question before the Senate is upon the amendment by which the Senate, in committee, rejected the appropriations for these two mints.

Mr. CLINGMAN. I understand that; but we adopted an amendment also dispensing with them afterwards; and in order to avoid having two votes, I suggest that we take the question on them both together; otherwise we shall have to have a second vote upon the amendment of the Senator from Illinois.

The VICE PRESIDENT. That is an amendment of which the Chair was not apprised.

Mr. TRUMBULL. I have no objection to that course.

Mr. HUNTER. Let us take them both together.

Mr. BIGLER. They both embrace the same question.

Mr. TRUMBULL. As I offered the amendment, I will state that I have no objection to their both going together. I hope that, by unanimous consent, the vote will be allowed to be taken on them together.

The VICE PRESIDENT. If that be the sense of the Senate, the Secretary will read the amendment.

Mr. HUNTER. It is hardly worth while to read it. We all know what it is. It is merely to provide for dispensing with those mints.

The VICE PRESIDENT. The Secretary had better read it. The Chair was not aware of that, and did not know the state of the question.

The Secretary read it, as follows:

Strike out as follows:

"*At Charlotte, North Carolina.*

"For salaries of superintendent, coiner, assayer, and clerk, $6,080.

"For wages of workmen, $2,600.

"*At Dahlonega, Georgia.*

"For salaries of superintendent, coiner, assayer, and clerk, $6,060.

"For wages of workmen, $2,880."

And insert:

And be it further enacted, That all laws establishing branch mints at Charlotte, North Carolina, and Dahlonega, in Georgia, be, and the same are hereby, repealed; and the President of the United States is hereby authorized to cause to be sold, at such time and on such terms as he may deem most conducive to the public interests, the sites now occupied by the branch mints at Charlotte and Dahlonega, and also cause the proceeds to be paid into the Treasury of the United States.

The VICE PRESIDENT. The question now is upon concurring in that amendment made as in Committee of the Whole?

Mr. MASON. Is the question on striking out the appropriation, or on the amendment of the Senator from Illinois?

Mr. HUNTER. By common consent we take them both together.

The question being taken by yeas and nays, resulted—yeas 15, nays 27; as follows:

YEAS—Messrs. Broderick, Chandler, Clark, Collamer, Doolittle, Durkee, Foot, Foster, Hale, Harlan, Johnson of Tennessee, King, Toombs, Trumbull, and Wade—15.

NAYS—Messrs. Bigler, Cameron, Chesnut, Clay, Clingman, Crittenden, Davis, Dixon, Douglas, Fitch, Fitzpatrick, Green, Gwin, Houston, Iverson, Johnson of Arkansas, Kennedy, Lane, Polk, Pugh, Reid, Rice, Sebastian, Seward, Smith, Ward, and Yulee—27.

So the amendments were non-concurred in.

The amendments were ordered to be engrossed and the bill read a third time. It was read the third time.

Mr. CHANDLER. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 16; as follows:

YEAS—Messrs. Bigler, Chesnut, Clay, Clingman, Collamer, Davis, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hale, Houston, Hunter, Iverson, Johnson of Arkansas, Kennedy, Lane, Mason, Polk, Pugh, Reid, Rice, Sebastian, Smith, Ward, and Yulee—27.

NAYS—Messrs. Broderick, Cameron, Chandler, Clark, Dixon, Doolittle, Durkee, Foot, Foster, Harlan, Johnson of Tennessee, King, Seward, Trumbull, Wade, and Wilson—16.

So the bill was passed.

POST ROUTE BILL.

Mr. YULEE. I ask the Senate to resume the consideration of the bill (S. No. 874) establishing certain post routes. Upon the bill being taken up, I shall move to adjourn, my object being to leave it as the unfinished business for to-morrow.

Mr. JOHNSON, of Tennessee. I hope we shall not take up that bill now. There are other important bills that ought to be acted upon.

Mr. YULEE. I hope the motion will be put.

Mr. JOHNSON, of Tennessee. I hope not. I understand the motion to be to take up the bill establishing post routes.

Mr. DOOLITTLE. I ask the honorable Senator from Tennessee if he will give way to allow me to make a motion to adjourn?

Mr. JOHNSON, of Tennessee. I will do that.

Mr. DOOLITTLE. If the Senator yields to me, I move that the Senate adjourn.

Mr. YULEE. I ask what effect that motion, if adopted by the Senate, will have upon the pending motion to take up the bill? Will it remain the first business in order to-morrow?

The VICE PRESIDENT. It will not. It is moved and seconded that the Senate adjourn.

Mr. YULEE. I hope we shall not adjourn until we act on the motion to take up the bill.

The motion was agreed to; and thereupon (at sixteen minutes to twelve o'clock) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 23, 1859.

The House met at eleven o'clock, a. m. Prayer by Rev. JOHN C. STONESTREET.

The Journal of yesterday was read and approved.

Mr. HARRIS obtained the floor.

Mr. HOUSTON. Is a quorum present?

The SPEAKER counted the House, and stated there were only one hundred and nine members present.

Mr. HOUSTON moved that there be a call of the House.

Mr. WASHBURNE, of Illinois, demanded tellers.

Tellers were ordered; and Messrs. CRAIG of Missouri, and CHAFFEE were appointed.

The House divided; and the tellers reported—ayes 17, noes 109.

So the House refused to order a call of the House.

BARON DE KALB.

Mr. HARRIS, by unanimous consent, introduced resolutions of the Maryland Legislature, in reference to a monument to Baron De Kalb; which were laid upon the table, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by J. B. HENRY, his Private Secretary, informing the House that he had this day approved and signed bills of the following titles:

An act for the relief of Samuel A. Fairchilds;

An act to authorize the claimants in the right of John Huertas to enter certain lands in Florida;

An act granting an invalid pension to John Lee, of the State of Maine;

An act for the benefit of the captors of the British brig Caledonia, in the war of 1812;

An act for the relief of Leonard Loomis;

An act for the relief of the representatives of Henry King, deceased;

An act for the relief of David Watson;

An act for the relief of Robinson Gammon;

An act for the relief of Francis Carver;

An act for the relief of John F. Cannon; and

An act for the relief of Frederick Smith.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by ASBURY DICKINS, their Secretary, informing the House that the Senate had passed a resolution and bills of the following titles:

Joint resolution (H. R. No. 22) for the relief of Michael Pappreniza;

An act (H. R. No. 83) for the relief of William H. Russell;

An act (H. R. No. 221) for the relief of Mary Bainbridge;

An act (H. R. No. 551) to protect the land fund for school purposes in Sarpy county, Nebraska Territory; and

An act (H. R. No. 804) to authorize the settlers upon sixteenth and thirty-sixth sections, who settled before the surveys of the public lands, to preëmpt their settlements.

THE TARIFF.

Mr. HUGHES. Mr. Speaker, I ask the unanimous consent of the House to introduce a bill to revive the tariff of 1846.

Mr. JONES, of Tennessee. I object.

Mr. HUGHES. I move, then, a suspension of the rules for the purpose indicated.

Mr. PHELPS, of Missouri. Previous to the adjournment yesterday, I moved a suspension of the rules. The gentleman from Michigan [Mr. HOWARD] appealed to me to withdraw my motion. I neglected to do so; but submitted a motion to adjourn. That motion, I understand, is now pending. The House adjourned on the motion to suspend the rules.

Mr. HUGHES. I wish to correct the gentleman as to his facts. I understood the motion to suspend was withdrawn. If it were not, I wish to call the attention of the Chair to the form in which it was made. In the first place, the gentleman submitted a motion for the suspension of the rules.

Mr. HOUSTON. I ask for an examination of the Journal, to see whether there is a motion pending for a suspension of the rules.

The SPEAKER. There is such a motion pending. The Chair was under the impression that it had been withdrawn.

Mr. HUGHES. I wish to make the point that the motion now pending does not amount to any motion under the rules; and for this reason: the gentleman from Missouri first submitted a motion to suspend the rules and go into the Committee of the Whole on the state of the Union. He then withdrew so much of that motion as related to going into the Committee of the Whole on the state of the Union, to enable some gentleman to introduce another resolution; so that his motion stood before the House as a simple motion to suspend the rules, for no purpose whatever. I make the point that a motion to suspend the rules, disconnected with any other proposition, is no motion at all. When the gentleman withdrew that portion of the motion to go into the Committee of the Whole on the state of the Union, the whole motion fell.

The SPEAKER. The proposition of the gentleman was to suspend the rules, so as to enable him to introduce a resolution, extending "for this day" the resolution heretofore adopted for evening sessions for debate.

Mr. HUGHES. The time having passed for the evening session proposed, the resolution then becomes an impossibility.

The SPEAKER. That may be a good reason for rejecting the motion to suspend the rules, but not one to justify the Chair in refusing to put the motion.

Mr. PHELPS, of Missouri. I withdraw my motion to suspend the rules, and submit another motion that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair thinks that would be rather sharp practice on the gentleman from Indiana. [Laughter.]

Mr. HUGHES. I ask to have my bill read.

Mr. PHELPS, of Missouri. I addressed the Chair for the purpose of having the Chair to recognize me. The Chair did recognize me; and I withdrew the motion, and submitted another; as I had the right to do.

The SPEAKER. The Chair must entertain the motion of the gentleman from Missouri; if he insist upon it.

Mr. HUGHES. Then I call on the House to vote it down, and rebuke the gentleman.

The SPEAKER. Debate is not in order.

Mr. HUGHES. I call for the yeas and nays on the motion to suspend the rules.

The yeas and nays were not ordered.

The motion was agreed to.

POST OFFICE APPROPRIATION BILL.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the State of the Union, (Mr. HOPKINS in the chair,) and resumed the consideration of the bill making appropriations for the Post Office Department for the fiscal year ending June 30, 1860; the pending question being on the following amendment offered by Mr. MONTGOMERY to the amendment of Mr. AVERY:

Be it further enacted, That the act approved the 3d day of March, 1857, entitled, "An act reducing the duties on imports, and for other purposes," be, and the same is hereby, repealed; and the act, entitled, "An act reducing the imports, and for other purposes," being the act of 30th of July, 1846, be revived; with the following amendments, to wit:

Strike out all provisions at present found in any of the schedules of said act which impose duties on iron, or the manufactures of iron, in any form, and insert after the end of the last schedule of said bill, the following:

And be it further enacted, That from and after the passage of this act there shall be levied, collected, and paid, on the importation of the articles hereinafter mentioned, the following duties; that is to say: On iron in pigs, six dollars per ton; on old scrap iron, six dollars per ton: *Provided*, That nothing shall be deemed old iron which has not been in actual use. On railroad iron, of sections not exceeding six inches in height, twelve dollars per ton; on iron in bars or bolts, hammered or rolled, thirteen dollars per ton: *Provided*, That all iron in slabs, blooms, loops, or other form less finished than iron in bars or bolts, and more advanced than pig iron, except castings, shall be rated as iron in bars or bolts, and pay a duty accordingly. On Russia sheet iron, galvanized sheet iron, also known as sheet zinc, two cents per pound; on plain iron castings, one half cent per pound; on cast iron railway chairs, one half cent per pound; on wrought iron railway chairs, one cent per pound; on wrought nails and spikes, cut tacks, sprigs, and brads, one and one half cent per pound; on cut nails and spikes, one cent per pound; on wrought iron tubes, for gas, steam, and water, one and one half cent per pound; on round or square iron, or braziers' rods, of three sixteenths to ten sixteenths of an inch in diameter; and on hoop iron; and on iron, slit, rolled, or hammered, for band iron; and on scroll iron, or casement rods; iron cable chains, or parts thereof, manufactured in whole or in part, of whatever diameter, the links being of the form of chains for cables, one and one half cent per pound; on all other chains of iron, not otherwise provided for and specified, one half cent per pound; on anchors, or parts of anchors, manufactured in whole or in part; anvils, blacksmiths' hammers and sledges, one and one half cent per pound; on mill saws, cross cut saws, and pit saws, one dollar each; on all kinds of steel, unmanufactured, one and one half cent per pound; on all other kinds of iron, rolled or hammered, not otherwise specified and provided for, twenty dollars per ton; on muskets and rifles, and all other kinds of fire-arms, or side-arms, or other manufactures of steel and iron, or either, on all cutlery, and other articles of hardware, not otherwise specified and provided for, thirty per centum *ad valorem*.

Mr. DEAN. I rise to a question of order. That amendment is not germane to the bill.

Mr. BARKSDALE. It is clearly out of order.

Several MEMBERS. Let it be read.

The Clerk proceeded to read the amendment.

Mr. MORGAN. The amendment is clearly out of order, and it is nonsense to take up time in reading it.

The CHAIRMAN. There is no doubt about it. The Chair rules the amendment out of order.

Mr. MONTGOMERY. Will the Chair hear me a moment on the question?

Mr. DEAN. I shall object.

Mr. MORGAN. If the gentleman from Pennsylvania takes an appeal, I object to his debating it.

Mr. MONTGOMERY. The Chair has, of course, the power of extending to me the courtesy to let me refer to precedents in the House on this this subject.

The CHAIRMAN. The amendment having been ruled out of order, the gentleman from Pennsylvania has the remedy of an appeal from the decision of the Chair. The Chair entertains no doubt as to the amendment being out of order.

Mr. MONTGOMERY. I am necessitated to take an appeal from the decision of the Chair. The revision of the tariff is a question of such importance, and is so imperatively demanded by the best interests of the whole nation, and of such thrilling interest to the people of Pennsylvania, that I cannot consent to permit an opportunity to pass without an effort to do something for the Treasury and the country. I therefore insist on my appeal.

Mr. BARKSDALE. I move to lay the appeal on the table.

Mr. MONTGOMERY. I will state the grounds of my appeal.

Mr. DEAN. Debate having been closed on the bill, the appeal is not debatable.

Mr. MONTGOMERY. But I have a right to state the grounds of my appeal. The rules of this House are mere matters of convention. We make our own rules. If the House has heretofore decided such an amendment in order, that decision settles the rules until it is reversed. Now, it has been settled by a majority of the House, in February, 1855, that such an amendment as the one which I have offered, is in order. I find in the Congressional Globe, for the second session of the Thirty-Third Congress, the following precedents:

"Mr. EDGERTON, on the 23d of February, 1855, offered an amendment affecting the duties on certain specified articles of import.

"Mr. FLORENCE raised the question that it was not in order.

"The Chair held the amendment to be out of order.

"An appeal was taken, and the decision of the Chair was overruled.

"The next day, Mr. LETCHER offered a substitute for Mr. EDGERTON'S amendment regulating the duties on imports. No question of order was raised, and the substitute was adopted."

Mr. MORGAN. I rise to a question of order. The gentleman is not stating his point of order, but is arguing the question.

The CHAIRMAN. The Chair understands the gentleman to be referring to a precedent established by the House.

Mr. MONTGOMERY. Yes, sir; I am referring to a case decided by the House; and I am giving the authority for the admissibility of my amendment. I desire to show that a gentleman who stands very high in the House, and whom I consider one of the first parliamentarians in this body, acquiesced in such a construction of the rule, and offered such an amendment. The precedent then established has never been reversed; and if a tariff bill was a legitimate amendment to an appropriation bill then, it is equally so now.

Mr. CRAIGE, of North Carolina. I rise to a question of order. I understand the Chair to decide that the gentleman from Pennsylvania had the right to state his point of order, but had not a right to argue it.

Mr. MONTGOMERY. I am not arguing it. I am quoting authority to show that such is the rule of this House.

Mr. CRAIGE, of North Carolina. The gentleman is arguing and quoting authority.

Mr. MONTGOMERY. I am simply quoting the precedent established by the House, and showing that this precedent has not been overruled and is yet one of our rules, for precedents are rules until reversed.

The CHAIRMAN. The Chair holds that it is not in order for the gentleman to read authorities, for that is debating his appeal. The Chair permitted the gentleman to refer to decisions.

Mr. MONTGOMERY. Well; I desire simply to refer to them, and have been doing so.

Mr. LETCHER. I move that the gentleman be allowed to proceed for his five minutes.

Mr. JONES, of Tennessee. I hope the gentleman will be kept to the rules of the House.

Mr. CRAIGE, of North Carolina. I insist on enforcement of the rule.

Mr. MONTGOMERY. Mr. Banks, who was afterwards Speaker of the House, offered such an amendment. His parliamentary information will not be disputed nor denied. Then the gentleman from Virginia, [Mr. LETCHER,] who is, in my opinion, one of the first parliamentarians in the House, offered a substitute for the amendment of the gentleman from Ohio, which was a tariff bill; and if these things were in order then, they are as much so now.

The CHAIRMAN. The Chair would again remind the gentleman from Pennsylvania that members on all sides object to debate, and he considers that the gentleman from Pennsylvania is debating.

Mr. MONTGOMERY. I referred to these precedents to show that the House has established such a rule, and I was reading that rule, as established by precedent, not by a decision of the Chair, but by a vote of the House; and, in order to show what that rule is, it is indispensably necessary that I should show when and how it was established, and where the precedent is to be found. I refer to the Congressional Globe, the record, to show the time, the occasion, and the circumstances under which that rule was established; and to show, also, that the proceeding which I am now instituting, is regular, orderly, and in accordance with the rules and precedents of the House, and has been acquiesced in and acted upon by the best parliamentarians amongst us. How can I do this, unless I am permitted to read the precedents? I am stating the ground upon which I maintain that my amendment is in order.

The CHAIRMAN. The gentleman will perceive that if he is permitted to read those precedents, other gentlemen will go into the whole question of the reason of the rule, and the circumstances under which it was adopted. The Chair thinks the gentleman from Pennsylvania is not in order.

Mr. MONTGOMERY. Is it in order for me to say that the proceeding by which this rule was established, is to be found in the Congressional Globe, of February 23, 1855, and that the gentleman from Virginia, whose parliamentary tact, skill, and learning are proverbial, acquiesced in it? I earnestly urge this thing, through no disrespect to this House, but because I am convinced that it is sustained by the practice of the House, and because I desire to have something done on the subject of our revenues, to sustain our credit, encourage our manufactures, and prevent the necessity for an extra session of Congress.

The CHAIRMAN. The Chair thinks it would not be in order.

Mr. LETCHER. I ask the House to allow me a moment to explain my position about this matter.

Mr. CRAIGE, of North Carolina. I object to any further debate on the question of order.

Mr. LETCHER. I do not mean to debate it.

Mr. MONTGOMERY. I do not object to the gentleman's explanation, if I am allowed to state the facts in reply.

[Cries of "Order!" "Order!"]

The CHAIRMAN. Debate is not in order. The 55th rule provides that—

"No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment."

This is a bill simply appropriating money to pay the expenses of the Post Office Department for the next fiscal year, and the amendment is a proposition to impose duties on foreign imports. The Chair thinks the amendment clearly out of order under the 55th rule.

The question being on the appeal,

Mr. MONTGOMERY called for tellers.

Tellers were ordered; and Messrs. CRAIGE, of North Carolina, and CHAFFEE were appointed.

The committee divided; and the tellers reported —ayes one hundred and nine, noes not counted.

So the decision of the Chair was sustained, and the amendment ruled out of order.

The question recurred on the amendment offered yesterday, by Mr. AVERY, which was read as follows:

Provided, That the contract made and entered into between the Post Office Department and Butterfield & Co., for carrying the overland mail from the Mississippi river to the Pacific coast, be, and the same is hereby, ratified and confirmed, and that Butterfield & Co. be compelled to carry said mail according to said contract.

Mr. REAGAN. I move to amend the amendment by adding the following:

Provided further, That if any contract for carrying the mails be changed, under the authority of Congress, it shall be the duty of the Postmaster General to re-advertise and re-let the contract, as in the first instance.

Mr. PHELPS, of Missouri. I rise to a question of order. I think that this amendment proposes to change the existing law. This is a bill to appropriate money to fulfill the requirements of existing law, and not for independent legislation.

Mr. REAGAN. I regret to see, after a particular interest has succeeded in getting an amendment grafted on the bill, these persistent efforts to exclude everything to qualify that effort to change the existing contract. If this original amendment which the Chair ruled to be in order, was in order, this amendment is certainly not out of order.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. REAGAN. Then in order that the House may act intelligibly on the proposition to change the contract for carrying the mail to the Pacific, I will ask the gentleman from Missouri [Mr. BLAIR] a question. The question I wish to ask the gentleman is: whether he knows that any member of the Butterfield company desires a change in their contract?

Mr. BLAIR. I will say to the gentleman I know that no member of that company bid for

this route, and that they protested against its being located there.

Mr. REAGAN. That is not an answer to my question. Does the gentleman know whether any member of that company desires a change in their contract?

Mr. BLAIR. I do not know any member of that company.

Mr. REAGAN. Then we have this state of facts existing. The Cabinet have considered this matter well. It is not a mere decision of the Postmaster General, as was intimated yesterday. The decision in establishing the line of the route over which the route should pass, was made upon full consultation, as I have stated, upon the part of the Cabinet, and the entire Cabinet is responsible; a route over which the mail has been carried with a success which has exceeded all expectation. It is now proposed to change that for an uncertainty, for a route in reference to which the probabilities are all against success. And more than that, we are now asked by a member on this floor to change an important contract by a clause attached to the Post Office appropriation bill, for which change not a single human being concerned in it has asked; overruling an important decision of the whole Cabinet, and repudiating that contract; which every gentleman knows can have no earthly possible valuable effect. It is perfectly evident that no good can result from it. It can have no other effect than to work a very great injury to the best interests of the country.

Now, sir, I supposed, from the anxiety of the gentleman to change this route, that he had some indication from these contractors that they wished the change made. But, from the statement made by the gentleman now, it seems that they do not desire it. Well, sir, suppose you abrogate this contract, which has been made, and leave it to Butterfield & Co. to locate the route, what will come next? Every railroad, north and south, having a terminus on the Mississippi, or anywhere on the western frontier, will offer inducements to the contractors to make the terminus of their route to suit their particular interest. Every city having an interest in the terminus of the route will beset them to fix that terminus to suit its particular interest. You put these contractors into the market without their request, and in violation of the public interest. You offer inducements to every railroad company to buy up the location on the part of Butterfield & Co. The Cabinet have made the present location, upon full consultation and deliberation; and I hope that contract will be confirmed.

[Here the hammer fell.]

Mr. BLAIR. The amendment offered yesterday by the gentleman from Tennessee [Mr. AVERY] was to ratify a contract which was made clearly in violation of law. The very language of the law gives the location of the route to the contractors themselves. It is shown that the route fixed by the Postmaster General was one which the contractors had no hand in selecting. They were compelled to take that route.

Mr. REAGAN. Why did they take the contract? Nobody forced them them to take it.

Mr. BLAIR. They were forced to take it. They were not allowed to select their own route. The Postmaster General himself, in speaking of the location of this route, says so:

"On the 2d day of July, 1857, the Department, after full and mature consideration, made the following order in relation to the route selected and the bid accepted:

"12578. From St. Louis, Missouri, and from Memphis, Tennessee, converging at Little Kock, Arkansas; thence via Preston, Texas, or as nearly so as may be found advisable, to the best point of crossing the Rio Grande, above El Paso, and not far from Fort Fillmore; thence along the new road being opened and constructed under the direction of the Secretary of the Interior, to Fort Yumas, California; thence through the best passes and along the best valleys for safe and expeditious staging, to San Francisco.

"The foregoing route is selected for the overland mail service to California, as combining, in my judgment, more advantages and fewer disadvantages than other.

"No bid having been made for this particular route, and all the bidders (whose bids were considered regular under the advertisement and the act of Congress) having consented that their bids may be held and considered as extended and applying to said route."

The Postmaster General says that nobody bid for that particular route, and yet he selected a route which, it can be demonstrated, was nine hundred miles further to the Pacific, than another route directly from the Mississippi to the Pacific ocean. Now, sir, the gentleman from Tennessee desires that this contract, made in violation of law, shall be confirmed; and the gentleman from Texas [Mr. REAGAN] proposes an additional provision, that if we abrogate one contract illegally made, we should give the official who has made one illegal contract, a chance to make another illegal contract. That is the substance of these two amendments.

Now, sir, so far as the opinion of the gentleman that the central route is not a practicable one, is concerned, I desire to say that actual experiments show that it is practicable; and not only practicable, but it is much more so than the southern route. It is within the knowledge of the House that the President's Message was expressed through, by the central route, to San Francisco in seventeen days, in the midst of winter, while it required twenty-one days to express it by the southern route. In any other season of the year, the trip can be performed over the central route in half the time it will require for the southern route.

Mr. Chairman, I do not appear here as the advocate of Butterfield & Co., or as the advocate of any contractors whatever. I do not know any one of these contractors. I never saw one of them to my knowledge. But, sir, I appear here for the whole country; I want to break down this contract, and to allow the contractors to transport the mail across some central route which shall be for the benefit of all the States. I go for the whole country, and not for the southern part of it alone. I go for the entire country, and for allowing the contractors to select a route which shall better subserve the interests of the country than to confine it to the thirty-second parallel of latitude, on the very verge of our country, and at one place, as I am informed, and believe, running through Mexican territory.

Mr. AVERY. I ask the gentleman whether he is in favor of abolishing this contract altogether?

Mr. BLAIR. I am not.

Mr. AVERY. Then the gentleman is for St. Louis, at any rate.

Mr. BLAIR. I am not for St. Louis, unless consistent with the best interests of the country. I want these contractors to be allowed to select the best route. It is for their interest to select the best route. If they are to carry the mail to the Pacific for a specified amount, it is for their interest to select the best and most expeditious route. They will not be swayed by any political influence.

Mr. MAYNARD. It would be very easy to sway them by capital.

Mr. BLAIR. It is very easy; under the present dynasty, and in violation of the provisions of law, to force them, for political purposes, to take a route which the best interests of the country do not demand. It is very easy to force them to become the pioneers of a southern railroad route.

Mr. MAYNARD. What are the motives to which the gentleman alludes?

Mr. DAVIDSON. And does not the gentleman from Missouri want the route to go altogether to St. Louis.

Mr. BLAIR. It starts from St. Louis already.

Mr. DAVIDSON. And that is the *whole* country to which he refers.

[Here the hammer fell.]

The amendment to the amendment was rejected.

Mr. ATKINS. I move the following amendment:

Provided further, That any land granted as preëmptions to any company which may have been employed to carry the mails, shall be forfeited if the company shall fail to carry the mails on the route on which said preëmptions were or may be selected, and according to the terms of the contract under which the selections were made.

Mr. Chairman, I offer that amendment because I believe that the good sense and justice of the House will approve of it in the event the amendment heretofore moved by the gentleman from Missouri [Mr. BLAIR] shall be agreed to. I cannot see any justice in abrogating this part of the contract, and then allow this company to have these land preëmptions. I have made a calculation of the number of acres that this company will get from the Mississippi river to San Francisco. They will get near one hundred thousand—between ninety-six and one hundred thousand. If the amendment of the gentleman from Missouri be agreed to, then this company ought to give up these lands. I think that the House cannot fail, if it has a proper sense of justice, to adopt the amendment I have offered.

I desire to say a word with regard to the practicability of this route. A good deal has been said about it. I appeal to common sense, I appeal to no other arbiter—I will not appeal to experience—I appeal to common sense, whether it is not more reasonable that this contract can be carried out upon the thirty-second parallel than upon the route indicated by the gentleman from Missouri. Why?

The CHAIRMAN. The Chair thinks that the gentleman is not debating the amendment.

Mr. ATKINS. I think that it is rather late to enforce the rule. I say so with all due respect to the Chair. The utmost latitude for debate has been indulged to gentleman upon this floor.

The CHAIRMAN. The Chair is not aware that the question on which the gentleman is speaking has been debated on any of the amendments.

Mr. ATKINS. I hope the committee will adopt the amendment I have offered. It would be unfair, it would be unjust to the country, to allow this company to have these lands, if the amendment of the gentleman from Missouri be agreed to.

[Here the hammer fell.]

Mr. PHELPS, of Missouri. I oppose the amendment. No lands have yet been selected by this company; and therefore their preëmption rights do not yet attach.

Mr. CLARK, of Missouri. This amendment cannot be in order.

The CHAIRMAN. It is too late to make a point of order on the amendment.

Mr. PHELPS, of Missouri. The company have not yet made their selections.

Mr. REAGAN. They have gone as far as they can go by locating their stations across the line.

Mr. BLAIR. I do not think that it would be any hardship for them to give up the land upon the southern route.

Mr. PHELPS, of Missouri. The General Land Office has prescribed regulations in reference to contractors granted lands anywhere in the United States, and this company has thus far selected no lands. They could make selections only in Arkansas, Missouri, and California: for there have been no surveys of the intermediate territory.

Mr. ATKINS. Allow me to ask the gentleman a question. Does the gentleman desire that the route from Memphis to Fort Smith shall be abrogated?

Mr. PHELPS, of Missouri. I do not.

Mr. ATKINS. Why, then, did, he vote the other day for the amendment offered by his colleague [Mr. BLAIR?]

Mr. PHELPS, of Missouri. I am ready to answer the gentleman's question. These contractors bid to carry the mail starting from Memphis and St. Louis, and I desired to see the contract awarded to them to start from those two places, intersecting west of Arkansas, and then keeping upon the thirty-fifth parallel. That was the route I advocated; and that is the route I still advocate. So far as Memphis is concerned, you have to look elsewhere for an enemy to that city. Let me tell the gentleman from Tennessee, that I think the people in the valley of the Mississippi river would get along better if they would attempt to harmonize the interests of both St. Louis and Memphis, instead of making them antagonistic.

Mr. BLAIR. I only want the contractors to have a choice of the route across the continent. That is the provision of law.

[Here the hammer fell.]

Mr. MAYNARD. And let venal contractors select the route.

Mr. ATKINS. They cannot be more venal than the Cabinet; for the Cabinet has violated the law.

Mr. REAGAN demanded tellers on Mr. ATKINS's amendment.

Tellers were ordered; and Messrs. HAWKINS and BUFFINTON were appointed.

The committee divided; and the tellers reported—ayes 57, noes 76.

So the amendment to the amendment was rejected.

Mr. COBB. I offer the following amendment to the amendment:

Provided further, That the act approved 3d March, 1855, granting preëmption rights to mail contractors, is hereby re-

pealed: *Provided, also*, That this repeal shall not affect any contract or contracts heretofore provided for by law.

Mr. KELSEY. That amendment is not in order. It alters existing law.

Mr. COBB. It embraces the principle that is embraced in the other amendment.

The CHAIRMAN. The Chair is of opinion that the amendment is in order.

Mr. COBB. I think so.

The CHAIRMAN. It relates to contracts in regard to postal service; and it is in order under the 81st rule.

Mr. HOWARD. I appeal from the decision of the Chair. It certainly proposes to change existing law.

Mr. COBB. So did the other amendment.

Mr. HOWARD. If the other was out of order, that does not make this in order.

Mr. HOUSTON. Is there an appeal from the decision of the Chair?

The CHAIRMAN. There is. The Chair is not aware that any rule of the House precludes new legislation in regard to the subject under consideration. The only question is, is the amendment germane to the subject to which it is proposed? The 81st rule of the House is:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law."

That rule was adopted in 1837, and in 1838 this addition was made to it:

"Unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.

It is not, therefore, a question as to new legislation; and the Chair maintains that you may adopt any new legislation pertinent to the subject under consideration, unless it proposes to make an appropriation of money not authorized by existing law.

The question being on the appeal,

Mr. KELSEY demanded tellers.

Tellers were ordered; and Messrs. BRANCH and BUFFINTON were appointed.

The committee divided; and the tellers reported —ayes 55, noes 64.

So the decision of the Chair was overruled, and the amendment decided to be out of order.

The question recurred on Mr. AVERY's amendment.

Mr. SMITH, of Virginia. I move to amend the amendment, by adding to it the following:

Provided further, That it shall be the duty of the Postmaster General to abrogate the mail contract of Butterfield & Co., if the transportation of the letters carried by them heretofore shall have cost the Government twenty dollars each.

Mr. PHELPS, of Missouri. I rise to a question of order. The amendment submitted by the gentleman from Virginia proposes to abrogate a contract made in pursuance of a law of Congress, and is not in order; not being germane to the subject-matter of the bill.

Mr. SMITH, of Virginia. A word upon that subject. It is well known to the committee that the law gives the Postmaster General a right to terminate existing contracts on paying one month's compensation.

Mr. OLIN. I object to debate.

Mr. SMITH, of Virginia. I am stating the fact that there is a general law which gives the Postmaster General a right to terminate mail contracts, or to discontinue service, on giving one month's compensation. All I propose in this case is to provide that he shall do it, if it should turn out that the transportation of a letter across the continent costs the Government twenty dollars, when the Government only gets ten cents for it.

The CHAIRMAN. The Chair thinks that, under the decision of the committee a moment ago, the amendment of the gentleman from Virginia is not in order.

Mr. SMITH, of Virginia. I should like the Chair to suggest what would be in order. I move to amend the amendment of the gentleman from Tennessee by inserting the word "not" before the words "be compelled."

The CHAIRMAN. The Chair supposes that it would be in order to change the character of the amendment in that particular.

Mr. HUGHES. I suggest to the gentleman that he should move to strike out the words "confirmed and ratified," and insert "abrogated."

Mr. SMITH, of Virginia. The Chair would rule that out of order. Mr. Chairman, I desire to say something upon this subject, and I will say it now. It seems that the gentleman from Missouri [Mr. BLAIR] occupies a position that certainly was not known to us on this side of the House until the declaration he has made, that he is for the whole country. It was manifest, from what had heretofore passed, according to our humble comprehension, that the gentleman was for St. Louis only, and that the whole country centered in that city.

Mr. BLAIR. I cannot help the gentleman's want of knowledge.

Mr. SMITH, of Virginia. I know that; nor can the gentleman help his want of enlarged patriotism. Why, he carried this thing so far that he scornfully said—I heard the remark, although it was not in his speech—that he presumed Butterfield & Co. would be very ready, indeed, to give up their lands on the southern route.

Mr. TOMPKINS. Is this debate in order?

Mr. SMITH, of Virginia. It is in capital good order.

The CHAIRMAN. The debate has all along taken a wide range. The question of order having been raised, the gentleman from Virginia will confine himself to the amendment.

Mr. SMITH, of Virginia. If I am out of order I will submit to be ruled out with great cheerfulness. But, sir, I was going on to congratulate the country that the gentleman from Missouri has made his appearance in a new light. I say new light, because we were under the impression that he regarded the interests of the country in a very narrow view. I am gratified now to learn that he is for the whole country. Now, sir, I am for the interests of the whole country, and I am willing to give to the whole country the benefit of abolishing this preëmption privilege which is given to those mail contractors on the overland route. I am willing to give the whole country the benefit of abolishing the whole overland mail service to California. If it is continued, it is continued at great expense. It has been stated, and I have not heard it contradicted, that all the letters which have been carried over this overland route have cost $100 a letter, while the Government have received only ten cents a letter.

Mr. CURTIS. Will the gentleman from Virginia inform me how much the Government pays for carrying letters by the Tehuantepec route, the Nicaragua route, or the Panama route, and how much revenue the Government receives from the letters carried by those routes?

Mr. SMITH, of Virginia. I cannot inform the gentleman precisely; but I will tell him that all the letters for the Pacific will be carried by those routes, except a very few letters sent from the neighborhood of the terminus of the overland route. No, sir; this route is not wanted for postal purposes. It is wanted, and is designed, as a pioneer settlement agency. It is designed that settlements shall be built up along the route across the plains. It is wanted for that, and for nothing else. And for this purpose the revenues of the Post Office Department are to be taxed.

Mr. SCOTT. Mr. Chairman, I sincerely regret and truly deprecate the discussion which has arisen between the States of Missouri and Tennessee upon this great overland route between St. Louis and Memphis to San Francisco. As long as the discussion existed between Missouri and Tennessee, I had no desire to participate in this matter, nor to bring my State into a triangular fight. I have watched this debate with considerable solicitude, anticipating that such a move would be made as has been made by the gentleman from Virginia, [Mr. SMITH;] for the amendment which the gentleman has offered, and the argument which he has made, would virtually abrogate the contract of Butterfield & Co., and destroy the route. Now, sir, the gentleman has arrived at the jumping off place, and it is right that I should be heard.

I tell the gentleman from Virginia that, in this move, he places himself in direct antagonism with the sentiments of four fifths of the people of this country. Do you recollect, sir, the burst of excitement and enthusiasm which pervaded this Union when it was thought that the Atlantic telegraph was a success? This enthusiasm was only equaled when the telegraphic wires from St. Louis announced to this country that the great waste lying between the Mississippi and Pacific had been traversed in twenty-four days and a few hours; and that American energy and American enterprise and American courage had achieved that which every man felt a glow of pride and satisfaction in. As regards the statement made by the gentleman in relation to the number of letters carried over this overland route, I say this: that not having the statistics with me, I cannot give him a detailed or accurate statement of the amount of mails carried by Butterfield & Co; but, sir, I do know that they have carried heavy mails of letters, and I am informed that they are now making preparations to carry over newspapers in addition to the letters.

I think that there is a good deal of good sense in the argument of the gentleman from Missouri, provided that it would reduce the time to fifteen days, as the gentleman alleges it will; but I regret that he has made this move, as it may jeopard the existence of this route; and I deprecate the feeling which it has engendered in this House. The people of this Union are not only in favor of these overland routes solely on account of the mail facilities which they afford, but because they are the great pioneers or forerunners of settlement and civilization of that immense territory lying between the Mississippi and the Pacific; and we find now, sir, all along these routes, stations which will soon grow and extend into villages, and ere long into towns and cities. The emigrant who formerly slept on the plains amid the howls of the wolf and the whoops of the Indian, will now find in his toilsome and weary journey over the plains a house to shelter him, and a friend to defend him.

I am for economy—for enlightened economy and reform in Government expenditures; but I will vote thousands, and that cheerfully, whenever it will contribute to the greatness, the grandeur, and power of my country; and this is what I conceive to be the duty of every American statesman and patriot.

[Here the hammer fell.]

Mr. AVERY. I ask the gentleman from California, if he is not willing to allow the present contract to remain as it is?

Mr. SCOTT. I reply to the gentleman, that I am anxious to let well enough alone.

The amendment to the amendment was not agreed to.

Mr. BURNETT. For the purpose of enabling me to make a remark or two, I move to strike out the latter part of the amendment.

Mr. Chairman, I have listened to the discussion which has taken place in this committee upon the subject of the contract with Butterfield & Co. with some regret. I have been opposed to the letting out of this overland mail contract. I believe it was wrong. I agree with the gentleman from Virginia [Mr. SMITH] in the view taken by him in this matter. I am willing to give the country the benefit of abolishing this whole overland Pacific mail service. I do not believe the interests of California, or of the whole country, demand it. It is a fact which has not been contradicted, that all the letters carried over this route have cost the Government $100 a piece.

Mr. BLAIR. That was because the route fixed upon by the Postmaster General was nine hundred miles longer than there was any necessity for.

Mr. BURNETT. I am in favor of abolishing the whole contract. Now, sir, I say to the gentleman from Missouri, [Mr. BLAIR,] and not only to him, but to the chairman of the Committee of Ways and Means, who can see nothing but St. Louis in reference to this matter, that I have no objection to their making war upon this southern route, because, in my opinion, to defeat that would be to defeat the whole thing, and I am in favor of abolishing the whole service. If we are to have this overland mail, I am for it as it now stands; let us carry out and enforce the contract made by the Post Office Department.

If this unjust warfare is to be prosecuted by the two gentlemen from Missouri, upon the southern branch of this route, and it is to be discontinued, gentlemen will find that the whole route will go with it.

I merely wanted to say this. I hope the amendment of the gentleman from Missouri may be carried through the Senate; that it may become a law; for when this is done, then, sir, in my judg-

ment, the country will be rid of an evil which costs us a large amount of money, and for which we have received no equivalent.

Mr. MARSHALL, of Kentucky. In reply to my colleague, [Mr. BURNETT,] I will say that I am very averse to seeing any war made, directly or indirectly, upon the southern Pacific railroad route; for I believe that road can and will be made, and it is demonstrable that it is *the* route a railroad should take, not merely to promote the interest of the South, but *for the interest of the commercial North.* No other route will afford half the advantages to the manufacturing interests of the North and East that the southern route will present. The object of the member from St. Louis, in striking at the postal contract of Butterfield, is patent. Every one here, and every intelligent man in the country, will understand that his amendment is offered under the apprehension that a pioneer postal route will determine the line of settlement for emigrating populations.

Mr. BLAIR. I wish to correct the gentleman from Kentucky; he misrepresents my motive.

Mr. MARSHALL, of Kentucky. I have no disposition to do the gentleman from Missouri any injustice.

Mr. BLAIR. My amendment proceeds upon what I have said, that the location *was made in violation of law.*

Mr. MARSHALL, of Kentucky. I know what the gentleman said, and it is not for me to assign *motive* to the conduct of the gentleman; nor is it at all essential to my purpose to refer to his *motives.* I speak of the effect of his action; and the first effect is, *war upon the southern Pacific railroad.* That is the effect of his amendment, even if such was not his intent. I was saying, when interrupted, that the establishment of this post route, with liberty to the contractor to preëmpt a large body of land at every stage of twelve miles, and, of course, to erect upon such lands shops, stables, houses, &c., and to establish there the residences of his employés, would offer, of itself, such securities to the emigrant, such assurances of shelter and assistance along the whole line of travel, as to induce him to make this post route the line of his emigration to the far West. Such determination of the emigrant will, at once, point out the route as *the line of pioneer settlements,* affording *nuclei* of future populations. The amendment of the gentleman proposes to disturb this law, by breaking in upon the route as at present established by the contract between the Post Office Department and Mr. Butterfield and his associates.

I do not wish this to take place, because I am convinced *the southern line is the best line for a Pacific railway.* First. It is the shortest line to the Pacific from all points on the Mississippi river, and from all points east of that river. The physical geography of the continent is peculiar. Stick a pin (in the map or globe) in the city of New York, and stretch a string to Guaymas, on the Gulf of California, and with this radius describe a circle, and you will at once see that Guaymas is nearer to New York, by hundreds of miles, than San Francisco, or any point in upper California. Stretch the line from New York to the head of the Gulf of California, and it is shorter by far than to any point of the Pacific coast in a higher latitude. Transfer the center to Chicago; and you will see that the line to the Gulf of California is the shortest line to the Pacific from the northern lakes. Go further west—even to St. Joseph, in Missouri, and try from that point. It is nearer to the Gulf of California than to any point of the Pacific ocean, even on the line of latitude on which St. Joseph is situated. This feature in the geography of the country is significant of the proper line of a Pacific railroad, if the intervening space presents no insuperable barrier to the construction of the road; for the eye will discover at a glance that by this route whole ranges of mountains are avoided which block the way of more northern routes, while the mild climate of the country offers a release from all the disadvantages of snow and ice. Reconnoissances have demonstrated the entire practicability of the southern route; and, indeed, the company has already constructed some twenty-six miles of the road from Lake Caddo towards El Paso, and contemplates finishing some fifty or sixty miles more in this year. That company is not asking Congress for material aid; and I hope it will find in the future no occasion to call upon Hercules to help it out of the mud. I believe it will succeed, and I hope it will.

But, Mr. Chairman, it is not only the shortest route, *it is the best commercial route,* because it traverses the most degrees of latitude, and affords a connection between sections having the greatest variety of climate and production. Suppose you run a road from Chicago to the Pacific, on the line of latitude of Chicago: the whole country on the route produces *the same articles* for market. There can be no barter between different places along the line, in what each may hold of surplus production. Change the direction, and penetrate the tropics with the line, and each section will find a market for its whole surplus production in the other neighborhoods along the line. It is, then, the part of true statesmanship to favor *such* a line, instead of making war upon it, or discriminating against it, so as to strip it of advantages already secured, and which we know it is proposed to dispense hereafter in favor of some other contemplated location. Our whole network of railways, sir, may be considered complete from the main points on the Atlantic to the great river of the West. Boston, New York, Philadelphia, Baltimore, Alexandria, Charleston, Savannah, *are* all in established connection with the eastern terminus of the great southern Pacific trunk road, or, with very limited expense, they soon will be. If that is the shortest, best, and most commercial route, the Government should lend it all proper facilities, instead of attempting to throw obstacles in its way. Our cities would act wisely should they unite to press it forward, instead of frittering away their respective energies and time in useless controversy, founded on jealousy of each other. One word more to New York, Boston, and manufacturing New England, about this *southern* Pacific railway. Running to El Paso, and thence by some line westward to the sea, *it lays along the whole northern rim of Mexico,* and offers *to them* a new point of trade with Mexico. England, France, and Belgium, cannot enter into competition with them at that point. The rapidity of communication and safety of transit considered, the line of rail to El Paso *offers the safest, quickest, and healthiest way to the Mexican market, and reaches it at a point where you will have no competitors from abroad.* Why shall England trade to Mexico twelve to fifteen million dollars annually, and you only three to four million? It flows from the frequency and certainty of her steam communication with the Mexican ports. But, transfer the readiest line of transportation for merchandise to El Paso, and the New England manufacturer will very soon monopolize the trade. At El Paso we shall see a large interior city rise. I say El Paso; I mean the point at which the southern Pacific mail crosses the valley of the Rio Grande; and from that point commerce will be more advantageously conducted with all of Mexico, north and west of the city of Mexico, than it has ever been, or ever will be, from Vera Cruz or Tampico. I say to New York and Philadelphia and Pittsburg, you are the parties chiefly interested in the consummation of this line of trade, though you may be here to-day against it. The center and the Atlantic South have not half the real interest you have in the rapid development of the Southwest, even to the Gulf of California.

Animated by these views, I am opposed to any legislation which has a tendency to disturb that line of improvement, which puts another great balancing wheel into our political machinery, and writes another sound indorsement upon the continuance of the Union, and the solidity of the American future. But there is still another reason why I am opposed to the amendment of the member from St. Louis. It makes the Butterfield contract *a law of this land,* and deprives the Postmaster General of ability to dispense with it——

[Here the hammer fell.]

Mr. BURNETT, by the unanimous consent of the House, withdrew his amendment.

Mr. CURTIS. I move to strike out the last words of the bill; and my object is to make a reply to the gentleman from Kentucky, [Mr. MARSHALL.] I have not been disposed to meddle with this debate between the gentlemen of the South; but, in justice to the North, and in justice to the State which I, in part, represent, I feel it my duty to present to the committee some facts which are pertinent in reply to the argument urged for this route as a measure due to southern interests. While we have some five or six mail routes to California, three of them within the United States, and three in the Central American States, we have not one overland route north of Mason and Dixon's line; or rather, none north of what we call the southern States. Gentlemen advocate the southern route, because it runs upon the "rim" of Mexico. It may, indeed, be denominated a Mexican line. Since the question of location of routes has been raised, I wish to present to the country and the committee the important fact that great through mail lines start from southern, or pass through Central American States, and not one of them from a northern State of the Union.

The following is a list of overland routes, with their annual cost:

From St. Louis and Memphis, via Gila, to San Francisco, costs	$600,000	per annum.
From San Antonio, Texas, to San Diego, costs	196,000	"
From Kansas City, Missouri, to Stockton, California, costs	80,000	"
From St. Joseph, Missouri, via Salt Lake, costs	353,000	"
Total cost of southern overland routes	$1,229,000	"

Mr. REAGAN. I ask the gentleman whether the South Pass is in a southern State?

Mr. CURTIS. The route that runs through the South Pass, starts from St. Joseph, a southern State, and thence bears north to the South Pass, which is in latitude 42° north.

We, of Iowa, have a "switch" line, by which we connect with the South Pass mail; but the prestige and advantage of the main line is given to Missouri. Our branch unites at Fort Kearny, when passengers may, or may not, find room to take passage in the coaches which pass on the main line. By this branch connection, we do hope to unite with St. Joseph in demonstrating the feasibility of carrying our mail through our own country, instead of sending it, as we now do, mainly through foreign States.

I regard this overland mail service as a competition with the ocean steam routes through the Central American States. Although there is injustice in establishing an extreme southern route, still it is better to submit to the injustice of overland southern routes through the southern States of this Union, than to the still greater national error of selecting overland mail routes through Central American States. Of these, we have mail service on the lines of Tehuantepec, Nicaragua, and Panama. You perceive, therefore, we have three routes starting from southern States, and three running through foreign southern States, but none which we can call a northern route. The honorable gentleman from Kentucky [Mr. MARSHALL] says that it is better that our lines of commerce should run north and south, to secure an interchange of different products. This argument appears specious, but it is not consistent with the currents of trade. Experience proves precisely the reverse of that proposition. Commerce has always flowed in channels that run east and west. Hence, our railroad lines that cross degrees of longitude are profitable, and are generally paying lines; while those which, as the gentleman says, cross parallels of latitude, are poorly supported. I ask the gentleman what northern and southern railroad is profitable? I admit that it is very convenient and necessary to have northern and southern lines; but the great lines of commerce have always run east and west; and no artificial means should be adopted for the purpose of forcing travel, trade, and commerce, out of those natural channels which the geographical or physical features of the world have established.

This line known as the Butterfield contract, which is now before us, starts from St. Louis, which is about the thirty-eighth parallel, and goes southwest to the very southern limits of our Republic, and thence following near the thirty-second parallel to the vicinity of the Pacific ocean, thence again, proceeds north, and arrives at San Francisco about thirty-eight and a half degrees north latitude. This great southing makes the distance traveled upwards of twenty-seven hundred miles, as shown by tables of distances published for that route.

At the time that contract was made, we had daily mails extended through Iowa to the city of

Council Bluffs, on the Missouri river. From that point, by the overland route usually traveled, the distance to San Francisco is about eighteen hundred miles; and to the navigable waters of the Sacramento, only about sixteen hundred miles. All the great national advantages of the long southern route could have been better secured by this central Council Bluffs route, with a saving of eleven hundred miles in travel and several hundred thousand dollars to the Treasury. Why was it not adopted? Why did not the mail go where settlements and travel go?

Mr. SMITH, of Virginia. It could not get through.

Mr. CURTIS. Are there not settlements along the line from Council Bluffs to Salt Lake valley—if not continuous, large and growing in importance? Mails have to be carried that way to the army, to the settlements in Utah, and now to those who are working at the gold mines. Mails can and do get through, summer and winter. "Cannot get through!" Thousands—yes, hundreds of thousands—have traveled that route. In 1849, about fifty thousand emigrants passed by this central route, and the travel would still go that way if this national Government had not lavished the public funds on foreign routes, thereby diverting it through Central America. This central overland route is the safe, healthy, short route to California; and the sooner this is understood and adopted, the better for the whole country. That route is equally convenient to the North and the South; Iowa and Missouri, Chicago, St. Louis, and Memphis. It is the route for the Pacific railroad, and will ultimately receive the preëminence nature gave it, as the great overland direct route to California, the Pacific, and the Indies.

Mr. HUGHES. I wish to submit a question to the committee, with a view of getting rid of the controversy in regard to the Butterfield route. It strikes me that no law which this Congress can pass will accomplish the purpose desired by either of the parties to this controversy. Some gentlemen hold that the contract made by these men with the Post Office Department is a contract in violation of a public statute. Others hold that it was made in pursuance of a statute. If it be in violation of a public statute, then, according to well-settled principles of jurisprudence, it is void, and there is no power in Congress or elsewhere to enforce it. If it is in pursuance of a public statute, then it can be enforced. That, however, is not a question for Congress, but for a different tribunal. It is difficult for me to perceive how our mandates, embodied in the form of law to the effect that Butterfield & Co. should be, or should not be, compelled to carry the mail, can be carried out. It is a mere expenditure of breath to say that they shall or shall not carry the mail; for we have no executive authority to enforce it. This contract is either valid or invalid. If it be valid, it ought to be carried out. But if it be invalid, then the House cannot breathe into it the breath of life. It seems to me that there is a great deal of time unnecessarily consumed in the discussion of a question which is inappropriate on this particular bill.

The question was taken on Mr. CURTIS's amendment; and it was rejected.

Mr. GOOCH. I move to amend the amendment by striking out the last clause, "that Butterfield & Co. be compelled to carry said mails according to said contract," and insert in lieu thereof, the following:

And provided, also, That the said contractors shall have the right to transport the mails by such route as they may select.

Mr. REAGAN. That is already in the bill.

Mr. GOOCH. I have a right to offer it as an amendment to the amendment here.

The CHAIRMAN. The gentleman from Texas must perceive that that is a question of consistency and not of order.

Mr. GOOCH. If I understand the meaning of the law, it gave to the contractors the right to select such route for the transportation of the mail as they might deem advisable. It appears to me that it was the intention of Congress to ascertain, by this means, the best route between the Mississippi river and the Pacific; leaving it to the contractors to select that route, as it was for their interest in every point of view, to select the most desirable route; the route that would open the best communication between these points. Congress knew that if the selection of the route was left to the contractors, uninfluenced and uncontrolled, the best route would be selected.

Now, sir, it seems that the object and intention of Congress has been defeated; some say by the Postmaster General, and others say by the Cabinet as a whole. I do not care by whom it was done. I want to know by what authority any one or all of the executive officers of this Government, undertake to defeat the object and intent of the legislative branch of the Government—clearly expressed, and standing as law upon the statute-book. It seems to me that it has clearly been done in this instance; and the amendment of the gentleman from Missouri was simply designed to secure the execution of the law according to its clear intent and meaning; to compel the Postmaster General to make the contract according to law, and not in violation of law. He intends to say to the Executive Department: administer this law as you find it upon the statute-book, and according to its terms; and nothing more.

Now, there is an objection made to a change of the route. My amendment, and the amendment of the gentleman from Missouri, leave it at the option of the contractors to adopt such route as they choose. If the route already selected is the best one, it is for their interest, upon every consideration, to retain it, because they have their posts established along the whole route; and they will adhere to that route, unless it is absolutely certain that a very much better one can be selected. I insist that it is the duty of this branch of the Government to see to it that the route is selected by the contractors, and not by the Postmaster General, or any or all the officers connected with the executive branch of the Government.

Mr. REAGAN. I want to tell the gentleman from Massachusetts that that assertion made by the gentleman from Missouri, and reiterated by others is wholly baseless, and merely a gratuitous assumption. They have violated no law, as you will see by the law and the contract.

Mr. GOOCH. If I understand the law, it provides that the route is to be selected by the contractors.

Mr. BLAIR. Here is the law.

Mr. GOOCH. I have read it myself.

Mr. BLAIR. This is the law: "From such point on the Mississippi river *as the contractors may select* to San Francisco." That is the law.

Mr. GOOCH. That is the law, and I think that the gentleman from Texas will have to admit that the Executive Department have violated the law when they selected a route which had not been selected by any of the men who proposed to contract to carry the mails.

Mr. FLORENCE. Do the contractors object to the route now?

Mr. GOOCH. I do not care whether they do or not. The intention was that the contractors should select the route. They say they never selected the route. The Postmaster General tells us the contractors did not select the route; but that it was selected by the Cabinet instead of by the contractors.

Now, I believe that it was the object and intent of Congress that the best route should be selected; and, to accomplish that object, it deemed it best to leave the selection to the men who were to carry the mails, who would be sure to select the best route, because it was their interest so to do.

[Here the hammer fell.]

Mr. PHELPS of Missouri. I oppose the amendment of the gentleman from Massachusetts for the purpose of making a statement in regard to this contract. At the time proposals were invited for this overland mail service, the Postmaster General requested those who should bid for the service to designate the points of departure on the Mississippi river, and also, as near as possible, the intermediate points. These contractors, Messrs. Butterfield & Co., presented their proposals for the transportation of the mails from St. Louis and from Memphis, by the thirty-fifth parallel, or the Albuquerque route, to San Francisco; and they also made a combined bid proposing to start from Memphis and St. Louis, intersecting at, or east of, Albuquerque, and thence by the route previously indicated. As I am informed, all of the bidders were in the city of Washington, either in person or by their agents. The matter attracted a good deal of attention in the Cabinet; and the inquiry was made of the contractors if they would consider their proposals or bids as applicable to any route that might be decided on either by the Cabinet or the Postmaster General. To this inquiry they responded in the affirmative. Upon consideration of the different routes proposed, the Postmaster General awarded the contract to Butterfield & Co., requiring them to carry the mails by way of El Paso to San Francisco. At a subsequent time the contract was modified so as to make the intersection at Fort Smith, in Arkansas, instead of at Preston, on Red river.

Mr. GOOCH. I would ask the gentleman what right the Executive Department had to dictate a route to the contractors?

Mr. PHELPS, of Missouri. The contractors assented to the decision of the Department. The contractors entered into the contract, which was afterwards modified, as I have stated.

Mr. BLAIR. Does not my colleague know that the contractors prefer another route?

Mr. PHELPS, of Missouri. I know that the contractors bid for the transportation of the mails upon the Albuquerque route; and having bid for the transportation on that route, without any further information from them upon the subject, I presume they would have liked to have had an opportunity, in the first instance, to have carried the mail upon that route. I am not here as the representative of the contractors. I cannot speak of their desire or their wishes, for I have no information from them upon this subject. But I desire to say that the object of the establishment of this overland mail route was to secure an inland transportation, to build up a line of settlements, and to secure the transportation of the mail matter by an overland route in the shortest possible time. I am aware that the route may be shortened by taking the bid as proposed by these contractors; the distance might be diminished five hundred miles, and, in my opinion, the time occupied in the transportation of the mails might be reduced from twenty-four to eighteen days.

The gentleman from Kentucky [Mr. BURNETT] attempted to array me in opposition to the Memphis branch of the line. I am not opposed to it. I desire to see the line commence at Memphis and St. Louis, and make the intersection westward of the State of Arkansas; and the remarks of the gentleman do me injustice, in assigning me the position of endeavoring to defeat and destroy that line of the road which passes through the State of Arkansas. But, if the time occupied in the transportation of the mails from the western border of Missouri or Arkansas to the Pacific can be shortened by taking a nearer and practicable route, I ask you if it is not right to give the contractors the privilege of so doing.

Mr. ATKINS. Has it not been proved that the contractors cannot get through by the Albuquerque route?

Mr. PHELPS, of Missouri. No, sir.

[Here the hammer fell.]

Mr. GOOCH demanded tellers on his amendment.

Tellers were ordered; and Messrs. CHAFFEE, and CRAIG of Missouri, were appointed.

The committee divided; and the tellers reported—ayes 80, noes 37.

So the amendment to the amendment was agreed to.

Mr. BURNETT. I move to amend the amendment by adding to it, "provided it shall meet the approval of the Postmaster General."

The gentleman from Missouri, [Mr. PHELPS,] who sits behind me, says that I did him injustice in charging that he made war upon the southern route. Now, sir, I will not intentionally do injustice to any gentleman; but I desire to state the facts upon which I based my statement that the chairman of the Committee of Ways and Means desired to destroy the southern route. The gentleman made no argument upon the amendment of his colleague, [Mr. BLAIR;] but he voted in favor of that amendment.

Mr. PHELPS, of Missouri. As the gentleman from Kentucky says he wishes to do me no injustice, I ask him why it is that he does not state my position correctly? I raised a question of order upon the amendment of my colleague, which question of order was overruled by the Chair, and the amendment decided to be in order.

Mr. BURNETT. If the gentleman states that

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fact, very well; but the Journal does not disclose it.

Mr. PHELPS, of Missouri. The Journal does not show it; but such was the fact.

Mr. BLAIR. I will say to the gentleman from Kentucky, that my colleague not only raised a question of order upon this amendment, but he invariably raises a question of order upon everything that I propose in this House.

Mr. BURNETT. I do not yield the floor further. I yielded to the gentleman from Missouri [Mr. PHELPS] merely to correct me.

Mr. PHELPS, of Missouri. I desire to state the facts as they occurred. When my colleague from the St. Louis district, [Mr. BLAIR,] offered his amendment, I rose to a question of order, and the Chair overruled the question of order. The same question of order was raised subsequently by the gentleman from Texas, [Mr. REAGAN,] and the Chair again overruled the question of order.

The CHAIRMAN. The Chair desires to state, in reference to the point made by the gentleman from Missouri, that he has no recollection of his raising a question of order at that time.

Mr. REAGAN. I think I can set that matter right. The gentleman from Missouri [Mr. PHELPS] did rise to a question of order when his colleague submitted his amendment, but the Chair did not seem to hear him, and I therefore rose to the same question myself; and being nearer the Chair, I was heard, and the ruling of the Chair was upon my question.

Mr. BURNETT. Very well; let that stand as it is. Now let us look a little further. The gentleman from Missouri, [Mr. PHELPS,] says he did raise a question of order upon his colleague's amendment. I give him the full benefit of the fact that he did raise the question of order, and that the Chair ruled the amendment to be in order; it was in the power of the committee, by rejecting the amendment, to show that it was not a proper amendment to put in a Post Office appropriation bill. How did the gentleman from Missouri vote upon that amendment? He voted for it; and he voted for it when he knew that its adoption would be the defeat of the southern route. I say, therefore, that he voted practically to defeat the southern branch of that route; and I do not think I did him injustice when I so stated. Whether that was his intention or not, it was the necessary consequence of his action. Mr. Chairman, if it is right that this overland mail service shall be continued at all, it is right that it should be continued in accordance with the contract which has been made.

Now, in reference to another point: it has been intimated, time and again, that this contract was made in violation of law. I make an issue with the gentleman from Missouri [Mr. BLAIR] on that point. I ask how it could be made in violation of law, when the parties to the contract mutually agreed that the mail should be carried in the manner in which it is now done? They assented to the termini as they are now fixed; they agreed to carry the mail from Memphis and from St. Louis, upon the two branches, according to the terms prescribed by the Department. How can there be a violation of law, when both parties agreed that they would comply with certain conditions under the law? There is, I think, no violation of law at all.

Let us go back a little further. Permit me to say that I do not rise for the purpose of defending the Postmaster General. I do not rise to speak in terms of praise of the manner in which he has discharged his duties, or of his character as an honest man. They are known to the country, and they need no defense. The only matter of astonishment to me is, that the gentleman from Tennessee noticed the charge at all.

[Here the hammer fell.]

Mr. DAVIDSON. Mr. Chairman, I consider that this debate has been pursuing a strange course. It would seem as if we were here only to legislate for the benefit of mail contractors. Gentlemen seem to have forgotten that there is such a thing as the public interest. Mail routes which were before created, to be paid out of the proceeds of the service carried upon them, are now created for the accommodation and benefit of the public at large. It is contemplated, in the establishment of all of our mail routes, that they shall be so arranged as to conduce to the greatest benefit of the American people. There ought to be no such argument as that the contractor has not obtained as profitable routes as he would desire, for when a contractor accepts a contract, he does so with all its profits and all of its losses. Now, what did this contractor propose to do, when he accepted the contract for carrying the mail from two starting points? That he has faithfully performed the service from and to St. Louis, there can be no sort of question, and there can be no sort of question that on every single occasion they endeavored to violate that portion of the contract requiring the mail to be taken to and from Memphis. There has been a studied design to get rid of that part of the contract. Has there been any proper reason assigned for that design? Is there any reason assigned that that part of the contract does not conduce to the public interest? None. The gentleman from Missouri, [Mr. BLAIR,] who desires to relieve the whole country, to help the whole country, wants the whole thing concentrated at St. Louis. That is no good reason. The gentleman who represents the Memphis district, might, with equal propriety, say that we should lop off the St. Louis branch, for the reason that he is for the whole country; that Memphis is the whole country. It is all wrong. St Louis is as much entitled as Memphis; Memphis is as much entitled as St. Louis.

Mr. BLAIR. I said nothing about lopping off either branch.

Mr. DAVIDSON. The gentleman goes further. He says that, when the Postmaster General made this contract, including Memphis, he made it in violation of law. But on this point the gentleman from Kentucky so fully expressed my opinion, that I can add nothing to what he has said. I will, however, say that, until Postmaster General Brown got into the Department, the southern and southwestern part of the Union has not been treated with decent consideration in reference to mail facilities. He has struck off the shackles that bound down our interests. He is the first man who has given to the southern people a fair distribution of the mail facilities of the country. Until he came into the Cabinet, the great city of New Orleans, the first exporting city of the raw material of our Republic—had no daily mail, except the one starting from New York, which carried the Boston, Philadelphia, and northern mail. Is it right, then, that southern Representatives should sit here supinely, while these attacks are being made upon the Postmaster General, which are without justice or reason? He has done his duty to all sections, and to all persons, as far as his power has given him the right to do it; and I, for one, speaking for my country, am thankful to, and proud of him. He has conduced to the interest of the largest number of the American people. What more could he do than he has done? and I deny that he has violated any law. Let me say, too, before the hammer falls, that the Postmaster General has now the power to abolish this route at any time, on giving proper notice; and I earnestly advise him to abolish it at once, if the people of St. Louis do not desire the benefits it confers, and they certainly do not, if we are to judge by the course of her Representative. Butterfield, or any contractor, had, under the law, the right to select the starting points; and we, the people, had the right—the Postmaster General acting for us—to have the localities of the route designated. If the contractor did not like the localities of the route designated, he could have rejected it; and I now repeat, no law has been violated.

[Here the hammer fell.]

Mr. BURNETT. I ask to withdraw my amendment.

Mr. OLIN. I object.

The question was taken; and the amendment was rejected.

Mr. KEITT. To put an end to this crimination and recrimination, and as no substantial amendment has been made to the bill, I move to strike out the enacting clause, with a view of getting the bill into the House.

Mr. MARSHALL, of Kentucky. I ask the gentleman to withdraw that motion until I move an amendment.

Mr. KEITT. I withdraw it for that purpose. I will renew it when I again get an opportunity.

Mr. MARSHALL, of Kentucky. I move an amendment, to come in after the amendment of the gentleman from Missouri, [Mr. BLAIR.]

The CHAIRMAN. The amendment is not now in order.

The question recurred on Mr. AVERY's amendment as follows:

Provided, That the contract made and entered into between the Post Office Department, and Butterfield & Co., for carrying the overland mail from the Mississippi river to the Pacific coast, be, and the same is hereby, ratified and confirmed.

The amendment was rejected.

Mr. MARSHALL, of Kentucky. I offer the following amendment to the second section:

Provided, Nothing herein contained shall be construed to compel the Postmaster General to continue any contract for the transportation of the mail over the routes from the Mississippi river to the Pacific, should he find that the public interest demands the discontinuance of the same.

I wish to call the attention of the committee to the fact that the effect of the amendment suggested by the gentleman from Missouri, [Mr. BLAIR,] is to divest the Postmaster General of all discretion to control the Butterfield contract, and make it a matter of law that that contract shall be continued, to run between termini to be selected by Butterfield & Co. I take it that if the amendment stands alone, the Postmaster General will be divested of all the discretion he has over the subject, under the general law. My only object is so to arrange it as to leave that discretion still vesting in the Postmaster General.

Mr. BLAIR. I oppose the amendment, and I do so on these grounds: If it should be adopted, it would give the Postmaster General the power to coerce these contractors to carry the mail over the present selected route; and would give him the power to do over again exactly what he did in making this contract—that is, to force them to take a route detrimental to their interests and to the public interests. I trust that the friends of the amendment that has been already adopted will vote down the proposition of the gentleman from Kentucky.

While I am on the floor, I desire to say a few words in reply to some of the gentlemen who have heretofore occupied the floor, and who have attributed to me a desire to have a certain route selected by these contractors. All of them intimate that my object and desire was to have the St. Louis or central route selected by these contractors. Undoubtedly I desire that they may do so; but, under the amendment that has been adopted, they can select any route which they will find to be the best and shortest, and that by which they can carry the mails more speedily; and, therefore, to the best interests of the whole country. I have not asked that this route shall be nailed down at St. Louis, or any other point. I desire that the contractors may be at liberty, as was the intention of the original law, to select any route by which they can carry the mail most speedily.

The gentleman from Kentucky denied what I had asserted over and over again, and which the law authorized me to assert, in regard to the Postmaster General: that he had violated the law in making this contract. It is said that these contractors mutually agreed with the Postmaster General to carry the mails over this route. They had the right under the law to select any route they saw proper; but, after they had selected it, the Postmaster General told them that they should not have the contract, unless they agreed to the one which he had selected; the law not author-

izing him to select any. Thus these contractors were coerced into the adoption of the route designated by the Postmaster General, on consultation with the President and Cabinet. I say that that was a violation of the law—of its letter and of its spirit. The Postmaster General tells us explicitly, in his report, that none of the contractors bid for the route which he designated; and he caused them, under the penalty of not having their bids accepted for any other route, to bid for that which he designated. It think it is as clear as the noon-day sun, that the power of the Administration was exerted to make these contractors take a southern route; a route by which nine hundred miles are added to the distance, against the interests of the vast majority of the people of the country, and to subserve political and private interests at the expense of the public, which it was their duty to guard, and in violation of the law they were sworn to execute.

Mr. BRANCH. I have nothing to say about Butterfield & Co.; but I do desire to offer an amendment to the bill, which has nothing to do with Butterfield & Co. I rise simply to express the hope that, after all the time that we have devoted to Butterfield & Co., other amendments may be offered.

The question recurred on Mr. MARSHALL's amendment; and it was rejected.

Mr. BRANCH. I offer the following amendment, to come in in continuation of the second section of the bill:

Provided, The sums heretofore appropriated for the erection of post office buildings, and which shall remain in the Treasury unexpended at the close of the present fiscal year, are hereby reappropriated to the objects to which they are now applicable by law.

Mr. HOWARD. I rise to a question of order. The appropriations to which the amendment has reference, have nothing to do with this bill.

Mr. BRANCH. I call for the reading of the 81st rule.

The rule was read, as follows:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law."

Mr. BRANCH. It will be observed that my amendment is for expenditures already authorized by law, and for the continuation of public works already in progress. The rule covers it expressly and precisely.

The CHAIRMAN. The Chair would inquire whether there is an existing law authorizing the appropriations?

Mr. BRANCH. There is.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. BRANCH. I desire to say a few words in explanation of my amendment, and but a few. Some years ago, appropriations were made by Congress for the erection of certain post office buildings. A few months after those appropriations were made, the pecuniary difficulties which fell upon the country and upon the Treasury induced the Secretary of the Treasury to postpone, temporarily, the construction of those works. The works have never yet been finished, nor indeed have they been progressed with to any considerable extent. It is the impression of the Treasury Department, that on the 30th of June next those appropriations will lapse and fall into the surplus fund, unless Congress takes some action in the mean time in regard to them. The amendment which I offer does not propose to appropriate any additional sum, nor does it create any new or increased demand upon the public Treasury. It is designed only to prevent these appropriations from lapsing into the surplus fund, and to keep them alive, so that when the condition of the Treasury shall be such as to justify it, these works can be proceeded with by the Secretary of the Treasury. The object of my amendment is to avoid the necessity, in the present crippled condition of the Treasury, of expending money for buildings which are not immediately needed. It is a measure of relief to the Treasury; because, if the amendment be not adopted, the Secretary of the Treasury will be bound to go on and expend the money previous to next July. If it is adopted, he can postpone the expenditure, or a part of it, according to his judgment, to some future time.

I hope the committee perceive that my amendment does not provide for any new buildings, or for any increased demand upon the Treasury, but simply puts these appropriations, heretofore made, in such a condition that the Secretary of the Treasury can defer them, from time to time, until the condition of the Treasury enables him to go on with the works. If something of this sort is not done, he will be compelled to go on and expend the money before the 1st of July, when, perhaps, in his judgment, the condition of the Treasury renders it inexpedient for him to do so.

Mr. MAYNARD. As I understand the amendment, it merely proposes to give the Secretary of the Treasury two years longer time.

Mr. BRANCH. That is all.

Mr. PHELPS, of Missouri. I move to amend the amendment by striking out the last three lines. The amendment of the gentleman from North Carolina has no relation to the Post Office Department. It provides that appropriations heretofore made for the construction of buildings for post offices combined with court-rooms and custom-houses, and for post offices alone, shall not lapse and go into the surplus fund at the expiration of the current fiscal year.

The Chair having ruled the amendment to be in order, I desire to call the attention of the committee to the fact that hitherto appropriations have been made for the erection of public buildings throughout the United States. The Secretary of the Treasury told you, at the last session of Congress, that he had not commenced the construction of certain of those buildings, because there were not sufficient funds at his disposal, and submitted it to Congress as to what provision they should make for the continuation of those buildings. At this session, also, he called our attention to the fact that those buildings had not been commenced by him, because there was no money in the Treasury which he could spare for that purpose. The proposition of the gentleman from North Carolina, is to revive and continue in force the laws heretofore made appropriating money for these purposes, so as to prevent the appropriations from lapsing, and going into the surplus fund of the Treasury. In other words, he proposes to reappropriate the money for the erection of buildings at certain points. Another reason assigned by the Secretary of the Treasury why he had not commenced the erection of buildings at certain points, was, that the amounts appropriated for the purpose were inadequate even for the purchase of sites, and much more so for completion of the buildings designed. The effect of this amendment will be to revive and continue in force, for two years longer, appropriations made by preceding Congresses, to the amount of from half a million to one million dollars.

Mr. HOUSTON. I desire to ask the gentleman from Missouri a question. I understand the amendment, which is now before the committee, to propose to reappropriate money which, if the amendment does not pass, will go back into the Treasury; and, as a matter of course, as suggested by my friend from Pennsylvania, will stop the works for which it was originally appropriated. Now, I desire to know of him, whether the Secretary of the Treasury will not consider the reappropriation of this money, at this time, under the existing circumstances, as an instruction for him to proceed immediately with the work on the buildings, thus creating a necessity for an additional amount to be received by him during the present session of Congress?

Mr. BRANCH. Will the gentleman permit me to respond?

Mr. HOUSTON. I asked the question of the gentleman from Missouri.

Mr. PHELPS, of Missouri. In response to the interrogatory of my friend from Alabama, I will state, that unless this reappropriation of money is made, it will go to the surplus fund; that if this money is reappropriated, in my opinion, it will amount to an instruction to the Secretary of the Treasury to proceed to expend it for the purposes for which it was intended, and that it will thereby create the necessity for an additional loan.

Mr. HOUSTON. That is as I understand it.

Mr. KEITT. I move to strike out the enacting clause of the bill.

Mr. BRANCH. Is it in order to make that motion while an amendment is pending?

The CHAIRMAN. It is.

Mr. KEITT. I will withdraw it for the present, at the request of gentlemen around me.

The question then recurred upon the amendment offered by Mr. PHELPS to the amendment.

Mr. HOUSTON. I rise to a question of order upon that amendment. If that amendment prevails, the original amendment, as a matter of course, would be out of order; because it would appropriate money which is not provided for by law. The very clause of the amendment which the gentleman from Missouri moves to strike out, is the only clause which brings it within the rules of the House—that clause providing that the money reappropriated should be expended for the purposes for which it was applicable under existing law. If that be stricken out, the balance of the amendment of the gentleman from North Carolina is clearly out of order.

The CHAIRMAN. The gentleman will see that the original amendment merely proposes to reappropriate money, which has once been appropriated under existing law; and, therefore, would be in order, even with the clause to which the amendment of the gentleman from Missouri applies stricken out.

The amendment to the amendment was not agreed to.

The question then recurred upon the amendment originally offered by Mr. BRANCH.

Mr. STANTON. I move to amend the last clause of the original bill by striking out the words "fifty-nine," and inserting the word "sixty," so as to make the appropriation to supply the deficiency in the revenues of the Post Office Department apply to the next fiscal year, instead of the present one.

Mr. BRANCH. That cannot be received as an amendment to the amendment; for my amendment does not propose to amend the text of the original bill at all. It is an additional clause.

Mr. STANTON. Is not the section of the bill open to amendment?

The CHAIRMAN. The Chair thinks not.

Mr. STANTON. Is it not in order to amend a section before the question can be taken on adding to it?

The CHAIRMAN. The Chair thinks it would be in order to move to add to the section, if the gentleman wishes to propose an amendment of that nature.

Mr. STANTON. I understand that; but is it not in order to move to strike out and insert in the original text of the section before any addition can be made to it?

The CHAIRMAN. There is no such amendment pending.

Mr. STANTON. But that is the amendment which I propose to offer.

The CHAIRMAN. The Chair thinks such an amendment would not be in order at this time.

Mr. GROW. I rise to a question of order, for the purpose of understanding this matter. I ask the Chair if the last clause of the bill has been read this morning?

The CHAIRMAN. It was read yesterday.

Mr. GROW. It was not read for amendment. The Clerk commenced to read it while a gentleman was on the floor desiring to amend the first section. The Clerk may have gone through with the reading, because we could not stop him; but the committee did not consider that section open to amendment; because they, after that, proceeded to vote upon at least two amendments offered to the first section.

The CHAIRMAN. The Chair can only speak from recollection; but that recollection is confirmed by that of the Clerk's, that the last section of the bill was read yesterday for amendment; and upon that ground the Chair will now hold that it is not competent for the gentleman to go back now, and move to amend the section.

Mr. GROW. That is certainly not my recollection.

Mr. STANTON. It certainly is not the fact. I desired at the time to move this amendment to that section, but it was not in order; because the section had been read prematurely while amendments were still being offered to the first section. I have watched the proceedings very closely since that time, and there has not been a time when the second section could have been amended, unless it can be now.

The CHAIRMAN. The gentleman from Ohio is evidently misled by the fact that the amendment of the gentleman from Missouri [Mr. BLAIR] applied to the first section of the bill. The section

has been read for amendment, and the gentleman from North Carolina [Mr. BRANCH] has moved to amend by adding an independent clause. The Chair decides that it is not in order at this time to go back and amend the original text of the bill.

Mr. GROW. From that decision I take an appeal.

Mr. MAYNARD. Does the gentleman understand the amendment of my colleague to be to the first or to the second section?

Mr. STANTON. To the second section.

Mr. MAYNARD. I was misled, and I presume the gentleman who spoke was.

Mr. STANTON. There is no amendment which can be made by striking out and inserting. Now, sir, gentlemen have been waiting until it was in order to move to strike out and insert.

Mr. KEITT. I object to discussion.

Mr. BRANCH. I can state from my own knowledge, that the section was read yesterday. I originally designed to offer my amendment as an amendment to the first section.

Mr. GROW. The gentleman from Missouri was upon the floor when that section was read. I take an appeal from the decision of the Chair, if he decides that this section is not open to amendment.

The CHAIRMAN. The Chair decides in pursuance of what he believes to be the parliamentary rule and parliamentary practice after the bill has been read through first for information, and then by clauses for amendment, fortified by his own recollection, and the recollection of the clerks at the desk, that that proceeding has already taken place: the Chair decides that it is not now in order to amend that part of the bill. From that decision of the Chair the gentleman from Pennsylvania takes an appeal.

Mr. GROW. In that case, even, we have not passed from the second section. I say that the second section is open to amendment, even if it has been read.

The CHAIRMAN. Additions to the section are still in order. The Chair decides that it is not now in order to amend that part of the bill which has been passed.

Mr. STANTON. Let me make a suggestion. Suppose a gentleman rises, and is recognized, and moves an addition: then, sir, though I am upon the floor at the same time, I will be cut off from moving to strike out. That is the precise condition here. Several gentlemen have been seeking the floor to strike out and insert. By accident, a gentleman seeking to amend by addition has been recognized first. It is now held that the section has been passed, and that we cannot move to strike out and insert.

The CHAIRMAN. The gentleman is mistaken. It was competent for gentlemen to amend paragraph by paragraph, as the Clerk proceeded.

Mr. STANTON. I could not get the floor. Other gentlemen were recognized.

The CHAIRMAN. The gentleman was unfortunate in not having his attention directed to the reading of the bill as it progressed. If there be no objection, the Chair will entertain the gentleman's amendment.

There was no objection.

Mr. BRANCH. My proposition is not to add an additional section to the bill. After my amendment is passed upon, the bill is still open to amendment by the amendment of an additional section, or a motion to strike out and insert. My amendment is to perfect the second section before it is passed upon.

Mr. STANTON. I move to strike out "fifty-nine" in the following paragraph, and insert "sixty" in lieu thereof:

SEC. 2. *And be it further enacted*, That the sum of $3,838,728 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the revenue of the Post Office Department, for the year ending the 30th June, 1859.

Mr. Chairman, I wish to call the attention of the committee to the fact that this is a bill which proposes to supply the funds necessary to carry on the Post Office Department for the next fiscal year. This section appropriates nearly four million dollars to supply deficiencies in the revenue for the service of the current year. I hold that it is a matter of the first importance that Congress should keep appropriations for each fiscal year separate and distinct, in separate and distinct bills. How stands the question? You appropriate the revenues arising from postages, amounting to some two million dollars, for the support of the service for the fiscal year ending June 30, 1860, and you appropriate nothing more for that fiscal year; yet it is unquestionable, that without a change in the law regulating the rate of postage, you will come in with a deficiency equal to what is contained in this bill for the current fiscal year. My proposition is, that this appropriation of $4,000,000, instead of being for the current year, and instead of supplying a deficiency, shall be appropriated for the deficiency which will necessarily arise on June 30, 1850, and require the Committee of Ways and Means to do what they ought to have done in the first instance—report a separate deficiency bill containing these $4,000,000, with the hundreds of thousands scattered over other appropriation bills, so that the country may know what is the deficiency in the service for the current fiscal year.

The people of this country are desirous to know, and they have a right to know, upon whom they shall fix the responsibility for the expenditures of each fiscal year. It is a matter of a good deal of importance. We want to know who votes the appropriations, who are responsible for them, and who expends them. If you have these deficiencies mixed up in the regular appropriation bills for the next fiscal year, if the regular appropriations are covered up with deficiencies, and the deficiencies are not computed and charged against the current year, they can only be ascertained by those who will undertake the labor of going over all the appropriation bills, fishing up an item of deficiency here and an item of deficiency elsewhere. I hold that this Congress shall not expire, that it shall not run away with this feather in its cap, that it has no deficiency bill for the service of this year. Here are $4,000,000, and there are other millions scattered through other appropriation bills. I want this Administration to take the responsibility and stagger along with that in addition to other sins it has to answer for, if it can. It is perfectly certain, without a change in the laws regulating the rates of postage, you must make an appropriation for the next fiscal year equal to the present deficiency.

[Here the hammer fell.]

Mr. PHELPS, of Missouri. The gentleman from Ohio seems to think that this is a regular deficiency. He makes an onslaught upon it as though it was a deficiency arising out of the neglect of Congress to appropriate a sufficient amount of money for the acts specified in the last appropriation bill. At the last session of Congress we made an appropriation of a sum of money to be expended in the transportation of mails, the payment of salaries of postmasters, and of clerks, and the incidental expenses of officers, in the manner in which appropriations were formerly made; payable out of the revenues of the Post Office Department. The Postmaster General, at the time he submitted his estimates, admonished us that the revenues of the Post Office Department would be insufficient to meet the expenditures that might be authorized by Congress, if Congress voted the estimates that he presented.

Now, because there happens to be a deficiency in the revenues of the Post Office Department, the gentleman from Ohio comes and complains that no deficiency bill has been presented. I understand by a deficiency bill, a bill that arises from Congress not having made a sufficiently large appropriation. The deficiency here arises, not from a failure of Congress to appropriate a sufficient sum of money to carry on the service of the Post Office Department, but it is because the revenues estimated for did not come up to the sum estimated.

Mr. STANTON. I should like to know whether that was not known before the commencement of the year?

Mr. PHELPS, of Missouri. It is precisely the same as in the case of the marine hospitals. By the law, a tax of twenty cents is levied on seamen, which constitutes the marine hospital fund; and each year Congress appropriates so much money out of the Treasury as is necessary to supply the deficiencies in this fund. So it is in regard to the Post Office. The revenues of the Post Office are estimated, and the Postmaster General is authorized to expend so much money beyond that as is necessary to carry on the business of the Department. At last session of Congress, nearly fourteen million five hundred thousand dollars was appropriated, and it was provided that, if the revenues of the Post Office Department were not sufficient, with this sum, it might have from the Treasury $3,500,000 more.

Now, the appropriations made for the support of the Post Office Department, will be less than that which we told the Postmaster General he might expend. I had occasion to refer to this matter yesterday, when the gentleman from Tennessee adverted to the fact, that, in the first section of the bill, it was proposed to appropriate nearly seventeen million dollars, while it is known that the net revenue of the Post Office Department will be only about seven million four hundred thousand dollars. The gentleman from Ohio is mistaken when he treats this as a deficiency. Congress has appropriated between fourteen and fifteen million dollars, and told the Potmaster General that he might have besides that the revenues of the Department and $3,500,000 out of the Treasury; and yet it has not appropriated so much money, actually, as the Postmaster General was authorized to expend.

The question being on Mr. STANTON's amendment,

Mr. BUFFINTON called for tellers.

Tellers were ordered; and Messrs. CHAFFEE, and CRAIG of Missouri, were appointed.

The committee divided; and the tellers reported—ayes 61, noes 72.

So the amendment was rejected.

Mr. KEITT. I now move to strike out the enacting words of the bill.

Mr. CAVANAUGH. I ask the gentleman from South Carolina to withdraw that motion, to enable me to offer an amendment.

Mr. KEITT. I have withdrawn the motion four or five times already, and I must now insist on it, as it is the only way in which we can stop the debate on this bill.

Mr. WASHBURNE, of Illinois. I desire to inquire if the effect of the motion, if it prevails, will not be to cut off all the amendments which have been adopted by the committee?

The CHAIRMAN. The gentleman understands, as well as the Chair does, that that will be the effect of it.

Mr. GROW. I rise to a question of order. I submit that, under the 136th rule, it is not in order to move to strike out the enacting words of the bill. That rule provides that the committee shall vote on all amendments that may be pending, or offered; and there are amendments proposed to this bill.

The CHAIRMAN. Inasmuch as it has been several times decided that the motion can be entertained, the Chair rules that it is in order.

Mr. PHELPS, of Missouri. I appeal to the gentleman from South Carolina to let me submit an amendment, which I desire to explain.

Mr. DAVIS, of Mississippi. I object to discussion.

Mr. BRANCH. I shall insist on a vote on my amendment.

Mr. KEITT. I will withdraw my motion, if there is any chance of debate ceasing.

Several MEMBERS. Withdraw it.

Mr. KEITT. I withdraw it.

Mr. PHELPS, of Missouri. I move to strike out all of the amendment submitted by the gentleman from North Carolina, and to insert in lieu thereof the following:

That if the revenues of the Post Office Department shall be insufficient to defray the appropriations made in the first section of this act, the deficiency, if any there be, shall be paid out of any money in the Treasury not otherwise appropriated.

I hope the gentleman from North Carolina will withdraw his amendment until mine can be acted on.

Mr. BRANCH. I cannot withdraw it.

Mr. PHELPS, of Missouri. I have no wish to prejudice the amendment of the gentleman from North Carolina; but my amendment pertains to the revenues of the Post Office Department, and I desire to present the question involved in it to the committee.

The CHAIRMAN. The Chair would inquire at what part of the bill the gentleman from Missouri proposes to insert his amendment?

Mr. PHELPS, of Missouri. To come in as section three.

Mr. BRANCH. Then I rise to a question of

order. My proposition is to amend the second section, and the gentleman cannot offer an amendment as a third section until the second section is disposed of.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. PHELPS, of Missouri. I will then offer my amendment as a proviso to the second section.

Mr. BRANCH. I submit the point of order that the amendment is not germane to my amendment, of which the gentleman proposes to make it a part.

Mr. STANTON. I would suggest to the gentleman from Missouri that he should move his as a substitute for the second section, and say in it that whatever amount the revenues of the Department should fall short, during the current or the next fiscal year, shall be paid out of the Treasury. I think that would answer the purpose.

Mr. LETCHER. I hope the gentleman from Missouri will let me offer an amendment.

Mr. PHELPS, of Missouri. I want action on mine.

Mr. BRANCH. I have made the point of order on the amendment of the gentleman from Missouri, that what he proposes to attach to my amendment is not germane to that amendment. It is germane to the bill; and after my amendment shall have been disposed of, he can then move to attach his to the bill; but it is not germane to my amendment, to which he proposes to attach it.

The CHAIRMAN. The Chair rules that the amendment is in order.

Mr. LETCHER. I understand that the gentleman from Missouri moves to strike out the amendment of the gentleman from North Carolina, and to insert something in lieu of it. Now, I want to amend the amendment of the gentleman from North Carolina, so as to perfect it. I move to amend the amendment of the gentleman from North Carolina, by adding:

Provided, That the fund arising out of the revenues of the Post Office Department, from postages at the several places, shall be sufficient to construct these buildings, after paying the legitimate expenses of the Post Office Department.

Mr. BRANCH. I rise to a question of order. I submit that the amendment of the gentleman from Virginia proposes to change existing law, and therefore is not in order. The law passed two years ago made an appropriation of this money directly from the Treasury. The gentleman now proposes to vary that law, by providing that the money shall be appropriated from the revenues of the Post Office Department.

Mr. LETCHER. Well, sir, as I understand it, the amendment is no more a change of existing law than the amendment of the gentleman himself. He proposes to reënact a law made two years ago, which, as I understand it, is now dead. The amendment is, therefore, in fact, to create a new law.

Mr. BRANCH. No, sir; that law is not dead.

Mr. LETCHER. Then, where is the necessity of reënacting it?

Mr. BRANCH. Because, although it is not dead, it is very near dying; and I want to keep it alive.

Mr. LETCHER. Then, the gentleman's patient is in the last stages of disease, just at the point of death.

The CHAIRMAN. The Chair decides that the amendment of the gentleman from Virginia is not in order.

Mr. LETCHER. Very well; then, suppose I put it in this way:

Provided, The excess of revenue from the postages of the offices shall amount to the sum necessary to complete these buildings within the next twenty-five years.

Would that be in order?

The CHAIRMAN. That would not be in order, for the reason that it would be a change of the existing law, which provides that this money shall be paid direct from the Treasury.

Mr. LETCHER. Very well; now, let me try it again:

Provided, That the same shall be paid out of any excess of revenue the Post Office Department may have on hand.

The CHAIRMAN. The gentleman's amendment in that shape would not be in order.

Mr. LETCHER. Why? Because there is not any excess on hand, and not likely to be?

The CHAIRMAN. Because it would contravene a provision of existing law which provides that this appropriation shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. LETCHER. Then I move to add this proviso:

Provided, The draft on the Treasury for the current expenses of the Treasury is not greater than the amount of revenues received.

Mr. BRANCH. I object to the gentleman from Virginia debating this proposition under guise of offering amendments.

Mr. LETCHER. If that amendment is not in order, I will move to strike out the last two lines of the gentleman's amendment.

Mr. MAYNARD. That amendment has already been offered, and voted down.

Mr. LETCHER. I move then to strike out the last two lines and a half in the gentleman's amendment, if nobody has made that motion, and it has not been voted down.

Now, Mr. Chairman, I have a tabular statement before me, made up under the direction of the Treasury Department, showing the amount of revenue derived from these different post offices, and the amount expended at each, from which I find that at the city of Raleigh, North Carolina, the total amount of revenue collected at that point is $4,340 95, and that the cost of collecting it is $3,462 70.

Mr. BRANCH. Will the gentleman allow me to explain?

Mr. LETCHER. No, sir; I cannot, in my five minutes. I was going on to say, that I find that the net revenue received from all sources in the city of Raleigh by the Government is $878 25. Now, sir, it is proposed to build a post office and court-house in that city, for which $50,000 has already been appropriated, when the whole amount of revenue there is only about four thousand three hundred dollars, and when it costs nearly three thousand five hundred dollars to collect it. At that rate it will require some considerable time to build the house from the entire revenues at that place.

Now, let us see whether there is any necessity of having a court-house built there? According to this report, the United States court sits there *eight days* in a year. As I have said, the net revenue is between eight and nine hundred dollars, the court sits eight days in a year, and yet you propose to construct a building there which shall cost from fifty to one hundred thousand dollars, as the case may be, because it does not follow that the sum appropriated will be sufficient to complete the building.

Now, sir, my own idea about this thing is this: that if, for the eight days' court there, the people cannot furnish a suitable room for rent, I would move it somewhere else, where they will furnish a room, at a fair rent; for in that short time the removal cannot be the source of any great amount of inconvenience.

Mr. MAYNARD. I would inquire of the gentleman whether he has not got a court-house and post office belonging to the United States in Richmond?

Mr. LETCHER. I will inform the gentleman from Tennessee that I do not represent the city of Richmond.

Mr. HATCH. The gentleman takes a single locality—Raleigh—the weakest case to which this amendment applies, in its wide sweep, on which to base his opposition. Let him look at others included in this amendment. I ask the gentleman also to include other points to which it applies. Take, for instance, the cities of Baltimore and Buffalo.

Mr. LETCHER. Very well; I will take the city of Buffalo. How much revenue is derived from customs in that city, and what does it cost to collect?

Mr. HATCH. I will reply as to the revenues of the post office first. The revenues of the Buffalo post office are some $24,000 over expenditures annually.

Mr. LETCHER. But I ask the gentleman how about the custom-house? If I am not mistaken, it costs more to collect the revenues there than the amount received.

Mr. HATCH. I was coming to that, for I do not fear this issue with the gentleman from Virginia in relation to our northern collection districts upon the lakes. The Buffalo district, in former years, has paid into the Federal Treasury twice the amount that our national Government has ever expended upon its harbor. And, sir, if you add the net revenues of the post office, then this district, in postal and customs revenues, has paid into the Treasury three times as much as the General Government has expended upon the improvement of its harbors or public buildings.

I will state to the gentleman that, so far as revenues from the custom-house there now is concerned, if the duties had been levied on merchandise imported into that city this year, from the Canadas, which were levied upon them before the conclusion of the reciprocity treaty, the amount of revenue collected at that port the last year would have been $320,000.

Mr. LETCHER. Well, is not the gentleman in favor of the reciprocity treaty?

Mr. HATCH. No, sir; I am not.

Mr. LETCHER. You are opposed to the reciprocity treaty?

Mr. HATCH. I am, as it is carried out.

Mr. LETCHER. Then, why does not the gentleman introduce a bill to repeal it?

Mr. HATCH. There has such a bill been introduced in the other end of the Capitol. The reason why I am opposed to the reciprocity treaty is, that the British Government have increased the duties on the unenumerated articles to such an extent that it has destroyed our former advantageous trade in the northern cities with the Canadas.

Mr. LETCHER. The gentleman from New York is, then, opposed to free trade?

Mr. HATCH. Let the gentleman hold on there. I am not opposed to free trade. I am opposed to the kind of free trade this reciprocity treaty gives us, when it is all on one side.

[Here the hammer fell.]

Mr. LETCHER. Then the gentleman from New York complains that his custom-house brings in nothing, because of the adoption of the reciprocity treaty. You have got a custom-house there already, built at the cost of——

[Cries of "Order!" "Order!"]

Mr. HATCH. I will tell the gentleman that if it were not for these northern collection districts and their preventive force, you could not collect a dollar of revenue upon your Atlantic coast. ["Order!"] I repeat it, they form the most important branch of public service, as a security for your revenues upon the Atlantic coast. [Great confusion and shouts of "Order!" "Order!"]

The CHAIRMAN. If gentlemen persist in their disorder, the Chairman will be forced to go into the House and report the facts to the Speaker, that the House may take action upon the matter.

Mr. BRANCH. Mr. Chairman, I might not have been surprised to hear an attack upon the post office at Raleigh from some quarters in this Hall, but I cannot but think that it is a most remarkable fact that this attack should have come from a member from Virginia, where they already have six of these public buildings, one half of which I will undertake to say are no more needed for the public convenience than is this building in North Carolina. Why did not the gentleman's spirit of economy revolt when Congress was making appropriations for all these public buildings in his own State?

Mr. LETCHER. The gentleman is entirely mistaken about my having voted for them.

Mr. BRANCH. The post office at Raleigh, Mr. Chairman, is at the seat of government of one of the old thirteen States of this Union. It is at a point where the Federal court has been held since the passage of the first judiciary act under this Government. It is in the center of a State that has received as little of benefit and as much of evil from the Union, as any other State in it.

Mr. Chairman, I do not understand this new species of economy. I do not understand this system of economizing backwards. I will unite with the gentleman from Virginia, or any other gentleman, in any reasonable or just system of economy that he may undertake to carry out. I am in the habit of uniting in whatever appears to me to be judicious economy; but if the gentleman from Virginia wishes to go back and repeal laws providing for the erection of buildings in North Carolina, I insist that his crab-like system will compel him to vote for the sale of all the buildings the Government has erected in the State of Vir-

ginia. I am not asking for any additional appropriation for the purposes I have indicated.

Mr. LETCHER. Will the gentleman let me interrupt him?

Mr. BRANCH. I cannot. Five minutes is a very short time. I am not asking for the appropriation of an additional sum of money to erect this public building in North Carolina. All that I am asking is, that the appropriation already made, and which it is not deemed judicious to expend in the present condition of the Treasury, shall not be allowed to go into the surplus fund. I am endeavoring, sir, to put these appropriations in such condition that the Secretary of the Treasury may have it in his power to postpone the erection of these buildings until the condition of the Treasury will justify him in going on with the work. I seek to put them in a condition in which he will not be compelled to expend the money out of the public Treasury between now and the 1st of next July.

I take it for granted, Mr. Chairman, that no executive officer of the Government will dare to stand before Congress and the country and undertake to defeat and to annul laws made by Congress, on any private judgment of his own that they were unwise and improvident. I take it for granted, that if Congress does not do something that will indicate its willingness that the Secretary of the Treasury shall postpone the erection of these buildings, he will feel bound, as a faithful officer, to execute, between now and the 1st of July, the order he has already received from Congress. If he shall fail to do so, if that officer shall undertake to defeat the laws passed by Congress; ay, sir, if he claims power higher than that of the President of the United States—because the President himself cannot veto laws passed before he came into office—he will make himself amenable to the censure of Congress. If the Secretary should undertake to veto laws passed by Congress, and which have gone through all the formalities prescribed by the Constitution, I undertake to say, sir, that such an attempt would not meet with the sanction of this body, and would not pass unnoticed. My desire is, in the present condition of the Treasury, that he shall not be required to go on with these works. It is my wish to extend these appropriations in such way, that, if in his judgment prudence requires it, he may postpone the erection of the buildings for two years. If the gentleman from Virginia will introduce a bill to go backwards and economize, not only upon this, but upon all other buildings; if he will introduce a bill repealing all laws for the erection of new buildings, stopping those now under way and not completed, and providing for the sale of all those at points where the revenues received or the business transacted would not seem to justify keeping them up, then, sir, he can put himself in a condition to oppose this amendment.

[Here the hammer fell.]

Mr. JONES, of Pennsylvania. I move to strike out the enacting clause.

Mr. CAVANAUGH. I ask the gentleman to withdraw that for a moment.

Mr. JONES, of Pennsylvania. I cannot withdraw it.

Mr. KEITT demanded tellers.

Tellers were ordered; and Messrs. HAWKINS and UNDERWOOD were appointed.

The committee divided; and the tellers reported —ayes 61, noes 83.

So the committee refused to strike out the enacting words of the bill.

The question recurred on Mr. LETCHER's amendment to the amendment, and it was rejected.

The question recurred on Mr. BRANCH's amendment.

Mr. LETCHER called for tellers.

Tellers were ordered; and Messrs. CRAIG of Missouri, and HAWKINS were appointed.

The committee divided; and the tellers reported —ayes 94, noes 29.

So the amendment was agreed to.

Mr. BONHAM. I offer the following amendment, to come in at the end of the second section of the bill:

Provided, That nothing herein contained shall be construed to compel the Postmaster General to continue the contract with Butterfield & Co., for the transportation of the mail over the route from the Mississippi river to the Pacific.

Mr. BLAIR. I make the point of order that that amendment has been already voted down by the committee.

Mr. BONHAM. The gentleman is mistaken. The amendment is not the same as that offered by the gentleman from Kentucky, [Mr. MARSHALL.]

The CHAIRMAN. The amendment may be the same in substance, but it is not the same in phraseology.

Mr. BONHAM. I understand that the amendment which has already been adopted will have the effect of authorizing the contractors to cut off nine hundred miles of the route upon which they are now carrying the mails. Am I right?

Mr. BLAIR. Yes, sir.

Mr. BONHAM. Now, Mr. Chairman, I beg leave to call the attention of the committee to a statement that I have derived from the report of the First Assistant Postmaster General; and from it, I gather these important facts:

First, there is the route from St. Louis to St. Joseph, Missouri; from St. Joseph to Salt Lake City; from Salt Lake City to Placerville, California, and from Placerville, by Sacramento, to San Francisco, $305,775.

Secondly, there is the route from St. Louis to Independence; from Independence, Missouri, to Santa Fé; and from Neosho, Missouri, to Santa Fé; from Santa Fé to El Paso, and thence to the Pacific, $108,885.

Thirdly, there is the route from Kansas, Missouri, to Stockton, California, $80,000.

Fourthly, the routes from Memphis and St. Louis to San Francisco, $600,000; making an aggregate of $1,094,660 for overland routes from Missouri, and the branch from Memphis.

Here are three routes to the Pacific, starting from St. Louis; a fourth from and to interior towns; and notwithstanding that, it is desired to authorize the contractors to abandon the contract which I understand them to have made, and to deprive other portions of the country of those facilities which the movers of the proposed change themselves enjoy in such abundance.

The statement which I have made, will show the importance of putting it in the power of the Postmaster General to aid this House in reducing the expenditures of the Government. I hope my amendment will be adopted; or, if it be not, that the enacting words of the bill may be stricken out.

Mr. BLAIR. The route of which we have been speaking to-day, was authorized by an act of Congress. The other routes to which the gentleman from South Carolina has referred, were put on by the Postmaster General, and, in my opinion, were put on in order to save this route running down to El Paso, and to prevent this matter from being brought to the attention of Congress. The ground which I took in reference to this amendment, when it was brought up substantially by the gentleman from Kentucky, [Mr. MARSHALL,] was, that it would enable the Postmaster General to coerce the contractors to continue the route on the thirty-second parallel, thereby adding nine hundred miles to the distance, and with two forks, without authority of law to the route, in order to break down this great enterprise, and wrest it from the purpose for which it was established by Congress. I refer to the debates which occurred in the Senate at the time this mail route was authorized by Congress, to show what the friends of the measure considered that they were doing. Mr. GWIN, in advocating it, said:

"I indicate no route. Let money find the best route to the Pacific."

In other words, let the contractors, whose interest it is to find the best route, select their own route. Such was the language of Mr. GWIN, one of the most ardent supporters of the measure. Some gentleman upon this floor, I do not remember who, has said that the passage of this law for the overland mail route was principally due to the exertions of Mr. Rusk, of Texas. In that debate, Mr. Rusk said:

"We got over the difficulty as to where the mails should go, by authorizing the contractors themselves to select the points on the Mississippi river from which they would start."

There was a difficulty in getting any bill through Congress authorizing this overland mail, because gentlemen from various sections of the Union wanted to tie it down to their own sections; and they got over the difficulty, and were enabled to pass the bill, as Mr. Rusk said, by allowing the contractors to select the point from which they would start, and the whole route; for, in selecting the starting point, they would select the whole route.

Now, if the amendment of the gentleman from South Carolina shall be adopted by the committee, the effect of it will be to put it in the power of the Postmaster General to coerce the contractors to retain the route which he has selected; for he will find it undoubtedly to the public interest to abrogate the contract if another route should be selected which should not be a pioneer for his southern Pacific railroad. I go for allowing the act of Congress, under which this mail route was established, to be carried out in its spirit and its letter; and I go, also, for censuring the Postmaster General for violating the act of Congress, which he was bound to obey.

Mr. REAGAN. What route was specified in the act of Congress?

Mr. BLAIR. A route which should be selected by the contractors, and not by the Postmaster General or the Cabinet; and it is boasted by the friends of the Cabinet that this route was selected by them; and the Postmaster General himself stated, in his report to the last session of Congress, that he had selected the route, and the contractors had bid for another and different one.

Mr. REAGAN. Have not the contractors selected this route?

Mr. BLAIR. No, sir, the contractors did not select this route. The contractors selected an entirely different route.

Mr. REAGAN. Who compelled them to take the contract?

Mr. BLAIR. They were allowed by the Postmaster General to have the contract if they would take his route; but he would not contract with them for any other route. And the amendment of the gentleman from South Carolina is undoubtedly aimed at this very point, to enable the Postmaster General to exercise the same species of coercion upon these contractors, by which he compelled them originally to carry the mail upon the southern route.

Mr. GOOCH. I move to amend the amendment, by striking out the word "not." It seems to me, Mr. Chairman, that there has been an attempt, on the part of the Postmaster General or of the Cabinet, to override the clearly-expressed intention of Congress in this matter.

I am surprised that any gentleman upon this floor should offer any amendment, or propose any legislation, which should look like sanctioning any such action upon the part of a single executive officer of the Government, or upon the part of the whole Cabinet. We have enough of Executive influence, Heaven knows, before we get our laws upon the statute-book; and if, after they are placed there by Congress, they are to be annulled by any Secretary who happens to be in office at the time, and has charge of the contracts to be made under the law in his Department, it is about time this branch of the Government was abolished, for we can accomplish little or nothing by what we do.

Now, sir, it seems to me that the amendment proposed by the gentleman from South Carolina, [Mr. BONHAM,] looks to the accomplishment of precisely the same objects of several other amendments which have been offered here yesterday and to-day, and voted down. I was pleased with the position taken by the gentleman from North Carolina, whose seat is near me, [Mr. BRANCH,] upon another amendment to this bill, when he called the attention of the House to the fact that a Secretary had, by his own mere will, sought to override the laws of the land. I hope the gentleman and his friends will stand by the principle which he announced, now, as he asked us to stand by it in the amendment which he offered. When Congress has clearly expressed its will in the form of law, it is our duty to see to it that that will be not defeated by an executive officer of this Government.

Mr. CRAWFORD. With the consent of the gentleman from Massachusetts, I wish to make a single remark. I understand the gentleman to say that the Secretary of the Treasury has violated the law in not expending the money appropriated two years ago for the construction of custom-houses?

Mr. GOOCH. I said nothing of the kind. I merely referred to the remarks of the gentleman from North Carolina, and said that I sustained the position taken by him; and that, when the will of Congress had once been expressed, it should not be permitted to be overruled by an executive officer of the Government.

Mr. CRAWFORD. I desire to say to the gentleman, that that had not been done in the case to which the amendment of the gentleman from North Carolina referred.

Mr. GOOCH. I do not care whether it has been done or not. The gentleman from North Carolina assumed that it had been done, or supposed a case in which it might be done; and it is the doctrine which the gentleman laid down which I desire to sustain, and apply to the case now under consideration. And it cannot be denied that such is the fact in the case to be affected by this amendment. The law clearly vested in the contractors the right to locate the route. These contractors were not permitted to exercise that right. According to the statement of the friends of the Postmaster General, it was determined upon by the Cabinet that a different route than that selected by the contractors should be adopted; and the contractors were forced to accede to that route, or give up the contract. They were given to understand that, if they would take such a route as the Cabinet should adopt, they could have the contract; and that, if they did not take that route, they could not have it.

Mr. BONHAM. I desire to ask the gentleman from Massachusetts whether the contractors did not themselves consent to adopt that route? The Postmaster General says:

"The foregoing route is selected for the overland mail service to California, as combining, in my judgment, more advantages and fewer disadvantages than any other.

"No bid having been made for this particular route, and all the bidders (whose bids were considered regular under the advertisement, and the act of Congress) having consented that their bids may be held and considered as extending and applying to said route," &c.

Mr. GOOCH. I reply to the gentleman by asking him this question: where did that particular route originate? It did not originate with either one of the contractors; but that it did originate with the Cabinet or with the Postmaster General, the remarks of the gentleman from South Carolina prove, and prove conclusively.

[Here the hammer fell.]

Mr. MAYNARD. I oppose the amendment offered by the gentleman from Massachusetts, for the purpose of showing that, as I conceive, the Postmaster General is not liable to the charge made against him of having violated the law. I have not been able to see that the charge made against that officer of having made this overland mail contract in violation of law, is sustained. The tenth section of the act of March 3, 1857, authorizes the Postmaster General "to contract for the conveyance of the entire letter mail, from such point on the Mississippi river as the contractors may select, to San Francisco, in the State of California, for six years." The only thing left for the contractor to designate is the point on the Mississippi river from which he is to start. In pursuance of that act the Postmaster General advertised for proposals; and in his report of December 1, 1857, he gives an abstract of the bids. There seems to have been quite a number made to the Department; the first is that of John Butterfield and others, to start from St. Louis; that is one point. Another bid from the same parties designates Memphis as the starting point; another from the same parties, proposes to start from St. Louis and go through by a different route. The next bid is from James E. Birch, from Memphis. The next is from James Glover, from Memphis. Then from S. Howell, and A. E. Pace, from Gaines's Landing; and there are other bidders who make the starting point at St. Louis. The only matter left by law to the discretion of the bidders was the point of departure from the Mississippi river, which was designated, as I have shown, in the several bids made to the Department. The bids accepted by the Department and the route adopted, give the starting point both to St. Louis and to Memphis; uniting in Arkansas and proceeding to San Francisco.

Mr. PHELPS, of Missouri. I will say to the gentleman from Tennessee, that, as I construe the amendment offered by my colleague, [Mr. BLAIR,] it does not change the starting points from Memphis and St. Louis at all; it only leaves it in the discretion of the contractors to change the intermediate points of the route.

Mr. MAYNARD. Possibly that would be the effect. But for my present purpose it is not necessary for me to notice the remarks of the gentleman from Missouri. I was attempting to refute the idea which has been so industriously asserted, repeated, and reiterated, that the Postmaster General, in awarding this contract as he did, violated the act of 3d March, 1857. I asserted that he did no such thing; and, as the ground of my assertion, I proceeded to state that the only discretion left the contractors was, to designate the point of departure from the Mississippi river. The bids of these parties which were accepted designated the points of St. Louis and Memphis. In awarding the contract, the Postmaster General incorporated both these points in the bid as accepted, which, as I understand the law, he had the right to do; and for which I do not see that there is any reasonable ground for complaint.

Mr. OLIN. I ask the gentleman whether the law does not authorize the contractors also to locate the route?

Mr. MAYNARD. The law, as I have read it, and which I suppose the gentleman from New York can understand as well as I, says "from such point on the Mississippi river as the contractor may select." If they selected two different points, it was certainly within the spirit, if not within the letter of the act, for the Postmaster General to combine the two points in the route; and it certainly is very ungracious, to say the least of it, when the Postmaster General has construed this law so as to give the most liberal increase of postal facilities to the country, to complain of that construction. Suppose he had adopted Memphis as the point to start from, or Gaines's Landing, or the Balize, or Lake Pepin, it might have been urged that he had violated the spirit in adhering to the letter of the law. But he adopted two points from those selected by the contractors, both central, and so situated as to accommodate both the northern and the southern travel.

Mr. BLAIR. I ask the gentleman from Tennessee whether it was not the common understanding, at the time this act was passed, and whether it was not the common understanding on the part of the contractors, and the understanding of the Postmaster General himself, as shown by the language which he uses in his report, that the contractors were authorized to designate the whole line of the route?

Mr. MAYNARD. And it is charged that the Postmaster General has violated, not the law, but common understanding. Common understanding, I suppose, does not make law; and what was common understanding would, perhaps, be a very difficult matter to settle. The only common understanding we are at liberty to regard must be derived from the language of the law itself.

Now, under that law, the contractor has the right to designate his starting point on the Mississippi, and the Postmaster General is left entirely free to select such route from thence to San Francisco as in his wisdom he may think proper to choose. Any other construction of the law would be grossly unreasonable.

Mr. BLAIR. Then, I suppose, if the starting point designated by the contractor had been St. Paul, the Postmaster General would have been authorized to have compelled him to start at St. Paul, and still proceed through the State of Arkansas, on his way to San Francisco, if, in his wisdom, he had seen proper so to direct.

Mr. MAYNARD. I will answer the gentleman very cheerfully. Had the contractor capriciously selected as the eastern terminus of the route a point either near to the source or to the mouth of the Mississippi, it would have been so manifest a departure from the intent of the law, that it would, in my opinion, have been the duty of the Postmaster General to have withheld the contract, and sought some more reasonable contractor.

[Here the hammer fell.]

The question was taken on Mr. GOOCH's amendment; and it was rejected.

Mr. CRAIG, of Missouri. I move to add as follows:

And provided also, That the Postmaster General shall order an increase of service and speed on the routes between St. Joseph, Missouri, and Placerville, California, so as to run through twice a week each way, in twenty-five days: *Provided, however*, That the contractors shall not receive for such additional service exceeding fifty per cent. of the *pro rata* compensation usually paid by the Department for such increased service.

Mr. LETCHER. Is that amendment in order?

The CHAIRMAN. The Chair thinks that it is in order.

Mr. CRAIG, of Missouri. Mr. Chairman, gentlemen on this floor talk a good deal about retrenchment, and I have offered this amendment to ascertain whether they are really in earnest, and desire retrenchment. There appears to be a disposition on the part of a majority of the House to dispense with the services of Butterfield & Co. I have not felt at liberty to attack that route, although it is a rival to the one in which my constituents feel a deep interest, and which starts from the city in which I reside. As that was a contract under the authority of a special act of Congress, I do not desire to see it taken away from Memphis. I think there ought to be two routes across the continent. My amendment increases the speed and service on the central route, running on and near the fortieth parallel—giving service twice a week, and running through in twenty-five days, and the whole to be done for fifty per cent. of the pay usually allowed for such increased service. The contractors of the central route now get $320,000. Butterfield & Co. get $600,000. The contractors on the central route carry from twelve to twenty-five hundred pounds a trip; Butterfield & Co., under their special contract, are required to carry only the letter mail. The central route is nine hundred miles shorter than Butterfield's route. The central route, after leaving the frontier of Missouri, runs by and supplies the line of military posts, furnishes the people of Utah and your army with mails, and after the lettings in April, this line is to supply Oregon and Washington, and, within a few months, is to supply one hundred thousand miners in the Pike's Peak region with their mails. The present winter has demonstrated this as a feasible route for summer and winter. It has proven itself the best overland route across the continent. I believe more failures have occurred, the present winter, between New York and Washington, on account of snow, than have occurred on this overland route, in both ranges of mountains. This route being the shortest by several hundred miles, through a healthy region, I submit that the mails can be carried over it with more rapidity and regularity, and at a less cost, than upon any other route.

Mr. BLAIR. Did we not pass, at the last session of Congress, a joint resolution to authorize the Postmaster General to do this thing? And has he not failed to do it because it came into conflict with his pet southern route?

Mr. ATKINS. Have not men and mules frozen to death this winter upon the Salt Lake route?

[Here the hammer fell.]

Mr. HUGHES. I move to strike out the enacting clause.

Mr. PHELPS, of Missouri, demanded tellers.

Tellers were ordered; and Messrs. CHAFFEE and PEYTON were appointed.

The committee divided; and the tellers reported —ayes 74, noes 84.

So the committee refused to strike out the enacting clause of the bill.

The question recurred on Mr. CRAIG's amendment; and it was rejected.

Mr. MAYNARD. Is it in order to move that the committee do now rise, and report the bill with amendments?

The CHAIRMAN. It is not. The amendment offered by the gentleman from South Carolina [Mr. BONHAM] is still pending.

Mr. JONES, of Tennessee. I move to amend the amendment by striking out the words "Butterfield & Co.," and insert, so as to make it read that it is not to be construed to authorize or direct the Postmaster General to continue any contract further than can be paid for by the moneys received by his Department.

I have moved this amendment, Mr. Chairman, merely for the purpose of suggesting, as I think, the only mode of getting this bill out of committee at this time. It is this: Let those who offer their amendments do so; and let their friends, if they desire it, vote them in, till every member of the committee may have, if he please, a dozen amendments; and then let the bill be reported to

the House, and there we can have a vote which will tell on the Journal, and show who it is that want to put the bill in a shape that will defeat it.

Mr. WASHBURNE, of Illinois. I am opposed to the amendment.

Mr. MONTGOMERY. I desire that it shall be agreed to; for I want to get in that tariff bill of mine.

The question was taken; and the amendment was rejected.

The question recurred on Mr. BONHAM's amendment.

Mr. BONHAM demanded tellers.

Tellers were not ordered.

The amendment was rejected.

Mr. PHELPS, of Missouri. I offer the following amendment, to come in as an additional proviso:

Provided, That, if the revenues of the Post Office Department shall be insufficient to defray the appropriations made in the first section of this act, the deficiency, if any there be, at the expiration of each quarter of the fiscal year, shall be paid out of any money in the Treasury not otherwise appropriated.

This proviso is necessary, if we intend to support the present mail service of the country. The committee has already sanctioned, in this bill, an expenditure of $16,667,060 for the ensuing fiscal year. The Postmaster General reports, as the probable revenue for the ensuing fiscal year, about seven million four hundred thousand dollars, leaving the residue to be supplied out of the Treasury of the United States. The course hitherto pursued, has been for Congress to make an appropriation for the estimated deficiency in advance of the commencement of the fiscal year; and then at the next session of Congress to supply such deficiency as might still exist. That accounts for the second section of this bill. Congress, at its last session, provided that, if the revenues of the Post Office Department should be insufficient to meet the appropriations made by that act, the Postmaster General might draw on the Treasury for $3,500,000 more. That sum, along with the revenues of the Department, was still insufficient, and there was a deficiency of nearly four million dollars. Inasmuch, therefore, as the committee has sanctioned by this act an appropriation of $12,000,000 for the transportation of the mails, and such other sums as I have mentioned, I think it expedient, in order to avoid a deficiency at the next session of Congress, that we should provide that if, at the expiration of each quarter, the revenues of the Post Office Department prove insufficient to meet the expenditures authorized by this act, the residue shall be paid out of the Treasury of the United States. By this means you restrict the expenditures to the amount authorized in this bill—that is, to the amount of $16,667,060. I prefer to have a specific sum named as a limit, because that sum has been based on the estimates.

Mr. HUGHES. I move to amend the amendment of the gentleman from Missouri, by striking out all after the word "that," and inserting in lieu thereof the following:

And be it further enacted, That, for the purpose of raising revenue to meet the appropriations hereinbefore made, the act of Congress approved March 3, 1857, entitled, "An act reducing the duty on imports, and for other purposes," be, and the same is hereby, repealed; and the act of Congress approved July 30th, 1846, entitled, "An act reducing the duty on imports, and for other purposes," be, and the same is hereby, revived, and put in full force.

Mr. PHELPS, of Missouri. I raise a question of order on that amendment.

Mr. HUGHES. I understand that the amendment of the gentleman from Missouri proposes to provide means to meet the appropriations made in this bill. Mine is an amendment for the same purpose.

The CHAIRMAN. The Chair holds that the amendment is not in order.

Mr. HUGHES. With all due respect to the opinion of the Chair, I take an appeal from that decision; and I desire to say a word on that appeal.

[Cries of "Order!" "Order!"]

The CHAIRMAN. The appeal is not debatable.

The question was taken on the appeal; and the decision of the Chair was sustained.

Mr. ENGLISH. I move to amend the amendment, by adding to it the following:

Provided further, That, from and after the 4th day of July next, the franking privilege shall cease to exist; and the right to receive or send mail matter through the United States mails, free of postage, shall be entirely abolished, except that letters and packages upon Post Office business exclusively shall be allowed to pass free through the mails as now provided for by law: and that the eighteenth section of the act to reduce the rates of postage, approved March 3, 1845, shall be so construed as to prohibit the Postmaster General from making contracts for the transportation of mails with any view to the transportation of passengers, and to restrict him in making such contracts to the acceptance of such bids only as shall provide for the conveyance of the mails.

Mr. PHELPS, of Missouri. I raise a question of order on that amendment. I am in favor of the proposition offered by the gentleman from Indiana, but I submit that it is not in order as an amendment to an appropriation bill.

The CHAIRMAN. The Chair decided yesterday that this amendment was in order; but the committee has to-day reversed the decision of the Chair on the subject of amendments to this bill, and the Chair is obliged to rule the amendment out of order.

Mr. SHERMAN, of Ohio. I have a word or two to say in opposition to the amendment of the gentleman from Missouri; and I desire especially to call the attention of the gentleman from Virginia [Mr. LETCHER] to the uncertainty of the estimates of deficiencies. In the speech of the gentleman from Virginia, purporting to have been made on the 30th of June last, but written out and printed some two weeks afterwards, he estimated the expenditures of the Government, for the year ending June 30, 1859, at $68,000,000, including $3,500,000 for the Post Office. I see by the report of the Secretary of the Treasury, that the estimated expenditures were $74,065,000, to which is to be added this deficiency for the Post office of $3,839,624, making $77,904,624, or $10,000,000 more than the gentleman estimated. And then it must not be forgotten that, in the various appropriation bills which have been passed, there have been many items of deficiency; so that, in my judgment, the expenditures for the current fiscal year will reach $80,000,000. I made an estimate based on the existence of the Utah war, of $92,000,000.

Mr. PHELPS, of Missouri. I rise to a question of order. The gentleman from Ohio is speaking in opposition to my amendment. It seems to me that his remarks are not confined to the subject-matter of the amendment.

The CHAIRMAN. The Chair will state that great latitude has been permitted in the discussion of all these amendments.

Mr. SHERMAN, of Ohio. I then endeavored to show that my estimate of $92,000,000 was based upon the continuance of the Utah war, for which $8,000,000 were allowed, and also in which was included an expenditure of $4,500,000 for the support of the three regiments authorized at the last session of Congress to be raised. By an accident in the fortunes of war, these items were saved; and taking them from my estimate would reduce the amount of appropriation required to the sum of $80,000,000. We have the facts and figures before us, from which the Secretary of the Treasury now estimates that the amount of $78,000,000 will be required, showing conclusively that the estimate which I made in May last was substantially correct.

Mr. REILLY moved to strike out the enacting clause of the bill.

Mr. KEITT demanded tellers upon the motion.

Tellers were ordered; and Messrs. JEWETT and THOMPSON were appointed.

The committee divided; and the tellers reported—ayes 60, noes 69.

So the committee refused to strike out the enacting clause.

The question recurred upon the amendment offered by Mr. PHELPS, of Missouri.

Mr. PHELPS, of Missouri. I propose to modify my amendment, so as to make it an independent section, commencing, "*And be it further enacted.*"

The amendment, as modified, was agreed to.

Mr. CAVANAUGH. I move to amend by adding the following at the end of the bill:

SEC. —. *And be it further enacted*, That $400,000 be, and the same is hereby, appropriated to enable the Postmaster General to order service on the overland mail route from St. Paul, Minnesota, to Seattle, on Puget Sound.

Mr. HUGHES. Is that amendment in order?

The CHAIRMAN. That will depend upon whether there is a law establishing a post route from St. Paul to Seattle.

Mr. BARKSDALE. There is no such law.

Mr. CAVANAUGH. Then I will modify my amendment by striking out "St. Paul" and inserting "St. Anthony." There is such a route from St. Anthony, and has been for several years.

Mr. McQUEEN. To Puget Sound?

Mr. CAVANAUGH. Yes, sir. Now, Mr. Chairman, we have heard a great deal to-day about this middle route and southern route, and this House has been pretty thoroughly "buttered" over with *Butter*field and his friends on both sides of the House. Now, sir, I ask for no sectional favor. I never will vote for any question which is simply sectional or simply partisan. You have a route in the South; you have what is called a middle route from St. Louis; you have two routes spanning this continent south of the parallel of 40° of latitude. You have one of those routes established over a distance to San Francisco of two thousand seven hundred and ninety-five miles. The distance across the country from the head waters of Lake Superior, forming, as it does, with Huron, Michigan, and Erie, the great mediterranean of this continent, to Puget Sound, is only eighteen hundred miles.

The gentleman from Missouri proposes to carry the mail twice a week, from St. Louis to the Pacific, in twenty-five days. We propose to carry it from either St. Paul, Lake Superior, or St. Anthony, in *eighteen* days; ay, sir, for two thirds the sum paid to the Butterfield company. I am for giving the South, by way of New Orleans, or any portion of the Union, a mail route to the Pacific; I am willing to give to the center of this nation a mail route to the Pacific; but, sir, I am not willing that that great and growing country north of the fortieth parallel of north latitude should be entirely ignored. Congress has been lavish in its generosity in affording the South overland mail facilities, as the following figures will show:

"South of latitude 40° the Federal Government now expends $2,230,698 annually for the transportation of the mails to the Pacific coast, as follows:

Semi-monthly ocean service via Panama to California and Oregon	$738,250
Semi-monthly overland mail from San Antonio, Texas, to San Diego, California	196,448
Semi-weekly overland mail from Memphis and St. Louis, via El Paso, to San Francisco	600,000
Weekly overland mail from St. Joseph, Missouri, and thence to Placerville, California	320,000
Monthly route from Kansas City, via Albuquerque and Tejon Pass, to Stockton	90,000
Semi-monthly mail from New Orleans to Tehuantepec	250,000
	$2,194,689
Add $30,000 for the Tehuantepec route, when the contractors choose to carry mails to San Francisco	36,000
Total	$2,230,698

"The ocean service, by the Isthmus of Panama, starts from New York and New Orleans, and communicates with Oregon as well as California, and is not exclusively local in its character. Deducting, therefore, the sum first above stated, and also the payment on account of the Tehuantepec route, (which would be an aggregate of $1,024,250,) and it leaves a total annual expenditure for mail service over American territory between latitude 31° and 40°, of $1,206,448, while the area between latitude 40° and 49° is without any overland mail service whatever."

I ask, sir, and insist, that the Northwest be recognized, and treated in a spirit of just liberality, and that no distinction be made in the distribution of governmental aid, to any portion of the country. There is a magnificent country lying north and west of Minnesota, which, with all due deference, I think a large majority of gentlemen of this House know but little of—a *terra incognita* to them, for the reason that their attention has not been particularly called to that section.

It is vast in extent, with the undeveloped resources of an empire; great lakes, navigable rivers, a soil and climate unsurpassed for fertility and health; the future home of an intelligent, happy, and prosperous people; a territory out of which great States of this Confederacy will yet be carved.

Sir, my time forbids me to speak of the Northwest as it deserves; forbids me to enter into a comparison of routes—to speak of the superiority of the Minnesota and Puget Sound overland mail route over all others. You have passed a law establishing this route, thereby recognizing its feasibility; but have failed to make appropriations to

put it in operation. The Postmaster General advertised a year ago to put service upon this route; why, I say, should that service be now withheld?

Mr. WASHBURNE, of Illinois. I wish the gentleman would state his understanding of the reasons why service was not put upon this route. I suppose the people of Minnesota would like to know why they have been deprived of that mail service.

Mr. CAVANAUGH. I do not know the reason; I presume for the want of funds. If the gentleman put the question for political effect, which he evidently did, he has failed in his object. I will say this for the Postmaster General: that the people of Minnesota and the Northwest have no reason to complain. They have, on the contrary, every reason to thank that efficient officer. I have never asked yet for anything, in my representative capacity, from the Postmaster General, and which he had authority to do, that he has not granted. My people understand these things. If the gentleman knows the reason why the service was not put upon this route, he can state it.

Mr. WASHBURNE, of Illinois. I have a pretty good idea.

Mr. CAVANAUGH. Let us have the benefit of your idea; or, if you know the reason, state it. The Government pays for service on the route discussed here to-day, $600,000 per annum; and Congress insists that a semi-weekly service shall be performed between the Mississippi river and the Pacific ocean in twenty-five days to the trip.

The people of Minnesota offer, that for a less sum they will do more efficient service, and in a shorter time than can possibly be executed on any other overland route now, or that may hereafter be put in operation.

I know that gentlemen speak of the climate as a drawback, as an objection. Allow me, sir, to call the attention of these gentlemen to the reports of our Army officers, and the agents of the Hudson's Bay Company; to the history of the Selkirk settlement, several hundred miles northwest of St. Paul, and containing a population of ten thousand souls; to the experience of trappers, and the scientific investigations of English engineers and explorers; and they will find that the facts will not bear testimony to the prejudices of gentlemen opposed to this measure.

Give us the money to start this great enterprise; clothe the Postmaster General with power to put service on this route, by voting for this appropriation; and we of the Northwest will demonstrate, not only the practicability, but the superiority of the northern over all other routes.

[Here the hammer fell.]

Mr. HUGHES. I move that the committee rise.

Mr. PHELPS, of Missouri. I think we ought first to get through with this bill.

Mr. HUGHES demanded tellers.

Tellers were ordered; and Messrs. GOOCH and HAWKINS were appointed.

The House divided; and the tellers reported—ayes 65, noes 71.

So the committee refused to rise.

Mr. JONES, of Pennsylvania. I move to strike out the enacting words of the bill.

Mr. PHELPS, of Missouri. Let the vote be first taken on the amendment of the gentleman from Minnesota.

Mr. SMITH, of Virginia. Is the motion of the gentleman from Pennsylvania in order, until the amendment is disposed of?

The CHAIRMAN. The Chair thinks so.

Mr. SMITH, of Virginia. Then I will vote for it.

Mr. PHELPS, of Missouri. Let us first take the vote on the amendment offered by the gentleman from Minnesota.

Mr. CAVANAUGH. I do not think that a motion to strike out the enacting words is a proper way to kill any amendment.

The question was taken; and the committee refused to strike out the enacting words.

The question recurred on Mr. CAVANAUGH's amendment, and it was rejected.

Mr. ANDREWS. I offer the following amendment as an additional section:

SEC. —. *And be it further enacted*, That the Postmaster General be instructed to make the necessary examination and inquiry, in order to ascertain whether any responsible express company will contract with that Department to perform its mail service, and convey the mail matter over the post routes of the United States, or over what routes thereof, at a rate of postage not exceeding two cents each for all letters not exceeding one half ounce, and at proportionable rates corresponding with the graduation established by the present law; and that he report the result of such inquiry at the opening of the next session of Congress.

Mr. PHELPS, of Missouri. I submit that that amendment is not in order?

The CHAIRMAN. The Chair thinks it is not, and rules it out of order.

Mr. ANDREWS. It leaves a discretion with the Postmaster General, and helps him to carry out the law and perform the business of his Department with greater economy.

Mr. PHELPS, of Missouri. I move that the committee rise, and report the bill to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. HOPKINS reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly House bill, No. 872, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1860, and had instructed him to report the same back to the House, with sundry amendments.

Mr. PHELPS, of Missouri. I move to recommit the bill; and call the previous question.

Mr. HOUSTON. Before the previous question is seconded, I want to know whether the gentleman from Missouri intends to press this bill to a vote this evening? I have no objection to his doing so; but if he does, I wish to move for a call of the House.

Mr. PHELPS, of Missouri. I do not.

Mr. GROW. As there is so much time left for the transaction of the public business, I move that the House do now adjourn.

PRINTING TESTIMONY.

Mr. NICHOLS. I ask leave of the House to have printed, for the use of the House, the testimony taken by the select committee organized last Friday. The report will be made to-morrow morning.

It was so ordered.

Mr. HUGHES. I ask the gentleman from Pennsylvania to withdraw the motion to adjourn, that I may ask leave of the House to introduce a bill.

Mr. HOUSTON and other members objected.

The previous question was seconded, and the main question ordered.

And then, on motion of Mr. GROW, (at seven minutes past four o'clock, p. m.,) the House adjourned.

IN SENATE.

THURSDAY, *February* 24, 1859.

Prayer by Rev. T. H. BOCOCK, D. D.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Interior, communicating, in obedience to law, the reports, with maps, upon the several wagon roads constructed under the direction of that Department; which, on motion of Mr. GWIN, was ordered to lie on the table; and a motion by him to print it was referred to the Committee on Printing.

He also laid before the Senate a report of the Secretary of the Navy, communicating, in compliance with a resolution of the Senate, information in relation to the lease of the dry-dock at Mare Island, California, on the 4th of August, 1852, and the claims of lessees to compensation for losses sustained under it; which was referred to the Committee on Naval Affairs.

HOUSE BILL REFERRED.

The bill (H. R. No. 92) to amend the act entitled "An act in addition to certain acts granting bounty land to certain officers and soldiers who have been engaged in the military service of the United States," approved May 14, 1856, was read twice by its title, and referred to the Committee on Public Lands.

PETITIONS.

Mr. TRUMBULL presented a petition of officers of the Illinois militia, praying the enactment of a law for furnishing the militia of the United States with a larger supply and greater variety of military stores; which was referred to the Committee on Military Affairs and the Militia.

Mr. HARLAN presented two petitions of citizens of Iowa, praying the establishment of a branch mint or assay office at St. Louis, Missouri; which were referred to the Committee on Finance.

Mr. WADE presented a petition of citizens of Cleveland, Ohio, praying the enactment of a law to secure the public domain to actual settlers free of cost; which was ordered to lie on the table.

PAPERS WITHDRAWN.

On motion of Mr. FESSENDEN, it was

Ordered, That J. Vincent Browne have leave to withdraw his petition and papers.

EXPLANATION.

Mr. BRIGHT. I desire to state that I was accidentally absent last evening when the vote was taken on the amendment offered by the Senator from New Hampshire [Mr. HALE] in relation to Kansas to the legislative appropriation bill. If I had been present, I should certainly have voted against the amendment, and for the final passage of the bill.

REPORTS FROM COMMITTEES.

Mr. STUART, from the Committee on Public Lands, to whom was referred the petition of Thomas Ewing, jr., and others, residents of Kansas, and the petition of F. Ferguson and others, praying for a grant of land to Kansas and Nebraska Territories, for railroad purposes, reported adversely thereon.

He also, from the same committee, to whom was referred the petition of Thomas S. Sprague, praying compensation for investigating depredations on the public lands in Michigan, reported adversely thereon.

He also, from the same committee, to whom were referred a resolution of the Legislature of Michigan, asking for land for an asylum for the insane and the deaf and dumb and blind; a petition of citizens of Michigan, asking for land for a wagon road from Saginaw to Cheboygan; and a petition of citizens of Wilton, Minnesota, asking for land for the Wilton Seminary of Learning, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred the memorial of William McLelland and others, reported a bill (S. No. 601) to legalize certain informal entries of town sites in the Territory of Nebraska; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the memorial of John B. Bennet, reported a bill (S. No. 602) for the relief of John B. Bennet; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the bill (S. No. 573) authorizing the entry of land, under certain circumstances, by mail contractors, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 450) for the relief of the heirs or legal representatives of François Guillory, reported it without amendment.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and that they ought not to pass:

A bill (S. No. 494) to secure title to the settlers upon the Kansas half-breed tract, and for other purposes;

A bill (S. No. 552) making a grant of land, in alternate sections, to the Territory of Nebraska, to aid in the construction of a railroad; and

A bill (H. R. No. 802) providing for satisfying claims for bounty lands, and for other purposes.

Mr. CLAY, from the Committee on Commerce, to whom was referred the memorial of Captain Zadoc Pangburn, asking an appropriation to test certain improvements in life-boats, reported adversely thereon.

He also, from the same committee, to whom was referred the bill (S. No. 589) for the further improvement of the navigation of the Patapsco river, and to render the port of Baltimore accessible to the war-steamers of the United States, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of underwriters and

others, connected with the commerce of the northwestern lakes, for an extension to the lakes of the system of meteorological observation now in use upon the ocean, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of the "Holland Colony," for the improvement of Black Lake harbor, Michigan, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the joint resolution (S. No. 82) to allow a credit to certain disbursing officers therein mentioned, reported it without amendment.

He also, from the same committee, to whom was referred the resolution of the Senate of the 10th of February, and the papers submitted therewith, in relation to the light-houses at Detour, Whitefish Point, and Manitou Island, asked to be discharged from their further consideration; which was agreed to.

Mr. FITCH, from the Committee on Printing, to whom was referred the resolution of the Senate to print the report of the Board of Regents of the Smithsonian Institution, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed, in addition to the usual number of the report of the Board of Regents for the Smithsonian Institute for the year 1858, five thousand copies for the use of the Smithsonian Institution: *Provided*, That the aggregate number of pages contained in said report shall not exceed four hundred pages, without wood cuts or plates, except those furnished by the Institution.

REGISTERS TO SCHOONERS.

Mr. HAMLIN. The Committee on Commerce, to whom was referred the memorial of Blood, Bond & Platt, have directed me to report a bill (S. No. 600) authorizing the issue of registers to the schooners "Helen Blood" and "Sarah Bond." I ask that the bill be put on its passage. The vessels are waiting for the registers to be granted.

The bill was read twice by unanimous consent, and considered as in Committee of the Whole. It proposes to authorize the Secretary of the Treasury to issue registers for the schooners Helen Blood and Sarah Bond, now lying in the port of Oswego, on its being proved to his satisfaction that these vessels are wholly owned by citizens of the United States, or by an incorporated company entitled to receive registers under existing laws.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the Speaker had signed the following enrolled bills and joint resolution; and they were signed by the Vice President:

A bill (S. No. 554) to incorporate the Washington National Monument Society;

A bill (H. R. C. C. No. 83) for the relief of William H. Russell;

A bill (H. R. No. 221) for the relief of Mary Bainbridge;

A bill (H. R. No. 551) to protect the land fund for school purposes, in Sarpy county, Nebraska Territory;

A bill (H. R. No. 804) to authorize settlers on sixteenth and thirty-sixth sections, who settled before the surveys of the public lands, to preëmpt their settlements; and

A joint resolution (H. R. No. 22) for the relief of Michael Pappreniza.

BILLS BECOME LAWS.

The message further announced that the President of the United States approved and signed, the 23d instant, the following acts:

An act for the benefit of the captors of the British brig Caledonia, in the war of 1812;

An act to authorize the claimants in right of John Huertas to enter certain lands in Florida;

An act for the relief of Leonard Loomis;

An act for the relief of John F. Cannon;

An act for the relief of Samuel A. Fairchild;

An act granting an invalid pension to John Lee, of the State of Maine;

An act for the relief of the representatives of Henry King, deceased;

An act for the relief of Francis Carver;

An act for the relief of Robinson Gammon;

An act for the relief of Frederick Smith; and

An act for the relief of David Watson.

PUBLIC PRINTING.

Mr. FITCH. An emergency has occurred which is very likely to stop congressional printing during the rest of this session, unless it is promptly met by the joint action of the two Houses. Under the existing law, the Superintendent is required to advertise annually sixty days for paper; and if a contractor fails, although he can prosecute the contractor for the failure, or for any additional expense incurred by procuring the paper, he has no other means of procuring a supply for the deficiency created by this failure than by re-advertising for sixty days under the law. He is now out of paper, in consequence of the failure of the contractor to supply paper of the quality contracted for. If he adheres to the law, and advertises for sixty days, it is manifest we can have no more printing during the session. To meet the emergency, I am instructed by the Committee on Printing to report a joint resolution, and ask that it be put on its passage at once.

By unanimous consent, the joint resolution (S. No. 83) in relation to the public printing was read twice, and considered as in Committee of the Whole. It proposes to direct the Superintendent of Public Printing to procure, in the open market, such paper as may be necessary to execute with proper facility the public printing, upon the failure of any contractor to furnish paper in proper time and in sufficient quantity; but no more paper is to be purchased under this authority than may be necessary for the public service during the period specified in the fourth section of the act of August 26, 1852, for advertising for proposals for paper, and entering into new contracts.

Mr. FITCH. The limitation in the act of 1852 is sixty days. This resolution only authorizes the Superintendent to purchase, in open market, a sufficient supply of paper for the necessary wants of the Government for sixty days.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM F. WAGNER.

Mr. BENJAMIN. I ask the indulgence of the Senate to take up House bill (No. 443) for the payment of a small sum to an ex-marshal of the United States for Louisiana. There being no fund in the Department applicable to these costs, the Department has asked that the bill shall pass. I hope it will be done to-day.

The bill was considered as in Committee of the Whole. It provides for the payment to William F. Wagner, late marshal of the United States for the district of Louisiana, of $533 35, in full payment of his costs in the case of "the United States *vs.* schooner Renaissance and cargo;" and also $666 in full payment of his costs in the case of "the United States *vs.* a lot of timber."

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

HOUR OF MEETING.

On motion of Mr. HUNTER, the resolution submitted by him yesterday, fixing eleven o'clock as the daily hour of meeting of the Senate hereafter, was taken up and adopted.

INDIAN APPROPRIATION BILL.

Mr. PEARCE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 664) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1860, having met, after a full and free conference, have agreed to recommend to their respective Houses as follows:

That the Senate agree to the House amendment to the Senate's fourth amendment.

That the House recede from their disagreement to the seventh amendment of the Senate, and agree to the same, with an amendment, as follows: Add to the Senate's amendment these words: *Provided further*, That for the new reservations hereby authorized, no Indian agents, sub-agents, overseers, or other officers, or employés, shall be appointed or employed under this act.

That the House recede from their disagreement to the fourteenth amendment of the Senate, and agree to the same, with an amendment, as follows: Add to the Senate's amendment these words: *Provided*, That the said reservation shall not exceed one hundred square miles in extent.

That the Senate agree to the House amendment of the Senate's sixteenth amendment.

That the House recede from their disagreement to the eighteenth amendment of the Senate, and agree to the same with an amendment, as follows: Strike out from the word "either," in the eighth line of said amendment, to the word "Indians," in the ninth line, inclusive, and insert, "by Indians trespassing on white men." And strike out all after the word "act," in the fifteenth line of said amendment.

That the Senate recede from their second, eighth, ninth, twelfth, and nineteenth amendments.

That the House recede from their disagreement to, and concur in, the following amendments of the Senate: fifth, sixth, tenth, thirteenth, fifteenth, and seventeenth.

JAMES A. PEARCE,
W. K. SEBASTIAN,
JOHN BELL,
Managers on the part of the Senate.

A. B. GREENWOOD,
S. A. SMITH,
JUSTIN S. MORRILL,
Managers on the part of the House of Representatives.

Mr. PEARCE. I will make a brief explanation of the effect of this report. The second amendment, from which the committee recommend that the Senate recede, relates to certain Indian stocks, held in trust for certain Indians known as the Chickasaw Incompetents. The amendment provides for the investment of an equal sum in stocks of the United States, to be held in trust for those Indians, in lieu of Indiana stocks. This has grown out of some difficulty in the payment of the interest; but it is understood that there will be no further difficulty, and that the matter can easily be arranged by the Department. It was therefore thought proper to strike out the amendment, which recommends the investment of an equal sum.

The eighth amendment, from which the committee recommend that the Senate recede, relates to the incidental expenses of the Indian service in Utah. It was an appropriation of some fifty thousand dollars, to supply deficiencies, and as to these the House has very insufficient information. We are not advised how the money which it is here proposed to appropriate as a deficiency, has been applied by the agents, and the Department itself, so far as we know, has not sufficient evidence to satisfy us. It was therefore thought better to abandon it.

The ninth amendment, from which the Senate is recommended to recede, relates to an appropriation, in addition to a former appropriation of $20,000, for defraying the expenses of certain expeditions against Ink-pa-du-tah's band, on the frontier of Minnesota. Congress appropriated $20,000 last year, I believe, for this purpose, and at this session were asked to appropriate some five thousand dollars more for the same purpose. We have not been furnished with any evidence showing the expense incurred by those who made this pursuit of Ink-pa-du-tah and his band. So far as we can ascertain, these marauding Indians were pursued by certain persons voluntarily assembled. The $20,000 has not been distributed, and the committee were disposed to think it was adequate to pay all their proper expenses; or, if it were not, it would be distributed *pro rata*.

The twelfth amendment, from which the Senate is recommended to recede, relates to the transfer of the bureau of Indian Affairs to the War Department—a very important amendment, and not, perhaps, undesirable to the House of Representatives under other circumstances; but they had such strong objections to it at present, that we thought it better to yield it.

The nineteenth amendment, from which it is proposed that the Senate recede, relates to locations upon reservations and the management of the tribal affairs of Indians. This amendment gave certain powers to the Commissioner of Indian Affairs which he has not heretofore possessed—to make arrangements for the tribes in regard to the tribal affairs, the disposition of their funds for education, and other purposes, so that more or less might be applied to one purpose or another, at his pleasure, with the approbation of the President. That was thought unnecessary, for a variety of reasons; and, more especially, because another amendment provides that certain regulations shall be drawn up by the Indian bureau, and submitted to Congress for their approval at the next session, which will cover the subject.

We recommend that the House agree to the fifth and sixth amendments of the Senate, which were to strike out the words, "and for the establishment of a reservation west of the Pecos river," and to insert, in lieu thereof, "provided no part of the same shall be used for the establish-

ment of the reserve west of the Pecos river." This does not alter the effect of our amendment materially.

We propose that the House recede from their disagreement to the tenth amendment, which is for carrying into effect the law of March, 1855, in reference to the Cherokee Indians. That is an amendment which was submitted by the Senator from North Carolina, [Mr. CLINGMAN,] and which, I presume, the Senate have heard so much about that they want to hear no more. The thirteenth and fifteenth amendments, from their disagreement to which the House are recommended to recede, are the two amendments in relation to the Pimas and Maricopa Indians. There is another amendment in relation to them which is agreed to with an amendment; that I shall reach presently. The seventeenth is a provision for preparing rules and regulations for the government of the Indian service. The House recede from their disagreement to this amendment.

It is also proposed that the Senate agree to the House amendment to the fourth amendment of the Senate, which provided that an investment should be made in stocks of the United States to the amount of the investments now held in stocks of Indiana, for the Pottawatomies. The same reason applies to that as to the amendment which I first mentioned. The amendment of the House to the sixteenth amendment of the Senate is merely verbal, to insert the words, "the treaty of," to make the section complete.

The House recede from their disagreement to certain amendments, and agree to them with amendments. Among these is the seventh amendment of the Senate, which authorizes an increase of the number of Indian reservations in California, and limits the amount of land which shall be included in the old and the new reservations, and the amount now authorized in the old reservations. The effect is to have more reservations of a smaller amount. The amendment which the committee recommend provides that, "for the new reservations hereby authorized, no Indian agents, sub-agents, overseers, or other officers or employés, shall be appointed or employed under this act." We understand that there were a great many such employés now in the service of the Government on the old reservations, and that, in fact, neither agents, nor sub-agents, nor anybody else, to manage them, would be necessary; and, therefore, we provided that none should be employed or appointed.

The fourteenth amendment relates to setting apart a tract of land for the Pimas and Maricopa Indians, on the Gila river. The amendment proposed to it by the committee simply provides that the reservations shall not exceed one hundred square miles in extent. We understand their country is about fifteen miles in length, and some five miles in width; and, allowing for the sinuosities of the river, we supposed one hundred square miles would cover all the land they now occupy.

The eighteenth is rather an important amendment. It relates to the intercourse act of 1834, and the provisions of that act indemnifying whites who suffer damage at the hands of the Indians. The law as now existing provides that those indemnities shall be first obtained from the annuities due the Indians; but if there are no such annuities, then from the Treasury. The Senate amendment struck out that provision giving indemnity from the Treasury. We propose to amend the amendment by striking out the words, "either by the Indians or by white men trespassing on the Indians," and inserting, "by Indians trespassing on white men." If the law be so amended, the effect will be to leave the sixteenth section of the act of 1834, which relates to trespasses of white men on the Indians, as it now stands. We propose also to strike out the second proviso, which is in these words:

"*And provided further*, That the President of the United States may at his discretion indemnify the Indians out of the Treasury for losses, in cases described in said act, and required to be paid out of the Treasury."

By striking out this provision of the Senate's amendment, we leave the sixteenth section of the law of 1834 to stand as it always has been, and we deny the power of the President to allow indemnity to Indians in all cases which he may approve. That was supposed to be entirely unnecessary, as the provisions of the existing law answer the purpose.

I hope these explanations are understood by those who take an interest in them, and that the Senate will concur in the report of the committee.

Mr. WILSON. I should like to know if this report cannot be printed, so that we can know what we are about. I, for one, intend to vote against all these propositions of committees of conference unless I know precisely what is proposed. The whole legislation of Congress has passed, substantially, into the hands of committees of conference, and measures are passed that we know nothing about until after the volume of laws is printed. I want some new system adopted, so that we can know exactly the changes that are proposed by the reports of the committees of conference. I wish to see this report in print; and if it is not in a condition to be printed, so that we can know and understand it, I shall content myself simply with voting against the proposition.

The report was concurred in.

POST ROUTE BILL.

Mr. YULEE. I move to postpone all the prior orders, and take up the bill (H. R. No. 874) to establish certain post routes.

Mr. STUART. I want to appeal to the Senator from Florida to allow me to pass a House bill of a public character that he is as much interested in as any one can be.

Mr. YULEE. I must ask the Senator to excuse me. If I should yield to him, I must yield to others. I move now that House bill No. 874 be taken up.

Mr. HALE. Before I vote on that motion, I wish to inquire whether the bill is printed?

Mr. YULEE. The bill is printed, but not the amendments.

Mr. SHIELDS. I will ask the honorable Senator from Florida, to allow me to call up a bill that I think will meet with almost the unanimous concurrence of the Senate. It is the case of Hayne M. Salomon, known to all.

Mr. YULEE. I do not feel at liberty to yield.

Mr. SHIELDS. I merely ask permission to call up the bill, and if it leads to discussion, I shall agree to lay it down immediately.

Mr. STUART. I wish to say in regard to the motion to take up this bill, that I think the Senate would do better if they would have these amendments printed. The idea of informing the Senate upon the amendments by merely reading them from the desk, is impossible. The report of the committee, with their amendments, ought to be printed, and I am, therefore, against taking up and considering it at this time, and in this way. I have no objection to an order being made to print the amendments, so that we may all look at them. Then it will take no time to read them when the bill is taken up. It is unusual to occupy the time of either House in simply reading the list of post routes. Nobody objects to them; nobody has any interest in them, and it is a consumption of the time of the Senate unnecessarily.

Mr. YULEE. It would be altogether unprecedented that we should print the amendments to the post route bill; I mean those amendments which relate to the establishment of routes. That has never been done in the Senate. They have always been acted on in manuscript, and the practice of the Senate and of the Senate committee, in reference to this bill, renders the printing unnecessary. The amendments are kept in the committee-room during all the time the bill is pending in the Senate, open to the inspection of all gentlemen, who are generally invited to examine them, and who add to them whatever routes they please. The practice has been to allow such amendments *ad libitum*.

Mr. HAMLIN. I want to ask the Senator a question. I desire him to inform the Senate whether he proposes to add any amendments to this bill save those which establish post routes?

Mr. YULEE. I do. I will state, however, that the only amendments I propose to offer, which are not printed, are those creating routes. All the other amendments, which I am instructed by the committee to propose to this bill, have been long since printed and placed upon the tables of Senators, so that they will not be taken by surprise by the subject-matter of any amendment which we shall offer.

Mr. HAMLIN. I desire, then, to ask the Senator, if he proposes to add to this bill a section which will change or increase the rates of postage?

Mr. YULEE. That will be answered when the amendments are offered. The Senate will then learn the subject-matter of them.

Mr. HAMLIN. I think the Senator may inform me, because——

Mr. YULEE. I will say, in all frankness, that I do intend to propose, as an amendment, the postal reform bill; and that, on consultation with gentlemen of the other House, I understand that to be the best mode of placing the subject of reform before the House; and, since I am forced to announce to the Senate my purpose, I will state, that if gentlemen take an interest in the establishment of new routes, it will be indispensable that they consider the subject of reform in the Post Office Department. We cannot go on adding to the expenditures of the Department, unless we look to the improvement of its revenues; and it is as well to consider the subject now, and upon this bill, as upon any other, for it must come before us.

The VICE PRESIDENT. The question is on the motion of the Senator from Florida to take up the post route bill.

Mr. YULEE called for the yeas and nays; and they were ordered.

Mr. YULEE. Before the yeas and nays are taken, I will state that it is the expectation of the Department that the reforms proposed now, and which I think I shall be able to show to the Senate, are all of them reasonable, certainly most of them, will make a difference in the financial condition of the Department for the next year, of $6,500,000. My own estimate falls considerably short of that. I shall be satisfied if we improve its condition to the extent of $4,000,000; but certainly, in view of the probability that even $4,000,000 may be saved to the Treasury, it is deserving the consideration of the Senate, and especially of those gentlemen who have been so clamorous for reform in the expenditures of the Government and for retrenchment, to take up, at least for consideration, a means by which that much of retrenchment may be effected in a practical way at this session.

Mr. HAMLIN. I would vote very cheerfully to take up the post route bill and vote for it, and vote for such post routes as are requisite and necessary for the accommodation of the people of the several States; but I will not vote to take up the post route bill now, or at any time during this session, nor at any other session, when the Senator gives notice in advance that he is going to make it an omnibus bill to ride in matters to which I object. This is a bill to which nobody objects; it is a bill which the wants of the country require, but I am not going to vote to take it up when he informs us that he is going to make the necessities of that bill carry through a measure which, in my judgment, ought not to prevail. I will do more; I will discuss these matters with the Senator, or I will vote upon them; for I do not trouble the Senate much with discussing anything. I will vote to take up all his propositions as separate measures, and to act upon them; but I will not vote to put them on this route bill, which has no earthly connection with them.

Mr. YULEE. I will say in reply, simply, that the reason of our offering these amendments to this bill is, that it is not, in the opinion of the committee, expedient or politic to add to the charge of the Department, unless we also relieve its burdens by adding to its revenue; and, in order that no gentleman may be deterred from voting to take up this bill by reason of the character of the amendments which I have frankly announced my purpose to offer to the bill, I think it proper to say that it is by no means an unprecedented course. Most of the large reforms in the Post Office Department have been carried by amendment on the post route bill; and if gentlemen will take the trouble to refer to the bills establishing post routes for the last five, or six, or eight, or ten years, they will find that very few have been passed which have not carried upon them general reforms in the Post Office Department.

Mr. STUART. I am not disposed to be placed in a false position upon this question. So far as necessary reform in the Post Office Department, or in any other branch of this Government, goes, I am as anxious for it as the Committee on the Post Office and Post Roads, or anybody else, can

be. What I objected to before, what I object to now, and what constitutes the reason for my vote against this motion, is, that the Senator has here a large number of amendments that have not been printed, that must be read, that it will take from half an hour to an hour to read, which is an unnecessary consumption of the time of the Senate. If he will have them printed, and agree to take up his bill to-morrow, or any other day after they are printed, so that we can save this time, I will vote to take up the bill, and go with him for any necessary reform, so far as my judgment will allow; but to take the subject up in this form, and crowd out all other business—business that is here from the other House, and ought to be passed—to insist on consuming the time of the Senate by reading these papers that nobody objects to, and nobody takes any interest in, I shall not consent to; and for that reason I shall vote against taking up the bill now.

The question being taken by yeas and nays, resulted—yeas 31, nays 19; as follows:

YEAS—Messrs. Allen, Bigler, Bright, Broderick, Brown, Cameron, Chesnut, Clay, Clingman, Crittenden, Davis, Fitch, Fitzpatrick, Green, Gwin, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mason, Pugh, Reid, Rice, Shields, Slidell, Smith, Toombs, Ward, and Yulee—31.

NAYS—Messrs. Bates, Chandler, Clark, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, King, Seward, Simmons, Stuart, Trumbull, Wade, and Wilson—19.

So the motion was agreed to; and the bill was considered as in Committee of the Whole.

Mr. YULEE. I presume it is unnecessary to read all the amendments which relate to the establishment of post routes. If there are any gentlemen who desire to add to the post routes for their particular States, the amendments may be proposed. It will be a mere matter of form to read those which have been reported.

Mr. WILSON. I desire to offer a slight amendment for my State.

The VICE PRESIDENT. Is it the pleasure of the Senate that the pending amendments should not be read?

Mr. KING. I think the bill had better be read. It will be remembered that last year a very important provision was contained in the post route bill which passed unawares, and there was some talk about it. We had better know what the bill is.

Mr. YULEE. My motion to dispense with the reading related only to the amendments containing the routes proposed to be added, not the amendments which cover general legislation.

The VICE PRESIDENT. The Senator from New York requires the reading of the bill.

Mr. KING. Yes, sir.

The VICE PRESIDENT. The Secretary must read the bill.

The Secretary proceeded to read the bill.

The VICE PRESIDENT. The hour of one o'clock having arrived, the Chair calls up the special order at this hour.

Mr. YULEE. I move that we dispense with the special order, and proceed with this bill.

The VICE PRESIDENT. The special order is the joint resolution directing the presentation of a medal to Commodore Hiram Paulding.

Mr. CRITTENDEN. I hope the special order will not be passed by.

Mr. YULEE. I move to postpone that and all other special orders, with a view to continue the consideration of this bill.

The motion was agreed to.

Mr. HUNTER. I would suggest to the Senator from Florida, that perhaps he had better move the amendment in regard to raising the rate of postage first; because, if that does not pass, I will not vote for any new routes. My vote on the amendments depends on that, and perhaps there are some other Senators in the same situation. If that were determined, we could soon dispose of the bill.

Mr. YULEE. I am perfectly willing, with the consent of the Senate, to postpone this amendment until after the other is disposed of.

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) Such will be the order of the Senate, unless objected to.

Mr. JOHNSON, of Tennessee. I think it would be best to proceed with the bill regularly. There may be others whose course would be different from that of the Senator from Virginia.

The PRESIDING OFFICER. It requires unanimous consent to take the course suggested by the Senator from Virginia. Objection being made, the bill will be proceeded with regularly.

The Secretary continued to read the bill.

Mr. PUGH. These are merely post routes; there is no legislative provision; and I hope, by general consent, the further reading will be dispensed with.

The PRESIDING OFFICER. The reading is called for by the Senator from New York.

Mr. PUGH. I move to dispense with the further reading of the bill.

Mr. KING. I called for the reading, because last year in the bill there was a very important provision, which I think never would have passed either House if it had been fully understood. This gives us a security that we know what the bill is.

Mr. YULEE. What does the Senator say? I did not hear him exactly. Will he repeat his remark?

Mr. KING. Last year, it will be remembered, the bill was not read, and there was a very important provision, making a pretty large appropriation in addition to the ordinary provision for post routes. The bill has usually been confined entirely to the establishment of new post routes. I have no objection to the course proposed by the Senator from Virginia, of taking the question first upon the rates of postage, because I desire to save time. I am opposed to that increase, and am willing that the question shall be taken before the bill is read through; but I think it had better be read through.

Mr. YULEE. The Senator's remark makes it necessary to say a word in reply. What the Senator alleges is not correct. The bill of the last session did not contain any legislation beyond the establishment of post routes, which was not read to the Senate, and the attention of the Senate specially called to it. Nor did it contain any provision for an appropriation. The Senator is only repeating what was falsely stated at the time in the other House, and so denounced, and so proved at the time. Whatever there was in that bill beyond the establishment of post routes, was specially read to the Senate, their attention called to it, and the interrogatories of gentlemen, whose attention had been called to it, answered, as the published debates show. It involved no appropriation, and was intended only to enable the Department to improve the service, but, unfortunately, they have not been able, even under that provision, to make the improvements which we contemplated and desired. Therefore, the reason of the Senator for imposing upon the Senate the inconvenience and loss of time of reading what has never been read before, and what relates alone to the establishment of post routes which are established *ad libitum* by members of the other House, so far as the House bill is concerned, and by members of the Senate, so far as our amendments are concerned, is without foundation.

Mr. KING. The statements of the Senator from Florida are not in accordance with my recollection. I know that my attention was not called to it; that I was not aware of that provision, and that, when it was found in the bill, surprise was expressed by most of the Senators. I do not know but that the particular provision of which the Senator speaks, may have been read; but I call for the reading of this bill, because I think it better that the bill should be read, that we may know what it contains.

Mr. YULEE. The amendment to which the Senator from New York referred, I am reminded was not only read in the Senate, and the attention of the Senate particularly called to it, but (what seems not to have been understood in the House, or not to have been stated there) it was read over two or three times to the chairman of the Post Office Committee of the House, and his attention particularly called to it.

Mr. KING. I have no intention to prolong time by debating this matter, but I know, when the thing came out, great surprise was expressed; and if it did not involve an appropriation, it involved authority for a very large expenditure.

Mr. YULEE. No.

Mr. KING. That was my understanding of it.

The Secretary concluded the reading of the bill.

Mr. HAMLIN. I desire to offer an amendment to come in after line one hundred and fifty.

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) The amendments proposed by the committee are first in order.

Mr. YULEE. What has been read has been only the bill of the House. The committee reported amendments with the bill, but instructed me also to propose some other amendments; and I purpose, in advance of the amendments increasing the number of post routes, to propose some other amendments which are from the committee, and are, therefore, subject to the control of the committee as to the order of their being offered. I move, as an amendment, the bill which has been upon the desks of Senators as Senate bill No. 570, which has various objects of reform. I send it to the Chair, and move it as an amendment to this bill.

Mr. TRUMBULL. I understood the Chair to decide that the amendments reported by the committee with the bill, were first in order. I understand this to be a separate amendment.

The PRESIDING OFFICER. The amendments of the committee are first in order, and the Chair understands this to be an amendment from the committee.

Mr. TRUMBULL. But it is offered since those which were reported with the bill some days ago. When the report was made, the committee submitted certain amendments with the bill, and those amendments, I supposed, were first in order, and I understood the Chair so to decide. Although the committee now offer amendments, that does not do away with amendments which they reported some days ago, I apprehend.

Mr. YULEE. I leave it to the decision of the Chair.

Mr. STUART. The committee certainly have a right to say in what order they will present their own amendments. They can first offer an amendment which they agreed to report to-day, if they choose.

The PRESIDING OFFICER. The Chair has so determined.

The Secretary read the amendment, as follows:

And be it further enacted, That the first, sixth, seventh, and eighth sections of the "Act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of 'frauds on the revenues of the Post Office Department,'" approved March 3, 1845, and the third, fourth, and fifth sections of the act to amend the act aforesaid, approved March 1, 1851, and all other acts and parts of acts granting and conferring upon any person whomsoever the right or privilege to receive or transmit through the mails of the United States, free of postage, letters, packets, newspapers, periodicals, books, or any other mailable matter, printed or written, be, and the same are hereby, abrogated and repealed: *Provided, nevertheless*, That nothing in this act contained shall be construed to repeal any special law heretofore enacted granting the franking privilege to any ex-President, or to any person or persons to whom the privilege has been granted by name.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Senate and the Clerk of the House of Representatives, respectively, to procure from the postmaster of Washington, District of Columbia, and furnish each Senator and Member and Delegate of the House of Representatives, at the commencement of each regular session, with $150 in postage stamps, to be paid for out of the contingent funds of the two Houses of Congress.

SEC. 3. *And be it further enacted*, That all letters, packets, newspapers, periodicals, public documents, and books, printed by order of either House of Congress, and all other mailable matter, shall be prepaid by postage stamps or stamped envelopes before their delivery at any post office for transmission in the mails; and all letters, packets, and other mailable matter, whether printed or written, directed to the President or Vice President of the United States, or to any member of either House of Congress, or to the Secretary of the Senate, or Clerk of the House of Representatives, shall be prepaid at the mailing office.

SEC. 4. *And be it further enacted*, That all letters, packets, and mailable matter sent from or directed to any of the Executive Departments, bureaus, or public offices or officers, civil or military, at the seat of the General Government, except the Post Office Department and the office of the Auditor of the Treasury for the Post Office Department, shall be prepaid by postage stamps or stamped envelopes before delivery at the mailing office.

SEC. 5. *And be it further enacted*, That the Postmaster General, the Assistant Postmasters General, the chief clerk of the Post Office Department, the Auditor of the Treasury for the Post Office Department, and the chief clerk of the said Auditor, be, and they are hereby, authorized to receive and send free in the mails all letters and packets and other mailable matter relating exclusively to their official duties, or to the business of the Post Office Department; and they shall, in every case, indorse on the back of every letter or package so to be sent free, over their own signatures, the words, "official business." And the several postmasters shall be, and they are hereby, authorized to send through the mail, free of postage, all letters and packages which it shall be their duty to transmit, and which shall relate exclusively to the business of their respective offices, or to the business of the Post Office Department; but, in every case, the postmaster sending any such letter or package shall indorse thereon, over his own signature, the words "post office business;" and for any and every such indorse-

ment falsely made, the person making the same shall forfeit and pay $300, one half for the use of the person or persons informing and prosecuting for the same, and the other half to the use of the United States, to be paid over to the Postmaster General, and accounted for by him as other moneys of the Department.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to pay or refund quarterly, out of any money in the Treasury not otherwise appropriated, to each of the Executive Departments, bureaus, and offices at the seat of Government, except the Post Office Department and the office of the Auditor for said Department, such amounts as the proper accounting officers of the Treasury shall audit and allow as having been expended for the purchase of postage stamps and stamped envelopes, used, or to be used, for the prepayment of the postage on letters, packets, and mailable matter, sent from their respective offices on official business. And if the contingent fund of any Executive Department, bureau, or office, with the exceptions aforesaid, shall be insufficient, after defraying other expenses, to purchase the postage stamps required for the use of such Department, then, and not otherwise, the Secretary of the Treasury may, upon the requisition of the chief officer thereof, advance such sum as shall not exceed the estimated amount of the postages to be paid by such office in any one quarter, to be accounted for as other public moneys: *Provided, however*, That the postage on all letters and packages from the President and Vice President of the United States shall be paid by the Department of State and the Secretary of the Senate respectively: *And provided further*, That officers, civil and military, may have allowed to them, in the settlement of their accounts by the proper accounting officers of the Government, the postages paid by them on letters and packets sent by them in the mails exclusively on official business.

SEC. 7. *And be it further enacted*, That the eighteenth section of the "Act to reduce the rates of postage," &c., approved March 3, 1845, shall be so construed as to prohibit the Postmaster General from making contracts for the transportation of the mail with any view to the transportation of passengers, and to restrict him in making such contracts to the acceptance of such bids only as shall provide for the conveyance of the mails.

SEC. 8. *And be it further enacted*, That so much of the first section of the act of August 30, 1852, entitled "An act to amend the act entitled 'An act to reduce and modify the rates of postage in the United States, and for other purposes,'" passed March 3, 1851, as allows a deduction of fifty per centum from the rates of postage established by said act on newspapers and periodicals paid quarterly or yearly in advance be, and the same is hereby, repealed.

SEC. 9. *And be it further enacted*, That, from and after the 1st day of July, 1859, in lieu of the rates of postage now established by law, there shall be charged the following rates, to wit: For every single letter, in manuscript, or paper of any kind, in which information shall be asked for or communicated in writing, or by marks or signs, conveyed in the mail for any distance between places in the United States not exceeding three thousand miles, five cents, and for any distance over three thousand miles, ten cents; and for a double letter there shall be charged double these rates, and for a treble letter, treble these rates; and every letter or parcel not exceeding half an ounce in weight shall be deemed a single letter, and every additional weight of half an ounce or additional weight of less than half an ounce, shall be charged with an additional single rate of postage. And there shall be charged for letters conveyed in the mail, wholly or in part by sea, and to or from a foreign country, without regard to distance, ten cents for each half ounce in weight, or additional weight of less than half an ounce, excepting, however, all cases in which such postage had been or shall be adjusted at different rates by postal treaty or convention already concluded or hereafter to be made. And every letter or packet brought into the United States, or carried from one port therein to another, in any private ship or vessel, shall be charged with five cents, if delivered at the post office where the same shall arrive; and if destined to be conveyed thence by post to any place, two cents shall be added to the ordinary rates of postage. All drop letters, or letters placed in any post office, not for transmission, but for delivery only, shall be charged with postage at the rate of one cent each, to be prepaid by postage stamps, and accounted for as other letter postages. And all letters which shall hereafter be advertised as remaining over, or uncalled for, in any post office, shall be charged with one cent in addition to the regular postage, to be accounted for as postages now are. And upon all letters passing through or in the mails of the United States, excepting such as are to or from a foreign country, and letters and packages to and from any ex-President of the United States, or any person or persons to whom the franking privilege has been granted by name, and letters and packages to and from the officers of the Post Office Department and of the Auditor's office of the Post Office Department, exclusively on official business, the rates of postage hereby established shall be prepaid by postage stamps, or stamped envelopes, or in money, if the Postmaster General shall so direct.

SEC. 10. *And be it further enacted*, That, from and after the 1st of July, 1859, the postage upon all printed matter passing through the mail of the United States, instead of the rates now charged, shall be as follows, to wit: Each newspaper, periodical, unsealed circular, or other article of printed matter, not exceeding three ounces in weight, shall be sent to any part of the United States for one cent, and for every additional ounce, or fraction of an ounce, one cent additional shall be charged; and the postage upon newspapers and periodicals shall be paid quarterly in advance, either at the post office where the same are delivered, or at the office where they are mailed; and evidence of such payment shall be furnished quarterly to the office of delivery in such manner as the Postmaster General may, by general regulations, prescribe. Newspapers and periodicals not weighing over one ounce and a half, when circulated in the State where published, shall be charged one half the rates abovementioned: *Provided*, That small newspapers and periodicals published monthly, or oftener, and pamphlets containing not more than sixteen octavo pages each, when sent in single packages, weighing at least eight ounces, to one address, and prepaid by affixing postage stamps thereto, shall be charged only half a cent for each ounce, or fraction of an ounce, notwithstanding the postage calculated on each separate article of such package would exceed that rate: *And provided, further*, That the publishers of weekly newspapers may send to each actual subscriber within the county where their papers are printed and published, one copy thereof free of postage; and that nothing herein contained shall prevent the free exchange of newspapers between the publishers thereof, as authorized by the act of 1825, "to reduce into one the several acts establishing and regulating the Post Office Department." The postage on all transient printed matter shall be prepaid by postage stamps. And it shall be the duty of each postmaster to render quarterly to the Post Office Department, with his regular quarterly returns of postages, and in such form as the Postmaster General shall prescribe, a particular account of all postage by him collected or received upon newspapers, periodicals, and other printed matter, regular or transient, received at, or sent from, his office. And it shall be the further duty of each postmaster at whose office one or more letter-carriers are employed, to render quarterly, as aforesaid, a particular account of all moneys received from, and paid to, each letter-carrier during the quarter.

SEC. 11. *And be it further enacted*, That, in place of the compensation now allowed deputy postmasters, the Postmaster General be, and he is hereby, authorized to allow them commissions, at not exceeding the following rates, on the letter postage collected at their respective offices in each quarter of the year, and in due proportion for any period less than a quarter, viz: On any sum not exceeding one hundred dollars, forty per centum; but any postmaster, at whose office the mail is to arrive regularly between the hours of nine o'clock at night and five o'clock in the morning, may be allowed fifty per centum on the first hundred dollars. On any sum over and above one hundred dollars, and not exceeding four hundred dollars, thirty-three and one-third per centum. On any sum over and above four hundred dollars, but not exceeding twenty-four hundred dollars, thirty per centum. On any sum over and above the first two thousand four hundred dollars, twelve and a half per centum. On the amount of postage on letters and packages received at a distributing office for distribution, not exceeding ten per centum. And on the moneys arising from the postage on newspapers, periodicals, pamphlets, and other printed matter, the Postmaster General may allow a commission of not exceeding fifty per centum. Each postmaster who shall be required to keep a register of the arrival and departure of the mails shall be allowed ten cents for each monthly return which he makes to the Postmaster General: and each postmaster may be allowed two mails for the delivery from his office to an actual subscriber of each weekly newspaper entitled to go free in the mails, except exchange papers. And no other or further allowances whatever, shall be made to any postmaster, except from the rents of boxes or pigeon holes as now authorized by law; and the commissions and allowances authorized by this act shall be subject to the provisions of the forty-first section of the act entitled "An act to reduce into one the several acts establishing and regulating the Post Office Department," approved March 3, 1825.

SEC. 12. *And be it further enacted*, That it shall be lawful for persons known as regular dealers in newspapers and periodicals to receive by mail such quantities of either as they may require, and to pay the postage thereon as they may be received, at the same rates as regular subscribers to such publications.

SEC. 13. *And be it further enacted*, That maps, engravings, lithograph or photograph prints on rollers, shall be charged with postage by the weight of the package, at the rate of one cent an ounce or fraction of an ounce, to any place within the United States.

Mr. DIXON. I gave notice, the other day, of an amendment which I propose to offer as a substitute for this proposition. I now offer it in this shape:

That the privilege of franking, sending, and receiving letters and other packages free of postage, heretofore extended to official and other persons, shall be, and the same is hereby, abrogated.

SEC. 2. *And be it further enacted*, That the Postmaster General shall prepare and furnish, for the use of the several Government Departments and the President, printed envelopes or wrappers for Government documents and correspondence, such envelopes or wrappers to be received at the post office at Washington as Government matter, the postage to be charged to the particular Department using and forwarding the same.

SEC. 3. *And be it further enacted*, That the postage on all Government mail matter mailed at Washington in accordance with the provisions of the preceding section, and all the mail matter addressed to any of the Departments, Government officers, or members of Congress, at Washington, and mailed without being prepaid, shall be charged to the Department or branch of Congress mailing or receiving the same, and at prepaid rates; the expense of the same to be paid by appropriations from the Treasury, in the manner provided for other Government expenses.

SEC. 4. *And be it further enacted*, That all Government mail matter, mailed or received in accordance with either of the two preceding sections, may be weighed in bulk, and charged at the rate of five cents for every ounce of the letters, and twelve cents for every pound of the printed matter; but no provision of this or either of the two preceding sections shall apply to the transportation, or charge for mail matter, for the Government, except such as shall be sent from or received at the post office in Washington City.

SEC. 5. *And be it further enacted*, That this act shall take effect on the 1st day of July, A. D. 1859.

Mr. YULEE. Mr. President, I know that it is desirable to the Senate to occupy as little time as possible upon any single measure presented for its consideration, during the short remaining part of the session. I shall, therefore, be very brief in making such explanations to the Senate as seem to be indispensable, in behalf of the committee, to explain the nature of the reforms which they propose, and the reasons which have induced them. The first six sections propose to abolish utterly and entirely the franking privilege——

Mr. HALE. Will the chairman give way for a single moment? I desire to know if he is addressing himself to the amendment of the Senator from Connecticut?

Mr. YULEE. No, sir; I am explaining the contents of the bill of the committee, to which he proposes his amendment.

Mr. HALE. I desire to give notice that I mean to move to amend the Senator's bill, by striking out one of the sections; and I suppose that will be in order before the question is taken on the substitute of the Senator from Connecticut.

Mr. YULEE. The reforms which the committee propose are, first the entire abolition of the franking privilege which is provided for in the first six sections, and remains only with those two or three distinguished individuals, the widows of deceased Presidents, and the living ex-Presidents, to whom Congress have, by special enactment, given the franking privilege. The seventh proposes to substitute altogether what are known at the Department as star bids, in the letting of contracts, for the present practice in letting. The eighth repeals the fifty per cent. reduction which has been allowed for quarterly advance payment upon newspapers. The ninth section increases the three cent rate to five cents upon letters. The tenth section regulates the rates of printed matter, and conforms them very nearly to the existing act with some improvements, which will increase the revenue without adding much to the burden upon those who use the mails for printed matter. The eleventh section relates to the compensation of postmasters, which has been arranged pretty much on the basis of the act of 1847. The twelfth section is in favor of dealers in periodicals and newspapers, and will enable them, it is hoped, to use the mails, to some extent, in the stead of express agents. The thirteenth is immaterial, and is merely for the convenience of those who are transmitting maps and other heavy matter through the mails. These two last being provided for in a bill which has passed the House, and is now in charge of the committee, will be withdrawn from this amendment.

The last section provides that the bill shall go into effect from and after the 1st day of July next.

These reforms, as I stated before, the Post Office Department estimate will make a difference of $6,500,000 in the financial results for the next fiscal year. Although I do not anticipate so much benefit, yet a difference of four or four and a half million dollars certainly will give sufficient relief to the Treasury to justify the experiment of the measure which the committee propose.

Mr. President, the expenditures of the Post Office Department have increased very greatly and very rapidly within the last few years, until they very much exceed the receipts of the Department. There are several causes which have induced this condition of the Post Office Department, and which account for it sufficiently, without at all referring it to any mismanagement on the part of the officers administering that branch of the Government. The causes are patent to all. They consist, in the first place, in a greatly extended area of service; in the second place, in a greatly increased bulk of mail matter; in the third place, a greatly improved mode of service; and fourth, in a greatly increased cost of service.

The area of service has been extended by the acquisition of territory. Extensive wastes intervene between the occupied territory on the Atlantic and that on the Pacific coast. The cost which has been added to the expenditures of the Post Office Department within the past few years, by the extension of our territorial area, and by the establishment of organized Territories containing a sparse population, has been $2,477,000 per annum; nearly two and a half million added to the cost of the Department, for service from which we receive a return, after deducting the compensation of postmasters, of $181,626. There is, therefore, nearly two and a half millions of excess of expenditure in the Post Office Department, which is chargeable to a necessity and duty on the part of the Government in the supply of this widely extended and newly acquired territory, which cannot be fairly charged on the Department, or upon those who use the mails.

In the next place, much increase in cost has grown out of the increased bulk of mail matter. Senators will be surprised to learn that the average amount of free mail matter to be transported in the mails of the United States, which leaves the city of Washington alone, amounts to an average of two hundred and seventy-five tons a month. Nearly ten tons a day of printed free matter leaves the single post office in the City of Washington, necessarily requiring a very large addition to the cost, both in the mode of conveyance and in the frequency of trips necessary to accommodate it.

Then another reason for the greatly-enhanced expenditure within the last few years, has been the improved service rendered necessary by the legislation of Congress. By the necessary effect of the legislation ruling the subject, the Department is obliged to put a mail on every railroad which is put in operation; and the increased cost of service upon railroad and steamboat, together with the large expenditure for the supply of our Territories, accounts for most of the excess of expenditure which has grown up within the last few years. That Senators may appreciate the difference in the cost of the service, which has resulted from the improved service rendered necessary by the demands of the public, and by the legislation of Congress, I have prepared a statement which will exhibit at a glance the change that has occurred within the last ten years. In 1848, the annual transportation by steamboat and railroad was 3,889,053 miles per annum. In 1858, that mode of service had grown to 30,333,000 miles, being an increase of tenfold, as compared with 1848. The increase in other modes of conveyance, (coach and horseback service,) during that period, was only once and a half. While one had increased tenfold, the inferior modes of service had increased only once and a half, to wit, from thirty-two million and a fraction to forty-eight million and a fraction. It is not only the increased expense rendered necessary for this improved mode of service by railroad and steam which increases the expedition, security, and regularity of the mails, but there are very large additional expenditures rendered necessary by that peculiar mode of service. Out of that mode of service has grown the necessity for route agents, for most of the mail messengers, and for local agents, which have grown from almost nothing in 1848 to a sum of $576,000 in 1858, nearly the whole of which is chargeable to the increase in railroad and steamboat service, and mainly in the railroad service. That Senators may see at a glance how much of this is owing to the increase of service on railroads instead of steamboats, I will mention that, in 1848, the number of miles of railroad service in operation was 4,957, while in 1858 it was 24,431, an increase of nearly 20,000 within the last ten years; and the cost of railroad service has grown from $641,267, in 1848, to $3,414,665, in 1858. That the Senate may still better understand the increased cost which is due to this advance in the improved modes of service, I have here a statement, including the cost both of steamboat and railroad service combined, which, in 1848, was $846,211, as compared with $4,062,207 in 1858.

I have thus accounted, by the improved and more costly service, by the extended area of that service, and by the great quantity of free matter which passes through the mails, for nearly six million of the increased expenditure of the Department within the last ten years.

Mr. TOOMBS. No doubt the figures of the Senator are accurate as to the increased transportation, by railroad at present, over 1848; but does he allow for the first-class stage service which the railroads superseded.

Mr. YULEE. I have not overlooked that.

Mr. TOOMBS. If an allowance were made for that, I do not think the difference would be as great; for, on the main line, for instance, from here to New Orleans, you do not pay the railroads any more than you paid the first-class stage routes.

Mr. YULEE. The Senator is greatly mistaken; and, as an instance of the difference of the cost of stage and railroad transportation, I will take the route between Cumberland and Wheeling. That was one of the most important stage routes. Previous to the construction of the railroad, although there was a twice daily service by coach on that route, which was not necessary on any other coach route in the United States, it cost us one half less than the service by railroad, which is now done upon it. The cost upon that route alone has been doubled, and more than doubled, by the transfer from stages to railroads; and that was one of the only routes in the United States upon which a twice-daily coach service was put. There are not more than one half the routes which are now covered by railroads, where coach service would have been necessary, or, if necessary, more than three times a week, or, upon which coach service existed in advance of the railroads, more than three times a week.

Mr. TOOMBS. I want to know from the Senator if he has made an allowance for the simple difference between coach and railroad service on the same routes? for I know that on many routes it remained the same.

Mr. YULEE. It may be so in a few instances, but not many. Of course, the cost of inferior modes is to be deducted from the account of the cost of the improved service, if it were necessary or important to strike an accurate balance. But it is not material to the purpose I have in view. I am showing, in a general way, the causes which have necessarily swollen the expenditures of the Department. Undoubtedly it will be evident that a very large part of the increased expense is due to improved modes of services which the law has obliged, and to increased extent of the area over which the service is spread.

The fourth cause of increase is owing to the change in the useful value of money. The cost of all descriptions of service, of coach service, of horse service, and every other service rendered to the Department, has increased nominally with the change in the value of money. Horses have increased in value; their feed has increased in value; labor has increased in value; the cost of all the materials of service has increased; and with this, of course, there has necessarily been an increase in the charge of the service which the Department requires, and which has been growing at every successive letting for the last six or eight years. This has also been one of the causes of increase in the expenditure of the Department, as compared with the receipts, which all the time, as I shall show presently, since 1851, have been stationary.

Now we propose to bring to a nearer equalization the expenditures and receipts of the Department. I do not propose, nor does the committee propose, to make the Department altogether self-sustaining. Down to the year 1851 it was so. From 1790, in which year we have the first reliable returns, (when its expenditures and receipts amounted only to about thirty thousand dollars,) down to 1851, the receipts of the Post Office Department exceeded its total expenditures. From 1790 down to 1840, there was an excess of over a million in the receipts. In the succeeding period, from 1840 to 1851, the expenditures exceeded the receipts a trifle—some two or three hundred thousand dollars; not more. It is only since 1851 that the expenditures have began to grow beyond the receipts. It is evident that, in the beginning, the contemplation of the Government was, that the Department should be self-sustaining. In the Articles of Confederation, in that article which conferred upon the Confederation the power to control the postal business between the States, the terms used indicate a purpose to make it self-sustaining; for the power is conferred of "exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of an office." This evidently manifested an intention and expectation that the establishment would sustain itself; and upon that idea the Government reasonably rested, down to a late period. Even the large acquisition resulting from the annexation of Texas, was borne without serious effect upon the postal arrangements. But, when we came to add the vast acquisitions under the two Mexican treaties, so large a part of which is wilderness, necessary to be traversed in conducting postal intercourse between the populated parts, it became necessary that we should depart, in some degree, from the idea of requiring those who used the mails to support entirely the charge of transportation. I consider that at least two millions for that service, and about a million for the free matter, ought to be repaid from the Treasury, and should not be charged upon those who use the mails. But the cost of improved service by railroad and steamboat, and the cost resulting from the change in the useful value of money, appropriately falls upon those who use the mails; and we propose, with that view, to raise the rates of postage moderately. So far as the service to the Pacific is concerned, it is reasonable that we should pay for a portion of that from the Treasury. So far as the increased cost resulting from free matter is concerned, we propose to remedy that by requiring the Government to pay for the use of the mails, and that purpose is effected by abolishing the franking privilege.

The increased rate of postage, which is deemed necessary and proper to be charged upon the increased and improved service by railroad and steamboat, is most complained of by gentlemen who represent constituencies from the northern States. They, least of all, should complain. We propose to charge them only a reasonably advanced rate of postage for a largely increased improvement in the service, and it so happens that much the larger part of the cost rendered necessary by the increased use of railroad and steamboat, falls north of Mason and Dixon's line, and belongs to that portion of the country which is most densely populated. It is there that the railroad lines are most rapidly extended, and that the commercial necessities of a dense population have rendered necessary an increased service. A large part of the increased cost for railroad and steamboat service, including the cost of route agents and other agencies rendered necessary by that mode of service, falls north of the line of Mason and Dixon, and thus belongs to that portion of the country which seems most warmly opposed to the reform rates of charge proposed in this bill.

Mr. BIGLER. I dispute that.

Mr. YULEE. As evidence of it, of about two thousand route and local agents and mail messengers, there are not more than about three hundred who are employed in the southern and south-western States. The railroad service is almost in equally disproportioned ratio.

Mr. President, we should still have been able to get along very well with all these improvements in the service if we had adhered to the act of 1845, which reduced the postages to a reasonable rate, and which was rapidly enough increasing the receipts of the Department to meet the growing wants of the country. At this day, under the operation of that act, the postal receipts of the Department would have been, instead of the small amount they now are, about $10,000,000 a year. The fault was in the act of 1851, which may be considered to have broken down the postal system. Senators will be surprised to learn that the receipts under the act of 1851 have only increased in the year 1858 $94,000 beyond what they were in the year 1851, the last year of the operation of the act of 1845. The income of the Post Office Department in 1851, under the act of 1845, was $5,880,311. Under the operation of the act of 1851, the total receipts in 1858 amounted to $5,974,000, being only $94,000 in excess of the income of 1851, the last year under the act of 1845.

Mr. COLLAMER. Will the gentleman inform me what is the comparative amount of income when the act had gone fully into operation, say 1853, as compared with 1857 or 1858?

Mr. YULEE. Yes, sir.

Mr. DIXON. Will the Senator from Florida be kind enough to repeat the sum total of the postages on letters for 1858, as stated by him?

Mr. YULEE. The sum total of 1858 is $5,974,000, and a fraction.

Mr. DIXON. I have a statement here from the Department very different from that, showing $6,632,782 28 as the receipts in 1858, from postage on letters.

Mr. YULEE. That statement was copied from a statement which was in my possession, furnished from the Post Office Department.

Mr. DIXON. It was.

Mr. YULEE. But when I came to analyze it I found it to be entirely delusive, because they had added in the totals of that table all the receipts from foreign postage, which amounted in the last year to near a million dollars. That is the reason of the difference. It contains items which do not belong to the receipts, under the postage act of 1851.

Mr. DIXON. That was also included in the statement of 1851, was it not?

Mr. YULEE. Certainly it was included in that; but I have taken from the totals of each year all matter foreign to the result we desire, which was to know what had been the receipts under the act of 1845, as compared with the act of 1851, in inland postage, upon letters and papers.

Mr. DIXON. Home letters?

Mr. YULEE. Yes, sir. I believe the Senator from Vermont asked for the year 1853.

Mr. COLLAMER. Yes sir.

Mr. YULEE. In 1851, as I said before, the receipts under the law of 1845 were $5,880,311. In 1852 they fell to $4,351,000; in 1853 they were $4,474,000, in 1854, $5,168,000. For the last four years $400,000 will cover all the difference. The receipts remain almost at a stationary point.

Mr. DIXON. I beg leave to remind the Sentor that in 1854 the postage was again reduced very much.

Mr. YULEE. How?

Mr. DIXON. I think it was reduced.

Mr. YULEE. No, sir; the reduction was in 1851. Among the faults of the act of 1851, upon which I charge the present condition of the Department, was a provision which required the Post Office Department, expressly, by legislative enactment, to go on increasing the expenditures of the Department, without reference to the reduction which the act of 1851 might produce in its revenues. That act contained a clause (the seventh section of it) which required the Postmaster General to continue to put into operation the routes appointed by the successive laws of Congress establishing post routes, and to continue extending the accommodations of the public in mail facilities in the same manner as though there were no reduction in its receipts. That was an imperative requirement, which added on an average nearly two or several hundred thousand dollars a year to the expenditures of the Department, and furnished to gentlemen representing constituencies, in whose behalf routes had been established, a reason for pressing upon the Department the establishment of service upon them, without reference to the condition of the treasury of the Department. Not only that, but while, by the legislation of Congress, the income of the Department was largely reduced, strangely enough the compensation of postmasters was increased. It will be found that while, under the practical operation of the act of 1851, the increased income of the Department from 1851 to 1858 was only $94,000; the increase in the compensation of postmasters was $573,000. Thus, under the operation of the act of 1851, while the income was reduced immensely, the cost of service by postmasters was increased over half a million dollars; and that is one of the remarkable practical effects of the act of 1851.

Mr. COLLAMER. That was a necessary consequence; because, if the postage was reduced, the former percentage would not pay the postmasters, and of course they had to raise it.

Mr. YULEE. It was the result of that legislation.

Mr. DIXON. If the Senator will allow me a single moment, I will explain to him what I intended by my allusion to the reduction of 1854. The Senator stated that the final reduction of postage was made in 1851, as I understood him. I think he is mistaken in that respect. The final reduction was made in 1854 or 1855, when the postage was limited to three cents, prepaid. Previously, it had been five cents for unpaid letters.

Mr. YULEE. There was that change; but it practically made very little difference. The original act provided a three cent rate for all prepaid letters, and five cents for unpaid letters; but practically, it was a three cent rate for most letters. There was comparatively little received under the five cent clause, and I presume it was because so little was received that it was abandoned, with the view of making the accounts uniform. I supposed that was what the Senator was adverting to.

Now, Mr. President, I do not propose to return to the rates of 1845. The committee propose a moderate change of the rates. We have settled upon what we consider a compromise between the act of 1845 and that of 1851. The act of 1845 made a five cent rate for all distances within three hundred miles, and ten cents beyond. The act of 1851 made a three cent rate for all distances within three thousand miles, and ten cents beyond. We propose to make what may be considered a compromise between the two acts, by fixing the rate upon letters at five cents for all distances reaching three thousand miles, and ten cents beyond. This the Post Office Department suppose will make a difference of $3,500,000. I hardly expect so much; but, be that as it may, it is evident that the reduction in 1845 had stimulated by its cheapness, to almost the utmost extent, the epistolary *furore* of our people, for there has been no increase since that time at all commensurate with the largely increased population and commerce of the country, nor the increased facilities of the postal department; for, I take it, the improved service, the greater frequency of trips upon railroad and steamboat routes, and the greater expedition, added to the great cheapness of the charges, must have effected an increase, beyond the ordinary percentage due to the increased population and commerce, in the number of letters passing between the different sections of the country.

In respect to the printed matter, under the operation of the act of 1851, the income of the Post Office Department from printed matter has fallen off nearly one-half. From an amount exceeding $1,000,000, in 1851, the receipts for postage upon printed matter have fallen in the last year to about $600,000, a reduction of nearly one half, under the operation of the act of 1851.

The reforms we propose consist in the abolition of the franking privilege, in a better regulation of the compensation of postmasters, in a better arrangement of the charges upon printed matter, and in a moderate increase of charge upon the rate of letter postage; being a compromise between the act of 1845 and the act of 1851. I address myself now more particularly to the northern section of the country, to the New England States, to New York and Pennsylvania, the densely populated and commercial portions of the Union, and I say to them that it is not right on their part to refuse the moderate advance we propose for letter charge, because the necessity for it has grown largely and mainly, so far as the charge will be thrown upon them, out of the increased facilities afforded to them, by which a greater concentration of commerce upon their section has been effected. The increased facilities, the greater expedition, the greater frequency of transmission of the mails between the northern commercial cities and the western States, has naturally induced a greater activity of commercial intercourse, and increased the commercial transactions centering there.

Mr. President, I have before me numerous and extensive tables upon almost every point about which it may be likely that Senators will desire to inquire; and I would suggest that the vote be taken separately upon the several divisions of the proposition, according to the subject-matter, in order that upon each branch all the legislation we propose respecting it may be perfected, and the sense of the Senate taken separately upon it. In that view I suggest that we take up first the question of the franking privilege, relating to which are the first six sections, so that the vote of the Senate be taken first on those six sections, with such amendments as the Senate may think proper to suggest.

Mr. DIXON. I desire to ask leave to modify my motion. I moved to strike out the entire amendment reported by the committee, and insert a substitute. I desire now, after consultation with the honorable Senator from Vermont, [Mr. COLLAMER,] who has great experience on this subject, to present merely the first section of my substitute, which I offer as an amendment in lieu of the first nine sections of the amendment of the Senator from Florida. I move, therefore, to strike out the first nine sections of the amendment of the Senator from Florida, and to substitute for them this provision:

> That the privilege of franking, sending, and receiving letters and other packages, free of postage, heretofore extended to official and other persons, be, and the same is hereby, abrogated.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) The Senator from Connecticut has the right to modify his own amendment; and the question is upon it in the form in which he has now presented it.

Mr. COLLAMER. I would suggest to the Senator from Connecticut to insert in this amendment, "excepting as to public documents which have already been ordered to be printed."

Mr. TOOMBS. I hope the Senator will not modify it in that way. We can provide for them in some other mode. I do not see why they should be made an exception. They can be carried by express. I think we had better take the thing clean.

Mr. COLLAMER. Very well; I am not tenacious about it; but I have a considerable quantity of documents at home, and I do not know what to do with them.

Mr. REID. I see that the title of this bill is, "A bill for abolishing the franking privilege, and for other purposes."

Mr. YULEE. That has nothing to do with it.

Mr. REID. Is not that your amendment?

Mr. YULEE Yes, sir; but the title of that bill is no part of this amendment.

Mr. REID. I know that; but the provisions of this bill, I understand, are offered as an amendment to the post route bill. It says that the franking privilege shall be abolished. Well, sir, the mere fact of abolishing the franking privilege, unless you effect something by it, amounts to nothing, and is worse than useless. If you could cut off expense to the public Treasury by abolishing the franking privilege, you would effect something; but if you abolish the franking privilege, and pay for the communications sent by the persons who now enjoy the franking privilege more money than their franking privilege costs, you lose by it; and, therefore, you effect no good, and your work is worse than useless. You take from the members of Congress, in this amendment, the franking privilege; but what do you do? You require the Secretary of the Senate, and Clerk of the House of Representatives, at the commencement of each session of Congress, to procure stamps, to be paid for in money to be furnished to the members of Congress to pay for their postage.

Mr. DIXON. The Senator is entirely mistaken as to the character of my amendment, if he is speaking of that.

Mr. REID. I am speaking of the amendment reported by the Senator from Florida, the chairman of the committee.

Mr. YULEE. What is the objection to the proposition?

Mr. REID. I say you propose to abolish the franking privilege; but you save nothing by it, because you propose to pay the postage of those who are now entitled to the franking privilege, in lieu of it.

Mr. YULEE. Certainly we do.

Mr. REID. Well, does not the Government lose now? It loses the cost of the transportation of the correspondence of those entitled to the franking privilege; and if you pay it, does not the Government still lose it? Why do you go through this useless form of requiring the expense of engraving stamps, at an additional amount of clerk hire to keep the accounts for members of Congress and other Government officials, involving more expense than you are now at, and, at last, you effect nothing by it? I should be in favor of striking out the sections which the Senator from Connecticut moves to strike out, if that could be done without inserting anything else; for I think it would be better for the Government to let the franking privilege remain as it is now, than to give members of Congress and officers of the Government entitled to the privilege of franking, money or stamps to pay for their communications through the mail. You do not save anything, it seems to me, by that proceeding. If you desire to abolish the franking privilege, cut it off, and let everybody pay his postage, and then you meet the object; but this way of abolishing the franking privilege, and then giving a man the money to pay for his correspondence is deceptive upon its face, for you thereby expend more money than you would do by letting the law stand which gives the franking privilege, in my opinion.

Mr. MASON. I listened with great attention to the exposition made by the honorable Senator, who is chairman of the Post Office Committee, showing what would be the financial effect of the amendment which he proposes to the bill. If he be right, and if the Department be right, in their estimate that it will really reduce the cost of this great machine—the Post Office Department—six

or six and a half million dollars, the honorable Senator will have rendered a very great service to the country, which, I am sure, the country and those who are interested in its welfare will cheerfully acknowledge. I do not know how it has been with other Senators, but it has been impossible for me to understand the arcana; for the working of the Post Office Department to those who are obliged to look at the outside, as I am, presents a series of arcana—secret machinery. I do not mean to say there is anything clandestine, or to use the word in any offensive sense; but the machine is too great, too complicated, too ramified to enable me to comprehend it, without more time than I have been able to devote to it. The result is shown, as stated by the honorable Senator, that, since 1851, the burden of the Post Office Department has been thrown from the shoulders of those who ought to bear it, those who are interested in correspondence, upon the Federal Treasury, and that it has gone on progressively increasing, until now it has become actually an incubus, and one of very great and serious importance. I know, other Senators know, that a great part of this burden has resulted from the transmission of free matter in consequence of the franking privilege. I will cheerfully go, anxiously go, for the recommendation of the committee to abolish the franking privilege out and out. I never understood that it was a privilege in the proper sense of that term, that it was any perquisite of any kind given to the members of Congress; but it was believed originally that it would be for the advantage of their constituents to enable them to receive and transmit mail matter free; but see to what it has grown. I do not entertain a doubt that, if it could be traced through all the minute ramifications that extend from one quarter to another, connecting the franking privilege with the public printing, we should find that if this whole system of transmitting public documents free under the manual of members of Congress could be abolished, we should cut off at once, not only a source of great expenditure, but of corruptive expenditure in the system of public printing.

I go, therefore, cheerfully and anxiously for cutting down the franking privilege to its root, never to rise again; but I am utterly opposed to one feature in these amendments: that giving to the members of Congress a commutation either in stamps or in money. I have heard it proposed in some quarters, to give money. I am opposed to giving any commutation at all, in any form or shape; and it is the less necessary now, because by this new system, and I think a very correct system, requiring all mail matter to be prepaid, if it imposes any burden on members of Congress, I suspect it will be comparatively slight, for the letters that come to them must be prepaid, and the letters that they send let them pay themselves. I do not know what the burden will be, but I suspect there are few who from moneyed ability are less able to bear it than I am, but I am cheerfully willing to bear it. I shall pay as others for my letters when I send them; but it would be invidiously looked upon, if, while we are abolishing the franking privilege in form, we are reserving to ourselves any pecunium in fact. I believe the proposition is that members of Congress shall have postage stamps to the value of $150 a year. I do not know what the experience of other Senators may have been, but I should doubt whether the charge that would devolve on me, even under the improved system of postage, would amount to one half of that sum; but be that as it may, I do not think the reservation is worth the misinterpretation which would attach to it, and there would be very great misinterpretation if we reserved to ourselves, while professing to dispense with a privilege, an actual moneyed commutation in place of it; for post office stamps are in fact money. I will move, at the proper time, if no other Senator does, to strike out the provision which gives that commutation.

Mr. HALE. I wish to propose an amendment to the amendment of the Senator from Connecticut. I understand the motion of the Senator is to strike out the first nine sections of the amendment of the Committee on the Post Office and Post Roads.

The PRESIDING OFFICER. No further amendment now will be in order until the amendment of the Senator from Connecticut has been disposed of.

Mr. HALE. May I not call for a division of that motion to amend? I believe it is divisible. I ask for a division of it, so that I may have a vote, in the first place, upon the motion to strike out the ninth section.

The PRESIDING OFFICER. The motion now is to strike out the first nine sections of the amendment, and insert what has been proposed by the Senator from Connecticut.

Mr. HALE. I know it; and I call for a division of that motion, so that we may first have the vote on striking out the ninth section alone. He moves to strike out the first nine sections. I ask simply to so divide the question that we shall take a vote on striking out the ninth section by itself.

Mr. REID. I suggest to the Senator from New Hampshire, that a motion to strike out and insert is not divisible; but a motion to strike out and insert one thing does not preclude any subsequent motion to strike out and insert another. The question upon striking out and inserting is not divisible.

Mr. HALE. I think, if the Chair will look at the question, he will see that the point of order of the Senator from North Carolina is not well taken. A motion to strike out and insert is not divisible in the sense of dividing the striking out from the insertion; but it is divisible in the way in which I propose to divide it. The rule is, that a motion to strike out and insert shall not be divided; that is to say, you shall not first take a vote on striking out, and then on inserting; but being a motion to amend, it is divisible in this way, and is not liable to the exception taken. If there is any doubt about it, I will take the ruling of the Chair on it; but I think there cannot be any.

Mr. YULEE. I suggest that we have hardly reached a point at which the issue presented by the Senator from New Hampshire is in a condition for decision by the Chair. I take it, the amendment of the Senator from Virginia is first in order. The motion of the Senator from Connecticut is, to strike out the first nine sections and insert his proposition. Amendments to those nine sections are first in order, that they may be put in the best condition in which the friends of the measure can place it, before the question is taken on the motion to strike out. Now, the motion of the Senator from Virginia is to strike out the second section, which, if stricken out, may incline him favorably to retain the remainder of the nine sections as they stand. It will be proper, therefore, I presume, first, to take the question on the motion of the Senator from Virginia, and the question upon any other amendments which look to the perfection of the nine sections proposed to be stricken out.

Mr. DAVIS. The Senator from New Hampshire calls for a division of the question. I wish to offer an amendment, which is to strike out the first eight sections, something less than the Senator from Connecticut proposes to strike out; and, therefore, I suppose it may with propriety be considered before his proposition.

Mr. MASON. Mr. President——

Mr. HALE. I have not yielded the floor except to a question of order.

Mr. MASON. It is upon that question that I wish to say a word.

Mr. HALE. Certainly.

Mr. MASON. I suppose all will agree with the chairman of the Post Office Committee, that in parliamentary proceedings, for convenience and dispatch of business, a proposition to amend by modifying the subject-matter is to be entertained before a proposition to strike out the whole, so that my motion to strike out the second section ought to take precedence, and will take precedence, either of the motion of the Senator from New Hampshire, or that of the Senator from Connecticut, who move to strike out what I propose to modify.

The PRESIDING OFFICER. The Chair will entertain any motion to amend or modify either of the nine sections before taking the question on striking them out.

Mr. MASON. I propose, then, to amend by striking out the second section, which relates to giving members of Congress a certain number of stamps.

Mr. IVERSON. What is the question before the Senate?

The PRESIDING OFFICER. The question is on the motion offered by the Senator from Connecticut to amend the amendment reported by the committee. That motion being to amend the amendment by striking out the first nine sections, and inserting the section which he proposes, the Senator from New Hampshire moved to amend those nine sections by striking out the ninth section only. Now the Senator from Virginia moves to strike out the second section.

Mr. MASON. I suppose that is the first question before the Senate, on striking out the second section.

Mr. IVERSON. I merely asked what was the question; and now, before I proceed with some remarks which I wish to submit to the Senate, I desire to inquire of the Chair whether it is in order to move a substitute for the whole bill?

The PRESIDING OFFICER. The Chair is of opinion that it would not now be in order.

Mr. IVERSON. Then, I give notice that at a proper time I will move to substitute the bill which I originally introduced in the early part of the session, for the amendment reported by the committee, having reference to the franking privilege.

Mr. YULEE. Then it is a substitute for the first six sections.

Mr. IVERSON. My original proposition, as the Senate will probably remember, introduced some time in the month of January, and referred to the Committee on the Post Office and Post Roads, simply was to abolish the franking privilege of members of Congress, and substitute for that privilege $150 in postage stamps, to be delivered to each member of Congress at the commencement of each session of Congress. That was my bill. It was a plain and simple one, and contained only two provisions; one was to abolish the franking privilege, so far as it extended to members of Congress, not interfering with the franking privilege in other Departments or persons; another was to substitute, in lieu of the franking privilege, $150 in postage stamps to each member of Congress. Upon the subject of abolishing the franking privilege to members of Congress, and the substitution of $150 in postage stamps, I have a few words to submit to the Senate.

The Senator from North Carolina [Mr. REID] said, a little while since, that nothing was gained by abolishing the franking privilege of members of Congress, and substituting $150 in stamps. I think if the Senator will reflect a little and look at the statistics in this case, he and the Senate will come to the conclusion that a vast amount of public money will be saved by the proposition. If the franking privilege of members of Congress is abolished, and they have $150 in stamps, they will then only use that much. If they should send any more mail matter than $150 would come to, they will have to pay it out of their own pockets. Now, sir, is that $150 an unreasonable amount to give to members of Congress? I hold that in the discharge of our public duties here, we ought not to be burdened with carrying on a correspondence with our constituents. I believe, on the other hand, it is not proper or just that we should burden our constituents with the expense of carrying on their correspondence with their representatives in Congress. I would leave open the door to the constituency to approach members of Congress to the fullest possible extent. I would make Representatives and Senators in Congress accessible to their constituency through every possible avenue. They have a large amount of individual interest and business to be transacted in the city of Washington, and they write to us here to transact their business in the Departments. They write to us to transact the business in which they are interested in Congress. They write to us upon political questions, and questions involving the public welfare, and I would permit them to come to the Representatives and Senators fully and freely, whether they desire to instruct them as to business, or advise them in relation to the political affairs of the country. I would not, therefore, restrict the constituency from free and full access to members of Congress. Let them have the franking privilege to that extent.

That being the case, I propose to leave that subject as it is; to let all letters, which do not weigh more than two ounces, according to the present law, directed to members of Congress, come free to them, without taxing the constituency with the burden of this postage. I think that is just and fair; but I do not think it reason-

able and just that the representatives should be taxed with the expense of responding to these communications which they receive from their constituents. This is extra duty. It is not one of the duties which ordinarily would be imposed upon a representative in the office which he has been elected to fill. He comes here to discharge public duties; to discharge duties of legislation; not to carry on a correspondence, or to discharge the business which individual constituents may have in relation to the offices of the various Departments, or in cases of claims, or other things passing to the Halls of Congress.

Now, sir, I think that a reasonable amount of these postage stamps ought to be given to each member of Congress to cover the expenses of this correspondence, which necessarily they are compelled to carry on with their constituents, and I put it at $150. The Senator from Virginia thinks that too large an amount. That may or may not be the case. I am willing to reduce it. If it be considered too much, let it be reduced; but let at least a sufficient amount of postage stamps be given to each member of Congress to cover that expense which he must necessarily incur in correspondence with his constituents. So far as the amount is concerned, I have merely to say, that $150 in stamps will pay for five thousand letters at three cents a letter, and pay for three thousand at five cents, which is the amount to which it is now proposed to raise the postage by the Committee on the Post Office and Post Roads. I desire to know whether five thousand is more letters than members of Congress generally write during twelve months, to their constituents. I apprehend my correspondence is much more limited than that of many Senators upon this floor, and yet I undertake to say I do not myself write on an average, for the three hundred business days of the year, less than five a day; and, during the session of Congress, I write many more than that. It is probable that my correspondence would extend to eight or ten letters daily, and does, on an average, during the sessions of Congress. I have not the least doubt that there are Senators on this floor, and members of the House of Representatives, who write double or treble that number a day, either by themselves or clerks; so that, in the course of the year, members of Congress are not called upon to write less than from three thousand to five thousand letters.

But if it should be considered that three thousand is too high an estimate of the number of letters written, reduce the amount of stamps proposed to be allowed. I am not particular about that. I only desire to ascertain what is a fair average amount that each Senator and Representative is compelled to write to his constituents in the correspondence which arises betwixt them, and then cover that by postage stamps to that extent. If $150 is considered as too much, reduce it to $100; but I insist that the amount of expense to which members of Congress are subjected by this correspondence ought to be borne by the public, and not taken out of the pockets of members. It is an extra service which they are called upon to perform, and, in my opinion, the Government ought to pay for it; the constituents ought to pay for it, and not the individual members of Congress. In this way, Mr. President, I would leave the door open entirely for all communication and intercourse between the representative and the constituency. I would, on the one hand, free the constituent and let him come to Congress, and to the members from his State or elsewhere, and correspond as openly and as freely and as fully as he chose to do; and I would, on the other hand, relieve the member of Congress from the burden of responding to those communications. I think that is just, fair, and proper.

Now, if we adopt the practice of giving to members of Congress this commutation of postage stamps, what would it save? The Senator from North Carolina says it will save nothing. I will proceed to make some suggestions how I think it will save a very large amount of public money. The one hundred or one hundred and fifty dollars which is given in postage stamps, cover only their written correspondence. It will not be sufficient to cover the vast amount of public documents which have been printed by order of Congress, and heretofore distributed through the mails under the frank of members of Congress. When members come to pay the postage on the large books which they send out to their constituents, none of them will go for printing one of those volumes. It would effectually put a stop to this tremendous abuse of public printing which has involved so heavy an expense to the Government, and which has become an absolute and unconditional nuisance.

According to the report of the Superintendent of Public Printing, made at the commencement of this session, there was expended for printing for the first session of the Thirty-Fourth Congress, the sum of $932,299 56, by the two Houses. The printing expenses of the second session of the last Congress were $654,107 68. The printing for the first session of the present Congress (the Thirty-Fifth Congress) for the two Houses, amounted to $496,610 25. Now, sir, the largest portion of these printing expenses, nine dollars out of ten of the printing expenses of these large and enormous amounts, originated in the publication of large volumes which Congress ordered to be printed for distribution. Perry's Japan expedition, Pacific railroad report, of which we have now some nine, or ten, or a dozen volumes; the coast survey, and various other volumes; and Congress now, I believe, have come to the conclusion that these are great and extravagant expenditures, and ought to be put a stop to. They never will be put a stop to, until you compel members of Congress to pay the expense of transporting them through the mails. When you do that, you will never get a dozen votes in either House for printing these books. In that way I think I respond to the Senator from North Carolina, that a very large amount of public expense will be saved in printing. The abuse of printing large volumes will be stopped, when we come to compel members of Congress to pay the expense of postage. The $150 that I propose, or $100, if gentlemen think the other sum too much, is not more than sufficient to cover the expense of written correspondence, the letters which weigh only two ounces, and now go under the franking privilege of members of Congress. This proposition would effectually cut off all abuses of public printing, of which we have heard so much, and very properly, from every section of the country.

But, sir, it would save a very large amount in another way. Even in the cost of envelopes and wrapping paper, which are used to wrap up these public documents and speeches of members of Congress that they now send out under the franking privilege, there would be a large amount of saving. Sir, how many speeches or public documents do you suppose were sent out from the folding-room of the Senate of the United States during the last Congress—the Thirty-Fourth Congress? I have received from the folding-room a statement which shows that the number of pamphlets and newspapers containing speeches, reports, &c., received in the folding-room during the Thirty-Fourth Congress, for the use of Senators, was three million and eighty thousand. Three million and eighty thousand documents were received in the folding-room of the Senate of the United States for the use of Senators, and there folded at the expense of the Government and sent out under the frank of Senators; and when we come to take into consideration a similar amount in the House of Representatives, the probability is that not less than ten million public documents were sent out during the Thirty-Fourth Congress, under the franking privilege. Why, sir, the expense of envelopes, which cost $3 20 per thousand, according to the report of the stationer to me, for these ten million, would cost a large amount of money. If we were to abolish the franking privilege, and substitute only a commutation in stamps sufficient to cover necessary correspondence, all this expense, even, of envelopes would be saved by the operation.

But, sir, there is another view of this case. You not only save the expense of the envelopes, which is a not small item in itself—I have not made the calculation, and cannot, therefore, state it in figures, but any Senator can perceive that it is a heavy expense. You not only cut off that by this policy, but you cut off the expenses of employés in the folding-rooms, who are kept constantly engaged from one end of the year to the other, folding documents for the use of Senators and members. Let me tell you a fact, which I understand to be true. During the last presidential canvass almost every document and speech and electioneering document, which was sent out by Senators and Representatives, and by the executive committees of the two parties in this city, were folded either at the folding-room of the Senate or the House of Representatives at the public expense; and as an instance of the enormous amount sent out upon that occasion, I will state what one of the executive committee of the Democratic party stated to me. He told me that they had sent to the State of Pennsylvania alone, one million five hundred thousand electioneering documents. One million five hundred thousand documents were sent out by the executive Democratic committee, all of which were folded in the folding-room of either one branch or the other of this Government at the expense of the United States.

If the executive committee of the Democratic party used this enormous amount, and abused the privilege which has been conferred upon the officers of this House, what amount do you suppose was sent out by the Republican committee? Why, sir, they had here, I understand, a large corps of persons folding for that committee, and distributing these documents broadcast throughout the land during the whole recess anterior to the presidential election. This proposition carried out, would save all this corruption. I call it nothing less but corruption; using the power and the money of the Government to send out electioneering pamphlets which are to affect presidential elections. This would put an end to that. Nearly all these documents were sent out under the franks of members of Congress. The two parties kept members of Congress—their executive committees—of both Houses on the spot during the recess to frank these documents to be distributed amongst the people. I understand that to be true. If that was not true as to the Republican party, they can respond. I do not state it upon my own authority, or my own knowledge; but I apprehend nobody will deny the fact.

Well, sir, to that extent, at least, the policy which I propose will save to the Government a very large amount of very useless and unnecessary expenditure. It will save the employment of individuals here to fold these documents, and it will save the expense of folding them. It will save the expense of envelopes, and the wrapping paper which goes around them. But it will save another very large amount. What amount of postage do you suppose has been exhausted by Senators and Representatives in Congress for the purpose of sending out their speeches and others, during the last session of Congress? Why, sir, I hold in my hand a statement from the superintendent of our folding-room, showing what amount of speeches were sent out during the last session of the present Congress by Senators, all of which were folded in the folding-room of the Senate at the expense of the Government, and sent out under the frank of Senators themselves. If each one of these pamphlets or speeches had been charged three cents, how much do you suppose would have been saved to the Post Office Department? I will read the document. I will read it, not only for the information of Senators, but for the information of the American people. Mr. ALLEN sent out three hundred. However, I will not read it. I will only read the largest numbers. Perhaps it may not be considered altogether delicate in me to leave any one out, or to state any. I will, therefore, simply say, that they go from three hundred up to three hundred and forty-five thousand four hundred. ["Read it."] While one Senator sent out three hundred, another Senator actually sent three hundred and forty-five thousand four hundred political speeches from the folding-room of the Senate.

Several SENATORS. Read the list.

Mr. IVERSON. I will read it, as there seems to be a general wish to hear it:

Number of pamphlets and newspapers containing speeches, reports, &c., received and folded during the year ending December 12, 1858, in the Senate folding-room, for the use of Senators:

Mr. Allen	300
Mr. Bayard	1,500
Mr. Bell	7,100
Mr. Benjamin	11,150
Mr. Bigler	53,900
Mr. Bright	104,050
Mr. Broderick	18,450
Mr. Brown	18,600
Mr. Cameron	10,350

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-FIFTH CONGRESS, 2D SESSION. FRIDAY, FEBRUARY 25, 1859. NEW SERIES.....No. 82.

Mr. CAMERON. Oh, I sent out twice that number.

Mr. IVERSON. You did not get them folded here then.

Mr. CAMERON. No; I paid for folding them.

Mr. IVERSON. I will continue with this list:

Mr. Chandler	24,300
Mr. Clark	5,650
Mr. Clay	11,550
Mr. Clingman	21,600
Mr. Collamer	3,200
Mr. Crittenden	9,250
Mr. Davis	2,450
Mr. Dixon	6,650
Mr. Doolittle	9,950
Mr. Douglas	345,400
Mr. Durkee	6,500
Mr. Fessenden	14,500
Mr. Fitch	11,200
Mr. Fitzpatrick	1,550
Mr. Foot	4,250
Mr. Foster	7,000
Mr. Green	12,600
Mr. Gwin	19,050
Mr. Hale	9,600
Mr. Hamlin	18,400
Mr. Hammond	9,700
Mr. Harlan	8,400
Mr. Houston	5,300
Mr. Hunter	3,100
Mr. Iverson	2,300
Mr. Johnson, of Arkansas	8,850
Mr. Johnson, of Tennessee	11,000
Mr. Jones	4,850
Mr. Kennedy	5,900
Mr. King	19,650
Mr. Mallory	6,200
Mr. Mason	2,700
Mr. Pearce	600
Mr. Polk	15,300
Mr. Pugh	40,550
Mr. Reid	200
Mr. Rice	2,600
Mr. Sebastian	14,200
Mr. Seward	81,800
Mr. Shields	2,250
Mr. Simmons	3,750
Mr. Slidell	9,150
Mr. Stuart	49,250
Mr. Sumner	1,000
Mr. Thomson, of New Jersey	8,100
Mr. Toombs	2,700
Mr. Trumbull	40,350
Mr. Wade	2,600
Mr. Wilson	17,950
Mr. Wright	7,050
Mr. Yulee	2,850
Mr. Biggs	100
Mr. Evans	700
Total amount	1,160,450

Now, sir, that amount, at three cents postage, would be $34,813 50. That is the amount of postage which Senators have exhausted during the last session of Congress, in these political pamphlets and speeches, over and above the amount of written correspondence upon which they put their frank; and, for the last Congress, three million and eighty thousand documents. The amount of postage consumed for the Senate alone has been $92,400. I think a good deal could be saved, at least in the weight of carrying the mails through the country, if this abuse is cut off; and it will be effectually cut off by abolishing the franking privilege, even although you may substitute postage stamps, according to my proposition, in lieu of the franking privilege. To show the extraordinary amount of documents that have been received at the folding-room of the Senate alone, to say nothing of the House of Representatives, I will read the following list, for the year 1857, prepared for me by the superintendent of the folding-room:

Number of Senate Documents received in the Senate folding-room during the year 1857.

	Number of quarto vols.
Globe and Appendix, first, second, and third session, Thirty-Fourth Congress	29,499
Sickness and mortality United States Army	3,370
Message and documents, part 3, (maps,)	15,000
Commercial Relations	10,808
Gilliss's Report, volume six	800
Coast Survey Report, 1855	5,000
Pacific Railroad Report	23,530
Japan Expedition Report	4,000
Professor Espy's Report	2,531
Report on the Armies of Europe	406
	85,944

	Number of octavo vols.
Agricultural Patent Report, 1855	32,055
Finance Report, 1856	10,000
Message and documents, parts 1 and 2, 1857	30,000
Commerce and Navigation, 1856 and 1857	6,301
Patent Office Report, 1856	125,000
Report on Camels	5,000
Smithsonian Report, 1856	7,500
Clayton Obituary	10,000
Dred Scott case	20,000
Unbound documents, of different kinds	7,000
Standard Weights and Measures	1,200
	254,056
Add quarto volumes	85,944
Total	340,000

JOSEPH HEDRICK,
Superintendent.

Here is another statement, which I will read:

Amount of documents and mail bags sent to the city post office during the recess of Congress for 1857, a period of about eight months, from Senate folding-room:

Octavo volumes	100,010
Quarto volumes	41,023
Total number of volumes	141,033
Number of mail bags used	3,539

JOSEPH HEDRICK,
Superintendent Senate Folding-Room.

December 15, 1858.

I apprehend, if the franking privilege be abolished, that the mails will not be lumbered with the vast amount of incumbrance and weight which has been the consequence of the system heretofore pursued; and when you relieve the mails of this vast amount of mail matter which the abolishing of the franking privilege will prevent, I apprehend the Post Office Department will be able to make better contracts on the part of the Government for the transportation of the mail. There is a saving in that. But if Senators desire to send out speeches, as doubtless many of them will, let them pay for this political information which they send out for the benefit of their constituents and for their own benefit. I see no reason why the Government of the United States should pay the expense of these political electioneering documents which gentlemen send out to their constituents for the purpose of affecting public opinion, either in their own behalf, or in behalf of their friends. If a member of Congress makes a speech upon this floor, or in the other branch of Congress, which is one of political or personal importance, if it be of such a character as to entitle it to be distributed amongst the people, the public press of the country will spread it before the people. If a speech be made upon this floor which deserves to go amongst the people, it will be disseminated through the public press, either of the State or district which the member represents. There is no kind of necessity or use in publishing, at the expense of the Government, this vast number of political speeches to be sent out and distributed amongst the people, only to be read and thrust into the fire, in nine cases out of ten.

I want to know, sir, what is the excuse for printing all these various documents? There may be some reason for publishing a few of the President's message and accompanying documents, which are sent in at the commencement of each annual session of Congress; but why publish this vast amount? If the members of Congress were compelled to pay the postage upon them, no more would be ordered than were necessary and proper for the use of the Senate itself, to carry on its legislative functions. The President's message is published in every paper in the United States, and circulated in every log hut in the country long before we strike off copies of these immense volumes which you publish at the national expense. These very documents, which weigh eight or ten pounds each, and which weigh down the mails, and increase the expense of the Post Office Department, are only sent out to be laid aside by those who receive them, and never to look at them; perhaps not one man in a thousand ever examines a page of them. They have already seen the message and documents which are interesting to them, published in the newspapers. They have read them; and long since, perhaps, forgotten their contents. The abolition of the franking privilege will stop all this extravagant expenditure; and I think, although I differ from my friend from North Carolina in my opinion, that the abolition of the franking privilege will, through these various ways and these various avenues, save not less than from two to five million dollars annually. That is my candid and honest opinion; that it will save not less than two millions, and may probably go up to five millions.

Then, sir, I desire to know of the Senator from North Carolina, or anybody else who thinks with him, whether the abolition of the franking privilege, even although you give to members of Congress $150 in stamps, is not likely to save a very large amount of public expenditure; and not only do that, but stop a very great abuse? I think it proper that, at this session of Congress, we should abolish the privilege in anticipation of the next presidential election, in order to put a stop to that extravagant abuse which has heretofore existed in sending out from this Capitol documents folded, and many of them printed, at the public expense, to effect political objects amongst the people.

Mr. PUGH. I wish to ask the Senator whether he says these speeches are printed at the public expense?

Mr. IVERSON. No, sir.

Mr. PUGH. I so understood the Senator. I paid for all I sent. I thought the Senator was laboring under a mistake.

Mr. IVERSON. Certainly I did not say that speeches of members were published at the expense of the Government.

Mr. YULEE. They were folded and transported.

Mr. IVERSON. The folding and transportation of them through the mails is at the Government expense. That, of course, is borne by the public; and I say it is an abuse of the franking privilege.

There is another reason why I desire to abolish the franking privilege. It is to stop that annoyance and fraud which is practiced upon members of Congress through friends who come to us and ask us to frank papers and letters. I apprehend that no member of the Senate who has any experience, but what will say, that during every session of Congress, and even in the vacation, he has applications from individuals and friends to frank their letters and papers for them. It is a delicate matter to refuse them, although in violation of law; and not one member in a hundred refuses these applications.

Mr. MASON. The Senator will allow me to say that I trust no such application was ever listened to.

Mr. IVERSON. Well, sir, I will not pretend to respond to that. I do not know whether they were or not. The Senator can answer for himself. I venture to say that there is no Senator, unless a Senator like the Senator from Virginia, who is wrapped up in such impenetrable dignity that no one can ever approach him, [laughter,] but what has had applications of that sort.

Mr. MASON. I do not know what the opinion of that honorable Senator may be of dignity, and I will not go into the inquiry; but I repeat, I trust if any such application was ever made to a Senator, that it was not listened to.

Mr. IVERSON. I have no doubt, although I will not say I speak from personal knowledge, that such applications are made, and have been listened to, and attended to frequently. At any rate, if the franking privilege is abolished, then no such applications will be made, because no man will be so shameless as to come and ask a Senator or Representative to give him three cents to pay his postage upon his letter. But when the franking privilege exists, these constituents and friends think they are entitled to have their letters and papers franked by members of Congress. This abuse takes away, in my opinion, a great deal of the just and legitimate revenues of the Post Office Department, which are thus defrauded and

taken from the office by these means. This much will be saved by the abolition of the franking privilege, and the substitution of Post Office stamps in lieu of that privilege.

Mr. President, I have said a great deal more than I intended to have said. I know that the Senate wishes an economy of time, and therefore I will close by stating that at the proper time I will move this proviso to the bill; that is to say, if the report of the Post Office Committee be adopted, I desire to insert this proviso:

Provided, That nothing in this act shall extend to letters not weighing more than two ounces, addressed to members of Congress, and mailed during the session of Congress; and all such letters shall be free of postage.

Mr. REID. Mr. President, there is but little difference in profession between the Senator from Georgia and myself. The Senator from Georgia says he desires to cut off the franking privilege. I have no objection to that, but, upon the contrary, am disposed to go with him. I desire, however, if I do it at all, to do it completely and effectually. The gentleman from Georgia desires to do it to a particular extent; and there he leaves it, with just enough of the old leaven to build up your franking privilege, before the close of the next Congress, just as large as it was during this Congress. If the gentleman from Georgia desires to abolish the franking privilege, let him come out and do it *in toto*.

The position which I took, and which the Senator from Georgia seems to misunderstand, was this: that it would cost the Government less to give members of Congress the privilege of writing their names as a frank, than it would to cause stamps to be engraved, and accounts to be kept, and those franks to be furnished to Senators and members of the House. The printing of documents and the franking privilege are different things. If the gentleman desires to abolish the franking privilege, let him do it totally. He thinks it will curtail the expenditure in publishing documents here. I have no doubt it would do it; but I desire that it shall be done effectually. The gentleman says, so far as letter correspondence is concerned, that he is in favor of a free communication between the representative and his constituency. Why, under your postage law, if one of your constituents chooses to write to you under the prepaid system, he is bound to pay his postage. If you do not give him the right to frank, or the member to receive it free, under the provisions of this bill, I take it that, when an individual writes a letter to a member of Congress, he must pay his own postage. That is the construction of the bill, is it not?

Mr. YULEE. What, sir?

Mr. REID. That a person writing a letter to a member of Congress must pay his own postage?

Mr. YULEE. Yes; certainly.

Mr. REID. And so, in that respect, the objection of the gentleman from Georgia, I think, means nothing at all. Now I desire, if you abolish the franking privilege, that you should do it effectually. I desire that you shall do it not by indirection, but shall march up to it and abolish it, so that every one may understand it. But it is proposed to abolish the franking privilege, and then authorize members of Congress to be furnished with $150 worth of franks, amounting, I suppose, to some four or five hundred thousand dollars.

Mr. IVERSON. Oh, no, sir; only $45,000.

Mr. REID. Well, $45,000. If that is done, when members of Congress have used them upon documents, they will commence complaining. It will be said: "we have not quite enough stamps to pay the postage, and you must give us a little more;" and before the close of the next session of Congress, you will see a bill introduced giving the members of Congress a few more franks. If you give them a few more franks for letters they will say: "public documents are published here, and members of Congress cannot afford to pay postage on them;" and you must give them the franking privilege there. I desire the law to be explicit. What I desire to see here is, either to give the franking privilege and let members exercise it, or take it away and not let them exercise it.

The objection I have to the amendment is, that it proposes to do that which it does not do. It proposes to take away the franking privilege, and it does not; for it gives a member the money, in part, to pay for his postage. That is the objection I have. If we are going to abolish the privilege, let us do it out and out. I am very much inclined to think it ought to be done. I think, perhaps, the public sentiment of the country is for it. If you could abolish the franking privilege, and at the same time dispense with the publication of these massive documents, many of which are worthless to the country, then we could save money. You could save an enormous expenditure by that means. But if you intend to do this, strike at once, and strike effectually, by doing away with the franking privilege altogether. But if you continue the franking privilege in part, I say that it is cheaper for the Government to let a member of Congress write his frank upon a letter and send it, than furnish him with stamps, which will have to be engraved, and accounts kept in relation to them. It will be cheaper to the Government to give the franking privilege, than furnish him with stamps to the extent to which he uses them.

But, Mr. President, I have no idea that, in the mere transportation of the mails, there ever will be any considerable saving by the abolition of the franking privilege. I think the contractors for carrying the mails will generally undertake to do it at just about the same rates, whether the franking privilege be in operation or not.

Mr. YULEE. The difference will be in the mode of service, and the comparative cost. Upon many routes coach service is rendered necessary by the bulk of the matter to be conveyed, which consists, in many instances, almost exclusively of free matter. Upon such routes a cheaper mode of conveyance could be obtained. Horse service would answer every public convenience upon many of them; and, to a great extent, there will be economy, I think, there.

Mr. REID. I understand that idea, Mr. President, and it does not exactly suit many portions of this country. When you are going into a region of country that is dotted all over with railroads, it does very well to say that you must take into consideration the manner in which the mail is to be carried. That suits very well in every region of country where there are plenty of railroads; that you will put it up to the lowest bidder; to the man who will carry it through in the least time, without regard to the manner in which the service is done.

Mr. YULEE. It is the point of retrenchment that we are aiming at.

Mr. REID. I am speaking of that retrenchment, and I say that few stage routes in the country anywhere, were ever put there because of the amount of franked matter of members of Congress that is sent over them. With regard to this idea, that you are not to have reference at all to the manner in which the mails are to be transported, I say it suits very well for a country where there are plenty of railroads; but in other regions of country, where there are no railroads, where persons have not the same facility, you put the carrying of the mail down to the lowest bidder, without any regard to the safety or the celerity or anything else. You propose merely to put up a contract and allow any man to have it who will propose to carry the mail in any sort of way, without regard to whether he carries it safely, what time he carries it in, and all that sort of thing. Everybody knows, in portions of the country where there are railroads, that they beat down all competition for the transportation of the mail; but when you get into some portions of the interior of the country, that is not so. I suppose the Senator from Oregon [Mr. LANE] has not many railroads in his State. There you will find an inconvenience. I do not think the Postmaster General ought to be restricted, in all instances, to put the mail down to the very lowest bidder, without regard to the convenience of the community, or the manner in which the mail is to be transported. I now repeat to the Senator from Georgia, if he will come forward with a proposition to abolish the franking privilege, I will go with him; but I desire to go further than he does. I want to uproot it out and out, and leave nothing upon which you can build hereafter, by which it may grow into the very same system complained of now.

Mr. YULEE. I hope it will be agreeable to the Senate to vote now upon the question which is pending. I presume it has been sufficiently discussed. The motion now pending, as I understand it, is that of the Senator from Virginia to strike out the second section.

The PRESIDING OFFICER, (Mr. FOSTER in the chair.) That is the motion first in order.

Mr. YULEE. It provides a certain amount of stamps for the members of the two Houses. I will state the idea upon which the committee acted. Their purpose was a total abolition of any peculiar or especial privilege, from the President down, but that all service by the Post Office Department should be paid for at a reasonable rate. We abolished it as to all the executive officers of the Government, and required the Government to pay the cost of the service which would be rendered by the Post Office Department. The question then came as to the extent to which members of Congress might be regarded as officers of the Government, entitled to be relieved of the personal burden of communication. The idea of the committee was, that there was a certain amount of correspondence indispensably and appropriately connected with the official duty of members of the two Houses of Congress, a duty and an amount of correspondence which would be reasonably and liberally covered by an allowance of about one hundred and fifty dollars. Now, individually, I am not solicitous about it, but to that extent we supposed, within the principle we have adopted of paying for official communications, that properly should fall upon the Treasury to the amount of one hundred and fifty dollars. That is all. We did not suppose that would reach their electioneering correspondence, or private and personal correspondence, but would probably cover the number of speeches of their own they would want to send, and the number of letters which would properly belong to the office. I am willing to strike it out, but that is the reason for the action of the committee. I hope the vote will be taken on the motion now.

The PRESIDING OFFICER. Is the Senate ready for the question on the motion to strike out the second section?

Mr. PUGH. Let us hear it read.

The Secretary read it as follows:

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Senate and the Clerk of the House of Representatives, respectively, to procure from the postmaster of Washington, District of Columbia, and furnish each Senator and each member and Delegate of the House of Representatives, at the commencement of each regular session, with $150 in postage stamps, to be paid for out of the contingent funds of the two Houses of Congress.

The PRESIDING OFFICER. The question is on the motion to strike out the section which has just been read.

Mr. PUGH. I think this section will not answer at all. There are the Senators of Oregon and California who pay ten cents postage, and yet you give them but $150, and give gentlemen who pay five or three cents postage the same sum. Besides that, I am very apprehensive if you go to give a money commutation, there are some members of Congress, between ourselves, who will keep the postage stamps and not send the documents. Either keep the franking privilege, or abolish it altogether. So far as that section is concerned, I will vote to strike it out.

Mr. MASON. I desire to ask the yeas and nays upon the motion to strike out.

The yeas and nays were ordered.

Mr. CAMERON. I prefer abolishing the franking system entirely. I agree with the Senator from Ohio, that giving this $150 a year to members of the Senate would be of more harm than good to us. It would subject us to all sorts of imputations and a great deal of annoyance. I do not intend to occupy the time of the Senate now on the subject; but shall vote for this motion, because I intend to abolish the whole system.

The Secretary proceeded to call the roll.

Mr. YULEE, when his name was called, said: I beg to be allowed to say in explanation of my vote against the section reported from the committee, that it is only in accordance with the vote which I gave in committee. I was opposed to that section.

Mr. HUNTER. I hope that we shall not spend a great deal of time on this bill. We cannot do more than take the sense of the Senate upon it.

Mr. TRUMBULL. The vote is not yet announced.

Mr. HUNTER. If gentlemen on the other side desire to press their views, I shall be very glad to hear them; but I hope that we shall get through the bill before long.

The PRESIDING OFFICER. No question

can come before the Senate until the vote is declared.

Mr. HUNTER. I thought the vote had been announced.

The result was then announced—yeas 51, nays 0; as follows:

YEAS—Messrs. Allen, Bayard, Bell, Benjamin, Bigler, Broderick, Brown, Cameron, Chandler, Chestnut, Clark, Clay, Clingman, Collamer, Crittenden, Davis, Doolittle, Durkee, Fessenden, Fitch, Fitzpatrick, Foot, Foster, Gwin, Hale, Hammond, Harlan, Houston, Hunter, Johnson of Tennessee, Jones, King, Lane, Mallory, Mason, Pearce, Polk, Pugh, Reid, Rice, Seward, Shields, Simmons, Slidell, Smith, Stuart, Toombs, Trumbull, Wade, Wilson, and Yulee—51.

NAYS—0.

So the motion to strike out was agreed to.

Mr. HALE. I now make a motion, which I suppose is in order, to strike out the ninth section.

The PRESIDING OFFICER. The motion of the Senator from Mississippi is in order, and precedes the motion of the Senator from New Hampshire. It will be read.

The Secretary read the amendment, which is to strike out the first seven sections of the substitute, and insert:

That from and after the 1st day of July next the franking privilege, except so far as it has been conferred by Congress as a personal privilege, be, and the same is hereby abolished.

And be it further enacted, That all laws, or parts of laws, requiring the prepayment of mailable matter be, and they are hereby, repealed.

And be it further enacted, That such persons as now have, by law, the franking privilege, shall hereafter be entitled to receive their mail matter free of postage.

Mr. PUGH. I ask for a division of that amendment.

Mr. HALE. I rise to a question of order. Before the Senator from Virginia made his motion, I moved to strike out the ninth section.

The PRESIDING OFFICER. The Senator from New Hampshire is correct in the statement; but the Chair is of opinion that it has been the practice of the Senate to take the question on the first sections of the bill first. Any modifications which gentlemen may propose by motions to the bill, are considered in the order of the sections of the bill, and, inasmuch as the motion of the Senator from New Hampshire was to strike out the ninth section, those modifications which affected previous parts of the bill, the Chair was of opinion, were first in order. The Senator from New Hampshire's motion to strike out the ninth section will come forward for action when that section is taken up in its order.

Mr. HALE. That is the practice when a bill is read by sections.

Mr. YULEE. The Chair is under a misapprehension of facts. The first motion to strike out was made by the Senator from Connecticut, [Mr. DIXON,] to strike out the first nine sections. Then there was moved by the Senator from Virginia the proposition to strike out the second section; and afterwards, by the Senator from New Hampshire, to strike out the ninth; and upon the same ground upon which the Chair ruled into precedence the motion of the Senator from Virginia, the Senator from New Hampshire is entitled to a vote of the Senate upon his motion to strike out the ninth section.

Mr. DAVIS. Clearly not.

Mr. YULEE. The ninth section relates to the five-cent rate.

Mr. HALE. Mine is a modification of the motion of the Senator from Connecticut.

Mr. DAVIS. It is quite clear that the point stated by the Senator from Florida does not apply to the decision of the Chair, which is, that we shall perfect the bill as we go along. A motion to strike out the ninth section is not interfered with by a motion to strike out the first seven sections, and to insert new matter. To strike out the second section was a proposition which had priority of consideration over that to strike out the seven sections. To strike out the ninth section seems to me one which properly comes after it, and may be affected by modifications of the sections which precede it. The priority of time is as stated by the Senator from New Hampshire. The priority of action, however, it strikes me, should follow the position in the bill.

The PRESIDING OFFICER. The Chair is of opinion that the modification moved by the amendment of the Senator from Mississippi precedes, in point of order, the motion of the Senator from New Hampshire; although, in point of time, the motion of the Senator from New Hampshire was earlier. All these motions were subsequent to the motion of the Senator from Connecticut, which was, to strike out the whole of the first nine sections. It being clearly in order to perfect those first nine sections, before the motion to strike them out was taken, and the sense of the Senate has been taken and is being taken upon them, in the opinion of the Chair, the motion of the Senator from Mississippi is now the next motion in order. It has been read. Is the Senate ready for the question?

Mr. PUGH. Let us have a division of the amendment by sections. I am willing to vote for the first section, but I do not like the others.

The PRESIDING OFFICER. The Chair is under the impression that the motion of the Senator from Mississippi is not divisible. It is a motion to strike out and insert, which is one motion.

Mr. PUGH. I do not ask a division between striking out and inserting. It proposes to insert three sections. I want a division of those sections.

Mr. DAVIS. Let it be read. I think then the Senator from Ohio will understand it.

The Secretary read it.

Mr. DAVIS. The object is, first, to abolish the franking privilege, believing that great abuses have arisen from it; secondly, to allow members of Congress, and others holding like official positions, and who by law are now entitled to frank, still to receive mail matter free, upon the ground that people correspond with them for the benefit of the people; that the answer to each correspondent is for his benefit; and, therefore, the member should receive the letter free, and the person for whose interest he sends an answer should pay for it. To effect this, it is necessary to repeal the law which requires prepayment. In the ninth section, which proposed to increase the rates of postage, I think it might subsequently be modified, so as to give the advantage of prepayment to the present rate of postage, and those who did not prepay, to pay the higher rate of postage proposed. But it is needful not to require prepayment; otherwise, it devolves upon the member, necessarily, prepayment upon the letter which he writes in answer to some inquiry made in the interest of the individual who corresponds with him; which I should hold to be entirely unjust.

I am entirely opposed, however, to giving the members any money in lieu of the franking privilege now enjoyed. It is conferred upon them for the public and not the individual good. It should be used purely for the public good. To make a money commutation of it is at least to give the opportunity to lay the foundation of the charge that the money thus conferred has not been used for the public good.

I think it will have the effect of reducing the inordinate printing which has been described by the Senator from Georgia. I am not in favor, however, of entirely destroying the printing of Congress, or the distribution by Congress of valuable works of information to be obtained by the people. I think they should go among the people, and that those who receive them should pay the charge of transporting them. It is surely a very severe reflection upon the wisdom with which we have conducted the public printing to say that we make books which will not pay the expense of transportation. If they are not to be sent through the mails, at least let them be transported by express carriage, and let those who receive books pay the charge upon them. I hold it to be altogether unjust, anti-Democratic, for a Senator, having some three thousand or ten thousand correspondents, to send to them all the advantages for which the whole people of his State must pay; that it is imposing a tax upon the many for the benefit of the favored few; that it is unsound in principle, and that the true remedy is to make those who receive the benefit bear the burden.

I think most of these books which have been printed by Congress would pay for their transportation, and that in a very short time we could reduce the rates of mail transportation so low that they could even be sent through the mail, relieving the Government of all charge for this excessive transportation; that in a short time we should derive a revenue to make the Post Office Department self-sustaining, and enabling us to make still further reduction in the rates of postage.

These are the benefits I hope to result from the amendments which I have proposed. I merely wish to say, in addition, that the reservation is in favor of those to whom the franking privilege has been conferred as a personal favor. I think it would be, to say the least, discourteous after it has been conferred by special laws of Congress, to take it away; especially in such cases as the relict of an ex-President.

Mr. GWIN. I wish to make a simple suggestion to my friend from Mississippi. That I am very much in favor of his amendment, which includes three sections, with the exception of the second section, which abolishes prepayment. If he would withdraw that portion of it, it seems to me, he would strengthen his proposition. I am decidedly in favor of the first and third sections of the amendment, and shall vote for them. I think the other a very radical alteration.

Mr. DAVIS. I am perfectly willing to withdraw it, if you will just point out some other mode by which the machine will work if it is withdrawn.

Mr. GWIN. I merely allude to that portion of the amendment which abolishes prepayment. I think that the prepayment is a good system.

Mr. DAVIS. Let the question, then, be taken on each section separately. Perhaps some one will suggest an amendment.

Mr. GWIN. Very well.

Mr. YULEE. I hope the Senator will not insist upon so much of his amendment as refers to the abolition of the franking privilege. His purpose seems to be precisely the same which the committee had in view, and which the committee suppose they have accomplished; but with only this difference: that the committee have carefully and elaborately prepared the legislation necessary to give effect to that purpose, under the advice of the Post Office Department, while the proposition he makes is crude, general, and makes no provision for the changes under the condition of things created by it, or the changing of the principle of Government action.

Mr. DAVIS. Point it out.

Mr. YULEE. I will point it out in this: postmasters have the franking privilege. Twenty thousand postmasters in the United States have the franking privilege, unlimited except as to weight. Under his provision, postmasters will continue to receive letters free. Again, he proposes to abolish the franking privilege to the Departments, and yet makes no provision by which official letters, sent by the Department and to be received by them, shall be paid. How are they to move? Are you going to block the whole correspondence of the Government? The object of abolishing the franking privilege is accomplished by the carefully prepared first six sections of the bill. I hope, as the Senator concurs in that object, that he will leave it where it is. What if it be more verbose than is necessary, it can do no harm. It does nothing more than he seeks to accomplish.

Then, as to the section relating to prepayment, I take it, when we reach the ninth section, that subject will be more germane; and, it seems to me, it would be better if we took the question upon the franking privilege which is contained in the first six sections.

Then, in respect to the seventh section, which relates to star bids, there is a separate and distinct section there. When a proposition, such as is made by the Senator from Mississippi, combining three objects, is proposed, by which a very large part of reform contemplated in the bill is prevented, I have no doubt the enemies of the bill will aid in striking out the seventh section and substituting his for the purpose of defeating, in the end, the whole thing. That will be the effect, not intended by the Senator undoubtedly, but an effect which would be prevented if we take the sense of the Senate distinctly upon each branch of the reform; first, the franking privilege contained in the first six sections, and if faulty, we can amend them; and then upon the seventh section in relation to the star bids and the rates of postage, including prepayment.

Mr. DAVIS. The Senator criticises my amendment as crude, and when I ask him to point out its crudeness, he shows himself utterly ignorant of the effect of my amendment.

Mr. YULEE. In using the word crude, perhaps I used a word stronger than I intended.

Mr. DAVIS. Then I will take that back and come to the point of the case.

Mr. YULEE. I meant an amendment prepared suddenly at his desk to the bill under consideration.

Mr. DAVIS. Before the honorable member was a Senator, I brought in a proposition quite like this. It is not hastily prepared, therefore, as he supposes.

Mr. YULEE. It happens that I was here before you.

Mr. DAVIS. Not you.

Mr. YULEE. I am mistaken then.

Mr. DAVIS. It is so many years that I will not argue it now. The proposition, however, which is proposed, is one not of sudden comprehension, nor is it so defective as the Senator from Florida imagines. In order to show its absurdity, he asks, though the head of the Department has the power still to receive mail matter, how are his answers to come? Strange, indeed, that the chairman of the Committee on the Post Office and Post Roads should have never learned that there were modes in which accounts were kept for the transportation of public correspondence, and that they were paid for by those who received them upon certificates of the fact of their being official in their character. Had he been as familiar with the operation of the Post Office as it existed a few years ago, as he seems to assume when he criticises so severely the amendment I offered, he surely would not, on this occasion, have been ignorant of the fact that an officer receiving public correspondence in many of the departments of the Government, has been required to keep accounts and render them quarterly, of the amount paid for postage in that quarter.

Then he presents, as a great grievance, this matter of the postmasters. I hold it to be none at all. In the country which he represents, as well as in that where I reside, our local post offices are utterly worthless unless they give to them some such inducement. Instead of being an office which is sought, the difficulty is to get some one who will accept it, and is worthy of the confidence. It is an inducement in all the rural districts to induce men to retain the position of postmaster who are worthy to hold it. Strike out that inducement, and many of the local post offices in the south and southwest will be rendered so utterly valueless that you could get no respectable man to occupy it, unless the Congress then commenced a system of appropriations, and make each one a salaried officer.

Nor, sir, did I so entirely overlook, as he imagines, the operation of this seventh section. I am utterly opposed to it. I do not choose to give the advantages to those great routes which lie upon the railroads, and run between commercial cities to the exclusion of the villages, the hamlets, and the border settlements. I believe that the interest of the Government, as well as the individual, is promoted by keeping up these coach lines. It was exactly because I did not approve of the principle which that seventh section contained; because I chose to differ from the conclusions of the committee; because I did not choose to be in the interest of the great commercial cities, and against the rural districts, that I proposed to strike that seventh section out. In every one of these reforms it has been for a consideration sufficient to myself, which others will weigh and decide upon, I have no doubt, more wisely than myself; but which the Senator had no right to suppose were offered without looking at the consequences which were to follow in the train of that amendment, if it were adopted. I wish to maintain the frontier lines, and the frontier post offices. If that is not the object of this Government, I say, repeal your postal system entirely; or, if you will come to the old and densely-settled portions of the United States, and seek to frame the power of administering the post office establishment best suited to them, it would be found in surrendering the transportation of the mails to companies and individuals who would come forward as contractors to take it. You may start at Washington, you may go to the North or East, for every State which lies north and east of us, and they will there tell you that they would prefer to have the mails transported on private account. They can get it done very cheaply to those who receive the mail matter. It is, as a Government measure, to answer the ends of the Government in remote and sparsely-settled regions, where the communications themselves do not bear the expense of transportation, that we keep up this great establishment. I think it a justifiable cause, and therefore I am opposed to this and every other feature of this bill, which is to strike down the mail facilities on the frontier, for the sake of——

Mr. YULEE. Will the Senator allow me to say a word?

Mr. DAVIS. Yes, sir.

Mr. YULEE. I did not say, nor intend to be understood, that the Senator had presented propositions which were crude in their consideration. I have no doubt that as long back as he says he has, he introduced a proposition looking to the same end. Nor did I say, or mean to be understood to say, that he had not contemplated the effect of the repeal of the seventh section. I was aware he had contemplated that; but I proposed to him that he should separate the subject-matters contained in his amendment; that we should be allowed first to vote upon those portions of the bill which relate to the abolishment of the franking privilege, and afterwards upon the other subject-matters, separately, comprehended in his proposition. Now, in respect to the franking privilege, I still adhere to what I said, that the provision which he makes, which contemplates going just as far as the bill itself, and no further, does not contain all the legislation which is necessary to carry into effect the purpose of the committee, or his own purpose, and that if the section proposed by him in substitution of the first five sections of the bill reported from the committee should be adopted, he will still be compelled to adopt a portion of the provisions stricken out in the first five sections of the bill. He provides that those who are now entitled to the franking privilege may receive their letters free:

And be it further enacted, That such persons as now have, by law, the franking privilege, shall hereafter be entitled to receive their mail matter free of postage.

Although he proposes they may receive mail matter free of postage, they cannot send it free of postage; nor can the post offices receive their matter as the law now stands, unless we pay it; and where is the appropriation for their payment? Out of what fund? The Departments have no fund out of which they can pay them.

Mr. DAVIS. Read the second section.

Mr. YULEE. Well, are you going to impose on individuals who have business with the Government the cost of postage?

Mr. DAVIS. Certainly.

Mr. YULEE. Certainly! Well, that would be a very curious operation of the system.

Mr. DAVIS. With the Senator's permission, I will answer the question—certainly. The man that has business with the Government, and writes to his representative to attend to that business for him, when his representative sends him back a letter, why ought he not to pay his postage?

Mr. YULEE. But, sir, I am not speaking of correspondence through the representative. I am speaking of the direct correspondence of the Government with those with whom it has business. Who is to pay for that? If the Government desires to make an inquiry from one not its officer, necessary to the public business; to maintain a correspondence with individuals upon subjects necessary to the execution of their official duty, who is to pay? How is it to be paid? Is there an appropriation or provision for it? That appropriation must be made. It has been made in the bill by authorizing the Secretary of the Treasury to pay quarterly whatever is necessary for public correspondence.

Mr. DAVIS. It is unnecessary. They pay postage now in many of the Departments with which I am familiar—pay it quarterly; and the same fund which pays it now, will pay it then.

Mr. YULEE. Do the Departments pay postage?

Mr. DAVIS. Clearly.

Mr. YULEE. For what?

Mr. DAVIS. I will tell you for what. An officer receives letters on public business. He answers them on public business; and he must put stamps upon the answers; and, in his quarterly account, says, so much for postage. There is not a quartermaster in the Army who must not present quarterly exactly such an account.

Mr. YULEE. Exactly. Those are officers at a distance; and it is allowed out of an appropriation made by Congress which they are disbursing; but I am speaking of the business of the Departments. How do you provide, under the section introduced by the Senator? He will perceive something further is necessary; and what further is necessary is provided in the bill reported from the committee. After all, the difference is altogether immaterial. It is a mere difference in the phraseology to accomplish the same end. The phraseology used by the committee is that which the Post Office Department, after carefully considering the matter, have reported best to accomplish the end. I have no objection if the same end can be accomplished by other words.

Then, in respect to the local postmasters, if the proposition of the Senator is adopted, local postmasters may receive, although they cannot send, mail matter free. Why receive, and not send, free? It is abandoning the principle of requiring a recompense to the Government for all the service which it does. If postmasters cannot be obtained in places that do not pay, let them do without post offices.

Mr. DAVIS. Aha!

Mr. YULEE. Yes, sir; I say do without them. This is no inducement, and it is a very great tax upon the Post Office Department. Most of the small offices outside of your large towns are held by storekeepers, who take the offices for the purpose of attracting custom, and making their stores the thoroughfare of the neighborhood; and they are the persons who make most of the correspondence from the neighborhood, and the tax is very large upon the Government; and they will continue to take the offices whether allowed the franking privilege or not, their motive being to make their place a public place. It will make but a partial retrenchment so far as the object of the committee is concerned, if you allow twenty-eight thousand officers scattered all over the country, most of them commercial, to use the Post Office free one way, if they do not two.

Mr. DIXON. Mr. President, the few observations that I have to make upon this bill, will relate mainly to the question of the rates of postage.

Mr. TOOMBS. I hope the Senator will defer his remarks until we get to that portion of the bill. We are not on that question. That is not the question under consideration.

Mr. WADE. Let us take the vote on this subject.

Mr. DIXON. I am willing to do that.

Mr. TOOMBS. We are not upon the subject on which the Senator wishes to speak. He can wait until we get at it. This is a very important matter, and we want a vote on it.

Mr. IVERSON. Is it in order to move to amend the amendment of the Senator from Mississippi?

The PRESIDING OFFICER, (Mr. FOSTER.) The motion of the Senator from Mississippi is an amendment to an amendment.

Mr. DAVIS. I will accept the modification.

Mr. IVERSON. The Senator accepts the modification which I present. It is a modification of the second section of the amendment of the Senator from Mississippi, and that section is in these words:

And be it further enacted, That all laws and parts of laws requiring the prepayment of mailable matter be, and they are hereby, repealed.

I propose to add:

So far as relates to letters addressed to persons who are entitled to the franking privilege under the laws now in force.

The effect of the Senator's amendment would be, that prepayment would be abolished entirely. Now, I am not in favor of abolishing the system of prepayment. I think it has worked well, and ought to be continued; but it would be very well to abolish the practice of prepayment on letters addressed, for instance, to members of Congress, who, under existing laws, are entitled to the franking privilege. When a constituent writes to us on his business, the letter comes to the member of Congress free of postage. He is not required to prepay. The Senator writes to him, and then he has to pay. The Senator does not have to prepay, but the constituent pays the postage of the

letter when he receives it. That will be the result of this amendment. I propose, therefore, to make it read:

And be it further enacted, That all laws and parts of laws, requiring the prepayment of mailable matter, be, and they are hereby, repealed, so far as relates to letters addressed to persons who are entitled to the franking privilege under existing laws.

The PRESIDING OFFICER. If it is accepted, that will be considered part of the amendment to the amendment.

Mr. MASON. I understand the amendment offered by the honorable Senator from Mississippi proposes to strike out the seventh section.

The PRESIDING OFFICER. The first seven sections.

Mr. MASON. Now, the seventh section is in conformity with the recommendation of the Postmaster General, who stated reasons very satisfactory to me, why the Postmaster General should not be required, or be at liberty to require, in the advertisement upon certain mail routes, that the mails should be carried in post coaches. Why should the mail be carried in post coaches? Let me put the question to any Senator here; why should the mail be carried in post coaches? Not for the safety of the mail or its protection; because, if that was all that was necessary, it could be carried in a covered car or a box. It is carried in post coaches for the convenience of those who are to travel over the road, and is thus tributary to the general travel of the country. If it should be that the mail carrier could carry the mail on horseback, or in a wagon, or a sulky, with one, or two, or three horses, cheaper than he could carry it in a post coach, yet he will propose to carry it at a greater rate in a post coach for the travel that may be accommodated. This is a part of the abuse that has lately grown up in the rust of that Department. Unless it be the sense of Congress that the public Treasury should be contributed to the probable convenience of travel, I can see no reason why the seventh section should be stricken out. I take it for granted, it is not the sense of Congress that the Post Office Department should do anything more than carry the mails—carry them in the most cheap, and at the same time most expeditious and safe manner. I hope, therefore, that it will not be stricken out to insert anything else, unless it be exactly the same provision.

I will say this further: I have said already that I have not found myself able to comprehend the details of this great machine, the Post Office Department; but I find here a proposition brought in by the committee having charge of the subject, and carrying out, to a great extent, the recommendations of the Postmaster General, the Executive officer, by which we can save $6,500,000; and I say, then, it would be very dangerous to substitute anything for the recommendations of that committee. I hope, therefore, the amendment will not prevail.

Mr. SIMMONS. I think the Senator from Virginia is a little mistaken in regard to this being a gradual abuse growing up under the law. This abuse of carrying the mail in post coaches was adopted at once, in 1846, by the then Postmaster General.

Mr. TOOMBS. That is true; but let us have a vote; we all know that.

Mr. SIMMONS. We do not all know it, or it would not have been said to have been a gradual abuse. I am opposed to enacting over again a law that is now on the statute-book, and has been there since 1845, prescribing the mode of letting the mail contracts, which required the Postmaster General to let them to the lowest bidder, precisely as this seventh section does. It was so done in the year 1845, embracing the northeastern section of the Union; but the next year the same Postmaster General did make a difference in these post coaches. It was not a gradual alteration, but it came up all at once, against law, and in defiance of law; and it has been continued ever since, because it was a construction put upon a law; and having been carried out through four sections, and the whole New England section under his construction, the subsequent Postmasters General did not interfere with his construction.

Mr. MASON. Allow me one moment. I do not profess to be intimate with the Post Office laws. I gather my information chiefly from the tenor of the advertisement; and my recollection of the advertisement is, that they advertise to carry a mail upon a given route; and proposals may also be received to carry it on horseback or a sulky; and proposals are also received to carry it in post coaches. Now, how the Postmaster General construed that, I do not know; but the provisions of this seventh section are upon him restraining and prohibitory. The provision is:

"*And be it further enacted*, That the eighteenth section of the 'Act to reduce the rates of postage,' &c., approved March 3, 1845, shall be so construed as to prohibit the Postmaster General from making contracts for the transportation of the mail with any view to the transportation of passengers, and to restrict him in making such contracts to the acceptance of such bids only as shall provide for the conveyance of the mails."

If that should be enacted, the practice most certainly would be this: the Postmaster General contracts for carrying the mail from one point to another, and takes the lowest bidder. The contractor will determine for himself, when he has made the contract, whether it will be most remunerative to him to carry it on horseback or in a coach, and he will decide it.

Mr. SIMMONS. That is precisely what the law has been since 1845. The law authorizes the Postmaster General to give the lettings to those who will carry the mail at the least price, and no other reference is made to the mode of transportation, but such as would secure due celerity to the mails.

Mr. COLLAMER. I understand the gentleman to say that that is the law.

Mr. SIMMONS. Certainly I do.

Mr. COLLAMER. How does he propose carrying it into execution?

Mr. SIMMONS. I have no objection to that; but what I meant to say was, that it had not been gradually growing into practice, but had been adopted all at once.

Mr. COLLAMER. The gentleman does not object to passing this law now?

Mr. SIMMONS. Oh, no.

Mr. COLLAMER. Very well; let us pass it.

Mr. CLARK. As the Senator from Virginia has called up the transfer of mail service from coaches to inferior modes, it seems to be pertinent here to refer to the experience of the Post Office Department for the last year, where we can come at it. I hold in my hand the report of the Postmaster General. I find by that report, that the Postmaster General changed in my State ninety-five thousand three hundred and sixteen miles of service by coach to seventy-three thousand one hundred and sixty-four miles of service by inferior modes. We lost not only the service by coach, but we lost twenty-two thousand one hundred and fifty-two miles of service, and it cost $1,385 more. That was the result of it; and it seems, by his own report, that, change whatever way you will, you make a losing business of it. Now, if you turn to the State of New York, you will find there, that during the past year, they changed one hundred and thirty-one thousand four hundred and fifty-six miles of coach service into inferior service, and it cost $13,836 to do it. I could go on considerably further, and I shall at some other time; but I simply call the attention of Senators to the fact that the Postmaster General shows, by his own report, that when he changes the service from coach to inferior service, it costs him more than it did before. And I will show that in this respect, in every one of the New England States, taking the New England States together, the service has very much diminished by railroad during the past year, and yet it costs something like seventy thousand dollars more to perform it. I have the figures here before me, but I will not detain the Senate, as I propose to do it more at length by and by.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Mississippi to the amendment.

Mr. IVERSON. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. IVERSON. Then I ask for them.

The yeas and nays were ordered.

Mr. HUNTER. I should like to hear the amendment to the amendment read.

The Secretary read it.

Mr. FITZPATRICK. I call for a division upon those questions. I move to take the vote on the first branch first.

The PRESIDING OFFICER. The Chair is of the opinion that the amendment is not divisible.

Mr. FITZPATRICK. I did not know that it was a motion to strike out and insert.

Mr. DAVIS. I am quite ready, as gentlemen ask it, to have the vote taken separately, if in order. Perhaps, by consent, it may be done.

Mr. RICE. I think this seventh section in the bill, as reported by the committee, a very important one. The law, as it now stands, is susceptible of two interpretations. It is certainly not imperative upon the Postmaster General in all cases to accept the lowest bid under the old law; but this seventh section makes it imperative upon him to do so, and then leaves it to the contractors to carry the mail as they shall choose, they giving security for the faithful performance of the duty. I believe it would save from half a million to a million dollars, and would enable men of small means to bid for carrying the mail, which can just as well be carried on horseback, for $100 or $200 a year; and then they could come in competition with men with their hundreds of thousands and their magnificent coaches. I think it one of the most important sections in the whole bill, and I think the result will show it.

Mr. DAVIS. I merely want to state, in answer to the remarks of the Senator from Minnesota, that I do not know how it may be in more favored countries; but in the country in which I reside it is impossible for such a mail as he describes to get coach service. It is necessary to show the weight of the mail matter transported, if it is beyond the capacity of a horse to carry, in order to get a contract for coach service, and when this is shown, and that the public convenience, and safety of the mail, requires that it should be carried upon wheels, the contract is so let. If, then, persons traveling should require a coach suitable for them as passengers, such a coach is put upon the line; if not, it still remains a wagon. That is the manner in which the law is administered in the region of country with which I am best acquainted. Not being one of those favored regions that are so doubtful in politics as to make it necessary particularly to attend to them, they may get some harsh construction of the law. That is the only knowledge I have of the law. Thus, I am sure it is executed there, and that a route on which the mail matter could be easily carried on horseback never gets the contract for carrying it in coach. Safety and celerity is the language of the law. Discretion is now in the hands of the Postmaster General, and he has exercised that discretion, so far as Mississippi is concerned, very rigidly.

Mr. RICE. I know nothing in regard to how the mails are carried in Mississippi, but I do know something in regard to the manner in which they are carried in the Northwest and throughout the entire northern region and some portion of the South. Now, so far as I am concerned, I do not care whether the mail is carried in a balloon, or in a steamboat, or upon a pack-horse. I do not think we have anything to say as to how it should be carried. The time is specified in the contract, and the contractor is compelled to give ample security for carrying the mail in the time specified. The result is, under the present bill, that all mail contractors throughout the country—I think I may say throughout the entire West—come here at every letting and combine together, and they receive the highest possible price they can get for carrying the mails. I am for bringing in competition. If a man has got only a pair of horses, and is able to carry the mail two hundred or three hundred miles in the time prescribed, if you give him a contract, you should not exclude him because he has not got the means to furnish a six-horse post coach to carry passengers. The only result of it is, that travelers can be carried at half price, while the poor man must stay at home and pay for it.

Mr. BIGLER. I do not believe, Mr. President, that this section involves anything like the sum of money which is attributed to it. So far as the service on horseback is concerned, of course, it does not touch that. These contractors of mail service are a vigilant class of our community. They understand this business, and I do not believe that there is any branch of the public service, or any enterprise, in which there is such a universal vigilance and close competition. That has been my observation. I know that throughout my portion of Pennsylvania, within the last five years, nearly every man that has taken a contract of this kind has turned out a sufferer.

On that line in which I approach my residence, in four-horse coaches, the mail is carried at a rate at which no man can carry it in any other way, by virtue of the competition. You cannot carry it on horseback, or in a carriage, or any other way, at the rate at which it is taken by these parties who have the large coaches.

The law as it is, evidently contemplates that the Postmaster General shall get the mails carried as cheaply as possible. He has to consider safety and celerity in making contracts, and the cheapness of the contract. He is not obliged, under the law—nor do I think he is authorized under the law as it now stands—to pay additional compensation for the accommodation of the traveling public. I doubt the policy of the clause as it stands. I expressed doubts about it in committee, because you see at once the effect upon the competition of mail contracts.

So far as relates to my own State, nine tenths of the expenditure on the railroads, I venture to say, is already at the very lowest point. Perhaps I know the service in that State as extensively as any man, or as any member knows of his State, and whilst I care very little what is the fate of this section, whether the amendment of the Senator from Mississippi, or that of the committee prevails, I do not intend to countenance the idea that this proposition involves the question of two million, or one million, or half a million. It involves no such thing, and so soon as you have experience, you will discover that fact. My observation has been entirely different from that of my friend from Minnesota, so far as the mail service is concerned. A gentleman with his large routes, large contracts, and overland mail, &c., may be making a great deal of money; but generally, so far as my observation has gone, the amount paid in the present mode is about as low as it can be brought.

Mr. FITZPATRICK. We are very apt, Mr. President, in these reforms to go from one extreme to another. In densely-populated States where railroads run, this seventh section would perhaps have no influence; but there is a large portion of the country that have not those facilities. If you go to portions of the West and South and Southwest, you will find many portions of the country that have no railroads. What is to be the consequence if you agree to this seventh section? It contemplates simply the transmission of mail matter in any way in which the Postmaster General can have it accomplished. There is scarcely a Senator upon this floor but what has been importuned at this session and at previous sessions, for an increase of the mail facilities, and without the ordinary facilities of four-horse post coaches or hacks, it is impossible to transmit the mail matter and the bags containing public documents, from one place to another. I know, in the section of country where I live, of mail matter that has lain there for months, from the simple fact that there was no vehicle or mail service by which that matter could be transmitted—documents franked and sent out from the Capitol to the constituents of a particular Representative.

I am as decidedly in favor of reform and retrenchment as any man in the Senate. The great difficulty is that in retrenching and reforming, we absolutely tear down, pull down, and destroy, the public service. The section of country from which I come, is similar to the section in which the Senator from Mississippi lives. Large portions of it are sparsely settled, and without these hacks and post-coaches it is impossible to transmit mail matter that goes from point to point. I ask Senators, then, to pause before we tear and cut down the whole mail service, or do what has really caused more injury than effected good. It is no ordinary matter to break down the entire mail service. We may tear up everything by the roots, and leave the country destitute of the facilities to which they have been accustomed; but we should raise the clamor and difficulty which ensue on reforms of this kind. It is the settled conviction on the minds of Senators that we must retrench; but we should be cautious, and not retrench too much. The people have been accustomed to mail facilities. They have been extended with a liberal hand by the present Postmaster General, and other Postmasters General, and if you should now cut down all the post coaches, look at the effect it is to have upon the mail contractors, who have embarked in these contracts; look at the effect it is to have upon the country, and the clamor that is to come to the Halls of Congress.

Sir, Senators should pause before they do all this. I think it would be best for the service to adopt the amendment submitted by the Senator from Mississippi, and not by one stroke of this kind destroy the mail service in many portions of the country. As I remarked, it will not be felt so seriously by the densely-populated portions of the Union where they have railroads running in every direction; but large portions of our country are deprived of those advantages. When we undertake here to tear down, cut loose, and turn adrift this service on the country, and deprive a citizen of the advantage of mail service, it is no ordinary matter, and it will not be ordinarily felt by those who represent that portion of the country thus deprived of those facilities.

Now, sir, I called for a division of the amendment. I had supposed that it was not an amendment to strike out and insert. I understand now that it is. I am aware that if such be the fact my motion would not be in order. I supposed it was an independent amendment offered by the Senator from Mississippi; and hence I cannot make the call, unless by the common consent of the Senate.

Mr. YULEE. I suggest that we can accomplish the object of the Senator by an amendment which I hope the Senator from Mississippi will adopt; that is, to confine the motion to strike out to the first six sections or the first five sections, and leave the seventh section to be acted on afterwards.

Mr. DAVIS. I will accept the modification.

The PRESIDING OFFICER. Then the question is on the amendment of the Senator from Mississippi, to strike out the first six sections and insert as has been read.

Mr. PUGH. The amendment of the Senator from Mississippi, it seems to me, retains the worst features of the present system. Persons write to Senators here for their autograph. I have no doubt all of us are troubled that way as I am, and if every idle letter that is sent to us shall come free, and, in order to signify that your answer shall go free, you must frank it or mark it in some way, it brings us back where we started. Whenever a man writes a letter, he ought to pay his own postage. If it is a friend whom I deem worthy of being answered, I will put a stamp on the answer. If it is a mere question addressed for information or anything of that sort, it is as little as can be expected that the person should inclose a stamp. It is done constantly in private life. I think the amendment of the Senator ought not to be adopted, and I shall certainly vote against it.

Mr. IVERSON. The Senator from Ohio is mistaken as to the effect of this amendment in one respect. The effect of the amendment is, that as members of Congress are now entitled to the franking privilege, letters addressed to them hereafter shall be prepaid. It does not preëmpt persons from prepaying the postage of letters to members of Congress, but letters that members of Congress address back to their constituents are not to be prepaid; it throws the postage upon the constituents. To be sure, you have to make some mark upon the letter, to show that the person who writes the letter is entitled to send it without prepaying postage, but it does not relieve the party——

Mr. PUGH. Is not that the franking privilege?

Mr. IVERSON. That is not the franking privilege. It does not deprive the Government of the postage at any time, because the person to whom the letter is addressed must pay the postage before it is taken out of the post office. It does not deprive the Post Office Department of the postage. It only relieves a member of Congress from paying the postage, when he responds to a letter addressed to him by an individual on his business. That seems to me to be right.

Mr. TOOMBS. I am very anxious to get a vote, and do not wish to occupy time; but I do not think we should attempt to get rid of the little postage that comes upon members of Congress. If we agree to do this, it will do us harm. Not one letter in sixteen a member writes, that is not on his business or friendship. The assertion that the public business imposes a heavy correspondence upon him amounts to nothing at all. I think it is a small business to work off ourselves the little pittance of prepaying the postage of letters that we write to the people, because we choose to write to people.

Mr. COLLAMER. I desired very much, if we could, to have passed upon these several points by themselves. Now, I understand the proposition is not merely about the franking, but also includes another very important feature in relation to general policy, and that is star bids.

Mr. TOOMBS. That is cut off.

Mr. YULEE. It is confined to the franking privilege.

Mr. COLLAMER. Then I do not care to talk about it.

Mr. FESSENDEN. What does the amendment propose to strike out?

Mr. YULEE. The first six sections.

The PRESIDING OFFICER. The question is on the motion, as modified by the Senator from Mississippi, to strike out the first six sections, and insert what has been read.

Mr. FESSENDEN. I wish to make one remark. I will not make any speeches about it. If Senators wish to abolish the franking privilege entirely, I am ready to go with them. I have made up my mind about that. I am ready and willing to dispense with the whole of it; but I am averse to any dabbling with it, and keeping a little here and there. Let us get rid of the whole thing, and strike it out, and not make a half and half business of it.

Mr. SMITH. I should like to understand what the question is. I hope the amendment will be read, in order that we may understand what the question is.

The Secretary read it.

Mr. KING. That, it seems to me, is abolishing the franking privilege; retaining, however, the right to all persons who now have it, to receive whatever they may receive through the mail, free, which is just no abolishment at all. I move to strike out the last clause.

The PRESIDING OFFICER. In the opinion of the Chair that would not be in order, the pending amendment being an amendment to an amendment.

Mr. KING. Then I shall vote against it.

Mr. DAVIS. I wish to say to the Senator from New York that, if I hear him correctly, he misapprehends the import of the amendment. It allows a Senator no franking privilege whatever—not a particle of it.

Mr. KING. But it leaves him the right, as I understand it, to receive whatever comes to him through the mail free of charge.

Mr. DAVIS. Precisely.

Mr. KING. I call that franking.

Mr. DAVIS. I do not call that franking. I call it receiving matter free of postage; and as a public agent, who should not shut himself from being approached by the people, one upon whom they have a right to call whenever they think proper, to whom they have a right to give information which affects the public interest and which they require to be transacted by him, I think it proper that they should have the right to approach him without prepayment, and that he should have a right to receive it without paying for it.

Mr. CLAY. I do not intend to make a speech, but I desire to say, I do not wish the people to be empowered or imprivileged to write to me without prepaying their letters. I get a great many more than I care to read that come free. As far as my constituency are concerned, I believe, I can say safely, near half, more than half prepay their letters. I do not think that anybody who has anything to communicate worth being told or read can object to prepaying three or five cents. I hope the amendment will not prevail.

Mr. SMITH. The postage upon mail matter from Oregon costs some three hundred per cent., and upwards of that, more than of any Atlantic State. Whilst we are endeavoring to retrench, if there be any reason for retrenchment, I hope we shall make a clean breast of it, and abolish this franking privilege altogether. Gentlemen here say this is not the franking privilege when the matter comes to you free; but in my judgment that is a distinction without a difference. So far as the revenues of the Department are concerned; so far as the Government is concerned, it is practically a franking privilege. Your constit-

uents frank to you. My own idea about this matter is, that there should be at the expense of the Government a free communication kept up between the representative and the represented, between the people and the congressmen; and that they should have all necessary facility to that end. But it is argued that this privilege is abused, and that a vast expense is engendered thereby, footed by the Government, and in order to obviate this abuse, to prevent it, to exterminate it, it is proposed to abolish the franking privilege.

Now, sir, so far as myself and my constituents are concerned, it is a matter of small moment. I remember to have read, a year or two since, a speech pronounced in the Senate here by the junior Senator from Kentucky, [Mr. THOMPSON,] a facetious speech, in which he said that the people of his portion of the country had no particular knowledge of their relation to this Government, or their connection with it, so far as any benefits were derived directly, except that they saw, occasionally, upon the stage-coach, the letters "U. S." Now, I know that my constituents appreciate any document sent from Congress through the mails to them; and I would be disposed, I repeat, as an abstract proposition, to advise them of all that passes here. But, inasmuch as the proposition is, in fact and in effect, to preserve the funds of the Government, and to cut off expense, and to abolish the franking privilege, which leads to abuses and extravagances, I am, I repeat, for doing it effectually. I am prepared to vote for a proposition that shall cut it off entirely, so that the constituent who has occasion to address a representative here may pay his own postage, and the representative in return pay his; and, though it falls heavily upon the representative from the Pacific coast—for it is three hundred per cent. larger than that which falls to the lot of any other representative from the Atlantic States—I am prepared to meet it, for the purpose of retrenchment.

As a representative, in part, from the Pacific coast, I have another and a special reason for that vote, and it is this: it is complained on the part of Congress that the postal arrangements between the Pacific and Atlantic States imposes an onerous burden upon the Government, and there is a disposition to interdict to that coast overland postal facilities between the Atlantic and Pacific coast, because of the enormous expense. I know very well that whilst this franking privilege obtains, it will be impracticable, if not impossible, to convey the mail matter overland across the continent; but for all the purposes of commerce and for letter communication overland, mail facilities will be acceptable to the Pacific and the Atlantic, to the commercial men of the country; and, therefore, I am willing to break, to cut down, to discourage this heavy mail matter; and discourasging it so far as it pertains to the mails, we shall discourage the printing—the original cause. I agree with gentlemen who suggest that this is scotching the snake, not killing it; and that whilst you reserve a partial franking privilege, you but partially cure the evil; and I would prefer to vote directly, so far as Congress is concerned, to abolish it altogether.

Mr. FITZPATRICK. Mr. President, I will ask the Senator from Mississippi to withdraw the latter portion of his amendment authorizing those entitled to the franking privilege to receive mail matter free.

Mr. DAVIS. I would be perfectly willing to do that. My only apprehension is, that we will get it in that condition which will suit the reformers so well that nobody will vote to pass it. However, I am willing to try it.

The PRESIDING OFFICER. The amendment to the amendment, as modified, will be read.

The Secretary read the amendment; which is to strike out the first six sections of the bill and insert the following:

That from and after the 1st day of July next, the franking privilege, except so far as it has been conferred by Congress as a personal privilege, be, and the same is hereby, abolished.

And be it further enacted, That all laws or parts of laws requiring the prepayment of mailable matter be, and the same are hereby, repealed, so far as relates to letters addressed to persons entitled to the franking privilege under laws now in force.

Mr. DAVIS. The third section being stricken out, the second is unnecessary.

The PRESIDING OFFICER. The question is on striking out the first six sections of the bill and inserting the first section of that which has been read.

Mr. HOUSTON. I have been very reluctant to make any remarks upon this subject; but I really deem it my duty, at least, to give the opinion which I entertain upon it. I have not been as attentive to the discussion as I might have been; but I believe I apprehend directly the object of this amendment. It is to abolish the franking privilege, and that all matter passing to and from members of Congress is to be paid, or at least all matter passing to members. Now, sir, I think the error does not consist in the franking privilege, nor even in the abuse of it. I think it is entirely owing to the unnecessary reduction of postage below what it ought to be. I regard that as one of the most equitable taxes that can possibly be laid upon the people; for those who do not write letters will not have to pay for them. If a man is engaged in the transaction of business, he will not be prejudiced by it, because he will lay it upon his creditors, or his debtors, and those with whom he transacts business. If individuals do not correspond, they will not necessarily be taxed with the postal burdens in this country; but they will be exempt from them, and it will only fall upon those who are interested in correspondence; and those who are not interested in it will be exempt from its influence.

If you do not bring the proceeds equal to the expenses of the Department, the money is withdrawn from the general Treasury for the purpose of making up the deficiency; and when you draw it from the general Treasury it falls on the whole community, whether they are correspondents or not; so that, to my mind, there is no tax laid upon the people, whether directly or incidentally, so perfectly equitable as the postal tax. If the postage had not been reduced far below what it ought to have been, the revenue of the Department would have been amply sufficient to have supported it. If it had been retained at five cents, instead of being reduced to three, the Department would not have been a tax to the general Treasury, and would not have drawn from it to support the Department or to make up a deficiency in its revenue. The revenues would have been sufficient of themselves to have supported the Department.

It may be said that the franking privilege prevents money going into the Treasury. It takes nothing out of the Treasury; but if it had been paid out of the general Treasury, I do not conceive that money could be better disbursed than by diffusing intelligence throughout the country at large. The people have been in the habit of receiving it; they are expecting it. They derive advantage from it. Intelligence is communicated to them through this medium which they could not otherwise as efficiently obtain. The distribution of the Patent Office reports is deemed of the first importance to the agricultural interests of the country. They regard that as one of the greatest conveniences of the Government, not so essential, perhaps, as some others, but a convenience delightful to them, and one that is beneficial to the general interests of the country, because it is promotive of agriculture. You could not distribute these with the same facility that you now do, if you adopt the propositions now before the Senate. Will you transport all your mail matter by way of horseback, or in small vehicles? The traveling community at large are interested, too, for the transmission of their persons as well as other matter, from different sections of the country. I can tell you, sir, that I do not want the postal interest impaired in the country that I represent. It is of general importance; it is of convenience; it is a new and extended domain. The population, I grant you, is sparse; and the cost may be deemed onerous, by some gentlemen, to the General Government; but we must have these mail facilities. If the population is sparse and far-dispersed throughout the country, it does not lessen the wants of those who are there, and who feel a deep interest in the mail facilities of the country.

Raise the postage, Mr. President, to the proper pitch, and you will find that all the evils which are complained of in the Department will be removed. I am willing to do that. I am not contending for the franking privilege for any benefit I expect to result to me individually, for my concern about that matter is about closing; but I feel that it is an interest that ought to be maintained. The withdrawal of the franking privilege from members of Congress will be detrimental to the community, because they will be deprived of the means of intelligence which they now possess, and which are of great importance to them. Hence, I will vote for raising the postage; but I will not vote for diminishing any of the privileges of members, that are calculated to disseminate intelligence throughout the country, or to enlighten the minds of their constituents upon important subjects connected with the well being of the Union and the Government. I never will vote for it. I have deprecated the reduction of postage, but I have never been in favor of the repeal of the franking privilege, and I never will vote for it in this body.

The yeas and were nays ordered; and being taken, resulted—yeas 19, nays 25; as follows:

YEAS—Messrs. Brown, Chestnut, Clingman, Davis, Douglas, Fitch, Fitzpatrick, Gwin, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mallory, Pearce, Polk, Reid, Sebastian, and Ward—19.

NAYS—Messrs. Allen, Benjamin, Broderick, Clark, Clay, Collamer, Dixon, Doolittle, Fessenden, Foster, Green, Hale, Hamlin, Houston, Hunter, Pugh, Rice, Seward, Shields, Simmons, Stuart, Toombs, Wade, Wilson, and Yulee—25.

So the amendment to the amendment was rejected.

Mr. FESSENDEN. I move that the Senate adjourn. It is impossible to get through with the bill to-night. It will take us till twelve o'clock to finish it.

The motion was not agreed to; there being on a division—ayes 15, noes 29.

Mr. YULEE. I would suggest, for the purpose of saving time, that the sections be read successively, and voted upon one way or the other by the Senate.

The PRESIDING OFFICER. The question now is on the motion of the Senator from New Hampshire to strike out the ninth section of the amendment, which will be read.

The Secretary read it, as follows:

"SEC. 9. *And be it further enacted*, That, from and after the 1st day of July, 1859, in lieu of the rates of postage now established by law, there shall be charged the following rates, to wit: For every single letter, in manuscript, or paper of any kind, in which information shall be asked for or communicated in writing, or by marks or signs, conveyed in the mail for any distance between places in the United States not exceeding three thousand miles, five cents, and for any distance over three thousand miles, ten cents; and for a double letter there shall be charged double these rates, and for a treble letter, treble these rates; and every letter or parcel not exceeding half an ounce in weight shall be deemed a single letter, and every additional weight of half an ounce or additional weight of less than half an ounce, shall be charged with an additional single rate of postage. And there shall be charged for letters conveyed in the mail, wholly or in part by sea, and to or from a foreign country, without regard to distance, ten cents for each half ounce in weight, or additional weight of less than half an ounce, excepting, however, all cases in which such postage had been or shall be adjusted at different rates by postal treaty or convention already concluded or hereafter to be made. And every letter or packet brought into the United States, or carried from one port therein to another in any private ship or vessel, shall be charged with five cents, if delivered at the post office where the same shall arrive; and if destined to be conveyed thence by post to any place, two cents shall be added to the ordinary rates of postage. All drop letters, or letters placed in any post office, not for transmission, but for delivery only, shall be charged with postage at the rate of one cent each, to be prepaid by postage stamps, and accounted for as other letter postages. All letters which shall hereafter be advertised as remaining over, or uncalled for, in any post office, shall be charged with one cent each in addition to the regular postage, to be accounted for as postages now are. And upon all letters passing through or in the mails of the United States, excepting such as are to or from a foreign country, and letters and packages to and from any ex-President of the United States, or any person or persons to whom the franking privilege has been granted by name, and letters and packages to and from the officers of the Post Office Department and of the Auditor's office of the Post Office Department exclusively on official business, the rates of postage hereby established shall be prepaid by postage stamps, or stamped envelopes, or in money, if the Postmaster General shall so direct."

Mr. HALE. If I can get the attention of the Senate, I will occupy but very few minutes indeed. I look upon that section as the important feature of the bill, and one upon which it becomes the Senate to give an understanding vote; and I may say in the outset, I do not think the Senate have facts enough before them to authorize them to vote on that question, or to perfect it so as to put it in operation.

I do not know exactly how long ago, but I think as much as six weeks, there was addressed a direction to the Postmaster General by the Senate, requesting him to furnish the Senate with a list of the postages received in each State and

Territory since 1840, and the expenses that have been incurred in each of them for transportation and for other expenses; and that resolution, so far as I am informed, has not yet been answered.

Mr. YULEE. No, sir, it has not, because the clerical force has not enabled them to do it. There are fifteen or twenty clerks engaged upon it.

Mr. HALE. I do not mean to attribute any fault to the head of the Department in not answering it. I simply mention the fact that it had not been answered as a reason for the Senate's pausing in making the important change indicated by this ninth section now. I think if we are going to make a reform, this is the last place we ought to touch. We ought to begin to cut off the other expenditures and reform other abuses before we begin to increase the burdens upon the people.

Now, sir, in reference to one single subject. The present Postmaster General, in answer to a communication sent to him by the Senate, asking him to report such changes in the laws regulating postages and the Post Office Department as, in his opinion, would make that a self-sustaining Department, recommends, in the first place, the observation of the existing law; and, he says, if the law, as it now stands upon the statute-book, could be carried out, there would be a saving of $1,000,000 annually. Here, then, by the confession of the head of the Post Office Department, it has been, for the last fourteen or fifteen years, spending $1,000,000 annually without law and against law; and I refer to this section that is so much talked about, in regard to the mode of transportation. As long ago as the 3d of March, 1845, the Congress of the United States enacted:

"That it shall be the duty of the Postmaster General, in all future lettings of contracts for the transportation of the mail, to let the same, in every case, to the lowest bidder tendering sufficient guarantees for faithful performance, without other reference to the mode of such transportation than may be necessary to provide for the due celerity, certainty, and security of such transportation."

That was the law passed on the 3d of March, 1845, and the Senator from Rhode Island says that in the lettings which took place immediately subsequent to that, that is the summer of 1845, and which comprised the Northeastern States, that the Postmaster General administered that law according to the way it stood upon the statute-book. Well, sir, the next year he had another batch to advertise for; and I will tell you what he says upon that. I will read it. This is an extract from the appendix to the Postmaster General's proposition for contracts, dated the 8th of January, 1846:

"23. Since the passage of the act of March 3, 1845, a new description of bid has been received. It specifies no mode of conveyance, but engages to carry the mail with certainty, celerity, and security, using the terms of the law. These bids are called, from the manner in which they are designated on the books of the Department, 'Star bids.' It has been decided, after mature consideration, that a bid proposing a specific mode of conveyance of as high a grade as two-horse coach transportation is to be preferred to the star bid. The experience of the Department enables it to lay down the following rules, viz:"

He then goes on to make regulations inviting proposals for two-horse coaches, and four-horse coaches, in express contravention to that law; but he says it has been decided, after mature consideration, to do it; that is, after he had administered the law as it stood upon the statute-book with reference to the Northeastern States, he came here and said, after mature consideration, they had concluded, in substance, to disregard them; and the Postmaster General this year, in his letter, says, on these reforms:

"The first of these was that Congress should more emphatically declare that hereafter the Postmaster General, in advertising and accepting bids for mail service, shall have no reference to the conveyance of passengers or freight of any kind other than regular mail matter. This is probably the meaning of the present law; but no Postmaster General, since its enactment, has been able to resist the opposite construction."

Those who contracted to run two-horse coaches or four-horse coaches at the expense of the Government, made such a pressure to bear upon the Postmaster General, that he concluded to disobey the law and obey the contractors. Let him reform that. That is a saving of a million to begin with. Then there is another matter in which there could be a great saving, and that is in the matter of railroads. I think that the law making every railroad a postal route ought to be repealed, for the pressure was such, that notwithstanding the statute gave the Postmaster General discretion about carrying the mails, he has made every one a post road.

Mr. YULEE. He is obliged by law, the other way.

Mr. HALE. I beg pardon of the chairman of the committee.

Mr. YULEE. That is the understanding.

Mr. HALE. Well, I will read the law:

"*And be it further enacted*, That each and every railroad within the limits of the United States, which now is, or hereafter may be, made and completed, shall be a post route; and the Postmaster General shall cause the mail to be transported thereon: *Provided*, He can have it done upon reasonable terms, and not paying therefor, in any instance, more than twenty-five per centum over and above what similar transportation would cost in post coaches."

Mr. YULEE. If the Senator will look further, he will find a subsequent enactment which specifies it.

Mr. HALE. If there is such a law, it ought to be repealed.

Mr. YULEE. That makes it so.

Mr. HALE. I beg pardon; but I went to the Department, and they told me there was not a subsequent law. I may be mistaken; but if this is the law, it ought to be repealed; because the result is, that upon those roads where we get the least accommodation, we have to pay the highest price. Take, for instance, the transportation of the mail between the city of New York and the city of Philadelphia. The Post Office Department told me, and notified the Senate, over and over again, that they are powerless; they can do nothing; and that road runs just as they please, and just exactly as rapidly as they please. We are paying on that road over $450 a mile for carrying the mail, when the highest price that is paid to any railroad company in the State of Wisconsin does not come to eighty dollars a mile. That law ought to be repealed. There is no reason why we should pay $450 a mile between New York and Philadelphia, where we get the least accommodation, when there is no road in the whole Union which is paid anything like that sum. We want a reform there.

Then there is a monstrous abuse in regard to steamboats. It costs about seven cents a mile, by the report of the Postmaster General, to carry the mail in post coaches; ten cents a mile in railroads, and twenty cents in steamboats, taking the whole country through. I do not know how and why it is that steamboats receive three times as much as post coaches, and twice as much as railroads. I am told by my friend from Louisiana, [Mr. BENJAMIN,] that ocean steamers get only two cents, and in the whole United States we are paying for steamboat conveyance of the mail twenty cents a mile. These are abuses that ought to be corrected.

There is another great abuse that has grown up, and that is in the multiplication of these route agents. Cut off all these abuses; begin with them; and then abolish the franking privilege. I am for it with all my heart. It takes about twenty-five per cent. of my time, when at home and here, to attend to this franking privilege. It is the greatest bore and burden you could impose upon a man. I do not know how the people will like it; but I, for one, would be glad to be relieved of it, and would pay $100 into the Treasury, if I could not get rid of it in any other way; but I doubt very much whether it will be popular with the people, after all. I would cut it off just as they did in England. When they reduced the postage in England, they cut off the franking privilege, root and branch, so that the Queen, I believe, pays her own postage. I would do that. I would cut off the whole franking privilege, and have no substitute about it. I would not have the Government of the United States conveying bags or passengers. They should not enter into that; but should carry out the law as it is, honestly, without any reference to the accommodation of the public and the transportation of bags, or, as the Senator from Texas says, of their persons. It should not be done. When we have done that, and knocked off these abuses, I believe you will find no occasion to increase this rate of postage.

Further than that, let me tell you another thing which has a tendency to keep the rates of postage down, and will increase one hundred per cent. the moment you raise the postage; and that is, the great amount of mail matter that is carried outside of the mails by express companies. That has been the great thing that has kept the revenues down. It is keeping them down now. If you increase this rate of postage from three to five cents, from this cause alone the revenues from letters will decrease.

One other matter: the Post Office Department, instead of enforcing, as they might do, the rule requiring all mail matter to be carried in the mail, gives great facilities in this very bill, if I mistake not, to carrying the mail matter outside of the mails—I mean newspapers. License and permission is given by the act to transport their papers outside of the mail; and those very papers are abusing us for the abuses of the mail. If some of these reforms were introduced, I believe we might refrain, at least to the commencement of the next session, from laying this additional burden upon the people. Let us begin to remedy the evils that do exist, and see if there is not such a reform as will supersede the necessity for raising the postage.

There is another great abuse, and I am sorry to be obliged to call attention to it. I think the country will be astonished at the announcement of the fact which I am now going to announce; and that is, by the bills reported from the Committee on the Post Office and Post Roads, we pay just as much for driving an empty wagon from Memphis to San Francisco, across the plains, to carry nothing, and bring nothing back, and get nothing for it, as we do for the whole ocean steam service of the United States, with all the rest of the world together. We pay, for driving that wagon from Memphis to San Francisco, $600,000; and that is precisely the sum which the Committee on the Post Office and Post Roads have instructed the chairman of the committee to report as the maximum of compensation that they will pay all the lines to carry our mail matter to all the kingdoms of the world. I think that is a great abuse, and one that ought to be removed.

In addition to that, we have two or three other—I do not know how many; perhaps the chairman of the committee can tell us—overland mail routes to San Francisco; and I believe there is pending before Congress a bill for another, and that is one to go from the head of Lake Superior and St. Paul over to Puget Sound.

Mr. YULEE. The overland service costs, I think, about twelve hundred thousand dollars.

Mr. BRODERICK. Where?

Mr. YULEE. Between the Atlantic and Pacific, including the way points at Utah and New Mexico. The principal part of that expense, though, has been, by legislative enactment, imposed upon the Department.

Mr. HALE. I am not finding fault with anybody, but showing what the state of the case is.

Mr. YULEE. About twelve hundred thousand dollars is the amount.

Mr. HALE. About twelve hundred thousand dollars for this overland service, and that is exclusive of mail facilities by steam to California. Now, sir, I do not want to mention this as anything invidious to California, but I mention it as a burden that ought not to be imposed upon the Department, and then the revenues to bear this burden be raised by increasing the rate of postage. I appeal to Senators, and ask if it is not more rational and more statesmanlike, and the more economical course to take, to begin by reforming abuses which we know do exist, and compel the Postmaster to carry out the existing law, and if it is necessary to pass an explanatory act to re-enact it, why let us do that. When we have cut off these abuses, abolished the franking privilge, and done all these things, then——

Mr. POLK. I am very reluctant to interrupt the Senator from New Hampshire, but I raise a question of order. His proposition is to strike out the ninth section, which has reference exclusively to the rates of postage.

Mr. HALE. Exactly.

Mr. POLK. Instead of that, the Senator is speaking about the expense of the overland mail routes, and matters that do not affect the rates of postage. I want to get a vote on the questions as they go along.

Mr. HALE. I should like to hear the point of order decided.

The PRESIDING OFFICER, (Mr. STUART in the chair.) It is very difficult to determine the range of debate. The Chair thinks, in this case, it is not competent for him to say that the range

of the Senator is not such as to show the propriety of his motion, and that he is not in order.

Mr. HALE. Yes, sir. I am obliged to the Chair for making so sensible a decision, because the remarks I make are very pertinent to the question. I am showing that it will not be necessary to raise the rates of postage when we cut off useless expenses. It is the most germane and most appropriate argument I ever heard addressed to the Senate, and I had got about through when the Senator interrupted me. If I followed the example of some distinguished Senators, I should go on to make a few longer sentences, by saying: "I repeat, Mr. President," [laughter;] but I am not going to do that. I have stated simply, and briefly, the views I entertain upon this subject. If I thought that raising this postage from three to five cents was necessary, I would go for it. I go for abolishing the franking privilege, and if it was necessary to do it would pay $100 into the Treasury, to be relieved from it. I say, let us cut these things off, and let us have an honest and economical administration of the Post Office Department; let us enforce the laws as they are, and wait until this very instructive table which the Senate has called for is introduced, and then, and not until then, I think the Senate will be able to act understandingly upon this subject. I will not trespass further.

Mr. DIXON. I wish to submit a few observations to the Senate on the subject of the proposed increased rate of letter postage. It seems, Mr. President, to be a favorite idea with many Senators that the Post Office Department should be self-sustaining. If the Post Office Department were confined to the mere business of carrying the correspondence of the country, I do not think that would be objectionable; but what is the business of the Post Office Department at this time? I cannot answer this question better than by referring to the report of the Postmaster General, who has stated, on the thirteenth page of his annual report, what is now the business and occupation of the Post Office Department. I will read it to the Senate, to show that the business of that Department is not confined at all to the carrying of newspapers and letters. He says:

"It is evident, on the slightest reflection, that the whole theory on which the Post Office Department was originally founded, has been in a great measure departed from. Its great function, for many years, was the transmission of mail matter proper, such as letters, newspapers, and light pamphlets, from one part of the country to another. The idea of the Government becoming a common carrier of persons and merchandise was never entertained. But what is the transmission of the immense mass of book-matter, amounting annually to hundreds of tons, but merchandise, whether sent from private book establishments, or from the two Houses of Congress."

He goes on to state, that in a single instance, the transmission of the books, &c., of a single member, (from Utah,) cost the Department between six and seven thousand dollars. He then speaks of the ocean steam lines, and of the routes across to California, &c.

"It is no longer a machine composed of horses, stages, and mail bags, for the transmission mainly of the private correspondence of individuals; it has become the great pioneer of civilization and progress; it is the agent of commerce and intelligence; it visits every town and city; it comes home to almost every domicil of the country."—*Report of Postmaster General*, 1858.

Now, sir, to say that the Post Office Department shall be self-sustaining, occupied and employed as it now is, is to say that all these burdens which are imposed upon the Department, or which it assumes, ought to be paid by that portion of the community who write and receive letters. It seems to me very unjust. I can see no reason why the business portion of the community, or that portion of the community who write and receive friendly correspondence, should pay for extending the commerce or the civilization of the country.

But, sir, even if it were just and proper that that portion of the community should pay these expenses, I think that I can show to the Senate that the revenues of the Department will only be increased in a very small degree, if at all, by increased rates of postage. I have here some statistics on that subject to which I wish to call the attention of the Senate. I will begin with the year 1840. I will take the five years between 1840 and 1845, when the rate of postage was reduced, and I think a reference to these statistics will show this proposition to be correct: that a high rate of postage diminishes the gross revenues of the Department, and that as you diminish the rates of postage to a certain point, which may be called the revenue point, the revenues are increased. We had, in 1840, a high rate of postage, higher than we ever since had. We had to pay from six to twenty-five cents, varying according to the distance. In the year 1840, the postages received amounted to $4,003,776 07; in the year 1841, $3,812,738 61; in the year 1842, $3,953,315 20; in the year 1843, $3,738,307 54; in the year 1844, $3,676,161 53; in the year 1845, $3,660,231 38.

Here, then, we see, sir, that, for that period of five years, when the business of the country was greatly increased, years of great prosperity, just recovering, as we were, from the revulsions of 1837 and 1840, the amount of postages was constantly diminishing under that high rate. The business of the country was increasing. The number of letters written by the people of this country undoubtedly was greatly increased. What became of them? They did not go through the post office, but sought private conveyances. The revenues were diminishing; they were seriously diminishing, until you came to the year 1845. Then, sir, was the first reform with regard to the rate of postage. In the year 1845, there was made a very great reduction—a greater proportional reduction than has ever been made since. Then the rates of postage were established at five cents for all distances under three hundred miles, and ten cents for all over three hundred. The first effect of that very great reduction—a reduction of more than seventy-five per cent., taking the average of the rates of postage—was at once to diminish the revenue of the office, but not so much as was apprehended. In the year 1845, the amount received was $3,660,231 38; in the year 1846, $2,671,392 46. Then began the increase. It took some time to increase the letters. It will take a considerable period of time for the people to know the effect of the law. A great many people may not know at once that the postage has been reduced, and of course the number of letters would not immediately be increased; but in the second year, in the year 1847, the amount rose to $3,035,451 95; in 1848, $3,340,304 10; and, in 1849, three years after that reduction, the gross amount of revenues, instead of diminishing, as it had done previously by $100,000 or $200,000 annually, rose to more than it was in 1844, under the very high rate of postage paid during that year. It rose to $3,847,151 40 in three years. In 1850, it amounted to $4,428,600 04; in 1851 to $5,310,616 32. I have here also a statement of the rates of ocean postage, which shows the amount paid for each year for mail transportation within California and Oregon and Washington Territory; but I have not time to take up that subject now.

Well, sir, I come to the year 1852. Then there was another reform; another reduction. By the law of 1851 the postage was reduced on letters to three cents prepaid, and five cents unpaid, making the average, at the most, of four cents on each letter—a very great reduction—another reduction of over fifty per cent. This, at first, as before, somewhat reduced the revenues. The revenues in 1852 were $4,224,389 52; but, in the short space of three years, the revenues recovered to the former amount—$5,423,586 52. In 1855 the amount went up to $5,745,867 70; and then took place another reduction. Then, by the law of 1855, a uniform rate of postage was adopted of three cents for all distances under three thousand miles, and all letters were required to be prepaid. The effect of that reduction was to raise the postage in 1856 to $6,121,679 05, and in 1858 it amounted to $6,632,758 32, from which must be deducted, as from all the other statements, the amount of ocean postages; which, however, are contained in the statement of receipts for each year. This amount of ocean postage may be deducted for each year without much affecting the general result, which will show a constant annual increase of revenue, under diminished rates of postage, proving my proposition that low rates increase the gross revenue, while high rates have a contrary effect.

Mr. YULEE. I hope the Senator will excuse me a moment, as my purpose is to economize time and desire to avoid replying. I have a copy of the same table. I presume it is the table which was prepared under my direction upon which the Senator is relying, and upon which he bases his remarks. It is fallacious in the respect in which he is using it, and to the end to which he uses it, for the reason that it was about the years 1848, 1849, and 1850, or the latter year, that we commenced the foreign mail service, and almost all the increase, at least all the swelling of the amounts of receipts upon which he is relying, in contrast with the periods before, is due to the foreign postages collected in the United States, and which, by the usage of the Department, is entered under the head of letter postage. Prior to that time, we had no system of foreign service. The comparison, therefore, is not accurate in the point of view to which the Senator is directing his remarks.

Mr. DIXON. I said that it was not entirely accurate, that a deduction must be made for the ocean postage; but a deduction must be made also for each year; so that the rate of annual increase is not much altered. Perhaps the amount of ocean postage was greater in the latter years; but still I say the increase, aside from this, was very great.

Mr. YULEE. But the introduction of that item which falsifies the table, commences only about the time at which the Senator assumes that the income was increased by the three cent rate.

Mr. DIXON. The Senator can state how much the ocean postage amounted to; I do not know precisely. Although I admit that it affects slightly my argument, it does not affect it very materially. It does not affect this very important result, that under the former high postage which prevailed prior to 1846, the receipts from postage were constantly diminishing. For five years you found the receipts under that high rate of postage decreasing. Suppose you had continued that high rate of postage to this time, can any man who knows what was the cause of that diminution, doubt that the gross revenues would have constantly diminished to this time? The letters were carried by private expresses. They were driven by high rates from the mails. Probably as many letters were written, certainly as many business letters. I presume as many letters of friendship were not written; but the business letters were sent, and how sent? Outside the mail; because we cannot suppose that from the year 1840 to 1845 the amount of the business correspondence of the country was diminishing, when the population of the country and the business of the country were increasing.

Then we have, as exhibited by this table, the success of this experiment. It has been said sometimes that the postage ought to be raised, because the amount received was not sufficient to pay the enormous expenses of the Department. It does not seem to be a failure because the amount of revenue has not been received. It seems, however, to be supposed by many, that the enormous expenses of the Department, however great they may be, ought to be paid out of the amount of postages. The act of 1845 provided that the whole amount of the expenses of the Post Office Department should not exceed the sum of $4,500,000 a year. It was supposed that that was all the revenue the Department would raise, and it was provided that the Department should expend no more. You have gone on from that time until you have reached $13,000,000 of expenditure, as appears by the following table, and then you call the system of cheap postage a failure:

Total expenditure of the Post Office Department, for each year, from 1840 to 1858, inclusive:

1840	$4,718,235
1841	4,499,527
1842	5,674,751
1843	4,374,753
1844	4,296,512
1845	4,320,731
1846	4,084,332
1847	3,971,275
1848	4,326,850
1849	4,479,049
1850	5,212,953
1851	6,278,401
1852	7,108,459
1853	7,982,756
1854	8,577,424
1855	9,968,342
1856	10,405,286
1857	11,508,057
1858	12,722,470

You will find that, although under our experiment the amount of postages rose in three years to more than the former amount under the high rate, it was ten years in England before the amount

reached what it had been at the time of the reduction. I have a statement of what the gross amount of postage was in England in the year when the very great reduction was made in that country. It was, under the old rates, something like two million pounds sterling; and it was not until ten years after the reduction that the amount rose to what it had been under the former rate. It required ten years, in England, with their very great amount of business, to bring the gross revenues up to what they had been previous to the reduction of postage; whereas, in this country it required only three years, under the last experiment, and under the first one, only five years.

It cannot then be called a failure. The system itself has proved eminently successful, far more so than its friends supposed or expected. The difficulty has been that it has been loaded down with enormous and most unreasonable expenses. Some Senators tell us that the business portion of the community, living for the most part in the northern States, desire to tax the whole country to pay the expense of their postage. What is the fact in regard to it? I wish to call the attention of the Senate, for a single moment, to those portions of the country in which the vast increase of expenditure has taken place. It has not been in the New England States; it has not been in New York, or Pennsylvania; it has not been in those States which are supposed to be most interested in this question of postage. It has been in the southern and the western States. I have before me a table showing the amount of receipts and expenses in the different States of the Union; and I desire to call the attention of the Senate to a few of the States. In this table it is stated that there are only three States of the Union which pay the expenses of their postage, and those three States are Massachusetts, New York, and Rhode Island. These three States are said to be the only States which, at the present rate of postage, pay the annual expense of carrying the mail and the general postal expenses in those States.

Mr. YULEE. If the Senator will look at another report from the Postmaster General, he will find it stated that, when you include the expense of route and other agencies, and deduct from Massachusetts and New York the amount which they collect on foreign postage, and which is introduced under the head of "letter postage," there is not a single State in the Union, the income of which from postage, pays the expenses.

Mr. DIXON. I will undertake to say that there is one State. Other Senators may answer for their own States. I say the State of Connecticut does pay her own expenses in this respect.

Mr. YULEE. Rhode Island, from her small area, may do it.

Mr. DIXON. The State of Connecticut pays in postage every dollar, and more, of the cost of carrying the mail within her limits, and she receives nothing, or very little, from foreign postage. The Postmaster General has, in his report, brought the State of Connecticut in debt about ten thousand dollars. He states that the postal expense in that State are some ten thousand dollars more than the amount of the receipts; and how does he make it out? Whenever there is any railroad service in that State, he charges the whole amount of the service to the State of Connecticut, although, in some instances, two thirds, and in many instances, one third of the whole service is in other States. Our railroads run into Massachusetts, Rhode Island, and New York, but the whole expense of that service is charged to Connecticut. You should make a fair deduction of that proportion of the expense which should be charged to the other States. The whole amount of railroad service charged to Connecticut is about eighty thousand dollars; you should, at least, deduct twenty or thirty thousand dollars: that would be a very moderate computation. If you do that, you show that the State of Connecticut actually pays some ten or fifteen thousand dollars more than the whole amount of the expense which the Post Office Department costs in that State; so that the Senator from Florida will see that there is at least one State in the Union which does pay. I think it can be shown that there are other States which also pay; but one thing is certain: if it cannot be shown that more than one State, not only in New England, but in the entire North, actually pays the whole amount of its postage, and more, it can be shown that, taking the mass of those States, they pay a great deal more. If you take eight or ten of those States together, you will find, by mingling their expenses and receipts, that the receipts do very much exceed the expenses; whereas the great deficiency, the immense falling off, is in the southern and the new States.

The following table from the Postmaster General's report, will give his statement of the expenses in each State. I have explained the injustice he does to Connecticut:

A recapitulation of the amount of letter postage, newspaper postage, registered letters, postage stamps sold, compensation allowed postmasters, incidental expenses of post offices, and amount credited contractors and others for the transportation of the mails in each State and Territory, for the year ending June 30, 1858.

States and Territories.	Letter postage.	Newspaper postage.	Registered letters.	Stamps sold.	Total receipts.	Compensation of postmasters.	Incidental expenses.	Total compensation and incidental expenses.	Transportation.	Total expenses.
Maine	$13,678 09	$13,597 16	$577 70	$125,299 90	$153,152 85	$72,072 83	$16,910 49	$88,983 82	$120,692 78	$209,676 10
New Hampshire	4,757 17	10,375 55	308 80	89,973 35	105,414 87	53,285 95	4,318 48	57,604 43	55,671 22	113,275 65
Vermont	4,271 89	12,070 74	267 25	83,769 28	100,379 16	53,782 18	1,088 05	54,870 23	80,174 93	135,045 16
Massachusetts	77,826 81	26,981 36	1,176 30	459,648 67	565,633 14	151,669 41	96,924 06	247,993 50	187,243 43	435,236 93
Rhode Island	4,401 28	3,673 82	119 55	52,859 82	61,054 47	15,349 57	10,844 78	26,194 35	19,299 25	45,493 60
Connecticut	10,394 56	16,552 87	285 60	172,091 39	199,324 42	78,022 03	17,614 92	95,646 95	113,804 80	209,451 75
New York	285,207 46	90,244 30	2,874 65	1,080,384 98	1,458,711 39	316,267 39	311,693 98	628,161 37	525,950 00	1,154,111 37
New Jersey	15,946 77	10,555 48	260 25	94,509 96	121,272 46	53,548 92	6,728 95	60,277 87	94,178 22	154,456 09
Pennsylvania	76,167 69	52,892 25	3,053 39	485,643 70	617,756 85	184,039 46	98,186 04	282,225 50	359,878 07	642,103 57
Delaware	1,177 87	2,078 64	83 95	18,481 57	21,822 03	8,783 45	1,431 57	10,215 02	22,487 91	32,702 93
Maryland	24,054 24	10,773 65	901 90	140,288 84	176,018 63	34,353 48	29,767 04	64,120 52	234,550 56	298,671 08
District of Columbia	6,031 46	2,218 20	365 35	42,287 15	50,902 16	3,959 39	35,636 32	39,595 71	-	39,595 71
Virginia	10,949 24	25,021 25	1,369 05	205,611 54	242,951 08	95,929 57	30,209 72	126,139 29	347,709 13	473,848 42
North Carolina	2,758 79	10,499 38	762 65	67,454 26	81,405 08	39,611 62	3,597 62	43,119 24	187,462 64	230,581 88
South Carolina	11,239 71	7,572 08	803 35	81,529 52	101,144 66	28,927 03	12,084 90	41,011 93	243,587 66	284,599 59
Georgia	6,466 29	15,558 31	1,229 95	138,362 31	161,616 86	57,716 08	23,101 36	80,817 44	267,963 76	348,801 20
Florida	1,315 87	2,356 31	190 10	20,821 15	24,683 43	12,231 06	53 89	12,284 95	144,603 25	156,888 20
Alabama	5,705 52	12,218 10	1,045 80	92,122 27	111,091 69	44,172 12	16,317 42	60,489 54	188,260 09	248,749 63
Mississippi	3,771 90	11,985 46	559 35	72,141 77	88,458 48	43,032 92	4,805 39	47,838 31	284,669 47	332,507 78
Texas	7,167 12	11,955 05	374 30	65,952 93	85,449 40	38,522 38	5,412 28	43,934 66	428,335 26	472,299 92
Kentucky	8,553 37	13,968 47	792 45	116,734 75	140,049 04	52,304 68	15,570 90	89,236 10	116,717 57	265,953 67
Michigan	18,875 47	16,125 57	992 45	129,888 60	165,882 09	71,783 55	18,939 14	90,722 69	184,174 60	274,897 29
Wisconsin	27,241 19	16,838 61	744 10	140,401 51	185,228 41	76,179 22	13,056 88	89,236 10	116,717 57	265,953 67
Louisiana	23,705 80	14,489 43	797 85	141,058 03	180,042 11	27,516 54	33,649 90	61,166 44	504,024 51	565,190 95
Tennessee	4,391 66	12,286 18	990 20	101,216 17	118,813 61	45,446 74	17,594 72	63,951 46	165,201 25	228,152 71
Missouri	28,154 67	17,236 93	697 25	144,091 17	190,189 02	56,409 85	29,568 94	85,978 79	362,539 87	448,509 66
Illinois	50,672 47	37,601 58	1,662 75	350,928 78	440,865 58	164,007 64	86,093 51	250,101 15	377,527 59	627,628 74
Ohio	42,311 57	43,671 29	2,332 25	414,703 95	503,019 05	181,905 67	74,083 93	255,989 60	524,786 50	780,776 10
Indiana	14,151 68	24,358 05	992 60	153,052 90	192,548 23	93,126 83	13,874 01	107,000 84	254,233 81	361,234 65
Arkansas	1,987 52	5,314 42	126 70	28,297 90	35,726 54	20,009 85	2,221 23	22,231 08	222,358 01	244,589 09
Iowa	15,542 76	17,828 74	619 50	122,800 50	156,791 90	68,523 20	20,877 73	89,400 93	123,859 64	213,260 57
California	57,241 12	14,689 97	546 80	184,238 53	256,746 42	59,185 24	47,329 99	106,506 23	176,914 34	283,420 57
Minnesota	8,335 20	5,092 59	225 15	38,218 52	51,781 46	23,014 70	4,232 84	27,247 54	87,757 06	115,004 60
Oregon Territory	2,805 32	1,790 92	19 40	8,960 82	13,576 46	6,114 69	17 97	6,132 66	35,369 68	41,502 34
New Mexico Territory	158 63	166 04	3 80	1,511 41	1,759 88	749 66	16 50	766 16	30,679 63	31,445 79
Utah Territory	569 18	128 00	35	602 71	1,300 24	701 56	19 73	721 29	31,553 36	32,274 65
Nebraska Territory	1,258 17	978 11	21 85	6,821 04	9,079 17	4,875 83	52 66	4,928 49	21,858 60	26,787 09
Washington Territory	663 80	163 94	5 10	1,593 52	2,426 36	1,406 93	20 25	1,427 18	22 70	1,449 88
Kansas Territory	2,228 33	1,727 39	46 85	17,981 46	21,984 03	11,311 24	224 44	11,535 68	26,321 68	37,857 36
	$882,122 95	$593,407 19	$28,146 95	$5,692,386 63	$7,196,043 72	$2,349,260 4	$1,104,183 53	$3,453,444 02	$7,344,619 44	$10,798,063 46
Add Prussian postage, $22,438 20										
Add Bremen postage, 62 54										
	$22,500 74									
Deduct miscellaneous items 324 56	22,176 18									
Deduct miscellaneous items	-	1,430 29	1 79							
Add miscellaneous items	-	-	-	7,947 40						
	$904,299 13	$591,976 90	$28,145 16	$5,700,314 03						

THOMAS M. TATE, *Auditor.*

If you will look at another table, and see what is the expense of carrying the mail in some of the States, you will be convinced of this. Take, for instance, the State of Maine; the whole expense there is $132,000. Then take the State of Texas, and it is $470,000—nearly half a million. So, if I had time to go through, I could show that the expense is far greater in the new States, and in those like Virginia and South Carolina, where there is no very great amount of business, than in the northern States. In the State of the honorable Senator from Florida, chairman of the committee, he will find that the expenses greatly exceed the receipts.

The following table gives the expense of mail service for each State:

Table of mail service for the year ending June 30, 1858, as exhibited by the state of the arrangements at the close of the year.

[The entire service and pay are set down to the State under which it is numbered, though extending into other States, instead of being divided among the States in which each portion of it lies.]

States and Territories.	Length of routes.	Annual transportation and cost.								Total annual transportation by mode not specified.	Total annual transportation by coach.	Total annual transportation by steamboat.	Total annual transportation by railroad.	Total annual transportation.	Total annual cost.
		Mode not specified.		In coach.		In steamboat.		By railroad.							
	Miles.	*Miles.*	*Dollars.*	*Miles.*	*Dollars.*	*Miles.*	*Dollars.*	*Miles.*	*Dollars.*	*Miles.*	*Miles.*	*Miles.*	*Miles.*	*Miles.*	*Dollars.*
Maine	4,847	2,425	28,141	1,945	46,427	-	-	477	47,780	675,272	837,564	-	404,976	1,917,812	122,348
New Hampshire	1,880	837	10,185	554	7,910	60	1,450	429	37,450	274,248	207,324	31,200	389,376	902,148	56,995
Vermont	2,349	546	7,138	1,314	19,190	-	-	489	56,956	175,086	577,460	-	320,268	1,072,814	83,284
Massachusetts	3,086	912	19,223	632	15,791	240	7,250	1,302	151,035	455,648	348,972	140,400	1,400,100	2,345,120	196,299
Rhode Island, a	403	178	3,340	88	1,560	28	800	109	14,225	82,004	44,200	17,472	126,984	270,660	19,859
Connecticut	2,202	719	14,099	478	9,136	260	10,000	745	84,248	281,196	224,380	162,240	37,100	1,404,916	117,483
New York	13,078	5,055	68,100	4,951	109,499	168	7,298	2,891	333,163	1,488,312	2,430,792	108,944	3,961,795	7,969,843	518,060
New Jersey	2,404	606	8,059	1,331	23,546	12	1,200	455	64,144	166,396	617,292	14,976	543,504	1,342,168	96,949
Pennsylvania	13,969	7,594	96,814	4,702	113,963	55	3,000	1,618	160,936	1,659,544	2,224,182	34,320	1,575,307	5,493,353	374,713
Delaware	562	174	2,959	303	9,594	-	-	85	12,037	54,496	164,424	-	106,204	325,124	24,590
Maryland	2,950	1,751	43,359	451	15,679	-	-	748	*174,808	640,874	200,512	-	1,091,792	1,933,178	233,846
Ohio	13,968	8,341	91,641	2,184	57,936	187	6,500	3,292	374,314	1,569,062	912,964	73,812	3,009,764	5,565,602	530,391
Virginia	15,141	10,652	92,284	2,208	52,954	1,135	44,835	1,146	164,605	1,862,838	754,680	422,656	1,029,040	4,069,214	354,678
North Carolina	9,791	7,986	51,507	1,936	51,638	213	5,783	506	81,900	999,418	759,174	64,584	484,016	2,307,192	190,828
South Carolina	6,679	4,534	41,091	318	12,922	880	1,800	917	142,393	695,462	126,282	166,400	982,514	1,970,658	198,206
Georgia	10,371	5,947	56,065	1,273	41,047	1,979	19,160	1,172	161,831	908,286	448,985	284,808	1,370,581	3,012,656	281,103
Florida	4,545	1,670	14,449	784	29,466	1,971	100,640	120	9,177	188,620	228,766	182,930	64,328	664,644	153,732
Michigan	7,909	5,502	50,957	877	16,436	650	1,760	889	104,023	848,032	420,160	86,666	911,144	2,265,002	173,176
Indiana	9,273	6,728	68,700	1,048	23,293	-	-	1,497	162,958	1,134,264	354,744	-	1,479,504	2,968,512	254,951
Illinois	12,915	8,239	112,815	1,992	46,073	101	5,827	2,583	221,028	1,603,134	656,136	22,256	3,011,424	5,292,950	385,743
Wisconsin	7,274	4,517	49,310	2,044	37,321	83	2,896	630	31,044	719,333	544,767	34,528	540,384	1,839,012	120,501
Iowa	8,969	6,395	85,262	2,183	32,929	140	7,800	251	14,033	1,227,928	539,682	87,360	220,157	2,075,127	140,021
Missouri	14,685	10,710	98,714	3,156	262,078	614	100,030	205	19,625	1,632,043	488,496	345,852	127,920	2,594,311	480,417
Minnesota	7,313	4,033	33,525	2,600	41,421	680	10,800	-	-	458,775	459,978	187,460	-	1,106,213	85,746
Kentucky	9,314	6,838	52,491	1,641	75,690	614	‡37,275	221	19,366	1,118,468	829,322	92,280	433,922	2,479,992	184,822
Tennessee	9,338	7,398	69,025	1,153	31,937	249	7,638	538	68,051	1,294,904	461,109	58,266	574,612	2,391,882	179,651
Alabama	8,893	7,158	94,118	1,187	149,188	34	20,000	514	61,574	1,378,286	731,536	24,752	452,972	2,587,546	324,880
Mississippi	9,626	7,118	92,661	1,202	70,891	907	97,823	399	25,570	1,350,644	602,108	276,744	274,196	2,503,692	286,855
Arkansas	9,708	7,686	61,987	1,186	94,310	836	65,000	-	-	1,051,456	543,816	111,432	-	1,709,704	221,297
Louisiana	8,049	4,707	61,995	943	51,088	2,229	‡381,794	170	21,100	669,760	279,136	990,288	115,232	2,054,416	515,977
Texas	16,836	11,589	104,366	4,068	246,277	1,149	80,657	39	2,900	1,415,544	881,120	271,050	24,336	2,592,060	434,200
California	4,734	2,179	44,901	1,301	57,496	1,254	174,500	-	-	272,302	451,152	221,256	-	944,710	276,897
Oregon Territory	1,222	938	20,436	140	5,050	144	8,100	-	-	94,488	14,560	29,952	-	139,000	33,586
New Mexico Territory	440	79	1,150	370	23,386	-	-	-	-	7,280	17,760	-	-	25,040	24,536
Utah Territory	1,242	1,102	31,907	140	1,200	-	-	-	-	45,408	14,560	-	-	59,968	33,167
Nebraska Territory	2,032	1,390	10,625	642	14,010	-	-	-	-	111,744	82,784	-	-	194,528	24,635
Kansas Territory	2,321	2,000	28,086	321	8,662	-	-	-	-	277,680	71,864	-	-	349,544	36,748
Washington Territory	285	105	1,908	-	-	180	22,400	-	-	5,460	-	18,720	-	24,180	24,308
Total	260,603	165,429	1,823,357	53,700	1,909,844	17,043	1,233,916	24,451	2,828,301	28,876,695	19,555,734	4,569,610	25,763,452	78,765,491	7,795,418
Route and local ag'ts, and mail messengers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	577,373
															8,372,791

* The Baltimore, Wilmington, and Philadelphia railroad is under a Maryland number.
† This includes steamboat service from Louisville to Cincinnati.
‡ This includes the route from New Orleans to Mobile; also, the route from Cairo to New Orleans.

WILLIAM H. DUNDAS, *Second Assistant Postmaster General.*

That being the fact, the Department spending such immense amounts of money in these distant regions, is it reasonable, is it fair, that gentlemen representing those States, should come here and say to us we must raise the rates of postage because we are expending more money than we are receiving from the Post Office Department? It seems to me very unreasonable—very unjust. It would be far more reasonable to reduce your mail facilities, and especially in that single instance which has been discussed to-day—the case of carrying the mail in post coaches merely for the accommodation of the people who reside on the route. I find here some Senators who are very anxious to raise the rate of postage, because they are afraid their people will be taxed to pay the postage of the northern States, still insisting on keeping up this very great abuse of carrying the mail in four-horse post coaches for the accommodation of the people by whose dwellings they pass. I think they might very properly and very reasonably consent to give up that great abuse. Yet the strongest advocates of high rates of postage vehemently urge a continuance of that extravagance, although it is actually prohibited by law.

With regard to the general expenses of the Department, we wish to reduce them as far as possible. They ought to be reduced to the lowest possible point consistent with the convenience of the people; but the people of the North are not unreasonable on that subject. They are taxed their proportion of the expense of carrying the mail to the remote extremities of this country, and of that they do not complain; but they do complain when you ask them, instead of paying that by a general tax in which all share, to pay it themselves, by raising the rate of postage, by which they almost alone must pay the enormously increased expenses of the Department.

I have other tables here with which I might enforce these views. I could show you, sir, that almost all the greatly increased expenses of the Department are in the distant portions of the country, and not in the New England and northern States; but I do not wish to dwell on that. I desire the Senate to consider well before they impose this additional tax on the people, and on a portion of the people who can very poorly afford to pay it. The Senator from Georgia [Mr. TOOMBS] told us, the other day, that the expense of postage was not paid by the merchants of New York and other cities, and that they charged it to their correspondents. That is very true; they charge it, in some form or other, to the people of the country; it goes into the price of their commodities; it is a tax upon the people, and it is one of the most odious taxes that can be imposed. It is, furthermore, a tax upon the sympathies and upon the affections of the people. It is a tax which is felt far more by those who write very few letters, and can afford to write very few letters, than by those large merchants, and large corporations, whose postage amounts to a very serious sum. Take a person who has one dollar to expend in the luxury of correspondence with distant friends and relatives—children, perhaps, in the western country, and who can afford to spend no more. If that dollar must be spent at the rate of five cents to each letter, it of course reduces the number of letters to be written. This is where it will be felt more than by any other portion of the community; and I have not the least doubt that at this very moment, a class of people who write and who can afford to write but a very few letters, who consider a letter as a luxury, who are obliged to economize when they pay postage on letters, take more interest in this question of raising the postage, by far, than that portion of the community whose postage amounts to a large sum. That is the class of people whom you are affecting by this measure, and you are producing no good effect. You are not, in my judgment, very much increasing the revenues from postage, though you may do so somewhat. The effect upon the revenue, of raising the postage, is not entirely a matter of theory. I have here the result of a single instance, which shows conclusively what the effect of this experiment will be. We have had, in one instance, a complete and perfect trial of this experiment of raising the rates of postage, and can ascertain from that what will be effect of this proposition. I allude to the law of 1855. From 1852 to 1855, the rate of postage to California, it being over three thousand miles, for prepaid letters was six cents, and for unpaid letters ten cents. Probably, the average postage was not over seven cents on each letter. Then you raised the rate of postage to ten cents on all letters carried over three thousand miles, an increase of about forty per cent. There is an opportunity for you to ascertain what will be the effect of raising the rate of postage on the revenue. Let us see what was the effect.

In the year 1854, the amount received from postage on California letters, was $320,950, and the number of letters was 2,958,881. In the year 1856, the law to which I have alluded, raising the rate of postage more than forty per cent., had gone into effect, and what was the result? You increased the total amount of postage less than one

per cent. It went up to $322,848. What was the result in 1857? Then the falling of revenues began to be more serious. You diminished the number of letters from 2,958,881 to 2,227,780, and diminished the amount of postage received, from $320,950 to $272,190. Thus, in two years, you diminished the gross amount received more than ten per cent., while you raised the rate of postage upwards of forty per cent. You lost actually about fifty thousand dollars by that operation in that year, and I understand the diminution of receipts still continues.

I have no doubt you will find the same result here. Is it because the business letters diminish? Not at all. If you wish to drive them out of the mail, raise the rate of postage, and you can do it most effectually. You have only to raise the rate of postage sixty-six per cent., as is now proposed, and you will drive very many business letters out of the mails into the hands of private expresses. I should not be at all surprised if the result of this proposition should be, instead of increasing the amount of postage, actually to diminish it. Perhaps, however, there will be some increase, but nothing like what the Senator from Florida supposes.

Mr. YULEE. Will the Senator state to what law he refers as changing the rate of postage in reference to California?

Mr. DIXON. I referred to a former law which provided that all letters to California, if prepaid, should pay six cents, and if unpaid, ten cents. The law of 1854 fixed ten cents for all distances over three thousand miles. California was not specifically named, but that was the application of the law, measuring the distance by the ocean route.

Mr. YULEE. I supposed the Senator referred to some law relating to California specially, and I was not aware of such a one.

Mr. DIXON. No, sir; the law was general, but its practical application was to California. Now, sir, what does the Postmaster General estimate in his report? He tells us that, by increasing the rate of postage to five cents, he can add $3,500,000 to the revenue. I do not see how he makes that out. He must suppose that very nearly, if not quite, the same number of letters will be written as are written now. He must take the gross amount, including the foreign postage received, and he must add to that amount the same percentage by which he increased the rate of postage. I cannot expect any such increase. I suppose there will be some increase; but I doubt whether it will be $1,000,000.

I think the Senate ought to pause and consider long, ought to examine the question thoroughly, before they abandon the great policy of reducing the rate of postage to the lowest revenue point. There is in this matter, as in the tariff on importations, a point which is the lowest revenue point, and which will raise the greatest amount of revenue at the lowest rate. I think we have now reached that point. At all events, we ought to consider this subject carefully and thoroughly before the rate of postage is raised.

To increase the rate of postage is to tax every individual who writes or receives letters. I am unwilling to tax the business of the country in this odious, this unnecessary manner; still more am I unwilling to impose a tax on the friendly and social correspondence of the country. I would encourage and extend, rather than limit and discourage it, by increased taxation. It is a subject in which the masses of the people take a deep interest, and in their behalf, I protest against this hasty and inconsiderate abandonment of the popular and beneficent policy of cheap postage.

Mr. SIMMONS. I should like to inquire of the chairman of the committee the amount paid for the transportation of the mail in this country, from year to year, for the last six years?

Mr. YULEE. In round numbers, $4,834,000, $5,304,000, $6,214,000, $7,099,000 and $7,924,000, respectively.

Mr. SIMMONS. How much was it last year?

Mr. YULEE. Seven million nine hundred and twenty-four thousand dollars. A large portion of that is due to the overland service.

Mr. SIMMONS. I do not care what it is due from. How much was it in 1853?

Mr. YULEE. Four million eight hundred and thirty-four thousand dollars. Now, if the Senator will excuse me a moment, I will state that the increase in the transportation table is in about equal proportion to the increase in the number of routes established by Congress which, under the act of 1851, the Postmaster General was constructively directed to put in operation.

Mr. SIMMONS. I do not ask for any apology. I want to know the fact.

Mr. YULEE. The increase of the last two years was due to the cost of the overland service to California.

Mr. SIMMONS. I only want to know the facts. I should like to ask the Senator from Florida, if the item of $912,000 for "letter postage," in the Postmaster General's return, does not embrace all the foreign letters that come, which enter into his revenue?

Mr. YULEE. What table are you referring to?

Mr. SIMMONS. I am reading from his table of this year, in which he gives $912,000 as the receipts from letter postage, meaning, I suppose, postage for which no stamps were used.

Mr. YULEE. No; that is the unpaid column. A great deal of the foreign postage is paid with letter stamps. Almost all the twelve cent stamps which are sold are for foreign letters.

Mr. SIMMONS. How much is the amount of foreign postage a year?

Mr. YULEE. The amount of foreign postage collected in the United States, and which is included in the table under the head of "letter postage," which includes the unpaid, as well as the stamped, for the year 1858, exceeds one million dollars.

Mr. SIMMONS. How much does it exceed it?

Mr. YULEE. It does not exceed it a great deal; I have the figures here.

Mr. SIMMONS. Now, I want to call the attention of the Senator from Florida, and the Senate, to what we have done to-day. There seems to be a project to increase the letter postage, and without any necessity, simply because it is paid in a particular section of this country. We are carrying, according to the Senator's statement, six million six hundred thousand pounds of public documents annually, for which we get nothing. All the letters we carry do not weigh more than four million pounds, for which we get $6,000,000. We carry to-day fifty per cent. more of printed matter free, than we carry of mail matter that pays postage, and we propose to strike it all off.

Mr. YULEE. I can give the Senator the exact figures now, as to the foreign postage.

Mr. SIMMONS. I do not care about the exact figures; it is about a million.

Mr. YULEE. A few thousand over a million.

Mr. SIMMONS. All the letter postage collected, according to the tables last year, was $6,600,000. If you deduct $1,000,000, it leaves $5,600,000 for postage received in the United States. From the printed matter that pays postage, we got $664,000. Now, I undertake to say that the printed matter that pays postage, and the newspapers that pay nothing, will outweigh the letters four-fold, and we get about one tenth as much for them as we do for carrying letters, and yet the committee have proposed to increase the letter postage $3,500,000, which will make it $9,000,000, which is $2,000,000 more than the whole mail transportation of the country costs; and that, he says the eastern people—the letter-writing portion of the United States—ought not to complain of. We carry for nothing fifty per cent. more printed matter in weight, than we carry of letters—six million pounds against four millions. If you strike off the free matter, you will get rid of more than half the bulk of your mails; and yet, with an income of $5,500,000 from the letter postage, it is proposed to increase it $3,500,000, making it $9,000,000, when the whole cost of transportation is but $7,000,000. The Senator, after proposing this, turns around to the paying part of the country and says they have no right to complain; that this is very liberal. We carry to-day fifteen-fold the weight of printed matter that we do of letters, and we get but $600,000 for the printed matter, and we get nearly $6,000,000 for the small amount of letter weight that we carry, and he proposes to increase it $3,500,000.

Mr. YULEE. Allow me to ask the Senator how he will provide for compensation to postmasters, and all the other expenses, distribution, printing blanks, &c.?

Mr. SIMMONS. I am talking about the expense of transportation now. A great part of the compensation of postmasters comes from the newspapers, which you carry for nothing, and you pay the postmaster two mills for each one he delivers.

Mr. YULEE. That is bad enough; but the compensation of postmasters for 1858 amounted to $2,500,000, which has to be provided for.

Mr. SIMMONS. I know that, and no doubt half of it was for delivering papers that pay nothing. You can pile on expenses in that way without any trouble. You have two thousand eight hundred postmasters, and I suppose they are paid for every one of the speeches that we send out, two mills apiece, and if you cut them out, I do not know how much may be saved. It has been said that one Senator sent out three hundred and forty-five thousand speeches himself. At two mills apiece, that would pay the Postmaster General's salary.

Sir, I say it is the greatest outrage ever attempted to be imposed upon a free people, to ask them to pay these enormous expenses. Why do you not pay them yourselves? Why should the people who write letters pay for these extravagances? Why should the post office carry thousands of speeches, and deliver them at a cost of two mills apiece, and charge them upon the business and letter-writers of the country? The very item which was read by the Senator from Georgia, at two mills apiece for the delivery, would pay for the whole transportation of all your letters in the country. There is no reason in it whatever. It is a mere pretense to cover up the corruptions of this Department. There is no more reason for carrying its expenses up to ten or eleven millions a year, than there is for scattering money broadcast over the land. The law required that the annual expenses of the Department should be kept down to $4,500,000. Six years ago they were carried up to $4,800,000, and now they have got up to $7,000,000 for mail transportation alone, besides contracts to the amount of $2,000,000, which the Senator from Florida admits ought not to be paid by the letter postage.

Mr. YULEE. I did not say ought not to be paid; but I said it was a fair charge on the Treasury, because it grew out of our extended domain.

Mr. SIMMONS. I say there is no man who can put two ideas together, who will pretend that the letter postage does not pay fifty per cent. profit to the Department. If you want to make the Department self-sustaining, put your charges upon that portion of its business which does not pay. That is the only legitimate method. I make no complaint. I say it is liberal on the part of this Government to carry newspapers without charge, because they are a means of instruction and education to the people. I do not complain that that becomes a charge on all the country alike; but I must object when I see Senators making an argument to put this enormous expense of carrying printed matter upon those who do business, and whose business requires them to write letters, under the pretense that they get the benefit, and that they ought to pay the expense because they have the service. It is outrageous to impose such an argument on the country. The data furnished by the chairman of the Post Office Committee show that the printed matter carried free for the benefit of politicians, going from this single city alone, amounts to fifty per cent. more than the weight of all the mail matter that pays the letter postage.

I will go with Senators to cut down the extravagant expenditures of the Department. I know that there is a great pressure on the Postmaster General; but there is no pretense that there is any law requiring him to put a mail on every post route we establish. It is at his discretion to put it there; and if he has the means, he ought to put it there, he ought to accommodate the people as far as he can; but there is no pretense for saying that the letter postage should be increased in order to accommodate people who have these facilities for carrying printed matter. I am willing that gentlemen should print and circulate speeches as much as they please. I do not think the State I represent has made a very heavy charge on the Treasury for what her representatives send out. I think the list which has been presented showed only about two thousand eight hundred for both her Senators in the course of the year. I have no

objection to gentlemen taking the pains to publish these speeches and frank them. I am willing to pay my part of the expense of carrying them, bad as I may think some of them to be; but when you undertake to resort to the productive labor of this country to pay these extravagant political expenses, it is a great outrage. I am willing to reduce the expenses; I am willing to vote for a reasonable charge on the printed matter; but we shall get rid of the whole difficulty, in my deliberate judgment, when we cut off the six million pounds of printed matter which we now send free through the mails, and pay for the cost of printing it besides. The task of sending out so many speeches is a great tax on members of Congress. If they had to pay postage on them, there would be an apology for not sending them; and it would be a great saving to them to have that excuse.

The notion that you are going to increase your revenue by adding to the burdens on letter postage, in my opinion, is altogether fallacious, even as a revenue measure. When you come to distribute your burdens in proportion to the benefits your Post Office establishment confers, you have got now a three-fold burden on the letter postage, according to the expense that is incurred in carrying letters. Three cents a letter actually amounts, on an average, to $1 50 a pound; but when the Senator proposes to increase the rate on printed matter, he puts it at sixteen cents a pound. Is there any reason for that? Is there any reason for carrying printed matter at sixteen cents a pound when you are charging ten-fold that for carrying letters? I can see no reason for it; I do not complain of carrying printed matter at a low rate, if you distribute the burden of it all over the country; but when you come to select one section of the Union to impose the burdens on for carrying free matter all over the world, I say it is an improper attempt to impose additional burdens upon those who are least able to bear them. Every one who knows anything about the products of this country knows that the very section which this measure is intended to relieve of a portion of its burden, is the only section that has been carrying on a profitable industry for the last two years. I know something about the productive industry of the country, and I know that the region where most of this money is expended, is boasting, and justly boasting, of the enormous profits of its agricultural productions. I rejoice in it as much as they do. I wish the benefit was more widespread than it is. I think I may appeal to them not to impose this burden upon that portion of their fellow-citizens, whose productive industry is prostrated. Take the great agricultural region of the Northwest, and take the productive industry of the Northeast; they are laboring under an incubus paralyzing their energies, with short crops and low prices in the Northwest, and low wages and nothing to do in the Northeast. These are the sections of the country which are selected to impose these additional burdens upon, in order to relieve sections that are making their seven per cent. on every dollar's worth of their productions.

I trust the proposed increase on letter postage will be stricken out. No man can pretend that the cost of carrying the speeches which are sent out from this city by the million should be imposed on the business or the social correspondence of the country. If we strike them off, we shall be rid of very much of the burden we have been laboring under for the last five years, and especially of the system which has converted Congress into a great book-publishing establishment. But, sir, I will not detain the Senate; I see they are impatient.

Mr. HUNTER. I hope we shall have a vote on this clause which is proposed to be stricken out. I think, when we once decide that, we shall soon pass on the residue of the measure. The matter has been fully discussed.

The PRESIDING OFFICER, (Mr. STUART in the chair.) The question is on striking out the ninth section.

Mr. HALE called for the yeas and nays; and they were ordered.

The Secretary called the roll; and Mr. ALLEN answered to his name.

Mr. JOHNSON, of Arkansas. I should be exceedingly glad if gentlemen would give a candid vote here for the public interest, and not for party motives——

Mr. HALE. That is what we are going to do on this side.

The PRESIDING OFFICER. Debate is not in order: the Senator from Rhode Island has answered to his name.

Mr. JOHNSON, of Arkansas. I did not hear him answer; and I wish to say a few words. I will ask the Senator if he did answer to his name?

Mr. ALLEN. I answered in the negative.

Mr. JOHNSON, of Arkansas. Very well.

The PRESIDING OFFICER. The Secretary will proceed with the call of the roll.

Mr. YULEE. I think the question is misunderstood. The motion is to strike out the ninth section. Those who are in favor of retaining the section, will vote in the negative.

The PRESIDING OFFICER. The Senator can proceed by unanimous consent.

Mr. HALE. I object.

The Secretary concluded the call of the roll.

Mr. BRODERICK. I rise to a question of order. I have already cast my vote, but I desire to ascertain whether I have cast it correctly. I wish to raise the postage to five cents.

Mr. BROWN and Mr. YULEE. Then vote "nay."

Mr. BIGLER. I was requested to state that the Senator from South Carolina, [Mr. CHESNUT,] and the Senator from Ohio, [Mr. PUGH,] have paired off.

Mr. SHIELDS. I have paired off with the Senator from Georgia, [Mr. TOOMBS.] If he were here, he would vote in the negative, and I should vote in the affirmative.

Mr. YULEE. I was desired to state that the Senator from California [Mr. GWIN] had paired off with the Senator from Ohio, [Mr. WADE.]

Mr. KING. My colleague [Mr. SEWARD] has paired off with the Senator from Virginia, [Mr. MASON.]

The result was announced—yeas 19, nays 27; as follows:

YEAS—Messrs. Bigler, Cameron, Chandler, Clark, Collamer, Dixon, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, King, Simmons, Stuart, Trumbull, and Wilson—19.

NAYS—Messrs. Allen, Benjamin, Broderick, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mallory, Pearce, Polk, Reid, Rice, Sebastian, Slidell, Smith, Ward, and Yulee—27.

So the ninth section of Mr. YULEE's amendment was not stricken out.

Mr. COLLAMER. I move to amend the amendment of the Post Office Committee by inserting at the end of the sixth section these words:

That so much of the twelfth section of the "act to establish certain post routes, and for other purposes," approved March 3, 1847, as appropriates $200,000 each year for the services therein mentioned, be, and the same is hereby, repealed; and that the eighth section of the act "to reduce and modify the rates of postage in the United States, and for other purposes," approved March 3, 1851, be, and the same is hereby, repealed.

In 1845, when the postages were reduced from the old standard to five and ten cents, according to distance, there was a provision made in that act for keeping an account of all the free matter which was franked by the Departments and by members of Congress, to be paid, at the end of each year, out of the contingent fund of Congress and the Departments. It was found so exceedingly inconvenient to keep these accounts that, in 1847, the act first mentioned in my amendment was passed, providing that the Postmaster General need not keep these accounts, but should receive $200,000 a year for the service of the Department in carrying franked matter—a standing appropriation. In 1851, when the postage was reduced to three cents, the present standard, there was provision made for the same thing; and an allowance of $500,000 a year was made for the franked matter. These two acts together appropriated $700,000 a year, which is a standing appropriation, drawn by the Department from the Treasury quarterly, to make up what the postage does not pay. Now, as this measure provides for abolishing the franking privilege, I take it, as a matter of course, these standing appropriations for the franking service should be repealed.

Mr. YULEE. Certainly; I shall myself vote for the amendment; it is very proper; but I suggest that it be adopted as a part of section six, so that, if our scheme should fail in the House of Representatives, the repeal will not take effect.

Mr. COLLAMER. I moved it to come in at the close of the sixth section.

Mr. YULEE. As part of that section?

Mr. COLLAMER. Yes, sir.

Mr. YULEE. That is very proper.

The amendment was agreed to.

Mr. FITZPATRICK. I move to strike out the seventh section, which is in these words:

"SEC. 7. *And be it further enacted*, That the eighteenth section of the "act to reduce the rates of postage," &c., approved March 3, 1845, shall be so construed as to prohibit the Postmaster General from making contracts for the transportation of the mail with any view to the transportation of passengers, and to restrict him in making such contracts to the acceptance of such bids only as shall provide for the conveyance of the mails."

Mr. WILSON. This is a fair illustration of the proposition now before us to increase the rate of postage. The people who live in sections of country that not only pay their own postage, but tens of thousands of dollars over, are to be called upon to pay an additional sum of money for postage, not to carry the mails over the new and sparsely-settled sections of the Union, but to run coaches for the accommodation of the people of those sections. That is the whole of it. By the importunities, by the influence of men from thinly-settled sections, the Government of the United States, for several years, has been putting on stage coaches, four-horse coaches, and covering the country with these costly modes of conveyance at the expense of the Post Office Department, not to carry the mails, for the mails could be carried much cheaper, but to keep up and run stage coaches, for the accommodation of the people. In the State of Texas it costs from four to five hundred thousand dollars to carry the mails, and the postages received from there amount to very little; but that State, through the influence of a Senator now passed away, has been covered all over with stage coaches, for the accommodation of the people. This expense comes out of the Post Office Department; out of the pockets of the people. It is so in some other portions of the country. By an improper construction of the law, these costly modes of conveyance have been kept up, and now you propose to tax the people of those sections who not only pay their own postage, but many thousands of dollars more, in order to maintain four-horse stage coaches, not to carry the mails, but to carry passengers. That is the whole of it; and this proposition is to strike out the seventh section, which does away with the gross abuse by which $1,000,000, by the confession of the Department, has actually been taken out of the Treasury to establish stage coaches.

Then, sir, we have established I do not know how many lines to California. The expenditures incurred to carry the mail to California have reached an enormous amount, so as to be an outrage upon the country. I notice that, in the report of the Postmaster General, he speaks in this way of carrying the mail across the Tehuantepec route:

"Tehuantepec is nearer to us, and lies within the Gulf of Mexico, which is destined to be hereafter an American sea, over the whole of which the United States must exercise, from overruling motives, a distinct and masterly control."

These routes have been established, these expenditures have been incurred, not necessarily, but to build up certain interests outside of carrying the mail. Now, we propose to make the people of New England and the central States, who pay in postage, every year, hundreds of thousands of dollars more than the expense of carrying the mails in their section of the country, put their hands into their pockets and pay four or five million dollars more for the benefit of other sections of the country; and the Senators who live in those sections are forcing this increase of expenditures upon us; and, not satisfied with that, they propose to strike out a proposition to correct a flagrant abuse.

Mr. BRODERICK. I regret very much, Mr. President, that the Senator from Massachusetts has seen fit to speak of the carrying of the mails to California in the way he has done. I know nothing of the present Postmaster General; I do not think I have ever exchanged a word with him; nor has he ever consulted me in regard to any of the mails, overland or by sea, to California. But the Senator from Massachusetts has seen fit to speak of the Tehuantepec mail. By that route California is but fifteen days from New Orleans;

and the people of my State are very much interested in it. I can state to the Senate that the amount of money paid to the parties on that line is, I believe, only about two hundred thousand dollars a year. The Senator from Louisiana can correct me if I am wrong.

Mr. BENJAMIN. Two hundred and fifty thousand dollars.

Mr. BRODERICK. Well, sir, after this line is established, all the other ocean routes can be dispensed with. The great eastern mail will go from New York to New Orleans, and then by way of Tehuantepec to California, five or six days sooner than it would from New York to Panama, and from there to San Francisco. I cast my vote to raise the postage to five cents, because the people of California pay ten cents; and I do not see that they ought to be called upon to pay ten cents, when the people living on this side of the mountains pay but three cents. I think five cents is a very fair amount for them, if we are to pay ten cents. If the Senator from Massachusetts, and others occupying seats on this floor, will vote to reduce our postage to six cents, I have no objection to theirs remaining at three cents; but as we pay ten cents, I think it is not a very great hardship to the people on this side of the mountains to pay five.

Mr. YULEE. A single word in reply to the Senator from Massachusetts. He charges that a section of country, (I suppose the South,) after imposing an increased rate of postage on the North, propose now to strike out that provision which imposes a restraint upon themselves; alleging that the large amount of coach service is performed in the southern States. Now, a single fact will refute at once his assertion and his argument. I have hastily, during the course of his argument, calculated the comparative coach service in only a part of the northern States. The total coach service is fifty thousand seven hundred and thirty-nine miles; and out of that the New England States and New York, New Jersey, and Pennsylvania, have sixteen thousand. Adding a few other northern States, not all of them, that I could set down and calculate within the time, they have twenty-seven thousand six hundred and seventy-three; and then, including the overland service to California, which may be considered a northern service also, they have in the northern States over thirty thousand of the fifty thousand miles of coach service. More than that: they have in the northern States, of the railroad service, which is the costly and valuable service, eighteen million miles per annum, against seven million in the southern States. Thus, both in the coach service and the railroad service, the northern States, which the gentleman says we are disposed to strike at, are receiving more advantages from, and cost more to the postal department than the other section, though that did not at all enter into the consideration of the committee in their action on this question.

Mr. WILSON. I want to say to the Senator from Florida what I have no doubt he knows—for, judging from his remarks here to-day, I think he understands all matters connected with the Post Office Department very well—that the New England States and the middle States, whatever may be the cost of carrying the mails, and however many thousand miles the mails may be carried, pay for carrying them, and have thousands of dollars more.

Mr. CLAY. I do not know it.

Mr. WILSON. Then if he will look to the six western States, the new free States of the West, he will find that they fail, by $690,000, to pay for carrying the mails in those States. If he will look at the fifteen slave States of the Union, he will find that they fail, by $2,400,000, to pay their expenses. I do not know how much California costs, but I know that it costs an immense sum of money to carry the mails to California. As was said by the Senator from New Hampshire, to-day, $600,000, equal to the cost of all your foreign mail service, are expended for sending a wagon away down by Arizona to California.

I do not know precisely, and I do not think it important to say here, whether there are more stage coaches employed in carrying the mails in the northern than in the southern States. We are content with the proposition of the Senator from Florida, as it stands upon that point, and I will vote for it in this respect, and against the motion of the Senator from Alabama to strike out this restriction, because the evidence is clear before us, admitted by the Post Office Department, that the law has been interpreted in a way that has cost us annually about a million dollars. Why has it been so interpreted? When these abuses have risen to such a frightful extent, why does not the Postmaster General have the courage to act the part of a statesman, and at once construe the law as it was intended, and as it means? Instead of that, he asks the Congress of the United States to put the right construction upon the law, and the Post Office Committee have reported in favor of doing so. I stand by that section, and I am opposed to striking it out.

Now, sir, a word to the Senator from California. After the magnanimity and generosity ever shown towards his State and his section of the country, by the Representatives of that portion of the Union from which I come, I must express my surprise that he should have voted to-day to impose this increase of taxation upon the people of my section, who pay the expense of their mail transportation, and a great deal more, especially when we have now not less, I think, than five mail routes to reach California, although we might carry the mails by an inland route, and one ocean route by way of the Ishmus of Panama or Tehuantepec, I do not care which. I agree with him that the Tehuantepec route will probably be the speediest mode to reach California; but why keep up your Panama route; why keep up the Tehuantepec route, and why keep up the route across Nicaragua, at a large annual expense for each? and why keep up two inland routes to California at such an enormous expense? Why should these expenses be put upon us, and why should we be subjected to the expense of establishing stage coaches all over Texas, and all over other thinly settled portions of the Union? While these things exist, I ask why those of us who pay our postage should have this additional burden thrown upon us? I do not believe it just. I am surprised at the vote of the Senate making this change. We have abolished the franking privilege. I gave my vote most cheerfully for that. I now propose to stand by this section, which I think will correct another abuse, and I trust the Senate will stand by it.

Mr. FITZPATRICK. I know the impatience of the Senate, and I am not disposed to trespass upon their kindness; but I am surprised at the argument used by the Senator from Massachusetts. He goes upon the hypothesis that this stage service is intended entirely for the traveling public, and not to furnish mail facilities. It has existed almost since the foundation of the Government. We have had stage coaches running since I can remember; and I trust we shall continue to have them running until there are other modes of conveyance more adapted to the public convenience.

The Senator from Florida has pretty effectually answered the argument of the Senator from Massachusetts, by showing that it is not the stage service that has absorbed the vast amount of money which has been drawn from the Federal Treasury, but it is the heavy railroad service and the large compensation paid to the railroad companies that has thrown the Post Office Department on the Treasury for support. The Post Office Department was self-sustaining until within a few years past, when such exorbitant demands were made by railroad companies, and the Government has been literally put at the mercy of these institutions. But what has caused the treasury of the Department to be drained so heavily but the reduction of postage? Much has been said here in reference to particular sections not contributing their quota to sustain the Post Office Department; but what has been the cause of it? It has been the low rate of postage, which has inured to the benefit of the northern section of this country. If the money has not been drawn from the South in the shape of postage, it has been drawn from them in the shape of impost duties, and then taken from the Treasury of the United States to sustain the mail service in that section of the country. I am willing to yield to every section all the mail facilities which the wants of the country require; but it is well known that in many portions coaches are essential to the convenience and comfort of the community. I shall not detain the Senate. I simply say that the section which I move to strike out is literally putting the entire coach mail service of the country under the control of a solitary individual. It is at his will and mercy, whether we are to have mail service or not in sections of the country heretofore accustomed to it, and who will complain, and complain justly, unless it is continued and awarded to them.

Mr. BRODERICK. I am very sorry that the Senator from Massachusetts has exhibited so much feeling in regard to the vote I have cast on this occasion. I would remind the Senator that the people of his State, next to New York and Pennsylvania, probably, have more of their numbers in California than any other State in the Union; and his constituents are compelled to pay ten cents for every letter they send to California; and the people in my State who formerly lived in Massachusetts, are compelled to pay the same for their letters which they send to Massachusetts. I expect the Congress of the United States to sustain the mails between the Atlantic States and California; but I think I should be derelict, if I were to stand here and vote to keep the postage at three cents for any distance under three thousand miles, while it is ten cents for any distance over three thousand miles. If the mail were transmitted overland to California, the people of my State would be compelled to pay but three cents for their letters instead of ten. The great bulk of the mail goes by way of Panama, and the postage is ten cents, the distance being over three thousand miles. I will vote with the Senator, at the proper time, to dispense with those mail routes to California which I can be satisfied are unnecessary.

My colleague is absent. He is more acquainted with Post Office business than I am; for he is a member of the committee, and has given his attention to it. At the proper time, when he is present, and when the Post Office appropriation bill comes in from the House of Representatives, which I suppose will be to-morrow, or next day, I shall be ready to vote with the Senator from Massachusetts, to cut off all unnecessary routes to California, if the Butterfield party shall have the opportunity of taking the most direct route from the Missouri river to my State.

But, sir, I rose merely for the purpose of justifying my vote. I think that if the citizens on this side of the mountains have to pay but three cents for transmitting letters to any distance under three thousand miles, ten cents is a very exorbitant price for letters transmitted over three thousand miles; and for that reason, I cast my vote in favor of the amendment before.

Mr. BIGLER. I regret exceedingly the necessity of detaining the Senate for a moment, because I know how impatient Senators are; but my friend from Florida has made statements so directly in conflict with the estimates which I submitted to the Senate, that I feel required to say a word in defense of the exhibit which I made here. In order to arrive at correct conclusions on this subject, we must start on a proper basis. I start on the basis of population; and in order to get clear of all difficulty on this subject, I will waive the question of receipts entirely, and take up, on the ratio of population, the question of expenditure, and expenditure only; and I tell my friend from Florida that he is utterly and entirely mistaken. I do not care what kind of service it may be, whether coach service, or horse service, or railroad service, the estimates which I submitted here, and the statements for five years past, are correct, and they contradict positively the allegation that the principal expenditures have been East and North, and in the middle States.

Mr. YULEE. I do not know what tables the Senator refers to; but if he means to attack any table I have used here to-day, I hope he will state it, and I shall be prepared to verify it.

Mr. BIGLER. I mean that, a few days since, I presented the expenditures in the several States——

Mr. POLK. Was that in the tariff speech?

Mr. BIGLER. Yes, sir; I presented the local expenses; the expenses for postmasters, and for transportation, in the several States, for five years, showing, beyond dispute, that the expenditures from the common Treasury, on the ratio of population, are twice, three times, and in many instances four times, as heavy in the southern and western States as in my own, and the other mid-

dle States, and in the New England States. For five years the State of Pennsylvania drew out, in expenditures for mail service, $2,700,000. On the basis of Florida, taking the ratio of population, Pennsylvania would have been entitled to $13,000,000 in that time.

Mr. YULEE. I do not know what use the Senator proposes to make of that table; but I will say to him that it costs as much to drive a coach and four horses over a country not occupied by people at all, as over a country very fully occupied, as we have experience in our overland mails to California.

Mr. BIGLER. That does not meet the point at all. I am talking about the expenditures within the different States, and I hold that population is the proper basis upon which to test that question. I will take the State of Louisiana; and whilst Pennsylvania drew $2,700,000 in five years, on the basis of Louisiana Pennsylvania would have been entitled to $12,000,000. According to the expenses in Texas Pennsylvania should have received $13,000,000; and according to those in Illinois she would have been entitled to $7,000,000. This has nothing to do with the receipts. It is simply the local expenditure for transporting the mail and paying postmasters—an account that cannot be disputed or gainsayed. It is perfectly conclusive; it demonstrates itself. I was surprised that my clear-minded friend from Florida should make a statement which would evidently conflict with this.

Now, as to the general expenditures—the expenses connected with the general Department, the foreign expenses, and the Pacific expenses—I take the suggestion of the Postmaster General, and divide them *pro rata* amongst the States according to their representation. You have to go to the local expenditures and local receipts to test this question.

One word further before I yield the floor. I do not complain of keeping up the service. It is almost a necessity, and for my part I vote for it with pleasure. You must sustain the new States and Territories; you must give them mail facilities. Such facilities are indispensable to the growth of the country, and unavoidably the expenditures fall upon the old States that are densely populated. For one, my State is willing to bear that as one of the incidents of the Government. Our people go West; our hardy pioneers are found in every one of your Territories and new States, and we send after them the mail and the agencies of civilization. They are indispensable to the prosperity and progress of a new country. I make no complaint; but a fact so clear, and a bounty like this, so generously given, ought at least be acknowledged by my friend from Florida.

Mr. YULEE. A single word——

The PRESIDING OFFICER, (Mr. STUART.) The Chair will allow this debate to go on by unanimous consent.

Several SENATORS. I object.

Mr. YULEE. I much prefer a vote to debate.

Mr. IVERSON. I shall have to rise to a point of order, and call for the enforcement of the rule.

Mr. CLAY. I simply rise to ask for the question. I have a great deal to say; but I do not think it necessary.

Mr. FITZPATRICK called for the yeas and nays; and they were ordered.

Mr. HOUSTON. The honorable Senator from Mass——

Mr. HUNTER. Has not the Chair decided debate to be out of order?

Mr. HOUSTON. I think it necessary to make a remark or two. I have no disposition to make a speech; I am not in the habit of it. ["Go on."] The honorable Senator from Massachusetts stated that there was a great deal of mail service in Texas at most extravagant rates; but he has not asserted nor shown that the service was unnecessarily enlarged in that section. I have a fact to state, that will satisfy the gentleman that the facilities have not been equal to the demand. At one place on a mail route, I have seen the mail matter accumulate until it reached forty-one large bags, which could not be transported in a two-horse stage, and it was necessary to employ four-horse stages for that purpose, and to make the trips tri-weekly instead of bi-weekly. Similar facts exist all over the State. If the gentleman would take a trip through that country, he would comprehend the necessity of mail facilities there. Whenever he will show that they are unnecessarily great, I shall consent to curtail them. I have nothing to say in vindication of the overland service to California. I know they are exorbitant in their charges for the service; and I do not know that it has been productive of any very good results. I do not think it necessary for the gentleman to get in a bad humor, or declaim about a thing that he knows nothing of, and that he has no reason to denounce. I hope, hereafter, he will inform himself in relation to matters of the kind, and then I will discuss them with him, whenever he will adduce reasons in support of his position.

Mr. SMITH. Do I understand that this debate is out of order?

The PRESIDING OFFICER, (Mr. STUART.) The Chair decided that the range of debate which was going on at the time he interposed was out of order.

Mr. SMITH. I conceive, then, that I shall be in order if I submit a very few remarks. ["Very few!"] Senators around me suggest "very few." Well, sir, they shall be very few, and right to the point. I regret, Mr. President, that, being so new here, I am called upon to say anything; but I rise for the purpose of supporting the proposition to strike out the seventh section of this amendment of the Post Office Committee, in opposition to the views enunciated by the Senator from Massachusetts; and I feel impelled to do so from the fact that this section, as it stands, affects the people of the Pacific coast more than any other portion of the people of the United States. The gentleman from Massachusetts insists that this shall remain in the bill; he resists the motion to strike it out, and wherefore? Because Massachusetts, on account of her numbers and wealth, and her railroad facilities, has no need of its retention. Sir, Massachusetts was once young and new. Massachusetts, in her history, had mail facilities before the application of steam to the propulsion of cars upon land; before the magnetic telegraph was invented and used for the conveyance of intelligence. Then Massachusetts stood at the doors of the Capitol like an insatiate leech, crying, "give! give! give!" Massachusetts, a manufacturing community, has applied, from the origin of the Government to this hour, to the Congress of the nation, representing a common constituency, for protection. Massachusetts has demanded of this Government that it should be protected in its local interests, and in its local pursuits; and it has had protection until the lords of the loom have waxed fat; until Massachusetts has become rich, and holds the purse-strings of the nation; and she says she will no longer suffer the new States of this Union to draw upon the resources of the nation. Sir, the rattle of the mail coach, and the driver's horn, were heard in New England long before they had railroad facilities, and then they were willing to draw upon the resources of the nation; but now that steam and electricity have superseded the stage-coach, and New England, in the plenitude of her power and wealth, is enabled to support her own facilities, the gentleman from Massachusetts gets up here with a great deal of self-complacency, and appeals to the wealth, to the resources of Massachusetts, and her contribution to support common postal facilities, and says she pays more than her *pro rata*. Does she? Is nothing due to the new States of the Union; nothing due to the mighty West? Or will you insist that Oregon and California shall be limited in their postal facilities to the amount, as compared with Massachusetts, which they pay for postal facilities?

The PRESIDING OFFICER. The Chair would suggest to the Senator from Oregon that his remarks are in the same vein which he arrested before. The Chair thinks that the present comments of the Senator are not applicable to the motion before the Senate.

Mr. SMITH. The gentleman from Oregon submits to the decision of the Chair with this amendment, that the Chair did not stop the other gentleman until he got through. [Laughter.]

The PRESIDING OFFICER. The Chair allowed a very wide range of debate, and only made a suggestion to the Senate that he thought that it had gone to a length which the Senate would not be willing to admit. The Chair will hear the Senator, so far as he is concerned, with great pleasure.

Mr. SMITH. Will the Chair repeat what he said? I do not exactly understand him.

The PRESIDING OFFICER. The Chair stated that he only arrested the debate before, when he thought it had gone as far as the Senate desired to hear it; but that so far as concerns himself, he has no objection to hearing the Senator from Oregon to any extent that it pleases him to go.

Mr. HUNTER. I hope gentlemen will confine themselves to the debate in order. We want to get the question.

The PRESIDING OFFICER. This debate is not in order on the motion now pending.

Mr. BRODERICK. I hope the gentleman will be allowed to proceed.

Mr. WILSON and others. Go on.

The PRESIDING OFFICER. If there be no objection, the Senator will proceed.

Mr. SMITH. I have the consent of the distinguished Senator from Massachusetts to proceed. I said, Mr. President, that Massachusetts had applied at the doors of the Capitol for protection, and now she receives a very large proportion of her circulating medium from the Pacific coast, and she receives a large proportion of the materials for her industry and wealth from the southern States of this Union. In possession of the cotton of the South, and in possession of the gold of the Pacific, she turns round and makes war upon the South and upon the Pacific, and the facilities of intercommunication with the Pacific.

Now, I inquire, who is benefited by the postal intercommunication with the Pacific coast? Are not the people of New England and of the sea-board States? What are their commercial relations with the Pacific? Have they not a subsisting, abiding, and paramount interest in postal communications with the Pacific coast? Oh, yes, says the gentleman; but we will retain the seventh section of this amendment, and inhibit the Postmaster General from making any contract on any route whereby passengers shall pass to and fro between this and the Pacific coast. The gentleman's own constituents, commercial men of New England, commercial men of the Atlantic sea-board go to the Pacific coast in pursuit of gain and commercial enterprise, but the Senator would not allow the Postmaster General to make any contract with any view to the accommodation of passengers to the Pacific coast. Judging by the gentleman's speech, and other speeches which have been made on that side of this proposition, we should infer that those States were not only independent and sovereign in a general sense, but that they were independent and sovereign, so far as the postal arrangements of the Government were concerned. I do not so understand it. I understand that the Congress of the United States, as the custodian, the guardian, the representative of all the States, regulates the postal arrangements of this Government, and if that be so, why is it that Massachusetts gets up here and says: I have paid sixty-two and a half cents more than you have, and therefore, you are not entitled to these facilities? If it be a governmental arrangement; if the United States Government, speaking through the Senate and House of Representatives, control this matter; wherefore should one State insist that it ought to pay no more than its sister State into the revenue of the Post Office Department? Sir, I hold it to be the duty of the Government, the duty of the elder States of this Union, a paramount duty, and an interest as well as a duty, to afford to the new States, to the weak States, and the remote States of the Union, postal facilities, for thereby you bind those States in their social, commercial, and political relations to the elder States of the Union.

Sir, I look upon this Union, in relation to its Army, its Navy, its Post Office Department, and all those general and paramount features which stamp it and characterize it, as a parent Government, I look upon it as an entirety. This is the soul, the center, the great heart, and the blood must circulate from this center to the circumference; and if you, in a legislative or political sense, withhold these advantages, this medium of communication, you paralyze the extremities; and for an elder State of the Union, like Massachusetts, to stand up in the Senate, and say that whilst, by the act of Congress, we have acquired possessions upon the Pacific coast; whilst we have settled our rights in Oregon, and acquired posses-

sions there; whilst we have, as the issue of the war with Mexico, acquired Utah and New Mexico and California, we are under no obligations, now that we are numerous and wealthy and powerful, to contribute anything to unite that people to us, and keep up a communication with them, and to facilitate the intercommunication not merely of letters but of persons—I say, that for Congress thus to affirm now, is to throw contempt on that people, to discourage them, to alienate them. In all time past, what have been the appropriations of Congress for purposes connected not only with the postal facilities, but with the commerce, with the wealth, and the manufacturing interests of the Atlantic States? Look at the cost of your postal communication with Europe. Have you had no eye to the accommodation of emigrant passengers? So with every other portion of the globe.

Now, it is insisted by the gentleman, that it costs a great deal to send out an empty stage coach across the continent. Sir, the continent is ours; it belongs to the nation. The Indian tribes between the Missouri river and the Rocky Mountains are the wards of this nation; they are to be conquered; they are to be subdued; they are to be subjugated to law and civilization. How are you to accomplish that? You will cut off all the supplies for sending an empty stage coach—and such a thing never crossed the continent—and you will confine these new States, circumstanced as they are as pioneers in the work of civilization and conquest, as men laid under contribution by the laws and the genius of this Government to subdue it, and to subdue the aborigines of this continent, and to hold the western half of the continent to the union of these States, and to the title of this Government, with the certainty and steadiness with which the needle points to the pole. You have imposed this duty on them; this is their destiny. Now, will men hailing from wealthy States which have absorbed the wealth of this nation for the last seventy years, turn round and say, "we are able to meet our responsibilities and the cost of these advantages, and you must do the same, and we will limit your advantage to the amount you contribute?" Such is not, in my judgment, the policy or genius of this nation.

Mr. WILSON. Mr. President, a word or two in reply to the earnest and enthusiastic and emphatic speech of the Senator from Oregon. The Senator tells us that he feels impelled, because he is a new member, to speak. The Senator will pardon me if I say that I think he never would have made the speech he has now made, if he were not a new member.

Mr. SMITH. Will the Senator allow me to interrupt him?

Mr. WILSON. Certainly.

Mr. SMITH. I did not say I was impelled to make a speech because I was a new member, but that I regretted the necessity of making a speech, being a new member; but, inasmuch as the gentleman had assailed what I understood to be the interests of the Pacific coast, I felt called upon to reply.

Mr. WILSON. Of course I accept the Senator's explanation; and now I have a word or two to say in regard to his speech. He assumes that I am opposed to communication with California and with Oregon. I say to him that I am in favor of rapid, speedy communication with the Pacific coast, and I do not know the Senator in this body who does not agree with me in that. If the doctrine is to be maintained by the Senate that the Post Office Department is to sustain itself, then, I say, it is our duty to abolish the franking privilege and cut off all the unnecessary expenditures of the Department, to economize in every manner, and put the Department in the best way to sustain itself, and confine it simply to the business of carrying the mail where it is necessary to carry it, and not to pursue any other line of policy. Now, the Postmaster General lays down the doctrine that he carries the mail for other purposes: to preserve the power of the country across the Tehuantepec route. It is also maintained here by Senators, it was announced very frankly this afternoon by the Senator from Mississippi, as I understood him, that it was the duty of the Government to open communication in the sparsely-settled sections of the country; to carry the mail for the accommodation of the people in such a way as to open up those sections. I agree to that, and I am willing to carry it out; but in doing so, I deny the doctrine which is preached here, that the Post Office Department should sustain itself. There is no reason in it. If the mail is to be carried over the Tehuantepec route, or across Nicaragua, or by the Panama route, or by way of Arizona, or across by Salt Lake to the Pacific Ocean, or if the mail is to be carried to any portion of the globe for any other purpose than the simple purpose of carrying the mail itself, then, I say, the increased cost should not come out of the funds of the Post Office Department, and there is no reason why it should.

Millions of dollars are expended in carrying the mail for other purposes than the simple purpose of giving mail facilities. While I believe this to be a wise policy, I deny the doctrine that the Post Office Department should be compelled to support itself, and that we should increase the letter postage to make it self-supporting. The Senator from Oregon, and every other Senator, I think, on reflection, will see that this is a sound position.

But, Mr. President, the Senator from Oregon says that Massachusetts has always been here for favors, that she has always cried for protection. I beg the Senator's pardon. He is mistaken. Up to 1824, Massachusetts resisted your policy of protection, and I think you have heard but little from her lately in regard to that topic; and I venture to say, she will be the last State of the Union, hereafter, that you will find at these doors imploring protection. She shares, and is willing to share, the fortune of her sister States in the financial policy of the Government.

I wish to preserve the section which it is now proposed to strike out, and I hope it will be sustained. The Senator from Texas tells us that the facilities in that State have not been equal to the demand. I do not suppose they have been; and the demand would be larger if the facilities were ten times as great. I say to-day, what every intelligent Senator knows to be true, that the late distinguished Senator from Texas, (Mr. Rusk,) who wielded so much influence not only in this body, but over the Executive Departments of this Government—an influence which he had a right to wield from his talent and his experience—secured for that portion of the Union the greatest mail facilities at a very great cost, and the facts before the country show it to be true.

Now, sir, I wish the people to have these facilities, and if you abandon the policy of increasing the rates of postage, and to carry out this extra service, take it out of the general fund of the country, I should give my vote for it; but, in my judgment, it is unjust to the people of New England, who pay into your Treasury $200,000 more than the expense of carrying their mails; to the people of New York, New Jersey, and Pennsylvania, who pay $400,000 more, to increase their taxation nearly one hundred per cent., in order to keep up this general policy of developing the country by these extra expenses that, if borne at all, should come out of the public Treasury.

Mr. YULEE. I rise for the purpose of correcting a statement of the honorable Senator from Massachusetts, in which, I presume, he is perfectly sincere, but which I think is a mistake. The cost of the service in the New England States is $649,000, and the whole net income from the post offices, deducting alone the compensation of postmasters, is $644,000; so that, after allowing to Massachusetts all the postages upon the foreign mail matter collected there from the Cunard line, and after allowing to Maine all the postages from the line which terminates at Portland, the cost of transportation is still more than the income from postage in New England. Nor have they stopped in the increase of their service. Between 1857 and 1858, the increased cost of additional service put on in the New England States alone was $104,968, and Massachusetts had for her share about one third of that increase which New England got.

Mr. WILSON. I find on an abstract made up to the 30th of June, 1857—I have not the last year—that the expenses in the New England States were $1,035,000, and the receipts $1,214,000; making a balance of $179,000 that year.

Mr. YULEE. Where does the Senator get that from—a newspaper?

Mr. WILSON. Yes, sir; the New York Evening Post.

Mr. YULEE. My authority is the reports from the Post Office Department, official data.

Mr. WILSON. The same statement shows that the service in the three central States, New York, Pennsylvania, and New Jersey, cost $1,823,000, and the receipts were $2,250,000, being a balance of $428,000 in their favor. In the six western States, the cost was $2,280,000, and the receipts were $1,580,000, being an excess of expenditures over receipts of $699,000. In the fifteen southern States the cost was $4,092,000, and the receipts $1,647,000, being a deficiency of $2,445,000. California and the District of Columbia are not included in these estimates.

Mr. BRODERICK. I should like to call the attention of the Senate to the expenses incurred in paying postmasters in California. I find that in the State of Mississippi, the postmasters receive but $44,683, while, in California, they are paid $104,622. I find that in the very large State of Indiana the postmasters are paid but $102,000, while, in California, they are paid $114,000. If this money was taken away from the postmasters, and paid into the Treasury, there would not be so great a deficit against California.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama, to strike out the seventh section.

Mr. FESSENDEN. I am requested to state that the Senator from Ohio [Mr. WADE] and the Senator from California [Mr. GWIN] have paired off. I do not know on what specific questions, but I suppose on all questions of this character.

The question being taken by yeas and nays; resulted—yeas 16, nays 26; as follows:

YEAS—Messrs. Broderick, Brown, Clingman, Davis, Doolittle, Fitzpatrick, Green, Harlan, Houston, Iverson, Johnson of Arkansas, Lane, Polk, Reid, Smith, and Ward—16.

NAYS—Messrs. Allen, Benjamin, Bigler, Chandler, Clark, Clay, Collamer, Dixon, Durkee, Fessenden, Fitch, Foot, Foster, Hamlin, Hunter, Johnson of Tennessee, King, Pearce, Rice, Sebastian, Shields, Simmons, Stuart, Trumbull, Wilson, and Yulee—26.

So the seventh section was not stricken out.

Mr. YULEE. There are two sections, the twelfth and the thirteenth, which I desire to have stricken out.

Mr. WILSON. If the Senator will give way, I desire to move an amendment to the ninth section before we come to the twelfth.

Mr. YULEE. I was going to strike out these two sections, if the Senate pleases. Sections twelve and thirteen are contained in a House bill which has been sent here, and is prepared to be reported. As it will be unnecessary to pass these sections, I move that, by general consent, they be stricken out.

The amendment was agreed to.

Mr. WILSON. I move to amend the ninth section, after the eighth line, by adding these words: "not exceeding five hundred miles three cents; more than five hundred miles, and not exceeding three thousand miles, five cents," so that it will read:

"For every single letter in manuscript, or paper of any kind in which information shall be asked for, or communicated in writing, or by marks, or signs, conveyed in the mail for any distance between places in the United States, not exceeding five hundred miles, three cents; more than five hundred, and not exceeding three thousand miles, five cents."

I offer this amendment, and on it ask for the yeas and nays. It is a simple proposition to retain the postage at three cents for all distances from any point under five hundred miles, and from five hundred to three thousand miles to carry it up to five cents, and for more than three thousand miles, I propose to retain it as it is.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 24; as follows:

YEAS—Messrs. Bigler, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Hamlin, Harlan, Simmons, Trumbull, and Wilson—15.

NAYS—Messrs. Benjamin, Broderick, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Lane, Polk, Reid, Rice, Sebastian, Shields, Smith, Stuart, Ward, and Yulee—24.

So the amendment was not agreed to.

Mr. WILSON. I move an additional section to the bill, which explains itself:

And be it further enacted, That the contract with Butterfield & Co. for carrying the mail from the Mississippi river to San Francisco, in California, shall be so construed as to allow said contractors to carry the mail by any route they may select, in accordance with the act of Congress under which said contract purports to be made.

THE CONGRESSIONAL GLOBE.

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As I do not wish to detain the Senate at this hour by arguing this question—it is well understood—I simply ask for the yeas and nays upon the proposition.

The yeas and nays were ordered.

Mr. YULEE. I was going to ask the Senator to withdraw that amendment. It is not proper to this bill. When the Post Office appropriation bill comes up, which contains an appropriation for these routes, it will be in the power of the Senator to submit that amendment.

Mr. HARLAN. I wish to move an amendment.

The PRESIDING OFFICER. The Chair will inform the Senator that there is an amendment pending to amend an amendment.

Mr. WILSON. Well, Mr. President, it will not occupy much time to take the vote on this proposition.

Mr. COLLAMER. I merely wish to suggest to the gentleman that the last clause in his amendment was put in there for a reason, but, I apprehend, if adopted, it will not be of any use. It allows the contractor to carry the mail according to law. The President made it according to law. I suggest to the Senator to strike out the last clause.

Several SENATORS. Make that motion.

Mr. COLLAMER. I cannot make the motion.

Mr. WILSON. I will modify my proposition. With the leave of the Senate, however, and according to the advice of one or two friends around me, especially the Senator from Virginia, who, I suppose, is anxious to take the vote, I will withdraw the amendment, and give notice that I shall move it on the Post Office appropriation bill.

The PRESIDING OFFICER. If there be no objection, the amendment may be withdrawn. The Chair hears no objection.

Mr. PEARCE. I offer the following amendment as a separate section:

And be it further enacted, That no new routes herein authorized shall be put into operation, unless the Postmaster General shall be of opinion that the expense of the same can be defrayed out of the accruing revenues of the Post Office.

Mr. President, I understand that the Department considers it imperative on them to put in operation all the routes which are authorized by the post route bill. The Postmaster General, I am told, does not consider it within his discretion to put or not to put these routes in operation, as he may think best. When the Post Office Department is costing some nine millions more than its receipts amount to, it seems to me to be very injudicious to be adding new routes which must only increase the rate of deficiencies upon the accruing revenue. If the revenue is sufficient to pay the expense, it is very proper that they should go into operation. If not, I do not want to increase the deficiency, already so enormous. The expense of that Department now is three fourths of the entire expenditure of the Government twenty-five or thirty years ago. It seems to me we should avoid this expenditure by the amendment which I propose.

Mr. HUNTER. I concur entirely with the Senator from Maryland, that we ought to put such a limit upon the establishment of new routes as that they shall pay the expense they incur.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland.

Mr. HARLAN. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. HARLAN. If the Senator from Maryland will so amend his amendment as to include all mail routes, I would have less objection to it than as it now stands. This will merely affect the new States and Territories. Most of the routes that are provided for in this bill are those that traverse the new States, where the country is settling up rapidly; and where, although, in all probability, the revenue would not pay the expense that might be incurred in transporting the mails across those routes in the first year or two, in the end they probably would defray expenses. Those are the places in which the public interests require that the mail should be carried. If some such system as the one which I have now suggested, should be adopted, and no contract should be given for transporting the mails on any route where the revenues do not defray expenses, there would be a degree of fairness about it.

Whilst on the floor, I desire to state that I think the references that have been made to the new States are not quite fair. I do not believe that the enormous increase of the expense of the Post Office Department is due to the new States and Territories. Since this discussion has been progressing, I have run over the report of the Postmaster General for the year 1857-58, and I find that the entire expense for transporting the mail in Wisconsin, Iowa, California, Arkansas, Texas, Missouri, New Mexico, Utah, Nebraska, Kansas, and Oregon, being now eight States and four Territories, amounted, in 1857, to but $1,299,000. For the year ending the 30th of June, 1858, the entire expense of transporting the mails in these eight States and four Territories, being twelve in all, amounts to but $1,664,285 70. The aggregate cost of transporting the mail for the whole United States is $7,344,619 44. Now, sir, it seems to me it will appear to every one that $1,664,000 for transporting the mails in eight States and four Territories, if they be on the frontier, is not an extravagant proportion of the $7,344,000, the aggregate amount paid in the United States. It is true, that the entire expense of the Post Office system in these States is greater than the revenues derived; but I would remind Senators from the New England States and the old States generally, that these States and Territories are settled with their own people; settled by their sons and daughters, their younger brothers and sisters; and that if they should pay a small proportion of the cost of transporting the mail over and above the average amount, it would be due to the number of people in the States, paying it for their own people; paying it for their own children; paying it for their own younger brothers and sisters, who have been sent to the West to build up for themselves new fortunes, and to strengthen the interests of this great country.

It is not just, it seems to me, to impose upon the new settlements of this country the entire burden of transporting their own mails, even if the income on those routes should not defray the expense; but there is extreme injustice in requiring the people in those new settlements to defray the entire expenses of transporting their own mails, as is proposed by the amendment, whilst you draw millions from the Treasury to transport mails in the old States. The effect of this amendment will be to compel us to carry our own mails by the use of our own money paid into the Treasury from the Post Office Department; whereas we shall be compelled to contribute our proportion in any deficiency for carrying the mails in Pennsylvania and the old States of this Confederacy. It seems to me the proposition could not well be more unjust in its effect.

Mr. PEARCE. In point of fact, I think the Senator is mistaken. In glancing hastily over the bill, I see that the largest appropriations, the largest amount of new routes, are to be found in Virginia, Pennsylvania, North Carolina, Missouri, and one other State—Georgia.

Mr. HAMLIN. And Kansas.

Mr. PEARCE. And Kansas, perhaps, more than any other. But with that exception, more than one half of the bill is for new routes in the States I have mentioned. The new States, therefore, are not so much injured by my amendment as the Senator supposes. This is a temporary provision, and applies only to the routes in this bill. If we shall see hereafter the operations of the Post Office, as restricted by the bill now pending in Congress, shall be more favorable, and be able to approach something like self-sustaining, then we may enlarge these new routes without a restriction at the next session of Congress.

Mr. BENJAMIN. I only desire to say one word. If I understood the amendment proposed by the Senator from Maryland, it was not simply to leave it discretionary with the Postmaster General whether he should establish mail service upon the routes designated in this bill, but it was to inhibit him from so doing, unless, in his judgment, the amount of revenue from the particular route would pay the expenses. I cannot vote for that amendment. If I have mistaken it——

Mr. PEARCE. The Senator is mistaken in this particular. I do not require that these new routes shall be self-sustaining; but that the entire operations of the Department shall be. If there shall be no deficiency, these routes may be put in operation.

Mr. BENJAMIN. Will the Secretary report the amendment again?

The Secretary read it.

Mr. BENJAMIN. They are to come out of the accruing revenues of the whole Department.

Mr. PEARCE. Yes, sir; that was my meaning.

Mr. SHIELDS. This is rather a severe measure on the new States.

Mr. PEARCE. I do not think it hurts your State.

Mr. SHIELDS. That is striking at the weak. I do not think my friend from Maryland intends to do that. I do not want to make a speech. I do not think it necessary to waste the time of the Senate upon this subject.

The Secretary proceeded to call the roll.

Mr. DURKEE. I have paired off on this subject with the Senator from Minnesota, [Mr. RICE.]

Mr. FESSENDEN. I have paired off with the Senator from Mississippi, [Mr. DAVIS.] I do not know how he would vote upon the amendment, nor do I know how I would vote myself.

The result was then announced—yeas 3, nays 35; as follows:

YEAS—Messrs. Clark, Hunter, and Pearce—3.

NAYS—Messrs. Benjamin, Bigler, Broderick, Brown, Chandler, Clingman, Collamer, Dixon, Doolittle, Fitch, Fitzpatrick, Foot, Foster, Green, Gwin, Hamlin, Harlan, Houston, Iverson, Johnson of Arkansas, Johnson of Tennessee, King, Lane, Polk, Reid, Sebastian, Shields, Simmons, Slidell, Smith, Stuart, Trumbull, Ward, Wilson, and Yulee—35.

So the amendment was rejected.

Mr. PEARCE. I will offer another amendment, in which I modify my proposition. I propose that whenever the Postmaster General shall be of opinion that the receipts on the routes respectively will amount to two thirds of the expense incurred, he may establish them; otherwise he shall not put them in operation. I shall say no more about this subject.

And be it further enacted, That the new routes authorized herein shall not be put in operation unless the Postmaster General shall be of opinion that the receipts on the same, respectively, will amount to two thirds of the expense incurred thereby.

Mr. BENJAMIN. I understand from the Senator from Maryland that the Postmaster General considers that the establishment of a route in this post route bill makes it imperative on him to establish the route.

Mr. PEARCE. I understand so.

Mr. BENJAMIN. I would inquire of the chairman of the Committee on the Post Office and Post Roads whether that is so?

Mr. YULEE. No. The practice of the Department is to advertise all the routes. If bids are reasonable, he puts them into operation with a frequency of service proportionate to the importance of the route, daily, monthly, or weekly, once a week or twice a week. That is the custom of the Department.

Mr. BENJAMIN. I would be perfectly willing to vote for an amendment by which any such forced construction as that should be obviated. I would be willing to put a section in the bill, that nothing contained in the bill shall be so construed as to make it imperative on the Postmaster General to establish service on any of the aforesaid routes, when in his judgment the public interest does not require it; but certainly I could not agree to any such limitation as this.

Mr. YULEE. That discretion now exists.

Mr. JOHNSON, of Arkansas. I must say that the explanation of the Senator from Florida does not come at all up to the point in this matter. The truth is, the Postmaster General exercises entirely, and under all circumstances, full discretion about it. I have had many routes created here for my own State, and I know that he does not take them and put them in operation at all, because they are created here. What is more than that, which the Senator has failed to explain, is, that whenever he chooses to abolish a route which is in operation, he does abolish it.

Mr. YULEE. Certainly.

Mr. JOHNSON, of Arkansas. How can it be, then, that a half-way explanation is given about the matter, which is purely discretionary, leaving it to be implied that it is not purely discretionary with the head of the Department to do as he pleases? I object to these half-way explanations that leave us to come to one conclusion, when palpably, in point of fact, there is a different one in practice.

Mr. YULEE. I think the explanation was not altogether half way, but sufficiently full. I stated that discretion existed with the Postmaster General; that the practice of the Department was to advertise all the routes, and to put them in operation if there were reasonable bids, with a frequency of service according to the importance of the route. Now, I may add this—and that is practically what the Senator alludes to, and with that addition the explanation is precisely according to the practice of the Department—that where the routes created by law are unnecessary, in consequence of existing routes, and in conflict with existing routes, he does not put them in operation.

Mr. PEARCE. With that explanation of the gentleman, who is better informed on the subject, I withdraw my amendment.

Mr. GWIN. I am instructed by the Committee on the Post Office and Post Roads to move to strike out all of the eleventh section, after the word "papers," in the thirty-third line, in the following words:

"And no other or further allowances whatever shall be made to any postmaster, except from the rents of boxes or pigeon holes as now authorized by law; and the commissions and allowances authorized by this act shall be subject to the provisions of the forty-first section of the act entitled 'An act to reduce into one the several acts establishing and regulating the Post Office Department,' approved March 3, 1825."

Mr. President, I will state what will be the effect of this provision, if not stricken out. It will close four fifths of the offices in all the new States, which are separating offices that do not pay any compensation; and the laws, from the 3d of March, 1825, down to the present time, have provided for giving these allowances. The Postmaster General, I believe, would like to have this provision of the bill adopted; but the Committee on the Post Office and Post Roads have authorized me to move this amendment.

Mr. BRODERICK. It is with reluctance that I am compelled to differ with my colleague. I am in favor of retaining this clause in the bill. I think that the perquisites should be taken from the postmasters, for I find that more is paid to the postmasters in California than is paid to the postmasters of twenty-three States of this Union, and, with one exception, in all the southern States. One hundred and fourteen thousand dollars are now taken from the receipts of the Post Office Department for the payment of postmasters in California. I hope the Senate will not strike out this portion of the eleventh section. If it is ascertained, when we meet again next December, that two thirds of the post offices in California will be closed by this provision of the bill, I will vote cordially with my colleague to insert some provision in a new bill that may be brought in, providing for the payment of postmasters.

Mr. GWIN. The provision that he wishes is to close up the post offices in California, to see whether or not the people cannot get along without them.

Mr. BRODERICK. No, sir; I would keep them wide open; but I am of opinion that the compensation allowed to all other postmasters will be sufficient to pay the postmasters of California. It is a mere difference of opinion.

Mr. GWIN. Is not the compensation allowed to other postmasters the same as paid to those in California?

Mr. BRODERICK. I believe this section is general. It proposes to strike out all of them; but I do not want to make an exception of California.

Mr. GWIN. It is not an exception. My amendment is intended for the whole Union, for all the offices throughout the United States.

Mr. BRODERICK. Then I wish it understood I am for taking it away from all the postmasters of the United States.

Mr. GWIN. The Senator, then, wants to shut up all the small post offices in the new States, where the compensation is not enough to get any capable person to keep the office; where the fees of the distributing office will not pay for the distribution of documents that are intended for adjoining offices. Now, sir, in order to strike down small offices in his own State, he wants to strike them out in all other places in the Union. This is intended as a general clause. It suits the Postmaster General very well to have this clause inserted in the bill; but the Post Office Committee, having representatives upon it from the new States, knowing the importance of this provision to these new States, and that the small offices could not be kept open unless this act of March 3, 1825, and the subsequent legislation on the subject, were retained, instructed me to move to strike it out. I hope the Senators from other new States, except my colleague, will strike out this provision, which will close a number of the offices in all the new States—Oregon and Minnesota, and all the States recently established.

Mr. BRODERICK. I see, sir, that this amendment has been reported from the Committee on the Post Office and Post Roads. My colleague is a very active and efficient member of the committee, and I wish that he had used as much influence——

Mr. GWIN. I am instructed by the Committee on the Post Office and Post Roads to strike it out. It was put in without a majority of the committee being aware of it, at the request of the Postmaster General.

Mr. BRODERICK. Well, sir, I am free to say that if every member of the Post Office Committee favored it, I would oppose it. I do not want to make an exception of California.

Mr. GWIN. It is no exception for California; it is general.

Mr. BRODERICK. Well, sir, I will take it in every way. I do not care which way you present it, I am opposed to it.

Mr. GWIN. Of course you are.

Mr. BRODERICK. I am.

The PRESIDING OFFICER. Senators will address the Chair, and not each other.

Mr. BRODERICK. Well, sir, I will address the Chair. I hope the Senate will retain this wholesome provision; for I do not believe that one of the post offices in my State will be closed, or that one of the postmasters will resign; therefore, I shall cast my vote for the retention of this section.

Mr. HAMLIN. I should like to have a little better information than I possess in relation to the amendment now submitted by the Senator from California. I should like to know specifically what are the other allowances, and what they have been, which they would receive if this clause be stricken out of the bill, but which they will not receive if it is retained? The Senator himself who makes the motion tells us that the clause is inserted at the suggestion of the Postmaster General. Now, I apprehend the Post Office Department understands very well what is requisite and proper, and what is adequate compensation for the services performed. I take it the effect of this motion is just this; it has this extent, and no more: it says favorites may get a little more under this bill. That is all there is of it. You will not find a post office on the Atlantic or the Pacific coast, or anywhere else, that will not be taken just as good care of, just as well provided for, the duties of the office just as well discharged, if this clause is retained in the bill, as you will if it is stricken out. The result will be an economizing of the Treasury. If you keep the clause in, you will have a little more funds with which to carry on the Department. If you strike it out, you take that and give it to political favorites. That is all there is of it.

Mr. JOHNSON, of Arkansas. I am not so familiar with the laws in regard to this particular provision as to be able to decide upon it; but I call the attention of the Senator who has just spoken, and the attention of the Senator from California who is opposed to this amendment, [Mr. BRODERICK,] to one point. I am very certain that neither of them wishes to do any injustice; and I am strongly of the impression that they are acting under a mistake or misapprehension of the measure. It is proposed to strike out a provision which seems never did meet the concurrence of the Committee on the Post Office and Post Roads, if I understand aright.

Mr. YULEE. If the Senator will permit me, that is a matter which perhaps may be properly explained here.

Mr. JOHNSON, of Arkansas. Certainly.

Mr. YULEE. That would be a legitimate inference from the manner in which the statement was made by my friend from California, and which went further than he intended, I presume. The bill had been reported as it is without being considered by the committee before this matter was brought to the attention of the committee, I believe by the Senator from California [Mr. GWIN] himself. I presume he intended to say that the effect of the clause had escaped the attention of the committee at the time they acted upon the bill which was reported.

Mr. GWIN. If the Senator will permit me, was not this clause proposed by the Postmaster General, after the bill had passed through the committee, and the chairman of the committee was authorized to go to the Post Office Department for the purpose of having some such alterations made as were necessary?

Mr. YULEE. No, sir; it was part of the original draft of the bill.

Mr. GWIN. Certainly I never saw it until after the bill was reported. The committee authorized me to move to strike it out.

Mr. JOHNSON, of Arkansas. There is a misapprehension, then, among members of the committee, as to whether they proposed it at all, or not. I am well satisfied that it will destroy all the minor offices, where the receipts are small, in those sections of the country where there is no great commerce, nor any great number of settlers immediately tributary to the office. I am very certain the Senator from California [Mr. BRODERICK] himself does not want to effect that; and I do not believe the Senator from Maine would desire to effect it. I call the attention of those Senators to the fact that the compensation of postmasters is made up mainly by a percentage on the receipts at the offices, until it reaches a certain amount. For instance: in the city of New York, the postmaster would take in an immense amount; and he would be allowed a percentage, I believe, on what he receives, until his percentage or pay would amount to a certain sum. Am I correct?

Mr. GWIN. Yes, sir.

Mr. JOHNSON, of Arkansas. Then, when you come to a little office where the amount received is not great, but, on the contrary, very small, and it is absolutely necessary to the people around that the service should be rendered, they are allowed the same percentage. It is a percentage that will not pay for the trouble, daily, or semi-weekly, or tri-weekly, of opening the mail and attending to the business of the office. The consequence will be, in many cases, the postmaster will say, "I cannot endure this trouble for a percentage upon so small a sum daily, semi-weekly, or tri-weekly, for the same percentage that is received by the person holding the office of postmaster, and discharging its duties in the city of New York; for a mere percentage upon one hundred, or upon fifty or twenty-five dollars, I cannot consent to undertake the duties of the office; and I therefore will not hold the office, if I am to be cut off from the fees altogether." A different percentage, as it may be called, is given to the postmaster who attends to the duties of one of those small offices, by a provision now inserted in this bill in the following words, which I will read:

"And no other or further allowances whatever shall be made to any postmaster, except from the rent of boxes or pigeon holes, as now authorized by law; and the commissions and allowances authorized by this act shall be subject to the provisions of the forty-first section of the act entitled 'An act to reduce into one the several acts establishing and regulating the Post Office Department,' approved March 3, 1825."

The object of this provision is to cut off additional percentages or additional allowances. It is not just to the people themselves. It is just enough to the postmaster, who, if he does not want to hold the office, can quit it; he is not compelled to hold it; but is it just to those who are tributary to the office to cut off the mail there altogether by the introduction of so pretty a reform or abridgment of expense as this may be? I do not think it is just, nor do I think there can be a respectable number in the Senate, even of members from the older States—for they have poor constituencies and thin communities to represent as well as any other—can be found to retain that provision in this bill. I hope it will be stricken out.

Mr. BRODERICK. I hope the provision will not be stricken out; and I will inform the Senator from Arkansas that in every small town in the United States this office of postmaster is very much sought after. Every man who keeps a small tavern, or grocery, or a trading store, is anxious to get the post office at his place. Many of them would perform the service for nothing if the Government would make them postmasters. I have no fear for my State. The Senators from all the other new States can speak for themselves; but I speak in part for California, and I am willing to undergo the risk.

Mr. JOHNSON, of Arkansas. Of course, the Senator understands the purpose of the amendment; but my reason for striking it out is, that, in my State, six, at least, out of every ten post offices are not to be found in any town at all, nor are there any stores or trading establishments in which they are established; but it is merely out in the country and upon the roadside where a mail is dropped as they go along on horseback; for much the greater part of the service there is merely horseback service. The people ought not to be deprived of that service without having the benefits of mail service allowed to them in some form.

Mr. BRODERICK. I do not understand that they are deprived. There is a provision in the bill to pay them. I am for taking away the perquisites. I do not believe in giving any perquisites to postmasters, and for that reason I am opposed to this amendment. As I said before, other Senators, representing new States, can speak for themselves.

Mr. DOOLITTLE. I would like to inquire of the chairman of the Committee on the Post Office and Post Roads what it is that will be effected by this last clause in the section? What will be the effect if that is retained?

Mr. YULEE. I will state it. The intention of the provision was to cut off all allowances, beyond those specifically authorized in the section of the act which relates to the compensation of postmasters. There were various enactments after the act of 1851, which were intended, by allowances discretionary on the part of the Department, of one kind or another, to keep up to a point near the old standard the compensation of postmasters. The object of the committee was limited to this, and it was this that was intended by the amendment. I think the motion, as proposed by my friend from California, would go beyond what he himself intended. The object of the committee, as represented by the Senator from California, was to save those two clauses in the act of June 22, 1854. In a long section relating to the compensation of allowances to postmasters, there is a provision of this nature:

"*Provided further*, That to any postmaster of a separating office, whose commissions, allowances, and emoluments, may be found insufficient to provide the extra labor necessary to a prompt and efficient performance of the duties of separating and dispatching the mails passing through his office, the Postmaster General may make such quarterly allowances, out of the postages collected at such office, as he may deem sufficient to compensate such extra labor."

Under that provision, I learned at the Department that they are very much pressed from all the States for the establishment of separating offices, under which the postmasters are enabled to obtain an increase of allowances. Then there was another act passed in 1854, which related to the postal service in the State of California, and in the Territories of Oregon and Washington, which contained, in the fourth section, a clause to this effect:

"That the Postmaster General may allow to the said State and Territories, from the 1st day of July, 1853, such sums, out of the postages collected at their respective offices, as will, in addition to the commissions, allowances, and emoluments, be sufficient to defray the actual and necessary expenses of their offices."

As I understand it, the purpose of the Senator from California [Mr. GWIN] is to preserve these two provisions, and that is all he desires. I think it would be better, instead of striking out the whole clause, to add a proviso that nothing contained in the bill shall be deemed to affect these two provisions.

Mr. GWIN. I think it had better be stricken out. Here is legislation for the last thirty years prepared for the purpose of meeting these very cases in the new States, which is superseded by this provision, and, therefore, I think it ought to be stricken out.

Mr. DOOLITTLE. I understand the last section read by the Senator from Florida to refer especially to California, Oregon, and Washington.

Mr. YULEE. Yes, sir.

Mr. DOOLITTLE. Is there any reason why a distinction should be made between those two States and the Territory of Washington and the other States and Territories of the Union; that, where there are offices in sparsely settled neighborhoods, there should be a distinction in their favor and against other sparsely settled portions of Territories and States? Should not they all be upon the same footing?

Mr. IVERSON. I think I understand the reason and object of the incorporation of this provision in this bill, which the Senator from California has moved to strike out. The administration of the Post Office Department have frequent applications to increase the compensation of these small deputy postmasters scattered throughout the country, on the ground that their compensation is not sufficient for their services. These persons come to members of Congress, and not only make applications to the Postmaster General, but they bring to bear upon the Postmaster General the influence of members of Congress from their districts and States; and in this way the Postmaster General is exceedingly annoyed by these applications for increased compensation. The object of this provision, as inserted at the instance of the Postmaster General, is to relieve him from these applications. It seems to me the thing is going rather too far; that in seeking to relieve the Postmaster General from applications thus made to him, and to relieve him from the responsibility of deciding upon them, he is tying up his hands, or this provision ties up his hands, so that he cannot exercise the discretion in cases where there is merit in the application. Now, sir, if the Postmaster General be a firm man, which he ought to be, or else he ought not to have the office at all, he will decide upon the application made according to the merits of the application; and if there be an additional compensation deserved by the postmaster, he will grant it under the law now in force; and if additional compensation is not deserved, he can reject the application. For one, I am not willing to relieve him from this responsibility. Let him take it. It is proper that he should exercise it, and I trust the motion to strike the provision out of the bill will prevail.

Mr. HUNTER. I dislike very much to say a word in regard to this matter; but, as I understand it, this section which is proposed to be repealed in this new bill gives the Postmaster General unlimited discretion as to the compensation of these postmasters. If that be so, certainly he ought not to have this discretion.

Mr. GWIN. It is no new thing.

Mr. HUNTER. What limit is there?

Mr. GWIN. There is a limitation in the law.

Mr. LANE. It is limited to a reasonable compensation.

Mr. HUNTER. He is to judge of it.

Mr. GWIN. It is to be within the revenues of the office. He cannot go beyond that, in allowing compensation for the small offices of the country.

Mr. LANE. I will say to the Senator from Virginia, without taking one minute's time, that the trouble we have in Oregon, under the laws as they now are, is to get men to serve at all; and every mail that arrives here brings more than one, ay, several resignations, and we have trouble with our postmasters at our various little post offices. We have much trouble to get men who will discharge the duty and deliver mail matter to our people. I therefore hope that this portion of the bill will be stricken out.

Mr. JOHNSON, of Arkansas. There are three classes of offices; one a distributing, another a separating office, and the third is the ordinary post office. There is a different rate of pay provided for each of these classes of offices. The Senator from Florida informs us that this provision is applicable only to the separating offices. If I correctly understand it, (and if I do not, he can correct me at once,) the compensation of the separating offices, which are ordinarily small offices where there is unusual labor and service, and to which the mail comes to to be distributed out amongst the people, amounts to the entire proceeds of the office. This is allowed at the discretion of the Postmaster General. Now, the Senator from Florida says that this section applies solely to the separating offices. If that is so, why not so specify it at once in the bill? What is more, if that is what he wants to strike out, is there any justice in striking it out at all, if it is not allowed when the receipts of the office are not sufficient to authorize it? Where there is a separating office created, it can be put into the first class, and called a distributing office. I believe that the whole portion of the section, to which the motion now relates, ought to be stricken out, in order to deal fairly, justly, and properly in this matter.

Mr. BRODERICK called for the yeas and nays; and they were ordered.

Mr. YULEE. I am preparing an amendment which will answer the purpose of the Senator from California, [Mr. GWIN.]

Mr. DOOLITTLE. As the yeas and nays have been called, I wish to state, in a single word, the reason why I shall have to vote against this proposition to strike out. As I understand the section of the statute read by the honorable Senator from Florida, there is a distinction between the Territory of Washington and the States of Oregon and California, and all the other States and Territories of the United States; and that, wherever there are post offices established in sparsely-settled neighborhoods, where the receipts are very small, it is in the discretion of the Postmaster General, in those States and that Territory, to give the whole proceeds of the office to sustain the postmaster. Now, is that right? If it is right in Oregon and California and Washington, why is it not right in New Mexico, right in Utah, and right in sparsely-settled portions of Wisconsin, Minnesota, Iowa, and Arkansas, and all the new States? Why leave that unlimited discretion to the Postmaster General in reference to post offices in those States, and not leave it to him in other cases? Although there is nothing which I am not willing reasonably to do to encourage the settlement of Oregon, Washington, and California, I do not think it right that such a discrimination should be allowed to stand on the statute-book.

Mr. KING. It is disputed by the gentlemen on the other side of the House what this proposition is. I would ask that the portion to be stricken out be read, that we may judge for ourselves what the amendment is.

The PRESIDING OFFICER. The Secretary will read the amendment.

Mr. KING. That is all I want.

The Secretary read it.

Mr. HAMLIN. I have some recollection of this clause in the act of 1854, which gives to postmasters an additional compensation at separating offices. I was a member myself of the Post Office Committee at the time it was adopted. I know the object which it was designed to effect, and I think I can say I know now the object was not effected. What is a separating office? Let the Senate understand that in the first place. There are distributing offices. I think there is but one distributing office in a State. It has a technical meaning. It has a meaning which is understood by everybody. It is the office to which letters are mailed from other and distant States, and there distributed to all the other offices in the State where that distributing office is. What is a separating office? There is no other definition of it than this: any office is a separating office where two mails meet. If two mails pass one office at right angles, and mail matter is left out of one mail and retained in that office,

and separated from it to be put into another mail that goes over a cross road, that is a separating office. It therefore results in this, that every post office in this country is a separating office where there are two mails coming to it, and matter is retained out of one mail to be put into another mail.

Now, there are cases where railroads in a State may converge to a point, and at a town of considerable importance, which is not a distributing office, and large quantities of mail matter come there to be separated, and to be sent to the various States, because at the distributing offices the records are made up just as they are made up at the original office from which they are sent. Now, in large places there was a propriety of giving to the Postmaster General some discretionary power about granting an additional compensation at these places; but the result has been, (and I state precisely what the Postmaster General told me afterwards,) that the power was so broad he did not dare to use it; and I do not know that the power had been used at all. I can only say, I do not think that you can point out a single solitary separating office in all the northern States where one farthing of additional compensation is allowed. If that is so, I say that is a discretionary power that never should be put into the hands of another Postmaster General. If you will limit it to a certain sum to offices that require a certain service, so that it shall not give to the Postmaster General that discretion which will enable him virtually to regulate and to increase the post offices over two thirds of the whole country, then I will vote for it; but I will not vote to give that power which enables him to regulate the compensation of more than one half the postmasters in the country, because, technically speaking, the offices that I have alluded to are separating offices. That is the objection to it.

Now, sir, as to the other clause, it is not to affect merely California. I do not know anything about that, and I do not propose to speak about it, but still the rule is a wrong one to depart from the legislative power in any case. Vest the discretionary power in any officer, and by importunity, or in some other way, if the officer is not allowed to abuse the power he is allowed to misuse it. The whole thing, as a principle, is wrong. I think that part of the section, which is proposed to be stricken out, ought not to be stricken out, and I shall vote to keep it in.

Mr. YULEE. I think for the purpose of bringing this bill to a conclusion, it will be better for the amendment as proposed by the Senator from California, although it goes a little beyond what was contemplated by the committee, and as required by the Senator himself, to be stricken out; and we can more discreetly make a provision that will answer all the just purposes of legislation, and insert it in one of the other bills when they come up. We have a bill before the committee now in which we can introduce any amendment necessary to limit the discretion of the Postmaster General. I think, therefore, we might as well strike it out, and have action upon the bill.

Mr. DOUGLAS. I would like to know what the amendment now is that we are voting upon?

The VICE PRESIDENT. The Secretary will read the amendment.

The Secretary read it.

Mr. DOUGLAS. Now, I ask what is the amendment of the Senator from California?

Mr. GWIN. It is to strike out that portion which repeals all the legislation in connection with the Post Office Department as to small offices, from 1825 to the present time. I want to strike it out, and let the legislation on that subject remain as it is.

Mr. DOUGLAS. That leaves to the discretion of the Postmaster General to make allowances at what are called separating offices.

Mr. GWIN. Yes, sir.

Mr. JOHNSON, of Arkansas. To the extent of the existing laws.

Mr. SHIELDS. I will state, if I understand it, that, if this clause be stricken out, it leaves the discretion in the Postmaster General to make additional compensation at what are called separating offices. If it is retained, it takes away the discretion.

Mr. DOUGLAS. If the clause is retained, does it take away the discretion of the Postmaster General?

Mr. SHIELDS. Yes, sir.

Mr. KING. I was sorry to hear the chairman of the Committee on the Post Office and Post Roads assent to this amendment. I think this amendment restrains one of the evils which have produced the embarrassments of the Department; and that is this discretion in the head of the Department. We have heard from gentlemen of the importunities to which the Department is subjected for increased compensation. There is no better rule to fix the compensation of persons in public service, than a law by which all shall know what they are to receive when they go into the office, and with that to be contented. There should be no discretion of this kind in the head of a Department for various reasons. It is a sufficient reason that it is liable to abuse, liable to favoritism, to the granting of a larger allowance to some than to others—considerations entirely independent and separate from the public service. Although it is not perhaps one of the largest branches of expenditure, yet it is one of them, and I think the recommendation from the Department—and I understand this comes from the Department—is a very sound and good one, and that it has stronger reasons than the mere desire not to take the responsibility of deciding upon the increased compensation. I hope it will be retained.

Mr. DOUGLAS. I think it is much safer to leave the payment of the postmasters to the law than to the discretion of the Department. It is liable to much abuse. There are constant applications, from these separating offices, for extra pay; and each one makes out as favorable a case as he can, and shows by his testimony great hardship. The consequence is, it throws into the hands of the Postmaster General the discretion of allowing extra pay or not, to a large number, perhaps an immense majority, of the post offices of the United States. I think it is unsafe to leave the pay and emoluments of so large a class of officers to the discretion of the Postmaster General. He can abuse it if he pleases.

Mr. SHIELDS. If the honorable Senator will permit me, I will state, to the credit of the present Postmaster General, that he wishes to be relieved of this discretion.

Mr. DOUGLAS. I am delighted to hear that the present incumbent of the Post Office Department desires to be relieved from this discretion. I think he ought to be relieved. I have innumerable applications from my State for this extra pay, and the applications keep coming constantly. When you grant it in one case, another desires it, another, and another. Almost every office is a separating office to a certain extent. Some separate more mail matter than others; and I think the Post Office Committee had better devise a law applicable to the case and settle it by law, rather than leave it to the unrestrained, unlimited discretion of the Postmaster General. A Postmaster General who desires to do it can show favoritism, by giving high pay or low pay to a postmaster, according to his discretion. It is liable to abuse, and is the source of such annoyance that we can never have peace in the country among the different postmasters, as long as this discretion exists. Whatever the pay is, let it be regulated by law. If it is not enough, raise it by law; but let the law, not the will of the Postmaster General, fix the pay of the office. Public officers are dependent enough now upon the appointing power, by the exercise of the power of removal, instead of adding to it that of fixing their salaries. I think it is a very dangerous practice. It is annoying to the Postmaster General; it is annoying to those who represent the State, to whom applications are sent; it is annoying to every one; it is unequal; it is unjust. We ought to have the means of knowing what the income of the office is; and I think it should be fixed, certain, by law, or some rule that we can understand, and that will apply alike all over the country.

Mr. BRODERICK obtained the floor.

Mr. YULEE. I had suggested——

The VICE PRESIDENT. Will the Senator from California yield to the Senator from Florida?

Mr. BRODERICK. I will get through in a minute.

Mr. IVERSON. I rise to a point of order. This discussion has gone far enough. The rule declares that no Senator shall speak more than twice on the same subject, without leave of the Senate.

Mr. BRODERICK. Well, sir, if I was in the habit of speaking as often as the Senator from Georgia, I should think it very well for him to catechise me for addressing the Senate.

Mr. IVERSON. I will venture to assert that the records will show that the Senator from California speaks twice to my once.

Mr. BRODERICK. I doubt the fact. I deny it

The VICE PRESIDENT. The Chair will beg Senators to pause. Does the Senator from Georgia insist upon the point of order?

Mr. IVERSON. No, sir; I withdraw it.

Mr. BRODERICK. I wish to state that the compensation of postmasters and incidental expenses amount to $3,288,789, and the net revenue accruing to $3,781,578. Under these circumstances, I would ask Senators who are prating every day about economy, whether they are going to encourage this abuse? I consider it an abuse that ought to be corrected, and for that reason I stated very briefly to-night, that I was willing to take my part of the risk for California. I believe that no post office in my State will be closed, and I am very sure that if the offices were put up for sale, they would bring a premium in my State, or in any State in the Union. That is my opinion of my own State. I may be incorrect in regard to other States. I hope that this exhibit will satisfy any Senator that this abuse ought to be corrected, and I am very sorry that the chairman of the Post Office Committee has seen fit to yield to the importunities that have been made to him this evening.

Mr. YULEE. I have not yielded to any importunities; I have deferred to what seemed to me a discreet course. As has been stated by the Senator from California, [Mr. GWIN,] the committee had directed an amendment to be prepared which would save the fourth section of the act of 1854, in relation to post offices upon the Pacific, and the clause in the act of the same year, which related to the separating offices. It had escaped my recollection at the time, because I depended upon the Senator from California to prepare and move the amendment, having myself been opposed to it in the committee. I recommended the Senate to strike out the clause as it stands now, for the purpose of closing the discussion, and passing the bill; and that we would prepare, as an amendment to a bill which is now before the committee, what is necessary to a just and proper legislation upon this matter. We may be able, perhaps, to define what shall be considered separating offices, and thus limit the discretion of the Postmaster General. It will be advisable to continue some of these as separating offices. It is probable, also, there may be reasons why, upon the Pacific coast, it may be advisable to continue for a while longer the legislation of 1854, which was then deemed advisable, and which I believe has operated very well. Upon an act which is now in the hands of the committee from the House of Representatives, we can make such legislation as will be discreet in reference to this subject. The committee will report that measure soon. I therefore recommend, for the purpose of closing the matter, that we adopt the motion of the Senator from California, to strike out that clause. I will vote for it myself.

Mr. KING. I desire to ask one question of the Senator from Florida. Is not this section, as it stands in the bill, good as far as it goes?

Mr. YULEE. I have thought so; but it goes further than the committee thought it should.

Mr. KING. No further than I think it ought to go.

Mr. YULEE. It is principally upon the subject of separating offices. It does go further than perhaps would be discreet and advisable. It may be advisable to designate by law what shall be considered separating offices, and thus limit the discretion of the Post Office Department, without damaging or endangering the public service. I think it advisable to strike out the clause as proposed by the Senator from California, and then the committee can prepare an amendment.

Mr. DOUGLAS. Why not leave this clause in, and then prepare it?

Mr. YULEE. No, sir, we can prepare it for another bill.

Mr. BRODERICK. That is not what I want. I will vote for a bill correcting abuses, if you will only leave this section in.

Mr. SHIELDS. The honorable Senator from

Florida may be right. It may go a little further than was intended; but if I understand it aright, this clause is in conformity with the recommendation of the Department. Now, if there be any little mistake that shall be found in this hereafter, it will be just as easy to amend this as it will be to insert something new, if you retain it.

Mr. GWIN. Why, Mr. President, we cannot pass two laws running through Congress at the same time, and strike out sections for the express purpose of meeting a bill coming from the lower House, already stricken out by the amendment of the chairman of the Committee on the Post Office and Post Roads. It is proposed to devise a plan to bring this subject before the Senate. This clause is a sweeping repeal of all the laws connected with the Post Office from the year 1825 down to the present time.

Mr. YULEE. I will say in addition, I prefer that it should be stricken out for another reason. I learn from my friend from California that he had calculated upon my preparing the amendment.

Mr. GWIN. Certainly I did.

Mr. YULEE. I had supposed he would do it, and that the intention of the Committee has not been carried out. I prefer, therefore, to have it stricken out, and I will prepare a clause for a bill now before the committee, which will answer the purpose.

Mr. BRODERICK. I hope that we will allow this section to remain in the bill as it is.

The question being taken by yeas and nays, resulted—yeas 13, nays 22; as follows:

YEAS—Messrs. Bigler, Brown, Fitch, Green, Gwin, Iverson, Johnson of Arkansas, Lane, Reid, Sebastian, Smith, Ward, and Yulee—13.

NAYS—Messrs. Benjamin, Broderick, Chandler, Clark, Clay, Collamer, Doolittle, Douglas, Foot, Foster, Hale, Hamlin, Harlan, Houston, Hunter, Johnson of Tennessee, King, Mason, Shields, Simmons, Trumbull, and Wilson—22.

So the amendment was rejected.

Mr. HUNTER. I hope we shall now put the bill on its passage.

Mr. YULEE. I have an amendment to the same section to carry out the purpose of the committee. I will move it as an amendment to the section that we have just been acting upon:

That nothing contained in this section shall be construed to repeal the fourth section of the act, approved July 27, 1854, entitled "An act making provision for the postal service in the State of California and the Territories of Oregon and Washington."

I will state, in treating upon the subject-matter of that section in reference to the service on the Pacific, that it was the purpose of the committee to retain the service on the Pacific, as it exists now, until further advices upon the subject. I hope, therefore, that the proviso which I have offered will be adopted.

Mr. BRODERICK. I hope this amendment will not prevail. It will nullify the action of the Senate just taken. It is in California that I am opposed to this abuse. Other Senators must speak for their own States. I showed that it cost $114,000 to pay the incidental expenses of postmasters in California. I showed that every southern State but one, did not exceed more than one half the amount; but here I find the chairman of the Committee on the Post Office and Post Roads introducing an amendment to nullify the section just passed upon by the Senate. I am astonished at the chairman of the Post Office Committee, for in the early part of this evening he was eager, if I understood him aright, for the passage of this section as it came from the committee. My colleague was absent, and I had to suffer the odium of voting to raise the postage to five cents. My colleague's name is not upon the list. If he had been present I would have remained silent in my seat, and allowed him to have defended the State of California. I would have been saved the rebuke that I received from the Senator from Massachusetts, [Mr. WILSON;] it would have fallen upon my colleague, and not upon me. At that time I understood the chairman of the committee to be in favor of this section as it appears in the bill; but I am very sorry that he has been influenced to change his opinion in regard to it.

Mr. YULEE. I do not understand what the Senator means by being influenced.

Mr. BRODERICK. You have changed your opinion, whether you have been influenced or not.

Mr. YULEE. The Senator will excuse me for saying that I have not changed my opinion. I have stated to the Senate upon what motive I object, and my reasons for it. I have stated that I was opposed to the change, but I have stated also, that it was in the contemplation of the Department to make a change in respect to the Pacific service. Now the Senator is mistaken in saying I was eager for the passage of this section. I told him that I favored it; but just before his colleague came in, when the Senator came to me and inquired in respect to the income from postages in California and the large amount allowed to postmasters in California, I stated to him, my attention being then, for the first time, called to the fact that the amendment directed by the committee was not in the bill, and why it was that there was a special act there which authorized an extra allowance to postmasters in California. I at the same time stated to him distinctly, that his colleague had been authorized and instructed by the committee to move an amendment that would save that provision.

Mr. BRODERICK. You told me that my colleague had prepared an amendment. You did not state that he was instructed to offer it.

Mr. YULEE. The Senator misunderstands me. I stated it distinctly, and then, when my attention was called to it, I stated distinctly that his colleague had been authorized to move that amendment, and that he was authorized so to do because I, myself, was in favor of the bill as it stood.

Mr. GWIN. This legislation, in regard to the compensation for small offices in California, Washington, and Oregon, was prepared with great attention and care, five years ago. It was prepared by the then chairman of the Committee on the Post Office and Post Roads, the late Senator Rusk. It was done after an elaborate examination. The amendment that is now proposed to be repealed was placed upon the statute-book, and, from that time to this, it has worked well. It has enabled the Post Office Department to establish post offices in remote sections of the State of California, in the State of Oregon, and in the Territory of Washington. It has given a discretion which no man can say has ever been abused; a discretion that was necessary to extend postal facilities to the interior portions of that remote section of the Union. It was not a system that was forced and thrust summarily upon the Congress of the United States without due examination. It was introduced after a full consultation with the Post Office Department. I never had the most remote idea that this clause repealed this system established there after mutual deliberation, and which had been found to work well, until it had been called to my attention by the chairman of the Post Office Committee. Then it was that I and the Committee on the Post Office and Post Roads endeavored to prevent this injury to the small offices in the remote States and Territories, in order that the same discretion, which had never been abused, and it has never been pretended that it has been abused anywhere, shall be continued to the Postmaster General in regard to separating offices and other offices on the Pacific coast.

Now, Mr. President, as a Senator from California proposes to destroy this system, proposes to strike out the offices in his own State, while the Senators from Oregon, who are both here to speak for themselves, join me in saying that this is proper legislation, if the Senate choose to join one, against three, let them do it. I have nothing to say in regard to it.

Mr. JOHNSON, of Arkansas. Mr. President——

Mr. BRODERICK. I hope the Senator from Arkansas will permit me one moment. I want to correct an impression that might be made by the remarks of my colleague. I do not wish to have the Senate act with one Senator from California against three Senators from California and Oregon. I merely stated that I believed the compensation allowed by law would be sufficient, without perquisites, to the postmasters in California. I also recollect, and did recollect when I rose first, that the Postmaster General received a great deal of abuse for creating overland routes to California. I have no objection to them. I am willing to encourage them, although I think I never was consulted in regard to any of them; but, sir, I hope, if my colleague wishes to preserve the mail routes to California, that he will not take so much money out of the Treasury to pay postmasters. It had better be given to the Department for carrying the mails to California, than to postmasters. I think that the amount allowed by law will fully compensate those officers for the duty they have to perform. I do not wish to be understood that I desire the Senate to go with one Senator against three; nor do I care about my colleague making that strong appeal to the Senate, because he acts with the majority of this Senate. I do not. I suppose, at least, he so considers me. I wish to state, that if there is money to be expended, I believe it had better be expended upon mail routes to California, and not given to the postmasters.

Mr. GWIN. I wish to ask one question, will the Senator tell me how much is allowed to the postmasters of California under this law?

Mr. BRODERICK. I do not know.

Mr. GWIN. Therefore he moves to strike out a thing that he does not know anything about.

Mr. BRODERICK. I leave it to the Postmaster General, a gentleman in whom my colleague has great confidence: I have very little; but my colleague has a great deal. I take his recommendation, and I am willing to be governed by it.

Mr. GWIN. It is not his recommendation.

Mr. JOHNSON, of Arkansas. I am glad that this debate has arisen. These gentlemen may or may not agree. It is immaterial for me to have an opinion about that. I am very certain the Senator from Wisconsin, at the commencement of the discussion, when the proposition was first made to strike out a portion of this bill which destroys a great many of the small offices on this side of the Rocky Mountains, called attention to the fact that by the existing law, California, Oregon, and the Pacific coast were conceded and secured in very extraordinary privileges. I was not disposed to deprive them of those privileges, if the residue of the country was protected in its rights also. I was not certain either, after he suggested it, and after a few words of conversation with him, that the States on the Pacific coast were not protected to rather too great an extent, and I am not certain but that they received from the discretion left in the Department a protection that went beyond the limits of any reasonable discretion. Since I have heard the discussion here, I am satisfied that the discretion has run to the utmost limit, and I am satisfied that the law which was passed in 1854, which authorized a discretion that has led to expenditures so heavy, ought to be repealed. I am, therefore, not at all willing to vote for the amendment now offered by the chairman of the Committee on the Post Office and Post Roads. I trust that whilst we are cutting down all the offices this side of the Rocky Mountains, we will not continue to those upon the other side so heavy an amount as the facts given to us, as I believe them established, show them to be.

Mr. LANE. I should like to hear the amendment read.

The Secretary read it.

Mr. YULEE. I will state that the fourth section in the act to which the amendment refers, is a section of an act distinct and separate from the General Post Office laws, and relating to the Pacific service alone.

Mr. LANE. I only desire to say one word, and that is in defense of Oregon. I will state to the Senator from California, [Mr. BRODERICK,] at whose instance the provision of the bill having reference to the repeal of the laws in relation to the postal service has been adopted, that Oregon is exempt from any of the odium that attaches to that portion of the country; that she has not a single officer——

Mr. BRODERICK. Will the Senator permit me to interrupt him a moment?

Mr. LANE. No, sir; I will not yield. I shall be through in a moment. I only desire to say, in her defense, that the amount paid to postmasters in Oregon has been very small. The trouble with us has been to find men who would discharge the duty of postmaster, as I before stated. The whole amount paid during the last year to postmasters in Oregon was but $5,580. That is the whole amount received under this law that gives the privilege of which gentlemen now speak, and which we ask to have the benefit of. With the advantages of this law, that we ask shall be retained, the whole expense of postmasters in that

State only amounts to that small sum. I ask the Senator from California if he would like to deprive them of the benefit of a law that will enable the people to secure the service of somebody who will distribute and hand out the mails to the people to whom they are directed?

Mr. DOUGLAS. Will the Senator inform us how much of that sum comes from this law which it is proposed to repeal?

Mr. LANE. Then, I will say to the Senator from California that there is of net postages, paid into the Department, $6,516, from the offices in Oregon.

Mr. DOUGLAS. How much comes in of the $5,000 received from the law which it is proposed to repeal?

Mr. LANE. I will state to the Senator that I have not the figures, or anything to show the amount of benefit derived by the postmasters there, under this law. I imagine, however, that, but for the benefit of this law, we would not be able to get anybody to discharge the duties of postmaster in our little villages and country post offices. It has not been abused in Oregon. It amounts to but a small sum, and we simply ask what is necessary to secure the service of postmasters for our post offices. I ask the Senate if they will repeal the law and deprive us of the benefit of postmasters to deliver to the people their mail matter?

Mr. BRODERICK. I said nothing about the Senator's State. I spoke of my own State, and repeated half a dozen times here, this evening, that I spoke of California. I said that I believed it was a great abuse in my State. I know nothing of the Senator's State. It is a very small thing there, as the amount will show.

Mr. LANE. Did you say they were a small expense to the Government?

Mr. BRODERICK. Put it in any light you please. I merely speak for my own State, not for Oregon. I did not intend to reflect upon Oregon. I suppose her Senators can take good care of her.

Mr. LANE. I hope that, inasmuch as the Senator from California wishes to strike his own State down by his motion, he will not strike down the offices in the Territory of Washington and in Oregon, and therefore I hope he will strike out Oregon and Washington.

Mr. BRODERICK. Oh, no, sir; I want all the thirty-three States of this Union to stand on the same platform. I do not want to legislate in favor of any one particular State. I want them to all stand alike. If I have made a mistake here this evening, I will try to correct it when I come here next winter, if I should live so long, and not resign in the mean time.

The amendment was rejected.

Mr. HALE. As the last two votes would leave this matter in doubt as to whether that section was repealed or not, I move to insert this amendment, to come in at the end of the eleventh section:

That the fourth section of the act approved July 27, 1854, entitled "An act making provision for the postal service in the State of California, and in the Territories of Oregon and Washington," be, and the same is hereby, repealed.

Mr. GWIN. It is repealed by this bill as it now stands.

Mr. DOUGLAS. Then the amendment can do no harm.

Mr. WILSON. It is very safe, then, not to leave it to inference.

The amendment was agreed to.

Mr. WILSON. I wish to submit another amendment. It is to the original bill.

Mr. IVERSON. It is proper to act upon the amendment now under consideration before we go back to the original bill.

The VICE PRESIDENT. The present occupant was not in the chair when the other amendments were acted upon; but he understands that this whole bill is an amendment to the original post route bill; and an amendment to this amendment is now in order.

Mr. TRUMBULL. I move to strike out the proviso to the first section. My object in making that motion is to abolish entirely the franking privilege. The bill provides that it shall be done generally, but still leaves it to a very few persons. It will only complicate accounts in the Post Office Department. I think when we undertake to abolish it, we should abolish it entirely. I move, therefore, to strike out the proviso to the first section of the bill:

"*Provided, nevertheless*, That nothing in this act contained shall be construed to repeal any special law heretofore enacted granting the franking privilege to any ex-President, or to any person or persons to whom the privilege has been granted by name."

Mr. MASON. I hope that amendment will not prevail. I think I have gone with other gentlemen, as far as we ought to go, in abolishing the franking privilege. Those who have held the high position of President ought not to be burdened with any of the consequences of it. It has pertained to them almost from the foundation of the Government. I hope we shall have some regard to the example of those who have gone before us, and to what they have done.

Mr. TRUMBULL. I have but a word to say. The bill abolishes the franking privilege to the President. Why not to the ex-Presidents? It seems to me, to retain it even for those few persons, will make it necessary to keep up a free list. It is a very simple matter; and my only object was to have uniformity. I think we had better abolish it entirely. If the existing President cannot frank, why should they?

Mr. MASON. It is a very small matter, and had better not be disturbed.

The amendment was rejected.

Mr. KING. I desire to offer an amendment, to be inserted as an additional section:

And be it further enacted, That the postage for all distances between two post offices within the United States, shall hereafter be a uniform rate of three cents.

This amendment directs that letter postage shall hereafter be a uniform rate of three cents for each letter for any distance between two offices in the United States, and abolishes the distinction between the Pacific coast and ourselves. My opinion is, that the difficulty in our Government, although it has resulted in a great degree principally from the bad management of the party in the ascendency in the Government, is also attributable to a considerable extent to the derangement and revulsion of business and of the times generally. The revenues of the Post Office Department, and all other Departments of the Government, have suffered in common with the general business of the country.

Mr. CLAY. I rise to a question of order. The amendment is out of order, and if so, certainly the speech is out of order. It is inconsistent with a provision of the bill which it does not propose to strike out. It is that the postage within certain limits shall be five cents on each letter of a certain amount of weight, and beyond that limitation it shall be ten. I leave it to the Chair whether the amendment is not out of order, because it is inconsistent with that provision of the bill.

The VICE PRESIDENT. The Chair will state to the Senator that he has just come into the chair, and the bill now before the Chair is an amendment to the post route bill. This amendment contains a provision for paying postages of five and ten cents, and the Senator from New York proposes, as an amendment, to amend the proposition now before the Senate. The amendment is in order, because the Senate has not yet agreed to the original amendment.

Mr. YULEE. But the Senate, upon a distinct vote, refused to strike out that provision.

The VICE PRESIDENT. The Chair is informed that the motion was to strike out and insert another provision.

Mr. KING. I have no disposition to speak. I move to strike out this portion of the bill which regulates the rates of postage, and insert the section which has just been read.

The VICE PRESIDENT. The Senator from New York moves, as an amendment to the amendment, to strike out, in lines seven, eight, nine, and ten, of section nine, the following words:

"For any distance between places in the United States not exceeding three thousand miles, five cents, and for any distance over three thousand miles, ten cents."

And insert in lieu thereof:

For all distances between two post offices within the United States, shall hereafter be a uniform rate of three cents.

Mr. KING. As I stated, I believe the reasons of the present embarrassment of the Post Office have resulted in causes not alluded to, but which are general with reference to the business of the whole country, and to the great extravagance in the attempts to furnish these facilities to the people of the country, by giving them daily and tri-weekly mails where mails of less frequent supply should be granted. I think the Post Office Department ought to be made to sustain itself; and I think it could do that and supply the country with fair facilities, if we did not attempt to give everybody a daily mail, and, upon many of these mail routes, two or three daily mails at heavy and enormous charges, which, in my judgment, are unnecessary. If you give them between two cities or two places, they want them between others. I would cut the garment according to the cloth I had; and if the means and revenues of the Department did not enable me to furnish all the facilities which were asked for, I would supply them with less, but would give all that the revenue would produce. In my judgment, a much larger number of the people of the United States would be accommodated by this uniform rate of three cents postage; and not only would they be much larger accommodated, but, in my opinion, the revenue of the Department would be much larger.

I was in the other House of Congress when this reduction of postage took place, and advocated it with the perfect confidence that it would increase instead of diminish the amount of postage received. The apprehension on the other side was that the revenue would so fall off that the Department could not sustain itself; and it was the apprehension growing out of that view of the subject that led to these discretionary lines that enabled the Postmaster General to make these allowances, which have run up the expenses of the Department from four or five millions to eight, or ten, or eleven millions a year, whatever the amount is. Whatever may be the judgment of the Senate upon the propriety of adopting that rate of postage now, I offer the amendment rather as an evidence of my opinion upon this subject, and let the Senate dispose of it, for I have no disposition, at this late hour, to occupy any time. I have alluded only to these causes that I may not have been supposed to have offered the proposition from any capricious purpose; but my deliberate judgment is, that that is the best rate of postage we could have.

Mr. LANE. Is it in order to offer an amendment to that amendment?

The VICE PRESIDENT. It is not in order.

Mr. LANE. Then I will suggest to the Senator from New York, that if he will graduate the postage I will go with him. I voted to increase the postage, believing it necessary for the maintaining of the Post Office Department, or rather to enable it to sustain itself; but if he will provide in this amendment, that the rate of postage, under five hundred miles, shall be three cents; over five hundred miles, five cents; and over three thousand miles, ten cents; I will vote for it.

Mr. KING. The Senator will perceive that I propose to regulate it both for distances under five hundred miles and over five hundred miles, and I propose to make it three cents for each.

Mr. LANE. Then I shall vote against it, because it will not support the Department. I only wish to say that I voted for the increase of postage upon the conviction that the present rate of postage will not defray the expenses of the Post Office Department; and it ought to be self-sustaining. I will be very happy to go with any gentleman who would arrange and graduate the rate of postage according to the distance designated, so as to raise a revenue sufficient for defraying the expenses of that Department, or to make it, in other words, self-sustaining.

Mr. GWIN. Is it in order to move to amend the Senator's amendment?

The VICE PRESIDENT. There is now an amendment to an amendment pending.

Mr. GWIN. I want to strike out "three," and insert five.

Mr. SHIELDS. It is already five.

Mr. GWIN. No; this amendment proposes to make the rate uniform at three cents. I want to make it uniform at five.

Mr. HARLAN and Mr. REID called for the yeas and nays on the amendment; and they were ordered.

The VICE PRESIDENT. The Secretary will read the amendment.

The Secretary read the amendment.

The call of the roll was gone through with.

Mr. WILSON. Is there a quorum voting?

The PRESIDING OFFICER, (Mr. IVERSON in the chair.) No, sir.

Mr. WILSON. Then I move that the Senate adjourn.

The PRESIDING OFFICER. The motion is out of order until the result of the vote is announced by the Chair.

Mr. HUNTER. There are some Senators here who have not voted.

The PRESIDING OFFICER. Senators are requested to vote, so as to form a quorum. It lacks but one of a quorum.

Mr. GWIN appeared and voted.

The result was then announced—yeas 13, nays 21; as follows:

YEAS—Messrs. Chandler, Clark, Collamer, Doolittle, Foot, Foster, Hale, Harlan, King, Shields, Smith, Trumbull, and Wilson—13.

NAYS—Messrs. Benjamin, Bigler, Broderick, Brown, Clay, Douglas, Fitch, Gwin, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Lane, Mason, Reid, Sebastian, Slidell, Toombs, Ward, and Yulee—21.

So the amendment was rejected.

Mr. YULEE. I offer now, as an amendment, the routes which the Senate committee have directed me to report.

The PRESIDING OFFICER. The Chair will state to the Senator from Florida that the original amendment has not yet been agreed to. The question now recurs on the amendment as amended.

Mr. HALE. Allow me one moment. Is that the amendment to the bill abolishing the franking privilege and for other purposes?

The PRESIDING OFFICER. Yes, sir; that is the amendment.

Mr. HALE. Before the question is put, I move to strike out the fifth section of the amendment; and I will simply say, whilst you have abolished the franking privilege of the President and everybody else in the world, you have left it by this fifth section——

The PRESIDING OFFICER. The Chair will state to the Senator from New Hampshire that that motion was made by the Senator from Illinois, [Mr. TRUMBULL,] and the Chair understands it was overruled by the Senate.

Mr. TRUMBULL. My motion was to strike out the proviso to the first section.

The PRESIDING OFFICER. The Chair misunderstood it. He thought it was the same thing.

Mr. HALE. You have abolished the franking privilege for everybody and every department of the Government, but left it open to the Post Office Department.

Mr. YULEE. No, sir.

Mr. HALE. I know better; I am reading from the book. We leave a qualified franking privilege; and, as the Senator contradicts me, I will read it:

"SEC. 5. *And be it further enacted*, That the Postmaster General, the Assistant Postmasters General, the chief clerk of the Post Office Department, the Auditor of the Treasury for the Post Office Department, and the chief clerk of the said Auditor, be, and they are hereby, authorized to receive and send free in the mails all letters and packets and other mailable matter relating exclusively to their official duties."

Mr. YULEE. Go on. "Relating exclusively to their official duties."

Mr. HALE. It continues:

"Or to the business of the Post Office Department; and they shall, in every case, indorse on the back of every letter or package so to be sent free, over their own signatures, the words, 'official business.'"

Then it goes on and gives it to every postmasmaster in the United States. These men may be as pure as purity itself. If you leave this open they will be applied to, and they will be used for the distribution of political matter by the party in power. I do not care whether you put it "exclusively" or "conclusively," that will be the effect; but if not, they will be subjected to the suspicion. Whilst wiping out the franking privilege from everybody else, why not do it from the Post Office? It is just as easily for those gentlemen to send mail matter as the Treasury, Navy, and War Departments. It is abolished in those Departments, and we ought to make a clean thing of it and wipe them all out. If it does not create corruption, there will be a suspicion of corruption, which is just as bad. I hope it will be stricken out.

Mr. YULEE. The idea of the committee was to leave the Post Office Department, which was engaged in managing the postal business, the privilege of communicating with their agents. The postmasters were authorized to send free letters, marked "special post office business," and relating exclusively to their respective offices; and a high penalty was imposed upon those who fixed a false certificate or a false indorsement upon a letter.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire.

Mr. HALE and Mr. CHANDLER called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

The PRESIDING OFFICER. There is no quorum voting.

Mr. FOSTER. I move that the Senate adjourn.

Mr. BROWN. The vote has not been counted yet.

The PRESIDING OFFICER. The result of the vote must be announced before that motion can be in order.

The result was then announced—yeas 18, nays 16; as follows:

YEAS—Messrs. Benjamin, Chandler, Clark, Doolittle, Douglas, Foot, Foster, Gwin, Hale, Harlan, Houston, Hunter, King, Lane, Simmons, Smith, Trumbull, and Wilson—18.

NAYS—Messrs. Bigler, Broderick, Brown, Clay, Fitch, Iverson, Johnson of Arkansas, Johnson of Tennessee, Mason, Reid, Sebastian, Shields, Slidell, Toombs, Ward, and Yulee—16.

So the amendment was agreed to; and the section was stricken out.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Committee on the Post Office and Post Roads as amended.

Mr. TRUMBULL. On that question I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was agreed to.

Mr. YULEE. I now offer an amendment containing additional post routes.

Mr. TRUMBULL. To that I desire to offer an amendment for a small route in my State. I have a petition lying on my table for it.

Mr. YULEE. I accept it. I move to dispense with the reading. It contains nothing but routes.

The PRESIDING OFFICER. If there be no objection the reading of the amendment will be dispensed with. The Chair hears none.

The amendment was agreed to.

The PRESIDING OFFICER. If no other amendments be offered the bill will be reported to the Senate.

Mr. SIMMONS. I have some amendments to offer before the bill is reported to the Senate, and I move that the Senate adjourn.

The motion was not agreed to.

Mr. SIMMONS. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. It is too late.

The bill was reported to the Senate as amended; and the amendments made as in Committee of the Whole were concurred in, and ordered to be engrossed, and the bill to be read a third time; and on the question, "Shall the bill pass?"

Mr. CHANDLER called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. DOOLITTLE, when his name was called said: I have consented to pair off with the honorable Senator from Texas, [Mr. HOUSTON.] I should have voted against the bill, and he would have voted for it.

Mr. DOOLITTLE announced that Mr. DURKEE had paired off with the Senator from Minnesota, [Mr. RICE.]

Mr. SIMMONS. I have agreed to pair off with the Senator from Alabama [Mr. FITZPATRICK] on the passage of the bill. I otherwise should vote against it.

The result was then announced—yeas 17, nays 13; as follows:

YEAS—Messrs. Benjamin, Broderick, Brown, Clay, Fitch, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Mason, Reid, Sebastian, Shields, Slidell, Toombs, Ward, and Yulee—17.

NAYS—Messrs. Bigler, Chandler, Clark, Douglas, Foot, Foster, Hale, Harlan, King, Lane, Smith, Trumbull, and Wilson—13.

The PRESIDING OFFICER. On this question the yeas are 17 and the nays 13; no quorum voting.

Mr. YULEE. I move that there be a call of the Senate. There are several Senators in the building who will be here in a few minutes. We can send for them, and suspend action in the mean time.

Mr. TRUMBULL. I move that the Senate adjourn.

The PRESIDING OFFICER. That motion is out of order while the motion made by the Senator from Florida is pending.

Mr. TRUMBULL. The motion to adjourn is always in order.

Mr. FOSTER. The motion of the Senator from Florida is for a call of the Senate. I ask whether such a motion is in order, and whether there can be a call of the Senate?

Mr. HUNTER. We cannot have a call of the Senate; and I do not think we should weary ourselves by sitting here for nothing.

The PRESIDING OFFICER. It is in the power of the majority to send for the absent Senators.

Mr. YULEE. I do not design to send out of the building for Senators, but only that time should be given to send for the Senators who are in the building, but out of the Chamber just now.

Mr. TRUMBULL. I move that the Senate adjourn.

The motion was not agreed to.

Mr. TRUMBULL. I ask for a division on the motion to adjourn.

The PRESIDING OFFICER. It is too late. The Chair announced the decision. The Sergeant-at-Arms will send for absent Senators.

Mr. TOOMBS. I hope we shall stay here until we pass the bill.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order and bring in absent Senators.

Mr. SEWARD appeared and voted in the negative.

Mr. GWIN appeared, and voted in the affirmative.

Mr. DOOLITTLE. I had paired off with the Senator from Texas, [Mr. HOUSTON,] who is a friend of the bill. I am opposed to it; but for the purpose of making a quorum, I am willing to vote, if other gentlemen, friends of the bill, will take the responsibility, as between me and that Senator, that it will be satisfactory to him.

Mr. TRUMBULL. It is manifest that it will require but a moment to take this vote in the morning. All have proposed their amendments, and all that will be necessary will be to call the yeas and nays. We might as well adjourn.

Mr. CLAY. If we do, Senators will go on and discuss it for an hour in the morning.

Mr. TRUMBULL. Certainly no one will do that if we can come to an understanding that we shall take the vote at a certain hour. I, for one, will agree to it.

The VICE PRESIDENT. Does any Senator make a motion?

Mr. DOUGLAS. There cannot be a discussion before the calling of the roll commences tomorrow, for it has commenced already.

Mr. TRUMBULL. I move that the Senate adjourn.

Mr. YULEE. With the understanding that we shall take the vote at twelve o'clock?

Mr. TRUMBULL. I will try to prevent debate. I can say no further.

Mr. KING. I will not agree to any understanding.

Mr. JOHNSON, of Arkansas. It occurs to me in response to the gentleman, that if it is so understood, I trust his own party will respect and regard his word, and I think we can well afford to accept it. If the Senator makes a motion to adjourn, I shall vote for it.

Mr. IVERSON. The Senator from New York [Mr. KING] refuses to be a party to any such agreement. I trust, unless there shall be a unanimous understanding about it, that the Senate will not adjourn, but that we will send out and bring in the absent members.

Mr. SEWARD. I rise to a point of order. I ask that the vote be put on the motion to adjourn.

Mr. IVERSON. Well, sir, I will submit.

The VICE PRESIDENT. The Senator from Illinois moves that the Senate adjourn.

Mr. JOHNSON, of Arkansas. That motion

is not in order. It was the last motion that was put.

The VICE PRESIDENT. It is always in order.

Mr. JOHNSON, of Arkansas. I believe that the same motion cannot be made in succession. I ask that that question be decided.

The VICE PRESIDENT. The motion to adjourn is always in order.

Mr. JOHNSON, of Arkansas. Can it be repeated times without number?

Mr. BROWN. There has been business done in the mean time.

Mr. SEWARD. I move that the Senate adjourn.

The VICE PRESIDENT. That motion is already before the Senate. The question is on the motion of the Senator from Illinois, that the Senate adjourn.

The motion was not agreed to; there being on a division—ayes 13, noes 20.

The VICE PRESIDENT. Less than a quorum may refuse to adjourn. There is no quorum voting.

Mr. BROWN. I think the motion in such a case is to send for absent Senators. I move that the Sergeant-at-Arms be instructed to notify the absent Senators to attend.

The VICE PRESIDENT. It is moved that the Sergeant-at-Arms be directed to enforce the attendance of absent Senators.

Mr. BIGLER. I am confident, Mr. President, that Senators here can come to an understanding that they will take the vote to-morrow morning at some hour, say twelve o'clock.

Mr. JOHNSON, of Arkansas. A Senator objects on the other side.

Mr. KING. We have all voted.

Mr. BIGLER. What is the remark?

Mr. KING. We have already voted, and cannot vote again.

Mr. BIGLER. I am perfectly aware of that; but we can vote to-morrow when we have a quorum, if we have a general understanding that the vote will be taken in concurrence with that understanding.

Mr. JOHNSON, of Arkansas. I wish merely to suggest that the Senate is delayed for the purpose of getting an agreement, of which there is no possibility. If that Senator does not intend to allow it, we will have to send for those Senators who are absent, and who ought not to be absent.

Mr. DOUGLAS. What is the use of sending for those who are absent, when there is a quorum here and will not vote? There is a quorum here in the Senate.

Mr. IVERSON. That is a mistake.

Mr. DOUGLAS. Oh, no. There are Senators enough here to make a quorum.

Mr. FITCH. I was about to say that several Senators had paired off with absent Senators and cannot vote on the passage of the bill. Hence there is no quorum voting for the passage of the bill or for or against adjournment.

Mr. DOUGLAS. If the Senate recognizes the principle of pairing off, it ought not to compel them to vote. The Senate are not bound by that.

Mr. FITCH. The Senate are not, but the Senators are in honor bound to keep their word.

Mr. WILSON. I hope we shall fix to-morrow at twelve o'clock, and agree by common consent to take the vote without debate. I think we can get it at that time.

Mr. BROWN. If that be understood, there will be no difficulty.

Mr. WILSON. I think it can be.

Mr. HUNTER. I agree to that.

Mr. MASON. The Senate has refused to adjourn, decided to sit without a voting quorum; and as a test of the Senate whether they will send for absent Senators, I move an order that the absent Senators be sent for.

The VICE PRESIDENT. That is pending now.

Mr. MASON. If the Senate refuse to do that, we had better adjourn. If we do that, I will wait cheerfully.

Mr. HUNTER. I would suggest to gentlemen on the other side, that if they are willing to take the vote to-morrow without debate, we had better adjourn. We can take the vote without debate then.

Mr. BROWN. They will not do that.

Mr. KING. We may adjourn, and the good sense of the Senate will determine to-morrow what course they will take. For one, I am not disposed to make any arrangement to bind absent Senators or myself either.

Mr. SIMMONS. I merely wish to explain that, when I paired off, I reserved my vote on amendments and motions to adjourn. When the result could not be affected, I voted to make a quorum; but when I saw it might possibly affect the result, I refused to vote. I am so situated now that I cannot vote, except for an adjournment.

Mr. IVERSON. I trust a motion to send for absent Senators will prevail. It must be obvious, at this stage of the session, that we shall be kept here every night practically; and unless we set the example to-night, of compelling Senators to remain here, they will be constantly going away and leaving a few of us, who are disposed to stand here and perform our duty. I trust every man will be sent for and brought here, by the Sergeant-at-Arms.

Mr. WILSON. I wish to say to the Senator from Georgia that we ought to consent to adjourn. I have no doubt that we shall be able to take the vote to-morrow without any debate, or a debate that will amount to anything at all. I wish to say another thing to him and his friends, and that is, that they should keep their own party majority, and take care of their own measures. We are not responsible for this work.

Mr. BROWN. Help us to keep them here.

Mr. WILSON. I have been here all day. I do not think we ought to take a factious position on this question, and I do not believe anybody on this side of the Chamber is disposed to do it. I think, on the other side, as they fail to hold their immense majority in this body here to do the business of the country, they ought to consent to adjourn. I have no doubt that we shall be able to pass this bill within twenty minutes after it is taken up to-morrow.

Mr. TRUMBULL. As I first made the suggestion that we ought to adjourn over, and take the vote to-morrow, and some remarks have fallen from the Senator from New York, I wish to say a word about it. I do not understand the Senator from New York to object to that course on his part; but he says he will not enter into any agreement to bind absent Senators. Neither will I.

Mr. KING. Or myself.

Mr. TRUMBULL. Or himself. Well, I did not understand him to say "or himself." I did not undertake to bind absent Senators either; but I did undertake to say, for myself, that I would agree that the vote should be taken at any time, without any discussion. We have had as much discussion as any one wanted to-night; and I would appeal to our friends to pursue the same course. I have no doubt it will be adopted. Still I cannot answer for those who are absent, as a matter of course. I think we should adjourn until to-morrow, when the vote can be taken. I have no idea that my friend from New York has a speech, or anything else, to delay the bill factiously, or for any considerable length of time.

Mr. HALE. I simply want to inquire of the Senator from New York if he will consent to this arrangement, with the understanding that it is not to bind him or his friends?

Mr. KING. Nor anybody else.

Mr. REID. Inasmuch as gentlemen say we cannot have a quorum here because our side of the House is absent, I think we had better remain here, and agree to the motion which has been made, to send for the absent Senators.

Mr. HALE. Send for the majority first.

Mr. KING. It was not from any disposition to be obstinate in this matter, but because I do not think very well of these arrangements that I objected. None of us know what will be presented to-morrow. Half a dozen Senators here should not undertake to say that the discussion should stop at twelve or one o'clock; and under all circumstances, I prefer to enter into no arrangement that will not leave me free to be governed by circumstances as they exist on the day. I am not in the habit of occupying the time of the Senate with any propositions, or with a great deal of long talk. I was a little inclined to debate the three cent postage more extendedly than I did, but as it was a late hour, I was willing that it should close; and I am willing to adjourn now. I have confidence in the good sense of the Senate to-morrow, quite as much as to-night, and so at all times; but I am opposed to any arrangement.

Mr. HUNTER. I believe the question can be taken to-morrow, after what the gentleman has said, and I think it idle to call Senators here at this time.

Mr. BIGLER. We can have a vote without debate then.

Mr. BROWN. Very well; let us adjourn.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and thereupon (at twenty-seven minutes to eleven o'clock, p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 24, 1859.

The House met at eleven o'clock, a. m. Prayer by Rev. A. G. CAROTHERS.

The Journal of yesterday was read and approved.

Mr. BURNETT. I desire to ask the permission of the House to report a bill from the Committee for the District of Columbia.

Mr. JONES, of Tennessee. I ask whether there is a quorum in the House?

The SPEAKER. The Chair will ascertain.

After counting the House,

The SPEAKER stated that there were one hundred and thirteen members present.

Mr. JONES, of Tennessee. I move that there be a call of the House; and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHAFFEE. Can there be a call of the House while the main question is ordered?

The SPEAKER. The Chair has not announced the business before the House.

Mr. DAVIS, of Indiana. I ask the gentleman to withdraw the demand for the yeas and nays. There is manifestly a quorum present.

The question was taken; and it was decided in the negative—yeas 29, nays 125; as follows:

YEAS—Messrs. Avery, Bonham, Boyce, Branch, Bryan, Burns, John B. Clark, Burton Craige, Curtis, Davidson, Davis of Indiana, Davis of Mississippi, Davis of Massachusetts, Greenwood, George W. Jones, Jacob M. Kunkel, Leiter, McRae, Mott, Murray, Parker, Reagan, Ruffin, Tompkins, Vallandigham, Waldron, Elihu B. Washburne, Watkins, and Woodson—29.

NAYS—Messrs. Abbott, Anderson, Andrews, Atkins, Barksdale, Barr, Bennett, Bingham, Bishop, Blair, Bliss, Bocock, Brayton, Buffinton, Burnett, Caruthers, Case, Caskie, Cavanaugh, Chaffee, Ezra Clark, Clawson, John Cochrane, Colfax, Corning, Cragin, James Craig, Crawford, Curry, Dawes, Dean, Dick, Dodd, Dowdell, Durfee, Edie, Edmundson, Fenton, Foley, Foster, Gartrell, Giddings, Gillis, Gilmer, Gooch, Goode, Goodwin, Granger, Gregg, Grow, Lawrence W. Hall, Robert B. Hall, Harlan, Harris, Hawkins, Hickman, Hoard, Hodges, Hopkins, Horton, Houston, Howard, Hughes, Jewett, Owen Jones, Keim, Kelsey, Knapp, Leach, Letcher, Lovejoy, Maclay, Humphrey Marshall, Mason, Matteson, Maynard, Millson, Montgomery, Morgan, Morrill, Edward Joy Morris, Oliver A. Morse, Niblack, Nichols, Palmer, Pendleton, Peyton, William W. Phelps, Phillips, Pike, Potter, Pottle, Purviance, Ready, Reilly, Ricaud, Ritchie, Robbins, Royce, Russell, Scales, Searing, Seward, Aaron Shaw, John Sherman, Robert Smith, William Smith, Spinner, Stallworth, Stanton, James A. Stewart, William Stewart, Talbot, Thayer, Thompson, Vance, Wade, Walbridge, Walton, Cadwalader C. Washburn, White, Wilson, Wortendyke, Augustus R. Wright, and Zollicoffer—125.

So the House refused a call of the House.

During the vote,

Mr. ENGLISH stated that if he had been in the Hall when his name was called, he would have voted "no."

ENROLLED BILLS.

Mr. PIKE, from the Committee on Enrolled Bills, reported as correctly enrolled an act to incorporate the National Washington Monument Society; when the Speaker signed the same.

Mr. DAVIDSON, from the same committee, reported as correctly enrolled the following bills and joint resolution; when the Speaker signed the same:

An act (H. R. No. 551) to protect the land fund for school purposes in Sarpy county, Nebraska Territory;

An act (H. R. No. 83) for the relief of William H. Russell;

An act (H. R. No. 804) to authorize settlers upon sixteenth and thirty-sixth sections, who settled before the surveys of the public lands, to preëmpt their settlements;

An act (H. R. No. 221) for the relief of Mary Bainbridge; and

Joint resolution (H. R. No. 22) for the relief of Michael Pappreniza.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by ASBURY DICKINS, their Secretary, informing the House that the Senate had agreed to the report of the committee of conference upon the disagreeing votes of the two Houses upon the bill making appropriations for the current and contingent expenses of the Indian department.

POST OFFICE APPROPRIATION BILL.

Mr. BURNETT. I ask unanimous consent to report a bill from the Committee for the District of Columbia, for the purpose of having it put upon its passage. It will not take much time.

Mr. DAVIS, of Indiana. I object; and call for the regular order of business.

Mr. BURNETT. I have no disposition to retard the business of the House; but, if it be in order, I will move to suspend the rules.

Mr. LOVEJOY. I rise to a privileged question. I wish to call up my motion to reconsider the resolution for the benefit of Mrs. Mary Jane Harris.

The SPEAKER. The main question has been ordered to be now put on the Post Office appropriation bill.

Mr. SMITH, of Virginia. I should be glad to submit a motion to have one day, Saturday next, fixed for the consideration of territorial business.

The SPEAKER. The regular order of business is called for, which is the consideration of the amendments reported by the Committee of the Whole on the state of the Union to the Post Office appropriation bill.

Mr. REAGAN. Is it too late to have a call of the House? I want to have a full vote on some of the amendments.

The SPEAKER. Under the rules, there can be no call of the House now.

Mr. MAYNARD. This is a very important bill. The House is not entirely full. There are some small matters that might be disposed of in the course of half an hour, by unanimous consent.

Mr. EDIE. I object.

The SPEAKER. The first question is on the motion of the gentleman from Missouri, [Mr. PHELPS,] to recommit the bill.

Mr. PHELPS, of Missouri. I submitted that motion yesterday, out of abundant caution, lest the House might adjourn before seconding the previous question. I now withdraw it.

Mr. HUGHES. I move to lay the bill on the table; and on that motion I call for the yeas and nays.

Mr. FLORENCE called for tellers on the yeas and nays.

Tellers were ordered; and Messrs. CLARK, of Missouri, and CHAFFEE were appointed.

The House divided; and the tellers reported—ayes thirty-seven.

So the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 22, noes 168; as follows:

YEAS—Messrs. Chapman, Covode, Dimmick, Edie, Florence, Harlan, Hickman, Hughes, Owen Jones, Keim, Leidy, Humphrey Marshall, Matteson, Montgomery, Moore, Pettit, Phillips, Purviance, Roberts, Henry M. Shaw, Stallworth, and William Stewart—22.

NAYS—Messrs. Abbott, Ahl, Anderson, Andrews, Atkins, Avery, Barr, Bennett, Bingham, Bishop, Blair, Bliss, Bocock, Bonham, Boyce, Branch, Brayton, Bryan, Buffinton, Burlingame, Burnett, Burns, Caruthers, Case, Caskie, Cavanaugh, Chaffee, Ezra Clark, John B. Clark, Clawson, Clark B. Cochrane, John Cochrane, Colfax, Comins, Corning, Cragin, James Craig, Burton Craige, Crawford, Curry, Curtis, Davidson, Davis of Indiana, Davis of Mississippi, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dodd, Dowdell, Durfee, Edmundson, English, Eustis, Faulkner, Fenton, Foley, Foster, Garnett, Gartrell, Giddings, Gillis, Gilman, Gilmer, Gooch, Goode, Goodwin, Greenwood, Gregg, Grover, Grow, Lawrence W. Hall, Robert B. Hall, Hatch, Hawkins, Hill, Hoard, Hodges, Hopkins, Horton, Houston, Howard, Huyler, Jackson, Jenkins, Jewett, George W. Jones, Kelsey, Knapp, Jacob M. Kunkel, Landy, Leach, Leiter, Letcher, Lovejoy, Maclay, McRae, Samuel S. Marshall, Mason, Maynard, Millson, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Niblack, Olin, Palmer, Pendleton, Peyton, John S. Phelps, Pike, Potter, Pottle, Powell, Ready, Reagan, Ricaud, Robbins, Royce, Ruffin, Russell, Sandidge, Scales, Scott, Seward, Aaron Shaw, John Sherman, Judson W. Sherman, Sickles, Robert Smith, Samuel A. Smith, William Smith, Spinner, Stanton, James A. Stewart, Talbot, Tappan, George Taylor, Thayer, Thompson, Tompkins, Trippe, Underwood, Vallandigham, Vance, Wade, Walbridge, Waldron, Walton, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Watkins, White, Whiteley, Wilson, Winslow, Wood, Woodson, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—168.

So the House refused to lay the bill on the table.

Pending the vote,

Mr. SANDIDGE stated that Mr. Cox was detained from the Hall by indisposition.

Mr. ADRAIN stated that if he had been in the Hall when his name was called, he would have voted "no."

Mr. COBB stated that he had been in the Hall when the Clerk commenced to read the Journal, but, owing to indisposition, he had to retire. If he had been in the Hall when his name was called, he would have voted "ay."

The amendments recommended by the Committee of the Whole on the state of the Union were reported.

First amendment:

On page 1, line ten, add the following proviso:

Provided, however, That the contract with Butterfield & Co., for carrying the mail from the Mississippi river to San Francisco, in California, shall be so construed as to allow said contractors to carry the mail by any route they may select, in accordance with the act of Congress under which said contract purports to be made.

Mr. CRAWFORD called for the yeas and nays.

MESSAGE FROM THE SENATE.

A message was received from the Senate, through Mr. DICKINS, its Secretary, notifying the House that the Senate had passed the bill making appropriations for the legislative, executive, and judicial expenses of the Government, with amendments; in which he was directed to ask the concurrence of the House.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PHELPS, of Missouri. I ask the unanimous consent of the House to have the Senate amendments to the legislative bill referred to the Committee of Ways and Means, and ordered to be printed.

It was so ordered.

Mr. PHELPS, of Missouri. I also desire to report from the Committee of Ways and Means the amendments of the Senate to the consular and diplomatic bill; and ask that the report and amendments be ordered to be printed, and that the bill and amendments be referred to the Committee of the Whole on the state of the Union.

There being no objection, it was so ordered.

Mr. HUGHES. I desire to object to the report that has just been made. I supposed the Chair would announce to the House what the request was before the order was made.

The SPEAKER. The Chair did state that it would be so ordered if there were no objection, and that the Chair heard no objection.

Mr. HUGHES. Well, I object.

Mr. PHELPS, of Missouri. I will inform the gentleman from Indiana what it was. It was the report of the Committee of Ways and Means on the amendments of the Senate to the consular and diplomatic appropriation bill.

Mr. HUGHES. I wish to have the report read.

Mr. PHELPS, of Missouri. I think the objection of the gentleman comes too late.

Mr. HUGHES. It may be that I shall not insist on the objection; but I want to hear what the report is.

Mr. JONES, of Tennessee. The report cannot be read now, as the main question is pending.

Mr. HUGHES. The report was made while the previous question was pending.

Mr. JONES, of Tennessee. By unanimous consent; and it was disposed of by being referred to the Committee of the Whole on the state of the Union.

Mr. HUGHES. There was no unanimous consent.

The SPEAKER. The Chair understood that there was. The Chair was unfortunate in not hearing the gentleman from Indiana, if he interposed an objection.

Mr. HUGHES. I did not make it, because I was waiting to hear the request of the gentleman from Missouri reported from the Chair.

The SPEAKER. The Chair made this statement; but, perhaps, not loud enough to be heard by the gentleman: "It will be so ordered if there is no objection. The Chair hears no objection."

POST OFFICE APPROPRIATION BILL—AGAIN.

The House then resumed the consideration of the Post Office appropriation bill, the pending question being upon agreeing to the first amendment reported from the Committee of the Whole on the state of the Union, on which the yeas and nays had been demanded.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 99, nays 102; as follows:

YEAS—Messrs. Abbott, Andrews, Bennett, Billinghurst, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Caruthers, Case, Cavanaugh, Chaffee, Ezra Clark, John B. Clark, Clawson, Clark B. Cochrane, Colfax, Comins, Covode, Cragin, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dodd, Durfee, Edie, Farnsworth, Fenton, Foley, Foster, Giddings, Gilman, Gooch, Goodwin, Grow, Robert B. Hall, Harlan, Hickman, Hoard, Hodges, Horton, Howard, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Leach, Leiter, Lovejoy, Samuel S. Marshall, Matteson, Morgan, Morrill, Edward Joy Morris, Freeman H Morse, Oliver A. Morse, Mott, Murray, Olin, Palmer, Parker, Pettit, John S. Phelps, William W. Phelps, Pike, Potter, Pottle, Ritchie, Robbins, Roberts, Royce, Aaron Shaw, John Sherman, Judson W. Sherman, Robert Smith, Spinner, Stanton, William Stewart, Tappan, Thayer, Thompson, Tompkins, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Wilson, and Wood—99.

NAYS—Messrs. Adrain, Ahl, Anderson, Atkins, Avery, Barksdale, Barr, Bishop, Bocock, Bonham, Boyce, Branch, Bryan, Burnett, Burns, Caskie, Chapman, Clay, Cobb, John Cochrane, Corning, James Craig, Burton Craige, Crawford, Curry, Dowdell, Edmundson, English, Eustis, Faulkner, Florence, Garnett, Gartrell, Gillis, Gilmer, Goode, Greenwood, Gregg, Lawrence W. Hall, Hatch, Hill, Hopkins, Houston, Hughes, Huyler, Jackson, Jewett, George W. Jones, Jacob M. Kunkel, Lamar, Landy, Leidy, Letcher, Maclay, McQueen, McRae, Humphrey Marshall, Mason, Maynard, Millson, Montgomery, Moore, Niblack, Pendleton, Peyton, Phillips, Powell, Ready, Reagan, Reilly, Ricaud, Ruffin, Russell, Sandidge, Scales, Seward, Henry M. Shaw, Singleton, Samuel A. Smith, William Smith, Stallworth, Stephens, Stevenson, James A. Stewart, Talbot, Miles Taylor, Trippe, Underwood, Vallandigham, Vance, Ward, Watkins, White, Whiteley, Winslow, Woodson, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—102.

So the amendment was disagreed to.

Mr. ATKINS moved to reconsider the vote by which the amendment was disagreed to; and also moved to lay the motion to reconsider upon the table.

Mr. WASHBURN, of Maine, demanded the yeas and nays on the latter motion.

Mr. ATKINS withdrew the motion.

Second amendment:

Page 2, at the end of line nineteen, which is as follows: "For advertising, $7,000;"

Add the following:

Provided, That the advertisement of mail routes in each State and Territory shall be made only in the two newspapers in such State or Territory having the largest circulation.

The question was put; and on a division, there were—ayes 88, noes 88.

Mr. TOMPKINS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 91, nays 104; as follows:

YEAS—Messrs. Abbott, Adrain, Andrews, Bennett, Billinghurst, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Case, Chaffee, Ezra Clark, Clawson, Colfax, Comins, Covode, Cragin, Curtis, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Dawes, Dean, Dick, Dodd, Durfee, Farnsworth, Fenton, Giddings, Gilman, Gilmer, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Haskin, Hickman, Hoard, Horton, Howard, Keim, Kelsey, Kilgore, Knapp, John C. Kunkel, Leach, Leiter, Lovejoy, Humphrey Marshall, Matteson, Miles, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Olin, Palmer, Parker, Pettit, Pike, Potter, Pottle, Purviance, Ricaud, Ritchie, Roberts, Royce, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Thayer, Thompson, Tompkins, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Wilson, and Zollicoffer—91.

NAYS—Messrs. Ahl, Anderson, Atkins, Avery, Barksdale, Barr, Bishop, Bocock, Bonham, Boyce, Branch, Bryan, Burnett, Burns, Caskie, Cavanaugh, Chapman, John B. Clark, Clay, Cobb, John Cochrane, Corning, James Craig, Burton Craige, Crawford, Curry, Davidson, Davis of Mississippi, Dimmick, Dowdell, Edmundson, English, Florence, Foley, Garnett, Gartrell, Gillis, Goode, Greenwood, Gregg, Lawrence W. Hall, Hatch, Hawkins, Hodges, Hopkins, Houston, Hughes, Huyler, Jewett, George W. Jones, Owen Jones, Keitt, Jacob M. Kunkel, Lamar, Landy, Lawrence, Leidy, Letcher, Maclay, McQueen, McRae, Samuel S. Marshall, Mason, Maynard, Miller, Millson, Moore, Niblack, Pendleton, Peyton, John S. Phelps, William W. Phelps, Powell, Ready, Reagan, Ruffin, Russell, Sandidge, Scales, Scott, Seward, Aaron Shaw, Henry M. Shaw, Sickles, Singleton, Robert Smith, Samuel A. Smith, William Smith, Stallworth, Stevenson, James A. Stewart, Talbot, Miles Taylor, Underwood, Vallandigham, Vance, Ward, Watkins, White, Whiteley, Winslow, Wortendyke, Augustus R. Wright, and John V. Wright—104.

So the amendment was disagreed to.

During the call of the roll,

Mr. FOSTER stated that he was not within the bar when his name was called, having been called out on business; if he had been he should have voted in the affirmative.

Third amendment:

At the end of line nineteen add the following:

Provided further, That the two newspapers aforesaid shall not be selected in the same city or town in any one State or Territory.

The amendment was disagreed to.

Fourth amendment:

Page 2, strike out line twenty-one, as follows:

"For blanks, $100,000."

And insert, in lieu thereof, the following:

For blanks, $80,000; to be printed by the lowest responsible bidder, after advertisements inviting bids for the same shall have been published for at least thirty days by the Postmaster General.

Mr. GROW. I demand the yeas and nays.

The SPEAKER put the question to the House; and (there being, on a division—ayes one hundred and fourteen) declared the amendment agreed to.

Mr. GROW. Did the Chair hear my call for the yeas and nays?

The SPEAKER. The Chair did; but supposed he could save the time of the House by the count.

Mr. GROW. I should prefer to have my calls attended to.

The SPEAKER. The gentleman's call for the yeas and nays was in time, and the Chair will entertain it.

The yeas and nays were not ordered.

The amendment was agreed to.

Fifth amendment:

Page 2, at the end of line twenty-two, which is as follows:

"For wrapping paper $50,000;"

Insert the following:

Provided, That the contracts for the same shall be given to the lowest bidders.

The amendment was agreed to.

Sixth amendment:

Page 2, at the end of lines twenty-six and twenty-seven, which are as follows:

"For miscellaneous payments $20,000;"

Add the following:

Provided, That it shall be the duty of the Postmaster General to furnish to Congress on the 1st day of December next, and each and every year thereafter, a detailed statement of the expenditures made under the head of "miscellaneous payments," and that it shall not be lawful to use any of the money hereby appropriated for the defense of suits brought against officers of the Post Office Department for malfeasance, misfeasance, or non-feasance in office, or for acts committed by them under color of law, and in derogation of the rights of citizens.

The amendment was agreed to—ayes one hundred and four, noes not counted.

Seventh amendment:

At the end of the following clause of the bill:

"For publishing a new edition of the Post Office laws and regulations, and a list of post offices, $15,000;"

Add the following:

Provided, That the Postmaster General shall cause said new edition to be prepared by the regular force of his office, without any allowance for extra service; that he shall certify the same to be official; and that he shall give the contract for publication to the lowest responsible bidder.

Mr. SPINNER. I would remark that that amendment was offered under a partial misapprehension. I ask the unanimous consent of the House to modify the amendment, so that it shall read as follows:

Provided, That the Postmaster General shall certify said new edition to be official; and that he shall give the contract for its publication to the lowest responsible bidder.

No objection being made, the amendment was accordingly modified; and, as modified, agreed to.

Eighth amendment:

At the end of the second section of the bill, which is as follows:

"SEC. 2. *And be it further enacted*, That the sum of $3,838,728 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the revenue of the Post Office Department for the year ending the 30th of June, 1859."

Add the following:

Provided, That the sum heretofore appropriated for the erection of post office buildings which shall remain in the Treasury unexpended at the close of the present fiscal year, is hereby reappropriated for the objects to which they are now applicable by law.

Mr. LETCHER. I ask the yeas and nays upon that amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 111, nays 80; as follows:

YEAS—Messrs. Abbott, Adrain, Avery, Barr, Bennett, Bingham, Blair, Bliss, Branch, Brayton, Bryan, Burlingame, Case, Chaffee, Clark B. Cochrane, John Cochrane, Colfax, Comins, Corning, Cragin, James Craig, Curtis, Davis of Massachusetts, Davis of Iowa, Dawes, Dick, Dimmick, Dodd, Durfee, Edie, Farnsworth, Fenton, Florence, Foster, Giddings, Gillis, Gilman, Gilmer, Gooch, Granger, Robert B. Hall, Harlan, Hatch, Hawkins, Hoard, Hodges, Horton, Huyler, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Landy, Leach, Leidy, Lovejoy, Humphrey Marshall, Samuel S. Marshall, Matteson, Maynard, Miles, Montgomery, Morrill, Freeman H. Morse, Oliver A. Morse, Mott, Olin, Palmer, Parker, Phillips, Pike, Potter, Pottle, Purviance, Ready, Ricaud, Robbins, Roberts, Royce, Ruffin, Sandidge, Scott, Aaron Shaw, Sickles, Robert Smith, Spinner, James A. Stewart, William Stewart, Tappan, Miles Taylor, Thayer, Thompson, Underwood, Vance, Wade, Walbridge, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Watkins, Whiteley, Wilson, Wood, Woodson, Wortendyke, Augustus R. Wright, and Zollicoffer—111.

NAYS—Messrs. Ahl, Andrews, Atkins, Barksdale, Bishop, Bocock, Bonham, Buffinton, Burnett, Burns, Horace F. Clark, John B. Clark, Clay, Covode, Burton Craige, Crawford, Curry, Davidson, Davis of Indiana, Dean, Dowdell, Edmundson, English, Faulkner, Foley, Garnett, Gartrell, Goode, Greenwood, Gregg, Grow, Lawrence W. Hall, Haskin, Hickman, Hopkins, Houston, Hughes, Jackson, Jewett, George W. Jones, Owen Jones, Keitt, Lamar, Lawrence, Leiter, Letcher, McQueen, McRae, Mason, Miller, Moore, Morgan, Murray, Pettit, Peyton, John S. Phelps, William W. Phelps, Powell, Reagan, Russell, Scales, Henry M. Shaw, John Sherman, Shorter, Singleton, Samuel A. Smith, William Smith, Stallworth, Stanton, Stephens, Stevenson, Talbot, Tompkins, Trippe, Vallandigham, Waldron, Walton, White, and John V. Wright—80.

So the amendment was agreed to.

Ninth amendment:

SEC. 3. *And be it further enacted*, That if the revenue of the Post Office Department shall be insufficient to defray the appropriations made in the first section of this act, the deficiency, if any there be at the expiration of each quarter of the fiscal year, shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. JONES, of Tennessee. I demand the yeas and nays on that amendment. There is only $10,000,000 in it.

The yeas and nays were not ordered.

Mr. BLAIR. What has become of the amendment of the gentleman from Tennessee, [Mr. AVERY,] as amended by the gentleman from Massachusetts, [Mr. GOOCH?]

The SPEAKER. All the amendments reported from the Committee of the Whole on the state of the Union have been reported to the House. The Chair understands that the amendment to which the gentleman refers was rejected in committee.

The ninth amendment was agreed to.

Mr. HUGHES. I move that the bill be laid upon the table; and on that motion I call for the yeas and nays.

The yeas and nays were not ordered.

The House refused to lay the bill upon the table.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PHELPS, of Missouri. I call for the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. COLFAX. I rise to a privileged question. I state, from my own recollection, which is very distinct, that the amendment of the gentleman from Tennessee, as amended by the gentleman from Massachusetts, was adopted in committee; and the report in the Washington Union confirms that recollection.

Mr. FLORENCE. That paper is no authority.

The SPEAKER. All the amendments reported from the Committee of the Whole on the state of the Union have been reported to the House.

Mr. COLFAX. I was attentive. Here is the account in the Union:

"The question recurring on the amendment of Mr. AVERY—

"Mr. GOOCH, of Massachusetts, moved that it be amended by striking out the words compelling Butterfield & Company 'to carry the mail according to contract,' and inserting the words 'and provided, also, that the said contractors shall be required to transport the mail upon such route as they may select;' which amendment prevailed—ayes 80, noes 57.

"The question recurring upon the amendment as amended, it was taken, and decided in the affirmative."

That is my clear recollection of the fact.

Mr. AVERY. I think my amendment fell in committee as amended.

The SPEAKER. Mr. GOOCH's amendment was adopted, when the question recurring on Mr. AVERY's proposition as amended, the minutes of the Clerk show that it was rejected.

Mr. COLFAX. As the record is against me, I can only state my recollection, which is the other way. Such also is the recollection of members about me.

Mr. DEAN demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 86, nays 119; as follows:

YEAS—Messrs. Adrain, Ahl, Anderson, Atkins, Avery, Barksdale, Barr, Bishop, Bonham, Branch, Bryan, Burns, Caskie, John B. Clark, Clay, John Cochrane, Corning, James Craig, Davidson, Davis of Indiana, Davis of Mississippi, Davis of Iowa, Edmundson, English, Faulkner, Foley, Gartrell, Gilmer, Goode, Greenwood, Gregg, Lawrence W. Hall, Hatch, Hawkins, Hodges, Hopkins, Horton, Huyler, Jackson, Jewett, Keitt, Jacob M. Kunkel, Lamar, Landy, Lawrence, Maclay, McRae, Samuel S. Marshall, Maynard, Miller, Millson, Isaac N. Morris, Mott, Pendleton, Peyton, John S. Phelps, William W. Phelps, Powell, Ready, Reagan, Ruffin, Russell, Sandidge, Savage, Scott, Aaron Shaw, Sickles, Singleton, Robert Smith, Samuel A. Smith, Stephens, Stevenson, James A. Stewart, Miles Taylor, Vallandigham, Vance, Ward, Watkins, White, Whiteley, Winslow, Woodson, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—86.

NAYS—Messrs. Abbott, Andrews, Bennett, Bingham, Blair, Bliss, Boyce, Brayton, Buffinton, Burlingame, Burnett, Case, Chaffee, Chapman, Ezra Clark, Clawson, Cobb, Clark B. Cochrane, Colfax, Comins, Cragin, Burton Craige, Crawford, Curry, Curtis, Davis of Maryland, Davis of Massachusetts, Dawes, Dean, Dimmick, Dodd, Dowdell, Durfee, Edie, Eustis, Farnsworth, Fenton, Florence, Foster, Garnett, Giddings, Gillis, Gilman, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Haskin, Hickman, Hill, Hoard, Houston, Howard, Hughes, George W. Jones, Owen Jones, Keim, Kelsey, Kilgore, Knapp, John C. Kunkel, Leach, Leidy, Letcher, Lovejoy, McQueen, Humphrey Marshall, Mason, Matteson, Miles, Montgomery, Moore, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Murray, Olin, Palmer, Parker, Pettit, Phillips, Pike, Potter, Pottle, Purviance, Ricaud, Ritchie, Robbins, Roberts, Royce, Scales, Seward, Henry M. Shaw, John Sherman, Judson W. Sherman, Shorter, Spinner, Stallworth, Stanton, William Stewart, Talbot, Tappan, Thayer, Thompson, Tompkins, Trippe, Underwood, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, and Wilson—119.

So the bill was rejected.

Pending the call,

Mr. SANDIDGE stated that Mr. COX was detained at his room by illness.

Mr. MASON stated that there were $2,000,000 in the bill for the erection of buildings; and that he must vote against it.

Mr. LETCHER stated that the amendments put upon the bill forced him to vote against the bill.

The vote was then announced as above recorded.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. FLORENCE. I move to reconsider the vote by which the bill was rejected; and also move that the motion to reconsider be laid upon the table.

Mr. PHELPS, of Missouri. Only the motion to reconsider can be entered. The motion to lay upon the table cannot be entertained.

Mr. FLORENCE. Then I withdraw my motion to lay upon the table.

SPECIAL COMMITTEE ON NAVY-YARDS.

Mr. PHELPS, of Missouri. I understand that it is the desire of the gentleman from Virginia [Mr. BOCOCK] to submit a report from one of the special committees. If it be the unanimous consent that his report shall be received, without the withdrawal of my motion to suspend, then I will have no objection to yielding the floor to him.

Mr. BOCOCK. All I desire is, to have the unanimous consent of the House for the submission of the majority and minority reports of the special committee on the navy-yards, &c.; and that they may be ordered to be printed, and the further consideration of the subject postponed to a future day.

Mr. SEWARD. I do not object to the printing of the reports; but I do object to the postponement of the subject to any fixed day.

Mr. BOCOCK. If this proposition be postponed until Monday or Tuesday next, then the House can dispose of it or postpone it further.

Mr. SEWARD. I withdraw my objection.

Mr. BOCOCK. I now present the report of the majority of the select committee appointed to investigate the subject of naval contracts and frauds, accompanied by resolutions, and move that its consideration be postponed until Monday next, and that it be printed.

Mr. SHERMAN, of Ohio. I desire, in behalf of a minority of that committee, to present their views, accompanied by a resolution.

Mr. STANTON. I ask that the resolutions reported both by the majority and minority may be read.

Mr. HUGHES. I object.

The following are the resolutions accompanying the report of the majority of the committee, made by Mr. BOCOCK:

Resolved, That the testimony taken in this investigation proves the existence of glaring abuses in the Brooklyn navy-yard, and, as such, require the interposition of legislative reform; but it is due to justice to declare that these abuses have been slowly but gradually growing up during a long course of years, and that no particular Administration should bear the entire blame therefor.

Resolved, That it is disclosed by the testimony in this case that the agency for the purchase of anthracite coal for the use of the Navy has been, for some time past, in the hands of a person wholly inefficient and grossly incompetent, and that reform is needed in the regulations which exist on that subject; but there is no proof which traces any knowledge of such inefficiency and incompetency to the responsible authorities in Washington, nor any which shows that the need of reform grows especially out of any act of theirs; but, on the contrary, it is expressly proven that the supply of coal for the naval service has been purchased during this Administration upon terms relatively as favorable as ever heretofore.

Resolved, That while we could never sanction or approve any arrangement on the part of an officer of the Government which, under the pretense of making contracts for supplies, was designed to confer especial and conclusive favor on individuals, yet in the contract entered into in September, 1858, between the Navy Department and W. C. N. Swift for the supply of live-oak to said Department, it is clearly proven by the testimony that, if the Secretary of the Navy did contemplate any favor to the said Swift, he did not design to bestow it to the detriment of the Government; but that in all he did in this matter he kept always in view the good of the public and the interests of the service.

Resolved, That in the letting the contracts for the construction of steam machinery for the vessels of the Navy, during the present Administration, nothing has been shown which calls for the interposition of the Congress of the United States; but it is manifest that the present head of the Navy Department has displayed a very laudable zeal to secure the greatest amount of speed and efficiency attainable for said vessels.

Resolved, That nothing has been proven in this investigation which impeaches in any way the personal or official integrity of the Secretary of the Navy.

The following are the resolutions accompanying the report of the minority of the committee, presented by Mr. SHERMAN, of Ohio:

Resolved, That the Secretary of the Navy has, with the sanction of the President, abused his discretionary power in the selection of a coal agent, and in the purchase of fuel for the Government.

Resolved, That the contract made by the Secretary of the Navy, under date of September 23, 1858, with W. C. N. Swift, for the delivery of live-oak timber was made in violation of law, and in a manner unusual, improper, and injurious to the public service.

Resolved, That the distribution by the Secretary of the Navy of the patronage in the navy-yard at Brooklyn among members of Congress was destructive of discipline, corrupting in its influence, and highly injurious to the public service.

Resolved, That the President and Secretary of the Navy, by receiving and considering the party relations of bidders for contracts with the United States, and the effects of awarding contracts upon pending elections, have set an example dangerous to the public safety, and deserving the reproof of this House.

Resolved, That the appointment by the Secretary of the Navy of Daniel B. Martin, chief engineer, as a member of the board of engineers to report upon proposals for constructing machinery for the United States, the said Martin at the time being pecuniarily interested in some of said proposals, is hereby censured by this House.

Mr. SHERMAN, of Ohio. I am also instructed by the same committee, to report a bill regulating navy-yards, and for other purposes. I will say, in reference to the bill, that the committee did not have time to examine the bill in detail, and instructed me to report it, without indicating any opinion for or against it. I ask that it may be postponed until Monday next, and made a special order.

Mr. HUGHES. I object to its being made a special order.

Mr. PHELPS, of Missouri. I would suggest that the bill be postponed until Monday, and the House can then make such disposition of it as it may see fit.

Mr. SHERMAN, of Ohio. Can it then be made a special order by a majority vote?

The SPEAKER. It will require the same vote then as now.

The bill was read a first and second time.

Mr. SEWARD. How did that bill get before the House? The committee was appointed to investigate frauds in naval contracts. Now, I have no objection to any report affecting any fraud that may have been committed; but here is a bill for another and distinct purpose, and I object to its being introduced.

Mr. BOCOCK. I will say to the gentleman that the committee authorized the gentleman from Ohio to report the bill, without expressing any opinion in reference to it, with a view of having it postponed; but without any expectation that it should be acted on at this session.

Mr. SEWARD. If that is the object, I withdraw all objection.

The consideration of the report and bill were postponed until Monday, and ordered to be printed.

Mr. BOCOCK. I am also instructed by the committee to move that five thousand extra copies be printed. The motion, of course, goes to the Committee on Printing.

Mr. BURNETT. How does that motion come in? If it can only come in by unanimous consent, I object.

Mr. UNDERWOOD. It will go to the Committee on Printing.

Mr. BURNETT. I understand that; but I want to know how the motion comes here? Has the gentleman the right to make the motion?

The SPEAKER. That depends upon whether the committee authorized the gentleman to make the motion as a part of his report.

Mr. BOCOCK. They authorized me to make the motion.

The SPEAKER. Then the motion is a part of the report, and it will go to the Committee on Printing.

COMMITTEE OF THE WHOLE.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. BRYAN. I ask the gentleman to give way for a moment, to allow me to make a personal explanation.

Mr. PHELPS, of Missouri. The gentleman's explanation can be made as well in committee. I cannot withdraw the motion.

Mr. STANTON. I desire to know whether the motion just made to print five thousand extra copies applies to the report of the committee merely, or the testimony?

The SPEAKER. The motion was made to print extra copies of the report.

Mr. BOCOCK. But the testimony accompanies the report.

The motion made by Mr. PHELPS, of Missouri, was agreed to—ayes one hundred and twenty, noes not counted.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair.)

NAVAL APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I move to take up House bill (No. 712) making appropriations for the naval service for the year ending June 30, 1860.

Mr. HUGHES. I submit the motion that the committee take up the bill which I send to the Clerk's desk, to revive the tariff of 1846. I understand that this committee has the right to originate a bill as well as to take up one heretofore referred to it. I desire to have a vote between the two propositions.

The CHAIRMAN. The 135th rule of the House is as follows:

"In Committee of the Whole on the state of the Union, the bills shall be taken up and disposed of in their order on the Calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of, or laid aside; provided that general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills, at the discretion of the committee; and when demanded by any member, the question shall first be put in regard to them.

Mr. HUGHES. Then I object to taking up this bill; and I move that it be laid aside.

The CHAIRMAN. The Chair is of opinion that the gentleman from Indiana cannot object. The bill has not yet been taken up. The question on the latter part of the rule must be put to the committee, whether it will take up this bill or not. If the committee decide not to take it up, then the Chair is of opinion that it will be in order for the chairman of the Committee of Ways and Means, or any other member of the committee, to move to take up any one of the appropriation bills, as provided for in the rule; and if the committee refuse to take it up, then, under the first part of the rule, the Calendar will have to be called in order.

Mr. HUGHES. Is the motion to take up the bill debatable?

The CHAIRMAN. It is not. The gentleman from Missouri moves to take up the naval appropriation bill.

The motion was agreed to.

Mr. PHELPS, of Missouri, moved to dispense with the first reading of the bill.

The motion was agreed to.

Mr. PHELPS, of Missouri. I now propose to submit a motion that the committee rise, with the object of going back to the House and closing the general debate on this bill, at some time that will suit the pleasure of the House.

Mr. HOWARD. Name your time.

Mr. PHELPS, of Missouri. When we get to the House I will submit a proposition which, I hope, will be acceptable to the body. If not, I will leave the question open for amendment, that the House may choose between two designated hours.

Mr. LOVEJOY. We want to know when the debate is to be closed, before the committee rise.

Mr. PHELPS, of Missouri. I will indicate it when we get into the House; and probably another proposition may be submitted. I move that the committee do now rise.

Mr. GROW. I hope the committee will not rise.

The CHAIRMAN. The question is not debatable.

Mr. MORGAN called for tellers on the motion.

Tellers were ordered; and Messrs. JOHN COCHRANE and BUFFINTON were appointed.

The committee divided; and the tellers reported —ayes 90, noes 31.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. JONES, of Tennessee, reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the bill of the House (No. 712) making appropriations for the naval service for the year ending the 30th of June, 1860, and had come to no resolution thereon.

CLOSE OF DEBATE—EVENING SESSION.

Mr. PHELPS, of Missouri. I submit the usual resolution to close debate on the naval appropriation bill at three o'clock to-day.

Mr. HOWARD. Will my colleague give way to me for a moment?

Mr. PHELPS, of Missouri. I will yield to my colleague on the Committee of Ways and Means.

Mr. HOWARD. I propose, with the consent of my colleague, to offer an amendment to his proposition, and I will state my object, as perhaps it will facilitate the movement. I do not wish to take up any unnecessary time in debate, or to delay the business of the House; but I believe that there are some members here who are so anxious to speak, that unless they are afforded an opportunity now, they will cut up their hour speeches into twelve five minutes' speeches. Now, I would suggest that we shall make greater progress with the public business if, by common consent, we go into the Committee of the Whole, with the understanding that there shall be no voting, and that the debate shall run on as late into the night as gentlemen please. Gentlemen can then go to dinner, and need not come back unless they have a mind to, and let the debate terminate to-morrow at eleven o'clock.

Cries (from both sides of the House) of ["Agreed!" "Agreed!"]

Mr. PHELPS, of Missouri. I will accept the suggestion of my friend from Michigan.

Mr. HOWARD. Let the understanding be that there shall be nothing done but debate; and then gentlemen can go and come as they please.

Mr. PHELPS, of Missouri. And that after four o'clock there shall be no vote taken in committee, except on a motion to rise; or in the House, except on a motion to adjourn. [Cries of "Agreed!"]

Mr. ATKINS. I object.

Mr. GROW. I desire to understand—for I could not quite hear—what the understanding is, which was proposed by the gentleman from Michigan, and accepted by the gentleman from Missouri? Now, within the last two weeks, five gentlemen on the other side of the House have discussed the expenditures of the Government, and no one on this side of the House has been heard in legitimate and fair discussion on these appropriation bills. If the arrangement proposed is such as will allow that kind of debate, I shall be satisfied with it.

Mr. PHELPS, of Missouri. I will modify the resolution I have submitted; and if objection is made to it, I shall move to suspend the rules. I propose now to introduce a resolution that the general debate on the naval appropriation bill shall be closed to-morrow morning, at eleven o'clock; and that, in the Committee of the Whole on the state of the Union to-day, after the House shall have resumed the consideration of that bill, no motion shall be in order, except that the committee rise or take a recess; and no motion in the House, except that the House adjourn.

Mr. GIDDINGS. I suggest that it be the understanding that we shall have an evening session.

Mr. SICKLES. The committee can remain in session as long as they like.

Mr. LOVEJOY. I object to the resolution of the gentleman from Missouri.

Mr. PHELPS, of Missouri. Then I move to suspend the rules to enable me to submit it.

Mr. MILLSON. I would suggest to the gentleman from Missouri that he can accomplish his object by the introduction of a simple proposition to close the debate at eleven o'clock to-morrow. If he accompanies that proposition with an agreement, or proposed agreement, that no vote shall be taken, and no business done, it is simply an invitation to members to quit the House, and would defeat the very object, which is, to have intelligent discussion on the bill in the hearing of members. Let him submit a simple proposition to close debate at eleven o'clock to-morrow.

Mr. LOVEJOY. I withdraw my objection to the resolution.

Mr. SEWARD. I do not understand the proposition, and I shall object unless I do.

Mr. HUGHES. I rise to a question of order. I desire to know if it is in order to move to change a standing rule of the House without one day's notice. If not, I object on that ground, and renew the objection of the gentleman from Illinois.

The SPEAKER. The Chair overrules the first branch of the question of order raised by the gentleman from Indiana. The gentleman from Indiana has a right to object to the proposition; but it is perfectly competent to move a suspension of the rules, including the very rule to which the gentleman refers, providing that no change shall be made in the standing rules without one day's notice. The gentleman from Missouri proposes to suspend that rule, or any other, if objection is made to his resolution.

Mr. HUGHES, Is a motion now pending to suspend the rules?

The SPEAKER. The gentleman from Missouri indicated his purpose to move a suspension of the rules, if objection should be made to his resolution.

Mr. HUGHES. I desire to know if the motion is now pending while I have the floor?

The SPEAKER. The gentleman from Indiana is occupying the floor on a question of order.

Mr. HUGHES. Is it in order for me now to move a suspension of the rules?

The SPEAKER. The Chair thinks not.

Mr. SEWARD. Let the resolution of the gentleman from Missouri be read. I want to know how many propositions it covers, and how much ground we have to travel over.

The Clerk read the resolution, as follows:

Resolved, That all debate in the Committee of the Whole House on the state of the Union on bill No. 712, shall cease at eleven o'clock, a. m., to-morrow, and that, in the mean time, no vote shall be taken in Committee of the Whole, except that the committee rise, or take a recess, and in the House that it do adjourn.

Mr. SEWARD. I raise a point of order on that resolution. We had up the same perplexing question the other day in regard to suspending the rules to take up two bills; the Speaker was in very great doubt about it, and an appeal was entered, but to disembarrass the Chair, it was withdrawn.

Now, this motion contemplates three distinct propositions. What are they? The first is that the debate shall be closed; the second is, that no vote shall be taken except on a motion to rise, or take a recess; and the third is, that no vote shall be taken in the House except upon a motion to adjourn. The gentleman's motion to suspend the rules covers those three distinct points, and I insist that that is not in order.

The SPEAKER. The Chair overrules the question of order raised by the gentleman from Georgia. The Chair thinks it is competent for a gentleman to submit a motion to suspend all the rules at the same time, if he chooses to do so. It is a question which addresses itself to the discretion of the House whether it will vote for such a motion or not.

Mr. SEWARD. Then I move to amend the motion so as to suspend all the rules.

The SPEAKER. The Chair thinks that the amendment is not in order.

Mr. SEWARD. Then I appeal from the decision of the Chair.

Mr. UNDERWOOD. I move to lay the appeal upon the table.

Mr. SEWARD. I move that the House do now adjourn.

The motion was disagreed to.

The appeal was laid upon the table.

Mr. SEWARD. I now move to lay the resolution on the table.

The SPEAKER. The resolution is not before the House.

Mr. HUGHES. I understand that the proposition now is to suspend the rules for the introduction of the resolution. Is it in order for me to move to amend that motion so as to suspend the rules to enable me to introduce a bill?

The SPEAKER. The Chair thinks not. Two motions to suspend the rules cannot be entertained at the same time.

Mr. HUGHES. I do not propose to make another motion to suspend the rules, but to change the object of the suspension.

The SPEAKER. A motion to suspend the rules is not amendable under the practice of the House.

Mr. HUGHES. I desire to inquire of the Chair if the resolution of the gentleman from Missouri would be obligatory, if adopted? Can this House make any order which would deprive a member of the House of the right to ask for a vote upon any question? I say it is an evasion of the rules of this House, and of the rights of members. I submit that the House has no power to forbid members to submit whatever motions they may please under the rules.

The SPEAKER. Does the gentleman make that question of order?

Mr. HUGHES. Yes, sir.

The SPEAKER. The Chair overrules the question of order.

Mr. SEWARD. I want to know if the question is divisible?

The SPEAKER. It is not.

Mr. SEWARD. Why, sir, there is no previous question which can apply to it.

The SPEAKER. That is true; but the question itself is not debatable.

Mr. SEWARD. Well, sir, there are three distinct propositions embraced in that resolution.

The SPEAKER. That may be a good reason, as a matter of consistency, why the House should not adopt it.

Mr. SEWARD. I should think it was a good reason why the Speaker should not entertain it.

Mr. VANCE. Would it now be in order to move that the Committee of the Whole House on the Private Calendar be discharged from the consideration of House bill (No. 270) to execute the treaties of 1817 and 1819 with the Cherokees, by making provision for the reservations under the same?

The SPEAKER. It is not in order at this time.

The rules were then suspended, (two thirds having voted therefor;) and Mr. PHELPS, of Missouri, introduced his resolution.

Mr. PHELPS, of Missouri, demanded the previous question upon the passage of the resolution.

The previous question was seconded, and the main question ordered to be put.

The resolution was adopted.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. Before the question is put on that motion, however, I move to reconsider the vote by which the resolution was just now adopted, and move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question then recurred upon the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. HUGHES. I submit that the gentleman from Missouri cannot make two motions at once; and I now claim the floor, for the purpose of asking the consent of the House to permit me to introduce a bill.

The SPEAKER. The gentleman from Missouri was entitled to the floor. He did submit two motions, and no exception was taken to it by the gentleman from Indiana, or any other member.

Mr. HUGHES. Well, sir, this is the same sharp practice that was put upon me yesterday. The facts are these: the gentleman from Missouri moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. He then said that previous to that, he moved that the vote by which the resolution was adopted be reconsidered, and that the motion to reconsider be laid on the table. Now, sir, I submit that he could not, under the rules of the House, submit these two motions.

Mr. SEWARD. I would suggest to the gentleman from Indiana that that is a rather hard place, and that he had better withdraw his objection, and allow us to proceed amiably.

Mr. HUGHES. I decline to yield the floor. I want it understood that I make no complaint of the Speaker. The Speaker suggested yesterday that it was rather sharp practice upon me when the floor was taken from me yesterday by the gentleman from Missouri.

Mr. PHELPS, of Missouri. I submitted the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. Before the question was put on that motion, however, I submitted a privileged motion to reconsider the vote by which the resolution was adopted. If objection had been made at the time, I suppose, perhaps, the vote could have been taken upon the motion to reconsider. No objection, however, was made. The question was put on laying that motion on the table; and the motion which I originally made to go into the Committee of the Whole on the state of the Union is now pending.

The SPEAKER. That is the opinion of the Chair.

Mr. HUGHES. In order to see whether I am to be allowed to have any rights in this House, I appeal from the decision of the Chair.

Mr. MORGAN. I move to lay the appeal on the table.

Mr. HUGHES. The gentleman cannot take the floor from me to make that motion.

Mr. DEAN. Is the appeal debatable?

The SPEAKER. It is not.

Mr. DEAN. Then, I object to all debate.

Mr. HUGHES. I ask for the yeas and nays, upon the motion to lay on the table.

Upon ordering the yeas and nays, only fourteen gentlemen rose.

Mr. HUGHES called for tellers on the yeas and nays.

Tellers were ordered; and Messrs. CRAIGE, of North Carolina, and CHAFFEE, were appointed.

The committee divided; and the tellers reported—ayes fifteen, not a sufficient number.

So the yeas and nays were not ordered.

The appeal was then laid on the table.

The motion of Mr. PHELPS, of Missouri, was then agreed to.

So the rules were suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair,) and resumed the consideration of the bill of the House (No. 712) making appropriations for the naval service for the year ending June 30, 1860.

The committee was then addressed by Messrs. MILLSON, HOWARD, CURRY, NICHOLS, KUNKEL, of Pennsylvania, VALLANDIGHAM, THAYER, REAGAN, BLISS, BOYCE, GRANGER, SEWARD, CURTIS, and LEIDY. [These speeches will be found in the Appendix.]

Mr. SEWARD moved that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. JONES, of Tennessee, reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the Navy appropriation bill, and had come to no resolution thereon.

And then, on motion of Mr. SEWARD, (at ten o'clock and twenty-three minutes, p. m.,) the House adjourned.

IN SENATE.

FRIDAY, *February* 25, 1859.

The Secretary proceeded to read the Journal of yesterday; when he was interrupted by

Mr. WADE. I notice among the list of yeas and nays, the name of the Senator from California, [Mr. GWIN,] with whom I paired off last evening. I presume it is without his consent.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) The Chair will suggest to the Senator from Ohio, that the proper time to call attention to any error in the Journal will be after it is read.

Mr. WADE. I do not know that there is any error about it, but I suppose there is.

The reading of the Journal was concluded.

Mr. GWIN. I wish to make a remark in regard to the Journal. The Senator from Ohio [Mr. WADE] and myself paired off on the question of increasing the postages. That was my understanding, and I believe it was his; at least I thought so, and I did not vote on that question at all; but when the subsequent question came up I voted. I did not know whether the Senator was here or not. That was my understanding.

Mr. WADE. That was an important matter which I wished to vote upon. I intended, if I had been here, to have voted to continue the postage at the present rate, and not to increase it; but to abolish the franking privilege. Those are the two points on which I wished to be paired off.

PETITIONS AND MEMORIALS.

Mr. CHANDLER presented a joint resolution of the Legislature of Michigan relative to the military instruction of the uniformed volunteer militia of that State; which was referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

He also presented a joint resolution of the Legislature of Michigan in favor of the establishment of a semi-monthly overland mail from St. Paul, in Minnesota, to Puget Sound, on the Pacific coast; which was ordered to lie on the table, and be printed.

Mr. IVERSON presented two memorials of citizens of Georgia, praying an increase of the duties on iron; which were ordered to lie on the table.

Mr. GWIN presented a petition of citizens of the Territory of Arizona, praying that volunteer companies of rangers may be raised to protect them from the Apache Indians; which was referred to the Committee on Territories.

Mr. KING presented the memorial of Moody, Secor, & Co., contractors and lessees of the United States dry-dock, at Mare Island, in California, praying to be allowed such compensation as Congress may deem just and reasonable; which was referred to the Committee on Naval Affairs.

PAPERS RECOMMITTED.

On motion of Mr. YULEE, it was

Ordered, That the petition of Charles C. Walden be recommitted to the Committee on Naval Affairs.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the Speaker had signed an enrolled bill (H. R. No. 443) for the relief of William F. Wagner; and it was signed by the Vice President.

BILL INTRODUCED.

Mr. LANE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 85) giving construction to an act approved March 3, 1857, entitled "An act for the relief of George Chorpenning, jr.;" which was read twice by its title, and referred to the Committee on the Post Office and Post Roads.

CLAIM OF JOHN REEVE.

Mr. KING submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State communicate to the Senate all the correspondence and papers in the State Department, relating to the claim of John Reeve, shipbuilder, a citizen of the United States, against the Sultan or Government of Turkey, if not incompatible with the public interest.

OCCUPATION OF CANTON.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and referred to the Committee on Naval Affairs:

Resolved, That the Secretary of the Navy communicate to the Senate the report and letters of Commodore James Armstrong, with regard to the occupation of Canton and the capture of the Barrier forts in the Canton river by the United States naval forces, in 1856, and all correspondence in connection therewith.

ERRONEOUS SALES OF LAND.

Mr. STUART. I ask the indulgence of the Senate for five minutes to pass a House bill of a very important character to all our people. It is simply to authorize the men who have paid money for land, for which they have got no title, to get their money again. It will not occupy five minutes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 803) to amend an act entitled "An act authorizing the repayment for land authorized to be sold by the United States.

It provides that the act of Congress "authorizing repayment for lands erroneously sold by the United States," approved January 12, 1825, shall be so amended as to authorize the Secretary of the Interior, upon proof being made to his satisfaction that any tract of land has been erroneously sold by the United States, so that from any cause whatever the sale cannot be confirmed, to repay to the purchasers, or to the legal representatives or assignees of the purchasers, the money which may have been paid therefor; and whenever any tract of land has been thus erroneously sold and the money paid for it shall have been invested in any stocks held in trust, or shall have been paid into the Treasury of the United States to the credit of any trust fund, it shall be lawful, by the sale of such portion of the stocks as may be necessary for that purpose, or out of the trust fund, for repayment of the purchase money to be made to the parties entitled to it.

Mr. KING. I would inquire of the Senator from Michigan, what special provision there is in the bill in regard to a trust fund?

Mr. STUART. The provision is this: where the lands sold are lands that belonged to a trust fund, and the title cannot be given and the money has been paid, then that trust fund shall refund the money. That is the effect of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RED RIVER RAFT.

Mr. CLAY. The Committee on Commerce, to whom was referred a resolution instructing them to inquire into the expediency of giving the assent of Congress to certain acts of the Legislatures of the States of Louisiana and Arkansas, in relation to cleaning out the Red river, or rather for removing the Red river raft, have instructed me to report a joint resolution, and to ask that the Senate consider it at this time. I think, when the resolution is read, it cannot create any opposition whatever. If any explanation is necessary, I will give it; but I trust the Senate will act on it, because these Legislatures have incorporated a company which proposes to go to work immediately to remove that raft. I hope the Senate will consider it at this time.

There being no objection, the joint resolution (S. No. 84) giving the assent of Congress to certain acts passed by the Legislatures of the States of Louisiana and Arkansas, in relation to the raft of Red river, and for other purposes, was read twice by its title, and considered as in Committee of the Whole. It gives the assent of Congress to the act of the Legislature of Louisiana, approved March 18, 1858, "to incorporate the Louisiana, Arkansas, and Texas Navigation Company," and an act of the Legislature of Arkansas, approved January 28, 1859, entitled "An act approving of the act of the General Assembly of Louisiana, incorporating the Louisiana, Arkansas, and Texas Navigation Company," which acts have for their meaning the improvement of the navigation of the Red river, by the removal of the raft therefrom. As soon as the Louisiana, Arkansas, and Texas Navigation Company shall have removed the obstructions to navigation in the Red river caused by the raft, and rendered it navigable, and not before, the assent of Congress is given that those three States may, through that company, under and in accordance with, and in the mode provided by, the charter for the benefit of the company, and to reimburse to them their expenditures in removing the raft, to levy and collect, by way of commutation for duties, tonnage-tolls on all boats or other water craft ascending or descending the river, or passing through the portion rendered navigable, not to exceed fifty cents for each bale of cotton, and twenty-five cents on a barrel of goods, wares, or merchandise wherewith the boats are loaded; and this privilege is to continue for thirty years from 1858.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSTRUCTION OF PENSION LAWS.

Mr. WADE. I now move to take up the resolution of the House No. 36.

Mr. BENJAMIN. I object. It is a pension law.

Mr. WADE. I believe I have the floor.

The PRESIDING OFFICER, (Mr. FOOT.) The Senator from Ohio is entitled to the floor.

Mr. WADE. I move to postpone all other business and all other orders in order to take up this resolution.

Mr. CLAY. I hope that motion will not prevail. It will take eleven or twelve hundred thousand dollars out of the Treasury if it prevails.

Mr. WADE. It is a resolution which has involved general debate here, from time to time, so long that I suppose every Senator understands precisely what it is, or will know when I state the subject-matter. It is in reference to the construction of the law of 1853, construing that law as to the time when the pensions under it take effect. It has already been decided by the Court of Claims in several instances, and it has been decided by committees of the House and of committees of this branch, and has now passed the House. Those interested in the construction of this law, in my judgment, are entitled to the sense of the Senate upon it. They are entitled to know whether they are to receive any relief or not. They have battled this matter through the courts, and have been at great expense to decide the principle; and it is now right, it seems to me, that we should act upon the matter.

Mr. CLAY. If the Senator will pardon me, the Senate has already expressed its sense against the resolution by a very decided vote on the case of Jane Smith, in which the principle was involved. After having argued an hour or two, the Senate, by two to one, voted it down.

Mr. WADE. I think the Senate voted that bill down for another reason. This question has never been directly before the Senate, that I know of, and there is another reason why it could not be. When it came up in a bill for the relief of a particular person, many Senators, I know, would go against it, because it involved a general principle which should be settled for all cases, and not undertake to settle it in each particular case as it comes up. This resolution settles the whole question. I will state here, for the information of all those who suppose it involves any great sum, that I suppose it does not. Although there were many persons who would be entitled under it, at the time it was passed, that number has been very much diminished since.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to postpone all pending and prior orders and take up the resolution indicated by him. That is the question now pending. The Chair will state further, that at this stage of the session, on the question of

precedence of bills, the Chair feels bound to enforce the rules, and limit debate strictly to the question, which does not involve the merits of the question proposed to be taken up.

Mr. WADE. I am not going to say anything about its merits. Every Senator has made up his mind whether it has merits or not; but I wish to say to the friends of this resolution, to those who believe that it is right, that now is the time to act upon it. Let us take it up and have a vote upon it, and not give it the go-by.

Mr. STUART. I ask for the yeas and nays on the motion to take up the resolution.

The yeas and nays were ordered.

Mr. TOOMBS. I hope the Senate will not take up this resolution. We have now a great many most important public matters to act upon. We had a general discussion on this subject at the last session of Congress, and there was a decided expression of the Senate against it. Parties have come here at this session with a decision of the Court of Claims in their favor. It was deliberately considered; and I then objected to it, and said that it had been determined at the previous session. The Senator from Ohio said, no; that it was not determined before; that there was something else in it; but, upon a bill involving the identical principle of this class of cases, which was considered on a private bill day, this Senate deliberately, and upon argument, decided against it. Therefore, I hope we shall not now, within the last five or six days of the session, have this question of bounties thrust upon the legislative body.

Mr. STUART. If the Senator from Georgia will allow me, I wish to add another fact. Some two or three years ago, upon the motion of the Senator from Ohio, [Mr. WADE,] to add an appropriation to the general appropriation bill, to meet this decision, after a very elaborate discussion, and on the yeas and nays, the Senate rejected it.

Mr. TOOMBS. Yes, sir.

Mr. CLAY. It has been three times rejected.

The question being taken by yeas and nays, resulted—yeas 22, nays 27; as follows:

YEAS—Messrs. Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Fitch, Foot, Foster, Gwin, Hale, Hamlin, Harlan, Kennedy, Polk, Rice, Seward, Simmons, Smith, Trumbull, and Wade—22.

NAYS—Messrs. Allen, Benjamin, Bigler, Broderick, Brown, Chesnut, Clay, Clingman, Davis, Fitzpatrick, Green, Hammond, Hunter, Iverson, Johnson of Tennessee, Jones, Mallory, Mason, Pearce, Pugh, Reid, Shields, Slidell, Stuart, Toombs, Ward, and Yulee—27.

So the Senate refused to take up the joint resolution.

KENNEDY O'BRIEN.

Mr. PUGH. I ask the indulgence of the Senate to take up the bill granting an invalid pension to a soldier of the Mexican war. It is for a poor fellow who is blind. It is a House bill, and only allows him eight dollars a month.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 457) for the relief of Kennedy O'Brien.

It directs the Secretary of the Interior to place the name of Kennedy O'Brien on the list of invalid pensioners, and pay him a pension, at the rate of eight dollars per month, from the 1st of January, 1854.

Mr. PUGH. Let the Secretary read the report in the case.

The Secretary read it; and it appeared that he served in the late war with Mexico, having volunteered two different times; that while in the line of his duty he contracted a chronic diarrhea, from the effects of which he became blind.

Mr. FITCH. In what position is that bill before the Senate?

The PRESIDING OFFICER. It is in Committee of the Whole, and open to amendment.

Mr. FITCH. I think we had better reject it. This idea of contracting blindness from chronic diarrhea is something new.

Mr. DAVIS. I hope the bill will be passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST ROUTE BILL.

Mr. DOOLITTLE. I now ask the Senate to take up the bill called the homestead bill, which has passed the House of Representatives. I make a motion to that effect.

Mr. SLIDELL. The hour of twelve o'clock has arrived.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield the floor to the Senator from Louisiana?

Mr. DOOLITTLE. I do not yield the floor. I move to postpone all pending and prior orders, for the purpose of taking up the homestead bill; and on that question I ask for the yeas and nays.

Mr. YULEE. We adjourned last night with an understanding upon all hands that we would take a vote without debate this morning, upon the bill which was under consideration yesterday. I hope it will be agreeable to gentlemen on the other side to redeem that understanding. We adjourned pending a call of the yeas and nays, and only for want of a quorum; and the expectation was, that immediately on the arrival of twelve o'clock, we would complete that vote without debate; and I hope it will be done.

Mr. JONES. I rise to a question of order. The Chair just now stated that debate should be upon the motion before the Senate, and not in reference to the subject. The question is the motion of the Senator from Wisconsin; and I hope the Senate will proceed to vote upon that bill.

The PRESIDING OFFICER. The Chair, agreeably to the rules, arrests all debate for the purpose of stating that the hour of twelve o'clock having arrived, the pending business upon the adjournment of the Senate yesterday is now before the Senate, and that is upon the final passage of the bill establishing post routes in the United States.

Mr. DOOLITTLE. Having the floor, Mr. President, and understanding what occurred last evening, I have no objection to yield it for the purpose of allowing the vote to be taken upon the bill which was pending at the hour of adjournment; but I wish to reserve the right to the floor. When that vote shall have been taken, and that bill been disposed of, I propose to move what I have now indicated, not with a view of entering upon the discussion of that question, but simply to come to a vote upon it. It has been discussed for fifteen years.

The PRESIDING OFFICER. The Chair will state, at the present time there can be no reservation of the right of any member to the floor after the pending business is disposed of. That will depend upon the person entitled to the floor, or who is seen by the Chair at the time. The question now is on the passage of the post route bill, upon which the yeas and nays have been ordered.

Mr. GWIN. I wish to state that this bill contains a very offensive clause, intended to break down the post office service in the agricultural portion of the State of California. I am in favor of all the provisions of the bill with that exception. I will not vote upon it.

Mr. STUART. I beg to be indulged in saying a word. Under the instructions from the Legislature of Michigan, I voted against increasing the postage. That matter, however, being disposed of, and there being so many provisions in this bill which meet my judgment, I wish to record my vote in favor of the bill upon its passage.

The question being taken by yeas and nays, resulted—yeas 30, nays 25; as follows:

YEAS—Messrs. Allen, Bell, Benjamin, Broderick, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Hammond, Hunter, Iverson, Johnson of Tennessee, Jones, Mallory, Mason, Pearce, Polk, Reid, Rice, Sebastian, Shields, Slidell, Stuart, Toombs, Ward, and Yulee—30.

NAYS—Messrs. Bigler, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Kennedy, King, Lane, Pugh, Seward, Simmons, Smith, Trumbull, Wade, and Wright—25.

So the bill was passed.

Mr. YULEE. I move to amend the title, by adding the words "And for other purposes."

The motion was agreed to; and the title was so amended.

ACQUISITION OF CUBA.

The VICE PRESIDENT. The Chair will call up the special order at this hour.

Mr. SLIDELL. I move to postpone all prior orders for the purpose of proceeding to the consideration of the bill (S. No. 497) for the acquisition of the Island of Cuba by negotiation.

Mr. DOOLITTLE. Perhaps I cannot make a claim that I have a right to the floor, although I yielded the floor upon a prior motion which I had made, which was to postpone all previous orders with a view to taking up the homestead bill. I rose instantly, as I supposed, upon the announcement of the passage of the bill, and others rose at the same time. The Chair did not know anything of what occurred in the Senate previously, and I was not recognized. I desire that the Senate should take up the homestead bill, not with a view of delaying the Senate. It has been a question which has been discussed for fifteen years, upon which the judgment of every Senator present is formed, and upon which I desire now a direct vote; and therefore I hope the Senate will take up the homestead bill, and not take up this other bill, which must necessarily lead to a very long discussion.

Mr. SLIDELL. I will say that there is a very general understanding on the part of Senators on this side of the House, and some on the other, who are in favor of the bill for the acquisition of Cuba, that this discussion shall be continued until final action is had upon the bill. I state this now, that gentlemen may not plead surprise. I will venture, at the same time, to express the hope that all those who desire the passage of the bill will remain at their posts until some final action can be had.

Mr. DOOLITTLE. The announcement made by the honorable Senator from Louisiana is enough to apprise the friends of the homestead bill that if we do not take it up and vote upon it now, we shall have no opportunity to vote upon it during this session; for I understood him distinctly to announce, that when the discussion of the Cuba bill is commenced, it must be continued until it is concluded. I think it would be better to take up this question of the homestead bill and vote upon it, and then the Cuba question will come up. I ask the friends of the homestead bill now to stand by it, and give it the preference. We do not seek to antagonize it as against the appropriation bills at this hour of the session. We could not expect, or hope especially, of the friends of this homestead bill, who act with the majority of the Senate, that they would prefer taking up the homestead bill, and come in antagonism with the appropriation bills, because they are necessary; but, as between this proposition to take up the Cuba bill and the proposition to take up the homestead bill, I call upon all friends of the homestead bill on this and the other side of the Chamber, to stand by it. Now is the time, or never.

The VICE PRESIDENT. It is moved to postpone the special order, to take up the Cuba bill.

Mr. JOHNSON, of Tennessee. Is the question susceptible of division? For instance: cannot the motion be divided, so that if all prior orders be postponed, then it shall be in the discretion of the Senate what proposition they shall take up?

The VICE PRESIDENT. The Chair will state that the Senator's motion substantially is to postpone all prior orders for the purpose of taking up the bill indicated by him; and, if that motion prevails, that bill will be before the Senate, and will require a motion to postpone it.

Mr. SEWARD called for the yeas and nays; and they were ordered.

Mr. FESSENDEN. I desire to ask whether another motion is necessary to take up the Cuba bill after the postponement of all prior orders, or whether it comes up as part of this motion?

The VICE PRESIDENT. It will be the business in order, and the Chair will call it up. There will be no business anterior to it. The motion is to postpone all prior orders until we reach it.

Mr. FESSENDEN. Very well.

The question being taken by yeas and nays, resulted—yeas 35, nays 24; as follows:

YEAS—Messrs. Allen, Bayard, Bell, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Jones, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Smith, Stuart, Toombs, Ward, Wright, and Yulee—35.

NAYS—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, Kennedy, King, Pearce, Seward, Simmons, Trumbull, Wade, and Wilson—24.

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 497) making appropria-

tion to facilitate the acquisition of the Island of Cuba, by negotiation.

Mr. WILSON. I desire to submit an amendment which I shall propose to this bill; and I ask that it be read, and printed.

The Secretary read the proposed amendment, which is to substitute for the bill, the following:

Whereas reciprocal commercial intercourse among nations promotes mutual prosperity, and is the surest guarantee of permanent peace; and whereas it is not the policy of the United States to despoil any nation of her possessions, however rich or valuable, but to cultivate with all nations the most friendly and unrestricted commercial relations; and whereas the restrictive policy adopted by Spain against the trade and commerce of the United States with the Island of Cuba, forcing the adoption of a similar policy by the United States towards herself, impairs the benefits which would otherwise result to both nations from reciprocal trade and commerce between the United States and Cuba; and whereas treaty negotiation for the removal of all illiberal and unjust restrictions upon trade and commercial intercourse between this country and the Island of Cuba and every nation upon this continent, is most desirable: Therefore,

Be it enacted, &c., That the President of the United States be authorized and requested to open negotiations with Spain, and nations south of us upon this continent for the removal of all illiberal and onerous restrictions upon trade and commerce between them and their dependencies and the United States, and to defray any necessary expenses incurred in such negotiations, the sum of $50,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MALLORY. Mr. President, when I had the honor of last addressing the Senate on this bill, I took the broad ground which has been assumed by every statesman of our country who has ever had this question under consideration, that the Island of Cuba is essential to the general welfare of the United States, and to its military defenses. I endeavored to show its remarkable geographical position in a strategic military point of view. I further endeavored to show why it was that the statesmen of our country, from Mr. Jefferson to the present day, including all complexions of political parties—Whigs as well as Democrats—have uniformly used the language that the United States would not seek to disturb Spain in the possession of the island. It was when Spain was comparatively, as compared with the rest of the Powers of Europe, a strong nation, and we were relatively weak. It was said with the understanding that Spain could maintain her *status* in Cuba, and would govern it in such a manner as to be compatible with our interests. Who supposes, for a moment, that any of these leading men, most especially Mr. Calhoun, would have used such language, if the alternative of the Africanization of Cuba had been submitted to him? If it had been seen, in 1845, that Spain was taking measures to turn the slave population of Cuba free, and to reduce it to the condition of Jamaica or San Domingo, does any man suppose that Mr. Calhoun would not have been in favor of adopting immediate measures for the acquisition of Cuba, if necessary in the manner he pointed out, by the alternative of arms? Yes, sir; he would have felt then, as many of us do now, that it is our duty, openly and in the face of the world, to take Cuba, and talk about it afterwards.

In this connection, also, I endeavored to show the weakness of Spain, and her inability to maintain her neutrality in the event of any difficulty between her and any of the European Powers, and I will do it more fully to-day. It is manifest that in a war between ourselves and Great Britain or France, it would be impossible for Spain to pretend to neutrality; or if she did, she would have but to open her ports to both belligerents alike, and to offer the same facilities to ourselves and to our enemy, to insure to the enemy the greatest possible advantages, and to us the greatest possible detriment; and if it did not, experience has taught us that Britain, as an enemy, has never regarded the rights of neutrals. In our own brief naval career in the last war, we saw that at Valparaiso she attacked our fleet while lying under the guns of a neutral port, and she did the same at Fayal; and if we wanted further assurance, we might take her conduct at Copenhagen. It is fallacious to proceed on the ground that we can recognize longer a continuation of Spain's authority over Cuba, on the presumption than she can, if she would, govern it in a manner compatible with our interests in the event of difficulty. In the event of war, she could not so govern it; and in peace, as we are now, she is so governing it as to show the very worst possible aspect to our interests.

I will now briefly review our commercial relations with Cuba, so far as they bear upon the question of annexation; for I hold that if we had in this respect pursued a wise policy, the acquisition of this island would have been an easy matter to-day.

But if our worst enemies had devised some cunning scheme for alienating the Cubans and driving their trade from our ports, they could not have performed the task better than we have done it for ourselves.

As Cuba's nearest neighbors, and as the cheapest producers of all the staples of life, we ought naturally to engross a very large share of her trade; and such would be the natural result, did we permit Cuban vessels to purchase in our ports. But I will undertake to say that if our ports, from Maine to Texas, were examined to-day, you would find no Spanish vessel in them bound to Cuba; and I remember that the last time, some four years ago, I examined this subject, our exports to Cuba, in Spanish bottoms, amounted to $12,000, while those from Great Britain reached nearly three million dollars. Cuba sells to the United States double the value of what she receives in products; but under no wise system could this possibly exist. For example: if our imports from Cuba this year shall be $15,000,000, our exports in value will be $7,500,000, leaving us her debtor $7,500,000; a debt which we do not pay directly to Cuba, but which we pay, through exchange on England and France, to Spain, to equalize her balance against Cuba. Cuba sells to England, either directly or through "Cowes and a market," as much as she receives, and the commerce between them is about equal. Spain takes $3,600,000 of Cuban products, and she sells to Cuba $9,000,000, or nearly three times as much; but of this $3,600,000 much is not consumed in Spain, but in the ports of the Levant and the Adriatic, going first to Cadiz and Barcelona. France sells to Cuba $2,500,000, and Cuba sells to France $2,000,000; or, if the value of Cuban produce which goes through Spain into France be considered, their trade is about equal. Under the American flag, Cuba would receive from us sixteen twentieths of all the articles she now imports from France and England; and to illustrate the change which her incorporation into the American Union would work, let us look alone at the article of flour.

Cuba consumes three hundred thousand barrels of flour per annum, only nine thousand of which are American; and I estimate her population at one million six hundred thousand, a grade higher than it has been placed on this floor. I have reason to believe this to be correct. On Spanish flour the duty is $2 50 per barrel, and on American it is $10 81 per barrel, a discrimination of $8 31, or more than the first cost of the article, against us; and the consequence of this enormous protection to Spanish flour has been to confine its use mainly to the wealthy classes. Were flour admitted free, they would consume three fourths of a barrel, each, per annum, or one million two hundred thousand barrels of American flour, which would sell in Cuba, at $5 per barrel, for $6,000,000, instead of the $45,000 of flour we now sell them. Lying, as Cuba does, at the very doors of the flour and rice market, these articles would be carried there in the small Spanish vessels, which would make short voyages and supply the market, upon a sudden demand, at all the ports of Cuba.

When the independence of her American colonies was acknowledged by Spain, and privateering under the Colombian and Mexican flags ceased, Spain had not a ton of commercial shipping upon the ocean. Her naval power was insignificant, and she at once adopted a policy to create a school for seamen, and to build up her navy; and her first measure was to discriminate, in levying duties upon ships and merchandise, in favor of her own vessels, against those of all the world.

Mr. Van Ness, being then our Misister at the Court of Madrid, was directed to remonstrate against this system. Spain refused to recede, and, upon the petition of certain shipping interests, Congress adopted the suicidal policy of retaliatory measures—measures which struck a heavy blow at the agricultural and commercial interests of the country.

With the view of coercing Spain into the abandonment of her policy, we passed the two acts of 1832 and 1834, levying discriminating duties on Spanish vessels; and these acts, directed against the trade of Cuba and Porto Rico, have the following effect:

A Spanish vessel takes on board, at New York, or any other American port, a thousand barrels of flour, and goes to the custom-house to clear. If she be destined to any other place in the world than Cuba or Porto Rico, she is compelled to give a bond in double the value of vessel and cargo, that no part of it shall be landed at either of those islands. Here, at once, is a discrimination (not designed by the law) which effectually throws the Spanish vessel out of the freighting business, for a commission has to be paid to the merchant for giving the bond; and from this vexatious expense all other flags are free.

But if the vessel be destined for Cuba or Porto Rico, then the collector demands the payment of a sum of money equal to the discriminating duty chargeable in Cuba upon the same cargo, as between a Spanish and an American vessel.

If, for example, this cargo of flour, landed in Cuba from a Spanish vessel, would pay seven dollars per barrel duty, and from an American ten dollars, then upon every barrel at New York the collector would charge the Spanish vessel three dollars, and call this a tonnage duty.

A more restrictive measure, or one better calculated to legislate Cuban trade from us, could not have been devised; and this explains the enormous balance of trade against us.

No nation but ourselves pursued this course; and England and France have largely increased their Cuban trade in consequence.

To show how this has been regarded by the Cubans, I will request the Clerk to read the following portion of the report upon the trade of Cuba, made to the Captain General in 1844, and which I have translated for the purpose:

"To show the injustice of the measure, [alluding to the act of 1834,] let us compare the imports of the two countries, [Cuba and the United States.] Our vessels coming from the United States pay, on the value of their cargoes, from seventeen and one fourth to twenty-one and one fourth per cent.; and those of the Americans with same cargoes, from twenty-four and one fourth to thirty and one fourth per cent.; the difference between the two is from seven to nine per cent., giving a mean difference of eight per cent."—Page 283.

"The Government of the United States has the indisputable right to exercise equal discrimination upon our vessels to protect theirs and the products of their country, as have all other nations; but has it done so by the enactment of this law? No! May it please your Excellency, the American Government has said that, in addition to the contributions common to other vessels, those of Spain engaged in the trade of Cuba and Porto Rico shall pay an additional duty equal to the *difference* imposed on these islands between national and American vessels; that is to say, if foreign vessels pay in the United States twenty per cent. more than American vessels, those of the islands must pay a differential duty of twenty-eight per cent., a duty which augments just in proportion as we decrease the burdens imposed on our vessels, though we do not increase those of the American vessels!"—Pages 283, 284.

"In other words, may it please your Excellency, it is *equivalent to the declaration* of the American Government to that of his Majesty: *In vain you think* to protect your shipping, even at the cost of their public revenue; because just so much as you lighten *your* burdens upon it, just so much will we augment *ours* upon it! Such a violation of the rights of nations can hardly be conceived on the part of a great and liberal Government, and still less that it should be tolerated by Spain."—*Ibid.*

"This violation is more flagrant and manifest as it respects *exportations*. As to importations it is very well to levy equal (not different) duties upon cargoes imported into both nations reciprocally, because the productions of the country thus have protection; but with respect to *importations*, what motive can the Government of the United States have to levy this differential duty if it be not the extinction of our shipping, even at the cost of her own productions?"—*Ibid.*

"Thus, then, if to-morrow our Government shall deem it right to make a sacrifice of all parts of the imposts upon our marine which it now pays, have strangers the right to receive the same in their ports? Evidently no, your Excellency! All they can rightfully do is to imitate the Government of Spain, and to protect their marine at the cost of the same sacrifice. But to augment the duties on our vessels in proportion as we decrease them, when we do not increase those upon American vessels, and to convert this sacrifice made by the Spanish Government into a means for its destruction, is what has never been pretended to by any other nation, and cannot be tolerated by Spain without disgrace."

No complaint was ever more just and, so far as we have gone, we have recognized its justice. Two commitees of this body and two Secretaries of the Treasury, Mr. Walker and Mr. Corwin, have recommended the repeal of these laws in elaborate reports.

I alluded, the other day, to Great Britain's interference with Cuban affairs. Amongst other

pretenses for her interference, she sets up her right to suppress its African slave trade, and this brings me to the consideration of this branch of the subject, and I shall dispose of it briefly.

I am indisposed, Mr. President, to connect in any manner the question of slavery with our Cuban policy; for they have never been in any manner connected by any of the leading statesmen of our country who have advocated the acquisition of Cuba.

We have discussed this question of domestic slavery for twenty years, and the results have been sectional divisions and alienations where a common interest demanded union.

It has certainly not advanced the interests of the negro race in the way in which the false philanthropy of its false friends desired; for it has not freed a single slave; but it has proved, beyond all question, that the condition of the negro slave in the United States is preëminently superior to that of the free negro in any part of the earth, and that the negro's greatest happiness and greatest usefulness are best secured under our system of domestic servitude.

Inasmuch as I am prepared to show, as an inducement to some gentlemen to vote with us on this measure, that the African slave trade in Cuba would cease with the transfer of the island to the United States, I will briefly state how it is at present conducted.

It will be remembered that Spain relinquished, by the treaty of 1817, all right to engage in the African slave trade, and received from Great Britain $2,000,000 mainly for this concession. The trade, however, did not in the least abate. In 1835, Britain forced Spain to make another treaty, whose provisions were more stringent, and by the instructions under which, it was supposed, the trade would be broken up; but still it continues, though upon a more limited scale, while the "horrors of the middle passage" have been greatly augmented by the increased risks of capture.

The manner in which this trade is conducted, though more or less a mystery to the world, may be readily understood, and it may be briefly stated thus:

Under the instructions of the Spanish Government, issued with the apparent design to prevent the trade, slaves on the Island of Cuba are registered, and to their owners are issued what are called in Spanish *cedulas*—which may be translated permits—and these *cedulas* are printed in books, uniformly one hundred in each, and issued under the authority of the Captain General; and it is made the duty of owners to have *cedulas* for their slaves.

A party wishing to engage in the slave trade, usually purchases a fast-sailing vessel—generally an American vessel—and pays for her at Havana or in the United States, upon the condition of her being delivered on the coast of Africa. She sails for Cabinda, or some other point of the slave coast, with the few articles required for a return slave voyage, under the command of her American master or mate, with a crew to bring her back; and, on her arrival on the coast of Africa, she is turned over to her new owners, the master pockets his vessel's register, returns home, delivers it to the custom-house to cancel his registry bond, and upon it is written "vessel sold abroad."

The Spanish owner, the moment he takes command, offers so many of the American seaman as he wants, liberal wages, varying from three to five hundred dollars for the return voyage, and not unfrequently secures their services. The water casks are then filled, the slave deck laid, the caboose and coppers arranged, and when a favorable off-shore breeze springs up the slaves are taken on board, in two hours if necessary, and the vessel, with her new owners and cargo, is off for Cuba.

The place of landing in Cuba is previously arranged, and as the time for the arrival of the vessel approaches those interested in the enterprise are at their posts. *Cedulas* have been obtained from the officer who does this part of the dirty work of the Captain General, for the number of slaves expected, two and a half ounces (or forty-two dollars and fifty cents) being paid for each as the Captain General's fee.

The slaves are landed, the *cedulas* being exhibited to the chief authority, and to the captain of the partido of the district, to each of whom handsome gratuities are paid for their connivance.

This is the ordinary course of proceeding when the affair is successful, and the profits it yields are enormous; the Bozal costing the trader about seventy dollars, and selling for from eight to twelve hundred in Cuba.

But it not unfrequently happens that Mr. Crawford, the British Consul General at Havana, learning of the intended importation, spiritedly remonstrates and demands the Captain General's interference; and this officer, in appearance at least, adopts active measures to prevent it; but it rarely amounts to anything. If any slaves are taken, the affair is so managed that the trader is suffered to escape with enough to make a fair profit; and if any participant has to be imprisoned for a few days, it is usually the captain of the partido, who runs this risk and charges accordingly. Thus is the slave trade conducted; and while it is manifest that the trade could not exist a day without the connivance of the Captain General, it is equally obvious that it is impossible to obtain accurate information as to the number of slaves annually introduced. I have examined all the received authorities upon this point, and I have reason to believe the number generally overstated.

Lippincott says, that in 1844, when the trade was uncommonly active, the importation reached ten thousand; but General Crawford, whose means of obtaining correct information, entitle his statements to great consideration, does not estimate it at over six thousand.

Mr. President, I totally dissent from the assertion that the plantation slaves of Cuba are replaced by importations every seven years, and from the assertion of my friend from South Carolina, [Mr. HAMMOND,] that the climate of Cuba is adverse to the African. Cuba is but a degree south of Florida, where our statistics show the negro is healthier than in any other portion of our country.

The Southern Keys of Florida are in latitude 24° 33', and Cuba lies southeast about ninety-four miles from them; and while Florida is but little elevated above the tide-water, a back-bone of mountains traverses Cuba from east to west.

With similar treatment, the plantation negro in Cuba would be what he is in Florida, the freest from disease and care, the happiest and the most enduring of his race on the face of the earth.

But it must be remembered that so long as the slave trade exists, increase by births is discouraged, not only by the interest of the planters, but by the prejudices of those owning domestics.

The trader finds the expense and trouble of bringing females equal to that of bringing males from Africa; and as the female is worth only about one half or three fifths as much as the male of the same age, but few females are brought, the proportion being about one to six.

Hence we find scarcely a female on some plantations except a few domestics about the houses.

Now, sir, annex Cuba and abolish the trade, and the females would be sent from the cities and towns to the plantations, their places would be supplied by the coolies or the *Islañais*, and the domestic slavery of Cuba, like the island generally, would soon be Americanized.

I trust that I do not shock the prejudices of any of my friends when I say, that the continuance of the African slave trade is the greatest curse that could have been inflicted upon Cuba; for to that, and that alone, is she indebted for the deathly pall that wraps her in despotism to-day.

Spain has violated her treaty obligations to encourage it, because she deliberately adopted the horrible policy of ever keeping a large number of negroes, fresh from their jungles in Africa, ready to turn upon the people; savages, with whom slaughter is a pastime; and one of her ministers, with a cold-blooded forecast unsurpassed, has calculated that the ability of Spain to turn these negroes upon the people, is equal, in controlling Cuba, to an army of one hundred thousand men.

It has kept the people in constant terror of insurrection, and afforded a plea to the Crown for keeping amongst them a standing army of soldiers, spies, and informers. Upon this point General Concha's authority will be admitted. Upon the expiration of his first term of service in Cuba, he published a memoir, in which he comes to the conclusion that to the balance between the white and colored races is Spain indebted for her tenure of the island, and for the failure of Cuba to go off with the other American provinces in 1823, when Spain had but three regiments there.

The existence of this slave trade has, moreover, furnished to Great Britain a pretext for interfering, from time to time, in the affairs of Cuba in a very remarkable manner; and I think we are justified in believing, nay, I think we would be culpably incredulous, were we not to believe, that England's stern and settled policy is to attain the liberation of every negro imported into Cuba since 1820, and thus to reduce it to the condition of St. Domingo.

From the following dispatch of Mr. Crawford to Lord Clarendon, in 1855, written at Havana, we can infer the rate of bribery in this trade:

"Your lordship will be able to form some idea of the nature of such arrangements, by the details I am enabled to furnish of what was effected at Santa Cruz, on the south side of the island, when five hundred Bozals were landed near that place in August last, namely:

	Gold—ounces.
To the commanding officer	468
To the captain of the port	234
To the collector of the port	200
To the tide-surveyor	200
Total	1,102

"This arrangement was made upon four hundred and sixty-eight slaves, the rest being weak and sickly, (rather over forty dollars per head,) which must be considered a remarkably cheap bargain of its kind."

I trust, sir, that it may not be deemed unbecoming in me, or violative of any courtesy which this body, and which I, as an American Senator, owe to a friendly Power, to stand here in my place and announce to the world my conviction, as I now do, that this cold-blooded and barbarous policy is being pursued by that Government.

The views entertained in the past as well as in the present, by Great Britain and ourselves, upon the present and future condition of the African race on this continent, are well determined by the course and action of each. She, partly induced by a spurious philanthropy, partly moved by a desire to develop her Indian empire and to injure the United States, adopted the emancipation measure, and prostrated the most productive, prosperous, and valuable colonies that ever an empire owned, to beggary, ignorance, and barbarism; and in this condition she maintains them, that the negro may be free—free to violate all his duties to himself, to his fellow, and to his God—a freedom which reduces him to a hellish slavery, and conducts him back to his original barbarism. And having done this with her own colonies, and her objects yet unattained, are we to suppose she will pause in her career with the colonies of Spain?

To hamper, crib, cabin, and confine the progress of our country, she bestows unceasing vigilance. Why, sir, I remember that you, yourself, [Mr. MASON in the chair,] not two years ago, as the head of our Committee on Foreign Relations, brought to the notice of this body, not only her encroachments on this continent, but her active interference to prevent us from acquiring simple coal deposits for our Navy.

Her trade with Cuba now is considerable, but if it were Africanized it would pass at once, as a free black colony, under her protection, at the doors of our southern States, and she would not only have a monopoly of its trade; but the regulation of its tariff.

But let us look at the direct evidence before us. Great Britain's tone and language upon our Cuban policy have been uniform for half a century, always expressing her determination against its transfer to us.

I will not go over the evidence so ably presented by my friend from Louisiana, [Mr. BENJAMIN,] to show that she has twice attempted to get Cuba secretly. She values Gibraltar as a possession beyond all price, because it is the key to the Mediterranean; but what is Gibraltar in comparison with Cuba, where she could not only command *our* Mediterranean, but where she could, for all time to come, plant a free-negro soldiery upon our borders, and within a night of our shores?

But I will pass on to the direct proof of her policy.

I have just seen an able article in *La Patrie*, (published in Paris,) of the 17th ultimo, in which this language is used:

"To protect Cuba against the covetous Americans, Spain ought, above all, to count on England, who has also Jamaica and so many other important islands to defend; but the former intimate relations between Spain and England have greatly changed during the last twenty years; and the prin-

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cipal cause, not to say the only cause, of this coldness, is the undeniable continuance of the Cuban slave trade and the tolerance, but little disguised, that the Spanish authorities afford to this inhuman traffic. This continuance of the trade, in obliging England to maintain, from self-esteem, a squadron in the sea of the Antilles, is the source of continued difficulties which spring up periodically, between England and the United States." * * * * * *

"The Spanish ministry knows well—and that is the chief motive that determines its present conduct—that the abolition of slavery is the most infallible means of assuring to Spain the possession of Cuba. Independence would suit certain planters who have daily business relations with New Orleans and New York. The most solid aid of Spanish rule are the two hundred thousand mulattoes of Cuba, who are to-day free men, in possession of every civil and political right, and who would, the day following its annexation to the United States, fall back to the level of the slaves. To fortify this class by the addition of all the negroes still in the bonds of slavery, would be to raise an insurmountable barrier to American invasion. Free them, and they would sooner perish under the banner of Spain than submit to the reëstablishment of service by the hands of Americans. Thus has it always been believed that the Governors General have received, in their secret instructions, the authorization to proclaim their emancipation the day in which the authority of Spain in Cuba would be in peril. It is much better for Spain to gradually prepare the emancipation than have recourse to such an extreme measure.

"Cuba, peopled by mulattoes and free blacks, would no longer be the prey that to-day the Americans aspire after. The southern States urge the acquisition of that island because they could divide it into two States, and could thus reëstablish in the Senate and House the equilibrium of votes, which now stand to their disadvantage. Cuba, besides, would serve them as a depot, to which they could draw the negroes of Africa, and so give a great impetus to the slave trade. With the perspicacity and the vigilance of which the American custom-house officers have given evidence, it would not be difficult to land at Charleston or Baltimore, as coming from Cuba, negroes brought directly from Guinea or Mozambique; and thus they could put an end to the period of high-priced slaves, this plague which ruins the producers of sugar and cotton. But Cuba, peopled with free men; Cuba, bringing as citizens into the great Republic of men a people of mixed blood, and of veritable negroes, would be no more the aim of the men of the South; she would, on the contrary, be a dangerous example and a source of continual apprehensions.

"Spain is, therefore, well inspired, in seeking in the emancipation of the blacks the salvation of her finest colony. May the efforts of the O'Donnell Cabinet be crowned with success. May brilliant experience show once more that true policy is that which serves the best interests of humanity."

This extract is significant.

Now, sir, let me ask the attention of the Senate to a few extracts from dispatches of British ministers touching this question; and first, I will read from a dispatch addressed by Mr. Crawford, at Havana, to the Captain General of Cuba, dated 31st March, 1855.

The "emancipated" here alluded to are those who had been captured on being imported and farmed out with a ticket as emancipados:

"I am also instructed to refer your Excellency to the assurance given by the Conde de Alcoy to Lord Howden, in March, 1853, that all the captured slaves in Cuba—whose liberty the Spanish Crown bound itself, by the treaty of 1817, to guaranty—should receive their freedom before the end of 1853; and at the same time those captured negroes to whom immediate liberty was promised by Spain, under article thirteen of the treaty of 1835, should be liberated as soon as they had completed a term of five years, to be reckoned from the date of their last assignment.

"I am therefore instructed by the Earl of Clarendon to state these views to your Excellency, on the part of her Majesty's Government, and to remind your Excellency of the contents of the dispatch from General Valdez of the 30th of April, 1842, which was communicated officially to her Majesty's Government, and in which General Valdez promised that, on the completion of five years from that date, all the emancipated negroes were to enjoy perfect freedom."

Here is the British consul general writing a diplomatic note to the Captain General of Cuba, under instructions from Lord Clarendon, announcing to him the failure of the promise made by General Valdez, *that every negro imported into Cuba since* 1820 *should be free.* If our authority for the position which we take rested only here, it would certainly be sufficient to arouse the attention of this country. Who can contemplate this condition of things in the Island of Cuba calmly? I ask is there a patriot who does not shrink from the Africanization of Cuba—a term which vividly recalls the unutterable horrors of St. Domingo, and which embraces within its ample signification murder, rapine, and desolation; and lives there a man, honored by the American people by their confidence here, who would for a moment hesitate to interpose all the power of this Government to avert from Cuba, from our age, and our race, so dark, so sad a fate?

In 1841, England endeavored to establish a British tribunal in Cuba, with power to decide the *status* of the negroes making application to it. Lord Aberdeen, in a dispatch of 31st December, 1843, to Mr. Bulwer, then British minister in Spain, holds the following language in relation to this attempt, and its temporary abandonment:

"In 1841 the draft of a convention was transmitted to Madrid, by which it was proposed to institute, by the aid of British functionaries, an examination into the *titles by which the slave population of Cuba is held in servitude.* Encouraged by the novel appearance of good faith on the part of the Government of Cuba, as it was then administered, her Majesty's Government admitted the weight of certain objections raised against that proposal by the Government at Madrid, and forebore for the time to press it."

The "draft of a convention" here referred to had for its object an agreement between Spain and Great Britain that British functionaries should proceed to Cuba, go upon the plantations, call the negroes before them and determine for themselves the titles by which they were held, with the view of liberating all introduced since 1820; and to this humiliating proposal Spain lent a willing ear, and sent it to Cuba to ascertain public sentiment there upon it.

It produced an indignant remonstrance from the Cubans, and it was temporarily laid aside, but not abandoned.

The Count Villanuera (who was then Intendente) said:

"It is not to be presumed that any white man will be disposed to submit to so hard a fate. They will prefer to emigrate to foreign countries to earn their livelihood and save the lives of their children, if they do not previously adopt the course which a state of desperation would prescribe." * * * * "There has been but one feeling or opinion since the arrival of the publications in question from Madrid, which is that the island would be irrevocably lost by it to the mother country, and to its inhabitants, who would prefer any extreme to the calamity of sacrificing their fortunes, endangering their lives, and remaining in a state of subordination to the negroes."

In 1850 and 1851, these demands were again pressed by England with great energy and warmth, but were now resisted by Spain. On the 23d of March, 1851, Señor Bertan de Lis writes to Lord Howden:

"But it seems impossible that the well-known perspicuity of the Cabinet of London should have overlooked in its turn the immense responsibility imposed upon the Queen's Government by the present circumstances of the Spanish Antilles, and the stringent duty in which it is placed, of proceeding with the greatest prudence and circumspection, in all matters which may exercise either directly or indirectly any influence upon the social and political situation of those colonies.

"You are aware of the dangers by which these colonies are menaced. You know that for the prevention of these dangers, for the consolidation of the security and preservation of its transatlantic possessions, her Majesty's Government, hitherto, unfortunately reduced to its own means, cannot, as yet, rely upon the decided protection of its most important allies."

In reply to this, on the 10th of July, 1851, Lord Palmerston writes to Lord Howden:

"The Spanish Government will do well to consider that if such a course of proceeding shall continue, the people of this country, instead of looking with displeasure at attempts which may be made to sever Cuba from the Spanish monarchy, may be led to view with satisfaction the accomplishment of an event, which, in consequence of the conduct of the Spanish colonial authorities, will have become the only means of putting an end to the commission of crimes which the Spanish Crown solemnly bound itself, many years ago, utterly and forever to prevent any Spanish subject from committing."

On the 7th of August, 1851, Lord Palmerston to Lord Howden:

"Her Majesty's Government deem it due to the frankness which ought to characterize the intercourse of friendly Governments, to let the Spanish Government know that if, as seems to be the case, the Government of Madrid is unable to cause its subordinate officers in Cuba to carry into execution the treaty engagements of the Spanish Crown for the suppression of the slave trade, and to enforce the laws promulgated by the Crown of Spain in execution of those engagements, the British Government must deem itself obliged to take the matter into their own hands, and to have recourse to such measures in relation to it as may appear to her Majesty's Government best calculated to accomplish the purpose in view."

In another dispatch, Lord Palmerston says:

"With reference to that passage in M. Miraflores's note, in which he states that the Spanish Government cannot understand how her Majesty's Government can seriously recommend a measure which would prove very injurious to the natives of Cuba, when they also recommend that the Spanish Government should conciliate the affections of those Cubans, I have to instruct your lordship to observe to M. de Miraflores that the slaves of Cuba form a large portion, and by no means an unimportant one, of the population of Cuba; and that any steps taken to provide for their emancipation would, therefore, as far as the black population are concerned, be quite in unison with the recommendation made by her Majesty's Government—that measures should be adopted for contenting the people of Cuba, with a view to secure the connection between that island and the Spanish Crown; and it must be evident that if the negro population of Cuba were rendered free, that fact would create a most powerful element of resistance to any scheme for annexing Cuba to the United States, where slavery still exists."

Here I will close my review of British dispatches on this point, observing only that, in 1853, England and Spain seem to have arrived at a conclusion mutually satisfactory, suddenly and unexpectedly; for conflicting dispatches were written on the same day by the ministers of both.

On the 15th of March the Earl of Clarendon writes to Lord Howden (at Madrid) that the position of Spain "*endangers the friendly relations between the two countries;*" and on the same day Lord Howden writes to the Earl of Clarendon that the "*Spanish Government has agreed to a settlement of a question which has so long been a matter of painful dispute.*"

As yet we know not the details of this "*settlement,*" but Lord John Russell, on the 4th of May following, showed that they were satisfactory to England; and from the course adopted towards us, we are justified in believing that they embraced France. When we rejected the overtures of England and France to become a party to the tripartite treaty, Lord John Russell directed the British Minister here to say, that—

"While admitting fully the right of the United States to reject the proposal made by Lord Malmesbury and Mons. de Turgot, Great Britain must at once resume her entire liberty, and upon any occasion that may call for it, be free to act either singly, or in conjunction with other Powers, as to her may seem fit."

And subsequently, Lord Clarendon, as Secretary for Foreign Affairs, announced in Parliament that:

"There is no portion of the two hemispheres with regard to which the policy of the two countries, however heretofore antagonistic, is not now in entire harmony."

And now, sir, can we, in justice to ourselves, hesitate to act promptly upon this long cherished Cuban question? Are we to await the final act of the tragedy progressing in Cuba, the emancipation of the negroes, and the revival there of the scenes of St. Domingo?

Are we to fold our arms and permit England and France to erect Cuba into a free negro colony?

Sir, I am aware that men still live—nay, some may be found even within these Halls, who profess to regard the negro's ability to govern himself as a question yet to be solved, and who affect not to see this question in the light which historic truth has shed upon it. Let me invite their attention to the present and prospective condition of the British colonies.

Great Britain has shown no little solicitude to ascertain the real state of things in her West India colonies. For this purpose she appointed, in 1842, a select committee, consisting of some of the most prominent members of Parliament, with Lord Stanley at their head. In 1848, another committee was appointed by her, with Lord George Bentinck as its chairman, to inquire into the condition of her Majesty's East and West India possessions and the Mauritius, and to consider whether any measures could be adopted for their relief. The report of both committees show, beyond all doubt, that unexampled distress existed in the colonies. The report of 1848 declares:

"That many estates in the British West India colonies have been already abandoned; that many more are in the course of abandonment, and that, from this cause, a very serious diminution is to be apprehended in the total amount of production. That the first effect of this diminution will be an increase in the price of sugar, and the ultimate effect a greater extension to the growth of sugar in slave countries, and a greater impetus to slavery and the slave trade."

From the same report we also learn that the prosperity of the Mauritius, no less than that of the West India Islands, had suffered a fearful blight in consequence of the "glorious act of emancipation."

A third commission was appointed in 1830, to inquire into the condition and prospects of British Guiana. Lord Stanley, in his second letter to Mr. Gladstone, the Secretary of the British Colonies, has furnished us with the following extracts from the report of the committee:

"'Of Guiana, generally, they say: 'it would be but a melancholy task to dwell upon the misery and ruin which so alarming a change must have occasioned to the proprietary body; but your commissioners feel themselves called upon to notice the effects which this wholesale abandonment of property has produced upon the colony at large. Where whole districts are fast relapsing into bush, and occasional patches of provisions around the huts of village settlers are all that remain to tell of once flourishing estates, it is not to be wondered at that the most ordinary marks of civilization are rapidly disappearing, and that in many districts of the colony all traveling communication by land will soon become utterly impracticable.'

"'Of the Abary district: 'your commission find that the line of road is nearly impassible, and that a long succession of formerly cultivated estates presents now a series of pestilent swamps, overrun with bush, and productive of malignant fevers?'

"Nor are matters," says Lord Stanley, "much better further south.

"'Proceeding still lower down, your commissioners find that the public roads and bridges are in such a condition that a few estates still remaining on the upper west bank of Mahaica creek are completely cut off, save in the very dry season; and that with regard to the whole district, unless something be done very shortly, traveling by land will entirely cease. In such a state of things it cannot be wondered at that the herdsman has a formidable enemy to encounter in the jaguar and other beasts of prey, and that the keeping of cattle is attended with considerable loss from the depredations committed by these animals.

"'It may be worth noticing," continues Lord Stanley, "that this district, now overrun with wild beasts of the forest, was formerly the very garden of the colony. The estates touched one another along the whole line of the road, leaving no interval of uncleared land.

"'The east coast, which is next mentioned by the commissioners, is better off. Properties, once of immense value, had there been bought at nominal prices; and the one railroad of Guiana passing through that tract, a comparatively industrious population—composed of former laborers on the line—enabled the planters still to work these to some profit. Even of this favored spot, however, they report that it 'feels most severely the want of continuous labor.'"

The commissioners next visit the east bank of the Demerara river, thus described:

"'Proceeding up the east bank of the river Demerara, the generally prevailing features of ruin and distress are everywhere perceptible. Roads and bridges almost impassible are fearfully significant exponents of the condition of the plantations which they traverse; and canal No. 3, once covered with plantains and coffee, presents now a scene of almost total desolation."

Crossing to the west side, they find prospects somewhat brighter; "a few estates" are still "keeping up a cultivation worthy of better times." But this prosperous neighborhood is not extensive, and the next picture presented to our notice is less agreeable:

"'Ascending the river still higher, your commissioners learn that the district between Hobaboe Creek and 'Stricken Heuven' contained, in 1829, eight sugar and five coffee and plantain estates, and now there remain but three in sugar, and four partially cultivated with plantains, by petty settlers; while the roads, with one or two exceptions, are in a state of utter abandonment. Here, as on the opposite bank of the river, hordes of squatters have located themselves, who avoid all communication with Europeans, and have seemingly given themselves up altogether to the rude pleasure of a completely savage life."

The west coast of Demerara—the only part of the country which still remains unvisited—is described as showing *only* a diminution of fifty per cent. upon its produce of sugar; and with this fact the evidence concludes as to one of the three sections into which the colony is divided.

Again hear the report:

"'If the present state of the county of Demerara affords cause for deep apprehension, your commissioners find that Essequibo has retrograded to a still more alarming extent. In fact, unless a large and speedy supply of labor be obtained to cultivate the deserted fields of this once flourishing district, there is great reason to fear that it will relapse into total abandonment."

Describing another portion of the colony, they say of one district: "Unless a fresh supply of labor be very soon obtained, there is every reason to fear that it will become completely abandoned." Of a second, "speedy immigration alone can save this island from total ruin." "The prostrate condition of this once beautiful part of the coast," are the words which begin another paragraph, describing another tract of the country. Of a fourth, "the proprietors on this coast seem to be keeping up a hopeless struggle against approaching ruin." Again, "the once famous Arabian coast, so long the boast of the colony, presents now but a mournful picture of departed prosperity. Here were formerly situated some of the finest estates in the country, and a large resident body of proprietors lived in the district, and freely expended their incomes on the spot whence they derived them." Once more: "the lower part of the coast, after passing Devonshire castle, to the river Pomeroon, presents a scene of almost total desolation."

"Berbice," says Lord Stanley, "has fared no better. Its rural population amounts to eighteen thousand. Of these twelve thousand have withdrawn from their estates, and mostly from the neighborhood of the white man, to enjoy a savage freedom of ignorance and idleness, beyond the reach of example, and sometimes of control. But on the condition of the negro I shall dwell more at length hereafter; at present it is the state of property with which I have to do. What are the districts which together form the country of Berbice? The Corentyne coast, the Canje creek, east and west banks of the Berbice river, and the west coast, where, however, cotton was formerly the chief article produced. To each of these respectively the following passages, quoted in order, apply:

"'The abandoned plantations on this coast, which, if capital and labor could be procured, might easily be made very productive, are either wholly deserted, or else appropriated by hordes of squatters, who, of course, are unable to keep up at their own expense the public roads and bridges; and consequently all communication by land between the Corentyne and New Amsterdam is nearly at an end. The roads are impassable for horses or carriages, while for foot passengers they are extremely dangerous. The number of villages in this deserted region must be upwards of two thousand five hundred, and as the country abounds with fish and game, they have no difficulty in making a subsistence. In fact, the Corentyne coast is fast relapsing into a state of nature.'

"'Canje creek was formerly considered a flourishing district of the country, and numbered on its east bank seven sugar and three coffee estates, and on its west bank eight estates, of which two were in sugar and six in coffee, making a total of eighteen plantations. The coffee cultivation has long since been entirely abandoned, and of the sugar estates but eight still now remain. They are suffering severely for the want of labor, and being supported principally by African and cooly immigrants, it is much to be feared that if the latter leave and claim their return passages to India, a great part of the district will become abandoned.'

"'Under present circumstances, so gloomy is the condition of affairs here, that the two gentlemen whom your commissioners have examined with respect to this district, both concur in predicting 'its slow but sure approximation to the condition in which civilized man first found it.'

"'The negroes who, in a state of slavery, were comfortable and prosperous beyond any peasantry in the world, and rapidly approaching the condition of the most opulent serfs of Europe, have *been, by the act of emancipation, irretrievably consigned to a state of barbarism.*"

Surely it is no wonder that the hurrahing of the English people has ceased. The London Times for December 1, 1852, says:

"At the present moment, if there is one thing in the world that the British public do not like to talk about, or *even to think about*, it is the condition of the race for whom this great effort was made."

Not so with the Abolitionists of this country. They still keep up the annual celebration of that great event, the act of emancipation, by which, in the language of one of their number, more than half a million of human beings were "turned from brutes into freemen."

I will not delay to show the condition of Jamaica and other colonies. The same results of negro self-government, beggary, and vice, everywhere exist.

And here let me say to the Senator from Wisconsin, [Mr. DOOLITTLE,] whom I see in his seat, and to whose novel plan of surrendering the tropics exclusively to the negroes I listened, that if he can show me a square mile of earth on this globe which exhibits the negro's ability to govern himself and prosper, I may confess that his notion has some foundation at least. Why, sir, I do not know in what city or town the honorable Senator resides; but I undertake to say if any negroes are there, it has its negro quarter—the filthiest and most shunned in all the city; and that their progress, stimulated as it must be by false philanthropy, has never carried them beyond the menial employments in which they are usually found.

Emancipation, sir, has been a total, a wretched failure; and it has illustrated a singular feature of the negro race, namely: that just as there are certain grains and fruits which the industry of man has redeemed by careful culture from their original and savage nature—from some wild grass or bitter nut, which, if withdrawn from his care, will relapse back to their original type—just so does the African in these colonies, when left to himself, relapse back, stage by stage, to the original barbarism of his fathers.

It is not my purpose to review the grounds occupied by the opponents of this bill at this time; but there is one objection taken, which, considering the time and place in which it is made, is too remarkable to pass over.

It is said that the Cubans are Catholics, and therefore averse to, and unfitted for, liberty; and that the Catholic Church is hostile to freedom. An assertion so irreconcilable with the truth of history scarcely merits a serious answer; but, sir, if this charge shall ever be made under circumstances requiring a response, Heaven grant that the Church may have the privilege of confronting her enemies here, before the freest and greatest forum upon the earth. As one of her humblest followers, and a most indifferent one, I regret to say—perhaps the only one of this body—I stand always ready in her defense; but, sir, she needs no defense. There she stands, with the historic truth and traditionary lore of eighteen centuries clustering around her head; her annals illustrated and adorned by the proudest names and monuments of earth; her teachings sublime and universal; her morning sacrifices to the ever-living God welcoming the sun in his coming; and her vesper bells cheering his departure throughout the bounds of earth.

Sir, let this charge be seriously made, and its refutation will be found in every forum and upon every field where freedom has been lost or won.

I am unauthorized, sir, to express upon this subject any opinions but my own; but, in my judgment, the enlightened Catholics of the world, to-day, would regard the transfer of Cuba to this country as a measure well calculated to advance the interests of the Church.

It is also alleged that the Cubans are ignorant; that they are satisfied with Spanish dominion, and desire no change. Sir, I profess to know something of the Cubans; and I feel bound to remind those gentlemen who have dealt here in wholesale abuse, and in some innuendoes against their indisposition to liberty; against their incapacity for self-government; against their ignorance and superstition; that, in a population of about six hundred thousand whites, they sustain one daily journal, at least, having nine thousand daily circulation, while in the mother country there is not a single paper that has two thousand; and that daily journal, about the size of our Journal of Commerce, is twice the size of any in Spain.

Let me say that, deprived of every office of honor, trust, and profit; not permitted to enter the army or navy; not permitted to enjoy any of the benefices of the Church; not permitted to leave the island, or return, without permission; or bear arms, or enter upon a trade, or transfer a residence, without permission; crushed by law, and regarded by habit as an inferior race, they have yet speedily adopted many of our mechanical contrivances; they have shown the most remarkable capacity for managing their own affairs, in the administration of the island, as its unrivaled prosperous commercial and agricultural condition to-day manifest; and they are the planters and mechanics of Cuba, while the old Spaniards are the governing class.

They have sought the United States upon every occasion; and those that you have seen here are fair specimens of the Cubans. In private virtues, I do not believe they will compare unfavorably with our own people. The spirit of hospitality rests upon every creole mansion in Cuba. Most especially does it to an American. The miserable pretense has been set up, and sometimes urged here, that this people—crushed and down-trodden as they are—do not desire a change of government. It is the most preposterous presumption on earth, that a people thus crushed, living almost within hearing of our own bells which celebrate the anniversaries of our independence, coming to our country, educated in our public schools, carrying back with them and spreading the principles of civil and religious freedom, should tamely submit to the rod, if they could possibly avoid it.

Why, sir, these people, within my own recollection, have, on five different occasions, organized a well-directed revolution; and the existence and maintenance of an army of trained soldiers, usually twenty-five thousand men, never less than seventeen thousand, and numbering, with the militia and partidos, twenty-five thousand at all times, besides the Government spies—the very existence of this force shows how much Spain fears the spirit of the people. But for the main-

tenance of a standing army, a great deal larger than this country ever had, or I hope ever will maintain for years, Cuba would have been free, by the exertions of her own sons, long ago. On every occasion when manhood and courage could be shown, the people of Cuba have not been backward. But the dawn of that glorious morn which is yet to rise upon Cuba is already struggling up to our vision. The influence of young Cuba—of a generation educated under free institutions—is beginning to be felt; and Heaven grant that the soil which has been moistened by the blood of the Ageuros, of Lopez, and of Crittenden, may soon cease to afford a resting-place for the oppressor.

I pass now to another branch of the subject. I venture the opinion, sir, that we can purchase Cuba only by combining, with a money consideration, certain commercial concessions and advantages to Spain. The commercial spirit of Spain, fostered by her Cuban trade, and in the hands principally of the active, energetic, people of Catalonia—the yankees of Spain, as they are called—is steadily advancing.

Spain, in her own tonnage, sends her surplus flour, wines, oils, fruits, &c., to Cuba, to the value of $9,000,000, and charges imposts on them there, thus concentrating the interests of her producing classes in her retention of this trade. Now, the people of Spain know well that whatever sum of money might be paid for Cuba, would be used or squandered by the Government or the Court, the most corrupt in Europe, and that they would derive but little benefit from it, commensurate with the loss of Cuba. They know that, for the last fifty years, Spain has witnessed but a succession of revolutions, and that every ministry ejected from office left an empty treasury to its successors, to be replenished by extra taxes, until the national debt, to-day, amounts to over seven hundred million pounds sterling.

The vice and rapacity of ministers, and the corruptions of her Court, however, have not changed the Spanish people. They are the same—honest, brave, and true—that they were in Spain's palmiest days, retaining their primitive virtues with their primitive customs; and in riding through the roads and beneath the old chestnuts of La Mancha to-day, you will encounter pretty much the same groups of peasantry, dressed in the same style, inviting you with the same salutation to partake with them of the same style of breakfast with which they greeted our old friends, Don Quixote and Sancho.

Connect the offer of money with a right of Spain to preserve her home trade with Cuba for a period—say forty years—and it would carry great weight. There would then be apparently no interruption to her commerce by the transfer, and the industrial interests of Spain would sustain no sudden sensation. Nor would her oils, wines, or fruits, compete with any agricultural interests of ours; and, moreover, her carrying trade, which is her principal school for her naval seamen, would not be destroyed.

Spain needs money—she has long been on the verge of national bankruptcy. Lord George Bentinck, speaking for the British bondholders of Spanish bonds, in 1846, in Parliament, used the following language:

"The debt due from Spain to British holders amounts to about £46,000,000, the interest on which, at three and a half per cent., is £1,610,000; and this sum deducted from the total revenue of *Cuba* and *Porto Rico* alone, would leave a surplus income to Spain from those sources, of £652,500. The annual value of the produce of the Island of *Cuba* is about £9,300,000, whilst the revenue of Havana alone increased in twelve years, namely, from 1815 to 1827, from $1,726,963 to $4,383,262. *Here, then, is wealth to repay the whole debt due by Spain to British bondholders. Now, as the whole Spanish navy only amounts to three ships of the line, five frigates, and twenty sloops, brigs, and smaller vessels of war, so far as the prudence of the case goes, I think the most timid minister need not be under any apprehension that, whatever course was taken, there would be any very effective resistance on the part of Spain.* I think, then, I have shown that there is capability on the part of Spain, and that it only requires the application of an energetic system on the part of the noble Lord to show her the necessity of placing herself in a position to pay her debts." * * * *

"But in what manner are the revenues of Spain wasted? Why, I find that the royal household, one of the most corrupt and profligate in Europe, costs £435,000 a year, being upwards of £140,000 a year more than the Queen of England receives."—*Hansard's Parliamentary Debates*, third series, volume 93.

It must be admitted that, in a war between Spain and any of the great Powers of Europe, Cuba would be the coveted prize, and would fall from her grasp.

Mr. DOOLITTLE. If the honorable Senator from Florida will allow me for a single moment, as he is passing on to another branch of the discussion, I desire to read a single extract in relation to the condition of the Liberian settlement on the coast of Africa.

Mr. MALLORY. I would rather that the Senator would introduce that when he makes his own remarks.

Mr. DOOLITTLE. Of course, I do not desire to interrupt the honorable Senator.

Mr. MALLORY. Spain's future power is to be judged by her past condition and present weakness; and I will briefly sketch her troubled existence for the last forty-five years.

In 1814, on the fall of Napoleon, that wretched and imbecile creature, Ferdinand the Seventh, returned from his French prison to Madrid, and was once again a king; and, surrounding himself with the adherents of absolutism, he immediately proceeded to establish a despotic Government, and did so. This lasted about three years, the times varied by insurrections and anarchy. The glorious patriot Riego then raised the standard of revolt successfully, overthrew the Government, proclaimed the constitution of 1812, under which the Cortes was convened, and liberal principles again declared.

During the next three years, varied as before by revolts and confusion, the king played falsely alike with friends and foes, until a French army interfered and restored the Bourbon monarchy. Then followed military commissions and trials, held all over Spain; many of the noblest men of the country were executed; and Ferdinand crowned his perfidies and sunk his memory to eternal degradation by authorizing the execution of Riego.

The monarchy, however, had no peace; insurrections, guerrilla parties, the commencement of the Carlist war, and the corruptions of the Court, reduced the country to beggary and bankruptcy, which continued down to the death of Ferdinand, in 1833; when, by his abolition of the Salic law and the elevation of Isabel to the throne, another intestine war of seven years followed. The adherents of Don Carlos, under the title of Charles the Fifth, and those of the *good and virtuous queen mother Christina*, took the field, and hostile camps covered the country.

In 1834, a new Constitution was proclaimed, inaugurated by pronunciamentos and revolts at Madrid, Malaga, and Saragossa.

The Carlist war continued down to 1840, when the Duke of Victoria made his way to the head of public affairs.

In 1843, he, in turn, was driven from power. Narvaes took his post, and, in 1845, a new constitution was proclaimed.

In 1854, Concha and O'Donnell raised the standard of revolt; the battle of Vivalcaro was fought; the streets of Madrid were barricaded; the houses of members were sacked; Christina was banished; and anarchy reigned throughout the capital, and, in fact, over the whole country.

Espartero then took control of the Government, and a new constitution was proclaimed in 1855. Espartero and O'Donnell divided power; the former giving way in 1856, leaving O'Donnell at the head of affairs, when another constitution was established.

Such have been the last forty-two years of Spain's career; and further, to exhibit the improbability of her retaining Cuba much longer, let us glance at the dominion she has parted with, as furnished by one of her own writers:

"In 1565 we gave up the Isle of Malta to the order of St. John. In 1620 the Lower Navarre and Bearne was yielded to France; and in 1649 the Rousselon. In 1640 we lost Portugal and her colonies. In 1648 we recognized the sovereignty of the Netherlands. In 1626 the English wrested the Barbadoes from us; in 1655 Jamaica; in 1704 Gibraltar; in 1718 the Luccas; in 1759 Dominica; and in 1797 Trinidad. In the seventeenth century France took possession of Martinico, New Grenada, Gaudaloupe, and the half of the Isle of San Domingo; and in 1800 Louisiana. In the eighteenth century we yielded up Sardinia to the Duke of Savoy, and to Morocco our rights of Mazalquivir and Oran. We ceded Parma, Placencia, and Lucca, with other dominions in the north of Italy, to Princes of the House of Bourbon, and in 1759 Naples and Sicily were emancipated from Spanish government. In 1819 we sold Florida to the United States; in 1821 we lost our half of the Isle of San Domingo; and before 1825 all the vast continent which our glorious ancestors had acquired was lost to us forever. Of all this immense power we have, as a remembrance of the past, the Isles of Cuba and Puerto Rico, the distant Philippines, and our African possessions alone."

Sir, when I reflect upon the geographical position of Cuba, upon its command of our commerce, upon its iron despotism, upon the claims of her people upon us, upon its fertility and resources, but, above all, upon the repeated provocations which Spain has given us, I am reminded of Lord Clive, when called before the parliamentary committee to answer for his alleged spoliation of the Indian princes: "By heaven, gentlemen, when I reflected upon the temptation I am astounded at my own moderation."

But our opponents say, what want we of more territory? Have we not enough? And they quote, amongst other opinions, those of Mr. Webster, upon this point:

"I have always wished," said Mr. Webster in his speech on the admission of Texas, in 1845, "that this country should exhibit to the nations of the earth the example of a great, rich, and powerful Republic, which is not possessed by a spirit of aggrandizement." "My opinion has been," said he, again, in his great speech of 7th March, 1850, "that we have territory enough, and that we should follow the Spartan maxim, 'Improve and adorn what you have. Seek no further.'"

Something like this fell from my friend from Vermont. "Improve and adorn what you have. Seek no further." Sir, it has been the cry from the formation of the Government. It was the cry when we acquired Louisiana, Florida, California, and New Mexico; but it has ever been the cry of minorities unsupported by power, minorities battling against majorities on party issues; and I much doubt if Mr. Webster would have ever held such language as President of the United States.

The condition of nations is the condition of the individuals composing them. Tell any of these distinguished men who surround me here, "pause in your career, make no further advance up the steep hill of fame, improve and adorn what you have!" Tell the ambitious student, with all his university honors clustering around his head, "rest from your labors, cease your pursuit of knowledge, stay the ambitious beatings of your heart, improve and adorn what you have!" Tell the seaman fresh from the decks of victory to sheathe his sword and lie upon his oars—and even while they listen, they turn off each to pursue his own particular career.

Alexander, at the height of his military glory, sighed for new worlds to conquer; and Sir Isaac Newton, when complimented upon his sublime labors, replied that he felt that, like a little child, he had but wandered on the shore, occasionally finding a shell or a pebble more lovely than the rest, while the great ocean of truth lay unexplored before him.

No, Mr. President, it is no more possible for this country to pause in its career than it is for the free and untrammeled eagle to cease to soar. The blood in our veins and the institutions we have adopted equally impel us onward. Every homestead and hamlet of New England refutes this stand-still policy; for each and every one retains the cherished memory of a son, a brother, or a father, who, surmounting every obstacle, has wandered into distant lands to carve out a home, there to transplant a loved mother, wife, or sister; there to win name and fame, and come back at some distant day, perhaps to old Connecticut, a proud and honored son; perhaps to Congress, to tell of the hopes of his constituents.

At our present rate of progress this vast continent, every inch of it, must soon be ours. Since we turned England adrift from us, we have added a new sovereignty and three hundred thousand people to the Confederacy nearly every four years. It was but as yesterday, sir, that a handful of hardy pioneers, with the ax and the rifle, crossed the mountains and settled in Oregon; and last week, while our chairman of Finance was upon the floor, lucidly explaining the monetary condition of the country, the President's messenger was announced, and said, "the President of the United States has signed a bill admitting Oregon into the Union." Not another word was said; the chairman proceeded with his remarks, and Oregon, with her ninety-seven thousand people, her seventy-thousand square miles, her two hundred miles of seaboard, and the agricultural and mineral resources of a great empire, took her place, the thirty-third in our magic circle of stars, whose union and harmony are never broken by additions.

I am sensible that I have detained the Senate longer than I should have done, and I will close in a very few minutes. I desire to advert to what

has been said in relation to the manner in which this offer may be received by Spain. I believe that from 1825, if we had an agent in Spain ready to make a commercial treaty, securing to her the carrying trade between Spain and Cuba, to a certain extent, or its equal enjoyment with ourselves, and the admission of her oils and her wines into Cuba upon their present terms, and at the same time paying a sum of money down to a ministry, we could have had Cuba on several occasions.

But, sir, I am asked what I would do if Spain should reject all reasonable terms? I can hardly suppose such a contingency, sir, but I would be prepared to meet it.

I would, in such case, act openly and fairly with her, and look directly at the contingency of taking Cuba and talking about it afterwards, as Frederick did with Silesia.

I would remind her that for her hold upon Cuba, to-day, she is not only indebted to our neutrality laws, rigidly enforced—to our forbearance—but to our active assistance; forbearance and assistance which we can no longer, in justice to ourselves, extend. I would remonstrate with her upon the tendency, so perilous to us, of her Cuban policy. I would tell her that she has established a government there which is an ulcer upon the civilization of the nineteenth century—an ulcer doubly offensive because of its proximity to our shores; a government whose daily precept and practice are at war with every principle of civil and religious freedom; you have fired upon our vessels on the high seas, in the lawful pursuit of their trade, upon paltry pretenses; you have taken American seamen from our decks, under the protection of the stars and stripes, upon pretenses false and frivolous, incarcerated them in filthy dungeons, and you have liberated them only at your own pleasure; you have arrested our people, unjustly confiscated their property, and you have murdered them without the shadow of a trial; nay, you have so systematized fraud, so established corruption, in your public offices, from the Captain General down, that our citizens who go there under your treaty have to administer to your rapacity to conduct their affairs. We will tell them this; and further, that throughout the whole of these outrages, we have sought redress from the Captain General there, and have been put off on the paltry pretense that he had all power to do wrong, but none to do right; and, sir, having proclaimed our purpose, I hope there is stamina and strength and power enough in this Government, when we have exhausted these peaceful remedies, to let Spain feel that Cuba shall continue her aggressions no longer, but that hereafter we will right the wrong where it is committed. And, sir, I would let Spain know that an American citizen, wherever he may go, whether standing within these Halls, or beneath the dark portals of Cuba's prisons, cannot wander so far but that his country's interest will be felt and her power exerted to right his wrongs, even though it might lead to the end of Spain's dominion over Cuba.

Mr. DIXON. Mr. President, I shall attempt to discuss the question now before the Senate with the utmost degree of brevity and condensation to which I can attain. If I shall find it necessary to crave the indulgent ear of the Senate for a longer time than has been my custom, I must find my apology in the great importance of the subject.

For a period of more than three hundred and fifty years, according to the laws which are recognized by civilized nations the Island of Cuba has belonged to Spain. Her title was originally founded on discovery followed by long, uninterrupted, and peaceable possession. Looking out, as she did, from her rocky peninsula upon the Atlantic ocean, the foremost nation of Europe in position as well as in power, she sent forth Columbus to search for that new world of the existence of which he had convinced that Government. The result of this great enterprise, in which every other leading nation of Europe refused to participate, was the acquisition of an empire, richer, if not more extensive, than any which ever owned the sway of a single monarch. Some portion of the muniments of her title perhaps we should not now very much respect. By the bull of Pope Alexander VI., the whole New World was granted to Spain; but she actually came to occupy and possess, not only the Island of Cuba, but the Floridas, Mexico, California, and the whole of the northern portion of the continent of South America; and afterwards, by cession from France, she came into possession of the whole of the territory of Louisiana, extending, as was afterwards claimed by us, as far north as 54° 40'. At the time of our revolution we found her in possession, not only of the whole of the western side of the Mississippi, but also of the State of Louisiana on both sides of the Mississippi, as far north as that State now extends, and about that time she actually undertook to refuse to us the right to navigate that river. She intimated to us that in order to procure that advantage, the citizens of Kentucky would perhaps be willing to come under the jurisdiction of Spain, and she claimed that they would make very good Spanish subjects—a compliment which the Senator from Kentucky [Mr. THOMPSON] the other day did not seem disposed to return. He did not believe that Spanish subjects would make good American citizens.

Until about the year 1820, with some slight interruption in 1762, when Great Britain took a large portion of the Island of Cuba, (by the expedition under Lord Albemarle,) which she very soon relinquished, the title of Spain to this portion of her territory was undisturbed. I do not find, in any examination of the official or private correspondence of any of our statesmen, that any very extensive remark was made upon that subject until about the year 1820, and subsequently. Then it became the subject of extensive private and official correspondence, to some portion of which I desire to call the attention of the Senate. The Senator from Wisconsin, [Mr. DOOLITTLE,] and the Senator from Vermont, [Mr. COLLAMER,] have already alluded to a portion of this correspondence. I propose, a little more fully than they have done, to examine it. I shall call attention to some points in this connection, which, perhaps, may not have escaped their notice, but which their time did not permit them to examine.

We have heard very much of the pretensions of France and England to the Island of Cuba. Those nations have been denounced by the honorable Senator from Louisiana [Mr. BENJAMIN] for presuming to offer to us a project for a tripartite treaty, by which the three nations should guaranty the title of Cuba to Spain. I find, on an examination of the correspondence to which I have alluded, that the project of such a treaty came originally from this country. I find that it was first proposed by Mr. Jefferson himself, in a letter written by him to Mr. Monroe, in October, 1823. In that letter he says:

"The foothold which the nations of Europe had in either America is fast slipping from under them; so that we soon shall be rid of their neighborhood. Cuba alone seems to hold up a speck of war to us. Its possession by Great Britain would, indeed, be a great calamity to us. *Could we induce her to join us in guarantying its independence against all the world, except Spain, it would be nearly as valuable to us as if it were our own;* but, should she take it, I would not immediately go to war for it; because the first war, on other accounts, will give it to us, or the island will give itself to us when able to do so."

In another letter, he says:

"It is better, then, to lie still, in readiness to receive that interesting incorporation when solicited by herself."

Here is a direct proposition from Mr. Jefferson to Mr. Monroe, in 1823, that we should propose to Great Britain a treaty guarantying the title of Spain to the Island of Cuba, and providing that neither nation should acquire it. That subject was not there dropped. I cannot say whether the idea was originally suggested by Mr. Jefferson or not. Perhaps the idea was not new with him.

Mr. BENJAMIN. Will the Senator be kind enough to repeat the date of that letter?

Mr. DIXON. October, 1823. This, probably, had been a subject of conversation among official gentlemen. Mr. Jefferson, we all know, took a deep interest in everything that was going on under Mr. Monroe's administration. I find this idea again alluded to, in a somewhat different shape, in a letter of Mr. Forsyth to the Secretary of State, on the 22d of February, 1822, a short time before the letter of Mr. Jefferson. In this letter Mr. Forsyth says:

"In a conversation with one of the members of the political commission of the Cortes, I expressed a conviction that Spain would procure, by an immediate recognition of Colombia and Mexico, and the adoption of a liberal system of commerce, a *guarantee of the island from Colombia, Mexico, and the United States;* the three Powers being equally interested to keep it in the hands of Spain, out of the hands of England, and of each other."

At that time there prevailed a very exaggerated idea of the importance of Colombia and Mexico. Mr. Clay seems to have had that idea. He speaks in his correspondence of the immense armies of these two nations which would soon be deprived of employment; and the impression then seemed to prevail that Colombia and Mexico could unite with us, and, in that way, guaranty the title of Spain by a tripartite treaty; but that, of course, was very soon abandoned.

I find that, on the 17th December, 1822, Mr. Adams, as Secretary of State, in replying to Mr. Forsyth on this subject, says:

"Spain, though disinclined to such an arrangement, might resist it with more firmness, if, for a limited period of time, she should obtain the joint guarantee of the United States and France, securing the island to herself."

On the 10th of July, 1823, Mr. Appleton writes to Mr. Adams:

"I have not dared to suggest any, though I should suppose that the United States, or the United States and England jointly, might find one, in a guarantee of the island to Spain, while in the enjoyment of the provincial government lately decreed for it by the Cortes. The present is the moment when such an arrangement might be made with Spain."

On the 13th of April, 1826, Mr. Clay, then Secretary of State, alludes to the same subject, in his letter to Mr. Everett. He says:

"If the acquisition of Cuba were desirable to the United States, there is believed to be no reasonable prospect of affecting, at this conjuncture, that object; and, if there were any, the frankness of their diplomacy, which has induced the President freely and fully to disclose our views, both to Great Britain and France, forbids absolutely any movement whatever, at this time, with such a purpose. This condition of the great maritime Powers (the United States, Great Britain, and France) is almost equivalent to an absolute guarantee of the island to Spain."

Then he goes on to say that we cannot, in consequence of our peculiar policy, (in regard to entangling alliances,) enter into any such agreement; but he considers the then position of affairs, which he was not willing to alter, equivalent to a guarantee. At that time our statesmen were very far from supposing that such a proposition would have been anything like arrogance or insolence, on the part of Great Britain and France. On the contrary, I think nobody can read the correspondence without believing that, if the proposition had then been directly made to Mr. Adams's administration, it would have been accepted, unless it had been prevented by the great unwillingness of our country to form any alliances of this sort. It was considered in itself, as it would seem, a desirable proposition.

Now, pursuing this official correspondence somewhat further, I wish to call the attention of the Senate to two or three other suggestions which arise in reading it. I find, throughout the whole of the correspondence, not only a friendly, an entirely amicable disposition manifested towards Spain, but also a continual and constant repetition of the idea that, so long as Spain shall hold the island, we shall be contented. The Senator from Florida [Mr. MALLORY] is very much mistaken in supposing that this arose from our idea of the strength of Spain. He told us this morning, as he told us in the first part of his speech a few days ago, that, although it is true that at that time we said to Spain we did not desire to interfere with her possession, it was because she was strong, and was able to retain it. I find that no such idea prevailed in the opinions of those official gentlemen who had this subject under their consideration at that time. Mr. Clay, in his first speech on this subject, enlarges on the weakness of Spain. He says:

"The war upon the continent is, in fact, at an end; and not a solitary foot of land, from the western limit to Cape Horn, owns her [Spain's] sway; not a bayonet in all that vast extent remains to sustain her cause."

You will find, in pursuing the correspondence, that the proposition is often repeated; but I do not wish to fatigue the Senate. It is repeatedly stated, that if Spain were not able to retain possession of the Island of Cuba, we ourselves would guaranty it to her against all the world. She was considered weak, feeble, unable of herself to retain it; and we assured her that there was no necessity, in consequence of her feeble condition, that she should suppose herself under the necessity of yielding it up to France, or any other Power; but that we would protect her against the world in her possession. Thus it will be perceived that our established policy was not founded, as the Senator from Florida has supposed, on any idea

prevailing in this country of the strength of Spain at that time.

I desire, now, to call the attention of the Senate to a few extracts showing what was the established policy of the Government down to the time of the Ostend manifesto. It was not confined to any one Administration. It was not confined to Mr. Adams, or Mr. Clay, or Mr. Forsyth, or Mr. Webster, but Mr. Buchanan himself participated in it. Mr. Forsyth writes, in 1823:

"To this plain remark, I could only reply that, without instructions, I could only speak of what I supposed to be the wishes of my Government, and believed to be the interest of the United States; that we desired no other neighbor in Cuba but Spain; that I felt confident the United States would do everything in their power, consistent with their obligations, to prevent Cuba from being wrested from Spain; that he was no doubt aware that there could be no misunderstanding between the two Governments on this point without a reference to Washington."

This policy of our Government was summed up by Mr. Webster, in the year 1843, in his dispatch of January 14, while he held the office of Secretary of State. He says:

"The Spanish Government has long been in possession of the policy and wishes of this Government in regard to Cuba, which have never been changed, and has been repeatedly told that the United States never would permit the occupation of that island by British agents or forces, upon any pretext whatsoever; and that, in the event of any attempt to wrest it from her, she might securely rely upon the whole naval and military resources of this country to aid in preserving or recovering it."

In the year 1848, on the 17th of June, Mr. Buchanan wrote to Mr. Saunders; and at this time he seems to have imbibed somewhat of the spirit and to have copied somewhat of the manner of those great masters of diplomacy who had preceded him. He says:

"By direction of the President, I now call your attention to the present condition and future prospects of Cuba. The fate of this island must ever be deeply interesting to the people of the United States. We are content that it shall continue to be a colony of Spain. Whilst in her possession, we have nothing to apprehend. Besides, we are bound to her by the ties of ancient friendship, and we sincerely desire to render these perpetual."

He then goes on to say that we can never consent that she shall become a colony of any European Power; and adds:

"Desirable, however, as the possession of this island may be to the United States, we would not acquire it except by the free will of Spain. Any acquisition not sanctioned by justice and honor would be too dearly purchased. While such is the determination of the President, it is supposed that the present relations between Cuba and Spain might incline the Spanish Government to cede the island to the United States, upon the payment of a fair and full consideration."

He then proceeds to give instructions as to the manner in which that negotiation shall be conducted. This policy continued down to the year 1854, when you will find, on examination, a sudden and an entire change. That was the period of the Ostend manifesto, when three gentlemen, clothed in customary suits of diplomatic black, made their appearance at Ostend, whence they issued this remarkable document, and you will then see an entire change in the spirit of our negotiations. If Spain had been aware of the mission of these sable-robed diplomatists, when they flitted from Aix-la-Chapelle, and alighted at Ostend, she might have felt as the Roman shepherd did, when the hoarse note of the sinister raven, from the hollow oak on the left, predicted the loss of his possessions. What is now the language used towards Spain? I quote from the Ostend manifesto:

"Our past history forbids that we should acquire the Island of Cuba, without the consent of Spain, unless justified by the great law of self-preservation. We must, in any event, preserve our own conscious rectitude, and our own self-respect.

"Whilst pursuing this course, we can afford to disregard the censures of the world, to which we have been so often and so unjustly exposed." * * * * * *

"After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question, does Cuba, in the possession of Spain, seriously endanger our internal peace, and the existence of our cherished Union?

"Should this question be answered in the affirmative, then, by every law, human and divine, we shall be justified in wresting it from Spain, if we possess the power; and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor, if there were no other means of preventing the flames from destroying his own home."

The question which he says must be answered in the affirmative in order to justify us in wresting Cuba from the possession of Spain is this: "does her possession seriously endanger our internal peace and the existence of our cherished Union." That very question they there proceed to answer in the affirmative in another part of the same document. I find, in a previous part of the same paper, this expression of opinion on the part of its distinguished authors:

"Indeed, the Union can never enjoy repose, nor possess reliable security, as long as Cuba is not embraced within its boundaries."

That answers the question which has been put by these gentlemen, most emphatically in the affirmative. That seems to be a decisive expression of opinion in regard to the necessity of our occupation of Cuba as a matter of self-preservation.

I do not see how the question could be answered more affirmatively than Mr. Buchanan has proceeded to answer it in this Ostend letter. Then, in his judgment, the time has actually come when we shall be justified in wresting Cuba from the possession of Spain, on the same principle that you would tear down the burning house of your neighbor to protect your own. Here, then, is an entire and complete change in the policy of this Government in regard to the management of this negotiation. But the change is not confined to the policy of the negotiation, but also extends to the manner of conducting it. Up to that time, there had been manifested the most conciliatory spirit towards Spain; a careful avoidance of anything likely to wound her sensitive honor had been manifested, even by Mr. Buchanan himself. Look at his instructions to Mr. Saunders, in the first instance, to show how very carefully everything offensive was to be avoided:

"The attempt should be made, in the first instance, in a confidential conversation with the Spanish Minister for Foreign Affairs; a written offer might produce an absolute refusal in writing, which would embarrass us hereafter in the acquisition of the island. Besides, from the incessant changes in the Spanish Cabinet and policy, our desire to make the purchase might thus be made known in an official form to foreign Governments, and arouse their jealousy and active opposition. Indeed, even if the present Cabinet should think favorably of the proposition, they might be greatly embarrassed by having it placed on record; for in that event it would almost certainly, through some channel, reach the opposition, and become the subject of discussion in the Cortes. Such delicate negotiations, at least in their incipient stages, ought always to be conducted in confidential conversation, and with the utmost secrecy and dispatch."

"In order to convince him (the Spanish Minister of Foreign Affairs) of the good faith and friendship towards Spain with which this Government has acted, you might read to him the first part of my dispatch to General Campbell, and the order issued by the Secretary of War to the commanding general in Mexico, and to the officer having charge of the embarkation of our troops at Vera Cruz."

That was in reference to some expedition from this country in violation of our neutrality laws.

"You may then touch lightly, delicately, upon the danger that Spain may lose Cuba by a revolution in the island, or that it may be wrested from her by Great Britain, should a rupture take place between the two countries arising out of the dismissal of Sir Henry Bulwer, and be retained to pay the Spanish debt due to the British bond-holders. You might assure him that, whilst this Government is entirely satisfied that Cuba should remain under the dominion of Spain, we should, in any event, resist its acquisition by any other nation."

Such was the conciliatory and cautious language of Mr. Buchanan, in his instructions to Romulus M. Saunders, in 1848.

Mr. Saunders, in reply, informs Mr. Buchanan how strictly he had followed his advice on this subject. He says he made the approaches in the most delicate and careful manner; that in the first interview the Minister did not know that he actually was talking of cession; that he supposed he was talking of guarantee, so delicately did he approach him; and he says he was satisfied, before the conversation with him was finished, that there was no hope of obtaining the island. Such, at that time, was the kind, the amicable manner in which the negotiation was conducted. Mr. Marcy was somewhat surprised when he found that this amicable tone had been abandoned in the Ostend manifesto, and administers to Mr. Buchanan and Mr. Soulé and Mr. Mason a somewhat severe rebuke, couched in apparently ironical language, for having presumed to say that the time might have come when we should be justified in wresting the Island of Cuba from Spain; and he expressly instructs Mr. Soulé to inform the Spanish Ministry that our ancient policy does still continue to exist, notwithstanding the tone of the Ostend manifesto might lead him to suppose that it had been abandoned by our Government. Now, what is the present mode of conducting this negotiation? I have shown you how it was formerly conducted, not only as to its ultimate policy, but, also, as to the manner of negotiating. The change, I think, is as great in the manner as in the ultimate policy. And, in the first place, look at the President's message. Instead of the conciliatory tone which had been previously held, he begins by exaggerating pending difficulties. He informs us, in his message, that our relations with Spain are very unsatisfactory. He then goes on to state to Congress, in several portions of his message, what are the grievances now existing against Spain; and, after all, he only makes out that there is a debt of about one hundred and twenty-seven thousand dollars which has not been paid; and he intimates that Spain has a demand against us of a larger sum, including interest in the celebrated Amistad case. In the debate which took place in the upper House of the Cortes on this subject, the Minister of Foreign Affairs stated that he was utterly astonished when he read this message, and found that the condition of the negotiations between the two countries was not in a satisfactory state. He said he was not aware of any cause of quarrel whatever; that everything, as he supposed, had been settled. He received this message with astonishment. It was all new to the minister who had the care of the matter in Spain.

Then, how is the question treated in the report of the honorable Senator who has reported this bill? In what manner does he attempt to commence this negotiation with Spain? Does he follow out that conciliatory spirit which has heretofore been shown? He knows very well how to negotiate. When he holds the language he does towards Spain, it is not because he is not well aware that it is not the way to induce a reluctant nation to part with a valuable possession. I beg leave to read a few extracts from that report, to show how the honorable Senator from Louisiana [Mr. SLIDELL] thinks it proper to conduct this negotiation. This report will be carefully read in Spain. It will be there as soon as it can be conveyed, if it is not there already. He says, on the 12th page of the report:

"But even these arguments will not be pressed upon unwilling ears. Our Minister will not broach the subject until he shall have good reason to believe that it will be favorably entertained. Such an opportunity may occur when least expected. Spain is the country of *coups-d'etat* and pronunciamientos. The all-powerful minister of to-day may be a fugitive to-morrow. With the forms of a representative Government, it is, in fact, a despotism sustained by the bayonet—a despotism tempered only by frequent, violent, and bloody revolutions. Her financial condition is one of extreme embarrassment. A crisis may arise when even the dynasty may be overthrown unless a large sum of money can be raised forthwith. Spain will be in the position of the needy possessor of land he cannot cultivate, having all the pride of one to whom it has descended through a long line of ancestry, but his necessities are stronger than his will; he must have money. A thrifty neighbor whose domains it will round off is at hand to furnish it. He retains the old mansion, but sells what will relieve him from immediate ruin."

Now, it is perfectly evident that the honorable Senator could not have supposed this to be a conciliatory mode of conducting the negotiation. He informs Spain that she is in the condition of a bankrupt who has parted with the largest portion of his estate, and must now sell the remainder in order to save the family mansion. This idea has been followed up here in debate. The other Senator from Louisiana [Mr BENJAMIN] has taken a somewhat similar course. The Senator from Georgia [Mr. TOOMBS] who, I think, can condense about as much contempt and scorn into his language, if he entertains such a sentiment, as any member on this floor, has used very extraordinary and remarkable language. He says:

"Young, thriving, vigorous nations are purchasers; the weak, the feeble, the decrepit, are sellers. It has always been so; it always will be so. When nations begin to decay they sell their territory, or it is taken from them by conquest, or even sometimes before decay. With a prodigal Administration, improvident rulers sell their territory, as Charles II. of England sold Dunkirk. Decayed nations always sell, and generally do a good thing thing by it; because what they do not sell is generally taken away from them for nothing."

That will also go to Spain, with the report of the honorable Senator from Louisiana.

We are told that all this is not insulting; that Spain has no right to complain of it. Now, sir, I have no idea that a proposition made in diplomatic language to any nation to sell one of its possessions, is, in itself, to be considered insulting or offensive, though it may not always be in very good taste. It, perhaps, would not be in-

sulting to Great Britain if we should propose to her to buy Jamaica. But if we go to a nation and tell her she is a bankrupt and must sell; that she cannot retain her possessions; that she shall never be permitted to sell to any other people than to us; that if she does not sell to us, we will then consider the question whether self-defense does not require us to take forcible possession—if we tell her at the same time that we have satisfied ourselves that we are bound, as a matter of self-preservation, to wrest it from her possession—if we tell her furthermore, as the Senator from Louisiana tells Spain, that if she will not part with it to us, we will encourage a revolution which will subvert her jurisdiction; I think that then, the negotiation may be considered offensive and insulting in the highest degree. I think it would be so considered in a private transaction between man and man. It is not always in very good taste to say to a man, unless you know that he wishes to sell his property, that you desire to buy it. If he has told you that he considers the proposition offensive; if he requests you not to repeat it, and you then persist; if you say you will encourage some litigant who will obtain the title, and you will purchase of him if he will not sell at your own price, I think that, in a private transaction, would be considered somewhat offensive.

It seems, therefore, that the whole mode of conducting this negotiation has been as offensive as the ingenuity of able politicians and diplomats could possibly make it. I do not see how it could have been made more so; and I am compelled to believe that this has been done by design, for I know these gentlemen do nothing by accident. I shall revert to this point again; but I wish here, in this place, barely to allude to one consideration that presents itself in the examination of these official papers regarding our negotiations with Spain for the Island of Cuba. Is Spain willing to sell? In all this correspondence she has given us, in every instance, a decided refusal. She told Mr. Saunders, when he was commissioned by Mr. Buchanan to make the proposition, that under no possible circumstances would she part with this island to any nation; that she would rather see it sunk in the ocean than do so. He stated as a reason why the people of Spain, as well as the Government, entertained this feeling, that the people had no confidence that, if it were sold, one dollar of the money would ever go into the possession of the Government; that it would all be taken by the ministers who might then be in power. He said that was the feeling of the people of Spain in regard to it, and that was one reason why they did not wish to sell. At any rate, a decided refusal has been given to the offer in every instance; even to the extent of saying that they would rather see the island struck out of existence and lose its place on the globe.

It is very difficult for me to believe, when I examine the manner in which this negotiation is now conducted, that it can really be intended to obtain the Island of Cuba. First, consider the publicity which has been given to it. In 1848, Mr. Buchanan wrote to Mr. Saunders that it was all important that the negotiation should be private. He said, if you make it public there will be a discussion in the Cortes. He has made it public in his last message, and it produced the very effect which he imagined it would produce. In 1848 he considered such a discussion very much to be dreaded. It has happened as he apprehended. I say, therefore, it is difficult for me to believe the President of the United States, and the Senators who advocate this bill, expect by this means to obtain the Island of Cuba. I am driven to the belief that they have some other object in view than the acquisition of Cuba. I am driven to the belief that the solution presented by the Senator from Michigan [Mr. CHANDLER] was correct, that some party object is intended to be advanced by this measure. It is difficult to believe that gentlemen, having high official functions to perform, could be influenced to so great an extent by party objects; that they should desire by such means to extend the strength and advance the interests of their party, without regard to the interests of the country; but the conclusion is forced upon us.

It is said there is a political necessity for this measure. I think there possibly may be a political necessity as to the party now in power, but I can see no political necessity for the country. It may be that what is wanted is what we call here a new "issue," and what is called in England a new "cry." I am not sure that the Senator from Michigan is mistaken in regard to it. I apprehend you are not satisfied with the present issue before the country. That has been found somewhat disastrous. The Senator from Ohio [Mr. PUGH] seems to intimate that it has been discovered that whenever there was a disaster in the Democratic party, there was a mode of healing it; that a remedy may be soon provided; and what is that remedy? A proposition to annex some foreign territory. He intimates that, by "the blindness of the Opposition" to this measure, the Democratic party may recover from any mistake, or defeat, or disaster. I am inclined to think that that is the political necessity which now prevails, and that there is no other. I am led to this conclusion also by the details of the bill which the honorable Senator from Louisiana has reported from the Committee on Foreign Relations. The details of the bill, the manner in which this money is to be raised, are such as must surprise every Senator. How is it proposed to raise $30,000,000 to be placed in the hands of the President? I read from the bill:

"*Provided*, That if there should not be in the Treasury a sufficient amount unappropriated to meet the demands above called for, the President of the United States be, and hereby is, authorized, at any time within two years from the passage of this act, to borrow on the credit of the United States, a sum not exceeding $30,000,000, or so much thereof as may be required for that purpose, redeemable in not less than twelve, nor more than twenty years, and the Secretary of the Treasury be, and hereby is, authorized, with the consent of the President, to cause certificates of stock to be prepared, which shall be signed by the Register, and sealed with the seal of the Treasury Department, for the amount so borrowed, in favor of the parties lending the same: *Provided*, That no certificate shall be issued for a less sum than $1,000."

Has there ever been a loan bill of this kind which contained no restriction whatever on the President, which did not provide in any manner for the amount of interest to be paid, for the mode in which these securities should be issued?

Mr. SLIDELL. Will the Senator pardon me for interrupting him? The bill does contain a restriction on the interest; that it shall not be a greater rate than five per cent.

Mr. DIXON. I have the bill before me, and it contains no such provision.

Mr. SLIDELL. There was a mistake in the printing, but it has been corrected.

Mr. DIXON. I am glad that has been provided for; and I thought it a singular thing that the President was not limited as to the rate of interest to be paid for the money he was authorized to borrow. It still appears that he is authorized by the bill, without the slightest knowledge on the part of anybody, at any time to issue certificates of stock for $30,000,000 to any person he pleased, without requiring bids, or imposing any restriction whatever, except as to rate of interest. If the Senator has provided for that, he has certainly acted wisely. But, sir, the bill contains no provision for public notice of the issuing of the loan; no restriction on the President except as to the rate of interest. He can, at any time, issue bonds to any person without offering for bids. Well, sir, with the money received in this way, I very much doubt whether it is the belief of the President, or any of the distinguished gentlemen who have advocated this bill, that they can acquire Cuba. In short, I understand the Senator from Florida to say expressly, that it cannot be acquired for money. If I have not misunderstood him, he has directly asserted it to be his opinion that, under no circumstances can we purchase the Island of Cuba from Spain by money.

Mr. BENJAMIN. I do not see the Senator from Florida in his seat, but I heard him very distinctly; and I am sure his statement was, that any proposition for the purchase of the Island of Cuba must be accompanied with a commercial treaty; that money *alone* would not buy the island; but that money, connected with a commercial treaty satisfactory to the people of Spain, would acquire the island, in his judgment.

Mr. DIXON. I understood him as the Senator from Louisiana did. I understood him to say that the money was a very trifling consideration; and I understood him to say that, by money, it could not be acquired, but that a commercial treaty must also be made. I further understood him to say that the money, if paid, would not inure to the advantage of the people or the Government of Spain; but that it would, *in transitu*, pass into the hands of persons who were not entitled to it; and that the commercial treaty was the great object by which the acquisition of Cuba could be accomplished.

Well, sir, if we place $30,000,000 in the hands of the President, if he cannot acquire Cuba with it, he can certainly do something. That is a sum with which great ends and objects may be accomplished, though it may not purchase Cuba. Now what will probably be those ends and objects? The President of the United States, the other day, sent us a message which, I think, was the most remarkable communication that ever was presented to the Congress of the United States, by the Chief Executive officer. In my opinion it has not excited all the surprise and all the attention which it ought to excite. I confess that I heard it read, and I have since read it with astonishment. In that message the President of the United States asks Congress to invest him with certain powers which he does not now possess. He says:

"It [the Executive] cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks. It would have no authority to enter the territories of Nicaragua, even to prevent the destruction of the transit and protect the lives and property of our own citizens on their passage."

Again, he says on the next page:

"Without the authority of Congress, the Executive cannot lawfully direct any force, however near it may be to the scene of difficulty, to enter the territory of Mexico, Nicaragua, or New Granada, for the purpose of defending the persons and property of American citizens, even though they may be violently assailed whilst passing in peaceful transit over the Tehuantepec, Nicaragua, or Panama routes. He cannot, without transcending his constitutional power, direct a gun to be fired into a port, or land a seaman or marine to protect the lives of our countrymen on shore, or to obtain redress for a recent outrage on their property."

That is what he cannot now do, under the Constitution. Let us see what he says he will do. He first states what he has no power to do; he has given you correctly the limit which the Constitution has placed upon him. Now, I ask the Senate to give their attention, while I read to them what the President of the United States informs them he will do, although the Constitution does not give him the power. Here it is:

"It is true that, on a sudden emergency of this character, the President would direct any armed force in the vicinity to march to their relief; but in doing this he would act upon his own responsibility."

He has no power to redress the wrongs of an American citizen in a foreign country. The Constitution does not confer on him that power. To do so would be to violate the Constitution; to do so would be to violate his official oath; and yet he informs us that whenever the event occurs, whether or not we grant the power, he will take the responsibility of exercising it. I do not know how that may have fallen on the ears of the Senate of the United States, but I confess it struck me with more surprise than any sentiment I have ever heard avowed here or elsewhere; that the President of the United States should come to Congress, and, while asking for power to redress injuries of citizens of this country; not for self-defense—the Senator from Vermont [Mr. COLLAMER] showed us the other day that he was not asking power to prevent an injury, but to redress it—that he should ask for power to take vengeance into his own hands; and, at the same time, tell us that whether we give him that power or not, he will assume the responsibility of exercising it, in violation, as he acknowledges it to be, of his official oath!

If this is not despotism, I confess I am entirely ignorant of what constitutes it. The Senator from Illinois, [Mr. DOUGLAS,] as I understood him, advocated and sustained the whole of this message in its entirety. He said that he would not only give the President the power which he asked for, a limited power in certain instances and in specified countries, to use the Army and Navy of this country, but that he would give it to him for all countries and for all time. I have not the Constitution of the United States before me, but I think the language of it is, that "Congress shall have power to declare war." The war-making power is vested in Congress by the Constitution. What, then, is the meaning of a law of this kind? Suppose you were to add to the clause of the Constitution giving Congress the war-making power, a proviso of this description: "except the President of the United States shall, at all times and in all countries, be authorized to use the land

and naval force of the United States to redress any injury which any citizen of the United States may have suffered:" where would that leave the the war-making power? It would be taking it from Congress and vesting it in the President of the United States; or, if not taking it from us, it would be sharing it with him. This I understand to be the doctrine avowed by the Senator from Illinois; but as he is not present, I will not dwell on it. It is a doctrine wholly subversive of the principles of our Government.

The question recurs, what can the President of the United States do with this money? He has told us what he will do, in his special message. Well, sir, give him $30,000,000, and what will be the result? He says he will violate the Constitution of the United States; he says he will avenge the wrongs which he claims are constantly committed against citizens of this country, whether the power is given to him by Congress or not. He requests us to give him the power, lest he should be driven to take the responsibility of violating the Constitution; and he asks us in connection—for the two messages are to be taken together—to place in his hands $30,000,000, for the purpose of negotiating with Spain for the acquisition of Cuba. How the negotiation will be conducted, I think I have shown you. I do not stand here to bring any unfounded charges against the President. I have read his message. I have stated to you what he therein informs you he will do. I think you may very fairly infer what he will do if he receives these $30,000,000 that he asks for, although Congress may not pass the act authorizing him to take the course which he indicates to you that he will pursue. I say here, on my official responsibility, that, reading these two instruments together, I should not dare to trust the President of the United States with the power of using $30,000,000 in this manner. Taking his own language, I should expect him to involve the country in war. If there were no other reasons, I would not place this money in his hands.

But, sir, leaving this branch of the argument, and supposing, now, for a single moment, that it were possible to purchase Cuba; supposing it could be purchased for $120,000,000 or $200,000,000—the President has indicated in one of his dispatches, I think in the instructions to Mr. Saunders, what he would be willing to give; and I believe, by calculation, it was shown at that time to be $120,000,000; probably the sum now required would be at least $200,000,000; but, whatever it may be, suppose that, with the money now proposed to be placed in the hands of the President, the acquisition of Cuba might be accomplished: what are its advantages, as stated in the arguments principally relied on in the Senate? The Senator from Louisiana [Mr. BENJAMIN] has discussed that subject with great ability, I might say with more than his usual ability; and he has frankly stated to us what is the object to be gained by the acquisition of Cuba; and why it is that the people of the free States are asked to contribute of their resources $200,000,000 for the acquisition of this island. I will state it in his own language. He says:

"The leading fact, which ought to be kept constantly in view by all who would form just conceptions on this subject, is, that the wealth and productiveness of this island have been created, and their continuance can only be secured, by a system of compulsory labor."

How is it to be accomplished? How is "a system of compulsory labor" to be continued in Cuba? The Senator stated it:

"I now proceed to inquire from what source an adequate supply of this compulsory labor can be obtained. I know, sir, of but three possible methods:

"1. The actual increase of the slaves already there.

"2. The introduction of persons bound to service, under the name of apprentices, or coolies, or colonists.

"3. The African slave trade, which is the present method."

He also gives, in another place, a fourth mode—acquisition by the United States, and the introduction of slaves from this country, and of our slave system.

These are his four modes of continuing compulsory labor in Cuba. The first, by natural increase, he says is impossible, under the present state of things. Probably it is. The second—the importation of coolies and apprentices—he says has been abandoned for its inhumanity. The third—the African slave trade—must at some time cease. It cannot always go on. It may be many years—it may continue for generations to come; but the time must arrive when that traffic will cease. Then what remains? There is but one mode. Annexation to this country is the only mode of perpetuating slavery in Cuba. That, then, is the object of the bill; and in that point of view I am very willing to present it to the northern people. It is to perpetuate slavery in Cuba, that the people of the North are requested now to contribute of their means for this acquisition. I think the Senator from Louisiana will admit that I have stated his argument fairly. There is no other object to be accomplished. This is the great cardinal point that must be kept in view. It is for this purpose—to perpetuate slavery in Cuba—that we are asked to appropriate this money. Why should we do it?

In the first place, the honorable Senator has drawn a picture of the effect of emancipation in the West Indies. He has painted it with the matchless skill of an artist who excels in coloring as well as in composition. I do not deny that he has shown a state of things existing there very much to be regretted by all lovers of humanity. That it has been caused by emancipation, I by no means admit. But suppose you admit that the free negroes of the Island of Jamaica are in a condition of distress unparalleled by that of any people on the face of the earth; what does that prove? It does not tend to prove that we ought to acquire Cuba. If it proves anything, it proves that we ought to acquire Jamaica, and right that wrong, if such it be. Why do not the Senator from Louisiana and his distinguished colleague propose that we should restore the blessings of slavery by the acquisition of Jamaica? Why not go to Great Britain, and say to her, "You have Africanized the Island of Jamaica; you have imperiled our institutions, and therefore, from necessity, for the sake of self-defense, we must obtain from you that island; if you do not sell it to us, you shall to no other nation; we will give you such a sum as we think proper; your national debt is immense; you are bankrupt; sell it to us or we will wrest it from you." The reason why that is not said, is obvious, and I need not state it. England may abolish slavery in all her territories; and you will never hear either of the Senators from Louisana say to her, "You are imperiling our institutions by so doing!" No, sir; they will submit; they have submitted, either because they think it does not imperil their institutions, or for some other reason satisfactory to themselves. There is no danger that this country will ever be involved in war because Great Britain has seen fit to Africanize Jamaica. There is no danger that you will ever present to her the considerations which you are presenting to Spain. Such language as has been used in this report, will never be used towards Great Britain, for reasons which I think are quite obvious.

Then, if this argument proves anything, it proves that we ought to take the Island of Jamaica. It does not tend at all to prove that we ought to take the Island of Cuba; because Cuba is not on the eve of emancipation; there is no project, as I understand, for the emancipation of the slaves there. The Senator from Louisiana informs us that the blacks of the Island of Jamaica are in the miserable condition to which I have alluded. If it were a subject that I wished to pursue I might show him that the blacks on that island, although in the condition described by him, are not alone in misery; that it is somewhat of a necessity of their race; that the whole race are more or less in a suffering condition all over the world. Go to Cuba, where slavery exists, which the Senator has argued is a great blessing to the blacks; I have here a work which describes the condition of the slaves on the sugar plantations in Cuba. I do not now wish to detain the Senate with it; but I could show that, if emancipation in Jamaica has caused great distress among the blacks, slavery in Cuba has overwhelmed the black race in distress indescribable.

Mr. BENJAMIN. I do not desire to interrupt the Senator's discourse; but I will suggest that if he proves that, he follows out the line of my argument precisely. I stated that the negro slaves, under the Cuban system of slave labor, were exterminated in every generation.

Mr. DIXON. I know very well that the Senator argued that their condition would be improved by annexation to the United States, and I shall attempt hereafter to show that that will not be the case. I was barely saying now, that if the free blacks of Jamaica are great sufferers, if their condition is such as has been described—I might show the same thing as regards the slaves in Cuba, and I dare say, if I were to follow it up, the slaves everywhere else in the world. I think it could be shown that a want of ventilation, and every other physical evil to which the Senator alluded in that connection, exists in this very city of Washington, and in many other portions of the country; but I do not wish to follow out that line of remark in this stage of my argument.

Now, sir, how would you improve the condition of the slaves in Cuba by annexation to this country? That, it is true, is one of the objects which the Senator from Louisiana told us he had in view in the acquisition; but how will he do it? I suppose the Senator would say that, by increasing the value of the slaves which would result from the abandonment of the slave trade, the interest of the owners would require of them to afford to the slaves better treatment than they now receive, and that is probably what he means when he says the advantage of American institutions would be extended there. I suppose his idea is that slavery would exist there as it does here, and that self-interest here induces owners to treat their slaves well, in consequence of the great value of their property. His great means of accomplishing the object of the improvement of the condition of the slave is by affecting the interest of the owner. This is to be done by abolishing the slave trade with Cuba, by making the slave more valuable, by introducing our system of slavery.

I think, however, that the Senator from Vermont was entirely right, when he argued to the Senate that the acquisition of Cuba would not tend to the abolition of the slave trade. In the first place, it would seem very strange if increasing the value of the slaves, and thus increasing the inducement to import them, would tend to suppress the slave trade. We know that if you raise the price of slaves in Cuba from $500 to $1,500, you treble the motive which already leads to their illegal importation at every hazard.

But, sir, how will you, by the acquisition of Cuba, suppress the slave trade? What are you doing now? The British Government have a portion of their fleet on the coast of Cuba for the suppression of the African slave trade. Our treaty with Great Britain requires us to keep some portion of our fleet on the coast of Africa, for the same purpose. There is, besides, in the island, a mixed commission, partly British and partly Spanish, the object of which is to try offenders against the laws prohibiting the slave trade. Acquire Cuba, annex it to this country, and the British fleet must leave; we will not brook the presence of British men-of-war on that coast any more than we would on the coast of Georgia or Florida. The British fleet must then be removed. I take it to be an undeniable fact, that a very large portion of the slave trade is now carried on against the efforts of the British and the American Governments, by the abuse of the American flag. I find that in 1838, nineteen vessels laden with slaves from Africa, came into Havana under the American flag. One in particular attracted great attention, and landed its cargo of Africans under this protection. When the mixed commission notified our consul, then Mr. Trist, of this transaction, and called his attention to it, and requested him to use the authority of this Government, what position did he take? Mr. Trist said it was an interference with the independence of our Government for that commission to dare to call his attention to that subject. We had then been independent some sixty years, and it does seem to me to be about time for us to cease our sensitiveness on the subject of our independence. I do not find that Great Britain and France, and other nations, are sensitive lest they should not be considered independent nations; but our consul said we could not take notice of this call on us to examine the subject, because it was a violation of our independence. The American ship to which I allude, landed eight hundred and fifty slaves in the face of our consul. She started from the coast of Africa with eleven hundred and fifty, and landed eight hundred and fifty alive in Cuba.

Very soon after, a French ship came in loaded with eight hundred slaves, and the mixed commission called the attention of the French consul

to the subject. Did he have any fears in regard to the independence of France being violated by that notice being given to him? Not at all. He called the attention of the Prince De Joinville, who was there in command of one of the vessels of France, and a serious and earnest attempt was made, which I am sorry to say was unsuccessful, to arrest the owners of the slave ship. I say, then, that this trade is carried on now under the American flag; and what are we doing? We will not permit any search of an American vessel. There is no subject upon which we are so sensitive as the right of search. I confess that I think it has been carried to a great extreme. I understand the doctrine to be that an avowed slaver, carrying at its mast-head the American flag, is safe against the visitation and search of a British ship. That, I believe, is the modern doctrine, and we have driven Great Britain to accept it. I am not in favor of it. I think it is going too far; but that is the prevailing doctrine. Now, I do not suppose the British Government would attempt to visit any acknowledged, known slaver, or interfere with her in any manner whatever, although loaded down with African slaves, if the American flag, without right, wrongfully desecrated and abused, was floating at her mast-head; and if, to-day, information was to come to us that the British Government had interfered with such a vessel, I think you would find southern Senators on this floor ready to declare war on the instant.

If such is our feeling, if our flag is desecrated in that manner; if it is desecrated with our consent and connivance—for how else can you consider it?—how can you expect the slave trade to stop? Here is our flag, the most glorious on the face of the earth, which is an entire protection to the slave trade, anywhere on the broad ocean. As I understand our doctrine in regard to the right of search, the American flag anywhere protects the slave trader, and I do not wonder that the trade goes on. I do not see how it can be considered that this Government, taking this ground, is desirous to check the slave trade. But it is said the trade never has existed with any portion of our own country. I agree that it has not, until recently, and there are several reasons for that. The people of the South do not take the ground that the slave trade is against humanity; I do not recollect that I have ever known that argument to be made in the South. I believe, as a general thing, the ground taken by the South is, that the condition of the native wild Africans on the shores of Africa is improved by being brought into this country and subjected to slavery.

Then, if the slave trade is to be stopped by the acquisition of Cuba, it is not to be done from humane considerations; it is to be done because the interest of the parties requires it. I think that is the principal reason why the trade has not been carried on with our southern States. But look at the recent case of the Wanderer. You find there a cargo of slaves brought into the southern country. You find that, for a long time, one of the distinguished judges of the Supreme Court of the United States, sitting in the circuit court, could not succeed in impannelling a grand jury who would find a true bill of indictment for the offense. I think that distinguished judge would have been very glad to bring these malefactors to justice; but the grand jury would not find a bill. I understood, recently, from the Senator from South Carolina, that, in another portion of that State a bill has been found. But where are the Africans who were imported? It is said they cannot be found; they cannot be identified. Suppose a cargo of fugitive slaves had been restored, under the fugitive slave law, and brought into a port in Georgia or South Carolina: do you think they could not have been identified? Is there any difficulty in identifying slaves, if there is a desire to identify them? The fact is, these Africans were thrown into the masses of the black population; mingled up with them; and, it seems to me, by the consent, if not by the connivance, of the southern people. It is useless to say to me that they do not know where these slaves are. They do know where they are; they can produce them if they will. Why they do not, is for them to answer. I have no doubt they will easily identify a cargo of five hundred fugitive slaves, and visit them with condign punishment. They are well known; but they are not so well marked, not half so distinguishable, as Africans freshly imported from the coast of Africa.

I say, then, that is a pretext. They can be known; they are known. At this day, they are laboring on the fields of the southern country, perfectly well known to be imported slaves from Africa. The southern people say it betters their condition; perhaps it does; but if you desire to check the slave trade, you can do it. It is a bare question for the southern people to decide. I do not think the northern people can check it; I do not see very well how we can prevent it. I think the citizens of the South, of Georgia, of South Carolina, and Virginia, must decide for themselves, if they desire to restore the slave trade. I do not see very well how this Government can prevent it. At any rate, it would test the powers of the Government to do it. I do not believe the present Administration would make the attempt, though I do not mean to say they are not doing their duty, so far as the punishment of the persons connected with that ship are concerned. I have been told they were. I have been told that process was now being pursued. I have no doubt that the judge, to whom I have alluded, did his whole duty on the subject.

It seems you cannot identify the slaves brought in the Wanderer. Now, suppose you annex Cuba to this country: I beg to know how you will identify the slaves brought into Cuba? I want to know if you will desire to abolish the slave-trade there, more than in your present country? Every possible motive you have now to encourage it will exist in a tenfold stronger degree than at present. The price of slaves will perhaps be doubled; it will certainly be increased to a great extent, in consequence of the demand there existing to fill the places of those slaves who, we are told, are no longer to be brought from Africa to the Island of Cuba. If you stop the African trade, then, of course, you must have it from this country. I am free to say that if the slave trade must continue with the Island of Cuba, and the question is presented to me whether it shall be with this country or with Africa, I should hesitate very much before I should say that I would prefer it to go on from this country. Senators say the slave trade will stop as relates to Africa and commence as relates to this country; that you are to take your slaves from the United States into the Island of Cuba. Now, without indulging in any incendiary remarks in regard to the right of the blacks of this country, I think I may be justified in saying that they have some claim on us. They are faithful, they are industrious, they are docile; they are now performing their duties all over your southern fields, knowing very little of what is going on here. I undertake to say that if this black population, now cultivating your fields, knew that this proposition was here, all their interests would be awakened. If they supposed the question was whether the slave trade should cease from Africa and should commence from this country; that the question was, whether Cuba should be supplied with slaves from there or from here, they would be listening with all the attention they could give; and if they found that the Congress of the United States were about to pass a law which would lead to the transportation of themselves, or their children, to Cuba, I say to you that, from that whole black race, there would ascend to Heaven a more piteous cry than ever pierced the skies.

They have rights here, and we ought to consider them. Will you supply the labor of Cuba by slaves born, not in Africa, but in this country? Shall they be subjected to that horror? I will not attempt to describe it. Southern Senators know better than I do, how these Africans feel when they are carried to the Red river. They know what sort of punishment it is for certain portions of the African race, now held as slaves in this country, when they are transported from the homes to which they are as much attached as we are to our own, growing there, perhaps, with a stronger root than we do, with stronger social feelings, with warmer affections, with local feelings as ardent as ours. You know, Senators from the South, how these slaves feel when they are transported to another country; and you know perfectly well what a state of things would exist if they were liable to be transported to Cuba. I do not wish to dwell on it; but I say, to-day, my preference is, if Cuba is to be supplied with slaves from any other country than itself, that it should not be from this country. I would stand here and give my vote and my voice in support of the claims of the colored men of the South. The slave trade is sufficiently horrible in Africa; but for that we are not wholly responsible; let it never be carried on from this country.

I do not believe, then, that the slave trade would be in any sense checked by the annexation of Cuba to this country. I acknowledge that that has been in the minds of many; and it was, at one time, in my own mind, a forcible argument in favor of the acquisition of Cuba. Before I examined it, I had a vague idea that it might tend to abolish the slave trade; but, on examination, I think, on the contrary, it would remove obstacles now in the way of the trade.

But, sir, the Senator from Louisiana informs us, that unless we can perpetuate slavery in the Island of Cuba, the civilized world must give up the use of tropical productions to a great extent. He says tropical productions cannot be produced to an extent commensurate with the wants of the world without compulsory labor in Cuba. I think it can be shown that the Senator is mistaken. I have no idea that, if Cuba was to-day stricken from the face of the globe; if she was where the Spanish say they would rather she should be than come into our power—at the bottom of the ocean; I have not the slightest idea that the supply of tropical productions, especially sugar, would be wanting to the world. In the first place, let us see whether it be true that sugar is only raised by slave labor and in slave countries.

I understood the Senator from Florida, this morning, to say that it could not be raised by white labor; but perhaps I misunderstood him. I have before me a book of travels in Cuba and Porto Rico, by David Turnbull, published in 1840, from which I desire to read a few extracts on this subject, as to whether the world is dependant on compulsory labor in Cuba, or on the existence of Cuba at all, for its supply of tropical productions. He says:

"The most remarkable fact connected with the history and the present state of Porto Rico, is that the fields are cultivated and sugar manufactured by the hands of white men under a tropical sun. It is very possible that this might never have occurred had not the island been treated as a penal settlement at an early period of its history. The convicts themselves were condemned to hard labor as a part of their punishment; and when the term of their sentence expired, they were compelled to continue it in order to obtain the means of subsistence."

He says further:

"The large population of Barbadoes, the practice which formerly obtained there of inducing white settlers, of an humble class, to emigrate by an offer of small grants of land, and the law which compelled the planter to maintain on his estate a fixed proportion of white persons, compared with the number of his slaves, have had the effect of reducing a considerable number of white persons in that island to the rank of hired laborers; and there, also, I have seen them engaged in digging cane holes, which, I believe, is considered the severest labor to which the negro is exposed. It is nevertheless true, that, for a white man to labor in the field, is regarded in Barbadoes as a serious degradation. This, however, is by no means the case in Porto Rico, where inveterate usage has reconciled the white laborer to the necessity of working, without a murmur, in the same field with his colored brethren, of every variety of complexion, and even with slaves."

The question whether tropical productions, sugar, coffee, &c., in Cuba, depended on compulsory labor, was also discussed at great length at Havana, some years ago; and a large portion of the intelligent people of the island came to the conclusion that it might be better done in another manner. This writer says, in the same book above quoted:

"The question has therefore arisen, and has even been proposed for public discussion in the 'Transactions of the Royal Patriotic Society of the Havana,' whether sugar can be successfully cultivated and manufactured in the island without the aid of compulsory labor. It was not easy, and might not have been prudent, for the Colonial Government to put the veto of censorship in a discussion which could not be supposed to originate in any sinister consideration; and it has therefore been suffered to proceed without official interference."

In some States of the Union, probably a veto would have been put on it; but it was not done in Havana:

"In the mean time, it is no small gain for the cause of humanity, that a community so deeply committed to the trade with Africa, and hitherto so entirely dependent on the continuance of slavery, should become familiarized with such topics of discussion, and should habituate themselves to the contemplation of another state of things.

"In the very outset of this discussion, it is laid down as an incontrovertible principle, that the labor of a single freeman, who works voluntarily and for his own interest, is at

least equivalent to all that can be extracted from any two of the most robust of the African race.

"The mode of proceeding proposed for the attainment of their object by the economists of Cuba throws more light than could be easily obtained through any other channel on the moral, intellectual, and physical condition of the island. Although they have before them the example of the sister island of Porto Rico, whose staple productions of sugar and coffee have long been successfully cultivated by the white descendants of the original colonists; and although Cuba contains a greater number of white inhabitants than all the other islands of the Archipelago together; it is only by the importation of white laborers from the Canaries, that the proposed object is to be attained.

"Nay, while it is admitted that the whole of the field-labor can be sufficiently performed by white men, it is held that negro assistance is necessary in the interior of the ingenio. This necessity is assumed, partly from the custom, invariable in Cuba, and hence thought indispensable, of keeping the mill and the boilers incessantly at work from the commencement of the crop season till the last of the canes are cut down; and partly, also, from a very natural mistake, that a negro can support, better than a white man, a high artificial, as well as a high natural, temperature. The reverse has been completely demonstrated on board the British Government steamers on duty within the tropics, where it was for some time supposed that negro stokers could be employed more advantageously, and at less risk to their health than to that of the white men long accustomed to the duty in a colder climate.

"The experience of several years has completely proved that an African constitution is not so well suited as that of a European to withstand the heat of the furnace, or, rather, the frequent alternations of heat and cold to which the stoker of a steamboat, and the fireman and boilerman of an ingenio (or engine) are equally exposed. When it is found that the fires can be extinguished, and the boilers suffered to cool during the night, without disadvantage, and that the heat of the furnace is, comparatively, not so detrimental to the white man as to the negro, some change will doubtless take place in the views of the patriots and philanthropists of Cuba, as to the necessity of employing negroes—either in a state of slavery or freedom—in the interior of the sugar-houses. This matter is better understood in the English islands, where the white man's chief danger is supposed to consist in application to any active employment under a vertical sun.

"The prize essay of Don Pedro José Morillas, which was crowned by the Royal Patriotic Society with the patent of *socio de merito*, contains many interesting suggestions as to the substitution of the labor of white freemen for that of negro slaves. He contends that the extreme cheapness of African labor is the sole cause why the white inhabitants of the West Indies have, by the mere disuse and want of exercise, lost a large proportion of their physical force. He denies, however, that the debility, arising from inaction, is so general as it is so commonly supposed to be. The young men, born and bred in the interior districts of the island, are so well formed and robust as to be able to withstand the extreme heat of the dog-days and the cold of winter, which is not unknown in Cuba, with no other covering but the light linen vest which they wear all the year round. From sun to sun these men will make a journey of twenty leagues, on foot, without being worn out by the heat, or impeded by the suddenly swollen rivers, and with no encouragement to proceed but their cup of coffee and their cigar. Their dress is a linen shirt and pantaloons, a straw hat, and shoes of the untanned leather of the country. They carry, besides, a hammock and a single change of dress, which, with a sword and a long knife at their girdle, complete their equipment. When surprised by nightfall, they enter the nearest thicket and hang their hammock between two trees, where, after smoking their cigar, they sleep soundly till awakened by the song of birds, the cry of wild animals, and other sounds which serve, in a thinly-peopled country, to intimate the approach of day. Yet these men show no signs of weakness, and live to a good old age. On such grounds, Señor Morillas concludes that the (white) young men of the Havana need nothing but the habitual exercise of their muscular powers to enable them to rival, in activity, the *Peon de tierra dentro*.

"It is the presence of slavery which, in the Island of Cuba, as in every other country where it exists, throws every sort of personal exertion into discredit. Because labor is the lot of slavery, the pride of the freeman is alarmed lest the line of demarkation should not be broad enough between him and the slave; and he therefore abstains from working altogether.

"If the sun of the tropics be less friendly to physical exertion than the climate of the temperate zones, it affords at least some compensation by fertilizing the soil and multiplying the crops which may be reaped from it. It is, moreover, a well-known fact, that, in the Island of Cuba, men of color are very rarely employed in the work of cutting down the timber; and yet it will readily be admitted that, to fell with a hatchet a full-grown mahogany tree, is a task as arduous as most of those to which the ordinary field laborer is opposed. In some districts of the island, the Isleño from the Canaries, and the Gallego from the north of Spain, may be seen bent down at this employment from the dawn of day till sunset, without experiencing any bad consequences from it. The smiths and the carpenters of the island are, in like manner, almost all white men; but although it is not uncommon in Europe for a soldier to sink on the march, a similar failure, if we may believe the best informed inhabitants, is seldom heard of, either among the troops or the white tradesmen of Cuba.

"Compare the labor of cutting down the caobas, the chicharrones, and the quiebra-hachas, literally the break-hatchets of the country, or the less laborious employment of the carpenter at his bench, or the smith at his anvil, with the planting and cutting down of the sugar cane, and you will probably find that the balance is greatly in favor of an employment on which disgrace and discredit have been thrown by the exclusive application to it of the labor of slaves. Sugar, it has been seen, can be cultivated successfully by white men in Porto Rico; and there is nothing in the climate of Porto Rico to distinguish it from that of the islands in its neighborhood."

The truth is, that sugar and other tropical productions produced by slave labor, are produced at a very great waste. Scientific improvements, new modes of manufacture, are introduced where free white labor prevails, as is seen in France and Germany, and as alluded to in an article to which I desire soon to call attention. Now, sir, I say that when you consider the suffering of the black race, so powerfully and eloquently depicted by the Senator from Louisiana, in Cuba, in the manufacture of sugar, almost any man of ordinary humanity would say that if sugar could not be produced in any other manner, the human race had far better abandon its use; the luxury and comfort gained from sugar would not compensate, in the mind of any man of humanity, not to speak of an American Senator, for the indescribable suffering which, the Senator from Louisiana informs us, in the course of a few years, actually destroys the whole black race in Cuba. That is too expensive. No man of humanity could desire to continue the manufacture of sugar in such a manner. Why, sir, there is, in the manufacture of sugar, a process of filtration through animal carbon—which is bone reduced to a carbonaceous substance by calcination in a closed vessel. That process is found to be a very useful improvement, but it could not for a while be carried out, because of the very great expense; the calcined bones being very soon rendered useless; until there was discovered what was called, technically, a mode of *revivification*, by which the animal carbon could be restored to its former value. But when you use the human sinew, and human muscle, and human bone in this way, there is no revivification; you cannot restore them; you destroy the whole race in less than one generation, and are obliged to supply the places of the dead from the coast of Africa. I say, any man of ordinary humanity, in listening to the description of the Senator from Louisiana, would say the whole world had better abandon the use of such a luxury than to attain it at such a price. That, however, is not necessary; our philanthropy is driven to no such point. If the Island of Cuba were to-day annihilated, the manufacture of sugar would scarcely be diminished after the lapse of a few years.

I have before me an article in De Bow's Review, written, I think, by the Senator from Louisiana. I judge so partly from its style and partly because it bears all the marks of his ability, and is signed with his initials—J. P. B. I have not asked the Senator whether he wrote it; but I believe he did. [Mr. BENJAMIN assented.] In this article, he informs us of the improvements in the machinery and modes of manufacture adopted in France, and resulting from free labor. The Senator himself states enough to justify me in saying that, if Cuba were out of existence, this country and the world would have, from other sources, a sufficient supply of sugar, and in a very short time. He says:

"The extent to which the production of sugar can be carried in Louisiana is appreciated but by few; but those who reflect on the subject, and who feel an interest in all that concerns the prosperity of our State, foresee, with exultation, the day not far distant, when boundless tracts, now covered by the primeval forest, shall team with plenteous harvests of the cane; when nearly every plantation shall be a manufactory of refined sugar, supplying not only *the wants of our own country*, but forming a large item in *our annual exports;* when, in a word, the industry and enterprise of our population shall succeed in developing, to their full extent, the resources which a bounteous Providence has lavished on this favored land."—*De Bow's Review*, vol. 2, pages 344, 345.

Ought we, then, to perpetuate slavery in Cuba, under such a terrible state of things, that, according to the Senator's own showing, almost the entire civilized world would rather abandon the use of sugar, could it be produced in no other way, and when, too, he tells us that sugar enough can be raised under the patriarchal system that prevails in Louisiana? I will not speak now of white labor; I will not speak of free labor; I will not speak of the manner in which sugar is raised in other free-countries; but the Senator informs us that the institution, as it now exists in Louisiana, can not only supply the wants of Louisiana and of this country, but supply a large annual export to the rest of the world. Then, we may allow Cuba to pursue its own course; we may allow the cultivation of tropical products to be abandoned there, if the world will not suffer in consequence. I find, also, in this article, that the Senator intimates that it might be advantageous to have some white people, who know a little more than the blacks, to carry on the manufacture of sugar. In fact, the whole tenor of his argument shows that for the cultivation of sugar, you require intelligent, cultivated, skillful, and I might almost say free labor. It is very true, that it is claimed by many there is a portion of the work that cannot very well be accomplished by white labor; but when you take the whole manufacture together, you find skill and ingenuity necessary.

There are other modes in which sugar can be raised. How is sugar produced in France? You would suppose, from hearing the Senator from Louisiana, that if Cuba were out of the way, we should actually suffer for want of this luxury. There was a time when, under the colonial system of Great Britain, under the system she pursued of cutting off all trade with France, that country was deprived entirely of the use of sugar. Her trade with the sugar-growing countries was entirely destroyed; and what resource did Napoleon adopt? He at once introduced the manufacture of sugar from the beet root, and it has grown now to be one of the greatest interests in Europe, and is pursued extensively in France, Germany, Russia, and Poland. All over Europe the people are supplied with sugar, in a great measure, from their own labor. It would be so in a short time here, if it were not true that Louisiana is able to supply the world; and we have been willing to give them all the protection they have asked.

It seems, then, that this argument addressed to the physical comfort of the people of this country, that they need to acquire Cuba for the sake of increasing their luxuries to this extent, is entirely fallacious. If you wish to cheapen sugar, there is a direct mode of doing it—just strike off your duty. Will the Senator from Louisiana propose to do that? I think he will find no very great objections to it on this side of the House. That is an effectual mode by which sugar may be cheapened; but it is entirely fallacious to argue that it is necessary, in order to supply the people of this country with this luxury, that we should perpetuate compulsory labor in Cuba. There is no such necessity; if there were, our people would never consent that it should be done through their responsibility. It is too high a price to pay.

Having attempted to dispose of that portion of the subject, I now come to another branch. I will state another objection which, it seems to me, may be made with great force to the present acquisition of Cuba, supposing that it might be acquired in the manner pointed out by this bill. I allude to the character, the habits, and the peculiarities of the people inhabiting that island. What do we propose to do? We do not propose to take them as a colony, to be governed by a proconsul, by a viceroy. We do not propose to take them in any other manner than as one or more sovereign States of this Union; and, when we do so, we must guaranty to them republican institutions, and, for the first time in all our history, we shall find the duty of guarantying republican institutions a very arduous work. Are these people fit to come into our Government as equals? What makes a people fit for free government? I take it that free institutions, such institutions as ours, are not a cause, but an effect. They are produced by the character of the people previously; they do not create the people. Our people, with the character they already possess, created our institutions. Our institutions did not create the people. They practiced self-government long before those self-evident truths were pronounced by Mr. Jefferson in the Declaration of Independence. That was no new discovery. The State of Connecticut, the State of Massachusetts, and other States, were perfectly well prepared by long practice, which had continued from generation to generation, and had become hereditary, for free institutions; and, at this very day, if you were to shatter this Union into its original elements, the State of Connecticut, the State of Massachusetts, and, perhaps, every other State, could go on with its government precisely as it now does, because they are all practiced in self-government. The sovereignty which I, in part, represent, went on for more than one hundred years before the Revolution, and has now been practicing self-government for two hundred years; and never had a Governor who was not chosen by itself. We never had a royal Governor. Such were the people who established our institutions. The people made the institutions, not

the institutions the people. Now, let us look at these people of Cuba. What kind of institutions can they establish or sustain? Mr. Clay, in his first letter on this subject, to which I alluded, gives his opinion in regard to their fitness for self-government. He says:

"The population of the islands is incompetent at present, from its composition and its amount, to maintain self-government."

That was the opinion of Mr. Clay, in 1825. Have they improved since? I doubt it. The difficulty is in the race. All southern Senators claim that the black portion of that population are unfit for self-government, and they constitute a large proportion. How is it with the whites? They are not of our race. They are of a race which has never yet succeeded with self-government. In considering this subject, a comparison has been sometimes made with the annexation of Florida and Louisiana. In Louisiana there were scarcely any people; in Florida there were not many; and at this very day, they send no Spaniards here to represent them in the Senate. They send men with good Anglo-Saxon names, and with good Saxon blood running in their veins. Those people never were a foreign people. That was not the annexation of a foreign country, although it has been spoken of sometimes as if it were. It was the annexation, for the most part, of virgin soil, not peopled; and therefore from that no analogy can be drawn.

But what are these people? I have here a short description of their character, to show you that they are totally unfit to come into the Union to-day as citizens of a republican government. They are more unfit than any nation of Europe; far more so than Spain at this moment. We suppose that certain notions of individual equality are necessary to prepare a people for self-government. They should exist beforehand, as they did exist here in the early settlement of our country. Notions of individual liberty and personal freedom, existed long before the Declaration of Independence. Is there anything of that kind in the Island of Cuba? Let us see what the state of society is there. I read from the same book to which I before referred, Turnbull's Cuba, page 49:

"The distinction of ranks among the various classes of society is as carefully kept up in Cuba as in the most aristocratic countries in the Old World. The first includes the resident grandees of Spain, of whom there are about thirty; the Titulos of Castile, resembling as nearly as possible the anomalous rank of Baronet of England; and the Hacendados, or landed gentry of this island. Next after them come the Empleados, or civil functionaries in the public offices, of whom, at the Havana alone, there are said to be one thousand; and on the same level with these gentlemen may be placed the officers of the army and navy. The merchants, Spanish, creole, or foreign, hold only the third place in the order of precedency. After them come their clerks, French, English, North American, or German; such of them as come from Spain being chiefly *Gallitanos*. Retail merchants and shopkeepers hold a still lower station; they come in general from the Canaries, Catalonia, Biscay, or North America. The Gallegos, like our own Irish laborers, occupy the lowest place in the social scale; the colored and negro race being tabooed altogether. The emigrants from old Spain and the Canaries, but especially the Catalans and Gallegos, with their descendants, may be considered a permanent addition to the population; but foreigners, who generally come as clerks and depart as merchants, take root but rarely."

That is the state of society in Cuba at this day. Ranks are as well settled and established there as they are in any country of Europe. There is no notion of personal equality there. The great self-evident truth "that all men are created equal" has never been discovered there. Do you suppose you can force it on them by bringing them into this country? Surely not in one generation. But the Senator from Louisiana, in his report, gives us rather a different picture of the state of the island in that respect. He says:

"The feeling of caste or race is as marked in Cuba as in the United States. The white creole is as free from all taint of African blood as the descendant of the Goth on the plains of Castile. There is a numerous white peasantry, brave, robust, sober, and honest, not yet, perhaps, prepared intelligently to discharge all the duties of the citizen of a free republic, but who, from his organization, physical and mental, is capable of being elevated by culture to the same level with the educated Cubans, who, as a class, are as refined, well-informed, and fitted for self-government as men of any class of any nation can be who have not inhaled with their breath the atmosphere of freedom.

"Many of them, accompanied by their families, are to be met with every summer at our cities and watering places, observing and appreciating the working of our form of government and its marvelous results; many seeking, until the arrival of more auspicious days, an asylum from the oppression that has driven them from their homes; while hundreds of their youths in our schools and colleges are acquiring our language, and fitting themselves hereafter, it is to be hoped at no distant day, to play a distinguished part in their own legislative halls, or in the councils of the nation."

I have had the honor of seeing some of those distinguished men, and, no doubt, they are men of very high characters; but they are the thirty grandees who are described in the book from which I read. I have seen them, at a distance, at the watering-places alluded to by the honorable Senator; and while their behavior has certainly been gentlemanly and proper, I could never see that their studies were much occupied in "observing and appreciating the working of our form of government," and studying its principles and details in order to reduce it to practice in their own country. That picture drawn by the Senator from Louisiana is, by far, too flattering to the people of Cuba, as regards their fitness for self-government.

Now, I shall assume that the people of Cuba are very similar to the Spanish people. In point of fact they are of Spanish descent, Spanish blood, and Spanish culture. They are no better than the people of Spain to-day. I have before me a book, written by a very eminent scholar and gentleman, which is a standard work, I think, upon the subject of the character of the people of Spain. I know it was so some years ago, and I do not know of anything on the subject that has been written better since. It is entitled, "A year in Spain, by a young American, A. Slidell Mackenzie." He gives us his views on the subject of the fitness of the Spanish people for self-government. He says:

"Never have those much abused words, liberty and civilization, been so often invoked in the cause of persecution and murder, as in the Spain of our day. The liberals have far outstripped the fanatics who preceded them, in the perpetration of injustice and inhumanity. They have been more fanatical than the fanatics themselves, and fanatical against religion; clemency is usually found to accompany power; but the Spanish liberals have all the ferocity of weakness and vacillation. The sacredness of life, liberty, and property, is equally disregarded by them. If they let the tongues of the multitude wag more freely than before, still it is only after one fashion. It was the liberals of Spain who first began the slaughter of prisoners in cold blood, and in the name of civilization; it was they who first denied to the gentler sex its immunities."

He sums up in these words:

"The beauty of a Government is not wholly intrinsic. It consists of its adaptability to the peculiar condition, habits, and manners of the people who live under it. Our form of Government is beautiful, not merely in itself, but because it has strong foundations in our national character, in the love of order and sense of probity bequeathed to us by our British ancestors, in the condition of property, in the habits of self-government, as old as the era of our origin as colonies, and in universal intelligence, fostering and fostered by the system under which we live. The same Government, excellent and beautiful, as it is admitted to be, without other modification than occurred in translating the document which embodied its precepts from one language into another, has been adopted by Mexico and other Spanish American States, prematurely severed by revolution from their parent state? What have been the consequences? Have they been order, security of life and property, the supremacy of the law, the rapid development of the national resources? Not at all. They have been anarchy one day, followed by military despotism the next, and anarchy and military despotism again, until the world has ceased to be attentive to the oft-repeated intelligence of wars and revolutions. And so it would be with Spain, with a form of government borrowed from England."

So it would be with Cuba, with a form of government borrowed from this country. The difficulty with Mexico and the nations of South America, who have tried this experiment, has been in the character of the race. I doubt whether the race is capable of self-government. You see what Mr. Clay thought of the power of those Governments in the first instance. He thought Colombia and Mexico were so powerful that we should make a treaty with them to guaranty Cuba to Spain against all the world. Now they make a new government in Mexico as often as the Democratic party in this country makes a new platform. A new constitution is made there quite as frequently. Suppose you attempt to establish a republican government in Cuba: what will be the result? Both the Senators from Louisiana and others seem to think you have only to carry our institutions there, and then you will have a republican form of government at once. I say to you you will find it necessary to enforce it; you will find it necessary to guaranty and defend it, and it will require all the efforts of your Government to do it. You never can establish it in spirit, though you may do it in form. The bribery and corruption that prevail there now will prevail in their elections. You will have worse than violent revolutions, you will have deep-seated corruption at the foundation of all your attempts to establish republicanism, and in that way you may throw disgrace over the very name. I do not think it best for us to force that people, in their present condition, to come under our form of government. It would be no blessing to them, and certainly would be none to us.

But, sir, there is another consideration arising out of the enormous expense proposed. I do not speak now of the $150,000,000, or more, to be paid for the island; because that would be a small proportion of the ultimate expense. But suppose it cost that sum: there is the interest on that money; then, there is the expense of sustaining and establishing a government in Cuba. The Spaniards find it necessary to keep twenty-five or thirty thousand troops there for some purpose. It certainly is not to prevent the slave trade. I doubt very much whether it is entirely to keep down the creoles. I am afraid that it is to keep down the blacks. There are some three or four hundred thousand free blacks there to-day; and I am apprehensive that, if the troops were removed, you would find repeated the scenes which have been described by the Senator from Florida this morning. But, suppose we could get along with ten thousand troops: if they should cost us as much as our troops in this country do—and probably they would cost quite as much, if not more—there would be an expense of $10,000,000 a year. That, added to your other expenses, would make over twenty million dollars a year. If you follow this measure out, in all its ramifications, you will find that the expenses of the Government will be increased in every imaginable degree. When I say this, I do not speak merely of the bare expenditure of the money. That is an evil, but is comparatively a small consideration. You cannot pay out large sums of money from the Government without producing deep-seated corruption. That is the great danger. You destroy, subvert, the whole character of your republican institutions. There is no Senator here who does not know perfectly well that every public and private vice follows in the train of prodigality. I am surprised when I see southern gentlemen, who are the advocates of economy, not for the bare sake of money-saving, but because they wish to preserve our Government in its original purity; Senators who claim to have somewhat of the feeling of the Madisonian era, of the Jeffersonian era, and even of the Washingtonian era, now willing to submit this Government to the trial of such a vast increase of its patronage and its expenditure. If there is anything from which we have cause to fear, it is from the vastly-increasing amount of the patronage and expenditure of the General Government. In extending our limits at home within the two oceans, we must necessarily extend these expenses; but, when we go abroad to take in a foreign country, of different habits and different races, and attempt to force on them republican institutions, we cannot but cause a vastly increased expenditure; and the consequences which I have named will most certainly follow.

It is said that the people of the North ought to be in favor of the acquisition of Cuba, and the people of New England particularly, because it will extend their trade. I have to say for the people of my own State, that while they are desirous, so far as can properly be done, of extending all those advantages, they wish to reap no advantage by the extension of their trade at the expense of the true principles of this Government. They claim to be no more patriotic than other States, but I do not think they can be influenced by this argument that their trade is to be extended, and that they ought, therefore, to consent to a proposition which violates the principles of our Government. They claim only to walk with equal steps, with other States, in the path of patriotism, but they do not desire to advance their material interests at the expense of principle. If they had any such desire, I think they might possibly do well to inquire, if they look at it merely in respect to the material advantage to be gained, whether they will receive any very great advantage by bringing into this Union four Senators and eight Representatives at least, who will be, by position and by connection, opposed to all their dearest interests? I think they might very well consider that, if they were to regard the mere question of advantage.

The Senator from Florida closed his remarks

by denying that it was or should be one of the great objects of our pursuit here to adorn and cultivate what we have; that we ought, instead of that, to devote ourselves to pursuing some further acquisitions. I confess that I cannot agree with him in this sentiment. It is not long since we were told that we were to have an ocean-bound Republic; that we were to extend from ocean to ocean; and the Senator from Illinois claimed to be the father of that doctrine, but it was originated many years before his day. The Romans had the same sentiment, "*Imperium' oceano famam qui terminet astris;*" which, if I were freely to translate it, so as to avoid a translation by my friend from New Hampshire, [Mr. HALE,] might be supposed to mean "our empire is bounded by the ocean, our glory by the stars"—and stripes added. Now you propose to go beyond this; to leave the idea of an ocean-bound Republic, and go in search of foreign nations to be annexed to our own—and for what purpose? I have already indicated what seemed to me to be the great object, as stated by the Senator from Louisiana, [Mr. BENJAMIN.] I have stated somewhat at length some of the objections which I have to the proposition to place $30,000,000 in the hands of the President by this bill. All of them seem to me important; but I will not conceal from you that the reason offered by the Senator from Louisiana for the present acquisition of Cuba, namely, the perpetuation there of African slavery, is to me the most ample reason for its rejection. I have no desire, and I believe the people I represent have no desire, to interfere with the institutions of the States of this Union. They will yield to them all their rights under the Constitution. But when you ask them, in addition to this, not only to extend slavery into free territory, but to go beyond, and annex to this Union foreign nations and foreign people, for the purpose of perpetuating compulsory labor, they object most emphatically.

Do you ask why we are unwilling to extend slavery, to add more slave States to this Union? Not because we desire to gain, or to keep political power. It is for a higher and nobler reason. Slavery, wherever it exists, must, necessarily, disgrace and degrade free labor. The opinions expressed at the last session of Congress by an honorable Senator from South Carolina, on this floor, and by other Senators on other occasions, though severely animadverted upon at the time, are the logical result of the system of slave labor which prevails in our southern States; and which the Senator from Louisiana proposes by this bill to perpetuate in Cuba. They are the legitimate consequence of a policy permitting the existence of a servile class in a community, subjected to the actual ownership of those for whom they labor. In other words, a policy which permits capital to own the labor it employs, necessarily degrades all similar labor in which freemen may be occupied. It is impossible for any manual labor to be considered honorable, while it is almost exclusively performed by slaves, and is thereby made a badge of slavery. This, sir, is one of the strongest objections existing in the minds of the people of the North to the extension of slavery into the Territories now free. The humanitarian objection has great weight with many, and, so far as it can be shown, that the condition of the slave will be rendered more intolerable by the extension of slavery, that objection alone would be sufficient. But aside from this, leaving out of view all considerations of humanity or justice, it is a sufficient objection to the introduction of slavery into any Territory, and to the introduction into our system of any foreign slaveholding State; that free labor is degraded by contact with slavery. It is in that point of view that I now wish to consider it. What is free labor in a community where slavery does not exist, and what is the same labor in a slaveholding State? Look at the condition of free labor in my own State, and the estimation in which it is there held. The population of that ancient commonwealth has not doubled in the eighty-three years which have passed since the Declaration of Independence. Yet, if the vast multitude of her industrious sons and daughters whom she has given to populate and build up and enrich other States had remained within her borders, her soil could scarcely have sustained them. Every State in the great West owes her a debt of gratitude for the people she has supplied them. Illinois, Indiana, Michigan, and those younger sisters, Iowa, Wisconsin, Minnesota, and Oregon, with Kansas, soon, I trust, to be a State, all count among their best citizens emigrants and the descendants of emigrants from Connecticut. The immense region occupied by those States has been made what it has now become by the labor, the free, voluntary, compensated labor, of men who have carried with them the principles of the early settlers of New England, and their habits of unremitting industry. In no other way could that wilderness have been subdued, and made to blossom as the rose. The sentiments of our people have thus been scattered like seed; literally disseminated far and wide, throughout the western States; and there they have taken root, and are flourishing in their matured growth. What is felt there, with regard to the character of free labor, is only the transplanted sentiment of the State from which they received so large a proportion of their population.

Now, sir, to say that the people of New England, and their descendants in the West, have always looked upon labor as honorable, is but feebly to express their sentiments. They consider idleness disgraceful. They know that to be idle is to be vicious. They know how this earth was designed by its maker to be subdued and cultivated by human hands—whose labor should be guided by a free human intellect. The vulgar, unphilosophical idea, that human labor, in whatever useful occupation it may be employed, is dishonorable, has no place among their opinions. With them, "work is worship." This sentiment, sir, was at the foundation of their institutions. The idea of the dishonorable grade of manual labor—as compared with such occupations as war, hunting, marauding, and the like—came from the subjection of a class, in the ages when the masses of mankind were subjected, by conquest, to the rule of the few. The monarch and his companions were the masters; their subjects were menial laborers. Useful labor was, therefore, considered degrading. Yet this was not the result of education, or refinement, or high culture. On the contrary, in all ages, the most cultivated and refined nations have most respected labor. The name of the man who first wrought in brass and iron, was deemed worthy to be recorded in Holy Writ. The son of Jupiter is described by the Greek poets, toiling at the anvil, and forging the shield of Hercules, and the armor of Achilles. Not to the intellects of those early days—unsurpassed even yet in exquisite taste and lofty sentiment—who looked on life and its duties with the unclouded eyes of an age not yet corrupted by the accumulated follies and vices of thousands of years of progress, could any such idea present itself, as that the labor of the human hand, in any useful occupation, is dishonorable. That notion was reserved for a later time; and had its origin, as it has and must have its support and advocacy, in a system of slavery. It is idle, therefore, to denounce those who, on this floor and elsewhere, have stigmatized manual laborers and operatives as slaves, however indignant we may justly be. The idea is not theirs; it is the idea of their system. Negro slavery does, in truth, not only enslave the African race, but, in every community where it exists, it also includes, in the chains of its bondage, the labor of the white man. For him I now speak. Let those Senators who consider what they call hireling labor degrading, visit the North, and a new vision will greet their eyes; intelligent, free-labor, with its ample rewards, its happy firesides—the homes of education and refinement; its hours of leisure, for the studies which fit freemen for their political duties; its means of educating the children, who, while the father bends in cheerful toil over the plow, the bench, or the anvil, are laying the foundations of that learning, which is preparing them to become your authors, your inventors, your teachers, your Governors, your Senators, and the Presidents of your Republic.

Such are the people, and such is free-labor, where slavery is unknown. Now, sir, what would be the same people, and what their labor, in a slaveholding State?

We, sir, object to the extension of slavery into any free territory. Southern men can see no reason for this, but a desire to invade and violate the rights of the South. It seems to them aggressive. Sir, their own philosophy ought to furnish them with a satisfactory reason for our opposition to the introduction of foreign slave States into our Union, and to the extension of slavery over territory now free. We do not need them to instruct us that where slavery exists free labor is degraded, and dethroned from its natural, rightful position. Where a mechanic can be bought in the market overt, mechanics will rank as chattels, and will not be very likely to be selected to govern the State.

Mr. REID. I understand the Senator from Connecticut to take the position that slave labor degrades free labor in the States where slavery exists.

Mr. DIXON. Certainly I do; that is my position.

Mr. REID. The Senator from Connecticut has certainly given to me a piece of information that I did not expect to hear, for, so far as my observation extends in a State where slavery exists, it is not so regarded there; and I should think people of the region of the country where slavery exists, would have a better opportunity of judging of that fact than gentlemen who reside where slavery does not exist.

Mr. DIXON. I founded my remarks mainly on the opinions which have been expressed on this floor and elsewhere by southern Senators, in regard to the labor of operatives and what they call hireling laborers at the North. They have been denounced in more than one place, not to speak of the debates on this floor, as virtually slaves. I have seen that in more than one speech delivered at the South, from which, if I had time, I might quote. Although this excites indignation in the minds of the people of the North, it is the legitimate result and consequence of the institutions of the South.

Mr. REID. If the Senator will permit me, I will state that I have never heard any Senator from a slave State admit the fact, that where slavery existed free labor was degraded. That is new to me. I maintain that where slavery exists, free labor, so far from being degraded, is elevated. The kind of labor which is imposed on white men in the free States is imposed upon slaves in the South; and therefore in the slave States free labor, instead of being degraded, is in fact elevated.

Mr. DIXON. It may be that certain higher classes of labor not performed by slaves, which require more intelligence and more ingenuity, may be to a certain extent respected in that community; but I say, that where labor for the most part is performed by slaves, the legitimate logical result is that free labor will be held in the estimation in which the Senator from South Carolina stated at the last session, that he held it. I doubt very much whether the Senator from North Carolina would deny my assertion, that where mechanics are advertised for sale; where you can buy a mechanic in the market overt, mechanics will not be held to be a subject and degraded class. Suppose you were to advertise a physician, a lawyer, or a minister, to be sold at the block, as you advertise a faithful, honest, industrious, intelligent mechanic, will the Senator say that the result, the tendency of that, would not be to degrade those professions? If a single instance would not do it, suppose it was the habit, the custom, the law, in any State, that lawyers and ministers and physicians should be held as property, and sold as personal chattels, I think, then, lawyers and ministers and physicians in that State would rank as chattels.

Mr. REID. If the Senator will permit me, I will state to him that the mechanics of the slave States stand as high as the mechanics in any other part of the world. The mechanic who buys a negro slave, or who teaches him a trade, works with him day by day, and does not feel himself degraded. The master of a slave goes into the field and works by his side day by day, and does not feel himself degraded. There is no degradation; but there is an elevation. When there are low, menial services, that white men never were intended to perform in a free country, they are performed by the slave race. Such duties, in the non-slaveholding States, are performed, to a very great extent, by the white population. There is no point of view in which the subject can be considered whereby the white man can be degraded by the institution of slavery.

Mr. DIXON. I am very glad to hear that, in the State of North Carolina, free labor is somewhat respected. I think it is very likely that it

is more respected there than in some other States where slavery is of a more malignant type. But I deny utterly—it is not true; every man who knows anything about it knows it is not true; it cannot be true—that free intelligent labor stands on its rightful position, and occupies its true, natural ground in a State where capital owns labor. As a general rule, I pronounce it entirely impossible. It needs no argument, a bare statement of the fact is enough; and that is well understood by the free people of the North. They know perfectly well what the effect of this system must be.

Can you wonder, then, that our laborers, who are joint owners with you of our Territories, will not consent to their being subjected to slavery? Their free labor is their wealth, in exchange for which they intend to transfer some considerable portion of that territory to themselves. But what do you demand? That capital should there, as in your own slave-holding States, own labor. Can you expect labor to agree to that? I beg leave to say that the free labor of the North is proverbially intelligent. I incline to think that nowhere, on the face of this earth, can be found a more intelligent race, than the free laboring men of the North. They know, very well, what must be the effect upon them of a system of law by which capital shall be made the owner of labor. They know that the views to which I have alluded are the necessary result, the logical consequence of the long-continued existence of slavery in the States represented by those who entertain them. They know that labor must, in all slave States, lose its ennobling, its divine character, and that in the perverted estimation of men, whose judgment is clouded by a false system of education, the cunning work of that most wonderful instrument, the human hand—the marvelous invention of a Divine artisan—will be despised and degraded. Therefore, it is that never, by their consent, never if they can by any lawful means prevent it; never through fear of any personal or any political consequences, will their free, intelligent labor be subjected, in the Territories of this Government, to a degrading competition with the labor of African slaves; nor, sir, will they ever consent that their treasure shall be expended in a forced purchase from an unwilling nation of slave territory, for the avowed purpose of perpetuating therein compulsory labor.

Mr. BELL. There is not time enough to take anything like an extended view upon this subject, which I shall not do for that reason. It is embarrassing on another account. If it did not interfere with my course of argument, and would not occupy more time than I propose to occupy to-day, I should like to reply to some of the arguments of the honorable Senator from Connecticut, [Mr. DIXON,] particularly on the subject of the effect of slave labor in the South producing the necessary effect, as I understand his argument, of degrading free white labor, rendering it dishonorable or not reputable; but I shall leave that to others.

Extraordinary as this proposition is, Mr. President, if it had found its way into the Senate by the consent of the body, in courtesy to the distinguished author of it—distinguished by ability and sagacity—I should not, at this period of the session and of the debate, have been disposed to enter into the question to any extent, on my part; but this proposition comes before us under very different and more imposing auspices, however respectable they might have been when presented by an individual. They are presented to us, and recommended to our notice and favorable acceptance, by all the force and persuasion that the recommendation of the President of the United States and the sanction of the Committee on Foreign Relations can give to it; and from what I have understood as to what has taken place out of the Senate upon this subject—a fact of more significance than the recommendation of the President and the sanction of the Committee on Foreign Relations—it has had the countenance and support, from the time it was presented to this body, of the authoritative counsel of the dominant political party in the Senate and in the country. Though it may not pass the present Congress—and I do not know that it is expected to pass—I see enough to satisfy me that this measure, together with the kindred measures recommended by the President of the United States, are to form the staple of political controversy and agitation for the next four years; that they are thus regularly installed the legitimate successors of those issues which have convulsed the country for the four years that have just passed. This of itself is sufficient to attract serious attention and notice.

This measure, remarkable as it is in itself, both from the amount of money which is proposed to be placed at the discretion of the President, and the time at which it is presented, the financial and other circumstances in the condition of the country being considered, it strikes my mind as challenging more especial wonder and amazement by the boldness, the apparent sincerity and confidence, with which criticism and scrutiny into its motives and objects are defied, and the principles and policy upon which it is attempted to be sustained and vindicated. Here is a proposition to vote $30,000,000, to be used by the President at his discretion, in effecting a treaty with the Crown of Spain for the acquisition of the Island of Cuba. If this was an amount of money to be appropriated in any case, or for any object, I would say that, had it been presented under circumstances, and in view of probable contingencies which might exist, I would not regard it as disproportionate to what many consider the magnitude and value of the interests to be attained by it; but coming as it does, in my judgment, unsupported by any probable contingency, or exigency, likely to arise between this country and Spain; unaccompanied by any circumstances to demonstrate its propriety and fitness, I must confess, with great deference to the honorable Senator from Louisiana, [Mr. SLIDELL,] that if I did not know that he never brings forward a measure without some higher object than that which I am about to state, that, presented naked and defenseless of those circumstances which only could justify it, it wears the aspect of an experiment to test the extent to which the public credulity and the loyalty of partisan followers could be successfully practiced upon. I do not say that that is so. I believe it is not the object of the honorable Senator from Louisiana.

Questions of this sort have sometimes been presented in the British Parliament to test the strength of the ministry of the Crown. I have known propositions somewhat analagous to this to be presented in this country in bygone times, asking of Congress the vote of a sum of money much larger than any conviction in the minds of those who moved it, of the necessity of such a vote founded on any view of public necessity; but I must say, that if this vote is required or expected to test the confidence of the Congress of the United States in the present Chief Magistrate, it seems to me his friends are to be taxed to an immeasurable and unreasonable extent. The vote of $30,000,000 for that, or any other object, would imply such a total forgetfulness and abandonment of the jealous principles upon which this Government was founded, that I venture to say, but few who take a full and rational view of the subject will be disposed to agree to it. Thirty million dollars! It would give to the President of the United States the control of the Army and Navy for two years, with the present small estimates, taking the amount of the regular annual appropriation. Three years of the control of the Army and Navy is as much as any despot or any traitor to the liberties of his country would ask. It is a dangerous experiment. What is experiment to-day, would inevitably, in time, become the established practice. Although Mr. Buchanan might be trusted safely with the arrangement of this fund, long before our empire shall have extended throughout the tropics, as some gentleman said it was our policy to extend it, some successor to Mr. Buchanan may be found, whose ambition is not regulated by the calm, temperate passions of our present Chief Magistrate. Even if that other measure, twin born to this, from the Committee on Foreign Relations, be adopted, which proposes to arm the President of the United States with the power to redress all the wrongs committed upon American citizens within the States of Mexico and Central America, implying substantially a surrender of the war-making power, should pass, I do not know that I would answer for the perfect fidelity even of the present Chief Magistrate, in the disposition which he would make of this vast fund.

But, sir, dismissing these views for the present, and assuming that some other motive or object more substantial than a mere vote of confidence in the President is intended, I proceed to examine, briefly as I can, what may be the other motives and the objects which lie at the bottom of this movement. I need not state to the Senate what is the character and condition of the Island of Cuba. I need not point out its advantages; nor shall I advert to the unhappy condition of it in any degree, nor in any detail which gentlemen have pointed out in reference either to its political or social organization. It is an island which, for two or three hundred years, from its position, its climate, its unsurpassed fertility, its capacity to furnish the most valuable, the richest, and most desirable products of the tropics, and its capacious harbors, could not have escaped the attention of the great commercial nations of the world; nor has it escaped their attention. It is an island which a great maritime and commercial Power might well covet at any time. The committee who made this report might have spared also any elaborate argument to show that this island might become of great importance to the United States; that the question of what Power shall possess it ultimately might become one of indispensable interest and regard on the part of the United States to the development of its own resources and its own power. From the moment of the acquisition of the territory of Louisiana, from the first dawning of the population of the States that are now spread over the great central valley of this continent, this has been the popular estimate of the advantages of that island, geographically situated so as to control in a great degree the vast commerce that passes through the waters of that inland sea, the Gulf of Mexico. Nor have foreign nations been blind to the accession of strength and security that it might bring to the United States in process of time; but it has so happened that, just in proportion to the magnitude of the interests involved in the possession of that island, and in the question who is to possess it, or may possess it, have the obstacles to the acquisition of it by the United States been increased and multiplied. We are supposed to have great interests at stake in the acquisition of Cuba. Other commercial nations, particularly the great maritime Powers of Europe, our rivals in the great contest for the control of the commerce of the world not yet decided, are apt to suppose their interests to be nearly, if not of equal, magnitude in preventing us from acquiring the possession of that island, and have shaped their course accordingly.

Sir, from the first moment that Spain was shorn of the large portion of her power as a nation, by the revolt of her provinces on this continent, the true policy of this country, as I understand it and believe it to be, or to have been, with a view to the ultimate acquisition of Cuba, was to cultivate the most friendly and cordial relations with Spain, not insidiously, but in good faith; giving her assurance of our maintenance of her dominion, and our protection in the enjoyment of it, over that little remnant of her once great American empire. By such a course of policy, long pursued, the United States might have expected to enjoy a beneficent influence over the councils of Spain, leading them gradually into the secret of the preservation of colonies by conciliating the inhabitants, by the introduction of a more enlightened system of government; conciliating the creole population by allowing them rights of government, by putting them upon an equal footing with the native born subjects of Spain; by encouraging the development of their agricultural and industrial pursuits; and lessening the burden upon commerce. This would have been a policy worthy of a great Republic, and many advantages would have followed in its train to the United States. We should have been able, at all times, successfully to combat and counteract the hostile and mischievous policy of our rivals across the Atlantic, and we should have enlarged our trade and commerce with Cuba.

In truth, Mr. President, by such a course of policy as that, we should have derived and enjoyed all the substantial advantages of the actual possession of the island, without the burden of defense or protection, except only the strategic position; and, in the extremity of war, when the law of self-preservation might dictate to us the necessity of acquiring that, it would have been easily within our control, perhaps with the consent of our friendly neighbor; and, in time, in the vicis-

situdes and changes in the fortunes of that kingdom, and the States of Europe generally, when she had found herself in a condition that she could sell, and probably with profit, a large part of the sovereignty of the island, it would have fallen naturally into the hands of those who had been her allies and supporters for half a century and more. We should have gained the coveted prize; the ripe fruit would have fallen into the lap which, it is said, nature had provided for it, without noise and without commotion.

This was the policy, as I understand it, of the wisest and most eminent statesmen of this country, who, for a long time, directed its affairs. I need not refer to any other evidence of this than to recur to the testimonies furnished by this report, and the extracts from official and private correspondence, and other papers to be found in the report which the Committee on Foreign Relations has presented to us. In truth, from the date of the treaty of Louisiana, by which Louisiana was acquired, there has been a perfect accord, until a late day, in the opinions of all the most eminent men who have written or spoken on this subject, as to our true policy. All agreed in the main and essential points which constitute the basis of a sound policy. All agreed, for example, that, in time, it might become an indispensable acquisition to the development of the resources and power of this country. All agreed that it should be a point of policy never to be neglected, that no other Power or sovereignty should be established over the island, except that of Spain. With these exceptions, all agreed that, as long as it should be the pleasure of the Spanish Crown to continue her dominion over the Island of Cuba, without any changes in the condition of it which would render it necessary to the interests of the neighboring States of the Union, it was neither expedient, politic, nor just, to disturb the rule of Spain. When you come to examine what they have said and written upon this subject, all of them rather felt and expressed the imminent and destructive nature of any armed interference to the prospective value and importance of that island to the United States. It was the just appreciation of the difficulties and embarrassments arising from these considerations which environed the whole subject that caused the eminent men, who, for so long a time, had the direction of the policy of this Government to regard our relations with Spain as of the most delicate character. Pursuing, regularly and steadily, moderation and forbearance in their counsels, and seeing what would be the consequence of a forcible wresting of that island from the Government of Spain, even in a just and necessary war, they were disposed to take from Spain, not aggressions or intended insults, but what were called unjustifiable interferences with the rights of our commerce, and of our vessels engaged in trade there, being to her faults always a little blind. That was their policy.

But, Mr. President, the times are changed—greatly changed. New ideas of national progress, new theories of national strength and national glory, have sprung up. A new order of statesmen, more spirited and adventurous, if you please, has risen up, seized the reins of the chariot of State, and direct, or seem determined to direct, its course. I will ask your attention for a few moments to the progress of this sentiment. The immediate proximity in population, the same idea of the necessity of preserving some equilibrium between the northern and southern States, led to the acquisition of Texas in 1845. As some concession to the North, as a means of sustaining the position of those northern men who had supported the policy of the annexation of Texas, and possibly, from some impression of the expediency of some bold and dashing stroke of policy to rally the discontents of his followers, soon after the principal offices of the Government had been distributed, in the first year of his administration, Mr. Polk gave notice of his purpose to determine the convention under which British subjects had been allowed to occupy the country south of latitude 54° 40′—I believe it was—and of opening that fine region to the settlement of American citizens. He took his position upon that parallel of latitude, and he said he would not recede from it. It was said at the time that he was prepared to go to war for it. There was some little war-fever getting up in the country, some little stir of war; but upon its being well ascertained that there was an active movement taking place in the British dock-yards at home, the Administration, in retreating upon the forty-ninth parallel, was supposed not to have gotten out of the dilemma in which they had rashly placed themselves with overmuch honor. The war spirits were greatly disappointed. Some of them were indignant. Something was now necessary to be done. War, which before was merely expedient, was now a matter of absolute necessity. There was but one resource; and Mr. Polk fell upon Mexico with a fury increased by a sense of his mortifying retreat from his encounter with British pride and obstinacy.

Soon after that war was entered upon, it was announced to the public that it would not be concluded without "indemnity for the past, and security for the future." All the country understood then that a further acquisition of territory was to be made. To vindicate the Administration against the attacks which were made upon it by the organs of the Whig sentiment, the Whig journals, and Whig speakers, all the public journals of the country in the interest of the Administration were filled with spirited, well-written appeals to the national pride, and to the popular feelings and sympathies, scorning the idea that the energy and spirit of enterprise of the people of this country were to be confined within narrow limits, or the limits, whether narrow or otherwise, to which they were then restricted; proclaiming the sentiment that it was the destiny, the mission, of this Republic, and particularly—I quote the language by memory—that it was the special mission of the Democracy of this country to expand the area of freedom, and to carry the benefits of our beneficent and glorious system of government to every neighboring State and nation; that it was our destiny, and we could not avoid it if we would; that this was an age of progress; and that all the aspiring youth of our country, or all public men generally who should refuse to go with the current, would be swept from public view by the violence of it, and sink to rise no more.

Such was the effect—you must remember it well, sir—of these sentiments and doctrines announced in a seemingly oracular manner, upon the imaginations of the young, ambitious, and ardent men of the country, and even upon men who had long passed that period of life; such was the strength which the propagation of those sentiments and doctrines brought to the Administration, that, encouraged thereby, and still further emboldened by the *eclat* and the brilliant successes which attended our arms in the war with Mexico, it came to a pass that there were but forty-eight hours between a Cabinet resolve to hold all Mexico, and the decision to accept the Trist treaty. Such was the force of these sentiments of expansion as early as 1847 and 1848.

It is not, therefore, surprising, Mr. President, that the close of the Mexican war found a large portion of our population, especially in the South, deeply imbued with the sentiments and passions which had taken root during its progress. That was the commencement of what may be called the fillibustering era. This policy, however (if policy it may be called) gathered large strength, and enlisted in its support many gallant as well as intelligent men in the South. It was at this same era of 1849, or 1850 at all events, from causes which I shall not rehearse—it is not necessary that I should do so; they must be in the mind of every person within the hearing of my voice who has any knowledge of the state of affairs in this country for the last ten years—that the idea of a great southern republic, long cherished by a few distinguished individuals in the South, received its dangerous and threatening development. The influence of these passions, the policy of expansion, the spirit of fillibustering, assisted by these grand notions of the destiny of this country, became so powerful that they could not be safely disregarded in the political contests of the day. On the contrary, it became necessary to court and propitiate them.

Walker, with all his errors and his faults, his imputed crimes, if you please, was but the type of a large class in this country, a representative man of all the eager and impatient advocates of expansion; and he was a victim to his faith in their power. To forward his views, he calculated at least upon the connivance of this Government through their influence; but he was misled or deceived. The terrible catastrophe of the expedition of Lopez, at an antecedent day, may be traced to the same cause—an over-estimate of the strength of the sentiment which had grown up in the country, which was sufficient to prevent the execution of the law in some districts. Though it had the power to paralyze partially, yet it was not powerful enough to arrest altogether the intervention of the Government. Let no one suppose I am touching upon questions irrelevant and foreign to the question now under debate. It is of the very gist of the matter.

Passing over other consequences of the prevalence of this passion for expansion, and the spirit of fillibusterism engendered by it, let us see what effect it has had upon our relations with the Government of Spain. For nearly fifty years, Spain was aware that it was the cherished policy of this Government, at some period, ultimately to acquire the possession of Cuba; and though she was frequently threatened and alarmed by the revolutionary spirit that prevailed in the island, she rested in repose and in security as to any attempts by this Government to disturb her rule, under these solemn and oft-repeated assurances, that it was not the policy of this Government to give her any disturbance, unless she proceeded to change the condition of her population. Even the bad influence which the expedition of Lopez had upon her public councils might have been repaired. Even the fact that she was supposed, or did, perhaps, seek or accept the voluntary offer of the aid and assistance of France and England in maintaining the possession of the island, at that period, did not necessarily imply a forfeiture of her confidence in the good faith of the United States; far from it; because the return by the Government of Spain of those surviving companions of the followers of Lopez, who were citizens of the United States, clearly showed, and she might fairly, and probably did, impute the organization of hostile parties frequently within the jurisdiction of the United States, to the prevalence of a lawless spirit of adventure, which was too widely diffused and too strong to be opposed successfully by the Federal authorities. A vigorous Administration, wise counsels, and skillful diplomacy, could have restored the former *status* of the relations between the two countries; but this passion for expansion, with the fillibustering spirit engendered and fostered by it, were too strong to leave the Government altogether free to pursue such a course as in their own judgment they would have preferred. These influences I presume it was, that drove the Government into a course of policy which could not but be destructive of the very object of this spirit of expansion, so far as Cuba was concerned, or at least fatal to it for an indefinite period. All prudential considerations were thrown aside in the conduct of our intercourse and negotiations with Spain on the subject; but it was supposed that indiscretion—I beg pardon for saying so—had culminated at the time of the publication of the Ostend manifesto, announcing to the world that the time had come when the acquisition of Cuba could be no longer postponed; and failing to yield to negotiation that the object of self-preservation, on the part of the United States, would force us to wrest it by violence from her control.

But, sir, I must be permitted to say that this second manifesto, contained in the present report, upon which the bill now before the Senate was founded, which is an echo of the same spirit and the same substantial conclusions, at least, of the first, has, as a means to an end, if it be the object to acquire Cuba by negotiation, not so much even to commend it as the first manifesto, published in 1855. If the Ostend manifesto was calculated to incline the Government of Spain to resist the pretensions of the United States, and our purpose of a transfer of the island from her, and rather to seek the guarantee of the aid of France and England to protect her in the possession of it; if that was the effect of the first manifesto, this second one is enforced with arguments calculated to be still more offensive. Having the sanction of the President of the United States, and the Committee on Foreign Relations of the Senate of the United States, it can scarcely fail of uniting and cementing the most hostile factions in Spain in the unalterable purpose to make every sacrifice, incur every hazard, even that of making an unequal war, rather than yield to the demands of this Government; and, finally, when the hour approached that they found they should have to

yield the possession to the superior power and resources of this Government, they would take care to yield it a blasted, black ruin. This was the natural, if not the unavoidable, consequence of this mode of conducting the negotiation. The last spring of the bayed and hunted tiger, even after the mortal dart has reached his vitals, is often most fatal to the pursuer.

But, it is asked, why should this proposition be so deeply offensive to the people of Spain, or to the Government of Spain? Why should a simple proposition to purchase a portion of her territory for a full equivalent, be considered offensive to any Power? Well, sir, there is no reason why it should have been offensive. There is no reason, that I know of, to suppose that it would have been offensive if the offer had been made with the observances and courtesies usually practiced in negotiation between individual Powers for such a purpose. It was the violation of all those observances and courtesies which is calculated to render the proposition offensive. The publication of the Ostend manifesto announced to all the world, not only our desire, but our determination, to have it; and this was emblazoned to the world without any necessity whatever; and now, again, this measure is presented, if possible, in a more offensive form than that manifesto, inasmuch as it has the solemnity of presidential sanction, not any longer simply James Buchanan's name, Minister to London, but James Buchanan, President of the United States, and a further indorsement by the Committee on Foreign Relations of the Senate.

No nation, no matter how fallen in its fortunes, as long as it maintains itself erect, and is recognized as one of the great family of nations, would be apt to listen to an overture for the purpose of a purchase of a portion of its territory, even when made in the confidence of diplomatic intercourse under the seal of secrecy; no nation would be apt to receive such a proposition with favor when it was prefaced by a studied reminder of its falling fortunes, of its straitened finances, of its decayed power, and that it would not long be able to maintain its grasp over the object which is the subject of negotiation, and had better take what was offered than to lose it without any compensation. Sir, the prince of the most petty Power in Europe would scorn the offer, when made by a public embassador or minister who had taken pains to expose to all his neighbors, and to the whole world, all the necessities of his treasury, his internal dissensions, feebleness, and imbecility; and that he would soon have to release the possession of the object which was sought in negotiation. These are the circumstances attending this case.

Mr. President, I think one of the greatest mistakes that has been made in the proceeding was in the open demand for $30,000,000 to precede any new or further attempt at negotiation upon this subject. It is all honorably meant, no doubt; but it is liable to great misinterpretation. It is unprecedented, too. Who ever before heard of a proposition openly made of such a sum, surrounded particularly with such circumstances as attend this case? Why, sir, when Mr. Jefferson wanted $2,000,000 to be appropriated to aid him in effecting a treaty for the purchase of Louisiana, and again for the purchase of Florida, the request was made by confidential messages to both Houses of Congress, and the subject was considered with closed doors; and, as far as I can trace the history of it, never disclosed to the public until the object for which the appropriation was made was accomplished. The appropriation of $3,000,000, to be used in effecting a treaty with Mexico, was in the midst of a war; the Mexican Government was not represented at this Government; and it might or might not have any information that such an appropriation had been made; but whether it had or not, this Government might be well justified in employing it in conciliating the most powerful of the factions of Mexico, and closing a war in which we had already got as much glory as could reasonably be desired.

Thus, I say, this proposition is unprecedented. The corruptest faction that ever existed in the most corrupt Government would be apt to recoil from a bribe, when openly tendered to them. If these be the natural consequences, as I assume them to be, the natural results of the mode in which this negotiation has been conducted, which has been adopted since the year 1854, in the management of our relations with Spain, I take the liberty of saying, (and I hope it will not be offensive to any one,) it seems to me that nothing but a sort of infatuation could lead any one to suppose that success can follow such a heretofore unimagined, or rather, I should say, unimaginable, mode of conducting a negotiation for such a purpose. The gentlemen who have participated in it from 1854 to this time, both those who initiated the councils at Ostend and those who have followed up the same subject here, are quite too intelligent, quite too able, quite too experienced, not to see, or rather not to have had from that moment—I am speaking of the moment from 1854—any expectation that Cuba could ever be acquired by negotiation. The same confidence that I have in the ability and intelligence of those gentlemen—I say it with sincerity—has driven me to the conclusion that the Ostend council manifesto as well as this proceeding, have been adopted under the perfect conviction that Cuba never could be acquired by negotiation; that if they left the acquisition to the slow progress of time and of further negotiation, it would have been postponed indefinitely; and they believe it to be expedient, in conformity with the supposed spirit and demands of public sentiment in this country, to rouse its pride, if you please, the first effect of a menace of war, and next, cotemporaneously to use means to reconcile the country to actual war, should it be necessary for the acquisition of Cuba.

If I had time, or could have strength, to view this subject as I should wish, I should like to refer to some passages in this report which confirm this conviction on my part. This report is an able and skillfully-drawn paper. Independently of those paragraphs, or the suggestions contained in them, which are merely taken from the President's message, there are suggestive ideas in other parts of the report that confirm me in this conviction. I said it was a skillful and ably-drawn paper. It addresses itself directly to all the strong passions which give activity to the political and social movements of society and of government. It is addressed, too, to what is supposed to be the predominant and characteristic trait of our population—cupidity, or the lust of gain. It is not unfair to do so; not at all. It appeals to the interests of all the most widely-diffused branches of public industry. It promises increased markets, increased activity to the commerce and navigation and manufactures of the North and East. It promises a more extended and profitable field for the employment of the labor peculiar to the South. To the great agricultural States of the Northwest and West, it holds out a demand for their provisions and breadstuffs to an almost fabulous extent. The only weak part of the report, as it seems to me, is, that it does not give any promise of advantage to the iron interests of Pennsylvania; but that is not the fault of my friend from Louisiana. All deficiencies of this kind, however, are compensated by the promise of cheap sugar. Thus the magnitude of the interests involved in the acquisition of Cuba are exaggerated; thus are the blessings and advantages to attend its acquisition increased and multiplied, and presented as temptations to reconcile the country to war, if it should be necessary.

But, Mr. President, there is no intention of a war at this time. No, sir; the Administration is not in being that is contemplated to make the war should it become necessary. The Ostend manifesto, I have supposed, has had a material influence in making one President already. I should not be greatly surprised if this second manifesto should make another one; or it may be to renew the term of the present one. It would be indifferent to the advocates of this measure, of course, whether the one or the other result would follow. It may be that this is supposed to be an emanation from the President and urged by him; especially it would seem to follow after the defeat, which I will not mention, which he submitted to, or had to yield to, at the last session of Congress, to be a summons to his friends and followers everywhere to come to his aid once more:

"Once more unto the breach, dear friends, once more."

This, of course, is merely conjecture and speculation as to what may be expected to follow from this measure; it may be regarded as imaginary and visionary; but of one thing the country may be satisfied: there is no war intended now. You do not hear of any improvement recommended to our military and naval establishments. All around us we hear of propositions to cut them down. There is no movement for the raising of revenue for war purposes. On the contrary, various devices are resorted to and suggested for getting along without actual revenue in the Treasury, to be compensated and made up by the use of the credit of the Government. Therefore, I say, there will be no war now. It is not expected or intended.

But, although there may be no war intended or expected, this movement may answer various valuable purposes. The honorable Senator from Louisiana [Mr. SLIDELL] has told us, as I understood him—I beg leave not to misrepresent him—that he did expect advantages to be derived from this movement to the President, to the Democratic party, and to his country.

Mr. SLIDELL. I did not say precisely that; but I did say, if such a result should follow from it as was supposed, it would not give me any great distress, or surprise me.

Mr. BELL. He meant that there would be advantages to his country and his party.

Mr. SLIDELL. Certainly.

Mr. BELL. I meant to give a liberal construction.

Mr. President, I will not question, nor do I doubt, the patriotism of the honorable Senator in making these declarations; but I differ from him wholly as to the tendency of this measure, either to acquire in any reasonable time, by negotiation, the Island of Cuba, or to promote any one great public object besides. On the contrary, in my judgment, it not only tends to the indefinite postponement of the acquisition of that island; but, what is of far more importance, it tends to postpone and defeat the very greatest public good that, in my opinion, can enter the head of a statesman and require his undivided energies at this time to accomplish—the healing of the deep and grievous wounds that have been inflicted upon our system of government, and which yet rankle and fester in it; wounds inflicted by the long and fierce party contentions which we have gone through, engendering maxims and practices of administration which threaten irretrievable discredit to the very name of a republic or of free institutions.

Sir, if there ever was a time in our history when the character of the Government itself, when every great public interest called loudly and imploringly for some repose, some rest, some breathing time, from these eternal and distracting conflicts, it is now. Whoever has observed the causes of disasters in States, whoever has studied the history of former republics, in the least degree, will be satisfied that the periods of internal dissension, fierce political strife, if you please, are the very seed-time of all the irregularities, disorders, ruptures, and abuses which are to spring up in any Government under such circumstances. For the last five years the public mind has been so excited and distracted and absorbed by what was called, and probably rightfully called, the paramount questions of the day, that there was no one in Congress, no one throughout the land, among the people, to listen to or give heed to the complaints, or even to recognize them when they saw them before their eyes, of abuses, malpractices, and the demoralizing tendencies of the practices which prevailed in the Government. And now, after so long a period of these fierce contentions, which entered the very verge of convulsion, of civil war, if they did not transcend the bounds of it; and when, in the mean time, a great monetary and commercial revulsion has swept over the country; when the public expenditures, it is admitted, have increased, within that very period of five years, within a fraction of two fold, or one hundred per cent.; when the derangements of the national affairs of the country are such that the Treasury may be said, technically, to have been bankrupt more than once since that revulsion; and when abuses, and abuses, too, that may be considered gross, are admitted to abound in almost every branch of the public service—at such a time, I regard it as a great public calamity that such a measure—a measure of fresh agitation and excitement—is thrust before the country. Sir, is it of any importance to any great purpose connected with the public interest, that fresh fuel shall be

laid upon the decaying fires of sectional controversy and sectional strife? Has it comes to this, that a cessation of all sectional strife and controversy should be looked upon with dismay and apprehension in any quarter? Is that the condition of the country? I know I am speaking here to empty seats; but perhaps my voice may reach some ears where it may elicit reflection. I say has it come to this, that a cessation of sectional strife is looked upon with apprehension and dismay in any quarter, North or South? Every one, Mr. President, who will reflect a moment upon this subject, must perceive, if it is important to any vital interest of this country, that Cuba, when once acquired by negotiation, peaceably and by purchase, should be brought into the Union as a slave State, that our true policy now is a masterly inactivity; and as to any project of wresting the island from Spain by violence, the chances would be that when it was acquired it would be found a blasted and worthless possession.

Mr. President, I have said all that I intended to say on this specific proposition, its probable motives or objects, and what I consider the erroneous or false policy which has been pursued in conducting these negotiations with regard to any expectation of the acquisition of Cuba, and my own opinion of it. I will state, so far as my information extends in the South—it is limited it is true—there is a division of public opinion upon the subject there. A large class of the earnest advocates of its annexation at the earliest day that it can be done consistently, perhaps, with the national honor, advocate it on the ground of its necessity for our own security and self-preservation. On the contrary, there is another class that are apprehensive it would produce a drain of too large a portion of the labor peculiar to the South, and of the capital employed in the southern slave States, and that that drain would cause a serious obstruction in the future progress and development of the resources of those States. Others apprehend that, by the transfer of so large a number as three or four hundred thousand, as is estimated by some to be the number of slaves that are apt to be taken to that island from other States of the Union, they will not be so likely to be profitably employed there as is generally supposed. For my part, while I would not be of opinion that any favorable opportunity ought to be pretermitted under the dangers which are said to exist now, and which may perhaps continue to exist, that the present state of things may possibly bring the two countries into wars which might otherwise be avoided; I say no opportunity should be omitted or neglected, by which the control of that island at all events, under some form of government or other, or under an independent government, could be acquired by this country without disparagement to our country, and without the violation of any principle of international law. At the same time, however, I have entertained the opinion held by the most eminent of our public men for a period of forty or fifty years, that the time has not yet come when the acquisition of that island is indispensable to our security or to the development of our resources. I believe that it is our interest, while Spain pursues a policy not calculated to be injurious or dangerous to the States of the South, that she shall maintain her sovereignty over the island as long as it shall be her pleasure to do so.

Mr. President, I admit the advantages of Cuba in a strategic point of view, in time of war, under certain circumstances. I admit the security that it would bring to our commerce under certain circumstances; but now we are not in a condition to accept that island, though it should be a gift presented to us by Spain without any consideration, particularly unless we had the security or the guarantee of the non-intervention of England and France. That island can only add to the security of our trade or commerce, or to our defensive attitude in time of war, when we shall have built up our Navy to such an extent as to maintain possession of it against any Power or two Powers combined, that might seek to dislodge us in time of war. Gentlemen now proclaim their indifference to what England or France might be disposed to do. One gentleman, the Senator from Georgia, [Mr. TOOMBS,] defied the power both of England and France, and even went so far as to say that nothing would rejoice him more, than an opportunity to cope with those great Powers, when their authority was attempted to be interposed for such a purpose as this, to defeat the policy of the United States in the acquisition of Cuba. Why, sir, if this is not mere empty bravado, the honorable Senator cannot have reflected for a moment upon the reasonableness of such a declaration. The very first blow that would be struck at our power in a war either with France or Great Britain, with our present feeble establishment, or any addition we could make to it for a great number of years, would be to wrest the possession of Cuba with all its fine harbors from us, and to make them the means of annoyance instead of protection and security. The time will come when it may become necessary for the security and full development of the power and resources of this country, that we should have Cuba; but it will never be expedient that we shall acquire Cuba until we are able to maintain possession of it against all the Powers that might be disposed to assail us.

Furthermore, I am of opinion that, if we were to acquire Cuba, there would be some addition to the present profitable trade which we have there. The market for the northern manufactures would be extended in some degree; but when the population of that island shall have extended to the utmost limit required for the development of sugar-planting, and their other resources, the consumption of the corn, the flour, the beef, and the pork of the great agricultural regions lying north of the cotton-growing regions of the West would be but a fraction of the surplus products of those great States. The prospect held out of cheap sugar, too, might be found equally delusive. I should suppose, in the natural order of things, for some time there might be a reduction of the price of sugar; but when you reflect upon the growing consumption of that article by all the civilized, prosperous, and growing population of the temperate zones, that idea might be equally delusive with the other.

But, Mr. President, I pass from that view of the subject. Extraordinary as this proposition is to appropriate or provide $30,000,000, to be under the disposal of the President in entering upon further negotiation with Spain; unprecedented as it is in the circumstances accompanying it; unconstitutional in spirit as it is, it is not more dangerous and alarming than the pernicious doctrines and theories of public policy which accompany it. What are they?

"The law of our national existence is growth. We cannot, if we would, disobey it. While we should do nothing to stimulate it unnaturally, we should be careful not to impose upon ourselves a regimen so strict as to prevent its healthful development. The tendency of the age is the expansion of the great Powers of the world." * * * * "When they cease to grow they will soon commence that period of decadence which is the fate of all nations as of individual man."

These doctrines are put before the country under the sanction of a standing committee of the Senate of the United States, announced with all the precision and apparent confidence of an axiom in political economy and philosophy, that the law of our national existence is growth. What does that growth mean? Growth within? Growth in the mode of our political organization? Growth in the improvement of the territory within which we now live? Growth in wealth and population and moral culture? Is that the meaning of it? It ought to be the law of our existence that we should grow in all those respects; but the growth alluded to by the committee is not confined to that limited view of internal growth, improvement within the territories which we now enjoy, moral cultivation, and advancing civilization. It is not true, even in that limited sense. It is not well founded in theory, nor verified by the facts of history. Why, sir, any people, within any prescribed limits you may choose, great or small, may be retarded in their population, their wealth, and their moral culture, by mal-administration, by internal dissensions, exhausting civil or foreign war, and they may so be kept stationary for generations, without impairing materially the native energy and spirit of the population, which may still remain after all these adverse fortunes. So it is not true that there is any just comparison between the growth of a nation, or a stationary position, to the life of man as it progresses from youth to manhood, when men arrive at the period of decadence. Nor is it true in reference to that other expansion, or larger power, if you please; if there is any connection between a continued expansion and an arrival at the period of decadence, as in the case of individual man. There is no appropriateness in the comparison. The manhood of a nation cannot be brought in the category within the principle of the doctrine laid down here. After its growth shall have been passed, and shall have been progressing for three hundred or four hundred years, its manhood may embrace a period of four hundred or five hundred years before it arrives at that period of decadence indicated by ceasing the policy of expansion.

The Roman republics and great monarchies, so often referred to as evidence of the inevitable doom awaiting all modern nations, owe their fall to many causes, and combinations of causes, and circumstances in their condition, which do not operate in modern times in the same force or combination. I shall not undertake to discriminate the causes of the decay and final extinction which existed in the overthrow of ancient monarchies and republics from those which threaten modern nations. Nor shall I stop here, though I will suggest it for the reflection of those who hear me, to point out the peculiar causes and circumstances which exist in our condition in this country which expose us to the chances of premature decay and extinction as a Republic and free people. If we will look at the causes which have contributed to the overthrow of the ancient republics, we shall find more force in the circumstances and condition of this country than in relation to some of the large Powers of Europe.

But, sir, these are idle speculations as to the truth or fallacy of the doctrine laid down by the honorable Senator from Louisiana in this report, that growth is the law of existence, and that, when we cease to grow, we must soon arrive at the period of decadence, and share the fate or destiny in the case of individual man. This is idle. Were it given to me, Mr. President, now to unfold the roll of time, and I could see inscribed upon it an allotment of half the period of duration to this Republic which was allowed to Greek or Roman power, I should rejoice.

It is manifest that the growth alluded to in the report, is expansion now, immediately, or as soon as it can be accomplished, assuming that in our progress as a nation, or a people, we have already reached that period of maturity from whence our decline may be adduced in after time, unless we, guided by the maxims of past experience and the wisdom which suggests this doctrine, this axiom to us to-day, make immediate and further acquisitions of territory. I say that it is but too manifest that it is expansion which is meant by growth, not internal improvement, not progress within our present limits, but continual expansion, acquisition of more and more territory. If that is not the meaning and the application of it, I should like the honorable Senator from Louisiana to point out the mistake, when considered in connection with the context which declares that this is an age of the expansion of all the great Powers of the earth. Sir, have we reached such a point of perfection within our present limits, social and political, of our organization to insure the establishment of justice, to insure domestic tranquillity everywhere, develop the resources, promote the general welfare within the limits of the Constitution within the States; I mean within the State jurisdictions, as well as in the United States; for this doctrine of growth must apply to the whole country in all its local legislative authorities and State jurisdictions? Has the policy of this country, under the control of this Government, been settled upon such a satisfactory basis in relation to the great questions of currency, of commerce, either internal or external, that there is no longer any scope for the employment of genius, no stimulus to lofty ambition in our statesmen? Is it true that our vast domain, or which has been but lately so vast, has been reduced by the contingent influx of emigrants from abroad within such narrow limits as to afford no space, no room, for the overflowing population of our native citizens? Is that the condition of things?

It appears to me that the honorable Senator, who is the able author of this report, must have misconceived the magnificent extent of our present territorial possessions; and yet I cannot suppose that he is unacquainted with it. Sir, we have an area twice as great as the Roman Empire ever possessed in her palmiest days. One million six hundred thousand square miles was

the limit of her power at any time when her boundaries were established with any certainty. We have already a territory more than three fourths greater than all Europe. In regard to this vast extent of territory, we are under obligations to protect and defend it, without and within; to insure the establishment of justice throughout the whole extent of it; to bring about every improvement and amelioration of it in the condition of the country, within the Federal Constitution; but the growth from within comes from the States, and is the work of the State sovereignties and jurisdictions, as well as the United States. The obligation of defense leads us to a view of what is the extent of the country we are bound to defend and protect. We must secure law and order, the administration of justice, and preserve republican institutions, and guaranty them to all the States. As I said, the area of the Roman Empire was one million six hundred thousand square miles, by the best computation that can be made. The area of our present territory is within a fraction of three million square miles—nearly double that of the Roman power. We have a water and exterior line of sea-coast navigation, of sea-coast frontier of five thousand miles, without counting the sinuosities, or the inlets and bays; and if you add to this our lake coast, including the lines I have indicated of bays, and the principal inlets, sounds, and harbors, it would give you a sea-coast frontier, or water-line, to defend against a more powerful naval Power than this, of twelve thousand miles. Besides this, you have a frontier of three thousand miles bordering upon the possessions of Great Britain in North America, one of the most powerful Governments, to say the least, on earth; and, over and above all this, let gentlemen consider that we have an interior frontier, as I have learned from gentlemen who are better acquainted with the facts and extent of it than myself, of at least three thousand miles, exposed to occasional and constant incursions of hostile nomadic bands of Indians, and others.

Now, sir, when you come to consider what is required to protect these vast possessions, you may arrive at something like a safe conclusion as to whether we have arrived at that period of progress and improvement, that maturity of growth within our present limits, that demands further expansion. What will it take to defend this vast sea-coast frontier against England alone? I will not say against France and England, but against England alone. I leave a military man to correct me; but it will not take less than one hundred thousand men standing constantly under arms, to be anything like an adequate protection to the most exposed points of our great Pacific border and the Atlantic and Gulf border, guarding the principal points of attack. How many ships-of-war will it take? At least half as many as either of the two most powerful nations of Europe. We might depend, perhaps, upon the superior energy and spirit and courage of American seamen, and the gallantry and skill of our American officers, to eke out something for meeting upon an equality, and with success, all the force that they could spare, either upon the Pacific or the Atlantic coast, in assailing us. There would be required not less than two hundred or two hundred and fifty war steamers—those terrible engines of destruction, the invention of modern times.

Why, sir, is it known what is the quantum of our own force at this time, with which we would have it in our power to meet such an assailant, or such an enemy, as Great Britain or France either? France possesses five hundred and fifty ships of war, two hundred and sixty of them war steamers; and altogether a fleet of sail vessels and war vessels, propelled by steam, carrying fifteen thousand guns. The honorable Senator from Florida [Mr. MALLORY] stated yesterday, I believe, or a few days since, from his place here, that one thousand one hundred guns was the utmost that could be mustered in all our ships, including those out of service or such as never could be repaired for service. I do not intend to say that the resources of this country would not enable it to reach this point of ability and strength; that we have not the means of constructing a navy to meet, with a fair prospect of success, even the power of Great Britain. The Senator from Georgia, however, included both Great Britain and France. He would have to make another computation of the power he would have to meet—the power of a thousand ships of war, and upwards of five hundred war steamers, and twenty-seven thousand guns, with your one thousand one hundred. This may give some idea of what the duties and obligations of this Government are in the protection and defense of the country which we already have. I said it would be within the power of our resources to accomplish all this, to defend the country in the end, after seeing, for years and years, our sea-coast ravaged and plundered by even an inferior force; but we could achieve it. We have got the energy and the resources in the end to achieve it. That is not the question, however. The question is, whether it is expedient to expand our territories beyond the wants of an advancing population; not whether we would not have power to protect any extent of new country that we might choose to annex; but whether it is wise or expedient to do so.

That is the military aspect of the question. Now, as to the economical and civil aspect, I wish to say a few words. I know that the popular theory is, and I seldom hear it questioned, that this Government may be expanded indefinitely, and may extend not only throughout the tropics, as it is stated by the Senator from Georgia that it is our policy, but throughout South America, and to take in all Canada. I subscribe to no such visionary and wild conclusions. There must be some limit to the power of this Government to be practically and beneficially administered. There must be some limit to its capacity to administer its functions with due energy and efficiency and benefit. Where that limit is it is not so necessary to inquire, as it is to examine and see whether we find any weakness, any diminished efficiency, or energy, within our present limits. It has been but lately that the capacity of our institutions and our system of Government to expand itself to remote distances, and still maintain the efficient exercise of its authority, has been decided; and I maintain that experience has already demonstrated that the principle of a policy of expansion has already been carried to the utmost limit of safety and efficiency. What does experience teach, so far as we have had experience on the subject? I venture to affirm, after some examination of the question, that every irregularity, every abuse, every corruption, likely to grow up in the Government, if not repressed and watched and prevented, by the vigilance and energy in the administrative head, have been increased and multiplied pretty much already in proportion to our expansion. This arises from the necessity of the case.

In the remote Territories, two or three thousand miles distant from the seat of Government, on the coast of the Pacific, the Government must necessarily intrust a greater latitude of discretion to its agents, to whom are delegated executive authority. It is impossible that precise directions can be given in reference to every possible contingency or emergency that may arise in the execution of Federal authority at so great a distance. Abuses may exist there for months, and the telegraph wires would not be a safe reliance to communicate it. They may exist there until they may reach, before they are arrested, a very serious and mischievous limit, bringing with them bloody and expensive Indian wars, and stopping the revenues of the Government. These are not transient evils that exist to-day, and which time will cure, or prevent their recurrence again. They exist from the necessity of the case—the necessity of greater trusts at greater distances. The Executive here at the seat of Government is liable to be grossly, constantly imposed upon by artful representations of interested informers, and may be led into the grossest errors. I do not undertake to give particular instances or illustrations. That might be considered invidious, and would occupy too much time; but, sir, I conclude what I have to say on this subject by laying down the proposition that every abuse and irregularity, every corruption and excess incident to a Government, both in the military and in the civil service, will always be found to increase in proportion to the distance from the place or locality of commission, and the correcting and punishing head.

The President has announced, as I have seen it stated in the newspapers and public journals of the city, upon an occasion not very well adapted, it seems to me, to the announcement of such sentiments, that the policy of this country henceforth is expansion, and that none but cowards fear or oppose it. I should be sorry to suppose that that sentiment was announced upon deliberation; but I have heard no correction; I have seen no correction of it. The Senator from Georgia [Mr. TOOMBS] has announced that it was the unalterable and fixed policy of this country to progress throughout the tropics, regardless of all consequences to foreign nations. Many of our leading gentlemen, Senators and others, have announced a similar policy. It is announced in the most solemn form, as I understand it, in the report which is now before the Senate. I will say that I am astonished at the declaration coming from some quarters; but I shall wait before I draw final conclusions of what is the sentiment of particular sections and parties in this country.

Mr. Calhoun was willing to see the boundaries of this Republic extended so as to embrace the valley of the Rio Grande, as well as the Mississippi, and to make the Sierra Madre the *ultima thule* of our territorial possessions in that direction; but he never wished to see the mixed and mongrel population south of that boundary incorporated with our people. Mr. Jefferson has also expressed the sentiment, and did it at a very early day, that he looked upon Cuba as the *ne plus ultra* of our advance in the same direction. What has become of the policy and councils of these distinguished men? Is it true, Mr. President, that all veneration for the illustrious founders of our Government, or those who adorned our country, has perished? Is it true, that the sentiment of veneration is so far extinct in the country as not to remember the precepts and maxims of the early fathers and founders of the Government? What a spectacle you will present! Is no respect to be given to the sentiment and policy of Mr. Calhoun, distinguished, eminent as he was, in his day, and at no recent date? He was no believer in the theory that, when we once got possession of those countries, the Mexican States and Central America, we could soon Americanize them—assimilate with them; or that those populations could be extinguished, and no longer form an obnoxious element in our population.

Five million civilized and half civilized Indians to enjoy the privileges of citizenship in Mexico! How many generations would there be before they could be assimilated, or before they could become longer a poisonous obstruction in the progress of civilization, in the progress of liberty, either in their own country or as auxiliary to the people of this country in protecting them? How long would it be before the population of the Central American States, which can only boast ten per cent. of the white race, by the same Americanizing process, could be fitted to become members of this Union, and to control the destinies of this great country?

But, Mr. President, I think there are some considerations of a graver kind than any to which I have yet alluded, connected with this idea of expansion, and I beg leave to occupy a few minutes upon them. When you shall have extended your dominion over the States of Mexico and Central America, you will have added twelve million of a population, for the most part perfectly imbecile and incapable or either offensive or defensive war; you will have added another million of square miles to your present area; you will have added another five thousand miles to the sea-coast line of frontier; and if this policy of expansion is connected with any idea of our becoming a great military Power, nothing could be more empty and idle than to suppose that would follow from such a policy. I undertake to state here, that from the moment you consummate this policy and add the States of Mexico and Central America, both England and France, the great commercial and maritime Powers of Europe, will breathe freer. From that moment all jealousy of the rising giant Power of the western hemisphere stands at rest. I venture to say more, that if you are prepared to annex those States now, or willing to accept them, that neither England nor France would fire a gun to prevent it, provided you gave the people of those countries the enjoyment of the franchise, allowed the citizens of those two nations the benefit of commerce, and assumed the debts due by those several States to their own subjects. I venture to say further, that they will signify, on those conditions, their free assent that you should annex them all; and if you will engage to annex the

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whole of them and the other nations of North America, they will let you take Cuba too, unless they are under some imperative obligation that they cannot dispense with with honor to Spain, upon the same conditions that you pay the debts due their subjects, British or French, and particularly the English. There is no reason of policy that I can conceive of that will prevent them from giving their free assent, and it may be that that is the view of the President in manifesting and announcing his cheap courage. That may be the view of the honorable Senator from Georgia also, in declaring that he did not fear, or they did not fear, and none but cowards, as the President says, do fear this policy. I think they ought to have given us the benefit of their opinions as to the policy of England and France in relation to these annexations which we propose to make.

What will be the consequences of annexing the States of Mexico and Central America? The first would be bringing order out of chaos, establishing regular Governments there, and in reanimating to some extent the almost expired energies of those populations. In the development of the national resources of the country, by the infusion of a new and more vigorous race, we should increase the production, we should add to the present powers of consumption there, and their ability to consume, extend the trade and intercourse between ourselves and those States and foreign nations; but England and France would share almost equally with ourselves. When their policy, and that which may be the policy of this country, shall be settled and consolidated, they may even derive the lion's share of the spoils and benefit of it, for they would be free from the burden of defense and protection. We should enjoy some increased advantages from the trade and intercourse between members of the Union, which might compensate us for the protection and defense of that people in time of peace.

But, sir, Great Britain and France would be in a position to do even more than that. They could dictate the commercial policy of this country. They would be powerful auxiliaries of the honorable Senator from Virginia, [Mr. HUNTER,] in carrying out his favorite policy. They would concur with him that no more money ought to be raised off duties upon foreign imports than were just sufficient for the support of the Government, economically administered. They would be generous enough to allow you to do that. They would allow you to raise a sufficient sum besides, perhaps, to support an Army large enough to suppress Indian hostilities, and a Navy to protect your sea-coast and your commerce, spreading over the ocean, from piratical depredations; but, if Congress, at any time, should venture to intimate a disposition to go beyond these points, it would only be necessary for a British Minister, or a French Minister, both or separately, to suggest to our Government the generous concessions they had made to the policy of this Government in acquiring Mexico and Central America, and to say that their masters would not receive the intimation with a friendly feeling that this Government was about to increase the duties upon their manufactures and productions. They would make no menace. The simple intimation would be given only for the consideration of this Government, and for Congress. Sir, have we not submitted to dictation, to some extent, of that nature already? Did we not do it in the case of an intimation given to our Government some seven or eight years ago, of a similar kind? What could we respond? What could our Government reply? We would be in no condition to go to war with those Powers; for then, we should have ten thousand miles of inadequately protected sea-coast against the combined Powers, having one thousand ships-of-war, and each of them one hundred guns to our one. What could we do? The truth is, we should become a vassal nation beyond remedy, and should so remain until the people of this country, galled by a sense of national humiliation, should come to the determination to reassert their independence, and to dedicate all their resources to the building up of a military and naval Power in a degree to effect that great and glorious object. They could do it. In other words, their resolve must be to become a great military and naval Power; and, in raising land and naval armaments, they would not stop to compute the cost of five hundred war-steamers, which would be the least we could possibly rely upon, at a cost of $350,000,000. Two hundred thousand men on the Isthmus of Darien, up to the Canada border, and the Pacific as well as the Atlantic and Gulf coasts, would be the least number of landsmen, of a standing army, that would authorize the possession of such an immense extent of country. It could be accomplished: small as our population is, in proportion to the immense territory to be defended, still it could be accomplished. But that is not the dearest sacrifice that would have to be made; the end would not be yet. They would have to wake up to a sense of public liberties, swallowed up in a military despotism, carried out though the hollow and empty form of a free Constitution only.

Now, sir, is there any one who will maintain that these apprehensions of danger to public liberty are imaginary, if such a policy as is proposed by these high sources, is carried out? Is there no danger to be apprehended to the public liberty, if the policy of those whose voracious appetites, not content with Cuba, embrace all Mexico and Central America, is carried out? It is this voracious passion for expansion, that has caused excitement in the mind now that will result in danger to the public liberties of this country in future time. There are other causes: the great change which has taken place in the practical operation of this Government in the last thirty years; the tendency to general corruption, misrule, disorder; the greatly diminished respect, not to say contempt, that is manifested for many of those guards that the jealous founders of this Republic threw around the public liberty. This proposition to place at the disposal of the President, at his discretion, limited only by the general object of it, would have startled the fathers of the Republic as from a dream, and raised suspicions that a conspiracy was afoot to overthrow the Constitution. All suggestions of the danger of such a precedent are laughed to scorn in the present day. Then there is that twin-born measure of the present one, reported from the Committee on Foreign Relations, proposing the surrender of the war-making power to the President. That a President of the United States should openly propose and urge, in a special message as well as in his annual message, the surrender to him of what would virtually be the war-making power of this country, and to seek of Congress a legal transfer of such power, is of itself enough to show that those principles which heretofore were regarded as the main bulwarks of public liberty, are rapidly losing their vitality.

Why, Mr. President, if any other evidence were wanting of the decay of those sentiments that have ever been regarded as the surest guarantee of public liberty, it might be found in the marked change which is taking place in the spirit and objects of our policy in relation to these very republics of the South, since the date of their independence. The day was when those feeble and ill-fated republics were taught to look to us as their natural ally and protector; but since then they have been forced to regard this Government as a great political ogre that has sought to inveigle them into its embrace to devour them. I venture now to prophesy, however extravagant it may seem to some here, that he who shall live to witness the consummation of this policy, so earnestly advocated, of extending our dominion over the States of Mexico and Central America, will have survived the liberties of his country.

The corrupting tendencies of this Government are already strong and powerful, if not irresistible, in beating down all but the forms, the image, of a free Constitution; and no free Government can stand the vast accumulations of those causes which have proved fatal heretofore to all republics, and which would inevitably attend the annexation of those States. They are to us forbidden fruit. Why, sir, no poet ever fabled a goddess of liberty within the tropics. No dreaming theorist ever placed a republic there. I repeat again, they are to us forbidden fruit, and the primeval curse announced as the penalty of disobedience will surely fall upon us as a free people, if we are guilty of this great transgression. The day that we pluck that fruit we die.

Mr. President, I have omitted many views of this subject which I proposed to take; but under the circumstances, and embarrassed as I am by the late period in this discussion, I felt that I was pretermitted from offering them.

Mr. WADE, (at twenty minutes to seven o'clock.) It has got to be rather a late hour in the evening, and I move that the Senate adjourn.

Mr. SLIDELL. I hope that the Senator from Ohio, if he is prepared to go on, will go on now. There was a very general understanding that we should not adjourn at an early hour this evening. There are a number of Senators who will be here in a few minutes, and one or two, I believe, who are prepared to speak this evening. I trust the Senator will go on. It will save us sitting to-morrow night.

Mr. WADE. What length of time is it proposed to hold the session? or if there is an understanding about it, what is that understanding?

Mr. SLIDELL. If there can be any understanding that this debate will be closed to-morrow, we have no sort of objection on this side to an adjournment at a reasonable hour. Our only object is to enable everybody who wishes to do so, to express his sentiments on this bill. There is no disposition to press Senators unnecessarily; but I think we may fairly ask that courtesy from them.

Mr. WADE. I will insist upon the motion. I think it is unreasonable to continue this debate at this late hour.

Mr. SLIDELL. I call for the yeas and nays on the motion; and I shall ask that there be a call of the Senate, too, if it be necessary to go on.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. DIXON. I have paired off with the Senator from Florida, Mr. YULEE.

Mr. FOSTER. The Senator from Pennsylvania [Mr. BIGLER] and myself both went to dinner, and we agreed that neither of us should vote until the other returned, for two hours. The time is out; but I do not feel at liberty to vote under the circumstances.

The result was then announced—yeas 10, nays 23; as follows:

YEAS—Messrs. Bell, Broderick, Collamer, Doolittle, Foot, Harlan, Kennedy, King, Trumbull, and Wade—10.

NAYS—Messrs. Benjamin, Brown, Chesnut, Clay, Clingman, Fitch, Fitzpatrick, Green, Gwin, Hunter, Johnson of Arkansas, Johnson of Tennessee, Lane, Mallory, Pearce, Polk, Pugh, Reid, Rice, Sebastian, Slidell, Smith, and Ward—23.

The VICE PRESIDENT. The Senate refuses to adjourn; but there is no quorum voting.

Mr. BENJAMIN. There are two Senators who announced their presence, but declined to vote on the adjournment, having paired off—the Senators from Connecticut. There is a quorum present.

The VICE PRESIDENT. There is a quorum, then, present. This vote lacks but one of a quorum.

Mr. JOHNSON, of Tennessee. The record does not show it.

Mr. SLIDELL. I hope Senators will vote on this question.

Mr. BROWN. The Senators from Connecticut can vote upon the motion, as it will not change the result.

Mr. SLIDELL. I will ask whether the Senator from Ohio will consent to go on now? There are a number of gentlemen who expect to return at nine o'clock.

Mr. WADE. There is no quorum present, and I do not know that we can do any business. If this was in the ordinary course of legislation,

if it was an appropriation bill, if it was a measure that was expected by anybody to pass, I certainly would offer no interruption; but I cannot help thinking that, really, this is a mere political manœuver. I think the Senator from Louisiana himself expected political advantages would arise from the discussion of it. I expect they will to our side. If I have got to discuss it, I want a quorum present. I do not know that we can do anything, if there is not a quorum present.

Mr. BENJAMIN. I think, according to all parliamentary rule, there is a quorum present. A quorum has not voted; but two Senators, in addition to those who voted, addressed the Chair, stating their presence, and that they did not vote because they had paired off with Senators not in the Chamber. They made that statement to the Chair. Those two Senators added to those who have voted, make a quorum. I do not think it at all necessary that a quorum should have voted if there is a quorum present. A quorum is present to the knowledge of the Chair.

Mr. COLLAMER. I must insist that that is not parliamentary law. A quorum is a quorum that can vote on the question that we have under consideration. Now, the Senators from Connecticut cannot vote. They have paired off. They cannot vote according to that announcement. Taking the whole announcement together, they are not to be considered as present.

The VICE PRESIDENT. This is the view of the Chair upon that question: that any vote of the Senate must show a quorum. If there are Senators present, they may be excused by the Senate from voting, for a cause, and then the want of their vote the Chair hardly thinks would affect the question, if excused by the Senate; but there is no quorum shown by this vote, and the Chair must be governed by that.

Mr. HUNTER. It requires a quorum to vote or to perform any act in a legislative body; but less than a quorum can keep the Senate in session.

The VICE PRESIDENT. Certainly; less than a quorum can keep the Senate in session.

Mr. HUNTER. It requires a quorum to perform any act; but less than a quorum can keep the Senate in session. It is perfectly competent for gentlemen, if they choose, to speak to less than a quorum; but if the Senator from Ohio does not choose to do so, and the Senate hold together, then the question is put, because, peradventure, there may be a quorum present.

The VICE PRESIDENT. The Chair must take this course: no quorum has been shown on this vote; less than a quorum may refuse to adjourn; if no Senator desires to speak, the question is to be put. The question is whether there is a quorum? The Chair will ascertain by a count whether there is a quorum in the Chamber before he puts the question.

Mr. SLIDELL. I think we have a very simple remedy in this case. It is to send for absent Senators.

The VICE PRESIDENT. That motion may be made.

Mr. SLIDELL. I do make that motion now, and I hope it will be carried out.

The VICE PRESIDENT. It is moved that the Sergeant-at-Arms be directed to require the attendance of absent Senators.

Mr. POLK. I wish to ask this question. We know the fact that two Senators have spoken here so as to indicate their presence; we know they are here; and I wish to inquire whether, when the question is put by yeas and nays, those Senators can be excused from voting, unless by the action of the Senate. The Senate has not excused them from voting.

The VICE PRESIDENT. The Chair has stated that they could not.

Mr. CLINGMAN. I hope the Senator from Louisiana will withdraw his motion for the present, and if nobody rises the Chair will put the question, and we will vote upon the bill, and if it then turns out on the vote on the bill that there is not a quorum, we can agree to his motion.

Mr. SLIDELL. I will accept the suggestion of the Senator from North Carolina, and call for the yeas and nays on the passage of the bill.

Mr. COLLAMER. The Senator from North Carolina is mistaken. I understand the Chair to announce that if no one takes the floor, and the question is raised about putting the question, and it is suggested that there is not a quorum, the Chair will ascertain, by a count before the vote, whether there is a quorum.

The VICE PRESIDENT. That is true.

Mr. CLINGMAN. Then I hope the motion of the Senator from Louisiana will be agreed to.

Mr. KING. When it is supposed that there is a quorum present, it is proper enough to put the question; but I apprehend the question would be put upon a motion to adjourn, which is the pending motion.

The VICE PRESIDENT. The motion to adjourn has been rejected.

Mr. JOHNSON, of Arkansas. Having some little experience, and but very little, I hope I may be allowed to suggest that I do think the Chair has decided wrongly, that there shall be no vote taken upon the question itself until the Chair has made a count. Now, in this instance, if the Chair makes a count, he will find a quorum here. Then I presume the Chair would proceed at once to put it to a vote; but, upon voting, it will appear that no quorum is here. I do not see how the Chair can decide that there is a quorum when there is not a sufficient number to decide any question. There will be no question upon the vote, simply because no quorum will be of record. Then, if there be, by a count of the Chair, a quorum, it precludes our right to send for absentees; and, upon the record, upon taking the vote, there will be no quorum. I will suggest that the Senate is brought, then, simply to this situation: we must sit still. The decision of the Chair results exactly, it occurs to me, in that way.

With reference to the case here upon the subject of adjournment, nothing is better known than that the body, with less than a quorum, can adjourn. There is nothing more definitely declared in our rules. Of course, resulting from that, less than a quorum can keep the Senate in session; but the operation of the parliamentary rule, it seems to me, is almost entirely different, which involves the passage or rejection of a measure before the body. Now, sir, it seems to me that you can have no right to count, to ascertain whether there is a quorum or not upon a call for a vote or action on a measure that is before the body; for, if you make a count here, there is no certainty that your count will be correct. Half a dozen Senators may be standing just outside the door, as is very often the case; but, upon the votes that are to be put upon the record, they come in, which they can do just the moment before it is announced, perhaps, and when a quorum is not shown at all. If your count shall show that there is no quorum, we can do nothing at all. I beg to suggest, for the decision of the Chair, that we take no more time, but have a vote upon the question which goes upon the record, and upon which we can proceed to act; and that act must then necessarily be an adjournment, or the transmission of our officers after the absentees.

The VICE PRESIDENT. The Chair is hardly understood by many Senators; and if he can get the attention of the body, he will state his position. Upon the vote on the adjournment, less than a quorum voted. There was record evidence of the want of a quorum. The Chair so stated; but the Senate refused to adjourn. Less than a quorum may refuse to adjourn. A motion to send for absentees is in order. If that motion be not made, the Chair will proceed to have the amendment read, and, upon suggestion, would count to ascertain the presence of a quorum, and if it should be established that there be a quorum present, would put the question.

Mr. SLIDELL. I wish to make a suggestion. The Senator from Maryland [Mr. KENNEDY] is prepared to address the Senate, and before he shall have concluded there will certainly be a quorum present.

Mr. JOHNSON, of Arkansas. He is not prepared now, and does not intend to speak at present.

Mr. FITZPATRICK. I understand from the Senator from Maryland that he is ready to proceed.

Mr. SLIDELL. But I desire it understood that the order of the Senate, calling for absent Senators, should be put in execution, in the mean time.

The VICE PRESIDENT. There has been no order of the Senate.

Mr. SLIDELL. Then I make that motion now.

The VICE PRESIDENT. It is moved that the Sergeant-at-Arms be directed to procure the attendence of absent Senators.

Mr TRUMBULL. I think, on a former occasion, that the order was adopted in this form: to request the attendance of absent Senators. I am not experienced in these matters, but I suggest whether it would not be better to put it in that form in this case. I understood at that time, from older members of the body, that it had not been usual to put it in the form of a requirement, but as a request, which I believe is always answered. I make the suggestion.

The VICE PRESIDENT. The Chair will put the motion of the Senator from Louisiana; and if there be no objection, will put it in the form of the suggestion of the Senator from Illinois, that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. SLIDELL. I have no objection to that.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant-at-Arms will request the attendance of absent Senators.

Mr. SLIDELL. I hope the Senator from Maryland will proceed.

Mr. KENNEDY. Mr. President, in response simply to the call made by the honorable Senator from Louisiana, I should very greatly prefer speaking upon some other occasion. The honorable Senator from Ohio has already indicated his purpose to speak. I do not desire to come in between him——

Mr. WADE. I only took the floor to move an adjournment, and with no particular view to go on with the debate.

Mr. KENNEDY. I do not desire to speak to-night. I would very much prefer saying what I have to say with more of my colleagues and friends around me, because the line of argument I expect to take may not be entirely acceptable to many of my friends with whom I have been acting here; and I would rather that they should be present to hear precisely what my views are upon this subject—not that they will have any importance, perhaps, on the result, but it is simply in order to gratify myself and to be placed right before the country when I do speak on this question, because I dissent *in toto* from many gentlemen here. I will say at the same time, if the proceedings of the Senate are to be cut off to-night, if the whole further action of the body is suspended, I am perfectly willing to go on. I have not a long speech to make; but I am prepared now and perfectly willing to go on and give my views. If the Senator from Ohio prefers speaking now, I will give way to him.

Mr. WADE. I do not want the floor at all.

Mr. KENNEDY. Then I will go on and say what I have to say upon this subject.

Mr. WADE. I yield to the Senator from Maryland.

Mr. KENNEDY. Mr. President, the proposition of the President of the United States for the acquisition of Cuba, and for the occupation of certain provinces of Mexico, for the two questions may be considered together, involve not only questions of policy affecting the great and vital interests of this country, but the far greater and more startling question of what this nation is to be, and how this nation is to be governed. In coming to the consideration of these questions, I am not disposed in any manner to shrink from the responsibility that rests upon me here in the discharge of my duty. I shall endeavor to pursue that line of argument and that line of policy which the peculiar interests of my constituents require, as well as the higher obligations of the Constitution of the United States, which has for its general object the welfare and prosperity of the people of this country. In pursuing that course, I shall endeavor to bring to the consideration of this bill a desire to discharge my duty without any reference to other and collateral subjects of a mere party character.

I have carefully read and considered the learned and full report made by the Committee on Foreign Relations upon this bill. I have heard the advantages of the acquisition of Cuba portrayed in glowing terms by gentlemen on this floor. I have listened with pleasure to the full and learned speeches of gentlemen in regard to the advantages to result to our great and increasing commerce. I have very fully considered the views that have

been put forth in regard to Cuba, as the key to the Gulf of Mexico, and as a strategical point to hold this *mare nostrum*, our sea, as it has been called—that sea which receives the commerce of nearly one third of the whole United States, which is poured out through the great Father of Waters. I have listened to all this with great attention; and I have endeavored to bring my mind to a calm and full consideration of the subject with reference to all the alleged benefits which are to result from the acquisition of this island. I have listened with much interest to the clear and cogent arguments, to the strong and full view, presented by the honorable Senator from Louisiana, [Mr. BENJAMIN,] of the horrible condition of Hayti and San Domingo, of those once-favored isles of the sea, and the blasting effects of emancipation upon their social condition. He has forcibly portrayed the despotism, the ignorance, the indolence, the brutish barbarity of that people, and the dread desolation which has followed in the train of emancipation.

I have listened to all this in reference to its bearing on the acquisition of Cuba, and I have not heard a single word from the advocates of this measure as to its political effect upon the future destiny of this country. I have had no satisfactory reason assigned to me, either by the President or by the Committee on Foreign Relations, for this measure, beyond the mere impression that we could negotiate for, and obtain Cuba by peaceable means. Instead of coming to any such conclusion, a careful consideration of the report of the committee, as well as the tenor of the speeches of honorable gentlemen in advocacy of the measure, satisfy me that they look ultimately rather to the contingency of violence. If gentlemen have been in earnest on this question, they mean violence, or they mean nothing. Mighty questions are involved, which I, as a Senator on this floor, acting in conjunction with the executive branch of this Government in the negotiation of treaties, have a right to be informed upon, before I am asked to give my vote, not merely for millions of money, but for a measure which may involve the whole civilized world in war, and lose to us this union of States, for which so much has been periled and endured.

Mr. President, I desire to meet these mighty issues in all candor and all honesty; not simply as a party measure, to elevate one candidate for the Presidency or another; but being entirely free from influences of that kind, I dare to speak what I believe to be right and just and honest. I glory, as one member from that portion of the United States who are supposed especially to advocate this measure—I mean the southern portion of the United States—to speak what I believe earnestly and sincerely to be the interest of the people of that section of the country, without any reference whatever to its political effect upon parties, or myself.

I trust I may be pardoned if I make use of language which may appear to be harsh to gentlemen upon the other side; for I have a high respect for many of the honorable Senators who support this measure, and I regret extremely that an occasion has presented itself to me, coming from the southern section of the Union, when I must dissent so entirely from the general propositions of the report. This bill is based upon the idea that we can acquire Cuba by peaceful negotiation; but I take the report itself, and from a full investigation of its scope and meaning, I am irresistibly led to the conclusion that we cannot, by any possible effort, in the present position of our relations with Spain, acquire Cuba without a convulsion which may rend this country to its very center, or destroy forever those principles of government which we have ever considered essential to the growth and permanency of our institutions.

The report of the honorable Senator from Louisiana is based upon the supposition that there are but three alternatives with regard to the future of Cuba. The first is its possession by one of the two great European Powers. The committee say:

"This we have declared to be incompatible with our safety, and have announced to the world that any attempt to consummate it will be resisted by all the means in our power."

To that I am willing to assent. The second alternative is the independence of the island. The report says:

"This independence can only be nominal; it never could be maintained in fact. In would eventually fall under some protectorate, open or disguised."

That, I imagine, means the protectorate of the United States. As to whether that would be the interest of the United States, I am not so entirely clear as I am on the other proposition. The third and last alternative, says the report, is annexation to the United States. This annexation is to be by conquest or negotiation:

"Conquest, even without the hostile interference of another European Power than Spain, would be expensive, but with such interference, would probably involve the whole civilized world in war."

With that declaration of the report I entirely agree.

"It would, besides, in all probability, lead to servile insurrection, and to the great injury, or even total destruction of the industry of the island."

That is true.

"Purchase, then, by negotiation seems to be the only practicable course; and, in the opinion of the committee, that cannot be attempted with any reasonable prospect of success, unless the President be furnished with the means which he has suggested in his annual message, and which the bill proposes to give him."

I regret, Mr. President, that in this report there is not a single line or word to induce me to believe that we can acquire Cuba peaceably by negotiation. There has not been a single word uttered on this floor which could induce me to entertain any such belief. No Senator has shown to me the manner in which this negotiation is to be conducted, or how the $30,000,000 is to be applied, or in what manner it is to be used. As I intimated before, I as a Senator, as a member of the coördinate branch of the executive department, of the treaty-making power, am called upon to give my advice and consent to a negotiation of this sort, with the express and avowed declaration in the speeches of gentlemen, that war may be the result, of any attempt on our part to obtain Cuba after the declaration of the Spanish Cortes that the island is not for sale, and that any proposition to that effect would be regarded as insulting, and just cause of war.

I assume the ground that this proposition to appropriate $30,000,000 virtually takes out of the hands of the Senate the treaty-making power, and gives to the President of the United States full authority to use this money as he pleases. This is proposed, too, when we have before us, in the report, the declaration of the present President of the United States, while Secretary of State, in his instructions to Mr. Saunders, in 1848, that at that time, in no view which he had taken of the subject, was there but slight probability that we could treat successfully for the peaceable acquisition of Cuba.

It is a singular fact worthy of note, and which has been already alluded to, that, upon the very day, and almost at the very moment, when this report of our Committee on Foreign Relations was made to the Senate, the steamer arrived in New York, bringing the debate in the Cortes of Spain, in which it was declared that Spain would regard such a proposition as a positive and direct insult to her honor and dignity if we ventured to make it. The proposition had frequently been made, had often been pressed upon the consideration of Spain, and in every instance indignantly spurned and rejected. Certainly, then, when I am called upon to give my vote in favor of a measure like this now, I have a right, at least, to ask what are the reasons for supposing, in view of all that has transpired, that there is a probability of our possessing peaceably the Island of Cuba at this time? I have not yet heard them.

Mr. SLIDELL. As the Senator from Maryland insists with great earnestness upon this point, I will simply ask him whether he cannot very well imagine that the President may possess information—I do not wish to be understood as intimating that he has—which induces him to believe the acquisition by negotiation possible or probable, and that it would be of a nature which it would not be proper to communicate to the Senate?

Mr. KENNEDY. If the President has information of that sort, I certainly have a right to know something about it before I am called upon to vote on so momentous a question as this, which, in the very language of the report itself, may involve "the whole civilized world in war."

Mr. SLIDELL. If the Senator will read the report carefully, I think he will find that there is no intimation and no expression of any apprehension the most remote that the acquisition of Cuba by negotiation from Spain would lead to any such result.

Mr. KENNEDY. That is the very point I am coming to. I trust I may be pardoned if, at the expense of being considered a little tiresome, I refer to the citations contained in the report. I rely upon them entirely, and they are of such a nature that I am compelled to come to an opposite conclusion from the honorable Senator. I have come to the conclusion that these $30,000,000 for which I am called to vote, and in regard to the application of which I am entirely ignorant, will involve this country in a war. That is precisely the point I desire to present.

Mr. Buchanan, in his instructions to Mr. Saunders, on the 17th of June, 1848, said:

"With these considerations in view, the President believes that the crisis has arrived when an effort should be made to purchase the Island of Cuba from Spain, and he has determined to intrust you with the performance of this most delicate and important duty. The attempt should be made, in the first instance, in a confidential conversation with the Spanish Minister for Foreign Affairs; a written offer might produce an absolute refusal in writing, which would embarrass us hereafter in the acquisition of the island. Besides, from the incessant changes in the Spanish Cabinet and policy, our desire to make the purchase might thus be made known in an official form to foreign Governments, and arouse their jealousy and active opposition. Indeed, even if the present Cabinet should think favorably of the proposition, they might be greatly embarrassed by having it placed on record; for, in that event, it would almost certainly, through some channel, reach the opposition and become the subject of discussion in the Cortes."

Now, he has indicated the very line of policy which he was then charging his minister to avoid. He has made an open proposition through the councils of our own country, by the introduction of a bill appropriating $30,000,000, to be used in secret negotiation, contrary to the usage, and, in my humble judgment, contrary to the spirit of the Constitution. He has asked us to yield to him a power which has been held sacred, under the Constitution, hitherto: the right of this body to hold within its own grasp the full power of action upon all treaties with foreign countries. He goes further in these instructions, and says:

"At your interview with the Minister for Foreign Affairs, you might introduce the subject by referring to the present distracted condition of Cuba, and the danger which exists, that the population will make an attempt to accomplish a revolution."

This is the old argument which we have again on this floor to-day:

"This must be well known to the Spanish Government. In order to convince him of the good faith and friendship towards Spain, with which this Government has acted, you might read to him the first part of my dispatch to General Campbell, and the order issued by the Secretary of War to the commanding general in Mexico, and to the officer having charge of the embarkation of our troops at Vera Cruz. You may then touch delicately upon the danger that Spain may lose Cuba by a revolution in the island, or that it may be wrested from her by Great Britain, should a rupture take place between the two countries, arising out of the dismissal of Sir Henry Bulwer, and be retained to pay the Spanish debt due to the British bond-holders. You might assure him that, whilst this Government is entirely satisfied that Cuba shall remain under the dominion of Spain, we should, in any event, resist its acquisition by any other nation."

This argument of 1848 is the argument of 1859, without a single change:

"And, finally, you might inform him that, under all these circumstances, the President had arrived at the conclusion that Spain might be willing to transfer the island to the United States for a fair and full consideration."

Now, sir, all these considerations were presented; and how was the offer received? With indignation and contempt. The same language was used then, almost *verbatim*, that has been used within the last three months in the Spanish Cortes. Now, I ask what other assurances has the President had, since these instructions were written by himself, as Secretary of State, to Mr. Saunders; what assurance has he, in the face of the late declaration of the Spanish Cortes, to induce him to believe that he can now acquire Cuba by peaceable negotiation? Not one line nor one word that has been written or spoken, by any advocate of the acquisition of Cuba, convinces me, or has shown to the country at large, that there is the slightest hope or probability of our acquiring Cuba without violence.

Mr. Buchanan is not the only gentleman who

has been at the head of the State Department who has entertained the same opinion; because I find that in every citation made by the honorable Senator from Louisiana, in his report, the idea runs through all the dispatches of our Secretaries of State that Cuba was not to be annexed to the United States without violence, or without a rupture of some kind. Even in Mr. Everett's letter, 1st December, 1852, to the Count de Sartiges, this intimation is clearly made, in his rejection of the joint proposition of the French and British Governments for a tripartite treaty, which he refused to accede to. I find that, in 1853, Mr. Marcy, in his dispatch to Mr. Soulé, made use of this language:

"Our minister at Madrid, during the administration of President Polk, was instructed to ascertain if Spain was disposed to transfer Cuba to the United States for a liberal pecuniary consideration. I do not understand, however, that it was at that time the policy of this Government to acquire that island, unless its inhabitants were very generally disposed to concur in the transfer."

I desire Senators from the South to mark this language, because there is a doubt conveyed in every word of it:

"Under certain conditions the United States might be willing to purchase it; but it is scarcely expected that you will find Spain, should you attempt to ascertain her views upon the subject, at all inclined to enter into such a negotiation. There is reason to believe that she is under obligations to Great Britain and France not to transfer this island to the United States. Were there nothing else to justify this belief but the promptness with which these two Powers sent their naval forces to her aid in the late Cuban disturbances; the proposition for a tripartite convention to guaranty Cuba to Spain; and, what is more significant than either of the above facts, the sort of joint protest by England and France, to which I adverted in my instructions to Mr. Buchanan, against some of the views presented in Mr. Everett's letter of the 2d of December last, to Mr. Sartiges, the French minister, would alone be satisfactory proof of such an arrangement. Independent of any embarrassment of this nature, there are many other reasons for believing that Spain will pertinaciously hold on to Cuba, and that the separation, whenever it takes place, will be the work of violence."

That was the last instruction given by the Secretary of State to Mr. Soulé, and it was there regarded that, under no possible contingency, could we take possession of Cuba without violence. In the opening of this report there is a quotation from Mr. Jefferson, to this effect:

"It will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it."

I think, Mr. President, from all that has occurred up to the present time, it is pretty well established that Spain has placed herself under some obligation to Great Britain and France not to transfer the island to us; which, if true, would require an immense navy to defend, even if we could get possession without a navy. Then, sir, if we are to have a war for Cuba, it brings me to the consideration of the question in another aspect. If the national honor, if the national faith, if the pride of the American people were involved in this matter; if the permanency of the Union depended upon it; or if it stood across the broad pathway of our advancement to a high position of just and durable glory, then I would look at it in another light; but I am free to declare, and I say it with full deliberation, and upon a calm consideration of the whole subject, there is more of evil than of good in the acquisition of Cuba in any aspect of the case. When the early fathers of our country intimated that it might be a desirable acquisition, and one which would advance the interests of this country, other and more serious questions of a sectional character were not then so imminent and dangerous to this Union as now. A different phase has come over this land. The pure fountains of liberal principles, of republican, constitutional government, that gushed forth from the rocks of the Revolution have been tainted by the poisonous effects of foreign influence. The whole character of this Government is undergoing a serious and a vital change. There are questions connected with this idea of progress and expansion, that, sooner or later, will change the destiny of this free and happy country.

To show that I am not alone in the view I have presented, that we cannot acquire Cuba without the probability of a rupture, I shall refer to the speeches of the honorable Senator from Ohio [Mr. PUGH] and the honorable Senator from Louisiana, [Mr. BENJAMIN.] The Senator from Ohio, in his speech, says:

"While I shall vote for this bill, and especially with some restriction as to the amount which may be tendered, I am not sanguine of success in the negotiation; but when that shall have failed, or been refused, another duty awaits the President as well as ourselves. It is, to notify Spain that she must arm the Captain General of Cuba with diplomatic powers; that no further complaint will be made by the United States, at the Court of Madrid, on account of outrages committed under his jurisdiction; that, upon the next occasion of serious injury to our citizens in Cuba, redress will be demanded on the spot, and exacted, if need be, at the cannon's mouth." * * * * *

"With Great Britain, sir, and Great Britain fortified by the addition of French valor and arms, we must henceforth contend—a contest not only for predominance over this continent, but for predominance and fame throughout the world and for ages to come. The elements of an issue so fearful (and fearful, indeed, it is) have been gathering, silently and surely, ever since the flag of our Republic was carried in triumph to the capital of Mexico; and whatever the arts of diplomacy, or how earnestly soever we consult that wisdom which closes its eyes to an unpleasant consequence, the issue cannot be avoided, nor much longer postponed." * * * * * * *

"As I have no confidence in the 'explanations' vouchsafed to us with regard to Lord Clarendon's speech, I expect and believe that any serious attempt on our part to acquire Cuba, by negotiation or otherwise, will be obstructed."

There is the broad declaration of the honorable Senator from Ohio, that Cuba cannot be acquired peaceably, although he advocates the report of the committee which is based on that idea, and asks us to appropriate $30,000,000 to secure that object. That gentleman made an eloquent and an able speech, reviewing the advantages to result, commercially, from the acquisition of Cuba, without the slightest reference whatever to its political effect upon the institutions of our country. I do him the credit to say that he has ably stated his case. The same line of argument was taken up by the honorable Senator from Louisiana, [Mr. BENJAMIN,] whose eloquent speech I listened to with great interest and pleasure. That honorable Senator gave a full account of the horrors of emancipation in the West Indies, and the injury done by it to the English colonies, and the desolation that had fallen upon the commerce and wealth of Jamaica, of San Domingo, and of Hayti; but he stopped short of the very point I desired to be informed on, and that was, the effect of the acquisition of Cuba upon the political future of the United States. In the conclusion of his speech he promulgated a doctrine which I am sure will not meet a response in the conservative heart of the American people. This point I shall allude to hereafter.

He has also, in his advocacy of this measure, said much of the effect that the acquisition of Cuba would have upon the condition of slaves in the island, and those unfortunate beings whom he described as "raw material, to be worked up into sugar," by the present regulations for supplying adequate labor to make their present amount. I am always happy to hear of regulations and wholesome laws made for the amelioration of slaves, (I believe this is the sentiment of every right-minded man in the South;) but I do not stand here to denounce the institution of slavery. Unlike other gentlemen who do not understand that institution as well as I do, I am free to declare that, for the African, it is the best condition in which he can, by possibility, be placed. The slaves of our own country, viewed simply as a laboring class, are better fed, better cared for, have fewer charges, have less to concern them, than any people upon the face of the earth; and, in my judgment, they are the happiest race of laboring people in the world. If you put the question of slavery simply on that view of the case, I am an advocate of the institution of slavery. I am not only an advocate of the institution for the sake of the negro, but, in certain localities, for those interests which depend on slavery for their full and profitable development, I take the ground that the South cannot be independent of the institution of slavery. The southern States of this Union, divested of slavery, could not enter into a competition with the virgin lands of the northwestern States, in the cultivation of the same products. There is a large region of country in the southwest adapted to the cultivation of a particular staple, which cannot be raised without slave labor. I am perfectly aware that gentlemen of the North do not believe this proposition; but nevertheless the assertion is true.

I have not one word to say against slavery. I indorse every word that was said by the honorable Senator from Louisiana [Mr. BENJAMIN] in his truthful picture of slavery on one side, and the brutish barbarity resulting from emancipation in the West India Islands, upon the other. I have seen enough to know that the negro does not flourish under freedom. He wants the superior intellect, the kind and controlling care of his master, to guide him, to take care of him, and to promote his usefulness. I hope, therefore, not to be misunderstood when I speak against the proposition for the acquisition of Cuba, in this connection. But, sir, I have rather digressed from the proper course of argument. I desire to quote a few passages from the speech of the honorable Senator from Louisiana:

"Now, Mr. President, bringing this discourse to a close, I desire to say, in a few words, what my view is in relation to the policy of this country. I would propose, as the President proposes, the purchase of the Island of Cuba from the Government of Spain. If that be refused, if it be supposed that Spanish pride or Spanish dignity is involved in the proposition to such an extent as to make it impossible for them to cede it, I would then say to Spain: 'if you will not cede the island to us, grant independence to your subjects there, and we will pay you a reasonable equivalent for the abandonment of your revenues, and make settlement hereafter with the people of Cuba for our advances.'"

To that independence, I have no sort of objection. I am free to say, that I would rather see Cuba occupy that position than any other. But, he added:

"If this offer be again refused, then let us announce to Spain in advance, that whenever opportunity shall offer we are ready and resolute to offer to the people of Cuba the same aid that England offered to the other Spanish colonies; the same alliance, offensive and defensive, which France so nobly tendered to us in the hour of our darkest peril. Tell her that we shall repair the wrong by us done to the generation now passing away in Cuba when we impeded their efforts for gaining their independence, by affording to the present generation our aid, countenance, and assistance. Tell her that, when the Cubans shall have conquered their independence, theirs shall be the right of remaining a separate Republic, if they so prefer; that we will cherish, aid, and protect them from all foreign interference, and will draw close the bonds of a mutual, social, and commercial intercourse, that shall be of incalculable benefit to both."

From that sentiment I feel constrained to dissent. It inevitably looks to war for the acquisition of Cuba. What, sir, let me ask, here upon the floor of the American Senate, would be said if England should declare to-day to the southern States, "free your slaves, or we will give aid and comfort to them?" This doctrine of interference is not the American sentiment. Our mission is the peaceful pursuits of gain, of domestic tranquillity, and to secure the blessings of liberty to ourselves and our posterity; no entangling alliances with foreign countries; no mixing up with the policy of foreign Governments. The doctrine of non-intervention, as an American principle, has been broadly declared in both Houses of Congress—the right of the people to govern themselves. I very much question whether, in any point of view, it would be to our interest to depart from this principle, to depart from the time-honored policy of the Government, and commit ourselves to a question involving so much of doubtful expediency and uncertainty either for the freedom of Cuba or the enlargement of her trade. We have local questions that are now agitating this country to its very center—questions arising out of this very subject of slavery. Sir, do you suppose that if a treaty was signed and proposed to-day, to annex Cuba, with her three hundred thousand free negroes, four or five hundred thousand slaves, and a similar number of Cubans, ignorant of our institutions and our language, there would be no agitation when the declaration is made by the opposite side of the Chamber, that they will have no more slave territory? Would it not create an agitation which would shake this Government to its center? Have you not seen the violent throes of party feeling almost strong enough to rend this Government in twain upon a much less exciting matter than this—the bare possibility of this Government having placed at its head a member of the northern section of the country supposed to be inimical to the institution of slavery? What has all the discussion about Kansas been for? Has not the doctrine of no more extension of slave territory been boldly declared, and made the test of party organization? Gentlemen, in view of all this, and with the scenes of the last session of Congress still before them, are calmly considering the possibility of the peaceful acquisition of Cuba, by which five or six hundred thousand slaves will be brought into this country by one single act, with three hundred thousand free negroes. The honorable Senator from Wisconsin, [Mr. DOOLITTLE,]

asked, with great pertinence, what we were to do with the free negroes we already have? Sir, I can answer his question in part. With the drain that would be upon the old slave States to furnish labor to sugar and cotton, a drain which we now seriously feel, it would be but a short time when free negroes would be all that remained to us.

Mr. President, these are considerations of most momentous importance. In my view, these measures, if accomplished and carried out, tend not only to the disturbance of political parties, but to the entire subversion of principle in this country, and, not only that, but to the dissolution of the Union as it now exists. Although I do not believe it is an easy matter to divide this Union, I think our present form of Government will be changed. I think that party spirit, sectional jealousies, and the advocacy of what I conceive to be a mistaken view of State rights, will so fritter away the power of your Federal Government that your Constitution will be but a rope of sand, to be disregarded and to be spurned in the hour when you most require it to hold you together. You can abolish a Constitution; you can change a Government; but you cannot divide a continent of free people into two separate Republics.

I may be asked how this Government will be broken up? I answer, because you have not the power in your Government here to enforce the obligations of the Constitution. These are bold sentiments to utter, but I am happy to have an opportunity to give utterence to them, because I believe them to be true. I am as devoted to the principles upon which this Union was formed as any man who lives under the flag of the country; but I have seen a policy ingrafted upon the institutions of the country which must sap the very foundations of the Government; and I am bold to declare that I have no confidence in the permanency of the present Constitution with all the sectional jealousies and conflicting interests which have grown up in the wild and reckless struggle for party ascendency, and the open disregard that is proclaimed against the obligations of its laws.

The doctrine of State rights applied very well when there was danger of a strong consolidated central Government. It applied very well when there was a disposition to concentrate all power in the General Government. In the early history of this country, it was predicted that its growth would bring about results which were then denied and denounced by an opposite party—the party, I mean, advocating the power of the States over the Federal Government. That would apply very well as long as we were a homogeneous race of people, as long as we were bound together by the recollection of common troubles and common trials; as long as we were bound together by the remembrance of a common cause of oppression and a common deliverance.

But, sir, that day has passed. Our country has prospered; her fertile plains are expansive, broad, and rich in all that contribute to the wealth and happiness of man. People from every clime have been brought under the ægis of our Constitution. Our interests have spread far from the central Government. Under the doctrine of State rights, the doctrine of the right of the States to put their own construction on the Constitution of the United States, you have now come to that pass that you have no common interpretation of your laws; the Supreme Court is derided and scorned; threats have been made against its permanency; denunciation has been hurled against that branch of your Government, the only sheet-anchor of your liberties, upon which all law must rest, and all the security you have, not only for your political rights, but for your individual rights and property. Your Government has come to that pass, to-day, when it is almost impotent to enforce the plainest requirements of its laws in the preservation of the peace of the country.

These, Mr. President, may, perhaps, be regarded as unpopular sentiments, but I care nothing for popularity in the exposition of what I believe to be a dangerous condition of affairs growing up in the country, and one which must tend, if not arrested, to the utter destruction of all that we have most cherished and regarded as wise and good in our history.

Upon this particular subject of the consolidation of power, permit me to say here that I have witnessed, in my short experience, deplorable evidence of the fact that men, however honest and sincere in their advocacy of what they believe to be constitutional obligations, have been oftentimes seduced into the position of yielding the most vital principles of the Government. I have found gentlemen from my section of the Union, but of a different party from myself, with whom I have affiliated and delighted to affiliate upon every question not in conflict with my own views of law and constitutional obligation—gentlemen standing under the same banner and wearing the same party uniform—advocating sentiments directly opposite to and in conflict one with another. In old times, I was called a consolidationist, having acted formerly with the Whig party. I was denounced as belonging to that odious party which desired to consolidate all power in the hands of the Government and take it from the people. I have been thus denounced by members of that party which now has upon your table, Mr. President, two bills of a more dangerous tendency, more directly tending to the consolidation of power in the hands of one man than all that the old Whig party, and all that the old Federal party, ever did. I say, there are now before this body two measures which will tend more to the consolidation of power than all that has ever been done by any party in this country, in all its previous history. I allude to this bill now before us to put into the hands of the President $30,000,000 to negotiate a treaty, and if a treaty should be the result, and should prove to be adverse to the interest of the country or the views of the Senate, our $30,000,000 would be lost; or we must ratify the treaty to save the money, at any expense—even at the expense of the honor of the nation.

The other bill to which I allude in connection with that, is to give the Executive of this Government, elected by the voice of the people, and who professes to bow in humble submission to the will of the majority at all times, the *absolute* power to control the destinies of this nation, by placing at his disposal the Army and Navy, upon any occasion whatever, when he may see fit to redress any wrongs committed by foreign Powers against the citizens of the United States. These two are measures of consolidation, far outstripping any proposition that ever came from the old Federal party; a union of purse and sword, conferring upon the President of this free Republic a power which even Louis Napoleon would not dare to exercise, in all the fullness of his pride and authority.

Gentlemen of the Democratic party around me advocate one day the giving away of the whole public domain of the United States, not for purposes of general benefit to the States, who are the owners of the domain, but to squatters and settlers from the whole world; not to give them to the States, under a general distribution law, for the purposes of education, or the improvement of rivers and harbors, or other great matters of vital interest to the States, but to give them away to settlers; thus offering a bonus to emigration from the old States, to be left with debt and deserted fields, as well as to the outpourings of the lazar-houses of the Old World, and to the discontented and disturbed spirits from every quarter of the globe. And when thus induced to come here, the wrong is further augmented by extending to them a cheap and easy franchise, upon a simple declaration of intention to become citizens, allowing them to vote and to control the institutions of this country, before they know scarcely one word of our language, or have the smallest comprehension of what the principles and laws of this Government require.

Again: I have heard gentlemen of this same Democratic party, and especially my honorable friend from Alabama, [Mr. CLAY,] with much learning and ability, oppose a proposition to give to the old States of the Union a portion of this great domain, to whom it rightfully belongs, while other gentlemen, a majority of his own party, have proposed to give the whole to all the world for settlement. When it was proposed to give a portion of the public land to the old States, for the purpose of agricultural education, the sensibility of my learned friend from Alabama was terribly shocked. He opposed it as the grossest violation of the spirit of the Constitution that had ever been presented on this floor. I admire the honesty and the zeal of that gentleman. I believe him to be conscientious in his opposition to a measure that he conceived to be dangerous to the interests of the country, and violative of the Constitution. But it is passing strange that gentlemen who have such a diversity of sentiment and views of the Constitution should all belong to the same corps, and march to the same music, with the same banner waving over their heads, inscribed with that most comprehensive word, "Democracy," which seems to embrace every degree and shade of party definition.

We are also called upon to consider a bill passed by the popular branch of this Government, against which the honorable Senator has made a report, which appropriates $8,000,000 of money to those who have fought for the honor of this country. Surely, sir, if any one class is entitled to the favor of this Government more than another, it is the old soldiers who have risked their lives in guarding and defending it, rather than the people of a far-off land, strangers in heart, strangers in feeling, and strangers to our institutions.

Sir, I only mention these facts to show how gentlemen of the same party differ on these questions. I speak as a southern man with all my interests, all my feelings, all my affinities, all my associations with the people of the South, and I am constrained to say that they have overstated their list of grievances, and that they have underestimated the position of the conservative portion of the northern States.

Now, Mr. President, allow me to go back one step to notice another view of this question. I have already said, and I think the report fully bears me out, that the acquisition of Cuba, without violence, is not contemplated. The honorable Senator from Florida [Mr. MALLORY] admitted the fact, and I find in a speech made in the other House by a member from Louisiana, a very different view is presented from that taken by the Senator from Louisiana. I profess, at least, to know something of the political economy of the southern States, and I dissent entirely from the view expressed by many gentlemen, as to the effect of the annexation of Cuba on the southern States, which we are to seize under the bill giving power to the President, if it cannot be obtained in any more quiet manner; and while upon this question of seizing Cuba, and holding it, allow me to consider for a moment, how we are to hold Cuba against either France or England, or both, if they choose to dissent. The honorable Senator from Florida has intimated to-day, clearly, that there is an understanding between Spain and England in regard to it. I have, before me, in a book, from which my honorable friend from Louisiana quoted very freely, the celebrated declaration of Lord Clarendon, when he says:

"The union between the two Governments has not been confined to the Eastern question. The happy accord and good understanding between France and England, have been extended beyond the Eastern policy to the policy affecting all parts of the world; and I am heartily rejoiced to say, that there is no portion of the two hemispheres with regard to which the policy of the two countries, however heretofore antagonistic, is not now in entire harmony."

These and other evidences most conclusively prove to my mind the truth of the declaration made by Mr. Marcy, in 1853, that there is a secret understanding between Spain and England that we are not to have Cuba without violence. Then let me ask the Senate, in the first place, how are we to hold Cuba, if by any possibility we shall get possession of it? What is the power of your country? While it is great upon the continent, what means of transportation to the Island of Cuba have you? How are you to transport your men; how are you to defend the coast of that island from the assaults of any strong military power? The honorable Senator from Missouri, [Mr. POLK,] in his description of Cuba, told us of not less than fifty-three ports in the island. What is the disposable force of the United States Navy? What have you shown in your demonstration against Paraguay? What has been that invincible armada, that we have sent to enforce indemnity against a poor, weak Power, scarcely recognized among the nations of the earth? Canal boats and side-wheel steamers and open-decked vessels, one half of which may never reach their destination, and the other half worthless when they arrive there. The great American people, with a larger commercial marine than any other Power on the face of the earth, presents the humiliating aspect of a disposable naval force of only fifty-seven ships and vessels of all kinds.

Our commerce is in every sea; our flag is flying in every quarter of the globe.

Suppose, sir, that England should assume the position which she has already threatened; suppose, as was intimated by the honorable Senator from Florida to-day, England should stand by and allow Spain to Africanize Cuba: what power have we to prevent such a calamity? Our whole fifty-seven ships, if concentrated, could not hold that island for twenty-four hours, or put men enough there to prevent a servile insurrection. The probability of the Africanization of Cuba was put with great force to-day by the honorable Senator from Florida; but I should like to know the difference between Cuba Africanized and Hayti Africanized. Cuba is said to be one hundred and forty miles from the capes of Florida. Suppose Cuba should become one of the States of the Union: we should then be only sixty miles from an Africanized Power, for I understand it is about sixty miles from Cuba to Hayti. Then, what do we gain by it in this view? Nothing.

But, sir, if we acquire Cuba by purchase, what are we to buy? The sovereignty of the island, the right to take care of it, the right to defend it, the right to fight for it; and for that, what are we to pay? One hundred and fifty million dollars, or perhaps $200,000,000. Have gentlemen considered the fatal drain that it will be on the other southern States? It has been asserted, again and again, that the acquisition of Cuba by the United States will at once put an end to the slave trade with the coast of Africa; and it has been further asserted that it requires from twenty to twenty-five thousand slaves a year to be imported into Cuba to produce the present amount of sugar raised in the island. Have gentlemen considered the effect that such a drain will have on these States? I recollect well the effect upon the old States of the opening of Alabama and Mississippi. The State of Virginia has not yet recovered from it. In consequence of the abstraction of her population and capital and means to settle those States, she this day makes an exhibit of fourteen or fifteen million acres of unoccupied lands within her limits. Although she possesses the finest climate, the greatest variety of soil, with water power and mineral wealth in abundance, her people have been going, almost in a regular exodus, year by year, to other countries where their labor has been more remunerative. If Cuba is annexed to this Union, I desire to present this argument to the people of Maryland and Virginia and all the middle States. We now have a competition for our labor with the cotton States of the Southwest, on which labor we depend for the working of our fields and the value of our lands; with the planting States on one side and the richer and more fertile fields of the Northwest, producing the same staples with us, on the other. The drain that has been going on from slave grain-growing States has almost entirely depopulated some parts of the southern country. As I said before, Virginia now has fourteen or fifteen million acres of unoccupied land, because the products of her soil do not bring a remunerative price to the laborer who has been employed in its cultivation. The southern planting States have a demand for a particular staple, the production of which is a monopoly in the world. Cotton is not raised in sufficient quantity to meet the demand. The price of it is controlled by no accidents or casualties, except the casualties of seasons and of planting. Nothing of tariff regulations, nothing of governmental policy, can affect it; there is always a certain and steady market for all that is raised at high remunerative prices.

On a former occasion, I showed that, in the cotton-growing States of the Union, there was an area of five hundred and eighty-nine thousand square miles, embracing something like two million five hundred thousand acres of land, from the twenty-seventh parallel, in Florida, to the thirty-fifth parallel, in Arkansas, and from the Atlantic to the Rio Grande, producing a staple of peculiar quality, which is required to a greater extent in the manufactures of England, the continent, and the United States, than we have the labor to supply; and it cannot be supplied from any other portion of the world, and is restricted here by the want of labor, which can only be furnished from our own fields in the grain-growing districts of the South. It is computed that, in the cotton zone of the United States, there are sixty million acres of land adapted to the cultivation of first-grade cotton; while, to supply the present crop of three million five hundred thousand bales, being seven tenths of all the cotton grown, we have under cultivation, allowing one half bale to the acre, only some seven or eight million acres, out of this entire area of five hundred and eighty-nine thousand square miles. Thus, it must be apparent, while there is this controlling demand for labor in the more remunerative cotton-fields, the southern grain States are brought into a most unequal competition for labor to produce their staples, which are grown to the enormous amount, throughout the country, of $2,000,000,000, and with an export of less than an average of $50,000,000, of all kinds of production from the grain-growing and provision sections, embracing more than half the States of the Union; while the planting States of the South, with a white population of not more than three million, enjoy a monopoly of two thirds of all the exports of the country, the principal part of which is cotton grown by not more than one million hands. The people of the southern grain States, with a white population of less than five million, have to compete with the free labor and fresh lands of the northwest and western States for their proportion of the $50,000,000 of exports.

This demand for slave labor is fast draining the middle States of their labor, and bringing down the price of land; emigration is continually going on; and while all other sections have the advantage, either resulting from cheap new lands or from the character of the staple they grow, we of the middle States see this continual drain upon our population, with no hope of a better condition, unless the policy of the Government should be such as to afford a healthy stimulus to the industrial pursuits, enabling us, through those channels, to obtain better prices for our produce, which is raised in such large amount, and which depends almost entirely upon our home market for consumption. Why, Mr. President, I hear much of free trade; now, sir, let us see how much free trade we actually have. It is estimated that the gross production of the country is about $3,000,000,000 in agriculture and manufactures yearly; allowing one half of this amount to be consumed by the producer, deduct from the remainder $310,000,000 exports, leaves $1,190,000,000 to be bought and sold in the home market of the United States upon the only real principle of free trade. This vast amount of production has to be consumed by those engaged in other pursuits; and if the policy of the Government should be such as to open our doors by taking off all restrictions to the manufactures of Europe, by excessive importations, by creating an unjust competition with that large class of our people who depend upon industrial pursuits, (more than one half of the whole population of the country,) by not fostering those great interests which are directly connected with the agricultural sections, you take the means, in great part, from this class, to consume this large surplus at such prices as would be remunerative to the land owner of the southern grain States.

Mr. President, I may take this occasion to say, in this connection, that I am in favor of a financial policy which, while raising adequate revenue for the Government upon a scale commensurate with a liberal system of improvement and in accordance with the requirements of the country, will, at the same time, afford, by proper discrimination, encouragement to such great interests as are affected by foreign competition; this is a part of my American creed. Sir, the State of Maryland, with only six hundred thousand people, of all classes, shows the great advantages of diversified labor and the intimate connection between manufactures and agriculture. For this reason she presents a better balance-sheet than most of our southern neighbors; by tables in my possession I show that Maryland has some twenty-three cotton factories, consuming, daily, fifty thousand pounds of raw cotton, worth over $6,000, which, at three hundred days working time, would amount to $1,800,000. These cotton factories are a part of a manufacturing system, embracing a variety of other kinds, which produce an aggregate sum, yearly, of $45,000,000. In 1850, Maryland had twenty-two thousand farms, producing $20,000,000 of agricultural produce, of which $5,000,000, including $2,000,000 of tobacco, were exported out of the State, leaving the large balance to be consumed by persons engaged in other pursuits at home.

It is by this diversified system that Maryland has been able to maintain herself against the crushing effects of an adverse governmental policy. The condition of some of her sister States is different. The State of Virginia, struggling against the effects of high prices for her slave labor in the cotton-fields, and low prices for her grain, the result of a depressed home market, sent in to the southwestern States, in 1857, over seventeen thousand effective laboring hands. What was the number from my own State and North and South Carolina, I have no means of knowing; but from Maryland, the emigration of that class of our population was large. The present condition of these States presents a most serious question of political economy; the competition for our labor, and other inducements held out to our people to emigrate, must bring down the price of land; emigration goes past us to the fresh and cheap lands of the West, and labor cannot be obtained, even at such prices as the products of the country could not bear. In Maryland, there are now large tracts of fine lands, in the glades of the Alleghanies, accessible to market, lying waste, which can be bought at one and two dollars an acre; in the old, settled counties of the State, the slave emigration has for years been tending to the Southwest, leaving behind it desolated homesteads and deserted fields. The same picture will apply with a deeper and darker coloring to Virginia. With millions of acres of the richest land to be found in virgin freshness and fertility throughout the whole range of her transalleghany borders, clothed with immense forests of heavy timber; with soil and climate adapted to the cultivation of every cereal; with mines of inexhaustible minerals; with water-power to develop and work up these great elements of wealth, yet she receives nothing from emigration, but has contributed most largely to the settlement and development of her sister States of the West and Southwest.

When you consider the effect of this drain on the grain-growing slave States, you see at once what an unequal competition we are brought into between the free-labor of the northwestern States, and the slave labor of the planting States. And now, Mr. President, I take occasion to say that if the annexation of Cuba is to be made a measure of sectional policy, if it is intended to unite the people of the South upon it, I, for one, must dissent, because by the acquisition of Cuba we not only put the middle States into a more unequal contest with the planting States, but increase the disadvantages of their position by the further abstraction of labor from this country into the sugar-fields of Cuba.

But how does it come that the people of Louisiana and the southern States are the advocates of the acquisition of Cuba? I recollect well that a few years ago, gentlemen told me all through the South that it was utterly impossible to raise sugar without a specific duty of two cents a pound, or what was equivalent to it. We are raising, I understand, about one hundred and forty thousand tons, under the protection given by the present tariff. It is a forced cultivation in this country. Take the duty off by the annexation of Cuba; bring the sugar of Cuba to our ports on a footing of equality with that of Louisiana, and what becomes of all the sugar lands of the United States? What becomes of that great sugar interest which has been so much talked about, and so much fostered by the Government? Can the people of Louisiana maintain a competition with Cuba without any duty, when heretofore it has been announced that they could not compete without a specific duty of two cents a pound? But, let me present this question in another point. More than half the land in Cuba is owned by non-residents —by persons residing in Spain. It is said that some five hundred thousand slaves will be poured into Cuba from the slave States of this Union. The property will be bought from non-residents, or those who will retire to Spain; and the consequence will be, in the course of five years, an abstraction of not less than $1,000,000,000 from the active capital of the United States. Then, consider the interest upon that sum, and the cost of maintaining an army to protect Cuba, and the cost of a large navy, which will also be necessary to defend it. It will be the inauguration of a new epoch in your country's history. You will be

obliged to have a large army and navy to protect not only the Island of Cuba, but your own country, from foreign aggression; and, if this bill shall pass, I am prepared to offer to the Senate a proposition for the building of one hundred steamers, and an increase of the standing Army to the extent of not less than thirty thousand men. These may be considered wild and visionary views of mine, but let it be remembered that if we are to have a war with England and France, or should drift into one in an attempt to wrest Cuba from Spain, we shall have to contend against a combined fleet of fifteen hundred ships, while we show but fifty-seven. We have more than ten or twelve thousand miles of coast-line to defend. We have no forts that could defend our coast against the attack of an enemy like England or France. Our whole frontier is exposed; and every city upon the Atlantic coast might be laid in ashes before the declaration of war was fully announced to the country.

These are considerations for the people of this country. These are questions for them fully to deliberate upon. If we are to take Cuba by violence, we must be prepared to inaugurate this new epoch; we must be prepared to change the whole policy of our country, and to maintain large standing armies, and increase the Navy to an extent commensurate, at least, with the expanded seacoast that we have to defend.

But, Mr. President, I have another objection to this bill. I object to the time when it is proposed. What, let me ask, is the immediate necessity? What is the imminent danger that we are now threatened with from Cuba? What is the difference between the position that we now maintain, and that in which we have found ourselves for the last twenty-five years? None, whatever, except this: that we have a bankrupt Treasury. We have told our own people to stand aside, we have no time to consider the Private Calendar; we have not considered it just or right or proper, in the present embarrassed condition of the Treasury, to take up the private claims of our own citizens against the Government; we have postponed the claims of the people, who have been knocking at these doors for the payment of just demands against the Government, not only for money spent in the defense of the country, but for money absolutely loaned, and the receipt of which has been acknowledged. Not a particle of consideration is shown these persons. They are turned aside with cold indifference, on the plea that we have not time to consider private claims while more pressing public matters are before us. Why are we talking now about retrenchment and economy? Why are we refusing to establish a financial policy in accordance with the views of the Executive, who himself has said that we have now really no financial policy, and that the wants of the Government are far beyond the income derived from its revenues. Why do we not comply with the recommendation of the President in this respect, when the necessity of it is so patent to the country? I fear it is simply because it may conflict with the views of party principle and policy, which have been laid down for the Government, without any reference whatever to the great and vital interests of the people. This is, to me, not in accordance with the interests of the country, or the feelings of the American people, who desire to see their officers well paid, and who have a right to demand that all the interests of the country shall be promoted, by building fortifications where they are required, by the erection of custom-houses and light-houses, by the advancement of the general welfare, and the development of all our great resources. That would be more in accordance with the spirit and genius of the American people than the little cheese-paring and candle-end economy which I find carried out here, which is only temporary, at best, and which must come back, with three-fold force and loss, before another Congress rolls around.

Mr. President, I must bring my remarks to a close; for I fear I have not only tired myself, but tired the Senate. I wish to notice the last sentence of the speech of the honorable Senator from Louisiana. After he had vindicated his doctrine of intervention for the independence of Cuba, he said:

"Tell her, too, that, if the people of the island, with their independence once acquired, and republican institutions established, shall desire to unite themselves with us, they shall be admitted to the equal benefits which our system of government secures to each independent State that enters into its charmed circle. She shall unite with us freely, the equal associate of free States; and when the union shall have been accomplished, the sword of the nation shall smite down any rude hand that shall attempt to sunder those whom the God of freedom has united."

I dissent entirely from a proposition of that sort. I do not desire to see here a wholesale naturalization of five or six hundred thousand Cubans, utterly ignorant of the institutions of this country, utterly unfit to exercise the rights of a republican government. I do not admit your right, under the Constitution, to bring into these United States a foreign State with foreign education, foreign prejudices, foreign sentiments and feelings, entirely at variance with the received opinions of our people—which is to be followed by the further absorption of Mexico, upon the same plea of necessary progression and extension.

Sir, this policy is at variance with the principles upon which I was elected to this body. I honestly believe that if this country is to be severed, if it is to depart from the early teachings of the fathers of the constitution, if it is to lose sight of all those landmarks of republican constitutional government by which a free people will be enabled to govern themselves, it will be by the introduction and absorption of foreign races, without sympathy, without congeniality of sentiment, without appreciation of the blessings of freedom. We are coming fast, ay, sir, too fast, to be a simple confederation of heterogeneous States, without a common understanding of the principles of free government. We are fast losing the once homogeneous character of our people. We are fast departing from all those landmarks which characterized our country in its early history, and we are likely to be changed from a free constitutional government into one of anarchy and despotism.

These are my deliberate views. I never will, by my vote, consent to admit into this Union, States whose constitution contains the principle of alien suffrage. It is at variance with the Constitution of the United States. I am utterly opposed to it, and as long as I shall have the honor of occupying a seat on this floor, when a new State comes here, whatever constitution it may present, whatever population it may have, I will never admit her to an equal participation in this Government, if she gives to an alien the same rights that I have, without having first complied with the laws of Congress under the requirements of the Constitution.

For these and other reasons, I am opposed to the annexation of Cuba. If we shall ever be so improvident, so imprudent, and so regardless of all the high duties imposed upon us by the fathers of the Revolution, as to relax these principles, and admit a people into the Union on this cheap suffrage, it will be the beginning of a speedy end of this form of Government.

Mr. WADE. Mr. President, I desire to say something on this subject; but I do not like to go on at this time of night, [nine o'clock p. m.] We have been here for two nights successively until twelve o'clock; and I hardly feel able to go on now. Unless there is some Senator who wishes now to speak, I shall move an adjournment; but if any one does desire to go on at this time, of course I shall withdraw the motion. I move that the Senate adjourn.

Mr. SLIDELL. I understand from the Senator from Ohio, [Mr. WADE,] and the Senator from New Hampshire, [Mr. CLARK,] that they are prepared to address the Senate to-night. Perhaps it would be more agreeable to them to address the Senate to-morrow; but, inasmuch as it is the intention of the friends of this bill to press it to a final vote to-morrow, it is very certain that we shall either have to sit on Sunday or that some of them will be deprived of the opportunity of speaking. I suggest, then, to those gentlemen, whether it would not be better to go on to-night. If they are willing to go on, I ask for the yeas and nays on the motion to adjourn, and then I shall ask for a vote on the bill.

The yeas and nays were ordered.

Mr. CLARK. The Senator from New York [Mr. SEWARD] desired me to say that he has paired off with the Senator from Georgia, [Mr. TOOMBS.]

The question being taken by yeas and nays, resulted—yeas 17, nays 28; as follows:

YEAS—Messrs. Bell, Broderick, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Foot, Foster, Hamlin, Harlan, King, Simmons, Trumbull, Wade, and Wilson—17.

NAYS—Messrs. Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Mallory, Polk, Pugh, Reid, Rice, Sebastian, Slidell, Smith, Ward, Wright, and Yulee—28.

So the Senate refused to adjourn.

Mr. DOOLITTLE. Mr. President, at this late stage of the session, it is impossible for any one to hope that this bill, even if it should be acted on by the Senate, will receive any action in the House of Representatives at the present session. There is now pending in the Senate a bill, which has been acted on by the House, which has been the subject-matter of discussion for the last fifteen years, upon which the minds of all Senators are already made up, and in regard to which it is unnecessary to take any great time in discussion—I refer to the homestead bill. Inasmuch as the majority of this body are determined to waste the time of the session, which is about to expire, in the discussion of a proposition which they can have no hope of carrying through the House of Representatives at this session, even if it should pass the Senate, I move to postpone the pending bill and all prior orders for the purpose of taking up the homestead bill; and on that question I demand the yeas and nays.

The yeas and nays were ordered.

Mr. DOOLITTLE. I will observe still further as to the importance and necessity of action on this bill, we desire to have it understood, and the country will understand, that we stand upon the good old Democratic doctrine of opening the Territories of the West as homesteads for the free white men of this country; and so far as the other question which is now pending is concerned, the Cuban policy, it is altogether too narrow and too contracted to meet with the Republican policy. Sir, we propose to the people of this country a policy which looks towards opening the free Territories of the West as homesteads for the white men, and the whole of Central America, the whole of the intertropical regions of this continent, as homesteads for the free colored population of the United States.

Mr. SLIDELL. I call the Senator to order, and ask the Chair to decide the question of order. I desire it to be decided whether, on this motion to postpone the prior orders, the Senator has a right to enter into the discussion of the merits of the homestead bill before it has been taken up.

The PRESIDING OFFICER, (Mr. FITCH in the chair.) The question of order being raised, the Chair——

Mr. DOOLITTLE. I do not propose to go into the merits of the question.

The PRESIDING OFFICER. The Chair will decide the question of order. Upon a motion to postpone prior orders for the purpose of taking up a bill, the Senator from Wisconsin cannot discuss the merits of the bill which he proposes to take up.

Mr. DOOLITTLE. I do not propose to discuss the merits. I merely propose to state the question, and say that with the homestead bill we propose to open up the western Territories as homesteads for the free white men, and, on the other question we propose, when we get to it——

Mr. SLIDELL. I hope the Chair will enforce its decision.

Mr. DOOLITTLE. I hope it will be the policy of the United States to open Central America to the free colored men——

Mr. SLIDELL. I call on the Chair to enforce its decision.

Mr. DOOLITTLE. I am not discussing the merits of the question.

The PRESIDING OFFICER. That is a difference of opinion between the Senator and the Chair.

Mr. DOOLITTLE. Well, sir, if the Chair insists on an opinion like that, I shall appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin appeals from the decision of the Chair. The question is, "Shall the decision of the Chair be sustained?"

Mr. CHANDLER. I call for the yeas and nays.

Mr. DOOLITTLE. I do not propose to say anything more, and as the yeas and nays have been ordered upon the motion to postpone the prior orders and take up the homestead bill, I hope the yeas and nays will be taken.

The PRESIDING OFFICER. Does the Senator withdraw his appeal, or call for the yeas and nays on the appeal?

Mr. DOOLITTLE. I say I demand the yeas and nays on the other question. I have said all I desire to say.

The PRESIDING OFFICER. The call for the yeas and nays on the Senator's motion has been seconded, and that is the pending question. Senators in favor of postponing all prior orders and taking up the homestead bill, will, as their names are called, answer "yea," those opposed will answer "nay."

Mr. LANE. Before the vote is taken, I desire to say that I do not understand the provisions of this bill as the Senator from Wisconsin understands them. He says, the purpose is to open up our Territories to settlement by giving away the domain. If I have read the bill aright, it does not propose to encourage the settlement of Oregon or of Washington Territory, of that portion of the country that needs, more than any other, aid and assistance in the way of procuring settlement. It proposes to give away lands in——

Mr. SLIDELL. Will my friend from Oregon give way?

Mr. LANE. I only want to give a reason for my vote.

Mr. SLIDELL. But by doing so he answers the purpose of the opposite side in consuming time.

Mr. LANE. I want to give a reason why I shall vote against this motion.

Mr. SLIDELL. I feel obliged to interpose.

Mr. LANE. I only want to say that this bill offers a premium to those who will stop this side of Oregon and Washington and our Pacific coast, and thus tends to prevent the settlement of that country. I shall, therefore, vote against taking up, and vote against the passage of this bill with its present provisions, because it is offering a premium to those who will not go to Oregon.

Mr. DOUGLAS. Mr. President——

Mr. JOHNSON, of Tennessee. Will the Senator permit me to say a word?

Mr. DOUGLAS. Certainly.

Mr. JOHNSON, of Tennessee. I wish to call the attention of the Senator from Wisconsin to a single point. He knows that I have been the early and consistent friend of the homestead proposition. I advocated that measure when it had but few friends; I have advocated it since it has had many friends. We struggled with it through one branch of Congress, and we have it now before the Senate for action. I wish merely to suggest, in this connection, that while I am for it, and intend to vote for it, and speak for it until I am really satisfied that it is either to be postponed finally, or to become the law, I hope the Senator, in the present state of affairs, with another question before the Senate, and Senators willing to speak upon it, and all prepared to vote upon it, will withdraw his motion. It is not worth while to antagonize with the pending question, when it actually weakens the proposition, and certainly cannot advance it. I am as much for the measure as the Senator from Wisconsin can be, and I was almost going to say that I am more for it than he can be. I hope he will withdraw his proposition, and let us have action on the subject now before the Senate. The course which he is taking cannot strengthen the homestead measure. It will give it no votes, and in the present state of affairs and business before the Senate, I am satisfied that there are many Senators who are in favor of the homestead bill who will vote against postponing this bill at the present time. I trust, then, he will withdraw his motion, and let it be understood that so soon as the Cuba question is disposed of, we shall make one common and united effort to bring up the homestead bill and procure the action of the Senate upon it.

Mr. DOUGLAS. I had only a word to say, and the Senator from Tennessee has said that in about the form that I should have done. I think it is unwise in the friends of the homestead bill to occupy time by crossing motions in this way and thus defeating the bill, when if we will consider one question at a time, we shall have ample opportunity to dispose of both. The right way now to pass the homestead bill, and the only chance it has, is to stand by the Cuba bill until we get through with it, then take up the homestead bill, and go on with that until we get through with it, and then take up the appropriation bills and get through with them. Let us take up one measure at a time, as we reach it. I voted to give the homestead bill priority over the Cuba bill; but this being up, as a friend of the homestead measure, I think the surest way to pass it is to stand by this bill until we dispose of it, and then take up the homestead bill.

Mr. CLARK. As a friend of the homestead bill I do not want to lose any votes for it by pressing it at an unseasonable hour. I think this is an unseasonable hour to press that or any other measure, [fifteen minutes past nine o'clock.] I therefore move that the Senate adjourn, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SEWARD. I have paired off with the honorable Senator from Georgia, [Mr. TOOMBS.] I do not know that we were paired off on this particular question, but as he is on the other side to me, and I believe I am right, I shall abstain from voting.

Mr. CAMERON. I have paired off with the Senator from Rhode Island, [Mr. ALLEN.]

The question being taken by yeas and nays, resulted—yeas 17, nays 30; as follows:

YEAS—Messrs. Bell, Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Fessenden, Foot, Foster, Hamlin, Harlan, King, Simmons, Trumbull, Wade, and Wilson—17.

NAYS—Messrs. Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Mallory, Pearce, Polk, Pugh, Reid, Rice, Sebastian, Seward, Shields, Slidell, Smith, Ward, Wright, and Yulee—30.

So the Senate refused to adjourn; and the question recurred on the motion of Mr. DOOLITTLE to postpone all prior orders and take up the homestead bill.

Mr. RICE. If there is any one measure before the Senate that I desire to pass, it is the homestead bill; but I believe that every effort made by those who advocate it, to call it up on an occasion like this, will but weaken the measure. It is certain that it cannot be brought up now; it has not the votes here to do it; and the tendency of every effort which is made, and which results in a failure, is to weaken the measure. I hope, therefore, the Senator from Wisconsin will withdraw his motion. I ask this as a friend of the measure; and believing him to be a friend of it, I ask him to withdraw his motion.

Mr. BROWN. There is no necessary antagonism between these two measures. The Cuba question is now before the Senate, and its friends mean to press it to a vote. There ought not to be, therefore, any purpose on the part of the friends of the homestead bill to thrust it in at this stage of proceedings. I shall not vote for the homestead bill, though I am not particularly unfriendly to it. I will say to my friend from Wisconsin, that if he will now withdraw his motion, I will, so soon as the Cuba bill is disposed of, vote with him to take up the homestead bill. I want to get along with one thing at a time. I am willing to bring it before the Senate on a proper occasion, and let the Senate dispose of it as they may determine. I hope the friends of that measure will not press it now, nor fritter away our time by making one measure clash with another.

Mr. JOHNSON, of Tennessee. I make an appeal to the Senator from Wisconsin, as a friend of the homestead measure, to withdraw his proposition for the present.

Mr. TRUMBULL. If there was any assurance that the homestead bill could be taken up, after the Cuba question was disposed of, I should feel willing to see it have the go-by on the present occasion; but we have sought repeatedly to bring up the homestead bill, and every movement that has been made to bring it up has been met with a counter movement crowding it out of the way with something else. On several occasions the appropriation bills have been interposed; and we all know that the Senator from Virginia always has an appropriation bill ready whenever any measure comes up to which he is opposed; and we all know that, at this stage of the session, he can secure a majority of the Senate to postpone any measure for an appropriation bill. Now, if the Senator from Virginia will give us an assurance that we shall have a chance to bring up the homestead bill, and keep it before the Senate until we can get a vote on it, after the Cuba bill is through, and that he will not interpose an appropriation bill, I would join with gentlemen in asking my friend from Wisconsin to withdraw the motion he has made; but, if we are to be met with appropriation bills to crowd the homestead bill out afterwards, we may as well press it now as any other time.

Mr. HUNTER. I certainly will press the appropriation bills. I will give no promise to vote to take up the homestead bill.

Mr. TRUMBULL. That is as I expected. Now, I ask, what hope have the friends of the homestead bill if they give it the go-by now? I appeal to the Senator from Tennessee to stand by this great favorite measure of his, of more benefit to the country than any other project that has been introduced into this body. We now have notice that we are to be met with an appropriation bill the moment that the Cuba question is disposed of, and here we are wasting our time at this stage of the session in making long speeches, and debating about the acquisition of a country that does not belong to us, instead of providing for the settlement of the country which we own. There can be no hope of getting up the homestead bill as against an appropriation bill. It is very manifest now that any attempt will be useless, because the appropriation bills are bills of that character which we all admit must be passed; and if two days are now to be taken up with the Cuba question, a measure which its friends do not expect to pass through the other House—at least it has been stated here that there is no probability of its passing the other House, and nobody has contradicted the statement—we are wasting the time of the Senate upon a measure out of which nothing practical is to come, and postponing a measure of vital interest to the country, and to all sections of the country.

Mr. BIGLER. Will the Senator from Illinois allow me one moment?

Mr. TRUMBULL. Yes, sir.

Mr. BIGLER. Will the Senator from Illinois, on the part of those with whom he acts, name an hour at which they will agree to vote upon both propositions—Cuba and the homestead?

Mr. TRUMBULL. So far as I am concerned, I am ready to vote on the homestead now, and I am ready to vote on the other question now; but other gentlemen, I understand, design to discuss the Cuba bill; and I am willing that they should discuss it. Other gentlemen, I suppose, desire to discuss the homestead bill. I cannot control them. As for myself, I do not care to hear a discussion upon either bill.

Mr. SEWARD. Mr. President, I hope that no Senator who is a friend of the homestead bill will undertake to make any bargain to give away whatever chance it has, small as it may be, to be carried at the present time. I give notice to any Senator who shall undertake to do that, that if he undertakes to bargain my vote, he will find that I am not prepared to carry out his agreement. I found fault with my honorable friend from Wisconsin this morning, when, I think, in a spirit of courtesy, rather than in a spirit of justice and consideration, he withdrew his motion to take up the homestead bill, and allowed the Cuba question to be taken up for consideration by the Senate. That was nine hours ago.

Mr. DOOLITTLE. I beg leave to correct my honorable friend from New York. I did not yield for the purpose of taking up the Cuba bill. I yielded in pursuance of what I understood to be an understanding of the evening previous, that we should take a vote on the post route bill. Then, it is true, I failed to get the floor, and the Senator from Louisiana had it.

Mr. SEWARD. I stand corrected; and the fault was less grave than I supposed it to be. The honorable Senator who this morning took charge of the homestead bill did give way to enable the Senate to pass a bill to increase the postages which are paid by the people of the free States of this Union to reduce the burdens that fall upon the slave States of the Union. He will excuse me for saying it was not wisely done; but it was acquiesced in by the friends of the homestead bill; and now certainly, at this hour of the night, after nine hours' yielding to the discussion of the Cuba question, it is time to come back to the great question of the day and the age. The Senate of the United States may as well meet face to face the issue which is before them. It is an issue presented

by the competition between these two questions: one, the homestead bill, is a question of homes, of lands for the landless freemen of the United States. The Cuba bill is the question of slaves for the slaveholders in the United States. My honorable friend from Maine says it creates a question of more slaves to the slaveholders.

Mr. SLIDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Louisiana?

Mr. SEWARD. No, sir, I do not.

Mr. SLIDELL. I call the Senator from New York to order, and ask the Chair to stand by the decision which was made this evening by the Chair.

The VICE PRESIDENT. Will the Senator state his point of order?

Mr. SLIDELL. It is, that on a proposition to postpone the prior orders, the Senator from New York is entering into a discussion of the comparative merits of the two bills, and the policy they involve—the slave question and the free question, and, in fact, everything possible that can be introduced into a discussion of the kind.

The VICE PRESIDENT. The Chair must decide the point of order without debate. Undoubtedly, by the general parliamentary law, it is not in order to discuss the merits of a proposition on a motion to take it up; but the question having been distinctly presented to the Senate again and again, and the Senate having refused to make that limitation, the Chair declines to impose a limitation on the Senate which it has refused to impose upon itself.

Mr. SEWARD. The Chair is undoubtedly correct.

Mr. SLIDELL. I wish to ask one question of the Presiding Officer. Certainly we should have some rule to govern us. The Senator who sat in the Chair some half an hour since, decided directly the reverse. It seems to me we should have some well-defined rule of the Senate upon this subject. I do it with great reluctance, but I shall feel compelled to appeal from the decision of the Chair.

Mr. FITCH. The reason the previous occupant of the Chair decided precisely——

Mr. FESSENDEN. I call both Senators to order.

The VICE PRESIDENT. The Senator from Maine rises to a point of order, which he will state.

Mr. FESSENDEN. No appeal is taken from the decision of the Chair, and debate is out of order on that question. The Chair decided it, and no appeal was taken.

Mr. SLIDELL. I do appeal.

Mr. FESSENDEN. Very well; then it is in order.

The VICE PRESIDENT. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. SIMMONS. Is that question debatable?

The VICE PRESIDENT. It is debatable.

Mr. SIMMONS. I shall vote to sustain the decision of the Chair. There was a decision of the Chair about half an hour since, that upon the question of postponing all prior orders to take up a proposition, it was not debatable. Debate was ruled out of order.

Mr. SLIDELL. With the permission of the Senator from Rhode Island——

The VICE PRESIDENT. Does the Senator from Rhode Island yield the floor?

Mr. SIMMONS. No, sir; I will not yield until I get through.

Mr. SLIDELL. I withdraw my appeal.

Mr. SIMMONS. Then I am happy to be relieved from speaking on this subject.

The VICE PRESIDENT. The Senator from New York is entitled to the floor.

Mr. SEWARD. Mr. President, I plainly foresee that we are reaching the time when we shall be able to discriminate between the true friends of the homestead bill, or of the policy of the relinquishment of the public lands to the people of the United States for actual settlement and residence, and those who are its friends from expediency, the friends of the hour, the friends of the day, the friends from the consideration of the importance which they——

Mr. FITCH. I wish the question of order to be put to the Senate, and not to the Chair. The Chair has decided, as the recent occupant of the Chair did, that, under strict parliamentary law, the merits of a bill which it was proposed to take up could not be discussed on a motion to postpone the prior orders, for the purpose of taking it up, but stated that the Senate had refused to sustain that decision; and therefore the Chair was not disposed, himself, to enforce it. I now appeal to the Senate to enforce it, and see if this interminable discussion upon a subject not before the Senate can be stopped.

The VICE PRESIDENT. What question does the Senator make?

Mr. FITCH. That the Chair shall submit this question to the Senate, whether this debate is in order or not?

Mr. FOSTER. I call the Senator to order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. FOSTER. The point of order is, that the Senator, instead of addressing the Chair and making his points to the Chair, appeals to the Senate. It strikes me that this is a gross breach of order.

The VICE PRESIDENT. The Chair understood the Senator from Indiana to address the Chair.

Mr. FITCH. The Senator is under a decided mistake. I asked the Chair to put the question to the Senate. It is not an appeal from the decision of the Chair, because the decision of the Chair is undoubtedly correct; but he stated he would not enforce it, as whenever, the attempt to do so was made, it was overruled by the Senate. I simply ask the Chair again to put the question to the Senate, whether his decision is correct or not.

Mr. COLLAMER. I understand it is a privilege of the Chair, in a discussion where doubts are entertained in relation to the propriety of a certain rule or a certain point, to put it to the vote of the Senate without deciding it. The Chair is now asked to put to a vote of the Senate what the Chair has decided already. I take it for granted that the Chair, having decided thus far, the only way in which the Senate can pass upon it is by an appeal.

The VICE PRESIDENT. The Chair will state that he was slightly misapprehended by the Senator from Indiana. The Chair has never decided that it was out of order for a Senator to discuss the merits of a proposition on a motion to take it up. He has been governed entirely by the action and practice of the Senate. The question is never made until the close of the session. The opportunity has again and again been offered to the Senate to make a rule declaring it to be out of order to discuss the merits of a question on a motion to take it up. The Senate having declined to do so, the Chair will not undertake to impose a limitation on the body which it has not imposed upon itself. The Senate must make its own rules. The Chair has made the decision, and declines to submit it to the Senate.

Mr. SEWARD. I suppose I am in order.

The VICE PRESIDENT. The Senator from New York has the floor.

Mr. SEWARD. I wish, therefore, to give notice to the friends of the homestead bill, and I hope that the country will understand the exact position of this question. It is, so far as this session of Congress is concerned, the last hour of the last day in which a motion to take up and decide the homestead bill with success can be made. It is the last day of this Congress, the fifth Congress of which I have been a member, in which the homestead bill has been agitated in the Senate, and discussed with more or less care and deliberation, and postponed for other questions which were held by the Senate to be more important. This vote will be taken by the country to be a vote deciding that, between the President's scheme of securing for himself the control of $30,000,000 for the impracticable purpose of acquiring the Island of Cuba to fortify and extend slavery in the United States, and the policy of opening the public lands to settlement by the inhabitants and citizens of the United States, as actual residents, to be cultivated by them, and become tax payers and supporters of the Government, the Senate decides for the one or the other according to its preference. For one, I am not willing to be bound by any agreement to postpone this question for an hour longer. At every stage of the session now approaching the end of three months, this question has been urged upon the consideration of the Senate, and at every stage it has been met by delays, by postponements, and by other means of resistance, until there is no longer a hope left. I believe that the Chair was right in deciding that the Senate had never restricted debate on such questions. I think it would be unfortunate if it should do so. But, at all events, whatever the disposition of the Senate might be, I believe that, in all the remarks I have submitted upon this occasion, I have not transgressed the rules which even the strict-constructionists of the Senate would prescribe. Upon a question whether the Senate will lay down one question and take up another, it is necessary, and it is proper, that the considerations in favor of the policy of the one measure should be contrasted against the considerations which support the policy of the other. I have gone no further than this. It is simply coming to the point; and if it brings up, in any degree, the merits of the respective measures, it is not by discussing the merits of each in detail, but it is by taking the salient features of each, and placing them in contrast, to enable the Senate to judge.

Mr. REID. Mr. President, I rise merely for the purpose of announcing to the Senate and to the country that during this day, which is the last day, as the Senator says, when there is a prospect of taking up this bill, which he characterizes as a great measure, for the last four or five hours gentlemen upon the other side of the Chamber have been moving and voting for adjournments, so as to prevent the possibility of the passage of this great measure. If his side of the House could have prevailed by their votes, we should have adjourned five hours ago.

Mr. TOOMBS. It is very rarely that I am in the habit, in this body, of addressing the country; and I do not intend to do it now. When I address the country I speak to the country. I speak to the American people in their own proper names, and to them especially; but, upon these little, paltry tricks, of two-penny demagogues, to prevent coming to a vote on this question, I speak to the Senate, and to Senators. As to your "land to the landless," it is supposed to carry with it some amount of demagogical power. I do not pretend to condemn it. I am ready to examine it when it comes up, and to decide it upon its merits; but it is not in order now. I trust that American Senators, in consideration of great questions connected with the public service, are not to be driven or intimidated by a parcel of gentlemen who seek to avoid a real issue by appealing to lacklanders—"honest settlers," I believe, is the term—giving the public lands to the landless, and making donations of it to them.

It will not require very long when the Senate will see it, and I need not address them to show that these people do not seek to carry on the Government in its foreign relations, nor in its domestic relations, with reference to this great people. They do not seek to carry out its great mission; but when a question is presented they shrink, and squirm, and are afraid to meet the country. These very lacklanders shrink and tremble, and, to avoid the responsibility of voting upon this great foreign policy, they will stop and give "land to the landless." As one Senator has said, you have discussed it for ten years; and what have you done? Have they got any land, except that which has been thrown away in bounties? Not a particle of it. When is it that this "land to the landless" most exercises the patriotic bosoms of Free-Soilers in this Senate? It is the very moment that a question comes up which they are afraid to meet. They will go on for two or three months, and there is not a movement for the lacklanders, until just at that very point at which something is to be done upon which they are afraid to make a mark; and then, like Niobe, they are all tears for the lacklanders.

Now, Mr. President, there is one class of people whom I despise as American Senators, and that is, demagogues; but there is another class that I despise a great deal more; and that is, the people who are driven by demagogues. They are a great deal worse. A demagogue is a dirty dog, but he has got a principle; he appeals to the people; he rouses the masses; he speaks home to the prejudices, to the passions, and sometimes to the vile prejudices and vile passions of the masses; but the man he drives is worse than he is; and that is the way with "land to the land-

less." When you have a great question of national policy which appeals to the patriotism of the whole American people, a plain and naked question, then we hear of "land to the landless." If you do not wish to give $30,000,000 for the acquisition of Cuba, say so by your vote, ay or no; and then I will take up your "land to the landless," and meet that with an ay or no. I will turn to one thing at a time. I am not afraid of either. When it is presented to me, I will not shrink; I will not squirm, and try to get away by fraudulent pretenses that I want another thing considered.

That is what you are doing. That is what the Senator from New York is doing. He does not mean anything else by it. He wishes to get rid of one issue by taking up another. He wishes to escape, to evade meeting and confronting this great question of national policy, by covering himself with "land to the landless." Here is a question whether we shall aid the administerer of the Government of this country to acquire Cuba, and give $30,000,000 for that purpose. If you do not like to give $30,000,000, say no, like men. What are you afraid of? Are you afraid of lacklanders? They will not object to getting more land. The more we have, the better chance for them.

I was brought up in a State settled by paupers. They were all lacklanders. Oglethorpe settled, with men from the poor-houses of Europe, upon the soil of Georgia; and whatever she is, she is the architect of her own fortune. Whatever she is, she has made herself. She has no prejudices about selling land. We never sold an acre. We gave it to the uttermost parts of the earth, to all nations and all climes and all countries. It was as common as the air of heaven. It was ours, and we gave it to whoever came and took it and occupied it. It was a grand and noble policy; one which made us what we are. We won it from our great master, the King of England. You got yours by the other mode—by trade with the Indians. When we got it, we gave it to the first taker. Therefore, I have no prejudices against your policy of giving land to actual settlers. I know what this all amounts to. I have gone through all that; but there are other questions now pending, other questions now pressing. The way we have been able to give land to the lacklanders, to extend this great country, and to supply the landless with land, has been by the extension of the empire by arms and by money. Here is a *projet* to extend the area of the empire, and give more land to the lacklanders upon proper principles, and therefore let us meet that; and when we have got through that, and they want more, whether they are willing to pay the price and settle them or not, bring me to the scratch, and I am ready to meet it. I am prepared to meet that question, and decide it. If you bring up the question of land to those who have got none, I am ready to meet or vote against it. I do not tremble or shrink from it. I am ready to meet it to-night, if this question should come up. I am prepared for this measure, or any measure that shall give public lands to actual settlers, and to go to the country with it; make of it what you can.

But we do not want to be diverted from a great question of public policy by pretenses or by pretexts, or by the shivering in the wind of men in particular localities. We can settle this question of Cuba now, in ten minutes, and settle the land for the landless in ten minutes more. As was said by the Senator from Wisconsin, who made this motion, it is a subject that has been talked of for fifteen years. I think it ought to be presumed that we have got our opinions upon it. All of you have got to be thirty years of age to represent a State, and I think the great body of you are rather a respectable body of men than otherwise; not very much above the average, I believe, of my countrymen; but, at the same time, I think you have got fixed opinions upon all these questions. Now, let us meet this question, and then I will meet with you and decide the other.

Mr. WADE. I am very glad that this question has at length come up: I am glad, too, that it has antagonized with this nigger question. [Laughter.] We are "shivering in the wind," are we, sir, over your Cuba question? You may have occasion to shiver on that question before you are through with it. Now, sir, I have been trying here for nearly a month to get a straight forward vote upon this great measure of land to the landless. I glory in that measure. It is the greatest that has ever come before the American Senate, and it has now come so that there is no dodging it. The question will be, shall we give niggers to the niggerless, or land to the landless? [Applause in the galleries.]

The VICE PRESIDENT rapped to order.

Mr. WADE. I will meet that measure. I do not tremble before them or their owners, or anybody else; and it does not become gentlemen of the Senate to tremble over a measure. Sir, it is not very senatorial language. God knows, I never tremble before anybody. I do not expect to tremble before anybody. I do not expect to use language that ought to be offensive to anybody here, and I will not submit to it from anybody.

I moved some days ago to take up this subject. It was said then that there was an appropriation bill that stood in the way of this great question being settled. The Senator from Virginia had his appropriation bills. It was important, then, that they should be settled at once; there was danger that they would be lost, and the Government would stop in consequence, and an appeal was made to gentlemen to give this bill the go-by for the time being, at all events, and the appeal was successful. Gentlemen said the appropriation bills must be passed; and, although they were anxious for the passage of this bill, nevertheless it must be postponed for the appropriation bills. The appropriation bills lie very easy now behind this nigger operation. [Laughter.] When you come to niggers for the niggerless, all other questions sink into perfect insignificance. But, sir, we will antagonize these measures. I appeal to the country upon them. I ask the people do you choose that we should go through the earth hunting for niggers, for really that is the whole purpose of the Democratic party? They can no more run their party without niggers than you could run a steam engine without fuel. [Laughter.] That is all there is of Democracy; and when you cannot raise niggers enough for the market, then you must go abroad fishing for niggers through the whole world. Are you going to buy Cuba for land for the landless? What is there? You will find three quarters of a million of niggers, but you will not find any land; not one foot, not an inch. I am exceedingly glad that the question has come up. Let us now see who are the friends of this land measure; let us vote it through; and then, without fear or trembling, take up the nigger bill.

I say there is no excuse for gentlemen who are really in favor of this measure. Tell, me, sir, that you skulked behind this Cuba bill? It would be a very poor story to tell those landless men of whom the gentleman speaks. These lacklanders will say to you: "When we lacked land, and you had it in your power to give it to us, you went off fishing for niggers." Will that satisfy them? It may, and it may not. I fear that there will be trembling in some quarters over this question. I hope the vote will be taken, and I warn every man who is a friend of this bill that now is the time; now or never. Give this homestead bill the go-by now, and it dies, and every man knows it. Therefore it is idle to tell me that any man is a friend of the homestead bill who will not give it his support now.

Mr. President, I do not like these taunts and threats about fearing one question or another. I do not very much fear anybody or anything. It would be a very uncomfortable state of mind, I should think. But, sir, I am in favor of this measure. The merits of it, I suppose, are open to discussion. I think it would be easy to show that there has not been, at any time, a measure so fraught with benefit to the people all over the country, as this great measure—the homestead bill. If gentlemen see fit, they can pass it in ten minutes; and then we can go back to the nigger bill, and take that up, and make the best headway we can with that. You need not be ten minutes in passing the bill, if you are true to yourselves, true to your constituents, and faithful to those who have asked at the hands of every honest man that this measure should pass. I say, again, there is no reason to skulk it now. It is fairly up. It is in contrast with the other measure; and no man can fail to see that he who votes and prefers one to the other, has done it because his soul was steeped in the nigger bill.

Mr. FESSENDEN. I am struck somewhat with the language and the manner of the honorable Senator from Georgia; and I feel inclined to ask him, whether the exhibition he has made is or is not in humble imitation of the great man at the other end of the avenue? He saw fit, in addressing an out-door crowd, to indulge in language very much of the same description, to say that none but cowards would hesitate to sustain this Cuba measure; and following suit to the leader and head of the party, the honorable Senator from Georgia undertakes to tell us here that we shrink and tremble at the idea of meeting the question. Sir, this elegant language began in the White House, and it has descended here. What is it to be when it gets down to the tap-room, for there I suppose it is to go? It is the bugle-note, I suppose, of the party. We are to be accused of being afraid to meet the question of the acquisition of Cuba. The honorable Senator has taken it up. He is not generally an imitator. Ordinarily, he is original. I beg leave to suggest to him, in this instance, that he is only copying somebody else; and a poor original to copy, judging from the sample.

Now, sir, for one, I want to say, in all soberness, that I am not afraid to meet the Cuba question. I did not design to meet it with a speech, because I supposed there would be much more speaking, or speaking enough upon the question without my aid, and much better than I could give; but there are certain times when a man must say something in defense of himself. When it is charged upon him, an American Senator, that he wants to shirk and dodge a question here, it is time for him to let it be known whether that is so or not. Now, I beg leave to tell the Senator that we are neither to be scolded out of our course upon this question, nor laughed nor frightened out of it, one way or the other. The majority of this Senate has had a sample, at no very distant day, of what we can do when we are determined upon a question and a course; for the same sort of thing was had recourse to by gentlemen on a former occasion. We had the thundering tones of the Senator from Georgia in denunciation, and the sweet and dulcet tones of the Senator from Louisiana, [Mr. BENJAMIN,] by way of solicitation; and yet, sir, we accomplished our purpose.

Mr. BENJAMIN. No; we passed the bill.

Mr. FESSENDEN. Ay, but we accomplished our purpose at the time; we did not object to passing the bill when the time came. You undertook to say you would pass it within a certain time, and we told you, you would not; and you did not.

Mr. TOOMBS. We gave you an hour of grace.

Mr. FESSENDEN. We did not ask for grace; and those who get it without asking for it, are apt to suppose it is something else called by that name. Now, sir, I do not wish to utter any threats, on this occasion, of what we are disposed to do, or disposed to bear; but I want to give notice to these gentlemen that we will take our own time, under the rules of the Senate, with reference to this matter, having as well our objects to accomplish as they have theirs; and if gentlemen talk about the country, we are willing to meet this question there.

I am opposed to the acquisition of Cuba under this bill, or, at the present time, under any bill; and I will vote so when I get the chance to vote on it. I have not hesitated to say so; and, if need be, I will give my reason for it. I ask gentlemen to consider, when they talk about opposing one question to another, whether we have not something to say on that subject as well as themselves. This is a great question of foreign policy, is it? Stealing land, because that is the avowal; getting it by theft or robbery, because that is what your President says, and what he avowed long ago. I do not believe there is a man in this Senate, and some of them avowed it—the honorable Senator from Florida said, in his speech, he had no idea that Cuba was to be obtained by purchase.

Mr. MALLORY. If the Senator will allow me, he does not quote me exactly correct. I said we could not purchase it for money, but in connection with commercial advantages to be yielded to Spain.

Mr. FESSENDEN. Well, sir, that is another mode of putting it in the same way: that Cuba is not to be purchased—and he avowed substantially that it was not to be purchased; it was to be taken;

the time had come. The President has said the same thing. He said it long ago, at the Ostend conference. He said it in his message, as some of us stated it here. So I say, it is a question of theft; rather of robbery, and not of purchase; and gentlemen so understand it. That is the question before us. When has there been a call for this measure? Senators talk about it as a business measure; but has there been any call for it by the country? Where are your petitions from the people of the country; those whom you represent here? Where are your resolutions of State Legislatures? Where is your movement anywhere in favor of it? Where do you find your call from the people? You say you represent the people, and have a great question of policy. Where does it come from? What brought it up here? Gentlemen do not hold themselves responsible to the people who lead in this measure. That is the truth with regard to it. Coming up when? At the very heel of the session; at the very close, when everybody admits, if we occupy ourselves industriously, day and night, from this to the time when our life terminates—I mean life in connection with this Congress, of course—we have enough to do to attend to the necessary business of the country to carry on the Government. Gentlemen admit this, and yet you are talking of this question of foreign policy. My friend from Ohio has well designated it. It is a mere question of party, a mere question of party issue, a mere humbug; and gentlemen know it, and intend it to be such. They have no idea of accomplishing anything by this measure except to make a party issue for their own party purposes. That is what I sincerely believe, and I do not, therefore, hesitate to say so; and yet they talk to us because we—I cannot say "we," for I am not a particular advocate of the homestead bill, although I shall vote for it—because gentlemen desire to antagonize with it—what? Something that we have an opportunity to pass. A bill that has passed the other house, has come here, and only requires our action to become a law. What do Senators on the other side want to do? You desire to pass the Cuba bill in the Senate at this late period of the session, when you know, and cannot pretend to believe otherwise, that there is not the ghost of a chance for it to be taken up in the other House of Congress—not one; and you do not expect it to become a law, under any circumstances, at this session of Congress, or you cannot reasonably expect it; and yet gentlemen talk to us about doing the business of the country. I have heard that before. The business of the party always takes precedence of the business of the country. That is my observation.

Now, I gave notice the other day, in conversation with the honorable Senator who is chairman of the Committee on Finance, of what we were willing to do. I repeat it now, that at this late hour we are ready to take up the proper business of the country, and act upon it day and night if you please, to the end of the session. We will come here as early and sit here as late as you like, acting upon these appropriation bills that are necessary to carry on this Government, if you choose to do that. You have met with no difficulty from us in relation to these matters, and in relation to any business and appropriation before this body—anything of a business nature which you really expect to become a law. But, if you choose, and I so said at that time, at this period to interpose, before these bills which are necessary to carry on your Administration, a mere question of this description from which you expect no results, except party results, you cannot reasonably ask us to aid you. You cannot reasonably find fault with us if we call up bills which, if we act upon them in the Senate, may become laws, so far as our action is concerned. Gentlemen cannot escape this responsibility. It is upon them.

I know my friend, the chairman of the Committee on Finance, is frank. He says the moment this Cuba bill is disposed of, he will call up the appropriation bills and insist upon action on them. Why not call them up before? Why make an agreement that these last two days of this week, Friday and Saturday, be devoted to this Cuba question? Why did he assent that the necessary business of the country should be postponed for this Cuba bill? Why is the appropriation bill, so necessary to carry on this Government, laid aside for the benefit of a measure which is simply intended to operate upon the politics of the country? I should like to know what the reason is, especially before gentlemen accuse us of interposing delays in any shape or form. Now, sir, the responsibility will be upon you; for I want gentlemen to understand that all these threats will have no sort of influence upon us with regard to time. If you choose to put in your measure here, of which you understand the nature, and of which you understand that we know the nature, in the place of the business of the country, you must take the responsibility; that is all. It will not affect our action in the slightest degree.

Mr. SEWARD. Mr. President——

Mr. PUGH. I call the Senator from New York to order. The rule of the Senate is express that no Senator shall speak more than twice on the same question on the same day.

Mr. SEWARD. I believe, Mr. President, I have not spoken on this question twice.

Mr. PUGH. The Senator has spoken twice at least.

The VICE PRESIDENT. The recollection of the Chair is that the Senator from New York has spoken but once, and he is entitled to speak twice.

Mr. SEWARD. I had the floor and was several times interrupted, and gave way to gentlemen who asked the kindness of me to allow them to suggest their views.

Mr. President, I am not accustomed to impugn the bravery or courage of anybody in the Senate, much less to avouch my own. I think every man in the Senate has all the courage that is required, and I certainly have got all that is necessary for my own purposes. I think that there are some other qualities besides courage that are essential to legislators and Senators, and amongst these are moral courage, fidelity to the interests of the constituency who send us here; and if all the world should accuse me of having a lack of manliness, of succumbing to influences averse to the interests of my people, I should still think it the part of wisdom and of duty to maintain those interests.

But, sir, if there is any question of courage here, I would like to examine a little deeper into it than the honorable Senator from Georgia has gone. Who is it that is afraid? The President of the United States, with a party triumphant, a majority in both Houses of Congress, came into power two years ago, capable of dictating and of carrying through all the necessary measures of administration. One half of the presidential term has expired; one half of an Administration has closed; and what has happened? The President of the United States has been engaged in the effort to extend slavery and to build up the interests of slavery in the United States during all that time, and with signal failure. Two free States have already come into the Union, and a third has been kept out from the Union by the influence, the power, and the patronage of the Federal Government. The Congress is going to its rest, and the President is coming before the people; and just in that crisis the President, instead of meeting the questions upon which he is held responsible and his party are held responsible to the people, and upon which they are on trial, thrust into the Senate of the United States a demand, first, for $30,000,000 to be taken out of the public money and put into his private purse to be used as he shall think fit, and in his discretion, in buying foreign slave lands to add to this Republic; and he thinks, under the smoke of that fire, that he shall escape the public reprobation which awaits him. Then, upon another day, he comes into the Congress of the United States and demands that they shall confer on him the war-making power, and authorize him at his discretion, and for whatever causes he shall think sufficient, to make war against all the free Spanish States on this continent, who have never, in my humble judgment, committed any serious offense against the United States, except that of abolishing slavery throughout their dominions; and he expects, by appealing to the cupidity of the American people, that he will escape an investigation upon the domestic policy of the Administration, which has been a total failure.

Where is the railroad to the Pacific ocean which the President promised in his annual message, in both his annual messages, and in his acceptance of the nomination for the office of President? Gone, sunk, sacrificed, lost, in his attempt to fasten slavery on the Territory of Kansas. Where is his protection to the manufacturing interest of the State of Pennsylvania? His promise of relief to the bankrupt? His promise of a restoration to commerce? All failed. There is not one cardinal measure of the presidential policy which has been carried out. There remains none for him to propose; and when now the representatives of the people of the free States demand this last measure, the one which they have power to carry out, which is already half accomplished by the vote of the House of Representatives, they are to be told that they are cowards because they dare not meet the miserable, pitiful, false, fabulous, pretended issue which the President of the United States has forced upon us.

Sir, I am not afraid of the President's policy or scheme. I have not mistaken it from the beginning, and do not now. I told the Senate when it was announced, that I took it not for a giant in armor, but for a windmill with sails; and God knows that we have let the windmill play as long as the breeze has lasted. It is a whole month since you have had it here playing the windmill upon the prejudices of the people, and where are you now? Say that we are afraid to meet it! Have we not met it at every stage? Have we not debated it until we have left but six days of the session for anything else, except the mere miserable amusement of playing upon the popular credulity, by attempting to make them believe that the President is sincere in asking that we shall put $30,000,000 in his pocket, and that he can negotiate for the purchase of the Island of Cuba, which cannot be purchased if the money is left in the Treasury of the United States, where the Constitution directs it shall be placed?

There remains on this issue nothing but this: the Senate of the United States is so constituted, and, politically, so organized by the votes of parties, that it has a preponderance of votes in favor of the interests of the slave States; and the House of Representatives has come, at last, in some degree, to be a true exponent of the interests and sentiments of the free States. The Senate is the propagandist of slave labor; the House of Representatives is the body which maintains and demands the interests of freedom and free labor. The Senate propose to extend the increase of the production of the tropics by compulsory labor in the Island of Cuba; and the House of Representatives propose to increase the products of the temperate clime by opening the public lands to cultivation by actual settlers, who are waiting to possess them throughout the United States. I do not care how the question is brought up; I do not care who brings it up; it is no matter to me when it is brought up, whether it be in the morning, at twelve o'clock, as it was to-day; or now, at ten o'clock at night; or at four o'clock in the morning: whether it be noon, sunrise, or even tide; I am always to be found there; always on the side of the House of Representatives, freedom, and free labor; and always against the Senate, slavery, and slave labor. If there is cowardice in that, I am willing to submit to the imputation.

Mr. TOOMBS. This is a very singular manifestation. The Senate is a very safe place for the profession which the Senator from New York has made. A question was presented to this body at the opening of the session with reference to the acquisition of the Island of Cuba. A committee of this body has recommended to the Senate, after two months' consideration, that it shall be done in a particular way. The Senator from New York, the chivalrous, the furious defender of freedom, (and if that is the only defense of freedom he could make, the Senator would not have been free enough to sit in his chair now; no institution that he maintains would keep him here,) after he had made his own speech, and two weeks had elapsed, the question is regularly brought up and is made the special order by this body, a majority of whom, according to the forms of the Constitution, have a right to pass laws. It is taken up in its order; it is taken up by its majority; it is offered for open discussion; and we come to the point when the argument is exhausted; when nobody seems ready to continue it; when but the simple recording of the vote is necessary; and this intense valor does shrink from that simple issue.

Yes, it shrinks and squirms; it does not come up to the point. It says, let us take up something else; take any form but that; give land to the landless, says the gentleman on my left, [Mr. WADE;] give us the appropriation bills, says the Senator from Maine; give us liberty, says the gentleman from New York; take any form but Cuba; that I cannot stand. The Senator from Maine is for the appropriation bills; my friend here [Mr. WADE] for land to the landless; the Senator from New York for freedom all over the universal world—anything but Cuba.

Now, I say the Senate have the right to determine their own order of business; when to discuss questions and decide questions. I know, as the Senator from Maine says, there are a body of men here presuming upon the practice of this body for sixty years, which, until we had this Republican party, was never taken advantage of to obstruct the public business. We have thought it proper to put in force neither the stringent rule of the House of Representatives to put down faction, nor that of the British Parliament of hissing and scraping it out of its Halls; for these are the two means by which it is done. The British Parliament hisses it, and scrapes it out of its Halls. The House of Representatives, perhaps more conveniently, puts a gag in its mouth. The Senate of the United States, the representatives of sovereigns, supposed that, when a question was debated, and there were a majority in favor of it, especially if all opportunities were given to the minority, they were content to record the dissent of the sovereignties which they represented, and let questions pass. But no; when the argument is exhausted, when it is through, that will not do. We must do—what? Why, we are told we must go to the appropriation bills; go to the lacklanders; go to liberty; give "niggers to the niggerless," as the gentleman on my left says. Sir, the niggerless, and the negro country, have very little to do with anything we do here; and that is our power, and that makes us the masters of those who trade in government.

Sir, I have sat here fourteen years, and have not claimed land for the landless, nor any law of yours to invigorate the muscles of a human being born in the State of Georgia. We are not mendicants for your legislation; not a particle of it, sir. Following our own industry, standing open to the markets of the world, not seeking Government aid for our industry, nor anything the Government does, we are ready, at all times, to unite in all measures necessary to our foreign defense; all measures appropriate for an equal administration among ourselves, and the raising of revenue upon proper principles; but we have never brought the first petition, so far as I am concerned, in this Government, for fourteen years, to give one solitary advantage over a free man or a slave, at home or abroad, for one single stroke of industry ever struck by a freeman of Georgia—not one; neither fishing bounties, nor tariff bounties, nor protection in any shape or form. We have never begged you for land. The land we gave to the landless was our own. It was not the common property. It was not the common funds. It was our fund, which we got as equals.

Mr. FESSENDEN. We paid for it.

Mr. TOOMBS. How? By getting $50,000,000 for five or six million for the Indian titles in our country, by the sale of public lands in Alabama and Mississippi. Look to the figures and you will find that I am right.

I have said that you were afraid to come to this issue. Why do you not come to it? I have no doubt every Democrat on this floor could be brought to a vote in ten minutes. It will only take the time of calling the roll. We do not want time. You do. Are you not prepared? Are you taken by surprise? Are you taken unawares? Have you not considered it? Are you not fit for your posts? I hope you are.

Mr. WADE. We will choose our own time.

Mr. TOOMBS. In legislative bodies, no man should choose his own time. In society, no man should choose his own time. He should stand upon the laws of his country as a good citizen; and if he does not not, he is a factionist.

Mr. JOHNSON, of Arkansas. Will the Senator allow me to interrupt him for moment?

Mr. TOOMBS. Certainly.

Mr. JOHNSON, of Arkansas. It is on the point of order that I wish to raise. I believe the Senator himself will sustain me in the correctness of the motion which I shall make. It is in regard to the question as to whether it is in order to discuss the merits of a proposition on a motion to take it up. I rise to a point of order again, although the Chair has ruled against it, for the purpose of taking an appeal from the decision. I am aware, certainly, as every one here is, that the officer who presides over us can desire, and does desire, nothing less than to give those judgments which shall be right, and could have no false pride in regard to any decision he might make. I will ask, then, if it be in order, with a view, if the decision shall be that it is in order, that I may have an opportunity to take an appeal, or I will take an appeal from the last decision if it is to be allowed. I ask the Chair whether I can take an appeal from the decision already rendered, or whether it will have to be decided again before I can take it?

Mr. TOOMBS. I have but a word to say on this question. I think I have a right to reply to what has been said against me; and I hope, as a matter of courtesy, that my friend will allow me to go on. If he does not, I shall vote against his appeal.

Mr. JOHNSON, of Arkansas. I would be very happy to give way to my friend, but I wish to state to him that, in making the point of order to arrest debate, I would much prefer doing it when a friend is on the floor than an opponent; but, if the Senator insists on it, I shall certainly yield the floor, and will not make the point of order.

Mr. TOOMBS. I insist upon a hearing.

Mr. DOOLITTLE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. DOOLITTLE. I desire simply to announce that, as appeals have been made to me personally in relation to this motion, I wish to say something before debate is entirely cut off on this question.

Mr. JOHNSON, of Arkansas. Does the Senator from Georgia insist upon going on?

Mr. TOOMBS. Yes, sir; I do.

Mr. JOHNSON, of Arkansas. Very well.

Mr. TOOMBS. I have but a very few words to say. I am merely vindicating my own position, and showing what are the objections to taking this question, and taking it now, and showing that gentlemen are unwilling that it should come to a vote. Why do these Senators want the homestead bill considered now? My friend from Ohio said yesterday morning: "friends of the landless, this is the last time; if we do not get a vote on it now, I do not think we will ever get a vote on it." Now is the last time, again.

Mr. WADE. Positively.

Mr. TOOMBS. He says that it is positively the last time. Very well, I will accept that.

But the Senator from New York attacks the Administration. He goes entirely out of the question, entirely out of meeting Cuba, entirely out of meeting the arguments for Cuba, anything to enable us to come to a vote, and he says he will go to the country, and appeal to the country. He asks what has become of the Pacific railroad bill? I helped to kill it; I can tell him that. That is what has become of that measure. So far as I agree with the President of the United States, I maintain his action; where I do not, I am a Senator from Georgia, and that is an answer to all the observations about the President's party. We met the Pacific railroad, but we thought it bad policy. Who voted for it? It was a measure the President supported; a measure the American party supported; a measure the Republican party supported; a measure that a few Democratic gentlemen, who differed from me, supported. So far as I am concerned, I watched it to fight it to the last extremity. I uttered not one word upon it. I saw, or believed I saw, that it needed no lick from me; and if it had, it should have received the best blow I could give it.

He says the President of the United States wishes to extend slavery. Sir, if I wanted a man to benefit slavery I would take the Senator from New York. When he came into the Senate of the United States I was in the other House, and I have been there and here ever since, and he declared not only that he would maintain opposition to slavery wherever it existed, but he would exclude it from every foot of ground over which the flag of the Republic floated. He has been here ten years, and what has he done? Has he freed a negro? Not a single one, unless he has done it clandestinely. He has not done it by law. He has not given liberty to a human being; unless he stole him. I suppose he did not do that; but that is the only way he could do it. There was no law by which he could do it, not one. Has he excluded slavery from one foot of territory by law where it could rightly go? Not an inch. He came in saying he would exclude it from New Mexico and all the Territories. What did he do? He went out for wool and got fleeced. He not only did not stop it south of 36° 30′, but we tore off your restriction, trampled it under foot in Congress, condemned it by the people, and had our action approved by the judiciary. That is his crusade against negroes. I do not fear him upon that question. He may go and tell foolish old men and spinsters and old maids in New York that he has done a thriving business in freeing negroes, but he has never freed one. He has never sanctified one acre of land to liberty—not an inch—and he never will. These are not the people to do it.

He pretends to be very valorous; I impugn no man's personal courage. I think I am willing to test it if he wants to do it. I do not know whether I am or not. I impugn no one's courage; not at all; I never have done it, and do not now intend to do it. That is a question with him. It is for him to put that to the test, not me. This is not a question of force. When I believe men shrink from questions and prefer not to give the vote, but would prefer to select another question which will be safer at home, I say so. The Senator from New Hampshire [Mr. HALE] said the same thing the other day. He said there was a trembling of the knees of the Free-Soilers of New Hampshire. I do not doubt it. He said that Cuba had caused a good deal of shivering; like Belshazzar, their knees smote together. It is the confusion of the party.

But the Senator from New York is extremely valorous. I tell him that he has one valor that I never want to have. I never expect to stand in this body and say the gentleman occupying the Chief Magistracy of this country has uttered sentiments false, fabulous, and pretended. This charge is brought against the President of the United States. For forty years he has served his country. For forty years he has had the confidence of one of the largest States of this Commonwealth. For forty years he has held the relation of a gentleman here. For forty years he has been ready to defend his personal honor as a gentleman, wherever it was assailed. He has held himself responsible everywhere, in this body and elsewhere, to maintain his personal honor wherever it was assailed; and is it courageous in a gentleman who is not ready to defend his anywhere to assail the Chief Magistrate of the country with language that he dare not apply to a gentleman in a position to make him responsible; that he dare not apply to me? That is the point. Sir, I call the attention of the country to it. I say his position forbids the President from replying to it. His position as President and Chief Magistrate of this country throws him out of the way of that defense of his personal honor which becomes every gentleman here. Even if I believed it, as a man of honor, with reference to his position as Chief Magistrate of my country, I think no Senator should use such language. It is unbecoming the Senate. I say it is language which no Senator responsible for what he says would utter; while but few men, connected as I am, even nominally, if you please, with the Democratic party, find fewer causes of agreement than I do with the Chief Magistrate, yet I feel it my duty to repel this charge. Sir, I repel it as an American Senator. I say it is a slander; and that he has uttered in the Senate what he cannot maintain as a gentleman.

Mr. DOOLITTLE obtained the floor.

Mr. BROWN. Allow me one moment. Mr. President, I think this whole controversy can be settled now in a few moments. I tell the Senator from Wisconsin now, that while I shall not vote for his homestead bill, if he will permit, or if the friends of the homestead bill will permit us to go on with the Cuba question, until we come to the conclusion of it, I will vote with him, and I feel quite certain I can pledge friends enough to carry the proposition, to take up the homestead bill next

after this. What we will do after we get the bill up is altogether a different question. I shall not vote to pass his bill. I may vote to lay it down again in five minutes after we have taken it up; but I pledge him my word to take it up immediately after we have taken the vote on this question, and I feel quite certain that I can pledge him votes enough on our side, added to his, whatever gentlemen may say, to take it up after this proposition.

What I desire in this connection is simply this: to go along with one proposition at a time; settle that, and then take up something else. The friends of the homestead bill are exceedingly anxious to get that up. The friends of the Cuba bill are exceedingly anxious to keep that before the Senate until we have disposed of it. I am for the Cuba bill. I am very much opposed to the homestead bill; but since we have the Cuba bill up, I want to dispose of that. Let us take the vote upon it, if we can do so, or dispose of it in some way, and when that is done, I say to the Senator from Wisconsin, I will vote with him. I pledge him other friends on my side of the House to vote with him next after that. That is the amount of the proposition. When we have it up, what we will do with it will be another question. I shall vote for it. I may vote to lay it on the table; but he will get the consideration of it. He will get it easier and quicker and more expeditiously by that course than he will by the present policy. If he adopts that policy he gets it next after this proposition; and then, if they have the power to pass it, let them pass it. I, at least, will go with him to take it up, and so will other friends on this side.

Mr. FESSENDEN. Will my friend allow me a moment?

Mr. BROWN. Yes, sir.

Mr. FESSENDEN. I fear there is some misunderstanding on the part of gentlemen on the other side of the House with reference to this matter; and I am desirous that we should understand each other fully and fairly before we proceed further. I said, in reply to the Senator from Georgia, when I was up before, that he knew very well that we could not be driven, in relation to this matter, further than we ourselves were willing. Now, it is with no desire whatever to waste the time in idle motions that we adopt this course; but Senators will look at it. They were able to bring this Cuba bill before the Senate for consideration to any extent, for the first time, this morning. Up to this period, which, it seems, was agreed upon on the other side of the Chamber, the Senator from Virginia had his appropriation bills. This morning, however, it was otherwise. In what condition did it leave us? With a large number of gentlemen on this side of the House, who desire, before this vote is taken, to speak upon this question. Well, sir, we have gone on from twelve o'clock to-day, and there have been three speeches made—perhaps four. What is the result? We are here at ten o'clock at night; and what do you insist upon? After we have been in session for two nights until twelve o'clock on business, that we shall take this Cuba bill and make the speeches that we have to make upon it in the course of a single night-sitting, for it will take all night to do it, because it is perfectly manifest that must be the case if we say what we want to say on this side of the Chamber. Is that just? is that fair?

Mr. BENJAMIN. I will ask the Senator from Maine to permit me to make a statement.

Mr. FESSENDEN. Certainly.

Mr. BENJAMIN. I will state to the Senator from Maine, so far from the majority of the Senate being desirous to do that, there have been repeated propositions to gentlemen who agree with him in opinion that the vote on this Cuba bill should be taken at any time to-morrow evening desired, and the whole intermediate time at their disposal, to be divided out to suit themselves, if they would only name some hour at which they would have finished speaking and be ready to vote. It was refused.

Mr. FESSENDEN. How can we tell at what time we shall finish? That is precisely the thing to which we object. If you adjourn to a reasonable hour in the morning——

Mr. BENJAMIN. When you please.

Mr. FESSENDEN. Very well; to a reasonable hour in the morning, and take this matter up at that time, and if we then, after we have finished our speaking upon the subject, should delay you, or delay the passage of the bill, the responsibility will be upon us for so doing. That will be the amount of it. Now it is upon you, and you may take your own choice. We do not object to it. We have no complaint to make; at least I have no complaints to make. I only want it understood perfectly throughout the country what the state of the facts is; that Senators come in here, after we have been acting upon the business of the Senate two nights, until midnight, and say to us on this side of the House, when there are so many men who desire to express their sentiments, that they have got to take the third night and go through without sleep, in order to enable you to pass the bill at this period of the session. That is the proposition made. It was made by the Senator from Louisiana.

Mr. BENJAMIN. I ask the Senator to permit me to state another fact.

Mr. FESSENDEN. Certainly.

Mr. BENJAMIN. Three speeches have been made to-day. Some of the Senator's friends informed us that there were twenty speeches more to be made. Those twenty speeches, three a day, would take us until after the 4th of March. Under these circumstances, a proposition was made to the Senator's friends to take all of to-night, or so much of it as they pleased, and all to-morrow, or so much as they pleased; all of to-morrow night, or so much as they pleased, and fix themselves the time for voting. That proposition has been declined.

Mr. FESSENDEN. I know nothing about any proposals at all, in relation to the matter. No propositions have been made to me. I have heard of none.

Mr. SLIDELL. I will state to the Senator from Maine, if he will allow me——

Mr. FESSENDEN. With great pleasure. I will yield to anybody who wants to say anything.

Mr. SLIDELL. Having charge of this measure, I spoke with a sort of *quasi* authority upon the subject publicly, in my place, and in making an appeal to the Senator from Ohio, [Mr. WADE,] if he was prepared to go on, and for other Senators to do so, I stated there would be no disposition to press them. We desired to give them all the chance to speak, and if they did not choose to go on and speak to-night, if they would agree to dispose of this bill finally to-morrow, there would be no objection to an adjournment at a reasonable hour. That I stated publicly.

Mr. WADE. I only wish to say that after the speaking had ceased on this side, I had no doubt when I made the motion to adjourn but that it would be complied with. I asked if there was any one who wished to speak this evening. I did not feel very well, and it was late, and I thought we ought not to speak to-night, and I moved an adjournment; but it did not carry. Of course, after that vote was taken, I thought otherwise.

Mr. BENJAMIN. I wish to make a statement of fact. I have no desire to discuss the question at all. I hear gentlemen around me saying or asking to whom this proposition was made? I state, on my honor, that I made it to three members of that party, and was informed by them it would not be entertained.

Mr. FESSENDEN. Well, sir, I do not know how that was, nor do I much care about it; because, as I stated before, it is well we should understand ourselves. It is a little hard, although I do not complain of it, (and when I say it is hard, I merely say it is rather stringent,) on the part of gentlemen to take up a bill of this importance, with so many men who are opposed to it in this Senate, of a morning, and give notice that, when it is taken up on that morning, it is to be continued until the question is taken. That was the notice that was given by the Senator from Louisiana.

Mr. SLIDELL. I did not wish to be understood that it was to be decided without an adjournment. We were willing that the discussion should be continued until the bill was disposed of.

Mr. FESSENDEN. If that is what the Senator understood, then what follows? We go on, and at a late hour in the evening, after sitting two days from twelve o'clock until twelve o'clock, twelve hours in succession, here upon business, and sitting with patience and desiring to do the business of the country, we then begin the next morning and sit from twelve to eight in the evening, or it was perhaps an earlier hour when the Senator from Ohio made the motion to adjourn. An adjournment is asked for, and what is the answer? Agree that you will get through at a particular time, and we will allow you to go home, otherwise you have to stay here all night. Now, sir, do you suppose that we are made of such kind of stuff that we will submit to terms of that description, imposed upon us in that way? I would sit here, I say it honestly, not only to-night, but to-morrow, if my strength will enable me to hold out so long, and I rather think it would, with occasional help such as we can get during sessions, rather than submit to any such thing. I want it understood: this bill is brought up of a morning; the debate fairly opened this morning; only two or three speeches were made upon it before, except as a preliminary debate when the bill was brought in, and most of those speeches were from the other side of the House; there has been very little debate upon it by a great many of us on this side; and we are told we must go through with it. That is our objection. Our objection is, we are to have it put upon us by that condition: "we will grant you a little time for the sake of sleep after this work has been done, if you will agree to have the question taken up and finished at a particular time."

Let gentlemen remind themselves of last year. I told them then, in my place here, as did others, "treat us fairly; do not attempt to impose conditions; let us have the time which we require to speak; and then, if we treat you in a manner, or the country in a manner, that it will not justify, and ought not to be justified, the consequences are upon us." That is the only relation which Senators ought to bear to each other, and which two parties in this Senate ought to bear to each other; and not, because we happen to be a minority, that we are to submit to rules and dictation about time; "we will give you so much time if you will agree to do so and so."

Mr. BENJAMIN. Exactly.

Mr. FESSENDEN. Undoubtedly; that is exactly it; and that is exactly what we do not choose to submit to.

Mr. JOHNSON, of Arkansas. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Arkansas?

Mr. JOHNSON, of Arkansas. I hope the Senator will allow me to interrupt him. I know that he will not misconstrue it.

Mr. FESSENDEN. Certainly not. I know the Senator from Arkansas too well for that.

Mr. JOHNSON, of Arkansas. I suggest that I would be glad now to have an opportunity to raise the point of order, as I have not interrupted the debate heretofore. The Senator knows my regard for him, and he will not misconstrue it.

Mr. FESSENDEN. I am very sorry that the Senator should show his regard for me by raising the point on me just at this time. Any other proof of regard would be more acceptable.

Mr. JOHNSON, of Arkansas. I appreciate it at once; and if the Senator insists upon that view of it, and feels that there is something else out of the line which he is now presenting, and has not already presented to us, I certainly shall not insist upon pressing the point again; but I will give notice that upon the next Senator who attempts to continue this debate, be he friend politically or foe politically, I will insist upon the point. If the Senator desires to go on, very well; but it is evident that he is not discussing either the merits of the question proposed to be taken up, or that which is proposed to be laid down, but a mere matter of a majority imposing upon a minority, and pressing the necessity for a vote—without which vote and action no Government can get along, dependent upon a body like this.

Mr. FESSENDEN. We are discussing, Mr. President, just the kinds of questions that we might be supposed to be discussing at this time of night, and under these circumstances; just what we always discuss under similar circumstances at this period. Now, I was saying that we are not to be misled, and I think the country will not be misled, by this idea that we are interposing before the business of the country. Let us look at the proposition which has been made by the honorable Senator from Mississippi. Why

not vote upon this bill? Sir, we are not ready to vote upon this bill.

Mr. BROWN. When will you be ready?

Mr. FESSENDEN. That is more than I am able to say. I am ready to vote upon it as soon as my friends have finished what they want to say on it. I do not think I shall desire to say anything upon it, unless it is in the way of a running fight, just as we are going on now.

Mr. IVERSON. Why cannot your friends go on, and make their speeches?

Mr. FESSENDEN. I will answer the Senator, because this is a very agreeable kind of conversation. You see it occupies time. Questions come along——

The VICE PRESIDENT. The Chair must ask the Senator from Maine, and also the Senator from Georgia, to address the Chair.

Mr. FESSENDEN. I am very happy to address my conversation to the Chair, for I am always sure of a patient and attentive listening. Sometimes I do not find that on the right and left side of me. I was saying, sir, that the proposition of the Senator from Mississippi is delusive. He asks us to vote upon this question now. We are not ready to vote upon it. We have not arrived at a period when we can vote upon it. Why, then, not discuss it now? I say for the reason that we have been discussing that question since twelve o'clock this morning, and gentlemen cannot be expected to be able at this period of the session, and at this time, under these circumstances, to go on with labored speeches on this question. That is the reason why we did not go on. What was the result? Why not vote, say they? Take a vote on this question, and then Senators say they will vote to take up the other; and then they say to us, why interpose the homestead bill at a period of the session when we have the business of the country to do, and the appropriation bills to pass; why put this in here when we have got as much to do as we can in order to get through? The burden might be upon us, then. It is upon you now; and if you choose to put this question here at this period of the session, and the result is what we all anticipate, I say, as I said before, the burden is not upon us, but upon you; and we do not choose to have it thrown upon us by laying one aside, and interposing the other. At least I do not, for one.

Several SENATORS addressed the Chair.

The VICE PRESIDENT. The Senator from Wisconsin is entitled to the floor. He yielded to the Senator from Maine.

Mr. DOOLITTLE. Mr. President——

Mr. JOHNSON, of Arkansas. I rise to a question of order. I trust the Senator will appreciate the forbearance that has led me to withhold that point of order so long. It is that it is not in order to discuss the merits of a question on a motion to take it up; and I shall now appeal from the decision of the Chair. As that decision stands here now, I believe I have the right to appeal. Previous to that, I will read a portion of the sixth rule, which goes on to say, "Every question of order shall be decided by the President, without debate, subject to an appeal to the Senate." It also states that the President may call for the sense of the Senate on any question of order, if he may choose to do so, leaving it optional with the Chair to take either course. It is in nothing but the highest respect for the Chair that this movement is made upon my part in regard to the point of order. I then make the point that it is not in order to discuss the merits of a question on a motion to take it up, since there is no end to the discussion, as we have already seen.

Mr. DOOLITTLE. Mr. President——

The VICE PRESIDENT. The Chair will state to the Senator from Wisconsin, that the point of order must be decided by the Chair without debate.

Mr. DOOLITTLE. I have not yet said anything.

Mr. BROWN. We do not want you to say anything.

The VICE PRESIDENT. The Senator from Wisconsin addresses the Chair. The Chair will hear what he has to say.

Mr. DOOLITTLE. Mr. President, do I understand the honorable Senator from Arkansas to raise his point of order now?

Mr. JOHNSON, of Arkansas. Yes, sir.

The VICE PRESIDENT. He does The Senator from Arkansas raises a point of order that the merits of this proposition cannot be discussed upon a motion to take it up. The Chair will state to the Senator from Arkansas that the Senator from Wisconsin has not commenced discussion upon the merits of the proposition, and therefore there is nothing for him to decide. [Laughter.]

Mr. DOOLITTLE. Mr. President, on the point of order, I desire to say——

Mr. JOHNSON, of Arkansas. On the point of order I presume I shall be allowed to appeal. I have a right to appeal from the decision which has been given by the Chair, I believe.

The VICE PRESIDENT. The Senator can take his appeal as soon as the discussion commences; but the Chair does not think it in order at this time to take an appeal from a former decision long past.

Mr. JOHNSON, of Arkansas. Well, let the Senator begin, and then I will make the point of order.

Mr. DOOLITTLE. Mr. President, the honorable Senator from New York, in the course of his remarks, said that he thought I had acted unwisely this morning when I yielded the floor for the purpose of allowing the vote to be taken on the post route bill, and that remark of the honorable Senator from New York makes it necessary for me to say a single word by way of personal explanation. The circumstances under which we adjourned last night, at about eleven o'clock, were such, and the conversation among Senators was such, that I, for one, felt bound in honor not to obstruct the proceedings of the Senate when the hour should arrive to take up the special order, and to take a vote upon that bill. I therefore felt bound in honor at that hour to yield the floor. The present occupant of the chair was not then in the chair. It was occupied by the honorable Senator from Vermont, [Mr. FOOT,] and I yielded with the understanding, or at all events reserving to myself the understanding, that I would take the floor immediately after the vote had been taken on that bill; but in the mean time the Senator from Vermont had left the chair; the present occupant was in the chair, and although I rose, as I supposed, with others upon the floor, without any knowledge of the present occupant of the chair of this understanding, the floor was assigned to the honorable Senator from Louisiana, [Mr. SLIDELL,] which gave him the preference. I beg to say to those honorable Senators who have appealed to me, as a matter of courtesy, and why I ought now to withdraw this motion, that what transpired this morning, what has now occurred in the Senate, makes it incumbent upon me to decline to yield to their request. In declining so to do, I wish distinctly to have it understood that I do not question at all the sincerity of the honorable Senator from Tennessee, [Mr. JOHNSON,] as a friend of the homestead bill, nor do I question the sincerity of the honorable Senator from Minnesota, [Mr. RICE,] who also made the same appeal; but I feel compelled, under the circumstances of the case, to insist upon the motion; and I will state the reason.

This homestead bill is a practical measure now pending before Congress, which can be acted upon and decided. It has been discussed in various forms for fifteen years, and it is not necessary that any time should be taken up in its discussion now. It has passed the House; and, if we are willing to act upon it now, it can pass the Senate, and it can become a law; whereas this other proposition with which it is antagonized is not a practical measure of legislation before the present Congress, as I understand it.

Mr. JOHNSON, of Arkansas. I rise now to the point of order. The Senator is now certainly discussing the merits of the question. The fact that it has been discussed fifteen years constitutes one of its principal merits. I therefore raise the question that it is not in order to enter into that discussion upon a motion to take up this bill. I shall ask the Chair to decide it.

The VICE PRESIDENT. The Senator from Arkansas raises a point of order that the Senator from Wisconsin is not in order. For the reasons given by the Chair just before, he does not sustain the point of order.

Mr. JOHNSON, of Arkansas. Then I appeal from that decision, and ask the sense of the Senate upon it.

Mr. DOOLITTLE. Before the appeal is made, I think it proper for the honorable Senator from Arkansas to reduce his point of order to writing, that the Senate may know the words made use of out of order. I do not think I have discussed the merits of the proposition.

Mr. IVERSON. The rule does not require that.

Mr. JOHNSON, of Arkansas. It is reduced to writing.

Mr. IVERSON. The rule is, that when a Senator is called to order for offensive words, the offensive words must be taken down.

Mr. JOHNSON, of Arkansas. I would suggest now, in support of the appeal which I feel bound to take, that there has been a practice undoubtedly heretofore—we all know and acknowledge it—to permit the very widest range of discussion. This has been the case in days past, when it was seen that this body was more capable of controlling its own action than it appears to be at the present day. It is necessary, and every day proves it to ourselves, to begin to draw more tightly the acknowledged and recognized parliamentary rules, to enable a body that has increased almost each successive Congress in its numbers, to assume an effective character and to carry out its own object. If we shall continue this course, of debating the merits of a question on a motion to take it up, I call the attention of Senators to the fact, and I believe they will recognize it, it will not be a great length of time before the previous question will be established here, by which the majority will cut off the minority whenever they please, and will arrest that freedom of discussion which each side, under the present rules and at the present time, with reference to the rules, is disposed to concede to the opposite side.

Now, sir, under these circumstances, I only ask that we shall assume and accept the ordinary parliamentary rules that exist, with a view to attain, if possible, some results upon all the propositions that may be had here. If a practice has existed heretofore, as the Chair has asserted, as I do not doubt, which is vicious in its character, and which, I think, is self-evident to-night, is being misused, or rather is being abused, it seems to me it is time the voice of the Senate should declare at once the true parliamentary rule, and by that declaration enable the Chair to enforce it; who now gives, as his only reason for not enforcing it, the fact that the practice has heretofore prevailed in the Senate. Under these circumstances, I trust that the majority will enable the Chair to enforce the rule—a rule which is parliamentary in itself, and which has existed in all deliberative bodies, at least in those that have been most eminent elsewhere and heretofore. I therefore now present the appeal, and ask that the Senate will sustain it, to enable the Chair to enforce some restriction upon this wide range of debate.

Mr. SIMMONS. I am very sorry that this appeal has been taken from the decision of the Chair. There has been one decision of the Chair to-night that debate was out of order, and that was while the Senators upon this side were addressing the Senate. It was not more than a minute before the discussion on the other side of the Chamber commenced, and continued for perhaps half an hour, when some one on this side got up to reply, and the question of order was made against him, and it was decided by the present occupant of the chair that the Senator was in order. No appeal was taken from it until sometime subsequent, when there was another point of order made, with the request that the Presiding Officer would present that question to the Senate, very much as it is now sought to be presented by an appeal from the decision of the Chair.

I dislike anything like a consumption of time in useless debate; but if Senators on the other side of the Chamber, and particularly the Senator who now, in perfect good faith, makes this appeal from the decision of the Chair, wish not to consume the time of the Senate in such debate as this, I will suggest one method that will relieve these frequent appeals, and relieve this threatened rule of the previous question being applied to the Senate; and that is, not to make rules of order in caucus for the Senate, and not to agree, before they come into the Senate, that they will prescribe this and that rule for the whole body of the Senate. It is

that practice which produces the inequality in the Senate that is felt to be grinding upon the minority.

Now, I do not believe that there would be any feeling manifested in this debate, if the honorable Senator from Georgia had been present when the Senator from Ohio rose and addressed the Chair upon the pending question—the Cuba bill. He said that he had been here ten hours; that he was exhausted, and did not like to occupy the attention of the Senate to-night; that if there were other Senators, who wished to do so, he was willing to stay and listen; but he was not able, nor did he think it proper, to go on to-night. It was known these three or four days that he intended to address the Senate upon this question; and after he made that suggestion, a motion was made to take up the very measure that was postponed by the mere accident of the Vice President not being in the chair this morning when the Senator from Wisconsin gave way to take the vote upon the Post Office bill. It not being known to the Presiding Officer that he had given way, for the purpose of allowing the vote to be taken on that bill, the Senator from Louisiana [Mr. SLIDELL] was recognized. The Senator from Wisconsin rose at the same time, for the purpose of taking up the homestead bill, as I have been told. He did not make the motion. The Senator from Louisiana caught the eye of the Chair, and brought up this Cuba bill in preference to the homestead bill; and we have been occupied nine or ten, and I do not know but eleven hours, upon it. I believe it was taken up at twelve o'clock, and has been debated all day.

When Senators had exhausted themselves and were unwilling to go on further with this important debate, we have proposed to take up a question which cannot elicit debate, in order to save time. Then there was a debate about making propositions and receiving propositions. It was suggested upon the other side, if the Senator would give way and let the debate go on and be finished now, to-morrow the land bill should come up. It was thought doubtful, as that land bill had been postponed under the pressure of the appropriation bills, and an appeal was made to the chairman of the Committee on Finance, whether he would agree to that; and he said, no, he would interpose the appropriation bill at any time he could get the chance; so that no understanding could be had. When a measure that commands a majority of the votes of the Senate, and most of that majority happens to be on this side of the Chamber, these appropriation bills are interposed. They postpone everything except mere party questions. I appealed to the chairman of the Finance Committee three weeks ago, to know what change had taken place in his mind, that he would consent to postpone the appropriation bill in order to let this Cuba question come up; and yet, when any other question is brought up, he insists on his peculiar privilege of having the appropriation bills first considered. That is nearly a month ago; and every time this Cuba bill has been sought to be made the subject of discussion, other business has been yielded, and all the appropriation bills, except, I think, upon one occasion. I believe once an appropriation bill did get the preference upon a vote, over that subject.

It is certainly, very late in the session; but after we have devoted ten hours to the consideration of that question, and four or five speeches are to be made upon it—I do not know whether there are as many as four or five upon the merits of the bill—one Senator rose to address the Chair, and said that it was too late to go on to-night; but if some one else was ready to go on, he would stay and listen. This question of the land bill is then brought up as a mere saving of time. Senators have taken an hour and a half, and I do not know but two hours, in discussing it, rather than permit that question to come up, which would not be debated, perhaps, half an hour when taken up. Now, I appeal to Senators if this does not look like a determination, upon the part of the opponents of that bill, who have maintained a majority two or three times, to put that behind all other measures, and first, behind this measure, which I consider, without disrespect, to be——

Mr. PUGH. I should like to know whether debate is in order on an appeal from a decision of the Chair? if so, I think we had better withdraw the appeal. I see nothing to be gained by it.

Mr. SIMMONS. I am going to show, Mr. President, if I possibly can, the order in which business is presented to the Senate, and the propriety of taking up this bill in preference to the other, at this stage of the discussion. There is nothing that can be more pertinent or clear than the decision which the Chair made this evening about these points of order. He decided, three times, that Senators were in order who were speaking on the propriety of taking up one bill in preference to another. An appeal being made to him to present the question to the Senate, he declined, and very properly declined so to do. I think the decision strictly in order, according to the whole usage of the Senate ever since I have known the Senate. I never knew a question whether one bill should be preferred to another being raised in the Senate, but what the reasons for the preference were allowed to be assigned. Is there no reason to be offered why we should postpone one measure to take up another, or is the Senate to act blindly upon everything which has not been caucused into priority? That is the question I put—that this is legitimate for the consideration of the Senate. The very suggestion made as to the importance of one measure over another, why one measure is not likely to be passed by Congress, and another one is, and we can consummate legislation upon it if it should be taken up at this late hour, is pertinent on this very discussion. It relates distinctly to the merits of the proposition of taking up one and postponing another measure. So far as the discussion has taken a personal turn, I have nothing to say. I do not mean to say that we should distribute the lands. That is not the question at all before the Senate. The question is on the propriety of taking up one in preference to the other. A man may prefer to take up the land bill, although he is going to vote against its passage, in order that we may dispose of it and settle it. I have said nothing about which of the two I prefer; but I say it is perfectly pertinent and proper in the Senate for any Senator to address the Chair upon that subject.

Mr. BIGLER. I wish to say only one word. I am very apprehensive that this proposition of the Senator from Arkansas will not answer the purpose designed. It is very evident that a majority of this body are in favor of the passage of the Cuban bill. It is equally evident that the minority, if they are determined to do it, can talk the time away. They claim to have a majority in favor of the homestead bill. That may or may not be so. But it is equally evident that the opponents of that bill can talk it away and defeat it. Now, I am, for one, willing that the sense of this body shall be had on both propositions; and I therefore made a suggestion that on the other side they name any hour between this and midnight to-morrow night, in which we shall vote on both propositions. There can be from that position no escape. There would be no opportunity to debate it, or talk the time away. If the Senator from Wisconsin is exceedingly anxious to have a vote on the homestead bill, that would be a fair proposition for him; and I have good reason to believe, on this side there would be a disposition to accept such an understanding.

The VICE PRESIDENT. The Senator from Arkansas raises a point of order that the Senator from Wisconsin was not in order, on the ground that he was discussing the merits of the proposition. The Chair does not sustain the point of order made by the Senator from Arkansas, and he appeals from that decision.

Mr. SMITH. I move to lay the motion of the Senator from Arkansas upon the table. ["Oh, no!"]

Mr. JOHNSON, of Arkansas. I ask for the yeas and nays on that motion.

Mr. CLINGMAN. What will be the effect of that motion if adopted? Would that be a decision of the point of order, and authorize gentlemen to proceed; or would it be simply placing it where it may be taken up for discussion hereafter?

The VICE PRESIDENT. It will only be laying it on the table to be taken up again.

Mr. CLINGMAN. Then I think we might as well decide it now.

The VICE PRESIDENT. It is moved to lay the appeal from the decision of the Chair upon the table.

Mr. SMITH. At the suggestion of the gentlemen around me, I withdraw the motion.

The VICE PRESIDENT. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. TRUMBULL. That is brought in at a stage when the question raised, it seems to me, does not raise the point which the Senator from Arkansas desires to raise. The Senator from Wisconsin was not discussing the subject-matter of this bill, as I understood him. He was confining himself, perhaps not so closely as possible, but certainly very closely, to the question of the propriety of taking up the homestead bill. He was not going into a general discussion, as had been done by others, and it seems to me that the question is not fairly raised by the Senator from Arkansas. Other parties did discuss the whole subject of these propositions; but the Senator from Wisconsin——

Mr. JOHNSON, of Arkansas. The Senator will allow me on that subject to state that it was at once for the Chair to determine whether the point was well taken. The Chair considered it not well taken; consequently he overruled the point of order, not with reference to the question as to whether the Senator was discussing the merits of the question, but with reference to the validity of the point which I presented. Now, under these circumstances, the Chair acted upon the point which the Senator from Illinois now presents; but I submit that the shortest and best way of getting clear of it is to take a vote upon it.

Mr. TRUMBULL. It seems to me rather unfair to make the Senator from Wisconsin responsible for the speeches that other parties made upon the subject-matter of the question about which this priority question has arisen; for really if this rule were adopted, if it were a rule of the Senate that on a motion to postpone one subject to take up another, general discussion should not be allowed, I do not think the Chair would have ruled the Senator from Wisconsin out of order. I may be wrong in that. If I am, then there is no point in my remarks; but it seems to me the Senator from Wisconsin would have been in order, even if a different rule had been adopted.

The VICE PRESIDENT. The Chair will suggest to the Senator from Illinois, to dispose of the point of order, that it was the opinion of the Chair that the course of remark of the Senator from Wisconsin was rather to the merits of the proposition, and beyond the mere suggestion in regard to the order of business. The Senator from Arkansas appeals from the decision of the Chair; and the question is on that appeal.

Mr. COLLAMER. I rise only to occupy a few minutes with this question. Suppose we adopt the rule, that the merits of a question are not to be discussed upon a motion to take it up: still there comes to be some little difficulty in applying the rule practically. Now, I take it, the rule would be this: if the Senator is using a train of argument calculated to induce a man to vote a particular way on the bill when it is up, if it were up, he is arguing the merits of the case. I will state that point again, sir. If he use such sort of reasoning, such a course of argumentation, as would be adapted to induce us to vote for his bill if it were before us, then he is entering into the merits of the bill; but, so long as he is using arguments which are tending to show that we ought now to take it up, he is not arguing the merits of the question at all.

Now, Mr. President, when the question arises whether we shall continue to consider one particular topic, by proposing to take up another one, the relative importance of those two topics, and especially their importance at the present moment, must certainly be legitimate to the question of whether you will take it up. For instance: when the Senator from Wisconsin was arguing here that the homestead bill was a bill which had already passed the other branch of Congress, and which, if acted upon here, would be definitive in relation to the bill itself, and operative in its effect, certainly it was not an argument tending to convince a man to vote for that bill if it were up. It is only an argument tending to show why we should take it up, and give preference to it over one that is pending. I understand that to be the order of argument used. So, too, of the relative importance, at the present moment, of the two measures. It is certainly very important to the consideration of which you would prefer first to consider. But, then, even when you come to

that, there is some difficulty in the practical application of it; but I can hardly see how a gentleman can furnish an argument more legitimate to the question of taking up a bill, than to compare its relative importance with the one to which it is proposed to give place.

The VICE PRESIDENT. Will the Senate hear a single suggestion from the Chair upon the point of order? There seems to be no distinction, no difference, no alternative between unlimited debate and no debate, upon a motion in reference to an order of business; and if the appeal of the Senator from Arkansas is sustained, the Chair will consider it an instruction from the Senate to confine remarks upon the order of business within the narrowest possible compass.

Mr. DOOLITTLE. Mr. President, as the appeal is taken from the decision of the Chair, by the honorable Senator from Arkansas, to the Senate, it would be very important to members of the Senate to know what I did say in order to determine the question whether I was or was not in order. As I can hardly have hoped to have arrested the attention of all the Senators, perhaps it is just to them and better for deciding this question, that I should substantially repeat what I did say.

Mr. JOHNSON, of Arkansas. I beg to suggest again that another point of order intervenes just at this place. I did not interrupt the Senator from Vermont with it, as I saw he had very nearly finished his remarks; but that point is, that it is not in order, unquestionably, to debate whether another Senator was in or out of order after the Chair has already given a decision, and an appeal has been taken from that decision. Now, whether the first Senator that was called to order was in or out of order, is matter immaterial, when the Chair has given a decision and an appeal has been taken from it. There can be but one subject-matter of discussion; not whether the first Senator called to order was in order or was out of order; but the one subject under discussion is upon the appeal as to whether it is a proper decision on the part of the Chair or not; and that is the attitude in which it stands. Now, that the Senator from Vermont should have suffered so plain a point as that to escape his attention, with his acknowledged astuteness, is to me matter of surprise. That the Senator from Wisconsin accepted the example furnished him from one somewhat distinguished in this body as a debater and parliamentarian, cannot at all surprise me, since he makes no more pretension in the body, I believe, than I do myself, and that is very little. Now, I do object to the consideration of the question as to what was said by the Senator first called to order, for it is a total departure from that discussion which is authorized in the rule, to wit, the discussion of the merits of the decision of the Chair, upon which an appeal is now taken.

Mr. DOOLITTLE. Mr. President, if I could have hoped that every Senator now called upon to decide upon my case, whether I am in order or out of order, had heard what I did say, I should at once be willing to allow this question to pass. The Chair has decided in my favor under the former rules and practice of the Senate. An appeal is now made to the body, and they certainly ought to understand the facts before they decide the case, whether it shall be decided for or against me, in order to know whether I was discussing the merits of the question or not. If the honorable Senator calls me to order, and does not produce the words which I used out of order, so that the Senate can judge, it is necessary that they should be given in some way to the Senate when they are called upon to vote. I do not wish to repeat what I said by way of personal explanation, because I do not understand the point of order so made upon them; but I will simply state, in a very few words, what I said in relation to the two bills.

I said this: that, as that homestead bill had passed the House, it was now before the Senate; and if we act upon that, it will pass into a law and become a practical measure. I said, further, that the measure had been discussed for fifteen years, and the judgment of every Senator is made up on the question, and we are ready to vote upon it. I said further, that in relation to this Cuba bill which has been brought into the Senate, and is now pending here at this late stage of the session, there cannot be any respectable hope entertained by the friends of that bill that it can pass the House of Representatives. It is, therefore, not a practical question of legislation for the present session of Congress; and therefore I say that I prefer practical legislation of Congress to that which is impracticable at the present stage of the session. I prefer that which can pass into a law, in preference——

Mr. SMITH. I rise to a question of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. SMITH. It is this: that the Senator from Wisconsin is repeating what he said. The Senator from Arkansas raises a question of order upon what the Senator had uttered before. He is consuming the time of the Senate in repeating it. It occurs to me that this is out of order, for it is a consumption of time in relation to the matter upon which the Senator prefers his appeal.

The VICE PRESIDENT. The Chair states that this is a question upon an appeal; that debate has never been restricted upon it, and it is not out of order to consume time.

Mr. DOOLITTLE. Mr. President——

Mr. POLK. Let me appeal to the Senator from Wisconsin. We recollect what he said, and do not want it repeated over again; at least I, for one, do not; and I do not suppose there is a Senator on the floor who wants to hear it repeated over again. We all recollect what it was.

Mr. DOOLITTLE. I will ask my friend from Missouri, if he recollects what I said when I addressed the Chair the last time, or whether he bears in mind what I said when this question was first brought in?

Mr. POLK. I do not mind what he said when he first brought it up.

Mr. HALE. Mr. President——

Mr. DOOLITTLE. Allow me to say a single word, for I know the Senate is impatient. Mr. President, I do not wish to be adjudged altogether, on this question of order, by what I said when the question was first brought up; but I wish to have my case adjudged by what I said in the few remarks I had submitted when the honorable Senator from Arkansas raised the point of order upon me.

Mr. POLK. That is the time to which I had reference.

Mr. DOOLITTLE. There was a difference between what I said on the first occasion and what I state now. I may, on the first occasion, Mr. President, have been led to follow the examples which had been set me ever since I have been a member of this Senate, that on this question to postpone, the merits of that proposition have been discussed for hours together. I might have been misled by the former practice; but, after my attention was called to it, in the last speech which I made, when the honorable Senator raised his point of order, I think, if the decision of the Chair was adjudged in a court, it would not decide upon technical rules of law that I was discussing the merits of the proposition.

Mr. HAMMOND. If the Senator from Wisconsin will allow me, I wish to say a word. It is now half past eleven o'clock. I take it, on all the propositions now before the Senate, every Senator has already made up his mind; and all the discussion that can be introduced in the Senate will change no person's opinion either as to the homestead bill, the Cuba bill, or this question of order. I think it equally evident that there is no intention to take the vote upon anything to-night, and that we are simply playing the school-boy game of hard-knuckle. Perhaps to-morrow the Senate may be in humor to vote, or do something; and I therefore move that the Senate adjourn.

Mr. SLIDELL. I ask for the yeas and nays upon that motion.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. DOOLITTLE. My colleague [Mr. DURKEE] has paired off with the honorable Senator from Texas, [Mr. HOUSTON.]

The result was then announced—yeas 19, nays 30; as follows:

YEAS—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Doolittle, Fessenden, Foot, Foster, Hale, Hamlin, Hammond, Harlan, King, Seward, Simmons, Trumbull, Wade, and Wilson—19.

NAYS—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Mallory, Polk, Pugh, Reid, Rice, Sebastian, Slidell, Smith, Toombs, Ward, and Wright—30.

So the Senate refused to adjourn.

The VICE PRESIDENT. The question recurs, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. FESSENDEN called for the yeas and nays; and they were ordered.

Mr. DOOLITTLE. I inquire whether the question is on the appeal?

Mr. CLINGMAN. I understand the decision to be——

The VICE PRESIDENT. The Chair was about to state the question, at the request of the Senator from Wisconsin. The Senator from Arkansas raises a point of order that the Senator from Wisconsin could not debate the merits of the proposition on a motion to take it up. The Chair decided that the Senator from Wisconsin was in order. From that decision the Senator from Arkansas appeals. The Chair will add that he decided it upon the idea that the remarks of the Senator from Wisconsin were rather upon the merits of the question.

Mr. DOOLITTLE. I yielded the floor to the honorable Senator from South Carolina to make a motion to adjourn. I was stating to the Senate what I said on that occasion.

The VICE PRESIDENT. The Senator is still entitled to the floor.

Mr. DOOLITTLE. I submit, Mr. President, that no Senator on this floor can show that I said one word upon the merits of the bill when the honorable Senator from Arkansas made his point of order on me. I know of what I speak. I had my eye on this very question when the honorable Senator began to make his point of order on me. Sir, I had not opened my mouth when he took his first point of order on me. Do you not remember it? Was I so blind that I did not know he was intending to raise a point of order the very first word that escaped me which would give him any reason for doing it; and do you suppose that I am so blind that I do not know whether I give utterance to words on the merits of a question, or simply discuss the propriety of taking it up or laying it down? Sir, the honorable Senator from Arkansas, in making points of order on me, may learn more of me than he yet knows. When he took his first point of order, it was before I opened my mouth.

Mr. JOHNSON, of Arkansas. I will say to the Senator from Wisconsin that there was nothing offensive intended.

Mr. DOOLITTLE. I did not so understand.

Mr. JOHNSON, of Arkansas. I certainly intended nothing offensive; and I had forborne for a long time to make a point of order that I considered very material.

Mr. DOOLITTLE. I am willing to admit that if it be the rule and judgment of the Senate, that on a motion to take up a bill, the merits of it shall not be discussed, the first speech which I made on this question was, within that rule, out of order; but in making it, I only followed the example of all those older members of the Senate, whom I have heard discuss the merits of propositions for hours and hours on a motion to take up. But, after the honorable Senator from Arkansas advised us that he was about to make the point of order, I was the last man to give utterance to a word that would justify the making of the point of order on me. So much has been said on this question, and the merits have been discussed by other Senators so much, that the memory of Senators on that point may be a little confused; but the Chair will recollect that the point of order was taken on me when the only words that had come from my mouth were "Mr. President." I had not uttered another word when the point of order was raised. Then, what I did say, was simply in relation to the bill which I moved to take up, being a bill of practical legislation, having passed the House of Representatives, and being now before the Senate. If we take it up and act upon it, it may become a law; but this other proposition, which is now being pressed here for discussion, is a measure which cannot be practically acted on in the House of Representatives at this session. There is no hope of that. I do not think even the enthusiastic friend of the measure, who brought it into the Senate, the honorable Senator from Louisiana, will rise in his place and say that he has a reasonable hope that

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it will pass the House of Representatives, even if it should be passed by this body.

Mr. SLIDELL. I will say to the Senator from Wisconsin that I shall not open my mouth to-night, and I hope none of the friends of the bill will, but let us leave all the talking to be done on the other side. Having come to that determination, I shall not respond to his question.

Mr. DOOLITTLE. The honorable Senator certainly does not answer the question which I addressed to him; and the fact that he does not answer it does not make my confidence any the less certain that there is no hope, even if this bill passes the Senate, that it can be acted on in the other House. I say, therefore, it is a mere impracticable scheme, got up, in my opinion, for the purpose of forming an issue for the presidential election of 1860. But, sir, I shall not discuss the merits of it now; I did not before; and, on this question of order, I am willing that it shall be submitted to the Senate. I have no doubt the Chair decided correctly when it decided that I was not out of order.

Several SENATORS. Question! question!

The VICE PRESIDENT. The Secretary will call the roll.

Mr. JOHNSON, of Arkansas. Will the Chair state what the question is?

The VICE PRESIDENT. The question is whether the decision of the Chair shall stand as the judgment of the Senate.

The question being taken by yeas and nays, resulted—yeas 22, nays 29; as follows:

YEAS—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Doolittle, Douglas, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Mason, Seward, Shields, Simmons, Trumbull, Wade, and Wilson—22.

NAYS—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas, Kennedy, Lane, Mallory, Polk, Pugh, Reid, Rice, Sebastian, Slidell, Smith, Toombs, Ward, and Wright—29.

The VICE PRESIDENT. The decision of the Chair is not sustained by the Senate. The question is on the motion to postpone the bill under consideration with a view to take up the homestead bill.

Mr. DOOLITTLE. I shall endeavor to confine myself within the ruling of the Senate, and not discuss the merits of the two propositions that are now pending.

Mr. PUGH. I should like to make a question of order, and that is, whether the motion of the Senator is in order? The rule of the Senate is, that "when a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or to amend." It is in order, when the hour comes for taking up special orders, to move to take up certain ones and postpone others; but when a question is under debate, a motion of this character is not in order. I say, then, the motion of the Senator, to be in order, must be either a motion to postpone this bill indefinitely or to a day certain.

The VICE PRESIDENT. The Chair will say, in answer to that point of order, that so much inconvenience would follow from requiring a vote to be taken to postpone a bill until to-morrow, or to a day certain, that the universal usage has been to postpone one piece of business, in order to take up another, and the Chair has acted on that practice.

Mr. PUGH. I was about to say to the Chair that I never knew it to be done when a question was under debate. I have known it at one o'clock, when the special orders are called.

The VICE PRESIDENT. It is done very many times when a question is under debate. If the question of order is insisted on, strictly a motion must be made to postpone until to-morrow; but the effect of that would be very inconvenient on the general business, because, on going through with the particular question, you would have to reconsider the vote postponing the other business until to-morrow, if you wanted to take up the question which had been postponed.

Mr. PUGH. I withdraw my point of order, rather than have any more time consumed on questions of order.

Mr. FOSTER. The language of the rule, as read by the Senator from Ohio, allows a motion to postpone indefinitely. That is this very motion.

The VICE PRESIDENT. The Chair decides the motion of the Senator from Wisconsin to be in order, for the convenience of business, and according to the usage of the Senate.

Mr. DOOLITTLE. Mr. President——

Mr. BIGLER. I desire to present a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. BIGLER. The Senator from Wisconsin, I think, has spoken already three times on this question, and he is out of order.

The VICE PRESIDENT. The remarks of the Senator from Wisconsin were interrupted by an appeal; and the recollection of the Chair is, that this is the second time the Senator from Wisconsin has had the floor properly.

Mr. BIGLER. The Senator cannot hold the floor through a vote, and after distinct action of the Senate.

The VICE PRESIDENT. The Senator had the floor when there was an appeal. That has just been decided; and he is now entitled to the floor.

Mr. DOOLITTLE. Mr. President, I shall not complain of any discourtesy on the part of the majority in overruling what has been the standing practice of the Senate, and especially after certain gentlemen of the majority have been indulged in remarks, some of them for half an hour, or three quarters of an hour in length, not only discussing the merits of both these bills, but impugning the motives of the persons who stand here to advocate the motion which I now make. Still, I shall confine myself altogether within the rule which is adopted by the Senate, simply reminding the gentlemen who happen to-day to be with the temporary majority, that the time is coming when the same rule that they prescribe now, may be prescribed to them, under circumstances when it may be not easy for them to bear it.

Mr. President, upon this question, as to the postponement of the bill under consideration, to take up the homestead bill, which I regard, as I have already stated, as a practical measure of legislation pending before the present Congress, of great importance to the country, I have asked for the yeas and nays; and the yeas and nays have been ordered. I have nothing further to say.

Mr. CHANDLER. Mr. President, as we have got back to first principles, I suppose it is in order for me to answer what has been said upon this motion. The Senator from Georgia asserted, a short time since, that he detested a demagogue, and those who were driven by demagogues. Now, sir, his detestation——

Mr. IVERSON. I rise to a point of order. It is, that the Senator is going beyond the limit prescribed by the decision of the Senate.

Mr. CHANDLER. I am merely about to answer——

Mr. IVERSON. You have no right to answer when you travel out of the proper limit prescribed by the Senate.

Mr. TOOMBS. I hope the Senator from Michigan will be allowed to go on, by unanimous consent. ["Oh no!" "Go on!"]

The VICE PRESIDENT. The point of order being made, the Chair decides that the Senator from Michigan is not in order.

Mr. FESSENDEN. I take an appeal from the decision of the Chair; and on that I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. PUGH. I move to lay the appeal on the table.

Mr. FESSENDEN. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HAMLIN. If we lay the appeal on the table, cannot a majority of the Senate at any time take it up?

The VICE PRESIDENT. The Chair thinks so.

Mr. DOOLITTLE. Is the effect of this motion to lay the question on the table also?

The VICE PRESIDENT. The Chair must decline to answer any question, except that in relation to a matter directly before him.

The question being taken by yeas and nays, resulted—yeas 31, nays 17; as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas, Kennedy, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Slidell, Smith, Toombs, Ward, and Wright—31.

NAYS—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Doolittle, Fessenden, Foot, Hale, Hamlin, Harlan, Johnson of Tennessee, Seward, Simmons, Trumbull, Wade, and Wilson—17.

The VICE PRESIDENT. The appeal is laid on the table.

Mr. FOSTER. I ask whether the question was not taken upon sustaining the decision of the Chair, and not upon laying the appeal upon the table? I so understood.

The VICE PRESIDENT. The Senator from Ohio moved that the appeal do lie on the table; and upon that motion the vote has just been taken.

Mr. CHANDLER. I should like to know my *status* after that vote.

The VICE PRESIDENT. The Senator from Michigan can proceed in order.

Mr. CHANDLER. I had very little to say. I desired to answer a remark by the Senator from Georgia; but as it is ruled that I cannot do so——

Mr. TRUMBULL. If the Senator from Michigan will give way, I will move that he be allowed to reply to the remarks of the Senator from Georgia made on this same motion.

Mr. PUGH. Is that in order?

Mr. TRUMBULL. I hope, by unanimous consent, the Senator from Michigan will be allowed to reply.

Mr. TOOMBS. I hope so.

The VICE PRESIDENT. The Senator from Illinois asks unanimous consent to allow the Senator from Michigan to respond to the Senator from Georgia. The Chair hears no objection.

Mr. GREEN, and others. I object.

Mr. FITCH. I object decidedly. The remarks of the Senator from Georgia were made before the ruling of the Senate.

The VICE PRESIDENT. The Senator from Michigan is entitled to the floor.

Mr. CHANDLER. If I am ruled out of order in all I have to say, I have no desire to retain the floor. [Laughter.]

Mr. CLARK. The question now, I believe, is upon taking up the homestead bill, and postponing the Cuba bill.

The VICE PRESIDENT. Yes, sir; the question is on postponing the Cuba bill to take up the homestead bill.

Mr. CLARK. I understand it to be decided that you are not to debate the merits of the bill; but I do not know that I am to understand, that although you may not debate the merits, you may debate the demerits.

The VICE PRESIDENT. The Chair will state that he considers the action of the Senate as substantially an instruction to him to stop debate upon any motion in regard to the order of business. Any suggestion having strict reference to the mere order of business, the Chair will hear; but as instructed by the Senate, whenever the question is made, he will cut off debate of any character.

Mr. CLARK. I want, then, to go on, as I suppose I may, and state the reasons which induce me to vote to take up the homestead bill, and to delay the Cuba bill. I suppose it is in order for any Senator to state to the Senate the reasons which

induce him to do so and so, because, perhaps, those suggestions may influence other Senators, or it may be that they give a reason for his own vote, which, I think, under the practice of the Senate, he has a right to do. If that were out of order, I would not go on; but if that will be in order, (and I shall take it to be in order, unless I am called to order by the Chair or some Senator,) I shall proceed to state the reasons which induce me to vote to take up the homestead bill and to delay the Cuba bill.

I had proposed, Mr. President, at some time, to submit some remarks to the Senate upon the Cuba bill. I had desired to do so at an early time in the progress of the discussion. I desired to do so at the time the Senator from Missouri [Mr. POLK] addressed the Senate. I desired to do so at the time the Senator from Florida [Mr. MALLORY] obtained the floor. I did not do so then, because these other gentlemen were very anxious to speak, and I yielded to them. I was also desirous of obtaining the floor to-day, when the Senator from Connecticut [Mr. DIXON] spoke; but he had prepared himself and was anxious to address the Senate; and, of course, both of us could not speak at the same time, and I yielded then. After he got through, the honorable Senator from Tennessee, [Mr. BELL,] whose term soon expires, was anxious to address the Senate; and, of course, I yielded to him. Then, when he got through, other Senators desired to address the Senate, until it got to be a quarter before nine o'clock in the evening, when this debate was to be continued. The honorable Senator from Ohio [Mr. WADE] then took the floor, and said he desired, at some time, to submit some remarks, but was not prepared to do so at that hour, and that he would give way to any other Senator who desired to address the Senate. I suppose he had some reference to me; but I did not feel that I ought to go on at that time. Night before last, I was here until twelve o'clock; and last night I was here until very near eleven o'clock. I was patiently in my seat from eleven o'clock this morning until nine o'clock in the evening, listening to other Senators, and, bearing in mind the experience I had had of a night session last year, I had no great desire to engage in another. I began, on one occasion last year, very early in the day, and was detained until late in the night, and I did not know but that it might be so on this occasion, and, therefore, I did not desire to go on to-night; but I say now, sir, that I desired at some time to-morrow, at as early an hour as I can obtain the floor, to address the Senate on the Cuba bill.

Here I hope I shall be permitted to make a reply to a suggestion which fell from the Senator from Pennsylvania, [Mr. BIGLER,] that the Senators on this side of the House wanted to talk the time away, and that Senators on that side were desirous to have a vote. I say to that Senator, for one I do not desire to talk the time away. I say now, that all I desire is fair time to debate this matter. I will not be factious; neither will I talk at great length for the purpose of taking up the time of the Senate. I desire to have ample time to debate the question in such manner as I may think to be right; and I ask no more time than has been accorded to any other member of the Senate. I can make no promises; I do not feel called upon to make promises. I am here as a Senator, and I will endeavor to conduct myself as a Senator should. I will debate the matter properly as I can, pertinently as I can, and when I have got through I will sit down. I do not think I ought to be compelled to go on to-night. If the Cuba bill is to be continued now, we are brought to this pass: that either it must be discussed at night by those who want to speak, or we must come to a vote on it now. I desire time for its discussion. I make no appeal to the Senators on the other side; I ask nobody to give me that time. I simply state that I desire that time, and for that purpose I shall vote to take up the homestead bill now, on which I do not desire to speak, and I do not understand that any other person desires to speak, but that we may vote upon it, and then have the discussion on the Cuba bill at some time when we are better prepared to go on with it. I am not asking for any delay; I do not desire any delay, because I have not thought on the subject and revolved the subject in my own mind, and might not for that reason be ready to go on. I desire the delay, because I have been so long in the Senate for three days occupied in the way I have been. Having said this much in regard to myself, I have nothing further to say on the subject.

The Secretary proceeded to call the roll on the motion of Mr. DOOLITTLE.

Mr. SMITH, when his name was called, said: I have sought, some half a dozen times, an opportunity to assign the reason which would govern my vote; but, as the Chair did not choose to recognize me, I decline to vote.

Mr. TRUMBULL. I rise to a question of order. Debate is not in order while the roll is being called.

The PRESIDING OFFICER, (Mr. FITZPATRICK.) The point of order is well taken.

The result was announced—yeas 19, nays 29; as follows:

YEAS—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Doolittle, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Seward, Simmons, Trumbull, Wade, and Wilson—19.

NAYS — Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hunter, Iverson, Johnson of Arkansas, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Toombs, Ward, and Wright—29.

So the motion was not agreed to.

Mr. MASON, (at fifteen minutes past twelve o'clock.) I think it is manifest we can progress no further to-night; and I therefore move that the Senate adjourn. ["Oh, no!"]

Mr. SLIDELL called for the yeas and nays; and they were ordered; and, being taken, resulted—yeas 19, nays 27; as follows:

YEAS—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Doolittle, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, King, Mason, Seward, Simmons, Trumbull, Wade, and Wilson—19.

NAYS—Messrs. Allen, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Fitch, Fitzpatrick, Green, Gwin, Hunter, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Mallory, Polk, Pugh, Reid, Rice, Sebastian, Slidell, Smith, Toombs, Ward, and Wright—27.

So the Senate refused to adjourn.

Mr. WILSON. I move to postpone the consideration of this bill, and all prior orders, for the purpose of taking up the bill reorganizing the collection districts of the United States, designating the ports of entry and delivery within the same, and regulating the appointment and compensation of officers of the customs. It is not my purpose to enter into any discussion of this bill, as that has been ruled to be out of order. I want to be in order myself, and I intend hereafter to hold all other gentlemen to the rule which has been fixed to-night, during the present session at least. I will say, however, that the bill which I propose to take up has been before us for some time; it is a subject in which I have taken a great deal of interest for two years past, and it is a subject that I want to see acted upon at this session. If the bill passes at all, I think we ought to pass it at this time. It saves nearly eight hundred thousand dollars a year to the Treasury. It is certainly of great importance to act upon it at this session. For that reason, and believing that we cannot get a vote on the Cuba bill to-night, because there are some eight or ten gentleman who are prepared to speak on it, I make this motion. I think there are eight Senators on this side of the Chamber who intend to speak on the Cuba question, some for an hour, some for perhaps two or three hours, who have prepared themselves carefully to meet the issue that has been tendered, and do not shrink from debating it, but do not wish to go on to-night, and I suppose do not intend to go on until twelve o'clock to-morrow. I think we had better take up this other bill, which is one of great importance, and will save $800,000 to the Treasury. I ask for the yeas and nays upon taking it up.

Mr. BROWN. I want something like a test vote on the Cuba bill, and if the Senator from Massachusetts will withdraw his motion for a moment, I, as a friend of the Cuba bill, will move to lay it on the table, announcing my purpose to vote against my own motion, my object being simply to get something like a test vote. Now, Senators upon the other side, if you want to put yourselves upon the record, or if you are willing to do it, I offer you a fair chance.

Mr. SEWARD. I hope the honorable Senator from Mississippi will allow us to have a test vote on the other question, which we think more important. He will have an opportunity to make his motion afterwards.

Mr. BROWN. Then, I move to lay this motion of the Senator from Massachusetts on the table.

Mr. SEWARD. Upon that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MASON. I think it is manifest that we can make no progress in the business of the country to-night, and I am afraid the American people will consider this a humiliating scene. I move, therefore, that the Senate adjourn.

Mr. BROWN, Mr. SLIDELL, and others, called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 20, nays 30; as follows:

YEAS—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Crittenden, Doolittle, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, King, Mason, Seward, Simmons, Trumbull, Wade, and Wilson—20.

NAYS—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Mallory, Polk, Pugh, Reid, Rice, Sebastian, Slidell, Smith, Toombs, Ward, and Wright—30.

So the Senate refused to adjourn, at half past twelve o'clock.

The PRESIDING OFFICER, (Mr. FITZPATRICK.) The question recurs on the motion of the Senator from Mississippi to lay the motion of the Senator from Massachusetts on the table.

Mr. WILSON. Is that motion in order?

The PRESIDING OFFICER. It is in order.

Mr. SEWARD. I wish to speak to that question of order. The motion of the Senator from Massachusetts was to postpone this business and take up other business. A motion to lay that on the table seems to me exactly the converse of the first motion. A decision for one is equally a decision against the other.

The PRESIDING OFFICER. The Chair will say to the Senator from New York that the motion to lie on the table is not debatable.

Mr. SEWARD. Then I appeal from the decision of the Chair. Is that debatable?

Mr. BROWN. I call for the yeas and nays on that.

Mr. HALE. But the Senator from New York had the floor, and how does all this get in?

The PRESIDING OFFICER. The Senator from Mississippi moved to lay the motion of the Senator from Massachusetts on the table. The Chair decides that the motion is not debatable; from that decision the Senator from New York appeals; upon that appeal the yeas and nays are called for.

The yeas and nays were ordered.

Mr. DOOLITTLE. I do not understand whether the question is on laying the appeal on the table, or whether the decision of the Chair shall stand as the judgment of the Senate.

The PRESIDING OFFICER. The question is, whether the decision of the Chair shall stand as the judgment of the Senate?

Mr. IVERSON. I understood it to be a motion to lay the appeal on the table.

Mr. SEWARD. The Senator from Georgia is about to vote upon a motion to lay the appeal on the table; the Senator from Wisconsin, as instructed by the Chair, supposes that it is a vote to sustain or reverse the decision of the Chair.

The PRESIDING OFFICER. The Chair will state to the Senator from Georgia that the question is on sustaining the decision of the Chair.

Mr. FESSENDEN. Was not an appeal taken from the decision, and a motion made to lay that appeal on the table?

The PRESIDING OFFICER. The Chair did not understand a motion to be made to lay the appeal on the table, but he has put the question upon sustaining the decision of the Chair.

Mr. FESSENDEN. Then the Chair took no notice of the other motion.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. WILSON. Will the Chair be kind enough to state precisely what the question is?

The PRESIDING OFFICER. The Chair determined that a motion to lay on the table is not debatable. From that decision the Senator from New York takes an appeal. The question is, whether that decision of the Chair shall stand as the judgment of the Senate?

Mr. SLIDELL. A motion was made to lay the appeal on the table.

Mr. BROWN. The Senator from Louisiana moved to lay the appeal on the table, and the yeas and nays were called for upon that motion.

The PRESIDING OFFICER. The Chair did not hear the Senator from Louisiana make the motion; but the Chair has put the question on sustaining his decision.

Mr. BROWN. Very well; we get to the same conclusion.

The Secretary proceeded to call the roll.

Mr. KENNEDY. I should like to ask my friends on the other side if there is really a desire——

Mr. HALE and others. Order!

The PRESIDING OFFICER. Debate is not in order until the result is announced.

Mr. TRUMBULL. There is evidently a misapprehension as to what we have been voting upon. I voted supposing that I was voting to sustain the decision of the Chair, which I thought was right.

Mr. TOOMBS. I call the gentleman to order. I hope the result will be announced. It is not the business of the Chair to inform gentlemen how to vote.

The result was announced—yeas 33, nays 9; as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Cameron, Chesnut, Clark, Clay, Clingman, Doolittle, Douglas, Fitch, Green, Gwin, Hamlin, Hunter, Iverson, Johnson of Arkansas, Kennedy, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Slidell, Smith, Toombs, Trumbull, and Ward—33.

NAYS—Messrs. Broderick, Chandler, Fessenden, Foot, Foster, Seward, Simmons, Wade, and Wilson—9.

The PRESIDING OFFICER. The decision of the Chair is sustained.

Mr. BROWN. If I withdraw my motion to lay upon the table, and move to strike out the enacting clause, can I get a vote without debate? I would prefer to take the question in that form, provided I do not give rise to any further discussion.

Mr. CRITTENDEN. Make the motion—try it.

The PRESIDING OFFICER. Does the Senator from Mississippi withdraw his motion to lay the bill on the table?

Mr. BROWN. I do; but before submitting another motion, I desire to inquire whether a motion to strike out the enacting clause is debatable?

The PRESIDING OFFICER. It is open to debate.

Mr. BROWN. Then I shall not make that motion. Now, Mr. President, intending to vote against my own motion, but with a view of getting something like a test vote on this question, I move to lay the bill on the table.

Several SENATORS called for the yeas and nays.

Mr. WILSON. The question before the Senate, as I understand, is on my motion to postpone the Cuba bill and take up the bill in regard to the collection of the revenue.

The PRESIDING OFFICER. That is the pending question.

Mr. WILSON. I ask for the yeas and nays.

The PRESIDING OFFICER. The motion of the Senator from Mississippi is not now in order. The motion of the Senator from Massachusetts is to postpone the bill under consideration, and proceed to the consideration of the bill which he has indicated, with regard to the collection of the revenue.

Mr. BROWN. I move to lay that motion on the table.

Mr. CHANDLER called for the yeas and nays; and they were ordered.

Mr. BAYARD. Before the roll is called, I desire to know exactly what the question is.

The PRESIDING OFFICER. The Senator from Massachusetts proposes to postpone the Cuba bill and all prior orders, and proceed to the consideration of the bill reorganizing the collection districts of the United States. The Senator from Mississippi moves to lay that motion on the table; and the question is on the motion of the Senator from Mississippi.

The question being taken by yeas and nays, resulted—yeas 31, nays 16; as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Smith, Toombs, and Ward—31.

NAYS—Messrs. Broderick, Cameron, Chandler, Clark, Doolittle, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, King, Seward, Simmons, Trumbull, and Wilson—16.

So Mr. WILSON's motion was laid on the table.

Mr. BROWN. This measure has been before the Senate for many weeks, and I think every gentleman has been allowed to speak on it who really wanted to speak. We have now passed hours in a fruitless running scramble about nothing, Senators on the other side of the House saying that they wanted to speak, and yet refusing to do it. It is perfectly palpable, as the Senator from Georgia said in the early part of the evening, that Senators are afraid to come to the responsibility of a vote. The only possible test which, as against physical strength, we can make, is upon the motion which I shall presently suggest. I am willing to show my hand on this question. I am for the bill as it came from the committee, and I am against the amendment proposed by the Senator from Virginia, [Mr. MASON,] though I would take that rather than get nothing. I am for the acquisition of Cuba, and I want to advertise to all the world that we mean to have it—peaceably if we can, forcibly if we must. I am willing to pay for it, or I am willing to fight for it. I would advertise to the world that we mean to have it; and I look upon this bill as nothing more than a mere advertisement that the United States desire Cuba, and mean to have it. It is in that spirit that I vote for it, if I ever get a chance to do so; but the Opposition manifestly do not allow us to get to a vote. They have no speeches to make. They have been telling us for a week that they have ten, or fifteen, or twenty speeches to make, but when asked to make them they go off into a sort of guerilla warfare, moving to postpone this bill and take up something else, and so on. As the nearest approach we can make to a test vote, I move to lay the bill on the table, announcing my intention to vote against my own motion.

Mr. HAMLIN. I ask the Senator from Mississippi to withdraw his motion for a few minutes.

Mr. BROWN. I cannot.

Mr. HAMLIN. I shall not occupy five minutes of the time of the Senate, with an explanation of the reason——

Mr. TOOMBS. Order!

The PRESIDING OFFICER. Does the Senator from Mississippi withdraw his motion?

Mr. BROWN. I do not.

The PRESIDING OFFICER. The question is on the motion to lay the bill on the table.

Mr. IVERSON called for the yeas and nays; and they were ordered.

Mr. FOOT. I wish to say that my colleague [Mr. COLLAMER] has paired off with the Senator from New Jersey, [Mr. WRIGHT.] That explains his absence at this time.

Mr. CLAY. I have been deputed by the Senator from Mississippi, [Mr. DAVIS,] to say that he left under the impression that he would be paired off with the Senator from Connecticut, [Mr. DIXON,] and I promised to effect the arrangement. Mr. DIXON is absent, but I did not succeed in making the arrangement.

Mr. HALE. I rise to announce that I shall pair off soon, if the Senate do not adjourn. [Laughter.]

Mr. KENNEDY. If this is to be regarded as a test vote, I am authorized by the honorable Senator from South Carolina, [Mr. HAMMOND,] who is opposed to the bill, to say that he would vote for this motion. He is opposed to the bill, and has authorized me to say so.

The question being taken by yeas and nays, resulted—yeas 18, nays 30; as follows:

YEAS—Messrs. Broderick, Cameron, Chandler, Clarke, Doolittle, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Kennedy, King, Seward, Simmons, Trumbull, Wade, and Wilson—18.

NAYS—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Smith, Toombs, and Ward—30.

So the Senate refused to lay the bill on the table.

Mr. SLIDELL. Considering this as a test vote on the bill, and reserving the privilege of taking such action as the friends of the measure, after consultation, shall deem proper to-morrow, I now move that the Senate adjourn.

Mr. PUGH. Will the Senator allow me to perfect my amendment?

Mr. SLIDELL. Certainly.

Mr. PUGH. I propose simply to add to the amendment of which I gave notice, these words:

And no money shall be drawn from the Treasury, or borrowed under the authority of this act, until a treaty of cession shall have been concluded and ratified by Spain.

Mr. SLIDELL. I renew my motion.

The motion was agreed to; and the Senate (at one o'clock, a. m.) adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 25, 1859.

The House met at eleven o'clock, a. m. Prayer by Rev. N. P. TILLINGHAST.

The Journal of yesterday was read and approved.

PAY OF A DECEASED MEMBER.

Mr. LOVEJOY. As I learn that a joint resolution is to be introduced, covering the ground of the amendment which I proposed to offer to the resolution authorizing the Speaker to pay to Mrs. Mary J. Harris, widow of the late Hon. Thomas L. Harris, whatever sum was due to him, as a member of this House, at the time of his death, I will withdraw the motion I submitted to reconsider the vote by which that resolution was adopted.

There being no objection, the motion was withdrawn.

ENROLLED BILL.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that the committee had examined, and found truly enrolled, an act (H. R. No. 443) for the relief of William P. Wagner; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message was received from the Senate by ASBURY DICKENS, their Secretary, informing the House that the Senate had passed the following joint resolution, in which he was directed to ask the concurrence of the House: a resolution (No. 84) giving the assent of Congress to certain acts passed by the Legislatures of the States of Louisiana and Arkansas, in relation to the "raft" of Red river, and for other purposes.

Also, that the Senate had passed the following bills of the House of Representatives, the first two without amendment, and the last with amendments:

An act (No. 457) for the relief of Kennedy O'Brien;

An act (No. 803) to amend an act entitled "An act authorizing repayment for land erroneously sold by the United States;" and

An act (No. 874) establishing certain post routes.

TARIFF PROPOSITIONS.

Mr. HUGHES. I ask the unanimous consent of the House to introduce a bill.

Mr. HOUSTON. I object without its being reported. I know what it is.

Mr. HUGHES. Let the bill be reported.

The Clerk read the title of the bill, as follows: "A bill to revive the tariff of 1846."

Messrs. BUFFINTON, EDIE, HOUSTON, and many others, objected.

Mr. HUGHES. I move that the rules be suspended to enable me to introduce that bill.

Mr. CRAWFORD. I ask the gentleman from Indiana to allow me to offer a substitute for that proposition, and to allow it to be read for the information of the House.

Mr. HUGHES. The first question will be upon the suspension of the rules.

Mr. CRAWFORD. I know that; but I desire to give notice of my substitute, so that, if the rules be suspended, we can get a vote on each.

Mr. HUGHES. Let my bill be read.

The Clerk read the bill, as follows:

Be it enacted, That the act of Congress approved March 3, 1857, entitled "An act reducing the duties on imports, and for other purposes," be, and the same is hereby, repealed; and the act of Congress approved July 30, 1846, entitled "An act reducing the duties on imports, and for other purposes," be, and the same is hereby, revived, reënacted, and put in full force.

Mr. HUGHES. I do not wish to be misunderstood by the House. I merely give way to allow the gentleman from Georgia to give notice of his substitute.

Mr. CRAWFORD. I ask that my bill may be read.

It was read, as follows:

A bill to reduce the salaries of certain officers and persons in the service of the United States.

Be it enacted, &c., That all laws and parts of laws increasing the salaries of public officers and others in the service of the United States Government since the 1st day of July, 1850, be, and the same are hereby, repealed.

SEC. 2. *And be it further enacted*, That all salaries and payments hereafter to be made to said officers and others in the public service, shall be under, and in conformity to, the laws regulating and providing for the payment thereof, anterior to the said 1st day of July, 1850.

SEC. 3. *And be it further enacted*, That this act shall continue of force until the Secretary of the Treasury shall notify Congress that the annual receipts into the United States Treasury, from the duties received under the act of March 3, 1857, regulating the said duties on imports, and from other sources, shall be equal to the amounts annually appropriated by Congress, and no longer.

Mr. VALLANDIGHAM obtained the floor.

Mr. HOUSTON. I desire to ask the gentleman from Georgia a question.

Mr. VALLANDIGHAM. I have the floor, and do not yield.

Mr. CRAWFORD. I will answer any question the gentleman from Alabama has to ask with pleasure, if I can have the opportunity.

Mr. VALLANDIGHAM. I desire to give notice that, at the proper time, when the opportunity occurs, I will introduce a bill on the same subject, which I desire to have read.

Mr. HOUSTON. Well, I desire to say to the gentleman from Georgia that I am in favor of his bill, if he will make it apply to the compensation of members of Congress, and will assist him to suspend the rules to introduce it.

Mr. CRAWFORD. It does reduce the compensation of members of Congress.

Mr. EDIE. No debate is in order upon a motion to suspend the rules.

Mr. VALLANDIGHAM. I ask to have my bill read.

Mr. HOUSTON. The gentleman would not allow me to ask a question of the gentleman from Georgia, and I object to the reading.

Mr. VALLANDIGHAM. The House has given its consent to have the proposition of the gentleman from Georgia read, and I ask that the same courtesy may be extended to me.

Mr. CRAIGE, of North Carolina. I move that there be a call of the House.

The motion was not agreed to.

Mr. HOUSTON. I withdraw my objection to the reading of the bill proposed by the gentleman from Ohio.

Mr. WRIGHT, of Tennessee, Mr. EDIE, and others, objected.

Mr. JONES, of Tennessee. I would suggest that if this bill is introduced, it must, of necessity, go to the Committee of the Whole on the state of the Union; and all these gentlemen can have an opportunity to offer their amendments.

Several MEMBERS objected to debate.

Mr. HUGHES called for the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

Mr. MOORE. Is it in order to move that there be a call of the House?.

The SPEAKER. It is; the yeas and nays having been ordered since the vote was taken on the motion of the gentleman from North Carolina, [Mr. CRAIGE.]

Mr. MOORE. I move that there be a call of the House; and I call for the yeas and nays upon that motion.

Mr. CRAWFORD. As there seems to be some misunderstanding in reference to my proposition, I withdraw it for the present; so that there may be a straight vote on the suspension of the rules upon that of the gentleman from Indiana.

Mr. McQUEEN demanded tellers on the yeas and nays.

Tellers were ordered; and Messrs. CRAIG, of Missouri, and EDIE were appointed.

The House divided; and the tellers reported—ayes thirty-two, noes not counted.

So the yeas and nays were ordered, one-fifth voting in favor thereof.

The question was taken; and it was decided in the negative—yeas 52, nays 118; as follows:

YEAS—Messrs. Ahl, Avery, Barr, Billinghurst, Branch, Burnett, Clay, Cobb, John Cochrane, Burton Craige, Crawford, Curry, Davis of Mississippi, Dowdell, Edie, Elliott, Faulkner, Garnett, Gartrell, Goode, Grover, Hatch, Hodges, Hopkins, Houston, Hughes, George W. Jones, Owen Jones, Kilgore, Jacob M. Kunkel, Leiter, Letcher, McQueen, McRae, Samuel S. Marshall, Maynard, Miles, Millson, Moore, Niblack, Pettit, Potter, Powell, Reagan, Ritchie, Ruffin, Scales, William Smith, Stallworth, Stevenson, James A. Stewart, Vallandigham, and Augustus R. Wright—52.

NAYS—Messrs. Abbott, Adrain, Andrews, Bennett, Bingham, Blair, Bowie, Brayton, Buffinton, Burlingame, Burns, Case, Cavanaugh, Chaffee, Ezra Clark, John B. Clark, Clawson, Clark B. Cochrane, Cockerill, Colfax, Comins, Covode, Cragin, James Craig, Curtis, Davidson, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Durfee, English, Farnsworth, Fenton, Foley, Foster, Gilman, Gooch, Goodwin, Greenwood, Gregg, Grow, Lawrence W. Hall, Harlan, Harris, Hickman, Hoard, Horton, Huyler, Jenkins, Jewett, Keim, Kellogg, Kelsey, Knapp, Leach, Leidy, Maclay, Mason, Matteson, Montgomery, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Nichols, Olin, Palmer, Parker, Peyton, John S. Phelps, William W. Phelps, Phillips, Pike, Pottle, Purviance, Ready, Reilly, Ricaud, Robbins, Royce, Russell, Sandidge, Scott, Searing, Seward, Aaron Shaw, Henry M. Shaw, John Sherman, Spinner, Stanton, William Stewart, Talbot, Thayer, Thompson, Tompkins, Underwood, Vance, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Ellihu B. Washburne, Israel Washburn, Whiteley, Wilson, Winslow, Woodson, Wortendyke, John V. Wright, and Zollicoffer—118.

So the House refused to order a call of the House.

Pending the above call,

Mr. JONES, of Pennsylvania, stated that his colleague, Mr. CHAPMAN, was detained from the House by severe indisposition.

Mr. SPINNER stated that his colleague, Mr. MORGAN, was detained from the House by illness; and he would say further, that while his colleague had held a seat here for six years, this was the first time he had missed a roll call.

The vote was then announced, as above recorded.

The SPEAKER stated that the question recurred on the motion of the gentleman from Indiana, [Mr. HUGHES,] to suspend the rules for the introduction of the proposition which had just been reported, and that the yeas and nays had been ordered.

The question was taken; and it was decided in the negative—yeas 85, noes 91; as follows:

YEAS—Messrs. Adrain, Ahl, Anderson, Andrews, Avery, Barr, Billinghurst, Bingham, Bliss, Bowie, Burns, Case, John B. Clark, Clawson, Clay, John Cochrane, Colfax, Corning, Covode, James Craig, Davis of Indiana, Dick, Dodd, Edie, Eustis, Faulkner, Foley, Gregg, Groesbeck, Grover, Grow, Lawrence W. Hall, Harris, Haskin, Hatch, Hickman, Horton, Hughes, Huyler, Jewett, Owen Jones, Keim, Kilgore, Jacob M. Kunkel, John C. Kunkel, Landy, Lawrence, Leidy, Leiter, Maclay, Mason, Maynard, Miller, Montgomery, Edward Joy Morris, Murray, Niblack, Olin, Palmer, Parker, Pettit, Peyton, William W. Phelps, Phillips, Pottle, Purviance, Ready, Reilly, Ricaud, Ritchie, Robbins, Roberts, Russell, Scott, Searing, James A. Stewart, William Stewart, Miles Taylor, Underwood, Vallandigham, Waldron, Whiteley, Wilson, Woodson, Wortendyke, and Zollicoffer—85.

NAYS—Messrs. Abbott, Atkins, Blair, Boyce, Braneh, Brayton, Buffinton, Burlingame, Burnett, Chaffee, Cobb, Clark B. Cochrane, Cockerill, Comins, Burton Craige, Crawford, Curry, Curtis, Davidson, Davis of Maryland, Davis of Mississippi, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dodd, Dowdell, Durfee, English, Farnsworth, Fenton, Garnett, Gartrell, Giddings, Gilman, Gooch, Goode, Granger, Greenwood, Hoard, Hodges, Hopkins, Houston, Howard, Jenkins, George W. Jones, Kellogg, Kelsey, Knapp, Leach, Letcher, Lovejoy, McQueen, McRae, Samuel S. Marshall, Matteson, Miles, Millson, Moore, Morrill, Freeman H. Morse, Oliver A. Morse, Mott, Pike, Potter, Reagan, Royce, Ruffin, Sandidge, Scales, Seward, Aaron Shaw, Henry M. Shaw, John Sherman, Samuel A. Smith, Spinner, Stallworth, Stanton, Stevenson, Talbot, Tappan, Thayer, Thompson, Tompkins, Vance, Wade, Walbridge, Walton, Cadwalader C. Washburn, Ellihu B. Washburne, Israel Washburn, Winslow, Wood, and John V. Wright—97.

So the House refused to suspend the rules.

Pending the above call,

Messrs. REILLY and ADRAIN announced that Mr. CHAPMAN was detained from the House by indisposition.

Mr. VANCE stated that his colleague, Mr. GILMER, was necessarily absent from the city on very urgent business.

Mr. KELSEY. I want to put a question to the gentleman from Indiana.

Mr. McQUEEN. I object.

Mr. KELSEY. I want to know whether, if his bill be permitted to come in, he will allow amendments to be made?

Mr. McQUEEN. I object to all debate.

Mr. KELSEY. It is usual to allow that courtesy to members.

Mr. McQUEEN. There is no courtesy about it when the screws are to be put upon us.

Mr. GRANGER. What is the question?

The SPEAKER. To suspend the rules for the introduction of the proposition of the gentleman from Indiana, to revive the tariff of 1846.

Mr. GRANGER. The tariff of 1846, and the tariff of 1857, are wholly inadequate to our disease, and I vote in the negative.

Mr. SINGLETON, Mr. FOSTER, Mr. BOCOCK, and Mr. BRYAN, were not within the bar when their names were called, and asked leave to vote.

Objection was made.

They would have voted in the negative.

Mr. FLORENCE asked leave to vote, not being within the bar, when his name was called.

Objection was made.

He would have voted in the affirmative.

Mr. MORRIS, of Pennsylvania. Opposing the tariff of 1846 in every shape, yet I vote in the affirmative, to bring the subject before the House.

The vote was then announced as above recorded.

POST OFFICE APPROPRIATION BILL.

Mr. PHELPS, of Missouri. Yesterday a motion was submitted by the gentlemen from Pennsylvania, to reconsider the vote by which the Post Office appropriation bill was rejected. I hope that motion will be agreed to; and that a motion will be entered to reconsider the engrossment of the bill; and that then the matter be allowed to rest until we have gone into committee. I hope this proposition will meet with the approval of the House. If there be objection I would like to hear the reasons for it. The only object I have in view is to facilitate the transaction of the public business.

Mr. BLAIR. If it is in order, I move to lay the motion to reconsider upon the table.

Mr. PHELPS, of Missouri. I do not yield for that purpose. If the motion to reconsider the engrossment of the bill be not entered to-day, it cannot be made hereafter. When the engrossment is reconsidered, the bill will be open to amendment. If the motion to reconsider be laid upon the table, a new bill must be originated, or we will have to adjourn without making provision for the support of the Post Office Department during the next fiscal year.

Mr. HATCH. Will the bill be open to amendment if the vote ordering the engrossment of the bill be reconsidered?

Mr. PHELPS, of Missouri. It will be open to amendment; but not as it was in the Committee of the Whole on the state of the Union.

Mr. KILGORE. I would like to know what amendment the gentleman has to propose that will make the bill more acceptable?

Mr. BLAIR. Will it be in order to reconsider the amendments which were voted down in the House?

The SPEAKER. The bill will not be open to general amendment.

Mr. BLAIR. Then I move to lay the motion to reconsider on the table.

Mr. ENGLISH. On that I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 84, nays 104; as follows:

YEAS—Messrs. Andrews, Bennett, Blair, Bliss, Brayton, Buffinton, Burlingame, Case, Chaffee, Ezra Clark, Clawson, Cobb, Colfax, Comins, Covode, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dimmick, Dodd, Durfee, Edie, Farnsworth, Fenton, Florence, Foster, Giddings, Gillis, Gilman, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Haskin, Hickman, Hoard, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Leach, Leidy, Leiter, Lovejoy, Matteson, Montgomery, Oliver A. Morse, Murray, Nichols, Olin, Palmer, Parker, Pettit, Phillips, Pike, Potter, Pottle, Purviance, Reilly, Ritchie, Robbins, Roberts, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Thayer, Thompson, Tompkins, Wade, Waldron, and Walton—84.

NAYS—Messrs. Adrain, Ahl, Anderson, Arnold, Atkins, Avery, Barr, Bingham, Bocock, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Cavanaugh, John B. Clark, Clay, John Cochrane, Cockerill, Corning, James Craig, Burton Craige, Crawford, Curry, Davidson, Davis of Indiana, Dowdell, English, Eustis, Faulkner, Foley, Garnett, Gartrell, Gilmer, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hatch, Hawkins, Hodges, Hopkins, Horton, Hughes, Huyler, Jenkins, Jewett, George W. Jones, Landy, Lawrence, Letcher, Maclay, McQueen, McRae, Samuel S. Marshall, Mason, Maynard, Miles, Miller, Millson, Moore, Morrill, Mott, Niblack, Peyton, John S. Phelps, William W. Phelps, Powell, Ready, Reagan, Ricaud, Ruffin, Russell, Sandidge, Scales, Scott, Searing, Seward, Aaron Shaw, Henry M. Shaw, Shorter, Singleton, Robert Smith, Samuel A. Smith, William Smith, Stallworth, Stevenson,

James A. Stewart, Talbot, Underwood, Vallandigham, Vance, Watkins, Whiteley, Wilson, Winslow, Wood, Woodson, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—104.

So the motion to reconsider was not laid on the table.

During the vote,

Mr. DAVIS, of Mississippi, asked permission of the House to vote, he having been called out of the Hall on business, and not being in when his name was called.

Mr. DEAN objected.

Mr. DAVIS, of Mississippi, stated that, if he had been in the Hall when his name was called, he should have voted "no."

Mr. SHERMAN, of Ohio. I desire to ask the Chair whether the amendments that have been already voted down, can be moved again in the House if there be a reconsideration?

The SPEAKER. The bill will be open to amendment; but it is proper for the Chair to say that some of the amendments that were voted down would not be held by the Chair to be in order, if they were offered in the House.

Mr. BILLINGHURST stated that he had paired off with Mr. CARUTHERS.

The vote was then announced as above.

Mr. GOOCH. I desire to ask the chairman of the Committee of Ways and Means whether I understand that we shall have a vote on the amendment offered by the gentleman from Tennessee [Mr. AVERY] in the Committee of the Whole on the state of the Union, and which was believed by a large number of members to have been adopted? I ask him whether he will allow that amendment to be offered and voted on in the House?

Mr. PHELPS, of Missouri. I suppose the gentleman refers to the amendment alluded to yesterday by the gentleman from Indiana, [Mr. COLFAX,] and which he alleged was adopted in the Committee of the Whole on the state of the Union. My recollection was not in accordance, yesterday, with the statement of the gentleman from Indiana, but was in accordance with the report made by the chairman of the Committee of the Whole on the state of the Union. If this amendment was adopted in committee and, through neglect, was not reported to the House, it would seem but fair that the matter might come before the House for an expression of opinion. I cannot move that amendment.

Mr. GOOCH. I ask the gentleman if he will give me an opportunity to move it? Is there an understanding that I shall have an opportunity of moving that amendment?

Mr. PHELPS, of Missouri. The gentleman, I understand, refers to an amendment proposed by the gentleman from Tennessee, as amended on the motion of the gentleman from Massachusetts. If there is any evidence that it was adopted in the Committee of the Whole on the state of the Union, I think it but fair that a vote should be had upon it in the House; and I shall be willing for the gentleman from Massachusetts to move that amendment as if it had been adopted in the Committee of the Whole on the state of the Union. That would be fair. Here let me remark, that perhaps I was misled, in the hurry this morning, in making a statement to the House. I find, on examination of the rules, that it will be necessary to go a little further, and to have the vote by which the bill was engrossed reconsidered, in order that another motion may be submitted to reconsider the vote by which the amendment submitted by the gentleman from North Carolina [Mr. BRANCH] was adopted.

Mr. REAGAN. I asserted, at the time the amendment of the gentleman from Massachusetts was offered, that it was substantially the same as, and almost identical in language with, the amendment proposed by the gentleman from Missouri, [Mr. BLAIR,] and which had been incorporated in the bill.

Mr. PHELPS, of Missouri. I desire to say this: we have before us the report of the chairman of the Committee of the Whole on the state of the Union. I suppose there is confirmatory evidence in the reporter's notes, and in the Journal. I am willing that the matter should be submitted to the late chairman of the Committee of the Whole on the state of the Union; and if, on examination, he says that he has omitted to report an amendment that was adopted, I certainly shall be willing to have the amendment offered in the House. I ask whether that proposition is not fair? But if, upon an examination, it shall appear that that amendment was rejected by the Committee of the Whole, I think the gentleman from Massachusetts is making too large a request of me.

Mr. GOOCH. In answer to the gentleman from Missouri, I will say that we all understand that the Journal is conclusive, so far as this House is concerned. We cannot appeal from it; and it is no use to go into a discussion as to whether the amendment was or was not adopted in the Committee of the Whole. Now, sir, the gentleman from Texas says that we had a vote in the House on substantially this amendment. It is true that we did have a vote on an amendment similar in character, but not quite similar in all respects; and I submit that a misunderstanding on this side of the House, and, perhaps, with some gentlemen upon the other side of the House, affected that vote. I believe that that vote was decided as it was because there was an understanding that the same thing was in another part of the bill in a more desirable form, and could there be voted for. So that we were in reality misled, to a greater or less extent, by the supposition that that last amendment had been adopted in the Committee of the Whole. Now, I submit that it is nothing but fair that that question should be submitted to the House, and let the House vote upon it. If there is a majority of the House in favor of that proposition, then it ought to be adopted. If there is a majority of the House opposed to it, it will be voted down. And it seems to me that when we ask that we may be allowed to vote understandingly upon it, we do not make an unreasonable request.

Mr. PHELPS, of Missouri. The gentleman from Massachusetts misapprehends me, if he supposes that I desire to have this examination made according to the strict rules of evidence. I do not.

Mr. JONES, of Pennsylvania. I rise to a question of order. Is this discussion in order, at this stage of the business?

Mr. PHELPS, of Missouri. Certainly. The motion to reconsider is debatable. I did not propose to have the matter decided by an inspection of the Journal alone. I mean such an examination as would be satisfactory to any gentleman here, for we all know that oftentimes in the haste in which business is transacted here, mistakes may occur. Nobody is infallible.

Mr. DAVIDSON. I object to this discussion, if it is not in order.

The SPEAKER. The Chair thinks the debate is in order. The question is on the motion to reconsider. The motion to lay on the table has been voted down, leaving the motion to reconsider before the House in a debatable form.

Mr. HOPKINS. If the proposition which the gentleman from Missouri has submitted, is to depend upon my recollection, it is due to the Opposition side of the House that I should make a statement now, and it is, perhaps, due to the officers of the House that I should do so. My recollection is, that the amendment proposed by the gentleman from Massachusetts [Mr. GOOCH] to the amendment offered by the gentleman from Tennessee, [Mr. AVERY,] was agreed to; but when the question was propounded, as it then recurred, on agreeing to the amendment, as amended, my recollection corresponds exactly with the notes which the officers of the House have taken; that the amendment, as amended, was rejected, and my impression is, that it was rejected by a vote of eighty-odd to fifty-odd. Of that, however, I am not positive; but my impression is, that the amendment, as amended, was rejected. I had no other means of knowing than every other member of the House had, what was the fact, for neither of the amendments offered, was at any time in my hands. The questions were propounded as they arose, according to the record which the Clerk made, and when I reported to the House, the bill, with the amendments, I had only the bill itself in my hand, not having handled any of the amendments proposed. I have made this statement because, if the suggestion made by the gentleman from Missouri is to depend upon my recollection, it is proper that the House should understand what that recollection is.

Mr. AVERY. I wish to say that I felt a little more interest in this matter than anybody else, and noticed the vote particularly; and my recollection coincides with that of the gentleman from Virginia.

Mr. JONES, of Pennsylvania. I object to any further yielding of the floor.

Mr. REAGAN. I wish to make the question of order, that the House having voted on the amendment of the gentleman from Missouri, [Mr. BLAIR,] recommended by the Committee of the Whole on the state of the Union, and the amendment of the gentleman from Massachusetts [Mr GOOCH] being the same in substance and in language, it is an appeal from one vote of the House to another on the same question, and is a violation of all rules of order. I ask the Speaker to inspect the two propositions, and he will see that they are the same.

Mr. PHELPS, of Missouri. I believe the matter has now been fully discussed. I demand the previous question upon the motion to reconsider.

Mr. BRANCH. Has the gentleman from Missouri entered a motion to reconsider the vote by which the amendment offered by me was adopted.

The SPEAKER. The House has not yet reached that point.

The previous question was seconded, and the main question ordered, being upon reconsidering the vote by which the bill was rejected.

Mr. HICKMAN demanded the yeas and nays.

Mr. REILLY called for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. MONTGOMERY asked for tellers on the question.

Tellers were not ordered.

The motion to reconsider was agreed to—ayes 102, noes 73.

Mr. PHELPS, of Missouri. I move to reconsider the vote by which the bill was ordered to be engrossed and read the third time; and I will state to the House that I hope they will agree to the motion, in order to give me an opportunity to submit another motion to reconsider.

Mr. HICKMAN. I wish to ask whether the vote by which the bill was ordered to be engrossed and read a third time was not yesterday reconsidered, and the motion to reconsider laid on the table?

The SPEAKER. It was not. The motion to reconsider was not made.

Mr. PHELPS, of Missouri. I desire to recur to the condition in which this House finds itself at this moment. I find my colleague upon the Committee of Ways and Means, the gentleman from Pennsylvania, [Mr. PHILLIPS,] voting in committee for reporting this bill, and then coming into the House and voting to defeat it. Placed in the position which he occupies by the intercession of the friends of the Administration, I say I find him in the committee-room proposing no amendment to this bill, voting for it there, and then in the House voting to defeat it.

Mr. CLAY. I rise to a question of order. I submit that it is not in order to refer in the House to what occurred in the committee-room.

The SPEAKER. It is not in order to refer to what transpired in the committee-room.

Mr. PHELPS, of Missouri. Very well; I will confine myself to the motion to reconsider. But, sir, I will remark that a journal is kept of the proceedings in the committee-room, and that journal will corroborate what I have said.

Mr. JONES, of Pennsylvania. I desire to know of the chairman of the Committee of Ways and Means, if he charges that Executive interference has been exerted here in organizing the committees of this House?

Mr. PHELPS, of Missouri. I deny the charge. I made no such charge of Executive interference. I said that it was at the instance of the friends of the Administration that the gentleman from Pennsylvania was placed upon the Committee of Ways and Means. I appeal to him if he does not consider himself a friend of the Administration?

Mr. JONES, of Pennsylvania. I do consider myself a friend of the Administration. I am ready to carry out upon this floor every recommendation of the Administration. Can the gentleman say as much in reference to some portion of the recommendations of the President?

Mr. PHELPS, of Missouri. If the gentleman

asks me if I am desirous of carrying out all of the recommendations of the Executive, I say, no; that some of those recommendations I am not desirous of carrying out.

Mr. MONTGOMERY. By what right, then, does the gentleman from Missouri charge my colleague with resisting the Administration, when he, himself, claiming to be the friend of the Administration, and as such placed at the head of the Committee of Ways and Means, stands here to resist the recommendations of the President?

Mr. PHELPS, of Missouri. Well, sir, what right has the gentleman upon my left [Mr. MONTGOMERY] to complain; repudiated, as he was, by the Administration, on the Kansas question?

Mr. MONTGOMERY. I was sustained by my constituents.

Mr. STANTON. I rise to a question of order. There is so great confusion in the Hall that it is impossible to hear what is going on.

The SPEAKER. The gentleman from Missouri will confine himself to the bill under consideration; and the House will please preserve order.

Mr. PHILLIPS. I desire to know whether it is the intention of the gentleman from Missouri to move the previous question when he shall have concluded his remarks? If it is, then I want an opportunity to say something in reply. I certainly claim the right from the House to reply to remarks which might have been as well spared, and certainly could not have come from a worse quarter.

Mr. PHELPS, of Missouri. I will yield to my colleague on the Committee of Ways and Means, for a few minutes.

Mr. PHILLIPS. Now, Mr. Speaker, I submit that it comes with a very bad grace from the chairman of the Committee of Ways and Means, occupying the position which he does in reference to the recommendations of the Administration to read me a lecture on the subject of compliance with the wishes of the Administration; and if there is any interruption in the public business, upon him be the responsibility, for what he has done in the last ten minutes is it to be attributable. Am I to be scolded here, and told that I must vote in accordance with the gentleman's wishes? Must I vote for a bill because it comes from the Committee of Ways and Means, framed in accordance with the rules of the House, when, after it has come from that committee, amendments have been placed upon it which, as I believe, should make it objectionable to the gentleman from Missouri himself? Did not the gentleman from Missouri, who professes now to be, *par excellence*, the friend of the Administration, and wants to exclude everybody else—and I am willing he should exclude me from that category, if he is in it—did not he wish the bill changed by amendments placed upon it?

Now, sir, I hear to-day, for the first time, that my appointment on the Committee of Ways and Means was due to the interference of the gentleman from Missouri. I supposed, Mr. Speaker, that my appointment on that committee had come from you alone. But, if it was at the instance of the gentleman from Missouri, with the expectation that I should follow his dictation in the votes I am to give in this House, I can assure him that he made a great mistake. I act upon this floor acknowledging no responsibility to any one, except to my constituents. I have voted here steadily for the reduction of the expenditures of the Government. I challenge the gentleman to point to one vote which I have given that has not been on the side of economy. Can the gentleman from Missouri say as much?

Now, Mr. Chairman, if I am expected to follow the dictates of the chairman of the Committee of Ways and Means, simply because I hold a place on that committee, then the sooner I yield my place on that committee the better. I shall certainly sooner resign my place there, than surrender my manhood here. I have voted upon this bill, and upon other bills, in accordance with my own opinions of my duty; and I shall continue so to vote, with a proper reference to the alleged embarrassment of the country, and in reference to the embarrassment of the public business. Let the gentleman take his proper share.

Mr. PHELPS, of Missouri. Can the gentleman point to any objectionable feature of this appropriation bill?

Mr. PHILLIPS. I deny the gentleman's right to catechize me.

Mr. PHELPS, of Missouri. Can the gentleman lay his finger upon a single clause in this bill which is objectionable?

Mr. PHILLIPS. Yes, sir, I could.

Mr. PHELPS, of Missouri. Name it.

Mr. PHILLIPS. I will not consent to be thus questioned by the gentleman from Missouri. He must take the fact upon my word. I voted against the bill, because I thought it ought not to pass; and if it comes up again in the same shape, I will vote again the same way; and probably I will vote against it in any shape, until I can see and know where the money is to come from. I am not to be told here how to vote. Least of all am I to be told how to vote by a gentleman who failed to carry a bill through, as he expected, on party drill; by a gentleman who undertakes, publicly, to lecture one who, as he says, once belonged to his party, but has no right longer to belong to it?

Mr. PHELPS, of Missouri. When I made use of that remark, I referred to the gentleman from Pennsylvania sitting nearer to me than my colleague upon the committee.

Mr. PHILLIPS. A word or two more. I want the gentleman from Missouri to understand now and henceforward—and it is only a short week he will be troubled with me—that I shall vote just as I think right, without reference to his wishes or views, without reference to his action, and without any attempt to relieve him from the responsibility which, in my judgment, he has very much increased in this matter.

Mr. MONTGOMERY. Let me say a word.

Mr. PHELPS, of Missouri. One at a time.

Mr. MONTGOMERY. It is one at a time, now.

Mr. PHELPS, of Missouri. I am willing to take all the responsibility resting upon me. If the gentleman from Pennsylvania supposed, when I referred to his being placed upon the Committee of Ways and Means, that I had any agency in making any suggestion to the Presiding Officer to place him upon that committee, then he mistakes what I said. I said that he was placed there in accordance with the wishes and the earnest solicitation of the friends of the Administration.

Mr. MONTGOMERY. Who were they?

Mr. PHELPS, of Missouri. I do not mean to say, Mr. Speaker, that you, in your judgment, were biased or warped in this matter. I mean to say this: that in exercising the appointing power, you exercised it discreetly. You had suggestions made to you, as has been customary with Presiding Officers of the House, in reference to proper persons to be put on important committees. When this session commenced, and before the appointment of committees, rumor said that the friends of the gentleman from Pennsylvania, who is a member of the Committee of Ways and Means, urged his appointment, as a member of that committee, strongly upon the Speaker. That is the matter to which I referred. That rumor was current in this city. It was current in every quarter that there was a strong solicitation to the Speaker to appoint some gentleman from the State of Pennsylvania, and I believe the Speaker deemed it to be due to that State that it should have some member on the Committee of Ways and Means; so I believe it was considered due that the State of New York should have a member of that committee as it had at the previous session.

Now, Mr. Speaker, I come to the subject-matter under consideration. We have before us a bill making appropriations for the support of the Post Office Department for the ensuing year. It provides for the transportation of the mail, the payment of salaries to postmasters, clerks in the Department, and for all the other contingent expenses of the Department. That bill underwent the revision of the Committee of Ways and Means, and that committee instructed that it should be reported to the House in the shape in which it was printed. The Committee of the Whole on the state of the Union considered its various items, one by one. Was any amendment proposed by my colleague on the Committee of Ways and Means to reduce any single item of expenditure? Did he propose to strike off any portion of the $12,000,000 which is proposed to be appropriated for the transportation of the mails for next year? Not an amendment was submitted in committee, not an amendment was submitted in this House, to reduce that appropriation of twelve million dollars and upwards. There was no amendment moved in the Committee of the Whole on the state of the Union, and carried, except one, made, I believe, at the instance of the gentleman from New York, reducing the item $20,000. That amendment was agreed to by the House. There was an amendment moved by myself, which provided for drawing from the Treasury so much as the revenues of the Post Office Department might fail to supply in pursuance of the appropriation contained in the first section of the act. There was no objection in the Committee of the Whole to that amendment. No one spoke in opposition to it. When we came into the House, that amendment was read two or three times. The yeas and nays, not even tellers, could be ordered. The gentleman from Tennessee [Mr. JONES] demanded the yeas and nays; but they were not ordered. Tellers were asked for; and they were not ordered. In fact, there was no division in the House on the adoption of that amendment. Where is there anything objectionable in that bill? I ask my colleague to point it out. He says that he cannot be catechized. I do not set myself up here to induce any person to pursue a course which I may think is my path of duty, except by persuasion. I call upon this House to bear witness if I ever attempted to drive anything through; whether I ever attempted to coerce any gentleman upon this floor; whether I attempted to bribe any man, here or elsewhere.

Mr. PHILLIPS. In this connection I should like to ask, what was the gentleman's view when he undertook to give me this public lecture to-day?

Mr. PHELPS, of Missouri. There have been rumors and declarations made upon this floor that there were fifteen Democrats from the State of Pennsylvania who would henceforward vote for no appropriation bill. Such rumors have been circulated, and they have reached my ear.

Mr. REILLY. So far as that declaration concerns me, it is untrue.

Mr. PHILLIPS. There never was any such meeting and declaration of the Pennsylvania members.

Mr. BRANCH. With the permission of the gentleman from Missouri, I understood the gentleman from Pennsylvania to say, a few moments since, that there was an amendment placed on this bill that was a censure upon the Administration. I desire to ask the gentleman from Pennsylvania if he means the amendment moved by myself?

Mr. PHILLIPS. Certainly not. I will explain. The gentleman from Missouri arraigned me as opposing the wishes of the Administration. It would be immaterial to me if I did, if, in doing so, I thought I was right. The gentleman from Missouri [Mr. BLAIR] moved an amendment in reference to the overland mail route. He did not hesitate to avow that it was an indirect censure upon the Administration.

Mr. PHELPS, of Missouri. I am ready to answer that question.

Mr. PHILLIPS. In regard to the amendment of the gentleman from North Carolina, which extended appropriations, I will say that I voted for it, and I voted for it because I thought, and still think, it was proper the appropriations ought to be extended; that we are neither beggared nor bankrupt. I think that we are able to pay the money.

Mr. BRANCH. I understand, then, the gentleman from Pennsylvania to say that he did not refer to my amendment as a censure upon the Administration.

Mr. PHILLIPS. I have so said, unequivocally. I voted for it. I do not know whether it was a censure or not. I can see none in it.

Mr. PHELPS, of Missouri. The amendment to which the gentleman referred was moved by my colleague.

Mr. RITCHIE. I suppose the difficulty in finding out whether the Administration is censured is in the fact that it is hard to tell which is the Administration, the President or the Secretary of the Treasury.

Mr. PHELPS, of Missouri. I cannot permit further interruption. I have this to say, and I desire to say it at this moment. The gentleman from Pennsylvania refers to an attempt to censure the Administration, contained in a clause in this

appropriation bill. I ask him to point out the section or clause in which such censure is contained.

Mr. PHILLIPS. I said, or meant to say, that the chairman of the Committee of Ways and Means, who assumes to represent the Administration, (and that I do not dispute,) voted for a clause that was put in for the purpose of censuring the Administration.

Mr. PHELPS, of Missouri. The amendment to which the gentleman refers was not placed upon the bill. It was defeated in the House; but I was ready to give my vote for it. In that I was not voting to censure the Administration. The amendment only proposed to authorize the Postmaster General not to change the points of departure for the overland mail from St. Louis and Memphis to San Francisco; to permit Butterfield & Co. to take another route to San Francisco. I believe that if the contractors were authorized to take another route than the one which they now travel, the transmission of mail matter between the valley of the Mississippi and San Francisco would be expedited by from five to seven days. And I have yet to learn that the exact lines of a post route—the exact route over which the horses have to travel—has become an Administration measure. If the gentleman from Pennsylvania thinks that Administration measures of so petty a character are made, he does injustice to those of whom he claims to be the friend.

I do not desire to refer to declarations which the gentleman from Pennsylvania has made on this floor; but I suppose I may refer to the fact that he is represented as having determined to vote for no more appropriation bills. I will ask the gentleman from Pennsylvania whether he has not made such a declaration?

Mr. PHILLIPS. I answer that I have not. I made up my mind to vote against this bill, and I intend to carry it out. I may vote against them all, and have probably so said.

Mr. PHELPS, of Missouri. Has not the gentleman declared that he will vote for no further appropriation; except the tariff shall be revised?

Mr. PHILLIPS. I have not. The gentleman from Missouri misunderstands the members from Pennsylvania. They believe that it is idle to draw on an empty Treasury; but they consult about each bill as it comes up. So far as any resolution has gone, it only applies to this bill, about which the gentleman has so much anxiety.

Mr. PHELPS, of Missouri. Then the gentleman declares that, in regard to this bill, he has said he would not vote for it.

Mr. PHILLIPS. I do mean to vote against this bill again; and I am not going to be driven from my position by all that has been said by him.

Mr. PHELPS, of Missouri. I find no fault with the vote which the gentleman from Pennsylvania may give. He has the right to give whatever vote he pleases, whether it be in accordance with the will of his constituents or not. But I ask the gentleman in what position he desires to place the mail service of the country? He found no fault with the amount proposed to be expended. I have the right to draw that inference, because he offered no amendment to reduce the appropriations. He voted for the most objectionable amendment that was placed on the bill, and which had the effect of changing the votes of gentlemen on this side of the House; and after having loaded the bill, he then determined to vote against it.

Mr. Speaker, I have desired to reconsider the vote on the engrossment of this bill, for the purpose of having a motion submitted to reconsider the vote by which the amendment of the gentleman from North Carolina [Mr. BRANCH] was adopted. I move the previous question on he motion to reconsider the vote by which the bill was ordered to be engrossed.

The previous question was seconded, and the main question ordered.

Mr. HICKMAN called for the yeas and nays on the motion to reconsider.

Mr. MONTGOMERY called for tellers on the yeas and nays.

Tellers were ordered; and Messrs. CHAFFEE and MCQUEEN were appointed.

The House divided; and the tellers reported—ayes 32, noes 122.

So the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 121, nays 67; as follows:

YEAS—Messrs. Adrain, Ahl, Anderson, Arnold, Atkins, Avery, Barksdale, Barr, Bingham, Bliss, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Case, Caskie, John B. Clark, Clay, Cobb, John Cochrane, Cockerill, Corning, James Craig, Burton Craige, Crawford, Curry, Davidson, Davis of Maryland, Davis of Indiana, Davis of Mississippi, Dean, Dowdell, Edmundson, English, Eustis, Faulkner, Foley, Garnett, Gartrell, Gilmer, Goode, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Harris, Hatch, Hawkins, Hill, Hodges, Hopkins, Horton, Houston, Howard, Hughes, Huyler, Jewett, George W. Jones, Keim, Lamar, Landy, Letcher, Maclay, McQueen, McRae, Mason, Miles, Millson, Moore, Morrill, Edward Joy Morris, Isaac N. Morris, Niblack, Pendleton, Peyton, John S. Phelps, William W. Phelps, Powell, Ready, Reagan, Ricaud, Robbins, Roberts, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Seward, Aaron Shaw, Henry M. Shaw, Shorter, Sickles, Robert Smith, William Smith, Stallworth, Stevenson, James A. Stewart, Talbot, Miles Taylor, Thayer, Underwood, Vallandigham, Vance, Waldron, Ward, Watkins, White, Whiteley, Wilson, Winslow, Woodson, Wortendyke, Augustus R. Wright, and John V. Wright—121.

NAYS—Messrs. Andrews, Blair, Brayton, Buffinton, Burlingame, Cavanaugh, Chaffee, Ezra Clark, Clawson, Colfax, Comins, Davis of Massachusetts, Davis of Iowa, Dawes, Dick, Dimmick, Dodd, Durfee, Edie, Fenton, Florence, Foster, Gillis, Gilman, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Haskin, Hickman, Hoard, Owen Jones, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Leach, Leidy, Lovejoy, Humphrey Marshall, Samuel S. Marshall, Matteson, Maynard, Montgomery, Oliver A. Morse, Murray, Olin, Palmer, Parker, Pettit, Phillips, Potter, Pottle, Purviance, Reilly, Ritchie, Royce, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Thompson, Tompkins, Wade, Walbridge, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, and Zollicoffer—67.

So the motion to reconsider was agreed to.

Mr. BARR moved to reconsider the vote by which the amendment of the gentleman from North Carolina, [Mr. BRANCH,] in relation to the buildings for post offices, &c., was agreed to.

Mr. PHELPS, of Missouri, moved the previous question on the motion to reconsider.

Mr. BRANCH. I think the gentleman from Missouri had better include a motion to reconsider the vote by which the amendment which he offered was adopted before the previous question is sustained.

Mr. PHELPS, of Missouri. I withdraw the demand for the previous question. No objection was made in the Committee of the Whole to the amendment which I submitted. It does not make an unlimited appropriation out of the Treasury for the Post Office Department, but it confines the Postmaster General to an expenditure which shall not exceed the amounts specified in the first section of the bill, to be made up out of the revenues of the Post Office Department, and the amount necessary to supply any deficiency in those revenues is to be taken out of the Treasury, and no more. The first section of the bill appropriates between sixteen and seventeen million dollars for the service of the Post Office Department, which amount is payable in two methods: from the revenues of the Post Office Department first, and then as much as the revenues of the Department may lack of filling the requisitions of the first section may be drawn from the Treasury quarterly.

Mr. SMITH, of Virginia. I confess that the amendment of the gentleman from Missouri presented a very serious difficulty with me. It entirely relieves the Postmaster General from any necessity of retrenching his expenditures. It assumes that the appropriations must be spent.

Mr. PHELPS, of Missouri. Not at all.

Mr. SMITH, of Virginia. Yes, sir, it assumes that the appropriations must be spent, and, in these days of retrenchment, relieves the Postmaster General from any necessity of retrenchment in his expenditures; because, if he spends all the revenues of the Department, he will be able to fall back upon the Treasury to meet his engagements. I confess that I am decidedly opposed to the bill on account of that amendment.

Mr. PHELPS, of Missouri. Hitherto we have appropriated a certain amount out of the Treasury to supply the deficiencies in the Post Office Department, when the Postmaster General has told you that the revenues of the Department would be inadequate to defray the expenses of that branch of the public service. The Postmaster General hitherto has notified you, at the time you made your appropriations in advance of the fiscal year, that during the next fiscal year he would come here and ask for an additional deficiency appropriation. Now, I am attempting to obviate that difficulty. We have done it, by saying to the Postmaster General in this bill, that we appropriated so much money for the service of the next fiscal year, the sum which he estimates; that he shall have that and no more; that he shall have it from the revenues of the Post Office Department; and if the revenues of the Department are insufficient to meet the appropriations made in this bill, he may then go to the Treasury for the deficiency, and no more.

Mr. SMITH, of Virginia. Of course, I am disposed to support this bill, and to vote for any estimates made by the Department, or by the Committee of Ways and Means; but this bill authorizes an expenditure of $12,000,000; and that amount, according to the gentleman from Missouri, is to come out of the receipts of the Post Office Department; and any deficiency there may be in those receipts is to come out of the Treasury of the United States. Now, suppose the amendment of the gentleman from Missouri is not in the bill, and the Postmaster General sees that, if he exceeds the revenues of the Department, he will have to come to Congress and ask for a deficiency; is it not clear that he will try to reduce his expenditures and keep them within the receipts of the Department? It is perfectly transparent and palpable. I do not want the Postmaster General to spend all this money because it is appropriated. He ought only to spend as much as an economical and retrenching administration of his Department calls for.

Mr. CRAIG, of Missouri. I would ask the gentleman if he has any mail routes in his district that ought to be discontinued?

Mr. SMITH, of Virginia. I have in my district mail routes on which less frequent service might be put, if a reduction was made general over the country.

Mr. CRAIG, of Missouri. If there is one, I will ask the Department to stop it.

Mr. SMITH, of Virginia. The gentleman, no doubt, thinks he is very clever. But let me put a question to him. If three trips a day are made upon a route in his district when two would really answer the public service, and economy demands that the unnecessary service should be discontinued, I ask the gentleman if he would not vote to stop it?

Mr. CRAIG, of Missouri. I have not got any such routes in my district; and if the gentleman has more service on routes in his district than is needed, he ought to have it reduced.

Mr. PHELPS, of Missouri. The gentleman from Virginia desires to diminish the expenditures of the Post Office Department. In that I concur with him. But the question is, how shall we effect this object? This House has said, we will appropriate for the existing mail service $12,000,000, and that the same shall be payable out of the receipts of the Post Office Department; but that, if the revenues of the Department are inadequate to meet these appropriations, he shall take a sufficient amount out of the Treasury to meet these appropriations, and not a dollar more.

Mr. HOWARD. I wish to put a question to my colleague on the Committee of Ways and Means. If there is any route in the gentleman's district, or any other part of the country, where the service can be diminished, should not that come out of the $12,000,000?

Mr. PHELPS, of Missouri. Certainly.

Mr. HOWARD. Well, now, having this $12,000,000 of service to be performed, and requiring it to be performed, why should we not put the money within the reach of the Postmaster General to pay for it? I will vote for no bill that requires more service than we appropriate money to pay for. If you wish to secure reform, diminish the service; but do not require more service to be performed than you are willing to pay for.

Mr. PHELPS, of Missouri. I call for the previous question on the motion to reconsider.

Mr. BRANCH. If the previous question is seconded, I understand it will bring up the vote directly upon reconsidering the vote adopting my amendment. That is not in accordance with my understanding. I understood the gentleman from Missouri, this morning, to say, that he proposed to allow the motion to go over until to-morrow.

Mr. PHELPS, of Missouri. I understand it may go over by general consent. I think, however, that it had better be acted on now.

Mr. BRANCH. Then I have been very much disappointed in the course this matter is to take.

I hope the demand for the previous question will be voted down.

Mr. SEWARD. Is debate in order?

The SPEAKER. It is not.

Mr. SEWARD. Then I object.

Mr. VANCE. I rise to a privileged question. I move to reconsider the vote by which the first amendment reported from the Committee of the Whole on the state of the Union was rejected, as that seems to be the amendment upon which the principal objection to the bill arises. I will say that I am opposed to that amendment. I voted against it when the question was taken, and I shall vote the same way when the question is taken again; but, for the purpose of giving the House another opportunity to vote upon it, I make the motion to reconsider.

Mr. CRAWFORD. I submit that the gentleman's motion cannot be entertained while the previous question is pending.

The SPEAKER. The gentleman from North Carolina has the right to have his motion entered. It cannot, of course, be acted upon at this time.

Mr. STANTON. I submit to the gentleman from Missouri that it would be better to allow that amendment to come in, rather than to have a contest upon the previous question; for we on this side of the House will resist the seconding of the demand for the previons question, unless we can have a vote upon that motion.

Mr. SEWARD. I insist that the rules shall be enforced. The demand for the previous question is pending, and no debate is in order.

Mr. WASHBURN, of Maine. If the previous question is sustained, when the vote shall have been taken on the motion to reconsider, will not the previous question then have exhausted itself?

The SPEAKER. It will.

Mr. WASHBURN, of Maine. And the vote may then be taken upon the motion of the gentleman from North Carolina, [Mr. VANCE.]

The SPEAKER. It may.

Mr. STANTON. Will not the previous question extend to the engrossment of the bill?

The SPEAKER. It will not.

Mr. STANTON. Then I have no objection to it. I was acting under a misunderstanding.

Mr. PHELPS, of Missouri. Several gentlemen seem to have misunderstood the course which was to have been pursued upon this motion, and I will withdraw the demand for the previous question for the purpose of making a single remark in reference to it. When I called up the motion to reconsider this morning, it was not my intention that the bill should be finally disposed of to-day; and several gentlemen, who are my friends, regard that as a pledge that the vote shall not be taken. I have no wish to be considered as not acting in good faith; and I therefore hope the motion will go over until to-morrow, with the understanding that it shall come up the first thing in the morning. I propose, therefore, to move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of going on with the consideration of the naval appropriation bill.

The SPEAKER. The Chair thinks that motion is in order, and will take precedence of the motion to reconsider.

Mr. GREENWOOD. Do I understand that the motion of the gentleman from North Carolina [Mr. VANCE] has been entered?

The SPEAKER. It has.

Mr. GREENWOOD. Did the gentleman from North Carolina vote on the prevailing side?

The SPEAKER. He did.

REPORT OF SELECT COMMITTEE.

Mr. NICHOLS. Before the question is put on the motion of the gentleman from Missouri, I desire to submit a report from the select committee appointed under resolution of the 18th of this month. I make the report, accompanied by the testimony, simply for the purpose of having it printed, saying, at the same time, that I propose to call it up for action to-morrow.

The report was received; and ordered to be printed, with the accompanying testimony.

The question recurred on the motion to suspend the rules, and go into the Committee of the Whole on the state of the Union.

Mr. CRAWFORD. I ask the gentleman from Missouri to withdraw his motion, to enable me to ask the House to allow me to introduce a bill.

The SPEAKER. The call for the previous question would still be pending, if the gentleman from Missouri should withdraw his motion.

SMITHSONIAN REPORT.

The SPEAKER, by unanimous consent, laid before the House the annual report of the Secretary of the Smithsonian Institution; which was laid on the table, and ordered to be printed.

Mr. ENGLISH submitted a motion to print the usual number of extra copies; which, under the rule, was referred to the Committee on Printing.

BALTIMORE AND OHIO RAILROAD.

The SPEAKER also, by unanimous consent, laid before the House a joint resolution of the City Council of the city of Washington, protesting against the passage of a bill now before Congress conferring additional privileges upon the Baltimore and Ohio Railroad Company; which was laid on the table, and ordered to be printed.

CHICKASAW FUND.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, in reference to the Chickasaw fund, required under the act of 30th April, 1836; which was laid on the table, and ordered to be printed.

INDIANA FIVE PER CENT. FUND.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House of the present session, calling for a statement of the amount and disposition of the Indiana five per cent. fund; which was laid on the table, and ordered to be printed.

NAVAL APPROPRIATION BILL.

The question again recurring on the motion that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union, the motion was agreed to.

So the rules were suspended.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair,) and resumed the consideration of the bill of the House (No. 712) making appropriation for the naval service for the year ending June 30, 1860.

The CHAIRMAN. The general debate on the bill has been closed.

Mr. BRYAN. I desire to make a personal explanation.

The CHAIRMAN. The gentleman will have that privilege by unanimous consent.

Mr. WASHBURNE, of Illinois. How long?

Mr. BRYAN. Not more than two or three minutes. In the Globe of day before yesterday, containing the discussion upon the Army bill, after some remarks made by myself, in which I alluded to the defenseless condition of Texas upon the sea-coast, and upon her interior frontier, the report is as follows:

"Mr. KILGORE. I would like to know from the gentleman from Texas where he will go when he leaves the Union?

"Mr. REAGAN. Where we once stood—under the lone star; and when we go we will take with us the whole of the Gulf States, if not the whole South.

I ask my colleague whether this is his language, and whether these are his sentiments?

Mr. REAGAN. That I understand to have been the answer made by my colleague, and not by myself. I did not participate in the discussion.

Mr. BRYAN. Does my colleague indorse these sentiments?

Mr. REAGAN. It is not necessary for me to go further than to say that that was his expression. It is simply a mistake of the reporter in attributing it to me.

Mr. BRYAN. My colleague evades saying whether he indorses that expression. If these are his sentiments, I was willing to let it go; as it had been before the House for two days, and not corrected. I wish to place myself upon the record. These are my sentiments, and I stand by them.

The Clerk proceeded with the reading of the bill.

Mr. SHERMAN, of Ohio. I move to strike out these words:

"For increase, repair, armament, and equipment of the Navy, including the wear and tear of vessels in commission, fuel for steamers, and purchase of hemp for the Navy, $3,100,000."

And insert in lieu thereof the following:

For fuel for the Navy, to be purchased in the mode prescribed by law for other materials, and for the transportation thereof, $600,000.

For the purchase of hemp and other materials for the Navy, $300,000.

For the repair, armament, and equipment of vessels, $1,000,000.

Provided, That not more than $1,000 shall be expended in any navy-yard in the repair of any vessel, until the necessity of such repair and the probable cost thereof are ascertained by the report of a board of not less than three officers of the Navy.

Mr. PHELPS, of Missouri. I ask that the amendment be again read. I did not hear it; and it strikes me that it may be general legislation, and therefore out of order.

The amendment was again read.

Mr. SHERMAN, of Ohio. Mr. Chairman, a general desire has been expressed, on all sides of the House, to reduce the expenditures of the Government. I believe that this sentiment is cordially entertained by a large majority of this House. I now propose a practical reduction in one branch of expenditure, which, I think, may be carried into effect, without impairing the public service. I wish to state, that under the bureau of construction, equipment, and repairs, over $3,000,000 are now expended. The late committee on naval contracts and expenditures examined thoroughly this item of expenditure. It is a remarkable fact, that in this $3,000,000, embraced in a single item in this appropriation bill, there are forty or fifty distinct items. There are embraced contracts and purchases of various kinds—both upon sealed proposals and open purchases. All kinds of expenditures that relate to the equipment and armament of the Navy, are, without limit or specification, included in one item of appropriation. It seems to me, that the great objection to the clause reported by the Committee of Ways and Means is, that it is too general and indefinite. There is no specific appropriation about it; and when we come to investigate into the items which go to make up this sum, the aggregate of the item can be reduced $1,200,000.

As I have but five minutes to speak on this important amendment, I desire to direct the attention of the committee to the items embraced in it. I propose to appropriate $600,000 for the purchase of fuel for the Navy. Mr. Lenthall testifies that last year, something over fifty-five thousand tons were purchased, at an average cost of fifteen dollars per ton, and that for the next year not so much will be needed. I take the estimate of forty thousand tons, at fifteen dollars a ton, although I think fifteen dollars a ton is much too high, and that, by proper contracts of purchase and transportation, much of this could be saved. That will make $600,000. Hitherto, coal has been purchased through an agency at Philadelphia; and the reports of the minority and majority of the committee express the belief that there have been gross frauds in this coal agency, and that it ought to be abolished. This amendment will institute a reform in the purchase of coal, by taking from the Secretary of the Navy his present discretionary power, and require him to purchase coal, as other materials, for the Navy. It will also make the appropriation for coal specific, instead of being buried up in a general appropriation for repair and equipment of vessels. Under the present system, live-oak and other timber for the Navy are purchased at the discretion of the Secretary of the Navy, and gross abuses have arisen in the purchase of those materials. I propose to make a specific appropriation of $300,000 for the purchase of those materials. I think that will be amply sufficient for the purpose, if it is limited and restrained. I propose to allow $1,000,000 for the repair of vessels. Here are the most glaring abuses which have ever been brought to my attention, connected with the administration of this Government. The Niagara, for repairs, equipment, and armament, since this Administration came into power, has cost this Government over one million dollars.

[Here the hammer fell.]

Mr. PHELPS, of Missouri. I oppose the amendment of the gentleman from Ohio. The gentleman says that $1,000,000 has been expended in the repair of the Niagara.

Mr. SHERMAN, of Ohio. I said "for repairs, equipment, and armament."

Mr. PHELPS, of Missouri. That makes a wonderful difference. Why did it become necessary to expend so much money on the Niagara? Because, by an order of Congress, that vessel was detailed to assist in laying the Atlantic cable. She could not be engaged in that service with her ordinary armament or equipment as a man-of-war. Temporary alterations became necessary to allow the cable to be stowed on board the Niagara. Does the gentleman say that there was any unnecessary expense incurred on that occasion? The fault for the increased expense, if any there be, must be attributed to Congress, and not to the Navy Department.

But I desire now to come to the amendment offered by the gentleman from Ohio. If I understand that amendment, it proposes to specify the items that go to make up this $3,100,000. It proposes to appropriate, for hemp and other materials, $300,000.

Mr. SHERMAN, of Ohio. And that I believe is amply sufficient.

Mr. PHELPS, of Missouri. For coal, $600,000, and for repairs, $1,000,000.

Mr. SHERMAN, of Ohio. Yes; making a reduction of $1,200,000 in that item.

Mr. PHELPS, of Missouri. I desire to call attention to the fact, that at this time we have, and probably will have during the next fiscal year, a larger number of steamers in the employ of the Government than we have ever hitherto had. This Congress directed the President to use force, if necessary, in obtaining redress from the Government of Paraguay. Under the joint resolution, passed by Congress, vesting the Executive with that authority, a large expenditure of money was incurred. That expenditure will not cease with the expiration of this fiscal year. It became necessary to charter a number of steamers to carry men and supplies for this Paraguay expedition; and additional expenditures on the same account are expected during the ensuing fiscal year. The Department estimated $2,060,000 as being necessary for repairs, equipments, stores, wear and tear, &c., of the vessels engaged in the service of the country. It estimated $840,000 as being necessary for the purchase of coal and its transportation to the places where it is to be deposited for the use of steamers of the Navy; and estimated, for the purchase of hemp, $200,000. Out of this appropriation for equipments, repairs, and armament, much of the timber that is procured and stored in the navy-yards is paid for. [Here the hammer fell.] I ask that a letter may be read from Mr. Lenthall, the chief of the bureau of equipments and repairs. The Committee of Ways and Means, when the estimates were submitted, desired further information on the subject, in hopes to reduce it, and, in reply to its inquiry, received the letter which I send to the Clerk's desk.

The letter was read, as follows:

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION, ETC., *January* 8, 1859.

SIR: In compliance with your instructions, indorsed on the letter of the 4th instant, from the honorable chairman of the Committee of Ways and Means, it is respectfully stated, it is impossible to make a *detailed* estimate of the amount required for the service of the fiscal year ending June 30, 1860, for increase, repair, and equipment of the Navy, as this general estimate is predicated upon the expenditures for previous years, and is presumed will not fall short this year from the usual average amount.

For the purchase of materials, for the repairs at home, the maintenance abroad, and the stores, both abroad and at home, for nine ships-of-the-line, ten frigates, twenty-two sloops-of-war, four brigs, eight receiving and store-ships, and thirty-two steam vessels, the estimate is $2,060,000. The number of vessels which it is supposed will require repairs during the year 1859-60, is increased beyond that for the year 1858-59, the estimate for which was $2,170,000; and for the year ending June 30, 1858, was $2,223,000. This increase in number is in new steam vessels; and, unless from some unforeseen accident, it is supposed that their repairs will be small, whilst those of the older ships will be more costly than heretofore; but, on the whole, it will be seen, the gross amount has been reduced. The special appropriation for the construction of new vessels applies only to their first cost, and not to their subsequent maintenance, which is provided for in the usual annual estimates.

It is not practicable to give the exact cost of each vessel; it being impossible to know what the condition may be of many of those at sea, but which will require repairs on their return; for often, whilst in hand, it is found that much more work has to be done to them than was contemplated when their repairs were commenced. The cost of the repairs of some of the sailing frigates has varied from seventy to two hundred thousand dollars, and of the sloops-of-war from forty to one hundred thousand dollars—depending on the age of the vessel. In steam vessels, the amount is much greater than in sailing vessels, from their more rapid deterioration, and the additional wear and tear of machinery. The estimate has been based upon the average expenditures in previous years, having been reduced as low as possible; and anything less, it is thought, would embarrass the Department. For several years past, the appropriation has been just sufficient, and it has not been found necessary to have any deficiency bill.

With regard to fuel for steamers, estimating those in actual service to be under steam about one fourth of their time, the consumption of coal will be fifty-six thousand tons; which, at fifteen dollars per ton, amounts to $840,000, including cost of coal, freight, lighterage, and storage; and from the increasing rates of freight, the average cost may even be higher.

The estimate for hemp is for eight hundred tons, at $250 per ton, amounting to $200,000. The American hemp costs $312 per ton.

The estimate for the bureau of construction will stand thus:

For repairs, equipment, stores, and wear and tear, the sum of	$2,060,000
For coal for steamers	840,000
For hemp	200,000
Amounting in all to	$3,100,000

for the service of the fiscal year ending 30th June, 1860. This amount does not include armament of any kind, that being a separate estimate from the bureau of ordnance and hydrography.

The letter of the honorable chairman of the Committee of Ways and Means is herewith returned.

With very great respect, I am, sir, your most obedient servant,

JOHN LENTHALL,
Chief of the Bureau.

Mr. PHELPS, of Missouri. I move to amend the amendment of the gentleman from Ohio, by striking out the word "one" and inserting the word "two," so as to make it $2,000,000.

The estimates were submitted by the Navy Department under this general head, in pursuance of the act of 1840, which declared that a general estimate should be submitted, embracing equipments, armament, and repairs for the Navy.

The estimate, therefore, was submitted in pursuance of the act of 1840, which requires the estimates for the increase of the Navy, repairs, &c., to be submitted under such a heading. We have, at this time, a large increase of the naval force. There is a probability that this naval force will be abroad during the next fiscal year, except such portion of it as may be brought home for the purpose of repair, and some repairs will have to be made abroad upon our men-of-war. I admit that it is an impossibility for any person to tell the amount of money that will be needed to repair any of our vessels which are afloat. No ship builder can tell you the exact amount it will take to repair a vessel, until it has been thoroughly overhauled and examined, and the timbers of its hull have been bored and pierced, to discover if they are rotten or defective. Until that is done, you can make nothing but a conjectural estimate. I submit to the committee, that in the present posture of affairs in this country, we must take care that we do not cripple the Navy during the ensuing fiscal year. There may be employment for our fleets not only in Paraguay, but in the Gulf of Mexico, in the American sea, in the sea which belongs to us, and which we will control. I say then, to gentlemen who profess to be economists upon this floor, beware how you attempt to attack the estimates submitted for the support and maintenance of your Navy, in the present critical position of affairs. Over that sea we must exercise control; we will exercise control over it; and we ought to keep our Navy in such a position that at any moment it may be sent there to assert the rights of this country, and to redress any wrong which may be done to us.

Mr. CRAWFORD. I desire to ask the chairman of the Committee on Naval Affairs whether his committee concurs in the amendment offered by the gentleman from Ohio?

Mr. BOCOCK. No, sir; the gentleman from Ohio has submitted the amendment on his own responsibility.

Mr. SHERMAN, of Ohio. I certainly did not claim to be the organ of the Committee on Naval Affairs, in offering this amendment.

Mr. CRAWFORD. I am aware of that; but I simply wanted to know if the committee concurred in the amendment.

Mr. SHERMAN, of Ohio. Mr. Chairman, occupying the position which I do as a member of the Republican party, I might fairly say to gentlemen on the other side, pile on the appropriations as much as you choose; you have the responsibility of the Government. But I deem it my duty, as a member of this House, to endeavor to check, if I can, the growing extravagance of this Administration or of this Government, I do not care which. I therefore make this proposition on my own account. The law quoted by the gentleman from Missouri, requires Mr. Lenthall to make a detailed estimate of the expenditures of his bureau; and the only estimate that has been submitted to us is the amount in gross. I asked him for the items which composed this enormous amount of $3,100,000. I asked Mr. Lenthall where the items were, and it was only after long inquiry that I could ascertain what were the component items of this large sum. I found, then, that coal was buried up in this item.

Mr. PHELPS, of Missouri. Will the gentleman allow me to cite him to the act of Congress?

Mr. SHERMAN, of Ohio. I am familiar with the act.

Mr. PHELPS, of Missouri. With the act of 1840?

Mr. SHERMAN, of Ohio. Yes; I am familiar with that act. It requires an estimate of certain materials and matters coming under the general head of "equipment, repairs," &c. But there is no detailed estimate of these items. How much of this amount is for coal? The gentleman cannot tell us, from any published document, how much is for coal, how much is for live oak, how much is for hemp. A letter is now produced, which is not in the published estimates, or in any of the official documents, just at the heel of the session, from a subordinate in one of the Departments; and we are expected to take his say so as an official estimate.

Mr. PHELPS, of Missouri. I know the gentleman wants to be right. That letter was forwarded to the Committee of Ways and Means by the Secretary of the Navy. It was called forth in reply to my inquiry, made some time ago. I did not think it necessary to send to the Clerk's desk, or have read, the communication of the Secretary of the Navy, transmitting the letter to me.

Mr. SHERMAN, of Ohio. Why was not the letter, giving these items, printed in the estimates? The law requires that detailed estimates shall be laid upon our tables, at the beginning of every session. And yet, here is an amount of over three million dollars of which we have no items; and I would have had no information that would have enabled me to form any opinion of its enormous extravagances, but for the accident of the existence of the special committee. But, in that committee, these items were gone into; and there it appeared that the $3,100,000 covered a vast multitude of items, purchased in various ways, and in the purchase of which gross abuses had occurred.

I cannot, in the five minutes allowed me, refer to the tables which I have before me. But I will state that, in 1850, this item amounted to the sum of $1,867,205 52; and in 1851, to $2,080,377 44. Now, why is it that, in this short period, these expenses have increased to over three million dollars? There is no reason for it—none whatever. Nearly all the ships that now belong to the Government of the United States ought to be dismantled, and laid by in ordinary. They are worth nothing for real service. They are only fit to carry our lieutenants and subalterns to the Mediterranean and elsewhere on pleasure excursions. In case of a war, all these old vessels would be laid aside, and the Government would be called upon to build new ones. And if we allow $3,100,000, we allow twice as much as ought to be expended upon them; and, in my judgment, if $1,000,000 is expended, under the direction of boards of naval officers, it would go further, and do more for the Navy, than the $3,000,000 proposed by the gentleman from Missouri.

Mr. Chairman, I will not detain the committee any longer. I desire a vote on my amendment. I will simply say that I submit this proposition in good faith. If gentlemen upon the other side of the House choose to vote it down, well and good; they have the responsibility. I have performed my duty, and I do not care what they do.

Mr. PHELPS, of Missouri, by unanimous consent, withdrew his amendment to the amendment.

Mr. MILLSON. I move to amend that portion of the bill which the gentleman from Ohio proposes to strike out, by increasing the amount $100,000.

Mr. Chairman, we have heard a good deal lately of the necessity of making the Post Office Depart-

ment a self-sustaining institution, and I do not know how long it will be before gentlemen will insist that the Navy also shall be a self-sustaining institution. Gentlemen complain of what they call the enormous extravagance of the proposed expenditures. I can only express my surprise that the Department has estimated, or that the Committee of Ways and Means has been able to reduce the estimates, to so low an amount as that proposed.

Mr. SHERMAN, of Ohio. The amount is higher than it ever was before.

Mr. MILLSON. Certainly it is higher than it ever was before; but how much? Only $250,000 higher than last year. The House will recollect that it was only last year that Congress ordered to be built thirteen or fifteen new steamships, some of which have been launched, and all the others are nearly ready to be launched, and will be ready to be fitted up and supplied with their armaments, within the next fiscal year, and for which this appropriation is, in part, designed. I am, therefore, only surprised that the Department should have so conducted its affairs as to be able to get along with the amount of appropriation which the Committee of Ways and Means have reported in this bill. Does not the gentleman from Ohio know that this appropriation embraces the cost of fitting up and supplying sails, machinery, and other equipments?

Mr. SHERMAN, of Ohio. The gentleman is mistaken. There are special appropriations in the bill for these purposes.

Mr. MILLSON. I say to the gentleman that after the ship has once been finished, under the original appropriation, all the cost necessary for fitting up with sails and rigging, equipment and repairs, are included in these appropriations. Does not the gentleman know that these new ships, when they are put into the service, will require a very large amount of coal, requiring large expenditures in addition to the amount usually appropriated for that purpose? The gentleman talks as if ships were to be built for the purpose of keeping them at home. Why, sir, the officers of the Navy may have good reason to complain of the inconsistency of Congress. A year or two ago, complaint was made that so many of the officers of the Navy remain at home, and had seen so little sea service; the reply was, that Congress would not be willing to appropriate money sufficient to give them constant employment. Now the complaint is that so many of them have been sent to sea, and that they have not been kept at home.

[Here the hammer fell.]

Mr. FLORENCE. I am opposed to the amendment of the gentleman from Virginia, because I am in favor of the amount reported originally by the Committee of Ways and Means in this bill.

Mr. Chairman, the gentleman from Ohio, [Mr. SHERMAN,] in his remarks in opposition to this appropriation, said, if I understood him correctly, that there had been fraud in the purchase of this coal, and that evidence of that fraud had been given before his committee. Now, if such has been the fact, and they have evidence of it, why should that lead to the reduction of the amount of coal actually required for consumption by the Navy? If there has been fraud in the purchase, then change the plan of purchase; but do not reduce the amount.

Mr. Chairman, I have very great confidence in John Lenthall, the head of the bureau of construction, equipment, and repairs. I know him to be an exceedingly conscientious and economical man. He is, besides, a thoroughly experienced and practical mechanic. From conversations I have had with him, and observation, I know that he requires that everything coming under his charge shall be based upon the strictest principles of economy of expenditure; and I am therefore satisfied that the amount estimated by him is the least amount that can reasonably be got along with. The gentleman refers to the fact that armament and equipment are not included in the appropriation for repairs. Now, sir, I say to the gentleman, that just so soon as the vessel ordered is completed and repairs are required, it comes under the purview or head of this appropriation. Every dollar that is expended is charged to the particular vessel for which it is expended.

The gentleman from Ohio proposes that, hereafter, before repairs are made on any vessel to the amount of $1,000, it shall be submitted to a commission of naval officers. Why naval officers? Why exclude from that commission the most important man in the service for that purpose, the naval constructor, the master ship-carpenter, or some other worker in wood of the navy-yard; the eminently competent and practical man, and, of all others, best suited for the duty?

Mr. SHERMAN, of Ohio. The naval constructor is a naval officer.

Mr. FLORENCE. I do not consider him as such within the meaning of his amendment, or in the general acceptation of the word officer; and he, more than any one else, is best qualified for the inspection of ships to ascertain especially whether they need repairs. But I take occasion here to say, by way of parenthesis, that I have no special objection, as far as this branch of the proposition of the gentleman from Ohio is concerned, except that under the present regulation just such a commission, as I understand it, is already provided for by the rules and regulations of the service and practice of the Department. But, sir, if the gentleman wishes to bring about reform, do not begin it by withholding the appropriations necessary to support the honor of the American flag on the high seas, and to protect our commerce now floating upon the rivers of the world.

The gentleman from Missouri [Mr. PHELPS] has very aptly and properly said that, from the indications which now appear in the waters of the Gulf of Mexico, and in other quarters upon the ocean, we may very soon require the exercise of the entire power of the American Navy. In my judgment, that day is not far distant, and I hope this House will not strike down the efficiency of the Navy, by cutting down these appropriations to a point where it will be impossible to maintain our Navy, very limited as its power now is. Talk of economy, when the flag of our country is draggling in dishonor, and spoliations upon our commerce are made by every pretender to power and fame. Out upon such mistaken economy, say I, with all my heart.

[Here the hammer fell.]

Mr. MILLSON, by unanimous consent, withdrew his amendment.

Mr. GARNETT. I move to amend the amendment by changing the amount to $1,100,000.

Mr. Chairman, I do not wish this matter to go by without one voice from this side being raised to second the amendment of the gentleman from Ohio. Here, sir, are these items of construction and repair, amounting, as reported in this bill, to $3,100,000, for which no estimates are furnished us in detail at all. For other departments of the service, we have the items down to the prices of carpets and of newspapers, and everything of the kind; but here you have a single item of $3,100,000. The chairman of the Committee of Ways and Means now brings us a letter from a bureau in the Navy Department, purporting to give the details. Sir, I find that in the year 1851-52, the expenditures for this head were $2,200,000.

Mr. PHELPS, of Missouri. That is explained by the difference between the number of steamers then, and the increased number of steamers now.

Mr. GARNETT. I find that there was appropriated in 1851 and 1852, $1,365,000; and for the year 1852 and 1853, $1,365,000. Fifty per cent. increase upon that amount would not make the amount we have in this bill; it would not amount to the $3,000,000 asked for under the same item in this bill.

One word, Mr. Chairman, in reply to the gentleman from Missouri and the gentleman from Pennsylvania. I admit that the gentleman from Pennsylvania and my colleague from Virginia, representing as they do, navy-yards where this money is to be spent, know more of the matter than I do; but I observe that whenever a navy-yard bill comes before the House, we have a panic about a war. You recollect, when there was an application to build new steamers, last session, that we were told there was to be a war with Great Britain immediately. Congress had not adjourned before we knew the alarm had blown over. And the President, in his message, tells us that we are at peace with all the European nations. I think this panic for war is nothing more nor less than a panic for navy-yard expenditures. I believe that there has been a great deal of waste in this matter of repairs. I have been told by naval officers, in whom I have confidence, that there is no Government in the world that pays so much as does ours for ornamental work. Look at the French vessels; look at one of John Bull's vessels, the Power which has the largest navy in the world. Whilst they are in good order, and ready for fighting, they have not the same amount of paint and ornament. Besides that, sir, we have reduced our cruises from three years to two years. The best authorities in England, Sir Charles Napier and other eminent admirals of the British navy, say that, instead of three years being too long, they would increase the time, with a view to greater efficiency, and for the purpose of economizing expenditures. Every time a vessel returns from a cruise, she is painted and repaired; and by frequently carrying our vessels into the yards, we require a large number of vessels to perform the sea service needed, and thus expenditures are in every way multiplied. Mr. Lenthall tells us that the department will be embarrassed if we do not appropriate this money. Now if he means by embarrassment that it will strengthen his department, and put them to the necessity of economizing, I am for seeing his department embarrassed. I know this, that so long as we had a large surplus revenue in the Treasury, large expenditures were inevitable, whatever party would be in power; for waste always accompanies plenty. And on the other hand, if you want economy, you must diminish revenue.

[Here the hammer fell.]

Mr. FLORENCE. The chairman of Ways and Means interpolated a remark in the speech of the gentleman from Virginia, which renders further comment upon his amendment almost unnecessary. He referred to the fact that the increase in this item for equipment, repair, and armament, was because of a large increase in the number of our vessels of war. This is correct. Do gentlemen remember, since 1852, there has been added to the Navy five large steam frigates, six sloops-of-war, and there are now building at the different navy-yards in the country, and nearly completed, eight or nine more sloops-of-war, of light draught, or gun-boats, as they have been designated by some other persons? I think that sufficiently explains to any gentleman's mind, who will permit a sound judgment to influence it, the necessity for additional appropriation in this item of repair, equipment, and armament.

Mr. GARNETT. I understand the vessels are not built yet.

Mr. FRORENCE. The Lancaster, and that fleet of vessels, are ordered to be fitted out, and will be soon got ready for sea. The Lancaster is now at the Philadelphia navy-yard; and within a day or two, I hear orders have been issued from the Department to fit her out to test her sailing capacities and her machinery, as provided for in the contract for her construction. Those six sloops will necessarily consume a considerable amount of this expenditure.

Now, Mr. Chairman, with reference to this war-cry, to which the gentleman has referred, the admonition of the Father of his Country was, that in time of peace we should prepare for war.

Mr. GREENWOOD. I want to inquire of the gentleman if he is in favor of this bill, and willing to vote for its passage?

Mr. FLORENCE. I think I will. It is most likely that I will. But the gentleman will be answered when the vote is taken, and the record made. When members put a question to the Chair, the reply sometimes is, that he will decide the question when it comes up; and the gentleman will know how I will vote when the vote is taken.

I have only to say, that I think I shall vote for this bill, and certainly for every appropriation bill that meets with the approbation of my judgment. If the gentleman refers to my vote on these appropriation bills, I will tell him, independently of all other causes which he may think operated upon my mind, that I voted against the Post Office appropriation bill, because I consider it to be a bill of iniquities and abominations.

The CHAIRMAN. The Chair will state to the gentleman that the Post Office appropriation bill is not now under consideration.

Mr. FLORENCE. I thought so. But I will only make a reply to others. I seldom trouble the House, as every member will bear attestation. I will probably vote for this naval appropriation

bill. I will tell the gentleman I will vote for it if it meets with the approval of my judgment; and if it does not, I will vote against it. I was remarking, when interrupted, that the admonition of the Father of his Country was, that in time of peace we should prepare for war. I think that when we are ready to strike an effective blow, we have already won half the battle. If this were an extravagant appropriation, if it were considerably beyond the amount asked for last year, I would be willing, under the exigencies of the occasion, that it should be somewhat reduced. But it is only an increase of $250,000, which, in my judgment, is a very small appropriation for this item, in consideration of the increased number of vessels of war introduced within the last four or five years in the naval service of the United States. I am well convinced that the Department, under the present exigencies of the finances and the almost utter depletion of the Treasury, would not ask a dollar more than is absolutely necessary to keep the very limited number of vessels of our naval force afloat, and ready for emergencies that may readily and speedily occur, in view of the disturbed relations of the nations of the world. Let us economize. I am ready for it. But it must be a wise economy, in which all may unite.

[Here the hammer fell.]

Mr. GARNETT, by unanimous consent, withdrew his amendment.

Mr. BOCOCK. I move to amend the amendment of the gentleman from Ohio, by striking out "$600,000," which is the amount of his appropriation for coal, and insert in lieu thereof "$750,000."

Mr. Chairman, my object in moving this amendment is to make some general statement, in reference to this subject, and make a particular statement with reference to this item of coal. I do not see how the gentleman from Ohio can say to the House that forty thousand tons of coal are sufficient for our naval purposes during the next year, under the peculiar circumstances in which we find ourselves now placed. The gentleman from Missouri has justly alluded to the fact that we have now a much larger number of steamers afloat than we have ever had before. For the purposes of the Paraguay expedition, and because the Congress of the United States refused to build new vessels sufficient for the naval purposes of the country, it became necessary for the Secretary of the Navy to charter, I believe, seven steamers for that expedition. They are now afloat. They are in the South American waters. How long they may remain there, I do not know. The estimate that has been made is, that something like fifty thousand tons of coal will be required for naval purposes on board of vessels during the next year. That number of tons, at fifteen dollars per ton, will amount to the sum named in my amendment. We shall need coal for our navy-yards, which, however, will not amount to a large sum, and may be saved, perhaps, out of the $750,000.

And here let me say, that if the gentleman from Ohio, and those who agreed with him on the special committee to which he alluded, were of opinion that frauds had been practiced in the purchase of coal, and that the Government had suffered very materially in consequence of these frauds, then they viewed the matter in an entirely different light from myself and those who agreed with me. They and I were of opinion that the agent for the purchase of anthracite coal was a useless agent, and incompetent for the discharge of his duty. But I remember no evidence taken before that committee which sustains the declaration that frauds were committed. What are the facts? The facts are, that coal was purchased last year, for the Navy, cheaper than at any time for many years past. The coal which cost, in Philadelphia, in 1857, $4 25 per ton, was bought, all through Hunter's agency last year, at $3 85 per ton. The concurrent testimony of all the witnesses was, that there had been a reduction of about thirty cents in the value of coal between 1857 and 1858. The coal for foreign stations, which had cost, from Mr. Fillmore's administration to the present time, an average of something like fifteen dollars per ton, was purchased and sent to foreign stations last year at $12 50 per ton. Do these things prove that fraud was committed? If it was, I ask by whom it was committed?

From the best estimate that can be made, it is supposed that fifty thousand tons will be required for next year; and while I do not think that it will cost fifteen dollars per ton, yet that is the data on which the gentleman acts; and in that, he agrees with the chief of the bureau of construction. Freights are going up; and in consequence of that, coal on foreign stations may go up again to fifteen dollars per ton, where it was for many years.

In reply to the doctrine held by my colleague, that Admiral Napier and other Englishmen of experience and knowledge, have said that it was better for the English ships-of-war to remain on cruises for four years or longer, I want to say that the proposition of Admiral Napier and these other gentlemen was applicable to the English navy, and not to ours. Here, when Congress is asked to build ships, we are told that we have no need of ships. Gentlemen would restrict the Navy to the smallest number of vessels. In order to make these as effective as possible, the policy seems to be to make these ships travel from one station to another as rapidly as possible, so as to give protection, as far as possible, to our commerce in all the waters of the world. I am in favor of the policy of limiting the time that our vessels should remain on foreign stations.

[Here the hammer fell.]

Mr. SHERMAN, of Ohio. I will not enter into a dispute with the gentleman from Virginia in regard to the amount of appropriations for coal. I based my estimate on Mr. Lenthall's testimony, that during this year—a year of unprecedented demand—about fifty thousand tons of coal was needed, which cost, in the mode in which it was purchased, about fifteen dollars per ton; and also on the testimony that in his judgment so much would not be needed next year, as there was deposited a large supply, and a resupply would probably not be required.

Another word in reply to the gentleman from Virginia: he says that the Government purchased coal, this year, at less than it ever purchased coal before. Mr. Chairman, the Government paid Tyler, Stone & Co. $3 85 a ton, in Philadelphia; but many of the most intelligent coal dealers of that city came before the committee and testified that the same quality of coal was supplied in the market, at open purchase, at $3 35; and the very men from whom Tyler, Stone & Co. purchased this coal testified that the cost of it to Tyler, Stone & Co., delivered on shipboard, was between $3 25 and $3 40 per ton. So that Tyler, Stone & Co., at the lowest computation, made fifty cents a ton on what they furnished. The agent was paid $7,500 for six months' service. He never did a single thing in the discharge of his duty. He never weighed, inspected, examined, or saw shipped, a single ton of that coal. Worse than that, Mr. Chairman—and here is where I say fraud was committed—this coal agent was appointed here, in the city of Washington, by virtue of an arrangement, in which a late member of the House took part, by which the emoluments of that coal agency were to be divided between three men—one, the editor of a Democratic paper in Reading; another, a physician in Reading; and the third, Mr. Smith, of Philadelphia, an active friend of the President. That arrangement was made known to the President, as testified to by Mr. Smith himself. The coal agent lived in Reading, Pennsylvania, all the time, and never went to Philadelphia. He divided his emoluments, by virtue of the agreement that existed, except that Mr. Getz, the editor of the Reading Gazette, finding the arrangement distasteful, declined to receive his share, and the other two, Smith and Hunter, divided the emoluments.

I do not know what the gentleman means by frauds; but it seems to me that when an officer of the Government, high or low, President or subordinate, sits by and hears that the emoluments of a sinecure office—the emoluments, existence, and duties of which are all at his discretion—are to be divided between mere politicians; knows the parties personally; knows that the coal agent lives in Reading, where the duties of the office are not to be performed; that none of the parties are fit for the place, or could discharge its duties; and that the whole arrangement was a mere division of public money among partisans; to such transaction, if the word "fraud" is not to be applied, I do not know to what it is to be applied. When such transactions are officially brought to my notice, I will not carefully study words in condemning them. It was, at least, a gross neglect of duty.

Now, Mr. Chairman, I will read the resolution, to which the gentleman himself [Mr. BOCOCK] has assented, on the subject of the coal agency. It is as follows:

"*Resolved*, That it is disclosed, by the testimony in this case, that the agency for the purchase of anthracite coal for the use of the Navy, has been for some time past in the hands of a person wholly inefficient and grossly incompetent, and that reform is needed in the regulations which exist on that subject; but there is no proof which traces any knowledge of such inefficiency and incompetency to the responsible authorities in Washington, nor any which shows that the need of reform grows especially out of any act of theirs."

It is proved, Mr. Chairman, that the arrangement for the appointment of a coal agent was made in Washington, with the assent of the President; that the division of emoluments was made known to the President; that the incompetency of the agent was known to the President; that the fact that he resided sixty or seventy miles from Philadelphia, where the duties of his office lay, was known to the President; that his occupation, previous employment, and personal qualifications, were known to the President; that the agent never was here; that his appointment was brought about by Mr. Jones, then chairman of the Committee of Ways and Means of this House, and the most intimate friend of the President; that the appointment was yielded to and made by the President, although, by law, the whole matter of the coal agency was within the discretion of the Secretary of the Navy, and not of the President.

And yet, poor Hunter, the coal agent, is to be made the scapegoat, and the President and his Secretaries are to pass acquitted in the judgment of the Representatives of the people. Sir, whatever this House may do, the people of the United States will never tolerate such injustice.

The question being on Mr. BOCOCK's amendment,

Mr. PHELPS, of Missouri, suggested that the amendment should be withdrawn.

Mr. GARNETT. I think it is a proper amendment, and I hope it will not be withdrawn.

Mr. SHERMAN, of Ohio. If the gentleman does not withdraw the amendment, the committee will have to break up for want of a quorum.

The CHAIRMAN. The Chair does not know that that is a good reason. If there is not a quorum present, the committee should not do business.

Mr. MILLSON. I move to amend the original text by striking out "$100,000," and inserting "$300,000." My colleague from the Accomac district [Mr. GARNETT] has adverted to the fact that the gentleman from Pennsylvania [Mr. FLORENCE] and myself, representing naval districts, perhaps know something more upon this subject than he himself does. I do not think it strange that, coming, as we do, from naval districts, we should be somewhat more familiar with these subjects than gentlemen from the interior; and I should be unmindful, not only of any local interests confided to my care, but of my duty to the House, if I failed to guard them against any misapprehension into which there is danger of their falling. I do not see why a comparison should be sought to be made between present expenditures and the expenditures of Mr. Fillmore's administration. To be sure, the expenses of the Government have increased since that time, and we all know the reason why. There would be almost as much propriety in comparing the naval expenditures of the present day with the naval expenditures of General Washington's time. Since Mr. Fillmore's time, we have added about thirty ships to the Navy, and the greater part of these ships have been added within the last three years. We have added a thousand men to the Navy within the last two years. We have increased the service by these men and these ships, and we have increased the demand for the necessary money to support them.

Sir, we have now afloat one of the largest expeditions this country has ever sent abroad. That expedition was sent abroad on the motion of a gentleman on the Opposition side of the House, who caused the rules to be suspended for the purpose of originating this Paraguay expedition. And though my colleague, [Mr. GARNETT,] I know, voted against it, yet he should remember that I voted against it also; and if my colleague by his

reference to the fact that I represent a naval district, meant to imply that perhaps my vote was in some degree controlled by the necessities or interests of the people I represent, I can only remind him that although the sending of that expedition would necessarily increase the naval expenditures, yet I voted against it, because I did not think that for general reasons, it was justifiable at the time it was sent, or perhaps at any other time. The gentleman talks about the expenses of Mr. Fillmore's administration. Do we not know that much the largest amount of this appropriation for construction, equipment, and repair, is expended in the payment of mechanics and laborers, and do we not know that during the last five years the wages of labor have increased at all the navy-yards in the country? We know the fact that the wages of the mechanics and laborers at all the navy-yards of the country have increased, and justly and necessarily increased. Will any man say they ought not to have increased? Has there not been such an increase in the cost of living as to make this increase necessary everywhere? And when I recollect the great demands made upon the public purse by the originating of these expeditions, and by these increased expenditures, I can only express my surprise that the amount is so slightly increased above the appropriation of last year. Last year the appropriation for this item was $2,850,000, and now the gentleman from Ohio proposes to restrict the appropriation to only $1,900,000. It has been upwards of two million dollars for many years past, and yet the gentleman, with these increased charges and expenses, actually proposes to reduce the amount, and to separate the items of expenditure, and appropriate specific amounts for the purchase of coal, for the purchase of hemp, &c., as if it were possible for any human foresight to anticipate the necessity that may hereafter arise in reference to these articles.

[Here the hammer fell.]

Mr. MILLSON, by unanimous consent, withdrew his amendment.

Mr. FLORENCE. I move to amend the original text, by striking out the word "one," and inserting "two" in lieu thereof.

Now, Mr. Chairman, the gentleman from Virginia remarked, that the largest portion of this appropriation is for the payment of laborers. There has been a reduction in almost every Department of the Government where labor is most paid for. I have heard no exception taken to the number of persons employed in the different Departments of the Government. No evidence has been furnished to the House that the entire force employed is not required. I ask gentlemen, in all seriousness and fairness, do they mean by the reduction of this amount reported by the Committee of Ways and Means, to require that, if these repairs are to be made, there shall be a reduction of the pay of the laborers? That is the practical question which presents itself now to the judgment and consideration of every man here. I take this occasion to declare here, that I will protest against any reduction whatever in the small pittance paid to the mechanics and laborers in the employ of the Government. Let us begin at the head. Let the pay of the naval officers be first reduced, if any reduction is to take place, though I would not have that done, for, in my judgment, they are inadequately paid. Let the pay of those whose compensation is twenty times as much as that of the workingmen be reduced. I tell gentlemen here, that if these reductions are to be made in the pay of the mechanics and laborers in the navy-yards of the country, in the arsenals of the country, and everywhere under the employ of Government, the workingmen, the bone and sinew of the country, will hold the man who votes for such a measure to a strict accountability, and he ought to be held responsible for such a departure from justice and right. I am sorry to know that the workingmen of the country are not *a class* which seems to be much thought of here. What harm is it if, in the exercise of an independent opinion, the workingmen choose to prefer their friends in an election? Yet, for that offense, on this floor they are charged with being shoulder-hitters and ballot-box stuffers.

The gentleman from Ohio, [Mr. STANTON,] to whom I have referred, said, as I find it reported in the debates in the Congressional Globe:

"What would have been the fate of the facetious gentleman from the first district in Pennsylvania if the navy-yard had not been in his district? I fear he would hardly have been able to get the certificate, to say nothing of his chances for a legal election. Why, sir, I am told there are scores, if not hundreds, of men nominally employed in these navy-yards who never go there at all, except on pay-day. The only service they render is on election days, when they perform the duties of shoulder-hitters, and engage in such other amusements as the exigencies of the party require. This, I have no doubt, is the explanation of the increased expenditures of which the gentleman from Virginia complains. They have increased as the exigencies and necessities of the party have increased; and it is to these expenditures that the party owes its success. That gentleman and his party are now enjoying the power and patronage which these expenditures in the free States have secured, and without which it would have suffered an overwhelming and ignominious defeat. His friends in the free States have done the only thing that was left for them to do, and have achieved success for the gentleman and his party; and I submit to him whether he is rendering a proper return for such signal services."

Now, I take this occasion, because it is a proper one, and because this is the proper place, at least so far as I am concerned, to throw the imputations back in the teeth of those who utter them, so far as constituents of mine, at least, are concerned. Why, sir, the other day, while I was accidentally absent for a few minutes from the committee, (if I had been here I should have contradicted the statement at the time,) the charge was made that there was employed in the navy-yard at Philadelphia, just upon the eve of an election, a larger force than was necessary for the work being done there. I shall take this occasion to submit here, that gentlemen may read it, a tabular statement, prepared by the officers of the yard, showing the period of time that these persons were employed, and showing that there were absolutely more persons employed after the election than previous to it. Now, sir, I take occasion to say that when I can get a mechanic or laborer, or any operative, work in the navy-yards, or anywhere else, I will do it. If the public interests require that a hundred men shall be employed, I will not only go for employing a hundred men, but I will get in a hundred and one, if I can. Now, sir, I submit this tabular statement for the purpose of having it printed as a part of my speech.

[Here the hammer fell.]

Mr. KELSEY. I object to that. It is out of order to print speeches that are not delivered, and I object especially to the gentleman from Pennsylvania doing it, because his contested election has got to be settled by the next House of Representatives, and not by this.

[Laughter, and cries of "Order!"]

Mr. FLORENCE. I tell the gentleman from New York that there is no contested election in my district, not a word of testimony has ever been taken there upon any contest, and I assert that, upon no legal authority, can my election be contested.

[Cries of "Order!"]

Mr. KELSEY. I merely spoke upon newspaper authority that there was to be such a contest, and suggested that the next House would be the judge.

Mr. FLORENCE. Well, sir, I repeat that, as not a word of testimony has ever been taken, and if the next House intend to turn me out of my seat, in violation of right, justice, and of law, let them try it. That is all I have to say upon the subject. ["Order!"]

The CHAIRMAN. The gentleman from Pennsylvania is out of order.

Mr. FLORENCE. Well, sir, I trust the House will pardon me, because the gentleman has been exceedingly indecorous in his remarks, which I could not allow to go without response. [Laughter.] The gist of the charges is contained in the following paragraph, published in the newspapers:

"The six hundred and fifty workmen removed from the navy-yard at Philadelphia, since the election, may now realize how much Lecompton promises are worth. They were retained just long enough to be used for their votes, and discharged as soon as this duty was performed. A more infamous prostitution of patronage and of honor was never heard of, not even in those days when offices were thrust upon men on the mere expectation of obtaining their support for the Executive."

Here is a direct charge that six hundred and fifty men were employed in the Philadelphia navy-yard, merely to secure their votes at the October election for certain candidates, and were dismissed as soon as their ballots were deposited. If this charge were true, denunciation of those who controlled the yard would be just; but if it is proved to be false, those who wrote it and published it deserve to be held up to public scorn as miserable falsifiers and slanderers.

Figures, it is said, will not lie; and as they are arguments easily understood, I propose using them pretty extensively in elucidating this subject. I therefore append tabular statements of the number of men employed in the different departments of the navy-yard, together with the amount and kind of work done, from the 1st day of September up to the 26th of November, 1858:

Carpenters' department.

From the 1st to the 15th of September.....200 men.
16th " 30th " .....234 "
Sawyers—1st to 15th " ..... 16 "
16th to 30th " ..... 22 "
Borers—1st to 15th " ..... 64 "
16th to 30th " ..... 50 "
From the 1st to the 15th of October.....241 "
16th " 31st " .....292 "
Sawyers—1st to 15th " ..... 28 "
16th to 31st " ..... 28 "
Borers—1st to 15th " ..... 50 "
From the 1st to the 15th of November.....302 "
16th " 26th " .....302 "
Sawyers—1st to 15th " ..... 30 "
16th to 26th " ..... 30 "

Working on Lancaster, Congress, Chapin, docks, and City of Richmond.

Spar department.

1st half month of September.....18 men.
2d " " " .....18 "
1st " " October .....19 "
2d " " " .....19 "
1st " " November.....21 "
2d " " " .....21 "

The work on hand during this period was—
New set of masts and spars for frigate Congress.
" " " steamer Lancaster.
" " " new sloop No. 1.
" " " " " No. 2.
" " " propeller M. W. Chapin.
" " " and repairs for propeller City of Richmond.

Painters' department.

September 1st to 30th.....20 men.
October 1st to 30th.....30 "
November 1st to 26th.....31 "

Work done: Painting frigate Congress, sloop Lancaster, deck sections, steamer Chapin, Sloop No. 1, City of Richmond, and various shops and buildings.

Joiners' department.

September 1st to 15th.....117 men.
" 16th to the 30th.....138 "
October 1st to the 15th.....143 "
" 16th the 31st.....143 "
November 1st to the 15th.....145 "
" 16th to the 26th.....140 "

Working on Lancaster, Congress, Chapin, two sloops, plumbing shop, gun-carriage shop, and repairs to buildings in yard, and City of Richmond.

Caulkers' department.

September 1st to the 15th.....143 men.
" 15th to the 30th.....100 "
October 1st to the 15th..... 57 "
" 15th to the 31st..... 45 "
November 1st to the 15th..... 39 "
" 15th to the 26th..... 90 "

Caulking Lancaster, Sloop No. 1, City of Richmond, Princeton, Chapin, scows, and docks.

Block department.

From September 1st to the 15th.....12 men.
" " 15th to the 30th.....13 "
" October 1st to the 15th.....14 "
" " 15th to the 31st.....14 "
" November 1st to the 15th.....16 "
" " 15th to the 26th.....16 "

Working on Lancaster, Propeller No. 1, Chapin, blocks for yard use, and Congress.

Blacksmiths' department.

From September 1st to 15th.....150 men.
" " 16th to 30th.....100 "
" October 1st to 15th.....166 "
" " 16th to 31st.....170 "
" November 1st to 15th.....166 "
" " 16th to 26th.....166 "

Working on Lancaster, Congress, the two sloops, Chapin, docks, machinery, yard purposes, &c.

Plumbers' department.

From September 1st to November 26th.....20 men.

Working on Lancaster, Congress, Chapin, City of Richmond, mud machine, hydraulic engine-house, and repairs of yard.

Boat-builders' department.

From September 1st to November 26th.....10 men.

Working on Lancaster, City of Richmond, Chapin, Congress, light-house vessels, steamer Walker, &c.

Laborers' department.

September 1st to the 15th.....578 men.
" 16th to the 30th.....578 "
October 1st to the 15th.....710 "
" 16th to the 31st.....710 "
November 1st to the 26th.....460 "

At work on Lancaster, getting ready for launching, &c., Congress, Chapin, Docks, Propeller No. 1 and No. 2.

Storing timber, discharging timber from vessels, from contractors, and attending on all departments in the yard.

Likewise attending on saw-pits for sawyers. Also, on anchor boys and dredging machine.

Recapitulation.

The total number of men employed in the yard, on September 15, was.....1,250
October 1.....1,534
November 1.....1,720
November 26.....1,520

The work done, was:

Finishing and launching the Lancaster,
Refitting frigate Congress,
Repairing two light-house vessels,
Building two steam sloops,
Fitting steamer Chapin,
67,500 feet of live-oak was piled and stored,
456,000 feet of timber and lumber was discharged from vessels and stored—furnished by contractors; besides a large quantity of futlocks, floors, knees, and spar timber,
Dredging and dock.

Remarks.

At no time have two thousand men been employed in the yard. The difference between the highest number of men employed and the number now engaged is exactly two hundred. It is the rule never to employ more men than are necessary to do the work of the yard, and this rule has been rigidly adhered to.

These figures are correct in every particular, and they prove clearly that the charges made by those who have such a great antipathy to the prosperity of our city, are entirely without foundation. The number of men employed in the Philadelphia navy-yard is less than are employed at Brooklyn, Norfolk, and many other Government establishments; and yet, I presume, all will admit that our mechanics and laborers are as competent to build and repair ships, and are as deserving of employment as any in the country. Why, in the face of these conceded facts, are persons continually endeavoring to keep work from our shops, vessels from our docks, and wages from our honest and poor workingmen? Such conduct is not only inexcusable, but is despicably mean, and should meet with the most decided condemnation.

There was employed at the Philadelphia navy-yard, on the 26th of November, a month and a half after the election, one thousand five hundred and twenty men. Assuming that each one of these mechanics and laborers supports, directly or indirectly, four other persons, women and children, or the aged and helpless, and we have a population sustained in comfort by this establishment, of six thousand and eighty souls.

Do these Republican gentlemen and their allies desire to deprive this great number of people, or any number, of the means of subsistence? It would be hard to believe that they did, and yet such is the inference to be drawn from their singular conduct.

The officers in charge of the yard are men of the very highest professional and personal character, and command the respect of all who enjoy their acquaintance. Commodore Stewart's fame is a part of the history of the country, and forms one of the brightest pages in it; while Commander Carr is known to all the Navy as a gallant officer and a polished gentleman. Altogether—in the character of its officers, in the skill of its mechanics, in the industry of its laborers, in the excellence of its productions, and in its general appearance—the navy-yard is an honor to Philadelphia, and a credit to our country.

I will take, when the occasion offers, an opportunity to refer further to this subject.

Mr. BOCOCK. I rise to oppose the amendment of the gentleman from Pennsylvania, and to take occasion to make a statement or two in relation to some remarks submitted by the gentleman from Ohio, over the way, [Mr. SHERMAN,] the last time he was upon the floor. The gentleman from Ohio, in his first speech in relation to this matter, stated that there had been frauds committed in relation to the agency for the purchase of coal. I denied that any great fraud had been practiced upon the Government in the purchase of anthracite coal recently. The gentleman from Ohio, over the way, [Mr. SHERMAN,] has traveled out of his way to introduce matters here which, in my judgment, do not bear upon the question under consideration at all; and has given a view to the testimony taken by the committee on naval contracts, which I think is not a just or fair one; and it is to put this matter right that I rise now to oppose the amendment of the gentleman from Pennsylvania.

I stated, when I was up before, that coal had been bought, not only for the domestic consumption of our navy-yards, but for the use of our foreign stations, at a lower price during the year 1858 than for many years before. I reiterate that statement now; and I am prepared to prove it from the record. What, then, does the gentleman from Ohio do? He comes forward and says that men swore they could deliver coal at the yard for $3 20, at the same time the Government was paying $3 85. True, sir, they did swear it; but if any man will take that testimony and read it, and tell me that he believes they would have actually delivered coal of the quality necessary for the Government to use, then I will say that this testimony has had a very different effect on his mind from what it has on mine. One gentleman who testified that he could deliver it for $3 30, tells us that he never saw this coal; and at the same time it is in proof by other witnesses that he was selling his coal, of a probably inferior quality, at from three dollars and sixty-five cents, to three dollars and seventy-five cents. That is in proof.

The gentleman from Ohio says that we, on our part, seem disposed, by the resolution we have submitted here, to make a scape-goat of poor Hunter, while we allow other men, high in office, to go acquitted. Yes, sir, the evidence acquits others. All we, on our side of the committee, have done has been to plant ourselves upon the evidence. The evidence, however, in its proper construction, does not seem to suit the views of the gentleman from Ohio. That gentleman, doubtless, in all this matter, failing to find a charge legitimately resulting from the evidence that would suit his party feelings, his prejudices, and his antipathies, seems determined to strike a blow at his party opponents, at all hazards. Now, sir, what is the proof? I know there was a man who testified before the committee that he told the President of the United States this matter had been settled, and that the profits were to be divided between two or three parties.

Mr. KELSEY. I rise to a question of order. I dislike very much to interrupt the gentleman in any course of remark he may see fit to pursue; but if we are to pass these appropriation bills at all, the rules must be enforced, and gentlemen confined in the remarks that they make to the amendment under consideration.

Mr. BOCOCK. Yes, Mr. Chairman, that is the kind of fairness the gentleman evinces. A magnanimous man would have made the point of order on the gentleman from Ohio, [Mr. SHERMAN,] on his own side, who made the charge; and not, having waited till the charge had been made, then made the point on me, while answering it.

Mr. KELSEY. I say to the gentleman from Virginia, that I did not hear the charge made by the gentleman from Ohio. If I had, I should certainly have made the question of order on him.

Mr. SHERMAN, of Ohio. I hope the gentleman from Virginia will be allowed to proceed.

Mr. KELSEY. I only desired to call attention to the way in which the time of the House has been consumed. I withdraw my ojection.

The CHAIRMAN. The Chair will state that, if the committee expect to get this bill through at all, it is necessary for gentlemen to confine themselves within the rule. The rule is, that debate having been closed, five minutes shall be allowed to any gentleman moving an amendment, to explain his amendment; and five minutes to any gentleman who shall get the floor to oppose the amendment. The Chair would admonish gentlemen to confine themselves to the rule.

Mr. BOCOCK. I will endeavor so to do. I want, however, to make a single statement further in reply to the gentleman from Ohio. I stated that there were witnesses testifying that several persons applied for the coal agency, and that an agreement was made that, while one should have the appointment, three of them should divide the profits. No witness, however, testified that this arrangement was made known to the Secretary of the Navy. There was one of them who said that he told the President that the matter had been settled, and that the emoluments of the office were to be divided amongst the three parties. When questioned by me, however, whether he had mentioned to the President about the division of the emoluments, he replied that he had not. When questioned by me, whether the President had mentioned it to him, he said no; but that the President understood the emoluments of the office were to be divided; the fair inference from the testimony is that he merely inferred from the nature of the conversation that the President understood it. The President did not mention it to him and he did not mention it to the President. This was an agency merely. If the President understood that two gentlemen were to have this agency and to divide the profits of it, how would the thing stand? Mr. Springer, the agent appointed by Mr. Fillmore, who resided in Philadelphia, stated that it required some two or three persons to perform the duties of that agency. The last agent, Mr. Tyson, actually had a partner in the duties and the profits of the agency. A mere agency, which two or three men can fill; it is not an office which only one man can hold. If General Springer is right, it takes two or three men to perform the duties of the office. What is there wrong in those two or three men, located at different points, one performing one part of the duties, and another another, dividing the profits of the agency, in order to compensate themselves for the discharge of their respective portion of those duties? All we complain of is, that they did not perform their duties. Yet, sir, the company, to which they intrusted the matter supplied the Government with a better quality of coal than it had been supplied with before.

Mr. SHERMAN, of Ohio. To bring the matter to a point, I wish to know of the gentleman from Virginia, whether the President of the United States did not know that these parties, Dr. Hunter and Mr. Smith and Mr. Getz—that Mr. Getz was an acting editor in Reading, that Mr. Smith was an omnibus man, and that Dr. Hunter was a practicing physician, and that neither of them was connected with the coal business?

Mr. BOCOCK. Dr. Hunter was most strongly recommended; the recommendations in his favor are very strong. He had been connected with the iron business; and men in the iron business ought to be acquainted, more or less, with the qualities of coal. What I deny is, that the President did understand that Getz was to be connected with this matter. Getz himself testified that he did not mention the matter to the President, nor did the President mention the matter to him. The President stated to Getz that Glancy Jones wanted him to appoint Getz, but that Dr. Hunter lived in Reading, and that he came powerfully recommended, and that he must appoint him.

[Here the hammer fell.]

The amendment to the amendment was rejected.

Mr. GARNETT. I rise to move an amendment in good faith. I move to strike out $3,100,000. Objection is made to my referring, as a standard of comparison, to one year of Mr. Fillmore's administration. I did not do so as an advocate of Mr. Fillmore's administration. I have been in the habit of considering that it was an extravagant Administration, and that the appropriations under it would be large enough for anybody. I will now go to our own Democratic Administration, the model administration of Mr. Polk, of Tennessee, which will commend itself, I think, to members upon this side of the House. I find that in the last year of Mr. Polk's administration, the amount appropriated for this item was $1,436,000. I find, in the first year of his administration, the amount appropriated for this item was $1,050,000. I will not take either of those amounts; but I will take the amount appropriated during the very height of the Mexican war, when the Gulf of Mexico, that gulf which we are told is to be American, was dotted with transports and steamers of every kind; when our naval force had not only to watch the coast, but transport our armies as well; when our navy-yards and shops of every kind were working with their full force. The amount then appropriated was $2,500,000. That is a good Democratic reference. My motion, then, is to strike out the appropriation of this bill, and insert in lieu of it $2,500,000. I hope my amendment will prevail; and especially I invoke the aid of those gentlemen who, this morning, were willing to vote to increase the burdens and taxes of the people sooner than revise the expenditures.

Mr. MORSE, of Maine. When the gentleman from Ohio first proposed his amendment, cutting down the amount proposed by the Committee of Ways and Means for repairs, equipment, armament, &c., of our entire Navy, from over three million to less than two million dollars, I thought he was applying the pruning-knife too freely; and I still think the sum he proposes insufficient to meet the actual wants of the service, even if prop-

erly expended. But when I consider the leading reasons urged in favor of the highest sum by the chairman of the Ways and Means, and others, I am driven to the conclusion that we ought to limit the amount to the very lowest sum which will enable that branch of service to be kept up, and perform its necessary duties in time of peace. The dangers of war are dwelt upon and urged as a sufficient reason for keeping a large force in commission. We are told that dangers threaten us in the gulf of Mexico, and of the necessity of controlling the waters of that gulf at all hazards; and that things are unsettled in Central and South America, and a large force may be required in those waters also. I am unwilling to trust the present Administration with the slightest power to use the naval force of the country at its discretion. We are now having a most striking example of Executive control of the Navy in that miserable farce and stupendous humbug, the Paraguay expedition, the wildest scheme of folly and madness ever conceived and attempted to be executed by any former Administration. A resolution was passed through this and the other branch of Congress, at the last session, giving the President the power to make war against Paraguay, if he thought it advisable to do so, to avenge some fancied insult or grievance to our country or citizens. How such a resolution ever found its way through a Congress of sane men, was always a mystery to me; and I am thankful that I resisted it, and voted against it.

That expedition consisted of a nondescript fleet of about twenty sail of vessels, sent far towards the southern end of this continent, and nearly a thousand miles up the La Plata and Paraguay rivers, against an interior and diminutive republic, occupying a territory smaller than that within the limits of one of the several of the States of this Union, and with a population smaller than most of them, it being estimated at less than four hundred thousand square miles. For what was this great armada, fitted out at enormous expense, sent for thousands of miles over the sea to war against a small, and almost helpless, republic? Was it to chastise her for fancied wrongs, to act as prosecuting attorney for the collection of a probably trumped up claim of private adventurers, of but few thousand dollars in amount, and at an expense of eight or ten million dollars? or for what known and specified purpose was it sent? Can any gentleman here, or elsewhere, inform me? It was certainly not to protect the honor or interest of our country; for neither were attacked or imperiled by that infant State in that far off region. When the slight collision took place between the Water Witch and the fort, our boat was not in the known and used channel of the river, but in water claimed and controlled by Paraguay alone, where she persisted in going contrary to frequent warnings against her departure from the acknowledged channel of the river. It was not to protect any known and clearly violated right of American citizens; for we have no certainty even yet that there was an encroachment, or an intended encroachment, on the rights of any American citizen. We sent our fleet there in hot haste, on the *ex parte*, one-sided statement of interested and strongly prejudiced parties, and that, too, without any earnest attempt to restore amicable relations by negotiation; and we have, I fear, brought upon ourselves the ridicule of all sensible men, and dishonor to the nation.

The President is now before Congress in a message, lately sent in, begging for a like unrestrained power to act on Central America and Mexico. Sir, before I would let him further befool and stultify the nation with his small tricks of pettifogging statesmanship, I would let every ship in the Navy rot at our wharves and docks. We have had quite enough of his doings in that line, and I would not give him a single dollar for any such purpose. For protecting the honor of the country, and for all the various purposes for which ships-of-war are desirable and proper, I would open the Treasury with a liberal hand; but to place them under the control of the Executive, with the war power in his hands, in a time of profound peace, to rove along the coast of Central America, and the whole continent south of us, and lording it over feeble Powers, and probably to get up wars of conquest and annexation, I will not vote him a single farthing. So much for the war argument, which I regret, has been introduced into this debate, for it is out of place, and quite unnecessary, though the practice is very common on the most trivial occasions. Changing and enlarging as our Navy constantly is, by the substitution of war steamers for sailing vessels, and the increase of numbers, I do not think that the amount proposed by the amendment of the gentleman from Ohio, will be sufficient for repair, equipment, armament, &c., for the ensuing year, even if properly and economically used. But, with the ambitious views cherished by those who now control our national policy, the supplies had better be limited to the smallest amount that will possibly answer, than to be given freely. The amount will keep vessels enough in commission to be at the disposal of such an Executive, and the Navy Department had better go on under its restriction, until the restraint of reformatory laws can be thrown around the navy-yards and all that appertains to that Department, and the aggressive policy of the Administration becomes moderated a little.

Mr. SEWARD. As it is evident we will have to hold a night session, I propose, with a view of having a recess, that the committee do now rise.

Mr. PHELPS, of Missouri. I have this suggestion to make to the committee. There is a necessity for a night session for business. The only question is, whether we shall go on and have a continuous night session, or whether we shall take a recess and return again?

Several MEMBERS. Let us have a recess.

Mr. SEWARD. If we go on an hour longer, we will become exhausted. I think it is better for us to take a recess and come back and do business.

The question was taken; and it was decided in the negative.

The question being on Mr. GARNETT's amendment,

Tellers were ordered; and Messrs. BUFFINTON and SEWARD were appointed.

The committee divided; and the tellers reported —ayes 94, nays 18.

No quorum voting, the roll was called, and the following gentlemen failed to answer to their names:

Messrs. Abbott, Bennett, Billinghurst, Bishop, Bonham, Boyce, Branch, Brayton, Bryan, Burlingame, Burroughs, Caruthers, Cavanaugh, Chapman, John B. Clark, Clawson, Clemens, John Cochrane, Cockerill, Comins, Corning, Cox, Cragin, Curtis, Damrell, Davidson, Davis of Indiana, Dewart, Dick, Dimmick, Edie, Edmundson, Elliott, English, Eustis, Fenton, Foley, Gillis, Goodwin, Greenwood, Grover, Lawrence W. Hall, Robert B. Hall, Harris, Hickman, Hill, Hoard, Jewett, Kellogg, Kilgore, John C. Kunkel, Landy, Lawrence, Leach, Maclay, McKibbin, Humphrey Marshall, Samuel S. Marshall, Miller, Moore, Morgan, Oliver A. Morse, Niblack, Pendleton, Pettit, Powell, Reilly, Ricaud, Ritchie, Robbins, Russell, Scott, Searing, Shorter, Sickles, Samuel A. Smith, William Smith, Stevenson, George Taylor, Thayer, Trippe, Walbridge, Walton, Ward, Warren, Israel Washburn, Watkins, Wood, Woodson, Augustus R. Wright, and Zollicoffer.

The Speaker having resumed the chair, Mr. JONES, of Tennessee, reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the Navy appropriation bill, and finding itself without a quorum, had directed the roll to be called, and the names of the absentees to be reported.

One hundred and forty-three members having answered to their names, the committee resumed its session.

Mr. KEITT. Is it in order to move that the Sergeant-at-Arms be sent for the absent members?

The CHAIRMAN. It is not.

The tellers resumed their places.

The committee divided; and the tellers reported —ayes 72, noes 24.

No quorum voting, the roll was called and the following gentlemen failed to answer to their names:

Messrs. Abbott, Barr, Bennett, Billinghurst, Bingham, Bishop, Bonham, Boyce, Bryan, Burroughs, Caruthers, Case, Cavanaugh, Chapman, John B. Clark, Clawson, Clemens, Clark B. Cochrane, John Cochrane, Cockerill, Colfax, Corning, Cox, Cragin, James Craig, Burton Craige, Crawford, Curtis, Damrell, Davidson, Davis of Indiana, Davis of Massachusetts, Dewart, Dick, Dimmick, Durfee, Edie, Edmundson, Elliott, English, Eustis, Fenton, Gillis, Goodwin, Greenwood, Grover, Lawrence W. Hall, Robert B. Hall, Harris, Hawkins, Hill, Hoard, Horton, Hughes, Jewett, Kilgore, Jacob M. Kunkel, John C. Kunkel, Lawrence, Leach, Maclay, McKibbin, Humphrey Marshall, Miller, Moore, Morgan, Oliver A. Morse, Niblack, Pendleton, Pettit, Pike, Powell, Purviance, Reilly, Ricaud, Ritchie, Robbins, Russell, Scott, Searing, Shorter, Sickles, William Smith, Stephens, George Taylor, Thayer, Trippe, Vallandigham, Walbridge, Walton, Ward, Warren, Israel Washburn, Watkins, White, Whiteley, Wood, Woodson, Augustus R. Wright, and Zollicoffer.

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During the call,

Mr. HILL stated that he was within hearing of the call and would have answered, but he thought it was a vote, and he had paired off with Mr. MACLAY on account of the sickness of the latter. He also stated that his colleague, Mr. TRIPPE, had been compelled to leave the city on account of important business.

One hundred and thirty-five gentlemen having answered to their names the committee resumed its session.

Mr. BLISS. I move that the committee rise.

The CHAIRMAN. The question was on the amendment of the gentleman from Virginia, [Mr. GARNETT,] and the committee was dividing. The Chair thinks that the motion is not in order while the committee is dividing.

Mr. WASHBURNE, of Illinois. Suppose we could not obtain a quorum on this vote: does the Chair hold that the committee could not rise?

The CHAIRMAN. The Chair thinks not, till the question is disposed of. A quorum of gentlemen have answered to their names; and if gentlemen, for reasons satisfactory to them, will not vote, the Chair thinks the committee ought to sit here till a quorum do vote.

The tellers having resumed their places, and the committee having again divided, they reported—ayes 116, noes 7.

So Mr. GARNETT's amendment was agreed to.

Mr. BLISS. I move that the committee do now rise.

Mr. KELSEY. Is it in order to move that the committee take a recess until six o'clock?

The CHAIRMAN. It is not.

The committee refused to rise.

The question was then taken on the amendment proposed by Mr. BOCOCK to Mr. SHERMAN's amendment, and it was rejected.

Mr. SHERMAN's amendment was then agreed to.

Mr. UNDERWOOD. With a view of making arrangements for a night session, I move that the committee do now rise.

Mr. BURNETT. We had better go right ahead.

Mr. CLARK B. COCHRANE. Let us go on till five o'clock.

Mr. PHELPS, of Missouri. I submit to the members of the committee, that it would be far better to remain here and finish the bill instead of taking a recess.

Mr. UNDERWOOD. I will withdraw my motion; but I hope we shall go on with the bill, and not have so many speeches.

Mr. MORSE, of Maine. I offer the following amendment, to come at the end of the twenty-fourth line:

For the enlargement of the quarters for the accommodation of students at the United States Naval School at Annapolis, $50,000.

The CHAIRMAN. The Chair thinks that that amendment is not in order. It has no relation to the clause after which the gentleman proposes to insert it.

Mr. MORSE, of Maine. Does the Chair decide it out of order?

The CHAIRMAN. The Chair does.

Mr. MORSE, of Maine. Will it be in order as an amendment to any portion of the bill?

The CHAIRMAN. The Chair does not know all the provisions in the bill. If there is any provision in the bill on the subject of that school, it may be in order when the committee reaches that part of the bill.

Mr. GARNETT. I move to reduce the appropriation to $508,000 in the following paragraph of the bill:

"For contingent expenses that may accrue for the following purposes, namely: Freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire-engines and machinery, repairs of and attending to steam-engines

in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repairs of workmen's tools, postage of public letters, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen and incidental labor not chargeable to any other appropriation, transportation to and labor attending the delivery of provisions and stores on foreign stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, fuel, commissions and pay of clerks to navy agents and storekeepers, flags, awnings, and packing boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial, courts of inquiry, and other services authorized by law, pay to judges advocate, pilotage and towage of vessels, and assistance to vessels in distress, and for bills of health and quarantine expenses of vessels of the United States Navy in foreign ports, $896,000: *Provided*, That the expenditures under the foregoing appropriations shall be so accounted for as to show the disbursements by each bureau, under each respective appropriation."

This, I find, is the amount appropriated during the last year of Mr. Polk's administration. If there be no objection to it, I will not detain the committee with any remarks.

Mr. DAVIS, of Mississippi. I hope that amendment will not be adopted. It is, to me, most singular that, when those who have charge of this particular branch of the public service, have, after carefully examining the subject, judging from the expenditures of the past and from the service expected to be required for the future, estimated that a certain amount of money will be required for the coming year, this House, without any reason being given for it, without a particle of information being in possession of the body as to the cost of a solitary item of expenditure, should undertake to cut down the amount estimated for by one third, one half, or two thirds, as the whim or caprice of the House may dictate. Let me give a single illustration, and I have done. Suppose the agent you have employed to superintend your farm tells you that the service of twenty plows will be required for the next year, and you, without inquiring into the number of hands employed, into the number of acres to be cultivated, or into any of the facts necessary to be known in order to determine what is wanted, tell him that you will strike the number down to ten: I ask you if, by that course, you will be likely to increase your crops, or have made an economical arrangement by the reduction? That, Mr. Chairman, it seems to me, is exactly the conduct of gentlemen in this House who insist upon striking down the estimates for the appropriations, without being able to give a solitary reason for the reduction they propose. If there is anything wrong in the estimate, if the gentleman who moves this reduction is satisfied that it should be made, he ought to be able to furnish this House with some reason in support of his amendment. Sir, the reductions that are being made in the appropriations contained in this bill can have no other effect than to cripple the Navy, and render it incapable of performing the service which may be required of it. You might as well abolish the Navy altogether; you might as well abandon your Government altogether, as to refuse to supply means necessary for its support.

The gentleman says he sees no prospect of war with any nation. Well, sir, perhaps the gentleman has not examined the indications before us as a wise man should examine them. So far as I can draw any inference from the state of things which I now see existing in France and in England, war is inevitable. Sir, England has recently greatly increased her navy; she is, to-day, absolutely manufacturing more arms than at any former period of her history. The same is true of France, and of all Europe; and, when that war comes, no gentleman can tell what effect it may have upon us, or what part it will become necessary for us to take in it. Sir, we know that a thunderbolt is now in the heavens; it must fall somewhere; and, whether it will strike us or others, we cannot tell. I think, therefore, that every dictate of wisdom, of prudence, and even decency, would require that we should make the appropriations necessary to maintain our Navy; and I hope, therefore, the amendment of the gentleman from Virginia will be voted down.

Mr. WINSLOW. I move to amend the amendment, by adding $100. I only do it for the purpose of making a single observation. My friend from Virginia [Mr. GARNETT] bases his amendment upon the expenditures of the Government during Mr. Polk's administration. If the gentleman will reflect for a moment, he will see that things have changed very much since that day. Money is not worth as much as it was during Mr. Polk's administration. The expenses of the Government, and all our expenses, have largely increased. I will give a single example, for I do not wish to occupy the time of the committee long. The last Congress added one thousand five hundred men to the *personnel* of the Navy, and by your own action you have added very materially to the list of naval officers, serving to swell, as every gentleman must see, the expenditures in this item alone, by a very large amount. In addition to that, you will remember that the whole naval system has been radically changed since the administration of Mr. Polk. At that time there were but two or three steam vessels in the Navy. Now, it is composed almost entirely of steam vessels, which necessarily involves a much larger expenditure for contingencies than sailing vessels. Every gentleman must see that the expenses necessary for maintaining the Navy at this day can be measured by no criterion extending as far back as Mr. Polk's administration. I will go as far as any gentleman upon this floor for retrenchment; but the whole efforts of this House seem to be directed against the Navy. Sir, there are land-rats, as well as water-rats; and you will find other subjects to which the hand of retrenchment can be applied quite as well as to the Navy. In your War Department, except in time of war, the Army is always a peace establishment; but in the Navy, the articles of war govern every ship of war. Your Navy is always supposed to be in a state of war. Every ship must be in condition to be ready, at a moment's notice, to enter upon hostilities for the protection of your commerce, and of the honor of your country. I therefore say, that gentlemen who propose any diminution in these estimates, ought to be able to furnish this House with ample reasons, and good reasons, for such a proposition.

Mr. GARNETT. The gentleman from North Carolina says, that there are land-rats as well as water-rats, and that retrenchment ought to be made elsewhere. I know that there are land-rats, and I know that there are Treasury-rats, and, with all respect to gentlemen, I say that we have a great many of them in this House, and a great many in this Government; and the result will be, that there will be little left in the Treasury unless something is done to stop their depredations. He says that we ought to have reduced the Army appropriation.

Mr. WINSLOW. I did not allude to that at all.

Mr. GARNETT. We did reduce it $2,186,000, as I am informed by the clerk of the Committee of Ways and Means. The House will bear me witness that I am ready to reduce in every branch until I bring the expenditures down to the revenues of the Government, for I am radically opposed to making large appropriations; and in order to meet them, to impose new taxes upon my people, I will furnish no revenue beyond what an economical administration of the Government will demand. If there is anywhere we can reduce it it is in this item of contingencies. The gentleman from Mississippi likens it to the case of a planter who has an overseer. I ask him, and every gentleman who has occasion to transact business by an agent, if there are not frequently considerable expenditures which must necessarily be intrusted to that agent? What does the employer do? He says emphatically to the agent, "I cannot go through the detail; I am obliged to give you a discretion as to this thing. Here is so much money, and you must not spend any more." The agent, under that system, comes down to the proper scale of expenditure.

My friend from Mississippi talked about the chances of war, and he spoke of the large naval preparations making in France. I do not care to dispute that the gentleman himself, and the newspapers to which he refers, are much better acquainted with the affairs of the world than I am; but, sir, if I have read the papers of the day correctly, those preparations are for a war in Italy, against Austria. I do not know, sir, that we have anything to do with that war; and it will scarcely be a naval war. The President tells us that we are on good terms with every nation of the Old World, without serious differences anywhere. As to the British and French cruisers in the Gulf of Mexico, they are there only for the protection of French and English subjects. The President does not complain of that. If they damage the interests, or do violence to the honor of this country, I feel assured that the President will give us due warning. I am perfectly willing to intrust the honor of this country in his hands; and, so far as I know, he has managed our affairs with England and France to the satisfaction of everybody. It will be time enough to make ready for war when he calls upon us. The Navy does not stand on a war footing, as the gentleman from North Carolina said, nor was it ever so intended. For war with either of the great maritime Powers, it is even contemptible. It is but our peace police. No, sir; our true security for war is not in our scattered forts, or in these wooden walls of the Navy. It is in our isolated position, afar from the entangling alliances and diplomatic complications of the other hemisphere; it is in our love of justice, and the rightfulness of our cause; it is in the vast resources of our unparalleled commercial marine; our wonderful growth in numbers and wealth; in our citizen soldiery; and, above all, in the strong arms and brave hearts of a free and great people, ready in any emergency to strike suddenly and irresistibly in defense of their homes.

[Here the hammer fell.]

Mr. WINSLOW, by unanimous consent, withdrew his amendment.

Mr. MILLSON. I wish to add $1,000, so as make the appropriation the same that it was last year.

Mr. Chairman, I have long seen that the Navy to has become, in Mrs. Malaprop's phrase, "the favorite aversion" of the House of Representatives. I think that I could account for it in some degree; but I will not attempt to do so. If we could dispense with the Navy altogether, if we could dispense with the Army altogether, if we could bring the nations of the earth into universal and perpetual concord and harmony, perhaps I would not object to such a millennial consummation as much as some gentlemen in this House. I do not understand that this amount is asked for with any reference to the employment of our national ships in any predatory, or other expedition, and no authority is here asked of Congress by the President, to use the Navy at his pleasure. When such an application is made, I will consider it as cautiously and as calmly, I trust, as any gentleman here.

My colleague proposes to reduce this appropriation from $898,000 to some $500,000. Does he give any reason for that reduction? Does he know any reason for that reduction? He proposes the amount which was adequate in the time of Mr. Polk. Why talk in this way? We are not now in the time of Mr. Polk. I wish we were in the time of Mr. Polk, so far as the value of money is concerned; for there are few of us who have not suffered loss from the diminished value of money, by the additions to the currency since the time of Mr. Polk. An appropriation of $2,500,000, proposed by my colleague, for equipment and repair, in the time of Mr. Polk, would involve an appropriation now of $3,500,000 for the same object of expenditure, to say nothing of the increase of our Navy, to which other gentlemen have adverted. Talk about that being the proper amount now, because that was the amount appropriated in the time of Mr. Polk! Does the gentlemen remember that a large navy-yard has been constructed upon the Pacific coast since that time? What does he tell us of the objects of this proposed expenditure? Does he know how much will be expended or required for any one of the objects of expenditure contained in this item? He has not informed us? He simply asks us to reduce this amount, because when the condition of the country was altogether different that amount was found to be sufficient. Sir, let us come here as calm, reflecting statesmen, not moved by prejudice or passion, giving to each subject its own proper consideration, and voting as we suppose our several constituencies will approve.

[Here the hammer fell.]

Mr. STANTON. I wish to say to the gentleman who moves this amendment, that if he will add a proviso to it which will prevent the Department from incurring liabilities beyond the appropriation, I will vote with him. But I am not prepared to go to work here without any data, and without any showing that it can be done at all,

and strike down the appropriations simply because——

Mr. WINSLOW. Can the gentleman from Ohio point to any one instance where there has been a call by the Navy Department for a deficiency bill?

Mr. STANTON. No, sir; but I take it for granted that if the amount recommended by the Committee of Ways and Means is necessary, and the service be kept up, and if the amendment of the gentleman from Virginia be adopted, there will be a deficiency bill.

Mr. WINSLOW. I did not understand my friend from Ohio.

Mr. STANTON. Now, if the gentleman from Virginia will give us some satisfactory guarantee against this state of things, that his amendment will create a reduction of the expenditure, and not merely a temporary reduction of the appropriations to be supplied next year, I can understand it.

Mr. GARNETT. I will say to the gentleman from Ohio, with his permission, that, if the amendment be adopted, and he move a clause confining the Secretary to this expenditure, I will very cheerfully vote for it. I voted for such clauses in other bills; and I moved them. I am not sure whether the gentleman from Ohio voted with me or not.

Mr. STANTON. Yes; I did.

Mr. MILLSON withdrew his amendment.

The question recurred on Mr. GARNETT's amendment; and it was rejected.

Mr. COLFAX. I offer the following amendment, which, I think, no member on either side of the House will object to:

Add at end of forty-ninth line:

Provided, further, That whatever amount may be expended by Commodore Paulding in the defense of suits arising out of his arrest of William Walker and his associates, on the shores of Nicaragua, shall be paid out of this fund.

The CHAIRMAN. The amendment is not in order.

Mr. COLFAX. I very respectfully appeal from the decision of the Chair. We are appropriating money for contingencies of the Navy, for legal expenses, for courts-martial, for courts of inquiry. It is right for us to say how that money shall be expended; and I think that some of it ought to be expended in protecting a gallant commander for performing an act that has been indorsed by this House.

Mr. DAVIS, of Mississippi. I want to ask the gentleman a question.

Mr. COLFAX. Yes, if I have an opportunity to reply.

The CHAIRMAN. The question is not debatable.

Mr. MOORE called for tellers on the appeal.

Tellers were ordered; and Messrs. BUFFINTON, and DAVIS of Mississippi, were appointed.

Mr. PHELPS, of Missouri. I appeal to the gentleman from Indiana to withdraw his amendment.

Mr. GROW. Let it be adopted, then.

Mr. PHELPS, of Missouri. No; it is not right.

The committee divided; and the tellers reported—ayes 66, noes 56.

So the decision of the Chair was sustained.

Mr. SHERMAN, of Ohio. I desire to submit another amendment, and it is the last I shall propose. I move to strike out from line eighty-one to line one hundred and thirty-nine, inclusive, as follows:

"*Navy-yards.*

"For the construction and completion of works, and for the current repairs at the several navy-yards:

"*Portsmouth, New Hampshire.*—For removing coffer-dam, sewer, machine-shop, capstans for masting sheers, repairs of floating-dock, and repairs of all kinds, $50,719 50.

"*Boston.*—For machinery for machine-shop and foundery, pattern-shop, grading, paving and draining, rail tracks and cars, sidewalk on Chelsea street, paving portion of Wapping street, steam fire-engine, water-closets, and repairs of all kinds, $163,305.

"*New York.*—For removing and putting up sheers, bilge blocks for dry-docks, construction of quay wall, dredging channels and repairing scows, paving and flagging, improvement of machine-shop, heating new storehouse, completing launching ways to ship-house E, sky-lights to foundery and ventilators to smithery, painting and repairing dry-dock, boilers for new boiler-house and pipes, machinery for machine-shop, founderies, smithery, saw-mill, boiler, and pattern-shops, and for repairs of all kinds, $168,456 60.

"*Philadelphia.*—For extending joiner's shop, dredging channels, repairs of floating-dock, and repairs of all kinds, $102,492.

"*Washington.*—For carriage houses and cart-sheds, shed for flasks, gas generator and fixtures, conversion of old machine-shop to foundery, machinery and tools, and repairs of all kinds, $80,307 90.

"*Norfolk.*—For continuing quay wall, completing forge shop, reservoir for stables, dredging and filling in, machinery, tools, and cranes, continuation of railway, completing timber-shed number seventeen, completing foundery, completing saw-mill machinery, saw-shed and railway, and for repairs of all kinds, $198,224 10.

"*Pensacola.*—For extension of granite wharf, repairing and operating floating-dock, dredging for wharf and deep basin, pitch boiling-house, launching ways, railways, and repairs of all kinds, $109,282 50.

"*Mare Island, California.*—For completing machine and boiler shops, continuing quay wall, grading, towards machinery for new shops, completion of houses number seven, nine, eleven and thirteen, pitch-house, steam boxes, mold loft number thirty-six, coopers' shop, and tank-shed, and repairs of all kinds, $230,310.

"*Sackett's Harbor.*—For repairs of all kinds, $3,850."

And to insert in lieu thereof, the following:

For preservation of works, and for current repairs, at the several navy-yards, viz.:

At Portsmouth, New Hampshire, $10,000.
At Boston, $15,000.
At New York, $20,000.
At Philadelphia, $15,000.
At Washington, $10,000.
At Norfolk, $20,000.
At Pensacola, $10,000.
At Mare Island, California, $20,000.
At Sackett's Harbor, $1,000.

Mr. PHELPS, of Missouri. Before that amendment is acted on, I desire to perfect the text of the original bill. Under the head of "Washington," I move to strike out the words "gas generator and fixtures;" and to reduce the amount to $72,107 90.

The amendment was agreed to.

Mr. SHERMAN, of Ohio. It will be perceived that the part of the bill which I propose to strike out, embraces appropriations of something over $1,000,000, for the construction and continuation of new works for navy-yards. The whole clause which I propose to strike out, is for the construction and continuation of new works. It is not for the carrying on the ordinary business of navy-yards at all. That is provided for in another part of the bill; but it is for the construction and continuation of new works and improvements.

It is sufficient for me to say that this is not the time to continue works of that character. I propose to put these navy-yards in a state of ordinary, to stop all new works, and simply to provide for keeping in repair the works now constructed, and preserving from injury the works now going on. And, in order to justify the course I pursue, I will read from the resolutions of the majority of the special committee. I do not read from the resolutions of the minority, because I happen to be one of them. The resolution is as follows:

"*Resolved*, That the testimony taken in this investigation proves the existence of glaring abuses in the Brooklyn navy-yard, and, as such, require the interposition of legislative reform; but it is due to justice to declare that these abuses have been slowly but gradually growing up, during a long course of years, and that no particular Administration should bear the entire blame therefor."

The existence of glaring abuses is admitted.

Now, Mr. Chairman, it seems to me that the best way in which we can cure these abuses would be to stop all the work that is now going on for the construction and continuation of new works, and put them in what is called a state of ordinary. But if you make these large appropriations, you must expect the existing abuses to be continued. I do not think it will injure anybody. Naval officers, so far as I know, admit the abuses, and every intelligent gentleman in New York city or elsewhere, with whom I have conversed on the subject of navy-yards, admits that there is a necessity for radical reforms. And I am glad to say that the select committee on naval contracts and expenditures were unanimous in that opinion. I hope, therefore, that the House will adopt this amendment.

Mr. PHELPS, of Missouri. I oppose the amendment submitted by the gentleman from Ohio for the reason which I will state. The estimates submitted to us for the construction of works, improvements, and repairs of the navy-yards amounted to $2,001,827. The Committee of Ways and Means, in considering these estimates, made a reduction of nearly $900,000. As a general rule, we authorized the erection of no new works. But buildings were in process of construction, and it was necessary, in order that those buildings should be completed, to make additional appropriations. I can show the committee the reduction we have made by comparing the estimates with the appropriations in the bill. The estimate for construction, repairs and improvements at Portsmouth, New Hampshire, was $105,477. The committee reduced the amount to $50,719 50. The estimate for the Boston navy-yard was $308,450. The Committee on Ways and Means recommend that you shall appropriate $163,305. The estimate submitted to us for New York was $319,959. The Committee of Ways and Means recommend an appropriation of $168,456 60. At Philadelphia the estimates amounted to $122,997. The committee of Ways and Means recommend an appropriation of $102,492. The estimate submitted to us for the Washington navy-yard was $155,932. The Committee of Ways and Means recommend an appropriation of $80,307 90, which has already been reduced $8,000. At Norfolk the estimate was $271,387. The Committee of Ways and Means recommend an appropriation of $198,229 10. The estimate for Pensacola was $301,429. We recommend an appropriation of $109,282 50. For the navy-yard in California the estimate was $403,850. We recommend an appropriation of $230,310. And then for the naval station at Sacket's Harbor we recommend an appropriation of $4,000, for the repair of the buildings at that place. The aggregate reduction upon the estimates submitted to us is upwards of nine hundred thousand dollars.

Mr. LETCHER. I move to amend the amendment of the gentleman from Ohio by striking out the last three lines. I submit the amendment for the purpose of asking the gentleman from Ohio whether he submitted his amendment by the direction of the Committee on Naval Affairs; and if so, whether they have ascertained from the Navy Department that the reduction he proposes can be made without injury to the naval service?

Mr. SHERMAN, of Ohio. I desire to say, as I think I remarked when I first rose, that this amendment, as well the other which I submitted, was upon my own motion, and not by the direction of any committee. At the same time, I will state that the committee had before them, and examined at great length, Commodore Smith, who is at the head of the bureau of yards and docks, and also Mr. Lenthall, the chief of the bureau of construction, equipment, and repair. The select committee, which made this examination, however, had no right to report on this subject, because they were appointed to examine into specific charges.

Mr. LETCHER. Then I understand the gentleman from Ohio that he moves this amendment upon his own motion, not from any information he has derived from Commodore Smith or Mr. Lenthall, but from other sources.

Mr. SHERMAN, of Ohio. I will say to the gentleman from Virginia, that I made the amendment upon my own motion, but from information which I derived from the testimony taken before the committee.

Mr. LETCHER. So I understand; but not from information derived from Commodore Smith, who is at the head of this department, who, as I understand, has not recommended the changes proposed by the gentleman. Now, sir, the committee of Ways and Means did derive all the information they could from this source. They had Commodore Smith before them, and examined him in reference to the necessity of these various items of appropriation; and the action of the committee was the result of the information which they derived from him. They reduced his estimates as much as they believed was consistent with the wants of the public service. Now, I ask the chairman of the Committee of Ways and Means whether his committee are prepared to recommend any further reductions?

Mr. BOCOCK. I merely want to make two words of explanation. The position which I have occupied on another committee, has taken up so much of my time that I have not thought it incumbent upon me to examine, with very great care, into the items of appropriation in this bill. The House refused to refer the bill to us, and as, by that action, they did not seem to want our opinion upon it, I have been employed elsewhere, and will not undertake to furnish the gentleman with my opinion upon this subject.

Mr. LETCHER. Then, it seems that, because my colleague could not head off our committee, he declines to answer.

Mr. SEWARD. I am opposed to the amend-

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ment of the gentleman from Virginia, because I believe it would make the amount less than the gentleman himself wants. Now, Mr. Chairman, it it necessary to understand what true economy means, while we are talking about retrenchment. True economy consists in this: first to ascertain what is necessary to be done——

Mr. LETCHER. The Committee of Ways and Means did that.

Mr. SEWARD. And then to ascertain the least possible amount by which it can be done.

Mr. LETCHER. That is what the Committee of Ways and Means did.

Mr. SEWARD. Mr. Chairman, I am not discussing the Committee of Ways and Means. The Committee of Ways and Means, in my opinion, have had a great deal more credit in this House than they are entitled to.

Mr. LETCHER. How about the Brunswick navy-yard?

Mr. SEWARD. If the gentleman wants my candid opinion on that subject, I will tell him.

Mr. LETCHER. Brunswick is not embraced in this bill at all.

Mr. SEWARD. Then the gentleman was out of order in asking me the question. Mr. Chairman, the appropriations in this bill for the several navy-yards are, in my opinion, all much too small. I am very much surprised, sir, that such a proposition as has been submitted by the gentleman from Ohio should have been made here at all, and particularly from that gentleman. I believe in the employment of proper expenditures of public money for the purpose of carrying on the machinery of Government; and I am not going to be forced into any such miserable system of economy, on the ground that we are afraid of raising the revenues. It is a system, the effect of which would be to dwarf the Government down to nothing; and I am not going to do it, because some gentleman from the South, who is a crazy abstractionist, says we will not raise any more money.

Mr. LETCHER. Why, I had always understood you were the prince of abstractionists.

Mr. SEWARD. I do not know where the gentleman gets his information; but wherever it was, it is like the sources of information that he generally relies upon—very bad.

Mr. LETCHER. The gentleman from Georgia frequently stands alone here; and if he is not an abstractionist, I do not know who is.

Mr. SEWARD. There is a very great difference between standing alone upon an abstraction, and upon a solid, large, liberal principle. I am always happy when I am right, even if I am in nobody's company but my own; more so than other gentlemen who choose to be wrong for the sake of being with the majority. Then, sir, there is another thing; I never forfeit my own self-respect by taking the opinion of the Committee of Ways and Means, or of any other committee, and allowing them to think for me. I never surrender my own independence of opinion. If I have got to become the slave of somebody for the sake of being in company, I prefer to be independent, and stand alone.

Mr. BOCOCK. I want to say just a single word in regard to the party on this side of the House, which the gentleman calls abstractionists.

Mr. SEWARD. I did not know the gentleman belonged to that party.

Mr. BOCOCK. I want just to give the gentleman an illustration. When John Randolph—the distinguished orator of Roanoke—died, his will was contested, on the ground that he was deranged at the time it was made. A witness was called to testify on that point. He answered that he did not know whether Mr. Randolph was deranged at the time he made his will or not; but whether he was or not, he had more sense than anybody else he knew. Now, all I have to say is, that whether these abstractionists are crazy, as the gentlaman calls them, or not, they have got more good sense than anybody else I know.

Mr. SEWARD. I am perfectly willing that the gentleman from Virginia should associate himself with John Randolph; but I will say this, that nobody will sustain him in the comparison he has instituted. [Great laughter.]

The amendment to the amendment was not agreed to.

Mr. MILLSON. I move to amend the amendment of the gentleman from Ohio, by adding $10,000 to the first amount specified.

I wish to submit to the committee the facts upon this question, and then leave with them the responsibility of their vote upon the subject. The gentleman from Ohio proposes, as he says, to lay up these navy-yards in ordinary. Has the gentleman any right appreciation of what is done in those yards, and what they are for? I think not. He makes his proposition because of abuses, and because of abuses in the Brooklyn navy-yard; and will confound the innocent with the guilty, and punish them all alike. What did I say? Punish them? He would punish the Government for the faults of men employed at the Brooklyn navy-yard. Cannot the Government reform abuses without abolishing the subject of abuses? If a Representative in Congress be corrupt, would the gentleman propose, as a remedy, to abolish the representation of the district which elected him?

Now, let me say a word in regard to the appropriations in this bill. The amount proposed by the Committee of Ways and Means to be appropriated is $1,100,000. Gentlemen are fond of making comparisons with the expenditures many years ago; and I tell the gentleman, that in only one year in the last ten, have the expenditures been less than a million of dollars, and then the amount expended was very near a million. Ten years ago, in 1849, the expenditure for the navy-yards was $1,441,000; in 1850, $1,996,000; in 1851, $1,623,000; and so on. And only in one year, 1854, was the expenditure less than a million; it being then $968,000. I tell the gentleman that the amount proposed in the bill is almost half a million less than the average expenditure of the last ten years.

Sir, these expenditures are not a matter of discretion. The navy-yards are not flower gardens. They are not ornamental establishments. They are work-shops for the Navy; you cannot dispense with them. The Committee of Ways and Means have already reduced the estimates nearly a million of dollars, and the gentleman from Ohio now proposes to close the navy-yards altogether.

Mr. SHERMAN, of Ohio. The gentleman from Virginia totally misapprehends the nature of my amendment. It is not to stop work in the navy-yards at all. The repair of vessels and the ordinary work of the navy-yard will go on as usual. We have just appropriated $1,000,000, to be expended in repairs. This bill appropriates $700,000, to complete the sloops now building. That I do not object to. The amount to be expended on navy-yards, at any rate, is over two million dollars. My amendment proposes to strike out new structures, and suspend the work on new structures now in progress. It seems to me, therefore, that it is not exactly right to say to the committee that my amendment strikes out the existence of the navy-yards.

I know very well that, when this Government used to appropriate money for the repair of harbors on the western lake and rivers, at one time, when there was a little pressure on the Treasury, an end was put to all those improvements. Dredge boats, which were built at great expense, were sold at one tenth of their original cost. All I want is, to stop these new works for a short time, until we can devise some new system in reference to the expenditures in our navy-yards. Then, if it is necessary, we can go on with these new improvements. Our Government has expended some twenty-four million dollars within a few years in the building of navy-yards. It seems to me that they ought to be nearly completed—as nearly perfect as they can be. Twenty-four million dollars have been spent upon eight navy-yards since 1842. They are like the Charleston and New Orleans custom-houses—never done. There is trouble in our financial affairs, and I want to hold on for one or two years, and see if we cannot introduce some other system before we undertake to finish them.

The question was taken upon Mr. MILLSON's amendment; and it was not agreed to.

Mr. SICKLES. I move to amend the amendment of the gentleman from Ohio, by striking out all the appropriations for all navy-yards, except those at Pensacola, Norfolk, New York, California, and Sackett's Harbor.

I think there is room for retrenchment and economy in reference to our navy-yard establishments. Retrenchment should be now, as always, descriminative; and it should especially be so at this time, with reference to navy-yards. Our economy should not cripple the more important naval establishments of the country. They should be kept upon an efficient footing. There never had been a time when a strong Navy was more necessary than now. But, sir, it is a truth, that in this country, with a very small Navy, we have more navy-yards than the great naval Powers of the world. We have more navy-yards than either England or France.

Mr. MILLSON. We have not half the number that England has. She has eight within the British Isle.

Mr. SICKLES. I am not speaking of colonial dock-yards, where occasionally ships-of-war may undergo repairs, but I am speaking of the great establishments for the construction of war vessels; and I repeat the statement with the utmost respect to the gentleman from Virginia, (and upon examination he will find that I am correct,) that we have in this country more dock-yards for the construction of vessels, than France and England combined.

Mr. MILLSON. I stated yesterday, in my remarks, that there were, in the British Isle alone, navy-yards at Deptford, Woolwich, Chatham, Sheerness, Deal, Portsmouth, Davenport, and Pembroke.

Mr. SICKLES. I think that the difference between the gentleman and myself will be found to consist in this: while she has various naval depots for stores, and perhaps some facilities at each of them for a certain description of repairs, still my statement is correct that we have more navy-yards, complete establishments for the construction of vessels of war, than either France or England.

Mr. Chairman, my proposition is, that we have many more than we need; a far greater number than bears any proper ratio to our small Navy. I would not go with the gentleman from Ohio, to make all the navy-yards useless, by putting them "in ordinary;" but I would dispense with those that are not absolutely necessary; and I would apply a portion of the large amount thus saved towards putting those which are indispensable in the highest state of efficiency. This is not a period when we should cripple our Navy. When we look to the condition of Mexico, with the navies of European Powers floating in the neighboring waters, with hostile purposes; when we look to Hayti and St. Domingo in a state of revolution; when we look to the transit routes opened, or about to be opened, and the obligations we have assumed and are assuming in our treaties with Central American Powers, to protect these routes; when we look to our relations with Spain, which are approaching a crisis; when we consider the increasing force required to protect our commerce, under the new commercial treaties with China and Japan; when we look to the disturbed condition of Europe, now marshaling its armies and putting its navies upon a war footing, for what issues we know not; I say, sir, when we look at all these things, great as are the necessities which impose economy and retrenchment upon the House, yet it should be a discriminating economy which saves where saving can be made without prejudice to the interest and the honor of this country.

[Here the hammer fell.]

Mr. GOOCH. Mr. Chairman, I have a word to offer. I object to the amendment proposed by the gentleman from New York. I think, sir, that

the time may come, and that it is, perhaps, time now, for us to diminish the number of our navy-yards. But before we attempt to do it, I desire that we shall understand, and understand fully, in what yards our work can be done best and cheapest for the Government. I do not believe that the committee is in possession of the information and facts necessary to enable us to determine the yards which should be retained and those which should be dispensed with. It seems to me that, before we attempt to do that, we should make ourselves familiar with all the advantages and disadvantages of the several navy-yards. Now, sir, the amendment of the gentleman from New York strikes out a yard in which I am perfectly confident, from all the information I can obtain, the cost of the construction and repairs of vessels is much less than at any other yard in the country, and where, at the same time, the work is far superior to that of any other yard. I refer to the Charlestown navy-yard. I am willing that the number of navy yards shall be reduced, but I think that the Charlestown navy-yard should be retained, because it possesses great advantages as a navy-yard; and much of the most important work done for the Government is done at that yard. Some of the work can be done at no other yard. Now, sir, whilst I am willing that the number of yards be diminished, I desire that, when it shall be done, the true interest of the country shall be consulted, and those yards retained in which experience has shown that the work of the Government can be done best and cheapest. I am sure that the amendment of the gentleman from New York will not accomplish this.

Mr. CLARK, of New York. I move to amend the original text by striking out the appropriation of $168,456 60 for the Brooklyn navy-yard, and substituting these words:

For ordinary repairs at the Brooklyn navy-yard, $50,000.

Mr. Chairman, I regret very much that I have not the information which will enable me to speak of the several navy-yards embraced in the amendment proposed by the gentleman from Ohio, as I can with reference to the Brooklyn navy-yard. I know something of that navy-yard; and I desire to say something in respect of it to the House. I am not such an economist that I would be willing at any time to strike cold, remorseless blows at any branch of the public service; nor, on the other hand, have I sympathy with those men who oppose retrenchment and reform whenever it is suggested, because, by such opposition, they create a necessity for a high protective tariff.

Mr. Chairman, I am quite satisfied that my colleague's expression of opinion, that we have more navy-yards than are necessary, is correct. But I think he is in error in not embracing in his amendment the navy-yard at Brooklyn, where, in my judgment, abuses are greater, and retrenchment and reform are more needed, than in any other. I am satisfied that there is no actual necessity for the navy-yard now existing at Brooklyn. We may need one, or perhaps two, navy-yards upon the Atlantic coast. We require one, perhaps, upon the Gulf of Mexico. But I think that those in the harbors of New York, Boston, and Philadelphia, can be dispensed with without injury to the public service. There is no more need for a navy-yard at Philadelphia than for one at Cincinnati; and, satisfied as I am, from information upon which I can rely, of the uses to which these expenditures were perverted, I should consider that I did not do my duty to my country, or my duty to my constituency, if I failed to strike at them whatever blows I can.

Now, gentlemen who desire navy-yards in their vicinities may have them. I would more cheerfully give my consent that this expenditure for the Brooklyn navy-yard should be applied to the construction of one in the district of my friend from Georgia, [Mr. SEWARD,] who, I believe, desires to have one at Brunswick. He will get sick enough of navy-yards when he knows more about them. If I understand the amendment of the gentleman from Ohio, he suggests merely to reduce these navy-yards down to a standard which may be designated as "in ordinary," and stay lavish expenditures on new constructions.

Will the chairman of the Committee of Ways and Means, or any other gentleman familiar with this subject, inform me why the Brooklyn navy-yard cannot get along for the next year with $20,000 for ordinary repairs? The new constructions, of all kinds, some of which, I perceive from the report of the Secretary of the Navy, have not progressed satisfactorily during the past year, can wait until some radical reformation of the vagabond system upon which that navy-yard is now conducted can be accomplished, either by the action of the Secretary of the Navy, or by means of the legislation of Congress.

Sir, I would not cripple the yard, so that the ordinary repairs to vessels, for which we make appropriations, cannot be made there; but I would stop these *new* yard constructions, and withhold appropriations which have been proven to be employed for the purpose of the maintenance of political profligates, to carry primary elections, and to make invasions upon the popular liberty of the people residing in its vicinity.

[Here the hammer fell.]

Mr. BLAIR. I move that the committee rise.

Mr. PHELPS, of Missouri. I hope the committee will remain and transact the public business.

Tellers were demanded and ordered; and Messrs. PURVIANCE and SCOTT were appointed.

The committee divided; and the tellers reported—ayes 44, noes 58.

No quorum voting, the roll was called, and the following members failed to answer to their names:

Messrs. Abbott, Adrain, Anderson, Atkins, Barksdale, Barr, Bennett, Billinghurst, Bishop, Blair, Bliss, Boyce, Bryan, Burlingame, Burroughs, Caruthers, Cavanaugh, Chapman, Ezra Clark, John B. Clark, Clay, Clemens, John Cochrane, Cockerill, Corning, Cox, Cragin, Crawford, Curtis, Damrell, Davidson, Davis of Maryland, Davis of Indiana, Davis of Iowa, Dawes, Dean, Dewart, Dick, Dimmick, Dodd, Dowdell, Durfee, Edie, Elliott, English, Eustis, Farnsworth, Faulkner, Gillis, Goode, Goodwin, Grover, Lawrence W. Hall, Robert B. Hall, Harris, Hickman, Hill, Hoard, Hodges, Houston, Howard, Huyler, Jackson, Jenkins, Jewett, Keim, Keitt, Kellogg, Kilgore, John C. Kunkel, Lamar, Lawrence, Leach, Leidy, Letcher, Maclay, McKibbin, McRae, Humphrey Marshall, Samuel S. Marshall, Maynard, Miles, Miller, Morgan, Isaac N. Morris, Oliver A. Morse, Niblack, Palmer, Pettit, William W. Phelps, Pottle, Reilly, Ricaud, Ritchie, Ruffin, Scales, Aaron Shaw, Henry M. Shaw, Shorter, Robert Smith, Stephens, Talbot, George Taylor, Miles Taylor, Thayer, Thompson, Trippe, Walbridge, Waldron, Walton, Warren, Cadwalader C. Washburn, Watkins, Whiteley, Wood, Woodson, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer.

The Speaker resumed the chair, and Mr. JONES, of Tennessee, reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the Navy appropriation bill; and finding itself without a quorum, had directed the roll to be called, and the names of the absentees to be reported.

One hundred and sixteen members only (less than a quorum) answered to their names.

POST OFFICE APPROPRIATION BILL.

Mr. VANCE. I desire to withdraw the motion that I made, to reconsider the vote whereby the House rejected the first amendment recommended by the Committee of the Whole on the state of the Union to the Post Office appropriation bill.

The motion was withdrawn.

CALL OF THE HOUSE.

Mr. BURNETT. I move that there be a call of the House.

The House divided; and there were—ayes 49, noes 52.

Mr. PHELPS, of Missouri, called for tellers.

Mr. FOSTER, (at five o'clock and forty minutes.) I move that the House do now adjourn.

Mr. PHELPS, of Missouri. On that motion, I call for the yeas and nays.

I desire to say to the House, that we are now acting on the naval appropriation bill. The miscellaneous civil appropriation bill has not yet been considered in committee. The mail-steamer appropriation bill has not yet been considered——

Mr. GROW. I object to debate.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 24, nays 87; as follows:

YEAS—Messrs. Chaffee, Fenton, Foster, Giddings, Granger, Grow, Harlan, Horton, Kelsey, Knapp, Lovejoy, Matteson, Montgomery, Edward Joy Morris, Parker, Potter, Purviance, Seward, Tappan, Tompkins, Wade, Elihu B. Washburne, and White—24.

NAYS—Messrs. Adrain, Ahl, Andrews, Arnold, Avery, Bingham, Bocock, Bonham, Branch, Brayton, Buffinton, Burlingame, Burnett, Burns, Case, Caskie, Horace F. Clark, Clawson, Cobb, Clark B. Cochrane, Colfax, Comins, Covode, Burton Craige, Curry, Davis of Massachusetts, Dodd, Edmundson, Faulkner, Florence, Foley, Garnett, Gartrell, Gilman, Gilmer, Greenwood, Gregg, Groesbeck, Haskin, Hatch, Hawkins, Hopkins, Howard, Hughes, George W. Jones, Owen Jones, Jacob M. Kunkel, Lamar, Landy, Leiter, McQueen, Mason, Millson, Moore, Morrill, Freeman H. Morse, Mott, Murray, Nichols, Olin, Pendleton, Peyton, John S. Phelps, Phillips, Pike, Pottle, Powell, Ready, Reagan, Robbins, Roberts, Royce, Ruffin, Russell, Searing, Sickles, Samuel A. Smith, William Smith, Spinner, Stallworth, Stanton, Stevenson, James A. Stewart, Vallandigham, Vance, Ward, Wilson, Winslow, and John V. Wright—87.

So the House refused to adjourn.

During the vote,

Messrs. SCALES, BARKSDALE, and DURFEE, asked leave to vote, not having been in the Hall when their names were called.

Objection was made.

Mr. POTTER. Is my name recorded in the affirmative?

The SPEAKER. It is.

Mr. MAYNARD. I wish to know if my name is recorded in the negative?

The SPEAKER. The gentleman's name is not recorded. Was the gentleman within the bar when his name was called?

Mr. MAYNARD. I was not. [Laughter.]

Mr. PHILLIPS moved that the reading of the names be dispensed with.

Mr. LETCHER. I object.

The vote having been announced as above recorded,

Mr. SPINNER. I move a call of the House. We have spent three hours here without a quorum; and it is time the absentees were compelled to attend.

The motion was agreed to.

Mr. MASON. Members were at business late last night. I move that the House do now [five minutes before six o'clock, p. m.] adjourn.

The motion was not agreed to.

The roll was called; and the following members failed to answer to their names:

Messrs. Abbott, Ahl, Anderson, Atkins, Barr, Billinghurst, Blair, Bliss, Boyce, Bryan, Burroughs, Caruthers, Cavanaugh, Chapman, Ezra Clark, John B. Clark, Clay, John Cochrane, Cockerill, Corning, Cox, Cragin, Burton Craige, Crawford, Curtis, Damrell, Davidson, Davis of Maryland, Davis of Indiana, Davis of Mississippi, Dawes, Dean, Dewart, Dick, Dimmick, Dowdell, Edie, Elliott, English, Eustis, Farnsworth, Gillis, Gilman, Gooch, Goode, Grover, Lawrence W. Hall, Robert B. Hall, Harris, Hatch, Hickman, Hill, Hoard, Hopkins, Huyler, Jackson, Jenkins, Keim, Kellogg, Kilgore, Jacob M. Kunkel, Lawrence, Leach, Leidy, Maclay, McKibbin, McRae, Humphrey Marshall, Samuel S. Marshall, Miles, Miller, Montgomery, Morgan, Isaac N. Morris, Oliver A. Morse, Palmer, Pettit, William W. Phelps, Reagan, Reilly, Ricaud, Aaron Shaw, Henry M. Shaw, Shorter, Singleton, Robert Smith, Stephens, Stevenson, William Stewart, Talbot, George Taylor, Miles Taylor, Thayer, Thompson, Trippe, Underwood, Walbridge, Waldron, Warren, Cadwalader C. Washburn, Israel Washburn, Watkins, Whiteley, Wood, Woodson, Augustus R. Wright, and Zollicoffer.

During the call,

Mr. SANDIDGE said: I have occupied my seat here all day, in the hope of facilitating the business of the House. I am too unwell to remain longer, and I hope the House will excuse me for the rest of the evening.

Mr. MOORE moved that all further proceedings in the call be dispensed with.

Mr. STANTON. I think that had better be done, because a number of gentlemen have left since their names were called.

Mr. SICKLES, (at six o'clock and ten minutes, p. m.) I move that the House do now adjourn.

The motion was not agreed to.

The question was taken on Mr. MOORE's motion; and it was not agreed to.

One hundred and twenty-six members answered to their names.

The SPEAKER ordered the doors to be closed and the names of the absentees to be called for excuses.

Mr. WHITE. I am willing to sit here to work; but I am not willing to sit here to filibuster. I move that the House do now [six o'clock and fifteen minutes, p. m.] adjourn.

The motion was not agreed to.

Mr. NICHOLS. Mr. Speaker, since this roll call has been ordered, gentlemen have answered to their names, and then taken their hats and left the Hall. I want to know whether it is in order to suspend all proceedings under this call and order a new one, so as to bring back these gentlemen?

Mr. RUFFIN. I would like to have these

gentlemen named in a resolution and have the Sergeant-at-Arms sent for them. It seems to me that it is a contempt of the House for any one to leave under these circumstances.

Mr. NICHOLS. I so regard it. It becomes necessary, in order to transact the public business, to act in this way. I want these men brought back, as well as the absentees.

The SPEAKER. The Chair would suggest that there seems to be some imperfection in the rules of the House with regard to this matter. Under the rules, the Speaker has no authority to order the doors to be closed till after the roll has been called through the second time.

Mr. NICHOLS. I make the motion to suspend the proceedings under this call, intimating that I desire to move a new call, to catch the gentlemen who have done this thing.

Mr. McQUEEN. I have staid here all the day with as much anxiety as any one to discharge our public duties; but it is a perfect farce to be calling the roll and doing nothing. I am unwilling that gentlemen should leave their public business with the object of forcing an extra session. I hope the course indicated by the gentleman from Ohio will be carried out.

Mr. NICHOLS. I hope so, too.

Mr. SEWARD. I have been here all day, too, and have tried to save the House all this trouble. I move that the House do now [six o'clock and eighteen minutes, p. m.] adjourn.

The motion was not agreed to.

Mr. JONES, of Pennsylvania. Is it in order to move that the entire roll be now called over, and have absentees sent for?

The SPEAKER. The result can only be obtained in the way indicated by the gentleman from Ohio.

Mr. NICHOLS. Then I move that all further proceedings under this call be dispensed with.

The motion was agreed to; so all further proceedings under the call were dispensed with, and the Doorkeeper was ordered to open the doors.

Mr. NICHOLS. I now move that there be a call of the House.

The motion was agreed to.

The roll was called, and the following members failed to answer to their names:

Messrs. Abbott, Anderson, Barr, Billinghurst, Blair, Bliss, Boyce, Branch, Bryan, Burroughs, Caruthers, Case, Chapman, Ezra Clark, John B. Clark, Clay, Clemens, John Cochrane, Cockerill, Corning, Covode, Cox, Cragin, Crawford, Curtis, Damrell, Davidson, Davis of Maryland, Davis of Mississippi, Dawes, Dewart, Dick, Dimmick, Dowdell, Edie, Elliott, English, Eustis, Farnsworth, Giddings, Gillis, Gooch, Goode, Grover, Grow, Lawrence W. Hall, Robert B. Hall, Harlan, Harris, Haskin, Hill, Hoard, Huyler, Jackson, Jenkins, Keitt, Kellogg, Kilgore, Lawrence, Leach, Leidy, Lovejoy, McKibbin, McRae, Humphrey Marshall, Samuel S. Marshall, Miles, Miller, Montgomery, Morgan, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Palmer, Reilly, Ricaud, Ritchie, Sandidge, Aaron Shaw, Shorter, Singleton, Robert Smith, Stephens, Stevenson, William Stewart, Talbot, George Taylor, Miles Taylor, Thayer, Thompson, Trippe, Underwood, Walbridge, Waldron, Warren, Cadwalader C. Washburn, Israel Washburn, Watkins, Whiteley, Wood, Woodson, Augustus R. Wright, and Zollicoffer.

During the call,

Mr. PETTIT stated that, on previous calls, he had been absent in consequence of indisposition.

One hundred and twenty-six members answered to their names.

The SPEAKER ordered the doors to be closed, and the names of the absentees to be called for excuses.

NEHEMIAH ABBOTT. No excuse offered.

THOMAS L. ANDERSON. No excuse offered.

THOMAS J. BARR. No excuse offered.

CHARLES BILLINGHURST.

Mr. BENNETT moved that Mr. BILLINGHURST be excused on account of illness.

Mr. NICHOLS. I have a personal knowledge of the fact stated by the gentleman from New York. The gentleman from Wisconsin ought to be excused on account of ill health.

The motion was agreed to.

FRANCIS P. BLAIR. No excuse offered.

PHILEMON BLISS. No excuse offered.

WILLIAM W. BOYCE. No excuse offered.

LAWRENCE O'B. BRANCH. No excuse offered.

GUY M. BRYAN. No excuse offered.

SILAS M. BURROUGHS.

Mr. FENTON. My colleague, Mr. BURROUGHS, is detained at his room by indisposition. I move that he be excused.

The motion was agreed to.

SAMUEL CARUTHERS.

Mr. CRAIG, of Missouri. The House has observed the condition of my colleague. I move that he be excused.

The motion was agreed to.

CHARLES CASE. No excuse offered.

HENRY CHAPMAN.

Mr. JONES, of Pennsylvania. My colleague, Mr. CHAPMAN, has been detained from the House for several days by indisposition. I move that he be excused.

The motion was agreed to.

EZRA CLARK. No excuse offered.

JOHN B. CLARK. No excuse offered.

JAMES B. CLAY. No excuse offered.

SHERRARD CLEMENS.

Mr. FAULKNER. It is hardly necessary to say that my colleague is absent on account of indisposition. I move that he be excused.

The motion was agreed to.

JOHN COCHRANE. No excuse offered.

JOSEPH R. COCKERILL. No excuse offered.

ERASTUS CORNING.

Mr. RUSSELL. Mr. CORNING is not very well to-day; and I have paired him off with Mr. THAYER, who has gone to his room. I move that both gentlemen be excused. [Cries of "No!" No!"] Well, I move that Mr. CORNING be excused.

Mr. JONES, of Tennessee. I hope no gentleman will be excused for his absence in consequence of being paired off. I do not think that any ought to be.

[Cries of "That's right!"]

The question was taken; and Mr. CORNING was excused.

JOHN COVODE. No excuse offered.

SAMUEL S. COX.

Mr. VALLANDIGHAM. My colleague, Mr. COX, is absent, not on account of indisposition, but, in good old Anglo-Saxon phraseology, of sickness. I move that he be excused.

Mr. McQUEEN. Mr. Cox boards in the same house with me, and I know that he has been unwell for several days.

The motion was agreed to.

AARON H. CRAGIN. No excuse offered.

MARTIN L. CRAWFORD. No excuse offered.

SAMUEL R. CURTIS. No excuse offered.

WILLIAM S. DAMRELL.

Mr. BUFFINTON. I move that Mr. DAMRELL be excused.

The motion was agreed to.

THOMAS G. DAVIDSON.

Mr. HUGHES. I move that Mr. DAVIDSON be excused, on account of indisposition. It is well known to the House that he has to leave every day at four o'clock, in consequence of having to ride home.

The motion was agreed to.

HENRY WINTER DAVIS. No excuse offered.

REUBEN DAVIS.

Mr. SMITH, of Virginia. Mr. DAVIS was complaining of very serious indisposition to-day. I move that he be excused.

Mr. BUFFINTON. I would state that Mr. DAVIS informed me this morning that he had received news of the death of his brother. I presume he is absent on that account.

The question was taken; and Mr. DAVIS was excused.

HENRY L. DAWES. No excuse offered.

WILLIAM L. DEWART. No excuse offered.

JOHN DICK. No excuse offered.

WILLIAM H. DIMMICK. No excuse offered.

JAMES F. DOWDELL. No excuse offered.

JOHN R. EDIE. No excuse offered.

JOHN M. ELLIOTT.

Mr. JEWETT. My colleague, Mr. ELLIOTT, is detained at his lodgings by severe indisposition. I move that he be excused.

The motion was agreed to.

WILLIAM H. ENGLISH. No excuse offered.

GEORGE EUSTIS. No excuse offered.

JOHN F. FARNSWORTH. No excuse offered.

JOSHUA R. GIDDINGS.

Mr. LEITER. My colleague, Mr. GIDDINGS, is of advanced age, and it is asking enough to expect him to remain here during the day. I move that he be excused.

The motion was agreed to.

JAMES L. GILLIS. No excuse offered.

DANIEL W. GOOCH. No excuse offered.

WILLIAM O. GOODE.

Mr. EDMUNDSON. Mr. GOODE was here for several hours during the day; and as he is in feeble health, I move that he be excused.

The motion was agreed to.

LAFAYETTE GROVER. No excuse offered.

GALUSHA A. GROW. No excuse offered.

LAWRENCE W. HALL. No excuse offered.

ROBERT B. HALL. No excuse offered.

AARON HARLAN. No excuse offered.

J. MORRISON HARRIS. No excuse offered.

JOHN B. HASKIN. No excuse offered.

JOSHUA HILL. No excuse offered.

CHARLES B. HOARD. No excuse offered.

JOHN HUYLER.

Mr. ADRAIN. My colleague, Mr. HUYLER, was here this morning; but was obliged to leave in consequence of sickness. He has been in delicate health for several days. I move, therefore, that he be excused.

The motion was agreed to.

JAMES JACKSON. No excuse offered.

ALBERT G. JENKINS. No excuse offered.

LAWRENCE M. KEITT. No excuse offered.

WILLIAM KELLOGG. No excuse offered.

DAVID KILGORE.

Mr. PETTIT. I desire to say that my colleague, Mr. KILGORE, left the room late in the afternoon, in consequence of extreme indisposition. I move that he be excused.

The motion was agreed to.

WILLIAM LAWRENCE.

Mr. NICHOLS. Mr. LAWRENCE left the city to-day, as I am informed, under the advice of his physician. I know the fact that he has, for some weeks past, been laboring under severe indisposition, and from that fact I move that he be excused.

The motion was agreed to.

DE WITT C. LEACH.

Mr. PETTIT. Mr. LEACH was in his seat for about half an hour this morning, and said he must go to his room, for he was not able to sit up. He remarked that he should return in the course of the day, if he was able. He has not been here; and I conclude that he is still unable to be here. I move that he be excused.

The motion was agreed to.

PAUL LEIDY. No excuse offered.

OWEN LOVEJOY. No excuse offered.

JOSEPH C. McKIBBIN. No excuse offered.

JOHN J. McREA. No excuse offered.

HUMPHREY MARSHALL.

Mr. HUGHES. I will say the gentleman from Kentucky is quite unwell, and, I presume, not able to be here. I move that he be excused.

Mr. BURNETT. I will say that I saw my colleague this morning before the House met, and he told me that he had a pain in his eyes and was quite unwell.

The motion was agreed to.

WILLIAM MONTGOMERY. No excuse offered.

EDWIN B. MORGAN.

Mr. ANDREWS. Mr. MORGAN is confined to his room and to his bed. I move that he be excused.

The motion was agreed to.

W. PORCHER MILES. No excuse offered.

JOSEPH MILLER. No excuse offered.

ISAAC N. MORRIS.

Mr. HODGES. My colleague, Mr. MORRIS, is quite unwell, and I move that he be excused.

The motion was agreed to.

FREEMAN H. MORSE.

Mr. TAPPAN. Mr. MORSE was in the Hall to-day; but he told me he could remain no longer, inasmuch as he had a daughter who was sick at the hotel where he is stopping. I move that he be excused.

The motion was agreed to.

OLIVER A. MORSE. No excuse offered.

GEORGE W. PALMER.

Mr. OLIN. Mr. PALMER left the Hall to-day about four o'clock, in consequence of a sick child. I move that he be excused.

The motion was agreed to.

WILSON REILLY. No excuse offered.

JAMES B. RICAUD. No excuse offered.

DAVID RITCHIE.

Mr. FLORENCE. My colleague, it is known

to the House, has been a faithful member, and his physical condition is such that it is impossible for him to remain through a protracted session of the House. I move that he be excused.

Mr. LETCHER. Then we are to excuse him because he has been a faithful member, are we?

The motion was agreed to.

Mr. SEWARD. I move that the House adjourn. If we are to sit here and excuse members who are in perfect health, I think we had better adjourn and go home.

The motion was disagreed to.

Mr. WINSLOW. I move that all further proceedings under the call be dispensed with.

The motion was disagreed to.

HENRY M. SHAW. No excuse offered.
ELI S. SHORTER. No excuse offered.
ROBERT SMITH. No excuse offered.
ALEXANDER H. STEPHENS.

Mr. GARTRELL. It is known to the House that my colleague is in delicate health, and is not able to attend protracted sittings of the House. I move that he be excused.

The motion was agreed to.

JOHN W. STEVENSON.

Mr. BURNETT. My colleague left the Hall about five o'clock. When he left, he told me he felt too much indisposed to remain, and requested me, if there was a call of the House, to announce that fact to the House. I move that he be excused.

Mr. SEWARD. Well, sir, I have felt that same way for two hours, and I think I might as well be excused. [Laughter.] He voted against adjournment, to my knowledge, and then left the Hall. However, as he is a very polite man, [laughter,] I hope he will be excused.

Mr. STANTON. The motion to excuse the gentleman is, I understand, debatable. I simply desire to say that there is some misunderstanding upon the part of the House in regard to the gentleman from Pennsylvania, [Mr. RITCHIE.]

Mr. SEWARD. Why, he has been excused.

Mr. STANTON. I know it; but I hear gentlemen talking about the impropriety of excusing him. Those who know him know that his physical condition is such that it is impossible for him to remain in the House during a protracted session.

Mr. BURNETT. Well now, sir, in reference to my colleague, Mr. STEVENSON, I take it for granted that, when a gentleman tells me he is unwell, it is so. My colleague is not a man who would desire such an excuse to be made for him if such were not the fact.

Mr. HUGHES. I do not wish to see this call of the House turned into what amounts to nothing at all. I oppose the motion to excuse the gentleman from Kentucky on the evidence of my own senses.

Mr. STEVENSON was excused.

Mr. HUGHES. I ask this House to excuse me from attendance for this session. It is known to every member of this House that I have been unwell for weeks.

Mr. STANTON. I move that the gentleman be excused.

Mr. COBB. I object, because we will have to vote on a tariff bill.

Mr. FLORENCE. Can the gentleman make an application to be excused for the rest of the session?

The SPEAKER. The Chair thinks that this application cannot be made. The House has ordered a call of the House, and excuses are only in order except for absentees.

Mr. WINSLOW. The gentleman from Indiana asks to be excused now.

The SPEAKER. The Chair supposes that it is in order for the gentleman to ask to be excused from this sitting.

Mr. HUGHES. That is the request I made; but as there seems to be an indisposition to excuse me, I withdraw the motion.

Mr. FLORENCE. I only objected to excusing the gentleman for the rest of the session. I want him here.

WILLIAM H. STEWART. No excuse offered.
ALBERT G. TALBOT. No excuse offered.
GEORGE TAYLOR.

Mr. RUSSELL. I move that my colleague be excused. He has been on the printing committee, and working hard.

Mr. NIBLACK. He is absent by leave of the House.

Mr. LETCHER. If we have any evidence he is sitting with that committee, I will vote to excuse him; otherwise, I will not.

Mr. GARTRELL. Mr. TAYLOR, of New York, has leave of the House to be absent. He is engaged on the select Committee on Printing. His labors have been onerous. I think he is now preparing his report.

Mr. TAYLOR was not excused.

MILES TAYLOR. No excuse offered.
ELI THAYER. No excuse offered.
JOHN THOMPSON. No excuse offered.
ROBERT P. TRIPPE.

Mr. SEWARD. My colleague has been compelled to go home, to attend to urgent business.

A MEMBER. What business?

Mr. SEWARD. To attend to his court. I move that he be excused.

The motion was not agreed to.

DAVID S. WALBRIDGE. No excuse offered.
HENRY WALDRON. No excuse offered.
EDWARD A. WARREN.

Mr. GREENWOOD. My colleague has been detained at his home by sickness. He has been unable to leave his room for several weeks. I move that he be excused.

The motion was agreed to.

Mr. LAMAR. I move that Mr. MCREA be excused. He is suffering from infirm health, and is unable to attend a protracted session.

The motion was agreed to.

CADWALADER C. WASHBURN.

Mr. POTTER. My colleague is detained from his seat by illness. He was here this morning; but was forced to leave. I move that he be excused.

The motion was agreed to.

ALBERT G. WATKINS.

Mr. SMITH, of Tennessee. My colleague has been sick for several days; and I move that be excused.

The motion was agreed to.

ISRAEL WASHBURN. No excuse offered.
WILLIAM G. WHITELEY. No excuse offered.
JOHN M. WOOD. No excuse offered.
SAMUEL H. WOODSON. No excuse offered.
AUGUSTUS R. WRIGHT. No excuse offered.
FELIX K. ZOLLICOFFER. No excuse offered.

Mr. HUGHES. I move that all further proceedings under the call be suspended.

The motion was not agreed to.

Mr. CRAIG, of Missouri. My colleague, Mr. CLARK, has been unwell for a number of days. He was here all day, and left to get something to eat. He is now in the corridor seeking to get in. I ask that he be excused.

Mr. LETCHER, (at a quarter past seven o'clock, p. m.) I move that the House adjourn. We have got to a point where we ought to adjourn.

Mr. PHELPS, of Missouri. I call for the yeas and nays.

Mr. JONES, of Tennessee. I think we have carried this thing far enough.

Mr. McQUEEN. I beg leave to say, that I think that, if we ever intend to do anything under a call of the House, this is the time. We are threatened with an extra session of Congress, and everybody knows it. We have had the roll called four or five times; and it is not worth while enacting this farce over and over again, unless we are determined to make something of it. I hope that, if nothing is made out of it at this time, we will abolish the rules, and cease these farces.

Mr. FLORENCE. If for no other reason, I should like to have the members of this side of the House brought in; for in almost every vote—with a Democratic majority here—they have beaten us.

The SPEAKER. Debate is not in order.

Mr. HOUSTON. How many members are present?

The SPEAKER. One hundred and twenty-six gentlemen have answered to their names.

Mr. HOUSTON. There being a quorum present, I move to dispense with further proceedings under the call.

The SPEAKER. The motion of the gentleman from Virginia, to adjourn, is undisposed of.

Mr. PHELPS, of Missouri. I hope the gentleman will withdraw his motion.

Mr. LETCHER. I will not withdraw it, no matter who may appeal to me. If gentlemen want the yeas and nays, I will vote for the yeas and nays.

Mr. STANTON. What have we been sitting here for, for the last hour, except to send for the absentees?

Mr. McQUEEN. What have we been sitting here for all day?

Mr. LETCHER. We excuse everybody, and it is not worth while to sit longer.

The yeas and nays were not ordered.

Mr. HUGHES. I desire now to ask the House to excuse me from further attendance on its session to-night. It is now after dark. I have not walked to the House for several weeks past, and I have to walk home to-night. I hope the House will excuse me.

Mr. WASHBURNE, of Illinois. I hope the House will adjourn, and let us all go home.

The motion was not agreed to.

The question being on the motion of Mr. CRAIG, of Missouri, to excuse Mr. CLARK, of Missouri,

Mr. HOWARD said: I hope he will be allowed to come in and make his own excuses; for he is standing at the door.

The motion was disagreed to.

Mr. NICHOLS. I moved this call in good faith; but I see that nothing will result from it. I therefore move that all further proceedings under the call be dispensed with.

The motion was disagreed to.

Mr. STANTON. I move that the Sergeant-at-Arms be dispatched for the absent members.

The motion was agreed to.

Mr. WASHBURNE, of Illinois. I wish to make an inquiry of the Chair. If the House should now adjourn, what would be the first business in the morning? Would not the Sergeant-at-Arms have to bring in the absent members at that time?

The SPEAKER. The call ends with the adjournment.

Mr. WASHBURNE, of Illinois. If it is in order to proceed with business during the absence of the Sergeant-at-Arms, I move to suspend the rules to take up Senate bill No. 341.

Mr. NICHOLS. I make the point of order that that motion is not in order during the call of the House.

The SPEAKER. The motion is not in order. The House has not suspended the call.

Mr. SMITH, of Virginia. Do I understand the Chair to decide that we cannot proceed with business, even though there be a quorum present?

The SPEAKER. The House has ordered that there shall be a call, and is proceeding in the execution of that order. The House has also ordered the Sergeant-at-Arms to go in search of the absent members. So long as that order remains unrevoked or unrepealed, it is not competent for the House to transact any other business than to execute the call. Whenever the House shall determine to suspend all further proceedings under the call, the ordinary business can be proceeded with.

Mr. MOORE. I move that the House do now adjourn. It is a farce for us to stay here. We punish ourselves and no one else. I hope we shall adjourn.

Mr. STANTON. I desire to make an inquiry of the Chair. Suppose the Sergeant-at-Arms, having absent members in custody, should return here and find the House adjourned, will he not have to bring those absentees before the House to-morrow?

The SPEAKER. Such has not been the practice. The Chair had occasion to look into this question last session, and all the precedents he found showed the fact that the call falls at the adjournment of the sitting.

Mr. SPINNER. I desire to give notice, for the benefit of absentees as well as those who are now here, that during this session I shall move a call whenever I find the House without a quorum.

Mr. MOORE. I ask that my motion to adjourn be put.

The question was taken; and the House refused to adjourn—ayes thirty-four, noes not counted.

Mr. WHITE. I move that my colleague, Mr. GILLIS, be excused. He is the oldest member of the House, and I think it is due to him that he should be excused.

Mr. CLARK B. COCHRANE. It seems to

me we might just as well dispense with this call and go home. Those who are absent are on the record, and we can accomplish no good object by remaining here longer under the call.

Mr. SPINNER. I wish to say that it is my intention from this time, to the close of the session, whenever a quorum is not present, to move a call of the House.

Mr. CLARK B. COCHRANE. I move that the House adjourn.

The motion was disagreed to.

The question recurred on the motion to excuse Mr. GILLIS.

Mr. SEWARD. Would it be in order to move to go into the Committee of the Whole on the state of the Union?

The SPEAKER. It would not.

Mr. GILLIS was not excused.

Mr. SMITH, of Virginia. I desire to ask the Chair a question. The gentleman from Georgia, [Mr. TRIPPE,] whom the House refused to excuse, I understand is now on his way to Georgia. Are we to sit here until he is brought back? That is my understanding of the effect of the ruling of the Chair, unless we dispense with the call. My idea was, that when we had called the names over for excuses, and the Sergeant-at-Arms had been dispatched for the absentees, a quorum being present, we might proceed to our ordinary business until the absent members were brought in. The ruling of the Chair, however, places us in an awkward position. We are either compelled to abandon our proceedings against the absentees, or wait until the Sergeant-at-Arms has brought in all the absentees, which, if he is compelled to go to their homes after them, would occupy more than the remainder of the session. I most respectfully submit that the effect of the ruling of the Chair is most inconvenient, and that it would be well for him to reconsider his decision.

Mr. BONHAM. I take it for granted the House would dispense with the call when the members who are accessible have been brought in.

Mr. FENTON. Inasmuch as the gentleman from Pennsylvania [Mr. FLORENCE] has announced that the members on this side of the House are always here in sufficient numbers to outvote the other side, I would suggest that the Sergeant-at-Arms be instructed to confine himself in arresting members to the Democratic side of the House, and that the Republicans who are absent be excused. Would such a motion be in order?

The SPEAKER. The Chair supposes it would be in order to move to excuse certain gentlemen.

Mr. FLORENCE. While the fact which I stated is true, yet, sir, I am a friend of equal rights, and I would not make such an unjust discrimination as the gentleman from New York suggests.

Mr. SMITH, of Virginia. I desire to call the attention of the Chair again to the point I presented. There is no longer a necessity for us to continue under the call. There is a quorum present. The absentees are all on the record. Why keep the doors closed? Why not let them come in? We have them upon the record all the same as absentees. Whom do you wish to exclude? Do you wish to exclude the men you have sent for? The idea of keeping the doors closed is utterly useless. There is no necessity for it; none in the world.

The SPEAKER. The Chair supposes that one object in closing the doors is to keep in those who are already here.

Mr. BONHAM. There is another reason. Those who are absent are practically under arrest. If they were here they would have no right to vote. The House, therefore, should close its doors, and exclude them from being present and participating in the proceedings of the House until they have been excused and released from the custody of the Sergeant-at-Arms.

Mr. SMITH, of Virginia. I submit that we have no right to deprive a member of his constitutional rights. I will only add, in reply to the remarks of my friend over the way, [Mr. FLORENCE,] that one reason why the opposite side of the House beat us so often, is that they have the benefit of his assistance occasionally.

Mr. FLORENCE. I should just like the gentleman from Virginia to point out one instance.

Mr. SMITH, of Virginia. I would suggest the tariff bill.

Mr. FLORENCE. I am acting in accordance with the recommendation of the Executive upon that bill.

Mr. NICHOLS. Mr. Speaker, I rise to a question of order upon those gentlemen over there.

The SPEAKER. The Chair sustains the question of order.

Mr. JONES, of Tennessee. Is there a quorum present?

The SPEAKER. One hundred and twenty-six members have answered to their names.

Mr. JONES, of Tennessee. Then I think we had better open the doors, and go on with the business of the House.

Mr. SPINNER. I ask the gentleman from Tennessee if he does not know that a quorum would not remain here five minutes after the doors were opened?

Mr. JONES, of Tennessee. Well, sir, I have discharged my duty in the matter, and the gentleman has his.

Mr. SPINNER. And now I mean that other gentlemen shall theirs. [Laughter.]

Mr. JONES, of Tennessee. I believe that a quorum of this House is a constitutional body to do business; but that they have no right to compel the attendance of absentees. The Constitution is clear and explicit in saying that a smaller number than a majority may compel the attendance of absent members, and may adjourn from day to day. There is no authority for a majority of members to compel the attendance of absentees. The express delegation of power is, that a smaller number than a majority may compel the attendance of absent members; but there is no delegation of power to a quorum of a legally organized House of Representatives to compel any man to attend who is absent. The policy is to let your records show the absence, and to leave them to their constituents. I think that there are many here who care nothing about the record or their constituents. [Laughter.]

Mr. HOWARD. I ask that the Constitution, and the rule of the House, be read.

The Clerk read, as follows:

"Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and such penalties as each House may provide."—*Constitution, article one, section five.*

"Any fifteen members (including the Speaker, if there be one) shall be authorized to compel the attendance of absent members."—*Rule 65, of the House.*

Mr. CLARK B. COCHRANE. If fifteen men can order a call of the House, one hundred and twenty-six certainly can.

Mr. SHERMAN, of Ohio. I move that all further proceedings under the call be dispensed with, in order that we may go to the consideration of the business. I have never, in my short career here, known one of these calls to amount to anything.

Mr. COLFAX. Allow me to say, that having put our hands to the plow, we ought not to look back. We ought to prosecute this thing to the end.

Mr. JEWETT demanded tellers.

Tellers were ordered; and Messrs. WILSON and MCQUEEN were appointed.

The House divided; and the tellers reported—ayes 48, noes 68.

So the House refused to dispense with all further proceedings under the call.

The Sergeant-at-Arms was announced at the bar of the House, having in custody under the order of the House, Messrs. BLISS, ABBOTT, CLARK of Missouri, and BRYAN.

The SPEAKER. Mr. BLISS, you have been arrested and brought to the bar of the House for absenting yourself without the leave of the House. What excuse have you to offer?

Mr. BLISS. I do not know that I have any sufficient excuse. I will only say that I remained here during the session of the Committee of the Whole, and enabled its excellent chairman to drum up a quorum; after that was done, fearing that I would do discredit to my habits, and injury to my health, I went to dipner. Upon my return, (and my dinner was rather long,) I returned here and found the doors closed. I then went to the Senate Chamber to look after the Cuban refugees. I came here as soon as I could get in.

Mr. STEWART, of Maryland. We have heard the gentleman's explanation, and there seems to have been some ground for his absence. I therefore move that he be excused—on the payment of costs. [Laughter.]

The motion was agreed to.

The SPEAKER. Mr. ABBOTT, you have been arrested and brought to the bar of the House for absenting yourself without the order of the House. What excuse have you to offer?

Mr. ABBOTT. I think that I have made a good excuse. I remained here, as usual, until nearly dark; and I thought if I remained here much longer my friends would think I had not brains enough to take care of myself; so I went to my dinner. I returned, but was refused admission, the doors being closed. I went then to the Senate, and have been there taking care of the affairs of the nation. I have no other excuse to offer.

Mr. NICHOLS. I move that the gentleman be excused on payment of fees, on the ground that, as I suppose the dinner was a good one, it warrants the payment of the sum.

The motion was agreed to; and Mr. ABBOTT was excused.

The SPEAKER. JOHN B. CLARK, you have been arrested and brought to the bar of the House for absenting yourself from the sittings of the House without leave. What excuse have you to offer?

Mr. CLARK, of Missouri. I left the House this evening in consequence of indisposition. I am sorry I was not excused before I was arrested. I have come here for the last three or four days, in bad health; and I am now under the effect of medicine.

Mr. PHILLIPS. I move that the gentleman be excused.

Mr. CLARK, of Missouri, was excused.

The SPEAKER. Mr. BRYAN, you have been arrested and brought to the bar of the House for absenting yourself from its sittings without leave. What excuse have you to offer?

Mr. BRYAN. I was attending to the interests of my constituents outside of the House. In remaining here, I was only listening to speeches that were not benefiting them or me. I thought I could attend to their business better than by remaining. As soon as I got my dinner I returned, and have since been waiting at the door.

Mr. JONES, of Pennsylvania. I move that the gentleman be excused on payment of fees.

The motion was agreed to.

Mr. ABBOTT. I desire to say that Mr. LEACH, who boards in the same house with me, is very sick; and I ask that he be excused.

The SPEAKER. The gentleman has already been excused.

Mr. SEWARD, (at quarter to eight o'clock, p. m.) I move that the House do now adjourn.

Mr. WINSLOW called for tellers.

Tellers were not ordered.

The motion was not agreed to.

Mr. WINSLOW. I move to suspend all further proceedings under the call.

Mr. NICHOLS. Is an amendment to that motion in order?

The SPEAKER. It is not.

Mr. NICHOLS. I understand that the compensation law authorizes the deduction of a day's pay for each day's absence of members. Is it in order now to move, as an amendment to the motion, that such members as are absent, without excuse, shall have their pay deducted?

The SPEAKER. The Chair thinks that an order of the House cannot interfere with the legal rights which a member enjoys under the law.

Mr. KELSEY. Would it be in order to move to suspend the rules, and go into the Committee fo the Whole on the state of the Union?

The SPEAKER. It is not in order. The House is now executing an order which must be revoked before any other business is transacted.

The question was taken on Mr. WINSLOW's motion, and it was not agreed to; there being, on a division—ayes 46, noes 64.

Mr. COBB. Mr. Speaker, I have been so unwell all day, that I have not been able to remain in my seat a quarter of the time. If there were any prospect of doing any business, I would endeavor to remain; but there is not. I ask to be excused from further attendance.

Mr. COBB was excused.

Mr. BARKSDALE. We have accomplished

all we started out to accomplish in making this call. ["Oh, no!"] Do gentlemen suppose that any further business can be transacted to-night? No good will be done by proceeding further in this call. We have made a record of those who have absented themselves, and prevented the business of the country from being transacted. I move, therefore—as we have accomplished everything that can be accomplished by this call—that the House do now [five minutes before eight p. m.] adjourn.

Mr. McQUEEN. I simply wish to say, in reply to the remarks of my friend from Mississippi, that it seems to me we have accomplished nothing.

Mr. WASHBURNE, of Illinois. What do we accomplish? When members are brought here by the Sergeant-at-Arms, they are all excused, on the payment of costs; and we all know that these costs are never exacted, and that it amounts, literally, to nothing.

Mr. McQUEEN. I take it that, if the law is to be observed at all, these men are legally bound to pay costs. We have mulcted them in costs; and it would be unfair to them if we did not also impose costs on those that have not yet been brought in. I am for dealing with all alike. If we suspend these proceedings now, then we have been engaged in a farce from the beginning; and I will never again attempt, by my vote or voice, to bring a single man here who neglects to perform his duty to the country.

The question was taken on the motion to adjourn; and it was not agreed to; there being, on division—ayes 48, noes 54.

Mr. SEWARD demanded tellers.

Tellers were ordered; and Messrs. FOSTER and LAMAR were appointed.

The House divided; and the tellers reported—ayes 46, noes 57.

So the motion was disagreed to.

Mr. KELSEY. I suggest to the House that we should take up the President's message, and allow gentlemen to make five-minute speeches upon it, while we are waiting for the Sergeant-at-Arms to bring in the absentees. We might economize time by doing so, as we should not have so many speeches when we went into the Committee of the Whole.

Mr. WASHBURNE, of Illinois. I object to any five-minute speeches. If we had had less speaking to-day, we should have done more business, and should not be at this dead lock now.

Mr. WINSLOW. I move that all further proceedings, under the call, be dispensed with.

Mr. BLISS. I wish to make an inquiry of the Chair. I observe that the gentleman from Iowa [Mr. CURTIS] has been voting and addressing the Chair since he came into the Hall with me. I wish to inquire if it is in order for a person who is in custody of the Sergeant-at-Arms to participate in our proceedings? I will state in this connection that the gentleman came in, under arrest, at the same time I did. Now, as a great Jeffersonian, I believe in equal and exact justice to all men. [Laughter.]

The SPEAKER. Upon inquiry the Chair learns that by an oversight the Sergeant-at-Arms did not include the gentleman from Iowa in his return to the Chair.

Mr. BLISS. I hope the Sergeant-at-Arms will be permitted to amend his return.

Several MEMBERS. He is not here.

Mr. LETTER. Would it be in order to move that the gentleman from Iowa be arraigned?

The SPEAKER. The Chair supposes it would be, unless the gentleman from Iowa should require the production of the return.

Mr. BLISS. I presume he will not be technical. [Laughter.]

Mr. CURTIS. I understand that I have not been reported as absent.

The SPEAKER. The gentleman has not been reported as under arrest, by the Sergeant-at-Arms.

Mr. CURTIS. And I do not propose to place myself under arrest.

Mr. BLISS. I believe it is a principle of law, that what ought to be done is to be considered as done.

Mr. CURTIS. I came in by the front door, and without any coercion. I understand that I am not marked as among the absentees.

The SPEAKER. The Chair will settle the matter, when the motion of the gentleman from North Carolina [Mr. WINSLOW] shall have been disposed of.

Mr. OTERO. I hope we shall take up territorial business now. [Laughter.] Not a day, not even an hour, has been assigned for that business; and I do not think there will be a better opportunity for considering it than the present.

Mr. KELSEY. Let us first dispose of the case of the gentleman from Iowa. I move that he be fined $10,000. [Laughter.]

Mr. WINSLOW. I ask for a vote on my motion to dispense with all further proceedings under the call. I want to go on with business. If the motion prevails, I am willing to go into the Committee of the Whole on the state of the Union.

The question was taken on Mr. WINSLOW's motion, and it was disagreed to—ayes 41, noes 58.

Mr. BLISS. I suppose the question now recurs on the case of the gentleman from Iowa. I bring it up in no malice to him; but inasmuch as he is the only military man upon this floor that I know as belonging to the Republican party, I think he should not endeavor to shirk the proper discipline of the House; and I desire to have his case disposed of.

Mr. CURTIS. I have made all the explanation that I believe to be necessary. As to my being the only military man on this side of the House, I believe three fourths of this Congress are colonels or captains. [Laughter.]

Mr. BLISS. I mean in the regular service. There are plenty of corn-stalk military men here, I am aware. [Renewed laughter.]

Mr. CURTIS. I came to the door and learned from the Sergeant-at-Arms that I was not marked as absent, and I came in without being arrested.

Mr. BLISS. I would inquire whether the Sergeant-at-Arms has not been guilty of a breach of his duty in not reporting the gentleman from Iowa?

The SPEAKER. The gentleman from Iowa does not appear to have been reported as among the absentees.

Mr. POTTER. Would it be in order to move that the gentleman from Iowa be sworn in again? [Laughter.]

Mr. ABBOTT. I perceive that it is the pleasure of a majority of the House to remain here, I do not know how long; perhaps all night. My pleasure does not seem to square with that of the majority in that respect. I think I can devote my time and talents to a better purpose, and, in consequence of my old age and infirmity, I ask that I may be excused from attendance here any longer to-night, and that the doors may be opened so that I can get out.

Mr. BLISS. The gentleman from Maine is our file leader. I really hope he will withdraw his request.

Mr. MASON. I move that the House adjourn.

Upon a division, there were—ayes 48, noes 53.

Mr. WINSLOW called for tellers.

Tellers were ordered; and Messrs. FOSTER and LAMAR were appointed.

The House divided; and the tellers reported—ayes 51, noes 61.

So the House refused to adjourn.

Mr. GARTRELL. It is very evident that nothing in the shape of business can be done here to-night. Now, I submit this question to the Chair: whether, having dispatched the Sergeant-at-Arms after the absentees, it is necessary to remain here and wait for him to bring them in? May we not take a recess until ten o'clock to-morrow morning, and then let him bring the absentees here to make their excuses?

Mr. NICHOLS. That is against the standing order of the House, and I object.

Mr. PHILLIPS. I think we could very well go into the Committee of the Whole on the state of the Union now, and do some business to-night. I move that all further proceedings under the call be dispensed with.

Mr. GARTRELL. Do I understand the Chair to rule my proposition not to be in order?

The SPEAKER. It would not be in order.

Mr. GARTRELL. I should like very much to hear the reason why it is not in order?

The SPEAKER. The motion to take a recess is not one contemplated by the rules at all. It would be in order to move to suspend the rules to make a motion, if the House were not acting under a call; but that cannot be done without first dispensing with the call.

Mr. PHELPS, of Missouri. If we wait a little while other members will be here, and there will be no difficulty about having a quorum, and we can go to the transaction of business.

Mr. WASHBURNE, of Illinois. It is idle to think of doing any business to-night, and I therefore move that the House adjourn.

Mr. COLFAX. We might as well have the yeas and nays on that motion. It will be repeated, and we may as well now make the record.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 66, nays 64; as follows:

YEAS—Messrs. Abbott, Ahl, Andrews, Bennett, Bingham, Bishop, Bocock, Bowie, Burnett, Burns, Caskie, Clawson, Clark B. Cochrane, James Craig, Davis of Iowa, Dodd, Edmundson, Fenton, Florence, Garnett, Gilmer, Granger, Greenwood, Gregg, Hawkins, Hodges, Hopkins, Horton, Jewett, George W. Jones, Kelsey, Knapp, Jacob M. Kunkel, Landy, Letcher, Maclay, Humphrey Marshall, Mason, Matteson, Millson, Olin, Peyton, Phillips, Potter, Powell, Ready, Reagan, Robbins, Roberts, Royce, Russell, Savage, Scales, Searing, Seward, Henry M. Shaw, John Sherman, Judson W. Sherman, Sickles, Samuel A. Smith, Vance, Elihu B. Washburne, White, Wilson, Winslow, and John V. Wright—66.

NAYS—Messrs. Adrain, Arnold, Atkins, Avery, Bliss, Bonham, Brayton, Bryan, Buffinton, Burlingame, Chaffee, Horace F. Clark, John B. Clark, Colfax, Comins, Burton Craige, Curry, Curtis, Davis of Massachusetts, Dean, Durfee, Faulkner, Foley, Foster, Gartrell, Groesbeck, Haskin, Houston, Howard, Owen Jones, Keim, Lamar, Leiter, McQueen, Maynard, Moore, Morrill, Edward Joy Morris, Mott, Murray, Niblack, Nichols, Parker, Pendleton, Pettit, John S. Phelps, William W. Phelps, Pike, Pottle, Purviance, Ruffin, Scott, William Smith, Spinner, Stallworth, Stanton, James A. Stewart, Tappan, Tompkins, Vallandigham, Wade, Walton, and Wortendyke—64.

Pending the above call,

The Sergeant-at-Arms appeared at the bar, and announced that he had in custody, under the order of the House, Messrs. MILES, CAVANAUGH, and KUNKEL of Pennsylvania.

Mr. FLORENCE stated that, as it was evident no business could be done, he felt it to be his duty to the House and himself to vote in the affirmative.

Mr. CAVANAUGH stated that he left the Hall unwell, with the request to his colleague to send for him if there were any votes on the pending Navy bill. Illness alone detained him from the House.

Mr. PHELPS, of Minnesota, stated that he had not heard the name of his colleague called.

The vote was then announced as above.

And thereupon (at eight o'clock and thirty-five minutes p. m.) the House adjourned.

IN SENATE.

SATURDAY, *February* 26, 1859.

Prayer by Rev. J. G. BUTLER.

The Journal of yesterday was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a report of the Secretary of War, communicating, in compliance with a resolution of the Senate, the report, by Captain J. H. Simpson, of a reconnoissance of the wagon-road routes from Bridger's Pass to City Rocks, in the Territory of Utah, prepared under instructions from the officer commanding the department of Utah; which was referred to the Committee on Military Affairs and the Militia.

He also presented a letter of the Mayor of Washington, communicating a copy of a joint resolution of the City Councils, protesting against the passage of the bill now before Congress, conferring additional privileges on the Baltimore and Ohio Railroad Company; which was referred to the Committee on the District of Columbia.

E. GEORGE SQUIER.

Mr. DIXON. I ask the Senate now to take up and pass the bill (S. No. 587) for the relief of E. George Squier. It has already been discussed and debated in the Senate.

Mr. TOOMBS. I hope it will not be taken up.

The VICE PRESIDENT. The Senator from Connecticut asks the unanimous consent of the Senate to consider the bill indicated by him. The usual course is to allow petitions and reports to be presented first. The Chair will suggest that they can be gone through with in a very few moments.

Mr. DIXON. Very well. I yield for that purpose.

REPORTS OF COMMITTEES.

Mr. GREEN, from the Committee on Territories, to whom was referred the petition of citizens of Arizona relative to the raising of volunteer companies of rangers for the protection of the people of that territory, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs and the Militia.

PACIFIC WAGON ROADS.

Mr. DAVIS. I am directed by the Committee on Printing, to whom was referred a motion to print the report of the Secretary of the Interior, communicating reports upon the Pacific wagon roads constructed under the direction of that Department, to report in favor of printing the report and maps. The estimate of the cost of printing the usual number, one thousand four hundred and twenty, of the report and map is $731; for each thousand additional copies, $231. I am not authorized to ask for additional copies, and we therefore report it back to the Senate, with a recommendation that the report and maps be printed for the use of the Senate.

Mr. TOOMBS. Let it lie over.

FRANCIS HÜTTMAN.

Mr. HAMLIN. The Committee on Commerce, to whom was referred the memorial of Francis Hüttman, praying a reëxamination of his accounts, and remuneration for losses sustained in consequence of the illegal acts of the collector at San Francisco, have directed me to report a bill for his relief; and by direction of the committee I ask the Senate to consider it at this time.

The bill (S. No. 603) for the relief of Francis Hüttman, was read the first time by its title, and passed to a second reading.

The VICE PRESIDENT. The Senator from Maine, on behalf of the Committee on Commerce, asks that the bill be put through its different stages now. Is there objection? The Chair hears none.

Mr. GWIN. I hope it will be passed at once. It merely refers the question to the Secretary for information.

There being no objection, the bill was read a second time, and considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to examine the claim of Francis Hüttman for losses sustained by the detention of the bark Callao at San Francisco, in 1848, by the act of the collector of that port, and to settle it according to the terms prescribed in section four of the act "to create additional collection districts in the State of California, and changing the existing districts therein, and modifying the existing collection districts in the United States," approved September 28, 1850, and to pay the sum found due.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF LAWS TO OREGON.

Mr. BAYARD. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 593) to provide for extending the laws of the judicial system of the United States to the State of Oregon, to report it with an amendment. I am also instructed, as the bill is essential to be passed, to ask for its present consideration. It is a bill to which, I presume, there will be no objection, and will lead to no debate whatever.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 593) to provide for extending the laws and judicial system of the United States to the State of Oregon. The committee reported it with an amendment, to strike out all after the first section of the bill and insert the following:

SEC. 2. *And be it further enacted*, That the said State is hereby constituted a judicial district of the United States, within which a district court, with the like powers and jurisdiction as the district court of the United States for the district of Iowa, shall be established; and the judge of said district court shall hold two regular terms of the said court annually, at the seat of government of the said State, to commence on the second Monday of April and September of each year.

SEC. 3. *And be it further enacted*, That the judge, attorney, and marshal of the United States, for the said district of Oregon, shall reside therein, and the annual salary of the said judge shall be $3,000, and the marshal and district attorney, for said district, shall be entitled to the same compensation and fees as the marshal and attorney for the district of Iowa.

SEC. 4. *And be it further enacted*, That, in all cases of appeal or writ of error heretofore prosecuted, and now pending in the Supreme Court of the United States, upon any record from the supreme court of Oregon Territory, the mandate of execution or order for further proceedings shall be directed by the Supreme Court of the United States to the district court of the United States for the district of Oregon, or to the supreme court of the State of Oregon, as the nature of such appeal or writ of error may require; and each of those courts shall be the successor of the supreme court of Oregon Territory, as to all such cases, with full power to hear and determine the same, and to award mesne or final process thereon.

The original bill is as follows:

Be it enacted, &c., That all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said State of Oregon as elsewhere in the United States.

SEC. 2. *And be it further enacted*, That the said State shall compose one judicial district, to be called the district of Oregon; and a district court shall be held in said district, to consist of one judge, to be appointed by the President of the United States, by and with the advice and consent of the Senate; who, after his appointment, shall reside in said State of Oregon, and shall be called a district judge, and shall, in all things, have, and exercise, the ordinary jurisdiction and powers of the district courts of the United States; the said judge shall appoint a clerk, who shall reside, and keep the records of the court, at the place of holding the same; who shall receive for his services the same fees which are allowed to the clerk of the northern district of California, and may appoint a deputy. That the judge of the said district shall hold two regular sessions, annually, at the seat of government of said State of Oregon, to commence on the first Monday of —— and ——, and may also hold extra sessions when the public interests may, in his opinion, require the same, after public notice thereof shall be given for not less than thirty days; and should the judge of said district fail to attend at the same time and place of holding any regular term of the court, before the close of the fourth day of any such term, the business pending in said court shall stand adjourned to the next regular or special term thereof.

SEC. 3. *And be it further enacted*, That in addition to the ordinary jurisdiction and powers of a district court of the United States, the said court be, and hereby is, invested, within the limits of the district of Oregon, with the jurisdiction and powers in all civil cases now exercised by the circuit court of the United States for the districts of California; and that in all cases where said court shall exercise such jurisdiction, appeals may be taken from the judgments, orders, or decrees of said court to the Supreme Court of the United States, in the same manner, and upon the same conditions, as appeals may be taken from the circuit courts of the United States.

SEC. 4. *And be it further enacted*, That there shall be allowed to the judge of said district the same compensation as is now allowed to the judge of the United States, for the northern district of California.

SEC. 5. *And be it further enacted*, That there shall be appointed in said district a person learned in the law, to act as attorney for the United States, who shall receive for his services the same compensation and fees allowed the United States attorney for the northern district of California.

SEC. 6. *And be it further enacted*, That a marshal shall be appointed in said district, who shall receive for his services the same compensation and fees allowed the marshal of the northern district of California; and who may appoint as many deputies as the duties of his office may require.

SEC. 7. *And be it further enacted*, That all civil causes, now pending in the courts of Oregon, the jurisdiction of which may properly belong to the court of the United States herein established, shall be removed to the same, either by writ of *certiorari*, or by a transfer of the original papers, the cost of said transfer to be paid by the party applying for the same; but upon the final determination of the cause, such costs shall be taxed against the party failing in said suit.

The VICE PRESIDENT. The question is upon agreeing to the amendment offered by the Committee on the Judiciary.

Mr. BAYARD. Before the amendment is acted on, I ask leave to fill up the blanks. At the suggestion of one of the Senators from Oregon, I will fill the blanks with April and September. I will also move to strike out the word "first," and insert "second," at the suggestion of the honorable Senator from Oregon, that those times would be most convenient for holding the stated terms of the court.

The amendment of the committee, as modified, was agreed to.

Mr. JONES. I offer the following amendment, if it is in order. It is to insert additional sections:

And be it further enacted, That, for the purpose of trying all issues of fact triable by jury in the district court of the United States, for the district of Iowa, said district shall be divided into three divisions, as follows, namely: the counties of Clinton, Jones, Linn, Benton, Tama, Marshall, Grundy, Hardin, Webster, and all the counties north of the same and east of Calhoun, Pocahontas, Palo Alto, and Emmett, shall constitute the northern division; and two regular terms of said court, for the same, shall be held annually at Dubuque, to commence on the third Tuesdays of April and October.

And be it further enacted, That the counties of Scott, Cedar, Johnson, Iowa, Powasheik, Mahaska, Marion, Lucas, Clark, Decatur, and all the counties south and east of the same, shall constitute the southern division; and two regular terms of said court shall be held annually, for said division, at Keokuk, to commence on the third Tuesdays of March and September.

And be it further enacted, That all the remaining counties of the State shall constitute the western division; and one regular term of said court shall be held on the second Tuesday of November in each year, at Des Moines.

And be it further enacted, That the provisions of the several acts of Congress regulating the courts in the several divisions, as heretofore organized, shall, as far as the same are applicable, apply to the courts of said district, under the present division.

And be it further enacted, That the judge of said district court shall have power to make such rules and orders as may be necessary to carry into effect the changes provided for in this act.

And be it further enacted, That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

Mr. HUNTER. Is that a provision for creating new courts? I should like to hear some explanation of it.

Mr. JONES. No, it is not. I merely wish to state that this amendment of mine has been reported by the Committee on the Judiciary, at the instance of the judge of the district court of my State. It is absolutely necessary that this change should be made.

Mr. HUNTER. What is the change?

Mr. JONES. It is merely changing the places of holding the courts, and defining to which of those places the cases are to be assigned. The districts are divided now by right lines, and take portions of counties; and it is impossible for the marshal or the sheriffs to decide to which one of the places the cases shall be assigned. It is done at the instance of the judge there, one of the best judges in the country; and it has the unanimous consent of the Committee on the Judiciary. I offer, as an amendment, the bill as reported by the committee, at present. I will offer another afterwards.

Mr. BAYARD. So far as that amendment is concerned, I believe it is the bill introduced by the honorable Senator from Iowa, and reported back by the committee, with an amendment striking out certain parts. As I understand it, the amendment simply embodies what was reported by the committee.

Mr. HUNTER. I ask the Senator from Delaware if it creates any new office or additional salary?

Mr. BAYARD. None whatever.

Mr. HUNTER. No additional salary?

Mr. BAYARD. None whatever. All those parts of the bill which authorize the court, at its discretion, to appoint stated terms, we threw out, and we also struck out the clause which increased the salary of the judge. This amendment comes now exactly in the words of the bill as reported by the committee; and if it is appropriate to attach it to the Oregon bill, I have not the slightest objection to it. It does nothing but change the local divisions. It does not increase the number of courts. Instead of that, I think it diminishes one regular term.

Mr. HALE. It strikes me that this is a new feature in our legislation, of dividing districts into divisions by law. There may be such a thing, but I never heard of it before. If I am not mistaken, it is an innovation, and I think it may lead to mischievous consequences. Now, I think the district judge of Iowa should fix the place where he should hold the court, and there would be no difficulty of making a rule of court, by which an action shall be tried at one place or the other; but I am jealous of this encroachment upon what has been the established legislation of the country ever since we have had judicial districts. I am opposed to the amendment for that reason.

Mr. JONES. The judge of the court himself declares that this is absolutely necessary. The Committee on the Judiciary unanimously decided that that judge has no such power himself at all. I am not a lawyer, and do not know what the powers of the judge are; but that is the opinion of the committee, unanimously expressed, and the opinion of the judge himself, that he has no such power. I hope the Senate will agree to the amendment.

Mr. HUNTER. I would ask whether it will not require additional clerks?

Mr. JONES. No; it will not.

Mr. HARLAN. I see no evil consequences which can possibly arise from this change of the divisions of the district. It has been the policy of the court there, either with or without law, ever since the State was admitted into the Union,

of holding courts at different places, and dividing the State into sections for the purpose of lessening the expense of collecting jurymen, and also of collecting witnesses in the various suits. Iowa is a very large State in a geographical point of view, some three hundred miles from the Mississippi to the Missouri river, and almost an equal extent from the northern to the southern boundaries. If the court were held in one place, the expense of collecting jurymen would be great, and the expense of subpenaing witnesses would also be very greatly increased; and, on this account, the courts are held in two or three different points in the State, to lessen the expense of the court, and also for the convenience of the people. I do not know that this is the very best division that could be made of the State. My attention has not been called to it; but my colleague is familiar with the localities there, and I feel inclined to trust his judgment on this subject. I know that the sheriffs and the people of the State would be very dissatisfied unless some arrangement was made for the convenience of the people of the State.

Mr. HALE. I want to ask the chairman of the Judiciary Committee, if I can get his ear, is there any State in the Union where districts are divided into divisions by law?

Mr. BAYARD. It does not increase the districts at all. It only alters the locality.

Mr. HALE. Is there any other one?

Mr. BAYARD. I cannot answer positively. Certainly, Iowa is now divided under existing law. This will not increase the expense nor increase the divisions, nor increase the number of courts. On the contrary, I think it will decrease it one regular term.

Mr. HALE. I will interpose no objection. I think it is a bad precedent. I think it ought not to be done.

Mr. BAYARD. The amendment gives but five regular terms, instead of six. It alters the places and alters the local commissions, but does not increase the number of terms.

The amendment was agreed to.

Mr. JONES. I now move to increase the salary of the judge from $2,000 to $2,500. The judge of the State of Iowa has, in my opinion, more duty to perform, as a district judge, than any district judge in the United States. There are two districts in the State of Missouri, the judge of each of which gets $2,800. There are two in Illinois, and two in most of the States, each getting $2,500; and no one of them, in my opinion, has as much duty to perform as the judge in Iowa.

Mr. TOOMBS. If the Senator will allow me, I think that amendment is out of order. It is not directed by any committee to be offered.

Mr. JONES. No, it is not.

Mr. TOOMBS. Well, I want to know whether it is in order, or not?

Mr. JONES. I wish to ask the Chair whether, if I move it as a separate amendment, it is not in order?

The VICE PRESIDENT. The Chair will hear a suggestion on the point of order. This is not an appropriation bill.

Mr. JONES. It is not an appropriation bill.

Mr. TOOMBS. The Senator proposes to make it so.

Mr. FOOT. I suppose the Senator from Iowa is moving an amendment to the amendment, which cannot be done.

The VICE PRESIDENT. The amendment was agreed to, and the Senator from Iowa offered this additional amendment.

Mr. JONES. I hope the Senate understand my object. It is merely to compensate this judge, who is as good as any other judge, and as faithful a man as any in the United States, as other judges are compensated. He has a large district of country to travel over. He has to travel on horseback, in stages, and wagons, and otherwise; and it is not fair that he should be paid $500 less for performing these services than other judges. I do not wish to consume the time of the Senate upon it.

Mr. TOOMBS. I wish to ask the Senator one question. What is the pay of the supreme judges of Iowa?

Mr. HARLAN. Two thousand dollars a year.

Mr. TOOMBS. The principle which we have adopted in regard to the salaries of district judges has been uniform, with two or three exceptional cases, which were put on the appropriation bills in the confusion of one of the last nights of the session, overriding the general principle of salary adopted by the Judiciary Committee some three or four years ago. They were made exceptional, and wrongfully made so. All over the country the rule has been to give to the district judge the salary of the highest judicial office of the State. It is liberal pay, and is placed upon the ground that the States themselves are the best judges of the price to be paid for that sort of talent in their limits. If this amendment should be adopted, I know of a number of cases, really hard cases; and I should move to amend by bringing in other judges. Indeed, there are some whose pay is not according to the rule. The judge of the State of Georgia receives $750 less under this rule, on account of the change, since he has been appointed. The pay that he gets is inadequate.

Mr. JONES. What does he get?

Mr. TOOMBS. Two thousand seven hundred and fifty dollars, and the judges of the supreme court of the State receive $3,500. It is within the rule we have adopted. That has been the rule adopted very generally, except with regard to judges at Chicago, Detroit, and San Francisco, and one or two other points. There are but four or five exceptions in the whole judicial offices of the United States, and some few judges have been placed below the rule on account of the change of the domestic system in the States. If this were one of the cases that came under the rule, it would be different; but as it appears that he gets the same compensation now as the judges of the supreme court of the State, it ought not to be disturbed by the Senate.

Mr. HARLAN. I have no doubt but that the salary of this judge ought to be increased. He is a political opponent of mine. He was so before he was made judge; and I would not say a word on increasing the salary if I did not think it ought to be increased. I made an inquiry of the Governor of the State a few days since, when this question happened to be mentioned, supposing it might be called up, whether, in his judgment, the salary of the judge of the district court of the United States for Iowa ought to be increased, and he said it ought to be. He is not a Democrat either. He is a Republican. The judge of the district court of Iowa, as has been intimated, has to travel largely. He resides in a place where one court is held, and then he will have to travel to the city of Dubuque or Fort Des Moines, hundreds of miles from him, and defray his traveling expenses while away. The judges of the supreme court of Iowa have to travel and hold courts at different points, but they are points of their own selection, and where the expenses of travel are not so great as they would be in the case of the district judge of the United States. I have no doubt, myself, that the salary of that judge ought to be increased, as said by my colleague. I shall not urge it on the Senate, however. There is a large majority of his political friends here, and if they think that he can work at $2,000 a year, I simply state that the Republican State officers of Iowa think his salary ought to be increased to be on an average, in proportion to the expenses necessarily encountered, with those paid to the judges of the State courts.

Mr. BAYARD. If I understood the Senator from Georgia correctly, I beg leave to dissent from the idea of the rule which he supposes to exist, of never suffering the compensation of the district judges to exceed the highest judicial salary in the State. I have always myself opposed any such rule, because I thought it unreasonable. The United States is bound to provide a proper judicial tribunal in each State of the Union. Perhaps they provide too many in some. I do not think the measure of compensation which is to be paid by this Government, ought to be left to the legislation of the States. It should be left to our own sound judgment and discretion of what is the proper compensation for the purpose of obtaining the services of the order and class of men competent to perform the duties. That is my own view of the principle of compensation. The honorable Senator may entertain the other opinion. I have never been able to bring myself to it as a sound rule for the action of Congress.

The committee reported against the increase of salary in the case of the district judge of Iowa, on the ground that we had fixed, by general law, the salaries of judges in 1855. There necessarily were differences of opinion. These differences had to be compromised and decided upon finally by the judgment of the Senate. Since that period no change has taken place in the cost of subsistence, nor has any special change taken place in relation to the particular office. In my opinion, that judge, as well as several others, are not compensated to the extent they ought to be. The committee thought it unwise to take them up in detail; but that if there was to be an increase of the compensation of the district judges whose salaries ought to be increased, it ought to be embodied in one bill, and that bill acted upon by the Senate as one of a more general character. That was the ground, I believe, on which the committee at this session refused to authorize any change in the salary of the judge of Iowa.

Mr. STUART. I interposed here some time ago, with considerable solicitude, to have this Oregon bill taken up and passed. We have just admitted a State into the Union. It has no judicial system, and I deemed it important that the bill should be passed through the Senate at the earliest moment at which it could be done; but it was furthest from my mind to suppose that the Senate would agree to add amendments to that bill for other States now in this Union, and which have been in for a long time, and which do not need it. Let us look at the practical effect of this argument. In the first place, you passed a law which required the district judge of Iowa to travel; a thing which he ought not to do at all. He ought to hold court permanently at one place, and not travel a mile in the exercise of his duties. Then it is urged that his salary must be increased, because he travels and has to pay expenses.

Mr. COLLAMER. At his own request, too.

Mr. STUART. Yes, sir; this is done at his own request. It is said the judge wants it. He wants it fixed. It appears that he has got to be an itinerant judge over the State, and then he is to be paid his traveling expenses.

Mr. HARLAN. Will the Senator allow me a moment?

Mr. STUART. Certainly.

Mr. HARLAN. Nearly all the States as large as Iowa have more districts than one, and to avoid the necessity of dividing Iowa into two judicial districts the judge was required to travel over the State. Hence, if we pay him the additional $500, it would be but $500 in lieu of a new judge, and all the contingent expenses of another court and another district.

Mr. STUART. I intend to notice that fact. The Senator is mistaken when he says nearly all the States of that extent have two districts and two judges. The question of territory does not determine the necessity of having two districts at all. It is true, that we have gone on and divided States, for political purposes, to give somebody an office as judge, and allow him to appoint clerks and have another marshal, and many things of that sort, which are taking hundreds of thousands of dollars out of our Treasury every year, without the slightest public necessity. There is no more necessity for two districts in Iowa than there is for two districts in a county in Iowa. There is not anything like the population in Iowa that there is in other States with a single judge. There is not anything like the business. The business of that State does not compare with the business of a State that is upon the border of the country—nothing like it; and yet there is found no difficulty in doing business there. But this is the effect of it: you divide the State, fix by law where the judge shall travel, and then you are to pay him for traveling. He ought not to travel a rod. He ought to stay permanently at one place. When it is said it does not increase the expenses, it will be seen in a moment that it does increase them; and I have inquired of some members of the Judiciary Committee about it. I knew, in the nature of things, that it must increase them. You cannot hold courts in various places of a State, and not increase the expense.

Mr. BAYARD. There is no increase in the number of places. As Iowa stands now, there are three divisions; and there are six terms at those three different places.

Mr. STUART. I understand that; but what I am arguing is, that there should be none at all; that the present division of Iowa should be repealed.

Mr. BAYARD. That is another thing.

Mr. STUART. Here are office rents, office expenses to be paid at the different places; and I venture to say, if you go to the Interior Department, you will find an immense pile of charges that could be gotten rid of by the judge in Iowa, like the judge in Michigan, and other States holding courts at one place.

Mr. COLLAMER. He has five grand juries a year.

Mr. STUART. There are five grand juries, the Senator says, in a year. You must have a grand jury for each term of the court; and if you have five or ten terms a year, you must have a grand and petit jury each term, and you must pay the cost of summoning them, and the cost of travel. The expense is immensely increased by the division of the State. Some of us have been trying for the last three years to get a bill before Congress which would reduce the expenses of the judiciary. They have been often referred to, and they are enormous.

But, Mr. President, I rose simply to ask the Senate, in view of these facts, to pass the Oregon bill by itself. Do not endanger it by putting amendments on for any other State in the Union. Let those gentlemen who are here at the next Congress take it up, and make the necessary enactments for those States; but at this time let us put the judiciary system in operation in the new State.

Mr. JONES. I have no idea of seeing the bill killed by discussion. For that reason, I do not wish to answer the Senator from Michigan; but I believe I can do it. I ask the Senate to vote immediately on the proposition. I should like to have the yeas and nays on it.

Mr. COLLAMER. If this amendment should be adopted, raising the salary of the district judge of Iowa——

Mr. JONES. If the Senator will allow me, I will withdraw my amendment. I hope the Senator from Michigan is satisfied.

The bill was reported to the Senate as amended.

Mr. STUART. I want a separate vote on the Iowa amendment.

Mr. COLLAMER. The Committee on the Judiciary never recommended that that amendment should be put on this bill.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. JONES. Oh, no; not the amendment dividing the State.

Mr. HUNTER. How does the amendment get here? Is it offered by the Senator from Iowa?

Mr. JONES. I withdrew the amendment as to salary. The other amendment has been adopted.

The VICE PRESIDENT. The Chair will make it understood. The first amendment was one reported from the Committee on the Judiciary. The second amendment was one offered by the Senator from Iowa, with the approbation of the Judiciary Committee. The third amendment, which he has just withdrawn, was one in relation to the salary of the judge. The question is on concurring in the first amendment reported from the Committee on the Judiciary.

Mr. COLLAMER. I feel it my duty to have that put right. The Committee on the Judiciary never reported that as an amendment to be put on this bill.

Mr. JONES. No, they did not.

Mr. COLLAMER. They reported a bill for it by itself, but never recommended putting the Iowa case on this bill.

Mr. JONES. The Senator must excuse me; they gave me permission to offer it.

Mr. COLLAMER. I was not consulted on that subject.

The VICE PRESIDENT. The Senator from Vermont did not understand the statement of the Chair. The committee reported the bill with an amendment, which was to strike out all after the enacting clause, and insert; which was agreed to. Then the Senator from Iowa offered an amendment in regard to Iowa. That was the statement of the Chair. The question now before the Senate, is upon concurring in the amendment reported from the Committee on the Judiciary. If required, the Secretary will read it. ["Oh, no!"]

Mr. STUART. It is not necessary to read it.

The amendment was concurred in.

The VICE PRESIDENT. The question now is on the amendment of the Senator from Iowa, which was adopted in committee.

The amendment was concurred in; there being, on a division—ayes 20, noes 15.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. FESSENDEN. I move to amend the title by adding the words, "and for other purposes."

The motion was agreed to.

SAMUEL JONES.

Mr. SHIELDS. I ask leave of the Senate now to call up a House bill that will not lead to the slightest discussion, and put it on its passage. It will not occupy three minutes.

Mr. CLAY. What is it?

The VICE PRESIDENT. The Senator from Minnesota moves to postpone all prior orders for the purpose of taking up the bill (H. R. No. 324) to allow the legal representatives of Samuel Jones full pay in lieu of half pay for life.

Mr. CLAY. I cannot consent to let that pass without debate.

The motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed a bill (H. R. No. 886) to protect the timber growing upon lands of the United States, reserved for military and other purposes, in which the concurrence of the Senate was requested.

INDIAN APPROPRIATION BILL.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 664) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1860.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. HENRY, his Secretary, announced that the President had this day approved and signed an act (S. No. 544) to incorporate the Washington National Monument Society.

ACQUISITION OF CUBA.

The VICE PRESIDENT. The hour has arrived for the consideration of the special order, which is the bill (S. No. 497) making appropriation to facilitate the acquisition of the Island of Cuba by negotiation, which is now before the Senate as in Committee of the Whole; and the question is on the amendment offered by the Senator from Vermont, [Mr. FOOT.]

Mr. HUNTER. I move to postpone all prior orders for the purpose of taking up the Army appropriation bill.

Mr. SLIDELL. I hope the Senator from Virginia will permit me to say a few words in explanation, and I will not violate the rule of the Senate as established yesterday, by touching upon any matters foreign to the general order of business.

It is proper that I should state to the Senate why I shall make no further attempt at this session to bring up for consideration the bill to facilitate the acquisition of Cuba by negotiation. At an early hour yesterday, the Senator from Ohio [Mr. WADE] obtained the floor, and having previously announced his intention to speak to the bill, moved to adjourn; which motion was negatived by a decided majority. No quorum voting, on my motion, the Sergeant-at-Arms was directed to request the attendance of the absent Senators.

Mr. SEWARD. I rise to a question of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. SEWARD. It is that, according to the decision of the Senate, last night made, overruling the minority, debate upon the subject of changing the order of business cannot be allowed.

I do not insist upon it; but I desire the Senator to know and to understand, and the Senate to understand, that rules are made for the oppression of the minority, and for the advantage of the majority.

The VICE PRESIDENT. Does the Senator make the point of order?

Mr. SEWARD. No, sir.

Mr. SLIDELL. In order that I might not possibly expose myself to the objection of deviating from the rule of the Senate, I have committed to writing what I intended to say; and I am satisfied I shall be strictly within the rule.

An appeal was then made to the Senator from Ohio, and others of the Opposition, who were known to be prepared to speak, to continue the debate, with the assurance that a quorum would soon be present, many Senators having left the Senate with a declaration of their intention to return by eight o'clock. The appeal to the Senators to proceed with the debate was unsuccessful, but the Senator from Maryland spoke at considerable length. When he had concluded, a large quorum was present.

Mr. FESSENDEN. I call the Senator to order.

Mr. SLIDELL. Well, sir, I am perfectly willing that the Senator should state his point of order.

The VICE PRESIDENT. The Chair will hear the point of order.

Mr. FOSTER. I move that the Senator, by unanimous consent, have leave to proceed.

Mr. SLIDELL. I do not ask any indulgence. The observations that I am now making are made for the purpose of economizing time. Let the Senator state his point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. FESSENDEN. The Chair has sustained the point of order. It was not that I objected to the Senator's proceeding; but I wanted it simply understood how far this matter went, and what was to be the understanding. This was put upon us. I am willing that the Senator should go on, if he pleases.

The VICE PRESIDENT. If the point of order is made, the Chair will decide it.

Mr. FESSENDEN. I merely wish to give an intimation, in order that the Senator may understand that he goes on by unanimous consent.

The VICE PRESIDENT. Under the construction of the rule adopted yesterday evening, debate is not in order.

Mr. SLIDELL. I ask the Senator from Virginia to withdraw his motion to proceed to the consideration of the Army appropriation bill, in order that I may make the statement I intend to make.

Mr. HUNTER. To save this debate, I withdraw the motion.

Mr. SLIDELL. Now the question is before the Senate, and I believe I have the floor.

The VICE PRESIDENT. The Senator from Louisiana is entitled to the floor.

Mr. SLIDELL. If the Senate will not impose upon me the necessity of repeating what I have already said, I will finish, in about two minutes, what I was about to say.

Still, the Senators on the other side, who, it was asserted, had many speeches in reserve, refused, obstinately, either to speak or vote upon the bill, and evidenced a determination, by a series of dilatory maneuvers, to prevent any final action on it—a determination which, under the very defective rules of the Senate, it was entirely in their power to carry out. A supporter of the bill, the Senator from Mississippi, then moved to lay it on the table, at the same time declaring that he should vote against his own motion, his object being to obtain a test vote. This resulted in the Senate refusing to lay the bill on the table by a vote of 30 to 18; thus establishing a clear majority of twelve in favor of the principle of the bill—a result that would not have been changed had the Senate been full, as the absentees had generally paired off. Under these circumstances I made a motion to adjourn, satisfied that the bill could not be pressed to a vote, unless by the sacrifice of the appropriation bills, thus creating the necessity of an extra session. On consultation with many friends of the bill, they have generally concurred in the opinion that it would be injudicious again to call it up, considering that the sense of the Senate had been expressed with as much distinctness as if there had been a final vote. I give notice, however, that I shall again present the bill on the first day of the next session when it can be introduced under the rules.

Mr. FESSENDEN. I do not design to embarrass action at all. I have but a word or two to say. I think it proper that something should

be said in reply, after the Senator has been indulged in his remarks, or has taken, on his own motion, permission to make his remarks on this subject. I wish to reply to but a single intimation of the Senator, in order to have that distinctly and well understood. He says that the minority absolutely and obstinately refused either to speak or to vote upon the bill. Now, sir, the Senator misapprehends the true state of the case. He does not state the exact condition of things with relation to the matter, and that condition of things I wish should not be lost sight of. I stated it last evening, and should not have deemed it necessary to state it again had not the Senator made the remarks he has made this morning.

Sir, that important bill for the acquisition of Cuba had not been, in all the time, under discussion two days, or more than two days, in the Senate from the moment it was originally introduced. That was the whole time that had been devoted to it. I stated last night that there were a considerable number of gentlemen yet on this side of the House who desired, before the vote was taken, to address the Senate, and, through the Senate, the country, on this subject. This Senate had been in session for twelve consecutive hours for each of the two days preceding yesterday, and it had been in session when the last speech was closed, from eleven o'clock until nine o'clock—ten hours more—yesterday. The determination, or the choice presented to us, was to go on and do our speaking after all that severe labor, and under that fatigue, during the hours of the night into the morning—a thing that could be required of no mortal man—or to permit the vote to be taken. Under these circumstances, we did not choose to submit; nor did we choose to submit to the proposition that was intimated, or said to be intimated—I heard nothing of it—to fix a time during the day which we could not know, in the nature of things, when the vote was to be taken. Under these circumstances, a bill which had passed the House, and which might become a law if there was a majority in favor of it in the Senate, was brought up here in antagonism to that bill, in order to present these two: one that could become a law, and one that could not, without action and debate of some hours. As to the motions that were made, the motions that were made to adjourn nearly all came from the other side of the Chamber, and not from this, as the Senator will recollect, as did some of the other motions; and the calls for the yeas and nays also came from the other side of the Chamber, and not from this; and, therefore, all the time was spent from nine o'clock till twelve o'clock, or nearly one, under these circumstances.

I state these things in order that it should be well understood, not that I wish to avoid any part of the responsibility that rests upon me with regard to the determination I had formed, so far as my action was concerned, that the vote should not be taken last night, and that our friends should not be driven to make their speeches in the night. So far as that goes, I am willing to bear my part and take my share of the responsibility that anybody chooses to put upon us. With this explanation, following what has been said by the honorable Senator, I am willing to leave the question to the Senate.

Mr. BRIGHT. I was absent yesterday, when this test vote was taken. I desire to state now that, had I been present, I should have voted with my friend from Louisiana, being in favor of the measure.

Mr. GWIN. I wish to make one single remark. I was requested by the Senator from New Jersey [Mr. WRIGHT] to make the statement that he had paired off with the Senator from Vermont, [Mr. COLLAMER,] or he would have voted with the majority. I was not here when the motion to adjourn was made, or I should have made this announcement then, that the Senator had paired off.

Mr. FOOT. I made the announcement.

Mr. DIXON. I wish barely to state that I should have voted to lay the bill on the table, if I had not paired off. I had paired off with the honorable Senator from Florida.

Mr. WADE. I only want to say one single word. I was about taking the floor, as it properly belonged to me, at the time we refused to go on. I am prepared to make a speech upon that subject. I was then as well prepared as I am now; but I was very much fatigued, having been here so long three nights in succession, that I thought it was unreasonable that I should be called upon to make a speech here, at that late hour of the night, upon a question that I deemed more important than any that ever has come before Congress.

Mr. HUNTER. If the Senator from Ohio will allow me, I have heard the explanation on each side; each party has explained its action for itself; and I hope the vote will now be put on the motion to take up the appropriation bill.

Mr. WADE. I barely wish to add that my colleague, who differs with me entirely on this subject, had his time here, and was heard very patiently, at a proper hour, and made a very able speech upon this subject. I wish to answer him; but I do not think the representative of a sovereign State ought to be called upon to express his views upon a question of this importance in the night season, when men have generally retired to rest; and upon that view I refused to go on.

Mr. SLIDELL. The Senator from New Jersey, [Mr. THOMSON,] not now present, was confined to his room, and is still confined to his room, by indisposition. If he had been present, he would have voted against the motion to lay the bill on the table.

Mr. WILSON. Mr. President, the motion is to postpone this Cuba question, and all other questions, and take up the Army appropriation bill. Before the motion is put I desire to say that the Senator from Louisiana [Mr. SLIDELL] came to me yesterday and wished me to ascertain how many Senators on this side of the Chamber intended to speak on the question. In response to his appeal, I consulted with the Senators with whom I act, and found that at least eight Senators had prepared elaborate speeches on his bill, and intended to redeem the pledges made when he forced the consideration of this mere political device upon our consideration. They were ready to go on with the debate, but they did not feel that they should be forced to go through the weary hours of the night. We all knew that this was a mere political scheme, got up to raise, if possible, the falling fortunes of a beaten party; and we knew, too, that this question was to be forced upon the country by the votes of eleven Senators representing the free States of the North—Senators who are under the ban of popular condemnation. Knowing that this miserable device of a waning party was to be forced through to defeat the popular will as expressed in the next House of Representatives, we were in no haste to consume the hours of night with the discussion of a question of no practical importance. We were ready to devote the proper hours to its consideration, and we are ready now to go on. I have prepared, with some labor, some remarks in favor of the amendment I have proposed, to open reciprocal commercial relations with Spain, and the other nations south of us on this continent; and if there be no objection, I desire to print my remarks.

Mr. DAVIS. Oh, no.

Mr. HUNTER. That would not be in order.

Mr. WILSON. I am told that this is not the practice of the Senate, and I withdraw my request.

Mr. JONES. I merely wish to state that, if I had been here, I should have voted with the majority in relation to the Cuba question. I am in favor of the acquisition in any possible way.

Mr. DAVIS. I wish to ask the indulgence of the Senate merely to state that I left the Senate at a late hour, from the necessity of the case, supposing the debate would be conducted until Senators became weary, and then an adjournment would take place, with a view to continue the discussion to-day. I intended briefly to present my own views upon the subject, not having heard exactly what I thought expressed by anybody, and being an earnest advocate of the acquisition of the island by some proper and honorable mode. I had hoped, therefore, to have an opportunity to express my views to-day, and to have voted for the measure. I wish merely to say this because I was necessarily absent.

Mr. CLARK. Last evening I stated to the Senate that I desired to offer some observations upon this subject of the acquisition of Cuba; and after I had so stated, and given my reasons for not going on last night, it was said by the honorable Senator from Mississippi [Mr. BROWN] that it was palpable the Senators who had said they desired to go on, and had speeches to deliver, had no speeches to deliver. I did not find any opportunity of replying last evening, because he moved to lay the bill on the table; and I had, therefore, no time. I desire to say that I am now prepared to go on and discuss it; but at this stage of the business, if the chairman of the Committee on Finance desires to call up the appropriation bills, I shall give way and not urge it.

Mr. JOHNSON, of Arkansas. Is this debate in order? There seems to be a general confessional. I ask is it in order, in accordance with the decision made last night, upon a motion to take up?

The VICE PRESIDENT. There is nothing now on which to make the point of order. The Chair refused to make the point of order himself.

MISSOURI LAND FUND.

Mr. TOOMBS. I ask permission to be allowed to withdraw my motion to reconsider the vote on passing the bill providing for the payment to the State of Missouri of the reserved two per cent. land fund of that State.

The VICE PRESIDENT. The Chair hears no objection, and the motion will be considered as withdrawn.

ARMY APPROPRIATION BILL.

Mr. HUNTER. I hope the question will now be put upon my motion.

Mr. RICE. I wish to ask the unanimous consent of the Senate to take up a small bill which it will not take one minute to pass. It has already passed the House.

Mr. HUNTER. I cannot give way for a bill. It can be voted on to-morrow, in the morning hour.

Mr. RICE. I do not know that we shall sit to-morrow morning.

Mr. HUNTER. Well, Monday morning.

Mr. RICE. It is merely a House bill to mark the boundary of the State of Minnesota.

Mr. HUNTER. I cannot give way for anything.

The motion of Mr. HUNTER was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 667) making appropriations for the support of the Army for the year ending the 30th of June, 1860.

The Committee on Finance reported one amendment, which was, in line twenty-three to strike out "seven" and insert "six," so as to make the clause read:

For subsistence in kind, $1,969,540.

Mr. HUNTER. That is to correct a mistake.

The amendment was agreed to.

Mr. DAVIS. There are some amendments which I wish to offer from the Committee on Military Affairs. The first amendment is, to strike out all between the word "no," in line eighty-nine, to the word "approved," in the ninety-third line, being in these words:

"Portions of the money hereby appropriated shall be applied to the construction of permanent barracks and quarters, until plans, with full specifications and detailed estimates, shall be submitted to Congress and the same shall be;

and in lieu thereof to insert:

Permanent barracks and quarters shall hereafter be constructed, unless detailed estimates shall have been previously submitted to Congress and shall have been.

So as to make the proviso read:

Provided, That no permanent barracks and quarters shall hereafter be constructed, unless detailed estimates shall have been previously submitted to Congress and shall have been approved by a special appropriation for the same.

Mr. DAVIS. I will state that the proviso, as it now stands——

Mr. HUNTER. I understand the amendment, and have no objection to it.

The amendment was agreed to.

Mr. DAVIS. The next amendment which I offer is, to strike out the proviso from the ninety-fourth to the one hundred and first line, as follows:

"*Provided, further*, That any officer of the Army who, as a disbursing agent, shall hereafter undertake to engage the public credit in advance of an appropriation made by Congress, shall, upon conviction before a court-martial, be dismissed from the service, unless he shall exhibit, as his justification, an order in writing to make such disbursement from his superior officer, approved by the President of the United States."

This is very unnecessary legislation, and, I think, somewhat unwise. The law, as it now

stands, restricts such practices to a very few cases —subsistence, transportation, and clothing of the Army. It is quite improper, I think, to deprive them of that power, and it is now very closely guarded. I do not think this provision will guard it at all more fully than at present, though it attempts to hold over the officer who makes the purchase, as a threat, the loss of his commission. It is well known that the disbursing officer, must purchase when ordered by a superior officer, as is stated here; but then, when it requires the approval of the President of the United States, it requires an impossibility. An army operating in front of another certainly could not wait to get an order from the President of the United States to authorize them to purchase mules with which to drag the artillery with which they were going into battle. The thing seems to me quite out of the question. I hope the Senate will strike it out.

The amendment was agreed to.

Mr. DAVIS. The next amendment is in line one hundred and forty-five, to strike out all after the word "fortifications," and insert "including experiments on heavy ordnance for that purpose, $200,000," so that the clause will read:

For armament of fortifications, including expenses on heavy ordnance for that purpose, $200,000.

Mr. HUNTER. The estimate for armament of fortifications was $300,000. The House of Representatives cut it down to $150,000, and I understand the reduction was made with the consent of the chairman of the Military Committee there, and the Secretary of War—probably on his advice; and under such circumstances, it seems to me, if they think these retrenchments can be made, we ought to permit the appropriations to remain where the House has put them.

Mr. DAVIS. I think there is an error about the consent of the Secretary of War. However, I will state very briefly what the amendment I offer means. As the bill now stands, it appropriates $150,000 for armament of fortifications. The estimate was $300,000. According to the progress which we are now making, we shall not have a sufficient armament for the fortifications now in course of construction for forty years to come; and yet the House of Representatives have cut down the estimate one half. If this be judicious economy—and I am not disposed to raise that question at this time—I say, let it stand; but we want experiments in heavy ordnance. We wish to construct at least one gun of a caliber hitherto unknown in the United States—say a fifteen-inch gun; and in order to do this, we propose to increase the appropriation $50,000, for experiments in heavy ordnance, essentially with a view to the construction of one gun of heavy caliber. The largest now in the world is twenty-eight inches. It is supposed, by the officer who has had special charge of these investigations, that a gun of fifteen-inch caliber will fire very effectively three miles; and with an elevation, so as to make the aim somewhat uncertain, will fire effectively as much as five miles. I am anxious that the experiments should be made. For years past the appropriation has been sought. It is now brought into a condition which, I think, commends itself to the wisest considerations. I hope therefore, that the appropriation will be increased the sum proposed, for the purpose stated in the amendment—experiments on heavy ordnance.

Mr. HUNTER. Perhaps I was mistaken as as to the estimate having been cut down by the consent of the Secretary of War. I understood it was done with the consent of the chairman of the House Committee on Military Affairs; but, possibly, I may be mistaken. Certainly, however, the reduction came from the Military Committee of the House, and was sanctioned by the House.

Mr. TOOMBS. I call for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. DAVIS. On account of the opposition which is manifested, I wish to say one or two words in relation to this matter. Within a few years past the world has gone on improving in ordnance and in ordnance stores. It has been the particular point of manufacture to which ingenuity has been most directed. We are falling behindhand. In order that we should keep pace with the rest of the world, it is necessary that these experiments should be made. The appropriation being reduced by the House one half, there will not be funds enough to make the experiment, and to construct such a gun as I have spoken of, which is connected with these experiments. If we expect to defend our seaboard cities against naval attacks, we must keep pace with the improvements in ordnance. I think it is quite practicable for guns on shore always to be in advance in caliber and efficiency of guns afloat; but if we stand still upon the old caliber and mode of construction, we must go into combat, if combat ever should ensue, with all the disadvantages of not having the modern improvements in ordnance.

Mr. TOOMBS. I understand that this reduction in this particular service was made by the other House, with the assent of the Military Committee there, and the assent of the proper Department.

Mr. DAVIS. I think not by the assent of the Department.

Mr. TOOMBS. I so understood the chairman of the Committee on Finance.

Mr. HUNTER. It is quite possible that I was mistaken. The chairman of the Committee on Military Affairs, I presume, knows better than I do. It had the assent of the Committee on Military Affairs of the House.

Mr. WILSON. I think there is a mistake in regard to the action of the House Military Committee.

Mr. TOOMBS. I was only repeating the words of the chairman of the Finance Committee. I knew nothing about it, and said nothing about it, of my own knowledge. I simply called attention to the statement of the Senator from Virginia, which he made upon authority, as I supposed.

Mr. DAVIS. I do not know that there is much difference between the chairman of the Committee on Finance and myself. He has made a certain statement, which statement may be right in one particular, but wrong as to the conclusion, I am sure; because I know the Secretary of War is anxious to have this heavy ordnance constructed, and to have these experiments, which have already been commenced, carried to completion.

Mr. HUNTER. I have no doubt I was mistaken as to the Secretary of War.

Mr. TOOMBS. I should think so, too. It is generally the case that persons connected with that Department, and especially the present Secretary of War, very rarely ask for reduction in that arm of the service. I thought it was a little strange that he should recommend a reduction. He wants to enlarge that service, doubtless under the impression that the public interest requires it; and, therefore, I did not think it likely that he would propose a reduction.

Mr. HUNTER. Some of these reductions the Secretary of War did propose. There is no doubt about that.

Mr. DAVIS. The remark of the Senator from Georgia requires but a single word in reply. The fling he made at anybody who is at the head of that Department, would be more appropriate if he could show that the recommendation is unjust. There is something, it seems to me, especially unwise in merely cutting down dollars, without knowing anything about the service, and arraigning those who study the service, and present the estimates to meet it.

Mr. TOOMBS. I concur with the Senator from Mississippi; but not upon the principle upon which he puts retrenchment, as I heard him say, the other day. I say, when a branch of the public service has been carried up millions of dollars in two or three years, it devolves upon those who manage it to give the reasons for the increase. I have done what becomes me, as a Senator and as is my duty. I have looked through the reports of these Departments. When I can find no sufficient reasons for a great enlargement of the public service, I think it my duty to cut it down, without knowing the contrary to appear. When the public service is to be enlarged, when large expenditures are proposed for the military arm of this Government, the information upon which it is based should be laid before us. There should be satisfactory reasons and facts shown to me, as one of the guardians of the public purse, why I should agree to it; not that I should show that the estimates are wrong. You may take the estimates of the quartermaster's department, $7,000,000, and how is it possible for any Senator to understand how much it is proper to appropriate? If the Army has the same duty to perform, the same amount of public service in the same country, and yet has been increased in two or three years from ten or twelve to $18,000,000, I say, it becomes my duty, until it shall be shown that there is an increased necessity for this service, to assume that it is wrong and improper, and ought not to be made. That is the basis of my action.

Mr. MALLORY. If there is any one branch of the military service of the United States at this time demanding special and particular attention, it is the improvement of heavy ordnance. While England and France spend millions of dollars upon that arm of their military service, we have spent single dollars only. We have gained immense experience, at comparatively little cost, during the late war in the Crimea.

The Senator from Georgia says he must be shown the necessity of this service. Here is a miserable appropriation of $50,000; and the chairman of the Committee on Military Affairs tells us, if we go on at the present rate providing heavy ordnance, we shall not have guns enough for seaboard defense in forty years. That is his statement. I know that all your leading fortifications covering the Gulf of Mexico are unprovided with guns. There are a few guns in one of them; but those are of smaller caliber than any ship which might be brought to operate against that fortification would have. When we are told that, at this rate of proceeding, we should not provide guns enough in forty years for sea-board defense, and here is a paltry appropriation of $50,000 to make these experiments, which is the smallest sum that will be serviceable, I see no reason for hesitating.

The question being taken by yeas and nays, resulted—yeas 29, nays 11; as follows:

YEAS—Messrs. Allen, Bates, Bigler, Bright, Broderick, Brown, Chesnut, Clingman, Collamer, Davis, Fessenden, Fitch, Fitzpatrick, Foot, Gwin, Houston, Iverson, Johnson of Arkansas, Kennedy, Mallory, Reid, Sebastian, Seward, Shields, Simmons, Smith, Ward, Wilson, and Wright—29.

NAYS—Messrs. Durkee, Harlan, Hunter, Johnson of Tennessee, Jones, Mason, Polk, Pugh, Slidell, Toombs, and Trumbull—11.

So the amendment was agreed to.

Mr. DAVIS. The next amendment is to increase the appropriation "for ordnance and ordnance stores, including horse equipments for the mounted regiments," from $150,000 to $250,000. I send to the desk a letter of the Secretary of War to be read, and afterwards a word of explanation, I hope, will suffice.

The Secretary read the following letter:

WAR DEPARTMENT, *February* 24, 1859.

SIR: The appropriation for ordnance, ordnance stores, and supplies having become exhausted, in consequence of the heavy expenses incident to the recent operations on the frontier, and the sum of $100,000 being required for expenditure under that head before the 30th of June next, I beg leave to call the attention of your committee to the matter, and have the honor to request that authority may be obtained to anticipate the appropriation for the next fiscal year, to that extent.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

HON. JEFFERSON DAVIS,
Chairman of Committee on Military Affairs, Senate.

Mr. DAVIS. The request of the Secretary of War is to have $100,000 of the appropriation for the next year to be used during the present year, on account of the exhaustion of the particular kind of stores there described. His estimate was $250,000. That estimate has been reduced in the other House to $150,000. We propose to give him $100,000 to use during the present fiscal year. Unless we increase the amount in the bill, it would leave him but $50,000 for the next year, which is known to be quite inadequate. We therefore propose to restore the estimate, and give him the authority which he asks.

Mr. PUGH. This seems to me to be a part of the arrangement to restore all the sums which the House has cut down. Here is a definite deficiency of $100,000 on one item for the present fiscal year. If we are going to have retrenchment, I think we had better stand by what the House has done. I shall ask for the yeas and nays.

Mr. DAVIS. The Senator is wrong in every one of the points he makes. In the first place he got the sum wrong, and in the second place, he got the amount the Secretary asks wrong. He asks it not because he has incurred debts as a deficiency, but he asks it because the stores are

exhausted, and he wants them reissued. He either must buy them on credit, as part of the equipment of the Army, and pay more for them than when he buys them with cash, or we must give him authority to anticipate the appropriation. Then again, we do not propose to restore every estimate which has been cut down in the House of Representatives, but here and there, where it was thought needful, it is proposed to restore the estimate. This is one of that class. It is not the case with every one of the items.

Mr. PUGH. Well, Mr. President, the letter of the Secretary says that he proposes to use $100,000 of this appropriation before the 30th of June. That is a deficiency, if anything in the world is; it is adding to the amount which we appropriated for this fiscal year. It is a clear case, an undeniable case.

Mr. DAVIS. The Senator surely knows what a deficiency is.

Mr. PUGH. The Secretary will make it a deficiency if he uses it.

Mr. DAVIS. He has not used it. He asks you to give him the money to buy with, instead of buying on credit.

Mr. PUGH. I was going to say that I saw, in one of the New York papers, a statement which I very much fear came from one of these Departments—probably from the War Department—and what the Senator from Mississippi says gives credibility to it—that the House accomplished nothing by these reductions. If the officers of the quartermaster's department buy on credit, that is to say, commit the Government to the expenditure of more money than Congress deemed adequate, I hope one of them will be made an example of. He should be cashiered by a court-martial; and, if the head of the Department allows it, he ought to be impeached.

Mr. DAVIS. The Senator talks idly. There is no such proposition.

Mr. PUGH. The Senator spoke of buying on credit.

Mr. DAVIS. Buying what on credit—everything and anything?

Mr. PUGH. Anything, I suppose. I do not say what he buys?

Mr. DAVIS. You may say so; but the Secretary does not, and neither do I.

Mr. PUGH. I say if we have no control over the public purse, if, when the two Houses of Congress fix the amount of appropriation, the Quartermaster General, or any other officer of the Army undertakes to make a contract for a larger sum than the amount of the appropriation, he ought to be turned out of his office. If he may commit us in advance to the payment of money, we have no control over the Treasury.

Mr. DAVIS. I shall not attempt to argue with the Senator. I do not believe he hears anything I say to him. One thing is very clear, however—the law now restricts the Department in relation to the articles which may be purchased on credit, and it would be most unwise to deprive them of the authority to buy clothing, food, and transportation for an army operating in the face of an enemy.

Mr. PUGH. This is not clothing nor transportation. It is ordnance and ordnance supplies.

Mr. DAVIS. It is not; it is equipments.

Mr. PUGH. Equipments! I saw the estimate which was laid on our desks the other day, and the Senator from Vermont called my attention to it—an estimate of $250,000, to furnish the regiments of cavalry with a new carbine and new pistol.

Mr. DAVIS. It is not that at all.

Mr. PUGH. I think that estimate was over two hundred and thirty thousand dollars.

Mr. DAVIS. This is not the thing to which the Senator refers.

Mr. PUGH. These are the same things, if I understand it.

Mr. DAVIS. You do not understand it.

Mr. PUGH. At all events, I will take what that Senator himself said. He says, if you do not allow the ordnance office to purchase on credit, the——

Mr. DAVIS. Not even that.

Mr. PUGH. Then I am at a loss to comprehend the explanations of my honorable friend, the chairman of the Military Committee, and I beg his pardon. One thing is very certain: here is an attempt to increase the expenditures of the Army, when the House, and the House committee, upon a careful examination, have cut them down. I cannot make head nor tail of the explanations of my friend. As fast as I take up one sentence, he says it is not that. I know that the House wants to cut down this branch of the service, and it ought to be cut down, and I hope we shall stand by their action.

Mr. DAVIS. I hope I made such explanations as were intelligible to the great body of the Senate, I found it impossible to get the Senator to understand me, and I did not think it useful to argue with him.

Mr. PUGH. What is it?

Mr. DAVIS. I have no power to convince him any way.

Mr. PUGH called for the yeas and nays; but they were not ordered.

The amendment was agreed to.

Mr. DAVIS. The next amendment is to increase the appropriation for the manufacture of arms at the national armories from $250,000 to $360,000. The estimate for the two armories was $400,000. I learn from the superintendent of the Springfield armory that with $360,000 they can keep the machinery at work and the workmen employed, for the year, at the two armories. It is quite possible to discharge the workmen, to stop the manufacture of small arms at these armories, or to reduce it to any limit, if the Senate please to do so. We are now manufacturing, however, a new model of arms, the rifle and the musket, and it is necessary to get a large supply. Having the machinery and all the heavy expense for the manufacture on hand, it is a question whether we shall allow the machinery to be employed at only part of its capacity, and discharge the skillful workmen, or whether we shall make an appropriation at this time to keep those workmen employed. If they are discharged it may be difficult to obtain them again. There is apprehension on that subject. The question is, whether we shall give enough to keep the armories at work for the year, or whether we shall cut it down as proposed, with the knowledge that they must work with a smaller number of hands and discharge some of the trained workmen now in the armories.

Mr. HUNTER. It seems to me that this estimate ought to have been reduced. We know that the manufacture of arms in years past has been so great that they have accumulated in large quantities, and we have now a great many small arms which are of no sort of use to the service. We cannot dispose of them, and I believe we cannot use them.

Mr. DAVIS. What sort of arms?

Mr. HUNTER. The old muskets. I should like to be informed otherwise. I heard that we had a large number of them which were useless. What became of the old muskets?

Mr. DAVIS. We had some muskets made before machinery was introduced in the manufacture of muskets. Many of them were condemned and sold some ten or twelve years ago, according to my recollection; but the large number of muskets which we have on hand under that old model, are weapons which may be as good as the new model. That remains yet to be decided. It is a subject on which men differ. It is easy to find those who will tell you that the old musket is of no value. I can find those whose opinion is worth quite as much, who will tell you that it is better than the new model. That is yet to be decided. We have in store a small number compared to what we should require in the event of a war, and I should be sorry to see this Government placed in the condition of every European Government, except France and Russia, when the late European war broke out—compelled to send all over the world to buy the arms with which they sent troops to battle, and relying upon foreign Governments for the munitions with which to supply their armies in the field.

Mr. HUNTER. It is certain that we did, some years ago, sell off a large quantity, because the progress of new inventions superseded the old arms by a very valuable weapon. It is uncertain whether many of those manufactured since can be used for any valuable purpose. As the Senator from Mississippi says, there is a difference of opinion on that point.

Mr. DAVIS. As to their comparative value, not as to their use.

Mr. HUNTER. I understood the chairman of the Committee on Military Affairs that the difference was, as to whether they would answer any valuable purpose. I talked with him on this subject. I acknowledge that there is no man whose opinion I would take on such a point sooner than that of the Senator from Mississippi. I supposed it was uncertain. He certainly said there was a difference of opinion. Be that as it may, there is, besides this, a permanent appropriation of $200,000 for arming the militia; not an annual, but a permanent appropriation. If this is not enough, I suppose that could be diverted to such a purpose. The sum appropriated here, and the permanent appropriation of $200,000, may be expended in the purchase of small arms, as I understand. Whether I am right or not, the Senator from Mississippi will inform me. If I am right, and if it should turn out that this appropriation is not enough to manufacture these arms with sufficient ability, why not apply a portion of the permanent appropriation to these armories?

The amendment was rejected.

Mr. DAVIS. My next amendment is, to increase the appropriation for the Benicia arsenal from $50,000 to $100,000. This is the point at which, I think, a great storehouse of arms and ammunition, for the defense of the Pacific coast, should be located. We now have arms and ammunition at Benicia in such a quantity as to be confusedly piled in the two small storehouses which have been there constructed. The estimate for the construction of the large storehouse, intended to receive the arms and munitions to be put in depot at Benicia for use on the Pacific coast, is $100,000. I understand it was reduced to the lowest sum which was thought to be in accordance with entire efficiency. With that information, I propose to restore it.

Mr. GWIN. I will state, in addition to what the Senator from Mississippi has said, that the chief of the ordnance bureau, Colonel Craig, has told me that, if he obtains an appropriation according to his estimate, he will make a saving of waste material almost equal to the reduction made here; and there can be no better economy, at this time, than to complete these large storehouses. If they are not completed, the stores which are on hand must be deteriorated and injured. I hope the estimate in this case will be restored; and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GWIN. I will state, further, that this building can be completed very summarily, and then we shall get clear of paying large rents for inferior buildings where these materials are now kept. It will be a great saving to the Government. It is only an increase of $50,000; which, Colonel Craig informs me, will enable him to make such progress with the work as to save a great amount, by preventing the destruction of materials.

The question being taken by yeas and nays, resulted—yeas 26, nays 16; as follows:

YEAS—Messrs. Allen, Bates, Broderick, Chesnut, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Iverson, Johnson of Arkansas, Jones, Kennedy, Mallory, Pearce, Reid, Rice, Sebastian, Seward, Simmons, Smith, Ward, Wright, and Yulee—26.

NAYS—Messrs. Benjamin, Chandler, Clark, Crittenden, Durkee, Fessenden, Foot, Hale, Harlan, Hunter, Polk, Pugh, Stuart, Toombs, Trumbull, and Wade—16.

So the amendment was agreed to.

Mr. DAVIS. The next amendment is to increase the appropriation for the Texas arsenal from $15,000 to $21,000. There has been, for a number of years, a desire, and, I think, a necessity for the construction of an arsenal, at some portion of the southwestern territory. San Antonio, in Texas, was selected because of the dryness of the climate and the ease with which small arms could be distributed from that point to the places where they would probably be required, either on the border of the Rio Grande or on the Indian frontier. Until recently, it was not possible to perfect the title to the site. That having been perfected, an estimate of $21,000 was made for the construction of the arsenal, which has been reduced, in the House of Representatives, to $15,000. I think the estimate a very small sum, considering the great object in view, and I hope some day to see $200,000 appropriated to construct an arsenal there large enough to make it the great depot for all the wants of arms and munitions in that section of the country.

Mr. HUNTER. The House reduced the appropriation to $15,000. I believe this is a new building we are just starting, and I do not see why we should not appropriate enough at once to finish it.

Mr. DAVIS. Oh, that will not finish it.

Mr. HUNTER. I think it is better to adhere to the action of the House, and appropriate no more than $15,000.

The amendment was agreed to—ayes twenty-five, noes not counted.

Mr. DAVIS. The next amendment is to insert, after the appropriation for the Watervleit arsenal:

"A part of which sum may be applied to the purchase of a piece of ground adjoining the arsenal, on the south side, east of the Erie canal."

This is a piece of ground required for the buildings, and can now be obtained upon better terms, it is thought, than at a subsequent period. It is represented on the map which I have before me. It is a piece of ground contiguous to the arsenal, and separated from everything else. It is not proposed to increase the appropriation, but to give authority to purchase this lot.

Mr. HALE. I will ask the chairman of the Committee on Military Affairs if he cannot make the amendment a little more specific. It seems to me to be a loose way of appropriating, without saying how much. The Secretary may take the whole amount for this purpose.

Mr. DAVIS. It is described on the map, which I will send to the Senator.

Mr. HALE. My objection is to the manner of making the appropriation. Here is an appropriation of $25,000, a part of which may be used to buy land with; $24,000 may be taken to buy this land with, for twenty-four is a part of twenty-five.

Mr. DAVIS. It is a described lot of land, offered for sale to the Government, and it is required for the use of the arsenal.

Mr. STUART. The Senator from New Hampshire wants to limit the amount to be used for the purchase.

Mr. DAVIS. I do not recollect how much the owners offered to sell the land for. It will require but a small part of the appropriation.

Mr. HALE. I think this is a wrong way of appropriating money.

The amendment was agreed to.

Mr. DAVIS. The next amendment is to insert, after line one hundred and sixty-six:

For repairs and improvements and new machinery at Springfield armory, Massachusetts, $53,910.

This amendment restores an item which was entirely stricken out by the House of Representatives, being the estimate for repairs and improvements at the Springfield armory. They have been constructing some new works, introducing some new machinery, and the foundations are laid for new machinery introduced to make the new model arm. This appropriation is necessary for repairs and improvements in order to keep the full machinery at work at the armory. It was stricken out by the House of Representatives, for what reason I do not know. We propose, therefore, to restore it.

Mr. STUART. If I recollect aright, we continued the House appropriation in regard to this armory. We did not increase it, I think, on the motion of the committee.

Mr. DAVIS. This item was stricken out entirely by the House.

Mr. STUART. I meant the other item with regard to the general appropriation. The committee of the Senate proposed to increase it to the extent of fifty or one hundred thousand dollars, but the Senate refused it. Now, this is to restore an appropriation which is to introduce machinery for the manufacture of another species of arms, as I understand the Senator. While I am willing to go for a thing which is required, I am disposed to defer the appropriations, as far as they can be done now, without prejudicing the public interest. It strikes me that, inasmuch as we adhered to the House provision in regard to the general appropriation for the armory, we had better adhere to the action of the House upon this subject too.

Mr. DAVIS. The Military Committee are of a different opinion. I will say to the Senator from Michigan, who usually listens very attentively and is always so open to conviction, that I will attempt it even on the Army appropriation bill. The item on which the Senate voted before was as to the amount to be expended in the construction during the year. This is an item for repairs and improvements, the introduction of new machinery being a portion of those improvements. They have gone on so far that it seems to me it would be very unwise indeed to stop at the present point. The foundations have all been prepared in some instances, the machinery has been partly made, and an additional sum is necessary to put it up. Under such circumstances, it would be most unwise to discontinue the appropriation.

Mr. STUART. The Senator is more familiar with this matter than I am, and I will simply ask his opinion on this single point; whether, as a matter of economy, it is better to make this appropriation now, or postpone it until the next session. That will govern my vote.

Mr. DAVIS. It is represented to me, by the superintendent at the Springfield armory, that it is a matter of economy to complete the improvements which have been commenced, and for which this small appropriation is asked.

The amendment was agreed to—ayes twenty-nine; noes not counted.

Mr. DAVIS. The next amendment is like the one just acted upon. It is to insert, after the amendment just adopted:

"For repairs and improvements and new machinery at Harper's Ferry armory, $55,000."

Mr. MASON. This is to make the same provision for the Harper's Ferry armory which has just been made for the Springfield armory.

Mr. DAVIS. Exactly; it is precisely the same.

The amendment was agreed to; there being on a division—ayes 23, noes 16.

Mr. DAVIS. The next amendment is to insert, as an additional section to the bill:

And be it further enacted, That for printing a revised edition of the system of instruction for field artillery, horse and foot, to be stereotyped on engraved plates, now ready for the press, if required, for distribution to the militia of the United States, with books of tactical instruction, $10,000.

The amendment was agreed to.

Mr. DAVIS. The next amendment which I offer is to insert, after the first section:

For the construction of a military road from Fort Benton to Walla-Walla, $100,000.

Mr. HUNTER. I should like to hear some explanation of that amendment.

Mr. DAVIS. It is unnecessary for me to go over the geography of the country. I will merely state, that the head of navigation of the waters of the Missouri approaches the head of navigation of the Columbia within something less than five hundred miles. Many of the Indian difficulties, which have marked the history of the Army during the last year, have occurred among the tribes living in the section of the country between the head of navigation of these two rivers. Some years ago, an appropriation was made of $30,000, for the construction of a military road from one point to the other. I was, at the time, in the War Office, and organized, by a movement of troops, a plan which I thought would effect the construction of the road with that appropriation. However, for causes which I need not now state, it failed, on account of countermanding the order which would have executed the plan, after I left the Department. The appropriation has, therefore, remained unexpended. The necessity for it, however, has increased. It is needful in time of peace—it would be more needful in time of war—to have some overland communication between the head of navigation of the Missouri and the head of navigation of the Columbia rivers. The Secretary of War's estimate for the construction of a military road, as he thinks desirable, is $200,000, and he supposes $100,000 can be expended within the year. If it were combined with the movements of troops, I should hope it might complete the road. This amendment is presented by the committee, in accordance with the letter of the Secretary, for the $100,000. If it should make such a military road as is required from one river to the other, it will facilitate the action of the Government upon the Indians of that frontier, and in its communication with the State of Oregon and the Territory of Washington, and will be a provision for any such necessity as may arise in the event of a war with some foreign Power; for it is known to the Senate—but I suppose I need not go into that—that it would be altogether impossible to communicate, in time of war, with San Francisco and the Columbia river by any of the means we now have.

Mr. SHIELDS. I am very glad that the honorable Senator from Mississippi has introduced this proposition. So far as I can judge, there is no route in this country that will be more important than the route for which this appropriation is intended. I apprehend, however, that the amount proposed is not sufficient to accomplish it. If the object is to connect the navigable waters of this side of the Rocky Mountains with the navigable waters on the other side, I do not think the amount is sufficient. I believe the honorable Senator says that the Secretary of War has recommended a larger sum.

Mr. DAVIS. Two hundred thousand dollars he supposes to be necessary to complete the road, but $100,000 is all he wants for the present year.

Mr. SHIELDS. Very well. I am satisfied.

The amendment was agreed to.

Mr. DAVIS. The next amendment of the committee is to add, as a new section:

And be it further enacted, That the Secretary of War be, and he is hereby, authorized to repay to the State of Texas, out of any money in the Treasury not otherwise appropriated, moneys advanced by that State for the payment of six companies mounted volunteers, called into service by General Persifer F. Smith, on the 1st of November, 1854, for three months: *Provided*, That there shall be no greater payment or allowances given to those companies than was given to similar troops in the service of the United States.

Mr. WARD. Mr. President, before taking the vote on that amendment, I desire to make a few remarks, in which I hope I shall be able to show, that not only the amount reported in that amendment is just and proper, but that a still greater amount is owing, and due the State of Texas.

The whole account, as rendered by the State, amounts to $184,554 57, which amount has been advanced for the protection of her citizens against the hostile Indians of the United States, for which she claims reimbursement by the Federal Government.

The history of the case is briefly this: in the fall of 1854, the Indians being troublesome on the frontier, and the regular troops stationed there being insufficient for its protection, the commanding officer, General Persifer F. Smith, ordered, through the Governor of the State, that six companies of volunteers be called out for twelve months' service, to aid in the defense, and were ordered to rendezvous at the city of Austin.

At the time of their arrival, there was no mustering officer in attendance to take charge of them, and hence it devolved upon the Governor of the State to provide for them, and equip them for the service, which he did, and sent them out on the frontier upon duty, where they served until they were mustered into the United States service.

The first item charged in the account is for the service of those six companies, and for their maintenance from the time they were called out until they were mustered into the regular service, which has not been paid by the Government; and the balance of said account is for the services and maintenance of volunteer companies subsequently called out by the Governor under like emergencies; all of which have been examined and reported by the auditor and comptroller of public accounts, under the supervision of the Governor, authenticated by the seal of the State.

The House committee has had this claim before them, and have reported upon it favorably, but, for want of time, it cannot be acted on under their rules.

The Senate Committee on Military Affairs has thought proper to recommend only a portion of said account for immediate payment—that which accrued under the call made by General Smith—leaving the balance for subsequent legislation.

Now, sir, whilst I have full confidence in the ability, integrity, and judgment of that committee; yet I must say that I honestly differ with them as to the amount and character of the evidence necessary in this case.

If General Smith had the power to call out volunteers under certain circumstances, the Governor of the State, by authority vested in him, would have the same power, under like circumstances and emergencies. In either case the question would rest upon the exigency, the service ren-

dered, and the evidence of payment by the State. To all this the Governor, by his action, has testified, and the representatives of the people, in their legislative capacity, have acknowledged the same by making appropriations for their payment.

What higher authority have we than the authentic action of the Governor and the representatives of a sovereign State, to whom all the transactions were well known, and before whom the evidences and vouchers were examined and scrutinized? Is it, then, reasonable to suppose that the Legislature would allow those claims and vote a tax upon the people of the State to pay them, unless they were well sustained, necessary, and just?

Is it not fair to presume, Mr. President, that the Governor of a State is a man of integrity and discretion—whose duty it is to watch over her citizens, and inform himself of their wants and necessities, and by authority vested in him, in the absence of sufficient protection by the Government, to call out volunteers for their defense? The claim now before this Congress is a case in point for just such services.

It would seem to be unnecessary, Mr. President, at this time, for me to allude to the fact that the Government of the United States, in the treaty or articles of annexation with Texas, agreed and pledged herself to protect her against Indian and all other invasions; and, sir, am sorry to say, that, in my judgment, very few of those obligations have been complied with. Texas has been incorporated into the family of States over thirteen years, and what is our condition to-day? Look, for a moment, at our frontier; look at the condition of our coast. Whilst millions of dollars have been expended in the erection of fortifications, and the improvement of harbors and other local expenditures, on the coast of the Atlantic States, not a single improvement of the kind can be found on our coast of over five hundred miles in extent, and not a single gun for our defense; and, although it is true that there has been a line of military posts scattered along our frontier, yet they have been so meager, and placed so far from each other, that the Indians can, and do, pass down between, and penetrate the country far into the settlements, kill, steal, carry away prisoners, and make their escape with impunity, before the regular army at the posts are apprised of their descent upon the settlements; and hence the indispensable necessity for the Governor of the State to call out the vigilant volunteers of the country to pursue and chastise them.

Those wandering tribes of Indians are awed but very little by a feeble stationary army; they very soon know all their movements, and can easily avoid them by selecting the time and place for their descent into the country, commit their depredations, and pass out again at another and more distant point on the frontier, (of which we have over thirteen hundred miles,) having but few military posts for such a distance, and some of those occupied only occasionally; and even this number is frequently diminished by the troops being called into other service, as has been often the case, and especially during the past year.

As evidence of the defenseless condition of our frontier, I will ask the indulgence of the Senate while I read a few extracts from a letter addressed to his Excellency the President, by Governor Runnels, on the 17th September, 1858, in which he quotes a portion of a letter from General Twiggs to the Department, of June 16, 1857, in which he says:

"It is represented that the Government posts extend over a country 'thirteen hundred miles in extent,' and that those ports are so distant from each other that marauding parties of Indians can easily pass between them without being discovered, and if discovered, it is very difficult to overtake them; indeed, there is not one case in fifty where a command can come up with them; the posts are situated on the most eligible points for the protection of the frontier, but ten times the number of posts and men we have cannot give security to the inhabitants and their property."

The Governor goes on to state:

"I beg leave to urge the carrying out of the policy of the commanding general, and placing a force at his disposal which will enable him to carry on an effective and vigorous campaign until the desired object is attained, and the Indians reduced finally to subjection.

"Colonel Johnston and General Twiggs have both more than once recommended it, and represented the inadequacy of the force at their command for the purpose."

It will be seen, Mr. President, from the reading of those extracts, as well as other evidence before us, that our frontier has never been sufficiently protected; the officers in command acknowledge that it would require ten times the number of posts and soldiers to give permanent security to the country; and, independent of this shameful deficiency, I feel satisfied that the system of protection, by military posts *alone*, will never answer the purpose against those wandering tribes that infest our borders. It requires a ranging service in connection, whose whereabouts will never be known to the Indians until they are upon them, such as we had in the days of our Republic, under which system the Indians were more effectually scourged and driven out of the country, and the citizens better cared for and protected, than we have ever been since.

The Governor of Texas, as well as the officers in command, have, from time to time, called the attention of the authorities at Washington to the insufficiency of the military force on our frontier; and why it has never been responded to, we are at a loss to know, for instead of increasing the forces, they have been diminished, and hence the reason for the claim now before Congress, asking to be reimbursed for the money advanced years ago for the protection of our citizens against the savage Indians; and we are still compelled to keep volunteers in the field. At present, we ask that the amount which we have already paid out should be refunded, and that provision be made for the troops now in the service.

We are boasting here daily, Mr. President, of our ability to do things that would require millions for their consummation; and allusions are frequently made to our growing and prosperous country, without seeming to reflect that this rapid march of prosperity and expansion can only be sustained and perpetuated by protecting the enterprising pioneer who plants himself and family as a breastwork on the frontier, marks out the roads, and breaks the brush for the advancement of wealth and civilization.

This class of citizens, in my judgment, have never been properly cared for or appreciated. There can be no doubt of the obligations of the Federal Government to refund any money advanced by the States under such necessitous circumstances; besides, there are precedents to authorize it in a variety of instances, as may be found in the Statutes at Large, in the cases of Maine, Massachusetts, Connecticut, Virginia, Georgia, Carolina, Missouri, and others.

I will again, Mr. President, ask the indulgence of the Senate while I read from the statutes of the country some of the authorities in this case. The following is the act which passed the Twenty-Fifth Congress, in the case of Massachusetts:

"*Be it enacted, &c.*, That the proper accounting officers of the Treasury, under the superintendence of the Secretary of War, be, and they are hereby, authorized and directed to audit and settle the claims of the State of Massachusetts against the United States for the services of her militia during the late war, in the following cases: first, where the militia of the said State were called out to repel actual invasion, or under a well-founded apprehension of invasion: *Provided*, their numbers were not in undue proportion to the exigency; second, where they were called out by the authority of the State, and afterwards recognized by the Federal Government; and thirdly, where they were called out by, and served under the requisition of, the President of the United States, or any officer thereof.

"Sec. 2. *And be it further enacted*, That the sum of $430,748 26, if so much be necessary, be applied to the foregoing purposes, out of any moneys in the Treasury not otherwise appropriated."

There are other authorities on this point. Here is a resolution which passed the Twenty-Fifth Congress:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of War, in preparing his report pursuant to a resolve of the House of Representatives, agreed to on the 24th of February, 1832, be, and he hereby is, authorized, without regard to existing rules and requirements, to receive such evidence as is on file, and any further proofs which may be offered, tending to establish the validity of the claims of Massachusetts upon the United States, or any part thereof, for services, disbursements, and expenditures, during the late war with Great Britain; and in all cases where such evidence shall, in his judgment, prove the truth of the items of claim, or any part thereof, to act on the same in like manner as if the proof consisted of such vouchers and evidence as is required by existing rules and regulations touching the allowance of such claims. And that, in the settlement of claims of other States upon the United States for services, disbursements, and expenditures, during the late war with Great Britain, the same kind of evidence, vouchers, and proof, shall be received as is herein provided for in relation to the claim of Massachusetts; the validity of which shall be, in like manner, determined and acted upon by the Secretary of War."

I will now read some other authorities from the different States, and, I believe, there is not a single exception. I allude to these laws to show that the testimony, which has been laid before the committee, is full and sufficient to justify the payment of this claim as presented by the State of Texas.

"Sec. 9. *And be it further enacted*, That there be appropriated as aforesaid, to refund to the State of North Carolina the amount of money advanced, and transportation furnished, to volunteers from that State during the late war with Mexico, the sum of $9,382 53.

"Sec. 10. *And be it further enacted*, That there be appropriated as aforesaid, for refunding to the State of Michigan the amount advanced by said State in organizing, subsisting, and transporting volunteers, previous to their being mustered into the service of the United States, during the late war with Mexico, $20,000; which said sum, or so much thereof as shall be necessary to pay and cancel the claim of said State, as presented and now on file in the office of the Third Auditor of the Treasury Department, shall be paid by the Secretary of the Treasury to the Governor, or other proper officer, of the said State of Michigan: *Provided*, That the same principles be applied in the settlement of the claims of the State of Alabama, and all other States, for moneys advanced in raising, subsisting, and transporting troops for the Mexican war.

"Sec. 11. *And be it further enacted*, That in the adjustment of the accounts of the State of Maine, under the act of the 13th of June, 1842, the proper accounting officers of the Treasury be, and they are hereby, directed to include and allow all claims which have been heretofore presented under said act: *Provided*, It shall be satisfactorily shown that said claims have been actually allowed and paid by the State."

Now, sir, it will be seen, that in all the States here referred to, there is not a single instance in which the proof required to establish the claim against the Government is as strong and conclusive as the case now presented for the reimbursement of the State of Texas, as the money has been paid by the State; and we only ask that the appropriation be made subject to satisfactory proof, of the exigency and service of the troops, being made to the accounting officers. We ask for nothing but what has been allowed to other States, and a fulfillment of the contract of annexation.

The representatives of Texas very seldom present bills for private relief. I believe the Calendar will show but few, if any, cases at all; whilst the first hour in each day is mainly spent in the introduction of such bills from other States, and one day in each week set apart for their consideration, by which millions of dollars are appropriated for their payment. This may all be just and right. I do not object to it; nor do I speak of it in a spirit of complaint; but merely to show that we are moderate and modest in our demands, claiming that only which the Government is in duty bound to give us.

I am aware, Mr. President, that retrenchment is the order of the day. I, sir, am in favor of a judicious, manly retrenchment, but it should commence at the proper place.

My views upon the question of frontier protection are not brought forward merely to sustain this claim; nor are they of recent date. I have had some little experience in frontier life, and know something of their wants and troubles; and I am honest in the opinion that, if any set of claims have precedence over others for prompt and faithful payment, they are those for the protection of the country and for the transportation of the mails; for in these are involved life, property, prosperity, and national honor.

Mr. President, in consequence of the press of important business before us, and in consideration of the very few days left to act upon it, I shall not trespass further upon the time of the Senate; but will offer a substitute, as an amendment to that offered by the committee, which I send to the desk, and ask that it be read. I hope it may be adopted.

The PRESIDING OFFICER, (Mr. STUART in the chair.) The Secretary will read the amendment proposed by the Senator from Texas.

The Secretary read it, as follows:

And that the sum of $184,554 57, or so much thereof as may be necessary, is hereby appropriated for the payment of the volunteer troops called into service by General Persifer F. Smith, of the United States Army, and Governors Pease and Runnels, of Texas, from the 1st day of November, 1854, to the 27th day of June, 1858, for the protection of the frontier of said State against the hostile Indians; and the accounting officers of the Treasury are hereby authorized and required to reimburse said State, out of said appropriation, for all advances made by her for the support and payment of said troops: *Provided*, That satisfactory proof be made that the emergency existed; that the troops served and were paid by the State: *Provided further*, That the volunteers so called out, shall not receive higher pay and allowances

than the volunteers of the same description in the service of the United States.

Mr. HUNTER. I raise a question of order upon the amendment to the amendment. It does not come from any committee, and is not in pursuance of an estimate.

Mr. WARD. It is recommended by the Secretary of War, as I understand it.

Mr. HUNTER. Unless it is in pursuance of a specific estimate, or is reported by a committee, the amendment is not in order. I think the Senator is mistaken as to its being recommended by the Secretary of War, unless there is something in the papers that I have not seen.

Mr. WARD. The recommendation, according to my recollection, is this: he recommended that all the just claims, that were shown to be such, should be immediately paid to Texas.

Mr. HUNTER. That would not cover this case; but I shall not dispute about it. I simply ask for the decision of the Chair.

The PRESIDING OFFICER. The rule of the Senate referred to by the Senator from Virginia is the 30th rule, which requires either the recommendation of a standing or a select committee, or an estimate for the amount by the head of a Department, to authorize an amendment of this kind. The Chair understands that this amendment is not moved by a committee, and is not in pursuance of an estimate, and therefore it cannot be received as in order.

Mr. WARD. The recommendation of the Department was to pay all the claims of the State of Texas that were considered just. We are prepared to show that these claims are just. We have not all the vouchers, to be sure, nor have they ever been required in other cases.

Mr. HUNTER. It requires an estimate for the amount, and there is no estimate here.

The PRESIDING OFFICER. The Chair stated that it required a specific estimate for the amount of the appropriation. A general recommendation, recommending something to be paid, would not bring the case within the 30th rule.

Mr. WARD. I was going upon the presumption of what has been allowed to other States as *prima facie* evidence upon which to predicate an appropriation. There are many cases which I could present, where nothing more was deemed necessary upon which to base an appropriation than has been presented in this case. It has been shown clearly that the emergency did exist. We have the authority of the Governor, and of the Legislature, authenticated by the seal of the State, that the troops were called out, that they served, and were paid. This is all that has ever been required of any State heretofore; and I do not think an instance can be shown where anything more has been required as *prima facie* evidence upon which to predicate a bill to pay the amount asked for, subject to the filing of the necessary vouchers hereafter. Texas has asked for nothing but what has been allowed to other States. She asks for but little in the way of private claims. Your Calendar will very rarely show any case at all from Texas. My object is——

Mr. HUNTER. The Senator does not appeal, and he cannot debate the decision of the Chair.

The PRESIDING OFFICER. Debate is not strictly in order. The Chair will hear the suggestion of the Senator by unanimous consent. If an appeal be not taken, the amendment is regarded by the Chair as out of order. The question is upon the amendment proposed by the Committee on Military Affairs.

Mr. TRUMBULL. I should like to hear that amendment read.

The Secretary read the amendment.

Mr. TRUMBULL. I do not know that it was stated—if it was I did not hear it—how much is proposed by this amendment; that is, how much the sum will be. I do not know but that it may have been stated by the Senator from Texas, but I could not hear his remarks from the other side of the Chamber. I understood it to be an appropriation to pay for volunteers mustered into the service of the United States. Am I correct?

Mr. DAVIS. Yes, sir.

Mr. TRUMBULL. If that be so, unless there is some statute that I am not aware of, there is no authority for mustering volunteers into the service of the United States. On a former occasion I made this point, and tried to get the attention of the Senate to it, and I hope I may have its attention now or the attention of the members who are here, to this point. I want to know if the President of the United States has authority to muster volunteers into the service of the United States; and if he has, how he gets it?

Mr. GREEN. He has on our side.

Mr. TRUMBULL. If it is to be decided on that ground that he is "on our side," and if "our side" is prepared to sustain the President in any assumption of authority, however unwarranted, and however unconstitutional, that will settle it; but if such a power as this exists in the hands of the President at his discretion, to muster volunteers into the service of the United States, I think Congress has very little to do.

Mr. DAVIS. If the Senator desires an answer I will give it to him.

Mr. TRUMBULL. Certainly.

Mr. DAVIS. The point is simply this: There being Indian disturbances, authority was given to muster these volunteers into the service of the United States, to put down the insurrection of Indian tribes—that is all.

Mr. TRUMBULL. I understand that the President gives this authority. I am not discussing that point; my point is, where did the President get the authority to muster troops into the United States as volunteers, in case of insurrection?

Mr. DAVIS. From the act of Congress.

Mr. TRUMBULL. I will be glad to see that act of Congress, or to have a reference to it. I will state what I understand to be the act of Congress, and that will explain the point which I desire to present. The statute is, that in case of invasion or a sudden insurrection, the President of the United States has authority to call out the militia; and, by a subsequent law, he has authority to use the Army, where he was before authorized to use the militia. If he calls upon the militia, they are governed by their own officers; they do not become United States troops, to be mustered into the service of the United States; but they are the militia of the State. Here these persons were mustered into the service of the United States. I take it that the statute which I have stated is all the law that there is on the subject. If there is another, I should be very glad to see it. I desire to find out the authority of the President for mustering volunteers into the service of the United States. I take it this is all the authority there is on the subject. I read from the act of 1795:

"*Be it enacted, &c.*, That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State, or States, most convenient to the place of danger, or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose, to such officer or officers of the militia, as he shall think proper."

That does not authorize the mustering of the militia as volunteers into the service of the United States. It is a very different thing. The President must come to Congress for authority to raise volunteers. You may say that it is very important in this particular case, that no great harm is done; but is the Congress of the United States prepared to surrender up to the President authority to his will to muster volunteers into its service? If they are, some President in whom the majority shall have less confidence than they have in the present Chief Magistrate, may muster volunteers in this way; he may do it for a purpose which none of us would approve. I admit the right to use the militia; and I admit the right to use the Army by a subsequent law, the act of 1807 amendatory of this statute of 1795, which authorized the President of the United States to use the regular troops wherever he was before authorized to use the militia; but I have never seen a statute, and I apprehend none can be found, that authorized the President to muster volunteers into the service of the United States.

Sir, the tendency of the times shows a disposition, on the part of the Executive, to assume authority. We see it in various propositions before this Congress. A proposition has been made virtually to surrender the war-making power to the President; to authorize him to make war at his pleasure; to demand redress of grievances, without coming to Congress——

Mr. IVERSON. Will the Senator from Illinois allow me to interrupt him for a moment?

Mr. TRUMBULL. Certainly.

Mr. IVERSON. I desire to know from the Senator what is the difference between volunteers and militia? According to my understanding, volunteers are militia. There are but two kinds of troops known to our laws—regular soldiers and militia, and volunteers are militia. Everybody knows that; and if the Senator from Illinois does not, he is the only man in the United States that does not.

Mr. TRUMBULL. The Senator from Georgia does not apprehend my point.

Mr. IVERSON. I understand that it is, that the President of the United States has not a right to muster militia into the service of the Government.

Mr. TRUMBULL. No; the Senator misunderstands me.

Mr. IVERSON. The President is obliged to muster them in order to make them subject to the articles and rules of war.

Mr. LANE. All volunteers are subject to the rules of the militia.

Mr. TRUMBULL. I will try to make my friend from Georgia understand my point. It is not that the militia may not be composed of volunteers; but these are troops called into the service of the United States under a United States officer. Is there no difference when the President of the United States calls out the militia of Georgia to act under its own officers, from the case of the President calling for volunteers from Georgia and they enlist into the regular service to act under United States officers?

Mr. IVERSON. Volunteers elect their own officers, and act under their own officers.

Mr. TRUMBULL. The statute directs the President in a case of this kind to issue his orders, not to an Army officer of the United States; but it is to be done through the States. The men who passed this law had some regard to State rights; they did not allow the President of the United States to call for volunteers to enter into the Army of the United States to put down an insurrection or invasion; but they authorized the President to call for such number of the militia of the State as he judged necessary, and for that purpose to issue his orders to such officer or officers of the militia as he should think proper.

Mr. IVERSON. That is just the case.

Mr. TRUMBULL. That is not this case. I do not understand that any orders were issued to the militia officers of Texas to put down this insurrection. The amendment is to pay for volunteers called out by General Smith. He was not a militia officer of the State of Texas; he was an officer of the Army of the United States. I think the distinction is very manifest between the militia of the State, called out to put down an insurrection, and volunteers mustered into the service of the United States, not as the militia of the State, but as regular soldiers. Where is it to stop? Can the President call out volunteers and muster them into service whenever he shall think it necessary to repel the invasion of an Indian tribe?

Mr. IVERSON. Certainly.

Mr. TRUMBULL. The Senator from Georgia says he may. I do not so understand the law. I see no warrant for the President to call for volunteers. I see no way for the President to get troops except in the mode pointed out by the act of 1795; and whenever he wants volunteers in the service of the country, he must come to Congress for authority to raise volunteers.

Now, sir, a little further as to paying these troops in Texas. I am not sufficiently advised to know whether the case arose from an invasion of the State of Texas; that would authorize his calling out the militia. But, suppose that that case did arise, and he was authorized to do it: I ask, and I would like to know from the Senators from Oregon, why the troops called out in Oregon are not to be paid as well as those in Texas? Why do we not put in the appropriation bill a provision to pay them all? I do not object to paying the expenses necessarily incurred in defending the State of Texas. There may be a propriety in paying them. But I dislike, in making the payment, to sanction the principle that the President of the United States has authority, at any time, to muster volunteers into the service of the United States. The militia may be called out, and the militia may be subject, as militia, to the general orders of the United States; but I think that a very different thing from mustering volun-

teers into the service of the United States, to be governed by officers to be appointed by the President, and not by their own officers. I should have no objection to appropriate whatever is properly due for putting down the Indian war in Oregon and Washington Territories, and provision ought to be made for just claims. I know it is said the claims are large, and some of them unjust; about that I have nothing to say; but, so far as they are just and proper, the Government ought to pay them; and if we are to pay now for the expense incurred in Texas, I think it a very good time, also, to pay for the expenses incurred in Oregon and Washington.

Mr. HOUSTON. Mr. President——

Mr. DAVIS. I wish briefly to reply to the Senator from Illinois, before going into the general question, which I will leave to the Senator from Texas.

Mr. HOUSTON. Very well.

Mr. DAVIS. The Senator from Illinois, in the vigilance with which he guards the Constitution and the rights of the States, shows a zeal which is very commendable and gratifying surely to me; but I think it is very much misapplied. He lashed himself into somewhat of a fury, and painted to us very dark pictures of apprehension on account of the extraordinary power which he supposes is about to be exercised by the Executive in calling out volunteers, and mustering them into the Army of the United States. And pray, sir, what are volunteers? The militia, serving of their own accord, instead of waiting to be drafted. Instead of proceeding by the form of draft for the militia of a State, the President calls for that part of the militia who may be willing to serve, taking them by consent instead of by force.

Mr. TRUMBULL. I have no objection to that.

Mr. DAVIS. Then, whence is the apprehension? He says it is being mustered into the service of the United States, and he wants to know where the President gets the power. He feels the Constitution crumbling under his feet at the idea of volunteers being mustered into the service of the United States. Pray, sir, how would we get them into the service of the United States, without muster? How would it ever be known whether the militia corresponded in its organization with the laws of the land? How would it be known whether the complement of rank and file was right, that the right proportion of officers was there, if there was no inspection and muster? Muster is but a form of deciding on the organization of the troops who come out, and seeing that they are competent to perform the service which is required.

The Senator calls for the law, and reads law enough, it would seem, to satisfy him. He would have found, however, by the third section of the act, "that whenever it shall be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, cause such insurgents,"&c.; and "that the militia employed in the service of the United States shall be subject to the same rules and articles of war as the troops of the United States." He would have found, by going on a little further, to the act of March 3, 1809, that "militia or volunteers, whenever called into the service of the United States, shall have the organization of the Army, and receive the same pay and allowances." How, pray, are they to have the organization of the Army, if there is to be no inspection and muster? It is but a means for executing the law—the necessary and only means by which the law can be properly executed. It is calling out the militia, and the Senator merely confounds himself in the use of the words volunteers and militia. Militia means State troops: volunteers are State troops.

Then he passes to the other point, in which he exhibits a tendency to make out of this a sectional question. He wants to know why the troops in Oregon are not paid, if these are paid, and how the President could call them out otherwise than by issuing his order to a militia officer? The President acts through his agents; he acts through the Secretary of War; and acts through the officers commanding in departments. He necessarily acts through the multitude of agents who are given to him to enable him to perform his duty. In this case, authority was given to the general, within certain restrictions, to call out the militia of Texas to suppress the Indian troubles existing upon her border. The general then called on the Governor, and the Governor called on the militia of the State, always acting within the limits prescribed by the order of the President. Under the orders of the Governor of the State, which ought to have satisfied the gentleman's idea of State rights, the militia of the State were called into the service of the United States. To see that they are mounted on serviceable horses; to see that they have proper arms and equipments; to see that the men are fit for service; they are inspected and mustered into the service of the United States. All this is needful for the service; needful also to secure the Government from claims for pay for services which have not been rendered; the only mode in which it could be effected.

Now, as to the difference between the case of Oregon and the case of Texas. The President of the United States, acting through his agents, called a certain portion of the militia of Texas into service, and the amendment proposes to pay them. In Oregon, another portion of the militia was called into service by authority of the Governor: it is not provided for. The committee have not reported adversely to it, and the House of Representatives, I understand, are acting favorably upon it. Texas had a case of the same kind, where the Governor of Texas called the militia into service without authority from the President, and the Senator from Texas presented an amendment to cover the case. The case of Oregon is parallel to the amendment offered by the Senator from Texas; it is not parallel to the amendment offered by the Committee on Military Affairs. The one is to pay a debt incurred by the action of the Government itself; the other is to assume a debt resulting from the action of the Governor of the State.

Mr. TRUMBULL. Mr. President——

The PRESIDING OFFICER, (Mr. STUART in the chair.) The Senator from Texas was entitled to the floor, and yielded it to the Senator from Mississippi.

Mr. HOUSTON. If the Senator wishes to explain, I will give way.

Mr. TRUMBULL. I wish to reply in a few words to the Senator from Mississippi, on this point of law and the Constitution. The point which I make is not that men volunteer rather than are drafted as militia; nor is the point which I make to be got over by such remarks as trembling about the Constitution. I do not think that settles the constitutional principle one way or the other. If I manifested extraordinary zeal to preserve the Constitution as our fathers made it, and to prevent an accumulation of power unjustly and unconstitutionally in the hands of the President, I did so because I thought it was important that we should guard the Constitution in this respect, and that there may be danger at some other time, if not now. But these are general considerations: I desire to direct my attention particularly to what the Constitution and the law say. The Senator from Mississippi reads the third section of this act, which declares that, "whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse." Surely the Senator from Mississippi did not read that as applicable to this case.

Mr. DAVIS. I read it as in continuation of what you yourself had read. The part you read is applicable exactly to the case.

Mr. TRUMBULL. That applies to the other class of cases. The President issues no proclamation for insurgents to disperse in case of an Indian war. That is in case of an insurrection, or where there is resistance to the laws, and it is necessary to call in the military aid. But if you will look through the whole law, you will find that the organization of the militia is intended to be kept up distinct, and not to be merged in the Army.

Now, what I object to about the volunteers is, not that the men who serve do not wait to be drafted. I am glad that our people volunteer, and would always rather see the men serving willingly and by choice, than to be dragged into the service of the country; and I believe our people, whenever there is an occasion, are ready to volunteer. It is not the name that I care about. It is the change, as I conceive, of the law, by incorporating this force into the United States service, the same as the regular soldiers. Now, let me read the fourth section:

"The militia employed in the service of the United States shall be subject to the same rules and articles of war as the troops of the United States. No officer shall be compelled to serve more than three months."

Then the fifth section goes on to provide "that every officer, non-commissioned officer, or private of the militia who shall fail to obey the orders of the President," shall be subject to certain penalties. The sixth section provides that courts-martial for the trial of the militia shall be composed of militia officers only. All the clauses, without taking up the time of the Senate to read them through, look to the organization of this body called the militia, composed of volunteers, if you please, as a separate body, not merged into the Army, as if you were to pour two quantities of water together into one. The law requires the orders to be issued to the militia. Now, I should like to know what the fact is in this case. I should like to know if this was not a voluntary entering into the Army of the United States under the Army officers of the United States, and not a case where the militia were called out, as detailed by the Senator from Mississippi? I do not object to the President issuing his orders through the Secretary of War, or through the general, calling upon the Governor of a State for militia. Nobody objects to that. What is your amendment? Your amendment is to pay for volunteers in the Army of the United States, called out by General Smith, or called out by the President. I say, neither the President nor General Smith, who is the President in this case for this purpose, has any authority to call out volunteers. Let the amendment be to pay for the militia of the State of Texas, called out by the authority of the President of the United States, and no objection lies to it in a constitutional point of view.

Mr. DAVIS. I really am quite at a loss to understand what the difficulty of the Senator from Illinois is. He says he makes no distinction between volunteers and militia; but he objects to their being merged in the Army; and the only evidence of their being merged in the Army is, that they were mustered into the service of the United States. How are militia to be employed, if not in the service of the United States, by the President? The Constitution gave to Congress the power "to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." The first section of the law which the Senator read, and which I did not think it necessary to read over again, little supposing that he would take advantage of my not reading it again, as though it was not in the law, is, "that, whenever the United States shall be invaded, or be in imminent danger of invasion, from any foreign nation or any Indian tribe, the President shall have power to call forth the militia." It is under that authority that the President proceeded, through the general commanding the department, to call on the Governor for the militia. The Governor called forth the militia. They entered the service under the law of the United States limiting them to six months, or, as some suppose, three months; six months being the law passed during the war with Mexico, which may be general or special; I am not prepared to say which. Under this they served as militia, State troops; but voluntarily coming into the service—in the service of the United States, as militia always are when called out by the President. Otherwise, they would be under the orders of the Governor. If under the orders of the Governor, no claim could be here. Therefore, the whole effort of the Senator is, that the committee should put the amendment in a form which would deprive the soldiers of any claim to payment out of the Treasury of the United States.

Mr. HOUSTON. I will remark, by way of explanation, to my friend from Illinois, that we have no militia in Texas. They are all volunteers, and have been from the commencement of the country up to this time. There is no organization of militia in Texas; there is but one militia officer recognized in the constitution who is in service, and that is the Governor of the State. General Smith, being satisfied that the condition of the country required defense, called upon the

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Governor; the Governor made his proclamation for militia, and they presented themselves under the name and character of volunteers, for there really was no organization of militia, nor could any draft have taken place. The country was not laid off into beats, companies, battalions, regiments, or brigades. The emergency under which the Governor acted was subsequent to the time when General Smith made the call, but the exigencies were equally as great as they had been in the case where troops were called for by General Smith, and required immediate action. The condition of our extended frontier would not admit of postponement until orders could come from Washington to authorize the calling out of troops; and upon the emergency these troops were called out, not for the purpose of suppressing insurrection, or war made by Indians resident in Texas, but by those who came from the reservations east of the Red river, and from the upper portions of the Arkansas and the Canadian. These were the Indians that invaded Texas. The call was not for troops to suppress insurrections of our own Indians, but the invasion of Indians with whom the United States had treaties, and whom they were bound to hold in subordination to their orders. They failed to do it; and the necessities of Texas were of such a character that they could not be postponed, and hence it was that the Governor, acting on his own responsibility, and the right he had to call out the militia to repel invasion, called for volunteers. From the masses that presented themselves in the character of militia, but under the name of volunteers, he selected these companies, and they were mustered into the service of the United States by a United States officer, and placed under the control of those who had been commissioned by the Governor for the occasion.

These are the circumstances of this demand; and the government of Texas, satisfied of their having performed their service with fidelity, called upon the Legislature, which made an appropriation of $184,000, that has actually been paid to the militia upon their being regularly mustered out; part of them under the orders of General Smith, through the Governor, and the other portion of them by the orders of the Governor. The government of Texas appropriated and paid these troops the sum of money that we now want reimbursed.

That is the whole history of it. If Texas is bound to defend her own territory, whilst other States and Territories have had all the benefits resulting; and when she did not contrive this war, nor produce the necessities that were upon her, it is very strange, indeed, that she cannot be reimbursed for what she has actually paid. Anticipating not only the good faith of the Government, but its justice to her, she has made these advances. Can the Senate deny that she is entitled to be reimbursed and remunerated for what she has actually paid out of her treasury? I hope the Senate will determine that this is a just demand; and for that purpose I offer the following amendment to the amendment:

And that the further sum of $184,554 57 be appropriated; and that the Secretary of War shall, so soon as the pay rolls and proper vouchers shall be filed in the War Department, pay to the State of Texas the amount which she may have actually paid out of her treasury, and has been appropriated by the State of Texas to pay troops who have actually served and been discharged.

Mr. HUNTER. I raise the question of order that that does not come from any committee, and that there is no estimate for it.

The PRESIDING OFFICER. The Chair thinks the amendment to the amendment is not in order.

Mr. KING. I concur with many of the views presented by my friend from Illinois, in relation to the propriety of a rigid compliance with the limitations of the Constitution, in calls by the President for troops. I do not propose, however, to discuss that question. I leave it with the views which have been presented. There is, in my judgment, other ground on which the Senate should refuse to agree to this amendment. I find, that in 1855, in the twenty-first section of the civil and diplomatic appropriation bill, there was this provision:

"*And be it further enacted.* That the sum of $25,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of six companies of volunteers called into the service of the United States by Brigadier General Smith, in the State of Texas, to be paid under the direction of the Secretary of War."

This is an appropriation, as I understand, to pay the very troops for whom this amendment provides; and the $25,000 then appropriated, was expended in the payment. It was all that was then presented for these claims. The amount now claimed is rather vague. As presented to the Military Committee, it was for an amount covering not only the troops which were called out by General Persifer Smith, but a large number of troops who had been called out by the Governor of Texas, without any authority or recognition on the part of the Government of the United States. The Military Committee distinguished between the two classes of troops which had been called out in Texas. At the time referred to, there was a good deal of fillibustering on the Rio Grande, and danger of an expedition into Mexico; and some troops, I believe, went over into Mexico. There was a good deal of confusion about how long these companies were in the service of the State of Texas, and I think some of them were serving for a time under somebody on the other side of the Rio Grande. The conclusion of the committee was, to distinguish between the two classes. This amendment is reported in accordance with that understanding of the committee to which I assented, that the troops called out by General Smith, for securing the frontier, should be paid. Afterwards, after this had been agreed upon, and not before, I understood that these troops of General Smith had been paid, and that the claim upon which it was stated in the beginning something had been paid, and the various demands by Texas for its advances to its militia, were all mixed up together; and what had been paid for Smith's troops, was allowed as a credit upon the general account. I understand, also, that there is, somewhere among these papers, a statement that some sixty-eight thousand dollars in addition have been paid from the War Department. I have not examined this case; it was not under any particular charge of mine. I have not looked at the statutes, to find under what authority that amount was paid; but I understand that, from the War Department, information has been received that the sum of $68,000 has also been paid; but for what particular purpose, I am not able to state to the Senate.

Mr. WARD. I can state to the Senator from New York that the appropriation of $68,000, to which he refers, applies to the companies in the United States service; and that there is but one appropriation which was made for these companies, and that was before they were mustered into the service, for supplies furnished to them in Austin, as the records will show.

Mr. KING. Unless such statements can be made beyond what I have had in the committee, to satisfy me, I shall have to vote against the amendment. From the statements made in the committee, I assented to the payment of these troops of General Smith without supposing that they had been paid; but from subsequent facts and information coming to me, it is my opinion that the specific troops have been paid, but that the accounts are so mixed up that it is difficult to distinguish them. This amendment proposes to make an allowance to Texas, and Texas may pay Smith's troops again, and we shall have another bill to pay some troops which this money would have paid, if it had not been applied in that way. I suppose these troops have been paid by the State of Texas, and an allowance to that State ought to settle the account. I make this as an objection against the passage of any measure in our present state of information, on the subject of these accounts. I was misled myself by the first presentations that were made. I should not have assented to the report of this amendment if I had known at the time what I now do.

Mr. HALE. So far as I am concerned, I have a very brief answer to all these applications, and it is satisfactory to my mind; and it is this: as long as you pay bounties for any particular production you will have it, and just as long as you pay bounties on Indian wars you will have them. A friend of mine this session related to me an anecdote; I will not give his name. He met one of his friends who had gone out West, into Washington Territory, I think, and when he came back, after a year or two, he inquired how they were getting on there. "Oh, tolerably well," was the reply; "the country is very fine, a good soil, but we have no money; and now what we want to give us a start is an Indian war. If we could get that up, we should succeed as they have in other Territories." The old gentleman who told me the story said it was not a year before they had an Indian war. Whether the bills for that Indian war are paid or not, I do not know; but so long as we pay bounties on Indian wars, we shall have them, and the more we pay the more we shall get; and just exactly as often as you send your army into the Indian territory you will have wars. Withdraw your army and you will have no war. I am against the whole of it.

Mr. WARD. The anecdote related by the honorable gentleman does not apply to this case at all. There is abundant proof that the emergency existed for calling out these troops. That is beyond doubt. If the emergency existed, and the volunteers were called out, and the money was paid by the State, certainly it should be refunded. There is no question as to the existence of the emergency.

Mr. KING. I desire to make a brief remark in relation to what has fallen from the Senator from New Hampshire. I concur with the Senator from Texas that, although the remarks of the Senator from New Hampshire may be very proper in the general, they are not applicable to this case. I have, however, presented here a section of a statute showing that an appropriation has been made to pay these troops. Whether they were necessary or not, they have been paid; and that certainly ought to be conclusive.

Mr. CHESNUT. Mr. President, as I am one of the Committee on Military Affairs, to whom the investigation of this matter was committed, and as the chairman, the Senator from Mississippi, is not in his seat, it is proper that I should present some of the views which governed them in recommending the amendment now under consideration.

I do not think this claim on the part of Texas has been fully and fairly presented by the Senator from New York.

In 1854, General Persifer F. Smith, under order of the President, made requisition on the Governor of Texas, for six companies of mounted volunteers, to suppress insurrection of Indian tribes on the frontiers of that State. There were several orders, which were contradictory as to the point of rendezvous, and the place of mustering these troops into the service of the United States. This caused much confusion in the assembling, movements, provisions, and general support of the troops, and occasioned to the State the expenditure of a large sum of money, which has not been repaid by this Government. It is this sum which the committee now propose to provide for. The Senator from New York thinks that this has been paid, because he finds an appropriation made in March, 1855, for payment of Texan volunteers. The appropriation was for $25,000, if so much should be found necessary. By inspection of the correspondence between Senator Rusk and Governor Pease, of Texas, in possession of the committee, it appears that this was made for, and applied to, the payment of an account arising under a contract between the Governor and a merchant in Austin, for the supply of articles absolutely necessary for the troops, who had been assembled in Austin under the orders of General Smith, and for whom no provision had

been made by the Government. They appear to have been such things as were required for the support and health and comfort of troops—provisions, forage, tents, and other camp equipage and furniture, medicine stores, horse-shoeing, &c., and which were retained by them after they were regularly mustered into the service of the Federal Government. The amount of the account thus made, and which was paid out of the appropriation alluded to, was some twenty thousand dollars, and was only applicable to the time and exigency of things while the troops were assembled in Austin. But, besides this, the State of Texas was compelled to pay, and has actually paid, to these troops, some sixty thousand dollars or more, for the time they were in the field, (and for a large portion of it actually rendering service,) before they were formally mustered into service by the Federal officer. This condition of things occasioned by the contradictory orders of the Federal officers ought not to deprive Texas of a right to reimbursement for the money she was thus compelled to expend. The $68,000, to which the Senator refers as having been paid to these troops, was paid by the United States after the troops were formally mustered into service, and not for that period in which Texas founds her present claim—a claim which the majority of the committee consider well founded, and upon which she does not appear to have received a dollar.

There is another branch of the claim set up by Texas, which the committee do not recommend should now be paid. Besides the six companies called into the service by authority of the Federal Government, there were other companies called out subsequently, by the Governor of Texas, without the authority of the President.

Mr. TOOMBS. Will the Senator from South Carolina allow me to ask him, if there was any evidence showing that those troops received no more pay than that allowed to troops in the United States Army?

Mr. CHESNUT. There was none such. In relation to the six companies called out, under order of General Smith, the amendment proposed guards that point. In relation to the companies called out by the Governor on his own conviction of the public necessity, the committee have determined that no allowance ought now to be made. There was before them no evidence, either of the necessity of the call or of the rate of pay allowed to the soldiers, or of the propriety of the sum said to be expended.

The two branches of the claim stand on different grounds. The first ought to be paid, the other should be allowed to stand, while the Senate awaits a further and fuller development of the testimony.

Mr. SMITH. I rise, Mr. President, for the purpose of noticing the remarks which the honorable Senator from New Hampshire submitted, a short time ago, to the Senate. It seems that that honorable gentleman cannot allow any opportunity to pass without a fling at the people of the Pacific coast; and he has illustrated his opinion and his view of the pending amendment by quoting from Richard Roe or John Doe, who purport to hail from the Pacific coast, in relation to the Indian wars there, that somebody, some nameless personage, had said to some other nameless personage, that the times were not very good out there; that money was scarce and the soil was not prolific——

Mr. HALE. No; that the soil was good, but that there was not much money.

Mr. SMITH. Well, that the soil was good, but that there was not much money out there; and if they could only kick up an Indian war, it would be a sort of Godsend to them. I will ask the Senator to name the gentleman. Will he be kind enough to name the man, hailing from the Territory of Washington, who gave utterance to that sentiment?

Mr. HALE. I cannot say whether his name was Smith, or Jones, or what it was. [Laughter.] I do not know the man; but it was a member of the Senate who told me the anecdote.

Mr. SMITH. It would not surprise me to hear that his name was Hale. [Laughter.] Smith and Jones are no names at all, and they answer to the John Doe and Richard Roe of the law. It is just such witnesses as these, who have no name and no habitation and no character, that are invoked here whenever assaults are made on the integrity and character of the people of the Pacific coast. I think the time has come when Senators, when they would throw contempt upon the people whom I have the honor in part to represent here, should bring upon the stage and invoke the presence and the testimony of living and veritable men. That Senator, I repeat, has never failed, since Oregon has been a people and a country, to throw contempt and distrust upon her character and her integrity. I am here to meet these accusations and to vindicate that people. They are as incapable of provoking an unjust and unrighteous war with savages for the purpose of plundering the national Treasury as are the people of New Hampshire; for we have a great many of the gentleman's former fellow-citizens with us there; and one of his near neighbors, in the late war with the Indians, in 1855 and 1856, was the commissary general, and made the purchases which were made during the progress of that war. The only thing I ever heard against him was, that he was at one time the personal and political friend of the Senator from New Hampshire.

I have only to say, sir, that if any citizen of Oregon or Washington ever did give utterance to the language imputed to this nameless personage, he was a fool. I have traveled through those Territories since the close of the war of 1855-56; I traveled, last summer, forty miles in a valley which had been resplendent in beauty; where every section and half section of land had been occupied, cultivated, and improved, but where, then, I saw nothing but the charred remains of the houses and the buildings of the settlers. The bones of my fellow-citizens were there, and every house and barn and rod of fence had been consumed by fire applied by savages. I saw women whose husbands had been murdered, whose children had been thrown into the burning element, and they compelled to witness it. Throughout three fourths of that country, all of Washington Territory, and the valleys of Umpqua and Rogue river, in Oregon, the inhabitants who remained had to build pickets and live in blockhouses. The whole country was desolated; millions upon millions of property were destroyed, and, for a period of twelve long months, no farmer dared go from his own door. Men were shot down, cattle were killed by the thousand, all over the country, and crimes, so horrid, so barbarous, so inhuman, that it would be improper to name them in the Senate, were perpetrated. When our fellow-citizens, and the fellow-citizens of the Senator from New Hampshire, were being butchered, their women ravished, their little ones burnt in the presence of their parents, and the whole country laid desolate; when your own Indian agents were hewn down, in an hour when they did not expect it, by the savages; and when the officers of your own Army, like Cæsar appealing to Cassius, "help me, or I sink," invoked the aid of the citizens of the country to stay the ravages of these savages, and to protect the homes and the lives of our people; and our Governor, your Federal officer, appealed to the people; those people, at their own charge, left their homes, their firesides, and their altars, furnished their own horses, their own guns, their own munitions of war, and went into an Indian country, an inhospitable country, in the midst of winter, and there met the savages, the heavens being their covering and the earth their bed, and lived for weeks and months upon horse flesh, to protect the lives of their fellow-citizens. All this was done at the instance of your Federal officers; and though our people spent, including services, more than five million dollars, to this day they have not received one cent. Thousands were made desolate, their homes destroyed by the savages, but they have had not one cent of remuneration, and yet we are taunted by the Senator from New Hampshire; whenever any question is up involving our relations with the Indians, or the history of our Indian wars, forsooth, an American Senator, who would mock us in the midst of our patriotism and sacrifices, tells us that John Doe, and he is not certain whether that is his name, or whether it is Smith or Jones, somebody from out there, said the soil was good but money was scarce, and if they could only provoke a war with the Indians they would have good times; and he added that, within one year of that declaration, an Indian war was inaugurated.

Sir, I hurl these imputations back with scorn and contempt into the teeth of the man who utters them. I represent a chivalrous and honorable people, incapable of provoking war with savage tribes for any purpose under God's sun. The soil is rich; but money is scarce. Why, sir, where do you get your money but from the Pacific coast? We have it there; we dig it up there; and, notwithstanding our Indian wars, we have more wealth to-day, according to our numbers, than have the people of New Hampshire. We are not beggars; we do not crawl upon our stomachs, and say, "good masters, please;" but when the time shall come to call upon Congress to pay the expenses of that war, we shall importune no man for his vote because it is a matter of especial favor or grace to us; but upon the facts we will demand our rights.

Mr. HALE. I think, Mr. President, that if I were a man of a great deal more ambition than I am, I should be more than satisfied, if I am not eloquent myself, to be the occasion of such eloquence in others. I plead not guilty to the charge of having said anything disparaging of Oregon, or California, or Washington, or the Pacific coast generally. I plead not guilty, and should ask for a bill of particulars before I went to trial on such an indefinite charge as that.

Sir, the honorable Senator calls upon me for a witness; and I will cite one whose story far exceeds anything I have suggested, and let the Senator undertake to answer him if he can. That witness whom I would quote, and whom the Senator may deal with, and thunder with, and denounce, and hurl back with scorn and reduplicate indignation, would be Brigadier General Wool. I allude to the statement published under his own hand, and under his own name, in the public journals of this city; and having said that, I would leave it, premising that I have said nothing about Oregon in this debate to-day. I did not say a word about Oregon. I did not know that we admitted Washington when we took in these two Senators from Oregon. [Laughter.] The communication I referred to came from Washington.

Mr. SMITH. Allow me to suggest that this Indian war pertains to Washington and Oregon; it was one war, and we are one people so far as our reputation and that war are concerned.

Mr. HALE. Very well, sir; I am glad to hear it; but I am not going to deal with or dwell upon that subject. The honorable Senator has certainly displayed a great degree of zeal, and it seems to me, an unwarrantable and unprovoked amount of indignation at a great deal of modesty. He called on me for the name of the individual. I told him I did not know; that it might have been Smith or Jones. Now, he says Smith is no name at all. Sir, have we been laboring under a delusion all the time? [Laughter.] I insisted that it was a real, substantial, living, name; and I think if there has been any such delusion as that existing in our minds heretofore, it must have been dispelled by the very forcible manner in which the honorable Senator has made himself heard on this occasion. I did not mean anything more than to say that the name of the individual to whom I referred was not known to me; and it is not, and I shall not undertake to cite it; but as the Senator has challenged me to a citation on this subject, I have cited one party whose story, I think, would not tally exactly with the account which the honorable Senator has given of these Indian wars. But I did not mean to provoke any such discussion as this. I should be like—no, sir; I will not illustrate it any further. When I made the remark, I made it in application generally to the Indian wars that had been provoked in the country. The application of it at this time is made in regard to Texas, to which the honorable Senator from New York said it did not apply. But, sir, I am not to be driven from the point by any such denunciations as these; and I defy the honorable Senator, with all his astuteness, and with all his ingenuity, to find a single word that ever fell from my lips, or a single act that I ever did, that was disparaging to any part of the Pacific coast. I deny it utterly; and the Senator cannot build up his own reputation by framing any such issue with me. In the exercise of that discretion, or that power, which is conferred on me as a Senator of the United States, when the question of the admission of Oregon under the constitution which she presented was submitted to the Senate, I voted against it. For that I have no apologies

to make. I simply say, that I did it because I thought my duty required me to do it. When other Territories have presented themselves here for admission as States, and gentlemen have thought themselves bound, by their obligations as Senators, to vote against them, I never understood that it was an impeachment of the character of the people of the Pacific coast. I would remind Senators coming from the Pacific coast, and from the oldest State on the Pacific, to wit, California, that I stood here through one long session, from December, 1849, I think, up to the 30th of September, 1850, voting constantly, in every way in which the question could be presented, for the admission of California into this Union; and the gentlemen with whom the elder Senator from California is now politically united, were as constantly voting against her admission. The Senator shakes his head. I should like to be corrected, if my statement is not true.

Mr. GWIN. Does the Senator say that the whole Democratic party resisted the admission of California?

Mr. HALE. Pretty near.

Mr. GWIN. Not pretty near.

Mr. HALE. I did not mean the whole party, but the sachems did; I mean those to whom the Senator from Kentucky [Mr. THOMPSON] referred, when he spoke of the wise men who were enough to lead, if all the fools did not follow. [Laughter.]

Mr. GWIN. Was not General Cass one of the sachems of the party?

Mr. HALE. He was until he wrote the Nicholson letter, and then he was deposed. He never could command after that. I believe he was, as the sailors say, disrated after that. But I mention this to show that I did not suppose at that time, and do not suppose now, that the honorable Senator from California, who was then in attendance, presumed that the gentleman who so persistently and constantly voted against the admission of California into the Union, thereby intended any reproach or disrespect to her people. No such issue at that time was suggested or raised, and none such is raised now. The honorable Senator should remember, for he seems to attribute much consequence to the position I took, that there were two grounds upon which I voted against the admission of Oregon, and they were grounds altogether regardless of the character of her people. I never said and never thought, that there was anything of that sort which could be brought against these western Territories on the Pacific coast, and I beg now, here to say, so far as I am concerned, that if I ever hear the character of that people called in question, in any particular, more especially in anything that relates to eloquence and the fine arts, I will appeal to this day's debate as a living refutation of anything that may be said in disparagement of the taste and the cultivation and the Ciceronian eloquence and Demosthenean thunder that come from that people. [Laughter.]

Mr. SMITH. I have a single word to say, and that is simply this: the gentleman suggests that he was not aware of the fact, though it may be one, that he is laboring under a delusion. It would not surprise me if he should continue to labor under a delusion for some time to come; and, without casting any imputation whatever on that gentleman, I can say, for myself, that my ambition is, and shall be, to represent honestly and fairly the people of Oregon, whilst I have the honor of a seat on this floor. I am not anxious to acquire the reputation, here or elsewhere, of a wit or a blackguard, and shall never play the dandy-jack of the ring.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Military Affairs.

Mr. KING. I ask that the amendment be read.

The Secretary read the amendment.

Mr. KING. It will be seen that these troops were called out, for three months, on the 1st November, 1854. On the 3d March, 1855, two months after their term of service had expired, the following provision was made for their payment:

"That the sum of $25,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the necessary expenses of six companies of volunteers, called into the service of the United States by Brigadier General Smith, in the State of Texas, to be paid under the direction of the Secretary of War."

This alludes to them as having been called into the service. I shall vote against the proposition; because I believe the service has been paid for.

Mr. WARD. I thought I had explained that to the honorable gentleman. That appropriation was obtained to cover the expenses incurred while they were waiting at Austin, before they were mustered into service. It was obtained here, on the miscellaneous bill, by General Rusk, in 1855, for that express purpose, as the records will show; and only $20,000 of it was found to be necessary. It does not apply to these companies at all; nor does anything of that appropriation apply to the companies after they were mustered into service.

Mr. KING. It does not so appear. I ask for the yeas and nays on the amendment, if there is a disposition to press it.

The yeas and nays were ordered; and being taken, resulted—yeas 38, nays 11; as follows:

YEAS—Messrs. Allen, Bates, Benjamin, Bigler, Broderick, Brown, Chestnut, Clay, Crittenden, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Jones, Kennedy, Lane, Mallory, Mason, Pearce, Polk, Pugh, Reid, Sebastian, Seward, Shields, Simmons, Slidell, Smith, Toombs, Ward, Wilson, and Wright—38.

NAYS—Messrs. Chandler, Clark, Dixon, Durkee, Foot, Foster, Hale, King, Stuart, Trumbull, and Wade—11.

So the amendment was agreed to.

Mr. DAVIS. I propose to offer this as a new section to be appended to the bill:

And be it further enacted, That, for the purpose of executing a resolution approved May 14, 1836, entitled "A resolution to authorize the Secretary of War to receive additional evidence in support of the claims of Massachusetts, and other States of the United States, for services, disbursements, &c., during the late war," the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Massachusetts, out of any moneys in the Treasury not otherwise appropriated, the sum of $227,176 48, reported under said resolution to be due to said State by J. R. Poinsett, late Secretary of War, in a report dated the 23d of December, 1837, made to the House of Representatives the 27th of December, 1837.

That is to refund to the State of Massachusetts, including what is now the State of Maine, money expended during the war of 1812, upon an account which was referred to the Secretary of War some twenty years ago, and reported back with the sum stated in the amendment. It passed the Senate about that time, went to the House of Representatives, and was defeated there—it is not needful now to inquire how—and has, I believe, never been before the Senate from that day to this. Mr. Webster represented the case on a former occasion, and possibly his State pride or sensibility may have been involved in the manner in which the claim was attacked in the House of Representatives. The amount, however, which it is now proposed to pay, is what was found to be due in the mode provided in the law.

Mr. POLK. I move to amend the amendment by adding to it:

And that the Secretary of the Treasury be, and he is hereby, authorized, out of any money in the Treasury not otherwise appropriated, to pay to the State of Missouri the amount of money expended by said State in repelling the hostilities of the Osage Indians in the year 1837: *Provided, however*, That the sum hereby appropriated shall not exceed the sum of $19,084 08: *And provided further*, That the accounting officers of the Government shall be first satisfied that the pay and allowances for the militia engaged in said service, embraced in said claim, did not exceed the pay and allowances of the troops then employed in the regular service of the United States.

Mr. PUGH. I should like to know whether these are not both private claims under our rule?

The PRESIDING OFFICER. The Chair is not aware of the circumstances under which the amendment offered by the Senator from Missouri is presented. Does he offer it from a committee?

Mr. POLK. No, sir.

The PRESIDING OFFICER. Is it in pursuance of an estimate from a Department?

Mr. POLK. I will state in regard to it, that it is in the words of a bill reported by a committee of the House of Representatives to whom the matter was referred.

The PRESIDING OFFICER. That amendment, then, the Chair decides is not in order.

Mr. TOOMBS. I will ask the Senator from Mississippi to give us the history of this claim of Massachusetts.

The PRESIDING OFFICER. The Senator from Ohio, I understand, makes a question of order on the amendment.

Mr. TOOMBS. I know that; but we cannot determine on it without knowing something about it. I should like to hear the Senator from Mississippi state what it is.

Mr. DAVIS. The committee, on inquiring into the case, came to the conclusion that the merits of the question had been decided before any of us had entered the Congress of the United States, and that the act having directed the amount to be determined, it was no longer a question which required us to inquire into the value of the service, and the circumstances under which the service was rendered; that the service had been accepted by the Government, and it only remained to determine the amount and to appropriate the money; the amount having been determined while Mr. Poinsett was Secretary of War and reported to the Senate, and a bill passed to pay the money, which failed in the House of Representatives, the same question was presented to us again.

Mr. TOOMBS. I do not quite understand it.

Mr. FESSENDEN. I will explain it when the question of order is disposed of.

Mr. PUGH. I made a question of order on this amendment, as well as on that of the Senator from Missouri, that they are both private claims.

The PRESIDING OFFICER, (Mr. STUART.) The 30th rule of the Senate, which makes provision in regard to moving private claims as amendments upon general appropriation bills, makes this exception——

Mr. FESSENDEN. Mr. President——

The PRESIDING OFFICER. The Senator will allow the Chair to state his views.

Mr. FESSENDEN. I have a right to be heard.

The PRESIDING OFFICER. The rules declare that the Chair shall decide a question of order without debate.

Mr. FESSENDEN. I am not going to debate it; I am going to ask the question whether the Chair is about to decide on the Missouri amendment, or on both?

The PRESIDING OFFICER. The Chair has decided the Missouri amendment to be out of order; and is now about to decide the question raised by the Senator from Ohio upon the other.

Mr. FESSENDEN. Well, sir, upon that I wish to be heard.

The PRESIDING OFFICER. Debate is not in order.

Mr. FESSENDEN. The Chair, then, is not aware of the facts. The facts have not yet been stated. I merely want to state the facts on the question of order.

The PRESIDING OFFICER. The rules require that the Chair shall decide a question of order without debate. If it is decided improperly, in the opinion of any Senator, he can appeal, and the appeal is debatable.

Mr. FESSENDEN. I do not see how the Chair can decide the question without being informed as to the facts. The Senator from Mississippi professes his inability to give them. If the Chair can decide without knowing them, so be it.

Mr. DAVIS. I did not know that the Senator from Mississippi had been called upon to give any fact on the point of order.

The PRESIDING OFFICER. The Chair was stating that the exception in the 30th rule as to a private claim is, "unless it be to carry out the provisions of an existing law or a treaty stipulation." Upon the face of the amendment it is stated that a joint resolution was passed by Congress directing an adjudication upon this case to determine the amount due, which has been done; and that having been done, in the opinion of the Chair the amendment is in order.

Mr. HUNTER. I should like to hear the act read. Can the Senator from Mississippi give us a reference to it?

Mr. DAVIS. It is cited in the document I hold in my hand. Let it be read from the desk.

Mr. HUNTER. I want to ascertain how far the joint resolution of 1836 makes the Secretary the judge—how far his decision binds us.

Mr. TOOMBS. I appeal from the decision of the Chair.

The PRESIDING OFFICER. The question is, whether the decision of the Chair shall stand as the judgment of the Senate?

Mr. TOOMBS. I want the rule established, and made uniform.

Mr. DAVIS. A question has been made here as to the joint resolution. I send it to the desk to be read.

The Secretary read it, as follows:

"A resolution to authorize the Secretary of War to receive additional evidence in support of the claims of Massachusetts, and other States of the United States, for services, disbursements, &c., during the late war.

"*Resolved*, &c., That the Secretary of War, in preparing his report, pursuant to a resolve of the House of Representatives, agreed to on the 24th of February, 1832, be, and he hereby is, authorized, without regard to existing proofs and requirements, to receive such evidence as is on file, and any further proofs which may be offered, tending to establish the validity of the claims of Massachusetts upon the United States, or any part thereof, for services, disbursements, and expenditures, during the late war with Great Britain. And in all cases where such evidence shall, in his judgment, prove the truth of the items of said claim, or any part thereof, to act on the same, in like manner as if the proof consisted of such vouchers and evidence as is required by existing rules and requirements touching the allowance of such claims; and that, in the settlement of the claims of other States of the United States, for services, disbursements, and expenditures, during the late war with Great Britain, the same kind of evidence, vouchers, and proof, shall be received, as is herein provided for in relation to the claims of Massachusetts, the validity of which shall be in like manner determined and acted upon by the Secretary of War.

"Approved, *May* 14, 1836."

Mr. DAVIS. That is the resolution under which the Secretary of War made his report. The committee this year did not consider it as devolved on them to inquire into the character of the service or its value; the question being merely, whether an amount should be paid which Congress had decided should be paid on a certain report.

Mr. TOOMBS. I have taken the appeal, because I wish uniformity in the decision of this class of cases. About the year 1837, a commission was appointed by the President of the United States, in pursuance of an act of Congress, to ascertain and adjust, upon proper proofs, the claims of citizens of Alabama and Georgia for Indian depredations. For several years, propositions have been offered as amendments to the appropriation bills to pay the amount ascertained by those commissioners; and the honorable Senator from Virginia [Mr. HUNTER] has stood regularly in the way, and made the point of order; and the Chair has agreed with him that it was out of order. I believe, within the last ten days, it has been voted here to be out of order; and I think there were not more than five of us who voted that it was in order. I cannot see the difference between that case and this. Under an act of Congress, commissioners were appointed to audit, ascertain, and report the amount due to Congress. We had the report, and a proposition was made to pay the amount; but it was ruled out of order. I want a uniform rule applied. I do not want gentlemen to use the rules as a snap. If you use them fairly and honestly, I stand by them. I only claim the same benefit as others. I have no opinion to express to the Senate in reference to this claim. I may vote for it; but I demand that one uniform rule shall be be applied to all these cases on the appropriation bills.

Mr. FESSENDEN. I have a word to say on the question of order. I have before me the debate on the occasion when the amendment was offered, to which the Senator from Georgia has alluded; and I think, by a reference to it, I can show the distinction between that case and this. What the Senator alluded to, is this. I read from the Globe report of the debate on the Indian appropriation bill, on the 2d of February last:

"Mr. SEBASTIAN. I offer another amendment to be inserted as a new section:

"*And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and directed to settle the claims of the citizens of Georgia and Alabama for the losses sustained by them during the Indian disturbance of 1836, 1837, and 1838, and which is set forth in Executive Document No. 127, and reported to the —— session of the Twenty-Fifth Congress, upon satisfactory proof being rendered of the identity of the persons therein named, or their legal representatives, so far as the same falls within the equity of the principles of the act entitled 'An act to regulate trade and intercourse with the Indian tribes,' passed June 30, 1834, without charge on the Indian annuities; and also, for all losses of property destroyed or consumed by Government troops or the Indians under their command: *Provided*, that the payments to be made shall not exceed the sum of $349,120 less the sum paid heretofore to the State of Georgia upon the claim of Henry W. Jernigan and Jernigan & Co.: *And provided further*, that said sum shall be in full satisfaction and payment for all claims for damages and losses by the act of the said Creek Indians in the years aforesaid, or which may have been taken for Government use."

That is the claim to which the Senator from Georgia alluded.

Mr. TOOMBS. Yes, sir.

Mr. FESSENDEN. A point of order was raised, and it was discussed at some length; and finally comes the decision of the Chair:

"The PRESIDING OFFICER, (Mr. STUART in the chair.) The question presented by the Senator from Virginia is whether the amendment proposed by the Senator from Arkansas, from the Committee on Indian Affairs, is in order, inasmuch as it proposes to provide for paying private claims of the citizens of Georgia and Alabama. The construction of the 30th rule, it is contended, will allow the reception of this amendment. The Senate, as appears by the record, has twice decided the amendment not to be in order. The present occupant of the chair would follow that decision, without any other reason. He may be allowed to state, however, that he thinks the proviso in the rule referring to claims which are provided for in laws and treaties, refers to such claims as are ascertained in amount. Where a treaty or a law provides for paying a certain individual a given amount of money, such a claim is in order upon a general appropriation bill; but a claim to be investigated under a law, that may turn out to be valid or invalid, is not within the meaning of the 30th rule."

That is the decision. The amendment there proposed by the Senator from Arkansas, as it was worded, was an entirely different thing from this. It provided for an investigation of an unascertained claim in amount, and its subsequent payment; and the decision of the Chair was, that although it might come under an existing law, yet the amount not being ascertained, it being an unaudited claim at that moment, it did not come within the rule. That was the ground, as I recollect, and as it is stated here. The distinction between that case and this is, that this amendment proposed by the Committee on Military Affairs is to pay an ascertained amount, which has been settled under a previous law. Whether the distinction is valid or not, it is not for me to say; but that is the ground on which the decision was made.

Mr. TOOMBS. That is exactly what that amendment was to do. There was nothing to be ascertained, except in consequence of the delay of twenty years, to ascertain who were the representatives or heirs of the parties to whom the money should have been paid. The amount due was ascertained by commissioners of the United States, and reported under a law passed by Congress. There was not a particle of investigation necessary, as to the amount of the claims.

Mr. FESSENDEN. That might be; but that was not the wording of that amendment. Knowing the fact that the commission had reported, it struck me as singular that the amendment was not so drawn as to fix a specific amount, instead of calling for an audit. It did call for an audit.

Mr. TOOMBS. No.

Mr. FESSENDEN. Clearly; here it is. It was to investigate and find the persons entitled to the money, and settle the amount due.

Mr. TOOMBS. No; the Senator is mistaken, and he will allow me to put him right. Here was an award of $349,000, in different amounts to different persons. All that was required to be ascertained was, where a claimant was dead, who was the party entitled to take what was due to him. The amount due was reported by a commission, and stands identically on the same ground as this. Every name of the parties entitled to the money was reported by the commissioners, and the exact amount due to each individual, so that no audit was necessary.

Mr. FESSENDEN. I understood it at the time, on the reading of it, as calling for an audit, and the present occupant of the chair so understood it at the time, and so stated, and nobody replied to him that such was not the fact. That appears in the report of the debate. I watched the discussion at the time, and recollect it. The Presiding Officer stated the ground on which he rejected the amendment. It was that the amount was unascertained, and was to be ascertained by an audit.

Mr. TOOMBS. That is not so.

Mr. FESSENDEN. He stated so, and that is all I am saying, and neither of the Senators from Georgia disputed at the time that it was the fact. Why did they not do so? The Presiding Officer stated to the Senate distinctly the ground on which he put his decision. Nobody denied the fact then; nobody appealed from his decision on the ground that the fact was not so; it was conceded by silence. Now, it is too late when the Chairman placed his decision on a particular ground, and Senators chose to sit silent, and took no exception to the ground on which he placed it, to say that another amendment, which presents itself in a proper attitude, is to be rejected, for the reason that the decision at that time was founded on a mistake of fact.

This case comes precisely within the rule laid down by the present occupant of the chair at the time he made that decision. There has been no decision of the Senate on this. The Chairman at that time stated the fact that the amount was unascertained, and that an audit was required as the reason of its rejection; but here is an amendment proposed which is of an ascertained amount, where the claim has been audited, and what is due ascertained, thus, of course, bringing it precisely within the rule which the Chairman at that time laid down. The difficulty stated by the honorable Senator from Georgia is, that the Chairman decided this question the other day. Not at all. His decision admits that the principle on which this amendment is offered is correct. He adheres to the decision he made then. If there was an error in fact the other day, the honorable Senators from Georgia, or the honorable Senator from Arkansas, should have corrected the Chairman, and not bring up a mistake of facts as an answer to this amendment, which does not come within the exception then taken.

Mr. IVERSON. My recollection is altogether different from that of the Senator from Maine.

Mr. FESSENDEN. Here is the Globe; take it and see if you can find a word of objection to the Chairman's decision on that ground.

Mr. IVERSON. I will state what I understand to be the facts. The present occupant of the chair was then its occupant. An amendment was introduced from the Committee on Indian Affairs which directed the Secretary of War to adjudicate the claims alluded to by my colleague, and to pay them out of any money in the Treasury not otherwise appropriated. The point of order was made by the Senator from Virginia as he had made it before; and I argued the point of order. I argued that this claim had already been adjudicated; that the Government was pledged to pay it because of the act of March 3, 1837, which directed the President to appoint commissioners to ascertain and report the amount due. I argued with the Chair, that it was in pursuance of this law, and hence was not excluded by the 30th rule. I also argued, on another point, that it came within the intercourse law of 1834, and therefore was in order; but the Chair ruled it out upon both grounds. The first was that it was a private claim. I do not remember, and I do not think the Chair will remember, or anybody else, that the Chair put his decision on the ground that the amount was not ascertained; that the amendment did not provide for paying an ascertained sum. The ground on which the Chair put his decision was that it was a private claim, to pay private individuals claims which they had against the Government, and therefore could not come upon the appropriation bill, under the 30th rule, excluding private claims. When the point was made by me that it came within the intercourse act, and therefore was to carry out the provisions of an existing law, the Senator from Virginia argued that the depredations were not within the Indian country, and upon that point the Chair sustained the Senator from Virginia.

The Chair sustained the point of order upon two grounds; first, that it was a private claim; next, that it did not come under the seventeenth section of the act of 1834. From that decision I appealed, and the Senate sustained the Chair. Now I am going to vote against this appeal. I believed the Chair was wrong then, and I believe the Chair is right now. I shall vote to sustain the decision of the Chair on this occasion, and when the proper time comes I shall move an amendment either to this or some other bill, to pay the exact amount that was ascertained by the commissioners who were appointed under the act of 1837 to investigate the claims of the claimants for depredations committed by the Creek Indians.

Mr. HUNTER. I think the whole case depends on this: if there was a law, which this amendment is designed to carry out, a law admitting the claim of Massachusetts, and this is merely an appropriation to carry it out, then it is not out of order under the rule; but if there was no law under which it becomes a legal obligation of the United States to pay this money to Massachusetts, then it is clearly, it seems to me, ac-

cording to all former decisions, a private claim. I have not been satisfied of the existence of such a law. I have not investigated it. The law has not been proved to me to exist, and unless that is shown I shall vote against the decision of the Chair, because, unless that be the case, it seems to me the amendment is out of order.

Mr. FESSENDEN. The Senator is entirely mistaken. I do not understand, however, what he means. Does he deny that the extract which has been read, has been correctly read?

Mr. HUNTER. I do not deny that the extract has been correctly read; but so far as I understand it, I see nothing but a power given to the Secretary of War to audit these claims. I do not see in the law anything by which we are bound to pay the claims. That is what I want to know. I say I have not had a chance to examine this question.

Mr. FESSENDEN. The obligation to pay arises under a general law, under which Virginia has been paid, and under which other States have been paid. That is the law of 1795, providing for the payment of troops called into the service of the United States.

Mr. HUNTER. Why has not this been paid before?

Mr. FESSENDEN. For the reason that a great many other claims have not been paid before, and for the reason which the Senator very well knows, that every claim from Massachusetts, connected with the last war, has always been resisted here, right or wrong. Now, what is the fact? It stands under the general law—the law of 1795, providing for the payment of troops called into the service of the United States. Claims have been paid over and over again under it. There have been no special laws except those paying interest on special claims in the case of Maryland and Virginia; and I have a memorandum here of case after case where, on the authority of that law alone, claims of this description have been paid by provisions inserted in the general appropriation bills, without any dispute whatever. There is the general law for the payment of these claims. Then arises the question of ascertaining the amount, and that has been done under a special joint resolution.

Now, let me give the Senate a short history, to show how it is that this matter has rested so long. A resolution was passed by the two Houses of Congress in 1826, referring the claims to the War Department, to be reported upon by the Auditor; and, applying to the proofs offered the strict technical rules of the Department, the Auditor, Mr. Hagner, found the sum of $430,000 due. The whole claim was $840,000. The Secretary transmitted this report; and Congress, in 1830, passed an act making the appropriation called for by the report. Now, I want to call attention to the principles on which that act was passed. It provided that allowances should be made to Massachusetts by the accounting officers in only these three cases:

"First, where the militia of the said State were called out to repel actual invasion, or under a well-founded apprehension of invasion: *Provided*, Their numbers were not in undue proportion to the exigency; second, where they were called out by the authority of the State, and afterwards recognized by the Federal Government; and, thirdly, where they were called out by, and served under, the requisition of the President of the United States, or of any officer thereof."

Afterwards the joint resolution of May 14, 1836, was passed; which is the one here referred to. It declares that—

"The Secretary of War, in preparing his report, pursuant to a resolve of the House of Representatives, agreed to on the 24th of February, 1832, be, and he hereby is, authorized, without regard to existing proofs and requirements, to receive such evidence as is on file, and any further proofs which may be offered, tending to establish the validity of the claims of Massachusetts upon the United States, or any part thereof, for services, disbursements, and expenditures, during the late war with Great Britain. And in all cases where such evidence shall, in his judgment, prove the truth of the items of said claim, or any part thereof, to act on the same in like manner as if the proof consisted of such vouchers and evidence as is required by existing rules and requirements touching the allowance of such claims; and that, in the settlement of the claims of other States of the United States, for services, disbursements, and expenditures, during the late war with Great Britain, the same kind of evidence, vouchers, and proofs shall be received as is herein provided for in relation to the claims of Massachusetts, the validity of which shall be in like manner determined and acted upon by the Secretary of War."

Then Mr. Poinsett makes his report:

DEPARTMENT OF WAR, *December* 23, 1837.

SIR: In compliance with a resolution of the House of Representatives, of March, 1836, I have examined the claims of the State of Massachusetts for military services and expenditures during the late war with Great Britain, and have now the honor to report. The original amount of these claims was $843,349 60; which, by a payment of $11,000 in 1817, and one of $419,748 25 in 1831, was reduced to $412,601 34, which is still claimed. Of this sum, it appears, upon applying the same principles which have governed this Department in the settlement of similar claims made by other States, there will be due $272,716 14; of which $45,539 66, being for arms and accouterments purchased by the State, arms, &c., to the value of that amount, must be charged to the State, and be withheld from this quota under the act of 1808, for arming and equipping the militia; "and all warlike stores remaining in the State, which are paid for by the General Government, must be delivered up to the possession and use of the United States."

Very respectfully, your most obedient servant,

J. R. POINSETT.

HON. JAMES K. POLK,
Speaker of the House of Representatives.

That was an audit under precisely the principles laid down in the acts making allowances; first, where the militia of the State were called out to repel actual invasion, or under a well-founded apprehension of invasion, provided their numbers were not in undue proportion to the exigency; second, where they were called out by the authority of the State, and afterwards recognized by the Federal Government; and thirdly, where they were called out by, and served under, the requisition of the President, or some officer of the United States. These were the three classes of cases for which an allowance was made. The claim existed under the law of 1795, for services; and an audit was had in 1837. At a subsequent period, on Mr. Webster's motion, the Senate inserted an appropriation for the payment of the amount in one of the appropriation bills; and it went to the House of Representatives, where, for some reason or other, it was rejected. He never thought fit to move it afterwards, for what reason I do not know. I suppose the reason was, that it was thought the prejudice was so strong that it was no use to call for anything. Now, it comes up before us, and I will state the history of it in this Congress. This claim, thus audited, went to the Committee on Military Affairs of the House of Representatives, and it was there submitted to Mr. McRAE, a member from Mississippi. He examined it, and reported that the claim was such that no dispute could exist in regard to it; that it ought to have been paid long ago; and that report was unanimously adopted by the Committee on Military Affairs of the House. It was called to the attention of the Committee on Military Affairs of the Senate by a resolution in this body. They have examined it, and they have reported unanimously that the money is due, and ought to be paid; and they have reported this appropriation for the payment of the balance, which has been standing ever since the war of 1812, without any interest, to be paid to the State of Massachusetts. Now, sir, if any gentleman can, under these circumstances, object to the payment, I should like to have him give some reasons for it.

Mr. DAVIS. I think, from the manner in which the debate is going on, that there is some misapprehension; that we are discussing the question without exactly appreciating the condition of the case. The Senator from Maine, in his remarks, referred to the act of 1795. This claim is entirely special; it arises under the act of 1830. Under the act of 1795 the case was presented, and it was not allowed. Then the act of 1830 was passed; and then the resolution of 1832; and then the resolution under which this amendment is offered. The question is asked here, what is the law? and I shall send these laws and resolutions to the desk, and ask that they be read.

The Secretary read as follows:

"An act to authorize the payment of the claim of the State of Massachusetts, for certain services of her militia during the late war:

"*Be it enacted, &c.*, That the proper accounting officers of the Treasury, under the superintendence of the Secretary of War, be, and they are hereby, authorized and directed to audit and settle the claims of the State of Massachusetts against the United States, for the services of her militia during the late war, in the following cases: First, where the militia of the said State were called out to repel actual invasion, or under a well-founded apprehension of invasion: *Provided*, Their numbers were not in undue proportion to the exigency. Second, where they were called out by the authority of the State, and afterwards recognized by the Federal Government. And, thirdly, where they were called out by, and served under, the requisition of the President of the United States, or of any officer thereof.

"SEC. 2. *And be it further enacted*, That the sum of $430,748 26, if so much be necessary, be applied to the foregoing purposes, out of any moneys in the Treasury not otherwise appropriated.

"Approved May 31, 1830."

"*Resolved*, That the Secretary of War be, and he is hereby, instructed to examine the claim of the State of Massachusetts for disbursements for military purposes during the late war with Great Britain, according to the rules and cases set forth in an act of Congress approved May 31, 1830; and, if any further sum be found due the claimant by such examination, to report the same to the House."

Passed by the House of Representatives, February 24, 1832.

"A resolution to authorize the Secretary to receive additional evidence in support of the claims of Massachusetts, and other States of the United States, for services, disbursements, &c., during the late war.

"*Resolved, &c.*, That the Secretary of War, in preparing his report, pursuant to a resolve of the House of Representatives, agreed to on the 24th of February, 1832, be, and he hereby is, authorized, without regard to existing proofs and requirements, to receive such evidence as is on file, and any further proofs which may be offered, tending to establish the validity of the claims of Massachusetts upon the United States, or any part thereof, for services, disbursements, and expenditures, during the late war with Great Britain. And in all cases where such evidence shall, in his judgment, prove the truth of the items of said claim, or any part thereof, to act on the same, in like manner as if the proof consisted of such vouchers and evidence as is required by existing rules and requirements touching the allowance of such claims; and that, in the settlement of the claims of other States of the United States, for services, disbursements, and expenditures, during the late war with Great Britain, the same kind of evidence, vouchers, and proof, shall be received, as is herein provided for in relation to the claims of Massachusetts, the validity of which shall be in like manner determined and acted upon by the Secretary of War.

"Approved *May* 14, 1836."

Mr. TOOMBS. I have a remark to make in reference to the point of order. When this question arose the other day, I did not argue it, because I argued it very thoroughly about a year ago, when the point was made by my friend from Virginia, and the Senate was then very closely divided upon it. I think there was only a difference of one or two votes. We relied on the fact that Congress had passed a law ordering three commissioners to go on the ground to take testimony, and report what each individual ought to be allowed, laying down the principles of the settlement precisely as in this case. It was supposed that the cases were within the equity of the act of 1834, but we could not get them under that act for technical reasons. So, in this case, the Senator says this claim is under the act of 1795, but they could not get it under that act, and they had another act passed in 1830. There were legal obstacles in the way of getting it under the first act. Then Congress passed a resolution, telling the Department to ascertain, on new rules laid down by Congress, what was due, and report the amount. That has been done, and I think Congress has committed itself to the payment; but there is not one particle of fact involved in this case which does not apply to the other case to which I have alluded. Here are three laws: the act of 1795, of 1830, and 1834; and none of them have been sufficient to procure payment; and, therefore, this additional legislation is asked. In the other case, we had three commissioners, who reported the amount which was due to the individuals; and I say, when the facts are ascertained, the evil which the rule intended to provide against is fully met. The object was to provide against uncertainty; but when a claim has been ascertained and audited by commissioners appointed by the President, in pursuance of an act of Congress, the reasons of the rule are fully answered. I did not argue the question the other day, because the present occupant of the chair put it on the ground that the same point had before been decided. Knowing that, I did not pretend to argue, of course, on the further observations which he made.

The PRESIDING OFFICER. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

The question being put, the decision of the Chair was sustained.

The PRESIDING OFFICER. The question now is on the amendment reported by the Senator from Mississippi, from the Committee on Military Affairs, to insert, as an additional section:

And be it further enacted, That, for the purpose of executing a resolution, approved May 14, 1836, entitled "A resolution to authorize the Secretary of War to receive additional evidence in support of the claims of Massachusetts and other States of the United States for services, disbursements, &c., during the late war," the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Massachusetts, out of any moneys in the Treasury not otherwise appropriated, the sum of $227,176 48, reported

under said resolution to be due to said State by J. R. Poinsett, late Secretary of War, in a report, dated the 23d of December, 1837, made to the House of Representatives the 27th of December, 1837.

Mr. CLAY. I shall not vote for the amendment unless I have some better information than I have at present on the subject. The Senator from Maine asked for a reason. I shall endeavor to give him one. As I understand the act of 1795, to entitle a State to remuneration for any disbursement she may make in time of war, it must be for military service rendered the United States; or, if it be not in obedience to orders from the officers of the United States, it must be on a sudden emergency, where her militia is called out by the State authorities; and then the Federal Government must recognize them as in the United States service. I have not lately refreshed my recollections of the history of the war of 1812; but I have a very distinct impression that Massachusetts refused to obey the call of the General Government; she refused to allow her troops to go beyond her State limits; and whatever service she rendered, as I understand it, was rendered in defiance of the General Government. If she fought at all, she fought within her own limits, on her own hook.

Mr. FESSENDEN. The Senator is mixing things together. There is nothing of that kind connected with this claim. Massachusetts has other claims which have been rejected and are not advanced. This is for service about which there is no dispute.

Mr. CLAY. Then, if I could hear the report of Mr. Poinsett, it might correct my error. I was only speaking from historical facts, according to my recollection.

Mr. FESSENDEN. I have read it once; but I will read it again:

DEPARTMENT OF WAR, *December* 23, 1837.

SIR: In compliance with a resolution of the House of Representatives, of March, 1836, I have examined the claims of the State of Massachusetts for military services and expenditures during the late war with Great Britain, and have now the honor to report: The original amount of these claims was $843,349 60; which, by a payment of $11,000, in 1817, and one of $419,748 26, in 1831, was reduced to $412,601 34, which is still claimed. Of this sum, it appears, upon applying the same principles which have governed this Department in the settlement of similar claims made by other States, there will be due $272,716 14; of which $45,539 66, being for arms and accouterments purchased by the State, arms, &c., to the value of that amount, must be charged to the State, and be withheld from its quota, under the act of 1808, for arming and equipping the militia; "and all warlike stores remaining in the State, which are paid for by the General Government, must be delivered up to the possession and use of the United States."

Very respectfully, your most obedient servant,

J. R. POINSETT.

HON. JAMES K. POLK, *Speaker House of Representatives.*

There is no dispute at all that the services were rendered to the United States. There has been no denial of that. With regard to other services, there was the objection which the Senator makes. They have never been paid, and the claims have ceased to be advanced.

Mr. HAMLIN. I want to invite the attention of the Senate for a moment, to the concluding part of a report which has been made this year by the House committee, on this very claim—made by a Representative from the State of Mississippi, Mr. MCRAE, late Governor of that State. He has examined the subject very fully; and I think the gist of the whole matter is in the concluding paragraph of the report. He says that it is proper to pay this claim:

"First. Because it is just and right in itself, having been ascertained according to rules laid down by Congress.

"Second. Because these rules are the same as have governed the War Department 'in the settlement of similar claims made by *other States.*'"

He might have added the word "all;" for I believe no State of the Union can be found by which claims of a like character have been presented, that have not been paid. Every State that had claims of a similar character has had them paid. The report continues:

"Third. Because the act of May 31, 1830, vests in the State of Massachusetts a right to have the estimates made according to these rules, of which she ought not to be, and certainly cannot justly be, deprived by subsequent legislation, or by any executive or administrative act.

"Fourth. Because the report and estimate of the Secretary of War is such a discharge of the duty imposed by the act of May 31, 1830, as vests in her a just right to the sum awarded by him. And in this case it is believed Congress will not fail to dispense towards a sovereign State of the Union that measure of justice which, from the facts set forth, is evidently due to her—long deferred, it is true—but none the less obligatory upon the Government on that account."

I only want to add, that this claim is of that class which has been recognized in every other State. The other and objectionable part is not included here, and has no connection with this.

Mr. PEARCE. I have some recollection of former debates on this subject, I remember, a great many years ago, when I was a member of the House of Representatives, a bill or amendment proposed by Mr. Webster, and which passed this body, came to the House I recollect very well the debate on that occasion. I think the claim of Massachusetts was the same we are now discussing. Massachusetts, like many other States of this Union, had been obliged to call out her militia for the defense of her coast. We had to do that in Maryland, for which we have been paid. Massachusetts was not paid for these military operations and services, and she called upon us then to make that payment, which had been made, amongst others, to my own State. I recollect that I voted for it, and I remember the course of argument by which it was defeated on that occasion. It grew out of an objection to Governor Strong's proceedings, and what was called the blue-light policy of Massachusetts. That was the whole argument, so far as I recollect, by which it was defeated on that occasion. I voted for it, and I think it proper now as then.

Mr. CLAY. If the Senator from Maine will answer another question, it will remove some doubt in my mind. I want to know why, if the House Committee on Military Affairs reported unanimously in favor of this proposition, it was not ingrafted on the bill in the House?

Mr. FESSENDEN. It was not proposed. It could not be put on there under the rules of the House. We seek to put it on here, that it may go there to be voted upon.

Mr. IVERSON. I move to amend the amendment, by adding:

Provided, That, in lieu of payment in money, the Secretary of the Treasury may, at his discretion, issue to said State United States stock, bearing an interest of five per cent. per annum, and redeemable at the end of ten years, or sooner, at the pleasure of the President.

Mr. WILSON. I am willing to accept that proposition. I certainly do not object to it.

The amendment to the amendment was agreed to.

Mr. PUGH. None of the Senators who have spoken in favor of this amendment has undertaken to tell us what it is for. They say it has been audited, it has been adjusted, it has been allowed; but I do not know what it is for. If the State of Massachusetts did render any service in the last war with England, I believe the country at large is ignorant of the fact—I certainly am.

Mr. FESSENDEN. I have read once what it is for, because the act provides what it is for. It is:

"First, where the militia of the said State were called out to repel actual invasion, or under a well-founded apprehension of invasion: *Provided*, Their numbers were not in undue proportion to the exigency; second, where they were called out by the authority of the State, and afterwards recognized by the Federal Government; and, thirdly, where they were called out by, and served under, the requisition of the President of the United States, or of some officer thereof."

The audit was confined to those three classes of cases.

Mr. WILSON. I will not take up the time of the Senate in reply to the Senator from Ohio, but I think the Senator will remember, for I know he is well posted in the history of the country at that time, that Massachusetts and Maine were then together as one State, and had an immense frontier, reaching from Narragansct bay to Eastport. That part of the country was not defended by Federal troops. The Federal troops were generally sent to Canada, and the militia were often called out on sudden emergencies, to defend the sea-coast; a part of the country in the eastern part of Maine, was for a portion of the war under the control of the British forces. As has been said by the Senator from Maryland, this measure has been long delayed; it has been defeated simply and solely by prejudices growing out of the controversy between Governor Strong and the Federal Government. But this claim is not connected with that controversy in any way, directly or indirectly. Governor Strong took the ultra State-rights view in regard to the authority of the State over the militia. I suppose it is generally conceded at this day, in all sections of the country, that the position taken by Governor Strong was not the sound position, but I submit to the Senator from Ohio, that it is hardly proper at this time to prejudice a just claim that has no connection with that controversy, by reference to a controversy about a constitutional construction as to the powers of the State and Federal Governments over the militia. I am willing to take the sense of the Senate without any further remarks.

The amendment was agreed to.

Mr. DAVIS. I have another amendment from the Committee on Military Affairs. It is to add as additional sections:

And be it further enacted, That the second section of the act of the 3d March, 1851, entitled "An act to found a Military Asylum for the relief and support of invalid and disabled solders of the Army of the United States," be so amended as to reduce the number of commissioners authorized by that section to three, and to consist of the commissary general of subsistence, the surgeon general, and the adjutant general, any two of whom shall be a quorum for the transaction of business, whose duty it shall be to examine and audit the accounts of the Treasurer quarter-yearly, and to visit and inspect the Military Asylum at least once in every month.

And be it further enacted, That the benefits of the said act be, and they are hereby, extended so as to include invalid and disabled soldiers, whether regulars or volunteers, of the war of 1812, and of all subsequent wars; and that so much of the act of the 3d of March, 1851, as is inconsistent herewith be, and the same is hereby, repealed.

And be it further enacted, That all pensioners on account of wounds or disability incurred in the military service shall transfer and surrender their pensions to the institution for and during the time they may remain therein and voluntarily continue to receive its benefits.

And be it further enacted, That the deduction of twenty-five cents per month from the pay of the non-commissioned officers, musicians, artificers, and privates, in the Army, shall be reduced, from and after the 30th of June next, to twelve and a half cents a month; and that the title of the act be, and the same is hereby, changed from the "Military Asylum" to that of the "Soldiers' Home:" *And provided further*, that all persons who are now in, or who may hereafter be admitted into, the institution, are hereby made subject to the rules and articles of war, and shall be governed thereby in the same manner as soldiers in the Army.

This changes somewhat the law regulating the Military Asylum. It asks no appropriation, but it affects the pay of the soldiers of the Army, by reducing the stoppage, made for the support of the asylum, one half. It has been found that the contribution money from the soldiers, together with the fines and forfeitures, creates a fund which exceeds the wants of the asylum, and therefore it has been thought advisable to reduce the stoppage from the soldiers. Another provision is to reduce the number of officers now constituting the board. It is at present large and unwieldy; a good many of the members are absent from the capital, and they can only be brought to attend here by withdrawing them from other duties and at the expense of transportation. It was thought that the board would be equally efficient and much more manageable when reduced to the number of three, as proposed. Near the close of the section, there is a provision which subjects the inmates of the asylum to the rules and articles of war. That is believed to be necessary from the complaints which have been made by persons residing around the asylum, of the bad conduct of the inmates. From inquiry, I think nine tenths of the men in the asylum are good men, and behave themselves properly; the other one tenth are giving the institution a bad reputation. By subjecting them to the rules and articles of war, the ill-behaved tenth will probably be reduced to such conduct as will relieve the institution from any odium, and give the other nine tenths a peace they do not now enjoy.

Mr. GREEN. I had intended to move an amendment to this bill to give a temporary organization to the territories of Arizona and Dacotah; but from the temper of the Senate I believe it would be unavailable, and it is not my wish at any time, to persist in consuming the time of the Senate when no practical good can come out of it; but I shall take this occasion to say, that on Monday morning I shall beg the Senate to give that bill a hearing without delay, and I shall then ask a vote on it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi, from the Committee on Military Affairs.

Mr. HALE. The subject of the Military Asylum is one to which I have had to pay some attention, and I think well of some of the amend-

ments which are introduced by the Senator from Mississippi. I refer specially to the section reducing the number of the governors. I think that they are too large and unwieldy, and the reduction proposed ought to be made. I approve that provision which reduces the amount that the soldiers have to pay monthly. I think the fund is so large that they can do without anything at all from the soldiers. But I confess, while I have much confidence in the disposition of the honorable Senator from Mississippi to do anything he can for these old soldiers, I very much doubt the propriety of subjecting them to the rules of military discipline. Some of them are old men; they are sick men; some of them have but one leg; and I saw one man who had no hands at all; they were entirely frozen off. They are old men who like a little more freedom from restraint than they would have if they were subject to the strict discipline of the camp.

Mr. DAVIS. That is not proposed.

Mr. HALE. I do not know exactly how much military discipline is proposed, whether it requires these old men to be up at the beat of the morning drum, or anything of that sort.

Mr. DAVIS. There is nothing of that kind proposed. The proposition to subject them to the rules and articles of war has nothing to do with camp discipline. It merely prevents them committing riots at the asylum; and then, if they are put in a strait jacket until they are sober, drunkenness being the only cause which makes a soldier become unruly, instituting a civil suit.

Mr. HALE. There is another amendment which I hope the honorable Senator may provide; and that is, to give some sort of appeal to a soldier who is dismissed from the asylum; because the officers who are in control of the asylum are but men. I believe they are very fair men and very kind-hearted men; but cases sometimes occur where a soldier, no doubt, violates the rules, and he is dismissed in a moment of passion or resentment, which men occasionally feel. He is subject to be turned out and sent into the poor-house, or go where he may, without redress. I think that the power of arbitrary dismissal, which is now exercised by the superintendent, should not exist. I do not want to say a word against the officers of the asylum. They are kind-hearted, excellent men, so far as I know; but while they are men, I do not think they should have this arbitrary power. I do not think the arbitrary power of dismission should rest with anybody; but every case of dismissal from the institution should be reported to the Secretary of War, or somebody else, and be subject to his revision, before the soldier should be deprived of the benefits of the institution.

Mr. DAVIS. I have no possible objection to any provision of that kind; but I will say to the Senator from New Hampshire that this is mainly a means of preventing the exact thing of which he complains. The officers are now without any mode of discipline; they are without any power to coerce good conduct; and, consequently, they have no remedy but to dismiss in all cases of misbehavior. If they had other remedies, they would employ them instead of dismissal. Dismissal, then, would become an exceptional case; it would be rare. I wish to make it so. Only when a man is perversely bad should he be dismissed. By putting them under the rules and articles of war, you will have power to coerce them to behave themselves, and still keep them in the asylum.

Mr. HALE. This subject was brought to my attention without my will, having been appointed a member of a select committee which was raised to examine into the asylum. We went there several times; and, in good faith, we suggested several alterations which we thought ought to be made, and the officers showed every disposition to make them, and they have made them, so far as we suggested them; and that is the reason the committee have not reported. I will agree to the amendment suggested by the Senator from Mississippi; but I simply wish to give notice that, if I live to another session, I intend to visit the institution again, and submit to the Senate some views that suggest themselves to me, if a remedy is not applied by the provisions already reported to the Senate.

Mr. DAVIS. I will coöperate with the Senator at any time to benefit the old soldier as long as he behaves himself.

The amendment was agreed to.

Mr. DAVIS. I have another amendment from the Committtee on Military Affairs:

And be it further enacted, That the proper accounting officers of the Treasury be, and they are hereby, authorized to settle the accounts of officers of the Army for issues of forage and other supplies of the quartermaster's department, to the three companies of Kansas volunteers, called out by General Persifer F. Smith, in Kansas, in 1856, under the authority of the War Department, by passing to their credit the amounts now charged against them, on the books of the Treasury on that account.

Mr. HUNTER. This is a very good claim, but I do not want to depart from the rule. I ask the Chair if this amendment does not come within the rule?

Mr. DAVIS. It is not a claim for money at all. It is to settle accounts. There is no money to be paid by it. It is merely to relieve officers who have paid the money, and to whom it now stands charged on their personal account. I send to the Secretary's desk the letter from the Secretary of War, which I think will explain it.

The letter was read, as follows:

WAR DEPARTMENT, *February* 26, 1859.

SIR: In the year 1856, the late General Persifer Smith, acting under authority from this Department, called on the Governor of Kansas for three companies of volunteers, which were required to enable him to execute the orders of the Government. The volunteers were in service from three weeks to two months, during which time, as they must otherwise have been discharged, they were furnished with forage and other supplies, by the quartermaster's department; but there being no appropriation from which the cost of the issues could be defrayed, the officers by whose orders they were made, among them General Smith, stand charged with their value on the books of the Treasury.

As the issues were necessary and proper, and for an object authorized by instructions from this Department, I beg leave to recommend that provision may be made in the Army appropriation bill now pending before the Senate, so as to authorize the Secretary of War to settle these accounts by passing the amounts to the credit of the officers against whom they have been charged.

Respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

To the Hon. JEFFERSON DAVIS,
Chairman Committee on Military Affairs, Senate.

Mr. HUNTER. I understand the money has been paid.

Mr. DAVIS. And this is to settle the account. The whole matter is this: militia was called into the service of the United States; and the quartermasters, under the orders of General Smith, issued to them the forage and other quartermaster's supplies; but the accounts could not be settled because these companies were not regularly mustered into the service, and the accounts stand suspended against some of the officers, and General Smith, now deceased, amongst them; and this provision is necessary, in order to authorize the accounting officers to carry to their credit the vouchers which have been sent.

Mr. HUNTER. I do not object.

The amendment was agreed to.

Mr. HUNTER. I offer this as an additional section, not from the Committee on Finance, but on my own responsibility:

And be it further enacted, That no more of the outstanding appropriations for military purposes shall be expended during the fiscal year herein provided for, than the amount which may be necessary to satisfy the liabilities which have been created in the preceding fiscal year.

The object of this amendment is simply to confine the War Department to what is appropriated in the annual appropriations, together with what they may expend out of the permanent and indefinite appropriations, and forbidding them to use the outstanding appropriations, except to pay liabilities that have been incurred in the preceding fiscal year.

Mr. FESSENDEN. I am opposed to this amendment, if I understand it, and I think the chairman of the Committee on Military Affairs will be opposed to it. The effect of the amendment, as I understand, is to suspend all work upon fortifications, where there has been a sum of money appropriated, for instance, $50,000 to be expended in continuing a fortification which has not yet been expended. The effect of this is to discharge the workmen and stop the work.

Mr. DAVIS. You mean if it is not expended in the fiscal year.

Mr. HUNTER. I mean that the outstanding appropriations are not to be expended for the current service of the next fiscal year, except to pay liabilities which have been incurred in the previous fiscal year.

Mr. DAVIS. Where there is a special appropriation for a work, do you mean that it shall be expended within the year?

Mr. HUNTER. I mean where there was a special appropriation which was not expended in this fiscal year, it shall not be expended in the next fiscal year, but that the outstanding appropriation may be used to pay any debts or liabilities which were incurred in the preceding years.

Mr. FESSENDEN. I will state precisely how it will work. An appropriation of $40,000 was made last year, to be expended upon a fortification in Portland harbor. No appropriation for that object is asked for the next year, because the Department say there will be as much on hand as they want to expend. That money being on hand, the effect of this amendment is to say that the workmen shall be discharged, and the amount which has already been appropriated shall not be expended in the next fiscal year, if it is not all expended during the present fiscal year. For the fortification in Portland harbor there was an appropriation two years ago of $50,000, and last year of $40,000. The expenditure of the $50,000 was not begun until late in the season, and, consequently, the whole $40,000 was not needed for this year, and remains to be expended in the next year; but this amendment prevents its expenditure.

Mr. HUNTER. I ask the Senator from Maine if he is not stating a possible and hypothetical case?

Mr. FESSENDEN. I am stating a case that I know to exist; and it shows precisely what will be the operation of the amendment. I say in the case of the fortification in Portland harbor, the Department, not having commenced the expenditure of the $50,000 until late in the year before, did not spend it all, and had a portion of it on hand, so as not to use up all the $40,000 last year; and the Department have omitted to ask for an additional appropriation, because that portion of the $40,000 which remains on hand is enough for this year. Now, the effect of this amendment is to say that so much of the $40,000 as remains on hand shall not be expended; that the work shall cease, the men be dismissed, and everything hung up. That is exactly the amount of it, and the same effect which applies there on a small scale, will apply to the fortifications at San Francisco, New York, and elsewhere, however many or few they may be. It operates to suspend the work on every fortification. That is the amount of it; that is the design of it.

Mr. HUNTER. I believe if it would have that effect, it would do no harm in the present condition of the Treasury. I have always been in favor of fortifications, and when there is a surplus Treasury, as occurs under any revenue system, I am willing to appropriate largely for that purpose; but in times like these I think they had better be suspended. If, however, I cannot get the amendment in any other way, I am willing to add a proviso that this amendment shall not be construed to apply to appropriations for fortifications.

Mr. SEWARD. Very well.

Mr. HUNTER. If that will be satisfactory I will insert that proviso.

Mr. GWIN. I hope that will be inserted.

Mr. HUNTER. Then I modify my amendment by adding this proviso:

Provided, That this section shall not be held to extend to appropriations for fortifications.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. DAVIS. I am glad that the modification has been made. I believe fortifications are about the only character of public works in which I feel any interest. It is fair, however, to say that all public works, either in very high or very low latitudes, are subject to suspension, and it is a great advantage that the appropriation should not lapse at the end of the year, so as to hasten expenditure in disregard of economy. The severe winters of the North varying in their duration, like the hot and unhealthy summers of the South varying in their duration, will frequently render it good economy to allow the amount intended to be expended in one year to run into the next year. It is so with custom-houses and court-houses and all public works which are undertaken by the Government at the North, and at the South. I have no objection to that. I wish the custom-houses were at an end, and that the court-houses

had never been commenced. The fortifications are the only public works in which I feel interested, and the modification having been made, I have no objection to the amendment.

Mr. GWIN. With the modification which the Senator from Virginia has made to his amendment, I shall say very little in regard to it; but I desire to inquire of the chairman of the Committee on Military Affairs if he is not going to make some provision for fortifications in this bill? It is well known that the appropriation for fortifications last year was reduced to a very low amount; and now I understand that, if a fortification bill comes from the other House at all this session, it will be simply to appropriate a few thousand dollars for each fortification in the United States, to preserve what has already been done on them.

Mr. HUNTER. I suggest to the Senator from California that, if such a bill comes here, it can be amended; and we had better not delay the Army bill.

Mr. GWIN. When the Senator hears me through, he will find what I am coming at. If that is the temper of the House, the effect of our adding anything to their fortification bill will be to defeat it. I want a fortification bill passed. It is more important to the Pacific coast to have fortifications than almost anything else. Last year we put the provision for them on the Army appropriation bill; and what little we did get, we got in that way. If this bill leaves the Senate now, without a provision for fortifications, we shall get none for the next fiscal year. I make that prediction.

Mr. HUNTER. I suggest that we had better take a vote on this amendment, and then let the Senator make his remarks on the other question.

Mr. GWIN. Very well.

Mr. HUNTER. I hope the question will be taken on this amendment.

Mr. FESSENDEN. There is one other thing of some importance to my constituents, in connection with this amendment. I wish to ask the chairman of the Committee on Military Affairs, whether the appropriation for furnishing the arsenal at Augusta, Maine, was not in the Army appropriation bill last year?

Mr. DAVIS. It must have been.

Mr. FESSENDEN. This amendment might cut that off, and cause great inconvenience. The appropriation was only $2,000.

Mr. HUNTER. But, if we included that, we should have to include the large appropriations for other arsenals, which I want to cut off. Will the Senator, for the sake of that $2,000, break up an amendment of this sort, which is calculated to limit expenditure?

Mr. FESSENDEN. The appropriation, to which I allude, was made last year; and my impression is, that it has not yet been expended. It was very desirable to carry the gas-pipes across the river—the arsenal is on one side, and the gas company's pipes on the other—for the supply, not only of the arsenal, but of the several State institutions there; and that $2,000 was appropriated, with the view of paying the proportion which the arsenal ought to pay of that expenditure. This amendment might operate so as to prevent the whole undertaking.

Mr. HUNTER. I cannot except a particular arsenal. I am willing that they shall all stand on the same footing; but I really cannot agree to the exception of the arsenal of the Senator from Maine.

Mr. FESSENDEN. Well, I am opposed to the whole amendment, and ask for a division upon it.

The amendment was agreed to; there being on a division—ayes 19, noes 15.

Mr. CRITTENDEN. I have an amendment which I will offer at the suggestion of a friend in the other House, who tells me that this amendment was agreed upon in the committee there; but for the want of an opportunity to offer it in that House, he desires me to offer it here. It has this great recommendation: it does not take a cent out of the Treasury; but, on the other hand, I can inform the chairman of the Committee on Finance that it is to bring money into the Treasury. The amendment is to insert as a new section:

And be it further enacted, That the Secretary of War be, and he is hereby, authorized and directed to sell on the first Tuesday in September next, at public outcry, on the premises, to the highest bidder for cash in hand, all the property at Harrodsburg, Kentucky, known as the Western Military Asylum property, and convey the same to the purchaser: *Provided*, The same shall not sell for less than $30,000, and pay the proceeds of such sale into the public Treasury of the United States; and all laws and parts of laws now in force prohibiting the sale of said property be, and the same are hereby, repealed.

Mr. DAVIS. I wish merely to state to the Senate, in a sentence, that which will attract their attention to the peculiarity of the case. The Congress of the United States appropriated $10,000 for the purpose of a western military asylum. This was deemed by the board an instruction from Congress to purchase a site for a western branch of the military asylum, and they purchased the property at Harrodsburg for $100,000, if my memory serves me, being $90,000 taken out of the old soldiers' fund. After occupying it for some time, it was found that for some reason very few of the old soldiers would stay there, and finally it was broken up. Attempts were made to sell it, but the price which could be obtained was so far short of that which had been paid for it, that in each instance the Department refused to sell. I think Congress did wrong in the first instance in legislating the asylum fund into a purchase. Now the question is, will Congress commit another wrong by legislating the asylum fund out of the property, for an order to sell it at public outcry to the highest bidder may be taken, I suppose, as the sacrifice of the property. If the property is to be so sacrificed, then should not Congress pay to the old soldiers' fund the money which is thus lost to it? If Congress chooses to take the responsibility of making the old soldiers' fund whole, I think they have a right to legislate in this way, but not otherwise.

Mr. CRITTENDEN. My honorable friend from Mississippi is right in saying that the property cost $100,000; and it has proved utterly unavailing for the purposes for which it was purchased; but, moreover, some years ago, the principal buildings there, valued at $40,000, were burned down by some accident. Deducting this, it would leave $60,000 as the value of the property as it now stands. It has been offered, I am told, for $27,000, and the price could not be obtained. This amendment provides that it shall be sold at public auction, provided it shall sell for $30,000, to be paid in hand. The property is in a state of dilapidation.

The amendment was rejected, there being, on a division—ayes 14, noes 24.

Mr. SEBASTIAN. I am instructed by the Committee on Indian Affairs, to offer an amendment:

For defraying the expense of ransom, recovery, and restoration to their homes, of the children surviving the massacre by the Indians of the emigrant train from Arkansas, in the fall of 1857, $10,000.

The object of this appropriation is stated very concisely in the terms of the amendment which I have offered. The Indian appropriation bills for some years past have contained a nominal appropriation for the rescue and ransom of captives who have been taken in different Indian wars, and the forays and incursions which they have made on the white settlements. In the case embraced in the amendment the expenses are so large in proportion to the fund voted, that the Indian Office recommend an extra appropriation. The contingent fund is entirely too small; and they have estimated this amount. It comes within the purview and policy of existing laws which provide for the ransom and recovery of captives taken by the Indians in their wars. In 1857, a large body of emigrants from Arkansas to California, were encountered either by the Indians, or the Mormons instigating the Indians, and entirely massacred, the children alone being saved. My attention was called to this fact some twelve months since; and on instituting inquiries, and the Department having ascertained the whereabouts of these children, they were found to be amongst the Indians in the Territory of Utah; and through the exertions of the superintendent there they have been ransomed from the Indians, and are now in his possession. The object of this amendment is simply to provide the necessary expense for paying their ransom and recovery from the Indians, and their restoration to their relatives in Arkansas. It is merely to fulfill a subsisting law for which the existing law is inadequate.

Mr. BRODERICK. I hope the amendment will not prevail. I can assure the Senator from Arkansas, that if there is a request from our Government to deliver up the children, the Mormons will deliver them up without any expenditure.

Mr. SEBASTIAN. The Mormons have not got them; they are now in the hands of the superintendent.

Mr. JOHNSON, of Arkansas. There are seventeen of these children who are all that now remain of a very large party which left the State of Arkansas two years since. The fathers and mothers of all these children are dead, having been destroyed in that general massacre. The children were taken possession of by the Indians, and they have been ransomed and delivered up, and are now in the possession of the officers of the Government of the United States. Those officers are paying their board and taking care of them. They are of various ages, from infancy up, but the eldest is still in childhood. They are now in the wilds of the West with such protection as can be rendered under the circumstances. There can be no question as to the propriety of our furnishing the means to bring them home and deliver them to their friends.

Here are seventeen helpless children, whose fathers and mothers have been massacred in passing from one part of our territory to another. We have legislated for Africans, who in their own wars have been captured and sold and brought here; we have voted money to take them back and educate them. I do not think the amendment goes far enough. I think these white children who have been torn from their natural protectors on account of the inefficiency of our Government to protect its citizens within its own limits, should be protected and cared for, at least as well as you would provide for Africans. What objection is there to pursuing in this case the usual policy? It has been customary to ransom children taken by the Indians, and restore them to their friends. These children have been recovered from the Indians and they are now in the hands of our officers. Shall we leave them to linger and languish and die, merely because our officers have not the means to carry them to those who will take care of them?

I should be glad to hear any Senator give a good reason why we should not at once make that appropriation, which is recommended by the Interior Department. I have held conversations with the Commissioner of Indian Affairs himself, in which he has stated the necessity for granting this appropriation. Surely it cannot be expected that the Government will abandon them to their fate. I hope the amendment will be adopted.

Mr. BRODERICK. I have no objection to this appropriation, if it is to be expended for the benefit of the children.

Mr. JOHNSON, of Arkansas. That is all.

Mr. BRODERICK. But I have been informed, within a day or two, that it was for the purpose of employing an agent to go after the children. If the appropriation is for that purpose, I am opposed to it.

Mr. JOHNSON, of Arkansas. Whoever is the author of the assertion that that Department asks an appropriation of $10,000, for the purpose of sending an agent there, asserts what is not true at all. That the assertion of an ordinary slander outside of our Halls, to a gentleman here, should result in the abandonment of seventeen children of this country, whose parents have been stricken from their sides, and who have been left solitary and alone, in a perfectly desert country; that such a petty reproach, which comes, perhaps, from some disappointed seeker after office, shall result in that way, is not worthy of the Senate; it is not worthy of being entertained. I trust that the children, little and helpless things, whom our records prove have been taken and recovered after so much disaster, will be protected at the hands of a Senate of old men.

Mr. BRODERICK. The Senator from Arkansas need not exhibit so much feeling in regard to this matter.

Mr. JOHNSON, of Arkansas. These people have been writing to me for a long time, and it is only recently that they have been recovered. Shall seventeen little children be left in this condition? I know there has been some contest as to who shall go after them. All I ask is that a merciful, humane man may be sent, and I do not care who he is. It is a matter of no consequence

to me who may be sent out. I am very certain that he will not be my choice. I assure the Senator of that; but to defeat this appropriation on any ground of that sort, would be hard on the children.

Mr. BRODERICK. I do not want to defeat the appropriation if it is for the benefit of the children; and if I can get an assurance from the Senator from Arkansas that it is for that purpose, I will not object to it.

Mr. JOHNSON, of Arkansas. I will give the Senator the assurance of a man of honor, that I am the worst deceived man that ever was, if it is not so; and I have made it a matter of personal inquiry.

Mr. BRODERICK. I will state, for the information of the Senate, that when I passed through Salt Lake in November last, the children were then in possession of the Mormons, and I was informed that the Mormons were willing to deliver them up.

Mr. SEBASTIAN. I have here an official letter from Mr. Forney, the superintendent of Indian affairs, of a very late date, which was handed to me only a few days since, in which he states that he has in his own possession all the seventeen children who are known to be the survivors of that unfortunate expedition. This intelligence is later than that which the Senator from California brings from personal observation, on his trip through the country. They are now in the hands of the superintendent of Indian affairs, and it requires this money to enable the Government to send for them and bring them home. If the Senator from California will indulge me while I am now up, I will state that the amount of $10,000, I think, is a very economical estimate of the absolute and necessary expense of bringing these children home. The programme, as I learn from conversation with the Commissioner of Indian Affairs, is to carry them across to San Francisco by the stage route from Salt Lake City, where they now are, or bring them by that route from there to here. Without descending into all the particulars, I will mention that the lowest price which any of these companies have offered to bring these children home for, is $5,100. It is necessary to defray the expenses of their boarding up to this time, at the very low price of $2 50 a week for each child, for some ten or twelve months; and for clothing and contingent expenses, there is an estimate of $1,500. Then there are the entire traveling expenses of two employés, or agents, or supervisors, or by whatever name you may denominate them, which are estimated at only $1,500, making the gross sum of $10,000. The Senate will see that by far the largest item in this estimate of expenses is the transportation of the children, by any one of the usual modes of conveyance, from Salt Lake City to the States. As to that item which seems to be the most objectionable to the Senator from California, the entire expenditure estimated for those persons, is $1,500, which is intended to cover only the expense of the trip. Five hundred dollars is estimated for a nurse or matron to take care of the children. I think that, in the programme of expenditure which is arranged by the Commissioner of Indian Affairs, he has descended to the lowest scale of economy to make the expedition effectual, and I see no margin at all for the pay of unnecessary agents or employés of the Department. Just so many persons are proposed to be intrusted with this duty as are absolutely necessary to perform it, and no more; and by far the largest items of expenses are those for the transportation of the children, the hiring of a nurse or matron, and the pay for their board during the time they have been detained, and a small amount of clothing which may be necessary for them. The whole amount which can possibly be expended for the pay of the agents whom it may be thought proper to send, for the purpose of bringing the children to their homes, is only $1,500, and that is merely enough to cover their personal and traveling expenses, and no more.

Mr. BRODERICK. I have no objection, as I stated before, to the amendment, if it is for the purpose of benefiting these children; but I see, from the reading of it, that it is to ransom the children. I do not think there is any ransom money needed. When I passed through there, in November, they were in the hands of the Mormons.

Mr. SEBASTIAN. The introduction of that word "ransom," was a suggestion of my own, and is not contained in the estimate from the Department; but it occurred to my mind that the superintendent of Indian affairs had necessarily had to advance something in the way of presents to the Indians, and I thought the appropriation would cover the reimbursement of that small amount. If that word is the point of difficulty with the Senator from California, I am willing to obviate it by consenting to strike out that word, and let it read, "for recovery and restoration." I modify the amendment in that form.

Mr. GWIN. I wish to know from the Senator from Arkansas if this is the remnant of the party that was massacred at the Mountain Meadows, on which occasion one hundred and eighteen American citizens were massacred, sixty-two of them women and children?

Mr. SEBASTIAN. Yes, sir.

Mr. GWIN. I am very much obliged to the Senator for introducing this amendment; but I am sorry to say that I think it is not enough to accomplish the object. Never, in our history, has there been such a horrible massacre, and I should like to have an investigation to ascertain who did it. I am not at all satisfied that white men were not engaged in it.

Mr. JOHNSON, of Arkansas. It is strongly suspected, by the relatives of those who were murdered, that the Mormons had a hand in the business.

Mr. GWIN. Those massacred persons are lying unburied; their bones are bleaching in the Mountain Meadows at this very time. I trust there will be some investigation into the circumstances. There is nothing in our history that equals this transaction; and I am sorry to say that I have not seen a movement of the Government to ascertain who are the authors of it. It was charged on certain Indians; but I am not certain that they alone were concerned. These children are the only living remnants of that emigrant party, consisting of one hundred and eighteen persons. Not a movement has been made, so far as my knowledge extends, to punish the perpetrators of this horrible crime. I am glad that these poor children are to be taken care of, even in this small way. I introduced a resolution here a year ago, calling for an investigation and for troops to be sent to find out who had committed this horrible massacre. Sir, there was a scheme in massacreing this party that seemed to have the ingenuity of the white man; for there was not one left of those who would have been able to tell the tale—none except the little children who were saved—all the rest were massacred.

Mr. JOHNSON, of Arkansas. I am glad the Senator from California has spoken of the merits of this case; I spoke only of the hopes of those who were left. I have understood that instructions were sent out from the War Department and the Interior Department for an investigation and inquiry; but I must say that I have not been satisfied that that proper and earnest investigation has been made into this horrible transaction which the case merited at the hands of the Government. I believe that an inquiry should yet be prosecuted, and the perpetrators ascertained, and some punishment inflicted. This has been the worst case of all the assaults and attacks on our emigrant parties. I beg now to express the hope that it may meet the eye and attention of those who are in possession of the Government, and whose duty it is, I think, earnestly and relentlessly to pursue the truth on this subject, and ascertain the authors of this outrage.

Mr. HUNTER. I hope we shall have a vote.

The amendment was agreed to.

Mr. WILSON. I am directed by the Committee on Military Affairs to offer an amendment, to insert:

For the payment to the State of Minnesota, for expenses incurred by Captain James Starkey's company of Minnesota volunteers, called out by the Governor of the Territory of Minnesota, in 1857, to protect the settlers of the valley of Sunrise river against the Chippewa Indians, $2,639, or so much thereof as may be necessary.

I will not take up the time of the Senate with explaining this amendment. If Senators desire any explanation, the Senator from Minnesota, who is perfectly acquainted with the whole matter, can give it.

Mr. HUNTER. Were these troops called out by order of the President?

Mr. SHIELDS. No; but by the order of the Governor of the Territory who represents the President as commander-in-chief of the militia of the Territory.

The amendment was agreed to.

Mr. WILSON. I have another amendment.

Mr. HUNTER. The question was taken too rapidly on the last amendment. I am not disposed to pay troops called out by the Governor, unless the President orders it beforehand. At least, we should have an examination before we pay the claims of troops called out on the recommendation of the Governor.

The PRESIDING OFFICER. The Chair begs pardon of the Senator; the amendment has been agreed to.

Mr. HUNTER. I will reserve it when we come into the Senate.

Mr. RICE. I have a word to say.

The PRESIDING OFFICER. The amendment has been agreed to.

Mr. WILSON. I have another amendment:

To enable the Secretary of War to pay to F. W. Lander, for his services in the survey of the railroad route to Puget Sound, by Fort Hall and the South Pass, to the Missouri river, the amount found to be due him, $4,750, out of any money in the Treasury not otherwise appropriated.

Mr. HUNTER. I rise to a question of order. That is a private claim.

The PRESIDING OFFICER. Unless there be some explanation of the amendment, the Chair thinks so.

Mr. WILSON. I will simply say, that it was estimated for, as will be found by the report of Mr. Humphrey, captain of the topographical engineers, to Secretary Floyd.

Mr. HUNTER. That is no estimate; and a private claim cannot come in under an estimate anyhow.

The PRESIDING OFFICER. From the reading of the amendment, the Chair would be inclined to think it is not in order.

Mr. WILSON. I am inclined to the opinion that the Chair is right that the amendment is not strictly in order; but I was directed by the Committee on Military Affairs to move it.

The PRESIDING OFFICER. The Chair decides that the amendment cannot be received.

Mr. HALE. I have an amendment to offer, which is simply a bill that passed the Senate, reducing the pay of some officers of the Army:

And be it further enacted, That from and after the passage of this act, the number of rations allowed to each grade of commissioned officers of the Army, by the acts of March 16, 1802, April 24, 1816, and March 2, 1827, shall be commuted at the price fixed by the act of February 21, 1857, and the amount of such commutation shall be added to the pay of each officer, according to his grade, and that thereafter no other commutation for said rations shall be allowed.

And be it further enacted, That the additional ration allowed to each commissioned officer of the Army, for every five years of his service, by the act of July 5, 1838, and the act supplemental thereto, of July 7, 1838, shall, in like manner, be commuted, and the amount of such commutation shall also be added to the pay of such officers, according to the length of the service: *Provided*, That said additional compensation for length of service shall not further accumulate after the period of forty years.

And be it further enacted, That so much of the sixth section of the act of August 23, 1842, as allows additional or double rations to the commandant of each permanent or fixed post garrisoned with troops, be, and the same is hereby, repealed.

And be it further enacted, That officers having brevet commissions shall not be entitled to any increase of pay or emoluments, because of the exercise of command according to their brevet rank.

And be it further enacted, That officers of the Army, while absent from their appropriate duties, either with or without leave, shall not receive the allowances authorized by the existing laws for servants, forage, transportation of baggage, fuel and quarters, either in kind or in commutation; nor shall any allowance for servants or horses be hereafter made, either in kind or in commutation, unless such servants and horses shall have been mustered and inspected at such times and in such manner as the President may direct.

And be it further enacted, That all acts and parts of acts inconsistent herewith, be, and the same are hereby, repealed.

Mr. HUNTER. That has been passed as a separate bill, and I hope it will not be put on this bill. I think there was an attempt in the House of Representatives to regulate the appropriations according to that bill; but it failed. At this late period of the session, I do not desire to get up too many subjects of controversy between the two Houses of Congress. I hope the Senator will not press the adoption of this amendment.

The amendment was rejected.

Mr. HALE. I will try another amendment. There has been a good deal said about retrench-

ment in the Army. I will move an amendment upon which I will simply content myself with asking for the yeas and nays:

And be it further enacted, That the eighth section of the act approved March 3, 1855, entitled "An act making appropriations for the support of the Army, for the year ending the 30th of June, 1856, and for other purposes," providing that there shall be added to the Army two regiments of infantry and two regiments of cavalry, be, and the same is hereby, repealed."

The yeas and nays were ordered.

Mr. HUNTER. I voted against this increase originally, but I am not willing, now that it is established, to undertake, without information, to reduce the number of the Army so largely, and disband whole regiments.

Mr. FITZPATRICK. I would inquire of the Senator from New Hampshire the extent of the reduction that he proposes?

Mr. HALE. When the act of 1855 was passed, there were fifteen regiments, and that added four, making nineteen. In addition to that, we have given the President discretion to raise the rank and file, in each company, from sixty to seventy-four men; and of the one hundred and ninety-eight companies which constitute the whole Army, this discretion to raise each company from sixty to seventy-four men has been exercised in one hundred and seventy-eight companies, as I am informed by the Senator from Georgia. We have said a good deal about retrenchment in the Army. Here is a practical place where we can put our hand. This amendment does not touch the companies; it leaves the companies just as they are, with seventy-four men each, but reduces the number of regiments from nineteen to fifteen. That is the effect of the amendment.

Mr. FITZPATRICK. This is a mode of legislation on grave subjects that I think should not receive the sanction of the Senate. We all know that the increase of the Army was effected with considerable labor. It cost both branches of Congress a great deal of time, and was very fully investigated. What evidence have you from the Secretary of War, or from any one of the Departments of the Government, that there is not a necessity for these regiments? Who in the Senate has investigated the subject? Who, except those who listened to the gentleman's remarks, and whose views agree with his, understand anything about the necessity of a reduction of the Army? I do not. We have not been advised by the organized authorities of the country that the Army is too large. We all concede that it is too expensive, and I am willing to retrench wherever it is necessary; but, if called upon to vote on this question with my present information, I must vote against the amendment. The chairman of the Committee on Military Affairs, who is the organ of that committee, and who understands more about military affairs than I do, or perhaps any other member of the Senate, has not deemed it proper to bring it to the notice of the Senate, or ask Congress to repeal the law and disband the Army at this time. It is quite an innovation. It is a proposition of no ordinary importance to strike down four regiments which may be absolutely necessary for the defense of the country. I am opposed to it; and, without more light on the subject, I shall vote against the amendment.

Mr. HALE. I want to correct the honorable Senator from Alabama in one respect. He says the perfecting of the bill of 1855 was a work of great care and labor. On the contrary, the provision was stuck into an appropriation bill in 1855, in the same way I propose to strike it out. He is mistaken in supposing there was any great labor about that.

Mr. IVERSON. I can state to the Senator from New Hampshire that, though it was put into an appropriation bill, it was done upon the recommendation of the President of the United States and of the Secretary of War, and that it was investigated by the Committee on Military Affairs of both Houses, and underwent the very closest scrutiny. Although it was put on an appropriation bill, it was a matter of very grave consideration, and was not sprung upon the Senate as this amendment now is—on the heel of an appropriation bill, at a late period of the session, without any investigation by any committee. I think it very extraordinary that the Senator from New Hampshire should now propose to disband four regiments of the United States Army upon a proposition which has not undergone the scrutiny and investigation of a committee; a proposition which has not been recommended by the President or Secretary of War; in fact, in the face of the recommendation of the Administration; for at the last session, they called upon Congress to create four or five new regiments. Now, sir, these regiments of cavalry and infantry are spread out in the Indian country, they are engaged in the protection of the frontiers of the United States against Indian incursions. They are necessary; and if you were to disband them to-day, in less than six months you would have to call out volunteers at vastly more expense to the Government than the maintenance of these four regiments. I trust the Senate will not adopt the amendment. It ought not to be done without further consideration.

Mr. DAVIS. It is quite surprising to me to hear the statement that this increase of the Army was by a hasty amendment offered to an appropriation bill. It was recommended by the Department; a bill was prepared by the appropriate committee; it was deliberately considered; and Congress acted in that mode of legislation only from necessity. It was not merely considered when presented, as an amendment to an appropriation bill. Moreover, I will say what, I believe the united testimony of the Army will sustain, that the Senator selects the four best regiments of the Army; that they were filled up by picked officers from the service, and, generally, by very good appointments from civil life. They brought together men with all the information and experience which belonged to the Army, and with the general knowledge which they drew from civil life. I have heard no one who was at all acquainted with the subject, say that the field officers of these regiments were not in efficiency in past service, and in ability for future service, far superior to any four regiments in the Army. Thus wantonly the Senator wades into the Army to snatch from it what, without disparaging others, I may say is its very flower. If the Army is larger by four regiments than is needful, then it would seem that one who proposed reform should at least proceed, by some inquiry, to require some one to investigate how the Army could be reduced, where it should be reduced, how four regiments in amount could be taken out of the whole body of the Army without impairing the public service.

I do not believe it is proper to reduce it at all. My own impression is, that the error we have committed has been in attempting to keep down the number of regiments, and to fill up the companies to the war establishment, instead of increasing the number of regiments with the wants of the country, and preserving that skeleton organization which marks the wisdom of our forefathers, and should have been the pattern which we ought to have followed. If, however, the Senate believe that there are four more regiments in the Army than are needful or proper, then, I say, let a provision be introduced into this bill, or some other, requiring the Executive to report to Congress a plan for the reduction of the Army by the equivalent of four regiments. Disrate it; disband it; concentrate; do anything but select four regiments to strike them from the roll of the Army without reference to the men who compose them. I know, sir, that attempts have been made to represent these four regiments as having been officered with favoritism; and some day or other, when it is not so improper to consume the time of the Senate, I intend to expose all the slanders that have been uttered in that regard on this floor. I will not consume the time of the Senate now; but had this bill come up when there was time, I had reserved the material to answer the miserable assaults that were made when I was known to be confined to a bed of sickness, and to be unable to speak for myself at the last session.

Mr. HALE. I will say, so far as relates to the character of these regiments, or the conduct of the Senator from Mississippi when Secretary of War in the appointment of officers, I never heard one syllable, and had not the remotest reference to him on earth; so he will acquit me of that.

Mr. DAVIS. I did not mean you. I do not know that you ever did it.

Mr. HALE. I have heard it said a good many times by gentlemen, that the expenditures of the Army are enormous. I think they have got up to fifteen or sixteen millions. The complaint is certainly made by the Senator from Mississippi, because gentlemen do not put their hand on any particular thing, do not point out any abuses, that this is all general declamation. Well, sir, I do not pretend to any great knowledge of this subject; but I took the statutes and looked them over to see where I could find any definite and particular place to strike practically, and this bill increasing the Army by four regiments occurred to me. I do not know a single man in them. I do not know where they came from. I do not know but what they are the finest officers on earth, and did not mean to intimate they were not; but I took that as one of the salient points by which the object of reducing the expenses of the Army might be attained. That is the beginning and the end of it. If I were to wait, or anybody who wants to reduce the Army should wait, until the officers of the Army said, "here is a piece which may be cut off with safety and prudence," we would wait a great while—a very great while. I know the opinions of the Senator from Mississippi. They were fully disclosed in the debate which took place in the last session, which resulted in the authority to the President to call out some volunteers, and, if I am rightly informed, the President never exercised that authority at all; there was not one regiment called out.

Mr. DAVIS. You are right.

Mr. HALE. There was not one of them called out; and the necessity which was felt at that time for an increased force, was a necessity for an increase of the regular Army, and the pretense for it was, that the defenses of the country required it. Congress said to the President, "if that is so, if you want to defend the country, we will give as many volunteers as you want;" but the President did not have one, and would not take them. It was an increase of the Army that was wanted.

Now, sir, I am opposed to an increase of the Army, and I am in favor of a decrease. I think, in the present state of our finances, that the expenses of the Army are inordinate, and greatly beyond what we ought to pay. If these four regiments are to be kept up, let us drop four others. I do not want nineteen regiments. I am willing to draw by lot which shall be the four to go out. I will go for any plan by which we shall get rid of four regiments. It is without any personal imputation or reflection upon any officer of the regiment, or upon any member of the last Administration, or upon anybody on God's earth, that I make this suggestion; but it is with a simple desire to reach, practically and efficiently, what I desire, and that is a reduction in the Army.

Mr. DAVIS. I cannot propose to strike out any particular four regiments. I do not believe you can find a regiment which can properly be stricken out; first, because I do not believe there are too many; and secondly, if there were too many, I do not believe that is the mode of reduction; that you should take out the inferior officers, discharge the inferior men, and thus reduce the whole force to the equivalent of the number of regiments you intend to keep. We should not strike at organized bodies; but reduce, if you think reduction necessary, by taking away as many officers and as many men as will bring the Army down to the standard you are willing to maintain. If your standard be four regiments less than you now have, then reduce from the whole body, describing the arms in which you will make the reduction, the equivalent of four regiments. This is the manner in which we have always reduced the Army whenever any reduction has been made. When we passed from the war to the peace establishment, and they were all upon one footing, only divided into different corps or arms of service, they were reduced in that manner. At the close of the war with Mexico, Congress having very carefully guarded against the probability of continuing too many troops in the service, regiments were dropped, because regiments had been called into service under laws that provided for their continuance only during the war. That was the case with all except the mounted rifle regiment, which had been organized for a special service and for a limited time, but which became permanent on the peace establishment.

If gentlemen believe it is wise to have large companies and a small number of regiments, they have nothing to do but to say that the Army must be reduced by the equivalent of four regiments,

or, if they please, instead of five mounted regiments, they can say we will have but four; and that, instead of ten regiments of infantry, we will have but eight; and instead of four regiments of artillery, we will have but three; and then leave the President, by any mode you choose to point out, to determine what officers and what companies shall be dropped. The officers thus dropped from the service go out of it to the reduction of the Army. The number of men to be discharged, I suppose, would be very small, and would only fill up the balance of the companies kept, if you raised those to the war establishment; whereas, the plan proposed by the Senator would strike off four regiments, turn out the officers indiscriminately, the good and the bad, discharge the men, and keep up your recruiting depots to raise the same number, that you might put them into regiments that you retain. It is not a practical mode of reaching the object, if, indeed, it is one which it is proper to apply. I am not now arguing so much the question of whether it is proper to do it or not, as the propriety of the mode you suggested. I would not myself vote for that reduction. I do not believe the condition of the country warrants it.

In answer to the Senator as to not calling out these volunteer regiments, I have only to say that I believe, in the Utah expedition, they employed, of citizens, about an equivalent of the regiment it was proposed to give them to go there; and that the Executive, in my opinion, acted very wisely in not calling out a regiment of undisciplined men to send upon such an expedition as that, where it was believed there was great probability of collision between the territorial authorities and those of the United States, and that it required the best disciplined troops to effect the object had in view without blood being shed. I think I said then—if I did not, I thought it, and will say it now—if they wanted to kill the Mormons, it was better to keep the regulars at home, and send the militia out. If they wanted to reduce them to subjection without shedding blood, to quell the rebellion without using force, then the best disciplined troops they could send were the only ones which the Government ought to employ. The other regiment, the Senator will recollect, was given for the immediate protection of the frontier of Texas. It was not called out, as I understand, for the reason that they found the operations in Utah would not require the second cavalry to be withdrawn from Texas; and that, if the second cavalry was left in Texas, they did not require the mounted regiment to be called out.

In conclusion, I have only to say to the Senator that, by the time we pay for the volunteers who have been called out; by the time we foot the bills which have run up, and are running up monthly on account of the want of sufficient regular force upon the different points of the frontier, he will find that his consideration of economy has not been answered by not giving larger regular force, and relieving the Government from the necessity of calling out volunteers to the service. Here is my friend, General LANE, with whom it was my good fortune to serve during the war with Mexico, and who has since been employed in the protection of the frontier of his own State, and who, I suppose, has just ground to complain of the long delay of the payment of the volunteer militia of his own State—a claim here now, which I believe amounts to $6,000,000, and a part, if not the whole of which has been due for about two years, as well as I recollect.

Mr. LANE. Three or four years.

Mr. DAVIS. Three or four years, the Senator answers me; and which sum is to be expended by the Government because of the jealous fear entertained of having as many regular troops upon the frontier as will prevent the commencement of the Indian outbreaks.

The question being taken by yeas and nays, resulted—yeas 12, nays 29; as follows:

YEAS—Messrs. Broderick, Clark, Clay, Doolittle, Durkee, Hale, Hamlin, Harlan, Johnson of Tennessee, Jones, Pugh, and Toombs—12.

NAYS—Messrs. Bayard, Bell, Benjamin, Bigler, Brown, Chesnut, Crittenden, Davis, Fitch, Fitzpatrick, Foster, Gwin, Hunter, Iverson, Johnson of Arkansas, Kennedy, Lane, Mallory, Polk, Reid, Rice, Shields, Slidell, Smith, Stuart, Ward, Wilson, Wright, and Yulee—29.

So the amendment was rejected.

Mr. DOOLITTLE. I am instructed by the Committee on Indian Affairs to offer the following amendment:

For the removal of the Court Oreille band of the Chippewa Indians on the Red Cedar and Menomonee rivers, in Wisconsin, and providing a permanent home for them among the Chippewas of Lake Superior, or the Upper Mississippi, $10,000.

I have a letter from the Commissioner of Indian Affairs, explaining the necessity of this appropriation, and I will state in five minutes the necessity of it. This appropriation, if made, will save a very large expenditure of money. There are some three, or four, or five hundred of these Indians. There have already arisen some collisions between them and the whites in the neighborhood of their reservations. Two white persons have been killed, and some Indians. There may be an Indian outbreak, and the Commissioner of Indian Affairs sent a special agent there, and that agent has returned and made report to the Department, and the Department recommends the appropriation.

The amendment was agreed to.

Mr. FITZPATRICK. I am instructed by the Committee on Military Affairs to offer the following amendment:

For the examination and survey of the several sites proposed for the establishment of a national armory and foundery, a report of which to be made at the next session of Congress, $10,000.

Mr. HUNTER. I do not see what is the use of spending money for such a commission as this. It does not determine anything, if we have the report. If Congress ever determines upon a site for a national foundery, it can be done without such a commission. It seems to me to be an unnecessary appropriation.

Mr. FITZPATRICK. A similar amendment was agreed to by the Senate at the last session of Congress. It will be recollected that numerous petitions were presented to the Senate, suggesting various sites, and presenting the claims of six or eight different localities. The amount proposed is small, and I think the appropriation is a proper one. In the Senator's own State, I think three or four places have been urged, and some in Maryland, and in the West. This amendment does not commit the Senate to any large amount; but we want the information, as it may become necessary to act upon the subject. It will be recollected that there is not now an armory in the South—not one south of Harper's Ferry.

Mr. DAVIS. None.

Mr. FITZPATRICK. There may be many places in the Southwest, particularly in the Gulf States, where such an establishment would be proper; and at some future day, and I trust no distant day, Congress will agree to make an appropriation for it, when the Treasury shall be in a better condition. I trust the Senator from Virginia will not insist upon his opposition to this amendment. It is simply to obtain the preliminary information which is necessary before determining upon any location. I hope the Senate will agree to the amendment.

Mr. FESSENDEN. It seems to me hardly worth while, when we are refusing to allow money which has already been appropriated towards arsenals to be expended in the coming year, to pass an appropriation to inquire about new ones. We have just agreed to an amendment of the Senator from Virginia, forbidding the spending of money already appropriated.

Mr. HUNTER. I think we may as well vote down this amendment.

The amendment was rejected.

Mr. BRODERICK. I have an amendment to offer from the Committee on Military Affairs:

That the unexpended balance of appropriations, authorized by the first and second sections of the act of February 17, 1857, chapter 50, be expended by the Secretary of War, instead of by the Secretary of the Interior, as authorized in said act.

I will state that an appropriation of $100,000 has been agreed to to-day to complete a military road to Oregon, and that, under the act which I propose to modify, the Secretary of the Interior will appoint civilians to expend the money. I want some responsible party connected with the Army, the topographical engineers, if you please, to have the superintendence of this road. I think they can expend it better than the parties who have had charge of the money for the last two years. Last fall, I came across from California to the Missouri river, and I never saw where a spade had been put in the ground; and yet, I believe, some two hundred thousand dollars of money has been expended. I hope there will be no opposition to this amendment.

Mr. GWIN. This amendment speaks of an unexpended balance of appropriations. I should like to know what amounts are unexpended?

Mr. BRODERICK. One hundred thousand dollars on the Honey Lake route and $30,000 on the extreme southern route on the thirty-second parallel. There are $130,000 yet to be expended.

The amendment was agreed to.

Mr. IVERSON. I am instructed by the Committee on Claims to offer the following amendment:

That all the States which have had, or shall have, refunded to them by the United States, moneys expended by such States for military purposes, during, or since the war of 1812 with Great Britain, which have not already been allowed interest upon the moneys so expended, shall now be allowed interest, so far as they have themselves paid or lost it; said interest to be computed by the proper accounting officers of the Treasury, according to the provisions and principles directed to be applied to the case of Maryland by the twelfth section of the act of March 3, 1857, entitled, "An act making appropriations for certain civil expenses of the Government for the year ending 30th of June, 1858," and that all the States which have been allowed interest upon claims against the United States, accruing during or since said war of 1812, shall be entitled to have their interest accounts reëxamined and restated by the proper accounting officers of the Treasury, according to the provisions and principles of the twelfth section of said act of March 3, 1857, and that those provisions and principles shall govern the computation of interest in all cases in which interest may hereafter be allowed to any of the States. Any money found to be due to any State, as directed by this section to be computed and ascertained, shall be paid to such State, out of any money in the Treasury not otherwise appropriated: *Provided*, That in lieu of the payment of money, the Secretary of the Treasury may, at his discretion, issue to such States a stock, bearing an annual interest at the rate of five per centum per annum, and redeemable at the end of ten years, or sooner, at the pleasure of the President.

At the last session of Congress, the Committee on Claims instructed me to report to this bill the following amendment:

"*And be it further enacted*, That the proper accounting officers be authorized to examine the accounts between the United States and the several States which have been, or may be, allowed interest upon claims against the United States, which have accrued during or since the war of 1812, with Great Britain, and apply in such examination the provisions and principles of the twelfth section of the act of March 3, 1857, entitled 'An act making appropriations for certain civil expenses of the Government for the year ending the 30th of June, 1858," and that any money found, upon such reëxamination, to be due any State, shall be paid to such State out of any money in the Treasury not otherwise appropriated."

Upon that amendment the yeas and nays were taken; and resulted—yeas 33, nays 19. The bill went to the House of Representatives, and the House substituted for that section the following, which was subsequently concurred in by the Senate, and stands as the ninth section of the act of last session:

"*And be it further enacted*, That the Secretary of the Treasury be instructed to report to Congress, at its next regular session, all applications made by State authorities of the States and cities, for the reopening and reëxamination of the settlements heretofore made with such States and cities; and report the principle of readjustment upon which such claim is based, and the amount thereof. And the Secretary of the Treasury is further instructed to report to Congress, at its next regular session, the gross amount that will be required to pay such claims to the States and cities of the United States."

Under that clause of the act of last session, the Secretary of the Treasury made his report at the commencement of the present session. It has been printed, and laid upon the desks of Senators; and contains a statement showing the amount required to pay the claims of the several States.

Mr. HUNTER. I ask the decision of the Chair, whether or not this amendment can be received under the rule; whether it is not to provide for private claims?

Mr. IVERSON. That question was made at the last session; for the Journal states that when the amendment was offered—

"Mr. HUNTER made a question of order, under the 30th rule.

"The PRESIDENT (Mr. STUART in the chair) asked the sense of the Senate agreeably to the 6th rule, and the Senate decided that the amendment was in order."

That is the very same amendment which is now before the Senate.

Mr. HUNTER. That was an amendment to the miscellaneous bill; but surely the Senator will not insist on making the Army appropriation bill an omnibus bill.

Mr. IVERSON. I think it is altogether appropriate to the Army bill, because the claims are for advances made during the war with Great Britain.

The repayment of advances made by the States in time of war, is peculiarly appropriate to a bill making appropriations for the Army. It seems to me there can be no better place for it than in the Army bill because the claims arose out of the expenditures for army purposes.

The PRESIDING OFFICER. Does the Senator from Virginia insist upon his point of order?

Mr. HUNTER. Yes, sir.

The PRESIDING OFFICER. The Chair will not feel at liberty to overrule the decision of the Senate made at the last session, which was that the amendment was in order.

Mr. IVERSON. Then I will go on to state that the Secretary of the Treasury has submitted a report to the two Houses, in obedience to the act of the last session, inclosing reports of the Second and Third Auditors. The Second Auditor's report says, the amounts required to be paid the various States are as follows:

States.	*Amount.*
Maine	$21,223 92
Virginia	2,463 85
Tennessee	1,411 78
Georgia	30,831 25
Total	$55,930 80

That is from the report of the Second Auditor. Then the Third Auditor reports that under the same law, it has been ascertained, there will be

Due South Carolina, on readjustment	$262,230 90
Due Virginia	1,076,683 35
Due Delaware	18,540 97
Due New York	46,896 21
Due Pennsylvania	218,507 71
Due City of Baltimore	23,662 55
	$1,588,521 69

Which sum, added to the $55,930 80 reported by the Second Auditor, will make in the aggregate something over $1,600,000.

The act of the last session was passed in consequence of the question being raised by an application of the State of South Carolina. That State had had its interest accounts settled by the Treasury Department upon the old principle of settlement, and had entered a solemn protest against the mode of adjustment. It came to Congress at the last session and presented its memorial to this body, asking that the account should be reopened and readjusted, and the State of South Carolina paid, according to the provisions and principles of settlement which had been applied in the case of the State of Maryland; and the Committee of Claims, of which I have the honor to be chairman, took the subject up and concluded that it was just and proper, and that they would report a proposition embracing all the States similarly situated, and not introduce one simply for the State of South Carolina alone. Under that determination of the committee, the amendment which I have read to the Senate was reported to the miscellaneous bill at the last session, and went to the House of Representatives, who substituted the provision which was finally passed directing the Secretary of the Treasury to report the amount that would be due if the principle of adjustment provided in the act of 1857 was adopted. The twelfth section of the act of 1857, which regulates the mode of adjusting and paying interest, as applied to the State of Maryland, is in the following words:

"SEC. 12. *And be it further enacted*, That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to reëxamine the account between the United States and the State of Maryland, as the same was, from time to time, adjusted under the act passed on the 13th May, 1826, entitled 'An act authorizing the payment of interest due to the State of Maryland;' and on such reëxamination to assume the sums expended by the State of Maryland for the use and benefit of the United States, and the sums refunded and repaid by the United States to the said State, and the times of such payments, as being correctly stated in the account, as the same has heretofore been passed at the Treasury Department; but, in the calculation of interest due under the act aforesaid, the following rules shall be observed, to wit: Interest shall be calculated up to the time of any payment made. To this interest the payment shall be first applied; and if it exceed the interest due, the balance shall be applied to diminish the principal. If the payment fall short of the interest, the balance of interest shall not be added to the principal, so as to produce interest. Second, interest shall be allowed the State of Maryland on such sums only on which the said State either paid interest or lost interest by the transfer of an interest-bearing fund."

This provision was applied by that act to the State of Maryland, and under it the accounts of that State were reopened and readjusted at the Treasury Department; and she was paid back, if I remember aright, the sum of $272,000. The amendment which I now propose simply puts all the State precisely on the footing that the act of 1857 put the State of Maryland. It is just and proper that the rule, if applied to one State, should be applied to all; and the rule is itself just and proper. Heretofore, the mode of calculating interest at the Treasury Department has been the old mode which was in vogue some half century or century ago, and which has long since been exploded in every civilized country. They calculated the interest upon the principal up to the time of the settlement, and they calculated interest upon the various payments up to the time of the settlement, and struck a balance. That mode of calculating interest has been exploded in every State in the Union. Not a single State now adheres to it, although it was in early days, when I was a boy, the mode of calculating interest. The mode now is that applied to the accounts of the State of Maryland, first to compute interest up to the time of the first payment, and then apply the payment, in the first place, to the extinguishment of the interest, and then apply any surplus to the extinguishment of the principal, and so on of each payment of interest. That is the principle on which the accounts of Maryland have been settled, and I propose to apply it to all the States of the Union. It is just and proper.

The amendment, you will perceive, does not give the States interest, unless they paid it themselves, or lost it by the transfer of an interest-bearing fund. It is just and proper that every State should be put on the same footing as the State of Maryland. And the principle of settlement proposed is just and proper in itself. It is the mode adopted by every State in the Union in the calculation of interest. I have put in the amendment a provision that the Secretary of the Treasury shall pay these amounts to the States in five per cent. bonds of the United States, redeemable in ten years, or sooner, at the discretion of the President. The States, I understand, are perfectly willing to take five per cent. bonds of the United States instead of the money. In the present embarrassed condition of the country, we think it prudent and proper to make this provision. With this explanation of the case, I hope the Senate will adopt the amendment.

Mr. HUNTER. At the last session, I voted against the provision when it was introduced; but I believe the opinion of the State which I represent is, that she is entitled to the money; and although I would never have used my official position to introduce it, I feel bound to vote for it as her representative. I suppose, in justice, if we were settling the account originally, this would be the proper mode of doing it. I do not think it well to reopen these old accounts which have been settled, and with the settlements of which the States were satisfied in former times; but the precedent which has been set in the case of Maryland has made all the States desire the application of the same principle to them, and I believe most of them have agents here, and are insisting upon it.

Mr. IVERSON. I will simply state, in reply to the Senator from Virginia, that so far from the States having been satisfied, the State of South Carolina, and I think other States, protested in writing at the time the settlements were made.

Mr. SIMMONS. I dislike to interpose, but I see that we are introducing into every appropriation bill a loan bill. I should like to know if the Senator from Georgia would not be satisfied to strike out that portion of his amendment? It may be a very good amendment to the appropriation bill; but if we are to attach to every amendment a proposition for a loan, I should like to know how many loan bills are to be passed by this Congress? I do not object to the mode proposed for settling the accounts, but I greatly prefer to have the appropriations payable in money.

Mr. IVERSON. The Senator can move to strike out that provision.

Mr. HUNTER. I hope that will not be done. It is paying an old war debt, and is not properly a charge on the next fiscal year.

Mr. SIMMONS. I suppose that provision is necessary to carry out the prevailing notions about finance.

Mr. IVERSON called for the yeas and nays; and they were ordered.

Mr. FESSENDEN. I wish to say a word about this proposition; because I think, when the Senate understand it, there will be no difficulty in passing it. I think there can be no dispute about it. I advocated this provision last year, against the opposition of the chairman of the Committee on Finance; and I have no sort of disposition to change my action because it turns out that the State of Virginia is so largely interested as she is. I do not mean to say that that affects his action, because everybody knows that he is not influenced in that way. I mean simply to say, in regard to myself, that Virginia has a large claim under this provision, much larger than it was supposed any State could have; but that does not affect my action, or induce me to change my vote. I have no doubt, from the honorable Senator's well-known habit of looking out for the Treasury, that if Virginia would let him alone he would vote against the amendment, although his State will be so much benefited by it.

But, sir, the principle of settlement proposed is a very simple one, and a perfectly honest one. In settling these claims the Government officers have heretofore acted on the principle of applying partial payments to the discharge of the principal and letting the interest accumulate. It is no question about paying interest; that is settled. This class of claims always carry interest, and it is always allowed. The Government let the interest run on until it got to be as large as the principal. They then paid a certain amount; but instead of applying that amount to the interest which was due, they applied it to the principal, and let the interest stand, which did not carry interest; that is to say, they paid the principal before the interest. They did worse than that in many cases, as I understand; when they came to settle up fairly they charged interest on the payment of the principal up to the time of the settlement, and allowed no interest on the interest existing. Thus they made the payment of the principal eat up the interest.

This mode of settlement was grossly unjust, and as great an outrage as anything could be. It was contrary to the mode in which interest is computed between individual and individual. Maryland applied for a recomputation; and Congress passed a law to allow it. All that is now asked is, to place every other State on the same footing—there may be some half dozen of them—that advanced money on the same foundation on which you placed Maryland, not only to do the thing equally as between the States, but do the just thing, and pay money which is absolutely due without any sort of question.

Mr. SIMMONS. I should like to know, if that is the principle of computing interest, why the amendment speaks of States who have either paid interest or lost interest, and what is the use of those words?

Mr. IVERSON. That was the principle applied to the State of Maryland. Those are the exact terms of her bill.

Mr. SIMMONS. Was the principle applied because Maryland issued stock on which she lost interest by selling the stock?

Mr. FESSENDEN. That is the case in other States.

Mr. SIMMONS. Suppose she did not sell stocks: is she not entitled to interest?

Mr. FESSENDEN. This is to pay the State where she was entitled to interest, or lost interest in any shape or form.

Mr. SIMMONS. Suppose the State had money in the treasury to pay, and, of course, lost in that way: is she not as much entitled?

Mr. FESSENDEN. That is only one part.

Mr. SIMMONS. If a State sells stocks, and loses interest by selling them, she could not, at the Treasury, get the interest.

Mr. FESSENDEN. Because we have not been in the habit of paying interest unless they actually paid it themselves.

Mr. SIMMONS. How is it that we have not been in the habit of computing interest in this form until recently, until the people put on a new screw to get more interest. That is a modern notion. I say that if there is any interest due to any State, it is due, whether she paid it or lost it, because it is a mere computation of interest.

Mr. FESSENDEN. I suppose the Senator will be satisfied, without extending it any further than the amendment itself, which is what the States ask for.

Mr. SIMMONS. There is no principle, no rule, in it.

The question being taken by yeas and nays, resulted—yeas 24, nays 15; as follows:

YEAS—Messrs. Allen, Bayard, Bell, Benjamin, Bigler, Broderick, Brown, Chesnut, Clark, Collamer, Doolittle, Fessenden, Fitch, Foot, Foster, Hamlin, Harlan, Hunter, Iverson, Kennedy, Mallory, Smith, Wilson, and Yulee—24.

NAYS—Messrs. Clay, Crittenden, Davis, Fitzpatrick, Hale, Johnson of Tennessee, Jones, Polk, Pugh, Reid, Shields, Simmons, Stuart, Ward, and Wright—15.

So the amendment was agreed to.

Mr. DAVIS. By the direction of the Committee on Military Affairs, I now offer an amendment for certain fortifications. It had been designed to postpone this to a fortification bill, but indications lead us to apprehend that we shall have no opportunity to get the appropriations deemed necessary for the defense of the Government unless we do it at this time; and, therefore, I offer this amendment as an additional section to the bill:

And be it further enacted, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the following fortifications:

Fort at Hog Island Ledge, $40,000.
Fort Schuyler, East river, New York, $20,000.
Fort Richmond, Staten Island, $15,000.
Fort on site of Fort Tompkins, and Batteries, Staten Island, New York, $100,000.
Fort Carroll, Soller's Point, $50,000.
Fort Delaware, Delaware river, $100,000.
Fort Calhoun, Hampton Roads, Virginia, $100,000.
Fort Sumpter, Charleston, South Carolina, $25,000.
Fort Clinch, Florida, $75,000.
Fort Point, California, $50,000.
Fort Alcatraz, $50,000.
Fort Jefferson, Tortugas, Florida, $95,000.
Fort Taylor, Key West, $75,000.
For contingent expenses of fortifications and repairs, $30,000.

Mr. HUNTER. I will ask the Senator from Mississippi if these are the estimates of the Department?

Mr. DAVIS. They are in exact accordance with the estimates. They are generally lower.

Mr. HUNTER. I have generally voted for fortification bills when we had money in the Treasury; but, in times like these, I think we ought to suspend these works, and when we get more money, to proceed more rapidly with their construction. I think we have increased this bill a great deal, and I am unwilling to send it back to the House with these appropriations. I therefore will not go for it.

Mr. GWIN. The amendment is a wonderful decrease of the estimates. The sums are hardly enough to keep the works in operation. I think this the most important provision added to this bill, outside of the support of the Army.

Mr. HALE called for the yeas and nays, and they were ordered.

Mr. CLAY. I just wish to say that I shall vote against the amendment, because I know from personal inspection that Fort Gaines and Fort Morgan, which defend the passes to Mobile harbor, require an appropriation certainly as much as any other forts. I know that the one is going to dilapidation and destruction rapidly for the want of necessary repairs, and that the other has been raised about ten feet above the foundation and covered up and left there. If the work should not be continued upon them, I do not see any necessity for continuing work upon the others.

Mr. DAVIS. I think the Senator's remarks in relation to Fort Gaines are not quite correct; and as to Fort Morgan, when forts are tumbling down, the best way is to let them fall and rebuild them. We have spent too much on repairs of old forts to have confidence in them; but I think the completion of Fort Gaines proper, and if the Senator will offer an amendment, I will support it.

Mr. CLAY. I do not know what amount to offer, and if I offer an amount, the chairman of the Committee on Finance will ask what was the estimate.

Mr. DAVIS. Offer the estimate for the year.

Mr. CLAY. I will offer the following as an amendment, to come in just before the last section:

For continuing the construction of the works at Fort Gaines, $50,000.

Mr. HUNTER. That is the estimate, I understand.

Mr. CLAY. Yes, sir.

Mr. DAVIS. I have not the estimates, but I understand that is the amount. I will get it for the Senator.

The amendment to the amendment was agreed to; and the question recurred on the amendment as amended.

Mr. FITZPATRICK. I am of course in favor of the amendment offered by my colleague.

Mr. HUNTER. That is agreed to.

Mr. FITZPATRICK. But I am also in favor of all the appropriations embraced in the amendment. I think they have fallen far short of the amount which the Secretary of War should have recommended. Now, sir, it has not been twenty minutes since we appropriated upwards of a million dollars to pay an old debt; yet this is a very retrenching Congress. I cannot speak from observation of all the forts embraced in that amendment, but I know that those at Mobile are essential to the safety of the country. We have spent millions already upon both of those forts, and a large amount on the fort below the city of Mobile—Fort Gaines—and unless the Government is resolved to turn loose everything, and it will cost the Government more in the way of decay, we had better abandon the entire works throughout the country. Now I do not think that any portion of our coast, either upon the Atlantic or Pacific, requires the fostering hand of the Government more than the Gulf of Mexico, looking to events occurring there and likely to occur, and yet there are not more than two or three forts embraced in that coast.

Mr. POLK. Three on the whole Gulf.

Mr. FITZPATRICK. There are only three upon the Gulf. Now, sir, when Senators get up here and talk about economy and retrenchment, and deliberately vote to pay an old debt of fifty or sixty years' standing, or longer perhaps, and then say we will not vote a dollar for repairing fortifications, I am frank to say it is really astonishing.

Mr. YULEE. No one said so.

Mr. FITZPATRICK. There was a general buzz about here not to vote for the appropriations; but yet there are large amounts put in the bills for other things. It is said that this will endanger the passage of the bill. My deliberate opinion is that the amount proposed to be put in by this amendment will strengthen the bill. But I know the impatience of the Senate, and as I dislike to speak to unwilling ears, I shall say no more upon the subject.

The question being taken by yeas and nays, resulted—yeas 28, nays 12; as follows:

YEAS—Messrs. Allen, Bayard, Bell, Benjamin, Bigler, Broderick, Chesnut, Clark, Clay, Collamer, Davis, Doolittle, Douglas, Fessenden, Fitch, Fitzpatrick, Foot, Foster, Gwin, Kennedy, Lane, Mallory, Simmons, Smith, Ward, Wilson, Wright, and Yulee—28.

NAYS—Messrs. Crittenden, Hale, Hamlin, Harlan, Hunter, Johnson of Tennessee, Jones, Polk, Pugh, Reid, Shields, and Stuart—12.

So the amendment was agreed to.

Mr. HALE. I offer an amendment somewhat similar to the one I offered some time since, which will obviate some of the difficulties then suggested. I will read it:

That from and after the 1st day of January next, the military peace establishment of the United States shall be composed of fifteen regiments, with such officers of engineers, of ordnance, and of staff as now exist, and are provided by law.

I put it at the 1st of January, so that it shall not go into operation until the next meeting of Congress. Any alterations that may be necessary may be then submitted by the Department. I simply ask for the yeas and nays upon it.

Mr. HUNTER. Will the Senator from New Hampshire insist upon offering these amendments? We have just voted a similar one down.

Mr. HALE. This is very different from that.

Mr. HUNTER. We all desire to close the bill.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. HALE. I hold another amendment in my hand, which would have been offered by the Senator from Georgia, [Mr. TOOMBS,] but he was obliged to leave a little while ago; and he asked me if the bill was about to pass, to offer this amendment for him:

And be it further enacted, That the second section of the act of June 17, 1850, entitled "An act to increase the rank and file of the Army, and to encourage enlistments," be, and the same is hereby, repealed.

The amendment was rejected.

Mr. HALE. I have one other amendment to offer. I suppose it will be voted down. I should like to have the yeas and nays on it:

That no allowance for servants or horses shall hereafter be made, either in kind or in commutation, unless such servants and horses shall have been mustered and inspected at such times and in such manner as the President may direct.

That is simply providing that we shall not be cheated with our eyes open. I ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. DAVIS. There is no necessity for taking the yeas and nays. That provision is in the bill which we passed the other day. I suppose nobody objects to putting it on the bill.

Mr. HALE. I withdraw the call.

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendments were concurred in, and ordered to be engrossed, and the bill to be read a third time. It was read the third time.

Mr. HALE. I desire to record my vote against the bill. I should like to have the yeas and nays on its passage.

The yeas and nays were ordered.

Mr. PUGH. I only desire to say that the amendments of the Senate to this bill are an apt commentary on the retrenchment that has been preached here from the beginning of the session. In my judgment, they exceed in extravagance the amendments of the Senate to any appropriation bill that has passed since I have been a member of the Senate.

Mr. FITCH. I was requested by the Senator from Texas [Mr. HOUSTON] to state, when his name was called, which I have omitted to do previously, that he was compelled to leave the Chamber in consequence of illness.

The question being taken by yeas and nays, resulted—yeas 25, nays 15; as follows:

YEAS—Messrs. Allen, Bayard, Bell, Benjamin, Bigler, Broderick, Brown, Chesnut, Davis, Douglas, Fitch, Fitzpatrick, Gwin, Hunter, Iverson, Jones, Kennedy, Lane, Mallory, Sebastian, Smith, Stuart, Ward, Wright, and Yulee—25.

NAYS—Messrs. Clark, Clay, Collamer, Doolittle, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, Polk, Pugh, Reid, and Simmons—15.

So the bill was passed.

POST OFFICE APPROPRIATION BILL.

A message from the House of Representatives by Mr. ALLEN, its Clerk, announced that the House had passed a bill (H. R. No. 872) making appropriations for the service of the Post Office Department for the fiscal year ending the 30th of June, 1860; in which the concurrence of the Senate was requested.

On the motion of Mr. HUNTER, the bill was read twice by its title, and referred to the Committee on Finance.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills; which thereupon received the signature of the Vice President:

An act (H. R. No. 803) to amend an act entitled "An act authorizing repayment for land erroneously sold by the United States;"

An act (H. R. No. 303) giving the assent of Congress to a law of the Missouri Legislature for the application of the reserved two per cent. fund of said State;

An act (H. R. No. 457) for the relief of Kennedy O'Brien; and

An act (H. R. No. 664) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1860.

REPORT FROM A COMMITTEE.

Mr. CLAY, from the Committee on Pensions, to whom was recommitted the memorial of Thomas Watts, submitted an adverse report; which was ordered to be printed.

PETITIONS.

Mr. HAMLIN presented the petition of C. L. Flint and Phares Gould, praying the passage of an act to authorize the enrollment and license of the brig Cumberland.

SHIP HENRIETTA MARIA.

Mr. MALLORY submitted the following res-

olution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy communicate to the Senate, if not incompatible with the public interests, the correspondence between Commander Foote, United States Navy, and his Excellency E. A. Blusdale, relative to the case of the ship Henrietta Maria.

HOUSE BILL REFERRED.

The bill (H. R. No. 886) to protect timber growing upon lands of the United States reserved for military and other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

WILLIAM RICH.

Mr. FOOT. I have been seeking the floor for three or four days, to call up a bill of extreme necessity, a question of justice reported by the Senator from Virginia, the chairman of the Committee on Foreign Relations. It has passed the House, and if, upon the reading of the bill and a single paragraph from the report, any Senator objects to it, I will consent to let it lie over.

Mr. CLAY. Read the paragraph to which you allude.

Mr. FOOT. It is from the letter of the Secretary of State:

"Upon an examination of the correspondence of that legation, it is perceived that the dates fixed by Mr. Rich as the limits of his services in the character of chargé d'affaires are correctly stated: that is, from the 2d August to the 30th November, 1853, during which time there was no other accredited representative in Mexico, from this Government."

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 361) for the relief of William Rich.

It directs the Secretary of the Treasury to pay to William Rich, late United States secretary of legation in Mexico, $830, it being the difference between the compensation allowed to a secretary of legation and that to a chargé d'affaires, for the period during which he acted in the latter capacity.

It appears that the petitioner was secretary of legation under the Hon. Robert P. Letcher, United States minister at Mexico; that Mr. Letcher left Mexico on the 2d of August, A. D. 1852, and his successor, the Hon. Mr. Conkling, presented his credentials on the 30th of November ensuing; that during this interval, a period of three months and thirty days, the petitioner acted as chargé d'affaires, and has only received for such service the compensation of a secretary of legation. He asks to be allowed for the period abovenamed the difference between the compensation of a secretary of legation and that of a chargé d'affaires. During the interval named, there was no other accredited representative in Mexico from this Government, and the services of Mr. Rich, while acting as chargé d'affaires, were faithful and important, and, in the opinion of the Department, fully entitle him to the compensation claimed.

The bill was reported to the Senate without amendment; ordered to a third reading, read the third time, and passed.

ENROLLMENT OF A VESSEL.

Mr. ALLEN. I move that the Senate adjourn.

Mr. HAMLIN. I ask the Senator from Rhode Island to allow me to present a bill to authorize the issuing of a register to a vessel. I do it by direction of the Committee on Commerce.

Mr. ALLEN. I withdraw my motion, of course.

The PRESIDING OFFICER. The Senator from Maine proposes to take up the following bill.

Mr. HAMLIN. I do not report it, as the subject was not referred to us; but I submitted it to the committee, and they were unanimously for it.

There being no objection; the bill (S. No. 604) to provide for the enrollment and license of the brig Cumberland, was read twice by its title, and considered as in Committee of the Whole.

Mr. PUGH. Has that bill been printed?

The PRESIDING OFFICER. It has not been printed.

Mr. PUGH. When was it introduced?

The PRESIDING OFFICER. It is introduced at this time by the Senator from Maine.

Mr. PUGH. Has it been read twice?

The PRESIDING OFFICER. Yes, sir.

Mr. PUGH. Then I object to its third reading.

BOUNDARY OF MINNESOTA.

On motion of Mr. SHIELDS, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 805) to run, mark, and establish the western boundary of the State of Minnesota.

It directs the Commissioner of the General Land Office to cause to be run, marked, and established, that portion of the western boundary of the State of Minnesota described in the first section of the act entitled "An act to authorize the people of the Territory of Minnesota to form a constitution and State government," &c., approved February 26, 1857, which is not defined by natural boundaries, such as water-courses, &c., and which it is estimated will not exceed a distance of one hundred and thirty miles, for which purpose it appropriates the sum of $5,000.

The Committee on Public Lands reported the bill with amendments: in line three to strike out the words "Commissioner of the General Land Office," and insert "Secretary of the Interior;" in line five, to insert the words "by the surveyor general of Minnesota;" and in section two to strike out the words "Commissioner of the General Land Office," and insert "Secretary of the Interior."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in, and ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

MRS. PERSIFER F. SMITH.

Mr. CRITTENDEN. Mr. President, I think we should make a very graceful close of this very laborious day by taking up the bill for the relief of the widow of General Persifer F. Smith. I am sure my friend from Alabama will help me to get it up.

Mr. CLAY. I will object to it.

Mr. CRITTENDEN. You cannot object to taking it up.

Mr. CLAY. But if you take it up, there is not a quorum to pass it.

The PRESIDING OFFICER. The Senator from Kentucky moves to take up the bill for the relief of Mrs. Persifer F. Smith.

Mr. HUNTER. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 26, 1859.

The House met at eleven o'clock, a. m.

The Journal of yesterday was read and approved.

BRIG CUMBERLAND.

On motion of Mr. HATCH, leave was granted for the withdrawal from the files of the Committee on Commerce of the papers in the case of the brig Cumberland, in order that they may be referred in the Senate.

INDIAN APPROPRIATION BILL.

Mr. GREENWOOD. I rise to a privileged question. I submit the following report from the committee of conference on the disagreeing votes of the two Houses on the Indian appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 664) making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1860, having met, after a full and free conference, have agreed to recommend to their respective Houses as follows:

That the Senate agree to the House amendment to the Senate's fourth amendment.

That the House recede from the disagreement to the seventh amendment of the Senate, and agree to the same, with an amendment, as follows: Add to the Senate's amendment these words: "*Provided further*, That for the reservations hereby authorized, no Indian agents, sub-agents, overseers, or other officers or employés, shall be appointed or employed under this act."

That the House recede from their disagreement to the fourteenth amendment of the Senate, and agree to the same, with an amendment, as follows: Add to the Senate's amendment these words; "*Provided*, That the said reservation shall not exceed one hundred square miles in extent."

That the Senate agree to the House amendment of the Senate's sixteenth amendment.

That the House recede from the disagreement to the eighteenth amendment of the Senate, and agree to the same with an amendment, as follows: Strike out from the word "either," in the eighth line of said amendment, to the word "Indians" in the ninth line, inclusive, and insert "by Indians trespassing on white men," and strike out all after the word "act" in the fifteenth line of said amendment.

That the Senate recede from their second, eighth, ninth, twelfth, and nineteenth amendments.

That the House recede from their disagreement to, and concur in, the following amendments of the Senate: fifth, sixth, tenth, thirteenth, fifteenth, and seventeenth.

A. B. GREENWOOD,
S. A. SMITH,
J. S. MORRILL,
Managers on the part of the House.
J. A. PEARCE,
JOHN BELL,
W. K. SEBASTIAN,
Managers on the part of the Senate.

Mr. GREENWOOD. The Senate agreed to the amendment of the House to the fourth amendment of the Senate; which was as follows:

For the redemption of the principal sum of said five per cent. stock, held in trust as aforesaid, $68,000, to be invested by the Secretary of the Interior in the stock of the United States, in lieu of said five per cent. stock: *Provided*, That the said Indiana five per cent. stock shall all be surrendered by the Secretary of the Interior to the Secretary of the Treasury, who shall be required to correspond with the Executive of Indiana for the purpose of effecting an arrangement relative to the amount due on said stock, and report progress to next Congress: *Provided further*, That the stocks with which the Secretary of the Interior is now charged upon the books of the Treasury, under the head of "Chippewas, Ottowas, and Pottawatomies; mills and education," be charged to two separate accounts, to be opened under the heads of "Pottawatomies—mills; and Pottawatomies—education;" and the Secretary of the Interior is hereby authorized, with the consent of the Pottawatomies, to transfer the stocks as charged aforesaid to the new heads of account in such proportions as he may deem best for the interest of the Pottawatomies.

The amendment of the House was to strike out the proviso; and to that the Senate have agreed.

The House disagreed to the seventh amendment of the Senate; which was as follows:

Page 36, line eight hundred and sixty-eight, after the word "dollars," insert as follows:

And the Commissioner of Indian Affairs is hereby authorized, by and with the consent of the Secretary of the Interior, to increase the number of reservations for Indian purposes in the State of California: *Provided*, The aggregate amount of land so set apart for reservations shall not exceed one hundred and twenty-five thousand acres.

So that the section would read:

For the Indian service in California, to be expended under the direction of the Secretary of the Interior, fifty thousand dollars; and the Commissioner of Indian Affairs, &c.

The committee of conference recommend the House to recede from its disagreement, and to adopt the following amendment thereto:

Provided further, That for the reservations hereby authorized, no Indian agents, sub-agents, overseers, or other officers or employés, shall be appointed or employed under this act.

I would state to the House that the system of Indian reservations has, in some parts of the country, proved to be an entire failure. While Indians are being hunted up in different portions of California to bring them out of their old haunts, and place them on large reserves, it is found impossible to keep those Indians that are already on the reserve. The committee thought it best to narrow down these reserves to small quantities, and to allow the Indians to remain on their old settlements, protected from the encroachments of the whites; provided, that no expense shall be incurred in so doing.

It has been found impracticable to keep Indians on these reservations, and it is not regarded that driving them from their original homes, and placing them in a general herd, is good policy. The committee of conference, therefore, agreed to the Senate amendment, allowing additional reserves to be located, provided that no agents are to be employed on these reserves, and that no additional expense shall be incurred; but that they shall be left entirely under the superintendence of the superintendent or Indian agent now in California. The object of the proviso is to prevent the employment of agents or officers on these reserves, and to prevent further expense.

Mr. LETCHER. I want to know, if officers are necessary to take care of these reservations now in operation, how we are to get along with these additional reservations without employés?

Mr. GREENWOOD. The object simply is, to surround the Indians by metes and bounds, so as to retain them in their original settlements.

Mr. LETCHER. What is to become of the reservations heretofore established by law?

Mr. GREENWOOD. I understand that the

policy of the Commissioner of Indian Affairs is, in part, to abandon some of these reserves. It is found that they do not work well in California, as some of them in Oregon have done.

Mr. LETCHER. And the result is to be, that from the reservations now established, the officers are to be transferred to the points proposed for new reserves. Is that it?

Mr. GREENWOOD. Not at all. The object of the amendment recommended by the committee of conference, is simply to prevent the employment of any agents, sub-agents, or overseers, on these reserves.

Mr. McQUEEN. I desire to inquire of the gentleman, what is the number of employés on the reservations now existing in California? I ask the question with this view: I have seen, from the report of an agent, sent by the Secretary of the Interior to these very reserves in California, that there were, last year, seventeen overseers or employés to keep forty Indians at work. These employés receive $17,000 a year as salary; and the result of the labor of the Indians was, on one reserve, a garden patch with luxuriant weeds and squash vines, and some rye or barley, that was not worth half the amount paid to the agent on that particular reserve.

Mr. SCOTT I wish to make a statement in reply to the gentleman from South Carolina.

Mr. PURVIANCE. I rise to a question of order. Is it in order to interrupt a member making a report? I would like to have the report made in such a way that we can all understand it.

Mr. GREENWOOD. I should be very happy to have the gentleman from California allowed to make a statement in regard to these reserves.

Mr. SCOTT. I merely wish, if the gentleman from Pennsylvania does not object, to give the gentleman from South Carolina a piece of information in regard to the reservation system in California.

Mr. PURVIANCE. I have no objection; but I observe that this is going to lead to a very lengthy discussion. I want to hear a connected report from the chairman of the committee of conference.

Mr. SCOTT. Does the gentleman object?

Mr. GREENWOOD. I would simply state that the system of reservation, as designed under this Administration, is, as I understand it, wholly different from the present system in operation in California. It has been found impracticable to remove the Indians from their old haunts, and keep them on the reserves now established by law. It is thought best to authorize the Commissioner of Indian Affairs, with the consent of the Secretary of the Interior, to increase the number of reservations, so as to keep the Indians in the sections of country where they have been accustomed to live. This is to be done, however, without any additional expense to the Government.

The committee has agreed to recommend the House to recede from its disagreement to the fourteenth amendment of the Senate, which is as follows:

"SEC. 5. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized and required to set apart the tract or tracts of land aforesaid as a reservation for the confederated bands of Pimas and Maricopas."

With the following proviso:

Provided, That the said reservation shall not exceed one hundred square miles in extent.

The House will recollect that these Indians have upon all occasions acted as the allies of the Government of the United States. They were our allies in 1846, during our Mexican troubles. They are settled upon the Gila river. They occupy a section of country from ten to fifteen miles in length, and from four to five miles in width. The services of these Indians have been of such importance that our officers have been induced to make promises to them which ought, in good faith, to be carried out. They have, upon various occasions, when property has been stolen by the Navajoes from our emigrants, sent out detachments for the purpose of recovering the property, and restoring it to our citizens without any cost whatever. They keep three or four hundred warriors always in service against these hostile bands. The committee were of opinion that some section of country should be marked out as their locality. They thought it best, however, to restrict them to a section of country not exceeding one hundred square miles. It is necessary to make some metes and bounds, for which purpose $1,000 is appropriated; and $1,000 is appropriated in order to carry out the promises of the Government, and make suitable presents to the tribe for their fidelity towards the Government, as exhibited on various occasions.

The committee recommend that the Senate agree to the amendment of the House to the sixteenth amendment of the Senate, which is simply to insert the words "treaty of." That merely corrects a clerical error in the original bill.

The committee recommend that the House recede from their disagreement to the eighteenth amendment of the Senate with an amendment. The eighteenth amendment of the Senate is as follows:

SEC. 9. *And be it further enacted*, That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases, either by the Indians, or by white men trespassing on the Indians, as described in said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities as prescribed in said act: *And provided further*, That the President of the United States may, at his discretion, indemnify the Indians out of the Treasury for losses in cases where the said act required them to be paid out of the Treasury.

The committee of conference propose to agree to that amendment with an amendment. Under the present law, persons who have seen proper to cross the plains for the purposes of trade, have regarded the Government as a great insurance office, and that the Government is bound to insure their property against Indian depredations. While we would not affect any rights which have accrued heretofore, we thought it right so to modify the seventeenth section of the act of 1834, as to notify citizens of the United States, whose property may hereafter be trespassed upon by Indians, that they shall not be entitled to recover the value of the property so lost, unless they do it from the annuities that may be due to the Indians from the Government; without, however, requiring the President to draw money from the Treasury to pay to Indians whatever amount of property may have been lost in consequence of depredations committed by whites. The committee thought that, perhaps, the discretion was too large; and, therefore, they recommended that the House shall strike out the second proviso, which is as follows:

"*And provided further*, That the President of the United States may at his discretion, indemnify the Indians out of the Treasury for losses in cases where the said act required them to be paid out of the Treasury."

Mr. HOUSTON. I understand, then, that the committee of conference propose to agree to the amendment of the Senate without the last proviso.

Mr. GREENWOOD. Yes, sir.

Mr. HOUSTON. I think that is right.

Mr. GREENWOOD. The committee also propose to amend the amendment of the Senate, by striking out the words "either by the Indians or by white men trespassing on the Indians," and inserting in lieu thereof the words, "by Indians trespassing on white men."

The committee recommend that the Senate recede from its second, eighth, ninth, twelfth, and nineteenth amendments, which are as follows:

Second amendment:

For redemption of the principal sum of said five per cent. stock held in trust as aforesaid, $2,000, to be invested by the Secretary of the Interior in the stock of the United States, in lieu of said five per cent. stocks: *Provided*, That the said Indiana five per cent. stocks shall be surrendered by the Secretary of the Interior to the Secretary of the Treasury, who shall be required to correspond with the Executive of Indiana for the purpose of effecting an arrangement relative to the amount due on said stock, and report progress to next Congress.

Eighth amendment:

For the general incidental expenses of the Indian service in the Territory of Utah, or so much thereof as may be required for expenditure during the year ending the 30th of June, 1858, $56,599 31: *Provided, however*, That no part of this sum shall be paid until the Commissioner of Indian Affairs shall have first audited and passed the several accounts.

Ninth amendment:

For defraying the expenses of the several expeditions against Ink-pa-du-tah's band, and in the search, ransom, and recovery of the female captives taken by said band, in 1857, $5,114 91, in addition to the sum of $20,000 appropriated by the act of June 14, 1858.

Twelfth amendment:

SEC. 3. *And be it further enacted*, That from and after the 30th day of June next, the fifth section of the act establishing the Department of the Interior, approved March 3, 1849, be, and the same is hereby, repealed, and that the Office of Indian Affairs be then retransferred to, and made part of, the Department of War, with all the books, records, papers, and business pertaining to Indian affairs, then in possession of or pending before the Department of the Interior; and the Secretary of War shall, from and after the 30th day of June next, be, and he is hereby, reinvested with and shall exercise all the supervisory, appellate, and other powers and duties in relation to Indian affairs which are prescribed by the act entitled "An act to provide for the appointment of a Commissioner of Indian Affairs, and for other purposes," approved July 9, 1832: *Provided*, That where a difference of opinion shall arise between the Secretary of War and the Secretary of the Interior upon any point touching any Indian reservation, the question shall be referred to the President, and his decision shall be final.

Nineteenth amendment:

SEC. 10. *And be it further enacted*, That the Commissioner of Indian Affairs is hereby authorized to make such agreements, and enter into such arrangements, as he may deem necessary and expedient, with any tribe or band of Indians for their location upon reservations, or touching the management of their tribal affairs, the application of their property and annuities to purposes of civilization and education, which, when approved by the President, shall be valid and binding: *Provided, however*, That no such agreement shall be of any effect when it involves any additional expenditure of money on the part of the United States, beyond what is required under treaty stipulations or by an act of Congress, until the same shall have been first submitted to and received the approval of the Senate of the United States.

The House receded from its disagreement to the fifth amendment of the Senate, and agreed to it as follows:

In the following paragraph, strike out the words "and for the establishment of the reserve west of the Pecos river."

For the expenses of colonizing, supporting, and furnishing agricultural implements and stock for the Indians in Texas, and for the establishment of the reserve west of the Pecos river, $25,000.

Mr. REAGAN. There was evidently a mistake in the understanding of the facts upon which this Senate amendment was adopted. In order that an opportunity may hereafter be given to have justice done us in our State, I desire to state that, at the last session of Congress, the following clauses were inserted and passed in the Indian appropriation bill:

"For the compensation of three special agents and three interpreters for the Indian tribes of Texas, and for purchase of presents, $15,000.

"For expenses of colonizing, supporting, and furnishing agricultural implements and stock for the Indians in Texas, $50,000; and the Secretary of the Interior is hereby authorized to accept and survey the Indian reservation designated by an act of the Legislature of the State of Texas, approved February 4, 1856, to appoint an Indian agent for said reservation."

An appropriation was made for the support of the Indian agent, and for carrying out the general purposes of the appropriations in the appropriation bill as it passed this House. But the Senate leave the appropriation in the bill, but provide that it shall not be spent for the purposes of this reservation.

In this connection I desire to call the attention of the House to the fact that this reservation is two hundred miles west of the other reservations in Texas, and in a portion of country peculiarly in need of it. Yet, sir, the Senate and the conference committee have seen fit to deprive us of the benefit of it, while you have given to California, with less than half the Indian territory of Texas, seventeen reservations. They have denied to us the three reservations, while they have given to California more than five times the number which we have asked. The House will thus see that in this instance, as in many others, the interests of Texas have been sacrificed. I have thought it proper to state these facts here, because, when the miscellaneous bill is under consideration, I shall endeavor to have a provision incorporated in it to correct this wrong which has been done to my State.

Mr. GREENWOOD. The gentleman from Texas has entirely mistaken the action of the committee of conference. They have not only not granted no additional reservations to California, but they have, by a restriction incorporated into the bill, prohibited the employment of any agent in California whatever.

Mr. REAGAN. What I said was, that seventeen reservations had been given to California.

Mr. GREENWOOD. There was, last year,

an appropriation of $50,000 made for this Texas reservation, and the committee of conference thought that it would be better not to make further appropriations for this particular locality, until it was ascertained how the system was working there.

Mr. BRYAN. The gentleman says $50,000 was appropriated last year for the establishment of these reservations in Texas. The gentleman is mistaken. These reservations had been established several years anterior to last year. The $50,000 appropriated last year was simply for the support of these reservations.

Mr. GREENWOOD. As a matter of course, I designed to say, for the support of these locations. We thought it would be well enough to ascertain the working of the system, before the Government went into further appropriations for that purpose.

Mr. BRYAN. I desire to say to the gentleman from Arkansas that the amount the superintendent of Indian affairs in Texas asked for was $80,000, for the support of the Indian reservations in Texas, and for carrying out the law by which they were established. The Committee of Ways and Means cut that appropriation down one half. It was thought by them, that with that appropriation, these reservations might be supported. We thought that was insufficient, but in consideration of the present financial condition of the country, we were willing to economize.

Mr. PURVIANCE. I interrupted the gentleman from California, because I objected to this irregular discussion, and I am reluctantly compelled to interrupt the gentleman from Texas. I hope we shall go on in order.

Mr. GREENWOOD. I am very willing that the gentleman from Texas shall make his explanation.

Mr. PURVIANCE. I object.

Mr. BLAIR. I desire to inquire what has become of the amendment of the Senate in relation to the Indian intercourse act?

Mr. GREENWOOD. It has been concurred in with an amendment. I have passed that in my explanation.

I will simply say further to the gentleman from Texas, that the appropriation for the Pecos reservation still remains for the purpose of purchasing agricultural implements, &c. The House recede from its disagreement to, and concur in, the following amendments of the Senate:

Sixth amendment:

Page 36, at the end of line eight hundred and fifty, add the following proviso:

Provided, That no part of the same shall be expended for the establishment of the reserve west of the Pecos river.

Tenth amendment:

For carrying into effect the twenty-fourth section of the civil and diplomatic act of March 3, 1855, the sum of $19,045 79.

Thirteenth amendment:

SEC. 4. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized and required to cause to be surveyed, and the boundaries thereof permanently marked, the tract or tracts of land lying on or near the Gila river, in the territory of Arizona, New Mexico, now occupied by the confederated bands of Pima and Maricopa Indians; and the sum of $1,000 is hereby appropriated to defray the expenses of said survey.

Fifteenth amendment:

SEC. 6. *And be it further enacted*, That the sum of $10,000 is hereby appropriated to enable the Commissioner of Indian Affairs to make suitable presents to the Pimas and Maricopas, in acknowledgment of their loyalty to this Government, and the many kindnesses heretofore rendered by them to our citizens.

Seventeenth amendment:

SEC. 8. *And be it further enacted*, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to prepare rules and regulations for the government of the Indian service, and for trade and intercourse with the Indian tribes, and the regulation of their affairs; and, when approved by the President, shall be submitted to the Congress of the United States for its approval: *Provided*, That such laws, rules, and regulations proposed, shall not be in force until enacted by Congress.

This last amendment is harmless in itself. It simply provides that rules and regulations shall be drawn up and submitted to Congress for its adoption. It is very evident that the intercourse act of 1834 is behind the age, and some amendment is absolutely necessary. The rules and regulations that this commission draw up will be of no force until they have passed the ordeal of the law-making power.

Mr. Speaker, I will remark that the Senate increased the appropriations of this bill $174,000; and the bill, as it comes from the committee of conference, increases the appropriations as they went first from the House, only $30,045. I demand the previous question.

Mr. CLARK, of Missouri. That intercourse act ought not to be repealed. The bill ought to be voted down, rather than any repeal should be agreed to.

Mr. GREENWOOD. This only provides for a modification of that act.

The previous question was seconded, and the main question ordered.

Mr. BLAIR demanded the yeas and nays.

The yeas and nays were not ordered.

The report was adopted.

Mr. GREENWOOD moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MILITARY RESERVATIONS.

Mr. FAULKNER. I rise to a privileged question. A resolution was adopted, some days ago, and referred to the Committee on Military Affairs, to inquire whether any further legislation is necessary to more effectually protect military reservations of the United States from trespasses, with permission to report at any time. I am instructed to report a bill to protect the timber growing upon the lands of the United States reserved for military and other purposes.

The bill was read a first and second time.

It provides that, if any person or persons shall unlawfully cut, or aid, assist, or be employed in unlawfully cutting, or shall wantonly destroy, or procure to be wantonly destroyed, any timber standing, growing, or being upon any lands of the United States, which, in pursuance of any law passed, or hereafter to be passed, have been, or shall be reserved, or purchased by the United States for military or other purposes, every such person or persons so offending, on conviction thereof before a court having competent jurisdiction, shall, for every such offense, pay a fine not exceeding $500, and shall be imprisoned not exceeding twelve months.

The bill was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

P. S. DUVAL.

Mr. NIBLACK. I am instructed by the special committee to inquire into the account and conduct of the late Superintendent of Public Printing, to make a report in the case of P. S. Duval, accompanied by the following resolution:

Resolved, That a copy of this report be certified to the United States district attorney for the District of Columbia, for such action in the premises as the circumstances in his opinion require.

Mr. HOUSTON. Is that a privileged question?

The SPEAKER. The committee had leave to report at any time.

Mr. NIBLACK. A witness from the city of Philadelphia, Mr. P. S. Duval, was summoned and examined before the committee, and made statements which struck the committee at the time as being extraordinary. Afterwards, they were positively contradicted by the testimony of two other witnesses and by strong corroborative circumstances. It is such a case, that the committee thought it proper to bring it before the House, and to ask for the adoption of the resolution which has been read. I demand the previous question.

The previous question was seconded, and the main question ordered.

The resolution was adopted.

Mr. NIBLACK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. PHELPS, of Missouri. Is not the regular order of business the consideration of the Post Office appropriation bill?

The SPEAKER. If called up, it is.

Mr. PHELPS, of Missouri. I call it up.

Mr. ENGLISH. I ask the gentleman to yield me the floor a moment for another purpose. I want to take up the amendments of the Senate to the post route bill, in order to have them printed and referred. I suppose that, as one of the amendments makes an appropriation, the bill and amendments, will have to go to the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair has examined the amendments, and thinks the bill must be sent to the Committee of the Whole on the state of the Union.

Mr. ENGLISH. Then I hope the bill will be taken up, the amendments ordered to be printed, and the bill and amendments referred to the Committee of the Whole on the state of the Union.

It was so ordered.

POST OFFICE APPROPRIATION BILL.

The SPEAKER stated the pending question to be the motion to reconsider the vote by which the House agreed to the eighth amendment to the Post Office appropriation bill, as follows:

Page 3, add the following at the end of section two:

Provided, That the sums heretofore appropriated for the erection of post office buildings, which may remain in the Treasury at the close of the present fiscal year, are hereby reappropriated for the objects to which they are now applicable by law.

Mr. BRANCH. Will the motion to lay on the table carry the bill with it, if it prevail?

The SPEAKER. It will not.

Mr. BRANCH. Then I move to lay the motion to reconsider on the table.

The question was taken; and there were, on a division—ayes 64, noes 71.

So the House refused to lay the motion to reconsider on the table.

Mr. SMITH, of Illinois, called for the yeas and nays.

Mr. PHELPS, of Missouri. I appeal to the gentleman from Illinois to withdraw the call for the yeas and nays. If the motion to reconsider prevail, the yeas and nays can be had on agreeing to the amendment.

Mr. SMITH, of Illinois. Then I am willing to withdraw the call for the yeas and nays.

The previous question was seconded, and the main question ordered; and under its operation, the vote was reconsidered.

Mr. PHELPS, of Missouri, demanded the previous question on the engrossment of the bill.

Mr. BLAIR. I ask my colleague if he will allow me to offer the following amendment to the bill:

Provided, That the contract heretofore made by the Postmaster General with Butterfield & Co., for transporting the letter mails from the Mississippi river to San Francisco, in California, is hereby confirmed and ratified; but the said contractors shall have the privilege of selecting their own route, in accordance with the terms of the act of Congress establishing said mail route.

Mr. McQUEEN. I object.

Mr. PHELPS, of Missouri. I must decline to yield. A vote was had on that amendment.

Mr. STANTON. If the previous question be seconded, all further amendments will be cut off.

Mr. BURNETT called for tellers.

Tellers were ordered; and Messrs. UNDERWOOD and BUFFINTON were appointed.

The House divided; and the tellers reported—ayes 90, noes 70.

So the previous question was seconded.

The question recurred on ordering the main question.

Mr. STANTON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 110, nays 91; as follows:

YEAS—Messrs. Adrain, Ahl, Anderson, Arnold, Atkins, Avery, Barksdale, Barr, Bishop, Bonham, Bowie, Boyce, Branch, Burnett, Burns, Caskie, Cavanaugh, John B. Clark, Clay, Cobb, John Cochrane, Cockerill, James Craig, Burton Craige, Crawford, Curry, Davis of Indiana, Davis of Mississippi, Dimmick, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Foley, Garnett, Gartrell, Gilmer, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hatch, Hawkins, Hill, Hodges, Hopkins, Houston, Hughes, Huyler, Jackson, Jewett, George W. Jones, Keitt, Lamar, Landy, Leidy, Letcher, Maclay, McKibbin, McQueen, McRae, Samuel S. Marshall, Mason, Maynard, Miles, Millson, Montgomery, Moore, Niblack, Pendleton, Peyton, John S. Phelps, William W. Phelps, Powell, Ready, Reagan, Ricaud, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Searing, Seward, Aaron Shaw, Henry M. Shaw, Singleton, Samuel A. Smith, William Smith, Stallworth, Stevenson, Talbot, Miles Taylor, William Taylor, Underwood, Vallandig-

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ham, Vance, Ward, Watkins, White, Whiteley, Winslow, Woodson, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—110.

NAYS—Messrs. Abbott, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Case, Chaffee, Ezra Clark, Clawson, Clark B. Cochrane, Colfax, Comins, Corning, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dodd, Durfee, Edie, Farnsworth, Fenton, Florence, Foster, Giddings, Gillis, Gilman, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Harris, Haskin, Hickman, Hoard, Horton, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Knapp, Leiter, Lovejoy, Morrill, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Nichols, Olin, Palmer, Parker, Pettit, Phillips, Pike, Potter, Pottle, Purviance, Reilly, Ritchie, Robbins, Roberts, Royce, John Sherman, Judson W. Sherman, Sickles, Robert Smith, Spinner, Stanton, William Stewart, Tappan, Thompson, Tompkins, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, and Wilson—91.

So the main question was ordered to be put.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. ASBURY DICKINS, its Secretary, informing the House that the Senate had passed, without amendment, the bill of the House giving the assent of Congress to a law of the Missouri Legislature for the application of the reserved two per cent. fund of said State.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. JAMES BUCHANAN HENRY, his Private Secretary, returning the agricultural college bill, with his objections thereto.

POST OFFICE BILL—AGAIN.

The question being on agreeing to the eighth amendment to the Post Office appropriation bill, at the end of the second section, add the following proviso:

Provided, That the sums heretofore appropriated for the erection of post office buildings, which shall remain in the Treasury unexpended at the close of the present fiscal year, are hereby reappropriated for the objects to which they are now applicable by law.

Mr. BRANCH demanded the yeas and nays.

The yeas and nays were ordered.

Mr. SICKLES. I would ask, if the amendment makes it compulsory on the Department to make these expenditures?

Mr. BRANCH. Not at all. The object is to enable the Secretary of the Treasury to postpone the expenditures.

Mr. SAVAGE. I object to debate.

The question was taken; and it was decided in the affirmative—yeas 116, nays 82; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Anderson, Andrews, Avery, Barr, Blair, Bliss, Bowie, Boyce, Branch, Brayton, Bryan, Burlingame, Burns, Case, Cavanaugh, Chaffee, Ezra Clark, Clawson, John Cochrane, Colfax, Comins, Corning, Covode, Cragin, Davis of Maryland, Davis of Mississippi, Davis of Massachusetts, Dawes, Dean, Dick, Dimmick, Dodd, Durfee, Edie, Eustis, Farnsworth, Fenton, Florence, Foster, Gillis, Gilman, Gilmer, Gooch, Goodwin, Grow, Harlan, Harris, Hatch, Hawkins, Hoard, Hodges, Howard, Huyler, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Landy, Lovejoy, Maclay, McKibbin, McRae, Samuel S. Marshall, Matteson, Maynard, Miles, Morrill, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Nichols, Olin, Palmer, Parker, Phillips, Pike, Potter, Pottle, Purviance, Ready, Ricaud, Ritchie, Robbins, Roberts, Ruffin, Russell, Scott, Aaron Shaw, Judson W. Sherman, Sickles, Robert Smith, Spinner, James A. Stewart, Tappan, Miles Taylor, Thompson, Underwood, Wade, Walbridge, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Watkins, Wilson, Winslow, Wood, Woodson, Wortendyke, and Zollicoffer—116.

NAYS—Messrs. Atkins, Barksdale, Bingham, Bonham, Buffinton, Burnett, Horace F. Clark, John B. Clark, Clay, Cockerill, James Craig, Burton Craige, Crawford, Curry, Davis of Indiana, Dowdell, Edmundson, Elliott, English, Faulkner, Foley, Garnett, Gartrell, Granger, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Haskin, Hickman, Houston, Hughes, Jackson, Jenkins, Jewett, George W. Jones, Keitt, Knapp, Lamar, Leidy, Leiter, Letcher, McQueen, Millson, Montgomery, Moore, Niblack, Pendleton, Pettit, Peyton, John S. Phelps, William W. Phelps, Powell, Reagan, Reilly, Royce, Sandidge, Savage, Scales, Seward, Henry M. Shaw, John Sherman, Shorter, Singleton, Samuel A. Smith, William Smith, Stallworth, Stanton, Stevenson, William Stewart, Thayer, Tompkins, Vallandigham, Vance, Waldron, Walton, White, Whiteley, Augustus R. Wright, and John V. Wright—82.

So the amendment was agreed to.

During the call of the roll,

Mr. POTTLE stated that Mr. LEACH was absent from the House on account of indisposition.

Mr. ANDERSON stated that Mr. Cox was absent on account of sickness.

Mr. HATCH. This amendment does not affect the Buffalo post office at all; but I am opposed to the course of the Secretary of the Treasury in defeating the will and the laws of Congress, and I vote "ay."

The result having been announced as above recorded, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PHELPS, of Missouri, demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. SHAW, of North Carolina, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 108, nays 104; as follows:

YEAS—Messrs. Adrain, Ahl, Anderson, Arnold, Atkins, Avery, Barksdale, Barr, Bishop, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, Cavanaugh, John B. Clark, Clay, John Cochrane, Cockerill, Corning, James Craig, Curry, Davidson, Davis of Indiana, Davis of Mississippi, Dick, Dimmick, Dowdell, Edmundson, Elliott, English, Faulkner, Foley, Gartrell, Gillis, Gilmer, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Harris, Hatch, Hawkins, Hill, Hodges, Hopkins, Horton, Howard, Hughes, Huyler, Jackson, Jewett, Keitt, Lamar, Landy, Maclay, McKibbin, McRae, Humphrey Marshall, Samuel S. Marshall, Maynard, Miles, Millson, Morrill, Isaac N. Morris, Mott, Niblack, Pendleton, Peyton, John S. Phelps, William W. Phelps, Powell, Ready, Reagan, Ricaud, Ruffin, Russell, Sandidge, Savage, Scott, Aaron Shaw, Sickles, Singleton, Robert Smith, Samuel A. Smith, Stephens, Stevenson, James A. Stewart, Talbot, Miles Taylor, Underwood, Vallandigham, Vance, Ward, Watkins, Whiteley, Winslow, Wood, Woodson, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—108.

NAYS—Messrs. Abbott, Andrews, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Case, Chaffee, Chapman, Ezra Clark, Clawson, Cobb, Comins, Covode, Cragin, Burton Craige, Crawford, Curtis, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dodd, Durfee, Edie, Farnsworth, Fenton, Florence, Foster, Garnett, Giddings, Gilman, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Haskin, Hickman, Hoard, Houston, Jenkins, George W. Jones, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Leidy, Leiter, Letcher, Lovejoy, McQueen, Mason, Montgomery, Moore, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Murray, Nichols, Olin, Palmer, Parker, Pettit, Phillips, Pike, Potter, Pottle, Purviance, Reilly, Ritchie, Robbins, Roberts, Royce, Scales, Seward, Henry M. Shaw, John Sherman, Judson W. Sherman, Shorter, Spinner, Stallworth, Stanton, William Stewart, Tappan, Thayer, Thompson, Tompkins, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, and Wilson—104.

So the bill was passed.

During the call of the roll,

Mr. ENGLISH said: Before the result is announced, I desire to inquire of the Chair whether, if the bill is rejected, it will be in order to move to reconsider?

The SPEAKER. It will not.

Mr. ENGLISH. Then it will entirely defeat all appropriations for the service of the Post Office Department.

Mr. SEWARD. A new bill can be got up in five minutes.

Mr. EUSTIS stated that, if he had been present when his name was called, he should have voted "ay."

Mr. CLARK B. COCHRANE stated that if he had been present when his name was called, he should have voted "no."

The result was announced as above recorded.

Mr. PHELPS, of Missouri. I understand that it is the decision of the Chair that no motion to reconsider is in order.

The SPEAKER. The Chair so decides.

Mr. PHELPS, of Missouri. Then the bill can be immediately sent to the Senate.

ENROLLED BILLS.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled:

An act (H. R. No. 457) for the relief of Kennedy O'Brien; and

An act (H. R. No. 803) to amend an act entitled "An act authorizing repayment for land erroneously sold by the United States."

When the Speaker signed the same.

TARIFF PROPOSITIONS.

Mr. PHELPS, of Missouri. I am instructed by the Committee of Ways and Means to report a bill relating to the tariff.

Mr. McQUEEN. I object.

Mr. PHELPS, of Missouri. Objection being made, I move to suspend the rules, to enable me to report from the Committee of Ways and Means a bill reinstating the rates of duty imposed by the act of 30th July, 1846, for a limited period.

Mr. CRAWFORD. I desire to ask the chairman of the Committee of Ways and Means if the committee have authorized him to make any report in regard to the tariff bill?

Mr. ADRAIN. Let the bill be read.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation and effect of the first, second, and third sections of the act entitled "An act reducing the duty on imports and for other purposes," approved March 3, 1857, are hereby suspended for the term of three years from and after the 30th day of June, 1859, and no longer; and that, from and after the said 30th day of June, 1859, the rates of duty prescribed in the act entitled "An act reducing the duty on imports, and for other purposes," approved 30th July, 1846, shall be levied and collected according to the provisions of the last-named act, for the term of three years, and no longer.

SEC. 2. *And be it further enacted*, That all goods, wares, and merchandise, which shall be in the public stores on the 1st day of July, 1859, shall be subject, on entry thereof for consumption, to the duties prescribed by this act.

Mr. PHELPS, of Missouri. In order to present the matter fairly before the House, I desire also to have read at the Clerk's desk a resolution adopted by the Committee of Ways and Means, which is a portion of the report.

The resolution was read, as follows:

"*Resolved*, That the chairman of the Committee of Ways and Means be authorized to report a bill for the modification of the tariff; and that Mr. MORRILL be authorized to report a substitute therefor providing for a loan and modification of the tariff, and that any other member may have the opportunity to offer amendments; and also that the chairman of the committee move in the House for a suspension of the rules in order to introduce the foregoing measures at the earliest practicable moment."

Mr. CRAWFORD. I rise to a point of order. My question of order is, that the resolution which the Clerk has just read shows the fact that the committee has not agreed to make a report to this House of a tariff bill, and that the committee cannot report nine tariff bills. This proposition is to report, in the first place, the tariff bill of the chairman; and next, the bill of Mr. MORRILL; and, in the next place, any other bills as substitutes. I submit that the committee can make no such report.

Mr. WASHBURN, of Maine. Can the question of order be made at this time? The motion, as I understand it, is to suspend the rules.

The SPEAKER. The Chair supposes the question of order is involved, as the motion is to suspend the rules to enable the gentleman from Missouri to submit this report from the Committee of Ways and Means.

Mr. WASHBURN, of Maine. Well, but if the rules are suspended there will be no rule operating that would prevent the members of the Committee of Ways and Means from carrying out that resolution, or any other they may see fit.

The SPEAKER. The specific proposition of the gentleman from Missouri is to suspend the rules, so as to enable him to report from the Committee of Ways and Means, the bill which has been read.

Mr. CRAIGE, of North Carolina. I hope that, before the vote is taken on the motion to suspend the rules, the propositions of the gentleman from Vermont [Mr. MORRILL] and the gentleman from Pennsylvania [Mr. PHILLIPS] will be read.

Mr. BURNETT. I desire to ask the gentleman from Missouri a question, and my vote will depend on his answer. I desire to ask the gentleman from Missouri whether it is his purpose, if the rules are suspended and his bill is reported,

then to permit a vote to be taken upon the substitute of the gentleman from Vermont, [Mr. MORRILL,] for the introduction of which a motion was made last Monday to suspend the rules; and if that fails, then to permit the gentleman from Pennsylvania [Mr. PHILLIPS] to introduce his bill, and have a vote taken upon it? Is that to be the order of proceeding if the rules are suspended?

Mr. PHELPS, of Missouri. I answer no. I move to suspend the rules to enable me to report the bill which has been read. Under the rules, that bill, if introduced, must go to the Committee of the Whole on the state of the Union, where amendments may be offered. It is not my purpose, so far as I am concerned, to accept any amendments.

Mr. MILES. Is debate in order?

The SPEAKER. It is not.

Mr. PHELPS, of Missouri. Well, sir, I have to say that I shall give no individual consent to any amendment, but when the bill shall have been referred to the Committee of the Whole on the state of the Union, all these amendments can be offered.

Mr. CRAIGE, of North Carolina, made a remark which, in the confusion prevailing in the Hall, was not heard by the reporter.

Mr. BURNETT. I ask the consent of the House to propound an interrogatory to the gentleman from Missouri, [Mr. PHELPS.]

Mr. HICKMAN. I object.

Mr. HOUSTON. I suppose I have the right to have the resolution read, in order to ascertain whether the motion of the gentleman from Missouri, embraces also the bill of the gentleman from Vermont, [Mr. MORRILL.]

The SPEAKER. The motion of the gentleman from Missouri includes no such thing.

Mr. HOUSTON. Will the Speaker indulge me in the reading of the resolution, and I can then judge for myself.

Mr. BLISS. I object to the reading.

Mr. MOORE made two or three remarks which were not heard by the reporter in consequence of the shouts of "Order!" and confusion which prevailed in the Hall.

Mr. CRAWFORD. The point of order which I made, and which I ask the Chair to decide, is, that the proposition of the gentleman from Missouri is to give him permission to report not only his bill, but also the bill of the gentleman from Vermont, [Mr. MORRILL,] and the bills of every member of the committee, if every member shall choose to introduce one; and that it is not competent for him to make that motion.

The SPEAKER. The gentleman from Missouri has submitted no resolution to the House; he submitted a motion, simply, to suspend the rules for the purpose of enabling him to introduce the bill which has been read.

Mr. CRAWFORD. That is certainly not the proposition; and I appeal from the decision of the Chair.

Mr. HICKMAN. I move to lay the appeal on the table.

The resolution was again read.

Mr. HOUSTON. Now, the Chair will see that the construction I gave was the correct one: that it is to give permission to introduce all these bills.

Mr. CRAIGE. Yes sir; it is an attempt to practice a fraud upon the House.

Mr. LETCHER. As I understand it, the Committee of Ways and Means agreed upon that resolution as a part of their report. It was agreed to on my motion. The Committee of Ways and Means were unable to agree upon any bill which they could report; and as the only report which they could agree upon, I submitted this resolution, which was adopted in the Committee of Ways and Means, and the chairman was directed to move to suspend the rules to introduce the resolution.

The SPEAKER. The gentleman from Missouri did not submit the resolution for the action of the House. The gentleman sent the resolution up and had it read, and then moved to suspend the rules to enable him to introduce the bill which was read. That was the only proposition submitted by the gentleman from Missouri.

Mr. CRAWFORD. I did not so understand it. I will withdraw my appeal.

Mr. MARSHALL, of Kentucky. It occurs to my mind that this resolution comes more properly as the report of the Committee of Ways and Means. The committee can authorize the gentleman from Missouri to report such a resolution; and I think that has been clearly the action of the committee.

Mr. SEWARD. I object to debate.

The SPEAKER. The Chair thinks it is competent for the majority of the Committee of Ways and Means to report such a resolution. The gentleman from Missouri rose and stated that he was authorized by the Committee of Ways and Means to move to suspend the rules to introduce the bill which he indicated. The Chair is bound to conclude that the committee did authorize the gentleman to report the bill unless the question is raised, when gentlemen must present their evidence, and the Chair will have to decide.

Mr. CRAWFORD. I think the resolution which has been read, as adopted by the Committee of Ways and Means, settles that question.

Mr. PHILLIPS. I ask the chairman of the Committee of Ways and Means whether he was authorized to report the bill which has been read, by the committee?

Mr. SEWARD. I object to debate.

Mr. WASHBURN, of Maine. I desire to inquire of the Chair whether, in case the rules are suspended, and the gentleman from Missouri has leave to introduce his bill, when that bill is before the House will it be in order for the gentleman from Vermont [Mr. MORRILL] to move his bill as an amendment?

The SPEAKER. If the rules are suspended, and the gentleman from Missouri introduces his bill, the Chair will hold that the suspension of the rules for the introduction of the bill will not supersede the necessity of referring the bill to the Committee of the Whole on the state of the Union, when any amendment may be offered that any gentleman may see fit to propose.

Mr. BURNETT. I desire to propound a question to the Chair. Here is an issue, as I understand it, made up between the gentlemen who compose the Committee of Ways and Means.

Mr. LETCHER. Will the gentleman allow me to interrupt him?

Mr. BURNETT. Yes, sir.

Mr. LETCHER. I make no issue about the matter of fact. I rely on the resolution of the committee, which is before the House.

Mr. BURNETT. I understand that fully. The point is not understood upon which I want information. Three members of the Committee of Ways and Means state that the resolution which was read at the Clerk's desk constitutes a part of the report made by the chairman of the Committee of Ways and Means. Now, the chairman of the Committee of Ways and Means offers a bill, which was read by its title at the Clerk's desk, and asks a suspension of the rules for its introduction. These gentlemen say that that is not a full report of what the committee authorized the chairman to make.

Mr. LETCHER. That is my understanding.

Mr. BURNETT. I hold that this House has a right to know what was the action of that committee, and what they are authorized to report here. I hold that the chairman of that committee has no right to make a partial report. The only way this fact can be decided is by the journal of that committee, or any other evidence which will show to the House what report has been authorized to be made. I hold that we have a right to know it. Here are gentlemen who say that that is not the report the gentleman from Missouri was authorized to make; who say that he has not complied with the order of the committee under that resolution, which was to constitute a part of the report? He comes here and offers a particular bill, and upon that bill asks a suspension of the rules. I hold that we have a right to know, as members of this House, what that committee really did authorize.

Mr. PHELPS, of Missouri. I modify my motion so as to make a report from the committee of Ways and Means, in pursuance of that resolution. I intended to accomplish that purpose, and sent the resolution to show what the purpose is that I design accomplishing. I move a suspension of the rules to enable me to submit a report from the Committee of Ways and Means, in pursuance of that resolution.

Mr. BURNETT. I rise to a question of order. The Committee of Ways and Means are authorized to report a bill for the purpose of raising the revenue. That is granted. Now, I hold that the Committee of Ways and Means have no right, under the rules of this House, by a system of log-rolling, or if you do not like that word, by a system of combination, to make a report to this House which will enable them to report nine bills; and that it is not in order for the chairman of the Committee of Ways and Means to make a motion to suspend the rules, in order to enable him to pursue a course which allows, first, the chairman, then the gentleman from Vermont, and then the gentleman from Pennsylvania, to introduce, each one of them, distinct propositions, neither one of which could command a majority of the committee by itself. It will enable that committee to bring three propositions before the House, emanating from the same committee, and for the same purpose of raising revenue.

Mr. KELSEY. Mr. Speaker, this question was decided at the last session, by yourself, in the case of the contested election of the Delegate from Minnesota, after her admission as a State. I made the point of order then, that that could not be done. The Chair decided against me; and this case is exactly analogous to that. The House sustained the decision of the Chair.

The SPEAKER. In response to the point of order made by the gentleman from Kentucky, the Chair will state that the proposition submitted here is to suspend the very rules to which the gentleman refers, which prevent the Committee of Ways and Means from doing that which he says they cannot do under the rules. If the House by a two-thirds vote, in pursuance of its rules, waive that, so as to allow this to be done, the Chair thinks it is in order.

Mr. BURNETT. I make another point of order. I go back behind the rules of the House, and to the organization of the body itself, and the organization of the committees, and the purposes for which they are constituted. I take this position that there is no report here, none whatever. I hold that there is nothing in the resolution submitted which amounts to a report coming from the committee.

Mr. KUNKEL, of Pennsylvania. I would like to know whether that is not the question of order already made and decided?

Mr. SEWARD. I ask that the gentleman shall state his point without debate.

Mr. PHELPS, of Missouri. I present the report from the Committee of Ways and Means just as it was adopted. I am but the organ of the committee.

Mr. BURNETT. I understand that; but I call the Speaker's attention to this: that the writing submitted, which purports to be a resolution, and which is offered as a report, is not a report from the committee at all; that it shows, upon its face, that it is not such a report for the introduction of which this House can be asked to suspend its rules: and why? For the reason that it does not amount to a report at all. It offers three distinct propositions; and the committee can only make one report, and can only ask a suspension of the rules for the introduction of one proposition.

The SPEAKER. The Chair has only to repeat the remark he made to the gentleman from Kentucky: that the Committee of Ways and Means would have no authority, under the rules of the House, to submit a report of the character of the one which is now presented. But the proposition is to suspend the rules, so as to enable them to do that. There is nothing but the rules in the way to prevent their doing so. The committee is organized under the rules of the House; and the purpose is to suspend every rule that prevents their reporting this matter, and to allow the other two reports to be submitted also.

Mr. BURNETT. Under the parliamentary law, the committee cannot make this as a report.

The SPEAKER. The Chair overrules the question of order.

Mr. McQUEEN. I rise to a question of order. The chairman of the Committee of Ways and Means moved to suspend the rules to report a specific bill. He afterwards asked to amend that proposition so as to have leave to present what he calls a report, but which is denied by the Committee of Ways and Means to be a report. It is a proposition to suspend the rules for two distinct purposes; and I maintain that it is not in order to provide in a single motion for the intro-

duction of three bills; and that they must be introduced, if at all, under separate and distinct motions.

The SPEAKER. The gentleman from Missouri modified his first proposition, which was to introduce from the Committee of Ways and Means the bill reported. His present motion is to suspend the rules to enable him to report a bill, to enable the gentleman from Vermont to report a substitute, and to enable him also to report a loan bill.

Mr. McQUEEN. That is my very objection. His first motion was to suspend the rules to report a bill. He now moves to suspend the rules to report a paper providing for the introduction of three bills; and my point is, that it is not in order to move to suspend the rules for the purpose of reporting more than one bill or proposition at a time.

The SPEAKER. The gentleman has a right to modify his proposition to suspend the rules at any time before the question is taken on the suspension.

Mr. BURNETT. Then I ask, have we not a right to hear the three bills read, before we are asked to vote to suspend the rules?

Mr. PHILLIPS. I ask for the reading of the amendment which I propose to offer under that resolution. It will not take fifteen minutes.

Mr. McQUEEN. That will cover the very objection I made. The motion will then stand before the House to suspend the rules to report four bills.

Mr. MARSHALL, of Kentucky. Is the motion to suspend the rules debatable?

The SPEAKER. It is not.

Mr. MARSHALL, of Kentucky. Then I object to any further debate.

The SPEAKER. This is a motion to suspend the rules, to bring the propositions before the House. Objection being made to the reading of the amendments, the Chair thinks it is not in order to read them.

Mr. BURNETT. I respectfully suggest to the Chair that when we are called upon to vote to suspend the rules for the purpose of letting in specific propositions, we should have, at least, the privilege of hearing them read, in order to have our judgment enlightened as to what we are voting to let in.

Mr. CRAIGE, of North Carolina. I understand the point of order, as made by the gentleman from Kentucky, to be, that the chairman of the Committee of Ways and Means was not authorized to make a report at all; and the reply of the Chair is, that there may be a motion to suspend the rules for the purpose of submitting three different bills. I submit to the House that if a member has a right to move to suspend the rules to admit three bills, he has a right to make the same motion to admit every proposition that a member of the House may desire to offer.

The SPEAKER. The Chair thinks he can; and that the House may, if it see fit, vote to suspend the rules for that purpose.

Mr. PHILLIPS. I ask whether or not, under that resolution, there is as much right to have the amendment which I proposed reported, as the gentleman from Missouri has to have his bill reported? I ask the chairman of the Committee of Ways and Means whether it was not in the contemplation of the committee, when that resolution was adopted, that the different propositions should be submitted to the House, so that we might understand what we were voting for?

Mr. PHELPS, of Missouri. I cannot respond to that question, either affirmatively or negatively, for when the resolution was adopted by the committee, there was very little conversation on the subject.

Mr. McQUEEN. Taking that for granted, I beg leave to ask whether the rules are to be suspended for the purpose of letting in the chairman's bill, or the bill of the gentleman from Vermont, or the bill of the gentleman from Pennsylvania, or what?

Mr. CRAIGE, of North Carolina. I understand the Chair to decide that it is not necessary to move to suspend the rules for each bill; but that all the bills may come in under it. That being so, I ask to suspend the rules at the same time, so as to introduce a bill to amend an act for the admission of Minnesota into the Union.

The SPEAKER. There is already pending a motion to suspend the rules.

Mr. CRAIGE, of North Carolina. I understood the Chair to decide that this could be done.

The SPEAKER. The Chair misunderstood the question of the gentleman from North Carolina, or the gentleman from North Carolina misunderstood the remark of the Chair, if he understood the Chair as making such a statement.

Mr. CRAIGE, of North Carolina. I propounded this question to the Chair. I understood the point of order raised by the gentleman from Kentucky to be this: that the gentleman from Missouri could not move to suspend the rules so as to admit his bill, the bill of the gentleman from Vermont, and the bill of the gentleman from Pennsylvania; that they were three distinct propositions; and that they could not be covered by the one motion to suspend the rules. I understood the Chair to decide that the motion was in order. I then asked the Chair whether, if it were in order in reference to three bills, it would not be also in order in reference to every bill that any member of the House might desire to offer; and the Chair said it was.

The SPEAKER. It is competent for the gentleman from Missouri to submit the proposition which he has submitted. It is a question of discretion for the House. If the gentleman from Missouri had included in his motion the bill specified by the gentleman from North Carolina, the Chair thinks that it would be in order; but the gentleman from Missouri has not incorporated it in his motion.

Mr. PHILLIPS. I ask the Chair whether it has decided that the bills cannot now be read?

The SPEAKER. If there be objection, they cannot.

Objection was made.

Mr. PHILLIPS. I desire to know whether, under that resolution and report, if the rules be suspended, these propositions may not be read before the House is called upon to vote on them?

Mr. BURNETT. I desire to have the propositions read.

The SPEAKER. Objection is made.

Mr. BURNETT. Then I understand the Speaker to decide that, on a motion to suspend the rules for the purpose of introducing three bills for the consideration of the House, the members have no right, prior to the motion being put, to have the bills read, if objection be made?

The SPEAKER. When objection is made, that is so.

Mr. BURNETT. Then I appeal from the decision of the Chair.

Mr. EDIE. I move to lay the appeal on the table.

The motion was agreed to.

Mr. LETCHER. If, under the motion of the gentleman from Missouri, a suspension of the rules takes place, will it be competent then, under that suspension of the rules, for the gentleman from Vermont and the gentleman from Pennsylvania to introduce their propositions?

Mr. McQUEEN. That is my very question.

The SPEAKER. The Chair thinks it will be. The proposition is express: that they be allowed to offer their propositions as amendments, if the rules be suspended.

Mr. JONES, of Tennessee. I am ready and willing at all times——

Mr. SEWARD. I object to debate in the way of interrogatories. I do not think the Speaker was put there to be catechized by everybody. I object to that kind of debate indirectly which gentlemen cannot accomplish directly.

Mr. JONES, of Tennessee. Mr. Speaker——

The SPEAKER. Debate is objected to.

Mr. JONES, of Tennessee. I do not want to debate it. I want to vote understandingly, and desire to ask a question.

Mr. SEWARD. I repeat my point of order, that this question is not debatable, either directly or indirectly. If the Speaker is to answer questions, I have half a dozen to propound to him. [Laughter.]

The SPEAKER. The Chair will state the proposition so that every member will understand it. The proposition of the gentleman from Missouri is to suspend the rules so as to enable him to report from the Committee of Ways and Means the bill that has been read.

Mr. PHELPS, of Missouri. No, sir; to make a report in conformity with the resolution which has been read.

The SPEAKER. The Chair understands what he is doing. The proposition of the gentleman from Missouri is to suspend the rules, so as to enable him to report from the Committee of Ways and Means the bill which has been read; also, to allow the gentleman from Vermont [Mr. MORRILL] to report a substitute therefor; and that any other member of the committee may have an opportunity to offer amendments; all of which amendments will, with the bill, if the rules are suspended, have to be referred to the Committee of the Whole on the state of the Union, for consideration there.

Mr. MOORE. I desire to propound a question to the Chair.

Mr. SEWARD. I must renew my objection.

Mr. MOORE. I merely desire to ask one question.

Mr. SEWARD. I have objected to others, and I must object now.

Mr. MOORE. The gentleman has no right to object. I desire to ask a question for information.

Mr. SEWARD. There are other means of information.

The SPEAKER. The gentleman from Alabama cannot make the inquiry, as the gentleman from Georgia objects.

The yeas and nays were ordered on the motion to suspend the rules.

Mr. CLAY. I ask the unanimous permission of the House to be excused from voting upon propositions submitted to this House which I do not understand and cannot hear read.

Mr. MILES. I call for the yeas and nays on excusing the gentleman.

Mr. HOUSTON. What reason does the gentleman give for desiring to be excused?

Mr. CLAY. That I have not heard read the propositions proposed to be submitted under the resolution of the Committee of Ways and Means.

Mr. HOUSTON. Well, I think that is a very good reason.

Mr. MILES. I withdraw the demand for the yeas and nays. I made it in good faith, because I do not understand one tenth of what is going on in the House, though I listen attentively.

Mr. MOORE. I thought any member had a right to ask for the reading of any proposition on which he is called to vote. I ask that the propositions of the gentlemen from Vermont and Pennsylvania shall be read.

The SPEAKER. Those bills are not before the House.

Mr. DEAN. I object to any debate.

The question was taken; and Mr. CLAY was not excused from voting.

Mr. HUGHES. There is some dispute as to the terms of the resolution of the Committee of Ways and Means—whether any member, or any member of the committee, is to be allowed to offer amendments. Will the Chair be kind enough to have the resolution again read.

The resolution was again read.

Mr. SMITH, of Virginia. Mr. Speaker——

[Loud cries of "Call the roll!"]

Mr. SMITH, of Virginia. I will wait until this clamor is hushed.

[Renewed cries of "Call the roll!"]

The SPEAKER. The House will come to order.

Mr. SMITH, of Virginia. I desire to know whether, if the rules be suspended, these bills will have priority in the Committee of the Whole on the state of the Union over all others?

Mr. RITCHIE. I object to debate.

The SPEAKER. They will not. They will have to be taken up on motion. The Chair believes a majority can take them up.

The question was taken; and it was decided in the negative—yeas 128, nays 88, as follows:

YEAS—Messrs. Abbott, Adrain, Akl, Anderson, Andrews, Arnold, Barr, Bennett, Bingham, Bishop, Blair, Bliss, Bowie, Brayton, Buffinton, Burlingame, Case, Cavanaugh, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Clawson, Clark B. Cochrane, Colfax, Corning, Covode, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dimmick, Dodd, Durfee, Edie, Farnsworth, Fenton, Florence, Foley, Foster, Giddings, Gillis, Gilman, Gilmer, Gooch, Goodwin, Granger, Grover, Grow, Robert B. Hall, Harlan, Harris, Hatch, Hickman, Hoard, Horton, Howard, Huyler, Jewett, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Landy, Leidy, Letter, Lovejoy, Maclay, Humphrey Marshall, Mason, Matteson, Maynard, Montgomery, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Murray, Olin, Palmer, Parker, Pettit, John S. Phelps, William W. Phelps, Phillips, Pike, Potter, Pottle, Purviance, Ready, Reilly,

Ricaud, Ritchie, Robbins, Roberts, Royce, Russell, John Sherman, Judson W. Sherman, Sickles, Stanton, James A. Stewart, William Stewart, Tappan, Thayer, Thompson, Tompkins, Underwood, Wade, Walbridge, Waldron, Walton, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Whiteley, Wilson, Wood, Wortendyke, and Zollicoffer—128.

NAYS—Messrs. Atkins, Avery, Barksdale, Bocock, Bonham, Boyce, Branch, Bryan, Burnett, Caskie, John B. Clark, Clay, Cobb, John Cochrane, Cockerill, Comins, James Craig, Burton Craige, Crawford, Curry, Davidson, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Garnett, Gartrell, Greenwood, Gregg, Groesbeck, Lawrence W. Hall, Haskin, Hawkins, Hill, Hodges, Hopkins, Houston, Hughes, Jackson, Jenkins, George W. Jones, Keitt, Lamar, Letcher, McKibbin, McQueen, McRae, Samuel S. Marshall, Miles, Millson, Moore, Isaac N. Morris, Mott, Niblack, Nichols, Pendleton, Peyton, Powell, Reagan, Ruffin, Sandidge, Savage, Scales, Scott, Searing, Aaron Shaw, Henry M. Shaw, Shorter, Singleton, Robert Smith, Samuel A. Smith, William Smith, Spinner, Stallworth, Stephens, Stevenson, Talbot, Tappan, Miles Taylor, Vallandigham, Vance, Watkins, Winslow, Woodson, Augustus R. Wright, and John V. Wright—88.

So (two thirds not voting in favor thereof) the rules were not suspended.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. PHELPS, of Missouri, by unanimous consent, reported back the amendments of the Senate to the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1860, which were referred to the Committee of the Whole on the state of the Union, and the report was ordered to be printed.

TERRITORIAL BUSINESS.

Mr. STEPHENS, of Georgia. I ask the unanimous consent of the House to offer the following resolution:

Resolved, That Monday next be set apart specially for the consideration of territorial business, and that precedence in the consideration of such business shall be given to bills now in Committee of the Whole on the state of the Union, over those in Committee of the Whole House, in the order in which they stand on the respective Calendars, of a local character, in the Territories now organized.

Mr. GROW. I think that resolution ought to be adopted. The Territories have not had a day this session.

Mr. TOMPKINS. I object to the resolution.

Mr. PHELPS, of Missouri. I must object, at the present stage of the public business.

Mr. STEPHENS, of Georgia. I move to suspend the rules. I do not want to take up time. I ask for tellers.

Mr. STANTON, (holding up the volume of the testimony taken by the select committee on naval contracts and expenditures.) I understand that we have to dispose of this big book on Monday.

Mr. SEWARD. I object to debate. We have business enough to do without wasting time in this way.

Mr. JONES, of Tennessee. I wish to make an inquiry of the gentleman from Georgia.

Mr. SEWARD. I object.

Mr. EUSTIS. There is no time to ask questions, and much less to answer them.

Mr. JONES, of Tennessee. I only desire to ask the gentleman to modify his resolution, so as to confine it to the business of the organized Territories.

Mr. STEPHENS, of Georgia. It is so confined.

Tellers were ordered; and Messrs. SEWARD and KELSEY were appointed.

The House divided; and the tellers reported—ayes sixty; not two thirds of a quorum.

So the rules were not suspended.

AGRICULTURAL COLLEGE LANDS

The SPEAKER laid before the House the veto message of the President of the United States, returning the bill granting donations of lands to the several States for the benefit of agricultural colleges; which was read, as follows:

To the House of Representatives of the United States:

I return, with my objections, to the House of Representatives, in which it originated, the bill entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," presented to me on the 18th instant.

This bill makes a donation to the several States of twenty thousand acres of the public lands for each Senator and Representative in the present Congress; and also an additional donation of twenty thousand acres for each additional Representative to which any State may be entitled under the census of 1860.

According to a report from the Interior Department, based upon the present number of Senators and Representatives, the lands given to the States amount to six million and sixty thousand acres, and their value, at the minimum Government price of $1 25 per acre, to $7,575,000.

The object of this gift, as stated by the bill, is "the endowment, support, and maintenance of at least one college [in each State] where the leading object shall be, without excluding other scientific or classical studies, to teach such branches of learning as are related to agriculture and the mechanic arts, as the Legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life."

As there does not appear from the bill to be any beneficiaries in existence to which this endowment can be applied, each State is required "to provide, within five years at least, not less than one college, or the grant to said State shall cease." In that event the "said State shall be bound to pay the United States the amount received of any lands previously sold; and that the title to purchasers under the State shall be valid."

The grant in land itself is confined to such States as have public lands within their limits worth $1 25 per acre, in the opinion of the Governor. For the remaining States, the Secretary of the Interior is directed to issue "land scrip to the amount of their distributive shares in acres under the provisions of this act; said scrip to be sold by said States, and the proceeds thereof applied to the uses and purposes prescribed in this act, and for no other use or purpose whatsoever." The lands are granted and the scrip is to be issued "in sections or subdivisions of sections of not less than one quarter of a section."

According to an estimate from the Interior Department, the number of acres which will probably be accepted by States having public lands within their own limits will not exceed five hundred and eighty thousand acres, and it may be much less; leaving a balance of five million four hundred and eighty thousand acres to be provided for by scrip.

These grants of land and land scrip to each of the thirty-three States are made upon certain conditions, the principal of which is, that if the fund shall be lost or diminished on account of unfortunate investments, or otherwise, the deficiency shall be replaced and made good by the respective States.

I shall now proceed to state my objections to this bill. I deem it to be both inexpedient and unconstitutional.

1. This bill has been passed at a period when we can with great difficulty raise sufficient revenue to sustain the expenses of the Government. Should it become a law, the Treasury will be deprived of the whole, or nearly the whole, of our income from the sale of public lands, which, for the next fiscal year, has been estimated at $5,000,000.

A bare statement of the case will make this evident. The minimum price at which we dispose of our lands is $1 25 per acre. At the present moment, however, the price has been reduced to those who purchase the bounty-land warrants of the old soldiers to eighty-five cents per acre; and of these warrants there are still outstanding and unlocated, as appears by a report (12th February, 1859) from the General Land Office, the amount of eleven million nine hundred and ninety thousand three hundred and ninety-one acres. This has already greatly reduced the current sales by the Government, and diminished the revenue from this source. If, in addition, thirty-three States shall enter the market with their land scrip, the price must be greatly reduced below even eighty-five cents per acre, as much to the prejudice of the old soldiers who have not already parted with their land warrants as to Government. It is easy to perceive that with this glut of the market Government can sell little or no lands at $1 25 per acre, when the price of bounty land warrants and scrip shall be reduced to half this sum. This source of revenue will be almost entirely dried up. Under the bill the States may sell their land scrip at any price it may bring. There is no limitation whatever in this respect. Indeed they must sell for what the scrip will bring, for without this fund they cannot proceed to establish their colleges within the five years to which they are limited. It is manifest, therefore, that to the extent to which this bill will prevent the sale of public lands at $1 25 per acre, to that amount it will have precisely the same effect upon the Treasury as if we should impose a tax to create a loan to endow these State colleges.

Surely the present is the most unpropitious moment which could have been selected for the passage of this bill.

2. Waiving for the present the question of constitutional power, what effect will this bill have on the relations established between the Federal and State Governments? The Constitution is a grant to Congress of a few enumerated but most important powers, relating chiefly to war, peace, foreign and domestic commerce, negotiation, and other subjects which can be best or alone exercised beneficially by the common Government. All other powers are reserved to the States and to the people. For the efficient and harmonious working of both, it is necessary that their several spheres of action should be kept distinct from each other. This alone can prevent conflict and mutual injury. Should the time ever arrive when the State governments shall look to the Federal Treasury for the means of supporting themselves and maintaining their systems of education and internal policy, the character of both Governments will be greatly deteriorated. The Representatives of the States and of the people, feeling a more immediate interest in obtaining money to lighten the burdens of their constituents than for the promotion of the more distant objects intrusted to the Federal Government, will naturally incline to obtain means from the Federal Government for State purposes. If a question shall arise between an appropriation of land or money, to carry into effect the objects of the Federal Government and those of the States, their feelings will be enlisted in favor of the latter. This is human nature; and hence the necessity of keeping the two Governments entirely distinct. The preponderance of this home feeling has been manifested by the passage of the present bill. The establishment of these colleges has prevailed over the pressing wants of the common Treasury. No nation ever had such an inheritance as we possess in the public lands. These ought to be managed with the utmost care, but, at the same time, with a liberal spirit towards actual settlers.

In the first year of a war with a powerful naval nation the revenue from customs must, in a great degree, cease. A resort to loans will then become necessary, and these can always be obtained as our fathers obtained them, on advantageous terms, by pledging the public lands as security. In this view of the subject, it would be wiser to grant money to the States for domestic purposes than to squander away the public lands, and transfer them in large bodies into the hands of speculators.

A successful struggle on the part of the State governments with the General Government for the public lands, would deprive the latter of the means of performing its high duties, especially at critical and dangerous periods. Besides, it would operate with equal detriment to the best interests of the States. It would remove the most wholesome of all restraints on legislative bodies—that of being obliged to raise money by taxation from their constituents—and would lead to extravagance, if not to corruption. What is obtained easily and without responsibility will be lavishly expended.

3. This bill, should it become a law, will operate greatly to the injury of the new States. The progress of settlements and the increase of an industrious population, owning an interest in the soil they cultivate, are the causes which will build them up into great and flourishing commonwealths. Nothing could be more prejudicial to their interests than for wealthy individuals to acquire large tracts of the public land and hold them for speculative purposes. The low price to which this land scrip will probably be reduced will tempt speculators to buy it in large amounts, and locate it on the best lands belonging to the Government. The eventual consequence must be that the men who desire to cultivate the soil will be compelled to purchase these very lands at rates much higher

than the price at which they could be obtained from the Government.

4. It is extremely doubtful, to say the least, whether this bill would contribute to the advancement of agriculture and the mechanic arts—objects the dignity and value of which cannot be too highly appreciated.

The Federal Government, which makes the donation, has confessedly no constitutional power to follow it into the States and enforce the application of the fund to the intended objects. As donors, we shall possess no control over our own gift after it shall have passed from our hands. It is true that the State Legislatures are required to stipulate that they will faithfully execute the trust in the manner prescribed by the bill. But should they fail to do this, what would be the consequence? The Federal Government has no power, and ought to have no power, to compel the execution of the trust. It would be in as helpless a condition as if even in this, the time of great need, we were to demand any portion of the many millions of surplus revenue deposited with the States for safe-keeping under the act of 1836.

5. This bill will injuriously interfere with existing colleges in the different States, in many of which agriculture is taught as a science, and in all of which it ought to be so taught. These institutions of learning have grown up with the growth of the country under the fostering care of the States and the munificence of individuals to meet the advancing demands for education. They have proved great blessings to the people. Many—indeed, most of them—are poor, and sustain themselves with difficulty. What the effect will be on these institutions of creating an indefinite number of rival colleges, sustained by the endowment of the Federal Government, it is not difficult to determine.

Under this bill, it is provided that scientific and classical studies shall not be excluded from them. Indeed, it would be almost impossible to sustain them without such a provision; for no father would incur the expense of sending a son to one of these institutions for the sole purpose of making him a scientific farmer or mechanic. The bill itself negatives this idea, and declares that their object is "to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life." This certainly ought to be the case. In this view of the subject, it would be far better, if such an appropriation of land must be made to institutions of learning in the several States, to apply it directly to the establishment of professorships of agriculture and the mechanic arts in existing colleges without the intervention of the State Legislatures. It would be difficult to foresee how these Legislatures will manage this fund. Each Representative in Congress, for whose district the proportion of twenty thousand acres has been granted, will probably insist that the proceeds shall be expended within its limits. There will undoubtedly be a struggle between different localities in each State concerning the division of the gift, which may end in disappointing the hopes of the true friends of agriculture. For this state of things we are without remedy. Not so in regard to State colleges. We might grant land to these corporations to establish agricultural and mechanical professorships; and, should they fail to comply with the conditions on which they accepted the grant, we might enforce specific performance of these before the ordinary courts of justice.

6. But does Congress possess the power, under the Constitution, to make a donation of public lands to the different States of the Union, to provide colleges for the purpose of educating their own people?

I presume the general proposition is undeniable, that Congress does not possess the power to appropriate money in the Treasury, raised by taxes on the people of the United States, for the purpose of educating the people of the respective States. It will not be pretended that any such power is to be found among the specific powers granted to Congress, nor that "it is necessary and proper for carrying into execution" any one of these powers. Should Congress exercise such a power, this would be to break down the barriers which have been so carefully constructed in the Constitution to separate Federal from State authority. We should then not only "lay and collect taxes, duties, imposts, and excises," for Federal purposes, but for every State purpose which Congress might deem expedient or useful. This would be an actual consolidation of the Federal and State governments, so far as the great taxing and money power is concerned, and constitute a sort of partnership between the two in the Treasury of the United States, equally ruinous to both.

But it is contended that the public lands are placed upon a different footing from money raised by taxation, and that the proceeds arising from their sale are not subject to the limitations of the Constitution, but may be appropriated or given away by Congress, at its own discretion, to States, corporations, or individuals, for any purpose they may deem expedient.

The advocates of this bill attempt to sustain their position upon the language of the second clause of the third section of the fourth article of the Constitution, which declares that "the Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory, or other property belonging to the United States." They contend that, by a fair interpretation of the words "dispose of" in this clause, Congress possesses the power to make this gift of public lands to the States for purposes of education.

It would require clear and strong evidence to induce the belief that the framers of the Constitution, after having limited the powers of Congress to certain, precise, and specific objects, intended, by employing the words "dispose of," to give that body unlimited power over the vast public domain. It would be a strange anomaly, indeed, to have created two funds, the one by taxation confined to the execution of the enumerated powers delegated to Congress, and the other from the public lands, applicable to all subjects, foreign and domestic, which Congress might designate. That this fund should be "disposed of," not to pay the debts of the United States, nor "to raise and support armies," nor "to provide and maintain a navy," nor to accomplish any one of the other great objects enumerated in the Constitution; but be diverted from them to pay the debts of the States, to educate their people, and to carry into effect any other measure of their domestic policy—this would be to confer upon Congress a vast and irresponsible authority, utterly at war with the well-known jealousy of Federal power, which prevailed at the formation of the Constitution. The natural intendment would be that, as the Constitution confined Congress to well-defined specific powers, the funds placed at their command, whether in land or money, should be appropriated to the performance of the duties corresponding with these powers. If not, a Government has been created with all its other powers carefully limited, but without any limitation in respect to the public lands.

But I cannot so read the words "dispose of" as to make them embrace the idea of "giving away." The true meaning of words is always to be ascertained by the subject to which they are applied, and the known general intent of the lawgiver. Congress is a trustee under the Constitution for the people of the United States to "dispose of" their public lands, and I think I may venture to assert with confidence, that no case can be found in which a trustee in the position of Congress, has been authorized to "*dispose of*" property by its owner, where it has ever been held that these words authorized such trustee to give away the fund intrusted to his care. No trustee, when called upon to account for the disposition of the property placed under his management before any judicial tribunal, would venture to present such a plea in his defense. The true meaning of these words is clearly stated by Chief Justice Taney, in delivering the opinion of the court, (19 Howard, page 436.) He says, in reference to this clause of the Constitution, "it begins its enumeration of powers by that of disposing; in other words, making sale of the lands, or raising money from them, which, as we have already said, was the main object of the cession, (from the States,) and which is the first thing provided for in the article." It is unnecessary to refer to the history of the times to establish the known fact that this statement of the Chief Justice is perfectly well founded. That it never was intended by the framers of the Constitution that these lands should be given away by Congress is manifest from the concluding portion of the same clause. By it, Congress has power, not only "to dispose of" the territory, but of the "other property of the United States." In the language of the Chief Justice, (page 437:) "And the same power of making needful rules respecting the territory is in precisely the same language applied to the other property of the United States, associating the power over the territory, in this respect, with the power over movable or personal property—that is, the ships, arms, or munitions of war, which then belonged in common to the State sovereignties."

The question is still clearer in regard to the public lands in the States and Territories within the Louisiana and Florida purchases. These lands were paid for out of the public Treasury, from money raised by taxation. Now, if Congress had no power to appropriate the money with which these lands were purchased, is it not clear that the power over the lands is equally limited? The mere conversion of this money into land could not confer upon Congress new power over the disposition of land which they had not possessed over money. If it could, then a trustee, by changing the character of the fund intrusted to his care for special objects, from money into land, might give the land away, or devote it to any purpose he thought proper, however foreign from the trust. The inference is irresistible, that this land partakes of the very same character with the money paid for it, and can be devoted to no objects different from those to which the money could have been devoted. If this were not the case, then, by the purchase of a new territory from a foreign Government, out of the public Treasury, Congress could enlarge their own powers, and appropriate the proceeds of the sales of the land thus purchased, at their own discretion, to other and far different objects from what they could have applied the purchase money which had been raised by taxation.

It has been asserted truly that Congress, in numerous instances, have granted lands for purposes of education. These grants have been chiefly, if not exclusively, made to the new States, as they successively entered the Union, and consisted at the first of one section, and afterwards of two sections of the public land in each township for the use of schools, as well as of additional sections for a State university. Such grants are not, in my opinion, a violation of the Constitution. The United States is a great landed proprietor, and from the very nature of this relation it is both the right and the duty of Congress, as their trustee, to manage these lands as any other prudent proprietor would manage them for his own best advantage. Now, no consideration could be presented of a stronger character to induce the American people to brave the difficulties and hardships of frontier life, and to settle upon these lands, and to purchase them at a fair price, than to give to them and to their children an assurance of the means of education. If any prudent individual had held these lands he could not have adopted a wiser course to bring them into market and enhance their value than to give a portion of them for purposes of education. As a mere speculation, he would pursue this course. No person will contend that donations of land to all the States of the Union for the erection of colleges within the limits of each can be embraced by this principle. It cannot be pretended that an agricultural college in New York or Virginia would aid the settlement or facilitate the sale of public lands in Minnesota or California. This cannot possibly be embraced within the authority which a prudent proprietor of land would exercise over his own possessions. I purposely avoid any attempt to define what portions of land may be granted, and for what purposes, to improve the value and promote the settlement and sale of the remainder, without violating the Constitution. In this case I adopt the rule that "sufficient unto the day is the evil thereof."

JAMES BUCHANAN.

WASHINGTON CITY, *February* 24, 1859.

Mr. MORRILL. I move to print the message of the President just read; and upon that motion I propose to submit a few very brief remarks. At this late stage of the session, I shall not detain the House long, however provocative the occasion; but I do not propose that the communication

we have heard from the Clerk's desk, touching a measure so important in its scope and bearing, shall pass entirely without comment.

The President of the United States has certainly the right to express his opinion upon the subject of the bill, as to whether it is constitutional and expedient or not; but we have also the same privilege.

The measure was not introduced here as a party measure, nor was it advocated as a party measure. It has received the cordial support of members of both sides of this House. It fought its way on its own merits. It has been pressed here by petitions and resolutions from the Legislatures of at least thirteen States, and by an indefinite number of memorials from private citizens of the highest character. It is a measure which has been indorsed by agricultural societies and agricultural men throughout the whole country, with unprecedented unanimity. It is a measure dear to the hearts of all farmers, young and old. It would have been approved by all the earlier Presidents, and was especially dear to the heart of Washington, and occupied his last thought. I will again quote from his last message:

"It will not be doubted that, with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this task becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse; and to what object can it be dedicated with greater propriety?"

Yet, while the President assumes to be the representative, *par excellence*, of the farmers, taxpayers, and consumers of the country, he comes here to strike down the only measure, perhaps, which was proposed especially for their benefit. In my judgment, the President has committed, if not a crime, at least a blunder. It may be that in *blunders* the Executive has

"Stept in so far, that, should he wade no more,
Returning were as tedious as go o'er."

If I understand the reading, the President asserts that if this bill passes it will deprive the Treasury of all revenue from the public lands for the next fiscal year. This is a great error, as it would have been impossible for the several States to have the necessary State legislation to enable them to make the grant available in less than one or two years. It is not probable a dollar less would have found its way into the Treasury. At no time could it be expected to operate in this direction to anything like the extent of the military bounty land warrants; and these, so much larger in amount, were scarcely felt at all. But, if the position of the President were correct, it comes with an ill grace from the Magistrate who wasted more than ten million dollars in the grand march of the army to Utah, who is wasting a larger sum by the grander naval demonstration against Paraguay, and who would waste $30,000,000 more in the grandest of all propositions—for snatching Cuba. With all respect, this can only be regarded as a pretext.

The President objects to this bill because he wants to keep the State governments and the General Government separate. Well, sir, this measure by no means combines the State governments and the General Government. It especially leaves the whole matter to the entire control of the several States to arrange, manage, and control, as they may see fit. The States were to be trustees merely for a certain and specific object. This is, indeed, admitted in another place, and objected to. The President wants to endow agricultural professorships, in order that the General Government might institute lawsuits to compel them to adhere to the terms of the trust! But why should the President discuss an alternative to which his veto would have been as prompt as to this bill?

He says the bill would operate greatly to the injury of the new States. Now, sir, when General Jackson, in 1833, vetoed a land bill, he did it mainly because of its giving the new States twelve and a half per cent. more than the old States; and, therefore, to protect the old States from injustice, *he* vetoed the bill. But this bill does equal and exact justice to all the States according to the census of 1850; and it provides further, that if, by the increase of population, the new States, or any States, shall have an increased representation in Congress in 1860, they shall receive twenty thousand acres for each additional Representative they may then be entitled to. I therefore contend that here is a discrimination rather for the benefit, than the injury, of the new States, to which this provision would only practically apply. Thus Democratic Presidents differ—agreeing only in the veto, by which the will of the people, as expressed by their Representatives here, shall be crushed out. One is for justice to the old States, and the other for justice to the new States, but neither for justice to *all*. The objection of the President that the land scrip would be sold at a low price, if true, will hardly be appreciated in the new States. The several States would be quite likely to husband their resources, so as to obtain the largest amount of funds.

But, sir, the President thinks it would be far better to establish professorships in colleges already established. What constitutional difficulty would thus be avoided, I confess, is to me incomprehensible. The wisdom of the suggestion and its feasibility clearly belongs to the President alone. If the object be to excite the jealousy of existing colleges, it is unworthy of notice. I know that the friends of such institutions, men of thorough education, are, in all sections of the country, the cordial and devoted friends of this bill. I do not understand this hint in any other sense than this: that the President was not consulted in regard to the principles of this bill. Had he been thus consulted, or had the details, even, been prepared by some Democratic member, then it might have received his assent. That, sir, is a misfortune to the country, but not its only misfortune. The President wholly mistakes the object of the bill, which was to offer free tuition to the boys of farmers and mechanics—not to enrich corporations and endow professorships—and to enable them, by their own industry, to acquire what might not otherwise be within their reach—a liberal education. If it be a satisfaction to the President to have thwarted such an object, I hardly think it will be highly appreciated; and especially not by those whose hopes are thus destroyed. The telegraphic news of this veto will start a tear from the eye of more than one manly boy, whose ambition will now be nipped in the bud. One great object was to arrest the degenerate and downward system of agriculture by which American soil is rapidly obtaining the rank of the poorest and least productive on the globe, and to give to farmers and mechanics that prestige and standing in life which liberal culture and the recognition of the Government might afford. To all this the President turns a deaf ear.

Mr. Speaker, the Constitution gives to Congress the unreserved and unrestricted power to "dispose of" the public lands; but the President says this does not grant the power to *give them away*. Sir, I contend that this provision does give to Congress the power to dispose of them in any way not prohibited by the Constitution. It is absolute and unqualified. If there is any limitation in the deeds of cession, which provides that they shall be disposed of for the common benefit of all the States, this bill is in strict conformity thereto. Nor does this bill propose to *give* them away at all. Like a prudent proprietor, we adopt a policy to increase the value of the whole landed property of the country. The bill expressly demands a full and proper consideration. That consideration is, that the several States shall establish these colleges, "where the leading object shall be, without excluding other scientific or classical studies, to teach such branches of learning as are related to agriculture and the mechanic arts." If this were done, there can be no doubt the interests of the country, the benefits to accrue, would be fifty-fold greater than any sum which would be abstracted from the Treasury. If we cannot give away the lands we already possess, under what clause of the Constitution are we to pour out millions for the purchase of Cuba, only for the purpose of giving it back again to the Spanish slaveholders?

We have heretofore very properly, in our legislation pertaining to new States and Territories, granted one or two sections of land, in each township, for the especial purpose of establishing schools. This bill is nothing more than a pursuance of the same policy, and was a fit complement of the system. Many literary universities had already been established with the approval of James Buchanan, who, with many other distinguished Democrats, voted for the deaf and dumb school, endowed by Congress, in Kentucky, in 1827. If we can legislate for the deaf and dumb, may we not legislate for those who can hear and speak? If we can legislate for the insane, may we not legislate for the sane? We have granted lands for railroad purposes, for military services, and we have granted lands to the several States for the promotion of health; that is, we have granted to the States the swamp and overflowed lands within their limits. Now, sir, if we can grant lands for the promotion of physical health, can we not grant them for the purpose of promoting the moral health and education of the people? We granted seven hundred and fifty thousand acres of land for the benefit of the Sault Ste. Marie canal, and also other large grants for canals. Well, sir, if we can grant lands for the benefit of commerce, trade, military service, and health, cannot we grant them for other purposes? Cannot we grant them for education, and for the education of the great mass of the country; and a class, too, which has received no special benefit from any act of Congress?

Mr. Speaker, we sometimes see men who drive horses rather hardly, seeking to find some new spot where they can touch them on the raw. While this is not in any sense a party question, the President has endeavored to make it one; and whether he has succeeded in that or not, and I hope he has not, he has succeeded in uncovering a new spot, as numerous as are his scars—and in that respect he is a veteran—to which to apply the whip. I do not, however, propose, at this time, to enter into any long argument in relation to this matter, and am quite ready that the vote should be taken which the Constitution prescribes.

The President has established his higher law over that of Congress; and we have nothing else to do but to appeal to that higher law—of the people—which will override the Executive veto. I call for the previous question.

Mr. COBB. I ask the gentleman to withdraw the call for the previous question.

Several MEMBERS. Oh, no.

Mr. MORRILL. I must insist on my call for the previous question.

The previous question was seconded, and the main question ordered.

The SPEAKER. The question now is: Will the House, on a reconsideration, pass the bill?

The question was taken; and it was decided in the negative—yeas 105, nays 96; as follows:

YEAS—Messrs. Abbott, Adrain, Andrews, Arnold, Bennett, Bingham, Bishop, Blair, Bowie, Brayton, Buffinton, Burlingame, Chaffee, Ezra Clark, Horace F. Clark, Clawson, Colfax, Comins, Corning, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dean, Dick, Dodd, Durfee, Edie, Farnsworth, Foster, Gilman, Gilmer, Gooch, Goodwin, Granger, Robert B. Hall, Harlan, Harris, Haskin, Hatch, Hawkins, Hickman, Hoard, Hodges, Horton, Howard, Huyler, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Lovejoy, McKibbin, Humphrey Marshall, Matteson, Maynard, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Murray, Olin, Palmer, Parker, Pettit, Pike, Potter, Pottle, Purviance, Ready, Reilly, Ricaud, Ritchie, Robbins, Roberts, Royce, Russell, Scott, Aaron Shaw, John Sherman, Judson W. Sherman, Sickles, Robert Smith, Stanton, William Stewart, Tappan, Thayer, Thompson, Tompkins, Underwood, Vance, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Wilson, Wood, Wortendyke, Augustus R. Wright, and Zollicoffer.—105.

NAYS—Messrs. Anderson, Atkins, Avery, Barksdale, Barr, Bliss, Bocock, Bonham, Branch, Bryan, Burnett, Burns, Caskie, Cavanaugh, Chapman, John B. Clark, Clay, Cobb, John Cochrane, Cockerill, Burton Craige, Crawford, Curry, Davis of Indiana, Davis of Mississippi, Dimmick, Dowdell, Edmundson, Elliott, English, Fenton, Florence, Foley, Garnett, Gartrell, Greenwood, Gregg, Groesbeck, Grover, Grow, Lawrence W. Hall, Hill, Hopkins, Houston, Hughes, Jackson, Jenkins, George W. Jones, Owen Jones, Keitt, Jacob M. Kunkel, Lamar, Leidy, Leiter, Letcher, Maclay, McQueen, McRea, Mason, Miles, Millson, Montgomery, Moore, Isaac N. Morris, Mott, Niblack, Nichols, Pendleton, Peyton, John S. Phelps, William W. Phelps, Phillips, Powell, Reagan, Ruffin, Sandidge, Scales, Henry M. Shaw, Shorter, Singleton, Samuel A. Smith, William Smith, Spinner, Stallworth, Stephens, Stevenson, James A. Stewart, Talbot, George Taylor, Miles Taylor, Vallandigham, Ward, Watkins, Winslow, Woodson, and John V. Wright—96.

So the House refused to pass the bill, (two thirds not voting in favor thereof.)

Pending the above call,

Mr. CLARK B. COCHRANE stated that he had paired off with Mr. BOYCE, of South Carolina.

Mr. CASE stated that he had paired off with Mr. DAVIDSON, of Louisiana.

Mr. WALDRON, by unanimous consent, presented a joint resolution of the Legislature of

Michigan, relative to instructing the uniformed militia of that State; and also for the establishment of a semi-weekly overland mail from St. Paul, in the State of Minnesota, to Puget Sound; which were laid upon the table.

Mr. PHELPS, of Missouri. I move the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STANTON, (at three o'clock and twenty minutes.) Does the gentleman desire that we shall have a night session? Is it not better to take a recess for half an hour, or an hour, and then to come here and go on with the business?

Mr. PHELPS, of Missouri. Let us stay here for an hour further, and then I will make the suggestion to the committee to take a recess. The committee can then either take a recess or stay and go on with the business. I am willing that that matter shall be decided now.

Mr. WASHBURNE, of Illinois. After we have spent an hour in the committee, I would suggest that we return to the House and stop the five-minute debate. In that way we can get through with the business.

Mr. GROW. If there is to be a recess, we had as well take it now.

Mr. PHELPS, of Missouri. There are, besides the Navy appropriation bill, the amendments to the pension bill, the amendments to the consular and diplomatic appropriation bill, and the amendments to the legislative, executive, and judicial appropriation bill. If we are diligent, we can get through with them all to-night. Whether the committee will continue its session or will take a recess, I shall be satisfied.

Mr. MAYNARD. Is the night session for debate or business?

Mr. PHELPS, of Missouri. For business.

The question was taken; and the motion of Mr. PHELPS, of Missouri, was agreed to.

So the House accordingly resolved itself into the Committee of the Whole on the state of the Union, Mr. JONES, of Tennessee, in the chair; and proceeded to take up the

NAVY APPROPRIATION BILL.

The CHAIRMAN. The pending amendment is that of the gentleman from New York, [Mr. CLARK,] to strike out the paragraph for the Brooklyn navy-yard, and in lieu thereof to insert, as follows:

For ordinary repairs of the Brooklyn navy-yard, $20,000.

The committee found itself without a quorum. The Chair will further state the condition of the bill. The gentleman from Ohio [Mr. SHERMAN] moved to strike out various clauses of the bill, and to insert in their place what has been read from the Clerk's desk. While that was under consideration, the gentleman from New York proposed to amend a part of that which was proposed to be stricken out. The Chair is of opinion, that in the present state of the business, no motion to amend the part proposed to be stricken out is in order, until the amendment of the gentleman from Ohio is disposed of. When the gentleman from Ohio proposed his amendment, it would have been in order to read the part proposed to be stricken out. The Clerk had commenced to report it, but it was proposed to dispense with the reading; and that was done by the unanimous consent of the committee. The committee then proceeded to consider the amendment of the gentleman from Ohio. When that is disposed of, it will be in order to propose to amend the part proposed to be stricken out. Under that ruling of the Chair, the proposition of the gentleman from New York is not in order; and the only proposition now before the committee, is the proposition of the gentleman from Ohio.

Mr. GROW. Did the course of the committee, in dispensing with the reading of the lines proposed to be stricken out, cut off all chance of amendment?

The CHAIRMAN. Not at all. The committee passed over that, as if it was read.

Mr. CLARK, of New York. Still, it has not been read at all.

Mr. GROW. I take it, that the dispensing with the reading of the lines, does not take away the right to amend them. I take it, that the clause is still open to amendment.

The CHAIRMAN. It will be, if the amendment of the gentleman from Ohio is rejected.

Mr. SMITH, of Virginia. I propose to amend the amendment, by striking out $20,000, and inserting $150,000; so that the clause will read:

Mare Island, California, $150,000.

The Committee of Ways and Means recommended an appropriation of $230,310 for this point. The amendment of the gentleman from Ohio proposes to reduce it to $20,000. I propose to amend his proposition, so as to raise it to $150,000. The reasons why I do so, are briefly these. We know that Mare Island, in California, is a new naval establishment in process of construction; and necessarily requiring—with reference to the price of labor there—a much larger appropriation for the purpose of continuing, not repairing, the work there, than the establishments on the Atlantic coast. That is not all. That establishment is on the western slope of our continent, and at the point where it is very important, indeed, to have a complete and finished establishment. I would not submit to any reduction for this particular improvement, but for the great necessity for retrenchment on all public expenditures. I think the appropriation may be diminished; and I think it should be diminished, owing to the necessity to which I have referred. But I think that reduction should not be of a character to arrest improvement there, but to enable the construction to go on.

So much for this particular subject. While on this subject, I may very well excuse myself for drawing a contrast between this establishment and the old establishments on the Atlantic coast. They are now in full operation. They are answering the purpose for which they were designed; and the heavy appropriations recommended for them are designed to perfect, embellish, or introduce new and superior improvements. I think that the present circumstances of the country do not justify that sort of outlay. Therefore it is that I am willing to draw a distinct line of separation between the eastern and western establishments. I am satisfied that the sum I propose is the lowest that ought to be submitted to. I trust it will be the pleasure of the committee to amend the amendment of the gentleman from Ohio to that extent.

Mr. OLIN. If it be in order, I move to strike out that entire section. If that amendment be not in order, I wish to oppose the amendment of the gentleman from Virginia.

The CHAIRMAN. The only question before the committee, is the amendment of the gentleman from Virginia.

Mr. OLIN. Then I oppose that amendment. The reasons for my opposition are as well applicable to the appropriation as a whole as to any increase of the amount. I have endeavored on former occasions to procure some information to be laid before the House, which would, in my judgment, instruct the House in relation particularly to this navy-yard, and also in relation to the arsenal that is proposed to be established in the vicinity of Benicia. If I could have succeeded in having that document laid before the House, it would have shown, I think, that the expenditure of money already made by the Government of the United States, at that point, is a misapplication of the public money.

Mr. SMITH, of Virginia. Say why.

Mr. OLIN. I will say why. It is because it is manifestly in the wrong place. If any navy-yard is to be established in California for the purpose of construction, it should manifestly have been at San Francisco.

Mr. SMITH, of Virginia. I speak from personal knowledge of this particular locality; and I say that there is not, perhaps, under the sun so admirable and happy a location. It is only twenty miles from San Francisco.

Mr. OLIN. I believe it is forty miles.

Mr. PHELPS, of Missouri. Thirty.

Mr. OLIN. Any information that the gentleman can give me from personal knowledge, would be received with great gratification, as well as respect; but on this business of constructing navy-yards, I speak on the information of a man on whose judgment the House, I am sure, would rather rely than on that of the gentleman from Virginia. Now, I assert here, what every man in the country knows, that a navy-yard, for the purpose of construction, in California, is worse than a cat with two tails. There is no necessity for it. There can be no necessity for it. If this yard were completed at an extravagant outlay, the Government could get work done at vastly less expense in the yards on the Atlantic coast. Every gentleman knows it. All that is needed there is a navy-yard for the purpose of repair; but instead of that, the Government have entered into the tomfoolery of establishing a navy-yard, for the purpose of construction, on the Pacific coast. Why there? Does the Government contemplate building any vessels there? Not at all; and will not for the next twenty-five years. Until the relations of the Pacific and Atlantic coasts are entirely changed, it would be a profligate waste of money to attempt the construction of vessels at that point.

And then, again, my objection to this expenditure is this, that the navy-yard is in the wrong place. If there is to be a navy-yard built on the Pacific coast, it manifestly ought to be located at San Francisco.

[Here the hammer fell.]

Mr. SMITH, of Virginia, by unanimous consent, withdrew his amendment to the amendment.

Mr. SCOTT. I move to amend the amendment by striking out "$20,000" and inserting "$230,310," which is the sum recommended by the Committee of Ways and Means.

Mr. Chairman, I wish to reply to the remarks made by the gentleman from New York, [Mr. OLIN,] for I believe he is laboring under a misapprehension in regard to Mare Island being a proper place for a navy-yard. Now, sir, I have been there myself. I have been upon the site, and though I do not mean to set myself up before the House as an expert in such matters, but, so far as my humble judgment goes, I do not believe that a better site or position could have been selected. But, sir, the gentleman says that the Government never contemplates building vessels at that yard. He is certainly in error in that, as he was in regard to his conceptions of the navy-yard at Mare Island, because they are now building one of the sloops there under the bill passed last year.

Mr. OLIN. It is a political job, then.

Mr. SCOTT. I know nothing about that. If there is any political job, I was not instrumental in it, and know nothing about it. And, sir, I would tell gentlemen that, so far as political jobbing, in my State, is concerned, there is no earthly necessity for it by this Administration, or any other Administration; because, in a State that polls one hundred and ten thousand votes, and can give such a majority against the Opposition as she has always done, on the right side, there is no need of jobbing to carry one little county and some two hundred employés. It would exhaust the Federal Treasury of the United States to affect the political results in my State; and after it was exhausted among the politicians, the masses, true to the Democracy, and true to the Constitution, would stand firm and uncorrupted.

But I want to come to another point. It has generally been the custom for the Opposition here to be liberal towards California; and I have always given them credit for it. But it seems now that a strange change has taken place in the Opposition here. Only two days ago the gentleman from Ohio [Mr. SHERMAN] endeavored to strike down the arsenal at Benicia.

Mr. SHERMAN, of Ohio. No, sir.

Mr. SCOTT. I thought the gentleman did.

Mr. CURTIS. It was a gentleman from Virginia, on the other side of the House.

Mr. SCOTT. Well, sir, I thought it was the gentleman, [Mr. SHERMAN,] but I believe that I am incorrect, and it was his colleague [Mr. PENDLETON] who made that move. The gentleman from Ohio now comes forward and endeavors to strike down the navy-yard at Mare Island. Now, I conceive that if there is any State of this continent which requires a navy-yard, and which requires an arsenal to enable her to defend her interests and maintain her rights in the event of a war, it is California. When you begrudge us a Pacific railroad; when you have been cutting down the Indian appropriations; when you are cutting down the surveys of the public lands; when you are cutting down the fortifications——

Mr. CLARK B. COCHRANE. When the gentleman says "you begrudge us a railroad," to whom does he refer?

Mr. SCOTT. I am alluding to the whole Con-

gress. I do not bring that charge against your party in particular.

Mr. CLARK B. COCHRANE. That is right.

Mr. SCOTT. I am fair in all that I say. But I say that it is a very singular thing—and if I had the statistics here I could prove it—that when you are retrenching and putting the pruning-knife to all these expenditures, my State suffers nine times as much as any other State in this Confederacy. The Committee of Ways and Means, in the first instance, cut down the estimates fifty per cent., and then when the bill comes before the House, the House applies the pruning-knife still further, and seeks to cut down the reduced estimates of the Committee of Ways and Means.

Now, the estimate of the Secretary of the Navy for this navy-yard is $406,000. The Committee of Ways and Means have reduced it to $233,000, and now the gentleman from Ohio proposes to cut it down to $20,000, and the gentleman from New York says that the whole of it ought to be done away with!

Now, it seems to me that it would be very poor economy, when the Government has spent millions on this navy-yard and it is in a complete state, if, for want of the paltry sum of $233,000, we sacrifice these improvements.

[Here the hammer fell.]

Mr. SHERMAN, of Ohio. I have no particular feeling in regard to the California navy-yard. There are some reasons which might induce appropriations for that yard which do not apply to other yards.

But I desire to call the attention of the committee to the fact that of the appropriations made for this year, the following sums are still unexpended and will be expended during the next fiscal year: Portsmouth, New Hampshire, $20,000; Boston, $75,000; New York, $80,000; Philadelphia, $23,000; Washington, $50,000; Norfolk, $20,000; Pensacola, $70,000; Mare Island, $50,000. It will thus be seen that, according to the estimates submitted to us by the head of the bureau, there will be $388,000 of the appropriation made for this fiscal year, unexpended at the end of the year; and, if you add to that $120,000 that I propose to appropriate, it makes over half a million dollars; and it seems to me that that is enough to get along with during the next year.

Mr. PHELPS, of Missouri. I desire to call the attention of the gentleman from Ohio to the note appended to that table.

The CHAIRMAN. Debate is exhausted on this amendment.

The amendment offered by Mr. SCOTT was not agreed to.

Mr. FLORENCE. I propose to strike out the amount of one dollar from the appropriation.

Mr. Chairman, the gentleman from Ohio, [Mr. SHERMAN,] in referring to the amount remaining unexpended in the Treasury, would, I should suppose, bring the period of those expenditures up to the close of the fiscal year. Now, I ask whether these appropriations are not made for specific purposes, and whether they will not be required to pay for expenditures, or rather, for debts contracted in pursuance of the estimates of last year?

Mr. SHERMAN, of Ohio. I will answer the gentleman that the amount appropriated last year was too much. Those are unexpended balances on hand. The Committee of Ways and Means tell us that those unexpended balances will be sufficient to complete the works in process of construction, so that the appropriation we are now asked to make is for the construction of new works. That is an additional reason why the amendment I have offered should be adopted.

Mr. FLORENCE. Well, sir, let the gentleman's explanation go for what it is worth. I am for this entire appropriation for the reasons which I gave somewhat elaborately yesterday. But, allow me to say, that I was very much struck by the refreshing character of the proposition made by the gentlemen from New York who spoke here yesterday, [Messrs. SICKLES and CLARK.]

Mr. PHELPS, of Missouri. I rise to a question of order. If we are ever to finish this bill, gentlemen must confine themselves to the amendments offered.

The CHAIRMAN. The Chair thinks the remarks of the gentleman from Pennsylvania are not within the spirit or letter of the rule. The rule requires the gentleman to confine his remarks to showing why the amount should be increased one dollar.

Mr. FLORENCE. I am just now doing that. I desire that it shall be increased one dollar, and I would have it increased $1,000,000 upon the same principle. The Chair understands that it is one of those *pro forma* amendments which gives the right to speak upon the bill under consideration; desiring, as I do, to promote the efficiency of the Navy of the country, by the appropriation of the whole amount contained in the bill, and not to break up the navy-yards of the country, as I tell gentlemen will be done, if the amendment of the gentleman from Ohio is voted in.

Mr. PHELPS, of Missouri. I rise to a question of order. I ask that the gentleman from Pennsylvania shall be confined in his remarks to the amendment he has offered. I repeat, that unless the rule is enforced, we shall never get through the consideration of this bill.

Mr. FLORENCE. The gentleman did not confine these gentlemen from New York, yesterday, strictly to the rule; and now I ask that I may be allowed the same privilege in replying to the remarks then made.

The CHAIRMAN. The House adopted a rule closing debate upon this bill at a particular time. That time has passed; and the general subjects of the bill are not before the committee for debate. The rule under which the committee is now acting upon this bill is, that any gentleman proposing an amendment may have five minutes to explain that amendment. The Chair thinks the gentleman from Pennsylvania was not, within the spirit of the rule, speaking upon the amendment offered by him.

Mr. FLORENCE. That amendment was to add an additional dollar to the appropriation. Very well. I will endeavor to confine myself to that amendment. I desire that that additional dollar shall be appropriated to accomplish the work which it is necessary should be done at these several navy-yards. The gentleman from New York [Mr. CLARK] yesterday proposed to abolish the navy-yards at Philadelphia, Boston, and Brooklyn.

The other gentleman from New York [Mr. SICKLES] proposed to abolish the navy-yard at Philadelphia. Now, I would suggest to these gentlemen that they may practically accomplish their purpose by adopting the amendment of the gentleman from Ohio, [Mr. SHERMAN.] The effect of that amendment will be to close up these navy-yards; and the proposition struck me as peculiarly refreshing, as coming from them. The gentleman over the way [Mr. CLARK] said the South ought to have these navy-yards. Why, let me ask the gentleman where is the *practical mechanic* to be found in that *far-off region* referred to yesterday as the Brunswick navy-yard in the district of the gentleman from Georgia, [Mr. SEWARD?] Are there any workshops there? Have they floating-docks, or stone-docks? Is there any one down there who has experience in ship building or the construction of vessels of war? Are all the workshops of the Government in Massachusetts, New York, Pennsylvania, Virginia, and the District of Columbia, to be closed up? Are the merry ringing of the anvils and the loud sounds of the pounding hammer to be recklessly arrested, and the men who toil barely for their subsistence to be thrown upon the cold charities of the world; they, the wives of their bosoms, and their little ones, to starve? Forbid it, Heaven! Avert this evil, then, gentlemen, if you are patriots, and your hearts sympathize with the workingman and the mechanic, many of whom, no doubt, aided in placing some of you in the power you now exercise, and whose brawny arms are always ready to defend you, yours, or the honor of the country, whenever it may be invaded or assailed. The men of toil are those who, when the tocsin of war is sounded, rush to the rescue, shoulder their musket, sling their knapsack on, and follow, to the shrill notes of the merry fife, and the spirit-stirring roll of the martial drum, the waving stars and stripes to the battle-field. The comforts of home are abandoned for a time; the smile of many a dear wife is hidden; and the ringing laugh of little children are all given up for their country's cause. These are the men whom I speak for; let them be protected here. They need it, and deserve it.

[Here the hammer fell.]

Mr. FLORENCE. Does the gentleman know that the South cannot produce——

[Cries of "Order!" "Order!"]

The CHAIRMAN. The time of the gentleman from Pennsylvania is out, and he cannot proceed with his remarks.

Mr. CLARK B. COCHRANE. Is it in order to offer an amendment at this time?

The CHAIRMAN. Not while the amendment of the gentleman from Pennsylvania is undisposed of.

The amendment to the amendment was disagreed to.

Mr. SEWARD. I propose to amend by inserting after "Mare Island, California," the words, "Brunswick, Georgia." My object is to offer some remarks upon this amendment affecting my own State and my own district. In 1857, a naval depot was established at Blythe Island, Georgia, by a vote in this House of fifty-six majority, and by a two-thirds vote in the Senate, after it had been discussed for months, and after estimates had been sent in here from the proper Department for carrying out and completing the works there. Now, I desire that, in whatever moneys are appropriated in this bill for the benefit of navy-yards and naval depots, Georgia shall receive some benefit.

In alluding to this question, I will just refer to another fact. It has been industriously circulated amongst some men here, hostile to the carrying on of this work, that Thurlow Weed was interested in the property which was sold to the Government on Blythe Island. Now, sir, such is not the fact. Thurlow Weed never owned a dollar's worth of property there; but if he did, he had the right to hold it, and that is no argument against this amendment.

Again, Mr. Chairman, it has been stated that we have got a good harbor at Blythe Island, with eighteen feet, at low water, across the bar, and twenty-six feet at high tide. It is near one of the finest forests in the world, and there is now a railroad penetrating that forest, so as to make it available. It is accessible to the finest live-oak timber, and accessible by railroad and water communication to the finest granite. And then, sir, it is the healthiest location, in my opinion, upon our whole coast.

A MEMBER. Do they have the "yellow jack" there?

Mr. SEWARD. No, sir. In 1854, when the yellow fever prevailed to such an extent in Charleston and Savannah, when it prevailed in the immediate neighborhood to the East and West, Brunswick was not effected at all by that disease. There never has been an epidemic there, neither yellow fever nor small pox, nor any other epidemic. There is a high pine bluff running down to the salt water. There are no fresh water, no swamps, no marshes. Independent of that, there are no coast defenses for nearly two thousand miles from Norfolk, Virginia, to Pensacola, Florida. New Brunswick occupies an important position eastward from the Gulf of Mexico.

[Here the hammer fell.]

Mr. SEWARD, by unanimous consent, withdrew his amendment.

Mr. CLARK B. COCHRANE. I move to reduce the amount appropriated by the amendment of the gentleman from Ohio for the Brooklyn navy-yard from $20,000 to $10,000.

Mr. Chairman, I have no particular hostility to the Navy or to the maintenance of navy-yards at the proper points, when the business of those yards is performed with fidelity to the public service. But, in my judgment, the Brooklyn navy-yard has outlived its usefulness as a public institution. The evidence before the special committee, upon the tables of members, shows the fact that the patronage of that yard has been, for the past year or two, farmed out amongst the Democratic Representatives of the various city congressional districts. That navy-yard has grown simply to be a recruiting station for the Democratic party.

Mr. PHELPS, of Missouri. I raise the question of order that the gentleman's remarks are not pertinent to the amendment.

Mr. CLARK B. COCHRANE. I submit that they are. I propose enough to preserve the public property there from decay.

The CHAIRMAN. The Chair thinks the gentleman is in order in giving his reasons for the

proposed reduction. He is in order in showing how the appropriation has been improperly expended.

Mr. CLARK B. COCHRANE. That evidence discloses that the superintendent and master builders in charge of the Federal work are simply recruiting sergeants for the Democratic party. It discloses another remarkable fact, that the demand for public labor increase just in proportion to the exigencies of the Democratic party; that the number of employés begins to increase about the dog-days, and it culminates about the ides of November. The number declines down to the lowest point during the recess, when these laborers are not required for political purposes. I conceive that this sort of institution is very necessary to sustain the Democratic party in the free States; but my objection is that they should not be supported out of the Federal Treasury. They are private, and not public, institutions. If the Democratic party require them they ought to put their hands into their own pockets, and not that of the Government, to pay for them.

[Here the hammer fell.]

ENROLLED BILLS.

The committee informally rose, and

Mr. PIKE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled, bills of the following titles:

An act giving the assent of Congress to a law of the Missouri Legislature, for the application of the reserved two per cent. land fund of that State; and

An act making an appropriation for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1860;

When the Speaker signed the same.

The committee then resumed its session, and the consideration of the

NAVY APPROPRIATION BILL.

Mr. SICKLES. Mr. Chairman, this is not the first time that the Brooklyn navy-yard has been selected as a point of attack from the other side of the House. I have looked around, and do not see the gentleman who may be regarded more especially as the Representative of the district where that yard is situated, and who would doubtless embrace the opportunity to give the committee the facts; but in his absence I will do it.

I will say to my colleague, that the practice to which he refers of distributing the patronage of these navy-yards, somewhat under political influences, has been the uniform practice at all of these yards, under Democratic, as well as Opposition Administrations. I will go further, and state upon information which I consider reliable, that the practice of rotating subordinates, to wit, the master workmen in these yards, was initiated under an Opposition Administration—I refer to the administration of General Taylor, when for the first time, the workmen in the Brooklyn navy-yard were superseded for political reasons. The fact was true, probably, with regard to other navy-yards.

The gentleman says that extraordinary activity was observable in the Brooklyn navy-yard in October and November, and he would insinuate that that had some connection with the election in New York, in November. If he is ignorant of the fact, and he ought not to be, I will tell him that the same increased activity was observable in all of the navy-yards upon the Atlantic coast.

Mr. CLARK B. COCHRANE. Undoubtedly.

Mr. SICKLES. It was because Congress had directed the fitting out of an expedition against Paraguay, with all possible dispatch, to protect the honor and the interests of this country; and let me say that elections were not going on in the States where these other navy-yards were located. Work was going on at Pensacola and Norfolk and elsewhere.

Mr. ADRAIN. Why, then, was Commodore Kearney removed from the Brooklyn navy-yard?

Mr. SICKLES. He was not removed for any political reason, or because any exception was taken to his administration of the yard.

Mr. ADRAIN. I understood he was removed because he would not make the changes demanded of him by the Administration.

Mr. SICKLES. He was superseded and summoned to Washington, because his experience and his services were more desirable here than at the Brooklyn navy-yard.

[Here the hammer fell.]

Mr. CLARK B. COCHRANE. I ask this question of the gentleman——

The CHAIRMAN. Debate is exhausted.

The question was taken; and Mr. COCHRANE's amendment was rejected.

Mr. FLORENCE. I move to amend the amendment by striking out $15,000, and inserting, in lieu thereof, $120,492, so as to make the clause read—

For the navy-yard at Philadelphia, $120,492.

I am in favor of the retention of the sum recommended by the Committee of Ways and Means for the reason that the public service absolutely requires this appropriation to carry on the purposes of the Government there. I am for giving to labor all that it is entitled to. In making these appropriations for the naval service, some consideration ought to be given to the mechanics and workingmen of the country who are usually employed in these navy-yards. Gentlemen on the other side say that these are private institutions, and that they are used for political purposes. I would almost wish that we could come back to that day when they were not. But I say here, and I proclaim it defiantly and truthfully, that the first effort ever made to proscribe, if you choose to call it so, men for the exercise of their political opinions, in the navy-yards, commenced under the administration of General Taylor. I believe that, up to that time, there never was an attempt to coerce a man for the exercise of an opinion, or to compel him to vote contrary to his political opinions. I deprecate it. I say to gentlemen here that, if the public service did not require any navy-yards, or the labor of men at them, I would not vote for it; but, inasmuch as the public necessities require the appropriation of this sum, I offer the amendment in good faith, conscientiously believing it to be right.

It was remarked, yesterday, that the men working in the navy-yards were vagabonds; and other opprobrious epithets were applied to them. It is no unusual thing, except just about election time, to call poor, working men, vagabonds. I do not intend to take issue with gentlemen on that point, at this time. I may, if I have time, hereafter. If it be true in regard to the navy-yards in the districts with which they are connected, it is not true in respect to the Philadelphia navy-yard. No such cattle occupy its precincts. [Laughter.] Most generally, working men are called vagabonds by those who were raised into power by them. The sympathies of, at least, one of these gentlemen has been exercised publicly for *the poor man*. Does he withdraw his appeal made in their behalf?

The CHAIRMAN. The Chair will state, that, in his opinion, all *pro forma* amendments for the purpose of making speeches, are out of order. The Chair will also state, that it is impossible for the Chair to restrain gentlemen who offer amendments merely for the purpose of letting off a speech.

Mr. FLORENCE. I stand accountant for no such sin. I make few speeches; and not any except those, in my judgment, of a practical kind. I have never, in eight years' service in this House, to my recollection, made a mere political speech. I am speaking, now, upon the subject under consideration, to the purpose, in my humble judgment. I want to keep the American Navy afloat. I want the workshops of the Government to be kept up. I want labor to have its fair share; and I desire to secure to the working man a fair day's wages for a fair day's work, by these appropriations. Who will speak for the mechanic and laborer here? Echo answers, "Who?" I say to gentlemen, that some of them will be held to a most rigid accountability and responsibility. They ought to be. The entire vote *nearly*, with rare and honorable exceptions, are arrayed against the labor of the Atlantic cities. Can they face their constituents without shame? I am inclined to think not!

Mr. CLARK, of New York. I rise to oppose the amendment of the honorable gentleman from Pennsylvania; and I desire, before proceeding to the consideration of the subject, to give expression to the surprise that I have always felt that gentlemen on this floor should imagine that something of advantage accrues to their constituents because, perchance, they can procure a location in their midst of a custom-house, or navy-yard, or marine hospital, or something of that kind. Sir, I entirely differ in opinion from gentlemen who entertain any such ideas. I believe that every dollar of Federal money that is expended unnecessarily within a State paralyzes, to that extent, State rights and State dignity; and, being a State-rights Democrat, I am opposed to it. Sir, I wish sincerely that the Government of the United States did not own one dollar's worth of property in the city of New York. I happen to live there, sir, and within two miles from my residence from three to four million dollars of the Federal revenue is expended. Perhaps one fourth of it is wasted, perhaps more, perhaps less. But I know that our community suffers from the cause. It has demoralized our politics; it has demoralized our people. At the very hour that I speak, Federal patronage controls our political conventions, and overrides our municipality; and that great city of New York, with her vast intelligence and wealth, is overborne by a political vagabondism and profligacy which I believe to be the result—the direct and immediate result—of this large and, in many instances, unnecessary expenditure of the public money.

My friend from Pennsylvania [Mr. FLORENCE] has referred to the remarks that I submitted yesterday, touching the question of the necessity of a navy-yard at Philadelphia. I should like to have him, by and by, answer me this question: would he—I put it to him on his honor—vote to establish a navy-yard at Philadelphia, were the establishment of one at that place an open question? I will further ask him to say whether, if he did not represent that navy-yard district, he would not now vote to abolish that navy-yard, which the intelligent sentiment of this House pronounces to be altogether unnecessary? Sir, it is for his benefit; it is for the benefit of men situated as he is, and as I am, that I am strenuous and sincere on this subject. If we could get rid of these navy-yards and other patronage establishments in his district and mine, it would improve his politics; it might improve mine. Yes, and it would improve his style of oratory, graceful as it is. [Laughter.] We should no longer hear him uttering the sentiments to which he gave expression yesterday about poor men, and about giving employment to poor men. Does not the gentleman know that it is not in accordance with the creed of the Democratic party, or the theory of our Government, that the Government should give employment to poor men, or attempt to improve, by gifts, or by its patronage, the condition of either rich or poor. The principles of sound Democracy require that men should maintain themselves by honest industry. *Democratic politics* is not something to eat.

When I heard my friend allude so touchingly and eloquently to poor men, and the giving of employment to poor men, I was reminded how it is just that sort of sentiment which, in times when the industry of a people becomes paralyzed, sometimes inspires the mob to tear down the houses of the wealthy. It is that same spirit which may light the torch of revolution, and bring down anarchy upon the ruins of constitutional government. I never like to hear such eloquence here. I never like to hear it anywhere. And you would never hear it, if gentlemen on this floor were not trammeled by the existence, in their immediate neighborhoods of these pest-houses, these schools of fraud and larceny, these spots from which issue bands of mercenaries to invade and destroy the political liberties of a people.

[Here the hammer fell.]

The question was taken on Mr. FLORENCE's amendment; and it was rejected.

Mr. SMITH, of Virginia. I move that the committee take a recess till seven o'clock.

Mr. PHELPS, of Missouri. I hope the committee will continue in session. I thought there was an understanding among members that the committee would remain and sit the bill out.

Mr. WINSLOW. I desire to offer an amendment, not *pro forma*, but in good faith. I move to amend the amendment of the gentleman from Ohio, by striking out "$20,000" in the appropriation for the New York navy-yard, and inserting in lieu thereof, "$146,456 60."

Mr. Chairman, the project of the gentleman

from Ohio, is neither more nor less than the annihilation of the system of navy-yards throughout the country. His amendment provides only sufficient money to enable them to be kept in ordinary repair.

Now, sir, like the gentleman from Ohio, I am perfectly convinced that there is a necessity for a great deal of reform about the navy-yards of the country. I think that we have too many navy-yards; but, at this stage of the session, we cannot well go into that subject and devise any proper system of retrenchment. Whether we could dispense with a navy-yard in the great city of New York, is a matter of very great question; I am not now disposed to touch that question; but I am willing to go very far towards retrenching the expenses of the navy-yards. The Committee of Ways and Means reduced the expenses of all the navy-yards nearly a million dollars. I propose myself to reduce still further the appropriation for the navy-yard at New York. I do not think, on examining the items for New York, that much reduction can take place there; but I propose to reduce the amount reported by the Committee of Ways and Means $25,000. It will be seen that the amount I propose is the amount reported by the Committee of Ways and Means, less $25,000, and that $25,000 is the amount estimated for the launch-way and ship-house. These works may be necessary at some time; but as we shall build no ships during the next fiscal year, there is no immediate necessity for a ship-house and launch-way.

I think that the gentleman from Ohio has not pursued the proper course to effect the purpose of retrenching upon this bill. It is manifest that the House is only left to choose between his project and the bill as reported by the Committee of Ways and Means.

Having said as much as I desire to say upon that subject, I ask the attention of the gentleman from Ohio for a moment. I understood him yesterday, in complaining of the great expenses of the Navy Department, to say that the expenses for the repairs, equipment, and armament, of the steamship Niagara, amounted to more than one million dollars. That, I think, is an error. The document to which my friend refers me, I think, will show him that, in point of fact, it is not true. I was astounded at the statement, for I do not think the repairs of any ship ever cost this Government $1,000,000, or half that sum. The table to which the gentleman referred is a statement of the cost of *building* and repairing vessels in the Navy of the United States.

Mr. SHERMAN, of Ohio. Mr. Chairman, I am not mistaken. The gentleman will find that that is a statement of the cost of building and repairing vessels of the United States Navy *from the 1st of March, 1857, to the present time;* and the amount expended on the Niagara during that period was $1,062,422 44. Now, the Niagara was built in 1855, and this sum of over one million dollars has been expended on that vessel since March 1, 1857.

[Here the hammer fell.]

Mr. WINSLOW. This table is headed, "Statement of the cost of building and repairing vessels in the United States Navy."

Mr. SHERMAN, of Ohio. Since a certain time.

Mr. WINLOW. Since March 1st, 1857, and comprises the *whole cost* of the ship.

The CHAIRMAN. The gentleman's time is out.

Mr. WINSLOW's amendment was rejected.

Mr. FLORENCE. I move to amend the amendment of the gentleman from Ohio, by increasing the appropriation for the Philadelphia navy-yard to an amount one dollar less than that recommended by the Committee of Ways and Means.

Mr. JOHN COCHRANE. Now speak to the point.

Mr. FLORENCE. I am going to do so. I am for that appropriation for the Philadelphia navy-yard, and all other navy-yards, as I said before, because I believe it to be—I *know* it to be, necessary for the public purposes, and to keep our very small navy "*afloat.*" I am, therefore, in favor of increasing the entire amount to that which the Committee of Ways and Means recommended in this item, and for restoring the entire paragraph and amounts as reported by them. I do not believe that if this money is appropriated, it will corrupt or demoralize anybody. I say, in answer to the gentleman from New York, [Mr. CLARK,] that I believe the navy-yard at Philadelphia is properly located there, and hence I desire this appropriation for that particular point. I say further, in answer to the gentleman, that if it was now an original question of locating a navy-yard there, I would recommend it because of the natural advantages of the locality; because it is located inland, a few miles from the capes of the Delaware, and affords protection—and just that sort of protection which ought to be afforded—for vessels-of-war, or for the construction and repair of vessels-of-war when an enemy may be hovering upon our coast. It is also at a point where there is sufficient depth of water to float the largest vessel in the naval service, and hence I desire that an appropriation may be made to continue the efficiency of the public service just there. But, sir, everywhere, or wherever needed, I am for these appropriations for naval objects.

Now, I regret, as much as the gentleman from New York does, the demoralizing influence of this public patronage. I would go, with him, to cut it off. I am as much incumbered by it as he or any other man can be, and I only wish there was enough employment for the labor of the country to dispense with it. But the gentleman must recollect that it is the dearth of employment among the working classes, principally brought about by the crisis in our commercial affairs, that has poured down upon himself, and myself, and other gentlemen who are supposed to have influence, a large number of suffering people who are begging they may be permitted to toil for their daily bread, and are willing and anxious to give the labor of their hands in any avocation to secure the means of support for their famishing families. Will gentlemen drive the hungry man starving for want of bread from their door. I say here, before God and the world, I will not. I will rather pursue the course of my friend from New York, [Mr. CLARK;] appeal to the powers that be, as he did in his letter to the Secretary of the Navy, printed in *this* report of the investigating committee, and which does honor to his head and heart; and beg that the famishing may have an opportunity honestly to earn their bread. That is my course of action.

[Here the hammer fell.]

Mr. PHELPS, of Missouri. I rise to a question of order. It becomes apparent that gentlemen are speaking for Buncombe here.

Mr. FLORENCE. I beg the gentleman's pardon; I do not speak for any such purpose. I do not know any such person. He is a stranger to me. I have no acquaintance with him, and desire to have none with Mr. Buncombe. Is the gentleman answered?

Mr. PHELPS, of Missouri. I move that the committee rise, for the purpose of going into the House and adopting a resolution terminating this five minutes' debate. Gentlemen can then have the opportunity of proposing amendments just as at present, but we shall be clear of this interminable debate.

Mr. SEWARD. I object to that motion. I have got an amendment to propose to this bill. I have the right to propose it, and the gentleman has no right to cut me off.

The CHAIRMAN. The gentleman has the right to move that the committee rise. He has made that motion, and it is not debatable.

Mr. SEWARD. Well, sir, I protest against it.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. JONES, of Tennessee, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill of the House No. 712, making appropriations for the support of the Navy for the year ending June 30, 1860, and had come to no conclusion thereon.

Mr. PHELPS, of Missouri. I ask the consent of the House to submit a motion, that the five minutes' debate be terminated upon House bill No. 712 as soon as the committee shall resume its consideration.

Mr. CRAIGE, of Missouri. I object.

Mr. PHELPS, of Missouri. I move to suspend the rules to enable me to introduce the motion.

Mr. SEWARD. I rise to a question of order. My point is, that the motion of the gentleman from Missouri is, in effect, to apply the previous question upon this bill in Committee of the Whole on the state of the Union, by which all debate is cut off in committee. Now, sir, it cannot be done. The bill is not within the jurisdiction of the House, to be acted on in that way. The object of the previous question in the House is, that whenever debate has been continued to that extent that the House believes the public interest will not be subserved by its further continuance, it may be cut off by the previous question, if the House shall sustain the demand. But no such rule can apply in committee. The very object of having a committee at all would be defeated by sustaining such injustice. I submit that it is not competent for the gentleman to make the motion.

ROCK ISLAND RESERVATION.

Mr. PURVIANCE. Before the House adjourns, I desire leave to introduce a joint resolution, which, if there be objection, I will not press upon the House. It is one of vast importance, and, I think, ought to pass without objection. I send it up to the Clerk's desk, and ask that it may be read.

The joint resolution was read, as follows:

Whereas Rock Island, in the Mississippi river, a military reservation belonging to the United States, estimated to be worth $2,000,000, has been seized by certain persons who claim a preëmption right thereto: and whereas it appears the Commissioner of the General Land Office has decided in favor of the validity of the preëmption right, which decision has been overruled by the Secretary of the Interior, whose decision the claimants refuse to regard as final and conclusive in the premises, and are now engaged in pressing Congress for a reversal of the same: and whereas it is believed that unless due vigilance is exercised, the Government will suffer a loss of more than a million dollars: Therefore,

Be it resolved, That the Secretary of the Interior be, and he is hereby, authorized to appoint three persons as commissioners, to investigate and report to next Congress the character of the claim aforesaid, the value of the island, its adaptability for military purposes, and whether, in the opinion of the commissioners, it should be continued or abandoned as such; and further, whether any undue influence has been resorted to for the purpose of securing the island to the claimants, together with the names of the claimants and parties concerned; for which purpose the commissioners shall have full power to send for persons and papers, and administer oaths to witnesses, and exercise all other incidental power necessary to the full and complete discharge of all the duties of said commission.

Mr. HOUSTON. Let me suggest to the gentleman from Pennsylvania that that reservation is now under the charge of the War Department, and that the Secretary of War would be the proper authority to appoint such a commission, if it is to be appointed.

Mr. WASHBURNE, of Illinois. I would suggest to my friend from Pennsylvania that he had better strike out "Secretary of the Interior" in his resolution, and insert "Secretary of War."

Mr. PURVIANCE. I answer the gentleman that I have great faith in the Secretary of the Interior, and do not desire to change the resolution.

Mr. CLARK, of Missouri. I ask the gentleman if these claims are not already in suit in the courts?

Mr. PURVIANCE. No, sir.

Mr. WASHBURNE, of Illinois. I think the gentleman had better modify his resolution as I have suggested.

Mr. PURVIANCE. I decline to modify it.

Mr. COBB. I do not think it is necessary to incur any such expense in reference to this matter at Rock Island, as the appointment of a commission. The Committee on Public Lands have the whole subject before them, and have not acted upon it, because they thought there would be no chance to have the matter considered this session. They can report upon it, if necessary, and bring the whole matter before the House, just as well as to appoint a commission to go to Rock Island. I object to the resolution.

Mr. WASHBURNE, of Illinois. I think the House ought to adopt some measure by which the property there shall be protected.

NAVY APPROPRIATION BILL—AGAIN.

The SPEAKER. The Chair overrules the question of order raised by the gentleman from Georgia, and decides that the House has the right to suspend the five minutes' debate in committee. It has done it, within the recollection of the Chair, at least twenty times.

Mr. SEWARD. I appeal from the decision of the Chair

Mr. OLIN. I move to lay the appeal on the table.

Mr. SEWARD. I am not going to be dwarfed here, and play mum when the rights of my constituents are to be affected.

The SPEAKER. Objection is made to the gentleman's proceeding. The Chair is sure that the gentleman has no desire to violate the rules of the House.

Mr. SEWARD. The Speaker seems to manifest an impatience every time I desire to be heard. Yet, sir, while that is so, other gentlemen are heard for ten, fifteen, or twenty minutes, without preventing them.

Several MEMBERS. "Order!"

The SPEAKER. Objection being made, the gentleman is not in order in debating the proposition.

Mr. SEWARD. Let me say what I have to say.

Mr. OLIN. I object.

The SPEAKER. The Chair must enforce the rule. This is not a debatable question.

Mr. SEWARD. Rather than be trampled down in what I consider my rights, I will resist this movement. Let us see where it will end. I will resist this gag if it defeats every appropriation bill.

The SPEAKER. The Chair is placed in a painful position. He is called upon to enforce order; and he trusts that gentlemen will see the necessity of observing the rules adopted for the government of the House. The Chair will hear gentlemen so long as it is the pleasure of the House to indulge them.

Mr. SEWARD. I am insisting on what I consider my right. I thought I had a right to appeal without giving offense to the Chair.

The SPEAKER. The Chair has taken no offense.

Mr. SEWARD. I withdraw my appeal.

Mr. FLORENCE. I demand the yeas and nays on the motion of the gentleman from Missouri.

The yeas and nays were not ordered.

Mr. SEWARD moved that the House adjourn.

Mr. MAYNARD. I ask the gentleman from Missouri to withdraw his motion for a moment.

Mr. WASHBURNE, of Illinois. I hope he will insist on it.

Mr. SEWARD demanded tellers on the adjournment.

Tellers were not ordered.

The House refused to adjourn.

Mr. SEWARD. I move to lay the motion of the gentleman from Missouri upon the table.

The SPEAKER. That motion is not in order.

Mr. SEWARD. I appeal from the decision of the Chair.

Mr. BARR. I move to lay that appeal upon the table.

Mr. SEWARD. I call for the yeas and nays. I want to see how this thing works.

The yeas and nays were not ordered.

The appeal was laid upon the table.

Mr. MORSE, of Maine. I appeal to the gentleman from Missouri to withdraw his motion. We can get along much better.

Several MEMBERS. Oh, no!

Mr. SEWARD. I move that the House adjourn.

Mr. PHELPS, of Missouri. I ask the gentleman to withdraw his motion.

Mr. SEWARD. I withdraw it.

Mr. PHELPS, of Missouri. I only submitted my motion to facilitate the business of the House. We spent yesterday debating this bill, and made no progress. I withdraw my motion; and I move the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. SEWARD. I will do everything I can to facilitate business.

Mr. WASHBURNE, of Illinois. We will do as we did yesterday, and consume the whole time in debate. I move the House adjourn.

Mr. GROW. Let us take a recess until six o'clock.

Several MEMBERS. Oh, no!

The House divided; and there were—ayes 36, noes 85.

So the House refused to adjourn.

Mr. BURNETT. I appeal to the gentleman from Missouri to withdraw his motion, and let us terminate the five minutes debate. We cannot get through the bill unless that is done.

Mr. SEWARD. I shall object to it; for I will not be gagged. I will see how this thing works.

Mr. PHELPS, of Missouri. The House will see the necessity of terminating this debate and voting. I therefore move to go into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair,) and resumed the consideration of the naval appropriation bill; the question being on Mr. FLORENCE's amendment.

The amendment was rejected.

The question recurred on Mr. SHERMAN's amendment.

Mr. SEWARD. I appeal to members of the committee not to offer these *pro forma* amendments; but let us go to work and do business.

Mr. MORSE, of Maine. I propose to amend the amendment by increasing the sum for Portsmouth, New Hampshire, navy-yard, from $10,000 to $20,000.

As I intend, Mr. Chairman, to vote against the amendment of the gentleman from Ohio, I desire to state, as briefly as I can, in the five minutes allowed me, a few of the reasons for the vote I intend to give. In the first place, the Committee of Ways and Means has given this subject a careful consideration, with every inducement to bring the several sums reported down to as low a point as the welfare of the service would permit. They had the estimates of expenditure for each yard, reported by the Secretary of the Treasury, before them. They then had Commodore Smith, a very honest old sailor, and for a long time at the head of the bureau of yards and docks, with maps and plans of each yard before them, to point out the various improvements, and to explain their necessity; and after looking over the whole subject, the estimates of the Department, I understand, they trimmed down the sum allowed each yard, for the entire expense required to put them in good working order, to as low an amount as they thought it would bear. The amendment under consideration proposes to reduce the amount allowed the yards to about one ninth the sum recommended by the committee. Now I have, at least, as much confidence in this unanimous recommendation of the committee, as I have in the mere guess-work of any member of this body. The amendment is not based on any exact knowledge, any calculation, experience, or superior information on the subject; but is guess-work from beginning to end. It does not propose to reduce the amount reported a given percentage, applicable alike to each yard, but arbitrarily puts down $10,000 for one yard, $15,000 for another, $20,000 for another, and so on through the list, without a figure or a reason therefor that has any connection with the wants of the service.

The reasons upon which this amendment must rest have no foundation in economy. Economy is not the purpose or intention of the mover, but, as he expresses it, to "lay all the yards up in ordinary" for the coming year. This, of course, would not be economy in the end, but extravagance, besides being a great inconvenience; for wharves, piers, storehouses, work-shops, and other buildings want to be built; buildings removed and fitted up; boilers, machinery, tools, and the thousand things wanted in yards, for construction and repairs, are needed. But adopt this amendment, and they must nearly all go over to another year, and in the mean time the service suffer the inconvenience of the delay. If, therefore, we want to keep our navy-yards in good working order, and not suspend them, much more is needed than is now proposed. The true reason, then, is not an economical one, and we must look for it further.

It has, no doubt, grown out of the developments just made by the investigating committee of corruptions in the Brooklyn and Philadelphia yards. These corruptions are monstrous—a shame and disgrace to all connected with them, from the head of the Department down to the most humble recipient of Government favor—and I denounce it as a blot upon the country's honor; as an evil and vice that must be remedied, or public virtue and morality are gone. It is insufferable; no honest man will defend or try to screen it, and knaves dare not. But, sir, is the true remedy to be found in partially closing up the yards and stopping the public works? It is a remedy, to be sure, but only temporary, and attended with much delay, inconvenience, and loss. If corruption is a sound reason for hanging up the navy-yards, or placing them "in ordinary," the same argument would suspend your custom-houses, and every branch of service where Government patronage is bestowed on political favorites; and even the Government itself, for corruption, has run all through it from center to circumference, poisoning its limbs and heart. No, sir, this is not the true remedy; and I pray you do not legislate under the excitement and furor created here by the monstrous corruptions exposed by the investigating committee. Just and hopeful for the future as that excitement is, and I feel my full share of it, it should not hurry and drive us to hasty and inconsiderate legislation, nor to punish the comparatively innocent yards for the crimes of Brooklyn and Philadelphia. The true remedy must be sought in careful legislation, regulating the duties of all officers connected with the yards, and the manner of employing labor in them, and fixing heavy penalties for political proscription and interference with the rights of suffrage; thus securing an honest administration of them.

I have not made these remarks, Mr. Chairman, because there happens to be a navy-yard in the State of Maine. I would not tolerate or excuse the slightest abuse on that account. I believe that all Government patronage, as now abused and prostituted to the basest ends, is prolific of political dishonesty and public immorality; and if they were not necessary evils, as now managed and controlled, I would rather see every navy-yard, custom-house, &c., sunk in the middle of the Atlantic ocean than to suffer the continuance of their blighting effects on the politics of the country. Any community is far better off without them, so far as their moral influence is concerned, as now conducted. I think, therefore, we had better restrict the sum for the improvement, repair, and other expenditures in yards and docks, to the lowest amount that will enable them to go on, and establish rigid legislation at once and without delay, to remedy existing evils.

Mr. WASHBURNE, of Illinois. I am opposed to the amendment, and ask for a vote.

The question was taken; and Mr. MORSE's amendment was rejected.

Mr. MILLSON. I move to amend the amendment by inserting, for the Norfolk navy-yard, $200,000. I know very well the impatience of the House; and the House ought to know me well enough to be aware that I would not willingly disregard its present temper. I would not ask to detain it at all, but for the necessity of correcting erroneous impressions produced by the remarks of the gentleman from Ohio.

Mr. CHAFFEE. I rise to a point of order. The gentleman from Virginia is not discussing the subject-matter of his amendment, but proposes to reply to the speech of somebody else.

Mr. MILLSON. Will the Chair or the gentleman tell me the subject I am discussing?

The CHAIRMAN. It is impossible for the Chair to say whether the gentleman is speaking to his amendment.

Mr. MILLSON. I am about to show that the reasons assigned by the gentleman from Ohio for diminishing the appropriation for Norfolk, are incorrect in point of fact, when he states that the appropriation is asked for for new works, and not for the completion of old works.

I wish to show, sir, that the appropriations asked for by the Department for the Norfolk navy-yard are not for new works, as the gentleman from Ohio has stated, but mostly for the completion of works already commenced. I quote from the estimates:

"*Completion of forge shop.*—This building is at present in an incomplete state, and consequently no operations can yet be carried on without great inconvenience. The building is much needed, and it is very desirable that it should be completed at the earliest period possible."

Again:

"*Continuation of quay wall.*—The amount asked for this object will be nearly sufficient to complete the work as far as ship No. 48." * * * * "The work is of the first importance, and it is very necessary that it should continue in progress, without interruption, until finally completed."

And again:

"*Completing saw-mill machinery, saw shed, and railway cans.*—These are all important objects, and a small amount only is required for them. The works are in an unfinished state, and it is very desirable that their final completion should no longer be delayed."

And so on with other items. They are nearly all items for the completion of works already commenced, and yet the gentleman from Ohio has stated that the appropriations are asked for the construction of new works, and not for the completion of works already commenced.

Sir, the gentleman is as much mistaken about this as he was yesterday, when he stated that the repairs of the Niagara had cost more than one million dollars.

Mr. SHERMAN, of Ohio. I am correct about that.

Mr. MILLSON. Here is the official report stating that the cost of the Niagara was $1,062,422, and the cost of repairs $56,572 at one time, and $6,000 at another.

Mr. SHERMAN, of Ohio. What does the gentleman read from?

Mr. MILLSON. From the statement of the cost of building and repairing vessels in the United States Navy.

Mr. SHERMAN, of Ohio. The Niagara was completed before the 1st of March, 1857; and that statement relates to expenses since that period.

Mr. MILLSON. The gentleman is in error; he should have recollected that the Niagara was built by George Steers, a private shipwright, specially employed by the Government, and not by the naval constructors.

[Here the hammer fell.]

Mr. DEAN. I oppose the amendment, *pro forma*, and ask for a vote upon it.

The amendment to the amendment was rejected.

The question recurred on Mr. SHERMAN's amendment.

Mr. FLORENCE. Mr. Chairman—[loud cries of "Question!" "Question!" from every part of the Hall,] I propose to offer an amendment to the amendment. [Renewed and deafening cries of "Question," and great confusion and impatience.]

The CHAIRMAN. The gentleman from Pennsylvania sees the temper of the committee.

Mr. FLORENCE. I cannot help that. [Laughter, and shouts of "Question!"] I am not excited. I am of an equable temper. [Renewed and vociferous shouts of "Question!"] I desire to offer an amendment in the performance of my duty as a member of this House, and I will do it. [Cries of "Question!" and "Order!" and great laughter and confusion.]

Mr. PEYTON. I call the gentleman from Pennsylvania to order. He has offered no amendment and has no right to debate.

Mr. FLORENCE. If other gentlemen have not elasticity enough to perform their duties here, I have to perform mine; and in the performance of that duty I mean to offer an amendment to this amendment, and I have clearly a right to do it. [Cries of "Order!" and "Question!"]

Mr. PEYTON. I call the gentleman to order.

Mr. FLORENCE. Oh, you need not do that; I am always in order. [Laughter and uproar.]

The CHAIRMAN. The gentleman from Pennsylvania will take his seat.

Mr. FLORENCE. Very well, I will do so.

[Renewed and continued shouts of "Question!"]

The CHAIRMAN. The committee will come to order. The gentleman from Pennsylvania has a right to offer his amendment to the amendment if it is in order.

Mr. FLORENCE. I move to increase the appropriation for the Philadelphia navy-yard, so as to make the amount $100,000. [Cries of "Question!"]

The CHAIRMAN. The Chair does not think that amendment is in order, for the reason that it is evident that it is a *pro forma* amendment. [Cries of "That is right!"]

Mr. FLORENCE. Then I move to reinstate the amount recommended by the Committee of Ways and Means.

The CHAIRMAN. The gentleman cannot make that motion, as he has made it once already.

Mr. FLORENCE. Then I will make it one dollar less. [Loud cries of "Not in order!" and "Question!"]

The CHAIRMAN. That amendment is not in order, for the reason that it is evidently a *pro forma* amendment.

Mr. FLORENCE. [Amidst tremendous shouts of "Order!" and "Question!"] I offer the amendment in good faith, because, if I cannot restore the whole amount, I desire to restore thus much of it.

The CHAIRMAN. The gentleman has offered this amendment once before.

Mr. FLORENCE. Then I move to make it three dollars less.

The CHAIRMAN. The Chair decides that amendment out of order. [Cries of "Good!" "Good!"]

Mr. FLORENCE. I insist upon my right to offer that amendment. [Loud cries of "Order!" and great uproar and confusion.]

The CHAIRMAN. Does the gentleman appeal from the decision of the Chair?

Mr. FLORENCE. I ask the Chair to think of the precedent he is establishing, in forcing a member off the floor in this way. [Great uproar.]

The CHAIRMAN. If the gentleman from Pennsylvania does not immediately come to order, the Chairman will be compelled to vacate the chair, and report his disorderly conduct to the Speaker.

Mr. FLORENCE. The Chair and gentlemen of this committee may exercise all the tyranny they choose. [Shouts of "Order!"] I am occupying the floor under the rules. [Renewed cries of "Order!"]

The CHAIRMAN. The gentleman from Pennsylvania will take his seat until the question of order is decided.

Mr. FLORENCE. I will do it with pleasure.

The CHAIRMAN. The gentleman from Pennsylvania proposed an amendment; the Chair ruled it out of order. The gentleman then proposed another amendment, which the Chair also ruled out of order; and he has proposed several other amendments which, it was manifest to the Chair, were merely offered *pro forma* and to evade the rules of the House. The gentleman now proposes to increase the amount three dollars; and the Chair, for the reason already stated, rules that amendment out of order.

Mr. FLORENCE. I submit that the Chair is wrong.

The CHAIRMAN. The Chairman does not wish to do injustice to the gentleman from Pennsylvania.

Mr. FLORENCE. I thought not.

The CHAIRMAN. The gentleman from Pennsylvania will state in what respect the Chair is wrong.

Mr. FLORENCE. I moved to increase the amount to within three dollars of the sum recommended by the Committee of Ways and Means. [Cries of "That is the same thing!"]

The CHAIRMAN. Then the Chair decides that that is not in order, because it is evidently a *pro forma* amendment.

Mr. FLORENCE. I aver upon my conscience that I offer it in good faith. [Laughter.]

The CHAIRMAN. Then the Chair will entertain the amendment.

Mr. McQUEEN. Inasmuch as the gentleman from Pennsylvania has not occupied the floor more than five times as much as any other member to-day, I hope he will be allowed to proceed.

[Loud cries of "Question!" "Question!"]

The CHAIRMAN. The committee will come to order. The gentleman from Pennsylvania will proceed.

Mr. FLORENCE. I believe, sir, that this amount is necessary for the wants of the public service, and I offer the amendment in good faith. I do not intend to discuss it elaborately. It appeals to every gentleman's sense of right, and I do not desire to occupy a moment of the time of the House needlessly. I believe gentlemen have made up their minds that the amount recommended by the Committee of Ways and Means is absolutely necessary, and I leave the question with them, to adopt or reject my amendment.

The amendment to the amendment was rejected.

The amendment proposed by Mr. SHERMAN, of Ohio, was then agreed to.

Mr. SEWARD. I offer the following amendment, and I will submit it to the committee without saying a word upon it:

Brunswick.—For prosecuting and continuing the works on Blythe Island, on the coast of Georgia, as contemplated by the act of January 28, 1857, $100,000.

Mr. OLIN. I oppose the amendment. Now let it be voted upon.

Mr. SEWARD. I hope the amendment will be allowed to go, by general consent, into the House, so that we may have a vote upon it there.

Mr. MOORE. I object.

Mr. SEWARD. Then let us have a division on it.

The CHAIRMAN ordered tellers; and Messrs. SEWARD and CHAFFEE were appointed.

The committee divided; and the tellers reported—ayes thirty-eight; a further count not being demanded.

So the amendment was disagreed to.

Mr. DAVIS, of Massachusetts. I have an amendment, which I will send to the Chair; and if it is in order, I would wish to have it come in at the end of line one hundred and fifty-seven:

For support of beneficiaries at the asylum, $26,680: *Provided*, That the Secretary of the Navy shall permit invalid seamen, who are entitled to the privileges of the naval asylums in the United States, to remain with their families or friends, when they shall so elect, with an allowance of twelve dollars per month, instead of compelling them to reside at either of the naval asylums, said allowance being in lieu of all benefits of every kind from the said asylums.

Mr. PHELPS, of Missouri. I rise to a question of order. That amendment is clearly out of order.

The CHAIRMAN. The Chair thinks that this amendment, being upon a different subject from the clause in the bill, which provides for the support of those in the asylum, is not in order. The amendment provides for the support of persons outside the asylum. The Chair thinks the amendment is not in order under the 55th rule, which says that propositions different from the matter under consideration shall not be received as in order.

Mr. DAVIS, of Massachusetts. I wish simply to suggest to the Chair that this amendment has particular reference to the manner of expending the amount appropriated for the support of those entitled to the benefits of the naval asylums, whether they are in or out of an asylum. It merely gives direction to the expenditure, and does not seem to conflict with any law or regulation applicable to the collection or disbursement of the naval asylum fund. I think the amendment is in order, because it refers to those who have established their right to the privileges of an asylum, and hence are within the meaning of the term "beneficiaries," as used in this connection. Of course, no man is entitled until he has virtually gained admission under existing laws and regulations.

Mr. STANTON. I understand that these persons are now entitled to admission into naval asylums. The only object of the amendment is, I suppose, to make a change in the arrangement as a matter of convenience. I think it is right, and in order.

Mr. DAVIS, of Massachusetts. Will the Chair allow me just to say that this amendment embodies the substance of a bill reported by myself from the Committee on Naval Affairs? I made that report in strict conformity with the judgment of every member of the committee; and as a measure of economy as well as humanity, the bill ought to pass in some form. The Secretary of the Navy recommends it in his report of this year; and as the money is, in point of fact, appropriated out of a fund belonging to the seamen and contributed by them for their own benefit, it seems but just that their comfort should be provided for as carefully as possible. The laws and regulations governing these asylums are ample to protect the Government from any attempt at imposition. A service of twenty years and a certificate from a naval surgeon that the applicant is unable to perform manual labor, are among the requirements made at the Department before admission is granted to applicants; and it is a fact that it sometimes happens that men fully entitled to the benefits of the asylums are too helpless to be removed from home, or, if at the asylum, to remain there without constant care and attention. And after having contributed for twenty years to the naval asylum fund, they have to be supported in old age by the hard labor of female relatives and friends. If this amendment were passed and made available by seamen now at the asylums, it would, according to the

best information that I can obtain, save to the Government about eight dollars per month for each man entitled to the benefits of asylums, besides accommodating the seaman with the comforts of his own home.

The CHAIRMAN. The Chair thinks the amendment not now in order. Does the gentleman from Massachusetts appeal from the decision of the Chair?

Mr. DAVIS, of Massachusetts. I do not. I shall seek another mode of bringing the subject to the attention of the House.

Mr. GOODWIN. I move to amend by inserting, at the end of the following clause of the bill:

"*Norfolk.*—For completing stone pier and landing at Fort Norfolk, powder boat, and repairs of all kinds, $55,960."

As follows:

For repairing and preserving the Government pier and landings at Fort Ontario, Oswego, New York, $20,000.

Mr. PHELPS, of Missouri. I rise to a point of order. That amendment is not in order.

The CHAIRMAN. The Chair thinks it refers to a work that the Navy Department have nothing to do with.

Mr. GOODWIN. I simply call the attention of the Chair to the clause of the bill to which it is offered as an amendment. It is certainly germane to that.

The CHAIRMAN. The Chair understands that to relate to property belonging to a fort.

Mr. GOODWIN. If the amendment is not in order, I move to amend by striking out the clause in the bill which I have proposed to amend.

Mr. Chairman, it may perhaps be improper to make an appropriation for building or completing a stone pier or harbor works, in a naval appropriation bill.

Mr. MILLSON. I rise to a question of order. I submit that the committee had passed that clause, and the Clerk had commenced reading the clause referring to Pensacola, and that it is too late to move that amendment.

The CHAIRMAN. The clause had not been passed, and the amendment is in order.

Mr. GOODWIN. But, sir, if the amendment I first proposed is not in order, and such an appropriation is improper in this bill, then this clause I ask to have stricken out, and which appropriates some fifty-five thousand dollars for completing the *stone pier and landing* at Fort Norfolk, Virginia, should not be retained. An appropriation to preserve the Government pier and landing at Fort Ontario, Oswego, New York, would be just as proper, and equally entitled to a place in this bill, as the clause in question.

Mr. Chairman, Norfolk, Virginia, seems to be greatly favored by the provisions of this bill, as a place for expending the public money. We have just passed one section, which appropriates $198,224, and a subsequent section, which appropriates $18,270, to be expended at that place, and now we have this appropriation of $55,000, to complete a stone pier and landing, which is, as I understand it, in the nature of a harbor appropriation. Now, sir, Oswego harbor and Fort Ontario are important in a military point of view. The purposes for which that fort was built will not be attained if the piers and landing at that place are not preserved. Sir, that fort commands the harbor of Oswego, and if the works there are kept in repair, it would, in times of war, afford a place of safety for our lake shipping.

The vast commerce of the lakes; the importance of this port in a business and commercial view; the condition of the harbor, and the surplus revenues heretofore collected by the Government at this point, render it highly proper that the Government should maintain its piers and works at that place; and, sir, unless we can have justice, unless we can have appropriations for the piers on the lake coast as well as the sea-board, I shall vote against it. If an appropriation in this bill for the pier at Fort Ontario is out of place, I insist that the appropriation for the pier at Fort Norfolk shall be struck out.

Mr. MILLSON. I desire to state to the gentleman, that this pier is not at Norfolk, but at the Government property below that city. It is not a stone pier at the city of Norfolk, but at the Government's property at the magazine, in the harbor below that city. I will state further, that that magazine was established there against the protest and remonstrance of the citizens of Norfolk.

Mr. LOVEJOY. How far below the city?

Mr. MILLSON. About a mile.

The House divided; and there were—ayes forty-eight.

Mr. LOVEJOY demanded a division.

The CHAIRMAN ordered tellers; and Messrs. DEAN and JOHN COCHRANE were appointed.

The House divided; and the tellers reported—ayes 45, noes 83.

So the amendment was rejected.

Mr. HATCH. I move to amend, by striking out lines one hundred and eighty-five, one hundred and eighty-six, and one hundred and eighty-seven, and insert, "to civil superintendents and constructors." I want to compel the Government to expend this $150,000, appropriated in this section, for the employment of American mechanics and civil engineers, instead of giving it to officers of the Navy and Army.

I have propose this amendment for the purpose of endeavoring to introduce two practical reforms in the action of the Government. Under the present system, every civil structure, as well as naval and military, of the Government, is placed in charge of some Navy or Army officer. In fact, it is carried so far, that not a custom-house, court-house, or post office, or even a light-house, can be built or repaired, but what some one from the Army or Navy is retained to superintend the operation, in preference to our mechanics, whose industrial profession must give them superior qualifications to discharge this branch of civil service. It is a wrong to our great body of mechanics and civil engineers which ought not to be continued. These military gentlemen are educated at public expense to fight our battles, and ought not to be allowed to invade the occupations of civil life; and above all, they should not be made superintendents over civilians or their occupations. It is offensive to any free people to have placed over any portion of them, in civil life, those who bear upon their person the insignia of rank and privilege. It is, in fact, inaugurating a military aristocracy over our independent American mechanics, subversive of their equality and mortifying to their pride.

The extent of this abuse can be estimated, when it is considered this section proposes to appropriate over one hundred and fifty thousand dollars to naval superintendents and constructors to be employed in the performance of civil services, for which they were never educated, and are not as well qualified as civilians.

There is but one way to eradicate this evil as I regard it, and that is to adopt, as an elementary principle in the Government, that all contracts for material, work, or public service, should be made with the person who offers to do or provide the same at lowest price, with adequate security. It is in the organic law of the State of New York. I have so far failed in its adoption here, except in few cases. Open your national armories and your navy-yards to the skill and enterprise of American mechanics, and let them compete for the fabrication of your arms, and the construction of your ships-of-war. It is their right. Aside from doing an act of justice to them, I believe it would secure a greater amount of economy and integrity in public expenditure.

The amendment was rejected.

Mr. DAWES. I move to strike out lines two hundred and nine, two hundred and ten, and two hundred and eleven, as follows:

"For preparing for publication the American Nautical Almanac, $26,880."

It is an entirely useless expenditure, for this almanac is not used by our own or the English navigators. They use the London almanac. It seems to me that that expenditure might be saved.

Mr. WASHBURNE, of Illinois. I oppose the amendment *pro forma*, though I hope it will be adopted.

The amendment was agreed to.

Mr. SEWARD. I move to strike out the last paragraph, as follows:

"For completing seven screw sloops and one side-wheel steamer, authorized by act 12th June, 1858, $674,000."

I think, Mr. Chairman, that there is no particular use for these vessels at this time. The timbers are just as secure in the ship-house; and they will be better seasoned. No gentleman will pretend that we have enough of seasoned timber to build these ships.

Mr. PHELPS, of Missouri. They are afloat.

Mr. SEWARD. Then, how are you going to finish them if they are afloat? If they are afloat, they will not be injured. There is just as much necessity for continuing the works at Brunswick as for continuing these vessels. I desire to say here, that I intend to publish a list of certain southern gentlemen who vote to do these things, so that the country may understand how they are done. I offer this amendment because I see no necessity for this appropriation. There is no sort of use for these vessels. Appropriations are made for Kittery and Boston and Philadelphia and New York and Norfolk; for even Virginia gentlemen can vote themselves all they want, but cannot vote for others.

Mr. STANTON. I ask the chairman of the Committee of Ways and Means if this is not to supply a deficiency in the appropriation of last year for building these steamers?

Mr. PHELPS, of Missouri. This sum is necessary to complete them. One million two hundred thousand dollars were appropriated for the construction of these steamers last year. This sum is necessary for their completion.

Mr. STANTON. Yes; to supply a deficiency.

The question was taken on Mr. SEWARD's amendment; and it was rejected.

Mr. PHELPS, of Missouri. I move to lay aside this bill, to be reported to the House. There are amendments to other bills which we ought to consider to-night.

Mr. PETTIT. I move the following as an additional section of the bill:

No money appropriated by this act shall be used or applied with respect to the fitting, sending out, or maintaining any hostile expedition against the Republic of Paraguay, until the same shall be particularly directed by law.

The CHAIRMAN. The Chair thinks the amendment is not in order. It has no relevancy to the last clause.

Mr. PETTIT. It was my purpose to have a vote taken on this amendment without saying a word; but my conviction that it is in order, and that it is necessary from considerations of economy, of national honor, and the large influence we now hold in all the South American States, that it should have its place on this bill, make me feel like asking the attention of the Chairman to it for a moment.

This particular section is intended to operate as a limitation on all the appropriations of this bill. It applies to many of them. There are, for example, appropriations for fitting out steam vessels, for supplying fuel, for supplying and paying sailors and marines, not to name others. Now, the meaning of this section is, to declare that no expenses for these objects shall be incurred with reference to a hostile expedition against Paraguay until directed by law. This section, then, has its fit place at the end of the bill; because then it applies, by a single reference, to all its appropriations, and does not require to be stated at the end of each clause. The ruling of the Chairman implies that, to be in order, it should be stated over and over again to every clause to which it can be applicable. My answer is that, if placed in once, and in this connection, it answers the whole object. It is, in fact, a condition and limitation on all the appropriations of the bill.

Mr. GROW. It limits the whole appropriations. It seems to me that the amendment is certainly in order.

The CHAIRMAN. The committee has gone through the bill by clauses. It would not now be in order to go back to amend the first clause for the pay of persons in the Navy, or any other clause of the bill. The Chair is, therefore, of opinion that it is not in order to amend the entire provisions of the bill by an additional section at the end.

Mr. GROW. Is it not in order at all times to limit the appropriations of money?

The CHAIRMAN. It would, perhaps, have been in order if it had been offered at the end of the section to which it is intended to apply; but the committee has passed all these sections, and the Chair thinks it is not now in order to amend them.

Mr. PETTIT. With great deference to the opinion of the Chair, I think my amendment is in order. It is proposed, as I have said, as a limitation on all these appropriations, and is put at the end of the bill; because, by a single applica-

tion, it puts a limit on the use of all money appropriated by it.

Often, in the course of the debate on this bill, the chairman of the Committee of Ways and Means, and others, have excused these large appropriations, and asked the committee to allow them; because the Paraguay expedition, they say, makes the use of these large sums necessary. Sir, notwithstanding what has so often been said, there is but one expedition against Paraguay authorized by law, to be carried on at the present time; and it is legitimate, innocent, honest, and inoffensive; and the expenses of it have been provided for already. The President has no legal warrant for his present offensive enterprise against Paraguay.

The expedition I have referred to is provided for in the fourth section of the naval appropriation act of last year. Here it is:

"SEC. 4. *And be it further enacted*, That to defray the expenses and compensation of the commissioner to Paraguay, (should it be deemed proper by the President to appoint one,) and in execution of the joint resolution of the present session for the adjustment of difficulties with the Republic of Paraguay, $10,000, or so much thereof as may be necessary: *Provided*, That the compensation hereby allowed shall not exceed the rate of $7,500 per annum for the time employed."

This is an expedition simple, peaceful, and honorable. Where, then, does the President get power to send into the waters of La Plata the largest American fleet ever mustered, bent on hostile purposes against Paraguay? Is this the beginning of an armed diplomacy? The answer of the chairman of Ways and Means is, that it is authorized by the joint resolution of June 2, 1858. That resolution confers no such authority. It only authorizes the President to "adopt such measures and use such force as in his judgment may be necessary and advisable in the event of a refusal of just satisfaction by the Government of Paraguay." Of course this was not meant to confer on the President the war-making power, because, constitutionally, Congress cannot delegate this delicate power to the President. But whatever power was conferred was only to be used, in the language of the law, "in the event of a refusal by the Government of Paraguay." Paraguay has not refused. The President has sent out no commissioner except in company of a hostile squadron for the purpose of obtaining satisfaction peaceably. On the other hand, no attempt from the beginning has been made to obtain a peaceful solution of this difficulty. In addition to this, when Mr. Fitzpatrick was sent out to exchange ratifications with Paraguay, that Government expressed itself willing and anxious to adjust this matter peacefully. He had no authority to negotiate, and none has been attempted since, notwithstanding the anxious inclination of Paraguay for a peaceful arrangement.

I repeat, that this armed expedition is lawless. The action of the Secretary of the Navy is a usurpation that deserves to be rebuked. He has been in the market and bought steamships, planned an expedition of immense expense, occasioned large expense already; altogether without authority of law. In his annual report, he uses, in regard to it, the following language:

"Accordingly, the squadron on the east coast of South America has been increased, so that it will consist of two frigates, two sloops-of-war, three brigs, twelve armed steamers, and two armed storeships." * * * *

"In fitting out this expedition, it became necessary, in consequence of a deficiency in the Navy of vessels of light draught, to charter a number of steamers which could be used as transports and for towage, and could be armed also for effective service as war-vessels. These vessels—six propellers and three side-wheel steamers—have been chartered for six months, or more, with a right of election, on the part of the Government, to become the purchaser at stated prices, and to apply all payments made under the charter as part payment of the purchase-money. As these vessels would be useful as part of the naval force of the United States, and can be purchased on reasonable terms, I would recommend an appropriation to be used, if deemed expedient, for the purpose. The sum required to purchase the six steam propellers would be $244,000, of which $94,800 must be paid for the use of them for the period of six months, and a proportionate sum for a longer time, if no purchase be made. The sum required for the three side-wheel steamers would be $286,000, of which, if they be not purchased, the sum of $69,000 must be paid for the use of them for the same period of six months, and a larger sum for a longer period. The election must be made on or before the 10th of March next."

Now, my objection is this——

Mr. CRAIGE, of North Carolina. Is this debate in order?

The CHAIRMAN. The Chair thinks not, but the Chair has indulged gentlemen.

Mr. CRAIGE, of North Carolina. Then I object to it.

Mr. GROW. I appeal from the decision of the Chair, and will briefly state the ground of my appeal. This bill is but a single section; and the Chair will remember the precedent set in the last Congress, when a proviso was put to the Army appropriation bill similar in its terms to this, that the money appropriated in the bill should not be used for a particular purpose. The bill being but one section, I think the proviso is in order.

The CHAIRMAN. The gentleman from Pennsylvania is sufficiently well acquainted with the rules and practice of the House, and of this committee, to know that appropriation bills are considered by clauses, as though they were different sections, and that when one is passed, it is not in order to go back. In the case to which the gentleman refers, if the Chair recollects aright, the proviso was offered to some particular clause of the bill, when it was under consideration, and not at the end of the bill.

Mr. GROW. I thought it was at the end of the bill; but I am not sure about it.

Mr. PETTIT. With the permission of the Chair, I desire to make one further remark. There are some eight or ten points in the bill where this amendment might properly be inserted. Does the Chair hold that, where the purpose is to limit the application of the money appropriated in these different sections, it is necessary that the limitation should be put on successively, not once, but a dozen times?

The CHAIRMAN. The Chair thinks that when you have passed a clause, it is not in order to go back and amend it; and you cannot attain that object by putting an amendment at the end of the bill to apply to the whole bill.

Mr. WASHBURN, of Maine. I would ask the Chair what rule there is that prevents the addition of a second section to the bill, upon a subject which is entirely germane to the bill?

The CHAIRMAN. The rule that no proposition to amend, different from the subject under consideration, shall be in order.

Mr. GROW. Not as a second section?

The CHAIRMAN. It makes no difference about clauses or sections. The clause immediately under consideration is one proposing to make an appropriation for the completion of sloops-of-war.

Mr. WASHBURN, of Maine. I understand, sir——

Mr. BURNETT. I object to further debate. Gentlemen have been sufficiently indulged by the Chair. Let us vote.

The CHAIRMAN ordered tellers on the appeal; and appointed Messrs. BUFFINTON and CLAY.

The committee divided; and the tellers reported —ayes 67, noes 60.

So the decision of the Chair was sustained.

Mr. CLAY. I move that the committee do now rise, and report the bill to the House.

Mr. PHELPS, of Missouri. I hope the gentleman from Kentucky will withdraw that motion. There are three of the appropriation bills in this committee which have been returned from the Senate with amendments. We ought to consider these amendments to-night, in order that committees of conference may be appointed.

Mr. CLAY. Is my motion debatable?

The CHAIRMAN. It is not.

Mr. PHELPS, of Missouri. We can dispose of these amendments in an hour; they have all been printed.

The question was taken on Mr. CLAY's motion; and the committee refused to rise.

Mr. PHELPS, of Missouri. I move that the bill be laid aside to be reported to the House.

The motion was agreed to.

CONSULAR AND DIPLOMATIC BILL.

Mr. PHELPS, of Missouri. I move that the amendments of the Senate to the consular and diplomatic appropriation bill be now taken up.

The motion was agreed to; and the committee proceeded to consider the said amendments.

First amendment of the Senate:

In the clause providing for the salaries of envoys extraordinary, ministers, and commissioners, strike out "fourteen," and insert in *lieu* thereof, "four," so as to make the amount of the appropriation $204,000.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a concurrence in that amendment. It was necessary, because we struck out the mission to Persia, but did not reduce the amount of the appropriation.

The amendment was concurred in.

Second amendment of the Senate.

At the end of line twenty-two insert as follows:

Provided, That no other embassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, diplomatic representative, or chargé d'affaires, shall be entitled to any compensation during the said fiscal year: *And provided*, That nothing in this act shall be construed to interfere with the disbursement of the amount hereinafter appropriated for the contingent expenses of foreign intercourse.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a non-concurrence in that amendment.

Mr. GROW. I do not understand why the amendment should not be concurred in. If I understand it, it provides that no embassador, or envoy, shall receive pay during the coming year, except those already appointed; and I do not see why it is not proper to make such a provision. Why should we permit a practice which has grown up, of appointing two or three ministers, or envoys, during the same year, to the same locality?

Mr. WASHBURN, of Maine. I ask that the clause of the bill to which this is proposed may be read.

It was read, as follows:

"For salaries of envoys extraordinary, ministers, and commissioners of the United States, at Great Britain, France, Russia, Prussia, Spain, Austria, Brazil, Mexico, China, Chili, Peru, Portugal, Switzerland, Rome, Naples, Sardinia, Belgium, Holland, Denmark, Sweden, Turkey, Buenos Ayres, New Granada, Bolivia, Ecuador, Venezuela, Guatemala, Nicaragua, Sandwich Islands, Costa Rica, Honduras, Argentine Confederation, and Paraguay, $204,000."

Mr. WASHBURN, of Maine. Then I understand the object of this amendment is to prevent the President from appointing other ministers than those now provided for. I think the amendment is right, and should be concurred in.

Mr. CLAY. I desire to ask the chairman of the Committee of Ways and Means, whether the effect of the amendment will not be, in case of war with any foreign nation, to prevent the President from sending a special diplomatic agent to that country; or, if he is sent, to say that he shall be sent without hope or expectation of any pay whatever?

Mr. PHELPS, of Missouri. I answer the question propounded by the gentleman from Kentucky in the affirmative; and I will state furthermore, that if this proviso be adopted, it will prevent the Minister at Japan from receiving his salary.

Mr. CLAY. Then, as a member of this House, and as a member of the Committee on Foreign Affairs, I am decidedly opposed to this amendment. It may be necessary to the interests of this great country that, in case of war, the President should send a diplomatic agent abroad. The effect might be to sacrifice the interests of the country, and I hope the amendment will not be concurred in.

Mr. STANTON. I understand that this is similar to an ordinary provision which we have been in the habit of incorporating into appropriation bills, by which we seek to control by our action the expenditures of the Government. Now, sir, everybody knows that when you simply reduce the appropriations for any single item of appropriation, the practice is for the executive department to expend whatever they see proper, and then ask us to appropriate the amount in the shape of a deficiency at the next session. Now, I suppose the Senate designed, in adopting this amendment, to limit the expenditure to the amount appropriated; and to make that provision effectual, they say directly that no amount beyond the appropriations made for this object shall be expended. I do not apprehend that any serious calamnity would arise from the failure to send any new diplomats abroad for the next two or three years. If the President should, however, find it necessary to send some one abroad on a special mission, I see no reason why a future Congress should not appropriate the amount necessary to meet the expenditures.

Now, Mr. Chairman, I do not want to leave it open for the President to recall these ministers abroad and appoint others as a reward for partisan services; and especially so at the close of a Congress, when he will desire to appoint members of this House who have been repudiated by their constituents. I am in favor of the amendment.

The question being taken on the adoption of the amendment of the Senate,

The CHAIRMAN ordered tellers; and appointed Messrs. NICHOLS and CLAY.

The committee divided; and the tellers reported—ayes 69, noes 67.

So the amendment was concurred in.

Mr. PHELPS, of Missouri. I ask that the third and fourth amendments be considered together.

There was no objection.

The third and fourth amendments were read as follows:

Strike from the following paragraph the word "Simoda," and reduce the appropriation from $240,000 to $235,000:

"For salaries of consuls general at Quebec, Calcutta, Alexandria, Simoda, Havana, Constantinople, Frankfort-on-the-Main; consuls at Liverpool, London, Melbourne, Hong Kong, Glasgow, Mauritius, Singapore, Belfast, Cork, Dundee, Demarara, Halifax, Kingston, (Jamaica,) Leeds, Manchester, Nassau, (New Providence,) Southampton, Turk's Island, Prince Edward's Island, Havre, Paris, Marseilles, Bordeaux, La Rochelle, Lyons, Moscow, Odessa, Revel, Saint Petersburgh, Matanzas, Trinidad de Cuba, Santiago de Cuba, San Juan, (Porto Rico,) Cadiz, Malaga, Ponce, (Porto Rico,) Trieste, Vienna, Aix-la-Chapelle, Canton, Shanghae, Fouchou, Amoy, Ningpo, Beirut, Smyrna, Jerusalem, Rotterdam, Amsterdam, Antwerp, Funchal, Oporto, Saint Thomas, Elsineur, Genoa, Basle, Geneva, Messina, Naples, Palermo, Leipsic, Mimich, Leghorn, Stuttgardt, Bremen, Hamburg, Tangiers, Tripoli, Tunis, Rio de Janeiro, Pernambuco, Vera Cruz, Acapulco, Callao, Valparaiso, Buenos Ayres, San Juan del Sur, Aspinwall, Panama, Laguayra, Honolulu, Lahaina, Capetown, Falkland Islands, Venice, Stettin, Candia, Cyprus, Batavia, Fayal, Santiago, (Cape de Verdes,) Saint Croix, Spezzia, Athens, Zanzibar, Bahia, Maranham Island, Para, Rio Grande, Matamoras, Mexico, (city,) Tampico, Paso del Norte, Tabasco, Paita, Tumbez, Talcuhuano, Carthagena, Sabanillo, Omoa, Guayaquil, Cobija, Montevideo, Tahiti, Bay of Islands, Apia, Lonthala; commercial agents at San Juan del Norte, Port au Prince, San Domingo, (city,) St. Paul de Loanda, (Angola,) Monrovia, Gaboon, Cape Haytien, Aux Cayes, and Amoor river, $240,000."

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a concurrence in the amendments.

The amendments were concurred in.

Fifth amendment:

Increase the appropriation in the following paragraph to $150,000:

"For compensation of the commissioner, secretary, chief astronomer and surveyor, assistant astronomer and surveyor, clerk, and for provisions, transportation, and contingencies of the commission to run and mark the boundary line between the United States and the British possessions bounding on Washington Territory, $71,000."

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a non-concurrence in that amendment. An estimate was submitted for a survey of the northwestern boundary of $150,000. The Committee of Ways and Means reduced that to $71,000. The Senate have reinstated $150,000, which was the estimate.

Mr. STEVENS, of Washington. Mr. Chairman, I trust that the Senate amendment will be adopted. The gentleman who is charged with the work is a gentleman of experience, who has been upon the ground for a year and a half. This appropriation of $150,000 is the amount suggested by that experience; $71,000 is only a conjectural estimate, made in this city previous to the departure of the commissioner. The British commissioner is there. He has an organized party, and is ready to push on the work. It is important that our portion of the work should be prosecuted with equal vigor and efficiency.

That boundary line, it is important, Mr. Chairman, should be now laid down. We know that there are mines of gold in British Columbia, and in the adjoining portions of Washington, and that population has gone there, and communities become established. This line runs through the gold region.

We have the report of Mr. Nugent, our special commissioner to British Columbia, of what kind of government there is there. The courts there afford no justice to American citizens. It is important the line should be fixed, so as to prevent a conflict of jurisdiction. Moreover, there is a water line to be run. The channel is in dispute. The British Government claims the Rosario channel along the main, and we claim the channel de Haw, along Vancouver's Island. This latter is unquestionably the channel of the treaty. Yet the British Government claim the intermediate islands, which are extremely valuable, particularly in a military point of view. It is of the utmost consequence that the boundary line should be established, and the work prosecuted with vigor.

[Here the hammer fell.]

Mr. CRAWFORD. The Committee of Ways and Means recommend a non-concurrence. My information in reference to the work is that the American commission is ahead of the British commission. Sixty thousand dollars for contingent expenses and $11,000 for salaries of the officers, under the act of 1856, is entirely enough. There was not a dissenting voice in the Committee of Ways and Means.

Mr. STANTON. I suppose that this boundary must be run, and we may as well do it now as at any other time. I hope, therefore, that the amendment of the Senate will be concurred in.

Mr. STEVENS, of Washington, called for tellers.

Tellers were ordered; and Messrs. MORSE, of Maine, and PEYTON were appointed.

The House divided; and the tellers reported—ayes thirty-five, noes not counted.

So the amendment was non-concurred in.

Mr. PHELPS, of Missouri. We are acting here under the general rules of the House, and gentlemen can, if they choose, indulge in hour debate. I ask that, by unanimous consent, the committee will consider the five-minute rule in force.

[Cries of "agreed."]

The CHAIRMAN. It is so ordered.

Sixth amendment:

Add the following section:

SEC. 2. *And be it further enacted*, That the salary provided by the third section of "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856, as compensation for the consul general of British North America, as by schedule B, shall be in full of all compensation allowed to that officer; and all fees received by any vice consul or commercial agent in British North America, exceeding the amount allowed by the President as compensation for his services, and all fees received by said consul general, shall be accounted for by such officers, respectively, to the Treasury of the United States.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend concurrence.

The amendment was concurred in.

Seventh amendment:

SEC. 3. *And be it further enacted*, That the fee for certifying invoices, and for certifying the place of growth or production of goods made duty free by the reciprocity treaty, to be charged by the consul general for the British North American provinces and subordinate consular officers or agents in said provinces, shall be fifty cents for each certificate, and no more. And no such certificate of the growth or production shall be required for goods not exceeding in value the sum of $200.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend concurrence.

The amendment was concurred in.

Eighth amendment:

SEC. 4. *And be it further enacted*, That no more money for the fiscal year commencing July 1, 1859, shall be expended for the objects herein provided for than the amount appropriated in this bill, together with such amounts of the permanent and indefinite appropriations as may be applicable thereto.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend non-concurrence in this amendment. There are obvious reasons why it should not be concurred in. The salaries of our Ministers abroad, those provided for in this bill, amount to $304,000. But there is only appropriated in this bill, for that purpose, $204,000, there being an estimated unexpended balance on hand, at the expiration of this year, of $100,000, which is applicable to the payment of these salaries. So, also, with regard to the secretaries of legations. No appropriation is made in this bill for the payment of these salaries, because it is estimated that there will be a sufficient balance on hand to pay them.

Now, this amendment provides that no more money shall be expended for the objects specified in this bill, for the fiscal year commencing July 1, 1859, than the amounts appropriated therefor. We have only appropriated $204,000 for the salaries of ministers; and these salaries amount to $304,000. We have appropriated nothing for the salaries of secretaries of legation; and these salaries amount to $30,000. So, also, with regard to other items, where the estimated balances were deducted from the amount required for the service for the fiscal year.

I now call the attention of the committee to the residue of the amendment:

"Together with such amount of the permanent and indefinite appropriations as may be applicable thereto."

There are no permanent or indefinite appropriations applicable to the objects specified in this bill. Therefore that portion of the section is unmeaning; and the whole amendment would cause great embarrassment.

Mr. GROW. By the showing of the chairman of the Committee of Ways and Means, either there were indefinite appropriations to make up the amount estimated for, or the Committee of Ways and Means has not done its duty.

Mr. HOWARD. It is estimated that there will be an unexpended balance of $100,000 applicable to the salaries of ministers, on the 30th of June next; and we therefore recommend the deduction of that sum from the estimates for next year, which amount to $304,000. We supposed that this $100,000 would be applied to the payment of these salaries, and therefore recommended an appropriation of only $204,000. But the effect of this amendment, if concurred in, will be that if all the other unexpended balances are added in this way, some twelve million dollars of the legitimate expenses of this year will be transferred to the next year. Besides, it will give the Executive Departments the power—having only $204,000 to pay liabilities to the amount of $304,000—to distribute this sum at their discretion, leaving a deficiency of $100,000 for next year.

This amendment ought to be non-concurred in. It is a blind way of negotiating loans, and transferring the power that belongs to this House to the Executive Departments.

Mr. GROW. I desire to know why the unexpended balance of $100,000 will not be applied to the payment of these salaries?

Mr. HOWARD. This is the beginning of a scheme to apply the $12,000,000 of unexpended balances in this way.

Mr. GROW. What I desire to know is, why the unexpended balance of $100,000, which the Committee of Ways and Means calculated on, will not be applicable under this amendment?

Mr. HOWARD. This amendment is for the purpose of preventing that.

Mr. PHELPS, of Missouri. The phrase, "permanent and indefinite appropriations," has a specific meaning, and would embrace your annual appropriations for all purposes.

The question was taken; and the amendment was non-concurred in.

Mr. PHELPS, of Missouri. I move that the amendments to this consular and diplomatic bill be laid aside, to be reported to the House; and that the committee take up the Senate's amendments to the legislative, executive, and judicial appropriation bill. I ask that, by unanimous consent, the five-minute rule may be considered applicable to it.

There being no objection, it was so ordered.

The Senate's amendments to the legislative, executive, and judicial appropriation bill, were then taken up and considered.

First amendment:

After the word "Senators," strike out "$319,018 88," and insert in lieu thereof, "$338,861 72," so that the clause will read:

For compensation and mileage of Senators, $338,861 72.

Mr. PHELPS, of Missouri. That amendment is necessary in consequence of the addition of two members to the Senate at this session. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Second amendment:

Page 2, line nine, after the word "carry-alls," strike out "$32,509," and insert "$35,004 50," so that the clause will read:

For clerks to committees, pages, police, horses, and carry-alls, $35,004 50.'

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a concurrence in that amendment. It is made necessary in consequence of the additions to the Capitol police.

The amendment was concurred in.

Third amendment:

Line eleven, after the word "Senate," insert:

And for the additional police appointed January 12, 1859, during the present fiscal year, $1,558 32; making, together, $36,504.

Mr. PHELPS, of Missouri. That amendment appropriates money for these new police for the residue of the fiscal year. The Committee of Ways and Means recommend that the amendment be concurred in, with the following amendment:

And the further sum of $1,549 14, being for the moiety

payable by the Clerk of the House of Representatives, and to form a part of the contingent fund of said House, and be disbursed by the Clerk thereof.

The amendment to the amendment was agreed to.

The amendment of the Senate, as amended, was concurred in.

Fourth amendment:

Strike out the following:

"To pay John C. Rives one cent for every five pages of the Congressional Globe and Appendix when the same exceeds three thousand pages for a long session of Congress, and fifteen hundred pages at a short session of Congress, per act of 18th of August, 1856, $11,000."

The Committee of Ways and Means recommended a concurrence.

The amendment was concurred in.

Fifth amendment:

On pages 8 and 9, strike out the following:

"For the usual additional compensation to the reporters for the Congressional Globe for reporting the proceedings of the House of Representatives for the first session of the Thirty-sixth Congress, $800 each, $4,000."

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a concurrence in that amendment, as the House has determined not to take the Globe for the next session.

The amendment was concurred in.

Sixth amendment:

Page 10, line ten, after the word "library," insert: "and pay for binding and other incidental expenses;" so that the clause will read:

For purchase of law books for said library, and pay for binding and other incidental expenses, $2,000.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a non-concurrence in that amendment, believing that these matters can be paid for out of the contingent fund of the library.

The amendment was non-concurred in:

Seventh amendment:

After line eleven, insert the following:

For commissioners' fees for taking testimony on behalf of Government, fees of witnesses, and of agents or attorneys to be appointed by the Solicitor to attend to the taking of depositions, under the second and third sections of the act entitled "An act to establish a court for the investigation of claims against the United States," approved the 24th of February, 1855, to be disbursed, under the Solicitor, by such marshals as he shall direct, or other suitable agent to be appointed by him, $5,000.

Mr. PHELPS, of Missouri. That amendment proposes to make the usual appropriation to defray the expenses of taking testimony on the part of the Government in cases of claims against the Government contested in the Court of Claims. The amount was omitted in the annual estimates. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Eighth amendment:

In the clause providing for contingent expenses of Executive office, after the word "three" insert "hundred;" so that the clause will read:

For contingent expenses of the Executive office, including stationery therefor, $350.

Mr. PHELPS, of Missouri. That merely corrects a clerical error.

The amendment was concurred in.

Ninth amendment:

At the end of the following clause, "For blank-books, binding, stationery, miscellaneous expenses, and postage, $600;" add:

And that the time fixed by law, within which the creditors of the late Republic of Texas may file their claims at the Treasury Department be, and the same is hereby, extended to the 1st day of January, 1861.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a non-concurrence in that amendment.

Mr. BRYAN. I trust the committee will concur in the amendment. It simply extends the time within which the creditors of Texas may file their claims at the Treasury Department.

Mr. GREENWOOD. Will it require any more money to satisfy the claims if the time is extended?

Mr. BRYAN. Not a dollar; the money to pay the claims is in the Treasury.

Mr. GREENWOOD. Then I can see no objection to the amendment.

The amendment was concurred in.

Tenth amendment:

To enable the Secretary of War to employ temporary clerks in the office of the Quartermaster General, on bounty land service, $2,000.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a concurrence in that amendment. An estimate of $5,000 was submitted to us for the purpose. Two thousand dollars is necessary to pay the expense of a clerk in the Quartermaster General's office, who is engaged in certifying the applications of teamsters for bounty land warrants.

The amendment was concurred in.

Eleventh amendment:

Page 32, line one, strike out "$30,000," and insert "$74,800;" so that the paragraph, as amended, shall read:

For wages of workmen and adjusters, $74,800.

Mr. PHELPS, of Missouri. This is an appropriation for the wages of workmen in the Philadelphia Mint. The estimate submitted was for $74,800 for the next fiscal year. The House reduced the appropriation to $30,000. The Senate have restored the estimate. The Committee of Ways and Means originally reported the estimate of the Department, but in accordance with the decision of the House, they now recommend a non-concurrence in the amendment of the Senate.

The amendment was non-concurred in.

Twelfth amendment:

Page 32, line fifteen, increase the appropropriation to $165,493, so that the paragraph, as amended, shall read:

For wages of workmen and adjusters, $165,493.

Mr. PHELPS, of Missouri. This is for the mint at San Francisco, California. The House, it will be recollected, reduced the estimate, which the Senate has restored. The Committee of Ways and Means recommend a non-concurrence.

The amendment was non-concurred in.

Thirteenth amendment:

Page 32, line twenty, strike out "$22,000," and insert "$45,000;" so that the paragraph, as amended, shall read:

For wages of workmen, $45,000.

Mr. PHELPS, of Missouri. That is for the assay office of the city of New York. The Senate have restored the estimate which the House reduced. The Committee of Ways and Means recommend a non-concurrence.

The amendment was non-concurred in.

Fourteenth amendment:

Page 33, line one, strike out "$15,000," and insert "$34,000;" so that the paragraph as amended shall read:

For wages of workmen, $34,000.

Mr. PHELPS, of Missouri. That is the appropriation for the wages of workmen at the mint of New Orleans. The Committee of Ways and Means recommend a non-concurrence in the amendment of the Senate restoring the estimate cut down by the House.

The amendment was non-concurred in.

Fifteenth amendment:

Strike out the following clauses from the bill:

"*Territory of Oregon.*—For salaries of Governor, three judges, and Secretary, $12,500.

"For contingent expenses of said Territory, $1,500.

"For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, $20,000."

Mr. PHELPS, of Missouri. These are the appropriations for the Territory of Oregon, which, since her admission as a State, are rendered unnecessary. The Committee of Ways and Means recommend a concurrence in the Senate amendment striking out these appropriations.

The amendment was concurred in.

Sixteenth amendment:

Strike out "$1,500," and insert "$6,500," in the following clause of the bill:

"For contingent expenses of said Territory, $1,500."

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a non-concurrence in the amendment.

The amendment was non-concurred in.

Seventeenth amendment:

Insert as follows:

For deficiencies in the contingent expenses of Kansas, being the amount incurred during the administration of government by J. W. Denver on that account, $2,275 22.

Mr. PHELPS, of Missouri. Mr. Chairman, these were expenses incurred by Governor Denver beyond the appropriations made for that purpose, while he was Governor of that Territory, in his efforts to preserve peace and prosperity in Kansas. The vouchers have been submitted to the Department. They say there is no objection to their payment; that the expenses are reasonable; but that there is no appropriation out of which they can be paid. The appropriation, however, does not quite conform to the statement of the Secretary of State, and the Committee of Ways and Means have instructed me to move that the amount be changed so as to make it conform.

Mr. GROW. I would inquire of the gentleman, if the same kind of expenses were not incurred by Governor Geary? If so, I am against this amendment, unless both claims can be included.

Mr. PHELPS, of Missouri. It is for a different kind of expenditure.

Mr. GROW. I know that Governor Geary has a claim to the amount of several hundred dollars.

Mr. LETCHER. There is a further amendment which the Committee of Ways and Means directed to be offered to this paragraph, making it apply not only to Governor Denver, but to the other Governors who have preceded him in that Territory. There is a letter from the State Department, which I have not here at this moment, giving the precise amount due to each. I suppose the fact that the other names are not inserted in the Senate amendment was a mistake on their part.

Mr. GROW. Do you propose to put in any other names?

Mr. LETCHER. We propose to put in the names of the others.

Mr. GROW. Then I have no objection to the amendment in that shape.

Mr. PHELPS, of Missouri. My recollection differs from that of my colleague on the Committee of Ways and Means. I think the claim of Governor Denver himself amounts to about the sum contained in the amendment of the Senate.

Mr. LETCHER. I think not. The letter of the Secretary of State will show, as soon as I can get it.

Mr. HOWARD. The State Department reported two kinds of deficiencies in the Territory of Kansas. One was what they called contingent expenses, and the other what they called extraordinary expenses.

Mr. LETCHER. Yes, sir; but it is the contingent expenses we are now providing for.

Mr. HOWARD. That is true. According to the letter of the Secretary of State, Governor Geary has a claim for extraordinary expenses, of $600.

Mr. GROW. I would suggest that this amendment be passed over informally, until we can get the letter of the Secretary of State.

The amendment was informally passed over.

Eighteenth amendment:

Strike out the following paragraph:

"For salaries of the Attorney General, and the clerks and messenger in his office, $14,967."

And insert in lieu thereof, as follows:

For salaries of the Attorney General, and assistant, and the clerks and messenger in his office, $14,367: *Provided*, That the Attorney General, in place of six clerks now employed in his office, be, and he is hereby, authorized to appoint one assistant, learned in the law, at an annual salary of $3,000; two third-class clerks, at salaries of $1,600 each; and one second class clerk, at a salary of $1,400; and that the said Attorney General be authorized, when necessary, to employ temporary clerks: *Provided*, That the allowances to such temporary clerks shall, in no one year, exceed $1,000: *Provided, also*, That all moneys hereafter drawn out of the Treasury, upon the requisition of the Attorney General, shall be disbursed by such disbursing officer as the Secretary of the Treasury may designate.

Mr. PHELPS, of Missouri. I will state that this amendment does not in any manner increase the expenses of the Department for clerical force, but simply allows the Attorney General to regulate his force in his own manner. On the contrary, the sum appropriated for his expenditure hereafter is something less than that heretofore. Instead of having so many clerks, they are to be fewer in number; while the salaries of some of them are to be increased. The Committee of Ways and Means recommend a concurrence in that amendment.

Mr. LETCHER. I am opposed to the amendment. I am opposed to the Attorney General being represented by proxy. He is selected because of his character and capacity and legal knowledge for the discharge of the duties confided to him; and I have no idea of his having an assistant to whom he may delegate the management of his business. Let him have his clerks, and let them attend to drawing up his briefs. I am opposed to this indirect mode of upsetting the law.

Mr. PHILLIPS. It is not contemplated to create any such officer as the gentleman refers to. It is not contemplated to give the assistant any

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more authority than he now possesses. It only allows a little higher price, in order that he may get efficient aid. It does not confer any additional authority.

Mr. LETCHER. If that be the purpose, why has not a bill been introduced to reorganize the office of the Attorney General, and make it conform to law as the various other Departments of the Government have been made heretofore? Whenever a bill is brought in, and the two Houses of Congress decide this thing shall be changed, let it be done, and then let our appropriation bills conform to the law. I am opposed to this mode of upsetting the law in an appropriation bill, when it seems to me it ought to be done with a good deal more consideration and more care than is likely to be bestowed on it here.

The amendment was non-concurred in.

Mr. LETCHER. Now let us go to the seventeenth amendment. If gentlemen will refer to Executive Document No. 46, under date of 12th January, 1859, they will find this statement:

Statement showing the amounts expended and incurred by the Executive of the Territory of Kansas, on account of contingent expenses, and for which an appropriation is required:

Wilson Shannon, due him on account.....	$156 03
Robert J. Walker, due him on account.....	301 68
Robert J. Walker claimed, but for which proper vouchers are to be presented.....	587 00
James W. Denver, due him on account.....	676 22
Expenses incurred and unpaid.....	458 30
	$2.179 23

I move to amend the seventeenth amendment by inserting these names and those amounts.

The amendment was agreed to; and the amendment, as amended, was concurred in.

Nineteenth amendment:

After "for compensation of the auxiliary guard, and for fuel, and oil for lamps, $89,400," insert as follows:

And to repay the corporation of Washington the compensation of twenty policemen from the 13th day of July, 1858, to the 30th day of June, 1859, $12,539 52.

For compensation of twenty policemen in the city of Washington, to be appointed in the same manner as the auxiliary guard are now appointed, $13,000.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a non-concurrence in this amendment.

The amendment was non-concurred in.

Twentieth amendment:

In the following paragraph strike out the word "paper," and insert the word "printing:"

"For deficiency in paper for first session of Thirty-Fifth Congress, $38,579 13."

Mr. LETCHER. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Twenty-first amendment:

Insert:

For deficiency in the appropriation for the compensation and mileage of Senators during the present Congress, $6,263 88.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a concurrence. It is for the payment of the mileage of one of the Senators from Oregon, which has been admitted as a State into the Union.

Several MEMBERS. Oh, no! Let it be rejected.

Mr. LETCHER. It is clearly right. Mr. SMITH is entitled to his mileage. General LANE does not demand any.

The amendment was concurred in.

Twenty-second amendment:

SEC. 2. *And be it further enacted*, That the authority given by the sixth section of the act entitled "An act relating to foreign coins and to the coinage of cents at the Mint of the United States," approved February 21, 1857, to pay out at the Mint the cents authorized and directed by said act to be coined, in exchange for the fractional parts of the dollar therein named, at their nominal value of twenty-five, twelve and a half, and six and a quarter cents, respectively, shall be, and the same hereby is, extended to two years from and after the 21st day of February, 1859, and no longer.

Mr. PHILLIPS. This is to extend a law which expired last Monday by its own limitation. That law authorized the mints to receive the old coinage, old quarters, levies and fips, at their nominal value, in exchange for cents of the American coinage. The officers of the Mint and a great many others urge upon the Secretary of the Treasury that the law shall be extended, and he makes that recommendation in his letter to the Committee of Ways and Means. There is said now to to be in circulation some $500,000 worth of these old coins. The Government will not lose anything, for the new cent does not really cost a cent.

The amendment was concurred in.

Twenty-third amendment:

SEC. 3. *And be it further enacted*, That when refined gold bullion shall be deposited in the branch mint of the United States Mint at San Francisco, California, or any of its branches, it shall be the duty of the Treasurer to make payments for such bullion as soon as the value thereof shall have been ascertained, and the coin made from the same; but the Treasurer shall not be required to pay the amount until it has actually been coined; and that the charge for making coin from refined gold bullion shall be three-eighths of one per centum.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Twenty-fourth amendment:

SEC. 4. *And be it further enacted*, That after the expiration of the present session of Congress, when any document shall be ordered to be printed by both Houses of Congress, whether the copies ordered to be reserved (regular) number or additional (extra) numbers, the entire printing of such documents shall be done by the Printer of that House which first ordered the same; and the House so first ordering the same shall immediately notify the other House of such order. And the Superintendent of Public Printing is hereby directed, in all cases where any document has been ordered to be printed by both Houses of Congress, to cause the order of the House last making the order to print such document to be executed by the Printer of the House first ordering the same, and to further cause the other House to be furnished with the number ordered by it; and in no case shall more than one thousand five hundred and fifty copies of any documents be printed, unless the printing of extra numbers be ordered by either House; and the one thousand five hundred and fifty copies, as reserved (regular) numbers, shall be distributed by the officers of the House first ordering the printing of the same to the same persons and in the same manner as such numbers heretofore ordered by both Houses have been distributed.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend concurrence in the amendment. The effect of it will be to save double composition, when each House has its separate Printer.

Mr. KELSEY. I am opposed to the amendment, and for this reason: There may be a difference in the politics of the next two Houses, and it would be very convenient for the Senate to take the control of the printing of the House. This is rather a small thing. I know that provision is made in the amendment that the Printer shall not charge for the double composition; but there is no security that he will not. I am entirely opposed to this plan of letting the Senate get control of the business of the House. It already controls, to a great extent, our contingent fund.

Mr. GROW. There is not much fear of that. I should suppose we would be as smart as they.

Mr. KELSEY. Well; I do not want to have this scrub-race between the two Houses, as to which should get control of the printing.

Mr. HOWARD. I hope there will be no politicians here who will want to pay for double composition, when it is only done once.

Mr. KELSEY. This amendment still allows double composition.

Mr. HOWARD. I think it does not.

Mr. KELSEY. I think it does.

Mr. HOWARD. It simply provides that when one House orders a document to be printed, and the other House subsequently orders the same document to be printed, the same Printer shall do the work for both, and shall not charge double composition.

Mr. COLFAX. In case there should be an Opposition Printer to the next House and a Democratic Printer to the Senate, all the reports may be made to the Senate first, and their Printer will have all the printing.

Mr. HOWARD. This amendment recommends the Superintendent of Public Printing to get the printing done by the Printer to the House that first orders it. If this House be not smart enough to order the work that it wants done, let the Printer to the other House have it.

Mr. KELSEY. It is a plan to control the House printing, and I am opposed to it.

Mr. SMITH, of Tennessee. This amendment merely revives the law of 1845, under which the composition was paid for only once. I hope the amendment will be concurred in.

Mr. HOWARD. It is a good proposition, and should be adopted.

Mr. NICHOLS. I desire to say a word or two on the subject of this amendment. I recollect very well when this same controversy came up in the Thirty-Third Congress. The provision in this amendment is substantially the provision that is embraced in the old printing law. But in the Thirty-Third Congress one man was chosen Printer to this House, and another man Printer to the other House. Certain leading Senators of the party, to which the chairman of the Committee of Ways and Means belongs, carried an amendment in that body against the opposition of the sound men, as I conceive, of that body, repealing that identical provision of the printing law. The amendment came to this House, and, as a young member, I rose to make my first speech in this body in opposition to the recommendation of the Committee of Ways and Means, made by the gentleman himself, [Mr. PHELPS,] that the House should concur in the Senate amendment. I was appealed to then by the chairman of the Committee of Ways and Means to withhold my remarks; and I did so on his statement that it involved the privileges of the two Houses, and that the Executive Departments, out of favoritism to the Printer of this House, had made all their reports here, and had given such a direction to the printing as had not been contemplated, and as was not just between the two men themselves.

I say now, furthermore, that the gentleman from Pennsylvania [Mr. GROW] and myself reported a bill to the House, at the last session, in regard to the printing for Congress; but we have never had an opportunity to get action upon it, and are not likely ever to have. But yet such a bill is the only way by which this trouble can be cured. As between the two Houses, and to preserve the privileges of each, this amendment ought to be voted down, because the inevitable tendency of it is to bring the two Houses in direct conflict with each other.

You can only do one of two things, in regard to this printing question. You must either establish a Government printing office—and I am opposed to that, because I think it would be a lazar-house for broken-down politicians; or you must pass a law, giving all the printing to the lowest bidder, under guarantees for the due performance of the work. That is what is contemplated in the bill reported to the House by the gentleman from Pennsylvania and myself.

Mr. SINGLETON. This matter was under the consideration of the Joint Committee on Public Printing; though, I believe, the gentleman from Ohio [Mr. NICHOLS] was not present; and it received the sanction of every member of the committee then present.

Mr. NICHOLS. It is immaterial to me whether the House adopt this amendment, or not; but my belief is, that it will be ineffectual to secure the object contemplated by it.

Mr. SINGLETON. After a careful examination of the matter, and having statistics before us made out by the Superintendent of Public Printing, we ascertained beyond a doubt that, if this amendment be concurred in, it will save this Government from $25,000 to $35,000 a year.

Mr. LETCHER. It will save more than that.

Mr. NICHOLS. That only relates to the regular number of documents, and does not touch the general proposition as to extra copies.

Mr. SINGLETON. I cannot see why gentlemen will insist on having payment made for this double composition where the work is only done once. It does not occur to me how this can, in any way, involve the privileges of either House.

Mr. KELSEY. The amendment does not effect the object contemplated.

Mr. SINGLETON. If I understand its language, it does. At present, whenever the House orders the printing of a document, the House Printer has the type set up; and if the Senate orders the printing of the same document, the Printer to that body has it set anew, or, at all events, the composition has to be paid for twice. This amendment puts a stop to that abuse. If, however, under this amendment, the House shall order the printing of a certain document, and then notify the Senate of that fact, and the Superintendent of Public Printing is required to see that the same type that has been set up under the order to print for the House is used for the Senate, I should like to know how gentlemen can deny that it will save double composition? I state these facts because the Joint Committee on Printing, whose duty it was to examine the whole matter, have had it under consideration; and I think it proper that we should save this amount to the Government. We have no right to confer this bonus upon any individual at the public expense. And now that the Treasury is empty, and retrenchment and reform are the watchwords, the adoption of this amendment of the Senate, made in accordance with the recommendation of the Joint Committee on Printing, should have the sanction of this House. The plainest dictates of duty require it at our hands.

Mr. PHILLIPS. If the object be, as I suppose it is, to save the expenses of double composition, it ought to be plainly expressed. If the amendment of the Senate is to be concurred in, I think it should be amended by the addition of these words:

And in all such cases, the payment to be made for composition shall be the same only as if the printing had been ordered by one House of Congress.

Mr. GROW. I think this whole subject of printing needs revision, and if we let it alone now, it must be taken up in the next Congress. As the gentleman from Ohio says, the select committee on printing gave the subject a great deal of attention last session, but we never could get it before the House. The whole subject will have to be overhauled, and we may as well let it alone, until that can be done.

Mr. PHILLIPS. All I desire is, that the amendment of the Senate shall be perfected, if it is the intention of the committee to concur in it.

Mr. LETCHER. As I understand the amendment of the Senate, I think its phraseology covers exactly what the gentleman from Pennsylvania [Mr. PHILLIPS] seeks to effect by his amendment. It is as follows:

And the Superintendent of Public Printing is hereby directed, in all cases where any document has been ordered to be printed by both Houses of Congress, to cause the order of the House last making the order to print such document to be executed by the Printer of the House first ordering the same, and to further cause the other House to be furnished with the number ordered by it; and in no case shall more than one thousand five hundred and fifty copies of any document be printed, unless the printing of extra numbers be ordered by either House; and the one thousand five hundred and fifty copies, as reserved (regular) numbers, shall be distributed, by the officers of the House first ordering the printing of the same, to the same persons and in the same manner as such numbers heretofore ordered by both Houses have been distributed.

Mr. STANTON. I wish to make an inquiry of the gentleman from Virginia. Suppose the President's message and accompanying documents, the Patent Office report, and other heavy documents, are sent, for instance, first to the Senate, and it shall not suit the convenience of the Printer of the Senate to print them till the end of the session: is the House to have no remedy for it?

Mr. FLORENCE. That will be the practical effect of this amendment.

Mr. GROW. As I understand the present system, it is this: when the Printer has set up a document, he heads it "House Document," and prints the number ordered by the House. He then changes the heading to "Senate Document," and prints the number ordered by the Senate. Now, will the phraseology of this amendment prevent him from charging composition for each House, the heading having been changed?

Mr. LETCHER. So I understand. Now, all I desire is to cut off this payment for double composition; for I understand that, taking the estimate of printing for the last Congress, it would save somewhere about seventy thousand dollars.

Mr. SMITH, of Tennessee. With the permission of the gentleman from Virginia, I wish to say to the gentleman from Pennsylvania that the law of 1845—a part of it which has not been repealed—expressly provides against allowing this change of heading for the purpose of enabling the Printer to charge for double composition.

Mr. GROW. Well; but when both Houses order the printing of the same document, cannot it be done by the same Printer with the same composition? You must have a different heading for the two Houses; and would the Printer not draw double pay? It is not necessary that the type should be set up again.

Mr. SMITH, of Tennessee. The law expressly provides that where the heading is changed, there shall be no pay for double composition.

Mr. GROW. Who is to determine whether the type has been set up a second time?

Mr. SMITH, of Tennessee. The type is not set up a second time. Only the heading is changed.

Mr. WADE. In my judgment, the only cure for these evils is for Congress to have only one Printer, and then you will not have to pay for double composition, or anything else. There is no more necessity for having two Printers for the two Houses than there is for having six wheels to a coach. The only remedy you can apply is to cut off the head of one of these Printers. Then you will effect your object, and not till then.

Mr. PHILLIPS's amendment to the amendment of the Senate was agreed to.

The question recurred on agreeing to the amendment of the Senate as amended.

Mr. CURRY demanded tellers.

Tellers were ordered.

Mr. HUGHES. Is it too late to move an amendment to the amendment?

The CHAIRMAN. The Chair thinks not. It is in order any time before the question is taken on the amendment.

Mr. HUGHES. Then I move to amend the amendment by adding thereto the following:

Provided, That the office of Printer to the Senate or House of Representatives shall not be transferable, either directly or indirectly; and any attempt to sell or transfer either of said offices, or any sale or transfer of the same, shall operate as a vacation and abandonment of said offices, or either of them.

Mr. SEWARD. Add, "and there shall be no partnership in the printing."

Mr. STANTON. I believe that neither side of the House is very well satisfied with the amendment as it now stands, and I submit whether it would not be better to non-concur in it and let it go to the committee of conference and let them fix it right. Let us adopt the amendment of the gentleman from Indiana, and then non-concur in the amendment of the Senate as amended.

Mr. PHELPS, of Missouri. If you concur in it with an amendment, it will go to the committee of conference.

Mr. SEWARD. Is in order to move an amendment to the amendment of the gentleman from Indiana?

The CHAIRMAN. The Chair thinks not, as the amendment of the Senate is an amendment.

Mr. SEWARD. Then mine would not be an amendment beyond the third degree.

The CHAIRMAN. You cannot go to the third degree. An amendment to an amendment is as far as you can go.

Mr. HUGHES. I believe I am entitled to the floor.

Mr. SEWARD. I shall appeal from the decision of the Chair.

The CHAIRMAN. The Chair is aware that the ruling of the committee heretofore has been both ways. He is informed by the Clerk, however, that the amendment of the Senate has been usually regarded as the original text; and he will, therefore, rule the amendment to be in order.

Mr. SEWARD. I desire to offer an amendment.

Mr. HUGHES. I do not think the gentleman from Georgia will offer an amendment until he gets the floor.

Mr. SEWARD. Well, sir, I think the gentleman from Indiana and I have both been unfortunate in getting the floor, and I will not interfere.

Mr. HUGHES. This office of Public Printer in either branch of Congress is an important office. It is an elective office; and I suppose, from that fact, it is intended that either branch of Congress should exercise some discretion in choosing the person to do their printing. I desire by this amendment to prevent the sale or transfer of that office, either by direct or indirect means. Who is now the Printer of this House? We elected a gentleman at the last session of Congress to be our Printer. Is he, in fact, the Printer of the House, or is he not? Has the office been sold, or has it not? The amendment which I have offered gives the House the opportunity to sanction this mode of transferring an important office from the hands of the man elected by the House to the hands of a man who could not be elected by the House, or to express their disapprobation of that course, and put their prohibition on it for the future.

The amendment to the amendment was agreed to.

Mr. COLFAX. I move to amend the amendment by inserting the following at the end of the section:

Provided, That all public documents shall be laid before both Houses simultaneously.

Mr. PHELPS, of Missouri. I only desire to suggest to the gentleman from Indiana the impossibility of complying with that regulation. The House may call by resolution for important papers which are not to be communicated to the Senate at all, because the Senate has made no call for them. It would be impossible to comply with that provision——

Mr. COLFAX. The gentleman misunderstands the object of my amendment. It has reference only to public documents sent to both Houses.

Mr. HOUSTON. If the amendment just proposed by the gentleman from Indiana shall prevail, I take it that it will destroy the effect of the Senate amendment, the object of which is to prevent the necessity of paying for double composition. If these documents are to be delivered simultaneously to both Houses, both Houses may order them to be printed simultaneously, and you will thus have a legitimate charge for double composition, which is exactly the thing we are seeking to avoid. If we are to adopt that amendment, we might just as well vote down the Senate amendment at once, because it can have no good effect. I prefer to let the Senate amendment stand as it is, and let the two Printers, if there should be two, take their chances. When a document is to be delivered to both Houses, let it be delivered in accordance with the rules of the executive department.

Mr. COLFAX. The object of this amendment is clear and legitimate. The Senate amendment provides that the Printer of the House which shall first order a public document shall have the printing of that document for both Houses, and that only one composition shall be charged. My amendment, as worded, could not apply to those documents ordered by only one House; but, in order that there may be no misunderstanding, I will modify it so that it may read:

Provided, That all public documents designed for both Houses, shall be sent to both Houses simultaneously.

Mr. HOUSTON. I would like to have the gentleman tell me the purpose of his amendment? What does he propose to accomplish by it?

Mr. COLFAX. I will tell the gentleman what the object is: It is to prevent the Departments, when there is a Printer of one politics in one House and of another in the other, from giving all the heavy work to the Printer of their own politics.

Mr. HOUSTON. I do not suppose the gentleman need give himself any trouble about Printers of different politics being elected by the next Congress. "Sufficient unto the day is the evil thereof." I think the gentleman will find that he has no more interest in the printing of the next Congress than he has in this. Now, sir, if we are going to make reforms, let us make them in good faith. If it is our intention really to stop abuses, let us do it directly, and not by an amendment, which comes in by indirection to defeat the very purpose we profess to be striving to accomplish. This amendment of the gentleman from Indiana—I say it with all respect to him—seems to me to be not entirely worthy of him, because its effect, while it may accomplish party purposes, is to impose double composition upon Con-

gress for all the public documents printed by our order. I care not where this printing goes to, who is benefited by it, or who is injured by it. If it is the purpose of Congress, if it is their honest intention to avoid the necessity of paying double composition, I ask that the amendment of the gentleman from Indiana shall not be adopted.

Mr. COLFAX. The gentleman says, "Sufficient unto the day is the evil thereof." I concur with the gentleman entirely in that; and propose, by non-concurring in the amendment of the Senator, to let the next Congress settle the matter for themselves.

Mr. HOUSTON. The evil I complain of is upon us already, and I propose it shall be avoided for the future.

The amendment to the amendment was not agreed to. The question recurred on the amendment of the Senate, as amended.

The CHAIRMAN ordered tellers; and Messrs. JOHN COCHRANE and ANDREWS were appointed.

The House was divided; and the tellers reported—ayes 68, noes 63.

So the amendment, as amended, was concurred in.

Twenty-fifth amendment:

SEC. 5. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, directed to cause the annual report of the Commissioner of Patents on mechanics, hereafter to be made to the Senate and House of Representatives, to be prepared and submitted in such manner as that the plates and drawings necessary to illustrate each subject shall be inserted so as to comprise the entire report in one volume, not to exceed eight hundred pages.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Mr. PHELPS, of Missouri. I move that the amendments of the Senate be laid aside, to be reported to the House.

The motion was agreed to.

INVALID AND OTHER PENSIONS.

Mr. PHELPS, of Missouri. I move to take up the amendments of the Senate to House bill (No. 662) making appropriations for the payment of invalid and other pensions of the United States, for the year ending 30th June, 1860. There are only three amendments. I am very desirous that the House shall act upon the amendments acted on in committee, in order that they may be sent early on Monday morning to the Senate, that committees of conference may be appointed. I do not propose to take action to-night on the Navy appropriation bill.

Mr. GROW. Does the gentleman propose to rise after the amendments of the Senate to the pension bill have been acted on?

The motion of Mr. PHELPS, of Missouri, was agreed to.

Mr. LOVEJOY moved that the committee rise.

The committee refused to rise.

Mr. PHELPS, of Missouri. I hope, by general consent, that the general debate will be terminated and the debate confined to five minutes.

Mr. SEWARD. I object.

The first amendment of the Senate was read, as follows:

In the following paragraph, reduce the appropriation from $40,000 to $16,000:

"For pensions under acts of the 18th March, 1818, 15th May, 1828, and 7th June, 1832, $40,000."

Mr. PHELPS, of Missouri. That amendment ought to be deferred until the second amendment is acted on. It stands or falls on that amendment. That second amendment proposes to transfer the payment of pensions to the depositaries designated under the act of 1846. It is proposed to transfer the payment of pensions to postmasters, &c. If that be done, then this amount ought to be reduced.

Mr. SEWARD. I move that those officers be required to give bond and security.

A MEMBER. They do that now.

Mr. SEWARD. No, sir; not for this money.

The question was taken on the Senate amendment; and it was concurred in.

Second amendment:

Add the following section to the bill:

SEC. 2. *And be it further enacted*, That, from and after the 1st day of July, 1859, the present agencies for the payment of pensions be, and the same are hereby, abolished, and that the duties heretofore performed by the agents shall be discharged by the officers named in the sixth section of the act entitled "An act to provide for the organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August 6, 1846, and in the manner prescribed by that act: *Provided, however*, That the said officers shall not be allowed any additional compensation for the discharge of the duties imposed on them by the said sixth section of the act aforesaid, as herein prescribed.

Mr. PHELPS, of Missouri. I ask to have read the sixth section of the act providing for the better organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue, so that the committee may understand the amendment.

The section was read. It relates to the duties of Treasurer of the United States, treasurer of the Mint of the United States, treasurers, and those acting as such, of the various branch mints, collectors of the customs, surveyors of the customs, acting as collectors, assistant treasurers, receivers of public moneys at the land offices, and postmasters.

Mr. PHELPS, of Missouri. An inquiry has been made, whether, if the duties of pension agent were transferred to the officers named in this section of the act, the Government would have any security from them in the event of a misapplication of the funds? The section of the law just read, provides that these officers shall perform every fiscal duty that may be imposed upon them, not only by that act, but by any other act of Congress, and that they shall be responsible in case of the misapplication of funds. There is, therefore, a liability fastened upon them, under their present official bonds; and that liability would also apply to their duties as pension agents.

Mr. SEWARD. Does the bond given by a postmaster cover the duties of pension agent?

Mr. PHELPS, of Missouri. His bond is drawn in compliance with this law, as well as with the Post Office law.

Mr. SEWARD. The bond of a country postmaster would not cover the amount that would pass through his hands under this amendment.

Mr. CLARK B. COCHRANE. I see that it is provided that no additional compensation shall be paid for this service. I ask the chairman of the Committee of Ways and Means, whether that excludes additional compensation for clerk hire?

Mr. PHELPS, of Missouri. It does.

Mr. CLARK B. COCHRANE. Will there be any objection to inserting the words "clerk hire?"

Mr. PHELPS, of Missouri. None whatever. These pension agents are now allowed, as compensation for disbursing, a sum not exceeding two per cent. on the amount disbursed. They receive no compensation for clerk hire; nor is it supposed by the committee that additional clerk hire will be required by the officers to whom it is proposed to transfer the duties. They have merely to examine the vouchers presented, and to pay on those vouchers the sums to which the pensioners are entitled.

Mr. CLARK B. COCHRANE. Well, put in this limitation about clerk hire.

Mr. HOWARD. The section has a general limitation already; but if the words "clerk hire" are inserted, the limitation will be specific, not general.

Mr. HUGHES. I desire to call the attention of the committee to some objections which I have to this amendment, and which, it seems to me, are conclusive against it. In the first place, sir, there is a technical objection to it. It does not properly describe the act to which it refers. There is no such act as it describes. It refers to "an act to provide for the organization of the Treasury," &c., whereas the title of the act is "An act for the better organization of the Treasury," &c. The description of the act, therefore, is imperfect and incorrect.

But, sir, suppose the act were correctly described, what does this amendment propose to do? To abolish pension agencies, and to devolve the payment of pensioners, in future, on certain officers named in the sixth section of the act referred to. Who are these officers? Treasurers, collectors, postmasters, and others. Now, I respectfully submit to the committee, that this matter of paying out pensions requires considerable skill and experience. There are forms to be observed; public moneys to be handled; and a considerable amount of responsibility to be borne. I object to any enactment which confers on every country postmaster the paying of pensions. Who is to designate the particular postmaster who is to perform the duties, within a given district of country? This act does not do it; nor does it show how it is to be done. There are many districts in the country where there is no sub-treasurer, or other of the officers mentioned in the law, excepting postmasters; and if this amendment is adopted, the payment of these pensions must necessarily fall into the hands of a great many of the country postmasters, who are utterly incompetent to perform the duties imposed on them by this act.

Mr. PHELPS, of Missouri. I will explain to the gentleman from Indiana why the evil results which he anticipates will not flow from the adoption of this amendment. In the first place, it does not propose to make each postmaster, or each collector, or each assistant treasurer, a pension agent. The Secretary of the Interior is now required by law to appoint some person to discharge the duty of pension agent at places designated by law. If this amendment shall be adopted, he will have no power to change the location of the pension agencies, but he will confer the appointment of pension agent on the postmaster, the collector, or the assistant treasurer—whichever he pleases—at the points where, by law, the pension agencies are located.

Mr. CHAFFEE. I received, some days since, a letter from the pension agent at Boston, on this subject. I ask the gentleman from Indiana to allow it to be read.

Mr. HUGHES. I yield the floor for that purpose.

The Clerk read the letter, as follows:

BOSTON, *January* 24, 1859.

DEAR SIR: I heard, a few days since, that the bill from the Senate, making appropriations for invalid pensions, proposed to abolish pension agencies, and have payments made at the sub-treasuries.

There are *only six sub-treasuries*, all in the large cities; and most of them on the sea-side.

There are *fifty one pension agencies*, distributed carefully all over the States, so as to accommodate the pensioners.

We, make, in Boston, from *fifteen hundred* to *two thousand* payments yearly, for Massachusetts alone. We are paid by a percentage not to exceed, in any one case, $1,000, except when the same man is navy and privateer and marine agent, never to exceed, for both offices, $1,500—no clerk hire, no office rent, no fuel, nothing allowed us.

It requires all the time, from January to January, for one man, and sometimes two, to do the work.

Change it, and the clerk hire and extra expenses will be *very nearly* as much in the sub-treasury.

But the objection lies to the great difficulty from the distance and expense of this poorest of all other classes of people in getting their money. Think of a man sending, twice a year, some five, six, and even ten hundred miles, to receive a pittance of ten or twenty dollars, with papers, often inaccurate, to be returned to him and made over again. This happens to us a hundred times a year.

I am so certain that this bill has been passed in the Senate, without any practical knowledge on the subject, that I am anxious your attention should be called to it before it is too late.

With great respect, truly yours,

ISAAC O. BARNES.

Hon. CALVIN C. CHAFFEE.

Mr. HUGHES. The remarks that the gentleman from Missouri has made in explanation of this proposed amendment do not obviate the objection to it at all. Here is the law which is proposed to be applied to this matter:

"*And be it further enacted*, That the Treasurer of the United States, the treasurer of the Mint of the United States, the treasurers, and those acting as such, of the various branch mints, all collectors of customs, all surveyors of customs acting also as collectors, all assistant treasurers, all receivers of public money at land offices, all postmasters, and all public officers of whatsoever character, be," &c.

Now, sir, of all the classes of persons enumerated in this act, there is but one class that is to be found in every district for the payment of pensions, and that class is the postmasters. I prefer to leave the discretion of the Secretary of the Interior unlimited, so that he may select from all men with reference to qualifications, instead of tying him down to the class of postmasters. I put the question to every member of this committee—and let each one answer it for himself—how many postmasters have you got in your district that you would like to see turned into pension agents? I say, sir, that the postmasters of the country, as a class, are not remarkable for intelligence, for literary attainments, or for any of those qualifications that are necessary for the payment of pensions. I speak of the postmasters of the small towns.

The compensation now allowed to pension agents is only two per cent. on the amount of money they pay out, and can never exceed $1,000.

Mr. CLAY. I desire to ask the gentleman

from Indiana whether he means to apply these general and sweeping remarks about the postmasters of the United States to the postmasters of the State of Kentucky?

Mr. HUGHES. Oh, no; Kentucky is an exception to all general rules. [Laughter.]

Mr. GARNETT. I suppose the gentleman's remarks apply to the postmasters in his own district.

Mr. HUGHES. I make no sweeping remarks. I say that postmasters are appointed with reference to the duties of those offices, and not with reference to the discharge of the duties of pension agents. I know more about the postmasters in my own district than I do about those in other districts; and, if gentlemen are sensitive about this matter, I will confine my remarks to that district. I do not want to restrict the Secretary of the Interior to that one class of men in the selection of pension agents.

Mr. CLAY. I accept the explanation which the gentleman has made.

Mr. CLARK B. COCHRANE. I move that the committee rise. It is manifest that we cannot get through with this bill to-night.

Mr. HUGHES. If it is the wish of the committee to rise, I have no objection.

Mr. STANTON demanded tellers.

Tellers were ordered.

Mr. BURNETT. I hope the gentleman from New York will withdraw his motion, and let us see if we cannot, by unanimous consent, apply the five minutes' rule to these amendments.

Mr. HUGHES. I hope the gentleman will allow me to go on, and I will close my remarks in a minute or two.

Mr. BURNETT. I ask the unanimous consent of the committee to consider the five minutes' rule as applying to these amendments.

Mr. SEWARD. I object.

Mr. BURNETT. Then I appeal to the gentleman from Indiana to allow us to go into the House and stop this general debate.

Mr. HUGHES. I have no objection.

Mr. BURNETT. I move that the committee rise.

Mr. SEWARD. I am willing to withdraw my objection to applying the five minutes' rule.

Mr. BURNETT. Then I withdraw my motion.

Mr. LOVEJOY. Then I object to that rule being applied.

Mr. HUGHES. Well, Mr. Chairman, I will proceed and finish my remarks as briefly as possible. Pension agents, under the present law, only receive two per cent. upon the amount disbursed by them, not in any case to exceed $1,000. The duties performed by them are important; not so much for themselves or for the Government, as for the pensioners; and I object most earnestly to throwing those duties into the hands of nobody knows who, but certainly, in many instances, into the hands of persons not qualified to perform them.

Mr. JOHN COCHRANE. I have a very few words to submit upon this proposition, and I think I can submit all of them within the rule which gentlemen have asked should be adopted. It seems to me that this amendment of the Senate is crude, and inadequate to the accomplishment of any wholesome reform. Instead of being reform in the right direction, it will only serve to confuse those who attempt to administer the law. What is proposed to be done? Why, that different officers, of different districts, shall administer the law. What officers? Why, sir, all public officers of whatsoever character, in any State, place, or vicinage, are to be qualified to perform those duties now devolving upon pension agents. In one place there is a collector, a surveyor, a postmaster, and other public officers. Which of these officers is to discharge the duty?

Mr. HOUSTON. This amendment of the Senate is evidently based upon the hypothesis that the Department will designate the officer.

Mr. JOHN COCHRANE. There is no such hypothesis expressed. The whole provision bears upon it the impress of manifest crudeness attending upon hasty legislation, and reform under panics. Sir, to whom is the pensioner to go to derive his pension? Is he to seek the collector; is he to seek the postmaster; is he to seek any other public officer? Is he to travel from Dan to Beersheba, and waste all his pension in hunting for the man by whom it is to be paid? Mr. Chairman, we have a debt which we owe to our pensioners, as well as to our constituents, who are expecting reform at our hands, and do not let us commit grave errors and inconsistencies while attempting to derive for ourselves the reputation of reformers. But what more? In the latter clause of this section is this proviso:

"*Provided, however*, That the said officers shall not be allowed any additional compensation for the discharge of the duties imposed on them by the said sixth section of the act aforesaid as herein prescribed."

Well, Mr. Chairman, cannot they employ an additional clerk? Is there a proviso against that? When you have taken the performance of these duties from your pension agents, do you suppose the assistant treasurer in New York, with his hands full of business at the present time, is going to perform the duties of pension agent for the whole State of New York? You now pay your pension agent there $1,000 a year, but I tell you that $2,500 will not pay for the additional service the assistant treasurer will employ. It is not reform; it is not economy; it is simply injustice towards the pensioner—manifest, shameful, and extravagant—under the guise of reform.

Mr. GOODWIN. I simply desire to make an inquiry in regard to the amendment now under consideration. It provides, as I understand it, that this pension fund may be disbursed by postmasters. Now, the postmasters are already appointed; and their bonds and securities are fixed by law. What I desire to know is, whether there is any provision by which their bonds are to be increased in case this money goes into their hands? For instance, take the case of a postmaster who has given bonds for the faithful discharge of his duties as postmaster, is he to be constituted a pension agent, with thousands and thousands of dollars of Government money going into his hands? I want to know whether there is any provision by which additional security can be required of him for the safe-keeping of this additional money?

Several MEMBERS. There is not.

The amendment was non-concurred in.

Third amendment:

SEC. 3. *And be it further enacted*, That, in all cases of application for the payment of pensions to invalids under the several laws of Congress granting pensions to invalids, the affidavit of two surgeons or physicians, whose credibility as such shall be certified by the magistrate before whom the affidavit is made, stating the continuance of the disability for which the pension was originally granted, (describing it,) and the rate of such disability at the time of making the affidavit, shall accompany the application of the first payment, which shall fall due upon a day in the fiscal year for which provision is made herein, to be declared by the Secretary of the Interior, and at the end of every two years thereafter; and if, in a case of continued disability, it shall be stated at a rate below that for which the pension was originally granted, the applicant shall only be paid at the rate stated in the affidavit: *Provided*, That, where the pension shall have been originally granted for a total disability, in consequence of the loss of a limb, or other cause which cannot, either in whole or in part, be removed, the above affidavit shall not be necessary to entitle the applicant to payment.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend a concurrence. It provides, only, that there shall be an examination of the pensioner, by a reputable surgeon of the vicinage, as to whether disability continues or is removed. The Commissioner of Pensions tells us that, oftentimes, the disability is entirely removed, and yet a pension still continues to be paid. It is wrong.

Mr. KELSEY. I do not know but that this section is right, if it be worded so as to make its meaning clear. As it stands, there are several portions of it which have no meaning. Let me read it:

SEC. 3. *And be it further enacted*, That in all cases of application for the payment of pensions to invalids under the several laws of Congress granting pensions to invalids, the affidavit of two surgeons or physicians, whose credibility as such shall be certified by the magistrate before whom the affidavit is made, stating the continuance of the disability for which the pension was originally granted, (describing it,) and the rate of such disability at the time of making the affidavit, shall accompany the application of the first payment—

Now I come to the point I refer to:

—which shall fall due upon a day in the fiscal year for which provision is made herein, to be declared by the Secretary of the Interior,—

I confess I am puzzled to know [laughter] what that means. I want it sent to some committee that will make it intelligible. That ended with a comma. It goes on:

—and at the end of every two years thereafter; and if in a case of continued disability it shall be stated at a rate below that for which the pension was originally granted, the applicant shall only be paid at the rate stated in the affidavit:

The colon seems to end that part of the amendment. I think we ought to send the amendment to the committee of conference.

Mr. LETCHER. I move to strike out the following proviso:

Provided, That where the pension shall have been originally granted for a total disability, in consequence of the loss of a limb, or other cause which cannot, either in whole or in part, be removed, the above affidavit shall not be necessary to entitle the applicant to payment.

Mr. Chairman, I do not agree with the gentleman from New York, that the best place in the world to make a correction is a committee of conference.

Mr. KELSEY. I do not think it is the best place; I think it is the only place left us.

Mr. LETCHER. I do not think so. I have had some little experience, and my observation has been that it is much better for the House to correct errors itself, than to send them to the committee on conference, which necessarily disposes of them in an hour, and is, more or less, regulated by a sort of compromise, giving a portion to the Senate, and retaining a portion for the House. I do not see, so far as this section is concerned, that there is any difficulty in understanding this provision. Let us see the part the gentleman objects to:

SEC. 3. *And be it further enacted*, That in all cases of application for the payment of pensions to invalids under the several laws of Congress granting pensions to invalids, the affidavit of two surgeons or physicians, whose credibility as such shall be certified by the magistrate before whom the affidavits is made, stating the continuance of the disability for which the pension was originally granted, (describing it,) and the rate of such disability at the time of making the affidavit, shall accompany the application of the first payment, which shall fall due upon a day in the fiscal year for which this provision is made herein, to be declared by the Secretary of the Interior, and at the end of every two years thereafter.

Is there any difficulty about that? After these parties are examined by this surgeon, and that report is certified to the Department, and the Secretary of the Treasury is called on for payment, is there any difficulty in ascertaining, when that payment is ordered, that it is the first payment; and is there any difficulty in ascertaining that the next payment shall be two years thereafter, according to the terms of this law? It seems to me that the whole thing is perfectly intelligible, and that it is a proper amendment, which ought to be adopted.

Mr. FLORENCE. I agree with the gentleman from Virginia in respect to the phraseology of the amendment. But I ask the gentleman from Virginia to explain a portion of the proviso. It reads:

Provided, That where the pension shall have been originally granted for a total disability, in consequence of the loss of a limb, or other cause which cannot, either in whole or in part, be removed, the above affidavit shall not be necessary to entitle the applicant to payment.

I ask what it is? It is:

In consequence of the loss of a limb, or other cause, which cannot, either in whole or in part—

Is it that the limb cannot be removed?

Mr. LETCHER. That depends on the man himself.

Mr. FLORENCE. If it is the part, what part? and if the cause, what cause? [Laughter.]

Mr. LETCHER. Does the gentleman object to the cause, or part of the cause? I withdraw my amendment.

Mr. HUGHES. I move to strike out the word "two."

Mr. Chairman. I will detain the committee but a moment. This amendment is wrong. If it amounts to anything at all, it does nothing more than what can be done under existing laws. There is no necessity for further legislation.

Mr. LETCHER. I should like to know what authority the gentleman has for stating that the Department can discontinue a pension?

Mr. HUGHES. My authority is the public statutes of the country, which the gentleman is presumed to know.

Mr. LETCHER. Will the gentleman refer to them?

Mr. HUGHES. I resigned my position as teacher of law some time ago, or I should be happy to instruct the gentleman.

Mr. LETCHER. I doubt very much whether the gentleman is competent to instruct.

The question was taken; and the amendment of Mr. HUGHES was not agreed to.

The question recurred on the third amendment, as follows:

SEC. 3. *And be it further enacted*, That in all cases of application for the payment of pensions to invalids under the several laws of Congress granting pensions to invalids, the affidavit of two surgeons and physicians, whose credibility as such shall be certified by the magistrate before whom the affidavit is made, stating the continuance of the disability for which the pension was originally granted, (describing it,) and the rate of such disability at the time of making the affidavit shall accompany the application of the first payment, which shall fall due upon a day in the fiscal year for which provision is made herein, to be declared by the Secretary of the Interior, and at the end of every two years thereafter; and if in a case of continued disability it shall be stated at a rate below that for which the pension was originally granted, the applicant shall only be paid at the rate stated in the affidavit: *Provided*, That where the pension shall have been originally granted for a total disability, in consequence of the loss of a limb, or other cause which cannot, either in whole or in part, be removed, the above affidavit shall not be necessary to entitle the applicant to payment.

The amendment was concurred in.

Mr. PHELPS, of Missouri. Now that we have disposed of the Senate's amendments to the pension bill, I move that the committee rise and report its action to the House. I hope the House will remain and consider the amendments to these bills, as they are now before us. I do not propose to have a vote taken on the naval appropriation bill to-night.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. JONES, of Tennessee, reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the naval appropriation bill, and the amendments of the Senate to the legislative, executive and judicial appropriation bill, the consular and diplomatic appropriation bill, and the pension appropriation bill: and had directed him to report back the former with sundry amendments; and also the recommendation of the Committee of the Whole on the state of the Union to concur with some and to non-concur with others of the Senate's amendments.

Mr. PHELPS, of Missouri. I desire action on the Senate's amendments to these bills. I move the previous question, and I wish to have the main question ordered on the naval appropriation bill, leaving that to come up next Monday.

The previous question was seconded, and the main question ordered, so as to operate on the report of the Committee of the Whole on the state of the Union.

CONSULAR AND DIPLOMATIC BILL.

The report of the Committee of the Whole on the state of the Union on the Senate's amendments to the consular and diplomatic bill was adopted, as a whole, except with regard to the following amendments, on which separate votes were asked.

Second amendment:

Add the following proviso:

Provided, That no other embassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, diplomatic representative, or chargé d'affaires, shall be entitled to any compensation during the said fiscal year: *And provided*, That nothing in this act shall be construed to interfere with the disbursement of the amount hereinafter appropriated for the contingent expenses of foreign intercourse.

So that the clause will read:

For salaries of envoys extraordinary, ministers, and commissioners of the United States at Great Britain, France, Russia, Prussia, Spain, Austria, Brazil, Mexico, China, Chili, Peru, Portugal, Switzerland, Rome, Naples, Sardinia, Belgium, Holland, Denmark, Sweden, Turkey, Buenos Ayres, New Granada, Bolivia, Ecuador, Venezuela, Guatemala, Nicaragua, Sandwich Islands, Costa Rica, Honduras, Argentine Confederation, and Paraguay, $204,000: *Provided*, &c.

The Committee of the Whole on the state of the Union recommended non-concurrence.

Mr. PHELPS, of Missouri, asked for a separate vote on the amendment.

Mr. STANTON. I move that the House do now adjourn. I do not want to have the yeas and nays taken on that amendment now.

Mr. PHELPS, of Missouri. Do not call for the yeas and nays.

Mr. GROW. I will ask for the yeas and nays, unless the amendment be concurred in.

The question was taken; and the amendment was concurred in.

Fifth amendment:

Strike out "$71,000," and insert, in lieu thereof, "$150,000;" so that the clause will read:

For compensation of the commissioner, secretary, chief astronomer and surveyor, assistant astronomer and surveyor, clerk, and for provisions, transportation, and contingencies of the commission to run and mark the boundary line between the United States and the British possessions bounding on Washington Territory, $150,000.

The Committee of the Whole on the state of Union recommended non-concurrence.

Mr. STEVENS, of Washington, demanded a separate vote on the amendment.

The question was taken; and the amendment was non-concurred in.

Mr. PHELPS, of Missouri, by unanimous consent, moved to reconsider the vote by which the amendments were severally concurred in, or non-concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House then proceeded to consider the amendments of the Senate to the legislative, executive, and judicial appropriation bill.

The report of the Committee of the Whole on the state of the Union, in reference to said amendments, was adopted as a whole, except with regard to the following amendments, on which separate votes were asked.

First amendment of the Senate:

Page 1, lines eight and nine. Strike out "$319,018 88," and insert "$338,861 72," so that the clause will read:

For compensation and mileage of Senators, $338,861 72.

The Committee of the Whole on the state of the Union recommended a concurrence in this amendment.

Mr. PHELPS, of Missouri. That amendment provides for the pay and mileage of Senators for the next fiscal year.

Mr. GROW. Let it be non-concurred in.

Mr. POTTLE called for tellers on the amendment.

Tellers were ordered; and Messrs. CHAFFEE and SEWARD were appointed.

The House divided; and the tellers reported—ayes 72, noes 60.

Mr. BINGHAM demanded the yeas and nays.

Mr. GROW called for tellers on the yeas and nays.

Tellers were ordered.

Mr. HUGHES. I move that the House adjourn.

Mr. LETCHER. It strikes me that if that amendment was understood, there would be no difficulty about it. It is for the pay and mileage of Senators for the next fiscal year.

Mr. GROW. I hope we shall non-concur in this amendment, and allow it to go to a committee of conference. Gentlemen will recollect that as the matter now stands the mileage of Senators is provided for, and that of the House stricken out. As a matter of course, these Senators from Oregon should receive their mileage the same as other Senators; but gentlemen will understand the object of referring the matter to a committee of conference. Their mileage is already provided for in another part of the bill for this session.

Mr. HUGHES. I withdraw the motion to adjourn for the present; but I give notice that if the yeas and nays are ordered, I shall insist on the motion.

Mr. PHELPS, of Missouri. I hope the gentleman from Pennsylvania will withdraw his call for the yeas and nays.

Mr. GROW. I make this appeal to the House: If they will permit this amendment to be non-concurred in, and go to a committee of conference, I will withdraw my call for the yeas and nays.

Mr. PHELPS, of Missouri. Then, I hope the House will non-concur in the amendment, and let it go.

Mr. STANTON. I hope not. I understand very well what is to be the result. If this amendment goes to a committee of conference, it is to come back with the mileage for members of this House restored. I want the next House to regulate its own mileage; and I hope, therefore, that the Senate amendment will be concurred in.

The SPEAKER. The Chair would remark that the question on the Senate amendment has already been taken by tellers, and if the gentleman withdraws his call for the yeas and nays, the Chair will decide the amendment as concurred in by the House.

Mr. GROW. Very well; I withdraw my call for the yeas and nays, and move to reconsider the vote by which it was concurred in.

Mr. HUGHES. I move to lay the motion to reconsider on the table.

The motion was disagreed to.

The question recurred on the motion to reconsider.

Mr. HUGHES. I move that the House adjourn.

The motion was disagreed to.

The question again recurred on the motion to reconsider.

Mr. HUGHES. I do not want to delay the House in its action at all, but I am opposed to any movement by which the Senators from Oregon will be deprived of their mileage.

Mr. GROW. That is not the case. They have already been provided for for this session, and there is no danger that they will not be provided for, for the next.

Mr. STANTON. Is this a debatable question?

The SPEAKER. It is not.

Mr. STANTON. Well, sir, I want to appeal to the House to concur in this amendment. I want to drive the next House into regulating its own mileage.

Mr. HUGHES. I desire to say a single word.

The SPEAKER. Debate is objected to; and it is not in order.

The motion to reconsider was agreed to; and the question recurred on concurring in the amendment of the Senate.

Mr. FLORENCE demanded tellers.

Tellers were not ordered.

The amendment was non-concurred in.

Twenty-fourth amendment:

SEC. 4. *And be it further enacted*, That after the expiration of the present session of Congress, when any document shall be ordered to be printed by both Houses of Congress, whether the copies ordered to be reserved (regular) number or additional (extra) numbers, the entire printing of such document shall be done by the Printer of that House which first ordered the same; and the House so first ordering the same shall immediately notify the other House of such order. And the Superintendent of Public Printing is hereby directed, in all cases where any document has been ordered to be printed by both Houses of Congress, to cause the order of the House last making the order to print such document to be executed by the Printer of the House first ordering the same, and to further cause the other House to be furnished with the number ordered by it; and in no case shall more than one thousand five hundred and fifty copies of any document be printed, unless the printing of extra numbers be ordered by either House; and the one thousand five hundred and fifty copies, as reserved (regular) numbers, shall be distributed by the officers of the House first ordering the printing of the same to the same persons and in the same manner as such numbers heretofore ordered by both Houses have been distributed.

The SPEAKER. That amendment has been reported to the House with the following amendment:

And in all such cases, the payment for composition shall be the same as though the printing had been ordered by but one House: *Provided*, The office of Printer, either to the Senate or House of Representatives, shall not be transferable, either directly or indirectly; and any attempt to sell or transfer either of said offices, or any sale or transfer of the same, shall operate as a vacation and abandonment of said office, or either of them.

Mr. KELSEY called for a separate vote.

The question was first put on the amendment recommended by the Committee of Ways and Means, to the twenty-fourth amendment of the Senate; and the amendment to the amendment was agreed to.

The question recurred on the amendment as amended, and it was concurred in.

Mr. PHELPS, of Missouri, moved to reconsider the several votes taken on the amendments; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. DICKINS, its Secretary, notifying the House that the Senate had passed a bill (H. R. No. 805) to run, mark, and establish the western boundary of the State of Minnesota; and a bill (H. R. No. 36,) for the relief of William Rich, severally without amendment; and a bill making appropriations for the support of the Army for the year ending June 30, 1860, with amendments; in which

he was directed to ask the concurrence of the House.

ARMY APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I ask the unanimous consent of the House to have the Senate's amendments to the Army appropriation bill, referred to the Committee of Ways and Means, and ordered to be printed.

It was so ordered.

INVALID PENSION BILL.

The House then proceeded to the consideration of the Senate's amendment to the bill (H. R. No. 662) making appropriations for the payment of invalid and other pensions of the United States, for the year ending June 30, 1860.

Mr. PHELPS, of Missouri. Let the first and second amendments be considered together, as they are intimately connected. If the second amendment should not be adopted, the first ought not to be, and *vice versa*.

There was no objection.

First amendment:

"Strike out the word "forty," and insert in lieu thereof the word "sixteen," so that the clause will read:

"For pensions under acts of the 18th March, 1818, 15th May, 1828, and 7th June, 1832, $16,000."

The Committee of the Whole on the state of the Union recommended a concurrence in the amendment.

Second amendment:

SEC. 2. *And be it further enacted*, That, from and after the 1st day of July, 1859, the present agencies for the payment of pensions be, and the same are hereby, abolished, and that the duties heretofore performed by the agents shall be discharged by the officers named in the sixth section of the act entitled "An act to provide for the organization of the Treasury, and for the collection, safe-keeping, transfer, and disbursement of the public revenue," approved August 6, 1846, and in the manner prescribed by that act: *Provided, however*, That the said officers shall not be allowed any additional compensation for the discharge of the duties imposed on them by the said sixth section of the act aforesaid, as herein proscribed.

The Committee of the Whole on the state of the Union recommended a non-concurrence in the amendment.

Mr. MAYNARD called for a separate vote.

The question was taken on both amendments; and they were severally non-concurred in.

Third amendment:

SEC. 3. *And be it further enacted*, That in all cases of application for the payment of pensions to invalids under the several laws of Congress granting pensions to invalids, the affidavit of two surgeons or physicians, whose credibility as such shall be certified by the magistrate before whom the affidavit is made, stating the continuance of the disability for which the pension was originally granted (describing it) and the rate of such disability at the time of making the affidavit shall accompany the application of the first payment, which shall fall due upon a day in the fiscal year for which provision is made herein, to be declared by the Secretary of the Interior, and at the end of every two years thereafter; and if in a case of continued disability it shall be stated at a rate below that for which the pension was originally granted, the applicant shall only be paid at the rate stated in the affidavit: *Provided*, That where the pension shall have been originally granted for a total disability, in consequence of the loss of a limb, or other cause which cannot, either in whole or in part, be removed, the above affidavit shall not be necessary to entitle the applicant to payment.

The Committee of the Whole on the state of the Union recommended a concurrence in this amendment.

Mr. FENTON. I hope the House will not concur.

Mr. MAYNARD demanded the yeas and nays.

Mr. FENTON called for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. PHELPS, of Missouri, called for tellers on the question.

Tellers were ordered; and Messrs. FOSTER and MCQUEEN were appointed.

The House divided; and the tellers reported—ayes 76, noes 52.

So the amendment of the Senate was concurred in.

Mr. PHELPS, of Missouri, by unanimous consent, moved to reconsider the votes by which the amendments were concurred in or non-concurred in; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

And then, on motion of Mr. PHELPS, of Missouri, (at nine o'clock, p. m.,) the House adjourned to Monday.

IN SENATE.

MONDAY, *February* 28, 1859.

The Secretary proceeded to read the Journal of Saturday.

Mr. STUART. I wish to make a suggestion to the Senate about the Journal. It is very important that we should save as much time as we can to attend to business which is indispensable, and it seems to me that by reading the propositions that were acted on, and stating the result of the vote, we shall get all that is necessary and proper on the Journal. Unless there be objection on the part of some Senator, I hope that course may be pursued.

The PRESIDING OFFICER, (Mr. MASON in the chair.) The Chair will understand that to be the sense of the Senate unless objected to.

Mr. JOHNSON, of Tennessee. I should be very glad if the Senator from Michigan would repeat his suggestion.

Mr. STUART. It was this: that instead of reading the yeas and nays, and the amendments, the Secretary should state the result.

Mr. KING. I call for the reading of it right through. I think it will take less time to read it than to talk about it, and it is proper that it should be read.

The Secretary finished the reading of the Journal, and it was approved.

PETITIONS AND MEMORIALS.

Mr. BIGLER presented thirteen memorials of citizens and iron manufacturers of Philadelphia, and other parts of Pennsylvania, approving of the bill introduced by the Hon. GRAHAM N. FITCH, for the use of iron in the construction of the public works; which were ordered to lie on the table.

Mr. LANE presented a petition of citizens of Oregon, praying the establishment of a military post on the Des Chuttes river, at the crossing of the new emigrant route, and the construction of a military road from thence to Scottsburg and Fort Umpqua, by way of Eugene City; which was referred to the Committee on Military Affairs and the Militia.

Mr. CAMERON presented the petition of Francis M. Green and Henrietta L. Green, children of Lieutenant Colonel John Green, deceased, late of the Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

SANTILLAN LAND GRANT.

Mr. BRODERICK. I ask leave to present a petition of eight or nine thousand citizens of San Francisco county, California, praying the enactment of a law providing that in case of the final confirmation of the Santillan grant, a bill of review may be filed therein, and the proofs and depositions of Santillan may be taken in any foreign country, and used therein, on due notice to the parties interested.

It is a memorial of very great length. I will ask for the reading of the letter of the chairman of the meeting, which will answer every purpose. It is a short letter, and I hope it will be read.

The Secretary read it, as follows:

No. 117 WASHINGTON STREET, SAN FRANCISCO, CALIFORNIA, *February* 5, 1859.

GENTLEMEN: In behalf of the inhabitants of the city and county of San Francisco, of the honor and credit of our State, and of the direct personal interest of at least fifteen thousand of your constituents, and as the officers of a mass meeting of citizens; and, as a general committee, by them appointed, we earnestly and respectfully request you both, or whichever of you shall first receive it, immediately to present the accompanying petition of between eight and nine thousand genuine names, to the Senate of the United States, and to obtain, if possible, the immediate action of Congress in reply thereto; and to enlist the cordial cooperation of the whole of our delegation in the same behalf.

By reference to the case of Bernardo Sampheyriae and Joseph Stewart, appellants, *vs.* The United States, appellees, (7 Peters's United States Supreme Court Reports, page 222,) you will see that Congress has afforded the relief prayed for in a similar case.

We are, gentlemen, very respectfully, your obedient servants, H. P. CORN,
President of the mass-meeting and of the general committee.
FRANCIS POE,
Secretary, &c.

TO Hon. WILLIAM M. GWIN and Hon. D. C. BRODERICK,
Senators of the United States from California.

Mr. BRODERICK. I will state, for the information of the Senate, that this case is now before the Supreme Court of the United States on appeal. The petitioners are very sure that if the case is reopened, they will be able to prove that it is a fraud. For that reason I move the reference of the petition to the Committee on the Judiciary, and I hope that they will make a speedy report upon it.

Mr. GWIN. I suggest to the Senator from California that I think the object will be accomplished by referring it to the Committee on Private Land Claims. It is a private land claim covering a portion of the city of San Francisco, which contains fifteen or twenty thousand inhabitants. It has been decided in the court below, and is on appeal. Subsequent testimony has been discovered, and the petitioners believe that if it can be opened, they can defeat the claim in the court below. It comes up here to the Supreme Court on a writ of error. I do not think the Judiciary Committee can interfere in this matter, inasmuch as it is pending before the Supreme Court; but if it goes to the Committee on Private Land Claims, I should suppose, from the practice of the Senate, that that committee would authorize a reinstitution of the suit, it being a private land claim, in the court below.

Mr. BRODERICK. I have no objection to its reference to the Committee on Private Land Claims.

Mr. MASON. I think it very clear, from the showing of both Senators, that it should go to the Committee on the Judiciary. It is to interfere with the judicial action upon a case in the Supreme Court. It is a question of general interest to the judiciary and the judicial organization. I know nothing of the merits of it; but I think it should go to the Committee on the Judiciary.

Mr. GWIN. Either will do; I do not care which.

Mr. BRODERICK. Let it take the reference first proposed, to the Committee on the Judiciary

It was so referred.

PAPERS WITHDRAWN.

On motion of Mr. KING, it was

Ordered, That Mary Featherstone have leave to withdraw her petition and papers.

REPORTS FROM COMMITTEES.

Mr. CLAY, from the Committee on Commerce, to whom was referred the memorial of ship-owners, and others interested in the commerce of the lakes, asking for a light-house on Drummond's Island, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of citizens of Galveston, Texas, asking for the improvement of the channel of West Galveston Bay, asked to be discharged from its further consideration; which was agreed to.

Mr. DAVIS, from the Committee on Military Affairs and the Militia, to whom was referred the letter of the Secretary of War, communicating Captain Simpson's report and map of wagon road routes in Utah Territory, reported that the letter and accompanying report be printed; which was referred to the Committee on Printing.

Mr. YULEE, from the Committee on the Post Office and Post roads, to whom was referred the joint resolution (H. R. No. 25) authorizing the Postmaster General to revise and adjust the accounts of Kimball and Moore, and Moore and Walker, reported it, with an amendment.

He also, from the same committee, to whom were referred the memorial of Henry L. Goodwin, praying to know by what authority a box-hole tax is exacted by the Post Office Department, and praying to be released from the same; a memorial of the Penny Post Company of California, praying indemnity for losses sustained in consequence of the refusal by the officers at the post office at San Francisco, by direction of the Postmaster General, to deliver to them letters and packages addressed to their care; a report of the Postmaster General, in answer to a resolution of the Senate calling for certain papers in relation to alleged malfeasance in office on the part of the postmaster at San Francisco, communicated to the Senate June 8 and June 12, 1858; the petition of Joseph E. Cole, praying the establishment of a line of mail steamers between Baltimore, in the United States, and St. Thomas, in the West Indies; the memorial of John Gardner, for himself and his associates, praying that the Postmaster General may be authorized to contract with them

for the transmission of the United States mails, in steamships, between the United States and the West Indies, Brazil, and the Argentine Republic; the petition of William Wheelwright, praying that measures may be taken for the establishment of direct communication with the South American States by mail steamers; the memorial of Thomas Rainey, praying that the Postmaster General may be authorized to contract with him for the transportation of the mails between Philadelphia and Savannah, in the United States, and Para or Maranham, in Brazil, touching at St. Thomas, Barbadoes, and Demerara; the memorial of Ambrose W. Thompson and his associates, praying Congress to establish a line of mail steamships between certain ports in the United States and Liverpool, in England; the memorial of Christian Hansen, praying Congress to establish an ocean mail line between New York and Gluckstadt, on the Elbe, via Plymouth and Rotterdam, and making proposals to carry the mails between those places; and the memorial of William C. Barney and others, praying that an ocean mail line may be established between New Orleans, Santandor, in Spain, and Bordeaux, in France, via Havana and Fayal, and making proposals to do the service, asked to be discharged from their further consideration; which was agreed to.

Mr. HUNTER. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 872) making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1860, to report it back with amendments. I give notice that, after the morning hour, I shall call it up.

GOVERNOR STEVENS'S REPORT.

Mr. LANE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate the narrative and final report of Governor Stevens of his survey and exploration of the northern route for a railroad from the Mississippi river to the Pacific ocean.

SUSPENSION OF JOINT RULES.

Mr. HUNTER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, (the House of Representatives concurring.) That the sixteenth and seventeenth joint rules be suspended for the remainder of the session.

CONSULAR APPROPRIATION BILL.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House of Representatives had agreed to the first, second, third, fourth, sixth, and seventh amendments of the Senate to the bill of the House (H. R. No. 666) making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th of June, 1860, and disagreed to the fifth and eighth amendments of the Senate to the said bill.

The Senate subsequently proceeded to consider its amendments to the bill (H. R. No. 666) making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th of June, 1860, disagreed to by the House of Representatives; and,

On motion of Mr. HUNTER, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House, and ask a conference on the disagreeing votes of the two Houses thereon.

Ordered, That the committee of conference on the part of the Senate be appointed by the Vice President.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The message further announced that the House had agreed to some, and disagreed to other amendments of the Senate, to the bill of the House (No. 711) making appropriations for the legislative, executive, and judicial expenses of Government for the year ending the 30th of June, 1860, and had agreed to other amendments of the Senate to said bill, with amendments, in which the concurrence of the Senate was requested.

The Senate subsequently proceeded to consider its amendments to the bill (H. R. No. 711) making appropriations for the legislative, executive, and judicial expenses of Government for the year ending the 30th of June, 1860, disagreed to by the House of Representatives, and the amendments of the House to other amendments of the Senate to the said bill; and,

On motion of Mr. HUNTER, it was

Resolved, That the Senate disagree to the amendments of the House of Representatives to the amendments of the Senate to the said bill, insist upon its amendments to the said bill disagreed to by the House, and ask a conference on the disagreeing votes of the two Houses thereon.

Ordered, That the committee of conference on the part of the Senate be appointed by the Vice President.

Mr. PEARCE, Mr. BROWN, and Mr. FOOT, were appointed.

INVALID PENSION BILL.

The message further announced that the House had agreed to the third and disagreed to the first and second amendments of the Senate to the bill of the House (No. 662) for the payment of invalid and other pensions of the United States for the year ending the 30th of June, 1860.

ENROLLMENT OF A VESSEL.

Mr. HAMLIN. When the Senate adjourned on Saturday, there was a bill before the Senate authorizing the Secretary of the Treasury to issue a register to a vessel. I ask that it may have its third reading to-day.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 604) to provide for the enrollment and license of the brig Cumberland.

The brig Cumberland was built at Cleveland, in the State of Ohio, and was wrecked upon the Canadian shore of Lake Erie, and became, to some extent, the property of Canadian owners. The brig is now, in virtue of a judicial sale by a competent court of the United States, the property of Charles L. Flint, and of the heirs of Edward O. Gould, deceased. The bill, therefore, proposes to authorize the Secretary of the Treasury to direct the enrollment of the brig Cumberland, at the port of Buffalo, in the State of New York, in the names of Charles L. Flint and of Phares Gould, in behalf of the heirs of Edward O. Gould; and the license of the brig for the coasting trade upon the great lakes and the navigable waters connected therewith, upon the usual footing of American vessels.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SWAMP LANDS IN MINNESOTA.

Mr. RICE. I ask the unanimous consent of the Senate to take up the bill of the Senate No. 467. I presume it will give rise to no debate whatever.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 467) extending the provisions of "An act to enable the State of Arkansas, and other States, to reclaim the swamp lands within their limits," to Minnesota. The Committee on Public Lands reported the bill, with an amendment, to strike out all of the bill after the enacting clause, in the following words:

"That the provisions of an act entitled 'An act to enable the State of Arkansas and other States to reclaim the "swamp lands" within their limits,' approved September 28, 1850, be, and the same are hereby, extended to all States that have been, or may be, admitted into the Union."

And to insert, in lieu thereof, the following:

That the provisions of the act of Congress, entitled "An act to enable the State of Arkansas, and other States, to reclaim the 'swamp lands' within their limits," approved September 28, 1850, be, and the same are hereby, extended to the States of Minnesota and Oregon.

SEC. 2. *And be it further enacted*, That the aforesaid act of September 28, 1850, and the act of 2d March, 1849, entitled "An act to aid the State of Louisiana in draining the swamp lands therein," be so amended that the selections by the several States entitled under the same, and under this act, of lands already surveyed, shall be made within one year from the day on which the next regular session of the Legislature of any State so entitled, held after the passage of this act, shall adjourn *sine die*; and where the surveys remain to be completed, and shall be completed subsequent to such adjournment of a Legislature as aforesaid, the selections shall be made within one year from the date of the approval of the township plats by the proper surveyor general; and that a failure to select within the periods prescribed by this section shall be a waiver and forfeiture of all right and claim to lands not so selected, whatever may be the real character of such lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

On motion of Mr. STUART, the title was amended so as to read, "A bill extending the provisions of 'An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits' to Minnesota and Oregon."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. ALLEN, its Clerk, announced that the House had passed the bill of the Senate (No. 411) for the relief of Ebenezer Ricker, with an amendment, in which the concurrence of the Senate was requested.

ENROLLED BILL SIGNED.

The message further announced that the Speaker had signed the enrolled bill (H. R. No. 361) for the relief of William Rich; and it was signed by the Vice President.

CAPTAIN A. W. REYNOLDS.

Mr. IVERSON. I ask the Senate to take up the bill (H. R. No. 584) for the relief of Captain A. W. Reynolds. I will briefly state, in support of the motion, that Captain Reynolds was an assistant quartermaster in the Army. He was suspended on account of an alleged defalcation. A suit was brought on his bond in the district court of Philadelphia. The case involving a very large amount of vouchers, at the instance of the district attorney, the Secretary of the Treasury agreed to refer the whole case to arbitration. Two arbitrators were selected by the court, and one by the Secretary of the Treasury himself.

Mr. HUNTER. Does the Senator ask to take up a bill? I want to take up a report.

Mr. IVERSON. In the midst of a speech, I should not have thought that the Senator from Virginia would have interrupted me. I shall be through in a few minutes. This case was referred to arbitrators, acting under oath. They were occupied every day for two or three months. It involved an examination of expenditures running through several years; and they finally agreed upon a verdict, giving to him something over four hundred dollars; and this bill is to pay him the amount of that award. I hope it will be taken up.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 584) for the relief of Captain A. W. Reynolds.

It directs the Secretary of the Treasury to pay to Captain A. W. Reynolds the sum of $430 63, with legal interest thereon from the 4th of September, 1857—the date of the rendition of the award of arbitrators, R. T. Matthews, Charles J. Biddle, and Rush Van Dyke, in the case of the United States against A. W. Reynolds—till paid; and the Secretary is also directed to pay to the parties legally entitled the costs, as stated in the award, upon the presentation of the proper evidence and certificates from the district court of the United States.

The suit was instituted against Captain Reynolds by the United States for the recovery of over one hundred and twenty-five thousand dollars, alleged to be due the Government on the adjustment of his accounts by the Third Auditor of the Treasury, for disbursements as assistant quartermaster in New Mexico.

The arbitrators found in favor of the defendant for the amount now asked for, leaving other claims by him unadjusted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SHELDON M'KNIGHT.

Mr. STUART. I ask the Senate to take up the bill (S. No. 577) which has been reported from the Committee on the Post Office and Post Roads.

The motion was agreed to; and the bill (S. No. 577) for the relief of Sheldon McKnight was read the second time, and considered as in Committee of the Whole.

It directs the Postmaster General to pay to Sheldon McKnight, for carrying the United States mail from Cleveland, Ohio, and Detroit, Michigan, to Mackinaw, Sault Ste. Marie, Marquette, Copper Harbor, Eagle Harbor, Eagle River, and Ontonagon, Michigan, La Pointe and Superior, Wisconsin, during the years from 1849 to 1857, inclusive, in all cases where it is shown to the satisfaction of the Postmaster General that the mail was carried by the authority of the postmasters or agents of the Post Office Department, and without a contract with the Department, an amount equal per trip to that now allowed by

the Department for the same service, deducting therefrom the amount heretofore paid.

The petitioner alleges that he transported, at the request of the postmasters and agents of the Post Office Department, the United States mail, in steamboats, between Cleveland, Ohio, and Detroit, Michigan, and the several ports on Lake Huron and Lake Superior, from the year 1848 up to the present time, during the season of navigation, for which service he has not received adequate compensation, and he therefore prays that Congress will allow him a fair and equitable remuneration for the service. The only compensation received by the petitioner for the entire service, was what was paid him by the postmasters on the route for carrying the local mails at the nominal compensation of one cent each for letters and half a cent each for newspapers, which mails formed but a small part of the entire mail transported by him. The larger portion of the mail was what is commonly known as the "through mail," for the transportation of which no compensation whatever was allowed. The present compensation for this service, under contract, is $100 per round trip, a distance of twenty-two hundred miles, which is probably the cheapest service in the United States, which the committee believe should be awarded to the petitioner for his services.

Mr. STUART. I propose to amend this bill, in the fourth line, by striking out the words, "pay out of any money in the Treasury not otherwise appropriated," and inserting, "audit and settle the accounts of."

The amendment was agreed to.

Mr. STUART. I also move an amendment in the fourteenth line, after the word "Department," to insert the word "to."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

SAMUEL JONES.

Mr. MASON. I have a similar request to make. I ask the Senate to take up the bill (H. R. No. 324) to allow the legal representatives of Samuel Jones five years' full pay in lieu of half pay for life.

Mr. CLAY. I cannot let that bill pass without some investigation.

Mr. MASON. If the Senator will allow me, I will make a statement I think will meet his views. This man is nearly eighty years old. He has been forty years prostrated in that way, and the only question was, whether he was a supernumerary officer. That is proved, and satisfactorily proved, by a certificate from the late Chief Justice Marshall, who knew him.

Mr. CLAY. What was the only question?

Mr. MASON. Whether he was one of the supernumerary officers who were entitled to half pay. He is an old man, and will die very shortly.

Mr. CLAY. What is the amount?

Mr. MASON. He was a captain, or rather his father was a captain, and the amount proposed to be paid him is full pay for five years, instead of the half pay for life, whatever that was.

Mr. CLAY. Read the bill.

The Secretary read it, as follows:

Be it enacted, &c., That the proper accounting officers of the Treasury be, and they are hereby, required to allow the legal representatives of Samuel Jones, deceased, a captain of infantry in the Virginia line on Continental establishment, (without interest,) compensation equal to five years' full pay as such captain, and which compensation is in lieu of half pay for life due to said Samuel Jones, deceased, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. CLAY. I cannot vote for that bill, for the reason that has governed my vote in all such cases, and which, I think, has generally prevailed in the Senate; and that is, this allowance of half pay, or full pay either, was in the nature of a bounty, and was a personal gratuity allowed to an officer or certain persons designated in the act. It is not a vested right which descends to children or personal representatives; and hence it is in violation of a general principle; and I am obliged to vote against it.

Mr. MASON. I submit to that honorable Senator, that he is wrong in his facts, and that Congress made a contract with the officers of the army in a time of great need during the Revolution, that the Government would give them half pay for life if they would continue in service. It was no gratuity, no pension; but it was an absolute binding contract, and it was as much part of his property as a contract with a private individual. Afterwards the Congress, in order to get rid of the onerous pension system, prevailed on the officers to accept five years' full pay as commutation. It was a binding contract, and as much the property of the individual as a contract with a private individual. It was to get rid of the odium of the pension system which prevailed, and the officers did agree to accept five years' full pay in lieu of half pay for life.

Mr. FESSENDEN. I should like to know, with regard to this individual case: Did this man receive his commutation?

Mr. MASON. Never. There is a very short report, if you will allow the Secretary to read it.

Mr. CHANDLER. That bill received the careful consideration of the Committee on Revolutionary Claims; and I think it ought to pass.

Mr. MASON. There is a very short report. Let it be read.

The Secretary read the following report, made by Mr. SHIELDS, January 11, 1859:

The Committee on Revolutionary Claims, to whom were referred the petition and accompanying papers of Samuel Jones, the legal representative of Captain Samuel Jones, of the Virginia line of the revolutionary army, report:

That this case was submitted at the last session to the Committee on Revolutionary Claims of the House of Representatives, who made a report thereon, which report is hereto annexed, and adopted by this committee, to wit:

"It appears from the evidence before your committee that there were two officers in the Virginia line of the same grade and of the same name, belonging one to the eleventh and one to the fifteenth regiment. The Captain Jones who belonged to the fifteenth regiment was dismissed from the service in 1778. The other continued in active service till 1779, at which time several companies, broken by the events of war, were united to make full companies, by which arrangement the Samuel Jones under consideration was left without a command, and became a supernumerary, and, from the testimony of Chief Justice Marshall, and that of others, your committee believe he so remained till the end of the war. The committee report a bill."

Mr. MASON. The original certificate of the late Chief Justice Marshall is among the papers, in his own hand-writing.

Mr. FESSENDEN. It does not appear from the report that he was one of those who became entitled to the commutation at all; or that he was one of those who became entitled to half pay, during life, whether he enlisted under circumstances which would give it to him.

Mr. MASON. It appears from the report that he was a captain in the Virginia Continental line; and that a vast number of companies were broken up; and the committee refer to different events of the war——

Mr. FESSENDEN. When was that resolution for half pay for life passed?

Mr. PUGH. In 1781.

Mr. MASON. The resolution that gave full pay for life was one passed in 1781, and provided for all those who should remain in the service until the end of the war. Now, the Chief Justice proved that there were two men of the same name in the Army, and one of them was dismissed from the service. This man was in a different regiment. He says he knew him, and was in the regiment with him, in 1782; and that he never did resign.

Mr. FESSENDEN. It does not appear from the rolls that he was one of those at all, according to the testimony. With regard to a man being in the service, or being one who came under the operation of that law in any way, the report ought to specify the proof on the subject, or some reason shown why he did not make application for the commutation. There is no proof at all of anything except the fact that he was an officer in the service for a specific term, and one of the supernumeraries who were dismissed. It does not make out a case, in any shape or form, to bring it within the rule. Supposing that all contained in the report be true, it does not make out a case.

Mr. MASON. If that Senator had read the papers and reports as I did, I think he would say that this case is brought clearly within the provisions of the act.

Mr. FESSENDEN. I heard the report read.

Mr. MASON. We know the history of the country in that day. We know that the officers were in a state of starvation, leaving the camp; we know the importunate letters written by the Commander-in-Chief, urging them not to do so, that the army would be dissolved; we know the importunate letters which he wrote to Congress, to pass some measure to induce them to remain; and we know that they did agree to remain, in consequence of this proposition, that Congress, at a future day, would remunerate them. I say the papers in this case show the facts that this man was in the service in 1779, when his company was broken up. The southern campaign was projected; and as fast as they could fill up the companies officers took command of them; but they did not fill them all. What was the provision? That those who remained in the service, whether in actual service or as a supernumerary, waiting for companies to fill up, should receive this half pay. I examined it, and I think the case is brought within the provisions of the act. I hope we shall be allowed to take the vote.

Mr. PUGH. This bill would involve a very long discussion. I agree with the Senator from Maine that this party, according to the report, does not come within the equity of the resolution, or within its letter. This bill cannot pass without considerable discussion. I move to postpone this bill and all prior orders, to take up the bill to secure homesteads to actual setters on the public domain.

Mr. MASON. I hope we shall take a vote on the other bill.

Mr. PUGH. It must lead to debate.

Mr. MASON. We shall have no more debate. I hope the Senator will not bring the homestead bill in competition with a private bill.

Mr. PUGH. A vote cannot be taken on it. It will lead to discussion.

Mr. MASON. I do not suppose there will be any more discussion.

Mr. CLAY. It will lead to discussion. The Senator will not get a vote to-day on it.

Mr. PUGH. It must be debated.

The PRESIDING OFFICER. Does the Senator from Ohio insist on his motion to take up the homestead bill?

Mr. PUGH. Yes, sir.

Mr. JOHNSON, of Arkansas. I hope very much that the Senator from Ohio will not insist on taking that bill up this morning and disposing of it to-day. Upon looking at the bill casually, I find that there are several amendments which should be appended to it, which I have not been able to prepare, and which in preparing, I would be glad to submit to gentlemen and see whether it is possible that the details of the bill can be satisfactorily arranged. Some of the details of the bill are very bad, and I think it will be found that, in some instances, it has resulted more from oversight than anything else, that certain portions have been allowed to remain in the bill.

Mr. PUGH. Are you speaking of the homestead bill?

Mr. JOHNSON, of Arkansas. Yes, sir; I am speaking of the homestead bill. I say I would be glad if it should be allowed to go over. I shall certainly interpose no objection at all to taking it up to-morrow; but I should like to have time to prepare some amendments.

Mr. MASON. I rise to a question of order. I asked general consent to take up the bill for the relief of Samuel Jones. It could not be taken up without general consent; and that consent was given, and it was taken up.

The PRESIDING OFFICER. The Chair will inform the Senator from Virginia, that the question on taking it up was not put to the Senate. The question is upon his motion to take it up.

Mr. JONES. The Senator from Ohio moves to postpone that and all previous orders, for the purpose of taking up the homestead bill. I hope that he will not be willing to yield that motion; but that the homestead bill will be taken up in order that I may have the pleasure to record my vote for it, as I have not had that pleasure heretofore. I happened to be at the President's with enrolled bills when the previous votes were taken. I hope we shall take up the homestead bill. We have given lands in large quantities, twenty thousand acres to each Representative in the old States, and I want to see the poor, homeless people have a place to live upon.

Mr. HUNTER. I hope we shall not take it up. We shall not have more than time enough to dispose of the appropriation bills, and I hope the Senate will not interpose anything to displace them.

Mr. HALE. I rise to a question of order. The priority of business is not debatable. That is the rule.

Mr. HUNTER. Save a limited debate on the question of priority.

The PRESIDING OFFICER. Does the Senator from Ohio insist on his motion?

Mr. PUGH. Yes, sir; I want to answer some observations of the Senator from Arkansas, but they are not now in order, and I will take another occasion to do so. I ask for the yeas and nays on my motion.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 30; as follows:

YEAS—Messrs. Bell, Broderick, Cameron, Chandler, Clark, Dixon, Doolittle, Douglas, Fessenden, Foot, Foster, Gwin, Hale, Hamlin, Harlan, Johnson of Tennessee, Jones, King, Pugh, Rice, Seward, Shields, Simmons, Stuart, Trumbull, Wade, and Wilson—27.

NAYS—Messrs. Allen, Bates, Bayard, Bigler, Bright, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Mallory, Mason, Pearce, Polk, Reid, Sebastian, Slidell, Thomson of New Jersey, Toombs, Ward, Wright, and Yulee—30.

So the Senate refused to postpone the prior orders in order to take up the homestead bill.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Virginia.

Mr. MASON. So I understand. I hope we shall take up the bill and pass it.

Mr. JOHNSON, of Tennessee. I simply rise to make a request of the Senate. I find, upon consultation with many members, that they are dissatisfied with many provisions of the homestead bill as it came from the House; and they wish to have the Senate bill, as amended, and now before the Senate, printed, so that the two may be compared together. I merely rise for the purpose of asking that the Senate bill, as amended, be printed, so that, when the homestead bill is called up, the two propositions may be compared.

The PRESIDING OFFICER. It requires unanimous consent.

Mr. IVERSON. I object.

Mr. JOHNSON, of Tennessee. It is only an order to print.

Mr. IVERSON. I am against the bill *in toto;* but at the request of several Senators around me, I withdraw the objection.

The motion to print was agreed to.

Mr. MASON. I now ask the Senate to take up the bill for the relief of Samuel Jones, and have a vote upon it. If it is debated I will lay it aside.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 324) to allow to the legal representatives of Samuel Jones five years full pay, in lieu of half pay for life.

Mr. BAYARD. I should regret to have to vote against this bill; but the principle involved in it is beyond the bill. I heard the report read; and the report does not state facts sufficient to warrant the passage of the bill. Now, I suppose we appoint our committees for the purpose of making, at least on the face of the report, a *prima facie* statement, which would justify the Senate in passing the bill to which the report relates. Where no report is made in writing, of course we take the statement of the committee as to the facts. In this case, there is a report in writing; and yet, in order to obviate the objections made against the bill, my honorable friend from Virginia is obliged to state facts which do not appear on the face of the report, and which would entitle the party to relief upon his statement. As a matter of strict rule, always to be adhered to where a written report is made, ought not what is necessary for the purpose of enabling the Senate to pass a judgment on the propriety of the final passage of the bill, to appear on the face of the report? Not the evidence, but the result of the evidence, ought to be stated by the committee, and all the material facts that would justify the action of the body.

Mr. SHIELDS. The Committee on Revolutionary Claims made the report to which the honorable Senator refers. I will state that this report presents every point that has been decided in other cases. It does not go into an elaborate argument about this particular claim, because it is one of the strongest claims that ever came before the body; but merely takes up the few points upon which all other cases have been decided, and presents those.

Mr. BAYARD. If the honorable Senator will allow me, I am not commenting upon the report. The objection made by the honorable Senator from Maine was, that there was nothing to show here that this party was a supernumerary; nothing to show that he came within the act which authorized the commutation of half pay for life, or the commutation in lieu of it.

Mr. SHIELDS. I beg your pardon; that is not so.

Mr. BAYARD. I heard nothing of the kind in the report.

Mr. SHIELDS. Certainly there is; the honorable Senator is mistaken.

Mr. BAYARD. Well, sir, I did not hear it. I thought I heard the whole report.

The bill was reported to the Senate without amendment, ordered to a third reading, and was read the third time.

Mr. TRUMBULL. As I understand this bill, it establishes a principle which the Senate refused to establish generally for all officers in the service; and I ask the yeas and nays on the passage of the bill.

Mr. MASON. I told the honorable Senator from Texas, [Mr. HOUSTON,] who is entitled to the floor, that if any debate arose I would not press the bill. I am sorry that such is the fact. I hope it will be passed over to allow the Senator to go on.

The PRESIDING OFFICER. Does the Senator move to postpone the bill?

Mr. MASON. No, sir. I understand the vote can be taken.

The yeas and nays were ordered on the passage of the bill; and being taken, resulted—yeas 18, nays 30; as follows:

YEAS—Messrs. Bates, Bell, Brown, Douglas, Foot, Hammond, Houston, Hunter, Iverson, Kennedy, Mason, Sebastian, Seward, Shields, Stuart, Thomson of New Jersey, Ward, and Yulee—18.

NAYS—Messrs. Bayard, Benjamin, Bright, Broderick, Cameron, Clark, Clay, Clingman, Davis, Durkee, Fessenden, Fitzpatrick, Foster, Green, Hale, Hamlin, Harlan, Johnson of Arkansas, Johnson of Tennessee, Jones, King, Polk, Pugh, Reid, Slidell, Toombs, Trumbull, Wade, Wilson, and Wright—30.

So the bill was rejected.

Mr. CAMERON. I move a reconsideration of the vote just taken upon the bill for the relief of Samuel Jones.

The PRESIDING OFFICER. That motion will be entered.

PERSONAL VINDICATION.

Mr. HOUSTON. Within a very few days, Mr. President, my political life will terminate. Previous to that event, I deem it due to myself, and to the truth of history, as well as to posterity, that I should be indulged in vindicating myself against uncalled-for charges and unjustifiable defamation. Were it necessary, in retiring from official position, to cite illustrious examples for such a course, I could cite that of General Washington, who felt it necessary, with his large, his immeasurable renown, to offer a refutation of *anonymous* calumnies which had been circulated against him, and to specify the particular facts in relation to them. I find, too, that General Jackson, in his lifetime, deemed it proper to file a vindication of himself, which was not disclosed until after his decease. Not wishing to place myself in a category with these illustrious men, I nevertheless feel that it is due to myself that I should vindicate my character from the attacks that have been made upon me. Within the next month, I shall have served my country, with few intervals, for a period of forty-six years. How that service has been performed, I leave to posterity to determine. My only desire is, that truth shall be vindicated, and that I may stand upon that foundation, so far as posterity may be concerned with my action, that they may have an opportunity of drawing truthful deductions. Either of the illustrious patriots referred to might have spared much of their world-renowned distinction, and yet have had a world-wide fame left. More humble in my sphere than they were; more circumscribed than they, I feel that it is the more necessary for me to vindicate what may justly attach to me, from the fact that I leave a posterity, and from that circumstance I feel a superadded obligation. Neither of those illustrious men left posterity. I shall leave a posterity that have to inherit either my good name, based upon truth, or that which necessarily results to a character that is not unspotted in its public relations. I have been careless of replying to these things for years. I believe no less than ten or fifteen books have been written defamatory of me, and I had hoped, having passed them with very little observation, that, as I approached the close of my political term, and was about to retire to the shades of private life, I should be permitted to enjoy that retirement in tranquillity; that my defamers would not pursue me there with the rancor and hatred with which they pursue an aspiring politician whom they wish to sink or depress. I could see no reason for their continued efforts to detract from my fairly earned reputation.

Mr. President, these were fond anticipations, and they were delightful to cherish. I entertained them with cordiality; they were welcome to my heart. But I find recently, and it is that to which my observation is immediately directed, a production purporting to be a Texas Almanac, which contains what is said to be a narrative of the "campaign of San Jacinto." It has a name attached to it, and purports to be taken from the diary of a gentleman who has the prefix of "Doctor" to his name, to give it weight in society. The individual is unknown. He is a poor dupe, ignorant, I presume, of the contents of the paper which bears his name. It is possible that he never knew a word it contained. It would be difficult to think otherwise; for one avenue to his understanding, he being profoundly deaf, has for many years been closed, and he has given a positive contradiction to the parts of his paper that were considered the most pointed and important.

The object was to assail my reputation, and to show that the battle of San Jacinto, and all the preceding acts of generalship connected with that event, had been forced upon the general, and that really, on that occasion, he had acted with a delicacy unbecoming a rugged soldier. This is the design. How far it will be successful, I do not pretend to say; but it is strange that such a mass of this work should be produced. I perceive that no less than twenty-five thousand copies of it are to be circulated in the character of a book. It would be rather imposing, bound in cloth or leather, but in paper it is not so very important; but still there is something very *ostensible* about it.

My object, on this occasion, will be to show the true state of facts connected with that campaign, and with the wars of Texas. It is a subject which I had hoped was passed by forever, and would never again come under review, particularly my having had any connection with it. I had desired that it would cease forever, so far as I was concerned, and that I should never be placed in a position in which I should seem to be fighting my battles over again. They have not been so numerous, or so illustrious, that I should recall them with any more pleasure than that which arises from having rendered yeoman service to my country, and rendered every duty that patriotism demanded. I had hoped, therefore, that I should be spared this occasion of presenting myself before the public. In treating of the subject now, I will speak of the general and Commander-in-Chief in the third person, for I do not like the pronoun *I,* so often repeated as would otherwise be necessary, and I shall give it that character which I think will be most seemly and acceptable.

It is necessary, in the first place, to announce the fact that, on the 2d of March, 1836, the declaration of Texan independence was proclaimed. The condition of the country at that time I will not particularly explain; but a provisional government had existed previous to that time. In December, 1835, when the troubles first began in Texas, in the inception of its revolution, Houston was appointed major general of the forces by the consultation then in session at San Felipe. He remained in that position. A delegate from each municipality, or what would correspond to counties here, was to constitute the government, with a Governor, Lieutenant Governor, and Council. They had the power of the country. An army was requisite, and means were necessary to sustain the revolution. This was the first organization of anything like a government, which absorbed the power that had previously existed in committees of vigilance and safety in different sections of the country. When the general was

appointed, his first act was to organize a force to repel an invading army which he was satisfied would advance upon Texas. A rendezvous had been established, at which the drilling and organization of the troops was to take place, and officers were sent to their respective posts for the purpose of recruiting men. Colonel Fannin was appointed at Matagorda, to superintend that district, second in command to the General-in-Chief; and he remained there until the gallant band from Alabama and Georgia visited that country. They were volunteers under Colonels Ward, Shackleford, Duvall, and other illustrious names. When they arrived, Colonel Fannin, disregarding the orders of the Commander-in-Chief, became, by countenance of the council, a candidate for commander of the volunteers. Some four or five hundred of them had arrived, all equipped and disciplined; men of intelligence, men of character, men of chivalry and of honor. A more gallant band never graced the American soil in defense of liberty. He was selected; and the project of the council was to invade Matamoras, under the auspices of Fannin. San Antonio had been taken in 1835. Troops were to remain there. It was a post more than seventy miles from any colonies or settlements by the Americans. It was a Spanish town or city, with many thousand population, and very few Americans. The Alamo was nothing more than a church, and derived its cognomen from the fact of its being surrounded by poplars or cotton-wood trees. The Alamo was known as a fortress since the Mexican revolution in 1812. The troops remained at Bexar until about the last of December.

The council, without the knowledge of the Governor, and without the concurrence of the Commander-in-Chief of the army, had secretly sent orders authorizing Grant and others to invade Matamoras, some three hundred miles, I think, through an uninhabited country, and thereby to leave the Alamo in a defenseless position. They marched off, and left only one hundred and fifty effective men, taking some two hundred with them. Fannin was to unite with them from the mouth of the Brazos, at Copano, and there the two forces were to unite under the auspices of Colonel Fannin, and were to proceed to Matamoras and take possession of it. The enemy, in the mean time, were known to be advancing upon Texas, and they were thus detatching an inefficient force, which, if it had been concentrated, would have been able to resist all the powers of Mexico combined. The Commander-in-Chief was ordered by the Governor to repair immediately to Goliad, and if the expedition surreptitiously ordered by the council should proceed to Matamoras to take charge of it, under his conduct it was supposed that something might be achieved, or at least disaster prevented.

The council, on the 7th of January, passed an edict creating Fannin and Johnson military agents, and investing them with all the power of the country, to impress property, receive troops, command them, appoint subordinates throughout the country, and effectually supersede the Commander-in-Chief in his authority. As I said before, he was ordered to repair to Copano. He did so. While at Goliad, he sent an order to Colonel Neill, who was in command of the Alamo, to blow up that place and fall back to Gonzales, making that a defensive position, which was supposed to be the furthest boundary the enemy would ever reach.

This was on the 17th of January. That order was secretly superseded by the council; and Colonel Travis, having relieved Colonel Neill, did not blow up the Alamo, and retreat with such articles as were necessary for the defense of the country; but remained in possession from the 17th of January until the last of February, when the Alamo was invested by the force of Santa Anna. Surrounded there, and cut off from all succor, the consequence was they were destroyed; they fell victims to the ruthless feelings of Santa Anna, by the contrivance of the council, and in violation of the plans of the major general for the defense of the country.

What was the fate of Johnson, of Ward, and of Morris? They had advanced beyond Copano previous to forming a junction with Fannin, and they were cut off. Fannin subsequently arrived, and attempted to advance, but fell back to Goliad. When the Alamo fell, he was at Goliad. King's command had been left at Refugio, for the purpose of defending some families, instead of removing them. They were invested there; and Ward, with a battalion of the gallant volunteers of whom I have spoken, was sent to relieve King; but he was annihilated. Fannin was in Goliad. Ward, in attempting to come back, had become lost or bewildered. The Alamo had fallen. On the 4th of March the Commander-in-Chief was reëlected by the convention, after having laid down his authority. He hesitated for hours before he would accept the situation. He had anticipated every disaster that befel the country, from the detached condition of the troops, under the orders of the council, and the inevitable destruction that awaited them; and to this effect had so reported to the Governor, on the 4th of February.

When he assumed the command, what was his situation? Had he aid and succor? He had conciliated the Indians by treaty whilst he was superseded by the unlawful edicts of the council. He had conciliated thirteen bands of Indians, and they remained amicable throughout the struggle of the revolution. Had they not been conciliated, but turned loose upon our people, the women and children would have perished in their flight arising from panic. After treaty with the Indians, he attended the conventions, and acted in the deliberations of that body, signing the declaration of independence, and was there elected. When he started to the army, the only hope of Texas remained then at Gonzales. Men with martial spirit, with well-nerved arms and gallant hearts, had hastily rallied there as the last hope of Texas. The Alamo was known to be in siege. Fannin was known to be embarrassed. Ward, also, and Morris and Johnson, destroyed. All seemed to bespeak calamity of the most direful character. It was under those circumstances that the general started; and what was his escort? A general-in-chief, you would suppose, was at least surrounded by a staff of gallant men. It would be imagined that some prestige ought to be given to him. He was to produce a nation; he was to defend a people; he was to command the resources of the country; and he must give character to the army. He had, sir, two aids-de-camp, one captain, and a youth. This was his escort in marching to the headquarters of the army, as it was called. The provisional government had become extinct; self-combustion had taken place, and it was utterly consumed.

The general proceeded on his way and met many fugitives. The day on which he left Washington, the 6th of March, the Alamo had fallen. He anticipated it; and marching to Gonzales as soon as practicable, though his health was infirm, he arrived there on the 11th of March. He found at Gonzales three hundred and seventy-four men, half fed, half clad, and half armed, and without organization. That was the nucleus on which he had to form an army and defend the country. No sooner did he arrive than he sent a dispatch to Colonel Fannin, fifty-eight miles, which would reach him in thirty hours, to fall back. He was satisfied that the Alamo had fallen. Colonel Fannin was ordered to fall back from Goliad, twenty-five miles to Victoria, on the Guadalupe, thus placing him within striking distance of Gonzales, for he had only to march twenty-five miles to Victoria to be on the east side of the Colorado, with the only succor hoped for by the general. He received an answer from Colonel Fannin, stating *that he had received his order; had held a council of war; and that he had determined to defend the place, and called it Fort Defiance, and had taken the responsibility to disobey the order.*

Under these circumstances, the confirmation of the fall of the Alamo reached the general. Was it policy to give battle there against an overwhelming force, flushed with victory and the massacre of the Alamo? Was it wisdom in him to put upon the hazard of a die three hundred and seventy-four men, in the condition in which his troops were, against ten thousand choice, victorious troops of Mexico, backed by a nation of eight million people, when he had only to rely upon the voluntary casualties that might exist to sustain him? What did he do when he first went there? He ordered every wagon but one to be employed in transporting the women and children from the town of Gonzales, and had only four oxen and a single wagon, as he believed, to transport all the baggage and munitions of war belonging to Texas at that point. That was all he had left. He had provided for the women and children; and every female and child left but one whose husband had just perished in the Alamo; and, disconsolate, she would not consent to leave there until the rear guard was leaving the place; but invoked the murderous hand of the Mexicans to fall upon and destroy her and her children.

Though the news of the fall of the Alamo arrived at eight or nine o'clock at night, that night, by eleven o'clock, the Commander-in-Chief had everything in readiness to march, though panic raged, and frenzy seized upon many; and though it took all his personal influence to resist the panic and bring them to composure, with all the encouragement he could use, he succeeded. An example of composure himself, he at last got the excitement allayed; but not until twenty-five persons had deserted and carried panic with them to the eastern section of the country, as far as the Sabine, announcing the fall and massacre of the Alamo, and the massacre of the troops. He fell back, but fell back in good order.

An incident that I will mention, of the most unpleasant character, occurred on leaving Gonzales. On that night, about twelve miles from there, it was announced to the general that the Mexicans would suffer; that a barrel of gin and a barrel of wine had been poisoned with arsenic, and that, as they came to consume it, it would destroy them. I presume no man ever had such feelings of horror at a deed being perpetrated of this kind, from which all the waters of the Jordan could not cleanse the reputation of a general. But, fortunately, the rear guard, without direction, set fire to the place on leaving it; and, at Peach creek, fifteen miles from that place, ere day dawned, explosions were heard, which produced some excitement in camp, where it was supposed to be the enemy's artillery; but the general rejoiced in it, as he knew, from the difference in the explosion, that it was not artillery, but the poisoned liquor. That is one instance that occurred, among other distressing events.

At Peach creek, fifteen miles from Gonzales, he met a reinforcement of one hundred and twenty-five men; but out of these one hundred and twenty-five men, ere morning twenty-five had again deserted, owing to the terrible details that were brought of the massacre of the Alamo. With that addition his force only amounted to four hundred and seventy-four men that remained with him. The next day he met a detachment of thirty-five men, and anticipating that he would make a stand at the Colorado, as he found it impossible to make a stand at Gonzales, appointed an aid-de-camp, Major William T. Austin, and dispatched him for artillery to the mouth of the Brazos, for the purpose of enabling him, on arriving at the Colorado, to make a stand—for he had not a single piece of ordnance, not a cartridge, or a ball. The aid-de-camp departed with an assurance that within seven or eight days he would have it on the Colorado, at Beason's. In the mean time, and to show that the general was not a fugitive, or that he was not disposed to expose any one to hazard, he was informed on the Nevada, fifteen miles from the Colorado, that a blind woman, with six children, had been passed by, as she was not residing on the road, but off at a distance. He immediately ordered two of his aids-de-camp, with a company of men, to go and bring her up, and made a dilatory march until she joined them on the west side of the Colorado. He then halted at the Colorado for days, until the last hoof and the last human being that was a fugitive had passed over. He had permitted none to remain behind, exposed to the ruthless enemy.

There he remained until the news of Fannin's disaster came. Fannin, after disobeying orders, attempted, on the 19th, to retreat; and had only twenty-five miles to reach Victoria. His opinions of chivalry and honor were such that he would not avail himself of the night to do it in, although he had been admonished by the smoke of the enemies' encampment for eight days previous to attempting a retreat. He then attempted to retreat in open day. The Mexican cavalry surrounded him. He halted in a prairie, without water; commenced a fortification, and there was surrounded by the enemy, who, from the hill tops, shot down upon him. Though the most gallant spirits were

there with him, he remained in that situation all that night and the next day, when a flag of truce was presented; he entered into a capitulation, and was taken to Goliad, on a promise to be returned to the United States with all associated with him. In less than eight days, the attempt was made to massacre him and every man with him. I believe some few did escape, most of whom came afterwards and joined the army.

The general fell back from the Colorado. The artillery had not yet arrived. He had every reason to believe that the check given to General Sesma, opposite to his camp on the west side of the Colorado, would induce him to send for reinforcements, and that Fannin having been massacred, a concentration of the enemy would necessarily take place, and that an overwhelming force would soon be upon him. He knew that one battle must be decisive of the fate of Texas. If he fought a battle and many of his men were wounded, he could not transport them, and he would be compelled to sacrifice the army to the wounded. He determined to fall back, and did so, and on falling back received an accession of three companies that had been ordered from the mouth of the Brazos. He heard no word of the artillery, for none had reached there, nor did it ever start for the army, and it was years before he knew that his orders had been countermanded, and his aid-de-camp withdrawn from him. He wishes to cast no reflection upon the dead. I shall not enter into that; but the general's orders were not executed; they were countermanded; and the opportunity of obtaining artillery was cut off from him. He marched and took position on the Brazos, with as much expedition as was consistent with his situation; but at San Felipe he found a spirit of dissatisfaction in the troops. The Government had removed east. It had left Washington and gone to Harrisburg, and the apprehension of the settlers had been awakened and increased, rather than decreased. The spirits of the men were bowed down. Hope seemed to have departed, and with the little band alone remained anything like a consciousness of strength.

At San Felipe objection was made to marching up the Brazos. It was said that settlements were down below, and persons interested were there. Oxen could not be found for the march, in the morning, of a certain company. The general directed that they should follow as soon as oxen were collected. He marched up the Brazos, and crossing Mill Creek, encamped there. An express was sent to him, asking his permission for that company to go down the Brazos to Fort Bend, and to remain there. Knowing that it arose from a spirit of sedition, he granted that permission, and they marched down. On the Brazos, the efficient force under his command amounted to five hundred and twenty. He remained there from the last of March until the 13th of April. On his arrival at the Brazos, he found that the rains had been excessive. He had no opportunity of operating against the enemy. They marched to San Felipe, within eighteen miles of him, and would have been liable to surprise at any time, had it not been for the high waters of the Brazos, which prevented him from marching upon them by surprise. Thus, he was pent up. The portion of the Brazos in which he was, became an island. The water had not been for years so high.

On arriving at the Brazos, he found that the Yellow Stone, a very respectable steamboat, had gone up the river for the purpose of transporting cotton. She was seized by order of the general to enable him, if necessary, to pass the Brazos at any moment, and was detained with a guard on board. She remained there for a number of days. The general had taken every precaution possible to prevent the enemy from passing the Brazos below. He had ordered every craft to be destroyed on the river. He knew that the enemy could not have constructed rafts and crossed; but, by a *ruse*, they obtained the only boat that was in that part of the country, where a command was stationed. They came and spoke English. The boat was sent over, and the Mexicans surprised the boatmen, and took possession of it. Those on the east side of the river retreated; and thus Santa Anna obtained an opportunity of transporting his artillery and army across the Brazos. The general anticipated that something of the kind must have taken place, because his intelligence from San Felipe was, that all was quiet there. The enemy had kept up a cannonade on the position across the river, where over one hundred men were stationed. The encampment on the Brazos was the point at which the first piece of artillery was ever received by the army. They were without munitions; old horse shoes, and all pieces of iron that could be procured, had to be cut up; various things were to be provided; there were no cartridges and but few balls. Two small six-pounders, presented by the magnanimity of the people of Cincinnati, and subsequently called the "twin sisters," were the first pieces of artillery that were used in Texas. From thence, the march commenced at Donoho's, three miles from Groce's. It had required several days to cross the Brazos, with the horses and wagons.

General Rusk had arrived in camp on the 4th of April. He was then Secretary of War—Colonel Rusk—and as a friend of the Commander-in-Chief, he was received. He was superseded, and Mr. Thomas was acting Secretary of War. He remained with the army. The Commander-in-Chief camped three miles from the Brazos timber, and with unusual vigilance preserved the forces together, only a few deserting. They were then east of the Brazos, and the settlements were east of them. He remained only that night. The road from San Felipe, situated below the army on the Brazos, led to eastern Texas or the Sabine. The road to Harrisburg crossed it at right angles going south. The general had provided a guide acquainted with the country, as it was a portion in which he had never been. The morning came. Arrangements were made early. Some embarrassments arose for want of animals for artillery; but soon they were in readiness, and as the troops filed out in the direction of Harrisburg, without an intimation being given to any one, two companies that had been stationed at San Felipe, and below that, on the Brazos, and ordered to concentrate at Donoho's, arrived. The officers were sullen and refractory; they had "not eaten." Some conversation took place. They asked if no fighting was to be done. They were told, fighting was to be done; they need not be uneasy about that; the enemy have crossed below. At that moment a negro came up and said, he had been made a prisoner by the enemy and was released, and announced the fact that Santa Anna had crossed the Brazos and was marching to Harrisburg. These companies were ordered into line. One of them obeyed; the other objected to going, as they had had no refreshments. The whole management, and the entire responsibility of every movement at that time, devolved upon the general. He told the refractory captain, whom he had known for many years, to march directly to the Trinity and protect the women and children if the Indians should prove turbulent; and, at all events, to kill beef for them, and see that their supplies were sufficient. The general acted upon no orders given to him during the campaign; but assumed the sole responsibility of all his acts.

The march to Harrisburg was effected through the greatest possible difficulties. The prairies were quagmired. The contents of the wagons had to be carried across the bogs, and the empty wagons had to be assisted in aid of the horses. No less than eight impediments in one day had to be overcome in that way. Notwithstanding that, the remarkable success of the march brought the army in a little time to Harrisburg, opposite which it halted. Deaf Smith, known as such—his proper name was Erasmus Smith—had gone over by rafts with other spies, and, after crossing, arrested two couriers and brought them into camp. Upon them was found a buckskin wallet, containing dispatches of General Filosola to General Santa Anna, as well as from Mexico, and thereby we were satisfied that Santa Anna had marched to San Jacinto with the *élite* of his army, and we resolved to push on. Orders were given by the general immediately to prepare rations for three days, and to be at an early hour in readiness to cross the bayou. The next morning we find that the Commander-in-Chief addressed a note in pencil to Colonel Henry Raguet, of Nacogdoches, in these words:

"CAMP AT HARRISBURG, *April* 19, 1836.

"SIR: This morning we are in preparation to meet Santa Anna. It is the only chance of saving Texas. From time to time, I have looked for reinforcements in vain. The convention adjourning to Harrisburg, struck *panic* throughout the country. Texas could have started at least four thousand men. We will only have about seven hundred to march with, besides the camp guard. We go to conquer. It is wisdom, growing out of necessity, to meet the enemy now; every consideration enforces it. No previous occasion would justify it. The troops are in fine spirits, and now is the time for action." * * * * *

"We shall use our best efforts to fight the enemy to such advantage as will insure victory, though odds are greatly against us. I leave the result in the hands of a wise God, and rely upon His providence.

"My country will do justice to those who serve her. The rights for which we fight will be secured, and Texas free."

This letter was signed by the Commander-in-Chief.

A crossing was effected by the evening, and the line of march was taken up. The force amounted to a little over seven hundred men. The camp guard remained opposite Harrisburg. The cavalry had to swim across the bayou, which is of considerable width and depth. General Rusk remained with the army on the west side. The Commander-in-Chief stepped into the first boat of the pioneers, swam his horse with the boat, and took position on the opposite side, where the enemy were, and continued there until the army crossed. The march was then taken up. A few minutes, or perhaps an hour or so of daylight only remained. The troops continued to march until the men became so exhausted and fatigued that they were falling against each other in the ranks, and some falling down from exhaustion. The general ordered a halt after marching a short distance from the road to secure a place in a chapparal. The army rested for perhaps two hours, when, at the tap of the drum given by the general, they were again on their feet, and took up the line of march for San Jacinto, for the purpose of cutting off Santa Anna below the junction of the San Jacinto and Buffalo bayou. It was necessary for Santa Anna to cross the San Jacinto to unite with the Mexicans in Nacogdoches county, and incite the Indians to war. Santa Anna had provided a boat through the instrumentality of Texans who had joined him, and was in readiness to cross. He had marched down to New Washington, some seven or eight miles below the San Jacinto, and was returning to take up his march eastward. After sunrise some time, the army having halted to slaughter beeves and refresh, the signal was given that our scouts had encountered those of the enemy; eating was suspended, everything packed, and we were on the march. We marched down to the ferry of San Jacinto, and there halted. There was no word of the enemy. About half a mile or a mile up the bayou, where the timber commenced, we fell back and formed an encampment in the timber, so as to give security from the brow of the hill, as well as the timber that covered it, at the same time running up the boat which he had provided, and securing it in the rear of our encampment.

That was the position taken. The artillery was planted in front, for it had never been fired, and the enemy were really not apprised that we had a piece. The troops were secured so as to expose none, but the few artillerists, to view. There were but eighteen of them, and nine were assigned to each piece. The enemy, within about three hundred yards, I think, took position with their artillery and infantry, and opened fire from a twelve-pounder. It continued until evening. It did no execution, however, with the exception of one shot. Colonel Neill, of the artillery, was wounded, though not mortally. That was the only injury we sustained. At length Santa Anna ordered his infantry to advance. They were advancing, when our artillery was ordered to fire upon them; but they being so much depressed, it passed over their heads and did no injury; but they returned in such haste and confusion to their encampment that it inspirited our troops, and caused the welkin to ring.

Upon our left, a company of infantry was, by Santa Anna, posted in an island of timber, within one hundred and fifty yards of our encampment. An officer desired the general to let him charge, which was readily conceded. He wished to, and did, make the charge on horseback, though not in accordance with the general's opinion. It proved a failure; which will be explained hereafter.

The enemy, after receiving some injury from the discharge of our artillery, fell back to the heights of San Jacinto, and commenced fortifying.

In the evening, the general ordered a recon-

noitering party, under Colonel Sherman, to reconnoiter; but they were ordered not to go within the fire of the enemy's guns, or to provoke an attack; but if he could, by his appearance, decoy them into the direction of a certain island of timber, they would be received there by the artillery and infantry that had been ordered to be in readiness to march to that point. No sooner was he out of sight, than a firing commenced, with a view, as Sherman himself declared, to bring on a general action, in violation of the general's orders. Confusion was the result of it. Two men were wounded in our line. A confused retreat took place; and the consequence was, that two gallant men were wounded, and one subsequently died of his wounds. This was done in direct violation of the General's orders; for it was not his intention to bring on a general action that day. The guards that night were doubled. The next day, about nine o'clock, troops were discovered advancing along the prairie ridge, in the direction of the Mexican encampment, which produced some excitement. The general, not wishing the impression to be received that they were reinforcements, suggested that it was a *ruse* of the Mexicans; that they were the same troops that were seen yesterday; that they were marching around the swell in the prairie for the purpose of display, because they were apprehensive of an attack from the Texans. He sent out two spies secretly—Deaf Smith and Karnes—upon their track, with directions to report to him privately. They did so, and reported that the reinforcement which the enemy had thus received amounted to five hundred and forty.

Things remained without any change until about twelve o'clock, when the general was asked to call a council of war. No council of war had ever been solicited before. It seemed strange to him. What indications had appeared he did not know. The council was called, however, consisting of six field officers and the Secretary of War. The proposition was put to the council, "shall we attack the enemy in position, or receive their attack in ours?" The two junior officers—for such is the way of taking the sense of courts in the army—were in favor of attacking the enemy in position. The four seniors, and the Secretary of War, who spoke, said that "to attack veteran troops with raw militia, is a thing unheard of; to charge upon the enemy, without bayonets, in an open prairie, had never been known; our situation is strong; in it we can whip all Mexico." Understanding this as the sense of the council, the general dismissed them. They went to their respective places.

In the morning the sun had risen brightly, and he determined with this omen, "to-day the battle shall take place." In furtherance of that, he walked to the bayou near where he had lain on the earth without covering, and after bathing his face, he sent for the commissary general, Colonel Forbes, and ordered him to procure two axes, and place them at a particular tree, which he designated in the margin of the timber. He sent for Deaf Smith, and told him at his peril not to leave the camp that day without orders; that he would be wanted, and for him to select a companion in whom he had unbounded reliance. His orders were obeyed. After the council was dismissed, the general sent for Deaf Smith and his comrade, Reeves, who came mounted, when he gave them the axes so as not to attract the attention of the troops. They placed them in their saddles, as Mexicans carry swords and weapons, and started briskly for the scene of action. The general announced to them: "you will be speedy if you return in time for the scenes that are to be enacted here." They executed the order, and when the troops with the general were within sixty yards of the enemy's front, when charging, Deaf Smith returned and announced that the bridge was cut down. It had been preconcerted to announce that the enemy had received no reinforcement. It was announced to the army for the first time; for the idea that the bridge would be cut down was never thought of by any one but the general himself, until he ordered it to be done, and then only known to Smith and his comrade. It would have made the army polemics if it had been known that Vince's bridge was to be destroyed, for it cut off all means of escape for either army. There was no alternative but victory or death. The general who counsels will find, that in the "multitude of counsel there is confusion." It has been denied that the bridge was cut down by order of the general. It was said to be the promptings of Deaf Smith. It has been in these latter days that these calumnies are circulated. I will show, I think, from very good authority, that it has remained uncontradicted for nearly twenty years; for here it is. It was announced in the official report of the battle, in which the commanding general says:

"At half-past three o'clock in the evening, I ordered the officers of the Texan army to parade their respective commands, having, in the mean time, ordered the bridge on the only road communicating with the Brazos, distant eight miles from our encampment, to be destroyed, thus cutting off all possibility of escape."

"I ordered them" is the language that is used in the official report of the general, that has remained uncontroverted until this time. It will be discovered, from incontestable evidence of the most honorable and brave amongst men, that the individual who gave origin to this calumny, was the very identical creature who proved recreant on the field. The Commander-in-Chief, however, felt no disposition to censure any one. He felt that there should be an amnesty in consideration of the glorious results of the battle. He wished not to censure any one, but gave all praise, and gave some too much. I ask the Secretary to read this letter.

The Secretary read, as follows:

WASHINGTON, *September* 17, 1841.

DEAR SIR: You wish to know of me, what I know of the conduct of Colonel Sidney Sherman, before and after the battle of San Jacinto. On our march to that place, Colonel Sherman often asked me if I had heard you speak of him. I informed him that I had heard you speak of him, and always in the highest terms of praise. I thought he looked disappointed. There was mutiny and discontent in the army, created, as I believed, by those who wished to put you down; and I believed that Colonel Sherman was one of the most active in creating disturbance, as I will have occasion to show.

Various councils were held on the Brazos, as well as on the march to San Jacinto, for the purpose of opposing or destroying your authority. Colonel Sherman, I am satisfied, was among the most active of those who sought to destroy you. On the 20th of April, the day before the battle of San Jacinto, you gave Colonel Sherman orders to charge on an island of timber, on the left of the artillery, with two companies of his regiment, for the purpose of routing some Mexicans who were in the timber. He wished you to let him charge on horseback, which you reluctantly granted. As he approached the enemy they fired and killed one horse of his command, and the whole command came galloping back to the camp. In the evening, when the enemy had withdrawn to where they fortified, at his request, you ordered Colonel Sherman to take the cavalry and reconnoiter the enemy, and if he could decoy the enemy's cavalry to a certain island of timber, that the artillery and infantry should be there to sustain him, *but by no means to approach within gun-shot of the enemy's infantry or line.*

I was present when you gave the orders to Colonel Sherman, and soon after he came to me and asked me if I would sustain him, as he had determined to bring on a general engagement, contrary to your orders. At the same time, the officer with him said he had agreed to sustain him with his command. I replied that I knew it was contrary to your orders to him, for I heard you give them to him; but, if a general engagement was brought on, my regiment would be under arms, and I would support him; for you had ordered me to have the men under arms. He departed, saying he would depend on me. He soon commenced firing after he was out of sight of our camp; and, as it had not been expected from the orders given by you to him, there was great stir in the camp. I started with my command, and in marching a short distance, I saw the cavalry returning with two wounded men. In the mean time, Colonel Wharton, from you, ordered me not to advance, but to wait further orders. You afterwards ordered me, with my command, back to our camp, and showed evident dissatisfaction with Sherman for disobeying your orders, in attempting to bring on a general engagement, when you did not intend it should be done. It was then late in the evening of the 20th.

After the arrival of General Cos's command, next morning, (21st,) and I think it was between twelve and two o'clock, I was summoned to attend a council of war. I attended with six other field officers, when you told us the object of our being called together. *You asked the council "whether we should attack the enemy, or remain in our position and [let] the enemy attack us."*

The officer lowest in rank voted first, and so on, until all voted. Only two out of the seven voted for attacking the enemy. The balance voted in favor of awaiting the attack upon us. They said that we had not bayonets to charge with; and that it was through an open prairie; that our position was strong, and in it we could whip all Mexico.

When you received the sense of the council, you gave no opinion, but dismissed the members. Soon after, I was riding out to graze my horse and take a look at the enemy. You spoke to me, and asked me my object in riding out. I told you, when you said, "Do not be absent, Colonel, more than thirty minutes, as I will want you." I did return in less than a half hour; you requested me to see my captains and men, and ascertain their feelings about fighting. I reported favorably, and said they were anxious to fight, or they told many lies. You ordered the troops to be paraded; the second regiment, called Sherman's, as he was colonel, and myself lieutenant colonel. Soon after you ordered the parade, Colonel Sherman, in company with Colonel Burleson, came to me, and asked me *if I intended to obey your orders, and if I did not think it would be better to wait until next morning, just before day, and make the attack.* Sherman went on to say that whatever I said should be done. I told him that I would fight, if you said so, and that I would follow you to h—l, if you would lead, in defending Texas. They then left me. When Colonel Sherman and myself were mounted, at the head of the regiment, he asked me if I would take command that day, as I had some experience in fighting, and he never had been in a battle. I thanked him kindly, saying that I would do so, and after we were ordered to advance, he rode with me until the enemy commenced firing upon us. Colonel Sherman then left in great haste for a small island of timber, about three hundred yards distant, in the rear of our left wing, where he secured himself, and remained there until the enemy had all fled. As I returned from the pursuit of the enemy, I met him coming up with some stragglers.

This statement is made principally from notes taken during the campaign, and from facts within my recollection, as though they had passed yesterday. I have foreborne to state anything about Colonel Sherman's conduct in disposing of, and appropriating the *spoils privately to his own use;* but, should it be necessary at any future day to do so, I am fully prepared.

I am your friend, &c.,

JOSEPH L. BENNETT.

General SAM HOUSTON, *Washington, Texas.*

Mr. HOUSTON. Mr. President, this is one of the gentlemen who have been most active in contributing to the contents of this almanac, as I have been informed, and one to whom the calumny has been traced. This is not the only evidence that I have in relation to that gentleman; and I will make one statement, as it is a fact that is important in relation to the calumnies to which I am responding: that this letter has been in the possession of General Sherman since 1843. He was furnished with a copy of it; and, during several years of Colonel Bennett's life, he never called for explanation, nor did he ever confront Colonel Bennett when he went where he was, but slunk from his presence, and cowered before him. Since his decease, Sherman has been busily engaged in propagating every slander against the Commander-in-Chief that malice could devise; and, though challenged and invited to publish the letter of Colonel Bennett, he has thought proper to rest under all the imputations of cowardice heaped upon him, and finds consolation, I presume, in trying to place others in his own category. Now, as this comes in at this particular point, I have another letter that I think proper to submit. It is very short, and I ask the Secretary to read it.

The Secretary read it, as follows:

WALKER COUNTY, *November* 2, 1857.

GENERAL HOUSTON: Seeing that you have been attacked by persons on pretense that they have been in the battle of San Jacinto, and wish to injure you by false charges, I feel it my duty to give you a statement of what I know to be correct.

I joined the army on the Colorado, and in its march to San Jacinto I joined Captain Hayden Arnold's company, of the second regiment, commanded by Colonel Sherman. Captain Arnold's company was the first in the regiment in the charge upon the enemy in battle. I was the fifth or sixth man from Colonel Sherman. While we were advancing upon the enemy's lines, and before any firing had taken place, Colonel Sherman called out in an audible voice, "halt." At that moment Lieutenant Colonel Bennett, who was close by, hallooed out, "this is no time to halt, push on boys, the enemy is right here in this little timber, push on;" and advanced in front of the command. In casting my eye on Colonel Bennett a moment afterwards, I saw General Rusk near to him. Colonel Sherman halted where he gave the order "to halt," and I never saw him again until after the battle was over. I then saw him coming up in the rear with some stragglers, at the ravine where the army halted in the pursuit, and the place from which you ordered Captain Turner's company back to guard the spoils.

Your obedient servant, PHILIP MARTIN.

General SAM HOUSTON, *Huntsville, Texas.*

Mr. HOUSTON. This evidence, Mr. President, seems to account for the anxiety that Sherman entertains to place his conduct in such a light as to get rid of the deserved charge of cowardice, and ordering a halt before he fled from the field, and attach the imputation which he deserves, to the Commander-in-Chief. This is the gratitude he returns. But, Mr. President, it is proper to remark, that previous to the order for the demolition of the bridge, and during the early part of the day, two officers came to the Commander-in-Chief and asked him if it would not be well to construct a bridge across the bayou, immediately opposite the encampment, which was, perhaps, some seventy or a hundred yards wide at tide-water. The general, to get rid of them, remarked, "is there material?" and told them to see. They went, and after returning, reported that, by demolishing Governor Zavala's house, a bridge might be constructed. The general observed to them, that other arrangements might suit better, and cast them off. So soon as the general supposed the bridge was destroyed, or cut down, he

ordered Colonel Bennett to go around to the captains and men of Sherman's regiment, to see what their spirits were; whether they were cheerful, and whether he thought them desirous for a battle. Colonel Bennett reported favorably. They were ordered to parade. The plan of battle is described in the official report of the Commander-in-Chief, to be found in Yoakum's history, one of the most authentic and valuable books in connection with the general affairs of Texas, that can be found; in which nothing is stated upon individual responsibility; everything in it is sustained by the official documents.

With the exception of the Commander-in-Chief, no gentleman in the army had ever been in a general action, or even witnessed one; no one had been drilled in a regular army, or had been accustomed to the evolutions necessary to the maneuvering of troops. So soon as the disposition of the troops was made, according to his judgment, he announced to the Secretary of War the plan of battle. It was concurred in instantly. The Commander-in-Chief requested the Secretary of War to take command of the left wing, so as to possess him of the timber, and enable him to turn the right wing of the enemy. The general's plan of battle was carried out. About all the silly and scandalous charges made against the general, as to ordering a halt during the action, and after he was wounded, leaving the field, I will examine the facts, known to the army, and every brave man in it. I will, as authority, refer to the report of the Secretary of War, General Rusk, and see what he says in relation to that. In his report to the President, *ad interim*, he says:

"Major General Houston acted with great gallantry, encouraging his men to the attack, and heroically charged, in front of the infantry, within a few yards of the enemy, receiving at the same time a wound in his leg."

This is the testimony of General Rusk, in relation to one of the calumnies that have been brought forward and paraded by the maligners of the Commander-in-Chief. Again, to show that the general was not laggard throughout the action, we find the attestation of as gallant a man as lives, General Benjamin McCulloch. He says:

"At the battle of San Jacinto, I was in command of one piece of artillery. The fire from it opened upon the enemy about two hundred yards distant. We advanced after each discharge, keeping in advance of the infantry, until we were within less than one hundred yards of their breastwork, at which time I had aimed the gun, but was delayed in firing for a moment by General Houston, who passed across, some thirty yards in front of the gun, and was at that time nearly that distance in advance of every man in that part of the field. After this, I saw him advancing upon the enemy, at least one third of the distance between the two armies, in front of Colonel Burleson's regiment, when it was not more than seventy or eighty yards from the enemy's breastworks. About this time, the enemy gave way, and the route became general.

"My recollections of the battle of San Jacinto.

"BEN. McCULLOCH.

"*February* 28, 1858."

Now, I merely read these documents to show the refutation which is given to these calumnies, and that they may become a record, and placed in the annals of the country while I am living, and not leave it to other hands to finish a work which Providence has accorded to me. I will, in concluding this point, read the testimony of General Rusk, to show that the Commander-in-Chief remained on the field, and continued in pursuit of the enemy until his horse, pierced with five balls, fell under him.

Extract from a letter of General Rusk to William B. Stout, relative to the conduct of General Houston, in the battle of San Jacinto:

"As to the halt spoken of, I know of none ordered by General Houston, except at the bog, or quagmire, after the Mexicans were defeated and in full retreat. At that point, I met with the general for the first time after he was wounded. The men were entangled and in confusion; the general ordered a halt to form the men."

From this time no hostile gun was fired. The last detachment of the enemy immediately surrendered. This was not in the onset of the action; but when it was over. Mr. Sherman displayed his prudence in the onset of the action, and secured his person beyond the reach of danger. Thus far, Mr. President, I have referred to documentary evidence that may be relied on, to establish the conduct of the general, which may be found in one of the most authentic histories of Texas; one written with good taste, succinct and instructing in its character, and giving a good idea of the object for which it was designed—Yoakum's History of Texas. It is a work with which the Commander-in-Chief had no connection, never having seen a page of it in manuscript in his life. His object has not been to write history, or to supervise its composition. His only object has been to vindicate himself against the calumnies that have been brought forward, and got up recently, for the purpose not only of attacking him, but assailing every man who was friendly to him; and that by individuals whose malignity has been bitter; whose hostility to the cause of Texas, and to everything like the establishment of good government, has been notorious and proverbial in Texas. The *author* of this almanac, Willard Richardson—I must immortalize him—if reports be true, and I have no reason to doubt them, had he been assigned to his proper place, would have been dignified by a penitentiary residence before this time, owing to the peccadilloes with which he was charged. Although they have been smothered and done away with, his character is not vindicated to the world. He still goes on from sin to sin, from abuse to slander. Sir, I have no disposition to animadvert more; but could the characters of these individuals, and the motives which prompted them, be known, it would not have been necessary for me to occupy the time of the Senate on this occasion; or to give a thought to what has transpired, in relation to the Commander-in-Chief of the army of Texas. I find, however, that bitter, that undying hostility to him, that will not perish even with his life; and I have no doubt the very creatures that are hunting him now, would hunt him, if they could, beyond the grave. No longer than last night—and I regret, exceedingly, to advert to it—I received a letter from a respectable gentleman in New York, containing an item that I must pay some attention to. I hate these trivial things; but yet they bear an import with them that seems to claim my attention. He says:

PORT CHESTER, WEST CHESTER COUNTY, NEW YORK,
February 24, 1859.

MY DEAR GENERAL: Chagrined and mortified, I sit down to tell you of the burning disgrace that has, this evening, been given to your well-earned fame. Reverend James H. Perry, D. D., of New York, delivered in a lecture in the Methodist Episcopal Church this evening, the most bitter remarks respecting your bravery and honor, that ever passed human lips. The subject was "The battle of San Jacinto: its causes and consequences." Mr. Perry informed his large and intelligent audience that he was prompted by patriotic motives to enlist in the Texan cause; that he visited you at your camp, with letters of introduction, and was admitted a member of your staff. Without repeating the details of the battle, in which he took occasion to say that every *advance movement* of the army was without your consent, and only made by the wiser and more patriotic manifestations of the army, in which you were *obliged* to acquiesce, he closed by a peroration that astonished and wounded every person present. He said: "I wish it to be understood, for I speak what I do know, that the battle of San Jacinto was fought, and the victory was achieved in spite of General Houston; and the wreath that now encircles his brow, as the hero of that battle, has not in it one green leaf."

I would not, my dear general, call your attention to this subject, but for the reason that the details of the lecture are to be given elsewhere at the North; and being a young man at the time the battle was fought, my whole theory of the "causes and consequences," and the part taken by yourself, has been utterly destroyed, so far as the reverend doctor could do. May I inquire if you remember James H. Perry as your aid-de-camp, and what the part he took in the battle of San Jacinto? Your answer will not only gratify me, but hundreds who listened to the defamations of your honored and cherished renown.

I am, very sincerely, your attached friend,

——— ———.

General SAM HOUSTON.

Now, Mr. President, for twelve years this gentleman has been sedulously engaged in defaming the character of the Commander-in-Chief, or attempting to do it. I was apprised of it before. Gentlemen of his denomination, of high respectability, assured me that a stop would be put to it. I see that he has broken out in a fresh place. It is necessary that I should give some of my knowledge of his character.

He came to the camp on the Colorado, with letters of introduction from the President and other members of the Cabinet, to the Commander-in-Chief, recommending him as a graduate of West Point, or having been a student there. Being a good-looking gentleman, plausible in his manner, unembarrassed by diffidence, not very cultivated, still, would do very well for a soldier or officer, his appearance being fine, the general appointed him a member of his staff. Shortly after, reports came on very detrimental to him. The general was not apprised of them, and ordered him to drill Colonel Burleson's regiment. Colonel Burleson objected to his drilling his regiment, for the reason that he did not consider him a man of good character; that he had come to New Orleans with his wife, or some other woman, as was reported, and taking a free yellow girl from the North, he had attempted to dispose of her, as a slave, in the South; and some difficulties originated from the fact. His "patriotism" that he speaks of, which caused him to enlist in the cause of Texas, I rather suppose, from the influence of disagreeable circumstances, prompted him to seek a refuge in Texas. He came there. That was the reverend gentleman. He continued there, in his position as staff officer, until the arrival of the army on the Brazos.

An order was given by the general that no one should communicate from camp without the communication passing the general's eye; and, whenever an express was to leave camp, the letters were to be brought to him, so that he might know that nothing detrimental to the army should go out, or that anything necessary to be concealed would be disclosed to the world. An express was about to start. A letter of Major Perry that then was, was brought to the general. It was sealed. He opened it, and found it contained the grossest defamation and slander of himself; he sent for Major Perry; he gave the letter to the assistant inspector general, and told him to read it to Major Perry; it was so done. Major Perry, when asked by the Commander-in-Chief what he thought of it, observed, it was stronger than he imagined, and may be it was wrong. He then said, "Go to your duty, sir; I do not care for all the spies in the world, if they will tell the truth."

Perry remained in camp, still attached to the staff, and when they arrived at Harrisburg, he passed over Buffalo bayou with the spies. On the march to San Jacinto, he was taken under suspicious circumstances—having left the line of the Texans. He was taken by Captain Karnes and private Seacrist, of the spies, and brought to the general. They reported that he had changed his horse's caparison, also his musket for an escopet; and they believed he had communication with the enemy. The general ordered him to be disarmed and sent to the guard fire. Karnes said, "General, are you not going to execute him?" "No, Karnes," replied the general, "I have no leisure at this time to look into the matter." "Sir," said he, "if we had known that you would not have instantly executed him, you would never have been troubled with him; he is a traitor and a spy."

That was on the 20th. He remained under guard until the morning of the 21st. He sent the general a message, which is not precisely recollected. The general gave orders to restore his arms, giving him an opportunity to wipe off the stigma that he had placed upon his character, and gave him leave to go into the battle; whether he did or not is not known to me. When I heard of his conduct, the general might have apprehended that he would have been the first object for him to assassinate; but he defies a traitor, a spy, or an assassin, if he can confront him. This is the Rev. James H. Perry, D. D. His letter from the Brazos shall be published after I return to Texas. It shall appear in the New York Herald. It will vindicate all I have said.

He says, in his letter from camp, that the general was not in the habit of drinking ardent spirits, but was a confirmed opium eater. I believe there never was one of them cured, and the general looks very little like an opium eater. His correspondent was the notorious Robert Potter, of North Carolina, who was Secretary of the Navy in Texas. The general had no hand in making him so. He was the gentleman with whom the reverend doctor corresponded. He acknowledges himself his spy and pimp upon the general; and they were a most worthy pair.

These are some of the circumstances that I have felt it my duty to state in vindication of the Commander-in-Chief. I think it is a duty that a man owes, after he has passed his life pretty much in the service of his country, and is about to retire from that service, that he should do a little redding up, and arranging of matters which posterity may not so well comprehend without explanation. I will call the attention of the honorable Senate to one fact; and I will ask why was the

council called, and why was it desired? Because the indications were clear that the Commander-in-Chief intended that day to engage the enemy; that his arrangements, though silent, indicated his purpose. There were persons who censured his conduct from time to time, and charged him with cowardice. He was charged with retreating from Gonzales, and from the Colorado, and under a pressure of circumstances crossing the Brazos, with a design to cross the Trinity, and go east. Why did they not then call a council to counteract his designs? Why did they not interpose to prevent these things, if they believed them? No council of war was asked for until on the eve of battle; and the gentleman, who was the first to flee from the field, and who was charged with appropriating the spoils privately, was most active in that council. The spoils are a matter of some import. Is it supposable that Santa Anna, with his Mexican ostentation, would march at the head of the finest army ever marshaled in Mexico, and not have with him plate and jewels becoming the condition of a man whose sway was absolute, and whose expectation on his return was to assume the imperial purple, and the scepter of the Mexican monarchy? What ever became of these spoils? The Commander-in-Chief of the Texas army decreed the spoils to the army. Nor did he ever receive the value of one cent. Colonel Sherman was appointed president of the board to manage and distribute the spoils to the troops. Colonel Bennett has thrown some light upon that subject; and had he been called on by Colonel Sherman, after he charged him with appropriating them, it appears from his letter that he could have given much insight into the affair. Not one dollar's worth of the plate was ever produced; but the stragglers who lagged behind had enjoyed the opportunity of concealing them until a better time was afforded to them to carry them away.

They have charged the Commander-in-Chief with having more troops than he reported. Seven hundred on the Colorado was the number, according to the statement of Colonel Burleson, as he supposed. The General-in-Chief never reported more than six hundred and thirty-two; his efficient force never exceeded over seven hundred troops at any one point. At all events, such was the result of the campaign, that all the wisdom of man could not have rendered it more successful and beneficial to the country. Had he been drawn into action by indiscretion, and the attempt to force a battle, the bridge at Vince's would not have been cut down, which prevented the escape of the enemy; the enemy would have escaped; Santa Anna would have reached his reserve force of four thousand men on the Brazos. But by cutting off their retreat, by the Commander-in-Chief's own design of destroying the bridge, and leading his troops into action at the proper time, he secured for Texas all that wisdom and valor could have done, whether he exercised them or not.

The Commander-in-Chief is charged with receiving orders from the Secretary of War to march upon Harrisburg. He never received an order from the Secretary of War. By reference to this volume, containing the historical facts, it will be seen that he never intimated that he would march towards the Trinity, but gave orders to the troops to unite at Donoho's. That indicated his design to advance in pursuit of the enemy to Harrisburg. He was resolved never to pass the Trinity; and if he were to perish, it should be west of that boundary. Would he have submitted to the orders of the Secretary of War, who was suspended, or any one in his place, unless it was under the written order that would vindicate him to the world and to posterity? No written order is pretended for anything he had done; and the Secretary of War, acquiescing in his competency and his ability to command, never interfered with his designs in the smallest punctilio.

Thus has it been, Mr. President, that I have been driven to this recourse. I had no design, indeed I had no wish, but to pass from public life quietly and without interference. I know that I have not presented the facts in that succinct and lucid manner that I ought to have done; yet I have presented such points as I think essential, though they are documentary, and more than I would have desired, to vindicate the Commander-in-Chief in the position he has taken, and to show to the world that these calumnies, so recently circulated, are prompted by the deepest malignity, and by persons whose vices, could they be known, would sink them below the observation of all the virtuous and wise. This individual in the North who is seeking to illumine the world with his lectures, will find a new subject furnished him on this occasion.

Now, Mr. President, notwithstanding the various slanders that have been circulated about the Commander-in-Chief, it is somewhat strange that the only point about which there has been no contestation for fame and for heroic wreaths, is in relation to the circumstances connected with the capture of General Santa Anna. When he was brought into the camp and the interview took place, the Commander-in-Chief was lying on the ground. He did not lie as generals usually lie, for they have comforts. The night before the battle he had lain on the cold ground, without a blanket, his saddle for his pillow; without covering, in the bleak norther that blew that night. He was no better off after the battle. Nor had he ever had a tent or canopy over his head, that he could claim, as General-in-Chief, save the blue canopy of Heaven. He had not one dollar in his pocket, nor a military chest, for he never received one while in command of the army. His personal and moral influence in the army held it together; for there was no Government, and all of hope that remained was centered in him, as the Government expressed it, for there were no other means. But, sir, when Santa Anna was taken and brought into camp, the general was dozing, after having had a sleepless night from suffering; his wound was severe. Looking up he saw Santa Anna, who announced to him in Spanish: "I am General Antonio Lopez de Santa Anna, President of the Republic of Mexico, and a prisoner at your disposition." Calmly and quietly it was received. The hand was waived to a box that stood by, and there Santa Annn was seated. After some time, with apparent emotion, but with great composure to what I had expected, under the circumstances, he proposed a negotiation for his liberation. He was informed that the general had not the power; that there was an organized civil Government, and it must be referred to them. Santa Anna insisted upon negotiation; and expressed his great aversion to all civil government. The general assured him that he could not do it. He then observed to the general something like this: that he could afford to be generous; that he was very fortunate; born to no common destiny; that he had conquered the Napoleon of the West.

The Commander-in-Chief adverted to his conduct at the Alamo, as well as the massacre of Fannin and his men at Goliad. The first he sought to justify on the ground that it was in accordance with the rules of war. The second he excused himself for, assuring the general that he was not aware of any capitulation between General Urea and Colonel Fannin, and if he lived to regain power, he would make an example of Urea.

The Commander-in-Chief, after a while, asked him if he wanted refreshment. It was ordered. He was asked if he wished his marquee, if he desired his camp baggage, if he wished his aid-de-camp. He expressed great pleasure at the proposition, but looked doubtful as to whether it could be so. They were ordered. Colonel Almonte went and selected his baggage. His keys were never asked for; no search was made. He was treated as a guest. No indignity was offered him by the Commander-in-Chief. To be sure, there was some turbulence of feeling in camp, but no rude manifestations. Under these circumstances it was that Santa Anna was received. Propositions were made to the Commander-in-Chief that he should be executed, but they were repelled in a becoming manner. No one has sought to claim the honor of saving him on that occasion; and did the general feel a disposition to claim any renown, distinction, or fame, for any one act of his life, stripped of all its policy, he might do it for his conduct on that occasion.

But, sir, there was reason as well as humanity for it. While Santa Anna was held a prisoner, his friends were afraid to invade Texas, because they knew not at what moment it would cause his sacrifice. His enemies dared not attempt a combination in Mexico for invasion, for they did not know at what moment he would be turned loose upon them. So that it guarantied peace to Texas so long as he was kept a prisoner, and for that reason, together with reasons of humanity, his life was preserved. It is true, he had forfeited it to the laws of war. Retaliation was just; but was it either wise, or was it humane, that he should have perished?

The Commander-in-Chief, on that occasion, was not aware that he had the approval of Holy Writ for the course he adopted—though he subsequently became apprised of the fact; for we find that, after Elisha had smitten the Syrians and conducted them into the midst of Samaria, and had ordered their eyes to be opened, the King of Israel, Jehoram, said to the prophet: "My father, shall I smite them? shall I smite them?" And he answered: "Thou shalt not smite them; wouldst thou smite those whom thou hast taken captive with thy sword and with thy bow? Set bread and water before them, that they may eat and drink, and go to their master." Sir, that sanctioned the course of the Commander-in-Chief on that occasion; and though he was not as familiar with the subject as he ought to have been, yet, when apprised of it afterwards, he was rejoiced to know that he had the authority of Holy Writ for his conduct.

I should not have felt it necessary to reply to the attacks that have been made upon me, were it not that I am to leave a progeny, that might, at some future time, be called on to know why a response was not given to these fabrications, and the denial given to them. There is not one word of truth contained in all the calumnies in this book, or of others, except one, and that is, that the Commander-in-Chief never communicated his counsel to any one. That is true, and it is the only truth in this or other books on the "campaign of San Jacinto." How could the general permit his designs to be known when mutiny and sedition were rife in camp, and when combinations were formed to thwart every measure that wisdom and prudence could devise, up to the very hour that the troops were formed for battle?

The truth of history has been perverted, and the opposite has been asserted. Contributions of material have been made to this almanac; it was concocted and arranged, and then given to the world in such a shape that the dissemination of the calumny throughout the United States must affect the individual to whom it was directed, and make some impression upon him, and destroy his reputation.

Good reasons have actuated me on this occasion. The character of the individuals who have propagated these slanders against the Commander-in-Chief, are such as are not known to the public at large, and might have weight in society that would poison the true source of history, and subserve, to some extent, their unworthy ends; when, if their characters were known, truth would receive no detriment from their statements.

I regret, Mr. President, that I could not have prepared my matter more at leisure; for it is but a few days past since I contemplated addressing the Senate on this subject. I should then have done it with more pleasure, and with less detention of the honorable body; but this is the last occasion in which I ever expect that my voice will be heard in this Chamber; never again shall I address the President of this body.

Mr. President, in retiring from the duties which have sat lightly upon me in this Chamber since I have been associated with it, though changes have taken place, and successive gentlemen have occupied the seats in the Senate, I have believed, and felt it my duty, to cultivate the relations of good feeling and friendship with each and every gentleman, and I hope the same cordial respect will continue to obtain in this body. I know the high and important duties that devolve upon Senators, and I have confidence that their attention and their great abilities will be called to the discharge of those duties; that they will, on great national subjects, harmonize so as to give vigor to, and cement our institutions; and that they will keep pace in their efforts to advance the country with the progress that seems to invite i onward. My prayers will remain with them, that light, knowledge, wisdom, and patriotism may guide them, and that their efforts will be perpetually employed for blessings to our coun-

try; that under their influence and their exertions the nation will be blessed, the people happy, and the perpetuity of the Union secured to the latest posterity. [Applause in the galleries.]

NAVAL APPROPRIATION BILL.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed a bill (No. 712) making appropriations for the naval service for the year ending the 30th of June, 1860; in which the concurrence of the Senate was requested.

On motion of Mr. HUNTER, the bill was read twice by its title, and referred to the Committee on Finance.

BILLS BECOME LAWS.

The message further announced that the President had approved and signed, the 26th instant, the following acts and resolution:

An act for the relief of William H. Russell;

An act for the relief of Mary Bainbridge;

An act for the relief of William F. Wagner;

An act to protect the land fund for school purposes, in Sarpy county, Nebraska Territory;

An act to authorize settlers upon sixteenth and thirty-sixth sections, who settled before the surveys of the public lands, to preëmpt their settlements; and

A joint resolution for the relief of Michael Pappreniza.

POST OFFICE APPROPRIATION BILL.

Mr. HUNTER. I now move to postpone all prior orders, and take up the bill making appropriations for the Post Office Department.

Mr. GWIN. I do not suppose that the Post Office Committee are ready with their amendments.

Mr. HUNTER. I have seen the chairman, and he is ready with his amendments.

Mr. GWIN. I did not know that.

Mr. GREEN. I am in hopes that we shall not take up that appropriation bill. We have time enough to pass it. I want one hour for the consideration of territorial business. I shall only ask one hour. The business of the Territories is very pressing, and I therefore appeal to the Senate to give me one hour for territorial business, and if any subjects shall give rise to debate, I will allow them to pass over. Territorial bills ought to be acted on now, in order that they may reach the House in time for the consideration of that body.

Mr. HUNTER. I hope that we shall take up the appropriation bills. How are we to do the business, unless we consider them at once? I must press my motion.

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) The question is on the motion of the Senator from Virginia, to postpone all prior orders, and proceed to the consideration of the Post Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 872) making appropriations for the service of the Post Office Department, during the fiscal year ending June 30th, 1860, which had been reported from the Committee on Finance with amendments.

The first amendment of the Committee on Finance was on page 3, section two, to strike out the following proviso:

"*Provided*, That the sums heretofore appropriated for the erection of the post office buildings, which shall remain in the Treasury unexpended at the close of the present fiscal year, are hereby reappropriated to the objects to which they are now applicable by law."

Mr. HUNTER. Here is a large amount of appropriation which has been formerly made for these post office buildings, and it is provided in the bill as it came from the House, that they shall be reappropriated. In regard to those buildings, the Committee on Finance thought that it ought not to be reappropriated, and that it was well enough to stop it, and they have accordingly moved to strike out that proviso. I believe the reappropriation of this money will lead to large expenditures which are unnecessary, and I hope that the Senate will concur with the committee in that amendment.

Mr. COLLAMER. What are the post offices?

Mr. HUNTER. I cannot name them. They are the general post offices that have not yet been commenced; but this we do know, that out of the large cities we ought not to have buildings put up at the expense of the United States.

Mr. BELL. I ask the Secretary to read that amendment again.

Mr. HUNTER. It provides "that the sums heretofore appropriated for the erection of the post office buildings which shall remain in the Treasury unexpended at the close of the present fiscal year, are hereby reappropriated to the objects to which they are now applicable by law." This amendment only provides that it shall not be reappropriated. The object is to prevent the money getting into the surplus fund. In regard to those which are commenced, I suppose there is no danger of the money going into the surplus fund. Those that are not commenced might, and I think ought, to go there. At any rate, I wish to take the sense of the Senate upon them.

Mr. BELL. I want to hear the amendment read.

The Secretary read it.

Mr. BELL. I think we should hear some better reasons for striking out this provision than have been stated by the honorable Senator from Virginia, [Mr. HUNTER.] You will remember, sir, that a debate arose upon this subject at the last session. It was then supposed that the omission to include in the estimates of the Treasury the sum necessary to execute the law under which these works were required to be constructed, was justified by the exhausted condition of the Treasury, which compelled a resort not only to the issue of paper money in the shape of Treasury notes, but also to a permanent loan of a large amount. Then, it was contended that it was unreasonable to press the construction of works which might be dispensed with for the present without material injury to any public interest. Well, sir, that reasoning was acquiesced in by gentlemen from those States and localities in which public works of this description had been authorized; and they made no further efforts to secure a provision for their immediate construction; but insisted that the question should be understood whether or not it was designed to defeat the execution of the laws authorizing these works altogether, by suffering former appropriations to go to the surplus fund, as some of them would at the close of the ensuing fiscal year. Those of us whose constituents had an interest in the question acquiesced in the expediency of delay, under the existing embarrassments of the Treasury; but, at the same time, it appeared to me and others that the course pursued by the Secretary of the Treasury, if it should become the practice of the Government, and if Congress sanctioned such an exercise of discretion as he assumed upon that occasion, it would, in effect, be the recognition of a dispensing power in the Executive Departments of the Government.

When you come to look at the question, what greater right had the Secretary of the Treasury then, than at the present session, to say that it was inexpedient to execute a subsisting law of the country? We were told then, and there was reason in the suggestion, that it was not expedient to press the construction of those works which had not already been commenced; but we protested against the idea of allowing a dispensing power to the Executive in any case whatever. Congress alone was authorized to say what should be done or what should be omitted.

Some of these public buildings were ordered to be constructed in Tennessee, some in New York, and in other States, according to the will of Congress. Some gentlemen threw out the suggestion that these public buildings were not necessary to the public service, and that they ought never to have been authorized by law; but, nevertheless, the idea was disclaimed at that time, that there was any intention to defeat the execution of the laws which provided for the construction of these works, much less to sanction the exercise of a dispensing power in the head of a Department. Now, however, it seems that the object at that time, as one gentleman has since avowed, was to let these appropriations lie over until they would fall into the surplus fund, and then to defeat the execution of these laws, by refusing to reappropriate.

As to the expediency or the utility of these public buildings, authorized at Nashville, Knoxville, and Memphis, in the State of Tennessee, and at various points in other States, it is not my purpose particularly to speak. That they would be of some public utility, none will deny. That the public interest imperatively demands that these buildings should be erected, without further delay, I will not maintain; for several decades yet to come, the public interest may not suffer great detriment without them. But, still, there have been, for many years, receipts from customs in Nashville, and at other places where it is proposed to erect these buildings; apartments for holding the courts of the United States and offices for the safe-keeping of the records have to be provided; post offices (some of them large distributing offices) are established in several cities and towns where these buildings are required to be constructed; and there is no pretense for the assertion "that they are called for by no public interest."

I do not propose to take up the time of the Senate by going into a discussion of the question whether these public buildings ought, or ought not, to be erected, at suitable points, in every State of the Union. This Government is, by the Constitution, bound to perform various and most important functions, which require the use of buildings in the States—court-houses, custom-houses, and post offices, besides such public grounds and buildings as belong to the military and naval establishments. How are these to be provided? They can be hired or rented, it is true, as has been the general practice; but, nevertheless, is it not contemplated by the Constitution that the Federal Government shall be independent, and shall carry into execution all its powers, and perform all its functions, through its own instrumentality, except in cases otherwise specially provided for?

Gentlemen may say that the Federal Government has no right to erect a building in any State without the assent of the State. It has no right to exercise exclusive jurisdiction over any grounds or buildings without the assent of the State; but I know of no limitation upon the power of the Federal Government, to exercise the rights of an owner or proprietor of any buildings within the States that may be found needful; and when the Union shall be so far consolidated as to give assurance of permanence; when the progress of population and improvement in the States shall be such as to indicate the most eligible and convenient localities for holding the Federal courts, there would seem to be eminent fitness and propriety in erecting suitable buildings for their accommodation. For the same reasons, and founded on the same policy, custom-houses should be erected wherever the extent of the commerce of the place shall make it expedient, and post office buildings in every populous and flourishing town or city. Until a comparatively recent period, it has been the practice of the Government to hire houses for the accommodation of its courts, and offices for the custom and postal service, in the large as well as in the smaller cities in the States. Of late, however, it has been found more convenient—in some instances, perhaps, it was thought to be more economical—for the Government to erect its own buildings in many of the most commercial and populous cities of the Union—some of them in the eastern and western States, as well as upon the Atlantic coast. Several of them are already completed; others are unfinished, but progressing towards completion.

Now, sir, with what justice or propriety, or upon what pretext, can gentlemen who do not object to these buildings in the large cities on the sea-board, and who have not interposed to prohibit the erection of others in many of the cities of the interior and West, demand that no further appropriations shall be made for similar objects? I believe that all the public buildings in the States, for which appropriations were made by the last Congress, were in accordance with the plan adopted by Secretary Guthrie, who classified the cities and towns deemed of such magnitude as might justify appropriations for such objects. Some of them belong to the second, and, perhaps, others to the third class, as designated in the plan of the Secretary. Some of those belonging to the second and third classes have been commenced, and, it is conceded, must be finished; while others in the same classes, which, from accidental causes, have not been commenced, though equally meritorious, must be abandoned. Is this just or reasonable? Nashville, with a population of thirty thousand inhabitants, cannot be consid-

ered an inconsiderable village; nor can Memphis, with a population nearly, or quite, as large; nor Knoxville. They cannot claim to rank with the first cities of the Union, nor even with the second class; but I should like to know how you can discriminate the expediency and importance of authorizing the construction of such public buildings as the convenience of the public service may require, between them and others, of no more significance or importance, where such buildings are already erected?

But, sir, all considerations of what is fit and proper, of what would add to the efficiency of the public service, in any branch of it, are now to give way to the exigencies and embarrassments of the Treasury. We hear of retrenchment and reduction of the expenditures on every side. The public interest is not deeply involved in the question whether the public buildings, heretofore authorized by law, shall be constructed or not; and I care but little, whether the motion of the Senator from Virginia to strike out the provision of the bill before the Senate continuing the appropriations for those objects shall succeed or not; but I do feel some solicitude that the public shall know upon what pretenses appropriations to these public works are sought to be defeated. The pretext is economy and the necessity of retrenchment in the expenditures. And whence does this appeal come? From those who have had the control of the Government for thirty years past, except two brief intervals. And how have they asserted their claims to sincerity, in their present clamor for retrenchment? Take the custom-house in New Orleans as a sample of their economy—the public work belonging to the State so worthily represented by the eloquent Senator from Louisiana, [Mr. BENJAMIN.] The cost of it cannot have fallen short of $3,000,000 already, and before it is finished, not less than $4,000,000 will probably have been expended. But that is not the point. Without any knowledge of the details of abuses and profligacy, I venture the assertion that more money has been squandered in the construction of that single work, than would be sufficient to construct all the public buildings, the fate of which is involved in the question before the Senate.

But, it is not in the construction of public buildings alone, that extravagance and profligacy abound. In many branches of the military service, in the jobs and contracts for supplies and transportation, we know there is ample room for retrenchment, without detracting from the efficiency of the service. In the Department of naval affairs, from recent developments, and from the observations of practical and experienced men, I am satisfied that a million or a million and a half of the amount now expended annually upon that arm of the national defense could be retrenched, without impairing its efficiency in the slightest degree; and so of the Treasury Department. I leave others to speak of the postal service. These great Departments of the public service present a large and tempting field to the reformer. The millions annually wasted, in those branches of the public service, would more than suffice for all the public buildings enumerated in the schedule of Secretary Guthrie; and it seems to me that it would be more in harmony with the true spirit of economy to attack those strongholds of wastefulness and corruption, than to expend our energies in cutting off appropriations from useful public improvements, heretofore sanctioned by law.

Propositions have been made for reform and to check the corruption of the Government; we have had retrenchment resolutions again and again presented to the notice of the Senate, and various modifications have been suggested; but, as I said incidentally, upon another occasion, no one of those resolutions and no member who expressed his approbation of the policy of retrenchment has ever ventured to explore the sources of the evil, or proposed to probe the disease to its core. They shun an operation of that sort; they recoil from it. To retrench a few thousand dollars in one Department, and to examine into and expose frauds to the amount of a few thousand more in another; to cut off a useless expenditure of ten thousand dollars here, and fifty or a hundred thousand dollars there, is all very well; but that must not be mistaken for reform.

I am reluctant to occupy the time of the Senate at this period of the session, but I cannot help making a few remarks further upon this subject. I have listened with great attention to all that has been said about retrenchment and economy, since the first mention of the subject during the present session. I have listened to the remarks of members from whom I supposed something pointed and practical would be presented; but not one of them pointed to any effective remedy! When I listened to the beautiful and interesting address of the Vice President, when the Senate was about taking its leave of the old Hall to hold its sittings in this far more commodious and gorgeous Chamber, I waited with anxious solicitude, when he spoke of the changes which had taken place in the mode of discussion and the manner of conducting business in the Senate since the early period of the Government, under the administrations of our first Presidents—Washington and Adams and Jefferson—and the mode and manner which now obtains, to see whether he would not avail himself of that occasion to allude to changes far more important, which had taken place in the practical operation of our system of Government! I listened to hear whether he would not avail himself of so suitable an occasion to point out other, greater, and more significant changes which have taken place in the practice of the Government, and which have been the true source and foundation of most of the evils which now affect the country. I would simply mention a thought that was awakened in my mind during the delivery of the address I have alluded to. In tracing back the history of the country to a period thirty years ago, the first inaugural address of General Jackson, in 1829, was brought to my recollection, and I beg leave to read a passage from it, which strikes me as singularly applicable to the present time, though, in my judgment, having very little to justify the sentiments contained in it at that time:

"The recent demonstration of public sentiment inscribes on the list of Executive duties, in characters too legible to be overlooked, the task of *reform;* which will require particularly the correction of those abuses that have brought the patronage of the Federal Government into conflict with the freedom of elections, and the counteraction of those causes which have disturbed the rightful course of appointment, and have placed or continued power in unfaithful or incompetent hands."

Who will not admit that the sentiments then expressed would be more appropriate now? Who has ventured to suggest that the counteraction of the influences alluded to and the correction of the abuses spoken of in this passage of the inaugural of General Jackson, in 1829, would lay the foundation of a true reform at this day? Not one. In connection with the history of the changes which have taken place in the practice of the Government, I beg leave to cite the sentiment of Mr. Madison, expressed in the debate upon the question of the power of the President, under the Constitution, to make removals from office without the consent of the Senate.

It was objected that such a power in the President would be liable to great abuse, and that an ambitious President would be tempted to remove public officers for causes other than incompetency or want of fidelity to their trust. To this, Mr. Madison replied that he could not conceive that any man could ever be elevated by the intelligent people of this country to so high an office as that of President who would have the hardihood to remove a public officer on the score of his political opinions, or for any other cause than an abuse of his trust or incompetency to perform it. He said that a President who should be guilty of so gross an abuse of his power would be impeached. Now, no one questions the power of the President to make removals without the consent of the Senate; and, what marks a still greater change in the sentiments of the country and the practice of the Government, since the organic period of 1789, no one now questions the power of the President to make removals upon political and partisan grounds.

A little more than thirty years ago, the question was put to the country whether it was not, at all events, essential to the purity of the Government, and to the preservation of the freedom of opinion, that a President, when he did remove a public officer, should assign to the Senate or to the public the cause of the removal. Let me ask you, Mr. President, [Mr. FITZPATRICK in the chair,] for I believe you have always belonged to the same party of which you are now a member, what party it was which, at that period, advocated the doctrine that it was a gross abuse of power in a President to remove a public officer for opinion's sake; and that, as some check to such an abuse, the cause of removal should be disclosed to the Senate? If I do not forget, it was the party or combination which brought General Jackson into power. This was one of the grounds upon which they expected to reach the popular heart and the popular understanding. It was said to be a principle essential to the preservation of public liberty. It was a committee composed of some of the most experienced and able members of the Senate, to whom was assigned the duty of inquiring into the causes which led to the abuses said to exist in the Administration of Mr. Adams, which advanced this principle in 1826; and, among others, that committee reported a bill making it the duty of the President, in all cases, to assign the reason or cause of removal; but no further notice was taken of it until after General Jackson was elected President, when it was insisted, by the Opposition to his Administration, that the principle advanced by the committee, to which I have alluded, was sound and should be adhered to; but it was resisted sternly and successfully by the leaders of the Jackson party, who, but a few years before, had been its great champions.

Still the doctrine was not proclaimed in form, that public officers, except the heads of Departments, could be properly discharged from office without other cause than their political principles; for Mr. Jefferson had laid down the doctrine, with clearness and force, during his administration, that the opinions of public officers should be free; that they should be at liberty to cast their votes for or against candidates for public employment, either State or Federal; and the only interdiction to the perfect freedom of their action was, that they should not interfere in elections. This truly republican doctrine of Mr. Jefferson, though not disavowed, in terms, soon came, in practice, to be wholly disregarded and trampled upon. Public officers now understand that it is expected, not only that their opinions shall be orthodox, but that they shall interfere in elections.

But, sir, the departure from the principles of Jefferson does not stop here. It is now the settled doctrine, that the President may rightfully remove every public officer under the Government other than the judges of the courts, for opinion's sake, or for any other cause, at his own unlimited discretion; but, as if the temptations to peculation and corruption were not already strong enough, the further doctrine is proposed to be established, that the public offices being created for the benefit of the whole people, no one set of public officers have any right, founded in reason or justice, to continue in the enjoyment of them for a longer period than four years, or one Presidential term; and it is supposed to be the duty of the President to see that they give way to a new set of incumbents, from the highest to the lowest.

I have understood that this doctrine has been avowed by the President of the United States. I do not care to dwell on that; but let us look at the effect of the principle of rotation in the increased temptation to which you subject public officers. When you put a man in office, he is notified that he is expected to hold it no longer than for the residue of the existing executive term, or for four years at most; and when there are hundreds, and I may say thousands, of officers in the Executive Departments, and the various subordinate branches of the public service, who often have it in their power to practice the greatest frauds upon the Government, with but small risk of detection, some idea may be formed of the extent to which peculation and corruption may be practiced. Look at your swarms of custom-house officers, your inspectors, your appraisers, your weighers and gaugers, in cities where millions of dollars of public revenue are collected, and where no wisdom, no exactness in the form, either of law or regulations, can supply the want of honesty, and say whether it is uncharitable to suppose that, of the thousands of them, many will not scruple to enrich themselves at the public expense, in the brief period of their official existence, and then give way to a new swarm of incumbents equally needy and avaricious.

The policy of rotation may be considered the natural offspring of the doctrine that partisan services in elections are entitled to such rewards as

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may be found in the public offices and in the various employments, jobs, and contracts, at the disposal of the President and heads of Departments. But the thousands of offices and employments, of various grades and descriptions, under the control of the President, fall far short of the army of expectants and resolute claimants of what they consider a just remuneration for their services; and it is held just and fair that the first recipients of Executive favor shall, after a reasonable term of enjoyment, give place to others having equal pretensions with themselves to participate in the public spoils.

Sir, what are the further results of this practice? The most certain and inevitable effect of it is the constantly increasing tendency to the multiplication of offices and employments not needed for the public service. When a new Administration has made its apportionment among its partisan supporters and followers of the thousands of offices and employments in the Post Office Department, in the Land Office service, in the Indian service, and in the revenue and customs service, thousands of good and true party veterans are still unprovided for, many of whom cannot afford to wait the slow operation of the rotation principle for their reward. What then is to be done? New offices and employments must be created, wherever a plausible showing of utility can be made. And when this source of supply is exhausted; when you have got Congress to create as many new offices as they shall deem discreet; when the Postmaster General has carried his discretionary power of appointment to an extent which he may not dare to exceed; when in like manner the Secretary of the Treasury has exercised his discretion in the multiplication of employés to the utmost verge of safety; and there still remain hundreds, not to say thousands, of unrewarded partisans, who will take no denial—what is the next resource? To give out jobs to the most importunate and influential among them; give them large and liberal contracts for supplies of various kinds to the various branches of the public service, allowing a large margin for profit, sometimes with an understanding that the profits shall be shared with others whose names are unknown in the contract. It is not uncommon to hear it said, now-a-days, that such and such a man has made his fortune out of a single Government contract.

Then again, if it was a subject that was pleasant to the ears of the honorable Senator from Virginia, [Mr. HUNTER,] I should like to call his attention to some facts in the progress of extravagance in the public expenditures, which he now so earnestly deplores. I do not know how far the honorable Senator is implicated in them; but I know that I have not found him a stern opponent of the policy of converting every branch of the public service into sources of available patronage in rewarding partisan followers. He has not opposed, if he has not supported, the extension of the patronage of the Government, by handing over to civil employés every branch of the military or naval service of the country, that does not necessarily require the supervision of military or naval officers. The transfer at the armories at Springfield and Harper's Ferry, that took place a few years ago, may be taken as an example of the general tendency to the multiplication of unnecessary officers and employés. Although these establishments were not said to be improperly conducted; although no abuse was alleged; no neglect of duty; no waste of the public money; yet, being under the control of engineers who were officers of the Army, they brought no strength to the party in power; the patronage which attached to the superintendency could not be made subservient to political purposes, and Congress handed them over to civil appointees of the President.

Now turn to your navy-yards. I said before, that I had come to the conclusion, from some slight investigation, that from a million to a million and a half dollars could be annually saved in the naval service, but for this eating canker in our system. I believe I would be justified in saying, that $2,000,000 could be retrenched in that branch of the service, under a proper administration of it. How can this be true? Your naval officers are governed by regulations so precise, and subject to such responsibilities, that they can admit of no abuse, no misapplication, no profligate expenditure, of the moneys assigned to the objects of their superintendence. They can give no countenance to those parties which, in effect, convert the navy-yards into political nurseries, as civil employés can. So gross have become the abuses and indulgences in these establishments, under the direction of the civil appointees of the Government, that the work done upon the public vessels costs more than fifty per cent., upon an average, than similar work would cost under the superintendence of private ship-builders.

I allude to these things at present merely to suggest to the honorable Senator from Virginia, and those who think with him, that we ought to cut off these appropriations for the building of custom-houses, court-houses, and post offices; that they have before them a wider field for retrenchment, and that they can make still greater reductions than these, if they have but the boldness to undertake the work. I wish to point them to a path in which they can save the country from the wasteful and prodigal expenditure of millions, instead of the thousands which they now propose to withhold from the objects for which they were once appropriated.

Sir, I do not mean to go further into this subject; but it seems to me, as I have before stated, that the evils alleged in General Jackson's inaugural address, exist now in a ten-fold greater degree than they did at that time, if indeed, there were any evils of the kind then; but if they did, I want to know what cause, which disturbed the rightful course of appointments then, and placed or continued power in unfaithful and incompetent hands, has been counteracted? I want to know what single abuse, which had brought the patronage of the Federal Government into conflict with the freedom of election, has been corrected? General Jackson, at that period, thought that the true and only effective remedy for such evils was to remove all the public officers except such as had supported his election, and to fill the vacancies with his own friends. I will not say whether such a course, at this day, would remedy the abuses which now prevail, or not; but I fear that the time has gone by when any radical change can be effected in the maxims and principles upon which the patronage of the Government is now administered. I believe, sir, we have passed the time when it is possible to effect so great a reformation; but there is hope, though all cannot be accomplished that may be necessary to the restoration of the Government to its original purity, yet that something may be done to arrest the further progress of abuses and corruptions, which threaten to destroy all confidence in the ultimate success of our free system of government.

Mr. STUART. I do not rise for the purpose of going into the questions that have been made by the honorable Senator from Tennessee; but, in passing, I will only remark that, if there is anything settled in regard to the political affairs of this country, it is the right of the President to make removals, and the whole question is referred to his views of expediency.

Mr. BELL. Will the honorable Senator allow me a moment?

Mr. STUART. Certainly.

Mr. BELL. I did not pretend to gainsay that that question was settled. I did not deny that. I said, on the contrary, that the doctrine was too well established, and that the practice under it was too well established; that every Administration felt bound by it, and that no man could expect reform in that particular, because no one could ever rise to power if he disavowed the principle; and it is doubtful whether the administration of any President could be sustained in Congress, or in the country, if he disavowed the doctrine.

Mr. STUART. Friend or foe, in a political sense, it makes no difference; the question is settled in the policy of this country. But, sir, I rose for the purpose of speaking more practically to the question before the Senate. It is proposed by the Committee on Finance to strike out the proviso to the second section of the bill, because they say that the striking of it out will affect only those appropriations the expenditure of which has not been commenced, and will not affect appropriations that are in process of expenditure. That is a subject, in respect to which, however well the committee may be advised, the Senate cannot be advised upon the reading of this provision. The literal reading of it would cut off every one of these appropriations not expended at the end of two years.

Mr. HUNTER. I did not say the Finance Committee were advised that it would operate on none other. In conversation, I suggested that, in my opinion, it was probable that would be the effect.

Mr. STUART. I propose to amend the proviso so as to make it mean that exactly. I have no objection, where an appropriation was made two years ago, and the expenditure of it has not been commenced, to allow the general provision of law to act upon it and let it lapse into the Treasury; but where the appropriation is in process of expenditure, I think it would be very wrong to do that; and therefore I propose, instead of striking out the proviso, to add to it these words:

"In all cases where the expenditure of such appropriations has been commenced."

Then the whole proviso will read thus:

Provided, That the sums heretofore appropriated for the erection of the post office buildings which shall remain in the Treasury unexpended at the close of the present fiscal year, are hereby reappropriated to the objects to which they are now applicable by law, in all cases where the expenditure of such appropriations has been commenced.

That will leave the expenditure to be proceeded with to the amount of the money already appropriated, and will leave to the discretion of the Department which has superintendence of the expenditure what it now possesses. But to strike out the proviso, and let all the money that has been appropriated for post office erections anywhere in all the States lapse into the Treasury, at the end of two years, would do manifest injustice. Many cases, and I do not know but in most cases, the appropriation for a post office building has been in connection with other purposes—for a custom-house, court-house, and post office, and, in some instances, for a court-house and post office. The buildings are in process of erection. In many cases, only the lot has been purchased. The Department is prepared to go on with the amount of money appropriated. If the proviso is stricken out, and there be no other provision of law to save these appropriations, every one of them will soon lapse into the Treasury. I should be willing, as at present advised, to agree that, where for public reasons there had been no commencement at all within two years of an expenditure for this purpose, that appropriation might lapse, and the question of the propriety of the building itself again be brought to the attention and submitted to the discretion of Congress; but not so where the Secretary has commenced the expenditure of the appropriation; and by adding my amendment, that will be the precise limitation of the reappropriation. It cannot be carried to any case where the Secretary has not commenced the expenditure of the appropriation.

Mr. HUNTER. The Senator from Michigan, who is generally exceedingly clear in his perceptions, I think, is under some little misapprehension in regard to the state of these appropriations. Suppose any such proviso had been inserted: how would these appropriations stand? The appropriations—both those the expenditure of which had not been commenced, and those which had been commenced—would have taken the usual course of the law. What is the usual course of the law? That at the end of two years they pass to the surplus fund. Now, all we propose by striking out this proviso, is to leave these appro-

priations where the existing law would leave them; but here is a proposition from the House of Representatives to intervene and say that these appropriations shall have two years longer to endure before they shall be carried to the surplus fund. What peculiar merit is there in these appropriations, that we should give them two years longer, before they revert to the surplus fund, than we give to any other appropriations? I believe, however, in point of fact, it will be found that, in all cases where the buildings have been commenced, the Department has expended very nearly the amount appropriated; and, if the Senator will turn to the report of the Secretary of the Treasury in regard to the public buildings, he will find that to be so, I think. But, whether that be so or not, the whole effect of striking out this proviso is to leave them where the general law leaves them; that is to say, they will not revert until they are two years old; and, if they will not revert until they are two years old, why should we intervene by positive legislation to say they shall have two years more before they shall revert, thus giving to them a longer life than we give to any other class of appropriations? I think it would be better to strike it out. With the Senator's amendment, it would certainly be better than as it came to us; but it seems to me that what is politic and expedient is, not to interfere with the matter, but to strike out the proviso, and leave these appropriations where the law leaves them.

Mr. KING. I should think there were other reasons than those that have been suggested, which ought to be taken into consideration in acting on this matter. I shall vote to sustain this proviso; not that I think, under ordinary circumstances, in the present condition of the Treasury, any such proviso as that introduced into this bill by the House of Representatives, would be required, or would be proper; but it is my judgment that when Congress passes a law like that which made appropriations for these buildings, in which not only is money appropriated, but the Secretary is positively directed to purchase a site and go on with the building, it ought not to be left to the discretion of the head of a Department to say whether he will go on with the work or not; but he ought to obey the law. At the last session of Congress, it was understood, in various ways, that the Secretary of the Treasury regarded the condition of the Treasury as such, that he was disposed, wherever he could dispense with an expenditure, by postponing it, to do so, and that he desired to hold these appropriations in abeyance, regarding himself bound, however, to commence the work within the time which is fixed by the statute, so that by no act of his should the appropriation fail. That I understood to be the determination then.

Now, the provision which the Senator from Michigan interposes is one which I desire to discuss the meaning of. According to my understanding, it would save the appropriation for a locality in which I am interested; because there a part of the appropriation has been expended for the purchase of a site; but I do not, for that reason, think that I should assent to such an amendment, if it would leave this whole matter open to the discretion of the Secretary, which I think is the very worst form in which our Government can be administered. When laws are passed, they should be equally binding on the President and his Cabinet as on the humblest citizen of the country, and they should be executed. I understand it to be the judgment of the Secretary of the Treasury that he has no discretion to select one building, to commence its construction, and omit another, so that by lapse of time the law is absolutely repealed. It would, in fact, be giving to the Secretary of the Treasury the veto power. If, by omitting to execute the law at the termination of two or three years, the money lapses, it is a total defeat of the act of Congress. I do not understand that any such right is claimed by the Secretary.

Now, sir, there is a reason for this proviso, which results from the very condition of our finances. It has been introduced by the House of Representatives, I presume, on consideration, and probably for that reason. In the present condition of the Treasury, it simply enlarges the discretion as to the time of commencement by the Secretary of the Treasury from the two years limited by the first act to four years; and I think myself it is a very reasonable provision. I think I shall vote for the amendment suggested by the Senator from Michigan, but shall vote against striking out the proviso, even if it be so amended. I think it unjust to strike it out. I shall vote to let all these appropriations stand upon a fair and equal footing. I have no disposition to press them at inconvenient periods; but I think the law ought to be fulfilled, and I think this proviso is a reasonable one, extending the discretion of the Secretary to a period within which our financial condition may enable us to proceed with these works. I believe that within that time the Treasury will have the means to go on with these buildings without any inconvenience to the public service; and I shall vote against striking out the proviso.

Mr. PUGH. I will say to the Senator from Michigan that the expenditure of these appropriations has been commenced in every case but one, and that is the case of the post office building in Cairo, and that is the most meritorious of the whole of them.

Mr. KING. Have the buildings been commenced, or the sites purchased?

Mr. PUGH. The buildings have not been commenced; but the expenditure of the money has been commenced by the purchase of sites, or otherwise. I have before me the finance report, showing that, with the exception of the building at Cairo, Illinois, part of the money has been spent in every case, so that the amendment of the Senator from Michigan amounts to nothing.

Mr. BIGLER. I must vote to strike out this proviso, because of the state of the appropriation at Philadelphia. There the lots have been purchased, and arrangements made to progress with the building; but, as I understand the case, before it will be practicable to expend the money to construct the buildings, the remainder of the appropriation will go into the surplus fund. There is not now sufficient time, from the date of the original appropriation to the period when it must go to the surplus fund, to complete the building; and in the midst of the progress of the work, as I understand the law, the balance of the appropriation will go into the surplus fund, and there will be no remedy except by a new appropriation. If the amendment of the Senator from Michigan will meet that case, I shall vote for it.

Mr. KING. If, as the Senator from Ohio states, there is but a single case, that of Cairo, concerning which I know but little, I hope the Senator from Michigan will withdraw his amendment. It is unnecessary to make a single exception.

Mr. STUART. If the Senator from Ohio has examined the reports, as he says, and finds that my amendment would only affect a single case, or a case or two, I will not press it.

Mr. PUGH. So far as it appears from the report of the Secretary of the Treasury, there is only one case which it would cover.

Mr. STUART. I withdraw the amendment.

Mr. TRUMBULL. I wish to make a short statement of the condition of these appropriations. I shall vote against striking out this proviso, not because I think the buildings should be constructed at this time, nor that I would vote to construct them now, but because I am unwilling to give my sanction to any such assumption of power as has been made on the part of the Secretary of the Treasury. He claims, by our silence, that we have indorsed his assumption of power. I have before me his last annual report, made December 6, 1858, in which he says:

"No new buildings have been begun since the adjournment of Congress. In my last report [that was in December, 1857] I called the attention of Congress to the fact that, owing to the condition of the Treasury, the Department had postponed the building of a portion of the public works authorized by previous acts of Congress. To have commenced them, at that time, or at any period since, would have required the borrowing of the means to construct them. The silence of Congress on the subject indicated their approval of the policy."

He says the silence of Congress, at its last session, indicated its approval of the policy of the head of the Treasury Department in refusing to carry out the act of Congress in regard to the erection of a portion of these public buildings. I want to know where the Secretary of the Treasury got a dispensing power; where he got a power to discriminate what buildings he would construct, and what ones he would not? By what authority is it that he commences one building, and refuses to commence another authorized by law; and then claims that Congress has sanctioned this discrimination on his part because of its silence? And he places this upon the ground of the want of funds. Now, sir, I say that, by his own report, that is not true; it is an afterthought. The official records show the state of facts to be this: the acts providing for the construction of these public buildings were passed, not at the last session of Congress, but two years ago, when the Treasury was full of money. This proviso is not intended to apply to any law passed at the last session for the construction of public buildings, but the law passed two years ago. How were we off for funds then? On the 30th day of June, 1857—months after the law had been passed requiring the construction of these buildings—there were $17,000,000 of money in our public Treasury—so much money that the Secretary of the Treasury did not know what to do with it; and as late as the fall of the year, I think, down to October, 1857, the Secretary of the Treasury, in order to get rid of the surplus funds which he had, went into the market and paid as high as fifteen per cent. premium to buy up the bonds of the Government not yet due. With what face, then, can he come before Congress and say he suspended carrying out that act of Congress for the want of funds, when he had $17,000,000 of money months after Congress had directed him to use it for the construction of these buildings; and when long after that he was in the market buying in the indebtedness of the Government, before it was due, at the most extravagant premium?

Let us place this conduct upon its true ground, which is simply that the Secretary of the Treasury has taken it upon himself to construct just such buildings as he thought proper to construct, without carrying out all the laws of Congress; and now a motion is made here to go on and complete such buildings as have been commenced. Is a building which has been commenced through the favoritism of the Secretary of the Treasury, to be constructed, and those he has neglected to commence to be abandoned? The question is not now about the propriety of constructing these buildings; that is not for the Secretary of the Treasury to determine. When Congress passes a law directing a work to be done, he has no discretion about it; he must carry out the law. I readily admit that, if he is directed to construct a building and has no money with which to do it, of course he cannot do it; but is that the fact here? It may be the fact now that the money in the Treasury is not sufficient to justify it, although there may be millions of money in the Treasury at this time; and I believe the Government has not, at any time since these acts were passed, failed to meet its obligations; but it is not true that there was not a large amount of money in the Treasury for a year after the acts passed requiring the Secretary of the Treasury to construct the buildings. I say now, it is a false excuse to set up that the reason was because there was no money; for the appropriation was made at a time when there was plenty of money.

Mr. TOOMBS. I have but a word to say on this matter. The debate last year explained the whole transaction. These gentlemen do not seem to care anything about the facts of the case. They restate identically the objections which have been answered fully and completely in the debate, and they suppose that the country has forgotten the facts in twelve months. These appropriations were for the fiscal year 1857–58. They could not be expended by law without buying sites and getting the jurisdiction released by the States, and in many cases getting the title examined into; ninety days after the fiscal year commenced in which the money was to be expended, and when the requirements of the law had been fulfilled as to but very few of these appropriations, the convulsion came on, the money in the Treasury ran short. A part of the appropriations, out of which these custom-houses were to be built, was the revenue of that fiscal year. It is true, there was an unexpended balance of $17,000,000 in the Treasury at the commencement of that fiscal year. That, together with our receipts for the year, was the fund out of which all the appropriations were to be paid. During that year, those revenues fell $25,000,000 short. Then the Secretary of the Treasury did not have money enough for all the

expenditures. With expenditures of $80,000,000, and receipts of $50,000,000, what became his duty and the duty of the executive Government? It was to select those objects which were of the first public importance, and leave the others until money came into the Treasury. He could not make money. There was not money enough for all: he must omit some. Then, I say, the discretion became a duty, a high duty, to select those objects of public expenditure most necessary to carry on the Government, and leave the others. This case was argued, I recollect, last year, between the Senator from New York [Mr. KING] and myself, and I got the statement from the Treasury and read it from my desk; and it stands in the debates of that year, showing how even his own post office happened not to be commenced at that time. That is all there is in it. As for this talk about a dispensing power, and the Secretary of the Treasury selecting favorite locations, all that has been answered, and answered officially, and the answer never has been assailed, and cannot be. These are wholly unsupported charges, which gentlemen choose to make in their place as Senators.

Mr. TRUMBULL. The Senator may state that they are unsupported charges, but let him put his finger on a charge that I have made that is not supported, if he can. Is it not true that these buildings were directed to be constructed, and the appropriations for the purpose made, two years ago? Is that unsupported? Look to your acts of Congress. Is it not true that there were $17,000,000 in the Treasury on the 30th June, 1857? Is that unsupported? Look to the reports from the Department itself. What charge is unsupported? You may make these general assertions that charges are unsupported, but the records are here.

But the Senator from Georgia says that the Secretary of the Treasury had not money enough. I concede that, if he had not money to do the act, he could not do it. The Senator says, if there was not money enough for all objects, he could discriminate. I deny that. He has no dispensing power. It is his duty to go on while the money lasts, and come to Congress and represent the necessity for more if it is insufficient; but what does he say in his report? He says:

"Owing to the condition of the Treasury, the Department has postponed the building of a portion of the public works authorized by previous acts of Congress."

Not of all, but of "a portion." Now, I say he has no right to make any such discrimination. He should have gone on with the works, and all the works, that Congress directed to be constructed. He should have discharged his duty, and have looked to Congress, which provides the means, to have furnished him means to carry out its laws. I look on it as the assumption of very dangerous and unwarranted authority on the part of the Secretary of the Treasury to commence a portion of the public buildings which he is directed to construct, and leave the rest, on the assumption that there would not be funds to do it. He says it would have required the borrowing of means to construct the buildings. What if it did? Was that any business of his? Congress may borrow the money, if it is proper; but, because it requires the borrowing of money, is he to exercise a supervisory power over Congress, and say what laws he will execute, and what not? I apprehend not; and the exercise of no such power ought to be tolerated for a moment by Congress.

Mr. PUGH. I believe that I do not stand in the attitude of any particular friend of the Secretary of the Treasury; but it seems to me that the assertion of the Senator from Georgia is literally true, that the charge made by the Senator from Illinois is wholly unfounded. These appropriations were made, some of them, in 1856, and they were subject to a proviso:

"*Provided*, That no money hereby appropriated shall be used or applied for the purposes mentioned until a valid title to the land for the site of such buildings, in each case, shall be vested in the United States, and until the State shall also duly release and relinquish to the United States the right to tax, or in any way assess, said site, or the property of the United States that may be thereon during the time that the said United States shall be or remain the owner thereof."

It was the will of Congress that not a cent should be used at the time the appropriation was actually made, but should be used at some future time; and these conditions carry the whole case clear past the time of which the Senator from Illinois speaks; and the Secretary of the Treasury, in submitting this question to Congress, for he accompanies his own report with the report of the engineer in charge, uses this expression about the buildings not commenced:

"For many of these works the appropriation is insufficient; others are without appropriation for sites, and all were without the customary ten per centum for contingent expenses, as detailed in my last annual report. Before these works can be properly commenced, appropriations for furnishing sites and contingent expenses will be required, as well as additional appropriations where the amounts are insufficient to complete suitable buildings."

That was the information given, and I say it was the duty of the Secretary of the Treasury to pause when he ascertained how these appropriations were made, that it was a pure oversight in Congress at the time they were made. They were thrust in as these amendments are upon an appropriation bill at the end of the session, in the Senate, and agreed to by a conference committee. They never passed the ordeal fairly of either House, certainly not of the House of Representatives.

But, sir, that act contains another proviso, that, so far as the custom-houses are concerned, not one of them shall be commenced at any port where the revenue does not exceed the cost of collection. I have here, in the Secretary of the Treasury's report, a table for the year ending June 30, 1857, which was the very largest year of our importations and the largest year of our income from customs—much larger than the year when these appropriations were made. I find here that at Ogdensburg, New York, the net income for that year was $2,076 14 from customs, the net income from the post office $2,639 23, making the total $4,715 37, and for that $110,000 was appropriated. If that is anything but sheer, wanton extravagance, I do not know the force of terms in the English language. It is a shameful appropriation, and there is no excuse for Senators to sustain it on any pretense. The money is not spent; it ought never to have been appropriated; the appropriation ought to be repealed. Stop this extravagance, and stop it now.

Next comes Perth Amboy, in New Jersey. There the excess of the cost of the collection of the revenue over the receipts of the year, was $2,940 06, and the net income from the post office $384 11, and the total cost of collection over the revenue from both was $2,556 15. Twenty-four thousand dollars was appropriated for a building there. That is another case of inexcusable extravagance, and it is our duty to repeal the appropriations at once.

Then there is Knoxville, Tennessee. I believe that was the subject of quite a discourse this morning. The total revenue collected there was $18,091 14, and how was it made up? Eighteen thousand and eighty-five dollars and thirteen cents was the amount of revenue collected on railroad iron in bond. That is, one railroad company paid the whole of it, and when the railroad was made, all the revenue was gone. The income from the post office there over its expenses was $1,942 31, and the whole number of days that the United States courts sat there in the year was forty, and for that place you appropriated $96,800 for a building.

I might go through the list which is on page 125 of this year's Report on the Finances, showing that you have authorized a total of appropriations to the amount of $1,101,458 23, where the whole net income of the Government from postages and customs and everything else is only $19,505. The Secretary tells you, in addition, and the engineer in charge of the works tells you, that even the amount you have appropriated is totally insufficient, that he cannot erect the buildings on any plan for that money; and what is the object of pressing it now? It is to force him to commence, not with any idea that these amounts will do it, but you commit this Government to a bottomless abyss of extravagance. For places where you have $19,000 of income, you propose to expend $1,101,000 for buildings to start with, and nobody knows where it will end.

Now, I say it is totally in vain for Senators to attempt to cover it up by any collateral pretense. It is an attempt to compel the expenditure of this money. I recollect the amendment authorizing these buildings. I believe I stated last session that I voted for it, under a misapprehension, and that I had been ashamed of my vote ever since; and I should have moved a reconsideration, but that I was told it would be thrown out on a conference; but, like a great deal of this conference legislation, it was much worse than I supposed. I think the Secretary of the Treasury has done his duty, and I wish we had all other public officers to do their duty as fearlessly. When they find that Congress has appropriated money under a mistake, under the supposition that the sum which they name is sufficient to accomplish the work, and it turns out not to be sufficient, I think it is a wise thing and a just thing, for which a public officer ought to be eulogized, that he pauses and refers it back to us for consideration. He did it at the last session, and it was debated here at great length. Senators attempted then to compel the Secretary to go on. I believe the Senator from Tennessee says they acquiesced under it. They acquiesced because they were defeated in this body by a decisive vote, and I hope they will be defeated again. This is the Post Office appropriation bill, and the House amendment is simply to continue the appropriations for post office buildings another two years. They will lapse with the 30th of June, and I am glad of it. If this were the miscellaneous appropriation bill, that would cover the whole of them, I would bring in an amendment to repeal every one of these appropriations; and wherever a site has been purchased, I would sell it.

There is no excuse for this extravagance. I recollect to have seen, during the last summer, a report of a speech delivered by the Senator from Illinois, [Mr. TRUMBULL,] in which he held up this Government and the Administration to great responsibility for maintaining certain ports of collection where the amount collected was not equal to the expense of collection; and yet he is here to-day endeavoring to force us to expend more money in just such places. I have no doubt that there are a great many custom-houses where the revenue collected is not equal to the expense of collection; and I have no doubt that there are a great many where there ought to be retrenchment. There are others which are established, I think, rather for the purpose of preventing smuggling: those we shall have to keep up at any expense; but here there is no excuse for these appropriations. We ought never to have made them. I suppose that, take it as an original question on this report, they could not command the vote of any Senator in this Chamber, unless he was a Senator of the State where some of the money was to be expended. Now we know the facts; and instead of meeting our responsibilities, and saving this money to the public for the public service, we attempt to go about by pretending that it is some assumption of extraordinary power on the part of the Secretary of the Treasury. It is none; and, for my part, it is so seldom that I find any of the executive officers standing boldly up against extravagance, that I thank the Secretary of the Treasury for what he has done; and, as long as he keeps on in that course, he can depend on my vote at least.

Mr. KING. I do not know that I am surprised at the remark of the Senator from Ohio, that he is obliged to the Secretary of the Treasury for undertaking to set aside the laws of the country, and arrest their execution. In my view, it is the duty and the business of that Secretary, as it is of every officer of this Government, to execute the laws; and he has no right to interpose his arbitrary discretion, on the ground that Congress has legislated wisely or unwisely, to execute or not execute the laws according to his will; and I do not understand, that in this matter the Secretary of the Treasury is disposed to assume the power which the Senator from Ohio would seem willing to give him, and which he eulogizes him for exercising. This Government would become a tyranny, a mere despotism, if the Executive Departments had the power to administer the Government without regard to the laws passed by Congress, and to execute or refuse to excute those laws at their will, and according to their discretion, of their propriety or impropriety. That is the doctrine in Turkey, where the Sultan makes the law according to his discretion.

That, however, is a point which does not really touch the merits of this question. I am obliged to the Senator from Ohio for calling the attention of

the Senate to the case of the custom-house at Ogdensburg. I have had, and still have, considerable inclination to free trade. I gave my labor and my efforts in the other House to procure a drawback bill to promote intercourse between the Canadas and this country, and I endeavored to obtain the passage of legislation by which we should have reciprocal free trade with the Canadas. I favored and approved the adoption of the reciprocity treaty, though it was not what it ought to have been. It was partial and unequal, giving to the Canadians the right to sell their surplus products in our markets, while the schedule of articles which were passed free between the two countries excluded nearly all the articles which they desired to buy and we desired to sell, and it was thus, pretty much, opening our ports to their produce for sale. I acquiesced in that, unequal as I knew it to be, because I hoped it would lead to an enlargement of the schedule, and an increase of the number of articles which should come in free. Now, if the Senator from Ohio had looked at the returns from the port of Ogdensburg a year or two before the year which he cites, which was after the operation of this treaty had commenced, he would have found that the duties received there were fifty or sixty thousand dollars, and the trade has probably increased three-fold since the treaty went into operation.

Mr. PUGH. The statistics which I gave were for the year 1857.

Mr. KING. The treaty was made in 1854, and of course that was after the treaty. The treaty abolished the duties. The importations at that port have probably been increased three-fold since the treaty was made, but they now come free, they pay no duty. Still they must be entered; the custom-house business must be done the same as if they paid duty. I have, at the present session of Congress, introduced a resolution, on account of the regulations which have been adopted in Canada, directing an inquiry into the operations of this treaty. I have not examined this matter particularly, but I know that at Ogdensburg a very large amount of duties was collected, and it has fallen off in consequence of the treaty, and the regulations which have been made in Canada have contributed to diminish the revenue.

It is over two years ago since the appropriations were made for these buildings, and now gentlemen say that they should be taken away from that part of the country, because the custom-houses do not yield sufficient revenue, when by your own action you have diminished that revenue. It is most unjust and unequal that what this Government has done to diminish the revenue there shall be assigned against it, and that appropriations made under previous contemplations of its condition and its collections, shall be taken from it; while it shall be left to do the business which it was required to do when it paid large sums to the Government. The people on our frontier feel aggrieved by the fact that, since the reciprocity treaty went into operation, the British Government for the Canadas have levied a much larger amount of duties than stood upon all articles not enumerated in the schedule of the treaty at the time it was negotiated; so that the little wooden and iron manufactures, and a vast deal of trade which went on there with a moderate and reasonable duty, has been pretty much cut off. The Canadians come into our ports and sell their produce free of duty, though our people have the same articles in abundance. The operation of the treaty is such, that the articles which come in free are principally those of which we, ourselves, have a surplus. The Canadians come across the river into our markets, in competition with our own people. While we should be willing to take their competition if they would take ours, and thus have a reciprocal trade, we are dissatisfied with the condition of things which has resulted from the treaty; and surely it would be unkind in Congress to visit upon us penalties, in addition to what you have already imposed upon us by the provisions of the treaty. If you will examine the previous returns, I think you will find that, in some years, the Ogdensburg custom-house received duties to the amount of fifty or sixty thousand dollars.

Mr. PUGH. Do I understand the Senator to say that the duties there were ever $50,000?

Mr. KING. I have understood that in one year they reached as high as $80,000.

Mr. PUGH. I have the reports for 1852, 1853, and 1854, and in no instance did the gross amount exceed $30,000.

Mr. KING. I have not examined it myself, though the books are before me.

Mr. HUNTER. I will ask the Senator from New York if the year when the importation was so large, it was not owing to the importation of railroad iron?

Mr. KING. I do not know; I refer gentlemen to the books; and I say that the regular ordinary trade there to-day is three times more than it was when the reciprocity treaty went into operation. I feel it my duty to state these facts, to represent the condition of things; and whatever shall be the judgment of Congress on this subject, we shall submit. If they shall visit us with any penalties, I rather think we shall be able to stand it; but it appears to me that this course of conduct is most unjust and unkind.

The Senator from Georgia says this subject was discussed last year. According to my understanding of the case, every statement which the Senator from Illinois has made in relation to the power of the Secretary of the Treasury, is sustained by the statutes and by the documents. The Senator from Georgia himself showed, last year, that the Secretary had proceeded to ascertain the amount of duties at each port which came within the provisions of the act of Congress requiring him to proceed to construct the buildings; and having ascertained that, the site was purchased, and he said, "Now, if you want the buildings erected, vote the money." I told him, that I did not know but that we might go about our neighborhood, and raise the money by subscription. I was desirous then, I am desirous now, of giving the Government funds by taxation—by levying on the imports of the country duties which shall enable it to pay its expenses; but the majority said, no; they would not do that; they wanted to borrow money. Well, they borrowed $40,000,000; and what have they done with it? I asked them how much they wanted. I remember that, in the discussion last year, they said, "Give the Secretary of the Treasury the money, and he will execute these laws." As the Senator from Illinois has said, when these laws were passed, the Secretary had an overflowing Treasury. But the Senator from Georgia, last winter, desired to interpose, and make an issue different from the merits of the case. The course of his remarks was calculated, if not designed, to make an issue between the Secretary of the Treasury and myself, as though I were attacking the Secretary of the Treasury. I said then, that when I wished to do anything of that sort, I would attack him directly. I spoke of his duties under the law; and I spoke of the obligations of all the officers of the Government to carry out the laws; without intending to speak personally of them. The present Secretary of the Treasury, it was then said, did not design to exercise any discretion of this sort; that he had proceeded with this matter as fast as he could do; that he was going on; that he had a year yet; and that it was not proper to come in, and make complaint that the Secretary was not executing the law, when he was proceeding to execute it as rapidly as he could; and upon that ground, this attempt, so far as I was concerned, was abandoned. My opinion now is, that, without any action of Congress, the Secretary of the Treasury will deem himself bound to execute these laws. I certainly will not, in anticipation, charge a delinquency of so gross a character as a deliberate purpose to defy the laws, and assume a dispensing power. I will not say, that an officer of the Government deliberately undertakes to expend money in one place and not in another, where appropriations are made by Congress. I do not believe the Secretary entertains any such opinion. It is my judgment, that he will go on and execute these laws within the time, and that the money is in the Treasury for it.

I understand that this provision of the bill does not extend to custom-house buildings. In Ogdensburg the building is to accommodate the United States courts, the custom-house, and the post office; but this provision of the bill, as I understand, relates only to the post office buildings. I have not regarded it necessary, and I have not intended to propose any action of Congress on this subject. I have believed that one law of Congress is just as obligatory as half a dozen to the same purpose and effect; but the result of this provision, if it be passed, and for that reason I desire to vote for it, is simply an extension of that discretion which the Secretary of the Treasury may exercise of executing the law within the time in which, by the legislation of Congress, it is provided he may execute it. I think this is a wise provision which has been introduced by the House of Representatives. I do not want legislation by conference committees, and I think it better to retain this provision in the bill, and in good faith to go on and carry out this legislation; and I am not disposed to inquire into the merits of the various appropriations which were made for these buildings in many of the States two or three years ago. It is enough for me that they were made, and that the law required the buildings to be constructed, and that money was in the Treasury more than enough to construct them at the time when the law was passed. I have not been disposed to make any great outcry or imputations upon anybody; but difficulties have fallen on the country, the Treasury has been embarrassed, in common with the business of the whole country; and for that reason, as has been assigned, there has been a disposition to let it lie; but when, under cover of such declarations made a year ago, an effort is now made to undertake to push this matter off entirely, it justifies at least a suspicion or apprehension that the design deliberately to set the law of Congress at defiance may have been entertained at an earlier day. But I trust no such thing will be carried out. I hope this provision of the bill will be retained. Having done my duty, I am willing to leave the subject to the discretion and justice of this House and the other.

Mr. TRUMBULL. Mr. President, this is not the first time that I have observed persons, when pressed with a question, raise a smoke about something else in which to escape. The Senator from Ohio has gone into the propriety of the construction of these buildings. That is not the question before Congress; the question here is about appropriating money to carry out a law of Congress; the question we are discussing is as to the authority of the Secretary of the Treasury to execute such laws of Congress as he thinks proper, and to omit to execute such as he thinks improper; and we have had the extraordinary spectacle of a Senator rising here and thanking the Secretary of the Treasury for setting at defiance a law of Congress, because the Senator says it was an injudicious law! If the Secretary can set aside an injudicious law, he can set aside a judicious law. It is against his right to judge at all, in any case, that I protest; and I am astounded that a Senator can be found to thank the Secretary of the Treasury for exercising an unwarranted authority of this kind, because he thinks a law was an injudicious one. Sir, I will not inquire whether the law was judicious or injudicious. It is enough for me that thus it is written in the statute-book of the country; and I will recognize no authority in any officer, whose duty it is to execute the laws of the country, to set aside their execution because, in his opinion, a law is injudicious. I may agree with the Senator from Ohio as to the impropriety of the law; and he has referred me to a speech I made, in which I complained of the extravagance of the Government in the collection of its revenue. Sir, I stand by it; it has been extravagant; and he cannot go further than I will to bring the expenditures of this Government down to what they ought to be; but I am not disposed to allow him to escape from the real question here by raising any such issue as that. Now, I want, in a very few words, to put both him and the Senator from Georgia right; and we shall see how plain a tale will dispose of the argument of both of them.

I happen now to have the statutes before me, and I am sorry not to see the Senator from Georgia here. He stated that the Secretary of the Treasury had but ninety days during the year the appropriation was made, within which to purchase, and to proceed to the construction of these buildings, and that there was not time to do it. The Senator from Ohio read, I believe from the Secretary's report, a passage in which he stated that, in some instances, the money was not appropriated for the purchase of sites, and that the usual ten per cent. was not appropriated for contingencies. A referenee to the law will very easily

dispose of that. Here is the act of Congress, passed on the 18th of August, 1856. After going on to appropriate for the construction of a building at Ogdensburg, Dubuque, Galena, Springfield, Illinois, Rutland, Vermont, and various other places; it contains this section:

"*And be it further enacted*, That the several sums mentioned in the preceding section of this act, as the cost of the buildings therein authorized to be constructed, together with ten per cent. thereon to cover the compensation of architects, superintendence, advertising, and other contingent expenses, and so much as may be required to purchase suitable sites for said buildings, be, and the same are hereby, appropriated for the purposes aforesaid, out of any money in the Treasury not otherwise appropriated."

Here is ten per cent. appropriated for all these contingencies, and what becomes of that excuse? The law is positive. Let me read it:

"SEC. 18. *And be it further enacted*, That the Secretary be, and he is hereby, authorized and directed to cause to be constructed the following buildings."

Here is the mandate of the law which the Senator from Ohio thanks the Secretary of the Treasury for disobeying; and from this high place the people of this country are taught to disregard the laws of Congress, and Senators are ready to thank a man for disregarding them. Sir, when such doctrines shall be taught and obtain in the country, what are we coming to? Does it depend upon the mere caprice, will, or judgment, or discretion of an officer, whether he will execute a law, or submit to a law?

When was this money appropriated? The Senator from Georgia says there were but ninety days from the beginning of the fiscal year for which the money was appropriated, before the money in the Treasury was exhausted. These appropriations were not made for the fiscal year 1857–58, but for the fiscal year 1856–57. The appropriations were made in August, 1856, for the year ending on the 30th of June, 1857. The appropriations for that year were not made until late in the summer of 1856. Congress was in session that year to a late period, and made appropriations for the fiscal year 1856-57, after the year commenced; and the act from which I have read is "An act making appropriations for certain civil expenses of the Government for the year ending the 30th of June, 1857." It was passed in August, 1856. Was there not money in the Treasury during the whole of that fiscal year? Why, sir, there were $17,000,000 of money in the Treasury on the 30th of June, 1857, when the fiscal year expired, during which the Secretary was directed to construct these buildings. Now, do you tell me that he had no money? Not only had he $17,000,000 at the end of the year—a much larger surplus than at any former period—but for more than a year after this appropriation was made, the Treasury was overflowing with money. The Secretary of the Treasury was directed to erect these buildings out of the appropriations for the year ending the 30th of June, 1857; and is the fact that he had no money in 1858 or 1859 any excuse? What, now, becomes of your pretense that there was not time; that there was nothing for contingent expenses, or to buy sites with?

Let us come back to the real question, and it is simply this: The Secretary of the Treasury, Mr. Guthrie, who was then in office, and his successor, have not thought proper to carry out the act of Congress; and that is the question I am discussing, and not the propriety of erecting these buildings. I will not go into that. I think it quite likely that I should vote with the Senator from Ohio to repeal the law requiring their construction. If I thought with him that they ought not to be constructed, I certainly would vote with him; but that is not the question now in issue. The law is upon the statute-book requiring the work to be done. The Secretary comes in here with a report, telling you that he has not thought proper to do it. It is no excuse to me. I would hold him to the execution of the law. If the law is an improper one, let us repeal it.

Mr. PUGH. Now, that we may see what is the question, I ask the Secretary to read the proviso of the House of Representatives which it is proposed to strike out.

The Secretary read, as follows:

"*Provided*, That the sums heretofore appropriated for the erection of the post office buildings, which shall remain in the Treasury unexpended at the close of the present fiscal year, are hereby reappropriated to the objects to which they are now applicable by law."

Mr. PUGH. That is a complete answer to the assertion of the Senator from Illinois. The proposition before the Senate is to appropriate the money for these very buildings; and yet the Senator rises to pretend that the propriety of employing public money for these purposes is not before the Senate. It is the question. It is the question from which the Senator endeavored to escape. The proviso is to reappropriate this money for these purposes. That is the question; and when the Committee on Finance recommend us not to appropriate the money, not to persevere in it, the Senator from Illinois, instead of addressing himself to that question, raises a false charge against the Secretary of the Treasury. The appropriations, so far as they are contained in the law which he read, were made in August, 1856. That does not embrace all of them. That law contained an express proviso that the money should not be used until a site had been procured, the title examined, and acts of the Legislatures of the several States passed releasing the right of taxation; and I say that not a single one of these appropriations was brought to that condition that the Secretary of the Treasury could by law use one cent of the money during the time that Mr. Guthrie was in office. When did the Legislatures of the States meet?

Mr. TRUMBULL. The Legislature of Illinois met before Mr. Guthrie went out of office.

Mr. PUGH. Did the Legislature of Illinois cede the right of taxation?

Mr. TRUMBULL. They did pass a law in accordance with the requirements of the act, and the Secretary of the Treasury purchased a site, and paid for it.

Mr. PUGH. They may have done it, possibly, in regard to the building at Springfield; but we know that there was a controversy by which it appeared that a year had elapsed before they did cede the right of taxation over a portion of the public buildings at Chicago.

Mr. TRUMBULL. I do not know when the purchase was made; but the Legislature met before Mr. Guthrie went out of office, and passed a law ceding the jurisdiction, and the right of taxation at Springfield, and I understand the purchase has been made, and the property paid for.

Mr. DOUGLAS. If my friend from Ohio will permit me, I can explain that matter. An appropriation was made by Congress for the building at Springfield, and at the same time, I think, a very large additional amount for the building at Chicago, which required enlargement. The enlargement at Chicago required an additional lot to be purchased, so that the building would extend over it. The jurisdiction was not ceded over that additional lot in Chicago, and has never been ceded, unless it has been done within the last few weeks, by the Legislature that has just adjourned. The work went on at Chicago without a cession of jurisdiction at all; but at Springfield there was a cession of jurisdiction by the Legislature. The fact is, then, that the work was not carried on where the jurisdiction was ceded; but was prosecuted where there was no jurisdiction ceded.

Mr. PUGH. That has all been before the Senate heretofore. The mistake was in supposing that the act of the Legislature, in reference to Chicago, included the whole property. I was not speaking of any case in Illinois, in particular, but of all these cases. I do not know at what time the different Legislatures met, but you observe the requirements of the law—the cession is to be made by the Legislature, the property is to be purchased on proper examination, and the title is to be certified by the Attorney General. The Senator from Illinois [Mr. TRUMBULL] complains that in all this list of public buildings, the money was not expended before the 4th day of March, 1857, when Mr. Guthrie went out of office. I say it was impossible. Then Mr. Cobb came in. Now suppose—which I do not for a moment believe, and I think it was shown to the contrary at the last session—that the buildings had been in a condition for Mr. Cobb, the moment he came into office, to go on with the work. In ninety days, as the Senator from Georgia truly said, the Treasury was almost bankrupt, or at least it was brought to such a condition as required every prudent officer to husband his resources. This was a thing not foreseen by Congress; and then he submitted to us, at the last session, this very question, and the attempt was then made to compel him to go on with these buildings, and Congress refused it. Congress did indorse the conduct of the Secretary of the Treasury, and the only reason why the law was not repealed was, that we knew the appropriations would soon lapse and that would be the end of them. It is because they are soon to lapse; it is because we are to be relieved of this extravagance, that the proviso is now put in this bill to reappropriate the money; and instead of facing that question, instead of bringing your professions of retrenchment to the true test, to know whether you will justify this expenditure of the public money, an attempt is made to raise a cloud of dust, and talk about the Secretary not executing the law, when he had no money to execute it with, and you gave him none. I say he had none at the time to execute it, under the statute, and he told you last session he had none; that he was compelled to borrow money for the ordinary business of the Government. I say it is a charge unsupported in any particular, notwithstanding the assertion of the Senator from Illinois and the Senator from New York; and it is so utterly without foundation that I can imagine no reason for it except to avoid the real question which the Senator from Illinois shows himself very dexterous at. The real question is, shall we appropriate this money again for this extravagant purpose? That is the question upon which I intend that these gentlemen who profess retrenchment shall give us their votes upon the record.

The Secretary has never set aside the law; he has never repealed the law; he has executed the law as far as he could execute it up to the time when his money failed him. He told Congress that the money had failed him, and the attempt was then made to compel him, like the Hebrews of old, to make bricks without straw. It failed. Now, at this session of Congress, when these appropriations are to fail, as they ought to fail; when the Government is to be saved from this outlay; instead of meeting the question, whether we shall appropriate this money out of the Treasury to carry on these buildings, we have a tirade about the assumption of power by the Secretary of the Treasury.

Mr. SIMMONS. I think the Senator from Ohio must have forgotten what took place at the last session. I remember the discussion last year about the Ogdensburg custom-house, and I paid some attention to the remarks of the Senator from Georgia and the Senator from New York on that occasion; and if he will look to the papers as they were read last year, he will find that in that case the site was purchased in August, 1857. The Secretary of the Treasury was advertising in the following October, two months afterwards, that he would give sixteen per cent. premium for the bonds of the United States. Two months after he purchased a site for this building at Ogdensburg, he was advertising in the newspapers that he would purchase the stocks of the United States at sixteen per cent. premium. The Senator from Georgia said last year, "if you want these buildings erected, furnish the money." I alluded then to the fact which I have stated, and said it was a mistake to suppose that the Treasury was out of money for these buildings at that time.

Mr. PUGH. He might have bought the site, and not have the title certified or the jurisdiction ceded.

Mr. SIMMONS. The Secretary would not go on and pay money for a property, unless he had the title, I presume. At the beginning of the last session we gave the Secretary $20,000,000 of Treasury notes. I do not suppose it was intended, when these appropriations were made, that all the moneys should be expended in one year. I suppose it was meant that, like all other buildings, they should go on gradually. I inquired last year of the former Secretary of War, the Senator from Mississippi, whether an executive officer was not bound to carry out and execute these laws, and he said he was. I do not wish to hold people to a very rigid accountability when their money unexpectedly fails them; I do not think that is wise; but I think it is useless to undertake to say, that a Secretary of the Treasury, or any other executive officer, has the right to set aside the laws, and, by management, let the appropriations die. I do not know whether the provision we are now considering would actually oblige the Secretary to expend this money this year; I do not suppose it would. I understand the proposition to be, that he may expend it according to his judgment dur-

ing the next fiscal year, of the succeeding year. I consider that it is a commencement of carrying out the provisions of the law when the Secretary buys a site for a building. I suppose that was the first step contemplated when the law was passed. I have no purpose to complain about it, but I think it is not right for one branch of the Legislature to be complimenting the executive officers for refusing to execute duties which they are directed by law to perform. I should like to inquire at some time—I do not know whether this is the proper time—what amount this present bill appropriates?

Mr. BENJAMIN. It is over a million dollars from the Treasury, for these buildings.

Mr. SIMMONS. I mean the whole bill. I should like to inquire of the chairman of the Committee on Finance what amount of money is appropriated by this bill?

Mr. HUNTER. It appropriates $20,400,000, but that includes $3,800,000 as deficiences of this fiscal year to be paid next year. The amount appropriated for the service of the next fiscal year is about $16,600,000, exclusive of the deficiencies created this year to be paid the next.

Mr. SIMMONS. I should like to know what are the exact revenues of the Department towards meeting the $16,000,000?

Mr. HUNTER. Between seven and eight millions.

Mr. SIMMONS. Well, I see in the report of the Postmaster General, that he estimates $6,000,000 to pay the deficiencies of next year's postal business.

Mr. HUNTER. This bill appropriates nearly ten million dollars from the Treasury for the next year.

Mr. SIMMONS. What I am now coming at is to try to test the soundness of the argument of the Senator from Virginia, that if you strike out all these things, you will cut your expenses down to $61,000,000 next year. Here is $6,000,000 estimated by the Secretary of the Treasury, and we add three or four million dollars to it.

Mr. TOOMBS. If the Senator from Rhode Island will give way, I will move that the Senate take a recess for two hours, until half past six o'clock. This is a very important question, and a great many Senators have gone home to their dinners, and I think the rest of us ought to have an opportunity to do so.

Mr. HUNTER. Would not an hour and a half be sufficient? ["No!" "No!"]

Mr. TOOMBS. I move that the Senate take a recess until half past six o'clock.

The motion was agreed to.

EVENING SESSION.

The Senate reassembled at six and a half o'clock, p. m., and resumed, as in Committee of the Whole, the consideration of the Post Office appropriation bill, the pending question being on the amendment of the Committee on Finance to strike out the following proviso in the second section of the bill:

"*Provided*, That the sums heretofore appropriated for the erection of the post office buildings, which shall remain in the Treasury unexpended at the close of the present fiscal year, are hereby reappropriated to the objects to which they are now applicable by law."

Mr. CLINGMAN. I desire to amend the original proviso which it is proposed to strike out.

Mr. HUNTER. I understand there is an amendment to the proviso pending, which was offered by the Senator from Michigan, [Mr. STUART.]

Mr. CLINGMAN, and Mr. KING. He has withdrawn it.

Mr. HUNTER. Then this is in order.

Mr. CLINGMAN. I move to amend the proviso, by adding to it:

And provided, Such plan shall be adopted in each case that no further appropriations shall be required to complete the buildings than those already made.

Mr. KING. Allow me to suggest that many of these buildings are buildings in which the law provides for custom-house and court-room accommodations, as well as for the post office. The appropriations were intended to erect buildings for all these purposes. In some cases the appropriations were made for custom-houses and court-rooms, and in others for custom-houses and post offices. I presume this would limit it to post office buildings merely.

Mr. CLINGMAN. My purpose is to prevent spending any more money than has been appropriated. I have been opposed to most of these appropriations, and I think we are building custom-houses where they ought not to exist; but, nevertheless, I am willing that the money which has been heretofore appropriated shall be spent, but I want it so spent as to answer the purpose, and not to be a mere excuse for further expenditures. For example: there is amongst these appropriations one of $50,000, for a custom-house and court-room at Raleigh. I desire the Secretary to make just such a building as that sum will make, and to spend no more. As a representative of North Carolina, I am content with that; and I do not mean to vote any further appropriations for any of these buildings anywhere. I have no doubt the post offices and court-rooms can be constructed, where they are needed, for the appropriations heretofore made. I desire, therefore, that a limitation may be put in, so that we may see an end of this business.

Mr. KING. I have no objection to such a limitation as will compel the construction of the buildings for the purposes for which they were originally designed with the appropriation that was made to all the objects. I would not confine them to post office purposes merely.

Mr. CLINGMAN. My amendment does not confine it to post offices. Whatever the existing appropriations cover this will apply to.

Mr. KING. Suppose you add, "for all the objects for which the buildings were contemplated."

Mr. CLINGMAN. That necessarily follows.

Mr. KING. If it does, you may as well say so expressly.

The PRESIDING OFFICER, (Mr. REID in the chair.) The question is on the amendment of the Senator from North Carolina to the proviso which is proposed to be stricken out.

The amendment was agreed to; and the question recurred on striking out the proviso as amended.

Mr. TRUMBULL. In order to accomplish the object had in view by the Senator from New York, I think it will be well to amend this proviso. It seems to me to be confined entirely to the erection of post office buildings. I think that the appropriations for the erection of court-houses, custom-houses, and post offices had all better be put on the same footing.

Mr. KING. I think so.

Mr. TRUMBULL. If one goes in, they ought all to go in; and I move to amend the proviso by inserting, after the word "post office," the words "court-house and custom-house," so that it will read "That the sums heretofore appropriated for the erection of the post office, court-house, and custom-house buildings," &c.

Mr. HUNTER. That is carrying it further than the House carried it. The House only reappropriated for post office buildings; but the Senator from Illinois wants to reappropriate for them all.

Mr. TRUMBULL. I think they should all be on the same footing. It is not worth while to continue appropriations simply for the post office buildings, and not those which are also for court-houses, as well as post offices. For instance, here is $50,000 appropriated for the construction of a custom-house and post office. Surely, the Senator from Virginia will not say that, if the building goes up, we shall not have it for a custom-house, as well as a post office. It would be better, I think, to make this proviso in the terms of that act. It is not intended to make any additional appropriation, because the amendment of the Senator from North Carolina confines it to the amount now appropriated.

Mr. HUNTER. But it makes an additional reappropriation, because in some places there are court-house buildings provided, without any provision for custom-houses, or post offices either; and there are some places where there are post offices without custom-houses. The Senator proposes to reappropriate for them all.

Mr. CLINGMAN. I beg leave to suggest to the Senator from Illinois, that this proviso is as broad as the existing provision of the law. The proviso here applies to post offices, and I am not for extending it further. Suppose that, in point of fact, there was an appropriation of $50,000 for a post office and court-house in a particular place. This proviso prevents its failure by going to the surplus fund. My amendment simply declares that on that building you shall not expend more than the $50,000 heretofore appropriated; but what does the $50,000 go for? It goes for the post office and the court-house; it covers them both, if the original proposition was for both. I propose that they may go on and execute it, but not go beyond the amount of the original appropriation.

Mr. TRUMBULL. I am not objecting to the amendment of the Senator from North Carolina, at all. I can illustrate my meaning by taking an example. I see, in the statistics which I have before me, an appropriation for a building at Georgetown, in the District of Columbia, for the accommodation of the custom-house and post office, to cost not more than $50,000. There might be a difficulty as to the appropriation for the custom-house and post office, and it might expire with this year in regard to that part of the building devoted to the custom-house. The Senator from North Carolina does not wish that. He does not wish the building in Georgetown, when constructed, if it is to be constructed, not to be used for a custom-house as well as a post office. But, if the proviso stands as it is, the law only appropriates money to build a post office. Now, would he, as Secretary of the Treasury, consider himself authorized to use any part of that building for a custom-house?

Mr. CLINGMAN. The Senator from Illinois must see that this proviso preserves that very appropriation of $50,000 for the purposes for which it was originally made—for a custom-house and post office. My amendment simply declares that you shall not exceed that sum. If that money is spent, of course it is to be spent for a custom-house and post office, according to the original law.

Mr. TRUMBULL. What possible harm can it do, then, to have the terms "custom-house and post office" used?

Mr. CLINGMAN. I will tell the Senator. There are other cases where there are appropriations for custom-houses by themselves. We have court-houses by themselves; we have court-houses and custom-houses together, and not connected with post offices, which are not covered by this proviso. Let them take their chance in some other bill. I am not prepared to say that they are right and proper. Let us pass this proviso, which the House has put in this bill covering the post office buildings, and it will secure all buildings where a post office is a part of the purpose in view. If there are other propositions, let them come in in some other shape.

Mr. TRUMBULL. I have before me the law providing for these buildings. It is the eighteenth section of the act of August 18, 1856. I have run my eye over the various appropriations for buildings; and every one of them includes a post office, with other purposes.

Mr. CLINGMAN. Then the Senator will see at once that there is no need of his amendment; because all those cases are embraced in the proviso of the House of Representatives.

Mr. TRUMBULL. The Senator from North Carolina surely does not understand the position which I take. It is this: that, under an appropriation to build a court-house, the Secretary of the Treasury will have no authority to build a custom-house. That is clearly so. Here are appropriations made two years ago for building custom-houses and post offices. Those appropriations will lapse within a year. You propose now to continue the appropriations for building—what? Simply the post office; and he will have no authority to make a custom-house also. By the statute which I have before me, I find that was one of the purposes; but I will not take up time to read it.

Mr. HUNTER. Does the Senator from Illinois say that that statute contains them all?

Mr. TRUMBULL. It contains all that I am aware of.

Mr. HUNTER. Why, sir, there is a post office building in New York provided for, nothing but a post office; and there is a custom-house building in New Orleans, nothing but a custom-house; and a court-house building in Philadelphia, nothing but a court-house. There are plenty of instances where a building is designed for a single purpose.

Mr. TRUMBULL. That is true of buildings

already in course of construction; but I presume all the buildings which have not been commenced were embraced in this statute; for if the appropriation was made prior to 1856, it would already have lapsed, and I apprehend the Senator from Virginia does not mean to abandon works already half completed. That is not his design.

Mr. HUNTER. My design is to leave the works to the law as it stands. I am not disposed to give them two years' longer lease of their lives than we give to all other appropriations. I do not see why we should extend to them this peculiar favor.

Mr. TRUMBULL. I make the motion, as I think it can do no possible harm, to amend the proviso by inserting the words which I have indicated after the words "post office," "custom-house, and court house."

Mr. KING. If the persons who advocate the striking out of the proviso were not those entertaining the opinions they do, I do not think it would be material to insist on the amendment of the Senator from Illinois. One would have supposed that the chairman of the Committee on Finance, the Senator from Virginia, would be advocating this amendment, and that we should be opposing it; because, taking the fact that the law already passed appropriates the money for constructing these buildings, and directs the Secretary to construct them, I take it that if there should be no further legislation by Congress, these buildings would be constructed; that it would be the duty of the Secretary to construct them, and make the contract, so as to see that these appropriations did not lapse. That I understand to be his view; and, in the present condition of the Treasury, it would have seemed to me very natural that the Secretary, with his desire to postpone the expenditures, should have come here and asked for a law authorizing him to postpone these works; and that is what this proviso does. It authorizes him to postpone the construction of these buildings to a period beyond the time when the first appropriations would have lapsed; and that is the only effect of it, in my judgment. I have no objection to a proposition of that sort. Wherever there are custom-houses or court-rooms, or other buildings, not provided for by this provision for an extension of time, in my opinion, it is the business and duty of the Secretary to go on and construct them within the term limited by the present statute. I shall vote for the amendment of the Senator from Illinois.

Mr. CLINGMAN. As the proviso now stands, it embraces every case where a post office is part of the plan. The Senator from Illinois proposes that it shall embrace cases where the post office is not a part of the plan, but where the buildings are for custom-houses or court-houses. I am opposed to bringing them into this bill. If they are right in themselves, they can be provided for in another place. Wherever they are a part of the plan of a building for a post office, they are already embraced.

Mr. HUNTER. I only want to say to the Senate that we have a great many amendments. I hope we shall have the vote. I want to say nothing more on the merits of this amendment.

The question being taken on Mr. TRUMBULL's amendment, there were, on a division—ayes 8, noes 18; not a quorum voting.

Mr. HUNTER. I call for the yeas and nays; and while we are taking the vote a quorum will probably come in.

The yeas and nays were ordered.

Mr. TRUMBULL. I do not wish to keep this matter in the way to embarrass the Senate; and, with the permission of the Senate, I will withdraw my amendment. I can renew it afterwards, if it be thought advisable.

The PRESIDING OFFICER, (Mr. REID in the chair.) The amendment will be considered as withdrawn, if there be no objection. The Chair hears no objection. The question is on striking out the proviso, as amended.

Mr. BENJAMIN. Before that question is put, I desire to say a word or two in relation to one or two facts which were suggested this morning by the Senator from Rhode Island and the Senator from New York. I will take the two instances of the action of the Secretary of the Treasury which they themselves selected. The Senator from Rhode Island picked out the Ogdensburg building. I have referred to the reports of the Secretary of the Treasury in relation to that building, and I have before me his reports for 1856–57 and 1857–58.

Mr. SIMMONS. I did not say anything about the building. I spoke about the lot. That was what I heard of last year.

Mr. BENJAMIN. I am going to review the allegations of the Senator, and compare them with the facts. In 1856–57 the Secretary of the Treasury reported as follows in relation to the building at Ogdensburg:

"A site has been selected at Ogdensburg for a custom-house, post office, and United States court. The title has been examined and found to be good. Jurisdiction has been ceded by the Legislature of New York, and it has been exempted from taxation. There now remains nothing to consummate the purchase but the payment of the purchase money.

"The season is so far advanced in that climate as to forbid the commencement of the work this fall. The contractor is making preparations to commence early in the spring.

Total amount of appropriation	$110,000 00
Amount expended to September 30, 1857	645 35
Balance available for completion of the work	$109,345 65

That was on the 30th September, 1857. The ground had not yet been paid for; he had not yet got his title; nothing had been paid for it. The building could not then be commenced. The 30th of September, 1857, was about the period at which the financial crisis commenced. The building could not be begun until the following spring. The next report upon that is in 1858, and then the Secretary of the Treasury reported to Congress:

"The building designed to be used for a custom-house and other purposes, at Ogdensburg, New York, had not been commenced at the date of your instructions to commence no new works; and, consequently, no steps have been taken for its construction. The site had already been selected, title certified to by the Attorney General, State jurisdiction ceded, and the land has been paid for.

Total amount of appropriation	$118,000 00
Amount drawn to September 30, 1858	9,008 75
Balance available	$108,991 25

So, the ground had not actually been paid for, although the title had been examined and found good: the title had not been passed when the crisis broke out. The Secretary of the Treasury, therefore, clearly was not in delay in relation to this matter. The building could not be commenced until the following spring; and we all know that in the following spring there was no money in the Treasury to begin it.

Mr. SIMMONS. I said that he had plenty of money before that, in September.

Mr. BENJAMIN. I am coming to that general proposition in a moment. Now, what occurred in relation to Springfield, Illinois, of which the Senator from Illinois makes so much complaint? The Secretary reported in 1857–58:

"SPRINGFIELD, ILLINOIS.—A site for a building designed to be used for a post office and United States court-rooms, was selected by the late Secretary of the Treasury. An act was passed by the Legislature of Illinois ceding jurisdiction over the same, and exempting it from taxation. The title has been certified as valid by the Attorney General. Nothing now remains to consummate the purchase but the payment of the purchase money."

So much for the site. Now, let us see what is said about the building:

"The season is too far advanced to make contracts for the work with any probability of beginning operations before spring. Contracts can be made this winter in time to enable the contractors to begin early in the spring, if the proposed enlarged work is authorized.

"At the instance of members of Congress from Illinois at the last session, the late Secretary of the Treasury directed plans to be prepared of a size requiring an additional appropriation, and proposals for construction were received, and the bids opened and examined, but the necessary appropriation was not made by Congress. If no further appropriation is made for the purpose, new plans will have to be prepared of a smaller sized building; but it is represented that such smaller size would be insufficient for post office uses.

Total amount of appropriation	$61,000 00
Amount expended to September 30, 1857	7,035 43
Balance available for completion of the work	$53,964 57

So, Mr. President, the whole complaint in relation to the building at Springfield results in this: that at the instance of the Illinois delegation in Congress, or a part of it, the Secretary postponed the work, it being represented that the size of the building would be insufficient for the purposes of the Government at that place; and at their request he called for bids on a larger scale; he obtained the bids, and prepared to make a contract on the larger scale, provided Congress would make an appropriation. Congress did not make an appropriation. He submitted the whole question to our decision, for the purpose of determining whether he should go on upon the small scale, or whether Congress would make a larger appropriation for a larger building. We did neither. We neither provided him money to go on upon the small scale, nor did we make any appropriation for a larger building; and of course it would have been madness and folly in him to continue on the scale already suggested, when the Illinois delegation themselves said it would be insufficient.

Now, Mr. President, what is the whole complaint in relation to the Secretary of the Treasury? It is simply this: that having very large demands upon the Treasury, demands which were created by Congress at a period when it was supposed the public revenue would continue to flow in, in the same large streams which it had previously furnished, he found himself suddenly checked in the fall of 1857, by an absolute cessation of receipts, resulting from the prostration of business during the commercial crisis. The Treasury became rapidly depleted, and he found that he required the funds in the Treasury for the daily expenses of the Government, for carrying on the daily necessary operations of the Government; and the question for him was, shall the regular operations of the Government be stopped, or shall I withhold the expenditures in relation to these new constructions not already commenced until I can get the instructions of Congress on the subject? He could not do both. You ordered him to do what was impossible. As the Senator from Ohio has well expressed it, you ordered him to make bricks without straw. He did all he could, and then submitted the question to us to consider. Now, he comes back and tells us that by our inaction on the subject, by our failure to make further appropriation, by our failure to put any money in the Treasury beyond what was required for the ordinary expenditures of the Government, we seemed to have approved his course; but does he pretend that he is not to obey our orders; is there anything contumacious, either in his conduct or in his expressions? Not one word, sir; not one act. He says again: "I submit this matter to Congress, and if Congress desires these buildings to be carried on, it will be necessary to renew the appropriation." He calls to our attention the fact that the appropriations will soon lapse. He says: "I will go on if I am ordered, but I hope in that case Congress will supply me with the funds."

Now, sir, as to the money which the Senator from Rhode Island speaks of so frequently: it is true that we did furnish the Secretary of the Treasury with means last session, by the Treasury notes and by loans; but the Senator from Rhode Island has, on more than one occasion, thought proper to arraign the Secretary of the Treasury for errors, or want of sagacity in the statistics and calculations he has presented before Congress; and I think not with justice. No man knows better than that Senator that, at the date of this financial crisis, not only were the causes which operated in producing it concealed from almost all human perception; not only were there scarcely two minds in the country which could be made to agree as to the reasons or causes which produced this crisis, but scarcely two minds in the country agreed as to the date when it would cease, as to the extent to which it would go. When we met, immediately after the crisis had occurred, the Secretary of the Treasury supposed it would be very temporary in its operation; he supposed that there would be a revival of business; he supposed there would be a renewal of the imports; and he therefore made his calculations and laid them before Congress, and stated what, in his judgment, would be the deficiency; but each succeeding week developed the nature of this crisis to a more and more alarming extent. The importations, so far from reviving, ceased almost entirely. There were no revenues pouring into the Treasury of the Government. The Secretary found each week the deficiency was growing larger and larger; and he came again and again to Congress, stating that this matter was lasting longer than he anticipated, and asked for further temporary aid until the business and commerce

of the country should revive. It is now reviving. The importations up to the present period, since the 1st of January last, almost equal the importations from the 1st of January, 1857, to the same date in that year. It is supposed that the revenue this year will be fully equal to the revenue of 1857, after deducting, of course, the deficiency resulting from the change in the tariff.

Now that the business of the country is becoming prosperous again; now that our revenues are increasing, it may or may not be proper to make such appropriations. The Secretary submits that question to us. He says, "will you make such appropriations? I have no money in the Treasury to provide for them; if you desire to renew these appropriations you must provide the means; although business is reviving, I have not yet funds; if, however, you think proper to do it, I submit the whole matter to your discretion, and for your judgment." And yet Senators on the right and on the left arraign the Secretary of the Treasury; charge him with being contumacious in his conduct; charge him with disrespect for legislation; and to listen to them one would suppose he had done something worthy of impeachment. In my judgment, his conduct has been wise, prudent, and becoming a man holding his high official position in the Government. I admire it; I approve it; I heartily sustain it. I will go further; and in relation to the particular amendment before us, I say that I see no reason for renewing the appropriation. I concur with the Senator from Ohio: I am glad it is about to lapse, and I hope it will not be renewed.

Mr. SIMMONS. The Senator from Louisiana has made a very able argument in defense of the Secretary of the Treasury, but it is not so able in that respect as it is in assailing other people. I have never arraigned the Secretary of the Treasury about his estimates; but when Senators undertook to base calculations on his estimates, I have asked them whether they had any confidence in what he had done already? I have always said that I did not blame him for making mistakes, because his estimates were made under such circumstances that no reliance could be placed on them. The Senator says I arraigned him for not constructing these buildings. I did not. I stated what had happened last year when it was announced that the title for the lot at Ogdensburg had been fixed out in August, 1857, at a time when there was plenty of money in the Treasury, and when the Department did not apprehend any crisis.

I do not believe that we ever had, or ever shall have, a Secretary of the Treasury—certainly not the present one—who, if he did not want to erect a building, could not find a good reason, and if he does find a good reason, that answers the purpose; and if he has friends here they can argue his case very plausibly. The ground I take is, that when we supplied money that year, we supplied the money as much for that law as any other law, and yet he continually says there is no money in the Treasury, and has been none all the time. The Senator from Georgia told us the other day that we are flush, that we shall have $7,000,000 over next July.

Mr. TOOMBS. Leaving out these appropriations.

Mr. SIMMONS. Leaving them out or putting them in.

Mr. TOOMBS. Not putting them in.

Mr. SIMMONS. These appropriations, I understand, are only about half a million.

Mr. TOOMBS. Two millions.

Mr. SIMMONS. I guess not; but I have not added them up; but suppose they are $2,000,000; take that from the $7,000,000 which the Senator says we shall have on the 1st of July, and there will be $5,000,000 still left. Then, the difficulty is not as to the money. I am not contending that it ought all to be spent at once. I have not said that it was not wise to limit the expenditures, per annum, under a tight money market. What I complain of is, that an executive officer should assume to select out particular laws that he will not execute, and particular ones that he will.

Mr. BENJAMIN. I will ask the Senator, then, what he would have the Secretary do? He was ordered to execute both laws; he could not execute both.

Mr. SIMMONS. I should like to know why he could not?

Mr. BENJAMIN. Simply because he had not the money. The Senator says he finds reasons for not building. It is a great deal easier to find reasons for not building than money to build.

Mr. SIMMONS. There has been no time, since we passed the Treasury note bill, that the Secretary has not been amply supplied with money; for, before he issued the whole of those Treasury notes, we gave him a loan of $20,000,000; and he did not negotiate the last of it until eight or nine months after the loan was authorized.

Mr. PUGH. The Senator must recollect that the loan of $20,000,000 was for another fiscal year. He did not have any $40,000,000 of loan in any one year.

Mr. SIMMONS. He was authorized to issue that loan, if I recollect right, at any time he needed money. He negotiated one half of it last August, and the other half this winter. I am not complaining that he negotiated it too soon or too late; but I say he has had money in his possession, or the means to raise it, ever since we passed the Treasury note bill. I have never undertaken to arraign him or complain of him for his estimates. I have merely alluded to the fact that he made a statement on the 8th of December, 1857, that he had money enough to last to the 1st of July next, and would have four or five million dollars left, and I have said it was singular that he should come here in a single week after that and ask for $20,000,000 to carry on the Government. I presume no man will pretend that there was any such alteration in circumstances, between the 8th and 15th of December, a year ago, as to cause such a difference in the estimates of receipts. There was a very sudden change. Of course, everybody must know, at least it is natural to suppose, as I did, that the first report was made for circulation in the country, and the other was brought in sooner, perhaps, than he expected when he made the regular report. I know that, in times of embarrassed commerce, it is difficult to make exact estimates; but I know further, that nothing happened between the 8th and 15th of December, to cause such a difference as $20,000,000 in the estimates of receipts. I do not propose to prolong this debate. I think it is better to continue these appropriations without any direction about expending them.

Mr. HUNTER. I hope we shall be allowed to take the question. There are a good many amendments to be acted on, and surely we ought to get through with this bill to-night.

Mr. TOOMBS. I do not at all sympathize with my friend from Virginia, as to the importance of taking a vote at once, because this Post Office business is one of the greatest questions we have before this Congress, in my judgment, and I think it ought to be thoroughly understood. I do not think we could spend the time better from now until Friday, than in determining the great questions connected with this postal bill.

Mr. HUNTER. I think the next amendment will open up an interesting inquiry on that subject. It proposes a limitation.

Mr. TOOMBS. Well, I want to say a word in reference to the Treasury on this proposition. My friend from Rhode Island has particular ideas, and there are some people here who have got them. They want to make a necessity for public taxes. I do not. It is not worth while for us to deceive one another. We are all grown men, above thirty years of age. We need not cheat one another, and it is not worth our while to attempt to cheat our constituents. I have very rarely, I regret to say it, an occasion to commend the stringency of the Executive Departments. The present Secretary of the Treasury is a gentleman from my State. He is my friend. He is a good man; a true man, who wants to carry on this Government upon the very best principles; and there is no act he has done, connected with the Treasury Department, that I do not approve. I wish some other people would understand the disinterestedness of this declaration. When he took possession of your Treasury Department, at the beginning of the last fiscal year, he had the control of $17,000,000. He believed, according to the general impression of the country, that he would have an abundance of money to go through the fiscal year 1857–58. At the call of New York and of New England and the whole North, and against my judgment, as communicated to him, he carried out your existing law by buying in the outstanding debt at a premium. He was urged to do it by the press of all your commercial cities; he was urged to do it by those who represented the great commercial classes. He was lauded all over the northern country for doing it. I doubted the propriety of it at the time. I did not believe in it. I thought I saw more trouble in the future than he did; but he being in this focus, being surrounded by northern men, commercial men, he thought it was best to use the money in the sub-Treasury, which was said to be lying idle, in order to buy up the public debt, and relieve the banking and commercial classes. That was his error. I do not pretend to say that I should not have committed it myself, under the same circumstances. I think, with the same bad influences, I should have done so; but being in a remote part of the South at the time, standing on my own estate, looking on unembarrassed by the influences around him, I judged differently; but I do not pretend to say that I was wiser than he. I think that if I were in the same position that he was, I should have decided as he did. He was daily and hourly besought by telegraph, by press, and by people, to relieve the commercial classes of New York. It was said that that was the highest interest of the Republic, and he spent that $17,000,000 in that way; and he is called in question for it this day. I doubt whether there was a paper or a man in Rhode Island who did not approve of the policy at the time. There is a great deal of difference between observers and the men engaged in a fight; and those who are looking on think they can do it a great deal better than those who are engaged, especially after the action has taken place; and that was the trouble here. He spent $17,000,000 "to relieve the country," that is the cant phrase, as it is just now "to relieve labor." My friend from Pennsylvania says fifty or sixty thousand people are out of work, and we ought to put them to work. He has the fallacious idea in his brain that we must furnish work for those who have no work. Sir, Government cannot do it, and never did it. There never was a Government in the world which did not ruin the people they attempted to benefit by such a course. Governments do not regulate wages.

In October, 1857, when the convulsion came on, the Secretary of the Treasury found himself with $80,000,000 of appropriation, and that appropriation was based upon the $17,000,000 of surplus and $56,000,000 from imports. The imports did not come; the money did not come; he did not have it. When he found that his money was insufficient, he looked and saw that he had $80,000,000 of appropriation. He found an appropriation for a custom-house in Tennessee, a custom-house in North Carolina, and post offices where, God knows, they ought never to have been, and never could have been obtained but by combinations which ought not to be sustained by this body. I do not say anything about the North; I am speaking now of the South—my country; I am passing my censures on my own. The Secretary found that he had $80,000,000 to supply out of $50,000,000 of money in the Treasury. What was he to do? What was his duty? What was the duty of a patriot and an honest man? He must maintain the Government; he must maintain it at home; he must maintain it abroad; he must keep it in operation. A custom-house was not important in North Carolina; a custom-house was not necessary at Knoxville; because, you might go into the railroad office and pay your duties; for I understand there never were any importations there except of railroad iron, and it was easy to step up to the counter in the railroad office and pay every dollar of the duties. By not spending the money for that custom-house, the Secretary could save $110,000. As a wise, honest, and just man, he said, "I will carry on the Government of my country; I will maintain its Army; I will maintain its Navy; I will maintain its foreign relations; I will spend what is necessary to keep the Government in motion; but, in this great calamity, I will cut off those things which can be best spared; I will cut off the custom-houses at Ogdensburg, at Nashville, at Knoxville, and at Raleigh." Did he not do right? Put it to the people anywhere in any of those States, and, in my judgment, there cannot be found one man in ten who will not say that he acted right. I say

he acted right. I would have done the same thing. I assume every particle of his action in that respect, though I am not at all responsible for it. I say it was proper for him to apply the money first to maintain the great interests of the Government; to carry on its Army, its Navy, its judiciary, and its foreign policy; and to postpone those things which might as well be done ten or twenty years hence, or never done. He had $80,000,000 of appropriations and but $50,000,000 of receipts, and he said he would expend the $50,000,000 for those purposes necessary to maintain the Government. That is all the Secretary of the Treasury did.

You gave him the sum of $50,000,000 to carry out $80,000,000 of appropriations for things, some of which were never necessary to be done. Was it important to the Republic that the Ogdensburg custom-house should be built? Was it important that a custom-house should be built at Knoxville or Nashville? It might be a convenience; it might, perhaps, be wise, if we had plenty of money; but when the question was presented to a public man of this country, whether or not his Government should come to a stand-still and carry out a scheme of jobbers, he did not hesitate. He would have been unworthy of my friendship if he had hesitated. He did not hesitate for an instant; he despises the clamor which is raised upon these questions. So do I. There is no true man in America who does not approve his conduct; not an honest man, in my judgment, according to my idea of honesty. I do not judge for other people; I may have a peculiar sort.

I say that, when you tell him to spend $1,000 and he had but $900, it was his duty to spend the $900 for the public service, to maintain his Government; and not to spend the $100 for unnecessary jobs. I think he did what became a statesman and a Secretary of the Treasury.

Among these appropriations there is one of $50,000 for a custom-house and post office in North Carolina. Mr. President, you are a North Carolinian, [Mr. REID in the chair,] and I am sorry to say that that $50,000 is worth the two votes from that State. Such is the distemper of the times that, if Senators can get an appropriation for their own States, they are willing to override every other interest to obtain a mere local advantage. The appropriation for Raleigh, I think, is good for your vote, and that of my friend over the way, [Mr. CLINGMAN.] That is one of the difficulties we have in carrying on this Government; that $50,000 to one State will secure the vote of two Senators for spending $2,000,000 in places where nobody believes it necessary.

My friend from Rhode Island wants protection; he wants high tariffs and increased taxes. So he goes for piling on these expenditures. The Republican party here speak constantly about retrenchment; but go to any specific appropriation, and you will find that fifteen out of their twenty votes are good for every appropriation that has ever been moved since I sat in this Chamber. There never was a day since I have sat here, and there has been a Republican party, that any appropriation which was proposed was not good for three fourths of their votes. When you go to the country, you expect to hold the Democrats responsible, although you yourselves furnish the principal votes to carry these appropriations. God knows, if you would give us a better Government, if you would give us an Administration that would bring us down to an economical basis, and spend no more than was necessary for the proper wants of the Government, I would be content with a black Republican Administration, for I believe the worst of all curses is corruption. If you could give me any indication that you would manage the Government fairly and honestly, if your quarrel was not more about who should get the pickings, rather than about the expenditures, I assure you I would look with great complacency to the results of the future; but I do not see it. I do not see the least prospect for retrenchment from you. Whatever there is that promises to carry on this Government upon honest principles, whatever there is that promises to protect labor against legislation, I find in the Democratic party. They are few and feeble; you beat me every day, and I expect you will continue to do it. You may drive me out, not by your votes, but by the mere disgust of finding that money is too powerful for a Government controlled like this, and that you are unfit to manage the revenues of thirty millions of people, as great and prosperous as we are; and before God and my country, that is my honest judgment. Local influences operate—I do not speak now of sectionalism; it is not sectional—it is just as well at the South as at the North. Gentlemen have alluded to-day to the New Orleans custom-house. I think that was a grand mistake. We have spent three or four millions there. I thought they would give us a custom-house; but when I was there two or three years ago, I saw it was crank-sided, and I think it was a very bad expenditure of public money. My friend from Tennessee says there has been more appropriated for that custom-house than would build his custom-houses at Knoxville and Nashville. That is true. That was a great abuse, and I think his was; but I do not believe the country will gain anything by setting off abuses against each other. It reminds me of a friend of mine, who pleaded a set-off in slander. [Laughter.] An old friend of mine, who was a judge in Georgia, had to try an action of slander. I brought an action of slander for my client against one who had spoken badly of him, and he pleaded, as a set-off, that my client had said a devilish sight worse things of him! It seems to me that setting the New Orleans custom-house against the Tennessee custom-houses, is like a set-off in slander. I want to cut them all off, and I take them as they come. All abuses are natural allies, and I want to take them as they come.

I do not recollect that my friend from Ohio [Mr. WADE] was particularly involved in this custom-house business; but I will tell him a little secret, between ourselves, as to how these appropriations happened to be made. Mr. Pierce vetoed the Patapsco river improvement bill. I stood by his veto. I was against the whole business. When he sent that veto to the Senate, we sustained it by one vote. A motion to reconsider was made. It went on until about the last night of the session, and then there was an anxiety, on the part of some gentlemen from Maryland, to have that improvement bill passed; and a very nice little arrangement was made. I do not implicate the gentleman at my right [Mr. PEARCE] in it, because I do not think he was a party to it; but Maryland had two Senators at that time. He was not in the arrangement, for he never trades; but it is not always that he has had gentlemen as colleagues who have the same idea. We sustained the veto of the Patapsco river bill. These very custom-houses, which we are now considering; were beaten, too. They passed over for a day. A gentleman, then, from western Tennessee, a friend of mine—Governor Jones—was interested in these custom-house appropriations. A Senator from Maryland, the colleague of my friend, said: "I will beat your court-houses and custom-houses unless you give us the river improvement bill." The result was, that you reconsidered the vote sustaining Mr. Pierce's veto, and beat me in the business; and that is the way these custom-house appropriations commenced. It was a traffic; it was a trade; it did not have the judgment of the Senate. They put in a sufficient number of States to get enough votes; and I suppose they would have taken me in, if I would consent to trade. Very likely, they would have put in an appropriation for Augusta, Georgia—and some of my friends wanted it, so as to get me into the scrape; but that is not a fair way of carrying on the Government, in my judgment. I have some old-fashioned notions, that this thing of bargaining in legislation will not do. They may be foolish opinions; some people say they are; but I would not go into it, and the result was, that when we had sustained the veto of the President of the United States on the Patapsco river bill, and when these appropriations for custom-houses and court-houses and post offices were defeated, they were reconsidered, and carried by overriding the veto of the Patapsco river bill. That is the whole truth about it.

I have stated these instances, because I do not want to attack gentlemen from the North. I wish it was true that they had the monopoly of this kind of legislation. I wish to God they had; but I cannot in truth and honesty say that they have, because I believe that $100,000, put in almost any State I know, from here to the Rio Grande, will have a very mollifying effect in the Senate of the United States.

Mr. CLINGMAN. I have but a word or two to say in reply to the Senator from Georgia. In point of fact, much that he has said I approve of; but the Senator is mistaken on two points. He is mistaken if he supposes there is any appropriation for a custom-house in North Carolina. Such is not the fact. There is an appropriation for a court-house where a Federal court is held, and a post office.

Mr. TOOMBS. I hope my friend understands me. They are all of one sort. They proposed to build a court-house in Illinois, at a place where there never was a Federal court held, and put a post office down in your country.

Mr. CLINGMAN. I have no doubt the Senator can find bad appropriations in Illinois and other places. I do not mean to defend them. I was about to say, however, that there is a court regularly holden at Raleigh, and the Government now pays considerable rent for a post office building there. Without knowing precisely how much is paid for rent, I think it quite possible that an appropriation of $50,000 will not lose the Government any money. I supported it on that ground. That, therefore, is a mistake of the gentleman. His second mistake is in supposing that you and I, Mr. President, if we shall vote for this proviso, do so merely because it spends money in North Carolina. I think that, as the Government is obliged to rent a post office, and obliged to rent a court-house there, it might as well make an appropriation for erecting a proper building, the cost of which shall not exceed the amount already appropriated.

Mr. TOOMBS. I tell my friend that I should be sorry to suppose that $50,000 would carry two votes from North Carolina; but, as God is my judge, I think it has something to do with it. [Laughter.]

Mr. CLINGMAN. I have pointed out one mistake which the Senator from Georgia has made. While I do not affirm that he is oftener wrong than I am, I am willing to compare my record with his from the time we both entered Congress, and see whose course is most economical. At present, I will not interfere with the wishes of the Senator from Virginia, who is very anxious to get a vote on this question.

Mr. SIMMONS. All of us have some peculiarities that render us subject to the attacks of the Senator from Georgia. He says that I go for all these appropriations, and for high taxes. Now, I should like him to point out one of these appropriations that I ever voted for.

Mr. TOOMBS. I think it is the Administration that wants high taxes. My friend from Pennsylvania [Mr. BIGLER] is the man. He wants high taxes for an excuse; but I think you really want an honest administration of the revenue service. I take all back that I said about you, and make the *amende honorable*.

Mr. SIMMONS. Very well; now as to my State. The Senator says that in Rhode Island we approved the conduct of the Secretary of the Treasury in buying in the Government bonds. In the first place, that sum of money never was spent. I think he only spent about three million dollars for that purpose.

Mr. TOOMBS. Five million dollars.

Mr. SIMMONS. Only $3,000,000 after July, I think. I believe some bonds were purchased before he came in. I am sure it was not more than $3,000,000. I have no doubt he did it under a belief that he would relieve the evils of the sub-Treasuries piling up money; and it is the wickedest thing, when there is no money in the country, to be locking up coin in the sub-Treasury; and yet he boasts continually about how well it works. Every time he makes a report he says the sub-Treasury works admirably; and yet the Committee on Claims have had fourteen applications this session to pay officers for money that has been stolen from the sub-Treasury, but we are told we never lose a dollar by it. My friend from Georgia can make just as good a speech as if the Secretary had spent $17,000,000, because he spent what he did spend in a good cause. I never have voted for one of these appropriations, but there is one thing I have said, and I repeat, that if we have extravagance anywhere, I would rather have it in buildings than anything else; because then we get something for it; but extravagance for officers is worse than useless, because you corrupt the men as well as expend the money. I have

not been able to cut off even this nominal exchange which we pay on the salaries of foreign ministers, where they charge forty per cent. I never could make the proposition here but I was drove down and thrashed out by the Senator from Georgia. [Laughter.]

Mr. TOOMBS. You could never make us understand it.

Mr. SIMMONS. The Senator said forty per cent. was as legitimate exchange as anything in the world may be.

Mr. TOOMBS. I had one difficulty; you never could give me the brains to understand it.

Mr. SIMMONS. That is not my fault. The Senator from Georgia is an admirable man for an argument. It does not make any difference to him what the facts are. He says somebody wants to get high duties, and when he finds the history does not come out, he puts it on Pennsylvania; she is the Keystone State, and is able to bear it. I intend to vote against all extravagant appropriations. I have united with the Senator from Georgia, and I have said, in all my zeal for supporting the Administration, that I could not go this Post Office business. [Laughter.] That was a little the toughest thing I ever saw.

Mr. TOOMBS. There we are together.

Mr. SIMMONS. Certainly, we are; and I hope we shall do something. I will tell you what is the cause of all this extravagance. We have got in the habit of voting these appropriations blind. We have so much confidence in the chairman of the Committee on Finance that, if he says a thing is right, it goes through, and no man looks into it. Since I have been here, I have never known a single appropriation bill, in regard to which we had a solitary explanation. You must take it as it is, and take it, too, as quick as you can get it, and everything else must go out of the Senate to make room for it; and when it goes through, nobody knows what we appropriate. I have not known since I have been here; and then the Senator talks about extravagance, and says such a man wants taxes, and therefore votes for the appropriations. I vote for them because I am obliged to do so; I do not know what they are; but I believe I have voted for but very few of them. I think we shall never have any retrenchment or reform until every one of the items of the appropriation bills is scrutinized in the Senate, and a detailed explanation given of what it is for. I dare say there are books enough, if anybody can find them, explaining it; but I have been trying all day to find out whether the $6,000,000 estimated for in the Post Office estimates would cover the deficiency if this appropriation was made, and I do not believe it will come within $3,000,000 of it, as near as I can get to it. We have no explanation; but if there is any proposition to stop cheating in the revenue, we shall be told it is out of order. That is all I ever proposed; and I should like to ask the Senator from Georgia if he ever knew me to propose anything that raised an item on the rates of duty. All I have asked was that you should stop cheating; and I offered to let the Senator fix the rates of duties just as he pleased.

Mr. TOOMBS. Fix them yourself.

Mr. SIMMONS. I could not get a chance. I want to stop cheating, but it is never in order in the Senate to stop cheating. I have waited for two years to see if there would never be a time to do it. The false oaths in the custom-house are notorious and proverbial throughout the land, and yet gentlemen will get up here and say, there are none of them. Before I got here this December, I heard that the argument the Senator from Georgia made, on my proposition, at the last session, and my own argument, in regard to home valuation, was entirely crushed out by the report of the Senator's distinguished friend, the Secretary of the Treasury; that he had used us up entirely and effectually, and that we should never hear any more about valuing goods in this country, rather than in China. I do not think the Senator from Georgia and myself disagree very much about the weight of that argument, but I am not going to review it. The Senator said the export trade had been good, there had been a profit on it, and yet it would be fifty or sixty million the other way, according to the Treasury tables, if all the imports were accounted for. The Secretary's argument is, that we had been selling in a losing market, though everybody knew we had a profitable trade. It is very much like the Senator's argument about spending these $17,000,000; the fact is not so. That is the trouble of the argument.

The Senator from Virginia says, that at some time or other in the course of the evening, we shall have an amendment that will strike at the roots of this evil in the Post Office Department. I hope so. Now, I am willing to reappropriate this money, and I am sorry that the Senator from Georgia is not. I shall not regret it much if it is not done, but if we spend any money for objects that may not be considered absolutely necessary, I hope it will be done for buildings where we shall have something to show for it, and not in large salaries. I see in the estimates $3,600,000, for collecting the customs. I think that is as much as we appropriated last year, though we did not spend quite as much, and yet the Secretary wants $3,600,000 this year. However, I will not go into these questions. I will not detain the Senate. I believe we have a quorum now.

The PRESIDING OFFICER. The question is on striking out the proviso as amended.

Mr. PUGH called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 22, nays 26; as follows:

YEAS—Messrs. Allen, Benjamin, Broderick, Brown, Clay, Davis, Dixon, Fitzpatrick, Green, Houston, Hunter, Iverson, Lane, Pearce, Polk, Pugh, Rice, Sebastian, Slidell, Smith, Toombs, and Ward—22.

NAYS—Messrs. Bell, Bigler, Cameron, Chandler, Clark, Clingman, Collamer, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hamlin, Harlan, Johnson of Tennessee, Jones, Kennedy, King, Reid, Seward, Simmons, Stuart, Trumbull, Wright, and Yulee—26.

So the motion to strike out did not prevail.

The next amendment of the Committee on Finance was to strike out all of the third section of the bill, after the enacting clause, in the following words:

"That if the revenue of the Post Office Department shall be insufficient to defray the appropriations made in the first section of this act, the deficiency, if any there be, at the expiration of each quarter of the fiscal year, shall be paid out of any money in the Treasury not otherwise appropriated."

And to insert in lieu thereof:

That the sum of $6,000,000 be, and is hereby, appropriated out of the Treasury of the United States, in aid of the revenues of the Post Office Department, for the objects designated in this bill; but the Postmaster General shall in no event expend more money, or contract liabilities which shall exceed the amount appropriated in this bill for the current service of the year; and the amount herein appropriated to supply deficiencies shall be applied to whatever deficiencies may exist at the beginning of the next fiscal year commencing on the 1st of July, 1859, and to no other purpose.

Mr. HUNTER. I will endeavor to explain the object of this amendment. This bill appropriates, besides $3,800,000 for deficiencies which are to be incurred in this year, something like $16,600,000, for the current service of the next year. At the Post Office Department they estimate the postal revenues at between seven and eight million dollars. This, then, is giving between nine and ten millions out of the Treasury, exclusive of the appropriation for deficiencies which belongs to this year, in order to carry on the Post Office Department; and this third section provides, that when deficiencies occur at the end of each quarter, the Postmaster General is to go to the Treasury to supply them. The object of this section of the bill is, in fact, to appropriate between nine and ten millions a year out of the Treasury, in aid of the post office revenues proper, for carrying on the postal service of this year and the next, and the money is appropriated to carry that out. Nor is that all. The Postmaster General may, at his discretion, put on new service, and incur new liabilities. There is hardly any limit or boundary to his discretion.

The Committee on Finance offer, then, a proposition which, instead of appropriating between nine and ten millions in aid of the Post Office revenues, to carry out the system for the next year, appropriates only $6,000,000, and which proposes the further limit that the Postmaster General shall not, in any way, contract liabilities beyond the amount appropriated, to wit, $16,600,000, and also requires that the appropriation of $3,800,000 to supply the deficiencies shall be confined to the deficiencies of this fiscal year; and that no balance, if any exists, shall be used for the current service of the next year. In other words, it provides a limit; it says that he shall not, in any event, contract liabilities for the service of the next fiscal year, beyond the $17,000,000. Nor does it stop there. It proposes that we will not appropriate out of the Treasury, to let him spend the $17,000,000, because we meet here next year, and generally the deficiencies, as in this case, are appropriated in the session immediately preceding the end of the year. It proposes that we appropriate now only $6,000,000, under the hope that by the time we return something may have been done towards diminishing the expenditures. If it should turn out when we get here, that nothing of that sort has been done, and that the Post Office Department will still require the sum of nine or ten millions to be paid out of the Treasury, there will be a sum something like this $3,800,000 to appropriate for deficiencies again. We shall be no worse off than we should be if we were now to appropriate the whole amount provided in the original bill, and we take the chance, after having restricted the amount which can be used, of reform and reduction of expenditure. But if we should fail in all that, it will do what has not been done before, at least for many years, it will impose a restriction upon the discretion of the Postmaster General to increase the liabilities and the expenditures of this Government for Post Office service; because it distinctly confines him to the amount appropriated, and takes away from him all discretion to exceed that amount, by increasing the service or putting on routes that will not pay.

I hope it will be the pleasure of the Senate to adopt this amendment; for it certainly does leave the limit of discretion wide enough when we say that he shall not exceed, in the liabilities which he may contract, the sum of $16,600,000, which the bill appropriates; nor will it cramp or confine him, to any inconvenient extent, to say that we will not now appropriate, out of the Treasury, this sum, ranging between nine and ten millions of money; but will appropriate, for the present, only $6,000,000, taking, as I said before, the chances for some reform and some reduction of expenditure between now and the next session; and if the worst should come to the worst, and we should have to appropriate the residue, that is, between three and four millions, as is done here, to supply the deficiency, we shall not be worse off than if we were to appropriate that amount now. I think it is an important amendment. It certainly is important in this that it puts some limit on him, and says he shall not go beyond the amount appropriated.

Mr. COLLAMER. I wish to inquire of the Senator from Virginia how much this bill appropriates, separate from the $3,800,000 for arrearages?

Mr. HUNTER. Sixteen million six hundred thousand dollars.

Mr. TOOMBS. The whole bill is over twenty million dollars.

Mr. HUNTER. The whole bill is $20,400,000.

Mr. TOOMBS. One half the revenues of the Republic last year.

Mr. COLLAMER. I would ask further, how much was appropriated for the contingency of arrearages for this current year, before you come to this deficiency?

Mr. HUNTER. The last appropriation was $3,500,000. The whole appropriation out of the Treasury, for this year, is a little over six millions, counting the $3,500,000 appropriated last year.

Mr. COLLAMER. How much is computed to be the income of the Department from the postal revenues for the next year?

Mr. HUNTER. Between seven and eight millions.

Mr. COLLAMER. That and the $6,000,000 provided by the amendment, will make between thirteen and fourteen millions. I will detain the Senate but a very few moments in relation to this amendment. I have seen efforts put forth here in various forms, in the course of this session, in relation to the Post Office Department. Some of them are attempts to increase the rates of postage, and others to limit, in some measure, the expenses of the Department. Some of those efforts, in my estimation, would tend to succeed in the purpose designed; some of them would not succeed much. Some of them would produce a very considerable effect; but they have all appeared to me as abortive attempts to effect the great purposes which gentlemen are after. Until 1851, there was

a constant and abiding limitation on the power of the Postmaster General. The appropriations which were made in pursuance of the act of 1836, which revised the whole system of the Department, were appropriations of certain sums to certain purposes, according to the estimates; and the law provided that they should be payable only out of the revenues of the Department. That was the standing law; it did not need to be repeated in an appropriation bill, though it frequently was, because, by the very terms of the statute of 1836, it was provided that the appropriations which were made for the Post Office Department, should be payable only out of the revenues of the Department in the Treasury. This limitation operated as a sort of tether, a lariat, on the foot of the Department, beyond which it could not go. It enabled the head of the Department, at all times, to see what he could do, and what he could not do; because, by keeping his eye constantly on the state of his finances, he would be enabled to tell whether any considerable new operation could be undertaken by him. He was, therefore, able, in a very great degree, to satisfy all reasonable men who came to him and wanted the service on particular routes increased from weekly service to twice a week, or to tri-weekly, or to daily service. When a man called for that purpose, the head of Department could say to him, "wait until to-morrow or next day, and let me see what my condition is." In the mean time, he would inform himself as to what was his financial condition; and when the gentleman returned, he could tell him at once, "my balance is so and so, and I have not the means to do what you want." Then, if a reasonable man, he was satisfied, and would go his way.

In 1851, when the postage was reduced to three cents, gentlemen took the alarm. The Department had been from time to time, as its income increased with the growth of the country, enabled to extend mail accommodations, and had done it, especially in the new parts of the country; for every head of a Department always keeps his eye on them. Knowing that they required more additions, he used to save his money with a view to that. On one occasion, I was obliged to add twenty-five per cent. to a single letting, in the southwestern district, because it was a new country and required these additions. In 1851, when the postage was reduced, gentlemen saw at once that the income would probably be so low that the head of the Department would not be able to make any improvements; and, therefore, to relieve themselves, they inserted in that law a provision that the Department should go on making these additional improvements without regard to its income. I do not give the exact words of the law, but that was the amount of it. From that day to this the Department has been left without any tether whatever; without any lariat on its foot; without any limitation of its powers; and when importunity is pressed on the head of the Department, let him be who he will, he is unable to say, "I cannot do this thing, or I cannot do that;" because it is known that he can do anything. His mouth is shut up; he has no answer to give; he can tell no man that he cannot accommodate him with this piece of service or that piece of service; whether it will cost $10,000 or $50,000 or $100,000 a year. He has no answer to give him, unless he tells him plainly and directly, "I will not do it;" for he cannot say "I cannot do it." That is the condition of the Department now.

I am not laying the foundation for making apologies for anybody, or finding fault with anybody, one way or the other. I simply wish to state facts, and to say to gentlemen that this will explain to them how all their efforts at lessening the expenses of the Department in regard to transportation in this respect, or making contracts in that respect, or about increasing the Post Office revenues by a little increase of postage, will be abortive while the law stands as it is now. These may all be well enough; but if gentlemen intend to stop what is no doubt to all a rather alarming increase of the expenses of the Post Office Department, all these efforts will be utterly abortive. The root of the difficulty lies in the want of limitation. I cannot now say that I have gone over the particulars to see that the limitation of this amendment is too short or not, or whether the tether is as long as it ought to be, or as short as it ought to be; I am not prepared to do so without examining it more particularly, but this I do say, that you never can stop the expenditures of the Department, until you put on a limitation like this.

Mr. SIMMONS. I understand the appropriation last year was $3,500,000.

Mr. COLLAMER. That $3,500,000 was for the deficiencies of this year. They have $3,750,000 in this bill now for further deficiencies of the same year.

Mr. SIMMONS. Well, why should the deficiencies of the next year be $6,000,000?

Mr. TOOMBS. This is a limitation; we can get at that matter afterwards. I mean to move in it.

The amendment was agreed to.

Mr. TOOMBS. I wish to give notice that I mean to make a motion about these $6,000,000. I presume I shall have a right to do so. ["Certainly!"]

Mr. HAMLIN. I ask the Senator from Virginia if the Senate, having adopted this amendment in the very words in which he has presented it, it will be in order to change it a single particle hereafter?

Mr. HUNTER. It will be when we get into the Senate.

Mr. TOOMBS. I only want a chance to strike at it.

The next amendment of the Committee on Finance, was to insert, as an additional section:

And be it further enacted, That the Postmaster General shall report to Congress, at the commencement of its session, such mail routes as may not have paid one half of the expense occasioned by them, and state also the length of time during which they have been in operation. He shall also report the routes in operation upon which the expenses might be reduced, if the service were performed with a single view to the transportation of the mail with due celerity, certainty, and security.

Mr. HUNTER. The object of this amendment is to require the Postmaster General to report, at the commencement of each session, the number of routes that have not paid one half their expenses, and the time those routes have been in operation; and also to report those routes in operation upon which the expenses can be reduced, if nothing is looked to but the transportation of the mails, and no reference had to the transportation of passengers.

Mr. BROWN. I hope the amendment will not be adopted. I hope so most sincerely, because it puts the whole postal service at the mercy of the Postmaster General.

Mr. HUNTER. This does not propose to do anything but require a report.

Mr. BROWN. I know exactly what it means. You are to act on the report when you get it. How is the Postmaster General to tell what are the revenues arising on a particular route when you connect it with other routes, and divide the postages in the middle, and at all the cross routes, and at various points? If he wants to destroy a route, under this provision he can do it; if he wants to sustain a route, he can do it. You put everything perfectly at his mercy. Who can tell whether a post route from a given point in a State to another one, pays half its expenses or not? You cannot tell how much each particular office pays on its own account. You mix up your postages so that it is mere guess-work in the Department. Everybody knows that. At last you leave the Postmaster General to say what routes shall be in operation, and what shall not.

That is my first objection. My second objection is this: We who come from the planting States get nothing from this Government but postal facilities. We plead guilty to the charge that we get more from the national Treasury in postal facilities than we pay in postage; but we say, on the other hand, that we pay into the national Treasury a great deal more that our due proportion; and I am not quite content to have my people cut down on the only point where we get anything to a standard like this. To tell me that every post route in my State must be discontinued, unless it pays one half the whole expense, for it means that or nothing, is to tell me that I am to go on in this Government and submit to inordinate taxation to all eternity, and get nothing in return—not even get the poor tribute of having the mails carried to my people. I understand this business. I know that the postal service in my State is costing you a hundred thousand dollars more than the Post Office returns show that we pay; but I know that we pay into your national Treasury our millions for which we get no return.

Mr. FESSENDEN. In what way?

Mr. BROWN. We pay it on our exports, that being the basis of your imports on which you collect your revenue. Strike out the six hundred thousand bags of cotton which Mississippi contribues every year to your exports, and you strike down your imports by thirty or even forty million dollars; and when your imports are stricken off where does your revenue come from? We supply the exports which pay the bills you contract for your imports, and upon your imports you collect your revenue; and yet you grant us the poor tribute of a few hundred thousand dollars to carry the mails to our people. We get nothing else from you. There is not a post office built at the expense of this Government in my State; there is not a custom-house in that State which has been built by authority of the Federal Government. We know nothing of this Government but to feel its power of taxation, except through the post office. We feel its taxing power, and if your revenue officers did not demand tribute of us, we should not know you unless the post-boy brought his mail. I am unwilling to see any such proposition as this passed, because I know the effect of it will be to strike down half the mail routes in my State.

Mr. STUART. I was very much in hopes that we might have voted on this proposition without discussing it; and I shall consume but a very few minutes of the time of the Senate in saying a word or two in response to the honorable Senator from Mississippi. I wish to have this information; and I thoroughly agree with the Senator from Mississippi, in regard to the propriety of action when the information is obtained. Ever since I have been a member of Congress, in one or the other House I have heard remarks, too often in a tantalizing tone, in respect to who paid, and who did not pay, the expenses of carrying the mails in the various States. To continue a mail route upon the ground that it pays or does not pay its expenses would be just as senseless, in my judgment, as a proposition now to discontinue the Department of the Treasury upon the ground that it could not foot its own bills. It does not depend upon that question scarcely at all; and, therefore, I desire that the information shall be obtained; and I wish the amendment was to report to Congress what is paid upon every single mail route in the Union, and I shall move thus to amend it. It will create some additional labor on the Post Office Department; but let us have the information; and, when the information is brought to Congress, and members of Congress study it, this doctrine which is talked about of continuing or discontinuing a route on the ground that it pays or does not pay will be banished from the Halls of Congress.

The other part of the amendment directing the Postmaster General to report what routes, in his opinion, may properly be discontinued, is valuable. It is not every mail route which has been established that ought to be maintained; but will you tell us that the people living in a sparsely-settled portion of the country ought not to have any mail route; ought not to have any post office; ought not to have any communication with the world at large, because they cannot pay the expense? And this is a country that is expanding its borders; that has a heavy frontier population all the time, and will continue to have until the continent and the adjacent islands are covered. Why, sir, it is much worse than that old scriptural denunciation of the man who thanked God that he was not as other men were. Here, in an old State which is densely populated, and where your routes cannot help paying, you pride yourselves upon the fact that you pay more postage than it costs the Government to transport the mails, and support the post offices, in the State. You cannot help it. A system cannot be adopted that will furnish mail facilities in the United States, and not produce that result. But what credit is due to those States that thus stand? None at all. I think my honorable friend from Mississippi is mistaken. I will guaranty to him, if he wants to sustain his mail facilities as they ought to be sustained, within the rules of propriety, he had better have this information before Congress, and then he will have something to stand upon; he

will silence this clamor from all directions; and his constituents will be in no danger.

I move to amend the amendment of the Finance Committee by adding to it:

And also in regard to the income and expenses of all the mail routes in the United States.

Mr. HUNTER. I should like to have that information. I do not think information can hurt us at all; but how many clerks does the Senator propose to have employed, in order to answer that inquiry?

Mr. TOOMBS. You have twice as many now as you need.

Mr. COLLAMER. I think the object aimed at by these amendments is laudable enough, but it does not seem to me that they are exactly drawn in the manner to elicit the legitimate purpose designed. It is true, that some of our most expensive and most important routes in the United States produce very little income. Take, for instance, the large mail route from New York to Philadelphia, and Philadelphia to Baltimore, and Baltimore to Washington. Except in those cities themselves, there is very little postage received from those routes. Take the route from here to New Orleans, passing through Richmond and Montgomery and Mobile. Except in those cities the route furnishes very little postage, and its expense is very great; but it carries the great mail connecting Louisiana and the lower part of the Mississippi region of country, with New York and the northern region. The amount of postages received on a particular route, furnish no criterion as to whether you can discontinue that route with regard to the public service; but after all, there may be probably a great deal of information derived and good done in relation to many routes in the United States, and especially coach routes, and horse routes, by having this information.

It is not exactly true, as I view it, that you can tell how much is derived on each route. We formerly had a great deal of practice in that respect, because it was the custom of the Department, until the limitation which I mentioned was taken off, when it was asked to increase the service on any route, immediately to ascertain what was the income of the route. Suppose a mail was sent once a week: we immediately endeavored to ascertain whether we could make it twice a week or three times a week, by ascertaining what we got upon it. We did that by first taking the amount of postages received from the post offices upon the routes. There would of course be connections at each end. We would take the income of the post offices on the route, and then deduct a *pro rata*, according to the importance of the mails terminating at each end of the route; and in this way we ascertained the income of each route. That can be done in relation to all those routes which are strictly local, which are for the benefit of the region they supply; but when a route becomes a part of a long line of service, the postage received on it is no criterion at all. You must have that route for the purpose of making up the whole line of your connection. But, in relation to local mails and routes for local supply, you can ascertain what is their income compared with the expense of transportation upon them. You cannot compute their proportion of all the expenses of the Department; it would be difficult or impossible to get at that, but you can get at the expense of transportation and at the income of a particular route, if it is merely a local one.

After the limitation by which the Postmaster General was confined to the income of the Department was taken off, I presume pretty much all the service that was applied for was granted. I do not think it was altogether, but it was pretty generally. There is a species of service called special service, which is let out for the income of the route itself; but this is not among the advertised service. That is called special service at the Department, and has nothing to do with what I am talking of. I say, in relation to the contract service of the Department, pretty much all that has been asked for has been granted. They are not in the practice now of looking at the route to see whether there is any income from it. If this limitation were put on, if the Postmaster General were brought within a reasonable tether again, I say he will look to the unproductive routes, as he formerly did. That will bring him to it at once. He will look at the routes, and ascertain those on which he ought to diminish the service. He will not discontinue a route merely for the reason that it is unproductive; but he may take off daily service, or tri-weekly service, or semi-weekly service, from it, and reduce it to weekly service, and not put us to the expense of keeping up a daily supply on a route that does not really need more than a weekly supply. That was the way it was done before, and that is the way it will be done again, provided he is limited down; but without a limitation it never will be done, and he may make these examinations and report them to Congress as much as you please, and nothing will be done. There never was a line of mail service in the United States discontinued by act of Congress. Whenever they have been discontinued, it has been the act of the Department, and it always will be so. Congress cannot tell what mails ought to be run and what not. Congress, every session, makes a large list of post routes; but the Department is not bound to set up service on them. I undertake to say there is not a mail run on more than three fourths of the mail routes of the United States to-day. There is more than one fourth, and I think more than one third, of all the routes which are declared mail routes by act of Congress, that have no mail on them to-day. Some have had a mail, and it has been taken off; some have never had a mail at all. They are set up entirely in the exercise of the discretion of the Department; but as long as you give that Department all the money they choose to use, they will set up everything; and not only set up routes, but will increase the service upon them to semi-weekly, tri-weekly, and daily, without any necessity at all, or at least when the necessity exists only to a very slight degree, and there is no income to justify it. I have no objection to having this report, but it will do no good, because the action of Congress as to discontinuing service upon mail routes is a thing that never was done, and never will be done, in this Government.

Mr. DAVIS. I object to collecting the information. I can see in it no other result than the employment of a certain number of clerks to collect that which will be as idle as if they were to present to us columns of figures without any meaning. It will be nothing but the aggregation of abstract numbers having no relation concrete to anything. To show that some route pays less by one half than it costs to maintain it, is to show nothing, because it conveys to us no idea of the relations which that route may have as a middle link in some chain of correspondence, a rural link in a chain which connects two great commercial cities together. Take that link away, and it will be impossible to continue the connection between those commercial cities.

Mr. BIGLER. Take the link from here to Baltimore.

Mr. DAVIS. That might be a very good illustration, but there are many others much stronger than that. When you get more remote from the great commercial marts, you may find some link of one or two hundred miles where the postage received will be merely nominal, the letters passing over it to some distant point, and connecting itself with a great commercial emporium, which is the other initial point of the line.

I dislike the proposition in another sense. It is part of that system which has, from day to day, been presented of discriminating between this place and that place, one section or the other, which was receiving more than it paid, in this or that relation. It is entirely illusory. Reference was made, the other day, to the State of Mississippi, as not paying, in postage, as much as it received in postal service. Gentlemen who make these references forget that they select the only thing from which the South derives any particular benefit from the Federal Government. They forget their own great navy-yards; they forget their custom-houses; they forget the court-houses which in modern times are erected within the limits of the States for Federal courts. They forget the vast expenditures for fortifications which surround every commercial city; they forget the maintenance of the Army and Navy, from which the interior States, the State of Mississippi, for instance, receive nothing, ask nothing. They select this single instance of mail routes, forgetful of all the other expenditures which are received in their own States, or, if not forgetful, at least concealing them, and array the only thing on which they could make a point, and continue from day to day here with unjust discrimination. I have no taste for this discussion, for this controversy. I do not consider it in the interest of a particular locality that a navy-yard is maintained there, or a fortification built. I look upon them both as designed for the common defense, to be sustained out of the public Treasury; and so I do every mail route within the limits of the United States. It is a subject of which the Federal Government have charge. Out of the Federal Treasury they ought to maintain it. To seek, in this spirit of economy, to find where some mail route pays less than half the cost of transportation, and to strike it down, whilst you leave the other vast expenditures standing, is gross injustice to the rural and interior districts. As well might we inquire whether some vast navy-yard, sustained at millions of expenditure, was returning to the Government one half the cost of the annual benefits it conferred on the Navy? As well might we raise the question whether the fortifications were bringing back one half the expenditure of their construction and maintenance? They are part and parcel, all of them, of the great duties of the Federal Government; and it is not statesmanship to attempt this discrimination in relation to a particular subject.

Mr. TOOMBS. I do not know whether my opinions are statesmanship or not; but they are entirely variant from those of the honorable Senator from Mississippi; and they are my own ideas. I do not consider his views statesmanship at all; and therefore, we stand fair on that point. He does not consider my views, and I do not consider his, as statesmanship.

When you come to the question of the financial operations of this Government, I start from a very different stand-point from the honorable Senator from Mississippi. When you speak to me of a fortification, if you spend $10,000,000 for one in Maine, and it be necessary for the public defense, I do not expect to get one dollar from it. Why? Because the public defense is a unit. Every man in the Republic, and every dollar in the Republic, is committed to the maintenance of every other man and every other dollar in it. It is not a question of money. It was not the policy of our fathers to make it a money question. We have made no dollars from fortifications; we expect no return from fortifications; we expect none from public defense anywhere—none from the Navy, none from the Army. The only question is, whether, in a wise policy, such an establishment both for Army and Navy as will defend us from aggression from without should be maintained? But when you come to the Post Office Department, it stands on a different principle. In the old Confederation, as the Senator himself showed, I think, in a resolution which he read to the Senate the other day, the foundation of our policy was, that the States gave Congress the power to levy sufficient postage to carry on the postal service. Postal service is no part of the national duty. It is of no more importance to the people of the United States that this Government should carry my cotton, than that it should carry my letters, or my books, or any other thing—my patent medicines, if I dealt in them. To maintain the United States against its enemies within and without, to put up military establishments adequate to that purpose, is just and proper, and according to the fundamental principles of the Government; but when you come to your postal system, it is to distribute letters among the people of the United States; and the principle adopted in the beginning was, that the whole service should pay the whole expense. That was not exactly abstract justice, but it was in some sort an approximation to it. I do not defend it on the principle of exact justice. The true principle is, that every man should pay for carrying his own letters; and so far as you depart from it, you depart from my judgment of statesmanship. The true ground is, that every man should pay what it costs for carrying his letters; and every departure from that principle is a departure from the true line. It is not the case in the public defense; it is not the case in forts; it is not the case in ships; because there the benefit is wholly indivisible; but when you come to mails the case is different. The whole reason why the mails were seized upon by the Governments of the Old World, was to make the business a monopoly, as they did with tobacco, and a great

many other commodities, to make revenue to the Government, or for favorites. The postal arrangements of the Old World, in their last philosophy, were a simple question of revenue. In this country we abandoned that notion, but we started on the idea of making the service pay for itself. I say that the people of the South, where the population is not so dense, and who write fewer letters than the people of the North, ought not, in justice, to put upon the labor of the North, the manufactures of the North, the cost of transporting their letters. If it costs more for us in the South to transport our letters than we pay, let us pay more. If it costs my people more, we ought to pay it.

I look upon the idea of putting the Post Office on the basis of the general public defense as radically erroneous. In the present condition of the country, I think we should not undertake to carry letters at all; but I waive that; the policy of the country is different. Inasmuch, however, as this service can be apportioned to every man in the United States according to the particular benefit he receives from it, he should be made to pay for that benefit. I regretted to hear the honorable Senator from Mississippi and his colleague, and my friend from Alabama, who is now in the chair, [Mr. FITZPATRICK,] talk, the other day, about what you are going to do with stages, and tell us that there would be a loss to the people who had stages and horses, as if that was any part of the great operations of Government. I say I would not exact tribute of one cent from wealth or poverty, in any part of the United States, to aid me in any portion of my business; it is not right. I would appeal to you on the great principle of the Athenian ruler, when unjust advantages were offered to him, and he addressed the people of Athens, saying, "this is all true; we shall get these advantages; but it is not just; I do not want this from any enemy;" and, if I could get the men of the North to put this service on sound and just principles, I would coöperate with them. I say the idea of making the Post Office Department pay for carrying passengers in stage coaches in Mississippi, or Alabama, or Georgia, is all wrong; and it will not do for my friend from Mississippi [Mr. BROWN] to say that we of the South pay more duties on imports than we get benefits from this Government. We are not at that business now. Let us settle that question when we adjust the tariff. Let us fight one thing at a time. If we pay more than our share, let us argue it before the Senate and before mankind. Now we are dealing with the Post Office; put that on its own basis; but, when you start the game that we must be compensated in the Post Office establishment for what we lose by unjust taxation by duties on imports, I tell my friend from Mississippi it is not a game that our people can play at; it is not a game for an honest people to play at anywhere. Put the Government on its true basis. Make the postal system sustain itself; it did maintain itself from the days of the Revolution to 1851, and actually brought money into the Treasury. You cut loose from sound principles then, and you commenced this grand business of running four-horse post coaches from one village to another. It was done in my State. It may do for a member of Congress to go to the Department and say it would be a great convenience to his constituents to run a coach from the town of C to the town of D; that there are two or three merchants or gentlemen in the towns who occasionally want to travel; and that they will be accommodated by having coaches. The great mass of laboring people, in my judgment, are no more interested in running stage-coaches from Elkhorn to my town—thirty miles—than in running one from Concord to some other town in New Hampshire. It is levying out of labor, it is levying out of honest industry, that does not use this national advantage, for the benefit of those who do.

My view of this matter may not be statesmanlike, in the opinion of the Senator from Mississippi; but I think it is just. I am not a statesman; I do not pretend to be. I think I have but very little statesmanship; but I have some innate ideas. I have some acquired ideas; and I do not think, before God, that it is right for me to make another man pay my expenses. That is my test. I do not think there were ever any better laws than those of Moses. I do not pretend to be wiser than he was, especially considering where he got his information. I say, then, that although we do profit by this postal service, although we get stage coaches, especially from our present Postmaster General, who, I think ought to be stopped—I think every man in this country should put his hand on him—it is not right that we should do so at the expense of other people. He is a very good fellow, but I tell you he is a wild man. He thinks he carries civilization and progress in his mail bags. He says he has civilized two thirds of the continent. I am for stopping that business. I want you to put your hand on it. If the President will not do it, you ought to do it; for he has this day before you deficiencies to the extent of one fourth of the entire revenue of the United States for the last year. I have no resentments toward him. The difficulty I have is, that he gives everybody everything, me included. That is the whole trouble with him. This bill before the Senate to-night proposes to give him $10,000,000 for deficiencies in the Post Office service of the United States for the present year and the next; and he says that is not enough. He says heretofore he has only asked for enough until the next meeting of Congress; but, inasmuch as the next Congress may be very much troubled about particular ideas—may be sectional, and so on—he asks for enough to carry him to the end of the next fiscal year.

Mr. COLLAMER. If my friend from Georgia will permit me, I wish to read the section of the act of 1851, to which I referred.

Mr. TOOMBS. Certainly.

Mr. COLLAMER. The seventh section of the act of 1851, to which I referred, as taking away the limitation on the Postmaster General, is in these words:

"SEC. 7. *And be it further enacted*, That no post office now in existence shall be discontinued, nor shall the mail service on any mail route in any of the States or Territories be discontinued or diminished, in consequence of any diminution of the revenues that may result from this act; and it shall be the duty of the Postmaster General to establish new post offices, and place the mail service on any new mail routes established, or that may hereafter be established, in the same manner as though this act had not passed."

There, you see, he is forbidden to discontinue the service.

Mr. TOOMBS. I do not blame the Postmaster General for that. The truth is, there is the forbidden fruit "which brought death into the world, and all our woe," in that act of 1851; but the Postmaster General has gone on, in his discretion, enlarging the service. Since he commenced, he has added $5,000,000 of deficiency. The old deficiency was but $6,000,000; since he has come into office, he has put on $5,000,000 more. He has acted on the idea that this was a great business of civilization, and he says so in his report. He says he has civilized two thirds of the continent by his mail service. I do not know that four-horse stage post coaches do much in the way of civilization by running through Indian nations. If they do, I think it is an expensive business. It is something like the Indian reservations, which cost more than they come to, and therefore none of them ever get my vote. I am not for civilizing Indians in that way.

But I come to the point. The southern States, from their sparseness of population, do not pay all their postal expenses. I say the whole mail service of the South ought to pay its whole expenses, and I am ready to put it on that ground; and I say any other ground, in my judgment, is a wrong ground. I am ready to put it there, as one of their representatives. In my judgment, it is the best ground. I know, on the other side, we pay annually large sums of money for foreign mail steamers to New York. I would stop both. I would put them on their postage alone, as we did the packets in the olden times. I am not for putting coaches on the Post Office Department. This mail service has gone beyond anything that it brings. We have gone so far that in this very bill we appropriate $20,000,000. Seventeen years ago, this was the whole expense of the Government. In 1842, $20,000,000 covered the entire expenses of your Government; and now we are to spend $20,000,000 in this bill for the Post Office alone, and $10,000,000 of that a deficiency. I say the point to retrench is in the South. I admit that the Post Office Department is greatly to her advantage, and, as one representative of the South, I desire to see it cut off, and to limit, as I intend to limit, this man to not one dollar beyond the postal receipts.

Mr. HUNTER. Mr. President, both the Senators from Mississippi object to this inquiry under the idea that it can be designed for nothing else than to lead to legislation which may put down a great deal of the mail service of the country. Now, sir, I say that we cannot tell to what it will lead until we have the facts before us. I have never meant to say that we should discontinue every route that did not pay; because there are routes which are justified by other considerations than the mere amount of money which is received from them. But I do mean to say that, as a whole, the Post Office Department ought to be something like a self-sustaining machine; and that, in order that we may be enabled to devise legislation which shall make it so, we ought to have all the facts which relate to it. What precise use can be made of this information after we get it, I do not now pretend to foretell; but that it will be useful, I believe; because, when we come to see the statement, perhaps we shall be able to ascertain the general laws by which this system is governed.

Now, sir, so far from admitting that the South pays less in proportion to the service she receives than the North, I maintain that it has never been proved, and cannot be proved from any data before us, that the North does pay more in proportion to the service it receives than the South; and I think the whole idea proceeds from a misconception into which gentlemen have fallen on all sides—gentlemen to the left as well as to the right.

Why, sir, what is the Post Office Department? It is a service which the Government sells to individuals for a certain amount. It sells the service of transporting letters anywhere in the United States, east of the Rocky Mountains, for three cents a letter; it sells the service of transporting letters from any part of the United States east, to the Pacific coast, for ten cents a letter; and we have no information by which we can tell whether one section pays more than another; and all those statistics, which have been gotten up by the Senator from Pennsylvania and others, are utterly delusive. Take what seems to be the strongest case—the State of New York. I throw out of consideration the ocean postage, without which, it is said, she cannot pretend to show that she pays more than she receives. Throw that out of consideration, and I say there are no data by which she has shown, or can show, that she pays more than she receives. What is the service for which she pays? Letters are prepaid; and the service for which she pays is this: the United States undertakes to carry her letters, not only within the limits of the State of New York, but to California and every part of the United States; and how is it that gentlemen attempt to state the account, in order to show that they pay so much more than they receive in return? Of course, if they get more service, they must pay more money; but they say they pay more money, in proportion to the cost of that service; and how do they show it? They are to be charged with the service of carrying their letters all over the United States; but, in order to show that they pay more than they are entitled to, they show that the cost of carrying letters inside of the State of New York is rather less than what they pay. To show that, they would have to prove that the cost of carrying them all over the United States was less than what they had to pay; but if you take even that statement, and deduct the foreign postages, I doubt if there is a single State in the Union which could show that it paid more than it received, in the way of service; on the contrary, I believe that information would serve to show this fact, which is an important one: that the Government of the United States has undertaken to perform a service for which it is not remunerated anywhere; that the cost of transporting these letters is less than it gets everywhere—in the New England States, in the middle States, in the southern States, and in the western States. I believe, when we come to get the facts, it will be shown that each pays much more nearly in proportion to the service which is rendered to it by the United States, than is generally supposed. It is not a tax; it is a payment for service; but it operates far more equally than the tax on imports. Perhaps we have no service which is distributed with more equality and justice than this; and, at the same time, I believe it will be found to operate

much more equally amongst sections than is supposed. My State is one of the defaulting States, according to these statements, I believe as much as Mississippi; it may be more; still, I do not believe but that she pays in proportion to the service rendered, and I think this information would tend to show that fact. But, be that as it may, I believe it would enable us to see whether some general law might not be devised towards making this whole Post Office machinery self-sustaining, without operating injustice or gross inequality to any section of the country.

Mr. BROWN. Mr. President, I do not quite agree with the Senator from Georgia that there it any sound reason for the declaration that the Post Office is any more bound to be a self-sustaining institution than any other Department of the Government. I do not see why the Army, the Navy, the Treasury, or the State Department, ought not to be self-sustaining in the same degree, except that you collect postages; but you collect revenue for the general support of the Government. If your postages are not sufficient to sustain your Post Office Department, you are as much bound to sustain that Department out of the general revenues of the Government, as you are bound to sustain any other Department, because you levy your taxes upon the whole people. If you will give us such post office laws as we demand, then I am willing to make the Post Office Department a self-sustaining machine; but if you come to me with your vast northern power, with your numbers in the House of Representatives, and reduce the postages down to a mere fraction, and then tell me that my people are to have no mails unless the postages will sustain them, I do not consent to it, in view of the fact that you levy taxes upon us *ad libitum* everywhere else. Give us five cents or ten cents postage; I do not care a sixpence if you make it twenty cents on a letter; my people do not cavil with you as to the price of the thing, but they want you to carry it. They are not content that you shall reduce the postage to three cents, get no revenue, and then make that an excuse for cutting off their postal service; but if you do it, then they demand that you make the Post Office Department a charge upon the national Treasury, into which they pour their millions annually. If the Post Office is to be a self-sustaining machine, levy postages sufficient to sustain it; give us a five-cent rate, give us a ten-cent rate, give us a twenty-cent rate; go back to the old twenty-five-cent system if you will; my people never did complain of the amount they had to pay. Their complaint has been that you have not furnished them with mail facilities at any cost.

This proposition comes to me even through my friend from Virginia, with a taint of suspicion upon it—not from him; but when I find an inquiry as to whether post routes pay one half the expense, I am brought to apprehend that next year we shall have a proposition to discontinue all that do not pay one half. Why, sir, the post route between Philadelphia and New York would pay double, treble, quadruple its expenses, at one sixteenth of one cent; those people would get their mail facilities anyhow; but we that live in sparsely-populated parts of the country, between initial points where there is no great commercial intercourse, would get very little postal service, if we were restricted to the amount of our postages.

Now, sir, I want to put a case to my friend from Virginia, who favors this inquiry. Take the two points, New Orleans and Jackson, in my State: how is the Postmaster General to arrive at any just conclusion as to what that route pays? New Orleans is the grest commercial and financial center of the Southwest. Jackson is the seat of government of my own State. If you take the intermediate points, the postages will be almost nothing. How much are you to take from the two great termini; how much from New Orleans, for the routes centering there; how much from Jackson, for the routes terminating there? They are important commercial, financial, and political points in the two States. How are you to divide the postages at the two points, between that particular route and other routes? If you put a man down to make a calculation, who wants to crush out a route, he will always show you that it does not pay one half.

I say, then, that when you get your information it can by no possibility amount to anything. What is the basis of calculation? Take New York and Albany. Who is to determine how much the postages amount to between New York and Albany? How are you to start? The thing is utterly impossible. If you only take the intermediate points and leave out the initial points, then you arrive at no conclusion at all. I do not want the clerks in your Departments to be making up calculations of this sort, which are to serve as a basis for crushing out post routes in the section of the country from which I come.

I say again, if you are prepared to give us a postal system with rates of postage that will make the Department a self-sustaining Department of the Government, I am for that, and I am willing to see it put upon that basis; but if you insist on reducing the postage so as to accommodate the mercantile community at the expense of the great mass of the people, then I say the Post Office Department must become a charge on the national Treasury. New York and Philadelphia and Boston and Baltimore and Charleston and other great commercial points, might very well say: "We are content with one cent postage." They would be just as well content with half a cent; they would get their mail facilities anyhow; but what are the great mass of the people who live in the interior to do, if, under such a system, you make the Post Office sustain itself? New York, I find, is very well content to reduce the postage to three cents; I have heard her Representatives clamoring for a one-cent rate; but when she wants ocean mail service, she comes and demands it, not as tribute from the Post Office treasury, but as tribute from the national Treasury. The hundreds of thousands, ay, the millions that you pay for ocean mail service, are not charged to the postages. I want to know whether my friend from Virginia considers that the ocean routes, which do not pay one half, are to be discontinued?

Mr. HUNTER. We have a distinct report in regard to the ocean routes. I am not proposing to discontinue a route. I am merely asking for information.

Mr. BROWN. I know the Senator commences in that way. He only asks for information; but if he is not going to base action on that information, what does he want with it? If you do not mean to discontinue the routes that do not pay one half the expense of carrying the mails over them, why do you want the information?

Mr. HUNTER. I want to know if you can do it beforehand?

Mr. BROWN. I can tell the Senator beforehand, that vast numbers of routes, in the South and Southwest, do not pay one half the expense, if you take only the initial points, because sometimes they run from a pine tree in one place to a pine tree somewhere else; but they connect with important routes. I could point out a dozen in my own State that pass from point to point; where, if you take the initial points, or the intermediate points, the route, as named in the law, does not pay anything, and yet it is important to make the great connection of the mails from one prominent point to another. I know a dozen that start where, perhaps, there is only a little cross-road store, or grocery, or some gentleman's house, where the post office is kept. There you start your mail and carry it to some other point, and pay four or five hundred dollars for it, and the two initial points will not pay twenty-five dollars a year postage; but it is an important link in mail connection to keep up that route. Are you to break up the service, and say to these people that they shall have no mails at all? The whole inquiry seems to me to point to a discontinuance of mail routes that do not pay one half the expenses of carrying the mail over them, or it means nothing. If it means that, I am utterly opposed to it.

Mr. RICE. I do not understand that the effect of the amendment offered by the honorable Senator from Virginia will be to prevent the carrying of mails through regions where the postages do not pay the expenses. Am I not right?

Mr. HUNTER. Certainly; it only proposes to collect information.

Mr. RICE. I think if there is one thing that the Senate needs it is information upon this very subject. I know that my State does not pay. I know that it cannot, for several years to come, pay the expense of carrying the mails; but I understand the manner in which contracts are let. An instance came to my notice a very few days ago. The contracts are usually given out after the adjournment of Congress; the Postmaster General is left, in many instances, without a proper guide to control him in regard to the routes. I found six routes in my State that were costing the Government from six to ten thousand dollars, which were of no earthly use. Had I been consulted at the time the contracts were made, or had I known of the fact, I should have asked to have them discontinued at the time; and when I found the information which came to me accidentally, I requested the Postmaster to discontinue them. He did so; and I should be glad, so long as I have the honor of a seat here, at every session to have this information laid before me, so as to have the unnecessary routes stricken from the list, in order that those which are necessary may be put into operation. I inquired in regard to one route, where they were paying $4,000 a year, and not three letters were carried on it during the year. I was informed that certain gentlemen represented to the Department that it was absolutely necessary, that the country could not get along, unless that route was put in operation. I knew of my own knowledge that there was no more necessity for it than there is for paying $4,000 a year for carrying the mail from our post office into the Senate Chamber, and not half as much. I think this information is highly necessary and highly important; and if this amendment is adopted, I believe it would give us an opportunity of discontinuing the unnecessary routes, and get service on those that are necessary.

Mr. DAVIS. If the object were to discontinue all routes where the compensation was not equal to the expense of carrying the mail, I should very clearly understand the proposition; but that has been so often disavowed, that it would be idle to consider it in that connection. My friend from Virginia announces, and with great distinctness, that his object is to make the Post Office Department self-sustaining. That being the object, I do not perceive the necessity of inquiring whether a route pays one half the expense of carrying the mail or not. It is from no apprehension of an inquiry into the postal service of the State of Mississippi that I object to it; for that postal service is of the very poorest and lowest kind. Gentlemen vaunt the coaches and four horses. We have one or two stage lines; and on those, in the winter, the mails are carried on a little uncovered wagon or box. Most of our mails are carried on horseback, in saddle-bags—weekly mails. I do not believe the statement which has been so often announced here; I do not believe it is to be drawn from a correct return of the postal service within that State, of which so much has been said in the course of the debate. But whether that be so or not, this is not an inquiry which leads us to the point of making the postal service self-sustaining. The inquiry as to whether offices are necessary or not, whether routes are necessary or not, is not to be settled by ascertaining the amount of postage derived from a particular route. Therefore, I see no advantage to be gained by the vast volumes of returns which this inquiry will require; the great accumulation of figures which few, if any, will ever read.

My friend from Georgia, somewhat sensitive, as his remarks implied, at the idea that this was not statesmanship, goes on to prove to me that my view was not statesmanship; and convinces me that, though he has those innate ideas of which he has spoken, they have not been reduced to logical sequences. He says the defense of the country is a unit. Why? A unit, because the States surrendered to the Federal Government the subject of national defense; they have devolved upon the Federal Government the duty to provide for the national defense, and it thus becomes a unit. The States and the people having confederated together, and devolved upon their general agent that, as one of its duties. How does it stand in relation to the postal service? Have the States the right to establish their own post offices, and their own post routes, and provide for the transportation of their own mails? Not at all. The same instrument which granted the power to provide for the national defense, granted also the power to establish post offices and post roads. The Federal Government has as complete charge of the one as the other, and it is as much the duty of the Federal Government to provide for the one

as for the other. In the performance of its duties it requires mail routes where there are but few inhabitants, and most requires them where the postages would not pay for their maintenance; most requires mail routes on the remote frontier, where very little is derived in the form of revenue from the particular route. It is sustained for the public good; it falls as a charge; and, whether the form be a tax upon those who receive letters, or not, is not the question which I at all considered, or which I proposed to treat of on this occasion. It was whether it should be divided so as to have facilities stopped at one place, because at that particular place the mail transportation did not pay for itself, and to maintain it at other places because it did there pay for itself. If the States had the right to establish their own post offices, if the States had the control of the transportation of their own mails, then it might be fair to say, let each people pay for the transportation of its own mail matter.

But again, sir, it is a unit, because it is the relation between the producing, the rural districts, and the great commercial cities which requires these mails to be transported. You want correspondence with the great entrepot, and the merchants there, with whom you transact your business, require to have a correspondence in return with you, and it is this joint relation which requires the mails to be maintained; and this relation between the producer and the merchant, if there was no restriction, if there was no provision requiring the establishment of mails by the Federal Government, would lead to the establishment of mails by private capital. This relation between the agricultural and the mercantile portions of the community, I say, would maintain intercourse through mail routes at their own charge if there was no establishment by the Government whatever. Nor is it by any means to be determined by the amount of postage paid at a particular place, as to what amount of matter goes to it. It may be sent from places where the postage is paid, and the letters sent in return may not be equal to those sent out, and the Senator from Georgia knows that very well to be the case in every planting district. The cotton factors and agents send out many letters and circulars to the planters for one they receive in return. Looking at the postage received at an office in a city you find there an amount of matter which is prepaid entered to the credit of that office, and very little entered in return to the credit of the office where those letters have been delivered. It is a general system running throughout, interwoven completely throughout all parts and all portions of the United States, and cannot be divided in the manner which is here proposed.

The Senator from Georgia speaks of making the North pay for the routes in the South. I desire no such thing. I desire to make the mail service a unit, to make the postal arrangements such that the Post Office Department will sustain itself, and to do it by raising the postage, by striking off the franking privilege, by charging heavier upon the species of mail matter which now pays comparatively nothing, and thus to create the receipts of the office equal to the demand of maintaining all the mail facilities which the wants of the Government and a just attention to the wants of the people require should be kept up. Every man cannot pay for his own letters, as the Senator announces it. Every man must pay the postage on his own letters, but whether that will pay for the transportation of the particular letter or not, is a thing which is not determined. It varies with circumstances all over the country, and to require any such thing would defeat entirely the transportation of the mails in those localities where the number of persons requiring letters is very few, but where the necessities of the Government may be so great as to require the maintenance of a mail route. That this may be entirely understood, I will merely say that in some places where no mail routes are established, the Government is compelled to keep up its mail by sending it by express men, at the cost of the Government itself, without charge upon anybody else, because there is nobody else to pay. This is the case at some of the remote frontier posts.

So far, then, as the argument is made upon one side or upon the other for making the postal system self-sustaining, I have nothing to say against it. It was in that view that I voted for the increase of postage; it was in that view that I voted to abolish the franking privilege. I am willing to go as far as any one to secure this object. It is a species of direct taxation, and falls as equally, perhaps, as we can make taxation descend on the people. I favor it in preference to an indirect mode of raising money to support the transportation of the mails; but I object to this mode which would endeavor to ascertain where a route would not pay in order there to abolish it, or, by a sliding scale and a discriminating duty, to make them pay higher for the transportation of the letters on that route than elsewhere. Unless something like this be the object, I am at a loss to imagine what good the report here proposed can do. It will make Congress none the wiser as to the whole expense of transporting the mail, and I do not think there will be any information which will be at all available for legislation in the fact that route No. 120 or No. 7040 does not pay one half the cost of transporting the mail along it, and it will descend lower and lower just in proportion as that route shall be a link in the connection of two great commercial cities and itself merely a point over which this great mail passes.

As to this matter of each man paying his own postage, it is a thing I will say further, which I should not particularly shrink from, especially as it has been my fortune to maintain a special post office, and, in connection with a very few neighbors, pay for service. We have to pay for bringing the mail to us, and it is under the regulations of the Department that we have been embarrassed in the receipt of our letters, and are now more encumbered in getting a mail than we should be if no such thing existed as a Post Office Department. I could to-morrow make arrangements at the place where I reside for the delivery of the mail, with any packet-boat in the trade, on far better terms than we can get it through the Government. We derive no benefit whatever from the establishment of that route, and yet it would be returned, probably, as one that did not pay one half the cost of transportation. For many years it was maintained as a special office, (the neighbors in a small locality paying for the delivery of the mails,) and we had better service then than we have had since the Government took charge of it. So far, then, as the mere matter of paying the expense of transporting the mail is concerned, it is not only in this locality but in many others within the limits of the State which I, in part, represent, you will find persons associating themselves together, and applying for the establishment of a post office and post route on the condition that they shall pay all the increased expenses for the delivery of the mail at that point.

Mr. TOOMBS. I must confess that I have not been strongly impressed with the arguments of the honorable Senator from Mississippi against the amendment of my friend from Virginia; but I shall address myself chiefly, and very briefly, to the arguments he made against my own position.

The Senator agrees with me that the national defense is a unit, and therefore he thinks the post office ought to be. I stated that the national defense was not only a unit, but indivisible. You cannot apportion it. From the very nature of the thing, as every man is bound, with his life and his whole estate, to maintain every other man and his estate, whether great or small, it lies at the bottom of the social compact, and therefore you cannot divide amongst society the cost of its public defense. But in the Post Office Department the case is different.

Mr. DAVIS. Does the Senator mean that each State could not have reserved to itself the right to provide for its own defense, to make its own fortifications, to maintain its own army?

Mr. TOOMBS. I simply mean that they did not do it under our system.

Mr. DAVIS. They did not in the Post Office either.

Mr. TOOMBS. We will see about that. I say they gave the common defense to the common Government; but, even if it had been reserved to Mississippi, she could not divide it by any human ingenuity. If Mississippi had reserved this right, and had charge of the defense of her own people, there is no possible way by which she could make that defense divisible, except in the imposition of taxes, equitably and justly, to maintain the common defense. Under this Government, we have given the common defense to the Government of the United States. It is indivisible, as well as a unit. We give the Post Office power to the General Government, and that is not indivisible; for, from 1789 until this day, it has been divided. Have all our ancestors been fools? Did they not understand it for sixty-two years? There is no tax for the Army, there is no tax for the Navy, except the general taxation of the Republic; but in the Post Office there is an attempt to put upon each man the burden, according to the benefits of the particular institution to him. Therefore, I say, the distinction which I take has been recognized from 1789 to this hour. Why did you charge me three cents on a letter, or six cents on a letter, or twelve cents on a letter, or eighteen cents on a letter, or twenty-five cents, which I have paid in my time? It was on the idea of making me pay for the postal arrangements just in proportion to the benefit I got from them. You never charged me for a fort, you never charged me to maintain the soldiers, and I should have been very reluctant ever to have paid them a dime. I never saw one to whom I would give a shilling to defend me. Our fathers left the general defense of the country to the common Government; but when they came to the Post Office, they did not mean to put it on the general Treasury, but they charged six and a quarter cents for carrying a letter thirty miles, twelve and a half cents for another distance, and eighteen cents, and twenty-five cents, according to the distance. That was entirely distinguishable from the whole idea of the national defense. They charged nobody under any idea of any particular protection to him, except in laying just taxes upon him, and they do not charge every man according to what he is worth, but what he consumes. You may charge a loafer, a man who is not worth one tenth part of what I am, more than you do me, provided he consumes more than I do, in brandy and clothes. But when you come to the Post Office Department, notwithstanding the Constitution gave the postal arrangements to the Federal Government, it was under the idea that this was a convenience, and that those who used the Post Office should pay for it; and from 1789 to 1851, it paid for itself; that is, each man paid his proportion. I admit it was not exact; but it was an approximation, and therefore distinguishable from the unity and indivisibility of the national defense. This was divisible; and the Government attempted to divide it, and did divide it; and I say, that, so far from my friend from Mississippi benefiting his constituents by this idea of taking out of the public Treasury the taxes imposed on their consumption, and using them to pay for his mails, he loses at both ends.

Mr. DAVIS. That is not my idea. I did not advance it.

Mr. TOOMBS. I did not charge you with it; but it was your colleague, [Mr. BROWN.] You took the idea that it was a unit, and seemed to assume that it was indivisible. I answered that satisfactorily to myself; I do not know how far it may be so to others. I then alluded to the argument of your colleague, who said that he had paid his part in customs, and must get it somewhere. I say he will lose at both ends in that business. If he pays an unjust proportion of the public revenues for the national defense, he does not make it up in the post office; and if he does, he makes it up out of his own neighbors, and not from the man in Massachusetts or Vermont; because it is just as much against the interest of the humble man in the piny woods who drives his cattle off, for Mr. BROWN, of Mississippi, to charge him with part of his postage, as it is for the man in Vermont or Massachusetts to charge him for carrying ten dollars' worth of his potatoes to market. It is not just. Postage can be divided, and you ought to divide it. Though you cannot divide it according to exact justice, you can approximate to it. The rule has been that the whole of the beneficiaries shall pay for the whole service. That was the rule of Washington, of Jefferson, of Adams, of Madison, of all the fathers of the Republic, and of all our Congresses until 1851. It was, that the whole service should pay the whole burden, and the man that never wrote a letter never paid a shilling. Then we did not have civilization carried in mail-bags all over the United States. They toted something else. They had the humble employment of carrying letters and newspapers; but the moment you commenced car-

rying civilization, the whole thing ran up to six or ten million dollars per annum from the Treasury, and it will go on to $20,000,000 if you carry civilization. As long as you carry letters and newspapers, you can bring it under some sort of rule. My friend from Vermont, when he was Postmaster General, carried newspapers and letters. He did not think of carrying civilization.

Mr. COLLAMER. Not doing it in that way.

Mr. TOOMBS. The present Postmaster General totes civilization in his mail bags, and lets it out all over the Indian country, going to the Pacific ocean. [Laughter.] That does not bring any money, and I do not think it will ever be of any use. I do not know what a Troy coach and four horses will do in civilizing Indians or white people, except that it will enable some of them, perhaps, to find seats in the national Capitol.

I say that the public defense is not only a unit, but indivisible; but the postal arrangements are divisible, and they have been divided from 1789 until within the last few years, and we never departed from that idea until we came upon evil and vicious times. In 1851, since we departed from the system, we have gone on from a deficiency of about two hundred thousand dollars until the present Postmaster General has, in his two years, run from $5,000,000 to $10,000,000 deficiency for the internal carrying of the mails. I will not pay it. I would rather never see a four-horse Troy coach in my State than pay it. It is not worth the money. It may amuse the Indians or the negroes along through my country, but it does not pay.

The Senator from Mississippi [Mr. DAVIS] says he has to support his own mail. That is very common all through my country. I have had to do it myself. The mail comes to a village, and the people in a certain neighborhood agree with the postmaster that they will provide for carrying it from there to themselves, and they pay the mail rider for doing it. I suppose that is what the Senator means. That is very common in Georgia. The Department not having more money than it could spare, told us "you may go to this village and get your mail, paying for it yourselves." It is just the same as our hiring a man to bring us our mail. I never complained of it, because, if the Post Office Department does a thing of that kind for the convenience of my neighbors and myself, I think we should pay for it, and I have always done so with the greatest pleasure. I do not think you ought to run a four-horse Troy coach to bring my mail to my estate at the public expense, when the amount of revenue will not justify it; and therefore I have done the same thing that the Senator from Mississippi has, and I have done if cheerfully, and approved the policy that made me do it.

Mr. DAVIS. The Senator entirely mistakes the case which I was describing. The case is that of a river mail, where your laws prevent the boats from landing a planter's letters; and it is only by getting a special post office, and then getting rid of the Post Office Department and making a special contract, that we can get such service as answers the purpose.

Mr. TOOMBS. I supposed you had a land mail. I am a land-lubber.

Mr. DAVIS. Therefore your description of the case did not apply.

Mr. TOOMBS. But it amounts to the same thing. You had no post office, and you wanted one where the regulations of the Department would not let it go. They would not let a mail come to us until we agreed to pay the expense of bringing it there. I do not ask Mr. Brown to send a four-horse Troy coach to my neighborhood; I do not think it would be the fair thing to do it, when we can have the necessary service done for fifty dollars a year. I suppose a four-horse coach, at the rates of the overland mail, would cost the Government $10,000 a year, and we can get our service for fifty dollars per annum. The thing is going on upon too magnificent a scale. Postage ought to be paid by those who are benefited by it. Congress has the right to establish post roads; and how the mails shall be carried is a matter within the discretion of Congress. It is my judgment, that when we can get what I would call a wise Congress, they will put this service out in the different States for what it can be done for, and remove the inconvenience of the Senator from Mississippi, and that of a great many other people. I want to get rid of this thing of one man paying for the letters of another man, and I will do it according to the best plan I can find.

Mr. HUNTER. Will the Senate allow me to modify my amendment? With the consent of the Committee on Finance I modify the amendment, by striking out that portion in regard to routes that do not pay more than half their expenses, and keeping the other portion, which relates to the coast service and star bids.

Mr. TOOMBS. Keep it all.

Mr. FESSENDEN. I think we had better keep it all.

Mr. HUNTER. Very well; we will try it.

Mr. YULEE. I think some injustice is done to the Postmaster General. The excess of expenditure over the receipts of the Department is not to be charged altogether upon him, nor even at all upon him. It is chargeable to the vicious legislation of Congress; not only to the act of 1851, but to the acts which have been passed since that time, establishing, without any restraint whatever, routes in every direction, which have imposed upon him the duty of establishing those very costly routes to which the Senator from Georgia refers as fighting the Indians with coaches. The overland mails were established by law, and not by the Postmaster General; and the excess of expenditures over the receipts did not commence with the present Postmaster General, nor have they swollen inordinately under his administration. They commenced much earlier. The excess of expenditure in 1855-56, was $3,487,000; in 1856-57, $4,153,000; in 1857-58, $5,234,000; and all these excesses of expenditures over receipts were of his predecessors, and not chargeable upon him. At every successive session, the predecessor of the present Postmaster General and the present Postmaster General have called the attention of Congress to the effect of the legislation of 1851, establishing low rates of postage, and to other vicious items in the legislation of Congress, which necessarily throw the Department upon the Treasury.

I am sure, Mr. President, that no officer of the Government, no person connected with the administration of the Government, will be more rejoiced than the Postmaster General at any reform in the legislation that will bring to a nearer approach the expenditures and receipts of his Department. I have no doubt it will be acceptable and agreeable to him that the amendment reported by the Committee on Finance, limiting his discretion in the expenditure of money in the next year, has been made. I, myself, approve it. I hope that the Postmaster General will be able to live up to it. If the limit is too great, as perhaps it may be, if it is too sudden, some provision may be made at the next session, as the chairman of the Finance Committee proposes, to meet the deficit.

But, sir, while I sympathize with the amendment which is now under consideration, or at least in the object which the chairman has in view in the amendment now before the Senate, I think it will be utterly useless. I think that the reform in the number of routes, that the discretion in routes must not begin here, and cannot be profitably or advantageously exercised in Congress. It must be in the Department. It is there that the discretion must be used in the discovery and discontinuance of routes which are useless, and in the reduction of service upon routes upon which this service is excessive. I hold in my hand a substitute which, if adopted, together with the limitation which has already been adopted at the instance of the Finance Committee, will, I think, accomplish all the objects which the Senator from Virginia has in view, and every good object. It will throw upon the Postmaster General the necessity and duty of exploring for himself the routes which do not pay, and which may properly and profitably be discontinued without injury to the public service, and will enable him to reduce, within proper limits, the expenses of the Department.

The amendment which I have drawn proposes to repeal the seventh section of the act of 1851, which, as the Senator from Vermont has justly stated, lies at the bottom of all the fault in the working of the postal system. It was that clause of the act of 1851 which obliged the Postmaster General to go on with increased expenditures, without regard to the reduction of receipts. I have prepared an amendment which will repeal that section, and I move it as a substitute for the amendment proposed by the Senator from Virginia, which I hope he will accept, and, at all events make the experiment; for I am well assured that although he may obtain from the Department some report, and perhaps a very voluminous report, in respect to the routes, he will obtain nothing that will be useful to him or to Congress in guiding its legislation in reference to the reduction of routes. As has been stated by the Senator from Mississippi, it would be perfectly impossible for any officer to determine what portion of the income upon any long route, or upon any continuation of links of routes, is due to any one of the links that compose it. The whole service is a net-work—all of them connected, and all of them mutually dependent. It is impossible to separate the income upon each route so as to compare it with the expenditure with any justice or utility. I propose, as a substitute:

That the seventh section of the act approved March 3, 1851, entitled, "An act to reduce and modify the rates of postage in the United States, and for other purposes, be, and is hereby, repealed."

I will read again the section, as some Senators may not have been listening when it was read by the Senator from Vermont:

"SEC. 7. *And be it further enacted*, That no post office now in existence shall be discontinued, nor shall the mail service or any mail route in any of the States or Territories be discontinued or diminished, in consequence of any diminution of the revenues that may result from this act; and it shall be the duty of the Postmaster General to establish new post offices, and place the mail service on any new mail routes established, or that may hereafter be established, in the same manner as though this act had not passed."

That is the provision which I propose to repeal, and that will enable the Postmaster General to resist the pressure upon him to exercise a discretion in the establishment of routes and in the discontinuance of routes, and that in connection with the limitation upon his income, which has already been provided by the amendment reported from the Committee on Finance, will accomplish, practically, all the objects which I think the Senator from Virginia desires.

Mr. HUNTER. I will vote for the amendment——

Mr. STUART. The Senator is offering it as a substitute for the amendment of the committee. I wish to suggest to him not to do that, but to offer it as a separate proposition.

Mr. HUNTER. I hope the Senator will offer it as an independent proposition, and I will modify my amendment by striking out the first part of it, so that it will read:

Resolved, That the Postmaster General shall report the routes in operation, upon which the expenses might be reduced, if the service were performed with a single view to the transportation of the mail with due celerity, certainty, and security.

The VICE PRESIDENT. The question pending is on the amendment to that amendment.

Mr. STUART. The modification of the amendment of the Senator from Virginia, as chairman of his committee, makes it unnecessary for me to press mine, and I am entirely willing to withdraw it; but I wish to say a few words, and only a very few, in regard to this proposition. It would be found, if the information sought for were furnished to Congress, that almost every Senator who has spoken here on the subject, in my humble judgment, would be mistaken in regard to the facts. The honorable Senator from Virginia seems to be under a misapprehension. The honorable Senator from Mississippi, [Mr. BROWN,] not now in his seat, has stated a case which he supposed to be a very strong illustration, in regard to the expense of carrying the mail from here to New York. Now, sir, I presume that the postages received on that route will not pay one quarter of the expense of carrying the mail. I venture the opinion that there is not a mail service in the United States that pays its expenses; not one; and I wish the information to show the fallacy of all this reasoning. I think I may say safely that there is not a railroad service that pays its expenses, or comes anywhere near it. In making the computation at the Post Office Department, they do not give you all the income of the New York office and the Philadelphia and Baltimore office. They are not able to do that. They divide the income of those offices in proportion to the routes that leave those points respectively. If there are one hundred routes leaving New York,

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they give one hundredth part of the receipts of that office. They may not be technically correct, but there must be a division of it.

This is true; and yet, who supposes that you can substitute any other means of conveyance and take the mails away from the railroads? The community in the adjacent neighborhood would not abide by it an hour. Do you suppose that they would consent to take post coaches between here and New York instead of the railroad service, although you could get it for one twentieth part of the cost? Not at all. I wish the information because I believe it would silence this whole matter; that there is no such thing as undertaking to say a particular route pays so much, and therefore ought to be continued, and another one pays only so much, and therefore ought to be discontinued.

Then, as the Senator from Mississippi said, how will you estimate it in regard to the lateral routes? Why, sir, the great artery, the great through route, receives its supplies from the lateral communication like the Erie canal. New York has had the subject up again and again of disposing of the lateral canals, because they did not pay; but the answer is, take the tolls that they collect on the Erie canal that are received from produce that comes upon it through these lateral canals, and then they do pay, and it is worth while to keep them up. Take the route from New York to the west boundary of Iowa, receiving its lateral communications all along going on to this route and paying or being chargeable to it: and how will you divide it? Then, as was stated, here are ten thousand letters upon which postage is prepaid in New York and sent to Michigan, and ten thousand put in the various offices in Michigan and sent back to New York: how will you divide it?

Mr. HUNTER. I suggest to the Senator from Michigan that the amendment is modified.

Mr. STUART. I know that, and I am only sorry that every Senator can talk as much as he chooses except me. I had nearly completed all that I had to say, because this thing will be renewed here, and because I desired in a few minutes to show, as well as I could, that the foundation of the plan which was supposed would furnish the remedy would only show that there was no such remedy to be obtained. I therefore withdraw my proposition, and leave the vote to be taken upon the modified proposition of the Senator from Virginia.

The VICE PRESIDENT. The question is on the amendment of the Senator from Virginia as modified.

Mr. YULEE. Does that propose an annual report, or only one at the next session of Congress?

Mr. HUNTER. One at the next session.

Mr. YULEE. Then I withdraw my substitute, and I am willing to agree to that.

Mr. SIMMONS. I will ask the Senator from Florida, if he has withdrawn the section offered by him?

Mr. YULEE. I have withdrawn it as a substitute. I shall offer it separately, since the amendment of the committee has been modified.

Mr. SIMMONS. I understand this amendment is reduced to a simple report of what the effect will be of abolishing the post coaches and coming down to the star bids.

Mr. HUNTER. Yes, sir.

Mr. SIMMONS. Upon that question, after this long discussion, if I can get the attention of the Senate, I would like to make a suggestion or two to those who have been taking an interest in this subject, to show what I believe to be the method to reach this evil. I do not think the evil originates in the section which is proposed to be repealed by the Senator from Florida, and I will state the reason why I do not. It is, because that has been inoperative ever since it passed.

Mr. HUNTER. If the Senator will allow me, I will state that that section will be up immediately. It is not now before the Senate. It was withdrawn as a substitute.

Mr. SIMMONS. But I want to get at the foundation of the difficulty, and then I have an amendment in my hand which I shall propose, that will reach it. I am going to speak of the subject now before us. I understand that an amendment is to be proposed to repeal the law which says, that, notwithstanding the diminution of revenue and of the postages, he shall still continue these post routes. Whether that is operative or not, depends upon whether the revenue was reduced; does it not? I ask the Senator from Vermont, who was at the head of that Department, if the revenue did fall, if it was not, in 1852 and 1853, commensurate with the outlay? I have heard it read, and it is stated that the expenses of 1853 did not get up to $4,800,000. The Senator read it the other day.

Mr. YULEE. No, sir; I showed that immediately after the passage of the act of 1851, the revenues began to fall very largely, and that in the year 1858 they had only——

Mr. SIMMONS. What was the expense? I do not go to 1858; I want to go to 1853. I think the Senator read that the expenses came up to $4,800,000 in 1853.

Mr. YULEE. Just now, do you mean?

Mr. SIMMONS. A few days ago.

Mr. YULEE. What does the Senator mean by expenditure?

Mr. SIMMONS. Transporting the mails.

Mr. YULEE. I gave no tables in respect to the expense. I gave tables in respect to the income.

Mr. SIMMONS. In 1853, the income was $4,800,000, and the expense of transporting the mail $4,200,000. I want the Senator from Virginia to separate these two items, the income from the outlay, and you will find that the whole disparity in the receipts and expenditures has arisen from the enormous increase of the outlay. You will find that under this low rate of postage our income has greatly increased, and increased faster than the population of the country. It is now about seven or eight millions—$7,000,000, perhaps, excluding the foreign postage. Is not that as large an increase, from 1853, or from 1851, as you would expect? It is an increase much larger than that of population; but the expenditures of the Government are beyond all reason. They have been so augmented by reason of the mode of letting the mails, and I propose to bring the mail letting back to what the law of 1845 enacted; and if the Senator——

Mr. HUNTER. I will suggest to the Senator from Rhode Island to let the vote be taken on this amendment first.

Mr. SIMMONS. I want to amend that amendment so that there shall be no more mail lettings in any other way than the law provided; that is, to have reference to the due celerity and security of the mails.

The VICE PRESIDENT. The Senator from Rhode Island offers an amendment, to add to the amendment the following:

> And in all future lettings he shall let to the lowest bidder, having reference, in the mode of transportation, to the due celerity, certainty, and security of the mails.

The amendment to the amendment was agreed to.

The amendment, as amended, was adopted.

The next amendment of the Committee on Finance was to add as a new section:

> *And be it further enacted*, That the number of route agents, express route agents, local agents and mail messengers, shall not exceed the number employed on the 30th day of June, 1858, nor shall the whole amount paid for such agents and messengers exceed the sum of $400,000.

Mr. WILSON. I move to amend the amendment by striking out 1858 and inserting 1857.

Mr. HUNTER. I think we had better not attempt more than we can certainly carry. It is undoubtedly just to limit it to what was expended in June, 1858. Let us begin with some limitation that we can carry, and not go too far; because, if we do, we will fail in everything.

Mr. WILSON. I find, Mr. President, that we had, in 1857, four hundred and forty route agents, twenty-eight special agents, one thousand four hundred and sixty-four mail messengers; in all, nearly two thousand of these officers, and the expenditures were nearly five hundred thousand dollars. I have no doubt, from the information I have, that they have been largely increased within the last two years. If this amendment be adopted, there will be, I think, one thousand nine hundred and fifty-two of these officers left. Those officers certainly can perform the duties as well now as they did in 1857. I hope, therefore, that we shall go back to the time when we had the evidence of how many officers we had. I have no evidence of the number employed in 1858.

Mr. HUNTER. I am afraid the amendment of the committee reduces the compensation too much. The present compensation for all these officers is $577,373. Is it in order to move to amend the amendment of the committee before the amendment of the Senator from Massachusetts is offered?

The VICE PRESIDENT. The Senator may modify his amendment.

Mr. HUNTER. I have no power to modify it, because it comes from the committee. The reduction is a little too much. The present compensation is $577,000, and the amendment reduces it to $400,000. I move to substitute $500,000, instead of $400,000.

The VICE PRESIDENT. That is in order by unanimous consent. The Chair hears no objection.

Mr. HUNTER. Four hundred thousand dollars was the report of the committee. I move to insert $500,000.

Mr. FESSENDEN. I am opposed to that modification.

The VICE PRESIDENT. Then it is not in order; as an amendment to an amendment is before the Senate. Presently it will be in order. The question is on the amendment offered by the Senator from Massachusetts to the amendment.

The amendment to the amendment was rejected; and the question recurred on the amendment of the committee.

Mr. HUNTER. I now move the amendment to insert $500,000, instead of $400,000; that will be a reduction of $77,000. The amendment will then read:

> That the number of route agents, express route agents, local agents, and mail messengers, shall not exceed the number employed on the 30th day of June, 1858, nor shall the whole amount paid to such messengers and agents exceed the sum of $500,000.

Mr. FESSENDEN. I am opposed to that amendment. The pending amendment had reference to two things. We believed the amount proposed there to be sufficient. There has been a very great increase of all those officers. I believe, by cutting it down to $400,000, the Postmaster General would not only not exceed the number of officers employed at the certain time, which it prohibits, but that he would actually reduce the number of officers, and in many cases reduce the pay. I believe it has been the course of the Department for the last two years to increase those officers without any good reason, and to a very large and unnecessary extent. Just look at it; more than half a million dollars—nearly six hundred thousand dollars—are expended merely for the payment of these route agents and messengers. It is enormous of itself, and I have believed and still believe that there might be a very great reduction. If we limit it to the amount named in the amendment, it will effect a large saving in comparison with the whole amount, and it will effect another object: it will have a tendency to limit somewhat a power that has been used, in my judgment, for other purposes than for the benefit of the Post Office Department, and the Post Office business. I therefore hope that the amendment the committee offered in the first place will be adopted, and not the amendment of my friend, the chairman of the committee.

Mr. YULEE. The increase in the number of route and local agents, since the present incumbent of the office has been in charge, has been very

little. The growth was commensurate with the increase in the railroad service, which has grown, within the last ten years, some twenty thousand miles in length of route beyond what it was in 1848. These route agents and mail messengers have been very much incident to that service. My attention was called to the subject, as the chairman of the Committee on Finance is aware, and we made an effort to effect some radical reduction at the Department; but found, upon inquiry, that it was impossible, without reorganization, to make the changes which any material reduction would require. The route agents are used upon the railroads. The mail messengers are used to convey the mail from railroad stations to post offices that are not immediately in the vicinity of the stations.

The mail messengers number fourteen hundred and sixty-four; the route agents four hundred and forty; and the local agents forty-two. The cost is $576,000. I should suppose that an appropriation of $500,000 now, commences a reduction, which would be as much as you could safely make. You cannot very well dispense with them. They have become interwoven with the system of railroad service, and you cannot make a sudden change. In fact, the Assistant Postmaster General who has charge of the contract service, says it is indispensable; that they are, in fact, traveling postmasters; that much of the distribution of the mail has been made up in the cars upon the journey. I would remark, also, that most of these employés, or route agents and mail messengers, are in the northern and northwestern States. Of the whole two thousand, or nineteen hundred and seventy and odd, to which the Senator from Massachusetts referred, there are only three hundred, including mail messengers, that are employed in the southern and southwestern cities. The reduction would be almost entirely in the northern and northwestern States, for it is there that nearly all the mail agents are employed.

Mr. BIGLER. They are employed on railroads of course. They are indispensable on railroads.

Mr. YULEE. Yes. Some seventeen hundred are employed in the northern and northwestern States, and are necessary to the present organization of the Department.

Mr. FESSENDEN. That is precisely where I want to cut them down.

Mr. SIMMONS called for the yeas and nays on the amendment to the amendment; and they were ordered, and being taken, resulted—yeas 26, nays 25; as follows:

YEAS—Messrs. Allen, Bigler, Clay, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Jones, Kennedy, Lane, Mason, Polk, Reid, Rice, Sebastian, Smith, Stuart, Ward, Wright, and Yulee—26.

NAYS—Messrs. Bell, Benjamin, Broderick, Cameron, Chandler, Clark, Clingman, Collamer, Doolittle, Durkee, Fessenden, Foot, Foster, Hamlin, Harlan, Johnson of Tennessee, King, Pearce, Pugh, Seward, Simmons, Toombs, Trumbull, Wade, and Wilson—25.

So the amendment to the amendment was agreed to.

The amendment as amended was adopted.

Mr. HUNTER. I have one more amendment, which I should like to offer. It is not from the Committee on Finance; but still, while I have the floor, I should like to offer it. It is to strike out from line thirty-six to line forty-one, as follows:

"And that it shall not be lawful to use any of the money hereby appropriated, for the defense of suits brought against officers of the Post Office Department for malfeasance, misfeasance, or nonfeasance, in office; or for acts committed by them under color of law, and in derogation of the rights of citizens."

It seems to me it is wrong not to protect the officers of the Government against suits which they incur in the discharge of their duties.

Mr. TOOMBS. I hope that amendment will not be adopted. I am very much astonished at my friend from Virginia for moving it. Now, the idea is against the policy of all constitutional government that the head of a Department should defend his agents for all aggressions upon the rights of citizens, and to pay for it out of the public fund. I supposed that he would have been the last man in the Senate of the United States to have defended it. The policy of the only constitutional government of Europe, that is of England, is where a suit is determined at law, the legislative department then determines whether their own agent was justifiable or not; and they indemnify him or not, according to the facts. But, sir, as to giving the Treasury of this country to enable an officer of the Government to protect himself against the people, I say it is a question which the people of this country ought not to maintain for an hour. It is treason to popular rights, and I hope it will not be maintained for a moment.

Mr. HUNTER. It seems to me an officer who has been exposed to these suits in the prosecution of public duty ought at least to be entitled to defense, unless it should be found it was an unlawful violation of right.

Mr. HAMLIN. I would like to know from the Senator from Virginia, or from any other Senator on this floor, where he will draw a distinction between a Cabinet officer and any other officer of the Government? I would like to know from that Senator, or from any other, why by law you should not indemnify all your collectors of customs? You cannot go into a State of this Union where there are customs collected, where there are not suits pending every day and every hour of the whole year, involving rights between the Government and the importers or the owners of a vessel. Now, sir, if we are going to indemnify the Postmaster General for malfeasance, misfeasance, or nonfeasance, I ask the Senator why not hold harmless all these smaller officers who may be placed in precisely such a condition? I think it is a monstrous proposition. My attention has been earnestly urged to it by one of the Assistant Postmasters General, a very worthy man, but I told him, as I tell the Senate, that it is a monstrous proposition, and one that I would never vote for.

Mr. HUNTER. I had supposed that every collector of customs was defended when sued for acts in his official capacity, at the expense of the Government. If I am wrong in that I would not establish a different rule for the Post Office Department; but I supposed that it was placing the post offices on the same footing with the custom-houses.

Mr. TOOMBS. No, sir; no Government in the world would do it. They often sue captains. We have had a case, as gross a violation as ever occurred, under this Government, in which Captain Wilkes was prosecuted; to the disgrace of this Government they have paid it; but I say the rule of all constitutional Governments, even of the English Government, is, let the law take its course. If the public officer is justified by the law, then they indemnify him; but the idea that Mr. Brown —and one of his clerks undertook to lecture me for what I said this evening in regard to him— ought to have money to enable him to pay for the defense of the officer against a prosecution, is a monstrosity. No Government, except the Turkish Government, ever has maintained such a principle. I say it is a monstrosity. No free Government should maintain it for a moment, and I hope there is not a Senator here who will give his vote for it.

Mr FESSENDEN. There is another consideration. I think we ought not to pass or make any regulation here which would make officers careless. Now, if all these agents of the Post Office Department are to understand, by striking out this provision, that they are to be sustained by their superior, out of the public fund, for anything they do under his orders or their own motion, under the supposition or pretense that it is for the good of the service, against private right, what will be the end of it? In order to keep them straight they need a little looking after, as we all know, and I think it would be better to have it understood, that they shall take their luck at the law, and be judged by it.

Mr. HUNTER. I withdraw the amendment.

Mr. BRODERICK. I have an amendment to offer.

Mr. YULEE. I desire to offer some amendments from the Committee on the Post Office and Post Roads.

The VICE PRESIDENT. The Chair is not aware that the Senator would have preference on that account. The Senator from California is entitled to the floor.

Mr. YULEE. It has been the custom for committees to go through with their amendments first; but I give way.

Mr. BRODERICK. It will not occupy more than three minutes. It is to insert in line thirty, after the word "dollars," the following:

Provided, That from and after the 4th day of March, 1859, not more than $1,600 per annum shall be allowed to any special agent of the Post Office Department as compensation for his services: *And provided, further*, That the fourth section of the act entitled "An act to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1854," approved the 3d day of May 1854, be, and the same is hereby, repealed.

Mr. GWIN. What section is that?

Mr. BRODERICK. It is the section allowing the agent in California $5,000 for traveling expenses. You pay your agents on this side of the mountains $1,600, and you pay the California agent $5,000 for traveling expenses.

Mr. GWIN. There is but one agent in the State of California, which has a thousand miles of coast. It was intended, in establishing this agency, to concentrate the whole of it in the hands of one officer, and give such a salary as would enable the Department to command the services of an able man. There is but one agent in the whole of that State, one thousand miles long and two hundred wide. As to getting any agent for $1,600, it is an impossibility.

Mr. BRODERICK. Well, Mr. President, I do not agree with my colleague. This law was passed in 1853, when everything was high in California. I repeat what I stated here last year: I can live in California cheaper than I live here. A great deal has been said about reducing the wages of the poor men who are holding office in California. I have never been, and never expect to be, the representative of office holders. I always had them against me, and always expect to have them against me. I have offered this amendment not out of any hostility to the gentleman who holds this place; but, in God's name, if you pay your agents on this side of the mountain, or, in thirty-one States of the Union, $1,600 a year, why should you pay the agent in California $5,000 a year? If there is any objection to reducing it to $1,600, give him $2,500.

Mr. TOOMBS. One thousand six hundred is plenty.

Mr. BRODERICK. I say he can live on $1,600. I think it very good wages for any agent.

Mr. GWIN. I gave the very reason why this law was passed that there should be but one agent there. If there were as many agents, scattered over the various roads, as there are here, there might be some reason in reducing the amount, but there is but one agent in that whole State; and it was looked upon as necessary, in order to organize the service there, to have but one agent, and give him an ample salary, so that he could devote his whole time to the service, rather than to have a number of agents. There is but one agent for the whole State. He is a very faithful and very efficient man, against whom I have heard no complaint from any quarter. The object was to get the services of a man who would superintend the whole of the service on that coast, which was very remote, and give him an ample compensation. So far as I am concerned, I am decidedly of the opinion that the compensation that is received by the agent is not more than the value of his services to the Government. He has been a very able and efficient man, and has discharged his duties faithfully.

It was at one time proposed to have an Assistant Postmaster General in California, and an Assistant Sixth Auditor, on account of the extreme remoteness of that section of the country, to have immediate supervision over the accounts of the Post Office Department; but that was looked upon as separating the Pacific from the Atlantic coast, and was objected to on that account. Then the agents that were originally appointed, at the same compensation with the agents on this side, came forward here and showed that their compensation would not pay them for the service performed; and Congress passed an act for their relief. It was considered best to establish a compensation, such a one as was put in this law. That was done several years ago. This gentleman being limited almost entirely in his duties to the interior of the State, finds the expense of traveling nearly equal to what it has been heretofore. He has very severe service to perform, traveling from the extreme north to the extreme south; and this compensation was looked on at the time as only an equivalent.

Mr. BIGLER. I do not care to enter into the

question of compensation. The Senators from California are better prepared to judge of the expense of the service in California than I can be; but my friend on the right [Mr. GWIN] is entirely mistaken if he supposes that there is a traveling agent for every State on the Atlantic coast. There is not. I think the States of Delaware, New Jersey, and all Pennsylvania, except a few counties, make the district of a traveling agent. My impression is, that there are not more than two thirds the number of traveling agents that there are States on this side.

Mr. GWIN. They have a great many route-agents. We have nothing of that sort. We have but one agent on that coast; and the traveling is of a very difficult character. Here the traveling is all on railroads; but in California there is a large portion of country where the agent has to travel on horseback, from the extreme northern to the extreme southern portions, and a great deal in post coaches.

Mr. BIGLER. The services of a route agent and a general traveling agent are entirely different, I agree. But, sir, the Senator seems to be under the impression that the agent in California was entitled to this large sum because he had an entire State for one agency. I only wanted to inform him of the fact that, on the Atlantic side, the agency is equal to two or three States, and that the agent is expected to employ all his time. I have the pleasure of a personal acquaintance with the agent of my State, and I think he is constantly traveling; whether in coaches or in railroad cars, it matters not. He is daily employed, and gets $1,600.

Mr. GWIN. In an old State like that which the Senator represents, the service is of long standing. In the new States, it is very important, for instance, in establishing post routes; and, but for this agent, there would have been constant confusion in regard to the establishment of post routes in California. It is his duty to examine the proper sections of the country which are settling up, in order to have proper legislation in connection with those routes. In new States, it is a matter of great importance, especially in one like that of California, which is settling up with great rapidity, and where population changes its locality from one mining town to another, to have an agent who is capable of reporting where an office is to be continued, or where it is to be removed from one mining town to another. It is a very laborious and very responsible duty.

Mr. TOOMBS. I am obliged to the Senator from California [Mr. BRODERICK] for bringing this subject to the attention of the Senate. Now, this whole thing grew up under the idea, which was originated when we got California, of the high price of living, and it is one of those abuses that are continuing. We know that agents sometimes run through six or seven hundred miles. I believe there is but one agent for Michigan, Wisconsin, and Minnesota, extending some eight or nine hundred miles, at a salary of $1,600 a year. The Senator from California [Mr. GWIN] has stated to us, which we all know, that the salaries were put upon that basis for the reason that they wanted one man to do the business and occupy all his time. I want to put him on the same basis with those on this side; and if we cannot get the present agent for that, I have no doubt we can get as good a man. I have no sort of question about that. The idea of giving him $5,000 is a thing not to be thought of. It is wrong; and there is no reason for it. He ought to be upon the basis of other people. We know he got this salary on the idea which obtained when the Pacific coast was acquired that there were enormous expenses of living there, and we must pay large salaries, and, therefore, Congress voted pretty much what was asked; but now it is different, and we ought to bring the thing down to a fair compensation. I do not doubt that we shall get a very good man for $1,600. If we cannot, I will raise it.

Mr. CAMERON. This debate shows me what I have thought a long while, that the whole Post Office system was wrong. We ought to be clear of the whole thing. If we had an express company, like Adams's, or some other enterprising association conducted by individuals, we should get our letters carried much more cheaply than we do now. The management of the Post Office is intended to give power to individuals belonging to some political party. I believe there is more corruption this day in this Post Office Department than ever has existed in this Government, or perhaps in any other Government. Just think for a moment that the expenses of this Department have grown up now to $20,000,000 a year. This year we are appropriating for the ordinary expenses of the incoming year, together with the deficiencies of last year, over $20,000,000, and that is entirely in the hands of one single individual. Is there a gentleman in this Senate who believes that man is capable of properly disbursing and conducting a Department which has the control of so much money and so many men? I do not believe he has the capacity, and I do not believe any gentleman believes he is adapted for it. But be that as it may, dispose of your whole system of post offices; destroy it; let individuals carry your letters, and you will get them more cheaply, and have no corruption connected with it. You talk now of increasing the postages, so as to place a larger burden upon the people. Let the people pay for their letters who send them, and let those who do not write letters and do not receive them be free from the cost. This taxation is a proper system.

But if we do continue the post office system, there is no necessity for this appropriation of $100,000 to pay these mail agents. They are merely small electioneerers, small men belonging to a party who act at the bidding of some bigger man in the party. Why, sir, there is not one of them that I know of, and I know a great many of them, that could make half the money which they receive from the Government by honest industry. Think of it: $5,000 for a loafer, probably, running through the State of California, calling himself a mail agent. What does he do? Nothing at all. All these detective agents, and these mail agents, and such officers, are of no use. The ordinary mail agents who distribute the mail in the mail cars could be dispensed with, because the railroad companies ought to distribute the letters. A man sits down in the cars and rides one hundred or two hundred miles a day, and gets his seven, eight, or nine, or ten hundred dollars a year in the North, and in California he gets $5,000. I would clear them all off. Let the railroad companies distribute the mails and deliver them to the postmasters at the villages or towns through which they pass, and let the postmasters distribute the letters to those to whom they belong. I am opposed to the whole system; and if I had the doing of it I would blot out the whole system. I would give them perhaps a year to make their other arrangements; but leave it to individuals, and, my word and my life for it, they would do it better, safer, and more cheaply. If a man wants to send money to a distant part of the country he never thinks of putting it in the mails. It might be lost in the mails; it is very apt to be so; and the Government refuses to pay him; but when he employs an express company, and there is a loss, it is returned to him. I am opposed to the whole system of post offices, and especially to this large appropriation for mail agents.

Mr. BRODERICK. This provision was inserted in the miscellaneous bill, I suppose, upon the last night of the session, or else the Senate never would have voted to insert a provision of this kind. I will state now, for the information of the Senate, that this officer receives two dollars a day extra, for traveling expenses. He travels free throughout the State. No stage proprietors would charge him anything for traveling. No steamboat owner ever charges him anything for traveling. Why, sir, this man, if he goes on in the way he has been going on for five years, will amass a very large fortune; for he is traveling night and day, between Sacramento and San Francisco, and I do not know how much he charges the Post Office Department for his traveling expenses. If economy is the order of the day, I hope the Senate will strike this provision out of the bill, and allow this gentleman to be placed upon an equality with all the other postal agents in the United States.

Mr. GWIN. The provision was inserted in the appropriation bill after thorough examination, and was estimated for by the Department. The subject came up, and was fully discussed at the time. The importance of this provision was well understood by the Senate when it was passed. It has been standing legislation for years.

Mr. CRITTENDEN. I desire to ask if the two dollars per diem for traveling is in addition to the $5,000?

Mr. BRODERICK. Yes, sir; it is in addition to the $5,000.

The PRESIDING OFFICER, (Mr. REID in the chair.) The question is on the amendment of the Senator from California.

Mr. BRODERICK. I ask for the yeas and nays. ["Oh, no!"] I withdraw the call, as I suppose there will be no opposition to the amendment. There ought not to be.

The amendment was agreed to.

Mr. WILSON. I find, Mr. President, that the appropriations of this bill amount to $20,475,788; and the increase for transportation amounts to $2,500,000. In the compensation of postmasters there is an increase of $50,000, and for the clerks of postmasters $100,000. We have also an increase for mail special agents of $5,000; for miscellaneous expenditures $20,000; and for printing the laws $15,000; making an increase of $2,690,000. I find, also, a reduction of $1,000 on one of the New York roads; $15,000 for advertising; $15,000 on mail bags; $45,000 on blanks, and $5,000 for wrapping paper. When we deduct those sums, there is an increase of expenditures for this year over last of $2,610,000. I say nothing of a deficiency for the last year of $3,800,000

Mr. COLLAMER. And a standing appropriation of $700,000 for carrying franked matter.

Mr. WILSON. Yes, sir. Now I intend to move a few amendments. They are very plain and very simple. I will state what they are, and then make the motion. In the first place, I propose to strike out, for advertising, this sum of $70,000, and insert $50,000. I believe $50,000 is enough to pay for all the advertising of the Department. Then I propose to strike out, for mail-bags this year, $50,000, and insert $40,000. That is a reduction of only twenty per cent. upon it.

I come now to this proposition of $80,000 for blanks. Last year we appropriated for this purpose $125,000, and at the same time, for stamps and stamped envelopes, $100,000, making in all $225,000. At that time I moved an amendment that these items, amounting to $225,000, should be put out to the lowest responsible bidder. After some debate in the Senate, and by only eight votes in opposition, it was carried. It went to the House of Representatives, and, with only twenty votes in opposition, it was carried there; but by some strange action in a committee of conference between the two bodies, and, as I understand, by the influence of Mr. JONES, of Pennsylvania, now on a mission to Austria, it was stricken out, and last year the $225,000 was used as it had been previously.

Mr. TOOMBS. Do I understand the Senator from Massachusetts to say that an amendment, carried here and carried in the House, was stricken out by a committee of conference?

Mr. WILSON. I understand so.

Mr. TOOMBS. If that is a fact, it is a fraud on legislation, and we ought to bring our committee of conference to account for it.

Mr. STUART. If the Senator will allow me, I will show that he is mistaken. The Senator misrecollects the facts a little. I will state my recollection; and I think I am not wrong. I think it was a very great outrage in legislation, and thought so at the time; but it occurred in this wise: the Senate amended the Post Office appropriation bill with a very considerable number of amendments. It went back to the House of Representatives, and the House agreed to a portion of them, perhaps a majority; and among the number was the one referred to by the Senator from Massachusetts. Then, it was sent here, with their disagreement to some of our amendments. We insisted and asked for a committee of conference. It went back to the House; and the chairman of the Committee of Ways and Means moved to lay it on the table, and it was done; and they sent us a new bill, with no amendments on it. That is the way it occurred.

Mr. TOOMBS. I wish to call attention to it; for I say, if a committee of the Senate had given up an amendment passed by both Houses, they betrayed the body and the country. That is what I wanted explained. If it had not been, I would have moved to expel them from the body, if there were such men here.

Mr. WILSON. Well, I am very glad to have

the matter explained. I never understood, in the hurry of the moment, how that happened. I took an interest in it, having moved the amendment here, knowing that there were but eight votes in opposition to it; that it was passed nearly unanimously in the House; and when the bill had passed, I looked at the law and found it was not there. I made some inquiries, and I understood it was done under the lead of Mr. JONES, of Pennsylvania; but how, I never fully understood. I thank the Senator from Michigan for making the explanation.

Mr. GWIN. I believe the Senator from Georgia and myself were on the two committees of conference. There were two committees of conference on that bill. We disagreed on the first conference——

Mr. TOOMBS. I will say I was never on a committee of conference that ever gave up an amendment agreed to by both Houses—never.

Mr. GWIN. Then, I was mistaken on that point.

Mr. TOOMBS. I would as soon think of putting my hand in the Treasury.

Mr. GWIN. There was a difference in both committees of conference; not on that amendment, but on the increase of postage and the franking privilege. They were the points of difference; and the committee of conference was dissolved on that point. There was another one appointed; but I was not on that. They disagreed again, and the bill was laid on the table in the House. This amendment was not stricken out. I never heard of it before. The increase of postage and the franking privilege were the points of difference in the first committee of conference, and the franking privilege in the second. The bill was then laid on the table in the House, and a new one sent here.

Mr. TOOMBS. All I have got to say is, that if the Senator from Massachusetts was right, that a committee of conference of this body had given up an amendment agreed to by both Houses, they ought to be expelled, and I would move to do it. I say it was a fraud.

Mr. GWIN. But it never occurred.

Mr. TOOMBS. All these things are done by two or three people. If it had been as the Senator from Massachusetts supposed, that, after being agreed to by both Houses, the committee of conference undertook to disregard it, it was a fraud, and I would move to expel them from the body.

Mr. HUNTER. It could not possibly have happened that an amendment agreed to by both Houses was changed in the committee of conference.

Mr. WILSON. I will say, however, in relation to this matter, that I know there was, at the time, a special effort made to keep that amendment out, for I was immediately called out of the Senate, after it was adopted, by a gentleman from the State of Pennsylvania, who came to me and begged me to give that matter up, and as an inducement, he said we should come into power some time or other, and that we would want it. The amendment was lost.

I want to state, what I have very good information for stating as a fact, one reason why there was an interest to defeat it. A gentleman in Pennsylvania, Mr. Rice, the editor or publisher of the Pennsylvanian, has one of these contracts for $40,000; and the gentleman who came to me came as his agent and his friend. I have very good information which authorizes me to state this fact, that out of this $40,000, it cost him $5,000 to do the work. He made $35,000 upon the contract. That $35,000 of profits are divided in this way: fifty per cent. to the Washington Union, five per cent of it to Mr. Appleton, connected with the Union, and three per cent. to a paper in the interest of a member of the House of Representatives. When I state this, I state it on as good information as I desire to state any question upon before the Senate.

Now, sir, here is a proposition to give $80,000 for blanks, instead of $125,000. I believe that work can be done for $25,000. I propose to put it at $40,000, and I shall move that amendment. The House have this year put in this security: that it shall go to the lowest bidder. Then, for wrapping paper, here is a proposition to appropriate $50,000. I do not believe it is necessary, and I intend to cut it down to $40,000. The proposition is here put to the lowest bidder, as it ought to be. In line forty-two there is an appropriation for postage stamps and stamped envelopes of $100,000. There was a proposition made last year that it should go to the lowest contractor. It is not in this bill as it comes from the House. I shall propose to cut this sum down to $50,000, and that the contracts for the same shall be given to the lowest possible bidder, after giving public notice.

I have stated the amendment I intend to propose. I want to cut out of this bill, and every other bill, everything that looks like patronage. Whether one party is to be in power or another, I think it should be the interest of all parties to get clear of patronage, for patronage is only weakness if you have got any principles to carry. If you have any principles and measures to carry, patronage is weakness. If you have neither principles nor measures, patronage may have a sort of cohesive power. The first amendment that I propose, is to strike out, in the nineteenth line, "seventy," and insert "fifty," so that it will read:

For advertising, $50,000.

I think that sum will be amply sufficient for the purpose.

Mr. PUGH. I wish to say one word on the matter of which the Senator spoke, because I recollect that, at the time, I called the attention of the Senate to it. It is true that, on the motion of the Senator from Massachusetts, the Senate adopted an amendment requiring these blanks to be printed by the lowest bidder, upon advertisement. My opinion is, as the Senator himself has said, that more than sixty-six per cent. of what is paid for these blanks is pure profit. The law fixes the price. The act of Congress fixes the price, and fixes it far above that which it costs to print it. As I say, I believe, if it were examined by a committee of investigation of either branch, it would be found that sixty-six per cent. of that price is pure profit, and is divided out among politicians. I do not say how divided; I do not know; but I have heard a good deal of it. The Senate made that useful reform with many others. The bill went back to the House. The House agreed to that amendment, with many others. But the House disagreed to the amendments increasing the rates of postage and abolishing the franking privilege. I believe they also disagreed to the amendment creating the office of Fourth Assistant Postmaster General. The bill came back to the Senate. We receded from the amendment about the Assistant Postmaster General. We insisted upon nothing but the amendments abolishing the franking privilege and increasing the rates of postage, and sent the bill to a conference on them. They went to two conferences upon those two disagreements. Then the chairman of the Committee of Ways and Means in the House, upon the report of the second conference, moved to lay that bill on the table; and another bill, being the original appropriation bill of the House, leaving off all the amendments which the Senate had voted upon it, was passed through the House, and sent to us almost the last night of the session; and I recollect that the Senator from Georgia [Mr. TOOMBS] and I objected to the second reading of the bill on that night. That was all done, in my opinion, to get rid of the amendment which the Senate had adopted on the motion of the Senator from Massachusetts.

When they found that bill could not pass the Senate, that a single objection would keep it from being read twice, they then pretended that they did not know that the Senate would take offense at laying a bill on the table which had gone to two conferences, and took it up, and upon motion of the chairman of the Committee of Ways and Means the House reconsidered its concurrence in all the Senate amendments, none of them being explained to the House, reconsidered its concurrence after the bill had gone to its conference, struck them all off, and sent it up here. I tried then to have the attention of the Senate called to it, but my friend from Virginia did as he did this morning—he got up and asked us to disagree to the House amendments, and insist upon our own amendments without reading them, and without hearing them we shuffled the whole thing into another conference, and that conference committee did give up our Senate amendments.

That is the history of the transaction. I believed then, and I believe now, and I conceive it my duty to say the whole of that shuffling on the Post Office bill at the last session was to get rid of that amendment. I thought so then, and I think so now. I thought it a very disgraceful piece of legislation. I do not believe that the members of that conference on the part of the Senate undertook it; but that was my opinion, and it is so yet. Now I do not know whether $50,000 will be enough, but I do know that this thing does want some amendments badly, that it is a piece of corruption, that it ought to be taken out of the hands of the Postmaster General who lets it at a price fixed by law and by the act of 1852, far above the value of the work. It is sub-let. I believe that contract has been sub-let three times after it went out of the Postmaster General's hands, before it came to the workman, and that every one of them took his share of the profit. I think that will be ascertained if any committee examines it.

Mr. MASON. I ask the attention of the Senator from Massachusetts for one minute. I understood him to say, that he had information which satisfied him of its truth, that an editor in Philadelphia, an editor in Washington, and the Assistant Secretary of State, had shared the profits of certain Post Office contracts.

Now, I submit to that honorable Senator, if he has information that satisfies his judgment of the truth of the facts, it is due to the Senate that he should give the information to it. I have no acquaintance in the world with the editor in Pennsylvania; I have none in the world with the editor of the Union—indeed, I do not know who he is; and I have but very slight acquaintance with the Assistant Secretary of State; but, if the fact be so, as the honorable Senator says, I submit to him that it is due to the Senate, and the country, that he shall lay before us the information which satisfies his judgment.

Mr. WILSON. Mr. President, my judgment is satisfied, and I should like to satisfy the Senator from Virginia; and, if I had the power to bring out the evidence in the case, I could do so. I will state, however, that Mr. Rice, himself, during the present session of Congress——

Mr. MASON. Who is Mr. Rice?

Mr. WILSON. The editor of the Pennsylvanian, who has this $40,000 contract. He applied to a member of Congress during this session, and stated, as a matter of complaint, that out of the $35,000 made by this contract, which cost $5,000 to execute, fifty per cent. went to the Union, five per cent. to Mr. Appleton, who was connected in some way with the Union as a writer, and three per cent. of it to maintain a paper in Philadelphia, in support of the interest of a member of the House; and further, that the President of the United States was a party to this arrangement, and knew about it; and, of all that matter, I do not entertain a single doubt.

Mr. MASON. Well, Mr. President, then the honorable Senator shows us that he has himself no information on the subject whatever. He derives his information from other persons; and although he has given the name of a Mr. Rice, who is said—and I presume correctly—by him to be the editor of the Pennsylvanian, he declines to give the name of the member of Congress. Now, it is alleged, and may be true, that there are corrupt practices amongst the employés of the Government; but I submit to the honorable Senator in his place, that if he has information which satisfies his judgment of these facts, more especially as he now says that it implicates the President, it is due to his position, as a Senator from Massachusetts, to bring every fact before the Senate, and give everything without hesitation.

Mr. CAMERON. I thought this matter about the blanks was so well known all over the country that nobody doubted the statement made by the Senator from Massachusetts. Why, it is common talk everywhere.

Mr. MASON. Give the information.

Mr. CAMERON. I will give, directly, all I know about it, and I think that is enough. Mr. Rice is the publisher of the Pennsylvanian, published in Philadelphia. He is the creature of the President of the United States, or was—for he has had a quarrel recently about this printing, and he goes about blabbing everywhere the whole story. He will tell you, if you bring him here, that the President brought him to Washington, in com-

pany with the collector of the port of Philadelphia, and told him he should have a certain portion of the profit of printing blanks. Why, sir, the whole matter is profit. The printing is not done in Washington; it is not done in Philadelphia; but it is done somewhere in the State of New Jersey, or the State of New York bordering on New Jersey. It amounts to $40,000, I believe.

Mr. MASON. The Senator will allow me to ask him a question. I want to probe this matter. Did this Mr. Rice tell you so?

Mr. CAMERON. Just wait until I get done, and then I will tell you how to get the information. Everybody about here, except the Senator from Virginia, perhaps, has heard this story. Why, it is common talk, and I am surprised that he has not heard it, for he generally hears all he ought to know; but everybody else has heard it. There has been a quarrel between this distinguished individual, Mr. Rice, and the President. My colleague knows Mr. Rice very well. He knows all about him.

This whole business of printing blanks is all profit. Some man in New York or New Jersey has got the blanks stereotyped, and he does the work, and they pay him a particular sum and divide the rest among themselves, he getting the smallest portion. Now, the way to get at this information is to raise a committee of investigation, or tell somebody to sue me, say that I have slandered them, or I have done some wrong under the law, and bring me up, if you like, and I will bring out the facts; or get up a committee of investigation of this body, and bring the President of the United States and Billy Rice and Mr. Wendell here, and the printer of the blanks from New Jersey, and they will tell you the whole story. It is a fraud, and the President has been knowing to the whole of it. He knows all about it; the collector of the port of Philadelphia knows all about it; and I think my colleague knows something about it.

Mr. BIGLER. Mr. President——

Mr. MASON. The Senator will allow me one moment. His colleague has not answered my question yet. Did this Mr. Rice tell you so?

Mr. CAMERON. No, sir; I do not talk to Mr. Rice.

Mr. MASON. Very well; then the Senator brings what is called hear-say information, which he says is current everywhere.

Mr. CAMERON. If the Senator will allow me one moment, I am responsible here and in every place for what I have said on this subject.

Mr. MASON. Nobody doubts the truth of what the Senator says; but what he says amounts to nothing; and nobody ought to know it better than that Senator. I asked him if he had been told by anybody, and he gives us the rumor of the day. Now, it may be true for all I know. I say, with perfect frankness, I never heard it. The Senator seems to have been cognizant of these rumors. He talks about the editor of the Pennsylvanian, the collector of Philadelphia, (a gentleman whom I do not know,) and the President of the United States; and when we come to ask for the proof, he says it is the rumor of the day, and everybody knows it. Now, I submit to that honorable Senator, is that the mode of dealing with alleged practices in the Government, before the Senate and the country? If he has information which satisfies his judgment, let him ask a committee and probe it; but to bring these rumors here and assail A, B, C, and D, propagating rumors upon what that honorable Senator says he knows nothing except rumor, I submit to him whether it is dealing with the question in the manner that the country has a right to expect it should be dealt with?

Mr. BIGLER. Whatever wrong to the Government may be connected with this subject belongs to Congress. I venture to assert, without fear of contradiction, that this whole business has been performed according to law. The printing of the Post Office blanks is provided for in the general law providing for the election of a Public Printer for Congress, and fixing the prices. In that law the discretion is given to the head of the Post Office Department to select the printer of blanks; so that this work may go to the printer elected by Congress, or it may go to an individual selected by the head of that Department. There is no doubt at all that the price for printing the blanks, as a separate item, is very high; but it was one item in the general schedule of prices fixed by Congress in the act of 1852. It has doubtless become the most profitable part of the Public Printing, and the price is entirely to high; but the expenditure has been made according to law, and neither the Department nor the President can be held accountable; nor are the public interested, to the slightest extent, in the selection of the printer. The work will cost the same amount, no matter who does it, and the Department had a right to select whom it pleased.

I believe that, for part of the time, this printing has gone to the congressional Printer, and, for part of the time, the Postmaster General has designated the individual who should execute the work. At present it is executed by the congressional Printer. It is true that Mr. Rice, who, at one time, was the proprietor of the Pennsylvanian, had this work awarded to him; and it is true that he made arrangements with the Public Printer to execute the work, and got paid, according to law. As to the extent of the profits, I know nothing, except what I have heard Mr. Rice say; and that was enough to convince me that the price was too high. But I had heard that the Public Printer made it special ground of complaint that this work did not go to him as all the other work did; that it was taking from him the most profitable part of the work provided for in the law under which he was selected Printer.

Now, sir, all the connection the Postmaster General may have had with this subject, has been in pursuance of law, and the public has not been wronged out of a farthing. If an exorbitant rate has been paid, the fault was here; and the bill under consideration proposes a remedy; and I do not doubt that the balance that remains to the congressional Printer, aside from this valuable item, is sufficient to compensate him.

But, sir, my colleague is by no means justified in the imputations which he would cast upon the President on this subject. The President had a right to favor the application of Mr. Rice, or any other man, for this work, as had I, or any other person. I do not hesitate to say, that I know there was a contest for this work, and I favored the selection of a man from my own State; and after a contest of considerable length, the work was assigned to him, and I believe he had it until some time in August last, when some controversy arose between him and the congressional Printer, who had been executing the work under an arrangement with Mr. Rice, and between these parties the profits were divided. For some time past, the work has gone to the Public Printer. It goes there now. This is the history of the affair, so far as I know it. I understand Mr. Rice to complain, that under the assignment by the Postmaster General, he has received no share of this work since August last; but that is a matter between him and Mr. Wendell, in which the public have no interest. Rice is not now connected with the paper or the public printing; and, so far as my knowledge goes, he, and he only, has received the compensation for his part of this work, so long as he had it.

Mr. COLLAMER. Will the gentleman permit me to ask him a question? I would ask him when the Postmaster General assigned this work at the high price which he says it was, whether Mr. Rice was permitted to have the avails of it—the pay? Did Mr. Rice, to whom the Postmaster General assigned this work, have the pay?

Mr. BIGLER. Most undoubtedly; so far as my knowledge goes, he was to get the pay.

Mr. COLLAMER. Do you know whether he was permitted to retain it?

Mr. BIGLER. I never heard him allege that any part of the pay was taken from him. There is a dispute between him and the printer that executed the work.

Mr. JOHNSON, of Arkansas. I shall undoubtedly vote for the amendment which is now proposed by the Senator from Massachusetts. He has certainly touched a point upon which I can, and have in fact, no knowledge in regard to it particularly, but I must say that I think I felt the influence of that point at one time from some quarter so strongly, that I was convinced it had a direct relation upon the fate of a bill that now lies upon the table of the other branch of this Congress, and which never will pass. At the last session of Congress, after being laboriously engaged upon the particular subject of public printing for three years, in which every little feature and point had been collected by which we could put the public printing upon a sound footing, a bill was brought in by the Committee on Printing, and fully discussed, not only publicly here, but it had been submitted to those known as the economists in this body, in order that they might themselves make every investigation upon the subject that they could. After it passed, one of the most offensive features in that bill, somehow or other, was the one which came in conflict with this little matter about printing blanks. That bill is dead now, I presume. It is on the table of the House, and it will never be revived. I think there is no power that can raise it. It threw guards around the Treasury in every instance in which they could possibly be provided for, and made every reduction which we believed could possibly pass. That bill was passed here by a very large majority, after a very full discussion. It has never been heard of since. I know that one of the most noted points of objection was the fact, that that bill came in conflict with this matter of printing blanks. Who it is that takes charge of it to that degree that it cannot get along, I do not know, and I am not able to say. I have heard sufficient to know that that has had certainly a very strong influence upon the fate of a bill that was laboriously prepared, carefully considered, and passed through this body.

I shall vote for the motion to reduce the pay for this printing to $40,000; and if the Senator should say $25,000, I shall come down to $25,000. But I wish to say that I do not believe, for one moment, in the justice of that which I do not know how to denominate, unless I denominate it an imputation cast by the Senator from Pennsylvania [Mr. CAMERON] on the President. I do not believe it. I know nothing that would lead to any connection in that direction at all with this subject; and I do not believe that the Senator is justified in making that charge. No doubt, he believes it himself, but I do not believe it.

Mr. PUGH. I do not want to engage in this discussion——

Mr. CAMERON. I hope the Senator will allow me a moment. I do not desire to delay the passage of this bill, but I wish to state that I shall offer a resolution that will show my sincerity upon this subject. It is a resolution asking for a committee of inquiry on the subject.

Mr. PUGH. I purposely avoided making any reference to individuals. I shall not do so now, further than to say that the Senator from Arkansas, and the Senator from Pennsylvania, [Mr. BIGLER,] substantially admit that the law on this subject is so very defective as that it is a very gross expenditure of public money, and leads to sub-letting of contracts. It is in the eleventh section of the act relating to public printing, passed, I think, in 1852. That section is in these words:

"SEC. 11. *And be it further enacted*, That the same prices shall be paid for printing for the Executive Departments that are paid for printing for Congress, except for printing post-bills, which shall be printed on paper not less than sixteen by twenty-six inches, and for printing on parchment. There shall be paid for printing the post-bills at the rate of one dollar per thousand sheets, and at the rate of ten dollars per thousand for printing parchments; but nothing shall be allowed for altering post-bills, when the alteration consists in the mere change of a postmaster's name; and nothing herein contained shall prevent the heads of Executive Departments from employing printers out of the city of Washington to execute such printing for any of said Departments as may be required for use out of Washington, when the same can be executed elsewhere as cheap as at the rates herein specified; increased by the cost of transporting the printed matter to the State or States where such matter may be required for use in the public service."

I think that the whole section ought to be repealed, and the price fixed. At all events, one dollar per thousand sheets for these post-bills is from sixty-six to seventy-five per cent. more than the work is worth. That assertion, I feel confident will come out, and will be proven by your committee of investigation if you get it. Now, I do not say who got this money. The contract, it is said, was given to Mr. Rice. I have heard, and heard on very good authority, that Mr. Rice did not do the work—not a page of it. The Public Printer did not do it—not a line of it. It was done in the State of New Jersey, as stated by the Senator from Pennsylvania, [Mr. CAMERON.] How many hands it passed through before it came to him, I do not know; but certainly it had influence enough to defeat the bill which I recollect very well was reported by the Committee on

Printing, and which we passed in the Senate, and it was sufficient to induce the House of Representatives to take the extraordinary step of taking a bill which had gone to two conferences, reconsidering amendments to which they had agreed, shuffling those amendments into a pile, and sending them to a third conference, and casting them all out on the last day of the session—a transaction which, I think, ought to be exposed; and I hope, when the Senator gets up the committee of investigation, it will be exposed.

Mr. YULEE. I hope the Senate will take the vote. We have several amendments yet to act upon.

The PRESIDING OFFICER, (Mr. REID in the chair.) The question is on the amendment offered by the Senator from Massachusetts.

The amendment was agreed to.

Mr. WILSON. I have another——

Mr. YULEE. I hope the Senator will allow me to offer two or three amendments. I will give way directly to him. I have two or three small amendments to offer. I am directed by the Committee on the Post Office and Post Roads to move the amendment which I send to the Chair, and which I will explain in a few words. It is to insert, as a new section:

And be it further enacted, That the fourth section of the act entitled "An act to make appropriations for the transportation of the United States mail by ocean steamers and otherwise," &c., approved June 14, 1858, be, and the same is hereby, amended so as to authorize the making of contracts for carrying the mails on the sea for any period not to exceed ten years, at the discretion of the Postmaster General.

Mr. President, the fifth section of the act of June 14, 1858, directed contracts for ocean post service to be confined to postages altogether. As reported by the committee, it proposed an authority to make contracts for ten years. In the Senate, and by hasty action, the Postmaster General was limited to two years. The Postmaster General reports, that with an extension to ten years, as proposed by the committee at the last session, he thinks he will be able to maintain satisfactorily the transatlantic service upon the ocean for the postages. The committee have directed me to move that amendment.

Mr. CLINGMAN. I should like to inquire why this amendment should not be put on the mail steamer bill when it comes up. I hope that it will not be adopted in this bill. I should like to consider that whole subject together. I think there is need of radical change in relation to this matter of steam line and ocean postage.

Mr. YULEE. I have no objection to withdraw it, and move it to that bill if the Senator prefers it.

Mr. CLINGMAN. I hope it will go over until that bill is considered.

Mr. YULEE. I would as lief offer it to the other bill as to this. I withdraw the amendment.

The PRESIDING OFFICER. The amendment will be considered as withdrawn, if there is no objection. The Chair hears none.

Mr. YULEE. The next amendment is in behalf of the clerks of the city post office, which I will send to the Chair. It is a provision which has been made from year to year as a recompense to them for the handling of free matter. It is to insert, as a new section:

And be it further enacted, That the fourth section of the act of Congress approved the 5th day of August, 1854, entitled "An act making appropriations for the service of the Post Office Department during the fiscal year ending on the 30th of June, 1855," be, and the same is hereby, continued from August the 5th, 1858, to August the 5th, 1860.

Mr. STUART. I wish the chairman of the Post Office Committee would state the effect of that amendment, and I would be very much obliged if I could get the attention of the Senate to it. It has been continued from year to year, giving extra pay to clerks in the city post office. I have listened to it a good many times, and I confess I have never been satisfied about it. The chairman is undoubtedly familiar with the facts in respect to it, and I should like to have them stated.

Mr. YULEE. The fourth section of the act of 1854 authorized an allowance of one mill per pound upon the weight of public documents printed by order of Congress, and deposited in the city post office, with the direction that the funds so allowed should be distributed among the clerks engaged in handling those documents, to an amount not exceeding $250 to each, the balance to be accounted for by the postmaster, and returned into the Treasury.

Mr. STUART. State what these clerks get, without this extra compensation.

Mr. YULEE. I cannot. They are generally low salaries. I did send, this afternoon, for the blue book, for the purpose of being prepared on that point, but it was not brought to me. I understand that, generally, the salaries are very low. The quantity of free matter which is sent to the post office, as I stated the other day, amounts to some two hundred and seventy-five tons a month, in the handling of which they are detained there, generally, nearly half the night, and a number of clerks, probably, the whole night. They are obliged to make watches in distributing these documents. This allowance has been continued to them since the date of the original act of 1854, each year without dissent. It is a very small additional recompense to a body of officers who are very diligent and very deserving, and who have heavy labor to perform.

Mr. STUART. I regret that the chairman of the committee has not that information as to the salaries of these clerks without this extra compensation. My belief is, when an individual is engaged in the service of the United States as a clerk, or in any other capacity, the United States is entitled to his time, more or less. If his stated salary be insufficient, increase it to a fixed stated amount; but this system of extra compensation, divided between these clerks, and carried on year after year in the appropriation bills, is bad. It is bad as a precedent, and I believe worse in practice. I was in hopes that, at this time, we would get definite information; but, inasmuch as the chairman has not got it, I hope that in this bill, and with this information, the Senate will not agree to it.

Mr. YULEE. What information do you want?

Mr. STUART. The amount of the salaries.

The amendment was rejected.

Mr. YULEE I have one more amendment to offer. It is an amendment which was passed by the Senate, as an amendment to the Post Office bill, last year, but failed with all the other amendments of the Senate. It was one of the amendments agreed to by the House; but it was dropped in the controversy which arose between the two Houses. It is to insert as a new section:

And be it further enacted, That the joint resolution of Congress, of August 18, 1856, which provides that there shall be one principal messenger in each of the bureaus of the several Executive Departments, at an annual salary of $840 each, shall be understood to embrace within its true scope and meaning, the office of the Assistant Postmasters General.

That is intended to secure the construction that was intended by the Finance Committee, to the joint resolution which was reported by them.

Mr. HUNTER. I had always supposed that they would be considered bureaus. In the classification, clerks, and a principal messenger, were given to each bureau. I had always supposed an Assistant Postmaster General stood at the head of a bureau. It seems, however, that they construe the act differently. I think they are as much entitled as the other heads of bureaus to a principal messenger.

Mr. YULEE. The Comptroller, upon a technical ground, says that he is not at liberty to regard the Assistant Postmasters General as upon the same footing with bureau officers, which was the term used in the original resolution.

The amendment was agreed to.

Mr. YULEE. I have now an amendment to offer, upon which I hope the Senate will vote without discussion. It is the bill which we passed a few days since, precisely as it was passed by the Senate.

Mr. WILSON. Will the Senator allow me to have the vote taken on a few amendments before that is offered?

Mr. YULEE. Certainly.

Mr. WILSON. I move to amend the twentieth line by striking out "fifty" and inserting "forty," so that it will appropriate, for mail-bags, $40,000. It is a reduction, only of twenty per cent.

The amendment was agreed to.

Mr. WILSON. I move, in the twentieth line, to strike out the word "eighty" and insert "forty," so that it will appropriate, for blanks, $40,000.

Mr. YULEE. I ask the Senator to give us some explanation of the ground upon which he proposes this reduction?

Mr. WILSON. I have made all the necessary explanations, I think. Under the provision of that portion of the bill which provides that these blanks shall be printed, not according to the provisions of existing laws, but by the lowest bidder, I believe $40,000 will be ample. There is no doubt about it. I hope the amendment will be adopted.

Mr. DAVIS. I would be willing to vote that the blanks should be printed by the lowest responsible bidder; but it requires that I should have some reason given to me for reducing the amount. I do not know what amount would suffice. I do not pretend to know.

Mr. WILSON. Did the Senator from Mississippi listen to the statements just now made, and to the speech made by the Senator from Ohio? That Senator said that he understood the profits of this printing were at least sixty-six per cent. Now, I take it, that anybody will print them at a reasonable compensation; and, if the profits were sixty-six, or fifty per cent., here is only a reduction of fifty per cent. I hope, therefore, the amendment will be adopted.

Mr. DAVIS. I do not know upon what authority the Senator from Ohio may state that. If it is mere guess-work, it will not do to grope in the dark, and cut down merely by supposing that a less sum will suffice. By letting out the printing to the lowest bidder, I suppose we will get it done by somebody at a rate at which they can perform the service. If it is a service rendered, let it be rendered as cheap as it can; but not attempt by cutting down the same arbitrarily, perhaps to deprive the Department of the means of having the printing which it requires.

Mr. HALE. I think the honorable Senator from Mississippi could not have been here when we had this discussion.

Mr. DAVIS. No, sir, I was not.

Mr. HALE. I do not think it is fair for a judge to come into court and give an opinion when he has not heard the evidence.

Mr. DAVIS. It is fair for a man, before he votes, to ask for an explanation. The amendment is offered and no explanation given.

Mr. HALE. I shall have to call on the two Senators from Pennsylvania again, and I declare I do not want to do that. The amount of it was that there had been $5,000 paid for the work, and and $35,000 was divided among favorites.

Mr. CHANDLER. Forty thousand dollars was the amount.

Mr. HALE. Forty thousand dollars was the whole sum. Five thousand dollars was paid to do the work, and $35,000 divided among favorits.

Mr. DAVIS. On what evidence?

Mr. HALE. That has been discussed by the Senator from Virginia and others.

Mr. DAVIS. I want the evidence and not the discussion.

Mr. WILSON. I think the Senator would have been satisfied if he had been in and heard the remarks of the Senator from Arkansas, who sustained the provision, and stated that the rates were more than fifty per cent. above what they should be, and were very extravagant. There is no doubt but that we can cut them down safely. I have not the slightest doubt but that this work can be done for $40,000.

Mr. JOHNSON, of Arkansas. If the Senator will allow me before he takes his seat, I wish to say that he has gone a little further than I did. I beg to suggest to him that I never sustained it with regard to any specific amount, for I really do not know what it costs, and certainly said nothing about it. I said I was satisfied that the printing of blanks had gone too far, and was not right, and I say so yet; but as to applying a remedy to the prices of it in the shape of an amendment, I cannot say how far you can go correctly.

I will take occasion to say that the statements made here which reflected seriously upon the President, I do not believe at all. I forgot to say, when I spoke before on this subject, but I must beg to interpose it now, that I believe it does not exist with regard to any of our public officers. It might have been supposed that I had intention-

ally failed to say that. It has occurred to me since, and I beg to say that I do not believe any such thing; and I think reflections made on personal character ought to be accompanied by names, or furnishing testimony upon a man's own reputation and his own honor. But with regard to printing blanks and the amendment the Senator proposes, I shall vote for it. I believe there is some abuse about it somewhere in this; that there is too much paid. As to those other circumstances that have been stated here, I have no confidence in them at all.

The amendment was agreed to.

Mr. WILSON. As it now stands, the bill proposes to appropriate $50,000 for wrapping paper. I move to strike out "fifty," and insert "forty." It is to be put out, not by law or by any arrangement, but the bill provides that the contract for the same shall be given to the lowest bidder. There is no doubt it will be bid for from twenty to twenty-five and thirty per cent. less than has been paid heretofore. This is a reduction of only twenty per cent., and saves $10,000.

Mr. YULEE. I do not wish to see, and I presume the Senator from Massachusetts does not wish to see, the service injured by reductions in appropriations which may not be proper.

Mr. WILSON. Not at all.

Mr. YULEE. Now, is it not sufficient that these contracts are required to be given to the lowest bidder? The Post Office Department will use only what paper is necessary. They will be limited, of course, to the quantity which is requisite, and they will spend no more than it costs at the price at which the lowest bidder takes it. How does the Senator know that $40,000 will supply all the paper to answer all the purposes of the mail service? It seems to me, Mr. President, we are striking in the dark, and without any useful economy, because the provision to which the Senator refers, contained in this bill as it came from the House, obliges the Department to give the contract to the lowest bidder, and secures us against any larger expenditure than is necessary at the lowest price for the amount of paper required for use. The rest of the appropriation will remain in the Treasury.

Mr. WILSON. It does not secure us, however, from buying more paper than is necessary to be used. I think we cannot do any harm by striking at these matters. As to what the Senator from Arkansas said, I do not wish to make any reflections upon anybody; but if Senators will read a volume which they can find in the House of Representatives, and they will have opportunities to do it, they will come to the conclusion that it is unnecessary for anybody here to make any reflections. I hope the amendment will be adopted. I am not strenuous about it at all. I think $40,000 is ample for the purpose. Let Senators vote it down if they choose.

The amendment was agreed to.

Mr. WILSON. I have one more amendment to offer. The bill now provides an appropriation of $100,000 for postage stamps and stamped envelopes. I propose to insert $65,000, which is a reduction of thirty-three per cent., and to add to the clause:

And the contracts for the same shall be given to the lowest responsible bidder after due public notice.

Mr. HUNTER. The printing of stamps is an important matter. It will not do not to have enough of them. I think the expenditure for stamps last year was $100,000. I have voted with the Senator from Massachusetts on these other expenditures; but I cannot agree to this amendment, unless the Senator shall give some good reason for it. I am willing to give it to the lowest responsible bidder.

Mr. PUGH. I think we had better agree to this amendment. It will save a great deal. This is a subject that wants some investigation.

Mr. WILSON. I have a good deal of confidence in the Senator from Virginia, and will follow him as often as I can. I will modify my amendment so as not to change the amount, but to say that "the contract for the same shall be given to the lowest responsible bidder after due public notice."

Mr. YULEE. I am under the impression that what the Senator desires cannot be done. I think the contract for stamps runs until 1861. I am not certain, but I think that is the case.

Mr. CRITTENDEN By what authority?

Mr. YULEE. I am not able to say, not having had occasion to examine it. This subject was not referred to the Committee on the Post Office and Post Roads.

Mr. WILSON. If there are contracts made which bind the Government, I am willing to make such modification as will meet that.

Mr. IVERSON. Add the words, "after the expiration of the contracts already made."

Mr. HALE. I should like to inquire of the chairman of the Committee on Finance if there be such a contract, by virtue of what law was it made? I think we have a general provision of law that a contract shall not be made unless there is a law expressly justifying it, or making an appropriation for it.

Mr. HUNTER. I know nothing about it. If there is such a contract, I know nothing of it.

Mr. HALE. I think if there is, it is contrary to law, and ought to be disregarded, for I believe there is a general law providing that no contract shall be made by any officer of the Government, unless there is a law expressly requiring it, or making an appropriation for it. Is not that the law?

Mr. HUNTER. I cannot say.

Mr. YULEE. I think there is some special provision.

Mr. HALE. That is the law.

Mr. YULEE. As I said, I do not state it certainly. I am under the impression that is the case; but I will see what the authority is. I know they are obliged to use paper manufactured especially for the purpose, containing water marks that are intended to prevent forgeries, and that the Department must be very particular in all that relates to the manufacture and distribution of its stamps. It is an important item.

Mr. PUGH. I think the amendment ought to be adopted.

Mr. JOHNSON, of Arkansas. I suggest to the Senator from Massachusetts, in regard to the addition that is proposed as to the expiration hereafter of contracts, that if there are contracts now existing which have been made according to law, and which really exist in accordance with law, on account of the fact that an appropriation now exists for them, or that those contracts were made in pursuance of law authorizing them, it is unnecessary for him to touch that part as a provision fixing the appropriation now, and prescribing the manner in which contracts shall hereafter be made, will not affect those contracts if they exist. I am inclined myself to believe that there is no contract that can exist, in regard to the subject, longer than there may be an existing appropriation, or than the mere volition of the Post Office Department shall cause it to exist. That is my impression in regard to the law upon this subject. It is unnecessary for the Senator from Massachusetts to make that limitation. It would clearly seem to imply that contracts in force heretofore shall be extended to that time. I believe they ought to be advertised, and given out to those who will do the work at the very lowest price. I do not understand that the Senator insists upon his proposition reducing the amount in the bill $100,000.

Mr. WILSON. I do not.

Mr. JOHNSON, of Arkansas. If he did, I could not support it, for the reason that the provision which we have passed abolishing the franking privilege, must necessarily immensely increase the amount of postage stamps that will be called for.

Mr. PUGH. We can accomplish the object by simply adding "saving any contract now existing in accordance with law." I do not know that I recollect the provision of the law; but I know that about two years ago this contract was about to expire, and a constituent of mine, an engraver, a branch of the house of Lord, Wright, Hatch & Co., wanted to make a bid for it to the late Postmaster General. I took him, and introduced him as one of my constituents; but the Postmaster General would not receive any bid or any proposition. He had picked out his men, and he gave no public notice, no advertisement. I recollect some question was made about that. He said the law did not require him to advertise, and he admitted no competition of bidders as to postage stamps; and I suppose it has been done ever since.

Mr. JOHNSON, of Arkansas. To what Postmaster General does the Senator refer?

Mr. PUGH. To Mr. Campbell, late Postmaster General, and, I presume, the present one does the same thing. He told me he did not require any bids; the law did not require competition, and he could not employ anybody but the men in Philadelphia—Carpenter & Co. I think the work ought to be put to competition. I do not know but Carpenter & Co. do it better than anybody else, but certainly, everybody else ought to have some chance of competition. If they have got a contract running through a period of four years, I would not disturb it. I want to have no more such contracts. Inasmuch as the Postmaster General does not advertise when directed to advertise, I want to have a provision so as not to have another contract of that sort, and to leave it open to competition. I hope the Senator from Massachusetts will add the words "saving any contract now existing in accordance with law."

Mr. DAVIS. I am generally in favor of the contract system; and I presume there are very few public officers, having the disbursement of the public money or the engagement of public service, who would not prefer that it should be done by open advertising and bids, and the contract to be let to the lowest responsible bidder. It saves him from great responsibility, and from most unjust aspersions. I think the present, however, is a case where no good must ensue by subjecting it to the contract system. These post office stamps are a species of Government currency. You might as well let out the coining of money by contract. It is quite clear that your system of the lowest bidder, in making Government stamps, will result in making them so poorly as to be constantly subject to forgery. It must be upon selected paper; the engraving must be by an artist—a thing which would be detected, by inspection, where the attempt is made to forge it by any inferior hand. I do not think it is one of those things which we can let out to the lowest bidder; it being a matter of vastly greater importance to us that these stamps should be preserved in a form not susceptible of easy forgery, than that we should get it for a small percentage less.

Mr. PUGH. Of course, the plan or design is to be fixed. Nobody supposes anything to the contrary. The style of workmanship may be subject to approval. It is subject to it without anything further being said; but I tell the Senator that, in my opinion, he will find that the contracts for postage stamps have been a very great abuse, a species of favoritism, and the Government pays more than they are worth, and pays it just because there is a regular system of close arrangement, by which nobody but one favorite house gets any opportunity to be heard, and other engravers, as competent, in the United States, have never had an opportunity to make a proposition for them.

Mr. BIGLER. I think the Senator from Ohio is laboring under a mistake.

Mr. PUGH. Wherein?

Mr. BIGLER. That but one house is allowed to engage in this business. I have endeavored to find one of the Assistant Postmasters General who was here a short time ago; but I believe he has left the Capitol. I think I am not mistaken in my recollection that it has been the custom of the Department to give public notice in regard to them.

Mr. PUGH. I tell the Senator that none was given, and the Postmaster General told me that none was given, because he did not want any bids. I complained of it at the time. I state that myself, on my own veracity.

Mr. BIGLER. I was under the impression that notice had been given, and they made the best selection they could.

Mr. DAVIS. I will merely say to the Senator from Ohio, that he does himself great injustice when, by this general suspicion, he arraigns the contract made by the late Postmaster General—a man than whom none more honest has ever discharged a public trust; a man who, I feel quite confident in saying, in awarding the contract to any one, did it because he believed he possessed the skill which would enable him to discharge the work most advantageously to the public. I am sorry that the Senator from Ohio should indulge in a vague suspicion of favoritism, without seek-

ing for a higher motive, worthy of himself, and worthy of the officer to whom he refers.

Mr. PUGH. Well, Mr. President, I will say, for the benefit of the Senator, that when a public officer refuses to admit competition, refuses absolutely to hear anybody else's proposition, he may be a man of undoubted integrity, but he sullies his own integrity by that act, and he cannot help it. Whenever a public officer does that, he lays himself open to suspicion.

Mr. DAVIS. Does the Senator say he would allow nobody but a particular man to engrave, that he sought no means of determining who would engrave them best?

Mr. PUGH. He would not give anybody else a hearing.

Mr. DAVIS. I do not suppose that he needed the Senator's advice. That is not the question.

Mr. PUGH. I did not offer him my advice.

Mr. DAVIS. The question is whether he did not allow that competition of skill which enabled him to determine who would do the public service best.

Mr. PUGH. I can tell the Senator the whole conversation. I do not care to go into it. I have stated the details. I have stated that he would not allow competition; that no one was allowed to make a proposition except certain persons, those persons belonging to a house in his own city. I do not care to go into the detail of it. I recollect the whole transaction. I thought then that the power lodged in the Postmaster General to select a person for this work, and to make a contract with him without any advertisement, without any competition, was a great abuse, and I think so yet. I merely state that fact. I do not care whether it is by Mr. Campbell or Mr. Brown or anybody else; it is an abuse.

Mr. BIGLER. I must venture the assertion, and I think, upon examination, it will turn out to be correct, that other persons did propose to do this work. When the contract expired, it was generally known to all the men in this branch of science; and propositions were made from New York, as well as Philadelphia. This work was a matter of negotiation and great care. That the Postmaster General was partial to the men who had executed the work so satisfactorily, so effectually, and safely, I do not doubt; but I think the Senator is mistaken entirely if he is under the impression that there was anything like favoritism in this business; that others were excluded. Now, sir, without any advertising at all, he will find, when the present contract expires, that there will be competition from all the engravers in the country for another contract. It will be the duty of the Postmaster General to make the best arrangement he can for the Government, considering not only the cost of the work, but the perfection of the work, and the liability of the contract. That all these considerations entered into the question when Mr. Campbell made the contract, I have no doubt. I take this occasion to indorse what was said by my friend from Mississippi in reference to that public officer. I do not believe that he would allow a feeling of that kind to influence him a moment. I think, if any man in that Department ever encountered all the unpleasant responsibilities, regardless of consequences, and did the best he could for the Government, it was just the man that made that contract.

The PRESIDING GFFICER. Does the Senator from Ohio propose to amend the amendment of the Senator from Massachusetts?

Mr. PUGH. Yes, sir. By adding those words.

Mr. CLAY. What words?

Mr. PUGH. "Saving the rights of contractors under any existing contract made in pursuance of law."

Mr. WILSON. I accept the modification.

The PRESIDING OFFICER. The question now is upon the amendment as modified, to insert after the word "dollars," in line forty-three, the following:

> The contracts for the same shall be given to the lowest responsible bidder after due public notice, saving the rights of contractors under any existing contract made in pursuance of law.

Mr. PUGH called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 32, nays 17, as follows:

YEAS—Messrs. Allen, Benjamin, Broderick, Cameron, Chandler, Chesnut, Clark, Clingman, Collamer, Crittenden, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Green, Hale, Hamlin, Harlan, Hunter, Johnson of Arkansas, Johnson of Tennessee, King, Pugh, Seward, Simmons, Toombs, Trumbull, Wade, and Wilson—32.

NAYS—Messrs. Bigler, Clay, Davis, Fitch, Gwin, Iverson, Jones, Lane, Mason, Reid, Rice, Sebastian, Slidell, Smith, Stuart, Ward, and Yulee—17.

So the amendment was agreed to.

Mr. YULEE. I now offer the amendment which I proposed a few moments since, but which I withdrew to enable the Senator from Massachusetts to offer his amendments. I hope it will be the pleasure of the Senate to take a vote, without discussion, upon it. It is precisely, in so many words, the bill which was passed a few days ago by the Senate; and which I move, by instruction of the Committee on the Post Office and Post Roads, as an amendment to this bill, for the purpose of insuring a vote upon it in the House.

Mr. TOOMBS. I am very much obliged to the Post Office Committee, and especially to my honorable friend from Florida, who, I think, is entitled to the thanks of the country for the diligence and attention he has given to this Department of the Government, for offering this amendment. The Senate has already passed the measures embraced in his amendment, and sent them to the House. One of those amendments was one upon which the Senate was divided. I do not think it is wise for us to lose a really great and important reform by trying to do too much, and, therefore, I submit to him that we strike out so much of it as raises the postage. There is not a member of the Senate who is more thoroughly in favor of raising the postage than I am; but I am afraid if we send it to the House we shall lose both. I move to strike out that portion relating to postage, and send the question of the franking privilege to the House, pure and simple. I think in that way we may get an important reform without mingling it with others. I hope, therefore, that the Senator will acquiesce in striking that out, and sending the rest to the House.

Mr. IVERSON. I want to ask my colleague whether the House could not amend the amendment of the Senate without any difficulty. If they do not agree to raising the postage, they can amend it.

Mr. TOOMBS. They have got one bill containing this and another very important matter, and I am desirous of passing both of them. There can be no man in the Senate more in favor of raising the postage than I am; but I find that there are a great many people around me, and in the northern States, who do not like it; but upon another great reform we do agree, and I think it best that we should present that to the House of Representatives, showing clearly that we are truly earnest in reform. I am. I hope my friend will agree to it. I move to strike out all in relation to postage and send the balance of it to the House. In that way we can accommodate conflicting interests, and place the real friends of the reform of the franking privilege on a sound position, upon which we all agree. I, therefore, move to strike out all in relation to postage.

Mr. HAMLIN. I shall vote for the amendment of the Senator from Georgia with very great pleasure. I think it would have been wise on the part of the Senator from Florida to have adopted the Senator's suggestion, and to have himself stricken that portion out. Now, if this amendment, as it is now presented, shall be adopted as part of this bill, I submit to Senators if Representatives will not justly and properly infer that the amendment has been placed upon this bill, which is an appropriation bill, for the purpose of driving the House to the defeat of the bill, or carrying the increase of postage? You have passed your measure once, and it is a very good one in the main. You have sent it to the House, and now the Senator wants to put it on this bill. I do not know but that it will be put on some other bill before we get through, and the House a second time will be called upon to act on this bill. There is a disagreement on this subject. There is a disagreement here in the opinion of Senators as to the propriety of increasing the rates of postage. I have my own opinion; other Senators have theirs. The House will have its own opinion. Now, if they shall see fit to concur in the amendment increasing the rate of postage, they have got a measure before them on which they can do it. If, on the other hand, as I apprehend, it is made a point with the House that they will not increase the rate of postage, you may see this bill fall as you saw the bill last year fall on that point. Who wants to drive the House into that position? Will not the House regard it, if you put it on here, as designed, or calculated, at least, if not designed, to force them into that position? I hope the Senate will adopt the amendment proposed by the Senator from Georgia.

The PRESIDING OFFICER. Will the Senate dispense with the reading of the amendment offered by the Senator from Florida? The Chair hears no objection.

Mr. CAMERON. I rise to ask whether the Senator from Georgia has proposed to strike out that portion increasing the postage?

Mr. TOOMBS. Yes, sir. I moved to strike out so much as raises the rate of postage, so as to leave in it that portion relating to the franking privilege alone.

Mr. YULEE. I will yield to what seems to be the desire of the Senate upon this subject, and will strike out from the amendment all that relates to the establishment of routes, and the ninth section, which related to postages.

Mr. TOOMBS. Very well.

Mr. YULEE. We leave the rest in the amendment. That will still leave the question of franking to be acted upon in the House.

Mr. KING. Let that part of the amendment which is retained be read. I have no desire to have that portion relating to post-routes read.

Mr. TOOMBS. I understand that it is exactly the bill which we passed, striking out the post-routes, and so much as concerns the raising of postage.

Mr. YULEE. Precisely. The amendment which I sent to the Chair is the printed bill of the House as we sent it to them.

Mr. KING. It is but a section or two, and let it be read.

Mr. YULEE. No; there are several sections. There are five sections which relate to the abolition of the franking privilege. There is a section which relates to star bids. Then there are other sections which relate to the regulation of postage on printed matter, the compensation of postmasters, and one or two other minor matters.

Mr. KING. Let it be read.

Mr. YULEE. It was read the other day.

Mr. WILSON. I ask the Senator from Florida, if the amendment he has proposed in regard to the franking privilege is like the bill we passed?

Mr. YULEE. The very words of it.

Mr. WILSON. As it was amended?

Mr. YULEE. Yes, sir. It is the printed copy which we received from the House.

The PRESIDING OFFICER. Does the Senator from New York desire the amendment to be read?

Mr. KING. Yes, sir.

The Secretary read it, as follows:

> SEC. —. *And be it further enacted*, That the first, sixth, seventh, and eighth sections of the "Act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department," approved March 3, 1845; and the third, fourth, and fifth sections of the act to amend the act aforesaid, approved March 1, 1851, and all other acts and parts of acts granting and conferring upon any person whomsoever the right or privilege to receive or transmit through the mails of the United States, free of postage, letters, packets, newspapers, periodicals, books, or any other mailable matter, printed or written, be, and the same are hereby, abrogated and repealed: *Provided, nevertheless*, That nothing in this act contained shall be construed to repeal any special law heretofore enacted granting the franking privilege to any ex President, or to any person or persons to whom the privilege has been granted by name.
>
> SEC. —. *And be it further enacted*, That all letters, packets, newspapers, periodicals, public documents, and books, printed by order of either House of Congress, and all other mailable matter, shall be prepaid by postage stamps or stamped envelopes before their delivery at any post office for transmission in the mails; and all letters, packets, and other mailable matter, whether printed or written, directed to the President or Vice President of the United States, or to any member of either House of Congress, or to the Secretary of the Senate or Clerk of the House of Representatives, shall be prepaid at the mailing office.
>
> SEC. —. *And be it further enacted*, That all letters, packets, and mailable matter sent from or directed to any of the Executive Departments, bureaus, or public offices or officers, civil or military, at the seat of the General Government, except the Post Office Department and the office of the Auditor of the Treasury for the Post Office Department, shall be prepaid by postage stamps or stamped envelopes before delivery at the mailing office.
>
> SEC. —. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to pay or refund quarterly, out of any money in the Treasury not otherwise appropriated, to each of the Executive Departments, bu-

reaus, and offices at the seat of Government, except the Post Office Department and the office of the Auditor for said Department, such amounts as the proper accounting officers of the Treasury shall audit and allow as having been expended for the purchase of postage stamps and stamped envelopes, used or to be used for the prepayment of the postage on letters, packets, and mailable matter sent from their respective offices on official business; and if the contingent fund of any Executive Department, bureau or office, with the exceptions aforesaid, shall be insufficient, after defraying other expenses, to purchase the postage stamps required for the use of such Department, then, and not otherwise, the Secretary of the Treasury may, upon the requisition of the chief officer thereof, advance such sum as shall not exceed the estimated amount of the postages to be paid by such office in any one quarter, to be accounted for as other public moneys: *Provided, however*, That the postage on all letters and packages from the President and Vice President of the United States shall be paid by the Department of State and the Secretary of the Senate, respectively: *And provided further*, That officers, civil and military, may have allowed to them, in the settlement of their accounts by the proper accounting officers of the Government, the postages paid by them on letters and packets sent by them in the mails exclusively on official business; and that so much of the twelfth section of the "Act to establish certain post routes, and for other purposes," approved March 3, 1847, as appropriates $200,000 each year for the service therein mentioned, be, and the same is hereby, repealed; and that the eighth section of the "Act to reduce and modify the rates of postage in the United States, and for other purposes," approved March 3, 1851, be, and the same is hereby, repealed.

SEC. —. *And be it further enacted*, That the eighteenth section of the "Act to reduce the rates of postage," &c., approved March 3, 1845, shall be so construed as to prohibit the Postmaster General from making contracts for the transportation of the mail with any view to the transportation of passengers, and to restrict him in making such contracts to the acceptance of such bids only as shall provide for the conveyance of the mails.

SEC. —. *And be it further enacted*, That so much of the first section of the act of August 30, 1852, entitled an "Act to amend the act entitled 'An act to reduce and modify the rates of postage in the United States, and for other purposes,'" passed March 3, 1851, as allows a deduction of fifty per centum from the rates of postage established by said act on newspapers and periodicals, paid quarterly or yearly, in advance, be, and the same is hereby, repealed.

SEC. —. *And be it further enacted*, That from and after the 1st day of July, 1859, in lieu of the rates of postage now established by law, there shall be charged the following rates, to wit:

Mr. TRUMBULL. I thought that provision was stricken out. The amendment as offered, was to leave out all relating to raising the postage. This is a provision to raise the postage.

Mr. YULEE. That relates to printed matter.

Mr. KING. I am opposed to it.

Mr. YULEE. I was willing to strike out the ninth section, which related to the rates of letter postage. That was what I understood.

Mr. TOOMBS. That was all I cared about. That was the law of 1851, which I think was wrong.

Mr. MASON. I understand that this is the amendment offered by the Senator from Florida. Is that so?

Mr. YULEE. Yes, sir.

Mr. MASON. I understand, also, that he has stricken out that portion which increases the rate of postage.

Mr. YULEE. I have done so, believing it was the desire of the Senate.

Mr. IVERSON. I hope a vote will be taken upon striking it out. It cannot be done by common consent. I want to record my vote against it.

Mr. TOOMBS. Every Senator has a right to his vote, certainly.

Mr. MASON. As I understood, the great object we sought to obtain was, to make the Post Office Department pay its own expenses. Now, from the estimates of the Post Office Department, if you do not raise the postages, it cannot pay its own expenses; and, if the Senator leaves out that portion of the amendment, I shall ask a vote on putting it back.

Mr. TOOMBS. Let us vote.

Mr. MASON. I hope that portion will not be left out.

The PRESIDING OFFICER. The Secretary had not concluded the reading of the amendment.

Mr. IVERSON. I desire to have a vote taken on the motion to strike out that portion. I wish it to go with the rest abolishing the franking privilege.

The PRESIDING OFFICER. The Senator from Georgia can move so to amend it.

Mr. IVERSON. I am about to do that.

The PRESIDING OFFICER. The Senator from New York calls for the reading of the amendment. The Senator from Georgia will permit the Secretary to finish the reading, and then he can offer his amendment.

The Secretary continued the reading of the amendment, as follows:

SEC. —. *And be it further enacted*, That from and after the 1st day of July, 1859, the postage upon all printed matter passing through the mail of the United States, instead of the rates now charged, shall be as follows, to wit: Each newspaper, periodical, unsealed circular, or other article of printed matter, not exceeding three ounces in weight, shall be sent to any part of the United States for one cent, and for every additional ounce, or fraction of an ounce, once cent additional shall be charged; and the postage upon newspapers and periodicals shall be paid quarterly, in advance, either at the post office where the same are delivered, or at the office where they are mailed; and evidence of such payment shall be furnished quarterly to the office of delivery in such manner as the Postmaster General may, by general regulations, prescribe. Newspapers and periodicals not weighing over one ounce and a half, when circulated in the State where published, shall be charged one half the rates above mentioned: *Provided*, That small newspapers and periodicals published monthly, or oftener, and pamphlets containing not more than sixteen octavo pages each, when sent in single packages, weighing at least eight ounces, to one address, and prepaid by affixing postage stamps thereto, shall be charged only half a cent for each ounce or fraction of an ounce, notwithstanding the postage calculated on each separate article of such package would exceed that rate: *And provided further*, That the publishers of weekly newspapers may send to each actual subscriber within the county where their papers are printed and published, one copy thereof free of postage, and that nothing herein contained shall prevent the free exchange of newspapers between the publishers thereof, as authorized by the act of 1825, "to reduce into one the several acts establishing and regulating the Post Office Department." The postage on all transient printed matter shall be prepaid by postage stamps; and it shall be the duty of each postmaster to render quarterly to the Post Office Department, with his regular quarterly returns of postages, and in such form as the Postmaster General shall prescribe, a particular account of all postage by him collected or received upon newspapers, periodicals, and other printed matter, regular or transient, received at or sent from his office; and it shall be the further duty of each postmaster at whose office one or more letter-carriers are employed to render quarterly, as aforesaid, a particular account of all moneys received from and paid to each letter-carrier during the quarter.

SEC. —. *And be it further enacted*, That in place of the compensation now allowed deputy postmasters, the Postmaster General be, and he is hereby, authorized to allow them commissions at not exceeding the following rates, on the letter postage collected at their respective offices in each quarter of the year, and in due proportion for any period less than a quarter, namely: On any sum not exceeding $100, forty per centum; but any postmaster, at whose office the mail is to arrive regularly between the hours of nine o'clock at night and five o'clock in the morning may be allowed fifty per centum on the first $100. On any sum over and above $100, and not exceeding $400, thirty-three and one third per centum. On any sum over and above $400, but not exceeding $2,400, thirty per centum. On any sum over and above the first $2,400, twelve and a half per centum. On the amount of postage on letters and packages received at a distributing office for distribution, not exceeding ten per centum. And on the moneys arising from the postage on newspapers, periodicals, pamphlets, and other printed matter, the Postmaster General may allow a commission of not exceeding fifty per centum. Each postmaster who shall be required to keep a register of the arrival and departure of the mails, shall be allowed ten cents for each monthly return which he makes to the Postmaster General; and each postmaster may be allowed two mills for the delivery from his office, to an actual subscriber, of each weekly newspaper entitled to go free in the mails, except exchange papers. And no other or further allowances whatever shall be made to any postmaster, except from the rents of boxes or pigeon-holes, as now authorized by law; and the commissions and allowances authorized by this act shall be subject to the provisions of the forty-first section of the act entitled "An act to reduce into one the several acts establishing and regulating the Post Office Department, approved March 3, 1825;" and that the fourth section of the act approved July 27, 1854, entitled "An act making provision for the postal service in the State of California and in the Territories of Oregon and Washington," be, and the same is hereby, repealed.

SEC. —. *And be it further enacted*, That this act shall go into effect on and after the 1st day of July, 1859.

The PRESIDING OFFICER. It is now in order for the Senator from Georgia to move his amendment.

Mr. IVERSON. I understand that the Senator from Florida, who has charge of this amendment, proposes to put in the whole of it, and allow my colleague or any person to move to strike it out.

Mr. YULEE. I do not.

Mr. IVERSON. Then I move to insert the eighth section, which raises the postage to five cents; and I make the motion for this reason: The Senate has adopted a provision increasing the postage to five cents. It has been put upon what is called the post route bill. That has gone to the House of Representatives, and it is possible that the House of Representatives may refuse to adopt the amendment. Suppose it should come back here, and the Senate should insist upon the increase of postage, and the House of Representatives should insist: then the post route bill, which is an unimportant one at best, may be suffered to fall; and I venture to assert if the House of Representatives are not disposed to increase the postage, they would let the post route bill go to the Devil before they would increase the rate of postage.

Mr. HALE. Oh, do not say that.

Mr. IVERSON. Well, I will take that back. They would allow it to fall before they would increase the rate of postage. Now, if we put it on the Post Office appropriation bill which appropriates money for the postal department of the Government, then we can force the House of Representatives to adopt this measure, if the majority of the Senate stand firm. If we are in earnest upon increasing this postage to five cents, if the majority of the Senate are determined to adhere to it, the House of Representatives would yield rather than give up the Post Office bill. If this bill falls, the postal service of the United States will be cut off, and the House of Representatives will do no such thing. I have no apprehension that they will allow this bill to fall; but they may allow the post route bill to fall, which is a matter of comparative indifference and unimportance. I trust that we shall adhere to the amendment on this bill, and force the House of Representatives to take it here, if they do not take it in the other bill. That is my object, and I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Georgia, to insert:

SEC. —. *And be it further enacted*, That from and after the 1st day of July, 1859, in lieu of the rates of postage now established by law, there shall be charged the following rates, to wit: For every single letter, in manuscript, or paper of any kind, in which information shall be asked for or communicated in writing, or by marks or signs, conveyed in the mail for any distance between places in the United States not exceeding three thousand miles, five cents, and for any distance over three thousand miles, ten cents; and for a double letter there shall be charged double these rates; and for a treble letter, treble these rates; and every letter or parcel not exceeding half an ounce in weight shall be deemed a single letter; and every additional weight of half an ounce, or additional weight of less than half an ounce, shall be charged with an additional single rate of postage. And there shall be charged for letters conveyed in the mail, wholly or in part by sea, and to or from a foreign country, without regard to distance, ten cents for each half ounce in weight, or additional weight of less than half an ounce, excepting, however, all cases in which such postage had been or shall be adjusted at different rates by postal treaty or convention already concluded or hereafter to be made. And every letter or packet brought into the United States, or carried from one port therein to another in any private ship or vessel, shall be charged with five cents, if delivered at the post office where the same shall arrive; and if destined to be conveyed thence by post to any place, two cents shall be added to the ordinary rates of postage. All drop letters, or letters placed in any post office not for transmission, but for delivery only, shall be charged with postage at the rate of one cent each, to be prepaid by postage stamps, and accounted for as other letter postages. And all letters which shall hereafter be advertised as remaining over, or uncalled for, in any post office, shall be charged with one cent each in addition to the regular postage, to be accounted for as postages now are. And upon all letters passing through or in the mails of the United States, excepting such as are to or from a foreign country, and letters and packages to and from any ex-President of the United States, or any person or persons to whom the franking privilege has been granted by name, and letters and packages to and from the officers of the Post Office Department and of the Auditor's office of the Post Office Department, exclusively on official business, the rates of postage hereby established, shall be prepaid by postage stamps, or stamped envelopes, or in money, if the Postmaster General shall so direct.

The yeas and nays were ordered; and, being taken, resulted—yeas 19, nays 27; as follows:

YEAS—Messrs. Chesnut, Clay, Clingman, Davis, Fitch, Green, Gwin, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Lane, Mason, Polk, Reid, Sebastian, Slidell, Smith, and Ward—19.

NAYS—Messrs. Benjamin, Bigler, Broderick, Cameron, Chandler, Clark, Crittenden, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, King, Pugh, Rice, Seward, Simmons, Stuart, Toombs, Trumbull, Wade, and Wilson—27.

So the amendment was not agreed to.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Florida.

Mr. MASON. There seems to be a sort of policy in rejecting the proposition of the Senator from Georgia which I think I understand, but certainly do not appreciate. We have sent to the other House a series of amendments, and there is embraced in it one to raise the postage. I understand, by the estimates from the Department, that if we make the curtailments proposed by those amendments, and do not raise the postage, the Department cannot sustain itself from the postage. Now, if we send to the other House the same series of amendments, and leave out

that proposition to raise the postage, what will the other House understand? Why, they will understand, I presume, that we are trying to practice upon them in some way; to give them one set of amendments to one proposition, and another set of amendments to another proposition.

I do not know what opinion the House may entertain; but I think, if I were a member of that House, I should entertain this: that the Senate vascillates in its propositions. I know perfectly what is said by gentlemen who maintain the opposite opinion—that if you cannot take the whole reform, take a part of it. I say to those gentlemen, as I conceive it, we shall get no reform, or none that is worth obtaining, unless we institute a policy to make that Department sustain itself; and we cannot do that unless we raise the postage. I shall be constrained, therefore, to vote against this amendment as it now stands.

Mr. GREEN. I move that the Senate adjourn.

Mr. MASON. I hope not.

The motion was agreed to; there being, on a division—ayes 23, noes 17; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 28, 1859.

The House met at eleven o'clock, a. m.

The Journal of Saturday was read and approved.

Mr. MAYNARD. I rise to a privileged question.

The SPEAKER. The business in order is the consideration of the Navy appropriation bill and the amendments thereto, reported from the Committee of the Whole on the state of the Union.

PERSONAL EXPLANATION.

Mr. REAGAN. I ask the consent of the House to make a personal explanation. It is essentially due to me that I should be permitted to do so.

Mr. MORGAN. How long does the gentleman want?

Mr. REAGAN. Only a few moments. I hope I shall be allowed to do so.

No objection was made.

Mr. REAGAN. I am under the necessity of making a personal explanation in relation to some remarks made by my colleague, [Mr. BRYAN,] on Friday last; preliminary to which, I ask that they may be read by the Clerk.

The Clerk read as follows:

"Mr. WASHBURNE, of Illinois. How long?

"Mr. BRYAN. Not more than two or three minutes. In the Globe of day before yesterday, containing the discussion of the Army bill, after some remarks made by myself, in which I alluded to the defenseless condition of Texas, upon the sea coast, and upon her interior frontier, the report is as follows:

"'Mr. KILGORE. I would like to know from the gentleman from Texas, where he will go when he leaves the Union?

"'Mr. REAGAN. Where we once stood, under the lone star; and when we go we will take with us the whole of the Gulf States, if not the whole South.'

"I ask my colleague whether this is his language, and whether these are his sentiments?

"Mr. REAGAN. That I understand to have been the answer made by my colleague and not myself. I did not participate in the discussion.

"Mr. BRYAN. Does my colleague indorse these sentiments?

"Mr. REAGAN. It is not necessary for me to go further than to say that that was his expression. It is simply a mistake of the reporter in attributing it to me.

"Mr. BRYAN. My colleague evades saying whether he indorses that expression. If these were his sentiments I was willing to let it go, as it had been before the House for two days and not corrected. These are my sentiments, and I stand by them."

Mr. REAGAN. In those remarks it will be seen that he undertook to catechize me as to my approval or disapproval of opinions he had expressed in a former debate with others than myself. He had given me no previous notice of his intention to do so. And I was taken by surprise and struck with astonishment at so extraordinary a course, when I knew no earthly reason why it should have been taken. I was unwilling to be guilty of the indecency of publicly discussing the propriety of his opinions before the House of Representatives, even at his request. I have read that "a mild answer turneth away wrath;" and so I answered him, as best I could under my surprise and astonishment, by saying I had not engaged in the debate to which he referred; that those were his expressions, and not mine; and that I presumed my name had appeared there by the mistake of the reporter. He then made some further remarks, which I indistinctly heard, and did not understand, as they have since been reported under his personal supervision, and sent to the Globe for publication. These latter remarks of his are ambiguous and doubtful in their meaning, and susceptible of an interpretation which would falsify the truth, and do me manifest injustice.

Mr. BRYAN. I ask my colleague to what remarks of mine he alludes as ambiguous and doubtful in meaning?

Mr. REAGAN. That will all be explained as I go on, if my colleague will not interrupt me.

Mr. BRYAN. But I wish to know right here. My colleague says it was done under my supervision. It was done by the Globe reporters.

Mr. REAGAN. Very well; I proceed. It might be inferred from them that he intended to be understood as saying I knew my name was to an expression of his, and had neglected for two days to correct the error, and was thereby appropriating his expressions as my own. And this was said by him after he had gratuitously and unnecessarily called on me to express my opinion of the propriety of former expressions used by him; and after I had stated before the House that the expression was his, and that my name must have been connected with it by the mistake of the reporters; and when the reporters were there before him, from whom, if he were not satisfied with my declaration, he could have known whether I had been in any way responsible for the appearance of my name in that debate. Under these circumstances, he used the language referred to. If he meant it in the offensive sense, which I supposed it susceptible of meaning, then I can only say it is untrue in fact, false in inference, and slanderous in effect.

Mr. BRYAN. Mr. Speaker——

Mr. REAGAN. I hope my colleague will not interrupt me until I get through.

Mr. BRYAN. I wish to understand right here as he goes along, what was untrue in fact, and false in inference, and slanderous in effect?

Mr. REAGAN. The expression I made use of was, that if my colleague intended the language used by him in the sense which it is susceptible of—that is, if he intended to say that I had known my name had been used in that debate, and had neglected to correct it, thereby appropriating his ideas as my own—if his language was intended to convey that impression, it is untrue in fact, and false in inference.

It is due to myself to state distinctly that I had not seen, and did not know, until he then called attention to the fact, that my name was in any way connected with the remarks he read as appearing to have been expressed by me. It is further due to myself to say, that if it had come to my knowledge I should promptly have asked its correction, both because the remarks were not made by me, and because I believe them to have been extravagant and uncalled for by the occasion. I would have withheld this latter expression, if he had not gratuitously gone on and said I *evaded* an expression of approval or disapproval of that declaration of his. It is also due to myself to say that I went to him on Saturday, and endeavored to get him to do me justice in his remarks, so that I might be saved the humiliation of this explanation, and that he refused to make any qualification of his remarks, or to allow me to add anything which would place me in the position of having repelled his insinuations on the record.

Mr. BRYAN. The record, as made out by the reporters, was corrected. When the reporter showed me his report, I called his attention to the omission of two or three facts. He readily made the correction; for he said it was an omission. He consulted his associate, who sits near him, who agreed that it was an omission.

Mr. REAGAN. I made no objection to that.

Mr. BRYAN. I do not wish to be interrupted. Having pointed out the omission to the reporter, he made the correction himself. I did not make it. I then said to the reporter: "You had better show this to my colleague. You have shown it to me, and it is proper that my colleague should see it." He showed it to my colleague, and then came to me and said my colleague wished the following to be inserted, as having been reported. I use his exact words:

"Mr. REAGAN. I did not know of the mistake in attributing this language to me, and he has no right to catechize me as to an approval or disapproval of his opinions, especially when there is no occasion calling for such extravagant expressions."

He wished this to be added to the report. I had no opportunity to reply. If I had consented to have this go with the proceedings, it would have been an incorrect report. I told the reporter I only wanted the facts incorporated in the record, which the reporter acknowledged he had omitted. After my colleague had requested the insertion of this matter, he did not come to me, but I went and spoke to him upon the subject, and stated that it had been presented to me, and that I had objected to its insertion. He insisted that it should be reported. I replied, that I objected because I had no opportunity to reply. He then said that he should bring the matter before the House. I told him to do so; that all I wanted was a correct report of the facts; that I was perfectly willing the report should be presented to the House, and if it was not correct, the House could correct it. Now, sir, in order to show that this report is correct, I call upon the gentleman from Kentucky, [Mr. CLAY,] who sat by my side, and heard what I said, to state whether the report is not correct?

Mr. REAGAN. Let me say to my colleague that I do not question the correctness of the report. I only say that I was taken by surprise, and did not comprehend the force of his remarks at the time. When they were first shown me, they were not so objectionable as after being corrected by himself. The reporter said they were correct, and I did not dispute it; but had I known at the time that they were susceptible of the offensive construction, I should have answered them.

Mr. BRYAN. My colleague admits the correctness of the report. I believe it is generally conceded in this House that when I speak I speak so as to be heard all over the House, for I usually speak distinctly. What is the cause of objection? Where is the fault, if the report is correctly made? He was in the room; was called upon; had an opportunity to reply; and he did not reply to satisfy himself; but, after he has thought over the matter and its effect, he comes forward in a second speech, so as to put in what he might have said at the time. I have taken no advantage of my colleague. I appealed to him to know whether those were his sentiments. He did not choose to avow them as his sentiments. I said, then, that if they were his, I was willing that they should go out as his; but, as he did not avow them, I stated that they were mine. The gentleman from South Carolina [Mr. MCQUEEN] asked me if I stood by them; I answered that I did. In order to present this record properly before my constituents, as it may be one of some importance to them and me, I will ask the gentleman from South Carolina and the gentleman from Kentucky [Mr. CLAY] whether what has been read is not correct? I wish it to go upon the record. The question has not been brought here by me, but by my colleague; and it is only fair that I should have the same opportunity of appearing upon the record in my own way, as he has by his written statement which he has read here.

Mr. REAGAN. Will my colleague permit me——

Mr. BRYAN. I ask the gentleman from South Carolina whether that report is not correct?

Mr. MCQUEEN. I did not hear the report read, and I ask that it be again read.

Mr. MORGAN. I object to this thing going any further.

Mr. REAGAN. I will save all that trouble, and admit the correctness of the record.

Mr. MORGAN. I object to this thing going any further. The House has no interest in it, and it has no connection with the transaction of the public business.

Mr. BRYAN. The objection comes too late.

Mr. REAGAN. Does my colleague intend to impute to me dishonorable motives? Let him answer that question; when he does, we will then know where we stand. That is the real question, and there is no use in spending time on any other.

Mr. MORGAN. The gentleman from Texas [Mr. REAGAN] has already made one speech, and his colleague has made a reply.

The SPEAKER. The gentleman from Texas [Mr. BRYAN] is now occupying the floor.

Mr. MORGAN. There was no agreement as to him. We have already spent hundreds of dollars of the public time in this personal dispute.

Mr. FARNSWORTH. The objection is to calling in witnesses.

The SPEAKER. Other gentlemen cannot occupy the floor, if it be objected to.

Mr. FARNSWORTH. I object. Let the case be tried elsewhere. Let gentlemen try their case at home.

The SPEAKER. The gentleman has the right to yield the floor for a personal explanation, or any other purpose, so long as there is no objection.

Mr. BRYAN. I understand him that the gentleman alluded to by myself cannot answer my question.

The SPEAKER. Objection has been made.

Mr. BRYAN. The gentleman from Kentucky, [Mr. CLAY,] at my side, says that the report is correct, according to his recollection. My remarks attribute no improper motives to my colleague; and the day the remarks were made, I did not question his motives. I asked for a simple reply, whether they were his sentiments, and whether he indorsed them. I did not attack his motives. Whatever may be my opinion of him as a man, it is not to be introduced into this body, unless forced to do so. I know and respect the obligations of a gentleman outside of this Hall, as I regard the duties and responsibilities of a Representative upon this floor.

I regret, Mr. Speaker, that my colleague has introduced this matter in the way in which he has. Respect for my State would forbid me to bring into the discussions of this body anything that would reflect upon her in the slightest degree. To cultivate proper relations which should exist between colleagues, has been with me a duty for years. I know how to deport myself towards my colleague. I have never forgotten what were those obligations. If the gentleman is aggrieved, he knows where he can right the wrong. I shall shelter myself under no constitution of my State, feeling, as I always do, responsible for what I say anywhere. I may be called upon so to do. Sir, I honestly differ with those who are on the opposite side of this House, and I honestly avow that difference; and it was for the purpose that my position might be known to my constituency, that I wished to reindorse the sentiments I have uttered. I respectfully asked my colleague whether he did. It was his privilege to say so, or not say so.

Mr. REAGAN took the floor.

Mr. MORGAN. I object to anything further.

Mr. WRIGHT, of Georgia. I insist on the objection being entertained. I object to any further debate on this personal question.

Mr. REAGAN. I hope that this debate will not be cut off here, and that in that wise injustice shall be done to me. I trust objection will not now be insisted on, so that I shall be placed at a disadvantage in this debate.

Mr. WRIGHT, of Georgia. I object. This is a place for the settlement of national questions, and not of personal difficulties.

ENROLLED BILL.

Mr. DAVIDSON, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled an act (H. R. No. 361) for the relief of William Rich.

When the Speaker signed the same.

LATE CLERK OF THE HOUSE.

Mr. MAYNARD, from the special committee appointed to investigate into the accounts and conduct of William Cullom, late Clerk of the House of Representatives, submitted a report, with sundry resolutions, and accompanied by the evidence taken before that committee; which were laid upon the table, and ordered to be printed.

The resolutions were as follows:

Resolved, That there is nothing connected with advertising proposals, accepting bids, or selecting or purchasing the stationery for the use of the House of Representatives, which reflects the slightest discredit upon William Cullom, the late Clerk.

Resolved, That, in the management and disposal of the stationery, great abuses have existed; but, as these have continued for a number of years, no official blame attaches to the late Clerk.

Resolved, That negligence and carelessness have been shown in the execution of the House resolution of the 30th of January, 1846, by the said Clerk; though there is no evidence of either corruption or dishonesty in the premises, on the part of the late Clerk.

Resolved, That negligence and inattention have been shown by the late Clerk in the execution of the resolution of July 7, 1856, and the act of March 3, 1857.

Resolved, That in the settlement of his accounts at the Treasury Department, for the purchase and delivery of books to certain members of the Thirty-Fourth Congress, under the resolution of July 7, 1856, the Clerk certified to the purchase and delivery of two sets of books which were not, in fact, delivered; but money, in whole or in part, had been taken in lieu thereof, and a custom is proved to have previously existed of exchanging books for money, and, in two instances of the receipt filed by the late Clerk, the money had been paid at the special instance of the members themselves.

PERSONAL EXPLANATION—AGAIN.

Mr. WRIGHT, of Georgia. I withdraw the objection that I made just now, contrary to my own convictions of right, but at the request of friends around me.

Mr. REAGAN. As the gentleman from Georgia withdraws his objection——

The SPEAKER. Is there any objection to the gentleman from Texas proceeding with his remarks?

Mr. DEAN. I object.

Mr. CRAIGE, of North Carolina. I ask leave to report back a bill from the Committee on the Judiciary.

Mr. UNDERWOOD. I suggest that this bill be passed over informally, as I understand the gentleman from Connecticut is willing to withdraw his objection to the personal explanation of the gentleman from Texas.

Mr. DEAN. I withdraw my objection, so that the gentleman who now has the floor, [Mr. REAGAN,] may make a short reply; but I shall enter an objection to any cross-questioning, or any other remarks.

Mr. REAGAN. I was going to say that, since my colleague declared that he did not use the expression, which he uttered on Friday, in an offensive sense, I am, of course, satisfied with his explanation on that point. But there are two other points to which I must call the attention of the House. His original remarks showed that my colleague desired to place himself in the position of being a good southern man, and to place me in the position of being not that sort of man. My colleague then went on to make some statement, which he might just as well have omitted, about his disregarding everything that might shield him from responsibility. I have never doubted that my colleague held himself responsible for his language, and I trust he did not mean to impute that I should shield myself from all responsibility.

Mr. BRYAN. I made this remark to satisfy my colleague that, if he was wronged, he need not have sought to right himself by introducing the subject in a legislative body; and I repeat it.

Mr. REAGAN. My colleague also complained that I introduced this matter to the House. The House will bear me witness that I was dragged into it unnecessarily by him, and that it was beyond my control. He made the extraordinary request of me to give an opinion on the point of his observation.

Mr. BRYAN It was necessary for me to correct the record.

Mr. REAGAN. Now, in regard to the other question, as to whether my sentiments favor the South, or agree with the North, I desire to say this: that I have been, and, I trust, am, as faithful an advocate of the doctrine of the rights of the South, and of a strict construction of the Constitution, as any man in the country; and that whenever aggression from any source, or from any cause, shall be made on any of the States, to strike down the rights of the States, or to deprive the people of any of their liberties, I will unite with my people in any necessary movement to protect their rights from aggression. I have always professed to be a national man; and in twelve speeches that I made in my district last summer, and which were undoubtedly known to my colleague, I declared that I never advocated a sentiment in Texas which I would not advocate in every State, district, and township in the Union.

I repudiate all sectional heresies. I repudiate everything that is not national; everything that looks to the violation of the moral law; that builds up political parties, or sectional parties. And it was because I placed myself on the great principles of nationality, because I had defied faction and fanaticism in the South, as I defy faction and fanaticism in the North, against their aggressions and designs on the Constitution and the Union, that, perhaps, an attempt is now made to arraign me before the Congress of the United States, and before the people of Texas, on the ground that I am a national man. Why, sir, I have gone through the trial. I defied the issue. I have met those who met me upon it. I am going home on the same principles to appeal for the Constitution and the Union, for the rights of the States and the equality of the people, for the doctrine of the Kentucky and Virginia resolutions of 1798–99, and Mr. Madison's report on them; for all that is right and all that is just, against the demoralizing doctrines of fillibusters, and against the dangerous heresies of reopening the slave trade. I never dodged an issue; and if my whole heart could be exposed to the people of the Union, it would be seen that I never dodged an issue in my life. If I cannot remain in public life as a patriot, I am always prepared to go into private life as an honest man, entertaining no opinion that is not faithful to the Union, faithful to the rights of the South, faithful to the rights of the people, faithful to the oath that I have taken to support the Constitution, faithful to all my obligations as a citizen of this country. I do not love public life; and I would scorn it whenever it is to be held by a sacrifice of that manly dignity which ought to envelop every American freeman. Let my colleague make what he pleases of it. Let him appeal to that fanaticism there which I denounce with the same distinctness that I denounce the fanaticism of abolitionism in the North. They are both heresies. They are alike dangerous to the Constitution and the Union; alike dangerous to the mission of this great and glorious Republic; alike opposed to every noble aspiration of an American statesman and patriot. Let combinations be made to put me down. I defy them. I go before an honest people, who can afford to let their Representative be an honest man, and express patriotic sentiments. Let them put me down, if they dare. I defy them to the issue.

Mr. BRYAN. I am glad that my colleague has said that his constituents are fanatics. I wish that to be put upon the record.

UNITED STATES LAWS IN MINNESOTA.

Mr. CRAIGE, of North Carolina, by unanimous consent, reported back from the Committee on the Judiciary an act (S. No. 412) supplemental to an act for the admission of Minnesota into the Union; which was read a first and second time.

The bill provides for extending the laws of the United States over the State of Minnesota, and for holding courts of the United States therein.

The committee recommended its passage, with the following amendment:

Said courts shall be open at all times for the purpose of hearing and deciding cases of admiralty and maritime jurisdiction, so far as the same can be done without a jury.

The amendment was agreed to.

The bill was then ordered to a third reading; and was accordingly read the third time, and passed.

WITHDRAWAL OF PAPERS.

Mr. BISHOP asked the unanimous consent of the House to offer the following resolution:

Resolved, That any person entitled to the same, have leave to take from the files of the House, the papers in the case of Dearman and Townley, by leaving copies thereof.

Mr. CRAGIN objected.

NAVAL APPROPRIATION BILL.

The House then proceeded to the regular order of business, being the consideration of the bill of the House (No. 712) making appropriations for the naval service for the year ending June 30, 1860, and the amendments thereto, reported from the Committee of the Whole on the state of the Union, on which the main question had been ordered.

First amendment:

Strike out from line eighteen to line twenty-one inclusive, as follows:

"For increase, repair, armament, and equipment of the Navy, including the wear and tear of vessels in commission, fuel for steamers, and purchase of hemp for the Navy, $3,100,000."

And insert, in lieu thereof:

For fuel for the Navy, to be purchased in the mode prescribed by law for other material, and for transportation

thereof, $600,000. For the purchase of hemp and other material for the Navy, $300,000.

For the repair, armament, and equipment of vessels, $1,000,000: *Provided*, That not more than $1,000 shall be expended in any navy-yard, in the repair of any vessel, until the necessity of such repair and the probable cost thereof is ascertained, by the report of a board of not less than three officers of the Navy.

Mr. FLORENCE demanded the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH, of Virginia. Can the amendment be divided, so that we can have a separate vote on the proviso?

The SPEAKER. It cannot.

Mr. GARNETT. I think there has been some mistake in the reporting of that amendment.

The SPEAKER. The Chair will explain to the gentleman from Virginia. The paragraph in the original bill was amended in committee, on the motion of the gentleman from Virginia, by the insertion of $2,500,000 in lieu of $3,100,000.

Mr. GARNETT. Exactly.

The SPEAKER. After the original paragraph had been thus perfected, by the adoption of the gentleman's amendment, the gentleman from Ohio [Mr. SHERMAN] moved to strike out the paragraph thus perfected, and to insert that which has been read.

Mr. GARNETT. Then the effect of the rejection of the amendment of the gentleman from Ohio will be to restore the paragraph as it originally stood, and there will be no vote on my amendment.

The SPEAKER. There will be none.

The question was taken; and it was decided in the affirmative—yeas 122, nays 66; as follows:

YEAS—Messrs. Abbott, Ahl, Andrews, Atkins, Billinghurst, Bingham, Bliss, Brayton, Buffinton, Burlingame, Case, Chaffee, Ezra Clark, John B. Clark, Clawson, Cobb, Clark B. Cochrane, Cockerill, Colfax, Comins, Covode, Cragin, James Craig, Curtis, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dodd, Dowdell, Durfee, Edie, English, Farnsworth, Faulkner, Foster, Garnett, Giddings, Gilmer, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Harris, Hatch, Hickman, Hoard, Hodges, Howard, George W. Jones, Keim, Kellogg, Kelsey, Kilgore, John C. Kunkel, Leach, Leiter, Lovejoy, McQueen, Humphrey Marshall, Samuel S. Marshall, Mason, Matteson, Maynard, Miles, Miller, Moore, Morgan, Morrill, Isaac N. Morris, Oliver A. Morse, Mott, Murray, Nichols, Olin, Parker, Pettit, William W. Phelps, Pike, Potter, Pottle, Purviance, Ready, Ricaud, Ritchie, Robbins, Roberts, Royce, Ruffin, Sandidge, Scales, Seward, Aaron Shaw, Henry M. Shaw, John Sherman, Shorter, Robert Smith, Spinner, Stallworth, Stanton, William Stewart, Talbot, Tappan, Thayer, Thompson, Tompkins, Underwood, Vance, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Ellihu B. Washburne, Israel Washburn, Woodson, John V. Wright, and Zollicoffer—122.

NAYS—Messrs. Adrain, Anderson, Barksdale, Barr, Bocock, Bonham, Bowie, Boyce, Burnett, Burns, Clay, John Cochrane, Corning, Crawford, Davidson, Dimmick, Edmundson, Elliott, Eustis, Florence, Foley, Gartrell, Gillis, Goode, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hawkins, Hopkins, Houston, Huyler, Jackson, Jewett, Keitt, Landy, Letcher, Maclay, McKibbin, McRae, Millson, Montgomery, Edward Joy Morris, Niblack, Peyton, John S. Phelps, Powell, Reagan, Reilly, Russell, Scott, Searing, Singleton, Samuel A. Smith, William Smith, James A. Stewart, George Taylor, Miles Taylor, Vallandigham, Watkins, White, Whiteley, Winslow, Wortendyke, and Augustus R. Wright—66.

So the amendment was agreed to.

During the call of the roll,

Mr. COCKERILL stated that Mr. LAWRENCE had been compelled to leave the city in consequence of indisposition, and had paired off for the rest of the session with Mr. WILSON, who had also gone home.

Mr. MOORE stated that Mr. CURRY was detained from the House by indisposition.

Mr. DAVIS, of Mississippi, not being certain whether he was within the bar or not when his name was called, asked unanimous consent of the House to vote.

Mr. HARLAN objected.

The second amendment recommended by the Committee of the Whole on the state of the Union, was to strike out as follows:

"For the construction and completion of works, and for the current repairs at the several navy-yards, namely:

"*Portsmouth, New Hampshire.*—For removing cofferdam, sewer, machine shop, capstans for masting sheers, repairs of floating-docks, and repairs of all kinds, $50,719 50.

"*Boston.*—For machinery for machine shop and foundery, pattern shop, grading, paving and draining, rail tracks and cars, side-walk on Chelsea street, paving portion of Wapping street, steam fire engine, water-closets, and repairs of all kinds, $163,305.

"*New York.*—For removing and putting up sheers, bilge blocks for dry-docks, construction of quay wall, dredging channels and repairing scows, paving and flagging, improvement of machine shop, heating new storehouse, completing launching ways to shiphouse E, skylights to foundery and ventilators to smithery, painting and repairing dry-dock, boilers for new boiler house and pipes, machinery for machine shop, founderies, smithery, saw mill, boiler and pattern shops, and for repairs of all kinds, $168,456 60.

"*Philadelphia.*—For extending joiners' shop, dredging channels, repairs of floating-dock, and repairs of all kinds, $102,492.

"*Washington.*—For carriage houses and cart sheds, shed for flasks, gas generator and fixtures, conversion of old machine shop to foundery, machinery and tools, and repairs of all kinds, $80,307 90.

"*Norfolk.*—For continuing quay wall, completing forge shop, reservoir for stables, dredging and filling in, machinery tools and cranes, continuation of railway, completing timber-shed No. 17, completing foundery, completing saw-mill machinery, saw shed and railway, and for repairs of all kinds, $198,224 10.

"*Pensacola.*—For extension of granite wharf, repairing and operating floating-docks, dredging for wharf and deep basin, pitch-boiling house, launching ways, railways, and repairs of all kinds, $109,282 50.

"*Mare Island, California.*—For completing machine and boiler shops, continuing quay wall, grading, towards machinery for new shops, completion of houses Nos. 7, 9, 11, and 13, pitch house, steam boxes, mold loft No. 36, coopers' shop, and tank shed, and repairs of all kinds, $230,310.

"*Sackett's Harbor.*—For repairs of all kinds, $3,860."

And to insert as follows:

For preservation of works, and for current repairs at the several navy-yards, viz.:

At Portsmouth, New Hampshire, $10,000.
At Boston, $15,000.
At New York, $20,000.
At Philadelphia, $15,000.
At Washington, $10,000.
At Norfolk, $20,000.
At Pensacola, $10,000.
At Mare Island, $20,000.
At Sacket's Harbor, $1,000.

Mr. FLORENCE. I call for the yeas and nays upon that amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 120, nays 62; as follows:

YEAS—Messrs. Abbott, Andrews, Atkins, Barksdale, Billinghurst, Bingham, Blair, Boteler, Boyce, Branch, Brayton, Buffinton, Burnett, Case, Caskie, Chaffee, Ezra Clark, John B. Clark, Clawson, Cobb, Clark B. Cochrane, Cockerill, Colfax, Covode, James Craig, Curtis, Davis of Maryland, Davis of Indiana, Davis of Mississippi, Dawes, Dean, Dick, Dodd, Durfee, Edie, Elliott, English, Farnsworth, Fenton, Foley, Foster, Garnett, Giddings, Gilman, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Harris, Haskin, Hickman, Hodges, Horton, Houston, Jenkins, George W. Jones, Keim, Kellogg, Kelsey, Kilgore, Leach, Leiter, Lovejoy, McQueen, Samuel S. Marshall, Mason, Matteson, Maynard, Miles, Miller, Moore, Morgan, Isaac N. Morris, Oliver A. Morse, Mott, Murray, Nichols, Olin, Palmer, Parker, Pettit, Peyton, William W. Phelps, Potter, Pottle, Purviance, Ready, Ricaud, Robbins, Roberts, Royce, Ruffin, Scales, Seward, Aaron Shaw, Henry M. Shaw, John Sherman, Robert Smith, Spinner, Stanton, Stevenson, William Stewart, Talbot, Thayer, Thompson, Tompkins, Underwood, Vallandigham, Vance, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Ellihu B. Washburne, Wortendyke, John V. Wright, and Zollicoffer—120.

NAYS—Messrs. Adrain, Ahl, Arnold, Avery, Barr, Bocock, Bowie, Bryan, Burns, Clay, John Cochrane, Comins, Corning, Davidson, Dowdell, Edmundson, Eustis, Florence, Gartrell, Gillis, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hawkins, Hopkins, Hughes, Huyler, Jackson, Jewett, Owen Jones, Keitt, Leidy, Letcher, Maclay, McKibbin, McRae, Millson, Montgomery, Edward Joy Morris, Freeman H. Morse, Niblack, John S. Phelps, Powell, Reagan, Reilly, Russell, Scott, Searing, Singleton, Samuel A. Smith, James A. Stewart, Tappan, George Taylor, Ward, Watkins, White, Whiteley, Winslow, Wood, Woodson, and Augustus R. Wright—62.

So the amendment was agreed to.

During the call of the roll,

Mr. COLFAX stated that he was requested by his colleague, Mr. WILSON, to announce that he was paired off for the remainder of the session with Mr. LAWRENCE; and that his colleague desired him to state that he was specially opposed to the increase in the postage rates contemplated by the Senate's amendments to the post route bill of the House.

Mr. CLARK B. COCHRANE stated that Mr. BURROUGHS was still confined to his room by severe indisposition, and was unable to attend the sessions of the House.

Mr. BLISS stated that he was called out of the House and detained longer than he expected. If he had been within the bar when his name was called he should have voted "ay."

The vote was then announced as above reported.

Third amendment:

Strike out lines two hundred and nine and two hundred eleven inclusive, as follows:

"For preparing for publication the American Nautical Almanac, $26,880."

Mr. WASHBURNE, of Illinois, called for tellers on striking out the paragraph.

Tellers were ordered; and Messrs. SPINNER and HAWKINS were appointed.

Mr. DAVIS, of Mississippi, demanded the yeas and nays, and tellers on the yeas and nays.

Tellers were ordered; and Messrs. CRAIG, of Missouri, and CHAFFEE were appointed.

The House divided; and the tellers reported—ayes 33, noes 67.

So the yeas and nays were ordered, (more than one-fifth voting in favor thereof.)

Mr. RITCHIE. There was not a quorum upon the last division; and can less than a quorum order the yeas and nays?

The SPEAKER. One-fifth of those present can order the yeas and nays.

The question was taken; and it was decided in the negative—yeas 77, nays 117; as follows:

YEAS—Messrs. Anderson, Atkins, Avery, Barksdale, Billinghurst, Blair, Bonham, Burnett, Burns, Chaffee, Ezra Clark, John B. Clark, Clawson, Cobb, Cockerill, Colfax, James Craig, Burton Craige, Davis of Indiana, Davis of Mississippi, Dawes, Dodd, Edmundson, Farnsworth, Fenton, Foley, Garnett, Gartrell, Goode, Grow, Lawrence W. Hall, Harlan, Haskin, Hodges, Houston, Jackson, Jenkins, George W. Jones, Keim, Kellogg, Leiter, Letcher, Lovejoy, McQueen, Samuel S. Marshall, Mason, Matteson, Miller, Moore, Isaac N. Morris, Oliver A. Morse, Potter, Purviance, Ready, Royce, Ruffin, Sandidge, Scales, Aaron Shaw, Henry M. Shaw, John Sherman, Judson W. Sherman, Shorter, Singleton, Robert Smith, Samuel A. Smith, Stallworth, Stevenson, William Stewart, Thompson, Tompkins, Waldron, Cadwalader C. Washburn, Ellihu B. Washburne, Augustus R. Wright, John V. Wright, and Zollicoffer—77.

NAYS—Messrs. Abbott, Adrain, Ahl, Andrews, Arnold, Barr, Bingham, Bishop, Bliss, Bocock, Bowie, Boyce, Branch, Brayton, Buffinton, Burlingame, Case, Caskie, Cavanaugh, Clay, Clark B. Cochrane, John Cochrane, Comins, Corning, Covode, Crawford, Curtis, Davidson, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dean, Dick, Edie, Eustis, Faulkner, Florence, Foster, Gillis, Gilman, Gilmer, Gooch, Goodwin, Greenwood, Gregg, Groesbeck, Grover, Robert B. Hall, Hatch, Hawkins, Hickman, Hopkins, Horton, Huyler, Jewett, Owen Jones, Keitt, Knapp, Lamar, Landy, Leidy, Maclay, McKibbin, McRae, Humphrey Marshall, Maynard, Miles, Millson, Montgomery, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Mott, Murray, Niblack, Nichols, Olin, Palmer, Parker, Pettit, Peyton, John S. Phelps, Phillips, Pike, Pottle, Powell, Reagan, Reilly, Ricaud, Ritchie, Roberts, Russell, Searing, William Smith, Spinner, Stanton, James A. Stewart, Tappan, Miles Taylor, Thayer, Underwood, Vallandigham, Vance, Wade, Walbridge, Walton, Israel Washburn, Watkins, White, Whiteley, Winslow, and Wortendyke—117.

So the paragraph was not stricken out.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PHELPS, of Missouri. I demand the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. MORGAN demanded the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The bill was passed.

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by ASBURY DICKINS, their Secretary, notifying the House that that body had disagreed to the amendments of the House of Representatives to the amendments of the Senate to the legislative, executive, and judicial appropriation bill; that it insisted on its amendments to said bill disagreed to by the House; that it asked for a committee of conference on the disagreeing votes of the two Houses; and that Messrs. PEARCE, BROWN, and FOOT, had been appointed managers of such conference on its part.

Mr. PHELPS, of Missouri. I move that the House agree to the conference asked for.

Mr. SEWARD. I object.

PERSONAL EXPLANATION.

Mr. ATKINS. I find myself misreported in the Globe. I am represented as remarking, in the debate of the other day, that "they (the contractors) cannot be more venal than the Cabinet, for the Cabinet has violated the law." I made use of no such expression. If the remark was made at all, I presume that it was made by the gentleman from Missouri, [Mr. BLAIR,] although I did not hear it myself.

TARIFF.

Mr. PHELPS, of Missouri. I ask leave to

submit a report from the Committee of Ways and Means. If objection be made, I move to suspend the rules, to enable me to make the report.

Mr. BOCOCK. The gentleman from Missouri will remember that this day was fixed for the consideration of the majority and minority reports from the special committee to investigate into naval contracts and expenditures; and I hope he will allow me now to move that they be taken up.

Mr. PHELPS, of Missouri. It would afford me much pleasure to comply with the gentleman's request, but the condition of the public business is such that I must decline.

Mr. McQUEEN. I object to the report from the Committee of Ways and Means.

Mr. PHELPS, of Missouri. I move to suspend the rules to enable me to introduce that report.

The yeas and nays were ordered.

The bill was read. It revives, and continues in force for the space of two years, the act entitled "An act to authorize the issue of Treasury notes," approved 23d December, 1857, and appropriates $5,000 to defray the expenses thereof.

The question was taken; and it was decided in the negative—yeas 93, nays 108; as follows:

YEAS—Messrs. Anderson, Atkins, Avery, Barksdale, Barr, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, John B. Clark, Clay, Cobb, John Cochrane, Cockerill, James Craig, Burton Craige, Crawford, Davidson, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Foley, Garnett, Gartrell, Gilmer, Goode, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hatch, Hawkins, Hodges, Hopkins, Houston, Jackson, Jenkins, Jewett, George W. Jones, Keitt, Lamar, Letcher, Maclay, McKibbin, McQueen, McRae, Samuel S. Marshall, Mason, Maynard, Miles, Miller, Niblack, Peyton, John S. Phelps, William W. Phelps, Powell, Ready, Reagan, Ricaud, Ruffin, Scales, Searing, Seward, Aaron Shaw, Henry M. Shaw, Shorter, Singleton, Robert Smith, Samuel A. Smith, William Smith, Stallworth, Stevenson, James A. Stewart, George Taylor, Miles Taylor, Vallandigham, Vance, Watkins, Whiteley, Winslow, Augustus R. Wright, and John V. Wright—93.

NAYS—Messrs. Abbott, Adrain, Ahl, Andrews, Arnold, Avery, Bennett, Billinghurst, Bingham, Bishop, Blair, Bliss, Brayton, Buffinton, Burlingame, Case, Cavanaugh, Chapman, Horace F. Clark, Clawson, Clark B. Cochrane, Colfax, Comins, Corning, Covode, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dodd, Durfee, Edie, Fenton, Florence, Foster, Giddings, Gillis, Gilman, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Harris, Haskin, Hickman, Hoard, Horton, Howard, Huyler, Owen Jones, Keim, Kelsey, Knapp, John C. Kunkel, Landy, Leach, Leidy, Leiter, Lovejoy, Humphrey Marshall, Matteson, Montgomery, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Nichols, Olin, Palmer, Parker, Pettit, Phillips, Pike, Potter, Pottle, Purviance, Reilly, Ritchie, Robbins, Roberts, Royce, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Thayer, Tompkins, Underwood, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, White, Wood, Wortendyke, and Zollicoffer—108.

So (two thirds not voting in favor thereof) the rules were not suspended.

During the vote,

Mr. ZOLLICOFFER asked whether an amendment, in the nature of a revenue bill, would be germane to the bill?

The SPEAKER. The Chair supposes it would not.

Mr. ZOLLICOFFER. Then I vote "no."

Mr. MOORE, not having been in the Hall when his name was called, asked leave to vote.

Mr. KELSEY objected.

Mr. MOORE stated that Mr. CURRY had paired off for the day, on this subject, with Mr. THOMPSON.

The vote was then announced as above.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. My desire is to take up, in committee, the miscellaneous civil bill.

Mr. HOUSTON. I hold in my hand a Senate bill which was sent to the Speaker's table, proposing to provide for extending the laws and judicial system of the United States over the State of Oregon. I would like to have it taken up and passed. It will not take three minutes; and it is essential that it should be passed.

Mr. PHELPS, of Missouri. It is a public bill, and I suppose there will be no objection.

Mr. HOUSTON. It simply provides for extending the laws of the United States to the State of Oregon.

Mr. SEWARD. I object to anything that is not strictly in order.

Mr. SHERMAN, of Ohio. I ask whether, if the motion be voted down, it will be in order to call up the report of the special committee on naval contracts and expenditures?

The SPEAKER. The report of the select committee can be taken up by vote; not otherwise.

Mr. SHERMAN, of Ohio. Then I hope that matter will be disposed of before we go into committee to take up appropriation bills.

Mr. PHELPS, of Missouri. I desire to remind the gentleman that this is the last day on which, under the joint rules, a bill can be sent to the Senate.

Mr. SHERMAN, of Ohio. I ask for a division. My desire is to test the sense of the House.

The House divided; and there were—ayes 87, noes 69.

Mr. COVODE called for the yeas and nays.

The yeas and nays were ordered.

Mr. STANTON. I understand that the report of the select committee was postponed till to-day. If passed over, will it be in order on a subsequent day to move to take it up.

The SPEAKER. It will take the same majority to take it up to-day as at any subsequent time.

Mr. SHERMAN, of Ohio. If it can be taken up after the passage of the miscellaneous bill, it is all that I desire.

Mr. PHELPS, of Missouri. I do not desire to deceive any one. There are two other annual appropriation bills that have still to be considered in committee.

Mr. COVODE. I wish to know whether it is in order to offer a tariff bill as an amendment to any section of the miscellaneous bill?

The SPEAKER. The Chairman of the Committee of the Whole on the state of the Union, when the House shall have organized such a committee, will have to determine this question. The Chair cannot determine it, inasmuch as the question does not come before the Chair. The Chair would answer the gentleman if it did.

The question was taken; and it was decided in the affirmative—yeas 100, nays 72; as follows:

YEAS—Messrs. Adrain, Ahl, Anderson, Arnold, Atkins, Avery, Barksdale, Barr, Bishop, Bocock, Bonham, Bowie, Boyce, Branch, Burnett, Burns, Chapman, John B. Clark, Clay, Cobb, John Cochrane, Cockerill, Corning, James Craig, Burton Craige, Crawford, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Florence, Foley, Gartrell, Gillis, Goode, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hatch, Hawkins, Hickman, Hodges, Hopkins, Houston, Howard, Huyler, Jackson, Jenkins, Jewett, George W. Jones, Owen Jones, Keitt, Lamy, Leidy, Leiter, Letcher, Maclay, McKibbin, McQueen, McRae, Mason, Maynard, Miller, Millson, Montgomery, Moore, Isaac N. Morris, Niblack, Peyton, John S. Phelps, Ready, Ricaud, Ruffin, Russell, Scales, Scott, Searing, Aaron Shaw, Henry M. Shaw, Shorter, Robert Smith, Samuel A. Smith, William Smith, Stallworth, Stephens, Stevenson, James A. Stewart, Miles Taylor, Underwood, Vallandigham, Vance, Watkins, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—100.

NAYS—Messrs. Abbott, Billinghurst, Bingham, Bliss, Brayton, Buffinton, Burlingame, Chaffee, Horace F. Clark, Clawson, Colfax, Comins, Covode, Curtis, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dodd, Durfee, Edie, Farnsworth, Fenton, Foster, Giddings, Gilman, Gilmer, Gooch, Granger, Grow, Robert B. Hall, Harlan, Haskin, Hoard, Keim, Kellogg, Kelsey, Knapp, Lovejoy, Humphrey Marshall, Matteson, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Murray, Olin, Palmer, Parker, Pettit, Pike, Potter, Pottle, Purviance, Ritchie, Robbins, Royce, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Tompkins, Wade, Walbridge, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, and Wood—72.

During the vote,

Mr. MOORE stated that Mr. HUGHES had left the House this morning in consequence of indisposition.

MESSAGE FROM THE SENATE.

A message was received from the Senate, through Mr. DICKINS, its Secretary, notifying the House that the Senate had agreed to suspend the 16th and 17th rules of both Houses; in which he was directed to ask the concurrence of this House.

MISCELLANEOUS CIVIL BILL.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. BOCOCK in the chair,) and took up for consideration the bill (H. R. No. 713) making appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1860.

Mr. PHELPS, of Missouri. I intend to submit a motion that the committee do now rise. I desire to call the attention of the committee to the fact that this is the last day on which bills can be sent to the Senate, except by a suspension of the joint rules; and we not only have this bill to consider, but also the bill making appropriations for the mail steamer service and fortifications, besides the amendments that may be made in the Senate to the Army bill and to the Navy bill. I therefore submit the motion that the committee do now rise.

Mr. WASHBURN, of Wisconsin. I hope the committee will not now rise. The bill now before the committee requires examination and discussion; and I desire to have an opportunity of speaking to it. This I cannot have if I am to be limited to the five minutes' debate.

Mr. PHELPS, of Missouri. Debate is not in order.

The CHAIRMAN. It is not.

Mr. WASHBURN, of Wisconsin. I hope the committee will not rise. I call for tellers.

Tellers were ordered; and Messrs. JOHN COCHRANE and BUFFINTON were appointed.

The committee divided; and the tellers reported—ayes 97, noes 30.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. BOCOCK reported that the Committee of the Whole on the state of the Union had had the state of the Union generally under consideration, and particularly the bill of the House making appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1860, and had come to no resolution thereon.

CLOSE OF DEBATE.

Mr. PHELPS, of Missouri. I submit the usual resolution to close debate on the civil appropriation bill in five minutes after its consideration shall be resumed in the Committee of the Whole on the state of the Union; and upon it I demand the previous question.

The previous question was seconded, and the main question ordered; and, under the operation thereof, the resolution was agreed to.

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. PHELPS, of Missouri, moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. BOCOCK in the chair,) and resumed the consideration of the

CIVIL APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I do not propose to occupy any time in the discussion of this bill. I have risen merely for the purpose of submitting the motion that the first reading of the bill be dispensed with.

The motion was agreed to.

The Clerk then proceeded to read the bill by clauses for amendment.

Mr. WASHBURN, of Wisconsin. I move to strike out from the seventh to the eleventh lines, inclusive, as follows:

"For continuing the survey of the Atlantic and Gulf coast of the United States, (including compensation to superintendent and assistants, and excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy employed on the work,) $250,000.

Mr. Chairman, I regret that the House should determine to close the debate on this bill without allowing it to be discussed at all. Here, sir, is a bill which involves an appropriation of many millions of dollars, which you have refused to have discussed, except in the meager and unsatisfactory way in which it can be done in a five minutes' speech. We have heard much lately about "retrenchment and reform," and the country expected that Congress would not adjourn without taking some step in that direction. A short time ago the distinguished gentleman from Georgia [Mr. STEPHENS] proclaimed in the House, in the discussion of the consular bill, that our expenditures could readily be reduced to $40,000,000 per annum. This sentiment was published approv-

ingly far and wide in the country, and it was hoped that that gentleman would have pointed out some place wherein the expenses could be reduced; but, sir, instead of doing so he indicated his opinion that, upon that particular bill, we should be more liberal in our appropriations. Now, sir, I was desirous of obtaining the floor that I might show wherein we could reduce our expenses in one item of this bill nearly half a million dollars, without detriment to the public service. Notwithstanding all that has been said about retrenchment and reform; notwithstanding that the public is becoming clamorous because of your lavish and wanton expenditure of the public money, I will venture to declare that your appropriations for this very session will not fall a dollar below the extravagant estimates that were sent in here at the beginning of the session.

Now, sir, in good faith, I make this motion to strike out this appropriation for the coast survey. I make it because I believe that, as now carried on, the country is deriving no advantage at all commensurate with the cost. It may be alleged that I oppose this coast survey because I am a western man, and my constituents do not derive any direct benefit from it; but, sir, I deny that I am influenced by any such motive. If this coast survey is valuable to the country at all, there is no section of the country more interested in it than is the State of Wisconsin. The pretense under which this coast survey is prosecuted is, that it benefits our commerce, and conduces to the safety of those who go down to the sea in ships. If this be true, it will readily be seen that the people of Wisconsin are deeply interested in it, when I tell you that two fifths of all our inhabitants are natives of the Old World, and have crossed the ocean. Their friends are constantly following them from their old homes in Europe; and there is no passenger ship that founders upon our coast that does not carry desolation to some hearthstone in my State. Who, then, is more interested in the security of the lives of those who cross the ocean, than the people of my State? So, too, they are equally interested in the security of property on the ocean, and low rates of insurance. And when it shall be shown that, by reason of this coast survey, one life has been saved, or the rates of insurance diminished, I then may feel induced to alter the opinion I now have in regard to the useless character of this work.

Sir, this coast survey has been in progress over fifty years, with no prospect of completion. The act under which this work is now progressing was passed in the year 1807, though the work was not actually begun until 1832, when $20,000 were appropriated to carry on the work. From that small beginning, when the superintendent and only two assistants were employed, the work has grown to such vast proportions as to fairly overshadow the country; and I venture the declaration that there is no department of the Government which has as much power or influence to-day as this same coast survey. Instead of a modest appropriation of $20,000 a year in the year 1832, I beg to exhibit the following table, showing the annual appropriations for the past five years:

1854	$386,700
1855	445,000
1856	500,000
1857	545,000
1858	452,800

and the appropriations for this work in this bill amount to $452,000.

Now, sir, the question is, what benefit is the country deriving from these vast appropriations? I say, none that can at all justify such expenditures.

[Here the hammer fell.]

Mr. HOWARD. This coast survey is not a new question. If it was a new work to be commenced at this time, in the present state of the Treasury, perhaps I might be in favor of postponing it; but it is a work in progress; much has been expended in gathering material and facilities for carrying it on; and the question comes home to us, shall we ever complete it? If so, sound economy requires that we should go on now and improve the material and facilities which we have now on hand.

Now, sir, shall we abandon this work? I repeat, that it is not a new question. Shall we lose what we have done rather than go ahead with the work towards its completion? Mr. Chairman, we are, to a very great extent, a commercial people; we are courting the commerce of the world; we are seeking to increase that commerce; and we wish to adopt a policy which will increase our foreign commerce. Now, sir, there is no civilized nation in the world that would not make the attempt to survey the coast of that country to which the commerce of the world is invited. To court the commerce of the world, and at the same time make no efforts to procure a survey of our coast to which we invite that commerce, would be to proclaim ourselves barbarians.

Much has been said here about the extravagance of this work. Sir, the whole world engaged in commerce, are engaged also in surveying their coasts, yet there is no nation on the face of the earth that has done so much work for so little money. The proportion of expenditure to the amount of work done in Great Britain, is about five to one that of the United States.

Now that we have all the means ready for carrying on this work, shall we abandon it, and allow all the facilities which we have collected to go to destruction and decay? What sort of economy is that? If the country is ever going on to finish the work, shall we abandon it for this year? I protest against it. I do not say that I would go for it as a new system, but it happens that it is more than half surveyed. The Atlantic coast is more than half surveyed. The Gulf coast is more than one-third done; and the Pacific coast is in rapid progress.

But what are the charges which are brought against this work? I understand that, as a general proposition, we are doing this work more economically than any nation in the world, thus far. Why should all this preparation be abandoned. Do you mean to abandon the work? or do you mean to complete it?

[Here the hammer fell.]

Mr. BLAIR. I move to amend the text of the bill, which the gentleman from Wisconsin proposes to strike out, by reducing the appropriation to $150,000.

Mr. Chairman, upon this subject I take this ground: that this coast survey, as carried on under this bureau, when we have officers of the Army educated for this precise purpose, and when we have officers of the Navy educated for this precise purpose, who are excluded from the work, is all wrong. Sir, we pay for the education of topographical engineers; we pay for the education of our naval officers; and yet, when it is proposed to place them in charge of this great work—for I readily admit that it is a very great work—we are to be told that they must go, and that some one else must be put in their place. Well, sir, I do not pretend that the gentleman who is at the head of this work is not competent; but I contend that, while we pay for the education of the officers of the Army at West Point, who are fitted especially for this great work, the work should be placed in their hands.

Now, sir, another thing: I maintain that the surveys made under this system are entirely too minute. What do you want of a minute topographical survey of the coast? All that you can make useful for the purposes of navigation is the soundings and the headlands. That is all that is required. Now, sir, if we would expedite this work, we could do it at much less cost if we should do as the English do, and place the work in charge of the topographical engineers and naval officers.

Mr. HOWARD. I desire to call the attention of the gentleman to the system by which the British Government are carrying on their system of coast surveys. Now, sir, I repeat, that one dollar has gone as far in our surveys as one pound sterling has with the British.

Mr. BLAIR. That may be true. I do not pretend to be well versed in these things; but I insist that when we have men in the Army and in the Navy, for whose education we pay, we need not employ any other corps of civil officers. They can do it just as well, and cheaper; and then I contend, upon the other point, that the minute topographical survey of the entire coast which is made, is entirely useless for the purposes of navigation. Do you make a survey of the coast for the purpose of navigating the ocean? A minute topographical survey of the coast, I repeat, is entirely useless.

Mr. DAVIS, of Maryland. Mr. Chairman, the gentleman from Wisconsin has moved virtually to put an end to the coast survey. Upon what consideration, on what view of public interest that should guide the conduct of a great commercial nation, the gentleman has not explained. He desires us, by a hasty, inconsiderate amendment upon an appropriation bill, to reverse the policy which the Government has been pursuing for forty years; under every Administration; approved by every President; conducted without the intermission of a year; conducted by the first science of the day when it began, and now under the supervision of science as high as this country or the world can afford. That my friend from Missouri or I cannot explain the exact necessity of surveying so great a distance inland or not, I submit is not a fair ground upon which this House should act. Whether he is a scientific man or not, I do not know. I do not profess to be much versed in scientific matters, and I am not willing to say that, because I am not satisfied of the necessity, in all their details, of the scientific examinations approved in the conduct of this great work by the eminent men who have so long conducted it—because, in a word, of my ignorance, those examinations are all wrong, and that every preceding Administration has been guilty of useless and wasteful expenditure. I do not think that, in a debate under the five minutes' rule, we can safely or wisely revise and judge the work of forty years, and arrest what has been so often, so long, and so deliberately approved by our predecessors.

Sir, Maryland has no direct interest in any part of the coast to be surveyed. She is to receive no benefit; all her coasts are surveyed. But, sir, her ships are upon every sea and upon every portion of our coast, and we are not willing to arrest a great work, essential to the safety of our citizens and their property, unless there should be some adequate reason assigned. What is the only one? Utter incapacity, shameful dishonesty, or disgraceful extravagance. Why the stale cry of *economy*, always invoked to eke out a bad argument against the Government institutions of the country? The gentleman wishes to economize where the economy sinks more of the commerce of the country, in any six months of any year, than will pay the whole amount of the expenditure year after year. Sir, it is not economy to estop great national works of necessity. It is economy to stop the leaks in the commissary's department, or in the Quartermaster General's department, or the stealings in the navy-yards, or the wasteful and extravagant expenditures under the name of miscellaneous; but it is not economy to stop the clearing out of your rivers and harbors, or the erection of our fortifications, or the supply of our armaments; still less is it common sense to darken our light-houses, or to arrest the survey of the coast? That is Democratic economy—a war on all that is useful in governmental expenditure. These are economical expenditures; expenditures which pay more in what they save, ten thousand times over, than the Government expends in accomplishing those great objects. And if gentlemen see fit to invoke the name of economy for the purpose of striking down, first fortifications, and then the Army, and then the coast survey, and leaving us without adequate protection, whether for the arts of peace or against the arts of war; then, I think, we had better omit the pay of the President and the judges, dissolve and abandon the Government which was created to afford the protection which it is not allowed to confer.

The amendment to the amendment was rejected.

Mr. WASHBURN, of Wisconsin. I will withdraw my amendment.

Mr. BURNETT. I object.

Mr. COMINS. I propose to increase the appropriation $10,000. I cannot agree with my friend from Wisconsin [Mr. WASHBURN] in the amendment which he proposes.

Mr. JONES, of Tennessee. Let us take the question on the amendment of the gentleman from Wisconsin. If it is stricken out, that will be the end of it; and if it is not stricken out, it will still be open to amendment.

Mr. COMINS. I wish to make a few remarks before a vote is taken on the proposition of the honorable gentleman from Wisconsin [Mr. WASHBURN] to discontinue this appropriation. I cannot agree with the honorable gentleman in his

opposition to this enterprise. As a commercial man, representing a section of the country deeply interested in navigation, representing an importing district, where a great portion of the revenue of the country is collected, I must protest against any reduction in the estimate for prosecuting the coast survey, a work so eminently beneficial and national. I wish to see economy introduced into every branch of the Government; into every department of public expenditure; I believe extravagance, and perhaps corruption, prevails in many of the departments of the Government, especially those of a political character; I wish to see these corruptions ferreted out; I wish to see these extravagances stopped; and will do all in my power to this end. But, sir, I will never lend my hand to strike a blasting blow to any of the great enterprises of the country, especially those connected with the commercial and maritime character of the nation.

The feasibility, the propriety, and the policy of establishing a system of geodetic and hydrographic survey of the American coast was recommended to the attention of Congress by President Jefferson; and in 1807 the act which authorized the President to cause a survey of the coast of the United States was passed.

Mr. Gallatin, one of the ablest and clearest headed statesman who ever presided over the Treasury Department, issued a circular, setting forth a project for a coast survey, and inviting the attention of scientific men to the subject. Mr. F. R. Hassler, a gentleman of extensive scientific knowledge, was appointed to superintend the enterprise, and visited Europe to procure instruments necessary to carry the project into effect. Owing to various causes, among which was the war with England, the work was not commenced until 1817. Indeed, it cannot be said to have fairly commenced until 1832. Operations were partially commenced in the bay and harbor of New York in 1817. The following year, the law under which the enterprise was inaugurated was repealed, and the work was suspended for the want of appropriations.

From 1819 to 1832, detached surveys of rivers and harbors were made, under the direction of the Navy Department. These surveys not being considered satisfactory, Mr. Southard, Secretary of the Navy, in 1828, in reply to resolutions of inquiry from the House of Representatives, recommended a recurrence to the act of 1807. On the repeated representations of the friends of this great scientific work, the coast survey again received the favor of Congress, and was reëstablished in 1832. Mr. Hassler was again appointed superintendent, and continued in that capacity until his death, in 1843. I will not undertake to speak of the knowledg skill, and labor, required to overcome the various perplexities, difficulties, and embarrassments, in the way of a successful prosecution of the coast survey. Time will not permit me to do it. I should like to speak an hour upon this subject. I should like to vindicate the dead and speak to the praise of the living. Professor Hassler was the subject of severe criticism, and Bache cannot expect to escape. Professor Hassler did not escape the jealousies of scientific competitors, or the vigilance of congressional reformers. An investigation was instituted. A congressional committee, after a severe scrutiny, indorsed and approved the administration of the survey.

From 1843 to the present time, the coast survey has been conducted under the direction of Professor A. D. Bache, subject to the direction of the Executive. These surveys are being sustained by the principal commercial Powers of Europe. Shall they be abandoned by the United States? I trust not.

Now, sir, let us look at the advantages of this work, in a commercial point of view. Let us see how it affects the interest of navigation. Let us see how it saves the loss of property and prevents the sacrifice of human life. And, then, we will see who it is that will strike down this enterprise; who will say that the annual outlay of a few hundred thousand dollars for the protection and safety of the vast commerce of a nation is an extravagant expenditure.

In the years 1846-47 fourteen thousand two hundred and twenty-nine vessels, of an aggregate tonnage of over three million, arrived in the ports of the United States, and nearly fifteen thousand vessels with an aggregate tonnage of four million five hundred thousand cleared from the same. The yearly increase in the numbers of vessels is eight per cent., and the yearly increase in the amount of tonnage is ten per cent.

A glance at the report of the Secretary of the Treasury will show that the direct tendency of the coast survey is to diminish marine disasters. The percentage of loss of property on our coast, diminishes from year to year as its survey is perfected. In 1854, the loss of property from marine disasters amounted to $25,000,000; while in 1855 it was $20,370,000. During the six months of the year ending July 1, 1856, the losses amounted to $11,850,000, and in the six months ending July 1, 1857, to $10,232,500. The percentage of loss in the number of vessels is equally favorable to my argument. In 1855, the loss of lives on our coast was four hundred and thirty.

From these data, it will be seen that the cost of the coast survey sinks into insignificance when compared with these fearful losses of life and property. Many individual cases can be cited where competent witnesses have testified that the coast survey information has saved, in a single vessel and cargo, enough to pay the whole expenses for a year, in that section of the survey, to say nothing of the loss of life. It can be established beyond doubt, to any reasonable mind, that its pecuniary value to the revenue of the country has fully justified its cost. The Florida reef—the terror to navigators—has been rendered comparatively safe, by beacons placed there in accordance with recommendations of the survey, and by the anchorages found and the charts presented to navigators. But my time will not permit me to enumerate cases.

Among the discoveries and developments made by the coast survey up to 1856, inclusive, which have come under my immediate notice, on the coast of New England, are numerous rocks, banks, and shoals, whose position has been accurately located, characteristics fully determined, and positions distinctly marked upon charts, and thus rendered far less dangerous to navigation. I will name some of them:

Determination of the position of a sunken rock, on which the steamer Daniel Webster struck, in Casco bay, on the evening of the 13th of October, 1856.

Determination of the dimensions of Alden's rock, near Cape Elizabeth—Maine, 1854.

Determination of rocks off Marblehead and Nahant—1855.

A rock (not on any chart) in the inner harbor of Gloucester, Massachusetts, discovered in 1853.

A bank, ninety miles eastward of Boston, with about thirty-six fathoms of water, probably a knoll connected with Cashe's ledge, but with deep water between it and the ledge—1853.

Boston harbor: Broad sound channel thoroughly surveyed, and marks recommended—1848.

Several rocks in the fair channel-way, in Boston harbor entrance—1854.

A bank (Stellwagen's bank) with ten and a half to fourteen and a half fathoms of water on it, at the entrance of Massachusetts bay, and serving as an important mark for approaching Boston and other harbors—1854.

Extension of Stellwagen's bank to the southward and eastward some sixteen or seventeen square miles, enclosed by the twenty-fathom curve—1855.

A dangerous sunken ledge (Davis's ledge) to the eastward and in the neighborhood of Minot's ledge—1854.

Development of a reef extending between Minot's and Scituate light—1856.

A sunken rock, with only six feet on it at low water, off Webster's flagstaff, Massachusetts bay—1856.

A dangerous rock, near Saquish Head, entrance to Plymouth harbor—1856.

Three rocks determined in position, pretty bare at low water, off Manomet Point, Massachusetts bay—1856.

Determination of a very dangerous rock off Indian Hill, and four miles southward of Manomet Point, Massachusetts bay, with as little as six feet water on it—1856.

Probable connexion of George's bank and the deep-sea banks north and east of Nantucket—1855.

Non-existence determined of "Clark's bank" and "Crab ledge," laid down on certain charts as distinct from an immense shoal ground off Cape Cod peninsula—1856.

Nantucket shoals: Davis's New South shoals, six miles south of the old Nantucket South shoals, in the track of all vessels going between New York and Europe, or running along the coast from the eastern to the southern States, or to South America, discovered in 1846.

But, time will not allow me to continue these detailed statements. I wish to call the attention of the House to the unanimity of opinion which prevails upon the importance of continuing this work. The New York Chamber of Commerce, the Philadelphia Board of Trade, the Faculty of St. John's College, Maryland, the University of Virginia, and almost every scientific institution in the country, have spoken in an unmistakable voice upon this subject. Business men of all classes give it their approbation, and justify the most liberal appropriations for its prosecution. The underwriters of Boston, a class of men not excelled for enlightened patriotism and for liberal views, yet governed in all their enterprises by principles of strict economy, have witnessed with great pleasure, as stated in a closing paragraph in a memorial to Congress concerning the coast survey of the United States, the liberal support that has been given to this work, and believe that there is no public undertaking more worthy of the patronage of Congress than this, which has for its objects to give facilities to trade, to enlarge the bounds of useful knowledge, and to protect human life; and trust that a liberal support will be continued, and entreat Congress to take no action that will impair the usefulness of this important branch of the public service.

Light-houses and beacons are located, the phenomena of the tides fully and clearly discussed, variations of the magnetic needle determined, new channels and the set of the currents carefully marked. In short, all the great aids to navigation have been discussed in a manner which has met the approval of the scientific and commercial world.

We have abundant evidence to show that the survey of the American coast has been conducted with greater rapidity and economy than that of any other nation. Compared with the costly coast surveys of Great Britain, France, Austria, and Russia, the expenditures of the United States present a favorable contrast.

The total cost of the United States coast survey, previous to 1832, was $55,000; from 1832 to 1844, the amount expended was $766,134, and from 1844 to 1856-57, the expenditure amounted to $3,958,331. The land work and hydrography of Great Britain has cost over twenty million dollars.

The land and hydrographic survey of France has cost nearly ten million dollars; Austria has expended, during a period of seventeen years, in these surveys, $8,500,000.

As it is stated by the Secretary of the Treasury, these are instances which furnish a comparison most favorable to our coast survey as to cost. And for accuracy and general usefulness, the American coast survey charts hold, according to scientific men, the first rank; and the scientific methods used are, in many instances, much in advance of those of Europe.

With the greatest extent of coast-line, second to none other in the amount of her tonnage, and with the most dangerous coast of any nation, comparative statements, with regard to the time and money spent, and results obtained, show us that our coast survey has cost us far less than that of any other maritime nation. To interrupt its operations at this time, or interfering in any manner with the plan by which it has been carried on so far, and so nearly to a successful termination, by cutting down the appropriations, would be as false economy as it is unwise and unstatesmanlike policy.

England spares neither time nor money in giving aid to commerce. Had she, she never would have been mistress of the seas. No vessel on the English coast goes down, with its freight of life and treasure, on unknown rocks and shoals. They are all accurately marked on her charts.

Sir, I do not regard the United States as poor. We are not poor. I dislike the term; and it is not true. The country is rich. We are possessed

of means enough, now, and at any time, to do just that which the interests and welfare of the country demand. National honor and reputation are involved in the completion of the public works, and, especially, in a successful execution of this great enterprise.

Mr. WASHBURN, of Maine. I oppose the amendment of the gentleman from Massachusetts, [Mr. COMINS,] because I am in favor of the amendment reported by the Committee of Ways and Means. I am in favor of maintaining the coast survey, because I believe it is a work of great necessity. I am satisfied that it is of advantage to all the interests of the country; not merely to the interests of the coast, but also to those of the interior; not merely to the interests of the merchant, but to the interests of the farmer, and to the interests of every class; and I am persuaded that, under the present superintendence, it is being conducted with singular ability and with great economy. I have that confidence in the scientific attainments and ability and incorrigible honesty of the gentleman at the head of this service, that I do not desire to see it broken down or changed in any respect.

It has been proved, and I could demonstrate, that that work is being carried on in the most economical and expeditious manner of which it is susceptible. As the gentleman from Michigan [Mr. HOWARD] has well said, one dollar is made to do, under our survey, the work of five dollars under the English survey. This work, if it is to be done—and I am confident every man will say it ought to be done—should be performed in the shortest time consistent with economy, because we shall then have the benefit of its results. It is therefore necessary and proper, as well as economical, that the amount appropriated for carrying it on should be larger than that appropriated in the early days of the work.

The gentleman from Missouri [Mr. BLAIR] desires that there should be some change in the superintendence; that it should be transferred to the Army or to the Navy. I am in favor of keeping it precisely where it is. Officers of the Army and of the Navy are now connected with the survey under the present Superintendent; and my belief is, that the work can be better carried on under the supervision of a civil officer, than under that of an officer of either the Army or Navy. If it were given to officers of the Army, there would, very likely, be jealousy on the part of officers of the Navy; and if given to officers of the Navy, there would be jealousy on the part of officers of the Army; but under the superintendence of a gentleman who belongs to neither, there are no prejudices or rivalries, and the work moves on steadily, and with the utmost harmony among those employed upon it.

This question was submitted to the Secretary of the Treasury under the Administration of Mr. Fillmore. Mr. Corwin, who was then at the head of the Treasury, investigated the matter, and gave a detailed and able and thorough report; giving arguments and reasons which, in my judgment, are unanswerable, why the work should be continued under the civil superintendence. Gentlemen are talking about economy; but I beg to know, where is the economy in striking down this work? A year or two ago, I voted to grant $600,000 for an overland mail route from the Mississippi to the Pacific. To be sure, the service has been transferred from the route where it was supposed it would be placed. But that amount was freely voted for the service, primarily advantageous to the West. Let me ask the gentleman from Missouri, or any gentleman, if he believes that the advantage of that outlay of $600,000 per annum, for overland mail service, would equal, to the whole country, that of this $450,000 for the prosecution of the coast survey? There is not one, I am sure——

[Here the hammer fell.]

Mr. COMINS. I propose to withdraw my amendment. I offered it *pro forma*.

Mr. BURNETT. I object. Let us vote on all the amendments.

The question was taken; and the amendment was rejected.

Mr. MILES. I move to increase the appropriation $100. I desire to call the attention of the committee to one point, partially touched by the gentleman from Maine, [Mr. WASHBURN,] in reply to the objection made by the gentleman from Missouri, [Mr. BLAIR,] that the Army and Navy officers are not exclusively employed in the conduct of this work. I think that is one of the most admirable features in the organization of the whole bureau. With our limited Army and small Navy, if the duties of the coast survey were solely committed to officers in these branches of the public service, they could not be performed. I am informed that requisitions have been lately made on the Departments of War and of the Navy; and these Departments are not able to furnish the requisite number of officers. So far as the Navy is concerned, that has been in consequence very much of the Paraguay expedition. If the work were confined to Army and Navy officers, it would very possibly have to be suspended.

Now, with regard to the argument of economy, that we ought to cut down the expenditure at this particular time, because the Treasury does not admit of more liberal provision: I am one of those economists who do not believe in the penny-wise and pound-foolish system of refusing to spend a shilling to-day, when that niggardliness will inevitably necessitate the spending of five shillings to-morrow. I do not regard that as sensible economy. When gentlemen propose to strike out a provision or appropriation in a bill, it seems to me that, in order to commend the proposition to the judgment of the House, they ought to show that it may be adopted without ultimately entailing a greater expenditure. Neither this Government, nor any Government, is to be conducted on the supposition that it is merely living from year to year, after a sort of "hand-to-mouth" fashion. It is but a short time since that our Treasury was so filled to overflowing that the wildest schemes were set on foot in order to deplete it. And now, before the experiment of the last tariff has been fairly tried, which, when fairly tried, many of the most experienced men believe would yield an ample revenue, because there has been a mercantile panic and temporary financial embarrasment in the country, gentlemen get up here, and, in the wildest and most reckless manner, propose to strike from our regular appropriation bills, already largely reduced by the Committee of Ways and Means, thousands and hundreds of thousands of dollars, without showing, to any sensible mind, that they will, by so doing, effect any real reform, or, in the end, any actual saving of money—nay, more, sir: when it is almost demonstrable that this unwise proceeding will entail upon us the loss of millions hereafter.

Now, if you suspend this great work—a work that has reflected more honor on us, as a scientific people, than any other that we have undertaken—you will not only retard its completion, but you will necessitate a serious additional expenditure on the country.

[Here the hammer fell.]

Mr. BURNETT. I am opposed to the amendment offered by the gentleman from South Carolina; and I am also opposed to this penny-wise and pound-foolish economy. But, when gentlemen ask us to appropriate $452,000 for the coast survey, I think that, instead of those who propose to curtail the expenditures being called upon to show that the public service would be injured, it is the duty of the friends of higher expenditures to show that the public service would be injured by a reduction of the appropriations.

Mr. MILES. I would only say that we are quite prepared to show it.

Mr. BURNETT. I grant you that this is a great work, and that it has shown our scientific capacity; but I ask the gentleman whether, in the present condition of the Treasury, in the present state of the finances, it is not the policy of a wise Legislature to economize wherever economy is possible, without injury to the public service?

I hold, sir, that there are a number of appropriations, and among them this very one for the coast survey, that we can very well suspend without any great injury to the public service. Has either of the gentlemen who have advocated the appropriation which it is proposed to strike out, shown us what injury would result from a suspension of this work for the present? I have not heard any gentleman point out how the public service would be injured by suspending this work. We do not propose, in striking out $250,000, that the work shall cease, that it shall be abandoned. But we do propose, wherever we can do so without injury to the public service, to cut off appropriations with a view of relieving us from our present financial difficulties.

Mr. MILES, by unanimous consent, withdrew his amendment.

Mr. BLAIR. I propose to amend the clause which it is proposed to strike out, by adding to it the following:

For the survey and improvement of the Mississippi river and the lakes on our northern boundary, $500,000.

Mr. WASHBURN, of Maine. Ninety thousand dollars has already been appropriated for the survey of the lakes.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. JOHN COCHRANE. I move to amend the clause proposed to be stricken out by inserting, after the word "continuing," the words "and promoting."

It is proposed in committee to economize the expenditures of the Government by striking out an appropriation of $250,000; and unquestionably, if this is to be a saving to the Government, it will be an economy just to that extent—no more and no less. But the question for consideration is, whether we shall not lose much more than we now propose to gain; in other words, whether, in depriving the animal of its daily food, we shall not be destroying the goose that is laying for us daily the golden eggs.

I propose, in a few moments, to show that the advantages which we are reaping from this work are a thousand-fold greater annually than the amount proposed to be stricken out. Along the line of the Atlantic coast from Maine to Florida, along the coast of the Gulf from Florida to and including Texas, the commerce of the United States floats daily throughout the year. The commerce of our coastwise and foreign trade amounts to more than $700,000,000 annually of exports and imports, and it is from these exports and imports that the country is reaping its annual revenue of from forty to fifty and sixty million dollars.

The tonnage, sir, of the United States, which conveys these imports and these exports that pay these taxes into the national Treasury, consists of over five millions, floating inwardly and outwardly on the duties of our coastwise and foreign trade. They who represent more than one half of this tonnage, at the port of New York, come here with their memorial, and ask for a continuation of this work. They who venture on the broad ocean, and encounter the perils of the deep, come here and ask for a continuation of this work. They ask it, sir, upon the reason, that if this work be discontinued, the commerce which is yielding its annual revenue to the country will be endangered, and may be lost; and it is for that same reason that I will now here ask gentlemen to be cautious how they strike out an appropriation for an object, the failure to attain which will ruin ultimately that very commerce upon which we depend for the carrying on the minutest, as well as the largest, of the affairs of our Government. This is the question to which I wish to direct the attention of gentlemen here to-day. I ask whether, if this project is arrested here and ruin be the consequence—for by arresting you must necessitate to ruin, without regard, the commerce dependent on precaution against, and the prevention of, maritime dangers, through the dissemination of useful knowledge—I ask gentlemen whether, on such a condition, they are prepared to arrest and destroy the means of avoiding such wide-spread ruin——

[Here the hammer fell.]

Mr. WASHBURN, of Wisconsin. Mr. Chairman, the gentleman from Michigan [Mr. HOWARD] asks if this work is ever to be completed? I answer him emphatically, NO. If it goes on as it has gone on, it never will be completed; and I do not believe that it is the intention of those who have the work in charge that it shall be completed, so long as we will vote them money. I can prove, by their own reports, that the work is not as near a completion now as it was ten years ago, though, in the mean time, we have voted them over three million dollars. The idea is held out to us that this work will soon be finished. Such ideas have always been held out when this concern was in danger of exposure. In 1849, a debate sprang up in the Senate, upon an appropriation to carry the survey on, when Colonel

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Benton took occasion to expose it. In answer to Colonel Benton, a strong friend of the survey came to the rescue, and made use of this language, as an inducement to go on and finish the work. Mr. PEARCE, of Maryland, said:

"We have already, in seventeen years, accomplished a *large* part of the coast survey."

Now, sir, at that time, when a "large" part of the coast survey was accomplished, we had only expended about one million seven hundred thousand dollars. Since then we have expended about three millions, and let us see where the work stands now.

I read now from the report which the gentleman from Maine has alluded to, purporting to have been made by Mr. Corwin, Secretary of the Treasury, February 15, 1851:

"Nearly one half of the coast of the Atlantic and of the Gulf of Mexico has been surveyed."

That was in 1851. If any gentleman has the curiosity to look at this report of Mr. Corwin, which the gentleman from Maine has eulogized so highly, he will find that, though it bears the signature of Thomas Corwin, it was every word and syllable prepared in the Coast Survey Office. It has such internal evidence of this that I cannot be mistaken. But no matter for that. Professor Bache, speaking then through Mr. Corwin, stated that the Atlantic and Gulf coast was nearly half done. What does he say now? In a report made to the Senate, this very session, which, however, bears date December 28, 1857, (See Ex. Doc. No. 6,) is the following language:

"Taking all the operations into consideration, the Atlantic sections are more than half done, and the Gulf sections nearly one third done."

Now, sir, from this statement, I leave gentlemen to cipher out the progress of this work, and tell the public when and at what cost it will be completed.

The gentleman from Maryland complained of me that in the five minutes' speech which I just made, I stated no reasons, except the beggarly one of economy, why this work should be stopped. Sir, the gentleman is the last one to complain; for, if I mistake not, he was one of those who voted to close debate, and thus cut me off from giving reasons *in extenso*, as I was desirous of doing. I can assure him that I have "reasons as plenty as blackberries," which I could give, other than the one of economy. I have already given as one, the useless character of the work; and whenever you give me time to discuss the matter properly, I will give reasons until you all cry "hold! enough!"

The gentleman from Michigan [Mr. HOWARD] has fallen into great looseness of speech, in speaking of this matter. He says that no other work of the kind has ever been done so cheaply as this; and every dollar spent by us has gone further than five dollars spent by Great Britain in her hydrographical surveys.

Sir, I deny this statement *in toto;* and I defy the gentleman, or any other gentleman, to show any such state of fact. The expenditures for our coast survey, up to this time, exceed five million dollars in direct appropriations, to which you may add as many millions more for the use of the Navy on that work, which is paid out of the naval appropriations. The total expense of the hydrographical surveys of Great Britain, for ten years, prior to 1840, was $5,231,655. But, sir, no just comparison can be made between the cost of the surveys of Great Britain and our own. Where, sir, have the surveys of Great Britain been made? They extend into every quarter and every sea upon the globe. Even the superintendent of our survey, in his last report, is constrained to use this language on page 122:

"The hydrographic labors of Great Britain have been more extensive than any other nation on the globe."

Sir, I say again, that no comparison would be just that the gentleman can institute, between the extent of our works of this kind and those of Great Britain, of whom it was said by Mr. Webster, "that the tap of her reveille drum ushers in the morning, and keeping company with the hours, encircles the world with the martial airs of England." Gentlemen parade before us a mass of pamphlets got up and distributed by the Coast Survey, showing how much the geodetic and topographical surveys of Great Britain have cost, and how much Great Britain has paid for parish maps, as though that really had anything to do with the cost of her hydrography. The effort is to overwhelm and delude members by big figures, no matter whether they have any application or not; and they appear to have succeeded pretty well.

[Here the hammer fell.]

Mr. JOHN COCHRANE, by unanimous consent, withdrew his amendment.

Mr. BLAIR. I move to amend the original text proposed to be stricken out by the Senator from Wisconsin, by reducing the appropriation to $5,000.

Now, Mr. Chairman, I am not in favor, as gentlemen have intimated here, of striking down this great enterprise; but I am in favor of putting it in the hands of men who are, in my opinion, equally competent, and who are already in the employ of the Government, and receiving their pay from the Government. I propose to put it into the hands of officers of the Army and Navy of the United States. Will gentlemen say that the officers of the Army and Navy are not competent to carry on this work? You educate them at West Point and at your Naval School at Annapolis, to perform work of precisely that character; work of precisely the same character is performed by the Army and Navy of Great Britain; but we are told that in this country we must put the work in charge of a civil engineer, or scientific man. Why? Because you have not officers in your Army and your Navy? It means that, if it means anything. Now, sir, I say that you should do away with your whole topographical bureau, and employ civil officers entirely, or else you should use the Army and the Navy to carry on this work.

It will not do for the gentleman from South Carolina [Mr. MILES] to say that there are not officers in the Army or in the Navy who can be detailed for that service. Everybody knows that one third of the officers of the Army and of the Navy are idle, and have been for the last twenty years. The superintendent of this Capitol, one of the best architects in this country, is an officer of the Army, and has been detailed for that purpose.

Mr. MILES. I desire to interrupt the gentleman, merely to say to him that I stated a fact which was given me at the bureau, that they could not be spared at this particular time.

Mr. BLAIR. Well, sir, I am disposed to think that the gentleman from South Carolina is mistaken. I am disposed to think these officers of the Army and of the Navy, both at this time who are waiting orders, doing nothing on earth but dancing attendance at the balls in Washington and elsewhere, who might be very properly employed in this work. Sir, if they are incompetent to do this work, it is time they were engaged in learning their duty. It is time they were learning their duties in the coast survey service, which we have paid for teaching them in the Military Academy, at the Naval School, and at sea. I wish to know of this House, and of the country, if we should not be the gainers by placing these Army and Navy officers along the line of our coast? It will be of infinite value to them to become as familiar with the coast as this service will make them. Now, sir, I repeat the question which I propounded at the opening of this discussion, and which I have not heard any gentleman attempt to answer: what is the use of this minute topographical survey of the coast, possibly fifty or sixty miles from the shore? Of what possible use can it be in the navigation of the ocean? Gentlemen talk about breaking down this great enterprise, and about our foreign commerce being the sufferer thereby if we refuse this appropriation. Why, sir, the very same gentleman from South Carolina would not vote a dollar for the survey of a western river or lake; yet the commerce of the lakes and rivers is double that of the entire foreign trade of this country.

Mr. MILES. I go for the coast survey because it is a national institution.

Mr. BLAIR. There are no national institutions, in the gentleman's opinion, except where there is salt water. Our rivers which cut the heart of the country, and extend from its northern to its southern boundary, are not national in the opinion of certain gentlemen. The lakes that stretch from east to west across the whole extent of our country, and which float a commerce many times as large as the entire foreign commerce of this country, are, by the same reasoning, sectional.

Mr. STANTON. Time, Mr. Chairman, will not permit much discussion upon this subject. I represent no sea-coast, and no lake-coast. I have no local interest in this question. It strikes me, however, that the single question for this committee to decide is, whether this work is to be continued at all, or not; for if you discontinue the work for one year, and scatter the force engaged in it, you have produced a serious injury, which it will require two or three years to repair. Now, sir, gentlemen will bear me witness that there are very few of these large appropriations which I do not vote for reducing below the estimates which are furnished to this House. This, however, occupies a different position from a large share of the appropriations which are made by this Government. This is an appropriation which never has been, and never can be, used for electioneering and purposes of party and party patronage. As I understand it, it is an appropriation which is used legitimately for the purposes for which it was intended.

Mr. WASHBURNE, of Illinois. I desire to ask the gentleman from Ohio how many members of this House have relations in the Coast Survey bureau?

Mr. STANTON. I do not know. If the gentleman from Illinois has any relatives employed in the coast survey, I presume they are well qualified for their duties. If other members have relatives in the coast survey, I presume they are well qualified for it. That, however, is very little to the question. What I want to say, and did say, was, that the appropriations for this purpose have never been, and cannot, from the nature of the case, be used for partisan purposes, so far as I know and believe. I have never heard any complaint of any such thing.

Mr. Chairman, this coast survey must have a head, but gentlemen ask why can he not be taken from the Army or the Navy? Sir, the very moment you take a head of the coast survey from the Army or the Navy, you create jealousy and insubordination. For the purpose of reconciling these two corps, the practice has been, for the last twenty-five years, taking a man for the head from civil life, and then to detail under them such officers of the Army and Navy as can be used in subordinate positions as are competent. It is true, I have no doubt, that a large portion of the officers of the Army are competent for any work of this kind; it will not be doubted that a large portion of those who are left out of service in the Army and in the Navy are not competent. But, sir, if you place an Army or Navy officer at the head of this work, you do not lessen the appropriation, nor do you change essentially the character of force employed. There are already detailed for the service as many officers of the Army and the Navy as can be usefully employed in the service. You therefore make no change in the service of the coast survey, or in the cost of it, except simply the salary of the Superintendent, which is a very inconsiderable matter.

Now, sir, it may be that more has been expended in this coast survey than is strictly in order for the purposes of commerce. I grant that it stands upon precisely the same ground as appropriations for rivers and harbors; but inasmuch as I believe that appropriations of that kind ought to be made for the benefit of commerce, I am not disposed to confine the appropriations from the

national Treasury simply from that portion of the country from which I come; and inasmuch as I am willing that, if a suitable and proper system has been introduced and is being carried on for the benefit of external and foreign commerce of the country, it shall be carried on and completed, hoping at some future day to have a system of improvement carried out for the benefit of the section of country from which I come.

[Here the hammer fell.]

The amendment to the amendment was rejected; and then the amendment was rejected.

Mr. WASHBURN, of Wisconsin. I move to reduce the appropriation in the following paragraph $20,000:

"For continuing the survey of the western coast of the United States, $130,000."

Mr. Chairman, I was in hopes that some gentleman would state what benefits the country has received from the coast survey up to this time. I should have been glad to have heard from the gentleman from New York, who represents that great commercial city. I would ask him if the ships that sail out from New York use the Coast Survey charts?

Mr. JOHN COCHRANE. I believe they do.

Mr. WASHBURN, of Wisconsin. I believe they do not. I think I am authorized to say that not a ship which sails out of the city of New York uses one of these charts, which cost us so much. I have a letter upon my table from a gentleman of New York city, a retired shipmaster, and an agent of one of the largest packet lines in the Union, wherein he states that they do not use the charts of the Coast Survey. I will not give his name, because I know the influence of this Coast Survey, which is overshadowing the country; and I will not give his name, for I would not subject him to its hostility. I will now refer to my friend from Maine, [Mr. MORSE.] I know that he represents a district where more ships are built than in any other of the Union. I know that he is familiar with this matter of navigation, and knows, not only every rope in a ship, but every timber, from the keelson to the main truck. I ask him, is it true that the shipmasters sailing out of the ports of Maine use the charts of this Coast Survey?

Mr. MORSE, of Maine. I do not know that these Coast Survey charts have been put in a form so as to be capable of use by ship-masters, but I understand that the charts which are used are based upon and corrected from the charts of the Coast Survey.

Mr. WASHBURN, of Wisconsin. Then the charts used are not the charts of the Coast Survey. Why are not these charts got up in such a way as to be of some practical use? It appears now that the only use they are is to give their discoveries to chart-makers, and compel the mercantile marine to buy and pay for them; when, were they properly got up, they would use those made and paid for by the Government.

Mr. MILES. I have seen them used on coasting steamers.

Mr. WASHBURN, of Wisconsin. The gentleman from Massachusetts, [Mr. COMINS,] representing a commercial city, has felt himself called upon to participate in this debate, and show cause why this survey should not be stopped. His reasons would be very good if they had any foundation in fact. He puts it upon the ground of the increased safety to our shipping and diminished rates of insurance. But, sir, he did not show, nor can he show, that the rates of insurance have diminished, or the risk to life; and I again challenge him or any other man to show that a single life has been saved by reason of the discoveries of this Coast Survey. His comparison of cost between our surveys and those of England and France I cannot go into, any further than to say that he has been overwhelmed by large figures without stopping to inquire as to their application, being the same species of delusion that has turned the head of my friend from Michigan. He says that Austria has expended $8,500,000 in surveys. Well, what of it? Austria has no seacoast, and no coast survey. She has a very minute topographical survey, and so has France and England, made for the purposes of taxation, and which undoubtedly have cost a great deal of money.

I wish to ask my friend from Michigan how it happens that this Coast Survey, which is instructed by the law to submit to Congress every year a chart upon which shall be delineated the progress of the survey, showing by lines the probable limits of the Gulf stream, and showing by the use of colors and explanations what part is completed, has not obeyed the requirements of the law?

Mr. NICHOLS. I do not want to occupy the floor for five minutes. I only want to make a statement of one fact. When this House was on the question whether the Coast Survey reports should or not be published, a petition came from a portion of the commercial community of New York, representing $250,000,000, protesting against their non-publication

[Here the hammer fell.]

Mr. HOWARD took the floor.

Mr. WASHBURN, of Wisconsin. Now, if the gentleman will permit me, under the act of March, 1853, the Superintendent is required to prepare a general chart of the United States, on as large scale as convenient, showing as near as practicable, a configuration of the coast——

Mr. HOWARD. I have only five minutes. I cannot yield.

Mr. WASHBURN, of Wisconsin. Why has not that general chart been printed?

Mr. HOWARD. Go to the Superintendent, and if he has not executed the law, then turn him out.

Mr. WASHBURN, of Maine. If the gentleman will go to my room, I will show him the chart to which he refers.

Mr. JOHN COCHRANE. The gentleman from Wisconsin put a question to me, and he answered it by information of his own. Undoubtedly it was satisfactory to himself. I say that it is positively ascertained as a fact that mariners from the port of New York use no other charts than those of the Coast Survey, when they can procure them.

Mr. HOWARD. I have already stated that, in the prosecution of this survey one dollar had gone as far as one pound sterling in the British survey. The gentleman from Wisconsin denies it. I do not pretend to any personal knowledge, for I have not disbursed the money nor done the work. I have the fact I have stated from the report of the Secretary of the Treasury for 1849; from men of intelligence and of undoubted integrity, whose integrity I am ready to indorse here or anywhere else; men who made an examination of the subject, and they assure me that it is true. I believe that it is true.

As to the Army and the Navy, I have no prejudice against them. I would not object to their being employed to any extent. I am not here to defend the organization or the minuteness of the work; but I do demand that if we are to be a commercial nation, that we shall survey our coasts. The gentleman from Wisconsin sneers at this coast survey, in a scientific point of view. He says that it bears no comparison to the work of England and France, and other surveys. I say that the most scientific men of England and France, with all their national prejudices, declare this to be a work that is a monument to the wisdom of this country, and to its scientific reputation.

Mr. WASHBURN, of Wisconsin. I do not believe that the gentleman wants to misrepresent me. What I said was that, with regard to its extent, it bore no comparison to the coast survey of Great Britain.

Mr. HOWARD. I say that we accomplish five times as much work as they do, dollar for dollar.

I want to say another word, and then I will yield. I do not want to go on with this discussion. It is known that I live far in the interior; my constituents are a thousand miles from any coast port; yet, sir, this is *my country*, and, as I said before, I protest against holding out ourselves as a commercial people, and, at the same time, too penurious to survey our coast. Ten or twelve years will finish this work, on the basis upon which it is now progressing. That will involve $6,000,000 of expenditure. We have expended $6,000,000 in building the Capitol extension. We are a commercial people. We invite the civilized world to trade with us; and yet we can expend $6,000,000 on our Capitol, which we did not need, but cannot survey our coast. This is, to me, a national question. My constituents are far away from the coast, but we are all a part of this great people.

[Here the hammer fell.]

The question was taken on the amendment of Mr. WASHBURN, of Wisconsin, and it was rejected.

Mr. WASHBURN, of Wisconsin. I move to amend by inserting the following proviso:

Provided, That the money hereby appropriated shall be expended under the direction of the Secretary of the Navy.

Mr. HOWARD. I object to that amendment as out of order.

The CHAIRMAN. The Chair thinks it is in order.

Mr. MILES. It changes the law; the work is now, by law, under the direction of the Secretary of the Treasury.

The CHAIRMAN. While it is out of order to make a general provision in an appropriation bill, yet a proviso limiting the manner in which money appropriated is to be used, is always held in order.

Mr. WASHBURN, of Wisconsin. I am very happy to hear my friend from Michigan say that he is so very national. I claim to be as national as he is; and I claim this to be my country as well as his; he need not think he is going to have it all. It is not because I am a western man that I propose to reduce these expenditures; but because I think there are good reasons for doing so. I expected that the gentleman from Ohio [Mr. STANTON] would sustain this Coast Survey. I know his position as connected with the Smithsonian Institution, which I regard as an appendage to the Coast Survey. I can tell him that the people are not quite satisfied with the manner in which that institution is managed; and the time is not far distant when some gentlemen in this House may feel called upon to ask him for a little information on this subject.

But my proposition has been opposed by gentlemen whom I did not expect to see opposing it. I am opposed to this Coast Survey because we are deriving no benefit commensurate with the expense. What are these benefits? The Superintendent has collected in a table (Executive Document, No. 6, second session Thirty-Fifth Congress) the valuable discoveries that have been made; and I wish to call attention to them. I will begin at the head of the table, and read them in their order. The first on the list I commend to the special attention of the gentleman from Maine. I begin with the first.

"1. Determination of the position of a sunken rock on which the steamer Daniel Webster struck, in Casco bay, on October 13, 1856."

Now, bear in mind that this bay had been surveyed and charts made two years before, and you have a pretty good idea of the value of this work. The way these gentlemen discover sunken rocks, is by running valuable steamers on them; rather an expensive way. It reminds me of the method the Chinese have of roasting a pig. Having accidentally discovered, by the burning of a house in which there was a pig, that roast pork was very fine, when they want roast pig they burn a house. So these gentlemen, when they wish to discover a sunken rock, run a valuable steamer on it.

Here is discovery No. 2:

"2. Determination of the dimensions of Aldend's Rock, near Cape Elizabeth, Maine, 1854."

This must be a very valuable discovery. It is not claimed that this rock was not well known to everybody; but these wise men have discovered the bigness of it.

Here is the next discovery:

"3. Determination of rocks off Marblehead and Nahant, 1855."

I have no time to comment upon that very valuable discovery.

"4. A rock not on any chart in the inner harbor of Gloucester, Massachusetts, discovered in 1853."

Now, in regard to this discovery in the harbor of Gloucester, I will undertake to say that there is not a fisherman that sails out of Gloucester, that cannot, in the darkest night, drop a plummet upon every rock in the reach of a ship's keel within the limits of that harbor or miles of that coast; and that this rock was well known long before it was discovered by the coast survey.

[Here the hammer fell.]

Mr. WASHBURN, of Maine. The gentleman

from Wisconsin has stated that the advantages of this work are not commensurate with the expense; and he has undertaken to show that they are not. Its advantages are not to be stated in a five minute's speech, or in an hour's speech, or in a speech of many hours; and, of course, I cannot, at this time, go into a detailed statement of them. We know that there is being made a perfect, precise, exact, geography of the bottom of the sea—the most perfect work of the kind, as is acknowledged everywhere, that the world has ever seen; and I submit to gentlemen whether or not great benefits will not result from the early completion of that work? If the work be half as valuable and important as I believe it to be, its finishing up in ten or twelve years—the time estimated by the Superintendent—will be much better for the country than if twenty or thirty years are spent in it—and it will cost less, because the work is of that character that dispatch and economy are one. The coast survey in England has been going on something like a hundred years, if I recollect aright. The money expended for the English coast survey, referred to by the gentleman from Wisconsin, is for the survey of Great Britain alone; and the amount expended is, as I am now told, $20,000,000 instead of $10,000,000. One of the professors attached to the Coast Survey has shown, in reply to an inquiry made by the Secretary of the Treasury, and upon data the most accurate and conclusive, that, in reality, one dollar in our service does the work of five dollars in the English coast survey; and, however gentlemen may deny, they cannot disprove it. I remember that some six or eight years ago, the Coast Survey was attacked, as it is now. A gentleman from North Carolina (Mr. Venable) defended this survey in these words:

"The reason why this work is so valuable is, that it is based upon certainty. The coast surveys heretofore have been mere nautical surveys and nautical charts, but here we have geodetic surveys. The topographical surveys are made with reference to the actual shape of the earth; the hydrographic surveys presume the earth to be a plane, and being based upon that presumption, although the chart may be accurate with regard to a single port, it must mislead you when that chart is compared with the chart of another port. In the present surveys, the hydrographic are taken by the Navy, and the topographical by the engineer corps of the Army. These surveys having reference to the shape of the earth—to use a phrase of surveyors—the plats will meet, and if all the surveys are laid together, you will find that they represent precisely the spheroidal shape of the earth.

"This work has been prepared by gentlemen well qualified by scientific attainments to give us valuable information. We have a sea-coast extending from the mouth of the Rio Grande to Maine; a coast, too, upon our lakes; and it is of the first importance to our navigation and commerce, that the whole of it should be fully understood, with that certainty which can only be attained by surveys. I hope, therefore, that this information will be diffused throughout the whole country."

I will say further, in connection with the manner in which the work is executed, that it has commanded the admiration of scientific men throughout the civilized world. A short time ago, at a meeting of the British Geographical Society, a medal was presented to Professor Bache, and a presentation speech was made on that occasion by Sir Roderick Impey Murchison, president of the society, from which the following is an extract:

"The President then addressed his Excellency, the American Minister, in these words:

"Mr. DALLAS: Whilst I can truly say that the council and myself rejoice in this opportunity of recording our sense of the high merits of Professor Bache, I have a peculiar satisfaction in being permitted to place the Victoria Medal of the Royal Geographical Society in the hands of your Excellency, with the request that you will convey it to your eminent relative.

"The grounds for making the award of the highest distinction which it is in our power to confer, have been expressed in terms sanctioned by the council; but that document does not allude to other great qualities of a man who, besides his admirable coast survey, has so largely extended our knowledge on various subjects of scientific importance. I may here cite his delineation of the iso-magnetic curves, both in Europe and America; his littoral and deep-sea soundings, which, it is believed, will soon enable us to read off the natural history of the gulf stream, and to calculate the periodicity and perturbations of the tides at given spots; and his many ingenious inventions, including a method of registering the pulsations of distant earthquakes."

[Here the hammer fell.]

Mr. WASHBURN, of Wisconsin, by unanimous consent, withdrew his amendment.

Mr. WASHBURN, of Wisconsin. I move now to reduce the appropriation $100,000.

When the hammer fell, I was about stating the valuable discoveries which this Coast Survey has made. I will go on a little further.

Mr. HOWARD. Can the gentleman tell me what chart the Daniel Webster was using when she ran on the rocks?

Mr. WASHBURN, of Wisconsin. I know nothing about it. It was evidently not the Coast Survey chart, as by their report the rock was not known to them until after the steamer was wrecked upon it.

Mr. MORGAN. Probably the one of the 7th of March. [Laughter.]

Mr. WASHBURN, of Wisconsin. The Superintendent of the Coast Survey, in pointing out the valuable discoveries, speaks of one at York river, in Virginia. He says:

"The question of the proper port of entrance of the great southern line of steam vessels has been solved by the coast survey, and in fact the survey of the splendid harbor of York river, Virginia, was not made a month too soon."

It will be particularly gratifying to our Virginia friends that a proper harbor has been discovered from which the great line of southern steamers is to take its departure. The survey, it seems, was not made a month too soon. I am glad to hear it, and commend it to the next southern commercial convention, and to Mr. Dudley Mann, who, when last heard from, had succeeded in getting $2,000 subscribed towards the establishment of that line of steam vessels. [Laughter.]

But, sir, I deny that Mr. Bache has made any discovery at York river. He says it was not made a day too soon. Sir, that harbor was well known in the time of the Revolution; and, during the Revolution, a British fleet lay before Yorktown, in the harbor of York river. I ask the gentleman from the Norfolk district if it has not been long known that York river furnished a fine harbor?

Again, to proceed with the valuable discoveries, I come to one that is really of some value, I have no doubt. This is it:

"39. Gedney's channel into New York bay, having two feet more water than the old channel. Had the true depth of this channel been known in 1778, (then probably existing, as seen by comparing old and new charts,) the French fleet, under Count D'Estaing, would have passed into the bay, and taken the assembled British vessels."

This discovery, I am willing to allow, is of some value. It was made in 1835. In 1842 the chart had not been published, showing that then it was considered no great affair. Captain Gedney, before a committee of this House, in 1842, said that this channel could have just as well been discovered and buoyed out without your expensive system of coast survey triangulations as with it. As to how much we have lost, because we had not this coast survey at the time of the Revolution, is somewhat difficult to determine at this time. This idea of Count D'Estaing capturing the British fleet sounds very much like the reason given by Mrs. Toodles for purchasing the door-plate. If I am not quite mistaken, the current opinion of the time was, that Count D'Estaing was in no hurry to expose himself to the bullets of John Bull, and so sailed away.

[Here the hammer fell.]

Mr. ADRAIN. I will detain the committee but a moment. I think I ought to say a word upon this subject, as the Atlantic ocean borders the State which I have the honor in part to represent. I feel a deep interest in the subject for two reasons. In the first place, the gentleman who is at the head of the Coast Survey, Professor Bache, is an old preceptor of mine, a man who stands high in the scientific world, and I feel grateful to him; for what little knowledge on that branch of science which he taught, I possess. I feel an interest in this subject for that reason.

But I also feel a deep interest in the subject from the utility of the work itself. The question is, whether we shall cease the coast survey by refusing to appropriate the money to continue this valuable work? I conceive that it is a great national work. The gentleman from Wisconsin has attempted to cast ridicule upon it. The whole of his argument was ridicule, and nothing else. He has attempted to throw ridicule upon certain discoveries which have been made.

Sir, there have been great discoveries which have resulted from this Coast Survey, under the direction and superintendence of the great and distinguished man who is at its head. I have here a report which has been made by a committee of twenty gentlemen, who were appointed by the American Association for the Advancement of Science, at its meeting at Montreal, in August, 1857.

Mr. WASHBURNE, of Illinois. I should be glad if the gentleman would read the names of that committee, or state how many of them are connected with the Coast Survey.

Mr. ADRAIN. I do not care to be interrupted. I have but five minutes.

Mr. WASHBURN, of Maine. I ask the gentleman from Illinois to state if he knows of any one?

Mr. WASHBURNE, of Illinois. Yes; half a dozen of them.

Mr. ADRAIN. I have here the report of that committee, and would recommend the gentleman from Wisconsin to read it. It contains very valuable information. It contains the history of great and important discoveries that have been made and that have resulted greatly to the advancement of the commerce of this country. I call the attention of the committee to some of the discoveries referred to in that report:

"Yet, in order that the reader may have the opportunity of informing himself, in some measure, in regard to matters which cannot conveniently be fully presented in this place, we shall add a list of the more important discoveries and developments; and if, in connection with this, we compare the ancient charts with those which have been, in later years, wrought out by the American Coast Survey, we may form some faint idea of its inestimable benefits to navigation. Let, for instance, the charts of the port of New York be examined. By far the most serviceable avenue to this most important of our harbors, the channel (Gedney's) made use of now by vessels of the largest class, was entirely unknown until it was developed in the systematic hydrography of the bay. Had the true depth of this channel been known in 1778, (then probably existing, as seen by comparing old and new charts,) the French fleet under Count d'Estaing might have passed into the bay, and taken the assembled British vessels. The gradual increase of Sandy Hook to the northward, narrowing the main ship-channel entrance, has been well established by the successive observations of the survey; its cause has been investigated, and the result gives encouragement in reference to the power to control this growth of the Hook, should it become necessary. Take, again, the approach to Philadelphia: until the coast survey corrected the error, the two light-houses which define the entrance to the Delaware were variously represented on the charts as from four and a half to seven miles more distant from each other than they are in fact. The great regulating landmark of our pilots, at Bombay Hook, was five miles out of place. The deepest and most sheltered channel in the widest part of the bay, was supposed to be almost a shoal. Take, again, the island of Nantucket, fringed round with a labyrinth of shoals, which seemed to defy all attempts at comprehension: see it now all pictured out upon these beautiful charts in every minutest detail, like a great citadel with its outworks systematically disposed all around it. Look at the numerous isolated rocks, ledges, reefs, and shoals, on all parts of our far-extending coast-line, located with the utmost degree of precision.

"Some of these individual facts—many or most of them, probably—have already been the means of saving many ships from wreck and total loss. There is no extravagance in the presumption, at least if we strike an average, that a single such service may fairly be ascribable, within the past year, to every one of these additions to the amount of knowledge pr viously existing in regard to the hidden dangers or the treacherous currents of the ocean. Let this estimate, for a moment, be adopted; and let the value of ships and their cargoes, small and great, richly and poorly laden, be put at so low an average as $20,000; it will appear that we may fairly credit to the services of the coast survey an annual saving to the country of nearly three million dollars. If, in this conclusion, there is error, there can be little doubt that it is because the amount is put too low."

The amendment was not agreed to.

Mr. WASHBURN, of Wisconsin. I move to reduce the appropriation to $10,000, in the following clause of the bill:

"For continuing the survey of the western coast of the United States, $130,000."

Mr. Chairman, the gentleman from New Jersey [Mr. ADRIAN] seems to take a different position in reference to this matter than other gentlemen who have represented that State upon this floor heretofore. In the special committee which was appointed upon the subject of the coast survey, in 1842, I find one member from that State upon it, (Mr. Aycrigg,) whose report was anything but flattering to the survey, in which he was warmly supported by his colleague, (Mr. Randolph.)

Mr. ADRIAN. I desire to say to the gentleman from Wisconsin that I act for myself in this House. I do not know what may have been the action of my predecessors upon this subject.

Mr. WASHBURN, of Wisconsin. I have no doubt the gentleman acts for himself. I am sure he does; and one of his reasons which he offers for opposing my amendment shows it, though the reason is a somewhat peculiar one. It is, that he was a student of the present Superintendent of the Coast Survey, and extracted from him all the

knowledge he ever had. Well, sir, that may be a very good reason for his sustaining Professor Bache, but I have never heard that Professor Bache suffered materially from the loss of knowledge which he imparted to my friend from New Jersey. I do not know that he ever missed it.

Mr. ADRAIN. I did not state that fact as my reason for supporting or opposing the amendment. I stated it as a reason why I felt an interest in the Superintendent of the Coast Survey.

Mr. WASHBURN, of Wisconsin. Very well; the gentleman read from a pamphlet which has been laid on our tables. Now, I protest against the manner in which these gentlemen of the Coast Survey come here to influence the action of this House. That has ever been the case. There is scarcely a square mile in the United States of America which does not contain a partisan for this Coast Survey; and, when I made the motion to reduce this appropriation, I had no expectation that it would carry. Such is the influence which is combined in this House, that I fear it will be a long time before these abuses will be checked.

Mr. HOWARD. I will say that there is no square mile in my State which contains an advocate for the coast survey.

Mr. WASHBURN, of Wisconsin. I am glad to hear it; and I have no doubt the people of his State will hold him to a strict account for the course he is taking here in sustaining a system which has no advocates there.

Mr. CLARK B. COCHRANE. I ask the gentleman from Wisconsin whether he is opposed entirely to the coast survey?

Mr. WASHBURN, of Wisconsin. I answer the gentleman that I am; and I have been showing that the country will derive no benefit from it. I have taken your own report; I have shown the valuable discoveries that you profess to have made, and I have shown that they are utterly worthless. But, sir, if the system is to be carried on, then I say that it ought to be transferred to the Navy Department. The coast survey under the British Government has been under the superintendency of Rear Admiral Beaufort, of the Navy, for a long series of years; and, sir, the ships of the American Navy, themselves, use the charts of the British Admiralty. They have extended their surveys to every part of the known world; and, notwithstanding that, they have expended in the aggregate only $10,000,000; and if the truth could be known, it would be found that we have expended nearly that amount in our coast surveys; but, taking the amount which we have expended, as stated by other gentlemen here, and I say, then, that we have accomplished absolutely nothing in comparison with the results of the British Admiralty, in proportion to the amounts expended.

[Here the hammer fell.]

Mr. PHELPS, of Missouri. I have risen, not for the purpose of debating this amendment, but for the purpose of appealing to gentlemen that they will not discuss this subject further, but will vote.

The amendment was not agreed to.

Mr. WASHBURN, of Wisconsin. I move to amend by striking $20,000 from the following clause:

For continuing the survey of the Florida reefs and keys, (excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy employed on the work,) $40,000.

It is impossible, Mr. Chairman, to open up this subject as it ought to be, and as every one will see, in a five minutes' debate. I understood in the beginning that it was perfectly useless to attempt to resist this, as it seems to me, extravagant expenditure of money.

Mr. WASHBURN, of Maine. I desire to ask the gentleman from Wisconsin a question. I understand him to say that he is opposed to carrying on this system of coast survey. Now, sir, there is another item of $75,000, and still another of $15,000, for carrying on the surveys of the same character on the northern lakes. What I desire to know is, if he is opposed to the whole system, why he did not make his opposition? Does the gentleman mean to say that surveys are necessary on the northern lakes, and that no surveys are necessary on the sea-coast?

Mr. WASHBURN, of Wisconsin. Why, Mr. Chairman, gentlemen seem to proceed on the assumption that this country was discovered but yesterday by Christopher Columbus. Why, sir, all the harbors and approaches to our sea-coasts were surveyed years ago. The charts now used are those made up long ago. The charts used now, are almost universally either the Admiralty charts, or those of Mr. Blunt, of New York. A ship would as soon think of leaving our shores without a compass, as without the charts of the British Admiralty.

But, in reference to that $75,000, let me say, that I think it could have been much better expended in improving up our harbors. But, sir, I do not complain of the gentleman from Maine; nor do I complain of gentlemen upon this side of the House, for want of liberality to the West. They have helped to vote harbor appropriations for our lakes. We have been defeated by Executive vetoes, and by other means.

But gentlemen from the East surely cannot complain that we of the West have not been liberal, too, in our appropriations for their benefit. I represent a constituency four times as numerous as that of at least one gentleman upon this floor, who represents an entire State in this Union, and is represented in the Senate of the United States by two Senators. Yet, in my district, not one dollar of the money of the Government has ever been expended in improvements. To be sure, an appropriation of $50,000 was made at a former session for a court-house and post office in the city of Madison, our capital; but the Secretary did not see fit to expend it. It was reappropriated the other day; and it may be, that, in the course of time, we may have an expenditure to that extent of the funds of the Government in the second congressional district of Wisconsin. But, sir, in that other district to which I refer—I mean the State of Florida—there has been an expenditure of at least $500,000 on this coast survey alone.

[Here the hammer fell.]

Mr. PHELPS, of Missouri. I have not risen for the purpose of discussing the question, but for the purpose of appealing to gentlemen to bring this five minutes' debate to a close. Unless that is done, I shall be compelled to move that the committee rise, for the purpose of closing the five minutes' debate altogether, or else to strike out the enacting clause of the bill. I do not desire to do either.

Mr. WASHBURN, of Maine. I desire to say a single word, if the gentleman from Missouri will allow me. We have been told, in order to destroy the weight of the name of Secretary Corwin, that he never wrote the report to which allusion has been made, but that it came from the coast survey. It was said, in reply to the gentleman from Ohio, [Mr. STANTON,] who made a speech in defense of this coast survey, that he was somehow connected with the Smithsonian Institution, and that the Smithsonian Institution was connected with the coast survey. And when the gentleman from New Jersey [Mr. ADRAIN] read a report of some scientific men of this country, assembled at Montreal a year and a half ago, the question was put to him, how many of those whose names were signed to that report were connected with the coast survey? I am authorized to say that there is but one gentleman on that committee who is connected with the coast survey.

The amendment was rejected.

Mr. WASHBURN, of Wisconsin. It is perfectly evident that the House intends to pass this bill and these appropriations for the coast survey. It was my desire to call the attention of the committee to some of the abuses which have grown up here. I regret that I have not had a better opportunity to do so. I am confined to five minutes speeches, and my remarks have necessarily been disjointed and broken up.

The CHAIRMAN. No amendment is pending, and the gentleman's remarks are not in order.

Mr. WASHBURN, of Wisconsin. I move to strike out the following:

"For publishing the observations made in the progress of the survey of the coast of the United States, $5,000."

Mr. Chairman, I protest against the manner in which this matter has been treated before the House. We have been flooded with pamphlets. This pamphlet, to which allusion has been made, was placed upon our tables when it was expected this appropriation would come up, and without any opportunity to us to examine its contents or to answer it. Here is a pamphlet from a committee of twenty. Here are the names appended to it: F. A. P. Barnard, (chairman,) Joseph G. Totten, Benjamin Pierce, John Torrey, Joseph Henry, John F. Frazer, William Chauvenet, John Leconte, William M. Gillespie, F. H. Smith, W. H. C. Bartlett, Wolcott Gibbs, Stephen Alexander, Lewis R. Gibbes, Joseph Winlock, James Phillips, William Ferrel, Edward Hitchcock, James D. Dana. How many of these gentlemen belong to the coast survey I do not know. Professor Pierce I know does, and Mr. Winlock, whose name here appears, is employed in the getting up that useless piece of work the Nautical Almanac, for which you have just voted, without a twinge of conscience, over twenty-six thousand dollars; an almanac which is not worth a straw to the people of this country. It is not used by a single ship-master sailing from the ports of the United States. They use exclusively the British nautical almanac. Others probably know better than I do what connection this committee of twenty have with the coast survey.

Mr. MILES. Mr. Gibbes is one of my constituents, and has no connection with the coast survey.

Mr. WASHBURN, of Wisconsin. I am found fault with because I referred to the select committee's report as having been written at the office of the Coast Survey. I ask gentlemen to take up that report and examine it, and compare it with reports made heretofore from the Superintendent of the Coast Survey. When they do that, they will, I think, not deny the correctness of my statement; and here, sir, this pamphlet of the twenty, which I have just spoken of, purports to come from the University of Mississippi; I will not say that it was not manufactured in Mississippi. I have the right to have my own opinions on the subject. It has been circulated by the Coast Survey, and I will venture the fact that it has been printed with the Coast Survey money as well as other pamphlets which have been placed upon our desks.

Mr. ADRAIN. Has the gentleman read it through?

Mr. WASHBURN, of Wisconsin. I have read as much as I had time to read. It was placed upon members' desks when it was expected the appropriation would come up, and when no opportunity is allowed for examination of its statements.

Mr. ADRAIN. Does the gentleman dispute the facts?

Mr. WASHBURN, of Wisconsin. I have only five minutes, and I cannot be constantly interrupted; if I had more time, I would answer all the gentleman's questions. The friends of the coast survey in this House were wise in choking off discussion, but I intend to be heard hereafter. All that I expected now was to call attention to this overgrown and overshadowing institution, and put the people in the country upon inquiry. If I have succeeded in that, I am satisfied. Up to this period it has been a close corporation, concerning which few have cared to inquire. In the mean time, it has gone on increasing in influence and power. Politicians have had friends to provide for, and the coast survey furnished a good opening for that purpose, and they have suffered this thing to grow to its present proportions; and the press, to which we are accustomed to look for an exposure of abuses, has, with a few exceptions, either been its open advocate, or been drugged and possessed by the devil of silence.

[Here the hammer fell.]

Mr. STEWART, of Maryland. I am opposed to the amendment of the gentleman from Wisconsin.

Mr. UNDERWOOD. Let me say a word. In reading over the names attached to the report referred to, special emphasis was laid by the gentleman from Wisconsin [Mr. WASHBURN] upon the name of Mr. Winlock, and in a way that denoted some reproach. That gentleman is at the head of the Nautical Almanac. He is not from my district, but is from my State. I know him, and it is a duty I owe him, when I hear his name mentioned with some degree of reproach, to state that no man deserves it less than he. He has elevated himself, by his own natural and peculiar genius for mathematical and astronomical science, to the preëminent position he now holds in the scientific world. For his singular ability in as-

tronomy and mathematics he has been placed at the head of the Nautical Almanac; and I desire especially to say that no gentleman in Kentucky, or the Union, is more honest and honorable than Joseph Winlock.

Mr. STEWART, of Maryland. The gentleman from Wisconsin seems to take very strong ground against the continuation of this survey. But the gentleman should recollect that, although he resides in the West, and represents western interests, it is very important that the sea-board should be surveyed and fortified. It is very well known that, in case of foreign invasion, it is the sea-board that is to meet the first shock; and it has been well settled that, for any damage sustained by those who live on the sea-coast, the Government is not responsible. Those who live in the interior are measurably protected by their position, while those who live on the coast have to meet the first shock of war. I am surprised that gentlemen from the interior takes ground against the coast survey or fortifications. I understood the gentleman from Wisconsin to say that even the press of the country was subsidized to favor this coast survey. Is not the fact that the press does favor it, the best argument that it must be a popular work? For surely he does not mean seriously to insinuate that the press has been subsidized to support this or any other work. We must carry on this coast survey. The coasts must be fortified. We should, at the commencement of the session, have revised the tariff, and we would not now have suffered embarrassment from the state of the finances. My friend here from Virginia started out in the first instance on these high and exalted notions of free trade. I was for free trade myself; but, at the same time, I was for a revenue tariff.

[Here the hammer fell.

The question was taken on Mr. WASHBURN's amendment, and it was rejected.

Mr. BURNETT. I move to amend by striking out the words "continuing," and "$350,000," and inserting in lieu thereof the words "the preservation of," and "$50,000;" so that the clause will read:

For the preservation of the extension of the Treasury building, $50,000.

I hold that at this particular time there is no absolute necessity that these public works should be continued. Fifty thousand dollars will be sufficient to preserve the work. This is the obviously proper course to be taken. I shall continue to move to reduce all the appropriations for public buildings in this city.

Mr. PHELPS, of Missouri. The Secretary of the Treasury submitted estimates for the extension of the Treasury building, at the commencement of the session, for $500,000. The Committee of Ways and Means, actuated by a desire to reduce the expenditures to the lowest possible limit consistent with the public interests, concluded, on examination and inquiry, to recommend a reduction to $350,000—and that, too, in opposition to the earnest remonstrance, not only of the Secretary of the Treasury, but also of the engineer in charge. We learn that, in pursuance of an appropriation made at the last session of Congress, a large quantity of granite and other building materials was contracted for, to be delivered at such times as the contractors could furnish it. Much of that material is now on hand. The first inquiry of the Committee of Ways and Means was, whether it would not be proper to recommend an appropriation only for the south wing of the Treasury extension? We found it nearly completed and ready for occupancy. Unless we go on with the construction of the work to some extent, there will probably be greater loss, by deterioration and injury, than can be saved by this reduction of appropriation. Under these circumstances, the Committee of Ways and Means recommended an appropriation of $350,000.

Mr. BURNETT. The gentleman from Missouri speaks of the large quantity of granite on hand. I would like him to explain how the reduction of the appropriation will injure the character of the material.

Mr. PHELPS, of Missouri. The gentleman from Kentucky misapprehends the remark I made. I said that unless the construction of the building was proceeded with, the work would be liable to injury and deterioration by exposure to the weather.

[Here the hammer fell.]

Mr. GARNETT. I move to amend the amendment by reducing the amount from $50,000 to $30,000. There is a deficiency in the Treasury. I take it that every gentleman on this floor, without exception, is for providing for that deficiency; and to do so we must either borrow money, or raise the taxes, or reduce the expenditures. If we can meet the expenditures, I presume there is no man here who will not prefer that plan to either borrowing or raising taxes. If there is any reduction that we can well make, it is in the expenditures for public buildings. This bill contains appropriations to the amount of $2,200,000, embracing the Treasury extension, the Capitol extension, the Washington aqueduct, court-houses in Indiana and Detroit, and the custom-houses at New Orleans and Charleston.

It is the policy of the Government, just as it is the policy of any private individual under the same circumstances, to postpone every expenditure that is not indispensable. I believe that we can well postpone at least $2,000,000 out of this $2,200,000. We can suspend works to that extent. This Treasury extension has already had $1,700,000 expended upon it. I know not how much more than was originally estimated. If you examine Captain Bowman's report, you will find that there is no estimate for the completion of the building. The gentleman from Missouri talks of deterioration to the work; but the gentleman from Kentucky proposes enough to take care of it. As to the material, the granite has been in existence for thousands of ages, and centuries before the world was inhabited. Does the gentleman suppose that that granite will be dilapidated by the rain of a single year? He says that the walls will be exposed. Will not the appropriation proposed by the gentleman from Kentucky protect those walls? Remember that these buildings are made fire-proof; that there is nothing in them which is destructible; that they are made of the most solid and durable materials. And, therefore, it will require a very small sum, comparatively. All that we ask is, that so long as you have a deficit in the Treasury, and are appealing to us to borrow money to meet the deficit, or to do what is still worse, to raise the taxes on the people, you shall postpone expenditures which are not indispensable. You have already cut off $2,000,000 from the Army bill, and nearly three million dollars from the Navy bill; and shall we now be told that these expenditures on the Treasury building are more indispensable than the Army and Navy? I voted for those reductions because I believed them proper under the circumstances, and still more do I believe that this postponement is proper. Can we go home to our constituents and tell them that, rather than postpone the expenditures on these two custom-houses, and upon the Treasury building, we raised the taxes upon them, and increased the burdens upon the people? No, sir; let us be able, when we go home, to say to them that, sooner than raise the taxes upon them, we postponed everything that was not absolutely necessary. This bill proposes to appropriate $350,000. Adopt the amendment of the gentleman from Kentucky, and you give enough to keep it from dilapidation. And if we reduce the amounts for all these buildings in the same way, we can save $2,000,000.

Mr. PHELPS, of Missouri. I remarked before that I had before me a letter from the Secretary of the Treasury, and also one from the engineer in charge of the construction of the Treasury building. When the Committee of Ways and Means were examining these estimates, they addressed an inquiry to the Secretary of the Treasury to know how much it would cost to complete the southern extension of the Treasury Department, and place the other works, already commenced, in a state of preservation. I desire now to have the letter of the Secretary of the Treasury read, and also that of Major Bowman.

The Clerk read the letters, as follows:

TREASURY DEPARTMENT, *December* 23, 1858.

SIR: I have to acknowledge the receipt of your letter of the 17th instant, making certain inquiries relative to the estimates submitted for the continuance of the construction of public buildings, and the repairs of those already constructed. In reply thereto, I herewith transmit the report of the engineer in charge, in detail, to each inquiry.

After giving the matter as careful consideration as I have been able, I am of opinion that it would be bad economy to stop the works alluded to in these inquiries, as it would involve large additional ultimate cost and probable loss.

I regret that this state of facts exists; for, if I did not believe that it would result in serious detriment to the public service, I should most cheerfully cooperate with the committee to stop the works; but, in view of these facts, I recommend that they should be prosecuted to completion.

Very respectfully, HOWELL COBB,
Secretary of the Treasury.

Hon. J. S. PHELPS,
Chairman Committee of Ways and Means.

TREASURY DEPARTMENT, OFFICE OF CONSTRUCTION,
WASHINGTON, D. C., *December* 20, 1858.

SIR: In reply to the communication from the chairman of the Committee of Ways and Means, relative to the estimates submitted by you for continuing different works, now constructing under this office, and for repairing those already constructed, I have the honor to submit the following report:

To the "first" inquiry in his communication, I have to reply that, the "amount required to finish the south extension of the Treasury building, and to place the residue of the work, now in the course of construction, in a perfect state of preservation," is computed to be about seven hundred thousand dollars. The unexpended balance of former appropriations is, at this date, $381,681 94, thus requiring about three hundred thousand dollars additional appropriation, to continue the work in the manner indicated by this communication from the committee. The sum asked for in your estimate was $500,000, to prosecute the work in the ordinary manner.

It is proper to add, that, in my opinion, it would be bad economy to pursue the suggested course, because there is now on hand, and paid for, so large an accumulation of material, both exterior and interior, that both wings could be completed and covered in for the sum asked for in your estimate, added to the unexpended balance of former appropriations. If the course indicated by the committee's inquiry, should be adopted by Congress, all this accumulation of material, (which it would be impossible to gather under cover except at very extravagant cost,) would be exposed to deterioration and injury. The iron work in particular, would, of necessity, from its nature, become badly injured, portions of it irretrievably, and the cut stone work be more or less defaced. If the work progresses as originally designed, this accumulation is all needed, will come into immediate use with other yet to be delivered, and go into its destined place in the building.

In addition to this, it is a mooted question if the right exists to thus stop the work without compensating the contractors for the loss and damage they would thereby sustain. A contract is in life, by which the contractors are bound to deliver "within a reasonable time," and the Government is bound to receive and pay for "the granite for the Treasury extension." The contractors have made large preliminary outlay for the proper fulfillment of their contract; have purchased a quarry, and opened it solely for this purpose, and, even at this inclement season, have more than five hundred employés at work—and in the summer a much larger force. They have built three vessels, at an aggregate cost of nearly one hundred thousand dollars, expressly for the transmission of this heavy material from the quarry to this city, which are unsuitable for any other service, and made other large and necessary disbursements to enable them to complete their obligations under the contract, for which there would be no present return if the work was stopped; and if Government should now refuse to receive their delivery of granite, or neglect to provide the means to pay for it, it would found an equitable and very onerous and troublesome claim for damages, which, I think, could not be disposed of, except at a larger cost than the additional sum required to complete the building on the Department's plan over the plan of the committee. My experience with such cases warrants me in making this assertion; and I respectfully suggest that the consequences of such a stoppage in the work be fully considered before it be recommended.

In my opinion, *true* economy requires the *more* vigorous prosecution of the work, and to this end, more liberal appropriations are required than have heretofore been asked or granted. All the contingent expenses, salaries of officers, pay of draughtsmen and other employés, are the same, whether a large or small amount of work is done; and the more rapidly the whole work can be driven to completion, the less will be its ultimate aggregate cost. To adopt a contrary course, by such a stoppage as the Committee of Ways and Means apparently contemplate, would, in my opinion, involve a wanton and extravagant cost, without any corresponding benefit, and operate harshly on a large number of laborers who now depend upon the work for their daily subsistence.

To the committee's "second" and "third" inquiries if "any reduction can be made in the estimates," for the custom-houses at Charleston and New Orleans, I have to say that these estimates were prepared by the local superintendents of the works, upon a careful comparison of their cost in previous years, with their probable wants for the coming year; and, I think, cannot, with prudence, be reduced. The *appropriation* of these amounts would not, of course, require their expenditure; and no more will, in any event, be used than a proper economy and existing contracts compel. At Charleston, a quantity of elaborately-wrought marble has necessarily been accumulated, as the exact stones cannot be quarried in the order in which they are required, although the contractors have placed under contribution all the quarries in the country which yield a suitable material; and much that is required for later portions of the building is, of necessity, delivered, and paid for in advance of its want. This being a more friable material than that used upon the Treasury extension, and its cutting being more ornate and elaborate, would be exposed to greater and more expensive injury than the granite before alluded to. And the reasons against even a temporary stoppage of the work, exist in equal or greater force at these buildings, as at the Treasury extension. I am satisfied that a true economy requires them to be finished as rapidly as the proper materials can be delivered.

To the committee's "fourth" and "fifth" inquiries, if the unexpended balances of appropriations for the repairs of custom-houses and marine hospitals can be applied to the service for the next fiscal year, (1860,) I have to say that they will be so applicable, if they are not earlier exhausted. A period of six months still remains, for which they were appropriated, and during that time casualties may occur which will require their use. But in view of these unexhausted appropriations, and the possibility of their use not becoming a necessity, the amounts asked for, for the present and coming fiscal year, have been less than those heretofore annually asked for; $25,000 has usually been estimated for each service, but the present estimate for each is but $15,000.

In regard to the appropriations for these purposes, I have to report that no exact data exists by which the annual cost of repairs upon public buildings can be computed. The cost is larger or smaller, as different contingencies arise; and sometimes damages of such a nature occur, by storms, fires, or other casualties, that serious injury and hindrance to the public service would result, if the Department was forced to wait a special appropriation before repairs could be made. But you are aware that none other than necessary expenditures are made. The authority to expend does not necessarily involve expenditure, as is evinced by the unexpended balances of former appropriations. Although these balances may seem to be, and may prove to be, sufficient for what may arise during the next fiscal year, yet I should not deem it prudent to risk that period without authority to use more, if a necessity for it should occur.

I have the honor to be, very respectfully, your obedient servant,

A. H. BOWMAN,

Engineer in charge, Treasury Department.

To Hon. HOWELL COBB, *Secretary of the Treasury.*

P. S. In reply to the committee's inquiry as to the cost of completing the custom-houses at New Orleans and Charleston, I have to say that, at New Orleans, the local superintendent's computation (made two years since) would show that the sum now required for completion is $1,454,634, and the now unexpended balance of former appropriations is *$475,271 02; making the amount to be hereafter appropriated something less than one million dollars.

For Charleston, it is impossible to compute, with an approach to accuracy, until some undetermined matters of construction are disposed of; and even then, a computation requiring a calculation for every stone in the building would be required, which would occupy a computer for a long period. Under such circumstances, I can only make an approximate conjecture; and, judging from its cost so far, I am of the opinion that the cost of its entire completion will be found to be between one and one and a half million dollars, including the present unexpended balance of $266,237 97.

A. H. B.

Mr. GARNETT's amendment was rejected.

Mr. COVODE. I move to reduce the appropriation to five dollars. I do this for the purpose of getting some information connected with this subject. It appears that the original bids were $243,556 for the delivery of all the granite for the building. It also appears, from a statement which I have before me, that during the past year there have been delivered over eight thousand tons of granite, at a cost of $403,230. It appears from that, that more has been paid for granite during the past year than the total amount of the accepted bids, and that out of an appropriation of $500,000 made at the last session of Congress. Now, according to the statement in this report, it would appear that there is more money now in hand, unexpended, than can be properly expended during the next year.

Mr. GARNETT. It appears, from the report of Captain Bowman, which has just been read, that there is, at this moment, $381,000 unexpended.

Mr. COVODE. I will say further, that an effort was made weeks ago, at the other end of the Capitol, to procure a detailed statement of the expenditures on this building; but up to this time they have never received any information on the subject. There is some mystery wrapped up in this transaction, and until it is satisfactorily explained, I would not vote a single dollar to continue the work on these buildings.

Mr. FLORENCE. I am in favor of the amount contained in the bill and opposed to the amendment of my colleague. If my colleague had listened to the reading of that report, he would have found that Captain Bowman says that there are $381,000 of the appropriation made last year, yet remaining unexpended, and that it will require three hundred and fifty thousand dollars, or more, to put the building in a proper state of preservation and to protect it from injury. It is not economy to suddenly suspend operations upon any of the public works of the Government in this city. The men, experienced in building are here; the machinery has been prepared at much cost to facilitate the work and hurry it on. The works decay; the unfinished walls crumble; the machinery rusts and disappears; and, when work is resumed, it will cost, to prepare for doing it, just twice as much as gentlemen are foolishly and vainly impressed with the idea that they are saving to the Treasury. It is literally, as the gentleman from South Carolina [Mr. MILES] just remarked, penny wise and pound foolish. Out upon such economy and such injustice.

Now, that is the reason why I desire that this appropriation shall be made. You have directed that these buildings shall be erected in this city, and hundreds of working men and mechanics have come here for the purpose of being employed upon these buildings. Those workingmen need some consideration at the hands of this House, and so long as I am here, I will raise my voice in their favor. God knows they need some advocate, and feeble though the effort be, I will make it. They have come here in good faith, believing that as consistent legislators, you would continue them in employment until the buildings in course of construction should be fully completed. It is your duty to keep faith with these operatives.

Mr. LETCHER. I desire to ask my friend from Pennsylvania whether, when these buildings are completed, he expects that the Government will still continue to support them?

Mr. FLORENCE. "Sufficient unto the day is the evil thereof." When these works are completed, or are approaching completion, these men will arrange their matters so as to obtain employment elsewhere. But, so far as I can influence it, they will not go away when the public buildings, now in process of construction, shall have been completed. I would go on beautifying and embellishing the public grounds, and erecting commodious public buildings, until you should have made this city worthy of this great nation; making this Capitol, this metropolis of the nation, the object of real attraction and pride to our own citizens, and to visitors from all places on the globe. I tell you, sir, we owe these people something. They are the men who have given you places here, and to whom you appeal at election time; and yet they are the men whose friends are charged with corruption when efforts are made to get them employment.

Mr. STANTON. I hope the gentleman does not speak for gentlemen on this side of the House, when he says they appeal to Government employés for their places here.

Mr. FLORENCE. Yes, sir. Gentlemen on that side of the House, and on this side of the House are dependent on the working men for their elections. I was particularly and peculiarly struck this morning, when the coast survey appropriations were under consideration, that that magnificent work could find a hundred champions on this floor, while these very men are ready to strike down the working men. I am for continuing the coast survey, and will vote the appropriation. But I am equally anxious the appropriation for the Treasury extension may be made. We owe it to these people; and I expect it will be agreed to.

The amendment to the amendment was not agreed to.

The question then recurred on the amendment.

Mr. RUFFIN called for tellers.

Tellers were ordered; and Messrs. BLAIR and PEYTON were appointed.

The committee divided; and the tellers reported —ayes 67, noes 55.

So the amendment was agreed to.

The Clerk read, as follows:

"For continuing the work on the custom-house at Charleston, South Carolina, $200,000."

Mr. LETCHER. I move to strike that out. Mr. Chairman, I have no idea now, nor do I suppose any man has, from the report made in regard to this Charleston custom-house building, what it will cost when it will be completed, or on what plan the building itself will be completed. One million nine hundred and three thousand dollars have already been expended upon it. How much more it will take is not stated in this recommendation from the Treasury Department. It seems to me to be a little extraordinary that a house for which the first appropriation was made in 1849—ten years ago—should have been in yearly progress from that time to this without anybody having any definite idea of the plan upon which it is to be completed—not even the gentleman who has charge of the building in the Treasury Department; and we are asked to appropriate, year after year, for a plan thus indefinite, and when nobody has the most indistinct idea of when the end is to come. Is this thing never to stop? Are we to go on in flush times in the Treasury, and then, when the Treasury comes to be empty, are we to continue to tax the people to keep this system up? I should like to hear from my friend from Charleston.

Mr. Chairman, according to this report, they cut last year, at this building, six hundred and fifty-seven pieces of marble, and they were only able to set in place one hundred and forty of them. I see, at the same time, that they cut one thousand four hundred and fifty-five pieces of other stone, and that they set one thousand three hundred and five of them, which were all deliveries of years previous to the last one.

They say that "the interior walls have been carried up level with the exterior walls, and it is to be hoped that nearly all the exterior marble work will be completed during the coming year." Now, if the exterior marble work is to be completed during this year, how is it that they cannot tell what it will cost to finish it? Can anybody tell me that? If the roof only remains to be put on, why cannot an estimate be sent to us for its completion? Let us know how the interior finish is to be done, and when the exterior walls will all be built. I think that it is time to stop this matter, when $1,903,000 is spent upon a custom-house. It seems to me to be a waste of the public money without parallel in the history of this country; and the sooner it is stopped the better for the Treasury.

[Here the hammer fell.]

Mr. MILES. I desire to say, Mr. Chairman, to the gentleman from Virginia, to this side, and, indeed, to the whole of the committee, that I believe the building of this marble palace at Charleston, at such enormous expenditure, was one of the most absurd and preposterous undertakings that has ever happened within my recollection.

Mr. LETCHER. What will it cost to finish it?

Mr. MILES. But, when you have expended $1,903,000 on a structure really necessary, however costly, (for a custom-house we do stand in need of,) and nothing remains but to roof it in, and to erect the dome, of which so much has been said, when you can finish it at a small additional cost, are you going to abandon it to ruin? Is not such a course absurd upon the face of it? Here we have expended some two million dollars, and yet the gentleman from Virginia, a member of the Committee of Ways and Means, gets up and gravely proposes that we shall abandon the building altogether.

The gentleman asks me how much it will take to complete it. I cannot answer that question; because I am informed by Captain Bowman that the total cost will depend upon the dome, the plan or scale of expenditure for which has not been agreed upon. That, however, can readily be determined. A dome can, no doubt, be economically or extravagantly constructed. But, to leave this work now, without an appropriation, and expose it to the summer climate in our part of the world, will entail very serious loss, and largely increased expenditure in the end. I hold in my hand a letter from Captain Bowman, addressed to myself, in which exact information is given, showing the reasons why it is true economy to go on at once with this work. If it be now suspended, the result will be an ultimate increased cost for finishing it.

Having said this much, I leave it to every member of the committee to vote for or against the appropriation, according to his judgment and his conscience. I have been twitted, time and again, upon this floor, by honorable gentlemen, some of them my dearest and best political friends, that I voted for this thing or that thing, because I am "thinking of the Charleston custom-house!" Sir, I repudiate such a motive. I scorn and repel any such intimation, whether half-jestingly or half-earnestly made. I have no sort of interest in "keeping up patronage," or procuring votes among the employés engaged in the construction of this work. I have no "shoulder-hitters" or "ballot-box-stuffers" there. I do not know the names or faces of the workmen. I have no earthly interest in it, further than as a Representative of

* Since reduced to $325,850 61.

a commercial community, where a custom-house is needed. So far as this extravagant building is concerned, we say, for Heaven's sake, complete it speedily; and let us no longer be badgered and twitted on the subject, when we are in no way responsible for its extravagance.

[Here the hammer fell.]

Mr. GRANGER. I do not propose to make any attack upon this expenditure——

The CHAIRMAN. Debate is not in order.

Mr. GRANGER. I propose to amend by reducing the appropriation to $10,000. My object is not to find fault with the completion of custom-houses particularly, although they amount up to a frightful extent. But I would suspend works of this character for the present; and if next year we are able to go on and complete them, let us do so. The $10,000 which I propose to have appropriated will be enough to secure the work from deterioration.

Mr. MILES. I will not trespass long on the patience of the committee. But I simply desire to read, as my five minutes' speech, extracts from a letter of Captain Bowman. I suppose that the character of Captain Bowman, and his skill, accuracy, and conscientiousness, will be conceded on all sides. He has no local or other interest in our custom-house. He says:

TREASURY DEPARTMENT, OFFICE OF CONSTRUCTION,
WASHINGTON, D. C., *January* 13, 1859.

SIR: * * * * Such a stoppage would involve a very serious loss to the Government, for the following reasons:

1. The material on hand, in place and on the ground, would be largely deteriorated in value, and some inevitably spoiled. The iron work would, much of it, from corrosion, be ruined, and all be injured. The marble, much of it highly ornamented at a large cost, would be defaced and discolored. From the nature of the work, it becomes a necessity to accumulate material in advance of their use, (as fully set forth in my report to the Secretary, and transmitted to the Committee of Ways and Means,) and it would be impossible to protect these from injury during a stoppage. They cannot be properly cared for until under roof, unless daily watched and protected.

2. The contingent expenses of the work would be continued, necessarily, whether a large or small amount of work is to be done, thus enhancing the ultimate cost of the work, if lingeringly performed.

3. In an economical point of view, the disorganization of the force now employed presents an item of cost, not readily computed, which should not be lost sight of. The operatives now employed have learned and are familiar with their duties. They would be scattered, and become elsewhere employed, by a stoppage, and a new force would have to be organized and taught, at the Government's cost and loss.

4. But the most serious item of loss would inure from the violation of contracts, which must result from the stoppage of the works. Contracts have been executed, and are now in life, for the material of the work. The contract for marble is a large and important one. The contractors have made large outlays for its fulfillment. They have a number of quarries in active operation, each with a large and well organized force; and should the Government now refuse to receive, or neglect to provide the means for paying, the marble thus quarried, it would involve an onerous and troublesome (and, in my judgment, just and equitable) claim for damages, which my experience in such cases warrants me in asserting could not be finally settled without a larger sum being paid, than any contemplated reduction of the amount to be appropriated, besides violating the plighted faith of the Government.

These, and many minor reasons, induce me to strongly recommend that no change be made in the estimates recommended by the Secretary for this and other buildings.

Very respectfully, your obedient servant.

A. H. BOWMAN,
Engineer in charge, Treasury Department.

Hon. W. PORCHER MILES, *House of Representatives.*

Mr. OLIN. I would like to inquire of the gentleman how any liability can devolve on the Government from a breach of contract made without authority of law?

The question was taken; and Mr. GRANGER's amendment was rejected.

Mr. OLIN. I move to amend by reducing the appropriation fifty dollars.

Mr. EUSTIS. We will accept that amendment. [Laughter.]

Mr. OLIN. The letter from Captain Bowman, as read to us, states that great damages would result by reason of certain contracts entered into on the part of the Government not being performed. That is precisely what I wish to protest against. The practice ought to be condemned at once and forever by this House, of entering into contracts involving the expenditure of large sums of money beyond the appropriations made by law. That is the source of much of these profligate expenditures that have emptied our Treasury, and will continue to bankrupt the country. In my judgment, it is the duty of this House to place at once and forever their condemnation on this practice. I should like to know by what authority these subordinate officers enter, without scruple, into contracts involving millions, beyond what the Government appropriates for such purpose? That was the way in which the Willett's Point contract was made, which has disgraced the Goverment and the officers employed in the negotiation of the purchase.

Mr. MILES. Where the Government determines to erect a building, it presupposes the procuring of materials, and the marble cannot be got without contracts.

Mr. OLIN. Exactly; but when you propose to build a custom-house, you do not necessarily propose to expend $2,000,000 on it. What I object to is: when an appropriation is made for such a purpose, that a subordinate officer should lay out a plan, commence the work, and enter into contracts involving expenditures millions beyond what is authorized by law. When we undertake to stop this work, we are told that the breach of contract will necessarily involve the payment of a large amount of damages for a breach of these contracts. Sir, these contracts are all void, being entered into without authority of law; but, if the cost were to be ever so great, I would vote to put an end to such contracts as this.

Mr. LETCHER. It seems to me that there is some little misunderstanding about this matter. I am opposed to the amendment of the gentleman from New York, because I do not think it is a sufficient reduction of the appropriation. I think that it is not necessary to make any appropriation at all. As I understand from this report, the great difficulty in getting along with the work has grown out of the fact that those who contracted to deliver the marble were not able to find the marble and to deliver it according to the terms of the contract. Now, if they have got behind in their contract with the Government, and if, by that means, the execution of the work is delayed, I should like to know, according to Captain Bowman's report, what sort of a figure the contractors would cut under the circumstances, in claiming damages from this country. Not only that, but I see that, on the 30th of September, 1858, there was unexpended, of the money appropriated prior to that time, no less than $329,383 37. Now, if the outer walls of this House are up, and if nothing is to be done but to furnish the interior, it does seem to me that, with a balance of $383,000 on the 30th day of September last, they might be enabled to protect it by a roof. Does it not strike you so, sir? It certainly seems so to me.

Sir, it is proposed to appropriate $200,000—for what? Why, to build a dome; and we have heard nothing about a dome until to-day. Ever since I heard of the dome on the center of this building, I have a mortal aversion to the very word. I recollect that, when first it was proposed to pull down the old dome and put up a new one, $100,000 was asked for that purpose; and we were told that the dome would be up by the commencement of the last session. It has been going on from that day to this; and now we are told that about one hundred feet more are to go on the top of the present concern before there is a dome there at all. It has cost over a million dollars now. Now, what sort of a dome they are going to put upon the Charleston custom-house, God Almighty only knows. [Laughter.] But as the gentleman from South Carolina tells us that the thing is being done on a grand scale, as this is a magnificent house, and is to be finished in magnificent style, as it will not even do for the marble to become dirty, I imagine that we shall have a dome put upon it which will be a miniature representation of the dome that is to be put on the center of this Capitol building; and it will probably cost one third as much as this will.

Now, is it not right to stop this thing somewhere? Besides that, what on earth do they want with a dome on a custom-house? What is the use of it?

A MEMBER. It adds to the beauty of the building.

Mr. LETCHER. For beauty! Then, I take it, that if you make this appropriation you should add to it, that $200,000 is hereby appropriated for the beautifying of a house in Charleston. Let us put it in that way.

Now, one word to my friend from Charleston, [Mr. MILES.] He seems to think that somebody has twitted him about his votes for custom-houses. I certainly never did, because my personal respect for him would prevent me from doing anything of the sort. There is no gentleman in the House for whom I have a higher respect; and I take it for granted that he acts as I do, from a conviction of what his duty to his constituents and the country imposes upon him.

The amendment was disagreed to.

Mr. RITCHIE. I move to reduce this amount to $100,000. I merely wish to say, that I have witnessed, with great pleasure, the efforts that have been made by my friend from Virginia, [Mr. LETCHER,] for the last five or six years, to reduce the expenditures for various objects; but it strikes me that he has made a mistake, and begins at the wrong end by endeavoring to strike at expenditures in the appropriation bills at the heel of the session. I wish to say, that I believe the House will never accomplish anything of this kind until they make it a criminal offense, punishable severely by fine and imprisonment, for executive officers of this Government to exceed the appropriations authorized by acts of Congress, or to enter into contracts in advance of acts of Congress authorizing them. That is the only remedy. It is perfectly vain; it is a mere farce, to attempt to reduce the expenditures by lopping off a little here and there, when there are persons at the other end of the avenue who nullify and set at defiance the very laws passed by this House. What they please, they execute, and what they do not please, they do not execute. They enter into contracts, and act precisely as if there was no Congress sitting here, or ever to meet here, or as if we were simply here to register their decrees. Since I have been here, I have seen very little regard paid by executive officers to any act of Congress. We have over and over again passed acts providing that the amounts appropriated shall complete the structures for which they are intended. But they go on and spend the money as if not a word had been said on the subject; and then they come back here next year with another estimate and another plan totally different from that intended by anybody in this House. The only remedy, in my judgment, would be to make it a criminal offense, punishable severely by fine and imprisonment.

Mr. HOUSTON. I am a little astonished at the course of the gentleman from Virginia, who is a member of the Committee of Ways and Means, who, if they believed this appropriation to be wrong, ought to have put some restriction upon the appropriation as to the future work on this building.

Mr. LETCHER. I was in a minority on the committee.

Mr. HOUSTON. Well, a minority cannot control the action of the committee; but I have not heard the majority speak in favor of this appropriation. Now, it is not, in my judgment, the part of wisdom to strike out an appropriation, when we know that, under the law, the Department has a right to go on with the execution of the original plan that has been submitted to and approved by Congress.

Now, sir, the custom-houses at Charleston and New Orleans are being built upon a principle entirely different from that upon which the residue of the custom-houses of the country are being built.

Mr. LETCHER. They are being built upon no principle at all.

Mr. HOUSTON. That may be so. The other custom-houses of the country are let out at contracts for the appropriation which Congress has made. But that is not the case with regard to the Charleston custom-house. There the Department is carrying on the work itself, and is carrying it on in accordance with its own plan; and Congress has appropriated about a million and a half dollars for the execution of that plan. If, instead of moving to strike out the whole appropriation, the gentleman had submitted some proviso, so as to restrict the appropriation, the House might have gone with him. If we want to change the plan of this building, to bring the work to a close, and to stop this outlay of money—which, I agree, is improper and wrong—we should put some restriction into the law.

Now, sir, I have opposed, as every gentleman who has been long in Congress will remember, this system of wasting public money upon these useless buildings. When the Secretary of the

Treasury, under a former Administration, recommended and urged them, I believed then that it was a waste of money, and that the purpose was to adorn the cities and towns in which they were built. I believe the money might just as well be thrown into the Potomac.

[Here the hammer fell.]

Mr. RITCHIE, by unanimous consent, withdrew his amendment.

The amendment offered by Mr. LETCHER was adopted.

Mr. KEITT. I move that the committee rise.

Mr. PHELPS, of Missouri. I hope the gentleman will withdraw that motion. I think we shall be enabled to get on with the bill if gentlemen will confine themselves to the rules of order.

Mr. KEITT. Very well, I withdraw my motion.

Mr. BURNETT. I move to strike out the following paragraph from the bill:

"For continuing the work on the custom-house at New Orleans, Louisiana, $250,000: *Provided*, That the Secretary of the Treasury shall submit, at the commencement of the next session of Congress, the amount already expended for the Charleston and New Orleans custom-houses, and an estimate, in detail, of the probable cost for the final completion of the same, and also the time it will require to finish them."

Now, sir, I think that proviso attached to the clause shows conclusively that it ought to be stricken out, without any other single reason; without giving any other single additional fact.

The argument used by the gentleman from Virginia, [Mr. GARNETT,] for striking out the appropriation for the custom-house at Charleston, applies with additional force to the custom-house at New Orleans. The reason, if I may use such an expression, applies with fourfold force to this custom-house. Now, sir, how much money has been spent already on this custom-house? Over two million five hundred thousand dollars, if I am not mistaken; a gentleman sitting by me says nearly three million dollars. Well, sir, what is this report of Captain Bowman? And before I refer to his report, I have this remark to make: as to his being a scientific gentleman, and understanding the duties of the position he holds, I believe there is no question; but I will say, I am opposed to this military superintendency. I believe our public works would cost less, and would be carried on just as well, if placed under the control of civil engineers.

But, sir, the report which I have before me shows that this custom-house at New Orleans still continues to sink. We have no certainty, from the facts we have before us, that the appropriations we make will be available. It has sunk more this year than any previous year since the erection was commenced. I ask, then, if it is not better that we should wait for the estimates to tell us how much this house will cost when it will be completed, and, indeed, have all the facts and figures submitted to us, before we make the additional appropriation of $250,000.

Mr. EUSTIS. Mr. Chairman, I would have been much disappointed if these annual attacks made on the custom-house at New Orleans had not been made on this occasion. I hoped, however, that, in a discussion which has been going on for five or six years, and which has received the notice of gentlemen of so much talent, and of so much ingenuity, some new facts would have been elicited in this discussion to authorize the committee and the House to sustain the motion which has been made. What is that motion? What does it all come to? It is simply this: we have a custom-house in New Orleans, now in progress of construction, on which, it is true, more than two million dollars have already been expended. I ask the gentleman from Kentucky; I ask gentlemen on this floor, whose fault is it? It is the fault of the people here at Washington, and not the fault of the people at New Orleans. It is certainly not the fault of the Representatives of Louisiana. The proposition must be reduced, therefore, to this: because a large amount has been spent on this custom-house, and because it is not finished, therefore we are not to have any more appropriations. If you want to stop these appropriations, you must begin first by finishing the building; and when you have finished that building, and when you have given the city of New Orleans a complete custom-house; when you have built up those walls; when you have given us a roof; when, as I say, you have given us a complete custom-house, we will not come here and ask you for any more appropriations; and when you do that, you will have done your duty, and not before. I agree with the gentleman from Charleston, who has addressed this House, that it is perfectly absurd and ridiculous for men to get up on this floor—men of experience—and to tell us that we must not complete that building, or any other building which has been commenced under this Administration, or any other. Sir, I care not who is to be benefited by the completion of this building. The persons who occupy that building are officers of the United States, transacting the business of this Government. Here is a letter, which has been addressed to the Louisiana delegation by the engineer in charge of the work, which will explain itself:

SUPERINTENDENT'S OFFICE, NEW CUSTOM HOUSE,
NEW ORLEANS, *December* 24, 1858.

GENTLEMEN: I beg leave to present to you a few facts relative to this work, which will exhibit the importance of a full appropriation for its continuance during the ensuing fiscal year, both with reference to the construction itself and advantage to the public service in this city.

At the end of the present month, the total disbursements on the building will have been about two million six hundred thousand dollars, in the expenditure of which every precaution has been used to secure the most perfect and durable "line of work" at the lowest cost that the case admitted of.

The estimates for the entire cost of the structure from the first, (inclusive of the above,) amount to about three and a half million dollars, and it will greatly diminish all contingent expenditure to have the balance, still required to complete the work, appropriated in as large annual sums as practicable; for the immense amount of perishable material absolutely necessary to the construction, in scaffolding, derricks, &c., must be kept in repair, and large portions of the work, exposed to the weather, are subject to corrosion, thus pointing out the importance of hastening the final roof cover. This desirable end has already been retarded by the reduction in the amount appropriated by the last Congress, $100,000 below my estimates. Still I am enabled to keep the work in steady advance, though not quite so rapidly as I could wish; and the fourth floor and fourth story walls, with the corresponding marble entablature over the columns in the collector's room, will soon be completed.

Thus, if a full appropriation of say $350,000, is made by the present Congress, it will enable me to hasten the completion of the work on the old levee side, and so turn over, with the least possible delay, for active business, the post office department and the United States court rooms.

I need scarcely say how important to the public interest, and that of the General Government, it will be to carry out this great object. I need only refer to the convenient, though only temporary, accommodations already furnished within our walls to the offices and officers of the revenue service, in proof of the position that we cannot be too sedulous in our endeavors to complete the apartments in this building for other leading branches of the public service, and thus enlist your energies and influence in securing for the work the necessary appropriations for accomplishing such desirable results.

I remain, respectfully, your obedient servant,

G. T. BEAUREGARD,
Brevet Major of Engineers, Superintendent, &c.

To the Louisiana Delegation in Congress.

I ask the committee to look at this question squarely and fairly. I do not ask anything else. I do not believe that I have ever asked anything else on any occasion. In the votes which I have given on these questions of appropriations, I have endeavored to do my duty as a national man, which I am, and which I hope, I always will be. I am not here moved by any sectional feeling; I am not moved by any individual interest; I am not asking for the city of New Orleans, what I will not vote for the city of Boston, or the city of New York, or the city of Chicago. I ask you whether, in view of the recommendations of the Department, in view of the recommendations of officers in charge of the work, you are prepared to stop this work?

[Here the hammer fell.]

Mr. OLIN. Mr. Chairman, I propose to amend the section by leaving in all after the word "provided," so that the section will then remain, in substance: "That the Secretary shall report at the commencement of the next session of Congress what amount will be required for the completion of this work;" and by that means enable Congress to ascertain the propriety of proceeding further with these appropriations.

The gentleman from Louisiana inquires why it is that these annual attacks are made upon these appropriations. The facts connected with this custom-house, it seems to me, would be a sufficient answer to that objection, I think, in the the judgment of Congress. It is now doubtful whether all the money which has been expended annually upon that custom-house has, at the end of each year, left it as high as it found it. We have not learned yet whether the stone which is piled on it has rendered the structure higher than it was at the commencement of the year. I believe it is sinking into the earth faster than they are building it up; and what I ask is, that the Secretary should report to the House what will be required for the completion of the work. When we have that estimate from the Secretary, we can act understandingly.

Mr. BURNETT. I am opposed to the amendment of the gentleman from New York. I do not take the position—proposing to strike out this entire appropriation—that the gentleman from Louisiana would assign to me. I do not propose that we shall not complete these houses; but here is the fact to which I desire to call the gentleman's attention: this custom-house has sunk twenty inches. That fact is disclosed by the report. It sunk more last year than any year since it was commenced. Now, you ask us to make an appropriation of $250,000 to go on and complete that building, which has cost now over $2,800,000. Shall we go on, or wait to see that the building will topple over, and therefore create no necessity for its completion?

Mr. EUSTIS. When it falls down, that will be the end of it.

Mr. BURNETT. What I object to is, calling upon me to vote $250,000 for this custom-house when it is not known that it will stand, and when we do not know what is to be the final cost of it. I do not call into question the gentleman's nationality. I did not know that that question was in issue. I do not know that my nationality is as broad as the gentleman's. I think that, as between Charleston, New Orleans and Baltimore, and Boston, or any other northern city, I could render impartial justice. Convince me that an appropriation is just; that it is authorized by law; and a sound policy would require that it should be made, and I will vote for it. But I say to the gentleman from Louisiana that I will not, from mere sectional considerations, vote for an appropriation for New Orleans any sooner than I would, from the same impulses, vote against one for Boston. This appropriation ought not to be made, and therefore I vote against it.

[Here the hammer fell.]

The question was taken on Mr. OLIN's amendment; and it was rejected.

Mr. McRAE. I move to amend by increasing the appropriation five dollars. I simply want to express my opinion in reference to the merits of this appropriation. The first appropriation for this custom-house at New Orleans was made ten years ago; and the work is not yet completed. It is the custom-house of the first city of the South; and it does seem very extraordinary to me that, after having spent over two million and a half on it, there should be objection made to appropriating $250,000 to complete it.

Mr. MORGAN. How do you know that $250,000 will complete it? That is what we want to know.

Mr. McRAE. Well, if it takes $2,500,000 more to complete it, I would vote for it. If a thing is right, no matter what the amount necessary to carry it out may be, I will go for it. Show me that a thing is right, and the amount makes no difference with me.

The custom-house of New Orleans is of the first importance, not only to this city, but to the South and West. I have been in New Orleans, and have seen this work in progress for the last ten years. It is a magnificent building; such a one as is a credit to the city, and to the Government of the United States.

But the objection made is, that the building is sinking. There is no other objection. Do gentlemen want to tell me here that the city of New Orleans is sinking, and that it will sink, and that that city is to be lost to the Union? I second the sentiment of the gentleman from Louisiana. Make the appropriation to complete the custom-house, and the State of Louisiana will take care that it does not sink, and go out of existence.

I do not believe in that species of economy that is asserted by some members of the House—that the construction of public buildings should be suspended on account of want of means. I do not believe it a matter of economy to suspend the work on these public buildings until they are completed.

[Here the hammer fell.]

Mr. ABBOTT. I do not desire to occupy the

time of the committee more than a few moments; for it is time, if we mean to pass this appropriation bill, to begin to work. But I wish to say a single word in regard to the custom-house at New Orleans, for the sum expended has not been yet accurately stated. That sum is $2,850,000. It is now said that the building is sinking: Sir, it is sinking the money that belongs to the nation. It is a sinking fund; and I think it time that it was sunk altogether.

Mr. EUSTIS. I ask the gentleman from Maine whether he really and seriously believes that this custom-house is sinking, or whether he is in jest?

Mr. ABBOTT. I do not know whether it is sinking or not.

Mr. LETCHER. If the gentleman will allow me, I will refer him to the page where he can ascertain that it is sinking. I refer him to Captain Bowman's report, at page 98 of the finance report.

Mr. ABBOTT. We all know the condition of the soil of the city of New Orleans, and that that soil is not permanent. The building has already sunk nearly three millions, and it is quite time the whole thing was sunk.

Mr. EUSTIS. There is no doubt that the money is sunk, but the custom-house is not.

Mr. ABBOTT. I do not know whether it is the fault of Congress or of the men who are expending this money; but the money has gone for some purpose, either to the custom-house or to partisans. In my judgment, it is time to stop this expenditure. The original appropriation for the custom-house was $100,000. That for the Charleston custom-house was $30,000. And now over five millions has been expended on these two custom-houses. If we are to reform the abuses of Government at all, it is about time to begin; and I think we might as well begin on these custom-houses as anywhere else.

[Here the hammer fell.]

Mr. McRAE. I withdraw my amendment. I want to know from the gentleman from Virginia whether the building has ever received any injury from the sinking?

Mr. LETCHER. It has sunk twenty inches, and I imagine the doors must be partly under ground.

Mr. McRAE. Is that stated in the report?

Mr. LETCHER. No, sir.

Mr. McRAE. The gentleman cannot show that it has received any injury.

Mr. TAYLOR, of Louisiana. I move to increase the appropriation to $260,000. I am familiar with this building. Its walls are now erected, and nearly the whole weight that is to exist in the building is now there. On that soil buildings sink for a certain length of time; but for that very reason this building was erected slowly. Now it needs a roof, and Congress is asked to authorize the expenditure necessary to fit it for the purposes for which it was designed. There are some rooms in it occupied now for the public business. When it is completed, it is to give accommodation to your courts, to your post office, to the custom-house. But that is not all, sir; when this building was projected, a plan was submitted for the purpose, not only of making it a custom-house, and fitting it for the accommodation of the different public offices, but it was intended to be, in addition, a vast warehouse, in which goods, wares, and merchandise, brought into the country, should be stored, and on which the Government should receive that storage, which is now paid to individuals. It was intended to be a building of such a character that the use of other warehouses should be superseded, and that those expenses should be cut off which are incurred in all other cities for the storage of merchandise.

With the expenditure of a few hundred thousand dollars, the building will be complete, and will produce the results designed. It has now reached such a stage that it needs roofing.

Mr. MAYNARD. I would ask the gentleman from Louisiana how the site upon which this custom-house is built was obtained?

Mr. TAYLOR, of Louisiana. It was presented to the United States by the city of New Orleans.

Mr. MAYNARD. At what cost?

Mr. TAYLOR, of Louisiana. It cost the Government nothing; and the lot is worth, to-day, about a million dollars.

Mr. MAYNARD. My inquiry was, what it cost the city to make that present to the Government?

Mr. TAYLOR, of Louisiana. The lot was the property of the city of New Orleans, and had been for years, but it is now worth over one million dollars; and my impression is, that if it had been parceled out into lots, it would have sold now for $2,000,000.

Mr. CLAY. I would ask the gentleman from Louisiana whether, in his opinion, with the knowledge that he possesses of this building, which I know to be important, and which I hope to see some day, he does not believe that it could be protected, without injury, for one year?

Mr. TAYLOR, of Louisiana. My own impression is, that all buildings of this sort receive injury from exposure to the weather. My knowledge is, that the building has reached that stage when it is about ready to be covered and rendered fit for the purposes for which it is designed.

Mr. CLAY. One other question. I see it stated in the report which has been furnished to the House, that this building has been sinking during the past year more than ever before. Would it not be wise, in his judgment, to let it have another year, in order that we may see whether it will sink with still increasing rapidity?

Mr. TAYLOR, of Louisiana. That is the experience with respect to all large structures erected in the city of New Orleans. It is possible, that it may continue to sink slightly for a length of time; but the engineers who superintended its construction have made allowances for that circumstance; and the gentleman from Virginia [Mr. LETCHER] is in error when he speaks of the doorway as having sunk beneath the soil. The building was commenced with an express view to that physical fact, which is universal with respect to all buildings in New Orleans; and it was erected at such a height, that, when it has finally settled in its permanent position, it will have the elevation which the engineers and architects designed it to have.

Mr. GRANGER. Has it found a solid bottom yet?

Mr. TAYLOR, of Louisiana. I presume it has not; and probably will not for some years to come.

Mr. GRANGER. I do not want any presumption. This is an important point. Has it found a solid bottom yet?

Mr. TAYLOR, of Louisiana. It undoubtedly will follow the fate of other structures erected under the same circumstances. The municipal hall of the city of New Orleans is a building as heavy, for the extent of ground it covers, as the custom-house, and it has reached its period of settlement.

[Here the hammer fell.]

Mr. GARNETT. I desire to correct one statement which has been made by the gentleman from Louisiana. He said that this custom-house was originally designed to include a warehouse. I wish to say that, if that was the original design, it has been abandoned; for it will be perceived, in the report of Captain Bowman, that an appropriation is asked for the construction of warehouses at New Orleans.

Now, I submit that, when we find that the building is sinking, and when we consider that, on the 1st of October last, there was an unexpended balance of $349,000 of the appropriation for this work——

Mr. TAYLOR, of Louisiana. The gentleman will allow me to correct him on one point. These warehouses, of which he speaks, are at the quarantine station, several miles from New Orleans, and their erection is called for; because it is expected that, when vessels arrive from infected ports, they will be unladen; and it is necessary to have some place in which to store the goods, and prevent them from receiving injury from the weather.

The amendment to the amendment was rejected.

Mr. BURNETT's amendment was then agreed to.

Mr. LETCHER. I propose now to add, at that point, that the Secretary of the Treasury shall use the balances of unexpended appropriations heretofore made for the Charleston and New Orleans custom-houses, in finishing said buildings for use.

Mr. MORSE, of Maine. I am opposed to the amendment of the gentleman from Virginia, for the reason that the work on both the custom-houses in this bill ought not to be suspended, and I hope some measure will be taken either here or in the Senate to restore the appropriations stricken out by the committee, and I do not want to put anything in the bill which will tend to obstruct such a course. In my judgment, if you study true economy—that economy which, in the end, makes the least waste, and certain gentlemen seem to have waked up at last, and to be laboring under a spasmodic fit of the article just now—you will preserve these appropriations and let the work go on. It is anything but economy to suspend work and hang up these buildings in their present condition. These structures are nearly completed, and it is neither wise nor prudent to abandon them to time and the elements for a year or more. The head workmen and hands are going on profitably and without interruption; they are familiar with the designs, plans, and style of work, and mode of doing it. The master workmen are familiar with the skill and capacity of each laborer; and every man has the place best fitted for him, and all is working harmoniously. Now, break up all this; discharge these men; and when the work is resumed, they will all be scattered, and you will have to call on a new set of hands, who will have to take time to become familiar with the plans and nature of the work, and who will be likely to introduce new and expensive alterations. Besides the exposure of unroofed buildings, the waste and injury of materials is no inconsiderable matter, but is a consideration sufficient of itself to deter prudent men from the course proposed. Labor is now plenty, and seeking employment on very moderate terms. Money is also cheap, and seeking investment at moderate rates; and if these buildings are ever to be completed, you never can do it so cheaply as now. We shall lose more than double by waste and injury alone, than we shall have to pay interest on money to go on with.

But, say gentlemen, the buildings are too extravagant. True, I admit it. I do not know that any one disputes that. For this, there is great blame somewhere. On whom and where does it rest? Not on the cities where the buildings are located. They do not make the appropriations; they neither design nor execute the work. If they desired extravagant buildings, it was at the option of the Government to yield to them, or not. The blame for this is here, in Congress and the executive department, and nowhere else. The executive department has gone on, year after year, piling up these marble palaces; and Congress has, year after year, sanctioned their doings by making the called for appropriations. Is it just, or expedient, then, now when the designs of those buildings cannot be altered, after they are nearly completed, and one of them partially occupied, to suspend operations because the Treasury is low, or spoil them by finishing them in a different and cheaper style of architecture and material, because the designs are too extravagant? The idea is preposterous; and I say to gentlemen on this side and on that side of the House, that these buildings will be completed. No man in his senses can doubt that. If you fail to make the appropriation this year, the next Congress will have to do it, and the country suffer the losses which will, in various ways, be the result. If the object is to establish some rule, as some say, by which to regulate the plans and cost of the public buildings, and the expenditure of money on them, I submit that it is too late, unfair, and inexpedient, to attempt to apply any such rule to buildings nearly completed. Such regulations are right, and ought, long ago, to have been established; but they can only be applied in advance, before the commencement of the buildings; and it is wrong for Congress, after permitting this practice to run on without any attempt to remedy it, to wake up suddenly, and either abandon, suspend, or change the design of buildings in the nearly completed condition that these two custom-houses are.

The real question is, will you complete these buildings now, while everything around them is in harmonious working order, and while labor and materials are much below an average price, and while money, too, is seeking an investment and can be had at low rates of interest? or will you spend a sum several times, perhaps, the value of the interest on the sum required to keep them along, in putting on temporary covering, housing the materials for preservation, and the various unavoidable losses attending the suspension of

works of that kind, and finish them when money is scarce and labor high? I see no possible reason why, if these buildings are ever to be completed, the work should be suspended now, and suddenly, when nothing around them is in a state to be left without far more loss than gain. You will produce waste and extravagance rather than economy by such an operation, and I can see no possible good to result from it in any view whatever.

The amendment was rejected.

Mr. CLARK, of Missouri. I move to amend, by adding at the end of the forty-fourth line, appropriating $40,000 for completing the Indianapolis court-house and post office, as follows:

For the completion of the capitol of the Territory of Nebraska, $30,000.

For the completion of the capitol of the Territory of New Mexico, $60,000; and for the completion of the penitentiary in said Territory, $23,000.

For the building of a prison-house in the Territory of Kansas, $15,000.

For the completion of the capitol of the Territory of Utah, $50,000: *Provided*, No part of the sums hereby appropriated to said Territories of Nebraska, Kansas, New Mexico, and Utah, for public buildings, shall be expended until contracts for the completion of said buildings respectively, for a sum within the sum hereby appropriated, shall be executed by responsible persons, and approved by the Governors of the respective Territories: *Provided further*, That the location of the prison-house in the Territory of Nebraska shall be determined by the judges of the supreme court of said Territory, or any two of them; and the location of the prison-house in Kansas to be made by A. J. Mead, Robert Morrow, and Henry Foot, or any two of them.

Mr. LETCHER. I rise to a question of order. I submit that this amendment makes appropriations for buildings not authorized by law to be constructed.

Mr. CLARK, of Missouri. They are all authorized by law except that in Kansas.

Mr. LETCHER. Then I raise the question of order still, that all the appropriations in that amendment are not authorized by law.

Mr. CLARK, of Missouri. I will state to the gentleman from Virginia, that the penitentiary in New Mexico has been ordered and the work has been commenced. The same is true of the capitol in Utah, and in reference to most of these buildings.

Mr. LETCHER. I insist on my point of order.

The CHAIRMAN. The Chair rules the amendment to be out of order.

Mr. CLARK, of Missouri. I take an appeal from the decision of the Chair. I can produce the statutes providing for the erection of these buildings. I offer the amendment from the Committee on Territories. They have reported bills for these very works, which are now in the Committee of the Whole on the state of the Union, but no day has been assigned for the consideration of territorial business, and this is the only opportunity we can get to have the matter provided for this session.

The CHAIRMAN. Debate is not in order.

Mr. GROW. I desire to inquire upon what ground the Chairman rules the amendment out of order?

The CHAIRMAN. Upon the ground that it is an amendment not germane to the item in this bill to which it is offered, but upon a different subject altogether. The Chair would hold that it would be out of order to incorporate any private bill into an appropriation bill, or any matter having no relation to the subject-matter of the bill. The Chair can see no possible connection between the construction of capitols and penitentiaries in the several Territories, and the completion of the court-house and post office at Indianapolis. The Chair, therefore, rules the amendment to be out of order. The gentleman from Missouri appeals from the decision of the Chair; and the question now is, "Shall the decision of the Chair stand as the judgment of the committee?"

The question was taken, and the decision of the Chair was sustained.

Mr. CLARK, of Missouri. Would it be in order to offer the amendment as a separate paragraph of the bill?

The CHAIRMAN. Not at this point.

Mr. MARSHALL, of Kentucky. I move to strike out this appropriation of $40,000 for the completion of the court-house and post office at Indianapolis. I do not see any good reason why we should go on with that building any more than with the other public buildings which we have already stricken out.

Mr. PETTIT. I rise to a question of order. I submit that the committee has already passed lines forty-four and forty-five, which the gentleman from Kentucky proposes to strike out, and that his amendment is not in order.

The CHAIRMAN. The lines had been read by the Clerk when the gentleman from Missouri [Mr. CLARK] rose to propose an amendment by way of an addition. No opportunity was given for amending those lines, and the Chair holds, therefore, that the amendment proposed by the gentleman from Kentucky is in order.

Mr. PETTIT. Will the Chair allow me to correct him? I think the lines were read, that the committee had passed from their consideration, and that the gentleman from Missouri proposed to offer his amendment as an additional clause. I submit that it is too late now to go back and strike out this appropriation.

The CHAIRMAN. The Chair will remark that, as soon as the Clerk had read these two lines, the gentleman from Missouri rose and offered his amendment. No other gentleman, therefore, had an opportunity to make the motion which the gentleman from Kentucky has now made. If the Clerk had proceeded to read additional lines in the bill, the Chair would have held that it was too late to go back; but he now decides that the amendment of the gentleman from Kentucky is in order.

Mr. MARSHALL, of Kentucky. I suppose this committee intend to act upon the same system. I therefore propose to move to strike out these appropriations, and to stop these works wherever going on, since the committee are determined to stop them at Charleston and New Orleans. Now, sir, the proposition to go on with the building of a court-house and post office in Indianapolis has no more merit in it than the proposition to go on with the building of the custom-houses at Charleston and New Orleans. In fact, this work can be better stopped than either of those which we have already determined to stop; because this building, as I understand it, is not in the hands of any contractor, but the work is being carried on by the Government, by the day's work. Government, as I understand it, hires the men to work on it from day to day. I understand further, sir, that a large amount, in the shape of an unexpended balance, is still available, and is all that will be necessary for them to have during the present year.

There is nothing in the report to show us that this $40,000 will complete the work. The objection was made on this side of the House that there was nothing to show what would complete the custom-house at New Orleans. Now, there is nothing to show what will complete the court-house at Indianapolis. The gentleman says it is for completion? Upon what is it founded? Where is the report? Where is the statement of the architect, or of the superintendent who has it in charge, that will lead the committee to a conclusion that the work is to be completed for $40,000? All the report we have upon it is to be found on page 103 of the Treasury report, and that shows $78,000 in hand of appropriations heretofore made. There is nothing to show that $40,000, or any larger amount, is required for this building than is now on hand. And now gentlemen are affected with this desire of economy, I propose to put a stop to buildings upon the coast where you are putting up light-houses, and putting up custom-houses elsewhere, so that we shall cut clean and not in one particular section.

Mr. PETTIT. Mr. Chairman, I do not see here at this moment the Representative from the Indianapolis district; but I beg, in one or two particulars, to correct the gentleman from Kentucky. His first position, if I understand him correctly, is, that this is not a work for which a contract has been made. The first paragraph, from which I presume he quotes the report of the engineer in the office of construction, accompanying the annual report of the Secretary of the Treasury, shows the contrary—shows that this work was at first put under contract and then abandoned; and that due notice having been given to the securities of the contractor, it is now in progress at the ultimate cost of the contractor and his securities. Surely the Government cannot, at this instant, abandon the work without relinquishing in justice all claim on the securities of the contractor.

Again: the gentleman from Kentucky implies that we are now without the information to tell us how much is necessary to complete the work. I do not understand the report so. The report says:

"The appropriation will be insufficient to complete the building, and an additional sum has been asked for in the proper place."

The $40,000 named in this clause is the sum necessary for the purpose, and intended to accomplish the object.

Not this only. The same report says:

"Such portions as could be best and most economically done by contract have been contracted for, and the remainder is being done by days' work."

The proposition, then, to strike out this clause is not only, in equity, to discharge the securities of the contractor from liability, but to make the Government directly liable to the present contractors for any damage they may suffer from an abandonment of the work. The report shows that $45,287 97 had already been expended on the 30th of September. The work is in fast progress already, and cannot be arrested without incurring new and additional expense to the Government. It is not economy but profligacy of the public money to stop it now. If there is to be a uniform rule, as the gentleman from Kentucky suggests, this is one of the cases to apply it to. For repeatedly has Congress, during the present session, made such appropriations for public works in all parts of the Union, which are in a state of progress, likely to suffer by suspending them. As a new question, I would not be in favor of pressing it in the present embarrassed condition of the Treasury; but this work is in progress, and as the rule has been adhered to in many instances, it is well and economical that it should be observed in all. This building is at the same time a post office and a court-house, and as it is the only Government work which promises to inure to the benefit of the people of the State, I think I may safely invoke the committee to stand by this clause.

[Here the hammer fell.]

Mr. GREGG. I move to increase the amount $10,000.

Mr. Chairman, I move the amendment for the purpose of giving to the committee some information in regard to the progress of this work. It is now being prosecuted; and the streets, for a considerable distance, are almost entirely blocked up with rock, which has been dressed, and is ready to be placed in the building; and I believe that this is the only appropriation made in which my State has an immediate and direct interest. I therefore hope that it will not be stricken out. I do not desire that the appropriations made for other public buildings shall be stricken out. I have, for one, voted for those which have already come before us.

I think that there is no building more urgently needed than this one for Indianapolis. It is required for our post office, and for the holding of our courts. The district court and the circuit courts of the United States sit there. Instead of sitting six or seven days, as the gentleman from Virginia said, in reference to the courts at Raleigh, these courts in Indianapolis are in session from twenty to forty days. At the same time, the supreme court and the Legislature have oftentimes been in session; and, sir, all of them have to be accommodated in the State-house buildings.

Mr. BRANCH. The gentleman has made allusion to Raleigh, and the length of time the courts sit there. Does he think that the size of the court room must be in proportion to the number of days the court sit?

Mr. GREGG. Not at all. The United States courts there have been wanderers from place to place, sometimes in the Senate Chamber, sometimes in the Representatives Hall, sometimes in the supreme court room, sometimes in a committee room, and sometimes in the county court-house. If there was nothing else, the business of the post office requires the completion of this building there. The post office has been wandering from place to place, so that strangers, whenever they come there, have to inquire where it is.

Mr. LETCHER. What is the most ever paid in that State for erecting a court-house? I see that $178,720 have been appropriated to build this court-house. I think that the amount originally appropriated, economically expended, would erect a building sufficient to accommodate the United States courts, and give every facility for a post office.

Mr. GREGG. I can only give such information as I have obtained from the different counties. I believe that the court-house in the county of my friend's district, the fourth district, cost some eighty thousand dollars.

Mr. FOLEY. One hundred and twenty-five thousand dollars.

Mr. GREGG. At La Fayette, in Tippecanoe county, they have a court-house, but I do not know what it cost.

Mr. CLARK, of Missouri. In the West they do not build houses as they do in Virginia.

Mr. LETCHER. No, sir; I discover that, for a very excellent court-house can be built, either in Virginia or elsewhere, for $150,000.

Mr. GREGG. In the county where I reside, a contract has been entered into for a court-house at $40,000.

Mr. LETCHER. According to my recollection, when the appropriation was made to erect this post office and court-house at Indianapolis, there was a provision inserted that it should be built within the sum appropriated. We have already appropriated $123,700 for it, and we are still asked for $40,000 more. Now, it does seem to me that that is wasting money very extravagantly.

Mr. GREGG. I withdraw my amendment.

The question was taken on Mr. MARSHALL's amendment, and it was rejected.

Mr. CLARK, of Missouri. I propose now to offer, as an additional section, an amendment for the completion of the capitol buildings in the Territories of Utah and Nebraska, and for a penitentiary in New Mexico.

Mr. LETCHER. I ask whether that amendment is germane to the bill?

Mr. CLARK, of Missouri. Why, this is a miscellaneous bill, and I suppose that this amendment is germane to it. The amendment is as follows:

For the completion of the capitol in the Territory of Nebraska, $30,000.

For the completion of the capitol in the Territory of New Mexico, $60,000.

For the completion of the penitentiary in said Territory, $23,000.

For the completion of the capitol in the Territory of Utah, $50,000: *Provided*, That no part of the sums hereby appropriated for said Territories of Nebraska, New Mexico, and Utah, for public buildings, shall be expended until the contracts for the completion of such buildings, respectively, for a sum within the sums hereby appropriated shall be executed by responsible persons and approved by the Governors of the respective Territories.

I want to explain to the committee why this amendment is offered. I propose it in good faith, and I think it is absolutely necessary for the public service of the country that it should be ingrafted on this bill. I hold in my hand bills for these purposes, which I was instructed by the Committee on Territories to report. It is necessary to appropriate money to complete the capitols for the Legislatures of these Territories; and the committee will observe that the amendment contains a proviso, that no part of the appropriations is to be used until contracts are executed for the performance of the work within the sums appropriated.

Mr. LETCHER. How did the Chair decide the point of order?

The CHAIRMAN. The Chair understood that it was abandoned.

Mr. LETCHER. No, sir; it was not. I think the amendment is clearly out of order, from the statement of the gentleman himself.

Mr. CLARK, of Missouri. The building of the capitols and penitentiary is authorized by law, and the buildings are in course of construction.

Mr. LETCHER. I understand that the explanation of the gentleman from Missouri is, that he was instructed by the Committee on Territories to report several bills on these subjects, showing that the committee regarded them as propositions that were not germane to the regular appropriation bills. My reason for raising the question is not for want of proper regard to the gentleman from Missouri, or those interested in the matter, but because I desire to put an end to an abuse, which has grown up within the last ten or twelve years, of building houses for all these Territories. Not one was built for Ohio, or Illinois, or Missouri, in the better days of the Government.

Mr. CLARK, of Missouri. When I was first on the floor, I remarked, that I was charged with reporting these bills. I did report them; and they were referred to the Committee of the Whole on the state of the Union. These bills cannot be reached; and the fact of their having been reported does not weaken their point on their being attached to this miscellaneous bill. As to the fact, that no buildings were erected for Missouri and other Territories, that is a matter about which I have nothing to do. Congress has authorized these buildings, and money has been expended on them, as on the custom-houses at New Orleans and Charleston.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. LETCHER. I do.

The CHAIRMAN. The Chair rules the amendment out of order, on two or three grounds. One is, that it is not in order to move, as an amendment to an appropriation bill, separate bills now pending on the Calendar. The term "miscellaneous," is a mere conventional title. The bill is for certain civil expenses; and the Chair holds that no amendment is in order, not germane to the subject-matter of the bill.

Mr. CLARK, of Missouri. The amendment is only a modification of the bills reported.

The CHAIRMAN. The Chair stands corrected on that point; but the Chair rules the amendment out of order, because it is not germane to anything in the bill.

Mr. CLARK, of Missouri. I beg leave to take an appeal from the decision of the Chair.

Mr. GROW. Will the Chair allow me one word? I see that this bill provides for custom-houses, marine hospitals, and other Government buildings.

Mr. LETCHER. I call the gentleman to order. The question is not debatable.

Mr. GROW. I wish to state the grounds of the appeal.

The CHAIRMAN. The gentleman from Pennsylvania will be indulged in stating the grounds of the appeal.

Mr. GROW. The bill provides for custom-houses, marine hospitals, and other public buildings. Now, the Committee on Commerce has charge of custom-houses and marine hospitals, so that the point of the gentleman from Virginia would apply to these appropriations also. My point is, that as the bill provides for public buildings, an amendment providing for public buildings in the Territories is germane.

The CHAIRMAN. The Chair holds that anything offered as an amendment to this bill must be germane to the particular item of the bill to which it is offered; and there is nothing in this bill upon which a germane amendment can be ingrafted in relation to buildings in the Terrritories.

Mr. STANTON. Would it not be germane at the end of the bill?

The CHAIRMAN. The present occupant of the chair is of opinion that nothing is in order, either as an amendment to the present clause, or at the end of the bill, that is not germane to some particular item of the bill. That may be a more rigid ruling than has been heretofore made; but that is the decision of the present Chairman.

Mr. STANTON. This is the miscellaneous bill, and it provides for public buildings everywhere, and an amendment to provide for public buildings in the Territories is surely germane.

Mr. CLARK, of Missouri. I call for the reading of the 81st rule.

The Clerk read the rule, as follows:

"81. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for contingencies for carrying on the several departments of the Government."

Mr. CLARK, of Missouri. These buildings are authorized by law.

The CHAIRMAN. There is another rule, which says expressly, that no amendment shall be in order to a general appropriation bill, that is not germane to the matter of the bill.

The question being on the appeal,

Mr. CLARK, of Missouri, demanded tellers.

Tellers were ordered; and Messrs. WASHBURN of Maine, and CLARK of Missouri, were appointed.

The committee divided; and the tellers reported—ayes 71, noes 59.

So the decision of the Chair was sustained as the judgment of the committee.

Mr. MARSHALL, of Kentucky. I move to amend, by striking out the following clause of the bill:

"For the completion of the Detroit custom-house, $30,000."

I call the attention of the committee to the facts stated in the report in reference to the condition of the work on this building, and in reference to the amounts expended and on hand. The report says:

"At the close of my last report, the building intended for a custom-house, court-house, and post office, at Detroit, had been taken in hand by the Department, upon the contractor failing to comply with his contract, and has since been vigorously prosecuted by the local superintendent, under the direction of this office. The foundations were then only commenced; but since that date the exterior walls have been carried nearly up to the third story floor; and before winter sets in it is hoped the iron roof, which is already built, may be put on, and the building covered in. The work was for a time delayed by the exhaustion of the quarry from which the ashler was taken, and some time necessarily elapsed before other suitable stone could be found.

"All the lumber necessary for the interior finish is on hand, and much of the joiner work is ready to be put up. The iron work is well forward; iron beams and girders of the entrance and second story floor in place, together with the basement and entrance story's columns and antae. This building is of cut stone, and promises to be an imposing structure. An additional appropriation will be required to complete it, which has been asked for in the proper place.

Total amount of appropriation	$153,800 00
Amount withdrawn to September 30, 1858	109,857 54
Balance available	$43,942 46

Now, I want to know if, with this state of forwardness of the work, when the exterior walls have been run up, the roof ready to be put on, the lumber for the interior work ready, and the joiner work done, with over forty-three thousand dollars on hand; I say, with this state of things, I want to know why they have not already all the money which is necessary for them to expend? What do they want $30,000 for, with a building so nearly completed, on the top of so large a balance remaining unexpended? Mr. Chairman, I again insist, that if we cannot economize here, if we cannot apply the same rule of economy which we have applied to the larger cities on the seaboard, by striking out the appropriations for their custom-houses; I say, if we cannot apply that economy to a case like this, I would like to hear some explanation of the necessity there is for taking this building out of the general rule; and I should like to have some gentleman show me why this $30,000 is required at all, to be expended upon a work so nearly completed, with an unexpended balance of over forty-three thousand dollars on hand. It will be remembered by gentlemen on the other side of the House, that, for the money they propose to appropriate in this manner, we have got to pledge the credit of the Government, and more sedulous care should be taken, especially by the other side of the House, about permitting any scheme of policy to be introduced here, requiring an unnecessary amount of money to be raised. I thought the system determined upon by these gentlemen, was to cut down the expenditures of the Government to the lowest revenue point, and not, as some of these appropriations would indicate, to put up these expenditures to a high revenue point. I think this case is one that calls for the knife, one which calls for the operation of retrenchment. I trust the clause will be stricken out.

Mr. HOWARD. I have not examined the details upon which these estimates are made. The clause of the bill making this appropriation, so far as I recollect, passed the Committee of Ways and Means without any particular discussion; but I will state, in reply to the gentleman from Kentucky, [Mr. MARSHALL,] that these means are asked for by the Department to complete the building. I understand that they expect to complete it with this appropriation, and that they expect to complete it before the 30th of June, 1860—the end of the year for which this appropriation is made. As to their having $40,000, or any amount, on hand at a particular day, that is nothing strange, nor is it here nor there, so far as this appropriation is concerned. The stone of which the walls of this building are made are brought from Sandusky, Ohio. They are procured by contract; and I suppose that, some day, when they pay

off the contractor for furnishing the stone, this $40,000, or a large portion of it, will be gone. I have not examined the report, and I do not care very much about it, except that the facts shall be correctly understood. A contract was entered into originally, I believe, to put up the building for $100,000; and that the man who contracted to build it did not, perhaps, comply with the provisions of the law. I say that I have not examined this matter, nor have I advocated the appropriation for it. I understand the building is for the accommodation of the business appertaining to the custom-house and the courts, and, altogether, is to cost something like one hundred and eighty thousand dollars, including the lot, which is worth perhaps forty or fifty thousand dollars. I am of opinion that they have not constructed this building as economically as they ought to have done; but it is now in a state of progress near to completion, and every consideration of economy requires that it should be completed, which, as I have stated, they expect to do, with this appropriation, before the close of the next fiscal year. Perhaps, if the work had been performed by contract, it would have been done more economically; but the contractor failed to perform his contract, and it is now being done directly by the Government. I have not examined the matter very particularly; but the impression made upon my mind was, that the men employed by the Government upon this work were more zealous in securing my own defeat than in getting along with the building. How that may be, I do not know. I think the public interest requires that the building be completed within the next fiscal year; and I hope the appropriation will be retained in the bill.

Mr. LETCHER. I move to reduce the appropriation, in the clause proposed to be stricken out, to $29,000.

Mr. Chairman, at the time this matter was considered in the Committee of Ways and Means, I was confined to my room by sickness. My views upon the subject of these buildings are too well known to make it necessary for me to state how I should have voted if I had been there. I think there is no more necessity for this than for the other appropriations which we have stricken out; and I shall endeavor to show it from the report of Captain Bowman. He says, in his report:

"The foundations were then only commenced; but since that date, the exterior walls have been carried nearly up to the third-story floor; and before winter sets in, it is hoped the iron roof, which is already built, may be put on, and the building covered in. The work was, for a time, delayed by the exhaustion of the quarry from which the ashlar was taken, and some time necessarily elapsed before other suitable stone could be found."

Take that in connection with the remarks submitted by my friend over the way, and it seems to me that this unexpended balance of $43,000 ought to be sufficient, if the roof is on before the winter sets in, to place this house in such a condition as to finish it for future use. But, sir, this contractor failed, and after he failed, they allowed him to assign his contract to another person.

Mr HOWARD. No, sir.

Mr. LETCHER. Well, the contractor failed, and then the Government undertook to execute the work upon its own hook. If you will turn to table number nine, you will see that the lot upon which this House is built cost $26,000. The contract was made in 1855. The building was to be completed on the 1st of January, 1858. The contract price was $80,100, thus making the cost of the lot and the contract price for the building $106,100. After that time a proposition was introduced here to enlarge this building. The precise condition which was made I do not now recollect.

Mr. HOWARD. For $30,000.

Mr. LETCHER. That was $136,100, taking the enlargement with the contract price, and the price of the lot, and putting them altogether. But the appropriations have run up to $153,800, or $22,700 more than the amount which this table says was the price of the lot and the price of the building under the contract. It seems to me that there is a time to stop all these things; and if we do not undertake to stop it where it is in charge of the Department, and the work is prosecuted by day's work or any way these parties choose to indicate, there is no telling what will be the plan of any building projected, what will be the cost when completed, or what will be the number of contractors and employés that may be retained in executing the job itself. I think, in all these cases where an appropriation is made, the building ought to be put up by contract, as you would put a house up for your own use. Why cannot the Government do this? What is the difficulty? Cannot they get responsible men to undertake these things—men who will execute their contracts? If they cannot, why do not they compel these men to give security, so that if the contractors fail, the Government will have some means of protection against the failure? I do not think that there can be any trouble about it. I think that where the Government undertakes to execute work for itself, with overseers and superintendents to manage it, to employ this labor and to disburse this fund, it costs more money than any prudent man would spend in executing the same work for himself individually.

[Here the hammer fell.]

Mr. HOWARD. Mr. Chairman, as to the roof being put on before the setting in of winter, I will say that I was at home on the 1st of January, and that the roof was not on then. The outside walls were about being finished. I suppose the real facts are, that although the iron roof is prepared, it has probably not been paid for, and will exhaust a portion of this $40,000.

As to the contract, I understand that they never completed a contract after the enlargement was ordered. There was a man signed the original contract for building it in the original way. Afterwards the plan was enlarged, and an additional appropriation of $40,000 was made. Since that time there has been no contract, and they have been building it by day's work. They have a competent superintendent, an honest, upright man, who is employed to take charge of it. I understand, incidentally, that they pay him eight dollars a day. The Government claims to hold the contractor responsible for all damages; and I understand the contractor claims that the Government are indebted to him for damages for not giving him the contract according to the bargain. How this may result, I do not know; but I have reason to believe that it will require this amount to complete the building. It ought to be completed, and there is no economy in delay.

The amendment to the amendment was rejected.

Mr. PEYTON demanded tellers on the amendment.

Tellers were not ordered.

The amendment was rejected.

Mr. CLARK, of Missouri. I move to add:

For defraying the expenses of an extraordinary session of the Legislature of the Territory of Nebraska, $5,000.

Mr. BURNETT. Is that amendment in order? Is it germane?

The CHAIRMAN. The Chair thinks that it is not in order, under the decision of the committee.

Mr. CLARK, of Missouri. I take an appeal.

The CHAIRMAN, (Mr. HOPKINS occupying the chair temporarily.) The Chair rules the amendment out of order, under a decision of the committee a short time since.

The question was taken on the appeal; and the decision of the Chair was sustained.

Mr. ROBBINS. I offer the following amendment:

For a court-house, post office, and custom-house, at Trenton, New Jersey, $40,000.

Mr. CLARK, of Missouri. I raise the question of order on that amendment. The rule ought to be general.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. FARNSWORTH. I offer the following amendment:

For preserving the works and pier, in order to preserve and secure the light-house at Chicago, Illinois, $87,000.

Mr. PHELPS, of Missouri. I rise to a question of order. The amendment is for a work of internal improvement in the harbor of Chicago, and is not in order.

Mr. FARNSWORTH. It provides for preserving the light-house. I suppose that if you destroy the foundations of the light-house, you destroy the light-house.

Mr. PHELPS, of Missouri. I make the question of order. It is for the repair of a pier, and not of a light-house.

The CHAIRMAN, (Mr. HOPKINS.) The amendment purports to be for the preservation of a light-house, and the Chair thinks it is in order.

Mr. FARNSWORTH. I have fixed the amount in this amendment at $87,000, as the Senate, at the last session, passed a bill providing for the repair of these piers, appropriating that amount. That bill is now upon the Calendar here. I hold in my hand a letter from Colonel Graham, the superintendent of the harbor and coast surveys of Lake Michigan, which I will ask to have read.

The Clerk read the letter, as follows:

CHICAGO, *February* 4, 1859.

DEAR SIR: May I ask you to call the attention of the Committee on Commerce of the House to the bill which passed the Senate last session appropriating a sum of money for the repair of Chicago harbor-piers, with a view to get it acted on by the House. The piers are in so bad a condition that the harbor must be ruined if not now attended to without further delay. Moreover, the new light-house, now nearly finished, cannot stand, when it is erected, against the collision of vessels if the north pier falls, which it assuredly will, from decay, in a short time, if not repaired. My annual report gives full information on the subject, which I ask you to refer to. I also addressed, yesterday, a special report to the topographical bureau on the subject, containing full particulars.

Very respectfully yours, &c.,

J. D. GRAHAM, *Lieutenant Colonel, &c.*

HON. ELIHU B. WASHBURNE, M. C., *Washington.*

Mr. WASHBURNE, of Illinois. With the permission of my colleague, I will say that, upon receiving that letter from Colonel Graham, I presented it to the Committee on Commerce, and they unanimously directed me to ask the unanimous consent of the House, and if objection were made, to move to suspend the rules in order to take up the Senate bill for this purpose, and pass it. I trust there will be no objection on the part of any member.

Mr. BURNETT. It seems, from the statement of the gentleman from Illinois last up, that there is a bill now pending before the committee upon this subject; and, under the ruling of the Chair, it cannot be offered as an amendment to this bill.

Mr. FARNSWORTH. The gentleman does not understand correctly. The bill upon the Calendar is merely for the purpose of preserving the harbor. This is for the purpose of preserving and protecting the light-house. It is a different object. The money may be expended in the same way. But the object of this amendment is the protection of the light-house, while the object of the bill is the protection of the pier. If you destroy the pier on which the light-house stands, you destroy the light-house.

Mr. BURNETT. I have made the question of order on the amendment; and I ask that it shall be decided.

Mr. WASHBURNE, of Illinois. The Chair has decided the amendment to be in order.

Mr. FARNSWORTH. It is *res adjudicata.*

Mr. WASHBURNE, of Illinois. The temporary chairman [Mr. HOPKINS] decided the amendment to be in order. My colleague made a little speech upon it, and I also made a little speech.

Mr. BURNETT. The point I make is, that this amendment cannot properly be attached to this bill, for the reason that it provides for the improvement of the piers in the harbor, and not for the improvement of a light-house. The second point is this——

Mr. WASHBURNE, of Illinois. I call the gentleman to order. The temporary chairman decided the amendment to be in order, and no appeal was taken from his decision. The gentleman from Kentucky is too late.

Mr. BURNETT. The other point that I make is this——

Mr. LOVEJOY. I insist that the gentleman from Kentucky cannot make two points of order at one time.

Mr. BURNETT. If the gentleman from Illinois would not be quite so excited about this matter, I should have been through by this time.

It was stated by the gentleman from Illinois [Mr. WASHBURNE] sitting behind the gentleman who now occupies the floor, that there was a bill which the Committee on Commerce had authorized to be reported, and which, I suppose, is now on the Calendar, for this identical appropriation; and I submit that under the ruling of the gentleman now occupying the chair, [Mr. BOCOCK,] this amendment could not be received in an appropriation bill.

The CHAIRMAN. The Chair will say to the

gentleman that under the rules of the House it is not in order to move to amend a bill by incorporating in it another bill upon the Calendar.

Mr. WASHBURNE, of Illinois. I stated that the amendment of my colleague was substantially embraced in the bill reported by the Committee on Commerce; but that has nothing to do with this amendment. I merely stated the fact for the purpose of showing the action taken by the Committee on Commerce on the subject.

The CHAIRMAN. If the amendment is not precisely the bill pending upon the Calendar, although it may be the same in substance, the Chair will hold that that point of order does not apply. As to the other point, raised by the gentleman from Kentucky, it having been decided by the occupant of the chair a few moments since, [Mr. HOPKINS,] the present occupant of the chair will make no ruling in reference to it.

Mr. BURNETT. I understood the gentleman from Illinois to state distinctly that the Committee on Commerce had unanimously authorized him to report a bill containing the exact provisions of this amendment, based upon a letter which he sent to the Clerk's desk.

Mr. WASHBURNE, of Illinois. The gentleman, then, certainly misunderstood me. That bill is now upon the Calendar in the Committee of the Whole on the state of the Union. It is not the same in language with the amendment of my colleague, although the appropriation is the same in amount, and for the same object.

The CHAIRMAN. The language of the rule is:

"55. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House."

Mr. BURNETT. Well, sir, although the amendment may not be in the exact language of the bill, it is substantially the same; it contains, as I understand it, exactly the same propositions as the bill now on the Calendar of the Committee of the Whole on the state of the Union.

The CHAIRMAN. The Chair will hold that the amendment, although the same in substance, if not the same in language, is still in order, so far as this 55th rule is concerned. I find the following note appended to the rules:

"The latter clause of this rule was adopted at the first session of the Twenty-Fifth Congress; and, as originally reported by the committee, the following words were contained at the end of it: 'Nor by any proposition containing *the substance*, in whole or in part, of any other bill or resolution pending before the House.' These words were stricken out by the House before it would agree to the rule; by which it would seem to be decided that a bill or resolution might be amended by incorporating therein the *substance* of any other bill or resolution before the House. Such has been the general practice of the House."

The Chair decides the amendment to be in order.

Mr. FARNSWORTH. The light-house at Chicago stands at the end of what is known as the north pier. As stated by the letter of Colonel Graham, which has been read by the Clerk, that pier is in great danger of being entirely demolished and destroyed. He says in his report made to the Secretary of War, and by the Secretary of War transmitted to Congress, that he does not believe it will stand another season. By this letter it appears that, if that pier is destroyed, the light-house will necessarily fall. This estimate is for sustaining and repairing the pier for the purpose of preserving and maintaining the light-house. The work is absolutely necessary. I am in favor of economy as much as anybody upon this floor. I believe we should adopt the same rule that any prudent man would adopt in the administration of his own affairs. When in debt we should cease building costly and extravagant works; but, sir, it is not the part of economy to allow these works already built to go to decay and destruction. The commerce of the lakes, we all know, is very great. In the harbor of Chicago alone, during more than six months of the year, there is an average arrival and departure of more than twenty-five loaded vessels a day, with a tonnage, during the season of navigation, of near a million and a half tons, and employing a force of some sixty thousand men. Now, it is absolutely necessary for the protection of this commerce, that the light-house should be continued at this point. If it is allowed to go to destruction, that commerce would be crippled and endangered.

Mr. LETCHER. I should like to get some information from the gentleman from Illinois about this matter. Why is it that some recommendation from the Department is not brought here for this appropriation?

Mr. WASHBURNE, of Illinois. The gentleman will find the whole thing set forth in the letter of Colonel Graham, which accompanies the report of the Secretary of War.

Mr. LETCHER. The gentleman knows very well that is not the recommendation which we want. When he had Colonel Graham's letter, why is it that they did not go with it and get a recommendation from the Department for the appropriation, predicated upon that letter? When we have heard so much about the extravagance of legislation, why did not gentlemen, if they were satisfied that the appropriation was necessary, go to the Department and get a distinct recommendation, so that we should have the authority before us, on which to justify our action in making this appropriation?

Mr. FARNSWORTH. Let me state right here, that, at the last session, Colonel Graham recommended an appropriation twice as large as that contained in this amendment. I have asked for only half the amount which Colonel Graham recommended.

Mr. LETCHER. Still another point against the amendment. When they get this appropriation, I suppose they will come here at the next session for the balance. Now, I ask the gentleman again, why he did not take the letter to the Department and get their recommendation?

Mr. FARNSWORTH. I do not understand that such a course was necessary. This letter was addressed to my colleague, [Mr. WASHBURNE,] as a member of the Committee on Commerce in this House. I also received a communication from him, but recently, upon this subject; and we have all the information which is necessary. The gentleman from Virginia will find it all—descriptions, estimates, and recommendations—among the papers accompanying the report of the Secretary of War, of both last session and this, which show the utmost necessity for this appropriation in order to save the work.

Mr. LETCHER. It seems that the appropriation contained in this amendment is only half the amount that is required, if we appropriate anything. Now, when we are to make an appropriation for a work of this kind, I want the estimates to come regularly before us, so that we may know what we are doing. The fact is, as every gentleman here knows, that this is intended purely as an improvement to the harbor of Chicago, and that a light-house is merely stuck in to make the amendment for the benefit of the harbor in order.

The question being upon Mr. FARNSWORTH's amendment,

Mr. WASHBURNE, of Illinois, demanded tellers.

Tellers were ordered; and Messrs. MARSHALL of Illinois, and WASHBURNE of Illinois, were appointed.

The committee divided; and the tellers reported—ayes 83, noes 40.

So the amendment was adopted.

Mr. HATCH. I move to insert:

For completing the work in progress, of deepening the channel over the St. Clair flats, $55,000.

Mr. LETCHER. Is that amendment in order?

The CHAIRMAN. The Chair decides the amendment to be out of order.

Mr. HATCH. I take an appeal from the decision of the Chair. The preceding amendment is for a local harbor improvement. It is unnecessary for me to state the importance of improving the channel over the St. Clair flats. That channel connects our inland seas. It affects not only Chicago harbor, but Buffalo harbor, and every other harbor upon the lake.

Mr. CRAIGE, of North Carolina. Is the gentleman in order?

The CHAIRMAN. The gentleman's remarks might be applicable to the amendment, but they are not to the point of order.

Mr. HATCH. I want the 81st rule read.

The 81st rule was read, as follows:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government."

Mr. HATCH. This work is under existing law. There is an unexpended appropriation of $50,000 there. I hold in my hand a letter from the officer in charge, showing the necessity of this appropriation.

The CHAIRMAN. The Clerk will read the 55th rule:

The Clerk read as follows:

"No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House."

The CHAIRMAN. The Chair decides the amendment out of order. From that decision the gentleman takes an appeal. Shall the decision of the Chair stand as the judgment of the committee?

Mr. HATCH demanded tellers.

Tellers were ordered; and Messrs. BRYAN and STANTON were appointed.

The committee divided; and the tellers reported—ayes 68, noes 58.

So the decision of the Chair was sustained.

Mr. HATCH. I want to say that I intend to get up the Senate bill for the same purpose.

Mr. GOODWIN. I offer the following amendment:

To preserve and repair the pier on which the light-house stands at Oswego, New York, so as to prevent the destruction of said light house, $30,000.

Mr. PHELPS, of Missouri. I rise to a question of order. There is no disguising the fact that all these amendments are for harbor improvements.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. GOODWIN. It is precisely the same amendment as the Chair ruled to be in order a short time ago. It is necessary for the security and safety of the light-house at Oswego; and I have the report of the proper officer to show that that is so. It is for the purpose of preserving the foundations of the light-house. I most respectfully appeal from the decision of the Chair.

The CHAIRMAN. The Chair would say that when we go beyond the repairs for the light-house itself, it is impossible to fix any limit to these propositions. How far the repairs of a pier affect a light-house it is impossible to say; but the Chair believes the proper rule to be to restrict appropriations to the light-houses themselves.

Mr. GOODWIN. I appeal on the ground that the amendment which I offer is substantially the same as the Chair ruled to be in order a short time ago.

The CHAIRMAN. The gentleman must know that different Chairmen have different opinions. The Chairman who decided the other amendment in order, may have been right; but the Chair believes this amendment is out of order.

Mr. WASHBURNE, of Illinois. The other decision having been acquiesced in by the committee, I believe it to be the law of the committee.

The CHAIRMAN. It would be almost impossible, if such an amendment were admitted, to keep out other amendments for harbor and other improvements.

Mr. WASHBURNE, of Illinois. I think this is a very proper amendment, and that it is in order to the bill.

The CHAIRMAN. The committee must decide the question. Shall the decision of the Chair stand as the judgment of the committee?

Mr. WASHBURNE, of Illinois. I call for tellers.

Tellers were ordered; and Messrs. DEAN and STEVENSON were appointed.

The committee divided; and the tellers reported—ayes 68, noes 63.

So the decision of the Chair was sustained.

Mr. BLISS. I desire to offer an amendment to this bill; but after the decision of the Chair and the committee, I feel somewhat discouraged. The amendment is as follows:

For repairs of so much of the east pier of the harbor of Black river, upon Lake Erie, Ohio, as shall be deemed necessary to protect the light-house and light-house pier already built, $5,000.

Mr. PHELPS, of Missouri. I rise to a ques-

tion of order. That is for another harbor improvement.

Mr. BLISS. I desire to state a single word; that in the light-house bill a year since——

Mr. BURNETT. Is debate is order?

The CHAIRMAN. It is not.

Mr. BURNETT. Then I object; and hope gentlemen will let us go on with the bill.

Mr. BLISS. I am merely stating the fact why this appropriation becomes necessary. Two years ago, a new light-house pier was built to connect the light-house with the main land; and this is a trifling appropriation to enable the Secretary, at his discretion, to expend what he deems necessary.

The CHAIRMAN. The ruling of the Chair is, that the amendment is not in order; and that no amendment is in order which contemplates appropriations for anything beyond light-houses.

Mr. BLAIR. I offer the following amendment:

For lighting up the snags and sawyers in the Mississippi river, between St. Louis and New Orleans, so that a safe line of commercial transit may be had for property embarked on the river, it being decided out of order to take the snags and sawyers out of the river at the expense of the Government, $100,000.

Mr. PHELPS, of Missouri. Read on the bill.

Mr. BLAIR. I should have hoped that somebody else besides my colleague would have raised the point of order.

Mr. PHELPS, of Missouri. I have raised no point of order, because I thought my colleague was not serious in offering his amendment.

Mr. BLAIR. Certainly; I was never more serious in my life. [Laughter.]

Mr. PHELPS, of Missouri. Then I do make the point of order now.

The CHAIRMAN. The Chair will meet the expectation of the gentleman from Missouri by ruling the amendment out of order.

Mr. GOODWIN. I offer the following amendment:

For repairs and incidental expenses to the light-house at Oswego, and the buildings and pier connected therewith, $30,000.

Mr. BURNETT. That is substantially the same amendment as was offered before, and ruled out of order.

The CHAIRMAN. So the Chair understands.

Mr. GOODWIN. Then strike out the word "pier" from the amendment.

Mr. BURNETT. That is substantially the same thing. The object is the same.

The CHAIRMAN. The Chairman has no doubt that the object is the same; but it is not for the Chair to decide on the object.

Mr. GOODWIN. It is precisely the same in principle as is contained in the preceding section of the bill, and I presume it is in order.

The foundation of the light-house at Oswego may, by some, be called the pier, but I will call it the foundation of the light-house, because that is the truth. It is in imminent danger, at this point, of being entirely destroyed by the action of the wind and waves. I have here the report of Colonel Graham, which is embodied in the report of the Secretary of War, in which he recommends that an appropriation of $45,000 shall be made for the purpose of preserving the pier and light-house at Oswego. There are various reasons which render it of great importance that such an appropriation should be made. As I stated the other evening, Fort Ontario is situated at that point, and the harbor of Oswego is perhaps the most important harbor on Lake Ontario, and would be, in time of war, being commanded by Fort Ontario, sought as a place of safety for our lake shipping. This appropriation is rendered necessary, too, on account of the vast amount of commerce and shipping that centers at that point. The exports and imports at Oswego harbor in 1855, amounted to over one hundred and forty-six million dollars, and the entrances and clearances at said port to one million six hundred and seven thousand tons.

Mr. PHELPS, of Missouri. I must rise to a question of order. The gentleman is not confining his remarks to the subject-matter of his amendment.

Mr. GOODWIN. I am making these remarks for the purpose of showing the importance and necessity of this appropriation for the safety and security of the light-house at this port. Not only is the appropriation recommended by the superintendent of the light-house, but by Colonel Graham, the Government superintendent of the lake harbor works. I think there are sufficient grounds and reasons for insisting on my amendment, as it is shown by the reports of these officers to be necessary for the security of the light-house at that point.

Mr. BURNETT. I ask the gentleman whether this appropriation is necessary for the improvement of the light-house?

Mr. GOODWIN. It is necessary for the continuance and safety of the light-house.

Mr. BURNETT. I ask the gentleman whether he does not expect to have this appropriation applied to the improvement of the pier instead of the light-house?

Mr. GOODWIN. Only so far as it may be necessary, for the purpose of saving and protecting the light-house.

Mr. GRANGER. As the gentleman from New York has said, Oswego is the principal port on Lake Ontario, and the light-house is necessary for the security of shipping. If the light-house were destroyed it would cause the destruction of half the business of the port.

Mr. BURNETT. I do not intend to discuss the merits of this amendment; but I wish to say to gentlemen upon the other side, that they are certainly pursuing a course which will not only lead to interminable discussion, but which must defeat it. The amendment of the gentleman from New York—whether so intended by him or not, I will not say—has the effect of defeating the decision of the committee twice made upon appeal. The gentleman first offered an amendment for the improvement of the pier. The Chair decided that it was not in order, and the committee sustained that decision upon an appeal. And the gentleman from New York has changed the phraseology of his amendment so as to evade the rules of the House. I appeal to the gentleman's candor and fairness whether that mode of procedure is right and fair, under the circumstances?

Mr. GOODWIN. If the gentleman understood the situation of this pier, and its connection with the light-house, he would not object.

Mr. MAYNARD. Is it part of the light-house?

Mr. GOODWIN. A portion of the pier is that part of the light-house which is under water; it is connected with, and is what holds it in its place.

Mr. GRANGER. You cannot have the light-house without the pier.

Mr. PHELPS, of Missouri. I move to amend the amendment by reducing the amount to $5,000. There was a regular estimate submitted at the commencement of the session, of the amount necessary for the repair of light-houses, and the buildings connected therewith. That estimate had been revised by the Light-House Board, and had undergone the revision of the Secretary of the Treasury. Now, I desire to know of the gentleman from New York, whether any recent damage has been done to this light-house, and to these buildings, by storms or other casualties?

Mr. GOODWIN. They are becoming more and more in danger every day of being carried into the lake.

Mr. PHELPS, of Missouri. Has any casualty occurred there since the estimates were submitted?

Mr. GOODWIN. When were they submitted?

Mr. PHELPS, of Missouri. At the commencement of this session.

Mr. GOODWIN. I cannot speak from personal knowledge, but only from the information I have received. My information is, that the pier, which may be called the foundation and safety of the light-house—that part of it which is under the water—is in danger more and more every day of being washed into the lake, and the light-house entirely destroyed.

Mr. PHELPS, of Missouri. The point I make is, that we have executive officers whose duty it is to take care of the public property. There is an officer whose duty it is to report the condition of these light-houses; and, if they need repairs, submit estimates for those repairs. Now, I submit to the committee, whether it is proper in this way to evade the ruling of the Chair, and in this manner to obtain appropriations to be expended for the improvement of harbors? If there is a necessity for making any repairs of this light-house, and of the buildings connected therewith, those repairs will be made out of the general appropriation contained in this bill for the repairs of light-houses, and the buildings connected therewith.

Mr. BLISS. I ask the gentleman from Missouri, if he is not well aware that the present Secretary of the Treasury is hostile to the whole system of lake commerce, and would be glad to have every light-house tumble into the lake?

Mr. PHELPS, of Missouri. Ah! now we understand it. Yes, sir; the Secretary of the Treasury is hostile to the improvement of harbors. Now, it is disclosed, that the object is to obtain the improvement of harbors in this manner. If gentlemen wish to obtain the improvement of harbors, why do they not bring up a river and harbor bill, and let us have a direct vote upon it? I submit to the committee, if it is a fair and manly course to endeavor to obtain appropriations for such purposes in this manner?

Mr. GOODWIN. I desire, for a single moment only, to reply to the remarks of the gentleman from Missouri. He wants to know if the light-house at the port of Oswego is in danger. I desire him to mark the language of this report of Colonel Graham:

"I consider the light house to be in danger from the storms which must occur between the present season and the ensuing spring."

Mr. PHELPS, of Missouri. Will the gentleman give me the date of that report?

Mr. GOODWIN. The report was given to this House last session; and the light-house is in greater danger now than it was then, as I am going to show in a moment.

Now, sir, this light-house is in real danger; and the people there have heretofore actually had to raise money, by private subscription, to save the Government works at that point; a point from which the Government has derived a large amount of revenue, and which has paid into the Treasury a surplus, over and above all the money expended there by the Government, from 1848 up to the present time, of nearly one million dollars. And yet the Government permits its own works at that point to go to ruin and destruction, and refuses to appropriate a single cent to keep them in repair.

Now, Mr. Chairman, a single word in explanation of the amendment which I have offered. If gentlemen could visit the harbor of Oswego, and see the situation of this pier and light-house, they would not make such remarks as we have heard in reference to this amendment, but would at once see and understand that I am acting in good faith and within the legitimate province of my duty. I hold in my hand a statement of the Mayor of Oswego and the collector at that port, who, by virtue of his office as collector, is superintendent of that light-house, in which they state that the light-house is built upon the pier, and the pier forms a portion of the light-house, to wit, the foundation thereof. And, sir, the foundation of the light-house—that portion of it which is underneath—is as much a part of the building as that which rears its head above the water to light the mariners on the lake.

Now, Mr. Chairman, when that fact is understood, you will at once see and understand how I came to insert the word "pier" in the amendment which I offered. You may call it a pier, or you may call it a portion of the building itself. It is the foundation of the building; and we are acquiring a new species of information if we are to learn here that the foundation of a house, the very basis on which it stands, forms no part of the building itself. If the foundation is not repaired; if that portion of this building under water is not preserved, what becomes of the entire house? It is swept away; it goes to the bottom of the lake; the light-house is destroyed, and the money which has been expended by the Government in erecting it there is sacrificed on account of the neglect of Congress to provide the small pittance necessary to keep it in a state of preservation and safety. The revenues of the Government will be lessened thereby at that point. My amendment is just and proper, and I trust it will prevail.

The amendment to the amendment was, by unanimous consent, withdrawn.

The question recurred on Mr. GOODWIN's amendment.

Mr. GOODWIN called for tellers.

Tellers were ordered; and Messrs. GOOCH and JOHN COCHRANE were appointed.

The committee divided; and tellers reported—ayes 87, noes 37.

So the amendment was agreed to.

Mr. CRAWFORD. I am instructed by the Committee of Ways and Means to offer an amendment at the end of the following clause of the bill:

"For commutation of fuel and quarters for officers of the Army serving on light-house duty, the payment of which is no longer provided for by the quartermaster's department, $2,367 41."

I move to add the following:

For the payment of the Florida volunteers, called into service by General Harney and Colonel Loomis, under the authority of the President of the United States, in the years 1857 and 1858, which shall be in full satisfaction and payment for the services of said volunteers during the years aforesaid, $413,600.

Mr. CLARK, of Missouri. I rise to a question of order. This amendment is not germane to that clause of the bill to which it is offered.

Mr. CRAWFORD. I desire to say, before the Chair decides the point of order, that these volunteers were called out under the authority of the President of the United States, under the act of 1795. The expenditure was, therefore, made in pursuance of law, and I think the amendment is in order.

Mr. BLISS. Were they called out to build light-houses?

The CHAIRMAN. The Chair is not informed of that fact. The Chair decides the amendment out of order.

Mr. CLAWSON. I move the following amendment:

For the best life-boat, to be placed at each of the twenty-eight life-saving stations on the coast of New Jersey, $6,440; and so much money as was appropriated at the last session of Congress for this purpose as remains unexpended is hereby directed to be carried to the surplus fund.

Mr. PHELPS, of Missouri. That amendment is right.

The amendment was adopted.

Mr. ROBBINS. I move the following amendment:

For repairing the life-saving stations on the coasts of Long Island and New Jersey, $2,000.

Mr. PHELPS, of Missouri. Is there any estimate for this amendment?

Mr. ROBBINS. I know of my own knowledge that it is highly necessary. It is only for repairs, and I cannot conceive any objection to it.

The amendment was adopted.

The Clerk, proceeding with the bill, read as follows:

"*Survey of the public lands.*—For surveying the public lands, (exclusive of California, Oregon, Washington, New Mexico, Kansas, Nebraska, and Utah,) including incidental expenses and island surveys in the interior, and all other special and difficult surveys demanding augmented rates, to be apportioned and applied to the several surveying districts according to the exigencies of the public service, including expenses of selecting swamp lands and the compensation and expenses to survey or to locate private land claims in Louisiana, in addition to the unexpended balances of all former appropriations, $60,000."

Mr. SEWARD. Where are those island surveys in the interior?

Mr. PHELPS, of Missouri. In the lakes, and upon the coast of Florida.

Mr. SEWARD. I move to strike out the word "interior."

The amendment was rejected.

Mr. GARNETT. I move to reduce the appropriation in the following paragraph to $53,000:

"For surveying the public lands and private land claims in California, including office expenses incident to the survey of claims, and to be disbursed at the rates prescribed by law for the different kinds of work, and also including all the accounts for surveys of public lands and private land claims in California, under contracts prior to the 30th June, 1857, $103,000."

Mr. Chairman, I find, by the Secretary's estimates, that there will be $50,000 of unexpended balance applicable to that purpose on the 1st of July next. That, with the $53,000 I propose, will leave $103,000, the amount of this appropriation. I find, by the report of the Commissioner of the General Land Office, that there are sixty-two million acres of the public land surveyed and ready for sale. Under that state of fact, I think that we ought not to push our surveys further. We have more surveyed than we think it proper to bring into the market.

Mr. KEITT. I oppose the amendment, and ask for the question.

Mr. SCOTT. I move to increase the amount $10,000.

Mr. Chairman, I do not wish to trespass on the time of this committee; but I have been in this Hall from eleven to eight o'clock, watching and guarding the interests of my State, anticipating that some such move as this would be made. I think I must have a good temper; I must have the patience of Job, to stand the retrenchment and reform which are specially directed towards California. I want to call the attention of the committee to the fact that the estimate for the surveys of public lands, for this year, is only $103,000 for the State of California, while last year it was $320,000—a reduction of $217,000. After supplying $60,000 for a deficiency, the actual amount allowed for the surveys of public lands in the State of California, for the fiscal year terminating 30th June, 1860, amounts to the paltry sum of $43,000. Now, I ask if this small sum ought not even to be satisfactory to the gentleman from Virginia? If the gentleman from Virginia wishes to suspend all the operations of Government, stop the construction of buildings, do away with our fortifications, our arsenals, and our navy-yards, let him do it; but, in carrying out his policy, he will not only inflict injury upon my State, but he will ultimately wrong the Federal Government, by what I believe to be a false system of economy.

But, sir, you must take into consideration the fact that the expenditure made by the Federal Government for the surveys of the public domain is not a useless expenditure; but that the Government is eventually benefited by being reimbursed by the sales of the public lands.

Mr. CLAY. I ask the gentleman whether he considers the new surveys, contemplated under this appropriation, as necessary for the development of California, in the way of population, or any other way?

Mr. SCOTT. I take this broad ground that it is necessary, not only for the development of the interests of California, but of her citizens; because this survey will facilitate the separation of the private land claims from the public lands. I think this is a duty which the General Government owes not only to California, but to itself, to prosecute the surveys of her lands, and I would impress this view on the consideration of the House: that this course will eventually result to the benefit of the Federal Government, by allowing the public lands to be brought into market and sold for what they are worth.

Mr. GARNETT. I have no objection to having these lands surveyed; but not until the lands already surveyed have been brought into market.

Mr. SCOTT. Twenty-five million acres have been already surveyed.

Mr. GARNETT. How much of it has been brought into market?

Mr. SCOTT. I cannot now state the exact amount, but many million acres are advertised, and will be soon sold. If the survey of these lands be stopped, it will cause litigation and difficulties that cannot be removed or repaired by any future action of Congress. Every member knows that I am not factious in opposition, and that I very rarely intrude upon the time or attention of the House, except in the defense of the interests of my own State. As I said before, the course that the Government is steadily pursuing now, will, if persisted in, not result to the benefit of the Federal Government; but if this economy or retrenchment idea is carried out, according to the wishes of the gentleman from Virginia [Mr. GARNETT] and others, serious loss and injury will be inflicted on the Government and on my State.

Mr. WASHBURNE, of Illinois. I oppose the amendment, and ask for a vote.

Mr. SCOTT withdrew his amendment.

Mr. BURNETT. I propose to amend by reducing the amount $3,000. I do not say that this appropriation ought to be reduced. I will not go into the consideration of that question now; but I do not understand the policy of going on and surveying the public lands from year to year, while we have sixty-two million acres already surveyed, and ready to be brought into market, and not one acre of it for sale. Why should these surveys be continued under such circumstances? I would like to hear some gentleman tell us why these lands are not brought into market? When it can be shown that these lands are being sold for the benefit of the Government, I will be ready to vote money for the continuance of these surveys.

Mr. PHELPS, of Missouri. At the urgent request of citizens of the Territories of Kansas and Nebraska, the sale of the lands advertised in those Territories has been twice postponed because of the monetary crisis in the country; and because of the inability of the settlers on the public lands to secure the lands on which they have made their improvements. The same course has been pursued in the State of Minnesota. If the gentleman from Kentucky had examined the Washington Union he would have seen that advertisements for the sale of the public lands are now being published. These sales are to take place during the residue of this fiscal year, and during the next fiscal year in the States of Wisconsin, Minnesota, Louisiana, and Mississippi.

The annual estimates submitted to us by the Department for the surveys of the public lands amount to $115,000. The Committee of Ways and Means reduced the item to $60,000. So in regard to the surveys in the Territories of Kansas and Nebraska. The estimates submitted were $54,000; the Committee of Ways and Means reduced the item to $14,000.

There are reasons why this reduction should not take place in regard to California. A much larger sum, per mile, is paid for the public surveys in California than in any of the other States or Territories. We have to pay from twelve to sixteen dollars a mile for surveys in California. The surveys of the private land claims in California have not yet been finished, and until they be, there will be difficulty in regard to the titles to land there. The object is to complete these surveys; separate the private land claims from the public lands, and then bring the public lands into market.

Mr. BURNETT. I withdraw my amendment. My object was to hear from the Committee of Ways and Means.

Mr. LETCHER. I propose to amend the amendment of my colleague by reducing the amount to $3,000. It strikes me that in the present condition of affairs, if we were to bring the public lands into market, there would be less occasion for making a fuss about the revision of the tariff of 1857. Here, as has been stated over and over again, are sixty-two million acres of public lands already surveyed. The Treasury is empty; and the Government has no money to carry on its operations. We expect to derive fully as much revenue under the tariff of 1857, as was calculated on at the time of its passage. That, with the ordinary revenue derived from the public lands and from miscellaneous sources, would afford a sum sufficient to meet the expenses of the Government on any fair principles, and to provide for the interest on the outstanding debt. But why should the Government, like a miser, hold the mineral lands and keep them out of the market, while there are persons who desire to invest in these mineral lands in California and elsewhere, and while handsome sums might be derived from that source, and added to the revenues of the Government?

Mr. PHELPS, of Missouri. I ask the gentleman from Virginia whether the mineral lands of California are not kept out of the market for the very reason that the law forbids their being surveyed? Why not repeal the law?

Mr. LETCHER. I am complaining of the whole policy in regard to this.

Mr. SCOTT. The General Government has not the right to dispose of these mineral lands. If she had, she has not the power to enforce her rights; for although my State is true and loyal to the Union, she would resist to the last any such encroachment on the part of the Federal Government.

Mr. LETCHER. Are we to be told that the Government is the owner of these mineral lands, and yet has not the power to survey and sell them in the State of California? Are we to be told that the revenue derived from these mineral lands is at an end? Are we to be told that State power is sufficient to deprive the General Government of its power over these lands?

Mr. MARSHALL, of Kentucky. I will say to the gentleman from Virginia that that declaration from California is not new, for it was made on this floor two years ago.

Mr. CLAY. I have risen to oppose merely *pro forma* the amendment of my friend from Virginia, and I agree with him in most of what he has said. We all agree that the Treasury of the United States is in rather a dilapidated condition; but, at the same time, we all believe in the inherent resources of this great country, and none of us are afraid of bankruptcy. But I have risen for the purpose of stating what, in my opinion, is the duty of the Government of the United States in respect to these public lands, of which she has such a vast empire. In my judgment, she does not hold these public lands for the purpose of revenue, for the purpose of deriving a profit from them; she holds the public lands, a grand domain, for the purpose of making of them new States; and those lands should only be surveyed—especially when the condition of the Treasury is such as it now is—as there seems to be a demand for them for actual settlement. It is not that the United States Government expects to make money out of them.

The gentleman from California, [Mr. SCOTT,] whose devotion to the interests of his State we all recognize, and who, whenever any question affecting her interests arises here, stands up here like a man for those interests, tells us that because, last year, we spent three or four hundred thousand dollars in carrying on these surveys, we ought now to spend at least one hundred-odd thousand dollars. I reply to that argument, that, in the present condition of the Treasury, we ought not to spend one dollar that is not actually demanded by the necessities of the Government and of its advancing population.

Mr. SCOTT. I ask the gentleman whether, if you cut down the estimates two thirds, that is not a reasonable deduction?

Mr. CLAY. I understand that there are already sixty-odd million acres of the public lands surveyed and not in the market, and fourteen-odd millions of that amount are in the State of California. Now, sir, I acknowledge the grandeur of that empire of gold. I will acknowledge the bounteous hand with which the sons of California—if, indeed, the State is not too young to have sons——

[Here the hammer fell.]

Mr. WASHBURNE, of Illinois. I move that the committee do now rise.

Mr. PHELPS, of Missouri. Oh! I hope that motion will be withdrawn.

Mr. WASHBURNE, of Illinois. I am willing to stay here, if the committee is disposed to do business; but I do not care to stay here to listen to speeches upon abstract questions at this stage of the session.

Mr. BURNETT. Debate is not in order.

The committee refused to rise.

The amendment to the amendment was rejected.

The question recurred on Mr. GARNETT's amendment; and, being put, the amendment was rejected.

Mr. COBB. I desire to add an amendment to that paragraph; but I shall have to get the unanimous consent of the committee to offer it.

Mr. ANDERSON. I object.

Mr. COBB. It is necesary that the amendment should be made, if gentlemen desire to save several thousand dollars. My amendment is as follows:

Provided further, That all acts and part of acts, requiring lands in California to be advertised six months, be, and the same are hereby, repealed.

Mr. DEAN. I object to that.

Mr. FLORENCE. We have saved enough money for one day.

Mr. STANTON. I move to amend that clause by striking out "forty" and inserting "ten;" and I want the attention of the chairman of the Committee of Ways and Means for one moment. Whenever he will tell me what is necessary for the year 1860, I will conform my amendment to it. I have offered my amendment for the purpose of calling the attention of the committee to the fact that here is another deficiency, running back and covering expenditures and liabilities incurred during past years. This is a bill providing for the current expenses for the year commencing June 30, 1859. I have no doubt that you have covered up, in the various regular annual appropriation bills for the next fiscal year, $5,000,000 of deficiency; and yet gentlemen are going to let this Congress pass off with the *éclat* that the Administration have not, during the present fiscal year, exceeded the appropriations. I wish to call the attention of the country to the fact that they have exceeded them $5,000,000; and that the Committee of Ways and Means are now covering up the deficiencies, so as to prevent its being known that there has been such excess of the expenditures over the appropriations. They ought, in all honesty and manliness, to have come in here with an open deficiency bill for the amount which they have exceeded the appropriations for the current fiscal year.

Mr. PHELPS, of Missouri. I do not expect, in replying to the gentleman from Ohio, to enter into a discussion about deficiencies. I expect to explain this clause in the bill. As to his remark that there is deficiency covered up, it is an assertion easily made, but which it would be difficult to prove. The Committee of Ways and Means had submitted to them, in the annual estimates, an appropriation for the surveys in Kansas and Nebraska, of $54,000. The committee reduced that estimate to $40,000. Now, there is a small deficiency; and it is so stated on the face of the bill. Here is the estimate of the surveyor general of Kansas and Nebraska:

"The surveyor general estimates $185,560. The usual estimates of former years having been found more than sufficient for the exigencies of the surveying in Kansas and Nebraska, the estimate for the next fiscal year is reduced to $40,000, in addition to $14,000, the amount of surveying liabilities incurred by the late surveyor general, during the fiscal years ending June 30, 1855, 1856, 1857, and 1858, over and above those authorized for the corresponding years, amounting to $300,000, which is only five per cent. in the aggregate, and is considered small when compared with the extent of the surveys performed. The excess consists mainly in the difference between the *estimated liabilities under contract while entering into, and the actual amount of surveys necessarily performed* in the field under the same; and, also, it is partly owing to special surveys and resurveys ordered by this office, with the view to protect vested rights growing out of treaty stipulations, and maintaining the integrity of the public surveys."

In other words, here is a deficiency of not more than five per cent. upon the amount expended, and, in some instances, less than five per cent. It has arisen in consequence of the impossibility for the surveyor general to make estimates for the exact amount required to be expended. It seems surprising to me that when you take into consideration the large amount of public lands surveyed, and the fact that the surveyor general cannot tell the exact number of miles which will be surveyed—for the contracts with the deputy surveyors are by the mile—that he should have estimated so nearly as has been the fact.

Mr. STANTON. I do not complain that these expenditures may not have been all necessary and proper. What I want to know is, why the gentleman from Missouri has not separated the amounts which have to be expended during the current year from the appropriations for the next fiscal year?

Mr. PHELPS, of Missouri. We did not desire to submit, in a deficiency bill, an appropriation of $14,000 for surveying the public lands. There is a deficiency of only $14,000 for the surveys in Kansas and Nebraska, and it has arisen in the manner which I have explained——

[Here the hammer fell.]

The amendment was not agreed to.

Mr. STEVENS, of Washington. I move to amend the following clause of the bill:

"For surveying the public lands in Oregon, to be disbursed at the rates now authorized by law, $20,000;"

By adding at the end the following:

For surveying the public lands in Washington Territory, to be disbursed at the rates now authorized by law, $10,000.

Mr. MORGAN. I ask the Chair if that amendment is in order?

The CHAIRMAN. If the gentleman raises the question, the Chair will decide that the amendment is not in order.

Mr. DAVIS, of Indiana. I am instructed by the Committee on Public Lands, at this point of the bill, to offer the following amendment:

To defray the balance, in full, of the expenses incurred of a geological reconnoissance of the Territories of Oregon and Washington, undertaken in the year 1851, under instructions from the Department of the Interior, including cost of preparing maps, and other illustrations, and for the analysis of coals, soils, and minerals, $8,074 70.

I will state that this is to defray the expenses of an exploration and survey made by the order of the General Government, which survey has been completed.

Mr. BURNETT. I rise to a point of order. I ask the Chair whether that amendment, as offered by the gentleman from Indiana, is in order as an amendment to this clause of the bill under consideration?

The CHAIRMAN. The Chair thinks not.

Mr. NICHOLS. I ask the gentleman from Kentucky if it is not to provide for the payment of a balance due on work authorized by the Government, and, therefore, in accordance with existing law?

Mr. BURNETT. I submitted the question to the Chair for his decision.

The CHAIRMAN. The Chair decides that the amendment is not in order.

Mr. DAVIS, of Indiana. On what ground does the Chair make that decision?

The CHAIRMAN. On the ground that it is not germane to the clause of the bill under consideration.

Mr. DAVIS, of Indiana. It is only to complete a survey, authorized by Government, for which previous appropriations have been made.

The CHAIRMAN. The Chair cannot see what the amendment has to do with the survey of lands in Oregon.

Mr. DAVIS, of Indiana. I should like to know at what point of the bill it will be in order to present it; because if it is not in order to this bill, it cannot be to any. I think the amendment is clearly in order.

The CHAIRMAN. The Chair decides it is out of order.

Mr. PHELPS, of Missouri. I propose to submit a motion to strike out the clause for the survey of the boundary of Minnesota, because there has been a bill passed by this House on the same subject. It has been returned from the Senate, and is now upon the Speaker's table. The bill appropriates money for the survey of the boundary of Minnesota. The Senate amendments are few and informal in their character.

Mr. GROW. If this should pass in the appropriation bill, placing the money for the purpose at the disposal of the Secretary of the Interior, there will be no necessity for taking that bill from the Speaker's table.

Mr. DAVIS, of Iowa. The amount appropriated is $5,000. The length of line estimated to be run is one hundred and thirty miles. That would be at the rate of thirty-eight dollars a mile for running a plain, straight line between two given points. This is an extravagant appropriation, therefore, for the purpose designed. The surveying of the subdivisions of the public lands costs, I believe, about three dollars a mile.

Mr. CAVANAUGH. The gentleman is the last one who ought to complain of extravagant appropriations for surveying.

Mr. DAVIS, of Iowa. This pays at the rate of thirty-eight dollars a mile, which I consider altogether unreasonable. At the time the Iowa line was run, I think it was four times what it ought to have been, and I presume that this is in the same proportion.

I will explain to the committee. The boundary is to be run from Red river to the southern extremity of Lake Traverse. That is a natural boundary. Then the line is to be run from the southern end of Lake Traverse to the head of Big Stone lake. All the skill required is to run a straight line between two given points.

Mr. CAVANAUGH. What does the gentleman say is the distance between the head of Big Stone lake and the northern line of the State of Iowa?

Mr. DAVIS, of Iowa. It is estimated to be one hundred and thirty miles. That is the estimate of the Department of the length of line to be surveyed, and I presume that that estimate is correct; at all events, we must make our appropriation here upon that estimate from the Department. Thence, from the point I have stated, the line has to be run by a true south line to Big Stone lake and the northern boundary line of the State of Iowa. Here no more skill is required than to run a direct south line. I apprehend that ten dollars per mile for that purpose would be an extravagant compensation.

[Here the hammer fell.]

Mr. PHELPS, of Minnesota. I have no doubt that the gentleman from Iowa is correct, and that it would cost but little money to run a due south line. But, sir, the object of this appropriation is to mark and establish a line over a prairie coun-

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try in a distinct manner, so that it will be known hereafter. The object is to establish the line by landmarks, there being no natural ones, in such manner that it can be distinguished in future. The appropriation is under the control of the Secretary of the Interior. I have sufficient confidence in that officer to believe that he will enter into no contract for an exorbitant price. It is duly guarded, and I apprehend there can be no reasonable objection to the adoption of this clause.

Mr. COBB. The Committee on Public Lands reported a bill to the House appropriating $5,000 for this purpose. We had an estimate submitted to us from the Department for that amount to mark and fix this boundary line. I was allowed, by unanimous consent, to report the bill out of its order, and it passed the House without objection. I was unanimously instructed to report it from the Committee on Public Lands. That bill was sent to the Senate, and that body returned it to this House with a few slight amendments. It is obvious that, at this stage of the session, that bill cannot be taken up; and if it is the intention of Congress to run and mark that boundary line, this is the time and place to make the requisite appropriation. If the design is not to run the line, then let there be no appropriation here. I have no feeling on the subject other than, as a member of the Committee on Public Lands, to discharge my duty.

Mr. PHELPS, of Missouri. The gentleman from Iowa is as well aware of the labor of running and marking a line over a prairie country as any man here, and I must say that I am surprised at the opposition from this source. The price proposed, considering the amount of labor to be done, is far from extravagant; it is reasonable. The survey should be made now, before any difficulty shall arise in regard to the boundary. It should be distinctly and permanently marked, and I must think it will not meet opposition. I hope the amendment of the gentleman will not be adopted.

Mr. CAVANAUGH. If my colleague will amend this so as to give this surveying to Mr. Warren Lewis, who lives in my friend's town in Iowa, perhaps then he will make no objection to the extravagance of this appropriation.

[Here the hammer fell.]

Mr. MORGAN. I propose to reduce this appropriation to twenty dollars per mile. Gentlemen who are familiar with the system of surveying public lands, know that the surveying does not cost more than ten dollars per mile. Why, then, are we appropriating thirty-eight dollars a mile for these surveys? We might as well, at once, give fifty dollars a mile, or a hundred dollars a mile. The fact is, that this money is wanted for electioneering purposes, and for nothing else. I think that, in the present state of public opinion, they would require at least a hundred dollars a mile to carry out their purpose. Either appropriate a hundred dollars a mile at once, or appropriate what is actually requisite—not more than ten dollars a mile. I am sure it would require more than one hundred dollars a mile to get my friend here, [Mr. CAVANAUGH,] or his colleague, [Mr. PHELPS,] back to this House. [Laughter.] I want a proper sum to be appropriated for these surveys.

Mr. PHELPS, of Missouri. The Secretary of the Interior will only expend what is absolutely necessary.

Mr. MORGAN. I would not put any more in his hands than is absolutely necessary. I never knew any balance to be left after one campaign.

Mr. CAVANAUGH. I am opposed to the amendment of the gentleman from New York. He says that the fund is to be used for electioneering purposes. Allow me to assure the gentleman, that the State of Minnesota is reliable and honest to the core—national and Democratic. Coming, as the gentleman does, from the Empire State, he probably knows the price of voters, and knows just how much it costs to carry a district. But let me assure the gentleman from New York, that no one hundred dollars a mile for surveying, nor any other pecuniary consideration, can affect the politics of Minnesota. Her citizens are a reading, thinking, and independent people.

Mr. LEITER. I desire to know what the gentleman means by saying that the State of Minnesota is Democratic?

Mr. CAVANAUGH. I mean that it is of the self-same Democracy as the gentleman was of when he sat as Speaker of the House of Representatives in that memorable Legislature of Ohio. [Laughter.]

Mr. CLAY. I rise to a question of order. The gentleman's remarks are not pertinent.

The CHAIRMAN. They are not relevant, and therefore not in order.

Mr. CAVANAUGH. I would simply say here to the gentleman from New York, that there are expenses connected with the survey of the public lands. There are outfits——

Mr. MORGAN. What outfits?

Mr. CAVANAUGH. Supplies have to be procured at St. Paul or Dubuque, and carried several hundred miles across a prairie country. Gentlemen on the Opposition side of the House—my friend from northern Iowa [Mr. DAVIS] and my friend from New York included—can make no capital at all out of this. We do not ask this appropriation for any electioneering purposes, but for the purpose of having a line surveyed from the northern line of Iowa to the forty-ninth degree of north latitude, designating the western boundary of the State of Minnesota. The gentleman from Iowa says it would require no skill and no genius whatever to survey that line. Now, I have this to say, that the gentleman from Iowa is the last gentleman on this floor, and the last in the world, that ought to raise his voice against an appropriation of this kind. Both sides of this House have been very lavish, indeed, in bestowing favors on the State of Iowa. But Iowa is not pleased now, because Minnesota has touched Iowa and Dubuque in a particularly tender point. And the Representative from the northern district cannot forget the unsuccessful efforts made to defeat the establishment of a surveyor general's office in Minnesota. This accounts for the gentleman's opposition.

[Here the hammer fell.]

The question was taken on Mr. MORGAN's amendment, and it was rejected.

Mr. CRAIGE, of North Carolina. I move to amend by striking out the following clause:

"For collection of agricultural statistics, investigations for promoting agriculture and rural economy, and the procurement of cuttings and seeds, $40,000."

Mr. GARNETT. It is in order first to perfect the clause proposed to be stricken out. I move to strike out $40,000 and insert $30,000. I might well urge this reduction on the ground of economy, for it can be easily shown, from an examination of the agricultural report of the Patent Office, that the germ of this appropriation is the creation of an agricultural bureau as a department of the Government. But on this occasion, I do not put it on any such grounds. I wish to appeal to the House on grounds which I know will raise a laugh, and will be regarded as ridiculous.

But, sir, I appeal to gentlemen who profess to believe in a strict construction of the Constitution. I appeal to my Democratic strict-construction friends on the Committee of Ways and Means; and I challenge any one of them to show me a single clause in the Constitution which authorizes this appropriation. Sir, I hold that it is a sound principle of constitutional construction laid down by Mr. Madison, that you must either show an express power, or if you cannot show an express power, you must prove that the power which you propose to exercise is one which is necessary to carry out an express power. Now, where do you find this express power? Is it under the clause to regulate commerce between the States? No gentleman will assert that it is. Is it under the clause that you may provide for the common defense and general welfare? I take it that no Democrat—no gentleman who pretends to be a Democrat—will contend that that clause gives any general powers at all. It is merely a definition of the spirit in which you shall exercise the powers afterwards specially enumerated. Then, if there be no clause in the Constitution conferring this express power, I ask, is it necessary and proper, in order to carry out any other power conferred by the Constitution? I challenge and defy any gentleman to show me a clause in the Constitution which warrants it, unless you adopt that latitudinous system of construction which distinguished the Federalists of old. And let me say that there are many men at this day who profess not to be Federalists, but who entertain all their opinions, without having the honesty to avow it. But I say that no man who subscribes to the platforms adopted by the Democratic party at Baltimore and Cincinnati, no man who believes in the resolutions of 1798-99—[laughter]—I knew that would raise a laugh; but I am one of those who really believe in what I profess to believe; when I say I am a Democrat, I mean that I am a Democrat. I believe in a strict construction of the Constitution, and I will never vote for anything which I believe violatse the Constitution. I challenge any gentleman to point to a clause of the Constitution which authorizes this appropriation. I ask my colleague, [Mr. LETCHER,] the future Governor of Virginia, how he could join in reporting a bill which violates the Constitution of the United States, and the resolutions of 1798-99? [Laughter.] I ask the chairman of the Committee of Ways and Means, the leader of the Democratic party in this House, how he came to report a bill containing a clause so full of heresies as this is? This is not a question of retrenchment and economy. It is a question whether the Constitution of the United States shall be openly, knowingly, and deliberately violated.

Mr. LETCHER. I will merely remark that I had no idea in the world that my colleague would undertake to make up additional issues with me preparatory to the gubernatorial canvass. [Laughter.] So far as I am concerned, there are already about issues enough to be comfortable, and I do not want any more. [Renewed laughter.]

Mr. HOWARD. I submit that, since the dissolution of the Democratic party, neither the resolutions of 1798-99, or the Cincinnati platform, are of binding force. [Laughter.]

Mr. GARNETT. I ask leave to withdraw my amendment.

Mr. LEITER. I object, unless the gentleman withdraws his speech also.

The amendment was rejected.

Mr. WHITELEY. I move to reduce the appropriation to one dollar. I desired to have submitted the motion which has been made by my friend from North Carolina, to strike out the whole clause. I do not place my opposition to this appropriation on the ground that it is unconstitutional or inconsistent with the resolutions of 1798-99, but upon the fact that it is wholly and utterly useless, and a wanton expenditure of public money.

Now, Mr. Chairman, I wish to call the attention of the committee to the history of these appropriations. They commenced, in 1839, with $1,000. There was no appropriation in 1840, or 1841; $1,000 in 1842; $2,000 in 1843. In 1849, it had run up to $35,000; in 1853 and 1854, it was $35,000; in 1856, it was $105,000; and last year it was $60,000. Now, what has become of the money?

Mr. CRAIGE, of North Carolina. I desire to ask my friend, the chairman of the Committee on Agriculture, a question. I would be glad if he would state to the committee how much of the appropriation goes to pay clerks, and how much for the purchase of cork-oak acorns? [Laughter.]

Mr. WHITELEY. Nine tenths of it, in my humble opinion, goes to pay clerks in the Patent Office under the head of the agricultural bureau, and under the guise of disseminating agricultural information through the country.

Now, I desire to call the attention of the com-

mittee to this agricultural report. Have any of you looked into it? [Cries of "yes! yes!" and "no! no!"] Some of you then should look into it before you vote away $40,000 uselessly. The book is made up of selections from agricultural works printed years ago, and an article by Professor Henry on meteorology, which, I know, is scientific; but we might as well send Hebrew Bibles to the farmers of the country as an article, by him or any other professor, on meteorology, to teach them agriculture. [Laughter.]

Let any gentleman take the book and look through it, and he will see that it is utterly useless as a work on agriculture. If I thought that it would communicate a single idea to the farmers of the country that would promote agriculture, I would vote willingly for the appropriation, but there is really nothing in the book that is not to be found in old almanacs, that all farmers have, and it is really altogether useless.

Now, Mr. Chairman, if my time is not out, I want to show how this money is spent. We appropriated $60,000. By the returns which I have here, seeds were purchased, costing $19,000, and $11,000 was paid for salaries. Where now is the other $30,000 appropriated for this purpose, unless it is now on hand? If it is on hand, what is the use of appropriating $40,000 more? All the seeds purchased last year did not cost $20,000; the salaries only amounted to $11,000; there must be an unexpended balance on hand, sufficient to cover that amount, which seems to be all that will be required, and I submit, therefore, that no more is wanted for the coming fiscal year.

Now, sir, in reference to agricultural information, we have had here an agricultural congress, a third or fourth house, sitting in this city, during the month of December last.

[Here the hammer fell.]

Mr. KELSEY. I am opposed to the amendment of the gentleman from Delaware, and I trust this House will see fit not to strike out all of the appropriation reported by the Committee of Ways and Means in this bill. It may be well enough to reduce it somewhat; but, in my opinion, we should not abandon the system we have commenced for the collection of seeds and agricultural statistics. I do not suppose that all the seeds distributed by the agricultural part of the Patent Office have proved valuable or useful in all parts of the country. I do believe, however, that very many of them have contributed very largely to the agricultural interests of the country; and I call the attention of the committee to the fact that this small appropriation, made through the agricultural portion of the Patent Office, is the only legislation of this country directly for the benefit of this great class of people—for interests, sir, which lie at the foundation of the whole fabric of the Republic. We appropriate millions for commerce; and whenever any proposition arises here affecting in any degree the interests of commerce, it has able champions and eloquent defenders on both sides of the House; but whenever this little appropriation—the only one for the benefit of the agriculturists of the country—has come up for action, it has always encountered a perfect storm of opposition, no fiercer now than in former sessions of Congress.

The appropriation has, I believe, sir, vindicated itself before the country. I will not attempt to enter upon any criticisms or commendations of the Patent Office agricultural report. I have not had time to examine it to any considerable amount. I have received letters, however, from several gentlemen, who are eminent agriculturists, speaking in high terms of its usefulness and value. I presume it will be found to be quite equal in value and usefulness to any of the volumes of that portion of the Patent Office report which have preceded it. I have not looked into the figures to ascertain whether this is the sum which is required to meet the necessities of this service; but, sir, I would not, by any legislation here, deprive the agricultural interests of the country of the only benefit which they derive from the Congress of the United States.

Mr. BLISS. I ask the gentleman from New York whether it is not a fact, that almost one half the inventions for which patents are obtained are not for agricultural implements?

Mr. KELSEY. I believe that is so. There is another fact to which I desire to call the attention of the committee. The agricultural part of the Patent Office has introduced, for general cultivation, the Chinese sugar-cane, which, but for the distribution made in pursuance of these appropriations of Congress, would hardly have been generally known at this time, and which is now cultivated to a very considerable extent in the middle and western States. I contend that, if we had derived no other benefit from the funds we appropriated for the distribution of seeds, the benefit we have derived from that source alone would amply repay the country for all that has been expended.

[Here the hammer fell.]

Mr. WHITELEY, by unanimous consent, withdrew his amendment.

Mr. BLISS. I propose to offer an amendment in good faith—to reduce the amount of this appropriation to $5,000. I do it to state what I understand to have been the original object of making these appropriations, and to see whether we will return to that object. The object could not have been to initiate an agricultural department, to force this Government into the business of agriculture or seed merchandise. I concur with the gentleman from Virginia, [Mr. GARNETT,] as to the constitutionality of such objects, as well as their expediency. We have no right to engage in private business, agricultural or other. We do not distribute mechanical tools or devices, or have any mechanical department, except as I will show. Neither do we distribute designs or patterns, or specimens of manufactures. Business of that kind comes not within the legitimate functions of this Government. All we can do is to exercise our legitimate powers as to incidentally benefit all branches of industry. We can directly do but very little for agriculture. There is not a State, an efficient State agricultural society in this Union, that has not done ten times as much to foster the interests of agriculture as this Federal Government ever has done, or can do, by the means proposed. The fostering of agricultural interests is no part of the business of this Government, except so far as it can be done through its specific powers, the protection of commerce, and the protection of inventors, agricultural and others. Agriculture has a greater interest in commerce than any other mechanical employment; and its efficient protection builds up the farmer more than any other class. So of inventions. That class of patents that include agricultural implements and improvements is the largest of all. So far, we may and should promote agriculture; but that is a very different thing from granting largesses, doing by Government what men should always do for themselves.

But I suppose the original object of making a small appropriation for the distribution of seeds, &c.—about one thousand dollars at first—was to enable consuls, and other commercial and naval agents of the Government scattered throughout the world, to introduce new varieties of animals, as well as seeds, that may be found in the countries to which they may be sent. So far as the expenditure of a small amount for this purpose is concerned, I think it is legitimate. It is incidental to commercial agencies in doing, through them, what the citizen cannot do; and may do substantial good. It is altogether another thing from our present agricultural department, and is liable to none of its abuses.

The gentleman from New York [Mr. KELSEY] complains that so large an amount has been spent by the Government for the protection of commerce, and so small an amount for the protection of agriculture. I would say to the gentleman from New York, that almost the sole object of this Confederation—for it is not a nation, notwithstanding the fact that gentlemen are pleased to call themselves national—is the regulation which includes the protection of commerce. That is what we are here for; and in protecting it, we give more incidental protection to agriculture than any other interest. My complaint is, that we neglect to protect agriculture by protecting commerce. Give us our harbor and river improvements, and we will buy our own seeds, raise our own crops, and till them, too, without any of your help. That you refuse; and seek to make it up by distributing, gratis, a few seeds and a few books. Give us our rights; give us what the Constitution requires you to give; and we will buy our own seeds, and books, too, and better ones than you can furnish. So far as the direct aid to agriculture is concerned—and I presume I represent a larger number of farmers, in proportion to the population of my district, than any man on this floor; but, so far as they are concerned, they are independent of the Federal Government; the "Union may slide" any day, and they would hardly know it, so far as their pecuniary interests are concerned. They look to the States only for all the direct protection which they had in the execution of their business. They look to their own exertions; to agricultural books and papers; to the encouragement of State and county societies, fostered by State legislation alone, for the furtherance of agricultural knowledge. They did not send me here to distribute seeds, good or bad. I have sent home everything furnished me; but do not think I have made a friend or an enemy by it. They have no faith in the system, and are not to be caught by chaff, even with a few seeds in it. They desire no such appropriations from this Government, except, perhaps, a small one for carrying out the objects which I have mentioned, to obtain such new seeds and animals from foreign countries as are beyond their reach. You could not inflict on them a greater curse than to teach dependence on this federation. Dependence always makes paupers.

I have no special fault to find with the Patent Office report. I do not agree with gentlemen who have characterized it as a useless and worthless work. As far as I have been able to examine it for the last year, it is as good as the average of its predecessors; perhaps as good as could be gotten up here, in a city like this, where political influences so largely predominate. Neither do I find fault with the seeds. Some very good ones have been distributed. It is the system I complain of; the reduction of the people to vassalage by largesses; this imitation of the old despotism; taking care of the people instead of protecting them from interference in taking care of themselves. What is given to people does them no good—only creates dependence.

Mr. KELSEY. The sugar-cane seed has done good.

Mr. BLISS. I admit it has. But the same would have been better done without Government agency. The seed distributed was not imported, but raised in this District, and bought at a high price for distribution. Had Government let it alone, it would have reached all who will ever be benefited by it through the natural channels of commerce. Our duty ends when we protect and improve those channels. By engaging in the seed trade, or, what is worse, in seed donations, we cripple the regular dealer, and weaken his power to supply the farmer and gardener. Hands off, and this business will be better done than we can possibly do it.

I offer the amendment in good faith; and desire to test the sense of the committee, to see whether we will return to the original object of the appropriation.

[Here the hammer fell.]

Mr. KEITT. I oppose the amendment formally rather than otherwise, for I agree in much that the gentleman has said, as I agree in what has been said by my friend from Virginia. This question is somewhat embarrassing. I know very well that our fleets traverse every sea, and visit every shore, and they are authorized and required to bring back flower-seed and other seed, and when they are brought back, the question is as to their distribution.

Mr. CRAIGE, of North Carolina. Does the gentleman say that our ships are required to bring back seeds?

Mr. KEITT. Yes, sir.

Mr. CRAIGE, of North Carolina. Authorized and required by whom?

Mr. KEITT. By law. I so understand.

Mr. CLAY. It is made the duty of every consul and foreign agent who goes abroad to send seeds to this country.

Mr. KEITT. That I understand to be the fact. The question is as to their distribution. In that view I can see some justice and applicability in the amendment of the gentleman from Ohio. Beyond that I see nothing in this appropriation. Gentlemen have said that the manufacturers of the country are protected and not the agriculturists. Well, sir, we have trained the manufacturers too long to appeal to the Government for bounties. I do not want the agricultural interest of

the country to look to Congress for anything, but hands off. I represent no other interest but that, and I would not have my constituents come to look to this Government as an eleemosynary establishment in any particular for anything. Sir, we want nothing of the kind. As to your agricultural reports, I believe that they are worthless. They contain but a smattering of speculations upon agriculture.

Look at this as a mere matter of policy. Who can send seeds to more than one out of ten of his constituents? And where you send to that one, are you not likely to estrange the other nine? I put that question to gentlemen; for I do not care about them—I do not send them, and I will not send them. I will not send home cork-oak acorns, and Jumping Johnnies. I have sent a few of these things, and I thought I was sending something valuable; but I was afterwards told that I only sent nut-grass seed—[laughter]—a seed worthless and ruinous to all planters. Without examining our constitutional power, I oppose this thing merely on the ground of policy, because it is inutile.

[Here the hammer fell.]

Mr. TOMPKINS. I move that the committee rise.

Mr. WASHBURNE, of Illinois. I hope that that motion will be agreed to. We can cut off this five-minute debate, and thus get through this bill to-night.

The House divided—and there were ayes sixty-one.

Mr. WASHBURNE, of Illinois. I demand tellers; we can again return into committee.

Mr. PHELPS, of Missouri. I appeal to the gentleman to withdraw the demand for tellers. We will try and get along with this bill without debate.

Tellers were ordered.

Mr. TOMPKINS. I withdraw my motion.

Mr. MORGAN. I renew it. I never knew this garden-seed question to come up that it did not give rise to a four hours' debate.

The committee refused to rise.

Mr. BLISS. I modify my motion so that it will provide for $10,000; instead of $5,000.

The amendment was not agreed to.

Mr. DAWES. I move to amend by adding $1,000.

Mr. Chairman, I wish to make a few remarks in reply to the gentleman from South Carolina, [Mr. KEITT.] He says that he desires no sort of protection for his constituents and their interests. I would like to know if the gentleman forgets that the entire legislation of the country for the last fifteen years has been for the protection of the interests of his constituents? Does he require at the hands of Congress a law requiring us, at the expense of the whole nation, to follow his property, the production of his peculiar institution, into every State of the Union? Does it not protect it from foreign competition?

Mr. CRAIGE, of North Carolina. I want to know what the nigger question has to do with agricultural seeds?

The CHAIRMAN. The gentleman's remarks are out of order; they are not pertinent to the amendment.

[Cries of "Question!" "Question!"]

Mr. DAWES withdrew his amendment.

Mr. JONES, of Tennessee. I desire to amend the section by adding the following proviso:

Provided, That no part of this appropriation shall be used or expended in defraying the expenses of a body of men or delegates, assembled in Washington or elsewhere, as an agricultural congress, or advisory board on agriculture, convened under orders or by authority of the Secretary of the Interior, or any other person under any name, or for any pretended object whatever.

Mr. SEWARD. I desire to ask the chairman of the Committee of Ways and Means whether the Secretary of the Interior has transmitted an account of the costs of these seeds, under the act of last session of Congress?

Mr. PHELPS, of Missouri. The law does not require the report to be made to Congress. It requires the Commissioner to submit a copy of the invoices to the Secretary of the Interior at the commencement of each session of Congress. I desire, in this connection, to remark that I think the gentleman from Delaware [Mr. WHITELEY] did injustice, a short time ago, to the Commissioner of Patents when he referred to the exhibit. That exhibit only embraces five months, while the appropriation was made for the entire year; and it is manifest that purchases have been made since the 1st of December.

Mr. NICHOLS. Does the Chair hold the amendment of the gentleman from Tennessee to be in order?

The CHAIRMAN. It is always held that a limitation on money appropriations is in order.

The question was taken on the amendment of Mr. JONES, of Tennessee; and it was agreed to.

Mr. STEWART, of Maryland. I move to amend the section by reducing the amount $1,000. I think that much injustice has been done to the gentleman connected with the Patent Office. I know the committee is impatient to vote on this bill, and I will not intrude upon its time. There is no more competent officer than the gentleman who presides over the Patent Office. He is indefatigable in the discharge of his public duties, is of high integrity, and remarkable competency. I regretted very much to hear the remarks of the gentleman from Delaware, in commenting on the character of the Patent Office report.

Mr. HOUSTON. I rise to a question of order. The gentleman's remarks are not pertinent to his amendment.

The CHAIRMAN. The gentleman is not debating his amendment.

Mr. STEWART, of Maryland. I propose to proceed in order, regardless of what the gentleman from Alabama may say.

Mr. HOUSTON. The gentleman will regard what the Chair says; and if he be out of order, I will call him to order.

Mr. STEWART, of Maryland. The gentleman may call me to order; but I propose to proceed in order.

The CHAIRMAN. The gentleman from Maryland will speak in explanation of his amendment.

Mr. STEWART, of Maryland. I am proceeding strictly in order. I was undertaking to show that the appropriations for these agricultural seeds and statistics should necessarily be larger than they were at first, on account of the increase of the business and of the expansion of the country. Without going into the constitutional question, I will say, that our constituents will not be pleased with our sweeping away this system.

Now, sir, if there are abuses, correct them. If the whole of this $60,000 is misapplied and appropriated to the payment of clerks and other persons engaged in the Department, it may be corrected. It cannot be expected that the whole of the $60,000 will be applied to the purchase of seeds and cuttings. You must have clerks. Now, there has been a vast amount of seed distributed through the country by the representatives of the people.

[Here the hammer fell.]

Mr. BURNETT. I oppose the amendment of the gentleman from Maryland *pro forma*.

The amendment was rejected.

The question recurred on the amendment of Mr. CRAIGE, of North Carolina, to strike out the whole clause.

Mr. CRAIGE, of North Carolina. I demand tellers.

Tellers were ordered; and Messrs. CRAIGE, of North Carolina, and BUFFINTON, were appointed.

The committee divided; and the tellers reported—ayes 46, noes 79,

So the amendment was rejected.

Mr. MARSHALL, of Kentucky. I move to amend by adding as follows:

Provided, That members of Congress shall not be authorized to transmit the seeds through the mails.

Now, Mr. Chairman, I have not said anything upon this seed proposition during this debate before, because I have mounted it successively for the last three or four years whenever it has been presented. I consider it a great abuse.

Mr. FARNSWORTH. I rise to a question of order. The effect of the amendment of the gentleman from Kentucky is to change existing law, and, therefore, it is not in order.

The CHAIRMAN. The Chair sustains the question of order.

Mr. MARSHALL, of Kentucky. Very well; then I change the language of the amendment, so that it shall read:

That it shall be the duty of the Commissioner of Patents to distribute the seeds, and not that of members of Congress.

Mr. WASHBURNE, of Illinois. I rise to a question of order. That amendment also changes the existing law.

Mr. MARSHALL, of Kentucky. Why is it the sole prerogative of members of Congress to distribute seeds?

The CHAIRMAN. The Chair understands that to be the present requirement of the law.

Mr. MARSHALL, of Kentucky. Why, sir, he has given us nothing but gourd seeds to distribute. [Laughter.]

Mr. GREENWOOD. I move to amend by increasing the appropriation to $1,875, in the following clause of the bill:

"For hire of carts on the public grounds $1,095 50."

If gentlemen will listen to me for a single moment, they will not object to this amendment. While gentlemen have been discussing the propriety of the large appropriations for coast survey purposes and for the distribution of seeds, &c., my attention has been called to a couple of poor laborers in public grounds, whose pay is entirely insufficient. These two men are now required to furnish each a horse and cart, and the entire pay of each, including his horse and cart, is only $1 75 a day, a compensation which is insufficient to pay the expenses of keeping the horses and of subsisting the men, to say nothing of the cost of keeping the carts in repair, and they receive no other pay whatever. Now, sir, gentlemen will concur with me that that pay is wholly inadequate. I propose, therefore, that their compensation be raised to two dollars a day. They get no pay for Sundays, or any day when they are not on duty.

Mr. BURNETT. I desire to ask the gentleman from Arkansas whether the effect of his amendment is simply to raise the pay of these men to two dollars per day?

Mr. GREENWOOD. That is the sole effect of the amendment.

Mr. BURNETT. Then I am for it.

The amendment was agreed to.

Mr. BOWIE. I move to amend, at the close of the following paragraph of the bill:

"For lighting the Capitol and President's House, the public grounds around them and around the Executive offices, and Pennsylvania avenue, and Bridge and High streets, in Georgetown, $43,000."

By adding as follows:

For lighting with gas Four and a half, Seventh, and Twelfth streets, across the public mall, $7,000.

I will simply say that we have made an appropriation for lamp-posts for these streets in that locality, but none for gas.

The amendment was agreed to.

Mr. PETTIT. By direction of the Joint Committee on the Library, I move to insert the following amendment:

For making cases and fitting up rooms in the Patent Office building, to receive copy-right books, charts, and other copy-right matter, and for transfer, rearranging, and taking care of the same, $3,600.

Mr. LETCHER. Is that in order?

Mr. PETTIT. I ask the Clerk to read the communication of the Secretary of the Interior I have in my hand.

Objection was made.

The CHAIRMAN. The Chair decides the amendment to be not in order.

Mr. PETTIT. I hope the House will be pleased to hear the letter read.

Objection was made.

Mr. PETTIT. I take an appeal from the decision of the Chair.

The question was taken; and the decision of the Chair was sustained.

Mr. PETTIT. I offer the following amendment:

To enable the Secretary of the Interior to purchase of Messrs. Little, Brown & Co. two thousand copies of the eleventh volume of the United States Statutes at Large, for distribution agreeably to the act of Congress directing the distribution of the other volumes, $7,000.

The amendment was agreed to.

Mr. KEITT. I move to amend by inserting:

For public reservation number two, and Lafayette square, $2,000.

Mr. Chairman, I am instructed by the Committee on Public Buildings and Grounds to submit that amendment. It is $1,000 less than the estimates; and it is the only provision made for those squares.

The amendment was agreed to.

The Clerk read, as follows:

For completing the erection of the north front of the Patent-Office building, grading and paving streets around the same, inclosing front yards, and improving court-yard, $50,000.

Mr. BURNETT. In pursuance of the former action of the committee, I move to reduce the appropriation in that paragraph to $10,000. I do not propose to discuss the amendment.

Mr. WASHBURNE, of Illinois. I object *pro forma*.

Mr. PHELPS, of Missouri. This appropriation in the bill will finish the building, and it ought not to be reduced.

Mr. BURNETT. It ought not to be appropriated, and if debate were allowable I might give many good reasons why it should not be appropriated.

The amendment was rejected.

Mr. PETTIT. I move as an amendment to that clause, the amendment I sent up awhile ago, and which was ruled out of order.

Mr. LETCHER. I raise the question of order on the amendment.

The CHAIRMAN. The Chair thinks the amendment is in order.

Mr. MORGAN. Now, let us have some explanation of the amendment.

Mr. PHELPS, of Missouri. It is in pursuance of law.

Mr. PETTIT. Here is the letter of the Secretary, which will explain the amendment.

The Clerk read the letter, as follows:

DEPARTMENT OF THE INTERIOR,
February 24, 1859.

SIR: By the eighth section of the act approved the 5th instant, entitled "An act providing for keeping and distributing all public documents," it is provided "that all books, maps, charts, and other publications, of every nature whatever, heretofore deposited in the Department of State, according to the laws regulating copyrights, together with all the records of the Department of State in regard to the same, shall be removed to, and be under the control of, the Department of the Interior, which is hereby charged with all the duties connected with the same, and with all matters pertaining to copyright, in the same manner and to the same extent that the Department of State is now charged with the same; and hereafter all such publications, of every nature whatever, shall, under present laws and regulations, be left with and kept by him."

The Secretary of State informs me, under date of the 15th instant, as will more fully appear from the inclosed copy of his letter, "that the present number of such publications, including books, maps, engravings, &c., is from thirty to forty thousand;" that "the average number received every year, for the last five years, has been about fifteen hundred;" that "they occupy three rooms, of twenty feet square each, which, however, do not afford space enough for a proper arrangement of them;" that "it would require the exclusive time of one clerk to keep the works in such a manner as seems to be contemplated by the copyright law, and to discharge other duties incident thereto;" that "the clerk thus employed" in the State Department "rates as a third-class clerk;" but that "no estimate for an appropriation has ever been made on this account," the clerk having "charge of the copyrights" being "also charged with other duties."

To enable me to comply with the requirements of this act, the following appropriation will be required:

For making cases, and fitting up rooms in the Patent Office building, to receive copyright books, charts, &c.; and for transferring, arranging, and taking care of the same, $3,600.

I take this occasion also to state that I have just been notified that volume eleven of Little & Brown's edition of the Statutes at Large will be ready for delivery soon after the adjournment of Congress.

As it has been usual to purchase a supply of this work for distribution, I deem it my duty to call the attention of Congress to the subject, in order that an appropriation may be made for the purchase and distribution of the eleventh volume, should it be thought advisable. The sum of $7,000 was appropriated for the purchase of volume ten. A similar amount is asked for volume eleven.

Very respectfully, your obedient servant,
J. THOMPSON, *Secretary.*

Hon. JAMES L. ORR,
Speaker of the House of Representatives.

Mr. PETTIT. This proposition does not contemplate the employment of an additional clerk, to which the letter makes allusion; but simply to fit up rooms for the purpose of receiving copyright matter, which is required to be transferred from the office of the Secretary of State to the office of the Secretary of the Interior.

Mr. LETCHER. The end of all this is, that we are going to have another department.

The question was taken; and Mr. PETTIT's amendment was agreed to.

Mr. KEITT. I move to amend, by inserting, after the word "building," in line two hundred and twelve, the words:

"And preparing foundations for a portico to the same;"

So that the clause will read:

For completing the erection of the north front of the Patent Office building, and preparing foundations for a portico to the same, grading and paving streets around the the same, inclosing front yards and improving court-yard, $50,000.

Mr. LETCHER. What is the amount asked for this portico?

The CHAIRMAN. The amendment does not increase the amount.

Mr. LETCHER. I want to know what the appropriation for it is to be hereafter. I do not want to be responsible for future estimates for this. I want to know what this is to cost. It will cost something. That is perfectly certain.

Mr. KEITT. There is no doubt about that; but I cannot state the amount.

Mr. LETCHER. Then I think the House ought to understand its business better than to go thus blindly into expenditures.

Mr. KEITT. I know nothing about it, except that I am informed it will add to the symmetry of the building. I believe it will cost about $100,000.

Mr. LETCHER. Then why not increase the appropriation $100,000, and let the country see who is responsible for the expenditure?

Mr. KEITT. For this simple reason that the money is not needed now, and the Treasury is not in a condition to pay it.

Mr. LETCHER. Then I apprehend that the amendment ought not to be here. Let it be put off till the money is needed. We are asked here to vote in the dark, without having information. Thus we are going on, day after day, authorizing expenditures and handing over legacies to those who come after us. If the money is not needed now, and is not to be appropriated now, let the whole thing be left to the next Congress.

Mr. KEITT. I do not think the appropriation is needed now; but if it was authorized before the completion of this work, the portico would cost probably $25,000 less than it otherwise will.

The question was taken on Mr. KEITT's amendment, and it was rejected.

Mr. HOWARD. I move to amend by inserting between the lines two hundred and twenty-seven and two hundred and twenty-eight, as follows:

For the completion of the four eastern sections of the east wing, that will complete the hospital edifice, $76,111.

This item was contained in the estimates as sent from the Department. It was passed over informally by the Committee of Ways and Means, with a view to see if the work could not be deferred without detriment to the public service. Since that time we have not had an opportunity to take up the question. I understand, however, from the best authority, that by going on with the work now, there will be an absolute saving of $10,000. This institution is not only a credit to the Government, but is the only one within my knowledge where the building has been erected within the estimates, and where the strictest economy has been practised.

Mr. BURNETT. I fully concur with what the gentleman from Michigan has said in reference to the management of this building. I think it has been managed with economy, and that the gentleman in charge of it has done every particle of his duty. But I do not concur with the gentleman from Michigan as to the necessity of this appropriation now. I think it can be dispensed with.

Mr. HOWARD. The cellar is dug, and they have arrangements made for making brick. I am assured by Doctor Nichol, that if he can have the money before June, 1860, there will be a large saving effected.

Mr. BURNETT. I think the work can be postponed; but I will not detain the committee further.

Mr. LETCHER. I propose to reduce the amount to $40,000. I understand, in conference with some of these gentlemen, that they can get along very well next year, with that sum.

The question was taken on Mr. LETCHER's amendment to the amendment, and it was agreed to.

The question recurred on the amendment of Mr. HOWARD as amended, and it was agreed to.

Mr. WHITELEY. I offer the following amendment, to come in after line two hundred and thirty-six.

For completing the Washington aqueduct, $250,000.

I do not wish to make a speech on this subject.

Mr. WASHBURNE, of Illinois. I raise a question of order on that amendment.

The CHAIRMAN. The Chair decides the amendment out of order. It is not germane to the bill.

Mr. EUSTIS. I move to strike out lines two hundred and thirty-seven and two hundred and thirty-eight, as follows:

"For United States Capitol extension, $400,000."

I do not desire to detain the committee with any remarks. I will only say that I shall be prepared to vote for this appropriation whenever the House is prepared to restore the appropriations which were stricken out this afternoon, for the completion of the custom-houses at Charleston and New Orleans. If we have not money enough in the Treasury to complete the public buildings at Charleston and New Orleans, I do not see where we can get money enough to complete the public buildings in the city of Washington.

The gentleman from the Accomac district of Virginia [Mr. GARNETT] states the question fairly and squarely, that we must either cut down the expenditures of the Government or increase the taxation, either by a change of the tariff or a loan. For my part, I say that, if we have expenses, we must meet those expenses. We have no right to dodge the expenses of the Government. We have a great Government, involving enormous expenditures; and I am prepared to vote any amount of money that may be necessary to meet these expenses. And I say that the completion of our public buildings is a legitimate source of expense; and I, for one, am prepared to meet it. I do not care whether it be by an increase of the tariff or an additional loan.

Mr. PHILLIPS. I desire to say, that when this matter came before the Committee of Ways and Means they were unwilling to recommend any appropriation for this purpose until they had communicated with Captain Meigs, who has the matter in charge, and had learned from him the amount necessary to complete the work. The sub-committee (the gentleman from Michigan [Mr. HOWARD] and myself) addressed a letter to Captain Meigs, to which he made a reply, in which he reiterated that the estimate that he presented in 1856, of $2,800,000, would be sufficient to finish the work. He asked for $500,000 in addition to what had already been given him. The committee thought that he could get along this year with $400,000, and that, perhaps, if the appropriation was cut down to that sum, he would see the necessity of completing the work with it. They therefore proposed to give him $100,000 less than was asked for by him. The sum appropriated is a small one for the completion of the building, and, as I said before, it has the merit of being within the original estimate.

Now, the gentleman from Louisiana will pardon me for saying that, as I understand the principle on which he objects to this appropriation, it is something like that of the dog in the manger.

Mr. EUSTIS. I do not care what principle the gentleman calls it; but if this Government has not got money enough to finish the public buildings in the cities of New Orleans and Charleston, I should like to know where the money is to come from to finish the public buildings here.

Mr. PHILLIPS. We have just that much more money which we save from those buildings at New Orleans and Charleston.

Mr. BRANCH. I move to strike out "$400,000" and insert "$100,000" in lieu thereof. I have no speech to make on the subject.

Mr. TOMPKINS. I oppose the amendment *pro forma*.

The amendment was rejected.

Mr. MARSHALL, of Kentucky. I move to amend the clause proposed to be stricken out, by adding to it the proviso which was added to the appropriation last year; which is as follows:

Provided, That none of the money hereby appropriated shall be expended in the decoration and embellishment of the Capitol extension by sculpture or paintings, unless the same shall have been approved by the art commission, authorized by the act of 12th June, 1858, in the manner stated in said act.

Mr. LETCHER. I would suggest to the gentleman that that amendment is altogether unnecessary.

Mr. CLARK, of Missouri. I ask the gentleman from Kentucky to modify his amendment by adding the words "by American artists."

Mr. MARSHALL, of Kentucky. I have no objection to that; but I think there is no necessity to put it in. The Congress of the United States, at its last session, adopted this proviso; and the only reason why it should be put in here is, that it was attached to an appropriation bill. But I fear that it will not live beyond this fiscal year unless it is reënacted. It will be remembered that at the last session you raised a select committee upon that subject. That committee are now ready to report whenever you are ready to hear them. All I desire to say is, that the matter shall stand as it is now until Congress shall see fit to make further provision on the subject.

Mr. BURNETT. I am opposed to the amendment, and ask for a vote upon it.

The amendment was agreed to.

Mr. KEITT. I now move to strike out the enacting clause; and call for tellers on the motion.

Tellers were ordered; and Messrs. BONHAM and NICHOLS were appointed.

The committee divided; and the tellers reported—ayes 56, noes 77.

So the enacting clause was not stricken out.

Mr. GARNETT. I move to amend by reducing the appropriation from $400,000 to $125,000.

I can well conceive, Mr. Chairman, that this committee may not be willing to stop entirely the work on this building; but I submit the proposition that, in consideration of the condition of the finances of the country, we shall appropriate an amount sufficient to protect the work and carry it on slowly. I think the building will suffer no injury by this course. The work is of the most solid and durable kind. Then, when we have money in the Treasury which we can spare, we may go on and finish it. At the suggestion of gentlemen near me, I will increase the amount to $150,000; and I hope the amendment will be agreed to.

Mr. BURNETT called for tellers on the amendment.

Tellers were ordered; and Messrs. MORGAN and SCOTT were appointed.

The committee divided; and the tellers reported—ayes thirty-eight, noes not counted.

So the amendment was rejected.

Mr. WHITELEY. I move the following amendment:

For completing the Washington aqueduct, to supply the Capitol and other public buildings, and the public grounds, with water, $250,000.

Mr. DEAN. Is that in order?

The CHAIRMAN. The Chair thinks that it is in order.

Mr. WHITELEY. It is known that the aqueduct is nearly completed. Colonel Thayer says that this amount will complete it; and the engineer in charge says that, if it is not appropriated, the work will be injured, and liable to dilapidation, resulting in a still increased cost for its completion.

Mr. MAYNARD. Why did not the Committee of Ways and Means estimate for it?

Mr. WHITELEY. The estimates are from the Department.

Mr. BARKSDALE. I desire to state that when the last appropriation was made for this aqueduct, the chairman of the Committee of Ways and Means stated that no more appropriation would be asked. Now, sir, the officer having this work in charge, asks for ten per cent. on his original estimate. I regard that sum as enormous, and, for one, I am not disposed to vote for it.

Mr. BURNETT. I submit the amendment which I send up to the Clerk's desk.

Mr. KELSEY. The Chair has two or three times ruled that it is not in order to move a bill pending before the House as an amendment. The gentleman has sent up an enrolled bill to be read as an amendment.

Mr. BURNETT. The gentleman's point is not applicable, because the bill is not before the House. My amendment is germane to the proposition offered by the gentleman from Delaware. If that proposition is adopted, then this amendment ought to be attached to it. I am willing, if it is agreed I shall have the floor afterwards, to yield now. I do not wish to detain the committee with any discussion.

Mr. LETCHER. I will move to amend the amendment of the gentleman from Delaware; for I want information

Mr. BURNETT. I yield only with the understanding that, if the amendment of the gentleman from Delaware be voted in, I shall have an opportunity of moving my amendment.

Mr. LETCHER. I move to reduce the appropriation $249,000.

Mr. Chairman, I move that amendment for the purpose of inquiring of the gentleman from Delaware where that $250,000 is to be expended upon this aqueduct line?

Mr. WHITELEY. It is not for me to say where it shall go. It is my impression, however, that it is not to go for land damages, but for the building of a span to complete the work.

Mr. LETCHER. It is to go to build a bridge upon this water line.

Mr. CRAIGE, of North Carolina. The gentleman's amendment is, to reduce the appropriation $249,000; and I make the point that he must confine his remarks to his amendment.

Mr. LETCHER. I will do that. I intend to show, so far as I can, that this $250,000 is not necessary, and, therefore, that the reduction of $249,000 is proper. As I understand the gentleman from Delaware, this is for building a bridge, a drawing of which he has on his desk. As has been remarked by the gentleman from Mississippi, [Mr. BARKSDALE,] we were informed last year that the $1,000,000 then appropriated would complete this aqueduct. That was my understanding, clearly and distinctly.

Mr. BARKSDALE. The then chairman of the Committee of Ways and Means made that statement to me in reply to a question I put to him.

Mr. LETCHER. And the only question which was left open, where it was said money would be required for any purpose connected with this aqueduct, was the damages to be assessed for the use of the water at the Falls of the Potomac. They come here at this session, and instead of asking for an appropriation to cover land damages, which have been ascertained by a jury to be upwards of one hundred thousand dollars, they ask for $250,000 to build a bridge on the line of the work. With this sort of calculation, and this sort of estimate, when is the work ever to be done; and what is to be the cost of it when it is done? I trust the appropriation will be reduced.

[Here the hammer fell.]

Mr. WHITELEY. I do not ask to detain the committee more than a moment. I am not sure where this money is to go. All I can say is, that Colonel Thayer, of the engineers, puts it, "for completing the aqueduct." I may be mistaken in saying that no part of it goes towards the payment of land damages. I am assured by the officer in charge that the appropriation is absolutely necessary to keep the work from going to ruin.

Mr. GREENWOOD. I desire to propose to the committee to vote in this appropriation of $250,000 for the completion of the aqueduct. Let it go to the House and we will have an opportunity of voting on it by yeas and nays, where every gentleman can express his will in regard to it.

Mr. TOMPKINS. There is no prospect of getting through this bill to-night, and I therefore move that the committee rise.

Mr. MORGAN. I have been here twelve hours and a half, and that is as long as I want to stay.

Mr. TOMPKINS. So have I.

The motion was not agreed to.

The question was taken on Mr. LETCHER's amendment; and it was rejected.

Mr. JONES, of Pennsylvania. I offer the following amendment:

Provided, That the material used in completion of said aqueduct, shall be of American manufacture.

Much was said during the last campaign, of the materials used in the construction of this aqueduct, by our political opponents in Pennsylvania. I heard of it repeatedly, and waited here patiently expecting to hear some gentlemen on the Opposition side of the House refer to it.

Mr. TOMPKINS. The remarks of the gentlemen are not pertinent to his amendment.

Mr. JONES, of Pennsylvania. I desire here, in this amendment, to carry out the doctrines advocated by these gentlemen in the last campaign.

Mr. TOMPKINS. I rise to a question of order.

Mr. GROW. I hope my colleague will be allowed to explain all about the Scotch pipes. [Laughter.]

The question was taken; and Mr. JONES's amendment was rejected.

Mr. AVERY. I move to amend by adding to the item for the Post Office extension, the following proviso:

Provided, That no part of the money herein appropriated shall be expended under the direction of any officer of the Army.

Mr. Chairman, I offer this amendment in good faith, and sincerely hope it will pass. I wish, sir, too, to put upon record my protest against what seems to be a growing policy—of appointing Army officers to superintend the erection and construction of the public buildings of the country. Whilst I entertain as high a regard for the Army, and the officers of the Army, as any gentleman upon this floor, I must say that I am opposed to their being appointed to these positions over the practical mechanic—the architect who has spent his whole life in the study not only of the theory, but the practice, of his profession. Officers educated at West Point are schooled in the arts of war, in the construction of fortifications, in the erection of forts; but what, I ask, do they know, or can they know, about the construction and erection of court-houses, custom-houses, post offices, or any other building of this character, without practical experience? This policy, in my judgment, works a great hardship upon the rights of the great mechanical class of this country. They are superseded. They are shut out from having any part in these highly important and responsible positions. They are thus cut off from an opportunity of distinguishing themselves in these great national fields of their peculiar profession.

Sir, there are mechanics, civil engineers, and architects in my district, in my city, far more competent to fill these important offices of public trust—to superintend, direct, and control the erection of public buildings, be they great or small—than any Army officer can possibly be. Those gentlemen educated at West Point learn only the theory of a profession, which the enlightened architect or civil engineer knows by practice. As well might the planter, in employing an overseer to manage his plantation, discard all applicants who were farmers by profession, and employ only such as know theory, and no practice—a book farmer. What would be thought of such a planter? I am for opening this great theater for the development of talent, skill, and genius, wide to the free competition and advancement of the working, practical mechanics all over this nation. Sir, they are everywhere, in every city; and in their behalf I protest against their being superseded by Army officers.

There is another idea connected with this subject. The profession of the Army, the study of war and the arts of war, naturally inculcates a notion to order, to command imperatively, which, to the undisciplined civilian, smacks of tyranny; which the honest, industrious, intelligent mechanic, with his inborn American notions of equality and independence, cannot brook.

I am for the Army in its place. I am proud of the American Army, its officers and its men. It has shed immortal luster on the American name. But give unto the Army the things that are the Army's, and unto the civilians the things that are the civilians'. I did not intend, Mr. Chairman, to detain the committee, at this late hour, but a moment. I hope the amendment will be adopted.

Mr. BONHAM. I am not very familiar with the studies pursued at West Point; but if I am not much deceived, the cadets study architecture. And I think my honorable friend from Tennessee will find it difficult to produce any man in civil life who has exhibited more architectural skill (to say nothing as to the decorations of the Hall) than the gentleman who has had charge of this building.

Mr. JONES, of Tennessee, amid great laughter, waived his arms in deprecation of the mode in which the Hall was constructed and decorated.

Mr. BONHAM. If the honorable member from Tennessee had heard my remarks, he would have perceived that I say nothing in advocacy of the decoration of this Hall. In his opposition to the decorations he loses sight of the architectural excellencies of the structure, which are probably unsurpassed by anything on this continent.

But there is another reason why officers of the Army, perhaps, may well be selected. They are employed at less expense than the same skill and taste could be obtained from private life. I am told that the gentleman whose whole time has been devoted to the construction of this building has received from the Government not one dollar more than he received as captain of the engineer corps. Now, the services of a civilian would probably have cost the Government many thousand dollars more per annum.

Mr. MORGAN. It is very evident that we shall do no more business to-night; and I move that the committee do now rise.

Mr. DEAN demanded tellers.

Tellers were ordered; and Messrs. LOVEJOY and BARR were appointed.

The committee divided; and the tellers reported—ayes 38, noes 86.

So the committee refused to rise.

The question was then taken on Mr. AVERY's amendment; and it was rejected.

Mr. BURNETT. I move to amend lines two hundred and thirty-nine and two hundred and forty, by striking out "$150,000," and inserting in lieu thereof "$50,000," so that it will read:

For extension of the General Post Office, $50,000.

This post office building has cost $1,277,052 71. We have heard a great many encomiums upon Captain Meigs, and upon his superintendence, and upon military superintendence generally. Now, my recollection is, that the original estimate for the post office extension, as made by the architect, Mr. Walters, was $650,000; and I understand that it was proposed by private contractors to construct the building for $525,000; and yet we have expended $1,277,052 71 upon it.

Now, $50,000 will protect this building from decay, and enable them to go on slowly with the work. I offer the amendment in good faith, and I hope it will be adopted.

Mr. GROW. I am opposed to the amendment. We have had this question of military superintendence discussed in every Congress since I have been here.

Mr. MORRILL. The statement of the gentleman from Kentucky is incorrect. Only $900,000 has been appropriated for the post office extension.

The question was taken on Mr. BURNETT's amendment; and it was rejected.

Mr. PETTIT. I am instructed by the Joint Committee on the Library to offer the following amendment:

Strike out the following clause:

"For procuring manure, tools, fuel, and repairs of botanic garden, to be expended under the direction of the Library Committee of Congress, $1,500."

And insert in lieu thereof:

For procuring manure, tools, fuel, and repairs, purchasing trees and shrubs for the botanic garden, to be expended under the direction of the Library Committee of Congress, $2,300.

Mr. Chairman, it will be seen that that increases the amount by the sum of $800. The expenditures and improvements for the botanical garden are, by law, placed under the control of the Joint Committee on the Library. At the commencement of the present session of Congress, that committee presented estimates for the amount which they considered necessary for the next fiscal year. For some reason, the Committee of Ways and Means reduced those estimates. This amendment is to restore the amount to the original estimate.

The amendment was agreed to.

Mr. LETCHER. I am instructed by the Committee of Ways and Means to offer the following as an additional section to the bill:

SEC. 2. *And be it further enacted*, That the First Comptroller of the Treasury do allow, in the adjustment of the accounts of Peter Lammond, disbursing clerk of the Interior Department, the sum of $534 77, paid to A. G. Cochrane.

I will briefly state the object of the amendment. Mr. Cochrane, who is now, and has been for some time, the clerk of the Committee of Ways and Means, was employed, as I conceive, in violation of law, to execute a particular job of work in the General Land Office, by the Commissioner of the General Land Office, or rather by his chief clerk, Mr. Wilson. Without knowing, as is alleged, that the clerk of the Committee of Ways and Means had become a permanent office, he contracted with Mr. Cochrane for this service. He performed the service, and the money was paid to him on the certificate of that officer, indorsed by the Commissioner. When the accounts of the Land Office, however, came to be adjusted at the Comptroller's office, the First Comptroller held that Mr. Cochrane, being a permanent officer, had no right to receive any other compensation from the Government for any other service; and, on that ground rejected the voucher in the adjustment of the accounts of Mr. Lammond, the disbursing clerk. The object of this amendment is to direct that the account shall be allowed.

The CHAIRMAN. The Chair would state, that if the question is made, he would rule the amendment to be out of order.

The amendment was agreed to.

Mr. NICHOLS. I move the following as an additional section to the bill:

SEC. 3. *And be it further enacted*, That it hereby is declared to have been the true intent and meaning of the third section of the act entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the fiscal year ending the 30th of June, 1858," approved May 4, 1858, to legalize all allowances of the last House of Representatives, whether by resolution of said House, or by authority of its Committee of Accounts, and to authorize the payment of the same.

Mr. BURNETT. I raise the question that that amendment is not in order.

Mr. NICHOLS. I hope the gentleman will not insist on his question of order. If the committee will allow me two minutes I can satisfy them that the amendment is right. There is a very strong necessity for the adoption of this amendment; and I think that it is wrong to raise any question of order.

Mr. BURNETT. I object to debate. The question of order is not debatable; and I insist on my question of order.

The CHAIRMAN. The Chair is compelled to rule the amendment of the gentleman from Ohio out of order.

Mr. NICHOLS. Very well; with all due respect to the Chair, I take an appeal from that decision, and ask for tellers on the appeal.

Tellers were ordered; and Messrs. NICHOLS and KEITT were appointed.

The committee divided, and the tellers reported—ayes 72, noes 57.

So the decision of the Chair was sustained, and the amendment decided to be out of order.

Mr. DAVIS, of Indiana. I submit the following amendment:

SEC. 3. *And be it further enacted*, That to defray the balance in full of the expenses incurred of a geological reconnoissance of Oregon and Washington Territories, undertaken in the year 1851, under instructions from the Department of the Interior, including cost of preparing maps and other illustrations, and for the analysis of coals, soils, and minerals, $8,074 70 is hereby appropriated.

Mr. RUFFIN. I make a point of order on that amendment.

Mr. JONES, of Tennessee. Has the amendment any relevancy to any part of the bill?

The CHAIRMAN. The gentleman moves it as an independent section at the end of the bill.

Mr. JONES, of Tennessee. It has no more relevancy there than at any point of the bill.

The CHAIRMAN. The Chair holds the amendment to be out of order, because it has no relevancy to anything in the body of the bill.

Mr. DAVIS, of Indiana. I take an appeal from the decision of the Chair.

Mr. STANTON. Has not that amendment been ruled out of order once before?

The CHAIRMAN. It was.

Mr. STANTON. And when an appeal was taken from the decision of the Chair, was not the decision of the Chair sustained?

Mr. DAVIS, of Indiana. I now offer it as an additional section of the bill. I call for tellers on the appeal.

Tellers were ordered; and Messrs. KELSEY and DAVIS, of Indiana, were appointed.

The committee divided; and the tellers reported—ayes 78, noes 46.

So the decision of the Chair was sustained as the judgment of the committee.

Mr. TALBOT. I move the amendment I send to the Clerk's desk.

Mr. BLAIR. I move that the committee rise.

Mr. TOMPKINS demanded tellers.

Tellers were ordered; and Messrs. BLISS and VALLANDIGHAM were appointed.

The committee divided; and the tellers reported—ayes 49, noes 84.

So the committee refused to rise.

Mr. TALBOT. I offer the following as an additional section to the bill:

And be it further enacted, That the Secretary of War be, and he is hereby, authorized and instructed to sell, on the first Tuesday in September next, at public auction, on the premises, to the highest bidder, for cash, all the property at Harrodsburg, Kentucky, known as the Western Military Asylum property, and convey the same to the purchaser: *Provided*, That the said property shall not sell for less than $30,000; and pay the proceeds of said sale into the public Treasury of the United States. And all laws, or parts of laws, now in force, prohibiting the sale of said property, be, and the same are hereby, repealed.

Mr PHELPS, of Missouri. I rise to a question of order.

The CHAIRMAN. The Chair holds the amendment to be out of order.

Mr. MARSHALL, of Kentucky. I shall be compelled respectfully to appeal from the decision of the Chair. I trust the committee will overrule the decision of the Chair.

The question was taken on the appeal; and the decision of the Chair was sustained.

Mr. VALLANDIGHAM. I now offer the amendment that was offered by my colleague [Mr. NICHOLS] a few moments ago.

The CHAIRMAN. The Chair holds the amendment to be out of order.

Mr. VALLANDIGHAM. I appeal from the decision of the Chair.

The CHAIRMAN. The Chair rules the amendment out of order, on the ground that, under the form of declaring the intent and meaning of a law, it proposes to change a law.

The question was taken; and the decision of the Chair was sustained.

Mr. REILLY. I offer the following amendment, as an additional section:

And be it further enacted, That the act entitled "An act to reduce the duty on imports and for other purposes," passed the 3d day of March, 1857, be, and the same is hereby, repealed; and the act entitled "An act to reduce the duty on imports and for other purposes," passed the 30th day of July, 1846, be, and the same is hereby, revived; and the duties on imports shall, from and after the 1st day of June next, be levied and collected in accordance with the provisions of said last-mentioned act: *Provided, however*, That all articles imported free of duty under the said act of 1857 shall be imported free under this act.

Mr. LETCHER. I raise a question of order on that amendment. It is not germane to this bill.

The CHAIRMAN. The Chair decides that the amendment is not in order.

Mr. REILLY. I appeal from the decision of the Chair; and I ask for tellers on the appeal.

Tellers were not ordered.

The decision of the Chair was sustained.

Mr. PHELPS, of Missouri. I desire, now, that this bill shall be laid aside, to be reported to the House, in order that we may take up——[loud cries of "No, no!" from the Republican side of the House.] Hear me for one moment. [Renewed cries of "No, no!"]

Mr. GROW. We have been here twelve hours and a half, and that is long enough.

Mr. PHELPS, of Missouri. I do not propose to detain you at all. I merely want to have the mail steamer appropriation bill taken up and read by its title, so that it will be in order to close debate on it in the House. [Loud and continuous cries of "No, no!"] Then I move that the committee rise and report the bill to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. BOCOCK reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly bill of the House No. 713, making appropriations for sundry civil expenses of the Government for the year ending the 30th June, 1860, and had directed him to report the same to the House with sundry amendments, and with a recommendation that it do pass.

Mr. PHELPS, of Missouri, demanded the previous question on the bill.

The previous question was seconded; and the main question ordered.

REPORT OF SELECT COMMITTEE.

Mr. TAYLOR, of New York, submitted a report in writing from the select committee appointed to investigate the accounts of the late

Superintendent of Public Printing, accompanied by a resolution and the evidence taken before the committee; which was laid upon the table, and ordered to be printed.

The resolutions were as follows:

Resolved, That A. G. Seaman, late Superintendent of Public Printing, has been guilty of improper and illegal practices in the discharge of his official duty, and in violation of the provisions of the act approved the 26th day of August, 1852, creating the office of Superintendent and defining the duties thereof.

Resolved, That the testimony in this case be certified by the Clerk of the House of Representatives, and sent to the district attorney for the District of Columbia.

Mr. KEITT. I ask permission of the House to publish some remarks, which are not partisan or controversial in their character. Permission to publish them was given me once, but I did not avail myself of it.

No objection was made. [This speech will be found in the Appendix.]

And then, on motion of Mr. KEITT, (at twenty-five minutes past eleven o'clock, p. m.,) the House adjourned.

IN SENATE.

TUESDAY, *March* 1, 1859.

Prayer by Rev. A. GIVEN CAROTHERS.

The Journal of yesterday was read and approved.

NAVAL APPROPRIATION BILL.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill (H. R. No. 712) making appropriations for the naval service for the year ending the 30th of June, 1860, reported it without amendment.

EXECUTIVE SESSION.

Mr. MASON. I move that the Senate proceed to the consideration of executive business.

Mr. KING. I should like to present a petition.

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New York?

Mr. MASON. I do not. It can be presented afterwards. I shall be obliged to yield to a great many, if I yield to any one.

Mr. FITCH. I simply want to ask the effect of the executive session on the presentation of reports.

The VICE PRESIDENT. The Chair will call for petitions and reports after the executive session.

Mr. HUNTER. If the Chair does that, I hope we shall not go into executive session. We shall not have time to dispose of the appropriation bills. We have the miscellaneous, the naval, and the mail steamer bills yet to consider.

Mr. MASON. If my colleague will allow me one moment, I do not propose to detain the Senate more than twenty minutes in executive session, and I am satisfied that it will save us a day or two of the extra session.

Mr. BIGLER. I have no doubt of it.

The motion of Mr. MASON was agreed to.

Mr. SEWARD. I ask leave to submit a resolution while the galleries are being cleared.

The VICE PRESIDENT. It is not in order to present it now.

The Senate proceeded to the consideration of executive business; and after some time spent therein, the doors were reopened.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a letter from the Secretary of War, communicating, in compliance with a resolution of the Senate, the narrative and final report of Governor Stevens, of his survey and exploration of the northern route for a railroad from the Mississippi river to the Pacific Ocean; which, on motion of Mr. LANE, was ordered to lie on the table; and a motion by him to print the letter and accompanying report was referred to the Committee on Printing.

He also laid before the Senate a letter from the Commissioner of Patents, communicating, agreeably to law, the agricultural portion of his annual report for the year 1858.

A motion by Mr. TRUMBULL to print the report, and that thirty thousand additional copies thereof be printed, was referred to the Committee on Printing.

He also laid before the Senate a report of the Secretary of the Navy, in answer to a resolution of the Senate calling for a statement showing the names and appropriate description of all vessels in the Navy of the United States, which have been captured, lost, or destroyed; which, on motion of Mr. MASON, was ordered to lie on the table; and a motion by him to print it was referred to the Committee on Printing.

He also laid before the Senate a letter from the Secretary of War, asking an appropriation for the payment of the Florida volunteers called into service by General Harney and Colonel Loomis, under an order from the President; which was read, and, on motion of Mr. MALLORY, referred to the Committee on Finance.

CREDENTIALS.

Mr. SHIELDS presented the credentials of Hon. STEPHEN A. DOUGLAS, elected a Senator of the United States by the Legislature of Illinois, for six years from the 4th of March, 1859; which were read, and ordered to be filed.

Mr. POLK presented the credentials of Hon. WILLARD SAULSBURY, elected a Senator of the United States by the Legislature of the State of Delaware, for the constitutional term, to commence on the 4th day of March, 1859; which were read, and ordered to be filed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the Speaker had signed an enrolled bill (H. R. No. 584) for the relief of Captain A. W. Reynolds; and it was signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. KING presented a petition of the St. Regis Indians, of the State of New York, praying the enactment of a law to enable them to remove to the lands set apart for them as a permanent home west of the Mississippi; which was ordered to lie on the table.

Mr. HARLAN presented a memorial of the delegates of a convention held at Marshall, Iowa, on the 16th of February, 1859, praying the establishment of a mail route from Cedar Rapids to Jefferson; which was ordered to lie on the table.

Mr. SEWARD presented resolutions adopted at a convention of the soldiers of the war of 1812, held at Syracuse, New York, February 25, 1859, relative to the pension bill now pending before the Senate; which were ordered to lie on the table; and a motion by Mr. SEWARD to print the resolutions was referred to the Committee on Printing.

REPORTS OF COMMITTEES.

Mr. YULEE, from the Committee on the Post Office and Post Roads, to whom was referred the bill (H. R. No. 812) for the relief of Thomas Livingston and his securities, reported it without amendment, and in favor of its passage.

Mr. DAVIS, from the Committee on Military Affairs and the Militia, reported a bill (S. No. 605) to provide for the payment of volunteers called out in Florida in 1857 and 1858; which was read, and passed to a second reading.

Mr. GREEN. The Committee on Territories, to whom was referred a memorial signed by M. F. Conway and others, claiming to be members of a convention at Leavenworth, in Kansas Territory, for the purpose of forming a constitution and asking admission into the Union as a State, which memorial is accompanied by a paper purporting to be the constitution there formed for the State of Kansas, and also the abstract of the votes cast thereon when submitted to the people for ratification or rejection, after examining the subject, a majority of the committee instruct me to report adversely.

EMPLOYMENT OF A MESSENGER.

Mr. BRIGHT. I submit the following resolution; and if there be no objection, I ask for its consideration:

Resolved, That the Sergeant-at-Arms be authorized to employ a person in the service of the Senate, in the place of, and at the same compensation as, A. H. Ragan, promoted.

Mr. MASON. Let it lie over.

The VICE PRESIDENT. Objection being made, the resolution will lie over under the rule.

COMPENSATION OF NEW SENATORS.

Mr. CRITTENDEN. I ask leave, Mr. President, to offer a resolution, which, I think, will obtain the general concurrence of the Senate. It is, to entitle to compensation, as though they had been admitted to their seats upon the first day of the session, those gentlemen who were elected to this body, and were kept out of their seats a long time, while we forbore to act upon the admission of their States. I ask that it be read, and now acted upon.

The Secretary read it, as follows:

A joint resolution (S. No. 86) in relation to the compensation of Senators and Representatives in Congress elected from new States.

Resolved, That Senators and Representatives who have been, or hereafter may be, elected as such from any new States, not, at the time, admitted into the Union, before the commencement of the session of Congress, during which session said State is admitted into the Union, then their compensation shall be the same to which they would be entitled if the said State were admitted the first day of the session: *Provided*, That this resolution shall have no further retrospective relation or effect than to Senators and Representatives elected to the present Congress, nor shall such Senators receive anything under this resolution for any period of time for which they were entitled to compensation as members of the House of Representatives.

The VICE PRESIDENT. Is there unanimous consent to the second reading of the joint resolution to-day?

Mr. CLAY. I object to it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed the bill of the Senate (S. No. 596) to authorize the enrollment, registry, and license of certain steamboats or vessels owned by the Buffalo and Lake Huron Railroad Company.

SUSPENSION OF THE RULES.

The message further announced that the House had concurred in the resolution of the Senate providing for a suspension of the 16th and 17th joint rules of the two Houses for the remainder of the present session.

BILLS BECOME LAWS.

The message further announced that the President of the United States had approved and signed, the 28th of February, the following acts:

An act giving the assent of Congress to a law of the Missouri Legislature for the application of the reserved two per cent. land fund for said State;

An act for the relief of Kennedy O'Brien;

An act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1860; and

An act to amend an act entitled, "An act authorizing repayment for land erroneously sold by the United States."

ORDER OF BUSINESS.

The VICE PRESIDENT. The Chair calls up the unfinished business of yesterday, the hour of twelve o'clock having arrived.

Mr. CHANDLER. I ask the Senator from Virginia to allow me a moment of time. I desire to have a bill passed, to which there will be no objection; and it will take no time.

The VICE PRESIDENT. The Chair has called up the special order. The Senator from Michigan takes the floor, for what purpose the Chair does not know.

Mr. CHANDLER. I move to postpone the special order for the purpose of taking up the bill (S. No. 582) for the relief of Arthur Edwards and his associates. It will not take more than a minute to consider it.

The VICE PRESIDENT. It is moved to postpone the special order, and all prior orders, with a view to take up the bill indicated by the Senator from Michigan.

Mr. CHANDLER. I ask unanimous consent.

Mr. MASON. I cannot agree to it.

Mr. HUNTER. I wish to suggest to gentlemen, as the morning hour has been taken up with executive business, that they can have action on the morning business to-morrow. I shall not move to take up the appropriation bill until twelve o'clock to-morrow. I hope they will allow me to go on now.

Mr. CHANDLER. It will not take one minute to pass this bill. It is a very small matter.

Mr. FITCH. Does the Senator from Virginia insist on taking up the unfinished business of yesterday? It is in violation of what I deemed

an agreement at the time the Senate went into executive session, that committees would be permitted to report. It is true, the Senator says that he was not a party to the agreement, but it was so understood on the part of myself and others, or I would not have voted for going into executive session. I desire to clear my desk of reports.

The VICE PRESIDENT. It is moved to postpone the special order for the purpose of taking up the bill (S. No. 582) for the relief of Arthur Edwards and his associates.

The motion was not agreed to.

CIVIL APPROPRIATION BILL.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed a bill (H. R. No. 713) making appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1860; which, on motion of Mr. HUNTER, was read twice by its title, and referred to the Committee on Finance.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The message further announced that the House had insisted upon its disagreement to certain amendments of the Senate to the bill (H. R. No. 711) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th of June, 1860, and upon its amendments to certain other amendments of the Senate to the said bill disagreed to by the Senate, and had agreed to the conference asked by the Senate upon the disagreeing votes of the two Houses thereon; and had appointed Mr. GEORGE S. HOUSTON, Mr. ISRAEL WASHBURN, and Mr. HENRY M. PHILLIPS, managers of the same on its part.

A subsequent message announced that the House had appointed Mr. WILLIAM B. MACLAY a manager at the conference on the bill (H. R. No. 711) making appropriations for the legislative, executive, and judicial expenses of Government for the year ending the 30th of June, 1860, in the place of Mr. HENRY M. PHILLIPS, excused.

ENROLLED BILL SIGNED.

The message further announced that the Speaker had signed an enrolled bill (S. No. 596) to authorize the enrollment, registry, and license of certain steamboats or vessels owned by the Buffalo and Lake Huron Railroad Company; and it was signed by the Vice President.

HOUSE BILL PASSED.

The message further announced that the House had passed a bill (H. R. No. 887) granting a pension to Mary J. Harris, widow of Colonel Thomas L. Harris, in which the concurrence of the Senate was requested.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. HENRY, his Secretary, announced that the President this day approved and signed an act (S. No. 596) to authorize the enrollment, registry, and license of certain steamboats or vessels owned by the Buffalo and Lake Huron Railroad Company.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 872) making appropriations for the service of the Post Office Department, during the fiscal year ending the 30th June, 1860.

The VICE PRESIDENT. The question is upon the amendment offered by the Senator from Florida, to add certain sections to the bill.

Mr. CLINGMAN. I hope that amendment will not be adopted. We struggled for a long while to get in an amendment which embraced an increase of postage, with a view to make the Post Office Department self-sustaining. It was sent to the other House, and now the Senator, who I supposed to be in favor of it, introduces a proposition which surrenders that. Of course, the House will understand that we regard this as the more valuable part. Everybody throws overboard, when a ship is likely to sink, what is least valuable. They will understand that the Senate attaches very little weight to the proposition increasing the postage.

Mr. IVERSON. Will my friend from North Carolina allow me a moment?

Mr. CLINGMAN. Certainly.

Mr. IVERSON. We are now acting in Committee of the Whole. Let us take the amendment without the eighth section being in, and then, when the bill is reported to the Senate, we can incorporate the eighth section into it.

Mr. CLINGMAN. I yield to that suggestion. I only meant to give a reason why I should vote against this amendment; but I am willing to let it pass in committee, and take the chances in the Senate.

Mr. YULEE. Last night we reached a late hour; and there was an expectation entertained, and a hope upon my part, that we would be able to dispose, without discussion, or very briefly, of the amendment which I proposed. I yielded at that time to what appeared to be the general sentiment of the Senate, and the desire of those of the friends of the general measure of reform which we had adopted, who expressed any desire upon the subject at the time. Being now satisfied that the general sense of the friends of reform requires of me a different course, I propose, in the amendment which I offered to the eighth section, to renew the amendment as it was; and for that purpose I withdraw the amendment which I had proposed, and renew it in the shape in which I originally offered it, including the eighth section. It will then be in the power of any gentleman who may desire it, to move to strike out the eighth section.

Mr. HALE. I raise a question of order on that. The amendment that has been offered by the Senator from Florida has been acted upon, and a portion of it has been stricken out by the Senate on the yeas and nays.

Mr. YULEE. The Senator is mistaken in fact. I withdrew the eighth section.

Mr. SIMMONS. It was renewed by the Senator from Georgia.

Mr. HALE. It was renewed and voted upon by yeas and nays.

Mr. IVERSON. There was a motion to amend it, and it fell on the yeas and nays. It was my motion. I moved to insert the eighth section, and upon the yeas and nays the Senate voted against the insertion. Of course, there was no amendment made, and the Senator from New Hampshire is mistaken.

The PRESIDING OFFICER, (Mr. REID in the chair.) The Chair thinks, the amendment offered by the Senator from Georgia being voted down, that the Senator from Florida may adopt it as a part of his amendment notwithstanding. It will not be the same proposition that was voted down. It embraces the other matter, and is, therefore, not the proposition upon which the Senate voted.

Mr. CRITTENDEN. I am not satisfied with my vote on that amendment last evening. I voted "no." I should desire to change my vote and vote for the amendment. I therefore move the reconsideration of the vote by which that amendment was excluded.

Mr. BIGLER. That is the right way.

The PRESIDING OFFICER. The Senator from Florida offers that again this morning.

Mr. CRITTENDEN. He cannot do that.

The PRESIDING OFFICER. He offers it in an amendment which embraces other propositions.

Mr. CRITTENDEN. I stand upon the record as voting against that amendment. I want to vote for it, and therefore move the reconsideration.

Mr. YULEE. Well, that will do it.

The PRESIDING OFFICER. It is moved that the vote rejecting the amendment offered by the Senator from Georgia be reconsidered.

Mr. POLK. I call for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. STUART. It is not in order. It has been decided here again and again, and always decided, that when a bill is in committee it is not in order to make a motion to reconsider.

The PRESIDING OFFICER. The Chair believes that the Senator is correct about that; and unless there is unanimous consent, it cannot be done.

Mr. CRITTENDEN. There are too many rules here obstructing business. I have saved myself the trouble of learning the rules of order, and saved myself, also, the possibility of being drawn into these interminable discussions upon them.

Mr. BIGLER. If the Senator from Florida will withdraw his amendment entirely, and allow the bill to come into the Senate, then it would be perfectly competent for him to offer it in any shape he pleases. Then he could move the amendment which was rejected last night. That would certainly be the shortest way of getting out of this difficulty. If he will allow the bill to come into the Senate, he can offer his amendment in any shape he sees proper, including the amendment which was rejected last night, and that will give him the sense of the Senate on the proposition.

Mr. YULEE. What objection is there to the motion to reconsider the proposition?

Mr. BIGLER. It is claimed by the Senator from Michigan that it cannot be reconsidered.

Mr. CRITTENDEN. I do not believe it is out of order. I have a right to change my vote, and I have a right also to move to reconsider a question; but I will not argue it. I never argue these questions of order. I insist that my motion is in order.

Mr. HUNTER. We can soon arrange the difficulty. If the Senator will allow the bill to be reported from the committee to the Senate, it will then be in order to move any amendment.

Mr. BIGLER. Let the Senator from Florida first withdraw it, and then we can bring the bill into the Senate.

Mr. HUNTER. Move the amendment; and if it is voted in, you can amend that amendment.

Mr. CRITTENDEN. I insist on my motion.

Mr. YULEE. I am willing to agree to anything which will accomplish the object in the speediest way.

The PRESIDING OFFICER. The Chair thinks the point raised by the Senator from Michigan, that a motion to reconsider cannot be made in Committee of the Whole, is correct. The proposition can be again voted upon in the Senate, or voted in a different form—the form which the Senator from Florida proposes.

Mr. BIGLER. The most direct way would be for the Senator from Florida to withdraw the amendment, and let the bill come into the Senate, and then he can offer his proposition with the amendment which was rejected last night.

Mr. YULEE. I do not know whether it can be done in a different way. Does the Chair understand that it is competent, after withdrawing this amendment, to propose it in the Senate as an original amendment?

The PRESIDING OFFICER. Certainly it is, in the opinion of the Chair.

Mr. YULEE. If so, I am willing to take that course.

Mr. TOOMBS. The amendment cannot be withdrawn; but I see no sort of difficulty in putting anything in which he wants. The amendment certainly cannot be withdrawn. When a portion of it has been voted down by a majority of the Senate, it is not in the power of the mover to withdraw it.

Mr. YULEE. If it is in my power to withdraw it, as I proposed before, I would renew the amendment in the form in which I want it.

The PRESIDING OFFICER. Does the Senator withdraw the amendment, or still offer it?

Mr. HUNTER. Let us vote this down, and then the Senator can offer it.

The PRESIDING OFFICER. The Chair would ask of the Senator from Florida whether he offers the amendment or withdraws it?

Mr. YULEE. A vote can be taken informally, in Committee of the Whole, and it can be put in shape in the Senate.

The PRESIDING OFFICER. In the amended form?

Mr. YULEE. If I have a right to offer it in the amended form, I do so; that will bring it to a direct vote.

The PRESIDING OFFICER. The Chair decides that the Senator can offer it. It embraces other matters besides that which has been voted down.

Mr. YULEE. That settles the point. I offer it now, including the eighth section.

Mr. HALE. I wish to inquire of the chairman of the Committee on the Post Office and Post Roads whether this amendment, as it is now offered, repeals the franking privilege, or continues the franking privilege, to the Post Office Department?

Mr. YULEE. No, sir; it is precisely in the

form in which the Senate passed it, without any alteration.

Mr. HALE. As I heard it read last night, it was not so.

Mr. BIGLER. I suggested a simple way of disposing of this difficulty; and I think that the Senator from Florida can, in a moment, dispose of the difficulty that surrounds his proposition. He offered an amendment. The Senator from Georgia offered to amend that amendment by inserting a clause in reference to postage. The Senate decided that the amendment should not go in; and now it is claimed that the Senator can do what the Senate refused to do—that the Senator can put it in.

Mr. YULEE. Well, sir, I am acting under the direction of the Chair. The Chair decides that I can so modify my amendment before the vote is taken upon it; and, under the decision of the Chair, for the purpose of bringing the matter to a close, I adopt his suggestion, which brings us to a direct vote. The Chair has decided it, and that is enough.

The PRESIDING OFFICER. Are the yeas and nays demanded? ["No!" "No!"] The question is upon the amendment offered by the Senator from Florida.

Mr. KING. I ask that that part which has been added as an amendment to the proposition be read.

Mr. HALE. I find, sir, that, although that particular section which exempts the Post Office Department from paying postage is left out, yet in other sections of the bill the exception is preserved. Thus, in the fifteenth section it reads as follows: (I will read it, if the Chair will ask seventeen or eighteen Senators to stop talking while I am reading.)

The PRESIDING OFFICER called to order.

Mr. HALE. The fourth section of the amendment is as follows:

SEC. 4. *And be it further enacted*, That all letters, packets, and mailable matter, sent from, or directed to, any of the Executive Departments, bureaus, or public offices or officers, civil or military, at the seat of the General Government, except the Post Office Department and the office of the Auditor of the Treasury for the Post Office Department, shall be prepaid by postage stamps, or stamped envelopes, before delivery at the mailing office.

I move to strike out those words, "except the Post Office Department," wherever they occur in the amendment.

Mr. YULEE. It will be recollected, Mr. President, that we struck out all that the Senator from New Hampshire thought was necessary to accomplish his purpose. If there is anything in the other sections which related to the section he struck out, and which was not stricken out, it was an oversight for which the Senator from New Hampshire is responsible.

Mr. HALE. I do not find fault with anybody; but it was an oversight. The main section giving the franking privilege to the Post Office Department is stricken out; but then there are other places where the amendment is framed to meet the bill as it stood with that section in. I move, where that phrase, "except the Post Office Department," occurs in relation to the franking privilege, that it be stricken out.

Mr. YULEE. I accept that amendment.

Mr. HALE. Very well, sir.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida.

Mr. SHIELDS. I will ask if the question is susceptible of division?

Mr. CLINGMAN. The amendment is a whole, and, I take it, it cannot be divided. The Senator might move to strike out a part.

Mr. SHIELDS. I will ask for the reading of the amendment.

The PRESIDING OFFICER. The Chair thinks, if insisted upon, that it would be divisible.

Mr. SHIELDS. It embraces two propositions, if I understand it; one, the abolition of the franking privilege, and the other, an increase of the rates of postage.

The PRESIDING OFFICER. The Chair thinks it is divisible, and so decides, if the Senator desires it.

Mr. SHIELDS. I call for a division.

The PRESIDING OFFICER. Does the Senator from New York insist on the reading of that portion of the amendment which has been added?

Mr. KING. If a division of it is called for, I do not require it. I understand that the additional sections added relate to an increase of the rates of postage.

The PRESIDING OFFICER. Does the Senator from Minnesota desire that there should be a division of the subjects, or of the sections?

Mr. SHIELDS. I wish a division of the two propositions; the one to abolish the franking privilege, and the other to increase the rates of postage.

The PRESIDING OFFICER. The first of those amendments will be read.

The Secretary read it, as follows:

SEC. —. *And be it further enacted*. That the first, sixth, seventh, and eighth sections of the "Act to reduce the rates of postage, to limit the use and correct the abuse of the franking privilege, and for the prevention of frauds on the revenues of the Post Office Department," approved March 3, 1845; and the third, fourth, and fifth sections of the act to amend the act aforesaid, approved March 1, 1851, and all other acts and parts of acts granting and conferring upon any person whomsoever the right or privilege to receive or transmit through the mails of the United States, free of postage, letters, packets, newspapers, periodicals, books, or any other mailable matter, printed or written, be, and the same are hereby, abrogated and repealed: *Provided, nevertheless*, That nothing in this act contained shall be construed to repeal any special law, heretofore enacted, granting the franking privilege to any ex-President, or to any person or persons to whom the privilege has been granted by name.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the remaining portions of the amendment offered by the Senator from Florida, which the Secretary will read.

The Secretary read as follows:

SEC. —. *And be it further enacted*, That all letters, packets, newspapers, periodicals, public documents, and books, printed by order of either House of Congress, and all other mailable matter, shall be prepaid by postage stamps or stamped envelopes, before their delivery at any post office for transmission in the mails; and all letters, packets, and other mailable matter, whether printed or written, directed to the President or Vice President of the United States, or to any member of either House of Congress, or to the Secretary of the Senate, or Clerk of the House of Representatives, shall be prepaid at the mailing office.

SEC. —. *And be it further enacted*, That all letters, packets, and mailable matter, sent from, or directed to, any of the Executive Departments, bureaus, or public offices, or officers, civil or military, at the seat of the General Government, except the Post Office Department, and the office of the Auditor of the Treasury for the Post Office Department, shall be prepaid by postage stamps, or stamped envelopes, before delivery at the mailing office.

SEC. —. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to pay or refund quarterly, out of any money in the Treasury not otherwise appropriated, to each of the Executive Departments, bureaus, and offices, at the seat of Government, except the Post Office Department and the office of the Auditor for said Department, such amounts as the proper accounting officers of the Treasury shall audit and allow as having been expended for the purchase of postage stamps and stamped envelopes, used or to be used for the prepayment of the postage on letters, packets, and mailable matter sent from their respective offices on official business; and if the contingent fund of any Executive Department, bureau, or office, with the exceptions aforesaid, shall be insufficient, after defraying other expenses, to purchase the postage stamps required for the use of such Department, then, and not otherwise, the Secretary of the Treasury may, upon the requisition of the chief officer thereof, advance such sum as shall not exceed the estimated amount of the postages to be paid by such office in any one quarter, to be accounted for as other public moneys: *Provided, however*, That the postage on all letters and packages from the President and Vice President of the United States shall be paid by the Department of State and the Secretary of the Senate, respectively: *And provided, further*, That officers, civil and military, may have allowed to them, in the settlement of their accounts by the proper accounting officers of the Government, the postages paid by them on letters and packets sent by them in the mails exclusively on official business; and that so much of the twelfth section of the "Act to establish certain post routes, and for other purposes," approved March 3, 1847, as appropriated $200,000 each year for the service therein mentioned, be, and the same is hereby, repealed; and that the eighth section of the "Act to reduce and modify the rates of postage in the United States, and for other purposes," approved March 8, 1851, be, and the same is hereby, repealed.

SEC. —. *And be it further enacted*, That the eighteenth section of the "Act to reduce the rates of postage," &c., approved March 3, 1845, shall be so construed as to prohibit the Postmaster General from making contracts for the transportation of the mail with any view to the transportation of passengers, and to restrict him in making such contracts to the acceptance of such bids only as shall provide for the conveyance of the mails.

SEC. —. *And be it further enacted*, That so much of the first section of the act of August 30, 1852, entitled an "Act to amend the act entitled 'An act to reduce and modify the rates of postage in the United States, and for other purposes,'" passed March 3, 1852, as allows a deduction of fifty per centum from the rates of postage established by said act on newspapers and periodicals, paid quarterly or yearly, in advance, be, and the same is hereby, repealed.

SEC. —. *And be it further enacted*, That, from and after the 1st day of July, 1859, in lieu of the rates of postage now established by law, there shall be charged the following rates, to wit: For every single letter, in manuscript, or paper of any kind, in which information shall be asked for or communicated in writing, or by marks or signs, conveyed in the mail for any distance between places in the United States not exceeding three thousand miles, five cents, and for any distance over three thousand miles, ten cents; and for a double letter there shall be charged double these rates; and for a treble letter treble these rates; and every letter or parcel not exceeding half an ounce in weight shall be deemed a single letter; and every additional weight of half an ounce, or additional weight of less than half an ounce, shall be charged with an additional single rate of postage. And there shall be charged for letters conveyed in the mail, wholly or in part by sea, and to and from a foreign country, without regard to distance, ten cents for each half ounce in weight, or additional weight of less than half an ounce, excepting, however, all cases in which such postage had been or shall be adjusted at different rates by postal treaty or convention already concluded or hereafter to be made. And every letter or packet brought into the United States, or carried from one port therein to another in any private ship or vessel, shall be charged with five cents, if delivered at the post office where the same shall arrive; and if destined to be conveyed thence by post to any place, two cents shall be added to the ordinary rates of postage. All drop letters, or letters placed in any post office not for transmission, but for delivery only, shall be charged with postage at the rate of one cent each, to be prepaid by postage stamps, and accounted for as other letter postages. And all letters which shall hereafter be advertised as remaining over, or uncalled for, in any post office shall be charged with one cent each in addition to the regular postage, to be accounted for as postages now are. And upon all letters passing through or in the mails of the United States, excepting such as are to or from a foreign country, and letters and packages to and from any ex-President of the United States, or any person or persons to whom the franking privilege has been granted by name, and letters and packages to and from the officers of the Post Office Department, and of the Auditor's office of the Post Office Department, exclusively on official business, the rates of postage hereby established shall be prepaid by postage stamps, or stamped envelopes, or in money, if the Postmaster General shall so direct.

SEC. —. *And be it further enacted*, That from and after the 1st day of July, 1859, the postage upon all printed matter passing through the mail of the United States, instead of the rates now charged, shall be as follows, to wit: Each newspaper, periodical, unsealed circular, or other article of printed matter, not exceeding three ounces in weight, shall be sent to any part of the United States for one cent, and for every additional ounce or fraction of an ounce one cent additional shall be charged; and the postage upon newspapers and periodicals shall be paid quarterly in advance, either at the post office where the same are delivered, or at the office where they are mailed; and evidence of such payment shall be furnished quarterly to the office of delivery in such manner as the Postmaster General may, by general regulations, prescribe. Newspapers and periodicals not weighing over one ounce and a half, when circulated in the State where published, shall be charged one half the rates abovementioned: *Provided*, That small newspapers and periodicals published monthly, or oftener, and pamphlets containing not more than sixteen octavo pages each, when sent in single packages, weighing at least eight ounces, to one address, and prepaid by affixing postage stamps thereto, shall be charged only half a cent for each ounce or fraction of an ounce, notwithstanding the postage calculated on each separate article of such package would exceed that rate: *And provided, further*, That the publishers of weekly newspapers may send to each actual subscriber within the county where their papers are printed and published one copy thereof free of postage, and that nothing herein contained shall prevent the free exchange of newspapers between the publishers thereof, as authorized by the act of 1825, "to reduce into one the several acts establishing and regulating the Post Office Department." The postage on all transient printed matter shall be prepaid by postage stamps; and it shall be the duty of each postmaster to render quarterly to the Post Office Department, with his regular quarterly returns of postages, and in such form as the Postmaster General shall prescribe, a particular account of all postage by him collected or received upon newspapers, periodicals, and other printed matter, regular or transient, received at or sent from his office; and it shall be the further duty of each postmaster at whose office one or more letter-carriers are employed to render quarterly, as aforesaid, a particular account of all moneys received from and paid to each letter-carrier during the quarter.

SEC. —. *And be it further enacted*, That in place of the compensation now allowed deputy postmasters, the Postmaster General be, and he is hereby, authorized to allow them commissions at not exceeding the following rates, on the letter postage collected at their respective offices in each quarter of the year, and in due proportion for any period less than a quarter: On any sum not exceeding $100, forty per centum; but any postmaster, at whose office the mail is to arrive regularly between the hours of nine o'clock at night and five o'clock in the morning, may be allowed fifty per centum on the first $100. On any sum over and above $100, and not exceeding $400, thirty-three and one third per centum. On any sum over and above $400, but not exceeding $2,400, thirty per centum. On any sum over and above the first $2,400, twelve and a half per centum. On the amount of postage on letters and packages received at a distributing office for distribution, not exceeding ten per centum. And on the moneys arising from the postage on newspapers, periodicals, pamphlets, and other printed matter, the Postmaster General may allow a commission of not exceeding fifty per centum. Each postmaster who shall be required to keep a register of the arrival and departure of the mails shall be allowed ten cents for each monthly return which he makes to the Postmaster General; and each postmaster may be allowed two mills for the delivery from his office, to an actual subscriber, of each weekly newspaper entitled to go free in the mails, except exchange papers. And no other or further allowances whatever shall be made to any postmaster, except from the rents of boxes or pigeon-holes, as now authorized by law; and the commissions and allowances authorized by this act shall be subject to the provisions of the forty-first section of the act entitled "An act to reduce into one the several acts establishing and regulating the Post

Office Department, approved March 3, 1825;" and that the fourth section of the act approved July 27, 1854, entitled "An act making provision for the postal service in the State of California, and in the Territories of Oregon and Washington," be, and the same is hereby, repealed.

SEC. —. *And be it further enacted*, That this act shall go into effect on and after the 1st day of July, 1859.

Mr. FOSTER called for the yeas and nays; and they were ordered.

Mr. CLARK. I wish to inquire whether this is a proposition to raise the rates of postage?

The PRESIDING OFFICER. That is included in the amendment.

Mr. BRODERICK. I wish, before the yeas and nays are called, to explain why I wish to change my vote. I have voted with the friends of high postage, and am still willing to raise the postage to five cents; but I do not intend to jeopard the passage of this bill in the other House by inserting the amendment in the Post Office appropriation bill. For that reason, I shall vote against the amendment offered by the Senator from Florida.

Mr. FOSTER. I trust that all persons who are in favor of both, what they call reforms, are in favor of each by itself; and, if we cannot carry both, I trust all those who are in favor of carrying both, would prefer to carry one rather than lose both. As the Senator from California has suggested, I have no doubt that if the Senate insists upon both these points—that is, upon abolishing the franking privilege, and raising the rates of postage, we do nothing, we lose both. I think we can accomplish the abolishing of the franking privilege by law, and that is, I believe, all we can do this session. I do not believe it is necessary to raise the rate of postage; but, if it be necessary, I do not believe it can be carried. I hope, therefore, all who are in favor of both these reforms, will not endeavor to press both to the ruin of both, but will insist upon one which we can pass without trouble.

Mr. CRITTENDEN. I voted under a misapprehension yesterday against raising the postage. I am in favor of raising the postage, and I am in favor of abolishing the franking privilege. It is a matter for the chairman of the committee to decide whether he will encumber his Post Office bill, making appropriations for the maintenance of the Post Office, with amendments making general and important regulations in regard to the Post Office. It would be inconsistent with the opinions I entertain, if I were to vote against either of these amendments, and therefore I shall now vote for them both.

Mr. YULEE. In reply to the suggestion of the Senator from Connecticut, I would say that this is not the time at which the Senate may be called upon to determine whether they will insist on this amendment. We shall be able to judge by the action of the House whether there is so decided a majority against the particular reform which relates to the letter postage as to require a concession on the part of the friends of reform, to that desire and purpose of the House. We have ample time; we have three days. We shall be able to test the sense of the House. There seems to be a divided opinion in the House as to the state of it. There are many who have expressed to me an opinion that there is as decided a majority in favor of raising the rates of postage in the House, as there is in favor of abolishing the franking privilege, and many in favor of raising the rates of postage were opposed to the abolition of the franking privilege. I think we may very properly present the reform we propose in the shape in which we prefer it, and when we come to find a difference between the opinion of the House and that of the Senate, we may upon conference determine how far it may be possible upon one side or the other to yield. I think, therefore, we may very safely, in view of the fact that we have three days yet remaining for action, adopt the amendment in the form in which it is now proposed.

Mr. CLARK. I would be in favor of the amendment abolishing the franking privilege; but I am not in favor of increasing the rates of postage. Therefore, if you insist upon offering an amendment to this bill embracing both those propositions, I do not know how I shall vote. I do not want to vote against abolishing the franking privilege; I will not vote for raising the postage; and which way shall I vote on this amendment?

Mr. FESSENDEN. Vote against both.

Mr. CLARK. Then I shall be subject to the imputation of having voted against abolishing the franking privilege.

Mr. FESSENDEN. Never mind that.

Mr. CLARK. I know I may do so; but I desire to vote for one and against the other. If I am put to it, I suppose I shall have to vote against both. I make the suggestion.

Mr. IVERSON. I do not think the Senator from New Hampshire, or anybody else situated like him, ought to have any difficulty or trouble about it. He has already put himself upon the record in relation to abolishing the franking privilege; and if he votes against this proposition, it will not affect his character, I apprehend, upon that subject, at all. But, I trust, this amendment will prevail, and that the bill will go to the House of Representatives with this important provision in it, not only abolishing the franking privilege but raising the postage to five cents.

It is said that we are going to jeopard this bill by sending this amendment on it to the House of Representatives. Sir, I would rather that both propositions should fail entirely than that we should give way upon this important question. If the House of Representatives refuse to concur in our amendment so far as relates to the raising of postage, they can strike it out; the bill will come back here, and then it will be for the Senate to determine whether they will take the bill with the amendment stricken out by the House of Representatives, or adhere to that amendment and force the House of Representatives to let the bill fall. For one, I would be willing to sit here until the 4th of March before I would yield an inch upon this subject of raising the postage. I would let this bill fail entirely before I would give way upon that subject; and what if the bill does fail? It only appropriates money for the benefit of the Post Office Department; and if the bill fails, it will reduce the Postmaster General to the necessity of curtailing the mail service within the bounds of the receipts of the Post Office Department. That will be all; and that will be accomplishing a very great reform, in my opinion.

Mr. COLLAMER. The gentleman will indulge me a moment. The Postmaster General cannot get at the postage unless the bill passes. It is in the Treasury, and he cannot get it without an appropriation.

Mr. IVERSON. Very well; take it to that extent. I would rather it should fail and break up the Department, and let everybody send their letters as they choose in the best way, than yield upon this point. I hope the amendment will be adopted; and that if the House rejects our amendment, we will stick to it.

Mr. HALE. I do not desire to make any extended remarks on this subject; but I think it does not become us, upon an appropriation bill to append a legislative enactment of this character, and then talk about forcing the House. Sir, if we put ourselves in that position, we put ourselves in a wrong position; because such legislation as this does not legitimately come within the fair scope of legislative action and discretion, and is not justified by putting such a measure as this on, because this is legislation on a simple appropriation bill, a thing that has been objected to over and over again. When we talk about forcing the House, we should remember that the House may talk about forcing the Senate. I, for one, hope—the House are not here, and do not hear what either of us say—but I hope the House will not bend a hair. They are the Representatives of the popular sentiment upon this subject, and popular sentiment is against this rise. It does not grow out of the necessities of the Post Office. It grows out of the prodigality and mismanagement and mislegislation of these bodies. It is our fault. If we had administered the Post Office Department as it was intended to be administered, and made it a legitimate matter for the conveyance of letters and newspapers, we should never have got into this difficulty; but now, having brought the country into this condition, by wasteful and improper legislation, and extravagant mismanagement on the part of the Department and Congress, both together, we turn around and undertake to saddle our constituents, and load the people; and then talk about forcing the Representatives of the people to our standard. Sir, let us begin the game of force, and we will find where it will end. I tell you, when this Senate undertakes to play the game of force against the people, and the Representatives of the people, we have entered on a contest in which we cannot, and ought not to, stand.

Mr. BAYARD. I do not rise to prolong this debate, but only to state that it seems to me we have at last reached nearly, if not quite, the culminating point of evil in reference to passing legislation upon appropriation bills. I was always satisfied it must end in this. We have been lately going on, abandoning the legitimate performance of our duties in the passage of acts apart from appropriations to carry laws into execution. Now we have arrived at a point in which the two Houses are brought in collision; and that eternally will be the effect of it, unless we go back to what used to be the former practice, and the legitimate practice: that when a law was proposed in one branch for the government of the country, within the powers of the Federal Constitution, if the other branch refuses to pass that law, the responsibility rests before the people, founded upon the propriety or impropriety of the measure, legitimately upon the House that rejects it. But, under this system of forced legislation, where is it to end? For my own part, I incline to the opinion that we had better, if we can get along under existing laws, determine resolutely never to place any species of legislation upon an appropriation bill, and thus lead to results which I am satisfied from this bill we have been approaching for a long time, and which we have now arrived at, upon which we should be obliged to recede.

Mr. YULEE. There is no idea of forcing the House. It is not proposed to force the House. It is only proposed to afford the House an opportunity of voting upon the measure which we propose in connection with the Post Office appropriations.

Mr. DOUGLAS. Will the Senator allow me to ask him a question? Have not the House had a direct vote on this question during this year?

Mr. YULEE. No, sir; they have not.

Mr. DOUGLAS. Why not give them a chance?

Mr. YULEE. The reason is this: the course into which the Senate has been almost driven in its practice of many years past of proposing, in connection with the appropriation bills, the reforms which they consider necessary in the administration of the Government, has been imposed upon them by the obstruction which the rules of the House impose upon the regular course of legislation. I will state frankly, now, the condition of this measure in the House, and the propriety, on the part of the Senate, of affording to the House, on that measure, an opportunity of voting on the legislation which we propose.

The Committee on the Post Office and Post Roads reported, at an early period of the session, a bill which, we supposed, contained important and valuable reforms in the administration of one of the Executive Departments of the Government. That was upon the table of members of the House, as well as of the Senate; and they were, therefore, fully informed upon the subject, and had the opportunity to prepare their minds upon the points of reform which the Senate designed to propose. In due season, we passed the bill. We sent it to them; but, in consequence of one of the rules of the House, which requires all bills containing an appropriation to go to the Committee of the Whole, it has gone into the Committee of the Whole, and cannot leave that without a two-thirds vote of the House. Now, it is impossible to expect a two-thirds vote upon any controverted measure, and thus the principle of a majority competent to legislate, competent by the Constitution to legislate, is overruled; their opinion and their judgment will be held at bay; and an important reform prevented because of the obstructions, in the way of an opportunity to vote, which the rules of the House impose. Now, what we propose is, to afford an opportunity of voting. If the House disagree with us in the reforms that we offer, we may either recede, if they disagree altogether, or, if they disagree in part, we may counsel with them as to the modifications, either on the part of the Senate or House, which may be due to wise legislation; but I hold that Senators who object to general legislation upon bills of appropriation, to general legislation germane to the subject of appropriations, object without, as it seems to me, entirely good reason.

It seems to me there is every propriety in at-

taching to the appropriation bills general legislation respecting the administration of the particular branch of the executive department for whose disbursement the appropriations are intended, because, while Senators may be willing to grant the appropriations asked for by the House, the bills all originating there, and in connection with them to make reforms and modifications in the practice of the administrative or executive department, they may be unwilling to grant those appropriations without those alterations in the administration and disbursement of them. It is, therefore, not only proper, but it is indispensable, in order to give true significance to the sense of Senators who vote the appropriations, or it may be so in many cases, that general legislation and restrictions should be appended to the appropriation bills which are sent to us from the House. It seems to me not only expedient for the purpose of affording an opportunity to the friends of a measure a direct vote upon it in the House, but of enabling the two bodies to consult the public good upon a general subject, but it may very properly grow out of the opinion of Senators that the appropriations ought not to be made to the extent asked for by the House, without the modifications and reforms which they propose in connection with those appropriations.

Mr. BAYARD. I think this is the first time I have heard deliberately defended the practice of ingrafting legislation upon appropriation bills. I have heard Senators say it was necessary in some cases. I have always heard it condemned; but the honorable Senator from Florida seems to think it an appropriate and proper mode of legislation. You have reached the point now, if you have not seen it before. The question is a very plain one. If one House thinks that legislation is necessary, they introduce and pass the proper legislation, whether it is for the regulation of disbursements, or to control or check abuses, or any other reforms; and if the other House chooses to refuse to pass that bill, they stand before the country responsible for not performing their duty in passing laws requisite for the due administration of the Government. But if you connect these things with mere appropriations essential to carry on the Government, without which the Government cannot move, and everything must be thrown into confusion, the result of this system of legislation must inevitably be a constant collision between the two Houses; crude laws will be constantly ingrafted upon bills of this kind. You have the system of enforced legislation against one branch or the other; because, when that proposition goes from one branch to the other for legislation on a bill, you are told that the session is nearly ended, and, if you do not pass it, the House will adhere; or some Senator will say: "I would rather let the bill die; I would rather let the Government be thrown into confusion than have a particular bill, which I think ought not to be passed, put upon that bill." Now, sir, in my opinion, the country can get along under existing laws. I do not believe the system of legislation on appropriation bills ever leads to wise legislation, as a general result, without denying that sometimes we have placed very appropriate regulations upon the appropriation bills. Under any system, however false, we may sometimes have some good arising out of it; and if there were not, why, of course, it would not be tolerated at all. But the system is a vicious one—one foreign to the genius of the Constitution, and the character of the Government—one that, in its ultimate results, will lead to such evils, if we do not abandon it now, that we shall have to do it hereafter.

The question being taken by yeas and nays, resulted—yeas 29, nays 28; as follows:

YEAS—Messrs. Benjamin, Bright, Brown, Chesnut, Clay, Clingman, Crittenden, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mason, Pearce, Polk, Reid, Sebastian, Slidell, Toombs, Ward, and Yulee—29.

NAYS—Messrs. Allen, Bayard, Bigler, Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, King, Pugh, Rice, Seward, Shields, Simmons, Stuart, Trumbull, Wade, Wilson, and Wright—28.

So the amendment was agreed to.

Mr. WILSON. I offer the following amendment:

Advertisements for mail proposals shall hereafter be published in only three papers in the State or Territory through which the mail is to be carried, which papers shall be those having the largest circulation; nor shall such advertisements be published in but two papers in the city of Washington, and those having the largest circulation.

Mr. President, I find, on examing a report made by the Postmaster General in answer to a resolution of the House of Representatives calling for information on the subject, that in the four districts into which the country is divided for contracts for carrying the mails, there are two hundred and seventeen newspapers that publish those proposals. The Postmaster General says that he thinks three in each State would be amply sufficient. It seems to me that two papers having the largest circulation in each State will be amply sufficient. He recommends that one paper in the city of Washington shall publish these proposals; but supposing that there might be some objection to that, I have prepared this amendment, that the proposals shall be published in each of the States and Territories in two papers, which will be seventy-six papers, and in two papers in the District of Columbia, having the largest circulation. I think if this amendment be adopted, it must save at least fifty per cent. paid for all the advertisements in the different States of the Union. I find that in some of the States they are published in a larger number of papers than others; for instance, in the State of Maine they are published in nine newspapers, six in Massachusetts, seventeen in New York, twenty-three in Pennsylvania, and twenty-four in Virginia. It seems to me that this is a mere matter of patronage, and if it is not necessary it ought to be cut off. Let the two papers having the largest circulation in each of the States publish these proposals. The adoption of this amendment will save at least fifty per cent. of the expense of advertising. I hope the Senate will agree to it. It is in accordance, substantially, with the recommendation of the Postmaster General himself in his communication.

Mr. PUGH. I wish to make a suggestion. If you fix the two newspapers in the States that have the largest circulation, you will get both in the same city, in almost every instance. Certainly, you will get two papers in the city of Cincinnati for the State of Ohio. That is my impression.

Mr. WILSON. I will remark to the Senator from Ohio, that if he would like to have it amended, in that way, that they shall not be published in the same city, I will agree to it.

Mr. PUGH. I see no necessity for publishing these advertisements in two papers at all. That is my opinion. The Postmaster General prints pamphlets, and all those who intend to bid get the pamphlet from the Department. I think the appropriation entirely unnecessary.

Mr. YULEE. I think so, too.

Mr. STUART. I wish to make a suggestion to the Senator from Massachusetts. We passed a law, at the last session, upon an amendment which I offered, regulating this subject of advertising in Washington, upon information I derived from the Post Office Department, that we would save from thirty to sixty thousand dollars in each letting. That is the law of the land today. I do not want to disturb that, which is so much gained.

Mr. WILSON. I will strike that portion of my amendment relating to the advertising in the District of Columbia out.

Mr. STUART. I should not like to have that disturbed. I think that is one of the best things we have ever done in regard to these notices. So far as the States are concerned, I care nothing about it. It is true, as stated by the Senator from Ohio, that all the bids are made from the pamphlets. The Department prepares a pamphlet that covers every contract that is to be let, and those pamphlets are sent to the large bidders all over the country, and they make their bids from that pamphlet.

Mr. YULEE. I should have no objection to abolish altogether the practice of advertising in the State papers. I think myself that it is perhaps unnecessary, for all those who are desirous to bid, can obtain from the Post Office the advertisement in pamphlet form. But if we continue the practice of printing in State papers, or in any papers, there is another objection beyond what has been stated to the adoption of papers of the largest circulation, that may not have occurred to the Senator who makes this proposition. The papers of largest circulation may be of a character which would not go at all into the hands of the men who bid. In many States religious papers have the largest circulation, and in many others, literary papers have the largest circulation; for instance, in New York, the Ledger has the largest circulation, and they would go into the hands of those who read tales, but not into the hands of those who are business men, and looking for contracts from the Post Office Department. You must allow the Post Office some discretion. It is to be presumed that the gentleman at the head of that important Department will have some regard to the public interest, and will have them published in the papers that circulate in quarters in which the advertisement should go. I hope the amendment, if pressed, will not be adopted.

Mr. WILSON. The Postmaster General, in answer to a resolution of inquiry of the House of Representatives, looking to this very abolition or modification, says:

"These advertisements, besides being published as specified by the auditor, are also sent out in pamphlet form to postmasters, contractors, and others, with blank forms of proposals, and past experience has shown that much the largest number of bids received are on such printed forms. It is, therefore, inferred that pamphlet advertising, and the publication in the local newspapers, are the most effectual modes of inducing competition; and the selection of one paper at the capital, and three others in different parts of each State and Territory, would probably give sufficient publicity, and afford all persons interested an opportunity of presenting their proposals, and thereby create such competition as would best advance the mail service and promote the best interests of the Department."

Looking over this list of two hundred and seventeen newspapers in the States and Territories, it seems to me, knowing as I do something of the character and circulation of those papers, that many of them are the last papers in the world to reach the parties who bid for those contracts. I therefore wish to confine it to the papers in each State and Territory having the largest circulation, which seems to me would be amply sufficient, and require their publication in the papers having the largest circulation and going among the people. If this is objected to now, in order to reach what I regard as a reform, which will reduce the expenses largely, I will strike out all of the amendment after the word "carried," so as to confine it to newspapers in each State and Territory, and let the Department determine them. It will then read:

Advertisements for mail proposals shall hereafter be published in only two papers in the State or Territory through which the mail is to be carried.

Mr. HUNTER. I merely rise to say to the Senate that it is indispensable, in order to conclude the business of the session, that we should get through with this appropriation bill and the naval appropriation bill to-day, and I hope we shall not spend much time in speaking upon these matters.

The amendment was agreed to.

Mr. WILSON. I have another amendment to offer, to be inserted as a new section:

And be it further enacted, That the contract with Butterfield & Co., for carrying the mails from the Mississippi river to San Francisco, in California, shall be so construed as to allow said contractors to carry the mail by any route they may select.

I will not detain the Senate a moment by saying anything on this proposition. It is a public question, and well understood. I merely ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. POLK. The Senator from Massachusetts will allow me to ask him a question. If I understand that amendment correctly, it does not propose to change the termini of the route, but the direction in which it shall go between the two points.

Mr. WILSON. I thought it was very explicit; but if it is not, I will add to it the words: "between St. Louis and San Francisco."

Mr. YULEE. I hope that amendment will not be adopted.

Mr. WILSON. I do not know whether it will be adopted or not. I do not wish to spend time in discussing it. I simply want the amendment put to the Senate, and the yeas and nays had upon it.

Mr. YULEE. Well, sir, I shall not spend much time in discussing it; but I am going to state my objection to it. The objection I have to it is this: if the Senator were to bring forward

a proposition by which we might be relieved from this contract, or by which it might be modified, then it would be a different question; but the proposition which the Senator makes now is one out of which will grow an increase in the cost to the Government. It will be recollected that, under a contract with Butterfield & Co., they are allowed large preëmptions of land at every ten miles, at every station along the route. Now, in the first place, if they change their route, of course they carry with them a new preëmption, because they have done it with the sanction and authority of the Government. In the next place, in giving them the entire liberty to choose their own route, you give them the liberty of choosing a route by which their service may be lengthened; and it having been done with the sanction of Congress, you lay the foundation—I agree not a legitimate foundation—but you lay the foundation upon which they can come to you for a proportionately increased price for their service, upon the ground that the change which they have made by your authority, by the permission which you gave to them without any control on the part of the Postmaster General, authorized an increased service, and that some neighborhoods, some particular localities, are benefited by it. It may be, as I said, not a legitimate ground; but it will be persuasive, and they will have the means, as other contractors before them have had the means, to get through Congress, by hook or crook, some provision by which increased compensation and allowance will be made to them.

Again: you deprive the Postmaster General of any control or discretion in respect to the route upon which the mails may be most secure. They may take them by routes upon which we are brought necessarily into conflict with hostile Indians, and force the Government either to the establishment of military stations for their protection, or expose the mails of the country to depredation and destruction. There are many reasons why we ought not to undertake to change a contract existing between the Government and parties in a manner which leaves it to the contractors themselves to choose for themselves what changes they will make and when they will make them, and gives to the Government no discretion and no connection with the change.

If the Senator were to bring forward a proposition by which we might be relieved of any part of the expense of the overland service, that might be a question of reform proper to be considered; but when he proposes only to place at the mercy of the contractors themselves a contract which has been made and which is existing, and which may expose us to increased cost, I object to our acting in this hasty manner upon it. It ought, at all events, to go to the Committee on the Post Office and Post Roads that they may examine the contract, and see how the public interest will be affected by the change which is proposed in the contract.

Mr. TOOMBS. In addition to what the Senator has said, if we take the proposition of the Senator from Massachusetts, it will be contracting for at least five hundred miles less service, at the same price. There is one result, because, by the existing contract, these contractors must carry the mail from St. Louis and from Memphis. They meet at Fort Smith, some four or five hundred miles, and they continue through Preston, strike Texas, and pass on for six hundred miles to El Paso. There are from six hundred to a thousand miles for which they do not get preemption, and you propose to give it to them, and cut off five hundred miles of service. Now, if we want to do anything, let us dispense with the routes from St. Joseph and Kansas City, and one from San Antonio. We want but one across the continent; and the reform which is needed is, if you want to carry one, carry one only. If you say, carry one from San Francisco to the Mississippi, then dispense with all the rest. I will go with you, and make a contract with the lowest bidder, thus doing something; but here is a most extraordinary and outrageous contract, and you propose to give them the same amount of money upon it, and relieve them in one place of five hundred miles of mail service, and then give them preëmptions for a thousand miles. It will benefit them to the amount of hundreds of thousands of dollars per annum. It looks very much like a contractor's job; but I presume the Senator from Massachusetts did not know how it would affect it, and did not intend it as such.

Mr. WILSON. The Senator from Georgia knows very well that, as far as I am concerned, it is no contractor's job. We passed an act providing for an overland mail, and under the bids, as is well known, and admitted by the Postmaster General, there were no bids for this route. These parties, therefore, were carried, by the direction of the Postmaster General, upon this route. I think with the Senator from Georgia, that we should have but one route across this continent. One mail route across the continent is enough; and that, it seems to me, ought to be from St. Louis to San Francisco by the easiest and best route. Now, sir, I have made this proposition to allow these parties to change the route if they see fit, and go across from St. Louis to San Francisco by the South Pass, or any other route they may choose to take. If they abandon their locations on the route already taken, upon which they have been forced, why, they will be abandoned to the Government. They will not change their location unless they believe that they can carry the mails across that central route more speedily, and more for their own interest; and that it will be as much for the public interest, no man can doubt.

Mr. TOOMBS. I wish to ask the Senator one question. Does he not know that there are two lines of stages now across the central route?

Mr. WILSON. I understand that is the case.

Mr. TOOMBS. Then, do you want to put a third there?

Mr. WILSON. I want to put this company upon that route if they choose to go there; and then I want to reach the thing further, and have but one company, and one route. I will vote to-day to abrogate this route, and abrogate the others, and stand fair. I think that is just what we ought to reach; but I have made this proposition as a test. I do not expect it will pass; but I want to give my vote against forcing these parties upon that route. I will vote to abrogate them all, and to start fair.

Mr. IVERSON. I do not exactly understand this movement as my colleague does, that it is a contractor's job. I look upon it in altogether a different light, and refer it to altogether different motives. It is nothing more or less than a movement of the North against the South; that is what it is. It is an attempt now to take away the southern route, and put it in the northern region—the region of snows and mountains. This overland mail was authorized by Congress, and the President determined to put it upon this route, over which it now runs from St. Louis and Memphis, across, by El Paso, to San Francisco. It runs through some portion of the southern States and southern country. These northern gentlemen already have two routes over their own region. They have one from St. Joseph to Placerville, and I believe another. At any rate, they have that——

Mr. TOOMBS. One from Kansas City to Stockton.

Mr. IVERSON. They want to take this away from the southern States, and put it upon their own region, for the purpose of depriving the South of the poor benefit of having a mail route over the region of the southern States. The object is to operate upon the construction of the Pacific railroad. That is the ultimate design; and it is another one of those circumstances in which the northern numerical majority of this Government intends to absorb all the benefits of the Government. I trust that southern Senators will put their foot upon this proposition of the Senator from Massachusetts, and that those who act upon this floor in unison and sympathy with the South, will have the manliness to stand by the South on this occasion, and that this amendment, which is nothing more than an attempt to monopolize the benefits of this Government for the advantage of the North, will be voted down.

Mr. RICE. I must express my surprise at the remarks made by the Senator from Georgia, about this being a measure against the South and in favor of the North. He shows a strange want of knowledge of the geography of the country in making the remarks that he has done. The fortieth degree of latitude, running from the Mississippi to the Pacific, just about separates our western possessions in the center. South of that line, upwards of one million dollars are expended annually for transporting the overland mails. Take the nine degrees north, and there never has been one dollar expended, and the very change that is proposed, which I shall not vote for, if it should be adopted, will still leave the route to run through the South. If it does not run through the southern possessions, I want to know where is it?

Mr. IVERSON. I understand the proposition of the Senator from Massachusetts is to allow this mail company to run where they choose. Would they not run from St. Louis, across the South Pass, to San Francisco? Is that in the South?

Mr. RICE. That is in the South.

Mr. IVERSON. I do not understand that it is south of the southern line. It is not in the southern States. It is in the free-State country of this Union.

Mr. RICE. It is within the nine degrees of latitude south of the fortieth parallel. The nine degrees north of that line have not a dollar expended upon them. The Committee on the Post Office and Post Roads instructed me to move an amendment to this bill for a northern route. I had my doubts about it, although it is a matter which we desire very much in the North; but since this debate has arisen, and the remarks have been made, I shall, at the proper moment, offer it.

Mr. BRODERICK. I regret that this amendment has been introduced, because I suppose, before the Senate decides whether they will adopt it or not, it will give rise to a great deal of debate. The Senator from Georgia is mistaken about there being two northern routes and one southern route. There are two southern routes that I know of, for which the Government pays $800,000. Since they were created, and for the purpose of benefiting some three or four jobbers, the Postmaster General, at the last session, made a contract with two parties to carry the mail from St. Joseph, in Missouri, to Placerville, in California. The distance is nine hundred miles nearer than the distance from Memphis to San Francisco. The time over the Memphis route is twenty-five days, and the time over the St. Joseph and Placerville route is thirty-eight days; thus proving, beyond a doubt, that it was given for the purpose of compensating the contractors, and not for the benefit of my State. There is another mail from San Antonio, in Texas, to San Diego, in California. It was a semi-monthly mail, and the Postmaster General paid for it $146,000. It was supposed that, after the large contract was made for $600,000 between Memphis and San Francisco, this would be cut off; but what did the Postmaster General do? He increased the service, and made it weekly, for which he now pays $196,000—the original amount paid being $146,000.

Mr. YULEE. Does the Senator allude to the Utah route?

Mr. BRODERICK. I allude to the San Antonio and San Diego route The mail no is carried from San Antonio, in Texas, to El Paso; there it stops. The Butterfield party take it up there, and carry it to Fort Yuma. The contractors on this side then take it and carry it to San Diego, for which the Government pays $196,000. Well, sir, on the last night of the last session, a bill passed the House of Representatives, reducing the time to thirty days over the St. Joseph route. It passed this body, and the President put the bill in his pocket, and refused to increase the service. Go across by the nearest and most direct route, to California, from Placerville to Sacramento, and from Sacramento to San Francisco, and it is nine hundred miles nearer than this Butterfield route. I believe, if the parties are permitted to seek the most direct route to California, they will reduce the service to the sum of $500,000; and then, after the other contract shall have expired, California will need but one overland route.

Mr. YULEE. It results as I expected; that the change proposed, and which this amendment will effect, is to add to the cost of this overland service to the Government. Now, sir, it is proposed by this amendment, that the Butterfield contractors, who already have a contract, one of the best in the Government, and one of the best under any Government, shall be allowed to change the route, and thereby increase the cost. As a matter of curiosity, I will refer to the fact that the only similar route in existence is the one from St. Petersburgh to Irkutsk, the capital of Siberia,

which goes by railroad to Moscow, as this does from St. Louis to the point of departure, and thence by coaches to Irkutsk, a distance about three thousand four hundred miles, which is about the distance traveled here. It is carried in coaches semi-weekly, as this is; and it costs the Russian Government £57,000, which is only one half the price that Butterfield & Co. receive. Now, it is proposed to impose upon the Government, by the discretion which is designed to be given to Butterfield—intended only to enhance his profits and benefits—the necessity of additional outlay; for the Senator has confessed here that the expectation with which the amendment is moved is, that Butterfield will change his route to a point approaching routes already in operation, and which, he admits, will have to run until the contracts expire; and having been made before, or at the same time, with the contract with Butterfield, they will run nearly the same time. They were made for four years.

Now, what is the consequence that will be imposed upon the Government by that? They will be obliged to establish new routes for the purpose of supplying the part of the country now supplied by the Butterfield route, necessary to be supplied, and required to be supplied, in case Butterfield leaves that route, by a very costly addition to the service of the Government. They will be obliged to reinstate that very part of the San Antonio route, which the Senator from California says has been abolished or discontinued, in consequence of the establishment of the Butterfield route to supply Arizona, and all the region of country upon the route pursued by Butterfield as far as Fort Yuma.

Mr. BRODERICK. The Senator will allow me to interrupt him a moment. The San Antonio and San Diego mail has not been abolished. It is now in existence, and the Government is paying $196,000 for it.

Mr. YULEE. Well, sir, I repeat that the Government will have to renew and again put in operation that part of it which has been discontinued in consequence of the establishment of the Butterfield route. I will explain it. In consequence of the establishment of the Butterfield route, the San Antonio route is limited in the east to the point on the Rio Pecos at which it encounters the Butterfield route. It is discontinued from that point, and is only resumed at Fort Yuma, at which point Butterfield strikes northwest towards San Francisco, and there the service is continued by the San Antonio contract from Fort Yuma to supply San Diego. San Diego must be supplied; the southern part of California must be supplied; Arizona must be supplied; the southern part of Texas must be supplied. You are, therefore, proposing to throw open a line already supplied, because the San Antonio route supplies all the region of country which Butterfield is supplying. You propose to move him, and oblige the Government to provide for additional service for the population of those portions of the country which will require mail accommodations.

Now, is that reasonable? I ask Senators to look at the map of the routes as they now stand. I agree that the service is very expensive, and I think that the great expense is owing to too much service. I think that a weekly service on the Butterfield route would be quite as much as ought to be continued. Instead of the route being changed, it ought to be reduced to weekly instead of semi-weekly service, and so with the other routes. We have here a route by Utah which runs all the way between San Francisco and St. Joseph weekly, at a cost of $320,000. Then we have another central route to Santa Fé at a cost of $90,000.

Mr. BRODERICK. And from Kansas City to Stockton.

Mr. YULEE. Yes, sir; from thence to Stockton. You have those two routes reaching all the way across, from the Mississippi to the Pacific, and you have the southern route of Butterfield with its connections to San Diego and San Antonio, and you propose now, without diminishing the pay of Butterfield, without diminishing the service upon any of the other routes, without abolishing any other contract, to allow Butterfield to move up and compete with the other lines, serving only the same communities which are served by other contracts, and force upon the Government the necessity of establishing, at a great cost, service for the southern portions of our country.

That the Senate may judge of the cost of additions to this overland mail service, I will state a fact in respect to the Utah route across to California. The Senator from California [Mr. BRODERICK] introduced at this session a memorial, which he caused to be read in the Senate, and which was referred to the Committee on the Post Office and Post Roads, asking for an increase of service upon that route, semi-weekly I think it was, and upon reference of the matter to the Post Office Department, we were informed by them that to give them a four-horse service, and increase the service as desired, would cost $620,000, in addition to the $320,000 now paid. I refer to that as an evidence to the Senate of the cost of establishing additional service in this wilderness country; and if Butterfield moves his route, it will be the indispensable duty of the Government, for the purpose of reaching its military posts, for the purpose of supplying our new colonies in Arizona, for the purpose of supplying the southern coast of California, that we shall substitute for the abandoned route of Butterfield other service which would be equally costly.

Mr. BRODERICK. I wish to call the attention of the chairman of the Post Office Committee to this fact, that the Butterfield mail stops twice a week at Los Angeles, in California. From Los Angeles to San Diego is, I think, about one hundred miles. This service can be dispensed with if you will establish a mail between Los Angeles and San Diego; and the San Diego people will then be able to get news from the Atlantic States. Now they get the Texas news only, and they get it but twice a week.

Mr. YULEE. I ask the Senator, if we were to repeal or change the route, as he supposes, how does he know from what point we shall have to supply the mail?

Mr. BRODERICK. I do not believe the Senate intends to change the Butterfield route.

Mr. YULEE. That is another thing.

Mr. BRODERICK. I suppose there is a large majority to sustain him. I am only trying to get rid of a service that is of no earthly use to California. By establishing a mail from Los Angeles to San Diego, for this distance of only one hundred miles, you can dispense with this $196,000.

Mr. POLK. I had not intended to say anything upon this amendment, but to give my vote silently upon it. I am one of those who thought, at the time the selection was made by the Postmaster General, if he made the selection for the carrying of this mail for the contractors, when by law the contractors were to select their point of departure and route, that it was a very unfortunate and ill-advised one. I am still of that opinion; it remains unchanged. Yet, if I believed that it would enhance the expense of the transportation of this mail, by Butterfield & Co., I should hesitate to give my vote, as I expect to do, for the amendment that has been offered by the Senator from Massachusetts. But, sir, I cannot see how the passage of this amendment will necessarily increase the expense of carrying the mail across the continent, how it will entail upon the Government the payment of additional compensation to Butterfield & Co., who have a contract which specifies the amount that they shall receive. I am satisfied, in my own mind, that the route over which Butterfield & Co. carry this mail now, is the most expensive one that could be selected for them across this continent. They may change it from that route to any other between the points indicated by the amendment, and it will be less expensive to them than the one upon which they now carry it.

In addition, sir, I think that allowing them to change the route does not bring them in competition with the lines that are already in operation at all. I think the effect of it will be, that the mail will be carried over the route on or near the thirty-fifth parallel, which was the route, as I believe, upon which it would have been originally carried if they could have had the option of taking whatever route across the continent from the Missouri river to San Francisco that they should have seen fit to take. If it runs on the thirty-fifth parallel, or near to it, it will then serve a large portion of the space intervening between the Mississippi and the Pacific coast, which now is almost entirely without mail service, and will run over a country in which there can be a larger population, and the mail will be of greater service to the people inhabiting the country than it can on the route upon which it at present runs; so that, in my opinion, there is no danger of its adding to the expense in the first place, because it will be to Butterfield & Co. a much cheaper route than the one over which they at present carry the mail; and in the next place, I believe, instead of being brought into competition with the more northern route, the one through the South Pass, which is obstructed by snows and cold during the winter, it will run on or near the thirty-fifth parallel, on a route that will be always feasible, always practicable, at every season of the year, and upon which there will be a larger population than there can be on the route which the mail at present follows.

Mr. GWIN. There is a mail route there now.

Mr. YULEE. How will you supply Arizona?

Mr. POLK. That will be as convenient to Arizona as the present route is, because the present route runs on the southern line of Arizona. It is suggested to me by one of the Senators from California, that there is a service on that route already. I doubt exceedingly whether a mail is carried at all betwixt Albuquerque and the Colorado at the present time.

Mr. GWIN. Because the Indians kill the carriers.

Mr. POLK. Yes, sir. The service from the southwestern corner of Missouri over to Albuquerque, is one where the mail is required to be carried but twice a month; whereas on the other it goes twice a week. I think, therefore, the apprehension of the Senator from Florida is one that will never be realized—that is, of increasing the cost; for I admit that the expenses of transporting the mail are at least as heavy as they ought to be over these overland mail routes, though I am one of those who think that there ought to be some regard had to the necessities of the people on these lines, and to the wants of California, which regard is to have respect to overland transportation as well as to the expenditure of immense amounts for the accommodation of the people on the seaboard to reach the Pacific coast by going over the isthmian routes, and also to the accommodation of the sea-board in carrying the mail by the ocean service.

Mr. YULEE. It seems that there is a difference——

Mr. BAYARD. I hope the Senator will allow me to ask him a question. I want to ask for information. I know very little about these routes, but I should like the honorable Senator to tell me, if it is within the scope of his information, taking the number of letters carried, and taking the cost of transportation by these overland mails, what sum each letter costs the Government of the United States, as the service now stands? I have been told that it costs thirty-seven dollars a letter: I should like to know if that is the fact.

Mr. YULEE. I understand that upon the Butterfield route it costs between sixty and seventy dollars a letter, which is about double the amount mentioned by the Senator. I was simply going to remark that there seems to be a difference of opinion as to whether there will be an increased cost to the Government resulting from this amendment. We know that if we reject the amendment there will be no increased cost, and I think it safe to go upon that view.

Mr. TOOMBS. The Senator from Missouri did not take the point I made upon this amendment at the beginning. If they are allowed to take their own route, they will run from Missouri, along the thirty-fifth parallel, and they will get rid of carrying the mail for five hundred miles, and get paid for it; that is certain; there can be no doubt about that. One line now starts from St. Louis and one from Memphis, and they meet at Fort Smith. If they only run one, the Government will have to pay the $600,000, as they did on both routes. If you provide for giving them the $600,000, they will get rid of that large and important branch of the service. That is clear.

Mr. POLK. Let me suggest to the Senator from Georgia that I understood, from the Senator from Massachusetts, his amendment did not propose to change the termini of the route at all. I asked him that question. It does not propose to change the termini of the route, but allows them

to start from the same termini from which they now start, and make the passage between the Mississippi and the Pacific by such route as they may see fit.

Mr. TOOMBS. That would only make it worse. So far as that route is concerned, it ought to be abolished; and I hope somebody will move it.

Mr. POLK. This amendment does not propose to change the termini; and there is no proposition to abolish it.

Mr. TOOMBS. I know that; but I hope there will be. This debate is bringing out the facts before the Senate; and I trust there will be a motion to abolish it; and, if I cannot get it any other way, I will move it myself. This whole route is a duplicated service.

Mr. POLK. If the Senator will allow me, I will suggest to him that he cannot repeal it, as the company carry this mail on a contract that extends for six years from the commencement of it, at a compensation fixed by the act making the contract.

Mr. TOOMBS. I know that; and so is every other mail route in the United States established by some law, but we can abolish them whenever we please.

Mr. JOHNSON, of Arkansas. Will the Senator allow me to say one word here?

Mr. TOOMBS. Yes, sir.

Mr. JOHNSON, of Arkansas. In the first place, I believe this amendment was offered by the Senator from Massachusetts to create difficulty, and consume time, and defeat this bill. I regret that he is so successful. As far as this service is concerned, I believe, with the Senator from Georgia, [Mr. IVERSON,] that the design is simply sectional in its character. I regret it exceedingly. I presume, if the amendment were adopted, it would not benefit us at all. So far as that company is concerned, I must say they never have performed the service from the Memphis part up to the junction made with the St. Louis portion of the route. As to the manner of the execution of the southern part of the route, the whole thing is not only an abortion, but it is a fraud. That is what I sincerely believe; and, in fact, I know it to be so, so far as the southern part of it is concerned, unless very recently it has changed its character. I hope we shall be allowed to vote.

Mr. TOOMBS. I hope I shall be allowed to say what little I have to say on the question. I care nothing about the sectionality of these routes. It is a matter of no concern to any section, if it does not concern the whole Union. I would just as soon it should be in Kamtschatka as anywhere else, for any benefit it does to one section over another.

Mr. JOHNSON, of Arkansas. Is not that sectional feeling at the bottom of the whole amendment?

Mr. TOOMBS. I do not know that it has anything to do with it.

Mr. JOHNSON, of Arkansas. Is it not at the bottom of this amendment?

Mr. TOOMBS. I think not. I do not think that has anything to do with it. That is my opinion. I say the whole route, from Memphis and from St. Louis, is the most ill-devised where it does run. It might be well to have a route somewhere else; but I have heard no reason for that line. At this time, there is service from Memphis to Little Rock, and from there to Fort Smith, in which the mails of the United States are carried, without reference to this specific route. There is also mail service through from St. Louis. If the Government acted like a prudent person, in contracting for this service from Memphis to Fort Smith, they would dispense with the local service which formerly existed, and would make a *pro tanto* reduction in the cost of the whole service. You have mails doing local service that run to Fort Smith; and what do they carry? Nothing, except civilization.

Mr. JOHNSON, of Arkansas. Not even that, I presume.

Mr. TOOMBS. And not even that. Then from Little Rock over to the corner of Texas—Fulton, there are now four-horse post coaches, and then it turns off hundreds of miles up to Preston, where this route leaves Fort Smith. It runs on to the Indian nation, goes into Texas, and goes right off with four-horse post coaches. It runs through Grayson, and, I believe, Belknap; but certainly as far as Dallas. Then there is tri-weekly, or semi-weekly service, at least for some five hundred miles, by post coaches; and this route runs right along with it. Then from Belknap over to El Paso there is not a human being, except those that are put there by these companies. They go down by Fort Chadbourne, a military post. What necessity, then, is there for this route? There is a mail, very rapid and very good, from New Orleans to Galveston, and from there to Indianola, or Powder-horn, to San Antonio, and from San Antonio to El Paso. We have service from El Paso, a very important part of the United States, by a route just spoken of by the honorable Senator from California; and he is right about it. If you had connected that route at San Diego with Los Angeles, a distance of one hundred miles, which could be done, you would have the quickest and the cheapest mail route from the mouth of the Mississippi over to San Diego, and all the interior service of California, for one fourth the money that is now paid. You could now get it done for one fourth the money. This runs on the same contract from El Paso to Fort Yuma. You there discontinue a portion of the service; and then it runs parallel with the other route from Memphis, for more than seven hundred miles, until you get to where there are no people, and therefore nobody to carry.

Then who is there on this route over the thirty-fifth parallel? After you get from there to Albuquerque, and down on the Rio Grande, with the exception of a few Mexicans, there is not a human being but Indians. You go through Indian country all the way up the Canadian Fork until you strike Albuquerque, and there are no people there; you then pass the Rio Grande along the thirty-fifth parallel, recently surveyed by Mr. Ives, until you get to Fort Yuma, and strike the San Diego route. Why run through that country now with this very route from San Antonio, that will terminate, for the present, at El Paso, and swing around the end of it, and discontinue the service between there and Fort Yuma up to Santa Fé? The Government has not saved anything by it.

Therefore, I say the present mail service necessary for your people brings you within some six or seven hundred miles of the settlements in California, and of course, it seems to me, the most common prudence would commence your service through that trackless waste, where the necessary service of the interior would end. For instance, if you start at El Paso, where you must run the mail, and run over to Fort Yuma and San Diego, and then connect there with Los Angeles, the whole service will be perfect. In fact, we do not want more than one mail from the Mississippi river to the Pacific ocean at all, to supply the people. In running six or seven hundred miles, as you do from Memphis to St. Louis, with post-coaches, there are two of them nearly parallel, one on the thirty-fifth, and the other about the forty-second parallel. There is a route from Kansas City to Stockton, and one from St. Joseph to Placerville. What is the use of them?

Mr. BRODERICK. I will inform the Senator from Georgia that the mail he speaks of is from Kansas City to Stockton, in California, and that passes along the thirty-fifth parallel.

Mr. TOOMBS. Then, if that passes there, there are two on the thirty-fifth parallel; and now they want to throw another one on that parallel. I think it is wholly unnecessary. As for this idea of the great advantage of running four-horse post coaches once a fortnight south of 36° 30', or north of 36° 30', it is the purest imagination that ever entered into any man's brain. I would not give a dollar to have a line run on every parallel from 36° 30' down to the Gulf of Mexico. There is no use for them. I desire to carry the mail. I want the shortest and cheapest route, which will connect both sides, for the public service. If there is a route in the North that is the best, carry the mail over that route. It is no advantage to anybody. I do not want to strengthen my own people, or anybody else, by such means. The public Treasury is bled to death in these squabbles. Ten million dollars are already appropriated for deficiencies in the Post Office. I do not think this idea of giving advantage to the North or the South, has anything to do with this question. I am quite sure it will be no advantage to anybody. I consider it a squandering of the public money.

Mr. WARD. I think the honorable Senator from Georgia is somewhat mistaken in his statistics as to the road running parallel with a road from Memphis. There are from fifty to one hundred miles between the roads. That is quite a wide parallel. The road, by way of Fort Smith, enters Texas at Preston, where it strikes the settlements; and from that point on west there is no stage-line that would be parallel with it at all.

I call the attention of the Senator from Georgia to the fact, that there is no parallel stage-line from there west, after the overland route from St. Louis, by way of Fort Smith, strikes the line of Texas, at Preston.

Mr. TOOMBS. I will correct the Senator from my personal knowledge. I know there is one running from Grayson down to Dallas.

Mr. WARD. There may be one for a short distance.

Mr. TOOMBS. It runs over three hundred miles. I traveled it myself last year. From Grayson to Houston, and down to Austin, there are four-horse post-coaches.

Mr. WARD. That is true.

Mr. TOOMBS. And then, from Grayson to Arkansas, all along to Memphis, there are four-horse post-coaches upon the whole route.

Mr. WARD. The distance between the two roads is very great, notwithstanding. There may be a parallel for a considerable distance through settled country that requires those roads. I am speaking of it after it strikes the settlements of Texas. It runs through but very few counties until it leaves all the settlement roads down to Houston and Austin, to which the Senator alludes.

Now, Mr. President, if we are to have an overland mail route at all, my impression is, that the route, as it now is, accommodates the greatest portion of the people of any that could be selected. It is over the best country, and in the best latitude for traveling to succeed in carrying the mail. After striking the settlements in Texas, it passes through a good many counties now being settled, sparsely to be sure; but still settling very fast, in its direction to El Paso. There it is met by the road from San Antonio, to which allusion has been made. Some allusion, too, has been made as to its discontinuance. It is a very important road for that country, and I consider for the whole country. It is a branch that connects the whole Gulf coast, a distance of five hundred miles, embracing some of the most important points on the Gulf, Galveston included, in the direction to New Orleans. That country is densely settled. It passes by the valley of the Rio Grande that is now settling, and has a large voting population. It does not pass through a wilderness country, as some supposes; but from the Gulf of Mexico to El Paso it is a settled country, and from that point on the road it ceases to be a road running parallel; it only forms a connection. Therefore, the road, falling down, as it does, upon that line meeting the road from San Antonio, supersedes the necessity of a continuance of two roads, and embraces a larger portion of country than any other route—I speak of settled country—that could be proposed.

The object of the road is to accommodate the people; and I think that no other route can be selected to accommodate the Pacific and Atlantic settlements, or the settlements on the Mississippi river, that would be shorter and accommodate more people, than the route as it now stands. I hope that Senators will not conclude that this branch road to San Antonio is a useless one. We have connection not only with the coast there, but with the Atlantic coast; for, from there packets are running direct to New York. This accommodates a large portion of the people, not only on the Gulf coast and in Texas, but elsewhere; and it is reasonable too. It is the practice of the traveling community, as well as the commercial world, to seek water transportation as far as possible; and there is no point that can be found by which they can come as near the Pacific coast, as they can by way of the Gulf to San Antonio, in connection with the route by way of El Paso to the Pacific coast. I hope no idea will be indulged in of abolishing that route; for it has a very important connection with the other routes that are now in use.

Mr. BRODERICK. I have an amendment here which I hope the Senator from Massachusetts will accept in lieu of his amendment. I would like to call the attention of the Senator from Georgia to it. I will state, before I present it, that this amendment provides for a semi-weekly mail between St. Joseph and Placerville, in California; and if this extreme southern route is abolished, this service can be performed for the sum of $160,000, instead of $640,000, as the chairman of the committee has just stated. By adopting this amendment, we save $40,000, and have a weekly service from St. Joseph to Placerville in twenty-five days. It is twenty-five days over the Butterfield route, and it will be the same time over the St. Joseph route. I send the amendment to the Chair, and ask that it be read.

Mr. YULEE. Did I understand the Senator to say I had overstated the amount which the Postmaster General said it would cost?

Mr. BRODERICK. I said that if it cost more than $160,000, I did not want the service. If the contractors will not carry it in twenty-five days from St. Joseph to Placerville for $160,000, or an increase of that much, I will not ask the contract. Then there will be a saving of $40,000.

The Secretary read the amendment, as follows:

And be it further enacted, That the Postmaster General be, and he is hereby, authorized and directed to order the increase of service and speed on the mail routes between St. Joseph, in Missouri, and Placerville, California, so as to give semi-weekly trips each way and through in twenty-five days: *Provided*, That the contractors will consent to perform the increased service herein specified for a sum not exceeding fifty per cent. of the *pro rata* usually allowed by the Department for such increased service.

Mr. YULEE. Does the Senator say that will reduce the cost?

Mr. BRODERICK. I will state, for the information of the Senator, that this extra service will cost $160,000. We are now paying $196,000 for a mail between San Antonio, in Texas, and San Diego in California. This semi-weekly service can be performed for $480,000, a saving of $40,000 to the Government.

Mr. YULEE. How does that save anything unless you abolish the Butterfield route?

Mr. BRODERICK. I propose to continue the Butterfield route, not to interfere with it in any way, but to abolish this extreme southern route from San Antonio, Texas, to San Diego, California. I want to continue the Butterfield route, and this will not interfere with it at all.

Mr. YULEE. The proposition, then, is to increase the service on the Utah route, and discontinue the service in Texas and southern California.

Mr. BRODERICK. No, sir; I do not propose to do that. I will take care of California, if Senators will take care of Texas. I have no objection to the mail in Texas. The Senator from Georgia stated that the mail was necessary from San Antonio, in Texas, to El Paso; but there is no necessity for a mail from El Paso to San Diego, in California. The Los Angeles mail goes twice a week, and could carry them the Atlantic news from San Diego, and the mail service would be a great deal better for the people of San Diego.

Mr. HOUSTON. I should like to know how the honorable Senator from California would reach the Mesilla valley, and those sections of country lying between San Diego and El Paso, by his proposition, or whether it will terminate in California and not extend to the Atlantic coast?

Mr. BRODERICK. I will state that the Butterfield mail touches at El Paso, then from there to Fort Yuma, from Fort Yuma to Los Angeles, and there up. The mail service between San Antonio, Texas, and El Paso, I do not propose to interfere with at all. It is only the Pacific side.

The PRESIDING OFFICER. Will the Senator from California state whether he designs his amendment as a substitute for the amendment of the Senator from Massachusetts, or an addition to it?

Mr. BRODERICK. I offer it as a substitute for the amendment offered by the Senator from Massachusetts.

The PRESIDING OFFICER. Does the Senator move to strike out and insert?

Mr. BRODERICK. Yes, sir. I offer it as a substitute.

Mr. HOUSTON. Mr. President, it seems very strange that the honorable Senator from California should wish to appropriate all the mail service to California, and to disconnect it entirely with the Atlantic coast, unless it were by the transit routes or by way of St. Louis and Memphis. I presume, if the terminus on the Pacific coast were at San Francisco, it would not be deemed at all detrimental to the public service where the route should continue; but the terminus being at San Diego, seems a diversion from that great and important point on the Pacific, San Francisco. Everything must be centered there. It is the attraction throughout the world, it appears to me, and everything that originates here in relation to California or any other section of the country, must go to San Francisco.

Mr. BRODERICK. I will inform the honorable Senator from Texas that I propose to make to make the terminus at Placerville, not taking it to San Francisco at all. I do not want any additional service.

Mr. HOUSTON. It necessarily starts at San Francisco, I presume the gentleman intends, and is to terminate at Placerville, thus still making it the focus of all our legislation. It is regardless entirely of the communication with the Atlantic. The most direct and expeditious route that can possibly be, is to be terminated or thrown out, because it does not go to San Francisco. Placerville does not connect—unless it is through the medium of stage-coaches, with El Paso and the Mesilla valley, and those other sections of country—nor lead to Sonora. It is a point that is to terminate the mail service from San Francisco, and is to cut off all connection with the Atlantic coast. There is no route that can be traveled with the same expedition, with the same advantages, with the same certainty at all seasons of the year, comparable to the route from San Antonio to San Diego. That communicates directly between the coasts, starting on the Atlantic at Indianola, passing San Antonio, from thence to El Paso, Fort Yuma, and San Diego. These are points that are to be connected by the continuance of this route; but if you terminate it at El Paso, all communication ceases on the Pacific coast. If you terminate it at Placerville, all communication with the Atlantic coast is terminated. It is necessary, Mr. President, that this mail route should be continued for the purpose of connecting the Atlantic with the Pacific, as it is the most expeditious and most certain route, and even if it costs more, the advantages of it would correspond with the addition of expense.

Mr. BRODERICK. Will the Senator allow me to explain?

Mr. HOUSTON. Certainly.

Mr. BRODERICK. The mail is now carried from San Antonio in Texas, to El Paso. There it stops. There is another mail from Fort Yuma to San Diego, in California.

Mr. HOUSTON. I should like to know how long it stops? It is another contractor, but it is a continuance of the route.

Mr. BRODERICK. The same contractor.

Mr. HOUSTON. It does not terminate at all at that point. The coaches stop there all night and go on the next morning, or perhaps only stop a few hours to refresh and go on immediately again.

Mr. BRODERICK. It is the Butterfield route.

Mr. HOUSTON. It is immaterial where the stoppage is between there and New Orleans. There are different contractors on different parts of the route, but the route is the same though the contractors are different; and so it is with this route to the Pacific. If this stoppage took place there, and it was entirely arrested, if it was not a regular continuance of the same route, how does it go from San Antonio to San Diego in, I think, twenty-two days or less?

Mr. BRODERICK. Twenty-five.

Mr. HOUSTON. Twenty-five days is the contract time, but I think they do it in twenty-two days. They cannot stop very long at El Paso if they go over a route sixteen hundred miles long (I believe that is about the length of it) in twenty-five days, or in twenty-two days.

Mr. LANE. Twenty-six.

Mr. HOUSTON. Not from San Antonio. It is very strange, sir, that the gentleman should seem to indicate that a dislocation or disconnection had taken place there. I am as anxious to accommodate San Francisco as the gentleman is. I have no prejudice against it; but I do think with regard to the distribution of intelligence throughout the country, that we ought not to regard localities beyond their due importance, and that the object of mail facilities is to disseminate intelligence throughout the whole country, and not to concentrate it at any particular point beyond the importance and magnitude of the object.

If you abolish this route, you do great detriment to the entire South. The North has its facilities by way of St. Louis. It has all the intercommunication of the transits. This route will expedite and facilitate the communication between the Pacific and the northern States, for it commences at San Antonio and in twenty-four hours, I think, or thirty hours, it is at Indianola. Steamships arrive there, and bear the intelligence in a few days to New York and all the commercial points on the Atlantic; but if you abolish this route, you cut off that channel of intelligence, or block it up, and render it entirely useless; you cut off a vast extent of country from all mail facilities. Is there not constant communication necessarily maintained between Sonora, California, and Texas? Will you cut that great artery of intelligence in two, and deprive vast communities of all means of interchange of intelligence and arrest all intercommunication?

I cannot conceive that the Senator is in earnest. He may entertain prejudices to the contractors. He may think they are favorites of the Department. He may think that undue consideration has been given to them; and, if his statements are all true, I would acknowledge it. It is a misfortune; but it is a misfortune that ought not to be visited upon the country which is essentially benefited by this route, and when those benefits are important and necessary to its well-being. I do not know the contractors; I do not expect ever to know them; but I know the advantages that arise from this route, and I maintain that they are essential to the well-being of the State that I, in part, represent, and must be equally important to the interior of California. The Government must have communication; and there is no way so directly communicating with Fort Yuma, and those sections of California which are necessarily involved in difficulties, as by the route to San Antonio.

Mr. BRODERICK. With the permission of the Senator, I will inform him that the Memphis and St. Louis mail stops at Fort Yuma, at El Paso, and at all the places between El Paso and the Pacific. I do not want to interfere with the Texas mail at all; but the mail south of El Paso is of no earthly service to California. Give us a mail from Los Angeles to San Diego, and the people of San Diego will be more satisfied with it than they are now with the present one.

Mr. HOUSTON. Mr. President, I should like to know if the mail from St. Louis and Memphis goes to California, if it is not the same mail that stops at Fort Yuma? Does the honorable Senator wish to arrest that mail, or to abolish it?

Mr. BRODERICK. I want to continue it.

Mr. HOUSTON. If he wants to continue it, this is necessarily a connection formed there. It is not an additional route. It is not a parallel route; for there can be but one contract from El Paso to Fort Yuma and to San Diego. The mails connect at El Paso; and it is the same thing whether it is done or not, unless you abolish that route from Memphis and St. Louis by way of El Paso and Fort Yuma. But there is a junction of mail routes there, and they are continued from thence on to Fort Yuma and San Diego. It is the same route. There are not the same contractors on the same road in any one point in the United States; so that the gentleman misapprehends the object. If it is to terminate at St. Louis, in Missouri, or any other point, why did not the Salt Lake mail afford all the facilities, if it is most convenient and expeditious to St. Louis, and if St. Louis and Memphis are entitled to them? Why, pray, are not Texas, Sonora, and southern California entitled to the continuance of that El Paso route? All we ask is a fair share of intelligence. We do not ask for any peculiar favor. This route has continued for a length of time, and it is growing, from all experience, to be the most important route that we have; and yet there is an effort made to strike it down.

I have no disposition to occupy the time of the Senate, which is precious; but the proposition is so novel in its character, so uncalled for, and

seems to be predicated upon a prejudice more to the contractors than to the necessity of continuing this route, that I could not resist the inclination I have to do justice to all sections of the country.

Mr. BRODERICK. I dislike very much to differ with the distinguished Senator from Texas, but he is entirely mistaken. This is a duplicate route as far as Los Angeles; but, by making a connection from Los Angeles to San Diego, the people of San Diego will get all the intelligence that passes from Memphis and St. Louis twice a week. It was the understanding, at the time this $600,000 contract was made, that this southern route was to be dispensed with. I suppose my colleague recollects it.

Mr. BENJAMIN. Will the Senator from California allow me to ask him a question?

Mr. BRODERICK. With pleasure.

Mr. BENJAMIN. Did I understand him to say that there is now a semi-weekly mail from Los Angeles to San Diego—a local mail?

Mr. BRODERICK. A weekly mail. It was semi-monthly, for which the Government paid $146,000.

Mr. BENJAMIN. That is not the point I am at. The Senator does not understand my question. I understand all about the mail by San Antonio; but I want to know if there is a local mail in California running between Los Angeles and San Diego?

Mr. BRODERICK. I am not sure whether there is or not.

Mr. YULEE. There is not.

Mr. BENJAMIN. Is there not one?

Mr. YULEE. There is not.

Mr. BENJAMIN. Then, how is the mail to be connected from Fort Yuma with San Diego? How does the Senator propose to connect that mail, if he strikes out that southern service?

Mr. BRODERICK. Well, sir, I will connect it by making a contract for carrying the mail between Los Angeles and San Diego, a distance of one hundred miles.

Mr. BENJAMIN. How much less will the Senator get it carried for than from Fort Yuma to San Diego?

Mr. BRODERICK. I suppose it would be carried twice a week for $3,000 a year, or not more than that. It is but one hundred miles.

Mr. BENJAMIN. Looking at the map before me, it seems to me that the distance between Los Angeles and San Diego is very nearly as great as from Fort Yuma to San Diego; and therefore there would be nothing gained by striking out that portion of the route between Fort Yuma and San Diego, if you have to substitute for it another to Los Angeles. Then, if the Senator will look at it, he will find that the eastern end of that route, from San Antonio up to El Paso, with the present contract, supplies the valley of the Pecos river, where there is a heavy population, and that this contract carries the local mail. How will he supply that, if he strikes out that part of the route?

Mr. BRODERICK. That is already supplied by Butterfield.

Mr. BENJAMIN. No, the Pecos river is not supplied by Butterfield. From San Antonio to El Paso is not supplied by Butterfield.

Mr. BRODERICK. That is not.

Mr. BENJAMIN. That is not to be denied. Then the portion which Butterfield's contract supplies is not included in the southern route. There is a gap in that.

Mr. BRODERICK. A gap between Fort Yuma and El Paso.

Mr. BENJAMIN. Here the southern route is bid for, from San Antonio to El Paso, and that supplies Pecos valley; and then they also bid for, as a separate route, the western extremity between Fort Yuma and San Diego. There, again, there is no connection unless you continue that route. The intermediate point between El Paso and Fort Yuma is not bid for on the southern route at all, but it is supplied by the Butterfield contract; so that if you strike out the southern route, you will have to replace it by a local mail on the Pecos river, to supply the Texas population, and by a local mail connecting San Diego with Los Angeles, neither of which could be carried for less than the present contract. You gain nothing.

Mr. BRODERICK. We gain a great deal. I am willing they should dispense with the San Diego mail, if that would satisfy the Senator from Louisiana.

Mr. BENJAMIN. Anything will satisfy me that is for the public service.

Mr. BRODERICK. Well, sir; there is but a small population in San Diego; and I think the people of Los Angeles and San Diego could get mail service performed for about three thousand dollars, or for a very small amount of money. It is a very short distance.

Mr. YULEE. Immediately in connection with the last remark of the Senator from California, and in connection with what the Senator from Louisiana was saying, I am informed by the Senator from Oregon, [Mr. LANE,] that he has traveled over both routes between Los Angeles and San Diego, and between Fort Yuma and San Diego; and that he preferred the route from Fort Yuma to San Diego, to that from Los Angeles; that it can be performed more easily.

Mr. BRODERICK. What is the distance?

Mr. YULEE. I do not know; but the Senator stated it was the easier route.

Mr. BENJAMIN. It appears on the map to be some distance.

Mr. BRODERICK. One more word, and I have done. I ask the chairman of the Post Office Committee, if it was not understood at the time the Butterfield contract was made, that the southern route was to be dispensed with; that it was a temporary mail route?

Mr. YULEE. I never heard any such mutual understanding. I voted myself against the Butterfield route; and I was diligent to hear whatever was said about it.

Mr. BRODERICK. Then I will ask the Senator from California if that is not so? That was my understanding at the time.

Mr. GWIN. I do not intend to enter into the debate, because I believe I am solitary and alone on this subject. I hope nobody will take spasms when I say that I am in favor of all the routes, and always have been, and always intend to stand up for them. I look upon this policy of extending routes across the continent, and establishing connections with the various sections of the Union over this uninhabited country, as one of the most important policies ever adopted by this Government. I have been in favor of all of them from the first; and I will go so far as to say, notwithstanding I expect to be looked upon almost as a monster, that I am in favor of another route from St. Paul to Puget Sound; and I will put it on this bill, or any other, if I can do it.

In regard to this service, this Butterfield contract is a legislative contract. It is well known to members of the Senate that two years ago, about this time, it was passed by a very decided majority—the Senator from Florida, and others, voting against it. The contract from San Antonio, by El Paso, to San Diego, was one of those routes regularly advertised for throughout the United States, and was awarded to the lowest bidder in 1857, and was put into operation on the 1st of July, as all other new routes were at that time. But, inasmuch as this legislative contract was then about to be advertised, and was advertised, and was let before that contract was made, there was a provision inserted in this contract from San Antonio to San Diego, that if the other route was established, and touched that line in any portion or run over the same ground, it was to be discontinued for that space. That was the only point, and that is done, I believe, in all contracts on every route in the United States, that there shall not be double service. The Government does not pay for two mails on the same route to different contractors; so that, when the overland mail was established, and was located from Memphis and St. Louis, going by El Paso to Fort Yuma and to San Francisco, when it went into operation that portion of the service on the San Antonio and San Diego route that passed over the same space of ground from El Paso to Fort Yuma was discontinued, and for that portion of it the contractor received no compensation. The *pro rata* was stricken off. At the same time, to accommodate that section of the country, and to build up this route, which is one of the most important, not only politically, but to our military posts, the Postmaster General increased the service from semi-monthly to weekly, which brought it up, as stated, to $196,000—the *pro rata* for that portion of the service between El Paso and Fort Yuma having been taken off the semi-monthly service. I believe I have answered the question of the Senator, if that was the question he made.

In addition to that, I will state that the distance from Fort Yuma to San Diego is about two hundred and thirty miles; the distance from San Diego to Los Angeles is about one hundred and thirty or one hundred and forty miles—a difference of from seventy to one hundred miles in the two routes. The mails from Los Angeles now are conveyed to San Pedro, and from there by water to Los Angeles, under the contract made in 1847. The mails are taken there by water. There has been an overland mail or monthly mail, which I believe has been discontinued, between Los Angeles and San Diego. As I stated, I am in favor of the whole of that service. I am in favor of increasing it. But I want to speak a little, as is rarely done, to the question before the Senate—and that is the proposition introduced by the Senator from California, in regard to increasing the time and the service on the route from St. Joseph to Placerville. I am decidedly in favor of it. I hope it will be passed.

The service ought to be increased. I am sorry the Senator has not brought in a proposition to reduce the time for each trip to twenty days. The contractors can do it in twenty days, and will do it if encouraged by the Government. I am sorry, also, that he did not take under his charge another route which is meritorious, but which has been disparaged here very much—the route on the thirty-fifth parallel—and bring it within twenty days. By keeping up these routes you will people all that section of country. They are more important to us than any legislation we can have, except the fortification of our coast. They will give us a continual stream of emigration and travel, backwards and forwards, through the various sections intervening between the Mississippi river and Pacific coast. I am in favor of various routes between the thirty-second and forty-ninth parallels. All of them are of the utmost possible importance to us. I hope the Senate will agree to adopt the proposition which is now offered to bring down this service to twenty-five days, and increase the price to $160,000, for which it can be done; and I believe the contractors would almost be willing to undertake to do it in twenty days, for the same sum of money. It is a great route; it ought to be encouraged in every possible way. There is now a telegraph from here to St. Joseph; and beyond that, and on the other side, we have a telegraph over the Sierra Nevada mountains, coming towards Salt Lake, and, with a little encouragement from this Government, it will soon be completed all the way across; but we dare not ask anything now, for the Treasury is bankrupt, and there is a spirit of destruction and pulling down prevalent here, in regard to all appropriations. Seeing that, I had not intended to speak again in regard to any of these questions during this session. There seems to be a destructive spirit abroad, and, therefore, I did not intend to mingle in this discussion, but only to say that I hope this substitute will be voted in, and then that the amendment, as thus amended, will be adopted.

Mr. BRODERICK. I regret very much that the Senator did not take charge of this matter. His intimacy with the Postmaster General is such that he would be heard here on such a subject when I would not be.

Mr. GWIN. I did not wish to take charge of it. I said that I wished the Senator had proposed, also, to increase the service on the Stockton route, by the thirty-fifth parallel, which I was in favor of; but I did not want to mingle in this matter at all.

Mr. BRODERICK. I want to be practical, if I can. I want to lessen the time over the St. Joseph and Placerville route to twenty-five days; it is now thirty-eight. I would ask the Senator, if he cannot get this increase of service without abolishing the extreme southern mail route from San Antonio to San Diego, whether he will sacrifice this great northern mail for that extreme southern mail, when the Government is already paying $600,000 a year for carrying a mail from Memphis to San Francisco? It is evident that Congress will not make any further appropriations for carrying the mails between the Atlantic States and California; will not add to the whole service; but the service can be had for $40,000 less than we are now paying, and I hope the Senate will see

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the necessity of saving that much money, and encouraging a route over which the mail can be carried in twenty-five days.

While I am up, I will state that, at present, a citizen residing in St. Joseph can send his letter to New York, and it can go from there, by way of Panama, to San Francisco, and reach Placerville some eight or nine days before it can go direct from St. Joseph to Placerville by the present arrangement. As it is now, therefore, this route is of no earthly service to California; for nobody puts a letter in the mail-stage at St. Joseph for Placerville.

Mr. BENJAMIN. Will the Senator from California permit me to suggest to him if it would not be better policy for him to introduce some amendment by which the service on that line shall be made efficient, without attempting to double the service there by breaking down another line?

Mr. BRODERICK. I do not want to break down the other line unless the Senate see fit to do so. I wish to get this increased service performed, if I can, for $160,000.

Mr. BENJAMIN. If the Senator introduced some amendment to make that service fall within a limited time, such as he thinks ought to be fairly allowed for the distance between St. Joseph and Placerville, he might get a great many votes for it; but his proposition now is to add to that service, and, for the purpose of obtaining the fund necessary to supply the addition, to destroy another and distinct service. That we cannot go for.

Mr. BRODERICK. The Senator is mistaken. I propose to leave that to the wisdom of the Senate and the Postmaster General. All I ask the Senate to do now is to appropriate $160,000 for a semi-weekly mail between St. Joseph and Placerville. I am willing to leave your Texas mail if you want it, if you will only give us this increase.

The PRESIDING OFFICER, (Mr. FITZPATRICK.) The question is on the amendment of the Senator from California to the amendment of the Senator from Massachusetts.

Mr. WILSON. I hope the Senator from California will not press this proposition as an amendment to my amendment. If he wishes to obtain a distinct vote of the Senate upon it, let him offer it as a separate proposition. I am inclined to think, on reflection, that while he is attempting to reach a very good purpose—that is to establish a semi-weekly mail from St. Joseph to Placerville—the mode he has suggested to supply the means to do it is not one which we ought to sustain. I therefore hope he will not press this proposition as an amendment to my amendment.

Mr. BRODERICK. I offer it as a substitute for that.

Mr. STUART. I ask the Senator from Massachusetts to accept this in place of his amendment:

And be it further enacted, That the Postmaster General be, and he is hereby, directed to reduce the service under the contract with Butterfield & Co., made September 16, 1857, for carrying the mail from the Mississippi river to San Francisco, to weekly trips, at a compensation of $450,000 per annum, as provided in section t n of the act of March 3, 1857, said reduction to commence with the next quarter.

I want to reduce the expense. The schedule under which they are carrying this mail is twenty-five days, and the trips are semi-weekly. Now, I propose to reduce it to weekly trips. I think it ought to be reduced to monthly; but I only propose to reduce it to weekly, which will save $150,000 a year, and will carry the mail, so far as it can possibly be necessary for the public interests, from here to California overland, and will do everything in regard to settling that country which will be done by semi-weekly trips.

Mr. WILSON. I accept that modification.

Mr. JOHNSON, of Arkansas. I should like to understand exactly the state of the question. In the first place, an amendment was offered by the Senator from Massachusetts, and an amendment to that amendment was offered by the Senator from Calfornia.

Mr. STUART. The Senator from Massachusetts accepts my amendment as a modification of his amendment.

Mr. JOHNSON, of Arkansas. But I understood we were debating an amendment to the amendment offered by the Senator from California.

Mr. STUART. That remains to be acted upon.

Mr. BRODERICK. I withdraw my amendment, for the purpose of allowing the vote to be taken on the amendment of the Senator from Massachusetts, as modified. I shall renew it afterwards, as a separate proposition.

Mr. JOHNSON, of Arkansas. Then I understand, more from conversation amongst gentlemen on the floor than from any discussion before the Senate, that the pending amendment proposes to violate an existing contract, which is complete within itself; and we shall have to pay the whole amount of money, and only succeed in reducing the service one half.

Mr. STUART. Not at all.

Mr. JOHNSON, of Arkansas. The authority of the Senator from Maryland has been cited to me—whether correctly, or not, I do not know—as one who had examined the subject, in regard to the nature of that contract, and who had given the opinion that we could not, by any act of ours, alter or change the contract with Butterfield & Co.; that it is a contract perfect within itself, binding upon us; and that we are liable to damages if we alter the contract on any other ground than that for which the general law gives the Postmaster General power to abridge or abolish it entirely: that is, because they have failed to perform its terms. I so understand, and I am certainly not disposed to say that we will take half the service for the whole amount of money, when we are entitled to the whole service for that money.

Mr. PEARCE. Does the Senator refer to me?

Mr. JOHNSON, of Arkansas. Yes, sir. I understood you had examined this contract, and treated it as a legislative contract.

Mr. PEARCE. The Senator has been misinformed. I have not expressed such an opinion. I started an inquiry, as to whether there was anything in the nature of the contract which would have that effect. My own opinion rather inclines the other way.

Mr. GWIN. I stated to the Senator from Arkansas that I understood the Senator from Maryland to be of opinion that, as a legislative contract, it could not be abolished. The question was discussed, and I understood the Senator from Maryland to be of opinion that this contract, being a legislative one, could not be changed or abolished, without making the United States liable to damages.

Mr. PEARCE. It was very natural, perhaps, for the Senator from California to fall into that error. I stated, hypothetically, that if this was a congressional contract, it must be on different terms from those authorized by the general law; but I found, on examining, rather carelessly, I admit, the act of Congress on this subject, that it was not what is usually called a congressional contract. That is to say, I believe there was no direction in the law that the Post Office Department should contract with Mr. Butterfield. There is, however, something peculiar in the law establishing that route, inasmuch as it fixes the amount of compensation to be paid. In that respect it differs from others; but it does not constitute, in my opinion, what is ordinarily understood as a congressional contract; and I rather incline to think it comes under the general rules of the law in relation to contracts by the Post Office Department. At all events, if the parties were entitled in equity to any larger indemnification than the month's pay which is usually accorded in such cases, that would be an application addressed to the equity of Congress.

Mr. JOHNSON, of Arkansas. Then I ask the Senator, is he in a state of doubt, or is he certain that Congress has it in its power to alter or change the contract?

Mr. PEARCE. I take it for granted that Congress may annul the contract.

Mr. JOHNSON, of Arkansas. Without subjecting Congress to damages for that change?

Mr. PEARCE. I have not said that. I say—I am only giving my own opinion—that if they are liable to anything else than the month's allowance, which is usually given in such cases, they would be liable only in equity, and the question would have to be addressed to them in that view.

Mr. JOHNSON, of Arkansas. Then we are left in doubt whether we can abridge half the service and yet have to pay the whole amount. So it stands. If the Senator from Maryland, with all his ability, doubts on such a question, it ought to satisfy us that we should proceed very cautiously.

Mr. BENJAMIN. We cannot be liable to pay the whole amount. Such an amount of profits as the party would be deprived of, would be the extreme amount of damages, not the whole amount of service, when they did not perform it. If we strike off this service, having no right to strike it off, these parties would undoubtedly have an equitable claim against the Government for such an amount of damages as would compensate them for the profits they would have made if they had continued to run the mail, but not for the price of the whole service.

Mr. JOHNSON, of Arkansas. As much as would recompense them for the expenditures they have already gone to for the purpose of carrying out the entire contract?

Mr. BENJAMIN. Whatever damages they suffer—not the price of the service, but what they lose by reason of the violation of the contract.

Mr. JOHNSON, of Arkansas. I ask the Senator if anybody can estimate the damages or the character of the bill that the contractors will make out against the Government for the preparations they have made to carry out the entire contract?

Mr. BENJAMIN. It is clear that they cannot lose as much by not doing the service, as the whole thing.

Mr. JOHNSON, of Arkansas. But yet it is very certain we can lose half the service, and have to pay largely over what would be the relative amount proper to be paid for the smaller extent of service. It seems to me, that unless there is some good authority, some one here who has capacity to investigate the matter, who can assure the Senate that this contract can be changed rightfully and without damage, it is most unwise for the Senate to undertake the movement indicated by the amendment of the Senator from Michigan. It is nothing but an expedient; an expedient based upon, perhaps, a hope, certainly upon no conviction from any one who has investigated the legal points involved. I trust the Senate will not, in this way, adopt a proposition of so grave a character without knowing precisely its effect.

Mr. STUART. I offered this amendment after making an examination of the contract and the law; and although I should give my opinion in this body with great diffidence, on any question, and certainly on this, I think the section which authorized the contract is clear and definite in its provisions. I think it authorized the Postmaster General to make a contract which should be for monthly, semi-monthly, weekly, or semi-weekly, service, at his option throughout, and not in any other way; that Congress did not intend to provide, and did not provide, authority to him to fix a contract which could not be changed agreeably to the terms of this section. I will read it; and I invite the attention of Senators to it, because I shall be very glad to have their opinion. It is the tenth section of the act of 1857:

"That the Postmaster General be, and he is hereby, authorized to contract for the conveyance of the entire letter mail from such point on the Mississippi river as the contractors may select, to San Francisco, in the State of California, for six years, at a cost not exceeding $300,000 per annum for semi-monthly, $450,000 for weekly, or $600,000 for semi-weekly service, to be performed semi-monthly, weekly, or semi-weekly, at the option of the Postmaster General."

Now, I say, my opinion—I urge it with deference—is, that he was authorized to make a contract to carry the mail from the Mississippi river to San Francisco, to be performed semi-monthly, weekly, or semi-weekly, at his option, and that that is the only contract he could make, and it is the only contract he has made. The law fixes the rate. He may exercise his option at any time during the contract to increase or decrease the service, but the law fixes the rate of the pay. That is my belief about it. I propose to save $150,000 a year. My judgment is, that we ought to reduce it still further and save $300,000 a year; but we can save this without any difficulty at all.

Mr. JOHNSON, of Arkansas. I am surprised that the Senator should have presented a point like that unless he told us something more. The Postmaster General was authorized by law to make a contract for the transportation of this mail weekly, semi-weekly, or semi-monthly. He has made that contract. The law left the election to the Postmaster General to say whether he would contract for carrying the mail semi-weekly, weekly, or semi-monthly. The Postmaster General has elected, and consequently as I would argue, he has complied with the terms of the law.

Mr. STUART. No, sir.

Mr. JOHNSON, of Arkansas. Then I invite the Senator to explain his view of the law and of the contract. Can it be supposed that when the Postmaster General has made a contract under the law for carrying the mail a certain number of times at the price specified in the law, we can change the contract without the consent of the contractors? It is utterly impossible. Congress never contemplated that a contract should be made leaving the parties subject to the will and the caprice of the Postmaster General to change it as often in a month as he pleased. I know that no such contract has been made. If it has been, it ought to be exhibited here. No one would undertake to invest the amount of capital necessary for an enterprise of this sort, if the contract was subject to be changed as often as the Postmaster General might please. If that had been contemplated, there would have been undoubtedly a much heavier bid than that which was made. There is no kind of intelligence in the construction which the Senator from Michigan now pleads for. The Senator has read the law authorizing the Postmaster General to make this contract for weekly, semi-weekly, or semi-monthly service. He says such a contract has been made, leaving it optional with the Postmaster General to change the contract and make the trips as frequent or infrequent as he pleases. It seems to me impossible that such a contract could have been made; but, upon the plea that such a contract has been made, the Senator asks Congress to interfere with this contract which is binding on Congress, and this interference with it will subject us to damages and liabilities hereafter.

Mr. DAVIS. It seems to me few things can be more plain than that reducing the service one half, will not reduce the cost in the same proportion. The Senator from Arkansas has very properly stated there is, first, the incident of liability to have the service raised; secondly, all the posts along the route have to be maintained, and with the same force, whether the service be weekly, or semi-weekly, or semi-monthly. The cost of maintaining these stations through an uninhabited country must constitute a very large portion of the expenditure for the transportation of the mail. What amount would be saved, I am not prepared to say; something ought to be reduced, certainly, by reducing the service. I think, however, it would be a fraction much less than half. I doubt if it be a fourth.

Mr. STUART. Will the Senator allow me to say a word?

Mr. DAVIS. Certainly.

Mr. STUART. I made the reduction precisely according to the law. The law says that the service shall be performed semi-monthly, weekly, or semi-weekly, at the option of the Postmaster General, and fixes the rate for each kind of service—$600,000 for semi-weekly, $450,000 for weekly, and $300,000 for semi-monthly.

Mr. DAVIS. The question is though, whether, under the law, the Postmaster General, having elected and having made his contract, and all the arrangements having been made upon the basis of that contract, he can now change and make a reduction to that which the law might have originally contemplated? The arrangements of the contractors might have been very different if it had been a monthly route. It is quite clear that, in that case, they would not have established so many posts at short intervals, but would have preferred to take along the additional animals and the guard for each wagon. It therefore returns to the original proposition, that the Postmaster General has exhausted the power conferred on him by the law, and the contract stands now between these parties and the Government, and must be so dealt with. We cannot go back to the power which the Postmaster General had before he entered into the contract, and assume that power to exist in its entirety now.

One word more in relation to the proposition to change the route. I have no doubt many routes may be found practicable in the summer time, or at least in a portion of the summer months, but I believe there is not one save that which has been selected which is practicable for twelve months in the year; and the Postmaster General acted wisely in selecting, in the main, the line which he did. Some portion of it may be objectionable; some modification of it may be found necessary. There may be a junction of certain mail routes on account of the line passing where it is not necessary, and by uniting it with some other you answer a double purpose; but I believe, as I said, generally speaking, that he has selected the only route upon which we can rely on having the mail transported twelve months in the year.

What has been the recent experience on the line of about the fortieth parallel? We hear not only of the men but of the animals being frozen. As to the route of the thirty-fifth parallel, which is spoken of as the one which is always practicable, it so happens that not one mail has gone across it, though the route was established long ago, and an effort was made to have a mail transported over it. I understand that not a single mail has yet gone across on that post route. We have also the fact staring us in the face—it is useless to go to meteorological tables to maintain it—that the party engaged now under an appropriation to construct a road have gone into winter quarters on that very line, said to be practicable at all seasons of the year, and with a large number of men necessary to work that road they have not dared to face it in the winter. It is, therefore, preposterous to speak of it as a line open to the transportation of the mail at all seasons of the year; a line which is beset by hostile Indians whenever the cold does not drive them to their fastnesses, and which is closed by snow and ice for a part of the year.

The position I take is, that there was but one route, generally speaking, and that the one which the Postmaster General selected, over which the mails could be transported twelve months in the year. I think we require one mail across the continent; I have no objections to having more; but I consider one mail transported through our own territory, and safe, therefore, under all circumstances, for the transmission of letters to be necessary to the Government. I believe we have but one route where this may be secured, and that other mail routes will only answer the purpose a portion of the year. If, therefore, it were probable that the contractors would, on permission being given, change the mail route, I say the Government ought not to permit it, convinced, as I am, that, if it were changed, it would result in failure, and the Government could not get its mail matter transported some portions of the year; but I have no idea it will be changed. If there is anything to be gained by this system of experiment upon the probable views of contractors, I am perfectly willing to have this question submitted to the test of these experiments. If they like to go somewhere else, if they will agree to go anywhere else, without taking any more time, I shall be more disappointed than I expect to be.

Mr. POLK. If it be true, that giving to these contractors the privilege that is proposed to be given by the amendment offered by the Senator from Massachusetts would not produce a change in the route, I can see no objection to voting for it. I have no doubt the Senator from Mississippi is perfectly convinced that the route on the line of the thirty-fifth parallel is impracticable. I am just as firmly convinced that it is the best route across the continent—certainly much better than the one away down on the thirty-second parallel. It is said no mail has been carried across the thirty-fifth parallel route. Look at the difference between a simple contract for carrying at long intervals so as to connect with other roads; for the extent of this is to connect with the line that runs down from Santa Fé to Albuquerque, and then to go over to Stockton; look at the difference betwixt that and making a contract with Butterfield & Co., by which you give $600,000 for taking the mails over.

Mr. JOHNSON, of Arkansas. Allow me to ask the Senator a question. Will the Senator say whether these contractors will carry the mail on the thirty-fifth parallel, if this liberty is allowed them?

Mr. POLK. I do not know the contractors. I never had a word of conversation with them in my life. What I want is to give them an opportunity of doing it.

Mr. DAVIS. There is no danger of their doing it.

Mr. POLK. If there is no danger of the route being changed, it can do no damage to give them an opportunity to change it. If more people can be accommodated, and the mails can be carried in a shorter time, over a more practicable route, without subjecting the Government to greater expense, why, I ask, should not the route be changed?

Mr. JOHNSON, of Arkansas. I will answer the Senator at once why it should not be. I call attention to the fact that he proposes to interfere with a contract and reduce the service one half.

Mr. HUNTER. I understand the Senator from Massachusetts has accepted the substitute of the Senator from Michigan, thus materially changing the character of the proposition.

Mr. POLK. If it stands merely on the proposition made by the Senator from Michigan, I shall vote against it. I desire to vote for the amendment of the Senator from Massachusetts; but if that is withdrawn, and it is substituted by the proposition contained in the amendment of the Senator from Michigan, to reduce it to weekly service, I shall vote against that.

Mr. HUNTER. That is the question, as I understand it.

Mr. WILSON. I think this question must be very well understood; and I hope we shall take a vote on it. I would suggest to the Senator from Michigan, that he allow us to take the two votes separately, in order to gratify the Senator from Missouri. First, let us take the vote on the simple proposition of allowing Butterfield to run over which line he pleases. If that fails, the Senator from Michigan may move his proposition, and take a vote on it. Then, if the Senator from California wants to bring forward his proposition, let him offer it as a separate amendment.

Mr. STUART. I am very willing to do anything which will facilitate the business of the Senate. I desire, however, to say a word or two in regard to my proposition; and, perhaps, I may as well say it now. The contract of the Postmaster General with these parties, I have examined; it is before me in his report. I have examined it in connection with the law, and I entertain no doubt whatever, that the authority of the Postmaster General is complete over that contract, to increase or reduce the service; and whenever he does increase or reduce it, the law itself fixes the compensation; and, therefore, in my amendment, I have named the compensation which the law provides. If you look at the contract, you will find provisions giving control to the Postmaster General to annul the contract; one case is for disobeying the instructions of the Department.

Take the law. Is it supposed that Congress intended to put into the hands of the Postmaster General the option, to be determined by him once and for six years irrevocably and unchangeably, to carry the mails semi-weekly for $600,000 a year? No court would ever give such a construction as that to the law, unless it was clearly not susceptible of any other; but the law, I contend, is plain in itself. It authorizes the Postmaster General to make a contract to carry the mail—how? To carry it "at his option." The law provides that he is to make a contract to carry the mail for six years, from the Mississippi river to San Francisco, and that contract is to be "performed at his option" in a certain manner. He has no right to make any other contract; and he has not made

any other contract. He has reserved the power to give his instructions. It is a general power. Of course they must be reasonable instructions. These are reasonable; they are within the language of the law. Now, Congress says, by passing my amendment, we require you to reduce this service to weekly service, and thereby save $150,000 a year. This is the law, and this is the contract. In my humble judgment, as I said before—I give it with deference to the opinion of every Senator who has examined the question—it either means this, or it means nothing. Senators will see that the contract is to be "performed" according to his option, not "made" according to his option, semi-weekly, weekly, or semi-monthly; but it is to be made for service according to these rates, and then to be performed according to his option, running through six years. Does not a public officer understand, and does not a public contractor understand, that circumstances will change within six years, that the public necessities may vary, and that, therefore, the Postmaster General may reasonably and properly change the service? I entertain no doubt about it, and I am therefore not willing to withdraw my amendment. It stands now so that if the Senate see fit to adopt the proposition as I have offered it, they will direct the Postmaster General to make this reduction. Then it is open to the amendment that is desired by the Senator from Missouri. That can be offered again, and that proposed by the Senator from California can be offered; but really, I think, inasmuch as the amendment is in shape, we had better vote upon it.

Mr. TRUMBULL. I am in favor of the amendment offered by the Senator from Massachusetts; and I disagree entirely with the Senator from Michigan as to our right to change this contract. It seems to me as clear a legal proposition as could be submitted to a court, though I say it, as the Senator from Michigan says, with deference. I should never have thought there could be two opinions about this law and this contract, if I had not heard the argument. Why, sir, what is the law? The law is, that the Postmaster General may make a contract for carrying the mail semi-monthly, weekly, or semi-weekly, at his option. He may make a contract for the service to be performed in this way. Well, he has made his option; he has made a contract; he has entered into an agreement with parties that they shall carry the mail semi-weekly. When he has made that contract his authority is exercised. But, says the Senator from Michigan, he may change the terms of the contract; he has a right to annul the contract. He has, for certain reasons; and he has put in the contract the reasons for which he can annul it. That excludes the idea that he can annul it for any other reason. If, Mr. President, you and I make a contract, and we insert in that contract a clause that, for a certain specified reason, either party may annul it, do we not thereby preclude the idea of annulling it for any other cause? This contract provides:

"It is hereby further stipulated by the said contractors and their sureties, that the Postmaster General may annul the contract for repeated failures; for violating the Post Office laws; for disobeying the instructions of the Department," &c.

Undoubtedly these are specified cases; but the instructions of the Department, here alluded to, mean the ordinary general instructions of the Department. An instruction which violates the terms of the contract is not such an instruction as is meant. Would it be pretended that, under that clause, the contract could be changed and varied at the will of the Postmaster General? I have no doubt that the United States would be responsible in any court of law for whatever damages would ensue from violating this contract simply on the order of the Postmaster General, unless it was done for a cause fully specified in the contract; and, therefore, I am opposed to this amendment of the Senator from Michigan.

I am in favor of the amendment of the Senator from Massachusetts, to allow the contractors to take the mails over the route which they themselves shall select. It was my understanding, when we passed the law two years ago, that they should have that right, and I am for giving it to them now. That violates no contract. But this contract having been entered into, so far as the Postmaster General is concerned, he not having now the power to violate it and reduce the service, I cannot vote for the amendment of the Senator from Michigan, if this is a binding contract. There is another point of view in which I very much doubt whether this contract is obligatory upon the Government, and it is this: the Postmaster General, instead of allowing the contractors to select their route, or even to name the starting points of their route, made a contract with them to carry the mails from points which were not bid for at all. I think that was inconsistent with the law; but, if the contract is a binding one, and was legislatively entered into, I cannot think for a moment that Congress has any authority to violate it.

Mr. YULEE. Will the Senator allow me to ask him—for on several occasions formerly he has made the same allegation—upon what ground he alleged that the law contemplated that the contractors should select the route?

Mr. TRUMBULL. I did that upon the terms of the statute itself. It is section ten, of the act of March 3, 1855, which provides:

"That the Postmaster General be, and he is hereby, authorized to contract for the conveyance of the entire letter mail from such point on the Mississippi river as the contractors may select, to San Francisco, in the State of California," &c.

Under that law the Post Office Department issued proposals, in which it was stated:

"Besides the starting point on the Mississippi river, bidders will name intermediate points proposed to be embraced in the route, and otherwise designate its course as nearly as practicable."

This shows that it was the understanding of the Department that they should name intermediate points; and notwithstanding they did this, when the bids were submitted there was no bid for this particular route. The Postmaster General says:

"No bid having been made for this particular route, and all the bidders (whose bids were considered regular under the advertisement and the act of Congress) having consented that their bids may be held and considered as extending and applying to said route."

He induced the various contractors to make their bids applicable to this particular route. Now, I do not think he had any right to do that.

Mr. GWIN. Does the Senator say that the bidders indicated intermediate points in their bids?

Mr. TRUMBULL. They were required to do so by the advertisement. Whether they did so or not, I do not know.

Mr. GWIN. I have understood that they did not.

Mr. BENJAMIN. They all did.

Mr. GWIN. Indicated points?

Mr. BENJAMIN. Yes, sir.

Mr. COLLAMER. You will find by the report of the Postmaster General that he says there were no bids on the route which he selected.

Mr. YULEE. Has the Senator from Illinois concluded his answer to the question I put?

Mr. TRUMBULL. I have given the points; I do not wish to elaborate them at all. It is on that ground that I insist that the Postmaster General exercised an unwarranted authority in adopting a route, and a point of starting even, which was not bid for by any of the parties.

Mr. YULEE. And upon the ground of the law, I am led to a precisely different conclusion; and it is because the Senator has several times made the same allegation against the Postmaster General that I occupy a moment in correcting it. The law, which the Senator has read, gave to the contractor only the right to select, in his bid, the point of starting. The Postmaster General was "authorized to contract for the conveyance of the entire letter mail from such point on the Mississippi river, as the contractors may select, to San Francisco." The contractors, Butterfield, Dinsmore, and others, who hold the contract, did, in the bid which they proposed, select St. Louis and Memphis as the starting points on the Mississippi river, and the Postmaster General adopted the points so selected by them. The Postmaster General called upon bidders to state the route which they would select; and why? Not because they had a right to dictate the route, but because the law had conferred upon him a discretion whether he should put the line into operation at all or not. He was authorized to do it, but he was not directed to do it; and he required to be satisfied whether the route selected was one upon which continuous and safe service could be carried on throughout the year, and, therefore, he required them to designate the route; and when he found that all the bids proposed routes which, in his opinion, were not such as would justify him in exercising the discretion vested by law in establishing the line, he determined on a route upon which he thought the mails could be safely carried, and he invited contractors to make proposals for that route; and they all transferred their bids to the route so selected by him.

Mr. HUNTER. I rise, sir, to say to the Senator that there are, doubtless, a great many things in the Post Office Department, and in the post routes, which have been established, that ought to be changed; and if we had the time to do so, it would all be very well; but we have no time to enter into these matters as largely as we are doing. I have thought that the overland mail service to California ought to be diminished, and I would vote for this amendment of the Senator from Michigan with a great deal of pleasure; but I fear, upon looking to the contract, that we have not the power to do so. Nothing but that restrains me. I would vote cordially for but one route, if I could; but this is a large subject, and we have not time to enter into it; for I believe that, in order to dispatch the business of this session, we shall have to get through with this bill and the Navy appropriation bill to-day and to-night. We shall then have the miscellaneous bill; we shall have the mail steamer bill, and we shall have the various bills upon which there are disagreements between the two Houses. Under these circumstances, I hope I may be allowed to beg Senators to come to a vote, and let us close up this bill. We cannot enter into the whole subject of post routes now. We have attempted as much legislation as we can carry through on this bill.

Mr. TRUMBULL. As admonished by the Senator from Virginia, I am only going to occupy a moment; not to argue with the Senator from Florida. I think this is a perfect answer to what he says about the Postmaster General's right to select this route. Where did he get it? The Postmaster General cannot establish post-routes; he has no such authority; there is no law giving it to him. This law gave to the contractors the right to carry the mail from such point as they should select to another point. Now, I insist that that carries with it the right to take it along such a route as they please, when there is no authority given to the Postmaster General to direct them as to what route they shall take.

Mr. YULEE. But was there no discretion vested in him, by the law, whether to put the route in operation, or not?

Mr. TRUMBULL. That may be.

Mr. YULEE. And, to determine that discretion, it was necessary that he should be satisfied that the route was a practicable one.

Mr. POLK. What the Senator from Florida has said is true as far as it goes; that is, it is true that Butterfield & Co. put in a bid from St. Louis and from Memphis to San Francisco; but it is also true that they put in a bid from St. Louis only, by Springfield, to Albuquerque, and thence to San Francisco. In the first bid, the semi-weekly service was $600,000. That was the accepted bid. But in the last case, where St. Louis only was proposed as the point of departure, the semi-weekly bid was $585,000—a difference of $15,000.

The PRESIDING OFFICER, (Mr. REID in the chair.) The question is on the amendment proposed by the Senator from Massachusetts. The Chair understands that he has not accepted the amendment suggested by the Senator from Michigan.

Mr. BENJAMIN. There seems to be great misapprehension about this matter. I have not yet heard anybody speak really of the effect of adopting such an amendment. The Postmaster General has informed us exactly of what he did in relation to this contract, and he has given us an abstract of the bids. According to the bids made, Butterfield & Co. bid to go from St. Louis, by a certain route which they pointed out, by Little Rock, &c., to San Francisco, for a certain price. They also bid at a fixed price from Memphis by the Albuquerque route; and they also bid from St Louis, by Albuquerque, to San Francisco, for $585,000. Then Birch's bid from Memphis only, not from St. Louis, for supplying a semi-weekly line, was $600,000; and he proposed to go by the Pecos river, and then through the Hueco mountains, to the Rio Grande, and then west to Fort

Yuma. Glover bid from Memphis only, by way of El Paso and Fort Yuma, the present route, semi-weekly, for $600,000. There were numerous other bids. The Postmaster General did not accept any one bid—the Senator from Illinois is right about that—and why? Because he thought he could get two services performed for the same price. After examining the bids, he said to the contractors: "I want you to carry the mail both from St Louis and from Memphis, semi-weekly, for this $600,000; I want you to start at both these points, and unite at a common point west; I have fixed upon Fort Smith, and from there you will go west, on the line indicated by all the Memphis bidders. Now I shall put that in the paper, and instead of accepting any of your bids to start either from St. Louis or from Memphis, I shall require you to start from both points, and do the double service."

Mr. POLK. Will the Senator from Louisiana allow me to interrupt him?

Mr. BENJAMIN. Certainly.

Mr. POLK. The very first bid that is given here by Butterfield & Co., proposed to start both from St. Louis and Memphis, and it proposed to unite at Albuquerque, or east of it. The difficulty was, as I supposed, that the Postmaster General required them to unite at a point further east than they were willing to do. They were to run from St. Louis by Springfield, and from Memphis by Little Rock, connecting at a common point at, or eastward of, Albuquerque, and thence west.

Mr. BENJAMIN. That is true. There was one bid in, undoubtedly—I ought to have noticed that—for the double service; but that did not indicate where the double service would connect. It was to be somewhere east of Albuquerque.

Mr. POLK. At, or east?

Mr. BENJAMIN. At, or east of, Albuquerque, and they might be connected by going down the river to Memphis. That would have been a point of connection east of Albuquerque, thus having but a single terminus on the Mississippi river. They proposed, each one, to do the service from Memphis west. The Postmaster General thought he could unite the benefits of both termini, and establish two routes, one from St. Louis and one from Memphis, meeting at a common point; but it is to be observed that, in the contract which he has made, he has not confined these parties to connection at Fort Smith; but that he has permitted them to connect further West, at Preston, if they think proper; and that is indorsed on the contract, and he so reports. He published his proposals for all the contractors to do this double service for the same price as they had proposed single service for; and, he said: "in doing the double service, my opinion is, that the best point of westerly connection is Fort Smith." The bidders all agreed to make their bids applicable to the double service; and said: "we accept your proposition; we will do the double service; now select among us." Having so declared, he then had nothing to do but to select the most competent and responsible contractor; and he reported to us that he had selected Butterfield & Co., as the most responsible contractors. But the Postmaster General had something else in view; he had his Texas service to perform. The Texas service, with the Pecos valley, was a local service, which would be required for the benefit of the inhabitants of Texas. He had already service from New Orleans to Galveston and Indianola, by a line of steamships. By making this route pass from Fort Smith, via El Paso, he could make that local service connect with the Butterfield contract across the continent, and thus give California a third line, without any additional cost, because he connected the local service with the through line.

Mr. COLLAMER. That went over to San Diego before.

Mr. BENJAMIN. I know it did; but he struck off a part of the price.

Mr. COLLAMER. The price was increased.

Mr. BENJAMIN. The Senator is mistaken, and I will tell him in what he is mistaken. The service, as already explained, was continued across the line, but the price for carrying the mail from El Paso to Fort Yuma was stricken out. Then the service on the remainder of the line was increased in the number of trips, and in that way the price was increased.

Mr. COLLAMER. Certainly.

Mr. BENJAMIN. But the Postmaster General got rid of the payment of the southern line of contract from El Pasa to Fort Yuma.

Mr. COLLAMER. Undoubtedly; for seven hundred miles.

Mr. BENJAMIN. That is exactly what I say. He cut off seven hundred miles. I say, then, he made the line from St. Louis to Fort Smith west, the line from Memphis by Fort Smith west, and then cut off seven hundred miles of service on the southern line which had previously existed. If he thought proper afterwards to increase the extent of the service on that line, it is an entirely independent consideration. We are speaking now of the routes.

Well, now, what is the proposition? The proposition is, that the Postmaster General shall so modify this contract as to permit Butterfield & Co. to go over from St. Louis by any route they please.

Mr. POLK. That, I am told, is not the proposition.

Mr. BENJAMIN. Yes, that is the proposition we are now to vote on. What will become of the Memphis line? Suppose they go on the thirty-fifth parallel: what will become of the San Antonio line? Then what are they to be paid? Are they to receive $600,000 from St. Louis west if they go on the thirty-fifth parallel and connect with none of the other lines? How are the other lines to be kept up?

Mr. IVERSON. Allow me to make a suggestion. The amendment of the Senator from Massachusetts does not confine the route to start from St. Louis; but it may go anywhere. The contractors may take it up to Puget Sound on one side, and Minnesota on the other, if they choose.

Mr. BENJAMIN. Undoubtedly. The Senator is enforcing my argument.

Mr. IVERSON. Yes, sir.

Mr. BENJAMIN. This amendment reaches much further than the Senator from Massachusetts anticipated. It breaks up the whole service; it requires entirely new provisions to organize it over again. You break it up; you leave other service unprovided for; and the whole law will have to be remodeled on account of this provision. If Senators mean that, let them provide the new system under which they intend the mail to be carried; but if not, let us leave it where the Postmaster General has left it, after very mature study and consideration.

Mr. POLK. I do not feel disposed to detain the Senate on this question; but I think the Senator from Louisiana has pushed the matter to a very extraordinary extreme. He says that, under the bid made by Butterfield & Co., which proposed to unite at Albuquerque, or east of it, they could start from two points on the river and unite at Memphis. I think, as we sometimes say in the western country, that would be rather running it into the ground. The difficulty was, that the Postmaster General, in the first instance, seemed to insist upon uniting at Little Rock. I happen to be familiar with the geography of that country, and I know that it is impossible to travel from St. Louis down to Little Rock at all, except in boats part of the time; and in very dry weather it requires a swamp horse, that has been raised to the business, to get through these swamps.

Mr. JOHNSON, of Arkansas. Is the gentleman speaking of the Missouri part or the Arkansas part? [Laughter.] Because I protest against such representation in regard to my State.

Mr. POLK. I am speaking of the Missouri part.

Mr. JOHNSON, of Arkansas. The gentleman is speaking of the Missouri part. I have no doubt it is horrible, and he has a right to speak of his own land; but I protest against the truth of what he says, so far as regards Arkansas land. [Laughter.]

Mr. POLK. I am speaking of the swamp country of Missouri; and I am speaking of it for the purpose of showing that there was a necessity to have a point of junction further west than seemed to be desired by the Postmaster General at first. The difficulty was, that this matter was so arranged that it was not possible for these contractors to pass through Albuquerque at all. They could not go as far up as Albuquerque. Now that the compulsory route—if I may use that expression, and I think I may—has been established, and other connections have been made with it, it is said it must be continued so, because there have been other local connections made with it. I suppose that, if a change is made, and these gentlemen see fit to take the route up by Albuquerque, if they can take it there cheaper, at less expense, over better ground, and through a better climate than the one they are compelled to go through, where they will not have to haul water for the purpose of supplying their stock fifty or sixty or more miles, but where they can have water at all times accessible, it will be just as easy to make connections with the route as they shall then establish it, as it is to make them with the route as it is now established; and I believe the connections can be made with that route at a much cheaper rate.

Now, sir, as I said before, though I was at the time, and am now, thoroughly convinced that another route would be a better one, I would not be disposed to break up this one, if I thought it would add to the expense of transporting the mail; but I do not understand that it will.

Mr. BENJAMIN. The Senator will excuse me, for a moment, if I ask him a question. Suppose these contractors should only carry the St. Louis mail by Albuquerque, will it not be necessary, then, for the Postmaster General to contract for the carriage of the mail from San Antonio west, for the distance between El Paso and Fort Yuma?

Mr. POLK. I do not know enough about the conditions of the contracts down there, to answer the question satisfactorily to myself. I know that at the time the contract was made with Butterfield & Co., there was a contract for carrying the mail from San Antonio to San Diego, through El Paso.

Mr. BENJAMIN. That is broken up now.

Mr. POLK. It has been broken up in order to accommodate this forced route down through Preston and El Paso and Fort Yuma. In order to compel these contractors to deviate from a straight line two or three degrees of latitude, the route is taken down there; and, because the two are to run on the same line, which was not, in my opinion, the idea of Congress at all in passing the act, the Department suspends one for a part of the distance. I think the people of the Pecos valley can be better accommodated by having this route run to Albuquerque, and from there west, than having it run down to El Paso.

The question being taken by yeas and nays, upon the amendment of Mr. WILSON, resulted—yeas 20, nays 30; as follows:

YEAS—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Foot, Foster, Harlan, King, Polk, Pugh, Seward, Shields, Simmons, Trumbull, Wade, and Wilson—20.

NAYS—Messrs. Allen, Bell, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Crittenden, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mason, Pearce, Reid, Rice, Slidell, Stuart, Toombs, Ward, and Yulee—30.

So the amendment was rejected.

Mr. BRODERICK. I submit, now, the amendment which I withdrew before, for the purpose of allowing a vote on the proposition of the Senator from Massachusetts. It is to insert, as an additional section:

And be it further enacted, That the Postmaster General be, and he is hereby, authorized and directed to order an increase of service and speed on the mail route between St. Joseph, Missouri, and Placerville, California, so as to give semi-weekly trips each way, and through in twenty-five days: *Provided*, That the contractors will consent to perform the increased service herein specified, for a sum not exceeding fifty per cent. of the *pro rata* usually allowed by the Department for such increased service.

Mr. HUNTER. I hope we shall have a vote.

Mr. BRODERICK. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARLAN. This overland mail route through the South Pass is the traveled route. The people on the frontier know this full well. It will be very difficult to convince them that the interest of the public requires a twenty-five days' service on a southern route nine hundred miles longer than this one, and a service of thirty-eight days on the direct line across from the western States to the Pacific coast. This mail route from St. Joseph to San Francisco is on the direct line from the States in the Mississippi valley to the Pacific States. The service on the Butterfield route, which has been represented here to be some nine hundred miles longer than the one now under

consideration, is made in twenty-five days, as I understand, whilst this contract allows the contractors thirty-eight days to perform each successive trip. If I understand the amendment, it is to put the two routes on the same time. This route, which is nine hundred miles shorter than the other, is proposed to be put on precisely the same time. It seems to me that it is due to the interests of the public, it is due to the interests of the people of the northwestern States, that the travel on this route should be put on the same time with the travel on the southwestern route.

Mr. GREEN. I would recommend to the Senator from California to withdraw this amendment at this time; and I will state the reason why I think it will be the better policy to withdraw it. I think it right to put the service from St. Joseph to Placerville on the same basis with the service on the Butterfield route; but we have not yet voted whether we will reduce the service on the Butterfield route to weekly service, or whether it shall remain semi-weekly. By making this semi-weekly now, it might embarrass the vote on the other; and, as there cannot be any system of tactics that can possibly prevent the Senator from again moving this amendment, after we have voted on the other, I think it will be better policy to withdraw it until we take that vote. I will vote to reduce the other to weekly service; and I will vote to make this weekly service in the same time—twenty-five days. It is right to the section of country to be benefited by this overland route. But if you persist in keeping the Butterfield route at semi-weekly service, I will vote to make this semi-weekly. For that reason, I think it will be better policy to withdraw this amendment until we vote on the other.

Mr. SEWARD. I appeal to the honorable Senator from California to reduce the number of trips on this route to the same number as on the other.

Mr. BRODERICK. That is what I have provided for.

Mr. SEWARD. How many trips do you require?

Mr. BRODERICK. Two a week.

Mr. SEWARD. Reduce this to one a week, and we will reduce the other to weekly service.

Mr. BRODERICK. I shall vote against reducing the other to weekly service; but I will withdraw this amendment now, at the suggestion of the Senator from Missouri, in order to allow the Senator from Michigan to offer his amendment.

Mr. STUART. I withdrew my amendment temporarily for the purpose of letting the Senator from Massachusetts get a vote on his. I now offer it again:

And be it further enacted, That the Postmaster General be, and he is hereby, directed to reduce the service under the contract with Butterfield & Co., made September 16, 1857, for carrying the mail from the Mississippi river to San Francisco, to weekly trips, at a compensation of $450,000 per annum, as provided in section ten of the act of March 3, 1857; said reduction to commence with the next quarter.

Mr. HUNTER. I shall take the risk of voting for this, in order to escape the other. Indeed, I believe it is proper to do so, if we have the right under the contract, and I will take the risk of our having to pay any damages.

The amendment was agreed to.

Mr. BRODERICK. Now I renew my amendment.

Mr. LANE. I should be glad to have the amendment of the Senator from California read.

The Secretary read it.

Mr. COLLAMER. The Senator should strike out the word "semi-weekly."

Mr. BRODERICK. Yes, sir; that word should be stricken out, and "weekly" inserted, and $160,000 should also be put in as the price.

Mr. COLLAMER. I think it requires no other amendment, except to strike out the word "semi-weekly," and put in "weekly;" because it provides for doing the increased service at a reduction of the *pro rata* usually allowed.

Mr. LANE. As there is no overland mail to Oregon, and as this is on the direct line to that State, I desire to inquire whether it would be in order to move to amend this amendment so as to authorize the Postmaster General to contract for service to connect with this route at Salt Lake to Roseburg, in southern Oregon, and from Salt Lake to the Dalles, in Oregon.

Mr. HUNTER. That reminds me that the amendment of the Senator from California is out of order. It proposes to increase the expense, and it does not come from a committee, and is not in pursuance of an estimate. I raise a question of order on it.

Mr. HARLAN. I understand that this amendment will reduce the cost of carrying the mail by lessening the number of trips.

Mr. LANE. No; this increases the number of trips.

Mr. HUNTER. It increases the expense, and we have no right to introduce such an amendment on an appropriation bill unless it comes from a committee, or in pursuance of an estimate. We see that already the Senator from Oregon feels bound to move to amend it by adding something which he would not have a right to offer under the rules.

Mr. LANE. I should think that no Senator, seeing that Oregon has no overland mail service at all, would refuse to provide for overland mail service to Oregon. If the amendment of the Senator from California is in order, and if a vote is to be had on it, then I am sure the Senate will agree that mail service shall be provided for from Salt Lake to Roseburg, in southern Oregon, on a route already established, and from Salt Lake to the Dalles, on a route already established.

Mr. HUNTER. I hope the Chair will decide the question of order.

The PRESIDING OFFICER, (Mr. REID in the chair.) If the effect of the amendment of the Senator from California be to increase an appropriation, it is not in order under the rules, unless it is reported from a committee.

Mr. BRODERICK. If the Senate will permit me to get the action of the Committee on Post Offices and Post Roads on my amendment, I will withdraw it temporarily for that purpose. I suppose I can get the consent of that committee to offer it.

Mr. LANE. If the object of withdrawing this amendment is to submit it to the Post Office Committee, with a view of having their consent to its introduction, then I ask that the Post Office Committee be also requested to provide for mail service to Oregon, upon the routes that I indicated. Certainly the Post Office Committee will not refuse that to my State, especially as in all the bills pending there is not one cent asked for Oregon. If there is, I am not aware of it. As we have asked nothing——

Mr. SHIELDS. I suggest to my honorable friend from Oregon to prepare his proposition and submit it to the members of the Post Office Committee.

Mr. LANE. I would do so with pleasure if I could be certain to have their consideration of it.

Mr. JOHNSON, of Arkansas. I am informed that it has been decided that a reconsideration of a vote taken in Committee of the Whole cannot be had. An amendment was adopted a short time ago which certainly went through by surprise. After the debate on it had proceeded for some time, I became satisfied, from my observation, that the sense of the Senate was entirely against the prudence, or the wisdom, or even the legal right of Congress to attempt to cut down the overland service to California; or in other words, to change a contract which had already been made by the Postmaster General in obedience to the existing law of Congress.

Mr. SEWARD. If the honorable Senator from Arkansas will give way to me, I will move a reconsideration, in order that we may have the yeas and nays on that question.

The PRESIDING OFFICER. The Chair decided this morning that the Senate, when acting as in Committee of the Whole, cannot reconsider a vote upon an amendment. The object can be attained, however, by taking a vote after the amendments are reported to the Senate.

Mr. SEWARD. Very well; I hope my honorable friend from Arkansas will attend to that.

Mr. JOHNSON, of Arkansas. Then I give notice now that I shall ask for a separate vote on the amendment to which I allude, when we come into the Senate, and shall ask that it be rejected. It was adopted when the Senator from Mississippi [Mr. DAVIS] and the Senator from Illinois [Mr. TRUMBULL] happened to be out of their seats, and my own attention was not called to it. The matter was discussed, and I thought the opinion of the Senate was decidedly against the amendment. The Senator from Maryland [Mr. PEARCE] stated that he could not say that it was not a violation of contract such as would subject this Government to the payment of damages, if we chose to interfere with it. That amendment has been adopted, although it appears to me that it had no support of any consequence in this body. I shall move to strike it out at the proper time.

Mr. RICE. I am instructed by the Committee on the Post Office and Post Roads to offer the following amendment, as additional sections:

And be it further enacted, That the Postmaster General be, and he is hereby, authorized to contract for the conveyance of the entire letter mail from St. Paul, in the State of Minnesota, and the head of Lake Superior, in Wisconsin, to Seattle, on Puget Sound, in the Territory of Washington, for six years, at a cost not exceeding $300,000 per annum for semi-weekly service.

And be it further enacted, That the contractors shall have the right of preëmption to one hundred and sixty acres of land not then disposed of, or reserved, at each point necessary for a station, not to be less than ten miles distant from each other: *And provided*, That no mineral land shall be thus preëmpted.

And be it further enacted, That the said service shall be performed within twenty days for each trip; and that, before entering into such contract, the Postmaster General shall be satisfied of the ability and disposition of the parties, *bona fide* and in good faith, to perform the said contract, and shall require good and sufficient security for the performance of the same; the service to commence within three months after signing the contract.

And be it further enacted, That the cost of said service be paid out of any money in the Treasury not otherwise appropriated.

Mr. BRODERICK. I hope the vote will be allowed to be taken on my amendment before the question is put on the amendment of the Senator from Minnesota.

The PRESIDING OFFICER. The question before the Senate is on the amendment of the Senator from Minnesota.

Mr. BRODERICK. I ask the Senator from Minnesota to withdraw that amendment temporarily. I will vote for it, but I desire first to get the action of the Senate on my amendment.

Mr. RICE. I shall yield with great pleasure, if the Senator from California can assure me that his amendment will not take up the remainder of the day.

Mr. HUNTER. I ask if this amendment is sanctioned by a committee?

Mr. RICE. I had the unanimous consent of the Committee on the Post Office and Post Roads to report it; and some of the members of that committee were so strongly of the opinion that this service should be established, that they reduced the estimates on other routes to a sufficient amount to allow this to be put into operation. I am not going to take up the time of the Senate on this discussion. I think there has been quite enough said on the general subject to-day.

Mr. SEWARD. Will the honorable Senator allow me to make a suggestion to him? It seems to me, that if he will modify his amendment so as to provide for weekly, instead of semi-weekly service, and reduce the price one half, it will go through without trouble.

Mr. RICE. I shall occupy but a minute of the time of the Senate; I know the importance of saving time now, and have felt it myself. There has not been a single argument advanced in favor of any one of the other routes, and they are all southern routes, which will not apply with equal force to this. There can be no valid objection to this. It will not require one half the amount of money; it will not require the preëmption of one half as much land; and the service can be performed on it in from six to ten days less time. I venture to say, that, if this route is established, you can send letters from the city of Washington by way of St. Paul to Puget Sound, and from thence to San Francisco, in less time than they are now sent from here over the $600,000 mail route to San Francisco; but I will not take up time. I shall simply content myself with moving some amendments to make this conform to the provisions for the other routes. I propose to strike out the word "semi," so as to make this mail a weekly one, and strike out $300,000 and insert $200,000 as the cost of the service. These modifications will meet the views of the Senator from New York. I presented, some five or six weeks ago, a memorial of citizens of Minnesota on this subject, setting forth many interesting facts in regard to this route. That memorial has been printed and laid on the table of every Senator; and I presume every gentleman's mind is made up. I shall, therefore, say nothing more on the subject. I hope the vote will be taken.

The PRESIDING OFFICER. The amendment of the Senator from Minnesota will be considered as modified, as he suggests, unless there be objection.

Mr. BRODERICK. I rise to a question of order. I understood from the Senator from Minnesota, that I had his consent to take a vote on the amendment I offered.

Mr. RICE. This will consume no time.

Mr. BRODERICK. But it is out of order; and I hope my amendment will be voted on first. I have no objection to this amendment, and shall vote for it cordially; but I do not think mine ought to be displaced for a new amendment.

Mr. RICE. If this will come up next, I yield to the Senator from California.

Mr. BRODERICK. Then I ask for the consideration of my amendment.

The PRESIDING OFFICER. Does the Senator from Minnesota withdraw his amendment?

Mr. RICE. Temporarily.

Mr. HUNTER. It seems that our experiments in the way of economy, are likely to result very unfortunately. Instead of reducing that service which seems to me to be more expensive, in proportion to the benefit it confers, than any other—the overland postal service to the Pacific coast—we are likely to end with one mail route more than we had before, and to have increased service on another. We are, I believe, very much increasing the service on the St. Joseph and Placerville route by this amendment; and we have notice that we are to have another mail route offered on this bill.

Mr. BRODERICK. I hope the vote will be taken on my amendment, without any further debate. It has occupied four hours of the time of the Senate already.

The PRESIDING OFFICER. The amendment of the Senator from California will be read.

Mr. GWIN. The Committee on the Post Office and Post Roads are preparing it so as to have it ready in a few minutes, in order.

Mr. BRODERICK. Let it be read from the desk. It is there. I put it there myself.

The PRESIDING OFFICER. The amendment of the Senator from Minnesota is in order.

Mr. BRODERICK. I believe I had the consent of the Senator from Minnesota twice, to offer mine.

The PRESIDING OFFICER. The Chair learns that the amendment is not ready. When it shall be offered, the Chair will receive it.

Mr. BRODERICK. I do not know who took it from the desk. I should like the gentleman who took it from the desk, to put it back again. Then let it be read from the desk, and I will try to amend it from my place, so as to make it in order.

Mr. GWIN. The chairman of the Committee on Finance made a point of order on it, and it was ruled out of order. Then it was proposed to put it in a shape in which it would be in order, and for that purpose it was suggested that the Committee on the Post Office and Post Roads should take it and modify it. We are preparing it, and we shall have it ready by the time the proposition of the Senator from Minnesota is disposed of.

Mr. BRODERICK. I should like to have the control of my own amendment.

Mr. GWIN. The Senator must be a member of the Post Office Committee to offer it.

Mr. BRODERICK. No, sir; but I understood I had their consent.

The PRESIDING OFFICER. The Senator from California can offer his amendment, but if it be presented in the same form as it was before, it will be ruled out of order again.

Mr. BRODERICK. On what ground?

The PRESIDING OFFICER. That it is not reported by a committee.

Mr. BRODERICK. If I have the consent of my colleague, and of Mr. YULEE, and——

The PRESIDING OFFICER. If reported by a committee, it is in order.

Mr. BRODERICK. I suppose there is no difficulty about having it reported from a committee.

Mr. GWIN. Here is an amendment that I think will cover the case. I have the consent of the Post Office Committee, of which I am a member, to offer it:

And be it further enacted, That the Postmaster General be, and he is hereby, authorized and required to order an increase of speed on the mail route between St. Joseph, Missouri, and Placerville, California, so as to require the mails to be transported through in twenty-five days: *Provided*, That, if said contractors have heretofore offered to perform said increased service for a less sum than the usual *pro rata* allowed by the Department, then the Postmaster General shall not contract to pay them more than said last-mentioned offer.

This is in conformity with the offer of the contractors to perform the service in thirty days, at less than the *pro rata* usually allowed. That offer is on file in the Department; and for that reason the President refused to sign the joint resolution of the last session, as it gave the *pro rata*, and not the diminished price at which the contractors had agreed to do the service. This covers the precise ground the Senator from California wishes to accomplish; and it does it in such form as to avoid the objections which were urged against it before. I was going to make the proposition, and I was endeavoring to put it in the form in which I have presented it.

Mr. BRODERICK. I am very anxious to get the time on this route reduced from thirty-eight days to twenty-five; and I want the Senate to know how much money is to be paid for the service before they act on the amendment. If I be permitted to amend the amendment I offered some four hours since, I would provide that the expense should not exceed $110,000 for the reduction of the time from thirty-eight to twenty-five days.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from California, to restrict the amount to be expended, as stated by him.

Mr. LANE. I think it would be wise to provide also that there should be no pay for any trip when they do not make the time within the number of days prescribed.

Mr. BRODERICK. Five thousand dollars is deducted for every failure.

Mr. LANE. I propose that there shall be no pay allowed at all for any trip, when the mail is not delivered within the time.

Mr. BRODERICK. Then you had better abolish the mail lines all over the Union. I do not accept that amendment.

The PRESIDING OFFICER. The amendment of the Senator from Oregon is not now in order, there being an amendment and an amendment to that amendment pending.

Mr. YULEE. I desire simply to say—as I have been referred to—that, although I consented to allow the amendment to be reported from the committee, so far as I was concerned, so that a vote might be taken upon it, I distinctly stated that I was opposed to it.

Mr. RICE. I cannot consent to allow this debate to go on any longer. Here the whole southern portion of our western territory is cut up with mail routes. They have had all they have asked for, and yet they are not content; they must occupy the last days of the session in discussing their little local points. I have yielded, I think, quite far enough; and I now insist on my amendment being acted upon.

The PRESIDING OFFICER. The Senator having withdrawn it, and suffered the Senator from California to offer his amendment, that is the question now pending.

Mr. BRODERICK. The Senator from Minnesota withdrew his amendment three times.

Mr. RICE. I withdrew it temporarily, understanding that there was to be no debate on this amendment.

Mr. BRODERICK. I do not want any debate on it. I think we can vote without further discussion.

Mr. RICE. Is it ready?

Mr. BRODERICK. Yes; it is on the table. Let it be read.

The Secretary read it.

Mr. BRODERICK. I move to strike out the proviso, and insert, "at an increased expense not exceeding $110,000."

Mr. DOOLITTLE. I understand the amendment of the Senator from California is to put a limitation to it; that it shall not go beyond the sum of $110,000.

Mr. BRODERICK. That the reduction from thirty-eight to twenty-five days shall not go beyond $110,000.

Mr. IVERSON. I want to inquire if that amendment comes from a committee?

The PRESIDING OFFICER. The amendment to the amendment does not. If I understand the effect of it, it is not to increase the appropriation but to restrict it.

Mr. BRODERICK. Yes, sir; I do not want to give the *pro rata* rate.

Mr. IVERSON. The Senator from California ought to put in the word "increased," so as to say "the increased cost shall not exceed $110,000."

Mr. BRODERICK. I am very sorry that the Senator from Georgia does not understand this amendment. The original amendment provided for $160,000. I propose to reduce it to $110,000.

Mr. IVERSON. I understand this amendment proposes to make the trips once a week, and to make them in twenty-five days instead of thirty-eight days. I want to know what the contractors get now?

Mr. BRODERICK. Three hundred and twenty thousand dollars.

Mr. IVERSON. And what will they get, if the service is made weekly, and required to be performed in twenty-five days?

Mr. BRODERICK. I propose to arrange it so that they cannot receive more than $430,000.

Mr. IVERSON. That is an increase beyond the amount of the present compensation.

The PRESIDING OFFICER. That part of the amendment is reported by the Committee on the Post Office and Post Roads. There is an amendment pending to their amendment, offered by the Senator from California.

Mr. BRODERICK. My amendment is to reduce the increased amount of compensation, allowed by the committee's amendment, from $160,000 to $110,000.

Mr. GWIN. The Senator from California offered a proposition with a proviso which he has stricken out. The Post Office Committee have adopted his amendment without the proviso, and now the committee report this increase of $110,000, which makes it perfectly in order. The Senator's amendment, without the increased compensation, was in order, but with the increase of compensation had to be adopted by the committee to make it in order; and the chairman, I believe, is willing to have a vote on it.

Mr. YULEE. There is a misunderstanding on this point.

Mr. SEWARD. I ask the honorable Senator from Arkansas to move that we take a recess until six o'clock. ["Oh, no."]

Mr. BRODERICK. Let us vote on this amendment.

The PRESIDING OFFICER. If Senators will permit the Chair, he will try and ascertain from the Senator from California what his amendment is.

Mr. BRODERICK. I regret very much that the President does not understand it.

The PRESIDING OFFICER. The Secretary will read the amendment reported from the Committee on the Post Office and Post Roads; and then the amendment of the Senator from California to that; so that the Senate will understand the question.

The Secretary read, as follows:

And be it further enacted, That the Postmaster General be, and he is hereby, authorized and required to order an increase of speed on the mail route between St. Joseph, Missouri, and Placerville, California, so as to require the mails to be transported through in twenty-five days: *Provided*, That, if said contractors have heretofore offered to perform said increased service for a less sum than the usual *pro rata* allowed by the Department, then the Postmaster General shall not contract to pay them more than said last-mentioned offer: *And provided further*, That the contractors agree to perform said increased service at a sum not exceeding $110,000.

Mr. YULEE. I did not agree to that last proviso.

Mr. GWIN. No; that is the proviso the Senator from California offered.

Mr. BRODERICK. Now, I have the consent of five members of the committee to report the amendment which I offered some time since.

The PRESIDING OFFICER. The Senator will please send to the Secretary what it is that he offers as an amendment.

Mr. BRODERICK. What has been read by the Secretary ten times within two hours. It is now upon the table.

The PRESIDING OFFICER. The Senator has withdrawn it once or twice, and the Chair does not know precisely what he desires to offer. The Secretary will read it.

The Secretary read as follows:

And be it further enacted, That the Postmaster General

be, and he is hereby, authorized and directed to order an increase of service and speed on the mail route between St. Joseph, Missouri, and Placerville, California, so as to give weekly trips each way in twenty-five days, at an increased expense, not exceeding $110,000.

Mr. BRODERICK. That is the amendment.

The PRESIDING OFFICER. The Chair decides, that as the amendment, according to his understanding, increases an appropriation, and is not reported from a committee, it is not in order.

Mr. BRODERICK. I have the consent of the committee to report it.

Mr. SHIELDS. This is the committee's amendment.

The PRESIDING OFFICER. Is the Senator from California a member of the Committee on the Post Office and Post Roads?

Mr. BRODERICK. No, sir; but I saw Mr. DIXON; I saw Mr. BIGLER; I saw Mr. YULEE; I saw Mr. RICE; and they all consented that I might offer it; and I suppose my colleague is for it, because he has so stated four or five times. I got their consent to report it from the committee.

The PRESIDING OFFICER. The Chair will state that no member of the Senate has a right to make a report from a committee unless he is a member of the committee. The report must be made by a member of the committee charged with the subject upon which the report is made.

Mr. BRODERICK. Then I suppose my colleague will take the paternity of it, or any other member of the committee. I do not care who has it, so that I can get a vote upon it.

Mr. HARLAN. I desire to know whether the proposed amendment of the Senator from California cannot be offered as a substitute for that of the committee? If the amount of money proposed in the amendment of the committee and the amount proposed in the amendment of the Senator from California is precisely the same, it seems to me it would be in order to submit this as a substitute for that.

The PRESIDING OFFICER. The amendment would be in order, if it did not propose to increase the amount of appropriation.

Mr. GREEN. There was an amendment proposed from the Post Office Committee, by the senior Senator from California, [Mr. GWIN,] that was pending. It is written on blue paper, and is now, I think, in the hands of the Senator from Wisconsin, [Mr. DOOLITTLE.] While that was pending, the Senator from California at my right [Mr. BRODERICK] proposed to amend that amendment by striking out the proviso which it contains; and inserting, in lieu of that, his proviso, which was to this effect:

"*Provided*, The increased cost shall not exceed $110,000."

That was in order by him. He had a right to propose a limitation to an amendment reported by a committee. I am opposed to the limitation; for, I think, as reported by the Post Office Committee, it is exactly right. A joint resolution to the same effect passed both Houses of Congress at the last session, but failed to receive the approval of the President, and he sent in his message at this session assigning the reasons why he did not approve it, and this proviso meets precisely the point made by President Buchanan in his message returning that joint resolution.

The PRESIDING OFFICER. If the amendment does not increase the amount of expenditure, it is in order.

Mr. BRODERICK and Mr. GREEN. It does not.

The PRESIDING OFFICER. The question, then, is on the amendment proposed by the Senator from California to the amendment.

Mr. GWIN. I do not want to interfere with this matter at all, but I ask the attention of the Senate for a moment. The original amendment was offered by the Senator from California. I did not know that the point of order was made. It was made by the Senator from Virginia. Then, being a member of the Post Office Committee, I wanted to offer it from that committee, so as to bring it in order. The committee, as I understand, have agreed to report this amendment:

That the Postmaster General be, and he is hereby, authorized and required to order an increase of speed on the mail-routes between St. Joseph, Missouri, and Placerville, California, so as to require the mails to be transported through in twenty-five days: *Provided*, That, if said contractors have heretofore offered to perform said increased service for a less sum than the usual *pro rata* allowed by the Department, then the Postmaster General shall not contract to pay more than the said last-mentioned offer.

That is to say, the contractors agreed, by an offer on file, to do the increased service in thirty days, at a less rate than the *pro rata*. The Senator from California afterwards moved an amendment, as a proviso to that, that the increased cost should not exceed $110,000. I am opposed to that. I think the terms of the contract on file in the Department are a sufficient guarantee that they cannot get more than the service is worth. Their offer is now on file in the Department, that they will take less than the *pro rata;* and the limitation of $110,000 I think unnecessary. The other makes it more efficient; and the original limitation is as perfect as it can be. If the proviso of $110,000 is insisted on, I shall vote against it; because I do not think it ought to be there.

Mr. RICE. I must beg the Senator from California [Mr. BRODERICK] to remember the promise he made me, that this should not take up the rest of the day. From present appearances, it will; particularly if he and his colleague get into a dispute about it.

Mr. BRODERICK. I want a vote; I do not want debate.

Mr. RICE. The Senator and his colleague have got into a disagreement about it.

Mr. KING. I call the Senators to order; they are conversing with each other, and not addressing the Chair.

Mr. RICE. I am talking to the President.

The PRESIDING OFFICER. The Senator from Minnesota is entitled to the floor.

Mr. HUNTER. If the Senator from Minnesota will give way, I suggest to him that, if we are to take a recess, we had better take it now, from four to six o'clock.

Mr. DOOLITTLE. I hope we shall not take a recess, but have a vote on this proposition.

The PRESIDING OFFICER. Does the Senator from California move to amend the amendment of the Post Office Committee?

Mr. BRODERICK. I want to insert, at the end of the amendment:

At an increased sum, not to exceed $130,000.

The PRESIDING OFFICER. The Chair understood the Senator from California to offer the amendment which he has read.

Mr. BRODERICK. I am very sorry that I cannot make the President understand me. My colleague has introduced an amendment, which I now propose to amend by adding a proviso that the expense shall not exceed $130,000.

The PRESIDING OFFICER. The question, then, is on the amendment offered by the Senator from California to the amendment of the Committee on the Post Office and Post Roads.

Mr. KING. I move that the Senate take a recess for two hours. I am willing to take the vote on this question, if we can get it; but, if we are to take a recess, I want to do it now.

Mr. DAVIS. I hope there will be no recess. The experience of last night, and every other night, shows us that we do not work as well after a recess as without one.

Mr. RICE. I do not know by what rule I have lost the floor. I had it, and I have not yielded it to any one.

Mr. KING. Go on.

Mr. RICE. I merely wish to ask the Senator from California to keep faith with me by withdrawing his amendment. I yielded with the understanding that there should be no discussion, but that the vote should be taken at once.

Mr. HARLAN. If the Senator from Minnesota will allow me, I will say that I cannot consent that the amendment shall be withdrawn by the Senator from California, even if he were willing. There are others too deeply interested.

Mr. BRODERICK. I desire to have the vote taken on the question. I cannot withdraw the amendment.

Mr. GWIN. I was opposed to the restriction of $110,000. I think they can perform the service for $130,000, and I accept that restriction.

The PRESIDING OFFICER. The question, then, is on the amendment as amended.

The question was put; and the amendment declared to be agreed to.

Mr. PUGH. Read it as it now stands.

The Secretary read, as follows:

And be it further enacted, That the Postmaster General be, and he is hereby, authorized and required to order an increase of speed on the mail routes between St. Joseph, Missouri, and Placerville, California, so as to require the mails to be transported through in twenty-five days: *Provided*, That, if said contractors have heretofore offered to perform said increased service for a less sum than the usual *pro rata* allowed by the Department, then the Postmaster General shall not contract to pay more than said last mentioned offer, at an increased expense not exceeding $130,000.

Mr. PUGH. I understand that the original contract calls for a semi-weekly mail. This calls for weekly.

Mr. BRODERICK. It is the same in that respect.

Mr. PUGH. I think we are satisfied now that this expenditure for overland mails to California is a great piece of extravagance. I wish they were all abolished, every one of them, and we were back where we started; and I will not vote another cent to one of them. I hope the Senate will vote them all down. I voted for this proposition at the last session; but I think, on reflection, that it ought to be rejected. I shall vote against the Minnesota route, and all of them; and, if I can get the amendment of the Senator from Michigan, to reduce the service on the Butterfield route, I shall feel that we have done a good day's work.

Mr. LANE. My purpose is to use every means in my power to provide for bringing an overland mail into Oregon. During the whole term of our territorial existence, and up to this day, we have had no provision for overland mail service to Oregon. We have now a route from St. Louis, by El Paso, through Arizona, to San Francisco; and I am very proud of it, for we have a great country there. I regard that route as a very important one. It passes over a country that affords finer facilities for mail service during the whole year than any route which can be selected upon our portion of this continent. Indeed, I may say that the region from El Paso to San Francisco, between October and May in every year, is the finest climate, perhaps, on the face of the earth. It is never hot and never cold, and the grass is perpetually good, and water, except in the middle of summer, always plenty. There the mail service can be performed without obstruction, without the obstacles of deep snow and high mountains.

Mr. KING. I ask the Senator if he will not give way to allow a motion for a recess?

Mr. LANE. No, sir, not now. I only want five minutes, and then I shall have done. I did not get up to make a speech, but simply to call the attention of the Senate to the importance of providing for mail service to Oregon. I know something of the southern mail route to San Francisco, about which so much has been said to-day. I have been over it through all times in the winter. I know its capacity. I know on that route mail service can always be performed at all seasons; that every week in the year the route is practicable. I am equally aware that the route from St. Joseph to Salt Lake, and from Salt Lake to Placerville, in California, is practicable eight or nine months in the year; and it is a very good climate, with plenty of grass during that portion of the year. That is a route which starts off in the right direction to terminate in Oregon. By these several southern routes California is well provided. There is a mail to San Diego connecting with the Butterfield route at Fort Yuma on the west end, and at El Paso on the east end. It is right that a mail from El Paso should extend into Texas. It is right, on the other end, that a mail route should extend to San Diego from Fort Yuma. Then they have a mail route on the thirty-fifth parallel—the Albuquerque route. That route is also good, and I am willing that they shall have service on it. They have also this great Salt Lake route that runs into another portion of California and terminates at Placerville. Now, I ask my friend from California, who has been so anxious for reducing the length of time consumed on that route, from thirty-eight to twenty-five days, as we have no service in Oregon, and as I can show him that the distance from Salt Lake to Roseburg is shorter than from Salt Lake to Placerville, and that it passes over a better country, and one that is more accessible, if it would be anything more than fair and just to provide that the service from Salt Lake west should terminate at Roseburg instead of Placerville?

Why should all these four or five routes across the continent to the Pacific, terminate in California? What can be the objection, on the part of my good friends from California, to allow one of these routes to terminate at Roseburg? That

brings it into the southern portion of the Umpqua valley, one of the most beautiful and finest valleys on the face of the earth; a country densely settled, a country rich in resources, and the proper terminus for a great mail line. From that point mails could connect with it, and extend all over Oregon and all over Washington; and then the whole Pacific coast would be provided for.

I ask the Senate to consider this proposition, and to say whether it is not right that this service shall be performed, if you please, at the additional expense provided in this amendment, and to say that, instead of terminating at the point mentioned in California, the route shall terminate at Roseburg. I desire, if it is in order, to move that amendment. I am not certain that it is in order; I have not served long enough in the Senate to know what is in order; but I should like to have the western terminus of the route changed, and require the service to be done in twenty-five days. Then every portion of our coast would be accommodated. It would be justice, whether it is in order or not. I ask whether it is in order to move the amendment changing the terminus?

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) It is in order.

Mr. LANE. Then I move that amendment; and I think the Senate will agree with me that we had better do that, and run a mail directly west, or nearly on a due west line, from St. Joseph to Roseburg, in Oregon. There is no winding about then; there is no running from a direct line, south, to reach California. I like California. It is a portion of our own coast. I feel identified with her people in feeling; and I would go, perhaps, quite as far to oblige the people of California as I would even the people of Oregon. I have no sectional feelings. I am always sorry when I hear gentlemen talk about South or North. Let a mail go where it may, over this land, it travels over my country, and every portion of it is equally dear to me; and I want to deal justly by it all—watch carefully the interests of every portion of it, and deal justly by every foot of it.

I should like to have the sense of the Senate on this proposition. It does not increase the expense. It does not injure any portion of California, for they have regular communication by sea, and three overland lines; and, as the Senator from California explained, the mails can be delivered at Placerville in a few hours after their arrival at San Francisco, by steamer. I move to amend, by striking out "Placerville, California," and inserting "Roseburg, Oregon;" and I hope the Senate will agree to the amendment, so that justice may be done to every portion of our Pacific coast.

Several SENATORS addressed the Chair.

The PRESIDING OFFICER. The Chair will try to understand the state of the question.

Mr. STUART. I have a motion to submit which will supersede everything else. It is, that the Senate take a recess until half past six o'clock.

Mr. SHIELDS. I hope not.

Mr. STUART. Let us vote.

The motion was not agreed to; there being, on a division—ayes 18, noes 23.

The PRESIDING OFFICER. The Chair will try to ascertain the precise state of the business before the Senate.

Mr. BRODERICK. That is what I rose for.

The PRESIDING OFFICER. I desire to inquire of the Senator from Oregon, to what portion of the bill he proposes to offer his amendment?

Mr. LANE. My amendment is to the amendment offered by the Senator from California.

The PRESIDING OFFICER. The Chair understands that the amendment offered by the Senator from California has been agreed to by the Senate. It will not be in order, therefore, now to amend it. It will be in order for the Senator from Oregon to move his amendment when the bill shall have been reported to the Senate.

Mr. JOHNSON, of Arkansas. I beg to call the attention of the Senator from Oregon to the fact that he has a perfect opportunity now to offer his proposition. There has been the strangest misapprehension here. The Post Office Committee offered an amendment, which has been constantly denominated the amendment of the Senator from California, because the Senator from California first offered it. The committee reported an amendment, which has not been adopted. The Senator from California offered an amendment to the amendment of the committee, which has been adopted. That having been adopted, it is perfectly in order for the Senator from Oregon now to offer his amendment to that amendment of the committee.

Mr. LANE. That was my understanding.

Mr. BRODERICK. I rise to a question of order. When the amendment was reported from the Committee on the Post Office and Post Roads, I accepted it; and then I suggested to my colleague to insert a limitation of $130,000, which he consented to do, and it was then put to the Senate and carried. The amendment of the Senator from Oregon, however, is out of order, for another reason. The Post Office Department has already made a contract to carry the mail from St. Joseph to Placerville for four years. How are you to abrogate the contract? You cannot change the western terminus now. I will vote with the Senator from Oregon for a mail to Oregon; but I cannot vote to take away this mail from California.

Mr. HUNTER. I think the Senator from California is under a mistake. All that has been adopted is the limitation of $130,000, but the amendment as amended has not yet been voted on. I understand that. I have never voted on the proposition to increase the service on the Placerville route. We voted on the proposition to insert the limitation of $130,000 as an amendment to the amendment; on nothing else.

Mr. BRODERICK. I will ask my colleague to state what he knows of the matter.

The PRESIDING OFFICER. I will state to the Senate that, having just come to the chair, I was informed by the Secretary that the amendment proposed by the Senator from California, as the organ of the Post Office Committee, had been adopted; but according to the statement of the Senator from Virginia, the vote was taken on an amendment which was proposed to that amendment.

Mr. HUNTER. If I had supposed the question was on the original amendment, I should have called for a division.

The PRESIDING OFFICER. The question, then, is on the amendment as amended.

Mr. REID. I understood the condition of the question to be this: the senior Senator from California [Mr. GWIN] reported an amendment from the Committee on the Post Office and Post Roads; and the junior Senator from California [Mr. BRODERICK] proposed an amendment to that. The senior Senator from California afterwards said that he would accept the amendment of the junior Senator, and the Chair put the question; but the Chair doubted the power of the Senator from California having reported an amendment from a committee, to accept the amendment to the committee's amendment, and therefore put the question upon adopting the amendment of the junior Senator from California; and, according to my understanding, the question is now upon the amendment of the senior Senator from California, as amended on the motion of the junior Senator.

The PRESIDING OFFICER. The Chair understands the state of the question to be as stated by the Senator from North Carolina, the late occupant of the chair.

Mr. BRODERICK. I will ask the Senator from California to state what he knows about it.

Mr. GWIN. The Senator who was the late occupant of the Chair, [Mr. REID,] I believe, is right on the point of order; but I did not know that he made the point on me at the time. It is true, I had no right, as the organ of the Post Office Committee, to accept an amendment, except by authority of the committee; but I did not know that any one made the point, and I thought the amendment was adopted.

Mr. REID. The Senator probably understood it in that way; but the Chair did not think he could accept an amendment to the amendment of the committee, and therefore put the question on the amendment to the amendment.

Mr. GWIN. I stated that I was willing to agree to the restriction of $130,000, and accepted it.

Mr. BRODERICK. It was then put to the Senate, and voted upon in that form.

Mr. GWIN. The late occupant of the Chair says I had no right to accept it, and that he put the question on the amendment to the amendment, that the Senate adopted it, and that the question now is on the amendment as amended.

Mr. HUNTER. I hope that question will be taken. Let us not dispute on points of order all day.

Mr. CLINGMAN. Before I vote on this amendment, I want to ask a question of one of the Senators from California. It has been stated to me by a Senator, that for transporting the mails to California and Oregon, we pay $2,400,000 a year, and that some six or seven hundred thousand dollars are spent for overland mail service. In other words the mails to the Pacific coast cost us $3,000,000 a year, altogether.

Mr. BRODERICK. No, sir.

Mr. CLINGMAN. How much do they cost?

Mr. BRODERICK. About two million two hundred thousand dollars; but the Post Office Committee, I believe, intend to reduce the ocean service $250,000, which will bring it below two million dollars.

Mr. CLINGMAN. We pay, then, more than two million dollars a year for this service. I think that is too much money, and I shall vote against any increase. I am willing to curtail any existing routes, and let them have the service on this, if they choose; but I cannot vote for any proposition to increase this enormously large sum.

Mr. LANE. I hope the Senator from North Carolina will not charge against Oregon any of this amount of money, for I believe Oregon has never cost the Government anything at all. We have never had any appropriations; we have had no mail service; we have had no light-houses; we have had no fortifications; we have no public works going on, and never have had, in Oregon. I will say to the Senator from North Carolina, as I said before, that in all the bills, now pending in the two Houses of Congress, I am not aware of there being a single cent asked for Oregon.

Mr. CLINGMAN. Then, I take pleasure in taking back what I said of Oregon; but it applies with more force to California, if all this large expenditure is for that State.

The PRESIDING OFFICER. The Chair will say to the Senator from Oregon that, under the state of the question as now explained by the late occupant of the Chair, his amendment is in order.

Mr. LANE. Then I move to amend the amendment of the Senator from California, by striking out "Placerville, California," and inserting "Roseburg, Oregon."

Mr. BRODERICK. I rise to a question of order. The Post Office Department has already made a contract to carry the mail four years; and has made Placerville, California, the terminus. How are you to change a contract already made?

Mr. JOHNSON, of Arkansas. In the same way that we changed just now the Butterfield contract; by ordering it to be done without regard to the law.

Mr. BRODERICK. We voted that down.

Mr. JOHNSON, of Arkansas. No, sir; we agreed to it.

Mr. BRODERICK. We changed the service but did not change the termini. You may change the service, but you have no right to change the termini.

Mr. JOHNSON, of Arkansas. I believe the Senator is right; but the other action which did take that step was wrong.

Mr. HUNTER. I hope we shall have the question.

Mr. BRODERICK. Well, I appeal to the Senator from Virginia to give his opinion in regard to this matter. It is a very important question. I want to know if the termini of a route can be changed in this way after a contract has been made for it?

Mr. HUNTER. That is not a question of order. It may be a question of law and of propriety. Senators will vote on that according to their opinions; but it is not a question of order. There is nothing against the rule in it; it may be against law.

The PRESIDING OFFICER. The amendment to the amendment is in the fourth line to strike out "Placerville, California," and insert "to a point west of Salt Lake and to Roseburg in Oregon."

Mr. HARLAN. I shall ask for the yeas and nays on that proposition. I am willing to vote with the Senator from Oregon, to establish a mail

route connecting Salt Lake with his State, but I am not willing to annihilate this great overland mail route, which is now in existence. Senators know, as well as I do, that the great bulk of the population on the Pacific coast is in California. It is important to the public interest to connect the population of the Mississippi valley with the population of the Pacific coast. The mail on the southern route, the Butterfield route, as I believe it is styled, is but little better than a way mail, a neighborhood mail. The travel from the Mississippi valley to California goes through the South Pass, and always must do so. You never can divert the travel from that route. It will go through the South Pass. Here, then, is an effort to divert the mail matter to the extreme southern boundary of the Republic on the one hand, and to the extreme northern section of the Pacific coast on the other, and thus deprive the immense population now collected in the Mississippi valley of direct mail communication with the great bulk of population on the Pacific coast. I can not consent to this, and desire to record my vote against it. I ask for the yeas and nays.

Mr. GWIN. I hope the Senator will withdraw his call for the yeas and nays, and I will make an appeal to my friend from Oregon to withdraw his amendment, changing the terminus of this route on the Pacific; and I will state the reason why I make this appeal to him. I have the authority of the Post Office Committee of this body to offer, as an additional section, when this amendment shall be adopted, the following proposition:

That the Postmaster General be, and he is hereby, authorized, when bids for carrying the mail from Salt Lake to Roseburg, Oregon, and from Salt Lake to the Dalles, Oregon, shall be received for said service, to direct the service to be performed weekly instead of semi-monthly, at such additional compensation as may be right and proper.

The Senator from Oregon offered a provision like this a short time ago, and it was declared to be out of order, I have now obtained the consent of the Committee on the Post Office and Post Roads to offer it. This gives a branch of service from Salt Lake to Oregon, as the Senator desires; but leaves the present service on this route as it is. I hope he will withdraw his amendment.

Mr. LANE. The reason why I proposed a change of the terminus was, because I could not get action on the amendment which I offered originally. I now withdraw the amendment to the amendment.

Mr. GWIN. I give notice that I shall offer the proposition which I have indicated as a separate section hereafter.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California as amended, providing for increased service between St. Joseph and Placerville.

Mr. JOHNSON, of Arkansas, called for the yeas and nays; and they were ordered.

Mr. IVERSON. I desire to state that I have paired off on this question with the Senator from New York, [Mr. SEWARD.]

The question being taken by yeas and nays, resulted—yeas 20, nays 18; as follows:

YEAS—Messrs. Bigler, Broderick, Cameron, Chandler, Clark, Collamer, Doolittle, Foster, Gwin, Hamlin, Harlan, Jones, King, Lane, Polk, Rice, Shields, Simmons, Trumbull, and Wade—20.

NAYS—Messrs. Benjamin, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Houston, Hunter, Johnson of Arkansas, Johnson of Tennessee, Pugh, Reid, Sebastian, Toombs, Ward, and Yulee—18.

So the amendment was agreed to.

Mr. RICE. I now move my amendment. It need not be read; it has already been read.

Mr. HUNTER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MALLORY. Let the amendment be read. I have not heard it.

The amendment was read, as follows:

And be it further enacted, That the Postmaster General be, and he is hereby, authorized to contract for the conveyance of the entire letter mail from St. Paul, in the State of Minnesota, and the head of Lake Superior, in Wisconsin, to Seattle, on Puget Sound, in the Territory of Washington, for six years, at a cost not exceeding two hundred thousand dollars per annum for weekly service.

And be it further enacted, That the contractors shall have the right of preemption to one hundred and sixty acres of land not then disposed of, or reserved, at each point necessary for a station, not to be less than ten miles distant from each other: *And provided*, That no mineral land shall be thus preempted.

And be it further enacted, That the said service shall be performed within twenty days for each trip; and that, before entering into such contract, the Postmaster General shall be satisfied of the ability and disposition of the parties, *bona fide* and in good faith, to perform the said contract, and shall require good and sufficient security for the performance of the same; the service to commence within three months after signing the contract.

And be it further enacted, That the cost of said service be paid out of any money in the Treasury not otherwise appropriated.

The question being taken by yeas and nays, resulted—yeas 14, nays 15; as follows:

YEAS—Messrs. Broderick, Doolittle, Fitch, Foster, Gwin, Harlan, Johnson of Arkansas, Jones, Lane, Rice, Shields, Trumbull, Wade, and Ward—14.

NAYS—Messrs. Benjamin, Brown, Cameron, Clay, Davis, Houston, Hunter, Johnson of Tennessee, King, Mallory, Polk, Pugh, Reid, Toombs, and Yulee—15.

The VICE PRESIDENT. There is not a quorum voting.

Mr. TOOMBS. I move that the Senate take a recess for two hours.

Mr. SHIELDS. There are several Senators about the building.

Mr. TOOMBS. That makes no difference. We have not a quorum here, and I move that the Senate take a recess for two hours.

The VICE PRESIDENT. The Chair doubts whether that can be done.

Mr. TOOMBS. Why?

The VICE PRESIDENT. Because there is not a quorum present. However, the Chair will put the question if there be no objection.

The question being put, there were, on a division—ayes 15, noes 12.

So the motion was agreed to; and the Senate took a recess until seven o'clock.

EVENING SESSION.

The Senate resumed its session at seven o'clock, p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (No. 888) making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians, for the year ending June 30, 1860, and for other purposes; and

A bill (No. 889) to provide for the care and preservation of the works constructed by the United States, for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefit of the inhabitants of said cities.

HOUSE BILL REFERRED.

The bill (No. 888) making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians, for the year ending June 30, 1860, and for other purposes, was read twice by its title, and referred to the Committee on Finance.

POST OFFICE APPROPRIATION BILL.

Mr. FOOT. I ask the indulgence of the Senate for one minute, for a favor which I shall not have occasion to ask again at the present session, and that is to pass a bill from the House referring a small claim to the Treasury Department for settlement. I ask the unanimous consent of the Senate for that purpose.

The VICE PRESIDENT. The Chair will state to the Senator from Vermont and the Senate, that the Post Office appropriation bill is now before the Senate as in Committee of the Whole, and the last vote which was taken was on the amendment of the Senator from Minnesota, [Mr RICE,] and upon that no quorum voted. By the general consent of the Senate a vote was then taken on a motion for a recess, and that motion was agreed to. The first duty of the Chair now is, to ascertain the presence of a quorum, and no business can be transacted until a quorum appears. The Chair will count the Senate. [After counting.] There are but thirty Senators present; not a quorum.

Mr. BENJAMIN. If the roll is called, I think more than thirty will answer. There are Senators in the cloak rooms.

Mr. HUNTER. I think if we call the yeas and nays on the question we shall find that we shall have a quorum before the vote is through with.

The VICE PRESIDENT. If there be no objection, the Chair will direct the roll to be called on the amendment of the Senator from Minnesota.

Mr. TOOMBS. *De novo?*

The VICE PRESIDENT. Of course.

Mr. GWIN. I wish for a moment to make an appeal to Senators in favor of this amendment.

Mr. HUNTER. It is not in order. We are calling the yeas and nays.

Mr. GWIN. I have a right to speak.

The VICE PRESIDENT. The Senator has a right to speak.

Mr. GWIN. I appeal to the Senate that this is a very important amendment, and it is one of the greatest consequence to the northwest portion of this Confederacy; and I do hope, knowing the incalculable advantages which will result to my own State by these overland mails, that the Senate will give a favorable consideration to this amendment. I hope that, under the circumstances, as there is no communication across the northern portion of the continent, and as our citizens there are dependent upon the British Government for their mails, the opposition which was developed to this proposition when we took a recess will not show the same power now. I appeal to Senators to give us an opportunity to insert this provision in the bill.

Mr. TOOMBS. I partly agree with the Senator from California; but there is one difficulty. What does he want of a mail by El Paso, a mail from St. Joseph, and a mail from Kansas City to Stockton, and all the rest of them? I agree that this one is much better than the others, and I am willing to take this; but I do not want to keep them all.

Mr. GWIN. The others are now established. That is no reason why the people on the forty-ninth parallel should have no mail.

Mr. TOOMBS. I am coming to that.

Mr. GWIN. I have stated to-day that I am in favor of all these overland communications. I think they are of very great benefit to the country. I think it will be of great service to the northwestern section of the Union; to Minnesota, to Oregon, and to Washington, to have the overland communication proposed by this amendment.

Mr. TOOMBS. I agree that this mail route is much better than the others. I suppose the Senator from California would vote for parallel lines every ten miles across the Rocky Mountains. I have no doubt he would; but I think we ought to cut off one of the lines from the western boundary of Missouri, or cut off the southern line, and give this one to Oregon and Washington. If you are going to carry civilization in your mail bags, I think this is a good place for it; and I will vote for this one while I would cut off the others, because I am against that business. I do not believe in the idea of having one start from Kansas City, and one from St. Joseph, and one from St. Louis, and one from Memphis. I will vote for one over to Oregon and Washington, for I think that is proper; but I will cut off all the rest when I get at them.

Mr. GWIN. I do not think the gentleman has the power.

Mr. DIXON. I desire to say that I have paired off with the Senator from Louisiana, [Mr. SLIDELL.]

Mr. PUGH. I voted against the other route, but it was carried; and now I shall vote for this one, as I think it is more meritorious.

Mr. BENJAMIN. I shall vote in favor of this amendment because we are now in committee; and when the bill is reported to the Senate, I shall endeavor to strike out some of what I consider the unnecessary service, in order not to increase the appropriation. If, afterwards, my motion shall fail, I shall vote against this proposition in the Senate. I vote for it now.

Mr. CLINGMAN. Upon the statement of the Senator from Louisiana, that there will be a motion to prevent an increase of the expenditure, I shall vote for this amendment now; but I shall vote against it finally, if we cannot limit the expenditure.

Mr. SEWARD. I have paired off with the honorable Senator from Georgia, [Mr. IVERSON.]

The question being taken on Mr. RICE's amendment, by yeas and nays, resulted—yeas 33, nays 4; as follows:

YEAS—Messrs. Allen, Benjamin, Bigler, Broderick, Cameron, Clark, Clingman, Doolittle, Douglas, Fessenden, Foot, Foster, Green, Gwin, Hale, Harlan, Houston, Johnson of Arkansas, Jones, Lane, Polk, Pugh, Reid, Rice,

Shields, Simmons, Stuart, Toombs, Trumbull, Wade, Ward, Wilson, and Yulee—33.

NAYS—Messrs. Bell, Hunter, Johnson of Tennessee, and Mallory—4.

So the amendment was agreed to.

Mr. GWIN. Now, under the instructions of the Committee on the Post Office and Post Roads, I offer the following amendment, as an additional section:

And be it further enacted, That the Postmaster General be, and he is hereby, authorized, when bids for carrying the mail from Salt Lake to Roseburg, Oregon, and from Salt Lake to the Dalles, Oregon, shall be received for said service, to direct that the service be performed weekly, instead of semi-monthly, at such additional compensation as may be right and proper.

Mr. JOHNSON, of Arkansas. I should be glad to ask the Senator from California, if the Committee on the Post Office and Post Roads has now ceased to operate?

Mr. GWIN. As far as I am concerned, it has.

Mr. JOHNSON, of Arkansas. I merely asked the question because, about five hours ago, I understood, it was through with its amendments; but it has been engaged ever since by way of interjection, between the propositions of other gentlemen, in thrusting in more amendments. I understood that, when the committee once commenced, they were to go on with their amendments until they got through with them. I cannot, for one, vote anything further at present on the recommendation of the committee. I would ask, for the satisfaction of the Senate, if they have ceased to operate; and, if they have not, it is to be hoped, when this amendment is disposed of, they will go to sleep, so as not to trouble us any more. [Laughter.]

Mr. GWIN. So far as I am concerned, this is the end of the amendments of the committee.

Mr. HUNTER. This proposition is perfectly unlimited. It allows the Postmaster General to pay whatever he thinks proper and right, as I understand it. There is no limitation on him at all.

Mr. GWIN. The limitation is, that the service has to be let to the lowest responsible bidder under the existing Post Office law.

Mr. HUNTER. Suppose that bid should happen to be exorbitantly high: is the contract to go to that bidder? Are we to put no limit?

Mr. GWIN. I will state that when the service was established, in four-horse stage coaches, from St. Joseph to Placerville, it was understood that service was to be placed on the route from Salt Lake to Oregon. It was expected, at the time, that a service to southern Oregon, and a branch to the Dalles, would be added to the route. It was part of the system of establishing the route from St. Joseph to Placerville, that a branch running to Oregon, as indicated in the amendment, should be established. It is owing to the state of the Treasury that the Postmaster General has not heretofore put that service under advertisement. It must be given out to the lowest responsible bidder. The amendment is one which was prepared by the Senator from Oregon, and ruled out of order before; but the Committee on the Post Office and Post Roads have instructed me to report it.

Mr. SIMMONS. I would inquire of the Senator from California, whether, since we have provided for a northern route to Puget Sound, this one to the Dalles is necessary?

Mr. GWIN. This is the great natural overland route from Oregon to Salt Lake.

Mr. SIMMONS. But would it not be more convenient to connect these places with the northern route?

Mr. GWIN. No; there are ranges of mountains which prevent the connection.

Mr. HUNTER. I hope we shall have the question. I cannot afford to talk now.

The amendment was rejected.

Mr. LANE. I should like to have the yeas and nays on that. ["Too late!"] I do not want it to go off in that way.

The VICE PRESIDENT. The question has been decided, and the Senator's call comes too late.

Mr. LANE. I shall have to fight it all night. You had better give me a chance, gentlemen. As I said before, there is not a foot of service among all the routes established to Oregon, and we are entitled to at least one mail route to Oregon.

The VICE PRESIDENT. If it be the general sense of the Senate, the Chair will entertain the call for the yeas and nays, but the vote was decided and the result announced by the Chair. Is there unanimous consent?

Mr. FESSENDEN. I object.

The VICE PRESIDENT. Objection being made, the question must be considered as decided.

Mr. SHIELDS. I wish to correct a clerical error in a bill that passed the Senate the other day. By mistake, one of the amendments, consisting of a few words, was left out. I send a memorandum to the Chair for the purpose of having it corrected.

The VICE PRESIDENT. The Senator asks unanimous consent to correct a verbal error.

Mr. HUNTER. If it will take no time, I shall not object.

Mr. SHIELDS. It is merely to correct an omission which was made in transmitting a bill from the Senate to the House.

The VICE PRESIDENT. The Chair hears no objection. The Secretary will read what has been sent to the desk by the Senator from Minnesota.

The Secretary read as follows:

In line one hundred and ninety-nine of House bill 872, to establish certain post routes, the following amendment of the Senate was omitted in sending the bill to the House: After the words "St. Paul," insert "Minnesota, and Superior, Wisconsin," so that the clause will read:

From St. Paul, Minnesota, and Superior, Wisconsin, to Seattle, on Puget Sound, in the Territory of Washington.

Mr. YULEE. I will suggest to the Senator a mode of accomplishing his purpose, without moving it as an amendment to this bill. There was an omission of the Clerk in sending over the report of our amendment to that bill to the House of Representatives. I suggest that the Secretary be directed to carry to the House an additional message, communicating this amendment to the post route bill.

Mr. DOUGLAS. I apprehend that we can make no amendments to a bill which has passed out of our possession?

Mr. YULEE. Can we not correct an error?

Mr. DOUGLAS. Clearly not, in such a case.

The VICE PRESIDENT. The Chair will ask the Senator from Minnesota what he proposes?

Mr. SHIELDS. I propose to amend the bill which passed the Senate, in accordance with the vote of the Senate. Some words were omitted in copying the amendments, and the bill is now in the House in that condition.

The VICE PRESIDENT. The Chair will state to the Senator from Minnesota, that it is incompetent for the Senate to amend a bill out of its possession.

Mr. SHIELDS. Then I move it on this bill.

The VICE PRESIDENT. If, by a vote of the Senate, the words spoken of by the Senator from Minnesota were in the bill, the Chair thinks it would be competent for the Senate to send a message to the House announcing that fact.

Mr. YULEE. They were in the amendments offered and adopted here, and were read to the Senate at the time.

Mr. SHIELDS. I move to amend this bill by inserting, as an additional section, the provision which was omitted by a clerical error in the post route bill.

Mr. STUART. I hope the Senator will not do that, but will adopt the suggestion of the Chair, and move that the Secretary be directed to communicate this amendment to the House of Representatives, as having been omitted in the engrossment of our amendments to the post route bill.

Mr. SHIELDS. That was my first motion.

Mr. REID. I suppose it would be proper to ask for the return of the bill. ["Oh, no!"]

The VICE PRESIDENT. The Chair understands that the words omitted by the clerk were voted in by the Senate, and after the vote of the Senate omitted to be inserted by the clerk. The Senator from Minnesota now moves that the Secretary be directed to inform the House of Representatives of that fact, and ask them to insert the amendment in the bill.

Mr. DOUGLAS. If I understand the facts, the bill has passed the Senate and gone to the House of Representatives, omitting this amendment which we adopted. I submit now, that it is not competent for us to send an amendment to the House of Representatives at this time as a part of that bill. The bill is not before us; and therefore we cannot amend it. We may pass a resolution calling upon the House of Representatives to return the bill, in order that we may reconsider it, and add that amendment to it; and then repass it, and send it to the House; but we cannot send an amendment to that bill to the House now, although we agreed to it before, and it ought to have been put in the bill.

The VICE PRESIDENT. The Senator from Illinois will bear with the Chair for a moment. It is not proposed to pass the amendment and send it to the House of Representatives. That it is incompetent for the Senate to do; but the proposition is to send to the House of Representatives a message by the Secretary, informing the House that the Senate voted upon that amendment, and that it was omitted by a mistake.

Mr. DOUGLAS. Exactly; I wish to come to that point.

Mr. JOHNSON, of Arkansas. I ask the Chair whether this motion is in order?

The VICE PRESIDENT. The Chair decides that it is in order.

Mr. JOHNSON, of Arkansas. It is not in order while we have before us another bill.

The VICE PRESIDENT. This subject is before the Senate by unanimous consent.

Mr. HUNTER. We understood, though, that it was something which was to occasion no debate. I think the Senator from Minnesota ought not to press it, when it occasions debate in this way.

Mr. SHIELDS. The post route bill was amended by the Senate as I have stated. I do not offer an additional amendment. I merely propose to send to the House what was omitted by a clerical error. The Chair is correct as to that. It is not adding an additional amendment.

Mr. IVERSON. I rise to a point of order——

Mr. HUNTER. I move to postpone this matter until to-morrow, so that we may go on with our appropriation bill.

Mr. SHIELDS. I am not going to take up time. It will take up no more time now than to-morrow to dispose of this matter.

Mr. HUNTER. Senators will debate it.

Mr. SHIELDS. Oh, no. I hope the Chair will put the question.

The VICE PRESIDENT. It appears that the Senate voted on an amendment to the post route bill, which was left out afterwards accidentally by the Clerk. The bill has gone to the other House without that amendment. No amendment is now offered; but the Senator from Minnesota moves that the Secretary be directed to inform the House of Representatives of the omission, and ask the insertion of that amendment in the bill. It is in the power of the Senate to do that.

Mr. DOUGLAS. But the point I am making is, that while you may send it down, it does not make it a part of that bill.

The VICE PRESIDENT. The Chair decides that it does not.

Mr. DOUGLAS. As it does not make it a part of the bill, it is an idle message, which accomplishes no object, and misleads the Senator from Minnesota as to the effect of his proposition. If we desire to incorporate that amendment into the bill, we must send for the bill and have it brought back here, reconsider the vote passing it, then incorporate the amendment, reënact the bill with the amendment in it, and send it down to the House in its perfect form.

Mr. SHIELDS. Permit me to say to the honorable Senator that this amendment was inserted by the Senate, and was merely omitted by a mistake of the clerk. Now, my object is not to add an amendment to the bill, but to send a message to the House informing them of this omission.

Mr. DOUGLAS. I understand it.

Mr. IVERSON. I rise to a point of order. I want to know whether the Senator from Illinois has appealed from the decision of the Chair? If he has not, it is not in order for him to debate the question—the judgment of the Chair having been pronounced upon it. I make that point of order

Mr. DOUGLAS. I am not appealing from the decision.

Mr. IVERSON. I object to debate, unless there is a question before the Senate.

Mr. DOUGLAS. There is a question before the Senate.

Mr. IVERSON. What is it?

Mr. DOUGLAS. The proposition of the Sen-

ator from Minnesota to send a message to the House of Representatives; and I am discussing that question. If the Senator from Georgia had attended to business as closely as I have done, he would have found that I was in order, and that he was not. The point I am arguing is this—I call the attention of the Senator from Minnesota to what I am saying——

Mr. SHIELDS. I withdraw the motion.

Mr. DOUGLAS. While I am on the floor, I suppose the Senator cannot withdraw it. I will give him a chance to withdraw it when I get through. I was going to say that, inasmuch as this amendment will not be a part of the bill by our action, it will be an idle ceremony for us to send the message which is proposed to be sent to the other House. If the bill were brought back, and it were inserted here, the amendment would be a part of the bill; but as the Senator from Minnesota has indicated his disposition to withdraw the motion, I certainly will not occupy the time of the Senate in debating it.

The VICE PRESIDENT. The Senator from Minnesota having withdrawn his motion, the Post Office appropriation bill is before the Senate as in Committee of the Whole.

Mr. BENJAMIN. It appears, by the report of the Postmaster General, that there is a route established once a month from Kansas, Missouri, to Stockton, California, which costs $80,000 a year. We have to-night added a northern route at a cost of $200,000 a year. There is also an overland mail from St. Louis, on the Butterfield route. That we have cut down this morning from semi-weekly to weekly service, making an economy of $150,000 a year. There is another route from St. Joseph, by Salt Lake City, to Placerville. That we have increased. Now, here is a third route once a month from Kansas City, Missouri, to Stockton, at $80,000. I propose to strike that service out, to economize that, and appropriate what we save there towards the northern route. I offer this amendment:

And be it further enacted, That it shall be the duty of the Postmaster General to discontinue the mail now carried once a month from Kansas, in Missouri, to Stockton, California, at the expiration of the present quarter.

Mr. POLK. I should like to know from the Senator from Louisiana what is the cost of the mail that he proposes to cut off?

Mr. BENJAMIN. Eighty thousand dollars a year.

Mr. POLK. Does that include the whole cost of carrying the mail from Kansas to Stockton?

Mr. BENJAMIN. The mail is carried once a month from Kansas to Stockton for $80,000 a year.

Mr. POLK. If I understand the facts, this mail line comes in this way: there has been, for years, a line running from Kansas City or Independence, Missouri, which are only twelve miles apart, to Santa Fé, in New Mexico——

Mr. BENJAMIN. That is retained. You have a line, besides this that I speak of, from Independence to Santa Fé, and then from Neosho to Santa Fé, and then from Santa Fé to El Paso. These are all retained, and they are in addition to this.

Mr. POLK. I think the Senator is mistaken in one thing. I think there is no mail from Neosho to Santa Fé. There is a mail twice a month that has been contracted for from Neosho to Albuquerque. Then, as I understand, there is a mail running from Santa Fé down to Albuquerque; and there was a contract for carrying a mail from Albuquerque across to Stockton. One of the oldest of these interior mails in the country, that from Kansas City to Santa Fé, connects with that, so as to extend it over to California. I suppose myself that the contract for carrying the mail from Albuquerque across to Stockton is not so great as $80,000 a year. I do not know exactly what it is. I understand the Senator from Louisiana to say that the cost of carrying the mail from Kansas City to Stockton is $80,000. Now, I believe there is no contract for carrying the mail from Kansas City to Stockton at all.

Mr. BENJAMIN. I have the report of the Postmaster General just sent to us, and these are the routes now from Missouri west: First, there is the St. Louis, or Butterfield route; then, there is the St. Joseph route to Placerville; then, there is the route from Kansas City to Stockton, once a month, at $80,000 a year; and then there is one from Independence to Santa Fé, and one from Neosho to Santa Fé; and these two, connecting at Santa Fé, go on to El Paso.

Mr. YULEE. That is it exactly.

Mr. BENJAMIN. There are four routes. Now, I want to know why we should retain this monthly route from Kansas City to Stockton, at $80,000 a year, when we have a route from St Joseph, and one from St. Louis, and one from Independence?

Mr. POLK. I would not insist on retaining the service between Kansas City and Santa Fé.

Mr. STUART. Then let us strike it out. That is the proposition.

Mr. POLK. No; that is not the proposition. The proposition is to break up the connection between Albuquerque and Stockton.

Mr. STUART. It does not affect that at all.

Mr. POLK. Let the Secretary read the amendment of the Senator from Louisiana again.

The Secretary read the amendment.

Mr. POLK. Thus, you see, it does break off the connection between Albuquerque and Stockton. If there is a branch of this mail from Kansas City to Santa Fé, I suppose it might be dispensed with, because the present service between Kansas City and Santa Fé might connect with the new line from Albuquerque to Stockton, and thus there would be overland communication. Therefore, I think the amendment offered by the Senator from Louisiana goes too far. It is a mistake to suppose that it merely dispenses with the mail between Kansas City and Santa Fé; it dispenses with it between Albuquerque and Stockton, and so far as dispensing with the mail between Albuquerque and Stockton is concerned, I think the amendment an injudicious one, and one that ought not to be passed by the Senate. I submit to the Senate that this is a mere prolongation of these two other stems, running, the one of them from Neosho to Albuquerque, and the other from Kansas City to Albuquerque, by the way of Santa Fé.

Mr. GWIN. If the Senator from Louisiana will so change his amendment as to provide that the service on this route shall cease, except between Albuquerque and Tejon, I shall be perfectly willing to vote for it.

Mr. POLK. Say Albuquerque and Stockton.

Mr. GWIN. If it reaches Tejon, it makes the connection.

Mr. POLK. Very well.

Mr. GREEN. That will do.

Mr. GWIN. Say it shall be reduced to that service at a *pro rata* reduction on the present compensation.

Mr. POLK. I will not object to that.

Mr. GWIN. If the Senator from Louisiana will modify his amendment in that way, it will cut off three fourths the distance, and make it a very short service.

Mr. BENJAMIN. I will leave it to the Senator from California to move that amendment.

Mr. GWIN. I move to amend the amendment by providing that the service shall cease, except between Albuquerque and Tejon, where it connects with the other overland mail; and that the compensation shall be reduced *pro rata*.

The VICE PRESIDENT. The Secretary will prepare the amendment.

Mr. JOHNSON, of Arkansas. I think gentlemen should prepare their own amendments.

Mr. GWIN. We have not time.

Mr. JOHNSON, of Arkansas. I must say that I feel exceedingly weary of this matter. The borders of my own State are intimately, closely, and seriously, affected by these movements. I have on no occasion annoyed the Senate with any extra words upon these subjects; but I know that no route of this kind can be brought forward without the State of Missouri considering herself especially concerned to such an extent, at least, as to see that everything is done in accordance with her wishes. As one of the representatives from the State of Arkansas, I am weary of it. Certainly, to the State of Missouri alone, upon this side of the mountains, is not given wholly and entirely the dispensation of the powers of this Government, with regard to overland mail service; but that seems to have been the practical effect. I am heartily sick and tired of it. There ought to be a limit somewhere. I have forborne, even when I have felt that my own State was much affected, in order that we might progress with the public business. I forbear going into the subject, but I give notice that there is much that remains behind to be said, if there shall be a necessity for it.

I shall certainly vote for the reduction proposed by the amendment offered by the Senator from Louisiana, but I will not vote for it for the reason which that Senator has given; nor will the arrangements he may make with the Senator from California [Mr. GWIN] or the Senator from Missouri [Mr. POLK] have any effect at all in leading me to vote as I shall do. The Senator from Louisiana gives two reasons for his amendment, but I shall support it for neither of them. One of them is utterly delusive, and in violation, I believe, of the sentiment and the sound opinion of the Senate; and the other, I think, is a matter more of friendship than it is of serious public policy; and, as such, I voted for the proposition to which he alluded, and would vote for it again, more as a matter of friendship than sound policy; and I would so avow before my own people. His first reason, I say, is delusive. It is, that we have already reduced the service upon the Butterfield contract. I believe that reduction will not stand when this bill comes out of committee into the Senate. That amendment was voted in without a division, when the gentlemen who had debated it were not in their seats, with the solitary exception of myself, and I was not observing it. I allude to that matter because I object to the reasons the Senator gives for his amendment, and I do not want the Senate to vote upon a delusion, and afterwards regret it. I hope this amendment will not be voted for on that ground. I shall vote for the amendment of the Senator from Louisiana for the simple reason that I believe it is wise and good. On the border of Missouri, there seems now to be connected and collected a very large number of routes. I think the State of Missouri, with all its pretension, might well be content with one or two, without requiring four or five separate routes. I shall vote for the amendment, but I protest that I shall not do it for the two reasons the Senator from Louisiana has given.

Mr. GWIN. My amendment to the amendment has been put in form, and I ask that it be read.

The Secretary read it, as follows:

And that the service on the route shall cease, except between Albuquerque and Tejon, and be continued on that portion of the route at a *pro rata* rate of the present compensation.

Mr. GWIN. I will simply state that there is service on all the other portions of the route, and this connects the only disconnected link.

Mr. BRODERICK. I would prefer to have this route retained; but if it is to be cut off at Tejon, I hope the whole route will be cut off. There are no inhabitants at Tejon: it is a very poor place to make a tavern for the stopping of the mail. Stockton is a large city, with some eight or nine thousand inhabitants; and the only inducement I can find for supporting this mail route at all is that it finds its terminus at Stockton. I can see no earthly use for this mail, unless it goes to Stockton.

Mr. GWIN. At Tejon it connects with the Butterfield route. From Independence and Neosho, to Santa Fé and Albuquerque, there are mail routes now; but from there to Tejon there is no mail route. By running a route there, it will connect at Tejon with the Butterfield route, and thus reach Stockton. It will reach Stockton in that way.

Mr. JOHNSON, of Arkansas, called for the yeas and nays on the amendment to the amendment; but they were not ordered.

The amendment to the amendment was rejected—ayes five, noes not counted; and the amendment of Mr. BENJAMIN was agreed to.

Mr. CLINGMAN. I desire to offer an amendment. ["Oh, wait!"]

Mr. HUNTER. I suggest to my friend from North Carolina to withhold his amendment until the bill shall be reported to the Senate.

Mr. CLINGMAN. I will take the course suggested by the chairman of the Committee on Finance.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. HUNTER. I would suggest that we take

the question on all the amendments in gross, except such as particular Senators may desire to except and have a separate vote upon.

Mr. GWIN. I desire to except the amendment curtailing the service on the Butterfield route.

Mr. JOHNSON, of Arkansas. I wish the amendment offered by the Senator from Michigan [Mr. STUART] excepted.

The VICE PRESIDENT. The Secretary will read the amendments, and as they are read, Senators will indicate those upon which they desire a separate vote.

Mr. HUNTER. I suggest that, by general consent, only those upon which a separate vote is asked be read. It is useless to read them all.

The VICE PRESIDENT. If there be no objection, that course will be taken. The Chair hears no objection.

Mr. JOHNSON, of Arkansas. I want a separate vote on the amendment of the Senator from Michigan.

Mr. IVERSON. I want to except the amendment which was inserted on the motion of the Senator from California, in relation to the mail between St. Joseph and Placerville.

Mr. GREEN. I desire to except the amendment, which has just been adopted, abolishing the route from Stockton to Kansas.

Mr. CLARK. I desire to except the amendment raising the rates of postage.

Mr. SEWARD. I beg to ask whether the amendment reducing the service under the Butterfield contract has been reserved?

The VICE PRESIDENT. It has already been excepted.

Mr. LANE. I want a separate vote on the amendment with regard to the route from St. Joseph.

The VICE PRESIDENT. That has already been excepted. If no further reservations be made, the question will be taken on the remaining amendments.

The amendments, with the exception of those reserved at the instance of Senators, were concurred in.

The VICE PRESIDENT. The Secretary will read the first of the excepted amendments.

The Secretary read it, as follows:

And be it further enacted, That the Postmaster General be, and he is hereby, directed to reduce the service under the contract with Butterfield & Co., made September 16, 1857, for carrying the mail from the Mississippi river to San Francisco, to weekly trips, at a compensation of $450,000 per annum, as provided in section ten of the act of March 3, 1857, said reduction to commence with the next quarter.

Mr. JOHNSON, of Arkansas. I wish to call the attention of the Senate to this amendment, which was debated before at some length. It was debated principally by the Senator from Mississippi [Mr. DAVIS] and the Senator from Illinois, [Mr. TRUMBULL.] Those two Senators submitted, rather more fully than any others, their views in regard to it; and there was scarcely a reply, if there was any response at all. It passed away from the consideration of the Senate, and at that time it seemed to me that it could not possibly command the support of one third of the body; but I may be mistaken in that. I called the attention of Senators to the fact that a contract had been made in obedience to a law which left it optional with the Postmaster General to make one of three contracts. The Postmaster General elected to make one, and that contract having been established, the question was raised and debated by those Senators whether Congress now, by its own action, could change the whole character of the contract; and whether, if Congress did so, it would not leave the Government of the United States liable to all the damages which must necessarily be incurred; and whether the result, in the end, would not be that the Government of the United States would have to pay very nearly if not the whole amount which the original contract required them to pay, although, by the operation of the amendment, they would get only one half the service which the contract stipulated they should receive. If the Senate are content to take half the service and pay the whole amount, in preference to receiving the whole service for the same money, very well. I shall content myself with asking for the yeas and nays.

The yeas and nays were ordered.

Mr. MASON. It was stated to-day, by the honorable Senator who is chairman of the Committee on the Post Office and Post Roads, that it costs the Government about sixty dollars to take a letter upon this route. Now, if we can, in any way, reduce the price of taking a letter over land to California to thirty-five or forty dollars, I think we shall have done pretty well. The proposition is to reduce the expenditure for that service from $600,000 to $450,000 a year. If we can send a letter to California for thirty-five or forty dollars, instead of paying sixty dollars for it, we shall have advanced that far in the road of economy. How much it costs to take a letter by the Panama route, or by the new Tehuantepec route, I do not know; but I think it is desirable that the American people should know that, in order to populate a wilderness, which the Almighty intended should ever remain a wilderness, we are paying now sixty dollars to take a letter to California; and we have advanced so far in the road of economy, as to reduce that expenditure to thirty-five or forty dollars. I hope we shall do it.

Mr. SEWARD. There is a consideration connected with this subject to which I desire a little attention on the part of the Senate, in reference to these contractors; and I will state that the ground on which I interpose is, that they are mainly constituents of my own, in regard to whom I am bound to exercise a prudent caution as to legislation which may affect them. I wish to hear the first part of the amendment read again, to see whether it is compulsory on the Postmaster General to reduce this service.

The Secretary read:

That the Postmaster General be, and he is hereby, directed——

Mr. SEWARD. Then it is compulsory on the Postmaster General to reduce the service. What I wish to know is, whether the honorable Senator from Michigan, who introduced this amendment, has considered well the question, whether the Postmaster General has the power to effect this; and, if so, what are the relative rights of the parties in regard to it?

Mr. STUART. I did examine that to the extent of my capacity. I said that my opinions were given to the Senate with great deference; but I entertained no doubt that the section of the law which authorized this contract authorized a contract which, in its performance, was subject to the will and the wishes of the Department. I think that is the clear interpretation of the tenth section of the act of 1857.

Mr. SEWARD. The tenth section of the act of the 3d of March, 1857, is:

"That the Postmaster General be, and he is hereby, authorized to contract for the conveyance of the entire letter mail, from such point on the Mississippi river as the contractors may select, to San Francisco, in the State of California, for six years, at a cost not exceeding $300,000 per annum for semi-monthly, $450,000 for weekly, or $600,000 for semi-weekly, service."

Now, the contractors, so far as they have had notice of this amendment, will insist, as I understand, that the discretion vested by this section in the Postmaster General is executed; that his power was spent in making the contract with them to carry the mail on the terms stipulated in the contract.

Mr. STUART. I hope the Senator will read the remaining lines of the section, because they are the important ones.

Mr. SEWARD. I will do that. They are:

"To be performed semi-monthly, weekly, or semi-weekly, at the option of the Postmaster General."

If the Postmaster General had made a contract in the terms of this statute, stipulating for this service, semi-monthly so much, weekly so much, semi-weekly so much, to be varied from time to time, or at such times and on such occasions as the Postmaster General shall hereafter direct, then the parties would have been apprised of their liability to forfeit the contract which they had made. I barely wish to call the attention of the Senate to this point now, not because I am prepared myself to remonstrate against this act; for while I speak with regard to them, I must also act with regard to the public interests of the United States. They represent to me that the change which is proposed will be ruinous to them, and that they can better afford, having made all the provisions for executing the contract, to perform the service stipulated in the contract, than they can to accept the terms which Congress will give them by this amendment. The subject is one of great interest, and I wish that they may not be concluded against their claims by this hasty act of legislation; but I desire, in their name, to enter a protest against the act which the Senate is about to do.

Mr. HUNTER. This matter was discussed at great length before. I hope we shall have a vote.

Mr. MASON. The honorable Senator from New York, I know, is an advocate for economical expenditures. He has signalized himself as an advocate for economical expenditure. Now, if the fact be that it should be actually ruinous to those contractors, within the terms of their contract, to reduce their service, as is proposed by this amendment, I submit to that honorable Senator, who, we all know, is an advocate for a most economical expenditure, whether it would not be better for this Government to pay to these contractors $1,000,000, as indemnity for their losses, rather than to continue this contract? Would it not be better that we should pay them $1,000,000, to reimburse them for their losses, than to continue the bad example of this profligate expenditure of the public money? I submit it to the honorable Senator as an advocate for economical expenditure.

Now, let me say one word more to the Senate. Where does the money come from? From the people. How is it derived? By taxation. What is taxation? A tax is the contribution which the citizen pays for the support of the Government that maintains him in the security of his life and his liberty and his property; and that contribution should be dealt out with a most niggardly hand. I submit, therefore, to the honorable Senator, whether it would not be better that we should pay even $1,000,000, to reimburse these contractors for their losses, than to encourage this profligate expenditure?

Mr. SEWARD. There are no Senators on this floor whom I am more desirous to defer to and respect than the Senators from Virginia; but I sometimes find it very difficult to decide upon the line of duty which I shall pursue to satisfy them both. The honorable Senator from Virginia who is the chairman of the Committee on Finance, appeals to us not to debate at all; and his colleague, the honorable Senator from Virginia who has just taken his seat, appeals to me to advocate and maintain positions which I have not even assumed in this debate. I will say to my honorable friend from Virginia who has just taken his seat, that I am glad to find that, at last, my character in this House as an advocate for retrenchment and economy is being understood and is confessed. I am glad to have the confession come from that quarter. I know that the candor with which it is made will commend it to the consideration of the public.

In the next place, I am thankful to my friend from Virginia for entertaining the proposition which I made with distrust, and with even a protest against being committed to it myself, with so much generosity and magnanimity. I was called from my seat here by these contractors who saw this proposition going through. They are constituents of mine. I heard their explanation of the transaction, and I came upon the floor, and, without committing myself to maintain their interests at all, I notified the Senate that they would regard themselves as entitled to damages for this reduction of service upon their contract, reserving my own vote upon that claim for damages; but my honorable friend from Virginia admits the claim, like an honest man, like a magnanimous man, like a Senator, and proposes already to pay them $1,000,000 in damages, which, I think, is at least three or four times more than they will claim, and certainly more than I shall ever be disposed to give.

Mr. MASON. I understand the honorable Senator from New York to disclaim that he is an advocate for economical expenditure; but I would say to the honorable Senator from New York, what he is too accomplished a dialectician not to mistake, that there are occasions when irony is a most impressive manner of telling truth.

Mr. BAYARD. This amendment proposes not to put an end to a contract, but to reduce a contract from semi-weekly to weekly service, at a decrease in cost of $150,000 a year. If it was a saving that could be properly effected, I should be disposed to go for it; but we have not the contract before us; and I, for one, will never give my

vote deliberately in Congress to violate a contract, if I know that it is to have that effect. I must know that it is not to have that effect before I will give such a vote. Why should you give a ground for a claim for damages against the Government, unless you could get rid of the whole. If you would have a right to abandon the whole contract, and chose to pay the penalty, very well; but the truth is, there will be no saving whatever resulting from this, with the damages you will have to pay, provided it is a breach of the contract; and it seems to me, on the face of the law read by the honorable Senator from New York, that it must necessarily be a violation of the contract. I am unwilling to give a vote which violates a contract of the Government, even to save $150,000 a year.

Mr. JOHNSON, of Arkansas. I will consent to vote for the amendment offered by the Senator from Michigan, provided that, in accordance with the sentiments which have been expressed by the Senator from Delaware, the amendment which I now offer shall be accepted, but I cannot, on any other terms, do it. It will be recollected that, by the provisions of the amendment offered by the Senator from Michigan, and adopted under the circumstances to which I have alluded, the amount of service to be rendered, under the contract now in existence, has been reduced. I propose, as a proviso, to add to that amendment:

Provided, That this reduction, in the opinion of the Postmaster General, is not inconsistent with the obligations of the Government under the existing contract with Butterfield & Co.

Mr. IVERSON. I suggest to my friend from Arkansas to put his proviso in this form:

Provided, The said change can be legally made, or made with the consent of the contractors.

Mr. JOHNSON, of Arkansas. I do not know that I should be willing to take their consent in regard to anything connected with it. I do not think they have fulfilled their contract heretofore; and I do not propose to have anything depend on their consent.

Mr. IVERSON. The Senator misunderstands the purport of my suggestion. It is not to put it in the condition he supposes; but in the alternative, directing the Postmaster General to make the reduction, if he can do it legally; or, if he cannot do it legally, that he may then do it with the consent of the contractors. I suggest this alteration; but I shall not press it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Arkansas to the amendment.

The amendment to the amendment was rejected.

The question recurred on concurring in the amendment made as in Committee of the Whole; and the yeas and nays were taken, with the following result:

YEAS—Messrs. Allen, Benjamin, Bigler, Cameron, Chandler, Clingman, Doolittle, Fessenden, Fitch, Foot, Foster, Green, Hale, Hamlin, Harlan, Hunter, Iverson, Johnson of Tennessee, Jones, King, Lane, Mallory, Mason, Pearce, Pugh, Seward, Shields, Simmons, Stuart, Toombs, Wade, and Wilson—32.

NAYS—Messrs. Bayard, Bell, Bright, Broderick, Brown, Davis, Fitzpatrick, Gwin, Houston, Johnson of Arkansas, Polk, Reid, Rice, Sebastian, Trumbull, and Ward—16.

So the amendment was concurred in.

The next reserved amendment was to insert, as an additional section:

And be it further enacted, That the Postmaster General be, and he is hereby, authorized and required to order an increase of speed on the mail route between St. Joseph, Missouri, and Placerville, California, so as to require the mails to be transported through in twenty-five days: *Provided*, That if said contractors have heretofore offered to perform said increased service for a less sum than the usual *pro rata* allowed by the Department, then the Postmaster General shall not contract to pay more than said last mentioned offer, or at an increased expense not exceeding $130,000.

Mr. IVERSON. In rising to call for the yeas and nays on this amendment, I desire to invoke for half a minute the attention of the Senate. We have, now, I think, something like five or six mails to California. We have a mail by the Isthmus of Panama, we have one by the Isthmus of Tehuantepec, we have one from San Antonio in Texas, overland, intersecting with the Memphis route, and going from Fort Yuma to San Diego. Then we have the Butterfield route running from Memphis and St. Louis, across to San Francisco. Then we have the Neosho and Alburquerque and Kansas City route, and we have the route which is now under consideration, from St. Joseph, Missouri, to Placerville, in California. These routes cost the Government more than $2,000,000 annually. I think nearer two and a half than two millions; and now it is proposed to increase that route to the extent of $130,000, when the extension is certainly, in my opinion, not worth anything to the country. Senators on both sides of this House have been crying out against the extravagant expenditures of this Government, especially of the Post Office Department. It has been the theme of constant abuse on the other side of the Chamber, and even Senators belonging to the Democratic party have been found fluent in their denunciations against the extravagance of this Department; and yet here are Senators, these very gentlemen who are crying out against these abuses, now willing to increase them, by adding to the expenses of that very Department. You vote to increase the expenses, and then stand up before the American people and abuse the Department for carrying your own behests into execution. I trust Senators will at least be consistent, and not increase the expenses of the Government when they themselves constantly denounce the Government for these expenditures. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. LANE. It may be proper, I think, for me to give the reason why I shall vote against this amendment. We have heard from the Senator from Georgia that the mail service which we have now overland to California, some five or six routes, costs the Government annually, as he says, and I presume he knows, over two million dollars. This route is one in which the people I represent are interested. The road from St. Joseph leads directly into Oregon. It is the emigrant route, and it may be said that it is the best road on the face of the earth for its length. A due west line from St. Joseph strikes Oregon at Roseburg, and by making a little deflection to the north it strikes it at the Dalles. Either one of those routes has plain, wide, well-beaten roads.

This route goes by Salt Lake, on the direct line to Oregon; and yet, for the accommodation of California, when it reaches Salt Lake, it bears off south to Placerville, and that is a greater distance than it is to Roseburg, and not near as good a country to travel over. I have endeavored to have this service extended from Salt Lake on that direct line to Oregon; but that has been refused. Having no route to Oregon, having no mail service to Oregon, never having had any, I ask Senators how they can expect me to vote now to give additional service to a portion of the route on the direct line to Oregon, and then have it turn off from Oregon? I came here to represent in part the State of Oregon. While I shall never lose sight of the true interests of this country; while I shall never be found acting with any section but for the whole country, with the strongest desire to see this Government brought down to the strictest principles of economy, I will say that I cannot, consistently with my duty to the people whom I represent, vote for additional expense for mail service to the Pacific, by which they are not in the slightest degree to be benefited. For this reason I shall vote against the amendment.

Mr. GREEN. It is too late to engage in a general discussion of this subject, and too much time has already been consumed on this bill; but I will merely make one remark. The route by St. Joseph to Placerville, in California, is in the direction of the great commercial mart of California, and for that reason it deflected to the left, and not from any desire not to accommodate Oregon. We are willing to accommodate her; but the route itself accommodates the whole northwest territory. A railroad is finished through to St. Joseph. There is no point on this continent where you can go by the steam car as far west as you can on this route. It is, then, shorter from there to the Pacific coast than any other route now run as a post route to connect the Mississippi valley with the coast of the Pacific. It has already been stated to be the best road. The passage on it can be made in a less space of time. Why, then, shall we not reduce it to the same time, giving the same rate of compensation that is given to the southern line, seven hundred miles longer? It accommodates more people; it takes ten times the mail matter; it is more central, and in every respect more entitled to our regard; but I will not enlarge upon the question.

Mr. HARLAN. I think some remarks have been submitted this evening which are unjust to California. It is true we spend a large amount of money in the public service on the Pacific coast, in proportion to the population there; but if this mail route were annihilated by an act of the present Congress, what would be the effect? To cut off the people of Utah from mail service from the Pacific coast, as well as from the States in the valley of the Mississippi. Suppose you were to annihilate the other mail route, of which complaint has been made, you would thereby cut off all the people of New Mexico, in and around Santa Fe. Now, does the Senate propose to cut off the people of New Mexico and Utah from mail facilities, both from the Atlantic and Mississippi States and from the Pacific slope? So with the people who are in Arizona. We talk of the expense of the mail routes from the Atlantic States to the Pacific, as if the entire expense were due to the people of California, and as if there were no people intermediate to be considered. There is not one of the routes which have been established that is not necessary to accommodate the people of the Territories. The route, of which complaint is now made, is necessary for the accommodation of the people of Utah, where you have organized a Territory and kept up a territorial government for years. It is necessary for their accommodation that this route should be continued to carry their mails, not only to the Atlantic States, but to the Pacific States. The same is true of the routes passing through Santa Fe and Arizona. There is but one route that will not accommodate an intermediate people, and that is the last one, which we voted in the bill during the evening—the route from St. Paul to Washington Territory. I have heard it intimated that this effort is now being made, to annihilate the present route, for the purpose of substituting the one we have added to the bill this evening, from St. Paul to Washington Territory. The intimation which was given seems to be carried out by arguments and votes. All we want is justice, in relation to this matter; and it would be extremely unjust, to the great mass of the people of the northwest, not to give them the same amount of service on the central emigrant route which you give the people of the sparsely populated Territories in the southwest. All we ask is even-handed justice—nothing more.

Mr. GWIN. I have only a word to say to my friend from Oregon, and it is that the friends of the proposition he made are those who are most anxious for the passage of this amendment. It is not the opponents of the proposition for a mail to Oregon—which I intend to offer again in the Senate and give the Senator an opportunity to have the yeas and nays upon it—who are in favor of this amendment.

Mr. LANE. Offer it as an amendment to this.

Mr. GWIN. I cannot do that. That would be out of order. I want to say to the Senator that the proposition which was made in regard to the service in Oregon was originally contemplated. I spent weeks and weeks in attempting to organize this service during the last year, and it was then understood that so soon as it should go into successful operation, the branch to Oregon would be established. But I suppose the Postmaster General has been deterred, on account of the state of the revenues and the general complaint that was made of the expenses of the Department, from advertising to give out these routes. I am for giving him directions to do it now. I received by the last mail a memorial very numerously signed in favor of increasing the service on this very route. There is no question of greater consequence in my judgment to the people on this side and the other side of the mountains. I hope the amendment will prevail.

The question being taken by yeas and nays, resulted—yeas 29, nays 24; as follows:

YEAS—Messrs. Bell, Bigler, Bright, Broderick, Cameron, Chandler, Clark, Collamer, Doolittle, Douglas, Fessenden, Foot, Foster, Green, Gwin, Hale, Hamlin, Harlan, Houston, Jones, King, Polk, Seward, Shields, Simmons, Trumbull, Wade, Wilson, and Wright—29.

NAYS—Messrs. Allen, Bayard, Benjamin, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Lane, Mallory, Mason, Pearce, Pugh, Reid, Sebastian, Stuart, Toombs, and Yulee—24.

So the amendment was concurred in.

The next reserved amendment was to insert as an additional section:

And be it further enacted, That it shall be the duty of the

Postmaster General to discontinue the mail now carried once a month from Kansas, in Missouri, to Stockton, California, at the expiration of the present quarter.

Mr. GWIN. I move to amend that amendment, by substituting for it:

That the service on the route from Kansas City to Stockton, California, shall cease on the expiration of the present quarter, except between Albuquerque, in New Mexico, and Tejon, in California; and the contractors shall carry the mails on that portion of the route at a *pro rata* of the present compensation.

As I said before, this is about one fourth of the distance, and is the only portion of the entire route from Kansas City to Stockton that is left without a mail. If this is continued at a *pro rata* compensation, it will not cost, in my opinion, more than twenty or twenty-five thousand dollars a year. It is a very important section of the country. It is one hundred and fifty or two hundred miles north of the El Paso route, and three or four hundred miles south of the Salt Lake route, and I hope this small service will not be cut off.

Mr. POLK called for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

Mr. POLK. I wish to state to the Senate that the reduction which will be made, by the amendment offered by the Senator from California, will be about in the ratio of twenty or thirty to eighty. The contract now is $80,000, and this will reduce it to twenty or thirty thousand dollars. It only makes a link, which connects the Butterfield route, after it reaches Tejon Pass, with Albuquerque, at which there are now two mail routes concentrated; the one from Independence, via Santa Fé, and the other from Neosho. The two routes come together at Albuquerque; but there they stop, so far as progress across the continent to California is concerned, unless this additional link be added to the chain; and it can be added to the chain at an expense of some twenty-five or thirty thousand dollars, and will thus save the difference between that sum and $80,000, which is the amount now paid.

The question being taken by yeas and nays, resulted—yeas 17, nays 26; as follows:

YEAS—Messrs. Allen, Broderick, Brown, Doolittle, Fitch, Green, Gwin, Harlan, Houston, Iverson, Polk, Seward, Shields, Simmons, Trumbull, Wilson, and Wright—17.

NAYS—Messrs. Bayard, Benjamin, Bigler, Chandler, Chesnut, Clay, Clingman, Davis, Fessenden, Fitzpatrick, Foot, Foster, Hale, Hunter, Johnson of Arkansas, Johnson of Tennessee, Jones, King, Mallory, Mason, Pearce, Reid, Sebastian, Stuart, Toombs, and Wade—26.

So the amendment to the amendment was rejected; and the question recurring on the amendment made as in Committee of the Whole, it was concurred in.

The next reserved amendment was to insert as an additional section:

And be it further enacted, That, from and after the 1st day of July, 1859, in lieu of the rates of postage now established by law, there shall be charged the following rates, to wit: For every single letter, in manuscript, or paper of any kind, in which information shall be asked for or communicated in writing, or by marks or signs, conveyed in the mail for any distance between places in the United States not exceeding three thousand miles, five cents, and for any distance over three thousand miles, ten cents; and for a double letter there shall be charged double these rates, and for a treble letter, treble these rates; and every letter or parcel not exceeding half an ounce in weight shall be deemed a single letter, and every additional weight of half an ounce or additional weight of less than half an ounce, shall be charged with an additional single rate of postage. And there shall be charged for letters conveyed in the mail, wholly or in part by sea, and to or from a foreign country, without regard to distance, ten cents for each half ounce in weight, or additional weight of less than half an ounce, excepting, however, all cases in which such postage had been or shall be adjusted at different rates by postal treaty or convention already concluded or hereafter to be made. And every letter or packet brought into the United States, or carried from one port therein to another, in any private ship or vessel, shall be charged with five cents, if delivered at the post office where the same shall arrive; and if destined to be conveyed thence by post to any place, two cents shall be added to the ordinary rates of postage. All drop letters, or letters placed in any post office, not for transmission, but for delivery only, shall be charged with postage at the rate of one cent each, to be prepaid by postage stamps, and accounted for as other letter postages. And all letters which shall hereafter be advertised as remaining over, or uncalled for, in any post office, shall be charged with one cent in addition to the regular postage, to be accounted for as postages now are. And upon all letters passing through or in the mails of the United States, excepting such as are to and from a foreign country, and letters and packages to and from any ex President of the United States, or any person or persons to whom the franking privilege has been granted by name, and letters and packages to and from the officers of the Post Office Department and of the Auditor's office of the Post Office Department, exclusively on official business, the rates of postage hereby established shall be prepaid by postage stamps, or stamped envelopes, or in money, if the Postmaster General shall so direct.

The amendment was concurred in.

Mr. SHIELDS. I have an amendment to offer as an additional section.

Mr. HUNTER. Have we passed upon the amendment which has just been read? ["Yes."]

Mr. HALE. I want to call attention to the amendment which has just been read raising the rates of postage. It was certainly concurred in without the attention of the Senate being called to it. I did not vote at all; and I believe in such a case, those who do not vote are deemed by their silence to have acted with the majority. I desire to record my vote on this question; and I move a reconsideration of the vote by which that amendment was concurred in, so that we may have an opportunity to record our votes against it.

The PRESIDING OFFICER. (Mr. STUART.) Does the Senator from Minnesota withdraw his amendment?

Mr. SHIELDS. For that purpose.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire, to reconsider the vote concurring in the amendment as to the rates of postage.

Mr. HALE. I suggest that the Senate allow the vote to be reconsidered, and then take the question by yeas and nays on the amendment. It will take no time. ["Agreed."]

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now is on concurring in the amendment made as in Committee of the Whole.

Mr. HALE called for the yeas and nays; and they were ordered.

Mr. DIXON. I have paired off on this question with the Senator from Louisiana, [Mr. SLIDELL.]

The question being taken by yeas and nays, resulted—yeas 27, nays 22; as follows:

Messrs. Allen, Benjamin, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mallory, Mason, Pearce, Polk, Reid, Sebastian, Toombs, Ward, and Yulee—27.

NAYS—Messrs. Bigler, Broderick, Cameron, Chandler, Clark, Collamer, Doolittle, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, King, Rice, Seward, Shields, Simmons, Stuart, Trumbull, Wade, and Wilson—22.

So the amendment was concurred in.

Mr. SHIELDS. I offer my amendment as an additional section:

And be it further enacted, That all entries which have heretofore been allowed by registers and receivers under that portion of the third proviso of the first section of the act entitled "An act making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1856," in the following words: "That each contractor engaged or to be engaged in carrying mails through any of the Territories west of the Mississippi shall have the privilege of occupying stations, at the rate of not more than one for every twenty miles of the route on which he carries a mail, and shall have a preëmption right therein, when the same shall be brought into market, to the extent of six hundred and forty acres, to be taken contiguously, and to include his improvements, but no such preëmption right shall extend to any pass in the mountains or other defile," be, and the same are hereby, confirmed, subject to any *bona fide* claim, under any law of the United States, to the whole or any portion of the lands embraced in said entries made prior to the date of the selection thereof, by the persons aforesaid; and the Commissioner of the General Land Office is hereby directed to issue patents for the lands embraced in said entries.

Mr. HUNTER. I hope the Senator will not press such an amendment as that on this Post Office appropriation bill, which we are trying to get through, and in regard to which we have experienced so much difficulty. This amendment is extending the preëmption privileges to contractors on all the post routes. It is a matter that ought to be reserved for separate legislation and consideration.

Mr. SHIELDS. I will state to the Senator, and to the Senate, that this amendment asks for no appropriation, and interferes with no right. It is to confirm selections made by the contractors on mail routes, and is, therefore, appropriate to this bill. It has the approval of the Department, and the approval of the Committee on Public Lands, of which you, Mr. President, are chairman. It merely corrects an error that was made in these selections by the contractors on the post routes, as recommended by the Department.

Mr. HUNTER. Why should they have to come here to get the selection confirmed? If it is according to law, why is it not confirmed at the Department?

Mr. SHIELDS. There has been some error in the manner in which the selections were made, and it requires this kind of legislation to correct it. The Committee on Public Lands examined the subject and reported a bill, of which this amendment is a copy.

Mr. YULEE. I will state in a word the objection I have to this proposition. It proposes to confirm at once, by patent, parties in the occupation of lands for their stations, when their contracts are not completed; and to-morrow, or the day after receiving their patents, they might abandon the contracts, and receive the lands.

Mr. SHIELDS. The honorable Senator, I think, is wholly mistaken. I am sorry the present occupant of the Chair is not in his seat to explain this amendment. It only corrects some mistakes in the selections.

Mr. RICE. The amendment offered by my colleague is in the words of a bill which passed the Senate some days ago. It merely corrects some land entries that were made two or three years ago. The mails have been carried some four years; the entries were made under the direction of the Commissioner of the General Land Office; the land was paid for; but the Secretary of the Interior had doubts in regard to the construction of the law, and recommended that Congress should pass a bill of this kind; and the Committee on Public Lands reported it, and the Senate passed it without a dissenting voice, and sent it to the House of Representatives. Our Representatives from Minnesota, and others interested, are fearful that it will not be reached there; and my colleague has merely offered it now as an amendment to this bill, to secure its passage.

Mr. YULEE. Does it not extend to the Butterfield route?

Mr. RICE. No; it only includes lands paid for long ago.

Mr. YULEE. What routes?

Mr. RICE. Routes in the northwest, where the money was paid for the land two years ago.

Mr. YULEE. Was the land surveyed?

Mr. RICE. The land was surveyed and paid for under regulations issued by the Land Office; and a bill, in the exact terms of this amendment, passed the Senate without a dissenting voice.

Mr. DOOLITTLE. I will state, in addition to what has just fallen from the honorable Senator from Minnesota, that the bill has not only passed the Senate, but has gone to the House of Representatives, been referred to the Committee on Public Lands of that House, and that committee are prepared to report unanimously in its favor. Mr. COBB, the chairman of that committee, who was within the bar of the Senate this evening, informed me of the fact.

Mr. TOOMBS. That is out of order.

Mr. DOOLITTLE. Perhaps it is out of order for me to speak on that point; but I understand that there is no objection whatever to the passage of that bill, if it can be reached there.

Mr. HUNTER. Is not this a private claim? I wish to raise the question of order, which is preliminary to all debate.

The PRESIDING OFFICER. The Chair thinks it is not a private claim within the meaning of the rule.

Mr. COLLAMER. The fact that this proposition passed the Senate without objection, does not amount to much in my estimation. Many things pass here that very few of us understand anything about. I remember that some years ago a bill was passed allowing contractors for carrying the mails west of the Mississippi the right to preëmpt some lands. It was not regarded as of much consequence, because they could not get the lands without paying for them the ordinary price, $1 25 an acre, and it was supposed they might as well have them as anybody else; but they were not bound to pay for the lands until they should be proclaimed for sale. These lands have not been proclaimed for sale, and I do not see how it is that they have been paid for. The amendment proposed now does not intimate that they have been paid for.

Mr. SHIELDS. I will state to the honorable Senator that there are none of our lands offered for sale. They are all purchased in this way by preëmption and private entry. This stands precisely on the same footing as an ordinary pre-

emption. These parties have selected the lands, and have paid for them, and now apply for their patents; but, because there was some error or mistake in the manner of the selection, and it was not exactly in conformity with the law, the Department comes in and asks that that mistake may be remedied by the passage of a provision of this kind.

Mr. COLLAMER. I understood all that before.

Mr. SHIELDS. Then what does the honorable Senator mean?

Mr. COLLAMER. I mean this: a man enters land with a view to preëmption; he may have it for years without paying a dollar until the proclamation comes. What I wish to have inserted here, is that the patent may issue, provided the lands have been paid for.

Mr. SHIELDS. I have no objection to that, for they have been paid for.

Mr. COLLAMER. I shall have no objection to the amendment if that clause be inserted.

Mr. SHIELDS. I will insert it.

Mr. JOHNSON, of Arkansas. I will ask for the information of the Senate—I believe it a matter of some consequence—whether this amendment was ever considered by the committee who have reported it? I understand it to be reported by the Senator from Florida.

Mr. YULEE. No, sir.

Mr. JOHNSON, of Arkansas. By whom then?

Mr. RICE. I will set the honorable Senator from Arkansas right. There can be no misapprehension in regard to this matter. In 1853, or 1854, Mr. Benton's amendment passed, giving the mail contractors——

Mr. JOHNSON, of Arkansas. That does not relate to the object I have in view. I ask who reported this proposition?

Mr. SHIELDS. The Committee on Public Lands.

Mr. JOHNSON, of Arkansas. Who from that committee?

Mr. RICE. The honorable chairman.

Mr. JOHNSON, of Arkansas. I am a member of that committee, and I never heard of this amendment being brought before the committee at all.

Mr. RICE. The provision, I understand, was prepared by the honorable Secretary of the Interior, and agreed to by the committee on his recommendation.

Mr. JOHNSON, of Arkansas. This amendment?

Mr. RICE. Yes, sir.

Mr. JOHNSON, of Arkansas. Then, I want to call the attention of the Senate to a few facts in regard to the proposition now made, though it be reported from the Interior Department, from the General Land Office, or from any other direction. You are simply asked now, according to my best judgment, to legislate for the benefit of contractors, and not in accordance with the stipulations and provisions of a contract into which they have entered with you. They are guarantied the rights of preëmption to those lands which lie along the route on which they make their stations. They cannot possibly acquire a title and receive a patent under the laws of the United States until they have paid the money, and until the lands have been surveyed and brought into the market, at least to that extent that they stand marked and defined by bounds and limits.

Mr. RICE. Will my friend from Arkansas allow me a moment?

Mr. JOHNSON, of Arkansas. Yes, sir.

Mr. RICE. There was a misconstruction of the law. The Commissioner of the General Land Office construed the law that all contractors west of the Mississippi, upon mail routes, a part of or connecting with a route to the Pacific, were entitled to preëmpt a certain quantity of land for stations. Under his instructions, they went on and preëmpted them. They paid for the lands and they made their improvements upon them, and they carried the mails according to the contract. The matter came up to the Secretary of the Interior, and he construed the law as only applying to mail contractors who carried the mails from the western borders of the Territories west of the Mississippi all the way through to the Pacific; but as these contractors had, under the instructions of the General Land Office, entered the lands, and as the Postmaster General reported that it was a part of the consideration, because they carried the mail at a less rate than they would otherwise have done, the Secretary of the Interior came to the conclusion that they were entitled in equity to have their titles confirmed.

Mr. JOHNSON, of Arkansas. Then the conclusion I am compelled to come to, is that the judgment of the Secretary of the Interior, in the first place, was sound, honest and right, and that the intention never was to give preëmptions to all contractors for every station they might make within the borders of our settled States, west of the Mississippi. If the Post Office Department afterwards gave such a construction as would seem to allow the contractors to take preëmptions on these lands inside the limits of the settled States, and on routes that do not run to the Pacific, I think it was wrong. You have now before you, a very lengthy amendment, and though it comes from my own committee, I never even heard it named until now. I, for one, will not consent to say that I even understand it. I do not believe we ought to legislate in order to enrich these contractors. I think the tendency of this legislation is merely to enrich them against the literal spirit of the law which has created the contracts under which they made these stations. I protest against giving them anything more than their legal rights under their contracts. If they are entitled to more, justly and rightfully, they can recover it in the courts of law, or they can obtain their patents in due course of time by the decision of the Department. If they are not entitled to them, why should the Senate now order the patents to be issued so as forever hereafter to foreclose and preclude all possibility of considering whether they were justly entitled to these lands or not? I cannot consent to see sprung upon us at so late an hour, an amendment like this, which is so long and intricate that I cannot believe that gentlemen understand it at all, and that, too, without the original contract or the original law before them, in a desultory debate, such as that which has characterized the whole progress of this bill. I trust the Senate will turn a deaf ear to appeals of this kind. I hope the amendment will not be permitted to pass.

Mr. HARLAN. I think I can state in one minute the nature of this claim. It was considered by the Committee on Public Lands; and if I comprehended the case when before the committee, it is simply this: Under the law allowing mail contractors to preëmpt lands, they were allowed, as a part of the consideration for carrying the mails, to preëmpt a section of land each twenty miles in the Territories west of the Mississippi river. Contracts were given out under that law, and with that understanding. Afterwards, the Secretary of the Interior decided that the law applied merely to contracts for routes running in an east and west direction from the Mississippi river to the Pacific ocean. The case now under consideration, I believe, was a contract to carry the mails through Kansas and Nebraska on routes which ran in a northern and southern direction. The contractors selected some three or four stations on a route of one hundred and fifty miles in length; I believe about one fourth the number of stations they would have been entitled to under the law. When they put in their bids and made their contracts, they believed they would have a right to preëmpt a section of land at each twenty miles, and under that belief they preëmpted three or four sections. It afterwards turned out that the Secretary of the Interior interpreted the law so as not to apply to mail routes running in a northern and southern direction. The Committee on Public Lands believed they were clearly entitled to it under their contract equitably, as it entered into, and became a part of, the consideration when the bids were made which were accepted by the Department. Hence they reported in favor of the passage of a bill in the terms of this amendment. I still believe the relief ought to be granted, and I shall vote for the amendment as proposed.

Mr. IVERSON. I have a little amendment to propose to the amendment, which, I think, will be accepted by the Senator from Minnesota. It is, after the words, "allowed by the registers or receivers," to insert, "and which have been paid for at the rate of $1 25 an acre." With that amendment, I see no objection to the proposition.

Mr. COLLAMER. I have drawn such an amendment, and the mover has already put it in:

Provided, That the lands have been paid for at $1 25 an acre.

Mr. IVERSON. I was not aware of that.

Mr. JOHNSON, of Arkansas. If these parties have any rights, it seems to me they are already amply secured by the existing laws, if the terms of their contract have been fulfilled; and I see no necessity for our interfering with them. It is doing more than justice; it is extending friendship and generosity to these men, it may be, at the expense of the public interests. We have had no explanation of the foundation on which these titles rest. We know nothing of the validity of the contracts formed by the parties to secure these lands, or the manner in which they have been performed. It may be that conditions were attached, in some instances, to the attainment of these preëmptions for stations which are scattered all over the country. If, however, Senators are disposed now to say that they shall have those preëmptions, when they are already secured by the existing laws, if they are justly entitled to them, be it so.

Mr. YULEE. The amendment refers to an act passed on the 30th of June, 1856. There is no act passed on that day. The amendment, therefore, must be faulty. I want to see the law before I vote.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and Mr. ALLEN answered to his name.

Mr. JOHNSON, of Arkansas. I desire to call the attention of the Senate to the fact that we are voting upon what is apparently not in existence——

The PRESIDING OFFICER. The Senator from Rhode Island had answered to his name before the Senator from Arkansas addressed the Chair. The Secretary will proceed with the call.

The Secretary concluded the call of the roll.

Mr. COLLAMER. I have been recently informed that there is no such act as is described in this amendment. There is a mistake in the description of it. I therefore vote "nay."

The result was announced—yeas 24, nays 22; as follows:

YEAS—Messrs. Bigler, Broderick, Crittenden, Doolittle, Douglas, Fitch, Green, Gwin, Hale, Harlan, Houston, Iverson, Jones, Lane, Polk, Rice, Seward, Shields, Simmons, Stuart, Trumbull, Wade, Ward, and Wilson—24.

NAYS—Messrs. Allen, Chesnut, Clark, Clay, Clingman, Collamer, Davis, Fessenden, Fitzpatrick, Foot, Foster, Hamlin, Hunter, Johnson of Arkansas, Johnson of Tennessee, King, Mallory, Mason, Pearce, Reid, Wright, and Yulee—22.

So the amendment was agreed to.

Mr. GWIN. I now renew the amendment which I reported from the Committee on the Post Office and Post Roads, increasing the service from Salt Lake to Oregon; and I hope we shall have the yeas and nays on it. I am very anxious that it shall be passed. It is to insert as a new section:

And be it further enacted, That the Postmaster General be, and he is hereby, authorized, when bids for carrying the mail from Salt Lake to Roseburg, Oregon, and from Salt Lake to the Dalles, Oregon, shall be received for said service, to direct that the service be performed weekly instead of semi-monthly, at such additional compensation as may be right and proper.

The yeas and nays were ordered.

Mr. DOOLITTLE. I should like to inquire of the honorable Senator from California, or the honorable Senator from Oregon, whether one of these routes cannot be made a branch from the route to Placerville, somewhere in the neighborhood of Humboldt river, so as not to have two routes over the same ground?

Mr. LANE. I will say, in reply to the Senator's inquiry, that I am inclined to think the Placerville route passes now on the direct road to Oregon, and this route to Roseburg may diverge from it somewhere in the Humboldt valley; and I am willing to have it so stated in this amendment. The other road diverges at Salt Lake, and bears north by Fort Hall. I am very willing that the amendment shall be so changed as to provide that the route to Roseburg shall connect with the Placerville mail in the Humboldt valley, but I cannot mention the point.

Mr. GWIN. I will amend the amendment by inserting after the words "Salt Lake" "at or near Clover valley."

Mr. LANE. Very well.

Mr. HUNTER. I hope we shall have a vote. Time is precious.

The question being taken by yeas and nays, resulted—yeas 21, nays 18; as follows:

YEAS—Messrs. Allen, Bigler, Broderick, Clingman, Doolittle, Fitch, Green, Gwin, Hale, Harlan, Houston, Jones, Lane, Mallory, Polk, Rice, Simmons, Stuart, Trumbull, Ward, and Wright—21.

NAYS—Messrs. Benjamin, Cameron, Chandler, Chesnut, Clark, Collamer, Fessenden, Foot, Foster, Hamlin, Hunter, Iverson, Johnson of Arkansas, King, Mason, Pearce, Reid, and Sebastian—18.

So the amendment was agreed to.

The next amendment made, as in Committee of the Whole, was, in section one, line fourteen, at the end of the section, to insert:

Provided, That, from and after the 30th of June, 1859, not more than $1,600 per annum shall be allowed to any clerk, employed in the post office in California, as compensation for his services.

So that the clause will read:

For clerks in the offices of postmasters, $950,000: *Provided*, That from and after the 30th of June, 1859, not more than $1,600 per annum shall be allowed to any clerk in the post office in California as compensation for his services.

Mr. BRODERICK. I will state, Mr. President, that their salaries range from $3,600 to $1,750; and I find they are more than any other clerks receive in the United States. I hope the Senate will see the necessity of passing the amendment.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to insert as a new section:

And be it further enacted, That no one of the new overland mail routes shall be put in operation, unless it can be done without increasing the annual expenditure heretofore made for communication between the Atlantic and Pacific coasts, and for that purpose the Postmaster General is authorized to discontinue postal service on any route heretofore established.

Mr. CLINGMAN. I will say one word on that amendment, as I offered it. I had almost forgotten it; but I sent for it a while ago. According to the statement of the Senator from California, we pay $2,500,000 now for the mails to California or to the Pacific coast. Oregon may embrace a part of that expenditure; but not much. That is about one seventh of all the appropriations in this bill. I believe the appropriations in the present bill amount to $16,000,000, and therefore one seventh goes for the service of the Pacific coast. Now, upon the supposition that there are five hundred thousand people there—and I doubt if there are, in fact, so many—they would have one sixtieth part of the population. With one sixtieth part of the population of the Union, therefore, they have one seventh of the mail service. Of course, it is to be expected that it will take more money to supply people with mails who live scatteringly; but is it not putting it on a little too thick, to give more than one seventh? It takes nine times as much per head to supply them with mails, as the balance of the Union. I am willing to let it stand as it is now; but it seems to me, we ought not to go further; and I have, therefore, offered this proposition, leaving it to Senators to adopt it or not, as they think proper.

Mr. GWIN. This is all the service to the Pacific coast; $1,035,000 is appropriated for ocean service by this bill.

Mr. CLINGMAN. That is true; but suppose we abolish some of these lines; nobody will pretend that we ought, in fact, to have two or three lines going through the ocean and foreign countries. It is said by gentlemen, by way of defense, that this will be a monopoly if you have only one line. There is but one line between this and New York, and yet the country does not suffer from a monopoly. There is but one line between Philadelphia and New York, with nearly two million of people at the two ends; and, therefore, if one is caught——

Mr. POLK. If the Senator from North Carolina will allow me, did I understand him to say that there were only five hundred thousand population on the Pacific coast, west of the Rocky Mountains?

Mr. CLINGMAN. Well, we suppose Oregon to have ninety thousand. I doubt if California has more than four hundred thousand. I do not know what the facts are.

Mr. POLK. There are more than five hundred thousand in California.

Mr. CLINGMAN. I will not discuss the question further. I only mean to say if any one of these isthmus routes is given up, we can establish all the others.

Mr. IVERSON. I ask for a division on the amendment.

Mr. CLINGMAN. I hope we shall have the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 26, nays 19; as follows:

YEAS—Messrs. Benjamin, Brown, Chesnut, Clay, Clingman, Collamer, Davis, Fitch, Fitzpatrick, Hale, Hamlin, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, King, Mallory, Mason, Pearce, Reid, Sebastian, Simmons, Ward, and Yulee—26.

NAYS—Messrs. Allen, Broderick, Chandler, Clark, Doolittle, Fessenden, Foot, Foster, Green, Gwin, Harlan, Lane, Polk, Rice, Seward, Stuart, Wade, Wilson, and Wright—19.

So the amendment was concurred in.

Mr. BRODERICK. I wish to state that the effect of that amendment is to deprive California of any mail overland.

Mr. TRUMBULL. I desire to offer an amendment, the object of which is to disclose what amount of money postmasters receive. It is in line twelve, after the word "dollars" to insert:

Provided, That it shall be the duty of the Postmaster General to require postmasters to make quarterly returns of all moneys by them collected in connection with the discharge of their official duties, whether the same be derived from postages, emoluments, letter carriers' fees, or any other source whatsoever; and all moneys thus accounted for shall be deemed and held as a portion of the revenues of the Post Office Department; and all allowances made to postmasters under the provisions of law, whether in the shape of commissions, perquisites, emoluments, letter carriers' fees, or any other source whatsoever, shall be accounted for as part of the expenditures of the Post Office Department.

My only object in offering this amendment is, that it may appear what amount is received by the postmasters. I think there can be accounts that can be given by which it will appear how large their emoluments are. I observe, in the reading of the amendment, that the word "box-rents" is left out. I wish to modify the amendment so as to insert the word "box-rents" after the word "fees."

Mr. HUNTER. If the only object of the Senator from Illinois is to ascertain what they receive, and make them report on it, that is very well. If he will add something to it, by which it shall not decrease the allowances already made, I will agree to it.

Mr. TRUMBULL. My object is to see what the postmasters get. I want it to appear.

Mr. HUNTER. The Senator will accomplish his object by adding that proviso. I am a little afraid that, if the Post Office revenues are required to be paid into the Treasury, and the money is put into the Treasury, it will have to be drawn out by law. I will vote for the amendment, with that addition.

Mr. TRUMBULL. The amendment does not provide that the revenues shall be paid into the Treasury; only that they shall render an account of the amounts received by them.

Mr. HUNTER. It is so held and deemed as part of the Post Office revenue; and if, by standing law, paid into the Treasury of the United States, by the Constitution they cannot be drawn out, except by law. If the Senator will just add something like this: "Provided, that nothing herein contained shall be so construed as to diminish the allowances now made," it will accomplish his object, and not make any radical change.

Mr. TRUMBULL. I am afraid that will nullify the whole. It will be regarded as not interfering at all with the present regulations. I think that the amendment as it is would be better; but if it is thought otherwise, I will accept the modification. I do not want to take up the time of the Senate. I would rather have the proposition as it is, however.

Mr. HUNTER. If the Senator will consent to that, I will offer the amendment.

The PRESIDING OFFICER, (Mr. STUART in the chair.) The Senator consents to the modification; and the question is on the amendment as modified.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time; and on the question, "Shall the bill pass?"

Mr. HAMLIN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 29, nays 22; as follows:

YEAS—Messrs. Allen, Benjamin, Broderick, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Houston, Hunter, Iverson, Jones, Lane, Mallory, Mason, Pearce, Polk, Reid, Rice, Sebastian, Stuart, Toombs, Ward, Wright, and Yulee—29.

NAYS—Messrs. Bigler, Cameron, Chandler, Clark, Collamer, Doolittle, Douglas, Fessenden, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Arkansas, Johnson of Tennessee, King, Pugh, Seward, Simmons, Trumbull, Wade, and Wilson—22.

So (at ten o'clock, p. m.) the bill was passed.

Mr. BRODERICK. I wish to give notice that I intend to move a reconsideration of this bill.

The PRESIDING OFFICER. That motion will be entered.

Mr. BRODERICK. I want the motion entered so that the bill shall not be sent over to the other House.

Mr. HUNTER. If it suits the Senator, suppose we try that question now.

Mr. BRODERICK. I have no objection. I wish to inform Senators from the Pacific coast, that this amendment offered by the Senator from North Carolina cuts the Pacific coast off from all mail service. I so understand it.

The PRESIDING OFFICER. The Senator from California moves to reconsider the vote by which the bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1860, was passed. Will the Senate reconsider the bill?

Mr. GREEN. I ask for the yeas and nays on that question.

The yeas and nays were ordered.

Mr. IVERSON. I move to lay the motion to reconsider on the table.

Several SENATORS. That carries the bill with it.

Mr. IVERSON. Then I withdraw the motion.

Mr. GWIN. If there was any doubt that that amendment would produce that effect, I would certainly vote for a reconsideration; but I have not so read it. I shall, however, vote for the motion.

Mr. CLAY. I rise to a question of order. I ask the Senator who made the motion to reconsider, whether he voted for the bill?

Mr. BRODERICK. Yes, sir; I voted for the bill. My name is recorded in the affirmative. I am satisfied that this bill, as it now stands, deprives the Pacific coast of mail service.

Mr. HUNTER. I hope we shall have a vote.

The question being taken by yeas and nays, resulted—yeas 22, nays 28; as follows:

YEAS—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Crittenden, Doolittle, Fessenden, Foot, Foster, Gwin, Hale, Harlan, Johnson of Tennessee, King, Lane, Pugh, Seward, Simmons, Trumbull, Wade, and Wilson—22.

NAYS—Messrs. Allen, Bayard, Benjamin, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Jones, Mallory, Mason, Pearce, Polk, Reid, Rice, Sebastian, Stuart, Toombs, Ward, and Yulee—28.

So the Senate refused to reconsider the vote passing the bill.

HOUSE BILL REFERRED.

The bill (H. R. No. 889) to provide for the care and preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown; for the supply of said water for all governmental purposes; and for the uses and benefit of the inhabitants of the said cities, was read twice by its title, and referred to the Committee on the District of Columbia.

EXECUTIVE COMMUNICATION.

Mr. HAMLIN. There is a communication from the Secretary of the Treasury on the table. I ask the unanimous consent of the Senate to have it taken up and referred.

Mr. JOHNSON, of Arkansas. I object.

NAVAL APPROPRIATION BILL.

On motion of Mr. HUNTER, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 712) making appropriations for the naval service for the year ending the 30th of June, 1860.

Mr. HUNTER. The Committee on Finance reported no amendments to the bill.

Mr. PUGH. I move to dispense with the reading of the bill.

The PRESIDING OFFICER. Is unanimous

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consent given for dispensing with the reading of the bill in detail?

Mr. MALLORY. I object. I want it read.

The PRESIDING OFFICER. Objection being made, the Secretary will read the bill.

The Secretary read it.

Mr. MALLORY. I understand the Committee on Finance send no amendments. I send one to the Chair from the Committee on Naval Affairs, to come in after line fifty-six:

For the payment of the charter of vessels for the Paraguay expedition for nine months, $173,700.

Mr. HUNTER. Is that the only additional expense we are to have for that expedition? Is that the only appropriation that is to be moved for it?

Mr. MALLORY. That is all. I will say, in relation to that, that the Secretary sends us in his report information that he has chartered nine vessels. In the letter I have before me, he estimates $299,193 50 for the purchase of five and the charter of the balance. The committee thought it best to confine themselves to the charter, and called upon him to see what the charter would amount to, for nine months. I hold the estimate in my hand, for $173,700 for the charter, and not for the purchase; and that is the amount the committee have recommended.

The amendment was agreed to.

Mr. MALLORY. The next amendment is to insert, after line ten, the following:

For the payment of officers restored to the Navy, under the provisions of the act of January 16, 1857, during the period of their retirement or suspension, $62,394.

That is according to the estimate to carry out the act of Congress of January 16, 1857.

The amendment was agreed to.

Mr. MALLORY. The next amendment is to insert, after line fourteen:

SEC. 2. *And be it further enacted*, That the following general order, issued by the Secretary of the Navy, and dated January 13, 1859, be, and the same is hereby, confirmed:

General Order.

Chief engineers of more than twelve years, will rank with commanders;

Chief engineers of less than twelve years, with lieutenants;

First assistant engineers next after lieutenants;

Second assistant engineers next after masters;

Third assistant engineers with midshipmen.

This order confers no authority to exercise the military command, except in the discharge of their duties, and no additional right to quarters.

ISAAC TOUCEY,
Secretary of the Navy.

NAVY DEPARTMENT, *January* 13, 1859.

Mr. HUNTER. Will it give additional pay?

Mr. MALLORY. No pay is involved. It simply legalizes the order, as has been done in the case of pursers and surgeons.

The amendment was agreed to.

Mr. BENJAMIN. I desire to have that amendment read over again.

The PRESIDING OFFICER. By general consent it can be read again. It has been agreed to.

Mr. BENJAMIN. I spoke before the President announced the vote.

The VICE PRESIDENT. The Chair did not hear the Senator. It will come up in the Senate.

Mr. BENJAMIN. I would like to hear it again.

The VICE PRESIDENT. The Secretary will read it.

The Secretary read it.

Mr. BENJAMIN. I am satisfied what the amendment is, and equally satisfied that it ought not to pass.

The VICE PRESIDENT. It will be voted upon again in the Senate.

Mr. BENJAMIN. I will wait until it comes in the Senate.

Mr. HUNTER. Would it not suit the convenience of the Senator to determine it now, so that it can be decided without debate when it comes in the Senate?

Mr. BENJAMIN. I think this a very objectionable provision, and it ought not to be passed in this hurried way in a bill like this.

The VICE PRESIDENT. Is there unanimous consent to reconsider the vote just taken?

Mr. HUNTER. I hope it will be given.

The VICE PRESIDENT. The Chair hears no objection. The question is on the amendment offered by the Senator from Florida.

Mr. BENJAMIN. This general order of the Secretary of the Navy fixes the rank of engineers in the Navy. I would not object to fixing the rank of engineers in the Navy at anything that might suit their convenience or might be acceptable to the Navy Department; but I understand that when, on former occasions, the Navy Department made general orders fixing the rank of those officers who do not exercise general authority on board, such as pursers and medical officers, there were exceptions in it, and in the act of Congress which ratified these general orders preventing those officers from taking any control in the service of the ship.

Mr. MALLORY. It is so here.

Mr. BENJAMIN. I did not hear it so read.

Mr. MALLORY. Let the Secretary read the last clause of the amendment.

Mr. BENJAMIN. I wish to hear it all read again.

The Secretary read it.

Mr BENJAMIN. I will ask the chairman of the Naval Committee if he is perfectly certain that this does not interfere with the discipline of the service? I know that already there is a very strong jealousy in relation to this question among officers of the Navy. I know already there have been disputes on board some vessels of the Navy between lieutenants and engineers as to preference in quarters. The relative rank assigned to those officers, I know, is a matter of exceeding jealousy with the active and efficient officers of the Navy. I feel very much disinclined to vote a provision of this kind on an appropriation bill, unless it is absolutely necessary.

Mr. MALLORY. In reply, I will state that it is a matter of no great importance, and is not absolutely necessary. The Secretary issued the order formerly to fix the relative rank of pursers and surgeons, and we legalized that in the same way, containing this same exception. This is to fix the rank of engineers. I presume it would be better in the military service of the country if the rank and rights of every man were positively fixed. It can only be a matter of detail. This corps has now risen into importance, and the Secretary chose to issue this order. The Senate may or may not confirm it. I do not wish to enter into a lengthy argument upon it.

Mr. BENJAMIN. The part of the order I object to is this: "this order confers no authority to exercise the military command, except in the discharge of their duties."

Mr. MALLORY. Strike out, "except in the discharge of their duties."

Mr. BENJAMIN. With that modification, I make no objection.

Mr. MALLORY. I accept that modification. It is not designed that they should have military command.

Mr. DAVIS. How will it read then?

Mr. MALLORY. "This order confers no authority to exercise military command, and no additional right to quarters."

The amendment was agreed to.

Mr. MALLORY. The next amendment of the Committee on Naval Affairs is to insert after line one hundred and sixty-four:

That the other duty pay of commanders in the Navy shall be the same as their sea-service pay.

Mr. HUNTER. I should like to know how much that increases the pay?

Mr. MALLORY. The grade of commander is the only grade in the Navy in which a distinction is made between the sea-service pay and other duty pay. There is no reason why the distinction should be made. This amendment is to put the commanders on the same ground with all the other grades; that is all. The difference is between $2,100 and $2,500 a year

Mr. HUNTER. It seems to me this is a bad time to commence raising salaries. When we get money in the Treasury this may be proper.

Mr. MALLORY. The increase will be very little. It is only from $2,100 to $2,500 a year—a difference of $400. It is a very small matter, and it is placing commanders on the same footing with the other officers of the Navy.

Mr. HALE. I do not go for raising salaries; but I am for doing justice. This class of officers, commanders, is the only class in the Navy that do not receive the same pay for shore service as for sea service; and though I am opposed to all unnecessary raising of salaries, I cannot see the reason of that distinction. I gave my support to this amendment in the Naval Committee, and I shall do so in the Senate, and I think, as a matter of justice, it ought to pass, because they ought not to be made an exception.

The question being taken, there were, on a division—ayes 16, noes 13; no quorum voting.

Mr. HUNTER. I call for the yeas and nays. We have a quorum here.

The yeas and nays were ordered; and, being taken, resulted—yeas 22, nays 24; as follows:

YEAS—Messrs. Allen, Bell, Brown, Clark, Crittenden, Davis, Doolittle, Fitch, Foot, Foster, Gwin, Hale, Hammond, Houston, Iverson, Jones, Mallory, Pearce, Sebastian, Shields, Simmons, and Yulee—22.

NAYS—Messrs. Benjamin, Broderick, Chandler, Clingman, Collamer, Douglas, Fessenden, Green, Hamlin, Harlan, Hunter, Johnson of Arkansas, Johnson of Tennessee, Lane, Polk, Reid, Rice, Seward, Stuart, Toombs, Trumbull, Wade, Ward, and Wilson—24.

So the amendment was rejected.

Mr. MALLORY. The next amendment of the committee is to come in after line seventeen:

That the number of surgeons in the Navy of the United States shall not hereafter exceed seventy-nine, nor the number of assistant surgeons ninety.

Mr. HUNTER. What increase does that make, I should like to know?

Mr. MALLORY. In relation to that, I wish to give this explanation. On page 8 of the Secretary's annual report he brings this matter to the attention of Congress, in these words:

"The present effective strength of the medical corps does not exceed fifty-nine surgeons and seventy assistants. The wants of the service for the ensuing year will require for duty at sea thirty-nine surgeons and seventy assistants; for shore duty, twenty-six surgeons and seventeen assistants; making a total of sixty-five surgeons and eighty-seven assistants, required for active duty. This deficiency in the medical corps of the Navy cannot be neglected without subjecting the lives of those engaged in this branch of the public service to unreasonable and culpable exposure. The naval establishment has, from time to time, been increased, while no corresponding increase has been made in the number of medical officers; that remaining nearly the same now as forty years ago. Since the year 1815, Congress has increased the number of captains from thirty-two to seventy-six; of commanders, from eighteen to one hundred and six; of lieutenants, from one hundred and forty to three hundred and twenty-seven; while the medical corps, which then numbered one hundred and twenty members, has now but one hundred and forty-nine, including at least twenty who are incapacitated for active service. The recent addition of a considerable number of steam-vessels to the Navy will necessarily create an increased demand for the services of officers at sea; while the greater activity which now prevails in it, and is likely hereafter to prevail, will still further increase that demand. To meet the immediate wants of the service, an addition of twenty to the present number of surgeons will suffice. With that number, the stations on shore and vessels at sea may be supplied, and a short interval of relief from duty allowed an officer on his return from a cruise."

Instead of allowing twenty surgeons, and twenty assistant surgeons, the committee have cut them down one half. They have reported in favor of ten surgeons and ten assistants. If these are granted, there will still be no opportunity for an officer to have leave of absence. I believe there is no surgeon or assistant surgeon in the Navy now on leave. None can be so with the present limited number.

The VICE PRESIDENT put the question; and declared the amendment to be agreed to.

Mr. TOOMBS. I call for the yeas and nays. ["Too late!"]

The VICE PESIDENT. The Chair states that it is too late to call for a division, or for the yeas and nays

Mr. TOOMBS. I appeal from the decision of the Chair.

Mr. SEWARD. I hope the appeal will be sustained. I have observed several times this session, not so often, perhaps, when the Vice President is in the chair, that there is precipitation in deciding measures to be carried, which precludes members from the opportunity of taking a vote by yeas and nays, which is a constitutional right.

Mr. TOOMBS. I voted in the negative, and I saw the Senate were not attending to it. I rose to my feet as quick as a man of my bulk could, and I asserted my rights, and I intend to have them, unless they are refused by the Senate.

Mr. HUNTER. I hope, by general consent, that we shall take the vote over again. The Chair, in endeavoring to push the bill along, is certainly rendering a service to the Senate, and he did not hear the call of the gentleman from Georgia in time.

Mr. TOOMBS. I was one of the few men who were attending to the public business on that occasion. I heard every word that was said by the Senator from Florida, and threw my hand to my ear to catch his words, for I consider this an abuse. I heard every word he uttered, and was prepared to answer.

Mr. HUNTER. Let us, by general consent, take the vote, and not have debate on this point.

Mr. JOHNSON, of Arkansas. I object.

Mr. TOOMBS. Then, I take an appeal.

Mr. JOHNSON, of Arkansas. The Chair has decided, and he has done no more than I have seen done on many other occasions; and I insist on adhering to it.

Mr. TOOMBS. I appeal from the decision of the Chair. I say I used extreme vigilance on this occasion. I listened attentively, in all the clamor, to what was said by the chairman of the Naval Committee, and gave my vote in the negative; and the instant it was given, I rose from my place and called for the yeas and nays, and I think I am entitled to have them.

Mr. GREEN. I voted, with the Senator, in the negative, and intend to vote with him again; but my understanding was, that there was ample time to call for a division; but I may have been mistaken in that.

The VICE PRESIDENT. The Chair stated that the result had been announced before he heard the Senator from Georgia call for a division, and therefore it was too late. From that decision the Senator from Georgia appeals. The Senator from Virginia suggests that by unanimous consent the vote be taken over again.

Mr. MALLORY. I have no objection to that.

The VICE PRESIDENT. The Chair hears no objection to that course. The question, then, is on the amendment of the Senator from Florida.

Mr. TOOMBS called for the yeas and nays, and they were ordered; and being taken, resulted —yeas 19, nays 30; as follows:

YEAS—Messrs. Allen, Bell, Bigler, Brown, Chesnut, Clingman, Davis, Fitch, Fitzpatrick, Foster, Gwin, Hammond, Iverson, Mallory, Mason, Pearce, Sebastian, Ward, and Yulee—19.

NAYS—Messrs. Benjamin, Broderick, Chandler, Clark, Clay, Collamer, Crittenden, Doolittle, Fessenden, Foot, Green, Hamlin, Harlan, Hunter, Johnson of Arkansas, Johnson of Tennessee, Jones, King, Lane, Polk, Pugh, Reid, Rice, Seward, Simmons, Stuart, Toombs, Trumbull, Wade, and Wilson—30.

So the amendment was rejected.

Mr. MALLORY. The next amendment is to insert, as a new section:

And be it further enacted, That the sixth section of the act of 16th January, 1857, entitled "An act to amend an act to promote the efficiency of the Navy," shall be so construed as to include officers who, at the time they were dropped, or placed on the reserved list, had been detached from duty, or removed from command, for supposed inefficiency or unfitness, but who have since been restored to the active list; and such officers shall receive the same pay they were receiving respectively when they were so detached or removed, deducting any pay they may have otherwise received during the time aforesaid.

Mr. STUART. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. PEARCE. I wish to state what is the object of this amendment. There are only two or three of all the officers, whose cases were acted upon by the retiring board of the Navy, to whom the amendment will apply. There are, I believe, in the whole, two, or, at most, three, to whom it can apply. The law of 1857 does not do these gentlemen justice. To the great class of officers subjected to the action of the retiring board, it does ample justice; but there are two or three cases of officers, who were at sea, who were detached by their commanding officers from service for some cause not operative to prevent their full restoration to active service, and who, in consequence of having been retired by the order of their commanding officer from that service, and being in that condition at the time the naval board acted on their cases, have not been restored to their full pay; all the others have been. Why this exception? Their cases are equally meritorious, and the rule of law should apply to them as well as to the others. It does not now; it is unequal, and, therefore, I want to have this construction of the act of 1857 adopted, that equal justice may be done to all.

Mr. COLLAMER. I wish to amend the amendment. There was an instance or two—I speak now particularly of the case of Captain Sawyer—where an officer was retired by the board and put on the furlough list, and the President nominated him anew for a place on the leave-of-absence list. This officer having been retired simply in consequence of deafness which he had incurred in the service, was placed on the furlough instead of the leave-of-absence list, and was restored to the latter list by the action of the President and the Senate. Now, I desire that he shall receive the pay of that list to which he appropriately belonged. My amendment is, to add to the amendment of the committee:

And that this shall extend to any officer who has been transferred from the furlough list to the leave-of-absence list by the President, with the advice and consent of the Senate.

Mr. POLK. I should like the chairman of the Naval Committee to state how much this pay will amount to?

Mr. MALLORY. I cannot answer as to this latter amendment. I am inclined to think it will cover a great many cases—more than the Senator from Vermont contemplates. The case that he alludes to is a very meritorious one, and undoubtedly ought to have the action of Congress; but I think his amendment will extend to many more. The amendment reported by the committee would embrace but three cases, I think; I know of but three.

Mr. CRITTENDEN. How much money?

Mr. MALLORY. It would amount to, say eight or ten thousand dollars, at a rough guess.

Mr. TOOMBS. In my judgment, this amendment ought not to prevail; and I think the very case which has been referred to here, is one that illustrates the principle plainer than any other. The amendment applies to the case of an officer who was on duty at sea, and was sent home for any cause whatever. I will suppose it to have been for an improper cause. He may have been on an expedition to the northern Pacific ocean. Probably a survey was held over him, and he was sent home. He was then in command of a squadron; the squadron came home, possibly, in 1855; and by this amendment, you give him, for five years, the same pay he would have received if he were commanding a squadron in the northern Pacific ocean. That is the effect of it, and I presume that it is the intention of it. It ought not to be done. The squadron itself was disbanded, probably, within a year after he was sent home. It is proper to give men pay according to their rank, not their position; because this whole Navy system, so far as it regards position, is one of favoritism. A captain on shore, not on duty, gets $2,500 a year; if he commands a squadron, he gets $4,500. That is a difference of $2,000 a year. If you pass this amendment, and there happened to be a captain who was in command of a squadron, and was sent home unjustly, and he was afterwards condemned by the naval board and restored by the court of inquiry, he will receive the pay of a captain of a squadron for all that time. Probably there was no more gallant man than the one for whom this amendment is intended; but it is not just and right to give him the pay of the commander of a squadron, when he was not performing those duties. I am willing to give him the pay of the rank of which he was deprived; but not of a position which he did not occupy. I will not make an officer's pay different on account of the accidental circumstance of what he was employed in at the time. I will give him the pay of his rank—no more; but this amendment would give him the pay of an accidental position of which he happened to be deprived. That is wrong.

Mr. PUGH. I think the attention of the Senate and the country ought to be called to the results of our legislation in reference to the retiring of officers of the Navy. In 1855, we passed a bill by which all the officers of the Navy were referred to a naval board of their own number. That board, I think, retired or dropped, in all, about two hundred men. There was a great clamor raised, and we passed an act, in 1856 in the Senate, and in 1857 through the House, by which they were referred to a court of inquiry. Afterwards we passed another act, or joint resolution, by which the President has substantially restored them all. It was said when the original law was passed, that, although we then had, I think, about sixty-eight captains in the Navy, and the same proportion of every other rank, we had too many. But the operation of this naval board and the subsequent legislation has been to raise the number of captains up to a hundred, and so with the other grades, and to increase the expenditures of the Navy to an enormous and unjustifiable extent. Now it is proposed, by extra pay and additional pay, based not upon service, but upon pretensions drawn from abandoned or discarded rank, to give these gentlemen more pay. I do not go into the question of the original merits of the law creating the naval board; but I will undertake to say that that law, with its sequences in legislation, has made the Navy the most intolerable nuisance in this Government, except the Army. We have more officers of every grade than it is possible for this Government to employ; and we have duplicated upon us, at every session, and in every possible form, pretenses to double and treble and increased pay in all shapes. I think it is time for Congress to set its foot upon the proposition to increase the pay of these gentlemen, not for services rendered, not for rank conferred, but for rank which ought to have been conferred, but never was conferred. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. MALLORY. I have modified the original amendment, and I ask that the modification be read.

The VICE PRESIDENT. The original amendment has been modified by the mover, by inserting, after "removed," the words "up to the termination of their cruise when so detached."

Mr. MALLORY. I find, upon looking at it, that the original amendment was liable to the objection raised by the Senator from Georgia. It was not so designed. I will state the effect of it as it now stands. Congress agreed to put certain officers of the Navy, who had been removed, back to the positions they originally occupied. I presume, that in doing that, Congress intended to do the thing gracefully; to do entire justice; not only to give them the places they would have had, but the pay they would have had if they had not been so dealt with. The officers contemplated by this amendment are those who were displaced, getting sea service or command pay at the time, but were withdrawn from that position, and they cannot get it without such an amendment. This gives them that pay to the expiration of their then cruise.

Mr. TOOMBS. I am content with that. It removes my objection.

The VICE PRESIDENT. The question is on the amendment to the amendment; on which the yeas and nays have been ordered.

Mr. PUGH. I do not care about the yeas and nays on the amendment of the Senator from Vermont to the amendment. I am opposed to the whole system.

The VICE PRESIDENT. The yeas and nays have been ordered. The Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 25, nays 17; as follows:

YEAS—Messrs. Allen, Bell, Brown, Clark, Collamer, Crittenden, Doolittle, Fessenden, Foot, Foster, Gwin, Hamlin, Hammond, Iverson, Jones, King, Mallory, Pearce, Sebastian, Seward, Simmons, Toombs, Trumbull, Ward, and Yulee—25.

NAYS—Messrs. Benjamin, Chesnut, Clay, Clingman, Fitch, Fitzpatrick, Harlan, Hunter, Johnson of Arkansas, Johnson of Tennessee, Lane, Polk, Pugh, Reid, Rice, Stuart, and Wilson—17.

So the amendment to the amendment was agreed

to; and the question recurred on the amendment as amended.

Mr. IVERSON. I move still further to amend the amendment, by adding to it:

And be it further enacted, That such officers of the Navy as were dropped from the service by the action of the late naval retiring board, and who have been subsequently restored to the service and placed upon the furlough or leave-pay list, shall be allowed furlough pay if placed upon the furlough list, and leave pay if placed upon the leave list, for and during the time they were so dropped, deducting any pay which they otherwise received during the time aforesaid.

And be it further enacted, That such officers as were placed upon the furlough list by the action of the said naval retiring board, and who have been subsequently transferred to the leave list by the action of said naval courts of inquiry, shall be allowed leave pay for and during the time they were on the furlough list as aforesaid, deducting the furlough pay which they received during said time.

And be it further enacted, That in case of the death of an officer, after his restoration or transfer as aforesaid, his legal representatives shall be entitled to receive the amount which said officer would have received under this act up to the time of his death.

Mr. PUGH. I think that is an amendment involving an appropriation not recommended by any standing committee; and therefore I raise the question of order.

Mr. IVERSON. It is reported by the Committee on Naval Affairs.

Mr. PUGH. Well, it is a private claim anyhow, and is not to carry out any law.

The VICE PRESIDENT. The Senator from Ohio raises the question of order that it is a private claim. The Chair does not so consider it.

Mr. IVERSON. I beg leave to make a short explanation of this proposition. It will be remembered that, by the sixth section of the act which organized the late naval courts of inquiry, which led to the restoration of some of the retired officers, it was provided that, if they were restored to the active list, they should be entitled to draw the same pay during the time they were retired that they were drawing at the time they were retired; and that has been carried into effect so far as regards the officers put on the active list; but it made no provision for the pay of those who were not restored to the active list. It did not provide for those who were restored and put on the furlough list, or for those who were advanced from the furlough to the leave-pay list. My amendment now proposes to give to these persons the same pay from the time of their retirement that they would have obtained, provided they had been originally put in the place they are now put in. For instance, an officer was dismissed from the service and went before one of the naval courts of inquiry, and on their finding and the action of the President and the Senate, he was restored to the service, but was not put on the active list, but upon the leave list with leave pay. This amendment would reach his case and give him leave pay from the time he was originally retired, deducting what he had received under the previous law. So in relation to the furlough list. An officer was put on the furlough list by the retiring board; but by the recent action of the naval courts of inquiry and the President and Senate, he has been advanced from the furlough to the leave list. My amendment gives him the leave pay, deducting the furlough pay he has already received. It goes on the presumption that he ought to have been put originally, by the retiring board, in the place where he is now put, upon strict scrutiny by the naval courts of inquiry; that the retiring board made a mistake by putting him in the lower position; and this simply gives him the pay to which he would have been entitled if he had been put originally in the right place.

Mr. PUGH. I do not care to discuss the question of order, although it has been heretofore decided that the claims of a class of officers are as much private claims as those of individuals. That may pass, however. Now, the Senator from Georgia says that, because these gentlemen, at a subsequent period, have been put on the leave list, they should be paid, *ex post facto*, on that basis. It is not pretended that they rendered any such service to the Government; it is not pretended that they held any such place under the Government; that we derived any such service from them; but, because the court, *in futuro*, put them there, we shall therefore give them back pay. It is a mere gratuity, and it is a gratuity to a class of officers who have been allowed ample opportunity to vindicate themselves. In my judgment, it is nothing more nor less than a largess out of the public Treasury to officers in the Navy, who have already been overpaid, and who need the amending hand more than any other officers in the service. I demand the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TOOMBS. My friend from Ohio is entirely mistaken in supposing this to be a largess. These people were displaced from the service. They said they had not had a fair trial. You gave them a new trial, and they were put back in the Navy, on the leave list, or furlough list. This is to give them that pay, on the presumption that they were unjustly put out and rightly put back. It is the same largess that you give to sixty captains, out of ninety-eight, in your service. It is the same largess you give to every man on the furlough list in the Navy. It is putting them exactly where they ought to have been, and paying them as though they had not been turned out. If they were turned out wrongfully—and the judgment of their peers has decided that they were—it is not just that they should not only be deprived of their rank, but put to the expense of a trial to get back, and also lose the pay which they should have had. It was proposed to give them the pay they would have had if they had been in active service. I objected to that. It was changed to give them the pay of the rank they now hold; and that is right.

Mr. REID. I rise to inquire of the Senator who offers this amendment, whether it is reported by a committee?

Mr. IVERSON. Yes, sir; reported by the Committee on Naval Affairs. I offered it at the request of the Senator from South Carolina, [Mr. HAMMOND.]

Mr. PUGH. The Senator from Georgia [Mr. TOOMBS] does not seem to me to answer the objection. Those who were put on the furlough list, or leave list, as the case may be, during a given period of time, whether a year, eighteen months, or two years, were subject to the orders of the Department. It is not pretended that these gentlemen were. They were out of the Navy—clearly out of it; not subject to the orders of the Department; not holding themselves in readiness for orders; but afterwards, by our grace and mercy, courts were constituted which restored them to the Navy in the future; put them in the future in particular places. It was not done upon the idea that they were wrongfully turned out of the Navy. It was upon the idea of granting them a new trial upon their petition.

Mr. TOOMBS. I do not want to debate this question, but I will correct my friend, if he will allow me, on a matter of fact.

Mr. PUGH. Certainly.

Mr. TOOMBS. My friend is mistaken. These officers that were on the leave list, or the furlough list, though not in the line of promotion, were just as much subject to orders as those on the active list. The Department could order them any day, and did order some of them. Commodore Stewart was ordered to the command of the Philadelphia navy-yard, and got full pay. A man who was put on the leave list, or the furlough list, by the retiring board, was just as much subject to the orders of the President as a man on the active list. The Senator is wholly mistaken as to that.

Mr. PUGH. Those who were dropped were not subject to orders. That is clear as to that class of officers.

Mr. TOOMBS. I admit that.

Mr. PUGH. Those on the furlough list were furloughed, and those on the leave list were retired; and it is all nonsense to say that they were subject to any orders. I know that President Pierce, to break the fall of Commodore Stewart, retained him in command of a navy-yard on shore.

Mr. IVERSON. I can give the Senator another case. Commodore Smith was put on the leave list by the retiring board, but was kept in service and assigned to special duty at the head of the bureau of yards and docks.

Mr. PUGH. That is very true. Commodore Smith discharged the arduous duties of an officer on shore, and I suppose he would have been kept at that business anyhow. We understand this matter of bureau service.

Mr. IVERSON. I can give the Senator another case—Lieutenant Maury, of the Observatory.

Mr. PUGH. We understand Lieutenant Maury's case too. Officers of the Army or Navy who serve in Washington city get ten hundred times more consideration than the most gallant and meritorious officers in battle. Their arduous campaigns in lobbying members of Congress and the Executive are far more important than wounds in battle. I say again, the great class of these officers were subject to no orders, and rendered no service during all the period of time for which this amendment proposes to pay them. They came here, having been condemned by the judgment of their peers, and implored us to give them a new hearing. We gave it to them. Some of them got back to the active list, some on the furlough list. I suppose there was a general commiseration for them and their families, and about three fourths of them were let back; and now the sequence comes; we are to pay them back pay, for that is the whole of it—back pay during the time they rendered the Government no service in any capacity. The naval retiring board was intended to be a great reform; I recollect the speeches, particularly my friend from Florida; but the amount of it all has been to make the Navy ten times worse than it was before; and it was bad enough before to be a disgrace to any civilized nation. Now, all these consequences come in, and in a time of an empty Treasury you propose to give these gentlemen double pay for services which they never rendered. I think it is a shameful and disgraceful piece of legislation. That is my opinion of it. I am sorry to differ from my friend from Georgia, with whom I generally agree on questions as to the expenditures of public money.

The question being taken by yeas and nays upon Mr. IVERSON's amendment to the amendment, resulted—yeas 34, nays 6; as follows:

YEAS—Messrs. Allen, Bell, Benjamin, Broderick, Brown, Chesnut, Clark, Clingman, Collamer, Crittenden, Davis, Doolittle, Foot, Foster, Green, Gwin, Hale, Hammond, Harlan, Hunter, Iverson, Johnson of Arkansas, Jones, Lane, Mallory, Mason, Rice, Seward, Shields, Simmons, Toombs, Wade, Ward, and Wilson—34.

NAYS—Messrs. Clay, Fitzpatrick, Polk, Pugh, Reid, and Stuart—6.

So the amendment to the amendment was agreed to; and the question recurring on the amendment of Mr. MALLORY, as amended, the result was—yeas 33, nays 7; as follows:

YEAS—Messrs. Allen, Bell, Benjamin, Broderick, Chesnut, Clark, Clingman, Collamer, Crittenden, Davis, Doolittle, Fessenden, Foot, Foster, Green, Gwin, Hale, Hamlin, Hammond, Harlan, Iverson, Johnson of Arkansas, Jones, Lane, Mallory, Pearce, Seward, Shields, Simmons, Toombs, Wade, Ward, and Wilson—33.

NAYS—Messrs. Bayard, Clay, Fitzpatrick; Polk, Pugh, Reid, and Stuart—7.

So the amendment, as amended, was agreed to.

Mr. HAMMOND. I have some amendments to offer under the instructions of the Committee on Naval Affairs. I move to strike out from lines eighty-nine to ninety-nine the items for navy-yards in the following words:

"At Portsmouth, New Hampshire, $10,000.
"At Boston, $15,000.
"At New York, $20,000.
"At Philadelphia, $15,000.
"At Washington, $10,000.
"At Norfolk, $20,000.
"At Pensacola, $10,000.
"At Mare Island, California, $20,000.
"At Sackett's Harbor, $1,000."

And in lieu thereof, to insert:

At Portsmouth, New Hampshire, $50,000.
At Boston, $15,000.
At New York, $168,456 60.
At Philadelphia, $15,000.
At Washington, $10,000.
At Norfolk, $150,000.
At Pensacola, $75,000.
At Mare Island, California, $200,000.
At Sackett's Harbor, $1,000.

I have a very short and plain statement to make in reference to this report of the committee; but, if the Senate is disposed to go into a discussion of this matter, it would probably be better to adjourn. ["No, no!"] It will require but a few minutes for me to state the views of the committee.

Mr SEWARD. If the honorable Senator will give way, I will move an adjournment. ["No, no!"]

Mr. HUNTER. Let us get through with the amendments of the committee.

Mr. SEWARD. We shall not be able to get through.

Mr. HUNTER. We had better sit a little after

twelve o'clock to-night, than all night to-morrow.

Mr. HAMMOND. As what I have to say on this matter is very short, perhaps I had better explain at once the views of the Naval Committee. The House of Representatives appears to have been determined to destroy all the navy-yards. I do not know whether it would be in order for me to say that the legislation of the House on this subject seems to be a little wild. Perhaps they expected it to be corrected by the graver action of the Senate. The Naval Committee have thought proper, under the present state of circumstances, to adopt the views of the House as regards those navy-yards which they think can be dispensed with, and to increase the appropriations for those navy-yards which they think should not be dispensed with. They have, however, increased them very moderately—far below the estimates furnished by the Department; and, in the aggregate, considerably below the amount reported by the Committee of Ways and Means in the other House; and in order to show this, I will present the following statement, which has been prepared in regard to each navy-yard:

Portsmouth, New Hampshire.

Estimated by the Navy Department	$105,477 00
Amount reported by Committee of Ways and Means	50,719 50
Amount agreed upon in House of Representatives	10,000 00
Amount reported in Senate amendment	50,000 00

New York.

Amount estimated for by Department	$319,959 00
Amount reported by Committee of Ways and Means	168,456 60
Amount agreed upon in House of Representatives	20,000 00
Amount reported in amendment	168,456 60

Norfolk.

Amount estimated for by Department	$271,387 00
Amount reported by Committee of Ways and Means	198,324 10
Amount agreed upon in House of Representatives	20,000 00
Amount reported in amendment	150,000 00

Pensacola.

Amount estimated for by Department	$310,425 10
Amount reported by Committee of Ways and Means	109,282 50
Amount agreed upon in House of Representatives	10,000 00
Amount reported in amendment	75,000 00

Mare Island, California.

Amount estimated for by Department	$403,350 00
Amount reported by Committee of Ways and Means	230,310 00
Amount agreed upon in House of Representatives	20,000 00
Amount reported in amendment	200,000 00

As regards all the other navy-yards—Sackett's Harbor, Boston, Philadelphia, and Washington—the committee agree to what has been done by the House.

Mr. SEWARD. What was the estimate for the navy-yard at Sackett's Harbor?

Mr. HAMMOND. I do not know. I have not the estimate before me. The result is, that the Naval Committee, agreeing with the House as to certain yards, have only reported for those places enough to keep them alive for another year, with the intention of ultimately destroying them. I will say further, partly for the committee and partly for myself, that we have too many navy-yards, and even with the amendment now reported we shall be supporting too many navy-yards. One navy-yard, properly located, no matter where, on the Atlantic coast, is sufficient for the Atlantic coast; one navy-yard on the Gulf is sufficient for the Gulf; and one navy-yard on the Pacific is sufficient for the Pacific; but it is impossible to carry so great a reform all at once, and the committee have agreed to recommend a reform to this extent.

Mr. TOOMBS. I am opposed to the amendment of my friend from South Carolina until I can be informed on one important point. That honorable Senator has told us what were the estimates of the Departments. That is not a good rule for public expenditure. He has told us what were the estimates of the Committee of Ways and Means of the House of Representatives. That is not a good rule for public expenditure. He has told us what was the vote of the House of Representatives. That is a good rule for expenditure, in the absence of better information. He has told us, further, what was the action of the Committee on Naval Affairs of the Senate. That is not a good rule. But he has failed to show us that one more dollar is necessary than the House have appropriated. He has not shown that the public service does require one additional one hundred cents more than the House of Representatives have said it is proper to appropriate. I have heard his statement. It is clear; it is distinct. I think I have stated all his points. The fact that the Navy Department asked more, and that the Committee of Ways and Means reduced their estimates, and that the House did not concur with that committee, and that our committee has raised it, does not give any basis for the appropriation of public money. I think before we alter the appropriations made by the House of Representatives, who are charged by our Constitution with the function of raising money, to whom the purse is mainly confided, we ought to have some better reason than the fact that the Department estimated for more, and that the Committee of Ways and Means of the House allowed more, and that our committee have allowed more. It is not shown that another dollar is necessary.

The honorable Senator says they have allowed $168,000 to New York. What for? He has not shown wherein it is necessary. He has not told us how many buildings they are to put up; how many gravel walks they are to make; how many trees they are to set out. That is what this money is used for. We all know that it does not build a ship; it does not drive a nail into a single public vessel. It does nothing except contribute to the comfort or the pleasure of the officers who are stationed at the navy-yards. The House of Representatives have not been as liberal in that respect as heretofore; but I think quite as liberal as they ought to be. It is a general impression in this country, and in my judgment well founded, that this fund which is appropriated to our navy-yards, not being used to maintain our strength upon the ocean, not being in ships, is an abuse. I think this money being exclusively under the control of the executive department, has been expended for other purposes than the public benefit, and, therefore, I am not inclined to vote an additional dollar beyond what the Representatives of the people have allowed, unless my friend from South Carolina can show me the public necessity for it. He has made his financial exhibit; he has presented his budget; but he has not offered a single reason why we should raise the estimates, except that the committees and the Departments have allowed more than the Representatives of the people. I will stand by the Representatives of the people against him until he gives us a better reason.

Mr. MALLORY. I presume that, in legislating for any department of the Government, this body will not undertake to go into the expenditure and reasons for every dollar. If that were done in every case, the sessions of Congress would last from one end of the year to the other. But the estimates are sent to every member of the body, showing the application proposed to be made of the money appropriated. That will be seen, in this case, by referring to pages 223, 224, 225, and 226, of the estimates for the next fiscal year. I will read one of them to show the details to which this money will be applied. The committee have recommended an increase of appropriation for the navy-yard at Mare Island, and, I believe, that does not come up to the estimate of the Committee of Ways and Means of the House; and that committee must have gone over these estimates carefully. I find in the estimates for that yard:

"For completing machine and boiler shops, $100,000."

It is known that we are establishing, upon the Pacific, a navy-yard, having purchased an entire island; and that will be a building yard, and a yard for the construction of machinery for steamships also. It is a matter of very slow growth. The policy of the country is not to create such an establishment in one year, but to let it run through many years, giving small appropriations annually. It appears here that $100,000 is required to complete these machine and boiler shops which have been going on for three years. Let me give the other items:

For continuing quay wall	$50,000
For grading	35,000
For artesian well	12,000
Towards machinery for new shops	60,000
For storehouse No. 43	80,000
For blacksmiths' shop	30,450
For houses Nos. 7, 9, 11, and 13	5,000

These, I presume, are spar sheds, sail lofts, paint shops, boat sheds, &c.:

For pitch-house	$500
For steam boxes	2,000

These are necessary in the repair of vessels, putting plank on their bottoms, &c.:

For mold loft No. 36	$5,400
For coopers' shop and tank shed	3,000
For repairs of all kinds	20,000

These are all the estimates for that yard. The details are similar for all the yards.

Mr. CRITTENDEN. What is the aggregate?

Mr. MALLORY. The aggregate for the yard at Mare Island is $403,350. The Committee of Ways and Means reduced that to $200,000. The details of the appropriations for all the yards will be found in the estimates.

Mr. TOOMBS. The Senator read an estimate of $100,000 for completing some building. How much has been spent on that building already?

Mr. MALLORY. For completing machine and boiler shops?

Mr. TOOMBS. Yes, sir.

Mr. MALLORY. I do not know.

Mr. POLK. This is $100,000 to complete them?

Mr. MALLORY. I presume it is to establish a machine shop; but I suppose it will cost more to keep it up.

Mr. POLK. Is it there where an artesian well is?

Mr. MALLORY. Yes, sir.

Mr. HAMMOND. In reply to the Senator from Georgia, I will simply say that it is impossible, in the way legislation is conducted here at this late hour of the session, to go into all the details of any sort of business as you would into a law case. We have to take things with a certain understanding and a certain faith. We have a Government; we have officers into whose hands the various functions of Government have been placed; and, in those officers, we must put a certain amount of confidence. It will not do for Congress, because there has been a panic among the financial men of the country, to have a panic here. Statesmen must be above such things as that. We are not to abdicate the functions of Government and revolutionize all our affairs according to the prices-current. There are certain things that Governments must do, whether they have money in their Treasury or not, or else they must abandon all pretensions to be a Government, dissolve, and disperse.

Now, sir, the Naval Committee have taken the estimates of the regular organized Departments of this Government. We have taken what they said was requisite to carry on this branch of the public service. We have taken the estimates of the Committee of Ways and Means of the House of Representatives, who are authorized to raise the ways and means for the support of this Government, and we recommend to the Senate to pass appropriations below their mark. If the House of Representatives, or any other body, or the Senator from Georgia, from whatever motive, however influenced by the panic influences of the times, shall come in and require us to abandon everything, to destroy our navy-yards, to break up our Government, because there has been a financial crisis, I think the Senate should stand between them and regular Government. It was the purpose for which the Senate was framed. We are the conservative body. If the Naval Committee of the Senate makes recommendations that are below the estimates of the regular organized and responsible Departments of the Government, below the estimates of the regular organized responsible committees for raising the ways and means of this Government, I say that should be enough to satisfy the Senate.

I do not go into particulars; I am not acquainted with the particulars. The Senator from Georgia is not acquainted with the particulars. I do not turn upon him to prove a negative. He asks me to prove that these things are necessary by specialty. I do not know that they are. He cannot prove that they are not. He cannot show that they are not wanting; that they are not necessary. I do not go into that. He has no right to demand of me to go into that; but, if he does, I demand of him to go into it, and show, in every particular, that these appropriations are not necessary. As I have said, we must take something on faith, and place, at least, some confidence in our pub-

lic functionaries. I think they deserve a good deal.

Mr. FESSENDEN, (at fifteen minutes before twelve o'clock, p. m.) I move that the Senate adjourn.

Mr. HUNTER. I hope not until we get through with this question. ["Order!" "Order!"]

The Senate refused to adjourn; there being, on a division—ayes 20, noes 22.

Mr. TOOMBS. I think the financial statement of the honorable Senator from South Carolina is a little remarkable. I am called upon to vote money from the public Treasury for carrying on a great and important arm of the public service. When the House of Representatives, who are specially charged with the raising of money, have voted one sum, and the Committee on Finance of this body have reported the same sum, a proposition is made from the Naval Committee to increase it.

Mr. HAMMOND. Did the Finance Committee examine it?

Mr. HUNTER. We reported the bill back this morning as it was sent from the House.

Mr. TOOMBS. Then I am correct. Then the House of Representatives have voted with a full knowledge of the naval estimates——

Mr. HAMMOND. Will the Senator allow me to interrupt him?

Mr. TOOMBS. Certainly; with great pleasure.

Mr. HAMMOND. I am a member of the Finance Committee; and it was impossible for me to attend the meeting of that committee this morning. I should like to know if that committee considered and deliberately reported this bill back by a majority of the members?

Mr. HUNTER. It was reported back by a majority. I cannot say that it was deliberately considered. We had but an hour. The bill came over the evening before, and we had only time to read it. We reported it back this morning. We had not time to consider it deliberately. I do not think the members of the Finance Committee are bound absolutely by that report.

Mr. HAMMOND. Then the gentleman from Georgia is deprived of the authority of the Finance Committee.

Mr. TOOMBS. I take issue with the Senator on that point; but it is immaterial. I think I have its authority, if it is good for anything; and I think it is worth a great deal. There is no committee in this body in whose judgment I place as much reliance as I do in the Finance Committee. I think questions are better decided there, and I am quite sure there is a care and diligence in regard to the public expenditure which, in my judgment, does not exist in any other committee in this body. I give them whatever my indorsement is worth. I do it with very great sincerity. But I have called on the Naval Committee, who have chosen to interfere in this matter, to state the reason why I should vote more money out of the public Treasury for this purpose than the House of Representatives have appropriated, and the Committee on Finance have recommended? I am told we are a great Government; I am told we must not be panic-stricken. Well, I do not know that there is any particular panic, or that anybody is very much alarmed about all this. I know I am not. There is one good in a panic sometimes; it does bring the attention of the representatives of the people to look at these money matters. I know that, for three or four years, when I objected to appropriations, it was said: "we have plenty of money; why concern yourself about it?" I like to have the Government occasionally poor. I do not think there is any panic here; I am not alarmed about it at all; but I am simply asking for a reason why I should vote the public money. I act on a different principle from my friend from South Carolina. He says he cannot call on me to prove a negative. Well, if he cannot give me a reason for voting away the money of the people, I have the best of the argument, unless he puts it on the ground that he will vote it away unless I can show a good reason why he ought not to do it. That is his argument; unless I can show a good reason why he should not vote money, he will do it. That is his rule.

Mr. HAMMOND. Will my friend allow me to say one word, to save my making a speech hereafter?

Mr. TOOMBS. I shall be glad to hear you. I think your case wants explanation.

Mr. HAMMOND. I do not care to make further explanations, but rise to ask for one. There is no member of the Senate who takes greater pride in glorifying the stars and stripes of the United States; who speaks more loudly and more patriotically and eloquently in favor of the great power of this country to do anything—take Mexico, take Cuba, Central America——

Mr. TOOMBS. All creation.

Mr. HAMMOND. All creation. Now, I should like to know how he would do it, if there were no Navy and no navy-yards?

Mr. TOOMBS. I will come to that. It gives me not the slightest difficulty on the face of the earth. If the Senator wants to know how I will extend the stars and stripes, I will tell him: it is by making the country great and powerful. Sir, I do think much of my country, and all of it—every particle of it, and I am proud of its power. I do not believe it is going into dissolution; and I should not care much if it did; for we could make just as good a Government in three months. We have the material all over the country to make Governments and remake them; and, when you break them up, to rebuild them. As for extending our institutions, give the people justice; make them prosperous, and then they are capable of anything; but it is not by spending public money about navy-yards to carry elections, that you will strengthen the country. That is what I object to. My rule of carrying on the public service is, that I vote every dollar which is necessary to give the utmost efficiency to every branch of the public service, to the extent that I am willing to promote it. I will do it with no niggardly hand. Show me what is necessary to promote any branch of the public service to the extent to which I am entitled to maintain it, and no member of this body will go further than I will to give it its extreme efficiency; but these generalities will not do. They would answer as well for $40,000,000 as these $2,000,000. I want to know, is this necessary? Does the Senator say it is necessary? He says he does not know. I do know. I have looked into these estimates; I have read them, as is my duty and my business—a very dry and laborious one, but one that I feel it my duty to perform; and I have looked at the estimates of the Department for every dollar in all these navy-yards.

My honorable friend from Florida is more skillful than the gentleman from South Carolina. In going into these navy-yards, he found one but recently commenced at Mare Island, California. There were very good reasons to finish it. That may be all right. He does not say anything, though, about the finishing at the yard at Portsmouth, or Boston, or New York, or Philadelphia, or Norfolk. We were to have finished most of them thirty years ago, and now we have only started the yard at Mare Island. The honorable Senator from Florida picks out the best case of the lot. I admire his adroitness. I read all these estimates, and most of them are for the enlargement and improvement of grounds. This money gives us no ships. It does not float a gun; it does not pay for a single man to uphold the stars and stripes to which the Senator from South Carolina referred. Not one dollar of these $2,000,000 will ever put another man afloat, will ever put another gun afloat, will ever put another ship afloat.

Mr. HAMMOND. Prove that.

Mr. TOOMBS. Here are the estimates before me. If you do not know it, I advise you to learn it by reading them. I affirm, from the estimates on my table, that a dollar of this money is not expended for either of these purposes to which I have referred. You make improvements in the grounds about the navy-yards; but you do not pay a sailor with this money. If you want to build a ship, you come for a specific appropriation for that purpose, even if you build it in your own yards. To be sure, you may use the machinery which you have in your yards. I believe at Pensacola we have had a navy-yard for twenty years, and never built a ship there. There are a great many houses in that yard. I once saw it, and I thought they had houses enough there to accommodate all the inhabitants of the town in the navy-yard; but you have never built a ship there.

Mr. MALLORY. They have built one.

Mr. TOOMBS. They have one there now, and I believe that is the first which was ever put on the stocks there.

Mr. MALLORY. No.

Mr. TOOMBS. Then I am in error. My impression was that they never did build one there. I admit my information on these facts is general, and not so particular as that of the gentlemen who are on the committee having charge of the subject. I am on very few of your committees, and especially not on those that spend money; because it is not a very good place to put me. Those who want to squander money take very good care that I shall not be on the committees having charge of the expenditures; and they are right. I believe it to be my duty, however, as a Senator, to know a little about what I vote; and I read all the estimates, from the beginning to the end of the figures. I have looked through all these columns of estimates, and I say this money asked for navy-yards is to be used for buildings, sometimes for improvements in machinery; but generally for extending sea-walls, doctor's shops, and some other kind of shops that I do not care to allude to. If you will read the estimates in detail, sir, you will find some amusing things there.

I say the House of Representatives have passed on this question. They have said the amount appropriated in the bill is enough to keep up these yards. I say so, too. The Committee on Finance have declined to add a dollar to it, when the question was referred to them. Now the Naval Committee come to us, through the Senator from South Carolina, and give us no other reason than that we ought to have confidence in somebody. I admit that mine diminishes every day. I am rather worse in that respect than Mr. Burke. I think he said confidence was a plant of slow growth.

Mr. PUGH and Mr. CLINGMAN. "Chatham."

Mr. TOOMBS. Perhaps it was Chatham. My confidence grows backwards. I have seen nothing in the administration of this Government to increase my confidence in the general administration of its affairs. I simply want facts showing me that this is necessary to promote the public interest. I admit that at this time I would be more economical, perhaps, than at any other time; but I should act as becomes a Senator. If my funds were short, I would try to make things even by spending less.

Mr. CLINGMAN. Without interrupting the Senator, I would call his attention, and that of the chairman of the Committee on Naval Affairs, to some features of the bill in regard to which I should like to have an explanation. It seems to me it strengthens somewhat the view presented by the Senator from Georgia. I find on the fifth page of the bill: "At Portsmouth, New Hampshire, $10,000." We are told that is too little for that navy-yard; but on turning to the next page, I find:

"*Portsmouth, New Hampshire.* For gun skids, shot beds, new powder magazine, and for current repairs of all kinds, $46,497."

This appropriation of $46,000 is for specific work to be done. Again I find: "At New York, $20,000," on page five; but on the next page I find:

"*New York.*—For completing armory and repairs of all kinds, $8,000."

Then I find: "At Norfolk, $20,000," on page five; but on the seventh page:

"*Norfolk.*—For completing stone pier and landing at Fort Norfolk, powder boat, and repairs of all kinds, $55,960."

Mr. MALLORY. What is the date of your bill?

Mr. CLINGMAN. It is the one placed on my table. Perhaps I am reading from the wrong bill.

Mr. MALLORY. What is the date of it?

Mr. CLINGMAN. The heading of it is: "In the Senate of the United States, *February* 28, 1859: read twice and referred to the Committee on Finance." I suppose that is the bill.

Mr. MALLORY. Yes, sir.

Mr. CLINGMAN. It would seem that the general appropriations do look somewhat small, but when you look further you see there are appropriations for special works. Here is something about Pensacola. I find on page five, "At

Pensacola, $10,000." Then, on the next page, I find:

"*Pensacola.*—For general repairs for hospital buildings, and for draining and filling ponds, $10,500."

Mr. MALLORY. The Senator from North Carolina will see at a glance that he is mingling together appropriations for magazines and for hospitals, for special objects, with those which are put under the regular head for the navy-yards in other parts of the bill.

Mr. CLINGMAN. But these general objects are, some of them, material improvements of navy-yards as "filling ponds." I wish an explanation on this point, for it may determine my vote.

Mr. HAMMOND. The committee reported the House bill back, and you may take it for granted, that in all those particulars, the House have reduced all, *prorata*, as they reduced the navy-yards. All we wanted was to save a certain number of navy-yards in order to save a navy to the United States.

Mr. CLINGMAN. I inquired of the Senator whether they reduced this second class of appropriations, and he told me they did not; they let them stand; so that, if you adopt the House bill, besides these ten and twenty and other thousands, which they tell us are small for the navy-yards, they have a considerable number of additional specific appropriations. That is what I want an explanation of.

Mr. HAMMOND. Am I the Senator you inquired of?

Mr. CLINGMAN. I asked the Senator, whether they proposed to strike out the specific appropriations on the sixth and seventh pages of the bill that I have referred to; or whether they took the House bill as it is, with their additions?

Mr. HAMMOND. We take the House bill as it is, full of these reductions, in all other particulars.

Mr. CLINGMAN. And then add what you propose?

Mr. HAMMOND. Add to it for the navy-yards, for the sake of the Navy.

Mr. CLINGMAN. But it looks as if there was an indefinite appropriation for the yards, and then specific appropriations for the work to be done. That is what I wished explained.

Mr. TOOMBS. I think it is about time for me to go on. I do not like this vicarious speaking; but I do not feel disposed to refuse gentlemen when they put in. I have looked over these navy-yard estimates; and I say it is a mistake to suppose that this money gives efficiency to the Navy, or tends to save the Navy. They are very much like Falstaff's reckoning—so far as they contribute to the public service—

"One halfpenny worth of bread to this intolerable deal of sack."

I think the Committee on Finance have acted wisely in their recommendation; and I shall vote to sustain it.

Mr. ALLEN. I move that the Senate adjourn.

Mr. HUNTER. I hope not. We shall get through with the bill in a little while, I think.

Several SENATORS. It is too late. It is twelve o'clock.

The motion was not agreed to; there being, on a division—ayes 18, noes 21.

Mr. MALLORY. I do not know what information the opponents of this amendment require. The Senator from Georgia has made three speeches, and as yet I do not know what information he requires beyond that which he can acquire in the estimates which I see he has read. Every item to which the money is intended to be appropriated, is stated in the estimates. Can anything beyond that be required? I have read over the items for the yard at Mare island. The Senator said I made the best case out of it. Well, I will go a little further. I will take the navy-yard at Pensacola; and here let me correct an error. There was no ship ever built at the Pensacola yard until within a few years past, and now they are building another. At Pensacola, the Government determined, over twenty years ago, to have a navy-yard; but it has been a matter of very slow growth, because you have appropriated very little money. We had very little influence, and the money was carried to northern yards. The navy-yard on the Gulf was neglected. You took the timber from Florida; paid high freights on it; transported it to the North; and there built the ships. Things have somewhat changed, and we are slowly and slowly building up a yard there. To do that, although Pensacola is one of the finest harbors on the face of the globe, it has been found necessary to build a granite pier or wharf which protects a man-of-war in high northers. They would go ashore but for this pier. It is a matter of slow growth. One of the estimates here is $140,000 for that granite pier. To make a navy-yard, you are obliged to build that pier; it is indispensable; but you may discontinue it for a few years, and lose all the advantage you have acquired by grading the bottom with diving bells, which they are now doing by covering it with concrete to receive the the granite blocks. It will be the most expensive economy not to appropriate the money for that at once. Then there is:

"For repairing and operating floating dock, $2,500."

They have a floating dock, which was put there by Congress. Now, will you expend no money there to take a ship into the dock? The dock cannot move itself; it requires money. We have sent a sloop-of-war there to be repaired; and, if you deprive them of this appropriation, they cannot get it in; and that is only one illustration of what will take place at all your yards. The next item is:

"For dredging for wharf and deep basin, $9,200."

That is going on now; and, if you withdraw the appropriation, the tide soon swallows all you have done, and, in a short time, you lose the effect of six months' submarine operations. The next is:

"For completing ship house and slip, $99,000."

That is not necessary, in my judgment; because no ship-house ought to be built at Pensacola, as I have stated elsewhere, where I hope it will have effect. In that climate you can dispense with a ship-house; but, in northern climates, you are compelled to build the ships in ship-houses. The next items are:

"For pitch boiling-house, $2,500.
"For launching ways, $6,000."

We have now two vessels of war on the stocks, and must have ways to launch these vessels. One of them will be ready for launching about the 15th of this month—the sloop-of-war Pensacola. The other, a smaller vessel, will be ready, perhaps, in three or four months. These vessels will not be launched if you deprive them of this appropriation.

I might go on, throughout all these estimates, and show precisely what this money is wanted for in every case. At Pensacola, instead of $310,000, which was estimated for, or $200,000, reported by the Committee of Ways and Means, we have cut the appropriation down to $70,000—scarcely enough to enable them to continue their operations, in order that the work already done may not be entirely lost to the Government; and, if all the appropriations we have put in here are granted, I presume they will do but little else than carry these works slowly ahead, and keep them up until further appropriations can be made.

Mr. CRITTENDEN. If this amendment is to be pressed to a vote, I must intrude upon the Senate for a moment, to say a word. I should be extremely sorry to withhold from any of these public establishments whatever appropriation is necessary for any useful or public purpose. I cannot, as the Senator from South Carolina has remarked, be supposed to be acquainted with all the necessary details to enable me to decide upon the sum that is necessary for these purposes. I think it is quite probable that these appropriations, so much below what they ordinarily are, may, perhaps, be too small even to meet these necessary and useful purposes. I think that is quite probable, and yet I feel myself disposed to vote against all the augmentations that are proposed for these navy-yards by the Committee on Naval Affairs. Their useful operations ought to be continued, as the Senator from Florida says; but there are some of the operations of these yards that I think ought to be discontinued—I allude to their operations in the elections of the country. We have made large appropriations for that purpose, it seems. There is not a gentleman here who can doubt that the navy-yards have been extensively employed in controlling popular elections; and how have they been enabled to do it? It is by the employment of men who were not necessary to the public service—the employment of men to vote, and not to work. That has been the use to which the money we have appropriated has, to no inconsiderable extent, been applied. Is there any gentleman here who can say that this is not the fact? Disclosures and proofs have been lately made on that subject, which seem to me deny all refutation; to repel all idea of refutation. I want that rebuked. I have no panic on account of any scarcity of money at this time, or the neediness of the Treasury. Whatever feeling of that description I have, grows out of the extended corruption that is now growing up, and which is fed and fostered and brought into existence by the money we have appropriated for the maintenance of navy-yards. Every navy-yard becomes a sort of political station, a pound, in which you may impound doubtful or questionable or venal voters. I know that is not the object, or any part of the purpose, of the honorable Committee on Naval Affairs, or their members; but your liberality, your confidence, has been abused. The great public right of suffrage has been bought up with the money that you have paid to maintain navy-yards. I want to see it rebuked. I want to see it rebuked even at some little material loss to the country. If the navy-yards should suffer for want of it, and something that is useful go undone, one thing that is eminently useful will be accomplished, and that is, corruption will be rebuked in your navy-yards. They will not have the money there any longer, to maintain and feed needy voters, preparatory to an election. I want that rebuked. I think the reduction of these appropriations, as proposed by the House of Representatives, is calculated to rebuke it. It says to all these officials: "We will give you now such a bare allowance that you can no longer afford to buy votes." I want that rebuke to go forth to all the world. That they have been abused we all know. Why, sir, I saw last summer, in the public papers, an advertisement by one of the high officials at New York, calling upon members of Congress to make their nominations to him of workmen to be employed. Was there ever such a shameless, barefaced, avowal made before the world? converting to political influence the money that ought to have been used for the useful purpose of labor to the public.

I am glad of this opportunity to rebuke these practices; and in this feeling, I think, so far as it goes, or can be properly indulged, I shall be sure of no more sympathy than that which I generally receive in such purposes from the Senator from South Carolina. Let us rebuke it at once. There is corruption in high places, in great public establishments, openly and shamelessly avowed, and that corruption maintained and engendered by public officers to control public elections. I will vote nothing for such an abuse.

Mr. HAMMOND. There is a great deal of truth in what the Senator from Kentucky has said; but I am not ready to acknowledge that his rebuke is due more to those with whom I act than to those who preceded them.

Mr. CRITTENDEN. I attributed it to nobody in particular.

Mr. HAMMOND. That there is a great deal of corruption and a vast deal of useless expenditure in these navy-yards, is a matter of perfect certainty to all who have examined the subject; but the Senate must recollect, all Senators should bear it in mind, and the House of Representatives should bear it in mind, that we are not to make a *tabula rasa*. Let us reform; let us not revolutionize. The one is a peaceful and proper operation of a progressive government; the other is fraught with dangers that no man can fully foresee. I take it that the bill, as it comes to us from the House of Representatives, is a revolution, and not a reformation. The amendments which the Naval Committee present to the Senate to-night are a reformation. They purpose, so far as it is safe to go, to break down the abuses and the corruption which the Senator from Kentucky has depicted. But, sir, it is a late hour of the night—it is after twelve o'clock. We are all informed on this subject, and of all things I deprecate an extended discussion of it. Let us have a vote. Let us decide whether the Senate will agree to the reformation proposed by the Naval

Committee or the revolution proposed by the House of Representatives—a revolution which is certain to be followed by a reaction that will bring all the navy-yards up again with all their abuses. Being on the floor, if the Senate are not ready to come to a vote, I will move an adjournment.

Mr. HUNTER. I hope the Senate will come to a vote. I will barely say that, inasmuch as the reductions have been very large, even after the amendments of the Naval Committee shall be adopted, as they have reduced the appropriations for the navy-yards more than one half below the estimates, I shall not consider myself so far bound, by the report of the Finance Committee, as not to vote with them in this matter. The reduction, then, will amount to nearly three million dollars below the estimates.

Mr. BRODERICK. I think it is very evident that we cannot reach a vote to-night. If the House intends to revolutionize the Government, I think it would be proper for us to adjourn and come here in the morning and take a vote in a full Senate, and dispose of this bill. I suppose it can be disposed of in fifteen minutes to-morrow.

Mr. HUNTER. We can get a vote now.

Mr. BRODERICK. I think not. I want to hear all of the amendments read and the bill read, for I must confess I do not know anything about the bill before the Senate.

Mr. HAMMOND. I hope the Senator from California will allow me to qualify a remark which he attributes to me.

Mr. BRODERICK. Certainly.

Mr. HAMMOND. I was speaking of this particular bill. I said it was a revolution in the Navy, not in the Government.

Mr. BRODERICK. Well, that is what I meant. I move that the Senate adjourn.

Mr. GREEN. Half an hour now is worth four in the morning.

Mr. BRODERICK called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 13, nays 25; as follows:

YEAS—Messrs. Allen, Bell, Broderick, Chandler, Crittenden, Doolittle, Hale, Hamlin, Harlan, King, Pugh, Simmons, and Wade—13.

NAYS—Messrs. Bayard, Bigler, Chesnut, Clark, Clay, Clingman, Davis, Douglas, Fitzpatrick, Foot, Foster, Green, Gwin, Hammond, Hunter, Iverson, Lane, Mallory, Polk, Reid, Rice, Stuart, Toombs, Ward, and Wilson—25.

So the Senate refused to adjourn at fifteen minutes past twelve o'clock.

The PRESIDING OFFICER, (Mr. STUART in the chair.) The question is on the amendment of the Senator from South Carolina.

Mr. WILSON called for the yeas and nays, and they were ordered.

Mr. SIMMONS. I should like to know if the amendment is subject to division?

The PRESIDING OFFICER. The Chair thinks it is.

Mr. HAMMOND. I hope it will be divided, if that will accommodate gentlemen better.

Mr. SIMMONS. I am willing to vote an appropriation for the California navy-yard; but there are some of them I should like to vote against.

Mr. HAMMOND. The whole amendment is a system.

Mr. SIMMONS. Well, I shall not call for a division.

The question being taken by yeas and nays, resulted—yeas 20, nays 19; as follows:

YEAS—Messrs. Allen, Bayard, Bell, Broderick, Chesnut, Clark, Davis, Fessenden, Fitzpatrick, Green, Gwin, Hale, Hammond, Hunter, Iverson, Lane, Mallory, Rice, Simmons, and Ward—20.

NAYS—Messrs. Bigler, Chandler, Clay, Clingman, Crittenden, Doolittle, Douglas, Foot, Foster, Harlan, Johnson of Tennessee, King, Polk, Pugh, Reid, Stuart, Toombs, Wade, and Wilson—19.

So the amendment was agreed to.

Mr. BRODERICK. I give notice that I intend to move a reconsideration of this amendment to-morrow.

Mr. DOOLITTLE. I move to amend the bill by inserting, after line fifty-six:

And provided also, That of said sum of $896,000, the Secretary of the Navy be directed to pay to Captain Hiram Paulding a sum sufficient to indemnify him for, and on account of, all necessary and reasonable costs, expenses, attorneys' and counsel fees, and all other necessary and reasonable disbursements, by reason of any suit or suits, action or actions, prosecuted or to be prosecuted against him, by reason of the capture and arrest of General William Walker and his command, in December, A. D. 1857; the Government of the United States hereby assuming the defense of Commodore Paulding against all prosecutions for that act.

Mr. PUGH. Is not that a private claim? I object to it on a point of order.

Mr. BRODERICK. I hope the Senator from Wisconsin will explain it.

Mr. HUNTER. Does it come from any committee?

Mr. DOOLITTLE. I do not desire to take up the time of the Senate in discussion.

The PRESIDING OFFICER. The Chair understands the Senator from Virginia to ask if the amendment is authorized by a committee.

Mr. DOOLITTLE. It is not; but it does not appropriate any money. It is a simple proviso, which has reference to money already appropriated.

Mr. HUNTER. I raise a question of order; first, because it is reported from no committee; and, second, it seems to me to be a private claim to indemnify a private individual against prosecutions for unascertained damages.

The PRESIDING OFFICER. As the Chair heard the amendment read, he thinks it simply directs the manner in which money appropriated by the bill shall be applied; and it is therefore in order.

Mr. DOOLITTLE. As I have said, I do not desire to take up the time of the Senate in the discussion of this question, and I hope it will not give rise to any extended debate. Whatever may be our views of certain questions of law, nobody here entertains a doubt that Commodore Paulding acted in the most perfect good faith; and I think the Senate will at once agree to this amendment. I do not think it is necessary to discuss the question. I hope there will be no objection to the amendment.

Mr. TOOMBS. I hope the Senator will withdraw this amendment. We ought not to be protecting public officers against alleged illegal conduct towards a citizen until there has been a trial at law, and then let Congress determine according to the circumstances of the case. I contended for the same principle the other day in regard to the Post Office Department. In such a case, we should let the trial go on. It is wrong for the legislative department to determine such a question in advance.

Mr. FESSENDEN, (at half past twelve o'clock.) I move that the Senate now adjourn.

The motion was not agreed to; there being, on a division—ayes 17, noes 21.

Mr. PUGH. I ask for the yeas and nays on the amendment of the Senator from Wisconsin. ["No!" "No!"]

The yeas and nays were not ordered.

Mr. PUGH. This proposition, as the Senator from Georgia says, is to indemnify an officer, in advance of his trial, for seizing a number of American citizens abroad. I heard, the other day, a very loud denunciation in this Chamber against the bill which proposed to authorize the President of the United States to use the Navy for the protection of the Isthmus routes against certain pirates, but I am now assured that he already has the power to send the Navy to Central America for the purpose of arresting certain gentlemen who are styled by some "pirates." If the President of the United States can authorize Commodore Paulding to do what has been done, it is a far more outrageous abuse of Executive power than was assumed by the bill reported by the Committee on Foreign Relations. I desire to have gentlemen's votes on the record. In my opinion, Commodore Paulding violated the law; he ought to have been tried for it; and if he has been sued at law, I hope the parties will recover damages. Then, if he shows us that his action has been in accordance with the orders of his superiors, I will vote to indemnify him personally; but I hope there will be some manner of calling his superiors to account.

Mr. BAYARD. I mean to express no opinion on the merits of the case of Commodore Paulding; but I confess I cannot see why we should put such a provision in this bill in advance of the determination of any suits against him. The obligation of the Government to pay where its officer has been sued for an act done in the performance of his duty, must depend upon the facts of the case after the verdict is rendered against him. We have no right to assume that he will be held liable. We ought not to prejudge the question. Although the cause of action of the individual might arise from a default or overstepping the line of duty by an officer, still there might be equitable circumstances to induce Congress to give relief in the case; but I cannot see the propriety of entering into this investigation, and placing a provision on an appropriation bill for any purpose of that kind. It looks to me more in the nature of a private claim. There is no general obligation under the law of nations for a Government to defend suits against its officers in the performance of their functions, because the fact whether they are rightly performed, or whether the officer has transcended his duty, must determine the question of liability on any legal principle. It seems to me this is nothing more in its character than anticipating what may or may not become a just and valid private claim against the Government hereafter.

Mr. FESSENDEN. One word. I shall vote against the amendment offered by the honorable Senator from Wisconsin, because I think it is altogether improper to put it in this place. I do not think, when we have got to this period of the session, and at this time of the night, that every Senator is entitled to stick his one idea upon an appropriation bill. I have been opposed to that always; I am opposed to it now. I think some regard ought to be had to those of us who are staying here trying to do the public business. It is perfectly manifest that this proposition cannot succeed; it is useless to attempt to make it succeed under such circumstances as those by which we are surrounded. I shall vote against it, though I have been in favor of Commodore Paulding from the beginning.

Mr. KING. I shall vote for this amendment. I regard the case of Commodore Paulding as one in which the facts are sufficiently known to the public, and satisfactorily known to me already, to justify his conduct. He was acting under the direction and the orders of his Government. In my judgment, he did simply his duty. He did no more than would have been his duty if he had had no orders. It is, therefore, an exception to the general rule of refusing, in anticipation of a knowledge of the facts, to determine to defend officers who may be sued by private citizens.

Mr. DOOLITTLE. I did not offer this amendment for the purpose of entering upon a discussion of it, nor to provoke any extended debate as to the conduct of Commodore Paulding, or upon the propriety of such a provision being placed in this bill at this time. I had hoped that this matter would be passed upon without drawing out any discussion. The clause to which I have proposed to add this amendment, is a clause providing for contingent expenses, and containing very many miscellaneous provisions, and some of them in reference to the pay of judges-advocate and law expenses. I did not suppose there was anything improper in this proviso being added to this bill, so as to obtain the sense of the Senate. If, however, the judgment of the Senate be that it is improper to place such a provision on this appropriation bill now, I have no desire to press it here. I did not know but that the Senate could just as well express its opinion on this question by voting on the amendment to this appropriation bill.

Mr. HUNTER. Does the Senator withdraw his amendment? I hope he will do so, or let us take a vote. It is nearly one o'clock. I think we can soon get through with the bill if he will withdraw his amenement.

The PRESIDING OFFICER. Does the Senator from Wisconsin withdraw his amendment?

Mr. DOOLITTLE. I will, under the circumstances, withdraw the amendment, for the purpose of letting a vote be taken on the bill.

Mr. HALE. I propose to offer a simple, practical amendment, to add as a new section:

And be it further enacted, That no further promotion to the rank of captain in the Navy of the United States shall be made until the number in commission shall be reduced to fifty.

I have but a word to say. We have now on the Navy list, one hundred and one captains on the reserved list, twenty on leave and furlough, only one of whom is on duty—Commodore Stewart; and on the active list eighty-one, and of those only seventeen are doing sea service, and that is more than the average. There are forty-two "waiting orders," and the rest of them are on navy-yard duty, &c. If you were to go to the

Secretary of the Navy and ask him the question, he would tell you that fifty captains are more than he can employ. I do not propose to strike one of them out, but only not to increase the number until they get down to about twice as many as we want. I ask for the yeas and nays, and shall be satisfied with that. ["No yeas and nays."]

The yeas and nays were not ordered.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER, (Mr. STUART in the chair.) Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. PUGH. I ask that the amendments be separately read.

Mr. WILSON. I want the amendment moved by the Senator from South Carolina, increasing the appropriations for navy-yards, voted on separately.

The PRESIDING OFFICER. The Senator from Massachusetts demands a separate vote on the amendment proposed by the Senator from South Carolina. The question is on concurring in the remaining amendments.

Mr. MALLORY. I move that the Senate adjourn.

The motion was not agreed to.

Mr. BRODERICK. I wish to except the amendment in regard to the California navy-yard. I think it is very necessary that that navy-yard should be encouraged, but I do not care about encouraging the others.

The PRESIDING OFFICER. The Chair will inform the Senator that the whole amendment in regard to navy-yards has already been excepted. Will the Senate concur in the remaining amendments? Those in favor of that will say "ay;" those opposed will say "no."

Mr. PUGH. I have objected to this vote on all the amendments in gross.

The PRESIDING OFFICER. The ayes have it, and the amendments are concurred in. The question now is upon the amendment proposed by the Senator from South Carolina in relation to appropriations for navy-yards; and upon this, the Senator from California asks for a division, so that the question shall be taken on the appropriation for the navy-yard in California.

Mr. MALLORY. I addressed the Chair half a dozen times while he was putting the question, but was not recognized. I want a separate vote on the amendment which the Senator from New Hampshire proposed. I was out of the Senate but for a moment, and while I was out, I understand an amendment was adopted on his motion in relation to the officers of the Navy. I want a separate vote on that.

The PRESIDING OFFICER. The Chair is obliged to say to the Senator from Florida, that the Senate has concurred in all the amendments made as in Committee of the Whole except the one moved by the Senator from South Carolina.

Mr. PUGH. I twice objected to that course, and the Chair refused to hear my objection, although I had a right to require each amendment to be voted on separately; and did require it.

The PRESIDING OFFICER. The Chair heard the objection of the Senator from Ohio, and decided that it was of no avail.

Mr. PUGH. Not on taking the question upon three or four amendments together? It is contrary to the practice and usage of the Senate, and can only be done by unanimous consent. I objected to it.

The PRESIDING OFFICER. The Chair did not understand the Senator to object to taking the question on the amendments together.

Mr. PUGH. I did object to it.

Mr. MALLORY. I want to say again, sir, that, while you were putting the question, I addressed the Chair three several times, "Mr. President," and you went on to put the question without noticing me; and finally, I addressed you again, for the fourth time, and you said the question was decided. I want the amendment to which I alluded reserved. I know the Chair did not attend to me. The Chair's eye was somewhere else.

Mr. HUNTER. I propose that, by general consent, we take the vote over again on the amendment indicated by the Senator from Florida.

The PRESIDING OFFICER. By unanimous consent of the Senate, the question can be again put. The Chair hears no objection; and the question will be on the amendment indicated by the Senator from Florida.

Mr. MALLORY. Very well.

The PRESIDING OFFICER. The Chair thinks it his duty to state, that, instead of criticising the action of the Chair, it would be very well for Senators to attend to their duty in time.

Mr. MALLORY. That is what I did on this occasion. I addressed you while you were putting the question, but you went on without noticing me.

The PRESIDING OFFICER. The Senator himself said, before, that he was out while the question was taken.

Mr. MALLORY. The Chair misunderstood me. I was here in my place.

The PRESIDING OFFICER. Did the Senator from Ohio demand a separate vote on each amendment?

Mr. PUGH. I did twice. I do yet.

The PRESIDING OFFICER. Then, the question will be taken on the amendments, and on each one separately. A Senator has the right to have every amendment and every proposition on which he is called to vote, once read, and that is the end of his right. Afterwards, it depends on the vote of the Senate whether the reading shall be allowed. The Chair asked whether the Senator made a motion to that effect, and there was no response.

Mr. HALE. Is this by unanimous consent?

The PRESIDING OFFICER. The Senator from Ohio demands a separate vote on each of the amendments. They will be stated separately.

Mr. HALE. I thought the amendments were agreed to.

The PRESIDING OFFICER. By unanimous consent, the vote was rescinded.

Mr. HALE. I never gave my consent. I did not understand it in that way.

The PRESIDING OFFICER. The Secretary will read the first amendment.

The Secretary read it, as follows:

For the payment of the charter of vessels for the Paraguay expedition for nine months, $173,700.

The amendment was concurred in.

Second amendment:

For the payment of officers restored to the Navy under the provisions of the act of January 16, 1857, during the period of their retirement or suspension, $62,394.

The amendment was concurred in.

Third amendment:

That the following general order, issued by the Secretary of the Navy, and dated January 13, 1859, be, and the same is hereby, confirmed:

General Order.

Chief engineers of more than twelve years will rank with commanders;

Chief engineers of less than twelve years with lieutenants;

First assistant engineers next after lieutenants;

Second assistant engineers next after masters;

Third assistant engineers with midshipmen;

The order confers no authority to exercise the military command, and no additional right to quarters.

ISAAC TOUCEY,
Secretary of the Navy.

NAVY DEPARTMENT, *January* 13, 1859.

The amendment was concurred in.

Fourth amendment:

And be it further enacted, That the sixth section of the act of January 16, 1857, entitled "An act to amend 'An act to promote the efficiency of the Navy,'" shall be so construed as to include officers who, at the time they were dropped, or placed on the reserved list, had been detached from duty or removed from command for supposed inefficiency, but who have since been restored to the active list; and such officers shall receive the same pay that they received respectively when they were so detached or removed, up to the termination of the cruise when they were so detached, deducting any pay they may have otherwise received during the time aforesaid; and that this shall extend to any officer who has been transferred from the furlough list to the leave-of-absence list by the President, with the advice and consent of the Senate.

And be it further enacted, That such officers of the Navy as were dropped from the service by the action of the late "naval retiring board," and who have been subsequently restored to the service, and placed upon the "furlough" or "leave-pay" list, shall be allowed furlough pay, if placed upon the furlough list, and leave pay, if placed upon the leave list, for and during the time they were so dropped, deducting any pay which they otherwise received during the time aforesaid.

And be it further enacted, That such officers as were placed upon the "furlough list" by the action of said naval retiring board, and who have been subsequently transferred to the "leave list" by the action of said naval courts of inquiry, shall be allowed "leave pay" for and during the time they were on the furlough list, as aforesaid, deducting the furlough pay which they received during said time.

And be it further enacted, That, in case of the death of any officer after his restoration or transfer as aforesaid, his legal representatives shall be entitled to receive the amount which said officer would have received under this act up to the time of his death.

The amendment was concurred in.

Fifth amendment:

Strike out all after line eighty-nine to line ninety-nine, and insert:

At Portsmouth, New Hampshire, $50,000.
At Boston, $15,000.
At New York, $168,456 60.
At Philadelphia, $15,000.
At Washington, $10,000.
At Norfolk, $150,000.
At Pensacola, $75,000.
At Mare Island, California, $200,000.
At Sackett's Harbor, $1,000.

Mr. PUGH. Is it in order to divide that amendment?

The PRESIDING OFFICER. It is.

Mr. PUGH. I ask for a division, so as to have a separate vote on each navy-yard.

The PRESIDING OFFICER. Then the first proposition is to strike out "at Portsmouth, New Hampshire, $10,000," and insert "at Portsmouth, New Hampshire, $50,000."

This branch of the amendment was agreed to; there being on a division—ayes 21, noes 16.

The next branch of the amendment, to strike out "at Boston, $15,000" and insert "at Boston, $15,000," was agreed to.

Mr. HAMMOND. All these amendments were presented as part of the system. I consider every Senator, who voted in favor of the amendment just adopted, bound to vote in favor of all of them, because otherwise I should not have voted for that.

The next branch of the amendment was stated to be to strike out "at New York, $20,000," and insert "at New York, $168,456 60."

Mr. PUGH. On that I should like to have the yeas and nays, if the Senate will gratify me.

The yeas and nays were ordered.

Mr. PUGH. I only want to say that this is the navy-yard which has been so thoroughly investigated by a select committee of the other House, and in reference to which such alarming abuses have been disclosed. I want to know whether they are to be continued, or stopped.

Mr. HALE. A single word. I vote for this amendment upon the ground suggested by the Senator from South Carolina. Having agreed, as a member of the Naval Committee, to the amendment, as a whole, and the Senate having adopted part of it, I feel bound to stick to it.

Mr. CRITTENDEN. I shall vote under the impression that the public confidence has been greatly abused there, as the gentleman from Ohio has stated, by interfering in elections—public money having been used for that purpose. It is that impression alone which influences my vote. If there is any gentleman here who can give information to the contrary, it might change my vote. As it is, without such information, I shall be compelled to vote against the appropriation.

Mr. TOOMBS. I ask for the reading of this amendment, because I want to know what it is for. The Senate may be willing to vote $168,000 for particular objects, but, if we appropriate it indefinitely, the Department may take it all, and appropriate it to objects that the Senate do not approve.

The amendment was again read.

Mr. TOOMBS. The Senate ought not to vote money in this way. If you simply vote $168,000 for the navy-yard in New York, it may be used for a great many objects, some good and some bad in the judgment of the Senate. I recollect in reading over these estimates that there was $15,000 for building a new doctor's house. The Senate might not think that a very good object in the present condition of the Treasury. But if you simply give $168,000 without specifying what it shall be for, the Department will spend it as they please.

The PRESIDING OFFICER. The Secretary will read the heading of these amendments which indicates the purposes.

The Secretary read:

"For the preservation of the works and current repairs at the several navy-yards, to wit."

Mr. TOOMBS. That shows what it is; but that is not the way to appropriate public money for any Department of the Government. We have sought for many years to bring down these

estimates to particular objects, but if you give $168,000 without specifying to what purpose it shall be applied, the Department can use all the money for a particular object that may not have been agreeable to Congress. If money is necessary, it ought not to be voted in this way.

Mr. MALLORY. I find that the estimates for the New York yard amount to $319,000, divided in this wise——

Several SENATORS. Let us vote.

Mr. MALLORY. Well, if you do not want the estimates——

Several SENATORS. Oh, no; let us vote.

Mr. MALLORY. The money is to be used for brass founderies, machine-shops, ways, &c.

The question being taken by yeas and nays, resulted—yeas 15, nays 22; as follows:

YEAS—Messrs. Allen, Bayard, Broderick, Chesnut, Davis, Fitzpatrick, Green, Gwin, Hale, Hunter, Iverson, Lane, Mallory, Rice, and Ward—15.

NAYS—Messrs. Bigler, Clark, Clay, Clingman, Crittenden, Doolittle, Fessenden, Foot, Foster, Hamlin, Hammond, Harlan, Johnson of Tennessee, King, Polk, Pugh, Reid, Simmons, Stuart, Toombs, Wade, and Wilson—22.

So the amendment was rejected.

Mr. HAMMOND. I move to reconsider the vote just taken. ["Not now."] Well, I move that the Senate adjourn.

The motion was not agreed to; there being on a division—ayes 11, noes 25.

Mr. CLAY. The Senator from South Carolina has no right to move a reconsideration. He did not vote in the negative.

The PRESIDING OFFICER. The Senator from South Carolina did vote in the negative. The question is, will the Senate reconsider the vote by which the amendment last read was rejected.

Mr. CRITTENDEN. I very seldom raise questions of order, but I wish to have your opinion, sir, whether this motion for reconsideration is now in order?

The PRESIDING OFFICER. The Chair thinks it is in order.

Mr. HAMMOND. I withdraw my motion to reconsider, with a view to let the Senator from Missouri make another motion.

The PRESIDING OFFICER. If there be no objection, the Senator from South Carolina will have leave to withdraw his motion to reconsider.

Mr. TOOMBS. I object.

The PRESIDING OFFICER. Then the Chair must put the question on the reconsideration.

Mr. BAYARD. I shall be compelled to vote against the whole amendment for navy-yards, if you reject the appropriation for New York. I understand the report of the Naval Committee—and I am not willing to pay more weight and deference to reports of committees than I think they are justly entitled to. The basis on which they have recommended the increased appropriations is, that the House appropriations are merely nominal; and it is in contemplation that those navy-yards for which the committee propose no appropriation shall be abandoned. Now, sir, I believe the navy-yard at New York is essential to the public service, and I think, therefore, the appropriation must be made. I do not look to the question of abuse; I do not know what the circumstances are; I have not investigated them; but I think it no reason, because abuses may have occurred in past appropriations, to refuse proper and necessary appropriations for the future. Remedy those abuses; punish the offenders; expose them if you will; but if the navy-yard is a proper structure connected with the wants of the Government for the establishment and repair of a Navy, then I think you ought not to withhold the proper appropriations to maintain it, because a former appropriation may have been abused. I do not consider that course justifiable.

I look upon the amendment of the committee as a whole; and if it is not to pass, we had better take the bill of the House as it comes to us, and abandon all the navy-yards. I understand the effect of the House bill to be, that although you have appropriated large sums for the repairs of your Navy, the navy-yards cannot be put in a condition to make the repairs on account of the smallness of the appropriations for the navy-yards. If they can, let the House bill stand. I am disposed to economize. Are these not necessary and proper appropriations? The committee who have charge of this subject tell us they are; and they select four ports as appropriate stations for navy-yards, and omit others not necessary. I have no doubt we have too many navy-yards. I rather incline to the opinion, that the intimation of the honorable Senator from South Carolina is correct, that two navy-yards in this country are sufficient—one on the Atlantic and one on the Pacific coast—for all the purposes of the Government; and I should be disposed, at the proper time, to go for a reform of that kind, to abolish them all, except two navy-yards. But while they subsist as they do now—and we have expended large sums of money on them; until Congress deliberately takes action to abolish them, these are important points. The navy-yard at New York has resources for the repair of vessels that probably no other navy-yard has. If it does not involve the question of the abandonment of all these yards for the time being for the purpose of the repair of vessels, I would rather adhere to the bill of the House. If we cannot confide in the report of our committee as a whole, I am disposed to go against the whole amendment.

Mr. KING. I was opposed to the entire amendment of the Senator from South Carolina, and so voted. I voted against it as a whole, and I shall vote against each separate branch of it. I shall make no exception on account of this appropriation being for the State from which I come. I believe, from the evidence before the public, that there have been most gross abuses in these navy-yards, and I believe a rebuke by the action of Congress is called for. I am willing to administer it; and I have no apprehension that in the future any injustice will be done to any of these localities, or that the public interest will suffer from their being put on a bare living allowance; and for that reason I vote for the lowest appropriations. I have felt called upon to make this remark, as the only one which has been negatived has been the appropriation for the navy-yard in the State from which I come. I am not disposed to make an exception of that. I think they should all stand on the same footing, and my vote shall be in accordance with my opinion of the whole.

Mr. DAVIS. We hear repeated, time after time, the great abuses, and, I suppose, most repeated by those who, like myself, have read none of the evidence in the case. I do not believe a tithe of what has been asserted; and if it were all true, what wisdom is there in this mode of legislation—instead of warring upon the abuses, or upon those who have committed them, to war upon the Government itself? It is striking off appropriations which are needful at the navy-yards to maintain your Navy afloat. A vessel comes in from sea with her masts shattered, or her hull injured, or her sails gone, and you refuse to make an appropriation of money for the yard at the place where, above all others, she is likely to go in order that she may be repaired, again to be ready for sea. It is not a war upon anybody who has done wrong, but it strikes at the efficiency of your Government, and humbles the power of the United States in the face of the civilized world. If there is a criminal responsible, why not arraign him and still preserve your Government as it devolves upon the Congress to do? If the agent is faithless, let him be dismissed from the public service; let the Republic suffer no detriment at the hands of Congress. I have voted for every amendment which the Naval Committee have presented as necessary to provide for the efficiency of the naval service, and I have done it upon the principle of performing the public duty which devolves on me here, and by such light as those who are charged with the investigation have brought to my assistance.

Mr. HAMMOND. I have but a single word to say in answer to the Senator from New York and the Senators on the other side. I have not pretended to go into the specialties and the particularities of the expenditures of the Navy Department. From my experience and observation, no member of the Senate is prepared to do it. While some members may present facts, and others may rebut them, I do not think we know all about the subject—any of us. If the Senator from New York desires to pass the House bill, or if he desires to pass a bill without any appropriations for navy-yards at all; if he wishes to break up the Government *in toto*, I do not know that I would gainsay it; but while we have a Government we must have a navy; and while we have a Navy Department we must have navy-yards; and in the opinion of the Committee on Naval Affairs, certain yards are entitled to certain appropriations, and I go for them as a whole. If the Senate chooses to reject any one of them, I shall then go for rejecting the whole of them, and come down to the House appropriations, which amount to nothing.

Mr. WADE. I do not think we are gaining anything by staying here until this hour. We may sit here until morning; but if we do, we shall do nothing to-morrow. It is impossible that we can continue here until our time expires; and as we are gaining nothing, I move that the Senate adjourn.

The motion was not agreed to; there being, on a division—ayes 9, noes 25.

Mr. KING. I know that the Senate is impatient for a vote, and I am myself. I was disposed to content myself on this occasion with a silent vote, which I usually give on all questions. I deemed it proper, however, that I should assign my reasons for voting against the amendment, as the State from which I come was singled out in this matter, and I simply rose to say that that would not make any difference with me. The reason of my vote applied to all the yards; and I said I would vote against them altogether, or separately, as they might be presented. Nor do I believe any revolution will follow from the adoption of the bill as it came from the House of Representatives, either in the Navy or in the Government; nor do I believe that the public interests will suffer from putting these navy-yards upon a bare living allowance; nor do I believe they will go down. I think they will stand; but when next November comes they will not be able, unless they misapply other funds, to commit the mischief which, in my judgment, some of them did commit last November. I think it a practice that calls for some unusual expression of Congress upon it. Gentlemen talk about our striking at those who have committed these offenses. The Constitution of the country places the officers of this Government in their places for a certain term of time, and there is no practicable mode of reaching the men who are, perhaps, responsible for these abuses; or if there is, it is in another branch of Congress, not in this. This is the only mode in which we can express our opinions; and, for one, I am willing to do it. If it creates some little inconvenience at these yards, I am willing to do it at that expense; because I believe a great good will come from such a clear and distinct expression of Congress on such transactions as have occurred.

I do not understand that these appropriations are for the construction of ships or the repair of vessels at all. They are appropriations for the yards themselves, to keep them in repair, and keep up their standing force. I shall be glad to have a division, and have them all struck out, as the Senator from South Carolina said it was intended they should all go together. I should be glad to have the whole amendment fail in all its branches.

Mr. HUNTER. I hope we shall take the question. ["Question!" "Question!"]

Mr. MALLORY. I know very well that the Senate are impatient for a vote. I have myself voted three times for an adjournment. I came here ill this morning, and shall probably be so to-morrow, and be unfit for business then, if we stay here much longer to-night; but I shall not permit the question to be taken without having it thoroughly investigated, so far as I am concerned. Although very impatient for a vote, I think we ought to discuss it. I think we ought to come to a different conclusion from that to which the Senate seems disposed to come. The Senator from New York may, perhaps, be better posted up in these matters than I am; I would not pretend to compare information with him. He ventures to say that he does not believe the public service would suffer in the least by discontinuing this appropriation. He represents that navy-yard in part, and he ought to know that a vessel coming in from sea has a berth at the navy-yard; and that she cannot get that berth unless the dredging machine is constantly going. They are constantly dredging at the Brooklyn yard and the Philadelphia yard, and the river will constantly fill it up if you withdraw the dredge. One of these very items—$25,000—is for that dredging machine. Here are items for sheers and blocks and ways

and all the appurtenances of a building yard, necessary for the repair of ships which are constantly coming into port. If they come in and go to this yard, there will not be the means of repairing them unless you make this appropriation. There is already in the bill a distinct item of $1,000,000 for the repair and armament of vessels. On looking over the estimates, I have come to the conclusion that $25,000 for a boom-derrick and $2,534 for the improvement of the machine-shop, and $25,000 for launching ways are indispensable to carry on the work which you have laid out.

It is taking a very singular view indeed of our duties to the Government to undertake, in this mode, to administer a rebuke to those who are alleged here to have committed abuses. Now, I know not a syllable of the alleged abuses at the Brooklyn navy-yard. I have been too busy in the last week to attend to rumors of that kind. I have understood there was an investigation going forward and a report from a committee; but what are the abuses alleged I do not know. If individuals have bought up votes or placed men in positions for the purpose of getting their votes, either for one side or the other, should we rebuke them in this manner? Would you rebuke abuses in the Post Office Department by withholding an appropriation for the postal service of a year? Would you carry this system into any other Department of the Government? Will you put a stop to the repairs of your ships and the efficiency of your service, in order to reach a few miserable men who have used their public positions for improper purposes? I think not. I have the most profound confidence in the head of the Navy Department. Whatever these abuses are, I undertake to say they do not reach him; and whatever they are, I undertake to say when they are known to him he will endeavor to correct them. I trust these appropriations will be made, unless you intend when your ships of war come into port, to lay them up. The reduction already made on the sum estimated for repairs, is so great that many of your ships coming into port now will have to lay up; they cannot be repaired. By withholding appropriations from the Pensacola yard, you prevent the launching of the two vessels that are building. One of them will be ready for launching on the 15th of this month. In the estimates there is an item for launching ways there, and you withhold it. That is the kind of economy you are practicing.

Mr. WILSON. I think the remarks of the Senator from Florida should, at any rate, provoke reply enough from this side of the Chamber to vindicate our action on the proposition now before the Senate. The House of Representatives, in obedience to the popular will of this country, has made a reduction of $2,250,000 upon this bill below the report of the Committee of Ways and Means of that House. Here is a blow struck at the navy-yard at New York. The Senator from Florida tells us, and other Senators tell us, that, because there have been bad practices there, we ought not to cut down the appropriations. Sir, it is the only remedy for these abuses. There have been actions there which deserve the rebuke of Congress; and the only way is to put them on short allowance. The Senator says he has confidence in the head of the Navy Department. Has the Senator read the hundreds of pages of evidence just published by the House of Representatives?

Mr. MALLORY. I hope not.

Mr. WILSON. I should think he had not. If he had, he could not stand up in the Congress of the United States and express confidence in the head of the Navy Department.

Mr. MALLORY. I have not read them; I have not had time to read them; but whatever that Senator may say to the contrary after reading them, whatever may be his judgment, I am proud and happy to have an opportunity of expressing my profound confidence in the integrity of the head of the Navy Department.

Mr. WILSON. The Senator's opinion will pass in the Senate and the country for what it is worth, as he professes not to have examined the testimony in the case. I see the Senator from South Carolina wants the floor, and I yield to him.

Mr. HAMMOND. I believe the question now is on my motion to reconsider the vote rejecting the amendment making an appropriation for the New York navy-yard. As I said before, I will go for striking them all out, if any one be stricken out. If those whom the Senators on the other side represent are ready for a break up, I am ready; but I would not initiate such a thing. I prefer the conservative and conciliating course. I am not for a break up; but if they are, I am ready at any moment. The appropriations for navy-yards were considered in our committee, and made a matter of system. I think, as I have said before, that we should have one navy-yard on the Atlantic, one navy-yard on the Gulf, and one on the Pacific, and no more; but we have put, for the present at least, three navy-yards on the Atlantic, for the purpose of conciliating the North, and New England especially.

Now, I desire to have a fair vote on this question. I have voted for the Portsmouth navy-yard, to which I was opposed. I will vote for the New York navy-yard, which I think ought not to exist; and I have moved to reconsider the vote by which that navy-yard has been stricken down, simply for the purpose of maintaining the system which I was authorized by the Naval Committee to report. If those on the other side choose to prevent a vote, if they want to break up the navy-yards, stop all appropriations, and put an end to this Government, it is in their power to do it; but the responsibility shall rest on them —not on us. At this late hour, there is no use for discussion; discussion amounts to nothing; let us have a vote. I am ready to stay here to vote on every one of these amendments, or any amendments proposed to this bill. I do not wish to hear discussion; and if there is to be discussion, I shall adjourn myself at least.

Mr. WILSON. Mr. President——

Mr. BRODERICK. Will the Senator from Massachusetts give way for an adjournment?

Mr. WILSON. No; I shall only occupy a moment. I want to say to the Senator from South Carolina that I think we are in admirable order to discuss, to debate, and to vote. I have not seen the Senate so orderly to-day. We are all sobered down, ready for business. Now is the hour to do it. I tell the Senator from South Carolina I am ready to break up the abuses that have grown out of the lavish expenditures in the navy-yards of the country. Corruption, foul corruption in the use of the appropriations of the Government, has found its way into these navy-yards, and the only way to correct these abuses is to make small appropriations, at any rate for this year. The Senator says they have put an appropriation in this amendment for New England. I tell the Senator that I do not want any appropriations for New England unless they are necessary for the general good of the whole country. I want none of your special patronage for my State, and I voted against the propositions for the navy-yard at Portsmouth, New Hampshire. Had it been at Charlestown, in my own State, I would have voted against it all the more readily.

I especially want to vote against spending money in this New York navy-yard, when the proof is before this Congress, under oath, that there are corrupt practices in that yard which ought to be arrested. I want to express my opinion against that; and, so far as I can do it, to starve out corruption in that yard.

The motion to reconsider was not agreed to; there being, on a division—yeas 13, nays 22.

The PRESIDING OFFICER, (Mr. STUART in the chair.) The Secretary will report the next amendment made in committee.

Mr. KING. I hope the Senator will withdraw the call for a separate vote on the rest of the amendments now.

Mr. HUNTER. Let us go on and vote.

Mr. GREEN. I move to reconsider the vote by which the Senate agreed to the appropriation for the navy-yard at Portsmouth.

The motion was agreed to.

The PRESIDING OFFICER. The question recurs upon agreeing to that amendment. Will the Senate agree to the appropriation for the navy-yard at Portsmouth?

The amendment was rejected.

The PRESIDING OFFICER. The Secretary will report the next amendment.

The Secretary read the next amendment made as in Committee of the Whole; which was, in line ninety-three, to strike out "at Philadelphia, $15,000," and insert "at Philadelphia, $15,000."

Mr. CLAY. That seems to be the same amount. I should like to have that explained.

Mr. PUGH. If it is in order, I will withdraw the demand for a division of the amendments. I think we have had a test, and we may take a vote on them all by the consent of the Senate.

Mr. BRODERICK. I hope the vote will not be taken in the absence of my colleague. I wish to except California from this general destruction.

Mr. SIMMONS. I ask to except the amendment in regard to California. I want to vote for that, and desire to have it excepted.

The PRESIDING OFFICER. The question is on the amendment, in line ninety-three, to strike out "at Philadelphia, $15,000," and insert "at Philadelphia, $15,000."

Mr. HAMMOND. Is that an amendment?

The VICE PRESIDENT. It amounts to the same thing; but the Chair will put the question.

Mr. TOOMBS. I hope not. That is no amendment at all. To strike out certain words, and put in the same words, is no amendment.

The VICE PRESIDENT. The Chair will state that, if there is no objection, he will not put the question on that amendment. It amounts to the same thing.

Mr. STUART. It should be put. We are only dividing a whole amendment, and this is one part of it. It is a division of it, and it must be put in some form. Either the division must be withdrawn, or the question must be put.

Mr. KING. In the present condition of affairs, I presume the Senator from Ohio will withdraw his call for a division.

Mr. IVERSON. I shall renew it.

Mr. KING. Then let us take a vote.

Mr. HAMMOND. I propose to withdraw all the amendments I offered on the part of the committee, and I take the House bill as it stood. ["Oh, no!"]

The VICE PRESIDENT. The Chair will put the question on the amendment which has been read.

The amendment was non-concurred in.

The next amendment, made as in Committee of the Whole, was, in line ninety-four, to strike out "at Washington, $10,000," and insert "at Washington, $10,000."

The VICE PRESIDENT. Is a vote insisted on? ["Oh, no!"] It amounts to the same thing. The Secretary will read the next amendment.

The next amendment, made as in Committee of the Whole, was, in line ninety-five, to strike out "at Norfolk, $20,000," and insert "at Norfolk, $150,000."

The amendment was non-concurred in.

The next amendment, made as in Committee of the Whole, was, in line ninety-six, to strike out "at Pensacola, $10,000," and insert "at Pensacola, $75,000."

The amendment was non-concurred in.

The next amendment, made as in Committee of the Whole, was, in line ninety-seven, to strike out "at Mare Island, California, $20,000," and insert "at Mare Island, California, $200,000."

Mr. SIMMONS. I hope that amendment will be adopted; and upon it I call for the yeas and nays. ["Oh, no!"]

The yeas and nays were not ordered.

Mr. GWIN. I demand the yeas and nays.

The VICE PRESIDENT. The yeas and nays were demanded; but a sufficient number did not rise to order them.

Mr. GWIN. Is the question decided?

The VICE PRESIDENT. It is not. The Senator from Rhode Island demanded the yeas and nays; but a sufficient number did not rise, and the Chair was putting the question.

Mr. GWIN. I ask the Senate, if they are going to strike out all the navy-yards, to leave us one on the Pacific coast.

Mr. SIMMONS. I have but one word to say upon this subject. Mr. President——["Let us vote."] Well, if it will carry without them, I shall make no remarks upon it. I wished to express the reason why I should vote for it; but if Senators desire to take a vote, and will agree to the amendment, I will not say a word.

Mr. GWIN. I hope that I shall get some votes here.

Mr. LANE. Is it too late to ask for the yeas and nays?

The VICE PRESIDENT. It is not.

Mr. GWIN. Is the bill in the Senate?

The VICE PRESIDENT. The bill is in the Senate.

Mr. GWIN. Is this the end of it.

The VICE PRESIDENT. This is the end of it.

Mr. GWIN. Now, Mr. President, is it open for discussion?

The VICE PRESIDENT. Are the yeas and nays demanded by the Senator from Oregon?

Mr. LANE. Yes, sir; I want the yeas and nays.

The yeas and nays were ordered.

Mr. HAMMOND. Mr. President, will you state the question?

Mr. CLAY. We all know what it is.

The VICE PRESIDENT. The Secretary will read the amendment upon which the yeas and nays have been ordered.

Mr. CLAY. It is upon the California Mare Island navy-yard.

The Secretary read the amendment.

Mr. HAMMOND. I desire to say, to preserve my consistency in this matter, that, as the Senate has stricken out all the other amendments, I shall vote against this one as part of the whole.

Mr. BRODERICK. I gave notice, some time since, that I intended to vote against the New York navy-yard, but withdrew my objection with the understanding that the Senator from South Carolina would sustain the Mare Island appropriation. He appealed to me, and I withdrew my opposition to the amendment then under consideration.

Mr. HAMMOND. I did not consider that my bargain. I told him I should vote against Mare Island if he voted against New York; but I did not suppose I was to vote for his navy-yard after everything else was stricken out.

Mr. GWIN. I suppose it is intended to pass this bill to-night, or at least to vote on it. ["Yes."] Then I give notice, although I never voted against an appropriation bill, that I shall do everything that I can to defeat this bill, if the navy-yards are thrown out.

Mr. HAMLIN. Very well.

The question being taken by yeas and nays, resulted—yeas 14, nays 22; as follows:

YEAS—Messrs. Allen, Broderick, Brown, Chesnut, Davis, Green, Gwin, Hunter, Iverson, Lane, Rice, Simmons, Toombs, and Ward—14.

NAYS—Messrs. Bayard, Bigler, Clark, Clay, Crittenden, Doolittle, Fessenden, Fitzpatrick, Foot, Foster, Hamlin, Hammond, Harlan, Johnson of Tennessee, King, Mallory, Polk, Pugh, Reid, Stuart, Wade, and Wilson—22.

So the amendment was non-concurred in.

The next amendment, made as in Committee of the Whole, was, in line ninety-eight, to strike out "at Sackett's Harbor, $1,000," and insert "at Sackett's Harbor, $1,000.

The VICE PRESIDENT. It is perfectly equivalent.

Mr. MALLORY. There was one amendment offered by the honorable Senator from New Hampshire which was excepted. I was out of the Senate at the moment. I hope that will be considered now.

The Secretary read the amendment, as follows:

And be it further enacted, That no promotion to the rank of captain in the Navy of the United States shall be made until the member in commission shall be reduced to fifty.

Mr. MALLORY. I think it was, perhaps, due to me from the Senator from New Hampshire, that I should have known he was about to offer this amendment. Probably he may not have known I was out of the Senate at the moment. I stepped into the retiring room. I would have stated then, if I had been here, what I wish to say now, that this is a proposition to determine the number of a particular grade, without the information before the Senate which would lead to a correct solution of the question. I think, myself, that the number of captains might properly be reduced somewhat. The Senator from Iowa [Mr. HARLAN] addressed a communication to the Navy Department, some six weeks ago, I think, upon this very question, and he elicited from the Navy Department the response as to the number of the different grades that might properly be kept in the service, and the reductions that might be applied to these grades. That communication is not before the Senate at this moment, although it has been here for a couple of months. I think that in that there will be found some information that the grade of captain might possibly be reduced, but I do not know that there is. At all events, at this late hour of the session, here at two o'clock in the morning, with scarcely a quorum of the Senate present, I think the Senate will not undertake, without some little consultation, at all events, with the head of the Department, to see what the wants of the service are, to reduce the number in the highest grade in the service down to fifty. I think this is hasty legislation, and the Navy is not to be reformed in that way.

Mr. IVERSON. I want to ask the Senator a question. If I understand the law at present, it is, that the number of captains on service is to be sixty-eight, and we shall have no promotions until the number, which is one hundred and one, shall be reduced down to the number allowed by law?

Mr. MALLORY. Precisely.

Mr. IVERSON. So that there can be no promotions to the grade of captain until the number is reduced to sixty-eight, which is allowed by law. It is a very large number, but it is only adventitious and accidental, owing to the restoration of those who were retired and promoted in the mean time. Sixty-eight are not too many captains.

Mr. MALLORY. But the proposition is to bring the number down to fifty.

Mr. IVERSON. I hope that such a proposition will not be adopted.

Mr. MALLORY. It reduces the number to fifty. I hope it will not be adopted. There can be no promotions as the law stands now, until the number is reduced to sixty-eight.

The amendment was non-concurred in.

Mr. HALE. Divide.

The VICE PRESIDENT. The Senator from New Hampshire called for a division after the announcement was made by the Chair. If there be general consent, the Chair will again put the question.

Mr. MALLORY. I object.

Mr. HALE. It is ordinarily the case that the Presiding Officer makes some sort of pause in his decision, or does not announce instantly, as was the case here.

The PRESIDING OFFICER. The Chair will state to the Senator from New Hampshire, that the vote was very decisive. Nobody voted in the affirmative, and all in the negative.

The amendments were ordered to be engrossed, and the bill to be read a third time. It was read the third time; and on the question: "Shall the bill pass?"

Mr. HALE and Mr. HAMLIN called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 28, nays 8; as follows:

YEAS—Messrs. Allen, Bayard, Bigler, Brown, Chesnut, Clark, Clay, Crittenden, Davis, Fessenden, Fitzpatrick, Foot, Foster, Green, Hunter, Iverson, Johnson of Tennessee, Lane, Mallory, Polk, Reid, Rice, Simmons, Stuart, Toombs, Wade, Ward, and Wilson—28.

NAYS—Messrs. Broderick, Doolittle, Gwin, Hale, Hamlin, Harlan, King, and Pugh—8.

So the bill was passed.

Mr. HUNTER. I move that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March* 1, 1859.

The House met at eleven o'clock, a. m. Prayer by Rev. D. WILSON.

The Journal of yesterday was read and approved.

ARMY APPROPRIATION BILL.

Mr. CRAWFORD, by unanimous consent, from the Committee of Ways and Means, reported back the amendments of the Senate to the Army appropriation bill; which were referred to the Committee of the Whole on the state of the Union.

LEGISLATIVE, ETC., APPROPRIATION BILL.

On motion of Mr. PHELPS, of Missouri, the House insisted on its disagreement to the amendments of the Senate to the legislative, executive, and judicial appropriation bill and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses upon said amendments.

The SPEAKER appointed Messrs. HOUSTON, WASHBURN of Maine, and PHILLIPS, as such committee on the part of the House.

ENROLLMENT OF STEAM VESSELS.

Mr. FENTON. I ask the unanimous consent of the House to take from the Speaker's table Senate bill (No. 596) to authorize the enrollment, registry, and license of certain steamboats or vessels owned by the Buffalo and Lake Huron Railroad Company.

There being no objection, the bill was taken from the Speaker's table, received its several readings, and was passed.

Mr. FENTON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

MRS. M. J. HARRIS.

Mr. MORRIS of Illinois. I ask the unanimous consent of the House to permit the Committee on Invalid Pensions to report a bill granting a pension to the widow of the late Thomas L. Harris.

No objection being made,

Mr. ANDERSON, from the Committee on Invalid Pensions, reported a bill granting a pension to Mrs. Mary J. Harris, widow of Colonel Thomas L. Harris; which was read a first and second time.

The bill directs the Secretary of the Interior to place the name of Mrs. Harris on the invalid pension roll at the rate of thirty dollars per month, the pension to commence on the 25th of November, 1858, and continue during her widowhood.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. TAPPAN. I ask the unanimous consent of the House——

Mr. STEWART, of Maryland. I object; and call for the regular order of business.

MESSAGE FROM THE SENATE.

The SPEAKER laid before the House the following message from the Senate:

IN SENATE, *February* 28, 1859.

Resolved, (the House of Representatives concurring,) That the 16th and 17th joint rules be suspended for the remainder of the session.

The question was taken; and the resolution of the Senate was concurred in.

AFRICAN SQUADRON.

The SPEAKER also laid before the House a message from the President of the United States, transmitting a report from the Secretary of the Navy, with accompanying documents, in obedience to a resolution of the House, adopted the 28th of January, requesting "the President of the United States to communicate to this House a copy of all instructions to the commanders of our African squadron since the ratification of the treaty of 1842, called the 'Washington treaty,' with a copy of whatever regulations were entered into by the commanders of the two squadrons for more fully accomplishing the object of the eighth article of said treaty," &c.; which was laid upon the table, and ordered to be printed.

AGRICULTURAL REPORT.

The SPEAKER also laid before the House the annual agricultural report of the Patent Office; which was laid upon the table, and ordered to be printed.

Mr. PHELPS, of Missouri. I move that ten thousand extra copies be ordered to be printed.

The SPEAKER. That motion goes to the Committee on Printing.

YANCTONS AND TONAWANDAS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting estimates of appropriations for fulfilling treaty stipulations with the Yanctons and Tonawandas; which was laid upon the table, and ordered to be printed.

Mr. PHELPS, of Missouri. Such estimates as are contained there have been sent to the Committee of Ways and Means; and I am instructed by that committee to report a bill to fulfill treaty stipulations with the Yancton Sioux or Dacotah Indians, and the Tonawandas. These treaties have been ratified. I have the manuscript in the committee-room. I desire to report that bill now, that it may be referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

There was no objection.

Mr. PHELPS, of Missouri, from the Committee of Ways and Means, reported a bill making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians, for the year ending June 30, 1860; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

COPYRIGHT BOOKS.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, asking for appropriations for the transfer of copyright books, &c., from the State Department to the Interior Department, and for the purchase of copies of the eleventh volume of Little, Brown & Co.'s United States Statutes at Large; which was laid upon the table, and ordered to be printed.

PACIFIC WAGON ROAD.

The SPEAKER also laid before the House a communication from the Secretary of the Interior, transmitting a report and maps of the wagon road to the Pacific; which was laid upon the table and ordered to be printed.

POST OFFICE CONTRACTS, ETC.

The SPEAKER laid before the House a communication from the Postmaster General, giving an abstract of offers for carrying the mails, &c.; which was laid upon the table, and ordered to be printed.

MAJOR T. L. HARRIS—AGAIN.

Mr. MORRIS, of Illinois. The bill just passed, for the relief of the widow of the late Major Harris, by a mistake provides that the pension shall be paid to her during her widowhood, when the committee directed it to be reported "during her natural life." I move to reconsider the vote by which the bill was passed; or, I ask unanimous consent to have that amendment made in the bill.

Mr. MORGAN. I object.

Mr. MORRIS, of Illinois. I move to reconsider the vote by which the bill was passed.

The SPEAKER. The motion will be entered. It cannot be considered now.

Mr. CAVANAUGH. I ask to offer an amendment.

Several MEMBERS. Regular order of business.

CIVIL APPROPRIATION BILL.

The SPEAKER. The Clerk will now report the first amendment of the Committee of the Whole on the state of the Union to the civil appropriation bill.

First amendment:

In the following paragraph, strike out the word "continuing," and insert "preserving;" and strike out "$300," so as to reduce the appropriation to $50,000:

"For continuing the extension of the Treasury building, $350,000."

The amendment was agreed to.

Second amendment:

Strike out the following:

"For continuing the work on the custom-house at Charleston, South Carolina, $200,000."

Mr. MILES. I demand the yeas and nays; and tellers on the yeas and nays.

Tellers were ordered; Messrs. McQUEEN and EDIE were appointed.

Mr. MILES. I withdraw the call for the yeas and nays.

Mr. STEWART, of Maryland. I renew it.

Mr. PHELPS, of Missouri. Let us take the question by tellers.

Mr. STEWART, of Maryland. I withdraw the call for the yeas and nays.

Mr. PHELPS, of Missouri, demanded tellers.

Tellers were ordered; and Messrs. McQUEEN and EDIE were appointed.

The House divided; and the tellers reported—ayes 85, noes 53.

So the amendment was agreed to.

Third amendment:

Strike out the following lines of the bill:

"For continuing the work on the custom-house at New Orleans, Louisiana, $250,000: *Provided*, That the Secretary of the Treasury shall submit, at the commencement of the next session of Congress, the amount already expended for the Charleston and New Orleans custom-houses, and an estimate, in detail, of the probable cost for the final completion of the same, and also the time it will require to finish them."

The amendment was agreed to.

Fourth amendment:

Between lines forty-three and forty-four add the following: The Secretary of the Treasury is hereby directed to use the balance of the unexpended appropriations heretofore made for the Charleston and New Orleans custom-houses in finishing said buildings for use.

The amendment was agreed to.

Fifth amendment:

Between lines sixty-four and sixty-five add the following:

For repairing the works and piers in order to secure the light-house at Chicago, Illinois, $87,000.

Mr. GARNETT called for the yeas and nays; and for tellers on the yeas and nays.

Tellers were ordered; and Messrs. DAVIS, of Mississippi, and BUFFINTON were appointed.

The House divided; and the tellers reported—ayes thirty-six.

So the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 108, nays 70; as follows:

YEAS—Messrs. Abbott, Adrain, Andrews, Barr, Bingham, Bishop, Blair, Bliss, Bowie, Brayton, Buffinton, Burlingame, Case, Cavanaugh, Chaffee, Chapman, Ezra Clark, Clawson, Clay, Clark B. Cochrane, Colfax, Comins, Corning, Covode, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dodd, Eustis, Farnsworth, Florence, Foster, Giddings, Gillis, Gilman, Gilmer, Gooch, Goodwin, Gregg, Grow, Robert B. Hall, Harlan, Hatch, Hickman, Hoard, Hodges, Horton, Howard, Huyler, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Leach, Leidy, Lovejoy, Humphrey Marshall, Samuel S. Marshall, Matteson, Montgomery, Morgan, Morrill, Isaac N. Morris, Oliver A. Morse, Murray, Niblack, Nichols, Olin, Palmer, Parker, Pettit, William W. Phelps, Pike, Potter, Pottle, Ricaud, Ritchie, Robbins, Royce, Russell, John Sherman, Robert Smith, Spinner, Stanton, William Stewart, Tappan, Miles Taylor, Thayer, Thompson, Tompkins, Underwood, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Ellihu B. Washburne, Israel Washburn, White, and Wood—108.

NAYS—Messrs. Ahl, Anderson, Atkins, Avery, Barksdale, Bocock, Bonham, Branch, Burns, John B. Clark, Cobb, Cockerill, James Craig, Crawford, Davis of Mississippi, Dimmick, Dowdell, Edmundson, Elliott, English, Faulkner, Foley, Garnett, Gartrell, Goode, Groesbeck, Lawrence W. Hall, Hill, Houston, Hughes, Jenkins, Jewett, George W. Jones, Leiter, Letcher, Maclay, McQueen, Mason, Miles, Miller, Millson, Moore, Peyton, John S. Phelps, Phillips, Powell, Reagan, Reilly, Ruffin, Sandidge, Savage, Scott, Seward, Henry M. Shaw, Shorter, Singleton, Samuel A. Smith, William Smith, James A. Stewart, Talbot, George Taylor, Vallandigham, Vance, Watkins, Whiteley, Winslow, Woodson, Wortendyke, Augustus R. Wright, and John V. Wright—70.

So the amendment was agreed to.

Pending the vote,

Mr. ZOLLICOFFER stated that he had paired off with Mr. MAYNARD on this question.

Mr. READY stated that if he had been in the Hall when his name was called, he would have voted "no."

Mr. BURNETT made a similar statement.

Sixth amendment:

For repairs and incidental expenditures to the light-house at Oswego, and the buildings connected therewith, $30,000.

The amendment was agreed to.

Seventh amendment:

Before lines one hundred and six and one hundred and seven add the following:

For the best life-boat, to be placed at each of the twenty-eight life-saving stations on the coast of New Jersey, $6,440. And so much money as was appropriated at the last session of Congress for that purpose, as remains unexpended, is hereby directed to be carried to the surplus fund.

The amendment was agreed to.

Eighth amendment:

Between lines one hundred and six and one hundred and seven add the following:

For repairing the life-saving stations on the coast of Long Island, New Jersey, $2,000.

The amendment was agreed to.

Ninth amendment:

Add to the end of line one hundred and sixty-four as follows:

Provided, That no part of this appropriation shall be used or expended in defraying the expenses of any body of men or delegates assembled in Washington, or elsewhere, as an agricultural congress, or advisory board on agriculture, convened under order, or by authority of, the Secretary of the Interior, or by any other person, under any name, or for any pretended object whatever.

The amendment was agreed to.

Tenth amendment:

Strike out "$1,095 50," and insert in lieu thereof $1,878; so that the clause will read:

For hire of carts on the public grounds, $1,878.

The amendment was agreed to.

Eleventh amendment:

Between lines one hundred and ninety-one and one hundred ninety-two insert as follows:

For lighting, with gas, Four-and-a-Half, Seventh, and Twelfth streets, across the public mall, $4,500.

The amendment was agreed to.

Twelfth amendment:

Between lines one hundred and ninety-four and one hundred and ninety-five insert as follows:

To enable the Secretary of the Interior to purchase, from Messrs. Little, Brown & Co., two thousand copies of the eleventh volume of the United States Statutes at Large, for distribution agreeably to act of Congress directing the distribution of the other volumes, $7,000.

The amendment was agreed to.

Thirteenth amendment:

Between lines one hundred and ninety-eight and one hundred and ninety-nine insert:

For public reservation No. 2, and Lafayette square, $2,000.

The amendment was agreed to.

Fourteenth amendment:

Between lines two hundred and fourteen and two hundred and fifteen insert:

For making cases, and fitting up room in the Patent Office building to receive copyright books, charts, and other copyright matter, and for transferring, arranging, and taking care of the same, $36,000.

The amendment was agreed to.

Sixteenth amendment:

Between lines two hundred and forty and two hundred and forty-one insert:

Provided, That none of the money hereby appropriated shall be expended in the decoration or embellishment of the Capitol extension, by sculpture or paintings, unless the same shall have been approved by the art commission authorized by the act of 12th June, 1858, in the manner stated in said act.

The amendment was agreed to.

Seventeenth amendment:

Strike out lines two hundred and forty-eight, two hundred and forty-nine, and two hundred and fifty, as follows:

"For procuring manure, tools, fuel, and repairs of botanic garden, to be expended under the direction of the Library Committee of Congress, $1,500."

And insert, in lieu thereof:

For procuring manure, tools, fuel, and repairs, purchasing trees and shrubs for botanic garden, to be expended under the direction of the Library Committee of Congress, $2,300.

The amendment was agreed to.

Eighteenth amendment:

At the end of the bill add:

SEC. 2. *And be it further enacted*, That the first Comptroller of the Treasury do allow, in the adjustment of the accounts of Peter Laman, disbursing clerk in the Interior Department, the sum of $534 77, paid to A. G. Cochran.

The amendment was agreed to.

The amendments reported from the Committee of the Whole on the state of the Union having now been disposed of, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PHELPS, of Missouri, demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. KELSEY demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 97, nays 91; as follows:

YEAS—Messrs. Adrain, Anderson, Arnold, Barr, Bingham, Bishop, Bliss, Bowie, Branch, Bryan, Burns, Chapman, Ezra Clark, John B. Clark, Clay, Clark B. Cochrane, John Cochrane, Cockerill, Comins, Corning, Crawford, Davidson, Davis of Maryland, Davis of Indiana, Dimmick, Edie, English, Eustis, Farnsworth, Faulkner, Florence, Foley, Foster, Giddings, Gillis, Goodwin, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Robert B. Hall, Hatch, Hawkins, Hickman, Hodges, Horton, Howard, Hughes, Huyler, Owen Jones, Kellogg, Jacob M. Kunkel, Lamar, Landy, Leidy, Leiter, Lovejoy, Maclay, McKibbin, McRae, Mason, Miller, Montgomery, Isaac N. Morris, Niblack, Nichols, Parker, Pettit, Peyton, John S. Phelps, William W. Phelps, Reagan, Reilly, Ricaud, Robbins, Savage, Scott, Aaron Shaw, Singleton, Samuel A. Smith, William Smith, James A. Stewart, George Taylor, Miles Taylor, Thayer, Vallandigham, Wade, Israel Washburn, Watkins, White, Whiteley, Winslow, Wood, Woodson, Wortendyke, and Augustus R. Wright—97.

NAYS—Messrs. Abbott, Andrews, Atkins, Avery, Barksdale, Bocock, Bonham, Boyce, Buffinton, Burlingame, Burnett, Caskie, Chaffee, Cobb, Colfax, Covode, Curtis, Davis of Mississippi, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dodd, Dowdell, Durfee, Edmundson, Elliott, Fenton, Garnett, Gartrell, Gilmer, Gooch, Goode, Granger, Grow, Harlan, Hill, Hopkins, Houston, Jenkins, George W. Jones, Keim, Keitt, Kelsey, Knapp, Leach, Letcher, Humphrey Marshall, Matteson, Miles, Millson, Moore, Morgan, Edward Joy Morris, Oliver A. Morse, Murray, Olin, Palmer, Phillips, Pike, Potter, Pottle, Powell, Purviance, Ready, Ritchie, Roberts, Royce, Ruffin, Sandidge, Scales, Seward, Henry M. Shaw, John Sherman, Shorter, Spinner, Stanton, William Stewart, Talbot, Tappan, Thompson, Tompkins, Vance, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Ellihu B. Washburne, John V. Wright, and Zollicoffer—91.

So the bill was passed.

During the call of the roll,

Mr. MOORE stated that Mr. CURRY had paired off with Mr. KILGORE.

Mr. SMITH, of Illinois, stated that if he had been within the bar when his name was called, he should have voted for the bill.

Mr. FLORENCE said that he was not quite satisfied with the bill; but, believing it to be as good as could now be obtained, he would vote for it.

The result having been announced as above recorded,

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

CLOSE OF DEBATE.

Mr. PHELPS, of Missouri, by unanimous consent, submitted the usual resolution to close debate on the mail steamer appropriation bill in five minutes after the Committee of the Whole on the state of the Union should proceed to the consideration of the same.

The resolution was adopted.

MAIL STEAMER BILL.

Mr. PHELPS, of Missouri, moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the State of the Union, (Mr. BARKSDALE in the chair,) and proceeded to the consideration of the bill of the House (No. 875) making appropriations for the transportation of the United States mail, by ocean steamers and otherwise, during the fiscal year ending the 30th June, 1860.

Mr. JONES, of Tennessee. I wish to make a proposition, with a view to economize time, and I hope it will meet with the assent of the committee. It is that we rise, and report this bill to the House with a recommendation that it do not pass, and let a vote be taken on it by yeas and nays. I do not think it ought to pass at all.

Mr. PHELPS, of Missouri. No, sir, I have an amendment which I desire to submit. It was omitted in the estimates that were before the Committee of Ways and Means when we acted upon this bill.

I desire briefly to explain the provisions of the bill. At the last session, Congress passed a bill making appropriations for the mail steamer service for this fiscal year, and a change was made in the laws providing for the compensation for carrying the mail by ocean mail steamers. The changes to which I refer are contained in the fourth and fifth sections of that bill. They are as follows:

"SEC. 4. *And be it further enacted*, That it shall not be lawful for the Postmaster General to make any steamship or other new contract for carrying the mails on the sea for a longer period than two years, nor for any other compensation than the sea and inland postages on the mails so transported.

"SEC. 5. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to cause the mails to be transported between the United States and any foreign port or ports, by steamship, allowing and paying therefor, out of any money in the Treasury not otherwise appropriated, if by an American vessel, the sea and United States inland postage; and, if by a foreign vessel, the sea postage only, on the mails so conveyed: *Provided*, That preference shall be given to an American over a foreign steamship when departing from the same port for the same destination within three days of each other."

The Committee of Ways and Means have framed this bill in pursuance of these sections of law. There were two outstanding contracts for carrying the mail by ocean steamers at the time. We have reported, therefore, just so much money as is necessary to comply with the requirements of these contracts. One of these contracts was for the mail service from New York, via Panama, to San Francisco; the other is from New Orleans, via Tehuantepec, to San Francisco, on the Pacific. The contracts also extended one of the routes from San Francisco to Astoria, and from Astoria to Puget Sound. We found these contracts in existence, to continue until the 30th of September next, when they will expire.

It is true that, in this bill, we appropriate a specific amount of money for the other ocean mail service, but we have appropriated a sum of money equal to the estimated amount of ocean and inland postage, which would be applicable under the fourth and fifth sections of the mail steamer appropriation bill of the last session, which I have read, to this mail service. To this appropriation, however, we report this proviso:

Provided, That no further or other compensation shall be paid by the Postmaster General for mail service on the aforesaid routes than the sums arising from mail matter carried by them on the said routes, respectively, unless in the case of an existing unexpired contract on said routes.

In this way we endeavor to execute the law as we find it on the statute-book. We appropriate, in the first place, an amount of money sufficient to comply with the contracts which expire on the 30th of September next, and then so much as, under the third and fourth sections of the ocean mail steamship appropriation bills of the last session, it is estimated the postages applicable for this purpose would amount to.

Now, sir, I merely desire to call the attention of the committee to an amendment which I shall offer to the bill. I have before me a letter of the Third Assistant Postmaster General, the financial officer of the Post Office Department, in which these facts appear. It seems that, prior to the passage of the bill of the last session, to which I have referred, the Postmaster General entered into a contract for mail service from New Orleans, by the Tehuantepec route, to San Francisco, for one year, commencing on the 1st of September last, to continue for one year. No estimates were sent on which appropriations were made at the last Congress for the present year. The service on the route did not commence until the 1st of November. There arises, therefore, a deficiency for the service on that route from the 1st of November last until the 30th of June next, during the present fiscal year. I propose, therefore, at the proper time, to introduce an amendment for meeting this deficiency, which arises for the eight months' service performed on that route during the present fiscal year. The amount, under the contract, for the year, was to be $250,000; making, for the two thirds of the year in which service was performed during the present fiscal year, an amount of $166,666 66⅔, which I shall move, at the proper time, to add to the amount here appropriated.

The committee here informally rose; and

Mr. PIKE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled an act authorizing the enrollment, register, and license, of certain steamboats and vessels, owned by the Buffalo and Lake Huron Company;

When the Speaker signed the same.

The committee then resumed its session.

Mr. WOOD. I move to amend, by striking out the following clauses of the bill:

"That the following sums be, and the same are hereby, appropriated, for the service of the Post Office Department, for the year ending the 30th of June, 1860, out of any money in the Treasury arising from the revenues of said Department, in conformity to the act of the 2d of July, 1836:

"For the transportation of the mails by steamships between the United States and Southampton, Liverpool, Bremen, Havre, or such other port or ports in Europe as the Postmaster General may direct, $426,282."

And insert in lieu thereof, as follows:

That a line of mail steamships be, and the same is hereby, established, under the control of "The National Steamship Company," for semi weekly service between the United States and Europe. There shall be two divisions of the service: the first division shall be in alternate trips, from the ports of Portland, Boston, New York, and Philadelphia, to Southampton, England; the second division shall be in alternate trips from Baltimore, Norfolk, Charleston, Savannah, and New Orleans, to the port of Southampton, in England. The departures shall be fixed and determined by such schedule as the Postmaster General may adopt, to give one departure in each week to and from the ports of the South, and one departure in each week to and from the ports of the North; and the steamers in their voyages from and to New Orleans, shall touch at the ports of Havana, Cuba, Santander, in Spain, and Bordeaux, in France.

SEC. 2. *And be it further enacted*, That the Postmaster General is hereby authorized and directed to contract with Ambrose W. Thompson, president of said National Steamship Company, for the aforesaid mail service, which shall be performed by not less than six steamers for the first division; each of said steamers shall not be of less than two thousand tons measurement, well adapted to mail purposes, and which shall, only after inspection, be accepted for the service of the Postmaster General. The service of this first division shall commence within ninety days from the date of the acceptance of the ships by the Postmaster General. The service of the second division shall be performed by not less than eight steamers; the said steamers shall not exceed three thousand tons measurement each, be well adapted to mail purposes, and to the depth of water of the southern ports; they shall be constructed in the highest state of improvement, in such manner as to make them available for transport ships, and capable of carrying moderate batteries; the service of this second division shall commence within twelve months from the date of contract.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized and directed to advance, under the terms of the contract, the bonds of the United States, bearing five per cent. coupons, payable semi-annually, and the principal payable in twenty years, towards the construction and equipment of said eight steamships for the southern division, to the amount of two-thirds of the whole cost of the said eight steamships, the said advance to be made from time to time, as the construction shall progress, under the inspection and supervision of such person as may be appointed therefor by the Postmaster General; this advance to be returned to the Treasury in annual payments of ten per centum, commencing at the end of the second year of the service of said steamers, and continuing until the whole amount is repaid.

SEC. 4. *And be it further enacted*, That the mail pay for the service of the said steamers shall be the gross sum of the land and sea postages on mailable matter carried in the said steamers during the whole term of the contract, provided the said compensation shall not be less during the first three years of the service than the rate of two dollars for each statute mile of distance run by the said steamers; and should this exceed the sum of postage receipts, then such excess shall be deducted from the receipts of the last three years of the contract. The postage receipts shall go into the general fund of the Post Office Department, and be paid therefrom monthly to the contractor, and the excess of payment, if any, as aforesaid, during the first three years of the service, shall be paid from the general appropriations made to the Post Office Department. From this monthly amount the Postmaster General shall deduct in each month the *pro rata* proportion of the interest maturing upon the bonds advanced towards the construction of said ships, which amount shall be paid into the Treasury of the United States for the purpose of meeting the coupons upon said bonds. And he shall also retain, after the end of the second year's service of said steamers, ten per centum in each year of the amount advanced for construction until the amount of said advance is fully repaid to the Treasury of the United States.

SEC. 5. *And be it further enacted*, That for the purpose of securing the Government for the amount advanced, a mortgage lien shall be executed to the Government, the steamers shall be insured in good insurance companies, and policies to the amount of said advance shall be deposited with the Secretary of the Treasury.

SEC. 6. *And be it further enacted*, That the contract for mail service shall be for ten years for each division of said service; and further, to alter and determine the departures of the whole of said service, with consent of the contractor, but in no way to diminish the whole number of departures for semi-weekly service. One spare steamer shall be kept in readiness in Great Britain and one in the United States to supply any accidental or contingent want, to keep the service regular and the days of departure exact; and when not employed, either or both of the said steamers shall be subject to the orders of the Navy Department, upon reasonable compensation being made therefor; and the Government shall have the privilege at any time to purchase or employ any or all the said vessels, upon terms to be decided by arbitrators mutually chosen, if the parties cannot agree; and when so employed they may be armed and equipped for such purposes as the Government may require.

Mr. ENGLISH. That amendment, as I understand it, proposes to establish a new system of ocean mail service which would cost the Government $5,000,000 a year. It is new legislation, and I object to it on the ground that it is not in order.

The CHAIRMAN. The Chair thinks the amendment is not in order. This is a general appropriation bill to provide for carrying out existing laws. The amendment, if admitted, would establish entirely new legislation, and the Chair therefore decides that it is not in order.

Mr. SEWARD. I shall take an appeal from the decision of the Chair, and I desire to state the grounds of my appeal. The law, as it now stands, referred to by the chairman of the Committee of Ways and Means, is contained in the fourth and fifth sections of the mail steamer appropriation bill of last session. The fourth section reads thus:

"*And be it further enacted*, That it shall not be lawful for the Postmaster General to make any steamship or other new contract for carrying the mails on the sea for a longer period than two years, nor for any other compensation than the sea and inland postages on the mails so transported."

That section has reference to the transportation of the mails by ocean steamship between San Francisco and Oregon and Washington Territory. The fifth section is:

"*And be it further enacted*, That the Postmaster General be, and is hereby, authorized to cause the mails to be transported between the United States and any foreign port or ports, by steamship, allowing and paying thereof out of any money in the Treasury not otherwise appropriated; if by an American vessel the sea and United States inland postage, and if by a foreign vessel the sea postage only, on the mails so conveyed: *Provided*, That the preference shall always be given to an American over a foreign steamship when departing from the same port for the same destination within three days of each other."

Now, the point on which I base my appeal is that this is a general law authorizing the Postmaster General to cause the mails to be transported between the United States and foreign ports by steamships. This amendment simply designates the routes which the Postmaster Gen-

eral shall select, on two divisions. The first division is for steamers from Portland, Boston, New York, and Philadelphia. The second is from Baltimore, Norfolk, Charleston, Savannah, and New Orleans. Now, then, the Postmaster General having already the power to put in operation all these lines, this amendment simply says they shall be put in operation and provides the means. I submit that the amendment is no more comprehensive in its operations than the law of the last session contemplated. If you have the right to appropriate money to carry out the contracts already entered into for the next fiscal year, then you have the right to put additional routes, contemplated by the law of the last session, into operation; and I submit that the amendment is in conformity with the law of the last session, and clearly in order.

Mr. ENGLISH. There is a material difference between the law of the last session and the amendment of the gentleman from Maine.

Mr. SEWARD. Not at all.

Mr. ENGLISH. The law of the last session provides that no compensation higher than the postages on letters carried, shall be allowed.

Mr. BOCOCK. I object to debate.

The CHAIRMAN. This is an appropriation bill to carry out existing laws. The act read by the gentleman from Georgia, authorizes the Postmaster General to make contracts for transporting the mail. He has not, however, made contracts for transporting the mail in accordance with the amendment of the gentleman from Maine. If adopted, the effect of this amendment would be to establish new lines, which have not heretofore been established by law, and which have not been established under the law by a contract made by the Postmaster General. The Chair, therefore, decides the amendment to be out of order.

Mr. ENGLISH. In addition to that, I want to call the attention of the committee to the fact that the amendment proposes that the General Government shall advance two thirds of the cost of eight of these steamships, which is entirely different from the existing law.

The question being "Shall the decision of the Chair stand as the judgment of the committee?"

Mr. PHELPS, of Missouri, demanded tellers.

Tellers were ordered; and Messrs. BRYAN and BUFFINTON were appointed.

The committee divided; and the tellers reported —ayes ninety-seven, noes not counted.

So the decision of the Chair was sustained.

Mr. HOUSTON. I move to strike out all after the word "Treasury," in the following clause:

"That the following sums be, and the same are hereby, appropriated, for the service of the Post Office Department for the year ending the 30th of June, 1860, out of any money in the Treasury arising from the revenues of said Department, in conformity to the act of the 2d of July, 1836."

And to insert in lieu thereof the words, "not otherwise appropria ed."

Mr. Chairman, I propose that amendment in order to prepare the way for another amendment which I shall offer at the proper time. The effect of this amendment would be to have the money which is appropriated paid out of the Treasury, instead of from the contingent fund of the Post Office Department. It makes no other change than that. My other amendment, which I shall offer presently, is as follows:

New York and Liverpool, and between New York and Havre and Bremen, $600,000.

And the Postmaster General is hereby authorized and required to contract with responsible parties for the conveyance of the mails, for a period not exceeding ten years, in American steamers of suitable build and speed for mail service, twice monthly from New York to Liverpool, once monthly to Bremen, via Southampton, and once monthly to Havre.

It will be perceived, sir, that those are existing lines which have been in operation for a series of years. The amendment is only for the purpose of giving efficiency to the ocean mail service, and it modifies the bill for that purpose. It does not change the lines, for they have been in existence for a long time. Therefore, I think that the question of order cannot be made on my amendment.

Mr. PHELPS, of Missouri. Mr. Chairman, this amendment notifies us in advance of the effort which is to be made to change the act of the last session of Congress, to which I have referred. The object is, that the sums specified here should be paid to those ocean steamers for the transportation of the mails from the Treasury direct. It strikes at the proviso, which is in these words:

"*Provided*, That no further or other compensation shall be paid by the Postmaster General for mail service on the aforesaid routes than the sums arising from mail matter carried by them on the said routes, respectively, unless in the case of an existing unexpired contract on said routes."

Where there are no existing contracts, and where there were none in force at the time of the passage of the act to which I have referred, by existing law, no other compensation can be made for the transportation of your mails by ocean steamers than the postages upon the mail matter they shall transport. Here is an attempt to establish a precedent for paying from the Treasury the amounts appropriated here, without regard to the postages. I presume that it will be followed by a motion to strike out the proviso I have read. To those who wish to maintain the existing law, I say, here the battle is to be fought on this first amendment; for, if it succeeds, it will be followed up by other amendments to strike out the proviso on the third page of the bill.

Mr. SMITH, of Virginia. I rise to a question of order. If the views of the chairman of the Committee of Ways and Means be correct, it will be seen that the appropriations contemplated by this bill are to be paid out of money in the Treasury arising out of the revenue of the said Department, in conformity with the act of 2d July, 1836.

Mr. PHELPS, of Missouri. Now read the proviso.

Mr. SMITH, of Virginia. No; that is enough. The law specifies a mode of payment; and the proposition of the gentleman, as I understand it, is to change that law, and direct these obligations to be met by payments direct from the Treasury, instead of from the Post Office Department. It changes the fund designated by law for the payment of this service, and is a direct change of the law itself.

Mr. GARNETT. I would remind my colleague that it also repeals existing laws, passed last session, forbidding these contracts.

Mr. SMITH, of Virginia. We all understand that. The Chair will readily perceive that this makes a change in the law, and is out of order.

The CHAIRMAN. The Chair overrules the point of order, on the ground that it only directs how the appropriation shall be made.

Mr. GARNETT. I rise to a point of order. The amendment is out of order, because it proposes to order the Postmaster General to make a contract which is in violation of existing law.

The CHAIRMAN. The gentleman from Virginia will perceive that this amendment does not authorize the Postmaster General to make contracts. The Chair overrules the point of order.

The question was taken on Mr. HORTON's amendment; and it was rejected.

Mr. HORTON. I now offer the amendment which I read a few moments since.

Mr. PHELPS, of Missouri. I rise to a question of order. The amendment proposes to repeal an existing law.

The CHAIRMAN. The Chair holds the point of order well taken.

Mr. HORTON. I wish to say a few words on the question of order. I deny that the amendment does propose to change existing law. The law authorizes the Postmaster General to contract for carrying the mails between the ports named in my amendment.

Mr. PHELPS, of Missouri. Is the question of order debatable?

The CHAIRMAN. It is not.

Mr. UNDERWOOD. There is a question of fact between the gentleman from Missouri and the gentleman from Ohio, as to whether this is a violation of an existing law. I suppose it is competent for the gentleman to state what is the law on the subject.

Mr. PHELPS, of Missouri. Debate is not in order. An appeal lies if the gentleman is dissatisfied.

Mr. HORTON. I take an appeal from the decision of the Chair, asserting my belief that the statement of the gentleman from Missouri is a mistake.

Mr. WASHBURN, of Maine. The amendment of the gentleman from Ohio proposes to strike out the words having reference to an existing service, under existing law, between the United States, Southampton, Liverpool, Bremen, Havre, or such other ports as is directed.

The CHAIRMAN. Debate is not in order.

Mr. WASHBURN, of Maine. I desire to present a point to the Chair to show that this amendment cannot be out of order.

Mr. PHELPS, of Missouri. I object to debate.

Mr. WASHBURN, of Maine. I call for tellers on the appeal.

Tellers were ordered; and Messrs. CHAFFEE and BARR were appointed.

The committee divided; and the tellers reported —ayes 83, noes 54.

So the decision of the Chair was sustained.

Mr. SEWARD. I move to strike out from line nine to line thirteen inclusive, as follows:

"For the transportation of the mails by steamships between the United States and Southampton, Liverpool, Bremen, Havre, or such other port or ports in Europe as the Postmaster General may direct, $426,282."

Now, if these contracts are already in existence, and the appropriations in this bill are to carry out existing laws or contracts, then this section is an enlargement of the powers conferred on the Postmaster General by the act of 1858. It says: "or to such other port or ports in Europe as the Postmaster General may direct." Now, if the contracts are already in existence, this clause is a proposition to change existing law, and the bill is subject to amendment to any extent, to enlarge the whole of this ocean mail steamer service; and I maintain that we should have an equal division of that service between the North and the South. Unless this clause is stricken out, I shall offer an amendment to provide for lines departing from Portland, Boston, New York, and Philadelphia, on the one side, and from Baltimore, Charleston, Savannah, and New Orleans, on the other side. Let us have an equal division of the money of this Government, if this ocean mail steamer system is to be kept up.

I put it to the Chair and the committee to tell me what this expression, "or such other port or ports in Europe as the Postmaster General may direct," means, if it does not mean that he has unlimited power, within the range of this four hundred-odd thousand dollars sought to be appropriated, to put on any number of steamers to and from any ports he may select? I ask the Chair to compare this paragraph with the fifth section of the act of 1858, and see whether it does not enlarge the powers of the Postmaster General? I say it does, if the English language means anything; and I protest against the South being stricken down by any rule laid down by the Committee of Ways and Means, or by any ingenuity of theirs in draughting their bills.

Now, if the Chair, as a lawyer, will compare this paragraph of the bill under consideration with the fifth section of the act of 1858, he is bound to come to the conclusion that it does enlarge the powers of the Postmaster General, and that, under this bill, he can make new contracts anywhere within the $400,000. This bill, then, changes the existing law; and this is the way in which, at every session, the bills of the Committee of Ways and Means are ingeniously draughted and covered up. And yet, when other members offer amendments of the same character, the Chairman is called upon to enforce the rules of order stringently, so that we can get no proposition through which will prevent one entire section of the Union from being excluded from the benefits of this service.

Now, sir, how is the commerce of the South to be extended? You collect scarcely any revenue in the southern ports, for the reason that, by this kind of Government patronage, you direct nearly all the foreign commerce to New York, so that two thirds of the entire revenue of the Government is collected at that port. Yet, we have been told that New York pays her own postage, and that the South does not. How can the South pay its own postage or build up any considerable foreign commerce when, by your action here, you concentrate all the avenues of commerce and trade to this great emporium? Sir, I appeal to this House, I appeal to the heart of southern men, to know when we shall get rid of this thing? I have no disposition to make war upon New York or Philadelphia; I would do no injustice to them; but I insist upon a fair division of the funds of the Government to be appropriated for the extension

of the commerce of my portion of the country. I want that our southern ports shall be the recipients of an equal amount of Government patronage with the northern ports. I want encouragement, so that we may be able to get up some sort of direct trade with foreign ports, that we may collect some revenue, and that we may assume a respectable position in the nation in respect to commerce, and that we may be able to assume that position in the nation which our agricultural interests entitle us to. I say that it is a disgrace to southern men on this floor to give everything to the North and nothing to the South, as you are doing.

Mr. RITCHIE. I suppose it is in order to amend the section before the vote is taking on striking out. I move to amend in the tenth line, by striking out the words "the United States," and inserting the words "New York;" so that the paragraph, as amended, will read:

For the transportation of the mails by steamships between New York and Southampton, Liverpool, Bremen, Havre, or such other port or ports in Europe as the Postmaster General may direct, $426,282.

As the clause now stands, it leaves it discretionary with the Postmaster General to start a line of steamships from any port on the Atlantic, Pacific, or Gulf coast. Now, I believe that New York is the only port which has lines of steamships running to these ports; and I think, therefore, that that point should be designated in the bill.

Mr. PHELPS, of Missouri. I desire to say a few words in reply to the gentleman from Georgia, [Mr. SEWARD.] He speaks of his desire to see a division of the benefits that are to result from these ocean mail steamship contracts for the transportation of the ocean mails to foreign countries. He seems to characterize this bill as prepared with a design to exclude the South from any benefits under this act. Mr. Chairman, the gentleman certainly cannot have examined the law and the appropriation here submitted. What is proposed in the first paragraph of which he complains, and which he moves to strike out? It provides for the transportation of the United States mails between the United States and certain foreign ports in Europe, not naming the ports in the United States from which the lines are to start. The bill, therefore, makes no discrimination against southern ports; it is merely framed in pursuance of existing laws for the purpose of carrying them out in good faith.

Mr. SEWARD. Are not all these contracts for which this bill provides already made and settled?

Mr. PHELPS, of Missouri. Not at all.

Mr. SEWARD. Very well, that only strengthens my position.

Mr. PHELPS, of Missouri. The Postmaster General is authorized to contract for the transportation of the mails between any port of the United States and any foreign port here named, and to make, as compensation therefor, any sum which shall not exceed the amount of postage derived from the mail matter carried. I call the attention of the gentleman to the language of the fifth section of the act of the last session:

"That the Postmaster General be, and he is hereby, authorized to cause the mails to be transported between the United States and any foreign port or ports by steamships."

Mr. SEWARD. Well, sir, has not the Postmaster General entered into contracts for carrying the mails under that fifth section?

Mr. PHELPS, of Missouri. He may make any contract for the term of two years; but he is authorized to pay no compensation that shall exceed the amount of postage derived from the mails carried by the vessels with which he contracts. Contracts have been made by the Postmaster General under these restrictions for short periods, and they may be made by him with vessels starting from Boston, Philadelphia, Charleston, and New Orleans, as well as from New York.

Mr. SEWARD. I desire to ask the gentleman one question. This fifth section of the act of last session is general in its provisions. It does not prescribe, as I understand, any place from which the mails shall leave the United States. It simply says it shall be from the United States. Now, I ask the gentleman why it is that he fixes the terminus at the other end of the route at Southampton, Liverpool, Bremen, and Havre, unless the intention was to give this patronage to New York; for the gentleman knows there are lines of steamers running from New York, and from no other port in the United States to these points? Why did he not allow the Postmaster General, in his discretion, to fix the terminus at the other end of the route at any port in Europe, if it was his intention to give the advantage of this mail service to other ports in the United States as well as New York?

Mr. PHELPS, of Missouri. For the very reason that the law requires the mails to be carried from some point in the United States to those points designated; but it does not exclude the Postmaster General from entering into contracts to transport the mails to these foreign ports from the cities of Boston, Baltimore, Charleston, or any other port in the United States; and therefore it is that I say that every portion of the country will derive equal benefit from the provisions of this bill where there is sufficient enterprise to organize these foreign lines of steamships.

[Here the hammer fell.]

The amendment offered by Mr. RITCHIE was disagreed to.

The question recurred on Mr. SEWARD's motion to strike out.

Mr. JOHN COCHRANE. I suppose it is still in order to perfect the clause proposed to be stricken out. I move to amend by striking out in the twelfth and thirteenth lines, "$426,282." Mr. Chairman, if this motion succeed, it will render nugatory the paragraph to which it is attached. That, sir, is my desire and design. It is my purpose, if the committee shall agree with me, to render ineffectual this whole provision. The paragraph is based strictly upon the law of the last session, and a more iniquitous and unjust law, not to New York alone, but to the whole country, was never passed.

Mr. ENGLISH. I rise to a point of order. The gentleman is not confining his remarks to the amendment.

The CHAIRMAN. The Chair thinks the gentleman is confining his remarks to the amendment, which is to strike out the whole appropriation.

Mr. JOHN COCHRANE. Although I propose this as an amendment to the bill, I suppose that my argument will be as much of an amendment to the amendment, if the facts which I shall give are reliable; and I believe they are. A more iniquitous and unjust law to the common interests of this country, than the one which was enacted here at the last session of Congress, never has entered into the mind of a Congress, either to conceive or to enact. Under its effects, our ocean steamers, with the exception of two, have been driven from the ocean. There are but two now employed in plying the ocean between European and American shores. Sir, they are not able to accomplish their voyages with the niggardly assistance rendered by virtue of this law. The service, indeed, rendered by its provisions to anybody, has been rendered to English capitalists and the English Government alone. Four fifths of the postages upon American letters, find their way into the English exchequer. Of the million and over of American postages received by the English Government, $800,000 are paid in the shape of subsidies to the Cunard steamers, and $150,000 to the Galway line, leaving a surplus something like sixty-six thousand dollars to be given to any other line for which English capitalists may ask assistance from the English Government. These I believe to be reliable figures; and what has been the effect upon American steamers? The effect has been this: the steamers which have been constructed by American capitalists, have been fated to be tied up to their wharves. Of the forty-one steamers navigating the ocean, between Europe and America, two only are American steamers; whereas, in 1855, out of the thirteen then navigating the ocean between the same shores, nine were American steamers. Why is this? It is because, under our present contract system, there is no assurance of certain or definite compensation by which American capital may be allured to the support of American steamship lines. It avoids them; it forsakes them; and thus all our ocean steamer interests are falling—nay, have fallen—into the hands foreign to those of American capitalists. Sir, this is the present condition of our steam marine affairs; a condition produced by the unjust operation of this law.

[Here the hammer fell.]

Mr. PHILLIPS. Mr. Chairman, if I rightly understand the amendment of the gentleman from New York, it is to annul a law by refusing the appropriation necessary to carry it into effect. I understand the gentleman to avow that such is his object. If I have misunderstood him, I beg to be corrected. I confess that I am a little astonished to hear that gentleman, of all others, avow such a purpose.

Mr. MARSHALL, of Kentucky. I want to know of the gentleman from Pennsylvania, or the chairman of the Committee on the Post Office and Post Roads, whether the amount of $426,000, now proposed to be stricken out, is the exact amount that is necessary to supply existing contracts upon existing lines.

Mr. ENGLISH. I understand that amount to have been fixed upon for the reason that that was the estimated amount of postages for one year for the service, the object being to pay for this service the amount of postages derived, and no more.

Mr. PHILLIPS. I will answer the gentleman from Kentucky directly. In regard to what has been said by the gentleman from New York, if this attempt to make sea-steamer service self-sustaining is not in accordance with the views he has taken, and if it is not a part of the system of retrenchment and reform to which I believe the gentleman has been pledged, I ask him to tell us now why it is that when he pledges himself to a system of retrenchment and reform, when the object of this is to reinstate—when what was done at the last session was to reinstate—the old law, which gave postage to the carrier, I ask him why, now, instead of seeking to change the law, he is not willing, in this instance, to pursue retrenchment and reform? I ask him why he attempts to annul a law by refusing, what I conceive to be the plain duty of every member of Congress, to vote the appropriation necessary to carry the law into effect?

Mr. JOHN COCHRANE. My simple answer is this: as there are no vested rights under this law, if we can save $426,282, and upon my motion, I shall be proud, in this House, as being the best reformer of you all. But, in another view, I am for annulling this law, because, while I am for retrenchment and reform at the sacrifice of our citizens, I am not for retrenchment and reform which shall be for the benefit of the citizens of a foreign country.

Mr. PHILLIPS. Then the gentleman shifts his ground, and I am glad that he does. He said that he wanted to annul the law. I tell the gentleman that he does not save a dollar. If he will read a little further on in the bill, he will find that his idea of saving $426,000 is a pure fiction; because his $426,000—and I state it to the gentleman from Kentucky at the same time—is merely stated, if I understand it rightly, as the maximum amount of postages, an outside amount beyond what can be received, and, therefore, the largest sum which can be paid; and, whether the gentleman succeeds in striking it out or not, he will not change the law, or save the Government a dollar. I imagine the gentleman's real object has been reached. It is to express his sympathy with those of his own city, who have lost this patronage. I have nothing to say against their enjoyment of it; but, as I said before, the gentleman must pardon me if he does not get his full share of sympathy from other sections, towards which he is far less considerate, and towards which he is fond of applying, and to a greater extent, his system of retrenchment.

[Here the hammer fell.]

Mr. SMITH, of Virginia. I move to strike out "four," and to insert "three." It is known to some of the committee, though, perhaps, not to all, that we have postal treaties with foreign nations. One of the first provisions of these treaties is that we shall not sail our mail steamers from this country on the day the British steamers leave. The consequence of this provision is, that we are obliged to give all the mails, down to the day of departure, to a British steamer. That is not all. By the existing law, as it now stands, we do all the work of the mails, sent by the British steamers, for nothing. Does the committee understand that that is equivalent to a charge on us of about one hundred and fifty thousand dollars a year, in the shape of commission, to postmasters?

Nor is this all. We pay to England sixteen and one half cents an ounce on all mail matter

brought to England, and passing through that kingdom to the continent of Europe. That is equivalent to $150,000 more; so that we are now paying, to foster British enterprise, $300,000 a year. Besides that, the amount collected by our postmasters has to be paid in London, so that we absolutely have to pay a premium of $7,000. We do their work for nothing, and pay them premiums besides.

I mention these things to let the committee see what grievances we are laboring under. And what is the consequence? Why, under these disadvantageous circumstances, our steamers, even under the management of a Vanderbilt, have been unable to maintain the struggle, in consequence of the bonuses paid to the English lines. To be sure, there is a treaty for the transit to Canada; but there is no corresponding equivalent in that. The consequence is that our lines have disappeared from the ocean. Collins is expired; Vanderbilt is hauled off. The contract that was made for two years is now abandoned. Instead of acting in this way England has doubled her service, and is going to run her steamers twice a week. Under the existing postal arrangements, England is going to monopolize our mail in spite of all our enterprise and skill. At this time, under this wretched, vile, extraordinary system, we have to-day millions of capital sunk in our magnificent steamers that are lying up at the wharves of New York, rotting and wasting with the ravages of time. I say this thing ought to be corrected. Its correction is demanded by the highest considerations of public duty. And what is the remedy? It is for us to have nothing to do with these postal arrangements; but to carry our mail abroad and let the foreigner bring his mail to us. Let us have the mails made up by our own people and carried abroad, and levy on them what we choose, say twenty cents a letter. Let us carry the mails to Europe, and let the foreigners carry their mails to us. We will thus get our equal share of the business. It is in that spirit that I propose this amendment.

Mr. JOHN COCHRANE. I am opposed to the amendment of the gentleman from Virginia, for the simple reason that the argument which I shall present in opposition to his amendment is an argument in favor of the amendment which I submitted. I was very happy to hear from my friend from Pennsylvania; and although I disagreed with him in many of his remarks, yet I was most happy to perceive that the old emulation between the city which he represents, in part, and the city which I, in part, represent on this floor, has been worthily revived. Yet, if he had alluded to the position which I occupy in this argument and on this amendment, he would have found no occasion for even so just and worthy a revival as that which I have attributed to him. Sir, I do not stand here to represent the interests of New York alone. I represent, in the argument that I propose to the ear of the committee, the broad interests of the commercial portions of this Republic; and those interests are as common, as general, as unbounded, as the Republic itself. Whether these steamers shall have their western terminus at New York, or Charleston, or Savannah, or Portland, or New Orleans, is a matter of no importance, in view of the argument that I submit—an argument which, if it moves on proper facts, will show that the interests of all these portions and sections of the Union are suffering in comparison with the interests of the English empire.

Sir, it matters not from which point or port your steamer takes its departure. It matters not what sum you may fix as the remunerating recompense for the postal service. If it be but reconciled to the state of commerce at your various ports, it will receive no more and no less than the postages will warrant; and no line of steamers will continue to ply for one day from any port where the amount of postages will not warrant its continuation.

Sir, this is no local or sectional question. It is as broad and general as the interests of the country; and whenever the commerce of a port warrants communication with another port, by steamers, these ocean steam lines will exist; and whether such communication will be from ports at the North or the South, will depend entirely on the development of lines of internal commerce communicating with the place, its resources, and its general prosperity.

The question was taken on the amendment of Mr. SMITH, of Virginia, to the amendment; and it was rejected.

Mr. HORTON. I move to amend the amendment by striking out "four" and inserting "six." I ask the attention of the committee for a few moments to the reasons which I shall present in favor of my amendment to the amendment of the gentleman from New York. It has been stated, by the chairman of the Committee on the Post Office and Post Roads, that the law restricts the Postmaster General to the ocean and inland postages. I wish to state, for the information of the committee, that the ocean and inland postages amount to between twelve and thirteen hundred thousand dollars; and if my amendment be adopted, there will be weekly service between the port of New York and the ports of Europe, or fifty-two round voyages a year, as the Cunard line now makes. It is but fair to suppose, that if we have a system of weekly service between New York and the European ports, we shall divide the postages with Great Britain. The sea and inland postages amount to more than twice six hundred and twenty thousand dollars a year, so that we shall, if my amendment prevails, support our lines well, and pay no more money than heretofore. The gentleman from Virginia is right in saying that we work for the British Government for nothing, and pay them $150,000 a year for the privilege of working for them for nothing. All that is requisite for us to do is simply to organize in this bill a common-sense business system—to have weekly service between New York and the European ports, fifty-two round voyages a year. Twelve thousand dollars a round trip will be paid, and more than paid for by the sea and inland postages which will be realized under that system.

Mr. Chairman, the British Government receives, over and above its subsidy to the Cunard line, $8,000 a trip, fifty-two times a year. By our want of system, by the want of that degree of perspicacity which we ought to exercise, we allow them to put into their pockets our money, and thus withdraw the means of supporting our own mail steamers.

Sir, the only other way is to abrogate the postal conventions between this Government and the European Governments, and let the ocean postal service go to the steam lines that will carry the mails for the postages. But, if you adopt this plan which I propose, you can pay these steamship owners and accommodate the public. Let our steamers sail on alternate days with the Cunard line, and then there will really be steam communication between our ports and the European ports twice every week in the year. We can do this for what we now pay to the Cunarders, and the little stipends we pay to the few steamers we have in operation. I submit that the common sense and business judgment of the committee ought not to hesitate a moment to adopt this system.

The amendment to the amendment was rejected.

Mr. HASKIN. I move to amend the clause under consideration, by striking out "$426,282," and inserting, in lieu thereof, the following:

The sum or sums of money that may be received for the transportation of the mails between the ports aforesaid, severally and respectively.

I am induced to offer this amendment by the statement which has been made by the chairman of the Committee on the Post Office and Post Roads, that the amount of $426,000 in this clause is made up from a calculation of the amount that will be received for postages between the ports designated. My object is to make this branch of the postal service of the country self-sustaining. I am opposed to these enormous and extravagant mail steamer contracts. I am rather in favor of free trade, in connection with the subject of carrying the mails between this country and Europe; and I am satisfied that this is a branch of the public service to which Congress should apply the principles of reform and retrenchment.

When this bill is examined in detail, it will be found that it proposes to appropriate $2,194,067 for mail steamship contracts for carrying the mails for one year.

Mr. PHELPS, of Missouri. The gentleman is mistaken as to the amount.

Mr. HASKIN. No, sir. Here are clauses providing for carrying the mails on some lines for only three and six months; but making the allowance at the same rate for the whole year, and you have the aggregate amount I have stated.

Mr. PHELPS, of Missouri. The gentleman from New York is mistaken as to the amount appropriated by this bill. It is only $1,222,312. There is, as he states, an appropriation for the New Orleans and California line, for the first quarter of the next fiscal year; but he will find the appropriation for the three next quarters in a preceding portion of the bill.

Mr. HASKIN. With all due deference to the chairman of the Committee of Ways and Means, I state that I am correct in my statement as to the amount. Here is a clause:

"For the transportation of the mails by steamships from New York amd New Orleans to San Francisco, California, via Panama, and back, from the 1st October, 1859, to 30th June, 1860, $248,467 50."

Mr. PHELPS, of Missouri. That is for nine months.

Mr. HASKIN. I made a mistake of three months, then. Now, sir, I am informed that the other branch of Congress has passed a bill increasing the rates of postage to five cents—a bill which will never receive my vote, because I am in favor of the cheapest possible dissemination of intelligence through the mails. I say it is important that we should here set the example, and vote against these enormous contracts, which are corrupting the legislation of the country, and corrupting the elections of the country. I am opposed to these contracts, as I said before, upon the principle that the postage should pay for the transportation of the mails; that these ocean contracts should be self-sustaining; and I hope that the amendment which I have proposed, confining the payments for this mail service to the amount actually received for the mail matter carried, will be adopted.

Mr. ENGLISH. I will only say, in reply to the gentleman from New York, that if he will refer to the third page of the bill, and read from the fortieth to the forty-fourth lines, he will find that the amounts to be paid for this service are limited to what is actually received in the shape of postages.

Mr. CLARK, of New York. Is it in order to offer an amendment to the second section of this bill?

The CHAIRMAN. It is not.

Mr. SMITH, of Virginia. I desire to oppose the amendment which has been offered; and I shall proceed to make some remarks in addition to those submitted by me when I was up before. In the first instance, as a general proposition, my objection is the same as that of the gentleman from New York [Mr. HASKIN] who last addressed the committee. But, Mr. Chairman, it is a fact that the Cunarders now receive from this country the sum of $800,000 to sustain them in their enterprise. Great Britain has had, since 1840, a weekly line of steamers, at a compensation of $800,000 a year. She has, within the last six months, extended the contract from 1862 to 1868, and has also increased the service to two trips a week. Hamburg has a semi-monthly line, and Bremen also; thus making one hundred and fifty-two trips per annum, or three a week. The consequence was that, for the past year, these foreign steamers earned $1,016,792 out of the total amount of $1,378,147; leaving $361,355 to the American steamers. At the same time, citizens of the United States paid of this sum $482,624, and citizens of foreign countries paid but $535,522, showing that we paid $307,101 more than foreign countries, and yet foreign steamers earned $1,016,792; and let me observe, that England has now nearly the entire control of the postages between the two countries. I want to take this advantage away from them. I want to abrogate the postal treaties between this country and foreign countries. I want the postages paid by American writers on letters going to Europe, to go for the benefit of American steamers; and then, if foreigners choose to give their own ships a like advantage in respect to their own letters, let them do it. We will take what we can get, and make the most of it. I do not want to provide by our legislation here to pay this large bonus to the Cunard steamers.

The amendment to the amendment was disagreed to.

Mr. CLARK, of New York. I move to amend, by inserting, in line ten of the bill, the word

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"American," between the words "by" and "steamships," so as to make it read, "by American steamships."

I do this, Mr. Chairman, simply for the purpose of saying a few words upon a subject which, it seems to me, is not fully understood by gentlemen upon this floor. There is no difficulty in our having an American line of ocean steamships sustaining itself with the aid of the postages, sea and inland, which it earns; not the slightest. It is our own legislation and our own action which prevents that state of things at present. The policy of great Britain is to encourage her ocean mail service. She does it by means of fixed compensation. Some ten years ago we adopted the same system for the establishment of ocean mail lines to different ports in Europe, and it is thought by some that this policy has brought us into our present difficulties. You farmed out and gave a lease of the ocean for ten years to particular individuals. You excluded all competition, and thus paralyzed the private enterprise of our citizens. It was, of course, unable to compete with establishments sustained by direct and liberal aid from the Treasuries of Great Britain and the United States. But if the Government of the United States will send no mails abroad save by American steamers, will pay no postages to foreign steamers for the transportation of American mails, you can have a line of steamers once a week running from the city of New York to some port in the British channel, which shall, from the postages alone, derive a revenue which shall enable it to compete with that which England pays in the shape of direct compensation to the Cunard line. England now pays to the Cunard line of steamers between fifteen and seventeen thousand dollars the round voyage. These steamers thus have a monopoly of her mails, and they have, in addition, a monopoly almost of our mails, for we sustain that line by paying them postage upon our mail matter which they carry. Now, the remedy is simple: abolish your postal conventions, and provide that the American mails sent to Europe shall be carried by American steamers, and by them alone; and let Great Britain send her own mails by her own steamers exclusively, if she pleases. The discrimination will be in our favor, for the mails from the United States are larger than the mails from England; and, besides, our American steamers cannot fail to obtain a considerable share of the continental mail matter.

Now, sir, so long as England pays to the Cunard line a sum amounting, I believe, to about $16,000 the round voyage, and we pay that line, in addition, a very large sum of money for the transportation of our mails, it will, as a matter of course, be impossible to sustain an American line of steamers from the postages alone. The remedy, as I have said, is simple: establish a line of steamers running once a week from New York to Southampton; give that line the postages, sea and inland, on the mail matter carried by them, and prohibit the sending of American mails by any other lines of steamers. Do this, and you will find responsible parties ready to undertake the enterprise and faithfully perform the service. You will thus have a substantially self-sustaining ocean mail service; and you will never have it while you encourage the British monopoly by giving them the transportation of our own mails, and by contributing to their support the postages on the American mails they carry.

But, sir, I am not informed how this sum of $426,286 is arrived at. If I understood the chairman of the Committee of Ways and Means, it is the estimated amount of sea and inland postages. Now, suppose the sea and inland postages amount to more than that sum, how is the contractor to get the additional sum to which he is entitled?

Mr. PHELPS, of Missouri. I answer the gentleman that it will be appropriated by the next session of Congress. I think, however, the amount of postages received on such mail matter will not exceed that sum.

Mr. CLARK, of New York. Suppose, then, that the amount of earned postages should be less: are the contractors to receive this gross amount, whether the postages earned reach that amount or not?

Mr. PHELPS, of Missouri. By no means. The amount to be paid them is expressly restricted to the postages received on this description of mail matter.

Mr. CLARK, of New York. If a system of the kind I have suggested shall be adopted, an American ocean mail line can be sustained, without the contribution of a dollar from the Treasury; and I desire to see such amendments now put to this bill as will enable such a system to be set on foot at once; for it is utterly out of the question that you can have an American line sustained by means of postages upon the mail matter conveyed, while you continue to send your mails by a British line, which, in addition to the amount you thus contribute to their sustenance, derives a large and fixed compensation from the British treasury. If you wish to have an American line sustained by the postages, you must not foster its British competitor, by giving it the postages on American mails.

[Here the hammer fell.]

Mr. MARSHALL, of Kentucky. I am opposed to the amendment of the gentleman from New York, because it goes a great deal further than his speech. The effect of his amendment will be to give the sum appropriated to American steamers, so far as *they* may earn postages, but it leaves out the amount which will be due for postages earned by foreign bottoms, and which, by force of our postal conventions with foreign Governments, the United States will be bound to provide means to pay.

In the main view presented by the members from the city of New York I cordially concur. I think that this whole matter is in a nut-shell. I have made a calculation from the Postmaster General's report, which will exhibit the facts at a single view. The total of postages upon mails exchanged with Great Britain and Europe last year amounted to $1,378,147. Of this sum $842,624 was collected as postages due on outgoing mails, and $535,522 was collected abroad on incoming mails; so that it appears that, under existing postal conventions, America furnishes an excess to the general fund, over European and British contributions to it, of $307,101. Yet, it also appears that, of the whole fund, American bottoms have drawn but $361,355, while foreign bottoms have drawn $1,016,792; thus exhibiting the great fact that the postal conventions, and our legislation together, operate to throw the postages into foreign hands, to the substantial exclusion of American shipping. Now, the effect of this system is to enable foreign Governments to diminish the subsidies which they find it to their interest to afford to their steamers, to enter into competition with ours, and to give facilities to their shipping which are denied to the shipping of our country. Great Britain pays, as a subsidy, to the Cunard line, $800,000 per annum, or thereabouts; we require our steamers to rely on the postages they may earn; yet, by a convention which compels us to give the mails, which are ready for shipment, to any steamer of the Cunard line which may be ready to depart, we permit the subsidy of Great Britain to become effective, and we cut off from the American line the postage on which it is compelled to rely.

There is a provision of the treaty binding us to give the mails to the ship ready to depart, whether it is an American or a foreign vessel. That being our obligation under the treaty, as a matter of course, when they pay subsidies and we do not, the effect is to rule out our American steamers, and to oblige us to give the foreign vessel the United States mails. But we do more. We pay postmasters in the United States commissions to collect and forward these mails. We pay inland transportation upon them, and it is within a safe calculation that this commission alone amounted to $140,000. We paid, as transit dues last year, upon continental letters passing through Great Britain, $150,698. Strike down or abrogate these foreign postal conventions and one or both of these items will be saved. But let me cite another effect produced by these conventions: As they operate, they transfer *the conduct of commerce* between port and port to the ships of foreign nations, and drive American steamers from the trade almost altogether. The $6,000,000 of annual earnings in the way of commerce and postage, which should be given mostly to our own people, goes abroad under the system we pursue, and I think it is high time the system should be corrected.

Now, Mr. Chairman, the gentleman from Missouri says that the amount in this bill is the *estimated* amount. You can take my word for it that it is a loose estimate; and we have had a loose sort of explanation of it. If the chairman of the Committee of Ways and Means will return to his figures, he will find the total amount of postages that we have paid out upon all our lines, both English and continental lines, for the last year, was only $361,356. And the experience of last year shows that there has been a decrease upon the line which goes to England, while there has been a limited increase upon the line that goes to Havre. That is accounted for from the fact that, under our arrangements with France, we now pay over twelve and some fractional cents postage upon the half ounce; while we pay twenty-one cents to Great Britain. We escape the transit duty upon postal matter passing through England, by taking a continental route. I am in favor of giving our people upon the high seas the free air. Let our ships ventilate themselves without sending them adverse winds from their own shores. Let us inaugurate now a system of American legislation by which, if there is any discrimination, it shall be in favor of American shipping where ever our flag waves.

[Here the hammer fell.]

Mr. HASKIN. Upon a calculation, I find that I am in error in regard to the aggregate amount of this bill. It is $1,250,000, instead of $2,000,000.

The question was taken; and the amendment was rejected.

Mr. SMITH, of Virginia. I offer the following amendment, as a substitute:

That the Postmaster General be, and he is hereby, authorized and directed, immediately after the passage of this act, to give notice to each and every European Government with which the United States Government has a postal treaty, of the abrogation of each and every such postal treaty, in conformity with the provisions for abrogation contained in each treaty respectively: *And, further*, he is directed to obtain, if possible, the consent of the parties, respectively, thereto, to the immediate abrogation thereof.

That the Postmaster General be, and he is hereby, authorized and directed, immediately after the passage of this act, to contract with citizens of the United States to transport the mails of the United States, on American built steamships, for a period of ten years, between such ports of the United States and such ports of Europe as, in his judgment, he may deem most conducive to the public interests, not less than once a week, nor oftener than twice a week; and the compensation to be paid for such service shall not exceed the gross amount of sea and inland postages on the mails conveyed by said steamers, said gross amount to be distributed among the lines, *pro rata*, according to the distance run by each line.

That, from and after the abrogation of the postal treaty, as provided for in section first, the rate of letter postage from any place in the United States to Europe shall be twenty cents for each half ounce, or fraction of an half ounce, and on every newspaper two cents, and on all other printed matter two cents an ounce, and that the postage on all such mailable matter shall be prepaid by stamps, or stamped envelopes: *Provided*, That all letters intended to be sent to Europe shall be sent through the United States Post Office, and all such letters shall be sent by the United States mail steamers, under contract with the Post Office Department; and it shall not be lawful for the master of any vessel about to sail from any port of the United States to Europe, or for any other person, to receive, or carry on board such vessel, any letter, with the intention of conveying the same to Europe, under a penalty of fifty dollars for each and every letter of half an ounce, or fraction of half an ounce.

That no steamship or vessel arriving at any port in the United States shall be permitted to report, make entry, or break bulk until the master or commander shall have delivered to the postmaster at such port, all letters and newspapers on board the same, directed to any person within the United States or Territories thereof; and if any master shall break bulk before he shall have complied with the requirements of this act, every such offender shall, on conviction thereof, forfeit for every such offense the sum of $5,000; and the rate of postage to be collected by the United States Post Office on all such letters, if brought by a United States mail

steamer, shall be the same as established by this act; and, if brought by any other vessel, the rate of letter postage shall be two cents, in addition to other regular United States inland postage, for each half ounce, and on each newspaper shall be two cents in all cases.

That if the writer of any letter shall, by superscription on said letter, direct said letter to be sent to Europe by a foreign mail steamship, and shall prepay the rate of postage as established by this act, the postmaster shall send such letter by the foreign mail steamship: *Provided*, The master of said steamship will receive the same: *Provided, nevertheless*, That the postage prepaid thereon shall belong to the United States, and no part thereof be paid to such foreign steamer.

Pending the reading of the amendment,

Mr. BRANCH said: Mr. Chairman, I raise a question of order on the amendment. It proposes to abrogate a treaty which is declared by the Constitution to be the supreme law of the land.

The CHAIRMAN. The Chair sustains the point of order raised by the gentleman. The amendment is clearly out of order.

Mr. SINGLETON. I wish to say a word before the Chair announces its decision. These matters that are alluded to here as treaties, are not treaties at all in the constitutional sense of the term. They are mere postal conventions entered into with the Postmaster General.

The CHAIRMAN. There is no question before the committee on that amendment. The pending question is on the motion of the gentleman from Georgia.

Mr. SEWARD. I withdraw that amendment, and I offer this amendment in lieu of it:

At the end of line thirteen, add the following:

And if the Postmaster General shall think proper, under the fifth section of the act of 14th June, 1858, to cause the mails to be transported from Baltimore, Norfolk, Charleston, Savannah, and New Orleans, or either place, to any foreign port or ports, the further sum of $800,000 is hereby appropriated therefor, out of any money in the Treasury not otherwise appropriated, upon the same terms and conditions as is provided by the fifth section of the act aforesaid.

Mr. PHELPS, of Missouri. I rise to a question of order.

The CHAIRMAN. The Chair has already decided an amendment similar to this out of order. The Chair rules the amendment out of order, for the reasons already stated in reference to the amendment offered by the gentleman from Maine.

Mr. SEWARD. I appeal from the decision of the Chair; and I want to state the grounds of my appeal. The Chair certainly does not understand the question; and I know that, if the Chair listens to me, he will decide differently.

Mr. EUSTIS. I rise to a question of order. Is the question debatable?

The CHAIRMAN. It is not debatable.

Mr. EUSTIS. Then I object to it.

The CHAIRMAN. The Chair is disposed to indulge the gentleman from Georgia.

Mr. EUSTIS. If it be not debatable, I insist upon my objection.

The CHAIRMAN. The gentleman from Georgia will state his point of order.

Mr. SEWARD. I have copied my amendment from the fifth section of the act of 1858, which authorizes the Postmaster General to cause the mails to be transported from any port in the United States to any foreign port or ports by steamships.

Mr. EUSTIS. I am sorry to interrupt the gentleman, but I ask whether the question is debatable?

The CHAIRMAN. Debate is not in order.

Mr. EUSTIS. Then I insist on my objection.

The CHAIRMAN. If the Postmaster General had, under the fifth section, made a contract as authorized by this amendment, then, perhaps, it would be proper for the appropriation to be made to defray the expenses. But the effect of the amendment offered by the gentleman from Georgia would be to require the Postmaster General to make new contracts not authorized under existing laws. The Chair decides the amendment of the gentleman from Georgia out of order, on the ground that it changes existing law, no contract having been made by the Postmaster General. The gentleman from Georgia appeals from the decision of the Chair. Shall the decision of the Chair stand as the judgment of the committee?

Mr. GREENWOOD called for tellers.

Tellers were ordered; and Messrs. HAWKINS and UNDERWOOD were appointed.

The House divided; and the tellers reported—ayes 110, noes 15.

So the decision of the Chair was sustained.

Mr. MARSHALL, of Kentucky. I move to amend the clause by striking out the words, "or such other port or ports in Europe as the Postmaster General may direct," and inserting in lieu thereof, "under existing arrangements."

I will briefly explain the object of my amendment. It will be remembered by the House that at the last session we had a struggle over this mail steamer bill, an attempt being made to pretermit Liverpool as one of the termini of the Collins line, and to shift it to Southampton, where that line would come in conflict with the Havre line. The parties were here struggling with each other; the Collins line being willing to run to Southampton, but not being willing to continue to run to Liverpool under the existing arrangement. My only object in offering this amendment is to confine this appropriation to payments under existing arrangements, and not to permit the Postmaster General to alter any existing contract by changing the termini of the line. I do not want the Postmaster General to enter into any new contract for the transportation of the mails from an American port to a foreign port. I think that, in view of the condition of our postal arrangements, we ought to give notice and terminate all these postal treaties. But while I am in favor of that policy, I do not want, by any law, to put it into the power of the Postmaster General to do what Congress, at its last session, was not willing he should do. If we leave him to select the ports to which the steamers shall run, you may depend upon it that he will do what you forbid him to do last session. My amendment meets that case, and I hope the committee will adopt it.

Mr. EUSTIS. I remember very distinctly the difficulty and struggle which we had about this matter last session, and I sincerely hope the amendment of the gentleman from Kentucky will be adopted.

Mr. SEWARD. The gentleman is not opposing the amendment of the gentleman from Kentucky.

Mr. PHELPS, of Missouri. I oppose the amendment. There is this objection to it. The act of last session authorizes the Postmaster General to establish mail service between ports of the United States and foreign ports, allowing no other compensation therefor than the postages earned by the transportation of the mails. Hitherto, this service has all commenced from the city of New York; and the amendment of the gentleman from Kentucky would still confine the service to that city. I desire to see as many steamship lines established between the United States and foreign countries as capitalists may choose to establish; and whenever such lines are established, I desire to see them carry mail matter for the postages received on that matter.

Mr. EUSTIS. I desire to ask the gentleman a question. I, too, am in favor of extending these privileges as much as possible to every part of the United States; but I want to ask the chairman of the Committee of Ways and Means whether he is in favor of giving the Postmaster General power to change the contracts which have been made with Collins and others, and allow them to change the termini of those lines in England?

Mr. PHELPS, of Missouri. So far as the contract with Collins & Co. is concerned, that expires this year; and the gentleman's question is answered by saying that there are no contracts now existing except those made from time to time for the transportation of the mails for the postages thereon.

Mr. MARSHALL, of Kentucky. Do I understand the chairman of the Committee of Ways and Means to disclose the fact, that it is intended, by this clause, to give the Postmaster General a right to make new arrangements, or is he only to carry out existing laws?

Mr. PHELPS, of Missouri. There is no change of contract for carrying out existing laws by the words proposed to be inserted. All the existing contracts of this kind are under the fifth section of the act of the last session of Congress. The course pursued by the Postmaster General under that act, as I understand, has been this: whenever an American vessel is about to sail, the postmaster at New York makes an arrangement by which it shall carry the mail to the foreign port for which it is bound, and bring one in return. Whatever is to be expended from the appropriation in this bill will be done in this way, if it passes in the shape in which it came from the hands of the Committee of Ways and Means. For instance: if a line of steamships should be started from Savannah or from Charleston, the postmaster at the point from which it is to start will be authorized to place the foreign mails collected at that point upon these vessels, and to pay a compensation therefor not exceeding the amount derived from the postages on such mail matter. It will leave the Postmaster General perfectly free to make any such arrangement with any line of steamships which may be established in any port in the United States.

Mr. MILLSON. I rise to a question of order. From the explanation given by the gentleman from Kentucky of his own amendment, it is certainly out of order, as changing the existing law. The fifth section of the act of the last session provided that the Postmaster General shall be authorized to cause the mails to be transported between the United States and any foreign port or ports. Now, the amendment of the gentleman from Kentucky proposes to restrict that discretion, by designating certain ports from which, alone, it shall be carried.

Mr. MARSHALL, of Kentucky. By way of relieving the gentleman from Virginia from any difficulty in respect to his point of order, I propose, with the consent of the committee, to withdraw my amendment.

There being no objection, the amendment was withdrawn.

Mr. MARSHALL, of Kentucky. I now offer another amendment. I move to amend the same clause of the bill by striking out the words "and such other port." I do this for the purpose of giving me a chance to say just this to the committee: I understand, from the chairman of the Committee of Ways and Means, that there are no contracts with American lines requiring any appropriation at all in this bill; that all the arrangements made have been temporary in their character, and confined to the postages only on the mail matter carried by them; and that the intent of this appropriation is to enable the Postmaster General to establish a new line from a new port. Now, sir, that, to me, is a very strong objection to the whole appropriation; and I cannot, from that explanation, vote a single dollar of it for that purpose. I will not vote to draw $422,000 from a depleted and exhausted Treasury, while you make no provision for relieving us from our postal treaties, by which any American line of steamers may be remunerated from foreign postages alone. I thought this $422,000 was intended to supply the deficit between five hundred and odd thousand dollars and eight hundred and odd thousand dollars, which is exhibited in our postal account; but it seems it is not intended for that; but it is intimated that it is the object to start new lines from—God knows where, wherever the Postmaster General may choose to make his temporary arrangements for two years. We have the fact confessed before us; and it does not require any great discrimination to reach the conclusion that, while these treaties remain, the Postmaster General is to be permitted to work up a deficit of four hundred and twenty odd thousand dollars, which we are to pay. The proposition was not intended to relieve the Treasury to the amount of a cent. We call upon our people to pay, under the treaty, $800,000; we get but $500,000; the difference remains to be settled out of our Treasury, but it is not to be settled by this appropriation. Sir, I challenge gentlemen to vote for such retrenchment as this. I hope the House will strike the whole appropriation out, or else confine it so it shall go for paying our debts and not for contracting new ones.

Mr. PHELPS, of Missouri. I am very glad the gentleman from Kentucky has taken his position, and it amounts to this: that, whenever you can carry the mail by steamships between any port in the United States and a foreign port for the amount of postage received on such mail matter, he is unwilling to pay that amount for such service. Now, sir, so far as the statement of postage accounts, under our postal treaties, is concerned, it has nothing whatever to do with this bill.

Mr. MARSHALL, of Kentucky. I just want to ask the gentleman from Missouri one single question.

Mr. PHELPS, of Missouri. I will not yield to the gentleman at present, until I have set myself right in respect to the false position which he has endeavored to assign to me in this matter. The existing laws permit the Postmaster General to send your mails by any American or foreign line of steamships. Now, the proposition which the gentleman from Kentucky makes, is this: if any mail matter shall be carried by an American steamship from an American port to a foreign port, he is unwilling to appropriate the money for carrying that mail. The owner of that steamship cannot receive a dollar of the postages derived from the mail matter carried by him, unless the appropriation is made by Congress; yet the gentleman from Kentucky is unwilling to make the appropriation. I say, then, if this is his position—and I can assign him no other—he is desirous of putting this matter in a condition by which the mails of the country shall be carried by foreign steamers alone, who can be paid for the service in pursuance of treaty stipulations.

Mr. MARSHALL, of Kentucky. As the gentleman seems to have finished his remarks, and his time is not yet exhausted, I trust he will allow me to set myself right by denying his proposition; and my denial of it springs from the admission of the gentleman as to what he intends to do with this $422,000. I would not deny the right of an American steamship to the postages received from the mails carried by it; but I present this fact to the committee: that, by our postal treaty, when the mails are ready to be carried—by the Bremen line, for instance—an American steamship, under the existing arrangement, is entitled to carry them——

[Here the hammer fell.]

Mr. MARSHALL, of Kentucky, by unanimous consent, withdrew his amendment.

Mr. DAVIS, of Mississippi. I move to strike out the whole section.

Mr. Chairman, I think my friend from Kentucky has been misunderstood, and his position misrepresented, because it has been misunderstood, by the gentleman from Missouri. I understand the gentleman from Kentucky to be in favor, as I am in favor, of defeating this bill as it now stands. I am in favor of defeating it because, after it has been defeated, we will be able to agree on something just to ourselves and the interest of our mail steamer lines. By the terms of the postal treaty which exists between this country and Europe at the present time, you are compelled, whenever the mail matter is ready, to send it by the first steamer that leaves your port. If that is a European steamer, then it gets the mail matter. Now, it is unjust to those of our citizens engaged in ocean mail steamers, to compel them to take, as a compensation for their service, nothing but the mail matter which they may get by virtue of the treaty between this country and Europe. When you have repealed the postal treaty between this country and Europe, then our own steamers will get all the postage on all the letters which may be sent from this side to the other, and on all they may bring from the other side to this. You will, by this means, create a fund which will afford something like adequate compensation for our mail steamers. They will then be able to run without the aid of subsidies. But, as the treaty now stands, you deprive our American owners of mail steamers of at least one half, more than one half, of the amount of postage which would be collected if the treaty were abrogated.

I am in favor of defeating this bill; because, when that is done, we can introduce some measure which will not only authorize the Postmaster General to abrogate the postal treaties between this country and Europe, but also enable us to create a fund that will afford something like adequate compensation to our mail steamers for transporting our mails, and thus enable us, by that means, to establish an independent mail system of our own, and without the aid of subsidies, only so far as the profits arising from the transportation of the mails will create the means. That, sir, I understand to be the position of the gentleman from Kentucky. I do not understand him as refusing to those vessels which may transport letters any compensation, even that which arises from postages. That is not his position, and it is not mine. His position, as I understand it, I indorse fully. I believe that it is correct in principle. I believe that it is wise in doctrine. I believe that it is sensible. It is American policy, for it conduces to advance American interest. Abrogate your postal treaties, and then we will all have an interest in doing something. What will we do if this House acts wisely? What the gentleman proposes. Just instruct the Postmaster General to give notice of his determination to abrogate our postal treaties.

[Here the hammer fell.]

Mr. GARNETT. Mr. Chairman, I confess that I am surprised and regret to find my friend from Mississippi rising here and opposing an appropriation bill, framed according to the estimates of the Department, reported by the Committee of Ways and Means, and exactly in accordance with the recommendations of the Administration. I am afraid my friend is arraying himself on the side of the Opposition to the Administration, when I find him in such a position as that. Here is a bill carrying out every recommendation of the Postmaster General, a member of the Cabinet, based upon the precise estimates contained in the document before me, reported by an authorized Democratic committee of a Democratic House, sustained by the chairman of the Committee of Ways and Means, and I am astonished and grieved to find my friend from Mississippi taking the anti-Administration side and espousing the cause of the gentleman from Kentucky.

Why, sir, he complains of our postal treaties, or rather our postal conventions. These postal conventions were made by Democratic Administrations. It is in the power of a Democratic Administration to give notice of their repeal whenever it thinks proper, and I presume they have the American shipping interest at heart as much as I have or as my friend has.

Mr. SMITH, of Virginia. What the gentleman calls treaties are provisions in acts of Congress, and can be repealed.

Mr. DAVIS, of Mississippi. Let the gentleman from Virginia go on. I wish to answer him.

Mr. GARNETT. I am sorry that my friend will take the field again. If the Administration comes here and makes a recommendation for the abrogation of the postal conventions between the United States and these nations, then I will be prepared to vote on the subject. I am ready to sustain existing laws and the estimates of the Department as far as I can.

Mr. SEWARD. I want to know of the gentleman whether the Post Office Department is to be regarded as a purely Democratic machine or not?

Mr. GARNETT. The gentleman must answer that for himself; or perhaps I would prefer my friend from Mississippi to answer it; for he took me to task for opposing some of the estimates of the Postmaster General. I am now on the side of the Postmaster General.

Mr. DAVIS, of Mississippi. I will answer when the gentleman is done.

Mr. GARNETT. I understand that this bill carries out existing law. The existing law limits the pay for the transportation of mails to the postages paid upon the mail transported. The Postmaster General sent us an estimate of what those postages would be. The committee put that amount in this bill, with a proviso that the Postmaster General should not exceed that amount. That was the law made at the last session of Congress, and it was indorsed by the Administration. Therefore, it seems to me that the bill is a proper one. Whenever the Administration thinks the time has come when the public service requires the repeal of the postal conventions, and they call upon us to do so, it may be that they ought to prefer the service of these steamships. It may be that they ought to prohibit the citizens of this country from sending their letters by the first steamship, by the quickest and nearest mode of transportation, whatever that may happen to be. It may be that we should repeal all those laws, and look not to the interest of those who write letters, but to those who carry the mail. In the mean while, until a proper measure is brought before Congress, properly indorsed by a committee of this House, I, for one, will not support the recommendation of the Department.

[Here the hammer fell.]

Mr. DAVIS, of Mississippi, by unanimous consent, withdrew his amendment.

Mr. DAVIS, of Mississippi. I move to amend by striking out the ninth and tenth lines of the bill. The gentleman from Virginia [Mr. GARNETT] charges me with opposing the recommendation of the Postmaster General, and of the Committee of Ways and Means. In that, the gentleman quite misunderstands me. I did not contend that the recommendation of either was in any way wrong.

Mr. GARNETT. I am glad to hear it; for I thought the gentleman could not get that far off the track.

Mr. DAVIS, of Mississippi. The gentleman will not be quite so glad when I get through with him. While I do not find fault with the amount recommended, and do not oppose the recommendation, I simply say, that the whole system, by virtue of which the whole of this thing has been done, is, in itself, wrong. The Postmaster General, and the Committee of Ways and Means, have observed their obligations to the law. I want now to do what the gentleman has not himself suggested in his efforts at reform—repeal the objectionable law. That is what he should seek to do, instead of complaining, without any ground to sustain him in it, against the gentleman from Mississippi. An ordinary mind could at once see the distinction between making factious objections to items appropriated in pursuance of law, and a proposition to repeal the law itself.

I hope the gentleman understands now that I am not opposing the recommendation of the Postmaster General, or of the Committee of Ways and Means; and that I am not acting on the principle of proposing reformation without any basis for it. I confess that I have no desire to get the reputation of being a reformer. I stand on my native integrity of purpose; and pursue what I conceive to be my country's good, and my country's interest, without captiousness, and without desiring ruinous reform. In times past, men have desired to acquire reputations for reform; but if gentlemen on this floor have any such desire, they will have to resort to a different rule from that followed by the gentleman from Virginia. The great reformers of the ages past usually present to the popular mind facts and figures as bases for their arguments; but I have heard no facts or figures from the gentleman in all the reform propositions that he has made. He seeks to acquire a reputation for reform without the aid of facts or figures, and without reasons for that reform. He makes his blows carelessly, without seeming to care whether his blows may prove ruinous and fatal to the particular object that he attacks. Whenever the gentleman can show me that the reform which he proposes will inure to the benefit of the country, I will be ready to act with him; but he must not expect me to act with him when I see that his projected reforms are not sustained by law or by facts, but spring from mere captious opposition, and from a desire to establish a reputation for reform.

The gentleman must be aware that there is no people on the face of the globe so intelligent as the people of this country. It is true they are not all educated; but they are a thinking people, and they are possessed of that solid common sense which can see through and appreciate our actions here; and, whenever gentlemen undertake to outrage common sense, they must be fortified with facts and figures to sustain their position, or else the people will see that it is all a mere chimera, growing out of a literary brain. I do not mean to say that the reform projects of the gentleman from Virginia originated in any such fatuity of mind; but I do believe that all his efforts at reform are without foundation, unsustained by facts, unsustained by arguments, and unsustained by reason; the mere idle offsprings of a dissatisfied and discontented brain.

Mr GARNETT I do not rise to vindicate myself to the committee and to the country. I think, with all due deference to the gentleman from Mississippi, [Mr. DAVIS,] they are better judges than he, as to whether the propositions that I have had the honor to submit to the House have, or have not, been sustained by facts and figures; and whether I have, or have not, made such suggestions for reform as the rules of the House, and the brief time allotted me, allowed.

I only wish to say this, that whether I have a literary brain or not, or whether he has, or whether I raise captious questions, or whether he does, is

a question that is not to be discussed here. He has said that he did not seek the reputation of being a reformer. As one of the juniors of the House, I wish to vindicate him in that respect, and shall pronounce him not guilty.

The question was taken on Mr. DAVIS's amendment, and it was rejected.

Mr. EUSTIS. I move to amend by increasing the amount $100,000. In connection with this matter, I desire to say that, although this bill comes before the House recommended by the Committee of Ways and Means, and recommended by the Department and the Administration, it contains, as I think, radical defects, and which, I flatter myself, I will be able to point out to the committee. The discrimination that has been made in this bill between foreign service and domestic service is one that cannot fail to do injustice to the interests of American shipping and American commerce. I call the attention of the committee to the comparatively large amount that is to be appropriated to this foreign service; and I will state here, nevertheless, that I consider it insufficient to maintain a healthy system of ocean steam mail service. I would rather have two or three well-established, well-regulated lines, and have these lines subsidized by the Government, than have twenty lines badly regulated, and irregularly compensated. If the amount of appropriation for the foreign service is insufficient—and that it is, we have the best proof in the fact that one line is completely abandoned, and the other, the line from Bremen to New York, is now with difficulty struggling to get along—I ask the committee what must become of our domestic service, when it is taken into consideration that the sum appropriated for the transportation of the mail, via Tehuantepec, is only $187,500, and that that sum is based on the estimated postage received from that line? That estimated postage alone this Government proposes to pay to the Tehuantepec company for carrying the mails.

Let us look at the facts. The distance from New York to San Francisco is about six thousand miles. The Pacific mail companies employ two separate lines of steamers, running on two oceans—the Pacific and the Atlantic. They have, besides, transit routes, for the establishment and keeping up of which enormous sums have been, and continue to be, expended. The postage is only *ten cents* for a letter; printed matter, free; public documents, in extravagantly large numbers, also free of all postage. The distance from New York to Liverpool is about three thousand miles; the postage on a letter is twenty-four cents; all printed matter and documents are charged postage. Under this bill it is seriously proposed to pay *more than twice as much*, for foreign service, for *a distance only equal to one half of the home service;* and it must be remembered that, in that foreign steam-mail service, foreign vessels are employed to the exclusion of American ships. I ask the chairman of the Committee of Ways and Means why this grossly unjust discrimination? Why are not American vessels; why are not American companies; why is not American capital, placed at least on the same footing as foreign vessels, foreign companies, and foreign capital? If by torturing, and, as I contend, on the authority of the Attorney General of the United States, by violating the provisions of the act of 1857, the honorable gentleman is determined to place the Pacific mail companies under their operation, then I maintain that we are entitled to at least the benefits and advantages of the position we are forced to occupy; if we are to be treated as *foreign service, give us foreign postage pay.*

Mr. PHELPS, of Missouri. Does the gentleman desire an answer?

Mr. EUSTIS. Yes, sir; and I will also ask the gentleman to answer another question, for I have sought answers to them in vain. I ask him upon what he bases this estimate of $187,500, in lines thirty-eight and thirty-nine? I have not been able to find it, either in the report of the Postmaster General or in this letter, which purports to furnish estimates for carrying the mails between the United States and foreign countries and the Atlantic and Pacific coasts during the year 1860. I ask the chairman of the Committee of Ways and Means upon what it is based?

[Here the hammer fell.]

Mr. PHELPS, of Missouri. The gentleman's time having expired, I will now reply to him in the five minutes allotted to me. He inquires why a discrimination is made between foreign vessels and American vessels, foreign companies and American companies. I tell him that this mail steamer appropriation bill is framed in pursuance of existing law, which forbids the Postmaster General to allow any greater compensation to any vessel running between an American and a foreign port than the postages earned by that vessel.

Mr. HORTON. I will state to the gentleman, that I have here the opinion of the Attorney General directly to the contrary.

Mr. PHELPS, of Missouri. Very well, sir; the opinion of the Attorney General may govern the gentleman from Ohio, but it will govern me when it is in pursuance of my convictions of right or wrong, and not otherwise. I surrender my opinions as a legislator to no man.

A MEMBER. Not to the President? [Laughter.]

Mr. PHELPS, of Missouri. No, sir; to no man. The act of the 14th of June last authorizes the Postmaster General to cause the mails to be transported "between the United States and any foreign port or ports." I ask you if Panama is not a foreign port? I ask you if Tehuantepec is not a foreign port?

Mr. EUSTIS. The mails are carried to California via Panama.

Mr. PHELPS, of Missouri. I care not whether it be via Panama, or whether the line terminates there. I am willing that the gentleman may criticise the language as he pleases.

Mr. EUSTIS. I have asked the gentleman two questions, and the gentleman from Ohio has asked him one, and he has not yet answered either of those questions.

Mr. PHELPS, of Missouri. The gentleman complains that it is a hardship that those who perform mail service between New Orleans and Tehuantepec, and thence to San Francisco, only receive ten cents on each letter they carry. That is not my fault.

Mr. HORTON. I desire to ask the gentleman a question.

Mr. PHELPS, of Missouri. Why, the gentleman from Louisiana complains that I have not yet answered the questions propounded by him. If he will not complain, I will hear the gentleman's question.

Mr. HORTON. If the gentleman from Missouri concludes that this is foreign service, I ask him if it is not right that foreign postage should be paid on the letters?

Mr. PHELPS, of Missouri. I have this to say. The inland postage of the United States is fixed at three cents; but because the route to California, via Panama, passes through a foreign country, the postage to California is fixed at ten cents, and that is your ocean postage as well as inland postage. Why this discrimination? A letter may be carried by the overland mail——

[Here the hammer fell.]

Mr. ENGLISH. We have been nearly the whole day considering this bill, and we have not yet got through with the first clause, and no amendment has been adopted. I think we ought to stop this debate in some way or other; and I therefore move to strike out the enacting words of the bill.

Mr. BUFFINTON demanded tellers.

Tellers were ordered; and Messrs. HORTON and PEYTON were appointed.

The committee divided; and the tellers reported—ayes 100, noes 30.

So the enacting words of the bill were stricken out.

Mr. BURNETT moved that the committee rise, and report the bill to the House.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. BARKSDALE reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the bill (H. R. No. 875) making appropriations for the transportation of the United States mail by ocean steamers and otherwise during the fiscal year ending the 30th of June, 1860, and had instructed him to report the same back to the House, with the recommendation that the enacting clause be stricken out.

Mr. PHELPS, of Missouri. I move the previous question on striking out the enacting clause. I suppose it will extend only to the motion to strike out.

Mr. JONES, of Tennessee. I suppose, as the bill is killed, we might as well bury it. I move to lay it on the table.

Mr. PHELPS, of Missouri, demanded the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 81, nays 70; as follows:

YEAS—Messrs. Abbott, Andrews, Bingham, Blair, Branch, Buffinton, Ezra Clark, Horace F. Clark, Cobb Colfax, Covode, Cragin, Curtis, Davis of Maryland, Davis of Mississippi, Davis of Iowa, Dawes, Dean, Dick, Dodd, Durfee, Elliott, Foster, Gartrell, Gilman, Gilmer, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Hoard, Hodges, Hopkins, Horton, George W. Jones, Keim, Kellogg, Knapp, John C. Kunkel, Lamar, Lovejoy, Humphrey Marshall, Samuel S. Marshall, Matteson, Maynard, Morrill, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Mott, Nichols, Olin, Palmer, Parker, Potter, Purviance, Ready, Roberts, Royce, Savage, Scales, Seward, Henry M. Shaw, John Sherman, Shorter, William Smith, Spinner, Stallworth, Stanton, Tappan, Thayer, Tompkins, Underwood, Vance, Wade, Cadwalader C. Washburn, Elihu B. Washburne, Watkins, Wood, and John V. Wright—81.

NAYS—Messrs. Adrain, Ahl, Anderson, Arnold, Avery, Barksdale, Barr, Bishop, Bowie, Boyce, Bryan, Burnett, Burns, Caskie, Chaffee, Chapman, John B. Clark, Clay, Comins, Crawford, Dimmick, Edmundson, English, Eustis, Faulkner, Florence, Giddings, Greenwood, Gregg, Grover, Hawkins, Houston, Hughes, Huyler, Jackson, Owen Jones, Keitt, Leidy, Letcher, McRae, Miles, Millson, Morgan, Murray, Niblack, Peyton, John S. Phelps, William W. Phelps, Phillips, Reagan, Reilly, Ritchie, Sandidge, Scott, Searing, Aaron Shaw, Judson W. Sherman, Singleton, Stevenson, James A. Stewart, Talbot, Miles Taylor, Thompson, Vallandigham, Waldron, Ward, Israel Washburn, White, Whiteley, and Wortendyke—70.

So the bill was laid on the table.

During the call of the roll,

Mr. RUFFIN stated that if he had been within the bar when his name was called he should have voted in the affirmative.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STANTON. I rise to a privileged motion. I move to reconsider the vote by which the bill was just now laid on the table; and move to lay the motion to reconsider on the table.

SUPPLEMENTAL INDIAN APPROPRIATIONS.

Mr. PHELPS, of Missouri. I suppose the motion cannot be acted on at present. The Senate, at this session of Congress, have ratified two treaties, one with the Yancton Sioux or Dacotah Indians, and the other with those known as the Six Nations or Tonawanda Indians, in the State of New York. Under these treaties, certain sums of money will become due and payable to them during the fiscal year, amounting to $383,000.

I have the treaties before me; I have examined them, and reported, this morning, a bill from the Committee of Ways and Means, which was referred to the Committee of the Whole on the state of the Union, appropriating this money. I have made the motion to go into the Committee of the Whole, therefore, for the purpose of taking up that bill.

Mr. BARKSDALE. I ask the gentleman from Missouri to withdraw his motion for a moment, to enable me to ask the consent of the House to take up from the Speaker's table a private bill, to which there will be no objection.

Mr. PHELPS, of Missouri. If I were to give way, the gentleman from Ohio has a claim upon me first. I think, however, that it will take but a few minutes to dispose of this bill in the committee, and then we can come back into the House, and the gentleman can have his bill taken up.

Mr. BARKSDALE. The bill to which I have referred will give rise to no debate, and I hope the gentleman will give way and allow it to be taken up.

Mr. PHELPS, of Missouri. I insist on my motion, that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

Mr. STANTON. Does that motion take precedence of the motion I made to reconsider and lay on the table?

The SPEAKER. The Chair supposes it does.

Mr. PHELPS, of Missouri. That motion can be disposed of when we come out of committee.

The SPEAKER. The Chair desires to call the attention of the gentleman from Missouri to a communication now on the Speaker's table con-

cerning certain estimates for fulfilling treaty stipulations with the Creek and Seminole Indians.

The Chair supposes the communication had better be referred to the Committee of the Whole on the state of the Union, as it may, perhaps, become necessary to consider it there in connection with the bill which the gentleman proposes to call up.

Mr. PHELPS, of Missouri. Let that disposition be made of it.

The communication was accordingly referred to the Committee of the Whole on the state of the Union.

The motion of Mr. PHELPS, of Missouri, was then agreed to.

So the rules were suspended; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BURNETT, in the chair,) and proceeded to the consideration of the bill making appropriations for fulfilling treaty stipulations with the Yancton Sioux or Dacotah Indians, and with the Tonawanda Indians, of New York.

The bill was read.

Mr. PHELPS, of Missouri. The treaties were presented to the Senate at the last session, but they were not ratified until the present session. I hold in my hand the letter of the Commissioner of Indian Affairs, the letter of the Secretary of the Interior, and the treaties themselves; and, from the examination I have given them, I am satisfied that these sums are due to these Indians.

Mr. McQUEEN. What is the amount proposed to be appropriated?

Mr. PHELPS, of Missouri. Two hundred and fifty-six thousand dollars.

Mr. McQUEEN. For what?

Mr. PHELPS, of Missouri. I will read the points of the treaties which refer to the subject:

"Whereas a certain treaty was heretofore made between the Six Nations of New York Indians and the United States on the 15th day of January, 1838, and another between the Seneca nation of Indians and the United States, on the 28th day of May, 1842, by which, among other things, the Seneca nation of Indians granted and conveyed to Thomas Ludlow Ogden and Joseph Fellins the two certain Indian reservations in the State of New York, known as the Buffalo creek and the Tonawanda reservations, to be surrendered to the said Ogden & Fellins on the performance of certain conditions precedent, defined in said treaties; and whereas, in and by the said treaties, there were surrendered and relinquished to the United States five hundred thousand acres of land in the then Territory of Wisconsin; and whereas the United States, in and by said treaties, agreed to set apart for said Indians certain lands in the Indian territory, immediately west of Missouri, and to grant the same to them, to be held and enjoyed in fee simple, the quantity of said lands being computed to afford three hundred and twenty acres to each soul of said Indians; and did agree that any individual, or any number of said Indians, might remove to said territory, and thereupon be entitled to hold and enjoy said lands, and all the benefits of said treaties, according to numbers respectively; and whereas the United States did further agree to pay the sum of $400,000 for the removal of the Indians of New York to the said territory, and for their support and assistance during the first year of their residence in said territory."

And then, again:

"ART. 2. In consideration of which aforesaid surrender and relinquishment, the United States agree to pay and invest, in the manner hereinafter specified, the sum of $256,000, for the said band of Tonawanda Indians."

Mr. McQUEEN. Do they remain in the State of New York?

Mr. PHELPS, of Missouri. Yes, sir.

Mr. McQUEEN. This, then, is in lieu of the land given to them by the Government, west, under the treaties of 1838 and 1842?

Mr. PHELPS, of Missouri. They take $256,000 in lieu of their land and claims west. I send to the Clerk the letter of the Commissioner of Indian Affairs, to be read for the information of the committee.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS, *March* 1, 1859.

SIR: I have the honor to submit for your consideration and the necessary action in the premises, additional estimates for appropriations to fulfill treaty stipulations with the Creek nation and with the Florida Indians, or Seminoles.

These estimates are based on the provisions made for those tribes by the sixth and seventh articles of the treaty with them of the 7th of August, 1856, (pamphlet copy statutes, page 77,) which made it a condition precedent that the Seminoles in Florida should remove to the country west of the Mississippi before either tribe should be benefited thereby. This office is advised of the removal of the Seminoles from Florida, to an extent sufficient to authorize the carrying into effect these provisions, and it is accordingly recommended that the necessary steps be taken, with a view of fully complying therewith.

By the agreement contained in the sixth article of the treaty referred to, the first named sum of $200,000, with interest at five per cent. from the ratification of the treaty, is to be "paid over to, or invested for the benefit of, the Creek nation, as may be requested by the proper authorities thereof." A memorial of the Creek nation, adopted in council the 28th of December last, contains the request of "the proper authorities" of the nation, and indicates the manner in which it is desired that the payment of the money shall be made. The condition prescribed by the treaty having been complied with, I have to recommend that the request of the Creek council be acquiesced in by the Department, and payment be made accordingly when the appropriation is made. The principal for investment for the Seminoles is not at present asked for, but simply the interest thereon.

Very respectfully, your obedient servant,

J. W. DENVER, *Commissioner.*

HON. J. THOMPSON, *Secretary of the Interior.*

Mr. PHELPS, of Missouri. I move this amendment:

Creek Nation. For payment of the remaining sum of $200,000, retained by the United States until the removal of the Seminole Indians in Florida to the country west of the Mississippi, with interest at five per centum per annum, from the 28th of August, 1856, the date of the ratification of the treaty, to the 3d of March, 1859, per sixth article of the treaty of 6th August, 1856, $225,166 66.

Mr. Chairman, I was not aware of these estimates until my attention was called to them by the Presiding Officer. Some gentlemen may inquire why they were not submitted at an earlier day? I have this answer to make: the Seminoles have only just now left Florida; a portion of them left last year. The superintendent, with some Seminole and Creek Indians, went down to Florida and endeavored to effect the removal of the remaining Indians. He was successful, and those Indians are now on their way with him to their brethren west of the Arkansas. The sixth article of the treaty between the Creeks and Seminoles provides that—

"The remaining sum of $209,000 shall be retained by the United States until the removal of the Seminole Indians now in Florida to the country west of the Mississippi river, which the Government had provided for their tribe, whereupon the same, with interest thereon at five per centum from the date of the ratification of this agreement, shall be paid over to, or be invested for the benefit of, the Creek nation, as may be decided by the proper authorities."

That is the warrant for this appropriation.

The amendment was adopted.

The next amendment of the Committee of Ways and Means was read, as follows:

For Florida Indians or Seminoles, for interest on $255,000 at five per centum, to be paid as annuity by the Government article of the treaty of 7th August 1856, they having joined their brethren in the West, $12,750.

The question was taken; and the amendment was agreed to.

Mr. PHELPS, of Missouri. I move that the committee rise and report the bill.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. BURNETT reported that the Committee of the Whole on the state of the Union had had under consideration the Union generally, and particularly the bill (H. R. No. 888) to fulfill certain treaty stipulations with certain Indian tribes, and had directed him to report the same back with certain amendments, and with a recommendation that it do pass.

Mr. PHELPS, of Missouri, moved the previous question.

The previous question was seconded, and the main question ordered.

The amendments were severally agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PHELPS, of Missouri, moved to amend the title by adding to it, "and for other purposes."

The motion was agreed to.

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President of the United States, through Mr. J. B. HENRY, his Private Secretary.

WATER TO WASHINGTON AND GEORGETOWN.

Mr. BURNETT. I ask the unanimous consent of the House to report, from the Committee for the District of Columbia, a bill to provide for the care and preservation of the work constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown.

Mr. DAVIS, of Indiana. I object.

Mr. BURNETT. I move to suspend the rules.

The bill was read. It places all the aqueduct works under the management and superintendence of a properly qualified civil engineer, to be appointed by the President of the United States, at a salary of $2,000 a year. The engineer is to report to the Secretary of the Interior, in the month of November in each year; and his report is to be laid before Congress. He is to have full control over the water-works, and regulate the manner in which the corporations of Washington and Georgetown shall tap the same. These corporations are authorized to borrow, the first $150,000, and the second $50,000, for the purposes of the act, and to regulate the rates at which the citizens may use the water in houses and buildings; but prohibits the collecting of any more rates than are necessary to defray the expenses.

Mr. STANTON. I understand the bill to authorize the corporations of Washington and Georgetown to collect water rates.

Mr. BURNETT. Yes; but that they shall not be a source of revenue.

Mr. JONES, of Tennessee. Is this civil engineer to be a subordinate to the Interior Department, or is there to be a separate and independent bureau created by this bill?

Mr. BURNETT. The bill makes him subordinate to the Interior Department.

Mr. JONES, of Tennessee. I paid as much attention as I could to the reading of the bill, and the only part that struck me as having reference to the Interior Department was the provision that appeals might be taken from the engineer to the Secretary of the Interior.

Mr. BURNETT. The bill expressly provides that the engineer shall report to the Interior Department.

The section in that regard was again read.

The question being on suspending the rules,

Mr. RITCHIE called for tellers.

Tellers were ordered; and Messrs. UNDERWOOD and THOMPSON were appointed.

The House divided; and the tellers reported—ayes 94, noes 21—no quorum voting.

Mr. SPINNER demanded the yeas and nays.

Mr. MORGAN (at four o'clock and twenty-five minutes, p. m.) moved that the House adjourn.

The question was taken; and the House refused to adjourn—ayes 38, noes 75.

Mr. HUGHES. I move that when the House adjourns, it adjourn to meet at seven o'clock this evening.

The SPEAKER. The Chair cannot entertain the motion.

Mr. BARKSDALE. Would a motion to suspend the rules and go into the Committee of the Whole on the state of the Union, with a view to take a recess, be in order?

The SPEAKER. The motion to suspend the rules would not be in order. Moreover, the committee could not take a recess, except by unanimous consent.

Mr. HUGHES. I move to suspend the rules, to enable me to move to take a recess until seven o'clock.

The SPEAKER. The motion is not in order. There is a motion to suspend the rules already pending.

Mr. JONES, of Tennessee. If the gentleman from Kentucky [Mr. BURNETT] would withdraw his motion to suspend the rules, would it not be in order to move to suspend the rules in order to take a recess?

The SPEAKER. It would.

Mr. JONES, of Tennessee. I suggest to the gentleman from Kentucky that it would be better to pursue that course.

Mr. BURNETT. It is asking a good deal, when a gentleman has a measure which is right and for which the rules would have been suspended if there had been a quorum present, to ask him to withdraw his motion. But I have no disposition to detain the House; and if I could have any assurance that I could get the floor again for the purpose of reporting this bill, I would withdraw my motion.

Mr. JONES, of Tennessee. I should think, myself, that under the circumstances, the Speaker would give the gentleman the floor again.

The SPEAKER. It is very uncertain whether the Speaker would or not.

The yeas and nays were ordered on Mr. BURNETT's motion to suspend the rules.

Mr. STANTON. I ask the unanimous consent of the House to take a recess until seven o'clock.

Mr. DEAN. I object.

Mr. JONES, of Tennessee. Would it be in order to move a call of the House? When we find ourselves without a quorum, I do not think we ought to proceed to other business until a quorum has appeared.

The SPEAKER. There was a quorum appearing upon the last vote upon the motion to adjourn.

The question was then taken on the motion of Mr. BURNETT to suspend the rules; and it was decided in the affirmative—yeas 108, nays 20; as follows:

YEAS—Messrs. Abbot, Adrain, Ahl, Anderson, Andrews, Atkins, Avery, Barksdale, Bennett, Bingham, Blair, Bocock, Bowie, Brayton, Buffinton, Burlingame, Burnett, Burns, Case, Chaffee, John B. Clark, Clawson, Clay, Clark B. Cochrane, John Cochrane, Colfax, Comins, James Craig, Burton Craige, Curtis, Davis of Maryland, Davis of Mississippi, Davis of Massachusetts, Davis of Iowa, Dean, Dick, Dimmick, Dodd, Dowdell, Faulkner, Fenton, Florence, Foley, Foster, Gilman, Gilmer, Gooch, Goodwin, Granger, Greenwood, Gregg, Groesbeck, Grover, Robert B. Hall, Harlan, Hawkins, Hodges, Hughes, Huyler, Keim, Kellogg, Lamar, Leidy, McKibbin, McQueen, McRae, Humphrey Marshall, Samuel S. Marshall, Moore, Morgan, Freeman H. Morse, Murray, Niblack, Nichols, Parker, Peyton, John S. Phelps, William W. Phelps, Potter, Purviance, Reagan, Ritchie, Robbins, Roberts, Sandidge, Savage, Scales, Scott, Searing, Aaron Shaw, Judson W. Sherman, Shorter, Robert Smith, Samuel A. Smith, Spinner, Stevenson, James A. Stewart, William Stewart, Thompson, Tompkins, Underwood, Vallandigham, Waldron, Ward, Cadwalader C. Washburn, Israel Washburn, Wood, and John V. Wright—108.

NAYS—Messrs. Caskie, Cobb, Crawford, Davis of Indiana, Durfee, Garnett, Grow, Hopkins, Houston, George W. Jones, Letcher, Lovejoy, Matteson, Phillips, Powell, Ruffin, Henry M. Shaw, Wade, Elihu B. Washburne, and Zollicoffer—20.

So the rules were suspended (two thirds voting in favor thereof.)

Mr. BURNETT. I demand the previous question on the engrossment of the bill.

The previous question was seconded, and the main question was ordered.

Mr. SPINNER. Is it in order to offer an amendment? I think there will be a clashing of jurisdiction between the corporation and the superintendent. I should like to have the duties and powers of each made perfectly clear.

Mr. BURNETT. The gentleman is mistaken. I was very careful to prevent anything like a conflict between the corporate authorities and the superintending engineer. I make it clear and distinct that the engineer's decision is final, excepting I give an appeal to the Secretary of the Interior.

Mr. SPINNER. I desire to have the words introduced, "under the special superintendence and direction."

Mr. BURNETT. Those words are in the bill already.

Mr. SPINNER. Then I am satisfied.

The bill was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BURNETT demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered; and, under the operation thereof, the bill was passed.

Mr. BURNETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. CRAWFORD. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union. Before going into committee upon the Senate amendments to the Army appropriation bill, I ask the unanimous consent of the House that general debate be closed on them in five minutes after their consideration shall be resumed.

Mr. GARNETT. I ask that, by unanimous consent, we take a recess until this evening.

Mr. CRAWFORD. We had better go on with the bill.

Mr. GARNETT. Then I object to closing debate.

Mr. RITCHIE. I move that the rules be suspended, in order that the gentleman from Georgia may offer his resolution, to close debate on the amendments of the Senate to the Army bill.

The question was taken; and the rules were suspended.

Mr. CRAWFORD's resolution, closing debate in the Committee of the Whole on the state of the Union on the amendments of the Senate to the Army bill, was then adopted.

The question recurred on the motion to go into committee.

The House divided; and there were—ayes 94, noes 30.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BARKSDALE in the chair.)

Mr. CRAWFORD. I move to take up the Senate amendments to the House bill (No. 667) making appropriations for the support of the Army for the year ending June 30, 1860.

The motion was agreed to; and the bill accordingly taken up for consideration.

Mr. HARLAN. I move that the committee take a recess until seven o'clock.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. DEAN. I object.

Mr. CRAWFORD. I desire to say to the committee, in reference to the amendments to this bill, that, although they are twenty-eight in number, only a few of them are recommended by the Committee of Ways and Means for concurrence; and I think that, if the committee will remain in session, we shall be able to get through with their consideration in a short time. There is no political question, so far as I know, involved in any amendment to this bill.

Mr. GARNETT. I move that the committee rise, for the purpose of taking a recess.

Mr. RITCHIE. I ask for tellers on that motion.

Tellers were ordered; and Messrs. MILES and HAWKINS were appointed.

The committee divided; and the tellers reported—ayes 12, noes 100; no quorum voting.

[Cries of "Call the roll!"]

The roll was called; and the following members failed to answer to their names:

Messrs. Adrain, Arnold, Barr, Billinghurst, Bliss, Boyce, Bryan, Burroughs, Caruthers, Caskie, Cavanaugh, Chapman, Ezra Clark, Horace F. Clark, Clemens, Corning, Covode, Cox, Curry, Damrell, Davidson, Davis of Mississippi, Dewart, Durfee, Edmundson, Elliott, English, Eustis, Farnsworth, Garnett, Gartrell, Giddings, Gillis, Goode, Greenwood, Groesbeck, Lawrence W. Hall, Harlan, Harris, Haskin, Hatch, Hickman, Hill, Hoard, Hodges, Horton, Hughes, Jackson, Jenkins, Jewett, Owen Jones, Keim, Keitt, Kellogg, Kelsey, Kilgore, Jacob M. Kunkel, Lawrence, Leach, Leiter, Maclay, McRae, Humphrey Marshall, Mason, Miller, Millson, Montgomery, Edward Joy Morris, Isaac N. Morris, Oliver A. Morse, Mott, Olin, Palmer, Pendleton, Pettit, Potter, Pottle, Purviance, Ready, Reagan, Ricaud, Royce, Russell, Seward, John Sherman, Sickles, Singleton, Robert Smith, Samuel A. Smith, William Smith, Stallworth, Stanton, Stephens, Talbot, Tappan, George Taylor, Miles Taylor, Thayer, Tompkins, Trippe, Vance, Wade, Walbridge, Walton, Warren, Israel Washburn, Watkins, White, Whiteley, Wilson, Winslow, Woodson, Wortendyke, Augustus R. Wright, and John V. Wright.

The committee then rose; and the Speaker, having resumed the chair, Mr. BARKSDALE reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly House bill No. 667 making appropriations for the support of the Army for the year ending the 30th of June, 1860, with the Senate amendments thereto; and, finding itself without a quorum, had caused the roll to be called, and had directed him to report the fact to the House with the names of the absentees.

A quorum, one hundred and twenty members, having appeared, the committee again resumed its session.

Mr. MORGAN. It is so evident that nothing is to be done with a bare quorum here, that I think it is useless for us to remain and punish ourselves while everybody else is away. I hope that the motion that the committee rise will be agreed to.

The motion was disagreed to.

Mr. BONHAM. I ask the consent of the committee to take a recess till seven o'clock.

Mr. DEAN. I object.

First amendment of the Senate:

Page 2, line ten, strike out the word "seventy," and insert "sixty-nine;" so that the clause, as amended, will read as follows:

For subsistence in kind, $1,969,549.

Mr. CRAWFORD. This amendment is simply for the purpose of correcting an error made by the clerk in engrossing the bill. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Second amendment:

Page 5½, line five, strike out as follows:

"Portion of the money hereby appropriated shall be applied to the construction of permanent barracks and quarters until plans, with full specifications and detailed estimates, shall be submitted to Congress, and the same shall be;"

And insert the following in lieu thereof:

"Permanent barracks and quarters shall hereafter be constructed, unless detailed estimates shall have been previously submitted to Congress, and shall have been,"

So that the clause of the bill, as amended, shall read:

For constructing barracks and other buildings at posts which it may be necessary to occupy during the year, and for repairing, altering, and enlarging buildings at the established posts, including hire or commutation of quarters for officers on military duty, hire of quarters for troops, of storehouses for the safe-keeping of military stores, and of grounds for summer cantonments, and for temporary frontier stations, $300,000: *Provided*, That no permanent barracks and quarters shall hereafter be constructed, unless detailed estimates shall have been previously submitted to Congress, and shall have been approved by a special appropriation for the same.

Mr. CRAWFORD. The Committee of Ways and Means recommend a concurrence in that amendment.

The amendment was concurred in.

Third amendment:

Strike out the following proviso:

"*Provided, further*, That any officer of the Army who, as a disbursing agent, shall hereafter undertake to engage the public credit in advance of an appropriation made by Congress, shall, upon conviction before a court-martial, be dismissed from the service, unless he shall exhibit, as his justification, an order in writing to make such disbursement from his superior officer, approved by the President of the United States."

The Committee of Ways and Means recommended non-concurrence.

The amendment was non-concurred in.

Fourth amendment:

After the words "For armament of fortifications," strike out "$150,000," and insert in lieu thereof the following:

Including experiments on heavy ordnance for that purpose, $200,000.

The Committee of Ways and Means recommended non-concurrence.

Mr. RITCHIE. I have a word to say in reference to this amendment. I think the Committee of Ways and Means were not aware of the circumstances when they made this recommendation. The additional $50,000 inserted by the Senate, is for the purpose of continuing experiments on the power of metals, used for casting cannon, to resist explosions. I know that it is regarded of the last importance by the first scientific authorities of this and other countries to ascertain data by what this power may be determined. A gun may bear the first discharge, and may, at the next discharge, burst. The idea has existed that the power of iron to resist explosion, may be tested by piling weight upon it longitudinally; but it has been found by actual experiment that that is no test whatever, and that the power of iron to resist pressure in a straight line, is no test of its power to resist explosive forces. Experiments are being made to test the power of different kinds of iron to resist explosive forces; and I have been told by leading men of the Army that there are hardly twenty guns in the service that a man can feel perfectly safe in standing beside when being fired off. These experiments are being conducted by men who are thoroughly conversant with the whole subject; and in the course of a year or two, some result will be arrived at that may save to the Government every year thousands of dollars that would be otherwise thrown away in worthless guns. The experimentors are rapidly coming to a point where they can tell exactly the qualities of the metals; so as to avoid future loss by casting bad guns. I hope the committee will concur in the amendment of the Senate.

Mr. CRAWFORD. The Committee of Ways and Means have no objection whatever to experiments being made on heavy ordnance; but they think that $150,000 is, at this particular time, a sufficient sum to be appropriated to that purpose.

Mr. RITCHIE. Yes; but this $150,000 is not considered by the War Department as being at its disposal for that purpose.

Mr. CRAWFORD. If the Senate had simply added the words, "including experiments on

heavy ordnance," and had not increased the amount, the Committee of Ways and Means would have had no objections.

The question was taken; and the amendment was non-concurred in.

Fifth and sixth amendments:

Strike out "one," and insert "two," and add these words: $100,000 of which may be used during the present fiscal year; so that the clause will read:

For, ordnance, ordnance stores, and supplies, including horse equipments for the mounted regiments, $250,000—$100,000 of which may be used during the present fiscal year.

The Committee of Ways and Means recommended non-concurrence.

The amendments were severally non-concurred in.

Seventh amendment:

Strike out "$50,000," and insert "$100,000;" so that the clause will read:

For the Benicia arsenal, $100,000.

The Committee of Ways and Means recommended non-concurrence.

The amendment was non-concurred in.

Eighth amendment:

Strike out "$15,000," and insert "$21,000;" so that the clause will read:

For Texas arsenal, $21,000.

The Committee of Ways and Means recommended non-concurrence.

The amendment was non-concurred in.

Ninth amendment:

After the words, "for Watervliet arsenal, $25,000," add the following:

A part of which sum may be applied to the purchase of a piece of ground adjoining the arsenal on the south side, east of the Erie canal.

The Committee of Ways and Means recommended non-concurrence.

The amendment was non-concurred in.

Tenth amendment:

Insert the following:

For defraying the expenses of the recovery and the restoration to their homes of the children surviving the massacre by Indians of the emigrant trains from Arkansas, in the fall of 1857, $10,000.

Mr. CRAWFORD. I desire to say to the committee that there are seventeen of these children, between the ages of four and seven, and that it is necessary to appropriate the sum of $10,000 for the purpose of restoring them. The Committee of Ways and Means recommend concurrence.

Mr. CLAY. I ask whether these children are the survivors of those who were killed in the southern part of Utah, on their way from Arkansas to California?

Mr. CRAWFORD. I believe they are.

Mr. CLAY. Then I move to strike out the words, "by Indians;" for I believe those emigrants were killed by the Mormons, not by Indians, and I do not want injustice to be heaped on the poor Indian.

The amendment to the amendment was rejected.

The amendment was concurred in.

Eleventh amendment:

Insert the following:

For the payment to the State of Minnesota, for expenses incurred by Captain James Starkey's company of Minnesota volunteers, called out by the Governor of the Territory of Minnesota, in 1857, to protect the settlers of the valley of Sunrise river against the Chippewa Indians, $2,639, or so much thereof as may be necessary.

The Committee of Ways and Means recommended non-concurrence.

The amendment was non-concurred in.

Twelfth amendment:

Insert the following:

For the removal of the Court Orielle band of the Chippewa Indians, on the Red Cedar and Menomonee rivers, in Wisconsin, and providing a permanent home for them among the Chippewas of Lake Superior or the Upper Mississippi, $10,000.

The Committee of Ways and Means recommended non-concurrence.

Mr. WASHBURN, of Wisconsin. I should like to know on what grounds the Committee of Ways and Means recommend non-concurrence. I will state to the committee the circumstances. There are scattered bands of these Chippewa Indians in the pineries of Wisconsin. They have become exceedingly troublesome there, robbing and murdering, and committing all kinds of depredations. The Indian department has had to send a special messenger there this winter to look into the subject, and from his report the Commissioner of Indian Affairs has recommended, as the only way by which the trouble can be got rid of, to have them removed; and I understand they are willing to go. He has recommended this appropriation to be made. I hope the committee will concur in the amendment of the Senate.

Mr. CRAWFORD. I will say to the gentleman from Wisconsin that we had no papers whatever sent down with this amendment from the Senate. All we know in reference to it was just what appeared on the face of the amendment itself.

Mr. WASHBURN, of Wisconsin. I would inquire of the gentleman from Georgia if there was not before the Committee of Ways and Means a letter from Governor Denver recommending this appropriation?

Mr. CRAWFORD. No, sir; no.

Mr. MORRILL. There was such a letter before the committee. I do not know whether the gentleman from Georgia heard of it.

Mr. CRAWFORD. I do not remember it. But the Committee of Ways and Means recommended a non-concurrence in this amendment, for the purpose of getting this matter better understood when the bill goes to the committee of conference, as it will certainly have to do.

Mr. WASHBURN, of Wisconsin. It can be perfectly understood here. It is a very simple matter. I ask that the letter of Governor Denver may be read.

The Clerk read the letter; which is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS, *February* 21, 1859.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, in which you call my attention to the report of M. Martin, Esq., late special agent of the Department, in regard to the Chippewas on the Red Cedar and Menomonee rivers, in Wisconsin; and in view of the facts contained in his report, respecting the aggregate number of the Indians, estimated at from four to five hundred, and the impracticability of confining them within the reservation at Lac Court Orielle, I am inclined to concur in the opinion expressed by you as to the propriety of providing them a home elsewhere. The land at Lac Court Orielle is not well adapted to agricultural purposes; and, as no final action has been taken by the Department in relation to the location of the reserve, I would suggest that, in case it should be deemed advisable to take legislative action in the premises, it will be necessary for Congress to place at the disposal of this Department an appropriation of $10,000, for the purpose of providing those Indians a permanent home among the Chippewas of Lake Superior, or the Mississippi; and in my opinion, this sum will be sufficient to secure the removal of those straggling bands of Chippewas from the limits of Wisconsin.

Very respectfully, your obedient servant,
J. W. DENVER, *Commissioner.*

HON. C. C. WASHBURN, *House of Representatives.*

The amendment was concurred in.

Thirteenth amendment:

Add the following:

For repairs and improvements and new machinery at Springfield armory, Massachusetts, $53,910.

The Committee of Ways and Means recommended a concurrence.

The amendment was concurred in.

Fourteenth amendment:

Add the following:

For repairs and improvements and new machinery at Harper's Ferry armory, $55,000.

The Committee of Ways and Means recommended a concurrence.

The amendment was concurred in.

Fifteenth amendment:

Add the following:

For printing a revised edition of the system of instruction for field artillery, horse and foot, to be stereotyped, with engraved plates, now ready for the press, and for procuring for distribution to the militia of the United States books of tactical instruction, $10,000.

The Committee of Ways and Means recommended a non-concurrence.

The amendment was non-concurred in.

Sixteenth amendment:

Add the following:

For the construction of a military road from Fort Benton to Walla-Walla, $100,000.

The Committee of Ways and Means recommended a non-concurrence.

Mr. STEVENS, of Washington. This road is recommended by the Secretary of War. I have here two communications from the Secretary of War, in which he urges the construction of the road as a matter of present necessity for the movement of troops and the defense of the country. I ask that the communications be read.

The Clerk read the communications, as follows:

WAR DEPARTMENT, *January* 20, 1859.

SIR: I have to acknowledge the receipt of the letter from your committee, of the 5th instant, inclosing two bills providing for the construction of a road from Fort Abercrombie to Seattle, and the survey of the upper Missouri and Columbia, for the views of this Department as to how far the proposed measures are required by the military necessities of the country; and, in reply, have the honor to submit the following remarks:

1. As to the "military necessities" for the construction of the road from "Fort Abercrombie, on the Red River of the North, via Fort Union, Fort Benton, the Bitter Root valley, and the Snoqualmoo Pass, to Seattle, on Puget Sound."

The numerous tribes of Indians in the Territories of Washington and Oregon, which have lately caused us a serious war, will undoubtedly require the presence there, for many years to come, of large bodies of troops, for the purpose of maintaining the quiet of the country and the safety of the settlers.

A similar necessity will compel us to maintain a considerable force in the region along the upper Missouri and Red River of the North, to control the large bands of Dacotahs, Assineboins, and Chippewas.

With the present force of the Army, it will, probably, be impossible to maintain, in each section, force sufficient to prevent the occasional outbreaks which may occur, and the constant movement of troops will have to be kept up as heretofore. Troops in either of these sections can be moved across the country, by the route proposed, much more efficiently than by the circuitous route from either section to the adjacent seaboard, thence by water transportation to the other seaboard, and thence, by a considerable inland journey, to the place where they may be required. The advantages which this inland route thus offers would be constantly increasing with the advance of the settlements up the Missouri and Columbia, already taking place.

The opening of the road through the mountain section would greatly increase the facilities for the settlement of the region; and communities would eventually be found sufficiently strong for their own security, and thus dispense with the necessity of military occupation.

The passage of the troops from the east to the west, or the reverse, would be through the country of the most powerful of our Indian tribes, and, by the moral effect of such transit, would, in a great measure, prevent the occurrence of those wars which are always attended with heavy expense.

The near approach to each other of the navigable waters of the Missouri and Columbia rivers, requiring, probably, land transportation for only about five hundred miles, will, in the event of a foreign war, make this route the most available in our territory for a wagon road, by which to transport the heavy supplies and munitions of war, as well as troops with which to guard the northern portion of the Pacific shore; while affording, in time of peace, facilities for the transportation of troops and supplies to that section with great rapidity, and at a cost *immensely* below that of the means at present used.

Regarded as a measure of economy alone, this road possesses decided advantages. To move the ninth regiment of infantry from Fort Monroe, Virginia, to Fort Vancouver, on the Columbia, cost $150,000; and before the troops arrived at the scene of their duties in the interior, the amount reached $200,000. Four regiments are now stationed in the region of country with which the road connects. To keep the ranks filled, and to supply casualties, such as deaths and desertions, more than the equivalent of one regiment would have to be sent out annually, as recruits; for the average term of service, allowing for reënlistments, would be less than four years. To move these troops from Fort Benton to Fort Walla-Walla would not take more than a month, and the cost of the movement would not exceed $100,000; while the men would reach their destination in good health, and fully prepared for service, by their daily duties on the march, instead of, after suffering the discomforts of a long sea voyage through the tropics, for nearly five weeks, without drills and without discipline, in a condition unfit to take the field.

It would seem, therefore, to be sound military policy to build the proposed road.

The former appropriation of $30,000 for a road from Fort Benton to Fort Walla-Walla, made by the act of February 8, 1855, was quite inadequate to accomplish that object. It is in this section that a large portion of the difficulties of the proposed route are to be found; and the amount asked for in the bill, $350,000, is not deemed too great to effect the object designed.

The effort was made, during the past season, to commence the opening of the road between Fort Walla-Walla and Fort Benton, but proved unavailing, in consequence of the Indian hostilities in Washington Territory.

2. In regard to the "military necessity" of the surveys of the upper Missouri, from Fort Union to the Great Falls, above Fort Benton, and of the Columbia, from the Cascades "to Kettle falls, near Colville, to determine their practicability as routes for troops and military supplies," I have to say that these surveys have been repeatedly urged by officers of the Army for the purposes mentioned, and the information is very desirable, in order that the Department may act advisedly in directing military operations. The imperfect examinations which have been made, give reason to infer that reliable useful navigation, to a certain extent, will be found.

The bills accompanying your letter are, herewith, returned.

Very respectfully, your obedient servant,
JOHN B. FLOYD, *Secretary of War.*

HON. C. J. FAULKNER, *Chairman of the Committee on Military Affairs, House of Representatives.*

WAR DEPARTMENT, WASHINGTON, D. C.,
February 24, 1858.

SIR: Attaching much importance to the military road from Fort Abercrombie, on the Red River of the North, to Seattle, on Puget Sound, should the committee not feel warranted in recommending the whole amount of the appropri-

ation asked for. $350,000, I would ask that an appropriation be made for that portion between Fort Benton and Fort Walla-Walla.

It will take two seasons to complete the work; and economy will require that the party making the road should winter on the line of operations, during which time the party would be engaged in getting out timber for bridges, and other work of a similar character.

From the best estimates that I have been able to procure, I estimate that the amount of $200,000 will be required to complete this work; one half of which will be sufficient to carry on operations until the meeting of the next Congress.

Regarding this road a very important one in a military point of view, I recommend it to the favorable consideration of the committee.

I am, sir, very respectfully, your obedient servant,

JOHN B. FLOYD, *Secretary of War.*

Hon. JEFFERSON DAVIS, *Chairman Military Committee, United States Senate.*

Mr. FAULKNER. I will state that this subject was under consideration in the Committee on Military Affairs, and they have authorized me to prepare a bill appropriating $30,000 for the construction of this road from Fort Benton to Walla-Walla. I move to amend the amendment of the Senate by striking out "$100,000," and inserting "$30,000" in lieu thereof.

The amendment to the amendment was disagreed to.

Mr. BONHAM. I would say to the committee, that $30,000 is all that was originally asked for this work; and the Committee on Military Affairs were of opinion that that amount would be amply sufficient. And, under the present pressure on the Treasury, I do not think that more ought to be appropriated.

Mr. GROW. Everybody knows that $30,000 will not build this road.

Mr. WASHBURNE, of Illinois. It is a thousand miles in length.

Mr. GARNETT. It is well known that this is a mere pretext for building a commercial road; and I ask for a division on the amendment.

The question recurred on the amendment of the Senate.

Mr. FLORENCE called for tellers.

Tellers were ordered; and Messrs. McQUEEN and NICHOLS were appointed.

The committee divided; and the tellers reported —ayes 75, noes 44.

So the amendment was concurred in.

Seventeenth amendment:

Insert as follows:

SEC. 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized to repay to the State of Texas, out of any money in the Treasury not otherwise appropriated, moneys advanced by that State for the payment of six companies of mounted volunteers called into service by General Persifer F. Smith, on the 1st of November, 1854, for three months: *Provided*, That there shall be no greater pay or allowances to these companies than was given to similar troops in the service of the United States.

Mr. CRAWFORD. The Committee of Ways and Means recommend a concurrence.

The amendment was concurred in.

Eighteenth amendment:

Add as follows:

SEC. 3. *And be it further enacted*, That for the purpose of executing a resolution approved May 14, 1836, entitled "A resolution to authorize the Secretary of War to receive additional evidence in support of the claims of Massachusetts and other States of the United States for disbursements, services, &c., during the late war," the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Massachusetts, out of any moneys in the Treasury not otherwise appropriated, the sum of $227,176 48, reported under said resolution to be due to said State by J. R. Poinsett, late Secretary of War, in a report dated the 23d of December, 1837, made to the House of Representatives the 27th of December, 1837: *Provided*, That in lieu of payment in money, the Secretary of the Treasury may, at his discretion, issue to said State United States stock, bearing interest of five per centum per annum, and redeemable at the end of ten years, or sooner at the pleasure of the President.

Mr. CRAWFORD. The Committee of Ways and Means recommend a concurrence in that amendment, with an amendment.

Mr. McRAE. I wish to say a word in reference to this amendment. This question was before the Committee on Military Affairs, and the claim was referred to me as a member of that committee for examination. Upon investigation of it from the reports of the accounting officers of the Treasury, and of the Secretary of War, there was no doubt that this amount claimed by the State of Massachusetts was justly due to her; and the Committee on Military Affairs unanimously authorized me to report a bill making an appropriation for the amount necessary to cover this claim. I felt it due to the State of Massachusetts that the action of the Military Committee, and the facts in reference to this claim, should be made known to this committee.

Mr. STEWART, of Maryland. I move to amend the amendment of the Senate by striking out the proviso. If this amount is due to the State of Massachusetts at all, she is entitled to receive the full amount in money.

Mr. BUFFINTON. I will state to the gentleman that we are satisfied with the amendment of the Senate as it is; and I hope he will withdraw his amendment.

Mr. STEWART, of Maryland. Very well; if Massachusetts is satisfied to be paid in this way, I have no objection, and will withdraw my amendment.

Mr. JONES, of Tennessee. I do not propose to make any speech upon this claim. I shall ask for a separate vote upon it, and the yeas and nays in the House; and let those who are for passing such a claim put their name on the Journal. For myself, I am against it.

Several MEMBERS. Certainly; we will do that.

Mr. McRAE. I would have suggested myself the amendment proposed by the gentleman from Maryland, believing that the claim is just, and ought to be paid in money. I learned, however, from the gentlemen representing that State in this House that they were satisfied to receive United States stocks, bearing interest at five per cent.; and therefore I did not wish to raise a question now which might give rise to considerable discussion. I will say, in answer to the gentleman from Tennessee, [Mr. JONES,] who seems to be the peculiar guardian of the Treasury, that I am as much in favor of economy in the expenditures of this Government as he is; that I am as much in favor of reform and retrenchment as he or any member of this House is. I am a free trade man, and a strict constructionist; but show me a claim which is just, and I will advocate it, no matter what the amount is. I will put my name upon the Journal, so that the country may see where I stand. The gentleman shall have the privilege and pleasure of having my vote recorded in favor of this claim when it comes into the House.

Mr. CRAWFORD. The Committee of Ways and Means had this under consideration, and unanimously agreed that it should be passed.

Mr. PHILLIPS. I will correct the gentleman from Georgia. He said the Committee of Ways and Means unanimously agreed to it. I wish to say that I dissented from it.

Mr. CRAWFORD. If the gentleman did not vote for it, I am mistaken so far as he is concerned. I did not know that any member of the committee objected to it.

Mr. CLARK, of Missouri. I move to amend by a provision to pay to the State of Missouri the amount it cost her to repel the hostilities of the Osage Indians. The Committee on Military Affairs reported in favor of this claim of the State of Missouri. Missouri is entitled to it.

Mr. WASHBURNE, of Illinois. I rise to a point of order. Is the amendment in order?

The CHAIRMAN. The Chair decides the amendment not to be in order. There is no law authorizing the appropriation.

Mr. CLARK, of Missouri. I am afraid that everything for my State is out of order.

Mr. JONES, of Tennessee. I move to add to the provision under consideration an amendment giving authority to the President to cause an issue of $20,000,000 of stock, at not exceeding five per centum, to pay the other debts of the country.

The CHAIRMAN. The amendment is not in order. There is no law authorizing it.

Mr. JONES, of Tennessee. No, sir; but it is germane to this subject. This is to pay the debts which we contract under this bill.

Mr. RITCHIE. Is the point of order debatable?

The CHAIRMAN. It is not.

Mr. RITCHIE. Then I object.

Mr. GROESBECK. What is the character of this claim? Does it provide for interest?

Several MEMBERS. Not a dollar.

Mr. McRAE. This claim does not pay interest. It is to pay the State of Massachusetts a claim incurred during the war of 1812, and upon which she asks no interest. It is founded upon the legislation of Congress.

Mr. UNDERWOOD. I want to inquire whether this claim is not analogous, or, indeed, identical, with a large class of other claims which have been paid to other States for similar expenditures?

Mr. McRAE. I will answer the gentleman's question. It is analogous this far: other States have presented similar claims for similar advances, which have been allowed. It is analogous that far. But this is dissimilar in the fact that it has not yet been paid.

Mr. GARNETT. I really wish to vote intelligently on this question. It is said that the Committee of Ways and Means approved it. The gentleman from Pennsylvania, on that committee, says that he dissented to it. I think it reasonable to ask some gentleman, who understands this matter, to state the grounds upon which this claim rests, before we are called upon to vote on it.

Mr. BRANCH. I move to strike out this appropriation.

Mr. Chairman, it appears, from the language of this clause, that, so long ago as 1837, the Secretary of War reported to Congress that this claim was due. Now, I will not question that it is due, in view of the fact that the Committee of Ways and Means and the Committee on Military Affairs have said that it was due; but I would like some gentleman to tell me why it is, if this claim was examined and reported to be due twenty years ago, it has never been paid?

Mr. BUFFINTON. Mr. Chairman, I will, with the gentleman's permission, reply to his interrogatories. That question was asked in the Senate, when this subject was before that body, and the Senator from Maryland said that the only reason the claim was not paid was on account of the political prejudice against the State of Massachusetts.

I will say that this claim was referred to the Military Committee of this House by my colleague from the Springfield district, and that committee unanimously reported in favor of paying the claim. It was then referred by my colleague in the Senate to the Military Committee in that branch, and received the unanimous approval of that committee. The Senator from Mississippi [Mr. DAVIS] moved this amendment to the Army bill, and the amendment passed the Senate without a division. It has also been approved by the Committee of Ways and Means in this House.

Mr. BRANCH. I can only say that if a just claim of the State of Massachusetts has remained unpaid for more than twenty years after the Secretary of War has decided that it was due, because of political prejudice against that State, then it was done from an unworthy motive, and is a most unjust proceeding. I do think, considering the size of this claim, and the length of time it appears to have been recognized by the authorities of the Government, that some gentleman ought to state to the committee the nature of the claim, and the grounds upon which it rests. There ought to be some other reason given than has already been assigned. Not, sir, that I question the justice of the claim; I have no doubt, in view of the facts before us, that it is a just claim, but I think it is due to the country that some explanation should be made to the committee.

Mr. DAWES. Mr. Chairman, I will state what is the nature of this claim. It is a claim for moneys expended by Massachusetts during the last war with Great Britain, and which came under the three rules established by Congress for the allowance of these claims. The first of these rules is, when the militia of the State was called out in defense of her territory and coast when there was actual invasion, or when there was well-grounded apprehension of invasion. The second was, when the troops were called out by the Governor of the State and were afterward recognized and called into service by the United States authorities; and the third was, when they were called out directly by the President of the United States. These three rules were prescribed in a law enacted by Congress, and under these three rules the claim of Massachusetts was submitted to the Secretary of War, who audited the accounts and found this balance due, and it has never been paid.

Mr. CLARK, of Missouri. I ask the gentleman from Massachusetts whether, during the last war, Massachusetts ever refused to let her militia leave that State?

Mr. DAWES. It is true, Mr. Chairman, that at the beginning of the war, in the very first

month of it, there was a conflict between the Governor of Massachusetts and the United States authorities, and that is the foundation of the prejudice against this claim that has been alluded to by my colleague. This was in 1812, at the commencement of the war. But not one dollar of this claim grows out of that conflict, or arose at that time. This claim accrued in 1814, two years after that conflict, and when all the militia of Massachusetts were at the service of the General Government.

Mr. BRANCH. The only further remark I wish to make about it is this: that some year or two ago, on the adoption of some new method of calculating interest—new, as applied to the operations of the Government—we allowed to the State of Maryland, a sum of money, perhaps not large; and now, as based on that precedent, we find attached to this bill a claim on the Government in behalf of several other States, amounting to $1,600,000.

Mr. BUFFINTON. That does not apply to Massachusetts.

Mr. BRANCH. But I should like to know, whether, if we allow this claim to Massachusetts, we do not constitute a precedent on which we will be called upon to allow other claims, much larger and perhaps not so just?

Mr. GROESBECK. I wish to ascertain whether this is a balance, or the whole of the claim?

Mr. BUFFINTON. It is a balance.

Mr. LETCHER. I looked into this matter with some little care, and I am entirely satisfied that this money is justly due to the State of Massachusetts, and so reported to the Committee of Ways and Means this morning. Some years ago a portion of the claim, amounting to $440,000, was voted by Congress to the State of Massachusetts in part satisfaction of this demand.

Mr. HOUSTON. When was that?

Mr. LETCHER. Some years ago.

Mr. BUFFINTON. In 1836.

Mr. LETCHER. At that time, and when the money was about being paid, it was ascertained that $11,000 was found charged on the books against Massachusetts, which sum was deducted, and the balance, $429,000, paid over to her. Subsequently, by act of Congress, the matter was referred to Mr. Poinsett, the Secretary of War, to ascertain the precise amount due to the State of Massachusetts. It was ascertained, on his report, that this sum of $237,000 was still due and owing to the State of Massachusetts. Why it has not been paid, I do not know; but I am perfectly satisfied that the money is justly due, and ought to be paid, and that it is rather discreditable to the Government that it never has been paid. There is nothing of interest in it, about which gentlemen seem to be so much concerned. As I understand it, there is no interest embraced in the claim at all, as reported here, or as in the amount awarded. I believe the sum to be justly due. I voted for it in the committee, and shall vote for it here.

Mr. BRANCH withdrew his amendment.

Mr. DOWDELL. I offer the following amendment.

SEC. 4. *And be it further enacted*, That the sum of $413,600 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the payment of the Florida volunteers, called into service by General Harney and Colonel Loomis, under authority of the President of the United States, in 1857-58, which shall be in full satisfaction and payment for the services of said volunteers, during the years aforesaid.

Mr. RITCHIE. I rise to a point of order. That amendment has nothing whatever to do with the Senate amendment.

The CHAIRMAN. The Chair decides the amendment to be out of order.

Mr. HOUSTON. It is as much in order as the other.

Mr. HAWKINS. I would like to be heard on the subject.

The CHAIRMAN. There is a joint resolution, passed by both Houses, authorizing the payment of this other item.

Mr. HOUSTON. If so, it seems strange that it would be put in as an amendment to this bill. I do not understand that there is any law.

The CHAIRMAN. The Senate amendment refers to the joint resolution approved May 14, 1836.

Mr. HOUSTON. That shows that the Chair misapprehends the reading of this amendment. It is by way of recital, at best, and refers to a joint resolution by which the Secretary of War was authorized to receive evidence in the case. It does not say the claim is just against the Government. It does not recognize the claim to be just. It simply, as I understand it, authorizes the Secretary of War to receive evidence of the justice of the claim. This claim, in regard to the Florida volunteers, is as much recognized by law as that.

Mr. HAWKINS. It is said, Mr. Chairman, that there is no law to authorize this appropriation. I will state to the Chair that there is a law, the law of 1795, authorizing the President of the United States to make a requisition on the Governor of any of the States in case of invasion, either from abroad or from any Indian tribe. So far as the power of the President of the United States is concerned, it is a power given to him by the Constitution, and carried out by the law of 1795; and the Supreme Court of the United States has held that the President is to be the sole and only judge of the exigency for making such requisition. I have the decision before me. This was done in the case of these Florida troops; and I will submit to the committee a letter to show the facts:

WAR DEPARTMENT, WASHINGTON, *May* 28, 1857.

SIR: The President of the United States requests that, to aid in suppressing Indian hostilities within Florida, you cause to be detached, without delay, from the militia thereof, in accordance with a late suggestion of your own, not exceeding ten companies of mounted volunteers, to be reported by companies, to the commanding officer of the United States troops engaged in that service, as fast as they can be detached, in order that the same may be duly mustered into the service and pay of the United States.

* * * * * * * * * *

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

His Excellency J. E. BROOME,
Governor of Florida, Tallahassee.

This was addressed to the Governor of Florida. These troops were furnished by the Governor of Florida, upon this requisition of the President of the United States. They went into the field, underwent great hardships and privations, and carried the war into the most secret retreats of the enemy. They carried on the campaign successfully, and, by their gallantry, at last succeeded in bringing this unfortunate and long-protracted Indian war to an end.

Sir, the Secretary of War has sent estimates to the Committee of Ways and Means, and has warmly recommended the payment of these Florida claims. I will give the very language of the Secretary of War:

WAR DEPARTMENT, *December* 23, 1858.

SIR: I transmit, herewith, a communication from the Paymaster General, from which it will be perceived that the sum of four hundred and thirteen thousand six hundred dollars ($413,600) will be required for the payment of the Florida volunteers, called into service by General Harney and Colonel Loomis, and have the honor to request the early and favorable action thereon of the House of Representatives.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Hon. JAMES L. ORR,
Speaker of the House of Representatives.

The estimate and the recommendation of the Secretary of War were sent to the Committee of Ways and Means, and that committee have unanimously recommended the payment of this amount. This amendment was attempted to be put upon this bill when it was before the House in the first instance, but was ruled out on a point of order. The Chairman of the Committee of the Whole was afterwards convinced that he was in error in ruling it out of order, and admitted that he was in error; for he had to admit that this law of 1795 authorized the President of the United States to call out these troops; and, sir, if there was authority to call out the troops, does it not follow as a *sequitur* that there must be authority of law to pay them? Sir, justice and right, and every principle of law and equity demand that these claims should be paid.

The CHAIRMAN. The Chair was mistaken in supposing that a joint resolution had been passed, authorizing the payment of this sum of money to the State of Massachusetts; but that is an amendment from the Senate. The amendment offered by the gentleman from Alabama is legislation; and in accordance with the uniform practice of the House, the Chair decides that new legislation on an appropriation bill is out of order.

Mr. JONES, of Tennessee. I would suggest to the Chair that we have got through with the original bill, and are now acting on the amendments of the Senate—amendments which would not have been in order in this House, and could not have been placed on this bill. But the Senate has sent them here, and I suppose they are not subject to the rules of the House.

Mr. DOWDELL. With a view of testing the sense of the committee, I appeal from the decision of the Chair.

Mr. HOUSTON. As I understand it, the text on which we are now acting—the Senate amendment—is legislation, and the amendment of my colleague is clearly and unquestionably germane. The amendment is no more legislation than is the text on which we are acting—the Senate amendment—and, therefore, it seems to me that it must be in order.

The CHAIRMAN. Debate is not in order.

The question being on the appeal,

Mr. SMITH, of Tennessee, demanded tellers.

Tellers were ordered; and Messrs. BLISS, and DAVIS of Mississippi, were appointed.

The committee divided; and the tellers reported—ayes 95, noes 29.

So the decision of the Chair was sustained.

Mr. SHORTER. I desire to propose the following amendment to the amendment of the Senate:

Add, at the end of the amendment of the Senate, as follows:

And provided further, That there may be set off against said sum of money, and deducted therefrom, any sum or sums of money necessarily expended by the United States in enforcing the execution of the laws of the United States within the State of Massachusetts, in consequence of resistance to the same by the people of said State, in accordance with the public sentiment of said people as embodied in State laws.

Mr. NICHOLS. I make this point of order, that the amendment is not germane to the amendment of the Senate, and that it is one which, at this stage of the session, ought not to be proposed in this House.

Mr. SHORTER. I would like to say a word upon this amendment.

Mr. NICHOLS. I object until the Chair has decided the question of order.

The CHAIRMAN. The Chair decides that the amendment is not in order.

Mr. SHORTER. I appeal from the decision of the Chair, and I desire to state my reasons for taking an appeal.

Mr. DEAN. Debate is not in order, and I object.

Mr. SHORTER. I do not propose to debate it, but simply to state why, in my judgment, the amendment is a proper one.

Mr. DEAN. I call the gentleman to order.

The CHAIRMAN. The gentleman from Alabama cannot debate the amendment.

Mr. SHORTER. I have a right to appeal from the decision of the Chair, and to state the grounds of my appeal, have I not?

The CHAIRMAN. The gentleman has appealed from the decision of the Chair, but debate is not in order.

Mr. SHORTER. I surely have the right to state the reasons of my appeal.

The CHAIRMAN. Stating reasons is debate; and debate is not in order.

Mr. HOUSTON. The gentleman has the right to state the grounds of his appeal.

Mr. SHORTER. I have never known that right denied to any member of this House.

Mr. NICHOLS. It was denied to me last night.

Mr. SHORTER. Well, sir, this is the first time I have ever known it to be refused. I offer this amendment in good faith, and I believe it is strictly in order. And why do I believe it to be in order? Because, when the State of Massachusetts comes here and asks for $220,000 to be paid to her in consequence of money which she alleges is due her, we have the right to deduct therefrom the amount which it has cost the Government to execute the laws resisted by her citizens. [Cries of "Order!" "Order!"]

Mr. JONES, of Pennsylvania. I call the gentleman to order. He is not stating the grounds of his appeal.

The CHAIRMAN. The gentleman from Alabama is not in order, and will take his seat.

Mr. SHORTER. I merely desire to say in

addition, ["Order!" "Order!"] that I believe the State of Massachusetts ["Order!"] ought to be compelled to pay this amount. [Shouts of "Order!" and confusion.] That is all I have to say.

The question was taken; and the decision of the Chair, ruling the amendment out of order, was sustained.

Mr. VALLANDIGHAM. I move to amend in the tenth line by striking out "two" and inserting "one."

Mr. Chairman, the question has been asked, why this amount, if due Massachusetts, has not been paid long since? A Representative from that State has assigned as the reason, that "political prejudice" against that Commonwealth, as was said in the Senate, has prevented it. Sir, I regret that any such prejudice should exist against any sister in this Confederacy, and still more that there should be any just cause for it; but, surely, if any such prevailed twenty years ago and more, the public conduct of Massachusetts has done little since to remove it.

Mr. GROW. I rise to a question of order. The gentleman is not confining himself to his amendment. I insist that he shall not proceed out of order.

The CHAIRMAN. The gentleman from Ohio will confine himself to his amendment.

Mr. VALLANDIGHAM. I propose to do so. It is just what I am doing; and I think the gentleman from Massachusetts was mistaken in the reason which he assigned why this claim had not before been paid. The Congress of the United States, as far back as 1830, passed an act appropriating some $430,000 for the payment of the claims of Massachusetts for the services of the militia during the war of 1812, and designating the classes of claims which should be paid. That law limits these claims to the following cases: First, when the militia was called out in reasonable numbers to repel actual or justly apprehended invasion; second, when called out by the authority of the State and afterwards recognized by the Federal Government; and third, where called out by and serving under a requisition of the President of the United States or any officer thereof.

It was said by the gentleman from Alabama, [Mr. HOUSTON,] that there was no law for this appropriation. But here is an express act of Congress authorizing the auditing and settlement of the claims.

Mr. BUFFINTON. I think the gentleman is mistaken. The act which has been read was to provide for another class of claims.

Mr. GROW. I insist on my point of order. This discussion is not relevant to the amendment under consideration, which is to strike out "two," and insert "one."

Mr. VALLANDIGHAM. If the gentleman will wait until I have proceeded far enough to show the pertinency of my remarks to the amendment, he will see that I am in order.

Mr. GROW. That will be, I suppose, at the end of the gentleman's five minutes.

Mr. VALLANDIGHAM. And if the gentleman continues his interruptions, it will not be for an hour to come. Now, sir, so far from political prejudice against the State of Massachusetts delaying the payment of these claims, the true reason why they have not been paid before is, that the State failed to establish them under the usual rules of evidence, applicable by the act of 1830. For that reason, on the 14th of May, 1836, a joint resolution was passed, changing the rule of evidence so as to admit such satisfactory proof as Massachusetts might be able to produce in support of her claims. That joint resolution provided that the Secretary of War should receive evidence "without regard to existing rules and requirements," and adjust the claims where the evidence, of whatsoever sort, in his opinion, should justify it. This appropriation is for the amount found due subsequently; and has been delayed since, as claims usually are in this House, and not for the reason assigned—however much and however justly—prejudice against Massachusetts for her course in the war of 1812, and since. But she is entitled to justice, and let her have it.

Mr. DAWES. I oppose the amendment, and ask for a vote upon it.

Mr. McRAE. Mr. Chairman, I wish to explain to the gentleman from Ohio. He is mistaken in reference to the position he has taken on this subject. The original claim of Massachusetts, against the United States, amounted to over eight hundred thousand dollars. It was submitted to the investigation of the accounting officers of the Treasury; and it was examined under very rigid rules. An appropriation was made, as the gentleman from Ohio says, for over four hundred thousand dollars—not one half of the claim.

Mr. VALLANDIGHAM. Has that money been paid?

Mr. McRAE. Yes, sir; $438,748 26.

Mr. VALLANDIGHAM. Then political prejudice did not operate on that.

Mr. McRAE. Then the question came before Congress for the payment of the balance. Mr. Poinsett, Secretary of War, reported that there was a balance due to the State of Massachusetts. Upon that report another payment was made to the State of Massachusetts of $227,000. The amount now proposed to be paid has, for some cause or other—I do not know what—been withheld. This amount still remains unpaid. I make this statement in answer to the gentleman from Ohio.

Now, Mr. Chairman, I do not know whether this payment has been delayed on account of political prejudice, or not. I stand in a position of as much prejudice against the State of Massachusetts as any man in the Union, on account of the relations which she sustains to the State of Mississippi, and the southern States of this Union. But, sir, while she is a State of this Union, and Mississippi is her sister State, and while I am a Representative of the State of Mississippi, I will do justice to Massachusetts, as I will do justice to Mississippi. When the time comes, and the issue is made between Mississippi and Massachusetts, I will take my position for the rights and the sovereignty of Mississippi. Then I will meet Massachusetts, and I will fight her such a battle as she fought upon Bunker Hill, during the Revolution; and, sir, I have no doubt the sons of Mississippi will rear for those who fall for her rights such another monument. I have no prejudice against Massachusetts. I love her for her great achievements in the arts, the sciences, and in arms. I love her, as I love the remotest portions of my country; and, sir, I could stand at the base of that Bunker Hill monument, and look upon it with as much pride as her own sons—see the morning sun gild it with its earliest rising, and shine upon it with the departing beams of day. I will do justice to all.

[Here the hammer fell.]

The amendment was rejected.

The question then recurred on the amendment of the Senate.

Mr. FLORENCE demanded tellers.

Tellers were ordered; and Messrs. UNDERWOOD and JOHN COCHRANE were appointed.

The House divided; and the tellers reported—ayes 120, noes 3.

So the amendment was concurred in.

Nineteenth amendment:

Add the following section:

SEC. 4. *And be it further enacted*, That the proper accounting officers of the Treasury be, and they are hereby, authorized to settle the accounts of officers of the Army for issues of forage and other supplies of the quartermaster's department for the three companies of Kansas volunteers called out by General Persifer F. Smith, in Kansas, in 1856, under the authority of the War Department, by passing to their credit the amounts now charged against them on the books of the Treasury on that account.

The Committee of Ways and Means recommended non-concurrence.

The amendment was non-concurred in.

Twentieth amendment:

Add the following section:

SEC. 5. *And be it further enacted*, That no more of the outstanding appropriations for military purposes shall be expended during the fiscal year herein provided for, than the amount which may be necessary to satisfy the liabilities which have been created in the preceding fiscal year: *Provided*, That this section shall not be considered as extending to appropriations for fortifications.

The Committee of Ways and Means recommended non-concurrence.

Mr. CHAFFEE. I offer the following amendment:

Provided further, That the value of all improved infantry arms manufactured at the national armories, and issued, in pursuance of requisitions of their respective Governors, to the States and Territories, as a part of their quota, under the appropriation for arming and equipping the militia, shall, for the present and ensuing fiscal year, be charged against the appropriation "for arming and equipping the militia," and paid to the credit of the appropriation "for the manufacture of arms at the national armories."

Mr. CRAWFORD. I raise a point of order: that this amendment proposes general legislation. It directs the Secretary of War to pursue a particular course in regard to the expenditure of money.

The CHAIRMAN. The Chair decides the point of order to be well taken. The amendment is not germane.

Mr. CHAFFEE. I would like to have the law read by the Clerk.

The Clerk read two clauses: one, to the effect that arms and military equipments procured for the militia, either by purchase or manufacture, shall be paid for each year, respectively, out of any money in the Treasury not otherwise appropriated; the other, repealing all acts and parts of acts authorizing the President of the United States or the Secretary of the proper Department to transfer any portion of the moneys appropriated for a particular purpose of expenditure in that Department to be applied to another branch of expenditure in said Department.

Mr. CHAFFEE. This is simply requiring the Secretary of War to execute the law.

The CHAIRMAN. The Chair decides the amendment out of order.

The Senate amendment was non-concurred in.

Twenty-first amendment:

Add the following section:

SEC. 6. *And be it further enacted*, That the second section of the act of 3d March, 1851, entitled "An act to found a military asylum for the relief and support of invalid and disabled soldiers of the Army of the United States," be so amended as to reduce the number of commissioners authorized by that section to three, and to consist of the Commissary General of Subsistence, the Surgeon General, and the Adjutant General, (any two of whom shall be a quorum for the transaction of business,) whose duty it shall be to examine and audit the accounts of the treasurer quarterly, and to visit and inspect the military asylum at least once in every month.

The Committee of Ways and Means recommended non-concurrence.

The amendment was non-concurred in.

Twenty-second amendment:

Add the following section:

SEC. 7. *And be it further enacted*, That the benefits of said act be, and they are hereby, extended, so as to include the invalid and disabled soldiers, whether regulars or volunteers, of the war of 1812, and of all subsequent wars; and that so much of the act of 3d March, 1851, as is inconsistent herewith, be, and the same is hereby, repealed.

The Committee of Ways and Means recommended non-concurrence.

Mr. TALBOT. I offer the following amendment:

And be it further enacted, That the sixth section of the act of 12th June, 1858, entitled "An act making appropriations for the support of the Army," be so amended as to authorize and direct the Secretary of War to sell, on the first Tuesday in September next, at public outcry, on the premises, to the highest bidder, for cash in hand, all the property at Harrodsburg, Kentucky, known as the Western Military Asylum property, and convey the same to the purchaser, the proceeds of said sale to be paid into the Treasury of the United States. And all laws and parts of laws now in force, prohibiting the sale of said property, be, and they are hereby, repealed.

Mr. CRAWFORD. I rise to a question of order. There is nothing in the amendment of the Senate to authorize the Secretary of War to sell property. The amendment of the gentleman is therefore not germane.

The CHAIRMAN. The Chair decides the point of order to be well taken. The amendment is out of order.

The amendment of the Senate was non-concurred in.

Twenty-third amendment:

Add the following section:

SEC. 8. *And be it further enacted*, That all pensioners on account of wounds or disability incurred in the military service shall transfer and surrender their pensions to the institution for and during the time they may remain therein and voluntarily continue to receive its benefits.

The Committee of Ways and Means recommended non-concurrence.

The amendment was non-concurred in.

Twenty-fourth amendment:

Add the following section:

SEC. 9. *And be it further enacted*, That the deduction of twenty-five cents per month, from the pay of the non-commissioned officers, musicians, artificers, and privates in the Army shall be reduced, from and after the 30th of June next, to twelve and a half cents per month, and that the title of the act be, and the same is hereby, changed from the "Military Asylum" to that of "Soldier's Home:" *And provided, further*, That all persons now in, or that may hereafter be admitted into, the institution, shall be, and are hereby, made subject to the rules and articles of war, and will be

governed thereby in the same manner as soldiers in the Army.

The Committee of Ways and Means recommended non-concurrence.

The amendment was non-concurred in.

Twenty-fifth amendment:

Add the following section:

SEC. 10. *And be it further enacted*, That all the States which have had, or shall have, refunded to them by the United States moneys expended by such States for military purposes during or since the war of 1812, with Great Britain, which have not already been allowed interest upon the moneys so expended, shall now be allowed interest so far as they have themselves paid, or lost it; said interest to be computed by the proper accounting officers of the Treasury, according to the provisions and principles directed to be applied to the case of Maryland by the twelfth section of the act of March 3, 1857, entitled "An act making appropriations for certain civil expenses of the Government for the year ending 30th of June, 1858;" and that all the States which have been allowed interest upon claims against the United States, accruing during or since said war of 1812, shall be entitled to have their interest accounts reëxamined and restated by the proper accounting officers of the Treasury, according to the provisions and principles of the twelfth section of said act of March 3d, 1857; and that those provisions and principles shall govern the computation of interest in all cases in which interest may hereafter be allowed to any of the States. Any money found to be due to any State, as directed by this section to be computed and ascertained, shall be paid to such State, out of any money in the Treasury not otherwise appropriated: *Provided*, that in lieu of the payment of money the Secretary of the Treasury may, at his discretion, issue to such States a stock bearing an annual interest at the rate of five per centum per annum, and redeemable at the end of ten years, or sooner, at the pleasure of the President.

The Committee of Ways and Means recommended a concurrence in the amendment of the Senate, with the following amendment:

Strike out all after the word "enacted" in the first line, down to the word "States," in the twenty third line, as follows:

"That all the States which have had, or shall have, refunded to them by the United States, moneys expended by such States for military purposes, during or since the war of 1812, with Great Britain, which have not already been allowed interest upon the moneys so expended, shall now be allowed interest, so far as they have themselves paid or lost it; said interest to be computed by the proper accounting officers of the Treasury, according to the provisions and principles directed to be applied to the case of Maryland by the twelfth section of the act of March 3, 1857, entitled 'An act making appropriations for certain civil expenses of the Government, for the year ending June 30, 1858;' and that all the States which have been allowed interest upon claims against the United States, accruing during or since said war of 1812, shall be entitled to have their interest accounts re-examined and restated by the proper accounting officers of the Treasury, according to the provisions and principles of the twelfth section of said act of March 3, 1857; and that those provisions and principles shall govern the computation of interest in all cases in which interest may hereafter be allowed to any of the States."

And insert, in lieu thereof, the following:

That in all applications made by the constituted authorities of States and cities for the reopening and reexamination of settlements heretofore made with such States and cities, whereon interest has been allowed by acts of Congress, the rule of computing interest shall be the same as was applied in the settlement between the United States and the State of Maryland, under the provisions of the twelfth section of the act entitled "An act making appropriations for certain civil expenses of the Government, for the year ending 30th June, 1858," approved 3d March, 1857. And after the word "State," where it occurs in lines twenty-four and twenty-five insert the words "or city," and after the word "States," in the twenty-eighth line, insert the words "or cities."

Mr. PHELPS, of Missouri. I desire to call the attention of the committee to what is proposed in the amendment of the Senate as well as in the amendment which emanates from the Committee of Ways and Means. This is a proposition to reopen the settlements which were made by the United States with the several States of the Union for expenses incurred in the war of 1812. And it is not only to reopen those accounts, but, if you establish this principle, you will have to go back and open up the accounts of the thirteen original States of the Union for the settlement of their advances made in the war of the Revolution; for the principle, if applicable to the one, is applicable to the other. It is for this reason that I call the attention of the committee to the magnitude of these claims. At the last session of Congress, the Senate placed upon an appropriation bill a provision for the resettlement of the accounts of the States for advances made in the war of 1812. The Committee of Ways and Means, at that time, refused to recommend a concurrence in that amendment; but, for the purpose of obviating the difficulty which they thought was upon them, and having full data before Congress of the amount which would be drawn from the Treasury, the amendment of the Senate was modified so as to call for a statement of the amount which would be paid, provided that the accounts of all the States were settled in the manner which had been determined on in the case of the State of Maryland. I have here a document in which it is reported that there will be due to the States of Maine, Virginia, Tennessee, Georgia, South Carolina, Delaware, New York, Pennsylvania, and the city of Baltimore, provided the amendment of the Committee of Ways and Means shall be adopted, the amount of $1,644,452 49. But the amendment of the Senate goes even further than that. It embraces not only those States which have applied, but those States which have not applied. Now, if you settle this principle by your legislation on this bill, you must carry it back to the war of the Revolution. I have here the act of 1790, which prescribes the way in which the settlement shall be made by the General Government, with the thirteen original States of this Union, for expenses incurred in the war of the Revolution. It is as follows:

"An act to provide more effectually for the settlement of the accounts between the United States and the individual States, approved August 5, 1790." * * * *

"SEC. 5. *And be it further enacted*, That the commissioners shall debit each State with all advances which have been, or may be, made to it by the United States, and with the interest thereon to the last day of the year 1789, and shall credit each State for its disbursements and advances on the principles contained in the third section of this act, with interest to the day aforesaid, and having struck the balance due to each State, shall find the aggregate of all the balances, which aggregates shall be apportioned between the States agreeably to the rule hereinafter given; and the difference between such apportionments and the respective balances, shall be carried in a new account to the debit or credit of the States respectively, as the case may be."

This question was brought to the attention of Congress in 1832. A bill was then reported by a distinguished gentleman occupying the position of chairman of the Committee on the Judiciary in the Senate, providing for the settlement of the accounts of the States of this Union precisely in the manner indicated in the amendment of the Committee of Ways and Means. That bill received the approval of both Houses of Congress. It was submitted to the then Executive of this Union, and failed to receive his approval. And at the next session of Congress he communicated a message to the Senate, giving the reasons why he withheld from that bill his approval. I refer to the message of General Jackson of the 6th December, 1832, returning to the Senate "An act providing for the final settlement of the claims of States, for interest on advances to the United States made during the last war," with his objections thereto—from which message I read the concluding paragraph:

"I deem it proper, moreover, to observe that, both under the act of the 5th August, 1790, and that of the 12th February, 1793, authorizing the settlement of the accounts between the United States and the individual States, arising out of the war of the Revolution, the interest on those accounts was computed in conformity with the practice already adverted to, and from which the bill now returned is a departure."

If you adopt this amendment, you must, by a parity of reasoning, go back and reopen the accounts under the acts of 1790 and 1792.

[Here the hammer fell.]

Mr. DOWDELL. I desire to offer an amendment to the amendment.

Mr. JONES, of Tennessee. I wish to oppose the amendment of the gentleman from Missouri.

Mr. PHELPS, of Missouri. I offered no amendment. I spoke in opposition to the amendment proposed by the Committee of Ways and Means.

The CHAIRMAN. The gentleman from Missouri was permitted to proceed without interruption. He offered no amendment; but was explaining the amendment proposed by the Committee of Ways and Means.

Mr. PHELPS, of Missouri. My friend from Georgia, [Mr. CRAWFORD,] my colleague on the Committee of Ways and Means, has charge of the amendments of the Senate to this bill. I supposed that he did not propose to speak to the amendment.

Mr. CRAWFORD. I intended to sustain the amendment; but the floor was awarded to the gentleman from Missouri.

Mr. PHELPS, of Missouri. I hope, then, that, as a matter of justice, the gentleman from Georgia will be allowed to proceed now.

Mr. DOWDELL. I give way to the gentleman from Georgia.

Mr. GROW. I desire to ask the gentleman from Missouri, if the amendment which he proposes allows the amounts stated in the pamphlet which has been laid upon our desks?

Mr. PHELPS, of Missouri. I desire to state, that I did not propose the amendment which was offered from the Committee of Ways and Means. That was offered by my friend from Georgia. I opposed both the amendment of the Senate and that reported by the Committee of Ways and Means.

Mr. GROW. I desire to know from the gentleman from Missouri whether he quoted, in his remarks, from the pamphlet upon this subject which has been laid upon the desks of members?

Mr. PHELPS, of Missouri. I did quote from that pamphlet to show the amount which would be involved in the amendment proposed by the Committee of Ways and Means.

Mr. CRAWFORD. The amendment of the Senate was considered by the Committee of Ways and Means; and, according to the construction put upon it by them, it provides for giving interest to all the States which have not received interest heretofore, as well as those who have received it under a different system of computation. That did not meet the approbation of the committee. They were willing, however, that a uniform rule of interest should be adopted in respect to the mode of computing interest, for all the States to which interest has been paid. They therefore directed me to report the amendment which has been offered; and they desire that it shall pass the House. It is simply this: it provides that, whenever settlements have been made with any of the States, allowing them interest, the rate of interest shall be computed according to what is now the law. The difference between this amendment and that of the Senate, is simply this: the amendment of the Committee of Ways and Means only provides what shall be the mode of computing interest in the settlements which have been made with the different States; and that if it shall be found, on reopening these accounts, that, by the proper mode of computing interest, anything is still due such States, we appropriate the money to pay such difference; and according to the estimate which has been furnished us, that difference, in the aggregate, will amount to about one million six hundred thousand dollars.

Mr. STEVENSON. I desire to ask the gentleman from Georgia whether the effect of the amendment of the Committee of Ways and Means would not be to open up all the old revolutionary claims of the States?

Mr. CRAWFORD. Not at all. It simply provides that, where interest has been paid, the amount paid as interest shall be made to conform with that due under the legal mode of computing interest.

[Here the hammer fell.]

Mr. WASHBURN, of Maine. If the House proposes to adopt any provision at all upon this subject, I hope they will adopt the amendment of the Senate.

Mr. JONES, of Tennessee. What is before the committee?

The CHAIRMAN. If the gentleman proposes to make any remarks, he must move an amendment.

Mr. WASHBURN, of Maine. Very well, sir; I move to amend the amendment of the Senate by striking out the fourth line. I was proceeding to say, that if the House is to take any action on this subject, I hope it will adopt the amendment of the Senate; which amendment provides, in addition to what is contained in the amendment of the Committee of Ways and Means:

"That all the States which have had or shall have refunded to them by the United States moneys expended by such States for military purposes, during or since the war of 1812 with Great Britain, which have not already been allowed interest upon the moneys so expended, shall now be allowed interest so far as they have themselves paid, or lost it; said interest to be computed by the proper accounting officers of the Treasury, according to the provisions and principles directed to be applied to the case of Maryland by the twelfth section of the act of March 3, 1857, entitled 'An act making appropriations for certain civil expenses of the Government for the year ending 30th of June, 1858.'"

Now, sir, the operation of the amendment of the Committee of Ways and Means, if adopted, would be to cut off a number of States upon whose just and recognized claims the principal has been paid; but to whom no interest has been paid. Under the amendment of the Committee of Ways

and Means, the amounts paid to the several States would be about as follows:

Maine	$21,223 92	South Carolina	$202,230 00
Virginia	2,463 85	Virginia	1,076,683 35
Tennessee	1,411 78	Delaware	18,540 97
Georgia	30,831 25	New York	48,896 21
	55,930 80	Pennsylvania	218,507 71
		Baltimore	23,662 55
			1,588,520 69
			55,930 80
			$1,644,452 49

I submit that because a State, having an account of which the principal has been paid by the General Government, has failed to receive any interest at all upon the account, is a very poor reason why it should be excluded from the benefit of this provision; when other States, which have already received interest upon precisely similar accounts, though computed by a different rule than what is understood to be the correct one, are included. It is most manifest injustice. If we are to reopen these accounts at all, let us do equal justice to all the States. To some of the States which made advances to the General Government in the war of 1812, the principal has been refunded, and interest computed, as is agreed on all hands, upon erroneous principles. When these States came before the Senate and asked that there should be provision made authorizing and directing the accounting officers of the Treasury to reëxamine their claims, and allow and pay the interest to which they were justly entitled, it was said by the Senate: this is obviously right and just; but, in so doing, it is equally just and equitable that provision should be made for paying interest to those States, also, which made advances in the *the same war, for the same purposes, under the same authority*, and, in all respects, under similar circumstances, but who had never received interest: that, indeed, there was greater reason for paying to the States which had received no interest, than in recomputing it for those that had been paid in part; that it would be most unreasonable, while paying to the uttermost a portion of the States, to refuse to pay at all to others. Sir, the Senate amendment only provides for paying the honest debts of the Government, and using all the States alike. It is founded in unquestionable equity and justice, and ought to pass.

Mr. JONES, of Tennessee. At the close of the first session of the Twenty-Second Congress, in 1832, a bill passed the Congress of the United States similar to this provision. It was sent to General Jackson, then President of the United States, for his consideration. He returned the bill at the commencement of the next session of Congress to the Senate, where it originated, with his reasons for withholding his approval, and why it should not become a law. The reasons then sent to the Senate are comprised in a short message, and I will adopt them as my own, and ask that they may be read as a part of my speech.

The Clerk read as follows:

To the Senate of the United States:

I avail myself of this early opportunity to return to the Senate, in which it originated, the bill entitled "An act providing for the final settlement of the claims of States for interest on advances to the United States, made during the last war," with the reasons which induced me to withhold my approbation, in consequence of which it has failed to become a law.

This bill was presented to me for my signature on the last day of your session, and when I was compelled to consider a variety of other bills of greater urgency to the public service. It obviously embraced a principle in the allowance of interest different from that which had been sanctioned by the practice of the accounting officers, or by the previous legislation of Congress in regard to advances by the States, and without any apparent grounds for the change.

Previously to giving my sanction to so great an extension of the practice of allowing interest upon accounts with the Government, and which, in its consequences, and from analogy, might not only call for large payments from the Treasury, but disturb the great mass of individual accounts long since finally settled, I deemed it my duty to make a more thorough investigation of the subject than it was possible for me to do previously to the close of the last session. I adopted this course the more readily, from the consideration that as the bill contained no appropriation, the States which would have been entitled to claim the benefits could not have received them without the fuller legislation of Congress.

The principle which this bill authorizes, varies not only from the practice uniformly adopted by many of the accounting officers in the case of individual accounts, and in those of the States finally settled and closed previously to your last session, but also from that pursued under the act of your last session for the adjustment and settlement of the claims of the State of South Carolina. This last act prescribed no particular mode for the allowance of interest, which, therefore, in conformity with the directions of Congress in previous cases, and with the uniform practice of the Auditor by whom the account was settled, was computed on the sums expended by the State of South Carolina for the use and benefit of the United States, and which had been repaid to the State, and the payments made by the United States were deducted from the principal sums, exclusive of the interest; thereby stopping future interest on so much of the principal as had been reimbursed by the payment.

I deem it proper, moreover, to observe, that both under the act of the 5th of August, 1790, and that of the 12th of February, 1793, authorizing the settlement of the accounts between the United States and the individual States, arising out of the war of the Revolution, the interest on these accounts was computed in conformity with the practice already adverted to, and from which the bill now returned is a departure.

With these reasons and considerations, I return the bill to the Senate. ANDREW JACKSON.

December 6, 1832.

Mr. JONES, of Tennessee. Mr. Chairman, the principle here is directly the same. That great man said it was wrong then, and if it was wrong then it is wrong now.

[Here the hammer fell.]

The question was taken on the amendment to the amendment, and it was disagreed to.

Mr. MAYNARD. I move to insert after the word "States," the words "or cities."

Mr. Chairman, I wish to make a statement in reference to the amendment of the Senate, since it relates to a subject which, at the last session of Congress, came before the Committee of Claims, of which I was a member, upon the application of the State of South Carolina to have her account investigated at the Treasury and her interest readjusted. It is known as a general rule that the Government never pays interest; but to this rule there are some exceptions. One exception is the case of a State which for military purposes has advanced money for the Government, in the payment of troops, for which the State was pledged to pay interest, or paid it out of a fund bearing interest. In such cases the Government has done no more than to repay the interest which was paid by the State. I might cite the cases of several States which have been so treated in former legislation. They are not numerous.

The question is, then, if the Government undertakes to pay interest, upon what principle shall that interest be computed? I suppose that every gentleman here knows that, from an early period in the history of the Supreme Court of the United States down to the present time, the rule, under its decisions—and the same rule, I believe, pervades the entire jurisprudence of the country—for computing interest upon a debt, where partial payments have been made, is to compute interest upon the principal up to the time of the first payment which exceeds the interest then due; to deduct that excess from the principal, and so on, from time to time, with as many payments as may have been made up to the time of adjustment. The Department, in settling the account with South Carolina, Virginia, and Tennessee, has adopted what is called the commercial principle, which obtains between merchant and merchant in the settlement of mutual accounts, where interest is computed on both sides of the account, each party being regarded as a debtor, and each item a debt. I owe you and you me, and we pay interest to each other on the respective items in the account; but where I owe you a debt, and am merely paying that debt from time to time, the payments I make are not debts against you, and do not draw interest, and by a well-settled rule of law, as I make a payment upon a debt I owe you it extinguishes interest up to that time, and the balance is employed to exhaust the principal. That is a familiar principle of law, in settling interest accounts; and the object of the Senate amendment is merely to adopt that principle in settling interest accounts between the Government and the several States that have been allowed interest by former legislation. It is the same principle that was recognized at the last Congress, by an act which was passed for settling the interest account with the State of Maryland. This is merely to extend the same principle to the several other States which have been allowed interest. It was considered by the Committee of Claims, which committee had before it the case of South Carolina, that this legislation was merely just. It was presented to the House at the last session and put upon the civil appropriation bill. The Secretary of the Treasury was requested to report the amount coming to the several States and cities by settling the interest account on that basis. I think that the principle of the amendment is correct and ought to be adopted.

As to the difference between the Senate amendment and the amendment of the Committee of Ways and Means, I will not make a point upon it at present. It is the principle involved to which I confine myself. This, I think, is right.

Mr. GOOCH. No man, sir, will question the correctness of the rule for the computation of interest laid down in the Maryland case; but I am at a loss to see on what principle it is that the Committee of Ways and Means of the House oppose the amendment of the Senate, and move, in lieu of it, the amendment which they have offered.

If I understand the amendment of the Senate, it provides that, in all cases where it has been agreed that at a given time a certain sum of money was due from the General Government to one of the States for moneys expended for a given purpose, that in all such cases this rule shall come in and apply, and the States shall receive interest, so far as they have paid or lost interest on the sums expended for the United States; it puts all the States having claims against the Government for moneys expended upon the same footing, and that seems to me to be exactly where they should stand. If we give interest to one we should give interest to another, where the claim is the same. Do not make fish of one and flesh of another.

Mr. MAYNARD. The amendment of the Committee of Ways and Means provides only for those cases in which Congress has decided that interest should be allowed.

Mr. GOOCH. It is true that, in certain instances where bills have passed, a provision has been inserted giving interest; but it is also true that many other bills have passed for precisely similar claims, where no interest has been given. If it is right that interest should be given in one case, it is right that it should be given in all cases. And, now that we have the subject-matter under consideration, and are passing upon it, let us make a general rule, one that will work exact justice to all the parties interested. That is precisely what the amendment of the Senate does; and the amendment of the Committee of Ways and Means provides that those who have already had their principal, and the greater part of their interest, shall have the remainder of their interest.

I can see no reason for the distinction. If we are to pass upon this matter at all, let us make a rule that will apply to all parties whose claims are similar; and if we cannot agree to the amendment of the Senate, I hope the matter will be left precisely where it is, until, on some future occasion, we can take it up, not in an appropriation bill, but in some other manner, and make a general provision, which shall embrace all cases that ought to be provided for.

Mr. MAYNARD, by unanimous consent, withdrew his amendment.

Mr. STEVENSON. I move to amend the amendment by inserting, after the words "Great Britain," in the fifth line, the words "and the war of the Revolution." I am opposed to this whole amendment, but if it is to be adopted, we might just as well readjust, on a new basis, the interest accounts for advances in the war of the Revolution, settled in 1790 and 1792. General Jackson stated, in his veto message of this precise measure, in 1832, that those interest accounts of the revolutionary claims were settled upon the plan which, by the present amendment, is now proposed to be readjusted and reëxamined; and upon what ground? Simply because another State has received more interest than other States received in their subsequent settlements. Now, does not the same principle of equity apply to the readjustment of revolutionary claims as to the claims growing out of the war of 1812? Unquestionably, justice and equality would seem to require that all claims for advances, both in the revolutionary war, as well as that of 1812, should be put on the same basis. If the latter are to be readjusted, after a lapse of a quarter of a century, for an alleged mistake in the mode of the calculation of interest, why should not the same equity include all the revolutionary claims, the interest of which was calculated in the same manner? Now, Mr. Chairman, I am opposed to this whole proceeding. I confidently insist that there ought

to be some period when the settlement of these accounts should be considered final, or this Government will be bankrupt. Why shall we not apply the same rule to States which the Government applies to individuals? Gentlemen tell me they regard individual claims as liquidated damages, and therefore refuse all interest. This argument is not sound. Sir, there have been just and honest claims existing by contract against this Government for half a century, the claimants poor, and absolutely needing the money thus honestly due them, who come here, year after year, knocking at the door of Congress for relief, but who are turned away without the principal or interest of their debt. And now, sir, certain States, claiming for alleged advances to the Government in time of war, large amounts of money, which have been directed, by special acts, upon certain principles, to be settled; and after their adjustment and payment half a century ago, we are asked to reopen and readjust these claims, because an illegal rule was adopted in the computation of interest. I insist that all States are estopped from further claim after a lapse of half a century since the adjustment and payment of their accounts. The veto message of General Jackson was based upon the fact that the reopening of these accounts was an improper precedent, wrong and unjust to the Government, and opening a wide door for the payment of claims which had been settled and paid off for more than fifty years.

Mr. CRAWFORD. I ask the gentleman whether, if an act of Congress is passed allowing interest, he is not willing that that interest shall be calculated legally and properly?

Mr. STEVENSON. No, sir; I am unwilling, when the States have agreed to the settlement of their claims, and have accepted the principal and interest as then computed, to apply, after fifty years, a different rule of computing interest to that which is now applied to private individuals. In 1832, General Jackson vetoed the bill. Why did the American Congress then agree with him? Because it was changing the whole practice of the Government. There was no equity in the bill then, and there is none in it now. I trust it will be ignored.

[Here the hammer fell.]

Mr. HOWARD. I am opposed to the amendment of the Senate, and in favor of the proposition submitted by the Committee of Ways and Means; and I wish to state what my own view of the difference between them is, and why I am in favor of the latter and opposed to the former.

The rule has been adopted to pay interest on claims of States, in certain cases; but a different rule has been adopted in computing interest. The amendment of the Committee of Ways and Means is to provide that, where interest has been paid, the same rule of computing it shall be applied in each case. But, because that rule is to be applied, it does not follow that we should go back and open up claims upon which no interest has been allowed. I know a hundred claims on which it would be equitable to pay interest, although it has not been paid; but that has nothing to do with this case, nor with my business here. There are some six or eight cases in which laws have been passed by Congress allowing interest on the claims of States, on which interest has been computed by the officers of the Treasury by a mode which is not the legal mode of computation. The amendment of the Committee of Ways and Means embraces those cases, and provides simply for executing the laws allowing interest. We do not go back to the days of the Revolution, and say that A, B, C, or D, had just claims, which were not allowed by Congress; but we simply say that the laws shall be executed which have passed Congress, allowing interest on the claims of States. We do not say that the claims of other States should not have been allowed with interest; but we say, in the half dozen cases covered by the amendment of the Committee of Ways and Means, what was the true intent and meaning of the acts. That is all there is of it.

Mr. GROESBECK. Did the acts in the cases to which you have referred provide that the interest should be computed in this way?

Mr. HOWARD. They are silent as to the mode of computing interest; but everybody knows what is the legal way of casting interest as well as I do. Everybody knows by what rule it is cast in individual transactions; and I insist that it is not fair, it is not just, to say that we shall not execute these laws according to their true intent and meaning. But a single State has been paid according to the legal mode of computing interest.

I confess that I cannot see how any gentleman can possibly fail to see the difference between the amendment of the Ways and Means Committee and the amendment of the Senate, which opens up all the claims of States since the days of the Revolution for readjustment.

Mr. McQUEEN. I wish simply to state that in the case of South Carolina, she protested at the time against the mode of computing interest which was adopted.

Mr. HOWARD. So I understand; but, sir, that makes no sort of difference; all I ask is that the right rule shall be applied.

[Here the hammer fell.]

The amendment offered by Mr. STEVENSON was disagreed to.

Mr. STANTON. I move to amend the amendment of the Senate, by striking out from the ninth to the eleventh line inclusive, as follows:

"According to the provisions and principles directed to be applied to the case of Maryland by the twelfth section of the act of March 3, 1857."

Mr. Chairman, this is a good specimen of the manner in which we legislate in this Congress. In the last hours of the session it is proposed, in the shape of an amendment to an appropriation bill, to adopt a section which will draw from the Treasury, in all probability, an amount not less than $5,000,000, at a period when you have not revenue enough to meet the expenses of the Government by the sum of $20,000,000 a year. We are going to work here in the dark, to adopt a principle of the extent of which we have no conception. How much it will take from the Treasury no man can tell.

Mr. MAYNARD. I ask the gentleman from Ohio to allow me to interrupt him for a moment.

Mr. STANTON. No, sir; I cannot allow any interruption in a five minutes' speech. In our revolutionary history, and at the organization of this Government, the principle upon which interest was to be computed was established by law. The rule was adopted which then prevailed among the citizens of the States in their individual transactions. Subsequent to the war of 1812, a different rule of computing interest was adopted among the citizens generally in their private transactions, but the Government did not change its rule. Hence, the States which have had their claims allowed by the General Government, principal and interest, have been allowed interest computed upon the principle universally recognized by the Government from its organization down to the date of their settlement. If there was any mistake, it was a mistake in the law, and not a mistake of fact.

Now, what is it proposed to do? It is proposed that, because the mode of computing interest has changed since these accounts have been settled—because capitalists have made an advance in the amounts they are allowed, and require, in the shape of interest—that you shall go back and open up all the claims of States which have been settled since the days of the Revolution—claims which have been finally settled and finally adjusted—and allow a rate of interest which the law did not allow at the time these settlements and adjustments were made.

Mr. Chairman, it is perfectly clear, that, if there is any justice in this matter at all, the Senate amendment is right. If a State has happened to be so fortunate, or its Representatives so diligent, as to obtain the passage of a law allowing her claims with interest, and another State has not been so fortunate, we have no right to increase the amount of interest paid to one, and allow none at all to the other.

Mr. MAYNARD. If I were to undertake to answer the speech of the gentleman, I should be compelled to challenge every fact and to gainsay every principle announced by him. I will merely remark, in passing, that it is not proposed to establish any new mode of computing interest. It is as old as the earliest adjudicated case we have in our courts—one going back, if I mistake not, to the first volume of Cranch's Reports of the Decisions of the Supreme Court of the United States; and I cannot imagine how any gentleman can say here, in the ear of the whole country, that this is a new principle, or that merchants had changed the mode of computing interest. They have not done so. Merchants, as between themselves, compute interest as they have always done; and the mode of computing interest between debtors, where one party is debtor and the other creditor, is the same that it has been for years.

I was proceeding to comment upon the latter portion of the gentleman's remarks, and to state why I preferred the amendment recommended to us by the Committee of Ways and Means to the one coming from the Senate. The amendment of the Senate is general in its terms indeed, and provides that interest shall be computed upon the same principle in all cases where moneys have been expended, so far as the States themselves have paid or lost it. This constitutes the accounting officers of the Treasury the judges to decide whether the State falls within that category. This, I take it, should be determined by Congress and not the officers of the Treasury. Congress has decided in the case of the State of South Carolina, that she is entitled by the peculiar circumstances under which she incurred her obligations, to receive interest. So the decision was in reference to several other of the States—the State of Maine, the State of Virginia and the State of Pennsylvania; and the only question now is, whether interest shall be correctly computed in favor of those States which have already been decided by Congress to deserve it, whether it shall be lawfully or unlawfully done, whether we shall give them the benefit of the law as Congress has passed it, in their favor or not. It is purely and simply a question of abstract justice, of pure, simple right; and, sir, whenever any other State presents a claim and shows that she has expended money for the benefit of the Government, upon which she has had either to pay interest, or to take it from a fund bearing interest, let Congress pass an act for her benefit, and let interest be computed in like manner. It is idle to speak of having the question sprung upon us at the close of the session. Gentlemen do themselves injustice by such statements. It was before us at the last session; and by the ninth section of the act of June 12, 1858, the Secretary of the Treasury was instructed to report the facts to the present session, that we might legislate intelligently. This report has been made and has been upon our tables nearly two months, and it is disingenuous in the extreme, to speak of it as a question sprung upon us just on the eve of adjournment.

[Here the hammer fell.]

The question was taken on the amendment to the amendment; and it was rejected.

Mr. DAVIS, of Maryland. I move, in the fifth line, to strike out the word "not;" and that will bring the Senate amendment into exact conformity with the substitute moved by order of the Committee of Ways and Means.

Mr. Chairman, to the Committee of Ways and Means was referred the application of some three States for the readjustment of their interest account. The committee considered the claim, and resolved to report a bill in favor of allowing it; but the period of the session was so late that they have had no opportunity, in the crowded state of the business, to present that bill to the House. They would not have troubled the House with it at all, this session, but that the amendment of the Senate presented it to the House. They therefore resolved to meet the question which the Senate presented, and they resolved to agree to the amendment with an amendment, which is the provision that has been reported.

Now, sir, the difference between the two provisions can be stated in a single sentence. The amendment of the Senate proposes, wherever an account has been settled with a State under a law which does not allow interest, that we shall now pass a law allowing interest. The amendment moved by the Committee of Ways and Means is, wherever an account has been settled with a State, and the law directing the settlement of the account, directed, likewise, in words, that interest should be paid, that now that interest shall be paid, in accordance with the true meaning of the law as passed. The difference between the two amendments is, that one reopens all the settlements which have been closed; applies a different rule for the adjustment of the account from that devolved by the act allowing the claim, by adding to the amount ordered to be paid interest upon

that amount. The rule proposed by the Committee of Ways and Means leaves the law to stand as it is. It merely holds the accounting officers of the Treasury to their duty, and requires them to do what they have refused to do—*execute the law*. One is a provision proper to an appropriation bill for the execution of a law already upon the statute book, and where—the accounting officers of the Treasury having shown themselves dullards in understanding the known rules of interpreting the law—we are under the necessity of writing down the rule which they ought to have known beforehand. Under the Senate's amendment, we not only instruct them as to what the law is, but we change the bill under which they were directed to settle the account. I think there is the widest difference between these two amendments.

Every settlement made by the United States with a State or with an individual, proceeds upon its own peculiar circumstances. It is frequently settled by the rule of give and take. There are large amounts allowed by Congress without very exact vouchers. We are now asked to reopen old accounts, settled twenty or thirty years ago, settled by the parties to the transaction, who could adjust them, and to assume an amount of unascertained liabilities, the end of which no man can foresee. Under the amendment of the Committee of Ways and Means, where a law has directed a settlement to be made, we require that law to be executed according to its own terms; and we add nothing to the amount ordered to be paid, and which ought to have been paid long years ago, in conformity to the law.

[Here the hammer fell.]

Mr. BOWIE. I am opposed to the amendment of my colleague, [Mr. DAVIS,] and shall vote for the amendment of the Senate. I think, sir, that the same rule of justice should be extended to all the other States who have advanced money to the General Government during the war of 1812, or since, for military purposes, which has been applied to the State of Maryland; and this is what the Senate amendment provides for; while the amendment proposed by the Committee of Ways and Means, in my judgment, goes a great deal further, and opens the door to all claims for advances made to the General Government, whether made before or since the war of 1812. There is no limitation whatever as to time in the amendment proposed by the Committee of Ways and Means; and it embraces in its terms all claims of this description, made even as far back as the revolutionary war. For this reason I am opposed to the amendment of the Committee of Ways and Means, and shall vote for the Senate amendment.

The question was taken on Mr. DAVIS's amendment; and it was rejected.

Mr. LETCHER. I propose to amend the amendment by striking out the lines from fourteen to twenty-three. I do so for the purpose of stating how this matter came into the House. So far as the State of Virginia is concerned, I desire to correct an impression which seems to have got into the head of my friend from Kentucky, [Mr. STEVENSON,] in respect to the rule, and by whom that rule was prescribed, relating to that and the other States. If I understood him awhile ago, he insisted that the rule was prescribed by Virginia; and that the settlement had been made in accordance with the rule so prescribed. Did I understand him aright?

Mr. STEVENSON. I said the law prescribed the way in which interest had been calculated; and that that law differed from the law in which interest had been calculated for South Carolina; but both laws providing for payment, prescribed also the mode of calculating interest.

Mr. LETCHER. Then I understand my friend from Kentucky to admit that the rule, instead of being prescribed by Virginia, or with the assent of Virginia, was prescribed by the Federal Government; and that the settlement was made according to the terms and principles laid down in the law of Congress. That such is the fact, any one can ascertain by turning to the fourth volume of the Statutes at Large, where it is laid down that settlement shall be made according to the rule described, and which was adopted in violation of the statutes of these States, and of the Federal Government. Then, sir, Virginia had no option in the matter, nor had these other States then concerned. The question having come up in regard to the State of Maryland, the agents of the General Government, in Congress and at the other end of the avenue, considered the matter, and came to the conclusion that the settlement had been made on wrong principles, that it ought to be changed. On the settlement, there was found to be money due to the State of Maryland. An act was passed providing payment to that State of the amount of money justly due to it; and the whole was subsequently paid.

Now, the question comes up after the United States has opened up this settlement itself, after it has avowed that the principle of action applied to these States was wrong; and we come forward and ask for the application to our States of the rule that was applied to Maryland. But the gentleman from Kentucky says that it is a concluded question, that Congress has no right to look into it, no right to go behind the settlement. If it was a concluded question, why did not the Government let it remain a concluded question? Why did the Government undertake to open it up for one State, and administer to that one a measure of justice and relief that is withheld from others similarly situated? Can there be any good reason for it? Can there be any justice in it? Will it be pretended that the State of Maryland or the State of Mississippi, or any other State, has distinct rights and privileges not enjoyed by other States, or is entitled to a measure of relief that is not accorded to other States in their dealings with this Government? I apprehend that no such principle as that is contended for. And yet, unless that be contended for, the gentleman cannot advocate the payment on one principle to Maryland, and deny the application of the same rule to South Carolina and other States.

All we ask here, is that these States shall be placed on an equality; that they shall bear the same relations to the Federal Government; that the rights of all shall be exactly the same; and that in the legislation of Congress, you shall deal with one as you deal with another.

[Here the hammer fell.]

Mr. BONHAM. On looking at the act under which Virginia and South Carolina received payment of the moneys expended by them for the Federal Government, I perceive that Virginia was restricted by the terms of the act, but that there was nothing in the act as to South Carolina restricting the mode of calculating interest; and, beyond question, the calculation was to be made, as stated by the gentleman from Tennessee, [Mr. MAYNARD,] according to the rules of law, not according to any arbitrary rule supposed to prevail among merchants. The latter is not the rule which ought to control us. If I understand the laws passed by Congress on this subject, interest was only allowed to those States which, in advancing money for the General Government, had paid interest themselves.

Now, sir, I understand that the Senate amendment will open a wide field and allow States which were not paying interest on the moneys advanced, and which have not previously received interest by any act of Congress, to receive it now. I am, therefore, opposed to the Senate amendment. But I understand that by the amendment recommended by the Committee of Ways and Means, we are to be restricted to those States which have already, under existing laws, been allowed interest. All that is proposed by that committee is, that the computation shall be according to the rules of law and common sense. The idea that the rules which prevail among merchants must prevail here surprised me, coming from the sensible, and, I may say, in many respects, sound gentleman, my colleague on the Military Committee, [Mr. STANTON.]

[Here the hammer fell.]

The question was taken on Mr. LETCHER's amendment, and it was rejected.

Mr. STEVENSON. I move to strike out the last three lines of the section. Both my friends from Virginia [Mr. LETCHER] and South Carolina [Mr. BONHAM] have misunderstood my argument. My position was, that there has been no rule of computing interest violated in the cases. It is not the case of a mercantile account, necessarily bearing interest, and where a palpable mistake was made in computing it. The Government can pay interest, or can refuse to pay interest. There is no general law requiring claims against the Government to bear interest; and there can, therefore, be no established rule for its computation. Many of the States have been paid claims similar to the present ones, without interest. Why? Because the law authorizing their auditing and payment refused to give interest. Other States have received a certain amount of interest, which has been computed in exact accordance with the principles of the law which authorized and directed its payment. The law of South Carolina, authorizing the payment of the claim on which the interest is now sought to be readjusted, prescribed one mode of calculating the interest, and the law of Virginia another mode; but both States agreed to take their principal and interest as prescribed by these respective acts of Congress, and they both were paid accordingly. Both acts prescribed what part of the claims should bear interest and what part should not. Having been settled with under the law, both States, by receiving principal and interest, are now estopped from claiming a different rate of interest, or a different rule of computing it, because other States, since that period, have been settled with differently and under subsequent acts. If this were permitted, Mr. Chairman, when would there be an end to the settlement of any claim? What treasury could pay the millions which such a precedent would entail upon us? You might as well claim to open an old judgment, because a different rule of judicial procedure had been adopted since the judgment was rendered. If Congress should hereafter declare that the United States would pay interest at eight per cent., on certain claims now presented, instead of six, every State might come back, on that principle, and claim that all former claims might be reopened. I repeat, now, what I said before, that the act of Congress in each case prescribed the mode in which interest was to be computed; and I have the highest authority for saying that every law was fulfilled to the letter. Having been settled with under the law, Virginia is now estopped from claiming a different mode for the computation of interest. The same principle applies to South Carolina. There are some States which have never been paid interest. What would the gentleman, now urgently pressing these claims, do about them? Will they not open the door for just claims from all such States?

Mr. BONHAM. That was because they never paid interest themselves.

Mr. STEVENSON. No, sir! It was because the law, under which their claims were paid, prescribed that they should not bear interest. The law declares that, in ascertaining the amount of interest due to the State of Virginia, certain rules shall govern the computation. The settlement was made according to the spirit and letter of that act. But it is now claimed that, because Maryland, a few years since, was settled with under a special act which prescribed a different mode of computation of interest, therefore, forsooth, an equitable claim results to all other States that did not receive as high a rate of interest as Maryland, to have their accounts reopened and computed upon a different mode, although the act under which they were settled with was fully and specifically carried out, and although these claims were audited more than half a century ago. I implore the committee to examine the subject fully before committing themselves to so dangerous a precedent, the injustice of which was made so manifest in the veto message of Andrew Jackson.

Mr. CRAWFORD. I desire to say to the committee that, in the very next amendment, the question of appropriating certain amounts of money for the various forts is to be considered, and there are other amendments to this bill which we must endeavor to get through to-night, if possible. This question of interest has been thoroughly discussed, and is fully understood by the committee. If there be any gentleman who desires to discuss it further, I have no disposition to prevent him, but I do ask the committee to come to a vote without further delay, so that we may get through this bill some time to-night.

The question was taken on Mr. STEVENSON's amendment; and it was rejected.

Mr. GROESBECK. I move to amend by striking out the last lines of the section. I offer this amendment, to say a word on this subject. The amendment offered by the Committee of Ways and Means proposes to allow those States that have been previously awarded and paid in-

terest, to reopen their interest account and compute it according to the method prescribed by the courts. The object of the Committee of Ways and Means in offering this amendment is to increase the amount of interest to be paid to those States that have already received interest, and to deny it, *in toto*, to those that have received none. I am opposed to this. *It does not seem fair.* These creditors are now before Congress asking for relief. If they are entitled to more interest than they have received, let them get it elsewhere; but if they come to us, let us, while we can, do justice and equity to all. Let us again consider this question. And now, how do we stand? Some States which have been paid principal and interest, now seek, long after settlement, a still further payment by compounding interest. This, our Committee of Ways and Means think right. They propose to open these old settlements, to pay more interest to those who have already received it, and shut out those who have received no interest whatever. This is not equitable.

It seems to me, sir, these States that have received even one per cent. interest, so far as right is concerned, so far as law is concerned, so far as obligation is concerned, should wait till those that have received none shall receive as much. It was a greater wrong on the part of Congress to deny interest *in toto* to some, than it is now to refuse to compute interest upon interest to those who have received it already. It is all wrong. If we open the door ever so little, it is our duty to throw it wide open, and adjust the claims of all creditors, States and individuals, upon the same and equal terms. The obligation of the Government is the same towards all creditors—to pay interest to all, or refuse it to all. Sir, States are not needy; and it seems to me strange that some of them should be here asking us to compound interest, when our general practice is to refuse interest; we had better give it to individuals, who, if not more deserving, are certainly more needy. I oppose this amendment, and also that of the Senate. If we adopt either, we will have established a pernicious precedent.

Mr. LOVEJOY. I move that the committee do now rise.

The motion was disagreed to.

Mr. BONHAM. I oppose the amendment of the gentleman from Ohio, and I beg leave to call his attention, and that of the committee, to the fact, that when Congress, in 1825, determined to pay these claims for advances by the different States, they decided that no States should receive interest except such as had paid interest on the sums advanced by them respectively.

I understand the gentleman from Kentucky [Mr. STEVENSON] to say that he has the authority of the Secretary of the Treasury for the statement, that the principle on which the interest was to be calculated in the case of the State of South Carolina was settled by the act which authorized the repayment to her of the sums she advanced. There is some mistake. I have the act before me, and there is not a word in it on that point.

But the gentleman says that the statute of limitation—although not strictly applicable—must bar these claims. Sir, Congress is not to be controlled by the rules which govern a court of justice. If a claim is just, we ought to pay it, no matter what length of time may have elapsed since the occurrences out of which it grows. It is true that the time is unpropitious for the payment of claims; but it is not proposed to take the money out of the Treasury. If it is proper to pay these claims, let us do it now; and do it not so as to open so wide a field as the amendment of the Senate proposes, but according to the existing law. Let us adopt the amendment of the Committee of Ways and Means.

The amendment to the amendment was disagreed to.

The question recurred on the amendment reported by the Committee of Ways and Means.

Mr. PHELPS, of Missouri. I desire to offer the following amendment to the amendment:

That the act entitled "An act to authorize the issue of Treasury notes," approved the 23d day of December, 1857, is hereby revived and continued in force, for the space of two years, from and after the passage of this act; and, to defray the expenses thereof, the sum of $5,000 is hereby appropriated.

I do not desire to discuss that amendment. I will only say that it looks to the present necessities of the Government, and not to the ripping open and resettling of old claims.

Mr. STANTON. Even that amendment is better than the amendment of the Committee of Ways and Means.

Mr. WASHBURNE, of Illinois. Does the chairman of the Committee of Ways and Means insist that that amendment is in order?

Mr. PHELPS, of Missouri. Surely my friend from Illinois will not make a question of order upon it?

Mr. WASHBURNE, of Illinois. I do. It is legislation on an appropriation bill, and is not germane to the bill.

The CHAIRMAN. The Chair decides the amendment out of order.

The question was then taken on the amendment reported by the Committee of Ways and Means to the amendment of the Senate; and it was disagreed to.

Mr. DOWDELL. I move to amend, by adding as follows:

SEC. —. That the sum of $413,600 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the payment of the Florida volunteers, called into service by General Harney and Colonel Loomis, under the authority of the President of the United States, in the years of 1857-58; which shall be in full satisfaction of payments for services of said volunteers during the years aforesaid.

Mr. KELSEY. I raise a question of order upon that amendment. It is not germane to the Senate amendment.

The CHAIRMAN. The Chair thinks the amendment is in order. This is an Army appropriation bill; and the Chair thinks the amendment is germane to the bill.

Mr. HAWKINS. I wish simply to state that this amendment is recommended by the Committee of Ways and Means. They have tried twice to have it incorporated into one of the appropriation bills; but it has been, in each case, ruled out of order. These volunteers were called out under the authority of the President of the United States, and the appropriation is strongly recommended by the Secretary of War. I call for tellers on the amendment.

Tellers were ordered; and Messrs. OLIN, and STEWART of Maryland, were appointed.

The committee divided; and the tellers reported —ayes 90, noes 30.

So the amendment was adopted.

Mr. PHELPS, of Missouri. I move to amend, by adding as follows:

SEC. —. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized to pay, out of any money in the Treasury not otherwise appropriated, to the State of Missouri, the amount of money paid by said State in repelling the hostilities of the Osage Indians, in the year 1837: *Provided*, That the sum hereby appropriated shall not exceed the sum of $1,908 04: *Provided*, That there shall be no greater pay or allowances to these companies than was given to similar troops in the service of the United States: *And provided further*, That the said amount shall be payable at any time after the 1st day of June next.

Mr. WASHBURNE, of Illinois. I rise to a question of order. That amendment is not in order to an appropriation bill. The payment is not authorized by existing laws, and is not germane to this bill.

The CHAIRMAN. The Chair thinks the amendment is in order, under the rule which has been adopted in committee for amendments to the Army appropriation bill.

Mr. PHELPS, of Missouri. I will detain the committee but a moment. Some time ago the State of Missouri paid for the services of her militia, called out to suppress the hostilities of the Osage Indians in that State. She now comes here and asks that she shall be reimbursed by the General Government for the moneys thus expended by her. The matter has been referred to the Committee on Military Affairs, and they recommend that the payment shall be made.

The question was taken on the amendment, and it was agreed to.

Mr. WASHBURNE, of Illinois. I move the following amendment:

That the Secretary of the Treasury is hereby directed to pay to claimants for horses lost in the Black Hawk war, the amounts which may be proved to be justly due them.

Mr. CRAWFORD. I make the point of order that that amendment is not in order. There is no provision of law authorizing it.

Mr. WASHBURNE, of Illinois. I differ with the gentleman. There is a law. There is the law of 1836, and this amendment is only in execution of that law. As has been said on the other side, the amendment merely orders the officers of the Treasury to do their duty. They have refused to pay for the horses which my constituents lost in that Black Hawk war. After waiting for twenty years, it is time that they were paid, and that those in the Departments who hold up their opinions against the authority of Congress, should be directed to do their duty. As the committee has put in old claims here, I insist that my constituents shall have their claim appended, for it is as just as any other.

Mr. CLARK, of Missouri. I ask my friend to include citizens of Missouri who lost horses in that war.

The CHAIRMAN. The Chair decides the amendment to be out of order.

Mr. SEWARD. I offer the following amendment:

And provided further, That the Secretary of War be, and is hereby, authorized and required to pay to certain citizens of Georgia and Alabama, out of any money in the Treasury not otherwise appropriated, the sum of $320,000, for losses sustained by them by the operations of the United States troops and a band of hostile Creek Indians in 1836-37, as per the report made to Congress by Messrs. Pease and Smith, the United States commissioners appointed by Congress to audit said accounts.

Mr. KELSEY. Is that amendment in order?

The CHAIRMAN. The Chair decides the amendment to be out of order. There is no law for it. So far from it, that the House at this session refused to pass any law for it.

Mr. BRYAN. I offer the following amendment:

And be it further enacted, That the Secretary of War be, and he is hereby, authorized to repay to the State of Texas, out of any money in the Treasury not otherwise appropriated, moneys advanced by that State for the payment of Texas volunteers called into the field by Governors Pease and Runnels, prior to the 27th day of January, A. D. 1858: *Provided*, That there shall be no greater pay or allowances to these companies than was given to similar troops in the service of the United States; and that proof shall be presented of the necessity of calling out said volunteers: *Provided*, That the sum does not exceed $129,554 51.

Mr. KELSEY. I make the point, that that is general legislation, and not in order upon this bill.

Mr. BRYAN. It is similar to one incorporated for the State of Missouri.

The CHAIRMAN. The Chair rules the amendment out of order.

Mr. FARNSWORTH. I move the following amendment:

And provided further, That the Secretary of the Treasury shall pay to the several members of Major Bayley's battalion of Illinois volunteers, who were raised and mustered into service of the United States during the Mexican war, at the same rates and the same amounts as have been paid to other volunteers for like time or services.

Mr. CRAWFORD. Is that amendment in order?

Mr. FARNSWORTH. These volunteers were raised under the law declaring war with Mexico.

The CHAIRMAN. The Chair rules the amendment out of order.

The question was then taken on the amendment of the Senate as amended, and it was rejected.

Mr. ABBOTT. I move to amend by adding after the word "ledge," the words "and Fort Knox;" and after the word "dollars," the words "to be divided equally between the two forts;" so that the clause will read:

For fort at Hog Island ledge and Fort Knox, $40,000, to be divided equally between the two forts.

I desire to state to the committee why this amendment should be adopted. I do not propose by it to increase the amount of appropriation, but simply to change its direction, so as to have it divided equally between the two forts.

There are two forts in the State of Maine; one Fort Knox, and one at Hog Island ledge, in Casco bay, Portland. Last year $50,000, for the latter fort, and now $40,000 is appropriated by the Senate amendment. An application for an appropriation was made last year for Fort Knox; but, by some mistake on the part of Congress, the appropriation was not made; and yet an appropriation is absolutely necessary in order to preserve the works there. I do not expect that, in the present depleted condition of the Treasury, this committee would be willing to increase the appropriation for the forts; else I should move to amend by adding an appropriation for Fort Knox. But,

as I learn from the gentleman who is clerk to both these works, that the work at the fort at Hog Island ledge can be carried on for less than the amount appropriated in the Senate amendment, and that a certain appropriation is absolutely necessary for the protection of the work at Fort Knox, I propose to have the amount equally divided. I am sure that there can be no objection to this course. I have a letter from the clerk to whom I have referred, in which he says that they have now on hands a sufficient sum to protect the work in Casco bay; but that $20,000 is required for the protection of the works at Fort Knox I trust the committee will adopt the amendment I have offered.

Mr. WASHBURNE, of Illinois, called for tellers.

Tellers were ordered; and Messrs. BRYAN and THAYER were appointed.

The committee divided; and the tellers reported —ayes seventy-seven, noes not counted.

So Mr. ABBOTT's amendment was agreed to.

Mr. PALMER. I offer the following amendment:

For Fort Montgomery, at the outlet of Lake Champlain, $50,000.

I am satisfied, Mr. Chairman, that if the committee made itself acquainted with the merits of this amendment, there would be no objection whatever to it. This sum was estimated by the Department last session, but the appropriation was not made. The work is in progress of construction. I hold in my hand a letter from the engineer at Rouse's Point, from which I will read:

ROUSE'S POINT, *December* 20, 1858.

DEAR SIR: Fort Montgomery, at this place, is one of the most important works. In case of war with England, it is of equal importance with any sea coast fort. It must be the base of operation, and great magazine for our troops, for a campaign into Canada on this part of the frontier. It has already cost some two hundred thousand dollars, and $250,000 more, *speedily granted*, will finish it. The longer the delay in completion, the greater the final cost. I cannot suppose that a work, in its condition, is to be entirely abandoned. Such a supposition would be preposterous.

Yours, &c., &c., CHARLES E. BLUNT.

Hon. G. W. PALMER.

Mr. Chairman, I am at a loss to imagine why the Senate should have omitted an item for this fortification. This fort is situated at the outlet of Lake Champlain—a lake one hundred and fifty miles in length, extending for one hundred and twenty-five miles into the heart of our own country, and separating the States of New York and Vermont. This fort is situated at the outlet of the lake, directly on the Canada frontier, and within a few yards of the line at a point where it commands the approach of a fleet into the lake from the river St. Lawrence, within the possessions of her Britannic Majesty. It is the channel through which Great Britain invaded our country, both in the Revolutionary war and in the war of 1812. And if we had had, in the war of 1812, a fort located at this point, that invasion under General Provost never would have taken place. She sent a fleet into the lake through that narrow channel, and having possession of that lake by virtue of her fleet, she sent in an army of fourteen thousand men by land. In case of another war with Great Britain the most natural point of attack on our whole northern frontier would be through this same channel into Lake Champlain. She can throw a fleet into that lake within a month's time, that could devastate, burn, and destroy every town on its borders. Nor have we any means of resisting such an expedition—not a gun-boat on the lake or a fort on its shores. Now, by an appropriation of a few thousand dollars this fort can be put into such a state of defense as to protect the lake from the entrance into it of a hostile fleet. I hope the committee will adopt my amendment.

Mr. PHELPS, of Missouri. I rise to inquire from what document the gentleman from New York has read?

Mr. PALMER. From a letter addressed to me by Lieutenant Charles E. Blunt, of the engineer corps of the United States Army, who has this work in charge at Rouse's Point.

Mr. PHELPS, of Missouri. I desire now to call the attention of the House to the improper conduct of a subordinate officer of the engineer corps in making a report to an individual member of this House, and not transmitting it through the head of the Department.

Mr. PALMER. I insist upon it that Lieutenant Blunt's conduct shall not be assailed in this way. He has made no report to the gentleman, to the House, or to me. This is a private letter addressed to me by a citizen of the United States, an intelligent and honorable officer of the Army. Let the gentleman confine his remarks to the merits of my amendment, and not travel out of his way to discuss questions of personal propriety.

Mr. PHELPS, of Missouri. A letter has been produced here in support of the amendment offered by the gentleman from New York. I condemn the introduction of a letter of that description which is not placed upon the files of the House.

The CHAIRMAN. The gentleman from Missouri must confine his remarks to opposition to the amendment.

Mr. PHELPS, of Missouri. I am confining my remarks to a letter which was read by the gentleman from New York as a part of his statement.

Mr. PALMER. Will the gentleman yield to me for a moment?

Mr. PHELPS, of Missouri. I did not interrupt the gentleman from New York.

Mr. PALMER. I beg the gentleman's pardon. He did.

Mr. PHELPS, of Missouri. I am calling the attention of the House to the fact that letters are obtained from subordinate officers, who are stationed at points throughout the country to execute the orders of the Department to which they belong, and upon such letters gentlemen come before the House and ask for appropriations, and then it is charged that the Administration have made such appropriations or such estimates.

Mr. POTTER. I desire to ask the gentleman from Missouri if there is any existing law which prohibits an Army officer from writing to a member of Congress? [Laughter.]

Mr. PHELPS, of Missouri. I do not know of anything of the kind, but there is a certain degree of responsibility attached to every officer in any official position. Would any gentleman rise here and, upon a letter written by a subordinate clerk in the Treasury Department, base a proposition for a modification of the tariff?

Mr. PALMER. I will not stop here to discuss questions of taste or propriety with the gentleman, but I wish to say that the amendment which I have offered does not rest upon the letter which I have produced. This work is estimated for by the Department.

Mr. PHELPS, of Missouri. Then why was that letter produced?

Mr. PALMER. I would ask the gentleman if he did not oppose, last year, an appropriation of $50,000, recommended by the Department for this work?

Mr. PHELPS, of Missouri. I expect to oppose the entire amendment of the Senate. There is no money in the Treasury that we can appropriate for fortifications at this time, except for their mere preservation.

Mr. CURTIS. I move to amend the amendment by increasing the appropriation ten dollars; and I do so for the purpose of responding to the remarks of the gentleman from Missouri, who reflects upon, and censures, an officer for expressing his views on the matter now before us. The officers of the Army of the United States are just as much devoted to the service of the country as the head of the Department; and whenever, in the business in which they are engaged, they feel that they are the proper exponents and representatives of those matters, it is perfectly proper for them to write to their Representatives here, and especially to respond to any inquiries which may be made of them by members of this House.

It is to inquiries of that kind, made by the gentleman from New York, that Lieutenant Blunt has responded; and, for so doing, the chairman of the Committee of Ways and Means rises upon this floor and pours out upon him censure and reproach. Let me tell you, and the honorable chairman, that, in my judgment, the officers of the Army ought to speak when matters of importance to our country require it. They are freemen, and not the mere instruments of superior rank. It is no disrespect to superiors for officers to speak of matters important to our interests and honor. It is especially proper that officers in charge of special works should cordially correspond with Representatives of their particular localities. The engineer corps ought to speak. That branch of the service has not been properly represented here, or by the Department; for it is obvious that branch of the service is not sustained by the appropriation bills. It is the very life and soul of the Army, the military school at West Point being embraced in this corps. It is the engineer, ordnance, and artillery service, that require intricate and abstract sciences that are essential to our military success; and if there be any valid argument for sustaining even a skeleton Army, it must be mainly based on the necessity of preserving this knowledge, which the arts and usual avocations of men do not require, but in war would be indispensable.

It is wrong to neglect the scientific defenses of our country, and still worse to treat with coldness or censure those who feel it their duty to interpose a word in behalf of their branch of their country's service. The progress of human knowledge, in everything else, requires corresponding changes in our means and mode of defense, and none are so competent to watch and avert the dangers that progress in arms constantly presents to our consideration. It is no longer considered necessary to maintain fortifications in the interior of a country; but it is important that they shall be constructed and maintained on the frontiers of a country when avenues of approach and great commercial cities invite the assault of our foes. It is no time to abandon our defensive constructions when our executive department assumes a threatening or belligerent attitude towards many nations of the earth.

Our attention should especially be called to such of our permanent defenses as require preservation or perfection; and I commend the conduct of such officers as, with due respect to superiors, do not hesitate to express their views. Let the Army be identified with the people, and the people with the Army.

[Here the hammer fell.]

Mr. PALMER. I have no remarks to make in defense of the propriety of the production of that paper. It needs no defense. Let me tell the gentleman from Missouri that I assume the responsibility of my conduct in this House, and that Lieutenant Blunt will take care of himself, so far as his conduct is concerned.

But the gentleman from Missouri says we have no money to appropriate for this purpose. How is it, I ask the gentleman, when the Secretary of the Treasury has estimated for two works of defense in Florida $1,000 each; that for those same works the Senate have brought in an amendment here appropriating for one of them, Fort Taylor, $75,000, and for the other, Fort Jefferson, $95,000? We can appropriate $170,000 for two fortifications in Florida, and yet we are told there is no money in the Treasury for the defense of Lake Champlain; a lake which has more trade and commerce and whose borders have a larger population than Florida ever had or will ever have.

Now, sir, the amendment which I have offered being, in my judgment, proper and right, I hope it will be adopted.

Mr. CURTIS, by unanimous consent, withdrew his amendment.

Mr. PHELPS, of Missouri. I move to amend the amendment of the gentleman from New York by reducing the amount to $2,000.

The Committee of Ways and Means, of which I am a member, recommended a non-concurrence in the entire amendment of the Senate. As a member of that committee, I am myself willing to make such small appropriations for fortifications as shall keep them in repair, or as will preserve the work from going to dilapidation; and that is all that, in my judgment, it would be proper to appropriate for that purpose at this time. But, sir, I cannot defend the amendment of the Senate. I am opposed to it. I withdraw my amendment.

The question being on Mr. PALMER's amendment, it was agreed to.

The Senate amendment, as amended, was then non-concurred in.

Twenty-seventh amendment:

SEC. 12. *And be it further enacted*, That the unexpended balance of appropriations authorized by the first and second sections of the act of February 17, 1857, be expended by the Secretary of War instead of by the Secretary of the Interior, as authorized in said act.

Mr. CRAWFORD. The Committee of Ways

THE CONGRESSIONAL GLOBE.

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and Means recommend a non-concurrence in that amendment.

The amendment was non-concurred in.

Twenty-eighth amendment:

SEC. 13. *And be it further enacted*, That no allowance for servants or horses shall hereafter be made, either in kind or in commutation, unless such servants and horses shall have been mustered and inspected at such times and in such manner as the President may direct.

Mr. CRAWFORD. The Committee of Ways and Means recommend a concurrence in that amendment.

Mr. BONHAM. I move to strike out the amendment. I think this amendment of the Senate had better be stricken out and take its chances in the bill, which, I understand, the Senate has passed, and which now lies on your table. Now, sir, this amendment provides:

"No allowance for servants or horses shall hereafter be made, either in kind or in commutation, unless such servants and horses shall have been mustered and inspected at such times and in such manner as the President may direct."

Mustering horses and servants for inspection would, in many instances, be attended with great inconvenience. Many of the officers stationed, for instance, in the far West, who have left their families in the East, leave their servants at home and get on as best they may. Others may, technically, not have servants, but still pay a higher price for the hire of servants at the hotels or places where they may be stationed, than is allowed them by the existing law.

And, in reference to horses, this provision will often subject the officers to great inconvenience and delay in obtaining their pay. For instance, an officer who is on the frontier, or in Utah, and, as is now the case, in some instances, is here, and on duty, would not be able to draw his allowance for horses until, as I understand it, he should send to his station, have his horses mustered, and the report returned.

There are gentlemen upon this floor who know more of this matter, perhaps, than I do, and I appeal to them to know whether this amendment would not occasion serious inconvenience. I hope the committee will non-concur.

The amendment was non-concurred in.

Mr. FAULKNER. I move the following amendment:

For defraying the expenses of executing a resolution of the House of Representatives of the 8th of February, 1859, requiring the Third Auditor of the Treasury to investigate and report upon the Washington and Oregon war debt, the sum of $5,000, or so much thereof as may be necessary.

The CHAIRMAN. No further amendment is in order. The committee has decided upon all the amendments of the Senate, and there is nothing now before the committee to which an amendment can be attached.

Mr. CRAWFORD. I move that the committee rise and report the amendments of the Senate to the House.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. BARKSDALE reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the amendments of the Senate to the Army appropriation bill, and had concurred in some with amendments, concurred in others without amendments, and non-concurred in others.

Mr. CRAWFORD. I demand the previous question on the report of the committee.

The previous question was seconded, and the main question was ordered.

INVESTIGATING COMMITTEES.

Mr. PHELPS, of Missouri. I ask the unanimous consent of the House to introduce a bill rendered necessary to pay the expenses of the several investigating committees of the House.

There was no objection.

Mr. PHELPS, of Missouri. I introduce, then, a bill making appropriation for the payment of expenses of investigating committees, and for other purposes.

The bill was read a first and second time, and then it was read *in extenso*.

Mr. PHELPS, of Missouri. There is an expense of about nine thousand dollars unpaid, on account of the expenses of the investigating committees of this House. There is also a small deficiency in the stationery and folding accounts. It is proposed to transfer an unexpended balance of appropriation in the Clerk's office, and not needed, to this miscellaneous item. I have examined it, and it is all right.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

And then, on motion of Mr. EDIE, the House (at nine o'clock and seven minutes, p. m.) adjourned.

IN SENATE.

WEDNESDAY, *March* 2, 1859.

Mr. STUART. I am informed that it is entirely impossible for the clerks, as I presumed it would be, to write out at length the Journal of the Senate of yesterday; and it would take more than an hour to read it, if it were written out. I therefore ask for unanimous consent that the reading of the Journal be dispensed with.

The VICE PRESIDENT. The Chair hears no objection. The reading of the Journal will be dispensed with.

EXPLANATION.

Mr. SEWARD. I was prevented by ill health from staying here until the adjournment of the Senate last night. When I left the Senate, they were engaged on the naval appropriation bill, and considering the amendment of the Senator from South Carolina, [Mr. HAMMOND,] increasing the appropriations for navy-yards. If I had remained, I should have been glad to have voted to sustain the bill as it came from the House of Representatives, and against the amendment of the Senator from South Carolina.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a message from the President of the United States, transmitting a report of the Secretary of War, with accompanying papers, in obedience to the resolution of the Senate of 23d February, requesting the President to communicate to the Senate a copy of the opinion of Judge Brewer, in the Great Falls land condemnation case, involving a claim for damages, to be paid by the United States; which, on motion of Mr. MASON, was ordered to lie on the table; and a motion by him to print the report was referred to the Committee on Printing.

He also laid before the Senate a report from the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, information relative to the cost of granite for the south wing of the Treasury building; which was ordered to lie on the table; and a motion of Mr. HAMLIN to print the report, was referred to the Committee on Printing.

He also laid before the Senate a message from the President of the United States, transmitting a report, with accompanying documents, from the Secretary of State, in answer to a resolution of the Senate, of the 23d ultimo, requesting a copy of certain letters of Horatio J. Perry, late secretary of legation of the United States at Madrid; which was ordered to lie on the table; and a motion of Mr. MASON to print it, was referred to the Committee on Printing.

DIPLOMATIC AND CONSULAR BILL.

The VICE PRESIDENT announced the appointment of Mr. MASON, Mr. DAVIS, and Mr. SEWARD, as the committee of conference on the part of the Senate on the disagreeing votes of the two Houses on the bill (H. R. No. 666) making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th of June, 1860.

CREDENTIALS.

Mr. SLIDELL presented the credentials of Hon. JUDAH P. BENJAMIN, elected a Senator by the Legislature of the State of Louisiana, for the term of six years from the 4th day of March 1859; which were read, and ordered to be filed.

Mr. THOMPSON, of Kentucky, presented the credentials of Hon. LAZARUS W. POWELL, elected a Senator of the United States, by the Legislature of the State of Kentucky, for six years, from the 4th of March, 1859; which were read, and ordered to be filed.

RELATIONS WITH CHINA.

Mr. MASON. It is known that we have ratified within a few days past, a treaty with China, and the Secretary of State inform us that it is important to have legislation to carry that treaty into effect for the benefit of certain citizens of the United States. A bill has been prepared for that purpose at the Department of State, and I am instructed by the Committee on Foreign Relations to report it, and ask the Senate to pass it at once, so that it may go to the House of Representatives, to be acted on there.

By unanimous consent, the bill (S. No. 606) to carry into effect the convention between the United States and China, concluded on the 8th of November, 1858, at Shanghae, was read three times, and passed.

It provides that the minister or chief diplomatic officer of the United States in China shall, so soon as the Chinese revenue officers issue the debentures, or duty receipts, provided for in the convention, select some proper depositary of the same in China, making such compensation as he shall think right. The President, by and with the advice and consent of the Senate, is to appoint two commissioners to form a board in China to receive and examine all claims which may be presented to them under the convention, according to its provisions, and the principles of justice and international law. The board is to meet at such time and place as shall be designated by the chief diplomatic officer in China; and within one year from the time of the meeting shall terminate its duties. The compensation of the commissioners is to be $3,000 per annum; and the President of the United States is authorized to make such provision for the contingent expenses of the commission as shall appear to him necessary and proper. The commissioners are to report to the chief diplomatic officer in China the several awards made by them, to be approved by him, a copy to be by him transmitted to the depositary of the debentures, who is to distribute in ratable proportion the debentures, or their proceeds, according to the direction of the diplomatic officer. So soon as the commission shall be executed and completed, the records and documents, and all other papers in the possession of the commissioners, are to be deposited in the office of the Secretary of State.

HOUSE BILL REFERRED.

The bill (H. R. No. 887) granting a pension to Mary J. Harris, widow of Colonel Thomas L. Harris, was read twice by its title, and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

Mr. KING presented a petition of the American Indian Aid Association of New York, praying that a policy may be pursued towards the Indians that will define and respect their rights, and elevate their character as men; which was ordered to lie on the table.

Mr. JONES presented a petition of citizens of Hardin county, Iowa, praying the establishment of a mail route from Eldon to Point Pleasant; which was ordered to lie on the table.

Mr. THOMSON, of New Jersey, presented a petition of citizens of Bergen, New Jersey, praying that the public lands may be laid out in farms

for the free and exclusive use of actual settlers; which was ordered to lie on the table.

Mr. CRITTENDEN, presented the petition of Tal. P. Shaffner, praying that the President, or the Secretary of the Navy, may be authorized to render him such aid as may be practicable in carrying out his plans for laying a telegraph between Europe and America, via Greenland, Iceland, and the Faroe Isles, by permitting the Government ships to transport his surveying party; which was referred to the Committee on Naval Affairs.

Mr. THOMSON, of New Jersey, presented a memorial of iron manufacturers of Cumberland county, New Jersey, approving the bill introduced by Mr. FITCH, for the use of American iron in the public works; which was ordered to lie on the table.

PAPERS WITHDRAWN.

On motion of Mr. JONES, it was

Ordered, That Virginia Waldron have leave to withdraw her petition and papers.

COAST SURVEY REPORT.

Mr. TRUMBULL. Some days ago I made a motion to reconsider the vote by which the Senate ordered five thousand extra copies of the coast survey report to be printed. I should like to have that motion disposed of, and I ask for its consideration now. I shall not discuss it. I simply desire to have the estimate of the expense of the publication, which is on the Secretary's table, read; and to have the yeas and nays on the question of printing the extra numbers.

Mr. FITCH. I must object to the present consideration of that. Here is my desk loaded with reports which must be made. If the gentleman chooses to throw a difficulty in the way by insisting upon his motion on so trifling a matter, and yet which is doing injustice to the public service, he alone is responsible.

The VICE PRESIDENT. Does the Senator from Indiana insist on the regular order of business?

Mr. FITCH. I do.

Mr. TRUMBULL. I make the motion to test the sense of the Senate.

Mr. CRITTENDEN. I desire to present a petition.

Mr. TRUMBULL. I give way for that purpose.

Mr. CRITTENDEN presented a petition, which is given above.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed a bill (No. 890) making an appropriation for the payment of the expenses of investigating committees of the House of Representatives; in which the concurrence of the Senate was requested.

REPORTS FROM COMMITTEES.

Mr. BAYARD. The Committee on the Judiciary, to whom was referred a petition of citizens of San Francisco city and county, relative to the Santillan grant, have instructed me to ask that they be discharged from its further consideration. The committee have had no time to give the whole matter that consideration to which it is entitled; but their inclination is that some bill, not such as is contemplated by the petition, but a bill which shall not violate general principles, might be framed to guard the interests of the petitioners without trespassing on the rights of others. At another session, it may be in the power of the committee to report such a bill in time to prevent injury; but at this time it would be useless to hope for the passage of such a bill, even if its details could be perfected. I move, therefore, that the committee be discharged from the further consideration of the subject.

The motion was agreed to.

Mr. BAYARD. The same committee, to whom was referred the bill (H. R. No. 886) to protect timber growing upon lands of the United States reserved for military and other purposes, have directed me to report it back with a recommendation that it pass, and ask for its present consideration. It is a bill to which, I think, there can be no objection. The object is to provide, by penal enactment, against the cutting and stealing of timber from military reservations, which has been found to be, from the statements of the Department, a growing evil. It can injure no one; it is for the purpose of protecting the timber on the military reservations of the United States. I hope the bill will be considered at once. I think it can be passed in two minutes.

Mr. FITCH. I must interpose an objection to any motion to consider anything except what is strictly in order.

Mr. BAYARD. Can the objection of a single Senator prevent the consideration of the bill at the present time, if a majority of the Senate choose to take it up, it being a bill reported back after its second reading?

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) The bill having been just reported cannot be considered to-day, objection having been made.

Mr. STUART, from the Committee on Public Lands, to whom was referred the bill (S. No. 559) to ratify and confirm certain entries of the public lands in Alabama, under the act of August 4, 1854, reported it with an amendment.

He also, from the same committee, to whom was referred the petition of A. Edwards, reported a bill (S. No. 607) to provide for the final settlement of the accounts of Abram Edwards, late receiver of the land office at Kalamazoo, Michigan; which was read, and passed to a second reading.

Mr. STUART. As the bill which I have just reported simply provides for the adjustment of accounts as they were certified in 1849, and the the payment of a small balance to a very old and worthy gentleman, I wish to ask the indulgence of the Senate to pass it now.

Mr. FITCH. I must object, as I have some reports to make. I should not be so urgent but for the fact that the inflexible Senator from Virginia [Mr. HUNTER] will insist at twelve o'clock on the regular order.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill (H. R. No. 713) making appropriations for sundry civil expenses of the Government for the year ending 30th of June, 1860, reported it with amendments, and gave notice that at twelve o'clock he would call it up.

Mr. CLAY, from the Committee on Commerce, to whom was referred the bill (S. No. 568) to enable the owners of property fronting on Government piers at Chicago to use the same for commercial purposes, and keep the same in repair, asked to be discharged from its further consideration; which was agreed to.

Mr. PEARCE, from the Committee on the Library, who were instructed by a resolution of the Senate to report what progress has been made in completing the publication of the exploring expedition under Captain Wilkes, what amount of appropriations for the work remain unexpended, and what amount will be necessary to complete the same, submitted a report on the subject; which was ordered to be printed.

Mr. FITCH, from the Committee on Printing, to whom was referred the joint resolution (S. No. 11) relating to the public printing, asked to be discharged from its further consideration; which was agreed to.

Mr. FITCH. The same committee, to whom was referred the memorial of Pryor & Heiss, proprietors of the States, praying that steps be taken to enforce the provisions of the act of 3d of March, 1845, in relation to the publication of proposals for contracts, have instructed me to report that, if the statements of the memorialists be sustained on investigation, legislation will very probably be necessary; but they ask to be discharged from its further consideration at this time, for want of time to examine it. I make that motion.

The motion was agreed to.

Mr. FITCH, from the same committee, to whom was referred the memorial of William Pettibone and others, practical book-binders, and residents of Washington city, praying the correction of an abuse in relation to the ruling and binding of the Executive Departments, made the same report as in the case of the preceding memorial; and it was agreed to.

He also, from the same committee, to whom was referred the memorial of the executive committee of the National Typographical Union, praying the establishment of a bureau of printing, on the plan proposed in the bill reported from a select committee of the House of Representatives, at the last session of Congress, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of the operative book-binders of the city of Washington, praying the enactment of a law requiring the public binding, in all its parts, to be done in the city, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was recommitted the motion to print the letter of the Secretary of State, communicating a report of the commercial relations of the United States with foreign nations, for the year ending September 30, 1858, reported in favor of printing the usual number of the report, in quarto, and one thousand additional copies for the use of the State Department; which was agreed to.

He also, from the same committee, to whom was referred the motion to print the report of the Secretary of the Navy, in answer to a resolution of the Senate calling for a statement showing the names and appropriate description of all vessels of the Navy of the United States which have been captured, lost, or destroyed, &c., reported in favor of printing the usual number; and the report was agreed to.

He also, from the same committee, to whom was referred the motion to print resolutions adopted at a convention of the soldiers of the war of 1812, held at Syracuse, New York, on the 25th of February, 1859, reported in favor of the motion; and the report was agreed to.

He also, from the same committee, to whom was referred the motion to print the message of the President of the United States, communicating a digest of the statistics of manufactures according to the returns of the seventh census, reported in favor of printing the usual number of the tabular statement, accompanying the message, embodying the general results, and omitting all county statistics. The report was agreed to.

He also, from the same committee, to whom was referred the report of the Secretary of War, communicating a copy of Captain J. H. Simpson's report and map of wagon road routes in Utah Territory, reported in favor of printing the same; and the report was agreed to.

He also, from the Joint Committee on Printing, who were instructed by a resolution of the Senate of December 22, 1857, to inquire and report whether any new provisions of law are necessary to secure a faithful performance of the existing contracts, which provide for accurate reports of the debates of the two Houses, submitted a report on the subject; which was ordered to be printed.

On motion of Mr. FITCH, it was

Ordered, That the maps accompanying the memoir of Colonel Wright's campaign against the Indians in Oregon and Washington (S. Ex. Doc. 32) be printed, with said memoir, for the use of the Senate.

PATENT OFFICE REPORT.

Mr. FITCH also, from the Committee on Printing, to whom was referred the motion to print the letter of the Commissioner of Patents communicating the annual report of that office, reported the following resolution:

Resolved, That there be printed, in addition to the usual number, ten thousand extra copies of the annual report of the Commissioner of Patents on arts and manufactures, for the year 1858, for the Interior Department, for the purposes of official distribution, with the plates and drawings necessary to illustrate each subject.

He also, from the same committee, to whom was referred the motion to print the letter of the Commissioner of Patents, communicating the agricultural portion of his annual report for the year 1858, reported the following resolution:

Resolved, That there be printed, in addition to the usual number, ten thousand extra copies of the report of the Commissioner of Patents on agriculture, for the year 1858, for distribution by the Interior Department: *Provided*, That the aggregate number of pages contained in said report shall not exceed five hundred and sixty-eight, including ten pages of illustrations on wood: *And provided further*, That the entire amount of copy necessary to complete said report, including the drawings for the illustrations on paper, be placed in the hands of the Superintendent of Public Printing on or before the 1st day of May next.

Mr. FITCH. It was deemed by the committee not advisable to direct the printing of any extra numbers for the use of the Senate, in view of the fact that the franking privilege would probably be abolished. And the committee were the

more willing to make this report, because of their wish to check the distribution of these documents at the public expense.

Mr. FESSENDEN. The chairman of the Committee on Printing suggests that these resolutions are reported in view of the fact that it is probable the franking privilege will be abolished. If the franking privilege is to be abolished, what is the use of printing the ten thousand extra copies at all? How are they to be sent out?

Mr. FITCH. If the volumes are not worth the prepayment of twenty-five or thirty cents postage by those who desire them, they are not worth publishing. Any citizen who desires them can procure them by addressing the proper Department, and inclosing the requisite number of stamps to pay the postage.

Mr. MASON. It would seem to me that the suggestion of the honorable Senator from Maine is a very pertinent one at this time, with regard to the reports made by the Committee on Printing. I not only agree with the committee that there should be no extra copies printed for distribution by Congress, but I go further; I do not see why these ten thousand copies should be printed for distribution by the Department of the Interior, when, as I understand the present plan in relation to the Post Office Department, nothing is to be transmitted free of postage; and then it will result that the Government is to pay for the distribution of these ten thousand copies.

Mr. FITCH. The Senator is mistaken in the result. If the franking privilege is abolished, and the several propositions we have had before the Senate, or any of them, become a law, these documents cannot go through the mail free of postage; they cannot be franked by the Interior Department; but those who desire them, knowing that they can be obtained at the proper bureau, can very easily inclose a sufficient number of stamps to prepay the postage; and if the volumes are not worth the postage, they are not worth publication at all. If the result of this experiment, if you please to call it so, be that no inquiry is made for the documents of the bureaus having them for distribution, because prepayment of postage is required, of course Congress hereafter will be released from any obligation to publish them.

Mr. FESSENDEN. I would suggest that these resolutions had better lie on the table for the present. We are not yet certain that the bill abolishing the franking privilege will pass.

Mr. FITCH. I have no objection to that course.

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) The resolutions will lie over for the present, if objected to.

HOUMAS LAND GRANT.

Mr. BENJAMIN. A petition was presented by the Vice President the other day from the claimants to certain lands in Louisiana, asking Congress to act in their behalf upon their claim at the present session. The Committee on Private Land Claims, to which this petition was referred, has had it under consideration two mornings; the papers are voluminous; it is so late as to be impossible to act at this session. Under the circumstances the committee have instructed me to report a joint resolution, suspending the operation of the act complained of by these petitioners until the end of the next Congress. I ask that the joint resolution may be considered and passed at once.

By unanimous consent, the joint resolution (S. No. 88) in relation to the second section of the act of Congress entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes," was read three times and passed. It is as follows:

Resolved, &c., That the second section of the act of Congress, entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes," approved June 2, 1858, is hereby so suspended in its operation and effect, until the end of the Thirty-Sixth Congress, as that no patent or patents shall be issued, nor shall any action be had by the executive branch or department of the Government, or any officer or agent thereof, under, or by virtue of said section.

COURTS IN MINNESOTA.

Mr. BENJAMIN. The House of Representatives has passed the Senate bill providing for holding the district courts in Minnesota, with an amendment striking out the clause authorizing the courts to be open at all times for admiralty business. I move to take it up for the purpose of concurring in the amendment.

The motion was agreed to; and the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. No. 412) supplemental to "An act for the admission of the State of Minnesota into the Union." The amendment is to strike out: "the said court shall be open at all times for the purpose of hearing and deciding cases of admiralty and maritime jurisdiction, so far as the same can be done without a jury."

On motion of Mr. BENJAMIN, the amendment was concurred in.

MOUTH OF THE MISSISSIPPI.

Mr. BENJAMIN. At the session before last, Congress passed an appropriation of $330,000 for improving the navigation at the mouth of the Mississippi, directing the sum to be expended by contract. There is a balance of that appropriation existing in the Department, which it is desirous of appropriating at once to relieve the commerce at New Orleans, which is now obstructed by difficulties at the bar; but the contract system will require sixty days' advertisement, and keep us blocked up for that time. I ask leave to introduce a joint resolution authorizing the balance of the appropriation to be expended, under the direction of the President, without the necessity of waiting sixty days for advertising for a contract.

By unanimous consent, leave was granted to introduce the joint resolution (S. No. 87) in relation to the removal of obstructions in the mouth of the Mississippi river; and it was read twice and considered as in Committee of the Whole. It provides that the unexpended balance of the appropriation of $330,000 made at the first session of the Thirty-Fourth Congress, for removing the obstructions to navigation in the mouth of the Mississippi river, at the Southwest Pass, and Pass à l'Outre, may be applied to that purpose under the direction of the President of the United States, by contract or otherwise, as in his discretion may appear best adapted to effect the object contemplated by the appropriation.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

THE POTOMAC WATER.

Mr. BROWN. The Committee on the District of Columbia, to whom was referred the bill (H. R. No. 889) to provide for the care and preservation of the works constructed by the United States, for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefit of the inhabitants of the said cities, have directed me to report it back with an amendment. As it is a bill which cannot possibly lead to debate, the amendment must cause it to be sent back to the House. I hope it will be considered now.

There being no objection, the bill was considered as in Committee of the Whole. The amendment of the Committee on the District of Columbia was to strike out, in line eighteen of section one, "civil engineer," and insert "officer of the United States corps of engineers."

Mr. BRIGHT. I have an amendment to offer to the bill, as a substitute.

The PRESIDING OFFICER. The question first is on the amendment reported by the Committee on the District of Columbia.

Mr. SEWARD. I wish to ask the honorable Senator from Mississippi to explain the effect of the amendment.

Mr. BROWN. The effect is to allow the President of the United States to detail some officer of the United States corps of engineers to take charge of this work, instead of taking one from civil life.

Mr. BRIGHT. After this amendment shall have been acted upon, I presume it will be in order for me to move a substitute for the entire bill.

The PRESIDING OFFICER. Certainly. The question now is on the amendment of the Committee on the District of Columbia.

The amendment was agreed to.

Mr. BRIGHT. I now move to strike out all after the enacting clause of the bill, and insert as a substitute the Senate bill on the same subject.

Mr. BROWN. I think it is hardly worth while to read that amendment. It is a long bill; it is on all our tables; we have seen it. All I want to say about it is that I would as soon take that bill as the House bill, but I am so apprehensive that the House of Representatives will not sanction it, and that in the conflict we shall get nothing, that I greatly prefer not having the amendment made. The bill, as it comes from the House, involves the Government in no responsibility at all. It simply authorizes the people of Washington to tap the mains for the purpose of getting water, under the direction of one of your own United States officers, without saying who he shall be—some one to be appointed by the President of the United States. That is about the whole bill.

Mr. BRIGHT. This subject was referred to the Committee on Public Buildings and Grounds some time since; and the proposition which I have offered as an amendment to this bill was the result of their labors. They gave the subject a great deal of attention, and the proposition, I believe, met the approbation of every member of the committee. It is a system within itself, copied substantially from the code that governs the water privileges in New York and in Philadelphia; and I hazard nothing in saying, that it is just such a system as we ought to adopt here. But I have no expectation of being able to make the Senate understand the bill, if they have not already read it. It is a long bill. I do not intend, however, that the House bill shall pass, without having the merits of the amendment which I have offered thoroughly understood. I think the House bill very objectionable in several particulars. It does not guard the interests of the Government properly. The Government has introduced water here at an immense cost—several millions of money. It is important that the Government should be protected in its rights, while it gives to the city willingly great privileges in regard to the use of the water. The proposition which I have presented, substantially gives them the privilege of using the water, requiring them to pay no more than is absolutely necessary to repair the wear and tear. It is important to see that the rights of the Government are not injured by allowing anybody and everybody to tap the pipes at any and every point within the city. Independent of the privilege of tapping the water and using it, it must be carried off after it is used. The introduction of the water ought necessarily to be coupled with a system of drainage; but there is no provision of that kind in the House bill. It is a commingling of the interests of the city and the Government, and putting them all under the charge of one or two persons. I am against that. I want the interests of the Government protected by persons in the employ of the Government; and I am willing that the cities of Georgetown and Washington should have the benefit of the water, provided they get it under the direction and with the assent of Government officers, making the Government officers responsible for the care and preservation and protection of the Government property. It is utterly impossible to do that according to the bill that has come from the House of Representatives. I wish the honorable Senator from Mississippi, the chairman of the Committee on Military Affairs, was present; and I shall object to the bill being disposed of until he is present. It is a matter in which he has taken a great deal of interest, and I should be very unwilling to have the subject finally acted on in his absence.

Mr. BROWN. My friend from Indiana is altogether mistaken in saying that the House bill does not guard the interests of the Government; for the very first section of it puts the whole of the water-works under the control of an officer of the United States to be selected by the President; and no permission is to be allowed to any one to tap any of the pipes without his consent, and very heavy penalties are inflicted by the bill on those who violate its provisions. I do not see that you ought to have more than one superintendent. If he be competent to the discharge of his duties, he is just as good as half a dozen.

Mr. STUART. Allow me to make a suggestion to the Senator. If he expects to get this bill through Congress at this session, it must evidently be through the medium of a conference committee between the two Houses. Therefore, I suggest to him whether it would not be better to adopt the substitute offered by the Senator from Indiana, and let the bill be sent back to the House

in that form, so as to bring it before a committee of conference.

Mr. BROWN. Very well; I will take that course, as I see we can do nothing else.

Mr. BRIGHT. I have no objection to that course, and I think it very probable that a committee of conference can agree. The difficulty, to my mind, is, that after the committee does agree, the Senate will require just what I proposed should be done a moment ago—the reading of the entire bill. ["Oh, no!"] Very well; I am willing to leave it to a conference committee.

Mr. BROWN. I am willing to let the Senate bill be substituted for the House bill, for the purpose of bringing the matter before a committee of conference.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

The amendment was agreed to.

The bill was reported to the Senate, as amended; the amendments were concurred in and ordered to be engrossed, and the bill to be read a third time. The bill was read the third time, and passed.

PENSION APPROPRIATION BILL.

Mr. HUNTER. The House of Representatives have notified us of their action on our amendments to the pension appropriation bill. I think we can dispose of it in three minutes without a committee of conference. I move to take it up.

The motion was agreed to; and the Senate proceeded to consider the action of the House of Representatives on its amendments to the bill (H. R. No. 662) making appropriations for the payment of invalid and other pensions of the United States, for the year ending the 30th of June, 1860. The House of Representatives agreed to the third, and disagreed to the first and second amendments of the Senate.

Mr. HUNTER. The House have agreed to the amendment in regard to the reëxamination of pensioners, but have disagreed to the amendment to strike out the pension agents. That is the only amendment upon which there is any difference. I move that the Senate insist on its amendments which have been disagreed to by the House. Perhaps, when the bill is sent back, the House may agree to our proposition, with an amendment. I am inclined to think they will.

The motion was agreed to.

A message was afterwards received from the House of Representatives, announcing that the House insisted upon its disagreement to the first and second amendments of the Senate, to the bill (H. R. No. 662) making appropriations for the payment of invalid and other pensions of the United States, for the year ending the 30th of June, 1860, insisted on by the Senate.

ARTHUR EDWARDS.

Mr. HUNTER. I move now to take up the miscellaneous appropriation bill.

Mr. STUART. I hope the honorable Senator will give me the two minutes that are left, between now and twelve o'clock, to pass a small bill.

Mr. HUNTER. With the general consent of the Senate, if they will agree that the appropriation bill shall come up, I will yield to the Senator.

Mr. STUART. Certainly. I would not ask the indulgence of the Senate if it were not in the very last hours that I can be here. I have a constituent who has a small bill pending which ought to pass, and I ask the indulgence of the Senate to take it up and pass it. I move to take up the bill (S. No. 582) for the relief of Arthur Edwards and his associates.

The motion was agreed to, and the bill was considered as in Committee of the Whole.

It proposes to direct the Postmaster General to audit and settle the account of Arthur Edwards and associates, for transporting the United States through mail in their steamers, between Cleveland, Sandusky, and Toledo, in Ohio, and Detroit, in Michigan, during the years from 1849 to 1853, inclusive, and to allow them not less than $28 60 for each and every passage made by their boats when the mail was carried.

Mr. KING. If there is a report, I should like to hear it.

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) The report will be read.

Mr. HUNTER. I must insist on taking up the appropriation bill.

Mr. STUART. I can state to the Senator from New York in a word, what the case is. The service was performed under the direction of the local postmasters; but not being ordered by the Department, there is no authority of law to pay it. That is all there is about it.

Mr. CLAY. The money is due. Let us pay it, and be done with it.

The PRESIDING OFFICER. Does the Senator from New York insist on the reading of the report?

Mr. KING. No, sir.

Mr. STUART. There are amendments to the bill.

The Secretary read the amendments, which are: in line six, after the word "steamers" to strike out "between," and insert "from the respective ports of;" and in line seven, strike out the word "and" and insert "to," and after "Michigan" insert "and from Detroit to the respective ports aforesaid."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed a bill (No. 780) for the relief of James Collier, in which the concurrence of the Senate was requested.

The message further announced that the House had passed the following bills and resolution of the Senate:

A bill (No. 255) for the relief of Anthony Caslo, a soldier in the war of 1812;

A bill (No. 328) for the relief of John Pickell, late a lieutenant in the Army;

A bill (No. 604) to provide for the enrollment and license of the brig Cumberland; and

A joint resolution (No. 69) confirming the rank of senior flag-officer on the active service list of the United States Navy, on Captain Charles Stewart.

ARMY APPROPRIATION BILL.

A subsequent message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 667) making appropriations for the support of the Army for the year ending the 30th June, 1860.

The Senate proceeded to consider its amendments to the bill (H. R. No. 667) making appropriations for the support of the Army for the year ending the 30th of June, 1860, disagreed to by the House; and on motion of Mr. HUNTER:

Resolved, That the Senate insist upon its amendments disagreed to by the House of Representatives, and ask a conference on the disagreeing votes of the two Houses thereon.

Ordered, That the committee of conference on the part of the Senate be appointed by the Vice President.

Mr. DAVIS, Mr. FESSENDEN, and Mr. TOOMBS were appointed.

CIVIL APRROPRIATION BILL.

Mr. HUNTER. I hope we shall now proceed to the consideration of the miscellaneous appropriation bill. I make that motion.

Mr. HAMLIN. Mr. President——

The PRESIDING OFFICER. The Senator from Maine.

Mr. HAMLIN. I am very much obliged to the Chair for recognizing me at last. I have addressed the Chair on several occasions. I ask the Senator from Virginia to allow me to call up the light-house bill. It will not occupy a very long time, probably not half an hour. I have made several attempts to get it up, and I fear that unless it be taken up before this appropriation bill, it cannot come up at all. After that, I shall be very happy to join the Senator from Virginia in getting up his bill. I hope he will allow me to call up the light-house bill now.

Mr. HUNTER. I cannot agree to give up the appropriation bill for that. I hope to get this appropriation bill out of the way to-day, and then to-morrow the Senator can call up his bill. He can certainly get it up in the morning hour.

Mr. HAMLIN. I have made effort after effort in the morning hour, and I am so unfortunate that I occupy a position in this Hall where I cannot make the Chair hear me.

Mr. HUNTER. To-morrow the Senator shall have my seat in the morning hour, if that will do him any good.

Mr. HAMLIN. Ah! if I had the Senator's voice, it would be worth more than his seat.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia.

The motion was agreed to; and the bill (H. R. No. 713) making appropriations for sundry civil expenses of the Government for the year ending June 30, 1860, was considered as in Committee of the Whole.

The first amendment of the Finance Committee was to strike out, in lines one hundred and eighty-eight and one hundred and eighty-nine, "$1,878," and insert "$1,095," so as to make the clause read:

For hire of carts on the public grounds, $1,095.

Mr. HUNTER. That is according to the original estimate.

The amendment was agreed to.

The next amendment of the Finance Committee was to strike out "seventh," in line two hundred and thirty-four, and insert "eleventh," so as to make the clause read:

To enable the Secretary of the Interior to purchase of Messrs. Little, Brown, & Co., two thousand copies of the eleventh volume of the Statutes at Large for distribution, agreeably to act of Congress directing the distribution of the other volumes, $7,000.

Mr. HUNTER. That is a mere verbal correction. There is a mistake in the number of the volume.

The amendment was agreed to.

The next amendment was in line one hundred and ninety-six, after the word "locks," to insert "and for protection of the building," so as to make the clause read:

For annual repairs of the Capitol, water-closets, public stables, water-pipes, pavements, and other walks within the Capitol square, broken glass, and locks, and for protection of the building, $5,000.

The amendment was agreed to.

The next, which was to increase the appropriation for repairs of Pennsylvania avenue from $2,000 to $3,000, was agreed to.

The next amendment of the Finance Committee was to add as a new section:

And be it further enacted, That the power to issue and reissue Treasury notes, conferred on the President of the United States by the act entitled "An act to authorize the issue of Treasury notes," approved the 23d of December, 1857, be, and the same hereby is, revived and continued in force from the passage of this act until the 1st day of July, 1860; and to defray the expenses thereof the sum of $5,000 is hereby appropriated: *Provided*, That the said notes may be issued bearing an interest not exceeding six per centum per annum; and that it shall not be necessary, as directed by the original act aforesaid, after the advertisement to exchange them for specie to the bidder or bidders who shall agree to make such exchange at the lowest rate of interest upon said notes; and that in all other respects the reissue of said Treasury notes shall be subject to the terms and conditions of the act aforesaid.

Mr. FOSTER. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. SEWARD. It was impossible to understand that amendment as it was read. I ask that it be read again.

Mr. HUNTER. I will explain it, and then it can be read. It is a mere provision to restore the act of 1858, to enable the Secretary of the Treasury to reissue the $20,000,000 of Treasury notes. It differs from that act in this: that it allows a limit of six per cent. interest. It was before put at five per cent.; but, for the rest, it is a revival of that act.

Mr. COLLAMER. For how long?

Mr. HUNTER. Until the 1st of July, 1860

The amendment was read.

Mr. SIMMONS. I wish to offer an amendment to the amendment, which I hope the Senator from Virginia will accept, or, otherwise, I shall have to explain it. Before the amendment is read, I will simply state what it is. It is to prevent frauds on the revenue by the under-valuation of imports; and it provides that the collectors shall take the duties, as now authorized by law, in the article itself; and that the importer shall make his own valuations at which he will agree to let us take what belongs to us, letting him take what belongs to him. That is the whole of it. I have called the attention of the chairman of the Committee on Finance to this amendment; and I hope he will accept it as an amendment to his, so as to

provide some means for the payment of these notes, so that we shall not be cheated at both ends. I will forego any remarks to the Senate; for I presume, if he will accept it, there will be no objection to it whatever.

Mr. HUNTER. I cannot agree to accept it.

Mr. SIMMONS. Then I shall have to explain it.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The Secretary read it, as follows:

SEC. —. *And be it further enacted*, That it shall hereafter be the duty of the several collectors, or other officers charged with the duty of collecting the revenue from imported merchandise, in all cases where the same is practicable, under regulations prescribed by the Secretary of the Treasury, to take the amount of duties chargeable upon any imported merchandise, in the article itself, according to the proportion or rate per centum on said article; that is to say, if by law there is imposed a duty of fifteen per centum, there shall be taken fifteen from every one hundred of such importation, and in that proportion for a larger or smaller quantity, and in like manner for all other rates of duty. And it shall be the duty of the person or persons authorized by law to make entry of imported merchandise, to accompany the entry with such invoice and other proof of cost as is now required by law, and, in addition thereto, to furnish an invoice, verified by the oath or affirmation of the party making the entry, setting forth the true quantity of the merchandise entered, and also that the portion or packages selected for examination by the appraisers contain true and fair samples of the entire importation, which invoice shall also set forth the valuation put upon the merchandise imported, or entered, by the party making the entry; and the collector, or other officer, shall have the right, and it is hereby made his duty, to determine, as he may judge best for the interest of the Government of the United States, either to retain the proportion of the merchandise taken for duties, or to deliver the same to the party who made the entry of the merchandise, and, in lieu thereof, to levy and assess the duty upon the whole amount of the merchandise, as valued by the party making the entry; or he may take the entire amount of the merchandise entered, at the valuation put upon the same by the party making the entry, and, after deducting from the gross sum the rate per centum imposed thereon for duties, he shall pay over the residue to the party who made entry of such merchandise; and in all cases where it shall be judged to be for the interest of the Government to retain the merchandise taken for duties, or to take the remainder of the importation, it shall be the duty of the collector, or other officer, to make sale of the same in the manner now provided by law in cases where goods may be taken for duties upon suspicion of under-valuation. These provisions shall take effect from and after the 1st day of April next, upon all merchandise imported from places this side the Cape of Good Hope, or Cape Horn, and from and after the 1st day of July next, upon all merchandise imported from places beyond the said capes.

Mr. SIMMONS. I suppose the simple reading of the amendment will suggest to every Senator its object. It is simply that we shall have something to do with the amount on which duties are levied. I would just as soon let a foreigner fix the rates of duty as fix the amount on which the duties are to be assessed. If we mean to collect revenue by duties, we must have some control over both these items—the amount on which the duties are levied as well as the rate of duties. It is proverbial throughout the country, and throughout the world, that the importations of this country are egregiously and grossly and fraudulently under-valued. I do not say in all cases, but in very many cases. That, I believe, will be admitted by those who want to get the least possible rates of duty we can impose. I do not propose to change a single rate of duty. I am willing to give the law of 1857 a trial for another year, if we can have an honest valuation of the importations under it; and then, if it does not give revenue enough to meet the wants of the Government, which I confess I fear it will not, then, I trust, the Congress of the United States will be disposed to increase the rates; but, until then, I am willing to make a fair trial of it at the rates now imposed.

I have before me a tabular statement, showing just what increased amount of duties may be expected to be collected on each schedule by this proposition; but at this late stage of the session it is impracticable to give a fair exposition of anything to the Senate. I do not suppose the Senate is willing to listen to anybody any further than to hear a simple suggestion as to the propositions he offers. I have talked until I have made myself hoarse in trying to get the Senate to retrench, and to prevent what I thought were wasteful expenditures of the public money, in various ways. I thought we started on the Post Office appropriation bill, two days ago, with some prospect of making a reduction; but I think, when you come to sum up the result of our labors, you will find that we have appropriated $10,000,000 to make up the deficiencies in the Post Office Department for the last and the present year; and that this money is only expected to last us until next January; for the chairman of the Committee on Finance said we should have to appropriate again at the beginning of the next session. In addition to that, we have increased the taxes by postage to an extent, as estimated by the Department, of $3,500,000 more. That makes the sum of $13,500,000 for the postal service next year. I was against increasing the tax, and I thought I should get a chance to strike at the $6,000,000 deficiency for next year, before that bill got through; but despite all the vigilance I could use, the bill went through before I could get a blow at that $6,000,000 of deficiency for the next year, in addition to the $3,800,000 for this year. I despair, then, of getting any retrenchment; and now, at this late stage of the session, I am endeavoring simply to prevent these great frauds on the revenue. I think, if we can get the rates of duties on a fair valuation of the articles, we shall go a great way to relieve the difficulties of the Treasury and the embarrassments of the country, and the labor of the country.

I had intended, if there was time, to show how fallacious were the calculations of the Senator from Virginia, who has presented this proposition for Treasury notes. I will content myself, however, with giving a single specimen of his logic. He said, if we wanted to increase the revenue from imports, we should have to reduce the rates of duty; we should have to reduce the twenty-four per cent. schedule to twenty per cent., and so on. Well, sir, two years ago the Senator wanted to reduce the revenue, and I should like to know whether he proposed to do it by increasing the rates of duty? When it is suggested that the rates ought to be increased, he says, "Oh, if you want more revenue, you should still further reduce the rates." Now, I should like to know of the Senator from Virginia, if he supposes the Senate of the United States can seriously believe that that is his intention; that, in order to increase the revenue collected by the present tariff, he would further reduce the rates? That is what he said; and I cannot conceive that a man who has had charge of the finances for twelve years, and who, two years ago, defended the reduction which was made, which I say, in my deliberate judgment, has produced a revulsion unexampled in the country, would still further reduce them in order to increase the revenue.

He went on further to show that we should reduce the expenditures, and all he actually proposed was to change the method of making the estimates. He said the unexpended balances were wrongly put in the estimates, and especially those as to the civil list; and he wanted to strike off $4,000,000 there of unexpended appropriations, when the Secretary had estimated for only $19,000,000; and he said in his speech that he had expended, the year before, $36,000,000. I have got the printed speech, but he afterwards corrected it, and said he only spent $26,000,000; that between nine and ten millions of the $36,000,000 were for interest and the redemption of the public debt, &c. Now, I have no manner of doubt that the expenses of this Government for the year ending the 30th of June, 1860, will be more than are estimated by the Secretary of the Treasury——

Mr. CLINGMAN. I do not like to interrupt the Senator's speech, but I desire to make a question of order on his amendment before it is debated. My impression is that the amendment is not in order, and I ask the attention of the Presiding Officer to it.

Mr. SIMMONS. I expected that a question of order would be raised. All this amendment does is to instruct the collectors to do what the law now requires them to do whenever there is a suspicion of under-valuation; and I say that, in my opinion, there has not been one importation of dry-goods in a hundred, for the last ten years, that has not been under-valued.

Mr. HUNTER. I do not understand the Senator's amendment very distinctly, but it strikes me as being very different from the present law. The present law allows you to take the duty in kind in certain cases; that I know; but the Senator proposes to take the whole cargo and sell it. I ask him, if the whole cargo is taken, will not this provision levy ten or twelve per cent. more duty than the present law? Is it not, therefore, a scheme to increase the rates of duty?

Mr. SIMMONS. No, sir. I do not require the collectors to take the whole cargo. I merely require them to take so much of it as is due to the Government for duties; and with regard to taking the rest, that is a mere option of the collector to prevent under-valuation.

Mr. HUNTER. To take the duty in kind, is the present law. The collector can do that now where he suspects under-valuation; but, if I understand this amendment, it proposes to allow the collector to take the whole cargo at the invoice valuation, and sell it for the benefit of the United States.

Mr. SIMMONS. If a man enters goods, and the collector believes that they are grossly undervalued, I propose that the man shall part with them at what he values them at, if the collector deems it for the interest of the Government to take them.

Mr. SEWARD. As a penalty?

Mr. SIMMONS. Yes, as a penalty. I mean that in regard to taking that portion of the goods which is not due to the Government for duties, the collector can exercise his judgment. It will be a wholesome check on the importers, when they know that when they put a valuation on their merchandise, it is liable to be taken at the value they themselves fix. That is all there is in it; and that is the law in England. I have the English statute before me, and can refer to it, if necessary. When a man there enters a thousand pounds value of goods, he puts his valuation on them and pays his duty, and the Government has seven days to say whether it will take the goods according to his valuation, or will take the duties and let him keep the goods. When this point of order was raised I was about——

The PRESIDING OFFICER. (Mr. STUART in the chair.) The Chair will suggest to the Senator from Rhode Island that the Senator from North Carolina raises a question of order as to the admissibility of the amendment; and since the question was raised the Chair has read the amendment, and is inclined to the opinion that it is a provision for raising revenue, and therefore is not in order to be offered in the Senate.

Mr. SIMMONS. I shall have to appeal from that decision, and I think the Chair will see——

The PRESIDING OFFICER. The Senator will allow the Chair to state the question. The Chair decides that the amendment proposed by the Senator from Rhode Island is not in order, being a provision to raise revenue, which is excluded by the Constitution from origination in this body. From this decision the Senator from Rhode Island appeals. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. FESSENDEN. I desire that the amendment shall be read again, in order that the Senate may fully understand it.

The Secretary read the amendment.

Mr. SIMMONS. I understand the point of order which is made is, that my amendment to the amendment is not in order, because it is in the nature of a bill for raising revenue, which, under the Constitution, cannot originate in the Senate. Now, I should like to know if the amendment of the Finance Committee is not a provision to supply the Treasury with resources for carrying on the Government? It is a proposition to put upon an appropriation bill a provision to raise $20,000,000 of money upon the credit of the Government, and when a proposition to amend such a measure as that is made, it is said that it cannot originate in the Senate. The same rule that would apply to the amendment I propose, which is merely and solely a regulation declaring what shall be the duty of the collectors of customs, would cut off the amendment of the Committee on Finance. My amendment does not impose a farthing additional percentage, not one tenth part of one cent on anything. It simply obliges the collectors to apply, in all cases, a regulation now existing by law in certain cases.

I should say, strictly speaking, that the amendment of the Finance Committee is a money bill, and by the general theory of our Constitution all money bills here, as in the British Parliament, should originate in the House of Commons. That is the rule under the British constitution, and it is carrying out that theory in ours which requires revenue bills to originate in the House of Representatives. But this is not a revenue bill. The

only part of it which raises any money is the amendment of the Committee on Finance, and that is, strictly speaking, a money bill; and under any analogy that you can draw between our Constitution and that of England, it cannot originate in the Senate. But we have been in the habit of overlooking these nice points, and I suppose now that this is a system of *finesse* to put on the amendment of the Finance Committee in the Senate, and then by raising a question of order to prevent our getting anything to pay these notes with, but there is no reason or sense in such an objection. I say we can make any regulation we please. We can say upon this amendment that we will provide such and such means to pay this debt; that we will put five per cent. duty upon everything to pay this debt. That we can do, but this is nothing like as broad as that. I will read the provision of the present law in regard to taking the duties in kind:

"SEC. 18. *And be it further enacted*, That the several collectors be, and they are hereby, authorized, under such regulations as may be prescribed by the Secretary of the Treasury, whenever they shall deem it necessary to protect and secure the revenue of the United States against frauds or under-valuations, and the same is practicable, to take the amount of duties chargeable on any article bearing an *ad valorem* rate of duty, in the article itself, according to the proportion or rate per centum of the duty on said article; and such goods, so taken, the collector shall cause to be sold at public auction, within twenty days from the time of taking the same, in the manner prescribed in this act, and place the proceeds arising from such sale in the Treasury of the United States."

That is the law now, and has been the law for the last sixteen years. Now, I simply alter that so as to say that in all cases where it is practicable the collector shall proceed in that manner. I should like to know if we cannot give that direction to our collectors without having a point of order raised that it originates in the Senate? It is the provision of the existing law in every case where the collector suspects there is an undervaluation; and I say there is good reason for the Congress of the United States to suspect that all these goods are under-valued; but whether they suspect it or not, it is a sound principle of public policy to secure the collection of the per cent. of duty that you impose by law. This provision can operate no hardship. I agree that it will collect more revenue. I expect that it will collect more revenue, or I would not offer it; and if you do not collect the revenue you actually impose, and prevent these frauds, you must vastly increase your rates of duty; and as you increase the rates of duty, you offer additional inducements to fraud and under-valuation. The lower the rates are, provided you can get the revenue, the better they will suit me. I only ask you to stop cheating. I do not want, I never have wanted, a large overgrown tariff, so that people who have to get their living by hard labor may think they have margin enough to go to sleep on. I want a tariff, so that every man will have to buckle on his armor for a living, and work as he should do, and not depend on the Government; but at the same time, I do not want it so hard that he will have to work like a galley-slave and pine at the oar. Give labor a fair chance, and let it not be defrauded by those scheming men who are about us all over the country. I wish the Senator from North Carolina would withdraw the point of order, and let us take a vote directly upon the proposition itself.

Mr. CLINGMAN. I hope the Senate will indulge me in a few words on the point of order. The Senator from Rhode Island admits that his proposition is to increase or raise revenue. He says, however, that it is no more objectionable than the Treasury note amendment. I take it that the Treasury note amendment, in fact, is not liable to this objection. If I understand it aright, it is a proposition that when the outstanding Treasury notes fall due, they may be reissued. It is not even to create a debt, but it is to prevent the payment of a debt in cash, by giving new notes for it. The Senator may argue that those notes have to be met, and that a liability is imposed on the Government thereby; but that is true in every instance of appropriation. Whenever we appropriate money for any purpose; when the Senate appropriates money for printing, or anything else, there is a liability on the Treasury. It is the same way when you issue Treasury notes; you merely make an acknowledgment of a debt. The Senate will remember that when the French spoliation bill was passed, there was a provision in it for issuing Treasury notes to pay the claims. That is constantly done, and there is a broad distinction, which has been taken from the foundation of the Government, between merely creating a debt, or making an appropriation, which the Senate constantly does, and raising revenue. The Treasury note amendment falls within the class of appropriations like the French spoliation bill. In point of fact it is merely to provide for the reissuing of notes already outstanding. That is a very different thing from a proposition to impose taxes, or to increase taxes, which, of course, is meant by the constitutional provision. Upon the gentleman's own statement, this is clearly a proposition to raise revenue, like any other tax bill, and I think it clear that the Chair has decided right on this question of order, and if it can be gotten rid of in that way, very well.

This question, too, is one which arises out of the Constitution itself. We cannot waive a constitutional provision. I do not see how Senators can sit still and allow the Constitution to be violated, if their attention is called to it. This objection is founded upon the Constitution itself, and must be adhered to. There are some of our rules of order on which you may make a point that may be waived by general consent, but I take it that general consent will not do away with a constitutional provision.

Mr. FESSENDEN. I should like to have the Senator from North Carolina answer one question. The constitutional prohibition is against "bills for raising revenue." Now I want him to explain how this amendment of the Senator from Rhode Island raises revenue?

Mr. CLINGMAN. The Senator from Rhode Island admitted it in his own argument. I so construed it.

Mr. FESSENDEN. I want the Senator to explain in what way it operates to raise revenue.

Mr. CLINGMAN. By increasing the present taxes.

Mr. FESSENDEN. How does it increase the present taxes?

Mr. CLINGMAN. I leave the gentleman to ask the mover of it, who admitted that such was the fact.

Mr. FESSENDEN. I am speaking about raising revenue. I want to know how it does it?

Mr. CRITTENDEN. Mr. President, this is a question that, in point of consequence, goes very far beyond ordinary questions of order. It is not so much a question of order for you to decide, sir, as it is a great constitutional principle which you have undertaken to decide. I mean this in no discourteous spirit, but I say you have no right, in my humble judgment, to decide it as a question of order. It is a question whether the Senate of the United States are competent to do the act proposed. If the Senate are not competent to do it, then I admit the gentleman ought not to have moved it; but does not that show that you are deciding a question of power in the Senate? Is the Constitution to be brought in, in addition to our rules; and made a rule for the action of the Presiding Officer? No, sir; you have no right to decide any amendment out of order, because, in your opinion, it is contrary to the Constitution.

We have known the time when there was a great difference of opinion here, as to the right of the Government to make appropriations for objects of internal improvement. There are many gentlemen here now who think that such acts are unconstitutional, and that we have no power to pass them. Suppose you to be one of the party who thinks Congress itself has not that power, would you have a right to assume to decide that question as a mere point of order? Was it ever done, or attempted to be done? If it is out of order for any gentleman here to move an amendment which, in your opinion, it is beyond the competency of the Senate itself to pass, surely for a stronger reason it is out of order to propose anything that the whole Congress cannot do.

In my judgment, it is going far beyond any power conferred by the mere rules of order or proceeding in this body. It is deciding, by the solitary voice of the Speaker, a question of Constitution—that is the amount of it. I think, therefore, that the Chair ought not to assume jurisdiction of any such question. If it is, in the opinion of the Senate, contrary to the Constitution which you decide as a matter of order, they can decide it when they come finally to vote upon the measure; and they will decide it; and it is their right to decide it. The question is, whether we will surrender our right to decide constitutional questions to the arbitrament of any one who happens to occupy the chair. No matter how respectable, no matter how superior in intellect or capacity he may be, the Senate will not surrender to him its power to determine, as a constitutional matter, whatever is brought into question as in conflict with the Constitution.

But, besides that, this objection to the decision, which is an objection to the competency of the judge, an objection to the competency of the Chair itself, I say that, supposing the Chair to be competent to decide the question, in my poor judgment, the decision is clearly wrong. In the sense of the Constitution, is this a proposition to raise revenue? That is the question. The question is not whether, by rambling through all the possible or imaginary consequences of the measure, you cannot find that, in point of fact, revenue will be increased or diminished by it. Otherwise the chairman would be put to a very laborious and a very delicate species of logic before he could decide a question of order, to determine upon the latitude and consequences of any proposition to increase revenue. If an amendment had been proposed to punish smuggling, would you have decided that that was out of order, because it tended to increase the revenue? No, sir; nobody would ever have thought of such a thing. Is the power of the Senate to be circumscribed and curtailed in this way? It is only from originating bills for raising revenue that we are prohibited; but if, by possible logical or imaginary consequence, you are to say that this measure will, in some way or other, by making men honest, or by punishing smuggling, increase the revenue, you can rule it out of order as a bill to raise revenue, we are very much shorn and diminished of power. It cannot be so, sir.

This amendment proposes no increase of taxes —no increase of duties. It proposes to collect, by a different mode, supposed to be most agreeable to the public interests, and most productive to the public Treasury, the revenue which you have already allowed and provided for. That is the effect of the measure. It changes the mode of collection. Can we not change the mode of collection, because we are prohibited from imposing additional duties? Are we impliedly restrained in any other respect? Are we impliedly restrained from changing or altering the mode of collecting duties? I think we are not.

I do not know much about the rules of order here, and generally care very little about the decisions that are rendered on them, being perfectly willing to accord to any decision that may be made on matters of so little consequence as mere questions of order generally are; but when constitutional constructions and constitutional powers are involved in a question of order, it seems to me it becomes the Senate then to look at it in a different point of view, and to regard it with the proper consideration.

Mr. COLLAMER. Mr. President——

The PRESIDING OFFICER. The Senator from Vermont will allow the Chair a moment. A similar question was raised at the last session, and the impression of the present occupant of the chair is, that he was then in the chair. At all events, he agrees with the Senator from Kentucky, that the question should be determined by the Senate itself; and under the rules it is competent for the Chair to submit any question of order to the Senate. The Chair, therefore, will withdraw the decision he has made, and submit the question to the Senate: "Will the Senate receive this amendment?

Mr. CRITTENDEN. I object to that also. That is not the form in which I am entitled to have discussed, and to decide upon a constitutional question. If you have no right to decide it yourself, sir, you have no right to have it decided by this body as a question of order. We will decide it as a question of Constitution; but we will decide that point, not upon a question propounded by the Chair as one of mere order—we will decide it as constituting a part of the merits of this proposition, upon which we are to vote. We will vote for it, or against it, when it is finally submitted to the judgment of the Sen-

ate, upon its policy or impolicy. The constitutionality of it is involved in that question. We decide it when we act upon the proposition. I say it is not a question of order; or if it be a question of order, it is not a proposition to raise revenue in the constitutional sense of the term. I oppose the form in which the question is put, on the ground that it is calculated to curtail and diminish the proper power of this body.

Mr. SEWARD. I want to understand how the question stands. The Chair withdrew its decision pronouncing this amendment out of order, and decided that it would refer the question to the Senate. The honorable Senator from Kentucky objects to that disposition of it. What now is the question?

The PRESIDING OFFICER. The Chair will answer the Senator from New York that he deems it his duty, when a question of order is made under the rules, either to submit it to the Senate, or to decide it himself. In this case, he thinks the Senator from Kentucky is correct in saying it is a question which should be decided by the Senate; and, therefore, the Chair submits to the Senate the question of order. Will the Senate receive this amendment?

Mr. SEWARD. On that, then, I wish to have the yeas and nays.

The yeas and nays were ordered.

Mr. COLLAMER. I remember the case alluded to by the Chair, though I do not recollect exactly the manner in which it was ultimately disposed of. But this, it seems, has come to be a question for the Senate, for it appears that the Chair considers it his duty to submit the question to the Senate. I do not know that there is any use to speak at all on the subject, for Senators are not disposed to give much attention to a question of order; but I can hardly conceive a more important question than this. I agree entirely with the honorable Senator from Kentucky, that as a question of order, the Senate have no more power over it than the Chair, and the fact that the Chair chooses to submit it to the Senate does not alter the character of the question. It is still submitted as a mere question of order. I protest against a decision on a point of order, deciding a constitutional question, either by the Senate or by the Chair. Our great constitutional rights and privileges are involved in no such little contingency as the decision of a point of order.

It is the business of the Chair to administer the rules and orders of the Senate—not the Constitution, not the laws of the United States. It cannot be made a point of order to the Chair that such and such a proceeding which is proposed, is contrary to law. There may be a question whether it is contrary to the rules of the House, but not whether it is contrary to the law of the land. That is not a question of order; that is a question to be considered in passing upon the merits of the proposition—not as preliminary to considering the subject. Whether a thing be unconstitutional or not, is frequently a very vexed question—a question upon which great varieties of opinion are entertained, and which, it is said, may be ultimately decided by the judiciary. That certainly cannot be decided, either by the Chair or by the Senate, as a question of order. I know they may exercise the power, but I say they have no right so to decide it. I know that a majority may, by the mere exercise of force and power, put down a question altogether, and say they will not entertain it in any way, call it by bad names, say it is unconstitutional, and all that, but I say they have no right so to strangle any question.

Is it true that great questions of constitutional power are to be discussed and decided upon a mere point of order? I should like to know how, if the Senate should make a mistake in that respect, it can ever get to the Supreme Court? How can the ultimate tribunal ever pass on a great question of constitutional power, if it may be strangled here by a mere point of order?

Mr. President, I insist that whatever topic may be before the Senate, if a question of order arises, nothing which goes to the merits of the proposition, nothing which goes to convince a Senator that he ought to vote for it or against it, can ever be a question of order. That is a question as to the merits of the proposition, and not a question of order. If the proposition now presented to the Senate is unconstitutional; if it comes within the prohibition of the Constitution providing that bills for raising revenue shall originate only in the House of Representatives, that would be a proper matter of argument to Senators why they ought not to vote for it as an original measure here in the Senate; that to pass a proposition here of that kind, unless it came to us from the House of Representatives, would be a disregard of the Constitution—that would be an argument to use to the body of the Senate on the merits of the question itself, as the constitutional power of passing any measure always is and always should be. Whenever any measure is presented here, it is open to the objection of unconstitutionality. It is a good argument to urge that we have not the constitutional power to pass it, but it is not a point of order.

I say, then, the idea of treating this question as a point of order ought to be discarded. It is a point upon the merits of the case. Though the Chair may, undoubtedly, present to the Senate a question of order which arises, a constitutional question is not a matter of order within the rules of the Senate, but is involved in the merits of the proposition, and is to be decided by the Senate when they vote on the proposition itself.

Mr. BIGLER. I agree entirely with the view presented by the Senator from Vermont. This is not a question of order. I know of no rule of the Senate by which a member of this body is required to know that a proposition which he is about to submit for consideration is constitutional or unconstitutional. That is undoubtedly a question for the body to consider in reference to every measure; and it is true, as the Senator from Vermont has said, that if it be unconstitutional in the judgment of any Senator, that is a conclusive reason why he should vote against it; but, sir, I know of no rule of the Senate which prevents the submission of a proposition on my part, or on your part, which may not be admissible under the Constitution. That involves a wider, and much more important, question than one of rule.

I do not intend to pursue the question of order. I only desired the floor to express a few views and sentiments in reference to the proposition itself, and in doing that, I claim that I am meeting the question of order. I would not vote for a proposition which, to my mind, infringed the Constitution of the United States. I do not think the proposition of the Senator from Rhode Island liable to clear objection on that point. I agree that much can be said to that effect; but not so much, nor so effectually, as could the argument have been made here a year ago against the origination, in this body, of a bill for a loan of $20,000,000. The Secretary of the Treasury showed us, in his annual report of that year, that the Treasury was deficient; that it was necessary immediately to raise revenue. How was that revenue raised? Raised by the introduction of a bill into the Senate. True, it was a loan bill, and it may be said it was not the exercise of a taxing power; but taxes were the inevitable consequence. That loan necessarily must be paid back, and taxes are necessary to pay it. The point of distinction against the origination of a loan bill in the Senate, on the ground that it creates a necessity for increased duties or taxes, is, to my mind, stronger than the argument made against the amendment of the Senator from Rhode Island. If the Senate exercises a power which requires the popular branch to originate a revenue measure, is not that a more dangerous ground than that on which the amendment of the Senator from Rhode Island is based? It is not a proposition to increase the rates of duty; it is only a proposition under which the receipts to the Treasury will be larger, with the same rates. I agree that, if the Senator from Rhode Island, or any other Senator, proposed a bill here to increase the rates of duty, it would be in clear conflict with the Constitution of the United States. The Senator from Kentucky has illustrated that we could object, on the same ground on which this proposition is objected to, to any law punishing or preventing fraud, for the reason that the result would be that the receipts to the Treasury would be larger, and therefore the measure would be unconstitutional.

There is another view of the subject, to my mind, that is not without its weight. It is especially forcible in reference to my own case; because I stand here under very positive and rigid instructions from my State. All through this session, it has been evident that one of two things must be done, and done promptly. Either you must borrow money by loan, or by authorizing the reissue of the Treasury notes, or you must increase the revenues. In the popular branch, where there has been a struggle on this question, every vote has shown an overwhelming majority in favor of readjusting your revenue laws, on the ground that the revenue was insufficient, but there was not two thirds. Both propositions will be here. I shall not undertake to say that the proposition of the Senator from Rhode Island will answer the purpose; it is too new and peculiar in its characteristics to warrant me in expressing this opinion. I do not know that it could be successfully administered. I take it, however, that he has considered it well, and that it would be a very useful measure, not in the way of increasing the rates of duty, but increasing the revenue under the same rates. It, at all events, will bring the subject before Congress, and bring it there promptly. The alternatives will be whether we shall borrow money without making provision for its payment, or whether, whilst meeting the present exigencies of the Government by allowing the reissue of the Treasury notes, we shall at the same time take such steps as will secure their prompt payment, and thereby arrest the creation of public debt.

Mr. President, I shall not trouble the Senate at this time with any extended allusion to the condition of the Treasury. I have done that before. I only intend to reiterate the opinion which I have expressed previously, that, under our present revenue law, when we shall have reduced the expenditures to the lowest point we can reach, this Government will go on running in debt day after day, and month after month, and year after year, until you change the revenue law. That is my opinion, after all the examination I can give the subject; and for that reason, more than any other, I shall endeavor to get this question before Congress, even at this late hour.

Mr. SEWARD. Mr. President, there have been, during the last six years, a considerable number of persons who have occupied the chair of the Senate at different times; and I feel very free to confess, for one, to the opinion that, at no time, has there ever been in the chair a man of clearer head and more discriminating judgment than its present occupant, [Mr. STUART.] At the same time, I must express my surprise at the course which the Chair has adopted on this so-called question of order. I think all agree that, if it is a question of order which can be referred by the Chair as such to the Senate to decide, it is also a question of order which the Chair itself can decide, and is not obliged to refer to the Senate; and I state this point because I prefer to have the question simplified, so as to examine whether it is such a question of order as the person occupying the chair at the time is entitled to decide, in order to determine the course of business.

Suppose the question to still stand for the consideration of the Chair, and suppose the Chair to decide that the amendment is out of order: what is the consequence? The consequence is, that the proposition will not be debated at all. In that case—I waive any consideration of appeal—the Senate cannot consider the question. It is, therefore, competent for the Chair to decide, practically, that the Senate shall not discuss the question of substituting, in our system of revenue laws, specific for *ad valorem* duties. This is a great power that, in that case, is supposed to be assumed by the Chair, to cut off all the debates of the Senate of the United States upon a question of this interest and magnitude. That it is one of interest, and one of magnitude, everybody will confess. This, therefore, is giving the Presiding Officer a power greater than that which would be established by the adoption of an order for the previous question in the Senate. It is determining what, upon a great question of finance, shall be the range of debate on the merits of propositions presented to the Senate of the United States. It extends not only to this particular case, but, on the same principle, all other questions of a similar nature would be referred to the Chair as questions of order, and the Chair would become an umpire to restrict debate according to its preferences, even according to its caprices; and that

would be to refer to the Vice President of the United States, who has no voice in debate here, a power to determine what subjects shall be debated, and what not.

Having thus shown the importance of the question, I propose now to consider, very briefly, what are the subjects presented by this supposed question of order. It involves two subjects: one, that of the operation of a system of specific duties in regard to the increase or diminution of the revenue. It involves the great question, the question so long debated, and even debated here vigorously during the present session, whether it be true, as the President of the United States has declared, that specific duties will have the effect to augment the revenue, or whether they will not. That is a speculative question, a financial question, a scientific question, a philosophical question; and it is to be determined by the lights of experience and by the suggestions of reason. It is a question yet, and must remain so, until there can be a fair and complete comparison between the two systems of *ad valorem* and specific duties, which will have the effect of augmenting the revenue. But suppose it is clear that the Chair can clearly assume that the effect of specific duties would be to augment the revenue beyond what is already enjoyed or obtained under the system of *ad valorem* duties: it is apparent to every one that that effect is a result, an indirect consequence, and that it is an indirect consequence and result of a policy which aims at the establishment of a different principle, and which does not necessarily involve at all any augmentation of revenue. Suppose it should be ascertained by the Congress of the United States that the collectors of the ports of New York, New Orleans, and San Francisco were in the habit of abstracting from the duties which they received some sum for perquisites, and of withholding it from the Treasury; and suppose a measure should be proposed which would promise to be effective to suppress that fraudulent practice, and compel those officers to deposit in the Treasury all the moneys which they should actually receive from public duties: every one can see that this would have the effect to augment the revenue of the United States, but the act itself would be that of the prevention of frauds and crimes against the United States. Smuggling diminishes the revenues of the Treasury of the United States. Suppose we had ascertained that there was a wide indulgence in the practice of smuggling, and that Congress, on a report of the Judiciary Committee, should be brought to entertain a bill for the purpose of increasing and rendering more efficient the penal laws against smuggling, that would have the effect indirectly to swell the revenues of the United States; but that would be a consequence, a result. The consideration of augmenting the revenues does not necessarily enter into the consideration of the wisdom or justice of that measure. This measure is precisely in character similar to that. What is complained of is, that false and fabricated invoices are made, by which the value of an article imported is diminished in the accounts rendered to the Secretary of the Treasury, and this amendment proposes to adopt just such measures as will secure true and just valuations. An indirect consequence and result of that will be the increase of the revenue. It is manifest, therefore, that this consideration of whether the measure proposed by the Senator from Rhode Island will result indirectly in the increase of revenue is a question which addresses itself to the judgment of the Senate as a matter of political science, and as a matter of experience; and such a question must never be made the ground of a point of order.

The question of order embraces still another proposition, which has been commented on so well and so strongly by the Senator from Kentucky and the Senator from Vermont, that I need not dwell upon it, which is, that, beyond and besides the question of political science with regard to what system of collection of the revenue is best, there is the further question whether this measure, resulting in the augmentation of revenue, if those who favor it are right, will be in conflict with that provision of the Constitution which declares that the House of Representatives alone shall have the power to originate measures for raising revenue. That is a question of constitutional law; and no question of constitutional law can be treated in any case or in any way as a question of order. What is order? Is it the manner in which the legitimate business of the Senate shall be conducted? The title of our rules shows this. What are they? "Rules for conducting business in the Senate of the United States." Our rules are not a commentary on the Constitution of the United States, showing what is consistent or inconsistent, what is congruous or incongruous to the Constitution of the United States; but they are simply rules for conducting the order of business. Any Senator who will turn to the index of the rules will find that they relate, all of them, to business of this kind; the absence of members from the Senate; to addresses to be made to the President of the United States; to divisions; to the calling of the yeas and nays; to amendments; to ballots; to the form of bills; to the mode of proceeding about them; and throughout all our rules there is not one which relates or pertains to the Constitution of the United States; nor is the Constitution of the United States referred to in a rule of the Senate.

The Chair, being supposed all along in the argument which I am making, to have the power to decide this question of order, is presumed, by those who maintain that it is a question of order, to have power to determine for the Senate of the United States what policy conforms to the Constitution, and what policy derogates from it, and so to cut off from consideration by the Senate at his own *ipse dixit* every measure which he thinks is in contravention of the Constitution of the United States. It seems to me a strange infatuation, a singular heresy, to suppose that the great questions of constitutional law are to be referred in any case to the Presiding Officer of the Senate, especially under our rules of order. If there is any rule of order which will authorize the President of the Senate or a temporary Presiding Officer to decide such a question for the Senate of the United States, it is one which I have been unable to find, and it would be necessary to find a Presiding Officer of greater wisdom, of greater virtue, of greater learning, than the whole Senate of the United States, before I should be willing to trust him with the decision of such questions for me, or for the other members of the Senate.

Mr. GREEN. Mr. President, this is the first time I have ever heard the position taken in the Senate that the Constitution was not a rule to control the action of this body. The Senator from Pennsylvania made a remark which struck me with utter astonishment, that when any individual member of the Senate made a proposition, it was not for him to know whether it came within the provisions of the Constitution or not. Why, sir, he dare not propose that which, in his judgment, is contrary to the Constitution.

Mr. BIGLER. I know the Senator does not desire to misquote me. I said I knew of no rule of this body requiring him to know it. There is a great difference of opinion about constitutional questions, and, of course, no Senator would knowingly or intentionally propose an unconstitutional measure; but I said there was no rule requiring a member to know that his proposition was unconstitutional.

Mr. GREEN. It amounts to the same thing. Does the Constitution control the action of this body or not? When propositions are presented directly in conflict with the Constitution—propositions made which the Constitution has said shall not be made—is it not competent for the Presiding Officer first to decide, or may not the Presiding Officer submit it to the Senate, and is it not the duty of the Senate to adhere to the Constitution and rule out every proposition that proposes to violate the Constitution? Suppose we were in executive session, and a treaty were under consideration, and the Senator from New York should make a proposition to ratify that treaty by a majority: could the Senate entertain the proposition? Could he say there was no rule of the Senate to prohibit it?

Is not the Constitution of the United States to control this body? It is the paramount law; and the simple rules adopted for convenience here are all subordinate to the Constitution. If there were a single rule adopted by this body as a rule of convenience in the mode of conducting its business, which should contravene a provision of the Constitution, it would be null and void; and it would be the duty of this body so to decide. The Senator from New York asks, what are rules? The mode of conducting the legitimate business of the Senate, is his answer. That brings up this: what is the legitimate business of the Senate? Nothing is the legitimate business of the Senate but that which the Constitution confides to our care and authorizes us to take into our hands. Rules are to control us in the conduct of our legitimate business, the Senator says. Is it legitimate to do that which the Constitution prohibits? I should be insulting the intelligence of the Senate of the United States to make an argument on a point so palpable as that.

The simple question, then, is, does this proposition conflict with the Constitution or not? The Constitution says, all bills for raising revenue shall originate in the House of Representatives. The power of taxation has been considered a very delicate power; and the more immediate and direct Representatives of the people, it was thought, ought to be intrusted with that power, rather than those more remote from the people. This was copied from the Constitution and practice of Great Britain, where the Commons originate revenue bills, and the Lords concur or non-concur. The Constitution says, all bills for raising revenue shall originate in the House of Representatives. Does this proposition of the Senator from Rhode Island propose to raise revenue? The Senator from Kentucky, with his ingenuity, says it is only for the prevention of fraud. Now, let me put a question to every Senator who is supporting this proposition: if the law, as it now stands, be executed honestly, faithfully, and truly, and this provision should be adopted, and should be executed honestly, faithfully, and truly, will they both yield the same revenue? I can demonstrate that such is not the case. It proposes a home-valuation. The argument is, that it is to prevent fraud. What is a home-valuation? The original price of the articles, the transportation, the insurance, and interest. Here are three items superadded to the original cost, upon which your per centum must be laid. Under the existing revenue law, as it originated in the House of Representatives, and passed the Senate, and now exists as the law of the land, the Government only taxes the article according to its original cost. Under the provision now proposed, you will not only tax the article at its original cost, but tax the insurance, tax the transportation, and tax the interest.

Mr. BENJAMIN. Will the Senator allow me to make a suggestion at this point?

Mr. GREEN. Certainly.

Mr. BENJAMIN. I have no difficulty at all in relation to the Senator's argument upon the merits of the amendment; but my difficulty lies here: I agree, so far as I am at present advised, with the Senator from Kentucky and the Senator from Vermont, that there can be no question of order as to the constitutional power of the Senate. In other words, this is my difficulty: taking it for granted that this proposition is unconstitutional, can anybody rise and object to a proposition as out of order because it is unconstitutional? Is not that an objection to the passage of the measure?

The Senator will allow me one word more, because I should be glad to have my doubts dispelled if I am wrong. The 6th rule of the Senate is in these words:

"If any member, in speaking, or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any member may, call to order; and when a member shall be called to order by the President, or a Senator, he shall sit down, and shall not proceed without leave of the Senate."

All these rules of the Senate, as I understand, have been correctly qualified by the Senator from New York as mere rules governing our proceedings, regulations made by the Senate itself, for preserving its own mode of proceedings. Now suppose, to-morrow, I were to offer a bill here, providing for the election of a king in each State: could any member rise and say that that was not in order? It would be in order to offer the bill. It would be a ridiculous, an absurd, an unconstitutional bill, but that would not be a question of order. That is my present impression. I do not see how this can be considered a question of order.

Mr. GREEN. I will answer the Senator.

There is no difficulty in the manner in which the question is now presented before the Senate. We need not go back to the original point at which it originated. It originated by the Senator from North Carolina [Mr. CLINGMAN] making a point of order, and the decision of the Chair; but all that has been waived, and the question is now submitted to the Senate, will you entertain and act upon this amendment? In the case supposed by the ingenious Senator from Louisiana, if I should make a proposition here to elect a king in each of the States, might he not say: "I desire the sense of the Senate whether they will entertain a proposition conflicting with the Constitution and with the power of the Senate?" Is it not legitimate, and is it not due to the Senate, to say whether we will even entertain that which is in direct conflict with the Constitution we have sworn to support?

Mr. BENJAMIN. If the Senator will permit me, I will answer that in this way——

Mr. GREEN. I was answering you; not you me.

Mr. BENJAMIN. I understood the Senator to put a question.

Mr. GREEN. You may put any other question.

Mr. BENJAMIN. I understood the Senator to put me a question, and I was going to answer his question.

Mr. GREEN. It is a strange idea that when a proposition is made to the Senate, and a portion of them believe it to be in conflict with the Constitution, we cannot, as a preliminary question, say to the Senate, will you waste your time in the discussion of it, or will you at once decide whether it be legitimate for you to entertain it? I assert that that is the first question to be decided in all cases—is it legitimate for us to consider the proposition? and if it be not legitimate for us to consider it, we should be stultifying ourselves by wasting the time even in an ordinary session, and much worse when we are here but with one day and a half left of this session, to discuss that over which we have no jurisdiction.

But, sir, I was undertaking to show that this proposition proposed to tax that, which under the existing revenue laws is not taxed, and therefore it is raising revenue; and if it be raising revenue, it conflicts with the Constitution, which says the Senate shall not originate a measure to raise revenue. I will illustrate it by referring to an example that occurred on the 27th of May, in the Senate of the United States; and to this I desire to have the attention of Senators:

"On motion of Mr. DAVIS, to amend the amendment proposed by Mr. PUGH, by inserting at the end thereof:

"'That all articles now on the free list be classed among the unenumerated articles, and be charged with a duty of twenty per cent. *ad valorem* on all importations made after the 1st day of July, 1858;'"—

So there was a distinct proposition made by the Senator from Mississippi to apply an *ad valorem* of twenty per cent. to a portion of the articles then on the free list.

—"Mr. WILSON made a question of order, whether the amendment proposed by Mr. DAVIS was in order.

"The VICE PRESIDENT, in pursuance of the 6th rule, asked the sense of the Senate"—

That 6th rule is, in all cases of doubt, or where he chooses to do it, he can ask the Senate for their decision on the point.

—"whether the amendment was in order; and it was decided not to be in order."

Now notice the similarity. Here is transportation; here is insurance; here is interest; free—free from principles of policy, by the existing revenue law, to which we assented. Here are certain unenumerated articles free. A Senator proposed to tax the free articles, which was ruled out of order on the objection of the Senator from Massachusetts. Just precisely similar is it to-day.

Again: it is not true that this proposition is admissible, because we can prevent fraud. Whenever we have a revenue law, if it be evaded, we have a right to introduce legislation, and it may originate here, to execute a present, an existing law; but we cannot change an existing revenue law so as to raise more revenue than the law itself contemplates in its honest execution. Let me illustrate. There was once in the revenue laws of the United States a principle called the minimum principle, by which all cottons costing less than twenty cents were deemed to have cost twenty cents, and then an *ad valorem* was put on that assumed value. Now, the law is, that all cottons shall be taxed nineteen per cent. on the actual cost. Suppose a proposition were made now that all cottons costing less than ten cents should be deemed to have cost ten cents: would not that be an increased rate of duty levied upon the article? Whatever increases the rate of duty levied on the article, is a process for the purpose of raising revenue. There are three items which are now free, that this amendment proposes to tax. It is proposed, in order to raise more revenue, to take them out of the free list and put them in the taxable list. Thus it is a revenue measure.

There is one other argument which may be made with strict propriety, showing that it is a revenue measure, and, therefore, its origination here conflicts with the Constitution; and that is, in certain cases, instead of requiring a man to pay his fifteen per centum on one hundred dollars' worth, it proposes to deduct fifteen dollars, he retaining eighty-five dollars and giving the Government fifteen dollars; so that, instead of paying his fifteen per centum on $100, he pays fifteen dollars on eighty-five dollars.

But I shall not pursue the matter further. To my mind, it looks like a revenue measure; and if it be a revenue measure, it ought to originate in the House of Representatives. It has been proposed in the Senate, and for the mere convenience of preventing the consumption of time, I desire to have a decision whether the Senate will entertain it or not. If the Senate will entertain it, it will lead to a long discussion, and I fear a very unprofitable one.

Mr. CLINGMAN. I have but a single word to say in support of what I regard as the conclusive argument of the Senator from Missouri. The point is presented by the Senator from Kentucky, how can you make this a question of order? The Constitution says bills for raising revenue shall not originate in the Senate. Suppose you had a rule, such as is known to have existed in Congress at one time—I believe it does not exist now—that abolition petitions should not be presented: if a member introduced such a petition, a point of order was made on it always. You have rules now which say that certain committees shall originate certain bills. Suppose the Senator from Louisiana was to report from the Committee on the Judiciary a bill to increase the Navy: I have very little doubt a point of order would be made on it, to be decided either by the Presiding Officer or the Senate. This clause in the Constitution is a part of the rules, and it expressly declares that certain bills shall not originate here. Are we not bound by it? I submit to the consideration of Senators that if we had provided by one of our rules that particular classes of bills should not originate in the Senate, or that they should only originate in a certain way, if any one should attempt to originate them in any different way from that provided, the point of order would at once be made; and the decision quoted by the Senator from Missouri made at the last session is expressly to the point. It was made, too, at the instance of the Senator from Massachusetts, and decided in May last, and I think acquiesced in. I recollect very well the discussion which then occurred.

Mr. BENJAMIN. My proposition has been misunderstood. I say that the question, whether the Senate has constitutional power to pass the amendment suggested by the Senator from Rhode Island, is a question as to the merits of the proposition, and not a question of order as to its introduction; or, in other words, that you cannot argue it as a question of order without arguing its merits. In order to show that it is a question of order, you begin by showing that we have no power to pass the law. That is the merits. Suppose, now, a proposition were made by a Senator to make an appropriation for some internal improvement: one half the Senate think that constitutional; the other half of the Senate think it unconstitutional. Is it a question of order whether that amendment can be offered, or is it a question to be decided in voting on the merits of the proposition? That is the distinction to which I should like to draw attention.

Mr. STUART. That is precisely the distinction to which I desire for a moment or two to invite the attention of the Senate, and I will endeavor not at all to mar the very great compliment which the Senator from New York paid me, by taking up any unnecessary time on the question. I agree most fully that the question, whether Congress has power under the Constitution to pass a law, or whether, if passed, it would be constitutional, is not and never can be made a question of order in either House. There can be no doubt about that; but that is not this case. The Constitution says that a measure of a particular character shall originate in the House of Representatives alone, and shall not originate here. Now, the question is not would this be a constitutional measure, if passed, but is it a measure which the Senate is prohibited from originating. Let me illustrate. Some Senators are in favor of specific instead of *ad valorem* duties. Although two thirds of the Senate, three fourths if you please, might be in favor of specific duties, yet a measure to change the present *ad valorem* tariff and adopt specific duties as the mode by which revenue is to be raised, cannot be originated in the Senate; and therefore, although the measure, if coming from the other House would receive two thirds of the votes of this body, it cannot be originated here. There is the question of order.

It is said that this amendment is of that character. That is a question for the Senate to decide. If the Senate decides that the measure is of that character, although the amendment might meet the judgment of the entire body, they are bound to say, "we cannot originate it, it must come from the House of Representatives." Whether this proposition is of that character or not, is a question of order to be decided in the first instance. A Senator might conclude upon this amendment that it is a measure of that character, and therefore one which cannot originate here; but at the same time say, "it is a measure which meets my judgment," and if it came properly here I would vote for it; and that is the point.

Now, it is said that this constitutional question ought not to be, and can never be, a question of order. I submit, with very great respect, that it ever must be a question of order. This provision of the Constitution is not an inhibition upon Congress. It is not like that suggested by the Senator from Louisiana, of a measure to provide a king for each State. That Congress could not do with the approbation of the President. But the point here is this: is the measure one which the Constitution prohibits you from originating here, but which, being originated in the other House, would not only be constitutional, but proper?

I beg only to say a word further. When these questions have arisen heretofore in the Senate, I thought, and I think now, although my recollection is imperfect—on some of them, I have been in the chair, and I know I have considered the question, and I held, as the Senator from Kentucky did, that, being a question arising out of the Constitution itself, the Senate would not be willing to submit it, in the first instance, to an officer who, by the Constitution, presides over this body, and is not elected by the body itself; and, therefore, as a measure of great propriety, he ought not to decide it. But I submit to that honorable Senator that, whenever a Senator rises in his place, and says, "I raise a question of order," it must either be decided by the Chair, or submitted to the Senate; and he would hold a Presiding Officer derelict in his duty who should undertake to say, "I disregard it." He is bound to regard it, and either decide it himself, or submit it to the Senate.

The question is, is this a measure which, if adopted, would be the law by which you would raise revenue? If it would be, you cannot originate it here. The language of the Constitution, "bills raising revenue," means laws by which the revenue of the country is raised; and it is as unconstitutional to introduce a law here to reduce the duties, *ad valorem*, ten per cent. throughout, as it is to introduce a measure increasing them ten per cent. throughout, because it would stand, if enacted, in the place of the present law. That cannot originate here.

Now, a single remark in regard to what the honorable Senator from Vermont said, and I have done. He suggested, as an objection to this course of proceeding, that, if the Senate were to rule out the amendment as a question of order, you could never get it before the courts of the United States to determine its constitutionality. That is not a touchstone in this inquiry, I suggest to the Senator I am not prepared to say, and I

do not think he is, that if a measure originated in the Senate and became a law of the United States by the concurrence of the House of Representatives, the Supreme Court or any other court would go behind the passage of the act to find out where it originated. No, sir; they would look at the face of the law and inquire whether it was a law that Congress could pass.

This then, Mr. President, is a question to be decided by the Senate alone in the exercise of its authority to originate bills, not to pass laws, because the bill may be defeated here; but it is a power to originate. Can a revenue bill originate here? Everybody in the Senate says, no. Then the question is, is this a bill of that character? Not would it be constitutional if passed? but is it a bill of the character which the Constitution prohibits you from originating in the Senate?

Mr. SIMMONS. I gave way, about an hour and a half ago, for the decision of a question of order. I thought I was speaking rather against order, and therefore I sat down without explaining my proposition. I am very glad, though, that I have heard this discussion; because I have heard a great deal about questions of order, if I did not know anything about them before. I wish now merely to say a few words to Senators who assert so confidently that my proposition is to raise revenue. I say that, so far as my comprehension goes, if the Senator from Virginia can propose a Treasury-note bill as an amendment to a bill which originated in the House of Representatives—and I think he can—I can move to amend that amendment in any form I please. The bill on which we both propose to ingraft an amendment did originate in the House of Representatives. Let us suppose that the House appropriate $20,000,000 of money, and the Senate conclude to concur, provided they will raise the money that is appropriated by Treasury notes: that is the real proposition before us. I propose to concur in raising the Treasury notes, if you will stop cheating, so that we can pay the notes. It seems to me that it is all legitimate.

The practice of Congress has been alluded to. Well, sir, we originated a loan bill in this body at the last session, and it went to the House of Representatives. I proposed a similar amendment then, and it was ruled out of order. Our bill was sent to the House of Representatives; but they would not act on it, but originated a new loan bill themselves, and sent it to us. In the opinion of the House of Representatives, we cannot originate such a bill as this amendment of the Senator from Virginia; but I shall be able to show the Senate, I think, that my proposition is not liable to any of the objections urged against it.

The existing law requires the collector to take the duty in the article itself where he suspects that there is an under-valuation. I propose simply to say that, in all cases, he shall do so. It does not vary the law any more than instructions from us to a Department. I propose to instruct him to take the duties in kind in all cases where it is practicable. All the rest of the proposition is simply carrying out the plan and disposing of the articles after you have got them. I would almost as soon strike out that portion as not, because it does not change the character of the proposition; it is merely a mode by which the importer can control what is left of his invoice after the duty is taken out. If this is hard on the importer, I am willing to let him take his goods, and make him an allowance of five per cent. if he takes our share of the goods. It is a mere matter of detail. The law now is, that, whenever a collector suspects that there is an under-valuation, he shall take the duties in kind. I say the practice under this law is so manifestly wrong, that I propose to instruct the collectors, in all cases where it is practicable, to take the duties in the articles themselves, just as they do now when they suppose them to be under-valued. I want to stop false swearing and cheating in the custom-houses.

Gentlemen say this proposition necessarily increases the revenue, and is, therefore, unconstitutional. Now, I want to put one case to test this. Everybody who is acquainted with the India trade knows, that last year there was an average loss of forty per cent. on all cargoes imported, and it broke nearly every India merchant in the country. If we had taken the duties on those cargoes in kind, we should only have got about sixty per cent. of what the law imposes. I want to know if that would raise the revenue? We should have got only two thirds of what the law required, if we took the duty in the article itself, because the goods had fallen. I say it is a fairer way to take the duties. If goods fall, the Government can afford to share the loss; and if goods rise, the importer can afford to give us the benefit of the rise. That is the whole of it. I simply propose that we take our percentage in the goods themselves, and take all the risks of the adventure as far as our proportion is concerned. If they fall we get less; and if they rise we get more. I say it is a good rule; and it is the law now where under-valuation is suspected. I do not change a percentage in any part of the law, nor do I change the proportion that shall be taken, nor the language of the law, for I have put this provision in the words of the old law. All I say is, that it shall be the duty of the collector to enforce that provision in all cases, because it is manifest to the country and the world that there is a uniform practice of under-valuation. The Senator from Missouri supposes the case of an importation fairly valued. I say that is an exception to the rule. The rule is that they are under-valued.

Now, if anybody has any kind of difficulty about the details of this proposition as to disposing of the goods after we take them, I will strike that all out. It is immaterial to me whether that is retained or not. I put it in merely for the convenience of collectors and importers. I want to deal liberally towards all. I am willing to say, if that is the best method of disposing of the goods, that the importer may take the goods, and I am willing to give him five per cent. discount if he takes our share, and add five per cent. profit if we take his. That is fair. This part of the proposition, however, is a mere matter of detail. The principle involved in this amendment is, shall we, or shall we not, enforce, in all cases, the present rule for collecting duties, where there is under-valuation, and take them in kind, in the article itself. I say it is the fairest way under every circumstance. It is fairest when goods rise on the voyage, and it is fairest when they fall on the voyage.

I say another thing; it will save half the trouble of valuing goods, and prevent having a crowd of officers to tell what they are worth in Shanghae, in Canton, in Hong Kong, in Amoy, and other foreign places, where it is utterly impossible to find out what they are worth; where the artificial exchange, of which I spoke the other day, operates, so that we do not get more than twelve per cent. actually for twenty fixed by law. I profess to know something about the course of trade, if I do not about points of order; and when I draw a provision, I try to find out what is reasonable and fair for all concerned. I wish to collect our duties in a proper manner, so as to prevent the present system, which is corrupting and corruptive; a system which allows men from foreign countries to make their fortunes by fraudulent invoices, and to retire back to the opposite side of the water, where they belong, and where I want to drive them, and let honest American merchants have something to do with the commerce of the country, and let every place in the country have a chance to import on equal terms with the big cities. I would put them on one footing, and have the duty invariably taken in the article itself. All the rest of the amendment is a matter of detail, which I do not care about.

I dislike to put a salutary amendment on a Treasury note bill, because I believe the Treasury note bill is unpopular, and may break this down with it; but it seemed to me germane, when we were going to authorize the reissue of these notes, to make provision for paying them. The Senator from North Carolina said we did not get in debt by issuing them. How can he make that out? The Senator from Virginia will not pretend that we have $20,000,000 of Treasury notes out to-day. I think we had but $18,000,000 or $19,000,000 out on the 1st of January; and we know the banks have been sending them in, in the last month, and the Department cannot reissue any, so that there are not $20,000,000 out now. The amendment of the Finance Committee, then, authorizes an increase of these duties. I do not conceive, however, that that varies it; for when we authorize the reissue of $20,000,000 of Treasury notes, it is a new law, a new issue, and the notes will be a new debt. To be sure, we shall pay an old debt with part of the issue, and pay current expenses with the rest; and it is legitimate for us to do it in that way, if we have no other means of doing it. I do not suppose we have; and I shall very reluctantly do it, for I dislike to raise money in this way; and I hope that next session we shall take some of these Treasury notes up. If we cannot take them all up, take up quarter of them in the year, and try to get rid of them.

I believe, if Senators have listened to me, they will perceive that this is no proposition to change the law at all, but a mere instruction to our revenue officers to collect the duties according to the existing law, in all cases the same as they do now when they suspect under-valuation, and dispense with all oaths. I do not require any oaths as to the value of merchandise. But if you do not like the mode I have proposed of disposing of your portion of the goods when you have taken them for duties, sell them, as the law says, in twenty days, and put the money in the Treasury. I would just as soon have that provision as the other; but I put this in, because it was suggested by Senators with whom I had conversation, that if we did not have some such provision, we should have too much dealing with merchandise, and I thought I would put in a provision to meet their views. This is on the honest, old-fashioned principle that, when there is a joint ownership and it is best to have the ownership in one person, one or the other shall give or take and let the other have the whole. If the Senate do not like that part of the amendment, I will strike it out at somebody's suggestion, and confine it simply to enforcing the present law in all cases, without making all these importers come up and swear what the goods are worth here and there, and have no oaths about it. When a man imports a hundred cases of goods, let us take the percentage in the goods themselves and sell them within twenty days in open market, and put the money in the Treasury. That is the law now, and why not have the uniform practice under it? How can it be unconstitutional for me to rise here and make a proposition that whereas collectors of customs, some of them, take the duties in kind, and some neglect or refuse to do it, I propose a uniform rule and have them all taken in kind, so that they will all fare alike over the country? That is the whole of it; and I am astonished at the ingenuity of men raising a constitutional question upon that—a simple direction to your collectors to have a uniform practice under your existing law, and take all the duties, as they are required to take a portion now, but about one half of them neglect to do it. I want it uniform; and I call the attention of the Senator from Missouri to the fact, that on forty or fifty millions of merchandise, imported from India in 1857, there was a uniform loss on the importations of forty per cent., and that is the great embarrassment which crippled a distinguished friend of the United States by the name of Peabody, who gave millions in charity. I had it from his correspondent, that on the entire advances he made on India goods, there was a loss on the goods he took as security of forty per cent. on the whole year's business, and it was to prevent sacrificing these goods at forty per cent. loss that he went to the Bank of England to get £800,000 sterling. I say, in such a year as that, under such a proposition as I now make, we should get less revenue than we do under the present system of imposing the duty upon the value of the article abroad; and it is perfectly just and right and liberal on the part of this Government, when their merchants are importing at such a loss, to take the duties in the article itself and bear their portion of the loss; and when the goods pay an enormous profit, it is just as fair that we should have the profit on our part of the goods. That is the whole of this amendment, and I trust there will be no further questions of order upon it. If anybody has anything to say why this should not be a uniform practice, I will try to answer him.

Mr. BAYARD. I regret that this proposition of the honorable Senator from Rhode Island is presented in the mode in which it comes before us, as an amendment to an appropriation bill; because, under other circumstances, I incline to the opinion that I should vote for the amendment, or certainly for a similar proposition. I do not propose now to enter into questions connected with

the system of *ad valorem* or specific duties, further than to state that my opinion has never varied from my first investigation of that subject, that specific duties are not at all in antagonism with a revenue tariff, and that *ad valorem* duties are by no means a necessary concomitant of a revenue tariff. When the question comes properly before us, I shall endeavor to controvert some of the opinions and views expressed by the honorable Senator from Virginia, [Mr. HUNTER,] in the remarks he made on a resolution which was introduced by the honorable Senator from Pennsylvania, [Mr. BIGLER;] and to enforce, if I can, what I believe to be a true principle, that, in the vast majority of articles to be taxed as imposts, a specific duty is preferable for the consumer, preferable for the producer, and preferable for the Government. These are my opinions. I will not attempt to defend or discuss them now; but entertaining them—as I view this amendment as adopting, in fact, specific duties in a certain shape, giving the Government the option of taking the duties in kind—I should favor an amendment of that kind, or probably in a more distinct form of a duty on the bulk or weight of the article, in preference to taking it in kind; but the question that arises here is, whether we can originate in the Senate any alteration of the existing tariff. On that, my opinions are very clear, though I may not be able to convince others.

There are two questions involved. First, the honorable Senator from New York [Mr. SEWARD] tells us that this is not a question of order, and the honorable Senator from Louisiana [Mr. BENJAMIN] supports him. I cannot hold so. To my mind, that has been plainly answered by the honorable Senator from Michigan, [Mr. STUART.] There are rules of order in the Constitution as well as rules of order under the rules of the Senate; and the Senate is as much bound by a rule of order prescribed in the Constitution as it is by a rule of order prescribed in its own written rules. Our proceeding about the yeas and nays is a rule of order altogether; it does not touch the question of the constitutionality of a law passed by Congress; it touches the order of the body. So, too, the rule as to the initiation of business, where a particular law is to be first initiated, is a rule of order, in my judgment, prescribed by the Constitution; and, as I hold myself bound by the Constitution, of course, when it prescribes a rule of order, I hold myself as much bound by that rule of order as I would be if it were enacted by the Senate among its written rules. There, in my judgment, lies the distinction. If the question was, whether Congress had the constitutional power, as in the case of internal improvements, to pass a bill granting appropriations for certain improvements, that would not be a question of order, of course; it would be a question of constitutional power entering into the merits of the law itself—a question which could be judicially revised, if Congress overstepped the boundaries of their power as limited in the Federal Constitution. But the question of where a bill shall originate, is a mere question of order. The clause in question is the sole provision in the Constitution in reference to the initiation of measures. Whether it is wise or not is the question here. For my own part, I was never able to understand how, applied to our institutions, such a rule was necessary; but it is prescribed as a rule of order in the Constitution, that bills for raising revenue shall be initiated in the House of Representatives. I mean to carry out the Constitution in its letter and spirit wherever I can. As you are not authorized by the Constitution to originate a bill to raise revenue, if you attempt to initiate such a bill by amendment on another bill, so as to alter the existing law, it seems to me you come to the evil which the Constitution meant to prohibit. Suppose this amendment were offered as an original bill; suppose it came before us as an original bill: would it not be the initiation, in the Senate, of a bill altering the mode of raising revenue?

I have endeavored to give my views on the question of order, and I consider that it is a question of order, and of order alone, under the Constitution; just as much so as whether, if the President were to decide that a sufficient number had or had not risen to call the yeas and nays, it is in the power of the Senate to appeal from his decision, and take the vote of the Senate as to whether that rule of order prescribed by the Constitution has been complied with, so as to enforce, or not to enforce, the call for the yeas and nays. Is not that a rule of order? Yet it is not in the written rules of the Senate. It arises from the fact that the Constitution has its rules of order as well as its primary grants of power. If the question is as to a grant of power, then I admit it is not a question of order. If, however, the question is as to a rule of order, which the Constitution prescribes as to the mode of initiating proceedings, it must inevitably, in the nature of things, be a question of order; and whether that rule of order exists in the Federal Constitution, or in the written rules of the Senate, I hold myself equally bound to obey it.

If this measure would be liable to the objection that it was a bill for raising revenue when introduced as an original bill, it is clear that the same objection equally applies when it is offered as an amendment to another bill. The view which I take of that clause of the Constitution which provides that all bills for the raising of revenue shall originate in the House of Representatives, is not that the word "raise" means increase, but a bill to raise revenue, in the meaning of the Constitution, is a bill to provide for the collection of revenue and the amount to be collected and the mode of collection. You cannot suppose a bill framed to raise revenue, unless the mode be presented in which it is to be raised, whether it is by direct taxation, or by indirect taxation, as imposts; and in either case the bill must originate in the House of Representatives, and the mode in which the revenue is to be raised is as much a part of a bill to raise revenue as the amount that is to be raised and the relative amount charged on different articles. Where can you draw the distinction?

I admit there is the distinction pointed out by the honorable Senator from Missouri, that if you do not alter the mode prescribed by the existing law, but merely provide penalties as accessory to that law to prevent frauds, that may be a distinct question. Where you prescribe remedies to prevent smuggling, you do not alter the law—you do not alter the mode of collection; but would it be contended that we could introduce into the Senate of the United States a bill to change the *ad valorem* system into a specific system of duties? Would that not be a bill to raise revenue? When the bill passed, how would your duties be assessed? Would it not be by that bill? Clearly. Then it is liable to the constitutional objection; and it matters not whether it increases or decreases the revenue.

Again: if a bill were introduced into the Senate of the United States to reduce all the duties from their present amounts one half, would not that be a bill to raise revenue? It would not increase the revenue; but under what bill, if it passed, would your revenue be raised? That is the sense in which the word "raise" is used in the Constitution, as I read it. Your revenue would be raised under the bill introduced into the Senate which repealed the previous existing laws which were inconsistent with it.

Admitting, as I do, that I am unable to see why our fathers, as applicable to this country, inserted such a provision in the Federal Constitution, still I find it there, and I am unable to see how a bill which alters the mode in which revenues are raised and may or may not affect the amount to be raised by the existing law, can be originated in the Senate, either as a direct bill originally, or by way of amendment to another bill.

I hold, therefore, that this amendment comes within the prohibition of the Constitution; and that being so, although I am in favor of altering the tariff, and although I am inclined to the opinion (but with some little doubt, whether it is imperatively necessary that we ought to have acted on it at this session) that we ought to revise the tariff for the purpose of changing the mode in which our duties are imposed, I shall vote against receiving this amendment. I will give my reasons for my preference for specific duties at the proper time, when such a bill comes before us; while I consider that such a mode is most appropriate for the purposes of revenue alone, though it may produce an incidental advantage to the producer and also to the consumer, I cannot vote for this amendment as it stands, on the views I take.

Sir, this is no new objection with me. I have raised the same objection when it had another aspect. I have seen propositions introduced into the Senate to remit the duties on railroad iron, and I have opposed them on the constitutional ground, because they proposed to change and alter the mode of collecting our revenue. I have seen propositions introduced to allow a credit on the iron imported, irrespective of any reduction of amount; and I opposed them, too, because I considered them as unconstitutional when originating in the Senate; because I considered them an alteration of the primary provisions of a law under which the revenues of the country are raised, whether by direct taxation or by a duty on imports, which is called indirect taxation, is equally in either case a bill to raise revenue, and so within the prohibitions of the seventh section of the first article of the Constitution.

For these reasons, though not opposed to the object of the honorable Senator from Rhode Island, I am constrained to vote against the amendment which he here proposes; and I vote against it on the question of order, which I think the appropriate mode of raising the objection. Nor do I consider the remarks of the honorable Senator from New York, who placed this question in the light that the Presiding Officer, if he happened to be the Vice President of the United States, might dispose of it at once as a question of order, as at all interfering with the view which I take of it. In any question which is a question of order, the Chair must either decide it first, or refer it to the Senate; and the whole question is, is it a point of order? I suppose it to be a question of order. I have stated the case of the yeas and nays, as well as the present question, as a question of order arising merely under the provisions of the Constitution; not the grants of power, but the provisions as to the mere order of business. In the one case, the Constitution prescribes the mode in which, under certain circumstances, the vote of the Senate shall be taken; that it shall be by yeas and nays, if one fifth of the members desire it. That is a question of order under the Constitution, and under the Constitution alone. So in the other case: the point is not whether Congress have the power to pass a tariff bill imposing specific or *ad valorem* duties; not whether the Senate have a right to pass such a bill when it comes properly before them; but whether such a bill, being a bill to raise revenue, as much as a bill to impose direct taxes would be, can be initiated in the Senate of the United States either as a primary bill, or by way of amendment to a House bill, which is not a bill to raise revenue? In my judgment, it can neither, in the one case nor the other, be within the constitutional rule of order which the President of the Senate, and the Senate themselves, are as much bound by as by their own written rules. It cannot be commenced in the Senate. Therefore, I think the question well raised; and I shall vote against receiving the amendment.

Mr. PUGH. I shall vote that this amendment is in order, because I am not satisfied that it raises revenue. I shall afterwards vote against the amendment on its merits, because I consider it a very mischievous proposition. But, as to the other question, the last session we debated it at great length, and we decided—the Vice President and the majority of the Senate—that this provision in the Constitution was a rule of order, and that the Senate could not receive either a bill or an amendment which proposed to increase revenue; but, as I understand this proposition, it simply changes the method of raising taxes already imposed; and, therefore, I shall vote that the amendment is in order, though I shall vote against it on its merits.

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) The question is: "Will the Senate receive, as in order, the amendment offered by the Senator from Rhode Island?" On this question the yeas and nays have been ordered.

The yeas and nays being taken, resulted—yeas 28, nays 27; as follows:

YEAS—Messrs. Allen, Bell, Benjamin, Bigler, Broderick, Cameron, Chandler, Clark, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Hamlin, Harlan, Kennedy, King, Pugh, Seward, Simmons, Smith, Toombs, Trumbull, Wade, and Wilson—28.

NAYS—Messrs. Bayard, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mason, Polk, Reid, Rice, Shields, Slidell, Stuart, Ward, and Yulee—27.

So the amendment was received, and the question was stated to be on agreeing to it.

Mr. CAMERON. I am glad the Senate has decided that this amendment is in order. I think the amendment will be of service to the Treasury, and of great service to the industry of the country. Before the question is disposed of, I desire to say something, but I shall not do so now.

Mr. CLINGMAN called for the yeas and nays; and they were ordered.

Mr. HALE. I desire to say that I have paired off with the Senator from Indiana [Mr. BRIGHT] until three o'clock. If he were here, I should vote for the amendment.

The question being taken by yeas and nays, resulted—yeas 27, nays 30; as follows:

YEAS—Messrs. Allen, Bell, Bigler, Broderick, Cameron, Chandler, Clark, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Hamlin, Harlan, Houston, Kennedy, King, Seward, Simmons, Smith, Toombs, Trumbull, Wade, and Wilson—27.

NAYS—Messrs. Bayard, Benjamin, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Stuart, Ward, and Yulee—30.

So the amendment to the amendment was rejected; and the question recurred on the amendment of the Finance Committee.

Mr. GREEN. I move to amend the amendment by adding:

SEC. —. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized, under the act of June 14, 1858, to issue coupon or registered stock, as the purchaser may elect.

Mr. HUNTER. I wish the Senator would move that as a separate amendment.

Mr. GREEN. There will be no difficulty about it; it will give rise to no debate, and is germane to the amendment now pending.

Mr. HUNTER. The Senator can just as well move it as a separate section.

Mr. GREEN. It will not encumber the original amendment, and nobody objects to it.

The amendment to the amendment was agreed to; and the question recurred on the amendment as amended.

Mr. CAMERON. Mr. President, I cannot vote for this bill. In my judgment, it is unwise to borrow money without providing the means for its payment. Let it be accompanied by a section changing our revenue system from *ad valorem* to specific duties, and I will vote for this additional $20,000,000 of Treasury notes.

I have been disposed, hitherto, to hope that something would be done for the industry of the country at the present session; but I am satisfied now that it is not the intention of this Congress, or of this Administration either, to curtail their extravagant expenditures, or to provide the means of payment. We are to live upon credit; and those who follow us will have to pay the debts contracted under this Administration.

The proposition of the very intelligent Senator from Rhode Island, to alter the form of collecting duties, was voted by the majority this morning as unconstitutional, upon the ground that it was in the nature of a revenue measure, and that such measures must originate with the House of Representatives. Its purpose was to prevent frauds; and its effect upon the Treasury would have been an increase of its receipts; but, in preventing frauds, it would also have benefited, incidentally, the manufacturer, by keeping out of competition worthless and under-valued foreign fabrics. Now, we are about to vote upon a measure which avowedly and openly raises revenue, in the shape of irredeemable Treasury notes. This measure will be voted constitutional by the same Senators who refused by their votes, this morning, to so adjust the present law as to make frauds impossible.

The Government should increase their income by a wise adjustment of the revenue system; but they come here and ask us to allow them to borrow more money. If they get this new issue, of course they will act as all broken-down merchants do—use that expedient for the present; and next year they will probably come for another batch of irredeemable notes. In his annual message, the President told us that he was desirous of changing the revenue system from *ad valorem* to specific duties, in accordance with the interests of his native State and with his promises made to her citizens. Does any Senator believe he was sincere in those promises? If he was sincere, then men will wonder how his call for the Cuban fund of $30,000,000 was so cordially supported by all his party. Will any one believe that the President was sincere in his recommendation when he gets no support for it in this body, where a large majority are his partisans, and many of them were the advocates of protection before they joined his standard? He would not himself be willing to admit a fact so discreditable to his power. And yet such is the truth. All of his friends are now doing all they can to prevent any action on the subject.

The origination of all revenue bills belongs, properly, to the House of Representatives. It is known here, it is known at the other end of the avenue, that no loan bill can reach us from the House of Representatives, unless it is accompanied by an alteration in the tariff. This subterfuge is, therefore, resorted to. It is a part of that skillful legislation which the well-trained gentlemen who come from that section of the country where, they say, they have no sectionalism, always practice with signal ability. They can always find some mode of getting around the Constitution, when it suits their own purposes. They want no change in the tariff, but they want money to carry on the Government; and the credit of the Government will raise the money.

Yesterday, an amendment, originating in the Senate, changing the mode of merely collecting the revenue, was, in their opinion, unconstitutional. To-day, it is constitutional to originate a loan bill in the Senate; for it has been discovered that such a bill, having passed this body, can be squeezed through the House of Representatives by the skillful use of its rules. In all the discussions on this subject, we of the North have been treated as not belonging to the country.

The honorable Senator from Virginia, [Mr. HUNTER,] as well as the distinguished Senator from Georgia, [Mr. TOOMBS,] have, in their discussion of the tariff question, endeavored to excite the prejudices of the people of their section by the alarming cry of taxation. They allege that the South is unduly taxed for the benefit of the North, in all revenue bills which, even incidentally, or by accident, give protection to the manufacturer. They are highly honorable gentlemen, of acknowledged ability, and with long-standing reputation as statesmen. They seem, too, to be sincere; and I should not venture to contradict what comes from such high authority without the most ample proof. But, believing the facts would prove them to be in error, I have taken some trouble to have carefully examined the census tables in the report of the Treasury Department.

Mr. Guthrie's report on the finances for the year 1855 contains a number of important tables compiled from the census of 1850. Turning to table No. 21, page 100, the population of each State and Territory is given, separating the *slave* from the *free;* and, giving the former the benefit of Delaware, which is often classed as a free State, we have the following:

Population in 1850.

Free States	13,465,576	= 58 per cent.
Slave States	9,726,300	= 42 "
Total	23,191,876	= 100 "

Revenue derived from customs in 1849-50, (see table 12, page 82,) $39,668,686 42; equal *per capita*, $1 71.5.

Amount paid by free States	$27,106,935
Amount paid by slave States	12,561,933
Total	39,668,868

At page 100, table No. 21, you will find the following heading: "Amount of paying imports, less foreign paying exports allotted to each State, *based upon its productions.*" These productions refer to the total *value of agricultural and manufacturing productions* of each State. They sum up as follows:

Free States, *per capita*, $7 51	$101,922,351	= 68 per cent.
Slave States, *per capita*, 4 82	46,829,224	= 32 "
Total	$148,051,575	

Here we find the free States and slave States showing the following ratio:

Share of the public burden, per capita.

Free States	58 per cent.
Actual allotment as above	68½ "
Excess	10½ "
Slave States	42 per cent.
Actual allotment as above	32½ "
Deficiency	9½ "

Apply these figures to the revenue derived from customs:

Proportion due, *per capita*—free States	$23,032,823
Actually paid by free States	27,106,935
Excess paid by free States	$4,074,112

Equal to seventeen per cent.

Proportion due, *per capita*—slave States	$16,635,863
Actually paid by slave States	12,561,751

Deficiency of the share due from them, twenty-five per cent.

The share of the burden of the free States, *per capita*, of income from customs, was $1 71.4; but they paid, *per capita*, $2 01; equal to twenty-nine and six tenths per cent. too much.

The share of the slave States was, *per capita*, $1 86.6; but they paid, *per capita*, only $1 29; equal to fifty-seven and six tenths per cent. too little.

Now let us compare some of the manufacturing free States with the strictly agricultural of the slave States. In the last column of table No. 21 we have the following heading: "Allotment *per capita* of the paying imports, less the foreign paying exports, as allotted to each State, based upon its productions."

From this column I select the following seven manufacturing States, with their ratios:

Massachusetts	$12 26
Rhode Island	12 11
Connecticut	11 48
New Jersey	8 89
New Hampshire	8 62
New York	8 47
Pennsylvania	7 31
Divided by 7)	69 14
Average per cent.	$9 88

Also seven agricultural States:

Georgia	$4 52
Florida	4 03
North Carolina	3 36
South Carolina	4 19
Alabama	4 83
Texas	3 76
Virginia	4 37
Divided by 7)	29 06
Average per cent.	$4 15

Thus it appears that the seven manufacturing States consumed two and three eighths times *per capita* more of foreign products than the seven agricultural States did; and hence they paid two and three eighths times more than their *per capita* share of the burdens or taxation for the support of the General Government.

Notwithstanding these facts, the planting States of the South, and those who go with them, are constantly complaining that the tariffs have all been made for the benefit of the workmen of the North.

In the North, every man is a laborer, and every man is proud of his pursuit. Every man there produces something for the benefit of the whole, and every man is a portion of the community. It is not so in the cotton States. There they have two classes—one the free and the rich, and the other the slaves, who do the labor. I make these remarks because it is constantly said by southern gentlemen that we of the North are oppressing them with taxation for our own benefit. I have been told, too, that my State was a beggar here—that she came asking alms. Sir, I reject these assertions with scorn. It is not necessary for me to say anything in defense of that great old State which I represent—a State which has paid within the last twenty years nearly eight million dollars for education; whose people voluntarily taxed themselves to the same amount; a State where every man reads; where every man is a portion of the general community; where all are equal, and all intelligent; where her government has expended more than fifty million dollars to improve her roads and rivers; where her citizens have expended $100,000,000 to construct railroads, and to make her coal mines productive and profitable. Such a people require no defense from me. They can defend themselves. Their churches, their school-houses, their cultivated fields, their substantial homesteads, their massive barns, their beautiful cities, their thriving villages, and their philanthropic edifices, are monuments to their patriotism, their intelligence, their virtues, and their greatness. They will stand as long as this

Union shall last; and I trust that will be forever. That State and her people, I repeat again, require no defense from any one.

The planting States, having possession of the machinery of the once powerful Democratic party of the Union, have molded its principles to suit themselves, and, by the constant agitation of the slave question, have combined the whole South with them, in a position antagonistical to the North. The real interests of the grain-growing States of the South are identical with those of Pennsylvania, and yet she receives sympathy only from a part of Maryland, Kentucky, and Tennessee. It is time we were done with the negro question, so constantly thrust upon us by the cotton States.

From the date of the Declaration of Independence until now, Pennsylvania has been Republican. Republican as that term was understood by those who made the Constitution, and as it was understood and held by Jefferson, Madison, and Monroe, and the Republican party, before the North and the South were arrayed against each other as sectional factions; before sectionalism became stronger than patriotism. Pennsylvania was then, and I hope will long continue to be, the Key-Stone of the Federal arch. Never failing in any emergency to respond to the call of duty, whether her aid was required in the tented field, or at the polls; whether for war or for peace, Pennsylvania has always been true to herself and to her duty, as a member of the Union. What she has been she will continue to be. What she has been she is now and intends to be. As an humble, but honored citizen of the State, I have been trained to believe that it is no less the duty of every citizen than of the President of the United States, to preserve, protect, and defend the Constitution; and this I construe to include the rights of the South no less than the rights of my own State. This I construe to embrace no less the rights of the cotton and rice planters of Carolina and Georgia, than the rights of the miner or manufacturer of Pennsylvania or Massachusetts. I hold that we are one people, united by an identity of interest and of duty, and I again assure southern Senators that I, as an individual, and Pennsylvania, as a State, are now, and ever will be, ready and willing to preserve, protect, and defend all and every of their rights under the Constitution, whenever and however they may be assailed, whether it may be by a foreign enemy or a domestic foe.

Having said this much, I will add that I was one of those known as the original Jackson men; that I was, and am, of the school of Jefferson, Madison, Monroe, and Calhoun, and that I look to them, and to the Constitution, for my rule of action. What, then, is the language of the Constitution? It says: the Congress "shall have power to levy and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and *general welfare* of the United States," and "to regulate commerce with foreign nations and among the several States." Now, what is the construction which Jefferson, Madison, Monroe, Calhoun, and the republican fathers gave to these grants of power? Did they deny the power of Congress to pass a protective tariff? Was not the fact that the Parliament of England was opposed to the growth of manufactures in the colonies one of the chief causes of the Revolution? Did not Pennsylvania, by her Senators Morris and Maclay, demand, in the First Congress, protective duties? Did not Jefferson, Madison, Monroe, Calhoun, all and each, advocate the encouragement of American manufactures, as conducive to the "*general welfare?*" Let not Senators be startled, I quote the words from the Constitution, and I will show them that they were properly and wisely placed there. Did not General Jackson recommend a protective duty on iron, because it is an article indispensable to the "general welfare," for which we should not be dependent on foreign nations?

I will not take up the time of the Senate by quotations. I refer to the known and oft-repeated opinions of southern statesmen when they represented and spoke for the South; and I refer to their known opinions, because there are some who rely on the influence of their names to sustain the new theory of *ad valorems*—the modern bed of Procrustes, which regulates the "general welfare" by the length of *party platforms*. I profess to be practical in the business relations of life. I have great respect for the opinions and precepts of these great men. My purpose was not to cite their opinions as the rule which should at this time regulate our proceedings; but I would show that they have all admitted not only the right to create, but the expediency of a protective tariff; and to insist that that which was right and expedient then, is now an indispensable necessity. I propose to do this, by contrasting the tariff enacted by the men who made the Constitution with the tariff of the present day; the tariff of specific and protective duties, with the new system of *ad valorems;* the tariff which gave life to our manufactures, and created a body of American merchants, ready with their wealth, with their lives, and their honors, to "preserve, protect, and defend" the Constitution, with the tariff which makes us debtors, dependent upon the caprice and financial policy of foreign bankers, and substitutes the agents of foreign manufactures for the American merchant; converting into mere money-changers those who, under a wise regulation of our foreign commerce, would be the hope, the pride, and support of your country in peace and in war; making them dealers in usurious interest, and shavers of notes, instead of dealers in the produce of our industry, giving to it life and energy.

The time was, when an American merchant could purchase foreign merchandise on credit. He gave his bond for the duties, and was enabled from his sales to realize the funds, not only to pay the duties, but to purchase American produce, which he remitted to his correspondents in Europe, in time to meet his payments. Then the British manufacturer furnished the capital, and commerce was a reciprocal exchange of the surplus products of labor. The American merchant bought British manufactures and paid for them with American produce.

It will be remembered, that in his speech on the tariff of 1816, Mr. Calhoun admitted the propriety of protecting the manufacturing interest which had been created by the war. It was not until after the election of John Quincy Adams, and the question of internal improvements by the General Government was made a part of Mr. Clay's American system, that the South rallied against a protective tariff as *unconstitutional*. The question then was not so much whether there should be a protection for American manufacture, as whether a large surplus revenue should be created, to be expended by Congress on internal improvements. Congress may have power to levy duties, "to provide for the common defense and general welfare," and yet it may not be authorized to create a large surplus to be expended in internal improvements. I note this distinction to mark a period in our progress, and that I may call the attention of the Senate to the fact, that this part of Mr. Clay's system having been arrested by the movement of South Carolina, the payment of the public debt, and the transfer of the public money to the State banks by General Jackson, led to such an inflation of the currency, and gave such a stimulus to enterprise and speculation, that the States entered upon an expensive system of roads and canals, which led to an issue of State bonds, which became a new element in our foreign commerce, and which element it is the duty of the statesmen of the present day to study and comprehend.

Failing to obtain a renewal of its charter, the Bank of the United States sold its branches, and invested the greater portion of the proceeds in State bonds, and sent them to London for sale to reinstate its capital. We all know that the London bankers and the Bank of England exerted their influence, and, by the depreciation of the value of State bonds, prevented their sale until, by the failure of the Bank of the United States, they were no longer fearful of its agency in placing our six per cent. in competition with their securities. Having broken down the Bank of the United States, they permitted our credit to be so far reinstated that our railroad companies were enabled to purchase foreign iron with their bonds. This has been done until we have accumulated a foreign debt of at least five hundred million dollars, the payment of the interest upon which, and the continued importation of foreign iron, will soon create so large a balance against us that our condition will be much worse than a colonial dependent upon England; for I beg leave to remind southern Senators that our credit has become as much an article of commerce as their cotton. It is now used to pay for other merchandise, as well as iron and steel; and that this purchase of foreign merchandise with our bonds is a violation of the principles of trade, I beg to remind them that commerce should be a reciprocal exchange of the surplus products of labor, and that, by *exchanging our credit* for the products of English labor, whether it be in the shape of iron or other merchandise, we create a debt, the payment of the principal and interest of which will subject us to all the contingencies which may at any time affect the money market of Europe.

I beg Senators to reflect for a moment on the cause and the effect of the late monetary crisis, and to realize that the use of our credit in the shape of railroad bonds is a new element of commerce unknown to Adam Smith and the other masters who taught them the science of political economy. I ask, if a protective tariff was wise and expedient when our commerce was an exchange of the surplus produce of our labor, is it not indispensable now as the only means of preventing a ruinous foreign debt? I beg to remind them again, that the effect of the *ad valorem* system of duties has been to change the entire system of our foreign commerce. We no longer have American merchants employed in the purchase of American produce to be exchanged for foreign merchandise. In their place we have the agents of foreign manufacturers, who invoice their goods at the cost of production—not at the commercial price in the foreign markets. These goods are placed in our Government warehouses until the agent can sell them by his patterns to the jobbers. These jobbers do not deal in American produce, but give their notes payable to their own order. These notes are placed in the hands of a broker, and sold at a discount, which discount the agent of the foreign house charges as a part of the price of the goods. Who, I ask, pays this discount? You all must see that it is paid by the consumer. The jobber pays the face of the note; the agent receives what the jobber pays, less the discount.

Would he sell the notes for such a price, unless he had made himself whole by the price at which he had sold his goods? Surely not. Who, then, profits by this mode of levying our duties? The Government does not, because this system favors a class of invoices charging the goods at less than their value in the foreign market. Is it not obvious that the consumer does, because he is compelled to pay the duties and the profits on what the jobber and the retailer pay, which includes the shave on the notes in the hands of the broker? And what does the foreign agent do with the proceeds of these notes? Does he buy American produce? No. He remits specie, and thus deranges our currency. The use of our credit in the shape of railroad bonds has created a balance against us, which, if the present system continues, will overwhelm us in irretrievable ruin. There is no hope of escape but in such an increase of the duty on iron as to prevent the further importation of the foreign article.

If we estimate that the interest on our debt now payable in Europe be but thirty millions and our imports of foreign iron and steel be but thirty millions, (and the average for ten years has been forty millions,) and compound this sum for thirty years at six per cent. interest, it will be more than six thousand million dollars. The interest alone upon that sum will be more than three hundred and sixty million dollars per annum. Is it wise to continue a system fraught with such consequences? There is no hope of escape but in such an increase of duty upon iron as to prevent the further importation of it. I beg Senators to look on the map of the United States and upon the British and Mexican territory, which must and will be embraced in our system of internal improvements. I do not mean that we are to annex Canada or Mexico. I refer to them as part of a system of improvement to be developed by American labor and enterprise. I would remind you that our railroads are the product of American labor; that if we manufacture our own iron, the entire profits of the labor and capital employed in their construction will be ours; and I beg you to pause for a moment and look on the magnitude of the interest to be developed, and the amount of capital to be created. If our progress

be in the same ratio for the next thirty years that it has been for the last ten, our investment in railroads will be nearly or quite equal to the present value of the entire property of this country, and the profit on the labor of their construction will be thousands of millions of dollars.

In conclusion, I beg to remind southern Senators that it is not a Pennsylvania, nor is it a northern question. It is a question of "general welfare." It is not a question between the North and the South as competing sections. It is a question between the North and the South, the East and the West, as parts of one single interest, united as one people in competition with other nations, as independent parts of a system of international commerce. These great elements of wealth, *coal and iron*, are not peculiar to Pennsylvania. They abound in most of the States. They are the gifts of a bountiful and all-wise Providence; and it is the interest and the duty of all the States to unite in promoting the end of their creation. In this union of interests and this development of our resources, the conflict between North and South will end in a common sentiment of mutual interest, and we will become, as it is our interests and our duty we should be, a united and a prosperous people.

Mr. SEWARD. Mr. President, I beg leave to call the attention of the Senate, for a moment, to the financial condition of the country. What is that condition? It may be described in a few plain words. The executive department needs $20,000,000 more than its utmost available income, to carry on the Government for the next year. In other words, after allowing the largest margin for our expected receipts, and reducing our expense to the lowest figure, we encounter full in the face an annual deficiency of $20,000,000. So much for the Government. Now for the financial condition of the people. The general manufacturing interest among us is straitened, embarrassed, and struggling, and the manufacture of iron is held in a state of suspension. Our cities and towns, the seats of manufacture, obtain cheaper bread than heretofore; but the artisans and laborers are at least half unemployed, hesitating between the policy of standing still and waiting for a revival of their business, on the one hand, and the doubtful expedient, on the other, of resorting to agriculture, without practical skill, in new States and Territories. So much for the financial condition of the country.

Next, I ask the Senate to consider the nature of the measure before us. It is no proposition to bring money into the Treasury by taxation, or by converting fixed property into money. It is a proposition to reissue Treasury notes—in effect, the same thing as to issue new Treasury notes—for $20,000,000, to meet the annual deficiency of that sum. It is to borrow to-day to pay the debt of yesterday, and to borrow to-morrow the money to refund that we borrowed to-day. I implore the Senate to bestow a moment's reflection upon the circumstances under which this proposition is made. The country is at peace; in a normal condition of profound peace with all the world. I do not call the demonstration we are making against the pitiful Republic of Paraguay, high up as it is on the slope of the Andes, a war; nor do I deem the occasional skirmishes, between our scanty regulars or volunteers and the Indians on the western plains, worthy to be called a war. The country is engaged in no great civic enterprise, either at home or abroad. It is more completely disengaged now, than ever before. It has declined to undertake the construction of a railroad to connect and bind together its widely-distant ocean shores. It has declined to attempt the subjugation of what remains of Mexico. It has refused to arm the President with power to levy war against the Spanish-American States. It has refused to attempt the acquisition of Cuba, either by negotiation or by force. It has even abandoned the improvement of its domestic channels of commerce, and suspended the prosecution of its great scheme of military defense. These $20,000,000, therefore, are wanted merely to keep the Government in action, within its most contracted sphere; they are wanted, in short, only for the ordinary, common, inevitable transactions of the State, to keep the machine in motion.

The President of the United States has the best of reasons for entertaining a favorable opinion of the Senate. We have been his willing council in most cases; his fond and faithful followers in many bold though unsuccessful designs in somewhat devious ways. He of all men is the last who ought to question the statesmanship of this Senate as a legislative body. Of all legislative bodies in our country, the Senate is most exclusively estopped from questioning the political wisdom and virtue of the President. Let us see, therefore, what *his* opinion is concerning the policy of borrowing $20,000,000 to pay the ordinary expenses of the Government under existing circumstances. He gives it to us in his annual message. "No statesman," he says, "would advise that we should go on increasing the national debt to meet the ordinary expenses of the Government." It is clear, now, that if we adopt this measure, we shall forfeit the character of "statesmen" in the estimation of the President of the United States. The President is right in this point; and I am happy in being able to agree with him. Cordially sustaining his Administration as I do, whenever no paramount principle or policy forbids, I shall not vote to borrow the $20,000,000 now proposed. I did consent to borrow last year. I consented on the ground that the derangement of the public credit, and of the business of the country, was merely an exceptional and temporary one, and under the belief that one year of returning prosperity, with the operation of the tariff of 1857, would bring into the Treasury money enough to discharge a great part if not the whole of the $40,000,000 of debt we then contracted. That expectation has been disappointed. We were brought, at the very beginning of this session of Congress, to confront deficient revenues and a failing Treasury. So early as that day, it became perfectly manifest that, if we should borrow money to defray the current expenses of the Government, we should add just so much permanently to the existing national debt. So early as that day, we began to consider how to act in this great emergency. We have debated it with more or less diligence at various stages of the session. It was for the friends of the Administration to propose the policy which the exigency demands. I have waited to hear them propose it. But they have divided and differed. Some of them have insisted that the remedy for the existing evil is retrenchment. I believe that I have seconded their measures of that character fairly and liberally. I gave my cordial support to the proposition which was made by the honorable Senator from Tennessee, [Mr. JOHNSON,] to raise a committee to devise and perfect an adequate scheme of general retrenchment under the promised favor and patronage of the President of the United States. But that proposition, so full of promise as it was, has altogether failed. It has not been adopted by the Senate. It is no longer mentioned in our debates. Other Senators insisted that, without adopting the grave scheme I have just described, we should still be able, by the exercise of proper vigilance and care in forming and perfecting the appropriation bills, to reduce the expenses of the Government within the amount of an increasing revenue.

I have seconded this attempt also. I do not claim, indeed, that all my votes have been judicious; but I have exercised a willing disposition to save money for the Treasury whenever it seemed possible to do so without endangering or seriously injuring any great public interest. I doubt not that all other Senators have acted as honestly and with as much consideration. But what is the result of all these well-meant efforts to save money in regulating details of administration? We have effected no retrenchment corresponding to the decline of our revenues. There will be the same deficiency staring us in the face as we enter the next year, which reproaches and shames us now, when we leave the closing year behind us. And now, to sum up all in one word, all our general schemes of retrenchment, and all our special schemes of frugality, have failed to furnish any help to us in restoring the equilibrium between revenue and expense. Even in the dark and troubled reign of Louis XVI. the failure of the fiscal ministers to effect the same great object was less distinctly confessed before the summons of the States General of France.

Insomuch as the retrenchment specific has entirely failed, what remedy for the public disorder remains? There is one, and only one: an increase of revenue; and this must be effected by increasing the imposts on foreign commerce, because these imposts practically afford all the revenues we enjoy. There are, however, two ways of effecting an increase of the amount of these imposts. The first one is that which was proposed by the honorable Senator from Rhode Island, [Mr. SIMMONS,] namely: to provide that duties shall be levied on a home valuation. This system seems to me to commend itself to all who desire to see our commerce conducted in our own ports by our own citizens, without loss to the Treasury, and without fraud and perjury incident to the present system of collecting revenues by *ad valorem* duties, or a valuation at the ports of shippers in foreign countries. But the Senate has taken a different view of the subject, and has rejected the proposition of the Senator from Rhode Island, on due deliberation, and by a decided majority.

There is only one other way to restore soundness and solvency to the Treasury without borrowing, and that way is to increase the duties on foreign merchandise imported into the United States. Whether this is a better or worse way than the way of retrenchment or home valuation would be, is not now a question. The Senate will take notice and the country will take notice that we, the Senators on this side of the Chamber, have been willing, and have lent our aid to the efforts which have been made to secure the adoption of the alternatives of retrenchment and home valuation which I have discussed. The power is on the other side. It is only coöperation that this side of the House can give, because, as yet, we who sit here are a minority. But even the Senate itself cannot originate such a measure as the exigency of the case demands. If it were in our power to do so, I should at once bring in a bill to levy specific duties on the importations of iron, and the merchandise fabricated from it, with a few other articles, sufficient to raise the revenues so high as to meet the current expenses of the Government. The Constitution of the United States forbids me, and devolves the responsibility of originating such a measure exclusively upon the House of Representatives. But the House has thus far failed to do it. What, then, is the Senate to do in this case? Shall we authorize the Treasury to borrow, because the House of Representatives does not see proper to tax? I am unwilling to do it. Let the House perform its proper duty—acquit itself of its just responsibility. I prefer to wait until the House of Representatives shall act, and act as it ought to do. I do not even now anticipate that the House will refuse or neglect to perform its duty. If the House shall still neglect or refuse, shall persist in neglecting or refusing to tax, then I would still neglect or refuse to borrow until the last. That House will not ultimately neglect or refuse. It may do so, if it finds us willing to borrow and relieve it of its great responsibility. To invite the Representatives of the people to borrow now is only to demoralize the House, and divide with it the responsibility of creating a permanent public debt. Let the House of Representatives understand that it must prepare a measure to raise adequate revenue by taxation, or else that the Government shall go without supplies.

I am not to be deterred from this course by any idle clamor, such as the charge that I want to initiate a high tariff, a tariff of protection for the sake of protection. The record is made up plain enough, thank God, now. What I require of Congress is a revision of the tariff, and an increase of duties, not so as to enact a high tariff, but so as to enact a tariff high enough to save the country from a national debt—a tariff not for protection, but one which shall foster industry while it shall secure needful revenue.

Mr. President, I regard the whole dispute in this country, between those who are supposed to support the policy of free trade and those who are called the friends of protection, as a dispute about words and names, but not at all about things. Free trade, absolute free trade, is practically an impossibility in a country which derives all, or the chief part, of its revenues from duties imposed on foreign merchandise. If we had the resources adequate to the supply of our Treasury, there is not an American citizen who would not advocate free trade. We would all be in favor of free trade, if circumstances and conditions left it possible.

Who would not be in favor of liberty to buy

everything he might want, free of all Government assessments, taxes, and imposts, whatever? But Government must exist, must be maintained, must be maintained by taxes of some kind. It finds it easier to levy taxes indirectly, than to levy them directly on land, labor, or capital. Hence, our Federal Government maintains itself by imposts on foreign commerce, and the proceeds of the sales of the public lands, excluding all direct taxation whatever. When will any Administration or Congress be able to abandon this policy, and substitute one of direct taxation? Just when the people will consent to it. When will that be? Nobody can foresee any such period. To talk of free trade, then, as a practical policy, is an attempt to mislead and deceive the people. We all are in favor of free trade as a principle, as a theory; but a stern necessity makes it remain only a principle, a theory, and nothing more. Since the Government is and must be supported mainly by imposts on foreign commerce, those imposts must have a relation to the amount of revenue to be raised, and this must be their chief relation or bearing. But they unavoidably have another relation; and this, though incidental or consequential, is nevertheless an important one; it may be even more important than the principal one. If the imposts on any description of merchandise are very low, they may not only produce too little revenue, but they may induce importations in excess, and therefore injurious to the production of similar fabrics at home, and probably injurious to the general welfare, and even to the public habits and morals. Again, the tariff of duties may so discriminate as to ruin some interests by imposts too low, and build up others into monopolies by duties which amount to prohibition. Theoretically, no one seeks to destroy producing interests in our own country. To do so, would be ultimately to exhaust our own vigor and national strength. Every one, therefore, who is not a fanatic, at least every statesman, desires that the imposts which must be levied on foreign imports, shall be so distributed as to bear as favorably as possible upon every producing interest in our own country. In this sense, as we all are in favor of free trade, so we all are protectionists. We are for free trade to a practical extent, and we all are in favor of a judicious tariff. The exigency of this debate does not require me to survey the whole range of productive industry of the country, and to suggest a comparative system of imposts adjusted to them all. It would be labor lost to do so; for, as I have already said, it is in the House of Representatives, and not here, that the act originating any revision of the tariff must be introduced and perfected, at least in degree. But I can say, with entire freedom, that it would present no ground of objection, in my judgment, if such a bill should be so constructed as to favor and encourage the mining and manufacture of iron.

I select and distinguish this great interest, because I think that the disasters which have overtaken the national Treasury, and have crushed the prosperity of the country, have resulted from neglect and improvidence in regard to it. We have been engaged, as most other civilized States have been engaged, during the last fifteen or twenty years, in adopting the great invention of railroads, or, as the Frenchmen accurately describe them, iron roads, and bringing it into universal use. If we could only have understood ourselves in the beginning of this period, and adhered persistently throughout to just convictions then formed, we should have so discriminated in our revenue system as to have made this great enterprise work out an establishment of the iron manufacture in this country, so as to derive from it our chief supplies. But the country has not been willing to look steadily to that ultimate interest. It has asked always the cheapest iron that could be gotten, and, of course, has demanded that the imposts should be fixed at the lowest possible rates. So the protection afforded by the tariff of 1846 gave place to a lower protection in 1857; and it has not been without much difficulty that at times Congress has been stayed from remitting all duties on foreign manufactures of railroad iron. The Legislatures of the States, acting on the same erroneous principles, have authorized combinations and associations on doubtful principles to force forward the same precipitancy of action. Loans of the credit of States, of counties, cities, and even towns, have been authorized to furnish capital to railroad corporations, and at the same time they have been continually allowed to borrow money, at usurious and ruinous rates of interest. Securities thus obtained, doubted and comparatively valueless at home, have been pledged to the iron manufacturers abroad, and their enterprise has been excessively stimulated, while that of our own manufacturers has been disheartened and suppressed.

These improvident measures have at last produced their inevitable effect—an undue diversion of capital into railroad enterprises, a derangement of internal exchanges at home, and a collapse of the national credit abroad, and a suspension equally of domestic manufactures and of foreign commerce. Such are the legitimate results of the improvidence which caused roads to be built of foreign iron, over the coal and iron beds in our mountains. I hope, sir, that the House of Representatives will make the needed initial step in a return to wise policy, and will send the miner once more with his torch into the deserted chambers where the coal and the ore are stored away by the hand of nature, and will adopt such a policy as will rekindle the slumbering fires in the forges and furnaces of Pennsylvania, New Jersey, Maryland, Tennessee, and Missouri. It would be a benevolent work. I do not say that I would force the Government to assume it merely as a work of benevolence; but I do say, that since there is need of taxes to avoid debt, I would so levy the taxes as to secure incidentally that benevolent object.

But it is to the House of Representatives that those who desire the accomplishment of this object must look. The Senate affords them, thus far, no ground of hope. The people of Pennsylvania, and the other iron-producing States, have seemed to look to the President and to the Senate, but not to the House of Representatives.

It is useless to look to the Senate, unless the House shall lead the way. All along, as the debate on the condition of the Treasury in the Senate has advanced, I have marked its listless course. The heart of the Senate does not throb with one particle of sympathy for the iron manufacturers. I have wished that the people of Pennsylvania could just look in upon us, and see how unmoved we are by all the President's appeals, and all their petitions, addresses, and resolutions, and all the arguments and appeals of their Senators here. I wish especially that they could see the entire coolness and indifference with which the Senate now not merely dismisses the subject altogether, but inaugurates the policy of renewing the national debt, and sends its bills for that purpose to the other wing of the Capitol, to demoralize the House of Representatives, and induce it to surrender its own very feeble resolution of restoring the national industry to its proper and ancient vigor. Mr. President, the country needs a new Congress.

Mr. DAVIS. Mr. President, the question, as I understand it, is whether we shall borrow money enough to enable the Government to perform its duties or not? The Senator from New York, if I appreciate his line of argument, says he will not consent to borrow this money for the support of the Government, because we have made no provision for raising a revenue adequate to its wants. That, to my mind, is no reason at all. It is the fact, that we have not made a provision adequate for the wants of the Government, that has created the necessity for the loan. It does not matter whence this necessity arises; we have to deal with the existing fact. Shall we meet it, or shall we paralyze the arm of the Government? It is not because our people are unable to pay as much as is needful; it is not because of the poverty of the country; but there has been an interruption in our foreign commerce; there has been a change in the scale of duty, and a change in the number of articles subjected to duty, and a diminished revenue from these conjoined causes, and a consequent want of means to carry on the Government. If we should change our system of revenue to any however well devised, however productive of a large income hereafter, the necessity will be the same. No system of imposts could bring us money immediately. Even if you were to resort to direct taxation, there would be an interval within which you would want means. A loan, therefore, is a necessity, under any possible view to be taken of the case, unless you choose to shrink from the obligation of meeting the necessities of the country, and enabling the Government to perform all its functions effectively.

As to what will be the result of the existing tariff on the revenue of the country, with a restoration of commercial prosperity, it is well known that there is a contradictory opinion. I have no fondness for the existing tariff. I look upon it as eminently protective; in so far as it has attempted to put those articles used by the manufacturer on the free list, that it departed from the strictly Democratic principle of imposing duties as taxes for revenue, and for revenue only. I would prefer, to-day, to return to the tariff of 1846, which did bring an adequate revenue, and, probably, would bring it again, and which had, at least, the great Democratic feature of spreading its application over a large number of articles, and imposing the duties *ad valorem* upon all. Its schedules were, in some respects, objectionable; I would be glad to see them changed; but I say it commends itself to me as being less protective in its character than that which we now have.

But how does this affect our action as Senators on the present question? We see the necessity of the Government; the Finance Committee calls on us to grant the power to make the loan; and the Senator from New York answers, "we have not the means of providing for its payment immediately, and therefore I will not consent to borrow." A revenue measure cannot be originated here; it depends on the other House, over which we have no control; and yet the obligation is joint upon us to provide the means for carrying on the Government. I am unable, by any system of argument to which the Senator has led me, to perceive how he reaches his conclusion. It is true, he referred to the fact that the adjustment of the tariff belonged to the other House. There let it rest; we are not attempting to disturb it. So far as his friend, who sits nearer to me, the Senator from Pennsylvania, [Mr. CAMERON,] who preceded him in the argument, is concerned, he argued the question as though it were an opposition on the part of the South to any adjustment. I tell that Senator, outside of official information, that the Representatives from Mississippi were willing to meet this question face to face, and renew for three years the duties of the tariff of 1846, in order to supply the Treasury; and that the Representatives from his own State did not concur in it. I have not found southern Democrats generally reluctant to bear any amount of taxation which was necessary to support the Government. They are reluctant to meet expenditures for unnecessary, and, most of all, unconstitutional purposes; but they are willing to bear any burden which devolves upon them as citizens sustaining the Government of which they are a part. If there be no change in the revenue system, my own opinion is that this loan will be prolonged; it will not be merely sufficient to grant the authority now; but we shall have to renew it. Whether that will be so or not, however, I say we are bound equally to meet it, whether it be temporary, more or less. If the expectations of those who favor the existing tariff shall be realized, and it shall bring in a revenue equal to the wants of the Government, the loan will be paid off, and we shall be required to make no more. If it should not, then, of course, as honest men, they must surrender their opinions, and meet us on a basis of taxation which will suffice for the wants of the Government. I should be ready to-day, if the House of Representatives should present it to the Senate, to vote for a bill imposing a direct tax equal to the payment of the debts, and providing for any deficiency in the revenue. I prefer it to all other modes of collecting money. I believe it will bring economy in the administration of the Government—that thing of which we hear so much, and experience so very little. Then members would return to their constituents to show under what necessity they voted for appropriations; not to show wherein they failed to obtain something more than that which they were able to get. It would purify as well as render economical the administration of the Government; and it is my last best hope for both these beneficent results.

The Senator from Pennsylvania, however, has a sad view of the case—that he saw no indication of a purpose, either on the part of Congress or of the Administration, to provide for the protection

of American industry. This is a revival of that which I think has long existed as a delusion upon the country. I hold to-day that there never has been a revenue tariff yet, so far as it looked to the protection of American manufactures, which did not discriminate against the laborer and in favor of the capitalist; and I now challenge any of the advocates of the system to lay their hand upon a single instance where the discrimination has not been for the capitalist and against the laborer.

Mr. CAMERON. Will the Senator allow me to interrupt him?

Mr. DAVIS. Certainly.

Mr. CAMERON. I shall be very glad if the Senator from Mississippi will point out some enactment in which a discrimination has been made for the benefit of the capitalist against the laborer.

Mr. DAVIS. If that is all you interrupted me for, if you had held up, you would have got it in a minute. I have a case, and I mean to present it. The Senator who has read to us an essay on the subject this morning, and who has availed himself of every convenient opportunity, during the present session, to read an essay on this subject, when I put to him the question, rises and returns it to me with all gravity, as if I had been the introducer, and he only the attentive auditor of some one who was lecturing on the tariff. Why, sir, he has been the teacher; I am not the taught. I have heard his lessons, and learned nothing from them. I asked a direct question, and he returns it back to me.

I will take the material in which, from many causes, I have been most interested, and which constitutes a species of manufacture to-day the largest in capital, and the largest in its effects upon the commerce of the United States in its relation to foreign countries—cotton and its manufacture. By an examination of the manufacture of cotton in America and in England, I find that the cost of one pound of No. 14 yarn, in the United States and in England, bears about this comparison: in the United States, I put the labor per pound at four and sixty-two hundredths cents; the interest on the capital, and wear and tear in the United States, estimated at ten per cent., upon an investment of $200,000, is two and thirty-eight hundredths cents; the supplies, we will say, ninety-eight hundredths here and in England; the interest in England one half that in the United States, and the labor ten per cent less; the price of cotton the same; the waste the same. Adding these items together, you have the total cost for a pound of No. 14 yarn in the United States, twenty-one and forty-eight hundredths cents; in England, nineteen and seventy-nine hundredths cents, being a difference of one and sixty-nine hundredths cents. Now, a duty of twenty-five per cent. would be four and ninety-five hundredths upon the cost in England, less the difference in the cost of manufacture, which we have just stated to be one and sixty-nine hundredths, which would leave three and twenty-six hundredths. Then, as we sell in this country on six months' credit, whereas in England they sell for cash, deducting from the difference already stated, fifty-nine hundredths for the six months' credit in this country, it would leave a residue of two and sixty-seven hundredths cents, which, upon four and sixty-two hundredths cents, the cost of the labor in the United States, would be exactly sixty per cent. Or it may be stated more briefly thus:

The cost of one pound in the United States is	21.48	cents.
Add sixty per cent. on 21.48 as protection for American labor	2.67	"
Total	24.15	"
The cost of one pound in England is	19.79	"
Less six months' credit	.59	"
	19.20	"
Add twenty-five per cent. duty on cost	4.95	"
Total	24.15	"

Those are equivalents. That is upon a lower character of manufacture. Then let us go to a higher, and take one pound of No. 40 yarn. There, by the same mode of calculation upon the same amount of capital, a capital of $200,000, giving the same advantage for interest in favor of the English, and the same advantage in the cheaper labor, we find that a duty of twenty-five per cent. gives on that higher character of manufacture a protection of only nineteen per cent. Why is this? It is for the capitalist who requires a large capital for the higher manufacture, not for the labor. The labor in the one case is the same as in the other; and yet we have been told time and again by those who have advocated these scales of duty, that they were asking nothing upon the coarse cotton; and so deceptively have the schedules been drawn, that, while the country believed they were standing alone, they were getting sixty per cent. upon what alone they claimed protection for—labor. We can only excuse them from the charge of having thus practiced a fraud by admitting what I stated in the beginning, that the duty is arranged to protect the capital, not the labor. I give my case to the Senator from Pennsylvania. I hope I have his attention.

The Senator from Pennsylvania went on to inform us that he would protect the rights of the producer of cotton as he would those of the producer of iron. I thank him for the patriotic purpose, the fraternal feeling which prompted the declaration; but I am at a loss to know how he would protect the interests of the grower of cotton. I can imagine no mode in which he would approach legislation for the protection of the grower of that which now, to a great extent, controls the commerce of the world, and of which we are the great exporter. The price in the United States is regulated not only by the price in Liverpool, but by the classification in Liverpool. Unless the Senator will provide for paying out a bounty for every pound or bale of cotton produced, there is no possible mode by which he can legislate for the benefit of the cotton planter. For a long time, it is true, you did retain in the American tariff a protection or a duty imposed on the importation of cotton, well knowing that no cotton was imported; that it was entirely delusive there to insert it, if anybody, indeed, was ever stupid enough to believe it could be thus imported. Equally true is it of rice, except so far as the Chinese upon the Pacific coast, adhering to the diet to which they have been accustomed, still insist upon importing Chinese rice.

How, then, does the Senator propose to exemplify this patriotic and generous feeling which he announces? I give him credit for the feeling. My old and habitual personal regard for him made it very welcome to me to hear him announce that feeling; but it is needful that I should point out to him the fact that his feeling is one which can do us no possible good, except the pleasure some may derive from it, as I did when I heard it.

Mr. CAMERON. The Senator will allow me to say to him that, while I return all the kindness of personal feeling and respect that he talks about, I think we do protect the South. What is this large Navy for but to protect your interests? You want it increased now. Within the last few months, at least one, or perhaps two, ships, laden with slaves, have been brought into your southern country, which you have not been able to keep out, and the perpetrators of the crime you have not been able to discover. We are taking care of your interests, I think, by having a Navy to protect you from that influx of negroes which is going to reduce the value of your property.

What is this great Army for? We do not want it in the North. Our population can take care of themselves. This Army has been necessary for a great many years down on your borders, and will probably be for a great while to come, to protect you against domestic troubles.

It seems to me that the South have had about as much benefit from this Government as any portion of the Union. They talk a great deal about their cotton. They are fortunate, to be sure, in having a great agricultural product which at this moment, and perhaps for all time, will command a ready sale, at high prices; but that does not prove that they do not want the protection of the Government all the time; nor does it prove that they ought to feel, in the pride of success, a desire to trample on the interests of other sections of this country. I repeat, there is no question brought up here affecting the North, but gentlemen of the South, if it looks at all to the prosperity of our manufactures, imagine that wrong is being done to them. Does it do you harm because we are prosperous? I think not. You ought to rejoice in it. On the contrary, the constant complaint and constant charge on us is, that we are destroying your interests. If you have all the prosperity you talk about, and I am glad you have, why do you make complaint of us when we desire to have our interests protected and cared for?

Mr. DAVIS. The Senator interrupted me, for what purpose I have yet to learn, unless it was to interject a portion of the essay which he had not written out. I made no such complaint; I made no such boast. We are wealthy enough to take care of ourselves, and we ask no bounty to our labor. It is not true, however, that I boasted, in any sense of the word, of our prosperity. I said we did not get your protection, and you could not give it, to the interest to which the Senator referred. I did not say that the Army and Navy might not be a protection to the South, as well as to other sections of the country; but, since the Senator has made that discrimination, I will tell him that he is altogether at fault when he supposes our section to be that which either the one or the other does protect. It has been many years—and then only when they were escaping from an epidemic—when the foot of a United States soldier was on the soil of Mississippi; and my friend [Mr. CLAY] says it is true of Alabama. On the frontier of the Rio Grande we have posts, and so we have on the frontier of the Niagara; and where ever our people look out into a foreign country, it may be needful to have military posts. Now, however, but very small garrisons can possibly be kept in either. I never heard such an argument as that which the Senator adduces to show the benefits we derive from the Navy—that there are two ships which have come in with Africans, and the Navy is necessary to prevent a flood of others from following them, and that we never shall be able to detect anybody who brings them in. I have heard of but one, and that one but a poor little schooner; and I understand that bills have have been found against the persons who brought in a few Africans upon that; so that the Senator is wrong all out, and worse and worse the further he goes. It is only to protect the South from getting, if they please to receive it, a cheap labor to compete with that which you import. We adhere to the law passed under constitutional authority. There has been a public sentiment that has, from the origin of the Union, prevented the importation of African slaves in violation of law. You have worked yourselves into an idea of sickly philanthropy, with distorted vision, imagining that we were about to derive some benefit to the injury of others. At last, the Senator turns off, by announcing that we are protected from the influx of cheap labor. So long accustomed to disclaim against the curse of cheap labor, so little perceiving what is the truth, he imagines that the planter would be ruined by cheap labor; the thing, above all others, that every man who employs human labor desires; which it is a mere fiction in the manufacturer, as it would be in the planter, for him to say that he would not desire, and which would not contribute to his interests. We have, for other reasons, social and political, not chosen to admit the importation of Africans; and if there was no law of the United States against it, we would replace it by a law of our own State; and, first of all, we took the lead in breaking down that importation; and the first time a sovereign State spoke in tones bordering on defiance to the Federal Government, it was the State of Virginia, on this very subject of importing Africans into her ports; and let me tell the Senator that northern traders were the persons then, as now, engaged in it.

But, sir, in this tissue of errors, growing out of a total misconception of the social and industrial position of the South, the Senator passes on to another suggestion, which I have heard so often that I am afraid, at last, somebody will begin to believe it—that is, that the white laborers in the South are degraded. There never was anything less true asserted upon the floor of the Senate; never anything less true asserted out of it. Where men may stoop to willfully misrepresent truth, there never was anything less true than that statement, repeated often as it may be; but it is exactly that lower caste in the human species, that substratum——

Mr. CAMERON. I beg the Senator's pardon. Is he replying to me?

Mr. DAVIS. I reply to the statement, and I reply in no offensive sense. The Senator makes a statement that the white laborers of the South are degraded. I say there was never anything less true, either in the Senate or out of it. I say

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

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that the lower race of human beings that constitute the substratum of what is termed the slave population of the South, elevates every white man in our community. I say it is there true that every mechanic assumes among us the position which only a master workman holds among you. Hence it is that the mechanic in our southern States is admitted to the table of his employer, converses with him on terms of equality—not merely political equality, but an actual equality—wherever the two men come in contact. The white laborers of the South are all of them men who are employed in what you would term the higher pursuits of labor among you. It is the presence of a lower caste, those lower by their mental and physical organization, controlled by the higher intellect of the white man, that gives this superiority to the white laborer. Menial services are not there performed by the white man. We have none of our brethren sunk to the degradation of being menials. That belongs to the lower race—the descendants of Ham, who, under the judgment of God speaking to the prophet Noah, were condemned to be servants. To propose that we should change our industrial system, that we should bring the negroes up to a level with the white man, would be such an offense that the lecturer who would come to teach such philosophy would be fortunate indeed if he should escape without some public indignity. One of the reconciling features in the existence of that particular institution called domestic slavery of African bondsmen, is the fact that it raises white men to the same general level, that it dignifies and exalts every white man by the presence of a lower race. I say it in no terms of disparaging comparison with others. I say but what has been with me a deliberate conviction, that it is promotive of, if not essential to, the preservation of the higher orders of republican civilization.

But, upon the theory of getting a country's prosperity by taxing one class to support another, I would ask, what difference is there between that and going into the community and hunting out of the industrious thrifty men, and laying a tax of ten per cent. on their net proceeds, in order to give it to those who are deficient in intellect, or physical capacity, thrift, or any other quality which causes men to be prosperous. The only difference I can perceive is that, instead of taking the unthrifty workman, you take the unthrifty subject, you cast about to find what pursuits will sustain themselves, and say, let us tax these in order that we may encourage other pursuits which, not being self-sustaining, will be abandoned by our people if left to choose for themselves. I am glad to see manufactures in our country; I am happy to see everything which the nation requires produced within its limits; I would be glad to extend its area and include within its agricultural products the complement of all which our country now bears. I would be glad to annex tropical country, to add tropical fruits, coffee, and cocoa, and all else which we require; glad to acquire a portion of Mexico, that we might get tin to aid in the manufactures of America, and complete the circle of our products and the circle of our industry. I would force no man to pursue that which is not profitable; tax no man to make that profitable which otherwise would languish.

I believe this subject has been so often discussed, and so much better discussed by others, that, at this period of the session, I will not allow myself to be drawn into a train of thought into which I was rapidly running. I will merely say, that as I should oppose the payment of bounties to a man who would make an ax, or a hoe, or a bale of cotton, or a tierce of rice, so I would oppose laying a duty for the purpose of inducing him to make one or the other. We are blessed with a climate and soil which does not reduce us to a competition with the laborers of other countries. Whilst we have the elements at work, and a virgin soil lending its assistance to the industry of man to make his labor productive, I see no reason why we should go into competition with those countries which, being driven to the manufacture of articles because they have no other pursuit, will produce them more cheaply than it is possible for our people to do, whilst they have so wide a range of productive labor lying before them. Leave each man under our free institutions the right to select that pursuit which may be most agreeable and profitable to him, and the prosperity of each will be the prosperity of the whole. When our country becomes teeming in its population; when its agricultural products have more than supplied the world; when the markets of foreign countries can no longer receive our products, then, and then only, shall we be brought to that level in the struggle for bread with foreign labor, which will enable us to compete with them in the manufactures of the higher classes of industry.

I believe I have answered the question of the Senator from Pennsylvania, so far as it was needful to illustrate the position which I occupy; and it is only now for me to say to him, that whilst I would not accept any authority against what I believe to be an opinion resting as well upon argument as upon constitutional right, I do not think his citation of General Jackson does justice to the memory of that great man. I think his distinction was, that the protection of those things was necessary to the country in time of war. He had felt the evils of waging war without the supplies necessary for troops in the field; he had seen soldiers shivering under a severe climate without blankets; he had felt the want of all the manufactures in which our country had then advanced so little, that they were unable to supply the wants of the country when commerce was cut off; and this led him to a recommendation which, however just in his time, it does not follow would always bear the same relation. If it could be shown to me now that the necessity existed as plain as it appeared to him at one time, that certain manufactures should be protected in order to secure their existence in our own country, I would go not only to that extent, but still further; I would follow even to the verge where General Washington stood, and be ready, if there were no other means to obtain them, to establish the manufactures by the United States. But happily the inventive genius, the progress, and prosperity of my country relieve me from any such apprehensions for the future. We are able to produce whatever we require, to manufacture whatever we need. Under free trade, it is true, that whilst the peace of the world remains—and under free trade the peace of the world would day after day become more difficult to break—it would follow that some branches of manufactures now pursued would gradually decline, but the power and resources of the universal Yankee nation would be equal to any wants of our people.

Mr. CAMERON. It is necessary that I should say only a few words in reply to the Senator from Mississippi. He intimates that we, at the North, desire to have the negroes of the South ——

Mr. PEARCE. Will the Senator from Pennsylvania allow me to present a report of a committee of conference, which I have been waiting for some time to get an opportunity to submit?

Mr. CAMERON. I give way to the Senator from Maryland.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. PEARCE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses, on the bill (H. R. No. 711) making appropriations for the legislative, executive, and judicial expenses of Government for the year ending the 30th of June, 1860, having met, after a full and free conference, have agreed to recommend to their respective Houses as follows:

That the House recede from their disagreement to the first amendment of the Senate, and agree to the same with an amendment, as follows: At the end of the Senate's amendment, add these words: "and for the mileage of members of the House of Representatives and Delegates from the Territories, $200,000."

That the Senate recede from their disagreement to the amendment of the House to their third amendment, and agree to the same.

That the House recede from their amendment to the seventeenth amendment of the Senate, and agree to the same.

That the House recede from their disagreement to the eighteenth amendment of the Senate, and agree to the same with an amendment, as follows: In the first line of the Senate's amendment strike out the words "and assistant," and insert in lieu thereof the words "one assistant to be employed in his office." After the word "assistant," in the eighth line of said amendment, insert the words "in the said office."

That the Senate recede from their disagreement to the amendment of the House to their twenty fourth amendment, and agree to the same.

That the Senate recede from the following amendments: sixteenth and twenty-third.

That the House recede from their disagreement to the sixth, eleventh, twelfth, thirteenth, fourteenth, seventeenth, and nineteenth amendments of the Senate, and concur in the same.

JAMES A. PEARCE,
SOLOMON FOOT,
A. G. BROWN.
Managers on the part of the Senate.
ISRAEL WASHBURN,
W. B. MACLAY.
Managers on the part of the House.

Mr. PEARCE. I will briefly state what the amendments are. We have agreed to recommend that the House recede from its opposition to the first amendment, and agree to it with an amendment which restores the mileage of members of the House of Representatives. It will be remembered, that in this bill the House struck out the estimate for the mileage which would be due at the next session of Congress to the members of that House. They desire now to accede to our amendment, which adds to the estimate for mileage what is necessary to pay the mileage of the new Senators from Oregon, with an amendment by which they restore the mileage which they had denied themselves, by their opposition to the Senate's first amendment.

The committee recommend that the Senate agree to the House amendment to the Senate's third amendment. The Senate's third amendment provided for the pay of the Senate part of the additional police of the Capitol. The amendment of the House provides an equal sum for the moiety of the same expense to be paid by the House of Representatives, to be disbursed by their Clerk.

The sixth Senate amendment was to amend the clause appropriating for the purchase of law books for the library of Congress, by inserting, "and pay for binding, labor, and other incidental expenses." Sometimes books are imported in boards, and it is necessary to bind them; and we thought it rather too much to throw this expense on the contingent fund; and as we made liberal appropriation for books, $3,000 instead of $2,000, which was the former appropriation, we thought it proper to charge that fund with the sum necessary for binding and labor on the law library.

The eleventh, twelfth, thirteenth, and fourteenth amendments of the Senate, from their opposition to which the House recede, relate to the wages of workmen and adjusters, in the Mint at Philadelphia, the assay office at New York, the mint at New Orleans, and the mint at San Francisco. We restored them to the estimates. The House objected to that; but their committee recommend that the House recede.

The sixteenth amendment the Senate recede from. This amendment increases the appropriation for contingent expenses of the Territory of Kansas from $1,500 to $6,500.

The House recede from their disagreement to the Senate's seventeenth amendment, which provided for certain deficiencies in contingent expenses for Kansas; being the amount incurred during the administration of Governor J W. Denver—over two thousand dollars

The House recede from their disagreement to the Senate's eighteenth amendment, and concur in it, with an amendment This amendment referred to the organization of the force in the Attorney General's office, and authorized an assistant to be employed in his office. The amendment to the amendment is, to insert the words, "in the said office," after the word "assistant," in the latter part of the amendment, which the House committee seemed to think was necessary, to pre-

vent this assistant from becoming what they objected to—an Assistant Attorney General—so as to confine him to assisting the Attorney General in his office business.

The nineteenth amendment, from their disagreement to which the committee recommend that the House recede, relates to the payment of twenty extra policemen in the city of Washington.

The committee propose that the Senate recede from their twenty-third amendment, which was the one referring to the charge on refined gold brought to the Mint to be coined. I believe there was a general feeling in favor of the amendment on the part of the members of both committees, but it was thought the opposition of the House made it necessary that the Senate should recede. It was presumed to be a very good thing to keep until the next session.

The twenty-fourth amendment relates to the public printing. The committee recommend that the Senate recede from their disagreement to the House amendment to this amendment, and agree to the following amendment which the House made to it:

And in all such cases the payment for the composition shall be the same as though the printing had been ordered by but one House: *Provided*, That the office of printer, either to the Senate or House of Representatives, shall not be transferable, either directly or indirectly; and any attempt to sell or transfer either of said offices, or any sale or transfer of the same, shall operate as a vacation or abandonment of the said offices, or either of them.

I hope the Senate will concur in the report of the committee.

Mr. WILSON. If I understand the Senator from Maryland, the Senate committee have agreed that the Senate shall recede from their amendment in regard to the extra police force in this city?

Mr. PEARCE. No; that the House recede.

Mr. WILSON. I understood it the other way.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed the following bill and joint resolution of the Senate:

A bill (No. 321) making an appropriation for deepening the channel over the St. Clair Flats, in the State of Michigan; and

A joint resolution (No. 87) in relation to the removal of obstructions to navigation in the mouth of the Mississippi.

The message further announced that the House had passed the bill of the Senate (No. 593) to provide for extending the laws and judicial system of the United States to the State of Oregon, and for other purposes, with an amendment; in which the concurrence of the Senate was requested.

CONSULAR AND DIPLOMATIC BILL.

The message also announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 666) making appropriations for the consular and diplomatic expenses of the Government, for the year ending the 30th of June, 1860, insisted on by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. GEORGE W. HOPKINS, of Virginia, Mr. DAVID RITCHIE, of Pennsylvania, and Mr. HENRY WINTER DAVIS, of Maryland, managers at the same on its part.

ARMY APPROPRIATION BILL.

The message further announced that the House had agreed to the conference asked by the Senate on the disagreeing votes of the two Houses on the bill (H. R. No. 667) making appropriations for the support of the Army for the year ending the 30th of June, 1860, and had appointed Mr. MARTIN J. CRAWFORD, of Georgia, Mr. BENJAMIN STANTON, of Ohio, and Mr. CHARLES J. FAULKNER, of Virginia, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and resolution; which thereupon received the signature of the Vice President:

An act (S. No. 255) for the relief of Anthony Caslo, a soldier in the war of 1812;

An act (S. No. 328) for the relief of John Pickell, late a lieutenant in the United States Army;

An act (S. No. 604) to provide for the enrollment and license of the brig Cumberland; and

A joint resolution (S. No. 69) conferring the rank of senior flag officer on the active service list of the United States, on Captain Charles Stewart.

THE POTOMAC WATER.

The message further announced that the House disagreed to the amendment of the Senate to the bill of the House (H. R. No. 889) to provide for the care and preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefit of the inhabitants of said cities; asked a conference on the disagreeing votes of the two Houses thereon; and had appointed Mr. EDWARD DODD, of New York, Mr. HENRY C. BURNETT, of Kentucky, and Mr. A. R. WRIGHT, of Georgia, managers of the same on its part.

A subsequent message announced that the House had appointed Mr. ALFRED M. SCALES, of North Carolina, on the committee of conference on the disagreeing votes of the two Houses, in the place of Mr. AUGUSTUS R. WRIGHT, excused.

The Senate proceeded to consider its amendment to the bill (H. R. No. 889) to provide for the care and preservation of the works constructed by the United States, for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefit of the inhabitants of said cities, disagreed to by the House of Representatives; and

On motion of Mr. BROWN, it was

Resolved, That the Senate insist upon its amendment to the said bill, and agree to the conference asked by the House of Representatives, on the disagreeing votes of the two Houses thereon

Ordered, That the committee of conference on the part of the Senate be appointed by the Vice President.

Mr. BROWN, Mr. CLARK, and Mr. BRIGHT were appointed.

Mr. CAMERON. Mr. President——

Mr. BENJAMIN. If the Senator will permit me, I will move a recess.

Mr. CAMERON. I will give way. I do not think it is necessary to say anything further.

Mr. BENJAMIN. I move that we take a recess for two hours.

The motion was agreed to; and the Senate took a recess until half past six o'clock, p. m.

EVENING SESSION.

The Senate reassembled at half past six o'clock.

Mr. REID took the chair, and called the Senate to order.

ELI W. GOFF.

Mr. FOOT. I ask the indulgence of the Senate to call up a bill, which I referred to last evening, for the relief of Eli W. Goff. I will state that this bill has passed the ordeal of the House of Representatives, and has passed the scrutiny of the Committee on Commerce of this body, of which the present occupant of the chair is a member, and receives his approval. It simply refers a small claim to the Treasury Department for settlement and examination.

Mr. BIGLER. I hope the bill will be taken up.

Mr. CLINGMAN. I merely wish to ask the Senator, not with a view of interposing an objection, how much is the amount of the claim?

Mr. FOOT. There is no sum stipulated. It refers a case to the Treasury Department for examination and settlement, with a limitation that the sum paid shall not exceed $5,000. It will take no time.

Mr. BIGLER. It appropriates just what the Secretary shall ascertain that he actually paid.

There being no objection, the Senate, as in Committee of the Whole proceeded to consider the bill (H. R. No. 353) for the relief of Eli W. Goff.

It directs the proper accounting officer of the Treasury, upon satisfactory proof being presented that Eli W. Goff, late inspector of customs for the district of Vermont, actually sustained damages and losses by his efforts faithfully to execute the revenue laws of the United States, to audit his account, and pay to him the amount of damages and losses thus proven; but the amount allowed him is to be for damages resulting directly from a proper discharge of his legal duties as inspector of customs, and is not to exceed the sum of $5,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMITTEE ON ENROLLED BILLS

On motion of Mr. DOOLITTLE, it was

Ordered, That two additional members be appointed on the Committee of Enrolled Bills, and that the appointment be made by the Vice President.

Mr. CHESNUT and Mr. DURKEE were appointed.

REPORT FROM A COMMITTEE.

Mr. FITCH, from the Committee on Printing, to whom was referred the motion to print the report of the Secretary of the Treasury, relative to the cost of granite for the south wing of the Treasury building, reported in favor of printing the same; which was agreed to.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. HENRY, his Secretary, announced that the President had this day approved and signed the following acts and joint resolution:

An act for the relief of Anthony Caslo, a soldier in the war of 1812;

An act for the relief of John Pickell, late a lieutenant in the United States Army;

An act to provide for the enrollment and license of the brig Cumberland; and

A joint resolution conferring the rank of senior flag officer on the active list of the Navy, on Captain Charles Stewart.

EXTENSION OF LAWS TO OREGON.

Mr. PUGH. I ask the unanimous consent of the Senate to take up the bill (S. No. 593) to provide for extending the laws and judicial system of the United States to the State of Oregon, and for other purposes, which has passed the Senate and been returned from the House with a single amendment. It is necessary to act on it at once, in order that it may be enrolled.

There being no objection; the Senate proceeded to consider the amendment of the House to the bill, which was in section three, after the words "shall be," to strike out "$3,000" and insert "$2,500."

Mr. PUGH. It merely reduces the salary of the judge. I move that the Senate concur in the amendment.

The motion was agreed to.

HOUSE BILL PASSED.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed a bill (No. 891) for the relief of William M. Harrison, in which the concurrence of the Senate was requested.

The bill was read twice by its title, and referred to the Committee on Claims.

ENROLLED BILL SIGNED.

The message further announced, that the Speaker had signed an enrolled bill (S. No. 412) supplemental to "An act for the admission of the State of Minnesota into the Union;" and it was signed by the Vice President.

HOUSE BILLS REFERRED.

The following bills were read twice by their titles, and referred as indicated below:

A bill (No. 890) making an appropriation for the payment of investigating committees and for other purposes—to the Committee on Finance; and

A bill (No. 780) for the relief of James Collier—to the Committee on the Judiciary.

MRS. ANN SCOTT.

Mr. HALE. I ask the indulgence of the Senate to take up a little bill for the relief of a widow lady, Mrs. Scott, of this city. It has the unanimous sanction of the Committee on Naval Affairs, and I hope it will be taken up.

The PRESIDING OFFICER. It requires unanimous consent. The Chair hears no objection.

The bill (S. No. 533) for the relief of Mrs. Ann Scott was read a second time, and considered as in Committee of the Whole.

It directs that there be paid to Mrs. Ann Scott, widow of the late William B. Scott, two per cent. upon such sums as he paid from the Navy pen-

sion fund during the time he was Navy agent at Washington.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 711) making appropriations for the legislative, executive, and judicial expenses of Government for the year ending the 30th of June, 1860.

The message further announced that the House had passed the following bills of the Senate:

A bill (No. 223) for the relief of Frances Ann McCauley; and

A bill (No. 229) for the relief of Jane Turnbull.

FREDERICK E. SICKLES.

Mr. YULEE. I ask the Senate to do me the favor to take up the bill (S. No. 595) for the relief of Frederick E. Sickles, which has been reported from the Committee on Patents and the Patent Office. It is only to enable him to have a rehearing before the Commissioner of Patents.

Mr. CLINGMAN. If the Senator brings up any of these patent cases, I am disposed to object.

Mr. YULEE. It is not for a patent. It is merely to give him a rehearing.

Mr. CLINGMAN. I will hear the bill read.

The PRESIDING OFFICER. Does the Senator from North Carolina withdraw his objection?

Mr. CLINGMAN. I am willing to have it read for information.

Mr. HUNTER. I thought the appropriation bill was under consideration.

The PRESIDING OFFICER. The motion is to take up a private bill. It requires unanimous consent.

Mr. HUNTER. I will not object, provided it does not displace the appropriation bill.

Mr. DOOLITTLE. What is the patent for?

Mr. YULEE. It is not for a patent. It is to grant a rehearing—that is all.

Mr. HUNTER. If it can be done by general consent, and does not displace the appropriation bill, I will wait for a minute or two.

Mr. CLINGMAN. If it can be done by consent, I will hear it read, if it is a short bill.

The Secretary read it, as follows:

Be it enacted, &c., That Frederick E. Sickles be, and he is hereby, authorized to present an application to the Commissioner of Patents, at any time within sixty days after the passage of this act, for an extension of letters patent granted to him on the 20th day of May, 1842, for "new and useful improvements in the manner of constructing the apparatus for lifting, tripping, and regulating the closing of the valves of steam engines;" and the Commissioner of Patents is hereby authorized and directed to receive such application, and to proceed with the same, by advertising and otherwise, in the manner prescribed by law in original applications for the extension of patents; and upon the hearing of such application, he shall extend the patent for seven years from the date of his decision thereof, or reject the application for extension upon the rules and regulations governing the Commissioner of Patents in his decision of cases of extension.

SEC. 2. *And be it further enacted*, That if said patent should be extended, any and all engines containing said improvements, which have been constructed between the dates of the expiration of said original patent and of the renewal thereof, shall be held to have been lawfully constructed, and the owners thereof shall be entitled to use the same, notwithstanding the said letters patent or the renewal thereof.

Mr. CLINGMAN. It is for a rehearing. It has been rejected, I suppose, by the Commissioner.

Mr. YULEE. Without the opportunity of a rehearing, and the courts have since decided to the contrary.

Mr. CLINGMAN. Well, sir, if it is a question upon which the courts and Commissioner differ, I object to it.

Mr. YULEE. Very well; let it go.

CONSULAR APPROPRIATION BILL.

Mr. MASON. The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 666) making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th of June, 1860, have met and considered the same, and, after full and free conference, recommend to their respective Houses that the House of Representatives recede from its disagreement to the fifth amendment of the Senate, and that the Senate recede from its eighth amendment to the bill, disagreed to by the House of Representatives. I move that the Senate concur in the report.

Mr. KING. Let it be read, so that we can understand what it is.

The Secretary read it, as follows:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 666) making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th of June, 1860, having met and considered the same, and, after full and free conference thereon, have agreed to recommend, and do recommend, to their respective Houses, as follows:

That the House of Representatives recede from its disagreement to the fifth amendment of the Senate, and agree to the same.

That the Senate recede from its eighth amendment to the said bill disagreed to by the House of Representatives.

JAMES M. MASON,
JEFFERSON DAVIS,
WILLIAM H. SEWARD,
Committee on the part of the Senate.
G. W. HOPKINS,
D. RITCHIE,
H. WINTER DAVIS,
Committee on the part of the House.

Mr. PUGH. Let the Secretary read the amendment from which we are asked to recede.

Mr. KING. Let them both be read.

Mr. MASON. The Senate made sundry amendments to the bill. The House agreed to all of them except two, and upon those two the committee of conference made their report.

The PRESIDING OFFICER. Does the Senator from New York wish them read?

Mr. PUGH. I only ask for the reading of the amendment from which we are to recede. I do not care about the rest.

Mr. KING. I wish them all read.

The Secretary read them. The House recede from its disagreement to the fifth amendment of the Senate, which was, in the eighty-fifth line of the bill, to insert the word "fifty" after the words "one hundred," so that it shall read:

For compensation of the commissioner, secretary, chief astronomer and surveyor, assistant astronomer and surveyor, clerk, and for provisions, transportation, and contingencies of the commission to run and mark the boundary line between the United States and the British possessions, $150,000.

The Senate recede from its eighth amendment, which was to insert:

And be it further enacted, That no more money during the fiscal year commencing July 1, 1859, shall be expended for the objects herein provided for, than the amount appropriated in this bill, together with such amounts of the permanent and indefinite appropriations as may be applicable thereto.

Mr. PUGH. I think that is the best amendment that was made to the bill.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

ENROLLED BILLS SIGNED.

A message from the House of Representatives by Mr. ALLEN, its Clerk, announced that the Speaker had signed the following enrolled bills and joint resolution; and they were signed by the Vice President:

A bill (S. No. 223) for the relief of Frances Ann McCauley;

A bill (S. No. 229) for the relief of Jane Turnbull;

A bill (S. No. 321) making an appropriation for deepening the channel over the St. Clair flats, in the State of Michigan;

A bill (H. R. No. 353) for the relief of Eli W. Goff;

A bill (H. R. No. 711) making appropriations for the legislative, executive, and judicial expenses of Government for the year ending June 30, 1860; and

A joint resolution (S. No. 87) in relation to the removal of obstructions to navigation in the mouth of the Mississippi.

CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 713) making appropriations for sundry expenses of the Government for the year ending the 30th of June, 1860.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Committee on Finance, as amended, to authorize the reissue of $20,000,000 of Treasury notes.

Mr. HUNTER. I hope the question will be taken now.

The PRESIDING OFFICER. Upon this question the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 24, nays 10; as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Bigler, Clingman, Davis, Fitch, Green, Gwin, Houston, Hunter, Iverson, Jones, Mallory, Mason, Pearce, Polk, Pugh, Reid, Rice, Shields, Slidell, Ward, and Yulee—24.

NAYS—Messrs. Broderick, Cameron, Clark, Dixon, Doolittle, Foot, Hale, Harlan, Simmons, and Wilson—10.

So the amendment was agreed to.

Mr. HUNTER. I am through with the amendments in my charge.

Mr. SLIDELL. I have an amendment to offer. I will state it. It is to insert in the bill an appropriation of $350,000 towards the completion of the custom-house at New Orleans, according to the estimate of the Secretary of the Treasury. I will prepare it and send it to the Chair.

Mr. BIGLER. While the Senator from Louisiana is preparing his amendment, I will send one up to the desk from the Committee on the Post Office and Post Roads.

Mr. SLIDELL. The amendment can be reduced to writing by the Secretary. It is in conformity with the estimate of the Secretary of the Treasury, to appropriate $350,000 for the completion of the custom-house at New Orleans.

Mr. HUNTER. Mr. President, the House cut down the appropriations for these custom-houses, leaving only the outstanding balance for the purpose of keeping them in a state of preservation. I think, in the present state of the finances, they did wisely to cut down navy-yards. They have suspended other public buildings, and I do not see why they should not suspend this one also. The Senator from Louisiana knows that I uniformly voted for the estimates for this building until now. I think that it will do no mischief to these buildings to wait awhile. I understand that the building at New Orleans settled rapidly last year, more, perhaps, that year than any other since it was commenced; and I think it will do no harm to it if we allow it to wait for another year.

Mr. SLIDELL. I do not want to occupy the time of the Senate unnecessarily, but I will state that, however much the custom-house at New Orleans may have settled, the settling has been regular, and does not in the slightest degree impair the stability of the building. I will state some facts in connection with this custom-house, and I will endeavor to be as brief as possible.

The site of the custom-house, which would to-day, in the public market, if sold under the hammer at auction for cash, bring $600,000, was given by the city of New Orleans for the express purpose of having a custom-house erected upon it. I do not pretend at all to enter into the question whether the original plan of this custom-house was judicious. Perhaps I might have said it was commenced on too magnificent a scale; but the sum of $3,000,000, or something approaching that amount, has been already expended upon it. It is intended to accommodate all the offices in New Orleans—the post office, custom-house, court, land offices—in fact, there is nothing connected with the administration of the Government of the United States in that section of the country that is not to be carried on under that roof. It appears, by the estimate of the Secretary of the Treasury, that, on the 30th day of June next, but $48,945 will remain unexpended of the appropriation now applicable for the purposes of completing that building. The bill making appropriations for the postal service of the country, if I mistake not, renewed all the appropriations which would have expired on the 30th of June, 1859, applicable to buildings throughout the whole extent of this country, which have not been commenced, many of them not at all, called for by the exigencies of the public service, many of them in opposition to any policy that would be pursued to-day. The custom-house at New Orleans is now very near completion. To arrest its progress would certainly not be consistent with the economical policy which I have always advocated; and I am sure my friend on my right, the chairman of the Committee on Finance, will say that I have sustained him with as much consistency as any man on the floor of the Senate. I am sure he will do me that justice.

Now, the question is, whether this building, commenced and prosecuted during a series of ten

years, after full examination and deliberation, shall be continued, or whether it shall be abandoned, because the suspension of the work upon that building will certainly be detrimental to the building itself. It is not roofed. A very small amount yet remains to be expended. The cost in the form of rent and other charges to the United States, would be more than the interest upon any sum that will now be appropriated; and I will say that it will be a signal breach of good faith on the part of the United States, if they should arrest the progress of this work at this stage of the building.

Perhaps it may be permitted to me to say, what under other circumstances I would not say, that I can speak from my own personal knowledge, that immense sacrifices have been imposed upon all the persons who are interested in property in the immediate neighborhood of the building. I happen, unfortunately, to be in that category myself, and I state this that I may not be exposed to the charge of having advocated an appropriation in which I might possibly be considered as having a contingent interest. The situation of that building is such as to impair, and almost entirely destroy, the value of all the property in its immediate vicinity. The streets are incumbered; the commerce of the town is interrupted; and while I certainly thought, at the time this donation was made by the city of New Orleans to the General Government, that my immediate interests were benefited by the donation and by the scheme that was then adopted for the erection of this building, which was tendered in good faith by the city, and accepted in the same spirit by the Government, I am not exaggerating when I say that my own personal interests, in the period of the last ten years, have been affected to the extent of more than fifteen or twenty thousand dollars by the diminution of rents in the immediate vicinity of that property. I do not wish to be extravagant. I might multiply the sum of my own individual losses, caused by the delay in the completion of this building, fifty-fold, making the loss of property-holders in the immediate vicinity of that building at least $1,000,000 in that time. It is a total prostration of the business of the immediate neighborhood of that custom-house.

I will go further, and say, looking at it as a purely economical question, a question of mere dollars and cents, that the saving of the expenditures of the Government, by the completion of that building in a reasonable time, (and I think it can be completed in eighteen months by a proper appropriation on the part of the Government,) would be an absolute saving. Now, when you take this fact into consideration, connected with the other fact, that $3,300,000 have been appropriated by the Senate, within two days, towards, not the completion, but the very initiation of works, the greater part of which are confessedly useless, uncalled for by any exigency of the public service, and which might certainly be dispensed with, if economy be the order of the day, without any injury to any individual, or to any public interest; I say, when you consider the very extravagant action of the Senate in that particular, I cannot, for a moment, hesitate in the belief and confident expression of opinion that, the Senate will concur in sustaining the amendment which I have just offered, and which is in conformity with the estimates of the Secretary of the Treasury. I have no more to say.

Mr. GREEN. I have nothing to say against the amendment proposed by the Senator from Louisiana; but for the same reason, predicated upon the same argument, I offer an amendment to his amendment.

The PRESIDING OFFICER, (Mr. POLK in the chair.) The Senator from Louisiana offers the following amendment:

For the completion of the custom-house at New Orleans, in conformity with the estimate of the Secretary of the Treasury, $350,000.

The Senator from Missouri proposes to amend the amendment by adding the following:

For the completion of the capitol building and penitentiary of the Territory of New Mexico, $93,000: *Provided*, That no part of the sum hereby appropriated shall be expended until a contract for the completion of said capitol and penitentiary, for a sum within the amount hereby appropriated, be executed by some responsible person or persons, and approved by the Governor and chief justice of the Territory.

Mr. GREEN. That is estimated for by the Department. It is in continuation of a work already commenced and partially completed, and without something to complete it, it will be a great loss. Most of the arguments applicable against the New Orleans custom-house, do not apply in this instance. But the Senator from Louisiana intimates to me that it will embarrass his amendment, and to accommodate him, I will withdraw it, and wait until the vote is taken upon his.

The PRESIDING OFFICER. Then the question is on the amendment of the Senator from Louisiana.

Mr. JOHNSON, of Arkansas. I beg leave, now, to say a word or two in support of what has been said by the chairman of the Committee on Finance in regard to the discontinuance of appropriations for these buildings in the present state of the Treasury. I am glad to hear that all the losses that may be sustained, at least in regard to the custom-house at New Orleans, will fall upon the friends of the Administration. There is something within the power of a party, here at least, that will be unselfish in its character to know that in making a sacrifice for the public good, it will fall just there, and nowhere else. The Senator's losses are a matter that we can well feel; the Senator himself refers to them.

Mr. SLIDELL. I hope the Senator from Arkansas will permit me to say that I trust he does no suppose I advocate this measure upon any ground of personal interest to myself. I hope he does not. I merely stated my own peculiar position, and I thought it was proper I should state it to the Senate, lest a misconception of my action and my motives should arise. I was advocating the interests of what I conceived to be a great portion of the community of New Orleans.

Mr. JOHNSON, of Arkansas. I have never supposed, from the beginning, that the Senator would be controlled by his own personal interests in his public duty. Not only have I never supposed it, but I have well known that there was no loss that could be entailed upon the Senator from Louisiana, that could ever induce him to assume this floor to utter one single, solitary word in favor of any appropriation. The fact that he was among those who were losers by leaving this building without any appropriation for the next year, would make it still more reconcilable to me to hear from one whom we know at least to be unselfish; that, in giving his advice to us, he did not ask that his voice and his advice might be pursued here for his personal good alone. There must be within this Senate some member, some feature, some character, or the word of some man upon which we may unite, or obtain at least a point of unity, in carrying out our votes for the public good. The Senator from Virginia has said to us to-night, with reference to the reductions made by the House of Representatives in these appropriations, that, though he has steadily voted for the estimates that have been made for buildings of this character, he must cease to do so in the present depressed condition of the Treasury. He believes that those reductions have been well made; and he says he will support them.

The Senator from Louisiana has no selfish interest in the proposition he has offered. We know that he is entirely above all such considerations. The Senator may have a selfish consideration with everybody else; but he speaks not of his interest in this matter; but he speaks of it as affecting many others. Those others, I believe, are friends of this Government; and desire that it should be prosperous, and its affairs carried on successfully. Let that general sentiment which has been involved in the vote that has fixed a reduction upon all those public works in the House be considered advantageous; let us act upon the recommendation which has been given to us through the most responsible quarter from which we could get such a recommendation in this body. Let that consideration, and that advice, be followed. I shall be glad to vote against all these appropriations, wherever I cannot obtain that same testimony in behalf of a concession of this character. While I pursue that course, I do hope that some little of the countervailing and contrary opinion that may exist in other quarters, may also act in the same spirit, and enable us to pass the bill which is now before us to carry on the Government, and thus avoid the expenditure of the millions of dollars that must be involved by having an extra session of Congress. I shall vote against the appropriation of one single dollar beyond what is contained in the bill for the custom-house at New Orleans, for the simple reason that I believe it is far better to leave it to test the value of its own foundation by still another year. Knowing that Congress will give what is due to it in the next year after it has been subjected to these tests, I should prefer to subject it to that test, rather than to endanger this bill by putting upon it appropriations for these buildings during the present Congress.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Louisiana.

Mr. BRODERICK and Mr. TRUMBULL called for the yeas and nays; and they were ordered.

Mr. TRUMBULL. I ask that the amendment be again reported to the Senate.

The Secretary read it.

Mr. TRUMBULL. I desire to read a single line from the report of the Secretary of the Treasury, made last May, in which he states that the amount appropriated for this building is $2,925,258; and, in reference to the building, he says:

"The building still continues to settle, and, from some unexplained cause, at an increased rate during the past year."

Now, I should think that we have appropriated quite enough for that building, for it is manifest that it is going to tumble down.

Mr. JOHNSON, of Arkansas. Will the Senator permit me to interrupt him for a moment?

Mr. TRUMBULL. Yes, sir.

Mr. JOHNSON, of Arkansas. I would say to the Senator, if he puts his opposition to this appropriation upon that ground, it is utterly impossible that it can prevail with those Senators who will reflect calmly and wish to act fairly upon the subject. I trust that the Senator will not insist upon such an argument as that, for it amounts to this: that the Government can never have itself properly represented there. I think he must change the whole character of the votes of many—I know he will change the character of my own for one—if he places his opposition on a principle of that sort.

Mr. BENJAMIN. I merely wish to say one word in support of this appropriation, and especially, to answer the observation of the Senator from Illinois. The Senator from Illinois reads a portion of the report of the Secretary of the Treasury, which states that this building has settled two and eight hundredths of an inch last year. Well, sir, that is nothing very extraordinary. All the large buildings in the city of New Orleans settle, from year to year, for a series of years, and the reason is obvious. The soil is alluvial; it is compressible in its nature. All heavy buildings settle on that soil to a certain extent, but after a certain number of years that settling ceases.

Mr. TRUMBULL. If the Senator will allow me, the report from which I have read does not state that it settled two and a half inches. It says it sunk more last year than the year previously, but does not state how much.

Mr. BENJAMIN. The Senator is mistaken. He has not read it all. It states that "the maximum settlement from December 6, 1851, has been twenty inches and eighty-eight hundredths." These large buildings generally settle from two to three feet before they have attained their regular level. The St. Charles hotel, which is a building of five or six stories in height, has settled, I think, something over two feet since it has been built, but there is not a crack in the walls. If the Senator had read the whole statement, he would have perceived that is the condition of the building. There is no trouble about it whatever? It shows that the maximum settlement since December 6, 1851, was twenty inches and eighty-eight hundredths; the minimum settlement was thirteen inches, and the mean settlement sixteen inches and ninety-four hundredths. In the two years, 1856 and 1857, the mean settlement of the building was one inch and seventy-one hundredths. During the past year it was two inches and eight hundredths.

Now this building has been about ten years in progress of construction. It is a building of enormous weight, entirely of granite. The walls are exceedingly thick It is already more than four

stories high. It occupies the entire square, fronting upon four streets. The area of the building, as originally laid out by the architect, exceeds in superficial feet the area of the Capitol that we are now in. It was intended, originally, by the Government, to be a building of uncommon size and splendor. The original motive for erecting a building of this character being a free gift, as explained by my colleague, by the city of New Orleans of a piece of ground, worth $600,000 in the market, to the Government for a custom-house. At that time, it was not known that iron could be applied to buildings of this character, with more advantage, on a soil as compressible as ours is, than granite. The building was commenced of granite. As I stated before, its weight is very great; the soil is compressible. The building is gradually settling, and I suppose will continue to settle for two or three years more; and when it has finished settling, the foundations will have settled down probably altogether between two and three feet, just as all the large buildings in that soil do.

I will state, that the geological formation of that alluvial valley is, when we go down a depth of about fifteen or twenty feet, we reach a tough blue clay. All above that is composed of the deposit of the overflow of the river, or of the decayed remnants of vegetable matter. We go down some twenty feet, and find there the stumps of cypress trees twenty or thirty feet under ground. I have seen, myself, excavations at that depth, where cypress trees, of three or four feet in diameter, were placed so close together that one could hardly walk between them. It is matter of wonder how the soil could ever support so enormous a vegetation. My friend from Pennsylvania [Mr. CAMERON] knows something about it. He was chief engineer in the construction of a canal in New Orleans for a number of years. He understands that soil perfectly.

Mr. MASON. The Senator will allow me to ask him, in that condition of things, what security have they for a building of this superabundant weight?

Mr. BENJAMIN. The security of a century of experience. Our St. Charles hotel is six or eight stories high. Nobody ever heard of the walls cracking.

Mr. MASON. What is it made of?

Mr. BENJAMIN. It is built of brick, not of granite. The walls are of brick. The building is six or eight stories high. I do not know how high. Nobody ever thought for a moment there was the slightest difficulty about the stability of the construction.

Mr. MASON. Will the Senator allow me to ask him how much the St. Charles Hotel has sunk?

Mr. BENJAMIN. I should say about two feet.

Mr. MASON. How long were they building it?

Mr. BENJAMIN. I cannot tell how long they were building it; but this building, or the one which was burnt down in place of the present one, I suppose was built fifteen or eighteen or twenty years ago. I forget exactly. My colleague can tell.

Mr. MASON. How long was it in course of construction?

Mr. BENJAMIN. I think some two or three years. I will not pretend to be particular about that; but I know that the first St. Charles Hotel was burned down, and in rebuilding it, it was found that the level of the first floor had sunk something like two feet, perhaps two and a half feet; and, in rebuilding it, the floors were raised; but the building never for one instant threatened destruction. Nobody ever doubted for a moment the stability of the building, because, the cause of the subsidence of the building being the same in all parts of the foundation, the building settles together. Here or there there may be a stump, something in the soil preventing an exact equality of the subsidence; but, as a general rule, there is a mean subsidence. All the walls being of about equal weight, settle together, and there is no trouble at all in relation to the stability of the building. The engineers do not express a doubt as to the building remaining firm.

Mr. SLIDELL. Will my colleague permit me to interrupt him for a single moment? In consequence of the subsidence of the soil, a change has been made in the plan of the building. The purpose originally was to continue it to its extreme height of granite, and cover it with granite. Under the advice of the engineer, one of the most valuable men in the country, one of the most scientific and experienced engineers in the country, iron has been substituted for the roof of the building, and there is no reason to apprehend that any great subsidence will now occur, because the completion of the building will not throw any very great additional weight upon it. I believe that is the fact.

Mr. BENJAMIN. Now, my colleague moves an appropriation of $350,000, which is the entire estimate required by the Department for the present year. Under the circumstances, if it be supposed the Treasury is not in a condition to allow of the appropriation of the entire amount of the estimates, I, for one, would be ready to yield to any reasonable reduction for a diminution of the expenditure during the current year; but the proposition of the House bill is merely to use the unexpended balance of appropriation in finishing the building for use. Now, the unexpended balance of appropriation in November last, out of $250,000 appropriated for the current service of the past year, according to the Treasury estimates, was $48,945. I suppose, in all probability, there are not $5,000 left unexpended. The consequence will be that the building will remain as it is, exposed to decay, and a probable loss to the Government exceeding any moderate appropriation that might be made at the present time to continue the construction.

One word more, Mr. President. I am sensible I am rendering the Senate impatient, and I do not desire to make a speech on such a subject. This building is not simply for the purpose of providing court-houses, for which we are paying a heavy rent in that city, post offices, for which we are paying heavy rent, and custom-house accommodations, which are now provided by the building in its present unfinished state; but the area of the ground was so large that the plan of the building contemplated covering the entire ground floor with warehouses. Those warehouses, I believe, are estimated to bring in from seventy-five to one hundred thousand dollars rent when completed. Now, that ground floor would give that revenue, besides saving the Government—and the building does save the Government—from paying the heavy expenditure now going on for court-houses and post offices. Rents are very heavy in New Orleans.

I do not pretend to say, nor will I for one moment contend, that the expenditure of the Government on this building has been wise and judicious. Experience has shown us that the plan orginally was too magnificent. It was an extravagant plan. I do not defend it. But, the building has now nearly reached the point to be covered by its permanent roof, and the question is, whether we shall leave a building of that character, upon which $3,000,000 have been expended, carried up to the height of the roof, without putting the roof on it. This expenditure, this year, will cover the building, as I understand, and the subsequent expenditures made by Congress will be for finishing the interior. Certainly a very small sum of money, proportionate to that expended, will suffice to complete the building.

Mr. WILSON. Will the Senator from Louisiana tell us how much will complete the building, or near it?

Mr. BENJAMIN. I once built myself a dwelling house. My contract price was $15,000, and it cost $28,000 when I got through. Now, what this will cost, when we get through with it, I do not know.

Mr. COLLAMER. It has cost $3,000,000 already.

Mr. BENJAMIN. Yes, sir; it has already cost $3,000,000. It may cost $500,000 or it may cost $1,000,000 more, I do not pretend to know. I do not desire to mislead or deceive any Senator; but the building cannot be abandoned by the Government as it stands. It must be completed. It has filled an entire square of the city. The Government has an entire granite building, four or five stories high, I forget which. It is a very tall building, and ready for the roof. If it is supposed the Government cannot afford to spend $350,000 on it this year, make some reduction of the amount suggested by my colleague; but, at all events, let the building be taken care of.

Mr. KING. I have been informed that there is not money enough in the Treasury to pay the appropriations; and that some of the appropriations which have been heretofore made, have exceeded the amount in the Treasury; that the Secretary has been unable to obey the command of the law; that he has been compelled to discriminate and to refuse to execute the law, because he has not the funds. Now, I would inquire of the Senator from Louisiana if he supposes that there is money in the Treasury, so that the Secretary can carry out this appropriation?

Mr. BENJAMIN. I will say this to the Senator: if there is no money in the Treasury, I certainly shall not blame the Secretary for not carrying it out.

Mr. KING. That is no answer at all.

Mr. BENJAMIN. Then I will say to the Senator that the Secretary asks us to appropriate this amount; and, therefore, I suppose he has the funds.

Mr. KING. Yes, sir, exactly; so I supposed. The Senator from Louisiana may feel very safe, because he may believe that the Secretary of the Treasury will use this money for this purpose; but, when it comes to another appropriation, for another object equally desirable for the public interests, the Secretary of the Treasury says: "This is one of those appropriations which, in my discretion, I think not desirable to expend, and I have no money in the Treasury for this purpose."

The appropriation for the object to which I allude was made some two years ago. Here is an appropriation made last year, and another one made this year, and the Senator relies upon his friend to execute it; but when an appropriation for another object is brought up, it is different. That is a sort of discretion and favoritism of which, in my judgment, just complaint has been made in this country, upon the part of the executive department of the Government, whose business it is to execute the laws.

Now, I have no disposition to interfere with this subject, so far as this appropriation for this custom-house is concerned. Perhaps it ought to be finished. The Senator from Louisiana did me the favor, the other evening, to make the building of the custom-houses upon the banks of the St. Lawrence river the subject of an elaborate report, from books, in which he showed that, about a year ago this time, the ground had been purchased, jurisdiction ceded by the State, and all ready to go on; and the Secretary had nothing in the way of going on and executing this provision, after that appropriation was made for those custom-houses, including the one at New Orleans. The Secretary has expended money on that——

Mr. BENJAMIN. I will ask the Senator from New York, when he perceives that it is very hard to get a measure through, whether it is fair that he should oppose it on the ground of other Senators making opposition to his own measure?

Mr. KING. I say to the Senator from Louisiana, that there is nothing like revenge in this matter. I simply desire to show to the Senator from Louisiana the impropriety of the few remarks he made the other evening, in relation to a custom-house in my quarter, to which I did not reply, because I had become satisfied that the Senate would disagree with him, and agree with me as to the continuation of the appropriations. I did not, upon that occasion, undertake to make any charge or imputation upon the Secretary. What I said then, and say now, is, that no such ground as that could be set up here at any time. We should not consent, in the Senate or in the House, to a claim for the executive department of the Government that this discretion exists. They are bound to go on, in my judgment, and execute the laws *pro rata;* and so far as the credit of this Government, for this purpose, is required by law to execute them, they should rely upon money in the Treasury. It always is there. If the revenue does not produce it; if the taxes of the country do not produce it, a loan is resorted to, or Treasury notes are provided for at once, to whatever extent the executive department requires. While I shall make no special objection to this appropriation, if it is to complete a building already commenced, yet every report I have looked upon in regard to it, states that it is sinking so that perhaps you will want to add another story by-and-by, and want more money. I shall

make no objections to its continuation; but I say it is one of the strongest arguments that can be presented to the Secretary of the Treasury, to induce him to go on and execute the other works which he is specially directed by law to execute.

Mr. HUNTER. I merely wish to say, that if we adopt this amendment, I see no end to it, except that we shall get all the custom-houses put upon this bill. If this is not a time to retrench and suspend public works, that time can never be. We have expended largely upon this building. I am willing, when the Treasury is in a better condition, to finish it; but I think there are good grounds for suspending it now, from the fact stated in the report of the engineer, that the subsidence of the building was greater last year than it has been for some time.

But, independently of that, I think the condition of the Treasury is such that we ought to apply a general rule, and suspend them all, where it can be done without too great a loss of public money. Now, the House proposes to devote to the preservation of these buildings the amount of outstanding appropriation, which, I presume, will be enough to prevent them from suffering loss. If this amendment should be adopted, I suppose, according to the rules of equity and of justice, we shall have to put the others on. I simply wish to remind the Senate that we have upon this bill, already, an amendment for the reissue of Treasury notes, upon which depends the safety of the Treasury from absolute disgrace, or else a very early call of an extra session. I am unwilling to overload this bill with debatable matter. But, independently of the other subject in regard to Treasury notes, in the present condition of the Treasury I am unwilling to agree to this amendment; because, if I do, I see no end of it except bringing them all on. That will be the result.

Mr. BIGLER. I desire to offer an amendment to the amendment of the Senator from Louisiana. I move to strike out "$350,000," and insert "$200,000." That will enable them to go on this year.

Mr. SLIDELL. I will accept that amendment.

The PRESIDING OFFICER. The question is on the amendment as modified.

Mr. TRUMBULL. I do not altogether agree with the Senator from New York. He says he has no objection to this appropriation. I think it is time, high time, that we should stop appropriating money for this building. I take it, a building suitable for a custom-house at New Orleans can be commenced from the foundation and built with the amount of appropriation that is now asked to go on with this building. Three hundred and fifty thousand dollars, I take it, will build as good a building as they ought to have there. The custom-house at Philadelphia cost but little more than that.

Mr KING. If my friend will allow me, I did not express any intention to support this amendment. I simply designed to say that I had not examined this question. I thought it well enough to complete this building, upon which a large amount had been expended. I did not speak of it particularly. But one very great objection to it is, that it is stated it cannot stand, and every report shows that the building is continually sinking.

Mr. TRUMBULL. Now, sir, when we have commenced a building, on a scale to carry out which will cost more than it will to begin a new building of suitable dimensions and finish it, I think we had better abandon the extravagant plan upon which we have commenced, and erect a building of suitable dimensions. I called attention to the appropriations for those custom-houses at New Orleans and Charleston last year, and objected then to the appropriation of about half a million of money to those two buildings; but I was voted down in the Senate. Now, we have a proposition renewed here again, going on appropriating money for these buildings, for I suppose the Charleston custom-house will come in next, at the rate of about half a million a year, without any estimate to show what they are ultimately to cost. Why, sir, this building at New Orleans, for the accommodation of the custom-house, has already cost half as much as this whole Capitol, with all its wings. Think of it; half as much as this large Capitol here has been appropriated to construct a custom-house in the single city of New Orleans, and now $350,000 more are asked. I find, by looking at the report, since my attention was called by the Senator from Louisiana to the sinking of the building, that it is stated here that the maximum settlement, during the past year, has been three and a half inches, and the minimum settlement, sixty-six hundredths of an inch; thus sinking, as I understand the report, three inches more upon one part of the building than upon the other. It seems that, from 1851, the maximum settlement has been twenty inches and the minimum settlement thirteen inches, showing a difference of seven inches. Can walls stand that way and sink that way without cracking?

Mr. BENJAMIN. They always do.

Mr. TRUMBULL. They always do! Well, it is very strange that one part of the building can sink twenty inches and another thirteen, and still all stand perfectly well. Last year one part of this building sunk upwards of three inches and other portions less than one, a difference of three inches. It must be a peculiar kind of ground they have in New Orleans that has that stretchable quality about it.

It is to such a building as that, to which has already been appropriated $2,925,258, that this large appropriation is asked at this time. I find, also, and I ask the attention of the Senator from Virginia to this point, that the amount withdrawn to the 30th of September, 1858, that is last September, was $2,576,312 62; balance applicable on the 1st of October last, $348.945 38. I understood the Senator from Louisiana to say that the balance was only about $48,000. He must have a late report, I imagine.

Mr. SLIDELL. If the Senator from Illinois will permit me, that is the balance, according to the estimate of the Secretary of the Treasury, which will remain on the 30th of June, 1859, applicable to the expenditure of the building.

Mr. TRUMBULL. Then that is a statement in advance of what will remain on the 30th of June next.

Mr. SLIDELL. Yes, sir.

Mr. TRUMBULL. I apprehend, then, that there is now between three and four hundred thousand dollars, which are available for taking care of this building.

Mr. SLIDELL. If the Senator from Illinois will permit me, I do not wish to prolong this discussion; but I will state why the unexpended balance has been so large in October. In consequence of the severe and fatal epidemic that prevailed in New Orleans during four or five months, a period of unexampled duration, the works were necessarily suspended upon that building and the ordinary expenses of the summer were not made. That is the cause of the apparently large balance remaining on that day.

Mr. TRUMBULL. Then it seems that this large balance has arisen from the unusual prevalence of an epidemic there last summer; but still the balance remains, unless it has been used up since October, and we have no evidence of that. It seems there will be a balance at the close of the fiscal year ending the 30th of June, of $48,000, as I understand from the Senator from Louisiana. Now, I think, the balance which will remain then will be sufficient, together with what must be now there—the exact amount I cannot tell, but I suppose it must be a much larger amount than $48,000, for it is not likely that they have used the $300,000 since October.

Mr. BENJAMIN. The whole balance in September last was what the Senator has read. Then the estimate states that all that would be left on the 30th of June next unexpended of that balance will be $48,945. The remainder of the sum will have been exhausted in the interval in the payment of wages and contracts.

Mr. TRUMBULL. The remainder will have been exhausted, I imagine, if they go on and do as much work as they expected to do when these estimates were made. There is an estimate made out at about the same time this finance report was prepared. It is an estimate, of course, based upon the idea that they would be able to do such an amount of work as required the sum of $300,000 to pay for, between the time of making the estimate and the 30th of June next. Whether they will be able to do that amount of work or not, I do not know; but if they are informed now, by this bill, that no additional money is to be appropriated, I apprehend that they will not expend that amount in going on with the building, but rather will turn it to taking care of the property and protecting the building from exposure.

Mr. SLIDELL. Very much the largest portion of that unexpended balance will not be applied to the payment of work done in New Orleans upon the building, but to immediate contracts for the delivery of granite from New Hampshire, and iron from Pennsylvania, that will be delivered within that period. A very little portion of it will be applied to the mere work on the building.

Mr. TRUMBULL. These are details that, of course, we cannot go into here. One Senator from Louisiana supposed it would be applied to the payment of workmen, and the other thinks it will be for material. I do not know how that is.

Mr. SLIDELL. I say, both.

Mr. TRUMBULL. The fact is, there was this amount of $348,000 on the 1st of October last, and the estimate is, that there will be $48,000 of it on hand on the 1st of July. That is a sufficient sum, in my judgment, to protect the building, and I trust no additional appropriation will be made now for continuing the work on this custom-house, or at any future time, until we have an estimate from the engineer, letting us know exactly what it will take to finish the building, and until it has ceased sinking at the rate of three and a half inches a year, and until we can have some assurance that this great pile, erected at an expense of three or four million dollars, is not to tumble down.

If we mean anything by what is said daily about retrenching the expenditures of the Government, surely here is an appropriate place to begin to do it. The idea of such a building as that is being erected in any city of the Union for the accommodation of custom-house clerks, seems to me to be monstrous. The building in the city of New York, where the greater portion of our revenue is collected, has only cost the Government $1,100,000; that in Boston, only about one million one hundred thousand dollars; that in Philadelphia, less than one half that amount; and here is already appropriated for this building in New Orleans about three million dollars; and the amount now asked to continue the work upon which is large enough to commence and finish a suitable building for the purpose.

Mr. SLIDELL. I will state that I have agreed to the modification of the amendment by the Senator from Pennsylvania. It will then read:

For the completion of the custom-house at New Orleans, in conformity with the estimate of the Secretary of the Treasury, $200,000.

The Secretary proceeded to call the roll.

Mr. KENNEDY, when his name was called, said: I have paired off with the Senator from Alabama, [Mr. CLAY.]

The result was then announced—yeas 16, nays 27; as follows:

YEAS—Messrs. Allen, Benjamin, Bigler, Bright, Brown, Davis, Green, Hammond, Houston, Iverson, Jones, Lane, Mallory, Polk, Slidell, and Ward—16.

NAYS—Messrs. Bayard, Broderick, Chandler, Clark, Clingman, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Fitch, Foot, Foster, Hale, Hamlin, Harlan, Hunter, Johnson of Tennessee, King, Mason, Pugh, Reid, Stuart, Trumbull, Wade, and Yulee—27.

So the amendment was rejected.

Mr. DAVIS. I wish to present an amendment from the Committee on Public Buildings and Grounds:

For making the necessary alterations to the rooms assigned to the Court of Claims, including the removal of the partition between the rooms formerly occupied by the Senate Committees on Military Affairs and on Indian Affairs, $5,000.

I will merely state to the Senate that, when the Senate took possession of this wing of the Capitol, the Court of Claims was necessarily compelled to give up the rooms which they occupied; and, in making some provision for them, they were put in the rooms formerly occupied by the Committees on Naval Affairs, Military Affairs, and Indian Affairs, of the Senate. Neither of the rooms is large enough, however, for the business of the court. To make it so, it would be necessary to knock away a part of the wall which divided the room of the Committee on Indian Affairs from that of the Committee on Military Affairs, which can be done without any injury to the building, with some minor arrangements in relation to heating and ventilation, and will cost,

it is estimated, the sum of $5,000. That appropriation is asked for the accommodation of the Court of Claims.

The amendment was agreed to.

Mr. DAVIS. The same committee have instructed me to offer an amendment providing for the heating of the center building with the same system as that applied to the wings:

For extending to the center building the system of heating adopted for the wings, $74,600.

I will state to the Senate that the same furnaces which are used for heating the wings will suffice for heating the center building. It will require an additional boiler at each extremity, and the introduction of pipe and other apparatus necessary for conducting the heat from the steam boilers. With this, all the corridors and passages will be brought to the equal temperature which now exists in the wings. Persons passing from one wing to the other will not be exposed to the chilling draught which they now encounter; and it is found, upon calculation of the amount of fuel consumed and the persons employed to keep up the heating of the center building, that this will be more economical, and will also relieve the building entirely from that danger of fire which has already destroyed a portion of the Library, and may involve a large portion of the documents which are kept in the center building. I ask the sense of the Senate upon the amendment.

Mr. PUGH. I think the present system of heating the wings evidently defective. If it is proposed to extend it, I shall certainly vote against it. I think the experience of the Senate at this session is against this proposition. At one time this room is so hot as to be barely inhabitable, and at another time too cold; and if it is proposed to extend that failure to the center building, I would much rather have the old system. I think we were better off in the old Chamber than here. My opinion is, that the whole thing is a failure; and I do not want to spend more money upon it.

Mr. DAVIS. I will merely say to my friend from Ohio, whom I have been unfortunate in attempting to convince, that I will not argue with him this question of heating generally; but I will merely say to him, that that of which he complains does not belong to the system of heating. It results from the open spaces by which the heat was brought into the Chamber, and I think I can promise him, with some assurance, that when the Senate meets at the next session, he will find that these gratings have been removed; that instead of horizontal drafts of air, there will be vertical columns, and all that of which he complains will no longer exist. It is not in the system of heating, but in the manner in which the heated air has been introduced into the Chamber.

The amendment was agreed to.

Mr. DAVIS. This is the last amendment with which I shall tax the patience of my friends here. I present it from the same committee, the Committee on Public Buildings and Grounds:

For completing the aqueduct to supply the cities of Washington and Georgetown with Potomac water, $250,000.

Mr. WILSON. I thought we were assured last year that the appropriation of $800,000, I think it was, would be amply sufficient to complete this work. I should like to have some explanation of the amendment. I should like to know why it is necessary to appropriate this additional $250,000.

Mr. DAVIS. I believe I can answer more briefly than otherwise by reading from the report of the chief engineer, page 194 of the estimates. I find that the estimate required by the engineer of the Department for this work is $250,000. This is the estimate of Colonel Thayer, and the note which is appended to this estimate gives the explanation which, I think, the Senator asks:

"The original estimate contemplated the completion of the work in two years; and, when that estimate was submitted, it was stated by the officer who prepared it, (Captain M. C. Meigs, corps of engineers,) that if the work was delayed by meager appropriations, its cost would be much increased. (See Senate Executive Document, No. 48, second session, Thirty-Second Congress, page 33.)

"Instead of two years, five and a half years have now elapsed since the work was begun, during two of which (1854 and 1856) no appropriation was made, and the appropriations made in 1853 and 1855 were insufficient for effective prosecution of the work.

"With the liberal appropriations of 1857 and 1858, great progress has been made, and if the appropriation now estimated for be granted, the work will be completed during the next season."

In addition to this, I will state that under a system which we all approve, but which is not without its defects, some portion of this work which was commenced by the engineer upon plans devised by him, was let out to contract, and the cost was increased by so doing. I will cite, for example, the great bridge over what is called the Cabin John creek, the largest single arch in the world, for which the engineer had made complete arrangements, all his machinery purchased, and a large portion of the material was upon the ground. If he had been left to construct the work without the contract system being interjected, he would have completed it certainly for a much smaller sum than the work was executed for by contract.

Nor is this all. It is the interest of every contractor to urge that more work has been required of him than was required by the contract; and in that very case, the contractor has now appealed from the decision of the engineer to the Secretary of War for an allowance, I think of $13,000. The employment of agents, first by the contractor and secondly by the Government, to watch the work of the contractors, together with the fact that the engineer has not had the undivided control over the work, which I believe he would have constructed with greater economy, has caused the expense to exceed, if this amount be appropriated, by twelve per cent. the estimate which was made six years ago; and I venture to say there is not a work of equal magnitude in the United States, the achievement of which has come so near to the estimate as this very one.

Of the officer in charge of it I will say, I have known no man who has shown higher diligence, higher integrity, and higher capacity, for the execution of a public work. If there be faults in the administration of it, I do not think they lie at his door. I believe, now, that we may rely upon the statement that the $250,000 asked for will complete the work, and complete it within a year. If it is withheld, some of the tunnels but partially excavated, some of the bridges not yet completed, some of the culverts still unfinished, will cause dilapidation, and a larger amount must hereafter be appropriated. Moreover, Senators will observe that, as they protract the work, so they will increase the expenditure necessary by keeping the engineers and agents—the officers receiving the highest pay—in employment, without adequate appropriation to call forth all their energies. These are the reasons for the amendment. I hope they will be satisfactory to the Senate.

Mr. WILSON. I shall vote, Mr. President, for the proposition made by the Senator from Mississippi; but I want to hear the last of appropriations for completing this work. We were assured, I think, two years ago, that an appropriation, if then made, would complete it. It appears that there was a mistake of $250,000; but we have undertaken the work; it has been laid out upon a magnificent scale; an aqueduct one third the size of this one would have been ample for this city for all coming time; it is much larger than the work which supplies the great city of New York; but the work was commenced on a large scale, has cost a large sum of money, and we are assured now that $250,000 will complete it; and, on that assurance, I will vote for the amendment.

Mr. JOHNSON, of Tennessee. Let us have the yeas and nays on the amendment. ["Oh, no!"] Why not? It will take but little time. I demand the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. JOHNSON, of Tennessee. Very well.

The amendment was agreed to.

Mr. GREEN. I have an amendment to offer; but I will yield to the Senator from Mississippi.

Mr. BROWN. I offer the following amendment——

Mr. BIGLER. I sent an amendment up to the desk some time ago, which, I think, should be considered before these other amendments.

The PRESIDING OFFICER. The Chair will state to the Senator from Pennsylvania that his amendment was sent up before the present incumbent of the chair took it.

Mr. HUNTER. The Senator cannot get the floor by sending an amendment up to the desk.

Mr. BROWN. The Senator from Missouri allows me, in consideration of the fact that I have to attend a committee of conference, to offer one or two little amendments. They can give rise to no debate. If they should, I will let them go; but they are so palpably right that I do not think anybody will object to them. The first is:

For grading and graveling B street south, between Seventh and Fourteenth streets west, setting curb and paving gutter with stone and footway with brick, on the north side of the same, next to the public reservation, $7,979 50.

I only want to say that that is in execution of an existing law.

Mr. HUNTER. Is there an estimate for it?

Mr. BROWN. There is. The committee called upon the Commissioner of Public Buildings to have an estimate made by the engineer. It was made in accordance with the usual mode of doing such things.

Mr. HUNTER. Who is the engineer?

Mr. BROWN. The engineer, I think, is Mr. Coyle.

Mr. PUGH. It strikes me that the estimate of $7,000 for paving and flagging is enormous.

Mr. BROWN. The gentleman does not know how much grading there is. B street runs the whole length of the mall, from the Capitol to the Potomac river. There is a memorandum attached to the bottom of the amendment, explaining it.

Mr. PUGH. Let the amendment be read again; there must be some mistake in that estimate.

Mr. BROWN. No; there is no mistake in it; it is for seven squares.

The Secretary read the amendment.

Mr. BROWN. It is made in pursuance of existing law, and I suppose there will be no objection to it.

The amendment was agreed to.

Mr. BROWN. I have another amendment to offer.

For paving, grading, and improving F street north, between Ninth and Fourteenth streets west, $8,887 39.

All I have to say is, that F street is the street between the Patent Office and the Post Office and the Treasury and other Departments at the other end of the avenue. It is one used by the Government, and is in a terrible state of dilapidation. The committee thought it the duty of the Government, inasmuch as they use it for their own purposes, to keep it in repair. We offer that amendment in accordance with that object.

The amendment was agreed to.

Mr. BROWN. I have one other little amendment, which I hope will be agreed to. I suppose there will be a point of order made on it:

To enable the Commissioner of Public Buildings to pay to C. B. Cluskey a balance due him for services rendered as engineer for the United States, in 1849, $626 50.

Mr. HUNTER. I raise a question of order on that amendment. It is a private claim.

Mr. BROWN. I want to say, before the question is decided, that we have more than once put on exactly similar amendments on this bill.

Mr. GREEN. The point of order must be decided without debate.

The PRESIDING OFFICER. The Chair thinks the question is not debatable. The Chair decides the amendment to be out of order.

Mr. GREEN. I now offer my amendment, which is lying upon the desk of the Secretary, to come in between lines forty-one and forty-two:

For the completion of the capitol building and penitentiary, in the Territory of New Mexico, $93,000: *Provided*, That no part of the sum hereby appropriated shall be expended until a contract for the completion of said capitol and penitentiary for a sum within the amount hereby appropriated be executed by some responsible person or persons, and approved by the Governor and chief justice of the Territory.

Mr. HUNTER. Is there an estimate for that? I do not raise the question of order.

Mr. GREEN. Yes, I have an estimate. It is an estimate made by the Secretary of the Treasury, showing that this sum will complete the present buildings.

Mr. HUNTER. Then he does not recommend it.

Mr. GREEN. And he recommends the appropriation. There have been expended $60,000 on the two buildings. One is twenty-five feet high, and the other thirty-four feet high; and they are now exposed. The capital is the permanent capital; it is the center of the Territory, the center of population, and will be forever the center of population of the Territory; and, therefore, this money may properly be expended.

Mr. HUNTER. Allow me to say that I think there must be some mistake about the estimate.

It is not in the book of annual estimates, unless it has come in since the annual report. What is the date of that estimate?

Mr. GREEN. May 13, 1858.

Mr. HUNTER. That was a long time ago. The annual estimates do not mention it.

Mr. GREEN. I apprehend, if the Secretary changed his opinion, he would have informed us of the fact. That Congress failed to act on the estimate and recommendation before, is no reason why we should not now act upon the recommendation and estimate; but I will not consume time. I will only ask a vote of the Senate upon it.

Mr. JONES. I wish to offer an amendment to that. I have asked my friend, the chairman, to allow me to offer an amendment for Omaha city.

Mr. GREEN. I will answer that that was before the Committee on Territories, and we voted it down.

Mr. JONES. Yes, sir; and so was the other one for New Mexico voted down in committee.

Mr. COLLAMER. Both were voted down.

Mr. HUNTER. Then I raise a question of order, if the committee voted them down.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa to the amendment.

Mr. HUNTER. I raise a question of order upon both of them. I understand they were voted down in committee; and Senators have no right to offer them as individual members.

Mr. GREEN. If recommended by the head of a Department, they may; but if not recommended by the head of a Department, then they must be recommended by a committee. The Senator from Iowa has neither for his amendment. I have one, but not the other.

Mr. HUNTER. Here are the annual estimates, and I do not find that estimate among them. The estimate to which the Senator alludes was made a year ago.

The PRESIDING OFFICER, (Mr. POLK in the chair.) The Chair decides, on the statement of the Senator from Missouri, that his amendment is in order.

Mr. JONES. But, Mr. President, I will thank you to listen to me for one moment. There is the same authority for the amendment providing for Omaha city that there is for the one for New Mexico.

The PRESIDING OFFICER. No point of order was made on the amendment offered by the Senator from Iowa to the amendment.

Mr. HUNTER. I cannot raise it, if it is decided that the amendment offered by the Senator from Missouri is in order. I do not see how I could raise the rule on the Senator from Iowa, if the amendment of the Senator from Missouri is decided to be in order, because both were voted down in committee.

The PRESIDING OFFICER. The Chair has not decided. He has not heard the question of order made upon the amendment to the amendment at all.

Mr. HUNTER. I raised it on both.

The PRESIDING OFFICER. The Chair did not so understand. However, the Chair does not rule it out.

Mr. JONES. I want it distinctly understood that I am myself decidedly in favor of the appropriation for New Mexico; but I am equally and warmly in favor of Omaha city. I do not believe we should make any distinction between Territories North and South. For myself, I am as much in favor of the South as I am of the North in such cases. I have been the representative of a Territory, and I know how to feel for them, because they have no representatives here. I believe both these amendments were voted down in committee; but if the majority of the members of the committee have agreed to the amendment of the Senator from Missouri since, in the one case, they must agree to it in the other.

Mr. BRIGHT. I should like to have the amendment to the amendment read, to see what it is. We cannot legislate intelligently unless we know what is before the Senate.

Mr. BIGLER. I would suggest to the Senator from Iowa that he can offer his amendment to the bill.

Mr. JONES. No; I want both to go together.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The Secretary read the amendment, which is to add the following:

And be it further enacted, That the sum of $63,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, as follows: $30,000 for the purpose of completing the capitol building of said Territory, and $33,000 for the purpose of erecting a prison-house in said Territory: *Provided*, that no part of the sum hereby appropriated shall be expended until a contract or contracts for the completion of said capitol, and for the erection and completion of said prison-house, for a sum not exceeding the sum hereby appropriated, be executed by some responsible person or persons, and approved by the Governor of said Territory.

SEC. —. *And be it further enacted*, That before any part of the sum hereby appropriated for the erection of a prison-house shall be expended, the judges of the supreme court of said Territory, or any two of them, shall designate the site for the erection of said prison and report the same to the Governor, who shall thereupon cause such prison-house to be erected on the site thus selected.

Mr. BRIGHT. Now, I should like to inquire if these items were estimated for by any Department?

Mr. JONES. Certainly they were.

Mr. BRIGHT. Well, sir, I want the estimate read. What Department?

Mr. JONES. The chairman of the Committee on Territories has the paper before him.

Mr. GREEN. I have never had estimates for that appropriation from any Department. I have estimates for the capitol buildings in New Mexico in my hand, made May 13, 1858, and the recommendation of the Secretary of the Treasury; but for the other I have never had any.

Mr. JONES. I am informed by the Delegate of the Territory of Nebraska that they have been made. I took his word for it. I do not recollect seeing them myself. I never saw any made for New Mexico. I know the question was brought up in the Committee on Territories, and they were both voted down then. Since that time an arrangement has been made, an agreement, perhaps, by the majority of the committee to offer an amendment for the New Mexico buildings. The very same provisions apply to this amendment, which I have offered, as it is exactly in the same words, except the amount of money. It is to be approved by the Governor and the judge of the supreme court.

Mr. PUGH. I want to raise a question of order. An estimate made last year does not come within our rules. It must be estimated for this fiscal year.

Mr. GREEN. Vote the amendments down, if you choose.

Mr. PUGH. Well, if we shall vote them down, I do not care about raising the point of order.

The amendment to the amendment was rejected; there being, on a division—ayes 15, noes 22.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Missouri.

Mr. LANE. I have an amendment that I desire to offer to that amendment.

Mr. GREEN. Rather than have this controversy, I will withdraw that amendment and move another. Because they cannot eat the hay, they will bark at other animals that could eat it. I offer the following amendment:

For deficiency in the executive extraordinary expenses in Kansas Territory during the administration of Governor John W. Geary, $690 40.

I will briefly explain that amendment. It is recommended by the committee. It is a deficiency in the executive expenditures that occurred during his administration in the Territory. It has been audited and adjusted at the Treasury Department, and recommended by the Secretary of State, and is recommended by the committee. It amounts to $690 40. ["That is all right!"]

The amendment was agreed to.

Mr. HALE. I am instructed by the Committee on the Post Office and Post Roads to offer an amendment, which I send to the Chair. It is to insert, as a new section:

And be it further enacted, That the Secretary of the Navy be, and he is hereby, authorized and directed to pay to Edward K. Collins, and his associates, the sum of $147,730, the balance of appropriations heretofore made for transportation of the mails from New York to Liverpool and back, and withheld by the Department at quarterly payments made on the contract for that service on the 30th days of June and September, 1856, and the 31st of March, and the 30th of June and September, 1857, respectively; but there shall be deducted therefrom the sum of $115,500, or such sum as is owing to the United States for advances made to E. K. Collins and his associates by act of Congress.

Mr. HUNTER. I raise a question of order on the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. HUNTER. That is a private claim.

The PRESIDING OFFICER. The Chair decides it out of order.

Mr. HALE. Will the Chair hear me for a moment? I take an appeal in order to make a brief explanation. I want simply to read the rule. It is:

"30. No amendment, proposing additional appropriations, shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution, previously passed by the Senate, during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation."

If the Senate will give me their ear for a few minutes, I have reduced everything I want to say to writing on half a sheet of paper, and I think the Chair will see that his decision is wrong.

The PRESIDING OFFICER. The Chair will hear the Senator from New Hampshire. The Chair wishes merely to know whether the claim is one based on an existing law; whether it is necessary to carry out an existing law?

Mr. HALE. It is based on an existing law, and recommended by the committee to carry out the law.

Mr. TOOMBS. The whole question depends upon that fact. There is no law about it, except that a fellow has carried no mail for two years, and owes us about one hundred and fifty thousand dollars.

The PRESIDING OFFICER. The Chair will hear what the Senator from New Hampshire has to say on that point.

Mr. HALE. I have reduced it to writing; or somebody else has for me.

Mr. TOOMBS. I have no doubt of that.

Mr. HALE. It is not often I get a speech written for me. [Laughter.]

This amendment is the same as that reported at the last session by the chairman of the Post Office Committee. It passed the Senate and the House, but it fell when, on motion of the chairman of the Committee of Ways and Means, the Post Office appropriation bill was laid on the table. (Page 1098 Journal of House.) I will simply state, that the amendment is in accordance with the opinion of the Attorney General, given officially to the Secretary of the Navy on the 4th June, 1857, who closes his opinion in these words:

"But inasmuch as they have kept their covenants literally, and as there is no evidence that can justify a suspicion of bad faith, I see nothing in the case on which I can rest my conscience in advising you to withhold from them the money which the Government has promised to pay them."

The judge of the United States circuit court in New York, after a full argument before him, gave a decision in favor of this claim. These are his words:

"But I do not choose to rest my decision upon any technical ground, being entirely satisfied that the defendants have a right to insist that there is a larger sum due for mail service than that yet remaining unpaid on account of the advances secured by the trust deeds."

I will likewise state that the Collins company is dissolved; their steamships have been sold under execution, and the proceeds of this claim have been assigned to creditors of the company.

The PRESIDING OFFICER. The Chair decides the amendment out of order.

Mr. HALE. Very well.

Mr. BIGLER. I now call up the amendment which I offered some time ago, on the authority of the Committee on the Post Office and Post Roads. It is a local matter, to which there will be no objection. It is to insert, as new sections:

And be it further enacted, That the lot of ground in the city of Philadelphia, heretofore agreed to be purchased by the United States from the American Philosophical Society as a site for a court-house, shall be sold at public auction to the highest and best bidder; and that the lot in said city, heretofore purchased from the Bank of Pennsylvania for a post office, shall also be sold at public auction for the best price it will bring: *Provided*, That said lots shall not be sold for an aggregate sum of less than $205,000.

And be it further enacted, That the sum or sums of money raised by the sale of the lots and grounds authorized to be sold by the preceding section of this act, together with the unexpended balance of the appropriation for the construction of a post office at Philadelphia be applied and expended as follows, to wit:

For the purchase of the first lot west of the custom-house, commonly known as the Levy corner, a sum not exceeding

$75,000. For the purchase of the next adjoining lot west, known as the Bailey lot, a sum not exceeding $86,000; and for the construction of a building on the said Levy and Bailey lots, suitable for a post office and court-house, a sum not exceeding the remainder of the money not disposed of as above provided. And it shall be the duty of the Secretary of the Treasury, the Postmaster General, and the Attorney General, to execute the two foregoing sections of this act.

Mr. HUNTER. This seems to be a proposition to sell the United States property and appropriate the proceeds for certain purposes. Does it come from a committee?

Mr. BIGLER. Yes, sir; I will explain the whole subject, if Senators desire it. It will be recollected that we had a controversy on the subject of the location of the post office and custom-house at Philadelphia. At the last session an act was passed authorizing the Postmaster General, the Attorney General, and the Secretary of the Treasury to examine into the subject, and to arrange the location of these public buildings; and in accordance with the provisions of the law, they performed this duty, and they made a report on the subject, which I hold in my hand. The amendment, as I have offered it, it is true, is not in accordance with this report. The report recommended the purchase of what is known as the tobacco-house lot, a point further south in the city than the present custom-house, and on that the erection of a new custom-house, and to devote the present custom-house to the purposes of the courts alone. Their report would have required over one hundred thousand dollars; I think $105,000 of additional appropriation. I was under the impression that Congress would not agree, in the present state of the Treasury, to make an additional appropriation. The amendment which I have offered will, I think, make an arrangement entirely satisfactory to the people of Philadelphia. The amendment is satisfactory to the members of the House from that city, and has the concurrence of the Secretary of the Treasury, the Postmaster General, and the Attorney General, who were charged with those duties. In fact, they prefer it to their own arrangement. It places the court-house on Chestnut street, by the side of the present custom-house, well known as the old bank of the United States, and in the same building the court-house rooms will be furnished; so that the custom-house, the post office, and the court-house will be on Chestnut street, at a very eligible and desirable point. This will be accomplished without any additional appropriation, and I think it will be quite as acceptable to the people of Philadelphia generally as the plan reported by the Secretaries who examined the subject. I hope there will be no objection to it.

Mr. HUNTER. I see no limitation in the amendment as to what the building will cost. I should like to know the estimates, and what the cost is to be. This is merely to purchase a site, and after that they can take a little balance and start a building with it.

Mr. BIGLER. The balance, at the lowest sum, would be $158,000. My own impression is that it would be $175,000, perhaps $200,000; and the property to be sold, you will perceive, sir, would enable these Secretaries to make their arrangements accordingly. They would have ascertained the amount which they would realize from the property sold, and, of course, would make a contract for the construction of a building not exceeding the balance which would be on hand.

Mr HUNTER. If the Senator will put that limitation on his amendment, I will make no further opposition to it.

Mr. BIGLER. I am willing to so modify it, as to provide that the whole amount shall not exceed the balance of the sum received from the sale of the lots.

Mr. HUNTER. I hope that proviso will be put in.

Mr. BIGLER. I will modify my amendment, by adding this proviso:

Provided, That the whole amount to be expended in the construction of said building shall not exceed the balance of the amount received from the sale of the said lots, and the balance of the appropriation.

The amendment, as modified, was agreed to.

Mr. REID. I have an amendment to offer, as an additional section to the bill. It is reported from the Committee on Patents and the Patent Office. It merely provides to extend the provisions of an act passed two years ago, to permit the Commissioner of Patents to pay certain examiners who have been employed, the amount which is now allowed by law for examiners in the Patent Office. It has been the custom heretofore to pay them this amount; and this is just a copy of the provision which was enacted two years ago for the same class of individuals. It is to add, as a new section:

And be it further enacted, That the provisions of section ten, chapter one hundred and twenty nine, of the act of Congress approved August the 18th, 1856, be so extended as to authorize the Commissioner of Patents to pay to those employed in the Patent Office as examiners and assistant examiners since the 1st day of December, 1857, the rates fixed by law for those respective grades: *Provided*, That said compensation shall not exceed that received by those duly enrolled as examiners and assistant examiners, and that the same be paid out of the Patent Office fund.

Mr. HUNTER. I raise a question of order. That provides for back pay, and is a private claim.

Mr. REID. It is reported from the Committee on Patents, and is in conformity with the recommendation of the Commissioner of Patents. It has been usual to pass such a provision upon this identical bill.

Mr. HUNTER. But the committee cannot make a private claim in order by reporting it, or by making an appropriation for it.

Mr. REID. That is not a private claim.

Mr. HARLAN. It takes nothing from the Treasury.

Mr. HUNTER. It appropriates from the Patent Office fund, which is in the Treasury.

The PRESIDING OFFICER. The Chair wishes to know whether that is an amendment to carry out any existing law or any treaty stipulation?

Mr. REID. I will state to the Chair that a similar amendment, providing for this class of officers, passed on August 18, 1856, on a bill identical with that which we have now before us.

The PRESIDING OFFICER. There may have been no question of order then made upon it. The Chair thinks it is out of order.

Mr. STUART. I am instructed by the Committee on Public Lands to offer two or three amendments to this bill, which are said by the Commissioner of the General Land Office to be indispensable to carry out the business of the year. On page 6, after line one hundred and twenty-six, I move to insert:

For compensation of clerks in the offices of surveyors general, to be apportioned and applied to the several surveying districts according to the exigencies of the public service, and for office rent, and incidental expenses thereof, $41,000.

Mr. HUNTER. That was in the estimate, but was stricken out. In the bill there is an appropriation for every office, and for a certain num- of clerks in each. This was a provision which got into the appropriation bill, as well as I can remember, some years ago, to enable the Secretary of the Interior, out of this, to give extra clerks wherever he chose. The House has stricken it out, and it seems to me it has done right. We are selling no public lands, and I do not see why we should be hurrying up the surveys in this way.

Mr. STUART. The Senator is entirely mistaken in regard to the facts. The Commissioner of the General Land Office has sent a letter here, in which he says that these are the ordinary expenses of the office, and that it cannot be carried on without this appropriation. Here is his letter. It does not refer to the subject to which the Senator alludes at all. It is quite another subject. The law as it exists prevents him from paying a dime. He can allow, in the settlement of the accounts, but he has got to send estimates here.

Mr. HUNTER. If these are the ordinary expenses, I would like to see the law under which the estimates were made. I should like to hear that law read.

Mr. STUART. It is the law establishing the offices themselves.

Mr. HUNTER. There is, in the legislative appropriation bill, a specific appropriation for so many clerks, and this is a general provision, to enable the Secretary of the Interior to disperse them about at particular places.

Mr. STUART. That is a mistake.

Mr. PUGH. Let the amendment be read.

The Secretary read the amendment.

Mr. STUART. I only wish to say that the letter of the Commissioner to the Committee on Public Lands says that these are the ordinary expenses of the office, and that the business cannot be done without it. That is the question to be decided. I hope Senators will allow us to vote on the amendment.

Mr. JONES. I merely wish to state to the Senate that there is no use at all of making appropriations to survey the public lands, unless you appoint clerks, and give them salaries to pay for transcribing the field-notes. That is all this appropriation is required for.

Mr. STUART. I demand the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. STUART. I hope the Senate will now listen a moment to what the Commissioner of the General Land Office says on this subject, which will settle the question as to whether the Committee on Public Lands are right, or the chairman of the Committee on Finance. He says:

"In answer to the committee's inquiry, as to the necessity of the restoring the amounts of appropriations asked for by this office, for compensation of clerks in the offices of surveyors general, to be apportioned, &c., and for office rents, and incidental expenses, I have the honor to state that the public service does actually require the same, and it will be seriously affected for want of those amounts; and I have therefore to suggest that the items thus stricken out in the House bill may be restored, namely, $41,000 for the compensation of clerks, and for the rents, and incidentals: For Oregon, $1,500; California, $7,150; Washington Territory, $2,500; New Mexico, $3,000; Kansas and Nebraska, $3,000; Utah, $2,500."

This is addressed to the Secretary of the Interior, and transmitted by the Secretary of the Interior to the Committee on Public Lands as being necessary for the public service. It is upon that statement that I desire the vote of the Senate.

Mr. PUGH. Here is the appropriation bill which we passed some days since—the general bill:

For compensation of the surveyor general of Illinois and Missouri, and the clerks in his office, $5,820.

Then follow provisions for the surveyors general of Louisiana, of Florida, of Wisconsin and Iowa, of Oregon, California, Washington, New Mexico, Kansas and Nebraska, Utah, and of Minnesota. They are all set down, rent, clerks, and the compensation of every officer. Here it is in this bill which we have passed; and now it is amazing that it should come to the Senate the last night of the session. Why did it not go to the House? Why have not the House put it in its place? We have appropriated the money for the exact purpose by name in this bill, for rents and clerks, and here is a proposition to add $41,000 to the expense of surveying the public domain, when we do not sell an acre. In my judgment, the Senate ought to cut down the appropriations now for surveying the public lands. The appropriations in this bill ought to be cut down. We go on surveying thousands and thousands of acres of which we sell none. The surveys are now far in advance of population, and far in advance of the necessities of the Government. I think this is one place where great abuses have grown up. I hope that here, at least, the Senate will put a stop to it.

Mr. STUART. I am sorry to be compelled to set Senators right so often. Not only have we not passed anything upon that subject, but it was recommended by the Committee of Ways and Means in the House and stricken out, and since that the communication that I read has been sent by the Commissioner of the General Land Office to the Secretary of the Interior, in which he says that it is necessary to restore the amendment. We have not appropriated a dollar for this subject.

Again, the Senator says we are selling no land. The reports of the Commissioner show that we are selling land for money, and hundreds of thousands of acres for bounty land warrants. Sir, we have got out one hundred million acres in bounty land warrants; and because Congress has issued these warrants, or caused them to be issued by law, and they are absorbing the entire land in the market, and putting no money into your Treasury, but receiving what you agreed to take as money, and are taking it, is it, therefore, to be said that there is no demand for lands? Who is to decide this question? Here is the fact: I say the House struck the appropriations out of the bill after the Committee of Ways and Means had recommended them; the Land Office says they must be restored, or the business of those offices will be seriously injured. The Senate may decide this

question according to its judgment; but they should decide it upon the facts. These are the facts, and I hope the amendment will be sustained.

Mr. JONES. I merely wish to say, in addition to what the chairman of the Committee on Public Lands has said, that these appropriations have been made every year for the last twenty years, to my own knowledge. They are to pay the salaries of clerks who are employed to transcribe the field notes. If it was the whole amount of all the clerks employed for the whole year, it would be another thing; but it is only to fill up the vacancies caused by the surveys of the public lands. It is absolutely necessary that this appropriation should be made, or the field-notes cannot be transcribed, and the sale of public lands cannot go on. Why make appropriations for the survey of the public lands, if we do not intend to have clerks to transcribe the field-notes?

Mr. GWIN. I will state, that twenty-three or twenty-four million acres of land have been surveyed in California, and several millions brought into the market, and it would be impossible to have the field notes transcribed, unless this amendment is adopted. They cannot proceed with the sale of the public lands or advertise them, without this amendment.

Mr. PUGH. Let the Secretary read that amendment again.

The Secretary read it.

Mr. PUGH. The Senator from Michigan has got a habit of assuming that he alone knows the facts. He asserts, in the most positive manner, that we have made no appropriation for clerks and office rent. I read it to the Senator from the bill, and if he wants it, I will read it again. It is here.

Mr. STUART. If the Senator will allow me, I do not dispute as to that fact, but I say that appropriations for the items covered by this amendment were in the bill reported by the Committee of Ways and Means in the House, and were stricken out.

Mr. PUGH. Here is the bill reported by the Committee of Ways and Means, and I would thank the Senator to show that to me. This is a printed copy as the bill came to the House from the Committee of Ways and Means. Now, I say, this bill does appropriate to every surveyor general by name for his office, and give him his clerks, and his office rent, and that, therefore, this is a duplication of items. It is not any appropriation for transcribing field-notes, and all that, because we have an appropriation for that in this bill:

"For binding field notes, plats, and records, of surveys in the office of the surveyor general of Kansas and Nebraska, $1,000."

It can be nothing in the world but a new estimate over and above the amounts heretofore estimated, for which no reason is given; and I ask the Senate why should we, at this session, take these estimates which have not been submitted, which have not been passed, at a time when we are not, in despite of what the Senator says, deriving any considerable revenue from the public lands? I can imagine no reason except that suggested by the Senator from Vermont, that, under this present graduation law that reduces the price of public lands according to the number of years they are in market, there is an anxiety to survey as much of the public land, and technically put it into market, as possible, in order to depreciate the price. I can imagine no other reason for this extraordinary system of surveying the public lands.

Mr. HUNTER. As the Senator from Ohio has well said, in the bill just passed upon by reports of committees of conference, there are appropriations for clerks in the surveyors' offices. The Senator from California talks of not being able to get the land ready for market. Here is a provision in the bill which is now before us:

"For surveying the public lands and private land claims in California, including office expenses incident to the survey of claims, and to be disbursed at the rates prescribed by law for the different kinds of works, and also including all the accounts for surveys of public lands and private land claims in California, under contracts prior to the 30th June, 1857, $103,000."

Mr. GWIN. The Senator misunderstood me, or he is not treating me fairly. I made no allusion to that at all. I spoke of the transcribing of the field-notes of twenty-three million acres of land that have been surveyed, and will be delayed in bringing them to market unless this appropriation is passed.

Mr. HUNTER. Has any of that land ever been brought into market?

Mr. GWIN. Yes, sir; five or six million acres were offered for sale this very month.

Mr. HUNTER. I am glad to hear it. It is the first I have heard of any sales there. We are making appropriations for the general survey of private land claims in California, and now we are told to vote this appropriation in order to enable them to sell it.

Mr. GWIN. To bring them into market.

Mr. BRODERICK. I will inform the Senator from Virginia that I shall move to strike out $103,000, and insert $75,000, at the proper time.

Mr. STUART. That is entirely a different service. The Senator from Ohio says I have got the habit of assuming. Well, sir, if I have, it is a very unfortunate one; but I suggest to the Senator whether it is very becoming in him to assume that he is destitute of that sort of habit and censure me for it? I have stated what I have received from the Land Office, from the Secretary of the Interior. Seeing that the House had stricken out of the bill these appropriations, they wrote to the Committee on Public Lands of the Senate to say that the business will be seriously injured if they are not restored. That is their language. Now, they are not mistaken about it. I am aware that those appropriations, which have been alluded to, have been made. I have seen that bill. They are the ordinary appropriations for the ordinary service of the office, and the ordinary clerks; but these appropriations are necessary to the efficiency of those offices. So says the Department. Now, sir, if the Senator and the Senate choose to disregard the wishes of the Department and their unqualifiedly expressed views, I do not object to that; but I do object to it being asserted that I do not know anything about it. Those are the facts, and I only wish the sense of the Senate upon the statement which I read, which is this:

"In answer to the committee's inquiry as to the necessity of the restoring the amounts of the appropriations asked for by this office for compensation of clerks in the offices of surveyors general, to be apportioned, &c., and for office rents and incidental expenses, I have the honor to state that the public service actually does require the same, and it will be seriously affected for want of those amounts; and I have therefore to suggest that the items thus stricken out in the House bill may be restored, namely: $41,000 for the compensation of clerks, and for the rents and incidentals: For Oregon, $1,500; California, $7,150; Washington Territory, $2,500; New Mexico, $3,000; Kansas and Nebraska, $3,000; Utah, $2,500."

Mr. BAYARD. I shall vote against this amendment, because we have cut down all the appropriations; and there is no reason given for this, but simply the opinion of a public officer. I presume that, if a letter like that had been directed to any one of the officers, when you proposed to cut down the estimates, both here and in the House, the same answer would have been returned. They certainly would not make estimates, and return them to you, unless they supposed they were necessary for the public service, and that the public service would be seriously affected if you did not make the appropriation they asked for; that is all. It is nothing more, as I consider it, than the reiteration, on an application made by the chairman of the committee, of the opinion expressed, or implied, at all events, at the time the officer made his report that he thinks the service necessary—no more. No further reason is given. I think we ought to apply to this proposition the same line of reasoning which led the judgment of the Senate in debate yesterday, in reference to your navy-yards. Though you had recommendations made for large amounts, and though you had the recommendations for a smaller amount by the Committee of Ways and Means of the House, yet the House chose to cut them down to merely nominal sums, and the Senate refused to depart from that action, although they had their own committee in this House recommending that the amounts be moderately raised over what the House had appropriated, and yet less than the Committee of Ways and Means had reported for. Now, this case is much stronger than that. I understand from the Senator from Ohio, that the Committee of Ways and Means in the House have not reported in favor of this service now asked.

Mr. STUART. They did report in favor of it, and the House struck it out.

Mr. BAYARD. I understood from the honorable Senator from Ohio, that that was not in the bill as reported by them.

Mr. STUART. He is mistaken.

Mr. BAYARD. That is a question of fact which, of course, I have no means of determining; but, whether one way or the other, what I mean to say is, that there is nothing in the letter which has been read, which gives, or should give, any additional weight to the recommendation coming from the Department, as I read it.

Mr. PUGH. I want to say one more word. We have got the estimates now. This letter of the Commissioner of the General Land Office is dated the 24th of February. That is the same day on which the House bill—the general legislative bill—was sent back from the Senate to the House with our amendments. I stated before that we had made these very appropriations, and the Senator from Michigan denied it; and now I call his attention while I read his estimates and the appropriations. The Commissioner is evidently speaking of some vote in Committee of the Whole in the House by which amendments were struck out, for they were restored, every one of them; and I will show the Senator how. The first is:

"For compensation of clerks, and for the rent and incidental expenses in Oregon, $1,500."

Now I read from the general appropriation bill:

"For rent of surveyor general's office in Oregon, fuel, books, stationery, and other incidental expenses, $1,500."

That is there; that is certain. The next one for which he desires an appropriation is, for the same items in California, $7,150. Now I will read that:

"For rent of surveyor general's office in California, fuel, books, stationery, and other incidental expenses, including pay of messengers, $7,150."

Mr. STUART. I hope the Senator will allow me to explain.

Mr. PUGH. I am going through with these items. I am going to show——

Mr. STUART. If the Senator will allow me, I ask his attention for a moment. That is the bill as reported by the Committee of Ways and Means of the House, and they were not in the bill sent to the Senate and passed upon here at all.

Mr. PUGH. They were not?

Mr. STUART. Not at all.

Mr. PUGH. Where is it?

Mr. STUART. It has gone to the House. The Committee of Ways and Means reported that bill as printed; but, when considered in the House, the House struck out those appropriation which the Senator is reading. Then the Commissioner of the General Land Office sees that they are not in the bill.

Mr. PUGH. Here is the date of the bill, and the date of the letter.

Mr. STUART. That is not the bill that was passed here.

Mr. PUGH. Then where is it? This is the bill (H. R. No. 711) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th of June, 1860. I say they are in this bill, every one of them. You have them, dollar for dollar, there. The Senator says they have been struck out since. I say they were in the bill reported to the House, and there they are. Here is the copy that was printed, and laid on our tables.

The Secretary proceeded to call the roll.

Mr. STUART. I only wish to state that, upon inspecting this appropriation bill, I think the Senator from Ohio is correct, and that the mistake has happened in the Interior Department; and, with the consent of the Senate, I will withdraw this amendment.

The VICE PRESIDENT. The Senator from Michigan asks unanimous consent to withdraw his amendment. The Chair hears no objection.

Mr. STUART. I will offer an amendment which does not make any appropriation at all, to come in as an additional section. It simply enables the Interior Department to carry out the adjustment of lands made at the Sault Ste. Marie:

And be it further enacted, That the missionary claims referred to in the fourth section of the act of 26th September, 1850, entitled "An act providing for the examination and settlement of claims for land at the Sault Ste. Marie, in

Michigan," and reported upon by the register and receiver at Sault Ste. Marie, pursuant to said act, shall be entitled to recognition and confirmation in the same manner and on the same terms as the claims of individuals therein provided for; and upon the final approval of the said claims, as provided in the eighth section of the act aforesaid, patents shall be issued therefor.

This amendment substantially explains itself. The law, however, as it stands, although it covers all individual cases, is held not to cover cases occurring at mission claims; and, in order that the office here may adjust land titles, it is necessary to pass this amendment.

The amendment was agreed to.

Mr. FITCH. The Committee on Printing have requested me to report an amendment to the pending bill, as an additional section. We offer it upon the report of the Secretary of the Senate and clerk of the House of Representatives, in relation to the continuation of the compilation and publication of the American State Papers. I send the amendment to the Chair:

And be it further enacted, That the Secretary of the Senate and Clerk of the House of Representatives are hereby directed so to modify their contract with Gales & Seaton, for publishing the continuation of the "American State Papers," made under authority of the act of the 12th of June, 1858, as to stipulate that they be allowed $10 50 a volume, on condition that the said publishers shall defray all expenses of selecting, compiling, and arranging the documents, according to the rate of compensation paid for the same services in compiling and preparing the first series; also, the expense of binding the same, and the expense of all lithographs and wood engravings required in any of the documents; also, the expense of preparing full and proper indexes for each volume, and general indexes for each class, and all other contingent or incidental expenses whatever attending said publication. And the said volumes shall be delivered to the Secretary of the Interior as the same may be completed; who shall place three hundred copies in the Department of State, for its use and for exchange with foreign Governments; and seven hundred copies in his own Department, for distribution to public libraries in the several States and Territories; and hold the residue of the copies in his custody, subject to the further order of Congress. And the Secretary of the Treasury is hereby directed to pay for the said work, as the same may be delivered, out of any money in the Treasury not otherwise appropriated, on the certificate of the said Secretary of the Interior: *Provided*, That not more than $25,000 shall be so paid, on account of said publication, during the current fiscal year.

I believe this amendment explains itself. It was before the Joint Committee on Printing of the two Houses, and reported unanimously. It is the opinion of the committee that while it does not increase the aggregate expenses of those volumes, it saves Congress from repeated applications for additional compensation upon the part of clerks and others, who are now engaged in the compilation. The publishers are obligated to pay all expenses, relieving us from all liability. Now, we are not. We are paying for the binding. We are under obligations to pay the clerks; under obligations to pay for any lithographing or wood cuts. They take the whole thing; we get a certainty for an uncertainty, and it will not probably cost more than the law which was originally passed.

Mr. HUNTER. I would like to know how much that will increase the cost? How much will it increase the cost per volume, for the number of volumes to be delivered? What is its cost?

Mr. FITCH. The amendment itself states the price, which is $10 50 per volume, all expenses included. Now, it is estimated that we pay the publishers very near seven dollars a volume, and are obliged to pay for binding and all other contingent expenses besides. This proposition will relieve us from the uncertainty of cost; because, under the present contract and present law, there is no certainty as to what the cost will be. In order to relieve us from that uncertainty, we propose to change the contract which will obligate them to take all the contingent expense off our hands, and we shall pay them so much a volume.

Mr. HUNTER. How many volumes do we take in the year?

Mr. FITCH. The old limitation in the original law is preserved as to the amount to be paid this year, and the aggregate amount.

Mr. HUNTER. I wish to know if that provision of the law extends beyond the work of this year; if it is to go on as long as this work is in progress, which, I suppose, will be for many years?

Mr. FITCH. In answer to the Senator from Virginia, I will say that it does not change, as I understand, the original contract in that respect. Whatever the number of volumes they may deliver this year, they will only receive $25,000; and they can only receive the aggregate sum of $300,000. The limitation in the original law is retained here. It is supposed they will deliver two, or three, or four volumes per year.

Mr. BENJAMIN. I call the attention of the Senator from Virginia to this amendment. I do not think it will do at all. Observe the limitation. The limitation is, "that no more than $25,000 shall be paid on account of said publication during the said fiscal year." That is up to the 30th of June. There is no further limitation for the year 1859; and if they put on an extra force, and supply the whole of these volumes this year, we will have to pay over three hundred thousand dollars for the whole of it during the current year, but not during the current fiscal year.

Mr. HUNTER. Three hundred thousand dollars for what will be furnished this year?

Mr. BENJAMIN. Certainly, sir. They may give the volumes as fast as they please under this amendment, and they amount to $300,000. The limitation is, that they shall not be paid more than $25,000 during the current fiscal year. That will stop on the 30th of June. Now, if they can get the volumes ready by September, the whole $300,000 will be due; because that is after the current fiscal year.

Mr. FITCH. When I read the provisoes of the original law, the Senator from Louisiana will see that we have retained them in the amendment. The first proviso is:

"*Provided*, That the prices or rates to be paid for the printing of this work shall not exceed those paid at present for the printing of the documents of Congress, including paper and binding, having regard to the quality and value of the material used and work done: *Provided*, That the cost of the publication shall not exceed $340,000, and that not more than $25,000 shall be required for the purpose during the next fiscal year."

That is this year. We have retained those limitations. We know from the best——

Mr. BENJAMIN. The Senator is right about that; but does not the Senator see, in that bill, that not more than $25,000 was to be required for the next fiscal year, and then they were to come to us again? Now we provide that they can get the whole of the money as fast as they deliver the work, provided they do not exceed $25,000 during the current fiscal year, which will stop on the 30th of June, and they will get the whole of the money this year, under this amendment.

Mr. FITCH. I do not know by what process the Senator from Louisiana would release us from the obligation of the contract. The contract was made under this law, with this proviso, and it is perfectly immaterial whether they complete one, three, four, or twenty volumes, if they could possibly so crowd the work as to do that; the contract binds us to pay them, so that the entire sum does not exceed $325,000; but the idea, judging from the past, of their being able to compile the entire number of this work, or any number beyond some four or five volumes, within one year, is almost preposterous. They have completed, or will have completed, perhaps, three or four volumes at the end of this year. I believe two volumes are now completed; and the Senator has but a very poor idea of the labor necessary, when he supposes that more than that number of the volumes can ordinarily be compiled within one year.

Mr. BENJAMIN. I do not see the necessity for changing our contract. It certainly will not be changed by these parties who have made it with us, if it is for our benefit. They will only change it if it is for their benefit. That is perfectly certain. They will not agree to its change unless they are going to make something by it. There are so many maneuvers covered up under printing arrangements, that I am afraid of them. It is plain to me, on the face of this amendment, that we may be called on to pay the $300,000 this year before the 1st of January. We are not in a condition to pay these heavy sums. We appropriate, by this amendment, the whole amount of the contract at once, to be paid as fast as they deliver the work. Now, sir, let us appropriate for each year's work as it is done, and then we shall know what we are doing.

Mr. FITCH. There are, as the Senator from Louisiana well says, sometimes something other than what appears upon the face covered up under these printing contracts; but they are thus covered up in the original contract, not in this modification; for, in the original contract—if I can have the ear of the Senator, I desire him to hear it—in the original contract, and under the original law, we are liable for all the expenses of the compilation of this work. The previous custom was, and that custom has almost the force of law, to pay the clerks double salaries while engaged in compiling. They are now about to apply to this Congress for their compensation for compiling these volumes. We are now paying for the binding; and if, in the course of compilation, any kind of embellishments become desirable, we are to pay for them. There is, indeed, no certainty that the whole work will not cost us, perhaps, two or three dollars a volume more than we proposed to pay.

As an original proposition, I should not have voted for the publication of these papers, and did not so vote; but we are now met with a contract under a law which we have passed, and the question is whether that contract shall be so framed that we shall pay a certain sum, or left with the liability upon our part to be called upon for any additional amount and such additional amounts as we know nothing whatever about. I leave the matter, however, for the Senate. They can say whether it is proper to proceed with the compilation of the American State Papers under the law under which the former contract has been made. That law did not receive the sanction of my vote, and would not have done it; but the contract is made; we have gone into it; and the only thing we can do is, to extricate ourselves from it the best way we can.

Mr. BENJAMIN. It is the clearest proposition to me on earth, that these parties will not consent to change our contract, unless they gain something by it. We have got a contract with them, and they are not going to agree to changes here, unless they have their benefit. If they can make something out of it, they will agree to it; if not, they will refuse it. The Senator from Indiana tells us that we pay $7 50 a volume, and we now propose to pay $10 50; and he proposes those additional three dollars to be given to contractors for the purpose of covering all expenses beyond their printing contract, and then, as an inducement to agree to this, we are to be relieved from importunities for double salaries. Well, sir, let the clerks importune me for double salaries; they will not get much satisfaction.

The amendment was rejected.

Mr. BAYARD. I propose an amendment, by the instruction of the Committee on the Judiciary, to come in on page 9, after line one hundred and ninety-six, which I send to the Chair:

For the altering, fitting up, and furnishing, the former Senate Chamber for the Supreme Court, with the twelve rooms for the use of the court, its officers and records, and for the drainage water and gas-pipes; and for fitting up the former Supreme Court room for the law library of Congress, which rooms are hereby assigned for these purposes according to the plan prepared under the direction of the Supreme Court, $38,000.

Mr. President, a very brief statement will show the object of that amendment and the necessity of it. When the Capitol was enlarged, it was always considered and understood, I believe universally, that, after it was completed, and we occupied the wing, the former Senate Chamber was to be appropriated to the use of the Supreme Court. Under these circumstances, since our removal here, the matter has been brought to the attention of the court as to what accommodations they would require in connection with the Senate Chamber to be occupied by them. The plan was accordingly made out, which is admirably suited for the convenience of the Court; but, in connection with it, there was also suggested an idea, arising from the want of room in the present law library of Congress, that it was indispensably necessary that another library should be provided. Therefore, in connection with this plan, as the estimates were given, is the removal of the present law library, which now contains fifteen thousand volumes, and the library is over-crowded, to the present Supreme Court room; which can be so fitted up with shelves as to accommodate a library of nearly twenty-two thousand volumes, giving ample room to the library for many years to come; and afterwards, the accommodation can be extended by interior arrangements.

This is the general idea, the rooms to be occupied are not more than sufficient. The plan is a specific one. It was drawn up by the superin-

tendent of the Capitol extension, in accordance with the wishes and design of the court. I can state to the Senate precisely what the accommodation is, because it is right that they should know it. The old cloak-room of the Senate, which is nothing more than a passage way, together with the corridor and passage from the wing through the main building, are entirely devoted to the court. Crossing that, there is a small strip or a small room lying by the corridor which was formerly part of the reception room. That is to be the robing-room of the judges. Next to that comes the Vice President's room, which is to be the conference room of the court. Adjoining that is the former Secretary's office, which is to be converted into an audience room, where the judges will receive any person whom it is necessary to see during the sitting of the court. Adjoining are the offices of the clerks of the Secretary of the Senate, which are appropriated, first, to the clerk of the Supreme Court, and the other to the deputy clerk of the Supreme Court. The former Finance Committee room is appropriated, under this amendment, to the marshal's room. The small cloak-room, on the south side of the Senate Chamber, is appropriated for the reporter's office. Descending to the lower story, the present Supreme Court room is to be converted into a library with iron shelves, and the same system as the present general library of Congress, to be fitted up for the law library of Congress in the same manner. When so fitted up, it will be fire proof, and capable of containing nearly twenty-two thousand volumes. The former conference room of the Supreme Court is to be used as the judges' study in connection with the library.

Mr. HUNTER. Will the Senator inform me who made the estimate?

Mr. BAYARD. It was made at the request of the court by the superintendent of the Capitol extension.

Mr. HUNTER. Mr. Meigs?

Mr. BAYARD. Yes, sir; and, further, I will state to the honorable Senator the remainder of the detail. The first estimate was $50,000. Finding that objections existed to that sum, I had a long conversation with the superintendent, and made several suggestions to him in reference to part of what I considered ornamental work, and the changes that might possibly be advisable, and under those suggestions he has reduced the estimate to $38,000 for the whole work. It was originally $50,000. All the changes can be accomplished for $38,000.

I will add further, that, in point of fact, the Government will not incur one dollar of expense in the future arising from this appropriation; because, if these accommodations are given, which are useless to us for any other purpose, the Capitol being sufficient for that purpose, the Supreme Court will have its conference room in the Capitol, and the arrangement is made under that view. Under the present law, their conference room is up town, as we call it, and we pay for it $200 a month, or $2,400 a year, which is more than the interest at even six per cent. of the money to be expended for the purpose of these permanent improvements. I think, therefore, it would be wisdom to make the appropriation, and get rid of the necessity of having this conference room, which is entirely disconnected. Taking the whole details—and I examined them with great accuracy—I think they are cut down to the lowest point at which a proper improvement of the building for the accommodation of the court can be made. If we are willing to give to a coördinate branch of the Government proper accommodations for the performance of their duties, as was intended when the Capitol was extended, I think the Senate cannot hesitate to embody this as an amendment to the bill.

Mr. TRUMBULL. I simply wish to call attention to one fact. Here is a proposition to fit up the old Senate Chamber, and the Supreme court-room, and twelve additional rooms. Now, I would like to know what use there can be for twelve rooms in addition to those two, making fourteen in all, for the Supreme Court?

Mr. BAYARD. I will give the answer to the honorable Senator. The plans are in the committee-room. He could have seen them at any time, if he had seen fit to do so; and I think he would have been satisfied. They are called rooms, and they are rooms strictly speaking, but I have endeavored to explain them; for instance: the retiring room, so called, which was nothing more than a passage-way, in which Senators used to hang up their cloaks on the north side of the Senate Chamber, is for the judges. Then there is, as I stated, a robing room, which is a small portion of the old reception room which is left from the space taken off by the corridor in passing through. It is very small. Then comes the former Vice President's room, which is to be the conference room of the court, and they abandon the old conference room for which we now pay $2,400 a year. Then there is an audience room, which is a room adjoining, which formerly was occupied by the Secretary of the Senate; it is a very narrow room, though long enough. Then I mentioned the clerk's rooms. There is also a small room, formerly the cloak room, on the south side, appropriated to the reporter; and the old Finance Committee room given to the marshal. All those officers require rooms.

When you descend to the lower story you have the judge's study in connection with the library, which is their former conference room. You have the Attorney General's office, formerly cut off in part from the present Supreme Court. You have the room now occupied by the clerk of the Supreme Court for the Attorney General. You have the adjoining room to be occupied for what is called the librarian's room, and I will explain that as the Senator is so critical upon the plan. The explanation is this: the Supreme Court have a duplicate of certain works that are used in the law library, and which are not permitted to be taken out by any person but the court. They are reserved in order that the court may always have access to books that are indispensable in the course of their labors here. That library amounts to some one thousand five hundred volumes. It is now in the conference room up town. The law librarian's room is to be fitted up with iron shelves for this library of the judges, capable of holding three thousand four hundred volumes. After examining its capacity throughout, that is what it would amount to. That constitutes another room.

Then next to that comes the present law library, which it is proposed by the plan to convert into a record room. This is essentially necessary, as at present the Supreme Court have no room for the deposit of the records of the court. I had occasion, a few days ago, to go into that court and inquire for records not four years old, and it took four or five hours before they could be found, because, for the want of room for the proper position of placing records, it was impossible to find them without great labor. You must give them proper accommodations for their records. The idea is to fit up the record room in such a manner that it shall be fire proof, and afford ample accommodations for the regular keeping, and for the safe-keeping of the records of the highest court known to the laws of the land.

These constitute all the rooms. I have mentioned what they are for. I think none of them unreasonable. None of them are wanted for any other purpose whatever. I am entirely satisfied, from a minute examination of the estimates and the reductions made, that the mode in which the changes are to be made is economical to the Government, and not one dollar will be expended more than is requisite for the purposes for which we ought to make appropriations.

Mr. WILSON. I think, Mr. President, that we had better not adopt this amendment this year, and especially to the extent that is now proposed. We may as well wait another year. It may be that we may want to go back there ourselves. For my own part, I will vote to go back there to-night, and give the Supreme Court this room; for, in my judgment, in no sense does this Chamber equal the other, either for order, for hearing, or speaking, or anything connected with the legislation of the country. I do not see the necessity of going into any additional expense in order to fit up that room, at present, for the Supreme Court. I think we had better wait another year.

Mr. BAYARD. I desire to have the yeas and nays on the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 19; as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Bigler, Broderick, Clay, Clingman, Collamer, Douglas, Fitzpatrick, Foot, Green, Gwin, Hamlin, Hammond, Iverson, Johnson of Arkansas, Jones, Kennedy, Lane, Mallory, Pearce, Pugh, Rice, Sebastian, Seward, Stuart, and Wade—28.

NAYS—Messrs. Cameron, Chandler, Dixon, Durkee, Fitch, Foster, Hale, Harlan, Houston, Hunter, Johnson of Tennessee, Polk, Reid, Simmons, Slidell, Trumbull, Ward, Wilson, and Yulee—19.

So the amendment was agreed to.

Mr. BRODERICK. I ask the chairman of the Committee on Finance what the $103,000 are put in this bill for?

Mr. HUNTER. I find it in line one hundred and twenty-seven, page 6.

Mr. BRODERICK. I know where it is; but I ask how is it to be expended?

Mr. HUNTER. It speaks for itself. It reads:

"For surveying the public lands and private land claims in California, including office expenses incident to the survey of claims, and to be disbursed at the rates prescribed by law for the different kinds of work, and also including all the accounts for surveys of public lands and private land claims in California, under contracts prior to 30th June, 1857, $103,000."

Mr. BRODERICK. Mr. President, I move to strike out $103,000 and insert $75,000. I will state, for the information of the Senate, that the Government has already expended over a million dollars for surveying the public lands in California, and I believe the Government has received $6,000 from the sale of public lands. I should like to know where the money has gone, and who received it. While I hold a seat upon this floor, I shall never encourage any legislation of that kind. I think $75,000 is sufficient for the coming year. The Senator from Iowa [Mr. HARLAN] has taken some trouble to investigate this matter, and I hope that he will state to the Senate what he knows in regard to it.

Mr. HARLAN. Mr. President, the Senator from California has already stated, substantially, all I deem pertinent to the motion which he has made. I find, however, by looking over the reports of the surveyor general of California for 1857, and also for the present year, that the entire number of acres surveyed in that State is something over twenty-four million; of which, during the last year, there have been offered for sale, and not withdrawn, about seven and a half million acres. Of those seven and a half million acres offered for sale, between five and six thousand were sold, yielding a little over seven thousand dollars. Last year, it will be remembered, there was an estimate made for deficiencies for land surveys for the year terminating the 30th of June, 1859, of $220,000, which I, at the time, supposed to be improper, and moved to strike out. Now, of this $103,000 estimated in the present bill, about sixty thousand dollars are for additional deficiencies for the year ending 30th of June, 1857, making the entire deficiencies for that year, $280,000. The appropriations for land surveys during that year, in California, made by Congress, was just fifty thousand dollars. The work executed under that appropriation has amounted, in addition to the appropriation, according to the estimates now before us, to $280,000. I would be willing, I believe, to vote to give California all the twenty-four million acres of land heretofore surveyed, if she would prosecute her own surveys in the future.

Mr. STUART. I wish to call the attention of the Senate to the provision in the bill:

"For surveying the public lands and private land claims in California, including office expenses incident to the survey of claims, and to be disbursed at the rates prescribed by law for the different kinds of work, and also including all the accounts for surveys of public lands and private land claims in California under contracts prior to the 30th June, 1857, $103,000."

Now, the Senator says, on looking at the estimates, that more than sixty thousand dollars of this is to pay for those contracts made prior to June 30, 1857. That leaves only a very small amount for the current expenses of the year. I have taken occasion, very recently, to inquire of the head of the Department upon this subject, and those estimates are as low as the public interest will permit. Now, as to what was said by the Senator in regard to the expenditures last year, I agreed with him. I thought they were too large; I voted against them; but here are liabilities that the Government must fulfill; they cannot be escaped; we will have to pay them this year, or some time to come; and I do think that striking into appropriations thus blindly is a very dangerous proceeding. I trust that, by my votes, I have shown a disposition to go as far as any Sen-

ator can go safely, in cutting down these expenditures; but we ought to know, and know accurately, what the effect is to be. I think that it would be a very serious injury to the public service, if this amount was reduced; and I hope it will not be.

Mr. HARLAN. I read from page 132 of the message and documents submitted to Congress at the commencement of the present session:

"Since the deficiency estimate was submitted, on September 25, 1857, additional liabilities have been reported to the sum of nearly sixty thousand dollars."

In the report of the surveyor general of California for the previous year, after making a statement of the entire deficiencies for the work executed previous to the 30th of June, 1857, the surveyor general states:

"The work under the contracts entered into by my predecessor is now closed, with the exception of the return of a few fractional townships, of small amount, closing on some ranch surveys."

Now, from this, we would have supposed that estimates had been made to cover the entire work previously executed; and that, at the time, was the understanding of the Commissioner of the General Land Office; for he says, in his report, on page 93:

"The surveying operations have been pushed forward during the last year to a degree beyond the anticipation of this office, the liabilities incurred by the late surveyor general on that score having reached the indebtedness of upwards of two hundred and twenty thousand dollars to the United States deputy surveyors, over and above the appropriations. These accounts for surveys, under contracts with the surveyor general, have been certified by the latter, and could not be paid for the want of funds applicable to that service. With a view to provide means as early as possible to liquidate that indebtedness, I have, by your direction, ascertained the amount, and submitted a deficiency estimate, so that speedy appropriation may be obtained.

"The summary of the field operations in California since the commencement of the service, in 1851, to the present time, consists of eighty-two thousand miles of lineal surveys, embracing an area of upwards of twenty million acres, at the aggregate expense of more than one million dollars, of which there were surveyed during the last fiscal year, ending 30th June, 1857, twenty thousand miles—equal to nine million acres."

Now, from this it will seem that, not only the surveyor general of California had made an estimate of the entire amount necessary to cover all the contracts previously given out, but that this had been carefully professed by the Commissioner of the General Land Office, and he had made his estimates accordingly; but the reason of this deficiency, I more than suspect, rose out of the following fact, also stated by the surveyor general of California:

"The amount of the work embraced in the contracts existing previously to my last report, as well as the few that have been let since, was not, as a general thing, limited, as a more prudent course may probably have indicated."

The senior Senator from California, [Mr. GWIN,] during the last session of Congress, stated that these contracts were not limited either as to amount or as to time of execution. Hence, this $60,000 worth of work seems to have been executed since the last deficiency bill was passed by Congress, and hence the present deficiency of about $60,000, covering contracts given previous to the 30th of June, 1857. It seems to me every dollar that is saved by cutting down this amount of money is justly saved to the Treasury of the United States.

Mr. STUART. The facts that have been read to the Senate by the Senator from Iowa, proved conclusively what I stated, that the contracts have been executed, and the Government owes the money. I have no doubt that they were unwise contracts. I have no doubt that that character of contracts should never have been let; but they have been let, and they have been executed, and the Government is liable.

Mr. HARLAN. I would ask the Senator from Michigan if these contracts were made in pursuance of law?

Mr. STUART. Mr. President, I understood, from the debates that went on in the Senate here last night, that they were. If the surveyor general made contracts to survey land in California, and the contracts have been complied with, this Government is bound to pay the money. This Government never did escape such a contract, and never can. Why, sir, we have heard in Congress, over and over again, where an officer had clearly gone beyond his power, and there was no question about it, the answer has always been: the person who dealt with him is not to be held for that. It always has been so, and always ought to be.

Now, I do not think, from the discussion which went on in the Senate at the last session, that such was the fact; but, for the sake of the argument, I am willing to admit it. I say, for the sake of the argument, I am willing to concede that the surveyor general in California let contracts for surveying lands which he had no right under the law to let, or in a manner different, not as limited as the law required. What says the surveyor general of the land office about it? The honorable Senator from Iowa has just read the language of the surveyor general, and he has read the action of the Secretary of the Interior. Do they hold that this Government is not bound to pay? Not at all. No court would ever hold it; no Congress would ever hold it. It merely amounts to this: that you postpone the payment of a liability when it ought to be met. If the officer has not executed his duty he ought to be removed—that is all. If he has done an act which made him and his men responsible, prosecute him. Those are the remedies. But I say it is not right to strike out the appropriation which, in its language, is exactly and precisely according to what the Senator has read, to meet those contracts which were made prior to 1857, running through these years for the surveys of the public lands and private land claims. They are contracts made and executed; fulfilled on the part of the contractor; and yet it is said in the Senate, we will not pay them. Sir, the longer they are postponed, the larger they will grow. The earlier such a demand can be paid, the better; and it is as essential, in point of economy, as is in point of public honor. I hope that the amendment will not prevail.

Mr. TRUMBULL. If claims of this character have been paid by Congress, as the Senator from Michigan says, I think it about time a stop was put to it. Why, sir, I am astonished at the doctrine laid down here by the Senator from Michigan. He talks about public honor. Public honor requires you to sanction the illegal contracts of your officers! Public honor requires no such thing; and if it is the practice of this Government, and is done every day, as the Senator from Michigan tells us, to carry out the illegal contracts of officers, and we have no remedy for it, I think it is time we provided one.

He justifies here the entering into a contract in violation of law; and says, the Congress has nothing to do but pay it, and that any court will so decide. Why, sir, there is not a court in Christendom that will decide that your public agent can bind you without authority of law. There is no such rule of law between individuals, or between Governments, or the Government and an individual. Government may come in as we often do, and I am sorry to say too frequently we come in here, when our public officers, from the highest down to surveyors, make contracts without any authority of law, involving expense, and Congress is quite ready to foot the bills; but I deny that there is any legal, or moral, or equitable, obligation to carry out such contracts. If we have received the benefit of the service and have accepted it, if Congress has done anything to sanction the illegal contract, then you may create an obligation; but not otherwise. The officers cannot do it.

Reference is made here to the surveyor general to show that he has approved it. The surveyor general made these contracts, and, it is now admitted, in violation of law; and yet we are told we have nothing to do but to carry out that obligation. Why, sir, to what will this lead? What sort of morals shall we have in public officers when such a doctrine is advocated here as right and proper? If there be any ground upon which we could make a provision to pay in a case like this, it would have to be on some equitable consideration, some appeal to Congress that the officer acted under some misapprehension of this clause, not expecting, perhaps, that the appropriation exceeded the amount; but to avow the doctrine here that he may go on knowingly, recklessly, willfully, in violation of law, and that is to be sanctioned by Congress, is, to me, a most monstrous doctrine. I am for holding all public officers, from the highest to the lowest, to strict accountability.

Mr. STUART. If the Senator had correctly apprehended and stated my argument, it would have been utterly impossible for him to have made his own. I denied that there was any illegality in the contracts. I denied that the Senator from Iowa, or the documents he had read, showed any. The surveyor general's report, which he read from first, was in regard to the acts of his predecessor. He does not say that he made an illegal contract, but he says that much of the expense is due to want of proper limitation to the contracts.

I did not avow this doctrine which has so shocked the Senator from Illinois, which he pleases to characterize as so monstrous, that a public officer is to go on illegally, fraudulently, willfully, and we are to indorse it. I never stated any such doctrine. I simply stated this: if your public officer, in the exercise of his power to let contracts in California, had transcended the strict letter of the law, the man with whom he made the contract was not responsible for it, morally or equitably. That is what I said; at the same time denying that there was any evidence he had done any such thing. And I said, what was universally the truth, that whenever such a case has arisen in Congress we have not failed to indemnify the citizen or the contractor, upon the ground that he contracted with the Government of the United States through its authorized agent in good faith; and the Senator says it is monstrous to pay a man under such circumstances; it is a monstrous doctrine! He is shocked at it. Well, sir, I do not see any occasion for such very great surprise.

Mr. HARLAN. Will the Senator allow me to ask him a question?

Mr. STUART. Certainly; with great pleasure

Mr. HARLAN. I desire the Senator to state, if he will, in what way the public interest would suffer if Congress should cut down this appropriation as proposed by the Senator from California? In connection with that fact I will now read from the report of the Secretary of the Interior:

"The quantity of land advertised, and not postponed, during the fiscal year ending June 30, 1858, for California, was 7,466,594 acres."

On page 144, I read from a statement of the entire sales for the first half of the fiscal year ending the 30th June, 1858:

"For California, six hundred and seventy five and seven hundredths acres sold. Amount received, $843 81."

On pages 150 and 151, I find that the aggregate quantity of lands sold, and the amount received for California, was five thousand four hundred and fifty-four and ninety-three hundredths acres, yielding the Government $6,818 71, showing the aggregate sales to be but a trifle over five thousand acres, and the entire amount received a few dollars under seven thousand. This is the total sum of money received in California for all the lands sold since California was admitted into the Union. The surveys of the land cost, at the close of the year ending June 30, 1857, more than a million dollars. We appropriated at the last session a deficiency of $220,000, and then the ordinary appropriation, which, I think, was in the neighborhood of a hundred thousand dollars; and here we are called upon to appropriate $103,000 in addition, bringing the entire amount appropriated for land surveys to the neighborhood of a million and a half dollars; and the total amount received for lands sold in California is but little over seven thousand dollars. Now, I desire to know in what way the public interest will suffer if we cut down this last appropriation from $103,000 to $75,000?

Mr. STUART. Well, Mr. President, I shall be very happy to answer the honorable Senator from Iowa; and I will ask him what difference would it make if we had not sold an acre? If the Government of the United States, by its officers in California, engaged in the survey of the public lands, has contracted these liabilities, which are to be paid for, suppose we had never offered an acre, and never received a cent: would it make any difference about appropriating the amount in paying the debt?

Mr. HARLAN. I will answer the Senator. The total amount of liabilities for contracts hitherto made, according to the showing here, is a little less than sixty thousand dollars; so that the proposed appropriation, if limited as suggested by the Senator from California, will more than meet the present liabilities.

Mr. STUART. That is precisely where the honorable Senator is mistaken. That limitation is to contracts made, in the language of the amendment, prior to the 30th of June, 1857, and not to

contracts that have been made within the last year, or within this year.

Mr. HARLAN. I will inquire of the Senator, then, if there is to be a deficiency for the years ending the 30th of June, 1858 and 1859?

Mr. STUART. Why, Mr. President, this whole subject was talked of at the last Congress, I think nearly a day, in which it was shown that a contract for surveying the public lands is not limited to the fiscal year. In an investigation that was before the Senate, the facts were elicited from the General Land Office, that contracts were in existence that would take the contractor two years to execute. These are the facts, and that is the character of contracts that are to be provided for. A large amount of the $60,000 is to pay for contracts made prior to the 20th of June, 1857. The balance of it is to be paid for contracts made within the past year.

Mr. HARLAN. I desire to state to the Senator from Michigan that, in that, he is mistaken. I called at the surveyor general's office and examined the duplicate contracts which are there on file, and they were limited to the 4th of March succeeding the date of contract. The surveyor general alleges that they are without limit as to quantity or to time. The work seems to be going on under these contracts; but by an examination of the duplicates of these contracts, on file in the office of the Commissioner of the General Land Office, you will find they are limited in relation to California, as they are in all other surveyor general's districts; but the surveyor general exercises authority to renew and extend these contracts from time to time; and it is in this way that these deficiencies occur.

Mr. STUART. Well, Mr. President, it seems to me that the moment I meet these honorable Senators at one point, they start another. I say, the fact is, the contracts are made and executed, and that another set of them are made and being executed. The Department, whose business it is to remove the offices, to arrest the progress of the work, if, in their judgment, it is wrong and doing injustice to the public interest, do no such thing; and, instead of that, they recommend to the House of Representatives—the Committee of Ways and Means has reported it, and the House have put it in this bill—to pay for these liabilities, which have been entered into honorably, and are honorably discharged, and others are being honorably discharged.

Now, sir, it is said we can cut down this item. Why? Because we are not receiving, in the opinion of the Senator from Iowa, a sufficient amount from the proceeds of the public lands in California. I affirm again, if we were not receiving a dollar, it would not alter the responsibility of settling these contracts. The argument, the more you sift it, only goes to show that it is simply to strike down, or cut down, this item twenty-five or thirty thousand dollars; and when we come to the reason why we leave the Government in debt, to pay it hereafter, and do the greatest injustice to the contractors who have executed your contracts——

Mr. SEWARD. If he will allow me a moment, I should like to hear my honorable friend from Michigan explain, if he can, one point. The honorable Senator from Michigan says it is sufficient for us to know that an officer, acting under the authority of the Government, has made these contracts; that we have nothing else to do but to ratify and fulfill his contract——

Mr. STUART. No, sir.

Mr. SEWARD. That is the effect of the honorable Senator's proposition.

Mr. STUART. I would rather that the Senator had stated what I said, and given his opinion of the effect of it. I am willing that he should argue the effect of it; but, as he proposes to state what I did say, I would rather that he should repeat what I did say.

Mr. SEWARD. I only intend to state the effect of the honorable Senator's proposition. The honorable Senator from Iowa objects that these contracts are improvident. The honorable Senator from Michigan says, whether they are prudent or improvident does not affect the case, and that the duty devolves upon Congress to appropriate the money to execute the contracts which have been made under the authority of the Government. Now, I want to know from that honorable Senator in what way we can arrest a contract that is improvident except in the same way that we shall arrest a contract that is illegal; and that is, to refuse to make the appropriations to carry it into effect; to arrest the transaction, to stop and consider. This is all that is left for a legislative body. All that is left to the Parliament of England is, when the agents of the Government make improvident, or even unconstitutional contracts, to refuse to give the money to execute it. That is precisely what I understand the honorable Senator from California proposes to do, and, instead of making the appropriation of the whole amount demanded by these contract, to make an appropriation for less. Let me be understood now. All contracts Government agents can make are necessarily subject to the reservation that the Congress of the United States will appropriate moneys to carry them into effect. A treaty may be made by the treaty-making power of the United States, but everybody knows that, if it involves the payment of money, the Congress of the United States has the right to refuse to apply the money necessary to carry that treaty into effect. This is our great conservative power, our great restraining power. I know nothing about the merits of this particular question. When the honorable Senator from California says that the interests of the United States require that this amount shall be reduced to this sum, I am prepared to go with him; for the reason that being upon the spot, and knowing the nature of the transaction, interested against the motion which he makes, he submits for the security of the Treasury of the United States this modification, and I am prepared to go with him.

Mr. BRODERICK. I am as much surprised at the course pursued by the Senator from Michigan, as the Senator from Illinois. At the last session a claim was brought in here for $220,000. The parties have been knocking at the door of Congress for two years, to pay them that account. It was supposed at the time, that the $220,000 included the whole amount charged against the Government for surveys made during that year. Now, it appears that there are $60,000 more. I believe they are trumped-up claims. I do not believe there is any justice in any of them.

Then it will be recollected that $50,000 was appropriated that year, by Congress, for making surveys in California. The surveyor general exceeded his power and made contracts for over $200,000. I ask the Senator from Michigan, if the surveyor had gone on and made contracts for millions of dollars instead of hundreds of thousands, whether he would ask for the payment of them? It is supposed, Mr. President, that when a contractor makes a contract, he understands the law under which the contract is made. The amount appropriated by Congress every year is published in all the newspapers, and it is supposed that every contractor would look at the newspapers and see how much money there is appropriated by Congress for this purpose. I sat here last year and voted for the $220,000. I did it very reluctantly, but I supposed that it included all the claims against the Government. I find now, that $60,000 of this amount is for old claims against the Government, for surveys made in 1854. I am opposed to the claims, and I hope that amount will be stricken from the bill, and $75,000 left for the service.

Mr. STUART. It seems that I have surprised quite a number of my friends upon this floor, but I am not at all surprised at it myself. The Senator from New York has come into this debate with some doctrines that I beg to call his attention to for a moment. He arraigns me for saying that the Congress is bound to indorse everything a public agent does. I did not say that. I repeat again: I said if the officer of the United States, in pursuance of his duties, had made a contract which exceeded his instructions, if it was made in good faith and executed in good faith, we were morally bound to pay it, and that we should have to pay it, postpone it as long as we might.

The Senator cites an illustration, in which I submit to him he is exceedingly unfortunate. He says if the treaty-making power of the United States makes a treaty binding the Government to pay a specific amount of money, everybody knows that Congress has a right to withhold the money. That is his language. I deny it. Congress has the physical power to refuse to execute a contract that the Government has made; but it has no constitutional right to do so; because, in the case he puts, the Constitution itself declares that the Constitution and treaties made under it are the supreme law of the land. They are made by the treaty-making power. Being the supreme law of the land, although Congress may deny, having the power to do it, to appropriate the money, yet to say that they have the right to do it, is to say that Congress has a right to refuse the mandates of the Constitution.

But, sir, that is not this case. We learned, at the last session of Congress, from the Interior Department that the Secretary had stopped a practice, which had existed theretofore, in allowing private land claimants to pay any part of the cost of surveying the claim. Up to that time it had been the constant practice, in California, to allow private claimants to pay a portion of the expenses of surveying the claims. The Secretary stopped it. Now, what is the amendment? I call the attention of Senators to it again. It is for surveying the public lands and private land claims in California. I am reluctant to do it, and I shall consume the time of the Senate but a moment longer; but I desire to call the attention of the Senate to this fact: that we took upon ourselves, by the instruction of the Interior Department, this additional liability. The Secretary said there was danger of fraudulent action by allowing private land claimants to participate in the payment, and he had, therefore, cut it off; thereby we take upon ourselves an additional cost. Now, I say, as to the effect of it, the amendment provides chiefly for the surveys of private land claims and contracts that have been executed. They have been executed, according to the report that is read here. There is no evidence that it is illegal—none at all. This is sought to be answered by saying that the expenses in California of surveying the public lands have far exceeded the moneys raised from the sale of the lands. I met that by saying, if we had not sold an acre it would not change the question.

Now, the Senator from California says he believes these are trumped-up claims. Well, sir, the Interior Department are to decide that question. They will not pay a trumped-up claim because the money is appropriated. If the claims are decided to be good claims, they will be obliged to pay them next year, or the year after, or whensoever you please. I ask again, when the Department, the Committee of Ways and Means of the House, and the House of Representatives, have passed this appropriation, by what authority will the Senator strike it out now? Is there a Senator here who can say "I am clear that the committee of the House of Representatives, the House of Representatives itself, and the Interior Department was wrong?"

Mr. BRODERICK. Will the Senator allow me to ask him a question?

Mr. STUART. Certainly.

Mr. BRODERICK. I ask why the parties did not present their claims last year when we passed the bill appropriating $220,000?

Mr. STUART. Well, Mr. President, the Senator might be very properly met by my asking him if he knows they did not. Does he know that they did not present them? The amendment would go to show that they did, because the estimate is for paying the claims now existing. The amount was $60,000. Then the work was ended; their claims were adjusted, and they were ascertained to be taxable to the Government. But I ask this question, which I ask Senators to answer when they vote, are they satisfied that the committee of the House, the House itself, and the Interior Department are wrong in this appropriation? Have you got the evidence by which you can justify your vote for striking it out? That is the question. It is a very different one from what it would be if there was a proposition here to put it in. I think, Mr. President, and therefore it is that I have made this resistance, that it is a striking at the action of the Government, through its Departments and through the House of Representatives, that we are not justified in making. Therefore, as the organ of that Department in this body, and of the Senate in that Department in this body, I have very reluctantly consumed thus much of time about it. I shall consume no more, let the argument be what it may.

Mr. CLAY. I trust we shall be permitted to

vote upon this question now. Certainly we have heard everything that can be said upon this subject. I think I am just about as stringent as anybody else in respect to these claims, and have voted against as many of them; but I cannot be persuaded to vote against a claim which the proper Department recommends, and says is just and proper and ought to be paid, and which a committee of the other House, and the House itself, have voted, upon the mere surmise that it is a trumped-up claim. That is about the sum and substance of all the objection to this appropriation. We have not heard any testimony, we have not heard any authority, except the opinion of those who oppose it. Under these circumstances, I must vote for it, and I wish gentlemen would permit us to vote and take up something else. I have some amendments to offer which I desire to have acted upon.

Mr. BRODERICK. I am not surprised at the Senator voting for it, coming as it does from the Department; but, sir, I shall not vote for it. ["Question."] You will get the question time enough. I state now that I believe the claims have been trumped-up since we passed the appropriation last year of $220,000; that is my belief. These parties will not suffer by letting their claims go over until the next year. We can make an appropriation of $43,000 for the expenses of the coming year; and if these claims are not trumped-up, and it is ascertained that the claims are good, why, as a matter of course, Congress will make an appropriation next year. I do not think these parties will suffer anything by the delay, and I think Congress better able to judge than the Department.

Mr. HUNTER. I was very much disposed to to vote with the Senator from California; but I find that $60,000 of this appropriation goes to the payment of debts already contracted, and it seems to me it would probably not be wise to reduce it; but I hope we shall vote on the question.

Mr. GWIN. I will merely state, in reply to the charge that these are trumped-up claims, that these very claims now presented came into the last Congress after the appropriation bill was reported. The chairman of the Commitee on Finance knows all about it.

Mr. BRODERICK called for the yeas and nays on the amendment; and they were ordered.

Mr. TRUMBULL. Mr. President, when I was up before, I replied to what I understood to be the assumption of the Senator from Michigan, which, however, in a subsequent speech that he made, he seems to have modified very greatly, and placed upon an entirely different ground, according to my understanding of his remarks. I did not undertake to show that these contracts were illegal; but I will now state, in a very few words, for I do not wish to detain the Senate, how I suppose the contracts to be illegal.

We had this whole question up a year ago; and I should like to know how the Senator from Alabama, who states that he opposes these claims generally, can reconcile a vote in favor of this proposition upon the principles he lays down. Some years ago we made an appropriation, the precise amount I do not recollect—it is immaterial—for carrying on the surveys in California. The surveyor general goes on and makes contracts greatly exceeding the amount. Over two hundred thousand dollars were appropriated last year as a deficiency to pay for work he had contracted for beyond the amount appropriated by Congress. Is not that clearly illegal? If Congress appropriates $100,000 for land surveys in California, and the surveyor general in California charged with the disbursements of that money, makes contracts amounting to half a million, will the Senator from Alabama, or the Senator from Virginia, justify such action as that? Is that legal? Now, that is this case. We appropriated upwards of two hundred thousand dollars at the last Congress to bring up the deficiency. Surely the surveyor general had no authority to make such contracts.

Now, something further is appropriated. It appears there is a larger deficiency than we then supposed. That is a branch of the argument that I do not go into. I understood the Senator from Michigan, in the first instance, to place the case upon the broad, naked ground, that if an officer charged with the disbursement of a certain sum of money for contracts, incurred a much larger sum and obligation, we are bound in honor to pay the amount. I recognize no such obligation as that; and it would be a looseness of public morals in regard to public officers that ought to meet with no sanction here, and therefore I met it upon that ground. It seems to me that we should hesitate, after the large amount we appropriated last year, to make another appropriation under such circumstances. I will not detain the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Senator from California, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 21, nays 29; as follows:

YEAS—Messrs. Bell, Broderick, Cameron, Collamer, Dixon, Doolittle, Douglas, Durkee, Foot, Foster, Hale, Hamlin, Harlan, Johnson of Tennessee, King, Seward, Shields, Simmons, Trumbull, Wade, and Wilson—21.

NAYS—Messrs. Allen, Bayard, Benjamin, Bigler, Bright, Chesnut, Clay, Clingman, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Kennedy, Lane, Mason, Pearce, Polk, Reid, Rice, Sebastian, Slidell, Stuart, Ward, and Yulee—29.

So the amendment was rejected.

Mr. PEARCE. I am directed by the Committee on Finance to offer the following amendment:

And be it further enacted, That for the purpose of ascertaining the probable cost of the execution of the various plans which have been reported to Congress for the enlargement of the public grounds surrounding the Capitol, the Commissioner of Public Buildings be, and he hereby is, directed to ascertain, as far as possible by conference with the owners of the private property within the limits of the said reported plans, the price demanded therefor, and to report the same, together with his own estimate of the value thereof, to Congress, as early as practicable after the first Monday of December next; and further to submit, with the said report, such drawings of the said plans as shall exhibit clearly the slopes, terraces, walks, and roadways within and around the said grounds, with an estimate, in detail, of the quantities of each description of the work involved in the execution of each of the said proposed plans, and the probable cost of the same.

There is no likelihood that we shall pass a bill in relation to the extension of the public grounds at this session. The Committee on Public Buildings and Grounds, I know, have a plat exhibiting the different modes in which it is proposed to extend the grounds now surrounding the Capitol; but it is, I think, desirable to have something beyond that. I think it is very important that we should acquire the information proposed to be obtained by this amendment, and also to be furnished with such plans as will exhibit the appearance of the grounds, that we may judge understandingly when we come to purchase or determine upon this extension, how far we shall proceed in extending these grounds; what the costs are likely to be of different plans; and what the appearance presented when they are arranged according to the plans which will be laid before us. As the amendment makes no appropriation, as it cannot possibly cost anything but a small sum of money, I hope the Senate will adopt it.

Mr. BRIGHT. The objection to that amendment to my mind, is this: if we direct a valuation of the ground adjacent to the Capitol, we will, to a certain extent, be bound by that valuation. We all know what it will be. Property within the limits of the proposed boundary has already commenced changing hands, and deeds are being put upon the records, showing that prices that are fabulous are being paid for it, with the view of compelling the Government, if they purchase it, to pay this price. I am opposed to the amendment. I gave the honorable Senator from Maryland my reasons for opposing it. I think the better plan is to let the amendment rest. We shall have to pass a bill which will authorize the condemnation of all such lands as we must have, with a view of enlarging the public grounds; and when we take property even under a condemnation, there is no doubt a jury in this city will give the owners all that it is worth; but do not, in advance, authorize a valuation to be had, and a report made to Congress, for then it will be said we are bound by it.

Mr. PEARCE. We shall not be bound by anything reported to us, until we have adopted the plan; but, if these preparations are making, and fraudulent valuations, with a view to extort a larger price from us, we shall not escape such contrivances by refusing to adopt this plan. If, hereafter, we shall choose any one of the different plans presented, and we shall determine to condemn the land, this very fraudulent valuation, which is now set up in preparation for the purpose of extorting from us, will then be available to more persons who try it. We shall escape nothing of that sort by refusing to institute this plan; and, by instituting this plan, we shall be able to act with our eyes open, and know what it is going to do, and what it is going to cost us. I hope it will be adopted.

Mr. BAYARD. The only objection I have to the amendment of the honorable Senator from Maryland is this: while I was chairman of the Committee on Public Buildings, they presented a more modified plan than that which has now been adopted by the committee; and the Senate rejected, on discussion, and increased the plan for the enlargement of the public grounds around the Capitol. I made the attempt, for two years in succession, through the Commissioner of Public Buildings, and the surveyor connected with him, and the architect, to endeavor to ascertain the price of the property without any formal resolution; but it made no difference. They engaged in the attempt to ascertain the price at which the property was held by the owners, and what would be asked for it. They could not even get the most indefinite answer. All that was given was the assessed value, and an estimate of their own of what they supposed to be a full valuation. The owners were unwilling, and would not give, until some act of Congress was passed which required the purchase, any answers sufficiently definite to approximate to the cost. I think it will be utterly useless to pass the amendment.

The amendment was agreed to; there being, on a division—ayes twenty-nine, noes not counted.

Mr. DURKEE. I offer the following amendment, as an additional section to the bill:

And be it further enacted, That whenever newly-elected Senators shall be notified to attend an extra session of the Senate when Congress shall not convene, and shall attend, they shall be allowed mileage in the same manner as is now allowed at the commencement of a regular session of Congress, and mileage shall be allowed to those newly-elected Senators who attended the extra session called and held on the 4th day of March, 1857, and a sufficient sum of money is hereby appropriated out of the Treasury to pay the same, but nothing herein contained shall be so construed as to allow constructive mileage in any case.

Mr. HALE. I should like to hear that read again.

Mr. PUGH. I raise a question of order upon the amendment. It is a private claim.

Mr. HALE. There is so much talking that I will not say anything on this amendment, but I should like to have it read.

The Secretary read it.

The PRESIDING OFFICER. The Chair regards it as a general provision, and as such, in order.

Mr. BAYARD. The amendment just read, offered by the Senator from Wisconsin, as I understand, is the one under consideration. I think that we owe it to ourselves that such an amendment is necessary; but it is legislation on an appropriation bill, and, with my views, I am unwilling to alter the compensation law by forced legislation upon the House of Representatives, which they would not agree to formerly. The Senate, in their hurry to pass the compensation bill, would not insert in it the same stipulations now sought to be enforced upon an appropriation bill. I attempted, when the original bill was passed as to compensation, to make a provision of this kind; but it was not listened to. At the last session of Congress, when the time of the payment of compensation under the existing law was altered to the commencement of the session, I resisted it, on the ground that I thought still that was the time to modify the bill, so as to do justice to the Senate and Senators who came and took their seats here when the House was not in session; but the Senate would not listen to anything, the eagerness was so great, or some other cause, that the money which was for arrears, as it was called, should be paid at once. I was told, "Oh, this can be corrected in a proper bill." Well, the bill has been offered, and I have never been able to get it through; and now here is an attempt to force the House of Representatives, through the appropriation bill, to make an alteration of the law, which appears solely in favor of one body. I do not want to have a collision between the two Houses on that. I do not like forced legislation, though I am in favor of the principles embodied in the amendment. I think it but just and right that, at all events, some compensation should be

made, whether mileage or not, for a called session, I am not prepared to say; but certainly there should be some compensation allowed for expenses to a Senator who attends to a duty to which the House is not called to act upon at all. That there ought to be compensation, I have no doubt; and if such a bill is brought forward, I shall vote for it; but I cannot consent to force it upon the appropriation bill.

Mr. BRIGHT. I have been trying, for the last two hours, to offer some amendments to this bill. The Committee on Finance have had this subject under their charge, and have directed me to offer an amendment similar to the one that has been offered. The objection I make to the amendment proposed by the Senator from Wisconsin is, that it contemplates paying all Senators at an extra session.

Mr. DURKEE. No, it does not.

Mr. TRUMBULL. It pays only the newly-elected Senators who actually come.

Mr. BRIGHT. Well, I think that is proper; but the amendment should be further amended, by making an appropriation sufficient to cover the amount.

Mr. TRUMBULL. It does.

Mr. BRIGHT. I did not understand so when it was read. Let it be read again.

The Secretary read it.

Mr. BRIGHT. Then, if I understand the amendment, Senators who will now attend the called session will be entitled to mileage; and when they attend in December next, they will be entitled to mileage. That, I believe, is right in itself; but I doubt whether we can pass it. I think the better plan would be to provide for the payment of mileage to the Senators who are called at the extra session, and declare that no mileage shall be paid to them on the first Monday of December next. As the law now stands, they can take but two mileages for one Congress. This amendment proposes to change the law so as to give them three or four, if there be special sessions.

Mr. IVERSON. I am opposed to allowing two mileages during the same year. The proposition of the Senator from Indiana would do very well, to give mileage only at the extra session, and not at the regular session; but I think that is not giving as much as they are entitled to. I think they are entitled to mileage at the regular session, and something for traveling to and from their homes at the extra session. Those of us who are here do not have to travel, and are not subjected to that expense. I therefore propose this amendment, as a substitute for the original amendment:

That whenever newly elected Senators shall be notified to attend an extra session of the Senate when Congress is not convened, they shall be entitled to receive their actual expenses in going to, and returning from, the city of Washington, to be certified by them on honor.

Mr. BRIGHT. I have an amendment which has been prepared by the Committee on Finance, the object of which is to pay them mileage at an extra session, and none at the regular session.

The PRESIDING OFFICER, (Mr. FOOT in the chair.) The amendment of the Senator from Indiana is not now in order; but it will be read for information.

The Secretary read it, as follows:

And be it further enacted, That, from and after the passage of this act, each member of the Senate who may attend any extra or called session of the Senate in the recess of Congress, and who was not a member of either House of Congress at the expiration of the Congress preceding such extra or called session of the Senate, shall be entitled to receive his mileage at said extra or called session of the Senate, instead of the commencement of the regular session of Congress succeeding such extra or called session of the Senate; and that such sum as may be necessary to pay the mileage aforesaid, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia to the amendment of the Senator from Wisconsin.

Mr. GREEN. I am not satisfied with either one of the propositions now pending; but, as we must first dispose of the amendment to the amendment before anything better can be proposed, I will indicate what I think would be fair and proper. The law now fixes one mileage for each year, or two mileages for a whole Congress. There may be an extra session of Congress, at which members of the House of Representatives will have to attend without mileage, as well as members of the Senate; and to that extent it is perfectly fair and equal between the Senate and House of Representatives; but we all know, from actual experience and from the history of the Government, that there are extra sessions of the Senate at which Senators must attend and get no pay. Those newly elected Senators who take their seats on such occasions ought to be paid for coming here. They are compelled to come, under the law. If they do not come, they can be coerced, and the Sergeant-at-Arms can be sent after them. Now, as they must come, what good does it do them if we only pay them in advance a mileage which they would be entitled to receive eight or nine months afterwards? It is not adequate; it is not just to them. They ought to be paid their extra mileage. It ought not to be called extra mileage; it ought to be called mileage for extra services. It is an extra service that members of the House of Representatives do not perform. New Senators incur an expense—some of them of $300, some $500, some more—in coming here and paying their expenses of travel and remaining here. Some of them come five hundred miles; some one thousand; some three thousand. Senators come from California, from Missouri, from Illinois, from Wisconsin, from Minnesota. It is their duty to perform this travel. Now, I say we should give them a reasonable compensation for it. The judgment of Congress has been, that the present rates, as fixed by law, constitute what may be called reasonable compensation. I therefore think they ought to have it; and at the assembling of Congress at the regular session, or at any other session of Congress, get no other mileage than what the law at present gives to all members of the Senate and House of Representatives. At any extra session of Congress neither the members of the Senate nor of the House of Representatives get any mileage or any pay. They are paid by the year; and, whether they sit six months or twelve months, they get the same. Whether they attend one session or four sessions, it is all the same. But, with Senators called to attend an extra session for executive business, it is an extraordinary service. New Senators must come and incur the expense, and they ought to be paid. I shall therefore vote to give them the regular rates of mileage for any extra session of the Senate when Congress is not convened.

Mr. TRUMBULL. The original amendment, as I understand it, is exactly what the Senator from Missouri proposes. The original amendment of the Senator from Wisconsin is to give to the newly elected Senators, who come here at a special session of the Senate, mileage.

Mr. GREEN. When Congress does not convene?

Mr. TRUMBULL. I think those words are in the amendment, and I think that is the best way of disposing of it. Now, in regard to the proposition of the Senator from Georgia, it seems to me rather a small matter to require a Senator to make a certificate on honor as to what he actually expended—how much he expended for his meals and for his fare and for his lodging.

Mr. GREEN. The amendment of the Senator from Wisconsin reads now, "any member of the Senate:" it ought to read, "any newly elected Senator."

Mr. TRUMBULL. It provides for an extra session of the Senate, and I apprehend it would not be an extra session of the Senate if Congress were not in session.

Mr. GREEN. It is better to put it beyond all doubt.

Mr. TRUMBULL. That is the object of it; and I presume the Senator from Wisconsin would accept that modification; and then it accomplishes the object of the Senator from Missouri. I did think two years ago, when the Senators came here from Wisconsin, and from Mississippi, and from California, to attend an extra session of the Senate, immediately after the 4th of March, and had to remain here a couple of weeks, and had to pay their own expenses here and back, and got nothing, it was not right. Those of us who are here have no travel to perform, but they must perform it. The same thing occurs now; one third of the Senate goes out to-morrow and twenty new Senators come in; the newly elected Senators who come here are not entitled to any mileage. If they are at present members of the Senate they have no right to claim anything; but those who are summoned from thousands of miles distant, ought to be paid. It is nothing but justice; and I hope the amendment will be adopted.

Mr. CLAY. I suggest this question to the Senator: suppose they should come before any summons; should we pay them still?

Mr. TRUMBULL. I do not think I would go into that. It might as well be said that if any of us had business calling us to the city of Baltimore, just before the meeting of Congress, and we should happen to be there when Congress met, it was evidence that we ought not to be paid for coming here.

Mr. CLAY. That is, if he comes on private business, the Senator thinks he ought to be paid as well as if he were summoned to perform public business.

Mr. TRUMBULL. If he is here to perform public duties, and his residence is at a distance, I would pay him mileage. I would not inquire whether or not private business brought him; if he is here to discharge public duties, I think he should be entitled to a reasonable compensation.

Mr. GREEN. Let me suggest to the Senator that the 4th of March, every fourth year, is the incoming of a new Administration, and new Senators have a right to anticipate a call, and come without any summons.

Mr. TRUMBULL. I suppose a sufficient answer to the suggestion of the Senator from Alabama is, that they would be summoned, as a matter of course. I take it that the President, if he convened an extra session of the Senate, would summon all the members. It would certainly be a singular discharge of his duty to notify only a part of the body to attend. I take it that they would all be summoned, as a matter of course.

But a word in reply to the Senator from Delaware. He seems to regard this as coercive upon the House of Representatives. I do not. What has been our legislation here within a few days? We put a provision, raising the rates of postage and abolishing the franking privilege, first upon the post route bill, and afterwards upon the Post Office appropriation bill. We put it upon two bills with the avowed purpose, as was stated by the Senator from Georgia, [Mr. IVERSON,] of forcing the House to adopt it. I did not approve of that. I would not attempt to coerce the House to adopt any amendment of ours; but I think this is as proper a place to put in this provision as any; and if the House do not think proper to agree to the amendment, they can reject it. It is not at all probable that the Senate would stand out about this amendment; and it is so eminently right, that, I take it, the House will agree to it.

The PRESIDING OFFICER. The Senator from Wisconsin having modified his proposition, the Chair will have it read again, as modified.

The Secretary read it, as follows:

And be it further enacted, That whenever newly elected Senators shall be notified to attend an extra session of the Senate when Congress shall not convene, and shall attend, they shall be allowed mileage in the same manner as is now allowed at the commencement of a regular session of Congress; and mileage shall be allowed to those newly elected Senators who attended the extra session called and held on the 4th day of March, 1857; and a sufficient sum of money is hereby appropriated out of the Treasury to pay the same; but nothing herein contained shall be so construed as to allow constructive mileage in any case.

Mr. SEWARD. I think I can speak without any partiality on this subject. I have two constructive mileages lying in the hands of the Secretary of the Senate, which I have never drawn, and which I propose never to draw. I do not think any money will ever come into my pocket by reason of this proposition, if it shall be accepted. Since the alteration in the act providing for the compensation of members of Congress, it has seemed to me apparent that, at the conclusion of every Congress, the President of the United States will probably find—I do not say that he will necessarily find—an exigency requiring the attendance of the Senate in an extra session for a few days, to transact business which will have passed by, or which may have occurred before the close of the last session, but too late then to be acted on. Under such circumstances, the President will summon the Senate to meet again. A portion of the Senate, consisting of two of its three classes, will be here ready to attend that summons without expense. The other—the third class—will not be here; the Senate will be incomplete without that third, or newly-elected class. If we shall say that they shall be deprived of the mileage for their attendance here, it is

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equivalent to saying that they ought not to attend, and that the business of the Senate of the United States shall, at that extra session, be performed by two classes, or two thirds of the Senate, instead of the whole body. It seems to me, that if a Senate is to be convened at all, in ought to be a perfect Senate; an equal Senate; in which all parts of the country are equally represented; and, if so, it is but just that the newly-elected class shall be paid their compensation. I hope, therefore, that the amendment will prevail; and, since the question only arose after the passage of the compensation bill at the Congress before the present one, and only in regard to those Senators newly elected, who appeared here at the commencement of the present Congress, I hope they may be allowed the benefit of the retrospective action now proposed.

The PRESIDING OFFICER. The pending question, the Chair will state again, is on the amendment of the Senator from Georgia to the amendment of the Senator from Wisconsin.

Mr. MASON. I do not know exactly what is the proposition contained in the amendment, or the amendment to the amendment; but I think I do know what ought to be done. It is a very delicate and unpleasant position for a gentleman to be dealing with his own compensation when he has it in his own power; but yet there is a propriety and a justice that ought to be regarded by those who are members of the Senate. As I understand it, the existing law provides that there shall be paid only two mileages at each Congress; and yet, as one third of the Senate goes out biennially, it results that there come to the Senate gentlemen who have never been here before who are required to attend at an extra session, and they come here from a distance, from hundreds of miles, and thousands of miles. It is not equitable, it is not just, that we who are here, and whose traveling expenses have been paid by our mileage, should be placed upon an equality with those gentlemen who are not here and who come here to attend the special session. I do not know exactly what are the provisions of the amendment, or the amendment to it; but I am very clear what ought to be done. What ought to be done is, to make a provision to pay the mileage of Senators who have been summoned here to attend an extra session of the Senate, and who are not members of the Senate when that exigency arises; and I would say to the honorable Senator from Alabama, for whose opinions I have great respect, that I cannot see how it makes the slightest difference whether a gentleman, a member of the Senate elect, having reason to believe that there will be an extra session, comes here in advance, or disables himself from attending by remaining at home so that it is impossible for the summons to reach him in time. When the provision was made by law for paying a mileage, as it is called, for traveling expenses to the members of the Senate and House of Representatives, we had the old thirteen States on the Atlantic border, and were within reach; but now we have Senators three and four thousand miles off; it will require a month for the summons to reach them, and another month for them to get here, and I do not see how the business of the country can be carried on with a full Senate, as the Constitution contemplates, unless there is an understanding that gentlemen at that distance shall come here to be present when the Senate is called, if it should be called, and take the risk. It makes not the slightest difference whether they are summoned to come here, or whether they come here without a summons. Justice is that those gentlemen, who are members of the Senate to convene on the 4th of March, who are not members now, and who come here to attend a special session, should be paid their expenses. In that form I will, with great pleasure, vote for the amendment.

Mr. TOOMBS. I think we can vote on this question without all this talk about it. We understand the question perfectly well; let us take a vote. Everybody understands the simple proposition of altering the law and giving new members mileage or not doing it. I hope we shall take a vote. I believe nobody wants to hear a single man in this body on such a question.

Mr. BAYARD. I do not know whether the Senate want to hear anybody or not; but I suppose every member has the right to speak; and though the Senator from Georgia, in this case, may not think it necessary to make remarks, he takes the liberty of doing so, when he chooses, in other instances. I do not feel myself bound by the opinion of the honorable Senator as to whether I think it proper to discuss any question that comes before the Senate.

The Senator from Illinois has attacked the principle upon which I am opposing this amendment, not on the ground that it is improper in itself; not on the ground that I would not vote for a bill of this sort; but on the ground that if we mean to remedy the evils of the compensation law, there are others which equally demand redress, and we should remedy them all. As the law now stands, in the hurry in which you chose to pass it and chose to alter it, a man may be sworn in as a Senator, take his seat, and sit for forty days, and he may die before the commencement of the regular session, and he cannot get a dollar of pay, although he dies only five days before the commencement of the session. That is the law you approved when it came before you as a separate measure. Although I asked the Senate then to put a proper amendment on it, I was not listened to. You changed the law at the last session in order to provide for the payment, in advance, at the commencement of the session of what were called arrears, instead of leaving the arrears to be paid at the end of the session. Still the Senate would not listen to any amendment of the joint resolution of the House, but left all these evils and inequalities, which I admit exist, unrepealed and unremedied.

Now we are asked, on a matter which relates to this body alone, and the rights of the members of this body alone, to introduce into an appropriation bill legislation which is intended to be coercive on the House of Representatives to a certain extent. It hazards an appropriation bill. You do not leave free the action of the House when you send to them, not in the shape of a distinct bill which I am ready to vote for, putting Senators in a proper position as regards their compensation, but you throw into a bill, which involves general appropriations for the Government, legislation to alter existing laws for the benefit of your own body. I believe that is an unwise system. I have resisted it in other cases. I did not vote for the amendment to an appropriation bill abolishing the franking privilege, because I thought it an improper mode of legislation, though I was in favor of the measure. I did not vote for the amendment to an appropriation bill raising the rate of postage, because I thought it an improper mode of legislation. I think you will find that the evil will grow on you every day that you persist in this practice; but it becomes more improper in the present case, because it is legislation for the benefit of your own body; not of the individual members here now, but of your own body, which you are unwilling to trust to the coördinate branch of the Legislature without imposing it on an appropriation bill with which it has no natural connection. I am therefore opposed to it.

Mr. WILSON. I suppose that no one here wishes to listen to any more debate on this subject; but, as I am compelled, from a sense of duty, to give what may be regarded as an ungracious vote towards my associates here, I wish simply to say that, when we doubled our annual compensation, we accepted the law, and we knew at the time that we were liable to be called together. The annual pay of $3,000, and the mileage together, make up our compensation. I think it large enough; I believe the country thinks it large enough; and, in my judgment, we ought not to change it, and especially not in this manner; and I cannot conscientiously vote for this proposition. There is no inequality about the present arrangement; no injustice about it; it will all come out right. We have agreed that we shall have only two mileages for a Congress, and, I think, we had better adhere to the existing law. Many men in the country believe that we increased our pay more than we ought to have done. The newspapers are filled with accounts that we are here less than one hundred days this session, and receive $3,000 for it; and that we cut our sessions short two months, because we are paid by the year. We may pass this provision, but I believe it will subject us to the criticism of the country, and that that criticism will be just. I cannot conscientiously vote for it.

Mr. IVERSON. At the risk of offending my colleague and others, who are impatient for the question, I must submit a few remarks, to the Senate particularly, in reply to the Senator from Virginia. The Senator from Virginia says we all ought to be placed on the same equality. That is just what I want. Now, let us look at the practical operation of the proposition: suppose the proposition which has been offered by the Senator from Wisconsin shall pass, which gives double mileage, or mileage to a Senator who comes here at an extra session of the Senate. The Senator from California gets $6,500 mileage.

Mr. GWIN. That is $1,000 too much.

Mr IVERSON. Well, $5,500 mileage. He comes here on the 4th of March to attend an executive session, and gets $5,500 mileage, under the amendment now proposed. Then he comes here on the first Monday of December of the same year, and gets $5,500 more. That is $11,000 of mileage and $3,000 of compensation, making $14,000 for that year. How much do I get? I get my mileage for one session and my compensation of $3,000. The Senator from California, whose term does not expire, gets $5,500 for one mileage and $3,000 compensation, making $8,500, while the other Senator from California gets his $14,000. Is that equality? Is that the sort of equality that the Senator from Virginia wants to put members on? I do not understand that kind of equality. What is equality is to give each one the same amount of mileage for one session, which is now the law; give him the same compensation, and pay his expenses, if he comes here to attend an extra executive session. Then we are upon an equality. If you refund to a new Senator who comes here the amount which it costs him to come here and go back, and give him his mileage for the regular session, you put him precisely on an equality with every other Senator; he gets the same mileage and the same compensation, no more and no less.

The Senator from Massachusetts has very properly remarked, that the people are looking to this matter, and talking about it; and if we go on in this way increasing the compensation of members of Congress, you will hear the voice of the people in tones that you cannot misunderstand, which you dare not disobey. I tell Senators that the people are already aroused to the large amount which our compensation draws from the public Treasury. They say that you get forty cents a mile for travel, when it does not cost you four cents; and you now propose to give to new Senators this forty cents a mile twice a year, instead of once a year. Why, sir, it is a monstrous proposition; and I tell you, Senators who vote for it, in my opinion, cannot meet the judgment of their constituents. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. PUGH. I want to know by what standing committee this amendment has been moved, if by any? ["None."]

Mr. GREEN. Never mind; let us vote.

Mr. TRUMBULL. I do not see the Senator from Wisconsin, who offered this amendment; but I understood from him that he did offer it from a committee.

Mr. PUGH. It was not so stated.

Mr. TRUMBULL. The Senator from Wisconsin is here now, and can answer for himself.

Mr. DURKEE. I offered it from a committee.

Mr. PUGH. What committee?

Mr. DURKEE. The Committee on Revolutionary Claims. [Laughter.]

Mr. PUGH. I thought so—a very appropriate committee for it to come from.

Mr. FESSENDEN. I wish to say a word on this proposition, although it is so very late. I understand it is a proposition to give the new members of the Senate an extra mileage, that is mileage for attending a called session of the Senate, at whatever time it may be convened, and also, to give mileage to those who attended at the extra session of March 4, 1857. I am opposed to it entirely, and have been from the beginning. I think it is wrong in principle every way, and that it would not be creditable to us to pass it, nor creditable to those members to receive it, and I will tell you why. This matter of mileage is not predicated upon the expense of travel in any shape or form. It is part of the compensation for services during the Congress. I have been out, and do not know but that all I am going to say has been said before, but at any rate it will do no harm to say it again.

Mr. SEWARD. It is all right.

Mr. FESSENDEN. My economical notions, I know, do not square with the very exact and precise and nice opinions which the Senator claims for himself about these days. I say distinctly that the mileage is not predicated on the expense of travel. I receive nearly five hundred dollars as my mileage for traveling from my residence here, and it does not cost me anything like a fourth part of that sum. The mileage is understood to be a part of the compensation. Why should I, because I happen to come here to attend an extra session, have that amount doubled? There is no sense in it; there is no propriety in it. We already receive pay enough; and the idea that these gentlemen cannot afford, on the mileage they receive, to come here twice, is certainly altogether an error. The mileage that is paid for once coming and returning will pay all the necessary expenses of coming and returning three or four times over, and that is perfectly well understood and known to the country.

If we wait a little while this matter will all come around right, because, in the course of our terms, we all happen to come here to attend an extra session; but I hope no member will press a matter of this description. I have expressed my opinion against it in private before, and I now do it in public, and I shall certainly vote against it if I have a chance to put my name on the record among the yeas and nays. I do not know what the people will say about it; it does not make a very great difference what they do say about it. The thing is not right in itself, in my judgment, and on that ground, if no other, we ought to vote against it.

Mr. HALE. As my friend from Maine has expressed himself so strongly about this proposition, I want to say that I shall vote for this amendment, because I think it eminently just and highly proper.

Mr. GREEN. Which amendment?

Mr. HALE. The amendment giving the mileage to new Senators who attend an extra session.

Mr. GREEN. That is not the amendment before the Senate. The amendment of the Senator from Georgia is before the Senate.

Mr. HALE. I am against that. I am speaking to the remarks of the Senator from Maine, and I am very sorry that he has given the sanction of his name to the idea that it would be indelicate or improper for these gentlemen to receive this mileage. I think it would be neither the one nor the other, but highly proper and eminently just; and permit me to say that I think there was an unjust discrimination made by the Senate against themselves when the compensation bill was passed, by which the Senate actually put into the bill a provision by which their pay was made less than that of members of the House of Representatives, because we knew, as a matter of fact and law, that every four years we were obliged to come here at an extra session, and it was a piece of demagogism to allow our compensation to be put down below that of the House. We ought not to have done it then, and we ought not to do it now; and we ought not to subject these gentlemen to the expense of coming here from their homes without paying them. I hope I have as keen sensibilities as men in general in regard to money; but I confess I have never been educated in the school which tells me that it is unjust or indelicate for a man, like my friend from Michigan, [Mr. CHANDLER,] who traveled last March a year all the way from Michigan, and paid his own bills, at the call of the Government, and who had to go back at his own expense, to receive compensation for it now. I should not have said this much had not remarks been made which would impugn the delicacy and sensibility of these gentlemen.

Mr. FESSENDEN. I do not mean to impugn the delicacy of anybody, and it will be time enough for the Senator from New Hampshire to give me a lecture about that when anybody complains with reference to the matter. I expressed my opinion about it. I do not know that any one of these gentlemen asks this; I presume they do not; I take it for granted that they do not claim it, or demand it in any shape or form. What injustice is done them? They travel from Michigan, or Iowa, or any other State, and receive, say $1,500, or more, for one travel; it is enough to pay all their expenses for coming here and going back at five sessions in the course of a year. If I regarded the mileage in the light of expenses for travel coming and going, I would not vote for it. I am willing to vote to carry out the suggestion of the Senator from Georgia; I think they ought to have their extra expenses, to make them equal with the others, and I would take their own statement of those expenses. That is sufficient. It is presumed gentlemen will do the thing rightly. What is the injustice that is complained of as being done to those gentlemen? Take the strong case put by the Senator from Georgia: why should a Senator from California receive $5,500 because he comes here at an extra session? Is that just towards the rest of us? It is a great object to have a good many opportunities to travel to and fro in the course of a year, under such circumstances. The truth of the matter is, it is all a sham. I do not consider that there is anything in the argument for it. Let us put it on the right ground. If we vote merely to carry out the idea of comity and good feeling, we had better contribute ourselves, instead of putting it on a ground that is utterly untenable.

The amendment of Mr. IVERSON to the amendment was rejected.

Mr. IVERSON. I have another amendment to offer to the amendment of the Senator from Wisconsin. It is to add, as a proviso:

Provided, That if such Senators draw mileage at said called session, they shall not be entitled to, or be allowed to draw, mileage at the next regular session.

That will give them an opportunity of drawing their mileage at the called session, and will exclude them from repeating it at the next regular session.

Mr. CLINGMAN. I hope that amendment will be adopted. The idea is that we are to be put on an equal footing. Every Senator who comes here for a full term has to encounter this risk. Each one who serves six years can draw twelve mileages. There are a certain set of gentlemen who come in on the 4th of March. It is said it is hard on them that they should not get another mileage. Another set will come in two years hence, and so on; so that every Senator who sits here six years can, under the existing law, get twelve mileages; and though it seems hard on one set now, it will be equally hard on all others. I am opposed, therefore, to changing the existing compensation, and will vote for the amendment of the Senator from Georgia.

Mr. MASON. You cannot produce actual equality in receipts among all the members of the body, unless you limit Senators to their actual expenses, which nobody proposes; but there is equality in the disadvantages under which gentlemen labor who come from a great distance and those who come from a shorter distance. I come from a very short distance; my mileage amounts to very little; it is hardly worth counting. There are Senators on this floor who receive, as compensation, in one year, more than I receive in three; but I do not complain of it; I do not say there is inequality in it in the slightest degree. I know that those gentlemen who come from a great distance ought to receive more than I do, who come from a short distance; and you cannot produce equality; but if this amendment prevails, as explained by the Senator who last spoke, the result will be, that those Senators who are not elected to a new Congress will not come at all.

Mr. FESSENDEN. Then they will not do their duty, and are not fit to be Senators.

Mr. MASON. The object of the Constitution is to keep the Senate full. The country is entitled to the counsels of those Senators; and, if the amendment prevails, it will be an inducement to Senators from a distance not to come. Now, I should say, that, although I think I am as much of an economist as most Senators here, the money is nothing, compared with the attendance of Senators. I hope, therefore, this amendment will be rejected.

Mr. GREEN. One word only. The Senate has just voted down the proposition of the Senator from Georgia, which proposed to give the new Senators enough to pay their traveling expenses. He now proposes to give them nothing except an advance payment of mileage, which is less than their traveling expenses. As the Senate rejected the other, I hope and believe they will reject this.

Mr. FESSENDEN. I suggest that this does not cover the whole case. It only covers the members coming in. This amendment applies only to the future.

Mr. IVERSON. I do not understand that the orignal amendment covers past cases.

Mr. FESSENDEN. Let it be read.

The Secretary read Mr. DURKEE's amendment.

Mr. IVERSON. In accordance with the suggestion of the Senator from Maine, I shall propose, if this proviso of mine be adopted, to strike out that portion of the original amendment which gives back mileage to persons heretofore elected, so as to let it act *in futuro* only.

Mr. BRIGHT. If the amendment to the amendment and the original amendment are voted down, I shall then offer the amendment of the Committee on Finance, which I before stated to the Senate. It is to allow those Senators who come here on the 4th of March, under the summons of the President, to receive their mileage on that day, or any day during the called session; but that no mileage shall be paid to them at the next annual session of Congress. Our object is to let the law remain as it is in regard to the mileage of members, but to give the new Senators their option to take the mileage now or next December.

Mr. IVERSON. I withdraw my proposition, as the amendment of the Senator from Indiana meets my views. He can offer it by way of substitute for the original amendment.

Mr. BRIGHT. My proposition meets the point presented, and, I venture to say, it is the only one which will pass this Congress.

Mr. IVERSON. I withdraw my proviso.

Mr. BRIGHT. I move to amend the amendment of the Senator from Wisconsin by substituting for it the following proposition, which is agreed to by the Committee on Finance:

That, from and after the passage of this act, each member of the Senate who may attend any extra or called session of the Senate in the recess of Congress, and who was not a member of either House of Congress at the expiration of the Congress preceding such extra or called session of the Senate, shall be entitled to receive his mileage at said extra or called session of the Senate, instead of the commencement of the regular session of Congress succeeding such extra or called session of the Senate; and that such sum as may be necessary to pay the mileage aforesaid, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The amendment to the amendment was agreed to; and the amendment, as amended, was adopted.

ARMY APPROPRIATION BILL.

Mr. DAVIS. I wish to make a report from a committee of conference.

The PRESIDING OFFICER. By general consent, the Chair will receive the report.

Mr. DAVIS. The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 667) making appropriations for the support of the Army for the year ending the 30th of June, 1860, have met, and, after full and free conference, have agreed to recommend to their respective Houses as follows:

That the House recede from their disagreement to the Senate's fourth amendment and agree to the same with an amendment, as follows: Strike out, "including experiments on heavy ordnance for that purpose," and insert at the end of said amendment, "out of which $50,000 are to be used for experiments on heavy ordnance."

That is to say, they have not changed the amount, but they have changed the language so as to direct specifically that out of the appropriation of $200,000, $50,000 shall be used for experiments on heavy ordnance.

The committee recommend that the House recede from their disagreement to the Senate's fifth amendment, and agree to the same with an amendment, as follows: Strike out the words "and fifty." It was proposed to appropriate $250,000 for horse equipments for the mounted regiments and stores and supplies. The House recede so far as to permit an appropriation of $200,000 for this purpose, and the Senate recede from that portion of the amendment which provided that $100,000 should be used during the present fiscal year.

The Senate recede from the following amendments, namely: sixth, seventh, nineteenth, twentieth, twenty-fifth, twenty-seventh, and twenty-eighth. If it is desired, I will state what these amendments are. ["No."]

The House recede from their disagreement to the following amendments of the Senate, and agree to the same, namely: eighth, fifteenth, twenty-first, twenty-second, twenty-third, and twenty-fourth.

The House recede from their disagreement to the Senate's twenty-sixth amendment, and agree to the same with amendments, as follows:

After line five, insert the words: For Fort Knox, Penobscot bay, $20,000.

Strike out lines eight and nine, (which contain the appropriation for Fort Tompkins.)

In line ten, strike out "fifty" and insert "forty."

After line ten, insert these words: For Fort Montgomery, Lake Champlain, $10,000.

In line eleven, strike out "one hundred" and insert "seventy-five."

In lines thirteen and fourteen, strike out "one hundred" and insert "seventy-five."

In line seventeen, strike out "seventy-five" and insert "fifty."

In line nineteen, strike out "fifty" and insert "thirty."

In line twenty-two, strike out the word "five."

In line twenty-four, strike out "fifty" and insert "thirty."

I will state, generally, the object of these amendments, as the Senate may not recollect them by their numbers. The Senate recede from their amendment increasing the appropriation for the Benicia arsenal, from $50,000 to $100,000; it remains at $50,000. The House recede from their disagreement to the amendment of the Senate, increasing the appropriation for the Texas arsenal from $15,000 to $21,000. The House recede from their disagreement to the amendment providing for printing a revised edition of the system of instruction for field artillery and for procuring and distributing to the militia of the United States books of tactical instruction. The Senate recede from their amendment providing for the settlement of the accounts of officers for quartermaster's stores issued to Kansas volunteers. The Senate recede from their amendment providing that no more of the outstanding appropriations shall be expended during the present year herein provided for than the amount which shall be necessary to settle liabilities previously accrued. The House recede from their disagreement to the different amendments in relation to the Military Asylum. The Senate recede from their amendment providing for the payment of interest in the adjustment of the accounts of the States against the United States for expenditures made during and after the war of 1812. The House recede from, and agree with, an amendment, as I have stated the sums, to the amendment in relation to fortifications. The Senate recede from their amendment, to which the House disagreed, in relation to the inspection of servants and horses of officers of the Army, and allowing them their commutation.

Mr. MALLORY. Allow me to ask the chairman of the committee of conference a question. I did not hear him mention the sums kept in for the forts in the Gulf.

Mr. DAVIS. For the principal work at the Tortugas, the sum remains as provided for by the amendment of the Senate. For the work at Key West, Fort Taylor, the Senate agree to a reduction of $5,000 of the sum appropriated by the amendment of the Senate.

The report was concurred in.

ENROLLED BILL.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the Speaker had signed an enrolled bill (S. No. 593) to provide for extending the laws and the judicial system of the United States to the State of Oregon, and for other purposes; and it was signed by the Vice President.

NAVAL APPROPRIATION BILL.

The message also announced that the House had agreed to the first and fourth amendments of the Senate to the bill (H. R. No. 712) making appropriations for the naval service for the year ending the 30th of June, 1860, and had agreed to the second and third amendments of the Senate, with amendments; in which the concurrence of the Senate was requested.

On motion of Mr. HUNTER, it was

Resolved, That the Senate disagree to the amendments of the House to its amendments to the said bill, and ask a committee of conference on the disagreeing votes of the two Houses, and that the committee be appointed by the Vice President.

CIVIL APPROPRIATION BILL.

The consideration of the bill (H. R. No. 713) making appropriations for sundry civil expenses of the Government, for the year ending the 30th of June, 1860, was resumed as in Committee of the Whole.

Mr. BRIGHT. I have an amendment to offer from the Committee on Public Buildings and Grounds:

And be it further enacted, That for procuring the necessary furniture for the Senate Chamber, the audience rooms, the committee-rooms, the rooms occupied by the office of the Secretary of the Senate, and other rooms of the north wing of the Capitol in the occupancy of the Senate and its appendages, the superintendent of the Capitol extension be directed to make a survey and ascertain what articles of furniture will be needed, with the materials, designs, and dimensions of the same; and that he be, and he is hereby, authorized to publish the proper specifications and descriptions of the articles that may be required, and invite sealed proposals to be made to him within thirty days from the date of the first publication of the same for the manufacture and construction of the said articles of furniture, to be opened at the appointed time, in the presence of the bidders or other persons; and that a contract or contracts for such furniture shall be made with the lowest and best bidder, reference being had to the quality of the material, the superiority of workmanship, and the time in which the same shall be completed; and that proper security shall be taken for the faithful and prompt execution of the work; and that, for the purpose of paying for the said furniture as it may be completed and delivered to the satisfaction of the said superintendent, such sum of money as may be required therefor be, and the same hereby is, appropriated, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. MASON. I hope that appropriation will not be made. I do not see any reason why we should not be content, in this new building, with the old furniture. We have abundance here in the Senate Chamber—the chairs and desks which were used in the old building. As far as I know, in the committee-rooms, we have abundance there. In the room of the committee of which I am a member, we have the old furniture of the old committee-room. It is abundant for our purposes; and, in the present state of the Treasury, and our anxiety not to increase the expenditures, I think it would be in very bad taste, not to give it a harsher name, that we should be expending money to furnish this new Capitol. We have abundance of furniture, which has been brought from the old Capitol—very good furniture, as far as I know—and I trust that the appropriation will not be made.

Mr. BRIGHT. I hope now, sir, that gentlemen who are at the head of committees will have an opportunity of explaining how far they do need furniture in their committee-rooms. It is a great relief to me to have an opportunity of offering this amendment. It was reported from the Committee on Public Buildings and Grounds some four weeks since in the shape of a joint resolution, but I have been unable to get it considered; and during that time, I think I may venture to say that a majority of the gentlemen who are at the head of committees have spoken to me repeatedly, asking why the subject was not called up. I understand that there are many committee-rooms which are not furnished, or in which the furniture, at least, is not suitable to the rooms. I certainly have no anxiety in reference to the matter; for the committee of which I have the honor to be chairman as yet have no room in the new wing of the Capitol. The special committee who had that matter in charge assigned a small room to the Committee on Public Buildings and Grounds; but the chairman of the Committee on Indian Affairs felt that it was a necessary appendage to the room assigned to him, and we yielded it to him. As chairman of the committee, I have done nothing more than my duty in offering the amendment, and Senators have now an opportunity of saying whether they need furniture in their committee-rooms or not. If they need it, under this amendment the superintendent in charge of this building will advertise and receive sealed proposals for furnishing such furniture as the gentlemen who compose the committees here say they need. It is wholly immaterial to me whether the Senate adopt the amendment or not.

Mr. MASON. I ought to have added one word to what I said before. I do require some additional furniture in the room of the committee of which I am a member, and I propose to have it made. I want some very plain pine shelves to put books on, and I want nothing more. The furniture in that committee room was brought from the committee room in the old Capitol; it is in good order; there is no part of it broken, nothing dilapidated, and I want no other furniture. I think it will be in very bad taste to put this additional burden on the Treasury, to accommodate the furniture in the committee-rooms to the gewgaw gorgeous taste of this new building.

Mr. BROWN. I must confess myself somewhat amazed at the position of the Senator from Virginia. We have built a magnificent wing to the Capitol for the accommodation of the Senate. I have always understood the Senator from Virginia to be in favor of this Capitol extension, and upon its present scale of magnificence; but now at the winding up, when the house is built, he is for stopping and refusing to furnish it.

Mr. MASON. I was in favor of the Capitol extension, because I believed we wanted more space, and for no other reason in the world, and I am in favor of getting furniture if any gentleman will say that the furniture, from his former committee-room is not enough, not in quality, but in quantity, for his present use.

Mr. BROWN. I hold that the furniture of a committee-room ought to bear some relation to the room itself. I heard the Senator say, and I heard it with some surprise, that he wanted some plain pine shelves in his committee-room. That suggests to me the idea of a plain log cabin. If we held our councils in buildings of that sort, I should be content with that kind of furniture; but it seems to me to be altogether out of place that we should erect a building like this, at a cost of millions, and then, all of a sudden, talk about economy and refuse to furnish the committee rooms and legislative chambers in a style commensurate with the dignity, magnificence, and grandeur of the building. Possibly you may never have had use for these committee-rooms, but you thought you had. You may have had no use for this Chamber. I hardly think you had; but still Congress decided otherwise. You have put up the building, and this is not the point at which to stop; for you must go on and furnish your building in the style in which you have erected it. I never had any respect for a private gentleman who built a fine house and then did not carpet his floor, or furnish it in the style in which he had built it. It always occurred to me that he did not know exactly what he was driving at; that he wanted to do the thing on a big scale, and that his magnificence give out before he got through. You have built a fine Capitol, and I think you will be very much in fault if you do not furnish it in the style in which you have built it. I am very sorry to dissent from the Senator from Virginia, because Virginians know very much better than Mississippians what fine furniture is. The old "mother of States and statesmen" ought to know what is right, and ought to do what is right. Of all Senators on this floor, I should have expected this objection to come last from the Senator from Virginia. We are accustomed to associate the name of Virginia with those old family mansions furnished in the style which belongs to her. Would the Senator from Virginia build himself a magnificent residence, and refuse to carpet the floors, refuse to put up mirrors, make himself magnificent parlors and chambers, and then say, "I will put up pine shelves all around here; I will have no mahogany tables; I will have no cushioned chairs; I will have plain pine tables; and I will have three legged stools?" I am sure the Senator

from Virginia would not propose to act in that way. It is not according to Virginia magnificence; it is not according to Virginia magnanimity and grandeur. I hope the amendment will be adopted.

Mr. MASON. I only want to say to the Senator from Mississippi, that I had no part in the world in building this extension of the Capitol; I had no part in the arrangements; I approve of nothing in it, of any kind and description, except the apparent durability. If it shall last, it is all I ask. All this gorgeous painting, and these ceilings, as far as my taste is concerned, are entirely discordant. I had no part or lot in them. Now, it is asked that we shall appropriate money to add furniture, or to purchase furniture, and my objection is, that we do not want it. I certainly do not want it. In the room of the committee of which I am a member, we have the old furniture brought from the old committee-room; it is in good order; no part of it is broken; no part of it is dilapidated; and I have no desire, in the present condition of the Treasury, to make an appropriation to add to it.

Now, in relation to what the Senator has alluded to, I said this, and I adhere to it: I want nothing there but some plain pine shelves, that shall be painted in order to preserve them, to put books on. That is my idea of the proprieties of life. Shabby splendor and mock gentility I condemn utterly, at home or abroad.

Mr MALLORY. The committee over which I have the honor to preside is very much in want of a few articles of furniture in the committee-room, but I will not enumerate them here, lest I might offend the sensibilities of my friend from Virginia. In removing out of the old committee-room, which has since been turned over to the Court of Claims, we did not remove articles which were necessary to the committee. It is necessary that we should have some to replace other articles. It will require a small amount.

Mr. HUNTER. Will my friend allow me to suggest that it will not do for each head of a committee to give an inventory of the furniture in his room.

Mr. MALLORY. I am not going to do it. I have the floor, and if my friend from Virginia will sit down and listen to me I shall get through very soon. The furniture in these rooms is a mere bagatelle. I presume the discretion of the chairmen of the committees will be trusted in furnishing their rooms appropriately. My friend from Virginia, [Mr. MASON,] may stick to his pine shelves and may have them painted if he chooses, and if his room is supplied he will of course not call for any furniture; but I say my committee-room wants a little—a few chairs, a desk, a bookcase, &c.

Mr. JOHNSON, of Tennessee. I wish to call the attention of the Senator to the person pointed out in this amendment to provide the furniture for the committee-rooms. It provides that "the superintendent of the Capitol extension be directed to make a survey, and ascertain what articles of furniture will be needed, with the materials, designs, and dimensions of the same." It seems that the superintendent of the Capitol extension is to examine these rooms, make out a general design, and then procure furniture without regard to the committees, or any consultation with them or their chairmen, or anybody else. If the design is to furnish the committee-rooms in a manner corresponding with the useless and wasteful extravagance of public money that has been incurred in the building of these two wings of the Capitol, I think it is time it ought to be looked into.

It seems to me that we had better commit this matter to the care of the Secretary of the Senate or the Sergeant-at-Arms, instead of the superintendent of the Capitol extension. Those officers, under the direction of the committees, can procure what furniture the committees need in their rooms. If, as the Senator from Virginia suggests, some of the committees want pine tables and pine shelves, let them have them. If other committees want furniture of a little better grade, let them have it. But, according to the original amendment, the superintendent is to make out a general plan for the furniture; and it is to carry out the general intention and design of this building, without consulting the convenience and interest of the committees, or their notions of economy or propriety. It seems to me, it is carrying the thing a little too far.

If I know myself, I have no unkind feelings towards the superintendent of this building; but it seems to me that Mr. Meigs has about as many jobs on hand as he can well attend to. He has the aqueduct, on which you are expending millions; he has the Capitol, on which you are expending millions; then the public grounds around the Capitol are to be placed in his hands, on which you have expended millions; and now not even furniture can be procured for the committee-rooms unless Mr. Meigs makes out a general plan, without consulting the committees.

Mr. BRIGHT. I am quite sure the gentleman to whom the Senator refers does not desire to undertake the duty imposed on him by this amendment. I think it proper to state that I shall make no objection, for one, to substituting any other person whose name will satisfy the Senate.

Mr. JOHNSON, of Tennessee. I did not say that the superintendent desired an accumulation of more labor of a different character, and I do not think I intimated that he was seeking this appointment; but the amendment points him out, and makes it his duty to do this. It seems to me that an officer of this body, under the direction of the committees, could select the description of furniture they want; and then you would have your officer and the committees responsible. I repeat again, if members of the committees want cheap and economical furniture to satisfy their notions of republican simplicity—which is becoming rather an antiquated idea in this country—let them have it; if others want furniture a little more extravagant, let them have it. I move to strike out "the superintendent of the Capitol extension," and insert either the Secretary of the Senate, or the Sergeant-at-Arms, whichever will best suit the temper of the Senate.

The PRESIDING OFFICER. (Mr. FOOT in the chair.) The Senator will state his amendment definitely, not in the alternative.

Mr. JOHNSON, of Tennessee. I move to strike out "superintendent of the Capitol extension," and insert "Secretary of the Senate." The Secretary of the Senate, under the supervision of the Committee to Audit and Control the Contingent Expenses of the Senate, can do things properly, and the expenditure can be kept within reasonable and proper bounds.

Mr. JOHNSON, of Arkansas. There is, unquestionably, a unity in the original amendment; and it has been presented, I presume, upon very full consideration. I have a very long speech to make upon it; I know it must certainly admit of a very extensive and extraordinary amount of debate. [Laughter.] But the mind of every Senator, in all human probability, has already been made up. Therefore, I content myself by simply asking that we take a vote in the first place on the amendment to the amendment, and then on the amendment itself; which, I hope, will prevail.

Mr. MASON. I have no choice as to who is to select the furniture; but I observe that, in the amendment, the appropriation is unlimited. It may involve an expenditure of $100,000, or $500,000. I want to limit it. I move to amend it by saying that the amount shall not exceed $10,000, of which I expect to ask for about ten dollars, to put those shelves of which I spoke in my committee-room.

The PRESIDING OFFICER. There is pending an amendment to the amendment. After that shall be disposed of, the amendment of the Senator from Virginia will be in order.

Mr. COLLAMER. I have nothing to say about the committee-rooms; but there is certainly one room which I think gentlemen will agree with me in saying should be furnished, not that I think that any more is needed in this chamber, or, perhaps, in the committee-rooms, but there is a room designed as a ladies' room, over the reception room, which, when finished, should be well furnished. There are, also, the Vice President's room, and the President's room, which should be well furnished.

Mr. DAVIS. I think the amendment offered by the Senator from Indiana, the chairman of the Committee on Public Buildings, is eminently proper. I thought so when it was presented; but I have received fresh confirmation from the criticisms of the Senator from Tennessee and the Senator from Virginia; and therefore I most seriously object to the proposition of the Senator from Tennessee, which is to put the furnishing of these rooms in the hands of somebody, who is to receive guidance from the chairmen of committees; for, with such an exhibition of taste as they have made, I really think they are not fit to decide upon the furniture of rooms. One announces that he had nothing to do with the building of the wings, and he calls the decorations "gew-gaw." It may be so to him; it may be that his taste has not been sufficiently cultivated to determine the difference between a high work of art and what he terms "shabby gentility." That is his misfortune; and it would be my fault if I selected him to furnish a committee-room for me, with such an evidence of taste as he has given. I should not do it. So of the Senator from Tennessee, who finds nothing but a wasteful extravagance in the construction of the building, and a departure from republican simplicity, because it is beautiful. Sir, the sovereign people deserve as good a house as any man who was ever born a monarch.

It was proper to select some one familiar with the building to determine upon the plan of the furniture; not that it is to be painted like the wall; I presume that is not designed; but it is to have a certain elevation, a certain depth, a certain appropriateness to every room in which it is to be placed. A design is to be made; and some one acquainted with the makers of furniture, a judge of material, and acquainted with the men who work it, who would know how to get bids, how to obtain furniture of the best kind at the lowest price, ought to be selected. Though some Senators may have provided from their committee-rooms elsewhere, all the furniture they require in them here, there are others who did not.

Mr. MASON. If the Senator alludes to me, I will say that I never ordered an article of furniture since I have been a member of the Senate for my committee-room but one, and I have been in the Senate twelve years.

Mr. DAVIS. When was that?

Mr. MASON. That was a case to contain the papers of the committee, and I limited the price to fifteen dollars. In twelve years that is all the furniture I have ever ordered.

Mr. DAVIS. Well, I say this: the Senator's room is a great deal better furnished than the one of the Committee on Military Affairs, if he had furniture which he could remove into it quite appropriate to the one into which he was going. The large shelves which stood in the old room of the Committee on Military Affairs could not be removed to take a place in the new room.

Mr. MASON. Nor mine.

Mr. DAVIS. More furniture is wanted in that room, and more furniture is wanted in many rooms of the building, as I infer from the statements of gentlemen who serve on the committees, and $10,000 is not enough to answer the purpose. The $10,000 will but little more than adequately furnish the retiring room, which now stands naked, without a chair appropriate to it, or a lounge, or anything else which is in accordance with it. If the Senator had not given his own description, I should have supposed he might mean by shabby gentility, the few cane-bottomed chairs standing in that room, which is lined with beautiful and highly polished marble.

Mr. MASON. The Senator does me injustice. I did not say "shabby gentility." I said "shabby splendor and mock gentility."

Mr. DAVIS. "Shabby splendor and mock gentility!" All, except the splendor, I find in the cane-bottomed chairs which now grace the retiring room, is mock gentility to the Senator's content! I would give furniture appropriate to the room and appropriate to the Senate of the United States. I would have some one who was fit to select it, and I would not have a committee directing him. I would have something which was in accordance with the plan of the building. The committees are changing constantly. Who knows whether he will be on any particular committee next year? Why should a Senator who happens to be chairman of a committee during this session prescribe furniture for the room of that committee hereafter? He may cease to occupy that position at the close of the session. It is for the Senate to decide what place he will occupy at the next session.

The Secretary of the Senate, the Sergeant-at-

Arms, or anybody else who may be selected, may be a proper person enough to purchase the furniture, but I object to his being selected on the ground that the committees are to direct him; and I hope, whoever he may be, he will be a man who, when the committees come to direct him, will tell the committees what he thinks is right, and, after they have heard him, will do what he believes to be right, whether it pleases them or not. I want furniture made appropriate to the rooms, and in such quantity as the convenience of the committees may require, and of such character as the uses prescribed render proper. I do not care whether the Senator wants pine shelves, pitched or painted. I say neither one nor the other would be appropriate to the rooms in which the committees meet in the new wing of this building. Neither do I see that there would be any great deal of economy in purchasing inferior materials, which would shrink and swell back and fall to pieces, to be renewed or repaired from time to time, with injury to the books put in them. I have no confidence in that poor economy which injures valuable books to avoid buying a case that would preserve them, which would stick them upon shelves to gather dust and feed the worms, instead of securing them in cases that would keep them for posterity, and save them from depredation.

Mr. MASON. There is a well-approved maxim that the honorable Senator from Mississippi learned in his boyhood: "there is no disputing about tastes." The honorable Senator may have his taste, and I mine. The honorable Senator may have an idea of what becomes the dignity and magnificence of this great country; I have mine. I say that that shabby splendor which may be indulged under an unlimited appropriation I utterly contemn. There is no limit to this appropriation. I do not know whether the honorable Senator will vote for it in this unlimited form or not; but I say that, according to my apprehension, whoever does vote for it in its unlimited form, does not regard the constitutional inhibition which requires that we shall know what is appropriated.

Now, sir, a word as to this Capitol extension. I do not quarrel with it, so far as the arrangements are concerned. I believe the Senate Chamber has been very well devised, except these extended galleries, which I should be against; but I do not quarrel about that. It is well ventilated, well arranged for acoustics, and accommodates us better than the old Chamber. I do not quarrel with the unnecessary expenditure for what, I understand, the honorable Senator calls works of art. We have no business with them.

Mr. DAVIS. What are what I call works of art?

Mr. MASON. Well, I understand by works of art, these frescoed paintings; not in this Chamber, but elsewhere.

Mr. DAVIS. There is not a fresco in this Chamber.

Mr. MASON. Not in this Chamber, but elsewhere. Then there is the elaborate painting that is exhausted on the corridors and passages below, and on other portions of the building. If the gentleman has a taste that approves these works of art, let him indulge it at his own expense; but not at the expense of the country. I have heard of gentlemen in their private establishments expending hundreds of thousands of dollars upon what are called works of art. I do not quarrel with it. There is no disputing about taste. Let them do it, if they think proper; but it is not a proper expenditure from the public Treasury. I recognize no proper expenditure from the public Treasury but that which will facilitate the dispatch of the public business; and, in making these buildings, I would go to any extent that was necessary to make them ample enough and durable enough, but no further.

Now, what is proposed by this amendment? That we shall make an unlimited appropriation to furnish the committee-rooms, or whatever other rooms there may be in this Capitol. I say it is against the spirit of the Constitution which requires an appropriation of money so that we know what goes; but there is no limit to this appropriation. The honorable Senator has twitted me a little about my ideas of pine shelves. I choose to put it in that form. The honorable Senator from Mississippi [Mr. BROWN] asked, would I build a splendid house and furnish it in a poor and mean manner? That is for me to decide out of my own means; I have no right to decide it out of the public funds. We have no right to expend money but for public purposes. We are called upon to furnish ample accommodations for the discharge of the public business, and to do it in an economical manner. I am one of those who understand perfectly that there are occasions when the road to economy is by the path of expenditure, and I would expend freely and liberally to get ample accommodations, and to have them permanent, durable, and, if we could, imperishable; but beyond that, not one step—nothing for these works of art. That we have no right to do. There is no warrant for it in the charter under which we come here. Put paint upon your walls, or put paint wherever it is necessary for preservation, and preservation only. That is my idea of proper public expenditure. In my own house I might indulge my own tastes, and the honorable Senator might indulge his in his own; and there is no disputing about taste. Possibly I might differ with him in regard to our own establishments.

I want to limit this appropriation. I say again, so far as I am conversant with the committee-rooms, we do not want any additional furniture, unless it may be some shelves, to accommodate the books, or something of that kind. I am utterly opposed to the scheme of repudiating the old furniture, to put in new. I am against that whole system which obtains in some parts of the country, where there is accumulated a redundant and exulting wealth, that would destroy an old fabric —destroy old furniture—that they may get new fashions. It is not in my taste; but, again, there is no disputing about tastes.

At the proper time I shall ask to limit this expenditure. I want to make the expenditure equal to the actual necessity; but I am not willing to go one step beyond it. If there be an idea that it becomes the dignity and magnificence of the country to repudiate the old furniture which we and our predecessors have enjoyed for fifty years, in order that we may get new furniture, adapted to the new condition of things, it is not to my taste; but again, there is no disputing about tastes. I want to limit the expenditure, and if it be $10,000 or $20,000, I am willing to vote it to furnish what is actually necessary, and to repudiate nothing which we have got. That is what my idea is.

Mr. DAVIS. I suppose we should have had no disputation as to tastes, if the honorable Senator had not assumed to have a taste which he oracularly gave out for others. If he had allowed his own opinion to be enjoyed without insisting that others should adopt it, we should have had no dispute about tastes. Nor is it my taste which he arraigns. I claim no cultivation; I claim not to decide upon works of art. Not being very disputatious, nor quite oracular, not believing myself to be very skilled, I took the judgment of men with whom it had been the study of a life; and I believed, as I still believe, that on a question of taste there may be an amount of natural endowment and of acquirement which will require a modest man to surrender something of his own impressions.

Mr. MASON. But do not make the public pay for it. That is all I am against.

Mr. DAVIS. I am coming to that. It is possible to be positive and not to be wise. It is possible to assume the air of economy, and yet to go on in a course of profligacy. If the Vatican had been whitewashed from year to year since it has been completed, it would have cost more than those paintings which have remained for the admiration of posterity; and this Capitol, I trust, is to stand longer than the Vatican has stood; and it is that scagliola painting along in the corridors that the Senator criticises, which, in the course of years, is to prove an economy. Instead of coming with the poor brush which he proposes annually to paint or to whitewash, it was expected that the work of art, as he terms it, would stand for a series of years, not only to be admired, but to remain without the necessity of an annual expenditure. I say, therefore, it is possible to raise a dispute about taste, and to assume to be extravagantly careful of the public money, without, in fact, prescribing any law on which a just taste might rest, and without, in truth, pursuing a path that would lead to the saving of the public treasure; but the reverse in both cases; wandering at random, to tear down those things which men, after a life of study and experience, have put up; pronouncing against decoration which, unless the Senator has paid more attention to it than I have, he surely cannot comprehend; pronouncing immediately that there is to be a vast expenditure, without knowing the cost, without knowing its durability, without knowing what anything which he would have substituted for it would have cost in a term of years easily computed. It is this general arraignment of what other people do; it is this organ of destructiveness, which comes in to carp and criticise and tear down all that other men do, which lies at the foundation of half the difficulties and the evils we suffer. Nature creates but few animals for destruction, many for construction; and we who walk the humble path may claim, in our useful toil, to be spared from the ruthless scythe of such severe criticism.

I am not disputing with the Senator on a matter of taste. I am questioning his right to judge of the taste of others, and, with one general denunciation, to sweep out years of study by men who had given a long life to acquire a knowledge that enabled them to solve the problem. That is what I object to. It is not a question between the Senator and myself. I did not design this ornamentation. I do not pretend now to judge of it. It pleases me; and I hope to sit here long enough to have my eye cultivated to a higher taste, and to enjoy it more and more; and I trust the Senator will learn to discriminate between a painting which is exceedingly beautiful, and that which he denounces as a daub.

Mr. MASON. Will the Senator indulge me? I do not object to his education; but I do object to his education at the public expense. That is my objection.

Mr. DAVIS. The Senator must be educated somehow; and it is at the Government cost that he has not been educated before. Now, it will be for the benefit of the country if, at its cost, it can educate him, and save him from such outrages hereafter. [Laughter.] He must be educated. It is essential that he should be taught. He is untaught; and how is he to be taught, except by confining him in a room where his taste can rise to something higher? [Laughter.] I have no wish to continue this debate.

Mr. BRIGHT. It is, perhaps, proper that I should state why the committee did not fix a limitation on the amount in the amendment I have offered. We had no data to go upon, and I am now better satisfied than I was before that we did right. Our object was to leave to the different committees the right to signify to the gentleman who would have the work in charge the character of furniture they desired, presuming that every committee would order such furniture as they thought appropriate to the room they occupied. If it had been known that every committee would select pine furniture of the description given by the Senator from Virginia, we might have fixed an estimate upon it. However, we thought it was the highest compliment we could pay the different committees of this body to let them signify to the gentleman who would have the work in charge the kind of furniture they wanted introduced into their rooms. We supposed they would exercise a judicious economy in doing so, and I have no doubt every committee will.

But it is not only the committee-rooms which are to be furnished. There is furniture necessary for this Chamber. I do not say that we need new desks or new chairs for ourselves, but we need new sofas. There are several rooms that need furnishing entirely. The furniture in the office of the Secretary of the Senate and his clerks is entirely insufficient. They have now no desks in which to put papers belonging to the business of the Senate. It is useless to fix a limitation of $10,000, as proposed by the Senator from Virginia. My impression is that less than $50,000 would be useless; and, if there is a limitation to be fixed, I hope it will be a sum much higher than that named by the Senator from Virginia. If the vote is to be taken on the limitation, as proposed, I shall name a higher sum.

The PRESIDING OFFICER. The present question is on the amendment of the Senator from Tennessee, to the amendment of the Senator from

Indiana, to strike out "superintendent of the Capitol extension," and insert "Secretary of the Senate."

Mr. IVERSON. It is getting pretty late, and I am getting very sleepy; and I rise to give notice—this is a very good time to do it—that I shall insist, for the remainder of the sitting, on the execution of the 4th rule of the Senate—that no Senator shall speak more than twice on any subject.

Mr. JOHNSON, of Tennessee. I do not believe I am excluded under that rule.

Mr. IVERSON. No.

Mr. JOHNSON, of Tennessee. I merely rise to ask the Senator who reported this amendment, what sum is estimated for the furnishing of these committee-rooms?

Mr. BRIGHT. I stated that we had no correct data on which we could rely. That matter was spoken of in committee, and less than fifty thousand dollars, it was believed, would be insufficient.

Mr. JOHNSON, of Tennessee. Does the Senator think it will take less than one hundred thousand dollars, if this amendment be carried out?

Mr. BRIGHT. I have really no means of knowing. I have no idea that more furniture will be ordered than is necessary. The amendment is well guarded. The furniture is to be furnished by the lowest bidder, which, I think, will obviate any fear the Senator might have

Mr. JOHNSON, of Tennessee. If I understand this amendment, I understand it very differently from the gentleman's speech. His speech comes up to my idea of requiring the selection of this furniture to be placed in the charge of somebody who will consult the taste of the committees. It seems to me that ought to be done. Let who will supply the rooms with furniture, the committees ought to be consulted as to the character and quality of it. His explanation, it seems to me, contemplates one thing, while the amendment contemplates another. The amendment seems to make it the duty of the superintendent to examine the rooms, make out a general design, and have furniture made according to the plan that he may lay down, without consulting the committees at all. He may, or may not, consult the committees, at his discretion. He is to make out his plan, prescribe the quantity and kind and quality of the furniture; and it is to be paid for, let it cost what it may.

There is one other suggestion that comes up in my mind, and there seems to me to be a contradiction so far as the Senator from Mississippi is concerned. In his first remarks I understood him as stating that the committees were not competent to select furniture suitable for their rooms, and that that was attributable to their being deficient in taste.

Mr. DAVIS. I did not arraign their taste generally. I took yourself and the Senator from Virginia as examples of men whom I would not take to select furniture for me.

Mr. JOHNSON, of Tennessee. I was not the person to select it, and the gentleman could not have selected me. I have made no such proposition, and intimated no such desire.

Mr. DAVIS. I was answering your remarks.

Mr. JOHNSON, of Tennessee. The committee to which I belong have no room in which to sit, and of course need no furniture; but the gentleman assumes as an argument, why my amendment should not be made, as I understand him, that the committees are not competent to select furniture suitable to their rooms on account of their being deficient in taste.

Mr. DAVIS. I did not say that, and I have just told you what I did say.

Mr. JOHNSON, of Tennessee. I think that is about the substance. I have no disposition to misrepresent. Then, in his last speech, the Senator rather concludes the committees might be competent, and this seems to me to be a contradiction.

Mr. DAVIS. I did not say any such thing.

Mr. JOHNSON, of Tennessee. I wish we had down what the Senator from Mississippi did say.

Mr. DAVIS. I suppose you might have heard what I said, sir.

Mr. JOHNSON, of Tennessee. I thought I did hear it.

Mr. DOOLITTLE. I call the Senators to order. This conversation between Senators is out of order.

The PRESIDING OFFICER. The Senator from Tennessee will proceed.

Mr. JOHNSON, of Tennessee. I understood the Senator from Mississippi to assume, in the first place, that the committees were incompetent in consequence of their deficiency in taste to select furniture suitable to the committee-rooms.

Mr. DAVIS. My language did not justify you in any such understanding.

Mr. JOHNSON, of Tennessee. Well, what did the Senator say? I will stand corrected.

Mr. DAVIS. I have told you once.

Mr. JOHNSON, of Tennessee. What did the Senator say? I ask him again.

Mr. DAVIS. I told you once that I said, from your remarks and those of the Senator from Virginia, I was confirmed in the propriety of a proposition which had selected a particular person to choose this furniture, and not to refer it to the committees to select what furniture they should choose; for, from the two specimens, I did not consider that furniture would be well selected in that way. That was about the amount of it.

Mr. JOHNSON, of Tennessee. The explanation is, in substance, what I have stated. The Senator from Mississippi predicated his argument upon the statements made by the Senator from Virginia and myself; and, taking us as specimens, his conclusion was, that the committees were not competent, from the fact of their being deficient in taste, to select furniture suitable for their rooms. We have concluded just where we commenced.

Mr. DAVIS. That is, you have concluded.

Mr. JOHNSON, of Arkansas. I wish to suggest to the Senator from Tennessee, for whom I entertain very kindly respect, that he permit the vote to be taken, and not continue this discussion on a question of taste. It is evidently putting every one here to sleep. We have a great deal more business to do. As he has yielded me the floor, I appeal to him to let us have a vote. We have now had all the learning that there is in this body, on this side of the Chamber, from the highest sources; but we have not yet heard from the other side, and I object to a contest on matters of taste altogether upon one side in politics. There might be something new if we could hear from the other side; but gentlemen are going to sleep; it is about a quarter to one o'clock; and I hope we may be permitted to have a vote. There are a number of amendments yet to be acted on, and for God's sake I hope we shall be allowed to have a vote on this amendment.

Mr. JOHNSON, of Tennessee. The Senator will do me the justice to say that I have not consumed time.

Mr. JOHNSON, of Arkansas. Except in one respect—that the Senator started the difficulty, and it is certainly a serious one, because it has led to the loss of much time, and cost much money, and wasted the spirits and strength of gentlemen who have to sit this bill out.

Mr. JOHNSON, of Tennessee. My object is to save money.

The PRESIDING OFFICER. The Chair feels obliged to state to gentlemen that this interlocutory conversation is not strictly in order.

Mr. JOHNSON, of Tennessee. I have no disposition to consume time.

Mr. WADE. I will move an adjournment. We are doing nothing, and are not likely to do anything but talk.

Mr. JOHNSON, of Tennessee. If the Senator wants to act, and will vote, I shall desist from saying anything.

Several SENATORS. We want to vote.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee to the amendment of the Senator from Indiana, to strike out "superintendent of the Capitol extension," and insert "Secretary of the Senate."

The amendment to the amendment was rejected.

Mr. MASON. I move to amend the amendment of the Senator from Indiana by adding this proviso:

Provided, That the amount shall not exceed $10,000.

Mr. BRIGHT. I move to amend that by saying, "$50,000."

The PRESIDING OFFICER. The amendment of the Senator from Indiana is not in order.

Mr. BRIGHT. Then I ask the Senate to reject the amendment of the Senator from Virginia.

Mr. HALE. Is not the rule that, in taking a vote like this, the question shall be first on the largest sum?

Mr. MASON. I understand that to apply only where there is a blank, and there are various propositions to fill the blank.

The PRESIDING OFFICER. The Chair does not regard it as applicable to the amendment in the present form.

Mr. MASON. My object is to appropriate money enough to furnish a deficiency in furniture of a plain character. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 16, nays 25; as follows:

YEAS—Messrs. Bigler, Broderick, Chandler, Chesnut, Crittenden, Hale, Harlan, Houston, Johnson of Tennessee, King, Mason, Pearce, Polk, Trumbull, Wade, and Wilson—16.

NAYS—Messrs. Bayard, Bell, Benjamin, Bright, Brown, Clay, Clingman, Davis, Douglas, Fitch, Fitzpatrick, Foot, Foster, Hamlin, Hunter, Iverson, Johnson of Arkansas, Kennedy, Lane, Mallory, Reid, Sebastian, Seward, Ward, and Yulee—25.

So the amendment to the amendment was rejected.

Mr. BRIGHT. I move to amend the amendment by adding:

Provided, That the amount to be expended under this section shall not exceed $50,000.

I would rather have it without limitation, if it is the pleasure of the Senate; but if the Senate are disposed to limit it, I propose to insert about one half the amount that I think will be proper.

The amendment to the amendment was agreed to.

Mr. JOHNSON, of Tennessee. I do not intend to occupy more than two minutes of the Senate's time; but I wish to call their attention to the provisions of this amendment. It declares:

"The superintendent of the Capitol extension be directed to make a survey and ascertain what articles of furniture will be needed, with the materials, designs, and dimensions of the same; and that he be, and is hereby, authorized to publish the proper specifications and descriptions of the articles that may be required, and invite sealed proposals, to be made to him within thirty days from the date of the first publication of the same, for the manufacture and construction of the said articles of furniture, to be opened at the appointed time, in the presence of the bidders or other persons; and that a contract or contracts for such furniture shall be made with the lowest and best bidder, reference being had to the quality of the material, the superiority of workmanship, and the time in which the same shall be completed."

I will not say that it was the design of the drawers of this proposition to open the door for a speculation and a fraud; but, as I conceive it, it is susceptible of a fraud and speculation being practiced under it. For instance: it provides that proposals shall be published and bids received for furnishing rooms with furniture, and the superintendent is to judge of the quality of the furniture and the time in which it is to be delivered. It is very easy for a person wishing to make a contract with a particular man, to select him, and it will be in the power of the superintendent to rule them down to such time that he can practically confine the contract to the person whom he may select and upon whom he wishes to confer a benefit. We are told by the Senator from Indiana that he thinks $50,000 will be about half the amount that will be necessary to furnish the committee-rooms. Then, here is a door open for obtaining furniture to the amount of $100,000, leaving the officer to select his own man, and rule all others out. I do not wish to be understood as saying that this is the design of the drawers of the amendment; but in the manner in which it is drawn, it is susceptible of that practice being carried on under it, and it may result in that.

Mr. BRIGHT. Allow me to suggest to the Senator from Tennessee, that he propose an amendment which he thinks will remedy that difficulty.

Mr. JOHNSON, of Tennessee. I think it could be amended; but I have become so well satisfied that any amendment which restrains and restricts the expenditure of public money will not prevail in this body, that I have concluded to offer no amendment.

Mr. FITZPATRICK. It is now one o'clock. We were here last night until two o'clock. There must be some end to human endurance. From the number of Senators I see prepared to take their departure, I am satisfied that, in a few min-

utes, we shall be without a quorum. I propose, therefore, that the Senate adjourn.

Mr. CLINGMAN. Let us take the vote on this proposition.

Mr. FITZPATRICK. I do not see that we can do it very soon. We shall evidently have to sit all day to-morrow, and all night to-morrow night. I move, therefore, that the Senate do now adjourn.

The motion was agreed to; and the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March* 2, 1859.

The House met at eleven o'clock, a. m.

The Journal of yesterday was read and approved.

ANTHONY CASLO.

Mr. HOWARD. I ask the unanimous consent of the House that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of Senate bill (No. 255) for the relief of Anthony Caslo, a soldier in the war of 1812.

There was no objection.

The bill, which was read, directs the Secretary of the Interior to allow to Anthony Caslo, otherwise known as Anthony Cassel, an invalid pensioner, an amount equal to $2 66 per month, from the 25th day of May, 1816, to the 25th day of May, 1857, the date at which his name was entered upon the roll of invalid pensioners.

Mr. HOWARD. This involves a matter of about one thousand dollars. It is correct in principle and right in amount. I hope it will be passed.

Mr. JONES, of Tennessee. That is going a long way back with a pension. It is in violation of the general laws passed by Congress.

Mr. HOWARD. These are the facts. At that time he made the proofs, and was entitled to a pension; but the Department failed to find his name upon the record, yet his name was upon the roll all the time.

Mr. JONES, of Tennessee. Did he establish the fact of his disability in 1816?

Mr. HOWARD. Yes, sir.

Mr. JONES, of Tennessee. If the proof was completed in 1816, and it was not his fault, he is entitled to a pension under the general law from that date. If the facts are as stated, I have no objection to the bill.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. HOWARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

UNITED STATES COURTS IN OREGON.

Mr. GROVER. I ask the unanimous consent of the House to take from the Speaker's table Senate bill (No. 593) to provide for extending the laws and judicial system of the United States to the State of Oregon, and for other purposes.

The bill was read. It extends the laws of the United States over the State of Oregon, so far as locally applicable; provides for the appointment of a judge and other officers; and also constitutes an additional judicial district in Iowa.

Mr. WASHBURNE, of Illinois. That bill provides a salary of $3,000 a year for the judge in Oregon. That is $500 more than is paid to the judge of the southern district of Illinois, and $1,000 more than is paid to the judge of Wisconsin. It is entirely too much; and unless the bill be amended in that respect, I will object.

Mr. HOUSTON. The bill proposed to be taken up gives to the judge of Oregon a salary smaller than that given to the judge of California. It is certainly small enough. If there be objection, I move to suspend the rules.

The SPEAKER. The motion to suspend the rules is not in order.

Mr. GROVER. The State of Illinois has two judges; California has two; and this bill provides for but one in Oregon, with the salary of the judge of the northern district of California.

Mr. JONES, of Tennessee. I would inquire of the gentleman from Illinois if there is any district judge now whose salary is below $2,000? My opinion is, that there is not one within the United States. I know that we passed a law a few years since fixing the salaries of all the United States judges.

Mr. EDIE. I object to debate.

Mr. HOUSTON. It is essential that this bill should pass, and I ask the gentleman from Illinois to withdraw his objection.

The SPEAKER. Debate is objected to.

Mr. HOUSTON. I am not debating it, and I do not propose to debate it.

The SPEAKER. The Chair thinks the gentleman is out of order when debate is objected to.

Mr. HOUSTON. I suppose it is not out of order to ask a gentleman to withdraw his objection.

Mr. JONES, of Tennessee. I wish to make one remark, and that is, that there are two district judges in Illinois at a salary of $2,500 a year each.

Mr. EDIE. I object to debate.

CAPTAIN CHARLES STEWART.

Mr. PHILLIPS. I ask unanimous consent to take from the Speaker's table the Senate joint resolution conferring the rank of senior flag-officer on the active-service list of the United States Navy on Captain Charles Stewart.

Mr. JONES, of Tennessee. I object.

JAMES COLLIER.

Mr. BINGHAM. I move to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. No. 780) for the relief of James Collier.

The bill was read. It directs the Secretary of the Treasury to cause to be paid to James Collier, out of any money in the Treasury not otherwise appropriated, $9,580 27, being for the amount (with its interest, at the rate of six per cent. per annum) found due from the United States to Collier, in a certain action tried and determined in the circuit court of the United States for the southern district of New York, second circuit, held November 30, 1855, wherein the United States was plaintiff and James Collier was defendant, and in which action the court, upon the verdict of a jury, certified that there was then due, from the United States to Collier, $8,110 29; and which proceedings of the circuit court were afterwards affirmed by the Supreme Court of the United States, at its December term, 1857.

Mr. HUGHES. I object.

Mr. BINGHAM. I ask the gentleman to withdraw his objection. I can satisfy every gentleman in this House that the bill should pass.

Mr. HUGHES. I withdraw my objection.

Mr. GARNETT. I object.

BRIG CUMBERLAND.

Mr. HATCH. I ask unanimous consent to take from the Speaker's table Senate bill No. 604, to provide for the enrollment and license of the brig Cumberland.

There being no objection, the bill was taken from the Speaker's table, received its several readings, and was passed.

JOHN PICKELL.

Mr. RICAUD. I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (S. No. 328) for the relief of John Pickell, late a lieutenant in the United States Army.

The bill was read. It directs the Secretary of the Interior to place the name of John Pickell, late a lieutenant in the Army, upon the roll of invalid pensioners, and to pay or cause to be paid to him such full pension per month as is allowed to officers of his rank, under existing invalid pension laws, such pension to commence from the 1st day of November, 1857.

There being no objection, the Committee of the Whole House was discharged, and the bill was passed.

PUBLIC LANDS IN MINNESOTA.

Mr. CAVANAUGH. I ask the unanimous consent of the House to introduce a joint resolution in regard to a suspension of the sales of the public lands in Minnesota.

The resolution was read, as follows:

Resolved, &c., That the President of the United States be, and is hereby, directed to suspend all sales of the public lands in the State of Minnesota for twelve months from the passage of this resolution.

Mr. McQUEEN. I object.

Mr. CAVANAUGH. Is it in order to move a suspension of the rules?

The SPEAKER. It is not.

CAPTAIN CHARLES STEWART—AGAIN.

Mr. JONES, of Tennessee. I understand that the resolution in relation to Commodore Stewart creates no new office or rank, and I withdraw my objection to it.

No further objection being made, the joint resolution of the Senate (No. 69) conferring the rank of senior flag-officer on the active-service list of the United States Navy on Captain Charles Stewart, was taken from the Speaker's table, received its several readings, and was passed.

Mr. PHILLIPS moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

JAMES COLLIER—AGAIN.

Mr. BINGHAM. I ask the unanimous consent of the House that the Committee of the Whole House be discharged from the further consideration of House bill (No. 780) for the relief of James Collier, and that the same be put upon its passage. I understand that the gentleman from Virginia does me the favor to withdraw his objection.

Mr. GARNETT. I withdraw it; but I give notice that I shall hereafter object to this irregular and unequal way of taking up private bills.

Mr. BINGHAM. If the House will bear with me for two minutes I think I can make a statement which will satisfy every gentleman that the bill ought to pass. Collier was collector of the revenue for Upper California in the year 1853. The sum of $8,110 29 was stolen from his deputy at Monterey, without any negligence or fault on the part of the deputy, of himself, or of any of his subordinates. He made known the fact to the Treasury Department in the same year, and asked that the amount with which he was debited should be set to his credit in his accounts. The Solicitor of the Treasury informed him that, under the sub-Treasury act, the credit could not be allowed; but stated in his letter that he had no doubt Congress would give him relief, and that Congress ought to give him relief. In that state of the case, under the coercion of the sub-Treasury act, he paid the money into the Treasury. [Cries of "That's enough!"]

No objection being made, the Committee of the Whole House was discharged from the further consideration of the bill; it was ordered to be engrossed, and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BINGHAM moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. ASBURY DICKINS, its Secretary, informing the House that the Senate insisted on its amendments disagreed to by the House to the bill of the House making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1860, and asked for a conference on the disagreeing votes of the two Houses, and had appointed Messrs. MASON, DAVIS, and SEWARD, managers of said conference on the part of the Senate.

Also, that the Senate had passed the bill of the House making appropriations for the naval service for the fiscal year ending June 30, 1860, with amendments; in which he was directed to ask the concurrence of the House.

NAVY APPROPRIATION BILL.

On motion of Mr. PHELPS, of Missouri, by unanimous consent, the amendments of the Senate to the navy appropriation bill were referred to the Committee of Ways and Means.

CONSULAR AND DIPLOMATIC BILL.

Mr. PHELPS, of Missouri, by unanimous consent, moved that the House insist on its disagreement to the amendments of the Senate to the consular and diplomatic appropriation bill, and agree to the conference asked for by the Senate on the disagreeing votes of the two Houses upon said amendments.

The motion was agreed to; and the Speaker appointed Messrs. HOPKINS, RITCHIE, and DAVIS of Maryland, managers of the conference on the part of the House.

BUSINESS BEFORE COMMITTEES.

Mr. MORGAN. I ask the unanimous consent of the House to offer the following resolution, for the purpose of facilitating business:

Resolved, That the several committees have leave to file their respective reports; and that the same shall be printed when desired.

Mr. SMITH, of Virginia. I object.

Mr. GARNETT. I demand the regular order of business.

ARMY APPROPRIATION BILL.

The House proceeded to the regular order of business, being the consideration of the amendments of the Senate to the bill making appropriations for the support of the Army for the year ending the 30th of June, 1860, reported last evening from the Committee of the Whole on the state of the Union, and on which the main question had been ordered.

First amendment of the Senate:

In line twenty-three, strike out "seventy," and insert "sixty," so that the clause will read:
For subsistence in kind, $1,969,540.

The Committee of the Whole on the state of the Union recommended a concurrence in the amendment.

The amendment was concurred in.

Second amendment:

Strike out, in the following, all after the word "no," down to the words, "approved by a special appropriation," &c.: "*Provided*, That no portion of the money hereby appropriated shall be applied to the construction of permanent barracks and quarters, until plans, with full specifications and detailed estimates, shall be submitted to Congress, and the same shall be approved by a special appropriation for the same;" and insert in lieu thereof the following:
Permanent barracks and quarters shall hereafter be constructed, unless detailed estimates shall have been previously submitted to Congress, and shall have been.

The SPEAKER. The Committee of the Whole on the state of the Union recommend a concurrence.

The amendment was concurred in.

Third amendment:

Strike out the following:
"That any officer of the Army who, as a disbursing agent, shall hereafter undertake to engage the public credit in advance of an appropriation made by Congress, shall, upon conviction before a court martial, be dismissed from the service, unless he shall exhibit, as his justification, an order in writing to make such disbursement from his superior officer, approved by the President of the United States."

The SPEAKER. The Committee of the Whole on the state of the Union recommend a concurrence.

The amendment was concurred in.

Fourth amendment:

In the following strike out "$150,000:" "For armament of fortifications, $150,000;" and insert in lieu thereof, "including experiments on heavy ordnance for that purpose, $250,000."

The SPEAKER. The Committee of the Whole on the state of the Union recommend a non-concurrence.

The amendment was non-concurred in.

Fifth amendment:

Increase the appropriation in the following to $250,000:
"For ordnance, ordnance stores, and supplies, including horse equipments for the mounted regiments, $150,000."

The SPEAKER. The Committee of the Whole on the state of the Union recommend a non-concurrence.

The amendment was non-concurred in.

Sixth amendment:

Add the following paragraph:
"One hundred thousand dollars of which may be used during the present fiscal year."

The SPEAKER. The Committee of the Whole on the state of the Union recommend a non-concurrence.

The amendment was non-concurred in.

Seventh amendment:

Increase the appropriation in the following from $50,000 to $100,000:
"For the Benicia arsenal, $50,000."

The SPEAKER. The Committee of the Whole on the state of the Union recommend a non-concurrence.

The amendment was non-concurred in.

Eighth amendment:

Increase the appropriation in the following to $21,000:
"For Texas arsenal, $15,000."

The SPEAKER. The Committee of the Whole on the state of the Union recommend a non-concurrence.

The amendment was non-concurred in.

Ninth amendment:

Add to the following paragraph:
"For Watervliet arsenal, $25,000," these words:
A part of which sum may be applied to the purchase of a piece of ground adjoining the arsenal on the south side, east of the Erie canal.

The SPEAKER. The Committee of the Whole on the state of the Union recommend a non-concurrence.

The House divided; and there were—ayes eighty-six, noes not counted.

So the amendment was concurred in.

Tenth amendment:

Add:
For defraying the expenses of the recovery and the restoration to their homes of the children surviving the massacre by Indians of the emigrant trains from Arkansas, in the fall of 1857, $10,000.

The SPEAKER. The Committee of the Whole on the state of the Union recommend a concurrence.

The amendment was concurred in.

Eleventh amendment:

Add:
For the payment to the State of Minnesota for expenses incurred by Captain James Starkey's company of Minnesota volunteers, called out by the Governor of the Territory of Minnesota, in 1857, to protect the settlers of the valley of Sunrise river against the Chippewa Indians, $2,639, or so much thereof as may be necessary.

The SPEAKER. The Committee of the Whole on the state of the Union recommend a non-concurrence.

Mr. CAVANAUGH demanded tellers.

Tellers were ordered; and Messrs. FLORENCE and ANDREWS were appointed.

The House divided; and the tellers reported—ayes 67, noes 64.

So the amendment was concurred in.

Twelfth amendment:

Add the following:
For the removal of the Court Orielle band of the Chippewa Indians, on the Red Cedar and Menomonee rivers, in Wisconsin, and providing a permanent home for them among the Chippewas of Lake Superior or the Upper Mississippi, $10,000.

The Committee of the Whole on the state of the Union recommended concurrence.

The amendment was concurred in.

Thirteenth amendment:

Add the following:
For repairs and improvements and new machinery at Springfield armory, Massachusetts, $53,910.

The Committee of the Whole on the state of the Union recommended concurrence.

The amendment was concurred in.

Fourteenth amendment:

Add the following:
For repairs and improvements and new machinery at Harper's Ferry armory, $55,000.

The Committee of the Whole on the state of the Union recommended concurrence.

The amendment was concurred in.

Fifteenth amendment:

Add the following:
For printing a revised edition of the system of instruction for field artillery, horse and foot, to be stereotyped, with engraved plates, now ready for the press, and for procuring for distribution to the militia of the United States, books of tactical instruction, $10,000.

The Committee of the Whole on the state of the Union recommended non-concurrence.

The amendment was non-concurred in.

Sixteenth amendment:

Add the following:
For the construction of a military road from Fort Benton to Walla-Walla, $100,000.

The Committee of the Whole on the state of the Union recommended concurrence.

Mr. GARNETT called for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 123, nays 61; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Anderson, Andrews, Arnold, Barr, Bennett, Billinghurst, Blair, Bliss, Bowie, Brayton, Buffinton, Burlingame, Cavanaugh, Chaffee, Chapman, Ezra Clark, John B. Clark, Clawson, Clay, Clark B. Cochrane, Colfax, Comins, Covode, James Craig, Curtis, Davis of Maryland, Davis of Massachusetts, Dawes, Dean, Dick, Dodd, Durfee, Edie, Elliott, English, Eustis, Farnsworth, Fenton, Florence, Foley, Foster, Gilman, Gooch, Goodwin, Granger, Greenwood, Gregg, Groesbeck, Grover, Grow, Robert B. Hall, Harlan, Harris, Hatch, Hawkins, Hickman, Hoard, Hodges, Horton, Howard, Hughes, Huyler, Owen Jones, Keim, Kellogg, Kelsey, Knapp, Landy, Lawrence, Leach, Leidy, Lovejoy, McKibbin, Matteson, Montgomery, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Niblack, Nichols, Olin, Palmer, Pettit, William W. Phelps, Phillips, Pike, Potter, Pottle, Purviance, Ready, Reagan, Reilly, Ritchie, Robbins, Royce, Scott, John Sherman, Robert Smith, Spinner, Stanton, James A. Stewart, William Stewart, Tappan, George Taylor, Thayer, Thompson, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Woodson, and Wortendyke—123.

NAYS—Messrs. Avery, Bocock, Bonham, Boyce, Branch, Caskie, Cobb, Cockerill, Burton Craige, Crawford, Davis of Indiana, Davis of Iowa, Dowdell, Edmundson, Faulkner, Garnett, Gartrell, Lawrence W. Hall, Hopkins, Houston, Jackson, George W. Jones, Jacob M. Kunkel, John C. Kunkel, Lamar, Leiter, Letcher, Maclay, McQueen, Samuel S. Marshall, Maynard, Miles, Millson, Moore, Isaac N. Morris, Peyton, John S. Phelps, Powell, Ricaud, Ruffin, Russell, Savage, Scales, Seward, Aaron Shaw, Henry M. Shaw, Singleton, Samuel A. Smith, William Smith, Stevenson, Talbot, Miles Taylor, Tompkins, Underwood, Vallandigham, Vance, Watkins, Winslow, Augustus R. Wright, John V. Wright, and Zollicoffer—61.

So the amendment was concurred in.

During the vote,

Mr. CLAY stated that his colleague, Mr. JEWETT, was detained from the House by indisposition, and had paired off with Mr. CASE.

Seventeenth amendment:

Add the following section:
SEC. 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized to repay to the State of Texas, out of any money in the Treasury not otherwise appropriated, moneys advanced by that State for the payment of six companies of mounted volunteers called into service by General Persifer F. Smith, on the 1st of November, 1854, for three months: *Provided*, That there shall be no greater pay or allowances to these companies than was given to similar troops in the service of the United States.

The Committee of the Whole on the state of the Union recommended concurrence.

The amendment was concurred in.

Eighteenth amendment:

Add the following section:
SEC. 3. *And be it further enacted*, That for the purpose of executing a resolution approved May 14, 1836, entitled "A resolution to authorize the Secretary of War to receive additional evidence in support of the claims of Massachusetts and other States of the United States for disbursement, services, &c., during the late war," the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Massachusetts, out of any moneys in the Treasury not otherwise appropriated, the sum of $227,176 48, reported under said resolution to be due to said State by J. R. Poinsett, late Secretary of War, in a report dated the 23d of December, 1837, made to the House of Representatives the 27th of December, 1837: *Provided*, That, in lieu of payment in money, the Secretary of the Treasury may, at his discretion, issue to said State United States stock, bearing an interest of five per centum per annum, and redeemable at the end of ten years, or sooner, at the pleasure of the President.

The Committee of the Whole on the state of the Union recommended concurrence.

Mr. JONES, of Tennessee, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 176, nays 23; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Andrews, Arnold, Barksdale, Barr, Bennett, Billinghurst, Bingham, Bishop, Blair, Bliss, Bocock, Bonham, Bowie, Boyce, Branch, Brayton, Buffinton, Burlingame, Burns, Caruthers, Caskie, Chaffee, Chapman, John B. Clark, Clawson, Clay, Clark B. Cochrane, Cockerill, Colfax, Comins, Corning, Covode, Cragin, James Craig, Crawford, Davidson, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dimmick, Dodd, Dowdell, Durfee, Edmundson, Eustis, Farnsworth, Fenton, Florence, Foster, Gartrell, Giddings, Gilman, Gilmer, Gooch, Goodwin, Granger, Greenwood, Gregg, Grover, Grow, Lawrence W. Hall, Robert B. Hall, Harris, Hatch, Hawkins, Hickman, Hoard, Hodges, Hopkins, Horton, Howard, Hughes, Huyler, Jackson, Keim, Kellogg, Kelsey, Knapp, John C. Kunkel, Lamar, Landy, Leach, Leidy, Letcher, Lovejoy, Maclay, McKibbin, Matteson, Miller, Millson, Montgomery, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Murray, Niblack, Nichols, Olin, Palmer, Parker, Pettit, William W. Phelps, Pike, Potter, Pottle, Powell, Purviance, Ready, Reagan, Reilly, Ricaud, Robbins, Roberts, Royce, Russell, Savage, Scott, Seward, Aaron Shaw, John Sherman, Judson W. Sherman, Shorter, Robert Smith, William Smith, Spinner, Stanton, Stephens, James A. Stewart, William Stewart, Tappan, Miles Taylor, Thayer, Thompson, Tompkins, Underwood, Vallandigham, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Watkins, White, Whiteley, Winslow, Wood, Woodson, Wortendyke, Augustus R. Wright, and Zollicoffer—176.

NAYS—Messrs. Atkins, Avery, Burnett, Cobb, Elliott, English, Foley, Houston, George W. Jones, Owen Jones, Jacob M. Kunkel, Leiter, Mason, Moore, Mott, Phillips, Ruffin, Scales, Henry M. Shaw, Singleton, Stevenson, Talbot, and John V. Wright—23.

So the amendment was concurred in.

Nineteenth amendment:

Add the following section:

SEC. 4. *And be it further enacted*, That the proper accounting officers of the Treasury be, and they are hereby, authorized to settle the accounts of officers of the Army for issues of forage and other supplies of the quartermaster's department for the three companies of Kansas volunteers, called out by General Perisfer F. Smith, in Kansas, in 1856, under the authority of the War Department, by passing to their credit the amounts now charged against them on the books of the Treasury on that account.

The Committee of the Whole on the state of the Union recommended non-concurrence.

The amendment was non-concurred in.

Twentieth amendment:

Add the following section:

SEC. 5. *And be it further enacted*, That no more of the outstanding appropriations for military purposes shall be expended during the fiscal year herein provided for, than the amount which may be necessary to satisfy the liabilities which have been created in the preceding fiscal year: *Provided*, That this section shall not be considered as extending to appropriations for fortifications.

The Committee of the Whole on the state of the Union recommended non-concurrence.

The amendment was non-concurred in.

Twenty-first amendment:

Add the following, as an additional section:

SEC. 6. *And be it further enacted*, That the second section of the act of 3d March, 1851, entitled "An act to found a military asylum for the relief and support of invalid and disabled soldiers of the Army of the United States," be so amended as to reduce the number of commissioners authorized by that section to three, and to consist of the Commissary General of Subsistence, the Surgeon General, and the Adjutant General, (any two of whom shall be a quorum for the transaction of business,) whose duty it shall be to examine and audit the accounts of the treasurer quarterly, and to visit and inspect the military asylum at least once in every month.

The Committee of the Whole on the state of the Union recommended a non-concurrence in the amendment.

The amendment was non-concurred in.

Twenty-second amendment:

Add the following, as an additional section:

SEC. 7. *And be it further enacted*, That the benefits of the said act be, and they are hereby, extended, so as to include the invalid and disabled soldiers, whether regulars or volunteers, of the war of 1812, and of all subsequent wars; and that so much of the act of the 3d March, 1851, as is inconsistent herewith, be, and the same is hereby, repealed.

The Committee of the Whole on the state of the Union recommended a non-concurrence in the amendment.

The amendment was non-concurred in.

Twenty-third amendment:

Add the following, as an additional section:

SEC. 8. *And be it further enacted*, That all pensioners, on account of wounds or disability incurred in the military service, shall transfer and surrender their pensions to the institution, for and during the time they may remain therein and voluntarily continue to receive its benefits.

The Committee of the Whole on the state of the Union recommended a non-concurrence in the amendment.

The amendment was non-concurred in.

Twenty-fourth amendment:

Add the following, as an additional section:

SEC. 9. *And be it further enacted*, That the deduction of twenty-five cents per month, from the pay of the non-commissioned officers, musicians, artificers, and privates in the Army, shall be reduced, from and after the 30th of June next, to twelve and a half cents per month; and that the title of the act be, and the same is hereby changed from the "Military Asylum" to that of "Soldiers' Home:" *And provided further*, That all persons now in, or that may hereafter be admitted into, the institution, shall be, and are hereby, made subject to the rules and articles of war, and will be governed thereby in the same manner as soldiers in the Army.

The Committee of the Whole on the state of the Union recommended a non-concurrence in the amendment.

The amendment was non-concurred in.

Twenty-fifth amendment:

Add the following, as an additional section:

SEC. 10. *And be it further enacted*, That all the States which have had or shall have refunded to them by the United States moneys expended by such States for military purposes during or since the war of 1812 with Great Britain, which have not already been allowed interest upon the moneys so expended, shall now be allowed interest, so far as they have themselves paid or lost it; said interest to be computed by the proper accounting officers of the Treasury, according to the provisions and principles directed to be applied to the case of Maryland by the twelfth section of the act of March 3, 1857, entitled "An act making appropriations for certain civil expenses of the Government for the year ending 30th of June, 1858;" and that all the States which have been allowed interest upon claims against the United States, accruing during or since said war of 1812, shall be entitled to have their interest accounts reëxamined and restated by the proper accounting officers of the Treasury, according to the provisions and principles of the twelfth section of said act of March 3, 1857; and that those provisions and principles shall govern the computation of interest in all cases in which interest may hereafter be allowed to any of the States. Any money found to be due to any State, as directed by this section to be computed and ascertained, shall be paid to such State, out of any money in the Treasury not otherwise appropriated: *Provided*, That in lieu of the payment of money the Secretary of the Treasury may, at his discretion, issue to such States a stock bearing an annual interest, at the rate of five per centum per annum, and redeemable at the end of ten years, or sooner, at the pleasure of the President.

The Committee of the Whole on the state of the Union recommended a concurrence.

Mr. PHELPS, of Missouri, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 81, nays 100; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Andrews, Barr, Bennett, Billinghurst, Blair, Bowie, Brayton, Buffinton, Burlingame, Caskie, Chaffee, Ezra Clark, Comins, Covode, Cragin, Davis of Massachusetts, Dawes, Dick, Dimmick, Dodd, Edie, Edmundson, Eustis, Fenton, Florence, Foster, Gilman, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Hawkins, Hickman, Hoard, Hopkins, Horton, Owen Jones, Keim, Kelsey, Knapp, John C. Kunkel, Landy, Letcher, Maclay, McRae, Matteson, Millson, Montgomery, Morgan, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Murray, Palmer, Pettit, Pike, Potter, Pottle, Powell, Purviance, Ricaud, Ritchie, Roberts, Royce, Judson W. Sherman, Shorter, William Smith, Spinner, William Stewart, Tappan, Thayer, Thompson, Walton, Israel Washburn, White, Whiteley, and Wood—81.

NAYS—Messrs. Atkins, Avery, Barksdale, Bingham, Bishop, Bliss, Bocock, Bonham, Boyce, Branch, Bryan, Burns, Cavanaugh, Horace F. Clark, John B. Clark, Clay, Cobb, John Cochrane, Cockerill, Colfax, Corning, James Craig, Crawford, Davidson, Davis of Maryland, Davis of Indiana, Davis of Mississippi, Dean, Dowdell, Elliott, English, Faulkner, Foley, Garnett, Gartrell, Giddings, Gilmer, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Harlan, Hatch, Hodges, Houston, Howard, Huyler, Jackson, George W. Jones, Jacob M. Kunkel, Lamar, Leach, Leiter, Lovejoy, McKibbin, McQueen, Samuel S. Marshall, Mason, Miles, Miller, Moore, Morrill, Isaac N. Morris, Mott, Niblack, Olin, Parker, Peyton, John S. Phelps, William W. Phelps, Phillips, Ready, Reagan, Ruffin, Sandidge, Savage, Scales, Seward, Aaron Shaw, Henry M. Shaw, John Sherman, Singleton, Robert Smith, Samuel A. Smith, Stanton, Stephens, Stevenson, Talbot, Miles Taylor, Tompkins, Vallandigham, Vance, Wade, Waldron, Cadwalader C. Washburn, Elihu B. Washburne, Watkins, Winslow, Augustus R. Wright, John V. Wright, and Zollicoffer—100.

So the amendment was non-concurred in.

During the call of the roll,

Mr. HOUSTON stated that Mr. CURRY was detained from the House by indisposition.

Mr. MILES stated that, if he had been within the bar when his name was called, in the present condition of the Treasury, and without deciding on the justice of the claims, he should have voted "no."

Mr. UNDERWOOD stated that, if he had been within the bar when his name was called, he should have voted "no."

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the amendment was nonconcurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate by ASBURY DICKINS, their Secretary, informing the House that the Senate had passed the following bill and resolutions; in which he was directed to ask the concurrence of the House:

An act (No. 606) to carry into effect the convention between the United States and China, concluded on the 8th of November, 1858, at Shanghae;

A resolution (No. 87) in relation to the removal of obstructions to navigation in the mouth of the Mississippi river; and

A resolution (No. 88) in relation to the second section of the act of Congress entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes.

Also, that the Senate insist upon their amendments to the bill of the House (No. 662) making appropriations for the payment of invalid and other pensions of the United States, for the year ending the 30th of June, 1860.

Also, that the Senate have passed, with amendments, a bill of the House (No. 889) to provide for the care and preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefit of the inhabitants of said cities; in which he was directed to ask the concurrence of the House.

PENSION BILL.

Mr. PHELPS, of Missouri, by unanimous consent, moved that the House insist on its disagreement to the amendments of the Senate to the pension appropriation bill.

WASHINGTON AQUEDUCT.

Mr. DODD, by unanimous consent, moved that the House disagree to the amendments of the Senate to the bill in relation to the water-works of Washington and Georgetown, and ask for a conference.

The motion was agreed to; and the Speaker appointed Messrs. DODD, BURNETT, and WRIGHT of Georgia, managers of the conference on the part of the House.

ARMY APPROPRIATION BILL—AGAIN.

Twenty-sixth amendment of the Senate:

Add the following, as an additional section:

SEC. 11. *And be it further enacted*, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the following fortifications:

For fort at Hog Island ledge, $40,000.
For Fort Schuyler, East river, New York, $20,000.
For Fort Richmond, Staten Island, $15,000.
For fort on site of Fort Tompkins, and batteries, Staten Island, New York, $100,000.
For Fort Carroll, Soilers's Point, $50,000.
For Fort Delaware, Delaware river, $100,000.
For Fort Calhoun, Hampton Roads, Virginia, $100,000.
For Fort Sumpter, Charleston, South Carolina, $25,000.
For Fort Cluch, Florida, $75,000.
For Fort Point, California, $50,000.
For Fort Alcatraz, California, $50,000.
For Fort Jefferson, Tortugas, Florida, $95,000.
For Fort Taylor, Key West, $75,000.
For continuing the construction of the works at Fort Gaines, $50,000.
For contingent expenses of fortifications and repairs, $30,000.

The Committee of the Whole on the state of the Union recommended a non-concurrence in the amendment.

Mr. FLORENCE demanded the yeas and nays, and tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

The amendment was non-concurred in.

Twenty-seventh amendment:

SEC. 12. *And be it further enacted*, That the unexpended balance of appropriations authorized by the first and second sections of the act of February 17, 1857, be expended by the Secretary of War, instead of by the Secretary of the Interior, as authorized in said act.

The Committee of the Whole on the state of the Union recommended a non-concurrence in this amendment.

The amendment was non-concurred in.

Twenty-eighth amendment:

SEC. 13. *And be it further enacted*, That no allowance for servants or horses shall hereafter be made either in kind or in commutation, unless such servants and horses shall have been mustered and inspected at such times and in such manner as the President may direct.

The Committee of the Whole on the state of the Union recommended a non-concurrence in this amendment.

The amendment was non-concurred in.

The amendments of the Senate having been all acted on by the House,

Mr. CRAWFORD moved to reconsider the respective votes of the House on the several amendments; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

JUDICIARY OF OREGON.

Mr. HOUSTON. I desire to take from the Speaker's table the bill referred to by my friend from Oregon [Mr. GROVER] this morning. It is Senate bill (No. 593) to provide for extending the laws and judicial system of the United States over the State of Oregon, and for other purposes.

Mr. WASHBURNE, of Illinois. I ask the gentleman from Alabama whether he will permit an amendment to be offered to that bill if it is taken up?

Mr. HOUSTON. I think myself, that the salary of the judge is fixed low enough in the bill; but I will allow the amendment to come in and receive a vote of the House.

The bill was then, by unanimous consent, taken from the Speaker's table, and read a first and second time.

Mr. WASHBURNE, of Illinois. I move to strike out "$3,000," where it occurs as the salary of the judge, and insert "$2,500."

Mr. HOUSTON. The amendment having been offered, I demand the previous question on the third reading of the bill.

The previous question was seconded, and the main question ordered to be put.

Mr. LETCHER. What is the salary of the judges there now?

Mr. HOUSTON. The bill proposes to provide for one judge, and to fix his salary at $3,000 a year.

Mr. WASHBURNE, of Illinois. I ask the gentleman if the supreme judge of the Territory did not have jurisdiction in all matters, while this judge has no jurisdiction except over Federal matters?

Mr. GROW. I object to debate.

The question now being on the amendment,

Mr. HICKMAN called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 91, nays 79; as follows:

YEAS—Messrs. Abbott, Adrain, Andrews, Barksdale, Blair, Bliss, Branch, Brayton, Buffinton, Burlingame, Chaffee, Ezra Clark, Horace F. Clark, Clay, Cobb, Clark B. Cochrane, Cockerill, Colfax, Davis of Mississippi, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dodd, Durfee, English, Farnsworth, Faulkner, Fenton, Gartrell, Gilmer, Gooch, Gregg, Groesbeck, Grow, Lawrence W. Hall, Robert B. Hall, Harlan, Harris, Hickman, Hoard, Hodges, Hopkins, Horton, George W. Jones, Keim, Kellogg, Kelsey, Knapp, Leiter, Letcher, Lovejoy, Matteson, Morgan, Morrill, Isaac N. Morris, Freeman H. Morse, Mott, Murray, Olin, Pike, Potter, Pottle, Powell, Purviance, Ready, Reagan, Ricaud, Robbins, Roberts, Royce, Ruffin, Scales, Henry M. Shaw, John Sherman, Judson W. Sherman, Singleton, Robert Smith, Stanton, Tappan, Thompson, Tompkins, Underwood, Vance, Wade, Walbridge, Walton, Cadwalader C. Washburn, Elihu B. Washburne, and Wood—91.

NAYS—Messrs. Ahl, Billinghurst, Bonham, Bowie, Boyce, Burnett, Burns, Caskie, Cavanaugh, John B. Clark, John Cochrane, Comins, Corning, James Craig, Curtis, Davidson, Davis of Maryland, Dimmick, Dowdell, Edie, Edmundson, Elliott, Eustis, Florence, Foley, Foster, Gilman, Greenwood, Grover, Hawkins, Houston, Howard, Jackson, Owen Jones, Jacob M. Kunkel, Lamar, Landy, Leidy, McKibbin, McQueen, McRae, Samuel S. Marshall, Mason, Miller, Millson, Moore, Edward Joy Morris, Niblack, Nichols, Palmer, Parker, Petit, John S. Phelps, William W. Phelps, Phillips, Reilly, Ritchie, Sandidge, Savage, Seward, Shorter, Samuel A. Smith, William Smith, Spinner, Stephens, Stevenson, James A. Stewart, William Stewart, George Taylor, Miles Taylor, Thayer, Vallandigham, Watkins, Winslow, Woodson, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—79.

So the amendment was agreed to.

The bill, as amended, was then ordered to a third reading; and was accordingly read the third time.

The question being on its passage,

Mr. HOUSTON demanded the previous question.

The previous question was seconded, and the main question ordered to be put; and under the operation thereof, the bill was passed.

Mr. HOUSTON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

KANSAS AFFAIRS.

Mr. DAVIS, of Indiana. I ask the unanimous consent of the House to introduce a bill, of which previous notice has been given. It is a bill to amend the act entitled "An act for the admission of the State of Kansas into the Union," approved May 4, 1858.

Mr. ENGLISH. I think it is rather late in the day to introduce a bill of that kind. I object.

Mr. DAVIS, of Indiana. I move to suspend the rules; and upon that motion I demand the yeas and nays.

Mr. ADRAIN. It is important that we should have a full House upon so important a measure as this. I move that there be a call of the House.

The motion was not agreed to.

Mr. BONHAM. Will it be in order to give notice that I will move a substitute to that bill?

The SPEAKER. The bill is not before the House, and no motion or notice in relation to it is in order.

The bill was read, as follows:

A bill to amend an act entitled, "An act for the admission of the State of Kansas into the Union," approved May 4, 1858.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the above-named act as prohibits the people of the Territory of Kansas from forming a constitution and State Government and asking admission into the Union as a State until it shall appear by a census, duly and legally taken, that the population thereof equals or exceeds the ratio of representation required for a member of the House of Representatives of the Congress of the United States, be, and the same is hereby, repealed.

The question was taken on the motion of Mr. DAVIS, of Indiana; and it was decided in the negative—yeas 100, nays 87; as follows:

YEAS—Messrs. Abbott, Adrain, Andrews, Billinghurst, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Cavanaugh, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Clark B. Cochrane, John Cochrane, Colfax, Comins, Covode, Cragin, Curtis, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dodd, Durfee, Edie, Farnsworth, Fenton, Foley, Foster, Giddings, Gilman, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harlan, Haskin, Hatch, Hickman, Hoard, Horton, Howard, Owen Jones, Keim, Kellogg, Kelsey, Knapp, John C. Kunkel, Landy, Leach, Leiter, Lovejoy, Samuel S. Marshall, Montgomery, Morgan, Morrill, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Mott, Murray, Nichols, Olin, Palmer, Parker, Pettit, William W. Phelps, Phillips, Pike, Potter, Pottle, Purviance, Reilly, Ritchie, Robbins, Roberts, Royce, John Sherman, Judson W. Sherman, Robert Smith, Spinner, Stanton, William Stewart, Tappan, Thayer, Thompson, Tompkins, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, and Wood—100.

NAYS—Messrs. Atkins, Avery, Barksdale, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, John B. Clark, Clay, Cobb, Cockerill, Corning, James Craig, Crawford, Davidson, Davis of Mississippi, Dimmick, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Florence, Gartrell, Gillis, Gilmer, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Harris, Hawkins, Hopkins, Houston, Jackson, George W. Jones, Jacob M. Kunkel, Lamar, Leidy, Letcher, McRae, Mason, Miles, Miller, Millson, Moore, Niblack, Peyton, John S. Phelps, Powell, Ready, Reagan, Ricaud, Ruffin, Sandidge, Savage, Scales, Scott, Henry M. Shaw, Shorter, Singleton, Samuel A. Smith, William Smith, Stephens, Stevenson, James A. Stewart, Talbot, George Taylor, Miles Taylor, Vallandigham, Vance, Ward, Watkins, White, Winslow, Woodson, Augustus R. Wright, John V. Wright, and Zollicoffer—87.

So the rules were not suspended, (two thirds not voting in favor thereof.)

During the call of the roll,

Mr. COLFAX stated that his colleague, Mr. WILSON, had paired off with Mr. LAWRENCE.

Mr. HARRIS stated that the absence of Mr. MARSHALL, of Kentucky, was caused by domestic affliction.

Mr. CASE stated that not expecting that anything of this kind would come up, he had this morning paired off. If he were at liberty to vote he should vote in the affirmative.

Mr. MATTESON stated he was not within the bar when his name was called. If he had been he should have voted in the affirmative.

Mr. DOWDELL stated that his colleague, Mr. CURRY, was ill and had paired off with Mr. BENNETT.

Mr. McKIBBIN stated that, if he had been within the bar when his name was called, he should have voted "ay."

Mr. HALL stated that, if he had been within the bar when his name was called, he should have voted "ay."

The vote was then announced as above reported.

PUBLIC PRINTING.

Mr. SINGLETON. I am instructed to report back the Senate bill in relation to the public printing. An amendment incorporated into the legislative, executive, and judicial appropriation bill, supersedes the necessity of passing this bill. I move, therefore, that the bill be laid on the table.

The motion was agreed to.

AGRICULTURAL PATENT OFFICE REPORT.

Mr. SINGLETON. I am also instructed, by the Committee on Printing, to offer a resolution for printing extra copies of the agricultural part of the Patent Office Report. I have a letter here from the Commissioner of Patents, which will explain everything in connection with it. I shall ask to have that letter read; and then I shall ask for the previous question on the resolution.

The resolution was read, as follows:

Resolved, That there be printed, in addition to the usual number, two hundred and ten thousand extra copies of the report of the Commissioner of Patents, on agriculture, for the year 1858, ten thousand of which shall be for distribution by the Interior Department: *Provided*, That the aggregate number of pages contained in said report shall not exceed five hundred and sixty-eight, including ten pages of illustrations on wood: *And provided, further*, That the entire amount of copy necessary to complete said report, including the drawings for illustrations, be placed in the hands of the Superintendent of Public Printing on or before the 1st day of June next.

The letter from the Commissioner of Patents was read, as follows:

UNITED STATES PATENT OFFICE,
February 26, 1859.

GENTLEMEN: I beg leave to call your attention to the manuscript of the agricultural portion of the annual report of this office, for 1858, now in the hands of the Speaker of the House of Representatives of the Thirty-Fifth Congress.

Although further in advance than has been usual at this period of the year, said manuscript is still incomplete. This arises from the circumstance that this Office is chiefly dependent upon the labors of persons residing in different parts of the country, who voluntarily, or otherwise, contribute matter for these reports, who require time to perfect their articles, and over whom we can exercise no specific control as to the time of sending in their communications. Besides, the meteorological observations, and much of the statistical matter cannot be matured before the very last day of the year, and time is required to reduce them to a state suitable for publication.

With this explanation, in order to make this report as useful as practicable, I would suggest that the manuscript be returned to this office, and leave granted by the House of Representatives to revise and extend the matter contained therein, in the usual manner, as has been adopted for several years past.

I have the honor to be, gentlemen, very respectfully, your obedient servant, J. HOLT, *Commissioner*.

HONS. SAMUEL A. SMITH, O. R. SINGLETON, MATHIAS H. NICHOLS, *Committee on Printing, House of Representatives, United States*.

Mr. SINGLETON. I wish to say, in reference to this resolution, that it is the same, substantially, as the one passed by the House at the last session. The number of copies provided for is the same, and the number of pages to be embraced in it is precisely the same. The Committee on Printing, after consulting with the Commissioner of Patents and the Secretary of the Interior, have been led to believe that the manuscript, as now in the possession of the House, if published in its present form would be imperfect; and that it is better for it to be returned, and retained in the hands of the Commissioner of Patents until the 1st day of June next, in order that it shall be put in such shape as will make it a useful book to go into the libraries of the country.

Mr. RUFFIN. I wish to ask the gentleman from Mississippi a question. I understand that this manuscript is to be returned to the Commissioner of Patents. Now, sir, the manuscript was returned in the same way last year, and it was not furnished to the Public Printer until some time in the fall, and it was not printed and delivered at the folding-room until December. I want to know of the gentleman from Mississippi, whether there is any reason to believe that the same thing will not be done in this case?

Mr. SINGLETON. There is. The resolution requires that the manuscript shall be furnished some months sooner than it was last year. I said the resolution was the same as that adopted last year. There may be some slight difference between the two; but they are substantially the same. I understand that the difficulty to which the gentleman has referred, occurred from the fact that some of the wood cuts designed for the work were not satisfactorily done, and had to be done over. Some difficulty sprung up, also, between the Interior Department and the Superintendent of Public Printing, which, I am assured, will not occur again. At any rate, if the book is printed in the present condition of the manuscript, the House will be ashamed of the book.

Mr. RUFFIN. They will be ashamed of it anyhow.

Mr. SINGLETON. I now ask the previous question on the resolution.

Mr. SPINNER. I ask the gentleman to permit me to offer an amendment to that resolution.

Mr. JONES, of Tennessee. I also desire to offer an amendment.

Mr. SINGLETON. I decline to withdraw the demand for the previous question. If the House do not choose to second it, they can vote it down.

Mr. JONES, of Tennessee, called for tellers on seconding the demand for the previous question.

Tellers were ordered; and Messrs. CLARK of Connecticut, and WRIGHT of Tennessee, were appointed.

The House divided; and the tellers reported—ayes 100, noes 29.

So the previous question was seconded.

Mr. JONES, of Tennessee. I move to lay the bill on the table, and call for the yeas and nays on the motion.

The yeas and nays were not ordered.

The motion was not agreed to.

The main question was ordered.

Mr. JONES, of Tennessee. I call for the yeas and nays on the adoption of the resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 124, nays 53, as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Andrews, Billinghurst, Bingham, Bowie, Brayton, Buffinton, Burlingame, Case, Chaffee, Ezra Clark, John B. Clark, Clawson, John Cochrane, Cockerill, Colfax, Comins, Corning, Covode, James Craig, Crawford, Curtis, Davidson, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dean, Dimmick, Dodd, Durfee, Edie, Elliott, English, Farnsworth, Fenton, Florence, Foley, Foster, Gartrell, Gillis, Gilman, Gilmer, Gooch, Goodwin, Granger, Gregg, Grover, Lawrence W. Hall, Haskin, Hatch, Hoard, Horton, Howard, Jackson, Jewett, Keim, Kellogg, Kelsey, Knapp, Jacob M. Kunkel, John C. Kunkel, Lamar, Landy, Leach, Leidy, Leiter, Lovejoy, McKibbin, McRae, Matteson, Montgomery, Morgan, Morrill, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Niblack, Nichols, Olin, Palmer, Parker, Pettit, Peyton, William W. Phelps, Purviance, Reilly, Ricaud, Robbins, Roberts, Royce, Savage, Searing, John Sherman, Judson W. Sherman, Singleton, Robert Smith, Samuel A. Smith, Stanton, James A. Stewart, William Stewart, Talbot, Tappan, Thayer, Tompson, Tompkins, Vallandigham, Vance, Wade, Walbridge, Waldron, Walton, Ward, Cadwalder C. Washburn, Elihu B. Washburne, White, Winslow, Wood, Woodson, Wortendyke, and Augustus R. Wright—124.

NAYS—Messrs. Atkins, Avery, Barr, Blair, Bliss, Bonham, Boyce, Branch, Burnett, Burns, Caskie, Chapman, Horace F. Clark, Cobb, Burton Craige, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Eustis, Giddings, Greenwood, Robert B. Hall, Harlan, Hopkins, Jenkins, George W. Jones, Owen Jones, Keitt, Letcher, McQueen, Samuel S. Marshall, Mason, Millson, Moore, Pike, Potter, Pottle, Powell, Ready, Ruffin, Scales, Henry M. Shaw, Shorter, William Smith, Spinner, Stallworth, George Taylor, Miles Taylor, Underwood, Watkins, John V. Wright, and Zollicoffer—53.

So the resolution was adopted.

Pending the above call,

Mr. PHELPS, of Missouri, not being within the bar when his name was called, asked leave to vote. He was out in the committee-room on the public business.

Objection was made.

Mr. PHELPS, of Missouri, stated that he would have voted in the negative.

Mr. STEVENSON stated, if he had been present when his name was called, that he would have voted in the negative.

Mr. PHILLIPS asked leave to vote, not being within the bar when his name was called.

Objection was made.

Mr. SINGLETON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PUBLIC PRINTING.

Mr. SMITH, of Tennessee. I move that the Committee on Printing be discharged from the further consideration of Senate bill (No. 218) amendatory of an act entitled "An act to provide for executing the public printing and establishing the price thereof, and for other purposes, approved August 26, 1852," and that it be laid upon the table. The bill has been superseded by the action of Congress at the present session.

The motion was agreed to.

REPORTS ON NAVAL CONTRACTS, ETC.

Mr. SMITH, of Tennessee, from the Committee on Printing, submitted the following report:

Resolved, That five thousand extra copies of the majority and minority reports of the select committee on naval contracts and naval expenditures, together with the evidence, be printed for the use of the members of the House of Representatives.

Mr. SMITH, of Tennessee, demanded the previous question.

The previous question was seconded, and the main question ordered; and, under the operation thereof, the resolution was adopted.

Mr. SMITH, of Tennessee, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

PATENT OFFICE REPORT.

Mr. SMITH, of Tennessee, from the Committee on Printing, to whom was referred the motion to print the report of the Commissioner of Patents on mechanics, for the year 1858, and also the motion to print fifty thousand extra copies of the same, submitting the following report:

Resolved, That the mechanical report of the Patent Office be printed; and

Resolved, further, That five thousand extra copies of said report be printed for the use of the Interior Department.

Mr. NICHOLS. I have a minority report to submit. Last year we reduced the numbers of this mechanical report forty thousand copies. I will say, in reference to the Committee on Printing, that the results of its action, combined with the concurrence of the Superintendent of Public Printing, who is an honest man, have been to cut down the expenses of this thing at least thirty-three per cent. below those of the Thirty-Fourth Congress, and seventy-five per cent. below those of the Thirty-Third Congress. I am unwilling, on the part of the mechanics I represent, to stand a further reduction. I submit, therefore, the following minority report, for the second resolution of the committee.

The Clerk read as follows:

Resolved, That there be printed, of the mechanical part of the Patent Office report, five thousand copies for the use of the Patent Office, and fifteen thousand for the use of the members of the House of Representatives.

Mr. SMITH, of Tennessee, demanded the previous question.

The previous question was seconded; and the main question ordered.

Mr. SINGLETON demanded the yeas and nays on the amendment.

The yeas and nays were not ordered.

The amendment was agreed to; and then the resolutions, as amended, were adopted.

Mr. NICHOLS moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

SMITHSONIAN INSTITUTION.

Mr. SMITH, of Tennessee, from the Committee on Printing, submitted the following report:

Resolved, That there be printed five thousand extra copies of the report of the operations of the Smithsonian Institution for the year 1858; three thousand for the use of members of the House, and two thousand for the use of said institution.

Mr. SMITH, of Tennessee, demanded the previous question.

The previous question was seconded; and the main question was ordered.

Mr. JONES, of Tennessee, demanded a division.

The House divided; and there were—ayes eighty-eight.

The SPEAKER. Does the gentleman insist on his division?

Mr. JONES, of Tennessee. Yes, sir; unless it is proposed to pay for this printing out of the Smithsonian fund.

The division was made; and there were—noes forty-five.

So the resolution was adopted.

Mr. SMITH, of Tennessee, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. PIKE, from the Committee on Enrolled Bills, reported as correctly enrolled the following bills and joint resolution; when the Speaker signed the same:

A bill for the relief of John Pickell, late a lieutenant in the United States Army;

A bill to provide for the enrollment and license of the brig Cumberland;

A bill for the relief of Anthony Caslo, a soldier of the war of 1812; and

Joint resolution conferring the rank of senior flag-officer of the United States Navy on Captain Charles Stewart.

NAVIGATION OF THE MISSISSIPPI.

Mr. EUSTIS. I move to take from the Speaker's table the joint resolution just sent from the Senate, (No. 87,) in respect to the removal of obstructions to navigation in the mouth of the Mississippi river.

The joint resolution directs the unexpended balance of the appropriation of $330,000, made at the last session of the Thirty-Fifth Congress, for removing obstructions to navigation in the mouth of the Mississippi, at the Southwest Pass and Pass à l'Outre, to be applied to such purposes, under the direction of the President of the United States, by contract or otherwise.

Mr. JONES, of Tennessee. I object to taking up that joint resolution.

Mr. EUSTIS. I move to suspend the rules.

Mr. GROW. I appeal to the gentleman from Louisiana to make his motion so as to include all the bills from the Senate that are now on the Speaker's table, so that we may dispose of the whole of them.

Mr. JONES, of Tennessee. I do not want to have all these internal improvement bills brought in.

Mr. EUSTIS. I have no desire to take up the time of the House now; but I will simply state, that the object of the resolution is to dispense with the necessity of publishing, for sixty days, the advertisement for bids. There is no appropriation asked for, as the money is already appropriated, and is now in the Treasury of the United States. There are, at this moment, nearly seventy vessels, laden with valuable cargoes, on the bar at the mouth of the Mississippi river, with nearly twenty million dollars' worth of property belonging to citizens all over the United States; and all that I ask of the House is simply to authorize the President of the United States to take immediate and prompt measures to remove these obstructions.

I will not embarrass the progress of this resolution by any expression of opinion as to the manner in which the large sum of $250,000 has been expended by this Government; not only without any *quid pro quo*, but to the serious injury of the commerce of the city of New Orleans, and the country at large, *within the short space of nine months*. I will reserve my remarks on that branch of the subject for some future occasion. We have no time now for discussion. The country is awaiting the action of this House.

I beg leave to submit to the House a copy of the reports of the Chamber of Commerce of the city of New Orleans, of Captain Duncan, civil engineer, of Captains Amos Lowne and George Chism, pilots, together with the accompanying resolutions adopted by said Chamber of Commerce, which I ask may be published, as our time will not admit of their being read.

The reports were as follows:

Report of the Chamber of Commerce.

To the New Orleans Chamber of Commerce:

GENTLEMEN: The undersigned, a committee, appointed by your body, at a special meeting held on the 29th ultimo, to proceed to the passes at the mouth of the Mississippi river, and investigate the impediment there existing to the free egress and ingress of vessels, having performed the duty assigned to them, beg leave respectfully to report as follows:

That, fully appreciating the importance of their mission and the necessity of having soundings and surveys made by some scientific man, accompanied by suggestions as to the best and speediest method of removing the obstacles to navigation, they, by virtue of the power vested in them by a resolution of the Chamber, engaged the services of Captain J. K. Duncan, civil engineer; and, on the evening of the 1st instant, they left the city, and proceeded down the river to the scene of their labors. They arrived at the pilot station, inside the bar, at the Southwest Pass, at noon, on the 2d instant, where they were fortunate enough to meet two old and experienced pilots—Mr. Towne, of the association, and Mr. Chism, of the opposition—both of whom, at the request of the committee, agreed to accompany them on their mission. By the liberality of the Tow-boat Association, the steamboat Anglo Saxon, Captain A. Grant, was placed at their disposal; and they proceeded at once to the bar, and found that the impediments existing to the free navigation of the river passes had not been in any degree exaggerated by the reports current in the city previous to their departure. Between forty and fifty sail of merchantmen, of an average tonnage of one thousand tons, were in the immediate vicinity of this pass, held in check by the condition of the channel, and presenting the appearance of a port in a state of blockade. Two expert leadsmen having been procured, the active operations of your committee then commenced, care having first been taken to check the measurement of the line by the rule, to prevent errors or misconception arising from the contraction or extension of the same. Soundings were then made, both outward to sea and inward from sea, the boat being placed in charge of Mr. Towne and Mr. Chism alternately, and they requested to direct her course into the best channel known to them; and the best water found on the shoal part of the bar, with the wind blowing a stiff breeze from the southwest, and a heavy swell on, was fifteen feet at high tide. On the morning of the 3d, operations were resumed, the tide being out, and soundings were taken out and in, in mid-channel, and also triangularly; and the best water found in the shoal part of the bar, or middle ground, was thirteen feet; wind north. Your committee then proceeded round, by sea, to Pass à l'Outre, carefully sounded the channel there at high water, and found but thirteen feet on the bar; British ship, Belle of the Ocean, on the bar, with two tow-boats alongside. The soundings here were continued until dark, and resumed, on the morning of the 4th, at low water, and the best water found was twelve feet; wind southwest. All of which is more particularly set forth in the able report of Captain J. K. Duncan, which is herewith annexed, and made part of this report.

The time and circumstances for taking these soundings were admitted to be very favorable, and your committee

are well convinced of their accuracy. In this connection, they would remark that they are corroborated by soundings taken by several ship-masters of experience, whose vessels have been detained inside and on the bar for some time, as well as by the pilots who accompanied the committee; and their certificates are hereunto annexed, and made part of this report.

Leaving Pass à l'Outre, the Anglo Saxon returned to the Southwest Pass, via the river, and crossing the bar, the committee had an opportunity afforded of making a reconnoissance of the shipping outside, numbering nineteen sail square-rigged vessels. Returning, they found the following ships on the bar, and inside, outward bound; and their names, the dates of their clearances, with particulars of their cargoes, and the value thereof, are given below, for more convenient reference, and the better information of the Chamber.

Here follows a list of thirty-three vessels, with their cargoes and their values, of which the following is a recapitulation:

Cotton (bales)	71,985 at	$60 00	$4,319,100
Tobacco (hogsheads)	3,337 at	150 00	500,550
Sugar (hogsheads)	2,277 at	75 00	170,755
Molasses (barrels)	1,575 at	12 00	18,900
Pork and beef (barrels)	11,309 at	18 00	203,562
Flour (barrels)	11,417 at	5 50	62,793
Lard and hams (tierces)	2,929 at	30 00	87,870
Wheat (sacks)	3,789 at	1 00	3,789
Total			$5,367,339

NEW ORLEANS, *February* 4, 1859.

It will thus be seen that there is held in check, in consequence of the impediments to navigation above referred to, property worth nearly five and a half million dollars, the interest on which for a single day, at six per cent. per annum, amounts to about one thousand dollars. In this estimate, no account is taken of the value of the ships, nor any but the leading articles of produce; nor of the cargoes of the ships which have cleared and are ready for sea, and whose commanders deem it more prudent to remain at the wharf until there is a prospect of getting over the bar without difficulty, than to lie at anchor inside, or aground on the bar in the crowd of ships, and liable to damage. This is a startling array of figures; in itself sufficient, in the opinion of your committee, to arrest public attention, and cause the most indifferent to reflect on the evils likely to arise from such a derangement of the commerce of the city; and which will end in the total ruin of our trade, and even our very existence as the emporium of the Southwest, unless prompt and energetic means are adopted for the removal of these obstructions.

Much has been said and written on the subject of the railroads which now tap the Mississippi river, and have their termini on the Atlantic shore, and of the injury which they were likely to work to the trade of New Orleans, by diverting the produce of the great valley of the Mississippi, from its natural outlet there, but these your committee have read and listened to without the least feeling of alarm, having an abiding confidence that the Mississippi river would continue to be the great highway for the produce of the valley which bears its name, and New Orleans the great depot and point of exportation, so long as there was free communication with the Gulf of Mexico for vessels of the class required by the yearly increasing necessities of trade; but they must confess that the spectacle which presented itself to them at the bar gave rise to grave apprehensions whether or not it would be possible to retain the trade of Orleans and maintain its position as the greatest exporting city of the Union, unless some measure of relief is speedily granted; nor are the movements going on around us calculated to allay these fears. Already rival cities, taking advantage of our misfortunes, are putting forth their claims to a share of the trade which has heretofore been ours, and which, we are constrained to admit, it needs no prophetic eye to discern, must soon seek other channels unless these obstructions are removed; for your committee do not doubt that every facility will be given by our rivals to those frequenting this port and mart, which their own resources and all the outside aid they can bring in, will command.

In the list of property detained at the bar is comprised one item of nearly seventy-two thousand bales of cotton. Some of these outward-bound ships have been detained for several weeks, and it is hardly to be supposed that parties in want of cotton will again send their orders to New Orleans if there is the least likelihood of a similar delay in getting it to market; and if this community is not alive to its interest, the now famous cotton mart of New Orleans will speedily become a thing of the past. Again: the bills of exchange drawn against the cargoes so detained, will, in all probability, mature before the produce arrives, when, by all ordinary calculations, it would have been at hand in time to meet them; and this is another ramification of the evil which may overtake us in the shape of a derangement of our monetary affairs, consequent upon the difficulties which parties may experience in raising funds to retire the same.

Of the value of the cargoes of the inward-bound ships your committee have no data, but they think it may be safely put down at $2,000,000. Many of these ships are laden with goods destined for the West and the western trade, and it requires but a slight effort of the imagination to picture the loss and inconvenience which the owners have suffered by having their goods detained until the proper season for their sale is past. These, again, are not likely to order their supplies to be shipped via New Orleans until they have the assurance that these impediments to the navigation have been permanently removed. In looking at the question from this point of view, we can see that the interest of the consumer, although apparently remote, is actually near and positive. So large an amount of goods being kept out of market must necessarily enhance the value of those on the spot, and he therefore has to contribute his quota of the loss by the advanced prices which he has to pay for the articles of import which he requires; in short, a volume might be written, were your committee to follow the evil through all its ramifications, and they could show that not only the mercantile and trading community generally, but the underwriters, at home and abroad, whose risks are rendered doubly hazardous by these impediments to navigation, and the consequent extraordinary exertions necessary in dragging ships over the bar, and the northern and eastern shipowners, whose property is rendered unproductive for the time, and worn and torn to no purpose, are all deeply interested in the removal of the evils complained of; but they trust that enough has already been said to awaken an interest in the minds of the people generally, which will know no rest until they come forward as one man to memorialize the General Government on the subject of these obstructions to our navigation, which are tantamount to a blockade of the port and an embargo on our commerce—call upon it for an appropriation to relieve us at once, and permanently, from further loss and inconvenience from this cause, and grant us such other relief in the premises as may be deemed commensurate with the importance of our position and the magnitude of the interests involved.

That relief is practicable, and that a depth of water can be maintained on the bar sufficient for the requirements of trade—say eighteen to twenty feet—is not doubted; indeed, it is abundantly proved by the experience of the past, and is confidently asserted by our engineer in his able report; and although it may not appear to the Chamber that the resolution calling for the appointment of this committee requires that they should make any recommendations or suggestions touching the means to be employed in effecting this end; nevertheless, acting as they do, under the reference made to them of the communication of the board of underwriters; and moreover, having had referred to them the several propositions made to the Chamber for the deepening and clearing out of the channel, they may, without stepping beyond their province, press upon the Chamber the propriety of adopting the plan proposed by Captain Duncan, for the reason that the present is not the time to adopt new theories, or test experiments. The condition of things at the bar, as shown above, threatens the entire prostration of the commerce of the port, and requires the adoption of a plan of acknowledged utility, such as that proposed by Mr. Duncan, immediate relief being the paramount consideration. In making this recommendation, your committee have no motives except those set forth above, and they deprecate the idea of throwing discredit on any of the other plans proposed, some of which are novel and ingenious, and backed by men of considerable scientific attainments; and when once the fleet of ships now detained has been relieved, it may become a question whether or not some of the other plans proposed should not be tried, if necessary.

In conclusion, your committee would remark, that during their visit to the bar they found that ships were occasionally got out and in, partly by the aid of the swell brought on the bar by the prevalence of southeast and southwest winds, and more particularly by the almost herculean efforts put forth by the Tow-boat Company, of which they had ample proof, and to which they bear willing testimony; but the average amount of tonnage detained did not vary materially from day to day during their stay. All of which is respectfully submitted by

WILLIAM CREEVY,
THOMAS L. WIBRAY,
JOHN B. MURISON,
GEORGE A. FOSDICK,
P. H. SKIPWITH.

Report of Pilots.

SOUTH WEST PASS, *February* 4, 1859.

The undersigned, pilots, having been requested by a committee of the Chamber of Commerce of New Orleans, to accompany them on a survey of the passes leading from the mouth of the Mississippi river to the Gulf of Mexico, hereby certify:

That they accompanied said committee on board of the tow-boat Anglo-Saxon, Captain Grant, taking charge, alternately, of said boat, and directing her course through the deepest channel-water; that they witnessed the soundings made under the direction of the committee and Captain J. K. Duncan, chief engineer, and are satisfied that said soundings were made with all possible accuracy. High tide being at seven and a half o'clock, p. m., the wind being from W. S. W., and highly favorable for high water. We furthermore certify that the greatest depth of water found on the bar was fifteen feet; the distance over which the shoal water, or fifteen feet, extends, is from one half to three quarters of a mile; date of soundings above referred to was on February 2, and the time of finishing soundings was at five and a half o'clock, p. m., say two hours before flood tide, or high water. On the morning of the 3d, further soundings were taken, at ebb tide, and we certify that the greatest depth of water then found on the shoals, or bar, was thirteen feet. When these soundings were taken, there was a fresh breeze from the northwest. Proceeding from thence round to Pass à l'Outre, by sea, still accompanied by said committee and their engineer, further observations were made, and soundings taken, both inward from sea, and outward to sea, and that the greatest depth of water found in mid-channel, between the spar buoy and the light-house, was thirteen feet. This shoal water extends about half a mile, and the soundings referred to were finished at dark. High water being at eight and a half o'clock, p. m. Soundings were resumed on the morning of the 4th, at seven o'clock, a. m., at ebb tide, and we certify that the greatest depth of water then found on the pass was twelve feet. Throughout all these soundings, we certify that we directed the course of the boat into the best channel, and through the deepest water, known to us.

AMOS TOWNE,
for Pilots' Association.
GEORGE CHISM,
for Opposition Pilots.

Report of Civil Engineer.

NEW ORLEANS, LOUISIANA, *February* 16, 1859.

GENTLEMEN: Agreeably to your instructions of the 31st ultimo, I have the honor to submit to you the following report upon the condition of the Southwest Pass and Pass à l'Outre, their obstruction by tidal bars, the origin of the formation of these bars, and upon the proper, practical method of opening and keeping open these passes for the purposes of navigation. A brief historical sketch of the surveys of the delta, and the efforts heretofore made to remove the obstructions from the natural channels of the passes, are necessarily involved in this report.

The first definite data upon the delta of the Mississippi, and the first correct soundings, maps, and charts, were furnished by the survey of Captain Talcott, made under the General Government, in 1838, at the suggestion of the special board of engineers for improving the entrance of the Mississippi river. No steps towards the improvement of the tidal bars, nor further surveys of the passes were made until the years 1851 and 1852, when a triangulated survey, with correct soundings and charts, was made under the direction of the Coast Survey department of the United States. These two surveys being entirely reliable, they must necessarily form the basis of all correct deductions made upon the problems of the outward progress and extension of tidal bars and of the land, and of the changeable, variable nature of the middle ground and shoals, and of their accompanying false currents and channels. The trace of the land and bar limits having been determined by careful instrumental triangulation in both surveys, it follows that any difference between them is due to the outward tendency of the land and the bars. From a careful comparison of the two, it has been determined that this outward progress has been at the rate of one mile in fifteen years, or three hundred and fifty-two feet in a year. For instance, in 1838, the middle ground, on which the light-house at Pass à l'Outre is situated now, was then submerged and indicated as shoal water, with a depth of six feet at ordinary ebb tide. The land has formed there since, and extends from a mile and a quarter to a mile and a half, and the long sweep of flats beyond extend into the sea for a mile further, and are exposed at low tide. Similar progress has been shown at the Balize, and at all of the mouths of the delta Now, if we consider the deep waters of the Gulf to average only thirty-six feet in depth, and take the tidal bar at the mean of fourteen feet, this extension gives us the enormous deposit of twelve million cubic yards within the bar limits of the Southwest Pass, and about eight million cubic yards on the bar of Pass à l'Outre, in a single year; and this, without estimating the amount thrown upon the other passes or that which is carried beyond the bars into the sea.

The original source and the initial cause of the removal of this immense amount of material, are the primary questions claiming our consideration. The Mississippi river is at present in a state of nature, and for want of due attention, has been suffered to expand too much, both in its ordinary channel, and more particularly in the several outlets of the delta. The sides being universally softer than the bottom, the current has operated there, because it could not penetrate the tough clay bed of the river, and it has by that means gained in breadth what it is wanting in depth. This is more particularly the case in stages of high water and spring freshets. These yielding, caving banks, which fall into the river in its long sweep through an alluvial country, are held in suspension in the bosom of the stream, and are drifted outward by the current to the sea. The currents of rivers are peculiar and variable. Some of the rivers in South America and New Granada have their counter currents, and boats borne by the force of these opposite currents alone are made to pass each other in opposite directions. This is one of the extreme cases; but the Mississippi, too, has its peculiarity in currents quite as singular, and almost entirely its own. For it has been demonstrated by a series of careful experiments, that the general law of currents—that is, that the current decreases in velocity towards the bottom of the river—does not obtain in the main upper channel for some considerable distance above the head of the passes. But, as the head of the passes is approached where the vast waters of the river are diffused through the several channels of the delta, the normal law again becomes operative.

From experiments made by a board of United States corps of engineers, in 1852, this decrease in the under currents was found to be at the bar in about the following ratio: the surface current being about three miles, the middle current was two and a half miles, and the bottom current one and three quarter mile, per hour; or, the proportions of twelve, ten, and seven, respectively. From all of which it follows that the origin of the tidal bar formation is the impact of this sluggish under current with the comparatively still waters of the Gulf; which, retarding the under currents still more, produces a tendency to equilibrium in which the sediment in suspension is silently and rapidly deposited. In fact, it has been clearly demonstrated, in many instances, that any check to the current of the sedimentary stream will produce a deposit of the sediment proportional to the degree of retardation, and that where sedimentary waters become entirely quiescent, they soon completely purify themselves, and become limpid.

There are, doubtless, many changes made in the deposits near the mouths of the river, by along-shore currents and by wind and waves, which remove the materials from one place, and bank them up in another; and the generation of the sand banks within the entrance, with the false channels which accompany them, are mainly due to tidal action. Another peculiarity materially affecting the formation of the bars is the "mud lumps."

These singular tumuli are constantly rising and subsiding on the long sweep of flats, tidal bars, and low lands around the several mouths. Their generation is most frequent at the annual spring floods or high water, at which time also the bars are in their worst condition. When the river is low and comparatively free from sediment, many of the mud lumps subside, and the bars themselves naturally improve, because the active origin of their formation has in a great measure ceased from the greater stability of the upper river banks. It would appear from this that the origin of the mud lumps is in some way intimately connected with the rise in the river, but various theories of their formation have been advanced by eminent geologists and scientific men. Lyell regards them as due to the existence of accumulated vegetable matters in the bars, which, decomposing in the course of time, generates large quantities of gaseous matter. In escaping from their confinement beneath the muddy deposit, these gases exert an effort to throw up the mud; and the action being continuous and accumulative, the detritus of the bar is finally raised above the surface of the water, where it is exposed to the action of the wind, sun, rain, and waves.

The tendency of the mud to crack, disintegrate, and slide, on exposure to the above causes produces the fissures in their tops and the semblance of volcanic action peculiar to them. Forshey, on the other hand, considers their formation to be due to a subterranean connection between them and distant salt springs in the interior of the country, his theory being in part based upon the character and temperature of the water thrown out from their craters, which is extremely salt, and colder than that of the surrounding sea. Other theories assign their origin to the action of the river current or of the Gulf waves striking against an out-cropping soluble stratum in the submerged bar, which, yielding to the continued action, is forced up above the surface.

The height of the waves above the ordinary level gives, of the two, the sea-wave theory the preference over that of the current action, as it accounts for the raising of the mud lump above the surface, on the common spring theory that water seeks its own level, and will rise out of a fissure to a height equaling that of its fountain head. Whatever may be the real primary cause of their formation, it is sufficient for our purposes to know that they invariably precede, and very materially assist, in the formation of the bar and the outward progress of the land, by forming barriers or lodgments against which the deposition of the materials held in suspension are rapidly accumulated. These deposits, constituting the tidal bars, do not form an abrupt traverse barrier of limited width, but extend over the whole entrance area of the Southwest Pass, for about a mile and a half in the direction of the stream, or from the outer spar buoys to a point about one eighth of a mile above the inner can buoy, whereat the natural channel becomes spacious and of a sufficient depth.

The bar of Pass à l'Outre has an area likewise of about a mile in length in the direction of the stream, or from the outer spar buoy up to a point a short distance below the light-house, where the natural channel opens out similarly, with sufficient depth for the class of merchantmen commonly visiting our waters.

In attempting to correct an evil, we naturally endeavor to remove the causes of its origin and generation. The cohesion at the bottom, and the yielding of the upper river banks, being the causes to which the tidal bars are due, it is evident, in this case, that we cannot attack the source whence the materials are derived, as there would be too much cost involved in any system of groining or defending the banks. It, therefore, becomes necessary for us to devise direct means for removing the obstructions themselves. It is furthermore evident, that, as the yielding of the banks is constant, any means employed to remove the obstructions from the passes must likewise be constant; for otherwise the good effected at one period would be gradually impaired, and the obstruction would be ultimately repeated whenever the high waters brought down their heavy suspension deposits.

Many theories have been advanced and many practical efforts have been made for the removal of tidal bars from navigable, sedimentary streams, flowing into a basin subject to a rise and fall of tide, but without any perceptible current. The first attempt at improvement on the passes of the Mississippi was made by the General Government, under the direction of Captain Talcott, in 1839. The means he employed were the ordinary bucket dredge, which it appears signally failed, even under the auspices of an intelligent, practical agent of Government. Captain Talcott entertained the opinion, however, that dredging machinery might be made effective on the bars, if tried on the same principles but under more favorable circumstances. All further efforts were abandoned until 1852, when the General Government entered into a contract with the Tow-boat Association to open the passes, which contract was completed and work effectively done in twelve months. The means employed by the Association were the ordinary dredge arrow and scraper, which, within the time called for by the contract, succeeded beyond the expectations of every one in opening a channel eighteen feet deep by over three hundred feet in width, over a bar averaging fourteen feet in depth. The distance between the primary and secondary bases at the time, or from the eighteen feet depth outside to the eighteen feet depth inside, was one and a half mile, just about what it is at present.

The same means have been employed with the like success on the bars of several of the sedimentary streams in England. No further steps being taken to keep open the Southwest Pass, after the completion of the contract of the Tow-boat Association, and the causes of the formation of the bar continuing to act, it of course became, in a short time, as impracticable to navigation as ever. In consequence, in 1856 a contract was entered into between the United States and Messrs. Craig & Righter, to open a straight channel of three hundred feet wide at bottom and twenty feet deep through the bar of the Southwest Pass, and a similar channel through the bar of the Pass à l'Outre, which work was to have been completed in ten months. From the date of their completion, they furthermore contracted to keep both of these passes open for a period of four and a half years. The contract was subsequently modified to read eighteen feet instead of twenty feet in depth, and additional time was allowed the contractors for opening the passes. The means stipulated for, were to close up the minor passes, and to throw out "Meig dams" as jetties into the main channels, and by concentrating the water in this manner, to make the current do the bottom cutting and scouring.

These "Meig dams" are patented, and consist of a single row of heavy piling driven at distances of about five feet apart, with intervals filled up with four inch planking driven in juxtaposition, and secured above the surface by string pieces, to which the heads of the sheet piling are spiked. This same principle of deepening channels, by concentrating the water, has been successfully applied in many instances; as in the Clyde improvements, (Scotland,) where parallel dykes, made of piling and crib-work, filled in with stone, was found admirably to effect its object. It was done on a large scale, however, and at an enormous cost. There can be no doubt of the practical success of the Meig dam when applied to small streams, but it is totally inadequate to resist the mighty rush of the Mississippi, either on the tidal bars or at any other point on the lower river. The sweeping away of the Plaquemines breakwater—a work of some strength and magnitude—and the damage done to heavy pile jetties, filled in with earth and fascines, as they were extended in attempts to close crevasses, will convince any one that a single row of piling, five sixths of it sheet piling, will not resist the force of the river current. From its application, this frail single row of piling is supposed to be made of sufficient strength and weight to bear, without injury, any shock it may receive from either the dinamic force of the river current, or from the waves of the Gulf. The velocity of sea waves depends upon their length. Waves that are from three to four hundred feet in length, whether they are five or twenty-five feet in total height, have been demonstrated to travel with a velocity of twenty to twenty-seven and a half miles in an hour; and this velocity alone, should they become primary waves of translation, gives them a great percussive force.

From observations made at Bell Rock and Skerrymore light-houses, it appears that the waves of the German ocean struck against the one with a force of one and a half ton per square foot, whilst those of the Atlantic ocean struck against the other with a force of three tons per square foot. The "Souffleur," at the Mauritius, has been known to raise a column of water equivalent to a pressure of from three to five tons per square foot. This action is exerted at the bottom, as well as at the surface, as has been shown in several cases in attempting to recover the treasure of wrecks; and it is not necessary that the storm should arise in the immediate vicinity of the work, as the storm creating the waves may have been hundreds of miles distant. In fact, it is more than probable that the tropical hurricanes in the Caribbean sea and along the southern shores of the Gulf of Mexico will send storm waves in a ground swell to the mouths of the delta. This Meig dam piling was, of course, incapable of withstanding this great dynamic force exerted laterally, and, as might have been expected, hundreds of feet of it were swept away at a time, even while the work was in progress. Patches and remnants of it, here and there, in a more or less damaged condition, stand as a monument to attest its impracticability.

Both at the Southwest Pass and at Pass à l'Outre this piling was all driven on the low flats, where it was never subjected to the force of the current; from which it follows that its principle, that of concentrating the water and scouring the bottom, was never applied, nor its virtues brought out; and I, therefore, am of the opinion that the piling at the Southwest Pass, originally a little over five thousand feet; and that at Pass à l'Outre, from five to six hundred feet, never produced the least effects upon the waters of these passes, either for good or evil. The contractors themselves, finding that their system proved a failure, had recourse to other means, and attempted to remove the obstructions from the passes by submarine blasting. This method of removing obstructions from navigable waters has frequently proved successful. As it was found that the ordinary dredging machines had not sufficient stability to overcome the hard clay or marl, forming the bed of the river Newry, submarine blasting was practiced instead, by making holes in the clay with boring irons of the required depth to receive a cartridge of three or four pounds of powder, and a fuse was then attached, The hole was then carefully tamped, and when the tide rose the fuses were lighted. The loosened material was subsequently removed by dredging machines. The time and labor expended in this case in boring holes for the cartridges and tamping was entirely useless, as it has been frequently proved that the submarine blast is very nearly as effective, when the charge is simply laid on the bottom. Large canisters of powder, laid in this way directly upon the rock forming the bottom of the Hell Gate Pass in the East river, and ignited by wires from a galvanic battery, were very successful in removing the impediments to the navigation. It is evident, however, that submarine blasting, to be effective, must have some solid material, like marl or rock, to act upon, and which will offer a firm resistance; for, in military engineering, storming parties commonly blow down the heavy doors of fortifications, by simply hanging on a nail in the door a leather bag filled with powder, and igniting it with a fuse. If we suppose the door replaced, by a piece of carpeting, for instance, it is plain that it would yield, and no effect would be produced upon it. The same effect, only lessened in degree, will prevail on the bars, where the soft mud overlaid with sand would yield readily to the blast; hence I consider it extremely doubtful if a submarine blasting can be used on the bars to any advantage.

The question then arises, what is the best method of deepening the channels of the principal passes, and of effectually keeping them open, at all seasons, to a depth sufficient for free and easy navigation?

Before answering this, it is necessary for us to know the character and composition of the bottom, and to have full and complete soundings of the deepest channels, and generally of all the inner entrance within the limits of the tidal bars. From the results of some very interesting borings made in 1852, by the Board of United States engineers before referred to, the several strata composing the bars were found to lie in the order, and to be composed of the materials mentioned, as follows: 1. A layer of gelatinous mud, six inches in depth. 2. A layer of batture, or other sand, one foot in depth. 3. A layer of from three to four feet of mixed sand and mud, more or less dense. 4. A layer of clay or sand of variable thickness. The soundings made upon the tidal bars of both passes, at the time of our recent visit, were made with the strictest care, both at flood and ebb tides. The tow-boat placed at the disposition of the committee, by the Tow-boat Association, very materially assisted us in our operations.

The channel soundings were made through the channel designated by Mr. Towne, (delegated by the regular association of pilots,) and by Mr. Chisin, (delegated on the part of the opposition pilot association,) alternately; and as the attention of these gentlemen was called to the fact that the credit and reputation of their associations were dependent upon their accuracy, there can be but little doubt that the very deepest water known to each association was selected by them severally. In fact, from the great coincidence in their courses, and from the subsequent cross-soundings made under my own direction, I am convinced that the very best water was selected and sounded in both of the passes. The lines used in sounding were marked by myself before they were thrown, and I invariably had them remeasured again after coming out of the water, to check upon any expansion or contraction from wetting. The sounding craft was made to move at a moderate rate against the current, under which circumstances all of the soundings were made.

In the accompanying tables the soundings made at flood tide are all reduced to the beach-mark of ordinary low water, which has been found, from the multiplicity of tidal observations heretofore made upon the bars, to be nearly, or quite, coincident with the surface of mean tide in calm weather. The soundings laid down on the maps of the Southwest Pass from the inner can buoy to and along the Meig-dam, are necessarily greater than they should be; as it has been found that when the wind blows diagonally across the river, over a long reach, the waters on the other side are forced up to an increased depth of from six inches to one foot. As there was a high northwest wind at the time, the soundings referred to are probably greater than they should be, by a foot or six inches.

From these statements we deduce two very important facts, as starting points, namely: 1. That the average depth of the tidal bar of the Southwest Pass is 13.6 feet; and that the average depth of the bar at Pass à l'Outre is 12.8 feet. The length of the former is one and a half mile, and the length of the latter is one mile. 2. That, in deepening these channels to twenty feet, it will be necessary to remove 6.4 feet of gelatinous mud, water-compressed batture sand, soft mud and sand mixed.

Now, to open a straight channel of three hundred feet wide through this bar, by the ordinary dredging machines, would require the removal, at the Southwest Pass, of five hundred and forty-six thousand cubic yards of the above material, and the removal of three hundred and fifty-two thousand cubic yards from the bar of Pass à l'Outre. To remove this, at the rate of four thousand cubic yards per week, would require the services of a first class dredge boat and machinery for two and a half years on the former, and for one and a half year on the latter. In this calculation I have thrown out all stoppages, breakage of machinery, shifting of anchors, &c., which will frequently occur in practice; besides, as there is no provision made for the immense amount of sediment constantly depositing while the work is in progress, and which is rather increased by the character of the excavation, the impracticability of ordinary dredging machines on the tidal bars at the passes is at once apparent, and the causes of Captain Talcott's failure in their use in 1839 are readily accounted for. Anything which has a tendency to divert the surface current to the bottom, or which increases the under currents and agitates the sediment, may be considered as exerting a beneficial influence on the passes. Even a ship lodged upon the bar, from the shape of her sides, naturally increases the undercurrents, and consequently they have been known, after a considerable time, it is true, to slowly but gradually work themselves out to sea.

Many theories have been and are still advanced for the removal of the bars and the improvement of the principal passes of the Mississippi river. But the time for experiments and for theorizing has gone by, and the necessities of the case now demand prompt and decisive action. This action must be guided by intelligence, and it must be immediate in its application. For, if New Orleans is to continue the great commercial emporium of the South and of the broad West, the obstruction to her commerce at the mouths of the river must be removed at once. As dredging machinery has failed under the most favorable auspices, and as the principle of concentration by piling has proved itself impracticable, my decided opinion is that the simplest plan is the best; and that the most intelligent, practical, common-sense method —one that has more natural reasons and scientific facts to back and favor it, is the ordinary heavy dredge harrow and scraper. This method has already been applied to the Southwest Pass, and its operations were then crowned with signal success. This alone should indicate its adoption now, even if there were no stronger reasons in its favor.

The harrow should be triangular in shape, and of a width equaling that of the boat used. Its frame should be made of twelve by twelve-inch timbers, with wrought iron teeth projecting through them three feet. The teeth should be square in section, and of three by three-inch iron, set in the frame, with their angles towards the line of motion. The scrapers should be made of heavy boiler iron, securely attached to the line of rear teeth, one project below them, at least six inches, and terminate in a blunt bevil edge. The whole should be so rigged that it can be raised at will by means of a pulley lift applied at its center, with the drum on the engine shafting, and the pulley ropes properly adjusted by snatch blocks. On certain points of the bar, and at certain stages of the water, it will be found necessary to load this harrow, when it is evident that considerable power will be required to drag it, on the same principle upon which the weight of ships' anchors are made proportional to their tonnage. We will consequently require, in our operations, a low-pressure tug steamer, with double engines, of the medium class, No. 1.

In applying this system to practice, we should select, as the seat of operations, that portion of the bars whereat there is now likely to be the greatest depth of water, and consequently of velocity in the currents. A perfectly straight channel, fully three hundred feet in width at the bottom, should then be marked out by temporary buoys placed at short distances apart on both sides of the channel at which it is proposed to work. The harrowing and scraping should invariably commence at the head of the channel so marked, and thence work out towards the sea. There, lifting the harrow and scraper entirely out of the water, the boat should again return to the head of the channel, and then lowering the harrow and the scraper, the same thing should be repeated over and over, day and night, until a sufficient depth of water is obtained. This work would be greatly facilitated by commencing operations on either pass when the river is low, as the water is then freer from sediment and has a natural tendency to cut its own way through the bars.

From the character of the material constituting the bars, and from the causes of their formation, I am perfectly satisfied that complete success would attend these measures if they are properly and faithfully executed; and that the marked channel would be opened to a depth of twenty feet in from three to six months. We might aid in the prosecution of this work also by extending out wings with

warped surfaces from the sides of the boat, with their lines of curvature so calculated as to direct the current towards the bottom of the river as the boat moved forward. In adopting this plan for the removal of the bars, the cost to be considered will be that of the original cost of the equipment for boat and machinery, the cost of working it per month, and the percentage upon the whole, which will be found necessary to cover repairs, breakage, wear and tear of machinery, &c. One good boat, of the kind designated, will be amply sufficient for both passes, if they are operated on alternately. The bar should be removed from the Southwest Pass first, and afterwards Pass à l'Outre could be opened.

A low-pressure boat of the required size will cost, when new, everything complete.....	$50,000 00
Harrow and scraper, with tackle complete.....	1,500 00
Cost of equipment.....	$51,500 00

The cost per month of working this machinery, day and night, will be $10,621 66.

If we suppose the Southwest Pass to be opened in four months by the application of this machinery, we shall have a total cost for opening Pass à l'Outre of $51,885 40; or for opening both passes, the cost will be $155,270 60; or about fifteen and a half cents per cubic yard for opening.

After the passes are once opened effectually, it is presumable that smaller boats and lighter machinery will be sufficient to keep them open. At all events, it will only be necessary to act upon the bars occasionally, which can be done in the day-time, and the consequent reduction of force and fuel will effect a great reduction of the monthly cost. It must be understood, however, that this harrowing and scraping must be a constant operation, in order to be perfectly successful, as must also be any other plan in its application to the passes of the Mississippi river.

Very respectfully, your obedient servant,

J. K. DUNCAN.
Civil Engineer.

WM. CREEVY, Esq., *Chairman of Committee New Orleans Chamber of Commerce.*

Resolutions following the Report of Captain J. K. Duncan.

Both reports, on motion, were received, which, with the following resolutions proposed by Mr. Wibray, were unanimously adopted:

Resolved, That this Chamber appoint a committee of five members to correspond with the different Chambers of all the commercial cities of the Union, as well as with our Senators and Representatives at Washington, requesting their cooperation in applying to the General Government for relief.

Resolved, That a committee be appointed to act in concert with a committee of the Common Council, and authorized, if deemed expedient, to proceed to Baton Rouge to obtain, if possible, an appropriation from the State for temporary relief, said appropriation to be expended under the supervision of a competent engineer, approved by the Chamber of Commerce and Board of Underwriters of this city.

Resolved, That a committee of two members, to be accompanied by Captain J. K. Duncan, shall proceed to Washington to procure an appropriation for immediate and future relief, subject to expenditure under a competent engineer, approved by the Chamber of Commerce and Board of Underwriters of this city.

Resolved, That one thousand copies of the report of the committee and the accompanying report of the engineer, be printed in pamphlet form for the use of the Chamber.

Resolved, That the president of this Chamber telegraph Messrs. SLIDELL and BENJAMIN, our Senators in Congress, asking them to call upon the Secretary of War and see if it may not be in his power to extend immediate relief by instructing the proper United States Government officer residing here to make such a contract as he may deem judicious to accomplish the desired object, and solicit from the Senators a reply by telegraph.

Mr. JONES, of Tennessee. I desire to inquire of the gentleman how much the channel has been deepened with the money already spent there?

Mr. EDIE. I object to debate.

Mr. GROW. Can the rules be suspended to take up and consider all the bills that have passed the Senate and are now on the Speaker's table? I think it is due to the Senate and to ourselves to take them up and dispose of them.

Mr. BURNETT. I thought there was a motion made to suspend the rules. I object to debate.

The SPEAKER. Shall the rules be suspended to take up and consider the joint resolution?

Mr. JONES, of Tennessee. I call for the yeas and nays.

The yeas and nays were not ordered.

The motion was agreed to.

The rules were accordingly suspended; and the joint resolution was taken from the table and read a first and second time.

Mr. EUSTIS moved the previous question on the third reading.

Mr. JONES, of Tennessee. I submit the question whether this is not a reappropriation, and whether it must not go to the Committee of the Whole on the state of the Union?

The SPEAKER. The motion was to take it up and consider it in the House.

Mr. JONES, of Tennessee. I thought the motion was merely to take it up.

The SPEAKER. The Chair expressly propounded the question to take up and consider.

Mr. JONES, of Tennessee. I can suggest to the gentleman how the navigation there can be improved.

Objection was made.

The previous question was seconded and the main question ordered; and under its operation, the joint resolution was read a third time.

Mr. EUSTIS moved the previous question on the passage of the joint resolution.

The previous question was seconded, and the main question ordered; and under its operation, the joint resolution was passed.

Mr. EUSTIS moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MAIL STEAMER BILL.

Mr. PHELPS, of Missouri. I desire now to call up the motion presented yesterday by the gentleman from Ohio, [Mr. STANTON,] to reconsider the vote by which the mail steamer appropriation bill was laid on the table.

Mr. HATCH. I ask the gentleman from Missouri to let us first take up the bill for deepening the St. Clair flats. I ask that the bill shall be considered in the House.

Mr. PHELPS, of Missouri. The reason why I desire to call up the motion to reconsider at this time is, that there are amendments from the Senate to other appropriation bills which I wish to have an opportunity of considering in the Committee of Ways and Means; and I want first to have this motion to reconsider disposed of.

Mr. STANTON. I will relieve the gentleman by withdrawing the motion to reconsider.

Mr. BURNETT. I move to reconsider.

The motion was entered.

ST. CLAIR FLATS.

Mr. HATCH. I ask the unanimous consent of the House to discharge the Committee of the Whole on the state of the Union, from the further consideration of the bill for deepening the channel over the St. Clair flats. All I wish to say is, that the bill makes an appropriation of $55,000 for deepening the channel.

Mr. EDIE. I object to debate.

Mr. JONES, of Tennessee, objected.

Mr. HATCH. If you do not want to debate, I certainly do not. Then I move to suspend the rules.

Mr. JONES, of Tennessee demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 117, nays 48; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Andrews, Arnold, Barr, Billinghurst, Blair, Bliss, Bowie, Brayton, Buffinton, Burlingame, Burns, Case, Cavanaugh, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Clawson, John Cochrane, Colfax, Comins, Corning, Covode, James Craig, Curtis, Davidson, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dimmick, Dodd, Durfee, Eustis, Farnsworth, Fenton, Florence, Foster, Gillis, Gilman, Gilmer, Gooch, Goodwin, Granger, Gregg, Grow, Robert B. Hall, Harlan, Harris, Haskin, Hatch, Hoard, Hodges, Howard, Owen Jones, Keim, Kellogg, Kelsey, Knapp, John C. Kunkel, Leach, Leidy, Letter, Lovejoy, McKibbin, Samuel S. Marshall, Matteson, Montgomery, Morgan, Morrill, Oliver A. Morse, Mott, Murray, Niblack, Nichols, Olin, Palmer, Parker, Pettit, William W. Phelps, Pike, Potter, Pottle, Purviance, Ricaud, Robbins, Roberts, Royce, Russell, Sandidge, Scott, John Sherman, Judson W. Sherman, Shorter, Robert Smith, Spinner, Stanton, William Stewart, Tappan, Miles Taylor, Thayer, Thompson, Tompkins, Vance, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Wood, Wortendyke, and Augustus R. Wright—117.

NAYS—Messrs. Bocock, Bonham, Branch, Bryan, Caskie, John B. Clark, Clay, Cobb, Crawford, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Faulkner, Foley, Garnett, Gartrell, Hawkins, Hopkins, Houston, Jackson, Jenkins, Jewett, George W. Jones, Lamar, Letcher, McQueen, Mason, Miles, Millson, Moore, Peyton, John S. Phelps, Phillips, Powell, Ready, Savage, Scales, Aaron Shaw, Henry M. Shaw, Singleton, Samuel A. Smith, William Smith, Stallworth, Stevenson, James A. Stewart, and Watkins—48.

So (two thirds voting in favor thereof) the rules were suspended.

Mr. WRIGHT, of Tennessee, paired off with Mr. RITCHIE, on the above vote.

Mr. WALTON paired off with Mr. DAVIDSON for the remainder of the day.

The Committee of the Whole on the state of the Union was then discharged from the further consideration of the bill, which was ordered to a third reading, and was accordingly read the third time.

Mr. HATCH. I do not desire to debate this appropriation. It can be justified by every consideration that should control public expenditure—naval, military, and commercial. I have given my views fully to this House before, and I am now ready to defend them, and will yield the floor temporarily to gentlemen; but shall not surrender it, as I intend to move the previous question.

Mr. HATCH then moved the previous question on the passage of the bill.

Mr. JONES, of Tennessee, moved that there be a call of the House.

Mr. BURNETT demanded the yeas and nays, and tellers on the yeas and nays.

Mr. HATCH. The gentlemen from Tennessee and Kentucky may have as many calls of the House and yeas and nays now as they desire.

Tellers were not ordered.

The yeas and nays were not ordered.

The House refused to order a call.

The previous question was seconded, and the main question ordered.

Mr. SHORTER demanded the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 113, nays 58; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Andrews, Arnold, Barr, Billinghurst, Bingham, Blair, Bliss, Bowie, Brayton, Buffinton, Burlingame, Burns, Case, Cavanaugh, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Clark B. Cochrane, John Cochrane, Colfax, Comins, Corning, Covode, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Dawes, Dean, Dick, Dimmick, Dodd, Durfee, Edie, Eustis, Farnsworth, Fenton, Florence, Giddings, Gillis, Gooch, Goodwin, Granger, Gregg, Grow, Lawrence W. Hall, Robert B. Hall, Harlan, Harris, Haskin, Hatch, Hickman, Hoard, Hodges, Horton, Howard, Owen Jones, Keim, Kelsey, Knapp, John C. Kunkel, Landy, Leach, Leiter, Lovejoy, McKibbin, Samuel S. Marshall, Matteson, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Nichols, Olin, Palmer, Parker, Pettit, William W. Phelps, Potter, Pottle, Purviance, Ricaud, Ritchie, Robbins, Roberts, Royce, Russell, Sandidge, John Sherman, Judson W. Sherman, Robert Smith, Spinner, Stanton, William Stewart, Tappan, Miles Taylor, Thayer, Thompson, Tompkins, Wade, Walbridge, Waldron, Ward, Cadwalader C. Washburn, Elihu B. Washburne, and Wood—113.

NAYS—Messrs. Barksdale, Bonham, Boyce, Branch, Burnett, Caskie, John B. Clark, Clay, Cobb, Crawford, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, English, Faulkner, Foley, Garnett, Gartrell, Gilmer, Grover, Hill, Hopkins, Houston, Jackson, George W. Jones, Jacob M. Kunkel, Lamar, Letcher, Maclay, McQueen, Maynard, Miles, Miller, Millson, Peyton, John S. Phelps, Powell, Ready, Reagan, Savage, Searing, Aaron Shaw, Henry M. Shaw, Shorter, Singleton, Samuel A. Smith, William Smith, Stephens, Stevenson, Underwood, Vance, Watkins, White, Whiteley, Wortendyke, and John V. Wright—58.

So the bill was passed.

During the call of the roll,

Mr. BRYAN stated that he had paired off with Mr. GOOCH.

Messrs. SCALES and TALBOTT stated that, if they had been within the bar when their names were called, they would have voted "no."

Messrs. KELLOGG, FOSTER, and GILMAN stated that, if they had been within the bar when their names were called, they would have voted "ay."

The result having been announced,

Mr. HATCH moved to reconsider the vote by which the bill was passed, and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate by Mr. ASBURY DICKINS, its Secretary, informing the House that the Senate had passed the Post Office appropriation bill, with amendments; in which he was directed to ask the concurrence of the House.

Also, that the Senate insisted on its amendments disagreed to by the House to the Army appropriation bill, and asked a conference on the disagreeing votes of the two Houses on said bill; and had appointed Messrs. DAVIS, FESSENDEN, and TOOMBS managers of said conference on the part of the Senate.

ARMY APPROPRIATION BILL.

Mr. PHELPS, of Missouri, by unanimous consent, moved that the House insist on its disagreement to the amendments of the Senate to the Army appropriation bill, and agree to the conference asked by the Senate.

The motion was agreed to; and the Speaker appointed Messrs. CRAWFORD, STANTON, and FAULKNER managers of said conference on the part of the House.

POST OFFICE APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I ask that, by unanimous consent, the amendments of the Senate to the Post Office appropriation bill be taken from the Speaker's table, and referred to the Committee of Ways and Means.

Mr. GROW. I understand that the Senate have put an amendment on that bill increasing the rates of postage. I, therefore, object, because the Senate has no power, under the Constitution, to originate a revenue bill.

MAIL STEAMER BILL.

Mr. PHELPS, of Missouri. The gentleman from Kentucky, [Mr. BURNETT,] a short time since, submitted a motion to reconsider the vote by which the mail steamer appropriation bill was yesterday laid upon the table. I desire to call up that motion now, in order that, if it shall prevail, the bill may be put upon its passage, after I shall have submitted an amendment. If, however, it be the pleasure of the House to make no appropriations whatever, to pay for the mail service which has been performed, and which will be performed during a portion of the next fiscal year, under existing contracts, the responsibility will rest with the House, and not with me. I call up the motion to reconsider.

Mr. RITCHIE. I demand the previous question on that motion.

The previous question was seconded, and the main question ordered; and, under the operation thereof, the vote by which the bill was laid on the table was reconsidered.

The question recurred on the motion to lay the bill upon the table; and, being put, the House refused to lay the bill upon the table.

The Committee of the Whole on the state of the Union recommended that the enacting words of the bill be stricken out.

The question being on agreeing to this recommendation,

Mr. PHELPS, of Missouri demanded the previous question.

The previous question was seconded, and the main question ordered; and, under the operation thereof, the House refused to strike out the enacting words of the bill.

Mr. PHELPS, of Missouri. I offer the following as an additional section to the bill:

SEC. 2. *Be it further enacted*, That, for the transportation of the mails by steamship from New Orleans to San Francisco, California, via Tehuantepec, and back, from November 1, 1858, to June 30, 1859, $166.666 66 is hereby appropriated; payable out of any money in the Treasury not otherwise appropriated.

That amendment is merely to provide for an amount, a portion of which is now due, and the residue of which will become due on the 1st of July next, for the transportation of the mails by the Tehuantepec route. I have in my hand a letter from the Post Office Department, stating that, in submitting the estimates, they omitted this amount. I have in my hand a letter from the Third Assistant Postmaster General, from which I read the following extract:

"POST OFFICE DEPARTMENT,
"*February* 28, 1859.

"SIR: I have the honor to state that the estimates for the service of the year ending June 30, 1859, were sent to Congress on the 24th March, 1858, some time before the Tehuantepec contract was made by the Department, and, of course, it was not embraced in those estimates, neither was it considered among the items producing the deficiency in the year 1859. Therefore, special provision should be made for that route from the commencement, on the 1st November last, to June 30, 1859."

The service commenced on the 1st of November last, at the rate of $250,000 a year. If they continue to perform the service until the close of the present fiscal year, it will create a deficiency of $166,666 66 for the eight months of this fiscal year, which is the amount mentioned in this amendment. I now demand the previous question on the engrossment and third reading of the bill.

Mr. GARNETT. I rise to a question of order. This amendment makes an appropriation; and I ask if it must not be first considered in a committee of the Whole House?

The SPEAKER. It must, if the gentleman insists on his question of order.

Mr. GARNETT. I do.

Mr. PHELPS, of Missouri. Then I withdraw my call for the previous question, and move to suspend the rules, to enable me to have the amendment considered in the House.

Mr. BLAIR. I call for the yeas and nays on the motion to suspend the rules.

The yeas and nays were not ordered.

Mr. CLARK, of New York. I would suggest to the chairman of the Committee of Ways and Means, that, if he had not moved in committee to strike out the enacting clause of the bill, he could have offered his amendment there; and some of us, who desired to offer amendments, could also have had the opportunity.

Mr. PHELPS, of Missouri. I will say to the gentleman from New York, that I did not make the motion in committee, but I voted against it.

The rules were suspended, (two thirds having voted therefor,) and the amendment was permitted to be considered in the House.

Mr. PHELPS, of Missouri. I now demand the previous question on the bill.

The previous question was seconded; and the main question ordered.

ENROLLED BILL.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled an act supplemental to the act for the admission of the State of Minnesota into the Union; when the Speaker signed the same.

Mr. DAVIDSON said: I desire to say, in this connection, that, until the close of the session, I expect to be so busily engaged in the examination of enrolled bills that I shall hardly be able to come into the House; and I wish this explanation to go on record as the reason why my name will not appear when the yeas and nays are called.

MAIL STEAMER BILL—AGAIN.

The question then recurred on adopting the amendment offered by Mr. PHELPS, of Missouri.

Mr. MAYNARD. Is it in order to move that this bill be committed to the Committee of the Whole on the state of the Union?

The SPEAKER. It is not; the main question having been ordered.

Mr. HASKIN. I call for the yeas and nays on the amendment.

Mr. OLIN. I call for tellers on the yeas and nays.

Tellers were ordered; and Messrs. BOYCE and BUFFINTON were appointed.

The House divided; and the tellers reported twenty in the affirmative—not one fifth of a quorum.

So the yeas and nays were not ordered.

Mr. WASHBURNE, of Illinois. I call for tellers on the amendment.

Tellers were ordered; and Messrs. WALBRIDGE, and CRAIG, of Missouri, were appointed.

The House divided; and the tellers reported—ayes 86, noes 56.

So the amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. PHELPS, of Missouri, demanded the previous question on the passage of the bill.

The previous question was seconded; and the main question ordered.

Mr. EDIE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken and it was decided in the negative—yeas 66, nays 94; as follows:

YEAS—Messrs. Adrain, Ahl, Arnold, Barksdale, Barr, Bishop, Bocock, Bonham, Bowie, Boyce, Bryan, Caskie, Clay, John Cochrane, Corning, Crawford, Dimmick, Dowdell, Edmundson, Elliott, English, Eustis, Foley, Garnett, Gartrell, Greenwood, Gregg, Grover, Lawrence W. Hall, Hatch, Hodges, Howard, Huyler, Owen Jones, Jacob M. Kunkel, Lamar, Landy, Leidy, Letcher, Maclay, McKibbin, McQueen, McRae, Samuel S. Marshall, Miles, Edward Joy Morris, Niblack, Peyton, John S. Phelps, William W. Phelps, Powell, Reagan, Reilly, Ritchie, Russell, Scott, Searing, Aaron Shaw, Judson W. Sherman, Singleton, Robert Smith, James A. Stewart, George Taylor, Miles Taylor, Ward, and Watkins—66.

NAYS—Messrs. Atkins, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Burnett, Case, Chaffee, Chapman, Ezra Clark, Horace F. Clark, John B. Clark, Colfax, Comins, Covode, James Craig, Curtis, Davis of Maryland, Davis of Indiana, Davis of Mississippi, Davis of Massachusetts, Dean, Dick, Dodd, Durfee, Edie, Faulkner, Florence, Foster, Giddings, Gilman, Gilmer, Granger, Grow, Harlan, Haskin, Hickman, Hoard, Hopkins, Horton, Jewett, Keim, Kellogg, Knapp, Leiter, Mason, Matteson, Maynard, Moore, Morgan, Morrill, Isaac N. Morris, Oliver A. Morse, Mott, Murray, Olin, Parker, Pettit, Purviance, Ready, Roberts, Royce, Ruffin, Savage, Scales, Henry M. Shaw, John Sherman, William Smith, Spinner, Stevenson, Talbot, Tappan, Thayer, Thompson, Tompkins, Underwood, Vallandigham, Vance, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Wood, Woodson, John V. Wright, and Zollicoffer—94.

So the bill was rejected.

Pending the call,

A message was received from the Senate, by ASBURY DICKINS, Esq., their Secretary, notifying the House that that body agreed to the conference asked for on the disagreeing votes of the two Houses on House bill (No. 889) to provide for the care and preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefit of the inhabitants of said cities; and had appointed Messrs. BROWN, CLARK, and BRIGHT as managers of said conference on its part.

Mr. BUFFINTON stated that his colleague, Mr. GOOCH, had paired off on this question with Mr. WINSLOW.

Mr. KELSEY stated that he had paired off on this bill with Mr. WHITELEY, who had gone to dinner.

Mr. BURNS stated that he had paired off with his colleague, Mr. NICHOLS.

Mr. SAVAGE. I want to vote for the bill, if the postages only are applied to the payment of the service, otherwise I will vote against it.

The vote was announced as above recorded.

Mr. DEAN moved to reconsider the vote by which the bill was rejected; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I move to take from the Speaker's table the amendments of the Senate to the Post Office appropriation bill. I wish to have them referred to the Committee of Ways and Means. If there be objection, I move a suspension of the rules for the purpose I have indicated.

Mr. GROW. I object. And, Mr. Speaker, I raise this question of privilege. By the Constitution it is provided that all bills for raising revenue shall originate in the House of Representatives. Here is a bill making appropriations, and not one for raising revenue. If it were to raise revenue, and sent to the Senate, then that body would have a right to amend it. I make the point that it is a breach of the privileges of the House for the Senate to send here a bill raising revenue. It has no power to originate any such bill.

The SPEAKER. The Chair will decide the question when the bill is before the House.

The question was taken, and it was decided in the negative; yeas 86, nays 50—as follows:

YEAS—Messrs. Adrain, Ahl, Arnold, Barksdale, Barr, Bishop, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, Chaffee, John B. Clark, Clay, John Cochrane, Corning, James Craig, Crawford, Davis of Maryland, Davis of Indiana, Dick, Dimmick, Dowdell, Edmundson, Eustis, Faulkner, Florence, Gartrell, Greenwood, Grover, Gregg, Lawrence W. Hall, Hatch, Hill, Hodges, Horton, Houston, Howard, Huyler, Jewett, Owen Jones, Lamar, Leidy, Leiter, Maclay, McKibbin, McQueen, McRae, Samuel S. Marshall, Mason, Miles, Morrill, Isaac N. Morris, Niblack, John S. Phelps, William W. Phelps, Powell, Ready, Reagan, Ritchie, Ruffin, Russell, Sandidge, Scales, Searing, Aaron Shaw, Henry M. Shaw, Singleton, Robert Smith, William Smith, Stallworth, Stevenson, George Taylor, Miles Taylor, Vallandigham, Vance, Ward, White, Winslow, Wortendyke, John V. Wright, and Zollicoffer—86.

NAYS—Messrs. Andrews, Blair, Bliss, Brayton, Buffinton, Burlingame, Ezra Clark, Horace F. Clark, Comins, Covode, Curtis, Davis of Mississippi, Davis of Massachusetts, Davis of Iowa, Dean, Dodd, Durfee, Foster, Giddings, Gilmer, Goodwin, Granger, Grow, Harlan, Haskin, Hoard, Keim, Kellogg, Lovejoy, Matteson, Morgan, Edward Joy Morris, Oliver A. Morse, Murray, Olin, Palmer, Pettit, Roberts, John Sherman, Judson W. Sherman, Spinner, Tappan, Thayer, Thompson, Tompkins, Wade, Walbridge, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, and Wood—50.

So the House refused to suspend the rules, two thirds not voting in favor thereof.

Pending the above call,

Mr. BUFFINTON stated that his colleague, Mr. GOOCH, had paired off with Mr. TALBOT, until five o'clock.

Mr. WALDRON stated that he had paired off with Mr. UNDERWOOD.

The vote was then announced as above recorded.

RIVERS AND HARBORS.

Mr. ANDREWS. I ask the unanimous consent of the House that the Committee of the Whole on the state of the Union be discharged from the further consideration of House bill No. 483, in reference to certain rivers and harbors.

Mr. HOUSTON. I hope the gentleman will let us take a recess until seven o'clock. The gentleman will be entitled to the floor when the House reassembles.

Mr. ANDREWS. I will have no objection, if I retain the floor.

Mr. SHERMAN, of Ohio. Is it in order to move that the House take a recess?

The SPEAKER. It is not, without a motion to suspend the rules.

POST OFFICE APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I desire the Senate's amendments to the Post Office appropriation bill to be referred to the Committee of the Whole on the state of the Union.

Mr. GROW. I rise to what seems to me to be a privileged question. I offer the following resolution:

Resolved, That House bill No. 872, making appropriations for defraying the expenses of the Post Office Department for the year ending the 30th of June, 1860, with the Senate amendments thereto, be returned to the Senate, as the thirteenth section of said amendments is in the nature of a revenue bill.

I take it, that that involves the privileges of the House.

The SPEAKER. The Chair has no knowledge of what is in the bill; and the House cannot have.

Mr. GROW. Then I object to the motion of the gentleman from Missouri.

RIVER AND HARBOR IMPROVEMENTS.

Mr. HATCH. I now ask unanimous consent to have the Committee of the Whole on the state of the Union discharged from the further consideration of House bill No. 483, making appropriations for the improvement of certain rivers and harbors.

Mr. McQUEEN. I object.

Mr. HATCH. I move to suspend the rules; and on that I demand the yeas and nays.

Mr. WASHBURNE, of Illinois. I ask the gentleman to include, in his motion, my substitute for that bill.

CALL OF THE HOUSE.

Mr. GREENWOOD. I move that there be a call of the House; and on that I call for the yeas and nays.

Mr. WASHBURN, of Maine, demanded tellers on the yeas and nays.

Tellers were ordered; and Messrs. CHAFFEE and BOYCE were appointed.

The House divided; and the tellers reported—ayes twenty-five.

So the yeas and nays were ordered.

Mr. CRAWFORD. I hope that, by unanimous consent, the House will take a recess until seven o'clock.

Mr. BRANCH. I hope we will have a call of the House, and bring members here to attend to the public business.

Mr. COVODE (at twenty minutes past four, p. m.) moved that the House adjourn.

The motion was not agreed to.

Mr. ADRAIN. I really hope that, by unanimous consent, the House will take a recess. Let members get their dinners and come back refreshed.

The SPEAKER. It is objected to.

Mr. PHELPS, of Missouri. I desire to make this suggestion to the House: there are Senate amendments to the appropriation bills, which the Committee of Ways and Means desire to examine. We are not ready to report the amendments at this time for consideration. I suggest that the House take a recess till seven o'clock, that the Committee of Ways and Means may, in the mean time, examine the amendments.

Mr. CLAY. I suggest to the House that there is other business to be attended to as well as the public appropriation bills. If the Committee of Ways and Means want to consult upon the appropriation bills, let them do so; but we have got business now before us. I have been waiting here for two weeks to get the floor.

Mr. PHELPS, of Missouri. I now move to suspend the rules, in order that I may submit a motion that the House take a recess till seven o'clock.

The SPEAKER. There is a motion already pending to suspend the rules.

Mr. BARKSDALE. I desire to ask the unanimous consent of the House to discharge the Committee of the Whole on the state of the Union from a bill to which there will be no objection.

Mr. FARNSWORTH and others objected.

Mr. MORRIS, of Illinois. I hope the objection will be withdrawn to the request of the gentleman from Mississippi.

Objection was not withdrawn.

MESSAGE FROM THE SENATE.

A message was received from the Senate, through Mr. DICKINS, its Secretary, notifying the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1860.

CALL OF THE HOUSE.

The question was taken on Mr. GREENWOOD's motion that there be a call of the House; and it was decided in the negative—yeas 47, nays 84; as follows:

YEAS—Messrs. Barksdale, Barr, Bishop, Bocock, Bonham, Bowie, Branch, Bryan, Burns, Caskie, Cavanaugh, Horace F. Clark, John B. Clark, Clay, James Craig, Crawford, Davis of Indiana, English, Garnett, Gartrell, Greenwood, Gregg, Grover, Houston, Huyler, Jenkins, Jewett, Lamar, Leidy, McKibbin, McQueen, McRae, Miles, Niblack, Reagan, Ruffin, Russell, Robert Smith, Spinner, Stevenson, Vallandigham, Waldron, White, Whitley, Winslow, John V. Wright, and Zollicoffer—47.

NAYS—Messrs. Adrain, Billinghurst, Bingham, Blair, Bliss, Boyce, Brayton, Buffinton, Burlingame, Chaffee, Ezra Clark, Colfax, Comins, Corning, Covode, Burton Craige, Curtis, Davis of Mississippi, Davis of Massachusetts, Davis of Iowa, Dean, Dimmick, Dodd, Dowdell, Durfee, Edmundson, Eustis, Farnsworth, Faulkner, Fenton, Florence, Foley, Foster, Giddings, Gilmer, Gooch, Grow, Lawrence W. Hall, Hawkins, Hill, Hodges, Howard, Owen Jones, Keim, Kellogg, Letcher, Mason, Matteson, Moore, Morgan, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Parker, Pettit, William W. Phelps, Phillips, Pike, Potter, Purviance, Roberts, Sandidge, Savage, Scales, Searing, Aaron Shaw, Henry M. Shaw, Judson W. Sherman, Shorter, Singleton, Samuel A. Smith, William Stewart, Miles Taylor, Thompson, Tompkins, Underwood, Vance, Wade, Walbridge, Ward, Elihu B. Washburne, Israel Washburn, Wood, and Wortendyke—84.

So the House refused to order a call.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WASHBURN, of Maine. I rise to a privileged question. I desire to make a report from the committee of conference on the disagreeing votes of the two Houses on the legislative, executive, and judicial appropriation bill. I will state the substance of the report to the House.

The committee recommend that the Senate recede from their amendment increasing the appropriation for contingent expenses in Kansas $5,000; and also, from their amendment in relation to gold bullion deposited in the mint at California.

The committee recommend that the House recede from its disagreement to the following amendments of the Senate, and agree to the same:

The amendment providing for binding, and other incidental expenses of the law library, which makes no additional appropriation.

The amendments restoring the estimates of the Departments, and the recommendations of the Committee of Ways and Means, for labor at the Philadelphia Mint, the New York assay office, and the branch mints at San Francisco and New Orleans, and the amendment to pay the city of Washington for police for 1859–60.

The Committee recommend that the House recede from its disagreement to certain amendments of the Senate, which I will now explain, and agree to the same with amendments. The first is in reference to pay and mileage. There was an amendment of the Senate to the House bill providing for the mileage of the new Senators from Oregon, to which the House disagreed. The committee of conference recommend that the House agree to that amendment, with an amendment restoring the mileage of members of the House and Delegates for the next fiscal year. There was also an amendment of the Senate disagreed to by the House, providing for the reorganization of the office of the Attorney General, and for the appointment of an Assistant Attorney General. The committee recommend that the House agree to that amendment, with an amendment authorizing the appointment, not of an Assistant Attorney General, but of an assistant in the office of the Attorney General.

The seventeenth amendment of the Senate authorized the payment to Governor Denver of $2,200, which he had disbursed for contingent expenses in Kansas. The House amended that amendment by including some other Governors of Kansas. It appeared from letters which were before the committee that Governor Denver actually disbursed this precise amount in the amendment of the Senate. The committee, therefore, recommend that the House recede from its amendment to the amendment, and agree to the Senate amendment.

The committee also recommend that the Senate agree to the amendment of the House, providing for the House part of the Capitol police; and that the Senate also agree to the amendments of the House in reference to the public printing, and the transfer of the office of Printer of either House of Congress. I now move the previous question on the adoption of the report of the committee.

The previous question was seconded, and the main question ordered.

Mr. DEAN. I demand the yeas and nays on agreeing to the report. I want to vote against it.

Mr. STANTON demanded tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

The report of the committee of conference was agreed to.

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the report was agreed to; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

RECESS.

Mr. PHELPS, of Missouri. I now appeal to the gentleman from New York [Mr. ANDREWS] to withdraw his motion to suspend the rules, and let us take a recess until seven o'clock.

Mr. ANDREWS. I will withdraw my motion for the present.

Mr. PHELPS, of Missouri. I ask the unanimous consent of the House to submit a motion to take a recess until seven o'clock.

Mr. BOYCE. I object. There are a great many little matters that we might attend to while the gentleman is in his committee room.

Mr. PHELPS, of Missouri. I do not make the motion for my own personal convenience. More than twenty members have requested me to make it. I move to suspend the rules, to enable me to submit the motion.

The question was taken; and the rules were suspended.

Mr. PHELPS's motion was agreed to.

And thereupon (at four o'clock and forty-five minutes, p. m.) the House took a recess until seven o'clock, p. m.

EVENING SESSION.

The SPEAKER called the House to order at seven o'clock, p. m.

WITHDRAWAL OF PAPERS.

On motion of Mr. STEWART, of Maryland, the Committee on Patents was discharged from the further consideration of the petition of William A. S. Cushman, and that leave be granted for the withdrawal of the same from the files of the House.

On motion of Mr. CAVANAUGH, leave was granted for the withdrawal from the files of the House of the papers in the case of A. L. Moore, on leaving copies of the same.

TREATY WITH SWITZERLAND.

Mr. VALLANDIGHAM. I ask the unanimous consent of the House to offer the following resolution, calling for information upon a subject affecting, as I think, the constitutional rights of, and of much interest also to, a numerous class of the citizens of the United States; and

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which I propose, in the next Congress, to debate at length. I trust there will be no objection.

Resolved, That the President be requested to communicate, if not incompatible with the public interests, any correspondence between the United States and Switzerland relating to that clause in the treaty between the two countries which discriminates against the privileges of citizens of the United States holding to the Hebrew faith and worship, visiting or sojourning in Switzerland.

There being no objection, the resolution was considered, and agreed to.

Mr. ANDREWS. I now call up my motion for a suspension of the rules, to take up and consider House bill (No. 483) for the improvement of certain rivers and harbors.

Mr. WASHBURNE, of Illinois. I wish to make an appeal to my friend from New York to withdraw his motion. Nobody in this House can doubt my friendship for the improvement of our rivers and harbors. I would be glad to see the substitute which I have reported from the Committee on Commerce passed by this House. But, sir, there are a great many public and private questions pressing upon us which may be passed; and, as it is now impossible that this bill can be passed, I would put it to him and our friends in the House whether it would not be better to withdraw the motion he has made. It is impossible for the Senate to act upon it.

Mr. ANDREWS. This, Mr. Speaker, is as important a question as has come before this Congress. It concerns the great commercial interests of the country. I think that it is the duty of Congress to see to the improvement of our rivers and harbors. Yet, sir, while this is so, I cannot resist the appeal made to me by the gentleman from Illinois, [Mr. WASHBURNE,] who has reported a bill for the object I have in view, and which is urged by my friend, and the friends of this measure on both sides of the House, whose fidelity to it cannot be doubted. However reluctant I may be to admit the fact, yet so it is, palpable to us all, that in the present crowded condition of the public business, with most of the appropriation bills still pending, and but a few hours left in which to pass them, there can be very little hope for the passage of any river and harbor bill at this session. I withdraw my motion; but I do it with regret. I would not withdraw it if there were any reasonable belief that time was remaining in which it could be passed, and the further dilapidation of these public works be arrested.

MRS. JANE TURNBULL.

Mr. WASHBURNE, of Illinois. I ask the unanimous consent of the House for leave to the Committee on Invalid Pensions to report back Senate bill (No. 229) for the relief of Mrs. Jane Turnbull. It is for the relief of the widow of a man who was one of the bravest and most meritorious officers of the United States Army.

Mr. SMITH, of Virginia, made an objection, but subsequently withdrew it.

There was no objection.

The bill was reported to the House.

It authorizes and directs the Secretary of the Interior to place the name of Mrs. Jane Turnbull, widow of the late Colonel William Turnbull, upon the pension roll, at the rate of twenty dollars per month from the 10th December, 1857, for and during her natural life.

The bill was ordered to be read a third time; and it was accordingly read the third time.

Mr. HOUSTON. I want to know whether there is a quorum present to pass this bill?

Mr. JONES, of Pennsylvania. I move that there be a call of the House.

Mr. EDIE. On that motion I demand tellers.

Tellers were ordered; and Messrs. CRAIG of Missouri, and EDIE were appointed.

The House divided; and there were—ayes 20, noes 102.

So the House refused to order a call of the House.

Mr. WASHBURNE, of Illinois. I demand the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. BONHAM. I was not present when that bill was considered in the Committee on Military Affairs; but I understand that strong objection was made to it in committee, and that they reported adversely upon it.

Mr. WASHBURNE, of Illinois. It was reported unanimously by the Committee on Invalid Pensions, which had charge of it.

Mr. BONHAM. I would like to hear the report read.

Objection was made.

Mr. WASHBURNE, of Illinois. I call for tellers on the passage of the bill.

Tellers were ordered; and Messrs. EDIE, and CRAIG of Missouri, were appointed.

The House divided; and the tellers reported—ayes 93, noes 22.

Mr. BONHAM called for the yeas and nays.

The yeas and nays were ordered.

Mr. GARTRELL. I desire to inquire whether the Committee on Invalid Pensions reported that bill unanimously?

Mr. WASHBURNE, of Illinois. They did report it unanimously.

Mr. GARTRELL. I understand from the gentleman from South Carolina [Mr. BONHAM] that the Committee on Military Affairs had that bill under consideration, and reported adversely upon it.

Mr. McQUEEN. I hope the report will be read. A good many of us have just come into the House, and do not understand anything about it.

Mr. WASHBURNE, of Illinois. I must object.

The question was taken; and it was decided in the affirmative—yeas 102, nays 45; as follows:

YEAS—Messrs. Ahl, Arnold, Barr, Blair, Bowie, Brayton, Buffinton, Burlingame, Burns, Case, Cavanaugh, Chaffee, Chapman, Ezra Clark, Horace F. Clark, John B. Clark, Clawson, Clay, John Cochrane, Colfax, Comins, Corning, Covode, Cragin, James Craig, Davis of Indiana, Davis of Mississippi, Davis of Massachusetts, Dawes, Dimmick, Dodd, Elliott, Farnsworth, Fenton, Florence, Foster, Gartrell, Gillis, Gilman, Gooch, Goodwin, Greenwood, Gregg, Grover, Grow, Lawrence W. Hall, Robert B. Hall, Hatch, Hickman, Hoard, Horton, Hughes, Keim, Kelsey, Knapp, Landy, Leach, Lovejoy, Maclay, McKibbin, Humphrey Marshall, Samuel S. Marshall, Maynard, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Murray, Niblack, Olin, Palmer, Parker, Pettit, William W. Phelps, Pike, Pottle, Purviance, Reilly, Robbins, Roberts, Royce, Russell, Sandidge, Scott, Searing, Seward, Judson W. Sherman, Robert Smith, Spinner, Tappan, Thayer, Thompson, Tompkins, Wade, Walbridge, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Whiteley, Wood, and Woodson—102.

NAYS—Messrs. Atkins, Bliss, Bonham, Bryan, Burnett, Cockerill, Curtis, Dewart, Durfee, Garnett, Harlan, Hopkins, Houston, Jackson, George W. Jones, John C. Kunkel, Lamar, Leiter, Letcher, McQueen, Miles, Millson, Moore, Morgan, Nichols, Peyton, Powell, Ready, Reagan, Ruffin, Scales, Henry M. Shaw, John Sherman, William Smith, Stanton, Stevenson, William Stewart, Talbot, Underwood, Vallandigham, Vance, Waldron, Watkins, White, and Zollicoffer—45.

So the bill was passed.

Mr. WASHBURNE, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. JONES, of Tennessee. I have a proposition to make to the House. I notice that almost every gentleman in the House is seeking the floor. Now, I would inquire whether it would not be better to place the names of members in a box, and assign them the floor as their names are drawn out, and let them submit their propositions in that order? [Cries of "Agreed!"] I will state that they may leave my name out; for I have no proposition to submit. [Laughter.]

Mr. BARKSDALE. I object.

HARRIS AND BUTTERWORTH.

Mr. DAVIS, of Mississippi. I ask the consent of the House to report back from the Committee on the Post Office and Post Roads Senate bill (No. 237) for the relief of Arnold Harris and Samuel F. Butterworth. I will state that the bill, as I am informed, passed the Committee on the Post Office and Post Roads in the Senate without a dissenting voice. It passed the Senate unanimously. It came to this House, and was referred to the Committee on the Post Office and Post Roads here, by which committee I was, without opposition, directed to report it back to the House and recommend its passage.

Mr. CLAY. I object to the proposition of the gentleman from Mississippi.

The bill was read. It provides for releasing the claimants from a judgment entered against them as the sureties of Mr. Kendall, late postmaster at New Orleans.

Mr. KILGORE. I object.

Mr. DAVIS, of Mississippi. Then I move to suspend the rules.

Mr. JOHN COCHRANE. Let the report be read, that we may know what we are voting on.

The report was read.

Mr. DAVIS, of Mississippi. If permitted, I will state briefly the merits of the bill, so that it may be properly understood by the House. The gentlemen for whose relief the bill is intended, were sureties for Mr. Kendall, who was the postmaster at New Orleans. Charges were preferred against Mr. Kendall for malfeasance in office. He was removed from office, and indicted. After several trials, the jury brought in a verdict of not guilty. The sureties demanded an account of his defalcations from the Government, declaring their readiness to pay the amount without compulsory process. The amount claimed by the Government was $10,500; and they voluntarily paid that sum. Subsequently, it was discovered that there was an error in making up the accounts of the delinquent postmaster, and that there was a further sum of $5,500 due. But, in the meantime, Kendall had left the country, and removed his property beyond the jurisdiction of the United States. Thus, by the *laches* of the Government, these sureties were deprived of the chance of making their principal responsible; and all they now ask is to be discharged from their liability to the Government for this $5,500.

Mr. JOHN COCHRANE. I ask the gentleman to state whether the Government did not confess that the error occurred by reason of the intemperance of their clerk?

Mr. DAVIS, of Mississippi. They did.

Mr. HOUSTON. Have the rules been suspended?

The SPEAKER. They have not.

Mr. HOUSTON. Then I object to debate.

Mr. STANTON. I ask that the letter of the Postmaster General be read.

The letter was read.

The question being on the motion to suspend the rules,

Mr. HICKMAN. I call for the yeas and nays.

Mr. DAVIS, of Mississippi, called for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. DAVIS, of Mississippi, called for tellers on the question.

Tellers were ordered; and Messrs. UNDERWOOD, and WASHBURNE of Illinois, were appointed.

The House divided; and the tellers reported—ayes forty-seven, not two thirds of a quorum.

So the rules were not suspended.

REPORTS FROM COMMITTEES.

Mr. MORGAN. I ask the unanimous consent of the House to offer the following resolution, which is in the usual form:

Resolved, That the several committees of the House have power to file with the Clerk their respective reports, and that the same be printed.

Mr. JONES, of Tennessee. I object to that resolution.

Mr. WALBRIDGE. I would inquire if that would include bills?

The SPEAKER. The Chair thinks it would.

Mr. MORGAN. I move to suspend the rules, to enable me to submit the resolution.

The question was taken; and the rules were suspended.

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. ASBURY DICKINS, its Secretary, informing the House that the Senate had agreed to the report of the committee of conference, on the disagreeing votes of the two Houses on the amendments of the Senate to the consular and diplomatic appropriation bill.

WILLIAM M. HARRISON.

Mr. MARSHALL, of Illinois. I ask the unanimous consent of the House, to report from the Committee of Claims a bill for the relief of William M. Harrison.

The bill was read for information. It directs the Secretary of the Treasury, in settling the accounts of William M. Harrison, collector of customs for the port of Richmond, Virginia, to allow the said Harrison the sum of $3,503, the balance missing of the money stolen from the custom-house on the night of October 12, 1857, and the further sum of $1,322 68, being the amount of rewards paid by said Harrison, for the recovery of the stolen money and the conviction of the thieves.

Mr. JONES, of Tennessee. I have not been able to hear the bill read; but I am told that it is the case of the robbery of the custom-house at Richmond, in which the thieves were subsequently arrested here, and convicted, and, I believe, put in the penitentiary, and the money recovered. In such a case, I think the collector ought to be released.

Mr. MARSHALL, of Illinois. It is one of the plainest cases that ever came before Congress.

No objection being made, the bill was reported, read a first and second time, ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

Mr. CASKIE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

MRS. FRANCES ANN M'CAULEY.

Mr. PHELPS, of Missouri, obtained the floor.

Mr. BARKSDALE. I ask the gentleman from Missouri to allow me to ask the unanimous consent of the House to take up Senate bill (No. 223) for the relief of Mrs. Frances Ann McCauley.

[Loud cries from all parts of the Hall of "Yes, yes;" and "Agreed."]

Mr. PHELPS, of Missouri. As it seems to be the universal wish of the House that I should yield for that case, I do so.

The bill was read for information. It directs the Secretary of the Treasury to pay to Frances Ann McCauley, widow of Daniel S. McCauley, deceased, late consul general of the United States at Alexandria, in Egypt, $4,200, as compensation for judicial services performed by said D. S. McCaulay, while holding said office, from August 14, 1848, to October 26, 1852.

Mr. CLAY. I will not object to the taking up of this bill, if a report of the Committee on Military Affairs, in a similar case, can be read. I believe the claim to be against law.

Mr. BARKSDALE. I differ with the gentleman from Kentucky as to this claim. I believe that this is a just claim.

Mr. DEAN. I object to the bill.

Mr. BARKSDALE. I move to suspend the rules.

The question was taken, and the rules were suspended.

Mr. BARKSDALE. I demand the previous question.

Mr. CLAY. I hope the House will vote that demand down.

Mr. BARKSDALE. I have no objection at all to the report being read.

Mr. CLAY. I have no objection to the report being read, if the gentleman will also permit another report from the same committee, involving the same principle, to be read.

Mr. BARKSDALE. The report to which the gentleman refers was upon another case.

Mr. CLAY. But involving the same principle. I move to lay the bill on the table.

Mr. BARKSDALE. Very well; let it be read. I have no objection.

Mr. CLAY. I withdraw my motion to lay on the table, if the reports can both be read. It will not consume five minutes.

Mr. MORGAN. I object.

Mr. MARSHALL, of Kentucky, I would like to inquire of the gentleman who reported this bill whether this claimant is the administratrix of this deceased officer?

Mr. BARKSDALE. I will state that the bill is for the relief his widow.

Mr. CLAY. If both reports cannot be read, I must insist on my motion to lay the bill on the table.

Mr. SMITH, of Virginia. I call for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. STANTON. I have not heard a word about this matter, and I shall be compelled to vote against the bill, because I do not understand anything about it.

The SPEAKER. The Chair is not surprised at it, considering the confusion which prevails in the Hall.

Mr. UNDERWOOD. I desire to appeal to the gentleman, in order to save time, that he will allow the two reports to be read.

Mr. BARKSDALE. Very well; if the gentleman will withdraw his motion to lay on the table, I will withdraw my demand for the previous question, and allow the two reports to be read, remarking, at the time, that I do not see what possible connection the report which the gentleman from Kentucky desires to be read has with the question.

Mr. CLAY. It involves the same principle, precisely. I withdraw my motion to lay on the table.

Mr. BARKSDALE. I do not think it involves precisely the same principle. The facts are certainly different. I withdraw the call for the previous question, and now ask for the reading of the reports.

The reports were read, as follows:

IN THE SENATE, *March* 31, 1858.

Mr. FOOT made the following report:

The Committee on Foreign Relations, to whom was referred the petition of Frances Ann McCauley, widow of Daniel S. McCauley, late United States consul general at Alexandria, in Egypt, praying compensation for judicial duties performed by her husband under the act of August 11, 1848, have had the same under consideration, and now report:

It appears, from the petition, that the late Daniel S. McCauley was, on the 14th day of August, 1848, appointed consul general of the United States at Alexandria, in Egypt, a port belonging to, and within the territorial limits of, the Turkish Empire; that he continued to hold that office and perform its duties up to the time of his death, on the 26th of October, 1852; that, as consul general of the United States at that port, certain judicial duties were devolved upon him by the act of Congress entitled "An act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries," approved August 11, 1848.

In reply to a letter of inquiry, addressed to him by the committee, the Secretary of State, under date of February 2, 1858, says: "That Mr. McCauley was consul during the period claimed, and that he performed judicial services in that capacity, there is no doubt; but whether any services of that kind entitled the minister or consuls of the United States in the Turkish dominions to extra compensation, has always been deemed questionable by this Department, which has never sent Congress an estimate for such compensation."

The performance of the services by Mr. McCauley, and for the time claimed, is thus clearly established by the letter of the Secretary of State. The only question, therefore, remaining to be considered, is whether, under the act aforesaid of the 11th of August, 1848, he is entitled to the compensation asked for.

After prescribing the nature and character of the duties to be performed by the commissioner and consuls of the United States in China, the eighteenth section of the act provides: "That, in consideration of the duties herein imposed upon the commissioner, there shall be paid to him, out of the Treasury of the United States, annually, the sum of $1,000, in addition to his salary; and there shall also be paid, annually, to each of said consuls, for a like reason, the sum of $1,000, in addition to consular fees."

By the twenty-second section it is further provided: "That the provisions of this act, so far as the same relate to crimes committed by citizens of the United States, shall extend to Turkey under the treaty with the Sublime Porte of May 7, 1830, and shall be executed in the dominions of the Sublime Porte, in conformity with the provisions of said treaty, by the minister of the United States and the consuls appointed by the United States to reside therein, who are hereby, *ex officio*, vested with the powers herein contained, for the purposes above expressed, so far as regards the punishment of crime."

By the twenty-fourth section it is further provided: "That all such officers shall be responsible for their conduct to the United States and to the laws thereof, not only as diplomatic functionaries and commercial functionaries, but as judicial officers when they perform judicial duties, and shall be held liable for all negligence and misconduct as public officers."

From these several provisions of the act under consideration, it is evident that the same class of duties and responsibilities are alike devolved upon the diplomatic and consular agents of both countries; and, in the opinion of the committee, it would seem to be but reasonable to suppose that Congress intended to allow the same measure of compensation to each. To determine otherwise would establish an unjust discrimination between public functionaries performing the same duties and incurring the same responsibilities.

For these reasons, the committee are of opinion that the claimant is entitled to the relief asked for, and report a bill accordingly.

—

HOUSE OF REPRESENTATIVES, *March* 12, 1858.

Mr. CLAY, from the Committee on Foreign Affairs, made the following report:

The Committee on Foreign Affairs, to whom was referred Senate bill No. 1, entitled "An act for the relief of George P. Marsh," "with instructions to procure from the State Department information as to the amount of money already paid said Marsh in consideration of services rendered by him abroad, and report the information to the House," submit the following report:

The information obtained from the Department of State by your committee, in conformity with their instructions, is contained in a paper filed herewith, marked A, and made a part of this report, being the general account current of the said George P. Marsh, late minister resident to Turkey, with the United States, in accordance to adjustments at the Treasury.

The relief which Senate bill No. 1 proposes to give to the said George P. Marsh is based upon two distinct grounds. In the first place, the Secretary of the Treasury is directed to audit and settle the accounts of said Marsh, late minister resident of the United States to the Ottoman Porte, for additional compensation and expenses incurred by him in the performance of special services not pertaining to his mission, and at a point different from that to which he was accredited, in compliance with instructions from the Secretary of State; and in the second place, for judicial services rendered by him under the act of August 11, 1848, entitled, "An act to carry into effect certain provisions of the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to the ministers and consuls of the United States in these countries:" in settling which accounts the Secretary of the Treasury is directed to allow to the said George P. Marsh the sum of $9,000, as compensation for said special services performed in a mission to Greece, as well as the amount of his expenses incurred therein; and the further sum of $1,000 per annum is directed to be allowed him on account of his judicial services during the period of his mission to the Ottoman Porte.

Your committee cannot recommend to the House to concur with the Senate in the passage of this act in its present shape. It is beyond doubt that, in his said special mission to Greece, Mr. Marsh rendered valuable service to the country, for which, in justice and upon precedent, he ought to receive compensation. The question is, what amount he ought to be paid? Your committee are at a loss to understand upon what principles the Senate has been able to fix the sum at $9,000 and expenses incurred.

As minister resident to the Ottoman Porte, Mr. Marsh was receiving the sum of $6,000 per annum as salary, together with sums covering the incidental expenses of his mission, which salary he continued to receive during all the time of his special mission to Greece. In consequence of being obliged, under the instructions of the Secretary of State, to proceed to Greece on that special mission, he doubtless incurred considerable expenses, to cover which the sum of $2,155 49 was allowed him in his settlement with the Treasury Department, all which will appear by reference to the general account, marked A. He must have sustained considerable loss by reason of breaking up his establishment near the Ottoman Porte, and certainly performed valuable service beyond what was required of him as minister resident near that Government. It is for this loss, and this service, that he is entitled to be paid.

Your committee are of opinion that if precedents can be found settling the measure of compensation in similar cases, it is far safer to follow them than to rely upon any other mode of ascertaining the amount that ought to be paid Mr. Marsh. Such precedents are not wanting. Your committee refer especially to the recent cases of —— Schenck and of —— Pendleton, who were sent upon special missions to Uruguay and Paraguay. These gentlemen were allowed, by the Department of State, in the first place, the expenses they incurred, and afterwards each of them claimed the amount of an *outfit* to the court to which each was accredited, which was allowed by Congress. Applying the rule which seems to be established by these cases to that of Mr. Marsh, and which, your committee are of opinion, would do ample justice to him, and he will be entitled to receive the sum of $6,000, the amount of an *outfit* of a minister resident to the Ottoman Porte at the time he rendered the said special services, he having already received the amount of expenses incurred as aforesaid.

Your committee are further of opinion that Mr. Marsh has no just claim to be allowed any sum for judicial services during the period of his said mission to the Ottoman Porte. Mr. Marsh held the office of minister resident from May 29, 1849, to December 19, 1853, a period of four years, six months, and twenty days, and for all this time Senate bill No. 1 proposes to allow him at the rate of $1,000 per annum. For something more than one year of this time, namely, from the 30th June, 1852, to the 5th July, 1853, Mr. Marsh was not in Turkey at all, but was in Greece, upon the special mission above referred to, whilst another person was acting near the Ottoman Porte as chargé d'affaires. Surely it would be absurd to allow him anything for judicial services during that time. But does the act of August 11, 1848, entitle him to any compensation whatever for judicial services? The case of Mr. Dabney S. Carr is relied upon as a precedent, but cannot be so considered by your committee. In his case the chairman of the then Committee on Foreign Affairs, of this House, offered the following as an amendment to the civil and diplomatic bill of 1853:

"To compensate Dabney S. Carr for expenses incurred whilst in the diplomatic service of the country, to be allowed in the settlement of his accounts with the Government, $7,144."

It is true, that, in the debate upon this amendment, the chairman of the committee stated that, by a law of Congress, the Minister to Turkey was allowed an extra salary of $1,000 per annum for judicial services, defined by the act of the 11th August, 1848. It may likewise be true that his statement had great influence upon the passage of the amendment, but the amendment itself does not show, or pretend to show, that any part of the sum allowed to Mr. Carr was for judicial services. If the chairman of the committee thought, as no doubt he did, that the act of 1848 intended to give the same compensation to the minister at Constantinople for judicial services as it clearly did intend to give to the commissioner to China, and to certain consuls to different parts of that empire; and if the House was induced, by the simple expression of his belief, to give to Mr. Carr $1,000 per annum, as, indeed, appears to have been the case, your committee can only say, that, in their judgment, a case resting, and resting alone, upon such fact, cannot be considered to be a sufficient precedent to authorize them to construe the act of 1848 against what is their belief of its true intent.

The act of 1848 gives to the commissioner and consuls in the Chinese empire certain judicial powers in *civil* as well as *criminal* cases; and in section eighteen fixes the amount of compensation for the performance of said judicial duties at $1,000 per annum. In the twenty-second section the same powers are conferred upon the minister and consuls to Turkey, so far as they relate to *crimes* committed by citizens of the United States; but no reference is made in that section, or in any other section of the bill, to any additional compensation, for the exercise of such powers, beyond their ordinary salary as minister and consul. In the opinion of your committee, it could only be a forced construction of the act of 1848 which would authorize them to recommend the allowance of $1,000 per annum to Mr. Marsh for judicial services whilst minister resident at the Ottoman Porte—a construction which would as well apply to his successors and to all the consuls in Turkey, entailing an expenditure of thousands of dollars upon the Government without any positive law.

Entertaining these views, your committee recommend that the said Senate bill No. 1 be amended by striking out the words "nine thousand," in the twenty first line, and inserting in lieu thereof the words "six thousand;" and by striking out all that portion of the said bill commencing at the word "and," in the twenty-sixth line, and ending with the word "Porte," in the thirty-first line—being the portion of said bill which makes an allowance of $1,000 per annum for judicial services during the period of the mission of the said George P. Marsh to the Ottoman Porte.

And your committee, having fully reported, beg to be discharged from the further consideration of the subject.

Mr. BARKSDALE demanded the previous question.

The previous question was seconded, and the main question ordered; and, under the operation thereof, the bill was ordered to be read a third time; and it was accordingly read the third time.

Mr. BARKSDALE demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered.

Mr. CLAY demanded the yeas and nays.

Mr. DEAN demanded tellers on the yeas and nays.

Tellers were ordered; and Messrs. UNDERWOOD and BURLINGAME were appointed.

The House divided; and the tellers reported—ayes 38, noes 105.

So the yeas and nays were ordered, (more than one fifth voting in favor thereof.)

The question was taken; and it was decided in the affirmative—yeas 105, nays 56; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Andrews, Arnold, Barksdale, Bingham, Bowie, Brayton, Buffinton, Burlingame, Burns, Case, Cavanaugh, Ezra Clark, John B. Clark, Clark B. Cochrane, John Cochrane, Colfax, Comins, Corning, Cragin, James Craig, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dimmick, Elliott, English, Farnsworth, Fenton, Florence, Foley, Foster, Gillis, Gilman, Greenwood, Grover, Grow, Robert B. Hall, Hatch, Hawkins, Hoard, Hodges, Horton, Howard, Huyler, Owen Jones, Keim, Kelsey, Kilgore, John C. Kunkel, Lamar, Landy, Leidy, McKibbin, Samuel S. Marshall, Maynard, Morgan, Morrill, Edward Joy Morris, Isaac N. Morris, Oliver A. Morse, Murray, Niblack, Nichols, Olin, Palmer, Parker, Pettit, William W. Phelps, Phillips, Pottle, Purviance, Ricaud, Robbins, Roberts, Ruffin, Russell, Scott, Judson W. Sherman, Singleton, Robert Smith, Samuel A. Smith, Spinner, William Stewart, Tappan, George Taylor, Thayer, Thompson, Tompkins, Walbridge, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Watkins, Whiteley, Winslow, Wood, Woodson, Augustus R. Wright, and Zollicoffer—105.

NAYS—Messrs. Atkins, Avery, Bonham, Branch, Clawson, Clay, Cockerill, Crawford, Dean, Dowdell, Durfee, Edmundson, Garnett, Gartrell, Giddings, Gregg, Groesbeck, Harlan, Hickman, Hopkins, Houston, Jackson, Jenkins, Jewett, George W. Jones, Knapp, Jacob M. Kunkel, Leach, Leiter, Letcher, Lovejoy, Maclay, McQueen, Humphrey Marshall, Matteson, Miles, Millson, Moore, Mott, Pendleton, Peyton, Ready, Reagan, Sandidge, Seward, John Sherman, Shorter, William Smith, Stevenson, Talbot, Underwood, Vallandigham, Vance, White, and Wortendyke—56.

So the bill was passed.

Pending the above call,

Mr. SHAW stated that Mr. SCALES was absent on a committee of conference.

Mr. BOYCE asked leave to vote, not being within the bar when his name was called.

Objection was made.

Mr. BOYCE stated that he would have voted in the affirmative.

Mr. DAVIS, of Mississippi, moved that the House adjourn.

The House refused to adjourn.

NAVY APPROPRIATION BILL.

Mr. PHELPS, of Missouri, from the Committee of Ways and Means, reported back the Senate amendments to the Navy appropriation bill; which were referred to the Committee of the Whole on the state of the Union.

Mr. PHELPS, of Missouri, moved that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair.)

Mr. PHELPS, of Missouri. I move that the committee proceed to the consideration of the amendments of the Senate to the Navy appropriation bill.

The motion was agreed to.

Mr. PHELPS, of Missouri. I hope that, by unanimous consent, debate will be limited to five minutes.

Mr. DAVIS, of Mississippi. I object. I will give my consent to nothing.

Mr. PHELPS, of Missouri. Then, I move that the committee rise.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. JONES, of Tennessee, reported that the Committee of the Whole on the state of the Union had, according to order, had the Union generally under consideration, and particularly the amendments of the Senate to the Navy appropriation bill, and had come to no resolution thereon.

Mr. PHELPS, of Missouri. I submit the usual resolution, that the debate in the Committee of the Whole on the state of the Union on the amendments of the Senate to the Navy appropriation bill be closed within five minutes after their consideration shall be resumed.

Mr. DAVIS, of Mississippi. I move that the House adjourn.

The House divided; and there were—ayes 5, noes 130.

Mr. DAVIS, of Mississippi, demanded tellers.

Tellers were not ordered.

Mr. DAVIS, of Mississippi, demanded the yeas and nays.

The yeas and nays were not ordered.

So the House refused to adjourn.

The question was taken on the motion of Mr. PHELPS, of Missouri, to terminate debate; and it was agreed to.

Mr. PHELPS, of Missouri. I move that the rules be suspended, and that the House resolve itself into the Committee of the Whole on the state of the Union.

The motion was agreed to.

The rules were accordingly suspended; and the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. JONES, of Tennessee, in the chair,) and resumed the consideration of the Senate's amendments to the Navy appropriation bill.

First amendment:

Insert as follows:

For the payment of officers restored to the Navy under the provisions of the act of January 16, 1857, during the period of their retirement or suspension, $62,394.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend concurrence in the amendment. I have here a letter from the Navy Department, stating the sum named in this amendment as the sum that will be necessary for this purpose. The appropriation is based on the section of a law, entitled, "An act to amend an act entitled, 'an act to promote the efficiency of the Navy,'" passed 16th of January, 1857, declaring that all officers restored to the active-service list should be entitled to draw the same pay they were drawing at the time they were restored, for and during the time of such retirement. A portion of the officers, who were retired by the naval board, were subsequently restored by the President, by and with the consent of the Senate; and this amendment is to give them their back pay.

Mr. DAVIS, of Mississippi, called for tellers.

Tellers were ordered; and Messrs. DAVIS of Mississippi, and NICHOLS were appointed.

The House divided; and the tellers reported—ayes 103, noes 25.

So the amendment was concurred in.

Second amendment:

Insert as follows:

For the payment of the charter of vessels for the Paraguay expedition, for nine months, $173,700.

The Committee of Ways and Means recommended non-concurrence.

Mr. BOCOCK. I am directed by the Committee on Naval Affairs to offer the following amendment to the amendment of the Senate:

After the word "charter," insert the words, "or purchase," and add the following proviso:

Provided, That if the said vessels shall not be purchased, no more shall be used of the sum herein appropriated than may be necessary to pay for the charter of said vessels, at the rate agreed on, for such time as they may be employed by the Government of the United States.

Mr. PHELPS, of Missouri. In acting on the amendment, the Committee of Ways and Means instructed me to recommend the House to nonconcur; but we were informed that an estimate had been submitted to the Committee on Naval Affairs, recommending a change of this appropriation, and providing for the purchase of these vessels. I merely make this explanation, as being in accordance with the action of the Committee of Ways and Means.

Mr. CLARK, of New York. I desire to inquire if that amendment is designed to give the Secretary of the Navy power to purchase these vessels, in accordance with the recommendation contained in his report?

Mr. BOCOCK. That is the purport of my amendment. I wish to make an explanation about it to the committee; and I ask the attention of the gentleman from New York, and of every other gentleman who takes an interest in the subject, while I lay before them the information which has been given to me, as chairman of the Committee on Naval Affairs, from the Navy Department.

The committee will bear in mind that, in the latter part of the last session of Congress, authority was given to the President of the United States to employ force to settle our difficulties with Paraguay. It was very soon found that we had not ships at our command of the size and capacity suited to that expedition. In pursuance of the act of Congress the Secretary of the Navy proceeded to charter sundry vessels—some nine, I think, in number, for that expedition. Two of them were found to be unseaworthy and unfit for use, and were abandoned. Seven of them were retained, and have proceeded upon the Paraguay expedition, and have reached Paraguay.

I am requested by the Navy Department to say that the charter of these vessels for fifteen months will amount to $289,500. The charter of these vessels for nine months will cost $173,700. The Secretary of the Navy, in making a contract for the charter of these vessels, inserted a clause which enables him to purchase those vessels at $289,000, so that if the Paraguay expedition shall last for nine months, the cost of the charter of these vessels to the Government will be only $100,000 less than would be necessary to purchase them out and out. If the expedition shall last fifteen months, the charter of these vessels will amount to as much or $500 more than the actual purchase of the vessels would cost.

We do not know how long that expedition will continue. Say it lasts only nine months, $100,000 more will purchase the vessels. By the failure to appropriate $100,000 you lose the seven vessels, and you not only lose the vessels, but you lose more. In order to prepare these vessels for the Paraguay expedition, labor and expense were put upon them in order to enable them to bear guns. They were vessels which had been employed in the commercial service, and it became necessary, in order to fit them to carry guns, to put work upon them, and if they are returned to the owners you will lose what has been paid for that work. Nor will it stop there. It will be the duty of the Government to remove that work and

put the vessels in the same condition as they were in before.

[Here the hammer fell.]

Mr. GOOCH. I would like to ask the gentleman from Virginia when the contract was made, and by whom, in behalf of the Government?

Mr. BOCOCK. It was made, as I understand, by the Secretary of the Navy, in behalf of the Government.

Mr. GOOCH. And what was the length of time for which the first charter was made?

Mr. BOCOCK. The length of time was not specified, as I understand it. I have a couple of letters here which I will have read, if the gentleman desires it, for the information of the committee; but I will say to the gentleman from Massachusetts, in answer to his question, that the terms of the charter are, that we are to pay so much per month for the vessels. I have stated that, if the expedition lasts nine months, the charter of the vessels will cost $173,000. If it lasts fifteen months, the charter of the vessels will cost more than the purchase of them would cost.

Mr. GOOCH. Then I wish to ask the gentleman from Virginia if the Secretary of the Navy made a charter by which he paid more than the worth of the vessels for the use of them for fifteen months?

Mr. BOCOCK. It appears from the statement made by the Secretary of the Navy, that, for five of these vessels, he gave $15,000 per month, and for the other two, I believe, $4,500 per month; or, at any rate, enough in all to give for the seven vessels what would amount to $193,000 for fifteen months.

Mr. GOOCH. Then it amounts simply to this: that the use of the vessels for fifteen months costs more than the actual value of the vessels.

Mr. BOCOCK called for tellers on the amendment.

Tellers were ordered; and Messrs. NICHOLS and PEYTON were appointed.

The committee divided; and the tellers reported —ayes 73, noes 72.

So the amendment was agreed to.

ENROLLED BILLS.

Here the committee rose informally; and the Speaker having resumed the chair,

Mr. PIKE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled:

A resolution in relation to the removal of obstructions to the navigation in the mouths of the Mississippi river; and

An act making appropriations for deepening the channel over the St. Clair flats, in the State of Michigan.

When the Speaker signed the same.

The committee then resumed its session.

Mr. SEWARD. I move to strike out the appropriation contained in the Senate's amendment. Mr. Chairman, the joint resolution which was passed at the last session of Congress, in regard to the Paraguay expedition, does not, I think, by any construction which you can give it, confer upon the Secretary of the Navy power to charter vessels for this expedition. The Constitution makes it the duty of the President of the United States to communicate, at each session of Congress, whatever may be his views in regard to the condition of the affairs of the country. But we have had to-day the strange anomaly presented of the Secretary of the Navy absolutely, in this House, pressing upon members the passage of a measure of this kind, to get him out of a difficulty which, I conceive, was brought about by a violation of law in chartering these vessels. Now, sir, I protest against the principle of any sort of influence by the heads of these Departments, or even the President of the United States, in the legislation of this country. I speak what I know. I was not surprised, therefore, that this proposition should come from gentlemen either in the Senate or House of Representatives.

A great deal has been said about economy here; we will be compelled to adjourn to-morrow, or by a legal fiction the session may be extended till twelve o'clock m., on Friday the 4th of March, yet we are loading down our appropriation bills with appropriations which we have got no money to pay; like an insolvent man drawing his check at sight, but having no money to pay it with. It is proposed to appropriate $100,000 to carry out what I consider to be an illegal act in chartering these vessels. If we did not have vessels enough of the proper character to carry on this expedition, it should have been deferred until the meeting of this Congress, and the Representatives of the nation consulted about what was to be done in the event war was to take place; and not go to work to charter private vessels; because, if they have the right to charter one, they have the right to charter every vessel in the country. Therefore, I say, it is due to the House to vindicate its own character and its own dignity as the Representatives of the people; that it should speak here in tones that cannot be misunderstood, to let the Executive know that he shall not trample upon a law of this kind, and be sustained by the Congress of the United States in it; more especially when appropriations of money have been made heretofore out of the Treasury to do particular things, and the head of a Department has assumed to set his foot upon a law, and thereby exercise a veto power which the President of the United States himself cannot exercise, in respect to a law in existence. Now, sir, I am for raising my voice against this sort of disregard of law, come from what source it may. It is time that this spirit of dictation, this trampling of laws under foot should be stopped. Sir, it is a power dangerous to the liberties of this country, and which will bankrupt this country unless it shall be checked.

[Here the hammer fell.]

Mr. PETTIT. I am opposed to the amendment of the gentleman from Georgia, for the reason that he only proposes to reduce the appropriation, and not to strike it out altogether. But before stating my objection, I beg first to inquire of the chairman of the Committee on Naval Affairs, to state on the authority of what law the Secretary of the Navy has proceeded in making any contract for chartering these vessels?

Mr. BOCOCK. If the gentleman will allow me, I will answer him fully, as I had expected to do whenever I could get the floor.

Mr. PETTIT. In order to save my time, and obtain a categorical answer at once, I will ask if he had any other authority than the joint resolution of the last session?

Mr. BOCOCK. That is the only authority.

Mr. PETTIT. Then, I take it upon myself to characterize that action of the Secretary of the Navy as a flagrant usurpation of power not conferred by that joint resolution; and that now deserves our rebuke, instead of our sanction and adoption.

Mr. BOCOCK. I responded very promptly to the interrogatory of the gentleman, that the joint resolution of last session is the authority on which the Secretary of the Navy has proceeded; now, in turn, will the gentleman do me the favor to have that joint resolution read?

Mr. PETTIT. That is just what I was proceeding to do. The joint resolution is as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the purpose of adjusting the differences between the United States and the Republic of Paraguay, in connection with the attack on the United States steamer Water Witch, and with other matters referred to in the annual message of the President, he be, and is hereby, authorized to adopt such measures and use such force as, in his judgment, may be necessary and advisable, in the event of a refusal of just satisfaction by the Government of Paraguay."

Mark the language: "In the event of a refusal of just satisfaction by the Government of Paraguay." Under this joint resolution, the President was only authorized to act when Paraguay had refused to make just satisfaction. "The event of a refusal of just satisfaction" by Paraguay was necessary, before the President was clothed with any authority under that law. Paraguay has not refused. No demand has been made on that republic; and no opportunity has been given to it to refuse. Until then, every offensive measure, and this is one of them, was lawless.

But this act, involving the waste of millions of dollars, is not only lawless, but it is defiant of the intention of Congress. Congress meant to have had this matter disposed of amicably; but, in place of it, the President has sent abroad an expedition of war. By the fourth section of the act passed last year, making appropriations for the naval service, the President was authorized to send out a peace commissioner to Paraguay, and $10,000 was appropriated to cover the expense. That leaves no doubt that Congress meant a pacific arrangement. It is a painful fact, that from the time of Mr. Pendleton, our Minister to the Argentine Republic, going on a special commission to Paraguay in 1853 and making a treaty, up to the present moment, when Mr. Bowlin is abroad as a special commissioner, with an armed squadron at his back, we have had no diplomatic relations with Paraguay. It is more than three years since the Water Witch was fired into, and yet we have asked no explanation of it from Paraguay, until, in violation of law, the President proposes to demand it now, at a cost of millions, when the Treasury is languishing, at the mouths of our guns. This is backing our diplomacy with arms. When did we ever—when did ever a civilized nation do so before? Among the Spanish-American people everywhere, there is a pride of nationality that amounts to a weakness, and that will resent the insult of going to them, on questions of peace, with arms in our hands. A peace wrung from Paraguay, a feeble people, by force, will make us abhorred by all the South American republics, kindred to Paraguay in manners, origin, and language, and with which, up to this time, our influence has been absolute. In order to keep it, we need only the courage to do right.

This Water Witch question has two sides to it. We speak of it as an outrage done us. The injury done to Paraguay in that collision was much greater than to us. In turn, the people of Paraguay complain of us. I do not attempt now to decide it; but only to submit, that with such a substantial difference, it was, according to the rule of nations, a fit subject of peaceful accommodation. I repeat my question: Why has the Department of State neglected to attempt a peaceful solution of it, observing its usage with other nations with which we have difficulties? Perhaps the wisdom and economy of the Administration at home will not stand criticism, and it is convenient to take the public interest, by sea and by land, with an armed expedition, ten thousand miles away, and amuse it in the heart of the southern continent. Perhaps it is meant to offend Spanish pride—I mean Spanish pride which is always kindred, whether in the Old World or the New—and make occasion, finally, for an enterprise on Cuba. A few facts are plain, and I am referring to these. We could have had peace for nothing, and yet the Administration has determined on war, at the cost of millions; we could have had peace, as Congress intended by the fourth section of the naval appropriation act I have referred to, and yet the President has snubbed all plans of negotiation, and his Secretary of the Navy has equipped himself, and gone forth to war. Some three years ago, Mr. Fitzpatrick was sent out to Paraguay, to exchange ratifications of a treaty with President Lopez. Lopez said he was offended at the act of the Water Witch, and asked if he was authorized to settle it. Fitzpatrick said "No; only to exchange ratifications." Lopez expressed to him, by his own secretary, Vasquez, his wish, nay, his anxiety, to make a treaty of peace, amity, and commerce, with us; and since then, that communication has been in the Secretary of State's Department. That communication has never been answered. Paraguay has asked us to do her justice, and be at peace, and after three years of silence, our Government, against the clearly expressed purpose of Congress, begins replying from the iron mouths of her dogs of war. These were the alternatives: Peace for nothing on one side, and on the other, millions profligately expended; the will of Congress subjected to a Secretary, and national honor, interest, and influence at hazard. To do all this, Mr. Toucey says he has hired nine steamers for six months, at $160,000. If he may hire nine, may he not hire ninety, or nine hundred, and leave us to foot up the reckoning? Is Congress only a poor clerk, to certify any account that may be sent to us?

Some say this joint resolution confers on the President the war-making power. I have said already, it gives the President no power until Paraguay refuses; but it gives the President no war-making power. When Paraguay refuses, the President may use force. It does not mean that he may begin a war. Force and war are not the same thing. For example: the Island of Martin Garcia is so situated in the waters of La Plata

that two or three vessels there would block up the whole commerce of Paraguay. To do so, would be an act of force, according to public law, but not of war. Or, as the Government of Paraguay has, principally, all the trade of Paraguay in its hands, to seize on it for purposes of indemnity and satisfaction, would be an act of force, authorized by public law, but not of war. I did not vote for this joint resolution, and do not pretend to know what it means. But one thing it does not mean, and that is, to confer the power of making war on the President; because, the power of making war is a trust reposed in Congress, which it can no more delegate than it can authorize the President to make laws, or act as a judiciary and try causes. The President is only an executive—that is, he executes such laws as Congress passes, and there he stops.

Now, the Secretary of the Navy informs us that he has hired nine steam vessels, for offensive purposes against Paraguay, at more than one hundred and sixty thousand dollars for six months, and he asks us not only to approve it, but to buy these vessels. If this is a way to get up a fleet, what are the navy-yards for? If we adopt this amendment, we not only bind ourselves to buy this crazy fleet, but to approve the action of the Navy Department.

I say it with pain, and as my own conclusion, that, from the beginning of this controversy, the Government of Paraguay has not been alone in the wrong; that we, ourselves, have been somewhat in the wrong. We are now more so than ever, by the action of Mr. Toucey. We sent an exploring and scientific expedition to the waters of La Plata. Paraguay gave it a hearty welcome. Unfortunately, about the same time, we sent a consul—a commercial agent—to Paraguay, a thousand miles from the sea-board, a Government whose name, the Secretary of State says, has had no place in our commercial relations. He was, at the same time, the agent of what is called the United States and Paraguay Navigation Company. The company went to money-making in the most extraordinary manner, and in a manner offensive to that Government. Lieutenant Page, charged with the conduct of the exploring expedition, forgot the instructions of Secretary Kennedy, and the hospitality of Paraguay, and took sides with this company, that, on a beggarly outfit of $10,000, having borrowed as much money, which remains unpaid, from Paraguay, now asks an indemnity of $1,300,000, when he was the national guest of Paraguay, and within its municipal protection. Lieutenant Page was in fault, and we ought frankly to have said so. The miserable cupidity and ambition of our consul were in fault. It is always magnanimity to do right, and it is never so to do wrong.

Now, Mr. Chairman, I have already said, if the chairman of the Committee on Naval Affairs will turn back a few pages, he will find that Congress proposed a different solution of this difficulty. It was a peaceable one. It is the fourth section of the Navy appropriation bill of the last session. It confers authority on the President of the United States to send a commissioner there for the purpose of making peace. It fixes a compensation for the service which was to be rendered. It was provided that there should be no force used until after the proper overture had been made to Paraguay. We have had an opportunity of making a settlement of this matter, that would have spared the national honor, that would have saved us from this wanton expense, and that would have preserved our influence in the South American States, upon which we have so long had so strong a hold.

[Here the hammer fell.]

The amendment to the amendment was rejected.

Mr. CLARK, of New York. I offer the following amendment:

Provided, further, That the said vessels can be purchased for a sum not exceeding $100,000.

Mr. Chairman, when the question of the Paraguay expedition was before this House, if I do not very much mistake, it was represented as a peace measure, and not as a war measure. The heart of the country is not in that war; the heart of this House is not in that war; and, sir, I am not without apprehension that we are in the wrong in that expedition against Paraguay. I am unwilling to do anything that shall in any manner give it my countenance and support, beyond the point that may be necessary to redeem the national honor from reproach. But, sir, assuming that it was the intention of the House to authorize the President of the United States to use the Army and the Navy against the Republic of Paraguay, without further diplomatic negotiation, what army and what navy were thus authorized to be employed? Why, the Army we own, and the Navy we own. It was not the intention of Congress to authorize the purchase or construction of a new navy, and the raising of a new army. If the President, or the Secretary of the Navy, had the right to employ a navy other than our own, they had the right to call additional regiments into the service. I do not believe that such extraordinary powers were designed to be conferred; and if the Navy of the United States was insufficient for the purposes recommended by the Administration, Congress should have been advised, and we should have set the machinery of Congress in motion to authorize an increase of the Navy.

Now, Mr. Chairman, I am not certain whether the honorable gentleman from Virginia, the chairman of the Committee on Naval Affairs, who has just addressed the House, intended to inform the House that the chartering of these steamers was improvident, or otherwise. If he meant to advise this House that the charter of these ships was improvident, and therefore we ought to purchase them to get rid of a bad bargain, let him say so. If, on the other hand, these charters were provident, let them expire, and then let these vessels return to their owners. I see by the Secretary's report that he undertook to pay $94,800 for the charter, for the term of six months, of steamers, which he now informs us can be purchased for $244,000. What does this mean? Did he undertake to pay a sum grossly extravagant? If he did, we cannot help it. We must pay the charter; but we ought not to be driven into a purchase of worthless steamers, simply because the Secretary of the Navy, in the exercise of a discretion not intended by this House to be as large as that which has been exercised, saw fit to make contracts which are proved to be onerous or unwise. Sir, I am opposed to authorizing this purchase, because I am unwilling, as the case now stands, that the Representatives of the American people should give their sanction to any further prosecution of what I am strongly impressed is but a private speculation carried on under the banner of the country.

[Here the hammer fell.]

Mr. BOCOCK. Mr. Chairman, my friend from the city of New York must pardon me if, in the discussion of such a question as this, I cannot sympathize with him in any feeling of personal dislike which he may have at this time to the present head of the Navy Department. I come not here as either the opponent or the advocate of the Secretary of the Navy. I come here, sir, as the Representative of one of the districts in the State of Virginia, to look at questions in a public capacity, and to act for my country, and not in reference to private or public piques. I do not look to such questions. And, sir, if the gentleman will, for a moment, give free scope to those nobler and better impulses of his heart which I know he possesses; if he will for a moment lose sight of the history of the last twelve months, so far as he himself is concerned, in reference to this Administration, it is my candid judgment that he will not and cannot resist the conclusion to which I come. And what is that?

Sir, the gentleman from New York asks me whether I think the charter of these vessels was provident or improvident? Suppose I say it was improvident—and I think I am not prepared to express an opinion: what does the gentleman recommend? He recommends that you stand to that charter, and do not release yourself and the country from anything improvident in it, by making a fortunate purchase. Whether the amount proposed to be given per month was too much or too little, I ask the gentleman from New York whether the amount fixed for the purchase of these vessels was, or was not, a reasonable amount? Is $289,000 too little or too much for these vessels?

Mr. CLARK, of New York. Will the gentleman answer my question, whether the Secretary had the right or power to charter these vessels?

Mr. BOCOCK. The gentleman will excuse me. If the gentleman from New York thinks the Secretary has made an improvident charter, and has leased these vesesls at too high a rate, will he insist on holding the Government to a bad bargain, when the vessels can be purchased at a reasonable rate? If the gentlemen will consult the interests of the country, and authorize the purchase of these vessels, they can be sold again for as much as they cost. My worthy friend from New York, [Mr. JOHN COCHRANE,] who knows more of these things than I do, has informed me that the steam machinery on these vessels is worth more than the amount which we propose now to appropriate, and that the vessels themselves, if not needed, can be sold again by the Government for more than we propose to give.

But, says the gentleman, "No, no; your Secretary has acted improvident in proposing to give a monthly rate for these vessels, and I will hold him and the country to it."

Now, a word in answer to the gentleman from Indiana. The resolution authorizes the President to use such force as he may think proper in order to settle our difficulties with Paraguay. My worthy friend from Indiana says that the President should have sent a commissioner in advance to settle the difficulties peaceably, if possible; and the gentleman from New York responds by saying that this was understood as a peace measure. But this was a matter of discretion. The commissioner has gone to Paraguay, and will propose his terms. The fleet stands back to give emphasis to his propositions. If the commissioner had gone without the fleet, and his terms had not been acceded to, then he would have had to come back, the expedition would have to be given up, and all this time would have been lost. The Administration, on the contrary, has used the wise precaution of sending a fleet to back the commissioner. The commissioner proposes his terms—reasonable terms; and when the Government of Paraguay hears them, with a distinct knowledge that, if it refuses to accede to them, there is a fleet to back him, then it will be more apt to assent to the terms.

[Here the hammer fell.]

The question was taken on the amendment of Mr. CLARK, of New York; and it was rejected; there being, on a division—ayes 54, noes 73.

Mr. DAVIS, of Maryland. I move to strike out the whole sum. We are beginning now, Mr. Chairman, to reap the fruits of the most improvident resolution of the last session. It was adopted without discussion; with very little consideration. It conferred on the President the power to wage war in the event of refusal of such satisfaction as he, not Congress, might require. It made no appropriation in terms; but, as *now* interpreted by gentlemen in this House, it conferred upon him *unlimited* power. In my judgment, it *did* confer upon him the right, within the limits of the amount of money appropriated at the last session, to use the Army and Navy. It did not confer upon him any right to use anything but the existing Army and the existing Navy, to the extent of the appropriation made at the last session of Congress. We have now revealed to us, by the amendment of the Senate, on which we are acting, that in his charter-parties he has not only made improvident contracts, but has actually gone on to create a fleet of war vessels, unknown to the laws of the United States; and, in the creation of that fleet, has incurred an expense greatly beyond the amount appropriated for the general naval service. In other words, disregarding entirely the most important limitation that this House can impose on the Executive discretion, he has created, out of funds which we did not give him, a fleet which we did not authorize him to create; and with that instrument of his own creation, he has gone on to wage the war which we authorized him, in an unguarded moment of warlike enthusiasm, to wage.

Gentlemen read the language of the resolution, and say that the President is authorized to adopt *such measures* and use *such force* as he might see fit. Ay, what force? Could he order out the whole militia of the United States and put them on a war footing to carry on this war? Could he charter our whole mercantile marine at his pleasure, for the purpose of transporting the militia beyond the limits of the United States? "Such measures!" Could he levy a tax on the people of the country because, in his judgment, that may be

a measure which will accomplish his purpose? Could he add a single regiment to the regular force of the country, for the purpose of waging this war; because that is *a measure* which might be effectual? And if not, has he not, in what he has done, as much transgressed the law?

Sir, the resolution itself is worse than the violation of it by the President. This House laid the Constitution at his feet, by that resolution; and we have no right to complain that he has trampled on both the Constitution and the resolution. To Congress alone is confided the power to declare war; to authorize the President to use force, if Paraguay refuse satisfaction, is not to declare war, on a case *we* think justifiable; but it is to authorize the President to declare it on a case of which we know nothing, wholly future and contingent, depending solely on what will satisfy the President. It is the precedent, which has been followed in another Administration measure, pending elsewhere, which proposes to give the President a right to wage war on all South America and Mexico whenever he sees fit! So far, now, we outstrip the $10,000,000 bill, which provoked the thunder of Webster's indignation.

Mr. PHELPS, of Missouri. I desire to call the attention of the committee to the proceedings had in this House when the resolution, which has been referred to, was passed. At the last session of Congress, we vested the President of the United States with authority to use force against the Government of Paraguay if he should deem it expedient and necessary. Some gentlemen upon this side of the House opposed the resolution conferring that power upon the President, and a debate took place in the House. The resolution was reported from the Committee on Foreign Affairs by a distinguished gentleman from Pennsylvania on the other side of the House—the gentleman from the Pittsburg district, [Mr. RITCHIE,] who had the guidance and management of it in the House. My friend from Virginia [Mr. LETCHER] objected to the resolution. I quote what he said:

"My objection to the resolution is this: the Constitution of the United States vests in Congress the power to declare war; and yet, by this resolution, we propose to vest the President with discretionary power in this matter."

The gentleman from Pennsylvania [Mr. RITCHIE] replied:

"I say that this resolution does take the responsibility which Congress ought to take; and whatever the President does under this resolution, is done by the authority of Congress. But it is believed, by every man acquainted with this affair, that the mere exhibition of a few small vessels at the mouth of the river, will settle the whole difficulty; and that there will be no necessity for the actual use of force."

The gentleman from Virginia then remarked that the gentleman from Pennsylvania did not understand his point. To this, the gentleman from Pennsylvania replied:

"Yes, I do. The gentleman says we give authority to the President to use force. So we do; and we take the responsibility of all the force which may be necessary. The President has nothing to do except in the fulfillment of our resolution."

I say, then, that, when the discussion took place upon this resolution, it was contemplated to clothe the President with power to use force, and all the force necessary, to carry out the object of that resolution.

But gentlemen upon the other side complain that the Secretary of the Navy has brought into employment in the Navy a number of vessels without authority of law. The object was to give him authority to use small vessels to send to Paraguay. The Secretary of the Navy, in his annual report, tells you that he had not vessels of the proper size and description to ascend the river Parana, and, in pursuance of the authority vested in the President of the United States, he found it necessary to charter, and has chartered, such vessels as were needed to supply the deficiency in the Navy.

Mr. DAVIS, of Maryland. Will my friend allow me to ask him if he supposes that the Secretary had authority to contract to purchase these vessels under the resolution of last session?

Mr. PHELPS, of Missouri. The Secretary of the Navy has endeavored to avoid expense. He has not purchased these vessels. He has chartered them; and he has a right, in the execution of any authority or power delegated to him, to charter vessels for naval purposes. He has general authority to charter such vessels as may be necessary in the execution of the authority vested in him, or in the President.

[Here the hammer fell.]

Mr. GROW. I move to strike out the proviso to the amendment of the Senate, which, I believe, provides what shall be done if these vessels are not purchased.

Mr. BOCOCK. That is my proviso.

The CHAIRMAN. There is no proviso to the amendment of the Senate.

Mr. GROW. I move then to reduce the amount of the appropriation to one dollar.

Mr. BOCOCK. I rise to a point of order. I do not know what the practice of the House has been, but my opinion is, that it has been too late to offer any amendment to the amendment of the Senate since my amendment was adopted. The parliamentary law lays down the course of proceeding on Senate amendments. The House or committee, either agrees to the amendment of the Senate or disagrees to it, or agrees to it with an amendment. Now, I moved to agree to this amendment of the Senate with an amendment, and the committee adopted my motion. Is it not then too late further to amend the amendment of the Senate?

The CHAIRMAN. The Chair thinks not. The Chair is of opinion that whatever amendments are adopted by the committee, will be reported to the House as but one amendment.

Mr. BOCOCK. That is contrary to the Manual.

Mr. GROW. I propose to reduce the appropriation to one dollar, because, in my judgment, the charter of these vessels ought not to be paid for by Congress, much less the purchase of the vessels under the circumstances. Gentlemen upon the other side of the House have failed to meet the point made by the gentleman from New York [Mr. CLARK] and the gentleman from Maryland, [Mr. DAVIS.] In answer to the gentleman from New York, the gentleman from Virginia [Mr. BOCOCK] proposes to change the issue, and instead of trying the Secretary of the Navy to try the gentleman from New York.

Mr. VALLANDIGHAM. I rise to a question of order. I require that the gentleman from Pennsylvania shall be confined to the amendment which he has offered, which is to reduce the amount of the appropriation to one dollar.

The CHAIRMAN. The rule allows the gentleman five minutes to explain his amendment.

Mr. GROW. That is what I am going to do. I am going to show that the argument of the gentleman from New York and the gentleman from Maryland, that the Secretary of the Navy has exceeded his authority, has not been answered; and therefore, that the amount appropriated should be reduced to one dollar. Does the gentleman from Ohio understand the application?

Mr. VALLANDIGHAM. As much as you did the application of my remarks yesterday.

Mr. GROW. The Secretary of the Navy has exceeded the authority given him, which was, to use the force which he had. He could not, as has been well said by those who have preceded me, create either an army or a navy. He had no authority given him to use any vessels but those belonging to the Government.

The excuse made for this usurpation of power is, that he had no vessels fitted for this service. Then, sir, it was his duty to wait until the meeting of Congress, and report that he had not carried out the resolution because we had not furnished him with the means. If he could charter or purchase, conditionally, one vessel under that resolution, he could have chartered ten thousand, and thus created an enormous outlay and expenditure for this Government, and have added to the Navy of the country after Congress had refused to build more ships.

Now, sir, I think that this is a flagrant violation of the express authority given to the Secretary of the Navy, or the President, which the Secretary of the Navy has used. It is a clear usurpation of authority; and I would not pay one cent to carry out this contract made without authority of law. Let him be held responsible to these parties with whom he has made this contract; and let them see that their contract is carried out, if he is responsible for it. Does any gentleman upon this floor hold that, by that resolution, we gave the President authority to increase the Army of the Republic to double its present size, when, at the very same session of Congress at which that resolution was passed, we refused to increase the Army?

Yet the President might, under this authority, if it be conceded as placed in his hands, have mustered into service at any time new regiments of troops which Congress had refused to authorize; have placed them under pay, and they would now have composed a part of our Army. Sir, the war-making power of the country is not thus to be trifled with by the Executive officers of the Government.

[Here the hammer fell.]

Mr. LETCHER. This thing shows the necessity of looking into a matter of this kind a little before we undertake to legislate. It ought to teach the House to use a little common sense, and not to legislate under a panic, as we did when this joint resolution passed this House. Now, sir, when this proposition was brought in at the last session of Congress, one would have supposed that two thirds of this House were the legitimate descendants of old Mars himself. We were to have a war with Paraguay, a war about Cuba, and a war about Central America, in the shortest possible time. Whenever any proposition came up having reference to any of these subjects, the House was seized with an immediate panic.

Now, I desire to read from the Globe, in order to show that I then made the objection, which gentlemen on the other side of the House now make, against the Paraguay resolution. I stated then what would be the action of the Secretary of the Navy under the authority given by the President. I am reported in the Globe as having said, on that occasion:

"Mr. LETCHER. My objection to the resolution is this: the Constitution of the United States vests in Congress the power to declare war, and yet, by this resolution, we propose to vest the President with discretionary power in the matter. It is, practically, a transfer from Congress to him of the authority to declare war against Paraguay. It seems to me, in view of this resolution and of the amendment suggested by the gentleman from Georgia, that we are transferring the whole war-making power of the Government into the hands of the Executive, who is to use it according to his discretion. Now, if there is a necessity for war with either of these Powers, I am for the Congress of the United States taking the responsibility which belongs to it—to declare that war and to furnish the Executive with men and money to prosecute it to a successful conclusion. I know that wrong has been done in both of these cases; but, as I said, I am for Congress taking the responsibility which the Constitution devolves upon it, and not transfer it to any other on whom the Constitution does not devolve it. The Constitution defines our powers and points out our duty.

"Mr. RITCHIE. In reply to the gentleman from Virginia, I say that this resolution does take the responsibility which Congress ought to take; and whatever the President does under this resolution, is done by the authority of Congress. But it is believed by every man acquainted with this affair, that the mere exhibition of a few small vessels at the mouth of the river will settle the whole difficulty, and that there will be no necessity for the actual use of the force. We do not want to drive the President into a war, whether or no. We merely authorize him to use force in case he cannot help it; and whenever he does use it, the force will be used by our authority. This resolution takes the whole responsibility. That was the understanding of the Committee on Foreign Affairs, and that is the plain meaning of the resolution.

"Mr. LETCHER. The gentleman does not exactly understand my point.

"Mr. RITCHIE. Yes, I do; the gentleman says that we give authority to the President to use force. So we do, and we take the responsibility of all the force which may be necessary. The President has nothing to do except in fulfillment of our resolution.

"Mr. LETCHER. My point in regard to it is this: that it is for Congress to judge of the necessity of declaring war, and that it ought not to be dependent upon the discretion of anybody. We ought to act for ourselves.

"Mr. RITCHIE. My reply is, that the resolution does recognize the necessity of using force in this case. But this is a very distant region of the world. It is the case of a half barbarous people just entering into the family of nations. But a few years since they had no communication whatever with any nation. And the object of this resolution is to bring that country under the laws of nations, as recognized by everybody. I now move the previous question, and will not withdraw it."

The gentleman from Pennsylvania [Mr. RITCHIE] insisted that whatever the President did, under this resolution, would be done under the authority of Congress. The gentleman, representing the Committee on Foreign Affairs, said their purpose was to arm the Executive with power, for the purpose of coercing Paraguay into such terms as would bring about a final settlement and adjustment of the difficulty between that Government and our own.

Well, sir, by the terms of that resolution, as I construed it then, and as I construe it now, it meant nothing more nor less than what I then said it meant. It will be recollected, by gentlemen who were present at the time, that even the

brief debate which took place upon it, covering scarcely two columns of the Congressional Globe, was listened to with manifest impatience by the House. So strong was the desire manifested to stop all debate at that time, that I know I felt myself compelled to desist, although I wanted to go on in my statement of what I believed to be the effect of the resolution—that it was a virtual surrender, upon the part of Congress, of the war-making power, which is vested in Congress itself, and not in the Executive.

Mr. MILLSON. Who introduced that resolution?

Mr. LETCHER. The gentleman from Pennsylvania [Mr. RITCHIE] reported it from the Committee on Foreign Affairs.

Mr. PURVIANCE. How many members on this side of the House voted for it?

Mr. LETCHER. Twenty-seven members on the Opposition side of the House voted for the resolution, and eighteen Democrats voted against it. How these gentlemen happened to be voting in that particular way, is what I do not know, and have never thought of inquiring about. I have no doubt they cast their votes upon their own convictions of duty, and upon their own judgment.

The amendment to the amendment was disagreed to.

Mr. GARNETT. I offer the following amendment to the amendment:

Provided, however, That the vessels so purchased shall be sold as soon as the difficulties with Paraguay are adjusted.

Mr. Chairman, that amendment I offer in good faith; and I hope to have the attention of the House in what I say upon it, for I do not offer it *pro forma*. I concur entirely in what my colleague [Mr. LETCHER] has said, and I rejoice to remember that I was one of the eighteen on this side of the House who voted against that resolution. I did it then upon the distinct ground that I believed it wrong to confer the war-making power of this Government upon the Executive. But, as my colleague has said, the House was then under the influence of a war fever, or panic, which is sometimes gotten up immediately preceding important elections. We had then the two sides of the House pitted against and outbidding each other in the intensity of this war-making fever. I well remember, on the occasion of the difficulties with England, that one of the most violent war speeches I ever heard in this House was made by the gentleman from Massachusetts, [Mr. BURLINGAME.]

It will be admitted that it was not to be expected that the Democratic party should interpose serious objections to the proposal to confer such a power upon the Executive, who had their entire confidence. But, sir, that measure never would have been carried through this House but for the advocacy of the gentleman from Pennsylvania [Mr. RITCHIE,] assisted by the Republican members of the House.

Mr. PURVIANCE. I will suggest to the gentleman that the resolution was reported by my colleague, under the instructions of the Committee on Foreign Affairs.

Mr. GARNETT. That may be; but the committee found an organ and advocate in the gentleman from Pennsylvania, a distinguished member of the Republican party, without whose assistance it never would have been carried.

Mr. GROW. Will the gentleman allow me to say, that only twenty-two on this side of the Chamber voted for the resolution, while seventy-nine voted against it?

Mr. GARNETT. Yes, sir; I acknowledge that a majority on the Democratic side of the House voted for the resolution; and, as I have said, it was very natural they should, when the proposition was to confer power upon their own President. But I desire to state that the object of my amendment is this: although I think candidly, that the Secretary of the Navy has exceeded his power in this case, yet I believe he has done it conscientiously, and I am, therefore, willing to carry out his contracts; but I am not willing in this way to permanently increase the Navy of the United States; and I propose that as soon as the difficulties have been adjusted, the vessels shall be sold.

[Here the hammer fell.]

Mr. HOWARD. I have no wish to turn this question into a party discussion at all; but I oppose the amendment of the gentleman from Virginia, because that amendment, in fact, recognizes the legality of the action of the Navy Department. Now, sir, it is a strange sight here, when two gentlemen from Virginia bring up their speeches to show what were their views of the effect of this resolution previous to its passage, as if it were absolutely proved that such was the effect. Sir, I appeal to the terms of the resolution itself; and I find that that resolution does not come within a thousand miles of authorizing the Secretary of the Navy to charter these vessels. It does not even squint at such a construction. It simply authorizes him, in a certain contingency, to use the force of a navy—not to make a navy, as has been said over and over again. Now, sir, I do not want to take up the time of the House in discussing this matter; but, in my judgment, this is the proper course for us to take: let us refuse, at all hazards and at all lengths, to concur in the amendment of the Senate. Let us have nothing to do with it. If you offer any kind of amendment to that amendment, it will recognize the action of the Department, which, in my judgment, is a violation of the resolution of Congress, foolish as it is admitted to be on all hands. If, in the hurry, we adopted a bad resolution, certainly we should not now authorize the Department to make it ten times worse. The resolution is bad enough, and do not let us go any further. There is no law for this, and the resolution of the Senate ought to be voted down.

The question recurring on the amendment of Mr. GARNETT,

Mr. MILLSON demanded tellers.

Tellers were ordered; and Messrs. MILLSON and LOVEJOY were appointed.

The House was divided; and the tellers reported—ayes seven, noes not counted.

So the amendment to the amendment was rejected.

Mr. LOVEJOY. I offer the following amendment to the amendment:

Provided, That no more money shall be expended, and that the President be, and he is hereby, directed to suspend all further proceedings, under the resolution of 2d June, A. D. 1858, against the Republic of Paraguay, and that our forces, naval and marine, be recalled.

Mr. PHELPS, of Missouri. I rise to a question of order. It proposes a repeal or suspension of the act of Congress of the last session. I think that is not germane to the pending proposition.

The CHAIRMAN. The Chair thinks that it is germane, and therefore in order.

Mr. LOVEJOY. Mr. Chairman, I will occupy the attention of the committee but for a moment. It is a matter of utter surprise to me that the Administration should have taken the course they have under the resolution of last winter. No one dreamed of clothing the President with any such authority. I recollect very well, that it was said that but one vessel belonging to the Navy would be sent down there for temporary purposes. I certainly did not suppose that such proceedings would be had as have been taken under that resolution.

I was, I repeat, utterly surprised when this matter came up in its present form; and I want to understand how it happens that the Navy, for which we spend annually some eighteen million dollars, was not called upon to go there. Why were not our naval vessels sent there, instead of the Department chartering these nine vessels, two of which proved unseaworthy? I propose my amendment in good faith. If it be passed, it will put a stop to all these proceedings. It forbids the President or Secretary of the Navy to proceed any further. I do not believe that we ought to go into a speculation in vessels. The Secretary has not succeeded very well in his live-oak speculation, and I do not think we ought to intrust him with the sale of the machinery which belongs to our vessels.

The committee informally arose; and

Mr. PIKE, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled bills of the following titles:

An act for the relief of Frances Ann McCauley; and

An act for the relief Mrs. Jane Turnbull.

When the Speaker signed the same.

Mr. RITCHIE. I find that I have been referred to in this debate as in some way chargeable with this Paraguay expedition. With reference to that, I desire to state that, in the discharge of my duty as a member of the Committee on Foreign Affairs, I was obliged to examine the subject, and to report the result of the deliberations of the committee to the House. The committee was unanimously of opinion that the business demanded the attention of the Government of the United States, and directed me to report a resolution giving the President the authority he requested. I did so. The House passed the resolution, and there my responsibility ended. I thought then the resolution was right, and I think so now. For the manner in which the power conferred by the resolution was used by the Administration, for the conduct of the business, I am in no way responsible. The people of the United States elected the President; the President appointed the Cabinet. They are the Executive officers under the Constitution. I did not assist in placing the present officers in power, and am in no way responsible for their acts. I did not at the time pretend to know the precise mode in which the business should be conducted; but, from information derived from the best sources, I believed that if two or three small vessels had been sent, immediately after the adjournment of Congress, with the commissioner, to the mouth of the La Plata river, the whole thing could have been settled in a few weeks, with little expense or trouble to any one. Instead of that, I was astounded by seeing, after my arrival home, all the newspapers filled with rumors of the preparations making for the expedition to Paraguay. A full account of everything that was doing in the Navy Department seemed to be published regularly every day. In fact, the Secretary seemed to have called to his assistance a sort of privy council, composed of the correspondents of nearly all the daily newspapers in the United States. The business of this council was to make proclamation to all the world of everything that the Secretary was doing, or intended to do, against Paraguay. Certainly, such a mode of conducting naval or military operations was never before heard of in the history of the world. Whether the Paraguay expedition shall be successful or unsuccessful, I cannot at present conjecture; but I know that the President, in the conduct of the business, has entirely disappointed my expectations, and has exercised power in the chartering of vessels outside of the Navy which I never thought of as being contained in the resolution as passed by Congress.

I have no desire to shun any responsibility with which I am justly chargeable; but I cannot consent to be charged with the acts of Executive officers. We have to take them as we find them; such as the people choose to give us. If they do well, they are entitled to praise for so doing. If they do ill, I, for one, cannot consent to be charged with their misconduct merely because I have given them power to act in a case which demanded their attention.

The question being on Mr. LOVEJOY's amendment to the amendment,

Mr. LOVEJOY called for tellers.

Tellers were ordered; and Messrs. FLORENCE and LOVEJOY were appointed.

The committee divided; and the tellers reported—ayes thirty-seven; noes not counted.

So the amendment to the amendment was rejected.

Mr. BRANCH. I move to amend by inserting a proviso, that when Paraguay shall have been sufficiently chastised, the vessels shall be called home. I do so, Mr. Chairman, with some degree of reluctance at detaining the House at this late period of the session. The gentleman from Illinois [Mr. LOVEJOY] asks us why it was that the vessels of the Navy were not used for this expedition? I have no special knowledge on the subject, but I have always understood—and I have no doubt that such is the case—that every vessel of our Navy that could ascend the river to Paraguay was sent on the expedition, and that even the revenue cutter was taken from the port of New York because of its light draught. But additional vessels had to be chartered, because there was no vessel in the Navy that could go up the river to the capital of Paraguay.

But, Mr. Chairman, the general policy and propriety of this Paraguay expedition have been called in question. I believe I was one of those who voted for it. I have never regretted that vote, and do not regret it now. Gentlemen speak of a war prevailing with Paraguay, and of our hav-

ing transferred to the President the war-making power. I never regarded it in that light, and I do not regard it in that light now. I do not admit that war exists with Paraguay any more than it exists with the Indian tribes in the western country. When your tribes of savages offend against the Government, you do not declare war against them. You do not pass a law declaring war, nor recognize that a state of war exists with them; but you instruct the executive officers of the Government to chastise them. Thus Congress instructed the Executive to chastise Paraguay; but a state of war no more exists with Paraguay than with these Indian tribes on the western frontier, against whom we are constantly carrying on hostilities. Gentlemen have shown an anxiety to excuse, if not to apologize, for their votes on that occasion. I confess that I voted for it because I thought that Paraguay deserved chastisement; and I hope our armament will not be withdrawn until it has been inflicted. I voted for it, too, because I found that the Committee on Foreign Affairs, which had been charged by the House with investigating the subject—a committee composed of gentlemen representing all parties in the House—reported unanimously in favor of it. The Executive having in good faith adopted the means to chastise Paraguay, the sole question now presented to us is, whether we will pay the expenses incurred under our own orders?

[Here the hammer fell.]

The committee informally rose; and the Speaker having resumed the chair,

Mr. PIKE, from the Committee on Enrolled Bills, reported as correctly enrolled a bill for the relief of Eli W. Goff, and a bill making appropriations for the support of the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1860; when the Speaker signed the same.

The committee resumed its session.

Mr. BURLINGAME. Mr. Chairman, as the vote which I gave last session on this question has been alluded to, I think I may with propriety say a word or two in reference to the causes which led me to record my vote as I did. I was a member of the Committee on Foreign Affairs. This subject came before that committee. It was referred to the distinguished gentleman from Pennsylvania, [Mr. RITCHIE]—a man who always gives to every subject referred to him the most thorough investigation. He made a report to us disclosing these among other facts, that the people of my section of the country had been despoiled of their property to the amount of $300,000 by the tyrant Lopez. It appeared, furthermore, that a United States vessel, the Water Witch, when in the neutral waters of the Parana, had been fired upon, and that an American citizen had been killed on her deck. It appeared, also, that, although repeated efforts had been made to obtain redress, they had all failed. Sir, it was in the face of these facts, and under these circumstances, that I recorded my vote. I think that vote was right. I think the facts given justified it. Whenever an American citizen is injured, (I care not whether it be by a small Power or by a great Power,) I trust that this country will always be ready to vindicate his rights. So far as I am concerned, I will say that my vote, and my voice, and my hand, if need be, will always be ready to vindicate those rights.

I did not, however, by voting for that resolution commit myself to all the involvements to which the Opposition in this House now holds us. I did not commit myself to all the bad management of this singularly infelicitous Administration. I did not commit myself to all these illegal and unconstitutional contracts which have been made. I had not, to be sure, at that time too favorable an opinion of the Administration; and I must confess that its management of this Paraguay expedition has not deepened my regard for it. I did not suppose that my vote was to cover the sea with navies, or the whole land with armies. I believed that if Mr. Buchanan had sent forth commissioners to Paraguay without this array, but simply armed——

Mr. CLAY. Will the gentleman from Massachusetts allow me to ask him a question?

Mr. BURLINGAME. I do not wish to be interrupted. I have but five minutes. I do not see——[Here the hammer fell.]

The amendment was disagreed to.

Mr. SMITH, of Virginia. I move to increase the appropriation $200,000.

Mr. Chairman, I must be permitted to express my surprise at the manner in which this debate has wandered from the issue. My purpose in rising is, to submit a very few remarks upon the question which is really before us. If the committee will listen, they will hear this resolution of last session, which I now propose to read:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for the purpose of adjusting the differences between the United States and the Republic of Paraguay, in connection with the attack on the United States steamer Water Witch, and with the other matters referred to in the annual message of the President, he be, and hereby is, authorized to adopt such measures and use such force as, in his judgment, may be necessary and advisable in the event of the refusal of just satisfaction by the Government of Paraguay."

I have read the resolution for the purpose of letting the committee see what the power was which was given to the President. He was our agent to execute the powers which the Constitution confers upon us. This country, by common consent, was regarded as aggrieved by the Republic of Paraguay. That Republic had expelled our citizens lawfully within its limits; had sequestered their goods and chattels; had fired upon a Government vessel of the United States, engaged in sounding the river Parana, common to two distinct Powers; and the blood of an American citizen had been shed. In this state of things, and because of the subordinate character of the Republic of Paraguay, the Congress of the United States, without reference to party views, but animated, I trust and believe, by a proper patriotic spirit, passed the resolution which I have read. Here, then, was the power conferred; and the only question is, whether the President has exceeded that power. He was authorized, in case satisfaction was refused, to exert the whole strength and power of the country in obtaining redress.

Gentlemen may say that the demand for redress was not made until the fleet had been gotten up. Upon that subject there is really no material difficulty. We have sent a fleet to a point where we are in the habit of having one; but a commissioner has gone forward to see whether or not redress will be afforded us. But in doing this thing the Government found it necessary to supply itself with steamers of a size which it did not possess. I ask how Congress could have supposed, for a moment, that the Government of the United States could obtain redress, if it should be refused by the Government of Paraguay, without the necessary means? The President had a right, unquestionably, to supply himself with those means. It is to be presumed that Congress knew the character of our vessels-of-war. If we had not vessels of the proper draught, the President had a right to supply, and the only question is, whether he should supply them by purchase or by charter?

[Here the hammer fell.]

Mr. BINGHAM. I am opposed to the amendment offered by the gentleman from Virginia. It is my good fortune that I am not under the necessity of making any apology for any vote recorded by me upon the passage of the joint resolution which has been alluded to. I was one of the sixty-one Republicans who recorded their votes against the passage of that resolution, but who were borne down by the almost unanimous vote recorded for it on the other side of the House. I will not stop to indulge in any argument in relation to the small capital attempted to be made by the gentleman from Virginia, [Mr. LETCHER,] out of the small vote cast for it on this side of the House. The gentleman overlooks the very material fact that this joint resolution never could have been acted on by this House, or have become a law, if it had not been recommended unanimously to the House by the Committee on Foreign Affairs, a majority of whom happened then, as they are now, to be friends of the Administration. This, then, was emphatically an Administration measure, sanctioned by the friends of the Administration composing a majority of that committee, and reported by that committee to us, with the approval of the Senate, a majority of whom are friends of the Administration. Without their consent, it never could or would have been heard of here.

I may make another remark in this connection—because it seems now that this joint resolution, as interpreted by the Administration, has no friends upon either side of the House—and it is this: that it came to us indorsed, not only by the majority of the Senate, who are friends of the Administration, but by the head of that Administration—the Chief Magistrate himself.

But, sir, the question to-night is not whether that resolution ought to have passed. That is a bygone question. The real question now before us is, whether we are to concur in the recommendation of the Secretary of the Navy in purchasing the nine vessels wrongfully chartered and conditionally contracted for by him, and without the least shadow of authority or of law? That is the question before this committee to-night; and I will not permit attention to be drawn or diverted from it by any attempts to make party capital by shirking the real question, and going back to the vote on the passage of the joint resolution, at the last session of Congress. It is well known to us all that the language of this joint resolution is so plain that there is no possibility of giving it the Secretary's construction. I venture to say that no jurist who has any respect whatever for his reputation would undertake to decide that the resolution gave the least shadow of authority for the action of the Secretary of the Navy under it.

The language of the joint resolution is this: "in the event of a *refusal* of just satisfaction by the Government of Paraguay," the President "be, and is hereby, authorized to adopt such measures, and use such force, as in his judgment may be necessary and advisable." Who can doubt that the resolution contemplates peaceable measures first, and the employment of force only after *a refusal* on the part of Paraguay "of just satisfaction," upon a peaceable and respectful application therefor by our Government. What is the action of the Executive and his Secretary of the Navy; to employ force first, and negotiate afterward. To that end the Secretary charters, and conditionally contracts for the purchase of, six propellers and three side-wheel steamers; for this he had no colorable authority.

I have not heard to-night one word in excuse of this action of the Secretary of the Navy in chartering these vessels, or contracting conditionally for their purchase. The resolution contemplated no power of the kind. The same authority which would authorize the Secretary of the Navy to charter those nine vessels, and contract for their purchase, would authorize him to charter all the vessels of the British navy, and will any gentleman on the other side of the House say that any such authority was conferred. By passing the amendment proposed by the gentleman from Virginia, [Mr. BOCOCK,] you approve this attempt of the Secretary to arrogate to himself the power to charter and buy war vessels without authority of law. I tell gentlemen who sanction such assumptions of power, that the precedent may hereafter come back to plague them.

[Here the hammer fell.]

The committee here informally rose; and the Speaker having resumed the chair,

Mr. PIKE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled an act to provide for extending the laws and judicial system of the United States to the State of Oregon, and for other purposes; when the Speaker signed the same.

The committee then again resumed its session.

Mr. BOWIE. I move to reduce the amount $100. Sir, we are told by Solomon, the wisest man who ever lived, that "we must be slow to anger." I did not suppose, Mr. Chairman, until the passage of the resolution at the last session of Congress, and until I had read the report of the Committee on Foreign Affairs in this House, and of the Secretary of the Navy, portraying the wrongs we had suffered at the hands of Paraguay, that we had ever had any difficulty with her at all. Then this House were informed, for the first time, that she had, by the direction of her President, fired into some steamer authorized by an act of Congress to go there on an exploring expedition, killed one of the sailors on board, and done some damage to the vessel itself. The subject was brought to us by the Executive, in a communication sent to the House. I concur with my friend from Virginia that, when that communication was received, there was a war panic in this

House. We must repair our injured honor; we must declare war, or *quasi* war; we must, at all events, demand that Paraguay should make an apology to us. That seemed to be the prevailing sentiment, not only on this side of the House, but on the other. The gentleman from Massachusetts, [Mr. BURLINGAME,] with intensest emotions of patriotism, declared that his voice was still for war. This side of the House was for war; and even, it was said, the Black Republican party were disposed to fight in defense of the honor of their country. Sir, what does this resolution propose? To undo, in a great measure, what was so patriotically done at that time.

[Here the hammer fell.]

Mr. PHELPS, of Missouri. I appeal to the committee to let us bring this discussion to a close. I am desirous of disposing of these amendments to-night, in order that they may go to a committee of conference.

The amendment to the amendment was rejected.

Mr. FLORENCE demanded tellers on the Senate amendment, as amended.

Tellers were ordered; and Messrs. CLAY and MORGAN were appointed.

The House divided; and the tellers reported—ayes 76, noes 73.

So the amendment of the Senate, as amended, was concurred in.

Third amendment:

SEC. 2. *And be it further enacted*, That the following general order, issued by the Secretary of the Navy, and dated January 13, 1859, be, and the same is hereby, confirmed:

General order.

Chief engineers of more than twelve years will rank with commanders; chief engineers of less than twelve years with lieutenants; first assistant engineers, next after lieutenants; second assistant engineers, next after masters; third assistant engineers, with midshipmen. This order confers no authority to exercise military command, and no additional right to quarters.

ISAAC TOUCEY,
Secretary of the Navy.

NAVY DEPARTMENT, *January* 13, 1859.

Mr. PHELPS, of Missouri. The Committee of Ways and Means recommend non-concurrence.

Mr. WINSLOW. I move to add to that, these words.

Commanding and executive officers of whatever grade will take precedence over engineer officers.

The amendment was agreed to; and the Senate amendment as amended was agreed to.

Fourth amendment:

SEC. 3. *And be it further enacted*, That the sixth section of the act of the 16th January, 1857, entitled "An act to amend 'An act to promote the efficiency of the Navy,'" shall be so construed as to include officers who, at the time they were dropped or placed upon the reserved list, had been detached from duty or removed from command for supposed inefficiency or unfitness, but who have since been restored to the active list, and such officers shall receive the same pay they were receiving, respectively, when they were so detached or removed by a termination of their cruise, when so, deducting any pay they may have otherwise received during the time aforesaid; and that this shall extend to any officer who has been transferred from the furlough list to the leave-of-absence list by the President, with the advice and consent of the Senate; that such officers of the Navy as were dropped from the service by the action of the late naval retiring board, and who have been subsequently restored to the service and placed on the furlough or leave-pay list, shall be allowed furlough pay if placed on the furlough list, and leave pay if placed on the leave list, for and during the time they were so dropped, deducting any pay which they otherwise received during the time aforesaid.

Mr. PHELPS, of Missouri. That is somewhat of a complicated amendment; and in the brief time that the Committee of Ways and Means had to examine it, they could not recommend it to the House. They therefore recommend non-concurrence. [Cries of "Question!" "Question!" "We will non-concur."] I merely want to remark that those officers of the Navy who have been restored to the active list are provided for by the sixth section of this act; and this amendment is an attempt to give a construction to the act, which, I think, is inconsistent with its provisions.

Mr. MARSHALL, of Kentucky. It has been said, on this side of the House—I do not know whether it is a word of command or not—that "we will non-concur." That is the statement made on this side of the House. I do not know how far the rule goes. I want it understood that it does not include me.

Mr. GROW. Of course not.

Mr. CLAY. Does my friend from Kentucky include himself?

Mr. MARSHALL, of Kentucky. My seat is on this side of the House. But I want to say that I do not think this amendment involves great ambiguity of language. The first part is intended to reach the case of Cadwalader Ringgold. And it is exactly because it does reach his case, and because I think he was unkindly and unjustly treated, that I feel anxious in regard to this amendment. It provides that a man shall have the pay, when, on a state of the case, which turns out to be untrue, he was detached, and was afterwards restored when his case came to be examined by the constituted authorities of the country. It provides that under such circumstances, he is not to be deprived of his pay while so detached.

The rest of the amendment provides that those who were transferred from the retired list to the furlough list, and were subsequently restored, shall have the pay of the higher grade to which they were restored. The House has voted in favor of the same principle to-day. Why should we commit this matter to a committee of conference? Is not the House capable of acting on it itself? Is there, in the three propositions of the amendment, anything that the House does not understand? This is a mere matter of justice to officers who, even according to the acceptation of the Government itself, have been treated unworthily by the Government. We can do justice to these men in a moment; but if we transfer it to a committee of conference, their action will be reported, perhaps, in the small hours of the morning, when the amendments will be referred to by their members only; and we shall not know till after we get home what we have done in agreeing to the report of the committee of conference.

Tellers were called for, and ordered; and Messrs. STEWART, of Maryland, and MARSHALL, of Kentucky, were appointed.

The committee divided; and the tellers reported—ayes 78, noes 57.

So the amendment of the Senate was concurred in.

Mr. PHELPS, of Missouri. I move that the committee do now rise, and report the amendments to the House.

The motion was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. JONES, of Tennessee, reported that the Committee of the Whole on the state of the Union had, according to order, had the state of the Union generally under consideration, and particularly the amendments of the Senate to the Navy appropriation bill, and had directed him to report the same to the House, with the recommendation that some of said amendments be concurred in with amendments and some without amendments.

Mr. PHELPS, of Missouri, demanded the previous question on the amendments.

The previous question was seconded, and the main question ordered.

First amendment of the Senate:

Page 1, line thirteen, insert:

For payment of officers restored to the Navy, under the provisions of the act of January 16, 1857, during the period of their retirement or suspension, $62,394.

The Committee of the Whole on the state of the Union recommended a concurrence in the amendment.

The amendment was concurred in.

Second amendment:

Page 3, after line twenty-five, insert:

For the payment of the charter of vessels for the Paraguay expedition for nine months, $173,700.

The Committee of the Whole on the state of the Union recommended a concurrence in the amendment, with an amendment, to insert after the word "charter" the words "or purchase," and to add at the end of the clause the following proviso:

Provided, That if the said vessels shall not be purchased, no more shall be used of the sum herein appropriated than may be necessary to pay for the charter of said vessels at the rate agreed on, for such time as they may be employed by the Government of the United States.

Mr. PHELPS, of Missouri. I think there has been a mistake in reporting that amendment to the House. I think the gentleman from Virginia moved to increase the amount of the appropriation, and that his amendment was agreed to.

Mr. BOCOCK. No, sir. I submitted no amendment to increase the amount.

The amendment recommended by the Committee of the Whole on the state of the Union was agreed to.

The question recurred on concurring in the amendment of the Senate as amended.

Mr. HICKMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 83, nays 77; as follows:

YEAS—Messrs. Adrain, Ahl, Arnold, Avery, Barr, Bishop, Bocock, Bonham, Bowie, Bryan, Burnett, Burns, Caskie, Cavanaugh, John B. Clark, Clay, James Craig, Crawford, Davis of Indiana, Dimmick, Dowdell, Eustis, Faulkner, Florence, Foley, Garnett, Gillis, Groesbeck, Grover, Lawrence W. Hall, Hodges, Hopkins, Houston, Hughes, Huyler, Jackson, Jenkins, George W. Jones, Owen Jones, Jacob M. Kunkel, Landy, Leidy, Maclay, McKibbin, McQueen, McRae, Humphrey Marshall, Maynard, Miles, Millson, Moore, Niblack, Peyton, John S. Phelps, William W. Phelps, Phillips, Powell, Reagan, Reilly, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Aaron Shaw, Henry M. Shaw, Shorter, Singleton, William Smith, Stephens, Stevenson, James A. Stewart, George Taylor, Miles Taylor, Underwood, Vallandigham, Vance, Ward, Watkins, White, Whiteley, Winslow, and Wortendyke—83.

NAYS—Messrs. Abbott, Andrews, Bennett, Bingham, Blair, Bliss, Brayton, Buffinton, Case, Chaffee, Ezra Clark, Horace F. Clark, Clawson, Clark B. Cochrane, Colfax, Comins, Covode, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dodd, Durfee, Edie, Foster, Gilmer, Gooch, Goodwin, Granger, Grow, Harlan, Harris, Haskin, Hickman, Hoard, Horton, Howard, Keim, Kellogg, Kelsey, Knapp, John C. Kunkel, Leiter, Lovejoy, Matteson, Morgan, Morrill, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Mott, Murray, Nichols, Olin, Palmer, Parker, Pettit, Pike, Pottle, Purviance, Ritchie, Robbins, Roberts, Royce, John Sherman, Spinner, Stanton, Tappan, Tompkins, Wade, Waldron, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, and Wood—77.

So the amendment, as amended, was concurred in.

During the call of the roll,

Mr. BRANCH stated that he had paired off with Mr. DEAN.

Mr. POTTLE announced that Mr. LEACH had paired off with Mr. ATKINS.

Mr. MOORE stated that Mr. CURRY had paired off with Mr. KILGORE.

Mr. STEWART, of Maryland, stated that Mr. TALBOT had paired off with Mr. FENTON.

Mr. WRIGHT, of Tennessee, stated that he had paired off with Mr. GILMAN, or he should have voted in the affirmative.

Mr. REAGAN stated that Mr. GREENWOOD had left the Hall in consequence of indisposition.

Mr. CRAWFORD made a similar statement with respect to Mr. WRIGHT, of Georgia.

Mr. MOORE said: I voted last session against the resolution authorizing this Paraguay expedition, and I do not think it ought ever to have been passed; but as it has been passed, and as I think the authority has been properly exercised by the President and the Secretary of the Navy under it, I vote "ay."

Mr. UNDERWOOD said: If it is in order to make explanations, I desire to say that I, too, voted against this Paraguay expedition. I do not believe, however, that it has been carried out in accordance with law; yet I do believe that it is incumbent upon the Government to meet the responsibilities which have been incurred.

Mr. WHITE announced that Mr. GARTRELL, having been compelled by indisposition to leave the Hall, had paired off with Mr. THOMPSON.

The result having been announced as above recorded,

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the amendment of the Senate, as amended, was concurred in; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

Mr. HOUSTON, (at eleven o'clock and twenty-eight minutes, p. m.) This side of the House is pretty well thinned out. I believe there are not more than a dozen or two members here; and I move that the House do now adjourn. [Loud cries of "No!" "No!"] There is no use in trying to stay here and do business, if members leave us in this way.

Mr. FLORENCE. A hundred and sixty names were recorded on the last vote.

Mr. HOUSTON. Many members left the House as soon as they had recorded their votes.

The question was taken; and the House refused to adjourn—ayes thirty-five, noes not counted.

The third amendment of the Senate, as amended by the Committee of the Whole on the state of the Union, was concurred in without a division.

The fourth amendment of the Senate was concurred in—ayes 70, noes 58.

The amendments of the Senate to the bill having been all disposed of,

Mr. PHELPS, of Missouri, moved to reconsider the several votes on the amendments of the Senate; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I ask the unanimous consent of the House that the amendments of the Senate to the Post Office appropriation bill may be printed. I do not propose any action on the bill to-night.

Mr. GROW. I desire to say to the gentleman from Missouri that I have no objection to this bill being taken from the Speaker's table in the morning, if he will permit me to offer the resolution which I have indicated in reference to it, and have a vote of the House upon it.

A MEMBER. We consent to no agreement of that kind.

Mr. PHELPS, of Missouri. Has the gentleman from Pennsylvania any objections to having the amendments to the bill printed? I will say that I have myself taken the responsibility of having them sent to the Public Printer.

Mr. GROW. I have no objection to that.

The bill and amendments were accordingly ordered to be printed.

DIPLOMATIC AND CONSULAR BILL.

Mr. HOPKINS, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House making appropriations for the diplomatic and consular service of the Government for the year ending June 30, 1860, made the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 666) making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th of June, 1860, having met and considered the same, and, after a full and free conference thereon, have agreed to recommend, and do recommend, to the respective Houses, as follows:

That the House of Representatives recede from its disagreement to the fifth amendment of the Senate, and agree to the same; and

That the Senate recede from its eighth amendment to the said bill, disagreed to by the House of Representatives.

J. M. MASON,
JEFF. DAVIS,
WILLIAM H. SEWARD.
Committee on the part of the Senate.

G. W. HOPKINS,
D. RITCHIE,
H. WINTER DAVIS.
Committee on the part of the House.

The eighth amendment of the Senate, from which the committee recommend that the Senate recede, is as follows:

"SEC. 4. *And be it further enacted*, That no more money for the fiscal year commencing July 1, 1859, shall be expended for the objects herein provided for than the amount appropriated in this bill, together with such amounts of the permanent and indefinite appropriations as may be applicable thereto."

The fifth amendment of the Senate, from their disagreement to which the committee recommend that the House recede, is as follows:

Strike out "$71,000" and insert "$150,000," in the following clause of the bill:

"For compensation of the commissioner, secretary, chief astronomer and surveyor, assistant astronomer and surveyor, clerk, and for provisions, transportation, and contingencies of the commission to run and mark the boundary line between the United States and the British possessions bounding on Washington Territory, $71,000."

Mr. HOPKINS. I move the previous question on the adoption of the report of the committee of conference.

The previous question was seconded, and the main question ordered to be put; and, under the operation thereof, the report was adopted.

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the report was adopted, and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION.

Mr. McRAE. Mr. Speaker, last night a question came up for the action of the Committee of the Whole on the state of the Union—it was the payment of the claim of the State of Massachusetts—and during the discussion, I stated, in reply to a remark thrown out by one of the members, that I would not have the slightest hesitation in casting my vote for that claim, and spreading it upon the record. I stated that I assumed the responsibility to the full, for I honestly believed the claim was a just one, and that it ought to be paid. Unfortunately, however, for me, I did not happen to be here early this morning when the question came up in the House; and now I only want to say that had I been here I would have willingly voted for it.

And then, on motion of Mr. McQUEEN, the House (at forty-five minutes past eleven o'clock, p. m.) adjourned.

IN SENATE.

THURSDAY, *March* 3, 1859.

Mr. GWIN. It will consume a great deal of time to read the Journal. I hope it will be dispensed with.

Mr. BRODERICK. I object.

The Secretary commenced to read the Journal of yesterday.

Mr. STUART. I suggest to the Senate the propriety of dispensing with the reading of this long Journal this morning. We have certainly to be very industrious to get through with the business of this session. I hope the reading will be dispensed with by unanimous consent.

Mr. BRODERICK. I hope the Journal will be read. ["No!" "No!"]

Mr. STUART. It will require an hour and a half.

Mr. BRODERICK. I withdraw my objection.

The reading of the Journal was dispensed with, by unanimous consent.

CREDENTIALS.

Mr. CLINGMAN presented the credentials of Hon. THOMAS BRAGG, elected a Senator of the United States, by the Legislature of North Carolina, for the term of six years, from and after the 4th day of March, 1859; which were read, and ordered to be filed.

NAVAL APPROPRIATION BILL.

The VICE PRESIDENT announced the appointment of Mr. MALLORY, Mr. BRIGHT, and Mr. HAMLIN, as the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 712) making appropriations for the naval service for the year ending the 30th of June, 1860.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House insisted upon its amendments to the amendments of the Senate to the bill (H. R. No. 712) making appropriations for the naval service for the year ending the 30th of June, 1860, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEORGE W. JONES, of Tennessee, Mr. JOHN SHERMAN, of Ohio, and Mr. WARREN WINSLOW, of North-Carolina, managers at the same on its part.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills; and they were signed by the Vice President:

A bill (H. R. No. 666) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1860; and

A bill (S. No. 593) for extending the laws and judicial system of the United States to the State of Oregon, and for other purposes.

PETITIONS, ETC.

Mr. CAMERON presented a memorial of iron manufacturers of Pittsburg, Pennsylvania, approving the bill introduced by Mr. FITCH relative to the use of American iron in the public works; which was ordered to lie on the table.

He also presented a memorial of citizens of Philadelphia approving the bill introduced by Mr. FITCH relative to the use of American iron in the public works; which was ordered to lie on the table.

Mr. BRODERICK presented a resolution of the Legislature of California, instructing their Senators and requesting their Representatives to use their influence to procure the passage of an act granting the right of way, and making appropriations to aid in the construction of a line of electric telegraph, now being built from Placerville to great Salt Lake City, known as the Placerville, Humboldt, and Salt Lake Telegraph Company; which was ordered to lie on the table, and be printed.

He also presented a resolution of the Legislature of California, instructing their Senators and requesting their Representatives to urge upon Congress the immediate payment of the Indian war debt due to the citizens of that State; which was ordered to lie on the table, and be printed.

Mr. FITCH, from the Committee on Printing, to whom was referred the motion to print a message of the President of the United States, communicating, in compliance with a resolution of the Senate, a copy of the opinion of Judge Brewer on the Great Falls land condemnation case, reported in favor of printing the usual number, and five hundred additional copies for the use of the War Department; and the report was agreed to. He stated that the dissemination of the opinion would have a tendency to prevent the claims for damages to a large amount against the Government.

He also, from the same committee, to whom was referred the motion to print the message of the President of the United States, communicating, in compliance with a resolution of the Senate, certain letters of Mr. Perry, late secretary of legation of the United States at Madrid, reported in favor of printing the usual number; and the report was agreed to.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 780) for the relief of James Collier, reported it without amendment.

Mr. CRITTENDEN, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 464) for the relief of Francis Dainese, reported it without amendment.

Mr. HUNTER, from the Committee on Finance, to whom was referred the bill (H. R. No. 888) making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians for the year ending June 30, 1860, reported it with an amendment.

HOUSE INVESTIGATING COMMITTEE.

Mr. HUNTER, from the same committee, to whom was referred the bill (H. R. No. 890) making an appropriation for the payment of the expenses of investigating committees, and for other purposes, reported it without amendment, and asked for its immediate consideration.

By unanimous consent, the bill was considered as in Committee of the Whole. It appropriates $10,000 to pay the expenses of the several investigating committees of the House of Representatives during the present Congress.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SEBASTIAN. I move to take up the bill (S. No. 389) providing for the allotment of lands to certain New York Indians, and for other purposes, which has been returned from the House of Representatives with an amendment, for the purpose of concurring in the amendment.

Mr. HUNTER. I desire to make an appeal to the Senate to permit me to go on with the regular civil appropriation bill. I am told that it is very doubtful whether we shall get through. This is the heaviest appropriation bill, as to items, and the most difficult one we shall have to manage. In view of all these circumstances, I rise to make a personal request of the Senate that they will permit me to take it up, and go on with it; and, then, if Senators will be so kind as not to speak more than may be necessary merely to explain their amendments, we may, perhaps, get it to the House of Representatives by two o'clock, and then we shall see our way clear before us. Senators will have abundant time between then and to-morrow at twelve o'clock, to pass these other measures. I submit that motion, and I hope the Senate will indulge me.

Mr. KING. I hope the bill referred to by the Senator from Arkansas will be taken up. I want to offer an amendment to it, and it is one which I think will not occasion debate.

The VICE PRESIDENT. The question is not debatable under the action of the Senate the other night. The motion is to suspend all prior orders of business to take up the bill (S. No. 389)

providing for the allotment of lands to certain New York Indians, and for other purposes.

Mr. HUNTER. I hope the Senate will let me go on with the appropriation bill. I shall vote against this motion with that hope.

The motion was not agreed to.

Mr. HUNTER. I now submit my motion.

Mr. JONES. I want to ask the Senate, for the benefit of the Delegate from Nebraska, to take up Senate bill No. 586, which was reported unanimously by the Committee on Public Lands, and which the chairman of that committee, in five words, will explain.

Mr. HUNTER. I object. It can be taken up after the appropriation bill.

Mr. JONES. I ask the consent of the Senate.

The VICE PRESIDENT. The Senator from Virginia had the floor, and the Chair understood him to yield it.

Mr. HUNTER. I certainly did not intend to yield.

Mr. JONES. This is a private bill. I am just from the President, and he will not sign a private bill after twelve o'clock to-night; but appropriation bills he will sign until eleven or twelve o'clock to-morrow.

Mr. HUNTER. That was under the impression that we might adjourn at twelve o'clock to-night, which we cannot do.

Mr. JONES. No, sir. It is under no such presumption.

Mr. BRODERICK. I rise to a question of privilege. I wish to present resolutions from the Legislature of the State of California.

The VICE PRESIDENT. It is not in order at this moment to present them, unless by general consent. The Chair will receive them with pleasure at the proper time; but the Senator from Virginia having the floor, has moved to postpone the prior orders, and take up the appropriation bill on which the Senate was engaged yesterday.

Mr. BRODERICK. Will not the Senator from Virginia permit me to offer these resolutions?

Mr. HUNTER. If the bill were taken up, I should not object to their being received.

Mr. BRODERICK. I present them anyhow.

Mr. HUNTER. If they will go on the table without anything being said, I shall not object.

The VICE PRESIDENT. The Secretary will read the resolutions of the Legislature of California, if there be no objection.

Mr. GWIN. I move that their reading be dispensed with, and that they be printed.

Mr. BRODERICK. I sent them to my colleague two days since, and if he had presented them, I should not have taken up time now. I think it a duty a Senator owes to his constituents to present resolutions of the Legislature of his State. I have a very poor opinion of the Legislature which passed these resolutions; but still, in the discharge of my duty, I present them.

The VICE PRESIDENT. Shall the reading of the resolutions be dispensed with, and they be printed? ["Agreed!"] The Chair hears no objection to that course.

The purport of the resolutions is stated above.

CIVIL APPROPRIATION BILL.

The motion of Mr. HUNTER was agreed to, and the consideration of the bill (H. R. No. 713) making appropriations for sundry civil expenses of Government for the year ending the 30th of June, 1860, was resumed, as in Committee of the Whole, the pending question being on the following amendment, offered by Mr. BRIGHT, from the Committee on Public Buildings and Grounds:

And be it further enacted, That, for procuring the necessary furniture for the Senate Chamber, the audience rooms, the committee-rooms, the rooms occupied by the office of the Secretary of the Senate, and other rooms of the north wing of the Capitol in the occupancy of the Senate and its appendages, the superintendent of the Capitol extension be directed to make a survey, and ascertain what articles of furniture will be needed, with the materials, designs, and dimensions of the same; and that he be, and is hereby, authorized to publish the proper specifications and descriptions of the articles that may be required, and invite sealed proposals to be made to him, within thirty days from the date of the first publication of the same, for the manufacture and construction of the said articles of furniture, to be opened, at the appointed time, in the presence of the bidders or other persons; and that a contract or contracts for such furniture shall be made with the lowest and best bidder, reference being had to the quality of the material, the superiority of workmanship, and the time in which the same shall be completed; and that proper security shall be taken for the faithful and prompt execution of the work; and that, for the purpose of paying for the said furniture, as it may be completed and delivered to the satisfaction of the said superintendent, such sum of money as may be required therefor be, and the same hereby is, appropriated, to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That the amount to be expended under this section shall not exceed $50,000.

Mr. JOHNSON, of Tennessee. I move to amend the amendment by striking out all after its enacting clause, and inserting:

That the sum of $50,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purchase of such furniture as may be required for the north Capitol extension, to be expended by the Secretary of the Senate under the direction of the committee to audit and control its contingent expenses.

I want it recorded now, that if the original amendment be adopted, the furniture for the various rooms, instead of costing $50,000, will cost the Government over $300,000. As to the economy that has been heretofore evinced by the superintendent, I think we have evidence around us in this building to form a judgment. I know it is very easy to make remarks in reference to the taste of particular individuals, and when I talk of economy, it is not my intention that things shall be reduced to a point at which they do not comport with the Government, or the wants of those who have to enjoy them. I should like to see these rooms furnished suitably and properly, but, at the same time, economically. I am satisfied that if the rooms be furnished according to the original amendment, under the direction of the Superintendent of the Capitol extension, the furniture will cost over $300,000.

Mr. DAVIS. Who says so?

Mr. JOHNSON, of Tennesee. I am satisfied of it; and when we look at his economy in erecting the public buildings and in furnishing the other end of the Capitol, I think we may come to a conclusion as to what he will do in this case. We may judge what his action will be in the future from what it has been in the past. If it was necessary, I might call the attention of the Senate to a memorial which has been presented to Congress by an architect, who, as I understand, first prepared the plan of this building, and upon the basis of whose plan the extensions have been made. Take some items of expenditure that he gives, and I think we may have, at least, a vague idea of the kind of economy that would be carried into the furnishing of these rooms if it were left to the superintendent.

I have no disposition, however, to consume unnecessarily the time of the Senate. It was remarked last night that the term of the committee to audit the accounts will expire with the session. The Senate meets to-morrow again, however, and can then reorganize the committees. This is a committee under the control of the Senate to audit the accounts of one of its own officers—a gentleman who, I presume, has as good taste in selecting furniture as the superintendent. It is very strange that Senators upon committees, knowing the kind of desks and tables used in the committee-rooms, are not competent to direct an officer of their own making as to the kind of furniture they want for their committee-rooms, and be responsible to the Senate and the country for it; but, somehow or other, it seems we have got to such a pass that nothing can be done of the least importance about the Government unless it is placed under the charge of the military department. All the public buildings, it seems, must be carried on under that department, and we cannot even have the committee-rooms of the Capitol furnished now unless it is confided to the War Department. Your own committees and the Secretary of the Senate, it seems, are not competent to select the little articles of furniture suitable to their own rooms.

I hope my amendment will be adopted. I am satisfied, I repeat again, and want it remembered, that it will cost $300,000 if left to Mr. Meigs; and besides I shall not be surprised if there were to be a very fat contract under the original amendment.

Mr. HUNTER. I hope we shall have a vote.

Mr. JOHNSON, of Tennessee, called for the yeas and nays; and they were ordered.

Mr. BAYARD. I shall vote in favor of the amendment to the amendment. I think, as to the furnishing of the Senate Chamber and the committee-rooms, an officer who is connected with the body would be more apt to know the wants and habits of the Senate, and the proper furniture, than to intrust it to any other person. Besides, I have no great faith in the contract system, which the original amendment involves. I believe that, with an honest man to deal with, the matter under the supervision of your own committee, your furniture will be furnished at a cheaper rate, and it will be more appropriate, because it will be selected by an officer who is competent, from his knowledge of the business habits of Senators and their wants, to know what it is proper to buy. I do not think it at all connects itself with the construction of the Capitol. As regards that, I differ from many opinions I have heard expressed. I do not charge extravagance at all on any officer who has had charge of the Capitol. I think the fault lies with ourselves. We were constantly, when the Treasury was full, in the habit of making appropriations to urge this building on to a very splendid completion. I have no objection to the external structure; I differ in taste as to some of the internal adornments. As an illustration, to show that the fault belongs to ourselves, I may mention that, in the first instance, when the dome of the Capitol was removed, it was done by an amendment tacked on by Congress to an appropriation bill, without any recommendation from the architect or the superintendent; and then, when the appropriation was made to take down that dome, it was removed, and, of course, everybody was surprised to find that we had to put a new dome in its place at a very heavy expense. That is the way we make these expenditures; and then we charge them on other persons. That was the mode in which that appropriation was originally made, without the report of a committee, and without any recommendation from the architect or superintendent. One hundred thousand dollars were appropriated to take down the old dome of the Capitol; and of course, when it was taken down, we had to make provision to supply its place; and then we had to go to those who had charge of it for the purpose of giving us estimates and plans for the construction of a new dome.

Mr. DAVIS. If my friend from Delaware will allow me, I wish to state a fact to him. I do not propose to enter into this discussion, though it would be very easy to refute the charges which have been made. They may go for what they are worth; other people will judge of them. I want merely to state a fact in that connection. A plan for a dome, drawn by the person then and now architect, was exhibited in the House of Representatives, and the Committee on Public Buildings of that House adopted that plan, and proposed an appropriation, which was agreed to. At a subsequent year, the inquiry was made, what would the dome cost? The officer in charge of the work had made no estimate, because he had had no connection with it. An inquiry was sent to the War Department, and the answer was that "we made no estimates, for we had no connection with it." The then Secretary (who was myself) not being in favor of the dome at all, being opposed to it, and having endeavored to get the committee not to commence it, it was necessary to send to the architect who had made the drawing, and ask him what he thought it would cost. A rough guess was sent back; and Congress has been legislating on that.

Mr. BAYARD. I think the honorable Senator is mistaken with regard to the legislation as to the dome. I was then chairman of the Committee on Public Buildings of the Senate. The appropriation came to us as an appropriation to take down the old dome, alone, and no more; and, on inquiry of members of the House of Representatives, I learned that the appropriation was inserted without a recommendation of a committee, and without reference, at all, to what was to be put in its place. I merely mention this as an illustration.

Mr. FOSTER. I move to lay the amendment to the amendment and the amendment on the table.

Mr. HUNTER. That will take the whole bill on the table.

Mr. FOSTER. I withdraw my motion.

The question being taken by yeas and nays on the amendment of Mr. JOHNSON, of Tennessee, to the amendment of Mr. BRIGHT, resulted—yeas 19, nays 29; as follows:

YEAS—Messrs. Bayard, Broderick, Cameron, Chandler, Collamer, Crittenden, Dixon, Hamlin, Harlan, Johnson of

Tennessee, King, Mason, Polk, Reid, Rice, Shields, Stuart, Trumbull, and Wade—19.

NAYS—Messrs. Allen, Benjamin, Bright, Chesnut, Clark, Clay, Clingman, Davis, Fitch, Fitzpatrick, Foot, Foster, Green, Gwin, Hale, Hunter, Iverson, Johnson of Arkansas, Jones, Kennedy, Lane, Sebastian, Seward, Simmons, Slidell, Toombs, Ward, Wilson, and Yulee—29.

So the amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment of the Senator from Indiana.

Mr. MASON. I desire to know whether there is now any limitation on the appropriation?

The VICE PRESIDENT. The amendment reads:

Provided, That the amount expended under this section shall not exceed $50,000.

The amendment was agreed to.

Mr. BRIGHT. I have another amendment from the Committee on Public Buildings and Grounds:

For introducing the Potomac water into the botanic garden, and building a cistern therein, $1,000.

The amendment was agreed to.

Mr BRIGHT. I have a further amendment to offer from the Committee on Public Buildings and Grounds; it is the only one I have left:

To enable the Commissioner of Public Buildings to pay to John F. Callan for stone taken from square numbered 562, in Washington city, and used in paving New Jersey avenue, $162.

Mr. HALE. That is a private claim.

Mr. BRIGHT. It may, perhaps, strike the Chair as being a private claim; but it really is not. It is to pay for stone taken by mistake, and used by the Commissioner of Public Buildings. Here is his note, stating the fact; it is about five lines, and will explain it. The amount would be paid out of the fund generally given to the Commissioner of Public Buildings, but he has no such fund now on hand. I ask that the letter be read.

The Secretary read it, as follows:

OFFICE COMMISSIONER PUBLIC BUILDINGS,
February 19, 1859.

DEAR SIR: The stones mentioned in the within bill were taken from square numbered 562, under a misapprehension, and used in paving the gutter on New Jersey avenue. The appropriation for grading, &c., New Jersey avenue has been exhausted, and I therefore have no means of paying for them.

Very respectfully, your obedient servant,
JOHN B. BLAKE, *Commissioner.*

Hon. J. D. BRIGHT, *Chairman Committee on Public Buildings, United States Senate.*

The VICE PRESIDENT. The Chair thinks it is a private claim, if the point of order is insisted on.

Mr. DAVIS. I rather think it is a mistake of a public officer, and hardly to be considered a private claim. As I understand the case, the Commissioner took the stone under the belief that it belonged to the public, and subsequently found out that it was private property. This is to enable him to pay for it. Certainly, he is subject to be proceeded against for trespass unless the money is paid.

Mr. TRUMBULL. That cannot alter the character of it. It is certainly a private claim.

The VICE PRESIDENT. The Chair decides the point of order to be well taken.

Mr. DAVIS. I appeal from the decision of the Chair.

The VICE PRESIDENT. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

The question being taken, the decision of the Chair was sustained; there being, on a division—ayes 27, noes 13.

Mr. CAMERON. I think, if this case was understood, there would be no doubt about it.

Mr. YULEE. I voted under a mistake.

The VICE PRESIDENT. That does not affect the result.

Mr. BRIGHT. I am quite sure the Senate do not understand this case. ["Yes, we do."] The Commissioner of Public Buildings took this stone under the impression that it belonged to the Government, and had been paid for. It turned out that it belonged to a private individual.

The VICE PRESIDENT. The point has been decided.

Mr. BIGLER. I call for the yeas and nays.

The VICE PRESIDENT. It is too late to call for the yeas and nays. The question has been determined, and the result announced.

Mr. WADE. I have an amendment to offer:

For a fence to inclose the post office and custom-house at Toledo, Ohio, the sum of $2,500.

I have a letter from the Department explaining it.

The Secretary read the following letter:

TREASURY DEPARTMENT. OFFICE OF CONSTRUCTION,
WASHINGTON, D. C., *March* 1, 1859.

SIR: The inclosing fence for the grounds of the new custom-house at Toledo, Ohio, has not been built, because there is no appropriation available for the purpose.

The fence I deem positively necessary for the proper protection of the public property. Its probable cost would be about twenty-five hundred dollars, ($2,500.)

I am, very respectfully, your obedient servant.
A. H. BOWMAN,
Engineer in charge Treasury Department.

To Hon. RICHARD MOTT, *House of Representatives.*

Mr. HUNTER. I rise to a question of order. An estimate from the engineer in charge does not come within the rules. It must be from the Department.

Mr. WADE. The Senator from Virginia says that this is not a recommendation of the Department. Well, sir, the letter comes from an officer intrusted with this business, and he acts on behalf of the Department, and in the name of the Department. I do not suppose that the head of the Department is going to survey this matter and report on it in person; but what he does by an agent, I take it, he does by himself.

The VICE PRESIDENT. The Senator from Virginia raises a point of order that this is an additional appropriation offered to an appropriation bill, and that there is no estimate for it from the head of any Department. It seems to the Chair that the point is well taken.

Mr. HALE. I have a small amendment, which involves no appropriation, and is recommended by the Committee on the Post Office and Post Roads:

And be it further enacted, That the post office in Boston, Massachusetts, shall not be removed from its present location till after the next session of Congress: *Provided*, The remonstrants against its removal will indemnify the Government for any additional expense growing out of any contract for another site.

Let me state to the Senate the reason for the amendment. The postmaster of Boston has entered into a contract to remove the post office from its present location, and a remonstrance has been sent to Congress, and the papers were submitted to the Post Office Committee. As it presents itself to the committee, it seems to be an arrangement by which the postmaster at Boston is to put in his pocket from five to ten thousand dollars a year, he being the owner of the new site, and the lease is to run for a great number of years. The Committee on the Post Office and Post Roads were not willing to present a report thus implicating the postmaster, until he had an opportunity to be heard; but they think, in obedience to the wishes of the people of Boston, that the removal of the post office should be suspended until Congress have time to examine the subject; and this amendment simply provides that the removal shall not be made until the next Congress, provided the remonstrants will indemnify the Government against any expense which may be occasioned by the delay. If the committee were to report now, the report would implicate the postmaster. They are unwilling to do it until he has an opportunity to be heard; and they now simply ask that the matter be suspended until next session.

Mr. HUNTER. It seems to me this is a subject on which we cannot legislate in this bill. I hope we are not to be pressed with amendments of that sort; but let us have the question.

The amendment was agreed to—ayes twenty-seven, noes not counted.

Mr. DAVIS. By the Committee on Military Affairs I am instructed to report an amendment for some Florida volunteers:

For the payment of volunteers employed in Florida during the years 1857 and 1858, and who were called into service by requisition of the President on the Governor of that State, the sum of $413,600, or so much thereof as may be necessary to pay the amount found due for the time said troops were actually in the service of the United States: *Provided*, That no greater pay or commutations be allowed than are authorized by law to similar troops of the United States.

I send a couple of brief letters to the desk to be read; one from the Secretary of War, and the other from the Paymaster General, submitting the estimates.

The Secretary read the following letters:

WAR DEPARTMENT, *March* 1, 1859.

SIR: I transmit herewith, a copy of a communication from the Paymaster General, from which it will be perceived that the sum of four hundred and thirteen thousand six hundred dollars ($413,600) will be required for the payment of the Florida volunteers called into service by General Harney and Colonel Loomis, under an order from the President; and again have the honor to request the passage of an appropriation for that object.

Very respectfully, your obedient servant,
JOHN B. FLOYD, *Secretary of War.*

Hon. J. C. BRECKINRIDGE, *President of the Senate.*

PAYMASTER GENERAL'S OFFICE,
October 26, 1858.

SIR: I have the honor to report that since the receipt at this office of all the muster rolls of Florida volunteers, called into service of the United States by Brevet Brigadier General Harney and by Colonel Loomis, in the years 1857 and 1858, it is ascertained from them that the sum of $413,600 will be required to be appropriated by Congress for their payment.

I have the honor to be, very respectfully, your obedient servant,
BENJAMIN F. LARNED,
Paymaster General.

Hon JOHN B. FLOYD, *Secretary of War.*

Mr. BRODERICK. I hope this amendment will be laid aside for the present. I believe it is the intention of the committee next year to make some provision for the payment of the Indian war debt in California and other States. My State has a like claim against the Government, and I do not think any distinction in these cases ought to be made. If you pay Florida, pay California, pay Oregon, and all the other States. I think the provision ought to be general.

Mr. DAVIS. The cases are very different. The patience of the Senate will be taxed very briefly by me. This is a case in which the President gave orders to call out a certain number of volunteers in Florida, and they were called out for Indian hostilities, and they have been mustered out of service, and the amount is clearly due under the existing laws. The case of California is one in which the Governor of the State called out the militia, and Congress have to decide upon the propriety of adopting the service before an appropriation can be made. Here the service has been adopted by general law. The case is entirely different. The President having issued his orders preliminarily, and the troops having been called into service and been mustered and employed in 1857 and 1858, the amount stated is the estimate of the Paymaster General. This estimate is based on the supposition that they were all mounted troops. If any of them did serve on foot, under the amendment offered by the committee they will only get the pay of foot soldiers. That is the difference between the amendment offered and the estimate of the War Department.

Mr. LANE. The Senator from California has had the kindness to mention Oregon in connection with this amendment. Oregon has claims upon the Government for services and expenses, growing out of the Indian war of 1855 and 1856; and I have done everything in my power to procure favorable action upon those claims. They are just; they have been settled by a commission appointed by the Secretary of War, under a law of Congress, authorizing the adjustment and settlement of those claims. At the beginning of this Congress, I introduced a bill providing for the payment of the expenses allowed by that commission, and I did all I could to get it through; but the House of Representatives, upon a full investigation of the matter, concluded that they wanted further information, and they therefore sent to the Third Auditor a series of resolutions requiring him to report to the next Congress such adjustments as by them were required. To bring up the case of Oregon now, would be to lose it; would be to embarrass this matter; and I have no desire to embarrass this. I desire this amendment to pass, and these volunteers to be paid; and at the proper time I am confident the Senate will deal justly by Oregon. I shall, therefore, vote for this amendment.

Mr. HUNTER. I should like to know whether these debts have been ascertained at the War Department; whether we know what they are?

Mr. DAVIS. The Secretary of War sends a letter, accompanied by an estimate from the Paymaster General. The sum stated is $413,600. I am in hopes the whole sum will not be required; and from the supposition that some of the troops served on foot, as I stated, the amendment offered

by the committee provides for a lower rate of payment than that on which the estimate is based, if the facts be so found.

Mr. HUNTER. Is this to repay money actually paid by the State?

Mr. DAVIS. No.

Mr. YULEE. I can state in an instant, what the case is. The President called upon the Governor of Florida to furnish a certain number of troops to the officer in command of the United States forces in Florida. The officer in command of the United States forces in Florida, in compliance with that requisition, asked from the Governor the troops he required. They were furnished and regularly mustered into the service of the United States Army, commanded by an officer of the United States Army, and paid as far as the appropriation allowed, and mustered out of service by an officer of the United States Army. The rolls are on file in the office here. This appropriation is asked for to pay the balance due them.

Mr. GWIN. I shall not vote against this amendment, because I think this claim ought to be paid, but I should be very glad if the war debt of California would be paid also. It has been suspended for many years. Part of it has been paid, but a portion of it is still pending. I suggest to the Committee on Military Affairs, that authority be given, as has been given in Oregon, to investigate, during the recess, these claims in California. The difficulty originates in some degree from the fact that they have not been investigated and reported on to Congress. That, in my judgment, has delayed them for some time. I hope the Military Committee will, on this bill, make some provision by which an examination can be had during the recess, that they may be brought up favorably at the next session of Congress as in the case of Oregon.

Mr. BRODERICK. I am almost inclined to withdraw my opposition to this amendment; and I will do it, if the Senator insists on sending a commission to California. We have had seven gentlemen there during the summer, investigating what corrupt officers have done. I hope no commission of the kind proposed will be granted here. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. MALLORY. I have only to say, in addition to what has been said, that this claim passed the Senate last year. I have the yeas and nays before me, and the vote was twenty-six to twelve.

Mr. CRITTENDEN. I wish to make a single inquiry, whether this is included in the estimates of the War Department?

Mr. MALLORY. It is estimated for in a special letter, which has been read.

Mr. CRITTENDEN. But was it in the annual estimates?

Mr. MALLORY. I do not know.

Mr. HUNTER. It was not included in the annual estimates.

Mr. COLLAMER. Why?

Mr. YULEE. Because they told me in the War Department it was to be regarded as a deficiency, and they do not include deficiencies in their regular annual estimates.

Mr. DAVIS. I will state to the Senate that the estimates are to provide for expenses of the current year. A debt hanging on the Department, and reported at a previous session, necessarily does not appear in the estimates.

The question being taken by yeas and nays, resulted—yeas 34, nays 13; as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Bright, Brown, Chesnut, Clay, Crittenden, Davis, Douglas, Fitzpatrick, Foster, Green, Gwin, Hale, Hammond, Hunter, Iverson, Jones, Lane, Mallory, Mason, Pearce, Polk, Pugh, Reid, Rice, Sebastian, Seward, Slidell, Stuart, Toombs, Ward, and Yulee—34.

NAYS—Messrs. Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fitch, Harlan, Johnson of Tennessee, King, Trumbull, and Wade—13.

So the amendment was agreed to.

Mr. YULEE. I have an amendment to offer from the Committee on the Post Office and Post Roads; and if the Senate will favor me with their ear for a moment, I will explain very briefly the necessity for the amendment which I propose on this bill. The number of letters passing between the Pacific and Atlantic States, is two million forty-four thousand two hundred and sixty-six; and of newspapers, three million nine hundred and forty-nine thousand five hundred and eighty-three in the year. The commerce between the two coasts is very large, and the commercial intercourse, therefore, of very great consequence. The arrangements for the transmission of the mails between the two coasts expire on the 30th of September coming. Unless provision is made at this session for the continuance of that service, the mails must cease between the Atlantic and Pacific. It had been the purpose of the Post Office Committee to propose the amendment which I now offer upon the usual appropriation bill relating to ocean service; but that has been finally tabled in the House of Representatives, and hence the necessity of my moving upon this bill, inappropriate as it may seem, the amendment which I send to the Chair. I will state to the Senate that the arrangement we propose, and to which, I believe, the parties accede, will, with a better service than we have now, reduce the cost $250,000, and at the same time we reserve to the Postmaster General the right at any time after two years to terminate this contract, and make any other arrangement he pleases. It is the best arrangement which the Government could possibly make under the circumstances.

The amendment was read, as follows:

And be it further enacted, That the Postmaster General is hereby authorized and directed to contract with responsible parties for the transportation of the United States mails between New York and Astoria, via Panama and San Francisco, semi-monthly, and require said contractors to transport on the Pacific ocean such mail matter as may pass over the Tehuantepec route, as hereinafter authorized: *Provided*, That the time between New York and San Francisco shall not exceed twenty-two days, and that the whole cost shall not exceed $525,000 per annum for the service between New York and Astoria.

And be it further enacted, That the Postmaster General shall also contract with responsible parties for the transportation of the mails, semi-monthly, between New Orleans and San Francisco, via Tehuantepec, and arrange for the connection of said mails on the Pacific with the mails via Panama, as directed in the preceding section: *Provided*, That the time between New Orleans and San Francisco shall not exceed fifteen days, and that the cost of service shall not exceed $250,000 per annum.

And be it further enacted, That the contracts herein directed, shall be made for a term of five years, with the right reserved to the Postmaster General to terminate them at any time after the expiration of two years, having given six months previous notice of his intention.

Mr. COLLAMER. There is no provision for the Atlantic service across the ocean.

Mr. YULEE. No; it is confined to the California service, which is a necessary service.

Mr. CLAY. I want to ask the necessity of two mail lines to California. Why must you have one from New Orleans and one from New York? Why cannot one supply all the service of the country? Cannot you get a mail through faster from New York to New Orleans by railroad and thence by steamer, than go by steamer from New York, and if so, why duplicate the service, why double the expense? Do you wish to supply the means of conveyance for passengers from New York in steamers? If you do that, then I can understand why you should have both, but if you intend merely to carry the mail, if you mean merely to facilitate the communication by letter or newspaper between the two sections of the country, the mail steam line from New York is entirely superfluous, and I will not vote for it.

Mr. YULEE. In our legislation we must have regard to existing interests; we must legislate with reference to a conservative policy in the administration of the Government. Here is a necessity to maintain a certain reliable intercourse between the Pacific and the Atlantic States. There are two requirements: one which renders necessary a communication from the Atlantic States, the business of which mostly centers at New York—New York being the point at which commercial relations with the Pacific mainly center; and then the valley of the Mississippi, which finds its way through New Orleans. Recognizing this necesssity under the existing contracts for the last ten years, the Government has provided a line from New Orleans and a line from New York, precisely as we propose now. The Senator from Alabama says, why not adopt a single one? The line by the way of Tehuantepec will not be so convenient at present for New York, and the line by the way of Panama will not be so convenient at present for the Mississippi valley; and the line by the way of Tehuantepec is yet too new to be entirely relied upon for the transmission of the important mails between the two coasts, while the line by the way of Panama is in a condition to give us perfect assurance on that point. If the Tehuantepec route were fully developed, if the Nicaragua route were open, it might be the interest of the Government, as it was my desire, to throw these various routes into competition, and to employ only one; but Tehuantepec is not in a condition to enter into the competition; Nicaragua is still closed; and, therefore, considering the duty of the Government, this arrangement appears to be the very best in our power at present, reducing the cost $250,000, and reserving to ourselves the privilege, at the end of two years, of terminating this whole contract, thus making it a temporary arrangement, and saving for the Government the benefit that may result to it in the course of the next two years by the entire development of Tehuantepec, by the opening of Nicaragua, and by the opening of any other line which may be able to come into competition for this service. It is a service which we must keep up, and keep up on a safe and reliable footing. This is the only mode of doing it, and I think we have been very fortunate in being able to make arrangements by which we are assured that parties will be willing to take a contract terminating at the end of two years, if the Government so please, for a sum so much less than we have been paying in the last ten years, and have a service so much better than we have had during the last ten years, both for the North and for the South and West.

Mr. PUGH. I recollect, a year ago, when this subject was before the Senate, I then objected to the continuance of the present system, because the contract for carrying the mails from Panama to San Francisco was to expire during that year, and I insisted at that time that these routes should be put up to competition. This amendment offers no competition. It fixes the mail pay absolutely, and leaves it to the pure personal choice of the Postmaster General to select the party who shall carry the mail. He can do it wisely or unwisely; he can choose whomsoever he pleases. It is a mere personal choice of his own. The amount of the pay being fixed by act of Congress, there is no competition; no chance to save a cent on the amount stated.

Mr. YULEE. The provision is only that it shall not exceed that sum.

Mr. PUGH. Very well; we know what that means. I was answered, when I endeavored to inaugurate that reform, and the Senate will recollect we were so shocked at that time with these mail contracts that the appropriation bill passed by barely one majority; the Senator from Virginia promised me that this year, when the contract on the Atlantic side, from New York and New Orleans to Chagres, would expire, the subject should be entirely revised, and a comprehensive plan brought forward at this session. None has been produced. We are here again on the last day of the session with a proposition to continue the existing contracts for five years, with the privilege to the Postmaster General of ending them in two years. It is just to continue the system on, and on, and on, and we shall never see the end of it.

Now, sir, we have come to the point that the last of these contracts expires. They were orinally designed to expire all at once, that is to say, the contract from New York to Chagres, the contract with the Panama railroad, and the contract from Panama to San Francisco; but, by some management, they made one of them terminate a year before the others; and when the first one went out, and we wanted to alter the business, we were told to wait for the last. We have waited for the last; and now, instead of reform, the amount is, to be sure, something less than what they received before; but we are asked to go on for two or five years. It was stated at the last session, and not denied—I believe it was stated by the Senator from Georgia, [Mr. TOOMBS,]—that one of these lines absolutely paid from forty to fifty thousand dollars per month to Mr. Vanderbilt not to run in competition. They bought him off. They could do that out of the money you gave them by act of Congress—could afford to buy off competition. Therefore, I do not wonder that they are willing now to take something less than the former price; but, if these routes cannot be sustained under the postages, according to the amendment of the Senator from North

Carolina, [Mr. CLINGMAN,] last year, I hope at least they will be put up to competition in some shape or form. As it is, I consider this nothing else than a proposition to renew these mail routes for something less than the original amount. I am against it.

Mr. YULEE. The difficulty about competition is, that these crossings are private property; they are monopolies; and the only manner in which we can create a competition is by bringing the crossings into competition with each other. As I stated to the Senate, I found they were not in a condition to be brought into competition. The Panama company is upon its feet; the Tehuantepec is not; and Nicaragua is closed; and the treaty under which we expected to open it remains yet unconfirmed by the Nicaraguan Government. Two years was as short a time as we could expect any parties to invest the large capital necessary to do this service, and hazard themselves upon a termination of the contract at the will of the Postmaster General. During that two years we shall know what Tehuantepec can do, and whether it can be relied upon safely for mail communication between the two sections. So Nicaragua will be open by one party or another. If this amendment is adopted, the Government will have the privilege of transporting the mail without reference to private parties, and then the Post Office Department can avail itself of the advantages which the rivalry of the three crossings will afford. Possibly, by that time Honduras may have a way across. It will be desirable to bring as many of them into competition as possible. One reason why, although Tehuantepec cannot be entirely relied upon now, it is desirable to give her whatever may be necessary to enable her to carry on the service, is, that the Tehuantepec route may become sufficiently developed to be able to take her place as a rival and competitor, that we may have some competition, in the course of a year or two, between the routes. Senators must keep in mind that these crossings are private property, monopolies; that they are in foreign countries, and we have no power to control them; that, under that coercion, we have been obliged to pay $100,000 a year for crossing the forty-eight miles of railroad at Panama; and there was no escape from it. This is, altogether, the best arrangement practicable, and it is a good arrangement, and I recommend it to the Senate.

Mr. TOOMBS. I am very sorry that this great question is precipitated upon us on the last day of the session. It has been very well known that these mail contracts will expire next October. Indeed, they expired a year ago, in truth; but by some very improper decisions made at the Department about them, they got a year more than the law allowed, and we are called upon now to continue these special contracts again.

Mr. POLK. Will the Senator from Georgia allow me to interrupt him just to ask a question in regard to the legislation, from the chairman of the committee?

Mr. TOOMBS. I have not got ten minutes myself. I have no desire to occupy the time of the Senate unnecessarily, but I will give way.

Mr. POLK. I will not interrupt the Senator; he may go on.

Mr. TOOMBS. I want an efficient mail service from this side of the Rocky Mountains to the Pacific coast. I can see no reason on earth why the mail should not be carried by whatever line will take it soonest and cheapest. The idea that you must have one from New York to Panama, and then around to San Francisco, and one by way of Tehuantepec, is erroneous. I want to take the best one. If the route from New York to Panama, and from there to San Francisco, is the best, take it; carry the mail there. We have now four overland mails to the Pacific coast, and two Isthmus routes—one at Panama and one at Tehuantepec; and I suppose we shall have another, if we have the bad fortune to have the Cass-Yrissari treaty ratified; and the Senator from Florida intimates that we are to have one in Honduras. The way to put these various routes in competition is exactly the reverse of what is now proposed. You will never get them into competition as long as you employ them all. The way to get competition between them is to propose to carry the mail by whichever line can carry it soonest and cheapest. I do not care whether these crossings are private property or not. If you want the service on only one, and there are two, or three, or four, or five of them, make your proposition directly with the one that will do it cheapest and best, and then you can protect yourselves; but you can never protect yourselves as long as you employ them all. That is the way to continue this business a close monopoly; it is not the way we do in any other respect.

This very measure shows on its face that the mail can be carried from New York, by way of New Orleans and Tehuantepec, to San Francisco, shorter than by the way of Panama. If that is true, carry it there. The objection is, that the Central American Government may shut up one. Then hire your mail temporarily. It may cost you $100,000; it may cost you more money; but why depart from the great principle of having your mail carried on that route where you can get it done quickest and cheapest? That is the only principle I go upon. As for carrying people from this side to the other, I would not give half a dollar to carry a million men a year. It is not my business. I would not give fifty cents to aid that in the slightest degree; and I never intend to do so. I will not, so far as my vote is concerned, directly or indirectly, give one dollar to aid the transportation of the people of this country by sea or by land. I leave that business to those who want to engage in it.

I think it is a good cause of complaint against the gentlemen who have managed this department of the public service, that they come to us with a proposition like this, on the 3d day of March, the last day of the session, when the fact that these contracts would expire in the recess of Congress has been well known for a long time. Our postal service from here to California costs us now from two and a half to three million dollars annually, or about as much money as the entire transportation of all the mails of the United States cost before the acquisition of California. If you are going to spend this money for some other purpose, disconnect it from the mail service. It is impossible to make any real reform while you continue this system. People, very justly, complain that you want to make the mail service pay for other objects than carrying the mail. I think it is a just cause of complaint with people living in sections of the country where the mail can be carried for less than they pay in postages, that you should increase the postages, or impose any other burdens on them, when you are keeping up steam lines to the Pacific coast at such an enormous expense—not for carrying the mails, but for other objects. They may be good objects, worthy objects, but do not put them on the mail service, and run that to $10,000,000 deficiency, when it is not for the purpose of carrying the mails, but for other objects which gentlemen may consider beneficent, but I do not. This measure ought to have been here before; it ought not to be put on this miscellaneous appropriation bill; and I do not think Congress ought to allow itself to be surprised into passing amendments about which you can know nothing, when they are sprung upon us at this hour, after twelve o'clock on the last day of the session. I shall vote against it.

Mr. COLLAMER. Without repeating what has been so well said by the Senator from Georgia, I would call attention, for a moment, to the true condition of this amendment, as I understand it. It is not true that it gives to the people on the Pacific coast a weekly mail at all. The mail that runs from Panama is to go up on that side to San Francisco and Astoria only twice a month. The mail that starts from New Orleans, and goes by the way of Tehuantepec, is to intersect the same steamer and be carried up at the same time. Of course, then, on the Pacific coast, under this amendment, there will not be an arrival and departure more than twice a month. It is true, you may start a letter from New Orleans, by way of Tehuantepec, a week after one is started from New York by way of Panama; and be in time to reach the steamer from Panama, but that does not help the service on the west coast at all. I think this Government might avail itself of the competition of these two routes on fair propositions, if it were truly adjusted, a proper bill prepared, and time given for it; but that has not been done. Inasmuch, however, as this service will expire before the next session of Congress, I desire to amend the amendment so as to provide that the Postmaster General shall make these contracts for the year ensuing, and, in the mean time, we may make some other provision for it.

Mr. POLK. While the Senator from Vermont is preparing his amendment, I should like to get an explanation from the chairman of the Post Office Committee. I find that the amendment which he proposes limits the time of carrying the mail between New York and San Francisco by the Panama route, and also by the Tehuantepec route. Then it proposes, also, the carrying of the mail from San Francisco up to Astoria, but does not limit any time for that service at all, as I understand, but allows the contractors to take what time they please.

Mr. YULEE. There is no necessity for a limitation there; that is, practically, a local service. The inquiry is very naturally made, by the Senator from Georgia, for the reason of the late presentation of this subject here. My own judgment was, that it should have been acted upon at the last session, and I so proposed; but the opinion of those who ruled the question, and properly, and no doubt judiciously, ruled it, was, that it would be better for the interests of the Government to wait until this session, because it was then expected that Nicaragua would be open, and it was desirable to see better what Tehuantepec could do. The committee took the subject up, at this session, at a very early day, and have spent a great deal of time on it, and taken the subject in various forms before them, and expected to have brought it forward at a much earlier date; but it has been owing to the unusual and unprecedented action of the House of Representatives that we come in, by necessity, at so late an hour. The bill to which this is appropriate was acted upon in the other House a week ago, but was laid upon the table. Although it contained appropriations made necessary by existing laws, and no other appropriations than were necessary by existing laws, and called for by the estimates of the Department, yet that bill was laid upon the table in the House, and remained there until yesterday, when the chairman of the Committee of Ways and Means called it up again, and, upon a vote of the House, it was laid upon the table finally, for the session, by a very large majority. It is therefore that we are so late in coming before the Senate; and I am obliged to move it on this bill, because it is a service necessary to be performed. We cannot set down the mails, or abandon the service, between the Atlantic coast and California, and this is the only practical and practicable mode of performing the service. The overland routes are unable to do the service. They cannot carry the mails.

The Senator asks why we employ two lines. I will tell him. This is a very widely extended country. We have a very great population in the valley of the Mississippi, who have intimate personal connection with the population on the Pacific side. We have a great mass of population, and of active, commercial people, in the eastern States, who have also very large and extended connection with the people of the Pacific. We must provide for both. The route by way of Panama from New Orleans, through which the valley of the Mississippi would pass in its intercourse with the Pacific, would be more costly than the service now across from New Orleans through Tehuantepec, and would not be as good a service. While we cannot rely as yet upon Tehuantepec for the service of the commercial States on the Atlantic, for the reason that, as the service is only twice monthly, the large mail matter accumulates to such an extent that, on a route which has over a hundred miles of staging, it would be improper and impossible to rely, as yet, in the new condition of that route, upon it for the transportation of the mails, which sometimes amount to three or four hundred bags; and, if I am not mistaken, the weight of the mails to be taken over is sometimes a hundred tons or more. That would have to be done over a hundred miles of road not yet fully prepared for transportation, either upon the backs of mules or in coaches, and would be very difficult and uncertain, in the rainy season especially.

Now, the committee thought it proper to make arrangements by which, while both portions of the country would be best accommodated, the transmission of the mails might be made certain, at a considerable saving from the cost which we

have heretofore been paying, with the opportunity to the Government to reform its plan whenever and as soon as a better development of the different routes and a more general completion and better condition of the several isthmus routes, capable for competition, will enable us to do better.

The objection to making provision for a single year only, is this: it requires a very large outlay to conduct this business well and safely and reliably; and it is quite uncertain whether we can make arrangements with these parties for a year, and we shall therefore run a risk of having our mails left in the post offices on both sides; but, under the arrangement we propose, which contemplates a contract at five years, if the Government shall continue to think its interest is to do so, and thus gives these parties, if the Government can make no better arrangement, the assurance that they will have it, and give to the Government a certainty of this service for two years, and reserve to the Government the right to end it at that time, we shall be able to procure contracts with reliable parties, and have the service done, and the difference at last would be but a difference of one year. While, on the one hand, with the arrangement proposed by the committee, we shall be certain to have the service, and have it well done; on the other hand, it would be uncertain; and if it should prove to be ineffective, our mails would be left in the post offices, and we should be without service between these two important sections of the country—a service not only important to the commercial intercourse of the country, but highly important for Government purposes, and necessary to be maintained with regularity and expedition.

The PRESIDING OFFICER, (Mr. STUART in the chair.) The Senator from Vermont having put his amendment in form, it will be read.

The Secretary read the amendment to the amendment; which is, in the third section, to strike out all after the word "made," in the third line, and insert "for the year ending the 30th of June, 1860;" so as to make the section read:

And be it further enacted, That the contracts herein directed shall be made for the year ending the 30th of June, 1860.

Mr. PUGH. There is no such difficulty as the Senator from Florida suggests. We have already a contract by the way of Tehuantepec.

Mr. YULEE. That expires on the 30th of September.

Mr. PUGH. And the other expires. The parties are there. They will be very glad to continue that service another year. There is no competition, as he states the case, because the routes are private property. The only competition you will ever get will be between the routes; but as the parties are there on every one of the routes, with all their means of conveyance, they will be very glad to take the proposition of the Senator from Vermont, if they cannot get the other. I ask for the yeas and nays on it.

The yeas and nays were ordered.

Mr. SEWARD. It is perfectly plain, by the statement from the Post Office Committee, that our arrangements for carrying the mails to the Pacific will be at an end and cease, and we shall be without mails for the future, unless the whole matter is organized anew, or continued on the basis of the old organization. What the committee propose to do is feasible; what they propose to do is convenient; and it seems to me every one sees there ought to be communication between New York and San Francisco once a week. That is exactly what the amendment of the committee proposes—to establish a mail once a week between New York and the Pacific coast. They propose to do this by establishing two semi-monthly passages, the one by way of the Isthmus of Panama, and the other from New York practically by way of New Orleans and the Isthmus of Tehuantepec.

It seems to me a great deal better that the mail shall be carried over these two routes for many reasons. It is impossible to carry out any object in the world that will not have incidental bearings and relations, and it is always wise, as it is unavoidable, that you shall regard the incidental effect of the measures proposed as well as the primary object. It is very certain that, if we do not have better success hereafter in carrying these mails over routes of which we have no political jurisdiction, there may be interruptions, and it is wise, therefore, to have two routes instead of one. The increased service is rendered immaterial to the Treasury by the fact that the whole service by the two routes will cost no more than the service by one route at present. But it is not merely the interest of carrying the mail that is involved. The Government itself has large freights and munitions of war, and it is desirable to have the great amount of bullion of gold that comes across the isthmus come regularly. It now comes by but one route, practically liable to the danger of being cut off by the interruption of that route. Why should we not have two routes, when we can have them for the same expense that we now pay for one? In regard to the details——

Mr. BIGLER. Allow me to suggest that it is impossible to hear a word that the Senator from New York says. We are very anxious to hear him; but on this side of the House it is impossible to catch a word. If the Senator would speak louder, we could hear him.

Mr. SEWARD. I was going to say that, in regard to the details, I do not know that the committee have provided the best possible details—the wisest ones—for carrying out this system; but what does appear to be plain is, that it is either this plan which they have furnished us, or no other one, that we can adopt. If we are sure it can be carried into effect, why not take it? We are not entirely independent. We are one contracting party. Those who have capital, and who have control of these routes, are another contracting party. I presume the committee have examined into the subject, and have ascertained what contracts they can make, and on the best possible terms to the country; and it seems to me to be wise to acquiesce in the plan they have suggested rather than run the risk of losing the entire benefit.

Mr. BENJAMIN. I wish to say a few words on this matter; but, before saying them, I want to call the attention of the Senate to the fact that I have a very strong personal interest in this question. Some years ago I became engaged in the examination of the advantages of the Tehuantepec route to our country; took a very deep interest in it; and I have been for twelve years unremittingly consistent in my efforts to open it, for the benefit of the country. I have a deep pecuniary interest in it; and I state this in order that Senators may give all due weight to that fact in relation to the few remarks I am about to make. I do not mean to vote upon this amendment; because, although I suppose I have a right to vote upon a question of this kind, being a mere stockholder in a corporation, yet my interest is so large a one that I prefer not to vote. I wish to state a few facts, subject to such deductions from their weight as Senators may think proper to attribute to them; knowing, in advance, that I have a very large pecuniary interest in this matter.

Prior to the opening of the Tehuantepec route, the mail to California was carried solely from New York by Panama, at a cost of about one hundred and fifty thousand dollars a year. The Postmaster General, last year, added a mail twice a month by way of Tehuantepec, to give a trial to this new route, which is from seven to nine days nearer than the route via Panama. It was supposed that the route could not be a success. I knew all the geographical features of that country perfectly well, and never faltered in my entire confidence in the practicability and benefits of the route. Experience has demonstrated that I was right, but I shall not dwell on that point.

Now, all these contracts terminate on the 1st of October next. The Tehuantepec route is a route across which the mails are carried about ninety miles in a river steamer, and about one hundred and fifteen miles in stages. Those one hundred and fifteen miles require about eleven or twelve relays of stages. The average weight of the mail is from fifteen to twenty tons. If we allow each mail wagon or mail stage to carry a ton, it requires fifteen or twenty wagons to carry the mail; each of them requires eleven or twelve relays, and each relay from four to six horses, making fifty or sixty animals to each one of those wagons, or six or seven hundred animals for the passage; and they require, of course, their drivers, stations, and everything necessary for the purpose. The service is a new one, and it is expensive. Under these circumstances the mail now costs, carried as it is, a little over a million dollars per annum. The proposition as made by the companies engaged in conveying the mail, is to establish the two lines at the same cost as Congress formerly paid for the one; that is to say, to make such deductions from the price of the mail via Panama, with the consent of the corporations engaged in carrying the mail that way, as will leave $250,000 for the purpose of keeping up the additional mail via Tehuantepec; that is to say, we shall, under the rate of pay heretofore given to the Panama route, have a service twice a month over both routes; and the present pay, which is a little over a million dollars for the two routes, is to be reduced to $750,000 or $725,000 for the two routes.

It is true that the Tehuantepec company considers that the entire mail ought to go over its route; that it is the shortest, the most expeditious, the safest, and directly under our own control in the Gulf; and I have been urged by that company very strongly to present its claims for the entire mail, and for discontinuing the Panama route. I do not think that judicious or statesmanlike, and I have declined to do so; and, in my communications with the Post Office Committee on this subject, I have told them that, in my opinion, the Panama line was a great national line; that it ought to be kept up not only for the gold trade of California, for postal communication there, for postal communication with South America, for postal communication across the western ocean to Australia and China; but that, independent of all these considerations, the Panama line ought to be kept up for communication with California; for who knows, with the disturbed state of these Central American countries, that the Tehuantepec line will not be blocked up by contending military factions? The same may occur at Panama; there may be political difficulties; and then the entire postal communication between the Atlantic and Pacific oceans would be cut off. I therefore declined the urgent solicitations of my constituents in New Orleans, and of this company, to urge upon Congress that it should discontinue the Panama line, and throw the whole mail on the Tehuantepec line, which is, in my opinion, much the best line; but still I do not think it wise or prudent to discontinue the other.

Then the question suggested is, how can the interests of the Government be best guarded, how this postal communication be kept up with entire certainty, and yet the just claims of these corporations, who have established these two routes, be satisfied? There have been communications between the Committee on the Post Office and Post Roads and the agents of these different companies, who have all come to me, in turn, to talk about them; there have been communications going on for two months, and the greatest possible difficulty was found in reconciling the rival interests; but the committee justly, and according to my views of propriety, said: "the mail service must be carried over both these routes at a large economy; we will not give beyond $750,000 for the double service; that we will make our extreme limit; and these different bidders must manage to divide that sum amongst themselves as best they can." I believe that, last week, the agents of these different corporations did finally agree, making mutual sacrifices of a portion of their interests in their arrangements for carrying passengers, that they would make the double line at this price. It may be too much, in the opinion of some gentlemen. In my opinion, it is not.

The whole question comes back simply to this: the mail service stops on the 1st of October next. It must be continued. Continue it for one year, if you please, as the Senator from Vermont suggests; or make your contract, as the Post Office Committee suggests, to expire with the next Congress, if you please, leaving to Congress the choice to continue or discontinue it at its pleasure, if better arrangements can be made. If the suggestion of the Post Office Committee is adopted, Congress has the control. If it finds a cheaper or a better route, it will take it away from these companies, and establish a new route. If it cannot find a cheaper or a better route, these companies have no control over the General Government by any combinations at all, and it leaves the whole control to the General Government for five years, leaving them the right at any time, after the lapse of two years, to discontinue any of them. I think that is the better arrangement.

Mr. HUNTER. I think, if we take the ques-

tion on the amendment of the Senator from Vermont, it will pass without further opposition.

Mr. BENJAMIN. I shall make no objection.

Mr. COLLAMER's amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the committee, as amended, and on which the yeas and nays have been ordered.

Mr. PUGH. I presume the yeas and nays need not be taken, if the amendment of the Senator from Vermont is agreed to.

Mr. YULEE. It may save time for me to say that, at this stage of the session, I do not feel disposed to contest points which are disputed, and I think it better to make no objection to the amendment of the Senator from Vermont, and am willing to let it go on. That will render the calling of the yeas and nays unnecessary.

The PRESIDING OFFICER. If there be no objection, the calling of the yeas and nays can be withdrawn.

Mr. JOHNSON, of Tennessee. We ought to have the yeas and nays.

Mr. HUNTER. We had better call the roll at once; it will save time.

Mr. GWIN. As this is a temporary service, for only nine months, and it is impossible to get any other legislation on the subject this session, I shall vote for this amendment.

The question being taken by yeas and nays, resulted—yeas 39, nays 13; as follows:

YEAS—Messrs. Allen, Bayard, Bell, Bigler, Bright, Broderick, Brown, Cameron, Chesnut, Clark, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Green, Gwin, Hale, Hunter, Jones, King, Lane, Mallory, Mason, Pearce, Polk, Pugh, Reid, Sebastian, Seward, Shields, Simmons, Slidell, Ward, Wilson, and Yulee—39.

NAYS—Messrs. Chandler, Clay, Clingman, Hamlin, Harlan, Houston, Iverson, Johnson of Tennessee, Rice, Stuart, Toombs, Trumbull, and Wade—13.

So the amendment was agreed to.

Mr. BAYARD. I am instructed by the Committee on the Library to offer this amendment:

For completing the publication of the results of the exploring expedition, including salaries, contingent expenses, and replacing works destroyed by fire, the sum of $57,412 15.

Mr. CLAY. I desire to know if that is the Wilkes exploring expedition?

Mr. BAYARD. Yes, sir.

Mr. CLAY. I think this Government has done enough for him. It has not only enriched him——

Mr. BAYARD I will state the reason for offering the amendment, if the honorable Senator will allow me, and leave it fairly to the judgment of the Senate. I was not a member of the Library Committee, not even a member of the Senate, when this publication was first commenced. It has cost a great deal of money. Perhaps, indeed I may say certainly, if I had been a member of the Senate and could have foreseen the cost, I should have voted against it; but we have commenced the work on a great scale; it is certainly a magnificent work; it is nearly completed; from the nature of the work it was absolutely impossible, when Congress chose to authorize it, that the exact cost could be ascertained. There were treatises to be written in a great variety of branches of science connected with the results of the expedition. These were in the hands of different men of science, and it was impossible to tell at what time they would be completed, or to what extent each one would be expanded, until the work had progressed very far. There was irregularity that far in the action of parties employed for the purpose of writing these treatises. Now, however, there is a detailed statement and full report from the Library Committee, lying on your table, showing the exact condition of the work, and its entire cost. There are still outstanding, one or two treatises not actually in the printer's hands—one I believe, not yet completed. The estimate is strictly in detail, showing that it will require $57,412 15. That includes $35,146 15 to complete the work, and $10,766 to replace that which was destroyed by fire, which certainly could not be originally anticipated; $6,000 for the salaries of the scientific persons engaged in writing these treatises, and $5,500 for contingent expenses.

The Library Committee think it would be wiser to complete the work, and make it perfect, when you have gone to such an expense, and in that opinion were unanimous, whatever might have been our individual view, if we could have foreseen the cost of the work, as to the original order for publication. You may, however, by an appropriation of $10,700 less, or $46,646, complete the works now in progress, including salaries and contingent expenses, without repairing the loss which has been sustained by fire. If the Senate determine that they are unwilling to do that, and choose to leave the work not complete, some of the branches of scientific inquiry left out, and one in the hands of Professor Agassis entirely abandoned; if they choose to take that course, then, for completing the volumes of the exploring expedition, which are really all finished except binding, I believe, and bringing the remaining papers here, it would require $8,220 50. If the Senate determine that they will abandon the work, suspend it entirely, then the appropriation requisite for removing this property to Washington, and putting in the custody of the Librarian the manuscripts, plates, &c., which would probably be placed in the former Judiciary Committee room, in connection with the Library, the expense connected with that, and the salaries for superintendence, will be $3,600. It is immaterial to me which is adopted. I think it would be wiser, as we have commenced a great work which we have sent abroad to foreign Governments as a specimen of the progress of science and art in the United States, to complete it. It was impossible to know, even during the progress of the work, what its ultimate cost would be until this time, when it is so far advanced that we have the entire details; and I think I can speak with certainty, when I say, if the Senate choose to adopt the sum now recommended by the committee, the work will be entirely completed, with the restoration of the part lost by fire. The Senate must adopt one of these amendments in common justice.

Mr. MALLORY. Before my friend from Delaware sits down, I ask him to inform the Senate what will be the whole amount.

Mr. BAYARD. I do not know; but the chairman can tell.

Mr. PEARCE. If the Senator from Florida will allow me, I will make a brief explanation; and I shall be very glad if the Senate will lend me a little attention; for it is absolutely necessary that the Senate should decide understandingly on this question. In 1842, Congress directed the publication of these results. That was done by a separate law, which directed the manner of publication. It was declared that it should be after the style of the celebrated voyage of the Astrobale. After very expensive preparation, the committee organized the plan of the work long before any member of the present Committee on the Library belonged to it; it was several years before I myself was a member. We have expended on this publication, from the day that the law passed until the present time, including the small balance on hand, $276,000. That, to the Senate, may seem very large; but they will recollect that there are twenty-four volumes of text in this work, and fourteen volumes of atlases; that they describe collections of natural history far exceeding in amount and in variety and in importance, all that has ever been given to the world in any exploring expedition by any country, and, indeed, what amounts to the aggregate of several of those expeditions. There is nothing to compare with it; and there is no work of science or of art in Europe or in America which equals it. The committee have followed the directions of Congress in relation to the publication. Before I was a member of the committee, seven volumes had been published. Altogether, there have been written, printed, and bound seventeen volumes of text, out of the twenty-four. Several of these volumes, however, sometimes one entire edition, I believe, at least all that remained after distributing to foreign Governments and to State governments, were destroyed in the conflagration of the Library in the year 1851. Two other fires have occurred in binderies in Philadelphia, where volumes of this work ready for the press have also been destroyed. All this has caused a much larger draft on the funds. The printing has been done at a remarkably moderate rate—as cheap printing has never been done, I think, in this country. The binding has been done also at a low price. The chief cost of the work, or at least a very large portion, has been in the illustrations, and salaries and compensation of scientific men employed in writing the memoirs. As I said before, the whole sum is $276,000. That may seem very large; but it must be recollected that the publication of works of this sort is always very expensive. Let me remind the Senate that a work, known, I presume, to a great many gentlemen here—Dobson's edition of the Encyclopedia Britannica—containing eighteen volumes, and three supplementary ones, nothing to compare in the amount of text, and the illustrations more especially, with this work, employed a capital of $500,000. The expense of it is readily admitted. The question is, whether the expense has been inordinate in relation to the character of the work. I think I may safely say that such is not the case. Surely, sir, I am able to say, too, that the Senator from Alabama is entirely mistaken in supposing that Captain Wilkes has enriched himself by this work. He has not derived the advantage of a penny from it. He has not had a particle of salary from beginning to end; and the only advantage he has derived from it, if any at all, has been the renting of his house on Capitol Hill for the sum of $300, which surely is not enough for the house. We occupy it as an office, where we prepare the charts; and a large portion of the expense has been in preparing the charts, which are valuable to our military and mercantile marine, and are eagerly sought by those connected with the trade with the distant regions of the Pacific ocean, north and south, to which the whalers resort.

I say, then, that the expense has not been inordinate, and that nobody has been enriched by any of these operations. The work has cost more than the Library Committee expected. It has extended much further than they expected. Originally, they supposed that there would be eighteen volumes of text and eleven of atlases; but it was impossible for any committee, no matter how intelligent they might have been, or how devoted to the inquiry with which they were charged, to ascertain what was the amount of material necessary to be printed. For example, take the work on icthiology. We had estimated that there were about eight hundred new varieties of fish; but they were all submitted to Professor Agassiz, who has been employed on that work, and whose preeminence in that line of natural history nobody questions. He discovered that there were no less than one thousand six hundred new varieties, and accordingly the cost of drawings—they have not yet been engraved, or very few, comparatively—has been immensely increased, but we publish nothing but what is new; nothing ever known before is allowed to go into the publication—a very proper scientific rule, and one, indeed, which the law requires. Inasmuch as the subjects of description increased in number, so did the work. Instead of a volume of icthiology, it is necessary to have two; and so with other things.

When the last appropriation was made, I was furnished with an estimate made by Mr. Joseph Drayton, who at that time was the artistic superintendent of the publications of the expedition—a very worthy, good man. I believe he made his estimate honestly. It certainly, however, did not come up to the mark. I was told, after the estimate had been adopted by Congress, that a little item of $12,000 had been omitted. It was not my fault that it was omitted. It was not added in the aggregate. But even with that, so largely has the work grown, in consequence of the materials collected by this expedition, exceeding all idea, that it has been impossible to limit it to that amount. I made every effort to do so. After the adjournment of Congress, I sent for the superintendent, Mr. Drayton, brought him to my house in Maryland, kept him there three days ciphering out the different modes by which he might reduce the work so as to bring it within the compass of the appropriation. He died within a very short time thereafter, and it was not till six months after his death that we were obliged to resort to the old arrangement. We then made Captain Wilkes again superintendent, without any pay or emolument of any sort whatever; and employed a very valuable man, at less compensation than Mr. Drayton, as his assistant—Mr. Frederick D. Stuart.

I would remark that a great deal of work was done last year. We had but about twenty thousand dollars at the beginning of the year to work upon, and have accomplished a great deal of work. We have published some volumes, and we have

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had others bound, and now we have two almost ready. There remain seven volumes of text to be printed. Some of these are printed in part. All the manuscripts are prepared except the work on icthiology, and a portion of Captain Wilkes's memoir on hydrography, which was prepared and put into the hands of the publisher two or three years ago, and the manuscript burnt up at the time of the fire in Philadelphia, as well as that portion of it which had been printed.

Now, sir, I may safely say that this is a great work; that it is honorable to the science of the country. I know it is so. They republish it in foreign countries. Bohn has been glad to republish a cheap edition of Pickering's races of man, a work which sells freely, not only in England, but in this country, and has been translated. I know the work on ferns alone is very much desired by some scientific men fond of botany; and that as much as $500 has been offered for a single copy of that volume of ferns, because it is very scarce and valuable. I confess, I should regret to see this work cut off and left incomplete. I admit the appropriation is quite a large one when we come to talk about books; but it is not large when we consider the nature of this work, the plan upon which it is published, and the immense amount of material which we have accumulated by this exploring expedition. I have submitted a report which shows in detail the cost of every volume; how much has been paid to every author; how much has been paid for engraving; how much for coloring; how much for printing; how much for binding; and how much for contingencies. The contingencies during the whole sixteen years amount to about fifteen thousand dollars. That includes the rent of this house here in Washington, $300 a year; it includes the rent of a fire proof in Philadelphia, where we put our plates, that they may not be destroyed by fire, from which plates these beautiful engravings can be repeated whenever it is necessary. It includes also transportation; it includes the expenses of the superintendent or person whom we call assistant, traveling from here to Philadelphia and Boston, to superintend the artistic preparation of the work, and back; and all those little odds and ends which sometimes are very large, but in this case amount to rather less than a thousand dollars a year—quite a small sum. I am satisfied the work has been economically done, so far as the prices paid to each individual are concerned, except perhaps to the writers of the articles. Before I had anything to do with the committee, they had agreed to give these writers $1,440 a year, or $120 a month; a very bad plan, in my opinion, inasmuch as the writing of a book at $1,440 a year is apt to take a great deal more time than a contract to do it for a specific sum. As for the later publications, we endeavored to avoid that objection by contracting for specific sums.

I will not detain the Senate long; and at this time of the day, and of the session, I know I ought to condense what I have to say. I will simply state further, in regard to this estimate, that I have paid most particular attention since the restoration of my health, to making it up—having detailed to the officer in charge of it every thing which it was necessary to calculate; and, so far as it is possible for me to know beforehand that such a thing can be correct, I believe it to be so.

Mr. HALE. When I first read Dickens's Bleak House, and his description of that everlasting chancery suit, Jarndyce *vs.* Jarndyce, I thought it was an exaggeration; but I think, really, that Wilkes's exploring expedition has performed a thing of romance that will tax credulity vastly more than Jarndyce *vs.* Jarndyce. One of the first subjects I ever recollect, in my first years in politics, was Wilkes's expedition. I got into Congress, and I found Wilkes's expedition here. I was out of the House of Representatives for some time, and came to the Senate, and still I found Wilkes's expedition. I was six years in the Senate, and we were promised that we were getting pretty nearly to the close of it, but we had Wilkes's expedition every year. I went out of the Senate; came back for another term; and here, at the close of my second term of senatorial service, is Wilkes's expedition. I have been reelected; and I suppose if I were to be reëlected again, I should find Wilkes's expedition here at the end of my time.

I think the whole thing has been entirely contrary to what Congress anticipated when they authorized the expedition. It was intended to be an expedition to explore the world and find out something. I think Wilkes never went as far north as Captain Cook did. He made no real discoveries, although I believe we have some school books which have pictures of mountains of ice on what they call Wilkes's continent. Instead of going out and really being an exploring expedition, and coming home and reporting to the country, and giving some information, there has been a little of everything that was ever made or thought of raked up from the bottom of the sea—shells, fish, plants, and everything else, brought home in one conglomerated mass, and all the scientific men in the country enlisted to dissect and analyze and distribute, and describe and arrange this mass of matter which Wilkes brought home. There may be a vast deal of science in it; I have no doubt there is; but this scientific labor, in my humble judgment, was entirely foreign to what Congress intended when they authorized this expedition. It sailed, I think, some sixteen or eighteen years ago, and was authorized by an act of Congress as much as six years before it sailed—certainly several years.

Mr. PEARCE. I will tell the Senator, if he will allow me, that the act was passed in 1836, I think. I know it passed after I came to Congress; and I came in December, 1835; and I know the squadron sailed in 1838.

Mr. HALE. There may not have been more than two years between the passage of the act by Congress and the sailing of the expedition; but I will tell you one fact. They collected a company together to go on this exploring expedition, and there was some difficulty about appointing a commander; they took the whole concern and employed it to carry Santa Anna home to Mexico, after General Houston had made a prisoner of him. The exploring expedition's first duty was to carry Santa Anna home. Since that, we have been publishing and publishing; and we are still to publish. If it was published in such a form that anybody could get at it—if it was published in a cheap form, so that the people could get at it—it might amount to something; but you publish about a hundred volumes, and they are so immensely valuable that they are of no possible use to this country, but they are sent abroad to exchange with foreign libraries; and thus an immense expense is incurred, not for the benefit of the people of this country. I am opposed to the whole thing. I want to see an end of it; and I think this is as good a place to meet it as any.

Mr. PEARCE. If the works of the exploring expedition be voluminous, they are hardly more so than the Senator's speeches on that subject; and—he will forgive me for saying it—I will add, there is a great deal more variety in them than in the speeches. The Senator has repeated to-day the speech he has made three, or four, or five times, I think, on this subject; and he has reiterated his denunciations, not of the proceedings of the committee, but of the law. We are not responsible for the law. It may have been very indiscreet in Congress to enter into this publication. I incline to think it was. I hope Congress will never engage in another such publication; but the law contemplated exactly such a work as the committee have been carrying on; and the committee would have been faithless in their duty, if they had not sought to carry out the act as they have done. Let the law which Congress passed be censured by the gentleman, but do not let him make that an objection to the completion of the works which have been carried on, and are proposed to be carried on, strictly in conformity with law.

Mr. FESSENDEN. There is a good deal of prejudice in Congress with reference to this work, and I confess that I am not surprised at it. I have shared the feeling myself. I am not prepared to say now, that there was not something wrong about it in the beginning. I see that my friend, the chairman of the Committee on Finance, looks anxious. I have but a few words to say, and I deem it my duty to say them.

Congress authorized an exploring expedition long ago. It necessarily contemplated results of advantage to the country, and it necessarily contemplated the publication of what might be acquired by that expedition in the discharge of its duties. When the expedition returned, Congress decided to publish those results, and it decided to publish them in a style and manner that should be creditable to the country. It was looked upon as a great national work, which should be creditable to us, and advantageous to us and the world in its consequences. Perhaps it was begun on too large a scale; perhaps it was not begun with sufficient consideration; but it is too late to go into that subject now. The thing was agreed upon, and has been in progress. The Senator from New Hampshire talks about the length of time it has taken. Why, sir, it necessarily contemplated a great length of time. There are over twenty large volumes upon a great variety of scientific subjects. They cannot be done in a day, or in a year, or in a decade of years. They require a period of time; different hands to be employed, and careful examination so as to do the work in a manner which should do us credit as a young nation. Perhaps gentlemen may say it never should have been begun. So be it; but it was begun, and has been in the course of progress for a long period of years. Perhaps, too, we have spent more money on it than we ought to have done. It seldom happens that a nation undertakes a work that is conducted in the most economical manner. I dare say too much money has been spent, but it is too late to talk about it now. The question is, what is the actual condition of this work at this moment, and what are the considerations that apply to us with regard to it? At this moment, having spent, in the course of the twenty years during which this work has been going on, between two and three hundred thousand dollars, the Library Committee have examined with great care the present actual condition of things. What is it? It is a work, as the chairman of the committee says, which is equaled by no publication of the kind in the world. If completed, it will be to us a very great credit, not only in a scientific point of view, but with reference to the manner in which it has been executed in all its particulars as a great national work. As I have already said, we have spent between two and three hundred thousand dollars on it, and we find ourselves now in this condiion: the work is drawing near to completion, but imperfect, owing to different fires and difficulties that have occurred at one time or another in the course of execution. On a careful examination, we found that, in order to complete the whole work, as originally proposed, after having spent so much money, would require about fifty-seven thousand dollars. If we say we will not spend that, but will just bind up and put in a state of preservation what we have got done, it will take some eight thousand dollars. If we will not do that, but will stop where we are, and merely preserve what we have on hand, it will take some two or three thousand dollars. There are three propositions for the Senate to choose from.

Mr. HUNTER. The Senator will pardon me for suggesting to him that this debate is costing us more than the appropriation.

Mr. FESSENDEN. I am aware of that, and I can finish in a few minutes. I feel it my duty to say thus much, and the chairman of the Finance Committee will bear me witness that I have not indulged in talking, for I have hardly opened my mouth for two or three days. Now, the question is, what is wise? Shall we, when we have spent so much money, although it may have been badly spent to a certain extent, omit to present this work to the world as a perfect work

for the want of some fifty thousand dollars? Shall we stop where we are, and lay it aside? No wise man, in conducting his own private affairs, ever reasons in that way. When he has a thing nearly done, four fifths or five sixths of the money paid and the work incomplete, does he lay it all aside and say he will not finish it, because the whole thing, when done, is to cost too much? Not at all. A private individual does not act in that way.

The committee have made a very careful examination, and are satisfied that the work can be completed and will be completed for this amount of money. Shall we vote it, or shall we simply bind up what we have got, and lay it aside not published, and consequently not creditable to the country; and thus throw aside, in a great degree, what we have already expended?

Mr. TOOMBS. Throw it into the Potomac; that is the best thing.

Mr. FESSENDEN. Wise men differ. A great number of people who have examined the matter, and who are scientific men, whom I trust, think it is best not to do that. I am not for wasting property or wasting money in that way. Because a thing has been conducted unwisely, I am not to lose all the results, and throw it into the Potomac. The Senator will pardon me for saying that is rather the course of a petulant boy than of a wise man, in my judgment. I do not feel any interest in this question, one way or the other; but, my own opinion is, that the wise and sensible course for us to take is to spend this money, and to finish the work. The Senate can do as they please; but I have come to that conclusion, and I have come to it in spite of the feeling of prejudice with which I began the examination of the subject. I call for the yeas and nays on the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 19, nays 30; as follows:

YEAS—Messrs. Allen, Bates, Bayard, Bell, Bright, Broderick, Cameron, Crittenden, Durkee, Fessenden, Foot, Hammond, Kennedy, Mallory, Pearce, Seward, Simmons, Stuart, and Wade—19.

NAYS—Messrs. Chandler, Chesnut, Clay, Clingman, Davis, Doolittle, Douglas, Fitch, Fitzpatrick, Foster, Green, Hale, Harlan, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson, of Tennessee, Jones, Lane, Mason, Polk, Reid, Sebastian, Shields, Slidell, Toombs, Trumbull, Ward, and Yulee—30.

So the amendment was rejected.

Mr. BAYARD. That amendment having been rejected, I offer this:

For completing certain volumes of the exploring expedition now nearly finished, and the pay of superintendence, the sum of $8,220 05.

This will close it. There are some works printed which merely require to be bound. If the Senate is unwilling to go further, this will close it up entirely, so far as we have gone.

The amendment was agreed to.

Mr. MALLORY. I offer this amendment from the Committee on Claims:

And be it further enacted, That the acts of 3d of March, 1823, and 26th of June, 1834, passed to carry into effect the ninth article of the treaty of 1819, between the United States and Spain, shall be so construed as to require the Secretary of the Treasury to pay to the persons authorized to receive the same, out of the appropriation made by the aforesaid acts, that portion of the damages awarded by the United States judges in east Florida, under the name of interest, as a just and necessary part of the satisfaction stipulated by the treaty, so far as the original value of the property, as awarded by the said judges, has been approved at the Treasury Department, with interest from the date of the award: *Provided*, That the Secretary of the Treasury may, at his option, pay the amount of said claims in certificates of stock bearing an interest of five per centum per annum, redeemable in ten years, or at the pleasure of the President of the United States.

Mr. HUNTER. I raise a question of order on that. Is it not a private claim? If it be, no committee has a right to report it; or at least it is not in order, on an appropriation bill, if it be a private claim.

Mr. MALLORY. I think, from the wording of the amendment, it is not subject to that objection. It is to carry out the stipulations of a treaty; and if the Chair will examine it, he will find it so.

Mr. HUNTER. If the mere wording of an amendment could evade the rule, you might word them all in that way. The question is, whether the treaty does provide for them?

Mr. CLAY. It is certainly to pay the claims of individuals.

Mr. BAYARD. I entertain no doubt that this is a private claim, whatever may be its merits. The language in which the amendment is put cannot alter that fact. The object is to pay claims for interest upon awards made under the act of 1834. The act of 1834 does not purport to be anything but a private act. The act of 1834 is published in your laws as a private act. The act of 1834 was passed on the report of a committee, who, in their report, expressly declared that the bill which they reported was not to carry into execution the treaty, and that the claims were not within the treaty. That is expressly and in words so declared by the very committee which reported the bill that passed in 1834, but for the reasons given by them they advised Congress to authorize certain claims to be adjudicated upon, declaring that they were not within the treaty, though the then Delegate from Florida had appeared, and urged the question upon them. They said that if it stood on that question they would have reported against the claims in 1834. Congress passed that bill on that report, and it is inserted in your private laws, and this is a provision to carry into effect the adjudications under the act of 1834.

Now, sir, can I be told that it is to carry into effect a treaty? This amendment, on its face, is merely to carry into effect awards under the act of 1834, by giving interest which the Secretary of the Treasury, part of the tribunal to decide under that act, rejected. The parties having received their principal, this is to give them interest, under the act of 1834. The act of 1834 is a private act, for private claims, and this must be a private act for private claims. I shall have to discuss this question if the amendment is urged, very much at large; and I cannot help the result, because I think I can show, incontrovertibly, that these claims are not within the treaty, and never were.

Mr. MALLORY. I do not wish to discuss the question of order, and particularly I would refrain from touching the merits of the amendment on a question of this kind; but this very question was raised when you yourself, sir, were in the chair on a former occasion, and it was then ruled to be in order. I will not discuss the question of order. I want it decided, and then I shall be ready to go into the merits of the case.

The PRESIDING OFFICER, (Mr. BRIGHT in the chair.) The Chair decides that the amendment is not excluded by the rules, but is in order.

Mr. HUNTER. I must take an appeal, though I regret to do so, because, if this is brought up, our bill is swamped; we shall be discussing it until to-morrow at day-break.

The PRESIDING OFFICER. The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. MALLORY. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLAY. Those who think this is a private claim will vote "nay," and those who think it is not a private claim will vote "yea."

The PRESIDING OFFICER. Certainly.

Mr. CLAY. I understand it, then.

The PRESIDING OFFICER. It is difficult for the Chair to determine what is, and what is not, a private claim. The Chair is under the impression, from reading the amendment, that it is so connected with a former law as to come within the provision of the rule.

Mr. STUART. The bill which was reported by the Committee on Claims, at this session upon this subject, was reported as a private bill, and placed upon the Private Calendar.

Mr. MALLORY. But it was ruled off as not being a private claim.

Mr. STUART. No.

Mr. MALLORY. Exception was taken, when it came up, on that ground.

Mr. STUART. I beg the Senator's pardon. It was put by on the ground of the absence of the Senator from Delaware. It was not ruled out because it was not a private claim.

Mr. MALLORY. Those who desire to sustain the decision of the Chair will vote "yea," I suppose?

The PRESIDING OFFICER. Yes, sir.

Mr. HAMLIN. The Senator from Michigan informs us that this proposition was reported as a private bill, and placed upon the Private Calendar. Admit it, grant it, suppose it so, the last part of the 30th rule, which is said to exclude it, is in these words:

"No amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation."

Now, grant that this was reported as a private bill, and went upon the Private Calendar, the whole point turns upon the other question whether it is designed to carry out a treaty stipulation. If so, it comes expressly within the rule, and the ruling of the Chair is clearly correct.

Mr. STUART. Fortunately or unfortunately, I will not undertake to say which, I have been in the chair very often when these questions have been raised, and been compelled to decide on this very rule. I decided but the other day, and was sustained by the Senate as I thought almost unanimously, that the last clause of the 30th rule applied to a case which was provided for in a treaty or a law, where the amount to be paid was ascertained and stated in so many dollars and cents, and not to a case where it was a subject of dispute, as is the case here, whether it comes under the treaty or not. The very reason of this amendment is, because it is decided at the Treasury that it does not come within the treaty; the claimants insisting that it does. That is the very question in debate.

Mr. POLK. I shall vote on the question of order without committing myself upon the merits of the claim.

Mr. COLLAMER. The decision of the Chair was that this amendment was in order.

The PRESIDING OFFICER. Yes, sir.

Mr. COLLAMER. And the question is, shall that decision stand?

The PRESIDING OFFICER. The question is: "Shall the decision of the Chair stand as the judgment of the Senate?"

The question being taken by yeas and nays, resulted—yeas 28, nays 19; as follows:

YEAS—Messrs. Allen, Bell, Broderick, Brown, Cameron, Chandler, Clark, Crittenden, Dixon, Doolittle, Douglas, Durkee, Fitch, Green, Hale, Hamlin, Harlan, Houston, Iverson, Jones, Kennedy, Mallory, Mason, Reid, Seward, Toombs, Wilson, and Yulee—28.

NAYS—Messrs. Bates, Bayard, Benjamin, Chesnut, Clay, Clingman, Collamer, Davis, Fitzpatrick, Foster, Hunter, Johnson of Arkansas, Johnson of Tennessee, Lane, Polk, Slidell, Stuart, Trumbull, and Ward—19.

So the decision of the Chair, ruling that the amendment was in order, was sustained.

Mr. MALLORY. I am aware that, in bringing this proposition before the Senate at this late day, I hazard a great deal—not only the loss of the amendment, but the occupation of the Senate from matters of equal or perhaps greater importance; but the Senate well knows that I have tried, on three or four different occasions, to have this bill discussed separately when the Senate had abundance of time. On two occasions it was laid aside in consequence of the absence of my friend from Delaware, who desired to discuss it.

Mr. BAYARD. Only once.

Mr. MALLORY. I gave him notice that I would offer it this morning, so that he might discuss it, if he would do so. As he advises me that he will discuss it, I abstain from saying anything further at present.

Mr. BAYARD. I should like to have the report of the committee read upon which this amendment is predicated. It is nothing more than attaching a private bill heretofore reported to this appropriation bill. I want that report read; because I desire to controvert the positions contained in it, particularly one as to the construction of the treaty. I have several documents to refer to. The claim is one of great magnitude—$1,700,000 now, as I understand. My own impression is, that it ought not to be paid; and I think I can show the Senate that there is no claim whatever on Congress; that it is not within the treaty; that it ought not to be paid; and that without reference to the question of interest at all.

The PRESIDING OFFICER. The Secretary will read the report.

Mr. DOOLITTLE. I hope the honorable Senator will allow me a single moment before the reading of the report. I should like to get the attention of the honorable Senator from Florida. It is utterly impossible for me to go into an investigation of this matter, so that I can satisfy myself upon it. I shall be compelled to vote

against the amendment; and so far as this claim is concerned, I do not think it should command a majority at the present time.

Mr. CLAY. I will suggest to the Senator from Delaware that probably this amendment cannot be passed. If we were to let it go now in committee, when we get into the Senate, if it should be adopted in committee, he can move to strike it out, and then make his speech. I hope the Senator will agree to that.

Mr. BAYARD. I am perfectly willing to take that course. What I desire is, that before this claim is imposed upon the United States by the action of the Senate, they shall do it with their eyes open, and knowing all the facts. If the Senate vote it down without that necessity, I am perfectly content.

I want to mention one fact of some moment, without reference at all to my own opinions. This same provision now offered to the appropriation bill, was discussed in the House of Representatives at large, in 1855; and it was voted down in the House of Representatives by a vote of 104 to 90. At the same session, in the Senate, it was moved, certainly in the substance, and I think exactly in the language of the present amendment; and then the Senate, after a discussion by the honorable Senator from South Carolina, who now, unfortunately, is not among us, (Mr. Butler,) and other Senators, by a vote of 31 to 10 rejected the claim. In both Houses it has been rejected. Since that, it was referred to the Court of Claims. They decided against it also. And now, upon what ground it can come here again and ask further discussion, I know not; but if it is to be before the Senate again, I desire to go into the merits of this case, not on the question of the allowance of interest—I waive all that—but I undertake to say that I think I can prove conclusively that the claims provided for by the act of 1834, never were within the treaty; that Congress never considered that they were within the treaty; and that, by the whole correspondence between the Governments of Spain and the United States, they certainly were never intended to be paid by the United States under the provisions of the treaty.

Mr. HUNTER. Let us take the vote.

Mr. BAYARD. I am satisfied with that course.

Mr. MALLORY. The vote cannot be taken now. I will guarantee that my friend from Virginia, who is so eager to take the vote, has never looked into this case, and knows no more about it than those who have never heard of it at all. It is, however, suggested to me by the honorable Senator from New Hampshire, who made the report in the case, [Mr. CLARK,] that we may take the vote now, and renew the amendment again in the Senate if it should be rejected now. I will consent to that course.

Mr. CLAY called for the yeas and nays; and they were ordered.

Mr. SEWARD. I feel very much embarrassed. I do not know how to vote. I do not know what the merits of this case are. If the call for the yeas and nays can be withdrawn, so that a man is not committed now by a vote either for or against the measure, and it can come up afterwards before the Senate, when we understand what it is, I shall have no objection to that course. I want to hear something to know why I should vote for or against it.

Mr. BAYARD. I suggest to the honorable Senator from New York that, after a full discussion, he voted against this same claim in 1855, on the yeas and nays.

Mr. CLAY. If that will relieve gentlemen, I will, with the consent of the Senate, withdraw the call for the yeas and nays.

Mr. MALLORY. Very well; let the call for the yeas and nays be withdrawn, and I will not discuss the question now.

The PRESIDING OFFICER. The call for the yeas and nays may be withdrawn by unanimous consent. The Chair hears no objection.

The amendment was rejected.

Mr. MALLORY. I give notice that I will renew it in the Senate.

Mr. CLAY. I have three amendments to propose, which are for retrenchment and reform. They do not involve any expenditure of money, but are intended to save money; and hence I hope the Senate will indulge me by agreeing to them. I move to amend the bill in the third page by striking out lines fifty-nine, sixty, and sixty-one, as follows:

"For repairing the works and piers, in order to preserve and secure the light-house at Chicago, Illinois, $87,000."

I will state briefly the reason why I move this amendment. We have no information whatever upon which to vote in favor of this appropriation; I speak, at least, for the Committee on Commerce, to which such bills are always referred, and which, in this body, always reports such bills. We have no estimates from the proper Department of the Government, nor have we the authority of the Department for making the appropriation. On the contrary, I have reason to believe that this appropriation is not approved by the Department, because the light-house bill which has passed the House of Representatives, and is now pending before the Senate, has no such appropriation; and on its being referred to the Committee on Commerce, when we called for information, we did not receive any which warranted us in amending it by such an appropriation as is here proposed.

In the next place, I will suggest that a memorial has been before the Senate, presented by the Senator from Illinois, [Mr. TRUMBULL,] signed by property-holders in Chicago, which proposes that, if the Government will permit them, they will improve this pier at their own expense, and keep it in repair, in consideration of the use of the pier for their private purposes. That bill, the committee, I believe, were almost unanimously in favor of, and would have reported; but, on reference to the Secretary of the Treasury, the Light-House Board did not approve it in some respects, and made a lengthy report, and we received that report too late in the session to act on it advisedly; and hence I asked to be discharged from the consideration of the subject.

Under these circumstances, inasmuch as the appropriation is not recommended by any Department of the Government, and inasmuch as we have no estimate from any Department on which to base it, and as I trust, during the next session of Congress, and at an early day, we shall pass a bill in conformity with the prayer of the memorialists, I think this clause ought to be stricken out. I move, therefore, to strike it out.

Mr. DOUGLAS. It may be, as stated by the chairman of the Committee on Commerce, that there is no recommendation at this session on this subject; but it will be recollected that, at the last session, the question was before the Senate; the reports and estimates of Colonel Graham, the engineer in charge, were before us; and, upon a full investigation and discussion, the appropriation recommended by him was passed, and a bill for that purpose sent to the other House; and the House this session, undoubtedly, have been acting on that recommendation. I apprehend it is not necessary to renew these estimates at a subsequent session of the same Congress.

The facts in regard to this matter may be very briefly stated. Congress has made appropriations, from time to time, for these piers at Chicago. They were made and extended out into the lake. They are crib piers, frame-work filled with stone. The wood work has all rotted away, the piers have fallen to pieces, and the work will be entirely destroyed unless it is repaired. It is true the property holders, fearing that Congress was not going to make any appropriation, applied for permission to make the repairs themselves, and to use the pier only to the extent of landing goods on it, to take it across to the lots behind it, only a few feet distant. I have been urging on the Committee on Commerce this year to report a bill to enable the property holders themselves to do it. The committee referred the matter to the War Department; the Secretary of War referred it to Colonel Abert, the chief of the proper bureau, and Colonel Abert referred it to Colonel J. D. Graham, the engineer in charge at Chicago, and that engineer has made a lengthy report against permitting the property owners and citizens of Chicago to repair the piers, and insists that they must remain under the exclusive jurisdiction of the Government of the United States, and that the repairs must be made by Government money and under Government authority. He has made a very elaborate report in favor of stone piers, which will cost a very large amount of money. He considers that to allow the inhabitants of Chicago to make these repairs, would interfere with his magnificent scheme of improvement at the cost of the Federal Government for our benefit.

I was anxious to get permission for our citizens to make these repairs, and save the piers from washing to pieces and the whole harbor from being destroyed. The Committee on Commerce, however, did not feel at liberty, in opposition to the report of the engineer in charge, indorsed by the Department, to grant this privilege; and we think it a very hard case if you will not permit us to do this work, and will not do it yourselves. We want the harbor kept open; we must have the piers in a state of repair. They are falling to pieces, and the mouth of the harbor is closing up. We are in this predicament: when we ask you for appropriations they are denied; when we ask you to permit us to do the work ourselves with our own money, that is denied. And in the mean time our harbor is to be closed; our commerce to be cut up; the commerce of that whole section of country is to be interrupted, because you will not repair these piers yourselves, nor let us do it. I think really the committee ought to do one thing or the other.

I hope the Senate will retain this appropriation simply for these repairs, and hereafter we can discuss the question whether it is proper to put the work under the local authorities, and allow the local authorities to make the repairs, or whether the Federal Government shall do it. But, unless something be done during the coming season, this will be destroyed; it is in a state of dilapidation; it is falling to pieces; and the harbor is filling up. The currents that run from the north, sweeping down and carrying the sands against the piers, are overwhelming it and filling up the harbor; and it is essential to protect tha which has been done, essential to the commerce of the harbor, that these repairs should be made, in order to save a vast amount of money already expended.

I decline to go into the question of river and harbor improvements by the Federal Government on this occasion. It is too late in the session for that. It is too late to secure any bill permitting us to make these improvements ourselves. It was only yesterday that we got a report from the committee on the memorial to which I alluded. I was urging it before. I attach no blame to the committee. They were waiting for the report from the Department; but the decision was against us. While the committee would be willing to let us do this, they did not feel authorized to report a bill to permit us to do it when the Department is against it. The Department being against us, and the recommendation of the Department controlling the committee this year, the presumption is, that it will be so next year. We presume the same men will be in office for two years to come. Are we to wait, and have our harbor destroyed and go to ruin, and our commerce cut off, because the Department here thinks we ought not to be permitted to do it ourselves, but that the Government should do it? Then, it is objected, while the Department will not allow us to do it, that they have not expressly recommended this appropriation. I think we ought to allow this small appropriation for repairs to go through; and at the opening of the next Congress we shall be able to discuss the whole question of the propriety of river and harbor improvements by this Government, or of a plan by which the local authorities can be allowed to do them; but certainly, you must either do them yourselves or let us do them; and, inasmuch as you have decided this session against permitting us to do this work ourselves, with our own money, I trust you will concur with the House of Representatives in this appropriation.

Mr. CLAY. The Senator did not understand me correctly, or he did not report me exactly as he should have done. I said to the Senate that the Committee on Commerce were decidedly prepossessed with the idea suggested in the memorial of the property-holders there, and that we came near reporting the proposition as it came to us; but we thought it proper to refer it to the appropriate Department of the Government, and we got their report too late for us to act on it finally. I would, even then, I believe, with the approval the committee, have reported a bill against the recommendation of the Department; but that it

was too late for us to get the action of both Houses of Congress. If we had authority from the proper source for saying what has been asserted by the honorable Senator, and what, I have no doubt, he believes, on his own ocular demonstration, perhaps, or what he has heard from Colonel Graham, that this appropriation was necessary to preserve these works and prevent their going into dilapidation before the next Congress, I would cheerfully vote for the appropriation; but we have no such estimate from the Department and no advice on the subject. On the contrary, it will be recollected that, at the last session of Congress, the committee reported against a great many works for the repair of improvements on the lake coast and the Atlantic coast, on the ground that they were not indispensably necessary, and that, in the present condition of the Treasury, the committee would not recommend an appropriation for any works, except those where, in the opinion of the proper Department, the appropriation was absolutely necessary to preserve existing works and prevent their going to destruction. Under these circumstances we did not report for this. I suppose that, if the Department which ought to be advised about it did its duty, it recommended those works which needed appropriations immediately, and that this not being one of that class, in their opinion, they did not recommend it. Hence it is that I moved to strike out the appropriation. I would not do so under other circumstances; but I feel that I am warranted, by the resolution of the committee during the last session, and to which they adhere up to this time, and by the action of the proper Department—the War Department—in saying that we have no information upon which to predicate this appropriation, and that we ought to strike it out.

Mr. DOUGLAS. I intended to be understood, if I was not, as intimating that the committee, as I learned from the chairman, felt inclined to grant our request, but did not feel at liberty, at this late hour of the session to report for it, inasmuch as the Department had reported against it. I do not attribute any blame at all to the committee. In regard to the indispensable necessity of this appropriation to protect these piers from destruction, I think there can be no question at all. I have sent for Colonel Graham's report of last year, and I think it will show clearly and conclusively that this is indispensable. His estimates are all there in detail, and any of us who know personally the condition of these piers, know that they are absolutely falling to pieces, and that they will go to entire and total destruction without these repairs. A postponement till another year is death to us. Something must be done. The owners of property would not have come forward and asked, at this session of Congress, so pressingly for this permission, unless it was essential. They would, of course, rather have you do it than do it themselves; but stern necessity, in order to keep that harbor open, compels them to make any sacrifices necessary for that purpose. We cannot, however, get permission to repair them ourselves. Here is a small appropriation, not more than enough to put the piers in repair so that they will not go to destruction. It is an appropriation to go on with the work; not an appropriation for a new work or any extension, but simply to put the piers in a state of preservation. I think, therefore, if my friend from Alabama will let this go, and allow the work to be put in a state of preservation only, next year we can consider fairly this whole subject. I am anxious to approach the subject of river and harbor improvements in a spirit of fairness and candor, with a view to a better system. I think we shall have to change the whole system and put it under the local authorities, in order to have good harbors. This opinion of mine is well known to the Senate. It has been entertained for years, and each year strengthens my convictions; but until we can be permitted to do it ourselves, it is essential that something should be done in order to keep the harbor open; otherwise, our whole commerce is destroyed.

Mr. TRUMBULL. I will say a word in reference to the suggestion of the Senator from Alabama that there is no estimate for this appropriation. I have this moment sent for Colonel Graham's report, and, though I have no time now to look over it, I find that, in regard to the repair of Chicago harbor, he says, in this report, communicated to the Senate, by the War Department, on the 10th of February, 1859:

"The necessity of speedily repairing these piers, in order to save the harbor from destruction, was fully set forth in my annual reports, both for 1855 and 1856. The remarks then presented on this subject will be found printed in Senate Executive Documents, No. 16, of the Thirty-Fourth Congress, third session."

He then goes on, at some length, to speak on the subject, but I will not detain the Senate by reading it, as I have not had time to look over the report and call attention to the paragraphs which particularly bear on this matter. Perhaps I may do so before the question is taken. I will state, however, that the Senate passed a bill for this purpose at the last session, which bill is now pending in the other House. The only reason why the appropriation happens to be on this bill, as I understand, is on account of the difficulty which exists in the House of Representatives in getting up bills. That House, by a decided majority, put upon this bill the same amount which is appropriated by the separate bill which passed the Senate at the last session, and which, if it could be reached in the House, would become a law. This whole question, as to the necessity of the appropriation, and the estimates, was discussed in the Senate a year ago, and the bill was then passed. It seems to me very singular that it should be insisted now that there is no necessity for such an appropriation, when the Senate itself made a similar appropriation a year ago.

This is the most important point in the Northwest. As everybody knows, Chicago is the great city of that region of the country. The amount of commerce there is very large. These piers are going to destruction. Numerous lives are lost every year at the city of Chicago, for the want of a little improvement at that point. This is merely an appropriation to keep the piers in repair. We have the report of the engineer that they are going to destruction, and that it is necessary to repair them; and it seems to me the Senate having passed a similar bill, it would be much better to let this small appropriation go through, without this controversy, at this late stage of the session. It is not, as the Senator from Alabama seems to think, a new matter sprung upon the Senate, but it is a matter which has been well considered, and which we have ourselves agreed to. Under these circumstances, I do not know why the Senate should reconsider its action of the last session. I shall not take up time further. I trust the simple fact that we once passed it will be sufficient now to justify Senators in passing it again, without compelling us to go over all the ground to show its necessity.

Mr. HUNTER. I hope we shall have the vote.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama, to strike out the appropriation he has indicated.

The amendment was rejected.

THE POTOMAC WATER.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses, on the bill (H. R. No. 889) to provide for the care and preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefits of the inhabitants of said cities.

Mr. BROWN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 889) to provide for the care and preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefits of the inhabitants of the said cities, have met, and, after full and free conference, have agreed to recommend to their respective Houses as follows:

That the Senate recede from its amendment to the said bill, disagreed to by the House; and that the Senate concur in the bill of the House, with the following amendments:

Strike out, in the eighteenth line of the first section, the words "civil engineer," and in lieu thereof, insert, "officer of the United States corps of engineers."

Strike out, in the twenty-eighth and twenty-ninth lines of the same section, the words "the sum of $3,000 per annum;" and insert in lieu thereof, "no more than his regular pay as an officer of the corps."

In the forty-fifth line of the same section, strike out the word "to," and insert in lieu thereof, the word "shall."

Strike out, in the twelfth line of the third section, the word "annual."

Strike out in line eleven, section seven, the word "and," and insert the word "or."

Add the following section to the bill:

SEC. 8. *And be it further enacted*, That the cities of Washington and Georgetown, respectively, shall have power to establish a complete system of sewerage, in aid of the execution of the provisions of this act.

A. G. BROWN,
DANIEL CLARK,
Managers on the part of the Senate.
EDWARD DODD,
H. C. BURNETT,
A. M. SCALES,
Managers on the part of the House.

The report was concurred in.

ARMY APPROPRIATION BILL.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 667) making appropriations for the support of the Army for the year ending the 30th June, 1860.

PENSION APPROPRIATION BILL.

On motion of Mr. HUNTER, the Senate proceeded to consider its amendments to the bill (H. R. No. 662) making appropriations for the payment of invalid and other pensions of the United States for the year ending the 30th of June, 1860, disagreed to by the House of Representatives.

Mr. HUNTER. I will state that we sent the bill to the House with two amendments; the one abolishing the pension agencies, and the other providing for the biennial reëxamination of the invalid pensioners. The House agreed to the amendment for the reëxamination of the pensioners, but struck out that abolishing the pension agencies. We insisted on that amendment; the House have insisted on their disagreement to it. It is hardly worth while to send the bill to a committee of conference on such a point. I want to close up the bill, and therefore I move that the Senate recede.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the Speaker had signed the following enrolled bills; which thereupon received the signature of the Vice President:

A bill (H. R. No. 667) making appropriations for the support of the Army for the year ending June 30, 1860; and

A bill (H. R. No. 890) making appropriations for the payment of the expenses of investigating committees, and for other purposes.

JEHU UNDERWOOD.

The message further announced that the House had passed the bill of the Senate (No. 129) to provide for the final settlement of the land claim of the heirs of Jehu Underwood, in Florida, with an amendment; in which the concurrence of the Senate was requested.

On motion of Mr. YULEE, the Senate proceeded to consider the amendment.

The PRESIDING OFFICER. The amendment will be read.

Mr. YULEE. I can state it in a moment. There being a dispute as to title, the amendment is to put it in such a condition that the bill will avail whoever the land belongs to.

Mr. PUGH. I demand the reading of the amendment.

The Secretary read the House amendment, which is, to strike out all after the enacting clause of the bill, and insert:

That the claim and title, derived from the Spanish Government by John or Jehu Underwood, to land in the State of Florida, so far as the same remains unsettled, shall be received and adjudicated by the judge of the district court of the northern district of Florida, upon the petition of the heirs of said Underwood, or of any other person or persons claiming under him, as purchasers or otherwise, according to the forms and rules and regulations prescribed by Congress in similar cases, and in the same manner in all respects as such claim would have been received and adjudicated if said claim had been presented within the time prescribed by the several acts of Congress for presenting the same for confirmation; and so far as said claim is unsettled and is found to be valid, the said court shall be, and is hereby, authorized and required to enforce the location thereof to the person or persons entitled thereto as heirs, purchasers, or otherwise, under the same rules and regulations

as have been exercised in regard to other mill grants in Florida.

The amendment was concurred in.

The House also proposed to amend the title of the bill so as to make it read, "An act to provide for the final settlement of the land claim of the persons claiming as heirs, or under Jehu Underwood, as purchasers or otherwise, to certain land in Florida, and to confirm the title to the proper owner or owners;" which was agreed to.

POST OFFICE APPROPRIATION BILL.

A message from the House of Representatives by Mr. ALLEN, announced that he returned to the Senate, House bill (No. 872) making appropriations for defraying the expenses of the Post Office Department for the year ending the 30th of June, 1860, with the Senate amendments thereto, in conformity with a resolution of the House directing that the bill and amendments be returned to the Senate, as section thirteen of the amendments is in the nature of a revenue bill.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. HENRY, his Secretary, announced that the President had this day approved and signed the following acts:

An act for the relief of Frances Ann McCauley;

An act for the relief of Jane Turnbull; and

An act supplemental to "An act for the admission of the State of Minnesota into the Union."

NAVAL APPROPRIATION BILL.

Mr. MALLORY. The committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 712) making appropriations for the naval service for the year ending the 30th of June, 1860, have met, and, after full and free conference, agree to recommend as follows: that the Senate recede from its disagreement to the House amendment to the second amendment of the Senate, and agree to the said amendment with an amendment to the amendment of the Senate, as follows: Strike out the words "$173,700," and insert the words "$289,000;" that the Senate recede from its disagreement to the amendment of the House to the third amendment of the Senate.

In one word I will explain the report. In the Paraguay expedition the House have agreed to strike out the amount inserted by the Senate, $173,700, and restrict the Secretary of the Navy to the charter of vessels, and giving him permission to purchase if, in his judgment, most economical and right, and for that purpose inserted the sum of $289,000, the sum asked for by the Secretary. In the second amendment, in relation to engineers of the Navy, they inserted a clause by which they shall never exercise any military control; or, in other words, the executive officer of a vessel shall always take precedence in rank over the engineer. The Senate committee concurred in both.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed the following bills of the Senate:

A bill (No. 224) for the relief of Edward Ingersoll;

A bill (No. 292) for the relief of James H. Glanding; and

A bill (No. 606) to carry into effect the convention between the United States and China, concluded on the 8th of November, 1858, at Shanghae.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills; and they were signed by the Vice President:

A bill (H. R. No. 662) making appropriations for the payment of invalid and other pensions of the United States, for the year ending the 30th of June, 1860; and

A bill (H. R. No. 889) to provide for the care and preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefit of the inhabitants of the said cities.

CIVIL APPROPRIATION BILL.

The consideration of the bill (H. R. No. 713) making appropriations for sundry civil expenses of the Government, for the year ending June 30, 1860, was resumed in Committee of the Whole.

Mr. WARD. I am authorized by the Committee on the Post Office and Post Roads to offer the following amendment, as an additional section:

And be it further enacted, That the Postmaster General be, and he is hereby, authorized and directed to contract with Carlos Butterfield and his associates, who are to be styled "The United States and Mexican Mail Steamship Company," for the conveyance of the mails from and to the United States, and to and from the Republic of Mexico, in the following order, namely: A steamer shall leave New Orleans or Mobile on the 1st and 16th days of each month, touching first at Galveston, Matagorda Bay, Brazos de Santiago, Tampico, Vera Cruz, Coatzacoalcos, Tabasco, Laguna, Campeche, Sisal, and other ports in said circuit that may hereafter be ascertained to be practicable, including Sabine Pass, and thence to New Orleans or Mobile; and on the 8th and 24th days of each month a steamer shall leave New Orleans or Mobile, touching first at Sisal, Campeche, Laguna, Tabasco, Coatzacoalcos, Vera Cruz, Tampico, Brazos de Santiago, Matagorda Bay, Galveston, and thence to New Orleans or Mobile; thus accomplishing the full circuit of the Gulf, or four round voyages, per month.

And be it further enacted, That the aforesaid contract shall be for a term of ten years, and shall not involve, on the part of the Government of the United States, an expenditure exceeding $120,000 per annum.

Mr. President, it is not my purpose, at this late hour of the session, to detain the business of the Senate by a lengthy discussion on this amendment. I shall, therefore, dispense with many of the arguments which I would otherwise have used on this question; and whilst I acknowledge that the other steam service embraced in this bill is right and proper, yet I consider none of them of more importance, in their consequences and results, than the one now under consideration.

I will merely call the attention of Senators to our present relations with Mexico, and what they might be under the provisions of this amendment.

It will be recollected that, at present, we have but a single temporary mail service with the Gulf ports of Mexico, being only once in two months; making six trips a year, at a cost of $30,000 annually.

By the arrangement proposed by this amendment, we shall have weekly trips, touching at all the important ports on the Gulf of Mexico, which will not increase the amount already paid for temporary service more than $90,000.

I have no doubt, Mr. President, that the postages alone will in a few years make this line self-sustaining, to say nothing of the increase of revenue from commerce, and political influence so much to be desired.

If, sir, we can even regain the commerce which we have lost by our neglect and indifference toward Mexico, it will increase our revenue beyond any expenses incurred by this service.

In a political point of view, I will allude to the course we are and have been pursuing, by sending ministers and charges abroad to negotiate treaties of amity and commerce with other Powers at great expense, and totally neglecting to cultivate the necessary friendship and mutual intercourse with our neighbor republic, and lay quietly by and permit other Governments to come to our doors, and divert the commerce from us, as well as the affections of those people, which we have in our power to avert by renewing our commerce with them; if we should refuse this overture on the part of Mexico, it may divert their attention and affections from us to some other Power, that will give them more consideration.

The proposition for postal and commercial intercourse came from Mexico, in the shape of a contract made with American citizens, in which she agrees to pay one half of the expenses in carrying out the enterprise, which contract was submitted to the United States legation in that country, and acknowledged by all the authorities there.

Now, Mr. President, if it be our object to cultivate friendly and profitable relations with Mexico, I cannot see how we can refuse this proposition, when the amount involved is insignificant compared to the ultimate results, both in a commercial and political view of the question.

Mr. HUNTER. At this late period of the session it is impossible to discuss the merits of these amendments. We are now in that condition in which to debate the bill is to defeat it; and I stand here like one whose hands are tied, for the purpose of protecting the bill. I will only state the point of my objection to this amendment. It is to make a foreign mail service, and to put it upon other terms than those which were allowed by the law of the last session to foreign mail service in other directions, which was, that the lines should run for the postages. I am willing to give the postages to any foreign line. In regard to the merits of this proposition, I will not say one word, but merely state the opinion, that if it be adopted, the foreign mail steam lines will be offered as amendments to this bill, and whether, finally, we agree to them or not, the end will be to defeat the bill itself. The time is so short that it is impossible that we can consider all these propositions. We have just had returned to us the bill in regard to the Post Office appropriations, with a message raising a question of privilege between the two Houses—a bill in regard to which there may be some difficulty, and which certainly will consume time to settle it. Unless the Senate should agree that the period has now come, when we shall have to vote down new amendments—and I should have no scruple in voting this down as an amendment to the bill—I do not see that we shall ever get through in time to pass the bill before the close of the session.

Mr. FITZPATRICK. I am admonished of the propriety of the suggestion of the Senator from Virginia. The raps of your hammer, sir, are sufficient to remind every Senator of the impatience of the Senate to listen to anybody on a question of this kind. I am not usually troublesome in this body; but I will say a few words in reference to this amendment, which is in the words of the bill I had the honor to introduce at the commencement of the session. That bill has undergone the scrutiny of the Committee on the Post Office and Post Roads, and comes from them with a recommendation that it be attached to this bill as an amendment. It was designed to go on the ocean steamer bill; but we all know that that bill has failed, and this is the only chance to establish a postal arrangement in a section of country that has been too long neglected. It comes indorsed by a very strong and powerful recommendation of the Postmaster General.

There are many features of this proposition which should commend it to the consideration of the Senate. The proposed postal arrangement will be a powerful auxiliary to commerce, and I am astonished that the matter has been so long overlooked and passed by without the notice of the Congress of the United States. We have established foreign mail service with the continent of Europe, and many distant countries. Here is an attempt to connect ourselves with our neighbors, to open friendly relations with the Republic of Mexico, containing twenty-two States, six Territories, and the district of Mexico, embracing a population of eight million two hundred and eighty-three thousand and eighty-eight souls. The landed estate of those States is estimated at the sum of $720,000,000, and the town property at $635,000,000—making a total of $1,355,000,000. The foreign imports into that country amount to $26,000,000. I ask the attention of the Senate to the countries from which these imports come. Great Britain heads the list with $12,500,000; the United States, $4,500,000, about one third of Great Britain; France, $4,500,000; Germany, $1,860,000, and so on. Here is a population right at our own doors that receive one third of their imports from England—and what is the reason of this? Simply because the Government of England keeps up a regular line of steamers, and virtually bribes that trade into her own ports, and so deprives us of all the exports of Mexico, amounting to about twenty-eight million dollars. But a small proportion of that commerce comes to our country.

Are not these facts sufficient to justify us in appealing to Congress to make a proper postal arrangement with Mexico to see if we cannot invite more of this trade and commerce to our country? In my judgment, there has not been a better object demanding the attention of Congress during the present session than the commerce with these interesting people. They desire to trade with us, if we will give them an opportunity. They have not been able to do so heretofore, because the postal arrangements of England and other countries have deprived us of their commerce. At present our postal service with Mexico costs $30,000. We propose to supersede it

by this arrangement, which will cost $120,000, so that we are only asking the small sum of $90,000 to open a commerce with these people. Why, sir, it is but a drop in the bucket compared with the commerce that will come into this country if we establish the means to bring it here; and so far from its being a drain on the Treasury, I feel perfectly assured that, if the facilities are afforded which, I trust, this provision will offer, for every dollar we pay out of the Treasury we shall get ten in return. What is the small amount of $90,000 to us when a Government, crippled and weak like that of Mexico, proposes to pay $120,000 themselves? I think the propriety of this measure is so palpable, and should appeal to the enlightened views of the Senate, that there cannot be a doubt as to the proper course to be pursued; and I trust the amendment will be adopted. I could offer many statistics to the Senate to illustrate and enforce the propriety of this measure; but I am satisfied, from the impatience I see around me, that it is out of place and out of taste to occupy the Senate at this hour, and, therefore, I have nothing further to say.

Mr. SHIELDS. I agree with the honorable Senator from Alabama that this is no time to discuss any question, owing to the impatience of the body and the near approach of the end of the session; but I cannot let this amendment pass without expressing my approval of it. Perhaps, in some respects, this arises from my knowledge of the points on the Gulf, and what I consider to be the very great neglect of this country in not having attended to something of this kind long ago. This proposition, if I understand it right, provides that these vessels shall touch at every point on the Gulf of Mexico. The line is to be a joint line between this country and Mexico, equally paid for by both Governments; and in my opinion it will be a much better mode of benefiting that country and connecting it with the United States, than some plans which have been proposed at this session. It is a peace measure; it is a commercial measure. Mexico will be a good market for our coarse fabrics, and a variety of articles that are made in our country; and my opinion is, that if this line be established, it will do more to improve the revenue of this country than all the lines we have established in that direction together.

I cannot debate this question now; there is no time to enter into details. I could, however, if it were necessary, in my humble opinion, convince the most skeptical in the Senate that an American line touching at Matamoras, Tampico, Vera Cruz, and other points in the Gulf of Mexico, bringing their productions to this country, and taking ours to them, would make Mexico the best market we can have on this continent. Why it has been so long neglected, I cannot tell—why such a proposition was not made long ago, when I know, and every man acquainted with that country knows, that the very articles the people there most need, are articles that can be most cheaply furnished by this country. For want of these facilities they have been obliged to go to Europe for them. A British steamer touches at those points and gives them the facilities. The Mexican Government have offered such advantages in connection with this line, that it ought not to be neglected. It will give us the preference over the European lines. It will make Mexico our partners in this line, and make them also responsible for managing it. It strikes me that no proposition has come into the Senate at this session that can compare with this. I know that for gentlemen who want to give the war power to the President, to allow him to send war steamers into these places and to bombard them at his pleasure, it may not be so well; but I think it is better than that. My opinion is that it is much more politic. From my knowledge of that country, its people, and its productions and its exports, my opinion is, that the establishment of this line will reimburse our Treasury ten-fold what it will cost the Government; but I will not waste time at this late hour.

Mr. BENJAMIN. The Senator from Minnesota turned to me in apparent expectation that I was opposed to this line; and he said that gentlemen who were in favor of putting the war power in the President's hands would oppose it. Now, sir, I am not in favor of putting the war power into the President's hands, and I am in favor of this line. I never did propose to put the war-making power in the President's hands. I proposed to put in the President's hands power to protect our commerce in places where there was no Government. Where there was, in point of fact, no Government, where our people were exposed to the depredation of insurgent bands, of rival factions, and where there was no settled Government to which we could apply for redress, I know no other means of dealing with that subject than by the strong arm of power.

Now, in regard to the merits of this proposition, it is quite too late in the session for any of us to talk about it as a general subject, or do any more than throw out a few suggestions. This line that is proposed by the Committee on the Post Office and Post Roads, is eminently advantageous as a national line for national political purposes connected with our foreign relations. It is not a mere postal line. As a postal line, it is worthless; the carriage of the letters would cost five or ten dollars a piece. It is just as worthless, as a postal line, as your overland routes to California are. They are really not postal routes; they are mere routes of communication across the continent; and this line would not be a postal line; the postages would not begin to pay for half the fuel burnt on the ships; but there is another view of the subject which ought to be taken into consideration, not only in relation to this particular line, but to all the ocean mail lines of the country. It is this: that, independently of their service to the country in carrying the communications between our merchants and those of foreign nations, they create for this country a preëminent moral power, a preeminent commercial power, a power over public opinion in the countries with which these steamers connect us, and which gives us a great advantage in our foreign intercourse with them. Now, take the Republic of Mexico: we have no connection with it; and our commerce there has dwindled down to nothing, and Great Britain has got it all. Great Britain, at a distance of nearly four thousand miles, across a stormy ocean, has monopolized the commerce of this sister republic that touches us, simply because her Government maintains steam lines in connection with Mexico, and our Government refuses to do it.

It is said that this is not within the general power of our Federal Government. We had a mail line, last year, to Bremen. The Senator from Vermont [Mr. COLLAMER] suggests to me that, during the few years that line was in existence, our importations from the ports to which it ran were increased from three or four to nineteen million dollars per annum. We changed our policy; the service was subverted; the importations are dropping off, and they are dwindling away to what they were before.

Now, sir, I do not pretend that we ought to send our lines of steamers to all quarters of the world, with Government subsidy, merely for the purpose of increasing our political influence; but there are points where our interests are so closely connected with those of foreign nations that it may be a matter of judicious economy to protect those interests, by moderate expenditures in time of peace, rather than establishing armaments and protecting those interests by the arm of power. I think this is one of those cases. In our European connections, perhaps, we are not benefited so much, politically, as we should be by a connection with our sister republics; but, so far as connection with the ports upon the Gulf is concerned, it is obvious that, if we are to have any control on the political future of Mexico, we must connect ourselves with them in some way. Now we have no connection. Their commerce has gone across the ocean, although we can furnish them what they require at much lower rates. We have what they want, and they have what we want. Their productions are such as are not raised in our country; their mines give us the silver we require for our daily uses in the transaction of commerce; but all this is going across the ocean, going into the lap of Great Britain, because she thinks proper to subsidize mail steam lines and we have none. We have had one miserable steamer running across to Vera Cruz, in monthly trips, two or three months of the year, and then stopping, so that communication is cut off. In this particular instance, the Republic of Mexico has given a grant, to an American citizen, of a steam line; and it has agreed to give him one half of the subsidy necessary for keeping it up, if the Government of the United States will give the other half. This is rather in the nature of a postal treaty; still it is a legitimate subject of legislation. I shall vote for it as a political measure, connected with our foreign relations; not as a purely postal route.

Mr. SHIELDS. I am delighted that my friend from Louisiana advocates this measure, and I am sorry now that I alluded to the other matter. However, he has made an argument on that question. Perhaps I ought not to have introduced it as I did collaterally; but I am not going into that question; because I know very well that if I did, I should be worsted, whether I was on the right side or the wrong side, by that gentleman; and he has made such an excellent argument in favor of this proposition, that I am willing to accept it and say no more.

The honorable Senator is right, and he has expressed himself much more eloquently and forcibly than I was able to do, though I had the same idea, in saying that we have neglected to cultivate our nearest neighbor, while we have been hunting all over the world for markets. I saw that; I felt that while I was in Mexico, and I felt the influence of the British steamer touching at those points in the Gulf, while I was there, and I could not let this occasion pass without expressing that feeling here in the Senate. I am delighted that the honorable Senator from Louisiana has expressed the same sentiments. I will not say that this line will accomplish all the honorable Senator desires; but it is the first measure, in my humble judgment, that has been introduced, since I came into the Congress of the United States, to initiate such a policy; because it treats your neighbor as an independent country—goes into a kind of partnership with her; you are to unite your flag with her flag; you are to unite in your operations with her, and that will be a great deal if you follow it up. I will say no more about the war power; but certainly what was proposed to be conferred on the President was very much like a war power. Be that as it may, I hope we shall follow this up by a peaceful course of policy; by cultivating kind feelings with Mexico, and by getting their productions, as the honorable Senator said, which we need, and giving them what they need. My humble opinion is, that if we establish this mail, we shall need no war steamers to go down there.

Mr. WILSON. I shall vote for the amendment of the Senator from Texas; but, before I sit down, I intend to move to amend it by striking out "ten years," and inserting "four years." Ten years is too long in this progressive country for a contract of this character. We may want to change and enlarge this arrangement before even four years pass away. I concur entirely in the remarks made by the Senator from Minnesota. I have devoted, during the present session, some little time and attention to the subject of our connections with the countries south of us on the continent; and it seems to me the part of wisdom for the Government of the United States to devote all its power and all its energies to the opening of communications with all the countries south of us on this continent. The Senator from Georgia [Mr. TOOMBS] said the other day in the Cuban debate, that our India was south of us on this continent. That is so. We hear a great deal of talk about the balance of trade being against us in Europe. That is a mistake. The balance of trade is in our favor on the continent of Europe; but we have a balance of trade against us of from thirty to forty million dollars annually south of us on this continent. During the last ten years we had a balance of trade against us in Cuba and Brazil alone of $225,000,000—$22,500,000 annually.

I shall vote for this proposition as a measure that is to connect us more closely with Mexico. I shall vote for all measures tending to connect us with all the nations south of us on this continent. I shall vote for all measures that have a tendency to take off restrictions on trade, to liberalize our commercial connections, and prepare that portion of our continent for intimate commercial, and, perhaps, in time, political relations with us. I move to amend the amendment by striking out "ten years," and inserting "four years." I think the Senator from Texas ought to assent to this amendment, for I look upon a ten year's engagement as too long a time. Great

events will transpire, perhaps, even in four years, and I think we had better limit it to that time.

Mr. WARD. I should have no objection to that if it would not vitiate the contract already existing between these parties and the Republic of Mexico. If that difficulty can be obviated, I have no objection to that suggestion, and I will adopt the amendment.

The amendment to the amendment was agreed to.

Mr. MALLORY. I move further to amend the amendment by adding:

Upon the expiration of the existing contract for mail service between Charleston and Havana, the Postmaster General is hereby authorized and directed to contract for semi-monthly service between Charleston and Havana by the way of Savannah and Key West: *Provided*, The amount paid shall not exceed $50,000 per annum, and that the contract shall not be made for a longer period than four years.

The PRESIDING OFFICER, (Mr. STUART.) Is this amendment reported from a committee?

Mr. MALLORY. No, sir.

The PRESIDING OFFICER. Is it in pursuance of an estimate from a Department?

Mr. MALLORY. It is not.

The PRESIDING OFFICER. Then the Chair thinks it is not in order.

Mr. MALLORY. Is the question of order raised?

Mr. CLAY. I raise it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas, as amended.

Mr. HUNTER. We shall have the whole ocean steam service up, if we put this on.

The amendment was agreed to; there being, on a division—ayes 25, noes 10.

Mr. GREEN. I offer the following amendment, which is recommended by the Committee on Territories:

To enable the Secretary of War to pay for the purchase of stores furnished for the use of volunteers engaged in suppressing Indian hostilities in the Territory of Washington, during the late Indian hostilities in that Territory, $7,000, with interest from the time the money was advanced by Governor Douglass for said purchase.

Mr. HUNTER. I raise a question of order, that that is a private claim.

Mr. MASON. It is not only not a private claim, but it is not a claim at all. If it be considered a debt, it is a debt of honor, of the highest honor. The fact is, it is an estimate from the War Department, sent here by the President of the United States, to replace that much money expended by the Governor of Washington Territory, and which he derived from the Governor of Vancouver's Island. That money was advanced by the Governor of Vancouver's Island three years ago, in March, 1856. The Senate passed the bill immediately on its being presented at this session, and I should not have asked that it be placed on this bill but that I was informed by the chairman of the Military Committee of the House that it was impossible for him to get the floor, and unless it is passed in this form it cannot pass at all.

The PRESIDING OFFICER. The Chair thinks, from the language of the amendment itself, that it is in order.

The amendment was agreed to.

Mr. CHANDLER. The Committee on Commerce authorize me to offer the following amendment:

For a fence to inclose the post office and custom-house at Toledo, Ohio, the sum of $2,500.

Mr. POLK. Has not that been voted on once?

Mr. CHANDLER. It was ruled out of order because it was not presented from a committee. It is now presented by a committee, so as to be in order.

Mr. HUNTER. I hope it will be voted down.

Mr. CHANDLER. I hope not.

The amendment was rejected.

Mr. DAVIS. I wish to offer an amendment as a proviso, to come in after line two hundred and seventy-four:

But this provision shall not be so construed as to interfere with the completion of, and payment for, works already begun by Crawford and Rogers, or the completion of the painting of rooms in the north wing, already partly painted.

In the bill which is before the Senate, there is a proviso to the appropriation for the Capitol extension:

"That none of the money hereby appropriated shall be expended in the decoration and embellishment of the Capitol extension, by sculpture or painting, unless the same shall have been approved by the art commission authorized by the act of 12th June, 1858, in the manner stated in said act."

The amendment is to save the works which are in progress. It is in conformity with an amendment which passed, after a committee of conference, during the last session, for the same purpose. Under the authority of law, contracts have been made, and are in progress, in executing the designs of the late sculptor, Crawford, and Rogers. We cannot in this manner violate the contracts, and it requires some provision of this kind to save them. I will merely say, in addition, that the act which provided for an art commission has never been executed. There has been no art commission; the thing is a total failure. The only object I now have, is to save these obligations which have been incurred under the law.

The amendment was agreed to.

Mr. FITCH. I am instructed by the Committee on Printing to offer an amendment, which is designed to meet a defect in the law upon the subject of supplying paper for the public printing. If the contractor does not fulfill his contract, we are now without a remedy, so far as supplying ourselves is concerned. I offer this amendment as an additional section:

SEC. —. That in default of any contractor, under the act approved August 26, 1852, entitled "An act to provide for executing the public printing and establishing the prices therefor, and for other purposes," to comply with his contract in furnishing the paper for the public printing in proper time and of suitable quality, the Superintendent of the Public Printing is hereby authorized and directed to advertise proposals for such time, and in such places, as he may deem expedient, and award the contract to the lowest bidder, and to purchase, in the open market, upon the best practicable terms, all the paper that may be required for the public printing until a new contract is made; and any increase of cost to the Government in procuring a supply of paper, the contractor in default, and his securities, shall be charged with, and held responsible for the same, and shall be prosecuted upon their bond, in the name of the United States, in the circuit court of the United States; and all acts, or parts of acts, inconsistent with this section be, and the same are hereby, repealed.

The amendment was agreed to.

Mr. MASON. I am instructed by the Committee on the District of Columbia to offer this amendment:

For repairs of the Long Bridge over the Potomac at Washington, $5,000; to be expended under the direction of the Commissioner of Public Buildings.

I have a letter from the Commissioner, which I ask may be read.

The Secretary read the following letter:

OFFICE OF THE COMMISSIONER OF PUBLIC BUILDINGS,
March 3, 1859.

DEAR SIR: I deem it my duty to inform you that the condition of the southern draw of the Long Bridge renders it unsafe for public use. The sum of $5,000 will be sufficient to improve it, and make it entirely safe. The estimate of this office for other repairs to the bridges over the Potomac was $6,000, which was reduced to $3,000 by the House of Representatives. This reduction will defeat repairs of a most necessary character.

Very respectfully, your obedient servant,
JOHN B. BLAKE, *Commissioner.*

To Hon. A. G. BROWN, *Chairman of the Committee on the District of Columbia, United States Senate.*

Mr. BROWN. I am utterly opposed to the amendment. This is an old question, and it is hardly worth while to discuss it. The Senate, however, ought not to agree to the amendment without knowing what they are doing. This is the old proposition, to keep the Long Bridge an eternal charge on the national Treasury. The other day, I allowed an appropriation of $3,000 for that and the two bridges on the eastern branch to pass without comment, because I did not choose to make a point about so small a sum; but, when it is proposed to appropriate $5,000 to this particular bridge, I feel it my duty to call attention to the subject. I do not think the amendment is strictly in order. The Senator from Virginia [Mr. MASON] thinks it is, and reports it from the Committee on the District of Columbia; but how did the committee get the subject before them? Not on an estimate from the Department referred to them by the Senate, but a private letter addressed by the Commissioner of Public Buildings to myself, as chairman of the committee. We had no jurisdiction over the subject. It was not before us in any form. There was no memorial, no report, no estimate, no reference of any kind. I doubt very much whether a committee can originate a proposition of this sort.

Mr. BRIGHT. The estimate, as I understand, was $6,000 for all the bridges in the District; and the committee, after examination, reported in favor of $3,000, and an appropriation of $3,000 is in one of the general appropriation bills for that purpose. I think this amendment ought to be voted down.

Mr. HAMLIN. I have not consumed a single moment in this debate, and I want to say a word on this question. I will not go into a discussion whether you will build a new bridge at Georgetown, or keep up the old bridge; but I want to present this single view to the Senate: the bridge, in its present condition, is unsafe for the public to pass over. This estimate does not look to its perpetuation beyond the current year. Various propositions were submitted to the Committee on the District of Columbia, in connection with the railroad running north and south; but none of them will receive the action of Congress at this session. Looking at it, then, as a temporary measure, and looking to the interest of the whole public, I hope the Senate will adopt this amendment.

Mr. MASON. I will not go into the question here further than to say this: that I think it becomes me, from my position here, representing the other side of the river, to state that this is the only communication between the city of Washington and that side of the river, either for public or private convenience, and the bridge belongs to Government, under engagements made thirty, or it may be forty years ago, to keep it up.

Mr. BROWN. I call for the yeas and nays. We shall have no quorum unless we take the yeas and nays.

The question being taken by yeas and nays, resulted—yeas 25, nays 19; as follows:

YEAS—Messrs. Allen, Clark, Collamer, Dixon, Doolittle, Foster, Green, Gwin, Hamlin, Hammond, Harlan, Houston, Hunter, Iverson, Jones, Kennedy, Lane, Mason, Reid, Sebastian, Shields, Toombs, Trumbull, Wade, and Yulee—25.

NAYS—Messrs. Bates, Bayard, Bigler, Bright, Broderick, Brown, Clay, Davis, Fessenden, Fitch, Fitzpatrick, Johnson of Tennessee, King, Mallory, Polk, Pugh, Rice, Seward, and Stuart—19.

So the amendment was agreed to.

Mr. PUGH. I am instructed by the Committee on the Judiciary to offer the following amendment:

And be it further enacted, That the Secretary of the Interior be, and he is hereby, authorized to complete the purchase of the premises in the city of New York, now occupied by the United States courts and their officers, under a lease from William E. Burton to the United States, and to pay for the same out of the judiciary fund: *Provided*, a sufficient amount thereof shall remain unexpended at the close of the present fiscal year.

I will just say one word in explanation.

Mr. HUNTER. Does it propose any limit to the sum?

Mr. PUGH. It does not appropriate any money at all. It is to enable the Secretary to save a balance out of the appropriation in hand, and appropriate the balance in that way, and save the rest. It is obligatory on him. I do not want to waste the time of the Senate. He merely desires, if he can save out of the appropriations heretofore made any balance, that he may use the balance in that way, in order to relieve the Government as far as possible of the payment of rent in the occupation of the building. It is left to his discretion, and does not appropriate any money at all.

Mr. HUNTER. In regard to this subject, I will only say that a proposition was made in the House by the Committee of Ways and Means, and then it was, in pursuance of limitation, not to exceed $216,000. I am not certain of the sum. However, the amendment will neither do harm nor good, because there is not enough left of the judicial fund for the saving. The proposition was made to appropriate $1,000,000, and the House, instead of agreeing to pay what we could save out of this appropriation, just cut down to that amount the whole appropriation.

Mr. PUGH. The Senator is mistaken. Here is the Secretary's report. One sentence will be sufficient to show the necessity of this appropriation:

"But if, by the practice of proper economy, the expenses of the present year should not exceed those of the last, and it is hoped that they will not, it is respectfully suggested that the Department may be authorized to apply so much of the unexpended balance as may remain on hand at the close of the year, as may be necessary to the purchase of the building leased by it, in the city of New York, for court

purposes. At present we are paying for the use of this building $16,000 per annum, with the privilege of buying it, within three years, for the sum of $215,000."

Mr. HUNTER. I will not object to it.

The amendment was agreed to.

Mr. BRIGHT. I move an amendment in lines thirty-two and thirty-three, on page 2 of the bill, to strike out the words:

"For preserving the extension of the building, $50,000."

And insert:

For continuing the construction of the Treasury extension, $500,000.

Mr. HUNTER. Does that come from a committee?

Mr. BRIGHT. Yes, sir; it is reported by the Committee on Public Buildings unanimously. That is the estimate; the amount which the Department states is necessary to continue the work and carry out existing contracts. The committee recommend that change with a view to economy, believing that it will save money to the public Treasury to make an appropriation of $500,000 now, instead of $50,000. If the work is stopped, the persons who have large contracts for materials, as a matter of course, will have a claim against the Government. The committee think we had better go forward with the work, even though the Treasury is in an embarrassed condition, than stop it, and give the parties who have contracts their remedy against the Government.

Mr. HUNTER. I shall say very little on this subject. The House cut down the estimates for certain public buildings, for the purposes of economy, in their opinion; and I believe myself they have done right, in the present condition of the Treasury, to suspend these works. They propose to cut down the estimate for this Treasury building, and they cut down the estimates on some of the custom-houses. If we begin to restore one, the restoration will be made on all, and we shall get it back to where it was before, instead of having a reduction on the estimate. We had a pretty large appropriation last year for this building; and now it is proposed to raise it very largely again. It is now proposed to appropriate $500,000 for the building. There can be no necessity, as it seems to me, to go on with it at that rate. Certainly, the building can be preserved for less than that; and I believe the building will not be injured by being prosecuted slowly. I think it would be far better, especially as we have already so much controverted matter on the bill, to permit the appropriation made by the House for this building to stand. This all I have to say. I shall vote against restoring these estimates.

Mr. DAVIS. I think the Senator from Virginia is in error as to the facility with which this work can be preserved. It is a work of peculiar construction, being built of large pieces of granite, locked together with iron. It is a mixed work of granite and iron. As long, therefore, as it remains exposed to the variations of temperature and moisture, there will be a rapid decay in the work. The expansion and contraction will constantly affect the large masses of granite with which it is built, and the brick work will be absorbing large quantities of moisture which will tend rapidly to rust the iron which is used in the construction. It will be good economy to push the work on to the most rapid completion, and cover it in so as to protect it from the action of the elements.

Another point in this case which deserves consideration is, that, for the whole amount of granite which enters into this building, I understand there has been a contract. The contractor is here with a large amount of draught animals, and maintaining a party at a considerable expense, both here and at the point where the granite is quarried. It is somewhere about Disk's Island that this granite is quarried. All this party must be disbanded; his work must stop both here and there; the animals must be sent back or sold; and, this being a contract for the supply of an amount of granite which requires this large number of persons in the field, he will certainly come upon the Government for damages, if we now interrupt the progress of his contract. According to the information which I have been able to gain in relation to this subject, by the end of the next fiscal year, by the payment of sums already due, and those which are falling due, the balance on hand will have been expended. The $50,000 will, perhaps, suffice to keep up the most expensive part of the organization—those employés who receive the highest compensation—but it will serve little, indeed, to preserve the work. Therefore, it is good economy, if we are going to complete the building at all, to make a large appropriation, and push it forward as rapidly as possible to complete construction.

Mr. HAMLIN. I had my attention called to this matter, and I have given it an examination. I only rise for the purpose of saying that I concur cordially in what has fallen from both the Senators who have spoken on the subject. In my judgment, an appropriation of $50,000 will be $50,000 thrown away. It will just temporarily preserve the building in the state in which every body sees it as they pass along, with excavations in the cellar, some of the walls partly built, and all exposed to storms and the action of the weather. This $50,000 is to preserve it and keep it as it now is; but at the expiration of the year the building will not be worth as much as it is now. It will therefore be $50,000 thrown away, and the work will not be in as good a condition as it is to-day. It is, in my humble judgment, a matter of pure, simple economy, whether you will progress with this building or postpone it to another time. Believing it to be a matter of pure economy, and believing that the operatives who are interested in this matter in quarrying this granite, the men who do the hard work, are men who have a right to call upon us here to let the work go along in a proper way, I shall vote for the amendment.

Mr. BAYARD. I will mention another reason in addition to the remarks of the honorable Senator from Mississippi, why I think we ought to sustain this amendment. The question of economy goes beyond the question of damages to these contractors. Congress, after full examination, determined to extend the Treasury Department, with a view to the accommodation of the State, as well as the Treasury offices. The State Department stands in a position in which every record you have is in a state of constant liability to destruction by fire. The loss in the event of such an accident, cannot well be estimated. You have experienced losses of that kind in other Departments, and what you may not know, you have had this Department on fire. I know while I was chairman of the Committee on Public Buildings, the evidence was before me that it occurred seven times in a single department of which nothing was known, perhaps, because the fire happened to be put out before it got under way. The State Department is not fireproof. It is more exposed perhaps, than any department of the Government. It was on these considerations that Congress determined it was necessary that the Treasury building should be enlarged, so as to accommodate both, and both to be fire-proof. Therefore, in addition to the false economy of stopping this work, and throwing away $50,000, you are protracting the execution of a work which is essentially necessary to save you not only from a possible, but not improbable loss, which would be enormously beyond any petty saving arising by refusing this appropriation.

The amendment was agreed to.

Mr. IVERSON. I have some amendments to offer from the Committee on Claims. The first is to insert as a new section:

And be it further enacted, That the Secretary of the Interior be, and he is hereby, authorized and required to pay out of the judiciary fund heretofore appropriated for the Territory of Utah, such sum as may be found due to Messrs. Gilbert & Gerrish, upon drafts and certificates of Joseph L. Heywood, late marshal of Utah, not exceeding the sum of $24,659 97, which is the amount found due to said marshal, upon the settlement of his accounts, and now standing to his credit in the Treasury, and that the same be charged to said marshal on the books of the Treasury.

Mr. HUNTER. I raise a question of order on that amendment. Is not that a private claim?

Mr. IVERSON. I want to make an explanation before the Chair decides that point. It is a private claim; but it appropriates no money, as the Chair will perceive—not a dollar out of the Treasury. The facts are these: the marshal of the district of Utah was in the habit of drawing drafts upon the Treasury Department for what money he wanted in Utah to be expended for the expenses of the courts. There was a judiciary fund appropriated for that purpose to defray the expenses of holding courts in Utah. The marshal drew his drafts when he wanted money there, and got it from merchants and the money-holders of Utah. He drew drafts upon the Treasury to the extent of some fifty or sixty thousand dollars on which Gilbert & Gerrish gave him the money; and in the mean time the Secretary of the Interior instructed the marshal not to draw any more drafts upon the Interior Department. Before, however, the order of the Secretary of the Interior got out to Utah, these drafts were drawn, and the money obtained from Gilbert & Gerrish, and expended by the Government of the United States for the expenses of holding courts in Utah. When the drafts came here the Secretary of the Interior repudiated and protested them, because he had issued his order prior to the time the drafts were drawn, though his order did not reach Utah in time to prevent the drawing of the drafts. This money is already heretofore appropriated by existing law. It stands now upon the settlement as due the marshal. This sum of $24,000 is ascertained to be due him for expenditures which he has made in Utah on behalf of the United States, and legitimately made. The money is in the Treasury to the credit of the marshal, and the object of this amendment is simply to direct the Secretary of the Interior to pay out that money to these parties who were entitled to the drafts. The drafts are not invalidated. They are admitted to be just and due; but the Secretary of the Interior declines paying them without the authority of Congress. The marshal, Mr. Heywood, admits that the drafts are due, and ought to be paid. He does not come to the Treasury and claim the balance. He is willing that it should be paid over to the claimants. It does not appropriate one single dollar out of the Treasury that has not been already appropriated. It only takes a portion of the judiciary fund of Utah, and applies it to the payment of this debt.

The PRESIDING OFFICER, (Mr. STUART in the chair.) The question made by the Senator from Virginia is, that this amendment is not in order, as it is to pay for a private claim, appropriating money from the Treasury fund. The Chair thinks, in the form in which the amendment is drawn, that it is objectionable.

Mr. IVERSON. I appeal from that decision.

The PRESIDING OFFICER. Then the question is: "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. IVERSON. On that subject I wish to say to the Senate, and I think the Senate will agree with me, that it is a matter of no consequence as to the form, when the facts are stated upon authority to the Senate. The Committee on Claims have investigated this case, and the facts which I have stated appear upon the face of the papers. I state them in my place here upon my authority, from the full knowledge of those facts. That money has been paid by these parties to the marshal of Utah. He has expended it in legal objects for the benefit of the United States, and upon the settlement of the accounts at the Treasury with the marshal, $24,000 are now in the Treasury subject to the order of the marshal, or rather to his credit. The Secretary refuses to pay it to him, and refuses to pay it to these parties, until the authority of Congress is given. The money has already been appropriated to the judiciary fund of Utah. It is not, therefore, appropriating a dollar, or taking a dollar out of the Treasury, that has not already been set apart for this particular purpose. I hope the Senate will overrule the decision, and that I shall be allowed to bring in this claim. It is a very hard case.

The PRESIDING OFFICER. The Chair will have the amendment again read to the Senate.

The Secretary read it.

Mr. IVERSON. It will be perceived that the amendment recites the fact that the money has heretofore been appropriated, and therefore it cannot be out of order.

The PRESIDING OFFICER. The Chair decides that this amendment directs the payment of the money out of a Treasury fund by the Secretary of the Interior to pay these individuals named in the amendment, and that that being so, it is a private claim, and not in order. The Senator from Georgia appeals, and the question is: "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. IVERSON called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 24, nays 23; as follows:

YEAS- Messrs. Bayard, Bright, Chesnut, Clay, Cling-

man, Collamer, Davis, Doolittle, Durkee, Fitch, Fitzpatrick, Foster, Hammond, Hunter, Johnson of Arkansas, Johnson of Tennessee, Jones, King, Mason, Pugh, Reid, Sebastian, Toombs, and Yulee—24.

NAYS—Messrs. Allen, Bigler, Broderick, Brown, Cameron, Chandler, Clark, Dixon, Fessenden, Green, Hale, Hamlin, Harlan, Houston, Iverson, Kennedy, Mallory, Polk, Seward, Shields, Simmons, Trumbull, and Ward—23.

So the decision of the Chair was sustained, and the amendment ruled out of order.

Mr. IVERSON. I have another amendment to offer.

Mr. MASON. I hope the Senator will allow me to take up a bill which has been sent to us from the House with an amendment.

Mr. IVERSON. I would do so with a great deal of pleasure, but I know what bill it is, and what is the action proposed by the Senator from Virginia. It would give rise to debate for the balance of this day, probably, and I would rather get through with my amendments, because I do not want to be confined here. I have but one more amendment from the Committee on Claims, and it is to insert as a new section:

And be it further enacted, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to Laura A. Stebbins, of Bangor, in the State of Maine, Catharine C. Ward, of Roxbury, in the State of Massachusetts; Rufus Mansur, of Houlton, in the State of Maine; and James A. Drew, of Phœnix, in the State of Rhode Island, the sum of $3,353 each, being, in all, the sum of $13,422, in full compensation for three thousand three hundred and fifty-three acres of land, in the half township in the State of Maine, granted by the State of Massachusetts to the late General Eaton, and called the "Eaton grant," to which said parties lost title by the operation of the fourth article of the treaty of 9th August, 1842, "To settle and define the boundary between the United States and the possessions of her Britannic Majesty in North America:" *Provided*, That the said Laura A. Stebbins, Catharine C. Ward, Rufus Mansur, and James A. Drew, shall execute deeds of release to the parties holding "possessory" or "equitable possessory claims," to the said three thousand three hundred and fifty-three acres of land, or any portion thereof, as described in the reports made to the Governor and Council of Maine, by Ebenezer Hutchinson and others, commissioners under a resolution passed by the Legislature of said State on the 12th day of April 1854, and the plan of surveys accompanying said reports, and of record in the land office of said State: *And provided, also*, That it shall appear to the satisfaction of the land agent of said State of Maine that such deeds of release do convey a good title to said lands, except so far as said titles have been affected by the operation of the treaty aforesaid: *And provided, further*, That if it shall appear to the said land agent that the aforesaid parties are incompetent to make such deeds of release to the whole of said lands, then they shall be entitled to receive a *pro rata* only of the compensation provided in this act for so much thereof as they shall convey as aforesaid.

SEC. —. *And be it further enacted*, That the Secretary be, and he is hereby, authorized and required to pay, out of any unappropriated money in the Treasury, to Edmund Monroe and Benjamin Sewall, of Boston, in the State of Massachusetts, the sum of $13,540, in the proportion of three fourths thereof to the former, and one fourth to the latter, in full compensation for three thousand three hundred and eighty-five acres of land in the western half of "Plymouth township," so called, in the State of Maine, and the sum of $6,768 to Rufus Mansur, of Houlton, Maine, and James A. Drew, of Phœnix, Rhode Island, in full compensation for sixteen hundred and ninety-two acres of land in the eastern half of said township, to which the said parties severally lost title by the operation of the fourth article of the aforesaid treaty: *Provided*, That the regulations, restrictions, and provisions, contained in the provisoes to the first section of this bill, shall be made, to all intents and purposes, applicable to this section.

SEC. —. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Laura A. Stebbins, of Bangor, Maine, and Catharine C. Ward, of Dorchester, Massachusetts, the sum of $6,650; and to Edmund Monroe and Benjamin Sewill, of the city of Boston, in Massachusetts, the sum of $7,635, in the proportion of three fourths of the same to said Monroe, and one fourth to said Sewall; and to James A. Drew, of Phœnix, Rhode Island, and Rufus Mansur, of Houlton, Maine, the sum of $2,328; the said several sums being in full compensation, at the rate of one dollar per acre, for timber taken from lands owned by said parties, respectively, and located in the Eaton grant and Plymouth township, (so called,) in the State of Maine, and within the district recognized as the "disputed territory," and which timber was taken off and lost to the proprietors in consequence of the diplomatic arrangement entered into between the United States and Great Britain in 1832, by which both parties agreed to abstain from the exercise of jurisdiction in said Territory.

The PRESIDING OFFICER. There is a deficiency in the second section of the amendment proposed by the Senator from Georgia. The words "of the Treasury" should be inserted so that it shall read, "that the Secretary of Treasury be, and he is hereby, authorized," &c.

The amendment was so modified.

Mr. HUNTER. I ask if it is possible that the Senator from Georgia can hope that we shall ever get through with this bill if we hunt up private claims from all the committees and put them in such numbers on this bill? It will be impossible for the committee of the House to read them after this bill shall have passed here. I see no hope of finishing this bill until perhaps a late hour to-night. When it goes over to the House, the only action they can take, if they desire to pass any bill, is to reject the amendments in a lump; and then come these committees of conference; and in order that they shall finish the bill, there is no other chance for effecting that purpose but to give up a large number of the amendments which the Senate might desire. Then comes dissatifaction with the legislation, as Senators call it, of committees of conference. It is to these chances that the Senate, by its action, now expose this bill. Would it not be far better to leave these things as private claims, leave them to the committees, and take this bill, and either pass it or reject it, and get rid of it and send it to the House that it may be acted on? At twelve o'clock to-morrow we shall have to adjourn, under the Constitution. After that, if these bills should fail, and I now seriously think some of the appropriation bills will fail, there will be no excuse except summoning together here an extra session—an extra session, at which many of the States will be unrepresented; and yet these are the risks to which we are exposing ourselves merely to oblige one another. Amendments are put on the bill to oblige some friend, and notwithstanding the dangers to which we are exposing the public business of the country, we press it in this way. A majority seem to me to be ready to adopt them all.

Mr. IVERSON. This is a just claim, in my opinion. We all know the difficulties of getting private bills through Congress. There are two hundred and fifty private bills upon your Calendar, which have not been acted upon by this Senate at this session; and what is the prospect of getting private bills through? You might as well close the doors of your Government and your Treasury, as to drive parties to come here and get private bills through the two Houses of Congress. This bill was reported at an early part of the last session, and it has not been acted upon yet by the two Houses. This claim originated under the treaty of Washington, of 1842. It is a claim which imposes an obligation upon the Government, which, it seems to me, it cannot avoid, to pay this amount of money to these claimants. The fourth article of the treaty of 1842 stipulates, whenever the line shall be established between Great Britain and the United States, that, where parties have been in possession of lands for six years anterior to that treaty, that possession shall be protected and guarantied by the two nations, and that a release shall be obtained by the Government from the local proprietors of those lands in favor of these possessory titles. When the treaty was make and the line established, it appeared that there were a large number of persons upon these lands, which were claimed legally by their owners. The State of Maine has relinquished all interest which she has to these lands, and the individual owners—those who hold the legal title—have been besieging Congress, from that time to the present, to extinguish their title and obtain this release, which the Government of the United States is bound by solemn treaty to give to these possessory titles.

Mr. HUNTER. Did I raise the question of order? If I did not, I raise it now.

The PRESIDING OFFICER. The Senator did not.

Mr. IVERSON. I do not yield the floor to the Senator. He has no right to interrupt me while I am addressing the Senate.

Mr. HUNTER. I have a right to make a question of order.

Mr. IVERSON. You have when I get through, and not before.

The PRESIDING OFFICER. The Senator has a right to interrupt the Senator from Georgia on a point of order.

Mr. IVERSON. Has he a right to interrupt me?

Mr. HUNTER. Certainly I have, to raise that question.

Mr. IVERSON. Very well, sir; I will appeal from the decision if the Chair decides it out of order; I will simply say that it has not been an hour since the Chair decided that the Florida claims were not excluded by the 30th rule of the Senate, and, upon an appeal taken to the Senate, the Senate sustained the decision of the Chair. This is a precisely similar case.

Mr. CLAY. The Senator himself concedes that it is a private claim. If the Chair is not sustained in its decision that it is out of order, we might as well bring the whole Private Calendar and fasten it on this bill.

Mr. IVERSON. It is a private claim; but there is a vast distinction between a private claim simply, and a private claim which is founded upon a treaty. The 30th rule declares that a private claim may be put upon an appropriation bill if it is to carry out the provisions of a treaty. There is the ground, and the Senate certainly understand that. It is very different from any private claim which is not founded upon a treaty stipulation or not to carry out an existing law; but the rule of the Senate permits claims of this sort to be brought in.

Mr. CLAY. I do not recognize the distinction. The rule does not sustain the Senator.

Mr. IVERSON. I think it does. I will read it.

Mr. HUNTER. I think the point of order must be decided without debate. The Senator cannot debate that.

The PRESIDING OFFICER. The Chair will ask the Senator to indulge him a moment upon this question. He has several times decided the question, and stated the ground of that decision. The case alluded to to-day, where the Senate overruled the point of order that was made, would seem to conflict with it, and would seem to establish this rule: that the construction of this rule is to be decided according to the opinion of the occupant of the chair at the time, whoever he may be. The Chair, in his own opinion, thinks that these claims do not arise under the treaty; the treaty covers no such cases. Therefore, in obedience to the decision of the Senate which was made to-day, he decides that it is not in order.

Mr. IVERSON. I appeal from that decision, and I will read the rule.

The PRESIDING OFFICER. The Senator will allow the Chair to state the question. The question is: "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. IVERSON. The rule is:

"And no amendment shall be received, whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law, or a treaty stipulation."

Now, sir, the fourth article of the treaty of 1842 is in these words:

"ART. 4. All grants of land heretofore made by either party, within the limits of the territory which by this treaty falls within the dominions of the other party, shall be held valid, ratified, and confirmed to the persons in possession, under such grants, to the same extent, as if such territory had, by this treaty, fallen within the dominions of the party by whom such grants were made; and all equitable possessory claims arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this treaty, shall, in like manner, be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land so described as best to include the improvements made thereon; and in all other respects the two contracting parties agree to deal upon the most liberal principles of equity, with the settlers actually dwelling upon the territory falling to them, respectively, which has heretofore been in dispute between them."

The obligations of the treaty are, that persons in possession should keep the possession; and that the Government should obtain for them a release from the legal proprietors of the land. There is the treaty stipulation. It is an obligation, in my opinion, that is obligatory upon the Government, and which we cannot avoid. The object of this amendment is to carry out that treaty stipulation.

Mr. PUGH. I move to lay the appeal on the table.

Mr. IVERSON. I call for the yeas and nays upon that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 18, as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Bigler, Chesnut, Clay, Clingman, Collamer, Davis, Fitch, Foster, Green, Gwin, Hammond, Harlan, Hunter, Johnson of Arkansas, Johnson of Tennessee, Jones, Kennedy, Mason, Polk, Pugh, Reid, Sebastian, Toombs, and Ward—27.

NAYS—Messrs. Broderick, Brown, Cameron, Clark, Dixon, Durkee, Fessenden, Foot, Hamlin, Houston, Iverson, Seward, Shields, Simmons, Trumbull, Wade, Wilson, and Yulee—18.

So the appeal was laid on the table.

Mr. GWIN. I am instructed by the Committee on the Post Office and Post Roads to offer the following amendment:

And be it further enacted, That the Postmaster General

be, and he is hereby, authorized to contract with responsible parties for the conveyance of the mails, for a period not exceeding ten years, in steamers of suitable speed for mail service, between any port or ports of the United States and Europe; twice monthly to Liverpool or Southampton, once a month to Bremen, via Southampton, and once a month to Havre, via Southampton: *Provided*, That the cost of the entire service under the three several contracts shall not exceed the total sum of $600,000 per annum.

I will state that this sum of $600,000 has been ascertained, by reports of the Post Office Department during the last fiscal year, to be within the amount of postages. The present service is authorized to be carried on for the postages. This contract runs for only the period that was stated in the bill, which was two years only. The object is to encourage, if possible, American steamers to take these mails, three fourths of which are now taken by British steamers. There are only two American steamers employed in this service, and on but one of these four lines is the mail carried in American steamers. The object is to encourage, by giving the postages in a round sum, the owners of American ships to enter into a contract, and not allow the service to go to foreign ships.

Mr. HUNTER. We are now having put on, as far as I understand it, in separate parts, the whole of that bill which the House has twice laid upon the table. The House of Representatives have shown a settled determination not to pass that bill as a whole, and now we are putting that bill back as a whole, and sending it to them in separate provisions, to which we know that they will have great opposition. So far as the California service proper was concerned, I did not oppose, it because I felt it was essential that we should not break up the mail communications entirely; but when it comes to adding to that the very matter which, in connection with the California service, had been tabled by the House, I feel we are merely sporting with this bill. We are exposing it not to hazard, but to certain defeat; unless, indeed, we hope and expect to save it by some committee of conference which will give up all that we are now doing. Now, the only thing for us to consider is, whether we will load the bill down with more appropriations. Have we not got upon it as much as we can carry? Is not the Senator from California hazarding the very mail communication with his own State, for we know the House has shown itself as inexorably opposed to this bill, as a whole, as it has ever done to any.

Mr. BIGLER. Mr. President——

Mr. GWIN. The Senator will permit me a moment. It is simply because the service for my own State is provided for, as the Committee on the Post Office and Post Roads of the House have reported this bill, that it seemed to be an act of justice not to discriminate. I do not want to load the bill. I would not have put an amendment on it if I could have helped it, and I do not wish to embarrass the Senator at all.

Mr. BIGLER. I simply desire to suggest to the Senator from California to withdraw this amendment. I think the Senator from Virginia is evidently right. We are going on in a career of destruction. It is absolutely necessary to arrest amendments to this bill, or it will be physically impossible to prepare it for a final passage. Besides, it is true that the House has manifested a determination not to take that. It is an amendment, after all, which gives only the postages; and should it fail, the Postmaster General has authority to go on and make the European service by paying the postages as heretofore. I hope that the Senator will not press the amendment.

Mr. KENNEDY. If that amendment is not withdrawn, I desire to offer an amendment as a substitute for it.

Mr. GWIN. If any amendments are to be offered to it, I cannot insist on it.

The PRESIDING OFFICER. The Senator from California withdraws his amendment.

Mr. SEBASTIAN. I propose to offer some amendments. The first is a small amendment, of a legislative character entirely; and it is, to insert, as a new section:

And be it further enacted, That in all cases where, by the terms of any Indian treaty in Kansas Territory, said Indians are entitled to separate selections of land, and to a patent therefor, under guards, restrictions, or conditions, for their benefit, the Secretary of the Interior is hereby authorized to cause patents therefor to issue to such Indian or Indians and their heirs, upon such conditions and limitations, and under such guards or restrictions, as may be prescribed by said Secretary.

Mr. HUNTER. I will ask the Senator if there is anything so pressing as that he must insist on the amendment?

Mr. SEBASTIAN. I was going to remark, Mr. President, that I did not, by any course of mine, propose to make myself obnoxious to the charge of overloading this bill, and I have selected two amendments of pressing, urgent necessity; they are so suggested by the Department.

Mr. HUNTER. I will suggest to the Senator that we shall soon have before us a bill making appropriations to carry out the treaty with the Yanctons, and this amendment will be more appropriate to that.

Mr. SEBASTIAN. A very few words will explain the necessity of the amendment. The Kansas Indians, some two or three small tribes, are entitled to separate lots of land, and to patents for them, which are to contain limitations and restrictions for their own benefit. The Kansas tribe of Indians have taken so much interest in this matter, and consider it so essential for their own preservation, that they have sent a delegation urging and importuning Congress to pass some measure authorizing the patents to issue. The Commissioner of Indian Affairs says, if Congress does not now interfere and exercise its power under the treaty, he will be compelled to issue the patents, without any limitation or restriction whatever; and this amendment authorizes him to comply with the treaty stipulation.

The amendment was agreed to.

Mr. KING. I ask, what is the proposition which is now before us? I rose before the Chair put the question.

Mr. SEBASTIAN. It is not the proposition that you suppose.

The PRESIDING OFFICER. The Senator stated that its effect was to apply to the Kansas Indians.

Mr. SEBASTIAN. It is not the amendment in which the Senator from New York takes great interest.

Mr. KING. Let it be read.

Mr. DAVIS. I object to all this. It is irregular. The decision has been made, and the amendment carried; and it cannot be read without unanimous consent.

Mr. SHIELDS. The honorable Senator rose before the question was put. I can testify to that.

The PRESIDING OFFICER. The Chair considers the Senator from New York as in time.

Mr. KING. I had reference to the New York Indians. Is it intended to include them?

Mr. SEBASTIAN. It has no reference to them.

Mr. KING. If it relates to the Kansas Indians alone, I have no objection.

Mr. SEBASTIAN. If the Senator from New York will allow me, I will state to him that it has not the slightest reference to the treaty with the New York Indians.

Mr. SEWARD. Very well; that is enough.

Mr. KING. That is all I want to know.

Mr. SEBASTIAN. I have another amendment to offer—to insert as a new section:

And be it further enacted, That the American Board of Commissioners for Foreign Missions is hereby released from the obligation under the fourth article of the treaty of 1835 with the Cherokees, to expend the value of the improvements of the Union and Harmony Mission in schools among the Osages, and in improving their condition; and they are hereby authorized to expend the same for the same purpose within any Indian tribe, not provided with schools, that shall be selected by said board, with the sanction of the Commissioner of Indian Affairs.

Mr. HUNTER. Mr. President——

Mr. SEBASTIAN. The Senator will allow me to say that the amendment contains no appropriation at all. The American Board of Commissioners for Foreign Missions were required, by the treaty of 1835, to expend the amount of certain improvements upon their missions ceded to the United States in improving the condition and establishing schools among the Osages. When they sent missionaries there among the Osages, they found the ground occupied by another religious denomination, hostile to the purpose. This merely enables them to expend that money upon other Indian tribes of the denomination of the board, with the consent of the Secretary of the Interior; that is all. The money has already been paid.

Mr. HUNTER. I think the best thing would be to call the yeas and nays, and test the sense of the Senate, and see whether we are going to put on these amendments. I think it is time that we should vote against them, no matter whether they are right or wrong. It cannot be hoped that we shall get through with the bill if we keep on putting the general legislation of the country upon it, as we are now doing.

The PRESIDING OFFICER. Does the Senator demand the yeas and nays?

Mr. HUNTER. I will wait for a division to see how the vote stands.

The amendment was rejected—ayes six, noes not counted.

Mr. SEBASTIAN. I am authorized by the Committee on Indian Affairs to offer another amendment, which is the same one proposed by the chairman of the Finance Committee, by direction of that committee, the other day:

For the general and incidental expenses of the Indian service in the Territory of Utah, or so much thereof as may be required for expenditure during the year ending the 30th of June, 1858, $56,599 31: *Provided, however*, That no part of this sum shall be paid until the Commissioner of Indian Affairs shall have first audited and passed the several accounts.

Mr. HUNTER. These things have been settled on a committee of conference. The two Houses have met in regard to that amendment and had a conference on it already. Now, ought we to be putting that appropriation on this bill? I hope we shall vote off all these things.

Mr. SEBASTIAN. Before the Senate comes to a vote upon the amendment, I wish to explain it. This is an ordinary deficiency occurring in the service of the Indian department. It was sanctioned by the Senator from Virginia the other day; and he presented it, as chairman of the Committee on Finance, to the Indian bill. I will ask the Secretary to read the remarks with which he accompanied the amendment upon the printed slip which I send to the chair, and then I will say no more in regard to it.

Mr. HUNTER. I hope we shall take a vote.

Mr. SEBASTIAN. I hope the Senator will allow it to be read.

The Secretary read it, as follows:

"Mr. HUNTER. This is an estimate which was presented last year, but not put in the bill, on account of the general distrust which accompanied everything in regard to the Territory of Utah. This session the Secretary of the Interior did not recommend it at first in the printed estimates, because he said there seemed to be a decision of Congress against it; but he sent a letter to the committee, saying that the money was due, and there ought to be some provision for it; and they determined to insert this provision, appropriating the money conditionally, to be paid after the claims are settled here by the Department, and not by the agents there."

Mr. GREEN. This is an amendment to which the Senate agreed the other day. The House disagreed, and the conference were not satisfied upon one point. Therefore, a letter has been addressed to the Secretary of the Interior, and the Commissioner of Indian Affairs has fully answered it to the satisfaction of all. They intended to bring it in in a subsequent bill, provided satisfactory explanations were received. We have now received a letter on the subject, and if any Senator desires it, it can be read. I will not consume time, but it is perfectly satisfactory. It is not necessary to read it, unless some Senator desires it. ["Question."

The amendment was rejected.

Mr. BRODERICK. I move to strike out in line one hundred and thirty, all after the word "work," to the end of the clause, in the following words:

"And also including all the accounts for surveys of public lands and private land claims in California under contracts prior to the 30th June, 1857, $103,000."

And insert $43,000; so that it will read:

For surveying the public lands and private land claims in California, including office expenses incident to the survey of claims, and to be disbursed at the rates prescribed by law for the different kinds of work, $43,000.

We are voting millions of dollars to-day, and I hope that I can get the aid of the chairman of the Finance Committee to make this reduction. I will read the amendment proposed at the last session. It is identical with the amendment that I now propose, showing clearly that these claims have been been trumped up since we passed this amendment last year:

"For surveying the public lands and private land claims in California, including office expenses incident to the sur-

vey of claims, and to be disbursed at the rates prescribed by law for the different kinds of work, being the amount of surveying liabilities incurred by the surveyor general during the fiscal year ending the 30th of June, 1857, over and above that authorized under the appropriation of $50,000 for that period, $220,000."

Here is what the chairman of the Committee on Finance said at the time:

"Mr. HUNTER. When I spoke, that item escaped me. That contract was not authorized by the Department; it was made by the officer in California, and much of it originated in a mistake. The work was piece-work. It turned out to be more than was required; and he supposed there was a larger sum at the disposal of the Department than there was for that purpose, and he over-estimated. It is true there was no authority for that; but then the authority was exceeded through mistake by the officer; and, notwithstanding that, as I understand it, the President refused to reappoint him, because he had thus exceeded his authority. Here was an excess of authority, I admit; but it originated in a mistake."

This gentleman was reappointed, and he is holding a very lucrative office now in Utah. He was taken from California and sent to Utah. I find that the amount appropriated by the Government for surveys in California, is $1,639,000. Some twenty-four million acres have been surveyed, and the Government has received $6,000 from the sales of public lands in California. If this amendment prevails, and it is ascertained hereafter that the claims are genuine, and the parties have performed the work, they can come to Congress next year and the claims can be paid. When the $220,000 was appropriated, the Senator from California [Mr. GWIN] replied to the Senator from Iowa, [Mr. HARLAN,] and said:

"Mr. GWIN. The Senator says there is nothing in the papers to indicate that the making of contracts to an amount exceeding the appropriations is not now going on. I have already told the Senate that now there is no deficiency, that there is no contract which is permitted to exceed the appropriations for the present fiscal year."

Well, sir, the Senator from California was mistaken. Here is an appropriation of $60,000 asked for. I hope the Senate will see the necessity of correcting this abuse. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. GWIN. What is the amendment? I should like to have it read.

The Secretary read it.

Mr. KING. I move that the Senate take a recess. I make the motion, not that I care very much whether we have a recess or not, but to ascertain whether we are to take one in order to get dinner. I move that we take a recess until half past six o'clock.

Mr. GWIN. I hope we shall not have a recess until we get through with this amendment and the bill.

Mr. SIMMONS. Let us wait until half past four.

Mr. KING. If we take a recess at all, this will accommodate a large number of those who dine at half past four.

The motion was not agreed to; there being, on a division—ayes 13, noes 20.

The yeas and nays being taken on the amendment of Mr. BRODERICK, resulted—yeas 29, nays 19; as follows:

YEAS—Messrs. Bell, Broderick, Brown, Cameron, Chesnut, Clark, Clay, Clingman, Collamer, Crittenden, Dixon, Doolittle, Fessenden, Foot, Foster, Hale, Harlan, Houston, Hunter, Johnson of Arkansas, Kennedy, King, Pearce, Pugh, Seward, Simmons, Trumbull, Wade, and Wilson—29.

NAYS—Messrs. Bayard, Bigler, Bright, Fitch, Fitzpatrick, Green, Gwin, Iverson, Lane, Mallory, Mason, Polk, Reid, Sebastian, Shields, Stuart, Toombs, Ward, and Yulee—19.

So the amendment was agreed to.

Mr. KING. I wish to offer an amendment to the amendment which was reported by the Senator from Arkansas [Mr. SEBASTIAN] and adopted. It is an additional proviso, which I understand he will agree to. It is to be added to the amendment of the Senator from Arkansas.

The VICE PRESIDENT. The Chair will state to the Senator from New York that the amendment of the Senator from Arkansas has been agreed to; but, when the bill comes into the Senate, he can move his amendment.

Mr. KING. Very well.

Mr. SEBASTIAN. I hope the proposition of the Senator from New York will be allowed to come in by common consent. It is all right. It is merely to quiet his apprehensions.

Mr. KING. I understood the Senator accepted it.

The VICE PRESIDENT. If there be no objection, the Secretary will read the proviso suggested by the Senator from New York.

The Secretary read it, as follows:

Provided, That nothing herein contained shall be construed to apply to the New York Indians, or to affect their rights under the treaty made by them in 1838, at Buffalo Creek.

Mr. SEBASTIAN. I will accept it.

The VICE PRESIDENT. The Senator from Arkansas, the chairman of the Committee on Indian Affairs, suggests that the amendment be adopted by common consent. The Chair hears no objection.

Mr. HARLAN. I offer the following amendment:

For the survey and construction of a military road from Bridger's Pass to Great Salt Lake City, under the direction of the Secretary of War, $20,000.

This is recommended by the Secretary of War. I ask that his letter may be read.

The Secretary read it, as follows:

WAR DEPARTMENT, *February* 2, 1859.

SIR: In reply to your communication of the 20th January last, inclosing a resolution of the House of Representatives directing an inquiry into the expediency of constructing a military road from Bridger's Pass to Great Salt Lake City, and a bill making provision therefor, I have the honor to state, that I am not aware of any facts developed, or any route suggested, since the former action of your committee, or by the expedition to Utah, which would now render an appropriation for this object unnecessary. In my opinion, the construction of this road is highly desirable, in connection with the military operations of the Government. It may be properly considered as merely a continuation, and the one probably contemplated, of the military road from Fort Riley to Bridger's Pass, opened by the War Department under an appropriation by Congress.

Without this extension, the military road to Bridger's Pass would be of little value, as it now terminates in an unsettled region, three hundred miles from the settlements of Utah; and the military necessities of the Government would be best subserved by carrying this extension to Great Salt Lake City.

For this purpose, the sum of $20,000 will be required; and the committee can judge of the necessity for the appropriation.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Hon. C. J. FAULKNER, *chairman Committee on Military Affairs, House of Representatives.*

Mr. HUNTER. I hope we shall not put in the bill these military roads. Surely we have added enough to it already. This amendment comes from no committee, as I understand it.

Mr. HARLAN called for the yeas and nays; and they were ordered.

Mr. BELL. I think some forty or fifty thousand dollars have been expended upon this road, and the Secretary of War thinks it highly expedient to continue it, stating very clearly that the appropriation which has already been made was sufficient to carry the road to Bridger's Pass; and that if it stopped there, three hundred miles from any settlement, all the expenditure and the work done upon the portion of the road which is already constructed, are, in a manner, useless. It is a great emigrant route to the West, also, in addition to the advantages and necessities of having a practical military road. I do not think that $20,000 is a large sum for the object to be accomplished, particularly when Congress has already made an appropriation for the purpose of this road. I have no sort of interest in it at all; but it does seem to me, as we have made the road and expended forty or fifty thousand dollars on it, and it now terminates at a point where it can be of no use, or scarcely any, and $20,000 will extend it through into Salt Lake City, or in the neighborhood of it, it would be highly expedient to finish the road. If we had never appropriated anything to it, if nothing had been expended upon it, I do not know that I should favor it under present circumstances.

Mr. BRODERICK. I hope this amendment will be adopted. In my way across the country I stopped at Salt Lake, and I was spoken to by several merchants there who wished me to urge this appropriation upon Congress. They said it would shorten the distance over two hundred miles of the regular traveled route. I hope the Senate will agree to the amendment. I think it a very proper one.

The question being taken by yeas and nays, resulted—ayes 20, nays 26; as follows:

YEAS—Messrs. Bell, Broderick, Cameron, Chandler, Clark, Dixon, Doolittle, Foster, Gwin, Harlan, Houston, King, Lane, Polk, Sebastian, Seward, Simmons, Trumbull, Wade, and Wilson—20.

NAYS—Messrs. Bayard, Bigler, Chesnut, Clay, Clingman, Collamer, Fessenden, Fitch, Fitzpatrick, Foot, Green, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Kennedy, Mallory, Mason, Pearce, Pugh, Reid, Shields, Stuart, Toombs, Ward, and Yulee—26.

So the amendment was rejected.

Mr. WARD. I wish to offer the following amendment as an additional section:

That the Secretary of the Interior be, and he is hereby, authorized and required to cause the superintending Indian agent and his assistants, in Texas, to examine into and report the character and extent of losses sustained by citizens of Texas, in consequence of Indian depredations, committed during the years 1856, 1857, and 1858, and report to the Interior Department the result of such examination at as early a day as practicable.

Mr. HUNTER. I hope this amendment will not be adopted.

Mr. WARD. I will merely remark that it appropriates no money whatever. It is an investigation that is indispensably necessary to ascertain the true condition of those claims.

The amendment was rejected.

Mr. HUNTER. I hope that the bill will now be reported to the Senate.

Mr. COLLAMER. Before the bill is reported to the Senate, I wish to ask, what I think will be allowed by unanimous consent, that I be permitted to modify a certain amendment in relation to the mail route to California. I see it is stated in the amendment "1860." I desire that it shall be 1861. That modification is necessary, in order to effect the purpose designed. I have drawn the change, and, by common consent, I suppose it can be adopted.

The Secretary read the modification, which was to insert, instead of the words "for the year ending June 30, 1860," the words, "from the expiration of the existing contract to the 30th of June, 1861."

The amendment was so modified.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. Shall the vote be taken on the amendments in gross? ["All together."]

Mr. SEWARD. No, sir. I want a separate vote upon the amendment in relation to the issue of Treasury notes to the amount of $20,000,000.

The VICE PRESIDENT. Is it the pleasure of the Senate to indicate the amendments upon which they desire separate votes?

Mr. STUART. Let us take the question on the remainder of the amendments.

The VICE PRESIDENT. If no other amendment be excepted, the question will be on concurring in the remainder of the amendments made as in Committee of the Whole.

Mr. MALLORY. Is the bill still open to amendment?

The VICE PRESIDENT. The question is upon concurring in the amendments which have been made, as in Committee of the Whole, with the exception of the one alluded to by the Senator from New York.

Mr. POLK. In the absence of the Senator from Georgia, I wish to except the claim of Gilbert & Gerrish.

Mr. IVERSON. The Senator is under a misapprehension; I am not absent; and that amendment was not put upon the bill; it has to be offered again.

The VICE PRESIDENT. That amendment was not inserted in the bill.

Mr. MALLORY. I wish to remind the Chair. The Vice President was not in the chair at the time that I gave way, when I offered an amendment for the Florida interest claims, desiring to take a vote when we came into the Senate. We are now in the Senate, and I desire to have a vote on that amendment separately.

The VICE PRESIDENT. It will be excepted.

Mr. MALLORY. It is suggested that I can offer the amendment again, after the bill is reported to the Senate.

Mr. STUART and Mr. HUNTER. Certainly you can.

The VICE PRESIDENT. The first thing in order is to vote upon the amendments made as in committee, and then other amendments will be in order. The amendment in regard to Treasury notes is excepted.

The remainder of the amendments made as in Committee of the Whole were concurred in.

The VICE PRESIDENT The question is

on concurring in the amendment in regard to Treasury notes.

Mr. SEWARD. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SIMMONS. I move that the Senate take a recess until half past six o'clock.

Several SENATORS. Oh, no; let us finish the bill.

The motion was not agreed to.

Mr. SIMMONS. Before the vote is taken upon the Treasury note amendment, I desire to make some remarks, and I have an amendment which I wish to offer to the amendment of the Committee on Finance. I thought it would be more convenient to the Senate to take a recess now. I offered an amendment to this Treasury note amendment in Committee of the Whole, which failed. I understand that it is now in order for me to submit it in the Senate.

The VICE PRESIDENT. An amendment to the amendment is in order.

Mr. SIMMONS. I want to make some observations upon the question of Treasury notes. I know it is in order to offer an amendment to it; but there is something, I think, due to the Senate in reference to putting in this bill a Treasury note bill for $20,000,000; a thing that has not been estimated for by any Department of the Government; an amendment that has not been asked for in any document that I have seen sent to the Senate; not estimated for in the report of the Secretary of the Treasury; and I do not know upon whose authority it is proposed here. There is no estimate for it; and even the interest upon the Treasury notes is not estimated, nor the interest upon the loan negotiated last month. I understand that the Senator from Virginia, who is the chairman of the Committee on Finance, insists upon keeping the appropriations to the estimates. I should like to know where is his estimate for making such an appropriation as this? It seems to me, Mr. President, that this thing has been kept entirely out of sight until the last two days of the session, and purposely concealed from the observation of the public, as well as of Congress. I do not like to have it passed without some amendment to it.

Mr. BELL. I think there is too much disorder in the Chamber. I move that the Sergeant-at-Arms be directed to ask members not to converse so loud. The disorder in the Hall is such that no gentleman can hear.

The VICE PRESIDENT. The Chair has repeatedly attempted to preserve order, and finds it more and more difficult as the session draws to a close. Will the Senator from Tennessee be good enough to restate his motion?

Mr. BELL. I merely meant to make a suggestion, which I hope will be well received, that there was so much disorder that I could not hear the Senator, sitting at such a short distance from him as I do, and I wished to call the attention of the Chair to the great disorder in the hall.

Mr. CAMERON. It is evident that we can do no business before dinner, and I renew the motion to take a recess for two hours.

The VICE PRESIDENT. It is moved that the Senate take a recess until seven o'clock.

Mr. HUNTER. I hope we shall not take a recess. Let us finish this bill.

The motion was not agreed to; there being on a division—ayes 14, noes 30.

Mr. SIMMONS. To facilitate business, I will send the amendment which I wish to offer to the the desk.

The VICE PRESIDENT. The Senator will pause a moment. If the Chair is sustained by the Senate, he will attempt to protect every Senator on the floor. The voice of the Senator from Rhode Island is perfectly inaudible in the almost general confusion that reigns through the Chamber. Senators, therefore, are respectfully requested to preserve order, and the Chair will cause every Senator to pause in his remarks until order is produced.

Mr. CLAY. If the Senator does not move further or talk louder, those of us over here will not hear a word he says, unless other Senators cease to talk.

Mr. SIMMONS. I will stand anywhere, or stop, if it is not the pleasure of the Senate that I should go on. I would not say a word upon this subject, if I thought it was consistent with what I believe to be my duty. I have drawn this amendment, and I propose it in two sections. I offer the first section first, which provides a simple proposition to prevent under-valuation:

SEC. —. *And be it further enacted*, That to prevent undervaluations, it shall hereafter be the duty of the several collectors, or other officers charged with the duty of collecting the revenue from imported merchandise, in all cases when the same is practicable, under regulations prescribed by the Secretary of the Treasury, to take the amount of duties chargeable upon any imported merchandise in the article itself, according to the proportion or rate per centum on said article; that is to say, if by law there is imposed a duty of fifteen per centum, there shall be taken fifteen from every one hundred of such importation, and in that proportion for a larger or smaller quantity, and in like manner for all other rates of duty; and in all cases where goods shall be taken under any provision of law, they shall be sold in the manner now provided by law, unless otherwise directed by law or by instructions from the Treasury Department, made in pursuance of law.

I offer that section now, and wish to get a vote on it before I offer the other one, which is:

SEC. —. *And be it further enacted*, That it shall be the duty of the person or persons authorized by law to make entry of imported merchandise, to accompany the entry with such invoice and other proof of cost as is now required by law, and in addition thereto, to furnish an invoice verified by the oath or affirmation of the party making the entry, setting forth the true quantity of the merchandise entered; and also that the portion or packages selected for examination by the appraisers contain true and fair samples of the entire importation, which invoice shall also set forth the valuation put upon the merchandise imported or entered by the party making the entry; and the collector or other officer shall have the right, and it is hereby made his duty, to determine, as he may judge best for the interest of the Government of the United States, either to retain the proportion of the merchandise taken for duties or to deliver the same to the party who made entry of the merchandise, and in lieu thereof to levy and assess the duty upon the whole amount of the merchandise as valued by the party making the entry, or he may take the entire amount of the merchandise entered at the valuation put upon the same by the party making the entry, and after deducting from the gross sum the rate per centum imposed thereon for duties, he shall pay over the residue to the party who made entry of such merchandise, with an addition of ten per centum thereon; and in all cases, when it shall be judged to be for the interest of the Government, to retain the merchandise taken for duties, or to take the remainder of the importation, it shall be the duty of the collector or other officer, to make sale of the same in the manner now provided by law, in cases where goods may be taken for duties, upon suspicion of under-valuation. These provisions shall take effect from and after the 1st of April next, upon all merchandise imported from places this side the Cape of Good Hope and Cape Horn, and from and after the 1st of July next, upon all merchandise imported from places beyond the said capes.

I undertook to state, yesterday, that this is the provision of the existing law. There is now an option either to take these duties in kind, or to take them in the valuation. I desire to have no discretion, on the part of the collectors, at all, but to have them uniform, to take them in the article itself, and dispose of them as the law now requires. That cannot be said to be subject to any possible exception, as to changing or raising duties, or raising revenue. I agree, and I always like to be acquainted with these things, that I believe the under-valuations amount to at least $50,000,000 per annum, and that there is an average rate of duty of sixteen per cent. on them; and that, if we were to stop under-valuation, we would get $8,000,000 more of revenue per annum. That I agree to; but it does not follow that it is not our duty, either in the Senate or anywhere else, to stop frauds. I can conceive of no motive which should induce any one to try to prevent the stopping of these frauds. They are the most mischievous, as to the American merchants who import, and import honestly and fairly; and they are the most mischievous as to the industry of the country; for when these foreign manufacturers, with their agents in the city of New York, value goods, they do it at what the raw material and the labor costs, and without any reference to the capital employed in machinery. Each one for himself believes that he has got a better arrangement than his neighbor, and will undersell him in the market; and they are continually pressing goods on the market, upon the idea of underselling their neighbors, and the market is continually overstocked; whereas, if they had to pay duties uniformly, there would be no such revulsions as now happen to trade.

I will state further, that I make this proposition for the benefit it will be to producers of American articles, agriculturists, mechanics, manufacturers, in short, everybody that produces anything for the sustenance and the comfort of man. That is my great object. I think more of that than I do of revenue, much as I would like to see the revenue improved. I would say further, it is my deliberate judgment that it is the best method in which to have this Treasury note bill passed. I think the country expects that, before we make further loans to carry on this Government in time of peace, we shall do something toward fixing our laws to collect revenue enough for the wants of the Government economically administered; and it would disappoint the country if the Senate and the House were to continue in session three months without any allusion to providing more means for conducting the Government, until within the last two days, a measure is sprung upon us that looks to nothing but getting money, and that by hiring.

When the Treasury loan bill was passed last year, it was said to be a temporary measure; that it was doubtful if it would be wanted; the revenue was going to be sufficient, in all human probability, after a little time; but we had to make a permanent loan of $20,000,000; and then, when another year goes round, we have to renew these notes under the delusion, according to the statement from the chairman of the Finance Committee, which he labored for two hours to show, that this present tariff law would collect revenue enough for the wants of the Government. In that speech he made no allusion to these Treasury notes that I recollect. It is some time ago, to be sure, since he delivered it; but I have heard nobody make an allusion in this Chamber to making provision for meeting the public engagements until yesterday.

Now, it is said it is too late to amend it. Who is responsible for the means to carry on this Government? Is it the minority or the majority? I hold that it is due to the minority in any deliberative body to give them a fair opportunity to propose amendments, and canvass the propositions that are made to carry on a free Government in a free country. I do not believe it is right, and I do not believe it is proper, that measures of this importance should be suspended until this omnibus bill comes in, which is always at the end of the session when no one has a chance to do anything or make any suggestion for the benefit of the country. Nothing could be more painful to me than to have to address the Senate at such an hour as this upon so important a proposition. I would yesterday have explained this measure fully, if I had not been embarrassed by the question of order. That has now been disposed of, and I suppose it will not be raised again.

It is somewhat embarrassing to speak to unwilling ears. There have been all sorts of objections raised against this plan of collecting revenue. It is said that it compounds the duties, that it is like taking discount instead of interest, and all sorts of objections are made to it. Now, I know the reason, at least I think I do, why people so misapprehend the effect of such a provision. There is a prevailing notion that everything that is imported must pay the cost of importation and all the expenses of duties that you impose upon it. Nothing is more fallacious; but if that were the case, as we are situated, we have either got to contrive some method to get more out of those rates, or to raise the rates themselves. Everybody who has examined this subject will agree to that.

There is a great mistake as to what was imported, or at least, as to what was consumed last year. The Senator from Virginia stated that we got $42,000,000 upon an importation of $242,000,000. Now, I went to the warehouse tables in the Secretary's report, and took the monthly statement of goods entered for consumption, and laid by for reduction, as well as those that came in, and those entered from ship, and from warehouse for consumption, and it was $291,000,000, upon which we collected $41,000,000 and some hundred thousand. If the Senator from Virginia had taken that course, he would not have injured his reputation by saying that we collected $41,000,000 on $242,000,000.

Mr. HUNTER. If the Senator will give way, I will agree to a recess for two hours.

Mr. SIMMONS. Well, I will do it, and I will agree to abridge my speech twenty-five minutes for that proposition.

Mr. HUNTER. Very well, sir; I move that the Senate take a recess for two hours.

The motion was agreed to; and thereupon, at five minutes to five o'clock, the Senate took a recess for two hours.

EVENING SESSION.

The Senate reassembled at seven o'clock.

MILITARY COMMITTEE CLERK.

Mr. SHIELDS. There is a Senate resolution which has been lying on the table for some time, that I wish to call up and have passed.

Mr. HUNTER. I hope we shall go on with the appropriation bill.

Mr. SIMMONS. I will yield, if it does not take any time.

Mr. HUNTER. If it gives rise to debate, will the Senator from Minnesota agree to let it lie over?

Mr. SHIELDS. Yes, sir.

The VICE PRESIDENT. The Senator from Minnesota moves to take up the following resolution submitted by the Senator from Georgia [Mr. IVERSON] a few days since.

Resolved, That the annual compensation of the clerk to the Committee on Military Affairs and the Militia shall hereafter be the same as that of the clerk of the Committee on Finance.

Mr. HUNTER. I would rather that we should not act upon that resolution just yet.

The VICE PRESIDENT. Does the Senator object to the consideration of the resolution?

Mr. HUNTER. No, sir.

Mr. PUGH. There is no more reason for increasing the salary of that clerk than the rest of the clerks to committees.

Mr. HUNTER. If this should be agreed to, we will have to put them all on that footing. I would rather that it should lie over.

The VICE PRESIDENT. Then the Senator from Rhode Island is entitled to the floor.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House of Representatives had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 712) making appropriations for the naval service for the year ending the 30th June, 1860.

The message further announced that the House had passed a bill (H. R. No. 893) making appropriations for the service of the Post Office Department during the fiscal year ending June 30, 1860.

TOWN SITES IN NEBRASKA.

Mr. JONES. I ask leave of the Senate to take up the bill (S. No. 601) to legalize certain entries of town sites in Nebraska. It is exactly in the form in which such bills are usually passed. The chairman of the Committee on Public Lands has a communication from the Commissioner of the General Land Office, who recommends it.

The motion was agreed to; and the bill (S. No. 601) to legalize certain informal entries of town sites in the Territory of Nebraska was read a second time, and considered as in Committee of the Whole.

It directs that in all cases, in the Territory of Nebraska, in which town-site entries have been made under the provisions of the municipal preemption act of 23d May, 1844, in the name of the mayor, trustees, or county commissioners, instead of the judge of the county court or corporate authorities, the same shall be confirmed and regarded in law and equity as made and held "in trust for the several use and benefit of the occupants thereof, according to their respective interests," and subject in all other respects to the conditions of the act of 23d May, 1844; but the confirmatory provisions of this act shall only extend to and embrace such entries as are regular and lawful in all other respects under the provisions of the act of 1844.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. ALLEN, its clerk, announced that the Speaker had signed the enrolled bill (H. R. No. 712) making appropriations for the naval service for the year ending the 30th of June, 1860; and it was signed by the Vice President.

CIVIL APPROPRIATION BILL.

Mr. HUNTER. I now call for the appropriation bill.

The VICE PRESIDENT. The bill (H. R. No. 713) making appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1860, is before the Senate; and the Senator from Rhode Island is entitled to the floor.

Mr. SIMMONS. When I gave way for a recess, I was endeavoring to explain the operation of this proposition of mine. I said that I made no change in the provisions of the existing law; that I merely required the collectors to pursue a uniform course in the execution of the law. I do this in order to avoid favoritism among different classes of imports. As the law now stands, they can take the duties precisely in the form I propose, if they suspect the goods to be under-valued. I do not know how much it would cost to remove such a suspicion; but one thing I do know, if there is anything in the estimates and tables, that the trade of the United States, for the five years preceding the passage of this tariff, by the price paid for the exports and the price paid for the imports, without anything for the earnings of freight, there was a balance of $8,000,000 a year in favor of the United States. The freight could not have been less than $20,000,000 in a year; and it is as notorious as anything of history, that, when we had to get forty or fifty million dollars, notwithstanding that was in our favor, there was no other way under heaven to account for it, but that the goods cost more than they were entered for.

It has been said, as I remarked before dinner, that this proposition would compound duties; that it was taking off a discount instead of adding the interest. If it were so, it would not be a serious objection; for, although I believe there is an under-valuation of $50,000,000 a year, in our ordinary importations, and that our present rates of duty are but sixteen per cent., which would give us a duty of $8,000,000 over and above what we shall get in the other mode, in the mode now practiced, yet I do not believe that will pay our expenses, and we shall have to increase the rates.

Nor do I believe any Senator who has traveled with us through the last fortnight, and witnessed our endeavors to retrench, can form any other judgment. You cannot retrench a dollar on an officeholder of this Government. You may refuse to erect buildings where you do get about dollar for dollar in value; but as to cutting off salaries or patronage in any form, it is hopeless. The Senate came here with the utmost zeal in the morning, upon a bill with a recommendation of the Finance Committee to cut down $150,000 on a particular branch of service, and before night the chairman will get up and move to raise it himself. I have known it within a week. You cannot touch the expenses, Mr. President. In fact I have no disposition myself to injure the public service by any attempt at this moderate sort of economy. I thought that under the Post Office bill we should have accomplished something; but the result of it has been an entire failure.

I ask the Senator from Virginia, upon what basis he predicates his estimate that we can import $360,000,000 a year. For the five years preceding this revulsion, which were five of the most prosperous years in the history of this country, we exported an average of $228,000,000, of our domestic productions, exclusive of specie, and $48,000,000 of coin, making $276,000,000; and our imports during those five years averaged $268,000,000. There was, as I have stated, a balance of $8,000,000 in our favor. We exported $8,000,000 over what we imported, and that accounts for this under-valuation; but does the Senator suppose that we can increase the annual average of the last five years before the revulsion? We had then a very high price for all the great productions of our country. Breadstuffs were wanted all over Europe. How are we now? Of the great articles of consumption in the line of food, of which we are said, by the tables, to produce $2,000,000,000 annually, during the last year we exported but $40,000,000. What is to become of the rest of it, if you do not take care of your own industry and your own market? You cannot send your wheat nor your grain anywhere to any advantage. I agree that you may sell some to the West Indies and to Europe, but considering the distance, and the uncertainty, the market affords no encouragement for the culture of cereals, or none of any consequence. I agree that we shall do something; but we exported, as I am told, between forty and forty-five millions of those articles in the last year. I have watched the price of such products for fifty-five years, and I never knew the exportation of breadstuffs and flour so low in my life but once, and that was the time of the embargo in 1807, when all the markets were cut off. We know we have a large cotton production, and this year, the largest crop for many years. It brings a generous price, in which I am as much gratified as those who cultivate it; but cotton and tobacco are about the only substantial reliable articles.

Two hundred and twenty-eight millions, as I said before, is the average of our exports, and, with the specie, $48,000,000, which is about what we produce annually, makes $276,000,000. I should like to ask the Senator from Virginia if he supposes that we shall, within the next three or four years, exceed $300,000,000 of our own produce. We add on what we import and reship to swell up the export account. What does that mean? It is none of our production; it is the mere transit of this country going to Mexico. It costs us all we get for it. It brought in $1,000,000, and carried out $1,000,000. All we get is the freight. It does not do to predicate imports upon such transactions, because we get no credit for them. Our credit is crippled. Our indebtedness in Europe is at least $500,000,000; and it will cost $30,000,000 annually from our exports for the interest, and that must be deducted from our importations, unless we get in debt for it. So that, I say deliberately, I have no expectation of seeing the importations consumed in this country exceed $300,000,000 upon an average for the next five years; and I doubt if they will come up to that. The average rate of duty collected last year upon the consumption, including the $10,000,000 collected from goods in warehouse, was only fourteen per cent. There was a larger importation of goods under a high state of schedule than we could expect on the average, because we got in sixteen months' importations for twelve months' consumption. They entered none after this tariff was passed, until the reduction took place, as any one would suppose. They put into warehouse $47,000,000 in three months, and let them lie there until the duties were reduced. That was right. Anybody would expect to do that; but they paid thirty per cent., and only paid, on the average, fourteen and four tenths per cent. They generally go from thirteen to fifteen, varying with the demand for that description of article. Well, for that $300,000,000, we would get perhaps forty-five million dollars, as we now collect the duties. I agree, that if we send out $300,000,000 and get a fair valuation, it ought to return us, say, three hundred and forty million dollars, and if charged at the custom-house, the earnings of freights would be, perhaps, three hundred and fifty million dollars, and I propose to get it.

It is said, as I previously remarked, that this proposition is compounding the duty. Now, I wish to make one suggestion about that. If it was, we need it. But it depends altogether upon whether the goods are worth more after they pass the custom-house than they are in a foreign country. Now, no one will pretend to say to me it makes any kind of difference, excepting in the change of value, whether you take five per cent. from $100, or five per cent. on $100. Suppose we were importing coin, gold dollars of the American stamp, and charged five per cent. upon them, and a man brought in $100, and entered them at the custom-house: under our present mode, the man would have to take five dollars out of his pocket and pay the collector, and then he would pass his $100 through. How much would he have? He would have $100. Now, suppose we stop it before it passes, and take the five dollars out of the $100, and leave his five dollars in his pocket, and he passed ninety-five dollars: would he not have $100 after it passed through? Is it not a plain case? But they say it is more to take five dollars out of the $100, and then let it pass through, than it would be for him to take five dollars out of his pocket for passing the $100 through. I cannot see the difference. If it is worth more after it gets by the custom-house, I agree that we get the rise in the market; if it is worth less, we get less. As I stated about the India goods, the whole India trade lost forty per cent. in 1857; and if we had taken our duties in kind we should have lost it, and ought to have lost it. The men had a hard

bargain enough to pay without our taking from their losses; but when they make a fine voyage, they can afford to allow us to have the chance of a little of the profits. I say it is fair enough.

Mr. President, I mean to do what I think is best for the finances of the country. I want to get a sufficient revenue in a fair way, and honestly collected, to pay the expenses of the Government. I am willing to make temporary resorts to Treasury notes or loans in times of revulsion; but I am not disposed, nor do I think the Senate ought to be disposed, to pursue this course year after year when business has revived; but we are doing that. There is not a sound statesman in the country that can believe that we are able to pay our expenses with the present rates of duty, and the present mode of collecting the money that we appropriate. But the principal object I have in view, and I state it frankly, is to prevent the evil of these excessive importations upon the productive industry of the country. I stand here at all times to do whatever I can, legitimately, to promote their interests and welfare. I do not intend to do it by any indirect legislation, by any unfair legislation; but I mean to appeal to the judgment and candor of Senators who think this is a great burden to them, to give their aid to assist in making a fair system, they fixing the rates, so that we can prevent frauds, and have inuring to the benefit of the producers of the United States the incidental advantage of collecting our revenue in this way. I do not want to collect a dollar more than you. I do not want a higher rate than you see fit to propose. I have no idea of this hot-bed growth of industry; but I do not want the labor of this country prostrated by that of foreign countries, whose interest it is to break it up and control the market afterwards. They have a very different interest from what we have.

Mr. President, when the Senate is full, I see upon this side of the Chamber Senators representing every variety of pursuit. I see members who represent the great agricultural producing countries of the Northwest. I see those representing the mechanical States, those whose labor is greatly diversified. I see those representing the cotton interest, the sugar interest, and the wool-growing interest, and all varieties of interests which are pursued, and the mechanics. I have never seen those interests in society anywhere, in any country of the world, where, without somebody to set them on, they would ever be jealous of each other, that the one was prospering more than the other. It is a sentiment that does not grow among producers. They like to see every one of their fellows prosper. They are not jealous that the cotton-grower gets more than the sugar-planter, or that the man who raises cattle in Kentucky gets more than the man who raises corn in Illinois or Minnesota. There is no such jealousy among those who produce; there never was, and there never can be.

But there is another class of men in society who produce nothing themselves. They lend money; they are engaged in offices with fixed salaries; they are engaged in various ways. I need not classify them, because if I did, they might think I was speaking harshly; but they are non-producers. If they produce at all, they produce great staples in which they have, by nature, the commerce of the world, and the monopoly of the market, like the cotton-growers, and they feel as if they were independent of the legislation of the Government. They do not consume one third of their crop in the year. I like to see it prosper; it is a great interest. It adds greatly to the dignity and importance of the commerce of our country. They are prospering, and they ought not to be jealous of any of those representing a different class; but you will find the suggestion coming from all quarters that these tariffs benefit you at our expense; benefit one class of producers at the expense of another. Did you ever hear a producer suggest it? Did you ever hear a man, engaged with his own hands in producing whatever he makes, for the wealth of the country, ever suggest such a thing? Never. If you look at the hands of the man who suggests it, you will know that he never produced a dollar's worth of anything in his life.

Now, Mr. President, I will not say what I do, because all the Senators present know my course. During the last session, my honored colleague introduced a proposition to make salt free. I did know that any salt was made in the United States. I asked if any salt was made in this country; and if it was, I had my hand in to parry the blow. Then my worthy friend behind me [Mr. WILSON] offered a proposition to make sugar free; and I was on my feet defending the sugar interests, showing that if we had sugar free, we should have to put the duty somewhere else, where it was upon American production. Now, sir, I have my favorite notions about the kind of labor most profitable to employ; I like free labor; but there is no labor of my country, and no product of my country produced by any kind of labor, that I do not like better than the labor of any other country in the world, and better than the products of any other country. Do not carry me beyond that. I stand by the products of all kinds of labor, and those engaged in it; and I do not intend to make any difference between them. I may have my choice. I like my country. I like my country, misgoverned as it is; and I mean to take care of it, and provide ways and means to take care of it; but I say, in doing it, I appeal to Senators on the other side, who represent another class, not to oppress the laboring class, represented on this side. You have the power, I agree. I know there is a sort of jealousy, there is a sort of unpleasant feeling, which has arisen from causes which I regret. I cannot help it. Even that celebrated general—to whom the Senator from North Carolina alluded the other day, when he asked me which was the greater, Hannibal or Cæsar—who, when a child, was brought to the altar by his father and made to swear eternal vengeance to the Romans, when they were retreating, said to his army, "Stop, soldiers; spare the vanquished." That is the best thing he ever uttered in his life. I say to those who are pursuing the laboring men of this country, although you have the power, and although they are depressed, have the sentiment of Hannibal, when he said, "Stop, soldiers; spare the vanquished." There has been no year, within my knowledge, in which there was so much suffering among the laboring men, as the last; and when I made an appeal, at the early part of the last session, for something to be done to satisfy laboring men, that they might not lack bread, it was parried by this notion, that we wanted a little more time to see how this tariff was going to work. We were asked to give Treasury notes, and then a loan. I saw, the moment that I touched that chord, that the Senator from Kentucky [Mr. CRITTENDEN] and the Senator from Tennessee [Mr. BELL] were on their feet, appealing, in the name of their suffering labor, as few men can do like them. It was parried. We have gone through the year; labor is starting; and it remains for the Congress of the United States to say whether this shall be a mere spasmodic effort, which will subside into worse desolation than existed before; or a healthy convalescence, going on prospering and to prosper. It depends very much upon our policy which it shall be.

I cannot find out, we can get no information, and there is not a man in the Senate that knows, how much we have appropriated during the session. We vote everything blind; and when we come at the year's expenses we find, when talking about sixty-five or seventy millions, that it is eighty or ninety millions. We get no estimates and get no run of them. I do not complain; but I see that we spent upon this civil list last year $26,000,000, and in the Interior Department $6,000,000, making $32,000,000, and they are now estimated for $19,000,000. The Senator from Virginia said that $4,000,000 were unexpended, besides these $13,000,000, and he said that the unexpended balance might be stricken out. In that estimate of $22,000,000, nineteen or twenty millions were estimated for the mail service. That left only about fourteen millions for the other business, for which we spent $32,000,000 last year. There are only $3,500,000 for the mail service, and $29,000,000 besides the mail service. There are $14,000,000 besides the estimate for deficiencies in the mail service. I have no doubt, if we could get an account of what we have appropriated, that we have appropriated in this civil service as much as we spent last year, which was $32,000,000. It is all covered up There is no estimate here for the last $10,000,000 of this loan; there is no estimate in the report of the Secretary of the Treasury for $1,200,000 that we will have to pay for $20,000,000 of Treasury notes, at six per cent.; but we shall pay it, and we ought to pay it, whether he estimates for it or not; but it is all concealed. Nobody knows what we appropriate. I have never known, since I have been in the Senate this last time, a single statement of the amount that was appropriated by a single appropriation; but they recommend certain things, and we cannot keep the run of them, unless one has the power to look right through them, without knowing the figures.

I would like very much to illustrate the effects of glutting the market upon the producers of this country; but I know I have promised to be as short as possible. I do not know what that is; but I have not time to make even a short speech. I could have made it a great deal shorter if I had had more time; but I will make a single illustration of this overstocking of the market, by supposing, as the Senator from Virginia had adduced to us, that each Senator was to build a store on Pennsylvania avenue—sixty-four stores—and there was a good tenant for each store that was wanted to hire, and we should get a fair interest for the investment. Suppose, by reason of outlay and insurance, (and we would have to pay one or two per cent. for insurance,) and wear and tear, they cost us $5,000 apiece, and we received $400 rent, and we built them from patriotic motives to build up the Federal city. Suppose, from the same motive, that we should induce a foreign minister to build a store; that we should invite him to come to Washington, which is becoming a large city, and show him that these were profitable investments; that if he invested his money in Europe he would get only three per cent., besides the wear and tear; and suppose we should induce one of our present worthy ministers to make an investment, to build a store. He lets it. He is going to return to Europe, and wants to get a tenant for five or six or ten years after he had finished it, and he had taken the best tenant there was in the sixty-four stores already built. He may make a lease for ten years, for he is going away for ten years, or put the coat of arms of his ancestors over the door. You cannot find sixty-four American tenants in the United States that some one of them would not rather hire of a nobleman than a Senator. He is a landlord, and we are only a sort of *quasi* landlords. There is no such thing as a landlord in the United States. We took that term from where they do have real landlords; and if a person there built a store, he would be landlord; we are store-letters. He would get a tenant away from us, and then there would be one empty tenement, one empty store, and we have got to hire it; and we should work down each other and underlet, until we got one of the other sixty-four an empty tenement; and then we would begin to go back and keep reducing the rents, until we could get somebody to take that one who did not want it.

That is the effect of overstocking the market anywhere; but I suppose when we should get through this calculation, the Senator from Virginia would say as he does about the revulsion, that we built these stores with paper money, and his lordship built them with gold. That is about as good a reason as the President and his party give for the late revulsion: that the banks had too much paper money; and money was at three per cent. a month all the time.

Now, Mr. President, I have endeavored to explain this amendment. It does not change a feature of your laws, except to make the practice uniform under them. The second section prevents us from being dealers in merchandise after the goods are taken. If we take fifteen or sixteen per cent. out of the hundred, the importer has eighty-four per cent. There is a provision that he shall make oath that the quantity is rightly stated; that the quality entered for examination is a fair sample of the whole. That is all there is about it. Then it fixes the value at which we shall take ours or sell his. I have altered it so that if we take his, we give him ten per cent. for his profit, and let him have ours without any per cent. at all. That gives him ten per cent. advantage. I think he ought to make something. In England they give him five per cent.; in France ten per cent. I put it at the highest figure. By that means the importers will feel it their interest to sell and get a fair market value; and the duty is on the fair market value

I intended to make some remarks, Mr. President, in reply to the answer which the Senator from Virginia made to me the other day. I did not get a chance to get the floor since. These discussions have gone on very singularly during the session. I make no complaint of them. In the early part of the session, in order that this subject should come fairly before the Senate, that they should have time to consider it, I offered a resolution calling upon the Secretary of the Treasury for a plan, as suggested by the President, giving us the average prices of goods for the last four or five years, that we might base something upon it. I said a few words upon it, and it was laid by. There have been little running debates upon other propositions. I at one time—I do not recollect exactly what was up—undertook to give my view of the finances of the country, and the next day I was replied to. I should like to have the Secretary read part of the speech of the Senator from Virginia, upon which I intend to make a few observations, and then I will close. I want to insert these remarks in my speech, and let the people in my part of the country know the feeling that the Senator from Virginia possesses towards them:

The Secretary read as follows:

"But, Mr. President, the Senator from Rhode Island made an appeal to us in the name of the American laborer; and whenever he speaks on that subject he moves my sympathies, because he is eloquent and sincere; he touches my heart if he fails to convince my head; but when I come to reflect coolly upon it, I find that my theory of doing it is very different from his. I, too, would aid the American laborer. The paths we would pursue to reach the same end diverge most widely. I would cheapen the ax with which he hews his way into the forest; the hoe and the plow with which he wrings from the reluctant grasp of mother earth a hard-earned subsistence for his wife and his children; the blanket which covers him by night, and the coat which shields him by day against the storms and the rigors of winter. I would diminish the price of the bolt with which the sailor fastens the side of his ship together, and cheapen the cordage which holds the spars in their places; and by all justifiable means in my power I would open to him every port upon all the seas. I would cheapen to the manufacturer the tools which he used and the clothes which he wore; I would cheapen to him the sugar that sweetens the 'cup that cheers but not inebriates;' and I would relieve him from the sense of dependence for his subsistence upon bounties to be extracted from the hard earnings of his fellow-laborers. I would extend, because I would cheapen the cost of making, that iron path upon which our citizens of every degree are speeding by day and by night in pursuit of their objects of pleasure or of profit. In short, sir, I would open wide the door to the self-development of American industry, and leave it free to pursue the bent of its own genius; and if it did not then achieve whatever is grand and useful or curious and beautiful in art, the fault would not rest upon the want of proper opportunity, but upon its own incapacity. For myself, I am willing to abide the result. I do not distrust the capacity of my countrymen to do as much as has been effected by any other nation in founding empires or building up industrial systems.

"Sir, the young giant of the West has now assumed the full dimensions of manhood. It is ridiculous to attempt to guide him by the feeble leading strings of your protective system. It is idle to seek to bind him for fear he should do himself mischief if you should give him the free use of his limbs. No, sir, let him go; let him take the range of the earth in pursuit of his royal instincts of power and of empire; and my word for it, he will not stop to set up his pillars at the straits of a smooth and tideless sea; he will not pause at the first outlook upon the wide and stormy ocean, but he will bravely breast its billows and buffet with its storms, whether it be to coast the icy cape or to pursue the burning line, and he will leave monuments of his progress and of his power which will endure, I trust, as long as the Rock of Gibraltar itself. That he will be a prodigy of power, I doubt not. That he will also be a minister of mercy, I wish I were equally sure of; but I much fear me that, where ever he may go, and however distant the land, if there be a handful of earth to be had, or a single twig growing upon a tree, he will return to them as emblems of his seizin, and evidences of his title to a possession that may be worse than useless to him after all. Sir, I observe that, at the very name of territory, his whole nature seems to change: he becomes as wild as the old Phœnician with his bullskin measurement of land; as crafty as that old Saxon sea-king, his progenitor, perhaps, who, having obtained the possession of a lapful of earth, sowed the dust over whole fields which he claimed to hold under such fictions of law as the strong alone can impose upon the weak. But, sir, while I would restrain him from this universal lust of acquisition, I think there are exceptions to the rule. I would not dissuade him from the use of all honest and just means for the acquisition of Cuba. It is the rib which was taken from his side: 'male and female created He them.'"

Mr. SIMMONS. Now, Mr. President, I should have been glad to have got the floor immediately after that speech to have caught the inspiration——

Mr. HAMMOND. Will the Senator from Rhode Island allow me to say a word?

Mr. SIMMONS. Yes, sir.

Mr. HAMMOND. If we were to sit here until the moment that this Congress expires, we have scarcely time enough to transact the business that is absolutely necessary to keep this Government in motion. The Senator from Rhode Island has brought a proposition here which, I suppose, very few members of the Senate understand—which I do not pretend to understand—to remodel the tariff; and he is making a speech upon that subject, spinning out and wasting our time. Can the Senator suppose for a moment that, at this late hour, anything can be done upon the proposition which he offers? I therefore appeal to him to allow the real business of the country to be transacted; and if he refuses, and if the Senators on his side are determined, by these propositions and these speeches, to waste the time of the Senate and of Congress, until we cannot do what the country requires of us to do, are they willing to accept the responsibility of it?

Mr. SIMMONS. I think I should have been through by this time if I had not been interrupted. Mr. President, I was about to say a passing word. I explained, when I began—and if the Senator had been in his seat he would have heard it—the reason why I was obliged to take this inopportune time. I had that extract read in order to give the Senator from Virginia and his sentiments in reference to labor a circulation in my part of the country. I intend to print this speech that I make in my local papers.

Now, sir, he said he would do all these things for labor that he has described. In the first place, he would cheapen the ax with which the pioneer hews his way through the forest. Who would he strike down there? The mechanic. Is there any pioneer in the world that would want to strike down the mechanic who made his ax? Never. He says he would cheapen the hoe and the plow with which the laborer wrings from the reluctant earth a scanty subsistence for the provision of his family. A western farmer never talks that way. He does not wring from the reluctant earth a scanty subsistence for his family. It is not that kind of labor that wrings from the earth a subsistence for their families. No, sir; when their harvests are garnered up, their hearts and their voices ring with grateful acknowledgments for the bountiful produce of the earth. That is the way they speak.

He says he would cheapen the bolt with which the sailor holds the plank to the side of his ship. There he would strike down the iron merchant. But I would like to know if he ever heard or knew of a sailor building a ship? If a man talks about things of which he knows nothing, he will betray himself in less than ten minutes. Did he ever know a sailor to build a ship? It is another class of men who do that. The duty of a sailor is to hand, reef, and steer. That is the kind of discipline he undergoes when aboard. Then he says he would cheapen the cordage by which the masts are held up. I should like to know if the Senator ever heard of the standing rigging of a ship called cordage. I never did. The small ropes and running rigging are called cordage. So you may go through the whole of it. Why, sir, you never heard of a farmer who refuses the plow-maker a fair price for his work, in your life. He wants to buy in his own country. He would as soon think of sending to England to have his horse shod, as for an ax, plow, or hoe. The one is just as necessary as the other. They are all for the social accommodation of man.

I should like to trace the Senator's argument up, but I know the Senate is impatient. I will come to his ethics. He has got one of these western men afloat after land. I never knew of a man going afloat after territory. I have heard what would become of a sailor if you put him on horseback. I do not know what would become of a man when you put him to sea, as he said, to go and steal territory. He would measure it with a line that would stretch, and would not set up the pillars as long as there was a foot of earth to steal. That is about the amount of it. The Senator would restrain him in that. There was one exception, and that was Cuba. That is his ethics.

Then, I come to his theology. His theology is, that, after a man has cruised all over creation to get all the land he covets, he should set up these pillars. I suppose he means to set up, as the Romans did, pillars to the god Terminus. Now, an honest farmer, any of the western people that ever sprung out of New England, would never set up a god made of stone at the head of their dominion. That is not the theology in which they were brought up. They would look to the God who had set them up, and not the one they set up. The Senator says, while restraining this desire of acquisition, he would make Cuba an exception to the rule. He says he wants to restrain this sailor; but there is one exception he makes for his lust of dominion, and that is Cuba.

Well, Mr. President, I wish the Senator had answered me when he was under the influence of my appeal in behalf of labor. It would have been a generous one. He would not have been cruising around for land, and, by cheapening his work, cheapening the market for his produce; but he concluded to wait until he could invent an answer to that appeal, and polish it up. This speech bears all the marks of very high scholarship. It sounded very well to my ear when I heard it; but I tell the Senator and the Senate that the farming people of the northwestern territory, and the laboring people of this land, do not care a pin about this polish and this rhetoric. They well know who it is aimed at. When the Senator comes to make this appeal, and endeavors to set these different labors one against the other, to strive to cheapen the productions of each one and injure the whole, before he gets through he will be mistaken if he supposes he can make them believe that he very much sympathizes with their prosperity. He will fail to make the western people believe that it is fair to except Cuba out of this lust for plunder. They were educated in a different school from the old Saxon king to whom the Senator alluded. In my deliberate judgment, we should do well to go back half a century, and practice the old notion of education. Men are not made by French dancing-masters, or professors in colleges. I mean they do not improve their morals or their theology. These men in the West, and throughout most of this country, derive their education and their principles from another and a purer source. They receive those sentiments that raise up a noble nature in man from their mothers—their pious mothers. They breathed into them the right sentiments when they knelt at the cradle or the truckle-bed, and learned them their prayers. The sentiments those mothers taught were: "keep your hands from pilfering, and your tongue from guile. Do not pretend to be after land in an honorable way when you mean to steal it. Do not take anybody's property unless it belongs to you." That is the doctrine that was taught by our mothers. Every man who hears me knows, if he can remember the doctrine that was taught him by his mother, that it will afford no such latitude for the indulgence of the lust of accumulation and acquisition. It would be well if every man, in addressing the Senate, instead of trying to set one interest against another, would try to harmonize all interests—unite all classes of men in the pursuit of a noble destiny for his country. Every topic is brought here when Senators talk about making a regulation for stopping cheating, the slavery question, and politics. I do not know what they have to do with it.

I hope, Mr. President, that we shall adopt this proposition on the Treasury note amendment. I believe the Senator from South Carolina said he did not understand it. I should like the Senator from Florida, [Mr. MALLORY,] whom I do not now see in his seat, who was once collector of customs a long while, to state his experience on this subject. I should like the Senator from Virginia to state to the Senate whether or not he does not think it is a good plan, and whether or not, if he was called to do anything, this is a fair plan of preventing fraud?

Mr. HUNTER. I do not; because this amendment allows them to take them at any rate. There is an existing provision which allows officers to take duty in kind if they suspect fraud; and not only that, but it is proposed here to take the whole cargo, if it be deemed best to the United States. Of course, it is best for the United States to take the home-valuation instead of the foreign.

Mr. SIMMONS. The amendment does not allow him to take the whole of it. It gives the option if it is the interest of the United States to take the duty in kind, and no more. I see the Senator from Florida now in his seat. He was for a long while a collector of customs. I want him to state what he told me was his experience in collecting duties in this form. He told me his

invariable rule. I wish he would state it, for he can do it better than I can, and I will close my speech. Will the Senator be so kind as to state his practice when he was collector, of taking duties in kind, and what was the result?

Mr. MALLORY. I am very much afraid my friend will call out speeches in this way.

Mr. SIMMONS. I have done, if you will state it.

Mr. MALLORY. I will state the fact, as my attention is called to it, that, in the administration of the tariff, I always found that any article of small bulk and great value was habitually undervalued. I instanced the article of cigars; which, in my district, were imported at four dollars a thousand; and when the duties were taken in kind, they sold, within half an hour, at forty dollars.

Mr. CLINGMAN. It is too late in the session for gentlemen to engage in general discussions on the tariff, or I might be disposed to controvert what the Senator has been saying on several points. I wish to call the attention of the Senate to this particular proposition. It is altogether different from the proposition offered yesterday; and, I admit, less objectionable. That was a monstrous proposition. It ought to have been called a proposition to prevent importations of foreign goods into the United States. It authorized every collector to take the whole of the goods, without any suspicion or charge of fraud, and sell them. If carried out, no merchant would have imported goods to be sacrificed in that way. The tariff of 1828 and the tariff of 1842 were free-trade measures compared with the proposition presented yesterday.

The present one, however, simply provides, as far as I understand it, that in all instances where goods are brought into this country, the collector may take a percentage equal to the amount of duty. It is liable to the objection, in the first place, referred to by the Senator from Virginia, that it substitutes home-valuation. A cargo of goods in New York, because of the freight paid, I think is worth more than the same cargo in a foreign country. Hence, when a thousand tons of iron are imported, if the collector takes twenty-four of those tons, he gets the benefit of the home-valuation, and there will be an increase of duty equal to twenty-five per cent.

There is, however, a second objection. The gentleman says that his purpose is to have these goods taken in this way in all cases. It will double the expenditures of collecting the revenue, if we carry it out in that way. These officers will have to take the goods; they will be obliged to sell them at auction, and you will have vastly to increase the existing force.

It is also liable to a third objection. By throwing fifty or sixty millions of goods, the whole amount of duty the Government collects, into market, and selling them at auction, what effect is that going to have upon the prices? How are manufacturers and traders, generally, to be affected? This is all I desire to say with reference to the proposition now presented.

Mr. HAMMOND. I have but a word to say. I said to the Senator from Rhode Island that nobody understood his propositions, and that I did not myself. Perhaps I went too far; and as he has referred to it again, I will say that I understand his propositions thoroughly. He proposes a tariff in disguise; a high protective duty under an ingenious form. I will not undertake to discuss it. I simply say this much: that the whole principle of Government rests upon the principles of taxation. Whether the Government be autocratic or Democratic, is matter of small importance if you can limit taxation.

Mr. HUNTER. I appeal to my friends to let us vote. I have no right to appeal to others.

Mr. BELL. I desire to say that I have taken some pains to address the Senate upon this subject, not this evening, however. Had this question presented itself at any other time than to-day, before the last day of the session, or before the very close of the session, I should have asked the indulgence of the Senate to allow me to present my views somewhat at large upon the whole subject connected with it and the financial policy, and the commercial policy of the country. But, sir, I defer to the feeling of the Senate, and perhaps I may say to the necessities of the condition in which we find ourselves at the very close of the session. I waive any remarks upon the subject.

Mr. SEWARD. I ask for the yeas and nays upon the proposition of the honorable Senator from Rhode Island.

The yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. FITCH, when his name was called, said: At his request, I have paired off on this amendment with the junior Senator from Kentucky, [Mr. THOMPSON.]

Mr. HAMLIN, when his name was called, said: I have paired off on this and all other questions, except the light-house bill, and one or two private bills, with the Senator from Louisiana, [Mr. SLIDELL.]

Mr. POLK. I have paired off on this question with the Senator from New Jersey, [Mr. THOMSON.]

The result was then announced—yeas 24, nays 30; as follows:

YEAS—Messrs. Allen, Bell, Bigler, Broderick, Cameron, Chandler, Clark, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Hale, Harlan, Kennedy, King, Seward, Simmons, Trumbull, Wade, and Wilson—24.

NAYS — Messrs. Bayard, Benjamin, Bright, Brown, Chesnut, Clay, Clingman, Davis, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mallory, Mason, Pearce, Reid, Rice, Sebastian, Shields, Smith, Stuart, Ward, and Yulee—30.

So the amendment was rejected.

Mr. MALLORY. I wish now to offer an amendment, which I withdrew in Committee of the Whole.

Mr. SEWARD. The honorable Senator from Florida will allow me to suggest to him that the amendment which was reserved for separate consideration was the amendment authorizing the issue of Treasury notes. We are upon that question now, in order. Perhaps it would be better to have a vote on that.

Mr. MALLORY. I did not know that. I will offer this amendment afterwards.

Mr. SEWARD. Upon that question the yeas and nays have been ordered, as I understand.

The question being taken by yeas and nays, resulted—yeas 36, nays 22; as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Bigler, Bright, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mallory, Mason, Pearce, Polk, Pugh, Reid, Rice, Sebastian, Shields, Smith, Stuart, Toombs, Ward, and Yulee—36.

NAYS—Messrs. Bell, Broderick, Cameron, Chandler, Clark, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Hale, Harlan, Kennedy, King, Seward, Simmons, Trumbull, Wade, and Wilson—22.

So the amendment was concurred in.

Mr. DAVIS. I wish to offer an amendment, to come in after the last amendment to the bill:

For the support of the postal service such sums as may be received therefrom, and the Postmaster General be, and he is hereby, authorized to reduce the service upon the various post routes, so as to make the Department self-sustaining, and by warrants on the United States Treasury to draw therefrom amounts not exceeding at any time the balance in the Treasury from the receipts of the post offices and post roads. From and after the 1st day of July next the franking privilege, except so far as conferred by special laws, be, and is hereby, abolished.

I will state, Mr. President, the whole object of this amendment is to provide for a contingency that has arisen by the action of the House upon the Post Office appropriation bill. That proposition, if it is accepted by the Senate, leaves the Post Office Department to sustain itself by the receipts and such a reduction of service as will make it self-sustaining, and by abolishing the franking privilege, so as to relieve the mail of the burden which is now imposed upon it in that form.

Mr. HALE. When does it commence? Let the amendment be read.

The Secretary read it.

Mr. JOHNSON, of Tennessee. I hope we shall have the yeas and nays on that amendment.

Mr. SEWARD. I ask for a division of the amendment so that the question upon the franking privilege may be separated from that for reducing the postal service to make the Department self-sustaining.

The PRESIDING OFFICER. The Chair is under the impression that the amendment is divisible. Is a division called for?

Mr. SEWARD. Yes, sir; a division is called for.

The PRESIDING OFFICER. Does the Senator ask for the yeas and nays?

Mr. SEWARD. Yes, sir.

Mr. HALE. I do not know how I shall vote on this amendment; but I simply desire to raise a question of order. It is this: the amendment makes an appropriation, and it is not founded on any estimate, nor recommended by any committee.

Mr. DAVIS. I think it does not make an appropriation of money in the Treasury. It merely provides that the Postmaster General shall be entitled to the sums derived from postal service, and which are to come in the Treasury.

Mr. HALE. It appropriates all the money to be received from postages.

Mr. SHIELDS. I will suggest an amendment to the honorable Senator from Mississippi——

The PRESIDING OFFICER. The question of order must be first disposed of. The opinion of the Chair is, that it does appropriate money, and is excluded by the rule, unless recommended by the head of a Department.

Mr. MALLORY. Is that question decided?

The PRESIDING OFFICER. So far as the Chair is concerned, it is.

Mr. MALLORY. Then, I wish to offer an amendment.

Mr. CLAY. The point of order only obtains as to the first part of the amendment, and not to that portion relating to the franking privilege. I hope a vote will be taken upon the latter part of the amendment.

Mr. MALLORY. It was not divided.

Mr. CLAY. The Chair said it was divisible. Certainly the objection does not carry to the entire amendment. I propose now, as an amendment, all that relates to the franking privilege. The first part of it can be stricken out.

The PRESIDING OFFICER. The Senator from Alabama is correct. A part of the amendment is within the rule.

Mr. COLLAMER. He can offer it by itself.

Mr. CLAY. I offer it by itself, as an independent proposition.

The PRESIDING OFFICER. Upon this question the yeas and nays were called for.

The yeas and nays were ordered.

Mr. COLLAMER. I wish to move a short amendment, to which I presume the gentleman will have no objection. It is to insert the words, "that it shall take effect from and after the 1st day of July next."

Mr. CLAY. That is what the amendment proposes, as I understand.

Mr. ALLEN. I ask that it may be read as it now stands.

Mr. KING. I hope it will be read. I believe it has not been read at all yet.

The Secretary read it, as follows:

That from and after the 1st day of July next, the franking privilege, except so far as conferred by special laws as a personal privilege, be, and is hereby, abolished.

Mr. HUNTER. By general consent, I presume we can withdraw the call for the yeas and nays. I am told that everybody will vote for the amendment. ["Oh, no!"]

Mr. DOOLITTLE. I merely wish to make a suggestion to the honorable Senator from Alabama. I understand that, by some resolution of the House, two hundred thousand copies of the agricultural report have been ordered to be printed, and will be ready for distribution by the 1st of June. I suggest that this proposition shall take effect a month or two later than the period mentioned in the amendment.

Mr. HUNTER. Let it stand as it is. It now names the 1st day of July next. I hope it will stand, and that we shall take the vote.

The PRESIDING OFFICER. Is the call for the yeas and nays withdrawn?

Mr. HUNTER. I understand, by unanimous consent, it can be withdrawn. I presume there is no objection.

The PRESIDING OFFICER. The Chair hears none, and will consider the call as withdrawn.

The amendment was agreed to.

Mr. MALLORY. I now renew the amendment which I offered in Committee of the Whole, to insert, as an additional section:

And be it further enacted, That the acts of 3d March, 1823, and 25th of June, 1834, passed to carry into effect the ninth article of the treaty of 1819, between the United States and Spain, shall be so construed as to require the Secretary of the Treasury to pay to the persons authorized to receive the same, out of the appropriation made by the

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aforesaid acts, that portion of the damages awarded by the United States judges in east Florida, under the name of interest, as a just and necessary part of the satisfaction stipulated by the treaty, so far as the original value of the property, as awarded by the said judges, has been approved at the Treasury Department, with interest from the date of the award: *Provided*, That the Secretary of the Treasury may, at his option, pay the amount of such claims in certificates of stock bearing an interest of five per centum per annum, redeemable in ten years, or at the pleasure of the President of the United States.

In order to render my remarks as brief as possible, as I find that the report made by the honorable Senator from New Hampshire [Mr. CLARK] contains the history of this case, perhaps, in a more condensed form than I could myself give it, I propose to read the report. ["Oh, no!"] I shall read the report, because the reading was called for by the Senator from Delaware, [Mr. BAYARD,] and if I do not have it read, he will. I do not propose to read every paragraph of the report, but will read that which will give a condensed history of the case. There are many members of the Senate, to whom this claim is entirely novel; and inasmuch as the report gives the true history of the case, I ask their attention to it. It is one of very great importance, to carry into effect treaty stipulations with Spain. The report says:

"In 1811, relations of peace and amity existed between the United States and Spain, under the treaty of 1795; but the relations between the United States and Great Britain, and between the latter Power and Spain, were of such a character as to create apprehensions on the part of the United States that Great Britain would seize the provinces of East and West Florida, then a dependency of the Crown of Spain; and the United States having long looked to a cession of those provinces as an indemnity for her just claims upon Spain, and being unwilling, from their geographical position, that any other Power should possess them, and especially Great Britain, with whom we were then on the eve of war, Congress, on the 15th day of January, 1811, passed an act and joint resolution, by the former of which the President was authorized to take possession of the Floridas."

Now, I shall pass over——

Mr. HUNTER. Will my friend from Florida allow me to ask him, did the Committee on Claims authorize him to move this as an amendment to the appropriation bill?

Mr. MALLORY. Certainly, sir; I am of the Committee on Claims myself. They authorized me to move it to any of these bills that are before us.

Mr. BENJAMIN. I raise this point of order, that the Committee on Claims cannot authorize a gentleman, who is not a member of the committee, to move an amendment.

Mr. MALLORY. How did the gentleman learn that I am not a member of the committee?

Mr. BENJAMIN. Is the Senator a member of that committee?

Mr. MALLORY. I have just stated that fact.

Mr. BENJAMIN. Then I will ask my friend from Florida if he will yield to a motion to adjourn, and continue his speech in the morning?

Mr. MALLORY. No; I have the floor.

Mr. BENJAMIN. You will be entitled to the floor to-morrow.

Mr. MALLORY. I think I shall occupy too much time, even by going on now. I am not disposed to delay the Senate a single moment. I will skip over many paragraphs of the report and condense what I have to say as much as possible. I read again from the report:

"As this occupation of East Florida by the American forces was strenuously and forcibly resisted by the Spanish authorities thereof, a feeling of great bitterness on the part of the invading forces was excited against the loyal Spanish inhabitants and officers; and an occupation of the province, which was only intended by Congress, in the condition of things found to exist, to be peaceful on the part of the United States and voluntary on the part of Spain, was converted into a forcible occupation by the agent of the United States."

The United States occupied East Florida for two years—1813 and 1814—and invaded West Florida in 1814 and 1818; and this occupation of the Floridas led to reclamations on the part of Spain. The American army had despoiled their citizens of their property; they had used it as their own; they had treated the provinces as conquered provinces.

"It appears, from the correspondence between Mr. Adams and Mr. Onis, which led to the treaty of 1819, that *mutual indemnities* for all injuries were fully agreed upon *before General Jackson entered Florida in* 1818."—*American State Papers, Foreign Relations*, vol. 4, pages 465, 467, 475.

Mr. PUGH. I hope my friend from Florida will listen to me for one minute. This amendment, I know, will give rise to a debate which will last until daylight; and it amounts to a defeat of this bill. It cannot pass without a lengthy debate. I have examined it somewhat, and I know a great many Senators will speak on it, if it is persisted in. I implore him, therefore, not to precipitate us into that catastrophe, and to withdraw the amendment.

Mr. MALLORY. I feel the full force of the appeal, and have yielded to just such appeals during the fore part of the session, until this moment. I will say, however, that if the opponents of this proposition will not debate it, I will agree to take a vote now, without a single word.

Mr. COLLAMER. I suggest that I think it possible that, at the proper time, this might be passed, but it certainly cannot be passed to-night.

Mr. HUNTER. Let us have a vote.

Mr. MALLORY. I am willing to have a vote now. If the understanding is that the Senate will take the vote, I will yield the floor.

The PRESIDING OFFICER. The question is: "Will the Senate agree to this amendment?"

Mr. MALLORY called for the yeas and nays; and they were ordered.

Mr. YULEE. I beg to say that I do not vote on this amendment because I happen, as the representative of one or two estates and as a legatee under a will, to have a personal interest in this question.

The question being taken by yeas and nays, resulted—yeas 12, nays 34; as follows:

YEAS—Messrs. Bright, Cameron, Clark, Dixon, Foster, Green, Gwin, Hale, Houston, Iverson, Mallory, and Toombs—12.

NAYS—Messrs. Bayard, Benjamin, Bigler, Broderick, Chesnut, Clay, Clingman, Collamer, Davis, Durkee, Fessenden, Fitch, Fitzpatrick, Foot, Hammond, Harlan, Hunter, Johnson of Arkansas, Johnson of Tennessee, Jones, King, Mason, Pearce, Polk, Pugh, Reid, Rice, Sebastian, Seward, Shields, Smith, Stuart, Trumbull, and Ward—34.

So the amendment was rejected.

Mr. MALLORY. I wish to explain to the Senate that, in transcribing the amendments to the naval bill, one of our clerks omitted a short section, and in the committee of conference we were not able to get it. I ask that it may be put on this bill. I therefore offer this amendment:

And be it further enacted, That such officers as were placed on the furlough list, by the act of the naval retiring board, and who have been subsequently transferred to the leave list, shall be allowed leave pay for and during the time they were on the furlough list as aforesaid, deducting the furlough pay which they received during said time, and that in case of the death of any officer after his restoration or transfer as aforesaid, his legal representatives shall be entitled to receive the amount which such officer would have received under this act up to the time of his death.

The amendment was agreed to.

Mr. FITCH. I again move, from the Committee on Printing, the amendment relative to the continuation of the American State Papers.

Mr. HUNTER. If my own friends will move all these amendments twice, I do not see how we are to get along. We have voted once on this, and here it is again.

Mr. FITCH. I will simply say to my friend from Virginia, that his present impatience does not correspond with the deliberation which induced him to move a recess of two hours this afternoon. I do not intend to debate this amendment. If any explanation is required it will be made by my associate on the committee, the Senator from Mississippi, [Mr. DAVIS.]

The amendment was read, as follows:

And be it further enacted, That the Secretary of the Senate and Clerk of the House of Representatives are hereby directed so to modify their contract with Gales & Seaton for publishing the continuation of the "American State Papers," made under authority of the act of the 12th of June, 1858, as to stipulate that they be allowed $10 50 a volume, on condition that the said publishers shall defray all expenses of selecting, compiling, and arranging the documents, according to the rate of compensation paid for the same services in compiling and preparing the first series; also the expenses of binding the same, and the expense of all lithographs and wood engravings required in any of the documents; also the expense of preparing full and proper indexes for each volume, and general indexes for each class; and all other contingent or incidental expenses whatever attending said publication. And the said volumes shall be delivered to the Secretary of the Interior, as the same may be completed, who shall place three hundred copies in the Department of State for its use, and for exchange with foreign Governments, and seven hundred copies in his own Department for distribution to public libraries in the several States and Territories, and hold the residue of the copies in his custody, subject to the further order of Congress. And the Secretary of the Treasury is hereby directed to pay for the said work, as the same may be delivered, out of any money in the Treasury not otherwise appropriated, on the certificate of the said Secretary of the Interior: *Provided*, That not more than $25,000 shall be so paid on account of said publication during the current fiscal year.

The amendment was agreed to—ayes twenty-five, noes not counted.

Mr. IVERSON. I renew the amendment which I offered in Committee of the Whole in behalf of Gilbert & Gerrish:

And be it further enacted, That the Secretary of the Interior be, and he is hereby, authorized and required to pay, out of the judiciary fund heretofore appropriated for the Territory of Utah, such sum as may be found due to Messrs. Gilbert and Gerrish, upon drafts and certificates of Joseph L. Heywood, late marshal of Utah, not exceeding the sum of $24,659 97, which is the amount found due to said marshal, upon the settlement of his accounts, and now standing to his credit in the Treasury, and that the same be charged to such marshal on the books of the Treasury.

Mr. HUNTER. I raise the question of order. It is the same thing we decided before.

Mr. IVERSON. Let the Chair decide it.

The PRESIDING OFFICER. The Chair makes the same decision he did before.

Mr. IVERSON. I appeal from the decision of the Chair, and on that question I ask for the yeas and nays. I do not intend to debate it.

Mr. CLAY. I move to lay the appeal on the table.

Mr. IVERSON. I call for the yeas and nays on that.

The yeas and nays were ordered.

Mr. IVERSON. I was not disposed to debate this question, if the Senator from Alabama——

The PRESIDING OFFICER. The motion to lay on the table is not debatable.

Mr. IVERSON. Very well.

The question being taken by yeas and nays upon Mr. CLAY's motion, resulted—yeas 26, nays 19; as follows:

YEAS—Messrs. Allen, Bayard, Bigler, Brown, Chesnut, Clay, Clingman, Collamer, Crittenden, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Johnson of Tennessee, Kennedy, Lane, Mallory, Mason, Pearce, Pugh, Reid, Rice, and Toombs—26.

NAYS—Messrs. Bell, Broderick, Chandler, Clark, Dixon, Durkee, Fessenden, Hale, Hamlin, Harlan, Houston, Iverson, Jones, Polk, Seward, Shields, Trumbull, Wade, and Ward—19.

So the appeal was ordered to lie on the table.

Mr. BRIGHT. I wish to renew an amendment that was voted down this morning, to pay for some paving stone that was taken by the Commissioner of Public Buildings through mistake. I will not debate it. The amendment is:

To enable the Commissioner of Public Buildings to pay to John F. Callan, for stone taken from square number 562, in Washington City, and used in paving New Jersey avenue, $162.

The amendment was objected to this morning as being a private claim. The Government made an appropriation, and directed the Commissioner of Public Buildings to perform certain work. He went on to do it; and in doing it, $160 worth of stone, that belonged, not to the Government, as he supposed at the time, but to a private individual, was taken.

["That will do!"]

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time. The bill was read the third time.

Mr. HALE called for the yeas and nays on its passage; and they were ordered; and being taken, resulted—yeas 35, nays 20; as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Bigler, Bright,

Brown, Chesnut, Clay, Clingman, Davis, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Jones, Kennedy, Lane, Mallory, Mason, Pearce, Polk, Reid, Rice, Sebastian, Shields, Stuart, Toombs, Ward, and Yulee—35.

NAYS—Messrs. Broderick, Chandler, Clark, Collamer, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Hale, Harlan, Johnson of Tennessee, King, Pugh, Seward, Simmons, Trumbull, Wade, and Wilson—20.

So the bill was passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the Speaker had signed the following enrolled bills; and they were signed by the Vice President:

An act (S. No. 129) to provide for the settlement of the land claim of the persons claiming as heirs of, or under, Jehu Underwood, as purchasers or otherwise, to certain lands in Florida, and to confirm the title to the proper owners;

An act (S. No. 224) for the relief of Edward Ingersoll;

An act (S. No. 292) for the relief of James A. Glanding; and

An act (S. No. 606) to carry into effect the convention between the United States and China, concluded on the 8th of November, 1858, at Shanghae.

MESSAGE OF THE PRESIDENT.

A message was received from the President of the United States by Mr. J. B. HENRY, his Private Secretary; which was read, as follows:

WASHINGTON, *March* 3, 1859.

To the Senate and House of Representatives:

An imperative sense of duty compels me to make an appeal to Congress to preserve the credit of the country. This is the last day of the present Congress, and no provision has yet been made for the payment of appropriations and to meet the outstanding Treasury notes issued under the authority of law. From the information which has already been communicated to Congress by the Secretary of the Treasury, it is manifest that the ordinary receipts into the Treasury, even under the most favorable circumstances, will scarcely meet the ordinary expenses of the Government during the remainder of the present fiscal year, ending on the 30th of June. At that time nearly eighteen millions of Treasury notes will have become due, and many of those not yet due are daily paid for duties at the different ports, and there will be no means in the Treasury to meet them. Thus the country, which is full of resources, will be dishonored before the world, and the American people, who are a debt-paying people, will be disgraced by the omission on our part to do our duty. It is impossible to avoid this catastrophe, unless we make provision this very day to meet the lawful demands on the public Treasury. If this were the first instead of the last session of a Congress, the case would be different. You might then be convened by proclamation for to-morrow morning. But there are now thirteen States of the Union, entitled to seventy-eight Representatives, in which none have been elected. It will, therefore, be impracticable for a large majority of these States to elect their members before the Treasury shall be compelled to stop payment.

Under these circumstances, I earnestly recommend to Congress to make provision within the few remaining hours of the session for the preservation of the public credit. The urgency of the case not only justifies but demands that, if necessary, this shall be done by a separate bill. We ought to incur no risk when the good faith of the country is at stake.

JAMES BUCHANAN.

On motion of Mr. HUNTER, the message was ordered to lie on the table and be printed.

POST OFFICE APPROPRIATION BILL.

Mr. MASON. There is a resolution from the House of Representatives, accompanying House bill No. 872, making appropriations for defraying the expenses of the Post Office Department. I ask that that resolution be read, in order that, to facilitate the public business we may dispose of the subject.

The Secretary read the resolution of the House of Representatives, as follows:

"*Resolved*, That House bill No. 872, making appropriations for defraying the expenses of the Post Office Department for the year ending the 30th of June, 1860, with the Senate amendments thereto, be returned to the Senate, as section thirteen of said amendments is in the nature of a revenue bill."

Mr. CRITTENDEN. Without making any comment on that resolution, and considering it very important that we should dispose of the subject in such a manner as to prevent it from becoming an obstruction to the regular course of legislation, as far as that can possibly be done, or an occasion of any conflict between the two Houses, I offer, for the consideration of the Senate, the following resolution:

The House of Representatives having communicated to the Senate a resolution, in the following words, to wit: "*Resolved*, That House bill No. 872, making appropriations for defraying the expenses of the Post Office Department for the year ending the 30th of June, 1860, with the Senate amendments thereto, be returned to the Senate, as section thirteen of said amendments is in the nature of a revenue bill:"

Resolved by the Senate of the United States, That the Senate and House, being of right equally competent, each to judge of the propriety and constitutionality of its own action, the Senate has exercised said right in its action on the amendments sent to the House, leaving to the House its right to adopt or reject each of said amendments at its pleasure.

Resolved, That this resolution be communicated to the House of Representatives, and that the bill and amendments aforesaid be transmitted therewith.

The resolution was considered by unanimous consent, and agreed to.

Mr. SEBASTIAN. Mr. President——

Mr. YULEE. Before the subject passes from the attention of the Senate, I desire simply to state the fact that the bill of 1845, regulating the rate of postage, which was one of the most important bills we have passed on that subject, originated in the Senate, and was afterwards passed by the House of Representatives.

NEW YORK INDIANS.

Mr. SEBASTIAN. I move to take up bill (S. No. 389) providing for the allotment of lands to certain New York Indians, and for other purposes, in order to concur in the amendment of the House of Representatives.

The motion was agreed to; and the Senate proceeded to consider the amendment of the House, which was, to strike out all after the word "Indian" in the sixth line, to the end of the bill, and insert new provisions, so as to make the bill read:

That the President be, and he is hereby, directed, as soon as practicable, to cause three hundred and twenty acres, or one half section of land, to be set apart and allotted to each individual Indian who removed under the provisions of treaty hereinafter referred to, and to their children, in the tract of land set apart for the use of the New York Indians by the treaty of January 15, 1838, made and concluded at Buffalo Creek, in the State of New York, and the treaty made at the same place on the 20th day of May, 1842; said lands to be selected within said reserve in Kansas Territory, in conformity to the legal subdivisions of the public surveys, and so as to include the improvements (if any there be) of each Indian, and patents for the same shall be issued to each individual Indian adult, or to heads of families for themselves and their minor children, they to locate their lands within the space of one year from the passage of this act; and when the location shall have been thus made and allotted, and after the expiration of said year, the remainder of the reserve shall be considered a part of the public lands, and shall be subject to settlement and entry as other lands belonging to the United States; and no settlements, other than by Indians above referred to, shall be made on said reserve for the space of one year from and after the passage of this act, unless the selections can sooner be made. All settlements heretofore made on said reserve shall be recognized from the date of said settlement, and entitled to preemption, the same as if the said lands had been Government lands and subject to settlement: *Provided*, That the Indians named shall have precedence over any other settler where the same may come in conflict. After paying all the moneys necessary for carrying out the provisions of this act, the remainders of all moneys accruing from sales by preemption, private entry, or otherwise, of any lands within the tract and reserve abovenamed, shall be paid into the Treasury of the United States, and kept as a separate and distinct fund, and held subject to any future acts of Congress in relation to said New York Indians, or to the provisions of any treaty made, or hereafter to be made, with said Indians, or any of them, in reference thereto. The district courts of the United States for the Territories of Kansas and Nebraska, shall severally hereafter, for the purpose of enforcing the act of June 30, 1834, have the same jurisdiction as was conferred by the twenty-fourth section of the intercourse act upon the United States courts of the State of Missouri; and that so much of the twenty-fourth section of the act of June 30, 1834, known as the intercourse act, as conflicts with this act be, and the same is hereby, repealed.

The bill, as passed by the Senate at the last session, is as follows:

Be it enacted, &c., That the President be, and he is hereby, directed, as soon as practicable, to cause three hundred and twenty acres, or one half section of land to be set apart and allotted to each individual Indian entitled to lands in the tract set apart for the use of the New York Indians, and now residing thereon, by the treaty of January 15, 1838, made and concluded at Buffalo Creek, in the State of New York, and the treaty made at the same place on the 20th day of May, 1842; said lands to be selected within said reserve, in Kansas Territory, in conformity to the legal subdivisions of the public surveys, and so as to include the improvements (if any there be) of each Indian, and patents for the same shall be issued to the head of each family. When the selections shall have been thus made and allotted, the remainder of said reserve shall be considered a part of the public lands, and shall be subject to settlement, preemption, and entry, as other lands belonging to the United States."

Mr. KING. I move to amend the amendment by striking out all after the word "who," in the first line of the House amendment, and inserting:

"Is of or among the Indians and tribes provided for by the treaty of January 15, 1838, made and concluded at Buffalo Creek, in the State of New York, and the treaty made at the same place, May 20, 1842, and as soon as the $400,000 which it is provided by the fifteenth section of the said treaty shall be appropriated for aid by the United States in the removal of the said New York Indians, and for their support and benefit after removal shall be provided, the President shall appoint a commissioner to carry out the provisions of the treaty, who shall appoint a suitable day and time within which the said New York Indians shall remove to the lands set apart for them in accordance with the provisions of the said treaty, or forfeit their right to the lands, and of the day and time so appointed, immediate information shall be given to the said Indians by the President."

The bill which passed the Senate at the last session, passed without the knowledge of the Senators from New York, and went to the House of Representatives; and, as we understand it, it is a bill which assumes to forfeit the right of the Indians of our State, under the treaty which was made with them in 1838, at Buffalo Creek, which sets forth that the object of the treaty was to provide a home for the Indians, as was then the general policy of the country, in the West, and to remove them from the old States of the Union. The Indians of the State of New York were the owners of a right to live with a band of western Indians; but, under the arrangement with the Federal Government, that was settled, so as to give them five hundred thousand acres of land, in the vicinity of Green Bay, Wisconsin. By 1838, the lands at Green Bay had become very valuable, and were wanted for settlement. The same desire and purpose existed in New York, and the same policy received the favor of the Federal Government here, of a desire to send the Indians off, and, in 1838, a treaty was made with the various tribes of the New York Indians for the cession of the five hundred thousand acres at Green Bay, and they were awarded a large quantity of land in the territory which was then known as the Indian Territory, and is now the Territory of Kansas—some one million eight hundred thousand acres, and it was set apart for them by metes and bounds. I will read the second article of the treaty:

"In consideration of the above cession and relinquishment on the part of the tribes of the New York Indians, and in order to manifest the deep interest of the United States in the future peace and prosperity of the New York Indians, the United States agree to set apart the following tracts of country, situated directly west of the State of Missouri, as a permanent home for all the New York Indians, now residing in the State of New York, or in Wisconsin, or elsewhere in the United States, who have no permanet homes; which said country is described as follows, to wit: Beginning on the west line of the State of Missouri, at the northeast corner of the Cherokee tract, and running thence north along the west line of the State of Missouri, twenty-seven miles to the southerly line of the Miama lands; thence west so far as shall be necessary, by running a line at right angles, and parallel to the west line aforesaid, to the Osage lands, and thence easterly along the Osage and Cherokee lands to the place of beginning; to include one million eight hundred and twenty-four thousand acres of land, being three hundred and twenty acres for each soul of said Indians, as their numbers are at present computed. To have and to hold the same in fee simple to the said tribes or nations of Indians, by patent from the President of the United States, issued in conformity with the provisions of the third section of the act entitled 'An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi,' approved the 28th day of May, 1830, with full power and authority in the said Indians to divide said lands among the different tribes, nations, or bands, in severalty, with the right to sell and convey to and from each other, under such laws and regulations as may be adopted by the respective tribes, acting by themselves, or by a general council of the said New York Indians, acting for all the tribes collectively. It is understood and agreed that the above described country is intended as a future home for the following tribes, to wit: The Senecas, Onondagas, Cayugas, Tuscarroas, Oneidas, St. Regis, Stockbridges, Munsees, and Brothertowns, residing in the State of New York; and the same is to be divided equally among them, according to their respective numbers, as mentioned in a schedule hereunto annexed."

The only question, perhaps, that should arise in this matter, is the question of whether the right of the Indians to these lands has, by any lapse of time, or any cause whatever, been affected or term-

inated. There are two or three delegations here at this time, protesting against this assumption made by such a provision as is contained in this bill, that their rights have ceased; for this bill assumes that the land is the property of the United States, instead of the Indians, and provides for its sale. The third article of the treaty is in these words:

"It is further agreed that such of the tribes of the New York Indians as do not accept and agree to remove to the country set apart for their new homes within five years, or such other time as the President may from time to time appoint, shall forfeit all interest in the lands, so set apart, to the United States."

The commissioner who negotiated the treaty is here in the city, and upon consultation with the Indians, and in my presence before the Committee on Indian Affairs, he states that it was declared to the Indians that the object of the treaty was to secure them a home in the West; that the term of five years mentioned in the treaty as the time within which they should remove, was a time within which they desired to remove; but that the other words were also put in, "or such other time as the President from time to time may appoint," the object of which was, that the different members of the tribes might have an opportunity at a future day, within such limit as the President was willing that they should have, to remove to these lands. At the time the treaty was made, there was no difference of opinion anywhere except among the Indians themselves, about the propriety of their removing. There was no interest among the whites in our State, so far as I know, except that which would be promoted by the removal of the Indians to the western country. This language was used and was explained to the Indians, that they might understand that, until the President appointed a time within which they must go to the West, their rights remained, and I believe there is now pending, in the Senate, a bill providing for the payment of money under the treaty with the Tonawandas, by which the right of the Indians to these lands has been recognized. Within a year or two a treaty has been made by which they have sold their rights and are to receive their pay for them; and thus, of course, their rights are extinguished. The Indians were informed that they would have ample time for this purpose, and have ample notice. There was great reluctance on their part to enter into this treaty; there was a reluctance on their part to leave the lands upon which they had forever resided; small reservations in different parts of the State of New York. There is another article in the treaty, the fifteenth article, which I will read to the Senate, which was a part of this treaty, perfectly comprehended and understood by these Indians:

"The United States hereby agree that they will appropriate the sum of $400,000, to be applied from time to time, under the direction of the President of the United States, in such proportions as may be most for the interests of the said Indins, parties to this treaty, for the following purposes, to wit: to aid them in removing to their homes, and supporting themselves the first year after their removal; to encourage and assist them in education, and in being taught to cultivate their lands; in erecting mills and other necessary houses; in purchasing domestic animals and farming utensils, and acquiring a knowledge of the mechanic arts."

Here is a provision of the treaty requiring that $400,000 should be expended to aid these Indians in their removal to the western country, and purchasing domestic animals and agricultural implements for them in their new homes. This has never been done; there has never been any notice given to them of the intention of the United States to avail themselves of their authority in this treaty to terminate it, by fixing the time within which they must go, or forfeit their rights. The reason, as I understand, of the bill which has been presented to the Senate, is an urgency arising from the fact that the Indian lands in Kansas have been settled upon, and that difficulties have grown up among the settlers, settlements having been made there without any right on the part of those who have settled. There is a desire, of course, on the part of the Government, in the most peaceful and in the easiest and quietest manner, to dispose of the subject, and to give these lands to the white settlers who have settled on them.

Now, the fact is, I suppose that a very considerable number of the Indians would prefer to remain on their reservations which they still hold in the State of New York. In my judgment, the course pursued by the Government in their negotiations with the Tonawandas is the proper course to be pursued with all these tribes. There will be no difficulty in making a treaty with these Indians, by which all their lands in Kansas that have been settled upon may very readily be secured to the settlers; for there is no doubt that a sufficient number of the Indians will desire to remain in New York and to sell their lands in Kansas, to enable the Government to allow the right of preëmption to pass to the persons who have settled there, and thus remove the difficulties. I understand that considerable improvements have been made; mills, in some places, have been erected, and in some instances two or three small towns have grown up on these lands. I have no disposition to disturb those people; but I am unwilling that a bill should pass by which it is assumed that the Indians have lost their rights to these lands. I desire that, through the Indian department, negotiations may be instituted with these Indians, and their rights promoted in a manner that will save the faith, honor, and credit of the Government. The Indians have no means of enforcing their rights; whatever course this Government may choose to take on this subject, is a course to which they can make no resistance. Their only appeal is to the justice and to the honor and good faith of Congress. These treaties were made between them and this Government as between equal parties, and the rights which are guarantied to them by the treaties ought, in good faith, to be carried out. There is no necessity in this case which should press this Government to do the slightest injustice to the Indians.

The amendment which I have offered contemplates the giving of notice by the President, and the use of those means which are provided by the treaty of 1838—the appointment of a commissioner to proceed to the Indians and open a negotiation with them; to give them a notice that, within such a time, they must go, or, if they do not, their rights will be forfeited; and that is in exact accordance with the terms of the treaty. I trust the amendment which I have offered will prevail; and then I shall have no objection to the passage of the bill. If the amendment does not prevail, I hope the bill will not pass. The bill assumes to take these lands and sell them; but I will not discuss the merits of the bill, trusting that the amendment which I have offered will prevail. It is a simple amendment which, within a reasonable time, a year or two, appointed by the President, can bring the rights of the Indians to a termination, and keep the faith of the Government.

Mr. GREEN. The Senator from New York does not present this case in the light in which I understand it. The treaty of 1838 provided a reservation for the New York Indians, on condition that they should remove to and occupy it, with a special provision that, if they did not, the rights of those who failed to go should be forfeited. The time was fixed; and the circumstances under which they were to remove were all specified. In 1846, the notice of the President was given that they must go, or lose their rights under the treaty. A considerable number of them did go, and are now occupying lands. The residue of them refused to go, and remained in the State of New York, where they are now. Since that period of time, the land then being considered worth comparatively nothing, the territorial government has been organized; emigration has set in; settlements have dotted all over the lands which had been set apart for them, because they refused to go. This emigration has gone there since 1854. The object of this bill, and the object of the House amendment to the Senate bill, is simply to secure in severalty all the rights of each Indian who, in virtue of the treaty, did in fact emigrate. That is the first object; to parcel out, and carve out, from the general mass, all the land granted to the whole tribe. It is to be protected from alienation; it is to be guarded to them, and to their heirs and descendants forever, without any authority to sell; unless with the sanction of the superior power, as provided in the treaty. The rest of the land being occupied, and the Indians in New York having forfeited their right, the bill does not propose to claim the benefit of a forfeiture; but it does propose, as they have failed to go, and citizens of the United States have gone, to avoid all difficulty the United States will take the land, and pay $1 25 an acre, and put it into the Treasury as a special fund, subject to the disposition of Congress, for the benefit of these Indians. That is the whole purpose of the bill, and of the House amendment. It is fair; it is liberal. We could properly claim a forfeiture of the Indians; but a great nation like the United States would not ask any such thing of a poor Indian tribe; but we will not permit vast quantities of land to lie locked up from settlement; to mar the beauty of the Territory of Kansas; to stay the tide of emigration; and to check that improvement which is making the wilderness blossom as the rose. We desire, on the contrary, to open it up to settlement; and especially when we can do all this without any harm to the Indians; without claiming an exaction that they have forfeited; without imposing on them any hardship; but simply doing justice, although they have failed to do their duty.

The amendment proposed by the Senator from New York is not just. If these Indians shall now go out under the extraordinary inducements which outside influences might bring to bear upon them at this time, when the lands are more valuable, they will interrupt the rights of others. Besides, the amendment proposes to give them another notice to go. They have had an express notice, as I have the information from the Indian department—and I speak by the record in this case, and do not guess at what I say. They had the notice in 1846—more than twelve years ago. During all that space of time, when the land was considered to be worth nothing, they refused to go. The other provisions of the treaty have been executed according to the letter. Then, why shall we now, to the injury of the citizens of the United States and to the injury of the Territory of Kansas, go back and permit outside influences to operate upon these New York Indians to induce them to go and grab lands to which they have no right; all the right to which they were entitled having been forfeited years ago; forfeited when the land was considered worth nothing; they remaining quiet under that forfeiture, but now asking to have the full benefit of the improvement of white settlements? The Indians have no right to ask it. I do not desire to see any hardships practiced towards the Indians. I want justice done to them in the fullest measure; but to pay them $1 25 an acre is doing full justice, while at the same time we subserve the general interest of the Federal Government.

Mr. KING. There is one point which the Senator from Missouri suggests in this case which is unquestionably an important one; and if it could be fully sustained as he understands it to be, it might, perhaps, technically forfeit the rights of these Indians; but I call the attention of the Senate, and I desire them to look at this matter fairly, to see whether the view which he presents is the correct one. He states that these Indians have had the notice, and that their rights are forfeited. That is the question which we are to pass upon. I do not so understand; indeed, I understand it is not so at all. By the provisions of the treaty, by the communications made verbally and otherwise to the Indians, by the commissioners who negotiated it, by their universal understanding, they were to have this notice from time to time. This Government desired them to go West, and were anxious to induce them to go, and the $400,000 was to be used by this Government to aid them in going there. I suppose, at different times, those interested in the purchase of their land in New York, and others, have made efforts to get them to go. What I say is, that no such time as could fairly and properly be designated a notice to these Indians, that they must go or they would forfeit their rights, has been fixed. They have been requested to go, and urged to go, and have not all gone. Some have gone, and some have not; but there was no day appointed, in accordance with the requirements of the treaty, within which they must go or forfeit their rights, and therefore there has been no forfeiture, for the terms of the treaty in that respect have not been complied with. Nor was there any such intention in the efforts which have been made to induce them to remove. That conversational efforts have been made by parties interested in their lands in New York, is undoubtedly true; but that is not the notice of the treaty, by any means; nor is it the appointment of a day which shall terminate their rights under the treaty. No such day was ever appointed by the President, and that, I be-

lieve, is not assumed by the Senator from Missouri; at any rate, the Indians allege that they have never had any such notice, and there is certainly no evidence here of its ever having been given; there is no proclamation of the President; there is no action of the President on the subject.

The treaty required that a day should be appointed by the President; and that not having been done, I say the rights of the Indians have not been terminated. As to the mere matter of convenience of disposing of this question with these Indians, there is no doubt that treaties can be made with them. As I have said, within a year or two past, with one of these tribes a treaty has been made which is a perfect acknowledgment of the right of the Indians; and that tribe has sold its portion of the lands to the United States, and a bill was presented to us to-day from the House to make provision for the payment of the money. That is the proper and the honorable mode of disposing of the question, and there will be no difficulty in doing it with all the rest of the Indians, and saving the rights of all parties. From my knowledge of the parties, I am sure there need be no difficulty in inducing them to do that; but whether that be so or not, it is an obligation of the United States to do that under treaty, and the Indians have the right to ask that their rights, under the treaty, whatever they are, shall be complied with.

I will not take up the time of the Senate by reading the long preamble of the treaty which sets forth the fact that these Indians had purchased with their own means, apprehending the accumulation of white people would compel them to seek other lands for their hunting grounds, a right to live with the Menomonees; and by an arrangement with the United States, at a period anterior to 1838, this right, thus purchased by these Indians, was arranged, and the New York Indians were given five hundred thousand acres of land in the neighborhood of Green Bay. At the time the New York Indians obtained these five hundred thousand acres, they were in a wild country, comparatively valueless. Matters stood in this way until the lands at Green Bay became valuable and desirable for settlement. Then the United States, in 1838, made another treaty with these Indians, and gave them lands further west. In 1838, when the treaty was made, their five hundred thousand acres of land in the neighborhood of Green Bay would have sold in the market for four times what the lands which the Indians obtained for it would have sold for. They exchanged at a great disadvantage, so far as value in the market was concerned, though, perhaps, the western lands were more useful to the Indians if they would have gone there. Thus the Indians paid for this interest; it was not a gift or gratuity by the United States to them.

As I said before, this matter turns, to some extent, on the fact whether a formal notice, an appointment of a day that the Indians might understand that they must proceed to occupy this land or would lose their rights, has ever been given. According to my understanding—and that is the understanding of the commissioner who negotiated the treaty, and who is here—no such notice has ever been given. That efforts have been made, from time to time, to get them to remove, I am aware; but that is not the notice of the treaty, which was, to forfeit their rights unless they complied with it.

Mr. GREEN. I shall not consume time. I shall ask for the yeas and nays on the proposition of the Senator from New York, and will, in the mean time, remark that the treaty does not say that the notice given to the Indians to remove shall, at the same time, contain anything like a warning that if they do not go they shall forfeit their rights, because that notice is contained in the treaty to which they are a party. The treaty to which they are a party, says they shall go; and says if they do not go when notified, they shall forfeit their rights. They were notified time and again, and efforts made to get them to go. No other notice was required.

Mr. KING. What evidence have you of that?

Mr. GREEN. The Commissioner of Indian Affairs.

Mr. KING. The treaty requires that a time shall be appointed for their removal. No such time has been appointed. Efforts have been made from time to time to procure their removal, but no time has ever been appointed within which they must go. That is the point.

Mr. GREEN. The treaty does not say he shall limit the time within which they shall go, or else forfeit their rights. The third article of the treaty, which the Senator has just read, contains no such provision; but it does say they must go when notified; and if they do not go upon being notified from time to time, they shall forfeit their rights; but we do not claim a forfeiture, and I expressly said I would do no harm to the Indian because he is an Indian. I would protect his rights if he has rights. Even if he forfeits his rights, I would treat him as a minor, and take care of him as a guardian would of his ward; but this is doing justice to the Indians and doing justice to the whites. We must protect the rights of both classes when they are thrown together in the community. There is another question that might have been raised, which has not been raised; and that is, whether the few who did emigrate were not entitled to claim the whole grant; but yet a close examination of that will show that it was given to them in gross to hold as tenants in common; and that if any of them did not go, they forfeited; which proves that those who did go would only take their *pro rata* share, so that that difficulty is entirely overcome. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SEWARD. I regret exceedingly that it becomes my duty to speak to the Senate under circumstances so unpropitious to a favorable hearing, and at so late an hour. I have been an attentive listener to this debate, for the reason, as I am conscious that I bear an especial responsibility in regard to the subject. But I have noticed that there have been only two other listeners on this side to those who have spoken on the other side of the Chamber. So on the other hand, my honorable colleague, [Mr. KING,] when he spoke, had two auditors on the Democratic side of the Chamber, the honorable Senators from Missouri and Arkansas, [Messrs. GREEN and SEBASTIAN,] and no more. It is impossible for the Senate, at ten o'clock in the night of the last day of the session, after such labors, fatigues, and distractions, as we had for the last week, to give the attention due to a subject so interesting and important as this is. It is important to the people of the Territory of Kansas, where property may be deeply affected by the result.

But there is another party which has a deep interest in the matter, while it has also peculiar claims on the consideration of the Senate of the United States. The Six Nations—the New York Indians, as they are called in this bill—were, when this continent was discovered, the third Power in the scale of aboriginal development in this hemisphere. After the Aztecs, whom Cortez subjugated, and the Peruvians, whom Pizarro enslaved, came the Six Nations of New York Indians, who, though they have at last become dependents on the United States, yet were never conquered. They were the Mohawks, the Oneidas, the Cayugas, the Onondagas, and the Senecas, to whom were added, by annexation, so late as 1710, the Tuscaroras. They maintained republican government in the several tribes, and they had discovered and adopted the Federal system long before the British colonies—which afterwards perfected this system, and established thereby a national unity of self-governing Cantons or States—were planted. The Six Nations of New York, barbarians and savages as they were, were, nevertheless, the prototype of the United States. Situated westward of the Hudson, and southward of the great lakes, they had conquered and become the masters of all the other Indian nations eastward to the Atlantic ocean and westward to the Mississippi, while they constituted the barrier between the British colonies south of the St. Lawrence and east of the Mississippi, and New France, which lay beyond these borders. They were early attached to the side of the English in that long and equal strife for transatlantic empire maintained by the two great military Powers of modern Europe—Great Britain and France. The Six Nations fought in the armies of Abercrombie, and Wolfe, and it is only justice to them to confess that but for their sympathy, coöperation, and aid, the French power, which was overthrown in 1763, might have been continued for some indefinite period thereafter. They, therefore, were entirely our allies in the establishment of our empire. Divided in the revolutionary war between the parental State and the colonies, they nevertheless ultimately became entirely reassured in their loyalty to the United States, and during the subsequent Indian wars, and the war of 1812, they were again faithful, brave, and constant allies.

Mr. President, I am sure that the Senate of the United States will faithfully endeavor to maintain good faith in the dealings of the nation with all the aboriginal people yet precariously lingering within our borders, and especially with people having such a history and such claims as the Six Nations. Nevertheless, the chance of even such a friendly, fading people to obtain justice is necessarily very small, when only the form and empty name of sovereignty remain to them, and their claims are to be decided upon by the United States, without appeal, the Indian having no representative voice in the councils of the country. Those who watch and wait for the Indian lands are abundantly represented here. But who watches over and guards the rights of the Indians themselves? No one. This bill, so deeply affecting the rights of the Six Nations, passed through the Senate at the last session, I suppose, on the motion of the chairman of the Committee on Indian Affairs, unquestioned by any one, and without even the knowledge of the Senators from New York. We were ignorant of it, as indeed we might well be; for there was no representative of the Indians here or elsewhere to instruct us in their rights or to warn us of their exposure.

Mr. FOSTER. Will the Senator give way to me for a moment?

Mr. SEWARD. Certainly.

Mr. FOSTER. There are a very large number of bills that could be passed now in the last hours of the session, which would be of great benefit to individuals, and to the country. It seems to me that a subject of this sort, which appears likely to consume our time in debate, had better be laid aside for a matter which will not occasion debate, and which will certainly be very beneficial. I am sorry to interfere with the gentleman's remarks; but I move, with his permission, that this bill be laid on the table.

The PRESIDING OFFICER, (Mr. STUART.) The Senator cannot make that motion while the Senator from New York holds the floor.

Mr. FOSTER. If the Senator does not give way, of course I cannot make the motion.

Mr. SEWARD. I cannot give way for a motion to lay the subject on the table.

Mr. FOSTER. I appeal to the Senator to make the motion himself; for it seems to me exceedingly idle to spend our time here in debate, when we can pass a number of bills that will occasion no debate.

Mr. SEWARD. I have already said that it is with the utmost reluctance that I find myself speaking at such a time, and under such circumstances; but the duty which rests upon me is imperative. Every one knows that I would maintain the rights and interests of the people of the State of New York in this Hall to the last hour of the last day of my existence; but I can appeal to the Judge of all the earth for my sincerity when I say that I would consent to be faithless first to the white men, my brethren of that State, before I would be unjust to the Indians, who are not constituents, but only clients, and among the weakest clients, who rest their claims upon my senatorial protection.

Mr. President, let me state now what has been the course of this transaction. These Six Nations of New York Indians removed from the banks of the Hudson, decimated in numbers by wars and conflicts by the side of their English brethren, and finally were gathered into the western part of the State, upon the banks of Lake Erie. There the State had set apart for them a small reservation. Long before a steamboat appeared upon Lake Erie, these Indians, half civilized, had discovered that the fate of extermination was impending over them. With great sagacity, they saved from the provisions which had been made for their support by the State of New York, as an equivalent for the wide domain they had already surrendered, sufficient to enable them to go westward to the banks of Lake Michigan, and there to purchase of their red brethren, the Menomonees, a large tract of land for a future and ultimate

home. They held this home in reserve; they still, so long as they could, clung to their native land, the scenes of their traditional glory, in the State of New York; but the white man crowded around, and encroached on their possessions, not only in the State of New York, but also on their newly-acquired possession at Green Bay. At this juncture, the Government of the United States interposed and applied to them to relinquish these lands at Green Bay, and to accept, in lieu thereof, half a million acres at the foot of the Rocky Mountains. They made that exchange. Perhaps their instincts showed them more clearly than even the Government foresaw, that, within the life of their youngest chief, they would be required to surrender even these distant lands, lying then so far beyond the border of civilization, in the very center of the continent.

But under these circumstances, in the year 1838, a treaty was made with these Six Nations for a removal from New York and Green Bay to that distant region in Kansas. The terms of that treaty are before the Senate. I ask only the same just and fair examination of the terms of the treaty that this body would bestow upon a treaty made with a nation of the highest state of civilization on the continent of Europe. The Indians agreed that they would remove from the State of New York, and from Green Bay to Kansas, within five years, or at such other time or times as the President of the United States should appoint; and they stipulated with the United States that they should have the means for removing, the funds necessary to pay the expenses of the journey for the old men, young men, the women, and the children of their tribes from the eastern border of civilization into the interior of the continent, in a land as yet lying in a state of native desolation. They could not go without resources, without means. Has that stipulation been performed by the United States? It astonishes me to see the indifference which is manifested here. There is not a Senator upon this floor who does not studiously claim his eight dollars for every twenty miles going and coming from his home to the national capital; yet we are forfeiting the lands of the Indians because they did not remove a thousand miles without money, without a staff, without a musket to defend themselves against the alien tribes whom they might encounter on their way there. They were by that treaty entitled to these facilities for removing when they were expected to remove. They were entitled to more—to provision by which to maintain themselves for a year or two in their new home, and to the funds with which they should buy plows, and hoes and axes and wagons and horses, and begin to reclaim the wilderness and bring it into a condition in which it would support a great people who had ceased to be hunters, and had become civilized men. Did the Government furnish these funds? Did the Government furnish these aids? Did the Government furnish guides within the first five years after the treaty was made and which is the first period stipulated in the treaty? No, sir; you know very well, [Mr. STUART in the chair,] coming as you do originally from the State of New York, that no such provision was made or offered for them. The Government never required them to remove within the first five years. That five years elapsed by the consent of both parties without any forfeiture.

After that period had elapsed without a forfeiture, it became necessary that a new period should be assigned by the President; and it was to be a just period, a liberal period, a period in which it was practicable and consistent for these Indians to remove, and a period to be dictated and prescribed by considerations of humanity, so that they might remove with comfort and with safety. Was that new period ever assigned? If so, let the honorable Senator from Missouri tell me on what day it was fixed; and then let him tell me how long was the period which was assigned, when it ended, and what was the notice that was given to the Indians, and when it was given; and let him show me the provisions which were made by law in pursuance of and in execution of the treaty, furnishing the funds for the removal of the Indians, and for their establishment in their new home. No such thing is shown; no such thing is pretended. The President of the United States was to fix periods from time to time. I have asked, for the first time, when that was fixed? I ask now, for the second time, when that was signed, when it ended——

Mr. HAMLIN I do not want to interrupt the Senator from New York; and still, if the Senator will allow me to do so, I will move to postpone this question.

Mr. GREEN. I object to that. We are nearly through with the bill. Let us dispose of it.

Mr. HAMLIN. I see no prospect of it.

Mr. GREEN. I think there is no doubt of the debate being nearly over.

Mr. HAMLIN. There is still one of the regular appropriation bills now pending in the Senate, as the chairman of the Committee on Finance tells me; but he kindly consented, so far as he could give me consent, that the light-house appropriation bill should be taken up after the disposition of the bill we have just finished. The Senator from Arkansas, however, was fortunate enough to get the floor, and interposed a motion to take up this bill before I could submit my motion. I see no prospect of settling this question; and the next thing we shall see will be the chairman of the Finance Committee interposing an objection; because he will feel compelled to ask the Senate to take up an appropriation bill. The light-house bill is important to all parts of the country; almost all the States are interested in it. I move to postpone this question, for the purpose of taking up the light-house bill.

Mr. GREEN. I hope that will not be done. This subject is nearly disposed of, and all this work will have to be done over again if we lay the bill aside now.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maine.

The motion was not agreed to; there being, on a division—ayes 17, noes 20.

Mr. SEWARD. Mr. President——

Mr. CLAY. If the Senator will permit me, I will suggest to him, that there is a bill here in which he feels a good deal of interest, with respect to the quarantine grounds, which I am anxious to put through for his accommodation, and I hope he will let us do so as soon as possible.

Mr. SEWARD. I desire to be understood on this subject, and to act with entire frankness. It was not on my motion that this bill came up. It is against every instinct that I have of respectful deference to the Senate to detain them for a moment on any question, however important, at this time of night, this time of the last night of the session. I am exceedingly desirous for the passage of the bill to which the honorable Senator from Alabama calls my attention. It is a bill that concerns the public health, the health of the great city of New York and of all its suburbs. I have endeavored to have it brought forward and passed. I would not detain the Senate by my own action one moment from the consideration of any other public bill, and I have shown this disposition by voting with those who preferred to postpone this question, so that they could dispose of other subjects. The Senate has overruled me in that. I will now, with the greatest pleasure in the world, give way to the honorable Senator from Alabama for a motion to bring forward the quarantine bill, if the honorable Senator will make it.

Mr. GREEN. I object to that. Let us finish this matter. It is nearly through.

Mr. HUNTER. I want, after that, to bring up an appropriation bill.

Mr. SEWARD. Very well; I will give way to the Senator to bring up his appropriation bill.

Mr. GREEN. I object to the Senator's giving way. After having made an immaterial and irrelevant speech consuming more than half an hour —talking about the Six Nations, and about the Peruvian Indians, and about the Aztecs, on a bill which refers to a treaty and the rights claimed under a treaty—he talks about desiring to expedite business, and yet he gives way to motions to delay.

Mr. SEWARD. Mr. President, I certainly shall make no apology to the Senate for the manner in which I discuss subjects which seem to me to need debate. Some day the honorable Senator from Missouri and myself will have an opportunity to read what he has said and what I have said in this debate. Although, when that time comes, I doubt not he will be perfectly satisfied with what he has said, yet I am nevertheless sure that, if I have not better success than I usually have, I shall have occasion to regret most sincerely that I had not argued the cause of this unfortunate relic of an interesting race, who are dependent on my care, with greater ability and with greater fidelity. The world will judge between us which was on the right side, and which offended against propriety, as well as offended against justice and humanity.

I have said, and I now repeat, that it is not I who is to keep the Senate from transacting any business of a general and a public nature which it shall prefer to this bill. If, as I foresee it is probable, this Congress shall adjourn at twelve o'clock to-morrow, leaving large masses of the public business not transacted, it shall not be on my shoulders that that responsibility shall rest. But, at the same time, since the Senator from Missouri has spread out the argument upon this cause with great care, great deliberation, and, I may be allowed to say, with great ability—for I never under-value an opponent—I must be allowed to perform my duty, in defense of the positions which I have assumed, as well as I can.

I was saying, sir, that no time had been assigned by the President, such as is stipulated for in the treaty; and that the consequence is, if this bill shall pass, that it will pass upon the principle and upon the ground that the New York Indians have forfeited rights, which rights they have done everything that belonged to men, even to civilized men, to maintain; and if Congress shall pass this law, it will then not advance, in my judgment, the objects of those who seek, with such precipitancy, to wrest this last hope of the New York Indians from them, because the treaty which was made with the Indians in 1838 is the supreme law of the land. It is a treaty made between confessed equals, although so vastly unequal. If the law shall be made in conformity with it, it will be a valid law; if made without conformity to it, it will not be a valid law. Then there will open a new scene of litigation between the white man and the red man, the end of which no one can foresee, and the consequences of which will be troublesome and disastrous. Now, the amendment which is proposed by my honorable colleague saves the rights of the United States; it saves the rights of the white men, who have intruded upon these lands, without waiting for the removal of the Indian title to them; it saves all the interests of all the parties. It only requires that the Commissioner of Indian Affairs shall institute anew such proceedings to obtain such a further treaty as will secure all the objects which this bill seeks to accomplish in behalf of the white man, without depriving the red man of his estate, and without bringing a shame and a reproach upon the name of the American people.

Mr. GREEN. One word only. I should like to hear this speech repeated on the 4th of July; but when we are pressed for time, with important business for us to transact, and there are particular points for us to discuss, I would prefer that Senators should address themselves to the points. When the Senator undertakes to say that these Six Nations were the allies of the United States, he speaks outside of the record. They never were. They were the allies of England, our old enemy; but never of the United States. But let me call attention to the treaty, to show that we are not trampling down the rights of the Indians, and that the blush of shame will never mantle the cheek of the honorable people of the United States in consequence of passing this bill. It is but just, right, and proper. It is treating the Indians with tenderness and with care, while it is protecting the interest of the white portion of the American people. I shall say nothing more.

Mr. KING. I have made a modification in the amendment which I offered, which the Secretary will please read. It is one which not only authorizes and requires the commissioner to specify the time within which they shall be removed, but also that the commissioner shall be authorized to treat with them for the lands. I desire that that clause may be read.

The Secretary read it, as follows:

The President of the United States shall appoint a commissioner to carry out the provisions of the treaty, who shall also be authorized to treat for the purchase of their lands.

Mr. KING. The reason why this measure is urged upon Congress at this time is, I suppose, that the lands of the Indians in Kansas have been settled——

Mr. HUNTER. Will the Senator give way to let me call up a little appropriation bill?

Mr. KING. I give way for that purpose.

Mr. HUNTER. I move to take up the appropriation bill for the Yancton and Tonawanda Indians—a little appropriation bill. It will not take long.

Mr. SEBASTIAN. I hope the Senate will not postpone this question. As soon as the Senator from New York gets through with his few remarks, there will be nothing said on the opposite side. We only want a vote.

Mr. HUNTER. There are two Senators from New York, and we know they will speak.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia to lay aside this bill and take up the bill to which he has alluded.

The motion was agreed to

BILL BECOME A LAW.

A message from the President of the United States, by Mr. HENRY, his Secretary, announced that the President had this day approved and signed an act (S. No. 606) to carry into effect the convention between the United States and China, concluded on the 8th of November, 1858, at Shanghae.

INDIAN APPROPRIATIONS.

The bill (H. No. R. 888) making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians for the year ending the 30th of June, 1860, and for other purposes, was considered as in Committee of the Whole.

Mr. HUNTER. The bill is strictly according to treaty; but there is one amendment necessary to correct a verbal error. It is in line ten, under the head "Creek Nation," to strike out "sixth," and insert "seventh," so as to read:

"Per the sixth article of the treaty of the 7th of August."

The amendment was agreed to.

Mr. YULEE. I have an amendment to offer, which, it will strike the Senate, is not very germane to this bill. It was my intention to offer it to the miscellaneous bill, but the chairman of the Finance Committee preferred that I should withhold it until the present bill came up; and it is with his approval that I move it as an amendment to this bill:

"For payment under existing contracts for carrying the mails as follows, to wit:

"For the transportation of the mails from Panama to California and Oregon and back, from July 1 to September 30, 1859, $78,062 50.

"For transportation of the mails across the Isthmus of Panama from July 1 to September 30, 1859, $25,000.

"For transportation of the mails via Tehuantepec, to Ventosa and back, from the 1st of November to the 30th of September, 1859, $229,166 60."

These appropriations are according to estimates made by the Post Office Department, which the House of Representatives omitted to include in any bill sent to this body. The amounts named in the amendment are necessary for the purpose of making payments under existing contracts, to enable the service to continue to the 30th of September, when the existing contracts expire. I have deemed it my duty to bring the matter to the notice of the Senate, and to move the amendment in order that there may be an opportunity for the appropriations being made by Congress.

Mr. HUNTER. The Senator from Florida says these are estimates made by the Post Office Department for deficiencies. Do I so understand?

Mr. YULEE. No; not deficiencies. The appropriations made at the last session were for the fiscal year expiring the 30th of June, 1859. The service is continuing, and expires, under existing contracts, on the 30th of September 1859; for which there is no provision from the end of this fiscal year to the 30th of September.

Mr. GWIN. This is a three months' appropriation.

Mr. YULEE. A three months' appropriation, under the estimates of the Department, except for the Tehuantepec route, which is from November last until the end of their contract, no provision having been made for that at the last session.

Mr. HUNTER. Contracts made in pursuance of law?

Mr. YULEE. Yes, sir.

Mr. PUGH. I trust the Senate will not make itself so absurd as to tack this provision on to a bill to carry out a treaty with Indian tribes; and it is no excuse to say that they ought to have been upon some other bill. They can be introduced in the House of Representatives, if the House is disposed to act on them; and I understand they have taken up various other matters. It is simply making our legislation ridiculous. For one, I shall vote against it without any reference to its merits. It is not at all germane to the bill.

The question being taken, there were, on a division—ayes 16, noes 18.

Mr. SEWARD. I call for the yeas and nays.

Mr. YULEE. This is important. The parties are performing the service under existing contracts. An omission has been made to make an appropriation according to the estimates. I hope the Senate will reconsider the vote just taken. We must keep the Government going.

Mr. CLAY. We have overland mails which ought to supply them. We pay enough for them.

Mr. HAMMOND. I only ask for an explanation. I understand that to-day $250,000 have been voted for the Tehuantepec route, and now the Senator from Florida wants $230,000, I believe, in addition. I do not understand it.

Mr. YULEE. I will explain again to the gentleman.

The PRESIDING OFFICER. The Chair will state to the Senate that, if there be no objection, he will ascertain if the Senate will vote by yeas and nays. He had decided the question and determined that the noes had it. Is there objection to a vote by yeas and nays? ["No."] The Chair hears no objection. Will the Senate take this question by yeas and nays?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida.

Mr. HUNTER. I understand that it is to carry out existing contracts.

Mr. YULEE. Existing contracts which run to the 30th of September. The legislation to which the Senator from South Carolina refers, was a proposition to make provision for a period commencing on the 1st of October next. This is to pay for existing contracts.

Mr. HAMMOND. I understand that, by the amendment of the Senator from Vermont, which was agreed to, these contracts are limited to one year, and we, to-day, agreed to give $250,000. We are now asked for $230,000 more for the same service. I want to know if we are to pay $480,000 for one year?

Mr. HALE. That amendment of the Senator from Vermont has nothing to do with this question. This is simply an appropriation to carry out an existing contract, made in pursuance of law, and we are just exactly as much bound to pay it as we are bound to pay $25,000 for the President's salary. There is just as much propriety in refusing the one as the other. It is an existing contract, made in pursuance of law, and has to be carried out.

Mr. HAMMOND. The Senator from New Hampshire is a leader in retrenchment, and if he votes for this I will yield. [Laughter.]

Mr. COLLAMER. That amendment of mine has nothing to do with this. That only provides for after the expiration of the present contract.

Mr. BRODERICK. I hope the call for the yeas and nays will be dispensed with. I suppose there can be no objection to the amendment.

The PRESIDING OFFICER. The call can be withdrawn, if there be no objection. The Chair hears no objection.

The amendment was agreed to.

Mr. YULEE. I have another amendment to offer, which, under the same understanding, I reserved for this bill.

And be it further enacted, That the Postmaster General be, and he is hereby, authorized and required to advertise for proposals, and to contract with the lowest responsible bidder or bidders for the transportation of the United States mail in steamships from Charleston, South Carolina, by Savannah, Georgia, and Key West, Florida, to Havana, in Cuba, and back, twice a month or oftener, from the 1st of July, 1859, to the 30th of June, 1863, inclusive, at a sum not to exceed $50,000 per annum.

This amendment is to enable the Department to make a contract which the Postmaster General recommends. It is for a service which has been continued for the last twelve years between Charleston and Havana; but, although Havana is the terminus, and it bears upon its face the appearance of a foreign contract, it is really and more immediately for the supply of a mail to the Island of Key West—an important island, containing a population of three or four thousand people, where the underwriters of the North have a very large interest; and it is necessary and important that mail communication should be kept up. It is an island, and can only be reached by water. This is the only mail by which they are supplied from the Atlantic coast twice a month. The distance from Key West to Havana is only sixty miles. It is continued to Havana to accomplish, by a very small extension of the route, a useful purpose.

Mr. HUNTER. I voted against the Butterfield steam route because it was to a foreign country, and because the rule had been established that they might carry the mail for the postages, and no more. I do not see how I can deviate from that rule. If I would agree to subsidize any route, it would be this one; but I will not agree to subsidize any routes to foreign countries.

Mr. HALE. I agree to what the honorable chairman of the Committee on the Post Office and Post Roads says, that this is an island that can only be reached by water, and I believe that that is the case with most islands. [Laughter.] I want to state that I am opposed to this proposition for this single reason: it is a departure from the whole system. We have agreed to put our foreign ocean mail service on this basis: that we let it to the highest bidder for the postages. Here is an exception that is proposed to be made, and the only one made. I was opposed to it in committee; stated in committee that I should take the liberty of opposing it here on that ground; because it is undertaking to make an exception in an individual case from the general rule that we apply to the rest of the world.

Mr. MALLORY. I would remind the Senator from New Hampshire that we have to-day passed a provision to establish a mail service between New Orleans and Mexico, which is a departure, if any precedent is necessary; but I would not pin my faith on a precedent. The service now sought to be established has been in operation some eight or ten years. The contract will expire on the 30th of June. The points between Charleston and Havana, are Savannah and Key West, as has been stated by the chairman of the Committee on the Post Office and Post Roads, and the distance beyond Key West is about eighty miles of available navigation, so that the entire service is performed within the United States with the exception of that short distance across the Gulf. It is exceedingly important to the Government that this mail at Key West should be established. There are two large fortifications, and a population of three or four thousand people. But there have been political considerations always prevailing with Congress, and they prevailed in the establishment of this route, which was regarded as being important to connect the Island of Cuba by that very short distance with the United States, and that consideration has always prevailed more or less with Congress. The time is about sixty hours from Havana to Charleston. The nearest point at which you can get intelligence from Cuba is by this line. The service is performed at a very low rate, and this service and the one to Mexico are the only two lines, I think, that have been recommended by the Postmaster General, and the estimate of $50,000, which was recommended by him and before the Post Office Committee, is the lowest sum at which this mail can be carried. I trust this route will not be considered a departure from the principle that we have adopted. If there is any line which deserves the encouragement of Congress, it is this one.

The question being taken, there were, on a division—ayes 20, noes 10; no quorum voting.

Mr. HUNTER. I hope Senators will vote again.

Mr. TRUMBULL called for the yeas and nays; and they were ordered.

Mr. HAMMOND. I was not disposed to interrupt the business of the Senate by saying a single word on this subject; but, as the vote on this question is now to be taken by yeas and nays, I will make a remark or two. I am not one of those, Mr. President, who have been anxious to make a war or a treaty to acquire Mexico or Cuba. I think the trade of Mexico and Cuba of great importance to the United States; but I have great doubts whether that trade, encumbered with the

possession of Mexico and Cuba, is worth our while. If we can get the trade, without the people and without the countries, it will be vastly beneficial. The mere postal matter, the mail matter, is of but little consequence; but it is of great importance to establish a constant and certain communication betwixt the United States and those countries.

Now, we have just passed, by a large vote, an appropriation of immense amount for California communication. It is called intercommunication; but there is infinitely more ocean to be passed to communicate with California than to communicate between the United States and Cuba. All this thing about the distinction between interpostal and oceanic postal communication is, to my mind, mere verbiage—it amounts to nothing. The steamers that communicate with California, traverse more neutral ocean than those that communicate with Europe. It is a mere idea; and although, at the last session, there was a law passed to make the distinction, that law was a mere *obiter dictum*—a distinction, in my estimation, which amounted to nothing.

What we want is to establish political and commercial relations with these countries, and this communication betwixt Charleston and Havana, is, in that point of view, of the utmost importance. The amount asked is a very small one in comparison with what we have granted for other routes. I have voted cheerfully for this route around the Gulf of Mexico $120,000, for commercial and political purposes. I suppose that every letter that is carried by that route will cost for the present, perhaps, twenty dollars; but what is that? We have other views, greater views, broader views. I do not know what the letters will cost between Charleston and Havana, but I know this: if that line is broken up, the immediate communication between this country and Cuba is at an end. Now, I say again, I do not desire the conquest of Cuba. I doubt very much whether the annexation of Cuba would be of any value to us; but the commerce of Cuba is of immense value, and this is the way to gain that commerce. It is on that account that I think we should make this appropriation to keep up this communication with that island.

Mr. PUGH. I voted against the first of these incongruous amendments; but, as the Senate have concluded to make this an omnibus bill, I only wish to give a reason why I shall vote for this proposition. The Senator from New Hampshire comes too late with his objection. The Senate to-night, or just before the recess, did pass an amendment to a general appropriation bill, making an appropriation of money in the nature of a subsidy, to a line in the Gulf of Mexico. It was advocated by the Senator from Louisiana, [Mr. BENJAMIN,] the Senator from Minnesota, [Mr. SHIELDS,] and others, on the ground that it was going to aid us in acquiring an influence over, and the control of, Mexico. Now, I am very anxious to acquire an extensive influence over Cuba. I should like to bring it entirely within our reach; and on that account I shall go for this amendment. I hope the friends of the acquisition of Cuba will go for it.

The question being taken by yeas and nays, resulted—yeas 39, nays 8; as follows:

YEAS—Messrs. Allen, Bayard, Bell, Benjamin, Bigler, Bright, Broderick, Brown, Chesnut, Clark, Collamer, Davis, Dixon, Doolittle, Durkee, Fitzpatrick, Foot, Foster, Green, Gwin, Hamlin, Hammond, Harlan, Houston, Iverson, Jones, Kennedy, Lane, Mallory, Polk, Pugh, Reid, Rice, Sebastian, Seward, Shields, Ward, Wilson, and Yulee—39.

NAYS—Messrs. Clay, Fessenden, Hale, Hunter, Johnson of Tennessee, Stuart, Toombs, and Trumbull—8.

So the amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in, and ordered to be engrossed; and the bill to be read a third time. It was read the third time and passed.

LIGHT-HOUSE BILL.

Mr. HAMLIN. I now ask the Senate to take up what is called the light-house bill.

Mr. TOOMBS. I object to taking up that bill. It is not the ordinary light-house appropriation bill. It is a new bill, with new sites, according to its own provisions, and can be passed upon at some future time. It proposes the erection of new lights, provided there is a ceding of jurisdiction hereafter. This can be done just as well twelve months hence as now. It has not been submitted to the Light-House Board at all, if I am correctly informed. Has it?

Mr. HAMLIN. Yes, sir.

Mr. TOOMBS. I think not. I believe it is not recommended by them at all. As you have a Light-House Board to decide upon all these questions, you should let them do it. The great difficulty we have got now in most portions of this country is, that we have got lights in such numbers that they absolutely obstruct navigation. We have not time to proceed with that bill now, and I object to taking it up.

Mr. HAMLIN. I can assure the Senator that he is laboring under a mistake. This bill passed the House at the last session of Congress. It came here on the last night of that session, and by great effort I have finally got the floor for the purpose of submitting a motion that the bill be taken up. It was reported by the unanimous approbation of the Committee on Commerce at the last session. I cannot say that the chairman of that committee approved of it also. He reported the bill. We had a conference with the committee on the part of the House. They appeared before us. Most of the items of the bill are recommended in the estimates from the board direct. We were told by a member of that committee, who came before us, that the bill itself had been submitted to the Light-House Board, and by the Light-House Board approved. I hope the Senate will take it up.

Mr. TOOMBS. I have only to say that this is no way to bring a recommendation before the Senate. The Senator rises to make that statement, when I said that he had not that recommendation. I spoke in language befitting the occasion, that he had no authority for the recommendation of the Department. The idea that a member from the other House can come here and say a bill has been submitted to the board, and, according to the opinion of that member, had the sanction of the Department, I think is going a little further than ever I knew before on a recommendation. Even the Light-House Board itself cannot make a recommendation, except through the Treasury Department. Here is a bill appropriating about two hundred and forty-seven thousand dollars. Many of the items contained in it appropriate for new works. It has been recommended by the committee, and I think wisely, that, in the erection of new lights, we shall not erect one without submitting it, and getting the recommendation or the report of the Light-House Board. They must go there. The statement of the Senator amounts, neither directly nor indirectly, to a recommendation by the board of such bills. I think we should not take up such a bill at this time of night, when it appropriates almost entirely for new works and new lights, without Senators knowing anything about them. It will be substituting very unwise and ill-judged legislation for wise and prudent legislation.

The PRESIDING OFFICER. The question is on the motion submitted by the Senator from Maine.

Mr. TOOMBS called for the yeas and nays; and they were ordered.

Mr. HAMMOND. I should like to understand a little more about this bill before I am called upon to record my vote. The new Light-House Board, which introduced an entirely new system, have dispensed with the sperm oil to a very considerable extent. Last year the Senator from Maine made an attack upon this board, with a view to break them up, as I understood. Now, I do not know what is the nature of this light-house bill. If it is an attack upon that board; if it is an attack dictated by the sperm-oil interest, I am opposed to it; but if this measure is approved by the board, I will go for it. I would like to know exactly what it is, and how far it conforms to the recommendation of the new board.

Mr. TOOMBS. I will state to the Senator that it is not recommended by the board or the Department itself, as I understand it.

The question being taken by yeas and nays, resulted—yeas 28, nays 20; as follows:

YEAS—Messrs. Bayard, Bell, Benjamin, Broderick, Brown, Cameron, Clark, Collamer, Crittenden, Dixon, Doolittle, Durkee, Fessenden, Foot, Foster, Gwin, Hale, Hamlin, Harlan, Kennedy, King, Pearce, Seward, Simmons, Stuart, Trumbull, Wade, and Wilson—28.

NAYS—Messrs. Bright, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Hammond, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Polk, Pugh, Reid, Sebastian, and Toombs—20.

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 550) making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes.

Mr. PUGH. I move to amend the bill by adding the following——

Mr. CLAY. Before the Senator offers that amendment, I have an amendment which I am instructed by the Committee on Commerce to offer.

Mr. PUGH. This is an immaterial one. I do not think the Senator will object to it. It is to add:

And be it further enacted, That so much of the act approved August 18, 1826, as authorized the Secretary of the Treasury to discontinue the light at Port Clinton, in Portage bay, Ohio, be, and the same is hereby, repealed.

I will state that that light was suppressed in the bill passed in 1856, which was not read here, or brought to the attention of my colleague or myself. The board have since continued the light, upon representations satisfying them, I think substantially, that it was a mistake. I have been in the place since that, and I know that the harbor is of considerable importance, and the light should be continued.

The amendment was agreed to.

Mr. CLAY. I am instructed by the Committee on Commerce to move the following amendment: Strike out all of section three, after the enacting clause, in the following words:

"That the following lights are authorized, at the discretion of the Secretary of the Treasury, to be discontinued, namely:

"Prospect harbor, Beauchamp point, and Kennebunk pier, Maine.

"Mispillion, Delaware.

"Smith's Point, Virginia.

"Two overall beacons, Charleston, South Carolina.

"Point Gammon, Massachusetts, on the completion of the light-house and exhibition of the light now in course of construction on the Bishops and Clerks."

And insert, in lieu thereof:

That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to discontinue, from time to time, such lights as may become useless by reason of the mutations of commerce, and changes of channels of harbors, and other causes.

Mr. PUGH. I hope that amendment will not be adopted. I am sorry to differ with my friend from Alabama; but it seems to me an amazing proposition that the Secretary of the Treasury should be invested with such an absolute power to regulate the courses of trade everywhere. It is left to his discretion, upon such information as he may choose to accept, to exclude the benefit of the system from any harbor of the United States forever. The whole lights of the country are at the mercy of the Secretary. If any of these lights become insufficient, and are reported to Congress as unnecessary, I should feel very happy to discontinue them; but certainly we should not vest in the Secretary of the Treasury, or any other officer, such a power as this.

Mr. CLAY. The reason for offering that amendment is simply this: It has happened repeatedly during this session, and during former sessions of Congress, since I have been a member of the Committee on Commerce, that applications have been made to Congress, by memorial or otherwise, to discontinue certain lights, and sometimes to substitute other lights in their stead; because, in consequence of the changes produced in the channels, these lights, instead of being guides to lead, have often misled the vessels trading to those several ports. Hence, it has been recommended to discontinue them. Now, I could cite several instances where we are paying for lights at different points that are utterly useless, and worse than useless. They mislead the mariner; and it has been thought advisable to invest the Secretary of the Treasury with this power. I cannot suppose that any Secretary of the Treasury would abuse it to the prejudice of commerce; and that he would only exert it where it was necessary to aid, instead of to obstruct commerce. I trust the amendment will be adopted. There was no dissenting voice in the Committee on Commerce; and, indeed, it is accordance with the advice of the Department that we make it.

Mr. HAMLIN. The chairman of the Committee on Commerce is in error when he makes

the statement that there was no dissenting voice in the committee. I opposed it myself, and the Senator from Michigan [Mr. CHANDLER] also opposed it.

Mr. CLAY. I understood the Senator not to be opposing it as an independent measure, though he did not approve of its being moved as an amendment to this bill. Perhaps I misunderstood him.

Mr. HAMLIN. I opposed it as an independent proposition, and I opposed it for another reason: that it was unwise to add any amendment to the bill; and I will state in a very few words why I think it ought not to be adopted. First, it is granting a power to the Department that may be wrongly abused. I would not give a power that may be abused. That is the first reason. The second one is this: the Light-House Board having been now in existence five or six years, and having public knowledge of all the lights in the country, have recommended to us specifically what lights they ask power conditionally to discontinue. Now, if, in the progress of time and the mutations of commerce, it shall be necessary to discontinue any other lights hereafter, they can report annually to Congress, and then annually that power can be given them after they shall have made their report. No wrong can arise, and a system of keeping up wrong lights cannot be carried to any extent.

I want to say now, to the Senator from Alabama, that, in my judgment, he is wholly and entirely mistaken in relation to the multiplicity of lights. There are two classes of lights. There are lights upon the coast, the improved Fresnel lights, which are far-reaching, and are designed to aid commerce at a long distance. There are other lights, which are harbor lights, and which are designed to aid the mariner, in dark and stormy nights, to get into harbors of refuge. They are not more frequent than commerce requires; while the vessel is traversing the ocean, outside of the land and of the dangers of land, they would not be necessary; but they are necessary as harbor lights on dark nights, to guide the mariner in time of storms.

Now, in all the history of it, in all the time we have had this board, they have only recommended the discontinuance of six lights. No, sir; they have not done that. They only asked to have power to do that; and, on investigation of each case, I doubt if there is a solitary light they would discontinue; and that is where they propose to erect another light, which shall be a substitute for it. The Senator is mistaken, when he supposes these lights are not useful. They are of different classes; and one is just as useful as the other.

I had hoped the Senate would take the bill as it was, and pass it, and not send it back to the House. If there are any other additional lights, which should be discontinued between now and another session of Congress, the Light-House Board can report to us; and, on examination of their report, and the examination of our committee, and our own consideration, we can then discontinue them. I hope the amendment will not be adopted.

Mr. CLAY. I have no personal knowledge upon the subject, but I certainly have the authority of the Light-House Board, as communicated from the Secretary of the Treasury, for saying what I have said, and the bill which I have presented, as an amendment, came from that board, as I understand, through the Secretary of the Treasury. I shall not amplify upon this subject. I have suggested this amendment, and I think it ought to be adopted.

Mr. BAYARD. With an amendment, I should prefer the amendment of the honorable Senator from Alabama, and that is a modification restricting the discretion of the Secretary of the Treasury, save on the recommendation of the Light-House Board.

Mr. CLAY. I have no objection to that.

Mr. BAYARD. I think that will sufficiently guard it. It is an administrative duty connected with the general system, and I think general authority had better be given in that shape. It will be sufficiently guarded then. The Secretary of the Treasury, on the recommendation of the Light-House Board, will then have the authority. I think that is a better substitute than for Congress to enter into these details on appropriation bills. I move that amendment to the amendment.

Mr. FESSENDEN. The Senator from Alabama has accepted that.

Mr. CLAY. I accepted that modification.

Mr. TOOMBS. The Light-House Board have control of this subject now, except by this bill, and it is very remarkable that Senators are prepared to pass a bill of this character, unless they want to do away with the Light-House Board. The superintendency of these lights, I believe, upon the Atlantic, is given to the Superintendent of the Coast Survey, and on the lakes it is given to the engineer department, and you have got a large body of men, costing very large sums of money, to superintend this whole subject of lights, whose business it is to attend to it every day, and keep them up; but this bill takes it entirely out of their hands. If we are going to abolish the Light-House Board, let us abolish it. Why keep up such machinery as this? They are people who devote their attention to the subject. It is supposed to be a very good substitute for your own mode. If you choose, bring in a bill and establish light-houses, if they approve of them, under the superintendence of the Coast Survey, or of the engineer department, upon the lakes. That is the provision of the bill.

Now, as to the case the Senator speaks of, there is no such instance. The board say this, by the report of the Committee on Commerce, that, by the law, as they understand it, they cannot alter lights. I recollect one case from memory, for it is nearly a year ago since this question was before us. I recollect one instance in the harbor of Charleston, South Carolina, the channel of which had filled up. It cannot be navigated at all; but the lights are placed there by law, and the board cannot change them. They have got another one called, I think, Moffat's channel. This bill, I think, provides for both lights. It has become important to have another light there, owing to the shifts and changes of the bar. One light leads to ruin, and the other to safety, and they cannot change them; and therefore, on our coast, if the channel is changed, or there has been a change in a sand bar in a channel, we must keep the light there in order to lead the mariner into destruction. That is what they are. The board have given specific cases. That is one, I recollect well, which was in the official report of the Light-House Board.

It seems to me that there is not one particle of necessity for this bill. We have got a body of men whose sole duty it is to attend to this subject of light-houses. It should be left to them, unless you act upon the principle of the Senator from Maine. He says he will not leave a discretion where it can be abused, and that is certainly that he will never give it to any one. There never was a man yet, who had power to do right, who might not abuse it and do wrong, and therefore he will never give the power at all. Unless we act upon this principle, I do not see why we should give this discretion. I cannot see any possible motive or inducement of any sort upon earth for abusing it. Is it dangerous to give power to the Secretary to discontinue a light, if it led a ship on to ruin? It is amazing to me that such a proposition should meet any objection at all.

Mr. HAMLIN. I have but a word to say. It is true, in the sixth section of this bill, it provides "that if preliminary surveys are required to ascertain the necessity for any light-house, or other aid provided for in this bill, or to determine the proper site for the same, or to ascertain more fully what the public exigency requires, the Secretary of the Treasury," who is at the head of the Light-House Board, who has control of it, who is the officer who speaks, "shall cause the necessary examinations and surveys on the sea-board to be made, under the direction of the Superintendent of the Coast Survey," not because he has got a force all along the coast, but because he has just the man to do it without one additional dollar of expense to the Government, instead of sending another corps under the Light-House Board and getting additional pay. Then it says that "those on the northwestern lakes shall be under the bureau of topograhical engineers." Why topographical engineers? Because they are able to do on the lakes what the Coast Survey is doing on the Atlantic coast. They are surveying.

Now, sir, I cannot see any objection to this, unless you want an additional corps of men, and pay them under this Light-House Board for this service. They have not got men to make the surveys. The board is very limited in number—but five or six. They have got agents in different States, and I think no more than are necessary. That is the reason of the thing, and I think it is very reasonable and very just.

Mr. TOOMBS. The reason the Senator from Maine gives is a delusive one. It is not a true one in this case. They put it in there, because a large portion of the coast of the United States has been surveyed. There is no corps of the coast survey there at all. It is done; it is finished; and they have not got the men. They say they have finished a large portion of the Atlantic coast On the lakes, have you got a corps of engineers at every point of land upon which these light-houses are to be placed? Does the Senator say so? You have got some people there surveying the harbors and the coast; and you may have them at this particular point, or this particular lake. I presume the Senator speaks without sufficient information. At all events, I have not got any evidence of the fact. I know we have got people surveying on the lakes. I do not know the place where you want to put a light-house. I know you have, according to your Coast Survey report, finished a very large portion of the Atlantic coast, and therefore, there is nobody employed there; but I do know that you have got a Light-House Board to whom you commit all this great interest. It is said to be very great. I do not know whether it is so or not. At all events, the Government has trusted it there, and it is the proper and appropriate tribunal for these questions. I do not know the motive of taking it away from there and putting it in somebody else's hands, unless, perhaps, they have disapproved of this bill.

Mr. HAMLIN. I have not said the Coast Survey, stretching from Passamaquoddy bay down to the Gulf, and all along the coast, have a force at every place where we want a light-house. I have said no such thing. No such latitude could be given to my language. I have not said that there was a corps of topographical engineers on the lakes. I have said that there was a Coast Survey all along the coast. That any very considerable portion of it is done is not true, as I understand it. What I did say was, that this Coast Survey is a better body of men than you could get anywhere to make surveys. Those that are in the north will make them in the north, and will have to go a little way off to make soundings. Those that are in the center will be ordered to the nearest points to make an examination and report. So it will be on the lakes with the topographical engineers. Now, I affirm, in my judgment, you cannot find two bodies of men better qualified to give correct information to the Secretary of the Treasury, who is chairman of the Light-House Board, than those two bodies of men; and, unless you want to send men on purpose all the way from Washington to the northwest and southwest, then, I say, let these men do it who are engaged there performing the various surveys to which I have alluded.

The PRESIDING OFFICER. The question is on the amendment reported by the Senator from Alabama from the Committee on Commerce.

Mr. PUGH. I desire to have the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. DAVIS. I should like to hear the amendment read again.

The Secretary read it.

Mr. PUGH. I wish to show the Senator that that amendment would be very mischievous. This very act of 1856, for instance, which he referred to a moment ago, authorized the Secretary of the Treasury to discontinue a light-house on the eastern side of the entrance to Cleveland on the hill. All the sailors say that the lights along the water line are delusive, and they want this light back again; but although the Secretary and the board have absolute power to put a light out, they do not seem to have power to light it again; and this very bill before the Senate now proposes, as it came from the House, to authorize the Secretary to set up that light again:

"SEC. 7. *And be it further enacted*, That authority is hereby given to exhibit a light from the light-house tower on the hill at Cleveland, Ohio."

This amendment authorizes the Secretary to blow out every light in the United States, and

gives no power to put them back; that is, it is the same power, in the same words, given him in special cases, and the board have decided that a light once blown out, can never be relighted. Now, if we wish to abolish the system, do it; I have no objection, provided you give us a better one; but while the system does continue, let us have some responsibility. As for the Light-House Board, made up of Navy and Army officers, they are not responsible.

Mr. DAVIS. I think the amendment a decided improvement over the method of selecting points where light-houses shall be maintained or constructed by Congress. If we act advisedly and after full inquiry, it must result merely in the examination of the reports which go previously to the board; so that at last it is but Congress assuming to judge of that information which they derive from the board; and I think when we take into the account those errors which must naturally result from local or other prejudice, that we would generally err whenever we differ from the report of the board. This Light-House Board, composed as it is of some of the first men of the country, not drawn merely from the Army or the Navy, as supposed by the Senator from Ohio, but from civil life, always furnish us a safe guide on which I think we may safely rely. The examinations of the Coast Survey, thorough as they are—perhaps more so now than any other conducted abroad or at home—and those on the lakes, not being under the same superintendent, but conducted by the topographical engineers, who have been for a number of years examining the coasts of those lakes, until they have passed into the last one, Lake Superior, will give all the information to the board which will enable them to decide such questions. We have the revisory power. If the authority conferred by that amendment should be abused, it will remain for Congress to act upon that abuse. I think it is a safe depositary, and that we should not, by fixing a light at a particular locality, continue to maintain it until a law can be passed to abolish it, though the change of the current should render it not only useless but positively dangerous; a beacon, not to warn from shoals, but to invite vessels coming into a harbor to run upon what had been a channel, but now had become a shoal, and must terminate in a wreck.

The question being taken by yeas and nays, resulted—yeas 29, nays 21; as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Brown, Chesnut, Clay, Clingman, Crittenden, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Johnson of Tennessee, Jones, Kennedy, Mallory, Mason, Pearce, Polk, Reid, Rice, Sebastian, Smith, Toombs, and Ward—29.

NAYS—Messrs. Bright, Broderick, Chandler, Clark, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Hamlin, Harlan, King, Pugh, Seward, Simmons, Stuart, Trumbull, Wade, and Wilson—21.

So the amendment was agreed to.

Mr. BIGLER. I am authorized by the Committee on Commerce to offer the following amendment:

That the appropriation heretofore made for a light-house at point Lobos be, and the same is hereby, reappropriated: *Provided*, The United States has a perfect title to the site of said light-house.

Mr. GWIN. I will state that the appropriation was made several years ago; but the title to the site of the light-house was disputed by a private land claimant. It has been settled, and the title is perfect now; and the Chamber of Commerce of San Francisco have sent on a memorial in favor of the appropriation, and saying that it ought to be made.

The amendment was agreed to.

Mr. PUGH. As this bill is to go back to the House, I move to add the following additional section:

And be it further enacted, That the following sums of money be appropriated out of any moneys in the Treasury not otherwise appropriated, for securing and repairing the works at the harbors herein named, to wit: At Conneaut, Ohio, $3,020; at Ashtabula, Ohio, $6,620; at Grand River, Ohio, $8,675 55; at Cleveland, Ohio, $26,143 15; at Black river, Ohio, $16,940 96; which several sums of money shall be expended under the direction of the Secretary of War.

These are the estimates sent it at the last session.

Mr. HAMLIN. I raise a question of order whether that amendment comes from a committee, or is in accordance with an estimate.

Mr. PUGH. I told the Senator that it was an estimate sent in here at the last session. Bills have been reported back by the Committee on Commerce for these objects, and these are the very sums reported in those bills upon the estimates. The Senator's point of order is not well taken. They are all in pursuance of estimates. They are the very sums estimated by the Department. This bill contains two or three appropriations of that character. Here they are:

"For repairing and securing the pier connected with the light-house at Oswego, New York, so as to prevent its destruction, $10,000."

That is nothing but repairing the work of a harbor. That appropriation for Oswego harbor was passed in a miscellaneous appropriation bill. Here is another one:

That $5,000 be, and the same is hereby, appropriated to repair the light-house at Vermillion, Ohio.

Now, these light-houses in these cases are part of the harbors.

The PRESIDING OFFICER. The Senator from Maine raises a question of order, that this amendment is not reported from a committee, nor in pursuance of an estimate. These are questions of fact.

Mr. PUGH. I say it is not the fact. They are the estimates reported at the last session, and the Committee on Commerce reported back the estimates. They are printed.

Mr. TOOMBS. I do not think the gentleman takes the point. No committee presents that amendment.

Mr. PUGH. I did not say that any committee did.

Mr. TOOMBS. I am stating the point. It is this: whether a committee, having the estimates sent to them, and they report another bill, authorizes any member to move any portion of that bill? That is the point.

Mr. PUGH. The Senator from Georgia does not understand it. The same objection was raised on these propositions at the last session, and decided. The Secretary did send these estimates. I say the estimates were sent to the committee, and the estimates were reported back by the committee. I do not care any more about the committee than that. I only state this to show that the amendment is according to the estimates.

The PRESIDING OFFICER. The Chair states, if the Senator will allow him, that it is a question of fact that can only be determined by presenting the estimates.

Mr. PUGH. Well, sir, I will send for the documents. I will ask the Senator from Alabama, as the chairman of the committee, where are these estimates? They were read to the Senate at the last session, when they were printed.

Mr. CLAY. I cannot produce the estimates; but they were for the last year, not for the current year. We have no estimates for the current year for these works; hence I do not think the amendment in order. A Senator might produce estimates made five or ten years ago, and urge them with equal propriety, it seems to me.

Mr. PUGH. I do not know that the question of the estimates being for the current year is material. I tried to make that point the other day, and it was overruled. The Senator from Alabama, the chairman of the committee, states the facts.

The PRESIDING OFFICER. It is stated by the Senator from Alabama that the Secretary of the Treasury reported estimates to Congress for this appropriation. With that view of the subject, the Chair decides the amendment to be in order.

Mr. DAVIS. I do not think the Senator from Alabama has said exactly that.

Mr. CLAY. No; I stated that we reported the estimates. I did not have them here, and could not say whether they were the correct estimates, or not. I have no recollection of them.

The PRESIDING OFFICER. The Chair misapprehended the statement of the Senator.

Mr. CLAY. I stated that the Secretary did not report estimates this year.

Mr. PUGH. I believe the Senator from Alabama stated, when he reported these various bills, that the committee directed him to report them as the sums estimated for securing the works; that it was not to carry on the works, and he put those figures into the several bills. I have the bills here just as the Senator reported them. I have taken the figures from them. As to the point of order, they are the estimates, and nothing else.

Mr. HAMLIN. Let us take the question.

Mr. PUGH. I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. PUGH. I give notice that I shall offer it in the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in, and ordered to be engrossed, and the bill to be read a third time. It was read a third time.

Mr. CLAY. I do not suppose there is a member of the Senate, unless it be of the Committee on Commerce, who knows what the bill proposes to appropriate. Now, it proposes to appropriate $246,307 for certain specific purposes. Then there are several others. The amount of each one is not specified in the bill; and I am not able to ascertain the amount. They merely propose to reappropriate sums of money heretofore appropriated. Altogether, I am sure, it is some three hundred thousand dollars. Of these several items of appropriation, eighteen are for new works; and of these eighteen new works, not one, so far as I am advised, has been estimated by any Department of the Government. They do not come before us recommended, so far as I am advised, by the Light-House Board. The necessity for these works has not been ascertained or declared either by the Light-House Board, by the topographical engineers, the Coast Survey, or any other department likely to ascertain their importance. The bill, upon its face, confesses that these works may not be necessary, for in the sixth section it declares:

"SEC. 6. *And be it further enacted*, That if preliminary surveys are required to ascertain the necessity for any light-house or other aid provided for in this bill, or to determine the proper site for the same, or to ascertain more fully what the public exigency requires, the Secretary of the Treasury shall cause the necessary examinations and surveys on the sea board to be made under the direction of the Superintendent of the Coast Survey, and those on the northwestern lakes to be made under the bureau of topographical engineers; and, in all cases in which adverse reports are made, they shall be submitted to Congress at its next session; and in all cases in which the objects authorized are favorably reported upon, the works shall be commenced immediately after valid titles and State jurisdiction shall have been obtained to the sites."

Now, sir, there it appears patent upon the face of the bill that those who passed it did not know that these were necessary works; that they had not been advised that they were necessary; but they make the appropriation in advance, and then submit to the Coast Survey on the Atlantic and the Pacific coasts, and to the bureau of topographical engineers on the lakes, to ascertain whether they be necessary. I submit that this is not the proper way to make appropriations. We are making it a matter of venture at haphazard. They may be necessary, or they may not be necessary. During the last session, the committee of which I have the honor to be chairman determined that they would make appropriations for no works of internal improvement of any character which were new, but would confine their appropriations to the repair of old works in order to preserve them. All these, with the exception of some three or four, are new works, and their necessity has not been ascertained, and no estimate sent us by the proper Department. Under all these circumstances, I cannot vote for the bill; and I ask for the yeas and nays on its passage.

The yeas and nays were ordered.

Mr. HUNTER. It is not my purpose to delay action upon the bill, but I am informed that those appropriations for light-houses made without estimates are not only very often unnecessary, but sometimes mischievous. They are made in places where they do harm; and I think it a very safe rule to confine ourselves to the estimates of the Light-House Board, made through the Secretary of the Treasury.

The question being taken by yeas and nays, resulted—yeas 26, nays 24; as follows:

YEAS—Messrs. Broderick, Cameron, Chandler, Collamer, Dixon, Doolittle, Douglas, Durkee, Fessenden, Foot, Foster, Gwin, Hale, Hamlin, Harlan, Kennedy, King, Pearce, Rice, Seward, Simmons, Smith, Stuart, Trumbull, Wade, and Wilson—26.

NAYS—Messrs. Bayard, Bright, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Mason, Polk, Pugh, Reid, Sebastian, Toombs, Ward, and Yulee—24.

So the bill was passed.

OREGON WAR DEBT.

Mr. LANE. I ask the unanimous consent of the Senate to introduce resolutions calling for information that I want, and which the Senate will need at the beginning of the next session. It will not take a moment to dispose of them.

There being no objection, the Senate proceeded to consider the following resolutions:

Resolved, That the Secretary of War be directed to communicate to the Senate, at the commencement of the next Congress, the cost of moving to, maintaining in, and withdrawing from, Oregon, the rifle regiment, with a detailed list of property of all descriptions abandoned, lost, and condemned as unfit for service, with the cost, in detail and in the aggregate, of all such articles, and the prices, in detail and in the aggregate, which such as were offered for sale brought.

Resolved, That the Secretary of War be directed to communicate to the Senate a detailed statement of provisions and clothing issued to distressed families, whether emigrants or others, and to Indians, from the Army supplies, from 1849, down to the present time; and also the cost of supplies and of transportation of supplies, for troops while on duty at Fort Lane, in southern Oregon, and of the cost of transportation of supplies for regular troops while operating against the Indians in the southern portion of Oregon, or while in the field in other portions of Oregon, or operating in the field in Washington; and the price of men, horses, mules, and oxen, in the service of quartermasters.

Resolved, That the Secretary of War be directed to communicate to the Senate the following information in relation to the expenses of the late Indian war in Oregon and Washington:

1. A statement of all subsistence and clothing purchased for each Territory, with the amount of each article and the prices, both in detail and in the aggregate, as per awards by the commission appointed under the act of Congress approved August 18, 1856, to ascertain and report the expenses necessarily incurred in suppressing Indian hostilities in the late Indian war in Oregon and Washington, by the territorial governments of said Territories.

2. A statement of the amount and cost, as per awards of said commission, of subsistence and clothing sold during and at the close of the war, with the amount brought at sale.

3. The amount and cost, as per awards of the said commission, of subsistence and clothing issued to volunteers, quartermasters, employés, distressed families, Indians, and others, as well as the amount and cost of subsistence and clothing lost or abandoned in service.

4. The amount in detail and the cost, as per awards of said commission, of animals, wagons, and all other means of transportation, with the amount and value in detail of all sales.

5. The average amount and value, as per awards of commission, of clothing issued to each man in service.

6. The amount and value, as per awards of the commission, of the rations issued to each man, and quartermaster's employé, and the amount and value of the same issued to distressed families and to Indians.

The resolutions were adopted.

INDIAN DEPREDATIONS IN CALIFORNIA.

Mr. GWIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to inquire, through the superintendent of Indian affairs in the State of California, into the depredations committed by the Indians upon citizens of Butte county, California, during the year 1852.

DEFENSE OF TEXAS.

Mr. WARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Military Affairs and the Militia be instructed to inquire:

1. Into the annual expense incident on frontier defense for the State of Texas; and

2. Into the expediency of allowing to the State of Texas a certain sum of money, not exceeding the average annual expense heretofore paid by the Government, upon condition that the State of Texas will undertake to provide exclusively for her own defense.

EXECUTIVE COMMUNICATIONS.

The VICE PRESIDENT laid before the Senate a report of the Secretary of the Navy, communicating the report of Lieutenant Craven of his surveys for a ship canal between the Atlantic and Pacific oceans, by the Atrato and Truando rivers; which, on motion of Mr. FITCH, was referred to the Committee on Printing.

He also laid before the Senate the report of the Secretary of the Treasury relative to the trade between the United States and the Island of Cuba, during the last five years; which, on motion of Mr. FITCH, was referred to the Committee on Printing.

REPORT FROM A COMMITTEE.

Mr. WARD, from the Committee on the Post Office and Post Roads, to whom was referred the joint resolution (S. No. 66) authorizing the Postmaster General to adjust the accounts of Peay & Ayliff, for carrying the United States mail on route No. 7503, in the State of Arkansas, reported it without amendment

GEORGE B. BACON.

Mr. FOSTER. I ask the indulgence of the Senate to take up a private bill, which I am sure will lead to no debate. It is not a matter of great public importance, I agree, but it is of considerable importance to a young man, a constituent of mine. It is a bill (S. No. 454) for the relief of George B. Bacon, late acting purser of the sloop-of-war Portsmouth. I can state in a word what the bill is.

Mr. IVERSON. I wish to know whether that is a Senate bill or a House bill.

Mr. FOSTER. It is a Senate bill.

The PRESIDING OFFICER. It is the bill (S. No. 454) for the relief of George B. Bacon, late acting purser of the sloop-of-war Portsmouth.

Mr. IVERSON. I do not wish to interfere with the motion of the Senator from Connecticut, but I will suggest to the Senate whether it is useful to spend our time in passing bills originating in the Senate? At this late stage of the session it would be impossible for them to go through the House of Representatives. It would be better to take up bills which have come from the House, and which, if they receive our sanction, may become laws. But if we take up a Senate bill, it stands about as much chance of becoming a law as it does to get through the Parliament of the Celestial empire, if there be such a place.

Mr. FOSTER. If it takes any time, or causes any debate, I will not press it. It has but a single principle in it; and when it is read, I do not suppose that any Senator could object to it.

Mr. GREEN. I wish to remark, that I am satisfied, from what I know, that no private bill from this moment of time, will be approved during this session.

Mr. FOSTER. It will do no harm, then, even if we pass a bad bill, if it is not signed.

The motion to take up the bill was not agreed to.

RAILROAD ON PENNSYLVANIA AVENUE.

Mr. BAYARD. Mr. President, I submitted, on the 9th of February, a motion to reconsider the vote by which the Senate rejected the bill (H. R. No. 541) in relation to a railway along Pennsylvania avenue, in Washington city. I now ask the Senate to take up that motion to reconsider, and act upon it.

Mr. MASON. I hope not. I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. MASON. I think, at this period of the session, when we should be considering bills involving legislation without which the Government cannot be carried on, to take up a bill of this character, so unimportant, and which will lead to the debate to which this must lead, would bring us to a doubtful position before the country. I hope it will not be taken up.

Mr. BAYARD. We have none of those bills to which the Senator alluded before us now. Motions are being made to take up private bills, and I do not see any reason why this, which certainly is public in its character, and a great convenience, should not be taken up and disposed of. The honorable Senator from Virginia, with a view merely to defeat it, may desire to debate it; but I am willing to submit to the sense of the Senate, whether they will pass it in the shape in which it was adopted in committee, or whether they choose to reconsider that action and pass it in the shape in which it came from the House; I care not which. I want the road made, and I am willing to vote upon it without further discussion. Certainly it was thoroughly discussed at former sessions of the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from Delaware to take up the motion to reconsider the vote respecting the bill (H. R. No. 541) in relation to a railway along Pennsylvania avenue, in Washington city.

The question being taken by yeas and nays, resulted—yeas 23, nays 25; as follows:

YEAS—Messrs. Bayard, Bigler, Bright, Broderick, Brown, Cameron, Chandler, Clingman, Doolittle, Durkee, Fessenden, Foster, Hale, Harlan, Iverson, Johnson of Arkansas, Kennedy, King, Seward, Simmons, Smith, Trumbull, and Wilson—23.

NAYS—Messrs. Allen, Benjamin, Chesnut, Clay, Crittenden, Dixon, Green, Gwin, Houston, Hunter, Johnson of Tennessee, Jones, Lane, Mason, Pearce, Polk, Pugh, Reid, Rice, Sebastian, Stuart, Toombs, Wade, Ward, and Yulee—25.

So (at twelve o'clock, p. m.) the motion was not agreed to.

COMPENSATION OF NEW SENATORS.

Mr. CRITTENDEN. Mr. President, I desire to offer a joint resolution as a substitute for the one I offered some days ago. I have the right, I presume, to modify it as I choose, no question having been made upon it.

The Secretary read it.

Mr. CRITTENDEN. I have but a word to say, and then I shall submit it to the Senate. Those gentlemen attended here during the periods for which that resolution proposes to allow them compensation. The members from Minnesota were admitted during the last session of Congress; the members from Oregon during the present session of Congress. Congress has ultimately determined that they were entitled to their seats from the session at which they were permitted to take them. They have incurred all the expense of attending here that they would have incurred if they had been members of the body. With this explanation, I submit the resolution to the judgment of the Senate.

The VICE PRESIDENT. If there be no objection, the Secretary will read the resolution a second time.

Mr. HALE. Does it come from any committee?

The VICE PRESIDENT. It is a joint resolution offered by the Senator from Kentucky, which has been read once, and can only be passed by unanimous consent.

Mr. HALE. Let it lie over.

The VICE PRESIDENT. Objection being made, the joint resolution cannot be read a second time, and must lie over.

Mr. CRITTENDEN. I do not offer it now. I call up the resolution which I offered some days ago, and modify it in this shape.

The VICE PRESIDENT. The Chair begs pardon of the Senator from Kentucky. He thought it was an original resolution. Then the question is on the motion of the Senator from Kentucky to take up the following resolution, which the Secretary will read.

The Secretary read it, as follows:

A joint resolution (S. No. 86) in relation to the compensation of Senators and Representatives in Congress, elected from the new States:

Be it resolved, &c., That Senators and Representatives who have been, or may hereafter be, elected as such from any new States, not at the time admitted into the Union, before the commencement of the session of Congress during which session said State is admitted into the Union, then their compensation shall be the same to which they would be entitled if the said State were admitted the first day of the session: *Provided*, That the resolution shall have no further retrospective relation or effect than to Senators and Representatives elected to the present Congress; nor shall such Senators receive anything under this resolution for any period of time for which they were entitled to compensation as members of the House of Representatives.

The motion was agreed to; and the joint resolution was read a second time and considered as in Committee of the Whole.

Mr. CRITTENDEN. I propose to modify it by striking out all after the resolving clause and inserting the substitute which I now offer:

That the Senators and Representatives, elected to Congress from the new States that have been admitted into the Union since the commencement of the present Congress, shall be entitled, respectively, to compensation as such, from the beginning of the session at which they were, respectively, admitted to their seats: *Provided*, That no one who was serving as a Delegate in Congress, shall receive any compensation in virtue of this resolution.

The joint resolution was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

Mr. IVERSON. Will it go over on objection?

The VICE PRESIDENT. The resolution having received its second reading to-day, can only receive its third reading by general consent.

Mr. IVERSON. I do not object myself, and I do not hear any objection.

The joint resolution was read a third time and passed.

MARY B. DUSENBERY.

Mr. KENNEDY. I ask the Senate to take up the bill H. R. No. 364.

Mr. CLAY. What is it for?

Mr. KENNEDY. It is a bill for the relief of Mrs. Mary B. Dusenbery. It is a bill which has passed the other House.

Mr. CLAY. I was going to move to take up a bill which concerns the public health and admits of no delay, and I think it ought to be taken up. It is the bill providing for the removal of the

offices belonging to the United States, and occupied by the collector of the revenue, in connection with the quarantine station in the port of New York, which certainly ought to be passed.

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Alabama?

Mr. KENNEDY. I do, if the bill is one that will not be debated at all.

Mr. TRUMBULL. While the Secretary is looking for that bill, I call the attention of the Senate to a motion I made a few days since, to reconsider the vote by which the Senate ordered five thousand extra copies of the Coast Survey report to be printed. I will simply ask, at this late day, that the question be put.

Mr. GREEN. I object.

The VICE PRESIDENT. Then it cannot be considered; and the question is on the motion of the Senator from Maryland, to take up the bill (H. R. No. 364) for the relief of Mary B. Dusenbery.

Mr. KING. That is a private bill; and notice has been given us that none of them will be signed.

Mr. JONES. I do not think that is so. It will be signed, I have not a doubt.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It directs that the name of Mary B. Dusenbery be placed on the pension rolls at the sum of thirty dollars per month, to commence on the 3d of December, 1855, and continue for the term of five years.

Mr. MASON. I must have reasons for that. We know nothing about the bill.

Mr. KENNEDY. Do you wish the report read?

Mr. MASON. I do not.

Mr. DAVIS. Does the Senator from Virginia ask for an explanation of the bill?

Mr. MASON. Yes, sir.

Mr. DAVIS. Then I will merely state, that this is the widow of an officer who, after many years of valuable service, was sent to New Mexico to take charge of the quartermaster's disbursements in that Territory, on account of his well-known zeal, integrity, and intelligence, and there, in the performance of his duty, and, as is supposed, on account of exposure incident to it, he lost his life, zealously performing his duty up to within four days of the time he died. This is the application of his widow, who was left, as soldiers' widows generally are, without means for an adequate support, that she may have the half pay of that officer as a pension. That is the case.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEW YORK QUARANTINE.

Mr. CLAY. I now ask the Senate to take up the bill (S. No. 477) authorizing the removal of the offices belonging to the United States, and occupied in the collection of the revenue, in connection with the quarantine station in the port of New York.

The motion was agreed to; and the bill was read a second time, and considered as in Committee of the Whole.

It authorizes the Secretary of the Treasury, whenever, in his judgment, it shall become necessary, to sell all or any part of the lands in the town of Castleton, Richmond county, State of New York, now owned by the United States, and occupied or used by the collector of the port of New York, or his subordinate officers, for purposes connected with the collection of revenue at that port, and to erect the offices or other buildings necessary to be used at such revenue stations, on any other land in, or conveniently near, the harbor of New York, belonging to the United States, now unoccupied, or which, in the opinion of the Secretary of War, can properly be used for this purpose; provided the expense of such removal and new erection shall not exceed the sum realized from the sale of the lands at Castleton; and he is authorized to apply such moneys to be realized, or so much thereof as he shall deem necessary for that purpose.

The Committee on Commerce reported the bill, with an amendment, to add to the second section:

Provided, That nothing herein contained shall be construed as authorizing the establishment of a quarantine station or stations, or the erection of warehouses for the reception of the cargoes of vessels in quarantine, without the consent of the State in which the said quarantine and warehouses may be established.

The amendment was agreed to.

Mr. DAVIS. I ask if this is not a Senate bill? Has it ever passed the House?

Mr. CLAY. It has not; but I suppose there will be no objection to it in the House, and that it will pass.

Mr. DAVIS. It has just been assigned, as a reason why we should not act upon a Senate bill, that it would be perfectly useless.

Mr. CLAY. This is a public measure, and concerns the public at large and not individuals. Hence it is different from a private bill.

Mr. DAVIS. I have no objection to the bill, and do not wish to interfere against its passage; but still, if that was a good reason as to one bill, I do not see why it should not apply to other bills.

The bill was reported to the Senate as amended; and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

JAMES COLLIER.

Mr. WADE. I move to take up the bill for the relief of James Collier, which was reported from the Committee on the Judiciary this morning. It is a House bill, and one of great merit, and ought to pass.

Mr. FITCH. I appeal to the Senator from Ohio to allow me to make some reports from the Committee on Printing.

Mr. WADE. It will not take a moment to pass this bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 780) for the relief of James Collier.

It directs the Secretary of the Treasury to cause to be paid to James Collier the sum of $9,580 27, being for the amount (with its interest, at the rate of six per centum per annum) found due from the United States to him in a certain action tried and determined in the circuit court of the United States for the southern district of New York, second circuit, held on the 30th of November, 1855, wherein the United States was plaintiff and James Collier was defendant, and in which action the court, upon the verdict of a jury, certified that there was then due from the United States to Collier the sum of $8,110 29, and which proceedings of the circuit court were afterwards affirmed by the Supreme Court of the United States, at its December term, 1857.

Mr. GREEN. There is only one point in the bill which I wish to understand. The verdict was for $8,110, and this bill is for something over $9,000, and then allows interest on that sum besides. Now, if it was for $8,000, which is according to the finding of the jury, together with interest, I should go for it, although it was concurred in by a divided court in the Supreme Court. I wish to have some information or explanation on that point.

Mr. WADE. The bill merely gives him the money which is due him and which he paid out of his own pocket.

Mr. GREEN. But this is interest on interest. It does not calculate the interest in the usual way, but, as I understood the bill, it gives him the amount of his claim, and then interest on interest.

Mr. PUGH. The bill gives him $9,580, being for the amount due him and interest at the rate of six per centum from the time the United States sued Collier in a certain action.

Mr. GREEN. Then it includes no interest from the date of the bill. The bill includes all the interest calculated from the time of the verdict of the jury.

Mr. PUGH. The whole amount is to be paid by this bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH GLENN.

Mr. LANE. I ask the Senate to take up the bill (H. R. No. 441) for the relief of the assignees of Hugh Glenn. The bill was first referred to the Committee on the Judiciary, and then to the Committee on Claims, and by the Committee on Claims reported. I will give an explanation of it, if the Senate desires it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It directs the Secretary of the Treasury to pay to the legal assignees of Hugh Glenn, or their personal representatives, the sum of $6,971 26, in full of a balance of a judgment certified by the United States district court for the district of Kentucky, at the December term, 1822, in favor of Hugh Glenn, in a suit wherein the United States was plaintiff and Hugh Glenn defendant; that sum having been assigned by Glenn, the assignees filing with the Secretary good and sufficient evidence of the assignment, and of present subsisting title thereto.

Mr. GREEN. I call for the reading of the report.

Mr. IVERSON. There is a report of the Committee of Claims of the House of Representatives on the bill, and the Committee on Claims of the Senate adopted it.

The Secretary proceeded to read the report of the Committee of Claims of the House; but was interrupted by the reception of a

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had passed the following bill and joint resolution, in which the concurrence of the Senate was requested:

A bill (No. 893) making appropriations for the service of the Post Office Department during the fiscal year ending June 30, 1860; and

A joint resolution (No. 34) amendatory of an act entitled "An act to regulate the compensation of members of Congress," approved August 16, 1856, so far as relates to such members as shall die during their terms of service.

CONGRESSIONAL COMPENSATION.

Mr. FITCH. I trust the business before the Senate previously will be suspended, in order that action may be had upon the joint resolution, the arrival of which has just been announced by the message. It is merely to pay to the widows of members their compensation.

The VICE PRESIDENT. The Chair hears no objection; and the joint resolution will be read.

The House joint resolution (No. 34) amendatory of the "Act to regulate the compensation of members of Congress," approved August 16, 1856, so far as relates to such members as shall die during their terms of service, was read a first and second time, by unanimous consent, and considered as in Committee of the Whole.

It provides that whenever, hereafter, any person elected a member of the Senate or House of Representatives shall die after the commencement of the Congress to which he shall be elected, his compensation shall be computed and paid to his widow; and if no widow survive him, to his heirs-at-law, for the period between the commencement of his service and the time of his death, at the rate of $3,000 per annum; but in all cases the compensation shall be computed and paid for a period of not less than three months. It further provides that the compensation of each person elected or appointed afterwards to supply the vacancy so occasioned, shall, hereafter, be computed and paid from the time the compensation of his predecessor is directed by this joint resolution to be computed and paid. The provisions of this joint resolution are to extend to the widows or heirs-at-law of members elected to the present Congress who have died since its commencement.

Mr. FITCH. The Senate will perceive that the joint resolution simply provides for the payment to the widow or heirs-at-law of the *pro rata* portion of the annual salary to which the member was entitled up to the time of his death, and that the amount shall be deducted from his successor's salary, so that there is no additional expense at all.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

POST OFFICE APRROPRIATION BILL.

Mr. FITCH, (at half past twelve o'clock.) I believe a new Post Office appropriation bill has been sent here from the House. Am I correct?

The VICE PRESIDENT. The Senator is correct.

Mr. FITCH. I move that it be laid on the table.

The VICE PRESIDENT. By unanimous consent, that motion can be made, business being now pending.

Mr. STUART. I hope the Senate will not do that; I do not consent to it.

The VICE PRESIDENT. Then the Secretary will continue the reading of the report on the bill before the Senate.

Mr. TOOMBS. I move to postpone the prior orders and take up the new Post Office appropriation bill.

Mr. MALLORY. There is a case now before the Senate.

Mr. LANE. It will not take a minute to dispose of this case.

Mr. TOOMBS. I move to postpone the prior orders and take up the Post Office appropriation bill which has just been presented.

Mr. LANE. Is that motion in order?

The VICE PRESIDENT. There was no Senator on the floor, but the reading of the report was going on. The motion is in order.

Mr. TOOMBS. My purpose is to object to the second reading of the bill. I want to make short business of it.

Mr. FITCH. That was my object.

Mr. STUART. I wish to make a remark or two on the motion of the Senator from Georgia to postpone the prior orders and take up this bill, and I do not do it for the purpose of detaining the Senate unnecessarily a moment. I confess, although I shall not feel personally interested in it hereafter, that I have some solicitude in regard to the manner in which the Senate shall act upon what I think to be a very important occasion. I shall turn the attention of the Senate to the parliamentary law on the subject, and make only a suggestion or two. I may, perhaps, be indulged in saying——

Mr. KING. The Senator will excuse me. I ask whether the prior orders have been postponed?

Mr. STUART. I am speaking to the motion to postpone.

The VICE PRESIDENT. The Senator from Michigan proposes to offer some remarks on the motion to postpone. There has been no interruption of the Senator yet; no question has been raised upon him.

Mr. STUART. I shall be very brief.

Mr. TOOMBS. I hope no irrelevant discussion will be allowed. I object to the Senator going further than discussing this motion under the strict rules of the Senate.

Mr. STUART. I have no disposition to go any further than that; and whenever the Chair thinks I am out of order, I shall be very happy to hear the suggestion, and to leave the subject. I presume you can hardly find any gentleman here who has less interest in it than I have; but I was about to give some reasons why I shall vote for the motion to take up the bill, and I am not going into a discussion of the merits of the bill; but I am going to say what I think ought to be done with it, if the motion prevails.

Mr. IVERSON. I make a point of order. It is not in order for a Senator to go into a discussion as to what ought to be done with a bill before it is taken up. It is time to do that when the bill is taken up.

The VICE PRESIDENT. The Chair, in answer to the point of order, will state that, under the instruction of the Senate the other evening, he will decide against debate upon the question in regard to the priority of business.

Mr. STUART. I hope the question will be put on taking up the bill.

The VICE PRESIDENT. It is moved and seconded that the prior orders be postponed, with a view to take up the House Post Office appropriation bill.

The motion was agreed to.

Mr. STUART. Mr. President——

The VICE PRESIDENT. Will the Senator let the bill be read the first time?

Mr. STUART. No, sir. The bill is up before the Senate?

The VICE PRESIDENT. Yes, sir.

Mr. STUART. Now, I suppose, I shall be entirely in order in submitting what I propose to do:

The VICE PRESIDENT. The bill must be read a first time before there can be any discussion upon it.

Mr. STUART. I submit to the Chair that it need not be read at all.

The VICE PRESIDENT. Well, the Chair will hear the Senator.

Mr. STUART. I was only going to make a suggestion that, on an occasion of this character, when there is a dispute between the two Houses, without any action upon the bill at all, the House where the papers are—the Senate, on this occasion—should appoint a committee of conference, to meet a like committee on the part of the other House, in order that they may amicably adjust the question of difference which exists between them; and I was going to read a little from the parliamentary law on this subject. I read from Jefferson's Manual:

"It is on the occasion of amendments between the Houses that conferences are usually asked; but they may be asked in all cases of difference of opinion between the two Houses on matters depending between them. The request of a conference, however, must always be by the House which is possessed of the papers.—3 *Hats.*, 31; 1 *Grey*, 425.

"Conferences may be either simple or free. At a conference simply, written reasons are prepared by the House asking it, and they are read and delivered without debate to the managers of the other House at the conference; but are not then to be answered. [4 *Grey*, 144.] The other House then, if satisfied, vote the reasons satisfactory, or say nothing; if not satisfied, they resolve them not satisfactory, and ask a conference on the subject of the last conference, where they read and deliver in like manner written answers to those reasons. [3 *Grey*, 183.] They are meant chiefly to record the justification of each House to the nation at large, and to posterity; and, in proof of that, the miscarriage of a measure is not imputable to them. [3 *Grey*, 255.] At free conferences, the managers discuss, *viva voce* and freely, and interchange propositions for such modifications as may be made in a parliamentary way, and may bring the sense of the two Houses together. And each party reports in writing to their respective Houses, the substance of what is said on both sides, and it is entered on their Journals."—9 *Grey*, 220; 3 *Hats.*, 280.

The business that is going on between the two Houses of Congress at this session cannot but result disastrously. The House of Representatives takes a bill which has been amended by the Senate, lays it on the table, and sends up a new bill; and it is proposed here to take up this new bill, and either lay it on the table or object to its second reading. By this course, the reasoning of each House will never be sent to the other; and the very case which the parliamentary law provides for, of a preliminary consultation between the two Houses for the purpose of justifying, as it is said, to the country at large and to posterity, the reasons for its action, has arisen. It is clear, to my mind, that the House of Representatives have acted without authority of parliamentary law; entirely so. Even if the case were clear, it would be very objectionable in point of courtesy. If this body should originate a bill which it was indisputable they had no right to originate, I say it would be a very objectionable thing, in point of courtesy between the two Houses, for the House of Representatives unceremoniously to lay it upon the table and send us another bill. In this case it is not only questionable, but I think the weight of opinion is, that the amendment of the Senate, increasing the postage, is not obnoxious to that provision of the Constitution which prevents this body from originating bills to raise revenue. But now, sir, treat it as a question in debate, properly engendering difference of opinion between the two Houses——

Mr. TOOMBS. I object to this. We have not got these papers. The Senator is out of order. We have not got the papers in dispute at all. That bill is not before us in any way, and there can be no motion for a conference in regard to it; and I see no other means of disposing of that bill, but by reading it a first and second time in its order. I make that point.

The VICE PRESIDENT. The Chair will first hear what is the motion submitted by the Senator from Michigan.

Mr. STUART. My motion is, we having this bill before us, which the Senate of the United States claims is improperly before it—that is our ground; and it is the very same ground on which the Senator is going to object to its second reading——

Mr. TOOMBS. No.

Mr. STUART. He cannot object to it on any other ground. We insist that the House of Representatives has not treated us properly in sending down this bill. Therefore, I move that a committee of conference be appointed, to consult with the House of Representatives, for the purpose of inducing them to take up the bill which they sent to us, and which we amended, and act upon it, and return it to us; or else take the responsibility of having the appropriations for the Post Office Department fail.

Mr. TOOMBS. I submit that the Senator is out of order; because, *non constat* that they will not pass that bill as it now stands. It does not appear that there is any dispute between the two Houses. It may be, as I have seen done here, that the Senate will pass this very bill in ten minutes. There does not appear the slightest evidence that there is any disagreement in any way.

Mr. STUART. Well, Mr. President——

The VICE PRESIDENT. The Chair will ask the Senator from Michigan to reduce his motion to writing.

Mr. STUART. I will do that.

PAPERS WITHDRAWN.

Mr. IVERSON. While the Senator from Michigan is putting his motion in writing, I ask leave to have certain papers withdrawn.

The VICE PRESIDENT. The Chair will receive the motion.

On motion of Mr. IVERSON, it was

Ordered, That Frances Steeley have leave to withdraw her petition and papers.

On motion of Mr. BELL, it was

Ordered, That the representatives of William Russwurm have leave to withdraw their petition and papers.

On motion of Mr. POLK, it was

Ordered, That Elizabeth Horine and the heirs of Thomas Maddin have leave to withdraw their petition and papers.

On motion of Mr. MASON, it was

Ordered, That leave be granted to withdraw from the files of the Senate the petition of Elizabeth Myers, the petition of Henry Schoonover, the petition of Phebe Noose, the petition of Elizabeth Tennant, the petition of George Butcher, the petition of Jacob Riffle, the petition of Mary Bickel, the petition of Samuel Warner, the petition of Dorothy Hyer, the petition of Elizabeth Knight, the petition of Isaac Cutright, and the petition of Isaac White.

REPORTS FROM COMMITTEES.

Mr. REID, from the Committee on Patents and the Patent Office, to whom were referred the petition of Edwin M. Chaffee, and a petition of citizens of Massachusetts, against extending the patent of Edwin M. Chaffee, asked to be discharged from their further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Samuel Colt, praying for an extension of his patent, reported adversely thereon.

Mr. SIMMONS, from the Committee on Claims, to whom was referred the petition of J. B. Williams, the memorial of Joseph K. Boyd, and the petition of E. P. Hastings, asked to be discharged from their further consideration; which was agreed to.

BENJAMIN SAYRE.

Mr. BRIGHT. I ask leave of the Senate to take up a very short bill, the first one I have moved to take up out of its order this session. It is the bill (H. R. No. 319) for the relief of Benjamin Sayre, an old gentleman in the State which I represent.

The VICE PRESIDENT. By unanimous consent the bill may be taken up. ["No objection!"] The Chair hears no objection.

The Secretary read the bill, which provides for the payment of $2,043 to Benjamin Sayre, in full of his claim for work and labor, under his contract with the United States of December 8, 1832, on section sixty-seven of the Cumberland road, in Indiana, in the division east of Indianapolis.

Mr. TOOMBS. I object to any of this informal business, until we hear from the Senator from Michigan.

Mr. BRIGHT. I ask the Secretary to read the report of the Committee on Claims. The bill has passed one House or the other for the last ten years.

Mr. TOOMBS. I do not care if it passed fifty times; it is out of order. There is another question pending—an important question.

Mr. BRIGHT. I was under the impression that there was nothing before the Senate.

The VICE PRESIDENT. There was a mo-

tion before the Senate which the Chair asked the Senator from Michigan to reduce to writing. While he was engaged in reducing it to writing, the Chair, by unanimous consent, received other business.

Mr. BRIGHT. I did not so understand. I withdraw my motion.

POST OFFICE APPROPRIATION BILL.

Mr. STUART. My motion has been reduced to writing.

The VICE PRESIDENT. The Secretary will read it.

The Secretary read it, as follows:

Resolved, That the Senate appoint a committee of conference, to meet a like committee on the part of the House of Representatives, for the purpose of consulting as to what action ought to be had by the respective Houses respecting the bill making appropriation for the service of the Post Office Department during the fiscal year ending June 30, 1860.

Mr. MASON. I have examined the parliamentary law, which was read by the Senator from Michigan, and I differ with him altogether in the construction he has placed upon it. There can be no conflict between the two Houses, unless there is a difference of opinion. The parliamentary law says that that difference of opinion is not confined to difference upon amendments, but if there be any other difference of opinion, they may ask a conference. Now, what is the difference of opinion between the two Houses here? The House of Representatives sent us an appropriation bill, we considered it, and we made various amendments, and sent the bill back to the House with those amendments.

Mr. STUART. Will the Senator allow me a moment to read a few words from the parliamentary law?

Mr. MASON. Certainly.

Mr. STUART. I read from Jefferson's Manual:

"When a conference is asked, the subject of it must be expressed, or the conference not agreed to. (Ord. H. Com. 89; 1 Grey, 425; 7 Grey, 31.) They are sometimes asked to inquire concerning an offense or default of a member of the other House. (6 Grey, 181; 1 Chand., 304.) Or the failure of the other House to present to the King a bill passed by both Houses. (8 Grey, 302.) Or, on information received, relating to the safety of the nation. (10 Grey, 171.) Or *when the methods of Parliament are thought by the one House to have been departed from by the other*, a conference is asked to come to a right understanding thereon. (10 Grey, 148.")

Mr. MASON. I do not think it varies it in the slightest degree. The question depending between the two Houses is not an occasion of the character described in the clause last read by the Senator; it is a question about a bill—legislation. As I have said, the exact posture of the question is this: the House passed a bill making an appropriation for the service of the Post Office Department; the Senate considered that bill, adopted various amendments to it, and sent the bill back, with those amendments, to the House; the House have returned the bill, with all the amendments, to the Senate, and they have not considered a single amendment, as shown by the resolution which brought the bill back. In that resolution they declare simply that they return the bill, with the amendments, to the Senate, because the thirteenth amendment is a bill to raise revenue; thus declaring that they have not considered one of the amendments; but, inasmuch as they regard one of the amendments, the thirteenth, as a bill to raise revenue, they return the bill, with the amendments, to the Senate. What have the Senate done? The Senate have adopted a resolution declaring, in substance, that they had exercised a constitutional right in making amendments to that bill; that the House have equally a constitutional right to adopt or reject those amendments, but that they can permit no revisory power in the House to determine for the Senate, what, in their judgment, is constitutional or not in their action; and they sent the bill, with the amendments, back to the House, with this resolution. The House have not acted on those amendments so far as we know; but they inform us, in substance, that they do not mean to act on the amendments, and they send us the identical bill back without the amendments. Now, sir, I should say that our proper course of action, to set a proper precedent, and to present the subject properly before our respective constituents, in case the bill should be ultimately lost, is this: let the present bill be presented to the Senate; let the Senate understand what the bill is, by its being read, or otherwise; then, let a motion be made to lay the bill upon the table, giving as a reason, that the same bill, with amendments which the Senate adopted, is now pending in the House of Representatives. I do not see any occasion for a conference; but I do see that, if a conference is asked, it will be a concession, by implication, at least, that the House acted correctly in revising our action on the thirteenth amendment.

The VICE PRESIDENT. Upon the point of order raised, the Chair begs leave to make a suggestion to the Senate. It seems to him that two courses might be pursued. One would be to let the bill be read the first time, and then, the second reading being objected to, to make the motion suggested by the Senator from Michigan, or even to move that the bill be laid on the table; and, if that were agreed to, then to make the motion suggested by the Senator from Michigan. If, however, the Senator from Michigan insists on it, the Chair thinks his motion will be in order, if he will put a preamble to it, that, in the opinion of the Senate, the House having departed from the usual course of parliamentary proceeding, the Senate asks a committee of conference on the bill.

Mr. STUART. I have no objection to any course that meets the judgment of the Senate. I have no objection to modifying the resolution, as suggested by the Chair. I have no objection to the bill being read once. Perhaps it would be preferable to read the bill once by its title.

Mr. TOOMBS. I am willing to agree to that; but how all this is to be done, without our ever reading it or knowing what is in the bill, surpasses my comprehension; and it would take the astuteness of the Senator from Michigan to know that they have not sent us back everything we sent to them. We cannot know until the bill is read.

The VICE PRESIDENT. The bill will be read through if required.

The bill (H. R. No. 893) making appropriations for the service of the Post Office Department, during the fiscal year ending the 30th of June, 1860, was read the first time by its title.

Mr. TOOMBS. I object to the second reading of the bill.

The VICE PRESIDENT. If desired, the bill will be read through.

Mr. STUART. Unless some Senator demands the reading of the bill through, I presume it is not necessary.

Mr. MASON. I ask that the bill may be read for information.

The VICE PRESIDENT. The Secretary must read the bill.

Several SENATORS. It is the same as the old bill.

Mr. MASON. I want to hear it read.

The Secretary read the bill.

The VICE PRESIDENT. It is moved and seconded that the bill do lie on the table.

Mr. TOOMBS. No, sir. I objected to the second reading of it, and, according to our rule, I believe it cannot be read twice to-day without unanimous consent.

The VICE PRESIDENT. It cannot be read twice to-day, objection being made.

Mr. REID. I move to lay it on the table.

Mr. HUNTER. It does lie on the table, because its second reading is objected to. It cannot come before the Senate when the second reading is objected to.

Mr. REID. I withdraw the motion.

Mr. HUNTER. I believe, when the first bill was sent back from the House of Representatives, with the resolution declaring that the House objected because the Senate had no right to pass the thirteenth amendment, we might then, if we had preferred it, have insisted on that amendment, and asked for a conference; for there may be conferences upon questions of privilege between the two Houses, as well as upon disagreeing amendments. We failed, however, to do that. The bill was sent back, with a resolution of the Senate that it was perfectly competent for us to take the course we did. It presents the question, though, in a form somewhat embarrassing. They have since sent us another bill, not exactly the first one that was sent, but a bill with a limitation upon the amount to be spent, as I understand, making it a little different from the first bill which they sent up, and which we amended. We may do one of two things: we may either let it lie on the table, as we often do when we know we have sent bills down to the House, and send them a message by our Secretary that we have passed a bill, describing it, with certain amendments, and sent it to the House, and calling their attention to it; or, perhaps, we may ask a conference; but the difficulty now is, that there is no disagreeing amendment. They simply send us another bill, taking no notice of that which we have previously passed; and I do not know how we can ask a conference, unless we refer to something that has passed out of our possession; that is, the original resolution which they sent us declaring that we had no right to pass the thirteenth amendment, because it was the origination in the Senate of a revenue measure. I rather incline to the opinion that the better plan would be to let the bill lie on the table, and send them a message saying that we had sent down a certain bill, describing it by its title, with amendments. I am willing, however, to try a conference, if the Senator from Michigan prefers it.

Mr. STUART. It will be seen, from what I last read, that there is no difficulty in a case like this. The language I read in the first instance in regard to a conference, that it was to be asked by the body which had the papers, relates to a disagreeing vote between the two Houses; but take the other case which I read:

"They are sometimes asked to inquire concerning an offense or default of a member of the other House; (6 Grey, 181; 1 Chand., 304;) or the failure of the other House to present to the King a bill passed by both Houses." (8 Grey, 302.)

There, the papers are not with the House that asks the conference. The bill is to be sent to the King to ask his approval by the House that originated it, and the other House, finding that that House has not done it, asks a conference to know why a great measure of the country is failing.

"Or, on information received and relating to the safety of the nation; (10 Grey, 171;) or when the methods of Parliament are thought by the one House to have been departed from by the other."

Is not that this case? Does not the Senate think that the House of Representatives have departed from the rules of Congress; that they have no right to take a bill which they passed, and which has been sent here and amended by us, and do what they please with it, and send us another bill on the same subject? Under such a system, when would legislation be ended, and what would be the rights of the Senate? Suppose we were to yield to this, and go on and amend this bill just as we did before, and send it down to the House; they might take no notice of it, and send you another bill; and when would you ever get the legislation ended, or when would you ever be able to assert what the Constitution gives you authority to assert?

Now, sir, we believe that the House of Representatives, in this instance, has acted in a manner that is not justifiable by parliamentary law or the rules of the two Houses, or, I may say, the Constitution of the United States. Then, it is competent to ask a conference to inquire of the House, and to have their reasons given to us, and submit our objections to their reasons, and thus bring the matter before the country if the House persists; but the reasoning upon the subject is, that the House which is wrong will be satisfied that it is wrong, and will yield its objectionable action. That is the way for men to reason. It is not to be inferred that the House will persist in an error; but it is, on the contrary, to be inferred that the House, being satisfied that they are in error, will yield their action and send us the other bill. There is a propriety, I think, in the suggestion made by the Chair, that a preamble may be offered for the purpose of stating distinctly the case upon which the conference is asked, and I was about to prepare it; and I submit, in a word, that, in my judgment, the Senate ought to take this course. I made an effort, so far as I was capable of making it, on precisely this question, at the last session of Congress. I thought I foresaw, then, that if the Senate allowed itself to be treated as it was then treated, which conduct is now repeated, it would find that it would be involved in much greater difficulty, probably, at the succeeding session of Congress. I then failed, however. It was in the last hours of the session, and the importance of the bill—precisely this bill, that is, a bill for this purpose, the Post Office appropriation bill—led to the point being passed over. At that session, the bill was passed by the House of

Representatives and was amended by the Senate, and the House agreed to a variety of our amendments, all, except a very few, by a solemn vote, and a committee of conference was appointed. My recollection is that the committee agreed as to all the amendments except two, one increasing the rates of postage, and the other abolishing the franking privilege. Disagreeing upon these amendments, and the bill being returned to the House of Representatives, the chairman of the Committee of Ways and Means moved to lay it upon the table; and then, at a subsequent day, the House took the authority to reconsider the bill and all the amendments—the amendments that they had agreed to with the Senate, and which had gone through two or three conferences undisputed—and sent us, in the last hours of the session, another bill, and we submitted to it, and here are the fruits of it. It is repeated upon us now in two bills. I would not recommend to the Senate equal rashness, and I would not myself say a word that should be deemed rash; but I would assert deliberately, according to the parliamentary law, our rights; I would appoint a committee of this body, and notify the House that we had done it, to consult with a like committee on the part of that body, to see if we could not come to an amicable understanding, and induce the House to conform to the parliamentary law. I would only use harsh words, or adopt arbitrary measures, in the last resort. I will prepare the preamble suggested by the Chair.

Mr. DAVIS. It strikes me that we are reduced to a condition now at which we are either to seek a conference, if we wish to act upon this measure, or we are to lay it on the table, and adopt a new mode of proceeding. If we choose to disagree to the bill which has been sent to us, I think we have a perfect right, on account of the conflicting conduct of the two Houses, to ask for a committee of conference to find what is the basis of that opposition between the two Houses which renders it impossible for us to proceed any further. If not, I think we can lay this bill on the table; and, in that event, I have a joint resolution which I propose to offer and send to the House, and see whether they like the new mode of proceeding any better. In order that the Senate may understand exactly the view which I entertain, I send up this joint resolution to be read, while the Senator from Michigan is preparing his preamble.

The VICE PRESIDENT. It will be read for information.

The Secretary read it, as follows:

Be it resolved, &c., That from and after the 30th of June, 1859, the receipts from post offices and post roads shall not be returned to the Treasury of the United States, but shall be reserved and accounted for by the Post Office Department, and be applied to sustain the postal service of the United States.

And be it further resolved, That the Postmaster General be, and he is hereby, authorized to reduce the mail service upon the various post routes, so as to render the Post Office Department self sustaining.

And be it further resolved, That the Postmaster General shall, in his next annual report, communicate to Congress the reductions made in the mail service, and the receipts upon each of the mail routes.

Mr. DAVIS. It is merely a provision made for the reduced system of maintaining our postal service, instead of allowing the postal receipts to pass into the Treasury; that they shall be kept and accounted for by the Post Office Department; and that the Department shall be made self-sustaining, by reducing the grade of service where ever it may be done; and shall communicate, at the next session of Congress, the reductions which have been made, and what are the receipts on each mail route, so as to enable us to legislate advisedly hereafter.

Mr. DOOLITTLE. I do not profess to be very well posted on questions of order and of parliamentary law, but it strikes me that the proposition of the honorable Senator from Michigan is the straightforward, sensible mode of getting ourselves out of this difficulty; and, in speaking the few words that I propose to speak on this subject, I wish to call the attention of the Senate to certain facts that have transpired on this floor familiar to us all.

I understand one of the rules of the Senate is, that whenever we speak of a coördinate department of the Government, we are bound to speak on this floor with due respect. It is a fact that, during some of our late sessions here at night, after the House of Representatives has adjourned, the members of which body have the right of entering within the bar of the Senate—and they came in here in considerable numbers—time and again during the last week, have I heard language used upon this floor like this: "We will put such and such a proposition into the bill, and we will force the House of Representatives to do so and so." That language has been repeated on this floor again and again, in the presence of numbers of the members of that House.

Now, sir, I do not stand here to justify, perhaps, as a matter of parliamentary law, what has been done by the House of Representatives; but I can very well see that, in the fact that the Senate of the United States have permitted that kind of language to be used upon this floor on more occasions than one, we ourselves, perhaps, may have been guilty of a want of that parliamentary courtesy which is due to the House of Representatives; and may, to some extent, have provoked this very retaliation.

Mr. DAVIS. Will the Senator permit me? I will say, that I have never heard such language used on the part of the Senate towards the House.

Mr. DOOLITTLE. The Senator could not have been present.

Mr. DAVIS. I suppose it could not have been frequently used, as I am usually in my seat.

Mr. MASON. I have certainly heard language very much like that spoken of by the Senator from Wisconsin, used on this floor.

Mr. DAVIS. How often?

Mr. MASON. Within the last day or two. I do not remember how often.

Mr. DAVIS. It might have been, and I not hear it; but it could not have been often.

Mr. MASON. The Senator was not present, I take it. The parliamentary rule undoubtedly is, that no reference shall be made to any proceeding in the other House, either in terms of decorum or disrespect; but it has been violated, I am sorry to say, by instances in the Senate. Whether we are now reaping its reward, I do not know. I am glad that the Senator from Wisconsin has brought the attention of the Senate to the fact.

The VICE PRESIDENT. The Chair will suggest to Senators that the motion of the Senator from Michigan is now ready.

Mr. DOOLITTLE. I do not desire to take up the time of the Senate; but I simply say that, though I profess not to understand parliamentary law, it is my opinion that the mode suggested by the honorable Senator from Michigan, as a difficulty has arisen between the two Houses as to parliamentary proceedings, is the best mode, for it will bring the Senate and House of Representatives together through the medium of a conference. We cannot go as a Senate into the House of Representatives and meet them there as a body; but we can meet them by a committee.

The VICE PRESIDENT. The Chair will suggest that the motion of the Senator from Michigan be first read, and then the Chair will recognize any Senator who wishes to speak to it. The Secretary will read the resolution.

The Secretary read it, as follows:

The House of Representatives having, in the opinion of the Senate, departed from the proper parliamentary usages and method of transacting business between the two Houses by its action in regard to the bill of the House (No. 872) entitled "An act making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1860:" Therefore,

Resolved, That the Senate appoint a committee of conference to meet a like committee on the part of the House of Representatives, for the purpose of consulting as to what action ought to be had by the respective Houses respecting the said bill.

The resolution was agreed to; and Messrs. STUART, PEARCE, and FOOT were appointed the conferees on the part of the Senate.

HUGH GLENN.

Mr. LANE. I ask the Senate again to resume the consideration of the bill that was interrupted by the report from the House of Representatives of the Post Office appropriation bill.

The VICE PRESIDENT. The Senator from Oregon is right. That bill was postponed informally. The question now before the Senate, as in Committee of the Whole, is the bill indicated by the Senator from Oregon—a bill (H. R. No. 441) for the relief of the assignees of Hugh Glenn. The Secretary was engaged in reading the report of the committee on that bill. The Secretary will now proceed with the reading.

Mr. IVERSON. I respectfully suggest to my friend from Oregon the propriety of not going on with this bill. It is one of those cases which will involve debate, and must lead to an investigation by the President before he can sign the bill. I am satisfied, from what I have heard, that he will not investigate any private bill so as to ascertain whether it is just or not. My committee reported this bill, and I am in favor of it, but I think it is useless to take up the time of the Senate by considering it at this hour.

Mr. LANE. I am sure that I do not want to consume the time of the Senate unnecessarily; but here is a case of manifest justice being delayed for many years. This man, a citizen of Kentucky, with whom I was acquainted when a boy, had a contract with the Government, upon the settlement of which it is found that the Government is in his debt. The report, if read, will satisfy all Senators that the bill is a just one, and I should be very glad to have justice done in the case. It will not make the case any the worse if the President should not approve the bill. I would like to have favorable action upon it. It ought to pass the Senate. It is a House bill, and I hope it will be passed.

The VICE PRESIDENT. The Secretary will proceed with the reading of the report.

The Secretary proceeded; and concluded the reading of the report made by Mr. MAYNARD, in the House of Representatives; which is as follows:

The Committee of Claims, to whom was referred the memorial of John Dickson, "asking that he may be paid the balance of a judgment obtained by Hugh Glenn against the United States," have had the same under consideration, and submit the following report:

On the 20th of January, 1817, Hugh Glenn, of the State of Kentucky, contracted with the United States to furnish provisions at the military posts within the limits of several of the northwestern States, including the State of Indiana. His contract did not specify the quantity to be furnished at the several points, but bound him to furnish, of the articles enumerated, such quantities as "shall be required of him for the use of the United States, at all and every place, or places, where troops are, or may be, stationed within the limits" of the States mentioned, upon "thirty days' notice being given of the post, or place, where rations may be wanted," &c. It further bound him to furnish the supplies "upon the requisition of the commandant of the Army or a post, in such quantities as shall not exceed what is sufficient for the troops to be stationed," &c. It was also required that rations should, from time to time, be issued to such Indians as visited the various military posts, and in such quantities as were necessary.

The facts involved in this claim were presented to Congress as early as 1826, when General Harrison, who is supposed to have been familiar with such transactions, made a favorable report from the Committee on Military Affairs in the Senate, accompanied by a bill for the relief of the party.

Again, in 1850, Mr. Thomas, from the Committee of Claims in the House of Representatives, made a report which your committee now deem so full and conclusive, that they are induced to adopt it, as follows:

"The Secretary of War, on the 8th of May, 1816, instructed the officer commanding at Fort Harrison, in the State of Indiana, that he was 'required to certify all abstracts of rations issued to' the Indians who 'usually resorted' to that fort. To enable him to fulfill this duty, the Indian agent there was also instructed 'to make daily reports' to the officer 'of the number of Indians present, and for whom rations [were] to be issued,' that the commandant might know what quantity of rations were necessary. Brevet Major John T. Chunn was the officer in command, and General Posey was the Indian agent.

"Upon the reports of the agent to Major Chunn, he certified to the Department of War 'abstracts of rations' issued and furnished the Indians at Fort Harrison by Hugh Glenn to the amount of $44,764 02.

"In the course of the execution of Glenn's contract, he was advanced the sum of $133,346 14 for supplies furnished at the following forts, to wit: Belle Fontaine, Fort Osage, Fort Clarke, Fort Crawford, Fort Edwards, Fort Armstrong, Belle Point, and St. Louis. When his account was rendered at the Department for final settlement, he claimed that he had furnished provisions at the various forts to the value of $142,884 74, including the $44,764 02 for issues at Fort Harrison; for which amount Major Chunn had certified the abstracts. Upon an inspection of the account, it appeared to the Secretary of War that the amount certified for Fort Harrison was too large; that the number of Indians frequenting that post could not have been so large as to require so many rations. He accordingly suspended this item of the account, which left a balance standing on the books of the Department against Glenn of $37,792 76. He ordered a court-martial to try Major Chunn for what was supposed to be fraud in certifying the abstracts, and ordered suit to be brought against Glenn for the $37,792 76.

"The court-martial sat at Terre Haute, near Fort Harrison, and, after a careful investigation of all the facts and the examination of a number of witnesses, honorably acquitted Major Chunn. The suit against Glenn was tried in the United district court in Kentucky, and resulted in favor of Glenn upon the verdict of a jury and upon an investigation of all the facts. The jury say: 'We of the jury find that the defendant, Hugh Glenn, is entitled to a credit of $44,764 02 for rations issued to the Indians at Fort Harrison from the

1st day of June, 1817, to the 30th day of June, 1818, for which a credit has been claimed by him and suspended by the officers of the Government. We therefore find for the defendant. We also certify that the defendant set up no other claim, nor made any other question on the trial of this cause, except what relates to the above sum of $44,764 02, and that our verdict is founded upon the evidence relating to that item only.'

"General Harrison, as chairman of the Committee on Military Affairs in the Senate, made a report in 1826, in favor of this claim, in which the following language is found:

"'That, for supposed misconduct in relation to this affair, Major Chunn was arrested and tried by a court-martial. The trial, however, terminated in an honorable acquittal of the officer by the court, no testimony being produced to show that he had authorized more provisions than were required by the sub Indian agent, or that he had certified abstracts of issues to a greater amount than had been issued by the sub-contractors. A doubt in this particular seems to have been the reason why the Secretary of War suspended the item of $44,764 02. That doubt being removed by the official certificate of Major Chunn, the decision of the court-martial, and the verdict of the jury, the committee see no principle on which the payment can be further suspended.

"'The committee would further remark, that they have procured from the office of the Adjutant General the documents of the trial of Chunn; that he was arrested for certifying the abstracts aforesaid, and for neglect of duty in not requiring the Indian agent at the post to make daily reports to him of the number of Indians present, agreeably to the order of the War Department requiring specially that duty of commandants of posts to which Indians usually resort; that they have examined it carefully for testimony which would inculpate the contractors, but have found none; that if there were any fraud in the issues complained of, (which the proceedings of the trial will not justify them in charging on any one,) it must have been practiced by the sub-Indian agent, who, it appears, had been authorized by Governor Posey, Indian agent in 1817, to make requisitions on the officer commanding for a liberal supply of provisions in favor of Indians visiting that station. Good reason, too, for a liberal treatment of the Indians in that quarter existed in the prospective treaty which was afterwards held at St. Mary's.'

"When the transcript of the judgment rendered in favor of Glenn was presented at the Department, the accounting officers credited him by $37,792 76, (part of the judgment,) which balanced his account, but refused to pay the remaining $6,971 26. That sum has not yet been paid, and the committee, concurring with the Senate Committee on Military Affairs, can 'see no principle on which the payment can be further suspended.'

"It was proper in the Secretary of War to suspend the payment of the amount charged, and to allow only for the amount of rations 'actually and *bona fide* issued to the Indians.' His deciding to do so shows that he understood very well that the commandant of the post and the Indian agent had the right to direct the amount of provisions to be furnished, and that the contractor had no discretion in regard to it. He doubted only whether the certified abstracts were true, or, in other words, whether these officers had not been guilty of fraud in certifying abstracts with the knowledge of the contractor. That question has been tried, and nothing has appeared in evidence to fix guilt upon anybody.

"By the order of the Secretary of War, the commandant was not required to know personally how many Indians resorted to the fort. He was only required to certify the abstracts of rations, based upon the 'daily reports' made to him as to the 'number of Indians present, and for whom rations are [were] to be issued.' The rations were based upon these 'reports.' However fraudulent might have been the conduct of the 'agent,' the commandant ought not to have been affected by it, unless he had notice of it. He and the agent might both have acted fraudulently, and that should not affect the right of the contractor to his compensation, unless he had notice of their fraud, and was *particeps criminis*. He was bound by his contract to furnish all 'that shall [should] be required of him,' 'upon the requisition of the commandant.' He had no discretion about it. If he had failed or refused to furnish what he was ordered to furnish, unless he knew of some fraud, he would have been liable on his contract. The only case in which he would have been excused for not complying with such requisition, would have been where he knew that the agent and commandant, or either of them, had acted fraudulently. The committee cannot find in this case any pretense that he was guilty of any such conduct, or was even suspected of it. There is not a single intimation against his honesty, or that of any of his agents. He could not know how many Indians resorted 'daily' to Fort Harrison, for he was not a Government officer, and did not reside at the fort. He obeyed the requisitions made upon him by the agents of the Government, which he was bound to do, under his contract, and should be paid.

"After the trial in Kentucky, Glenn assigned all his interest in the balance due him, after settling his account at the Department, to Demas Deming, who has since assigned the same to the memorialist as the surviving partner of the firm of Lambert & Dickson. The committee, therefore, report a bill in his favor for $6,971 26, the balance due."

After another full and careful examination of the facts, your committee now readily indorse the foregoing report, and recommend the payment of the balance of the judgment, as found due by the United States district court for the district of Kentucky, to the parties who may show themselves legally entitled thereto; and for that purpose your committee report the accompanying bill, and recommend its passage.

The bill was reported to the Senate, and ordered to a third reading. Upon its passage, a division was called for; and there were—ayes 21, noes 12; no quorum voting.

The VICE PRESIDENT. Senators are present who are not voting.

Mr. STUART. I call for the yeas and nays.

Mr. JONES. Let us have a recount.

Mr. STUART. If gentlemen cannot rise when there is a division, we had better have the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 27, nays 13, as follows:

YEAS—Messrs. Bayard, Bell, Benjamin, Brown, Chesnut, Clark, Clay, Clingman, Fitch, Foot, Gwin, Houston, Iverson, Johnson of Arkansas, Jones, Kennedy, Lane, Polk, Reid, Rice, Sebastian, Seward, Simmons, Stuart, Ward, Wilson, and Yulee—27.

NAYS—Messrs. Broderick, Davis, Doolittle, Durkee, Foster, Harlan, Hunter, Johnson of Tennessee, King, Mason, Toombs, Trumbull, and Wade—13.

So the bill was passed.

WILLIAM M. HARRISON.

Mr. IVERSON. I am instructed by the Committee on Claims to report back House bill (No. 891) for the relief of William M. Harrison, and ask that it be now put on its passage. I will state very briefly what the bill is. William M. Harrison is collector of the customs at Richmond, Virginia. During the last year, I suppose, every gentleman probably remembers, that the custom-house at that place was robbed of $20,000. The collector had frequently written, as the papers show, to the Secretary of the Treasury, notifying him that the place of depository was unsafe, and asking that it might be repaired and put in better condition. The Secretary declined to do it. The robbery took place sometime during the last year. The Secretary of the Treasury employed three detectives of this place, and they arrested the robbers and took them to the city of Richmond, where it so happened that the district court was in session at the time, and they were tried, convicted, and sent to the penitentiary; and $17,000 was recovered from them, which leaves a balance of about three thousand dollars, which this bill is intended to relieve the collector from paying to the United States. There is one other item in the bill. The collector, not knowing that the Secretary of the Treasury, Mr. Cobb, had taken any steps for the recovery of this amount, or the detection of the thieves, advertised himself a reward of $1,500 for the recovery of the money, or, in that proportion, according to the amount recovered; and these dectective officers compelled him to pay over $1,300, having the same proportion to the $1,500 offered as the $17,000 recovered bore to the $20,000 stolen. This bill indemnifies him for that. The Secretary of the Treasury thinks that he acted in good faith, and was not cognizant at the time he offered the reward of the fact that the Secretary himself had taken steps to have the parties arrested. I hope the bill will be passed at once. I will state that it passed the House of Representatives last night without a dissenting voice.

Mr. YULEE. Will this lead to any debate?

Mr. IVERSON. No; I shall not discuss it.

The bill was considered as in Committee of the Whole, ordered to a third reading, read the third time, and passed.

DISCHARGE OF COMMITTEES.

On motion of Mr. IVERSON, it was

Ordered, That the Committee on Claims be discharged from the further consideration of all subjects referred to that committee and not reported on.

On motion of Mr. DAVIS, it was

Ordered, That the Committee on Military Affairs and the Militia be discharged from the further consideration of all subjects referred to that committee and not reported on.

On motion of Mr. BAYARD, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of all subjects referred to that committee and not reported on.

REPORTS FROM COMMITTEES.

Mr. BAYARD, from the Committee on the Judiciary, to whom was referred the memorial of R. H. Gillet, praying for additional compensation for the argument of certain cases in the Supreme Court of the United States, asked to be discharged from its further consideration; which was agreed to.

Mr. CLAY, from the Committee on Pensions, to whom was referred the petition of Jeremiah Thornton and of Mary Chase Barney, respectively, asking for a pension, asked to be discharged from their further consideration; which was agreed to.

Mr. SEBASTIAN, from the Committee on Indian Affairs, to whom was referred the joint resolution (S. No. 78) to enable certain railroad companies, in the Territory of Kansas, to procure the right of way; and the bill (S. No. 523) to provide for the sale of reservations of land granted to individual Indians in certain cases, and to regulate the disposition of the proceeds thereof, asked to be discharged from their further consideration; which was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. YULEE. I think the attention of the Senate was not, at the moment, given to the fact that a definitive question was being taken on the resolution of the Senator from Michigan [Mr. STUART] at the time it passed. I believe the sense of the Senate is against the conference proposed by the Senator; and, for the purpose of deciding it, I move a reconsideration of the vote which was had upon that resolution.

The PRESIDING OFFICER, (Mr. MASON in the chair.) Did the Senator vote with the majority?

Mr. YULEE. I was acquiescent—silent; not really knowing on what the question was being taken.

Mr. STUART. I do not care about making the point that the Senator did not vote with the majority; for I should like to have the sense of the Senate distinctly taken on the subject. I think the Senator is mistaken in saying that the attention of the Senate was not drawn to the question, though his own probably was not.

Mr. YULEE. I know the group around me were not attending to it.

Mr. STUART. I think it should be acted on, and acted on at once; because, if the Senate are going to do anything about the matter, they should inform the House of Representatives immediately.

Mr. YULEE. That was my object.

The PRESIDING OFFICER. The Senator from Florida states that he was present and acquiescent.

Mr. YULEE. When I say acquiescent, I do not mean that I concurred in the passage of the resolution, but that I was silent, not really knowing what the question was; and was, therefore, to be understood as acquiescent.

Mr. STUART. I make no objection to that.

The PRESIDING OFFICER. The Chair will entertain the motion, unless objection be made. The motion is to reconsider the vote by which the Senate passed the resolution of the Senator from Michigan, which will be read.

Mr. STUART. It need not be read; we all understand what it is. We all understand that it is the resolution asking for a committee of conference on the Post Office appropriation bill.

Mr. YULEE. For my part, I am not disposed to propose a conference to the House. I think it is sufficient that we have sent them a bill on which they can act.

Mr. BENJAMIN called for the yeas and nays on the motion to reconsider; and they were ordered; and being taken, resulted—yeas 19, nays 19; as follows:

YEAS—Messrs. Bayard, Benjamin, Broderick, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Houston, Hunter, Iverson, Johnson of Arkansas, Jones, Kennedy, Mason, Reid, Toombs, and Yulee—19.

NAYS—Messrs. Chandler, Clark, Crittenden, Doolittle, Durkee, Foot, Foster, Gwin, Harlan, Johnson of Tennessee, King, Lane, Polk, Rice, Seward, Stuart, Trumbull, Wade, and Wilson—19.

So the motion to reconsider did not prevail.

Mr. WILSON. Mr. President——

Mr. YULEE. I should suppose a conference on the part of the Senate, having so strong an opposition to it, would be likely to result in no good.

The PRESIDING OFFICER. The Senator from Massachusetts is entitled to the floor.

Mr. JONES. I ask the Senator to allow me to make a simple statement, at the request of my friend from Ohio, [Mr. PUGH.] He desired me to say that he was called home at midnight by the serious indisposition of his little child; and that is the reason why he has not since been here to vote.

EXECUTIVE PATRONAGE.

Mr. WILSON. I submit a resolution, and give notice that I shall call it up early in the next session:

Resolved, That a committee of —— be appointed to inquire into the extent of the patronage of the President of the

United States, resulting from his power of removal and appointment to office, and to that end to inquire and report the number of offices, or places of trust and profit, under the control of the President, (exclusive of those of the Army and Navy,) and including such as are under the control of heads of Departments, subordinate, or inferior offices, with the amount paid to those who are appointed to such offices by the President or otherwise: *And, further*, To inquire whether, if any, and in what cases, such power and patronage have been exerted, or attempted to be exerted, or exercised, to influence the legislation of Congress, or to direct, control, or influence the votes or conduct of officeholders or others, in the elections of States and Territories: *And, further*, To inquire whether any, and what sums of money have been paid, or required to be paid, by persons holding offices of trust or profit, as their contributions in support of elections: *And, further*, To inquire into the extent of the power and patronage of the President of the United States, resulting from the expenditure of the public money by, or through, the heads of Departments, subordinate and inferior offices and others, excluding those whose salaries, or wages, are fixed by law, and including wages, fees, and compensation of all kinds, not fixed by law, paid to officers of Government for services, or gratuities, or as participators in contracts and jobs resulting from, or pertaining to, their official station, or otherwise; and also, the allowances made to contractors of all kinds for supplies or services, without and above their contracts or engagements, to agents employed in purchasing or selling lands or sites, for, or belonging to the Government, to agents or persons who have been employed to purchase vessels for the United States, to furnish engines, ordnance, or military stores, and transportation for the Army or Navy of the United States, and to report by bill or otherwise.

INDIAN APPROPRIATIONS.

A message from the House of Representatives by Mr. ALLEN, its Clerk, announced that the House had agreed to the first, second, third, and fourth amendments of the Senate, to the bill (H. R. No. 888) making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians, for the year ending June 30, 1860, and had disagreed to the fifth amendment of the Senate.

COAST SURVEY REPORT.

Mr. TRUMBULL. I ask the reconsideration of the order of the Senate directing the printing of five thousand extra copies of the Coast Survey report. I made a motion some days ago to reconsider the vote of the Senate upon that question, and I now move to take it up.

The motion to take up the motion to reconsider was agreed to.

Mr. TRUMBULL. I shall not at this hour discuss the question. I thought it was unnecessary to publish so large an addition as five thousand extra copies of the Coast Survey report, it not being a book of general use. I will ask that the question be put without discussing it.

Mr. IVERSON. I do not know that five thousand copies are two much or too little, but I understand from very good authority, that the Superintendent of the Coast Survey is anxious to have five thousand copies printed, for the use of the Coast Survey Office itself. They have been in the habit of distributing these books. They are not intended, I understand, for the use of Senators, but the five thousand extra copies are intended for the use of the Coast Survey Office. I think we had better not reconsider the matter, but let the resolution stand, and let the Coast Survey have their books.

Mr. FITCH. I hope this question will be taken even without a division. I will merely remark that this is perhaps less than half the number which has been usually printed hitherto.

The PRESIDING OFFICER. The Senate, by a former vote, ordered five thousand extra copies of the report of the Coast Survey to be printed. The Senator from Illinois has moved to reconsider that vote. The question is on the motion to reconsider.

Mr. TRUMBULL. I will state that, by the report of the Superintendent of Public Printing, the expense of the publication will be about twenty thousand dollars.

The motion to reconsider was not agreed to.

ENOCH B. TALCOTT.

Mr. KING. I move to take up House bill No. 77. It is a bill to refund to the collector of the port of Oswego about four hundred dollars, which was stolen from him, and is similar to the bill which was passed a short time ago for the collector at Richmond. It is a bill for the relief of Enoch B. Talcott, late collector of the customs at Oswego, New York.

Mr. IVERSON. That case was reported by the Committee on Claims, and it is nearly similar, in all its particulars, to the one which has already been passed.

Mr. BAYARD. I have no objection to the bill, or to taking it up at a proper time; but there is a public bill of more importance upon which I desire to secure the action of the Senate.

Mr. KING and Mr. IVERSON. This will only take a moment.

Mr. BAYARD. I have been endeavoring to get the floor all the evening, and have not been able to do it, so as to take up the bill to which I allude—one which is important and will amount to something when passed.

The motion of Mr. KING was agreed to; and the bill (H. R. No. 77) for the relief of Enoch B. Talcott, late collector of customs at Oswego, New York, was considered as in Committee of the Whole. It provides for the payment to Enoch B. Talcott of $452 97, lost by him by the robbery of the Oswego custom-house, on the 9th of December, 1857, whilst he was collector of customs for that district.

Mr. IVERSON. The custom-house was broken open and robbed, and the testimony shows that there could have been no possible collusion between the collector and the robber. The amount involved is only $450.

Mr. DAVIS. I think it is always hazardous to make allowances to public officers who have the custody of public money, on the ground that money has been stolen from them. The cases should be extraordinary, and should be very well maintained. Although it may be shown that the public officer is honest, and that there is no probability of his having stolen the money himself, it is necessary that he should show still more that he has used due care, and that it was impossible for him to prevent the loss of the money.

Mr. IVERSON. I will state an additional fact, which will satisfy even the Senator from Mississippi. This custom-house is one furnished by the Government, and there was an iron safe, up stairs of the custom-house, in which the money was kept. During the night, robbers opened the back door of the custom-house by, in some manner, lifting the iron bar which was across it, and went up stairs and with powder blew the safe to pieces and took the money, this $450. Of course, there could have been no collusion.

Mr. DAVIS. It is not necessary to prove collusion.

Mr. IVERSON. There was every possible care taken.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PROTECTION OF PUBLIC TIMBER.

On motion of Mr. BAYARD, the bill (H. R. No. 886) to protect timber growing upon lands of the United States reserved for military and other purposes, was considered as in Committee of the Whole.

It provides that if any person or persons shall unlawfully cut, or aid, assist, or be employed in unlawfully cutting, or shall wantonly destroy, or procure to be wantonly destroyed, any timber standing, growing, or being, upon any lands of the United States, which, in pursuance of any law passed, or hereafter to be passed, have been, or shall be, reserved or purchased by the United States for military or other purposes, such person or persons so offending, on conviction thereof before a court having competent jurisdiction, shall, for every such offense, pay a fine not exceeding $500, and be imprisoned not exceeding twelve months.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

INDIAN APPROPRIATIONS.

Mr. HUNTER. I now move to take up bill (H. R. No. 888) making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians for the year ending June 30, 1860, which we have amended. The House of Representatives have sent the bill back, agreeing to the first four amendments of the Senate, but disagreeing to the fifth amendment.

Mr. BENJAMIN. I ask for the reading of the fifth amendment, that we may see what it is.

The Secretary read it, as follows:

"*And be it further enacted*, That the Postmaster General be, and he is hereby, authorized and required to advertise for proposals and contract with the lowest responsible bidder or bidders for the transportation of the United States mails in steamships from Charleston, South Carolina, by Savannah, Georgia, and Key West, Florida, to Havana, in Cuba, and back, twice a month, or oftener, from July 1, 1859, to June 30, 1860, inclusive, at a sum not to exceed $50,000 per annum."

Mr. HUNTER. I move that we recede from that amendment.

The motion was agreed to.

ANGELINA C. BOWMAN.

Mr. FOSTER. The Committee on Pensions, to whom was referred the House bill (No. 847) for the relief of Angelina C. Bowman, widow of Francis L. Bowman, late captain United States Army, have instructed me to report it back with an amendment, and to ask for its consideration now. The two Senators from Pennsylvania press it upon me as being a case of very great hardship, and ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole.

It proposes to direct the Secretary of the Interior to have the name of Mrs. Angelina C. Bowman, widow of the late Captain Francis L. Bowman, placed upon the pension roll, at the usual half pay allowed to widows of officers of the same rank as Captain Bowman held at the time of his death; the pension to commence from the 5th of September, 1856, and to continue during the widowhood and natural life of Angelina C. Bowman.

The amendment of the committee was to strike out the words "the 5th day of September, 1856," and insert "the 15th day of January, 1859."

Mr. FOSTER. The reason of the amendment is, that the proof necessary to satisfy the committee was not furnished until the day named in the amendment. The House bill proposes to pay the widow from the time of the death of her husband. We could not recognize that as the correct principle, but provided that the pension should commence from the date of the proof. That is the amendment which we propose.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in, and ordered to be engrossed, and the bill to be read a third time; and it was read the third time, and passed.

SCHOOL LANDS IN INDIANA.

Mr. FITCH. I move to take up House bill (No. 489) for the relief of congressional township No. 27 north, of range No. 6 east, in Wabash county, in the State of Indiana; and for the explanation of it, if any is required, I refer the Senate to the chairman of the Committee on Public Lands.

Mr. STUART. It is all right.

The bill was considered as in Committee of the Whole.

It proposes to allow the auditor of Wabash county to make entry, in his own official name, of five hundred and thirty-seven and ninety-one hundredths acres, in legal subdivisions, of any lands of the United States on any part of the public domain subject to private entry, at the minimum price of $1 25 per acre; the entry, when made, to be for the benefit of the inhabitants of congressional township No. 27 north, of range No. 6 east, in the county of Wabash, State of Indiana, and to stand in lieu of a deficit of that quantity in the amount of school lands belonging to the township, and to be held and controlled in the same manner.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PETITION.

Mr. DAVIS presented a petition of officers of the Army, praying that bands of music may be maintained at military posts; which was referred to the Committee on Military Affairs and the Militia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 550) making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes.

The message further announced that the House had passed the joint resolution (S. No. 88) in relation to the second section of the act of Congress entitled "An act to provide for the location of cer-

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tain confirmed private land claims in the State of Missouri, and for other purposes."

ENROLLED BILLS SIGNED.

The message further announced that the Speaker had signed the following enrolled bills and joint resolution; and they were signed by the Vice President:

A bill (H. R. No. 364) for the relief of Mary B. Dusenbury;

A bill (H. R. No. 780) for the relief of James Collier; and

A joint resolution (H. R. No. 34) amendatory of an entitled "An act to regulate the compensation of members of Congress," approved August 16, 1856, so far as relates to such members as shall die during their terms of service.

MILITARY COMMITTEE CLERK.

Mr. DAVIS. I move to take up the resolution presented by the Senator from Georgia, [Mr. IVERSON,] relative to the compensation of the clerk to the Committee on Military Affairs and the Militia. The resolution is on the table.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved, That the annual compensation of the clerk to the Committee on Military Affairs and the Militia shall hereafter be the same as that of the clerk to the Committee on Finance.

Mr. DAVIS. I will state that the clerk of this committee——

Several SENATORS. Let it pass. There is no opposition.

Mr. DAVIS. Very well.

Mr. TOOMBS. I am opposed to the resolution. The clerk to the Committee on Finance has a very extraordinary and improper compensation. He is one of the permanent clerks of the body; and the object of this resolution is to make the clerk to the Military Committee permanent, too, at the same salary. It comes in the form of giving him the same as the clerk of another committee. I believe we have but two committees in the Senate the clerks of which are permanent.

Mr. IVERSON. Three.

Mr. TOOMBS. I know of no reason why the clerk of the Military Committee should be permanent more than any other clerk here; in fact, there is less reason for it. In my judgment, there is no necessity for a clerk to a single committee of this body. I saw the work as well done in the other House when there were no committee clerks. For a number of years, I served on some of the largest committees there, and we got along very well without a clerk; and most of the committees there now have none. The idea of our employing a man three months in the year, and paying him $1,800, or $2,000, it seems to me, cannot find a single justification except in the mere personal preference of gentlemen who want to give places to particular persons. Was this resolution introduced to-day? If so, I shall object to it.

Mr. DAVIS. The resolution was introduced, I believe, at the last session of Congress. The Senator is quite out of date. If he had stopped with the statement of his negative information, I should have admitted that he might be correct; but, when he passed to positive information, I must tell him that he is quite wrong. There is necessity for this clerk; there is a great deal of labor for him to perform; and, instead of charging Congress with additional expense, where investigations have been referred to the committee, the clerk has been required to take all the testimony and keep the record. We passed a very large appropriation, during the session, to pay for expenses incurred in conducting investigations which committees elsewhere have been ordered to make. The Military Committee has been ordered to make two rather extended investigations; and by the labors of the clerk, and of the members of the committee, the investigations have been conducted without any remuneration being asked. There is a great deal of work to be performed during the recess, as well as during the session.

As to the importance of the committee, I leave that for others to judge. As for the labors of the clerk, I know them to be very great. It is a subject on which members do not generally inform themselves, and the consequence is that members of the Senate, not merely of the committee, but others, go to a committee to hunt up information in relation to the character of legislation, in which they take so little interest that they are rarely informed. The labor the clerk performs is not confined to the committee; still less is it confined to any service rendered to the chairman.

Mr. TOOMBS. I would ask the Senator what the clerk is going to do from now until the 1st of December, but draw his salary?

Mr. DAVIS. I suppose he might have something else to do in the preparation of matter for the next Congress, and in those arrangements which belong to all the matters left for inquiry, and taking care of the papers of the committee.

Mr. TOOMBS. I am not acquainted with the Military Committee, but I have been upon four or five different committees during my service in the Senate; and for a number of years, I served on the Committee of Ways and Means of the House of Representatives, from which all the appropriation bills come, and we had no clerk at all. The whole business was done by the members of the committee. I do not believe in the idea of clerks doing the business of members, and hunting up information. I suppose all the knowledge and all the industry necessary to discharge committee duties are, or ought to be, furnished by the representatives of the States and the people. I know that I have been in Congress fourteen years, and I have never found any necessity for a clerk to do the work with which I have been charged as a member of a committee. I never had the labor of one of them for two hours.

We settled this question two or three years ago, on great deliberation. There was an offer to make several of these clerks permanent; but it did not succeed. We made the clerks to the Committee on Claims permanent, on the idea that the labor was continuing; but I think it was a wrong idea. We gave a permanent clerk to the Committee on Finance——

Mr. IVERSON. Allow me to interrupt my colleague. The clerk to the Committee on Claims is as well occupied during the recess as any clerk in any Department in this city. He has to bring up an analytical and alphabetical list of all the private reports that have been made by every committee in both Houses, so as to place it before the Senate; a very important matter.

Mr. TOOMBS. I am quite aware of his duties. These dockets are made out from time to time, and I have read them over, and I suppose they can be done by any man of tolerable ability. Down in Georgia a clerk of a court would bring up such a docket in a very short time for only $600 a year.

Mr. IVERSON. He has to search the records of every committee-room in both Houses. It is a work of great labor.

Mr. TOOMBS. We not only keep gentlemen at the head of Departments, but we have a great many bureaus to give us information. We get our information, or much the largest, from the Government, that we maintain at a very great expense. As to the benefit which can be got from a committee clerk, I do not think it is worth my spectacles. I hope it will not be done.

Mr. FITZPATRICK. I trust my friend from Georgia will not interpose any serious objection to this resolution. I am a member of the Committee on Military Affairs, and I know it is an important committee, and has a great deal of business. The gentleman might suppose that the clerk would not have a great deal to do from now to the commencement of the next Congress; but it is a very important position, and it is necessary for the committee to derive a great deal of information from the Departments. The Senator from Georgia must be aware that there is a great deal of business before that committee requiring investigation, and the clerk can be very profitably employed during the recess. The Committee on Printing, and one or two other committees, have permanent clerks. I am inclined to think that there is as much necessity for a clerk to this committee, as to any committee of which I have been a member. There is business before it which requires an examination into circumstances that occurred long ago. In some cases, it is necessary to go back to the foundation of the Government. This requires a great deal of labor and investigation. The gentleman whom we have as a clerk now, I know to be a very competent one, and, perhaps, more intimately acquainted than any one else with everything pertaining to the War Department. I think him essential to the committee. I trust the Senate will agree to put him on the same footing as the permanent clerks of other committees, especially as it is desired by the Military Committee and its chairman.

Mr. SHIELDS. I do not want to prolong the debate; but, having been chairman of the Committee on Military Affairs, I must say that I know there is a great deal of labor to be performed by the clerk of that committee in the recess. I know that the gentleman who is now clerk of that committee found the military laws in confusion, and during the recess he arranged them and compiled them, and has aided very much in facilitating the business of the committee, and has afforded information to Senators generally that they hardly seem themselves to be sensible of. I know that while I was chairman of the committee, although it is true that he was not employed during the recess at a salary, a great portion of that labor which enabled him to collect the military laws was performed in the vacation. He found them scattered about, a section here and a section there——

Mr. TOOMBS. Are they not all printed in a book?

Mr. SHIELDS. This very gentleman has collected them, and arranged them. I think he is entitled to compensation for his extraordinary labor. He has had a great deal of labor to perform this session, and he has collected a great deal of information for the committee.

Mr. IVERSON. I have served upon the Committe on Military Affairs, and know something of the duties of the clerk. I am free to admit that I do not think the labors of that clerk during the recess can be anything like as great as those of the clerk of the Committee on Claims, or the Committee on Finance, or the Committee on Printing. The clerk to the Committee on Printing has to be present in the committee-room every day, to receive reports from the Superintendent of Printing. The clerk of the Military Committee is obliged to perform some duty during the recess; but not to a very great extent. His labors are very onerous during the session of Congress. That I can testify to; but I think $1,200 a year would probably be sufficient compensation for his labors. I move to amend this resolution—and this will, perhaps, satisfy all parties—so as to make him a permanent clerk, at a salary of $1,200 a year.

Mr. TOOMBS. Is this a joint resolution?

The PRESIDING OFFICER. No, sir.

Mr. TOOMBS. I object to it.

Mr. IVERSON. The money is to be paid out of the contingent fund.

Mr. TOOMBS. I object to our paying salaries in this way. I think there is an express law against it.

Mr. DAVIS. He is an officer of the Senate. It does not require a joint resolution.

Mr. JOHNSON, of Arkansas. It is said the Committee on Military Affairs concur in the propriety of this resolution. I am a member of that committee, and I will say that I do not believe there is a more capable man to be found anywhere than the one who at present attends to that committee; and I am very certain that the many amiable qualities that gentlemen possesses would secure for him the confidence and kind wishes of every member of the committee, and I entertain no other feelings towards him. I believe, however, that he will really have but very little to do

during the recess, and he will have to find out the means of making work for himself during the vacation, if this resolution be passed. I think, if you allow a permanent clerk to every committee, he can succeed in finding something to do during the recess; whether he can find enough to justify us in paying him $1,200 a year, I do not know; but I doubt it very much. It is said he must keep the records. So far as merely keeping them safe until the next session is concerned, that, I believe, has hitherto always been done by the Secretary of the Senate.

Mr. BENJAMIN. I will ask my friend from Arkansas if he will permit me to move an executive session for a few minutes?

Mr. JOHNSON, of Arkansas. Directly. I will only say that I will not vote for the resolution. I will say nothing more.

The PRESIDING OFFICER. The Senator from Georgia moves to amend the resolution by striking out "the same as that of the clerk of the Committee on Finance," and inserting "$1,200."

Mr. DAVIS. The resolution was offered by the Senator from Georgia. I did not think it necessary for me to say that I accepted the amendment, but, if it be necessary, I accept it.

Mr. BRODERICK. I hope that, if clerks are to be kept by the Committee on Finance and the Committee on Claims, this gentleman will receive the same salary. I will vote with any of the Senators who are opposed to this resolution, to dispense with the other committee clerks; but, I think if they are kept, this one ought to be. I have never asked him to perform any service for me; but I think he is as useful a clerk as any clerk in the employment of the Government.

Mr. BENJAMIN. I move that the Senate proceed to the consideration of executive business.

Mr. IVERSON. Let us take this question.

Mr. BENJAMIN. This question will not be taken to-night.

The PRESIDING OFFICER, (Mr. MASON.) The Chair does not understand that the motion for an executive session can be entertained unless this business is postponed, or otherwise disposed of.

Mr. BENJAMIN. I have the right, I think, to move to go into executive session at any time.

The PRESIDING OFFICER. The Senator has a right to require that the doors be closed for any purpose that he indicates.

Mr. FITZPATRICK, and others. Let us vote on this question.

Mr. BENJAMIN. I move to go into executive session, because I cannot permit this resolution to be passed

Mr. DAVIS. You can vote against it.

Mr. BENJAMIN. I am compelled to vote against it, and to oppose it in every way in my power. This attempt has been repeated session after session, ever since I have been in the Senate. The whole subject was taken up deliberately two years ago, and a special committee appointed for determining the rights of these clerks. That committee reported on the subject, and the whole question was settled definitely by our rules; but now it seems it is to be opened for each clerk, one by one. Do gentlemen suppose that this clerk will be allowed to be employed permanently without the chairmen of other committees moving to make the same provision for their clerks?

There are twenty-two committees in the Senate. If each committee clerk is to be made a permanent clerk, we shall be making twenty-two new officers, and it will take some thirty or forty thousand dollars per annum to pay these salaries. Is this the time for such work as that? Is it in the present state of the Treasury that we ought to be doing these things? This whole matter was thoroughly settled some two years ago, and a standing rule of the Senate made, and I call on the Secretary to read the rule.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia.

Mr. BENJAMIN. I have the floor, and I have called for the reading of the rule on the subject of committee clerks. There is a standing rule on that subject.

The PRESIDING OFFICER. Will the Senator indicate the rule to which he refers?

Mr. BENJAMIN. There is a standing rule of the Senate determining the mode of employing clerks to committees and their compensation.

Mr. SEWARD. If the honorable Seneator from Louisiana is going to debate this question any longer, it is certainly better to let it pass by. He intimates that that is his object.

Mr. BAYARD. I desire to make a suggestion. The Senate will meet to-morrow in special session, which will continue for several days. Any question connected with the compensation of clerks can be better discussed then than now, when we are pressed with business, and all of us are exhausted. This matter ought to be deliberately acted on when the body is full, and not at a period of time like this. I shall vote against any resolution of the kind at present.

The PRESIDING OFFICER. The Chair will say to the Senator from Louisiana, that he is informed that there was a resolution passed in the Senate, but that there is no rule on the subject.

Mr. BENJAMIN. It may have been in the shape of a resolution. I remember it was reported by the special committee of which I was chairman, and the whole matter was thoroughly discussed. But I desire to renew my motion to go into executive session; and for that purpose I move to lay the resolution on the table, and we can take it up at any time.

The motion was agreed to.

EXECUTIVE SESSION.

On motion of Mr. BENJAMIN, the Senate proceeded to the consideration of executive business. After some time spent therein, the doors were reopened at twenty minutes before three o'clock, a. m.

FERDINAND COXE.

Mr. IVERSON. I ask the Senate to take up and pass the bill for the relief of Ferdinand Coxe. It has been before the Court of Claims and examined there, and it has also passed the House. It only allows him about six hundred dollars.

Mr. BROWN. Before we take up the bill, I want to know whether it is likely that the President will sign it. I think it was indicated here to-night that it would not be done.

Mr. IVERSON. I understood the President said that; but I will risk it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. C. C., No. 84) for the relief of Ferdinand Coxe. It directs the Secretary of the Treasury to pay to him the sum of $662 69, in full as chargé d'affaires to the Court of Brazil, from the 12th of May, 1853, to the 16th of August, 1853, being the difference between his salary as secretary of legation and that of a full chargé d'affaires.

The bill was reported to the Senate without amendment, and ordered to a third reading.

Mr. HUNTER. I should like to know something about that bill.

Mr. IVERSON. It is a House bill from the Court of Claims, and only appropriates about six hundred dollars.

Mr. HUNTER. Did the Court of Claims decide in favor of it?

Mr. IVERSON. Yes, sir.

The bill was read the third time, and passed.

GOTLIEB SCHEERER.

Mr. BIGLER. I move that the Senate proceed to the consideration of the bill (H. R. No. 648) for the relief of Gotleib Scheerer.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It releases him from the payment of a judgment, on a forfeiture of bail as bondsman for the appearance of Joseph Hill, in the district court of the United States for the eastern district of Pennsylvania, and directs the district attorney to enter satisfaction for the judgment.

The Committee on the Judiciary reported the bill with an amendment, to add the following:

Upon the payment of the costs of the United States in the proceedings against the said Joseph Hill, and the costs of suit against the said Gotleib Scheerer.

Mr. BAYARD. I have no doubt that the bill ought to pass with the amendment. The amendment is proper. Of course, the United States should have no costs to pay. It simply relieves the party from an obligation connected with recognizance entered into for the appearance of a prisoner who forfeited his bail. The party was charged with crime, and great exertions, and at considerable expense, it appears, were made, by the petitioner, for the purpose of procuring the attendance of the party that he might be tried. They were made in vain. This person telegraphed all over the Union to find him. The sum is about four thousand dollars, and it would be ruinous to him, if he were compelled to pay it. It takes nothing out of the Treasury. It is the execution of a penalty in a case in which the party, from the evidence, I think, acted in good faith, and was deceived by the person for whom he became bail. The amendment provides that he shall pay the costs before he is released.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in, and ordered to be engrossed, and the bill to be read a third time. It was read the third time, and passed.

REPORTS FROM COMMITTEES.

Mr. BENJAMIN, from the Committee on Private Land Claims, to whom was referred the memorial of Thomas Henderson, praying that he may be permitted to purchase a certain tract of Government land, on which he has located, and which he has improved, submitted an adverse report; which was agreed to.

He also, from the same committee, to whom was referred the memorial of George C. Johnson, praying the passage of a bill for the adjudication of the validity of a Mexican grant by the United States district court for the northern district of California, submitted a report, accompanied by a bill for the relief of George C. Johnson. The bill was read, and passed to a second reading.

He also, from the same committee, to whom was referred the bill (S. No. 578) to release the payment for the town site of the city of San Francisco, submitted an adverse report; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 579) to authorize the investigation of asserted titles to the Hot Springs of Ouachita, in the State of Arkansas, reported it without amendment.

He also, from the same committee, to whom was referred the memorial of certain Wyandot reservees, reported a bill to confirm a certain reservation therein named. The bill was read, and passed to a second reading.

GEORGE B. BACON.

Mr. CRITTENDEN obtained the floor.

Mr. IVERSON. I ask the Senator from Kentucky to yield for a moment. Some time ago, the Senator from Connecticut [Mr. FOSTER] moved to take up the bill No. 454. I suggested, then, that it would be useless to take it up, as probably the House could not pass it; and the Senate refused to take it up. He has urged me to move to reconsider. I am perfectly willing that that vote shall be reconsidered.

The PRESIDING OFFICER, (Mr. STUART in the chair.) It is unnecessary to move to reconsider. The Senator can renew the motion. Does the Senator move to take the bill up?

Mr. IVERSON. I leave that to the Senator from Connecticut. I do not know anything about the bill.

Mr. CRITTENDEN. I thought the Senator from Georgia merely wished to make a motion to reconsider.

The PRESIDING OFFICER. It is not necessary to reconsider the vote by which the Senate refused to take up the bill. The motion can be renewed.

Mr. FOSTER. I move to take it up. It will take but a moment.

Mr. CRITTENDEN. There has been some misunderstanding on this subject. I was entitled to the floor, and the Senator from Georgia asked me to yield to allow him to make a motion to reconsider. I was willing to do that, but not to take up a bill. I thought he wished merely to enter the motion.

The PRESIDING OFFICER. The Senator from Connecticut is entitled to the floor.

Mr. FOSTER. It will take but a moment to consider this bill. If there is any debate upon it, I will not insist upon its consideration.

The motion was agreed to; and the bill (S. No. 454) for the relief of George B. Bacon, late acting purser of the sloop-of-war Portsmouth, was read a second time, and considered as in Committee of the Whole.

It directs the proper accounting officers of the Treasury to allow to George B. Bacon, late acting

purser of the sloop-of-war Portsmonth, in the settlement of his accounts, the amount properly payable to a purser of a sloop-of-war, for his services as acting purser as aforesaid, during the period he acted as purser, deducting therefrom the amount paid to him, for the same period, as commander's clerk.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEWART M'GOWAN.

Mr. CRITTENDEN. Mr. President, there is an old soldier now lying upon his back in sickness and poverty in old Kentucky, by the name of Stewart McGowan, for whom I presented a petition and a bill for a pension a short time ago. McGowan was in the campaign in which occurred the battle of the river Raisin. He was at the battle of the Thames. Not satisfied with that, he set off on his own hook, as he says, and went to the battle of New Orleans. He served throughout the war with all his activity and courage. He broke himself utterly down in the exposures and perils of the war. He is now living upon the charity of friends, who are very illy able to extend him this assistance. He is an old soldier in utter poverty. He is one of those embraced in the general bill for the relief of the soldiers of the war of 1812. Except when he fought upon his own hook, he was a captain. This bill proposes to give him a small pension for the small remnant of his life that remains. If he cannot, at this hour of the session, obtain a pension, and it is probable the bill cannot pass the other House, I want him to have the consolation of knowing that the only branch of the Legislature of his country who could hear his case decided in his favor. I move you, sir, that the bill be now taken up and put upon its passage.

The motion was agreed to.

The PRESIDING OFFICER. Did the Senator have the bill referred to any committee in the Senate?

Mr. KING. It was referred to the Committee on Pensions, and it was considered by them.

Mr. CRITTENDEN. And has been reported back, I was told.

Mr. KING. I suppose so, sir.

The PRESIDING OFFICER. The Secretary reports that he can find no such bill upon the Calendar.

Mr. CRITTENDEN. It is the bill for the relief of Stewart McGowan.

The PRESIDING OFFICER. The Secretary cannot find it.

JOHN PERRY.

Mr. TRUMBULL. While the Secretary is looking for that bill, I ask the Senate to take up the bill (H. R. No. 531) for the relief of John Perry, of Illinois. It is a bill that has passed the House. It is to give a pension to a soldier who became blind in the service.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It directs the Secretary of the Interior to place the name of John Perry, of Illinois, on the list of invalid pensioners, at the rate of eight dollars per month, commencing on the 15th of February, 1858, and to continue during his natural life.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WAITING FOR BUSINESS.

Mr. JOHNSON, of Arkansas. Is it in order now to move to take up the Private Calendar, and to act on the bills in the order in which they stand on the Calendar?

The PRESIDING OFFICER. It is in order to make that motion.

Mr. JOHNSON, of Arkansas. I make that motion, and I desire to say a word or two upon it. It is evident, from the number of these bills that have been considered, that instead of taking up exceptional cases, it is rather the rule that we should proceed with them. I wish to call the attention of the Senate to a fact which I think they are aware of, that, if we can accept assurances most solemnly given, none of these bills will be signed, so that it is merely a loss of time to be passing them. As a great many, if not all, Senators believe this to be the case, any kind of a bill, under almost any circumstances, is permitted to be passed. No man in this body can know better than the gentleman from Mississippi, [Mr. DAVIS,] I imagine, that, whenever you pass a bill through both branches, and it fails simply for want of Executive sanction, it will be quoted hereafter in this body, and Senators will not resist it, whether right or not. The object of getting bills brought up now, and passed at this time, is simply to get that pull on the next Congress. It is not with any expectation that these bills will be passed at all. The consequence is, they are not considered with reference to their merits, and, though not considered with reference to their merits, hereafter, when we come to consider them, it will be said that the Senate passed them unanimously, or without the slightest resistance being made to them, when, in fact, the justice and merits of the cases had nothing whatever to do with their passage.

Under these circumstances, I think we ought at once to go on with the Private Calendar and pass them all, or else arrest this course of making exceptions. Those gentleman who are most industrious for taking up exceptional cases, of course will get them forward in that attitude, without reference to the merits of the cases themselves. With the feeling which has been prevailing here for some time, I believe I could make a personal appeal on any case on the Calendar, and the Senate would agree to vote it without any further examination at all, although they might not concur with it in principle in any respect whatever. At the present time they would pass bills which, at any other period during the session, could not have been passed at all. I do not think we are doing right, and I hope we shall not proceed further in this way. I shall object to the passage of any more of these bills. If I had any hope that Senators would get their bills signed after they were passed, I would not do so; but undoubtedly, it cannot be denied that the whole Senate is off its guard, because they believe these bills will not be signed and will not become laws. It is simply embarrassing ourselves, or rather those who will come after us, with pledges given by this Congress, that the claim, whatever it may be, is right, and ought to be passed, when, in fact, the bills are passed now without being looked into, because the Senate is off its guard. As far as I am concerned, under the circumstances, believing that the bills cannot become laws, I shall feel bound to interpose an objection, if possible.

Mr. CLAY. I concur heartily in all that has been said by the Senator from Arkansas; and I proved that by voting against every bill, I believe, almost solitary and alone, that has passed, of the character he mentions. I will suggest, however, perhaps the Senate would wake up to the business of legislation by taking up a bill which provides for all who are now sought to be provided for by particular legislation in each separate case, and that is the bill, entitled "An act granting pensions to the soldiers of the war with Great Britain, of 1812, and those engaged in the Indian wars." I was very anxious to get a vote of the Senate upon that bill, and I propose that it be taken up now.

The PRESIDING OFFICER. Does the Senator from Arkansas withdraw his motion?

Mr. JOHNSON, of Arkansas. I do not.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Senate proceed to the consideration of private bills in the order in which they stand on the Calendar.

Mr. SEWARD. I suggest, while we are waiting for the action of the House of Representatives, and to relieve ourselves of the necessity of constant watchfulness here, the propriety of a recess for ten minutes.

Mr. JOHNSON, of Arkansas. And with power on the part of the Chair to call us together at any moment.

Mr. SEWARD. Certainly. We will all be here. It will relieve us of the necessity of watching.

The PRESIDING OFFICER. It is moved by the Senator from New York that the Senate take a recess for ten minutes.

Mr. JOHNSON, of Tennessee. I wish simply to suggest that, to exhaust time, and prevent Senators from being on the watch, I will introduce a resolution which I think will be perfectly satisfactory to every Senator. Just let us debate that, and do nothing else. I think it would come in very well at the close of this Congress. It is a very short resolution, and will furnish us valuable information by the sitting of the next Congress.

The PRESIDING OFFICER. Does the Senator from New York withdraw his motion?

Mr. SEWARD. I withdraw it.

Mr. SEBASTIAN. Is there any question now before the Senate?

The PRESIDING OFFICER. The pending question is on the motion of the Senator from Arkansas [Mr. JOHNSON] to take up the Private Calendar; and the Senator from Tennessee asks the unanimous consent of the Senate to consider a resolution, which will be read for information.

Mr. JOHNSON, of Tennessee. It is a very short one.

Mr. JOHNSON, of Arkansas. I am willing to hear the resolution read, for information, and then I will see whether I will withdraw my motion.

The Secretary read the resolution, as follows:

Resolved, That the President of the United States be, and he is hereby, requested to cause the heads of the various Executive Departments to submit estimates for the expenses of the Government for the Thirty-Sixth Congress, upon a basis not exceeding $50,000,000 annually, exclusive of the public debt, and the interest thereon.

The PRESIDING OFFICER. Is there unanimous consent to consider the resolution at this time?

Mr. IVERSON. I am against that resolution.

The PRESIDING OFFICER. Then it cannot be considered; and the question is on the motion of the Senator from New York to take a recess for ten minutes.

Mr. JOHNSON, of Tennessee. I move a suspension of all prior orders for the purpose of introducing the resolution.

The PRESIDING OFFICER. The Chair will inform the Senator that it cannot be considered at this time without unanimous consent, and a single objection will carry it over. The question is on the motion of the Senator from New York.

The motion was agreed to; and thereupon (at fifteen minutes past three o'clock, a. m.) the Senate took a recess for ten minutes.

The Senate was called to order when the ten minutes had constructively expired—some twenty minutes.

Mr. HUNTER. I move to take a recess for ten minutes longer. By that time I suppose we shall have a message from the House.

Mr. DOUGLAS. I see no use in our remaining here. I think we might as well take a recess until nine o'clock, and then there will be three hours in which to do all the business. It is evident that it will be some hours before we can get any bills from the House of Representatives.

Mr. HUNTER. I understand they are voting on the miscellaneous bill, and it would not be safe to adjourn if they are, until we appoint a committee of conference. Then the Senate can adjourn, leaving the committee to work in the mean time.

Mr. DOUGLAS. I think we shall have a chance to appoint the committee at nine o'clock.

Mr. HUNTER. There would not be time for the committee to act between nine and twelve o'clock.

Mr. DOUGLAS. I do not think they will get a chance to act much before twelve anyhow.

Mr. HOUSTON. My opinion is, that if we leave the Senate Chamber we shall not meet again. Members are exhausted, and have been for several nights; and if they once retire to repose, they will not wake up again.

Mr. HUNTER. I think we had better not agree to the suggestion of the Senator from Illinois.

The VICE PRESIDENT. It is moved that the Senate take a recess for ten minutes.

The motion was agreed to; and thereupon (at seven minutes to four o'clock, a. m.) the Senate took a recess for ten minutes.

The Senate reassembled at the appointed time, and the VICE PRESIDENT took the chair.

STEWART M'GOWAN.

Mr. CRITTENDEN. I do not know whether you were in the chair, sir, or not at the moment when I made a motion to call up the bill for the relief of Stewart McGowan. It was discovered then that the bill had not been reported from the Committee on Pensions. I recollect distinctly drawing the bill myself.

Mr. KING. I know the papers were in committee.

Mr. CRITTENDEN. The papers are mislaid. I therefore beg leave to offer a new bill now, so that I shall be placed in the same situation that I would have been if the bill had not been mislaid after it had been referred to the committee.

The VICE PRESIDENT. The Senator from Kentucky asks general consent to be allowed to introduce a bill in lieu of one which has been mislaid. The Chair hears no objection. The Secretary will read the bill.

Mr. STUART. We all know what it is; there is no objection to it.

The bill for the relief of Stewart McGowan was read the first time by its title, and passed to a second reading.

Mr. JONES. I will state that the papers are not mislaid. They are in the desk at the committee-room, and the key is with the clerk, who has gone to his rest. They were referred first to the Committee on Pensions, and then to the Commissioner of Pensions, and then to the Third Auditor's office, for information, all of which was obtained and is now in the drawer in the committee-room.

Mr. STUART. Let us pass this bill.

There being no objection, the bill was read a second time, and considered as in Committee of the Whole.

It directs the Secretary of the Interior to place the name of Stewart McGowan on the roll of invalid pensioners, and pay him twenty dollars a month, commencing on the 1st of January, 1859, and to continue during his natural life.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ABBY S. CHAPLIN.

Mr. JONES. I will ask the Senate to take up the bill (S. No. 586) for the relief of Mrs. Chaplin, the widow of Colonel Snelling, late of the United States Army. It is a very strong case. Her husband contracted disease in the service of the Army, which continued until his death. It is attested by the very best kind of proof. There is no mistake about that. The widow is now in very indigent circumstances, and is compelled to depend upon her friends for her daily bread.

Mr. PEARCE. The widow of whom?

Mr. JONES. Of Colonel Snelling.

Mr. PEARCE. Did she marry again?

Mr. JONES. Yes, sir; and her second husband died.

The motion was agreed to; and the bill (S. No. 586) for the relief of Abby S. Chaplin was read a second time, and considered as in Committee of the Whole.

It directs the Secretary of the Interior to place the name of Abby S. Chaplin, widow of Colonel Josiah Snelling, deceased, late of the United States Army, upon the pension list, at the rate of half-pay proper of the rank held at the time of his death, from the 15th of February, 1858.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. CLAY. The Senator from Iowa assured us that the bill was sustained by the very best kind of testimony, tending to show that this man died in the service of his country, or, at least, from diseases contracted in the service, and I would suggest this as a very pertinent question; why the application has not been made to the Pension bureau, and why the pension was not granted there? What is the necessity of coming to Congress?

Mr. JONES. Well, Mr. President——

Mr. STUART. Do not debate it.

Mr. JONES. I will not, if it will pass without. It will not pass the House anyhow.

The bill was passed.

MRS. ANN SMITH.

Mr. DAVIS. I desire to call up the bill for the relief of the widow of General Persifer F. Smith.

Mr. JONES. That is exactly what I wanted to do.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 413) for the relief of Mrs. Ann Smith, widow of the late Brevet Major General Persifer F. Smith.

The Committee on Pensions reported it with an amendment to strike out all after the enacting clause, in the following words:

"That the Secretary of the Interior be directed to place the claim of Mrs. Ann Smith, widow of the late Brevet Major General Persifer F. Smith, on the pension roll, at the rate of fifty dollars per month, from the 17th day of May, 1858, for and during her natutal life;" and to insert in lieu thereof: "That the Secretary of the Interior be, and he hereby is, authorized and required to place the name of Ann M. Smith, widow of the late General Persifer F. Smith, United States Army, upon the pension list, at the rate of half pay proper to the rank held by the deceased at the time of his death."

Mr. DAVIS. This case is known so generally to the Senate and as one of such high merit, that I think it is unnecessary to say anything about it.

Mr. CRITTENDEN. I will only add that this widow is entirely destitute.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendment was concurred in, and the bill ordered to be engrossed and read a third time. It was read the third time and passed.

THANKS TO THE VICE PRESIDENT.

Mr. FOOT. I rise to present a resolution which I feel sure will receive a unanimous and a cordial response from this body. I ask for its present consideration.

There being no objection, the Senate proceeded to consider the following resolution:

Resolved, That the thanks of the Senate are due, and hereby are tendered, to the Hon. JOHN C. BRECKINRIDGE, for the courteous, dignified, and impartial manner in which he has discharged the responsible and arduous duties of Presiding Officer of this body, during the present session.

The resolution was unanimously adopted.

LUCY A. WAKEFIELD.

Mr. ALLEN. I ask the Senate now to take up and consider bill (H. R. No. 863) for the relief of Lucy A. Wakefield, widow of Benjamin Wakefield. It will occupy no time.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

It directs the proper accounting officers of the Treasury to pay to Lucy A. Wakefield, the widow of Benjamin Wakefield, or in case of her death, then to his child or children, the amount of the appropriation made for his relief by act of Congress of date June 5, 1858.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAM EDWARDS.

Mr. STUART. Mr. President, the honorable Senator from Indiana, [Mr. FITCH,] whom I am very sorry not to see in his seat, in his energy to report from the Committee on Printing a day or two ago, prevented me from doing an act of justice to a neighbor and very excellent gentleman. He was formerly register of the land office at Kalamazoo, and the Government owes him some sixteen hundred dollars. I move to take up his bill and pass it. It does not propose to give him anything, but only to pay him what we owe him.

The motion to take up the bill was agreed to.

Mr. STUART. The bill is not on the Calendar; but it was reported from the Committee on Public Lands the day before yesterday, or a few days ago.

The bill (S. No. 607) to provide for the final settlement of the account of Abram Edwards, late register of the land office at Kalamazoo, Michigan, was read a second time, and considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay him the sum of $1,666 59, that being the amount certified to be due him by the Commissioner of the General Land Office on the 13th of December, 1849.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SYLVANUS BURNHAM.

Mr. STUART. I move to take a recess for fifteen minutes.

Mr. KING. I hope the Senator will withdraw that motion for the present. I wish to call up a small pension bill for the relief of Sylvanus Burnham.

Mr. STUART. I withdraw the motion for that purpose.

The motion of Mr. KING was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 233) for the relief of Sylvanus Burnham.

It authorizes the Secretary of War to place the name of Sylvanus Burnham upon the roll of invalid pensioners, and cause to be paid to him eight dollars per month, commencing from and after the 14th of November, 1850, and to continue during his natural life.

Mr. JOHNSON, of Arkansas. Is it in my power to object here?

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) The Senator can make a speech to the bill. It is taken up and now before the Senate.

Mr. JOHNSON. That will have to be done by a vote of the Senate.

The PRESIDING OFFICER. Yes, sir.

Mr. JOHNSON, of Arkansas. I object to it.

The PRESIDING OFFICER. A single objection does not carry the bill over. It has been taken up, and the question now is on its third reading.

Mr. JOHNSON, of Arkansas. I very much regret it. I move to lay the bill on the table, and ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KING. I have no disposition to press it if there is objection on the part of any considerable number of Senators. I called it up because it was a House bill which I believed to be meritorious. I did not believe there would be any objection to it.

Mr. JOHNSON, of Arkansas. I know the Senator would not wish to do an ungenerous thing, but he is evidently doing it now. I do not agree to taking up the bill myself.

Mr. STUART. It would probably prove a serious objection if we were to call the yeas and nays now; and I think the Senator will answer his purpose if he will allow me to take a recess for fifteen minutes.

Mr. JOHNSON, of Arkansas. Before that is done, I would be glad to say a word on the subject. I said that this was an ungenerous thing; and I will explain to the Senator why I said so. The reason of it is this: if this is permitted to be done, it is taking advantage of a gentleman who, it seems to me, under this Government, has about as few disposed take care of his good name, or to save him from unjust odium, as any one I know of in the Republic, in all its length and breadth. So soon as you pass this bill, simply from the fact that it is known that it will never become a law, the whole odium will be thrown upon the President of the United States because he does not sign it. The Senator knows it would not pass otherwise.

Mr. KING. I am the last man to take advantage of Mr. Buchanan. I am willing to waive any question, and will consent to the recess.

Mr. JOHNSON, of Arkansas. I do not believe we could consume the time better; but I wish to say another thing.

Mr. KING. Indeed, I was disposed, the moment McGowan's bill was passed, to move a recess.

Mr. JOHNSON, of Arkansas. Has another one passed?

Mr. BROWN. A dozen have been passed.

Mr. JOHNSON, of Arkansas. I must say I do not see how gentlemen can sit here and be so disregardful of their plain duties as to permit these bills to pass. Senators know they cannot become laws.

Mr. KING. I call the gentleman to order.

Mr. JOHNSON, of Arkansas. Is the Senator entitled to the floor, or myself?

Mr. KING. I think the Senator is reflecting on the Senate. The Senate is not going to act in a manner that is improper. I will yield to a motion for a recess.

Mr. JOHNSON, of Arkansas. The Senator cannot take the floor to make a point of order, and then submit a motion before the point of order is decided.

The PRESIDING OFFICER. What is the point of order?

Mr. KING. It is that the Senator was reflecting on the Senate in relation to this question.

The PRESIDING OFFICER, (Mr. FITZPAT-

RICK in the chair.) The Chair will state that any remarks reflecting on the Senate are out of order.

Mr JOHNSON, of Arkansas. Does the Chair say that I made such a remark?

The PRESIDING OFFICER. The Chair will not say that; but such remarks are out of order.

Mr. JOHNSON, of Arkansas. Give the words.

Mr. STUART. If the Senator will waive that point, I will move to take a recess.

Mr. KING. I withdraw the point of order as to what the Senator from Arkansas last said. I will not say anything unkind to him.

Mr. JOHNSON, of Arkansas. I am not disposed to yield the floor as yet. I make these remarks not against any one's feelings, but I know very well that the good sense of the gentlemen in the sound of my voice does approve my course. What I have stated is palpable to every one.

Mr. FITCH. I wish to ask my friend from Arkansas to permit me to make a report from the Committee on Printing, on a certain document.

Mr. JOHNSON, of Arkansas. I really cannot consent whilst I occupy the floor on this question. Every time after we have a little recess, it is plain that these things are to be resumed. It is not right or just that hereafter our action at this time shall be quoted as having been done in good faith and from consideration of the subject, when every one knows that they are passed only because no one wishes to object to what any other Senator requests. That is the whole force of the passage of every bill that has been passed to-night, and I shall beg to refer to it hereafter, if these same bills are brought in with the very same declaration that the Senate passed them unanimously, and therefore the whole Congress hereafter should yield their own judgment and pass them again. This is not right. The Senator from New York knows it so well that no man knows it better. I know that is so.

Mr. STUART. Will the Senator from Arkansas allow me to say a single word?

Mr. JOHNSON, of Arkansas. I will after I have done.

Mr. STUART. I only wanted to suggest that the Senator from New York is willing to withdraw all propositions to pass his bill, so that there is no question before the Senate.

Mr. JOHNSON, of Arkansas. Whilst I have got the benefit of the floor, I wish to make a remark.

Mr. KING. With the assent of the gentleman from Arkansas, I wish to say, in justice to myself, and the person whose bill is reported here, that I believe it is a just one, and that it ought to pass; but, with the present small number in the Senate, I will waive it.

Mr. JOHNSON, of Arkansas. It is still pending; and the Senator cannot withdraw it while I have got the floor. We have this singular phase upon the statement of the Senator himself. He does believe, sincerely no doubt, because it has excited his sympathies, that the bill ought to pass; and many of us, no doubt, have bills which excite our sympathies; and yet, at any other period than a period like this, the indorsement derived from your sympathy, or mine, or from those of better men than either of us, would not secure the passage of any bill at all. If it were possible to get clear of these private claims, so that we shall have no more of them, by taking recesses, and giving an indefinite power to the Presiding Officer to call us together at any moment when there is a real necessity for public business, I should be very glad that such a motion might be made. I trust that we shall have no more of this kind of legislation. I now yield to the Senator from Michigan, to allow him to make his motion.

PRINTING OF REPORTS.

Mr. STUART. I now move that the Senate take a recess until five o'clock, reserving the power to the Chair to call the Senate to order, if it be necessary.

Mr. FITCH. I appeal to the Senator from Michigan to allow me to make a report.

Mr. STUART. It will give me great pleasure to yield to the Senator from Indiana.

Mr. FITCH. Will the Senator allow me to make a motion on a matter of some little importance?

Mr. STUART. Certainly; anything.

Mr. FITCH. I simply want to get rid of these reports. The Committee on Printing, to whom was referred a motion to print the report of the Secretary of the Navy, communicating the report of Lieutenant Craven of his surveys for a ship-canal between the Atlantic and Pacific oceans, by the Atrato and Truando rivers, have directed me to report in favor of printing the usual number.

The same committee, to whom was referred a motion to print the report of the Secretary of the Treasury, relative to the trade between the United States and the Island of Cuba, during the last five years, have directed me to report in favor of printing the usual number.

Mr. JOHNSON, of Arkansas. Do you print the maps?

Mr. FITCH. The usual number.

Mr. JOHNSON, of Arkansas. Do you engrave them?

Mr. FITCH. Only one report has a map with it. The other has no map. We report in favor of printing both the text and the map.

Mr. JOHNSON, of Arkansas. I would be glad to ask the Senator whether the committee propose to engrave the maps which are now on his desk, for the use of the Senate?

Mr. FITCH. Yes, sir; the larger one.

Mr. JOHNSON, of Arkansas. Do the committee believe that it is important that the Senate should have those maps before them?

Mr. FITCH. If the text is printed, the map must be. It is a matter for the consideration of the Senate. I do not attach much importance to it, myself, at all. I would infinitely rather have the report on the smaller document concurred in. The larger one, Lieutenant Craven's report, I do not claim of any great importance; but the report of the committee was in favor of printing the text, and, of course, publishing the map. With the smaller one—the statistics of our trade with Cuba—there is no map.

Mr. JOHNSON, of Arkansas. Then, in presenting that report, under the rules of the Senate, the estimates ought to be furnished to the Senate, so that they may see what it will cost.

Mr. FITCH. The Senator from Arkansas is mistaken. An estimate does not necessarily accompany the usual number. An estimate must be made for extraordinary or additional numbers; but not for the ordinary numbers. We report in favor only of printing the usual number, and no additional numbers whatever. I wish the question to be first put on concurring in the report on the smaller document—the statistics of trade with Cuba. There is no map accompanying that.

Mr. KING. Is this Captain Craven's report?

Mr. FITCH. The one now before the Senate, which it is proposed to print, is in response to a resolution of the Senate relative to our trade with Cuba. It gives the statistics of our trade with Cuba for the last five years.

Mr. KING. Then Captain Craven's report is not included in the motion?

Mr. FITCH. No, sir.

The report of the committee was concurred in.

The PRESIDING OFFICER. The question now is on concurring in the second report of the Committee on Printing, on Lieutenant Craven's report on the subject of an inter-oceanic canal.

Mr. KING. I understand this is not the original report of Captain Craven. That has not been made. This is either an abridged or modified report.

Mr. FITCH. I think that, probably, the Senator from New York is mistaken, in part, and yet, in part, correct. This reported part is not in full.

Mr. KING. Not in full, and it is not proposed to print it.

Mr. FITCH. We propose to print it; but the committee do not attach much importance to it. It is submitted to the consideration of the Senate whether it will or will not print the usual number. Our motion is to print it. It can be laid on the table, if the Senate chooses.

Mr. KING. I move to lay the motion to print on the table.

The motion to lay on the table was agreed to.

SUCCESSIVE RECESSES.

Mr. STUART, (at four and a half o'clock, a. m.) I move that the Senate take a recess until five o'clock, reserving a power in the Chair to call the Senate together at any moment, if necessary.

The motion was agreed to.

At five o'clock the Vice President took the chair; and,

On motion of Mr. STUART, the Senate took a recess for an hour, subject to be called together by the Chair, in the event of a message being received from the House of Representatives.

At six o'clock a recess was taken for half an hour, subject to the same conditions.

The Vice President resumed the chair at half past six o'clock, a. m.

Mr. STUART. I move that the Senate take a recess until nine o'clock, retaining the power in the Chair to call the Senate together earlier, if there should be business from the House requiring it.

The motion was agreed to.

The VICE PRESIDENT called the Senate to order at nine o'clock, a. m., (Friday, March 4, but legislatively Thursday, March 3.)

EXECUTIVE COMMUNICATION.

The VICE PRESIDENT laid before the Senate a report of the Postmaster General, in answer to a resolution of the Senate, transmitting information in relation to the contract with John Butterfield, and his associates, for carrying the mail from the Mississippi river to the Pacific ocean; which, on motion of Mr. CLINGMAN, was ordered to lie on the table, and be printed.

CIVIL APPROPRIATION BILL.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the House had agreed to the third, fourth, fifth, sixth, seventh, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, twenty-first, twenty-third, twenty-fourth, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-ninth, and fortieth amendments to the bill (H. R. No. 713) making appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1860; and disagree to the first, second, eighth, ninth, tenth, eleventh, twelfth, nineteenth, twentieth, twenty-second, twenty-fifth, twenty-sixth, twenty-seventh, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, and forty-first amendments of the Senate.

POST OFFICE APPROPRIATION BILL.

The message further announced that the House had appointed a committee, consisting of Mr. JOHN LETCHER of Virginia, Mr. LAWRENCE O'B. BRANCH of North Carolina, and Mr. GALUSHA A. GROW of Pennsylvania, to join the committee appointed on the part of the Senate, to confer on the subject-matter of the bill (H. R. No. 872) making appropriations for defraying the expenses of the Post Office Department for the year ending the 30th of June, 1860.

BILLS BECOME LAWS.

The message further announced that the President of the United States had, this day, approved and signed the following acts:

An act for the relief of William Rich;

An act for the relief of Captain A. W. Reynolds;

An act for the relief of Eli W. Goff;

An act making appropriations for the payment of invalid and other pensions of the United States, for the year ending the 30th of June, 1860; and

An act making appropriations for the consular and diplomatic expenses of Government, for the year ending the 30th of June, 1860.

DISCHARGE OF COMMITTEE.

On motion of Mr. JONES, it was

Ordered, That the Committee on Pensions be discharged from the further consideration of all business referred to them and not heretofore acted on.

CIVIL APPROPRIATION BILL.

Mr. HUNTER. The House of Representatives have returned the miscellaneous appropriation bill, with their action upon the amendments. I move that it be taken up.

The motion was agreed to.

Mr. HUNTER. The House of Representatives have agreed to the amendment providing for Treasury notes, and they have disagreed to a great many other of our amendments—agreed to some, however. I believe, from what I have seen and heard, that the only chance to pass the bill is not to send it back; and I therefore submit a motion that the Senate recede from all the amend-

ments to which the House have disagreed. The vote there was exceedingly close on the Treasury note amendment; it was near being lost; I believe there was a difference of but two or three; and the other matters also involve difficulties; and I feel assured, from what I have witnessed myself and what I have heard, that there will be no chance to pass the bill unless we recede from the amendments to which the House have disagreed. I submit that motion.

The VICE PRESIDENT. Shall the amendments be read? ["No!" "No!"]

Mr. HUNTER. I hope not. Time is everything to us now. We have to enroll the bill.

Mr. YULEE. I hope the Senate will not concur in the course proposed by the Senator from Virginia. We have three hours left.

Mr. LANE. No.

Mr. YULEE. We have very nearly three hours, and there is no reason why we should adjourn, leaving the public service in a damaged condition. If we adjourn, agreeing to the action of the House on this bill, we shall leave entirely without any provision for their transportation, the very important mails between the Atlantic and Pacific States.

Mr. CLINGMAN. Let them go.

Mr. YULEE. They must not go.

Mr. HUNTER. Perhaps that can be got on the post office bill. A loss of time is a loss of the bill. The bill is yet to be enrolled.

Mr. YULEE. There ought not to be any loss of time by the course I propose. I move that we insist on our amendments, and ask for a committee of conference.

Mr. HUNTER. My motion to recede takes precedence.

The VICE PRESIDENT. The motion of the Senator from Virginia takes precedence.

Mr. BRODERICK. I ask for the reading of the amendments.

Mr. HUNTER. I hope the Senator will not ask for the reading.

Mr. BRODERICK. I insist on it.

Mr. HUNTER. It will take until twelve o'clock to read them.

Mr. BRODERICK. I do not care; if it were now three minutes to twelve, I would insist on it. My State has been cut off from all mail service, and I want this bill to fall, and I will take the responsibility, so far as my vote is concerned.

The VICE PRESIDENT. The Secretary will read the amendments.

Mr. HUNTER. Can they be read without the consent of the Senate? May not a majority object to it?

The VICE PRESIDENT. The Chair thinks that on the call of a Senator, he has a right to the reading of an amendment or a bill on which he is to vote.

Mr. BRODERICK. How am I to vote, unless I know what I am to vote on?

Mr. HUNTER. Will the Senator designate the amendment which he desires to have retained? He can have that read.

Mr. BRODERICK. I want to know what they all are, from first to last.

Mr. CLINGMAN. I appeal from the decision of the Chair. I think the Senate has a right to dispense with the reading when it chooses.

The VICE PRESIDENT. The Chair will state the condition of the question when the Senate comes to order. The Senator from Virginia moved that the Senate recede from its amendments to which the House disagreed. The Senator from California asks for the reading of the amendments. The Chair decides that the amendments must be read, if the reading be insisted on, before the vote can be taken. The Senator from North Carolina appeals from the decision of the Chair. Shall the decision of the Chair stand as the judgment of the Senate?

Mr. BRODERICK. I call for the yeas and nays.

Mr. SEWARD. I submit to the honorable Senator from North Carolina, that he had better withdraw his appeal. There is not a quorum here, and that will be ascertained on the yeas and nays. He had better let the reading go on. Surely, no one can say that any Senator can be denied the right to have read anything which is necessary to be acted on.

Mr. HUNTER. Let us go on with the reading, if the Senator from California insists.

Mr. CLINGMAN. I think I am right; but under the suggestion that there is no quorum here, I withdraw the appeal.

The VICE PRESIDENT. The Secretary will proceed to read the amendments.

Mr. FITCH. I submit to the Senator from Virginia that, in view of the demand for the reading of the amendments, it would be better to ask for a conference.

Mr. HUNTER. I will not agree to that, because I believe it will kill the bill. I want the Senate to say whether they will recede or not.

Mr. YULEE. Why should it kill the bill, that we propose to the House to confer reasonably with them?

Mr. HUNTER. We know they had great difficulty to pass the Treasury note amendment.

Mr. YULEE. But why should asking for a conference kill the bill?

Mr. HUNTER. We have not time for a conference. It will take all the time we have left to enroll the bill and get it to the President.

Mr. YULEE. I have seen more important appropriation bills passed at a later hour than this; and why should they refuse to confer with us?

Mr. HUNTER. Did the Senator ever see a bill passed at as late an hour, which is so much contested as this?

Mr. YULEE. I did, last session.

Mr. JOHNSON, of Arkansas. I call the Senator from Florida to order, because he has not addressed the Chair in a single instance, and is carrying on a conversation. Would he have a mere little petty interest prevent the supply of means necessary to carry on this Government?

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. HUNTER. Let the amendments be read, if the reading is demanded.

Mr. JOHNSON, of Tennessee. Perhaps, if the chairman of the Committee on Finance would state the amendments that are disagreed to by the House, his bare statement of them would inform the Senate of what they are, so as to enable us to vote understandingly.

Mr. HUNTER. I cannot state them all. I could probably state what the House have done in regard to the matters stated by the Senator from California.

Mr. BRODERICK. I prefer to have them read.

The VICE PRESIDENT. The Senator from California has again and again insisted on the reading of the amendments. Perhaps half of them might have been read by this time if Senators had allowed them to be read. The Secretary will read the amendments to which the House disagree.

The Secretary read them, as follows:

First amendment:

Page 2, strike out lines nineteen and twenty, as follows: "For preserving the extension of the Treasury building, $50,000;"

And in lieu thereof insert:

For continuing the construction of the Treasury extension, $500,000.

Second amendment:

Page 7, line five, after the word "work," strike out all to and including the word "dollars," in line ten, in the following words:

"And also including all the accounts for surveys of the public lands and private land claims in California, under contracts prior to the 30th of June, 1857, $103,000;"

And insert, in lieu thereof, $43,000.

Mr. SEWARD. Is that disagreed to?

The VICE PRESIDENT. The Secretary is only reading the amendments to which the House has disagreed.

The Secretary continued to read the amendments:

Eighth amendment:

Page 9, line twenty, after the word "grounds," strike out "$1,878," and insert "$1,095," so as to read, "for hire of carts on the public grounds $1,095."

Ninth amendment:

Page 10, line five, after the word "locks," insert, "and for the protection of the building."

Tenth amendment:

Page 10, line twenty-seven, after the word "avenue," strike out "two" and insert "three," so as to appropriate "for repairs of Pennsylvania avenue $3,000."

Eleventh amendment:

Page 14, line four, at the end thereof, add, "but this provision shall not be so construed as to interfere with the completion of, and payment for, works already begun by Crawford and Rogers, or the completion of the painting of the rooms in the north wing already partly painted."

Twelfth amendment:

Page 14, line twenty-seven, add, "for extending to the center building of the Capitol the system of heating adopted for the wings, $74,000.

Nineteenth amendment:

"For making the necessary alterations in the rooms assigned to the Court of Claims, including the removal of the partition between the rooms formerly occupied by the Senate committees on Military Affairs and on Indian Affairs, $5,000."

Twentieth amendment:

For completing the aqueduct to supply the cities of Washington and Georgetown with the Potomac water, $250,000.

Twenty-second amendment:

For grading and graveling B street south, between Seventh and Fourteenth streets west, setting curb, and paving gutter with stone and footway with brick, on the north side of the same, next to the public reservations, $7,979 50.

Twenty-fifth amendment:

For paving, grading, and improving F street north, between Ninth and Fourteenth streets west, $8,877 39.

Twenty-sixth amendment:

For the altering, fitting up, and furnishing the former Senate Chamber for the Supreme Court, with the twelve rooms for the use of the court, its officers and records, and for the drainage, water and gas pipes, and for fitting up the former Supreme Court room for the Law Library of Congress, which rooms are hereby assigned for these purposes, according to the plan prepared under the direction of the Supreme Court, $38,000.

Twenty-seventh amendment:

From and after the 1st day of July next, the franking privilege, except so far as conferred by special laws as a personal privilege, be, and the same is hereby, abolished.

Thirty-third amendment:

And be it further enacted, That for procuring the necessary furniture for the Senate Chamber, the audience rooms, the committee-rooms, the rooms occupied by the office of the Secretary of the Senate, and other rooms of the north wing of the Capitol in the occupancy of the Senate and its appendages, the superintendent of the Capitol extension be directed to make a survey, and ascertain what articles of furniture will be needed, with the materials, designs, and dimensions of the same; and that he be, and he is hereby, authorized to publish the proper specifications and descriptions of the articles that may be required, and invite sealed proposals to be made to him within thirty days from the date of the first publication of the same for the manufacture and construction of the said articles of furniture, to be opened at the appointed time, in the presence of the bidders or other persons; and that a contract or contracts for such furniture shall be made with the lowest and best bidder, reference being had to the quality of the material, the superiority of the workmanship, and the time in which the same shall be completed; and that proper security shall be taken for the faithful and prompt execution of the work; and that, for the purpose of paying for the said furniture as it may be completed and delivered to the satisfaction of the said superintendent, such sum of money as may be required therefor be, and the same hereby is, appropriated, to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That the amount to be expended under this section shall not exceed $50,000.

Thirty-fourth amendment:

And be it further enacted, That the missionary claims referred to in the fourth section of the act of the 26th of September, 1850, entitled "An act providing for the examination and settlement of claims for land at the Sault Ste. Marie, in Michigan," and reported upon by the register and receiver at Sault Ste. Marie, pursuant to said act, shall be entitled to recognition and confirmation in the same manner and on the same terms as the claims of individuals therein provided for; and upon the final approval of the said claims, as provided in the eighth section of the act aforesaid, patents shall be issued therefor.

Thirty-sixth amendment:

And be it further enacted, That for the purpose of ascertaining the probable cost of the execution of the various plans which have been reported to Congress for the enlargement of the public grounds surrounding the Capitol, the Commissioner of Public Buildings be, and hereby is, directed to ascertain, as far as possible, by conference with the owners of the private property within the limits of the said reported plans, the price demanded therefor, and to report the same, together with his own estimate of the value thereof, to Congress, as early as practicable after the first Monday in December next, and further to submit with the said report such drawings of the said plans as shall exhibit clearly the slopes, terraces, walks, and road-ways within and around said grounds, with an estimate in detail of the quantities of each description of work involved in the execution of each of the aforesaid proposed plans, and the probable cost of the same.

Mr. YULEE. I trust the Senator from California will withdraw his requirement for the reading of the amendments. My object was to take the sense of the Senate as to a conference. I was in hopes that by a speedy movement upon a conference we might be able to arrange what might be necessary for the public interests in respect to the omitted amendments; but I think it would be very unwise to pursue a course that would defeat legislation altogether. If there is any chance for a concurrence by the Senate in the motion I have

made for a conference, it must be upon a speedy movement, and every moment of delay in reading what seems to me to be entirely useless, defeats all possibility or chance of accomplishing the object the Senator has in view; and certainly we must not defeat legislation. I hope the Senator will withdraw the call, and let us take the question.

Mr. BRODERICK. I withdraw my call for the present; but if the motion for a committee of conference fails, I shall renew the call for the reading of the entire amendments.

Mr. GWIN. I will make a single suggestion to the Senator from Virginia. We have two and a half hours before the Senate adjourns, and a very few additions can be put on this bill which would enable the public service to go on. I think if he would submit to a committee of conference, they could, in twenty minutes, agree on certain items that could be inserted in the bill which there would be no difficulty in passing through the two Houses of Congress, and continue the service of the country. There are numerous amendments which a committee of conference, under the circumstances, would not consider at all, because they have not the time. I will suggest to the Senator that the loss of some amendments does great injustice, because it stops the whole mail service to the Pacific coast by ocean steamers. I may say also that there is now no possibility of passing the Post Office appropriation bill. There is one great consideration connected with this bill which disinclines me to make any dispute about it, and that is that it provides means to carry on the Government, and I know the anxiety of the Senator from Virginia for the purpose of securing that object. That provision was placed on the bill by a very close vote, I think only one or two majority in the House. If I thought that asking for a committee of conference would jeopard the bill, I would not, notwithstanding the great injury it will inflict on my State, make a point on this matter; but really I believe that if the Senator from Virginia will submit to a conference, we can, in the course of half an hour, have a bill which will not be objected to by the House.

Mr. HUNTER. I want the sense of the Senate. I believe, if we send the bill back, it will probably be lost. If the Senate say they will not recede, and prefer to have a committee of conference, well and good; I shall be freed from responsibility. I am taking a course which I believe to be necessary to save the bill, on which depends the means by which the Government is to be carried on.

The VICE PRESIDENT. It is moved and seconded that the Senate recede from its amendments to which the House has disagreed.

Mr. BRODERICK. I thought the motion of the Senator from Florida, for a committee of conference, was first in order?

The VICE PRESIDENT. The motion of the Senator from Virginia takes precedence.

Mr. YULEE. A single word. I ask the Senator from Virginia on what ground he says the House will not agree to a conference? It would be an unreasonable humor on their part that they should refuse to confer with us.

Mr. HUNTER. I did not say they would refuse a conference; but I said, if we send the bill back there, considering what little time there is left, and the nature of the opposition to it, we endanger the bill.

Mr. YULEE. I promise him that a committee of conference will not endanger it, if those who are friendly to the amendments have anything to do with the committee. I am satisfied we can make a temporary arrangement that will answer the purpose.

Mr. BRODERICK. I insist on the reading of the amendments.

Mr. HUNTER. Go on and read them.

The Secretary continued to read the amendments.

Thirty-sixth amendment:

And be it further enacted, That from and after the passage of this act, each member of the Senate who may attend any extra or called session of the Senate, in the recess of Congress, and who was not a member of either House of Congress at the expiration of the Congress preceding such extra or called session of the Senate, shall be entitled to receive his mileage at said extra or called session of the Senate; and that such sum as may be necessary to pay the mileage aforesaid be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Thirty-seventh amendment:

And be it further enacted, That the Postmaster General is hereby authorized and directed to contract with responsible bidders for the transportation of the United States mail between New York and Astoria, via Panama and San Francisco, semi-monthly, and require said contractors to transport on the Pacific ocean such mail matter as may pass over the Tehuantepec route, as hereinafter authorized: *Provided*, The time between New York and San Francisco shall not exceed twenty-two days, and that the whole cost shall not exceed $525,000 per annum for the service between New York and Astoria.

And be it further enacted, That the Postmaster General shall also contract with responsible parties for the transportation of the mails semi-monthly between New Orleans and San Francisco, via Tehuantepec; and arrange for the connection of said mails on the Pacific with the mails via Panama, as directed in the preceding section: *Provided*, That the time between New Orleans and San Francisco shall not exceed fifteen days; and that the cost of said service shall not exceed the sum of $250,000 per annum.

And be it further enacted, That the contracts herein directed shall be made from the expiration of the existing contracts until the 30th day of June, A. D. 1861.

And be it further enacted, That the Postmaster General be, and he is hereby, authorized and directed to contract with Carlos Butterfield and his associates, who are to be styled "The United States and Mexican Mail Steamship Company," for the conveyance of the mails from and to the United States, and to and from the Republic of Mexico, in the following order, namely: A steamer shall leave New Orleans or Mobile on the 1st and 16th days of each month, touching first at Galveston, Matagorda Bay, Brazos de Santiago, Tampico, Vera Cruz, Coatzacoalcos, Tabasco, Laguna, Campeche, Sisal, and all other ports in said circuit that may hereafter be ascertained to be practicable, including Sabine Pass, and thence to New Orleans or Mobile; and on the 8th and 24th days of each month a steamer shall leave New Orleans or Mobile, touching first at Sisal, Campeche, Laguna, Tabasco, Coatzacoalcos, Vera Cruz, Tampico, Brazos de Santiago, Matagorda Bay, Galveston, and thence to New Orleans or Mobile, thus accomplishing the full circuit of the Gulf, or four round voyages, per month.

And be it further enacted, That the aforesaid contract shall be for a term of four years, and shall not involve, on the part of the Government of the United States, an expenditure exceeding $120,000 per annum.

Mr. GWIN. I think, if my colleague will permit the suspension for a moment, I can make a suggestion that will probably relieve this difficulty, and that is, to amend the motion of the Senator from Virginia, by moving that we recede from all the amendments except those in regard to the California service. I think the House will agree to that at once.

Mr. YULEE. That will do.

Mr. HUNTER. That will not do. It sends the bill back to the House.

Mr. JOHNSON, of Arkansas. I ask that the reading be continued, unless the demand for it is withdrawn peremptorily.

The Secretary continued the reading.

Thirty-eighth amendment:

And be it further enacted, That the Secretary of the Interior be, and he is hereby, authorized to complete the purchase of the premises in the city of New York, now occupied by the United States courts and their officers, under a lease from William E. Burton to the United States, and to pay for the same out of the judiciary fund: *Provided*, A sufficient amount thereof shall remain unexpended at the close of the present fiscal year.

Forty-first amendment:

And be it further enacted, That the Secretary of the Senate and Clerk of the House of Representatives are hereby directed so to modify their contract with Gales & Seaton for publishing the continuation of the American State Papers, made under authority of the act of June 12, 1858, as to stipulate that they be allowed $10 50 a volume, on condition that the said publishers shall defray all expenses of selecting, compiling, and arranging the documents according to the rate of compensation paid for the same services in compiling and preparing the first series; also the expense of binding the same, and the expense of all lithographs and wood engravings required in any of the documents; also the expense of preparing full and proper indexes for each volume, and general indexes for each class; and all other contingent or incidental expenses whatever attending said publication; and the said volumes shall be delivered to the Secretary of the Interior as the same may be completed, who shall place three hundred copies in the Department of State for its use and for exchange with foreign Governments, and seven hundred copies in his own Department for distribution to public libraries in the several States and Territories, and hold the residue of the copies in his custody subject to the further order of Congress; and the Secretary of the Treasury is hereby directed to pay for the said work as the same may be delivered, out of any money in the Treasury not otherwise appropriated, on the certificate of the said Secretary of the Interior: *Provided*, That not more than $25,000 shall be so paid on account of said publication during the current fiscal year.

The VICE PRESIDENT. The Secretary has read the amendments to which the House has disagreed. Will the Senate vote on all the amendments together?

Mr. BRODERICK. I hope the first amendment will be read again.

Mr. CLINGMAN. It has been read. I object to reading it a second time.

Mr. BRODERICK. I want to act on the amendments separately. I want to speak on the first amendment.

The VICE PRESIDENT. The question is on the first amendment to which the House disagreed. If objection is made to the re-reading, the question must be put to a vote of the Senate.

Mr. BRODERICK. I should like to hear it read, because I want to call the attention of the Senate to it.

Mr. CLINGMAN. It is obvious that the whole purpose of the Senator from California is to produce delay, and I shall not aid him in it. I object to the reading.

The VICE PRESIDENT. The question is, shall the amendment be again read? The Chair will submit that to the Senate.

The question being taken, it was decided in the negative.

The VICE PRESIDENT. The question is, "Will the Senate recede from this amendment?"

Mr. BRODERICK. I desire to call the attention of the Senate to this amendment. I understand it is the amendment to reduce the appropriation for surveying the public lands in California, from $103,000 to $43,000. I find that, through the efforts of somebody, the House has been induced to increase this appropriation to $103,000 again. My State is left without a mail; there is no provision made for the overland mail, or for the steamer mails——

The VICE PRESIDENT. The Chair will state to the Senator from California, that the first amendment which is now before the Senate is in regard to the Treasury extension.

Mr. BRODERICK. I have no objection to having the question put on that, but I want to draw the attention of the Senate to the amendment to which I have alluded. I think the House has been humbugged—cheated.

The VICE PRESIDENT put the question on receding from the first amendment, and it was decided in the affirmative.

The VICE PRESIDENT. The question now is on the second amendment. Will the Senate recede from it?

Mr. BRODERICK. I should like to know what it is, so that I can vote understandingly. I made a mistake before. I hope I shall not make one again. I hope it will be read.

Mr. BIGLER. I thought the motion was to recede from all the amendments.

The VICE PRESIDENT. Separate votes are demanded.

Mr. SEWARD. Let it be stated what the amendments are, so that we may vote understandingly.

Mr. HUNTER. I have a proposition to make to the Senator from California: suppose we take separate votes on the amendments in which he is interested, and then let us take a vote on all the other amendments together.

Mr. BRODERICK. Well, sir, I make a proposition to you, and that is that you consent to a conference committee, and save my State.

Mr. HUNTER. I shall not do it.

Mr. BRODERICK. Then I will exhaust the time of the Senate, if I can get anybody to aid me in it.

Several SENATORS. No, no; that is not right. Do not do it.

Mr. BRODERICK. Well, I want to hear the pending amendment read.

Mr. GREEN and Mr. ALLEN. I object.

Mr. BRODERICK. If it is not read, I want to know what it is.

The VICE PRESIDENT put the question on re-reading the amendment; and it was decided in the negative.

Mr. FITZPATRICK. Let the Secretary state each amendment as it is reached.

The VICE PRESIDENT. The Secretary will state what the next amendment is.

The SECRETARY. It is the amendment in regard to surveys of the public land and private land claims in California, reducing the appropriation from $103,000 to $43,000.

Mr. BRODERICK. This is the amendment to which I wished to call the attention of the Senate. The State of California has been cut off from mail facilities, while the House has increased this appropriation to its original amount, $103,000. This was brought about by lobbying, as a matter of course; and I understand that several Senators took it upon themselves to lobby members

for the purpose of getting this appropriation increased. If they had performed the same labor in trying to save the mails to California, we should not be put to the trouble of objecting to this bill. I ask the Senate if they wish to encourage legislation of this kind? If they do, and a majority so decide, of course I must submit; but I call the attention of Senators to this amendment more particularly. It is to increase an amount which the Senate reduced, and is for a party of jobbers.

I do not care about taking up the time of the Senate, if the minority party on the other side are not disposed to aid me in doing it. I do not want to stand up here alone, and make this fight. If my colleague will aid me, I shall be very happy to exhaust the time from now until twelve o'clock; but if he is not disposed to take the responsibility with me, I suppose I shall have to submit to the majority. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. BAYARD. I do not wish to impede the passage of this bill, and I merely rise to say, that if one amendment is excepted, it makes little difference whether another is or not; because you must have a committee of conference on it, and if the Senate except any amendment, I shall ask them not to recede from the amendment which provides for the accommodation of the Supreme Court. I think it a disgrace to Congress, when we have provided ample accommodations for ourselves, that a coördinate branch of the Government should be left without suitable accommodations, especially as it can be done without actual cost——

Mr. HUNTER. Will not the Senator let us vote?

Mr. BAYARD. The Senator must excuse me. I say it is proposed to be done without actual cost to the Government, and why should we not do it?

The VICE PRESIDENT. The question is: "Will the Senate recede from this amendment?" The Secretary will call the roll.

Mr. HUNTER. I suppose the Senator from Louisiana [Mr. SLIDELL] would vote to recede, and I should vote against it. He is absent, and I have paired off with him, and therefore do not vote.

The question being taken by yeas and nays, resulted—yeas 28, nays 13; as follows:

YEAS—Messrs. Allen, Bayard, Benjamin, Bigler, Bright, Chesnut, Clay, Clingman, Davis, Douglas, Fitch, Fitzpatrick, Green, Gwin, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Lane, Mallory, Mason, Reid, Rice, Thomson of New Jersey, Ward, and Yulee—28.

NAYS—Messrs. Broderick, Chandler, Clark, Dixon, Doolittle, Foster, Hale, Harlan, King, Seward, Trumbull, Wade, and Wilson—13.

So the amendment was receded from.

The VICE PRESIDENT. The question is on the next amendment, to which the House has disagreed.

Mr. LANE. I feel a great deal aggrieved about the mail service as well as the Senator from California; and if he will agree that we vote upon all the amendments but that—just except that—we can have a distinct vote on that point.

Mr. BRODERICK. I find myself in a very small minority here, and, as that is the case, I submit.

Mr. KENNEDY. I object to voting on all the amendments together. There is one that I want excepted.

The VICE PRESIDENT. The Senator can indicate the one he wishes to except.

Mr. KENNEDY. It is the amendment in regard to the State Papers.

The VICE PRESIDENT. The amendment in regard to the mail service to the Pacific, and the amendment in regard to the State Papers, are excepted. The Chair will put the question on the remaining amendments together, if there be no objection. Will the Senate recede from them?

The question being put, it was determined in the affirmative.

The VICE PRESIDENT. The Secretary will read the amendment in regard to the State Papers.

Mr. FITCH. There is no necessity for reading it. Although I reported it from the Committee on Printing, I shall feel constrained to vote for receding from it. If we adhere to one, we may as well adhere to all.

Mr. KENNEDY. I ask for the yeas and nays.

The yeas and nays were not ordered.

The question being put, the amendment was receded from.

The VICE PRESIDENT. The Secretary will now read the amendment in regard to the mail service on the Pacific.

Mr. GWIN. I hope the reading will be dispensed with. We all know what the amendment is.

The VICE PRESIDENT. The Chair hears no objection, and the reading will be dispensed with.

Mr. YULEE. Now, I make the request of the Senator from Virginia to agree to my motion, to ask for a conference on this amendment.

Mr. HUNTER. I have told the Senator twenty times that I am afraid to send the bill back to the House. I must submit the question to the Senate.

Mr. GWIN. I do not think there is the slightest danger of losing the bill by asking for a committee of conference on this amendment.

Mr. FESSENDEN. There is no doubt but that the service will be performed.

The VICE PRESIDENT. Will the Senate recede from this amendment?

Mr. BRODERICK. I hope the Senate will give us the yeas and nays on that question.

The yeas and nays were ordered; and, being taken, resulted—yeas 25, nays 22; as follows:

YEAS—Messrs. Allen, Bayard, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Mallory, Mason, Polk, Reid, Rice, Sebastian, Thomson of New Jersey, Toombs, Trumbull, and Ward—25.

NAYS—Messrs. Bell, Bigler, Bright, Broderick, Cameron, Chandler, Clark, Dixon, Doolittle, Douglas, Fessenden, Foster, Gwin, Hale, Harlan, Kennedy, Lane, Seward, Simmons, Wade, Wilson, and Yulee—22.

The VICE PRESIDENT. That is the last amendment.

Mr. HUNTER. That concludes the bill.

Mr. BRODERICK. I understand, from a Senator who was present when our second amendment was acted on in the House of Representatives, that it was agreed to. I have been so informed also by the Representative from California, [Mr. MCKIBBIN.] He has now gone to the Clerk's desk, in the House, for the purpose of ascertaining the fact. He says it was agreed to by a large majority of the House. I believe the Senator from Tennessee was present in the House when the vote was taken.

Mr. HUNTER. We can take no testimony except what comes to us in the official papers.

Mr. BRODERICK. There may be a mistake.

Mr. HUNTER. We can take no notice of it unless the House send us a message in regard to it.

Mr. BRODERICK. I merely call the attention of the Senate to it, and, being a mistake, I suppose it can be corrected at any time. [After a pause.] I have been again informed, by the Representative from California in the other House, that this amendment of the Senate was agreed to.

The VICE PRESIDENT. The Secretary will state what the record from the House shows.

The Secretary read:

"*Resolved*, That the House disagree to the following amendments of the Senate, numbered 1, 2, &c."

Mr. FITCH. I think the difficulty is capable of very easy solution. The Senate amendment was agreed to, and afterwards reconsidered and disagreed to. I think that is precisely the state of the case.

Mr. HUNTER. The bill is closed, I understand. I hope it will be enrolled, that it may get to the President in time to be signed.

The VICE PRESIDENT. The Chair cannot take any notice of what has been said on the floor.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. HENRY, his Secretary, announced that the President had this day approved and signed an act for extending the laws and judicial system of the United States to the State of Oregon, and for other purposes.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the Speaker had signed the following enrolled bills; which thereupon received the signature of the Vice President:

A bill (H. R. No. 886) to protect the timber growing upon lands of the United States reserved for military and other purposes;

A bill (H. R. No. 489) for the relief of congressional township No. 27, north of range No. 6 east, in Wabash county, Indiana;

A bill (H. R. C. C. No. 84) for the relief of Ferdinand Coxe;

A bill (H. R. No. 531) for the relief of John Perry, of Illinois;

A bill (H. R. No. 77) for the relief of Enoch B. Talcott, late collector of customs at Oswego, New York;

A bill (H. R. No. 863) for the relief of Lucy A. Wakefield, widow of Benjamin Wakefield;

A bill (H. R. No. 441) for the relief of the assignees of Hugh Glenn;

A bill (H. R. No. 891) for the relief of William M. Harrison;

A bill (H. R. No. 888) making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians, for the year ending June 30, 1860, and for other purposes;

A bill (H. R. No. 550) making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes; and

A joint resolution (S. No. 88) in relation to the second section of the act of Congress entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes."

BILLS BECOME LAWS.

The message also announced that the President of the United States had, to-day, approved and signed the following bills:

An act making appropriations for the support of the Army for the year ending the 30th June, 1860;

An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending the 30th June, 1860; and

An act to provide for the care and preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefits of the inhabitants of said cities.

REPORTS FROM COMMITTEES.

Mr. YULEE, from the Committee on the Post Office and Post Roads, to whom was referred the bill (H. R. No. 494) for the relief of William Doty and others, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 589) for the relief of John Kelly, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of John E. Caldwell, praying for relief for fines imposed by the Postmaster General, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of R. J. Todd, praying a reduction of the postage between the cities of New York, Brooklyn, and Williamsburg, asked to be discharged from its further consideration; which was agreed to.

Mr. BIGLER, from the Committee on Commerce, to whom was referred a resolution relative to the salary of the commercial agent at St. Martin, asked to be discharged from its further consideration; which was agreed to.

PAPERS WITHDRAWN.

On motion of Mr. GREEN, it was

Ordered, That leave be granted to withdraw from the files of the Senate the petition and papers of Haym M. Salamon.

On motion of Mr. POLK, it was

Ordered, That Pierre Choteau have leave to withdraw his petition and papers.

On motion of Mr. GREEN, it was

Ordered, That the Court of Claims be requested to return to the Senate the petition and papers of Russell & Majors; and that the petitioners have leave to withdraw the same.

AGRICULTURAL REPORT.

Mr. FITCH. I wish to call the attention of the

Senate to the report made by the Committee on Printing, relative to the publication of certain extra numbers of the mechanical and agricultural portions of the Patent Office report. If it is desired that any number of these documents be printed, the resolution reported by the committee should be taken up and concurred in. I move to take it up.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved, That there be printed, in addition to the usual number, ten thousand extra copies of the report of the Commissioner of Patents on agriculture, for the year 1858, for distribution by the Interior Department: *Provided*, That the aggregate number of pages contained in said report shall not exceed five hundred and sixty-eight, including ten pages of illustrations on wood: *And provided further*, That the entire amount of copy necessary to complete said report, including the drawings for the illustrations on paper, be placed in the hands of the Superintendent of Public Printing on or before the 1st day of May next.

Mr. HALE. I hope the resolution will not prevail. If we abandon the idea of printing these documents for gratuitous distribution by members of Congress, as has been the custom heretofore, I see no reason why ten thousand should be printed, and deposited in the Patent Office, to be distributed by the Commissioner.

Mr. FITCH. I have no wish in the matter, and care not what is done with the resolution; but the report may be called for by agriculturists; and, if it be printed, and placed in the hands of the Commissioner of Patents, they will know where to procure it.

Mr. WILSON. I understand that the House of Representatives have already ordered two hundred thousand copies to be printed.

Mr. FITCH. I do not know what number they have ordered to be printed.

Mr. BAYARD. I do not see much advantage in this resolution, under the action of the House of Representatives. It restricts the printing of the Patent Office report to a certain amount for the Senate. We cannot control the House of Representatives; the House have already ordered, I think, the publication of two hundred thousand copies of the agricultural, and one hundred thousand of the mechanical portion of the report. If both Houses would agree to abandon the publication altogether, I think it would be wiser to do so, for in my view, the benefit is not commensurate with the expense; but until both Houses agree to abandon it, there is no use of increasing the expense by having an enormous number of copies published by the House, and the same book published in different form by the Senate for distribution by the Interior Department, which will require, of course, additional pay for composition, or, at all events, a different arrangement and increased expense. I think the resolution useless, unless it can be made a joint resolution.

Mr. FITCH. It is well known to the Senate, that resolutions of this character for printing are never joint resolutions. The resolutions are reported by the separate committees of the two Houses, and the printing is done for the use of the respective Houses. Under the old law there would be double composition. Under the law as it will exist at the next session, and I trust ever thereafter, there cannot be double composition. The Commissioner of Patents usually asks for a certain number to distribute himself, or under the auspices of the Secretary of the Interior. If the Senate chooses to grant his request they can do so. We have not provided for the printing of any for members of the Senate. Whether we print any, however, as I have already remarked, is a matter of perfect indifference to me.

The resolution was rejected.

COMMITTEE CLERKS.

Mr. JONES. I am very desirous of doing a kind act to faithful clerks who have served the committees, and I call up now a resolution which I offered on the last day of the last session, and submit, as a substitute for it, the one which I send to the Chair. I wish to say that this resolution is in precise accordance with the report made by the Senator from Louisiana [Mr. BENJAMIN] at the last session but one. The rule prescribed at that time provides that committee clerks may be continued after the short session and receive pay for sixty days. Their pay will then amount to less than nine hundred dollars per annum; less than the pay of our messengers. I have been a clerk myself, and I feel a great sympathy for these clerks. I hope the Senate will grant them this small pittance. The resolution which I propose is exactly in accordance with what has been done heretofore, and with the resolutions reported by the Senator from Louisiana from the special committee, two years ago. I know, most of us know, that some of these clerks are very poor. To my own knowledge, one of them, whose name I will not mention, has not money to pay his expenses home. After a long session the case is different. Then there is some reason for not giving them extra pay; but at the end of a short session there is great propriety in doing it; it amounts to but a small sum; and I hope the Senate will do me this favor for the benefit of these clerks.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read it, as follows:

Resolved, That the clerks employed by the standing committees, except the clerks to the Committees on Finance, Printing, and Claims, shall receive, at the close of this session, an extra compensation equal to their per diem for sixty days.

Mr. JONES. I will only state that there are eleven clerks, I believe, who, under this resolution, will receive sixty days' pay.

The VICE PRESIDENT. Does the Senator ask for the present consideration of the resolution?

Mr. JONES. I do.

The VICE PRESIDENT. The Chair hears no objection.

Several SENATORS. I object.

Mr. MASON. I ask if there was a similar resolution passed at the last session?

Mr. JONES. There was at the last short session—not at the long session. I will say to my friend from Virginia, that it is precisely in accordance with the report of the committee of which the Senator from Louisiana was chairman.

Mr. TRUMBULL. I object to the consideration of the resolution.

Mr. JONES. You cannot, my dear friend. I offered it on the last day of the last session.

Mr. TRUMBULL. It was not adopted.

Mr. JONES. But I call it up now. I hope the Senate will take it up. I have been a clerk, and I feel for these clerks. One of them fought bravely in Mexico, and was wounded three or four times.

The question being taken; there were, on a division—ayes 19, noes 15.

So the Senate proceeded to consider the following resolution, submitted by Mr. JONES at the last session:

Resolved, That the clerks of the standing committees of the Senate who are temporary, be continued for sixty days after the close of the present session.

Mr. JONES. I modify the resolution by striking out all after the word "Resolved," and inserting:

That the clerks employed by the standing committees of the Senate, except the clerks to the Committees on Finance, Printing, and Claims, shall receive, at the close of this session, an extra compensation equal to their per diem for sixty days.

Mr. TRUMBULL. It has been stated to the Senate that it is in accordance with rule to give this sixty days' extra pay. I should like to hear that rule read. I am not aware of it, and I think no such rule exists. I think that when we revised the rules on this subject, a few years ago, there was a resolution adopted, allowing sixty days' pay; but the Senator from Louisiana—I am glad to see him in his seat now—can tell whether it was intended as a permanent arrangement. Many of these clerks have had very little to do during the session of Congress. Certainly it was no part of the Senator's report that there should be a permanent allowance of this kind at every short session.

Mr. BENJAMIN. If the Senator will permit me, I will state the facts. When the special committee reported upon this subject, it was proposed to place the clerks of committees upon some permanent footing, and provide that, at the short session, they should be engaged under the understanding that they should have sixty days' extra pay at the end of the session; that that should be the permanent rule for paying them. The clerks declined that arrangement, and made opposition here in the Senate, through the chairmen of their several committees, every one of them struggling to be made a permanent officer of the Senate. The result was, that neither the one nor the other was voted. Now, I do not care to make any opposition to this allowance, but I will suggest to the Senate that there are no less than three positive laws forbidding it, passed within the last five years.

Mr. TRUMBULL. That being the case, I think the Senate will hardly undertake to violate the law, and that is an end of the question. I have no more to say about it. I take it the Senate will not violate an act of Congress by a resolution of this kind.

Mr. BENJAMIN. It has been decided once before at the Department that they will not pay money under such resolutions.

Mr. CLAY. I move to lay the resolution on the table.

Mr. JONES. I should like to read to the Senate——

The VICE PRESIDENT. By general consent the Senator may proceed.

Mr. JONES. On the 13th of March, 1857, the Senator from Louisiana [Mr. SLIDELL] submitted this resolution:

"*Resolved*, That the clerks of those committees which have been discontinued shall be entitled to receive a compensation for sixty days after the adjournment of the Senate, at six dollars per day."

On the 14th of March—

"The Senate proceeded to consider the resolution submitted by Mr. SLIDELL yesterday, making an allowance to clerks of committees; and, the resolution having been amended, on the motion of Mr. SLIDELL, was agreed to, as follows:

"*Resolved*, That the clerks employed by the standing committees of the Senate, except the clerks of the Committees on Finance, Printing, and Claims, including those committees which have been discontinued by the partial adoption of the report of the special committee, submitted on the 17th February, 1857, shall receive, at the close of this session, an extra compensation equal to the amount of their per diem for sixty days."

That was adopted; and if it was not paid then it will not be, perhaps, now; but I presume it must have been paid then.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama, that the motion do lie on the table.

The motion was agreed to.

MECHANICAL REPORT.

The VICE PRESIDENT. The Senator from Indiana [Mr. FITCH] some time since called up a resolution from the Committee on Printing, in relation to printing the agricultural part of the Patent Office reports. There is also a resolution in regard to printing the mechanical part of the Patent Office report, which the Chair supposes was intended to be called up at the same time. If there be no objection, the Chair will call it up now.

Mr. FITCH. I do not propose to call it up, because I presume it will follow the fate of the other report, and be laid on the table.

Mr. HALE. I move to lay it on the table.

The VICE PRESIDENT. It is already on the table.

Mr. HALE. I move to let it lie there.

The VICE PRESIDENT. It is already there, and will lie there, unless it be taken up.

Mr. DAVIS. I hope we shall take a vote on it. It had better be acted on.

Mr. HALE. Very well. I have no objection.

The Senate proceeded to consider the following resolution:

Resolved, That there be printed, in addition to the usual number, ten thousand extra copies of the annual report of the Commissioner of Patents on arts and manufactures, for the year 1858, for the Interior Department, for the purposes of official distribution, with the plates and drawings necessary to illustrate each subject.

Mr. FITCH. I presume the resolution needs no explanation. It has been explained two or three times. It is simply to place these volumes at the disposal of the Department, not at the disposal of the members of the Senate.

Mr. MASON. Can the Senator tell what the cost of the ten thousand copies will be?

Mr. FITCH. I do not know exactly. The estimate is on the table. I will remark that hitherto there have been from thirty to fifty thousand volumes of this work published by the Senate. The committee did not deem it advisable to publish that large number; neither did they deem themselves at liberty to so far depart from the usual custom, a custom now of years' standing on the part of the Senate, as to report in favor

of printing no extra numbers, especially as a resolution in relation to the propriety of printing extra numbers was referred to them. We were met with difficulty in making any report on the subject of the mechanical part of the Patent Office report, a difficulty growing out of the adoption of a resolution at the last session, limiting the number of pages, and limiting the report to one volume. That resolution has not been rescinded; but, not being a law, it was not regarded by the Commissioner. We withheld any report for some considerable time, and finally made this. It is for the Senate to say whether they will adopt it or not.

The resolution was rejected.

BILLS BECOME LAWS.

A message from the President of the United States, by Mr. HENRY, his Secretary, announced that the President had this day approved and signed the following acts:

An act to provide for the final settlement of the land claim of the persons claiming as heirs of, or under Jehu Underwood, as purchasers or otherwise, to certain lands in Florida, and to confirm the title to the proper owner or owners;

An act for the relief of Edward Ingersoll; and

An act for the relief of James A. Glanding.

APPOINTMENT OF MESSENGER.

On motion of Mr. BRIGHT, the following resolution, heretofore submitted by him, was taken up and agreed to:

Resolved, That the Sergeant-at-Arms be authorized to employ a person in the service of the Senate in the place of and at the same compensation as H. J. Ragan.

GOVERNOR STEVENS'S REPORT.

Mr. DAVIS, from the Committee on Printing, to whom was referred the motion to print Governor Stevens's final report of his survey and exploration of the northern route for a railroad from the Mississippi river to the Pacific ocean, reported in favor of printing it; which was agreed to.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, announced that the Speaker had signed the enrolled bill making appropriations for sundry civil expenses of the Government for the year ending 30th June, 1860; and it was signed by the Vice President.

GOVERNMENTAL EXPENDITURES.

Mr. JOHNSON, of Tennessee. I wish to call up a resolution I offered last night, in regard to reform in the expenditures of the Government. It is a short resolution, and will require no discussion. I move to take it up.

The motion was agreed to.

The Secretary read the resolution.

Mr. WILSON. The noise is so great that I could not hear it read. Let it be read again.

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) The Chair will suspend all business until order is restored. The Clerk will read the resolution again.

The Secretary read the resolution.

Mr. BELL. I move to amend the resolution by adding:

And that they inquire into, and report the causes which have contributed mainly to this increase of expenditure, and the remedy.

Mr. JOHNSON, of Tennessee. I will accept the amendment.

Mr. BELL. Very well.

Mr. CAMERON. I offer this resolution as an amendment:

Resolved, That a select committee of three be appointed by the Chair, whose duty it shall be to ascertain whether any frauds or malfeasance have been practiced to the injury of the public interests, in the execution of the law authorizing the printing of blanks for the Post Office Department, and that they have power to sit during the recess of Congress, and to send for persons and papers, and to report at the next session of Congress.

Mr. MASON. Does that contemplate a committee to sit in the recess of Congress?

The PRESIDING OFFICER. It does.

Mr. MASON. That is a sufficient reason with me to vote against it.

Mr. JONES. While gentlemen are preparing their amendments, I ask unanimous consent to make a report and call up a bill.

The PRESIDING OFFICER. Is it the pleasure of the Senate to receive the report of the Senator from Iowa? ["No objection."]

COLONEL HARRIS'S WIDOW.

Mr. JONES. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. No. 887) granting a pension to Mary J. Harris, widow of Colonel Thomas L. Harris, to report it back and recommend its passage, and I hope the Senate will act on the bill now. It is a bill to pension the widow of Colonel Harris, who lost his health in Mexico, and whose death was announced so eloquently a few days since. His case is known to all the world. I will state, in addition to what has been said in relation to that gallant man, that his family are in destitute circumstances, as I am well informed and believe. It is an act of charity to this family, and I hope the Senate will pass the bill.

The PRESIDING OFFICER. Does the Senator from Tennessee yield?

Mr. JOHNSON, of Tennessee. For that purpose, and none other.

The Senate, as in Committee of the Whole, proceeded to consider the bill, the object of which is to place the name of Mrs. Harris on the invalid pension roll at the rate of $30 a month, from November 25, 1858, to continue during her widowhood.

Mr. CLAY. I ask for the reading of the report.

Mr. JONES. There is no special report made in this case. The history of the country is a sufficent report, and that history was given to the House and Senate a short time since by the Representatives from Illinois, in both Houses of Congress. Nobody can be ignorant of the character of Major Harris, no one can be ignorant of the fact that he lost his health in the service of his country in Mexico, and that he has not been well for a single day since he came from that war. His family is one of the most interesting families I have ever known in my life. They are poor, and he has left no means of supporting them. I hope that will be sufficient. The committee unanimously, with one exception, instructed me to report back this bill.

Mr. CLAY. It is a very ungracious and a very unpleasant thing to object to a pension bill, especially when the pension is for the family of an eminent and excellent man, such as I believe Mr. Harris was. I entertain a high respect for him, both as a man and a statesman; but, sir, if he had not been associated with this Congress, and had not been esteemed in both respects as a public and private citizen, such a bill as this would receive no countenance in either House of Congress. Mr. Harris did not die in the military service. I believe he had been ten years, at least, out of that service. He had not been in the military service of the country, except in the war with Mexico. There is no evidence before this body, and, as far as I am advised, there was no evidence adduced in the other House, that he died of disease contracted in the military service of the country. We are establishing a precedent in this case which will be abused hereafter—a precedent which, as far as I am advised and believe, has no parallel in the pension laws. Hence I cannot vote for the bill; and I must oppose it.

Mr. SHIELDS. I will state, and it is my duty to state, that I know my honorable friend from Alabama would not oppose this bill if he knew the circumstances in this case as I do.

Mr. CLAY. Well, I will object to the second reading of the bill, and that will put an end to it.

The PRESIDING OFFICER, (Mr. FITZPATRICK in the chair.) Then, the bill lies over under the rule. The bill has been reported to-day, and has been read twice, and, under the rule, the Senator is entitled to object to the third reading.

Mr. SHIELDS. One objection will not prevail.

The PRESIDING OFFICER. One objection will carry it over.

Mr. CLAY. Certainly it does.

The PRESIDING OFFICER. The bill is on its third reading, and, under the rule, has to lie over one day, if objected to.

Mr. CLAY. It cannot be read three times in one day.

Mr. DOUGLAS. It was read twice before it was referred.

Mr. CLAY. No; it was not.

Mr. DOUGLAS. It could not be referred unless it was read twice.

The PRESIDING OFFICER. The Chair will say that it was read twice before it was referred to the committee; but it has been reported to-day, and all reports have to lie over one day under the rule.

Mr. DOUGLAS. But I was going to ask, after the question has been put and the bill taken up for consideration, whether that is not waived? If the Senator had objected, at the time the report was made, to its consideration, it might have been effectual; but the question having been distinctly put to the Senate whether or not they would proceed to the consideration of this bill, and that having been carried, and the bill taken up and under consideration, the time for objecting had elapsed.

Mr. CLAY. That certainly makes no difference. I was not aware that the bill was up, or I would have objected to it. Several friends of the measure were well advised that I would object to it. I do not know whether when they took it up they were aware of my absence or not.

Mr. JONES. I was not apprised of that. I thought he had yielded because the friends of this widow had gone to him; but after the Senate unanimously agreed to take it up, the Senate has waived the rule.

The PRESIDING OFFICER. Under the rule, as generally considered on these motions to take up bills, one objection will carry it over; and even after it is read, under the rules, one objection has the right to postpone the bill. The Chair thinks the objection well taken by the Senator from Alabama.

Mr. JONES. With all the deference in the world for the Chair, I appeal from the decision, and ask the Senate to overrule it.

The PRESIDING OFFICER. The Chair will state the question. The question is, whether the Senate has a right to proceed to the consideration of a bill now under consideration, when it is objected to by a Senator?

Mr. SHIELDS. I am not sufficiently acquainted with the parliamentary rules to understand the point exactly. This bill has been read on a former occasion, referred to the Committee on Pensions, and now reported back by that committee. The honorable Senator who reported it, asked the unanimous consent of the Senate to put this bill on its passage, to consider it now. That was the question: to consider the bill now, it having already been twice read on a former day. The unanimous consent of the Senate was given to consider the bill now, at this time. That was the question when the honorable Senator interposed his veto. Now, sir, I want to know, when the body has given its unanimous consent to consider this bill at this time, whether one Senator can interpose his veto, and stop it?

The PRESIDING OFFICER. The Chair will state the question to the Senate. The Senator has stated the case correctly upon the reporting the bill to the Senate this morning. The Senator asked leave to report a bill, and it was reported; and he then asked the Senate to proceed to the consideration of the bill. The Chair determines that that does not preclude the right of a Senator to object to its reading. The Senate may take up a bill, amend it, discuss it, and still a Senator has the right to object to its third reading. It results, therefore, if the Senator from Alabama avails himself of the rules, he has the right to exclude the bill from being read to-day. From that opinion an appeal is taken. The question now is, whether the opinion of the Chair shall stand as the judgment of the Senate?

Mr. JONES. Before I press my appeal, I will ask to have the rule read which governs this case. I do not know what it is myself exactly.

Mr. SHIELDS. While the rule is being looked for, if the President will permit me, I will state that perhaps one element has been omitted in the statement of the Chair, I know, unintentionally; and that is, the honorable Senator from Iowa, in presenting the bill, took the vote of the Senate—for it amounts to that, when the concurrence of the Senate is given—that the bill be read now; that that was settled before the honorable Senator from Alabama had entered the Senate. After the Senate has determined that the bill shall be taken up and considered now, can the honorable Senator come in then and interpose an objection?

The PRESIDING OFFICER. The Chair will state to the Senator from Minnesota that the question submitted to the Senate was, whether the

Senate should proceed to the consideration of the bill? The Chair holds that it is competent to proceed to the consideration of the bill.

Mr. TOOMBS. I hope the Senate will adhere to the rules. The Chair has decided according to the daily and universal practice of this body. The bill is read for the information of the Senate, and an attempt to cut off that rule is simply an attempt to take a snap judgment, that is all. It is against all former practice.

Mr. JONES. I have asked for the reading of the rule. If my friend from Georgia will show me such a rule as that I will give it up.

The Secretary read as follows:

"And all other resolutions shall lie on the table one day for consideration, and also reports of committees."

Mr. IVERSON. This is the rule:

"26. Every bill shall receive three readings; and the President shall give notice at each whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise."

Mr. CLAY. The Senator misapprehends the point. It is that the bill is reported to-day, and cannot be acted on if a Senator objects.

Mr. IVERSON. It cannot be read three times without unanimous consent.

Mr. SHIELDS. Will the Secretary give me that rule? I understand it very differently. This is the rule under which this objection is made:

"Every bill shall receive three readings previous to its being passed."

Mr. KING. Oh, no; that is not it.

Mr. SHIELDS. If it be the other rule, then, sir, the honorable Senator from Alabama is clearly wrong, in my opinion, because if it be that the report of a committee cannot be considered upon the day upon which the report is made, that question was decided by the Senate. That is precisely the position the honorable Senator from Iowa was in when he asked the consent of the Senate to consider the bill. At that stage one vote would prevent the consideration of the bill; but the honorable Senator asked the consent of the Senate to its consideration. It was given. The object of asking that was to ascertain whether there was one man in the body who would object to it. If there was one man, then it could not be considered. As there was not one Senator who objected it was taken up for consideration. Now, sir, can one Senator afterwards interpose a similar objection, having lost the benefit of an objection at the proper time?

The PRESIDING OFFICER. The Chair will restate the question. The Chair determines that the day on which a bill is reported it is required to be postponed for one day, if objected to by any Senator. He decides that it is competent for the Senate to proceed to the consideration of a bill, that they consider it, discuss it, and amend it; and when the reading of the bill is called for and any Senator objects to its reading, it is not in order to have it read, and it is required to lie over one day. From that opinion an appeal is taken, and the question is: "Shall the decision of the Chair stand as the judgment of the Senate?"

Mr. BRIGHT. I will only add that the decision of the Chair is in conformity with all past practice of the Senate.

Mr. DOUGLAS. I must be permitted to express a doubt whether it is in accordance with the past practice. I understand that it is competent for a person to object to its consideration when the question is propounded; but in this case the bill was taken up for action, by order of the Senate, before objection was made. I understand it to be waived by taking it up. An objection could have postponed it before it was taken up; but, being taken up by order of the Senate, I think it could not.

Mr. TOOMBS. Did not the Senator from Indiana move to lay the appeal on the table?

Mr. BRIGHT. I made no motion. I only stood by the position of the Chair, which was, that if any one Senator objected to the consideration of a question presented to the Senate by a report on the same day made, it must necessarily lie over.

Mr. DOUGLAS. I will call the attention of the Senator to this fact: an objection was not made until the Senate, by a vote, had taken up the bill.

Mr. BRIGHT. If it was taken up by a vote of the Senate, that alters the case.

Mr. DOUGLAS. That is the case precisely.

Mr. CLAY. It does not alter the case at all; and I wish to state a sufficient reason why it should not do so. Now, sir, this rule is imperative:

"And all other resolutions shall lie on the table one day for consideration, and also reports of committees."

The rule says that it shall lie on the table. Hence, to overcome that rule, it must require the unanimous consent of the Senate. I say that it does not obviate the rule at all, nor take away the objection that it was not made at the time that the Senate agreed to take up the bill. The gentleman who moved to take up this bill, and all those especially interested in it, knew that I was opposed to it. I told them I could not permit it to pass, because I thought it was violative of all principle, and would be a precedent that might be greatly abused. After I left the Senate, when I was not here to make my objection, it was taken up; the gentleman who made the motion, or reported the bill, knowing I would oppose it. Why, sir, if the practice be tolerated, the rule of the Senate may be violated at any time.

Mr. BAYARD. Mr. President——

Mr. SHIELDS. Will the honorable Senator permit me to say a word?

Mr. BAYARD. I have but a simple remark to make, to present my view. This is an important regulation of the practice. Whether the rule of the Senate is a wise one which prevents our action, or retards the will of a majority, on the day on which a report is made, I am not prepared to say. It is the rule. Then the question is about the dispensation of that rule when objection is made. I have no doubt, when a bill is asked to be taken up, and a vote is taken, that, of course, no objection could afterwards be interposed. My recollection of the practice is, however, that when you take up a bill—no objection being made—but without any vote whatever being taken in reference to that bill, and a member comes in afterwards, he has not waived the right of objection, because no vote has ordered it to be taken up; no vote could order it to be taken up; and, until some action by the Senate in reference to the matter, the right of objection under the rule is not precluded. My recollection is, that frequently bills have been taken up in that mode, private bills more particularly than any other; and that, after they were taken up, a member has made the objection, and they were compelled to lie over.

Mr. POLK. I move to lay the appeal on the table.

Mr. SHIELDS. I will ask the honorable Senator from Missouri to withdraw the motion, to allow me to make a remark.

Mr. POLK. Will the Senator renew it?

Mr. SHIELDS. I will; but I shall vote against it. I rise now not to discuss the point of order, but, with the permission of the Chair and Senate, to reply to the insinuation made by the Senator from Alabama. That insinuation is this, if I understood the honorable Senator aright: that, in his absence, the friends of this bill, taking advantage of his absence, knowing he was opposed to the bill, availed themselves of that occasion to call it up.

Mr. CLAY. No, sir; I did not say that was the case; but I stated that the rule might be abused by taking advantage of the absence of a member. I did state that it was known, I believed, to the immediate friends of this measure, who were pressing it, that I would object to it; for application had been made to me last night and this morning not to interpose an objection; but I stated that I must and would do so.

Mr. SHIELDS. I am very happy to hear the honorable Senator recall those unpleasant expressions.

Mr. CLAY. I did not make the insinuation at all. I stated the fact as an illustration of how the rule might be abused.

Mr. SHIELDS. I am a friend of this bill. I had a conversation with the honorable Senator. The only words which passed between us were these: that honorable Senator asked me if the family or the widow of this deceased officer were in reduced circumstances; and, if he will recollect, I answered, yes, in my opinion, they were. That was the only conversation that passed between us. Sir, so far from believing the honorable Senator would oppose the bill, after I had satisfied him, as I believed, on that point, I thought he would support the bill. I was called before the committee of the House as a witness to testify my opinion as to the disease of which this gentleman died. I offered testimony that I believed that the disease had occurred in the service, and that I knew the place and the time. My word was taken there. I was not examined as a witness before our committee. I suppose my word would be taken on the same point here. This officer served under me; he contracted the disease of which he died under me, in my opinion, and I would have testified that anywhere. I believed that, these two points being established, the honorable Senator would support me.

Mr. POLK. I do not wish to interrupt——

Mr. CLAY. I merely wish to say this, in reply to the Senator from Minnesota. It is possible that the Senator is right. I may have said nothing more than that, though my impression was that I stated to every one that I would object. I was spoken to by three or four others, besides the Senator himself.

Mr. SHIELDS. Not by me. I now, in accordance with my promise to the Senator from Missouri, [Mr. POLK,] move to lay the appeal on the table, with the intention of voting against it.

Mr. JONES. I merely wish to make a personal explanation to the gentleman from Alabama, that I really did not know that he was out of the Senate when I called up the bill. I had been to the President with an enrolled bill, and run back as soon as I could, and asked that the bill be taken up, without knowing he was out.

Mr. TOOMBS called for the yeas and nays, and they were ordered; and being taken resulted —yeas 25, nays 19; as follows:

YEAS—Messrs. Bayard, Benjamin, Brown, Chesnut, Clay, Clingman, Davis, Fessenden, Green, Iverson, Johnson of Arkansas, Johnson of Tennessee, King, Lane, Mallory, Mason, Pearce, Polk, Reid, Sebastian, Stuart, Thomson of New Jersey, Toombs, Ward, and Yulee—25.

NAYS—Messrs. Bell, Bright, Broderick, Chandler, Dixon, Doolittle, Douglas, Durkee, Fitch, Foot, Foster, Hale, Jones, Kennedy, Seward, Shields, Simmons, Trumbull, and Wade—19.

So the appeal from the decision of the Chair was laid on the table.

GOVERNMENTAL EXPENDITURES.

On motion of Mr. JOHNSON, of Tennessee, the Senate resumed the consideration of the following resolution:

Resolved, That the President of the United States be, and he is hereby, requested to cause the heads of the various Executive Departments to submit estimates of the expenditures for the Government to the Thirty Sixth Congress, upon a basis not exceeding $50,000,000 per annum, exclusive of the public debt, and the interest thereon.

The PRESIDING OFFICER. Does the Senator from Tennessee [Mr. BELL] offer an amendment to that resolution?

Mr. BELL. I propose the amendment which I send to the Chair. I learned from the Secretary that there were other amendments pending.

The PRESIDING OFFICER. The Chair will state that that was not the resolution supposed to be under consideration. The resolution now before the Senate is the one offered by the Senator from Tennessee more recently.

Mr. BELL. I want to hear that resolution.

The PRESIDING OFFICER. It will be read again for the information of the Senator. The Secretary will first read the amendment offered by the Senator from Tennessee.

The Secretary read the amendment, which is to insert at the end of the resolution:

And that the committee also inquire into, and report, the causes which have mainly contributed to the great increase of the public expenditures.

Mr. JOHNSON, of Tennessee. I would barely suggest that that amendment does not seem entirely germane to the resolution. I have no objection, however, to accepting the amendment; but I think if the information is obtained and presented to the country, as proposed by the amendment, it will be ascertained where the largest proportion of the expenditures have occurred. I think it will be traced back to Congress, as well as to the other departments. I have no objection to the amendment, if the Senator thinks it germane to the resolution.

Mr. BRIGHT. I should like to have the original resolution read.

Mr. BELL. I was not aware of the position of the resolution. I understand that my amendment is not appropriate to it. I wish the Secretary would read it.

The Secretary read it.

Mr. BELL. I have no amendment to offer to that.

Mr. GREEN. I move the following amendment:

Provided, The same can be done without injury to the public service.

The amendment was agreed to.

Mr. DAVIS. The amendment which is just offered—which, it strikes me, is eminently proper—shows how impossible it is to decide beforehand what amount of money may be required. It will remain merely as an invitation to the Executive Departments to do that which it is their duty to do without invitation, and would be suggestive of advice on the part of the Senate which they have not asked, which would only be effective upon them if they were not required to do it without any advice.

Mr. JOHNSON, of Tennessee. I merely wish to say—for it is not my intention to consume the time of the Senate—that the two resolutions originally introduced were based upon the propositions of the President himself. We must all be satisfied that the retrenchment of the expenditures of this Government can never be carried out, as recent experiments prove conclusively, unless the Executive and the heads of Departments take the lead in this work. I want, so far as I am concerned, to hold them to the indications thrown out to the country, that the expenditures of the Government can be reduced I can see no objection to the laying down any amount as a basis on which an estimate shall be made. They will make it on that basis, and indicate, at the same time, that this or that Department may want more than it authorizes them to make; and, of course, they will submit their regular estimates. This resolution will show what the expenditures will be by making $50,000,000, exclusive of the public debt and the interest thereon, the basis of the estimates to the next Congress of the United States. I hope the resolution will be adopted. It can do no earthly harm, and may do a great deal of good. It will do good thus far: it puts the Executive, and those who have assumed to the country that there can be retrenchment and that it ought to be commenced, in the lead; and, as faithful representatives of the States and people, let us give them all the aid we can.

The resolution was adopted—ayes twenty-one, noes not counted.

BILL BECOME A LAW.

A message from the President of the United States, by Mr. HENRY, his Secretary, announced that the President had this day approved and signed a joint resolution in relation to the second section of the act of Congress entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes."

REPORTS FROM COMMITTEES.

Mr. STUART, from the Committee on Public Lands, to whom was referred the memorial of the Milwaukee and Rock River Canal Company, praying that the State of Wisconsin may not be released from its indebtedness to the United States for moneys received from the sale of the canal lands, without provision being made to protect the rights of the company; also, three memorials of the Legislature of the State of Wisconsin, praying the adoption of such measures as will secure to that State the amount due from the sale of public lands therein; and a joint resolution (S. No. 13) in relation to certain liabilities assumed by the State of Wisconsin, submitted a report on the subject; which was ordered to be printed.

On motion of Mr. STUART, it was

Ordered, That the Committee on Public Lands be discharged from the further consideration of all business referred to them, and not heretofore acted on.

On motion of Mr. IVERSON, it was

Ordered, That leave be granted to withdraw from the files of the Senate the petition and papers of Gilbert & Gerrish.

On motion of Mr. BROWN, it was

Ordered, That the Committee on the District of Columbia be discharged from all subjects referred to that committee, and not reported.

PATENT OFFICE REPORT.

Mr. FESSENDEN. I wish to inquire if the reports of the Committee on Printing, with reference to the Patent Office reports, are now upon the table?

Mr. CLAY. I can tell the Senator that they were acted on this morning.

Mr. FESSENDEN. What has been done with them?

Mr. CLAY. The Senate determined, by a large majority, not to print them.

Mr. FESSENDEN. Well, Mr. President, I move the reconsideration of those votes.

Mr. GREEN. Were you in when the vote was taken?

Mr. FESSENDEN. Yes; I was in, and did not object. Nobody rose, and no division was called about it.

Mr. GREEN. I understood the Senator to say that he was not in.

Mr. FESSENDEN. I was here when they were acted upon. It was since the Senate met this morning. I think they were laid upon the table.

The PRESIDING OFFICER. That is the impression of the Chair.

Mr. FESSENDEN. What has been done with them?

The PRESIDING OFFICER. The Secretary informs the Chair that they were not agreed to.

Mr. FESSENDEN. Then I move to reconsider the vote by which the Senate disagreed to the reports.

The PRESIDING OFFICER. Does the Senator include both reports?

Mr. FESSENDEN. Yes, sir; and I will state my reason, for I suppose the Senate may as well test it. The ground upon which the Senate disagreed to the report unquestionably was, that they supposed the franking privilege would be abolished. The reports of the committee provide for only a small number. It is very proper that there should be some for distribution, if the work is to be published. There is to be only one composition, and that composition is to be gone through with, and the book is to be published, under the order of the House. It provides for but a small number; and as it is now very clearly settled that the franking privilege will remain, I think it is proper that they should be published, and that a reasonable number of them should be given to the Senate for distribution. I make the motion to reconsider; and if it is agreed to, I shall move to amend the resolution of the committee by having them distributed by Senators as usual.

The PRESIDING OFFICER. It is moved to reconsider the vote by which the Senate disagreed to the reports on printing.

The motion was agreed to.

Mr. FESSENDEN. Now, I call for the reading of the report of the committee on the agricultural portion of the Patent Office report.

The Secretary read it, as follows:

Resolved, That there be printed, in addition to the usual number, ten thousand extra copies of the report of the Commissioner of Patents on agriculture, for the year 1858, for distribution by the Interior Department: *Provided*, That the aggregate number of pages contained in said report, shall not exceed five hundred and sixty-eight, including ten pages of illustrations on wood: *And provided, further*, That the entire amount of copy necessary to complete said report, including the drawings for the illustrations on paper, be placed in the hands of the Superintendent of Public Printing on or before the 1st day of May next.

Mr. FESSENDEN. I wish to amend the resolution by increasing the number to twenty thousand; and I make that motion. That is the first amendment; and my design, then, is, to give fifteen thousand to the Senate, for distribution. That is a small number compared to what we used to print.

Mr. CLAY. I should like to have the yeas and nays on that proposition. ["Oh, no."] I am opposed to increasing the number.

Mr. FESSENDEN. Very well. If the Senator insists on it, let it stand as it is.

Mr. CLAY. I will do it, because I was opposed to publishing them at all. It is a waste of public money.

Mr. FESSENDEN. They are to be published under the order of the House.

Mr. CLAY. Only ten thousand for the House.

Mr. FESSENDEN. The House ordered two hundred thousand.

Mr. CLAY. That is the very reason why we should not publish any.

Mr. FESSENDEN. It is but a very small addition to the cost. I withdraw that motion.

The PRESIDING OFFICER. Then the question is on concurring in the report of the committee.

Mr. FESSENDEN. I desire to offer an amendment. I wish to amend the report in this manner. To strike out that part which gives the number to the Patent Office for distribution. They will have a certain number, I suppose, from the two hundred thousand printed by the House, and ten thousand are not too many for the Senate to distribute. I move, therefore, to strike out that part which provides for allowing them to the Patent Office for distribution, and inserting the words "for distribution by the Senate."

The amendment was agreed to.

Mr. FESSENDEN. Now the vote can be taken on the passage of the resolution.

The PRESIDING OFFICER. The question is on concurring in the report of the Committee on Printing.

The report was concurred in.

Mr. FESSENDEN. Now I move to take up the report of the Committee on Printing on the mechanical report.

The motion was agreed to.

The PRESIDING OFFICER. Does the Senator propose an amendment to that?

Mr. FESSENDEN. I will hear it read first.

The Secretary read it, as follows:

Resolved, That there be printed, in addition to the usual number, ten thousand extra copies of the annual report of the Commissioner of Patents, on arts and manufactures, for the year 1858, for the Interior Department, for the purposes of official distribution, with the plates and drawings necessary to illustrate each subject.

Mr. FESSENDEN. I move to strike out those words: "For the Interior Department, for the purposes of official distribution," and insert, "for distribution by the Senate."

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on concurring in the report of the committee, as amended.

The report was concurred in.

POST OFFICE APPROPRIATION BILL.

A message from the House of Representatives, by Mr. ALLEN, its Clerk, at fifteen minutes past eleven o'clock, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 872) making appropriations for defraying the expenses of the Post Office Department, for the year ending the 30th of June, 1860; and in accordance therewith he was directed to present to the Senate a bill, in which the House of Representatives asked the concurrence of the Senate.

Mr. STUART. The House has just sent to the Senate a communication, with a bill, to make appropriations for the Post Office Department, in obedience to the report of the committee which was appointed to confer between the two Houses. I move to take up that bill, and to act upon the report which has been made.

Mr. TOOMBS. I object, if it becomes necessary. If it is intended only to have it read, I do not object to that.

The motion was agreed to.

The PRESIDING OFFICER. The bill is now before the Senate.

Mr. TOOMBS. I am not precluded from any objection I have a right to make.

Mr. DOUGLAS. Does a single objection now defeat the bill?

The PRESIDING OFFICER. The Chair will withdraw his decision, and leave it to the Senate to determine whether they shall proceed to the consideration of the bill or not, or whether Senators can object to it.

Mr. TOOMBS. I stated that I made the objection. I did not wish by that to prevent its being read for information. I intended to get rid of the bill if I could by an objection to it.

The PRESIDING OFFICER. The Chair will state to the Senator that it is in order to receive the report of the committee, and to have it read.

Mr. TOOMBS. I did not wish to obstruct business; but I did not intend to lose any right I had to object to it; and, therefore, it was taken up merely for the purpose of being read without prejudice. I have nothing to say until I hear from the committee.

Mr. STUART. If the Senator from Georgia will allow me, the committee of conference, by the rules, have a right to report at any time; but that does not affect any right the Senator may have in respect to the bill.

Mr. TOOMBS. That is what I supposed; but I wanted, from abundant caution, that it should be understood.

The PRESIDING OFFICER. The report of the committee of conference will be read by the the Secretary.

The Secretary read it, as follows:

The committee of conference on the disagreement between the two Houses on the resolution adopted by them, respectively, in relation to the action of the House on the Senate's amendments to the bill (H. R. No. 872) "making appropriations for defraying the expenses of the Post Office Department for the year ending the 30th of June,-1860," having met, after full and free conference have agreed, as follows: That while neither House is understood to waive any constitutional right which they may respectively consider to belong to them, it be recommended to the House to pass the accompanying bill; and that the Senate concur in the same when it shall be sent to them.

J. LETCHER,
L. O'B. BRANCH,
GALUSHA A. GROW,
Managers on the part of the House.

CHARLES E. STUART,
J. A. PEARCE,
SOLOMON FOOT,
Managers on the part of the Senate.

Mr. STUART. I will detain the Senate but a moment in making a statement of the action of the committee and the views which controlled them. We were in the very last hours of the session, and if the appropriation bill was to be saved at all, in the opinion of the committee, it was necessary to have the unanimous action of the committee to secure its passage through both Houses. The committee, in view of these considerations, and embodying in the report an express reservation of any waiving of our constitutional rights, or our opinions upon our constitutional rights, agreed to abandon both the bills, the one that is on the table of the Senate, and the one on the table in the House, and to report a new one, recommending that the House pass that bill, and when transmitted here, that the Senate pass it also. We were controlled in this action by two considerations alone: first, that the Senate should not become compromised in regard to its constitutional rights; they should remain untouched and unwaived; and in the next place, that by making the concession in regard to convenience, that the public interests should be protected in the passage of the bill; in other words, that the service of the Post Office Department might go on until the next session of Congress, without interruption. To say that it met our entire judgment, would be to say what is not true; but to say that we believed that there were overwhelming public interests which demanded the passage of some bill making these appropriations, and that we believed our action, being unanimous, did preserve the question of constitutional right to each House untouched and unyielded, is to say what is true. We thought we had adopted the only measure which would secure those two interests.

Mr. MASON. Will the Senator allow me to ask him a question?

Mr. STUART. Certainly.

Mr. MASON. Will the Senator be good enough to state whether the bill reported by the conference committee differs from the bill passed by the House and sent to the Senate, and which went back with our amendments to it, and if it does differ to state the point of difference?

Mr. STUART. Substantially it does not differ. I do not know that it differs even in form, but substantially it is the same bill which was passed by the House in the first place and sent to the Senate, and which the Senate returned with amendments. By not recognizing the right of the House to treat that bill in that way, we thought that we saved the constitutional rights of the Senate, and by not waiving any objection upon the second bill the House sent to us, that we in that regard saved the right also. I have only to say, Mr. President, that the committee appointed by the Senate did as well as they could do with the little time we had to do it in.

Mr. MASON. Mr. President, although there is a reservation of the constitutional rights of both Houses in the report, and as the Senator expressed it, those rights are saved to the Senate, yet it is clearly manifest, from the result of that conference, that the Senate is forbidden to exercise them.

Mr. PEARCE. I desire to say that I yielded to this report with very great reluctance; that if the report had abandoned the constitutional rights of the Senate, as to which I have no more doubt than I have of the simplest and most universally-admitted proposition, I would not only not have consented to that report, but I never would have consented to any report which contained such an abandonment of constitutional power. I would rather have seen the Post Office Department of the Government stricken out of existence at once and forever. But, sir, we have *not* renounced any such right; and the constitutional authority of the Senate to add amendments increasing the rates of postage was strongly and urgently, I think triumphantly, vindicated in the committee.

But this was the question presented to us. It was shown to us to be practically impossible that any other measure could receive the sanction of the two Houses of Congress in the remaining minutes of the session. Of that we were just as well satisfied as we can be of any fact that has not yet come to pass, since the rules of the House put it in the power of any one member to prolong the consideration of that bill or any other beyond the hour of adjournment; and we were assured that such would be the result, if we presented any other. Then we had to consider whether we would break up a great, important, and most useful public establishment, and be subject to the necessity of convening in the summer, or oblige the President, inasmuch as no means are provided, after the 1st of July, for carrying on the operations of the Post Office, (not even its own revenues, unless we pass this bill,) to stop all the business of that Department, and leave the country unprovided with any of those facilities so important to commerce and many other interests, and which other considerations have made so valuable a necessity in other respects to the great body of the people.

I yielded, therefore, to a sort of necessity, being unwilling, by my refusal to unite in this report, to produce this result; preferring to give the opportunity to the Senate to determine for itself whether it would make the one sacrifice or the other.

I admit also, Mr. President, that I had doubts whether the committee were not transcending their power in agreeing to this report—the authority conferred upon them being to consider the resolution of the House, which was so objectionable to the Senate; whether we could rightfully present or recommend the passage of a new bill, seemed to be somewhat doubtful in a parliamentary view. Still, as we had no precedent showing that this was not permitted to us, I thought we might be excused, in the exigency of the circumstances, in stretching our power to the utmost limit. I do not know what the Senate will do with this bill. Of course, I should prefer its passage to its defeat. I would much rather have had another proposition which was submitted in committee, which might equally, indeed, have occasioned the defeat of the bill proposed by that plan, but would have thrown the responsibility more palpably and directly upon the House of Representatives. Even now, if the bill fails, I think that the House will not escape its just responsibility; but it would have been more palpable and obvious if the other proposition, which was not accepted by the committee, had been adopted. I will not occupy further time on the subject, except to say that, if the Post Office appropriations be not now made, we must, in going back to the original cause, trace it to the refusal of the House of Representatives either to accept or reject the amendments, which the Senate, in the unquestionable exercise of its constitutional powers—never for many years denied by either House, or by the commentators on the Constitution, but practically acquiesced in on various occasions—had thought proper to make to the original bill from the House.

Mr. TOOMBS. This is a question of the greatest possible magnitude. On the one side is a great constitutional question which no man has a right to surrender if it exists; on the other, is the great inconvenience of not having postal service performed during the year 1860. Between duty and expediency, I do not hesitate, whatever may be the course of other men. In my judgment, not only have the rights of this body, and the Constitution of the country, been trampled upon by the House of Representatives, in the first place, but they have been surrendered by our own committee of conference, and I wish to rebuke both. They have usurped them, and sanctioned the principle attempted to be put upon us by the House of Representatives, that we are not a coördinate branch of the legislation of this country. I will review the facts.

The House of Representatives passed a bill appropriating certain moneys out of the Treasury of the United States for carrying on Post Office arrangements for the year 1860, and sent it to us. We took up that bill, in the ordinary course of legislation, and put on it fifteen, twenty, or twenty-five amendments—certainly a heavy number, for the thirteenth was the one objected to. That bill was duly sent to the House of Representatives. We received from them a message that they would not consider that bill, because the thirteenth amendment was an amendment to raise revenue. That was the ground taken by the House of Representatives. They therefore sent back the bill, with that resolution accompanying it. This body sent back a proper, a courteous, and appropriate reply—in substance, that each House must judge for itself of its own constitutional rights, and every member of each House judge that question for himself. That message went to the House. Afterwards, and I thought then very ill-advisedly, the Senator from Michigan moved a committee of conference—not upon the bill; we had none; it was not put upon that ground; but upon the ground that the proceedings of the House were not according to the method of the bodies. That was the express ground upon which the Chair maintained it, too. They had no control over a bill. We had no bill. We submitted to them no bill. There was a bill which, in due course of legislation, had gone to the House of Representatives with certain amendments—sent here and sent back. The House had sent us what they would call a clean bill, leaving off our amendments; denying us the right to legislate at all, for that is exactly what it was, and there was the great point between us. They sent us a bill without any amendments—not content with striking out the thirteenth. I shall not argue the question whether that thirteenth amendment was a violation of the Constitution, or not; but if it was a violation of the Constitution, or so believed by the House, it was in their power to strike it out. The bill was their bill. That unquestionably was a constitutional bill, no matter where it originated. There was an amendment—the thirteenth—which they said was for raising revenue, I suppose intending thereby to affirm that it was against the Constitution. They did not object to any one of the other amendments, for anything that we know officially. They made no objection to the whole batch of amendments, but the thirteenth, and that was objected to by the gentle admonition that we were violating the Constitution of our country. We sent back, as I before stated, an appropriate reply.

They then sent us a bill which, by our rules, could not be read a second time without unanimous consent. I interposed my objection to its being read. Then a committee was appointed, though there was no disagreeing vote submitted to them; for there was none. There was no disagreeing vote submitted to these gentlemen at all. They go there, and they themselves consummate this usurpation by coming here and recommending to us to abandon the whole of our constitutional rights, and take the bill the House of Representatives may pass; and I am asked by a committee of conference: "here is a bill, sir; I do not know that I can even read it; there is scarcely time to read it through; you shall not amend it; you must abandon your constitutional powers, give up the rights which the Constitution vested in your hands, and take the bill the House has sent you, without crossing a *t*, or dotting an *i*." I want to know if there is a Senator in this body who is prepared for that sort of legislation, on any necessity whatever? That is the question.

Our committee, who went to the conference to inquire as to the irregularity of the method of the House of Representatives, come here and recommend us to pass another one, just such a one as the Senate refused to consider, waiving our constitutional rights; so I understand. The gentleman shakes his head. I understand they have sent us

another clean bill, and, I presume, this is the one; but I shall have it read in due season before I am through with the debate, to see what is in it. They then recommend that the House shall pass the bill, omitting, I presume, all of our amendments; for the report does not say that the bill includes any.

Mr. BRODERICK. Every one of them.

Mr. TOOMBS. I supposed, from the tenor of the report, that they omitted every one of them. It is just the bill which the House first passed. The House have sent it to us again, and tell us that the Senate must abandon its legislation, and vote such a bill for the appropriation of $20,000,000 as they choose to give us. I suppose we will not be permitted to add to it. Twenty million dollars must be appropriated without inquiry by this branch of the Legislature; and our committee, who have abandoned the principle, abandoned the rights of the Senate, recommend to us to do a thing which is unconstitutional and ought not to be done; one that no member of this body ought to submit to; one which no member should carry out, in my judgment. Now, sir, this bill must take its regular course; it must be read; it must be considered; it must be passed upon; and it shall be, by the deliberate judgment of at least one Senator in this body.

Mr. STUART. Mr. President——

The VICE PRESIDENT. The Senator will wait until the bill is read a first time.

The bill (H. R. No. 872) making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1860, was read the first time by its title.

Mr. TOOMBS. I object to the second reading of that bill to-day.

Mr. STUART. I shall occupy the time of the Senate but for a moment. There is not time to vindicate the committee. Its vindication must be left to the history of the country. We were assured that if we were to insist that the House should take up the original bill, and if the House would agree to it, any member of the House had a right to insist upon separate action upon each amendment, and it could not be got through with, nor half through with, between that time and twelve o'clock. There we were met with an impossibility at the threshold. Then, sir, the question was one——

Mr. SEWARD. Will the honorable Senator from Michigan allow me to interrupt him for one moment?

Mr. STUART. Yes, sir.

Mr. SEWARD. I think it is important that it should be ascertained in the Senate whether the objection of a Senator to the reading of this bill a second time will prevent action on it. I ask the honorable Senator to permit that question to be decided.

Mr. STUART. I do not wish that question stated or decided at present; because, then, if that prevailed, I should be met with the position that there was nothing before the Senate.

Mr. SEWARD. Very well. I barely desired that it should be raised and decided.

Mr. STUART. I say it was an ascertained fact, as there exists the right of every member of the House to have each amendment that the Senate made to that bill separately considered, even if the House would agree to take it up, it would consume more time than there was left in the session to consider the amendments. Then, sir, there was the question of recommending to the Senate to take up the bill the House had sent here. That, the committee thought would be waiving the rights of the Senate and surrendering something of the position which had been taken. The committee, then, were placed in this embarrassing condition, so well represented by the Senator from Georgia himself: between insisting strenuously and technically upon a constitutional right, waiving nothing, even by implication, and taking that course which would substantially preserve the right, and give the Senate of the United States an opportunity to say what they would do. That is all the committee of conference has done. Had we disagreed, broken up that conference, and done nothing, the Senate of the United States would not have had the opportunity, nor the House either, to have decided this question.

We presented, therefore, I say, the only practical mode of getting an appropriation bill through. All others were impracticable. The reading of the bill sent to us was objected to. That closed action upon that bill. I have shown that action in the House upon the original bill, at this stage of the session, was impossible; it could not be got through. The committee of the Senate, therefore, with every disposition to maintain its honor, with every disposition to maintain, in the strictest sense, its constitutional rights, to surrender nothing, made you a report, which says that we waive nothing upon this question at all, but we present to each House a new bill, which carries with it such appropriations as will keep this department of the Government moving until the next session of Congress. We submit to the judgment of the Senate, whether they will act upon it or not. We feel that the Senate is perfectly at liberty, that every individual Senator is perfectly at liberty, to take such course as his judgment, and, in the language of the Senator from Georgia, his sense of constitutional duty, dictate to him. We desire not to prevent that; we desire not to obstruct it; but I submit to the Senate, I submit to the Senator from Georgia, whether it is just to say that the committee appointed by the Senate has surrendered its rights? We have submitted this whole question to the Senate. To you, Senators, in the discharge of your constitutional duty, is the whole subject presented. So far as I am concerned, Mr. President, without the slightest personal feeling, or pride of personal opinion, I shall feel that I have discharged my duty; that the committee have discharged their duty; that the question rests where it belongs—on the Senate of the United States, and to each individual Senator exercising that responsibility to the Constitution and the country which his position devolves upon him.

Mr. SEWARD. I move that the bill now have its second reading.

Mr. TOOMBS, Mr. BRODERICK, and Mr. BENJAMIN. I object.

The VICE PRESIDENT. Objection being made, the bill cannot have its second reading to-day.

Mr. BAYARD. I wish to address the few remarks I have to make, and I will endeavor to make them——

Mr. COLLAMER. What is the question before the Senate?

The VICE PRESIDENT. The Senator from Delaware addresses the Chair, the Chair does not know upon what question.

Mr. BAYARD. In reference to the report of the committee of conference. I suppose it is still before us.

Mr. COLLAMER. That is not before us. The question is on the second reading of the bill.

Mr. BAYARD. If other Senators can speak upon it, I suppose I am entitled to the same right.

The VICE PRESIDENT. The Chair will not interrupt the Senator unless objection is made. There is no question before the Senate.

Mr. MASON. I object.

The VICE PRESIDENT. There is, then, no question before the Senate.

Mr. MASON. I move that the Secretary be directed to inform the House that the Senate, having finished its legislative business, is ready to adjourn.

Mr. BAYARD. I ask if I can speak on that resolution?

The VICE PRESIDENT. The Senator can.

Mr. BAYARD. I shall take but a very few minutes. I only wish to state, in reference to this matter, that with me it is no question of personal feeling. I stand here as the representative of the smallest State in the Union. I look upon the form of this Government as a mixed republic, not a pure democracy; and that our fathers never would have constituted a mere democracy to be governed by the will of the great mass of the people, because they would have known that it was an impracticable government. I look, therefore, at the action of the House of Representatives as striking at the basis upon which your Government stands, and which my State is peculiarly interested in maintaining, and every State in this Union that desires to see the Government perpetuated. The House of Representatives have never even considered their own bill sent to us, and which we amended and returned to them. This is not the first time this act has occurred; and the question is, whether the representatives of the power of numbers shall treat, with entire contempt, the representatives of State sovereignty, and deprive them of that equal power which, by the frame-work of the Constitution, they were intended to enjoy. In my judgment, the Senate cannot yield that without yielding the structure of the Federal Constitution. For one, I can never consent to that, even though inconvenience, the loss of an appropriation bill, and the derangement in the financial affairs of the Government, are consequent upon that action; it rests not with us.

But, sir, in reply to the remarks of the honorable Senator from Michigan, while believing that our committee intended to do all that was right to sustain the honor of the Senate, I think they made a gross mistake. The reason given is, that it was impracticable for the House to take up our amendments; and the committee, therefore, reported, though not within the authority confided by us to them, a new bill. Well, sir, if it was a new bill, at least in framing a new bill which the House could act upon as well as ourselves, they might have embodied in that bill something which the Senate had desired by its votes as part of the legislation of the country, and not frame precisely the same bill in substance that was sent originally to us by the House, and amended by us, without including in this bill one solitary provision that the Senate by its votes have adopted. That would have been equally a new bill. If they had reported a new bill, and given us one mixed of the two bills, I cannot see any objection there could have been to it by the House, for it would have been a question of amendments, a question on the bill reported by the committee on conference, wherein I consider that they have waived the constitutional right of the Senate. They may reserve the right in words, but they yielded it in fact. If they had not made that mistake, if they had reported to us a bill combined of the provisions of that bill as amended by the Senate and as originally preferred by the House, there might have been something in saying we did not yield our constitutional rights in adopting such a bill; but to adopt a naked bill by the House, although called a new bill, when it is not so in fact, but merely in name; to adopt that, when that House has refused to consider a single amendment of the Senate; when that House has undertaken to say to us, "you are not entitled to give your judgment upon what is the construction of the Federal Constitution;" I, for one, can never consent to notice any action of the House taken under those circumstances.

The VICE PRESIDENT. The question is on the resolution offered by the Senator from Virginia.

Mr. FESSENDEN. I am unwilling that that resolution should pass while any time remains. The hour has not yet quite arrived, and on this side of the House we are anxious to save, if possible, the mail service of the country. If gentlemen who are in the majority, and have charge of these matters, choose to talk the time away, we cannot help it. We will sit here ready to vote, if we can, until the time arrives.

Mr. MASON. I should have preferred taking a direct vote on the bill to test the sense of the Senate on the question that has been raised by the committee of conference, but I am not anxious about that. I am one of those who stand here determined that the rights of the Senate, as far as my vote goes, shall be vindicated. If we pass that bill, the House retaining the bill which they have passed, and which we had amended and sent back to them, if we pass that bill while the other remains unacted upon, in the possession of the House, we shall have betrayed the trust reposed in us by the Constitution and our constituents; we shall have yielded all participation whatever in the legislation of the country at the will of the popular branch; we shall have contributed to give impulse to the first revolutionary blow which has come upon this Government, and that has come from the popular branch. There can be no mistaking the fact—I will not inquire into the purpose—if the Senate act upon this new bill, while that which we had amended and sent back to them remain unacted upon by the House, it is for the Senate to lay down all power of legislation at the feet of the coördinate branch. Now, sir, whatever inconvenience may ensue, I will oppose my vote to this first and extraordinary revolutionary movement on the part of the popular branch.

Mr. HALE. I do not propose to occupy any period of time; there is but little to occupy; but I do not wish to hear this act of the House of Representatives denounced as the first revolutionary act on the part of either branch of this Government. Sir, there has been, in my humble judgment, a revolutionary act committed by this body, of a vastly more revolutionary character than anything that is attempted by the House, and that is the action of this Senate in filling up this body, and in disregarding the requirement of the Constitution requiring State Legislatures to elect members here, and not that the Senate shall elect them. If this country is to fall, and if the Constitution is to be staggered by revolutionary attacks upon it, the historian that writes the decline and fall of this Republic, will not put this down as the first revolutionary act; but he will say that this Senate, which is so full of indignation to-day against what is termed the revolutionary action of the House, has set an example of vastly greater evil precedent than that.

Mr. DOUGLAS. I will occupy no time, but I am really sorry to see the appropriation bill for mail service defeated on a punctilio between the Senate and House of Representatives. I do not feel that my dignity, as a Senator, or the dignity of the Senate, as a body, is trenched on, or that the Constitution has received a vital stab, simply because a resolution passed the House, which I think was in bad taste, and we responded to it, perhaps, with as much indignation as it required. I think we had better act on the merits of the bill, rather than on the point of dignity which is said to be involved. I do not think the dignity of the Senate of the United States is to be impaired by a resolution of the House of Representatives. I do not think we should be so sensitive and so quick to take exception to the phraseology they have used, as to obstruct public business on a mere point of etiquette of that kind. I do not know what is contained in the bill, and I would rather have considered it as an appropriation bill, and paid no attention to what occurred last night between the two Houses; but let by-gones be by-gones. I do not know that the bill which the House has sent to us has in it anything which I could vote for without amendment; but I would rather dispose of it on its merits, than on a mere punctilio of this kind.

Mr. TOOMBS. I do not wish this question to go out on the basis on which the Senator from Illinois has improperly put it. This is not a question of dignity; not a question of punctilio; but it is a great question of constitutional right, one which, if he agrees with me, he dare not surrender, whatever might be his wishes, without betraying his trust. If he holds that it is not, I would hear his argument. The Senator from New Hampshire speaks of a revolutionary act of this body, intrusted by the Constitution with the prerogative of deciding upon the qualifications and elections of their own members; and when they took it up deliberately, debated it for weeks and months and sessions, and decided it, because he chooses to imagine that his judgment was right and that of this body was wrong, he has the audacity to stand up here and call that revolutionary which was a legitimate, constitutional judgment, given by the very parties to whom the Constitution has given the right to decide. That is revolutionary! In the name of the Constitution, what is regular government? I have no doubt that he might have gone to the Supreme Court of the United States, and, if they had decided against that gentleman's idea of constitutional law, he would doubtless consider that revolutionary. He considers the decisions of the Senate, or of judicial tribunals, the tribunals erected by his country and by my country, that do not square with his ideas of the Constitution, as revolutionary. I can accept that sort of revolution, and I am content to accept it.

What was the history of the decision to which he alludes? Two Senators were elected; their election was protested against; the gentlemen came here, and it was referred to the Judiciary Committee, composed of six Senators selected from this body for their supposed knowledge of great constitutional questions, and whose habits of life had induced the Senate to believe they were capable of considering a legal question. They gave it the most diligent consideration upon its merits. As one of that committee, I examined it carefully. The committee reported that the right of the case was with the sitting members. And yet the Senator from New Hampshire stands here, and has the audacity to tell me that, because my judgment differed from his, it was a revolutionary measure. Sir, it is a declaration not fit to be made by a Senator. It is a declaration not fit to be made in this House. I do not pretend that my judgment is absolutely right; but I say, the chances of it are as good as of his own; and the chances are that this body is equally well qualified by ability, by integrity, by patriotism, and by every title of manhood, to decide, as that Senator. This body, on their oaths, sitting here and deciding according to the Constitution, decided that that was a rightful election. Is that revolutionary? A judgment delivered by a body to whom the right is expressly confided by the Constitution, upon the highest grounds of public safety, the only tribunal in any free country in the world, in any representative Government in which such questions can ever be placed with safety to public institutions, is called revolutionary. The British Parliament, for centuries, have held that no tribunal whatever but themselves should judge of the qualifications, returns, or elections, of members sent to their own body. This Constitution of ours, in analogy to that great principle, a principle which was so long maintained in that country, has confided it to us in regard to our members, and to the House of Representatives in regard to their own members; and we have gone on according to the Constitution, according to the forms of the law, quietly, decently, and in order——

The VICE PRESIDENT. The Senator from Georgia will pause. The hour having arrived for the expiration of this Congress, I declare the Senate adjourned *sine die*.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March* 3, 1859.

The House met at eleven o'clock, a. m.

Mr. WALBRIDGE moved that the reading of the Journal be dispensed with.

Mr. SMITH, of Virginia, objected.

The Journal of yesterday was then read and approved.

ENROLLED BILL.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 666) making appropriations for the consular and diplomatic expenses of the Government for the year ending the 30th of June, 1860; when the Speaker signed the same.

DAVID MYERLE.

Mr. ARNOLD. I ask the unanimous consent of the House that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of Senate bill No. 120 for the relief of David Myerle.

The bill provides that the claimant be paid $44,400, for losses, sacrifices, and expenses incurred by him in testing and establishing the practicability of water-rotted hemp under the direction of the Navy Department.

Mr. PEYTON. I object. That bill ought not to pass.

Mr. ARNOLD. I move a suspension of the rules for the purpose I have indicated.

The House divided; and there were—ayes 90, noes 29.

Mr. PEYTON demanded tellers.

Tellers were ordered; and Messrs. MILLSON and DAWES were appointed.

The House divided; and the tellers reported—ayes 103, noes 31.

Mr. UNDERWOOD demanded the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. DICKINS, its Secretary, notifying the House that the Senate had passed a bill (H. R. No. 890) making appropriations for the payment of the expenses of investigating committees, and for other purposes; had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the Army appropriation bill; and insisted on its disagreement to the naval appropriation bill, and asked a committee of conference thereon; and had appointed Messrs. MALLORY, BRIGHT, and HAMLIN, managers on the part of the Senate.

NAVAL APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I ask that the House insist on its disagreement to the naval appropriation bill, and appoint a committee of conference to meet the committee on the part of the Senate.

It was so ordered; and Messrs. JONES of Tennessee, SHERMAN of Ohio, and WINSLOW, were appointed the managers on the part of the House.

DAVID MYERLE—AGAIN.

The question being on the motion to suspend the rules, on which the yeas and nays had been ordered,

The question was taken; and it was decided in the negative—yeas 114, nays 64; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Arnold, Barr, Bennett, Bingham, Bishop, Blair, Bocock, Bowie, Branch, Brayton, Buffinton, Burlingame, Burns, Caskie, Cavanaugh, Chapman, Ezra Clark, John B. Clark, Clark B. Cochrane, John Cochrane, Cockerill, Colfax, Comins, Corning, Cox, Cragin, James Craig, Curtis, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Dawes, Dimmick, Dodd, Dowdell, Edmundson, English, Farnsworth, Florence, Foley, Foster, Gillis, Gilman, Gilmer, Gooch, Goodwin, Greenwood, Gregg, Groesbeck, Grover, Grow, Lawrence W. Hall, Robert B. Hall, Harlan, Hatch, Hawkins, Hodges, Horton, Howard, Huyler, Kellogg, Kelsey, Jacob M. Kunkel, John C. Kunkel, Landy, Leidy, McKibbin, Maynard, Millson, Montgomery, Morrill, Edward Joy Morris, Freeman H. Morse, Niblack, Nichols, Parker, Pettit, William W. Phelps, Phillips, Pottle, Powell, Reilly, Ricaud, Roberts, Ruffin, Sandidge, Scott, Seward, Aaron Shaw, Robert Smith, Samuel A. Smith, James A. Stewart, Talbot, Tappan, George Taylor, Thayer, Tompkins, Wade, Walbridge, Waldron, Walton, Ward, Elihu B. Washburne, Israel Washburn, Watkins, White, Whiteley, Winslow, Wood, Woodson, and Wortendyke—114.

NAYS—Messrs. Atkins, Avery, Billinghurst, Bliss, Bonham, Burnett, Case, Clawson, Clay, Cobb, Burton Craige, Crawford, Davis of Mississippi, Dean, Durfee, Edie, Elliott, Fenton, Gartrell, Giddings, Granger, Hickman, Hoard, Hopkins, Houston, Jackson, Jewett, George W. Jones, Keim, Kilgore, Knapp, Leach, Leiter, Lovejoy, McQueen, Humphrey Marshall, Mason, Matteson, Miles, Moore, Morgan, Murray, Olin, Peyton, Potter, Ready, Reagan, Ritchie, Robbins, Royce, Russell, Savage, Scales, Shorter, Stanton, Miles Taylor, Thompson, Underwood, Vallandigham, Vance, Cadwalader C. Washburn, Augustus R. Wright, John V. Wright, and Zollicoffer—64.

So (two thirds not voting in favor thereof) the rules were not suspended.

EMPLOYÉS OF THE HOUSE.

Mr. KUNKEL, of Maryland. I ask the unanimous consent of the House to report, from the Committee of Accounts, the following resolution:

Resolved, That the Committee of Accounts be, and they are hereby, authorized to audit, settle with, and allow, lawful or reasonable compensation to all such persons as may have been actually employed in the service of the House of Representatives during the present Congress; and that all amounts so allowed by said committee shall be paid out of any moneys in the Treasury that may have been appropriated for the miscellaneous or contingent expenses of the House of Representatives.

Mr. MAYNARD. I object. That is simply a House resolution, and moneys will not be paid under it at the Treasury, for it is in contravention of a statute.

Mr. BURNETT. Is debate in order?

The SPEAKER. It is not.

Mr. BURNETT. Then I object.

Mr. SPINNER. I desire to say to the House, that in consequence of the removal of the former Doorkeeper, and in consequence of a resolution of the House, which conflicts with a joint resolution of the two Houses and the laws of Congress, there is inextricable confusion about the settlement of the accounts of the employés. We do not know how they stand; and the only way to get out of the difficulty is to give the Committee of Accounts the right to settle them on equitable principles. I feel no interest whatever in it, and have no friend who is to be benefited by it.

Mr. JONES, of Tennessee, called for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH, of Virginia. I would like to know the necessity for this resolution.

Mr. ADRAIN. I object.

Mr. MASON. It is said that the pages will be deprived of pay unless the resolution be passed. That is not so.

Mr. ADRAIN. Pages will lose their pay unless the resolution be passed.

The question was taken; and it was decided in the affirmative—yeas 165, nays 22; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Arnold, Avery, Barksdale, Barr, Bennett, Billinghurst, Bingham, Bishop, Blair, Bliss, Bonham, Bowie, Boyce, Branch, Brayton, Bryan, Buffinton, Burlingame, Burns, Case, Caskie, Cavanaugh, Chaffee, Chapman, Ezra Clark, Horace F. Clark, John B. Clark, Clawson, Clay, Clark B. Cochrane, John Cochrane, Cockerill, Colfax, Comins, Corning, Covode, Cox, Cragin, James Craig, Curtis, Davidson, Davis of Maryland, Davis of Indiana, Davis of Mississippi, Davis of Massachusetts, Davis of Iowa, Dean, Dewart, Dick, Dimmick, Dodd, Durfee, Edmundson, Elliott, Farnsworth, Faulkner, Fenton, Florence, Foley, Foster, Gillis, Gilman, Gilmer, Gooch, Goodwin, Greenwood, Gregg, Grover, Grow, Lawrence W. Hall, Robert B. Hall, Harlan, Hatch, Hawkins, Hoard, Hodges, Horton, Howard, Hughes, Huyler, Jackson, Jewett, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Jacob M. Kunkel, John C. Kunkel, Lamar, Landy, Leidy, Leiter, Lovejoy, Maclay, McRae, Humphrey Marshall, Samuel S. Marshall, Matteson, Miles, Miller, Millson, Montgomery, Morgan, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Murray, Niblack, Nichols, Olin, Palmer, Parker, Pettit, Peyton, William W. Phelps, Phillips, Potter, Pottle, Powell, Reagan, Reilly, Ricaud, Ritchie, Robbins, Roberts, Royce, Russell, Sandidge, Savage, Scott, Seward, Aaron Shaw, Shorter, Robert Smith, Samuel A. Smith, Spinner, Stanton, James A. Stewart, William Stewart, Tappan, George Taylor, Thayer, Thompson, Tompkins, Underwood, Wade, Walbridge, Waldron, Walton, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Watkins, White, Whiteley, Wood, Woodson, Wortendyke, and Augustus R. Wright—165.

NAYS—Messrs. Atkins, Cobb, Crawford, English, Gartrell, Hickman, Hopkins, Houston, George W. Jones, Leach, Letcher, Mason, Maynard, Moore, Ready, Ruffin, Scales, Henry M. Shaw, William Smith, Stevenson, Miles Taylor, John V. Wright, and Zollicoffer—22.

So the rules were suspended.

Mr. KUNKEL, of Maryland, moved the previous question on the passage of the resolution.

The previous question was seconded, and the main question ordered.

Mr. JONES, of Tennessee, demanded the yeas and nays.

The yeas and nays were not ordered.

The question was taken; and the resolution was adopted.

Mr. KUNKEL, of Maryland, moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled an act (H. R. No. 890) making appropriation for the payment of the expenses of investigating committees and for other purposes; when the Speaker signed the same.

WASHINGTON AQUEDUCT.

Mr. DODD, from the committee of conference on the disagreeing votes of the two Houses on House bill No. 889, in reference to the supply of water to the cities of Washington and Georgetown, reported that the Senate had agreed to recede from the amendments to the bill disagreed to by the House, and to concur in the bill of the House with the following amendments:

Strike out the words "civil engineer," and insert in lieu thereof the words "officer of the United States corps of engineers."

Strike out the words "sum of $3,000 per annum," and insert in lieu thereof the words "no more than his regular pay as officer of the corps."

After some other verbal alterations, insert the following section:

SEC. 8. *Be it further enacted*, That the cities of Washington and Georgetown, respectively, shall have power to establish a complete system of sewerage, in additional execution of the provisions of this act.

Mr. JONES, of Tennessee. I wish to submit a question of order on the report of the committee of conference. The committee was appointed on the disagreeing votes of the two Houses. They propose, as I understand it, to add matter which was not in controversy, and which was not a subject upon which a conference was asked or granted.

Mr. BURNETT. The gentleman is mistaken. The section which has been added by the committee was a part of the substitute adopted by the Senate.

The SPEAKER. That is the understanding of the Chair.

Mr. JONES, of Tennessee. The report says that they add an additional section.

The SPEAKER. Composed, in part, of one of the sections of the Senate bill.

Mr. DODD. That is the fact.

Mr. JONES, of Tennessee. Then it ought to be in lieu of the Senate's amendment.

The SPEAKER. The Chair supposes that the committee of conference determined to report to the House a section that would be acceptable to both Houses, in lieu of the sections which the Senate had incorporated.

Mr. JONES, of Tennessee. The report does not show that. It merely says, add a section to the bill.

Mr. DODD. I demand the previous question on the adoption of the report.

Mr. SEWARD. Can we have a separate vote on the several amendments?

The SPEAKER. The report is an entirety, and the question will be on its acceptance or rejection.

Mr. SEWARD. I hope the House will not sustain the previous question.

Mr. JONES, of Tennessee. I wish to make an inquiry.

Mr. DAVIS, of Mississippi. I object.

Mr. JONES, of Tennessee. I merely wish to understand the report.

Mr. DAVIS, of Mississippi. I object to debate.

Mr. JONES, of Tennessee. Then I move to lay the report upon the table.

The motion was disagreed to.

The previous question was seconded, and the main question ordered; and under the operation thereof, the report was adopted.

Mr. DODD moved to reconsider the vote by which the report was adopted; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

CHARGES OF CORRUPTION.

Mr. NICHOLS. I rise to a privileged question. I desire to call up the report of the select committee appointed by the House to investigate charges against a member of the Committee of Accounts. I will say to the House, in order to relieve all uneasiness in regard to other business, that I propose, after devoting about three minutes to an explanation of the report, to call the previous question, and ask immediate action. I do not wish to consume time. I ask for the reading of the report.

Mr. TAYLOR, of New York. I desire to ask the gentleman from Ohio [Mr. NICHOLS] to give me the floor for a moment, until I can get the House to appoint an hour for the consideration of the report and resolutions of the select committee appointed to investigate the accounts of the late Superintendent of Public Printing. It is necessary for this House to consider the same.

Mr. NICHOLS. The gentleman from New York will understand me distinctly that I would do him a kindness as readily as any member of the House; but I have not a right to make the concession he asks, occupying the position I do here, and I must, therefore, respectfully decline.

Mr. TAYLOR, of New York. I am anxious to have this matter brought before the House. It is necessary to have it considered.

Mr. NICHOLS. I have no doubt of that. Every gentleman here is anxious to press his particular business. I call for the reading of the report.

The Clerk read the report, as follows:

The select committee, appointed under a resolution of the House of February 18, 1859, to inquire into the truth of certain charges against a member of the Committee of Accounts of the House of Representatives, which resolution is in the words following, to wit:

"Whereas, in the correspondence of the New York Daily Times signed 'S,' under date of the 16th of February, A. D. 1859, (as also in the correspondence of other papers,) it is charged that a member of the Committee of Accounts of this House made a bargain to receive money as a consideration for passing claims in said committee, and that subsequently the said member demanded the consideration for said service; and whereas it is further alleged that a member of said committee compelled claimants before said committee to agree to give a portion of the bills before said committee in consideration of their allowance by the same: Therefore,

"*Be it resolved*, That a committee of five members be appointed by the Speaker to investigate said charge or charges; said committee to report before the close of the present session of Congress"—

Beg leave to report:

The committee, in executing the order of this House, brought before them the witnesses whose testimony is herewith appended. Very early in the examination of the first witness, Mr. Thomson, it was developed that JOHN A. SEARING, a member of this House from the State of New York, and chairman of the Committee of Accounts of this House, was the individual alluded to in the correspondence of the New York Daily Times, upon which this investigation was based. So soon as this fact was elicited, the committee, by a unanimous vote, determined to suspend the examination until Mr. SEARING could be informed that he was at liberty to attend the examination, and to confront the witnesses implicating him, and that he had the permission of the committee to cross-examine the witnesses upon any point submitted to them, if he desired so to do.

Mr. SEARING accordingly appeared before the committee, but declined to cross-examine, expressing a desire that the committee should conduct the entire examination.

The House will perceive that the examination took a wide range, and that hearsay testimony, and testimony not in strict accordance with the principles of evidence, was admitted against Mr. SEARING, and is submitted with this report. All of this, however, was admitted, subject to objection by Mr. SEARING. He, however, signified his assent to the mode of procedure adopted by the committee, and expressed a desire that the examination might proceed with the largest latitude.

Upon examination, it will be found that the witness, Fitzhugh, swears that he offered to Mr. SEARING the sum of $400 in consideration of his services on the Committee of Accounts in passing his claim of $8,623 75, which offer, as he alleges, Mr. SEARING accepted; and subsequently, upon the allowance of the account, as hereinafter stated, demanded the payment of the $400 by the witness, but that no money was ever paid Mr. SEARING. The account, as allowed, was for the sum of $6,325, being a deduction of twenty-three per cent. upon the original amount of the bill; and the evidence shows that, in committee, Mr. SEARING favored the reduction.

If Fitzhugh is to be believed, Mr. SEARING is guilty; there is no other evidence upon which a conclusion of guilt can rest. What degree of credit should attach to the testimony of Fitzhugh, the committee do not attempt to decide. It is a question for the House alone.

The committee are of opinion, however, that, upon the whole case, the evidence would not warrant the conviction of Mr. SEARING of the offense charged.

As the resolution of the House only directs an investigation and a report during the present session, without recommending any specific action, this report might be closed here. It is due, however, to the other members of the Committee of Accounts to state that no charge has been made, or fact elicited, against them, or any one of them. On the contrary, it is distinctly proved that their conduct in connection with the organization of this House has been characterized by strict integrity, and by a sound regard for economy. In the language of one of the witnesses, "there is no charge or rumor against them:" and, from the testimony, your committee, to adopt the language of the same witness, will conclude by saying that "there is no breath of suspicion affecting their character or action."

In all matters pertaining to the examination of the subject referred to them, your committee have been unanimous in their conclusions.

The committee herewith report the following resolution:

Resolved, That upon a review of all the testimony taken in the matter of the charge against JOHN A. SEARING, a member of this House from the State of New York, and chairman of the Committee of Accounts, the evidence would not warrant a conviction, nor subject him to expulsion.

All of which is respectfully submitted.

M. H. NICHOLS, *Chairman*,
WARREN WINSLOW,
CLARK B. COCHRANE,
GEORGE EUSTIS, Jr.,
WILLIAM G. WHITELEY.

Mr. NICHOLS. I am directed to report a resolution in addition to the one which has been read, providing for paying the account of the stenographer employed by the committee to report the testimony taken by them. I will state that the amount is very small. The whole expenses of the committee do not exceed $150. I report the following resolution:

Resolved, That the Committee of Accounts of this House be allowed to audit the bill of the stenographer who reported the testimony in this case, at the rate paid for the official reports of this House.

Mr. Speaker, I do not propose to discuss this report at any considerable length; but I wish to state this fact in connection with it: that since the testimony has been printed, I have, in making up my own opinion, arrived at this deliberate conclusion. I propose to offer no amendment to the resolution which has been reported by the committee; but at the same time, my deliberate judgment is, in justice to the gentleman from New York, the resolution ought to have gone further, and exonerated him; and I am authorized to say that at least one member of the committee, Mr. WINSLOW, concurs with me in that opinion. I propose, however, as I said, no change in the report of the committee. I say this, however, in addition: that when the resolution organizing the committee was passed, I had had no right to know who was implicated. But, sir, I did know, from other sources outside, that the gentleman from New York was the member pointed at in the charges which were made.

The force in the Clerk's office have, to some extent, been involved in the examination of the committee; but it is but justice to the Clerk to say that, so far as any connected with his office are concerned, the committee found nothing wrong.

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-FIFTH CONGRESS, 2D SESSION. FRIDAY, MARCH 4, 1859. NEW SERIES....No. 105.

I move the previous question on the adoption of the resolution.

Mr. KELSEY. I make a point of order on the resolution reported by the committee. I am disposed to think that it is not such a resolution as the committee are authorized to report. I believe that, under the parliamentary law, they should have reported either that there was no ground for the charges, and that further proceedings were not necessary, or they should have reported that there was probable cause of the charges, and that Mr. SEARING should be put on his trial. It is true that, as soon as Mr. SEARING's name appeared in connection with the charges, he was notified of the fact, and permitted to be present when the testimony was taken. But I deny that this committee had any power to try him at all. They should have reported that there was no cause for further proceedings against him, or else reported that there was probable cause, and recommended that further proceedings be instituted. If it be in order, I move that the subject be recommitted to the committee, with instructions to report one thing or the other.

The SPEAKER. The Chair overrules the question of order upon the ground, in the first place, that it was competent for the committee to report such a resolution as they should see proper in reference to the case. Upon the latter point, made by the gentleman from New York, the Chair would remark that it was decided by a former House, and decided adversely to the view taken by the gentleman.

Mr. KELSEY. I am aware of that; but I think they decided wrong. I am in favor of returning to the old parliamentary practice.

Mr. HUGHES. I ask the gentleman from Ohio to allow me five minutes upon the subject of this report?

The SPEAKER. The demand for the previous question is pending.

Mr. STANTON. I have not had the time to read the testimony taken in this case, and am not prepared to vote upon it. I hope the House will give some time to consider the report. If not, I shall move to lay the resolution on the table, and demand the yeas and nays.

Mr. JONES, of Tennessee. I ask the gentleman from Ohio to withdraw his demand for the previous question for a moment?

Mr. NICHOLS. I do not withdraw the demand.

Mr. JONES, of Tennessee. I merely wish to say that I have had no opportunity to examine the testimony in the case, and that, if the vote is to be taken now, I shall decline to vote.

Mr. STANTON. I move to lay the resolution on the table.

Mr. MAYNARD. Will that carry with it the resolution for paying the stenographer?

The SPEAKER. It will not. They are independent reports.

Mr. CLARK, of New York. It would be unjust to lay this resolution on the table. I hope the motion will not be agreed to.

Mr. STANTON. I have not had time to examine this resolution sufficiently to be prepared to vote upon it. So far as my investigation has gone, my judgment certainly differs from the conclusions of the committee.

The motion to lay on the table was disagreed to.

The previous question was seconded, and the main question ordered to be put; which main question was, on the adoption of the resolution reported by the committee.

The resolution was adopted.

Mr. NICHOLS moved to reconsider the vote by which the resolution was adopted, and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. CRAWFORD, from the committee of conference on the disagreeing votes of the two Houses on the bill of the House making appropriations for the support of the Army for the year ending June 30, 1860, made the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 667) making appropriations for the support of the Army for the year ending the 30th of June, 1860, having met, after a full and free conference, have agreed to recommend to their respective Houses, as follows:

That the House recede from their disagreement to the Senate's fourth amendment, and agree to the same with an amendment, as follows: strike out "including experiments on heavy ordnance for that purpose," and insert, at the end of said amendment, "out of which $50,000 are to be used for experiments on heavy ordnance."

That the House recede from their disagreement to the Senate's fifth amendment, and agree to the same with an amendment, as follows: strike out the words "and fifty."

That the Senate recede from the following amendments, namely: four, seven, nineteen, twenty, twenty-five, twenty-seven, and twenty-eight.

That the House recede from their disagreement to the following amendments of the Senate, and agree to the same, namely: eight, fifteen, twenty-one, twenty-two, twenty-three, and twenty-four.

That the House recede from its disagreement to the Senate's twenty-fourth amendment, and agree to the same with an amendment, as follows: after line five, insert the words "for Fort Knox, Penobscot Bay, $20,000."

Strike out lines eight and nine.

In line ten, strike out "fifty," and insert "forty."

After line ten, insert the words, "for Fort Montgomery, Lake Champlain, $10,000."

In line eleven, strike out "one hundred," and insert "seventy-five."

In lines thirteen and fourteen, strike out "one hundred," and insert "seventy-five."

In line seventeen, strike out "seventy-five," and insert "fifty."

In line nineteen, strike out "fifty," and insert "thirty."

In line twenty-two, strike out the word "five."

In line twenty-four, strike out "fifty," and insert "thirty."

MARTIN J. CRAWFORD,
B. STANTON,
CHARLES J. FAULKNER,
Managers on the part of the House.
JEFFERSON DAVIS,
R. TOOMBS,
W. P. FESSENDEN,
Managers on the part of the Senate.

Mr. CRAWFORD. The first disagreeing vote on this bill was in reference to the appropriation for armaments for fortifications. The House appropriated $150,000. The Senate increased the appropriation to $200,000. The committee recommend that the House recede from its disagreement to the amendment of the Senate and agree to retain the appropriation of $200,000 for that purpose.

The second disagreeing vote of the two Houses was in reference to the appropriation for ordnance stores. The House inserted the sum of $150,000. The Senate increased the appropriation to $250,000. The committee recommend that the Senate recede from $50,000 and the House allow an increase of $50,000, leaving the sum inserted in the bill $200,000. The next disagreeing vote was in regard to the Benicia arsenal, from which the Senate recedes. The next is in regard to the Texas arsenal, where there were $6,000 difference between the two Houses. From that the House recedes.

The sixth amendment is in reference to the instruction, &c., of the militia. The House recedes from its disagreement; because, in the opinion of the committee, that, as the militia are the defenders of the country in case of war, they should be as thoroughly grounded in the tactics as possible. The next is in regard to the payment of the Kansas volunteers called out by General Smith. The Senate recedes from that amendment. The next amendment provides that no part of outstanding appropriations for military purposes shall be expended during the fiscal year herein provided, other than may be necessary to pay for existing liabilities. The Senate recedes from its amendment. The next amendment is in reference to disabled soldiers and their support; and from its disagreement to that amendment the House recedes. The House also recedes from its disagreement to the amendment extending the benefits of the general act to disabled soldiers, whether regulars or volunteers, of the war of 1812, or subsequent wars.

The eleventh amendment requires that pensioners shall surrender their pensions whenever they go into the asylum. The House recedes from its disagreement. The House recedes from its disagreement to the proposed reduction of the sum paid pensioners at the asylum. The next is in regard to the amendment providing for paying the States interest on the money they may have lost or paid for expenses incurred during the war of 1812 and subsequently. The Senate recedes. As a matter of course, the House could take no further action. The twenty-fourth amendment is for fortifications. An agreement was had, taking up the provisions separately. It was agreed that Fort Knox should have $20,000, for that was in pursuance of the action of the House itself. Fort Montgomery is allowed $10,000. Fort Carroll is reduced from an appropriation of $50,000, to $40,000; Fort Delaware from $100,000 to $75,000; Fort Calhoun from $100,000 to $75,000; Fort Clinch from $75,000 to $50,000; Fort Alcatraz, California, from $50,000 to $30,000; Fort Taylor from $75,000 to $70,000; and in regard to the work on Fort Gaines, the appropriation was reduced from $50,000 to $30,000. The Senate recedes from the remaining disagreeing votes. The amount of money involved in the disagreeing votes between the two Houses was $1,863,000. The Senate recedes from $1,737,000, and the House from $126,000. That is excepting the fortification appropriations. The House there recedes from $600,000, and the Senate from $200,000.

Mr. JONES, of Tennessee. I wish to ask a question.

Mr. CRAWFORD. If I yield to one, I must yield to all; and as it is necessary we should get along with the public business, I must demand the previous question on the adoption of the report.

The previous question was seconded, and the main question ordered.

Mr. BRANCH. I ask that the amendment in reference to disabled soldiers be read.

Mr. SEWARD. I object.

Mr. BRANCH. Have I not the right to have the amendment read?

The SPEAKER. Not if objection is made.

Mr. BRANCH. Then I call for the yeas and nays on the adoption of the report.

The yeas and nays were not ordered.

Mr. GARNETT. I ask that the report of the committee of conference be read.

Mr. DAVIS, of Mississippi. Has the gentleman the right to have it read?

The SPEAKER. He has.

The report was read, as above inserted.

Mr. JONES, of Tennessee, demanded tellers on the adoption of the report.

Tellers were not ordered.

The question was taken; and there were, on division—ayes 96, noes 44.

So the report was agreed to.

Mr. CRAWFORD moved to reconsider the vote by which the report was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. MARSHALL, of Kentucky. I want to call the attention of the House to one fact in reference to the bill and report that has been just passed, in which I am sure a mistake has occurred. It is in regard to the third amendment, relating to disbursing officers, who engage the credit of the Government.

Mr. PHELPS, of Missouri. The motion to reconsider was laid on the table; and there is nothing before the House.

Mr. MARSHALL, of Kentucky. I wish to call the attention of the House to the fact that a mistake has occurred, in some way or other, in regard to this important measure, and against the will of the House.

The SPEAKER. Debate is not in order.

POST OFFICE APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I ask to take from the Speaker's table the Senate's amendments to the Post Office appropriation bill, and have them referred to the Committee of the Whole on the state of the Union.

Mr. GROW. I propose to the gentleman from Missouri, that the bill be taken from the Speaker's table, and that I be allowed to submit my question of privilege.

The SPEAKER. Is there objection to taking up the bill?

Mr. DEAN. I object.

Mr. PHELPS, of Missouri. Then I move to suspend the rules.

Mr. DAVIDSON. I desire to say to my friends in the House, that I have been instructed to inform the Speaker and the House, that the President will not examine or sign any private bills passed after this time.

Mr. PHELPS, of Missouri. The gentleman from Pennsylvania [Mr. GROW] desires to submit a question of order. I am willing that he should submit it.

Mr. SEWARD. I object to debate.

The question was taken; and there were, on division—ayes 104, noes 9.

So (two thirds voting in favor thereof) the rules were suspended; and the Senate amendments to the Post Office appropriation bill were taken from the Speaker's table.

Mr. PHELPS, of Missouri. I move that the amendments be referred to the Committee of the Whole on the state of the Union.

Mr. GROW. I rise to what seems to me a privileged question. I do not propose to discuss this question, but I want to state it, and have the House act upon it. Section seven, article one, of the Constitution, provides that all bills for raising revenue shall originate in the House of Representatives. I propose now to offer the following resolution:

Resolved, That House bill No. 872, making appropriations for defraying the expenses of the Post Office Department for the year ending 30th June, 1860, with the Senate amendments thereto, be returned to the Senate, as section thirteen of said amendments is in the nature of a revenue bill.

I want to state the reason for this resolution.

Mr. DAVIS, of Mississippi. I object to debate, except it is in order.

Mr. GROW. It was part of the arrangement made by the gentleman from Missouri, that I should have the privilege of making a statement: otherwise the rules could not have been suspended.

Mr. DAVIS, of Mississippi. I object.

Mr. GROW. I have a right to state my point.

The SPEAKER. The Chair thinks the gentleman has the right.

Mr. GROW. I hold the course I propose is the proper one, when one House thinks its privileges have been invaded by the other. The thirteenth section of the amendments of the Senate, referred to in my resolution, provides for raising the postages. The postages are collected and paid into the Treasury, and we appropriate them, the same as any other revenue, for defraying the expenses of the Department. The postages for ocean mail service are collected in the same way, and paid into the Treasury. So that this kind of revenue, I take it, comes within that clause of the Constitution which prohibits the Senate from originating revenue bills. I can see no difference between collecting ten cents on a letter and collecting ten cents on broadcloth. In the one case the duty is collected from the citizens who consume the imported goods. But suppose a citizen does not consume any imported goods: then he is not taxed; and so the person who sends no letters through the mails is not taxed.

Mr. DAVIS, of Mississippi. I insist on the point of order. The gentleman is debating his proposition.

The SPEAKER. The Chair thinks the gentleman from Pennsylvania has a right to debate his proposition, the previous question not having been demanded.

Mr. GROW. I shall be through in a minute. I desire to state my point fully.

Mr. SEWARD. Is debate in order?

The SPEAKER. It is.

Mr. SEWARD. When a similar question arose the other day, the Chair ruled me down imperatively and positively.

The SPEAKER. The difference between the occasion referred to by the gentleman and the present one, according to the recollection of the Chair, is this: on that occasion a motion was pending to suspend the rules; and, as the question of order arose when there was an undebatable motion pending, it was therefore not debatable. But, in this case, the Chair thinks that the gentleman from Pennsylvania has a right to debate the question.

Mr. HOUSTON. I would like, with the permission of the gentleman from Pennsylvania, to ask him a question, in the direct line of his argument.

Mr. GROW. Certainly.

Mr. HOUSTON. I desire to ask the gentleman whether it is not competent for the Senate to originate a bill proposing to bring unsold lands into market, and direct their sale? And I desire to ask him if it is not competent for the Senate to originate a bill increasing the minimum price of the public lands from $1 25 per acre to any greater sum they may see fit?

Mr. GROW. The first part of the gentleman's question I answer in the affirmative; but the last part of it in the negative. The Senate cannot originate a bill increasing the price of the public lands, for that is a source of revenue to the Government. If they can do that, they can originate a bill to raise revenue in any other way.

But, sir, I did not rise to argue the question, but merely to state my point. This thirteenth section proposes to increase the present rates of postage to five cents, and, in some cases, to ten cents; which would increase the taxation on those who use the mails. Now, I take it that that is just exactly the same as if they were to attempt to raise the tariff on imported goods, and increase the taxes on those who consume them. I can see no distinction between the two cases. Without further remark, I ask for a vote on my resolution.

Mr. RITCHIE. I desire to say that I never will consent to see the Speaker of this House decide questions of the constitutional power of the House as points of order, and say whether we shall receive bills from the Senate, or not. It is putting the whole constitutional power of this House in the hands of the Speaker. It is a question for the House to decide, what is its own constitutional power; and I would trust no Speaker with any such power.

Mr. GROW. I thought the understanding was, that we were to have a vote on my resolution, as a question of the privileges of the House.

Mr. PHELPS, of Missouri. I think the point of order has been well answered by the gentleman from Pennsylvania, [Mr. RITCHIE.] The section of the Constitution to which the gentleman refers is not applicable to any case of this kind. That section of the Constitution is in these words:

"All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills."

That section undoubtedly prescribes that bills for raising revenue, such as are enumerated in the first clause of the eighth section of the Constitution, must originate in the House of Representatives. That section reads as follows:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises."

The amendment of the Senate provides for no taxes upon the people, as contemplated by the section of the Constitution conferring upon Congress the power of raising taxes. But we look to the public lands as a source of revenue; and we look to the deduction from the pay of mariners for the purpose of supporting marine hospitals, as a portion of the revenue, as well as to the postages. If the point made by the gentleman from Pennsylvania be correct, then the Senate has no power to provide for the sale of the public lands, because they are a source of revenue; the Senate have no right to provide for imposing light dues or tonnage dues, and has no right to provide for a deduction from the wages of seamen for the support of marine hospitals, because, in his opinion, they would be bills raising revenue.

Mr. GROW. I propose this as a question of the privileges of the House under the Constitution, and not as a point of order, as gentlemen say.

Mr. PHELPS, of Missouri. I will not debate the question further. I demand the previous question.

Mr. GROW. I suppose the Speaker will, at least, submit the question to the House, whether this is a question of privilege or not.

The SPEAKER. The Chair supposes that the gentleman is entitled to a vote upon his resolution; but the difficulty which the Chair has, is as to priority; whether the motion to commit will take precedence of the resolution or not.

Mr. GROW. It would defeat the object of the resolution to give priority to the motion to commit.

The SPEAKER. The bill with the Senate amendments has been taken from the Speaker's table. The gentleman from Missouri moves to refer the bill to the Committee of the Whole on the state of the Union. The gentleman from Pennsylvania raises the question, that the Senate, by a particular section of the amendments, has invaded the privileges of the House. The Chair supposes that the proposition of the gentleman from Pennsylvania is properly submitted, and that the question will have to be first taken upon that proposition.

Mr. JONES, of Tennessee. I ask the gentleman from Missouri to withdraw the demand for the previous question, to enable me to submit the following amendment:

Strike out all after the word "resolved," and insert:

That the amendment of House bill (No. 872) making appropriations for the expenses of the Post Office Department, for the year ending June 30, 1860, increasing the rates of postage, is not a violation of that clause of the Constitution which requires that all bills for raising the revenues shall be originated in the House of Representatives.

Mr. PHELPS. Very well; I withdraw the demand for the previous question for that purpose, and renew it again.

Mr. GROW. Do I understand that the gentleman from Missouri admits that amendment? That is not in accordance with the understanding entered into; which was, that I should have a vote directly upon my amendment.

Mr. PHELPS, of Missouri. Would a motion to lay the resolution on the table carry the bill with it?

The SPEAKER. The Chair thinks not. He thinks one is independent of the other.

Mr. PHELPS, of Missouri. I move, then, to lay the resolution on the table.

Mr. GROW. I demand the yeas and nays upon that motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 80, nays 106; as follows:

YEAS—Messrs. Adrain, Atkins, Avery, Barksdale, Barr, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, John B. Clark, Clay, Cobb, John Cochrane, James Craig, Crawford, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, English, Foley, Garnett, Gartrell, Greenwood, Gregg, Grover, Lawrence W. Hall, Hawkins, Hodges, Hopkins, Houston, Hughes, Huyler, Jackson, Jenkins, George W. Jones, Keitt, Jacob M. Kunkel, Lamar, Letcher, Maclay, McQueen, McRae, Samuel S. Marshall, Mason, Miles, Millson, Moore, Niblack, Peyton, John S. Phelps, Ready, Reagan, Ruffin, Sandidge, Scales, Seward, Aaron Shaw, Henry M. Shaw, Shorter, Singleton, Robert Smith, William Smith, Stevenson, James A. Stewart, George Taylor, Miles Taylor, Ward, Watkins, Whiteley, Winslow, Woodson, Wortendyke, Augustus R. Wright, and John V. Wright—80.

NAYS—Messrs. Abbott, Ahl, Andrews, Bennett, Bishop, Blair, Bliss, Brayton, Buffinton, Burlingame, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Clawson, Clark B. Cochrane, Colfax, Comins, Covode, Cox, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dewart, Dick, Dimmick, Dodd, Durfee, Fenton, Florence, Foster, Gillis, Gilman, Gilmer, Gooch, Goodwin, Groesbeck, Grow, Robert B. Hall, Harris, Hatch, Hickman, Hoard, Horton, Howard, Owen Jones, Keim, Kelsey, Kilgore, Knapp, John C. Kunkel, Leach, Leidy, Letter, Lovejoy, McKibbin, Humphrey Marshall, Matteson, Maynard, Montgomery, Morgan, Morrill, Edward Joy Morris, Isaac N. Morris, Oliver A. Morse, Murray, Olin, Palmer, Parker, Pendleton, Pettit, Phillips, Pike, Potter, Pottle, Reilly, Ricaud, Ritchie, Roberts, Royce, Russell, Savage, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Thayer, Thompson, Tompkins, Underwood, Vallandigham, Vance, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, and Zollicoffer—106.

So the House refused to lay the resolution on the table

During the call of the roll,

Mr. JEWETT stated that he had paired off with Mr. CASE, who had been called to one of the Departments. If he (Mr. JEWETT) were at liberty to vote, he should vote "ay."

Mr. HARLAN stated that he had paired off with Mr. JOHN COCHRANE.

Mr. PHELPS, of Missouri. Mr. Speaker, I would be very willing that the question should be taken directly on the resolution, without any further discussion, and I moved the previous question for that purpose; but I want gentlemen to understand that, if this resolution is passed, and the bill returned to the Senate, the Post Office appropriation bill will probably be lost. If the bill is considered in the House, or in the Committee of the Whole, the vote of the House may be had upon every amendment of the Senate, and

a division may be had in reference to this thirteenth section between the clause increasing the rate of postage, and the clause abolishing the franking privilege. I demand the previous question.

The SPEAKER. The Chair desires to inquire whether the gentleman withdrew his demand for the previous question to permit the gentleman from Tennessee [Mr. JONES] to offer his amendment?

Mr. PHELPS, of Missouri. Yes, sir.

The SPEAKER. The Chair will announce that, if the previous question be seconded and the main question ordered, the question will be first upon the amendment of the gentleman from Tennessee, then upon the resolution, when the Chair will hold that it has exhausted itself.

Mr. GROW. I think it was hardly in accordance with the understanding that I should have a vote directly upon my resolution, upon which understanding we agreed that the bill should be taken from the Speaker's table.

Mr. PHELPS, of Missouri. I had no such understanding.

Mr. GROW. Very well; I will have no misunderstanding when the next appropriation bill comes to be taken from the Speaker's table.

Mr. PHELPS, of Missouri. I had no such understanding. In conversation this morning I understood the gentleman from Pennsylvania to desire to make a point of order, to which I assented. I did not know that there was any understanding that the gentleman should have a direct vote on his resolution.

Mr. GROW. That was certainly my understanding. There are other bills to come up, and I shall see that there is no misunderstanding in future. I am not disposed to be factious in reference to these appropriation bills; but I give notice that, if this understanding is not carried out, I will not give my consent to take any other bill from the Speaker's table.

Mr. STEWART, of Maryland. I do not see any necessity for insisting upon this resolution. I understand that the House may have a separate vote upon each of the Senate amendments.

Mr. HOWARD. I rise to a question of order. The amendment proposed by the gentleman from Tennessee is simply the proposition of the gentleman from Pennsylvania reversed. It is the resolution itself turned the other end foremost; and I submit that it is not in order.

Mr. GREENWOOD. I would suggest to the gentleman from Tennessee that he withdraw his proposition, and allow the vote to be taken directly upon the resolution of the gentleman from Pennsylvania. It amounts to the same thing.

Mr. JONES, of Tennessee. I offered that amendment without intimation or suggestion from, or conference with, any one. I was not aware that it would be construed as in violation of any understanding on the part of the gentleman from Missouri and the gentleman from Pennsylvania. As the gentleman from Pennsylvania, however, construes it to be in violation of such an understanding, I will withdraw it.

Mr. PHELPS, of Missouri. I will say, in reference to the understanding, that it was, on my part, simply that the gentleman from Pennsylvania should have the opportunity to make his proposition in the shape of a question of order, to be decided by the House. I assented to that proposition.

The resolution was again read.

The SPEAKER. The amendment of the Senate, to which the resolution refers, will now be read.

The Clerk read it, as follows:

SEC. 13. *And be it further enacted*, That from and after the 1st day of July, 1859, in lieu of the rates of postage now established by law, there shall be charged the following rates, to wit: For every single letter in manuscript, or paper of any kind, in which information shall be asked for, or communicated in writing, or by marks or signs, conveyed in the mail for any distance between places in the United States not exceeding three thousand miles, five cents; and for any distance over three thousand miles, ten cents; and for a double letter there shall be charged double these rates; and for a treble letter treble these rates; and every letter or parcel not exceeding half an ounce in weight shall be deemed a single letter; and every additional weight of half an ounce, or additional weight of less than a half ounce, shall be charged with an additional single rate of postage. And there shall be charged for letters conveyed in the mail, wholly or in part by sea, and to or from a foreign country, without regard to distance, ten cents; and for each half ounce in weight, or additional weight of less than half an ounce, excepting, however, all cases in which such postages have been or shall be adjusted at different rates by postal treaty or convention already concluded or hereafter to be made. And every letter or package brought into the United States, or carried from one part therein to another, in any private ship or vessel, shall be charged with five cents; if delivered at the post office where the same shall arrive; and if destined to be conveyed thence by post to any place, two cents shall be added to the ordinary rates of postage. All dropletters, or letters placed in any post office not for transmission, and for delivery only, shall be charged at the rate of one cent. each, to be prepaid by postage stamps, and accounted for as other letter postage. And all letters which shall hereafter be advertised as remaining over or uncalled for in any post office, shall be charged with one cent each, in addition to the regular postage, to be accounted for as postages now are. And upon all letters passing through or in the mails of the United States, excepting such as are to or from a foreign country, and letters and packages to or from any ex-President of the United States, or any person or persons to whom the franking privilege has been granted by name and letters and packages, to and from the officers of the Post Office Department, and of the Auditor's office of the Post Office Department, exclusively on official business, the rates of postage hereby established shall be prepaid by postage stamps or stamped envelopes, or in money if the Postmaster General shall so direct.

The question was taken; and it was decided in the affirmative—yeas 117, nays 76; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Andrews, Arnold, Barr, Bennett, Bishop, Blair, Bliss, Brayton, Buffinton, Burlingame, Cavanaugh, Chaffee, Ezra Clark, Horace F. Clark, Clawson, Clark B. Cochrane, John Cochrane, Colfax, Comins, Covode, Cox, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dewart, Dick, Dimmick, Dodd, Durfee, Edie, Fenton, Florence, Foster, Gillis, Gilman, Gilmer, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harris, Hickman, Hoard, Hodges, Horton, Howard, Owen Jones, Keim, Kelsey, Kilgore, Knapp, John C. Kunkel, Lamar, Landy, Leach, Leiter, Lovejoy, McKibbin, Humphrey Marshall, Mason, Matteson, Maynard, Morgan, Morrill, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Murray, Nichols, Olin, Palmer, Parker, Pettit, Phillips, Pike, Potter, Pottle, Reilly, Ricaud, Ritchie, Robbins, Roberts, Royce, Russell, Aaron Shaw, John Sherman, Judson W. Sherman, Robert Smith, Spinner, Stanton, William Stewart, Talbot, Tappan, Thayer, Thompson, Tompkins, Underwood, Vallandigham, Vance, Wade, Wallbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, White, Wood, and Zollicoffer—117.

NAYS—Messrs. Atkins, Avery, Barksdale, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, John B. Clark, Clay, Cobb, Corning, James Craig, Crawford, Davidson, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Eustis, Foley, Garnett, Garnett, Greenwood, Gregg, Grover, Lawrence W. Hall, Hawkins, Hopkins, Houston, Hughes, Huyler, Jackson, George W. Jones, Keitt, Jacob M. Kunkel, Letcher, Maclay, McQueen, McRae, Samuel S. Marshall, Miles, Millson, Moore, Niblack, Peyton, John S. Phelps, Powell, Ready, Reagan, Ruffin, Sandidge, Scales, Scott, Seward, Henry M. Shaw, Shorter, Singleton, Samuel A. Smith, William Smith, Stevenson, James A. Stewart, George Taylor, Miles Taylor, Ward, Watkins, Whiteley, Winslow, Wortendyke, Augustus R. Wright, and John V. Wright—76.

So the resolution was adopted.

Pending the above call,

Mr. HARLAN stated that he had paired off with his colleague Mr. COCKERILL; otherwise, he would have voted in the affirmative.

It was stated that Mr. GIDDINGS had paired off for the remainder of the session with his colleague, Mr. MILLER.

The vote was then announced, as above recorded.

Mr. GROW moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ENROLLED BILL.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 667) making appropriations for the support of the Army for the year ending the 30th of June, 1860; when the Speaker signed the same.

POST ROUTE BILL.

Mr. ENGLISH. I ask the unanimous consent of the House to introduce a post route bill, in which the constituents of a majority of members are interested. It contains only the routes agreed upon by the House and Senate.

Mr. GREENWOOD. I object. We have killed the postal service bill, and I see no reason for increasing the number of routes.

Mr. ENGLISH. I move a suspension of the rules, then, for the purpose I have indicated.

Mr. SMITH, of Virginia. I understand that, in this bill, there is voted to the overland route from Salt Lake City to Placerville, $100,000 in addition to what is now paid. Instead of giving the company three hundred thousand dollars and odd, it proposes to give them $400,000.

Mr. GARNETT. I would like to hear the bill read.

Mr. RITCHIE. I object.

The SPEAKER. The Chair supposes, then, that the bill cannot be read.

Mr. DAVIS, of Mississippi, called for tellers on the motion.

Tellers were ordered; and Messrs. CRAIG, of Missouri, and GOOCH were appointed.

The House divided; and the tellers reported—ayes 115, noes 17.

So (two thirds voting in favor thereof) the rules were suspended; and the bill establishing certain post routes was read a first and second time.

Mr. GARNETT demanded the reading of the bill.

Mr. ENGLISH. I move to suspend the rules, so that the reading of the bill may be dispensed with.

Mr. BURNETT. I ask whether it is in order to suspend the rules requiring a Representative to vote, on any measure, without hearing it read? Is it in the power of the majority to prevent a minority from understanding anything about the business of the country?

The SPEAKER. The practice has been, according to the recollection of the Chair, uniform—and the decisions of my predecessors have been sustained on appeal—in entertaining a motion to suspend the rules requiring a bill to be read.

Mr. ENGLISH. If the gentleman from Kentucky will send for House bill No. 874, he will find what is identically the same as this.

Mr. BURNETT. I do not want the bill read; but I am opposed to the precedent of dispensing with the reading of a bill.

The SPEAKER. The Chair is only following the precedents that have been set heretofore.

The question being on suspending the rules,

Mr. GARNETT called for the yeas and nays; and for tellers on the yeas and nays.

Tellers were ordered.

The House divided; and the tellers reported—ayes eighteen.

So the yeas and nays were not ordered.

Mr. ENGLISH. I wish now to say a word, in order not to be misunderstood. Some time ago the House passed the post route bill. It was sent to the Senate, and there passed with sundry amendments. The first of these amendments related solely to post routes; but others of them related to other subjects—increasing the rates of postage, abolishing the franking privilege, in regard to the compensation of postmasters, &c. In regard to this bill, the same principle is involved in one of these amendments as was involved in the amendments to the Post Office appropriation bill, on which the gentleman from Pennsylvania made a question of privilege. I, therefore, in view of the action of the House on that bill, thought it better to offer a new post route bill, including only the amendment of the Senate, in regard to post routes exclusively.

Mr. MILLSON. I rise to a question of order. The House has suspended its rules for the purpose of dispensing with the reading of the bill. That dispenses with the rules of the House, and brings the House under the general parliamentary law and the law of the Constitution, which are still operating, and which require that every member of a collective body shall have a right to know upon what he is called to vote. I make this point of order for the purpose of requiring the House to settle it by an appeal from the decision of the Chair, if the Chair shall decide that the House can suspend its rules, so as to escape the general obligation under the parliamentary law, and the law of the Constitution, entitling members to know upon what they are called to vote.

The SPEAKER. What part of the Constitution does the gentleman refer to?

Mr. MILLSON. The clause constituting this House of Representatives, a majority of which are to determine all questions coming before it.

The SPEAKER. Each House has a right to determine the rules of its proceedings.

Mr. MILLSON. Certainly; but the House has suspended its own rules, leaving it as constituted by the Constitution.

The SPEAKER. The practice is one of every day occurrence. The Chair does not understand that when the rules are suspended to allow a particular thing to be done which could not be done

under the rules, it is a suspension of all the rules. The Chair understands it to be simply a suspension of such rules as prevent the member from accomplishing what he desires to accomplish.

Mr. MILLSON. Do I understand the Chair to decide that two thirds under the rules—and if the rules had authorized a majority it would have been a majority—have a right to require members of the House to vote for the passage or rejection of a bill, not one word of which has been read?

The SPEAKER. The Chair stated, when the question was raised before, that he was only following the precedents which had been repeatedly set by his predecessors.

Mr. MILLSON. I want it in the solemn form of a decision of the Chair.

The SPEAKER. It has been decided on appeal more than once.

Mr. MILLSON. Do I understand the Chair to make the decision that the bill need not be read; and that members may be called upon to vote on the bill without knowing what is in it?

The SPEAKER. The Chair did so decide; and the rules were suspended.

Mr. MILLSON. I appeal, then, from the decision of the Chair.

The SPEAKER. The Chair thinks the appeal comes too late.

Mr. MILLSON. This appeal is founded upon the present state of the question. My point is, that the suspension of the rules of the House brings the bill under the operation of the Constitution and the law of Parliament; and that, under that law, the bill is still required to be read. If the Chair decides otherwise, I appeal from his decision.

Mr. RITCHIE. I would ask the gentleman if he has ever known a post route bill to be read since he has been a member of the House?

Mr. MILLSON. I have no objection to this particular bill. It is the pernicious precedent that I object to.

Mr. RITCHIE. That is not an answer to my question. I want an answer.

Mr. MILLSON. Perhaps the reading has never been called for.

Mr. ENGLISH. I object to debate.

Mr. CLAY. I rise to a privileged question. I am again constrained to ask the House to excuse me from voting, on the ground that I know nothing of the bill before the House, and the House has refused to have it read.

The SPEAKER. The Chair will propound the question to the House when the question of order shall have been disposed of.

Mr. PHELPS, of Missouri. I suggest to gentlemen that they should allow the bill to be read. We are consuming more time in parleying about the matter than would be required for the reading of the bill.

The SPEAKER. Is there any objection to the reading of the bill?

Mr. HICKMAN. I object.

Mr. CLARK, of New York. What has become of the question raised by the gentleman from Virginia? I desire to record my vote on it. I do not think a member can be called on to vote on a bill which has never been read.

Mr. BURNETT. I now call for the reading of the bill. I do it under the parliamentary law, and what I regard to be the rights of members of Congress under the Constitution.

The SPEAKER. The question of order, raised by the gentleman from Virginia, as the Chair understands it, is, that the House having suspended the rules, has placed itself, in disposing of this bill, under the operation of the general parliamentary law; and that that law requires that the bill shall be read if any member desires it.

Mr. MILLSON. It is, that it is incident to the constitution of every legislative body that its members have a right to know on what they are called upon to vote.

The SPEAKER. The Chair overrules the question of order raised by the gentleman from Virginia. It involves the very same point that the Chair decided when the House suspended the rules. The Constitution declares that each House may determine the rules of its proceedings. For the purposes of this bill, the House has declared that the bill shall be considered without being read *in extenso*. In making this decision, the Chair follows the precedents which have existed for years, and which have been sustained by every House upon appeal, according to the recollection of the Chair.

Mr. MILLSON. I do not remember any such precedent. It is a bad precedent. I appeal from the decision of the Chair; and I demand the yeas and nays on the appeal,

Mr. HALL, of Ohio. I move to lay the appeal on the table.

Mr. MILLSON. I demand the yeas and nays on that motion.

The yeas and nays were not ordered.

The SPEAKER. In the last Congress the following precedent occurred:

"The reading of the said amendments having been called for,

"Mr. LEWIS D. CAMPBELL moved that the rules be suspended so as to dispense with the same.

"Pending which,

"Mr. WILLIAM SMITH made the point of order that it was not competent for the House to deprive a member of the privilege of having a proposition read before voting upon it.

"The SPEAKER stated that the right to have a proposition read was derived from the rules, but that it was competent for the House to suspend the rules, and thereby deprive him of the privilege. He, therefore, overruled the point of order.

"From this decision of the Chair, Mr. SMITH appealed.

"And the question being put, 'Shall the decision of the Chair stand as the jugment of the House?'

"It was decided in the affirmative.

"So the decision of the Chair was sustained."

The question was taken, and the appeal was laid on the table.

Amendments were then submitted by Mr. ENGLISH and by Mr. Cox, proposing additional local post routes.

Mr. ENGLISH demanded the previous question upon the engrossment and third reading of the bill.

The previous question was seconded, and the main question ordered to be put.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

Mr. SMITH, of Tennessee, demanded the yeas and nays on the passage of the bill.

Mr. LEITER moved that the House adjourn.

The motion was disagreed to.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 110, nays 66; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Bennett, Bowie, Boyce, Brayton, Bryan, Buffinton, Burlingame, Burns, Case, Cavanaugh, Chaffee, John B. Clark, Clark B. Cochrane, John Cochrane, Colfax, Comins, Corning, Cox, Cragin, Curtis, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dick, Dodd, Durfee, Elliott, English, Eustis, Fenton, Florence, Foley, Foster, Gartrell, Gillis, Gilmer, Gooch, Granger, Grow, Lawrence W. Hall, Robert B. Hall, Harris, Hatch, Hawkins, Hickman, Hodges, Hopkins, Horton, Howard, Hughes, Huyler, Jackson, Owen Jones, Kelsey, Lamar, Landy, Leach, Leidy, Leiter, Lovejoy, Maclay, Maynard, Morrill, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Murray, Niblack, Nichols, Olin, Parker, William W. Phelps, Phillips, Pottle, Reagan, Reilly, Ricaud, Ritchie, Roberts, Russell, Sandidge, Scott, Seward, Aaron Shaw, Shorter, Robert Smith, Stallworth, Stanton, James A. Stewart, William Stewart, Tappan, George Taylor, Thayer, Underwood, Vance, Wade, Walbridge, Waldron, Ward, Israel Washburn, Watkins, White, Whiteley, Woodson, and Augustus R. Wright—110.

NAYS—Messrs. Atkins, Bishop, Blair, Bliss, Bonham, Branch, Burnett, Caskie, Chapman, Horace F. Clark, Cobb, Covode, Burton Craige, Davis of Mississippi, Dawes, Edmundson, Farnsworth, Faulkner, Garnett, Greenwood, Gregg, Groesbeck, Haskin, Hill, Hoard, Houston, Jenkins, George W. Jones, Keim, Keitt, Kilgore, Knapp, Jacob M. Kunkel, John C. Kunkel, McQueen, McRae, Samuel S. Marshall, Matteson, Millson, Moore, Morgan, Palmer, Pettit, Peyton, Pike, Potter, Powell, Royce, Ruffin, Savage, Scales, Henry M. Shaw, John Sherman, Judson W. Sherman, Singleton, Samuel A. Smith, William Smith, Spinner, Stevenson, Talbot, Thompson, Tompkins, Vallandigham, Walton, Cadwalader C. Washburn, Elihu B. Washburne, and John V. Wright—66.

So the bill was passed.

Pending the call of the roll,

Mr. BURNETT stated that, not having heard the bill read, or having an opportunity to know what it contained, he should vote "no."

Mr. HARLAN stated that he had paired off with Mr. JOHN COCHRANE.

Mr. LETCHER said that, if he had been within the bar when his name was called—learning that the Puget Sound route was in the bill—he should have voted "no."

Mr. CAVANAUGH stated that, for the reason suggested by the gentleman from Virginia—that Puget Sound was in the bill—he should vote "ay."

The vote was then announced as above recorded.

Mr. ENGLISH moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. ASBURY DICKINS, their Secretary, informing the House that the Senate had receded from the amendments of the Senate disagreed to by the House to the bill of the House making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1860.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by J. B. HENRY, his Private Secretary, informing the House that he had on this day approved and signed bills originating in the House of the following titles:

An act for the relief of Eli W. Goff;

An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1860.

EDWARD INGERSOLL.

Mr. CHAFFEE. I ask the unanimous consent of the House to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill of the House (No. 224) for the relief of Edward Ingersoll.

Mr. DAVIS, of Mississippi. I object.

Mr. CHAFFEE. I hope the gentleman will not do that.

Mr. DAVIS of Mississippi. I do object, and will insist upon my objection.

Mr. CHAFFEE. Mr. Speaker, this is the only favor I have asked of the House, and the only one I shall ever have to make to the House of Representatives. I move to suspend the rules, and ask that the bill may be read.

Mr. DAVIS, of Mississippi. I object to the reading.

Mr. PHELPS, of Missouri. I ask the gentleman from Louisiana whether he did not make the statement, this morning, that he had been informed by the President of the United States that, from this time to the adjournment of the session, he would not have time to examine any bills other than the appropriation bills?

Mr. DAVIDSON. That was my statement.

Mr. PHELPS, of Missouri. Then it will be utterly useless to pass these private bills.

Mr. DAVIS, of Maryland. I rise to a question of privilege. I desire to know whether it is in order for the chairman of the Committee of Ways and Means to inform the House in advance what bills the President will approve and what he will not. I submit that it is contrary to the privileges of this House to bring any such statement to bear upon the action of this House.

Mr. PHELPS, of Missouri. The statement was merely informal, of course. I hope the House will not allow such private business to stand in the way of the public business.

Mr. CHAFFEE. I will merely say that this bill does not appropriate more than $400 in the aggregate. The gentleman from Mississippi objects to the reading, and I ask for the vote on the motion to suspend the rules.

Mr. SMITH, of Virginia. I call for the yeas and nays on that motion.

Mr. DAVIS, of Mississippi, called for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. DAVIS, of Mississippi, called for tellers on the motion.

Tellers were ordered; and Messrs. BONHAM and BUFFINTON were appointed.

The House divided; and the tellers reported—ayes 96, noes 30.

So the rules were suspended.

Mr. CHAFFEE demanded the previous question.

The previous question was seconded, and the main question ordered.

The bill directs the Secretary of War to pay Edward Ingersoll, military storekeeper at Springfield, Massachusetts, $335 75, being the amount of judgment, with costs, against him for hire of carriages, used by the board of commissioners under act of 3d March, 1853, while in the discharge of their duty.

Mr. JONES, of Tennessee, demanded the yeas and nays.

The yeas and nays were not ordered.

The bill was ordered to be read a third time; and it was accordingly read the third time.

The bill was then passed.

Mr. CHAFFEE moved to reconsider the vote first taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

RED RIVER RAFT.

Mr. SANDIDGE. I ask the unanimous consent of the House to take from the Speaker's table Senate resolution No. 84, giving the assent of Congress to certain acts passed by the Legislatures of Louisiana and Arkansas, in relation to the raft of Red river, and for other purposes. The bill only authorizes those States to prosecute a work which has already cost the United States $600,000, but which the Government has abandoned.

Mr. BLAIR. I object.

Mr. SANDIDGE. I move that the rules be suspended for the purpose I have indicated. The passage of this bill is a matter of great importance to three hundred thousand people.

Mr. BLAIR. I understand that this levies a tax upon the commerce of the river. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 83, nays 82; as follows:

YEAS—Messrs. Ahl, Avery, Barksdale, Barr, Bennett, Bocock, Bonham, Bowie, Boyce, Bryan, Buffinton, Burlingame, Burns, Caskie, Chaffee, Clay, Clark B. Cochrane, John Cochrane, Corning, Crawford, Davis of Indiana, Davis of Iowa, Dimmick, Edmundson, Elliott, English, Eustis, Florence, Foley, Garnett, Gartrell, Gilmer, Greenwood, Grover, Lawrence W. Hall, Harris, Hawkins, Hill, Hodges, Hopkins, Houston, Hughes, Jenkins, Owen Jones, Keim, Keitt, Kelsey, Lamar, Maclay, McRae, Samuel S. Marshall, Mason, Maynard, Millson, Edward Joy Morris, Niblack, Nichols, William W. Phelps, Phillips, Powell, Purviance, Reagan, Reilly, Ricaud, Ritchie, Roberts, Ruffin, Russell, Sandidge, Seward, Shorter, Singleton, Robert Smith, Spinner, Stallworth, Talbot, George Taylor, Miles Taylor, Underwood, Vallandigham, Vance, Walbridge, Wood, Woodson, Wortendyke, and Augustus R. Wright—83.

NAYS—Messrs. Abbott, Andrews, Bingham, Blair, Bliss, Brayton, Burnett, Chapman, Ezra Clark, Horace F. Clark, John B. Clark, Cobb, Colfax, Comins, Covode, Cragin, Curtis, Davis of Maryland, Dawes, Dean, Dewart, Dick, Dodd, Durfee, Edie, Fenton, Foster, Gilman, Gooch, Goodwin, Granger, Gregg, Groesbeck, Grow, Robert B. Hall, Hatch, Hickman, Horton, Jewett, George W. Jones, Kellogg, Kilgore, Knapp, John C. Kunkel, Leach, Lovejoy, Humphrey Marshall, Matteson, Morgan, Morrill, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Olin, Palmer, Parker, Pettit, Potter, Pottle, Royce, Savage, Scales, Henry M. Shaw, John Sherman, Judson W. Sherman, William Smith, Stanton, Stevenson, Thayer, Thompson, Tompkins, Wade, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, Watkins, and John V. Wright—82.

So the rules were not suspended.

Pending the above call,

Mr. HATCH said that he voted in the negative because he believed that this Government had no right to levy duties upon domestic tonnage.

Messrs. BRANCH and McQUEEN, not being within the bar when their names were called, asked leave to vote.

Objection was made.

They stated that they would have voted in the affirmative.

The vote was announced as above recorded.

Mr. DAVIS, of Mississippi. I ask the unanimous consent of the House that we take a recess until seven o'clock.

Mr. PHELPS, of Missouri. I desire first to understand the condition of the public business in the other House. If it be proper for us to take a recess, I will return and submit that motion myself

[Cries of "Agreed!"]

Mr. DAVIS, of Mississippi. I move to suspend the rules, to enable me to submit the motion that we take a recess until seven o'clock.

Mr. DAVIS, of Mississippi, called for tellers.

Tellers were ordered; and Messrs. DAVIS, of Mississippi, and JOHN COCHRANE were appointed.

The House divided; and the tellers reported—ayes 57, noes 55.

No quorum voting.

Mr. FLORENCE moved that there be a call of the House; and on that motion called for tellers.

Tellers were ordered; and Messrs. FLORENCE and SPINNER were appointed.

The House divided; and the tellers reported—ayes 19, noes 115.

So the House refused to order a call.

The question recurred on the motion of Mr. DAVIS, of Mississippi, to suspend the rules to enable him to move to take a recess.

The tellers resumed their places; and the question having been put, five members voted in the affirmative.

So the rules were not suspended.

JAMES A. GLANDING.

Mr. AHL. I ask the unanimous consent of the House that the Committee of the Whole House be discharged from the further consideration of Senate bill (No. 292) for the relief of James A. Glanding.

The bill directs the Secretary of the Interior to place the name of James A. Glanding, of Pennsylvania, on the roll of invalid pensioners, at the rate of eight dollars a month, commencing on the 3d day of December, 1855, to continue during his natural life.

Mr. SMITH, of Virginia, objected.

Mr. AHL moved a suspension of the rules.

The question was taken; and the rules were suspended.

The bill was ordered to a third reading; and it was accordingly read the third time.

Mr. AHL demanded the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered; and under the operation thereof, the bill was passed.

Mr. AHL moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. ASBURY DICKINS, its Secretary, informing the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill making appropriations for the naval service for the year ending June 30, 1860.

NAVAL APPROPRIATION BILL.

Mr. JONES, of Tennessee. I rise to a privileged question. The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the naval appropriation bill have met, and after full and free conference have agreed to recommend, and do recommend, to their respective Houses, that the Senate recede from its disagreement to the amendment of the House to the second amendment of the Senate, with an amendment to strike out "$173,700" and insert in lieu thereof "$289,000." That, sir, is the amendment in relation to the charter or purchase of the vessels engaged in the Paraguay expedition. We recommend that the Senate agree to the amendment of the House, with an amendment changing the amount contained in the original text of the Senate amendment, from $173,700 to $289,000.

The committee also recommend that the Senate recede from its disagreement to the amendment of the House to the third amendment of the Senate. The report is a unanimous one, and I move the previous question upon its adoption.

The previous question was seconded, and the main question ordered; and under the operation thereof, the report of the committee of conference was agreed to.

Mr. JONES, of Tennessee, moved to reconsider the vote by which the report was agreed to; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

CONVENTION WITH CHINA.

Mr. MARSHALL, of Kentucky. I ask the unanimous consent of the House to take from the Speaker's table Senate bill (No. 606) to carry into effect the convention between the United States and China, concluded on the 8th November, 1858, at Shanghae.

I will say to the House, that the bill appropriates no money. It merely provides for the appointment of a commissioner to divide a fund which China has agreed, in the late treaty made by Mr. Reed, to distribute among American citizens, as reclamation for damages done to their property. There can be no objection to the bill.

Mr. PHELPS, of Missouri. I have examined the provisions of that bill. I think they are right, and I hope the bill will be taken up and passed.

There being no objection, the bill was taken up from the Speaker's table, and read a first and second time.

Mr. MARSHALL, of Kentucky, called for the previous question on its third reading.

The previous question was seconded, and the main question ordered to be put.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

Mr. MARSHALL, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. MILES obtained the floor.

THE LATE SUPERINTENDENT OF PRINTING.

Mr. TAYLOR, of New York. I rise to a privileged question. I desire to get the House either to take up the report of the select committee on the accounts of the late Superintendent of Public Printing at this time, or to assign some hour for the consideration of the same.

The SPEAKER. The Chair decides that the motion of the gentleman from New York is not a privileged question.

Mr. TAYLOR, of New York. Then I propose to take it up at once.

Objection was made.

ARRANGEMENT OF THE HALL.

Mr. MILES. I ask the unanimous consent of the House to take up the report of the select committee in relation to seats of members, &c., which was some time ago ordered to be printed by the House, and is now in the document room.

Mr. WASHBURNE, of Illinois. It is too late in the session to bring up that report. I object.

Mr. MILES. I move to suspend the rules. The report is very short. I ask that it may be read.

Mr. PHELPS, of Missouri. With the permission of the gentleman from South Carolina, to whom the floor has been assigned, I ask unanimous consent of the House to take a recess until seven and a half o'clock.

Mr. GARTRELL. I object.

Mr. WASHBURN, of Maine. It will be understood that the gentleman from South Carolina will have the floor as soon as the House reassembles. I hope the proposition of the gentleman from Missouri will be agreed to, and we shall take a recess.

Mr. PHELPS, of Missouri. With that understanding, I ask the gentleman from South Carolina to give me the floor to enable me to move to suspend the rules for that purpose.

Mr. MILES. I am willing to withdraw my motion, if it is the general understanding that I shall have the floor when the House reassembles.

[Cries of "Agreed!"]

Mr. PHELPS, of Missouri. I move, then, to suspend the rules for the purpose of enabling me to make the motion that the House take a recess until seven and a half o'clock. I will remark that it is probable we shall be in session all night; and I hope the House will take a recess, to enable members to obtain rest.

ENROLLED BILLS.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. 662) making appropriations for the payment of invalid and other pensions of the United States for the year ending the 30th of June, 1860.

An act (H. R. 889) to provide for the care and preservation of the works constructed by the United States, for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefit of the inhabitants of the said cities.

WIDOWS OR HEIRS OF DECEASED MEMBERS.

Mr. MORRIS, of Illinois. I ask the gentleman from Missouri to allow me to introduce a joint resolution, the object of which is to pay to the widows or heirs-at-law of deceased members the

compensation to which they were entitled at the time of their death. By the decision of the Speaker in the case of the widow of the late Thomas L. Harris, such compensation cannot be paid unless by the passage of a law for that purpose. The Committee on Mileage have prepared a joint resolution which my colleague, [Mr. SMITH,] the chairman of that committee, has been endeavoring for days to get the floor to report. I ask the consent of the House to introduce the resolution.

Mr. PHELPS, of Missouri. I will not withdraw my motion; but, I presume, there will be no objection to the proposition of the gentleman.

Mr. JONES, of Tennessee. This is no time to amend the law regulating compensation of members of Congress. I object.

Mr. MORRIS, of Illinois. I move to suspend the rules.

Mr. PHELPS, of Missouri. I am appealed to, on all sides, to yield the floor; but I cannot. I would yield willingly under other circumstances.

Mr. MILES: When the floor was assigned to me, I yielded to the gentleman from Missouri alone.

The SPEAKER *pro tempore*, (Mr. BOCOCK in the chair.) The Chair will state the condition of the question. The Chair assigned the floor to the gentleman from South Carolina. The gentleman from Missouri appealed to the gentleman from South Carolina to yield him the floor to make a motion for a recess, which he did; and then the gentleman from Missouri yielded the floor to the gentleman from Illinois, in case there was unanimous consent for the proposition he had to make. Objection being made, the question recurs on the motion of the gentleman from Missouri.

The rules were suspended.

Mr. PHELPS, of Missouri, demanded the previous question on his motion that the House take a recess until half past seven o'clock, p. m.

The previous question was seconded, and the main question ordered; and under the operation thereof, the resolution was adopted.

Pending the vote,

On motion of Mr. WORTENDYKE, it was

Ordered, That leave be granted for the withdrawal from the files of the House of the papers in the case of Joseph B. Toombs, in order that they may be referred to the proper Department.

And then the House (at nine minutes after four o'clock, p. m.) took a recess until seven and a half o'clock, p. m.

EVENING SESSION.

The House resumed its session at seven and a half o'clock, p. m.

REARRANGEMENT OF THE HALL.

The SPEAKER *pro tempore*, (Mr. BOCOCK in the chair.) When the House took a recess, the question pending was a motion of the gentleman from South Carolina [Mr. MILES] to suspend the rules for the introduction of a report from the special committee to whom was referred the resolution of the House of December 23, directing them "to consider and report upon the expediency of removing the present desks from the Hall, and making such a rearrangement of the seats of members as will bring them together into a smaller space, so as to insure greater facility of hearing and more orderly debate.

Mr. MILES. Mr. Speaker, I sought the floor this morning with a view of testing the sense of the House on the proposition of the select committee.

Mr. EDIE. Is the motion to suspend the rules debatable?

The SPEAKER. It is not; but the gentleman from South Carolina has the right to state the matter upon which a suspension is asked.

Mr. TOMPKINS. I object to debate.

Mr. MILES. I ask that the report be read. It will consume but a minute or two.

Mr. MORGAN. I object.

Mr. BURNETT. I suggest that, as there is not a quorum present, the report had better be allowed to be read.

Objection was withdrawn.

The Clerk read the report, as follows:

That they have given the matter due consideration, and have come, unanimously, to the conclusion that the removal of the desks, and bringing members together into a more compact area, is not only expedient and desirable, but would, if effected, be, in itself, a most important step towards many legislative reforms. So far as the desks are concerned, your committee feel—some of them from their own personal experience—that they have become a nuisance. The chief argument for retaining them is the strongest reason for their abolition, namely: the convenient facility which they afford members for writing letters and franking documents. It would certainly seem as if the very first duty of a Representative in Congress was not simply to attend bodily in his place, but to listen to, understand, and, when occasion requires it, participate in the discussions and proceedings of the body of which he is a member. This is a truth so self-evident that its enunciation is almost superfluous. But we ask any honorable member candidly to say, whether he has found it practicable, in his own experience, while absorbed in writing letters at his desk, to attend to what is going on in the House? If it be urged that there are times when even the most conscientious member may feel that he is not called upon to listen attentively; as during the reading of prosy manuscript speeches, or the delivering of *ad captandum* "Buncombe" ones, really not addressed to the House, nor intended to influence its action; still we may reply that the very resource of the desks, upon which so many fall back as a refuge against dullness or empty sound, contributes to perpetuate the infliction, upon the country, of evils from which we manage partially to protect ourselves. There can be little doubt that, if there were no desks in the Hall, a very decided improvement would take place in the character of congressional speeches. No one, whose misfortune it may have been to be compelled for any purpose to wade through the interminable columns of the Daily Globe, can doubt that this is a "consummation devoutly to be wished." But it is not merely because the desks withdraw the attention of members from the business legitimately before them—which it is their sworn and *paid* duty to attend to—that their removal is desirable.

The space occupied by the present arrangement of chairs and desks is so large that it is always difficult and sometimes impossible for those at a distance from the Clerk or from the member speaking, to hear distinctly. This arises not from any acoustic defect in the Hall, but simply from its immense size. The result is, that resolutions have to be reported or remarks repeated so often that not only much valuable time is lost, but a degree of noise and confusion ensues very unfavorable to calm and deliberate discussion. It may not be inappropriate in this connection to remark that the English House of Commons, numbering six hundred and fifty-four members, holds its sessions in a hall very much smaller than our own, which has to accommodate but two hundred and thirty-six members. Neither Lords nor Commons, however, in England, have desks, and the arrangement of their seats in consequence is so compact as to bring them into a comparatively concentrated area.

Your committee have conferred freely with Captain Meigs, the able and accomplished superintendent of the Capitol extension, who very kindly, at their instance, prepared a diagram of the floor of the House, to assist them in their examination. He also went through with them various measurements, both on the drawing and in the Hall itself, with a view to ascertain into how much smaller space members might be comfortably and conveniently seated. As the result of these experiments, we are authorized to say that Captain Meigs considers it perfectly practicable to make such an arrangement of seats as will bring members near enough together to see and hear each other distinctly. This is surely a great desideratum, and ought in itself to reconcile members to the loss of the purely selfish enjoyment of their desks. When honorable gentlemen can make themselves heard without screaming themselves hoarse, and hope to catch the Speaker's eye and obtain the floor without scrambling for it with the noise and vociferation of school boys scrambling for an apple; when the distinct reading of a resolution or report once or twice from the Clerk's desk will put the entire House in possession of it, we may then expect to have quiet, decorous, and orderly debate; real, legitimate discussion of the subject-matter pending before us, instead of interminable discussions, *de qualibet ente*, addressed in point of fact to different constituencies, and not even intended for the ear of the House.

To meet the objection which may be urged against the removal of the desks, that they are necessary at times for the purpose of writing resolutions or supporting books of reference, &c., we would say, that in the rearrangement of the Hall, in the plan contemplated, ample facilities would be afforded for these purposes. A table placed in the open space in front of the Speaker's seat would, in itself, be sufficient for both these objects, and would be a convenient spot from which to read extracts from authorities cited in debate. Large tables might also be placed in the corners of the Hall, and supplied with writing materials. Besides, with our present convenient retiring rooms, so immediately adjacent and opening upon our own private lobby, there would be abundant opportunity for writing afforded those who might at any particular time not consider their presence necessary in the House. It would require but a few seconds, certainly not half a minute, to summon a member from either of these rooms in case of a vote, or the coming up of any matter in which he might feel an interest.

In conclusion, your committee have to say, that they verily believe that, small and comparatively insignificant as the reform which they advocate may now seem, yet, should the House adopt it, the advantages which will flow from it will very soon be so numerous and apparent as not only to impress Congress, but the country at large. It will then be a matter of surprise to all that a plan so simple, natural, and obvious, should not have been sooner adopted.

Your committee recommend the passage of the following resolution:

Resolved, That the superintendent of the Capitol extension be directed, after the adjournment of the present session of Congress, to remove the desks from the Hall of the House, and to make such a rearrangement of the seats of members as will bring them together into the smallest convenient space.

WM. PORCHER MILES,
GEO. H. PENDLETON,
J. LETCHER,
E. JOY MORRIS,
I. WASHBURN, Jr.

Mr. WASHBURN, of Maine. Is the question now on suspending the rules to enable the gentleman from South Carolina to introduce the resolution?

The SPEAKER *pro tempore*. It is.

Mr. WASHBURN, of Maine. Then I hope the rules will be suspended.

Several MEMBERS. I hope they will not.

Mr. WASHBURN, of Maine. I am satisfied that it will be the greatest reform that can be accomplished by this Congress.

[Loud cries to order.]

Mr. MILES called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 123, nays 56; as follows:

YEAS--Messrs. Ahl, Andrews, Atkins, Barksdale, Barr, Bingham, Blair, Bliss, Bocock, Boyce, Brayton, Bryan, Burlingame, Burnett, Burns, Case, Cavanaugh, Chapman, Horace F. Clark, Clawson, John Cochrane, Comins, Corning, Crawford, Curtis, Davidson, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Dawes, Dean, Dodd, Dowdell, Durfee, Edmundson, Elliott, Farnsworth, Fenton, Florence, Foster, Garnett, Gilman, Goodwin, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Robert B. Hall, Harlan, Haskin, Hatch, Hawkins, Hickman, Hill, Hoard, Hopkins, Horton, Howard, Hughes, Jewett, George W. Jones, Owen Jones, Keim, Kelsey, Knapp, Jacob M. Kunkel, John C. Kunkel, Lamar, Landy, Leidy, Letcher, Lovejoy, Humphrey Marshall, Samuel S. Marshall, Matteson, Miles, Moore, Morgan, Edward Joy Morris, Oliver A. Morse, Murray, Nichols, Olin, Palmer, Parker, Pendleton, Peyton, William W. Phelps, Phillips, Pike, Potter, Pottle, Powell, Ready, Reagan, Reilly, Ricaud, Roberts, Ruffin, Savage, Scott, Searing, Judson W. Sherman, Singleton, William Smith, Spinner, Stallworth, Stanton, James A. Stewart, William Stewart, Talbot, Tappan, George Taylor, Miles Taylor, Thayer, Vallandigham, Cadwalader C. Washburn, Israel Washburn, Watkins, Whiteley, Augustus R. Wright, and John V. Wright—123.

NAYS—Messrs. Abbott, Avery, Bennett, Bowie, Buffinton, Chaffee, John B. Clark, Clay, Cobb, Clark B. Cochrane, Colfax, Covode, Davis of Iowa, Dewart, Dimmick, Edie, English, Foley, Gartrell, Gooch, Harris, Hodges, Houston, Jackson, Kellogg, Leach, Maclay, McQueen, Maynard, Morrill, Isaac N. Morris, Freeman H. Morse, Niblack, Pettit, John S. Phelps, Ritchie, Robbins, Royce, Russell, Sandidge, Scales, Henry M. Shaw, Shorter, Robert Smith, Samuel A. Smith, Stevenson, Tompkins, Vance, Wade, Waldron, Ward, Elihu B. Washburne, White, Wood, Woodson, and Zollicoffer—56.

So (two thirds voting in favor thereof) the rules were suspended.

Mr. DAVIS, of Mississippi, not being in the Hall when his name was called, asked leave to vote.

Objection was made.

Mr. UNDERWOOD made a similar request.

Objection was made.

Mr. McRAE stated that, if he had been in the Hall when his name was called, he would have voted for the removal of the desks.

MESSAGE FROM THE SENATE.

A message was received from the Senate, through Mr. DICKINS, its Secretary, notifying the House that the Senate had passed an act (S. No. 601) to legalize certain informal entries of town sites in the Territory of Nebraska; in which he was directed to ask the concurrence of the House.

ARRANGEMENT OF THE HALL.

Mr. BURNETT. I rise to a question of order. It is impossible to hear or understand anything that is going on in the hall.

Mr. JOHN COCHRANE. I submit, Mr. Speaker, that that is owing to the desks. [Laughter.]

Mr. MILES. I now ask to submit the resolution to the House and move the previous question.

The resolution was read, as follows:

Resolved, That the Superintendent of the Capitol extension be directed, after the adjournment of the present session of Congress, to remove the desks from the Hall of the House, and to make such a re-arrangement of the seats of members as will bring them together into the smallest convenient space.

Mr. WASHBURNE, of Illinois. I move to lay the resolution on the table; and on that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CLAY. Is it proper to inquire what is to become of these desks that have cost ninety or one hundred dollars apiece?

Mr. WASHBURN, of Maine. They will be retained, so as, if the experiment be not successful, they may be returned to the hall.

Mr. KELSEY. I have an amendment which will provide for that, if I get an opportunity to offer it.

Mr. McRAE. I want to see them consigned to the tomb of the Capulets.

The question was taken; and it was decided in the negative—yeas 81, nays 107; as follows:

YEAS—Messrs. Abbott, Avery, Barr, Bennett, Bishop, Bowie, Branch, Bryan, Buffinton, Chaffee, John B. Clark, Clay, Colfax, Covode, James Craig, Crawford, Curtis, Davis of Massachusetts, Davis of Iowa, Dawes, Dimmick, Dowdell, Edie, English, Farnsworth, Foley, Gartrell, Gilmer, Gooch, Granger, Greenwood, Harris, Hawkins, Hodges, Houston, Huyler, Jackson, George W. Jones, Keim, Kellogg, Leach, Leiter, Maclay, McQueen, Humphrey Marshall, Mason, Maynard, Montgomery, Morrill, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Niblack, Olin, Pendleton, Pettit, John S. Phelps, Reagan, Reilly, Ritchie, Robbins, Royce, Sandidge, Scales, Henry M. Shaw, Shorter, Robert Smith, Samuel A. Smith, Stevenson, William Stewart, Talbot, Tompkins, Vance, Wade, Walbridge, Waldron, Elihu B. Washburne, Whiteley, Winslow, Wood, Woodson, and Zollicoffer—81.

NAYS—Messrs. Andrews, Atkins, Barksdale, Bingham, Blair, Bliss, Bocock, Bonham, Boyce, Brayton, Burlingame, Burnett, Burns, Cavanaugh, Chapman, Horace F. Clark, Clawson, Clark B. Cochrane, John Cochrane, Comins, Corning, Davis of Maryland, Davis of Indiana, Davis of Mississippi, Dean, Dodd, Edmundson, Elliott, Eustis, Faulkner, Fenton, Florence, Foster, Garnett, Gilman, Gregg, Groesbeck, Grover, Grow, Robert B. Hall, Harlan, Haskin, Hatch, Hickman, Hill, Hoard, Hopkins, Horton, Howard, Hughes, Jewett, Owen Jones, Kelsey, Kilgore, Knapp, John C. Kunkel, Lamar, Landy, Leidy, Letcher, McKibbin, McRae, Samuel S. Marshall, Miles, Millson, Moore, Morgan, Edward Joy Morris, Mott. Murray, Nichols, Palmer. Parker, Peyton, William W. Phelps, Pike, Potter, Pottle, Powell. Ready, Ricaud, Roberts, Ruffin, Scott, Searing, Judson W. Sherman, Singleton, William Smith, Spinner, Stallworth, Stanton, James A. Stewart, Tappan, George Taylor, Miles Taylor, Thayer, Thompson, Underwood, Vallandigham, Ward, Cadwalader C. Washburn, Israel Washburn, Watkins, White, Augustus R. Wright, and John V. Wright—107.

So the House refused to lay the resolution on the table.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States, by Mr. J. B. HENRY, his Private Secretary, notifying the House that he had approved and signed bills of the following titles:

An act making appropriations for the payment of invalid and other pensions of the United States for the year ending the 30th of June, 1860;

An act making appropriations for the consular and diplomatic expenses of Government for the year ending June 30, 1860;

An act making appropriations for the support of the Army for the year ending June 30, 1860; and

An act to provide for the care and preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefit of the inhabitants of the said cities.

ENROLLED BILLS.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 712) making appropriations for the naval service for the year ending the 30th June, 1860; when the Speaker signed the same.

Mr. PIKE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled the following bills; when the Speaker signed the same:

An act to provide for the final settlement of the land claims of the persons claiming as heirs or under Jehu Underwood, as purchasers or otherwise, to certain lands in Florida, and to confirm the title to the proper owner or owners;

An act to carry into effect the convention between the United States and China, concluded 8th November, 1858, at Shanghae;

An act for the relief of J. A. Glanding; and

An act for the relief of Edward Ingersoll.

ARRANGEMENT OF THE HALL—AGAIN.

The question recurred on Mr. MILES's resolution.

The previous question was seconded, and the main question ordered.

Mr. KELSEY. I wish to offer an amendment for the disposal of the desks. Will the gentleman from South Carolina allow my amendment to be reported?

The SPEAKER *pro tempore*. The previous question has been seconded; and the amendment cannot be reported, except by unanimous consent.

Mr. CLARK, of Missouri. I object.

Mr. JONES, of Tennessee. I wish, by unanimous consent, to make another proposition. That is, to direct the superintendent to have the old Hall fitted up without seats, and make the experiment there.

Mr. DAVIS, of Mississippi, called for the yeas and nays on the passage of the resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 103, nays 73; as follows:

YEAS—Messrs. Andrews, Barksdale, Barr, Bingham, Blair, Bliss, Bocock, Bonham, Boyce, Brayton, Burlingame, Burnett, Burns, Case, Caskie, Cavanaugh, Chapman, Horace F. Clark, Clawson, John Cochrane, Comins, Corning, Davis of Maryland, Davis of Indiana, Davis of Mississippi, Dean, Edmundson, Eustis, Faulkner, Fenton, Florence, Foster, Garnett, Gilman, Goodwin, Gregg, Groesbeck, Grover, Grow, Lawrence W. Hall, Robert B. Hall, Haskin, Hatch, Hickman, Hoard, Horton, Howard, Jenkins, Jewett, Owen Jones, Keim, Kilgore, Jacob M. Kunkel, John C. Kunkel, Lamar, Landy, Leidy, Letcher, McKibbin, McRae, Humphrey Marshall, Samuel S. Marshall, Miles, Millson, Moore, Morgan, Edward Joy Morris, Mott, Murray, Nichols, Olin, Palmer, Parker, Pendleton, Peyton, William W. Phelps, Pike, Potter, Powell. Ready, Ricaud, Roberts, Ruffin, John Sherman, Judson W. Sherman, Singleton, William Smith, Spinner, Stallworth, Stanton, James A. Stewart, William Stewart, Tappan, George Taylor, Miles Taylor, Thayer, Thompson, Underwood, Vallandigham, Cadwalader C. Washburn, Israel Washburn, Watkins, and Augustus R. Wright—103.

NAYS—Messrs. Abbott, Atkins, Bennett, Bishop, Bowie, Branch, Bryan, Buffinton, Chaffee, John B. Clark, Clay, Cobb, Colfax, Covode, James Craig, Crawford. Davis of Iowa, Dawes, Dowdell, English, Farnsworth, Foley, Gartrell, Gilmer, Gooch, Granger, Greenwood, Harris. Hawkins, Hodges, Houston, Hughes, Huyler, Jackson, George W. Jones, Kellogg, Leach, Leiter, Lovejoy, Maclay, McQueen, Mason, Maynard, Montgomery, Morrill, Isaac N. Morris, Freeman H. Morse, Niblack, Pettit, John S Phelps, Robbins, Russell, Sandidge, Savage, Scales, Henry M. Shaw, Royce, Shorter, Robert Smith, Samuel A. Smith, Stevenson, Tompkins, Vance, Wade, Waldron, Ward, Elihu B. Washburne, Whiteley, Winslow, Wood, Woodson, John V. Wright, and Zollicoffer—73.

So the resolution was adopted.

Mr. MILES moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. MAYNARD. I rise to a question of privilege. I offer the following resolution:

Resolved, That the Clerk be directed to have the old Hall of the House fitted up, without either desks or chairs, for the convenience of the next House of Representatives; and that he convene the next House therein, having the present Hall fitted up and furnished as it now is.

I think that that resolution relates to the privileges of the House, and takes precedence of every other question.

The SPEAKER *pro tempore*. The Chair decides that that is not a matter of privilege.

VOTE OF THANKS TO THE SPEAKER.

Mr. NICHOLS. I offer the following resolution; and I wish every member to hear and understand it:

Resolved, That the thanks of this House are due, and are hereby presented, to the Hon. JAMES L. ORR, for the able, impartial, and dignified manner in which he has discharged the duties of Speaker during the present Congress.

I move the previous question.

The previous question was seconded, and the main question ordered.

Mr. POTTER called for the yeas and nays.

The yeas and nays were ordered.

Mr. NICHOLS. I would say that this is the identical language of the resolution offered in the case of Mr. Banks, at last Congress.

The question was taken; and it was decided in the affirmative—yeas 120, nays 32; as follows:

YEAS—Messrs. Abbott, Ahl, Atkins, Avery, Barksdale, Barr, Bishop, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, Ezra Clark, Horace F. Clark, Cobb, John Cochrane, Comins, Corning, James Craig, Crawford, Curtis, Davis of Maryland, Davis of Mississippi, Dewart, Dimmick, Dowdell, Durfee, Edie, Edmundson, Elliott, English, Eustis, Faulkner, Florence, Foley, Foster, Garnett, Gartrell, Gillis, Gilmer, Granger, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Robert B. Hall, Harris, Hatch, Hill, Hoard, Hodges, Hopkins, Horton, Houston, Hughes, Huyler, Jackson, Jenkins, Jewett, George W. Jones, Keim, John C. Kunkel, Lamar, Landy, Leidy, Leiter, Letcher, Maclay, McQueen, Humphrey Marshall, Mason, Maynard, Miles, Montgomery, Moore, Niblack, Nichols, Pendleton, Peyton, John S. Phelps, William W. Phelps, Phillips, Pottle, Powell, Ready, Reagan, Reilly, Ricaud, Ritchie, Roberts, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Searing, Shorter, Singleton, Samuel A. Smith, Stallworth, Stevenson, Talbot, Thayer, Underwood, Vance, Ward, Watkins, White, Whiteley, Winslow, Wood, Woodson, Wortendyke, Augustus R. Wright, John V. Wright, and Zollicoffer—120.

NAYS—Messrs. Bennett, Blair, Brayton, Buffinton, Chaffee, Cragin, Davis of Iowa, Dawes, Dean, Fenton, Gilman, Gooch, Goodwin, Grow, Kilgore, Leach, Lovejoy, McRae, Morgan, Edward Joy Morris, Murray, Olin, Potter, Purviance, William Smith, William Stewart, Tompkins, Wade, Walbridge, Waldron, Cadwalader C. Washburn, and Elihu B. Washburne—32.

So the resolution was adopted.

During the vote,

Mr. PURVIANCE said: I rise to a question of order. How does this question get before the House without a suspension of the rules?

The SPEAKER *pro tempore*. The Chair would say, in the first place, that it is entirely too late to raise an objection, the yeas and nays being in the course of being taken. The Chair would say, in the second place, that this has always been held to be a question of privilege.

Mr. KILGORE, on his name being called, said: I wish to state the reason why I cannot vote for this resolution.

Mr. NICHOLS. I object.

Mr. HICKMAN, on his name being called, said: I want to give the reason why I do not vote at all.

Mr. DAVIS, of Mississippi. I object.

Mr. HICKMAN. I merely wish to say that I do not consider that any Speaker can be impartial; and, if that word were stricken out of the resolution, I would vote for it. [Loud cries of "Order!"]

Mr. HALL, of Ohio, stated that his colleague, Mr. Cox, was absent on account of indisposition; and that his colleagues, Messrs. LAWRENCE, MILLER, and COCKERILL, had paired off, and left for home.

Mr. BONHAM. I was called to the Senate Chamber by a matter of some consequence; and, as the Speaker is my colleague, I ask leave of the House to vote.

Mr. McRAE. I object.

Mr. FLORENCE. I submit that the practice has always been, on these complimentary resolutions, to permit gentlemen to vote.

Mr. BONHAM. I hope the House will give me the privilege.

Mr. FOSTER. I hope so.

Mr. PHELPS, of Missouri. I trust there will be no objection.

The SPEAKER *pro tempore*. Is there objection?

Mr. McRAE. I object.

Mr. BONHAM. I move that the rules be suspended to allow me to vote.

The SPEAKER *pro tempore*. The motion is not in order while a vote is being taken.

Mr. LETCHER. I suggest that all members who were absent when their names were called, be allowed to vote.

Mr. WASHBURNE, of Illinois. I object.

Mr. BONHAM. I hope my colleague on the Military Committee will allow me to vote. I went out on business.

The SPEAKER *pro tempore*. Is there objection to the gentleman from South Carolina voting?

Mr. McRAE. When a gentleman asked leave to give a reason for his vote on this question, he was not permitted to do so.

Mr. WRIGHT, of Tennessee. I object to debate.

Mr. McRAE. I object to the gentleman voting.

Mr. BONHAM. I beg leave to say that I would have voted cheerfully for the resolution.

Mr. HAWKINS stated that, if he had been in the Hall when his name was called, he would have voted in the affirmative.

The vote was then announced as above.

MESSAGE FROM THE PRESIDENT.

A message was received from the President, through J. B. HENRY, his Private Secretary, notifying the House that he had approved and signed the naval appropriation bill, and the bill making an appropriation for defraying the expenses of investigating committees of the House of Representatives.

PAY OF DECEASED MEMBERS.

Mr. MORRIS, of Illinois. I ask the unanimous consent of the House that the Committee on Mileage have leave to report a joint resolution amendatory of the act entitled "An act to regulate the compensation of members of Congress," approved August 15, 1856, so far as relates to such members as shall die during their term of service.

I will state to the House that the resolution was introduced by the gentleman from Indiana, [Mr. NIBLACK,] and was referred to the Commit-

tee on Mileage. That committee have unanimously agreed to report it to the House, and recommend its passage. It came into my hands because I was fortunate enough to get the floor.

Mr. JONES, of Tennessee. I object to the resolution. It proposes to extend still further the compensation bill of the Thirty-Fourth Congress.

Mr. MORRIS, of Illinois. No, sir; it does not extend the compensation bill. It provides that where money is due to a member of Congress at the time of his death, it shall be paid to his widow or representative.

Mr. JONES, of Tennessee. I believe that, under the law, no money is due to a member until he takes his seat.

Mr. HUGHES. I object to debate.

Mr. BURNETT. I insist on the enforcement of the rules.

Mr. MORRIS, of Illinois. I move a suspension of the rules.

Mr. JONES, of Tennessee. I call for the yeas and nays on that motion, and tellers on the yeas and nays.

Tellers were ordered; and Messrs. BUFFINTON, and JONES of Tennessee, were appointed.

The House divided, and the tellers reported—ayes 33, noes 87.

So, one fifth of those present voting in the affirmative, the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 117, nays 53; as follows:

YEAS—Messrs. Abbott, Adrain, Andrews, Barr, Bennett, Bingham, Bishop, Blair, Bliss, Bowie, Branch, Brayton, Bryan, Burlingame, Burns, Case, Horace F. Clark, John B. Clark, Clawson, Clay, Clark B. Cochrane, John Cochrane, Colfax, Comins, Corning, Covode, Curtis, Davis, of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Durfee, Eustis, Farnsworth, Fenton, Foley, Foster, Gillis, Gilmer, Goodwin, Granger, Greenwood, Gregg, Grover, Grow, Robert B. Hall, Harris, Haskin, Hatch, Hawkins, Hickman, Hill, Hoard, Hodges, Horton, Howard, Hughes, Huyler, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Landy, Leidy, Leiter, Lovejoy, McKibbin, McRae, Samuel S. Marshall, Matteson, Montgomery, Morgan, Morrill, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Murray, Niblack, Olin, Parker, Pettit, Peyton, William W. Phelps, Pike, Potter, Pottle, Purviance, Ricaud, Ritchie, Robbins, Roberts, Royce, Russell, Scott, John Sherman, Shorter, Robert Smith, Stanton, James A. Stewart, William Stewart, Tappan, George Taylor, Thayer, Thompson, Tompkins, Vance, Wade, Walbridge, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Whiteley, and Woodson—117.

NAYS—Messrs. Atkins, Barksdale, Bocock, Bonham, Boyce, Buffinton, Burnett, Caskie, Ezra Clark, Cobb, Crawford, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Florence, Gartrell, Hopkins, Houston, Jackson, Jewett, George W. Jones, Letcher, Maclay, McQueen, Humphrey Marshall, Mason, Maynard, Millson, Moore, Mott, John S. Phelps, Ready, Ruffin, Sandidge, Savage, Scales, Henry M. Shaw, Singleton, Samuel A. Smith, Stallworth, Stevenson, Talbot, Miles Taylor, Underwood, Vallandigham, Watkins, White, Winslow, Wortendyke, John V. Wright, and Zollicoffer—53.

So (two thirds voting in favor thereof) the rules were suspended.

MESSAGE FROM THE SENATE.

During the call of the roll, a message was received from the Senate, by Mr. ASBURY DICKINS, their Secretary, informing the House that the Senate had passed the bill of the House making appropriations for certain civil expenses of the Government for the year ending June 30, 1860, with amendments; in which he was directed to ask the concurrence of the House. Also, that the Senate returned to the House the Post Office appropriation bill, and their amendments thereto, with a resolution.

Mr. PHELPS, of Missouri. I ask that the amendments of the Senate to the civil or miscellaneous appropriation bill be referred to the Committee of Ways and Means.

Mr. SHERMAN, of Ohio. I should like to have the amendments reported before they are referred to the Committee of Ways and Means; because if the Senate have undertaken to attach a revenue bill to our bill, I shall object.

Mr. PHELPS, of Missouri. Of course, the amendments can only be referred by unanimous consent.

The SPEAKER *pro tempore*. Does the gentleman from Ohio object?

Mr. SHERMAN, of Ohio. I do.

PAY OF DECEASED MEMBERS—AGAIN.

The rules having been suspended,

Mr. SMITH, of Illinois, from the Committee on Mileage, reported back without amendment a joint resolution amendatory of the act, entitled, "An act to regulate the compensation of members of Congress," approved August 16, 1856, so far as relates to such members as shall die during their term of service.

The joint resolution was read. It provides that hereafter, whenever any person elected as a member of the Senate or House of Representatives shall die, after the commencement of the Congress to which he shall have been so elected, compensation shall be computed and paid to his widow; or, if no widow survive him, to his heirs-at-law, from the period which shall have elapsed from the commencement of such Congress to the time of his death, at the rate of $3,000; provided, however, that the compensation shall be computed and paid in all cases for a period of not less than three months; and that, in no case, shall constructive mileage be computed. The resolution further provides that the compensation of each person elected or appointed afterwards, to supply the vacancies so occasioned, shall hereafter be computed and paid from the time the compensation of his predecessor is hereby directed to be computed and paid, and not otherwise. The resolution also provides that its provisions shall apply to the widows or heirs of members of the present Congress who may have died since the commencement of the Congress.

Mr. SMITH, of Illinois. I will state to the House that this resolution was introduced last session, by the honorable gentleman from Indiana, [Mr. NIBLACK,] then a member of the Committee on Mileage. The committee unanimously authorized him to report the joint resolution, with a recommendation that it do pass. He made an effort, on all occasions, to report it back, but found no opportunity, as the committee was not called. This session it was recommitted to the Committee on Mileage, and I carried it for two months trying to report it to this House. I have, for three days, been striving to get the floor to report it. My colleague was more fortunate, and obtained a suspension of the rules. This is but a simple act of justice to the families of deceased members, and of the Senate. I call the previous question on the engrossment of the resolutions.

Mr. JONES, of Tennessee. Will the gentleman answer me a question about this resolution?

Mr. SMITH, of Illinois. I will hear it.

Mr. JONES, of Tennessee. Does not this resolution propose, and is it not brought in here for the purpose——

Mr. ADRAIN. I object to debate.

Mr. SMITH, of Illinois. I will not yield the floor further. I insist on the previous question.

Mr. HOUSTON. I appeal to the gentleman to allow me to offer a substitute for the resolution.

Mr. SMITH, of Illinois. If I yield for one, I must yield for twenty, and I must decline to do it.

The previous question was seconded.

Mr. JONES, of Tennessee. I move to lay the joint resolution on the table; and on that motion I demand the yeas and nays.

Mr. HICKMAN demanded tellers on the yeas and nays.

Tellers were ordered; and Messrs. CHAFFEE and VALLANDIGHAM were appointed.

The House divided; and the tellers reported—ayes 31, noes 100.

So the yeas and nays were ordered—one fifth voting in favor thereof.

The question was taken, and it was decided in the negative—yeas 53, nays 109; as follows:

YEAS—Messrs. Atkins, Bishop, Bocock, Boyce, Branch, Buffinton, Burnett, Caskie, Cobb, John Cochrane, Corning, Davis of Maryland, Davis of Mississippi, Dean, Dodd, Dowdell, Edmundson, Elliott, Eustis, Garnett, Gartrell, Groesbeck, Hill, Houston, Letcher, Maclay, McQueen, Humphrey Marshall, Mason, Maynard, Miles, Millson, Mott, Nichols, Pendleton, John S. Phelps, Ruffin, Russell, Scales, Henry M. Shaw, Singleton, Stallworth, Stevenson, Talbot, Miles Taylor, Vallandigham, Vance, Watkins, White, John V. Wright, and Zollicoffer—53.

NAYS—Messrs. Abbott, Adrain, Andrews, Barksdale, Barr, Bennett, Bingham, Blair, Bliss, Bowie, Bryan, Burlingame, Burns, Case, Cavanaugh, Chaffee, Ezra Clark, Horace F. Clark, John B. Clark, Clawson, Clay, Clark B. Cochrane, Colfax, Comins, Covode, Cragin, James Craig, Crawford, Curtis, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dimmick, Durfee, Edie, English, Fenton, Florence, Foley, Foster, Gillis, Gilman, Gilmer, Gooch, Granger, Greenwood, Gregg, Grover, Grow, Robert B. Hall, Haskin, Hatch, Hickman, Hoard, Hodges, Hopkins, Horton, Howard, Huyler, Owen Jones, Keim, Knapp, Leidy, Leiter, Lovejoy, McKibbin, McRae, Samuel S. Marshall, Matteson, Montgomery, Morgan, Morrill, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Murray, Niblack, Olin, Parker, Peyton, William W. Phelps, Potter, Pottle, Reilly, Ricaud, Ritchie, Robbins, Roberts, Royce, Scott, John Sherman, Judson W. Sherman, Robert Smith, Stanton, James A. Stewart, William Stewart, Tappan, George Taylor, Thayer, Thompson, Tompkins, Wade, Walbridge, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Wood, and Woodson—109.

So the resolution was not laid upon the table.

Mr. VALLANDIGHAM. I ask the gentleman to accept a substitute for the second provision of the resolution.

Mr. JONES, of Tennessee. Oh, no; that would take the cream—the money—out of it.

Mr. SMITH, of Illinois. The friends of the resolution insist that the resolution shall be now acted on. If there be any error, it can be corrected in the Senate.

Mr. BURNETT. It ought to be corrected now, and here.

The resolution was ordered to be engrossed and read a third time.

Mr. JONES, of Tennessee. I ask that the engrossed resolution be read.

The SPEAKER *pro tempore*. Only a part of the resolution has been engrossed.

Mr. SMITH, of Illinois. I demand the yeas and nays on the passage of the resolution.

Mr. BURNETT. I ask for the reading of the engrossed resolution.

Mr. PHELPS, of Missouri. I ask that the House will go to the consideration of the public business. I ask that a message from the President of the United States be read.

Mr. SMITH, of Illinois. The gentleman cannot take the floor from me for that purpose. I move to reconsider the vote by which the resolution was ordered to be engrossed.

Mr. BURNETT. I rise to a question of order. The resolution was ordered to be engrossed and read a third time. The gentleman from Missouri was recognized; and can the gentleman from Illinois take the floor from him? I thought this resolution had been passed over.

The SPEAKER *pro tempore*. The gentleman from Missouri was recognized by the Chair, but after he took the floor the gentleman from Illinois submitted a privileged question, which took precedence of his motion to take up the President's message. The gentleman from Illinois submitted the privileged motion to reconsider.

Mr. PHELPS, of Missouri. I thought the floor had been awarded to me.

Mr. BURNETT. My recollection is that the gentleman from Illinois did not move to reconsider, until after the floor had been assigned to the gentleman from Missouri. Therefore, at most, the motion can only be entered.

The SPEAKER *pro tempore*. When the gentleman from Missouri did not submit a privileged motion, and the gentleman from Illinois did, the latter of course takes the precedence. If the gentleman from Missouri had submitted a privileged question, the motion of the gentleman from Illinois would not take precedence.

Mr. STANTON. The gentleman from Illinois undoubtedly had a right to submit his motion; but has he a right to take the floor from the gentleman from Missouri to have it considered?

The SPEAKER *pro tempore*. Not for anything else but a privileged motion. After that privileged motion is exhausted, the floor will revert to the gentleman from Missouri.

Mr. BARR. What is the question before the House?

The SPEAKER *pro tempore*. The point of order raised by the gentleman from Kentucky.

Mr. BARR. Well, let it be decided.

The SPEAKER *pro tempore*. The Chair overrules the point of order raised by the gentleman from Kentucky.

Mr. WALBRIDGE. I move to lay the motion to reconsider on the table; and on that I call for tellers.

Mr. JONES, of Tennessee, (at forty minutes past nine o'clock, p. m.) I move the House do now adjourn.

The motion was not agreed to.

Mr. BURNETT. This difficulty can be obviated if the friends of the resolution will allow an amendment, so that there may be no ambiguity about it. If they do that, I will vote for it; but I am not willing to vote for a resolution that, in my judgment, would give double pay.

Mr. BARR. I object to debate.

Mr. SMITH, of Illinois. I object to debate,

unless the friends of the resolution can answer the argument.

The SPEAKER *pro tempore*. The Chair suggests to the gentleman from Illinois to allow the gentleman from Missouri to get the public business before the House.

Mr. SMITH, of Illinois. I yield for that purpose, with the understanding that I shall have the floor again.

MESSAGE FROM THE PRESIDENT.

Mr. PHELPS, of Missouri. I move to take from the Speaker's table the message from the President.

There being no objection, the following message from the President of the United States was taken from the Speaker's table and read:

To the Senate and House of Representatives:

An imperative sense of duty compels me to make an appeal to Congress to preserve the credit of the country. This is the last day of the present Congress, and no provision has yet been made for the payment of appropriations, and to meet the outstanding Treasury notes issued under the authority of law. From the information which has already been communicated to Congress by the Secretary of the Treasury, it is manifest that the ordinary receipts into the Treasury, even under the most favorable circumstances, will scarcely meet the ordinary expenses of the Government during the remainder of the present fiscal year, ending on the 30th of June. At that time, nearly eighteen millions of Treasury notes will have become due, and many of those not yet due are daily paid for duties at the different ports, and there will be no means in the Treasury to meet them. Thus the country, which is full of resources, will be dishonored before the world, and the American people, who are a debt-paying people, will be disgraced by the omission on our part to do our duty. It is impossible to avoid this catastrophe unless we make provision this very day to meet the lawful demands on the public Treasury. If this were the first, instead of the last, session of a Congress, the case would be different. You might then be convened by proclamation for to-morrow morning. But there are now thirteen States of the Union entitled to seventy-eight Representatives, in which none have been elected. It will, therefore, be impracticable for a large majority of these States to elect their members before the Treasury shall be compelled to stop payment.

Under these circumstances, I earnestly recommend to Congress to make provision, within the few remaining hours of the session, for the preservation of the public credit. The urgency of the case not only justifies, but demands that, if necessary, this shall be done by a separate bill. We ought to incur no risk when the good faith of the country is at stake.

JAMES BUCHANAN.

WASHINGTON, *March* 3, 1859.

Mr. PHELPS, of Missouri. I move that the message be laid on the table, and ordered to be printed; and on that I move the previous question.

The previous question was seconded, and the main question ordered; and, under its operation, the motion was agreed to.

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the motion was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

REISSUE OF TREASURY NOTES.

Mr. PHELPS, of Missouri. I ask leave to report, from the Committee of Ways and Means, a bill to revive and continue in force for two years, an act entitled "An act to authorize the issue of Treasury notes."

Mr. COVODE. I object.

Mr. PHELPS, of Missouri. I move to suspend the rules.

The bill was read. It revives and continues in force for two years the act of 23d December, 1857; and appropriates $5,000 to defray expenses.

Mr. MARSHALL, of Kentucky. I ask the chairman of the Committee of Ways and Means whether, if the rules be suspended, it is his purpose to urge the passage of the bill as it stands; or, will he give way to allow me to offer an amendment?

Mr. PHELPS, of Missouri. Will the gentleman have his proposed amendment read?

The amendment, which is in the shape of a proviso, was read. It provides that, when any of the Treasury notes so issued should be redeemed at the Treasury, there should be no authority to issue new Treasury notes in lieu of those redeemed; it being the intent of the act to provide means to meet the liabilities of the Treasury, and redeem the Treasury notes now outstanding.

Mr. PHELPS, of Missouri. Will it be satisfactory to have that amendment offered and voted on?

Mr. KUNKEL, of Pennsylvania. I cannot tell whether it would be satisfactory to the gentleman from Kentucky; but his proposition would certainly not be satisfactory to quite a number here, unless the chairman of the Committee of Ways and Means agree to an amendment revising the present tariff, with reference to an increase of revenue by duties.

Mr. PHELPS, of Missouri. If the rules be suspended, I will yield the floor to let the gentleman from Kentucky propose his amendment.

Mr. COVODE. Will the gentleman allow me to introduce an amendment?

Mr. STANTON. Will the chairman of the Committee of Ways and Means not permit any other amendments to be offered looking to an increase of duties?

Mr. MONTGOMERY. I ask the chairman of the Committee of Ways and Means to allow me to offer an amendment?

Mr. BURNETT. There is a motion pending to suspend the rules, and I object to debate.

Mr. PHILLIPS. I ask the chairman of the Committee of Ways and Means to allow me to offer an amendment.

Mr. BURNETT. No amendment can be in order now, on a motion to suspend the rules.

Mr. PHILLIPS. Then I hope the House will vote down the motion.

Mr. COVODE. I want to know whether, if the rules be suspended, I will be allowed to offer an amendment?

Mr. LETCHER. I object.

Mr. KELSEY demanded the yeas and nays on the motion to suspend the rules.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 108, nays 97; as follows:

YEAS—Messrs. Arnold, Atkins, Avery, Barksdale, Bishop, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, John B. Clark, Clay, Cobb, John Cochrane, Cox, James Craig, Crawford, Davis of Indiana, Davis of Mississippi, Dimmick, Dowdell, Edmundson, Elliott, English, Eustis, Foley, Garnett, Gartrell, Gilmer, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hatch, Hawkins, Hill, Hodges, Hopkins, Houston, Jackson, Jenkins, Jewett, George W. Jones, Keitt, Lamar, Letcher, Maclay, McKibbin, McQueen, McRae, Humphrey Marshall, Samuel S. Marshall, Mason, Maynard, Miles, Millson, Moore, Nichols, Pendleton, Peyton, John S. Phelps, William W. Phelps, Powell, Reagan, Ricaud, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Searing, Henry M. Shaw, Shorter, Singleton, Robert Smith, Samuel A. Smith, Stallworth, Stephens, Stevenson, James A. Stewart, Talbot, George Taylor, Miles Taylor, Underwood, Vallandigham, Vance, Ward, Watkins, Whiteley, Winslow, Woodson, John V. Wright, and Zollicoffer—108.

NAYS—Messrs. Abbott, Adrain, Ahl, Andrews, Bennett, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Case, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Clawson, Clark B. Cochrane, Colfax, Comins, Covode, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dewart, Dodd, Durfee, Edie, Fenton, Florence, Foster, Gillis, Gilman, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harris, Haskin, Hickman, Hoard, Horton, Howard, Huyler, Owen Jones, Keim, Kellogg, Kelsey, Knapp, John C. Kunkel, Landy, Leidy, Leiter, Lovejoy, Matteson, Montgomery, Morgan, Morrill, Edward Joy Morris, Oliver A. Morse, Mott, Murray, Olin, Palmer, Parker, Pettit, Phillips, Potter, Pottle, Purviance, Reilly, Ritchie, Robbins, Roberts, Royce, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Thayer, Thompson, Tompkins, Wade, Walbridge, Waldron, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, White, and Wortendyke—97.

So (two thirds not voting in favor thereof) the rules were not suspended.

During the vote,

Mr. NIBLACK stated that he had paired off with Mr. KILGORE on this question.

Mr. REAGAN stated that Mr. HUGHES had paired off with Mr. LEACH.

Mr. FAULKNER. I was in attendance on the Committee of Accounts, in obedience to a summons of the committee, when my name was called. Does that give me a right to vote?

The SPEAKER. The Chair supposes not.

Mr. FAULKNER. I would have voted "ay," with pleasure.

Mr. KUNKEL, of Maryland, having been absent on the business of the House, as a member of the Committee of Accounts, asked leave to vote.

Mr. PHILLIPS objected.

The vote was then announced as above.

MISCELLANEOUS CIVIL BILL.

Mr. PHELPS, of Missouri. I ask leave to take from the Speaker's table the miscellaneous civil bill, to have it referred to the Committee of Ways and Means, that it may be considered by that committee.

Mr. COVODE. I object.

Mr. PHELPS, of Missouri. Well, let it be referred to the Committee of the Whole on the state of the Union.

Mr. COVODE. I object.

Mr. PHELPS, of Missouri. I move to suspend the rules, to enable me to have it taken up and considered.

Mr. COVODE. I call for the yeas and nays.

Mr. SHERMAN, of Ohio. I call for the reading of the twenty-eighth amendment to enable the House to vote understandingly.

The twenty-eighth amendment was read, as follows:

"*And be it further enacted*, That the power to issue and reissue Treasury notes, conferred upon the President of the United States by an act entitled "An act to authorize the issue of Treasury notes," approved 23d December, 1857, be, and the same hereby is, revived and continued in force from the passage of this act until the 1st day of July, 1860; and, to defray the expenses thereof, the sum of $5,000 is hereby appropriated: *Provided*," &c.

Mr. GREENWOOD. I think that the Committee of Ways and Means had better not attempt to pass any more appropriation bills. It is evident that they cannot even get a bill taken from the Speaker's table and referred to the Committee of the Whole on the state of the Union, or to the Committee of Ways and Means.

Mr. DEAN. I object to debate.

Mr. CLARK, of Missouri. I ask to have an amendment read which I propose to offer to the amendment of the Senate, in case the rules are suspended.

Several MEMBERS objected.

The question was taken on the motion of Mr. PHELPS of Missouri; and it was decided in the negative—yeas, 107, nays 77; as follows:

YEAS—Messrs. Arnold, Atkins, Avery, Barksdale, Bishop, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, Cavanaugh, John B. Clark, Clay, Cobb, John Cochrane, Comins, Corning, James Craig, Crawford, Davis of Maryland, Davis of Indiana, Davis of Mississippi, Dowdell, Elliott, English, Farnsworth, Faulkner, Foley, Garnett, Gartrell, Gillis, Gilmer, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Harris, Hatch, Hawkins, Hoard, Hodges, Hopkins, Horton, Houston, Howard, Huyler, Jackson, Jenkins, Jewett, George W. Jones, Jacob M. Kunkel, Letcher, Maclay, McKibbin, McQueen, McRae, Humphrey Marshall, Samuel S. Marshall, Mason, Maynard, Miles, Millson, Moore, Morrill, Freeman H. Morse, Nichols, Pendleton, Peyton, John S. Phelps, William W. Phelps, Reagan, Ricaud, Royce, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Henry M. Shaw, Shorter, Singleton, Robert Smith, Samuel A. Smith, Stallworth, Stevenson, James A. Stewart, Talbot, George Taylor, Miles Taylor, Thayer, Underwood, Vallandigham, Vance, Ward, Watkins, White, Whiteley, Winslow, Wood, Wortendyke, John V. Wright, and Zollicoffer—107.

NAYS—Messrs. Abbott, Adrain, Ahl, Andrews, Bennett, Blair, Bliss, Brayton, Buffinton, Burlingame, Case, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Clark B. Cochrane, Colfax, Covode, Cragin, Curtis, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dewart, Durfee, Edie, Fenton, Foster, Gilman, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Haskin, Hickman, Owen Jones, Keim, Kellogg, Kelsey, Knapp, John C. Kunkel, Leidy, Leiter, Lovejoy, Matteson, Montgomery, Morgan, Edward Joy Morris, Oliver A. Morse, Mott, Murray, Olin, Palmer, Parker, Pettit, Pike, Potter, Pottle, Purviance, Reilly, Ritchie, Robbins, Roberts, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Thompson, Tompkins, Wade, Walbridge, Cadwalader C. Washburn, and Elihu B. Washburne—77.

So (two thirds not voting in favor thereof) the rules were not suspended.

During the call of the roll,

Mr. NIBLACK stated that he had paired off with his colleague, Mr. KILGORE, or he should have voted in the affirmative.

Mr. CRAWFORD announced that Mr. STEPHENS, of Georgia, had paired off with Mr. CLAWSON.

Mr. HARLAN stated that he had paired off with Mr. COCKERILL.

POST OFFICE APPROPRIATION BILL.

Mr. PHELPS, of Missouri. There is a mes-

sage which has been sent from the Senate in relation to the Post Office appropriation bill. I desire to have it read.

Mr. GROW. I desire to understand, first, whether the reading of the message will bring up the bill to be acted on. I want to understand that, for I thought I had an understanding with the House on the vote on this question this morning; but there seemed to be a disposition not to carry it out very well. I only want to understand now the effect of the motion.

Mr. PHELPS, of Missouri. I only ask that the message may be read.

The Clerk read the message, as follows:

IN SENATE OF THE UNITED STATES,
March 3, 1859.

The House of Representatives having communicated to the Senate a resolution, in the following words, to wit:

"*Resolved*, That the House bill (No. 872) making appropriations for defraying the expenses of the Post Office Department for the year ending the 30th June, 1860, with the Senate amendments thereto, be returned to the Senate, as section thirteen of said amendments is in the nature of a revenue bill."

Resolved by the Senate of the United States, That the Senate and the House being, of right, equally competent each to judge of the propriety and constitutionality of its own action, the Senate has exercised said right in its action on the amendments sent to the House, leaving to the House its right to adopt, or reject, each of said amendments at its pleasure.

Resolved, That this resolution be communicated to the House of Representatives, and that the bill and amendments aforesaid be communicated therewith.

Mr. PHELPS, of Missouri. I move to suspend the rules, to take up that message and the bill and amendments.

Mr. HARRIS. I desire to ask the chairman of the Committee of Ways and Means, whether he is not prepared to report a new bill making appropriations for the Post Office Department?

Mr. GREENWOOD. If he is, I hope he will not do it.

Mr. HARRIS. Very well, I desire to ask the question.

MESSAGE FROM THE SENATE.

A message was received from the Senate by Mr. ASBURY DICKENS, their Secretary, informing the House that the Senate had passed the bill of the House (No. 888) making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians for the year ending June 30, 1860, and for other purposes, with amendments; in which he was directed to ask the concurrence of the House.

POST OFFICE APPROPRIATION BILL—AGAIN.

The question recurred on the motion of Mr. PHELPS, of Missouri, to suspend the rules.

Mr. DEAN demanded the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. I should be glad if the chairman of the Committee of Ways and Means would answer my question.

Mr. PHELPS, of Missouri. I will answer it.

Mr. HOUSTON. I object.

Mr. HARRIS. Then I hope the bill will not be taken from the table.

The question was taken; and it was decided in the negative—yeas 94, nays 85; as follows:

YEAS—Messrs. Adrain, Ahl, Arnold, Atkins, Avery, Barksdale, Bishop, Bonham, Bowie, Boyce, Branch, Burns, Caskie, Cavanaugh, John B. Clark, Clay, Cobb, John Cochrane, Comins, Corning, James Craig, Crawford, Davis of Indiana, Davis of Mississippi, Dimmick, Dowdell, Edmundson, Elliott, English, Faulkner, Foley, Garnett, Gartrell, Gillis, Gilmer, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hatch, Hawkins, Hodges, Houston, Huyler, Jackson, Jewett, George W. Jones, Lamar, Landy, Letcher, Maclay, McKibbin, McQueen, McRae, Humphrey Marshall, Samuel S. Marshall, Mason, Maynard, Miles, Millson, Moore, Pendleton, Peyton, John S. Phelps, William W. Phelps, Reagan, Ricaud, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Henry M. Shaw, Shorter, Singleton, Robert Smith, Stallworth, Stanton, Stevenson, James A. Stewart, George Taylor, Miles Taylor, Underwood, Vallandigham, Vance, Ward, Watkins, White, Winslow, Wortendyke, John V. Wright, and Zollicoffer—94.

NAYS—Messrs. Abbott, Andrews, Bennett, Bingham, Blair, Buss, Brayton, Burlinton, Burlingame, Case, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Clark B. Cochrane, Colfax, Covode, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dewart, Dodd, Durfee, Edie, Fenton, Florence, Foster, Gooch, Granger, Grow, Robert B. Hall, Harris, Haskin, Hickman, Hoard, Horton, Howard, Owen Jones, Keim, Kellogg, Kelsey, Knapp, John C. Kunkel, Lovejoy, Matteson, Montgomery, Morgan, Morrill, Edward Joy Morris, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Mott, Murray, Olin, Palmer, Parker, Pettit, Phillips, Potter, Pottle, Purviance, Reilly, Ritchie, Roberts, Royce, John Sherman, Judson W. Sherman, Spinner, William Stewart, Tappan, Thayer, Thompson, Tompkins, Wade, Walbridge, Waldron, Cadwalader C. Washburn, Ellihu B. Washburne, Israel Washburn, and Wood—85.

So (two thirds not voting in favor thereof) the rules were not suspended.

Mr. STEVENSON, during the call of the roll, announced that Mr. TALBOT was unwell, and had paired off with Mr. GILMAN.

Mr. PHELPS, of Missouri. I am instructed by the Committee of Ways and Means to report a bill making appropriations for the service of the Post Office Department for the fiscal year ending 30th June, 1860.

I desire to have the bill read, and, if objection is made, I shall move to suspend the rules to enable me to report the bill, and that it may be considered at this time.

Mr. GROW. Is it the bill that the House passed and sent to the Senate?

Mr. PHELPS, of Missouri. Let the bill be read. It speaks for itself.

The Clerk read the bill.

Mr. HOUSTON. I desire to know by what authority the Committee of Ways and Means propose to report a bill making appropriations for the support of the Post Office Department? I understand that the references on that subject that have been made to that committee have been acted upon by the committee, and that they have discharged themselves from the subject by reporting the bill which is now upon the table with the amendments of the Senate, and which ought to be acted on by the House. The subject was not, therefore, before the committee, so as to enable them to report.

The SPEAKER. Does the gentleman from Alabama object?

Mr. HOUSTON. I make the point of order.

The SPEAKER. The Chair overrules the point of order.

Mr. KILGORE. I object to the proposition of the gentleman from Missouri.

Mr. PHELPS, of Missouri. I move, then, to suspend the rules, so that I may report the bill, and that it may be considered now in the House; and I am instructed by the Committee of Ways and Means to move the previous question, if the rules are suspended.

The question was taken; and the rules were suspended.

Mr. PHELPS, of Missouri, from the Committee of Ways and Means, then reported the bill, and it was read a first and second time.

Mr. PHELPS, of Missouri, moved the previous question on the engrossment of the bill.

The previous question was seconded, and the main question ordered.

The bill was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time.

Mr. PHELPS, of Missouri, moved the previous question on the passage of the bill.

The previous question was seconded, and the main question ordered; and, under the operation thereof, the bill was passed.

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MEMBERS' COMPENSATION BILL.

Mr. SMITH, of Illinois. I rise to a privileged question. I call up my motion to reconsider the vote by which the resolution amendatory to the members' compensation act was ordered to be engrossed and read a third time.

Mr. JONES, of Tennessee. I submit a question of order. The order of the House was that this resolution be engrossed and read a third time. The resolution not being engrossed, it passed from before the House, and went to the Speaker's table. Then the gentleman from Missouri [Mr. PHELPS] was recognized, and submitted his motion. If the resolution comes up now, it will be in order to read it a third time.

The SPEAKER. The Chair is of the opinion that the motion of the gentleman from Illinois is in order.

Mr. MARSHALL, of Kentucky. The consideration of that motion brings up the resolution?

The SPEAKER. Yes, sir.

Mr. SMITH, of Illinois. I withdraw my motion to reconsider, and call for the previous question on the passage of the resolution.

Mr. JONES, of Tennessee. I renew the motion to reconsider; and I believe that that motion is debatable.

The SPEAKER. The previous question has not exhausted itself, and will not until the resolution has been read a third time.

Mr. JONES, of Tennessee. I demand the yeas and nays on my motion to reconsider.

Mr. BURNETT. I ask the gentleman from Illinois to allow us to move an amendment expressive of our views. I have no desire to be factious in my opposition to this resolution. I only want it made clear and conclusive.

Mr. SMITH, of Illinois. If the question rested with myself, I would yield to the gentleman's request; but, sir, I feel it to be my duty to the friends of this resolution to resist all amendments.

Mr. JONES, of Tennessee. We have the same right to debate that the gentleman has. The resolution makes a difference between the present Congress and those that shall come after it.

Mr. BURNETT. I move that the resolution be laid on the table.

The SPEAKER. The Chair is of the opinion that the motion of the gentleman from Tennessee is not in order until the previous question has exhausted itself. The order has only partially been executed.

Mr. JONES, of Tennessee. If the gentleman withdrew it, I think that I have the same right to renew it.

The SPEAKER. The gentleman is very well aware what the practice is.

Mr. JONES, of Tennessee. The resolution was ordered to be engrossed and read a third time. Then it was ascertained that it was not engrossed and it went upon the Speaker's table. The gentleman from Illinois moved to reconsider the vote by which the resolution had been ordered to be engrossed and read a third time. The Speaker decides, I understand, that that brings the resolution back.

The SPEAKER. That is the practice.

Mr. JONES, of Tennessee. Then, when he withdrew his motion I take it that the resolution went back to the table. If it did not, I have a right to move a reconsideration.

The SPEAKER. The Chair overrules the point of order.

The resolution was read the third time.

Mr. SMITH, of Illinois. I demand the previous question on the passage of the resolution.

The previous question was seconded, and the main question was ordered.

Mr. JONES, of Tennessee, demanded the yeas and nays on the motion to lay the resolution on the table.

Mr. HICKMAN demanded tellers on the yeas and nays.

Tellers were ordered; and Messrs. UNDERWOOD and THOMPSON were appointed.

The House divided; and the tellers reported—ayes 21, noes 106.

So the yeas and nays were not ordered.

The joint resolution was not laid on the table.

Mr. DAVIS, of Mississippi, demanded the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 99, nays 55; as follows:

YEAS—Messrs. Abbott, Adrain, Andrews, Arnold, Barr, Bennett, Bliss, Bowie, Brayton, Bryan, Burlingame, Burns, Case, Cavanaugh, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Colfax, Comins, Covode, Curtis, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dewart, Dimmick, English, Farnsworth, Fenton, Florence, Foley, Foster, Gillis, Gooch, Granger, Gregg, Grover, Robert B. Hall, Harris, Haskin, Hatch, Hickman, Hoard, Hodges, Horton, Howard, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Leidy, Lovejoy, McKibbin, Samuel S. Marshall, Matteson, Miles, Montgomery, Morgan, Isaac N. Morris, Freeman H. Morse, Oliver A. Morse, Murray, Niblack, Olin, Palmer, Parker, Pettit, William W. Phelps, Pike, Potter, Pottle, Reilly, Ricaud, Robbins, Roberts, Royce, Russell, John Sherman, Judson W. Sherman, Shorter, Robert Smith, William Stewart, Tappan, Thayer, Thompson, Tompkins, Wade, Walbridge, Ward, Cadwalader C. Washburn, Ellihu B. Washburne, Wood, and Woodson—99.

NAYS—Messrs. Atkins, Barksdale, Bishop, Bocock, Bonham, Boyce, Branch, Buffinton, Burnett, Clay, Cobb, John Cochrane, Burton Craige, Crawford, Davis of Mississippi, Dean, Dowdell, Durfee, Edmundson, Elliott, Garnett, Gartrell, Gilmer, Groesbeck, Hopkins, Houston, Jackson, Jewett, George W. Jones, Leiter, Letcher, Maclay, McRae, Humphrey Marshall, Mason, Maynard, Millson, Moore, Mott, Nichols, John S. Phelps, Reagan, Ruffin, Scales, Henry M. Shaw, Singleton, Samuel A. Smith, Stallworth,

Stevenson, Vallandigham, Vance, Watkins, White, Winslow, and John V. Wright—55.

So the joint resolution was passed.

During the vote,

Mr. KEITT stated that he had paired off with Mr. RITCHIE.

Mr. SMITH, of Illinois, moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. DICKINS, its Secretary, notifying the House that the Senate had passed the light-house appropriation bill with amendments; and also a bill (H. R. No. 364) for the relief of Mary B. Dusenbury.

YANCTON AND TONAWANDA INDIANS.

Mr. PHELPS, of Missouri. A bill making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians, for the year ending June 30, 1860, has been returned from the Senate with amendments. I desire that the bill and amendments be taken up. One of the amendments ought to be concurred in. The others should not, perhaps, be attached to this bill, as they relate to the transportation of the mails between New York and New Orleans and San Francisco.

The amendments were read.

Mr. DEAN. I object.

Mr. PHELPS, of Missouri. I move to suspend the rules.

The rules were suspended; there being on a division—ayes 113, noes 21.

The first amendment was read, as follows:

Strike out "six," and insert in lieu thereof "seven."

Mr. PHELPS, of Missouri. This amendment merely refers to the date of a treaty which was improperly described in the bill.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate through Mr. DICKINS, its Secretary, notifying the House that the Senate had passed a bill of the House for the relief of James Collier; and an act (S. No. 477) authorizing the removal of officers belonging to the United States occupied in collection of the revenue in connection with the quarantine station at the port of New York; in which he was directed to ask the concurrence of the House.

YANCTON AND TONAWANDA INDIANS.

Second amendment of the Senate:

For payment under existing contracts for carrying the mail, as follows:

For the transportation of the mails from Panama to California and Oregon and back, from July 1 to September 30, 1859, $87,062 50."

Mr. PHELPS, of Missouri. The Committee of Ways and Means have not had time to consider these amendments; but apparently the only objection to them is their being attached to this bill. The amount appropriated will be due under existing contracts, provided the contractors perform the service.

Mr. POTTER. I desire to ask the chairman of the Committee of Ways and Means whether this amendment was not offered in the Committee of the Whole on the state of the Union when the original bill was under consideration, and rejected?

Mr. PHELPS, of Missouri. No, sir; it was not. A proposition to that effect was in the mail steamer bill, but we never reached it when the bill was under consideration in the Committee of the Whole on the state of the Union.

Mr. POTTER. I desire to ask one further question: whether the chairman of the Committee of Ways and Means could not have incorporated, in the bill he reported to the House, the amendments that had been passed upon by the House?

Mr. PHELPS, of Missouri. The gentleman from Wisconsin misapprehends what bill is under consideration. We are considering the Senate amendments to the bill making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians.

Mr. HICKMAN. I desire to know the title of the bill.

The Clerk read the title, as follows: "An act making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians, for the year ending June 30, 1860, and for other purposes."

Mr. PHELPS, of Missouri. The amount specified in these three several amendments, is the amount that will be due, provided the mail service shall be performed during the time therein indicated.

Mr. CLARK, of New York. I should like to inquire of the chairman of the Committee of Ways and Means, when the contract for mail transportation between New Orleans and California via the Isthmus of Tehuantepec, was made?

Mr. PHELPS, of Missouri. Some time during the last session of Congress, and it was communicated, as I understand, to this House. I desire the chairman of the Committee on the Post Office and Post Roads to respond to that question, as it is a matter with which he is more familiar than I am.

Mr. CLARK, of New York. Will the gentleman further state, whether it was made by authority of an act of Congress, and if by a general law, by what law?

Mr. ENGLISH. This contract was made by the Postmaster General in pursuance of law.

Mr. CLARK, of New York. What law?

Mr. ENGLISH. I am unable this moment to give the date. It was a law passed, not at last session, but some time ago.

Mr. CLARK, of New York. Will the gentleman give me a reference to the law? Is there any law in existence, authorizing the Postmaster General to make contracts of this description, without special authority by act of Congress?

Mr. ENGLISH. Yes, there is a law authorizing the Postmaster General to make such a contract?

Mr. CLARK, of New York. Then I ask why are we legislating on this subject *de novo*?

Mr. ENGLISH. This appropriation is simply to carry out the contract.

Mr. CLARK, of New York. I wish simply to remark, that as I understand the condition of the law, the Postmaster General can make a contract subject to the approval of Congress, but not otherwise. I may be wrong; and, if so, I desire to be corrected. I am not aware that this contract has ever received the approval of Congress.

Mr. PHELPS, of Missouri. Two of these amendments are precisely the same as two provisions that were contained in the bill reported from the Committee of Ways and Means.

Mr. CLARK, of New York. Under like restrictions?

Mr. PHELPS, of Missouri. There is an existing unexpired contract, which extends to the 30th September next. Consequently, the restriction that the mail must be carried for the postages, does not operate on these three routes.

This amendment does not propose to appropriate anything more than is and will be due by virtue of contracts which have not yet expired, but which will expire on the 30th day of September next. The last appropriation of two hundred-odd thousand dollars for the transportation of the mails from New Orleans to Ventosa on the Pacific is for service, in pursuance of contract, from the 1st day of November last, until September next, at the rate of $250,000 per annum. If the contractors shall continue to perform the service, they will be entitled to that amount by virtue of the contract.

Mr. GARNETT. Are there any appropriations in these amendments extending beyond the 1st of October next?

Mr. PHELPS, of Missouri. None in the amendment now under consideration.

Mr. ENGLISH. With the permission of the gentleman from Missouri, I desire to answer more definitely the question propounded by the gentleman from New York, [Mr. CLARK.] He will find what authorized the Postmaster General to make this contract in the second section of the act of March 3, 1851. [Cries of "Read it."] The Postmaster General states, in a letter to the chairman of the Committee on the Post Office and Post Roads: "the authority to make such contracts may be found in the second section of the act of March 3, 1851; which the Postmaster General considers ample and undoubted."

Mr. DAVIS, of Maryland. I desire, by the permission of the gentleman from Missouri, to make a single observation on this contract. The existing law, prior to the last session of Congress, gave to the Postmaster General almost an unlimited right to make contracts for the conveyance of the mails on the sea. That law, of course, related exclusively to carrying the mails to foreign countries. I am told by my friend from California [Mr. MCKIBBIN] that the contract for carrying the mails across the Isthmus of Tehuantepec is to Ventosa, on the Pacific coast of Mexico. It is, therefore, a contract for mail sea service, and would be within the law existing prior to the last session of Congress.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. ASBURY DICKINS, their Secretary, informing the House that the Senate had passed, without amendment, the joint resolution of the House amendatory of the "Act to regulate the compensation of members of Congress," approved August 16, 1856, so far as relates to such members as shall die during their term of office.

Also, that the Senate had passed a joint resolution in relation to the compensation of Senators and Representatives in Congress, elected from new States; in which he was directed to ask the concurrence of the House.

YANCTON AND TONOWANDA INDIANS.

Mr. ENGLISH. With the permission of the gentleman from Maryland, I propose to have read the second section of the act approved March 3, 1851.

The Clerk proceeded to read the section, which related to the employment of letter-carriers in California.

Mr. DAVIS, of Maryland. I do not perceive the applicability of the law which the gentleman has had read.

Mr. ENGLISH. I was mistaken as to that being the section. There is such a law, however.

Mr. DAVIS, of Maryland. There is in force a general law giving the Postmaster General a very wide discretion in making contracts for the transportation of the mails, by sea, to foreign countries. I take it that that law has nothing in the world to do with contracts where the termini of the line over which the mail is to be carried are in the United States. The Tehuantepec route, however, terminates not in California, but upon the Pacific coast of Mexico. It is, therefore, strictly a contract for carrying the mail between this country and a foreign country by sea. The difficulty, however, exists in the law which was passed at the last session of Congress, and which the Committee of Ways and Means, a day or two ago, had before them for their consideration. That law, which originated in the Senate, and was agreed to by this House, prohibits the Department from making any contracts for the carrying of the mails in steam vessels, on the sea, for any greater amount of compensation than the sea and inland postages.

Mr. SCOTT. Will the gentleman from Maryland yield to me for a moment?

Mr. DAVIS, of Maryland. With pleasure.

Mr. SCOTT. I think the chairman of the Committee on the Post Office and Post Roads is in error. This contract was made by the Postmaster General under the act of Congress of March 3, 1855.

I read from the report of the Postmaster General:

"By an act of Congress of March 3, 1855, a route was established from New Orleans, by the Isthmus of Tehuantepec, to San Francisco. It was advertised for the next regular lettings of contracts in the spring of 1856, but no bids were received.

"In December, 1857, the same route was readvertised. Only one proposal was received, and that was for semi-monthly service, at $286,000 *per annum*. It not having been accepted, negotiations were opened by the bidders with the Department, which resulted in making a contract, on June 8, 1858, with the Louisiana Tehuantepec Company, on the following terms," &c.

I will get the law, and show the gentleman that the Postmaster General acted legally in making this contract; for, sir, these routes, via Tehuantepec and Panama, pass through different foreign countries, and come under the head of the act passed in 1851, which authorizes the Postmaster General to contract for the transportation of the

mails from any point in the United States to another point, through a foreign country. The Government is responsible to this company, and they ought, in law and equity, to be paid.

Mr. ENGLISH. I desire to say, in justification of the statement which I made, that I made it on the authority of a letter from the Postmaster General, which I hold in my hand.

Mr. PHELPS, of Missouri. The contract was made for carrying the mail from New Orleans, via Tehuantepec, to San Francisco, with the stipulation that if the contractor should deliver the mails to the Panama Mail Steamship Company, at the port of Ventosa, they should receive less compensation than if they should carry the mails to San Francisco; and that second section of the act of March 3, 1851, gives the Postmaster General the authority to make contracts for carrying the mail to and from any port of the United States, and through any foreign country. Thus the contract was made by the Postmaster General from New Orleans, through Tehuantepec, to San Francisco, with the stipulation that if the mails should be delivered to the Pacific Mail Steamship Company at the port of Ventosa, the compensation should be reduced.

Mr. ENGLISH. I ask that this law be read.

The Clerk read as follows:

"SEC. 2. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to enter into contracts, or to make suitable arrangements for transporting through any foreign country the mails of the United States running from and to any point in the said United States: *Provided*, That such contracts as shall be made under the authority conferred by this section, shall not be for a longer period than four years; and that, in making them, the Postmaster General shall be bound to select the speediest, safest, and most economical route; *Provided, further*, That such contract shall be subject to be revoked and annulled whenever any new road or canal shall be cut or opened, affording a speedier, more economical, and equally as safe means of communication between the point of departure, and the point of destination of the mail to be transported; and that, in such case, a fair indemnity be awarded to the parties concerned: *And provided further*, That, before making such contracts, notice shall be given during sixty days, by advertisements in the usual manner for inviting proposals for mail contracts."

Mr. DAVIS, of Mississippi. Mr. Speaker, at the last session of Congress an application was made to this House to authorize the making of this contract. That application was referred to the Committee on the Post Office and Post Roads. After the subject had been undergoing an investigation some days, it was ascertained that that committee would not report in favor of making the contract; and then, after much delay by means I never understood—neither then nor now—a contract was made by the Postmaster General, without the knowledge or consent of the Committee on the Post Office and Post Roads. Even before that committee were informed of it, the Committee of Ways and Means reported a bill appropriating the money necessary to comply with that contract. The law, under which that contract was made, required that the contract should be reported to the first Congress thereafter, in order that Congress might have an opportunity to either annul the contract or give it its sanction. That contract has not been reported to this Congress, and we have had no opportunity of approving or rejecting it. We are now asked to continue the contract. I insist that, as there are already two modes of transporting the mails to California, besides the Tehuantepec route, Congress shall refuse to make the appropriation necessary to continue this route; for, sir, Congress has the right to abrogate it, and there is no better abrogation than withholding the money necessary for its continuance.

Mr. ENGLISH. This contract, I will tell my colleague, has been reported to this Congress.

Mr. DAVIS, of Mississippi. The attention of Congress has not been called to it, that I am aware of.

Mr. DAVIS, of Maryland. The law which has been read scarcely supports the contract. It says that the Postmaster General is authorized to enter into contracts, or make suitable arrangements for transporting to any foreign country the mails of the United States, running from and to any point in the United States; provided, that such contracts shall not be made for a longer period than four years, and that, in making them, the Postmaster General shall be bound to select the speediest, safest, and most economical route. Now, sir, it was exactly as I supposed, that this law never contemplated allowing the Secretary to make a contract to carry the mail over more than one route to the same point on the Pacific coast of the United States. This law is confined to making one contract: that is required to be by the shortest and speediest route; and the mode of making the contract is specifically designated, after advertisements for sixty days, and due notice being given. I suppose, sir, that does not support the contract that is relied on in this case. There was already a contract for carrying it by the Isthmus of Panama, by the overland route; and I see no authority, without revoking the first contract, to make a second one.

Mr. CLARK, of New York. Mr. Speaker, I have looked at these statutes; and, as the subject is one of interest to those portions of the Union having correspondence with the Pacific coast, I wish for further information. If the Postmaster General has power, without special authority of Congress, to make a contract for the transportation of the mails between New Orleans and the Pacific coast, he must have the same power to make a contract for the transmission of the mails between New York and the Pacific coast. Now, as I understand the matter, the act of 1851 is not the act under which this contract was made; and my authority is the letter of the Postmaster General, to be found in Executive Documents Thirty-Fifth Congress, No. 9. I will ask the Clerk to read the first paragraph of that letter. It will be seen that the Postmaster General has informed Congress that this contract was made, not under the act of 1851, but under that of 1845.

The Clerk read as follows:

"SIR: I have the honor to transmit herewith, in compliance with the requirements of the first section of the act of March 3, 1845," &c.

Mr. CLARK, of New York. Thus he advises us that he makes this contract under the act of March 3, 1845.

Mr. ENGLISH. The gentleman is entirely mistaken. The Postmaster General reports these contracts in pursuance of the law of 1845; not that he made them under that law, but that law requires him to report these contracts to Congress.

Mr. PHELPS, of Missouri. The law of 1845 requires him only to report these contracts.

Mr. CLARK, of New York. If the contract was not made by authority of the act of 1845, I do not see that there was any authority whatever to make it; for the act of 1851 relates not to ocean transportation, but to isthmus transportation. The language is express; that the Postmaster General be authorized to enter into contracts for transporting *through* any foreign country the mails of the United States. The object of that law was to authorize the Postmaster General to make a contract by which the mails, then transported by the Isthmus of Panama, should thenceforward be transported by the Isthmus of Tehuantepec, of Nicaragua, or by any other route by which they could be transported most speedily and safely. I do not intend to reflect upon the Postmaster General, for I believe that in all matters he exercises his official power with careful integrity. But I cannot find the authority of law by which this contract was made. This act of 1851, as I am informed, has not been construed to authorize a contract for ocean transportation. It has reference to isthmus transportation.

Mr. PHELPS, of Missouri. I think there has been discussion enough on this matter. I must demand the previous question.

Mr. EUSTIS. The gentleman from Missouri will allow me to make a few remarks. The discussion has been entirely one-sided. I merely desire to state here, that this discussion has taken precisely the turn which I expected it to take. Gentlemen have risen on this floor and have stated that there was no law under which these contracts were made by the Postmaster General. The gentleman from New York stated that there was no law.

Mr. CLARK, of New York. I know of none.

Mr. EUSTIS. Gentlemen on the other side of the House, who relied on the statement of the Postmaster General, stated that there was such a law; and yet, because the law is not immediately produced, suspicion is thrown on the statement.

Mr. CLARK, of New York. Not the least.

Mr. EUSTIS. When the law itself was produced, gentlemen undertook to deny that it gave the Postmaster General power to make these contracts, denied it in the face of these three lines, which it seems to me, are perfectly plain. Section two reads:

"That the Postmaster General be, and is hereby, authorized to enter into contracts or to make suitable arrangements for transporting through any foreign country the mails of the United States, running from and to any point in the said United States."

Mr. CLARK, of New York. That is not on the ocean.

Mr. EUSTIS. I defy the gentleman from New York to find a flaw in these lines. The act distinctly gives the power to the Postmaster General. I am not here to vindicate the law. I am not here to say it is a good law or a bad law. But I say that, under it, the Postmaster General has the power, and no tortured construction of the law can take it from him. It authorizes the Postmaster General to enter into contracts and to make suitable arrangements for transporting through any foreign country. The Isthmus of Tehuantepec is a foreign country, "running from and to any point in the United States." Running from the city of New Orleans, which is in the United States, to the city of San Francisco, which is in the United States. Now, I ask the gentleman from New York to show me how, under this act, the Postmaster General had not the power to make the contracts?

Mr. CLARK, of New York. I would simply say that I understood that statute differently from the gentleman. It is a matter of legal construction. As I understand it, it simply authorizes the transportation of the mails *through* a foreign country where a steamer does not run. It does not authorize the Postmaster General to make contracts for the transportation of mails from twenty ports.

Mr. EUSTIS. There is not here a word about steamers. The point is, whether the Postmaster General has or has not the power to enter into contracts or make suitable arrangements for transporting through any foreign country the mails of the United States from and to any point in the United States? I draw attention to the act of 1851 to establish certain post routes.

On page 908, under the head of Louisiana, is the following clause:

"From New Orleans, via the Isthmus of Tehuantepec, to the city of San Francisco, in the State of California."

In 1857, the Postmaster General laid before Congress almost a volume in regard to this route. Congress had full notice of this contract having been entered into; and all that is asked here is to pay under the terms of this contract.

Mr. CRAWFORD. I object to this debate.

Mr. CLARK, of New York. I want to know whether this contract comes within the provisions of the act of June 14, 1858, restricting the compensation for carrying the mails by ocean steamers to the postages?

Mr. PHELPS, of Missouri. This contract was made prior to that time. I must now demand the previous question.

Mr. HASKIN. I appeal to the chairman of the Committee of Ways and Means to permit me to say a few words in opposition to this amendment. Does the chairman of the Committee of Ways and Means refuse?

Mr. PHELPS, of Missouri. I would with pleasure accommodate all my friends; but I must insist on the previous question.

The previous question was seconded; and the main question ordered.

Mr. HASKIN called for the yeas and nays on the second amendment.

Mr. DEAN called for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

Mr. McKIBBIN. I would like to have read to the House the law under which this contract was made.

Objection was made.

Mr. DEAN called for tellers on the amendment.

Tellers were ordered; and Messrs. BOYCE and CHAFFEE were appointed.

The House divided; and the tellers reported—ayes 88, noes 39.

So the amendment was concurred in.

Third amendment:

For transportation of the mails across the Isthmus of Panama, from July 1st to September 30, 1859, $25,000.

Mr. PHELPS, of Missouri. That is only for three months, when the contract expires.

Mr. DAVIS, of Mississippi, called for the yeas and nays.

The yeas and nays were not ordered.

Mr. DAVIS, of Mississippi, called for tellers.

Tellers were not ordered.

The question was taken; and the amendment was concurred in.

Fourth amendment:

For transportation of the mails from New Orleans, via Tehuantepec, to Ventosa, and back, from the 1st November, 1858, to the 30th September, 1859, $229,166 66.

Mr. HASKIN called for the yeas and nays.

Mr. CLARK, of New York. Can I not obtain the information whether this sum is payable in postages or in cash?

Mr. PHELPS, of Missouri. The contract is one which was made prior to the passage of the act of the last session of Congress.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 102, nays 63, as follows:

YEAS—Messrs. Ahl, Arnold, Atkins, Avery, Bonham, Bowie, Boyce, Branch, Burns, Caskie, Cavanaugh, John Cochrane, Comins, Corning, Crawford, Curtis, Davis of Maryland, Davis of Indiana, Davis of Mississippi, Dewart, Dimmick, Dowdell, Elliott, English, Eustis, Faulkner, Florence, Foley, Garnett, Gartrell, Gillis, Gilmer, Gooch, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hatch, Hawkins, Hill, Hopkins, Houston, Howard, Huyler, Jackson, Jenkins, Jewett, Owen Jones, Keim, Lamar, Landy, Leidy, Letcher, Maclay, McKibbin, McQueen, McRae, Humphrey Marshall, Samuel S. Marshall, Maynard, Miles, Millson, Montgomery, Moore, Morrill, Edward Joy Morris, Niblack, Pendleton, Peyton, John S. Phelps, William W. Phelps, Powell, Reilly, Ricaud, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Searing, Henry M. Shaw, Shorter, Singleton, Robert Smith, Samuel A. Smith, Stallworth, Stevenson, James A. Stewart, Miles Taylor, Underwood, Vance, Walbridge, Ward, Israel Washburn, Watkins, White, Whiteley, Wilson, Woodson, Wortendyke, and John V. Wright—102.

NAYS—Messrs. Abbott, Andrews, Bennett, Bishop, Blair, Buffinton, Burlingame, Case, Chaffee, Ezra Clark, Horace F. Clark, Cobb, Colfax, James Craig, Dawes, Dean, Dodd, Durfee, Edie, Farnsworth, Fenton, Granger, Grow, Robert B. Hall, Haskin, Hickman, Hoard, Kelsey, Kilgore, Knapp, John C. Kunkel, Leiter, Lovejoy, Matteson, Morgan, Freeman H. Morse, Oliver A. Morse, Murray, Parker, Pettit, Potter, Pottle, Robbins, Roberts, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Thayer, Thompson, Tompkins, Wade, Waldron, Cadwalader C. Washburn, Elihu B. Washburne, and Wood—63.

So the amendment was concurred in.

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the amendment was concurred in; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

ENROLLED BILLS.

Mr. PIKE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled,

An act for the relief of Mary B. Dusenbury;

An act for the relief of James Collier; and

A joint resolution amendatory of an act entitled "An act to regulate the compensation of members of Congress," approved August 16, 1856, so far as it relates to such members as shall die during their term of service; when the Speaker signed the same.

YANCTON AND TONAWANDA INDIANS.

The next amendment of the Senate was read, as follows:

SEC. 2. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized and required to advertise for proposals, and contract with the lowest responsible bidder or bidders, for the transportation of the United States mails, in steamships, from Charleston, South Carolina, by Savannah, Georgia, and Key West, Florida, to Havana, in Cuba, and back, twice a month, or oftener, from the 1st of July, 1859, to the 30th of June, 1863, inclusive, at a sum not to exceed $50,000.

Mr. CLARK, of New York. I would inquire whether the money is payable in postages or in cash?

Mr. PHELPS, of Missouri. The amendment of the Senate proposes to change the existing law.

Mr. CLARK, of New York. It repeals the act of last session as to this route, and leaves it in force as to northern routes. Is that it?

Mr. PHELPS, of Missouri. It repeals it to the extent mentioned here. If the gentleman desires my opinion as to this amendment, I am ready to give it.

Mr. CLARK, of New York. There ought to be the same law for the North and the South.

Mr. PHELPS, of Missouri. I am willing to give my opinion of it. I should recommend the House to reject the amendment.

Mr. MILES. It is very true, as the gentleman from New York suggests, that this amendment does discriminate in favor of this route; and I desire to make a very few remarks, showing why I think it is fair and just and reasonable that such a discrimination should be made. This route is the only one by which, I may say, the States of North Carolina, South Carolina, Georgia, and, to a certain extent, Virginia, obtain direct communication by steamships with Key West, Mobile, New Orleans, down to the Gulf. By means of this communication we can, from Key West, receive information in all parts of the country from Cuba three times a day. I mention this as an incidental advantage, because I know that, with many gentlemen upon this floor, facility of communication with Cuba, especially in the present peculiar political aspect of that island, would be regarded as of great consequence. Now, this is the most direct communication we have with the Island of Cuba. From Key West we can have communication with that island in seven or eight hours.

Mr. PHELPS, of Missouri. I would suggest to the gentleman from South Carolina, that discussion is not in order, as the previous question has been ordered.

Mr. MILES. Well, I will say nothing more.

Mr. CLARK, of New York. I desire to say that I am not opposed to this route, but I want the New York routes to stand upon the same footing.

Mr. GARNETT. The House has heard one side of the question. It is but fair that the other side should be heard.

Mr. UNDERWOOD. I object to further discussion.

The amendment was non-concurred in.

Mr. PHELPS, of Missouri, moved to reconsider the vote by which the amendment was non-concurred in; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

LIGHT-HOUSE BILL.

Mr. COMINS. There is, upon the Speaker's table, the light-house bill, which passed this House last session, but failed in the Senate for want of time. It has been returned here with a few amendments of some importance. I ask that it may be taken up, and considered at this time.

Mr. McQUEEN. I object.

Mr. COMINS. I move a suspension of the rules.

The rules were suspended, and the amendments of the Senate were taken up.

Mr. COMINS moved the previous question.

The previous question was seconded, and the main question ordered.

The amendments of the Senate were read and concurred in, as follows:

First amendment:

Page 1, after line two, insert as follows:

That the appropriation heretofore made for the light-house at Point Lobos be, and the same is hereby, reappropriated: *Provided*, The United States has a perfect title to the site of said light-house.

Second amendment:

Page 7, section three, strike out all after the enacting clause to the end of the section, on page 8, and insert in lieu thereof as follows:

That the Secretary of the Treasury, on the recommendation of the Light-House Board, be, and he hereby is, authorized, in his discretion, to discontinue, from time to time, such lights as may become useless by reason of the mutations of commerce, and the changes of channels of harbors, and other causes.

Third amendment:

At the end of the bill, add the following:

SEC. 8. *And be it further enacted*, That so much of the act approved August 18, 1856, as authorized the Secretary of the Treasury to discontinue the light at Port Clinton, in Portage bay, Ohio, be, and the same is hereby, repealed.

Mr. COMINS moved to reconsider the vote by which the amendments were severally agreed to; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

PRIVATE LAND CLAIMS.

Mr. TAYLOR, of Louisiana. I ask the unanimous consent of the House to take from the Speaker's table Senate resolution (No. 88) in relation to the second section of the act of Congress, entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes."

I will say to the House that it is for the purpose of enabling some five hundred heads of families to obtain protection against the operations of an act which passed this House, in consequence of its title not expressing its character.

There was no objection.

The resolution was read a first and second time. It was then ordered to be read a third time, and it was accordingly read the third time and passed.

Mr. TAYLOR, of Louisiana, moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by ASBURY DICKINS, Esq., their Secretary, notifying the House that that body had passed bills of the House of the following titles:

An act (No. 441) for the relief of the assignees of Hugh Glenn; and

An act (No. 891) for the relief of William M. Harrison.

Also, that it asked for a committee of conference on the Post Office appropriation bill.

TARIFF BILL.

Mr. KUNKEL, of Pennsylvania. I ask the unanimous consent of the House to introduce a bill to provide for the payment of outstanding Treasury notes, to authorize a loan, to regulate and fix duties upon imports, and for other purposes.

Mr. McQUEEN. I object.

Mr. KUNKEL, of Pennsylvania. I move a suspension of the rules for the purpose I have indicated.

Mr. McQUEEN. I demand the yeas and nays.

Mr. CLARK, of New York. I ask that the bill be read.

Mr. BONHAM. I object.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 101, nays 81; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Andrews, Bingham, Bliss, Bowie, Brayton, Buffinton, Burlingame, Case, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Colfax, Comins, Corning, Covode, Curtis, Davis of Maryland, Davis of Massachusetts, Dawes, Dean, Dewart, Dick, Dimmick, Dodd, Durfee, Edie, Florence, Foster, Gillis, Gilmer, Gooch, Goodwin, Grow, Robert B. Hall, Harris, Haskin, Hatch, Hickman, Hoard, Howard, Huyler, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Landy, Leidy, Leiter, Lovejoy, Humphrey Marshall, Mason, Matteson, Maynard, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Murray, Palmer, Parker, Pettit, William W. Phelps, Phillips, Pike, Potter, Pottle, Purviance, Reilly, Ricaud, Robbins, Roberts, Royce, Russell, Searing, John Sherman, Judson W. Sherman, Stanton, William Stewart, Tappan, Thayer, Tompkins, Underwood, Vance, Wade, Walbridge, Waldron, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, White, Whiteley, Wood, and Wortendyke—101.

NAYS—Messrs. Atkins, Avery, Barr, Bocock, Bonham, Boyce, Branch, Bryan, Burnett, Burns, Caskie, Cavanaugh, Clay, Cobb, John Cochrane, James Craig, Burton Craige, Crawford, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Fenton, Foley, Garnett, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hawkins, Hill, Hodges, Hopkins, Horton, Houston, Jackson, Jenkins, Jewett, George W. Jones, Lamar, Letcher, Maclay, McKibbin, McQueen, McRae, Samuel S. Marshall, Miles, Millson, Moore, Isaac N. Morris, Mott, Niblack, Pendleton, Peyton, John S. Phelps, Reagan, Ruffin, Sandidge, Savage, Scales, Scott, Henry M. Shaw, Shorter, Singleton, Robert Smith, Spinner, Stallworth, Stevenson, James A. Stewart, Miles Taylor, Vallandigham, Ward, Watkins, Winslow, and John V. Wright—81.

So the rules were not suspended, two thirds not voting in favor thereof.

Pending the above call,

Mr. CRAWFORD stated that his colleague, Mr. STEPHENS, had paired off with Mr. CLAWSON.

Mr. JACKSON stated that his colleague, Mr. GARTRELL, had paired off with Mr. CLARK B. COCHRANE.

JOHN L. ALLEN AND ASA R. CARTER.

Mr. McRAE. I ask the unanimous consent of the House that the Committee of Claims be discharged from the further consideration of Sen-

ate bill No. 162, for the relief of John L. Allen and Asa R. Carter. This is a just bill, and ought to be passed.

Mr. MARSHALL, of Illinois. I only wish to make this remark, that this claim was before the Committee of Claims, and especially under my examination. I will not go into a discussion of it; but, from my examination, I have come to the conclusion that it ought not to be passed. There is no foundation for the principal part of the sum in that bill.

Mr. WINSLOW. I object to debate.

Mr. McRAE. I move that the rules be suspended for the purpose I have indicated. If I were allowed to make an explanation, I could satisfy the House that the bill ought to pass.

The rules were not suspended.

NEW MEMBERS.

Mr. BOYCE. I ask the unanimous consent of the House to take from the Speaker's table Senate resolution (No. 86) in relation to the compensation of Senators and Representatives in Congress elected from new States.

Objection was made.

Mr. BOYCE. I move to suspend the rules.

Mr. JONES, of Tennessee. I call for the yeas and nays.

The yeas and nays were not ordered.

MESSAGE FROM THE SENATE.

A message was received from the Senate, through Mr. DICKINS, its Secretary, notifying the House that the Senate had receded from its fifth amendment to the bill making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians, and for other purposes; and had also passed several private bills of the House.

Mr. CRAWFORD. It is very evident that we cannot pass any thing but private bills here to-night; and I therefore move a recess till nine o'clock to-morrow morning. If there be objection, I move to suspend the rules.

The SPEAKER. There is a motion to suspend the rules already pending.

Mr. CRAWFORD. Here we have got the miscellaneous appropriation bill on the Speaker's table, and cannot get a vote to take it up.

Mr. JONES, of Tennessee, (at twenty minutes past two o'clock.) I move that the House do now adjourn.

The motion was not agreed to.

CIVIL APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I appeal to the gentleman from South Carolina to withdraw his motion to suspend the rules at this time, that I may submit a motion to proceed to the consideration of the Senate amendments to the miscellaneous civil appropriation bill.

Mr. BOYCE. I withdraw the motion.

Mr. PHELPS, of Missouri. I now submit the motion to take up the amendments of the Senate to the miscellaneous civil bill. I am willing to have them considered either in the House or in the Committee of the Whole on the state of the Union.

Mr. STANTON. As far as I am personally concerned, the only objection I have to taking up the bill is on account of the amendment to authorize the reissue of Treasury notes. But as there may be some controversy about that being a revenue measure, I am inclined to let the chairman of the Committee of Ways and Means try what he can do with it.

Mr. DEAN. I object.

Mr. PHELPS, of Missouri. I move to suspend the rules to take the bill from the Speaker's table, and consider it in the House.

Mr. DEAN demanded the yeas and nays; and tellers on the yeas and nays.

Tellers were ordered; and Messrs. BOYCE and CHAFFEE were appointed.

The House divided; and the tellers reported—ayes 22, noes 134.

So the yeas and nays were not ordered.

Mr. DEAN demanded tellers on the motion to suspend the rules.

Tellers were ordered; and Messrs. McQUEEN and HICKMAN were appointed.

The House divided; and the tellers reported—ayes 115, noes 45.

So (two thirds voting in favor thereof) the rules were suspended, and the Senate amendments to the miscellaneous bill were taken up.

Mr. PHELPS, of Missouri, moved the previous question.

Mr. KELSEY. Does that bring us to vote on the amendments in gross?

The SPEAKER. No; on each one.

Mr. WASHBURN, of Maine. Do I understand that these amendments are to be considered in the House?

The SPEAKER. That was the proposition.

Mr. WASHBURN, of Maine. I did not so understand it.

The SPEAKER. The Chair stated it distinctly, more than once.

Mr. MARSHALL, of Kentucky. I should like to have the yeas and nays on the previous question.

The SPEAKER. Upon ordering the main question?

Mr. MARSHALL, of Kentucky. I call for tellers on seconding the previous question. I hope the House will not second it, because I think it but fair that I should have an opportunity to offer the amendment that I before indicated to the gentleman from Missouri.

Mr. PHELPS, of Missouri. The amendment to which the gentleman refers, I am informed, is in the bill already—the provision in relation to to the decoration of the Capitol. This is the condition of affairs: if this bill is to pass, we have no time for discussion.

Mr. MARSHALL, of Kentucky. I understand that there is an amendment here embracing the subject of Treasury notes. It is my amendment to that proposition to which I allude.

Tellers were ordered; and Messrs. KELSEY and JOHN COCHRANE were appointed.

The House divided; and the tellers reported—ayes 92, noes 75.

So the previous question was seconded.

Mr. SHERMAN, of Ohio, demanded the yeas and nays on ordering the main question.

The yeas and nays were ordered.

Mr. MILLSON. I would inquire of the Speaker what would be the effect of refusing to order the main question to be put? Would not the subject go over until the 4th of March?

The SPEAKER. The Chair supposes so.

The question was taken; and it was decided in the affirmative—yeas 104, nays 75; as follows:

YEAS—Messrs. Arnold, Atkins, Avery, Barksdale, Barr, Bocock, Bonham, Bowie, Branch, Bryan, Burnett, Burns, Caskie, Cavanaugh, John B. Clark, Clay, John Cochrane, Colfax, Comins, Corning, James Craig, Burton Craige, Crawford, Davis of Maryland, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Eustis, Farnsworth, Faulkner, Foley, Garnett, Gartrell, Gilmer, Gooch, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hatch, Hawkins, Hodges, Hopkins, Houston, Jackson, Jenkins, Jewett, George W. Jones, Jacob M. Kunkel, Lamar, Landy, Leiter, Letcher, Maclay, McKibbin, McQueen, McRae, Samuel S. Marshall, Mason, Miles, Millson, Moore, Morrill, Niblack, Nichols, Pendleton, Peyton, John S. Phelps, William W. Phelps, Powell, Reagan, Royce, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Searing, Henry M. Shaw, Shorter, Singleton, Robert Smith, Samuel A. Smith, Stallworth, Stevenson, James A. Stewart, George Taylor, Miles Taylor, Underwood, Vallandigham, Vance, Elihu B. Washburne, Israel Washburn, Watkins, Whiteley, Winslow, Woodson, Wortendyke, and John V. Wright—104.

NAYS—Messrs. Abbott, Adrain, Ahl, Bennett, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Case, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Cobb, Covode, Davis of Massachusetts, Dawes, Dewart, Dodd, Durfee, Edie, Fenton, Florence, Foster, Gillis, Goodwin, Granger, Grow, Robert B. Hall, Haskin, Hickman, Hill, Hoard, Horton, Huyler, Owen Jones, Keim, Kellogg, Kelsey, Kilgore, Knapp, John C. Kunkel, Leidy, Humphrey Marshall, Matteson, Maynard, Morgan, Edward Joy Morris, Isaac N. Morris, Mott, Murray, Olin, Palmer, Parker, Pettit, Phillips, Pike, Pottle, Reilly, Ricaud, Robbins, Roberts, John Sherman, Spinner, Stanton, William Stewart, Tappan, Thayer, Tompkins, Wade, Walbridge, Waldron, Cadwalader C. Washburn, and Wood—75.

So the main question was ordered to be now put.

During the call of the roll,

Mr. WARD stated that he had paired off with Mr. MORSE, of New York, on the tariff or Treasury note bills.

Mr. BLAIR (at three o'clock and nine minutes, a. m.) moved that the House do now adjourn.

Mr. KUNKEL, of Pennsylvania, demanded the yeas and nays.

Mr. BLAIR called for tellers on the yeas and nays.

Tellers were ordered; and Messrs. COLFAX, and MARSHALL of Kentucky were appointed.

The House divided; and the tellers reported—ayes 30, noes 109.

So the yeas and nays were ordered.

ENROLLED RESOLUTION.

Mr. PIKE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled, a resolution in relation to the second section of the act of Congress, entitled "An act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes;" when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. ASBURY DICKINS, their Secretary, informing the House that the Senate had passed the following bills:

An act (S. No. 454) for the relief of George B. Bacon, late acting purser of the sloop-of-war Portsmouth; in which he was directed to ask the concurrence of the House; and that it had passed without amendment;

An act (H. R. No. 531) for the relief of John Perry, of Illinois;

An act (H. R. C. C. No. 84) for the relief of Ferdinand Coxe; and

An act (H. R. No. 648) for the relief of Gotlieb Scheerer, with an amendment; in which he was directed to ask the concurrence of the House.

The question recurred on the motion to adjourn; and being taken, it was decided in the negative—yeas 21, nays 146; as follows:

YEAS—Messrs. Bennett, Bingham, Bishop, Blair, Burlingame, Horace F. Clark, Covode, Dean, Dewart, Durfee, Haskin, Jewett, Kelsey, John C. Kunkel, Isaac N. Morris, Murray, Olin, Potter, Purviance, William Stewart, and Tompkins—21.

NAYS—Messrs. Abbott, Adrain, Ahl, Andrews, Arnold, Atkins, Avery, Barksdale, Barr, Bliss, Bocock, Bonham, Bowie, Boyce, Branch, Brayton, Bryan, Buffinton, Burnett, Burns, Case, Caskie, Cavanaugh, Chaffee, Ezra Clark, John B. Clark, Clay, Cobb, John Cochrane, Colfax, Comins, Corning, James Craig, Burton Craige, Crawford, Curtis, Davis of Maryland, Davis of Indiana, Davis of Mississippi, Davis of Massachusetts, Dodd, Dowdell, Edmundson, Elliott, English, Eustis, Farnsworth, Faulkner, Fenton, Florence, Foley, Foster, Garnett, Gilmer, Gooch, Goodwin, Granger, Greenwood, Gregg, Groesbeck, Grover, Grow, Lawrence W. Hall, Robert B. Hall, Hatch, Hawkins, Hickman, Hill, Hoard, Hopkins, Horton, Houston, Howard, Huyler, Jackson, Jenkins, George W. Jones, Keim, Kellogg, Kilgore, Knapp, Jacob M. Kunkel, Lamar, Landy, Leiter, Lovejoy, Maclay, McKibbin, McQueen, Humphrey Marshall, Samuel S. Marshall, Mason, Matteson, Maynard, Miles, Millson, Moore, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Niblack, Palmer, Parker, Pettit, John S. Phelps, William W. Phelps, Phillips, Pike, Pottle, Powell, Reagan, Robbins, Roberts, Royce, Ruffin, Russell, Savage, Scales, Scott, Searing, Henry M. Shaw, John Sherman, Judson W. Sherman, Shorter, Robert Smith, Samuel A. Smith, Spinner, Stallworth, Stanton, Stevenson, James A. Stewart, Tappan, Miles Taylor, Thayer, Underwood, Vallandigham, Vance, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Watkins, White, Wood, Wortendyke, and John V. Wright—146.

So the House refused to adjourn.

CIVIL APPROPRIATION BILL—AGAIN.

First and second amendments of the Senate:

Page two, strike out lines nineteen and twenty, as follows: "For preserving the extension of the Treasury building, $50,000," and insert in lieu thereof:

For continuation of construction of the Treasury extension, $500,000.

Messrs. KUNKEL and STEWART, of Maryland, demanded the yeas and nays.

Mr. MORRIS, of Illinois, called for tellers on the yeas and nays.

Tellers were not ordered.

The yeas and nays were not ordered.

The amendment was non-concurred in.

Third amendment:

In the item for surveying public lands, strike out these words: "And also including all the accounts for surveys of public land and private land claims in California, under contracts prior to the 30th of June, 1857," and reduce the appropriation from "$103,000" to "$43,000."

The amendment was concurred in.

Mr. JONES, of Tennessee. Is it in order to move to disagree to all the amendments, except the Treasury note amendment, and to let us take a separate vote on that?

Objection was made.

Fourth amendment:

In the item for hire of carts upon the public grounds, reduce the appropriation from $1,878 to $1,095.

The amendment was concurred in.

Fifth amendment:

Insert in the following paragraph, "For annual repairs of the Capitol, water-closets, public stables, water pipes, pavements, and other walks within the Capitol square, broken

glass and locks, $5,000," these words: "And for the protection of the building."

The amendment was concurred in.

Sixth amendment:

In the paragraph for the repairs of Pennsylvania avenue, increase the appropriation from $2,000 to $3,000.

The amendment was concurred in.

Seventh amendment:

After the paragraph, that none of the money appropriated shall be appropriated in the decoration and embellishment of the Capitol extension, by painting or sculpture, unless the same shall have been approved by the art commission authorized by the act of 12th June, 1858, in the manner stated in that act. add as follows:

But this provision shall not be so construed as to interfere with the completion and payment for works already begun by Crawford and Rogers, or the completion of the painting of rooms in the north room already partly painted.

The amendment was concurred in.

Eighth amendment:

Insert:

For extending to the center building of the Capitol, the system of heating adopted for the wings, $74,000.

The amendment was non-concurred in.

Ninth amendment:

Insert:

For making the necessary alterations in the rooms assigned to the Court of Claims, including the removal of a partition between the rooms formerly occupied by the Senate Committees on Military and on Indian Affairs, $5,000.

The amendment was concurred in.

Tenth amendment:

For completing the aqueduct to supply the cities of Washington and Georgetown with Potomac water, $250,000.

Mr. KUNKEL, of Maryland, demanded the yeas and nays.

Mr. STEWART, of Pennsylvania, demanded tellers on the yeas and nays.

Tellers were not ordered; and the yeas and nays were not ordered.

The amendment was non-concurred in.

Eleventh amendment:

Insert:

For grading and graveling B street south, between Seventh and Fourteenth streets west, setting curb, paving gutter with stone, and footway with brick, on the north side of the same, next to the public reservation, $7,979 50.

The amendment was non-concurred in.

Twefth amendment:

For paving, grading, and improving F street north, between Ninth and Fourteenth streets west, $8,887 39.

The amendment was non-concurred in.

Thirteenth amendment:

For deficiencies in the Executive extraordinary expenses in Kansas Territory, during the administration of Governor John W. Geary, $690 40.

The amendment was concurred in.

Fourteenth amendment:

For introducing the Potomac water into the botanic garden, and building a cistern therein, $1,000.

The amendment was concurred in.

Fifteenth amendment:

For completing certain volumes of the exploring expedition, now nearly finished, and pay of superintendent, the sum of $8,220 05.

Mr. STANTON called for the yeas and nays.

The yeas and nays were not ordered.

Mr. BLISS. I should like to know what exploration that is?

The SPEAKER. The Chair does not know.

Mr. PETTIT. I will answer, if the House will allow me.

Mr. McQUEEN. I object.

Mr. BLISS called for tellers.

Tellers were ordered; and Messrs. BLISS and FAULKNER were appointed.

The House divided; and the tellers reported—ayes 76, noes 50.

So the amendment was concurred in.

Sixteenth amendment:

To enable the Secretary of War to pay for the purchase of stores, furnished for the use of volunteers engaged in suppressing Indian hostilities in the Territory of Washington, during the late Indian hostilities in that Territory, $7,000, with interest from the time the money was advanced by Governor Douglass for said purchase.

The amendment was concurred in.

Seventeenth amendment:

For the payment of volunteers employed in Florida during the years 1857 and 1858, and who were called into service by the requisition of the President or the Governor of that State, the sum of $413,600, or so much thereof, as may be necessary to pay the amount found due, for the time said troops were actually in the service of the United States: *Provided*, That no greater pay or commutation be allowed than are allowed by law to similar troops in the United States Army.

Mr. KILGORE called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 98, nays 53; as follows:

YEAS—Messrs. Adrain, Ahl, Atkins, Barksdale, Barr, Bishop, Blair, Bocock, Bonham, Bowie, Boyce, Branch, Brayton, Bryan, Buffinton, Burlingame, Case, Caskie, Chaffee, Chapman, Clay, Clark B. Cochrane, John Cochrane, Comins, Crawford, Davis of Maryland, Davis of Mississippi, Davis of Massachusetts, Dawes, Dewart, Dowdell, Edie, Edmundson, Elliott, Eustis, Florence, Foley, Foster, Gillis, Gilmer, Gooch, Greenwood, Gregg, Grover, Lawrence W. Hall, Robert B. Hall, Hawkins, Hopkins, Horton, Howard, Jackson, Keim, Kellogg, Knapp, Lamar, Landy, Letcher, Maclay, McKibbin, McQueen, Humphrey Marshall, Miles, Moore, Morrill, Freeman H. Morse, Niblack, Nichols, John S. Phelps, Pottle, Reagan, Reilly, Ricaud, Ruffin, Russell, Sandidge, Savage, Scales, Shorter, Singleton, Samuel A. Smith, Stallworth, Stanton, James A. Stewart, William Stewart, George Taylor, Miles Taylor, Thayer, Vallandigham, Vance, Ward, Israel Washburn, Watkins, White, Whiteley, Winslow, Wood, Wortendyke, and John V. Wright—98.

NAYS—Messrs. Abbott, Andrews, Bennett, Bingham, Bliss, John B. Clark, Cobb, Colfax, Corning, Covode, James Craig, Curtis, Dodd, Durfee, English, Farnsworth, Fenton, Garnett, Granger, Grocsbeck, Grow, Hoard, Houston, Huyler, George W. Jones, Owen Jones, Kelsey, Kilgore, Leiter, Lovejoy, Matteson, Millson, Morgan, Isaac N. Morris, Murray, Palmer, Pendleton, Peyton, Potter, Robbins, Roberts, Henry M. Shaw, Robert Smith, Spinner, Stevenson, Tappan, Tompkins, Underwood, Wade, Walbridge, Waldron, Cadwalader C. Washburn, and Elihu B. Washburne—53.

So the amendment was concurred in.

Eighteenth amendment:

For repairs on the Long Bridge, over the Potomac, at Washington, $5,000; to be expended under the direction of the Commissioner of Public Buildings.

The amendment was concurred in.

Nineteenth amendment:

For the altering, fitting up, and furnishing the former Senate Chamber for the Supreme Court, with twelve rooms for the use of the court, its officers, and records, and for the drainage, water, and gas-pipes, and for the fitting up the former Supreme Court room for the law library of Congress, which rooms are hereby assigned for these purposes, according to the plan prepared under the direction of the Supreme Court, $38,000.

The amendment was non-concurred in.

Twentieth amendment:

That from and after the 1st day of July next, the franking privilege, except so far as conferred by special laws as a personal privilege, be, and the same is hereby, abolished.

Mr. ENGLISH called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 84, nays 89; as follows:

YEAS—Messrs. Atkins, Avery, Barksdale, Bishop, Bocock, Bonham, Branch, Bryan, Buffinton, Burnett, Burns, Caskie, Cavanaugh, Cobb, John Cochrane, Colfax, Corning, Crawford, Davis of Mississippi, Dawes, Dean, Dowdell, Durfee, Edmundson, English, Faulkner, Foley, Garnett, Greenwood, Grocsbeck, Lawrence W. Hall, Robert B. Hall, Haskin, Haich, Hill, Hopkins, Houston, Huyler, Jackson, Jewett, George W. Jones, Owen Jones, Kelsey, Jacob M. Kunkel, Leiter, Letcher, Maclay, McKibbin, McQueen, Humphrey Marshall, Mason, Miles, Moore, Isaac N. Morris, Niblack, Pettit, Peyton, John S. Phelps, William W. Phelps, Potter, Pottle, Powell, Reagan, Reilly, Ruffin, Russell, Sandidge, Scales, Scott, Henry M. Shaw, John Sherman, Shorter, Stallworth, Stanton, Stevenson, James A. Stewart, Tappan, George Taylor, Miles Taylor, Tompkins, Watkins, Woodson, Wortendyke, and John V. Wright—84.

NAYS—Messrs. Abbott, Adrain, Ahl, Arnold, Bennett, Bingham, Blair, Bliss, Bowie, Brayton, Burlingame, Case, Chaffee, Chapman, Ezra Clark, Horace F. Clark, John B. Clark, Clay, Comins, Covode, Cragin, Curtis, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dewart, Edie, Elliott, Fenton, Florence, Foster, Gillis, Gilmer, Gooch, Granger, Gregg, Grover, Grow, Harris, Hawkins, Hodges, Horton, Howard, Jenkins, Keim, Kellogg, Knapp, Lamar, Leidy, Lovejoy, Matteson, Maynard, Millson, Morgan, Morrill, Freeman H. Morse, Murray, Olin, Palmer, Parker, Pendleton, Phillips, Ricaud, Robbins, Roberts, Royce, Savage, Judson W. Sherman, Singleton, Robert Smith, Samuel A. Smith, Spinner, William Stewart, Thayer, Underwood, Vallandigham, Vance, Wade, Walbridge, Waldron, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, White, Whiteley, Winslow, and Wood—89.

During the vote,

Mr. SMITH, of Illinois, stated that if he were a member of the next Congress, he would vote "ay;" but as he wanted to give his successor the same advantages as he had had, he would vote "no."

Mr. CRAIG, of Missouri, said, if he had been in the Hall when his name was called, he would have voted "ay."

Mr. NICHOLS stated that if he had been in the Hall when his name was called, he would have emphatically voted "ay."

Mr. SCOTT. I move to reconsider the vote by which the House non-concured in the third amendment.

Mr. GREENWOOD. I move to reconsider the vote whereby the House concurred in the fourth amendment.

Mr. WINSLOW. I move to reconsider the vote by which the last amendment was non-concurred in; and I move to lay the motion to reconsider on the table.

Mr. BURNETT. I call for the yeas and nays.

Mr. WINSLOW. I withdraw the motion.

The motions made by Mr. SCOTT and Mr. GREENWOOD were entered.

Twenty-first amendment:

To enable the Commissioner of Public Buildings to pay to John F. Callan, for stone taken from square No. 562, in Washington city, and used in paving New Jersey avenue, $162.

The amendment was concurred in.

Twenty-second amendment:

That, for procuring the necessary furniture for the Senate Chamber, the audience room, the committee-rooms, the rooms occupied by the office of the Secretary of the Senate, and other rooms of the north wing of the Capitol in the occupancy of the Senate, and its appendages, the superintendent of the Capitol extension be directed to make a survey and ascertain what articles of furniture will be needed, with the materials, designs, and dimensions of the same; and that he be, and is hereby, authorized to publish the proper specifications and description of the articles which may be required, and invite sealed proposals to be made to him within thirty days from the date of the first publication of the same, for the manufacture and construction of the said articles of furniture, to be opened, at the appointed time, in the presence of the bidders or other persons; and that a contract or contracts for such furniture shall be made with the lowest and best bidder, reference being had to the quality of the material, the superiority of workmanship, and the time in which the same shall be completed; and that proper security shall be taken for the faithful and prompt execution of the work; and that, for the purpose of paying for the said furniture, as it may be completed and delivered, to the satisfaction of the said superintendent, such sum of money as may be required therefor be, and the same hereby is, appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That the amount to be expended, under this section, shall not exceed $50,000.

The amendment was non-concurred in.

A message was received from the Senate by Mr. DICKINS, their Secretary, notifying the House that the Senate have passed, without amendment, a bill of the House (No. 873) for relief of Lucy A. Wakefield, widow of the late Benjamin Wakefield.

That the Senate have passed bills of the following titles, in which he was directed to ask the concurrence of the House:

An act (No. 586) for the relief of Abby S. Chapin;

An act (S. No. 608) for the relief of Stewart McGowen; and

An act (No. 607) to provide for the final settlement of the accounts of Abram Edwards, late register of the land office at Kalamazoo, Michigan.

Twenty-third amendment of the Senate:

Add the following additional section:

SEC. —. *And be it further enacted*, That the lot of ground in the city of Philadelphia, heretofore agreed to be purchased by the United States from the American Philosophical Society as a site for a court-house, shall be sold at public auction to the highest and best bidder. And that the lot in said city, heretofore purchased from the Bank of Pennsylvania for a post office, shall also be sold at public auction for the best price it will bring, provided that said lot shall not be sold for an aggregate price of less than $205,000.

Mr. PHELPS, of Missouri. I ask that this amendment may be considered in connection with the one following. It will be seen that they make no increase of appropriation; but merely provide for a change in the site of the public buildings in Philadelphia.

Twenty-fourth amendment:

Add the following additional section:

SEC. —. *And be it further enacted*, That the sum or sums of money raised by the sale of the lots and grounds authorized to be sold by the preceding section of this act, together with the unexpended balance of the appropriation for the construction of a post office at Philadelphia, be applied and expended as follows, to wit: for the purchase of the first lot west of the custom-house, commonly known as the Levy corner, a sum not exceeding $75,000; for the purchase of the next adjoining lot west, known as the Bailey lot, a sum not exceeding $26,000; and for the construction of a building on the said Levy and Bailey lots suitable for a court-house and post office a sum not exceeding the remainder of the money not disposed of as above provided. And it shall be the duty of the Secretary of the Treasury and the Postmaster General and the Attorney General to execute the two foregoing sections of this act: *Provided*, That the whole amount to be expended in the construction of said building shall not exceed the balance of the amount received from the sale of the said lots and the balance of the appropriation.

The amendments were concurred in.

Twenty-fifth amendment:

Add the following additional section:

SEC. —. *And be it further enacted*, That the missionary claims referred to in the fourth section of the act of 28th September, 1850, entitled "An act providing for the examination and settlement of claims for land at the Sault Ste. Marie, in Michigan," and reported upon by the register and receiver at Sault Ste. Marie, pursuant to said act, shall be entitled to recognition and confirmation, in the same manner and on the same terms as the claims of individuals therein provided for; and, upon the final approval of the said claims, as presented in the eighth section of the act aforesaid, patents shall be issued therefor.

The amendment was non-concurred in.

Twenty-sixth amendment:

Add, as an additional section, the following:

SEC. —. *And be it further enacted*, That, for the purpose of ascertaining the probable cost of the execution of the various plans which have been reported to Congress for the enlargement of the public grounds surrounding the Capitol, the Commissioner of Public Buildings be, and hereby is, directed to ascertain as far as possible, by conference with the owners of the private property within the limits of said reported plans, the price demanded therefor, and to report the same, together with his own estimate of the value thereof, to Congress, as early as practicable after the first Monday in December next: and further, to submit, with said report, such drawings of said plans as shall exhibit clearly the slopes, terraces, walks, and roadways within and around said grounds, with an estimate, in detail, of the quantity of each description of work involved in the execution of each of the said proposed plans and the probable cost of the same.

Mr. LETCHER. How far does this plan propose to extend the grounds?

Mr. LOVEJOY. From Bladensburg, on the one side, to Georgetown, on the other. [Laughter.]

The amendment was non-concurred in.

Twenty-seventh amendment:

Add the following as an additional section to the bill:

SEC. —. *And be it further enacted*, That, from and after the passage of this act, each member of the Senate who may attend any extra or called session of the Senate in the recess of Congress, and who was not a member of either House of Congress at the expiration of the Congress preceding such extra or called session of the Senate, shall be entitled to receive his mileage at said extra or called session of the Senate, instead of the commencement of the regular session of Congress succeeding such extra or called session of the Senate; and that such sum as may be necessary to pay the mileage aforesaid be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was non-concurred in.

Twenty-eighth amendment:

Add the following as an additional section to the bill:

SEC. —. *And be it further enacted*, That the power to issue and reissue Treasury notes, conferred on the President of the United States by the act entitled "An act to authorize the issue of Treasury notes," approved 23d December, 1857, be, and the same hereby is, revived and continued in force from the passage of this act until the 1st of July, 1860; and, to defray the expenses thereof, the sum of $5,000 is hereby appropriated: *Provided*, That said notes may be issued bearing interest not exceeding six per centum per annum, and that it shall not be necessary, as directed by the original act, aforesaid, after advertisement, to exchange them for specie to the bidder, or bidders, who shall agree to make such exchange at the lowest rate of interest upon said notes; and that in all other respects the reissue of said Treasury notes shall be subject to the terms and conditions of the act aforesaid.

Mr. JONES, of Pennsylvania. I make the point of order on that amendment, that, under the decision arrived at by the House on the Post Office appropriation bill, the Senate has no right, under the Constitution, to insert a clause of this kind in an appropriation bill. I ask that the first article of the seventh section of the Constitution may be read.

The Clerk read, as follows:

"All bills raising revenue shall originate in the House of Representatives; but the Senate may propose, or concur, with amendments, as on other bills."

Mr. JONES, of Pennsylvania. I make the point, that a bill to borrow money is, virtually, a bill for raising revenue; because it is pledging the faith of this Government for the money which is borrowed; and it is compulsory on the House either to pass a bill to raise that revenue or to repudiate the debt.

The SPEAKER. The Chair does not perceive how the question of order could be made upon the amendment. It would devolve upon the Chair the necessity of disposing, by his volition, of an amendment sent here by the Senate of the United States.

Mr. JONES, of Pennsylvania. I appeal from the decision of the Chair.

Mr. ENGLISH. I move to lay the appeal upon the table.

Mr. JONES, of Tennessee. I would inquire if this amendment does not propose to take up the notes that the Government has outstanding and give new ones in place of them? It is not borrowing money, but giving new ones for old ones.

Mr. JONES, of Pennsylvania. It is legislation on an appropriation bill, which is expressly prohibited by the rules of this House; and this House cannot do, by indirection, what the rules absolutely prohibit it from doing directly.

The SPEAKER. This is the action of the Senate; and the rules of the House are not applicable to it.

Mr. MILLSON. What is the decision of the Chair?

The SPEAKER. The Chair decides that he has nothing to do with the question, whether the amendment is in order, or constitutional, or not. That is a question for the House to determine by their votes.

Mr. MILES. I want to know whether keeping an old debt afloat is raising revenue, or not?

Mr. STANTON. I ask the yeas and nays on the motion to lay the appeal upon the table. There are a good many members scattered round the Hall, and I want to give them time to come in.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 120, nays 37; as follows:

YEAS—Messrs. Abbott, Adrain, Ahl, Andrews, Arnold, Atkins, Avery, Barksdale, Barr, Bingham, Bliss, Bocock, Bonham, Bowie, Boyce, Branch, Burnett, Burns, Caskie, Cavanaugh, Ezra Clark, John B. Clark, Clay, Cobb, John Cochrane, Comins, Corning, James Craig, Burton Craige, Crawford, Davis of Mississippi, Davis of Iowa, Dean, Dowdell, Durfee, Edmundson, Elliott, English, Faulkner, Foley, Garnett, Gilmer, Gregg, Groesbeck, Grover, Lawrence W. Hall, Robert B. Hall, Hawkins, Hill, Hoard, Hodges, Hopkins, Houston, Jackson, Jenkins, Jewett, George W. Jones, Knapp, Jacob M. Kunkel, Lamar, Landy, Letcher, Maclay, McKibbin, McQueen, Humphrey Marshall, Samuel S. Marshall, Mason, Maynard, Miles, Millson, Moore, Morgan, Morrill, Freeman H. Morse, Mott, Niblack, Nichols, Pendleton, Pettit, Peyton, John S. Phelps, Powell, Reagan, Reilly, Robbins, Roberts, Royce, Ruffin, Russell, Savage, Scales, Scott, Searing, Henry M. Shaw, John Sherman, Shorter, Singleton, Robert Smith, Samuel A. Smith, Spinner, Stanton, Stevenson, James A. Stewart, Tappan, George Taylor, Miles Taylor, Thayer, Underwood, Vallandigham, Vance, Waldron, Elihu B. Washburne, Israel Washburn, Watkins, White, Whiteley, Winslow, Woodson, Wortendyke, and John V. Wright—120.

NAYS—Messrs. Bennett, Blair, Brayton, Buffinton, Burlingame, Case, Horace F. Clark, Colfax, Covode, Curtis, Davis of Massachusetts, Dawes, Dewart, Edie, Fenton, Foster, Gooch, Grow, Haskin, Owen Jones, Keim, Kilgore, John C. Kunkel, Lovejoy, Matteson, Murray, Olin, Palmer, Parker, Potter, Ricaud, Judson W. Sherman, Tompkins, Walbridge, Cadwalader C. Washburn, and Wood—37.

So the appeal was laid upon the table.

Pending the above call,

Mr. KELSEY stated that he had paired off for the rest of the session with Mr. SEWARD.

Mr. SPINNER stated that his colleague, Mr. POTTLE, had paired off for the balance of the session with Mr. SMITH, of Virginia.

On motion of Mr. LOVEJOY, the reading of the list was dispensed with.

And then the vote was announced as above recorded.

Mr. EDIE demanded the yeas and nays on the amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 92, nays 93; as follows:

YEAS—Messrs. Arnold, Atkins, Avery, Barksdale, Barr, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, John B. Clark, Clay, Cobb, John Cochrane, Corning, James Craig, Burton Craige, Crawford, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Foley, Garnett, Gilmer, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hatch, Hawkins, Hill, Hodges, Hopkins, Houston, Jackson, Jenkins, Jewett, George W. Jones, Lamar, Landy, Letcher, Maclay, McKibbin, McQueen, Samuel S. Marshall, Mason, Maynard, Miles, Millson, Moore, Niblack, Pendleton, Peyton, John S. Phelps, Powell, Reagan, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Searing, Henry M. Shaw, Shorter, Singleton, Robert Smith, Samuel A. Smith, Stallworth, Stevenson, James A. Stewart, George Taylor, Miles Taylor, Underwood, Vallandigham, Vance, Watkins, Whiteley, Winslow, Woodson, Wortendyke, and John V. Wright—92.

NAYS—Messrs. Abbott, Adrain, Ahl, Andrews, Bennett, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Case, Cavanaugh, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Colfax, Comins, Covode, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dewart, Dodd, Durfee, Edie, Farnsworth, Fenton, Florence, Foster, Gillis, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harris, Haskin, Hoard, Horton, Howard, Huyler, Owen Jones, Keim, Kellogg, Kilgore, Knapp, John C. Kunkel, Leidy, Leiter, Lovejoy, Humphrey Marshall, Matteson, Morgan, Morrill, Isaac N. Morris, Freeman H. Morse, Mott, Murray, Nichols, Olin, Palmer, Parker, Phillips, Pike, Potter, Purviance, Reilly, Ricaud, Robbins, Roberts, Royce, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Thayer, Tompkins, Wade, Walbridge, Waldron, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, White, and Wood—93.

So the amendment was non-concurred in.

Pending the above call,

Mr. PHELPS, of Minnesota, stated that he had paired off with Mr. MORRIS, of Pennsylvania, for the remainder of the night.

Mr. WARD stated that he had paired off with his colleague, Mr. MORSE.

Mr. WRIGHT, of Tennessee, stated that Mr. BISHOP had paired off with some gentleman on the other side. He would have voted in the affirmative.

Mr. FLORENCE stated that his colleague, Mr. HICKMAN, had paired off.

Mr. HOUSTON stated that his colleague, Mr. CURRY, was detained at his room by illness.

Mr. STEVENSON stated that his colleague, Mr. TALBOT, had paired off with Mr. GILMAN, of Maine.

Mr. HAWKINS stated that Mr. KEITT had paired off with Mr. RITCHIE.

The vote was then announced as above recorded.

Mr. MARSHALL, of Kentucky, moved to reconsider the vote by which the amendment was non-concurred in; and moved to lay that motion upon the table.

Mr. McQUEEN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 86, nays 93; as follows:

YEAS—Messrs. Abbott, Adrain, Andrews, Bennett, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Case, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Colfax, Comins, Covode, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dewart, Dodd, Durfee, Edie, Farnsworth, Fenton, Foster, Gooch, Granger, Grow, Robert B. Hall, Harris, Haskin, Hoard, Horton, Howard, Huyler, Owen Jones, Keim, Kellogg, Kilgore, Knapp, John C. Kunkel, Leidy, Leiter, Lovejoy, Humphrey Marshall, Matteson, Morgan, Morrill, Freeman H. Morse, Mott, Murray, Nichols, Olin, Palmer, Parker, Pettit, Phillips, Pike, Potter, Purviance, Reilly, Ricaud, Robbins, Roberts, Royce, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Thayer, Tompkins, Wade, Walbridge, Waldron, Cadwalader C. Washburn, and Wood—86.

NAYS—Messrs. Ahl, Arnold, Atkins, Avery, Barksdale, Barr, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, John B. Clark, Clay, Cobb, John Cochrane, Corning, James Craig, Burton Craige, Crawford, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Florence, Foley, Garnett, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hatch, Hill, Hodges, Hopkins, Houston, Jackson, Jenkins, Jewett, George W. Jones, Jacob M. Kunkel, Lamar, Letcher, Maclay, McKibbin, McQueen, McRae, Samuel S. Marshall, Mason, Maynard, Miles, Millson, Moore, Niblack, Pendleton, Peyton, John S. Phelps, Powell, Reagan, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Henry M. Shaw, Shorter, Singleton, Robert Smith, Samuel A. Smith, Stallworth, Stevenson, James A. Stewart, George Taylor, Miles Taylor, Underwood, Vallandigham, Vance, Watkins, Whiteley, Winslow, Woodson, Wortendyke, and John V. Wright—93.

So the motion to reconsider was not laid upon the table.

Mr. MARSHALL, of Kentucky. I withdraw my motion.

Mr. FLORENCE. I renew it.

Mr. UNDERWOOD. Can the gentleman repeat this motion to reconsider time and again?

The SPEAKER. The question was last taken on the motion to lay upon the table, and not on the motion to reconsider. The motion to reconsider has not been voted on.

Mr. PURVIANCE. I move to lay the motion to reconsider upon the table; and on that motion I demand the yeas and nays.

Mr. PHELPS, of Missouri. Let us take the vote direct on the motion to reconsider. We have just taken the vote on the motion to lay the motion to reconsider upon the table.

Mr. PURVIANCE. I decline to withdraw my motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 83, nays 93; as follows:

YEAS—Messrs. Abbott, Adrain, Andrews, Bennett, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Case, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Colfax, Comins, Covode, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dewart, Dodd, Durfee, Edie, Farnsworth, Fenton, Foster, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harris, Haskin, Hoard, Horton, Howard, Keim, Kellogg, Kilgore, Knapp, John C. Kunkel, Leidy, Leiter, Lovejoy, Humphrey Marshall, Matteson, Morgan, Morrill, Freeman H. Morse, Mott, Murray, Nichols, Olin, Palmer, Parker, Pettit, Phillips, Pike, Potter, Purviance, Robbins, Roberts, Royce,

THE CONGRESSIONAL GLOBE.

THE OFFICIAL PROCEEDINGS OF CONGRESS, PUBLISHED BY JOHN C. RIVES, WASHINGTON, D. C.

THIRTY-FIFTH CONGRESS, 2D SESSION. FRIDAY, MARCH 11, 1859. NEW SERIES.....No. 106.

John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Thayer, Tompkins, Wade, Walbridge, Waldron, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, and Wood—83.

NAYS—Messrs. Ahl, Arnold, Atkins, Avery, Barksdale, Barr, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, Cavanaugh, John B. Clark, Clay, Cobb, John Cochrane, Corning, James Craig, Burton Craige, Crawford, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Florence, Foley, Garnett, Gillis, Gilmer, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hatch, Hawkins, Hodges, Hopkins, Houston, Jackson, Jenkins, Jewett, George W. Jones, Landy, Letcher, Maclay, McKibbin, McQueen, McRae, Samuel S. Marshall, Maynard, Miles, Millson, Moore, Isaac N. Morris, Niblack, Pendleton, Peyton, John S. Phelps, Reagan, Ruffin, Russell, Sandidge, Scales, Scott, Searing, Henry M. Shaw, Shorter, Singleton, Robert Smith, Samuel A. Smith, Stallworth, Stevenson, James A. Stewart, George Taylor, Miles Taylor, Underwood, Vallandigham, Watkins, White, Whiteley, Winslow, Wortendyke, and John V. Wright—93.

So the motion to reconsider was not laid upon the table.

Mr. KUNKEL, of Pennsylvania. I demand the yeas and nays on the motion to reconsider.

Mr. LOVEJOY. I move that the rules be suspended, and that the House take a recess until nine o'clock.

The SPEAKER. The House is now acting under a suspension of the rules.

Mr. POTTER. I move that the House adjourn; and on that demand tellers.

Tellers were ordered; and Messrs. BURNETT and CHAFFEE were appointed.

The House divided; and the tellers reported—ayes 26, noes 117.

So the House refused to adjourn.

The yeas and nays were ordered on the motion to reconsider.

Mr. PHELPS, of Missouri. I appeal to gentlemen to let us take a vote on the amendment, without any intermediate votes.

Objection was made to debate.

The question was taken; and it was decided in the affirmative—yeas 96, nays 82; as follows:

YEAS—Messrs. Ahl, Arnold, Atkins, Avery, Barksdale, Barr, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, John B. Clark, Clay, Cobb, John Cochrane, Corning, James Craig, Burton Craige, Crawford, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Florence, Foley, Garnett, Gillis, Gilmer, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hawkins, Hodges, Hopkins, Houston, Jackson, Jenkins, Jewett, George W. Jones, Lamar, Landy, Letcher, Maclay, McKibbin, McQueen, McRae, Samuel S. Marshall, Mason, Maynard, Miles, Millson, Moore, Isaac N. Morris, Niblack, Pendleton, Peyton, John S. Phelps, Powell, Reagan, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Searing, Henry M. Shaw, Shorter, Singleton, Robert Smith, Samuel A. Smith, Stallworth, Stevenson, James A. Stewart, George Taylor, Miles Taylor, Underwood, Vallandigham, Vance, Watkins, White, Whiteley, Winslow, Woodson, Wortendyke, and John V. Wright.—96.

NAYS—Messrs. Abbott, Adrain, Andrews, Bennett, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Case, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Colfau, Comins, Covode, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dewart, Dodd, Durfee, Edie, Farnsworth, Fenton, Foster, Gooch, Goodwin, Granger, Grow, Robert B. Hall, Harris, Haskin, Hoard, Horton, Howard, Owen Jones, Keim, Kellogg, Kilgore, Knapp, John C. Kunkel, Leidy, Leiter, Lovejoy, Matteson, Morgan, Morrill, Mott, Murray, Olin, Palmer, Parker, Pettit, Phillips, Potter, Purviance, Reilly, Robbins, Roberts, Royce, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Thayer, Tompkins, Wade, Walbridge, Waldron, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, and Wood—82.

So the motion to reconsider was agreed to.

Pending the above call,

Mr. JACKSON stated that his colleague, Mr. STEPHENS, had paired off with Mr. CLAWSON; and that Mr. CURRY had paired off with Mr. PIKE.

Mr. FLORENCE. Persistently voting to secure an increase of the tariff without success, the existing act yielding insufficient revenue to support the most economical governmental expenditures, I cannot consent to stop the wheels of the Government by any act of mine when no practical good is to result from it. I therefore vote in the affirmative.

Several MEMBERS called to order.

The vote was announced as above recorded.

The question recurred on the amendment of the Senate.

Mr. MARSHALL, of Kentucky, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 94, nays 83; as follows:

YEAS—Messrs. Ahl, Arnold, Atkins, Avery, Barksdale, Barr, Bocock, Bonham, Bowie, Boyce, Branch, Bryan, Burnett, Burns, Caskie, John B. Clark, Clay, Cobb, John Cochrane, Corning, James Craig, Burton Craige, Crawford, Davis of Indiana, Davis of Mississippi, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Florence, Foley, Garnett, Gillis, Gilmer, Greenwood, Gregg, Groesbeck, Grover, Lawrence W. Hall, Hawkins, Hodges, Hopkins, Houston, Jackson, Jenkins, Jewett, George W. Jones, Lamar, Landy, Letcher, Maclay, McKibbin, McQueen, McRae, Samuel S. Marshall, Mason, Maynard, Miles, Millson, Moore, Niblack, Pendleton, Peyton, John S. Phelps, Powell, Reagan, Ruffin, Russell, Sandidge, Savage, Scales, Scott, Searing, Henry M. Shaw, Shorter, Singleton, Robert Smith, Samuel A. Smith, Stallworth, Stevenson, James A. Stewart, George Taylor, Miles Taylor, Underwood, Vallandigham, Vance, Watkins, White, Whiteley, Winslow, Woodson, Wortendyke, and John V. Wright—94.

NAYS—Messrs. Abbott, Adrain, Andrews, Bennett, Bingham, Blair, Bliss, Brayton, Buffinton, Burlingame, Cavanaugh, Chaffee, Chapman, Ezra Clark, Horace F. Clark, Colfax, Comins, Covode, Cragin, Curtis, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dewart, Dodd, Durfee, Edie, Farnsworth, Fenton, Foster, Gooch, Goodwin, Grow, Robert B. Hall, Harris, Haskin, Hoard, Horton, Howard, Huyler, Owen Jones, Keim, Kellogg, Kilgore, Knapp, John C. Kunkel, Leidy, Leiter, Lovejoy, Humphrey Marshall, Matteson, Morgan, Morrill, Freeman H. Morse, Mott, Murray, Olin, Palmer, Parker, Phillips, Potter, Purviance, Reilly, Robbins, Roberts, Royce, John Sherman, Judson W. Sherman, Spinner, Stanton, William Stewart, Tappan, Thayer, Tompkins, Wade, Walbridge, Waldron, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, and Wood—83.

So the amendment was concurred in.

Pending the vote,

Mr. FLORENCE said: The Government cannot get on without money. Every expedient has failed to get it. ["Order!"] At this late hour, in my judgment, all hope of any other plan of relief is out of question, ["Order!" "Order!"] and satisfied that my constituents will be sufferers [renewed cries of "Order!" and great confusion] unless the Treasury has means for supplies, I vote "ay."

Twenty-ninth amendment:

Add, as an additional section, as follows:

SEC. —. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized, under the act of June 14, 1858, to issue coupon, or registered stock, as the purchaser may elect.

The amendment was agreed to.

Thirtieth amendment:

Add the following as an additional section:

SEC. —. *And be it further enacted*, That the post office in Boston, Massachusetts, shall not be removed from its present location till after the next session of Congress: *Provided*, The remonstrants against its removal will indemnify the Government from any additional expense growing out of any contracts for another site.

The amendment was concurred in.

Thirty-first amendment:

Add, as an additional section, as follows:

SEC. —. *And be it further enacted*, That such officers as were placed upon the "furlough list," by the action of the said naval retiring board, and who have been subsequently transferred to the "leave list," shall be allowed "leave pay" for and during the time they were on the furlough list as aforesaid, deducting the furlough pay which they received during said time.

The amendment was concurred in.

Thirty-second amendment:

Add, as an additional section, as follows:

SEC. —. *And be it further enacted*, That in case of the death of any officer after his restoration or transfer, as aforesaid, his legal representatives shall be entitled to receive the amount which said officer would have received under this act up to the time of his death.

The amendment was concurred in.

Thirty-third amendment:

Add, as an additional section, as follows:

SEC. —. *And be it further enacted*, That the Postmaster General is hereby authorized and directed to contract with responsible parties for the transportation of the United States mails between New York and Astoria, via Panama and San Francisco, semi-monthly, and to require said contractors to transport on the Pacific ocean such mail matter as may pass over the Tehuantepec route, as hereinafter authorized: *Provided*, That the time between New York and San Francisco shall not exceed twenty-two days, and that the whole cost shall not exceed $525,000 per annum for the service between New York and Astoria.

The amendment was non-concurred in.

Thirty-fourth amendment:

Add, as an additional section, the following:

SEC. —. *And be it further enacted*, That the Postmaster General shall also contract with responsible parties for the transportation of the mails semi-monthly between New Orleans and San Francisco, via Tehuantepec, and arrange for the connection of said mail on the Pacific, with the mails via Panama, as directed in the preceding section: *Provided*, That the time between New Orleans and San Francisco shall not exceed fifteen days, and that the cost of said service shall not exceed the sum of $250,000 per annum.

The amendment was non-concurred in.

Thirty-fifth amendment:

Add, as an additional section, the following:

SEC. —. *And be it further enacted*, That the contracts herein directed shall be made from the expiration of the existing contracts to the 30th day of June, A. D. 1861.

The amendment was non-concurred in.

Thirty-sixth amendment:

Add, as an additional section, the following:

SEC. —. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized and directed to contract with Carlos Butterfield and his associates, who are to be styled "the United States and Mexican Mail Steamship Company," for the conveyance of the mails from and to the United States, and to and from the Republic of Mexico, in the following order, namely: a steamer shall leave New Orleans or Mobile, on the 1st and 16th days of each month, touching first at Galveston, Matagorda bay, Brazos de Santiago, Tampico, Vera Cruz, Coatzacoalcos, Tabasco, Laguna, Campeche, Sisal, and all other ports in said circuit that may hereafter be ascertained to be practicable, including Sabine Pass, and thence to New Orleans or Mobile; and, on the 8th and 24th days of each month, a steamer shall leave New Orleans or Mobile, touching first at Sisal, Campeche, Laguna, Tabasco, Coatzacoalcos, Vera Cruz, Tampico, Brazos de Santiago, Matagorda bay, Galveston, and thence to New Orleans or Mobile, thus accomplishing the full circuit of the Gulf, or four round voyages per month.

The amendment was non-concurred in.

Thirty-seventh amendment:

Add, as an additional section, the following:

SEC. —. *And be it further enacted*, That the aforesaid contract shall be for a term of four years, and shall not involve, on the part of the Government of the United States, any expenditure exceeding $120,000 per annum.

The amendment was non-concurred in.

Thirty-eighth amendment:

Add, as an additional section, the following:

SEC. —. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized to complete the purchase of the premises in the city of New York now occupied by the United States courts and their officers, under a lease from William E. Burton to the United States, and to pay for the same out of the judiciary fund; *Provided*, A sufficient amount thereof shall remain unexpended at the close of the present fiscal year.

The amendment was non-concurred in.

Thirty-ninth amendment:

Add the following as an additional section:

SEC. —. *And be it further enacted*, That, in default of any contractor, under the act approved August 26, 1852, entitled "An act to provide for executing the public printing, and establishing the prices therefor, and for other purposes," to comply with his contract in furnishing the paper for the public printing in proper time, and of suitable quality, the Superintendent of Public Printing is hereby authorized and directed to advertise for proposals for such time and in such places as he may deem expedient, and award the contract to the lowest bidder, and to purchase in the open market, upon the best practicable terms, all the paper that may be required for the public printing until a new contract is made; and any increase of cost to the Government in procuring a supply of paper, the contractor in default and his securities shall be charged with and held responsible for the same, and shall be prosecuted upon their bond, in the name of the United States, in the circuit court of the United States. And all acts or parts of acts inconsistent with this section be, and the same are hereby, repealed.

The amendment was non-concurred in.

Fortieth amendment:

Add, as an additional section, the following:

SEC. —. *And be it further enacted*, That, in all cases where, by the terms of any Indian treaty, in Kansas Territory, said Indians are entitled to separate selections of land, and to a patent therefor, under guards, restrictions, or conditions for their benefit, the Secretary of the Interior is hereby authorized to cause patents therefor to issue to such Indian or Indians, and their heirs, upon such conditions and limitations, and under such guards or restrictions, as may be prescribed by said Secretary: *Provided*, That nothing herein contained shall be construed to apply to the New York Indians, or to affect their rights, under the treaty made by them in 1838, at Buffalo Creek.

The amendment was concurred in.

Forty-first amendment:

Add, as an additional section:

SEC. —. *And be it further enacted*, That the Secretary of the Senate and the Clerk of the House of Representatives are hereby directed so to modify the contract with Gales & Seaton for publishing the continuation of the American State Papers, made under the authority of the act of June 12, 1858, as to stipulate that they be allowed for said continuation the price of $10 50 a volume, on condition that the said publishers shall defray all expenses of selecting, compiling, and arranging the documents according to the rate of compensation paid for the same services in compiling and comparing the first series; also, the expense of binding the same, and the expense of all lithographs and wood engravings required in any of the documents, also, the expense of preparing full and proper indexes for each volume, and general indexes for each class, and all other contingent or incidental expenses whatever attending said publication. And the said volumes shall be delivered to the Secretary of the Interior as the same may be completed, who shall place three hundred copies in the Department of State, for its use and for exchange with foreign Governments, and seven hundred copies in his own Department for distribution to public libraries in the several States and Territories, and hold the residue in his custody, subject to the order of Congress: And the Secretary of the Treasury is hereby directed to pay for the said work as the same may be delivered, out of any money in the Treasury not otherwise appropriated, on the certificate of the said Secretary of the Interior: *Provided*, That not more than $25,000 shall be paid on account of said publication during the current fiscal year.

The amendment was non-concurred in.

Mr. PHELPS, of Missouri. I move to reconsider the several votes on the amendments of the Senate, and to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. PHELPS, of Missouri. I desire to know whether the motion entered to reconsider by the gentleman from California is still pending?

The SPEAKER. It was included in the gentleman's motion to lay on the table.

POST OFFICE APPROPRIATION BILL.

Mr. PHELPS, of Missouri. I now call up the message from the Senate, relative to the resolution adopted by the House, returning the Post Office appropriation bill.

The message was read, as follows:

IN THE SENATE OF THE UNITED STATES,
March, 3, 1859.

The House of Representatives having, in the opinion of the Senate, departed from the proper parliamentary usages and method of transacting business between the two Houses by its action in regard to the bill of the House (No. 872) making appropriations for the expenses of the Post Office Department for the year ending June, 1860: Therefore,

Resolved, That the Senate appoint a committee of conference, to meet a like committee on the part of the House of Representatives, for the purpose of consulting as to what action ought to be had by the respective Houses in respect to the said bill.

Ordered, That Mr. STUART, Mr. PEARCE, and Mr. FOOTE, be appointed managers of the said conference on the part of the Senate.

Mr. PHELPS, of Missouri. I move that a committee of conference, on the part of the House, be appointed to meet the committee which has been appointed on the part of the Senate.

Mr. GROW. Does this message bring up the bill itself? If it does, I shall object to its being taken up.

Mr. PHELPS, of Missouri. It is merely a request on the part of the Senate for a committee of conference as to the propriety of the action on the part of the two Houses of Congress.

Mr. GROW. I object to the bill being taken up at all. I have no objection to this request for the appointment of a committee of conference being granted, if it will not be construed to bring up the bill.

The SPEAKER. The Chair supposes, if the motion of the gentleman from Missouri should be agreed to, it would be necessary for the committee of conference to have the bill in their possession.

Mr. GROW. I do not see why that should be necessary. We sent to the Senate a bill making appropriations for the support of the Post Office Department for the year ending 30th June, 1860. They returned the bill, with a provision on it for raising revenue. We sent a resolution returning the bill, with our reasons therefor. They have returned us this answer. Now, if the effect of the motion of the gentleman from Missouri is simply to appoint a committee of conference on the resolution, I have no objection. If it is to take up the bill, then I object.

The SPEAKER. The Chair supposes it will be necessary for them to have the bill before them, in order to determine the character of the amendments objected to by the House

Mr. GROW. The preamble of the resolution sent to the House sets forth the ground of their request for a committee of conference; that we have not complied with the parliamentary usages in the method of transacting business between the two Houses. I suppose that is what the committee of conference would have to act upon. If that is the understanding, I have no objection to it.

Mr. DAVIS, of Maryland. I can put no other construction upon the resolution sent to us by the Senate, than that it asks for a committee of conference to settle the differences between the two Houses, as to how they are to dispose of that bill, which can only be done by this House agreeing to consider a bill which they have determined not to consider. From that point, I, for one, cannot recede; and, if the committee of conference is to be appointed upon that basis, I shall object to it.

Mr. PHELPS, of Missouri. As I understand it, the committee of conference, if it is appointed, will have no control over the bill whatever.

Mr. DAVIS, of Maryland. But, if the committee is appointed, I should like to understand whether it will be competent for them to make a report which, if adopted, shall control the bill? If there is to be any such thing, I hope the House will not appoint the committee.

Mr. PHELPS, of Missouri. I have this to say to the House: there has been a deliberate expression of opinion on the part of this House in reference to the action of the Senate, and it is probable that, if a committee is appointed, a majority of that committee will be composed of gentlemen whose opinions correspond with the action of the House. I have had no conference with the Speaker as to whom he would appoint; but that would be the proper parliamentary course.

The SPEAKER. The vote of the House would operate as an instruction to the committee.

Mr. HARRIS. I would like to know whether it is not a fact that the House bill, in reference to which the resolution of the Senate has been adopted, was not laid on the table of the Senate?

Mr. RUFFIN. I should like to know whether this debate is in order? If it is not, I object to it.

Mr. PHELPS, of Missouri, demanded the previous question on the adoption of the motion.

Mr. GROW. I appeal to the gentleman to withdraw his demand for a moment. I will renew it.

Mr. PHELPS, of Missouri. I withdraw it.

Mr. GROW. I wish to say a word upon the subject of the action of the House. The proceedings we have instituted here in respect to this bill are in accordance with parliamentary usage; and for the purpose of showing the House that it is, I propose to read a paragraph from Ferrall's Law of Parliament, page 103. He says:

"'On the 24th July, 1661, the Lords sent down a bill for paving the streets and highways of Westminster, to which they desire the concurrence of the Commons.' As soon as the bill is read a first time, 'the House observing that said bill was to alter the course of the law in part, and to lay a charge upon the people; and conceiving that it is a privilege inherent to this House, that bills of that nature ought to be first considered here,' the bill is laid aside, and it is ordered 'that the Lords be acquainted therewith, and with the reasons inducing the House thereto; and the Lords are to be desired, for that cause, not to suffer any mention of the said bill to remain on the journals of their House; and that the Commons, approving the purport, have ordered in a bill of the same nature.'

"On the 15th February, 1664, a bill somewhat similar was laid aside on the same grounds."

Now, that is what we have done. We have not approved of the revenue portion of the bill of the Senate.

Here is another case:

"On the 27th of April, 1640, upon the report of a conference, in which the Lords had proposed that the subject of supply should have precedence before any other matters, the Commons resolved that their Lordships voting, propounding, touching matters of supply of such sort as is contained in this report before it arrived from this House, is a breach of the privileges of this House."

Now, we have kept within the parliamentary usage. The Senate, by this resolution, simply say that they have the right to judge of their powers under the Constitution, and they ask us to confer with them on this question of power. I am willing to confer with them on that question, but I am not willing to take up the bill, which we have once laid aside.

Mr. WASHBURN, of Maine. This bill is upon the Speaker's table, and the House has refused to take it up. Now, I want to know if, by the legerdemain of a conference, the bill can be taken up without a two-thirds vote?

Mr. GROW. I want the Chair to understand that, if the taking up of the message involves the taking up of the bill, I object.

The SPEAKER. The Chair, in the hope of being able to effect something that will lead to a result that will be satisfactory to the House, will retain possession of the bill if the message of the Senate is concurred in, so that the question before the committee of conference will be one of form rather than of substance.

Mr. GROW. I demand the previous question.

Mr. WALBRIDGE. I would inquire if the bill still remains upon the Speaker's table?

The SPEAKER. It does.

Mr. WALBRIDGE. And it will require a two-thirds vote to take it up?

The SPEAKER. It will.

The previous question was seconded, and the main question ordered; and under the operation thereof the motion of Mr. PHELPS, of Missouri, that a committee of conference be appointed to meet the committee on the part of the Senate, was agreed to.

PAY OF MEMBERS OF CONGRESS.

Mr. BOYCE. I now move a suspension of the rules for the purpose of taking up the joint resolution of the Senate (No. 86) in relation to the compensation of Senators and Representatives in Congress elected from new States; and on that motion I call for tellers

Tellers were ordered; and Messrs. BUFFINTON, and CRAIG of Missouri were appointed.

The House divided; and the tellers reported only thirty-seven in the affirmative.

So the rules were not suspended.

BRIG GENERAL ARMSTRONG.

Mr. CLAY asked the unanimous consent of the House to take from the Speaker's table, for the purpose of putting it upon its passage, Senate bill (No. 273) for the relief of the owners, officers, and crew, of the armed brig General Armstrong.

Mr. LOVEJOY ojected.

Mr. CLAY moved a suspension of the rules, and called for tellers upon his motion.

Tellers were ordered; and Messrs. CHAFFEE and UNDERWOOD were appointed.

The House divided; and the tellers reported—ayes 79, noes 52.

So the rules were not suspended, two thirds not voting in favor thereof.

Mr. BURNETT. I move that the House take a recess until half-past nine o'clock, a. m.

Several MEMBERS. Make it nine.

Mr. BURNETT. Very well, then.

As modified the motion was agreed to; and then the House, at five minutes to eight o'clock, a. m., took a recess until nine o'clock, a. m.

The House resumed its session at nine o'clock.

ENROLLED BILLS.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 550) making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes;

An act (H. R. No. 888) making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians for the year ending June 30, 1860, and for other purposes;

An act (H. R. No. 441) for the relief of the assignees of Hugh Glenn;

An act (H. R. No. 891) for the relief of William M. Harrison;

An act (H. R. No. 886) to protect the timber growing upon lands of the United States reserved for military and other purposes.

An act (H. R. No. 489) for the relief of Congressional township, No. 27 north, of range No. 6 east, in Wabash county, Indiana;

An act (H. R. No. 531) for the relief of John Berry, of Illinois;

An act (H. R. No. 863) for the relief of Lucy A. Wakefield, widow of Benjamin Wakefield;

An act (H. R. No. 77) for the relief of Enoch B. Talcott, late collector of customs at Oswego, New York.

ELIZABETH MONTGOMERY.

Mr. WHITELEY. I ask the consent of the

House to discharge the Committee of the Whole on the Private Calendar from the further consideration of Senate bill (No. 30) for the relief of Elizabeth Montgomery, heir of Captain Hugh Montgomery.

Mr. CAVANAUGH. I object.

Mr. WHITELEY. I move to suspend the rules.

Mr. BUFFINTON. I call for tellers on the yeas and nays.

Tellers were ordered, and Messrs. CAVANAUGH and CHAFFEE were appointed.

The House divided, and the tellers reported—ayes 13, noes 69; no quorum voting.

Mr. CAVANAUGH moved that there be a call of the House, and demanded the yeas and nays on the motion.

Mr. BLAIR called for tellers on the yeas and nays.

Tellers were ordered; and Messrs. EDIE and MCQUEEN were appointed.

The House divided; and the tellers reported—ayes 7, noes 110.

So the yeas and nays were not ordered.

The question was taken on Mr. CAVANAUGH's motion, that there be a call of the House; and it was decided in the negative.

So the House refused to order a call of the House.

The question then recurred on Mr. WHITELEY's motion to suspend the rules.

Tellers were ordered; and Messrs. EDIE, and CRAIG of Missouri were appointed.

The House divided; and the tellers reported—ayes fifty-two; a further count not being demanded.

So the rules were not suspended.

COMMANDER HARTSTENE.

Mr. WINSLOW. At the close of the last Congress, we performed a very graceful act in authorizing the President to refit and restore to the British Government the bark Resolute. The vessel was accordingly thoroughly repaired and equipped, and dispatched to England under the charge of Commander Hartstene, a distinguished officer of the Navy. In the performance of his duty in that matter, it became incumbent on him to incur very considerable and unavoidable expense in entertaining, on his ship, the Queen and the admiralty officers. A bill to reimburse him these expenses passed the Senate, and was referred to the Committee on Naval Affairs here, which committee instructed me to report the same back with a recommendation that it do pass. I ask, therefore, the unanimous consent of the House to have the Committee of the Whole House discharged from the further consideration of the joint resolution, and that it may be put now upon its passage.

Mr. CAVANAUGH. I object.

Mr. WINSLOW. I move to suspend the rules.

Mr. CAVANAUGH. I demand the yeas and nays on that motion.

The yeas and nays were not ordered.

Mr. CAVANAUGH. I call for tellers.

Tellers were ordered; and Messrs. RUSSELL and COMINS were appointed.

The House divided; and the tellers reported—ayes fifty-seven; a further count not being demanded.

So the rules were not suspended.

MESSAGE FROM THE SENATE.

A message was received from the Senate by Mr. ASBURY DICKINS, their Secretary, informing the House that the Senate had receded from its amendments disagreed to by the House to the bill making appropriations for certain civil expenses of the Government, for the year ending June 30, 1860.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States by Mr. J. B. HENRY, his Private Secretary, informing the House that he had this day approved and signed the following bills:

An act to protect the timber growing upon lands of the United States reserved for military and other purposes;

An act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes; and

An act making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians for the year ending June 30, 1860, and for other purposes.

ENROLLED BILL.

Mr. DAVIDSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled an act (H. R. No. 713) making appropriations for sundry civil expenses of the Government for the year ending the 30th of June, 1860; when the Speaker signed the same.

PAY OF A CONTESTANT.

Mr. BOYCE asked the unanimous consent of the House to report, from the Committee of Elections, the following resolution:

Resolved, That the Clerk of this House pay, out of the contingent fund of the House, to Bird B. Chapman, of Nebraska, claiming to have been elected Delegate from said Territory, his mileage and pay up to the 10th of February, 1859.

Mr. EDIE objected.

Mr. BOYCE moved a suspension of the rules.

Mr. BLISS demanded tellers.

Tellers were ordered; and Messrs. BLISS, and MARSHALL of Illinois were appointed.

The House divided; and the tellers reported—ayes 85, noes 27; no quorum voting.

Mr. JONES, of Tennessee, demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 111, nays 40; as follows:

YEAS—Messrs. Abbott, Ahl, Andrews, Barksdale, Bennett, Bingham, Blair, Bliss, Bowie, Boyce, Brayton, Buffinton, Burlingame, Burns, Case, Caskie, Cavanaugh, Ezra Clark, John B. Clark, Clawson, Clay, John Cochrane, Colfax, Comins, Corning, Covode, Cragin, James Craig, Curtis, Davidson, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dewart, Dodd, Elliott, Farnsworth, Florence, Foster, Gilman, Gilmer, Gooch, Granger, Greenwood, Gregg, Grover, Lawrence W. Hall, Harris, Hatch, Hawkins, Hodges, Horton, Howard, Jenkins, Knapp, Jacob M. Kunkel, John C. Kunkel, Landy, Leach, Leidy, Leiter, Lovejoy, Samuel S. Marshall, Mason, Matteson, Montgomery, Morgan, Morrill, Freeman H. Morse, Oliver A. Morse, Niblack, Nichols, Olin, William W. Phelps, Pike, Potter, Purviance, Robbins, Roberts, Royce, Sandidge, Savage, Scott, John Sherman, Robert Smith, Stanton, Stephens, James A. Stewart, William Stewart, Talbot, Tappan, Miles Taylor, Thayer, Tompkins, Underwood, Vallandigham, Vance, Wade, Waldridge, Waldron, Walton, Ward, Cadwalader C. Washburn, Elihu B. Washburne, Israel Washburn, Watkins, Wood, Augustus R. Wright, and Zollicoffer—111.

NAYS—Messrs. Atkins, Avery, Barr, Bonham, Bryan, Cobb, Crawford, Curry, Dean, Edie, Edmundson, Foley, Garnett, Gartrell, Goodwin, Hoard, Hopkins, Houston, Jewett, George W. Jones, Owen Jones, Maynard, Millson, Mott, Murray, Parker, Peyton, John S. Phelps, Phillips, Ready, Ruffin, Russell, Henry M. Shaw, Samuel A. Smith, Stevenson, George Taylor, Thompson, White, Winslow, and John V. Wright—40.

So (two thirds voting in favor thereof) the rules were suspended.

Mr. BOYCE then reported the resolution.

Mr. VALLANDIGHAM. I ask the gentleman from South Carolina to accept an amendment to that resolution, inserting the name of William Pinckney Whyte, who stands on precisely the same footing as Mr. Chapman; and it is but a matter of justice that he should be paid also.

Mr. WASHBURNE, of Illinois. The amendment would not be in order anyhow.

Mr. VALLANDIGHAM. I insist that it would be in order. We are in the House now, and not in Committee of the Whole.

The SPEAKER. The amendment could not be in order. The rules were suspended for the purpose of introducing a resolution for the benefit of Mr. Chapman. The proposition of the gentleman from Ohio is to provide for the payment of another contestant from a different locality.

Mr. WASHBURNE, of Illinois. With the permission of the gentleman from South Carolina, I move to amend his resolution by striking out the words, "his mileage and pay up to the 10th day of February, 1859," and inserting in lieu thereof "the sum of $6,000, in full for his mileage and per diem."

Mr. BOYCE. I now demand the previous question on the resolution.

The previous question was seconded, and the main question ordered.

The amendment of Mr. WASHBURNE, of Illinois, was agreed to.

Mr. BARR demanded the yeas and nays on the adoption of the resolution as amended.

The yeas and nays were not ordered.

Mr. DEAN moved to lay the resolution on the table.

The motion was disagreed to.

The resolution was then adopted.

Mr. BOYCE moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

WILLIAM PINCKNEY WHYTE.

Mr. BOYCE. I am instructed by the Committee of Elections to report the following resolution:

Resolved, That the Clerk of this House be directed to pay to William Pinckney Whyte, of Maryland, who claimed to be elected to this House from the third congressional district in that State, a member of the Thirty-Fifth Congress, and contested the right of Hon. J. Morrison Harris, mileage and per diem to the date when said contested election was decided.

Mr. NICHOLS. I object.

Mr. BOYCE. I move to suspend the rules for the purpose I have indicated.

Mr. JONES, of Tennessee. Did Mr. Whyte claim the seat?

Mr. BOWIE. Certainly.

Mr. VALLANDIGHAM demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. STEWART, of Maryland, demanded tellers.

Tellers were not ordered; and the House refused to suspend the rules.

SHELDEN M'KNIGHT.

Mr. WALBRIDGE. I ask the unanimous consent of the House to take from the Speaker's table Senate bill (No. 577) for the relief of Shelden McKnight.

Mr. MAYNARD. I object.

Mr. WALBRIDGE. I move to suspend the rules for the purpose I have indicated.

Mr. BUFFINTON demanded tellers.

Tellers were ordered; and Messrs. DAVIDSON and CHAFFEE were appointed.

Mr. HOUSTON demanded the yeas and nays.

The yeas and nays were not ordered.

The House divided; and the tellers reported—ayes 90, noes 39.

So the rules were suspended, two thirds voting in favor therof.

Mr. MOORE. I move to lay the bill on the table; and call for the yeas and nays on the motion.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 78, nays 96; as follows:

YEAS—Messrs. Atkins, Avery, Barksdale, Barr, Bocock, Bonham, Branch, Brayton, Burnett, Caskie, Clay, Cobb, James Craig, Crawford, Curry, Davis of Indiana, Davis of Mississippi, Dodd, Edmundson, Faulkner, Foley, Garnett, Gartrell, Goodwin, Greenwood, Gregg, Grover, Lawrence W. Hall, Hoard, Hodges, Hopkins, Houston, Huyler, Jackson, Jenkins, Jewett, George W. Jones, Keitt, Kilgore, Jacob M. Kunkel, Lamar, Leidy, Leiter, Letcher, Lovejoy, McQueen, McRae, Samuel S. Marshall, Millson, Montgomery, Moore, Morgan, Isaac N. Morris, Murray, Olin, Parker, Peyton, Ready, Reagan, Reilly, Ruffin, Savage, Scales, Henry M. Shaw, Singleton, Spinner, Stephens, Stevenson, Talbot, George Taylor, Miles Taylor, Vallandigham, Vance, Watkins, Whiteley, Winslow, and Zollicoffer—78.

NAYS—Messrs. Abbott, Adrain, Ahl, Andrews, Bennett, Blair, Bliss, Bowie, Boyce, Bryan, Buffinton, Burlingame, Burns, Case, Cavanaugh, Chaffee, Ezra Clark, Clawson, John Cochrane, Colfax, Comins, Corning, Cox, Cragin, Curtis, Davidson, Davis of Maryland, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dick, Dimmick, Durfee, Edie, Elliott, Eustis, Farnsworth, Florence, Foster, Gillis, Gilman, Gilmer, Gooch, Granger, Groesbeck, Grow, Haskin, Hatch, Hawkins, Horton, Howard, Hughes, Owen Jones, Keim, Kellogg, Knapp, Leach, Maclay, McKibbin, Matteson, Maynard, Miles, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Mott, Nichols, Palmer, Pettit, William W. Phelps, Phillips, Pike, Potter, Purviance, Robbins, Roberts, Royce, Robert Smith, Stanton, James A. Stewart, Tappan, Thompson, Tompkins, Underwood, Wade, Walbridge, Waldron, Walton, Ward, Cadwalader C. Washburn, Elihu B. Washburne, White, Wortendyke, and Augustus R. Wright—96.

So the House refused to lay the bill on the table.

During the call of the roll,

Mr. CLARK, of Missouri, stated that he had paired off with Mr. CLARK B. COCHRANE.

POST OFFICE APPROPRIATION BILL.

Mr. LETCHER. I rise to a question of privilege. I am instructed by the committee of conference on the disagreement of the two Houses relative to the action of the Senate on the Post Office appropriation bill, to make a report.

The report was read, as follows:

The committee of conference on the disagreement between the two Houses on the resolutions adopted by them, respectively, in relation to the action of the House on the Senate's amendments to the bill (H. R. 872) making appropriations for defraying the expenses of the Post Office Department for the year ending the 30th of June, 1860, having met, after full and free conference have agreed as follows: That while neither House is understood to waive any constitutional right which they may respectively consider to belong to them, it be recommended to the House to pass the accompanying bill, and that the Senate concur in the same when it shall be sent to them.

CHARLES E. STUART,
J. A. PEARCE,
SOLOMON FOOT,
Managers on the part of the Senate.

J. LETCHER,
L. O'B. BRANCH,
GALUSHA A. GROW,
Managers on the part of the House.

The bill reported by the committee of conference is as follows:

An act making appropriations for the service of the Post Office Department during the fiscal year ending the 30th of June, 1860.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the service of the Post Office Department for the year ending the 30th of June, 1860, out of any moneys in the Treasury arising from the revenues of the said Department, in conformity to the act of the 2d of July, 1836:

For transportation of the mails, (inland,) $12,633,060.
For compensation to postmasters, $2,375,000.
For clerks in the offices of postmasters, $950,000.
For ship, steamboat, and way letters, $20,000.
For office furniture in the post offices, $4,000.
For advertising, $70,000.
For mail bags, $50,000.
For blanks, $80,000; to be printed by the lowest responsible bidder, after advertisements inviting bids for the same, for at least thirty days, shall have been published by the Postmaster General.

For wrapping paper, $50,000: *Provided*, That the contracts for the same shall be given to the lowest bidder.

For mail locks, keys, and stamps, $15,000.
For mail depredations and special agents, $75,000.

For miscellaneous payments, $200,000: *Provided*, That it shall be the duty of the Postmaster General to furnish to Congress, on the first Monday of December next, and of each and every year thereafter, a detailed statement of the expenditures made under the head of "miscellaneous payments;" and that it shall not be lawful to use any of the money hereby appropriated for the defense of suits brought against officers of the Post Office Department for malfeasance, misfeasance, or nonfeasance in office, or for acts committed by them under color of law, and in derogation of the rights of citizens.

For postage stamps and stamped envelopes, $100,000.

For publishing a new edition of the Post Office laws and regulations, and a list of post offices, $15,000; *Provided*, That the Postmaster General shall certify said new edition to be official, and that he shall give the contract for its publication to the lowest responsible bidder.

SEC. 2. *And be it further enacted*, That the sum of $3,838,728 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the revenue of the Post Office Department for the year ending the 30th of June, 1859: *Provided*, That the sums heretofore appropriated for the erection of the Post Office buildings, which shall remain in the Treasury, unexpended, at the close of the present fiscal year, are hereby reappropriated to the objects to which they are now applicable by law.

SEC. 3. *And be it further enacted*, That if the revenue of the Post Office Department shall be insufficient to defray the appropriations made in the first section of this act, the deficiency, if there be any, at the expiration of each quarter of the fiscal year, shall be paid out of any money in the Treasury not otherwise appropriated.

The bill was read a first and second time.

Mr. LETCHER demanded the previous question upon its engrossment and third reading.

The previous question was seconded, and the main question ordered to be put.

Mr. MASON. I call for the yeas and nays upon the engrossment.

Mr. LETCHER. It is now eleven o'clock. There is but one hour of the session left, and the Senate has yet to act upon the bill. I hope the yeas and nays will not be ordered.

Mr. MASON. I see there is an appropriation of about two million dollars for building houses all over the country. I insist on my call for the yeas and nays.

The yeas and nays were not ordered.

Mr. MASON. I call for tellers on the yeas and nays.

Tellers were not ordered.

Mr. MASON. I call for tellers on the question.

Tellers were not ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

Mr. LETCHER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States by J. B. HENRY, Esq., his Private Secretary, notifying the House that he had on this day approved and signed bills and a joint resolution, as follows:

An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1860;

Joint resolution amendatory of an act entitled "An act to regulate the compensation of members of Congress," approved August 16, 1856, so far as relates to such members as shall die during their term of service;

An act for the relief of James Collier;

An act for the relief of Mary Dusenbury;

An act for the relief of William M. Harrison;

An act for the relief of the assignees of Hugh Glenn;

An act for the relief of Lucy A. Wakefield, widow of Benjamin Wakefield;

An act for the relief of Ferdinand Coxe;

An act for the relief of congressional township No. 27 north, of range No. 6 east, in Wabash county, Indiana;

An act for the relief of John Perry, of Illinois; and

An act for the relief of Enoch B. Talcott, late collector of customs at Oswego, New York.

SHELDEN M'KNIGHT—AGAIN.

The question then recurred on ordering the bill for the relief of Shelden McKnight to a third reading.

Mr. MAYNARD. I desire to say that I was mistaken in supposing that this bill had been reported on adversely by the Committee of Claims. It was another, though similar, case. I deem it due to myself and the House that I should make this statement.

Mr. WALBRIDGE moved the previous question on the third reading of the bill.

The previous question was seconded, and the main question ordered.

The bill was ordered to a third reading; and was accordingly read the third time.

Mr. MOORE called for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 89, nays 86; as follows:

YEAS—Messrs. Abbott, Adrain, Andrews, Barr, Bennett, Bingham, Blair, Bliss, Bowie, Buffinton, Burlingame, Case, Cavanaugh, Ezra Clark, Clawson, John Cochrane, Colfax, Comins, Cox, Cragin, Crawford, Curtis, Davis of Maryland, Davis of Indiana, Davis of Massachusetts, Davis of Iowa, Dawes, Dean, Dimmick, Durfee, Edie, Farnsworth, Fenton, Florence, Foster, Gillis, Gilman, Gilmer, Gooch, Granger, Grow, Lawrence W. Hall, Robert B. Hall, Harris, Hatch, Hawkins, Horton, Howard, Huyler, Keim, Kellogg, Kilgore, Knapp, John C. Kunkel, Landy, Leach, McKibbin, Matteson, Morgan, Morrill, Edward Joy Morris, Freeman H. Morse, Oliver A. Morse, Mott, Nichols, Olin, Palmer, Pettit, William W. Phelps, Phillips, Pike, Potter, Robbins, Roberts, Royce, Russell, Robert Smith, Stanton, William Stewart, Thompson, Tompkins, Underwood, Wade, Walbridge, Waldron, Walton, Cadwalader C. Washburn, Elihu B. Washburne, and Wortendyke—89.

NAYS—Messrs. Ahl, Atkins, Avery, Barksdale, Bocock, Bonham, Boyce, Branch, Brayton, Burns, Caskie, Chapman, Cobb, James Craig, Curry, Davis of Mississippi, Dewart, Dick, Dodd, Dowdell, Edmundson, Elliott, English, Eustis, Faulkner, Foley, Garnett, Gartrell, Gregg, Grover, Hill, Hoard, Hodges, Hopkins, Houston, Hughes, Jackson, Jenkins, Jewett, George W. Jones, Keitt, Lamar, Leiter, Letcher, Lovejoy, Maclay, McQueen, Samuel S. Marshall, Mason, Millson, Moore, Isaac N. Morris, Murray, Niblack, Parker, Pendleton, Peyton, Powell, Ready, Reilly, Ruffin, Sandidge, Savage, Scales, Henry M. Shaw, John Sherman, Shorter, Singleton, Spinner, Stallworth, Stephens, Stevenson, James A. Stewart, Talbot, George Taylor, Miles Taylor, Thayer, Vallandingham, Vance, Ward, Watkins, Winslow, Wood, Woodson, Augustus R. Wright, and Zollicoffer—86.

So the bill was passed.

Mr. WALBRIDGE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

Mr. CRAWFORD called for the yeas and nays on the latter motion.

The yeas and nays were ordered.

The question was stated on the motion to lay on the table the motion to reconsider; and, at twenty minutes before twelve o'clock, the Clerk commenced to call the roll.

Mr. FLORENCE stated, when his name was called, that he had observed that his name was not recorded on the vote on the resolution for paying Bird B. Chapman. He was present, and voted in the affirmative.

At ten minutes before twelve o'clock,

Mr. LETCHER (interrupting the call) said: I move the usual resolution, that a committee be appointed to wait on the President of the United States, and inform him that this House is ready to adjourn *sine die*.

Mr. WALBRIDGE. I object to anything interfering with the call of the roll.

Mr. LETCHER. I submit the motion as a question of privilege.

The SPEAKER. The Chair does not think the motion of the gentleman from Virginia is a question of privilege.

Mr. LETCHER. Then I hope the gentleman from Michigan will withdraw his objection.

Mr. WALBRIDGE. I wish to say that I have no disposition to interrupt the business of the House; but the yeas and nays were called on this motion to defeat the bill, by preventing its going to the President for his signature, and I insist on my objection.

Mr. CAVANAUGH. I am willing to withdraw all objection I have made to the bill, if the call of the yeas and nays is withdrawn.

Objection was made.

EXECUTIVE COMMUNICATIONS.

Several executive communications lying on the Speaker's table were, by unanimous consent, ordered to lie on the table, and be printed.

Mr. FAULKNER. I object to one of those communications being printed until it has been before the Committee on Military Affairs.

Several MEMBERS. It is too late.

Mr. FAULKNER. I move to reconsider the vote by which the report of Captain Cram was ordered to be printed.

The SPEAKER. The gentleman's motion can be entered, but not considered, during the call of the roll.

The hour of twelve o'clock having arrived,

The SPEAKER rose and said: Gentlemen of the House of Representatives: The hour has arrived when our relations, personal and political, are to be severed. I congratulate you on the consummation of much of the legislation necessary to administer this Government without embarrassment.

I embrace this, the last occasion on which I shall have the honor of addressing you from this chair, to make my grateful acknowledgments for the uniform courtesy and kindness you have extended me as your Presiding Officer. Difficult and trying as has been the position, its labors have been greatly diminished by the cordial support you have so generously given me. The dignity and decorum that have marked your deliberations will compare most favorably with any of your predecessors. To this fact, I attribute whatever of success I may have attained in this chair.

The vote of thanks which you have offered me gives me assurance that my administration has been acceptable to you, and for that I thank you.

I have, throughout my term, sought most earnestly to do exact and equal justice to individuals, parties, and sections; and if I have failed in the purpose, through error, or prejudice, I now crave your pardon.

Trusting, gentlemen, that our deliberations here may realize for this great Republic the most prosperous development of all its immense resources, and invoking upon you through life the richest blessings of kind Heaven, I bid you farewell, and perform my last official act, by declaring the Thirty-Fifth Congress at an end.

The address was received with enthusiastic applause on both sides of the House; and the Speaker, on descending from the Chair, received the warmest congratulations of the members who crowded around him.

APPENDIX

TO

THE CONGRESSIONAL GLOBE:

CONTAINING

SPEECHES, IMPORTANT STATE PAPERS, LAWS, ETC.,

OF THE

SECOND SESSION THIRTY-FIFTH CONGRESS.

BY JOHN C. RIVES.

CITY OF WASHINGTON:
PRINTED AT THE OFFICE OF JOHN C. RIVES.
1859.

APPENDIX

TO THE CONGRESSIONAL GLOBE.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES.

Fellow-citizens of the Senate and House of Representatives:

When we compare the condition of the country at the present day with what it was one year ago, at the meeting of Congress, we have much reason for gratitude to that Almighty Providence, which has never failed to interpose for our relief, at the most critical periods of our history. One year ago, the sectional strife between the North and the South on the dangerous subject of slavery, had again become so intense as to threaten the peace and perpetuity of the Confederacy. The application for the admission of Kansas as a State into the Union, fostered this unhappy agitation, and brought the whole subject once more before Congress. It was the desire of every patriot that such measures of legislation might be adopted as would remove the excitement from the States, and confine it to the Territory where it legitimately belonged. Much has been done, I am happy to say, towards the accomplishment of this object, during the last session of Congress.

The Supreme Court of the United States had previously decided, that all American citizens have an equal right to take into the Territories whatever is held as property under the laws of any of the States; and to hold such property there under the guardianship of the Federal Constitution, so long as the territorial condition shall remain.

This is now a well-established position, and the proceedings of the last session were alone wanting to give it practical effect. The principle has been recognized, in some form or other, by an almost unanimous vote of both Houses of Congress, that a Territory has a right to come into the Union either as a free or a slave State, according to the will of a majority of its people. The just equality of all the States has thus been vindicated, and a fruitful source of dangerous dissension among them has been removed.

Whilst such has been the beneficial tendency of your legislative proceedings outside of Kansas, their influence has nowhere been so happy as within that Territory itself. Left to manage and control its own affairs in its own way, without the pressure of external influence, the revolutionary Topeka organization and all resistance to the territorial government established by Congress, have been finally abandoned. As a natural consequence, that fine Territory now appears to be tranquil and prosperous, and is attracting increasing thousands of immigrants to make it their happy home.

The past unfortunate experience of Kansas has enforced the lesson so often already taught, that resistance to lawful authority, under our form of government, cannot fail in the end to prove disastrous to its authors. Had the people of the Territory yielded obedience to the laws enacted by their Legislature, it would at the present moment have contained a large additional population of industrious and enterprising citizens, who have been deterred from entering its borders by the existence of civil strife and organized rebellion.

It was the resistance to rightful authority and the persevering attempts to establish a revolutionary government under the Topeka constitution, which caused the people of Kansas to commit the grave error of refusing to vote for delegates to the convention to frame a constitution under a law not denied to be fair and just in its provisions. This refusal to vote has been the prolific source of all the evils which have followed. In their hostility to the territorial government, they disregarded the principles absolutely essential to the working of our form of government, that a majority of those who vote—not the majority who may remain at home, from whatever cause—must decide the result of an election. For this reason, seeking to take advantage of their own error, they denied the authority of the convention thus elected to frame a constitution.

The convention, notwithstanding, proceeded to adopt a constitution unexceptionable in its general features, and providing for the submission of the slavery question to a vote of the people, which, in my opinion, they were bound to do, under the Kansas and Nebraska act. This was the all-important question which had alone convulsed the Territory; and yet the opponents of the lawful government, persisting in their first error, refrained from exercising their right to vote, and preferred that slavery should continue, rather than surrender their revolutionary Topeka organization.

A wiser and better spirit seemed to prevail before the first Monday of January last, when an election was held under the constitution. A majority of the people then voted for a Governor and other State officers, for a member of Congress, and members of the State Legislature. This election was warmly contested by the two political parties in Kansas, and a greater vote was polled than at any previous election. A large majority of the members of the Legislature elect belonged to that party which had previously refused to vote. The anti-slavery party were thus placed in the ascendant, and the political power of the State was in their own hands. Had Congress admitted Kansas into the Union under the Lecompton constitution, the Legislature might, at its very first session, have submitted the question to a vote of the people, whether they would or would not have a convention to amend their constitution, either on the slavery or any other question, and have adopted all necessary means for giving speedy effect to the will of the majority. Thus the Kansas question would have been immediately and finally settled.

Under these circumstances, I submitted to Congress the constitution thus framed, with all the officers already elected necessary to put the State government into operation, accompanied by a strong recommendation in favor of the admission of Kansas as a State. In the course of my long public life I have never performed any official act which, in the retrospect, has afforded me more heartfelt satisfaction. Its admission could have inflicted no possible injury on any human being, whilst it would, within a brief period, have restored peace to Kansas and harmony to the Union. In that event, the slavery question would ere this have been finally settled, according to the legally-expressed will of a majority of the voters, and popular sovereignty would thus have been vindicated in a constitutional manner.

With my deep convictions of duty, I could have pursued no other course. It is true, that, as an individual, I had expressed an opinion both before and during the session of the convention, in favor of submitting the remaining clauses of the constitution, as well as that concerning slavery, to the people. But, acting in an official character, neither myself nor any human authority had the power to rejudge the proceedings of the convention, and declare the constitution which it had framed to be a nullity. To have done this would have been a violation of the Kansas and Nebraska act, which left the people of the Territory "perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." It would equally have violated the great principle of popular sovereignty, at the foundation of our institutions, to deprive the people of the power, if they thought proper to exercise it, of confiding to delegates elected by themselves the trust of framing a constitution, without requiring them to subject their constituents to the trouble, expense, and delay of a second election. It would have been in opposition to many precedents in our history, commencing in the very best age of the Republic, of the admission of Territories as States into the Union, without a previous vote of the people, approving their constitution.

It is to be lamented that a question so insignificant when viewed in its practical effects on the people of Kansas, whether decided one way or the other, should have kindled such a flame of excitement throughout the country. This reflection may prove to be a lesson of wisdom and of warning for our future guidance. Practically considered, the question is simply whether the people of that Territory should first come into the Union and then change any provision in their constitution not agreeable to themselves, or accomplish the very same object by remaining out of the Union and framing another constitution in accordance with their will? In either case, the result would be precisely the same. The only difference in point of fact is, that the object would have been much sooner attained, and the pacification of Kansas more speedily effected, had it been admitted as a State during the last session of Congress.

My recommendation, however, for the immediate admission of Kansas, failed to meet the approbation of Congress. They deemed it wiser to adopt a different measure for the settlement of the question. For my own part, I should have been willing to yield my assent to almost any constitutional measure to accomplish this object. I, therefore, cordially acquiesced in what has been called the English compromise, and approved the "Act for the admission of the State of Kansas into the Union" upon the terms therein prescribed.

Under the ordinance which accompanied the

Lecompton constitution, the people of Kansas had claimed double the quantity of public lands for the support of common schools which had ever been previously granted to any State upon entering the Union; and also the alternate sections of land for twelve miles on each side of two railroads, proposed to be constructed from the northern to the southern boundary, and from the eastern to the western boundary of the State. Congress, deeming these claims unreasonable, provided, by the act of May 4, 1858, to which I have just referred, for the admission of the State on an equal footing with the original States, but "upon the fundamental condition precedent" that a majority of the people thereof, at an election to be held for that purpose, should, in place of the very large grants of public lands which they had demanded under the ordinance, accept such grants as had been made to Minnesota and other new States. Under this act, should a majority reject the proposition offered them, "it shall be deemed and held that the people of Kansas do not desire admission into the Union with said constitution, under the conditions set forth in said proposition." In that event, the act authorizes the people of the Territory to elect delegates to form a constitution and State government for themselves, "whenever, and not before, it is ascertained by a census, duly and legally taken, that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives of the Congress of the United States." The delegates thus assembled "shall first determine by a vote whether it is the wish of the people of the proposed State to be admitted into the Union at that time; and, if so, shall proceed to form a constitution and take all necessary steps for the establishment of a State government in conformity with the Federal Constitution." After this constitution shall have been formed, Congress, carrying out the principles of popular sovereignty and non-intervention, have left "the mode and manner of its approval or ratification by the people of the proposed State" to be "prescribed by law," and they "shall then be admitted into the Union as a State under such constitution, thus fairly and legally made, with or without slavery, as said constitution may prescribe."

An election was held throughout Kansas, in pursuance of the provisions of this act, on the 2d day of August last, and it resulted in its rejection, by a large majority, of the proposition submitted to the people by Congress. This being the case, they are now authorized to form another constitution, preparatory to admission into the Union, but not until their number, as ascertained by a census, shall equal or exceed the ratio required to elect a member to the House of Representatives.

It is not probable, in the present state of the case, that a third constitution can be lawfully framed and presented to Congress by Kansas, before its population shall have reached the designated number. Nor is it to be presumed that, after their sad experience in resisting the territorial laws, they will attempt to adopt a constitution in express violation of the provisions of an act of Congress. During the session of 1856, much of the time of Congress was occupied on the question of admitting Kansas under the Topeka constitution. Again, nearly the whole of the last session was devoted to the question of its admission under the Lecompton constitution. Surely it is not unreasonable to require the people of Kansas to wait, before making a third attempt, until the number of their inhabitants shall amount to ninety-three thousand four hundred and twenty. During this brief period the harmony of the States, as well as the great business interests of the country, demand that the people of the Union shall not for a third time be convulsed by another agitation on the Kansas question. By waiting for a short time, and acting in obedience to law, Kansas will glide into the Union without the slightest impediment.

This excellent provision, which Congress have applied to Kansas, ought to be extended and rendered applicable to all Territories which may hereafter seek admission into the Union.

Whilst Congress possess the undoubted power of admitting a new State into the Union, however small may be the number of its inhabitants, yet this power ought not, in my opinion, to be exercised before the population shall amount to the ratio required by the act for the admission of Kansas. Had this been previously the rule, the country would have escaped all the evils and misfortunes to which it has been exposed by the Kansas question.

Of course, it would be unjust to give this rule a retrospective application, and exclude a State which, acting upon the past practice of the Government, has already formed its constitution, elected its Legislature and other officers, and is now prepared to enter the Union.

The rule ought to be adopted, whether we consider its bearing on the people of the Territories or upon the people of the existing States. Many of the serious dissensions which have prevailed in Congress and throughout the country would have been avoided, had this rule been established at an earlier period of the Government.

Immediately upon the formation of a new Territory, people from different States and from foreign countries rush into it, for the laudable purpose of improving their condition. Their first duty to themselves is to open and cultivate farms, to construct roads, to establish schools, to erect places of religious worship, and to devote their energies generally to reclaim the wilderness and to lay the foundations of a flourishing and prosperous commonwealth. If, in this incipient condition, with a population of a few thousand, they should prematurely enter the Union, they are oppressed by the burden of State taxation and the means necessary for the improvement of the Territory, and the advancement of their own interests are thus diverted to very different purposes.

The Federal Government has ever been a liberal parent to the Territories, and a generous contributor to the useful enterprises of the early settlers. It has paid the expenses of their governments and Legislative Assemblies out of the common Treasury, and thus relieved them from a heavy charge. Under these circumstances, nothing can be better calculated to retard their material progress than to divert them from their useful employments, by prematurely exciting angry political contests among themselves, for the benefit of aspiring leaders. It is surely no hardship for embryo Governors, Senators, and members of Congress, to wait until the number of inhabitants shall equal those of a single congressional district. They surely ought not to be permitted to rush into the Union, with a population less than one half of several of the large counties in the interior of some of the States. This was the condition of Kansas when it made application to be admitted under the Topeka constitution. Besides, it requires some time to render the mass of a population collected in a new Territory at all homogeneous, and to unite them on anything like a fixed policy. Establish the rule, and all will look forward to it, and govern themselves accordingly.

But justice to the people of the several States requires that this rule should be established by Congress. Each State is entitled to two Senators and at least one Representative in Congress. Should the people of the States fail to elect a Vice President, the power devolves upon the Senate to select this officer from the two highest candidates on the list. In case of the death of the President, the Vice President thus elected by the Senate becomes President of the United States. On all questions of legislation, the Senators from the smallest States of the Union have an equal vote with those from the largest. The same may be said in regard to the ratification of treaties and of Executive appointments. All this has worked admirably in practice, whilst it conforms in principle with the character of a Government instituted by sovereign States. I presume no American citizen would desire the slightest change in the arrangement. Still, is it not unjust and unequal to the existing States to invest some forty or fifty thousand people collected in a Territory with the attributes of sovereignty, and place them on an equal footing with Virginia and New York in the Senate of the United States?

For these reasons, I earnestly recommend the passage of a general act, which shall provide that upon the application of a Territorial Legislature, declaring their belief that the Territory contains a number of inhabitants which, if in a State, would entitle them to elect a member of Congress, it shall be the duty of the President to cause a census of the inhabitants to be taken, and if found sufficient, then, by the terms of this act, to authorize them to proceed "in their own way" to frame a State constitution preparatory to admission into the Union. I also recommend that an appropriation may be made to enable the President to take a census of the people of Kansas.

The present condition of the Territory of Utah, when contrasted with what it was one year ago, is a subject for congratulation. It was then in a state of open rebellion, and, cost what it might, the character of the Government required that this rebellion should be suppressed and the Mormons compelled to yield obedience to the Constitution and the laws. In order to accomplish this object, as I informed you in my last annual message, I appointed a new Governor instead of Brigham Young, and other Federal officers to take the place of those who, consulting their personal safety, had found it necessary to withdraw from the Territory. To protect these civil officers, and to aid them, as a *posse comitatus*, in the execution of the laws in case of need, I ordered a detachment of the Army to accompany them to Utah. The necessity for adopting these measures is now demonstrated.

On the 15th September, 1857, Governor Young issued his proclamation, in the style of an independent sovereign, announcing his purpose to resist by force of arms the entry of the United States troops into our own Territory of Utah. By this he required all the forces in the Territory to "hold themselves in readiness to march at a moment's notice to repel any and all such invasion," and established martial law from its date throughout the Territory. These proved to be no idle threats. Forts Bridger and Supply were vacated and burned down by the Mormons, to deprive our troops of a shelter after their long and fatiguing march. Orders were issued by Daniel H. Wells, styling himself "Lieutenant General, Nauvoo Legion," to stampede the animals of the United States troops on their march, to set fire to their trains, to burn the grass and the whole country before them and on their flanks, to keep them from sleeping by night surprises, and to blockade the road by felling trees, and destroying the fords of rivers, &c.

These orders were promptly and effectually obeyed. On the 4th October, 1857, the Mormons captured and burned on Green river three of our supply trains, consisting of seventy-five wagons loaded with provisions and tents for the army, and carried away several hundred animals. This diminished the supply of provisions so materially that General Johnston was obliged to reduce the ration; and even with this precaution, there was only sufficient left to subsist the troops until the 1st of June.

Our little army behaved admirably in their encampment at Fort Bridger, under these trying privations. In the midst of the mountains, in a dreary, unsettled, and inhospitable region, more than a thousand miles from home, they passed the severe and inclement winter without a murmur. They looked forward with confidence for relief from their country in due season, and in this they were not disappointed.

The Secretary of War employed all his energies to forward them the necessary supplies, and to muster and send such a military force to Utah as would render resistance on the part of the Mormons hopeless, and thus terminate the war without the effusion of blood. In his efforts he was efficiently sustained by Congress. They granted appropriations sufficient to cover the deficiency thus necessarily created, and also provided for raising two regiments of volunteers, "for the purpose of quelling disturbances in the Territory of Utah, for the protection of supply and emigrant trains, and the suppression of Indian hostilities on the frontiers." Happily, there was no occasion to call these regiments into service. If there had been, I should have felt serious embarrassment in selecting them, so great was the number of our brave and patriotic citizens anxious to serve their country in this distant and apparently dangerous expedition. Thus it has ever been, and thus may it ever be!

The wisdom and economy of sending sufficient reinforcements to Utah are established not only by the event, but in the opinion of those who, from their position and opportunities, are the most capable of forming a correct judgment. General Johnston, the commander of the forces, in addressing the Secretary of War from Fort Bridger, under date of October 18, 1857, expresses the opinion that "unless a large force is sent here, from the nature of the country, a protracted war on their [the Mormons] part is inevitable." This he considered necessary, to terminate the war "speedily and more economically than if attempted by insufficient means."

In the mean time, it was my anxious desire that the Mormons should yield obedience to the Constitution and the laws, without rendering it necessary to resort to military force. To aid in accomplishing this object, I deemed it advisable in April last, to dispatch two distinguished citizens of the United States, Messrs. Powell and McCulloch, to Utah. They bore with them a proclamation addressed by myself to the inhabitants of Utah, dated on the sixth day of that month, warning them of their true condition, and how hopeless it was on their part to persist in rebellion against the United States, and offering all those who should submit to the laws a full pardon for their past seditions and treasons. At the same time, I assured those who should persist in rebellion against the United States, that they must expect no further lenity, but look to be rigorously dealt with according to their deserts. The instructions to these agents, as well as a copy of the proclamation, and their reports are herewith submitted. It will be seen by their report of the 3d of July last, that they have fully confirmed the opinion expressed by General Johnston in the previous October, as to the necessity of sending reinforcements to Utah. In this they state that they "are firmly impressed with the belief that the presence of the army here and the large additional force that had been ordered to this Territory, were the chief inducements that caused the Mormons to abandon the idea of resisting the authority of the United States. A less decisive policy would probably have resulted in a long, bloody, and expensive war."

These gentlemen conducted themselves to my entire satisfaction, and rendered useful services in executing the humane intentions of the Government.

It also affords me great satisfaction to state that Governor Cumming has performed his duty in an able and conciliatory manner, and with the happiest effect. I cannot, in this connection, refrain from mentioning the valuable services of Colonel Thomas L. Kane, who, from motives of pure benevolence, and without any official character or pecuniary compensation, visited Utah during the last inclement winter, for the purpose of contributing to the pacification of the Territory.

I am happy to inform you, that the Governor and other civil officers of Utah, are now performing their appropriate functions without resistance. The authority of the Constitution and the laws has been fully restored, and peace prevails throughout the Territory.

A portion of the troops sent to Utah are now encamped in Cedar Valley, forty-four miles southwest of Salt Lake City; and the remainder have been ordered to Oregon to suppress Indian hostilities.

The march of the army to Salt Lake City, through the Indian territory, has had a powerful effect in restraining the hostile feelings against the United States, which existed among the Indians in that region, and in securing emigrants to the far West against their depredations. This will also be the means of establishing military posts and promoting settlements along the route.

I recommend that the benefits of our land laws and preëmption system be extended to the people of Utah, by the establishment of a land office in that Territory.

I have occasion, also, to congratulate you on the result of our negotiations with China.

You were informed by my last annual message, that our Minister had been instructed to occupy a neutral position in the hostilities conducted by Great Britain and France against Canton. He was, however, at the same time, directed to cooperate cordially with the British and French Ministers, in all peaceful measures to secure by treaty those just concessions to foreign commerce, which the nations of the world had a right to demand. It was impossible for me to proceed further than this, on my own authority, without usurping the war-making power, which, under the Constitution, belongs exclusively to Congress.

Besides, after a careful examination of the nature and extent of our grievances, I did not believe they were of such a pressing and aggravated character, as would have justified Congress in declaring war against the Chinese empire, without first making another earnest attempt to adjust them by peaceful negotiation. I was the more inclined to this opinion, because of the severe chastisement which had then but recently been inflicted upon the Chinese by our squadron, in the capture and destruction of the Barrier forts, to avenge an alleged insult to our flag.

The event has proved the wisdom of our neutrality. Our Minister has executed his instructions with eminent skill and ability. In conjunction with the Russian plenipotentiary, he has peacefully, but effectually, coöperated with the English and French plenipotentiaries; and each of the four Powers has concluded a separate treaty with China, of a highly satisfactory character. The treaty concluded by our own plenipotentiary will immediately be submitted to the Senate.

I am happy to announce that through the energetic, yet conciliatory efforts of our consul general in Japan, a new treaty has been concluded with that empire, which may be expected materially to augment our trade and intercourse in that quarter, and remove from our countrymen the disabilities which have heretofore been imposed upon the exercise of their religion. The treaty shall be submitted to the Senate for approval without delay.

It is my earnest desire that every misunderstanding with the Government of Great Britain should be amicably and speedily adjusted. It has been the misfortune of both countries almost ever since the period of the Revolution, to have been annoyed by a succession of irritating and dangerous questions, threatening their friendly relations. This has partially prevented the full development of those feelings of mutual friendship between the people of the two countries, so natural in themselves and so conducive to their common interest. Any serious interruption of the commerce between the United States and Great Britain, would be equally injurious to both. In fact, no two nations have ever existed on the face of the earth which could do each other so much good or so much harm.

Entertaining these sentiments, I am gratified to inform you that the long-pending controversy between the two Governments, in relation to the question of visitation and search, has been amicably adjusted. The claim on the part of Great Britain, forcibly to visit American vessels on the high seas in time of peace, could not be sustained under the law of nations, and it had been overruled by her own most eminent jurists. This question was recently brought to an issue by the repeated acts of British cruisers in boarding and searching our merchant vessels in the Gulf of Mexico and the adjacent seas. These acts were the more injurious and annoying as these waters are traversed by a large portion of the commerce and navigation of the United States, and their free and unrestricted use is essential to the security of the coastwise trade between different States of the Union. Such vexatious interruptions could not fail to excite the feelings of the country, and to require the interposition of the Government. Remonstrances were addressed to the British Government against these violations of our rights of sovereignty, and a naval force was at the same time ordered to the Cuban waters, with directions "to protect all vessels of the United States on the high seas from search or detention by the vessels-of-war of any other nation." These measures received the unqualified and even enthusiastic approbation of the American people. Most fortunately, however, no collision took place, and the British Government promptly avowed its recognition of the principles of international law upon this subject, as laid down by the Government of the United States, in the note of the Secretary of State to the British Minister at Washington, of April 10, 1858, which secure the vessels of the United States upon the high seas from visitation or search in time of peace, under any circumstances whatever. The claim has been abandoned in a manner reflecting honor on the British Government, and evincing a just regard for the law of nations, and cannot fail to strengthen the amicable relations between the two countries.

The British Government, at the same time, proposed to the United States that some mode should be adopted, by mutual arrangement between the two countries, of a character which may be found effective without being offensive, for verifying the nationality of vessels suspected on good grounds of carrying false colors. They have also invited the United States to take the initiative, and propose measures for this purpose. Whilst declining to assume so grave a responsibility, the Secretary of State has informed the British Government that we are ready to receive any proposals which they may feel disposed to offer, having this object in view, and to consider them in an amicable spirit. A strong opinion is, however, expressed, that the occasional abuse of the flag of any nation, is an evil far less to be deprecated, than would be the establishment of any regulations which might be incompatible with the freedom of the seas. This Government has yet received no communication specifying the manner in which the British Government would propose to carry out their suggestion; and I am inclined to believe, that no plan which can be devised, will be free from grave embarrassments. Still, I shall form no decided opinion on the subject, until I shall have carefully and in the best spirit examined any proposals which they may think proper to make.

I am truly sorry I cannot also inform you that the complications between Great Britain and the United States, arising out of the Clayton and Bulwer treaty of April, 1850, have been finally adjusted.

At the commencement of your last session, I had reason to hope that, emancipating themselves from further unavailing discussions, the two Governments would proceed to settle the Central American question in a practical manner, alike honorable and satisfactory to both; and this hope I have not yet abandoned. In my last annual message, I stated that overtures had been made by the British Government for this purpose in a friendly spirit, which I cordially reciprocated. Their proposal was to withdraw these questions from direct negotiation between the two Governments; but to accomplish the same object, by a negotiation between the British Government and each of the Central American Republics whose territorial interests are immediately involved. The settlement was to be made in accordance with the general tenor of the interpretation placed upon the Clayton and Bulwer treaty by the United States, with certain modifications. As negotiations are still pending upon this basis, it would not be proper for me now to communicate their present condition. A final settlement of these questions is greatly to be desired, as this would wipe out the last remaining subject of dispute between the two countries.

Our relations with the great empires of France and Russia, as well as with all other Governments on the continent of Europe, except that of Spain, continue to be of the most friendly character.

With Spain our relations remain in an unsatisfactory condition. In my message of December last, I informed you that our Envoy Extraordinary and Minister Plenipotentiary to Madrid had asked for his recall; and it was my purpose to send out a new Minister to that Court, with special instructions on all questions pending between the two Governments, and with a determination to have them speedily and amicably adjusted, if that were possible. This purpose has been hitherto defeated by causes which I need not enumerate.

The mission to Spain has been intrusted to a distinguished citizen of Kentucky, who will proceed to Madrid without delay, and make another and a final attempt to obtain justice from that Government.

Spanish officials, under the direct control of the

Captain General of Cuba, have insulted our national flag; and, in repeated instances, have from time to time inflicted injuries on the persons and property of our citizens. These have given birth to numerous claims against the Spanish Government, the merits of which have been ably discussed for a series of years by our successive diplomatic representatives. Notwithstanding this, we have not arrived at a practical result in any single instance, unless we may except the case of the Black Warrior under the late Administration; and that presented an outrage of such a character as would have justified an immediate resort to war. All our attempts to obtain redress have been baffled and defeated. The frequent and oft-recurring changes in the Spanish Ministry have been employed as reasons for delay. We have been compelled to wait, again and again, until the new minister shall have had time to investigate the justice of our demands.

Even what had been denominated "the Cuban claims," in which more than a hundred of our citizens are directly interested, have furnished no exception. These claims were for the refunding of duties unjustly exacted from American vessels at different custom-houses in Cuba, so long ago as the year 1844. The principles upon which they rest are so manifestly equitable and just, that after a period of nearly ten years, in 1854, they were recognized by the Spanish Government. Proceedings were afterwards instituted to ascertain their amount, and this was finally fixed, according to their own statement, (with which we were satisfied,) at the sum of $128,635 54. Just at the moment, after a delay of fourteen years, when we had reason to expect that this sum would be repaid, with interest, we have received a proposal offering to refund one third of that amount, ($42,878 41,) but without interest, if we would accept this in full satisfaction. The offer is, also, accompanied by a declaration that this indemnification is not founded on any reason of strict justice, but is made as a special favor.

One alleged cause for procrastination, in the examination and adjustment of our claims, arises from an obstacle which it is the duty of the Spanish Government to remove. Whilst the Captain General of Cuba is invested with general despotic authority in the government of that island, the power is withheld from him to examine and redress wrongs committed by officials under his control, on citizens of the United States. Instead of making our complaints directly to him at Havana, we are obliged to present them through our Minister at Madrid. These are then referred back to the Captain General for information; and much time is thus consumed in preliminary investigations and correspondence between Madrid and Cuba, before the Spanish Government will consent to proceed to negotiation. Many of the difficulties between the two Governments would be obviated, and a long train of negotiations avoided, if the Captain General were invested with authority to settle questions of easy solution on the spot, where all the facts are fresh, and could be promptly and satisfactorily ascertained. We have hitherto in vain urged upon the Spanish Government to confer this power upon the Captain General, and our Minister to Spain will again be instructed to urge this subject on their notice. In this respect, we occupy a different position from the Powers of Europe. Cuba is almost within sight of our shores; our commerce with it is far greater than that of any other nation, including Spain itself; and our citizens are in habits of daily and extended personal intercourse with every part of the island. It is, therefore, a great grievance that, when any difficulty occurs, no matter how unimportant, which might be readily settled at the moment, we should be obliged to resort to Madrid, especially when the very first step to be taken there is to refer it back to Cuba.

The truth is that Cuba, in its existing colonial condition, is a constant source of injury and annoyance to the American people. It is the only spot in the civilized world where the African slave-trade is tolerated; and we are bound by treaty with Great Britain to maintain a naval force on the coast of Africa, at much expense both of life and treasure, solely for the purpose of arresting slavers bound to that island. The late serious difficulty between the United States and Great Britain respecting the right of search, now so happily terminated, could never have arisen if Cuba had not afforded a market for slaves. As long as this market shall remain open, there can be no hope for the civilization of benighted Africa. Whilst the demand for slaves continues in Cuba, wars will be waged among the petty and barbarous chiefs in Africa, for the purpose of seizing subjects to supply this trade. In such a condition of affairs, it is impossible that the light of civilization and religion can ever penetrate these dark abodes.

It has been made known to the world by my predecessors, that the United States have, on several occasions, endeavored to acquire Cuba from Spain by honorable negotiation. If this were accomplished, the last relic of the African slave-trade would instantly disappear. We would not, if we could, acquire Cuba in any other manner. This is due to our national character. All the territory which we have acquired since the origin of the Government has been by fair purchase from France, Spain, and Mexico, or by the free and voluntary act of the independent State of Texas, in blending her destinies with our own. This course we shall ever pursue, unless circumstances should occur, which we do not now anticipate, rendering a departure from it clearly justifiable, under the imperative and overruling law of self-preservation.

The Island of Cuba, from its geographical position, commands the mouth of the Mississippi, and the immense and annually increasing trade, foreign and coastwise, from the valley of that noble river, now embracing half the sovereign States of the Union. With that island under the dominion of a distant foreign Power, this trade, of vital importance to these States, is exposed to the danger of being destroyed in time of war, and it has hitherto been subjected to perpetual injury and annoyance in time of peace. Our relations with Spain, which ought to be of the most friendly character, must always be placed in jeopardy, whilst the existing colonial government over the island shall remain in its present condition.

Whilst the possession of the island would be of vast importance to the United States, its value to Spain is, comparatively, unimportant. Such was the relative situation of the parties when the great Napoleon transferred Louisiana to the United States. Jealous, as he ever was, of the national honor and interests of France, no person throughout the world has imputed blame to him for accepting a pecuniary equivalent for this cession.

The publicity which has been given to our former negotiations upon this subject, and the large appropriation which may be required to effect the purpose, render it expedient, before making another attempt to renew the negotiation, that I should lay the whole subject before Congress. This is especially necessary, as it may become indispensable to success, that I should be intrusted with the means of making an advance to the Spanish Government immediately after the signing of the treaty, without awaiting the ratification of it by the Senate. I am encouraged to make this suggestion by the example of Mr. Jefferson previous to the purchase of Louisiana from France, and by that of Mr. Polk in view of the acquisition of territory from Mexico. I refer the whole subject to Congress, and commend it to their careful consideration.

I repeat the recommendation made in my message of December last, in favor of an appropriation "to be paid to the Spanish Government for the purpose of distribution among the claimants in the Amistad case." President Polk first made a similar recommendation in December, 1847, and it was repeated by my immediate predecessor in December, 1853. I entertain no doubt that indemnity is fairly due to these claimants under our treaty with Spain of the 27th October, 1795; and whilst demanding justice we ought to do justice. An appropriation promptly made for this purpose, could not fail to exert a favorable influence on our negotiations with Spain.

Our position in relation to the independent States south of us on this continent, and especially those within the limits of North America, is of a peculiar character. The northern boundary of Mexico is coincident with our own southern boundary from ocean to ocean; and we must necessarily feel a deep interest in all that concerns the well-being and the fate of so near a neighbor. We have always cherished the kindest wishes for the success of that Republic, and have indulged the hope that it might at last, after all its trials, enjoy peace and prosperity under a free and stable Government. We have never hitherto interfered, directly or indirectly, with its internal affairs, and it is a duty which we owe to ourselves, to protect the integrity of its territory against the hostile interference of any other Power. Our geographical position, our direct interest in all that concerns Mexico, and our well-settled policy in regard to the North American continent, render this an indispensable duty.

Mexico has been in a state of constant revolution almost ever since it achieved its independence. One military leader after another has usurped the Government in rapid succession; and the various constitutions from time to time adopted, have been set at naught almost as soon as they were proclaimed. The successive governments have afforded no adequate protection, either to Mexican citizens or foreign residents, against lawless violence. Heretofore, a seizure of the capital by a military chieftain, has been generally followed by at least the nominal submission of the country to his rule for a brief period; but not so at the present crisis of Mexican affairs. A civil war has been raging for some time throughout the Republic, between the central Government at the city of Mexico, which has endeavored to subvert the constitution last framed, by military power, and those who maintain the authority of that constitution. The antagonist parties each hold possession of different States of the Republic, and the fortunes of the war are constantly changing. Meanwhile, the most reprehensible means have been employed by both parties to extort money from foreigners, as well as natives, to carry on this ruinous contest. The truth is, that this fine country, blessed with a productive soil and a benign climate, has been reduced by civil dissension to a condition of almost hopeless anarchy and imbecility. It would be vain for this Government to attempt to enforce payment in money of the claims of American citizens, now amounting to more than ten million dollars, against Mexico, because she is destitute of all pecuniary means to satisfy these demands.

Our late Minister was furnished with ample powers and instructions for the adjustment of all pending questions with the central Government of Mexico, and he performed his duty with zeal and ability. The claims of our citizens, some of them arising out of the violation of an express provision of the treaty of Caudalupe Hidalgo, and others from gross injuries to persons as well as property, have remained unredressed and even unnoticed. Remonstrances against these grievances have been addressed without effect to that Government. Meantime, in various parts of the Republic, instances have been numerous of the murder, imprisonment, and plunder of our citizens, by different parties claiming and exercising a local jurisdiction; but the central Government, although repeatedly urged thereto, have made no effort either to punish the authors of these outrages or to prevent their recurrence. No American citizen can now visit Mexico on lawful business, without imminent danger to his person and property. There is no adequate protection to either; and in this respect our treaty with that Republic is almost a dead letter.

This state of affairs was brought to a crisis in May last, by the promulgation of a decree levying a contribution *pro rata* upon all the capital in the Republic, between certain specified amounts, whether held by Mexicans or foreigners. Mr. Forsyth, regarding this decree in the light of a "forced loan," formally protested against its application to his countrymen, and advised them not to pay the contribution, but to suffer it to be forcibly exacted. Acting upon this advice, an American citizen refused to pay the contribution, and his property was seized by armed men to satisfy the amount. Not content with this, the Government proceeded still further, and issued a decree banishing him from the country. Our Minister immediately notified them that if this decree should be carried into execution he would feel it to be his duty to adopt "the most decided measures that belong to the powers and obliga-

tions of the representative office." Notwithstanding this warning, the banishment was enforced; and Mr. Forsyth promptly announced to the Government the suspension of the political relations of his legation with them, until the pleasure of his own Government should be ascertained.

This Government did not regard the contribution imposed by the decree of the 15th May last to be in strictness a "forced loan," and as such prohibited by the tenth article of the treaty of 1826 between Great Britain and Mexico, to the benefits of which American citizens are entitled by treaty; yet the imposition of the contribution upon foreigners was considered an unjust and oppressive measure. Besides, internal factions in other parts of the Republic were at the same time levying similar exactions upon the property of our citizens, and interrupting their commerce. There had been an entire failure, on the part of our Minister, to secure redress for the wrongs which our citizens had endured, notwithstanding his persevering efforts. And from the temper manifested by the Mexican Government, he had repeatedly assured us that no favorable change could be expected, until the United States should "give striking evidence of their will and power to protect their citizens," and that "severe chastening is the only earthly remedy for our grievances." From this statement of facts, it would have been worse than idle to direct Mr. Forsyth to retrace his steps and resume diplomatic relations with that Government; and it was, therefore, deemed proper to sanction his withdrawal of the legation from the city of Mexico.

Abundant cause now undoubtedly exists for a resort to hostilities against the Government still holding possession of the capital. Should they succeed in subduing the constitutional forces, all reasonable hope will then have expired of a peaceful settlement of our difficulties.

On the other hand, should the constitutional party prevail, and their authority be established over the Republic, there is reason to hope that they will be animated by a less unfriendly spirit, and may grant that redress to American citizens which justice requires, so far as they may possess the means. But for this expectation, I should at once have recommended to Congress to grant the necessary power to the President to take possession of a sufficient portion of the remote and unsettled territory of Mexico, to be held in pledge until our injuries shall be redressed and our just demands be satisfied. We have already exhausted every milder means of obtaining justice. In such a case, this remedy of reprisals is recognized by the law of nations not only as just in itself, but as a means of preventing actual war.

But there is another view of our relations with Mexico, arising from the unhappy condition of affairs along our southwestern frontier, which demands immediate action. In that remote region, where there are but few white inhabitants, large bands of hostile and predatory Indians roam promiscuously over the Mexican States of Chihuahua and Sonora and our adjoining Territories. The local governments of these States are perfectly helpless, and are kept in a state of constant alarm by the Indians. They have not the power, if they possessed the will, even to restrain lawless Mexicans from passing the border and committing depredations on our remote settlers. A state of anarchy and violence prevails throughout that distant frontier. The laws are a dead letter, and life and property are wholly insecure. For this reason the settlement of Arizona is arrested, whilst it is of great importance that a chain of inhabitants should extend all along its southern border, sufficient for their own protection and that of the United States mail passing to and from California. Well-founded apprehensions are now entertained that the Indians, and wandering Mexicans equally lawless, may break up the important stage and postal communication recently established between our Atlantic and Pacific possessions. This passes very near to the Mexican boundary, throughout the whole length of Arizona. I can imagine no possible remedy for these evils, and no mode of restoring law and order on that remote and unsettled frontier, but for the Government of the United States to assume a temporary protectorate over the northern portions of Chihuahua and Sonora, and to establish military posts within the same; and this I earnestly recommend to Congress. This protection may be withdrawn as soon as local governments shall be established in those Mexican States capable of performing their duties to the United States, restraining the lawless, and preserving peace along the border.

I do not doubt that this measure will be viewed in a friendly spirit by the governments and people of Chihuahua and Sonora, as it will prove equally effectual for the protection of their citizens on that remote and lawless frontier, as for citizens of the United States.

And, in this connection, permit me to recall your attention to the condition of Arizona. The population of that Territory, numbering, as is alleged, more than ten thousand souls, are practically without a government, without laws, and without any regular administration of justice. Murder and other crimes are committed with impunity. This state of things calls loudly for redress, and I therefore repeat my recommendation for the establishment of a territorial government over Arizona.

The political condition of the narrow isthmus of Central America through which transit routes pass, between the Atlantic and Pacific oceans, presents a subject of deep interest to all commercial nations. It is over these transits that a large proportion of the trade and travel between the European and Asiatic continent, is destined to pass. To the United States these routes are of incalculable importance as a means of communication between their Atlantic and Pacific possessions. The latter now extend throughout seventeen degrees of latitude on the Pacific coast, embracing the important State of California and the flourishing Territories of Oregon and Washington. All commercial nations, therefore, have a deep and direct interest that these communications shall be rendered secure from interruption. If an arm of the sea, connecting the two oceans, penetrated through Nicaragua and Costa Rica, it could not be pretended that these States would have the right to arrest or retard its navigation, to the injury of other nations. The transit by land over this narrow isthmus occupies nearly the same position. It is a highway in which they themselves have little interest, when compared with the vast interest of the rest of the world. Whilst their rights of sovereignty ought to be respected, it is the duty of other nations to require that this important passage shall not be interrupted by the civil wars and revolutionary outbreaks which have so frequently occurred in that region. The stake is too important to be left at the mercy of rival companies claiming to hold conflicting contracts with Nicaragua. The commerce of other nations is not to stand still and await the adjustment of such petty controversies. The Government of the United States expect no more than this, and they will not be satisfied with less. They would not, if they could, derive any advantage from the Nicaragua transit not common to the rest of the world. Its neutrality and protection, for the common use of all nations, is their only object. They have no objection that Nicaragua shall demand and receive a fair compensation from the companies and individuals who may traverse the route; but they insist that it shall never hereafter be closed by an arbitrary decree of that Government. If disputes arise between it and those with whom they may have entered into contracts, these must be adjusted by some fair tribunal provided for the purpose, and the route must not be closed pending the controversy. This is our whole policy, and it cannot fail to be acceptable to other nations.

All these difficulties might be avoided, if, consistently with the good faith of Nicaragua, the use of this transit could be thrown open to general competition; providing, at the same time, for the payment of a reasonable rate to the Nicaraguan Government on passengers and freight.

In August, 1852, the Accessory Transit Company made its first inter-oceanic trip over the Nicaraguan route, and continued in successful operation, with great advantage to the public, until the 18th February, 1856, when it was closed, and the grant to this company, as well as its charter, were summarily and arbitrarily revoked by the Government of President Rivas. Previous to this date, however, in 1854, serious disputes concerning the settlement of their accounts had arisen between the company and the Government, threatening the interruption of the route at any moment. These the United States in vain endeavored to compose. It would be useless to narrate the various proceedings which took place between the parties up till the time when the transit was discontinued. Suffice it to say, that since February, 1856, it has remained closed, greatly to the prejudice of citizens of the United States. Since that time the competition has ceased between the rival routes of Panama and Nicaragua; and, in consequence thereof, an unjust and unreasonable amount has been exacted from our citizens for their passage to and from California.

A treaty was signed on the 16th day of November, 1857, by the Secretary of State and Minister of Nicaragua, under the stipulations of which the use and protection of the transit route would have been secured, not only to the United States, but equally to all other nations. How and on what pretexts this treaty has failed to receive the ratification of the Nicaraguan Government, will appear by the papers herewith communicated from the State Department. The principal objection seems to have been to the provision authorizing the United States to employ force to keep the route open, in case Nicaragua should fail to perform her duty in this respect. From the feebleness of that Republic, its frequent changes of government, and its constant internal dissensions, this had become a most important stipulation, and one essentially necessary not only for the security of the route, but for the safety of American citizens passing and repassing to and from our Pacific possessions. Were such a stipulation embraced in a treaty between the United States and Nicaragua, the knowledge of this fact would of itself most probably prevent hostile parties from committing aggressions on the route, and render our actual interference for its protection unnecessary.

The executive government of this country, in its intercourse with foreign nations, is limited to the employment of diplomacy alone. When this fails, it can proceed no further. It cannot legitimately resort to force, without the direct authority of Congress, except in resisting and repelling hostile attacks. It would have no authority to enter the territories of Nicaragua, even to prevent the destruction of the transit, and protect the lives and property of our own citizens on their passage. It is true, that on a sudden emergency of this character, the President would direct any armed force in the vicinity to march to their relief; but in doing this he would act upon his own responsibility.

Under these circumstances, I earnestly recommend to Congress the passage of an act authorizing the President, under such restrictions as they may deem proper, to employ the land and naval forces of the United States in preventing the transit from being obstructed or closed by lawless violence, and in protecting the lives and property of American citizens traveling thereupon, requiring at the same time that these forces shall be withdrawn the moment the danger shall have passed away. Without such a provision, our citizens will be constantly exposed to interruption in their progress, and to lawless violence.

A similar necessity exists for the passage of such an act, for the protection of the Panama and Tehuantepec routes.

In reference to the Panama route, the United States, by their existing treaty with New Granada, expressly guaranty the neutrality of the isthmus, "with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists."

In regard to the Tehuantepec route, which has been recently opened under the most favorable auspices, our treaty with Mexico of the 30th December, 1853, secures to the citizens of the United States a right of transit over it for their persons and merchandise, and stipulates that neither Government shall "interpose any obstacle" thereto. It also concedes to the United States the "right to transport across the isthmus, in closed bags, the mails of the United States not intended for distribution along the line of the communication; also, the effects of the United States Government

and its citizens which may be intended for transit, and not for distribution on the isthmus, free of custom-house or other charges by the Mexican Government."

These treaty stipulations with New Granada and Mexico, in addition to the considerations applicable to the Nicaragua route, seem to require legislation for the purpose of carrying them into effect.

The injuries which have been inflicted upon our citizens in Costa Rica and Nicaragua during the last two or three years have received the prompt attention of this Government. Some of these injuries were of the most aggravated character. The transaction at Virgin Bay, in April, 1856, when a company of unarmed Americans, who were in no way connected with any belligerent conduct or party, were fired upon by the troops of Costa Rica, and numbers of them killed and wounded, was brought to the knowledge of Congress by my predecessor soon after its occurrence; and was also presented to the Government of Costa Rica for that immediate investigation and redress which the nature of the case demanded. A similar course was pursued with reference to other outrages in these countries, some of which were hardly less aggravated in their character than the transaction at Virgin Bay. At the time, however, when our present Minister to Nicaragua was appointed, in December, 1857, no redress had been obtained for any of these wrongs, and no reply even had been received to the demands which had been made by this Government upon that of Costa Rica more than a year before. Our Minister was instructed, therefore, to lose no time in expressing to those Governments the deep regret with which the President had witnessed this inattention to the just claims of the United States, and in demanding their prompt and satisfactory adjustment. Unless this demand shall be complied with at an early day, it will only remain for this Government to adopt such other measures as may be necessary in order to obtain for itself that justice which it has in vain attempted to secure by peaceful means from the Governments of Nicaragua and Costa Rica. While it has shown, and will continue to show, the most sincere regard for the rights and honor of these Republics, it cannot permit this regard to be met by an utter neglect, on their part, of what is due to the Government and citizens of the United States.

Against New Granada we have long-standing causes of complaint, arising out of the unsatisfied claims of our citizens upon that Republic; and to these have been more recently added the outrages committed upon our citizens at Panama, in April, 1856. A treaty for the adjustment of these difficulties was concluded by the Secretary of State and the Minister of New Granada, in September, 1857, which contained just and acceptable provisions for that purpose. This treaty was transmitted to Bogota, and was ratified by the Government of New Granada, but with certain amendments. It was not, however, returned to this city until after the close of the last session of the Senate. It will be immediately transmitted to that body for their advice and consent; and should this be obtained, it will remove all our existing causes of complaint against New Granada on the subject of claims.

Questions have arisen between the two Governments as to the right of New Granada to levy a tonnage duty upon the vessels of the United States in its ports of the isthmus, and to levy a passenger tax upon our citizens arriving in that country, whether with a design to remain there or to pass from ocean to ocean by the transit route; and also a tax upon the mails of the United States transported over the Panama railroad. The Government of New Granada has been informed that the United States would consider the collection of either of these taxes as an act in violation of the treaty between the two countries, and as such would be resisted by the United States. At the same time, we are prepared to discuss these questions in a spirit of amity and justice, and with a sincere desire to adjust them in a satisfactory manner. A negotiation for that purpose has already been commenced. No effort has recently been made to collect these taxes, nor is any anticipated under present circumstances.

With the empire of Brazil our relations are of the most friendly character. The productions of the two countries, and especially those of an agricultural nature, are such as to invite extensive mutual exchanges. A large quantity of American flour is consumed in Brazil; whilst more than treble the amount in value of Brazilian coffee is consumed in the United States. Whilst this is the case, a heavy duty has been levied, until very recently, upon the importation of American flour into Brazil. I am gratified, however, to be able to inform you that, in September last, this has been reduced from $1 32 to about forty-nine cents per barrel, and the duties on other articles of our production have been diminished in nearly the same proportion.

I regret to state that the Government of Brazil still continues to levy an export duty of about eleven per cent. on coffee, notwithstanding this article is admitted free from duty in the United States. This is a heavy charge upon the consumers of coffee in our country, as we purchase half of the entire surplus crop of that article raised in Brazil. Our Minister, under instructions, will reiterate his efforts to have this export duty removed; and it is hoped that the enlightened Government of the Emperor will adopt this wise, just, and equal policy. In that event, there is good reason to believe that the commerce between the two countries will greatly increase, much to the advantage of both.

The claims of our citizens against the Government of Brazil are not, in the aggregate, of very large amount; but some of these rest upon plain principles of justice, and their settlement ought not to be longer delayed. A renewed and earnest, and I trust a successful, effort will be made by our Minister to procure their final adjustment.

On the 2d of June last, Congress passed a joint resolution authorizing the President "to adopt such measures and use such force as, in his judgment, may be necessary and advisable" "for the purpose of adjusting the differences between the United States and the Republic of Paraguay, in connection with the attack on the United States steamer Water Witch, and with other measures referred to" in his annual message. And on the 12th of July following, they made an appropriation to defray the expenses and compensation of a commissioner to that Republic, should the President deem it proper to make such an appointment.

In compliance with these enactments, I have appointed a commissioner, who has proceeded to Paraguay, with full powers and instructions to settle these differences in an amicable and peaceful manner, if this be practicable. His experience and discretion justify the hope that he may prove successful in convincing the Paraguayan Government that it is due both to honor and justice, that they should voluntarily and promptly make atonement for the wrongs which they have committed against the United States, and indemnify our injured citizens whom they have forcibly despoiled of their property.

Should our commissioner prove unsuccessful, after a sincere and earnest effort, to accomplish the object of his mission, then no alternative will remain but the employment of force to obtain "just satisfaction" from Paraguay. In view of this contingency, the Secretary of the Navy, under my direction, has fitted out and dispatched a naval force, to rendezvous near Buenos Ayres, which, it is believed, will prove sufficient for the occasion. It is my earnest desire, however, that it may not be found necessary to resort to this last alternative.

When Congress met in December last, the business of the country had just been crushed by one of those periodical revulsions which are the inevitable consequence of our unsound and extravagant system of bank credits and inflated currency. With all the elements of national wealth in abundance, our manufactures were suspended, our useful public and private enterprises were arrested, and thousands of laborers were deprived of employment and reduced to want. Universal distress prevailed among the commercial, manufacturing, and mechanical classes. This revulsion was felt the more severely in the United States because similar causes had produced the like deplorable effects throughout the commercial nations of Europe. All were experiencing sad reverses at the same moment. Our manufacturers everywhere suffered severely, not because of the recent reduction in the tariff of duties on imports, but because there was no demand at any price for their productions. The people were obliged to restrict themselves, in their purchases, to articles of prime necessity. In the general prostration of business, the iron manufacturers in different States probably suffered more than any other class, and much destitution was the inevitable consequence among the great number of workmen who had been employed in this useful branch of our industry. There could be no supply where there was no demand. To present an example, there could be no demand for railroad iron after our magnificent system of railroads, extending its benefits to every portion of the Union, had been brought to a dead pause. The same consequences have resulted from similar causes to many other branches of useful manufactures. It is self-evident that where there is no ability to purchase manufactured articles, these cannot be sold, and, consequently, must cease to be produced.

No Government, and especially a Government of such limited powers as that of the United States, could have prevented the late revulsion. The whole commercial world seemed for years to have been rushing to this catastrophe. The same ruinous consequences would have followed in the United States, whether the duties upon foreign imports had remained as they were under the tariff of 1846, or had been raised to a much higher standard. The tariff of 1857 had no agency in the result. The general causes existing throughout the world could not have been controlled by the legislation of any particular country.

The periodical revulsions which have existed in our past history, must continue to return at intervals so long as our present unbounded system of bank credits shall prevail. They will, however, probably be the less severe in future; because it is not to be expected, at least for many years to come, that the commercial nations of Europe, with whose interests our own are so materially involved, will expose themselves to similar calamities. But this subject was treated so much at large in my last annual message, that I shall not now pursue it further. Still, I respectfully renew the recommendation in favor of the passage of a uniform bankrupt law, applicable to banking institutions. This is all the power over the subject which, I believe, the Federal Government possesses. Such a law would mitigate, though it might not prevent, the evil. The instinct of self-preservation might produce a wholesome restraint upon their banking business, if they knew in advance that a suspension of specie payments would inevitably produce their civil death.

But the effects of the revulsion are now slowly but surely passing away. The energy and enterprise of our citizens, with our unbounded resources, will, within the period of another year, restore a state of wholesome industry and trade. Capital has again accumulated in our large cities. The rate of interest is there very low. Confidence is gradually reviving; and so soon as it is discovered that this capital can be profitably employed in commercial and manufacturing enterprises, and in the construction of railroads and other works of public and private improvement, prosperity will again smile throughout the land. It is vain, however, to disguise the fact from ourselves, that a speculative inflation of our currency, without a corresponding inflation in other countries whose manufactures come into competition with our own, must ever produce disastrous results to our domestic manufactures. No tariff short of absolute prohibition, can prevent these evil consequences.

In connection with this subject, it is proper to refer to our financial condition. The same causes which have produced pecuniary distress throughout the country, have so reduced the amount of imports from foreign countries, that the revenue has proved inadequate to meet the necessary expenses of the Government. To supply the deficiency, Congress, by the act of the 23d of December, 1857, authorized the issue of $20,000,000 of Treasury notes; and this proving inadequate, they authorized, by the act of June 14, 1858, a loan of $20,000,000, "to be applied to the payment of appropriations made by law."

No statesman would advise that we should go on increasing the national debt to meet the ordinary expenses of the Government. This would be a most ruinous policy. In case of war, our credit must be our chief resource, at least for the first year, and this would be greatly impaired by having contracted a large debt in time of peace. It is our true policy to increase our revenue so as to equal our expenditures. It would be ruinous to continue to borrow. Besides, it may be proper to observe that the incidental protection thus afforded by a revenue tariff, would at the present moment, to some extent, increase the confidence of the manufacturing interests, and give a fresh impulse to our reviving business. To this, surely, no person will object.

In regard to the mode of assessing and collecting duties under a strictly revenue tariff, I have long entertained and often expressed the opinion, that sound policy requires this should be done by specific duties, in cases to which these can be properly applied. They are well adapted to commodities which are usually sold by weight or by measure, and which, from their nature, are of equal or of nearly equal value. Such, for example, are the articles of iron of different classes, raw sugar, and foreign wines and spirits.

In my deliberate judgment, specific duties are the best, if not the only means of securing the revenue against false and fradulent invoices; and such has been the practice adopted for this purpose by other commercial nations. Besides, specific duties would afford to the American manufacturer the incidental advantages to which he is fairly entitled under a revenue tariff. The present system is a sliding scale to his disadvantage. Under it, when prices are high and business prosperous, the duties rise in amount when he least requires their aid. On the contrary, when prices fall, and he is struggling against adversity, the duties are diminished in the same proportion, greatly to his injury.

Neither would there be danger that a higher rate of duty than that intended by Congress could be levied in the form of specific duties. It would be easy to ascertain the average value of any imported article for a series of years; and, instead of subjecting it to an *ad valorem* duty at a certain rate per centum, to substitute in its place an equivalent specific duty.

By such an arrangement the consumer would not be injured. It is true, he might have to pay a little more duty on a given article in one year; but if so, he would pay a little less in another, and in a series of years these would counterbalance each other, and amount to the same thing, so far as his interest is concerned. This inconvenience would be trifling when contrasted with the additional security thus afforded against frauds upon the revenue, in which every consumer is directly interested.

I have thrown out these suggestions as the fruit of my own observation, to which Congress, in their better judgment, will give such weight as they may justly deserve.

The report of the Secretary of the Treasury will explain in detail the operations of that Department of the Government. The receipts into the Treasury from all sources during the fiscal year ending the 30th of June, 1858, including the Treasury notes authorized by the act of December 23, 1857, were seventy million two hundred and seventy-three thousand eight hundred and sixty-nine dollars and fifty-nine cents, ($70,273,869 59,) which amount, with the balance of seventeen million seven hundred and ten thousand one hundred and fourteen dollars and twenty-seven cents ($17,710,114 27) remaining in the Treasury at the commencement of the year, made an aggregate for the service of the year of eighty-seven million nine hundred and eighty-three thousand nine hundred and eighty-three dollars and eighty-six cents, ($87,983,983 86.)

The public expenditures during the fiscal year ending June 30, 1858, amounted to eighty-one million five hundred and eighty-five thousand six hundred and sixty-seven dollars and seventy-six cents, ($81,585,667 76,) of which nine million six hundred and eighty-four thousand five hundred and thirty-seven dollars and ninety-nine cents ($9,684,537 99) were applied to the payment of the public debt, and the redemption of Treasury notes with the interest thereon; leaving in the Treasury on July 1, 1858, being the commencement of the present fiscal year, six million three hundred and ninety-eight thousand three hundred and sixteen dollars and ten cents, ($6,398,316 10.)

The receipts into the Treasury during the first quarter of the present fiscal year, commencing the 1st July, 1858, including one half of the loan of $20,000,000, with the premium upon it, authorized by the act of 14th June, 1858, were twenty-five million two hundred and thirty thousand eight hundred and seventy-nine dollars and forty-six cents, ($25,230,879 46;) and the estimated receipts for the remaining three quarters to the 30th June, 1859, from ordinary sources, are thirty-eight million five hundred thousand dollars, ($38,500,000,) making, with the balance before stated, an aggregate of seventy million one hundred and twenty-nine thousand one hundred and ninety-five dollars and fifty-six cents, ($70,129,195 56.)

The expenditures during the first quarter of the present fiscal year, were twenty-one million seven hundred and eight thousand one hundred and ninety-eight dollars and fifty-one cents, ($21,708,198 51:) of which one million ten thousand one hundred and forty-two dollars and thirty-seven cents ($1,010,142 37) were applied to the payment of the public debt and the redemption of Treasury notes and the interest thereon. The estimated expenditures, during the remaining three quarters to 30th June, 1859, are fifty-two million three hundred and fifty-seven thousand six hundred and ninety-eight dollars and forty-eight cents, ($52,357,698 48;) making an aggregate of seventy-four million sixty-five thousand eight hundred and ninety-six dollars and ninety-nine cents, ($74,065,896 99;) being an excess of expenditure beyond the estimated receipts into the Treasury from ordinary sources, during the fiscal year to the 30th June, 1859, of three million nine hundred and thirty-six thousand seven hundred and one dollars and forty-three cents, ($3,936,701 43.) Extraordinary means are placed by law within the command of the Secretary of the Treasury, by the reissue of Treasury notes redeemed, and by negotiating the balance of the loan authorized by the act of 14th June, 1858, to the extent of eleven million dollars; which, if realized during the present fiscal year, will leave a balance in the Treasury, on the 1st day of July, 1859, of seven million sixty-three thousand two hundred and ninety-eight dollars and fifty-seven cents, ($7,063,298 57.)

The estimated receipts during the next fiscal year ending 30th June, 1860, are sixty-two million dollars, ($62,000,000,) which, with the above estimated balance of seven million sixty-three thousand two hundred and ninety-eight dollars and fifty-seven cents, ($7,063,298 57,) make an aggregate for the service of the next fiscal year of sixty-nine million sixty-three thousand two hundred and ninety-eight dollars and fifty-seven cents, ($69,063,298 57.) The estimated expenditures during the next fiscal year ending the 30th June, 1860, are seventy-three million one hundred and thirty-nine thousand one hundred and forty-seven dollars and forty-six cents, ($73,139,147 46,) which leave a deficit of estimated means, compared with the estimated expenditures for that year, commencing on the 1st July, 1859, of four million and seventy-five thousand eight hundred and forty-eight dollars and eighty-nine cents, ($4,075,848 89.)

In addition to this sum, the Postmaster General will require from the Treasury, for the service of the Post Office Department, three million eight hundred and thirty-eight thousand seven hundred and twenty-eight dollars, ($3,838,728,) as explained in the report of the Secretary of the Treasury, which will increase the estimated deficit on the 30th June, 1860, to seven million nine hundred and fourteen thousand five hundred and seventy-six dollars and eighty-nine cents, ($7,914,576 89.) To provide for the payment of this estimated deficiency, which will be increased by such appropriations as may be made by Congress, not estimated for in the report of the Treasury Department, as well as to provide for the gradual redemption, from year to year, of the outstanding Treasury notes, the Secretary of the Treasury recommends such a revision of the present tariff as will raise the required amount. After what I have already said, I need scarcely add that I concur in the opinion expressed in his report—that the public debt should not be increased by an additional loan, and would therefore strongly urge upon Congress the duty of making, at their present session, the necessary provision for meeting these liabilities.

The public debt on the 1st of July, 1858, the commencement of the present fiscal year, was $25,155,977 66.

During the first quarter of the present year, the sum of $10,000,000 has been negotiated of the loan authorized by the act of 14th June, 1858; making the present outstanding public debt, exclusive of Treasury notes, $35,155,977 66. There was on the 1st July, 1858, of Treasury notes issued by authority of the act of December 23, 1857, unredeemed, the sum of $19,754,800—making the amount of actual indebtedness at that date, $54,910,777 66. To this will be added $10,000,000 during the present fiscal year—this being the remaining half of the loan of $20,000,000 not yet negotiated.

The rapid increase of the public debt, and the necessity which exists for a modification of the tariff, to meet even the ordinary expenses of the Government, ought to admonish us all, in our respective spheres of duty, to the practice of rigid economy. The objects of expenditure should be limited in number, as far as this may be practicable, and the appropriations necessary to carry them into effect ought to be disbursed under the strictest accountability. Enlightened economy does not consist in the refusal to appropriate money for constitutional purposes, essential to the defense, progress, and prosperity of the Republic, but in taking care that none of this money shall be wasted by mismanagement, in its application to the objects designated by law.

Comparisons between the annual expenditure at the present time, and what it was ten or twenty years ago, are altogether fallacious. The rapid increase of our country in extent and population, renders a corresponding increase of expenditure, to some extent, unavoidable. This is constantly creating new objects of expenditure, and augmenting the amount required for the old. The true questions, then, are, have these objects been unnecessarily multiplied? or, has the amount expended upon any or all of them been larger than comports with due economy? In accordance with these principles, the heads of the different Executive Departments of the Government have been instructed to reduce their estimates for the next fiscal year to the lowest standard consistent with the efficiency of the service; and this duty they have performed in a spirit of just economy. The estimates of the Treasury, War, Navy, and Interior Departments, have each been in some degree reduced; and unless a sudden and unforeseen emergency should arise, it is not anticipated that a deficiency will exist in either within the present or the next fiscal year. The Post Office Department is placed in a peculiar position, different from the other Departments; and to this I shall hereafter refer.

I invite Congress to institute a rigid scrutiny to ascertain whether the expenses in all the Departments cannot be still further reduced; and I promise them all the aid in my power in pursuing the investigation.

I transmit herewith the reports made to me by the Secretaries of War, of the Navy, of the Interior, and of the Postmaster General. They each contain valuable information and important recommendations, to which I invite the attention of Congress.

In my last annual message I took occasion to recommend the immediate construction of ten small steamers, of light draught, for the purpose of increasing the efficiency of the Navy. Congress responded to the recommendation, by authorizing the construction of eight of them. The progress which has been made in executing this authority is stated in the report of the Secretary of the Navy. I concur with him in the opinion that a greater number of this class of vessels is necessary, for the purpose of protecting in a more efficient manner the persons and property of American citizens on the high seas, and in foreign countries, as well as in guarding more effect-

ually our own coasts. I accordingly recommend the passage of an act for this purpose.

The suggestions contained in the report of the Secretary of the Interior, especially those in regard to the disposition of the public domain, the pension and bounty land system, the policy towards the Indians, and the amendment of our patent laws, are worthy of the serious consideration of Congress.

The Post Office Department occupies a position very different from that of the other Departments. For many years it was the policy of the Government to render this a self-sustaining Department; and if this cannot now be accomplished, in the present condition of the country, we ought to make as near an approach to it as may be practicable.

The Postmaster General is placed in a most embarrassing position by the existing laws. He is obliged to carry these into effect. He has no other alternative. He finds, however, that this cannot be done without heavy demands upon the Treasury over and above what is received for postage; and these have been progressively increasing from year to year until they amounted for the last fiscal year ending on the 30th of June, 1858, to more than four million and a half of dollars; whilst it is estimated that for the present fiscal year they will amount to $6,290,000. These sums are exclusive of the annual appropriation of $700,000 for "compensation of the mail service performed for the two Houses of Congress and the other Departments and officers of the Government in the transportation of free matter."

The cause of these large deficits is mainly attributable to the increased expense of transporting the mails. In 1852, the sum paid for this service was but a fraction above four millions and a quarter. Since that year it has annually increased until, in 1858, it has reached more than eight millions and a quarter; and for the service of 1859, it is estimated that it will amount to more than ten million dollars.

The receipts of the Post Office Department can be made to approach or to equal its expenditure, only by means of the legislation of Congress. In applying any remedy, care should be taken that the people shall not be deprived of the advantages which they are fairly entitled to enjoy from the Post Office Department. The principal remedies recommended to the consideration of Congress by the Postmaster General, are to restore the former rate of postage upon single letters to five cents; to substitute for the franking privilege the delivery to those now entitled to enjoy it, of post office stamps for their correspondence, and to direct the Department, in making contracts for the transportation of the mail, to confine itself to the payment of the sum necessary for this single purpose, without requiring it to be transported in post coaches or carriages of any particular description. Under the present system, the expense to the Government is greatly increased by requiring that the mail shall be carried in such vehicles as will accommodate passengers. This will be done without pay from the Department, over all roads where the travel will remunerate the contractors.

These recommendations deserve the grave consideration of Congress.

I would again call your attention to the construction of a Pacific railroad. Time and reflection have but served to confirm me in the truth and justice of the observations which I made on this subject in my last annual message, to which I beg leave respectfully to refer.

It is freely admitted that it would be inexpedient for this Government to exercise the power of constructing the Pacific railroad by its own immediate agents. Such a policy would increase the patronage of the Executive to a dangerous extent, and introduce a system of jobbing and corruption which no vigilance on the part of Federal officials could either prevent or detect. This can only be done by the keen eye and active and careful supervision of individual and private interest. The construction of this road ought, therefore, to be committed to companies incorporated by the States, or other agencies, whose pecuniary interests would be directly involved. Congress might then assist them in the work by grants of land or of money, or both, under such conditions and restrictions as would secure the transportation of troops and munitions of war free from any charge, and that of the United States mail at a fair and reasonable price.

The progress of events since the commencement of your last session, has shown how soon difficulties disappear before a firm and determined resolution. At that time such a road was deemed by wise and patriotic men to be a visionary project. The great distance to be overcome, and the intervening mountains and deserts in the way, were obstacles which, in the opinion of many, could not be surmounted. Now, after the lapse of but a single year, these obstacles, it has been discovered, are far less formidable than they were supposed to be; and mail stages, with passengers, now pass and repass regularly, twice in each week, by a common wagon road, between San Francisco and St. Louis and Memphis, in less than twenty-five days. The service has been as regularly performed as it was, in former years, between New York and this city.

Whilst disclaiming all authority to appropriate money for the construction of this road, except that derived from the war-making power of the Constitution, there are important collateral considerations urging us to undertake the work as speedily as possible.

The first and most momentous of these is, that such a road would be a powerful bond of union between the States east and west of the Rocky Mountains. This is so self-evident as to require no illustration.

But again, in a commercial point of view, I consider this the great question of the day. With the eastern front of our Republic stretching along the Atlantic, and its western front along the Pacific, if all the parts should be united by a safe, easy, and rapid intercommunication, we must necessarily command a very large proportion of the trade both of Europe and Asia. Our recent treaties with China and Japan will open these rich and populous empires to our commerce; and the history of the world proves that the nation which has gained possession of the trade with eastern Asia has always become wealthy and powerful. The peculiar geographical position of California and our Pacific possessions invites American capital and enterprise into this fruitful field. To reap the rich harvest, however, it is an indispensable prerequisite that we shall first have a railroad to convey and circulate its products throughout every portion of the Union. Besides, such a railroad through our temperate latitude, which would not be impeded by the frosts and snows of winter, nor by the tropical heats of summer, would attract to itself much of the travel and the trade of all nations passing between Europe and Asia.

On the 21st of August last, Lieutenant J. N. Maffit, of the United States brig Dolphin, captured the slaver Echo, (formerly the Putnam, of New Orleans,) near Kay Verde, on the coast of Cuba, with more than three hundred African negroes on board. The prize, under the command of Lieutenant Bradford, of the United States Navy, arrived at Charleston on the 27th August, when the negroes, three hundred and six in number, were delivered into the custody of the United States marshal for the district of South Carolina. They were first placed in Castle Pinckney, and afterwards in Fort Sumter, for safe-keeping, and were detained there until the 19th September, when the survivors, two hundred and seventy-one in number, were delivered on board the United States steamer Niagara, to be transported to the coast of Africa, under the charge of the agent of the United States, pursuant to the provisions of the act of the 3d March, 1819, "in addition to the acts prohibiting the slave trade." Under the second section of this act the President is "authorized to make such regulations and arrangements as he may deem expedient, for the safe-keeping, support, and the removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color" captured by vessels of the United States, as may be delivered to the marshal of the district into which they are brought; "and to appoint a proper person or persons residing upon the coast of Africa, as agent or agents for receiving the negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave trade by commanders of the United States armed vessels."

A doubt immediately arose as to the true construction of this act. It is quite clear from its terms that the President was authorized to provide "for the safe-keeping, support, and removal" of these negroes up till the time of their delivery to the agent on the coast of Africa; but no express provision was made for their protection and support after they had reached the place of their destination. Still, an agent was to be appointed to receive them in Africa; and it could not have been supposed that Congress intended he should desert them at the moment they were received, and turn them loose on that inhospitable coast to perish for want of food, or to become again the victims of the slave trade. Had this been the intention of Congress, the employment of an agent to receive them, who is required to reside on the coast, was unnecessary, and they might have been landed by our vessels anywhere in Africa, and left exposed to the sufferings and the fate which would certainly await them.

Mr. Monroe, in his special message of 17th December, 1819, at the first session after the act was passed, announced to Congress what, in his opinion, was its true construction. He believed it to be his duty under it to follow these unfortunates into Africa, and make provision for them there, until they should be able to provide for themselves. In communicating this interpretation of the act to Congress, he stated that some doubt had been entertained as to its true intent and meaning, and he submitted the question to them, so that they might, "should it be deemed advisable, amend the same before further proceedings are had under it." Nothing was done by Congress to explain the act, and Mr. Monroe proceeded to carry it into execution according to his own interpretation. This, then, became the practical construction. When the Africans from on board the Echo were delivered to the marshal at Charleston, it became my duty to consider what disposition ought to be made of them under the law. For many reasons, it was expedient to remove them from that locality as speedily as possible. Although the conduct of the authorities and citizens of Charleston, in giving countenance to the execution of the law, was just what might have been expected from their high character, yet a prolonged continuance of three hundred Africans in the immediate vicinity of that city, could not have failed to become a source of inconvenience and anxiety to its inhabitants. Where to send them, was the question. There was no portion of the coast of Africa to which they could be removed, with any regard to humanity, except to Liberia.

Under these circumstances, an agreement was entered into with the Colonization Society, on the 7th of September last, a copy of which is herewith transmitted, under which the society engaged, for the consideration of $45,000, to receive these Africans in Liberia from the agent of the United States, and furnish them, during the period of one year thereafter, with comfortable shelter, clothing, provisions, and medical attendance, causing the children to receive schooling; and all, whether children or adults, to be instructed in the arts of civilized life suitable to their condition. This aggregate of $45,000 was based upon an allowance of $150 for each individual; and as there has been considerable mortality among them, and may be more before they reach Africa, the society have agreed, in an equitable spirit, to make such a deduction from the amount as, under the circumstances, may appear just and reasonable. This cannot be fixed until we shall ascertain the actual number which may become a charge to the society.

It was also distinctly agreed that under no circumstances shall this Government be called upon for any additional expenses.

The agents of the society manifested a laudable desire to conform to the wishes of the Government, throughout the transaction. They assured me that, after a careful calculation, they would be required to expend the sum of $150 on each individual in complying with the agreement, and they would have nothing left to remunerate them for their care, trouble, and responsibility. At all events, I could make no better arrangement, and

there was no other alternative. During the period when the Government itself, through its own agents, undertook the task of providing for captured negroes, in Africa, the cost per head was very much greater.

There having been no outstanding appropriation applicable to this purpose, I could not advance any money on the agreement. I therefore recommend that an appropriation may be made, of the amount necessary to carry it into effect.

Other captures of a similar character may, and probably will, be made by our naval forces; and I earnestly recommend, that Congress may amend the second section of the act of March 3, 1819, so as to free its construction from the ambiguity which has so long existed, and render the duty of the President plain in executing its provisions.

I recommend to your favorable regard the local interests of the District of Columbia. As the residence of Congress and the Executive Departments of the Government, we cannot fail to feel a deep concern in its welfare. This is heightened by the high character and the peaceful and orderly conduct of its resident inhabitants.

I cannot conclude without performing the agreeable duty of expressing my gratification that Congress so kindly responded to the recommendation of my last annual message, by affording me sufficient time before the close of their late session for the examination of all the bills presented to me for approval. This change in the practice of Congress has proved to be a wholesome reform. It exerted a beneficial influence on the transaction of legislative business, and elicited the general approbation of the country. It enabled Congress to adjourn with that dignity and deliberation so becoming to the representatives of this great Republic, without having crowded into general appropriation bills provisions foreign to their nature and of doubtful constitutionality and expediency. Let me warmly and strongly commend this precedent, established by themselves, as a guide to their proceedings during the present session.

JAMES BUCHANAN.

WASHINGTON CITY, *December* 6, 1858.

Report of the Secretary of the Treasury.

TREASURY DEPARTMENT,
December 6, 1858.

SIR: In compliance with the act of Congress entitled "An act supplementary to an act to establish the Treasury Department," approved May 10, 1800, I have the honor to submit the following report:

On the 1st July, 1857, being the commencement of the fiscal year 1858, the balance in the Treasury was,		$17,710,114 27
The receipts into the Treasury during the fiscal year 1858 were $70,273,869 59, as follows:		
For the quarter ending September 30, 1857:		
From customs	$18,573,729 37	
From public lands	2,059,449 39	
From miscellaneous sources,	296,641 05	
		20,929,819 81
For the quarter ending December 31, 1857:		
From customs	$6,237,723 69	
From public lands	498,781 53	
From miscellaneous sources,	356,159 78	
		7,092,665 00
For the quarter ending March 31, 1858:		
From customs	$7,127,900 69	
From public lands	480,936 88	
From miscellaneous sources,	393,690 78	
From Treasury notes issued	11,087,600 00	
		19,090,128 35
For the quarter ending June 30, 1858:		
From customs	$9,850,207 21	
From public lands	474,548 07	
From miscellaneous sources,	207,741 15	
From Treasury notes issued	12,628,700 00	
		23,161,256 43
The aggregate means, therefore, for the service of the fiscal year ending June 30, 1858, were		$87,983,983 86

The expenditures during the fiscal year ending June 30, 1858, were $81,585,667 76.

Being for the quarter ending September 30, 1857	$23,714,528 37
Being for the quarter ending December 31, 1857	17,035,653 07
Being for the quarter ending March 31, 1858,	18,104,915 74
Being for the quarter ending June 30, 1858,	22,730,570 58

which were applied to the various branches of the public service, as follows:

Civil, foreign intercourse, and miscellaneous,	$26,387,822 20
Service in charge of Interior Department	6,051,923 38
Service in charge of War Department	25,485,383 60
Service in charge of Navy Department	13,976,000 59
Public debt and redemption of Treasury notes,	9,684,537 99

as shown in detail by statement No. 1.

Deducting the expenditures from the aggregate means during the fiscal year 1858, a balance remained in the Treasury on the 1st of July, 1858, of		$6,398,316 10
During the first quarter of the current fiscal year, from July 1 to September 30, 1858, the receipts into the Treasury were as follows:		
From customs	$13,444,520 28	
From public lands	421,171 84	
From miscellaneous sources,	959,987 34	
From loan of 1858	10,000,000 00	
From Treasury notes issued	405,200 00	
		25,230,879 46
The estimated receipts during the three remaining quarters of the current fiscal year to June 30, 1859, are:		
From customs	$37,000,000 00	
From public lands	1,000,000 00	
From miscellaneous sources,	500,000 00	
		38,500,000 00
Estimated ordinary means for current fiscal year		$70,129,195 56

The expenditures of the first quarter of the current fiscal year ending September 30, 1858, were:

For civil, foreign intercourse, and miscellaneous services	$6,392,746 38
For service in charge of Interior Department	1,994,304 24
For service in charge of War Department	8,224,490 04
For service in charge of Navy Department	4,086,515 48
For public debt, including redemption of Treasury notes	1,010,142 37
The estimate expenditures during the remaining three quarters of the current fiscal year to June 30, 1859, are	52,357,698 48
	74,065,896 99
Ordinary means as above	70,129,195 56
Deficit of ordinary means to meet expenditures	$3,936,701 43

The deficiency in the ordinary estimated means to meet the estimated expenditures during the remainder of the current fiscal year ending June 30, 1859, are therefore $3,936,701 43.

There are extraordinary means within the command of the Department as follows:

Treasury notes which may be issued previous to the 1st January, 1859, under the tenth section of the act of December 23, 1857, say	$1,000,000 00
Balance of loan authorized by act of June 14, 1858	10,000,000 00
Which added to the ordinary estimated means	70,129,195 56
Makes the aggregate means to June 30, 1859,	81,129,195 56
Deduct the actual and estimated expenditures as heretofore stated	74,065,896 99
Leaves an estimated balance in the Treasury, July 1, 1859, of	$7,063,298 57

Estimates for the fiscal year from July 1, 1859, to July 1, 1860.

Estimated balance in the Treasury	$7,063,298 57
Estimated receipts from customs for the fiscal year ending June 30, 1860	56,000,000 00
Estimated receipts from public lands	5,000,000 00
Estimated receipts from miscellaneous sources	1,000,000 00
Aggregate of means for year ending June 30, 1860	$69,063,298 57

Expenditures estimated as follows:

Balance of existing appropriations	$12,478,907 23
Amount of permanent and indefinite appropriations	8,497,734 50
Estimated appropriations to be made by law for the service of the fiscal year to June 30, 1860	52,162,515 68
	73,139,147 46
The estimated receipts being	69,063,298 57
Deficit	$4,075,848 89

To this estimated deficiency on the 30th June, 1860, should be added the sum of $3,838,728, which will be required for the service of the Post Office Department during the present fiscal year. This latter amount is not taken into the foregoing estimates, but is asked for by that Department, as will appear from the letter of the Postmaster General accompanying the annual estimates.

When my last annual report was submitted to Congress, I explained the embarrassments under which the estimated receipts into the Treasury were made. A new tariff act had just gone into operation, under circumstances growing out of the then recent revulsion in trade and business, which made all calculation as to its effect upon the revenue doubtful and unsatisfactory. This opinion was frankly expressed to Congress at the time. The present estimates are submitted under somewhat more favorable circumstances, and consequently with greater confidence in their correctness.

The tariff of 1857 has been in operation more than a year, and in ordinary times the experience of that year would afford reliable data to judge of its effect as well upon the trade of the country as the revenues of the Government. The continuance of financial difficulties during a large portion of the time, however, and the effects of it, operating to a great extent during the whole period, create serious difficulties in forming a satisfactory judgment upon the question. The present estimates are based upon the opinion that a reaction in the trade and business of the country has commenced, and that we are gradually, but steadily, returning to a healthy and prosperous condition. There seems to be a concurrence in the public mind on this subject, if we may judge from the general tone of public sentiment. The files of the Department furnish strong evidence of its truth. Our exports for the year ending the 30th of June, 1858, were $324,644,421—being a reduction from the preceding year of only $38,316,261; whilst the imports for the same time were $282,613,150—being $78,276,991 less than the year before. This balance in favor of exports over imports was doubtless appropriated to the payment of our foreign debt, thus relieving the country, in part, of that source of embarrassment. It exhibits a large margin for an increase of importations when the business and necessities of the country shall demand it. The restoration of confidence and reaction of trade have already been manifested in this regard.

By referring to the receipts from customs at the port of New York, for the months of October and November, 1856, the year preceding the revulsion, the same months of 1857, the year of revulsion, and the same months of the present year, I find that the receipts of those two months in 1856, were $6,202,227; in 1857, were $2,028,210; and in 1858, were $3,810,819. Whilst the country has not recovered entirely from the disasters of the last year, the increased receipts of the present year indicate a decided reaction, and the promise of a certain and speedy return of prosperous times.

The foregoing estimates contemplate a deficiency in the means of the Government which, by the 30th June, 1860, will amount to the sum of $7,914,576. Provision should be made by Congress, at its present session, to supply the deficiency. In what manner shall it be done? A loan for this purpose is not deemed advisable, in view of the addition already made to the public debt. A revision of the tariff of 1857, and the imposition of additional duties, is the only remedy, unless Congress shall take some action to relieve the Treasury from a portion of the expenditures it is now required to meet.

In revising the tariff, the same principles should direct and control the action of Congress that would be considered in the adoption of an original act.

I do not deem it proper to enter into any extended discussion of the theoretic principles on which a tariff act should be framed.

They may be briefly stated. Such duties should be laid as will produce the required revenue by imposing on the people at large the smallest and the most equal burdens.

It is obvious that this is most effectually done by taxing, in preference to others, such articles as are not produced in this country; and, among articles produced here, those in which the home product bears the least proportion to the quantity imported are the fittest for taxation. The reason is that, in taxing articles not made in the country, the whole sum taken from the consumer goes into the Treasury, while, in the other class, the consumer pays the enhanced value not only on the quantity imported, but on the quantity made at

home. This last tax is paid not to the Treasury, but to the manufacturer, thereby rendering such a duty not only more burdensome, but grossly unequal—the home producer being benefited at the expense of the consumer.

If these principles are sound, it is obvious that no tariff, strictly for revenue, has ever yet been enacted in the United States.

The early legislation of the country contemplated other objects, such as fostering our then infant manufactures and encouraging the production of indispensable articles, so as to render our country independent of foreign Governments in case of war.

The objects which originally led to our system of duties have long since been attained; but under that system large interests have grown up which have always claimed and received such consideration from Congress as to prevent the abandonment of the idea of protection.

I do not expect that a tariff will be now framed on rigid revenue principles, but in all changes an effort should be made at least to avoid a further departure from them.

Assuming that the general principles of the present tariff act will be adhered to, all will admit that, having ascertained the additional revenue required as accurately as possible, the least increase of duty that will raise the sum is the proper rate to be adopted.

In determining, however, on what articles the duty is to be increased, a strong appeal will doubtless be made so to discriminate as to afford relief to certain interests said to be unusually depressed.

In a period of general financial distress, such as we have not yet entirely passed, each interest in the country naturally feels the want of any aid that would relieve its embarrassments and restore its prosperity. In responding to such a demand care should be taken not to afford the required relief at the expense of another interest equally in want of assistance, and equally entitled to receive it at the hands of the Government. When a general calamity has paralyzed the hand of industry and cramped the energies of the people, it is unfortunate that at such a time, when the country is least able to bear it, the wants of the Government should force an increase of taxation. In yielding to the necessity which compels the imposition of the burden, let it be done with that spirit of justice which regards with equal care and protection all the varied interests of the country.

In connection with this branch of the subject, I would respectfully refer to the views presented in my last annual report to Congress.

It is also a subject of regret that a public necessity requires a revision of the tariff act of 1857 before a sufficient time has elapsed to test its legitimate effects upon the business of the country as well as the revenues of the Government. False impressions as to its operation must be carefully guarded against. The fact that this act went into operation on the 1st of July, 1857, and was followed so soon by the disastrous revulsion of that year, has induced many persons to believe that the one was the necessary cause of the other. The advocates of a high protective tariff have not failed to avail themselves of this circumstance to press upon the public mind their peculiar system of affording relief to a distressed people, by increasing their taxes. Every interest in the country which suffered in the general calamity has been earnestly appealed to, and no efforts have been spared to induce each and all to believe that their misfortunes have been produced by the passage of the tariff of 1857. There is, however, one important point in the argument where the logic of the protectionists is wholly at fault. The revulsion was not confined to the United States, or even to this continent. It swept over the world, and was felt with equal and perhaps greater severity in other countries than our own. These results have been too universal to have been brought about by a reduction of about twenty per cent. upon the rates of duty in the United States, being a reduction of about five per cent. upon our importations. The argument of the protectionists is, that a reduction of our duties stimulates the foreign trade, and in this instance its legitimate effect should have been to relieve the embarrassments of the countries with whom we trade, by opening a larger market for their productions. They charge that the increased importation of foreign goods into the country is disastrous to the business of the home producer and manufacturer, by depriving them of the markets of their own country. Such is the theory of the protectionists. Let us apply to it the facts which have transpired under the operations of the tariff of 1857.

The foreign producer and manufacturer have not been benefited by the reduction. At all events they have not been preserved from the general calamity which has come upon the producers and manufacturers of similar articles in our own country.

The importations for the fiscal year ending June 30, 1858, the first and only year of the present tariff, amount to $282,613,150, being $78,276,991 less than the importations of the last year of the tariff of 1846.

These two facts alone furnish a strong refutation of the theory we are combating.

For the purpose, however, of a more thorough examination of the question, I propose to consider the operations of the iron interest during the same period. I have selected iron for two reasons: first, it is one of the most important interests in the country, deserving the care and protection of the Government to as great an extent as any other; and, secondly, because it has suffered as much, if not more, than any other interest from the recent revulsion.

By reference to table six, appended to this report, it will be seen that the importation of iron and steel of all kinds amounted, in the year ending June 30, 1857, to $25,954,111. In the year ending June 30, 1858, it amounted to $16,328,039: being a reduction of $9,626,072. This reduction is accounted for in part by the reduced prices of the last year; but there is shown, by the same table, a large reduction in the amount of imported iron and all manufactures of iron. Whatever cause, therefore, may have produced the great depression of the iron interests during the last year, it is very clear that it is not owing to an increased importation of foreign iron under the act of 1857. If, as alleged, the price of iron in this country has been reduced by the increased importations caused by the reduction of duties, then the price of the article in those countries from which we import ought to have been beneficially affected. A comparison of the prices in this and foreign countries during the last year will show that such was not the fact, as the price fell not only in the United States, but in Europe also. The price of pig-iron, on board, at Glasgow, on December 31, 1856, was 74*s.* 0*d.*; on December 31, 1857, 52*s.* 6*d.*; being a decline of twenty-nine per centum. The average price at New York for January, 1857, was $25; for January, 1858, was $20 50; showing a decline of eighteen per centum. The difference between the highest and lowest prices in New York for the year 1857, being $31 in April, 1857, and $23 in December, is less than twenty-six per centum, whilst the difference between the highest and lowest for the same year, at Liverpool, was thirty per centum.

The average price of bar iron at Liverpool for January, 1857, was	£8	2*s.*	6*d.*
The average price of bar iron at Liverpool for January, 1858, was	6	12	6
Difference, 18 per cent.			
The average price of bar iron at New York for January, 1857, was			$55
The average price of bar iron at New York for January, 1858, was			48
Difference nearly 13 per cent.			

Now, it will hardly be contended that a reduction of six per cent. in our tariff depressed the price of iron in Glasgow and Liverpool. The argument of the protectionists contemplates a different result. These facts show that the prices have been as well sustained in America as in Europe, and that the depression which occurred must have been brought on by causes common to both countries, and independent of the tariff of 1857. It may be said that the prices in America would have been better sustained with a higher tariff by excluding the importation of iron from England at the low prices ruling there. The answer is, that, if the price of any commodity falls in the markets of the world, our people, as consumers, are entitled to the benefit of the reduction, and it is not just that the price should be unnaturally sustained by legislation.

This is especially true when the same causes have produced a like decline in almost every important product of our country.

A table is appended, (marked 8,) compiled from the most reliable sources accessible in the absence of any official record, showing the average price for the three last fiscal years, and for each month of each year in the market of New York of a number of leading articles. From this table it will appear that from the year ending June 30, 1857, to that ending June 30, 1858, there was a decline in leading articles as follows:

Wheat flour	24 per cent.	Hay	20 per cent.
Hemp	36 "	Sugar	20 "
Molasses	34 "	Pig iron	15 "
Bar iron	12 "	Leather	17 "
Wool	16 "	Whale oil	19 "
Rice	13½ "	Tobacco	12 "
Pork	9 "	Copper	17 "
Butter	10 "	Cheese	26 "

No class loses more heavily or sustains greater privations in a period of general revulsion than the agriculturists, and it is asking too much of them to submit to additional burdens in order to exempt a favored portion of their fellow-citizens from the common calamity.

The above list also shows how little the decline in prices can be ascribed to the change in the tariff made in 1857. It occurred indifferently, in articles imported in the most trivial quantities, and in those most largely imported; in articles the duty on which was unchanged, and in those on which it was diminished; proving that the cause was outside of all tariff regulations and beyond the control of legislation.

But if it be alleged that although the changes made in 1857 did not injure the American manufacturer, yet that such has been the result of the tariff of 1846, which was based on the same principles, the answer is, that it does not appear that the manufacturing interest has suffered from that tariff. While some particular branches, prematurely or improvidently entered into, may have failed, yet the fact is well known that all the great manufacturing interests have largely increased since 1846, more rapidly than the population and and general production of the country.

An examination of the statistics published under the authority of various States, among which may be specified Massachusetts, New York, and Ohio, will abundantly prove the proposition. One mode of ascertaining the comparative prosperity of the several industrial interests of the country, at different times, is by comparing the amounts of products exported to foreign countries, it being obvious that those who can compete in the common market with the like products of other countries can certainly maintain themselves at home.

Applying this test to the facts, we find the following results:

The export of American manufactures for the year 1847 was	$10,476,345
For the year 1858	30,372,180
Increase, $19,895,835, equal to 190 per cent.	
In the same years the exports of cotton were—	
In 1847	53,415,848
In 1858	131,386,661
Increase, $77,970,813, equal to 146 per cent.	
Tobacco, 1847	7,242,086
Do. 1858	17,009,767
Increase, $9,767,681, equal to 135 per cent.	

The exports of agricultural production, except cotton and tobacco, during the same period, show an actual decrease, which, however, is not a fair comparison, as 1847 was a year of famine in Europe; but the increase of those exports, by a fair comparison of the two periods, is about from seventy-five to one hundred per cent.

Of the exports of manufactures, those of iron and the manufactures of iron are found to be:

In 1847	$1,167,484
In 1858	4,729,874
Increase, $3,562,390, equal to 305 per cent.	

I am aware that large exports of an article may sometimes result from adversity instead of prosperity; as when the holder, unable to make sales at home, ships goods abroad, as a last resort. But it is taxing our credulity to be told that exports of a large class of articles will go on from year to year, while the manufacturers are unable to compete at home with the importer, though protected by twenty-four, or even nineteen per cent. And if it be said that the year 1858 was one in which the state of things referred to especially existed, a comparison of the exports of the

preceding year, conceded to be one of remarkable prosperity, will show the same result.

It will not suffice to say that this prosperity is owing to the influx of gold from California. That has been a cause of a general rise in prices, and of increased activity in all industrial departments; but no reason is perceived why the agriculture of the country should not be as much stimulated by that cause as the manufactures. Yet, while both have increased, the manufactures have increased faster; whereas, if they had been seriously injured by the tariff of 1846, they would, at most, have improved more slowly than other interests not so affected.

I proceed to consider the question of the best mode of revising the present tariff, with a view to raising a sufficient sum to meet the demands of the public service. It has been proposed to repeal the act of 1857, and restore the act of 1846. To this suggestion there are serious objections, which, to my mind, are insuperable. I am well satisfied that the wants of the Government do not require a permanent increase of the taxes to the extent of reviving the tariff of 1846. The duties of forty and one hundred per cent., imposed by that act, are, in the present condition of trade and commerce, wholly indefensible. The public mind of the country will scarcely be brought again to acquiesce in any higher schedule than thirty per cent., the maximum of the present law. It would certainly require some more urgent necessity than exists at this time to justify such a measure.

It has also been proposed to adopt the principle of home valuation, with a view, first, of increasing the rates of duty; and secondly, of guarding against under valuation and other frauds, which are alleged to exist under our present system.

As a measure for increasing the revenue, this proposition possesses no merit. It seeks to do indirectly what can be better effected directly. If the sole object is to increase the taxes, it is better to do so in a bold and manly way. At present the duty is imposed upon the market value of the merchandise in the principal markets of the country from which the importation is made, including all costs and charges of shipment.

To substitute for this rule the principle of home valuation would be to add to such value of the merchandise the insurance, cost of transportation, duty levied, and profits of the importer.

It ought to be a sufficient reply to the proposition that some of these elements entering into the home value are not legitimate subjects of taxation. Other and more serious objections will be considered in another connection. The reason in favor of home valuation, which has been pressed with the most earnestness, is that it will protect the revenue from fraud by under valuation. The advocates of the change allege that, under our present system, the Government is defrauded, by various means, of its legitimate duties upon a large portion of the imports. In proof of this charge, a comparison has been instituted between the value of our exports and imports for the last three years, showing that the imports were less, by a large amount, than the exports.

This difference is charged to under valuation. The remedy proposed is either home valuation or specific duties. It is true that the exports for the last few years have exceeded the imports; but the inference which has been drawn from it is not necessarily correct. Other causes have contributed to bring about this result. It should be borne in mind that our exports are valued at the port of exportation. When these exports reach a falling market abroad, the return cargo will exhibit, in the diminished value of the importation, the loss sustained by the persons on whose account the exports have been shipped. This often constitutes an important element in accounting for that excess of exports which has been attributed to fraud. The payment by our citizens of their debts in Europe, which for two years past has been largely done, the transactions of bankers and brokers in exchange, and smuggling, a species of fraud common to every system, all affect the comparative amounts of exports and imports.

If it were true that the difference in favor of exports over imports was chargeable to the *ad valorem* system and the present mode of valuation, then the fact should be found to exist not only during the last few years, but during the whole period of the existence of the present system. An examination of our exports and imports (as will be seen by reference to table 4) for a series of years, will show that such is not the case. The tariff of 1846 was in operation over ten years. During that period the whole amount of our exports was $2,512,681,327, and our imports during the same period amounted to $2,566,250,328. The advocates of home valuation have fallen into the error by confining their comparisons to a limited number of years.

The general result which I have stated indicates that if frauds have been practiced upon the revenue it is not owing to our present *ad valorem* system. This will appear from a comparison of the exports and imports during the operation of the tariff act of 1842. That act, the distinguishing features of which were specific duties and minimum valuations, was in operation nearly four years. During that time our exports amounted to $423,681,648, and our imports to $412,135,195. If the argument drawn from the excess of exports over imports be correct, this statement would indicate that greater frauds have been committed under a tariff of specific duties than under the *ad valorem* act of 1846. If, however, it be true that frauds are committed under our present system to the extent charged, will a change to home valuation prevent the evil? To furnish a satisfactory answer to this inquiry, it will be proper to examine the manner of ascertaining the dutiable value of imports under existing laws, and what would be required to be done under the proposed change. At present the appraiser is called upon to ascertain the value of the article in the principal markets of the country from which it is brought. The data upon which he is to make up his judgment are: 1st. The prices current which every commercial community supplies. 2d. The information to be derived from the communications of consuls and other commercial agents. 3d. The invoice of the importer, made under oath, and also made in view of heavy penalties incurred for fraud and under valuation. 4th. A comparison of the invoices of the various importers engaged in the same business, and not unfrequently of the same date. 5th. The experience derived from daily examinations of the character, value, and price of the article.

These, with other ordinary channels of information common to the public, furnish, it would seem, ample means for the correct and faithful discharge of the duty.

The additional element of cost and charges of shipment cannot be calculated with the same certainty. It, however, constitutes a small portion of the dutiable value, and the experience of the appraisers will enable them to guard against any serious injury from that quarter. To substitute for this plan a home valuation would be to require the appraisers to ascertain the value of the article by an inquiry into its value at the port of importation. In what manner shall he proceed to do so? He must take the price current of the market, furnished in the ordinary mode, and such information as he can gather from his intercourse with commercial men, and his knowledge of the trade and business of his port. The result would be, that the duty levied on the same article would be different in the different ports of the country; and this would happen, though the appraisers might discharge their duty honestly and faithfully. Such would be the case under the most favorable view of the subject; but we cannot close our eyes to the fact that the adoption of the system of home valuation would inevitably lead to difficulties and embarrassments.

It would become the interest of importers to control the market value at their respective ports, with a view to the amount of duty to be paid by them. In what manner, and to what extent, combinations for this object would be made, especially at the smaller ports, it is impossible to anticipate. The men who are enabled to evade the present law, and defraud the Treasury in spite of its restrictions, and with the checks now thrown around them, would not find it difficult to establish, when it suited their purpose, a fictitious market value for the most, if not all, of our ports. If the appraiser, convinced that by such combinations or other means a fraud was attempted, should find it necessary to ascertain the *bona fide* market value, his most efficient means of doing so would be to go to the same sources of information that he now uses. He would be compelled then, as now, to look to the foreign market, and the cost and charges of shipment; but he would be required to extend his investigation to the other elements which go to make up the home value of the article. After ascertaining the dutiable value of the goods, as at present, he must ascertain the insurance, the freight, the profits of the importer; and, adding all these together, with the amount of duty to be paid, he would arrive at the home market value. To my mind, this process would constitute the fairest and safest check against fraud. As, however, all these elements, except the rate of duty, would differ according to the different modes of transportation to the different ports, it leads in the end to the same objectionable result which I have already considered. Not only so, but each new element entering into the calculation adds to the difficulty of ascertaining the true value, and opens a new door for imposition. If, as charged, we cannot ascertain the value of an article in a foreign market, and the cost of putting it on shipboard, it would be still more difficult to find out not only that, but the additional amounts of insurance, freight, and the profits of the importer. In this view of the subject it will be perceived that the change is objectionable for two palpable reasons. 1. By inevitably causing different valuations of the same goods at different ports; thus violating both the spirit and letter of the Constitution, which declares that "all duties, imposts, and excises shall be uniform throughout the United States," and that "no preference shall be given (by any regulation of commerce or revenue) to the ports of one State over those of another." Though we may not be able under any system to have the same precise valuation in every port, yet that one which most nearly approximates to it should be adopted. 2. A second objection is, that so far from preventing existing frauds, it offers greater opportunities for fraud than the present law.

It is sought to avoid these difficulties and embarrassments by making the market price at New York the standard of value, and to levy duties not only there but throughout the United States upon that basis. I do not see that it meets the objections which have been presented against the system. The same danger of affecting the market prices by improper combinations would exist. It would be attended with like difficulties in reaching the true valuation of merchandise. The appraises at other ports would encounter the same attempts at fraud and under valuation, without possessing equal means of detection. Its operation would be unequal and unjust; the importer at New York paying a duty upon the real value of his merchandise, whilst at all other ports he would be required to pay upon a fictitious value; as the actual value of an article in New York on one day would often be very different from its actual value in New Orleans and San Francisco on another, or even the same day. The importer at New York would pay his duty upon the real value of his goods at the time he receives them, whilst at all other places he would be required to pay upon a fictitious value ascertained at some previous period at another point. These objections would seem to be sufficient to reject the proposition, but the impracticability of working such a plan is conclusive against it. The difficulty of ascertaining in Boston, Philadelphia, Charleston, New Orleans, and other points upon the Atlantic and Gulf, the market value of merchandise in New York would be great; but when the rule is extended to the Pacific, its enforcement would be not only violative of the constitutional provisions to which I have referred, but of every principle of justice and equality.

Adhering to the principles of the present tariff act, I would recommend such changes as will produce the amount required for the public service. In accordance with the suggestion contained in my last annual report, I recommend that schedules C, D, F, G, H, be raised, respectively, to 25, 20, 15, 10, and 5 per cent. I see no good reason for having departed in the act of 1857 from the system of decimal divisions. The present state

of things affords a fit opportunity of correcting the error. This change will increase the revenue from customs $1,800,000, upon the basis of the importations of the last fiscal year.

To raise the additional amount needed will not require an increase of all the rates of duty of the present tariff. It will become necessary, therefore, to select certain articles to be transferred from lower to higher schedules. In making such changes, the true principles governing the imposition of duties for revenue should be kept in view, and such discriminations made as, consistently therewith, will best promote the various interests of our country without doing injustice to any. The information contained in table 7 will afford to Congress the necessary data for their action. That table contains the importations, with the rates of duty and amount of revenue derivable therefrom, for each of the three last fiscal years. When the amount which the legislation of Congress shall make it necessary to raise shall have been ascertained with anything like reasonable certainty, the information contained in this table will render the work of making such transfers simple and easy.

The public debt on the 1st of July, 1857, was $29,060,386 90, as stated in my last report. During the last fiscal year there was paid of that debt the sum of $3,904,409 24, leaving the sum of $25,155,977 66 outstanding on the 1st July, 1858. To this amount must be added the sum of $10,000,000, negotiated during the present fiscal year, of the loan authorized by act of June 14, 1858. There was issued under the provisions of the act of December 23, 1857, during the last fiscal year, Treasury notes to the amount of $23,716,300, of which there was redeemed, and the Department informed thereof, during the same period, $3,961,500; leaving the sum of $19,754,800 outstanding on the 1st July, 1858. The details are shown by statements marked 1 and 5. In estimating the receipts and expenditures for the present and next fiscal years, it is not contemplated to redeem the outstanding Treasury notes. As these notes will become due and payable during the next fiscal year, some provision should be made to meet them. I am opposed to the policy of adding this amount to the permanent public debt by funding the notes. On the other hand, their entire redemption in one year would call for an increase of the tariff to a point which would render necessary another revision of it in the succeeding year. The true policy is to look in the present revision of the tariff to their gradual redemption, commencing with the next fiscal year. To carry out this policy, Congress should provide for the raising of such an amount of revenue as will enable the Department to redeem a portion of them, and, at the same time, extend for one year the provision of the act of December 23, 1857, authorizing the reissue of such portion of them as the means of the Government will not enable us to redeem. By this course we shall gradually discharge this part of the public debt without placing upon the people an onerous additional burden in the unnecessary increase of their taxes.

The operations of the independent Treasury system have been conducted during the last fiscal year with the usual success. Another year's experience confirms the opinions I expressed on this subject in my former annual report. I am well satisfied that the wholesome restraint which the collection of the Government dues in specie exerts over the operation of our present banking system contributed in no small degree to mitigate the disasters of the late revulsion. The opportunity which it afforded at an early period of relieving the financial embarrassments of the country by the policy of redeeming a portion of the public debt, and furnishing the country thereby with the specie used in its redemption, was attended with the happiest results. It is difficult to estimate the extent of the relief which was thus afforded, though I believe that the intelligent judgment of business men concurs in according to it the most beneficial effects. The adoption of a similar system by the different States, as suggested in my last report, would afford additional protection to the country against the ruinous effects of overbanking, and consequent derangement of the currency. A remedy so simple and just for an evil so great must commend itself to the favorable consideration of those to whom the subject is intrusted.

The attention of Congress is again called to the provisions of the act of March 3, 1857, on the subjects of deposits by the disbursing agents of the Government.

In my last report I stated in general terms that it was impracticable to execute the law according to its literal requirements, and the reasons were briefly set forth. The objects which the act sought to accomplish meet the entire approval of the Department, and it has been carried out to the utmost extent that was practicable. A few illustrations will show the impossibility of executing the law as it now stands. By its provisions a purser in the Navy would be required to deposit the funds placed in his hands for the payment of the officers and crew of a vessel in one of the public depositories, and he could only draw it out by a draft in favor of the person to whom he desired to make payment. A vessel on a foreign station is absent not unfrequently for two and three years; and while thus absent the purser would have to pay the officers and men by drafts on a public depository in the United States. He would also have to pay all other expenses, which exceeded the sum of twenty dollars, by similar drafts in favor of the person to whom the payment was to be made. A disbursing agent in the Indian department would be required to pay the Indians their annuities by similar drafts. The disbursing agents of the Army would have to settle with the officers and men of the Army, at their distant posts, in the same manner. A collector of the port of Eastport, in the State of Maine, would have to transport the funds with which he is to pay the employés of the Government at his port to Boston, or some other place where there is a public depository, and there give drafts on the public depository to each person to whom the payment is to be made. These cases illustrate the impossibility of executing the law as it now stands on the statute-book. There are serious and almost insurmountable difficulties in the way of executing it even in the immediate neighborhood of a public depository. Take, for illustration, a case which can be brought within the personal observation of members of Congress. There are paid monthly in Washington city more than a thousand persons. This law requires that each of these persons should receive a draft from the disbursing agent who settles with him, and present it at the Treasurer's office. The time that would be occupied by the Treasurer in identifying the applicants, and the number of additional clerks which would be required to keep the necessary books, independent of the unusual responsibility which would be put upon the Treasurer of identifying so many persons, render the execution of the law, even in this case, impracticable. For all this additional trouble and difficulty there is no compensating advantage over the present mode of making such payments, which has been found by practice both safe and expedient. It can scarcely be necessary to point out all the difficulties which exist. Congress is again referred to the circular regulations which were adopted by the Department on this subject; and the recommendation of amending the law, as suggested in my last report, is repeated.

The report of the director of the Mint is herewith transmitted, marked 9. It appears that the amount of bullion received at the several Mint establishments during the fiscal year ending June 30, 1858, was $51,494,311 29 in gold, and $9,199,954 67 in silver; and that the coinage during the same period amounted to $52,889,800 29 in gold, and $8,233,287 77 in silver, and $234,000 in cents.

The director recommends that the law be so amended as to make silver a legal tender to the extent of fifty or one hundred dollars. I am not aware of any serious complaint against the law as it now stands, and can see, therefore, no urgent necessity for a change.

He also recommends the issuing of Mint certificates to depositors for sums as low as fifty dollars, payable to bearer, with a view of creating a sound paper currency. This suggestion does not meet the approval of the Department. I have many objections to the proposition, but do not deem it necessary to enter upon the discussion, as I feel quite confident there will be no serious disposition on the part of Congress to give it a favorable consideration. The operations of the Mint during the last fiscal year have been conducted with energy and ability by the officers in charge of this important branch of the public service.

The accompanying report of the engineer in charge of the bureau of construction will exhibit the progress of the various public buildings under the direction of this Department. Many of them have been completed, and are ready to be occupied for the various purposes for which they were erected. In all of them as much progress has been made as was anticipated at the commencement of the year. No new buildings have been begun since the adjournment of Congress. In my last report I called the attention of Congress to the fact that, owing to the condition of the Treasury, the Department had postponed the building of a portion of the public works authorized by previous acts of Congress. To have commenced them at that time, or at any period since, would have required the borrowing of the means to construct them. The silence of Congress on the subject indicated their approval of the policy.

The condition of the Treasury at present is not more favorable for the construction of such buildings. At a time when the necessities of the Government demand an increase of taxation, I should not feel justified in recommending the construction of such works as are not urgently demanded for the public service. It will be for Congress to decide, in providing the necessary means for the next fiscal year, whether or not they will impose an increased tax for such a purpose.

The occasion is an appropriate one again to call the attention of Congress to the system of erecting public buildings. They are referred to tables (Nos. 5, 6, 7, 8, and 9) appended to the engineer's report. These tables will show the number of public buildings erected at different periods, the cost of their construction, and the necessity which existed for their erection. The revenue received at any port indicates the amount of business which requires a custom-house. The amount received at a post office indicates the necessity of a building for that object, and the number of days of the sitting of the courts will show the necessity for a Government building for that object. It will be for Congress to say whether a system which has led to the building of a custom-house at a port yielding $130 93 of revenue, and a post office which pays $107 65, and of a court-house where the Federal courts were in session four days in a year, is entitled to their continued sanction and approval. It is said that some of these buildings are used for all three of these purposes. This is true; but a reference to the tables alluded to will show that, in that view of the subject, the expenditure in many cases cannot be justified, as the combined services were not of sufficient importance to require the erection of such buildings. If the amount of business done at the places where these buildings have been erected justified the expenditure, then common justice would demand that similar buildings should be put up at every other place in the United States where an equal amount of business is done. To do this would require an expenditure of money which the warmest advocate of the system will not approve.

The recommendations of my last report on this subject are again submitted to your consideration. In the present state of our finances, it will hardly be proposed to add to the public expenditures by authorizing the erection of any more public buildings. In no event, however, should such works be directed without first subjecting the application for them to a rigid inquiry into their necessity and propriety; and when found necessary, the Department should be required to submit to Congress suitable plans and estimates of the cost, before an appropriation is made.

Your attention is particularly invited to that portion of the engineer's report which refers to the subject of marine hospitals. Each year's experience adds to the objections which have been presented to Congress to the system of building and maintaining these hospitals. The relief afforded is not more ample, whilst the expense is much greater, than exists under the old system. The information which is communicated on this subject must attract the serious attention of Con-

gress, and should lead, in my judgment, to a radical change. The amount now annually drawn from the Treasury to supply the deficiency in the fund for the relief of sick and disabled seamen exceeds the sum raised out of the wages of the seamen for this purpose. It was not so formerly; and the fact is in no small degree attributable to the increased and unnecessary expenditures growing out of the building and keeping up of marine hospitals. Besides, there is no fund disbursed by the Government which possesses higher claims for a just and economical expenditure than the one under consideration. The law compels the collection of this money from the wages of the seamen, and the Government undertakes to expend it for their benefit and protection. The trust is a sacred one, and can only be faithfully discharged by exercising the greatest care and economy in its disbursement. I renew the recommendations of my last report on this subject.

I deem it my duty to call the attention of Congress to the bill for the revision and consolidation of the revenue laws, reported by me, in obedience to a resolution of the House of Representatives at the last session of Congress. For the reasons then suggested, I deem it important that the bill should receive the favorable action of Congress at the present session.

Instead of that portion of the bill as originally reported regulating the collection districts, and appointment and compensation of officers, I propose to submit, at an early day, a substitute suggested by the experience of an additional year in this Department, which, it is believed, will obviate many existing inconveniences, and very materially reduce the expense of collecting the revenue.

In this connection it is deemed proper to refer to a misapprehension which seems to exist to some extent in regard to the receipts and expenditures at certain points.

While the amount of foreign merchandise imported at a given point would clearly indicate the necessity for an adequate provision there for the collection of the revenue, it by no means follows that the interests of the revenue do not require the services of officers at points where few or no duties are collected. A judicious disposition of a preventive force is indispensable to the collection of a revenue from imports. Especially is this true in regard to the United States, along whose extensive sea-board and frontier boundaries there are so many points through which foreign merchandise might be thrown into the interior free of duty but for the vigilance of a preventive corps. Upon the principal avenues of trade with foreign countries, provision has been made by law, at ports of entry, for the collection of duties, and at those ports our revenue from customs is mainly collected or secured. Other channels through which foreign merchandise might clandestinely reach the interior are, of necessity, guarded by a preventive force, and often at points where the expenses exceed the amount of collections. Such a force could not be withdrawn without leaving the laws and regulations exposed to evasion, and the public revenue to incalculable loss.

Take the districts of Champlain and Vermont, on the Canadian frontier, as an illustration. There is a large number of officers stationed at various points along the frontier in these districts, and the expenses of collection exceed by more than one half the amount of revenue received.

What would be the effect on the revenue of the withdrawal of this force from these points may be perceived by a glance at the connections of those districts, and of the waters of Lake Champlain, with the principal markets and territory of Canada East.

One of these stations, Rouse's Point, where a large portion of Canadian commerce first enters the United States, communicates by railroads and the river St. John with Montreal and the St. Lawrence. If no preventive force were stationed at those points, merchandise of provincial and European origin might be introduced into the United States by those routes, and at various points along the Canadian and Vermont frontier, without the possibility of prevention, and to the serious injury of the revenue from customs. Where articles are taxed by our tariff, but made free by the Canadian, or where the difference of duties in Canada and the United States would insure a profit on the adventure, merchandise might be exported in bond from our own warehouses to Canada, to be thrown thence upon our markets without the payment of any duty whatever to the United States. Merchandise so imported might supply, to a large extent, the consumption of New England and New York, in whose ports so large a portion of the public revenue is now collected.

At the ports of Pensacola, in Florida, and Shieldsboro', near the mouth of Pearl river, in Mississippi, on our Gulf coast, revenue officers are stationed, but no duties of any considerable amount collected. But for the presence of a revenue force at those points, the valuable products of European and West Indian commerce might be introduced, free of duty, into the interior through the waters commanded by those ports, with hardly a possibility of prevention, and to the serious diminution of the revenue now collected at the ports of New Orleans and Mobile.

Other instances of the necessity of a preventive service might be readily suggested, but it is not deemed necessary. It is believed that the expense of maintaining it might, at some points, be reduced without impairing its utility; and the Department has that subject now under consideration.

At the last session of Congress appropriations were made for the purchase of the best self-righting life-boats, to be placed on the coast of New Jersey, and the best life-boats for use on the coast of Long Island. As the Government had already provided life-boats for those stations, the object of the law was evidently to ascertain a better boat than those already employed, and, if found, to substitute it for those now in use. Taking this view of the subject, I appointed a commission to test the qualities of the various kinds of boats that had been constructed, and which were offered to the Government. The report of the commissioners has been received within the last few days—too late for any action of the Department before the meeting of Congress. It is herewith submitted, (marked 44,) with a view of placing before Congress all the information on the subject in the possession of the Department; and also that such additional action may be had at the present session as may be deemed advisible.

The report of the Superintendent of the Coast Survey, giving a statement of the operations of this service during the last fiscal year, will be submitted to Congress at an early day.

The report of the supervising inspectors (marked 12) is herewith submitted.

A report from the president and directors of the Louisville and Portland Canal Company is expected to reach the Department in a short time, and when received will be submitted to Congress.

The accompanying reports from the various bureaus of the Treasury Department, (marked A to L,) will furnish detailed statements of the business transacted in each of them.

In addition to the regular annual report of the Light-House Board, (marked No. 13,) I transmit a report from the board, (marked No. 45,) which has been prepared in answer to a resolution of the Senate of February 1, 1858. The information contained in it will be interesting to both Houses, and is therefore communicated at this time.

All of which is respectfully submitted.

HOWELL COBB,
Secretary of the Treasury.

Hon. JOHN C. BRECKINRIDGE, *Vice President of the United States and President of the Senate*

Report of the Secretary of War.

WAR DEPARTMENT,
WASHINGTON, *December* 6, 1858.

SIR: The authorized strength of the Army, as posted, is 18,165; but the actual strength, on the 1st of July, was 17,498. These troops compose the whole numerical force of our Army, distributed throughout the States and Territories of the entire Confederacy, manning all the fortifications occupied by troops, holding all the posts now garrisoned, defending all our extended frontiers, and protecting, as far as possible, the different routes extending across the continent from the Mississippi valley to our possessions on the Pacific.

The absolute demands for men in the various posts, stations, &c., as well as for what might be termed the police operation of the Army, left only thirteen regiments for actual service in the field. And upon this small force, numbering little over eleven thousand men, devolved the arduous duty of prosecuting all the Indians wars, which have extended this year from the British possessions on the Pacific to the border settlements of Texas; as well as of crushing the rebellion in Utah, which, from its vindictive spirit and large numbers, threatened at its outset to become, and indeed was, very formidable.

The labors performed by the Army since my last report will very fully appear from the reports of the different bureaus, herewith transmitted, and to which I call your particular attention. It may be safely asserted that no army of the same size ever before performed, in such a length of time, marches and movements of such extent, surmounting in their progress such formidable obstacles.

These regiments have accomplished within the year a march, averaging for each, the extraordinary distance of twelve hundred and thirty-four miles. These marches, in the main, have been made through the uninhabited solitudes and sterile deserts which stretch away between the settlements of the Atlantic and Pacific coasts, upon routes which afforded nothing to facilitate the advance, except only the herbage which the beasts of burden might pluck by the way-side.

Every item of supply, from a horse-shoe nail to the largest piece of ordnance, has been carried, from the depots, along the whole line of those tedious marches, to be ready at the exact moment when necessity might call for them. The country traversed could yield nothing. The labor, foresight, method, and care requisite to systematize, and the energy, activity, and persistence to carry out such operations by the different departments, deserve the attention of the country, and, in my opinion, its commendation too. No disaster has befallen the Army throughout its immense ramifications; and the privations, hardships, toils, and dangers to which it has been continually subjected, have been borne without a murmur.

There has been, for a long time, much exhibition of an insubordinate and hostile spirit among the Indian tribes of Washington and Oregon Territories, and, during the past spring and early part of summer, it broke out into open hostility. A very large force of Indians attacked a comparatively small party of our people, who, after an ineffectual resistance and the loss of some brave officers and men, were forced to retreat. This was the signal for a general rising of the tribes, and an alliance was speedily formed between the powerful tribes of Spokanes and Cœur d'Alenes, together with many straggling warriors from amongst the Palouses and other tribes. Immediately upon this outbreak, Brevet Brigadier General Clark, in command of the department of the Pacific, with great promptness and with a wise forecast, concentrated in a masterly manner the widely-scattered forces under his command and precipitated them into the heart of the Indian country, where a powerful Indian force was already assembled to meet him. The campaign was prosecuted with great activity and vigor by Colonel Wright, of the ninth infantry, who gave battle to the Indians on several occasions, always routing them completely. After beating their forces, capturing many prisoners, and destroying large amounts of property and laying waste their country, the Indians surrendered at discretion, with their wives and children, and sued abjectly for peace. The criminal offenders amongst them, heretofore guilty of murder and rapine, the chief instigators of all dissatisfaction amongst those tribes and the immediate cause of the recent hostilities, were surrendered, tried, and executed.

A permanent peace has been established by treaties entered into with them, and the Army has been already distributed to points where the presence of a force was greatly needed. The officers and men of this command deserve the thanks of the country for the efficient and soldierly manner in which they have borne themselves in the prosecution of the campaign.

The forces employed in the Territory of New

Mexico have been called upon also to repel Indian aggressions and chastise the formidable and warlike tribe of the Navajos. These savages have for some time evinced a spirit of insubordination and discontent, which at last broke out into an open defiance of our authority, and was followed by the murder of a negro man within the precincts of the camp.

The declining health of Brevet Brigadier General Garland necessitated his return to the States, which devolved the command of that department upon Colonel Bonneville. This officer promptly and with very proper foresight put on foot the expedition against the Indians, and the campaign has, up to the last advices, been conducted with skill, ability, activity, and courage. The enemy has been met on several occasions, and always routed, although our disparity of numbers has always been very great. Our troops have succeeded, also, in taking a considerable amount of the Indian property, consisting of cattle and grain. This war is still prosecuted with vigor, and the Indians show no disposition to abandon their warlike attitude or ask for peace. The Navajos are very rich in herds and flocks, and possess considerable quantities of grain, enough at least to enable them, for some time, to keep up resistance and prosecute the war. They can probably number about three thousand mounted warrors—an extremely formidable force, particularly in the wild and remote country they inhabit. There shall be no relaxation in prosecuting this war until the savages are brought absolutely under the yoke.

In the State of Texas and upon its borders, there has been, and still is, at this time, raging an Indian war between our troops and that most formidable of all the tribes, the Camanches of the plains, and their kinsmen and allies, the Kiowas. These people have, for a long time, been committing petty outrages upon the inhabitants of our frontiers and travelers upon the roads leading in the vicinity of their haunts. These depredations brought on at last a fight between our troops and their warriors, which, for fierceness and determination, was very remarkable in Indian warfare. The Indians were routed with considerable loss of killed and wounded by our troops, most efficiently commanded by Major Van Dorn, who also succeeded in capturing a number of their horses.

This war we may look upon as just begun, and the probabilities are that it will be one of fierceness, and may be one of considerable duration. Every means will be taken to prosecute it with vigor and to terminate it with all possible speed.

You will see, sir, from this rapid narrative, that our little Army has been called upon, during the last year, to carry on a war extending over nearly the whole space embraced between the parallels of 32° and 48° of north latitude, and extending over a space of more than fifteen hundred miles. It is not, then, a matter of suprise that our thirteen regiments, engaged in these wars and the Mormon rebellion, should have been called upon, in the performance of these arduous services, to accomplish the extraordinary feat of marching an average distance of nearly thirteen hundred miles.

In addition to the operations above spoken of, troops have been moved upon the northwestern frontier and stationed in such manner as to afford protection, as far as possible, to the border settlements of that region. Much apprehension, from the hostile manifestations of the savages beyond the confines of Iowa and Minnesota, has been felt by the frontier settlements of those States, and I regret to say our force is not sufficient to spare troops in such numbers as will quiet altogether these alarms.

MAP OF POSTS AND ROADS.

I have caused a map to be made, which accompanies this report. It shows at a glance all the military posts occupied by our troops and the roads to be traveled in passing to them. Such of these posts as are garrisoned must be supplied with everything, and these supplies must be transported to them whenever and wherever they are needed, regardless of all obstacles. If these posts were permanently occupied by fixed numbers of troops, it would be easy to furnish an exact estimate of cost, both for supplies and their transportation. But it is very far otherwise, when the supplies are contingent upon the accidental number of troops which the exigencies of the service may require at a given point, and the season of the year when they are to be moved. The number of posts and their positions exhibited by the map, and the extraordinary distances traversed by our troops, demonstrate that both economy and the proper efficiency of the Army require an increase of it. Whilst I have no recommendation to make upon the subject, knowing, as I do, the action of Congress upon this subject at the last session, yet I feel constrained to lay these facts before you and the country, that any apparent lack of efficiency in the Army in giving complete protection to our frontiers may be set down to the want of numbers, and not to any want of activity on the part of our troops.

Upon this point I beg leave to call your attention to the views of the General-in-Chief.

UTAH.

The operations of the army in connection with the Territory of Utah, since the date of my last report, deserve particular notice. They have been in themselves important, and fraught with most important results.

With the inception and progress of the Mormon rebellion, up to the meeting of Congress last year, the country is familiar. It is familiar also with the importance ascribed to it by Congress, with the reasons assigned by that body for appropriating the large sums of money necessary for crushing the treason at a single blow. The preparations at first made to accomplish this object I have heretofore reported. But the final preparations for fitting out the expedition, and the actual movement of the troops upon that remote and difficult Territory, have not until now been made the subject of official communication, nor have the highly beneficial consequences resulting from the policy of that movement been as yet brought to your notice or to that of the public.

After the open acts of war perpetrated by the Mormon people against the United States, in seizing the provision trains of our army, and destroying them with fire, and in stealing and driving off the herds of cattle and horses belonging to the command, although these were essential, as everybody supposed, to the maintenance of our troops and their protection against starvation, these people continued to manifest every proof of a fixed determination to push their treason to the extremity of bloodshed and war. They not only proclaimed martial law in that Territory without a pretext, but against every principle of justice, of law, and of the Constitution; they embodied their whole force of effective men, and kept them constantly drilled and under arms, hovering about our encampment, seeking a favorable moment, if one should ever offer itself, to cut off and destroy the whole command. They fortified the narrow mountain passes leading towards the town and chief settlements where they reside, and collected from remote neighborhoods all the deluded people belonging to their sect. Every preparation which indicated a spirit of determined hostility, of rebellion, of treason, and war, characterized these people in every action, and nothing but menace and defiance towards the United States authorities ever fell from the lips of their chief impostor or any of his confederates.

When a small force was first sent to Utah, the Mormons attacked and destroyed their trains, and made ready for a general attack upon the column. When a sufficient power was put on foot to put success beyond all doubt, their bluster and bravado sank into whispers of terror and submission.

This movement upon that Territory was demanded by the moral sentiment of the country, was due to a vindication of its laws and Constitution, and was essential to demonstrate the power of the Federal Government to chastise insubordination and quell rebellion, however formidable from numbers or position they might seem to be. Adequate preparations, and a prompt advance of the army, was an act of mercy and humanity to those deluded people, for it prevented the effusion of blood.

These people, however, still evince a spirit of insubordination and moody discontent. They keep up strictly their organization, which has for its object and end the complete exclusion of Federal authority from all participation in the governmental affairs of the Territory, beyond a mere hollow show. The head man or chief of their sect rules the people with absolute power, and under his dictation the temper they manifest towards the Government and the army is that of a conquered people towards a foreign enemy. The necessity which called for the presence of troops in Utah will require a strong force still to be kept there. The reports from the commissioners sent to Utah for the purpose of ascertaining the exact condition of things are already in your hands, and are at once useful and interesting. Nothing could be more praiseworthy than the just and impartial manner in which those gentlemen discharged their delicate and responsible duties.

The conduct of both officers and men attached to the army of Utah has been worthy of all praise. The commander, Brevet Brigadier General A. S. Johnston, who joined his command at a time of great trial and embarrassment, with a calm and lofty bearing, with a true and manly sympathy for all around him, infused into his command a spirit of serenity and contentment which amounted to cheerfulness, amidst uncommon hardships and privations which were unabated throughout the tedious and inclement season of the winter. The destruction of our trains by the Mormons, the disasters which necessarily flowed from it, drove General Johnston to the necessity of sending a detachment of men to New Mexico for supplies essential to preserve the whole command from the greatest extremity, and to enable him to prosecute his march with all practicable dispatch.

This expedition was intrusted to Captain R. B. Marcy, of the fifth infantry; and, without intending to make an individious comparison between the services of officers where all are meritorious, it is but just to bring the conduct of this officer and his command to your especial notice. It may be safely affirmed that, in the whole catalogue of hazardous expeditions scattered so thickly through the history of our border warfare, filled as many of them are with appalling tales of privation, hardship, and suffering, not one surpasses this; and in some particulars it has been hardly equaled by any.

Captain Marcy left Fort Bridger on the 24th day of November, 1857, with a command of forty enlisted men and twenty-five mountain men, herders, packers, and guides. Their course lay through an almost trackless wilderness, over lofty and rugged mountains, without a pathway or a human habitation to guide or direct, in the very depth of winter, through snows, for many miles together, reaching to the depth of five feet. Their beasts of burden very rapidly perished until very few were left; their supplies gave out; their luggage was abandoned; they were driven to subsist upon the carcasses of their dead horses and mules; all the men became greatly emaciated; some were frost-bitten; yet not one murmur of discontent escaped the lips of a single man. Their mission was one of extreme importance to the movements of the army, and great disaster might befall the command if these devoted men failed to bring succor to the camp. They had one and all volunteered for this service, and, although they might freeze or die, yet they would not complain.

After a march of fifty-one days they emerged from the forests, and found themselves at Fort Massachusetts, in New Mexico. During their whole march Captain Marcy shared all the privations of the common soldier—marching, sleeping, eating as they did. After a short delay at this post, for the purpose of recruiting his party and procuring all necessary supplies for his return, he set out for the army at Fort Bridger.

In the mean time information reached the Department that the Mormons were organizing a party to intercept Captain Marcy's return with the supplies, to "stampede" his animals, and cut off his party. Prompt measures were taken to reinforce Captain Marcy, so as to prevent such a catastrophe. Information of this further Mormon treason reached General Garland, then commanding the department of New Mexico, in time to send a detachment of the mounted rifles sufficient for protection.

These preparations necessitated a further delay on the part of Captain Marcy, otherwise he would have reached the army at Fort Bridger with his supplies after an absence of about three months, having accomplished a march of more than thirteen hundred miles. I herewith transmit a short report prepared by Captain Marcy, at my request, which, I am sure, will be read with interest.

QUARTERMASTER'S BUREAU.

The operations of this bureau have necessarily been larger by far for this past year than at any previous time since the Mexican war; and the difficulties and embarrassments which surrounded it at every step were never at any time greater.

If the appropriations asked of Congress at its last session, and which were granted in June, could have been procured in January, the embarrassments of the bureau would have been altogether avoided, and the interests of the public greatly promoted. With money in hand to purchase supplies for the Utah expedition, at least twenty per cent. could and would have been saved to the Government. But being without a dollar at command of the Department, with large outstanding drafts upon it unpaid, with no certain reliable calculations as to when they should be paid, added to the great uncertainty as to what would be ultimately the action of Congress relative to the movements upon Utah, it is easy to understand how extreme were the embarrassments in setting on foot an expedition of such vast magnitude and importance, to be conducted through a wilderness of twelve hundred miles, beset by savages and hostile Mormons, and interspersed with almost impassable deserts.

To await the delays attending the appropriation was to incur certain failure to the expedition; (for unless it started early in May the march could not be made before fall of snow and the destruction of the grass;) to anticipate and make the movement before funds were supplied, necessitated the assumption of a grave responsibility. But with failure on side and censure on the other, I felt there was no room for doubt or hesitation. It became necessary in this posture of affairs, to supply the requisite funds from private sources to answer the requirements of the service. This I felt more bound to do after the sense of Congress relative to the Mormon rebellion had been expressed, and when it became pretty certain that money for the expedition would be voted at some time or other.

The authority of the Department to purchase supplies for the Army by contract, to be paid at a future time, under the act of May 1, 1820, was the legitimate resort in that state of things, and, although I hesitated for a long time before exercising that authority, I found there was no alternative left but to take measures for the supply of all the necessaries for the army, or to fail in the expedition. This was done in a manner heretofore partially communicated to Congress under calls by that body upon this Department; but until now a final statement of the transactions could not be made.

I refer you, particularly, to the report of the chief of the quartermaster's bureau for a detailed statement of all operations connected with it. They will be found interesting and very satisfactory. I take this occasion to say, and I cannot but express my great gratification at the fact, that the disbursements have resulted in furnishing larger supplies of articles essential for the march of the army, many items of which were of a decidedly better quality, and bought at *cheaper rates*, than have ever been purchased through that bureau since the commencement of the Mexican war.

The disbursements, amounting to nearly ten million dollars, have been made through this bureau during the last year, and every transaction has been finished, every account closed, every voucher filed, with the exception of $28,000, not yet received, owing to the great distance of the disbursing officers from the seat of Government. Not one dollar will be unaccounted for, and not one cent misapplied. This simple fact is the highest commendation that can be bestowed upon the fidelity, efficiency, and worth of the officers of this corps.

This bureau expends by far the heaviest amount of any in the Army, and it is frequently made the subject of animadversion by those who do not know that whilst the payments are necessarily made through this bureau, yet the bureau has no voice whatever in directing them when, how, or to what amounts these expenditures shall be made. Whenever an order is given by any officer of the United States Army, having a right to give it, for the purchase of an article or the disbursement of money, the quartermaster must make the purchase and foot the bill, however much his judgment might lean against the expenditure. The quartermaster's department is responsible for the honest and faithful disbursement of money, but not for the objects to which it may be applied. Hence it will be readily perceived that there are no data, and can be none, by which the estimates of this bureau can be anything more than mere approximate estimates of the probable expenditures.

COMMISSARY'S BUREAU.

The operations of the commissary department have been very satisfactory during the past year. The appropriations for supplies being sufficient, there was money in hand to make all necessary purchases; and supplies of a better quality have been purchased, and for lower rates, than at any previous time for many years. When contracts were necessarily given, they have been made on very advantageous terms. The supply of beef for the army in Utah and the intermediate posts, has cost less than the ruling prices in New York or any of the Atlantic cities at the same periods. The beef delivered in Utah cost no more than $8 50 per hundred, net; at Fort Laramie $7 50 per hundred, net; whilst the supply delivered at Fort Leavenworth, of the fattest and most superior quality of corn-fed beef, cost only $6 25 per hundred, net.

NATIONAL DEFENSES.

The accompanying report of the chief engineer will inform you of the progress which has been made during the past year in the construction of our fortifications.

The purposes and nature of these have been fully set forth in former communications from this Department, and I therefore deem it unnecessary to advance any reasons in support of my recommendation that appropriations may be granted for the works at Willett's Point and Fort Richmond.

In limiting my recommendations to these, and a general appropriation for keeping in repair completed works, I have been guided by the consideration that the scale on which our defenses are projected is so great that the expense of completing them should not be imposed upon the present generation, but should rather be distributed over a long term of years, especially as the annual burden will be comparatively lighter as the country increases in wealth.

Besides, as national circumstances change, and in correspondence with the development and improvement in the appliances of warfare, our fortifications must, in order to fulfill their original design, be modified in regard to the scale or the system; for example: it is possible that the engineer bureau may, in future plans, incline towards some combination of earth-work batteries in preference to the masonry forts of the present system. For these reasons, and because our seaports are already reasonably secure against *direct attack, by guns afloat*, I am averse to precipitation in completing the works now in hand.

But if we are thus warranted in relaxing our solicitude with regard to the danger which engrossed the attention of the engineer board which forty years ago planned the present system, we have cause for fresh apprehension from a method of warfare from which distance and uncertainties of the sea no longer protect us. In view of the prodigious development in the marine of the first Powers of Europe, and of the increased range at which their steam navies enable them to exert the utmost strength of their land armies as well as floating forces, I am in favor of making some provision against descents upon our coasts of hostile armies coöperating with steam fleets.

In proportion as our sea-ports increase in wealth, they will increase the incentive which would incline our maritime rivals to resort, in case of war, to a revival upon our shores of the system which they pursued at Sebastopol, Kinburn, Odessa, Sweborg, and Bomarsund, with such destructive effect.

In my last report I alluded to the militia as the proper reliance against similar attempts; but much depends upon the maturing and providing for beforehand, at each probable point of attack, of some plan of action which shall enable them to compete on equal terms with the veteran armies of Europe. Our railroads are indeed capable of transporting, to the scene of action, great bodies of men, but beyond certain limits the very numbers of raw troops become disadvantageous, and fifty thousand militia would do better service, if managed so as to profit by the markmanship and intelligence of the individuals, than a hundred thousand of the same who should attempt to outmaneuver a well-disciplined regular army.

For example, we may reasonably apprehend that New York might be the object of an expedition, which would debark a large army on Long Island; the enemy could then march on Brooklyn, and, if victorious, could either bombard that city and New York, and destroy the navy-yard, or exact a heavy contribution. A line of field works around Brooklyn would, however, obviate such a calamity, for it would compensate its defenders for their inferiority in the habit of war; and such a line could be thrown up and armed in a few days.

It must be considered, however, that the growth of the city has already overspread the positions which the original topography of the vicinity indicated as most advantageous for such a line, and that at the present rate the only ones which remain available may be found, when the emergency arrives, similarly occupied.

I therefore recommend Congress to take steps to secure the key points, at least, of the really fine position in question, by reserving a few plats of ground, to be occupied, when the occasion requires, by redoubts.

Similar views to the above are advanced more elaborately in memoirs which have been submitted to this Department; among others in one on the defenses of New York, which has been addressed to me by Lieutenant Morton, of the engineer corp, and which I recommend for your consideration; the plan it proposes for the location and combination of the defensive works around Brooklyn appears to be practical and judicious.

MILITARY ROADS.

The military road from Fort Smith to the Colorado river by way of Albuquerque is in progress of construction with every promise of its being executed with promptness and skill. The work done upon that portion of it lying west of Fort Defiance last year, begins already to demonstrate the benefits to the country of the appropriation and the work. Large numbers of emigrants bound for California have passed over this route during the past season, and unusually large herds of cattle have been driven that way, because of the abundance of grass and water met with upon it. For all the purposes of a military road, this route possesses many very striking advantages. The line is a straight one nearly from Fort Smith to the Colorado of the West; the surface over which it passes is excellent for a road; whilst there is on almost the entire line an abundance of grass and water.

The position being on the thirty-fifth degree of north latitude, renders grazing abundant at a very early period in the spring and late in the autumn. For this reason a force might be marched over this road at a period so late or so early that other routes northward would be impassable from frosts and snows. The altitude of the mountain range prevents that aridity in summer which characterizes some of the more southern routes.

This route derives security from the peculiarity of the conformation of the country lying to the north of it, from the western limit of the Navajo tribe to the Colorado river. The corrugation of the country north of this route, by immense cañons or chasms, renders it both uninhabitable and impassable, so that a perfect barrier against all possibility of Indian attacks from the north, for a distance of several hundred miles, must exist forever. This, doubtless, constitutes a very

great recommendation to the route as one for emigration and transportation of stock.

In another point of view this route is important. In the construction of military posts, to keep in subjection the marauding bands of Camanches, Kioways, and other tribes, the topography of the country presents points for them very near to this line of road, so that it will be protected by a line of posts along it from the borders of the friendly Indian settlements to Albuquerque. With a judicious location of two other posts between that point and the Colorado river, traveling will be as secure upon that line of road, throughout its whole extent, as upon any territorial road in the United States. I think it would be advisable to make an appropriation for still further improving this road.

Great improvements have been made in the roads through the Territory of Utah since the march of the army thither. A new route has been opened from Fort Bridger to the present encampment of the army, near Utah lake, by what is called the Valley of the Timpanogos, which diminishes the distance to California, in comparison with that usually traveled by Soda Springs, two hundred and fifty miles, and is shorter, by one hundred and thirty miles, than the present route through Salt Lake. An appropriation of a moderate sum, to be expended on the road west of Utah lake, or Rush valley, towards Carson valley, would, no doubt, be both judicious and beneficial. It would open and materially improve a route which may be very essential, at some time, in transporting supplies from the Pacific side to any troops stationed in Utah.

EXPLORATIONS AND SURVEYS.

Every season is developing the great advantages to the public which inure from appropriations made for military explorations and surveys. The large and almost wholly unknown region of country lying between our Atlantic and Pacific frontiers is becoming every day more familiarly understood by means of information gained through these explorations and surveys. Some important expeditions have been consummated since my last report. Important additions to our geographical knowledge have been made by these surveys, and extensive information upon many scientific subjects has been procured at the same time. The public interests are much promoted by this expenditure. I ask special attention to the report of the officer in charge of the office of exploration and surveys. It embraces the results of the expeditions heretofore fitted out to examine the hitherto unknown regions of the Colorado of the West, as well as the Black Hills lying west of the Nebraska Territory. Important and very valuable information has been furnished by both expeditions. That of Lieutenant Ives, among other things of great interest, exhibits one of the most remarkable topographical phenomena ever met with. He discovers that the waters of the Colorado river, in all their various ramifications of brooks, creeks, and rivers, make their way to the main stream through cañons or clefts in the solid rock at a depth of from one thousand feet, where the cañons first commence, to that of six thousand, towards the head waters of the streams below the surface of the earth. These cañons present, for the most part, perpendicular faces of solid rock, and give to the whole country an aspect of wild desolation, without a parallel or an approximation on the American continent. These reports will constitute a valuable addition to science, and will be found very interesting.

A very large, and I think important portion of our territory, lying north and west of the Black Hills, towards the sources of the Missouri and its tributaries coming in from the south side of it, is almost wholly unknown. It ought to be thoroughly explored. I have but little hesitation in saying that a most important line of intercommunication between the Mississippi valley and the river Oregon will yet be opened, and probably at no distant day, either through the country spoken of, or a little further north, upon a line extending from Lake Superior along upon the waters of the upper Missouri to those of the Oregon. At all events, we need much information about this country, which nothing but a careful exploration can give. There are strong grounds to believe that between the navigable waters of the Missouri and those of the river Oregon a portage of not more than four hundred miles intervenes. If this should turn out to be true, and the ground should prove suitable for the construction of a road, this route will be eventually one of the most important yet discovered between the Atlantic and Pacific for military purposes. Other regions of interest and importance, of which we know next to nothing, require to be explored.

There is a large amount of important scientific information in the bureaus of this Department which could be made valuable to the general interests of the country if it were properly presented to the public. It ought to be done through means of a geological map. Such a map is a public necessity, and no equal sum of money could be expended which would confer so many valuable benefits upon the country as the amount necessary for the preparation of such a map.

The extensive deposits of precious metals throughout our vast dominion, in search for which such immense sums are annually expended, would be accurately marked; whilst the great articles of national wealth and prosperity, iron, coal, and salt, would be so clearly defined that no money need ever be thrown away in fruitless search for them in localities where they do not exist. Such a map would direct wisely the expenditures of money and labor, and would restrain losses likely to arise from ignorance or willful misrepresentation.

CAMELS.

The entire adaptation of camels to military operations upon the plains may now be taken as demonstrated, whilst their great usefulness and superiority in many particulars is equally certain.

A very heavy expense is necessarily incurred every year by the quartermaster's department in furnishing transportation for troops whilst engaged in expeditions against the roving tribes of the plains. In all these movements camels could be used, no doubt, to very great advantage. In the space of three days a well-appointed command could set out and traverse a space of one hundred and fifty miles without difficulty or much fatigue, and fall upon any Indian tribe perfectly unawares. They would be able to carry all necessary supplies for the campaign, and traverse the arid plains without any inconvenience from want of water. The superiority of the camel over the horse would soon become so manifest for all movements upon the plains and deserts, that hostile Indians in those regions would soon come to understand the hopelessness of escape by flight, and the folly of marauding where chastisement was certain.

The camel lives and thrives upon what would not sustain the hardiest mule, and consequently the item of forage, one now of enormous cost, would be almost saved, if the supply of camels was sufficient to answer the demands and requirements of our frontier service.

It could not fail to be a measure of wise economy if Congress would authorize the purchase of a thousand camels for the purposes spoken of. This could be done at comparatively small cost, if a suitable vessel of the Navy was detailed to transport them.

As this subject is attracting much attention, I take the liberty of transmitting, herewith, a brief treatise on the camel, written with great care, and describing with minuteness the proper mode of raising, training, and treatment of them. It is the work of Hekekyan Bey, of Cairo, Egypt, and was prepared at the instance of our active and efficient consul general of Egypt, who has interested himself upon this subject, and has furnished much valuable information concerning these animals. The publication of this little manual will, no doubt, confer a decided benefit upon those who are turning their attention to this new and important branch of husbandry.

ASYLUM AT HARRODSBURG, KENTUCKY.

This property cannot be sold except at a ruinous sacrifice, but it can be converted into an establishment of usefulness, indeed of the greatest possible importance to the service. One of the greatest evils entailed upon the efficiency of our forces, when called on for active duty in the field, arises from the large number of entirely raw recruits continually sent forward to fill up the ranks. These men, for most part, have no earthly idea of the duties they will be called upon to perform, or of the discipline they will be required to undergo. And when to the arduous duties of a frontier campaign they are subjected to the discipline of drill and the routine of a soldier's life, they find it more than any ordinary exertion will accomplish, and, consequently, they desert. If they were thoroughly drilled before joining their regiments, the discipline itself would fit them to overcome those very difficulties with comparative ease, which, without it, causes them to desert.

Under our present system a dragoon recruit may be sent to his regiment, immediately marching against the Indians of the plains, whilst his skill in riding is not sufficient to sit a horse at an ordinary trot without extreme difficulty. The arms about the person of such a man are as useless as if they were safely stored away in one of the Atlantic arsenals. The man's condition is one of torture to himself and his horse; his horse is speedily broken down, and he himself deserts. Examples of this sort are extremely numerous, and of perpetual occurrence.

These and a great many other evils resulting from sending untrained men to the mounted service can all be avoided by authorizing the public property at Harrodsburg, Kentucky, to be converted into a CAVALRY DEPOT and school for the mounted service. It will entail no additional expense. The houses are sufficient now for every purpose, and the stables are ample for such horses as would be necessary for drill and all other purposes. The grounds attached to the establishment, I believe, are admirably adapted to cavalry drill, being extensive and well situated.

If this measure is sanctioned, it will not only fill the regiments with men skillful and efficient in the management of their horses and the use of their arms, but it will be a measure of economy, and prove a greater saving in money to the public service.

Harrodsburg has striking advantages besides those enumerated; it is situated in a rich, healthy, grain-producing country, where forage can always be purchased in abundance, and at fair prices; and the horses of that region are of the very best sort. It is very accessible and sufficiently near the frontiers of the West for the recruits to reach speedily, by railroads and steamboats, any of the posts at which the mounted regiments would probably be stationed.

The frontier service requires that every possible means should be resorted to to make our little Army thoroughly efficient, and no measure, I am confident, would contribute more to it than the one now proposed.

SCHOOL OF ARTILLERY.

The Artillery School of Practice at Fort Monroe, so long an object desired amongst the military men of the country, has been established, and bids fair to realize all the benefits to the service which its friends anticipated. It will give to the service, presently, a corps of officers and men certainly equal to those of any other service in the world. The officers, under whose charge it is at present, are thoroughly competent and fully imbued with an anxious desire for complete success in the school.

There is a small tract of land in the vicinity of the fort which ought to be purchased for the purpose of giving a sufficient range for practice with heavy guns. With this land a large saving could be made by the recovery of balls used in practice in the course of time. The range, without this land, is inadequate to the wants of the service and the interests of the school. The reports upon this point, to which I refer, will give in detail the particulars upon which this recommendation is predicated.

INSPECTOR GENERAL.

The duties of inspector general are among the most useful and important of any pertaining to the service. Through these offices all abuses and defects of the service are ascertained and made known to the Department, and from him that sort of information is derived which would, in fact, be impracticable through any other source.

Our immensely extended Territories render this sort of inspection of our numerous military posts and depots a matter of vital importance; and it is quite impossible that those duties can be prop-

erly performed without the addition of another inspector general to the two already authorized by law. I therefore recommend that the appointment of an additional inspector general be authorized by law.

STAFF.

I call again your special attention to the recommendations I submitted in my report last year upon the subject of the staff. Another year's experience has convinced me more than ever of the great benefits which would flow from the adoption of the suggestions and recommendations therein set forth.

ENGINEERS.

There are two corps of engineers attached to the Army, designated as engineers, and topographical engineers. This division of corps was accidental somewhat at first, and has been persisted in from mere habit. In my judgment it is useless and uncalled for, and ought at once to be abolished.

The present arrangement is founded in no good reason whatever, and is productive of no benefit to the service, whilst it entails a considerable expense upon the Department, altogether useless and unnecessary. It is derogating nothing from the corps of engineers to say that the topographical corps is quite their equal. By this proposed union of the corps, it would always furnish a sufficient number of this staff to accompany troops in the field. This, in turn would tend to the reformation of what is growing into an abuse—the absence of so many staff officers from all service with troops in the field.

Nothing, in my judgment, would result in greater benefit to the service, than to require all staff officers, from the heads of bureaus down to the youngest brevet second lieutenant, to serve periodically with troops in the field. Any officer who remains for many years absent from duty in the field, comes to have very faint perceptions of what is useful and necessary for troops in actual service in the field. He can only know what is needful through information derived from others. It is obvious, then, that those best informed should be the ones intrusted with the staff duties.

BRIGADIER GENERALS.

Whenever two regiments are brought together in a brigade, a general of brigade should be in commission to command it. If our whole Army were now organized for the field, we should need nine generals of brigade; and in the necessary arrangements of peace, the three in commission are not sufficient to command on the frontiers and in the military departments. These brigade commands, therefore, in our Army are generally devolved on the senior regimental officer, who is thereby withdrawn from the proper duties of his own appointment and commission. But as regimental officers are not, by right of seniority, to be commissioned generals, neither ought they, by such rule, to exercise the functions of generals. In all armies generals are selected for commands by Government. A sufficient number should always be in commission for that purpose not attached by law or their commissions to specified commands as regimental officers are. The assignment of brevet officers to brevet commands does not always serve the purpose, and where it does, it is only by conferring two commissions and two offices on one officer who can only discharge the duties of one; the expense to Government is the same whether the officer exercises command by a brevet or by a proper commission. There is a great need of three additional brigadier generals to those now in commission, and I recommend their appointment.

WASHINGTON ARSENAL.

The grounds heretofore purchased for extending the accommodations of the Washington arsenal, have been delivered to the Government and are inclosed with a slight temporary fence. Suitable buildings for more extensive operations at this place ought to be erected, and it is proper that the plans should be at once adopted which could be gradually completed in the progress of time. Some of the workshops now in use there were erected upon ground reclaimed from the water, and are very unsubstantial. The walls are giving way and the roofs are sustained in places with props. These buildings are insecure and will become dangerous.

The reports of the engineer will exhibit the state of things at the Military Academy, and in relation to other matters especially under the charge of that bureau.

The report of the officer in charge of the Capitol extension and Post Office, will give a detailed statement of the progress of the work for the last year.

The reports from the different bureaus and officers in charge of particular works, are referred to as calculated to give full information upon the respective subjects embraced in them.

VOLUNTEERS.

I call your particular attention to the necessity of providing, by law, for payment of the claims brought against the Government by different States and Territories, for services heretofore rendered by volunteer forces in suppressing Indian hostilities. These claims are numerous, and amount, in the aggregate, to a very large sum. Where they are just, every principle of equity and fairness requires their payment. If any should prove, upon strict examination, to be without foundation, to pronounce this judgment promptly, and settle the question definitely, would bring relief to those presenting the claims, and to this it would seem they are at least entitled.

EXPENDITURES OF THE ARMY.

I desire to call particular attention to the subject of Army expenditures. I think there is some misapprehension in the public mind upon this point, which can be removed by a succinct statement of facts.

The disbursement of money through the War Department embraces many subjects entirely disconnected with the Army proper, but all of which is in general apprehension ascribed wholly to the Army. All work done upon fortifications along the sea-coast, in which many millions are spent, has, in fact, no more to do with the operations of the Army than the ships-of-war which are built at the navy-yards. Nor has the Army, as such, anything to do with the expenditures of money annually appropriated for rivers and harbors; so, too, of the buildings and works of a public character put in charge of Army officers for construction. It is certainly not just to charge to the Army the millions spent upon the aqueduct for bringing water into the city of Washington, when, in all probability, not one platoon of soldiers will ever, in the course of any one year, be solaced with a drink of water from those capacious fountains.

The fair and legitimate expenses of the Army are embraced within comparatively a few items. The pay of the officers and men is regulated by law; not one dollar more or less can be expended upon that object. So, too, with their rations and clothing. Nothing would be easier, and nothing in the future would be more certain, than to estimate exactly what would be the cost to the country of maintaining our whole Army, or any portion of it, at any fixed and permanent post for a year. But when the movements of troops depend upon the uncertain temper and disposition of savages upon a frontier line of more than four thousand miles in extent, some latitude must be allowed in calculating the probable cost of making such movements as those precarious contingencies may necessitate. The season of the year, and the locality where the marches are to take place, enter materially into the computation of expenses, all of which is too obvious to require any illustration. So much for the general proposition about Army expenditures. I have attempted, as far as possible, to meet your just wishes in reducing the expenditures of the Army, and the estimates of the next fiscal year are less than the appropriations of the last by the sum of $9,160,488 32. They are less than the estimates laid before you at the last session of Congress, by the sum of $2,735,408 55. They amount in the aggregate to $18,010,090 28; and I entertain a strong hope that the expenditures may be still further reduced in the course of another year.

It affords me pleasure to say, that notwithstanding the Indian wars in Washington, New Mexico, and Texas, all of which were unforeseen and unexpected, still, unless there shall be further and larger demands for expenditures in suppressing other Indian hostilities, additional to those already incurred in Washington Territory, New Mexico, and Texas, there will be no necessity for asking appropriations in the shape of a deficiency bill.

I have the honor to be, very respectfully, your obedient servant, JOHN B. FLOYD,

Secretary of War.

The PRESIDENT OF THE UNITED STATES.

Report of the Secretary of the Navy.

NAVY DEPARTMENT, *December* 6, 1858.

SIR: Since the last annual report this Department has been required to employ a naval force for the purpose of arresting unlawful expeditions against Nicaragua, resisting the exercise of the right of search by British cruisers in the neighborhood of Cuba, and enforcing a demand of redress for an insult to our flag and for injuries to our citizens by the Government of Paraguay.

In the first instance, that of arresting and preventing unlawful expeditions set on foot in the United States against Nicaragua, contrary to the act of Congress of April 30, 1818, orders for this purpose were issued to the steam frigates Wabash and Susquehanna, the sloops-of-war Jamestown and Saratoga, and the steamer Fulton. These orders and the successful action of Flag-Officer Paulding, and those under his command, in breaking up the expedition against Nicaragua, set on foot by General Walker, were fully communicated to Congress at its last session by the special message of the President of January 17, 1858.

The force sent into the neighborhood of Cuba to resist the exercise of the right of search by British cruisers, consisted of the steam frigates Wabash and Colorado, the sloops-of-war Macedonian, Constellation, Jamestown, Saratoga, and Plymouth; the steamers Water Witch, Arctic, Fulton, and Dispatch, and the brig Dolphin; comprising the Mediterranean squadron under Flag-Officer Lavallette, the home squadron under Flag-Officer McIntosh, and such other vessels as were sent out specially for that purpose. They were all deemed effective for the object for which they were sent, because, in the execution of their mission, no one of them would have hesitated to resist a ship of the largest class. They were instructed to protect all vessels of the United States against the exercise of the right of search on the high seas, in time of peace, by the armed vessels of any other Power. These instructions have been often repeated and are now regarded as standing instructions to the Navy of the United States, wherever employed. They put the deck of an American vessel on the same footing with American soil, the invasion of which, under foreign authority, is to be as strenuously resisted in the one case as in the other. They regard such invasion as in the highest degree offensive to the United States, incompatible with their sovereignty and with the freedom of the seas, and to be met and resisted by the whole power of the country. It was your policy promptly and decisively to embrace the opportunity to bring this question of right, upon which we had gone through one war and half a century of negotiation, to final issue, by placing all other nations in a posture where they must either fight for it or abandon it. The result has proved the wisdom of the measure.

Congress having authorized the President to use force to obtain redress from the Government of Paraguay, it was deemed expedient to send a powerful fleet into that neighborhood to be employed, if necessary, for that purpose. Accordingly the squadron on the east coast of South America has been increased, so that it will consist of two frigates, two sloops-of-war, three brigs, twelve armed steamers, and two armed storeships. They have been ordered to rendezvous near Buenos Ayres, and to be in readiness for any action that may be required. Of this force, one sloop, three brigs, and twelve steamers can lay the whole river coast of Paraguay under effective blockade, ascend the river to the capital of Paraguay, and overcome any resistance that may be offered. It has been the object of this Department to leave no doubt as to the success of an expedition set on foot to protect the persons and property of American citizens in a remote country, to vindicate the honor of the American flag

in a particular instance of wanton outrage offered to it, and to indicate a determined purpose on the part of this Government to cause it to be respected wherever its protection may be rightfully invoked.

In fitting out this expedition it became necessary, in consequence of a deficiency in the Navy of vessels of light draught, to charter a number of steamers which could be used as transports and for towage, and could be armed also for effective service as war-vessels. These vessels, six propellers and three side-wheel steamers, have been chartered for six months, or more, with a right of election on the part of the Government to become purchasers at stated prices, and to apply all payments made under the charter as part payment of the purchase money. As these vessels would be useful as part of the naval force of the United States, and can be purchased on reasonable terms, I would recommend an appropriation to be used, if deemed expedient, for the purpose. The sum required to purchase the six steam propellers would be $244,000, of which $94,800 must be paid for the use of them for the period of six months, and a proportionate sum for a longer time, if no purchase be made. The sum required for the three side-wheel steamers would be $286,000, of which, if they be not purchased, the sum of $69,000 must be paid for the use of them for the same period of six months, and a larger sum for a longer period. The election must be made on or before the 10th of March next.

During the past year the Department has sent out a surveying party, under the command of Lieutenant J. M. Brooke, to survey and lay down with accuracy the obstructions to navigation in the usual routes between San Francisco and China. The Fenimore Cooper being already fitted for such an expedition, and the principal instruments necessary for it being already on hand, it will be attended with little extraordinary expense. Looking to the early growth of an extensive and profitable commerce between our Pacific shores and eastern Asia, which has recently by treaty been thrown open to us, augmented, as it will be, in no inconsiderable degree by the diversion of trade from ancient channels, it was deemed a matter of importance to remove all impediments out of its way, and to give it the security of a more perfect knowledge of the highway over which it must pass.

The steam frigate Niagara, under the command of Captain Hudson, was again in March last, by your direction, placed at the service of the Atlantic Telegraph Company to coöperate with those furnished by the British Government in another effort to lay the Atlantic cable. Leaving New York on the 9th of March she arrived in England on the 23d. From this time forward, until the final accomplishment of the great enterprise, her officers and men devoted themselves to it with a zeal and energy which contributed largely to its success and entitled them to the highest commendation. Having reached Trinity Bay on the morning of August 5th, and fully performed that part of the work intrusted to her, she returned to New York, where she arrived on the 18th and was put out of commission. Although there should prove to be a fatal defect in the cable, yet the enterprise has been successful, for it has been demonstrated to the world that the object is not only not impracticable, but that it can easily be accomplished.

It was deemed a fitting sequel to her participation in that enterprise of science, that the Niagara should next be engaged in an enterprise of distinguished philanthropy. The brig Echo, an African slaver, having been captured by the Dolphin, under Lieutenant Maffitt, on the coast of Cuba, and brought into Charleston with her cargo of three hundred and six slaves, you determined promptly, in obedience to an act of Congress, to restore them to their native Africa, and to provide for them for the term of one year at the expense of the United States. Orders were accordingly given to the Niagara to proceed upon this mission. Within one week from the date of her orders, with most commendable dispatch, she was at sea. Leaving New York on the 13th of September, under the command of Captain Chauncey, she arrived off Charleston on the 18th, the next day received the captive Africans on board, then two hundred and seventy-one in number, and on the day following set sail for Liberia, where, under a contract with this Government, they were to be received and humanely provided for by the African Colonization Society, at the expense of the United States. They were accompanied by Dr. Thomas Rainey, who was appointed agent under the act of Congress to receive them on the coast of Africa, and to see that the humane purposes of this Government were carried into effect.

It was the intention of the Department to have again, during the present year, assigned to the steam frigate Susquehanna, under Captain Sands, the duty of assisting in laying the Atlantic telegraph cable; but in the month of March last, while she was lying in the harbor of San Juan del Norte, the yellow fever made its appearance on board, and prevented her from again participating in that enterprise. Having been detained at quarantine in New York during the summer, she has but recently been removed to Brooklyn. On her way home she was obliged to put into Jamaica. When she arrived at Kingston, Sir Houston Stewart, the admiral of the port, placed the hospital at the disposal of the sick, and furnished every assistance for landing them. Eighty-five of them were transferred to the hospital. The surgeon of the ship being disabled by the fever, Assistant Surgeon Rose, of the British navy, volunteered to attend the sick in his place, and to accompany her to New York. The Department communicated to him its high appreciation of this noble and generous act of disinterested philanthropy. On those who were left at Port Royal every attention was bestowed, and every provision made for their comfort by the authorities. To Admiral Stewart, Commodore Kellett, Captain Hay, Doctor Kinnear, of the hospital, and the medical officers under him, the Department expressed, through the British Minister at Washington, its warmest acknowledgments for their prompt and efficient assistance. For the expenses incurred in the treatment of the sufferers at Port Royal, the Lords Commissioners of Admiralty have declined to make any claim upon this Government.

The five steam sloops-of-war authorized by the act of March 3, 1857, will soon be completed. The one built at New York, by Mr. Westervelt, under contract with the Government, will be ready for trial at sea during the present month. That built in the navy-yard at Philadelphia has been launched, and will be ready for trial in March. Those built at the Charlestown and Gosport navy-yards will be ready for launching during the present month, and for sea by July. The other, built at Pensacola, will be launched in the spring. The machinery of two of them is under construction at the Washington and Gosport navy-yards; that of the other three at private establishments. They are all sloops-of-war of the first class, and can be employed to advantage on any of the foreign stations, instead of larger and more expensive vessels.

The seven steam screw sloops-of-war and one side-wheel war steamer, authorized by act of June 12, 1858, are in a state of great forwardness. Five of them will be launched during the present month, and be ready for sea by May next; and the other two screw steamers will be launched early in the spring, and be ready for trial by June. The side-wheel steamer is building at the navy-yard in California, will be launched in the ensuing spring, and be ready for sea in August. They are all within the limit of draught prescribed by the act of Congress; and the steam machinery of all of them has been contracted for with private establishments after public advertisement.

In the construction of the steamships authorized by the acts of Congress referred to, it has been the aim of the Department to combine speed and power with strength in the highest practicable degree for vessels of their class. Accordingly models have been selected with particular reference to their adaptation to the greatest attainable speed, and contractors for the engines and machinery, under the act of last session, have been required to guaranty the result of their plans by stipulating for the number of revolutions to be performed in a given space of time. In combining the skill of the constructor and engineer for the accomplishment of the paramount object of extraordinary capacity for speed, I have not confined myself to the limits of the Navy, but have looked elsewhere beyond that narrow boundary, that the country might have the benefit of the highest skill, wherever it might be found.

In placing an estimate upon the value of high speed, the importance of it has not been too highly appreciated. Of two war vessels—the equals of each other in every other respect—the one which has the greatest speed has a decisive advantage over the other, and in a contest is most sure to win the mastery. The time has gone by when steam can be regarded in any other light than as the principal motive power on the water for warlike purposes. It is impossible any longer to regard the unsteady and uncertain power of the wind as anything more than an auxiliary power, subordinate to that of steam.

In the construction of a war vessel, everything connected with it has ultimate reference to a single point—the use of the gun; by which alone, as the means or instrument of power, important results are to be accomplished. To place it in the presence of the enemy or beyond his reach in the shortest possible time, and to use it with the greatest possible effect, is the great object to be sought for in the construction of a navy or the maintenance of its auxiliary establishments. It is to attain this object that the skill of the departments of ordnance, of construction, and of engineering, is taxed to the utmost. In the first place, we have aimed to select and adopt the arm which combines the greatest strength, range, accuracy, and power. In the Dahlgren gun we have found what we want, and it is believed there is no gun in any service that surpasses it in these qualities. In the use of it, by training a corps of skillful gunners, by constant instruction, and by universal practice at sea, according to the requirements of the naval service, we have attained the greatest perfection in celerity of movement and accuracy of aim. Having these advantages in the gun and its use, we have next endeavored to secure that model of a war vessel propelled by steam which would encounter the least resistance in its passage through the water, when, of course, so far as the form of the vessel is concerned, the greatest speed will be attained. And finally, as side-wheel steamers are scarcely admissible for fighting purposes, we have endeavored to apply the power of steam to war propellers in such manner as to give the vessel the greatest capacity of rapid movement, so that whether it be the object to overtake an enemy, or to escape from a superior force, or to seek its safety in any other emergency, it may be able to exert its capacity for speed to the utmost extent; while, on the other hand, at other times it may use its steam power very sparingly, or not use it at all. So great is the zeal of those connected with this branch of the public service that I feel assured they will not rest satisfied until they have given to the service the fastest war ship which skill and science can produce.

All our past experience has evinced the necessity of an increase of the Navy. It is impossible, with our present naval force, to give adequate protection to the persons and property of American citizens pursuing their various avocations by land and sea in all parts of the world. What we more especially need in time of peace is a larger number of vessels capable of entering the rivers and harbors of all foreign countries, as well as our own. Such is the condition of Mexico and of the Central and South American States, that it is indispensably necessary that we should be able to approach them frequently, and at every accessible point. There is no other mode of extending effectual protection to American interests in that or any other quarter of the globe where the existing Governments lack stability, or, for other causes, cannot be relied on for the performance of international duties. The frequent presence of a ship-of-war, though not of the largest class, exerts a powerful restraining influence, and will generally save our citizens from the infliction of gross injustice. There are still other reasons for a considerable augmentation of our naval force.

The commerce of the United States has increased with such unprecedented rapidity that we are already one of the greatest commercial Powers of the world. Frequenting all seas and visit-

ing all countries, it is vain to suppose that it can be protected by a few ships of the larger classes The only mode of doing it in an effective and economical manner is to give the Navy greater efficiency by multiplying the number of smaller vessels of light draught and powerful armament, capable of following commerce into whatever waters it may frequent, and of which four or five can be built and maintained in commission for the cost of a single frigate or ship-of-the-line. Twenty effective vessels of the smaller class can be built and kept at sea for what it would cost to build and keep at sea four or five vessels of the larger class. And when this fact is considered in connection with another, that well-armed ships of this description traversing the high seas, visiting the ports of remote nations, displaying a national flag as the representative of a great confederation of free States, are usually in time of peace as powerful for all protective and preventive purposes as any other, while they are useful and formidable in war, the argument becomes irresistible for the employment of a much larger number of them.

This view does not yet exhaust the subject. We have an immense sea-coast, indented by a thousand harbors, most of them of no great depth, which needs the constant attention of Government on both the Atlantic and Pacific oceans. The waters of the Gulf of Mexico and those contiguous to it, the great highway of the immense commerce of the Mississippi and that between our Atlantic and Pacific possessions, are to be guarded, like inland seas, with jealous care, and should be made to swarm with these floating fortifications. The United States should be present and have a predominating influence over the American continent, and, in order to maintain it, should have the means of causing their power to be felt at any point wherever and whenever it might be necessary.

These great leading objects can be accomplished by increasing the effective force of the Navy, and they can in a great degree be accomplished by the mode proposed, without any considerable increase of expenditure. Let Congress increase the number of our heavy-armed vessels of light draught until we can frequently display our flag at every point where American interests shall need its protection, and the work will be already done.

Under different circumstances from those which now exist; if we were not in the midst of commercial and financial embarrassments; if we were in our usual condition of an abundant revenue and an overflowing Treasury, I should not hesitate to recommend that we resort at once to the general policy of maintaining a more powerful Navy, on the ground that it is required for defense, and will be necessary to maintain our rights and the honor and character of the country. Although it may be delayed, yet the time will soon come when this policy will be forced upon us, under circumstances of great disadvantage, if not voluntarily adopted. For the present, however, I shall reluctantly content myself with urging the supply of our immediate and pressing wants, by the construction of a larger number of war steamers of the smaller classes, such as were authorized by the act of Congress of the last session. The addition of at least ten more vessels of that description, of as great speed, light draught, and powerful armament as their character and tonnage will permit, is not only a necessary measure, but will be found to be as efficient as any that can be devised requiring so small an expenditure of the public money.

The Naval Academy at Annapolis, under its present superintendent, Captain George S. Blake, continues to give marked evidence of its great usefulness. Fifteen acting midshipmen graduated in June last, and of seventy-six candidates for admission in September, fifty-six were found qualified and were admitted. The number of acting midshipmen now attached to the academy, is one hundred and eighty-nine.

The board of officers appointed to witness the annual examination of the classes and report on the condition of the academy, speak favorably of the police discipline and general management of the institution. They concur in the recommendation of previous boards, that the standard of qualifications for the admission of candidates be raised, or that a course of preparatory study be provided, so as to bring them to a more uniform degree of attainments. They recommend that acting midshipmen be required to bind themselves to serve a certain period after passing through the academic course of studies; that teachers of French and Spanish be attached to our ships on foreign stations; that a practice ship be permanently attached to the academy for the instruction of the acting midshipmen, and that every encouragement be held out to induce men specially qualified by their professional attainments and general good character, to engage and remain permanently in this service.

To enable me to accomplish this latter object and to transfer to the Naval Observatory, where they are much needed, the naval professors of mathematics now employed at the academy, I would earnestly recommend that authority be granted by Congress to do for the Navy as has been done at West Point for the Army—organize a corps of professors at the academy composed of civilians, with such compensation as will command the highest abilities for this most important service.

The sloop-of-war Preble, under Commander Craven, having been detailed as a practice ship with a view to the instruction of the acting midshipmen at sea in navigation and seamanship, sailed from Hampton Roads in June last, with ninety-seven pupils on board. The ports of Cherbourg and Cadiz, and the Island of Madeira, were visited during the cruise, and the ship returned to Norfolk in September. Commander Craven speaks in very favorable terms of the zeal and proficiency exhibited by the youths under his command, and of the marked improvement they made during this short cruise in the practical duties of their profession. His report is herewith submitted.

I cannot omit to invite attention to the very inadequate provision that has been made for the accommodation of midshipmen at the Naval Academy. The number of midshipmen authorized by law is 464, and the whole number in the service is but 236. Of these there are at the Academy 189, while provision has been made there for only 180; and there are thirty-three congressional and territorial districts still vacant, having no midshipmen at the Academy or elsewhere in the service. The Academy is already crowded to overflowing, and should these vacancies only be filled, without filling the whole number of vacancies in the corps, which are now 228, the pupils could not be accommodated. In this state of things, no appointments could be made during the present year, except from the districts which have no midshipmen in the service. As this is the only mode of gaining admission into the Navy, the way appears to be very effectually blocked up, and there is and must be, consequently, a great deficiency of officers in the lower grades of the service; an evil which cannot fail seriously to detract from the efficiency of this great arm of the public defense.

The present effective strength of the medical corps does not exceed 59 surgeons and 70 assistants. The wants of the service for the ensuing year will require for duty at sea 39 surgeons and 70 assistants; for shore duty 26 surgeons and 17 assistants; making a total of 65 surgeons and 87 assistants required for active duty. This deficiency in the medical corps of the Navy cannot be neglected without subjecting the lives of those engaged in this branch of the public service to unreasonable and culpable exposure. The naval establishment has from time to time been increased, while no corresponding increase has been made in the number of medical officers, that remaining nearly the same now as forty years ago. Since the year 1815, Congress has increased the number of captains from 32 to 76; of commanders from 18 to 106; of lieutenants from 140 to 327; while the medical corps, which then numbered 120 members, has now but 149, including at least 20 who are incapacitated for active service. The recent addition of a considerable number of steam vessels to the Navy will necessarily create an increased demand for the services of officers at sea; while the greater activity which now prevails in it, and is likely hereafter to prevail, will still further increase that demand. To meet the immediate wants of the service, an addition of 20 to the present number of surgeons, and as many additional assistant surgeons, will suffice. With that number, the stations on shore and vessels at sea may be supplied, and a short interval of relief from duty allowed an officer on his return from a cruise.

There are now 64 pursers in the Navy. Of these, 31 are on sea duty, 17 on shore duty, and 16 on leave or waiting orders. In the list of pursers on leave are included those who, from age or physical infirmity, are unfit for duty, and those who have just returned from sea and are engaged in settling their accounts. There are at the present time 16 vessels in commission which should have pursers, but have none. In nine of these vessels the duties of purser are reluctantly performed by the commanding officer, who is required to perform them with great exposure to pecuniary loss, and with no additional compensation. While he is thus compelled to devote his attention to duties not appropriate to his profession, he is placed in a false position towards the men under his command, and in every question relating to their accounts, is required to be sole umpire between himself and them. In some cases a purser is assigned to duty for more than one vessel at the same time, when, of course, he is often obliged, without any immediate oversight, to trust to the responsibility of a clerk such as can be employed for the small compensation allowed by law. It would be advantageous to the service if Congress would authorize the appointment of a small number of additional pursers. Fifteen or twenty would be sufficient for the present.

In my last annual report, it was recommended that the privates of the marine corps be increased to the number of 2,000. The number at present is 1,568. Of these, 568 have been employed under the act of March 3, 1849, authorizing the substitution of landsmen as marines. Two hundred of these have recently been temporarily substituted, under the provisions of that act, for the purposes of the Paraguay expedition. This number of privates, now again recommended, is necessary for the service, to furnish the proper guards for shore stations and for vessels at sea. It will require the usual proportion of commissioned and non-commissioned officers to organize the corps thus increased with the proper degree of efficiency.

By the act of June 12, 1858, making appropriations for the naval service, the Secretaries of the Treasury and Navy were "authorized and required to ascertain, in such way as they may deem best, the actual value of the ten acres of land heretofore belonging to the naval hospital at Chelsea, and ceded by the sixth section of the act making appropriations for the civil and diplomatic service of the Government, approved March 3, 1855, for the purposes of a marine hospital for the district of Boston and Charlestown;" and the Secretary of the Treasury was directed "to pay the so ascertained value of the said ten acres out of any money in the Treasury not otherwise appropriated, to the credit of the naval hospital fund, out of which the original purchase of the property so ceded was made."

In pursuance of this act, a commissioner was appointed in November last by each of the Departments to ascertain the value of the land. They were authorized to appoint a third party to act with them. Surgeon Whelan, chief of the bureau of medicine and surgery, was appointed by me, and Major A. H. Bowman, of the corps of engineers, was appointed by the Secretary of the Treasury. The third party, Samuel Hatch, Esq., of Boston, was selected by them. After examining the land in question, and carefully considering the subject, they unanimously awarded that there should be paid by the Treasury Department to the naval hospital fund, for this lot of ten acres of land, the sum of $50,000.

The board of officers, consisting of Commodore McCauley and Lavallette and Commanders Marchand and Steedman, heretofore appointed to prepare a code of signals for the use of the Navy, have reported a code which, on the 13th of July last, was adopted by the Department. It embraces day, night, and fog signals, and has been printed and partly distributed to vessels in commission

The act making appropriations for the naval service, passed March 3, 1857, directed the Secretary of the Navy "to have prepared and to report to Congress, for its approval, a code of regulations for the government of the Navy." Such code I have had prepared by a board of officers, convened at Washington on the 7th of August, 1857, consisting of a captain, commander, lieutenant, the lieutenant colonel of the marine corps, a purser, and a surgeon; and now, in obedience to the act, I report the same, that it may be laid before Congress. And in doing so, in order to avoid misconstruction, I beg leave to say that I entirely dissent from the course of giving to a code of regulations, descending into all the *minutiæ* of unimportant details, the force of law. The authority of the Commander-in-Chief of the Army and Navy is adequate to the establishment of such regulations, as should be varied, modified, or suspended, from time to time, according to the exigencies of the service, and could not have the stability of law without subjecting it to the greatest inconveniences and embarrassments. It would be incongruous to remedy these difficulties by making a code, thus sanctioned, subject to be amended, altered, modified, suspended, or repealed, in whole or in part, by the Executive. And if the Commander-in-Chief were to be tied up by these regulations, so that his constitutional authority to command must not come into conflict with them, they would go far to repeal it.

The board has also reported, in the form of regulations, a code of laws for the government of the Navy. This is not obnoxious to the same objections as a code of minute regulations enacted by Congress, because the subjects embraced in it are properly subjects of legislation which should not be left to Executive discretion. This code is not a new one, but is composed of existing laws with some amendments.

The continuation of the exploration of the Parana and tributaries of the Paraguay, which was placed under the charge of Commander Thomas J. Page, has been somewhat retarded by his connection with the naval expedition to Paraguay, sent out under authority of the act of Congress of last session. The small steamer Argentina, contracted for with Mr. Forbes, of Boston, to be used in the exploration, and at the date of my last report nearly completed, arrived at Buenos Ayres on the 19th of April, and was delivered to Lieutenant McGary, who, with others of the surveying party, had arrived there on the 29th of March. They proceeded in the steamer to Rosario on the Parana, and there awaiting the arrival of Commander Page, engaged in such preliminary surveys and other work of exploration as could be successfully prosecuted in his absence. The charts compiled from the results of the former survey of the La Plata and its tributaries having been completed, the office was closed on the 30th September last.

The expedition sent to New Granada by the War and Navy Departments, to survey a route for a ship canal from the Atlantic to the Pacific through the Atrota and Truando rivers, in pursuance of the act of Congress of March 3, 1857, making appropriations for the naval service, returned in safety in May last, having accomplished the enterprise in which they were embarked. The particular object of it was to verify a former survey. Lieutenant Craven, of the Navy, and Lieutenant Michler, of the Army, who were detailed for this service, have not yet completed the labor of reducing their data to a result. It is understood they differ in opinion as to the feasibility of a ship canal from ocean to ocean in the contemplated route. As soon as the report shall be presented to the Department, it will be transmitted to Congress.

The resolution of the Senate of the 13th of April last, instructed the Secretary of the Navy to cause a thorough examination of the iron, coal, and timber of the Deep River country in the State of North Carolina, and to report at the next session of Congress upon the expediency of establishing, at some point in that State, machine and workshops for the construction of engines, boilers, &c., for naval vessels. In compliance with this resolution I appointed a commission, consisting of Captain Wilkes, Messrs. Hunt and Martin, chief engineers, and Mr. Pook, naval constructor, to make the examination. This examination has been made, but the report has not yet been presented to the Department.

The home squadron, under the command of Flag Officer McIntosh, at present consists of the Roanoke, Savannah, Jamestown, and Saratoga. The St. Louis is preparing to join it. The Susquehanna, Plymouth, Fulton, and Dolphin have recently been withdrawn from it, the two latter having been ordered to Paraguay.

Flag-Officer Long commands the Pacific squadron, now consisting of the Merrimac, Saranac, St. Mary's, Cyane, Vandalia, and Decatur. The John Adams recently belonging to it, returned from the Pacific in April last.

The Mediterranean squadron, commanded by Flag-Officer Lavallette, consists of the Wabash and the Macedonian. The Congress returned home from this station in January, and the Constellation in June last.

The Brazil squadron has consisted of the St. Lawrence, the Falmouth, and the Perry, under the command of Flag-Officer Forrest. This squadron has recently been largely reinforced, as already mentioned, and Flag-Officer Shubrick will succeed to the command of it on his arrival with the Sabine.

The African squadron is still under the command of Flag-Officer Conover, and is composed of the Cumberland, Vincennes, Dale, and Marion. The St. Louis returned from this station in February last. The Bainbridge having joined this squadron in the spring, has recently been transferred to the Paraguay expedition.

The Powhatan, Minnesota, Mississippi, and Germantown compose the East India squadron under Flag-Officer Tattnall. From this squadron the Levant returned home in April, the Portsmouth in June, and the San Jacinto in August. The Minnesota has received orders to return home, and may now be on the way.

The Dolphin, under the command of Lieutenant Maffit, while cruising on the north coast of Cuba, captured, on the 21st of August last, a brig having on board three hundred and eighteen Africans. She surrendered under American colors, and proved to be the Echo, formerly the Putnam. When first seen she was standing towards Key Verde, apparently with the intention of landing her cargo. Her officers and crew numbered eighteen persons, several of them Americans. She was placed under the command of Lieutenant J M. Bradford, with Lieutenant Carpenter and a crew, with orders to proceed to Charleston, where she arrived and was delivered, with three hundred and six Africans, to the United States marshal for that district. The crew of the slaver were held for trial, and the Africans sent back to Africa. The captain of the Echo was transferred to the Dolphin, and taken, by way of Key West, to Boston, where he was delivered to the authorities.

As there was reason to suspect, from information communicated to Lieutenant Maffitt, that other American vessels were engaged in the slave trade, and would shortly arrive on the north coast of Cuba, the United States steamer Dispatch, under the command of Lieutenant Parrott, was sent to that vicinity to intercept them. She had been cruising for several months in the Gulf of Mexico for a similar purpose, in consequence of rumors that attempts would be there made to land cargoes of slaves within the limits of the United States. But the cruise of the Dispatch has proved that these rumors were unfounded.

The sloop-of-war Marion, under Commander T. W. Brent, attached to the African squadron, and cruising on the southwest coast of Africa, on the eighth of September last, off Mayumbra, fell in with the American ketch, Brothers, James Gage, master, just from Havana, bound for the river Yaire or Congo, and finding in her what in his opinion was ample evidence to justify it, seized her as engaged in the slave trade contrary to the act of Congress. She was immediately put under the command of Lieutenant E. E. Stone, with Midshipman N. Greene and a crew, and sent to the port of Charleston, South Carolina, as the port to which she belonged, to be delivered, with the crew and cargo, into the custody of the United States marshal for that district. She arrived there on the 11th of November last, and is now in the hands of the authorities to be proceeded against according to law.

Flag-Officer McIntosh, with his flag-ship the Colorado, was instructed to visit the city of St. Domingo to inquire into the indignities reported to have been offered to the United States commercial agent at that port, to demand certain documents that had been refused in the case of the American schooner Charles Hill, and to take such measures as might be necessary for the security of American citizens during the civil war prevailing in that quarter. He found Baez, the President, in the city, besieged by Santana, who soon assumed the reins of Government. He obtained the documents which he demanded, and the most satisfactory assurances that the flag and citizens of the United States should receive the respect and protection due to them.

The Saratoga, under Commander Turner, and the Plymouth, under Commander Dahlgren, touched at the Island of Navassa, in pursuance of instructions, to look after the interests of our citizens engaged in removing therefrom a deposit of guano. They had been interrupted by two Haytien war vessels, and ordered to cease their operations and leave the island. This island is about forty-five miles from St. Domingo, and seventy-five from Jamaica. Commander Turner, the senior officer, had been instructed to investigate the matter, and to give such protection as circumstances should require. Finding the complaints of our citizens to be well founded, he proceeded to Port au Prince, communicated the views of our Government, and remonstrated against the course pursued towards those who were engaged in removing guano from the Island of Navassa. He afterwards touched again at the island, and found all things well. The men had resumed their operations, and no further interruption was anticipated.

The sloop-of-war Plymouth, under Commander Dahlgren, while attached to the home squadron, visited Tampico in October, in consequence of certain forced loans levied upon American residents by General Garza, the Governor of Tamaulipas. Commander Dahlgren, in company with the United States consul, had an interview with General Garza, and remonstrated against his measures. Subsequently, on the arrival of the Plymouth at Vera Cruz, he represented in person to President Juarez the improper course which General Garza was pursuing, and obtained from him the assurance that the proceedings complained of were contrary to regulations, and that no such levies would be exacted in future.

The Fulton, under Lieutenant Almy, was sent in the spring from the Central American coast to inquire into the circumstances attending the detention of American merchant vessels at Tampico. He arrived off the bar April 13. Lieutenant Almy found the two forces, government and revolutionary, arrayed against each other, the latter under General Garza, besieging the city. Five American vessels had been fired into and detained; one seized, half the cargo thrown ashore, and the captain imprisoned. General Garza had established a custom-house at the entrance of the river, where he required all merchant vessels to pay duties, and detained such as refused, although they had already paid duties at the Government custom-house at Tampico. Lieutenant Almy entered the river with the Fulton, placed her in position with her guns ready, and remonstrated against the action of General Garza, demanding the release of the captain and the vessels which were detained, all which was granted. Lieutenant Almy's course was fully approved by the Department. The Fulton remained at Tampico until May, when peace and quiet had been restored.

At San Juan del Sur, in Nicaragua, in August, two citizens of the United States were seized in their houses by the military authorities, and unjustly thrown into prison. Captain Kelly, of the steam frigate Saranac, then lying in the harbor, satisfied of the injustice of their imprisonment, demanded their release, and threatened to effect it by force. Before the threat was carried into execution, though not until preparations were made for that purpose, they were released, and the affair passed off without serious difficulty; the military governor, who had been absent, returning home and disapproving of the action of his deputy.

Flag-Officer Forrest, of the Brazil squadron, in January last, landed a detachment of marines at Montevideo. When he arrived there a portion of the people had taken up arms and were advancing to the capital. The Government applied to the foreign agents to land an armed force to protect the lives and property of the foreign residents. A sufficient force was thereupon landed from the vessels present, and Flag-Officer Forrest selected to command it. A strict neutrality was observed. The detachments returned to their respective ships in about ten days, without coming into collision with the revolutionists, they having capitulated on their approach to the capital.

These particular instances of direct interference are mentioned as illustrative of the manner in which the officers and vessels attached to the several squadrons are employed in protecting American interests within the limits of their respective stations. They are actively engaged in visiting important points, displaying the American flag in remote seas, interposing when necessary, inspiring our citizens in distant countries with a feeling of security, and exerting a salutary influence over those who might otherwise be disposed to annoy them. At no period, when we were not actually engaged in war, has the Navy been more actively employed than during the past year.

To the reports from the several bureaus I refer for a more particular account of their transactions than I have been able to give consistently with the brevity required in a general report. They show the condition of the navy-yards, of the naval asylum, hospitals, and magazines; of the ordnance department proper, the Naval Academy, the Naval Observatory, the new ships-of-war under construction, and the complete and ample provision made, with some exceptions, which have been noticed, for the wants of those engaged in the naval service. They exhibit statements of expenditures in their respective branches, and estimates in detail of what will be required for the ensuing fiscal year. To one recommendation in relation to the Naval Asylum I would particularly advert—that of permitting the disabled or worn-out seaman who has a home of his own, to which he has returned to pass the remainder of his days, to remain there and receive an annual stipend in money, instead of compelling him to leave it and resort to the asylum to obtain the benefit of the provision which the Government has made for him out of his own earnings. I would recommend the enactment of a law authorizing this to be done.

I transmit, herewith, a communication from the Superintendent of the Naval Observatory, setting forth what has been accomplished by him and those under his immediate supervision, and what are now the wants of the institution. In reference to some of these wants I would observe that they arise from exigencies of the naval service, which are deemed more imperative than some of the astronomical duties which have been supposed to fall within the scope of the Naval Observatory. These duties are committed to the charge of a distinguished astronomer, who is aided in the performance of them by the professors of mathematics. The other duties of the Naval Observatory connected with the examination of the logs of vessels transmitted there, the ascertaining of prevailing winds and currents, and the preparation of sailing directions, are supposed to be within the competency of accomplished naval officers who have graduated at the Naval Academy with distinction, and in detailing them for duty at the Naval Observatory special reference is now always had to their qualifications for this service.

In commending the subject of this communication to particular attention, I should do injustice to my own convictions were I not to express my high appreciation of the labors of Commander Maury, bestowed upon his wind and current charts and sailing directions for many years past, and of the benefits conferred by him upon commerce by giving the results of those labors to the world. They are, in fact, part and parcel of the present universal policy of civilized nations, to shorten and accelerate the transit from place to place, for all purposes of commerce and intelligence, to the utmost possible extent.

For the support of the Navy and marine corps, and all other objects under the control of the Navy Department, for the fiscal year ending June 30, 1858, the estimates were $13,803,212 77; appropriations, $14,240,247 27; expenditures, $13,870,684 76; there having been some curtailment of expenditures by reason of the falling off of the revenue.

For the fiscal year ending June 30, 1859, the estimates were $14,616,298 23; appropriations, $14,508,354 23, these having been largely retrenched in consequence of the diminution of the revenue, and again increased by appropriating $1,200,000 for eight light-draught war steamers, which were not embraced in the estimates.

For the fiscal year ending June 30, 1860, the estimates are $13,500,370 80, including $674,000 for completing the eight light-draught steamers authorized at the last session of Congress, and not including the usual compensation of $935,850 for steamship mail service, which will then be discontinued.

These estimates for the fiscal year ending June 30, 1860, are, for the Navy proper, $9,470,879; for the marine corps, $703,394 55; and for all other objects, $3,326,097 25.

I have the honor to be, very respectfully, your obedient servant, ISAAC TOUCEY,
Secretary of the Navy.

The PRESIDENT OF THE UNITED STATES.

Report of the Postmaster General.

POST OFFICE DEPARTMENT,
December 4, 1858.

SIR: I have the honor to submit the following report of the operations and business of the Post Office Department since my communication to you of 1st December last.

EXPRESS MAIL AGENTS.

In my last annual report allusion was made to improvements which were expected to result from the employment of express agents to accompany mails on the great routes from New York, Philadelphia, and Baltimore, westward.

Such service has now been in operation long enough to demonstrate that its importance was not over-estimated. Agents start with the great mails morning and evening from New York for the west—the latter going through without change to Cincinnati; the former to Cleveland—and being held to strict accountability for all mail bags placed under their charge.

Similar agencies are established between Cincinnati and St. Louis; and those between Baltimore and Cincinnati, and Philadelphia and Cincinnati, referred to last year, have continued in successful operation. The latter route is just changed so as to make Chicago, instead of Cincinnati, a terminus; and the express mails will be conveyed through in about thirty-six hours between Philadelphia and Chicago. The Cincinnati mails for the Philadelphia route will be in charge of the New York express agents between Crestline and Cincinnati.

The advantages of keeping mails under the constant supervision of the agents of this Department, for the longest distances practicable to be run, are so apparent that some of the usual shorter routes for agents in different sections have been consolidated, and further changes of this sort will be made from time to time, as far as consistent with the proper assortment of mails for way offices; while it may also be found necessary to increase the number of express routes for delivering closed bags, without reference to the exchange of mails between the smaller offices.

The number of such bags, already very great, must be multiplied more and more, in order to avoid the delays incident to distribution on the way between remote points; and nothing short of the undivided attention of agents directly responsible to this Department, can insure for the mails such regularity and safety as the public have the right to expect. The Government, having by law the monopoly of the mail service, should spare no efforts or expense to place it above the reproach which has attached to it of being behind individual enterprise, as to certainty and speed, and less adapted to the wants of trade and commerce, in their widely-extended ramifications, which can only be satisfied with a mail system combining all possible elements and appliances to make it perfect, as far as human agency can be effective to that end.

NEW YORK AND NEW ORLEANS ROUTE.

On the first day of July last, an arrangement took effect by which mails were to be conveyed between Washington and New Orleans in four and a half days, by way of Richmond and Lynchburg, Virginia, Bristol, Knoxville, Chattanooga, and Grand Junction, Tennessee, and Jackson, Mississippi, all by railroad, with the exception of a gap of ninety miles, in Mississippi, between the unfinished portions of the Mississippi Central railroad, which is supplied by stage service. So far as the time is concerned, coming north, (from New Orleans to Washington,) the whole service has lately been performed with but few interruptions, although in the beginning there were some unexpected difficulties connected with the stage portion of the route. Going south, the schedule contemplated the running of cars by night from Canton to New Orleans; but the early appearance of the yellow fever, as an epidemic, and its great virulence, interposed a serious obstacle in the way of this service, the railroad company considering it ruinous to their interests to approach the infected district except during the day time. The mails were thus necessarily delayed over night (twelve hours) at Canton, and delivered in New Orleans twelve hours behind the stipulated time. Assurances have, however, been given, that such delay shall no longer continue, and it is not doubted that the contract schedule will soon be fully complied with, insuring the delivery of mails from Washington at New Orleans within four and a half days.

The parties to the foregoing arrangement have further stipulated that, from and after 1st July next, the time shall be reduced twenty-four hours making the communication between Washington and New Orleans in three days and a half, or between New York and New Orleans within four days.

The mail service in general, between New York and New Orleans, during the past year, has been rather more exempt from the delays and irregularities by which it has usually been characterized, and there is scarcely a doubt that very great improvements will be effected during the next year by the completion of a *continuous* and *direct* railroad connection through Virginia, Tennessee, and Mississippi: that is, via Gordonsville (instead of Richmond) to Lynchburg, thence to Knoxville, Tennessee, and direct to Chattanooga, (omitting Dalton, Georgia,) thence to Grand Junction, and over the Mississippi Central and New Orleans, Jackson and Great Northern railroads.

I, last year, referred to routes established by law, and advertised by this Department, from Cedar Key, Florida, to New Orleans, and from Fernandina, Florida, to New York, in steamers, as being designed, in connection with a railroad in course of construction across the peninsula of Florida, from Fernandina to Cedar Key, to constitute a new route from New York to New Orleans, with a view to the speedier and more certain transmission of the great northern and southern mails. I communicated proposals which had been received to convey mails between New York and New Orleans in five days, coupled with the condition that no pay would be demanded for any trip not performed within that time, and called attention to the subject as one of vast public interest. My views of this new route remain unchanged; but, owing to the unfinished condition of the railroad, as well as the large expenditure of money involved, no progress has been made in the negotiations on the subject.

ST. LOUIS AND NEW ORLEANS MAIL.

The hope was indulged last year that before this time railroad connections would be so nearly completed that the great *through* mails between Cairo and New Orleans would be conveyed much more expeditiously and regularly than can be done, in the nature of things, by steamboats.

This improvement has not yet been effected, but information has been received within a few days which renders it certain that the railroad communication will be opened before the end of this year.

Anticipating this state of things, the Depart-

ment, at the lettings of contracts, divided the Mississippi river routes as follows:

From St. Louis, via Cairo, to Memphis, three times a week.

From Nashville, via Cairo, to Memphis, three times a week; the two routes running on alternate days, making six trips weekly each way between Cairo and Memphis.

From Memphis to New Orleans, six times a week, with one additional weekly trip between Memphis and Napoleon, and four additional weekly trips between St. Francisville and New Orleans.

The cost of the mail service by these routes between Cairo and New Orleans is $262,618 per annum, which amount, compared with the cost of the steamboat service in operation up to 30th June last between the same points, ($432,333,) shows a saving of $169,715 per annum; and it is peculiarly gratifying, in view of the great reduction of cost, to state, as I am enabled to do, that the new service is in all respects more satisfactory than the old. It is performed with the utmost possible regularity, and affords every facility that can be reasonably expected by the people who are directly interested in the Mississippi river mails.

The shortest time by the river between Cairo and New Orleans has been four days.

The anticipated railroad service, via Jackson and Grand Junction, Tennessee, and Canton, Mississippi, will probably be performed in two days each way, and at a cost of about $112,425 per annum. This sum, added to the expense for the river mails under the new contracts, commencing 1st July last, ($262,618) makes for both the land and river routes $375,043 per annum, leaving still a net gain of $57,290 per annum over the cost of the river lines alone up to 30th June last.

OVERLAND MAIL ROUTE.

At the last session of Congress I reported fully the steps that had been taken to carry into execution the act of Congress approved 3d March, 1857, authorizing the Postmaster General to contract for the conveyance of the entire letter mail between the Mississippi river and San Francisco.

The contract was executed on the 16th September, 1857, and service commenced within the twelve months, namely, on 15th September, 1858, agreeably to the provisions of said act.

The Department is happy to announce its conclusive and triumphant success. Its departure and arrival were announced with unbounded demonstrations of joy and exultation. I submit a detailed report of Mr. Baily, the agent of this Department, who came over in the first line of stages which left San Francisco for St. Louis. It will be an important document, not less instructive at the present time than it may be interesting and curious to those who, in after times, may be desirous to know by what energy, skill, and perseverance the vast wilderness was first penetrated by the mail stages of the United States, and the two great oceans united by the longest and most important land route ever established in any country.

TEHUANTEPEC ROUTE.

By an act of Congress of March 3, 1855, a route was established from New Orleans, by the Isthmus of Tehuantepec, to San Francisco. It was advertised for the next regular lettings of contracts in the spring of 1856, but no bids were received.

In December, 1857, the same route was re-advertised. Only one proposal was received, and that was for semi-monthly service, at $286,000 per annum. It not having been accepted, negotiations were opened by the bidders with the Department, which resulted in making a contract, on June 8, 1858, with the Louisiana Tehuantepec Company, on the following terms, namely:

To convey mails from New Orleans, by Minatitlan, Suchil, Ventosa, and Acapulco, to San Francisco, twice a month, and back, in safe and substantial steamers between New Orleans and Minatitlan; in safe and substantial *river* steamers between Minatitlan and Suchil, and in post coaches or good covered spring-wagons between Suchil and the Pacific; the residue of the route to San Francisco in steamers, the pay to be at the rate of $286,000 per annum, with the understanding that the mails may be exchanged with the line between Panama and San Francisco, at or near Acapulco, without change of pay; and with the further understanding that the mails may be exchanged with the aforesaid line at Ventosa, or other port within a short distance of that place, at the annual compensation of $250,000. Service to commence at any time between the first day of October and the first day of November, 1858, and to terminate on the 30th day of September, 1859. Each trip to be performed in fifteen days.

The service actually commenced on the 27th of October, 1858, under auspices which, it is believed, promise complete success.

Besides being an additional channel of communication with California, which may tend to bring about competition at a future letting of contracts for the whole mail service between the two oceans, this route affords to certain sections of the Union the advantage of six days' closer connection with California than has heretofore been enjoyed. As far north or east as New York it has the advantage of one day; and in cases of emergency, by using the telegraph, that city, equally with New Orleans, may communicate with the Pacific coast six days after the departure of the Panama line.

This contract was made in pursuance of suggestions in the following letters, addressed to the Hon. WILLIAM H. ENGLISH, on the 24th and 25th of May last, in response to inquiries made on the subject:

POST OFFICE DEPARTMENT,
WASHINGTON, *May* 24, 1858.

SIR: In reply to your communication of the 20th instant, I have the honor to state that no contract has been entered into with any party or parties to carry the California mails by the Tehuantepec route. Application for such a contract having been repeatedly made verbally, and perhaps in writing, the Department advertised for proposals, which may be seen in the printed pamphlet of proposals for Louisiana, page 51.

Having advertised for proposals on this line, and received one or more bids on it, the Department, after taking suitable time for deliberation, has come to the conclusion to establish mail service thereon from New Orleans, via Tehuantepec, to Acapulco, provided a satisfactory contract can be made for that purpose. The service is not proposed to be put on further than to Acapulco, because the present line of steamers from Panama to San Francisco always touch at Acapulco, and can take on the New Orleans mail and passengers. It is not, however, proposed to make the first contract for a longer period than one year from the 1st of October next, so that this contract and the one from New York to Aspinwall may expire at the same time. In the course of this year the practicability of the Tehuantepec route may have been fully tested, and its capability to furnish the shortest, cheapest, and safest mail route to California fully demonstrated. The Department, by simultaneous expiration of the contracts on these two routes, will be enabled to determine which one to select, or whether to keep up both, accommodating the mails and the passengers from New York and New Orleans, respectively, but paying each according to the amount of mail service rendered.

It is alleged that, by starting this line from New Orleans, correspondence from the Atlantic side will be received nearly one week later than at present, and from California to the Atlantic States in like proportion. That is to say, that whilst letters sent from Boston and New York to California, by Panama, would reach Acapulco about — days after they had been written, others sent from New Orleans, via Tehuantepec, to Acapulco, would reach there in about — days; thus practically furnishing nearly a weekly mail, instead of a semi-monthly communication, as at present.

The terms of the contract are not yet definitely settled, and therefore cannot be set forth; but the Department does not anticipate much difficulty in being able to obtain the service on reasonable and satisfactory terms.

The authority of this Department to make such a contract may be found in the second section of the act of March 3, 1851, which the Postmaster General considers ample and undoubted.

Serious doubts have been expressed as to whether the road has been yet or will be made in time sufficient for the performance of the contemplated service. The Department, however, will take care in making any contract to provide that where there is no service there shall be no pay, and that no fines or forfeitures shall be remitted for failures arising from want of a suitable road, or from obstacles presented by the insufficiency of the river navigation, or of the bays at either terminus of the transit. If, therefore, the river, bay, or road shall not be sufficient, the contractors, not the Government, will be the losers by it.

The Tehuantepec route has long been a favorite one with the Government and people of the United States. No opportunity has been lost in endeavoring to secure it. Having at last secured it by the terms of the Gadsden treaty, and a reasonable probability now existing that the route has been or will in a short time be placed in a condition to receive the service, the Department sees no good reason why it should not enter on the enjoyment of those advantages so earnestly desired and so long anticipated by the people and Government of the United States.

In proposing to make this contract, the Postmaster General does not intend to decide any controversy which now exists, or may hereafter arise, between rival claimants under the grants or decrees of the Mexican Government. Who are the true owners of the right to make the road is left to the proper tribunals to determine.

It is enough for the Department that parties of undoubted responsibility, claiming to be in possession of the road, and to be the lawful owners of it, have proposed to perform the desired service. If in this there shall be any mistake, the contract with the parties will terminate with their loss of the road, and the Department be as ready to contract with the successful claimants as with the present ones. In any point of view, it would seem to be the interest of the true owner of this right, whoever he may be, that this contract should be made. It will materially aid in the early completion of the road, and furnish the assurance that, after the United States shall have entered on it, in the transmission of her mails, no wanton or illegal revocation of the right would be tolerated.

The Department, in arriving at the conclusion that the time had come when the mail service of the United States ought to be placed upon this new and additional route, has not been influenced in the slightest degree by mere geographical partialities. Rightly considered, there are no rival and separate interests of the North or Northeast to be prejudiced by the establishment of this route.

If it be shorter, safer, and more expeditious than other routes, it can and will be adopted by the people of that portion of the United States, both for postal and traveling purposes, as freely and fully as by those of the West or Southwest. If it present no such striking advantages, then more southern transits, such as Panama, Chiriqui, and Nicaragua, will continue to be used by all the northern or northeastern portion of the Union, whilst that of Tehuantepec would probably be used by the people of the western or southwestern States, whose geographical *positions* render it to them the most desirable transit.

I am, very respectfully, your obedient servant,

AARON V. BROWN.

HON. WILLIAM H. ENGLISH, *Chairman Committee Post Office and Post Roads.*

POST OFFICE DEPARTMENT, *May* 25, 1858.

SIR: In addition to what was submitted to you on yesterday in favor of now establishing the Tehuantepec route to California, I beg leave to say that, in one point of view, the whole nation as a unit may become deeply interested in the successful establishment of this route.

Tehuantepec is nearer to us, and lies within the Gulf of Mexico, which is destined hereafter to be an *American sea*, over the whole of which the United States must exercise, from overruling motives, a distinct and masterly control. It is therefore fair to conclude that a transit across Tehuantepec in time of war could and would be more easily and certainly protected from falling into the hands of an enemy than any more distant one.

In coming to the conclusion to establish this additional mail line, the Department has not permitted considerations of the personal interest of individuals on other lines to deter it from action. Those who embarked their means in the construction of a railroad across the Panama route knew that they had to encounter the advantages of the Chiriqui transit, with all the superiority which deep and tranquil harbors on both oceans conferred upon it. They knew, also, that the Nicaragua lake would raise up against them a most formidable competition. All who embarked in *any* of these Central American lines also knew that Tehuantepec, by its contiguity to the territory of the United States on both oceans, and its more defensible position, must, in some future day, become an object of peculiar interest to the American people. All this they knew, and must, therefore, be presumed to rely for successful investment on no implied obligation on the part of the Government not to favor the construction of any other passway across the isthmus which time and future discovery might show to be more convenient and useful.

Those who have embarked their means in the construction of this road over Tehuantepec have had to encounter the subsequent establishment of many overland routes to California, which must necessarily be more or less detrimental to their interest. Monopolies on none of these transit routes, either across the isthmus or on the main land, ought ever to be encouraged or even tolerated. The United States have never sought to make them such. In every right of transit which they have either sought or obtained they desired no exclusive privileges for themselves. They have always regarded the right of way over that narrow strip of country which unites the two American continents as a great public necessity, and which must, therefore, be enjoyed by all the civilized and commercial nations of the earth. It must be on this necessity, that a large portion of the world is compelled to have transit over all these routes, that individuals who embark their means in their construction must rely for the success of their investment. Fortunately for them, there is more danger that, after all, there will be too few, instead of too many, of these great thoroughfares to meet the wants of mankind. The two American continents stretch themselves out in so long a line north and south that they intercept the commerce, the travel, and the correspondence of more than half the habitable globe. The sail has given way to the steam vessel, and the passion for expedition demands the most direct passage in the shortest possible time. The Department but yields to this universal temper of the age when it establishes this line from New Orleans by Tehuantepec to California. The passengers from the southern and southwestern States who desire to go to California, will no longer be required to go hundreds of miles in the wrong direction in order to start for California, but, going to their own natural emporium, New Orleans, start out direct and make the journey in nearly half the time and with half the expense now required. So of all correspondence to and from the same region of country.

This *exposé* of my reasons and views became necessary in consequence of my avowal, in the early part of this letter, that, although I had not closed the contract, yet I had concluded to do so, and that nothing remained but the adjustment of the terms of it.

With this apology for the length of this communication, I remain your obedient servant,

AARON V. BROWN.

HON. WILLIAM H. ENGLISH, *Chairman Committee Post Office and Post Roads.*

UTAH ROUTE.

The routes between St. Joseph, Missouri, and Salt Lake City, and between Salt Lake and Placerville, California, have been so improved, that the trips through from St. Joseph to Placerville, and back, are performed once a week, in thirty-eight days each way.

For some months past this service has been performed with remarkable regularity, insomuch as to merit special commendation.

It has received from the people of California the warmest applause, and called forth public demonstrations of a most enthusiastic character.

By act of Congress of August 3, 1854, a mail route was established from Neosho, Missouri, to Albuquerque, New Mexico; and on March 3, 1855, a route was established from Independence, by Albuquerque, to Stockton.

These routes were advertised in December last, at the urgent solicitation of citizens interested in that section of country, and contracts were entered into with the lowest bidders for conveying mails from Neosho to Albuquerque, once a month and back, at $17,000 per annum; and from Independence, by Albuquerque, to Stockton, once a month, at $80,000 per annum.

Service commenced on the 1st of October last, and, although sufficient time has not elapsed to allow of reports as to its progress, there is every reason to believe that the contracts will be fulfilled, and the mails conveyed to the satisfaction of the Department and the public.

THE EXPENSES OF THE DEPARTMENT.

The expenses of the Department, over and above its revenues, have regularly increased ever since the reduction of postages.

It would, however, be obviously erroneous to suppose that this charge upon the Treasury is to progress in a ratio proportionate to what it has been for the last few years. Our postal system is now extended over the whole country from one ocean to the other. There can be but little further expense resulting from overland connection with California and the other Pacific States and Territories. Except on the other route, commonly called the northern route, from St. Paul, in Minnesota, to Seattle, in Washington Territory, no other is now thought of as being likely to become necessary. The estimate for the transportation of the mails for the next fiscal year, 1859–60, when completed, over and above the anticipated revenues, may therefore be regarded as the maximum which will probably be required for some time to come.

If, however, Congress in its wisdom shall not be willing to see such an amount made chargeable to the Treasury in future, the following suggestions, as to the means of keeping the expenses within the revenues of the Department, are respectfully submitted:

An act of Congress should be passed explanatory of the act of March 3, 1845, which makes it "the duty of the Postmaster General, in all future lettings of contracts for the transportation of the mails, to let the same, in every case, to the lowest bidder tendering sufficient guarantees for faithful performance, without other reference to the mode of such transportation than may be necessary to provide for the due celerity, certainty, and security of such transportation." And to make the law more emphatic, it should provide that the Postmaster General shall not in any case whatever accept a bid for mail service having any reference to the conveyance of passengers or freight of any kind other than regular mail matter.

The effect of such legislation would be to substitute stages with two horses on routes where four-horse coaches are now employed, while stages in their turn would give place to the buggy, and, indeed, oftentimes to horseback conveyance. In the few cases where four-horse vehicles would be necessary, on account of the large amount of mail matter, the difference between the cost of passenger coaches and the plainer and cheaper wagon, sufficient for conveying the mails, would be very considerable, and so, also, a proportionate saving would result in the case of stages when changed to a plainer and cheaper conveyance of equal capacity.

If the whole transportation of the mails were thus arranged, by means of what are commonly called and known as "Star bids," it would accomplish a reduction in the transportation account of probably one million of dollars per annum.

The entire discontinuance of four-horse and two-horse mail coaches would not necessarily follow; for wherever the number of passengers would make it profitable, contractors would still employ coach service. Whenever the travel on any route offers no such inducement, there exists no obligation on the part of Government to pay an extra sum for mail service in order to promote the convenience of travelers.

The rapid extension of railroads has contributed most largely to swell the expenditures of the Department. Wherever a new road is opened it becomes necessary to convey mails on it, and almost invariably at a rate of pay far above that on coach routes, while, in many instances, the latter must be continued or other service provided for the offices which are not reached by the railroad, thus doubling the expense.

As an example, it may be stated that the railroad service between Cumberland, Maryland, and Wheeling, Virginia, including route agents and mail messengers now costs, per annum	$44,995
Service is also necessary on the old stage route at, per annum	5,900
Total	50,895
Before the completion of the railroad the highest pay for conveying the through mail on this route, per annum, was	27,600
Increase, per annum, nearly 100 per cent., or	$23,295

But if it be desired to relieve the Treasury from the requisitions upon it for the service of this Department, it will be necessary not only to reduce expenses by disconnecting the mails from the transportation of passengers and freight, but to increase the revenue by the imposition of rates of postage approaching more nearly the value or cost of transportation and delivery of letters and printed matter. A move in this direction was made at the last session of Congress by the introduction of a bill in the Senate having for its chief objects the raising of the three-cent rate upon letters to five cents, and the abolition of the discount now allowed by law for the payment of newspaper and pamphlet postage quarterly or yearly in advance.

It is believed that the effect of this bill would be to raise the revenue from postages about $3,500,000, without taking into view the provision it contains in relation to the transmission of public documents. The immense masses of heavy books and documents sent through the mails to all parts of the country devolve a very considerable expense upon the Department for larger means of transportation than would be required for the ordinary mails. This expense, it is true, is compensated, in part, by the annual appropriation of $700,000 from the Treasury by the acts of March 3, 1847, and March 3, 1851; but this allowance is not believed to be one half of what such matter would amount to if charged with postage.

The discontinuance or modification of the franking privilege having been suggested by several of my predecessors as a means of increasing the revenue, I shall not now notice the subject further than to present for consideration such a modification of it as it appears to me can be readily adopted without subjecting members of Congress to the charge of postage on their personal or official correspondence. It is proposed that in lieu of the franking privilege now allowed by law to members of Congress, the Secretary of the Senate, and the Clerk of the House, or such other officer as may be designated for the purpose, furnish the members with postage stamps to be used on all letters, public documents, and packets transmitted by them in the mails, and keep an account of the stamps furnished to each member, to be paid for out of the contingent fund of each House. It is further proposed that all letters and packets, except newspapers addressed to members of Congress, shall be prepaid at the mailing office. In this way the Department would be compensated for the service rendered without a resort to the inconvenience of keeping daily minute accounts of the postage chargeable on such mail matter.

It is evident, on the slightest reflection, that the whole theory on which the Post Office Department was originally founded has been in a great measure departed from. Its great function, for many years, was the transmission of mail matter proper, such as letters, newspapers, and light pamphlets, from one part of the country to another. The idea of the Government becoming a common carrier of persons and merchandise was never entertained. But what is the transmission of the immense mass of book-matter, amounting annually to hundreds of tons, but merchandise, whether sent from private book establishments or from the two Houses of Congress? In a single instance the transmission of the books, &c., of one member (from Utah) has cost the Department between six and seven thousand dollars. Why cannot these be forwarded under the direction of the Secretary of the Senate and Clerk of the House, either by the ordinary modes of conveyance, or by the application of postage stamps as on other mail matter? Another consideration forcibly presses itself on the mind in relation to this Department. Many ocean steam lines have been established, not really to meet the postal wants of the country, but to give aid and assistance to our growing and expanding commerce. The Department could have no returns in postages that would at all compensate for their expensiveness; still, as it was of the first importance to commerce and agriculture to have such lines, the duty of establishing them, it was thought, had as well be devolved upon the Post Office Department as on any other.

The great necessity and propriety of establishing connection with our distant possessions on the Pacific, both by sea and land, was universally acknowledged. The route by Panama has never repaid in postages half its expense; yet the nation has been, in her trade and commerce, remunerated a thousand fold. So of the great overland routes, the main one of which has been established by the express enactment of Congress. None of the latter can ever make postal returns at all proportionate to their cost; but through their agency nearly one half of our Republic will be developed in its agricultural and mineral resources. Other references might be made clearly showing that the Post Office has of late years been made the instrument of accomplishing many things of great national importance not within its original scope and purpose of merely sending letters and newspapers from one place to another. It is not fair, therefore, to measure its usefulness by the mere receipt of postages, nor to complain that in accomplishing great and lasting benefits to the commerce, to the settlement and security of the country, it has brought some charge on the Treasury beyond its contributions. The other Departments subsist wholly on the Treasury, bringing no returns whatever into it. Why, then, should it be thought strange that the Post Office Department, when charged with opening new sources of commerce to the merchants, new markets for our agricultural products, and placing our Government and people in direct and independent communication with the other nations of the earth, should not be able to accomplish these great results upon a three-cent postage on letters, and on printed matter almost no postage at all?

The exact principle of justice on this whole subject I conceive to be, that, in conducting its ordinary business of transmitting correspondence, it should be thrown entirely on its own revenues. But whenever any service, on the sea or on the land, is required of it, mainly, if not exclusively, for national objects—such as the extension of our commerce, the spread of our population, and the development of the various resources of our country—the cost thereof, in all fairness, ought to be borne by the national Treasury. These national purposes, if accomplished through the action of the Navy and War Departments, as they might be, would necessarily fall on the national Treasury. What difference, then, should there be in this respect, when the same duties are superadded to the Post Office Department, whose rate of postages, its only means of raising revenue, has been adjusted for very different purposes? It is in the light of this distinction that the operations of this Department ought to be examined. It is no longer a machine composed of horses, stages, and mail-bags, for the transmission mainly of the private correspondence of individuals; it has become the great pioneer of civilization and progress; it is the agent of commerce and intelligence; it visits every town and city; it comes home to almost every domicile of the country; and its high mission of

individual and national usefulness ought not to be diminished by any misapprehension of its true character and functions. Applying these general remarks to the precise question of the present rate of postage, I feel bound to say that the last reduction below five cents and the discounts allowed on the already greatly reduced rates on printed matter, have greatly curtailed the usefulness of the Department in extending our mail service with that celerity, frequency, and uniformity to all parts of our country which the spirit of improvement in every department of business and of social life so earnestly demands. There are many portions of the United States which have not yet received satisfactory mail facilities, and are not likely soon to do so with the present inadequate means of the Department.

In a compact and dense population the present rate might bear some reasonable proportion to the actual cost of transportation; but in a widely extended country, like the United States, now reaching from one ocean to the other, and in many portions of it thinly populated, three cents would seem to be altogether insufficient to meet the actual expense incurred by the Government in sending forward the letters. Heretofore our entire California correspondence has been conducted at ten cents, it being over three thousand miles by the Panama route. Since the establishment of our various overland routes, however, all our great cities of the valley of the Mississippi are brought within the three thousand miles, and therefore will pay the inadequate postage of only three cents. It is not likely that the people of the Atlantic States, and especially of their large cities, will be willing to pay ten cents on their extensive correspondence to California, Washington, and Oregon, whilst those in the Mississippi valley will have to pay only three cents. To avoid this source of dissatisfaction and the practical inconvenience of having different rates, regulated by distances, it is respectfully submitted to the superior wisdom of Congress whether one uniform rate of five cents for all distances would not enlarge the usefulness of the Department, diminish, if it did not entirely prevent, such heavy drafts on the Treasury, and best promote the interest and convenience of the people.

In relation to the franking privilege, it is impossible to tell to what extent it is abused—not often, it is to be hoped, by those to whom it is allowed by law, but by others, who take the liberty to sign their names under some pretended authority to do so, or under no authority at all. It is impossible for the 28,000 postmasters of the United States to judge of the genuineness of the signatures, and therefore they can do nothing to prevent abuses. In times of national as well as State elections, the Post Office conveyances are literally loaded down with partisan documents, for which it is evident somebody should pay, if it is expected that the Department should even approximate its own support. Now, if it be desired by Congress that all these documents be transmitted at public expense, let the stamps be furnished and charged to members who frank them, so that Congress may keep watch over the privileges granted to their own members and prevent abuses which this Department has no power to detect.

NUMBER OF POST OFFICES.

The whole number of post offices in the United States on the 30th June last, was 27,977, of which 400 are of the class denominated presidential. The number established during the last fiscal year was 2,121, and the number discontinued 730, being an increase of 1,391. The number of postmasters appointed during the year was 8,284. Of these 4,595 were to fill vacancies occasioned by resignation, 998 by removals, 278 by deaths, 292 by change of names and sites, and 2,121 on establishment of new offices. The whole number of offices on the 1st of December, 1858, was 28,573.

On the 30th of June last there were in operation 8,296 mail routes. The number of contractors was 7,044.

The length of these routes is estimated at 260,603 miles, divided as follows:

Railroad	24,431 miles.
Steamboat	17,043 "
Coach	53,700 "
Inferior grades	165,429 "

The total annual transportation of mails was 78,765,491 miles, costing $7,795,418, and divided as follows:

Railroad, 25,763,452 miles, at $2,828,301; about eleven cents a mile.

Steamboat, 4,569,610 miles, at $1,233,916; about twenty-seven cents and two mills a mile.

Coach, 19,555,734 miles, at $1,909,844; about nine cents and eight mills a mile.

Inferior grades, 28,876,695 miles, at $1,823,357; about six cents and three mills a mile.

Compared with the service reported on 30th June, 1857, there is an addition of 18,002 miles to the length of mail routes; 3,859,424 miles to the total annual transportation, being about 5.11 per cent., and of $1,173,372 to the cost, or 17.46 per cent.

The aggregate length of railroad routes has been increased 1,901 miles, and the annual transportation thereon 1,495,508 miles; 6.05 per cent.; at a cost of $268,454, or 10.44 per cent.

The length of steamboat routes is greater by 1,798 miles, and the annual transportation 51,491 miles, costing $241,918 additional, or 1.10 per cent. on transportation, and 24.38 per cent. on the cost.

The addition to coach routes is 4,371 miles in length, 464,804 miles in annual transportation, or 2.43 per cent., and $499,018 in cost, or 35.37 per cent.

The additional length of inferior routes is 9,932 miles; the additional annual transportation 1,847,621 miles, and the additional cost $163,982; being 6.83 per cent. in transportation, and 9.87 per cent. in cost.

Appended to this report is a table (marked A) showing in detail the mail service of every grade, as existing in each separate State and Territory, on the 30th June last.

Also a table (marked B) showing the *increase* or *decrease* in the several grades of service, and their cost, in each State and Territory, during the last fiscal year, together with a detailed statement of routes on which improvements have been made and additional expense incurred.

The lettings of new contracts for the term commencing 1st July last embraced twenty-one States and Territories of the northwest, west, and southwest, including California, New Mexico, Utah, Oregon, and Washington.

The following table shows the new service, as in operation on the 30th September, including the overland mail route from St. Louis and Memphis to San Francisco; also the route from New Orleans via Tehuantepec to San Francisco:

Conveyance.	*Miles in length.*	*Miles of annual transportation.*	*Cost.*
Railroad	8,603	8,972,850	$1,022,437
Steamboat	16,146	3,321,462	1,361,758
Coach	40,055	13,933,727	2,580,460
Inferior modes	115,547	18,997,016	1,520,554
Total	180,351	45,225,055	$6,485,210

Compared with the service on 30th June last, the length of routes is increased 27,973 miles; the annual transportation thereon 9,026,666 miles, and the cost $2,243,156.

Divided as follows, to wit:

	Length.	*Annual transportation.*	*Cost.*
Railroad	676	807,047	$271,168
Steamboat	6,291	456,590	337,558
Coach	11,861	5,485,946	1,288,814
Inferior modes	9,145	2,277,083	345,616
Total increase	27,973	9,026,666	$2,243,156

Appended hereto is a statement marked —, showing the routes on which additional expense was incurred:

On the 30th of June last there were in the service—

440 route agents, at a compensation of			$334,750 00
28 express route agents,	do.		28,000 00
23 local agents,	do.		29,989 00
1,464 mail messengers,	do.		184,634 41
Making a total of			577,373 41
This amount, with the increased cost of service under new contracts commencing on the 1st of July			2,243,156 00
Added to the cost of service as in operation on 30th June last			7,795,418 00
Makes the total amount for the current year			$10,615,947 41

REVENUE AND EXPENDITURES.

The expenditures of the Department in the fiscal year ending June 30, 1858, amounted to $12,722,470 01.

For transportation of *inland* mails, including payments to route agents, local agents, and mail messengers		$7,821,556 83
For transportation of *foreign* mails, to wit:		
New York to Liverpool	$33,758 48	
New York to Bremen	100,585 93	
New York to Havre	99,898 19	
Charleston to Havana	60,000 00	
New Orleans to Vera Cruz	29,053 89	
Aspinwall to Panama	100,000 00	
Agency at Panama	1,270 85	
		424,497 34
Total		8,246,054 17
For compensation to postmasters		2,355,016 28
For clerks in post offices		918,272 73
For ship, steamboat, and way letters		16,613 38
For office furniture for post offices		2,937 70
For advertising		128,034 92
For mail bags		38,454 19
For blanks		106,277 76
For mail locks, keys, and office stamps		13,485 09
For mail depredations and special agents		73,527 01
For postage stamps and stamped envelopes		93,019 10
For dead letters claimed		98
For wrapping paper		50,229 67
For payments to letter carriers		174,038 10
For miscellaneous payments		193,544 02
For payments for balances due on British mails		282,406 17
For payments for balances due on Bremen mails		2,859 14
For payments for balances due on Hamburg mails		1,366 13
For payments for balances due on French mails		26,343 47
Total of expenditures		$12,722,470 01

If there be added to the above $91 90 lost by bad debts, and the sum of $925 35 gained on the suspense account be subtracted, then the net amount of expenditures will be $12,721,636 56, as adjusted in the Auditor's office.

The gross revenue for the year 1858, including receipts from letter-carriers and from foreign postages, amounted to $7,486,792 86, as stated below:

Letter postage, received in money	$904,299 13
Received for postage stamps and envelopes sold	5,700,314 03
Received for postage on newspapers and pamphlets	591,976 90
Received for postage for registered letters	28,145 16
Received for fines	85 00
Received on account of emoluments	80,644 96
Received from letter-carriers	174,038 10
Received from dead letters unclaimed	3,410 66
Miscellaneous receipts	3,878 92
Total revenue	$7,486,792 86

To the gross revenue above stated are to be added the permanent annual appropriations, amounting to $700,000 granted to the Department by the acts of March 3, 1847, and March 3, 1851, for the transportation and delivery of free mail matter for Congress and the Executive Departments, thus making the whole revenue of the year amount to $8,186,792 86, which falls short of the expenditures, as adjusted on the Auditor's books, $4,534,843 70.

I beg leave to invite attention to the full and highly satisfactory report of the Auditor, hereto appended. From this interesting document, I derive the following brief sypnosis of the financial operations of the Department in the past fiscal year:

The balance standing to the credit of the Department, on the books of the Auditor, on the 30th day of June, 1857, was	$1,163,886 05
The receipts of the Department from all sources during the year 1858, including a gain of $925 35 on the suspense account, amounted to	7,487,718 21
The amount of the various appropriations drawn from the Treasury during the year was	4,679,270 71
Making the total of receipts	13,330,874 97
The whole amount of expenditures in the year, including $91 90 for accounts closed by bad debts, was	12,722,561 91
Leaving to the credit of the Department on the 1st July, 1858	$608,313 06

ESTIMATE OF RECEIPTS AND EXPENDITURES IN 1859.

Expenditures.

The aggregate sum appropriated by the act of Congress, approved June 14, 1858, for the service of the Post Office Department in 1859, exclusive of the transportation of

foreign mails, of payments for foreign postages, and to letter carriers, was		$14,035,520 00
For the transportation of the mail between Charleston and Havana, act of June 14, 1858		50,000 00
For the transportation of the mails over the Isthmus of Panama, act June 14, 1858		100,000 00
For the mail between New York and Havre, the postages as allowed by the fifth section of the act of June 14, 1858, estimated at		91,000 00
For payments of balances due to foreign countries, estimated		325,000 00
For payments of letter carriers, act of March 3, 1851, estimated		175,000 00
Estimated expenditures in 1859		14,776,520 00
Means for 1859.		
The balance standing to the credit of the Department on the Auditor's books, on the 1st July, 1858, was	$608,313 06	
The gross revenue for the year 1859, including foreign postages, fees paid in by letter carriers, and miscellaneous receipts, is estimated at	7,786,080 00	
Of the appropriations made by the acts of March 3, 1847, March 3, 1851, and June 14, 1858, there is applicable to the expenses of 1859 the sum of	2,700,000 00	
Total means for 1859		11,094,393 06
Deficiency of means for the service of 1859,		$3,683,127 06

OCEAN AND FOREIGN MAIL SERVICE.

The aggregate amount of postage (sea, inland, and foreign) on mails transported from July 1, 1857, to February 19, 1858, by the steamers of the New York and Liverpool (Collins) line was $111,192 52; and by temporary steamships employed on same line during residue of the fiscal year ending June 30, 1858, $41,637 13, making a total of $152,829 65, postages for the year. The postages by this line during the year ending June 30, 1857, amounted to $210,463 03.

The postages upon mails conveyed during the last fiscal year by the United States steamers of the New York, Southampton, and Bremen line, were $102,603 09, and by the New York, Southampton, and Havre line, $105,923 26, being a decrease of $35,151 69 by the Bremen, and an increase of $7,973 21 by the Havre line, as compared with the previous fiscal year.

The amount of letter postages upon mails exchanged with Great Britain during the year ending June 30, 1858, was $802,771 64; with Prussia, $325,763 60; Bremen, $27,905 92; France, $205,826 42; Hamburg, $15,879 74; being a decrease on British mails of $71,423 11; on Prussian mails of $1,108 97; on Bremen mails of $24,177 07; and an increase on French mails of $164,638 23, and on Hamburg mails of $14,820 14, compared with the preceding year. Net increased letter postages on European mails, $82,749 22. The postal arrangements with France and Hamburg which have recently gone into operation, have caused a diversion of much of the correspondence with the continent of Europe heretofore exchanged via England and via Bremen to the routes via France and via Hamburg, which accounts for the large decrease on British and Bremen mails during the past year.

The total postages on letter mails exchanged with Europe was $1,378,147 32. On mails sent to Great Britain, $380,180 58; to Prussia, $193,765 95; to Bremen, $11,866 36; to France, $101,414 66; and to Hamburg, $10,308 37. Total sent, $697,535 92. On mails received from Great Britain, $422,591 06; from Prussia, $131,997 65; from Bremen, $16,039 56; from France, $104,411 76; and from Hamburg, $5,571 37. Total received, $680,611 40. Total postages collected in the United States, $842,624 53; in Great Britain, Prussia, Bremen, France, and Hamburg, $535,522 79. Excess of postage collected in the United States, $307,101 74.

Total postages for the year from the New York, Aspinwall, and California lines, $306,747 47; from the Charleston and Havana line, $9,125 42; and from the New Orleans and Vera Cruz line, $4,359 37.

I regret that, since the expiration of the contracts for the Bremen and Havre lines, our ocean mail steamship service to Europe has not been established on any permanent basis. The ships of the New York and Liverpool line were withdrawn in the month of February, 1858, and no service has been performed under the Collins contract since that time. This contract being with the Navy Department, the Postmaster General had no control over it, and of course no power either to enforce fulfillment or to annul for repeated failures, as in the case of ordinary mail contracts. The temporary contracts for service to Southampton, Bremen, and Havre expiring on the 1st of June last, I was very solicitous, either that the trips upon the Collins line should be resumed, or that the contract should be declared at an end, so that by new arrangements I could secure the full number of weekly trips, by American vessels, necessary to alternate regularly with the ships of the Cunard line. Hence, soon after the adjournment of Congress, I sought to ascertain whether or not I could depend on the resumption of service under the Collins contract; but it was not until quite late in the summer that I could obtain any reliable information on the subject. At length a proposition was made to resume the service, provided the ships could be allowed to make Portland, instead of New York, the American terminus of the line This proposition was declined by the Navy Department, and, the contract still remaining in force, it was out of my power to engage other than temporary service by the single trip on that line, as authorized by a provision in the first section of the act of last session making appropriations for ocean steamship mails. This delay and uncertainty in respect to this line had the effect, also, independently of any other cause, to prevent the making of any permanent contracts for the other lines necessary to furnish the full number of trips required; and the result has been that all the service performed has been entirely of a temporary character. Upon the Collins line, up to the 30th of September, 1858, nine outward and seven inward trips have been performed for the sea postage on the mails conveyed, at an average sum of $5,379 per round trip, and five round trips for the sea and inland postage, amounting to $7,125 per trip. Upon the Bremen line, from June 1, 1857, to October 21, 1858, inclusive, fourteen outward and fifteen inward trips have been performed by Cornelius Vanderbilt for the sea and United States inland postage, averaging $8,621 per round trip; and upon the New York and Havre line, from June 1, 1857, to October 6, 1858, inclusive, the old contractors have made sixteen round trips on same terms, averaging $7,491 per trip.

The fourth section of the act of last session, above referred to, provides that "it shall not be lawful for the Postmaster General to make any steamship or other new contract for carrying the mails on the sea for a longer period than two years, nor for any other compensation than the sea and inland postages on the mails so transported;" and the fifth section of said act confines the compensation to the sea postage only, if the transportation is by a foreign vessel. Can the service be obtained on these terms? I believe it may be. If deemed expedient to employ foreign vessels, it is certain that parties now stand ready to take the mails for the sea postage. But shall this service be relinquished entirely to foreign steamers? and if not, will American lines contract under the existing law? Nothing is clearer than that it is for the interest of this Government to employ American in preference to foreign steamers for the conveyance of our mails, if they can be secured on the terms authorized by law; but whether this may be done, is a matter of doubt. Save during the winter months, there would probably be no difficulty in getting the mails carried on these terms; but for a period so short as two years, it is hardly probable that contracts with American lines could be obtained to carry regularly the year round. To secure to such lines their due share of the postages, it is essential that perfect regularity should be observed in winter as well as during the other months of the year, by at least a weekly departure and arrival on either side. The want of regularity heretofore has had the effect to give the advantage to the British lines. The evidence is now before me, that of the correspondence, for instance, between the United States and Switzerland, out of 5,000 letters, 4,800 were transmitted by British vessels, owing, it is believed, mainly to the circumstance of the known regularity of these vessels in sailing on a given day. Why may not the same regularity be established and maintained by American ships? Let this be done, and no good reason is perceived why they may not carry an equal proportion of the mails, the postage on which would afford a fair compensation for the service. This is susceptible of demonstration. For instance, the aggregate amount of sea and United States inland postages on the mails by the different lines of United States and foreign mail packets between the United States and Europe, for the year ending June 30, 1858, was $1,266,869. This, for semi-weekly service, would give an average of $12,181 the round trip, or at the rate of $633,434 per annum for the weekly service desired from an American line or lines, with the prospect of a steady increase from a constantly increasing trade and correspondence.

As calculated to furnish the requisite facilities of communication between Europe and the southern and southwestern States, the projected lines between Norfolk and England and between New Orleans and Bordeaux, in France, are among the most important to be established. It is unnecessary to point out the advantages these lines would be certain to have in developing the resources of those States. They could not fail to be otherwise than highly satisfactory. The lines to Bremen and Havre, touching at Southampton, should be continued; and, if practicable, increased to semi-monthly service. A Bremen company are now running fine steamers semi-monthly between New York and Bremenhaven, carrying the mails for the postages. If this can be done by parties in Bremen, why not, also, by enterprising citizens of the United States, and thus secure a regular and permanent weekly communication? Such an arrangement would not only afford the best and cheapest means for the transmission of the mails between the United States and continental Europe, and it may be to and from the East Indies by the way of Trieste, but it would also be highly advantageous in a commercial point of view. With reference to an American overland communication to India via Trieste, I am credibly informed that negotiations are pending to this end between the Lloyd Steamship Companies of Bremen and Trieste and the intermediate railroad companies; and that it is intended to take effect so soon as a weekly line is established between the United States and Bremen. It is believed that this route will furnish cheaper and better facilities of communication than any existing route.

But if the compensation for ocean steamship service is to be limited to the postages, it cannot be expected that parties will contract for so short a term as two years, and obligate themselves to carry during the winter months. I would, therefore, respectfully recommend that the law be so far modified as to extend the term for all such contracts to a period not exceeding ten years, at the discretion of the Postmaster General.

As regards a line from some suitable port in the United States to Brazil, and the extension of the California line from Panama to the south Pacific coast, which, for commercial as well as for mail purposes, it is so desirable should be established, and the line from New Orleans to Vera Cruz, it is apparent that the postages to be derived therefrom would defray but a trifling portion of the expense of the service. I regard it as highly important that the line to Vera Cruz should be continued. From the 1st of July to the 1st of November of this year, there was no mail upon this line, and temporary service is now performed for the postages only, in the hope that Congress will immediately authorize the making of a contract at a reasonable compensation. I respectfully recommend this, and that the same authority be granted respecting lines to Brazil and the south Pacific. The contract on the Charleston and Havana line will expire on the 30th of June next, and this, also, it is apparent, will require other aid than what could be derived from the postages to sustain it. The Vera Cruz and Havana lines, as well as the lines to California, should be classed as coastwise; and, whether susceptible of being sustained from the postages or not, should not, in my judgment, be subject to that restriction. But with reference to all lines where this restriction is not imposed, I would respectfully recommend that the Postmaster General be prohibited from entering into any contract, except under

advertisement, inviting proposals in the ordinary way. The objection heretofore urged against the system of advertisement, that irresponsible parties will underbid for the purpose of selling out for a bonus to others who are able to perform the service, will no longer hold as regards foreign lines, since the act of June 27, 1848, prohibits the transfer of any contract for transporting the mail to a foreign country.

In my last annual report I recommended an appropriation for one year's extension of the mail steamship contract on the Pacific, between Panama, San Francisco, and Astoria, in order that the service by the connecting lines on the Atlantic and Pacific sides of the Isthmus of Panama might terminate simultaneously, as originally intended by Congress. A specific appropriation for this purpose was made in the act of June 14, 1858; but as the fourth section of said act contains the provision, also, above mentioned, that the compensation under any new ocean mail steamship contract shall be limited to the postages on the mails so transported, the question was raised as to whether this provision was intended by Congress to apply to the proposed extension of the Pacific mail steamship contract. This question was submitted to the Attorney General, who decided that it could not have been so intended; and accordingly the contract with the Pacific Mail Steamship Company, which expired on the 1st of October, 1858, was extended, at the same rate of compensation, to the 1st of October, 1859, the date of the expiration of the contract on this side of the isthmus; the company agreeing also to transport from the Pacific terminus of the Tehuantepec transit, to and from San Francisco, all mails regularly conveyed between New Orleans and such Pacific terminus of the Tehuantepec route, without additional compensation.

The New York and New Orleans Steamship Company, running a line of steamers between those cities, via Havana, heretofore carrying only a ship-letter mail, have entered into contract with the Department for semi-monthly trips, except in July, commencing 1st of August last, and to continue till 30th June, 1860, at a compensation limited to the sea and inland postages on the mails transported. Up to 12th November, six round trips have been performed, the average pay per trip amounting to $903.

By the time the contracts for the California lines, via Panama and Tehuantepec, expire, on the 1st of October, 1859, it is probable that the route by Lake Nicaragua will have been reopened, and in successful operation. This presents the question whether one, two, or all three of these routes shall thereafter be employed for mail purposes. The Tehuantepec route is the shortest and most readily protected against interruptions, but it will be comparatively too new, and the line of staging too long, to furnish with certainty adequate and satisfactory communication between our Atlantic and Pacific possessions. While it is destined, no doubt, to become a transit of the first importance, and will deserve the highest patronage and encouragement, still it cannot supersede the necessity of one or more routes through Central America. Indeed, every year is demonstrating that the United States may need, not only for postal, but for commercial purposes of vast magnitude, additional transit routes. The Panama isthmus route is now used only under a contract with the railroad company, who, in turn, hold it by a charter granted by the local Government. This company might, at any time, refuse to contract with the United States, or its demands for transportation might be so exorbitant as to amount to a prohibition. After much controversy, the Department has not been able to reduce the price of transportation of the mails upon it below $100,000 per annum, a price believed to be entirely too high for only forty-eight miles of railroad; and there will be the same exposure to exorbitant demands upon the Nicaragua route, under the direction of a private company. To relieve the Department from a condition so dependent, as well as to create a competition which might prevent extortion, it is of the highest importance that the route by Nicaragua should be reopened, and its undisturbed use for the transportation of the mails, passengers, troops, and munitions of war, secured by the solemn guarantees of a public treaty. Without this, in view of the unstable condition of the local Governments of Central America, the safety and security of transportation can hardly be relied on. Contracts given by these Governments to individuals or companies, in the absence of a regular treaty, under which, if necessary, the power of the United States might be invoked to enforce fulfillment, may be irregularly, if not unjustly, revoked, and the Department be embarrassed by the rival claims of contending parties, unable to determine satisfactorily with whom it should contract.

The late treaties with China and Japan, and the rapid growth and vast mineral resources of Australia, have made all the transit routes of Central America of increased importance to the United States. By them the Atlantic section of our country would be enabled equally with that of the Pacific to participate in that Asiatic commerce which made Tyre, Alexandria, Venice, and Genoa, the market-houses of the world. It is the almost exclusive enjoyment of this trade which makes Great Britain the first commercial Power of modern times.

The United States, from her mediate position between Europe and Asia, and from her agricultural productions, particularly those of cotton and tobacco, ought now to participate largely in the advantages of this trade. This she would be enabled to do by the free use of these transits, and by the other communications already opened and in successful operation between the Atlantic and Pacific States, especially when these communications are taken in connection with the establishment of a steam mail line from San Francisco to Japan and China. Such a line, it is confidently believed, would draw to it not only the correspondence and travel of our own country, but of Great Britain and most of the continent of Europe. These, with its commercial profits, would probably sustain it without any other subsidy than the postages on the mails conveyed. After the first three years, the Department feels confident that no subsidy whatever would be required to sustain it. Before even three years will expire, there is every probability that a line of telegraph will be completed from San Francisco to New York, and, indeed, to every important city on the Atlantic. Such a line is already made, as we understand, nearly to the summit of the great Nevada. Letters written in England, and many parts of the continent, are transmitted by steamers to Boston, New York, &c., in from nine to eleven days. They can be transmitted by telegraph to San Francisco in one or two days at most, and thence shipped by the mail line to Japan, and China, Australia, &c. No other mode of communication can be as expeditious as this; and such correspondence would, therefore, constitute, with the regular full letter correspondence passing through this country, no inconsiderable element for the support of such a line. It is a very singular fact that the Minister from Japan to the United States, instead of coming eastward direct to San Francisco, and thence to Washington, is expected to go to England by the Isthmus of Suez, and thence to take passage to the city of New York. So our Ministers to China must go and return by the same circuitous route. The probability that by suitable exertions much of this trade, travel, and correspondence can be made to pass over this continent, is to be found in the strenuous exertions now making by Great Britain to secure the same through her own Canadian possessions. This rivalry of effort is for the greatest commerce of the world, and should call forth, as doubtless it will, the energies of both nations to secure such portions of it as each shall think itself fairly entitled to receive.

I have the honor to be, very respectfully, your obedient servant, AARON V. BROWN.
Postmaster General.

To the PRESIDENT OF THE UNITED STATES.

Report of the Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
December 2, 1858.

SIR: In the administration of the Interior Department, there is no subject of greater magnitude or of deeper interest to the people of the United States, than that of the public lands. Our system of disposing of them is the most just and equal, and, at the same time, the most conducive to their rapid settlement and reclamation from a wild and unproductive state, that has ever been devised by any Government which has possessed extensive tracts of uncultivated land. It is a system peculiar to the United States, and is based upon the simple but just principle, that, as the public domain is the property of the people of all the States collectively, any individual desiring to appropriate to himself any particular portion of it, is allowed to do so by paying into the common Treasury a moderate consideration.

Large grants have been made by Congress, from time to time, to several of the States, of portions of the public lands lying within their respective limits, to be applied to public uses. The principle on which this has been justified is, that, as a landed proprietor, the United States receives full remuneration for the grants in the enhanced value and more ready sale of the residue of the public lands, resulting from the execution of the respective trusts by the several States.

With but few exceptions, grants have never been made to individuals, except as a remuneration for meritorious services, or for the public benefit.

In our earlier legislation provision was made for passing the title to individuals for limited quantities of land, embracing their improvements, when their only claim of title was possession or settlement at or prior to certain dates. This policy, which grew out of the peculiar condition of French, Spanish, and British settlements, was but temporary, applicable to certain circumstances, and regarded as a measure of justice, and for quieting titles, rather than as a donation of lands.

In Florida, however, and in the Territories of Oregon, Washington, and New Mexico, not only was provision made for the allowance of the claims of settlers, who were then upon the public lands, without the payment of a consideration, but donation grants were offered to persons who should emigrate and settle within specified periods of time. Such donations, though inuring to individuals, were made as a means of public defense, and were believed to be well calculated to promote the military strength of distant settlements exposed to the hostile attacks and predatory visits of Indian tribes; but, as a measure of public policy, it has proved fallacious, and ought not to be renewed. These proffered donations have always been coupled with the condition of actual settlement and occupancy for a period of not less than four years; and the rights and benefits accruing therefrom, though not alienable by the settler, have been secured to his heirs in case of his death. On account of the length of residence required, and the other conditions imposed on claimants, the result thus far has been, that complications have arisen in determining titles, and in these complications and consequent delays the titles to the adjacent lands have been involved.

The enterprise and fondness for change which characterizes the frontiersman, too often make him impatient of so long a residence before enjoying the absolute control of his settlement, and an improvident forfeiture of his claim is frequently incurred.

Wherever the preëmption laws are available as a means of securing homes, the settlers will generally prefer to pay for their lands, and complete their titles at once, rather than wait for years, and then obtain their patents without the payment of any consideration. This is made evident by the fact that Congress has been constrained, from a sense of justice to those who have sought to avail themselves of the benefit of the several donation acts, to pass laws for their relief, substituting payments in cash in lieu of further continued residence.

As an apt illustration of these views, I will refer to the practical working of the donation system in the State of Florida. The grant of land under the act for the armed occupation of Florida, approved August 4, 1842, was limited to two hundred thousand acres. The eagerness of settlers to avail themselves of the benefits of this grant is shown by the issuance of 1,321 permits for 160 acres each, which amounted in the aggregate to 211,360 acres.

In the year 1844, a supplemental act was passed, substituting cash payments for the condition of the continued residence; and under the original and supplemental acts only 116 claims have been finally approved and patented, amounting to 18,560 acres.

On the 1st of July, 1848, another act was passed for the relief of those to whom permits had been granted, dispensing with continued residence on the specific tract. This act required the employment of an agent for the adjustment of this class of cases; and it appears that 283 claims under it were approved and patented, amounting to 45,280 acres. There still remain 57 claims suspended for various causes, amounting to 9,120 acres—and few, if any, of these will ever be carried into patent; whilst there are 865 claims which have been absolutely forfeited and canceled, amounting to 138,400 acres. From the foregoing statement it will be perceived that only about one twelfth of the whole area proposed to be granted has been secured finally to claimants under the acts of 1842 and 1844, (and a small portion of this was paid for;) that not one fourth has been finally secured under the relieving act of 1848; and that more than two thirds has been wholly forfeited.

I have no hesitancy therefore in expressing the opinion that a system of donations of this character, while it is not called for by the *bona fide* settler, is unwise, unjust, unequal, and fraught with mischief. It has embarrassed communities and retarded rather than accelerated settlements.

Under our system of public sales and preëmption rights, settlements have been made on a secure and permanent basis. The tide of emigration has rolled westward from the Atlantic coast, driving the Indian before it, and leaving in its rear flourishing States and prosperous communities, till it has now reached the heart of the continent; while from the shores of the Pacific, for several years past, the enterprising pioneer has been on his steady march eastward, exploring unknown territory, and bringing to light the rich mine and the prolific soil which the industrious settler will soon occupy and improve.

The system yielding these results has been the work of enlightened legislation extending through half a century. It is peculiarly adapted to the wants and characteristics of our people. It lies at the foundation of our rapid progress as a nation, has developed our physical resources, and, in my opinion, needs no material change.

The report of the Commissioner of the General Land Office, which accompanies this communication, shows the scope and magnitude of this branch of the public service, and demonstrates the promptness and energy with which its operations have been conducted.

During the fiscal year ending the 30th June, 1858, there have been disposed of to individuals 9,607,058.46 acres of the public lands, of which 3,804,908 acres were sold for cash, yielding $2,116,768; and 5,802,153 acres were located with military bounty land warrants.

Of the quantity sold for cash 817,529.35 acres were sold at and above $1 25 per acre, and yielded $1,150,166 73; whilst 2,987,397.11 acres were sold at graduated prices, for which the sum of $966,601 29 was received into the Treasury.

These figures show a greater diminution of cash receipts from the sales of public lands than was anticipated. But the condition of the people in the frontier States and Territories was such, that to bring lands heretofore unoffered into market during the past summer was deemed oppressive to the settlers thereon. The crops had, for the most part, failed. In some localities sickness, and in others floods, had occasioned losses and distress, whilst the scarcity of money was everywhere prevalent and paralyzing. But as a longer postponement of the sales, it is believed, would be prejudicial to the welfare and prosperity of the respective communities, and as a liberal indulgence has always been afforded to the settlers upon unoffered lands, it is contemplated to bring into open market several million acres during the ensuing year.

The lands which have been sold and located during the year were, in the main, for actual settlement or cultivation.

On the 30th September, 1858, the quantity of surveyed lands ready to be brought into market, was 61,951,049 acres; and there were then subject to sale at private entry, at all the land offices, over 80,000,000 acres.

Under the various acts of Congress, of 1847, 1850, 1852, and 1855, there have been issued 516,768 military bounty-land warrants, requiring 55,731,890 acres of the public domain to satisfy them. Of these, 416,632 had been located, to the 30th September last, on 44,238,030 acres of land, leaving outstanding 100,136 warrants, calling for 11,493,860 acres of land.

The report of the Commissioner of the General Land Office exhibits the progress now being made in the several surveying districts, in the preparation of other and additional lands for sale; and it may be confidently expected that during the next calendar year the receipts from the sales of public lands, and the quantities sold and located will be greatly increased. It is estimated, that, without some detrimental change in our system, the income from this source will reach at least $5,000,000.

By the acts of Congress of March 2, 1849, and September 28, 1850, those swamp and overflowed lands in the several States in the Union, made thereby unfit for cultivation, which remained unsold, were granted to the States, respectively, to enable said States to reclaim all the swamp and overflowed lands within their limits.

The aggregate quantity of land selected and reported to the 30th of September last, as inuring to the States under these grants, is 55,129,492.13 acres; of which there have been approved and certified to said States, under the act of 1849, 7,379,994.23 acres; and under the act of 1850, 33,543,187.38 acres; making an aggregate of 40,923,181.61 acres.

Patents have been issued under the act of 1850 for 28,716,834.11 acres; and if to this quantity we add the 7,379,994.23 acres embraced in the certificates issued under the act of 1849, which have the same effect as a patent, we shall have an aggregate of 36,096,828.34 acres, for which a complete title has passed to the States.

These munificent grants, if wisely applied by the respective States, will enable them to reclaim and open to settlement and cultivation the most fertile lands lying in the valley of the Mississippi, which, had they been retained by the United States, and left in their natural condition, would have retarded the growth of the country for an indefinite time, being unavailable for production, and a fruitful cause of disease and death.

During the Thirty-Fourth Congress several acts were passed making grants of public lands to the States of Iowa, Alabama, Florida, Louisiana, Wisconsin, Michigan, Mississippi, and Minnesota, to aid in the construction of certain railroads within these States, respectively.

These grants were made in 1856, principally, and about the time of the passage of the various laws, appeals were made to this Department to close the local land offices, and withdraw from market the public lands which, it was supposed, would be likely to fall within fifteen miles of the proposed roads. This request was acceded to; and when I took charge of the Department of the Interior, I found a very large amount of lands in the States mentioned thus withheld from sale and settlement. The grants made by Congress to States, so far as accepted, have been transferred by them to railroad companies. Desirous of allowing the companies every reasonable facility in availing themselves of the full benefit of the bounty of Congress, yet believing the continued withdrawal of the lands from market for any great period of time would operate injuriously upon other interests in those States, notice was given that a reasonable time would be allowed the companies to locate the routes definitely, and in the event of their failure to do so, the suspension of the lands would be removed.

The length of the railroads provided for, under the legislation of the Thirty-Fourth Congress, in the several States mentioned, so far as the grants therefor have been accepted, is, as ascertained, partly by estimate, 4,649½ miles, and the quantity of land which will pass to the companies amounts to 11,789,687 acres.

Of the lands which had been withdrawn from market, more than 18,590,000 acres have been restored since March 3, 1857, and it is expected that additional quantities will be restored early in the year 1859.

It is now satisfactorily ascertained that mines of the precious metals are to be found in the Territories of Washington, Oregon, New Mexico, and Kansas, and the time has arrived for the Government of the United States to adopt some definite policy as to its mineral lands. Under the act of March 3, 1858, providing for the survey of the public lands in California, the surveyor general is prohibited from laying off, by subdivisional lines, those townships of land which are mineral.

The several laws securing the right of preëmption to actual settlers specially provide that this right shall not attach to mineral lands; and when mineral lands have been sold special provisions have been made for the disposal of them. The question presented is, shall these mineral lands be forever withheld from market, and kept open for all persons who may desire to work them and gather their rich products, or shall they, like agricultural lands, be surveyed and sold, and thus pass into the ownership of individuals? This question is interesting and of great moment; and I submit whether it would not be a wise and sound policy at this time to pass a general law reserving all auriferous, silver, and cinnabar mines—the precious metals—from sale, for the use and occupancy of the people of the United States, under such regulations as Congress may prescribe, and leaving those lands containing copper, iron, lead, and coal—the useful minerals—subject to the ordinary laws of settlement and sale for their development. The extent of these defies estimate, and gives assurance to our people, in the future, of unbounded wealth.

Peace and quiet have been restored to Utah, and some additional legislation will be required to place its inhabitants on an equality with those of the other Territories.

The organic act provides that the Constitution and laws of the United States, not locally inapplicable, shall be in full force in said Territory. It is an unsettled question whether this general provision, unsupported by any other act of legislation, secures to the settlers upon the public lands in Utah the rights and benefits of the several preëmption laws. In that Territory we have already more than two million acres returned as surveyed and ready for market. Occupants are upon these lands, and want to obtain titles to their homes; and I submit whether it would not be an act of justice to the people of Utah to establish in that Territory a land office, and at the same time, in express terms, extend the preëmption laws, so as to embrace all the inhabitants residing within its limits.

By the treaty of 1838 with the several tribes of New York Indians, a tract of land lying in the southern part of Kansas, and containing, by estimate, 1,824,000 acres, was reserved and set apart for the future home of those Indians. Nine different tribes were parties to this treaty, and it was stipulated and agreed that such of the tribes as did not accept and agree to remove to the country set apart for their future homes, within five years, should forfeit to the United States all interest in lands so set apart. Twenty years have elapsed, and no one of these tribes, as tribes, has accepted the conditions of the treaty. Individual members of the tribes, however, have removed, and are now settled upon this reservation. According to the estimate made at the date of the treaty, the quantity of lands reserved was sufficient to allot each soul of all the tribes three hundred and twenty acres of land. Although the Indians, as tribes, have forfeited all claim to the tract of land reserved for them, yet those who have removed are in equity entitled to their *pro rata* share. A due regard to the welfare and prosperity of the Territory of Kansas demands that these lands should be surveyed and opened to settlement and sale. Indeed, a large number of settlements has already been made within the limits of the reservation, and the people are anxious to acquire titles to their homes. Justice to the resident Indians cannot be done without congressional aid, and I recommend the passage of a law securing to the emigrant Indians the amount of land to which they may be equitably entitled, and declaring the residue public lands open to settlement.

Under the acts of Congress making appropriations for the Post Office Department, approved March 3, 1855, and March 3, 1857, preëmption rights are secured in certain cases to mail contractors. Great difficulty and embarrassment have arisen in the execution of these laws, and that interpretation has been adopted, as most consistent with the terms as well as with the obvious design and meaning of these laws, which confines the benefit of the act to those routes extending *through* the Territories, from the line of the States west of the Mississippi river to New Mexico, Utah, or points on the Pacific slope. By allowing the first contractors the right of purchase, and therefore of exclusive control of the best locations for stage stands, which may be established along the great lines across the continent, it is apprehended that great embarrassment will arise in the future. It is suggested that these laws may be changed with great advantage to the service. If, instead of allowing contractors the right of purchase, limited quantities of land, at proper distances, were reserved for the use of the postal service along these routes, by which each successive contractor should have the use and control of the reservations during the continuance of his contract, and no longer, it is believed that in the future letting of contracts a great economy would be effected for the service; and I cannot but commend such a change in the law to the favorable consideration of Congress.

Much labor and perplexity have grown out of the execution of the graduation law, approved August 4, 1854. The third section of that act required the party applying to make an entry at the graduated price; to make affidavit "that he or she enters the same for his or her own use, and for the purpose of actual settlement and cultivation, or for the use of an adjoining farm or plantation owned or occupied by him or herself;" and that "together with said entry, he or she has not acquired from the United States, under the provisions of this act, more than three hundred and twenty acres of land." It is idle to make these requirements and not enforce them; and, therefore, the action of the Land Office has been to require proof of a compliance with the conditions of the law before delivering the patents to the respective claimants. Purchasers neglect or fail to make the proof in very many cases; hence suspensions become numerous, and progress with business is prevented, to the injury of the citizen and the Government. On the 3d of March, 1857, Congress interposed, and confirmed all the entries made at graduated prices prior to that date, with a few exceptions, to the great relief of the claimants and the Land Office. Since then other similar entries have been allowed and in regular order carried into patents, which have been forwarded to the local officers for delivery, upon satisfactory proof being adduced of a compliance with the terms of the law.

It is believed that the graduation law will continue to prove a fruitful source of fraud and annoyance, unless some change is made in its terms. Congress should require proof of settlement and cultivation prior to the admission of the entry, or should release the purchaser from the conditions now imposed.

INDIAN AFFAIRS.

For full information in respect to our Indian relations, I refer you to the report of the Commissioner of Indian Affairs, and the accompanying reports of the different superintendents and agents.

During the past year there has been much excitement among the wild tribes in the interior of the continent. The withdrawal of the troops from the military posts on the frontier, and their march through the Indian country to the Territory of Utah; the passage of the many supply trains of great magnitude, with their numerous attendants, over the long route to the same destination; and the discovery of new gold mines in the Territories of New Mexico, Kansas, and Washington, and in the British possessions adjacent to our northern boundaries west of the Rocky Mountains, have set in motion a large class of adventurers, who have traversed extensive tracts of country heretofore untrod save by Indian tribes. The opening of three wagon roads, and the establishment of the overland mail routes across the continent, have presented new inducements and facilities for traveling over the plains of the interior; and all these causes combined have had no little influence in disturbing our amicable relations with those nomadic tribes, that subsist almost exclusively upon the spoils of the chase. Although acts of hostility have resulted in some localities, it is a gratifying fact that, with trifling exceptions, the tribes with which we have existing treaty stipulations have kept their faith, and have enjoyed a season of peace and comparative plenty.

When the exigencies of the service compelled the War Department to withdraw the troops stationed among the tribes on the frontier, our agents expressed serious apprehensions of outbreaks; but those fears have for the most part proved groundless. In those cases in which the ill-feeling of some, and the dishonesty of others, have led to open hostility, our gallant army, by a timely chastisement, has taught the delinquents a lesson which will not soon be forgotten. Conquest has thus paved the way for the introduction of our policy of peace, on which rests the only hope of the friend of the red man that there is any good in store for him and his posterity.

With the exception of the marauding bands that wander about the boundary between the United States and Mexico, towards whom we should pursue an energetic and decisive policy, the great mass of the Indians are now in a condition and temper to inspire the hope that increased success will crown the efforts now making for their improvement.

They are becoming too well acquainted with our power to be willing to measure their strength with us on the battle field. A wholesome fear of, and respect for, our Government have been inspired, and they will not, as tribes, wantonly incur our displeasure. The sword is effectually opening the way for the plowshare, and little now remains to be done to secure perpetual amity with the several tribes, and give fair scope to their growth in civilization, except to have a full and explicit understanding with them, and to prevent, if possible, their being misled by lawless and dishonest white men.

In all our dealings with the Indians, in our treaties, laws, and policy, the end sought to be attained has been the welfare and elevation of the race; to induce them to abandon their thriftless life and barbarous manners, and adopt the faith and practices of the Christian. Our success, thus far, has not been commensurate with our efforts and expenditures; but it cannot, with truth, be said that the attempt to civilize the Indian is altogether a failure.

In reviewing the past, it is easy to point out errors which have been committed, but difficult to designate a general policy which, in all respects, would have been better, and the introduction of a new system, at any time, would not be without its drawbacks and difficulties.

A due regard to the interests of our own people has compelled the Government to remove the Indian tribes originally inhabiting the middle, southern, and western States, to habitations further west. In some instances one removal has followed another; change has succeeded change; and this unsettled state of affairs has been detrimental to the progress of the tribes in civilization, and antagonistic to the efforts made to convert the Indian from the ways of his forefathers to the faith and habits of our own people.

When new reservations have been assigned to tribes, too often the boundaries allowed have been disproportionately large, and their situation has thus invited them to continue the hunter life. Their extensive domain has been held in common, and therefore separate individual property, so essential to individual exertion and general industry, has been comparatively unknown among them. The heavy annual largesses that have been given to some tribes, when divided among their people at stated periods, amount to a stipend, which without furnishing an adequate support, is yet large enough to destroy their self-reliance, repress such industry as physical want might otherwise compel, and create a taste for profligacy, which strengthens their natural aversion to constant labor or employment.

These characteristics of our past policy should be changed. Removals of tribes should be avoided. Separate lands should be assigned to individuals, without the power to alienate or incumber them; and money annuities should be expended for the common good, instead of being divided *per capita*.

Upon this line of policy this Department has acted in the negotiation of the recent treaties with the Pawnees, Poncas, and Yancton Sioux, and in the administration of the Indian service generally, so far as the provisions of existing treaties will admit. It is now proposed that Congress shall authorize the substitution of mechanical and agricultural implements, seeds, clothing, household furniture, and other articles necessary to industry and comfort, and the application of funds to educational, charitable, or civil uses, in lieu of payments in money, in all cases where such substitution is practicable and believed to be conducive to the welfare of the Indians.

The Cherokees, Choctaws, Chickasaws, and Creeks, have regular governments, and give evident proofs of progress. The Choctaws have recently passed through an exciting and violent political contest. A regular convention had met and framed a constitution, and without submitting its adoption to a popular vote, the convention had undertaken, in the exercise of its delegated sovereignty, to declare the constitution thus framed to be in full force and effect.

The government under this constitution went into operation by the election and qualification of all the necessary officers, and the Department had recognized the authorities thus constituted by paying into their hands the annuities due the nation. Opposition to this constitution, however, arose. A new convention was called together without authority of law; another constitution was framed, and the advocates of the movement claimed to have the support of a majority of the Choctaw people. Civil war was impending, and both parties appealed to this Department for support. The superintendent, acting under instructions, was enabled, by sustaining the regular government, constituted in pursuance of law, to effect a reconciliation of parties by procuring from the recognized authorities such concessions as proved satisfactory to the revolutionists, and thus peace and harmony were restored to this interesting community.

By the treaty with the Creeks, concluded in 1856, a portion of their country was set apart for the exclusive occupancy of the Seminoles, and an appropriation was pledged for the expenses of removing that portion of the Seminole tribe then still remaining in Florida in a state of hostility. For more than twenty years a few warriors of this tribe had baffled the energetic efforts of our army to effect their subjugation and removal. Millions had been spent, and many valuable lives sacrificed, but still they eluded capture, and could not be induced to remove and unite with their brethren west of the Mississippi river. In this condition of things, Colonel Rector, the southern superintendent, was instructed to take with him the agents of the Creeks and Seminoles, with a delegation of leading men of each tribe, and visit the everglades of Florida, and, if possible, effect the removal of these desperate refugees. With great tact and fidelity he carried out his instructions, and succeeded in inducing all the leading warriors to abandon their fastnesses, smoke with him the pipe of peace, and accompany him to the country set apart for them and their brethren. One hundred and sixty-four were thus removed, and immediately it was proclaimed that hostilities were at an end.

The economy with which this immigration was effected, reflects great credit upon the officer who was intrusted with its management. He has been instructed to return to Florida this winter, and remove a scattered remnant still left behind, who have made known their willingness to join their friends in their new home.

There is nothing which has so often disturbed and destroyed our amicable relations with the more remote tribes, as the failure on our part to comply with promises and agreements made by officers and agents, whom the Indians have regarded as duly authorized to speak for our Government. To this cause we must, for the most part, ascribe our recent difficulties with the Indians in Washington Territory. Treaties had

been negotiated with them some two or three years ago, by which they agreed to retire upon small reservations in consideration of a promise on our part to erect buildings, establish shops, and schools, and make annual presents of blankets, clothing, and useful implements.

These treaties not having been ratified, the Indian office has been compelled to disappoint the expectations of the Indians, who very naturally became dissatisfied. The frequent trespasses committed by the whites, who, not anticipating the delay in the ratification of the treaties, in many instances settled upon the land which by the treaties was ceded to the United States, aggravated the discontent of the Indians, until it manifested itself in acts of open hostility.

Peace has been again obtained by conquest, but the exact terms upon which it has been made are not at this time known to the Department.

The proper management of those Indians, whose title to the lands they occupy has never been recognized by the United States, is a problem of most difficult solution. I do not refer to the scattered remnants of Indian tribes still remaining in some of the older States of the Union, who are not brought under the supervision of the Commissioner of Indian Affairs, but to the Indians in the States of California and Texas. The policy adopted by Congress in regard to these Indians has been to gather them, as far as practicable, upon reservations, with the expectation that, under the guidance and protection of the Indian agents, they would support themselves by their labor, and improve in morals and in the arts of civilized life. During the last summer steps were taken to obtain correct and reliable information of the working of this system.

A partial report from Texas gives the gratifying intelligence of the good conduct of our agents, and the comfort and progress of the Indians on the reservations.

The information in regard to the working of the system in California is discouraging. The product of the several farms is altogether inadequate to the support of the Indians, and the expenses of the system, as heretofore managed, is enormous. This is to be attributed, in a great measure, to the unnecessarily large number of white persons employed; and it would seem that, without a radical reform in this and other particulars, the system will not be attended by a success commensurate with the cost.

Directions have been given to dismiss the laborers and employés, who have been retained heretofore at a very heavy expense, and to employ Indian labor alone in cultivating and improving the farms, and in herding the stock. Proper allotments of land inside the reservations are to be assigned to each family as their own private property, and each individual is to be fully secured in the possession and enjoyment of the fruits of his own labor; industry and virtue are to be encouraged by suitable rewards, and distinguished from idleness and vice. The Indians are, moreover, to be informed that unless they produce their necessary supplies, they can no longer expect that food will be furnished them at the expense of the United States. With a view to carry out the policy here indicated, the estimates for the Indian service in California for the next fiscal year have been reduced to the sum of $50,000.

In southern California there are still numerous bands of Indians that have no permanent locations. Where they are found in desirable places they are often intruded upon and driven away by white men; and feeling no confidence that they can retain a place of permanent abode, they wander about ready for any mischievous enterprise. If this Department had authority to assign homes to such, in the possession of which they might be protected, there is hope that they could eventually be made useful members of a community in which they are now dangerous vagrants.

The Pimas and Maricopas, of Arizona, are agriculturists, and have fixed abodes. Before they are interfered with by emigration, reservations of proper extent should be assigned to them; and so soon as a definite understanding can be had with the Apaches, Camanches, Kiowas, and other roving tribes of the interior, the same policy appears to be most proper to adopt in regard to them. These tribes will soon have to be localized; and to enforce quietude and keep them within the limits of their own possessions, the utmost watchfulness and firmness will be required.

I take occasion here to renew the recommendations made in my last annual report, that a district court should be established in the country occupied by the Choctaws, Chickasaws, Cherokees and Creeks, and that the intercourse laws should be revised and codified.

With the authority from Congress so to commute the annuities of Indian tribes that they may be expended, with their consent and approbation, for the common good, to divide existing tribal reservations among the individuals of the tribes respectively, with such restrictions upon the power of alienation as will remove all temptation to speculation; to assign lands as homes to those Indians who have no fixed abode; and to prescribe the boundaries within which the migratory bands will be required to remain, I should hope for the best results from the efforts of this Department to ameliorate the condition of the Indians under its supervision.

PENSIONS.

The current business of the Pension Office in all its branches has been brought up to date, and the large clerical force which was required for the execution of the bounty land act of 1855 can be dispensed with at an early day.

During the year ending 30th September last, 13,815 bounty land warrants were issued, requiring 2,034,420 acres of land to satisfy them. This, added to the quantity shown by my report of last year, makes the whole amount of public lands granted for military services up to September 30, 1858, 62,739,362 acres. Under the acts of 1847 and 1855, there are about 74,000 bounty land claims pending in the office, originally suspended on account of informality, irregularity, or defective proof. Many of these cases are called up from time to time by the parties interested for reëxamination, requiring a large amount of labor and patient investigation in the disposition of them.

The whole number of army pensioners under the various acts of Congress is 10,723, requiring for their payment the annual sum of $902,700 29.

The whole number of navy pensioners is 892, and the aggregate amount of their annual payments is $130,501 10.

The entire amount which has heretofore been paid under the various pension and bounty land acts, far exceeds all the anticipations of those who advocated their enactment, and will be learned by the country with some surprise. It appears that the total disbursement for pensions up to this date is about ninety million dollars. If to this sum we add the bounties in land, 62,739,362 acres, and estimate that land at $1 25 per acre, the total amount granted for bounties and pensions will be $168,424,202.

It is not improper, to a full understanding of the subject in this connection, to review the operation of some of the pension laws, and to refer to the estimates on which others were based.

Take for illustration the law granting invalid pensions. During the ten years preceding the year 1815, the annual expenditure on account of invalid pensions averaged $98,000. During the ten years succeeding 1815, the average was $256,000 per annum. At the present time it is $445,000 per annum. This constant increase can only be accounted for by the peculiar provisions of the laws under which the allowance is made. The disability may have wholly ceased, yet the Department has no authority, under existing laws, to withhold the pension of an invalid once granted. The examinations are generally made by physicians unknown to the office, *ex parte*, and most frequently long after the occurrences which originate the disability; yet, being undisputed, their certificates are received as good and sufficient testimony.

With a view of showing the impossibility of arriving in advance at any reasonable conception of the expenditures which will be required by a pension law, I will refer you to the history of the passage of two enactments—one of 1832, and the other of 1853—occurring more than twenty years apart.

On the 7th of June, 1832, forty-nine years after the close of the revolutionary war, "An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution" was passed. While that bill was under consideration, a committee of the House of Representatives went into an elaborate calculation in order to ascertain the number of persons then living who were embraced by its provisions, and the annual amount of money it would require. The conclusion was that the number of soldiers who would claim and be entitled to its benefits was 10,057, and that the annual expenditure would be $907,608. On this calculation the bill was passed. The number of claims filed under the law during the first year was about 25,000. The whole number filed under it exceeds 38,600. The whole number admitted was 33,414.

The whole amount expended for pensions in the year 1831, was $1,281,679 71. In 1833, it was $5,100,203 97. The increase caused by the act of June 7, 1832, was, therefore, $3,815,524 26—more than four times as much as the committee estimated the bill would require.

It was further estimated by the committee that at the end of seven years, fifty-five years after the war of the Revolution, there would be none surviving to receive its benefits. Now, if the whole number, 10,057, which it was supposed would receive pensions under this law had lived out the seven years, it would have required $6,353,226 to have met its entire requirements, according to the calculation of the committee. But this, of course, was not anticipated, inasmuch as they expected that the whole number of beneficiaries would have passed away within the seven years. It is fair, then, to presume that one half of this amount, $3,176,613, was all that was expected to be drawn from the Treasury under its provisions. Twenty-six years have elapsed since the passage of that law, and about two hundred soldiers are yet on the rolls, and the gross amount expended under the act is now over $18,000,000.

On the passage of the act of February 3, 1853, granting pensions to the widows of revolutionary soldiers married subsequent to 1800, the estimate of the office was that $24,000 would be sufficient for the first year. That amount, however, was found wholly inadequate, and the additional sum of $200,000 was asked for and appropriated in the deficiency bill of the succeeding session for that purpose.

There are other facts on this subject of curious interest. Fifty-three years after the war of the Revolution, 5,000 widows were living whose marriages took place prior to 1783. Nearly 100 of them are yet alive. In 1838, fifty-five years after the close of the war, 11,870 widows were living who were married between 1783 and 1794. In 1848, sixty-five years after the war, 6,442 of the 11,870 were still alive.

In my last annual report you were informed that a practice which had obtained in the Pension Office, of paying to the representatives of deceased revolutionary soldiers and their widows the pensions which they would have received had the proof been satisfactorily established during their lifetime, had been overruled by me as unauthorized by law. During the last fiscal year this decision has saved to the Treasury $118,000.

While I have the greatest confidence in the watchfulness and integrity of the officers who have heretofore had the direct management of the pension bureau, the development of the frauds which have been palmed off upon that office is astounding. During the last year fraudulent bounty land claims, amounting in the aggregate to about 175,000 acres, have been detected and exposed. Previous investigations had brought to light a fraudulent issue of about 225,000 acres. Four of the perpetrators of these frauds have been convicted and sentenced during the last year; one, against whom the evidence was conclusive, escaped punishment under the statute limiting prosecution to two years from the commission of the offense; and thirteen others have been regularly indicted and are awaiting their trials. The boldness and ingenuity with which these imposters have presented, pressed, and successfully prosecuted their cases, have equaled anything recorded in the annals of crime. In some cases they have even imposed upon their immediate Representatives in Congress, and made them the vehicles of conducting their correspondence for establishing

their fraudulent claim. They are generally a class of men who have managed to maintain respectable names in the communities in which they live, so that nothing but the most convincing proof, furnished from the records of the office, can satisfy the juries of their guilt. Public justice and the fair reputation of the Government alike demand that these offenders should be brought to condign punishment.

The recommendations made in my last annual report respecting the equalizing of Army and Navy pensions, the extension of the statute of limitations in cases of frauds attempted and perpetrated upon the Pension Office for the procurement of land warrants, and the passage of a statute to prevent and punish the forging of land warrants, are respectfully renewed.

For the greater protection of the recipients of land warrants, a law should also be passed making it penal to forge or counterfeit an assignment of the same.

DISTRICT OF COLUMBIA.

The report of the Commissioner of Public Buildings presents a view of the operations of this branch of the service during the last year, and of the expenditures made under the supervision of that officer.

The west wing of the building occupied by the Department of the Interior, and the improvements around it, have been completed in a handsome and acceptable manner. The construction of the north front is progressing satisfactorily, and when finished the entire structure will reflect much credit, not only upon the author of the general design, but also upon the skill of those employed in its execution. The estimated cost of this portion of the building was $450,000 without a portico, or $525,000 with a portico. The aggregate amount of $400,000 was appropriated by the Thirty-Fourth Congress for this purpose. It is now estimated that to complete the building without the portico, to grade and inclose the grounds, and to lay off and improve the interior court, an additional appropriation of $50,000 will be sufficient.

The Constitution of the United States confers upon Congress the exclusive legislative control over the District of Columbia, but does not allow its inhabitants any voice in its deliberations. This territory, in extent originally ten miles square, reduced to its present limits by a retrocession to the State of Virginia of so much as lies west of the Potomac, consists of three distinct divisions, each governed by its own peculiar laws and regulations; Georgetown, incorporated prior to the war of the Revolution, but whose powers and limits have since been confirmed and enlarged by various acts of legislation; Washington city, set apart by the President, "for the permanent seat of the Government of the United States," under authority of the act of 16th July, 1790, and reported to Congress as such by General Washington, on the 13th December, 1791; and the country outside the boundaries of these cities, but within the limits of the District. That Congress has not been unmindful of the obligations thus resting upon it, it is evident from the very liberal appropriations which have, from time to time, been made for the embellishment of the national capital. More than twenty-four million dollars have already been expended from the Treasury for public buildings and other purposes, and improvements are now in progress, to complete which large additional amounts will be required. In addition to the public buildings, the United States still retains divers lots, squares, and reservations in the city of Washington, which, at the assessed value, are worth $13,412,293 36. Under such circumstances, the people of the whole country must ever feel a deep and abiding interest in the prosperity and progress of their metropolis.

With a view to the good government of the people of the District of Columbia, Congress, at an early day, reënacted the laws of Maryland then in force, and it has since, as occasion seemed to require, passed others for their benefit, and provided the means necessary for their enforcement. As regards the cities of Georgetown and Washington, the inhabitants have also, by special enactments, been authorized to provide for all matters of local interest within their respective limits. The corporate authorities of each have been invested with full and unrestricted power to levy and collect taxes, and to expend the same in any manner which, in their judgment, may conduce to the health and improvement of their cities, and the general good and prosperity of the whole of the people thereof.

The past legislation of Congress has been examined with some care, to ascertain if possible, whether any fixed or determinate line of policy has ever been adopted in reference to objects of appropriation within the city of Washington; what class of improvements Congress has undertaken to make, and what has been left for the city. But the search has been in vain, or, rather, Congress has from time to time made appropriations for almost every conceivable object. Public squares and open spaces have been inclosed and improved, streets and avenues have been graded and paved, lamps have been lighted along them and are still kept burning, shade trees throughout the city have been planted and protected, sewers and drains have been constructed and kept open, a police force has been maintained under the control of the Mayor of the city, the portion of the City Hall in which the circuit and district courts are held has been paid for, the jail, the penitentiary, the infirmary, several engine houses, and the armory have been built, and the bridges across the Potomac and Eastern Branch have been erected and are still kept up by appropriations from the Treasury of the United States. With this record of past legislation, it is but natural that the people of the city should turn their eyes to Congress, and not to the city authorities, when any appropriation is needed or desired for additional improvements of a public character.

Hence, petitions have been presented representing the various wants of the city, and concluding with the request that, in the regular annual estimates required to be laid before Congress, items may be included for inclosing and improving Franklin square, and the triangular spaces along Pennsylvania avenue, the opening of certain streets, the extension of the City Hall for the accommodation of the criminal court, the erection of a more secure and commodious jail, and various other objects. I have not, however, felt at liberty to comply with these requests, but have restricted the estimates for the next fiscal year to the actual requirements of existing laws, and to those usual and regular appropriations which have annually received the sanction and approval of Congress. Yet I am satisfied that, if some definite understanding could be reached, by which the corporate authorities could know what expenditures they are expected to make, and what fairly and justly devolve upon the General Government, the future prosperity and improvement of the city would be greatly promoted.

The subject is environed with difficulties; but still, for all practical purposes, Congress could, if so disposed, adopt some intelligible line of policy, which would save the representatives of the people from those complaints which are so often made, of their neglect in respect to these matters. The squares and open spaces belong to the United States. The city authorities have never been empowered to enter upon and improve them without the consent of the President or Congress. As they are the property of the Government, any improvements made upon them will, of course, inure to its benefit; consequently, they should be paid for by it; and, as soon as the condition of the Treasury will admit of the expenditure, I recommend that they all be inclosed and handsomely improved. On the contrary, the opening of streets and avenues, grading, paving, and lighting the same, the constructing of sewers and drains, the erection of markets, the support of a police, and whatever may be necessary for the health and cleanliness of the city, properly belong to the city authorities, and the expenses growing out of them should be raised by taxation in the usual manner. Whether the Government, as a property-holder, should contribute to these ends in proportion to its interest in the city, is a question which addresses itself exclusively to the discretion of the National Legislature.

The addition to the City Hall for the accommodation of the criminal court, and the erection of a new jail, are subjects which commend themselves to the attention of Congress. Such buildings are usually erected by the people of the locality for whose convenience they are required, and in the present instance they are the best judges of the necessity of additional accommodations. There is, however, at present, no means by which the views of the people of the entire District can be taken in reference to these matters, nor, indeed, for raising by taxation the amount required for the improvements suggested, should Congress direct them to be made at their expense. Under these circumstances, therefore, the improvements, if made, should be made at the expense of the General Government; or a law should be passed, creating a court or tribunal clothed with power to levy the necessary taxes on the whole District to meet the expense, as it would be manifestly unjust to require the people of Washington to defray the entire cost of objects equally used by, and useful to, the people of Georgetown and those living outside the limits of either city.

The third annual report of the board of visitors of the Government hospital for the insane, and the report of the superintendent of that institution, who also acts as architectural superintendent and disbursing agent in the construction of the edifice, are herewith communicated. At the beginning of the last fiscal year, July 1, 1857, there remained in the hospital 110 patients. During that year, 43 were admitted and 36 discharged, leaving, on the 1st of July, 1858, 117 inmates. Of the whole number remaining and admitted into the institution during that year, namely, 153, 27 were from the Army, 13 from the Navy, 111 from civil life, and 2 from the Soldiers' Home. Of these, 132 were white, and 21 colored. Twelve were independent or pay patients.

This institution was established by act of Congress, in 1855, and its objects were avowed to be "the most humane care and enlightened curative treatment of the insane of the Army and Navy of the United States, and of the District of Columbia." Plans for the building had previously been approved by the Executive, and Congress has recognized and sanctioned them; first, by an appropriation of $110,721 for the erection of the first four sections of the building, and, afterwards, by an appropriation of $138,673 for the erection of the center and three sections of the wings. The first four sections have been completed, furnished, and occupied for nearly four years. The appropriation for the center will be sufficient to complete that portion of the building; and an estimate is now submitted for furnishing it. The completion of the whole building, according to the design originally adopted and approved, will require a further appropriation of $76,111. To arrest the work at this time would be followed by some sacrifices, if the plan is ever to be carried out, and, for the present, prevent the necessary permanent improvement of the grounds around the establishment. Privacy and freedom from intrusion are important elements in the curative treatment of the unfortunate patients; and these can never be attained to any satisfactory extent while the erection of the building is in progress; and to secure the objects of the institution, as it is now absolutely necessary to occupy the portions already completed, the workmen should be excluded as soon as possible. The superintendent has shown in the past such energy, economy, and efficiency in pressing the work to completion, as well as in the discharge of all the duties of his position, as entitle him to your confidence. The edifice when completed, with all its conveniences and appliances, will be a model of its kind, and will reflect the highest credit upon the humane and liberal policy of the Government.

It is gratifying to find, from the annual report of the president of the Columbia Institution for the Instruction of the Deaf and Dumb and the Blind, herewith transmitted, that its present condition is much more prosperous than it was one year ago. With the additional aid of $3,000, granted by Congress at its last session, the debts which then burdened it have been paid, and the maintenance and tuition of its pupils fully secured. During the year ending the 30th of June last, there were in the institution eighteen pupils, twelve of whom were mute and six blind. The receipts for the same period amounted to $6,513 25, of which $5,125 75 were contributed by the Government;

$2,125 75 under the act of February 16, 1857, for "maintenance and tuition therein," being at the rate of $150 per annum for each pupil admitted upon the order of this Department; and $3,000 under the act of May 29, 1858, "for the payment of salaries and incidental expenses of said institution." The disbursements amounted to $6,193 88, leaving a balance on hand at the commencement of the present fiscal year.

The management and present condition of the penitentiary will be understood from the accompanying report of the board of inspectors, and those of the warden, clerk, physician, chaplain, and matron of the institution. The number of convicts at the close of the year ending September 30, 1857, was 75. On the 30th of September, 1858, the number was 108—66 white and 42 colored. The inspectors are of opinion that they have at length succeeded in effecting an arrangement by which the labor of the convicts will be made to pay the cost of their maintenance, thus relieving the Government of all charges for that purpose. If the system, adopted with that view, should accomplish this much, a great improvement upon the past will have been gained. A fair trial shall, at all events, be made, in order to test its practicability, and, under the guidance of our intelligent board of inspectors, I have every confidence in its success.

WAGON ROADS.

The wagon roads placed under the direction of this Department have all been located, and for the most part constructed. There is a material improvement of the new over the old routes. Complete reports from some of the superintendents have already been received; the others are in course of preparation. As soon as they are all completed and received they will be communicated to Congress. It is confidently expected that these reports will embody much interesting and useful information in regard to the respective routes, and the extensive regions of country through which they pass.

Under the act approved June 5, 1858, authorizing a survey of the boundary line between the State of Texas and the Territories of the United States, an effective commission was organized and directed to coöperate with such agents as might be selected by the authorities of Texas. The joint commission was expected to leave San Antonio early in November, for the initial point of their operations on the Rio Grande.

PUBLIC DOCUMENTS.

By a resolution adopted on the 20th of March, 1858, Congress so far amended the joint resolution adopted January 28, 1857, "respecting the distribution of certain public documents," as to increase the number to be placed at the disposal of this Department to three hundred and fifty copies of each document printed by order of either branch of Congress, and to direct the distribution thereof to be made to such colleges and other institutions named in the resolution referred to as should be designated by "the Representative in Congress from each congressional district, and by the Delegate from each Territory in the United States."

This provision of law relieves the Department from the responsibility of selecting the institutions to which the books are to be sent, and limits its duty to the very simple operations of receiving the documents, distributing so many as can be equally apportioned to the several congressional districts and institutions entitled to receive them, and retaining the remainder subject to such future disposition as Congress may direct to be made of them.

From the commencement of the present Congress there will remain, after supplying one institution in each congressional district, and such other public libraries as are entitled to receive the books under special acts of Congress, with one set of documents, a surplus of one hundred and seven sets; for the distribution of which further legislation will be required.

Under the resolution, as originally passed, there should have been placed at the disposal of this Department two hundred and thirty-seven sets of books, as follows:

From the Department of State, one hundred and eighty-seven sets.

From the Library of Congress, fifty sets.

Those from the State Department have been supplied, and the Librarian has furnished those required from him to make up the number to which the Department is entitled for the Thirty-Fourth Congress, with the exception of twenty copies of "Senate miscellaneous documents," and twenty copies of "Senate documents," volume eighteen, of the first and second sessions. An effort is being made to secure these volumes from other sources, with fair prospects of success.

The number of institutions entitled to receive these documents is at present two hundred and forty-three, being six more than can be supplied by this Department under the resolution originally passed, even if the whole number therein provided for shall be placed at its disposal. These six, however, can each be supplied with a full and complete set of the House documents, numbering fifty-four volumes, and including nearly all of the more valuable publications made by order of the Thirty-Fourth Congress.

Up to the present time two hundred and ten complete sets (each containing one hundred and three volumes) of the documents of the Thirty-Fourth Congress have been distributed, and seven perfect sets remain on hand. In addition to this, we have twenty sets complete, lacking two volumes each. All the demands thus far made upon the Department for these books have been met; but it will be impossible, with the means now on hand, fully to execute the law so far as relates to the documents of the last Congress, unless the missing volumes above referred to be obtained.

The librarian of Congress was directed by the resolution of the 28th January, 1857, also to transfer to this Department the fifty additional copies of the documents printed by order of either House, "for the purpose of exchange in foreign countries," under the resolution of July 20, 1840, and the fifty copies of "the public journals and documents of the House of Representatives," directed by resolution of April 30, 1844, "to be deposited in the Library of Congress," and a list of the books thus received is herewith submitted. These are in broken sets, and some of them in a damaged condition, owing, as I am informed by the librarian, to the fire which some years since destroyed the Congressional Library, and the insecure manner in which they have since been kept. They are consequently of but little value; yet it is recommended that some provision be made for their distribution, that the space occupied by them may be used for other and more useful purposes.

CENSUS.

The Constitution provides that the actual enumeration of the inhabitants of the United States shall be taken at periods of every ten years, in such manner as shall be directed by law. The near approach of the period for taking the eighth census, makes it incumbent upon Congress, at this session, to provide the means necessary for the commencement of the work.

The law approved May 23, 1850, providing for taking the seventh census, was drawn with great care, and it requires that, if no other law shall be passed prior to the 1st day of January, 1860, superseding it, the Secretary of the Interior shall proceed to take the eighth census according to its provisions. The plan of the last census was devised by a census board of eminent men, and was the result of unusual preparation. It was reported to, and adopted by, Congress after the most searching scrutiny and careful amendment, and presented no feature which interposed any obstacle to its easy execution. Its schedules were full and comprehensive. By them we not only ascertained the number and character of our population, and the condition of agriculture, manufactures and trade, but they also embraced within their scope the examination of many moral and social facts, illustrative of the intelligence, prosperity and happiness of the people, the duration of life and the causes of death. The value of these developments will be greatly enhanced by such uniformity in future censuses as will enable us to institute comparisons and exactly determine our progress, without which the results lose most of their significance and interest. Although the greatest precautions may have been exercised, it was impossible to execute so great a work for the first time without some imperfections, which the experience of the past, it is hoped, will enable the Department to prevent in the future. To change the schedules, or to enlarge or multiply them, will but tend to embarrass our officers and throw suspicion upon the accuracy of the information obtained. With these views, I cannot do otherwise than recommend adherence to the law of May 23, 1850, in the belief that a census taken in accordance with its provisions will afford the greatest amount of accurate information and prove most satisfactory to the country.

The census of the Territory of Minnesota which Congress, by act of February 26, 1857, directed to be taken under the supervision of this Department, was not finally returned until the 23d of July last. Many causes, inseparably incident to the prosecution of such a work in a new country, combined to produce this delay. The facts returned by the local officers have since been classified and arranged in this Department. The most prominent of these may be briefly stated as follows:

Census of Minnesota, September 21, 1857.

White males	87,395
White females	62,425
Colored males	144
Colored females	128
Aggregate population	150,092
Number of families	32,536
Native voters	26,737
Naturalized voters	22,393

The digest of the statistics of manufactures, according to the returns of the seventh census, which Congress at the last session directed to be completed, is in a state of forwardness, and the same will be communicated to Congress at an early day. Care has been taken to employ upon it those who, from previous experience, were conversant with the subject, and accustomed to the duties which the peculiar character of the work required; and it is believed that the results shown will not only prove highly interesting in themselves, but will also tend to facilitate future investigations in reference to this branch of statistics. The results, thus far ascertained, are as follows:

Manufactures of the United States—1850.

Capital	$500,000,000
Cost of labor and raw material	773,000,000
Value of products	1,000,000,000

JUDICIARY.

The experience of the past year leads me again to recommend the amendment of the laws regulating the compensation of the United States district attorneys, marshals, and clerks of courts, in order to render the important branch of the service with which they are connected more harmonious and efficient.

Modifications in other respects could likewise be made with great advantage, but as they were so fully indicated in my last report, I deem it only necessary, on this occasion, to refer thereto.

Notwithstanding the steady growth of the country, and the consequent regular increase of business in the courts, the expenses of the judiciary for the last year were somewhat less than they had previously been, and a considerable balance of the appropriation for this object remained unexpended on the 30th June last. Yet, owing to the contingent nature of many of the accounts chargeable to this fund, I have not deemed it wise to reduce the estimate for the next fiscal year. But if, by the practice of proper economy, the expenses of the present year should not exceed those of the last, and it is hoped they will not, it is respectfully suggested that the Department be authorized to apply so much of the unexpended balance as may remain on hand at the close of the year as may be necessary to the purchase of the building leased by it, in the city of New York, for court purposes. At present, we are paying for the use of this building $16,000 per annum, with the privilege of buying it, within three years, for the sum of $215,000.

For many years the United States courts for the southern district of New York were held in the City Hall belonging to the city of New York, and rooms procured in different parts of the city for the use of the judges and other officers, at an aggregate annual rent of from $12,600 to $22,500. During the last year the city authorities notified

the Department that it must obtain other accommodations, and thereupon immediate steps were taken by it to that end. After the most careful examination of the various buildings offered for our use, that known as Burton's Theater, on Chambers street, was selected as the most eligible; and with the advice of the judges, district attorney, and marshal, it was leased for five years, with the privilege of retaining it ten years longer, if desired, at the rate already mentioned. Such changes have been made as were necessary to adapt the building to our purposes, involving an additional expense of about twenty-five thousand dollars, including cost of furniture.

In this great commercial metropolis a vast and constantly increasing amount of business must continue to be brought before the United States courts for adjudication; and if in any portion of the country it be expedient for the Government to erect or purchase a building for the accommodation of its courts, it is eminently proper for it to do so at that point. The district court continues in session, with slight interruptions, during the entire year, and the circuit court quite one third of it, and the cases in each involve varied and extensive interests. The building leased is of sufficient size to accommodate both, with all their officers, and it is well located and of easy access to those having business therewith.

In this connection it may be stated that the purchase, contemplated in the act of 4th May last, of the "Masonic Temple," in the city of Boston, for the use of the United States courts for the district of Massachusetts, has been completed, and the building thus secured, when properly fitted up, will, it is believed, afford ample accommodations of the most satisfactory character. The property is well located, and it has been procured at a fair price.

PATENT OFFICE.

The operations of the Patent Office furnish the most gratifying proofs of our progress as a people in all the useful arts of civilized life. The rewards which genius here secures, revive the hearts and strengthen the resolution of the inventors of our country, who have already accomplished so much for its reputation and prosperity. The ability, industry, and efficiency with which the complicated duties of this office have been met and disposed of, deserve your favorable consideration. Although the business is exceedingly heavy, yet I have heard no complaint of delay in its dispatch.

The commercial revulsion of 1857 was severely felt in the operations of this bureau, especially during the last quarter of that and the first quarter of the current year. A reaction, however, soon followed and the records now show a healthy and prosperous condition of affairs.

The income of the office for the three quarters ending September 30, 1858, was $150,983 91. Its expenditures during the same period amounted to $144,433 47, showing a surplus of revenue over expenditure of $6,550 44 against an excess of expenditure over the receipts of $2,526 07 for the corresponding quarters of 1857.

From the 1st of January to the 30th of September, 1858, four thousand and ninety-one applications for patents were received, and six hundred and ninety-six caveats filed, against four thousand and ninety-five applications for patents, and eight hundred and twenty caveats, for the corresponding quarters of last year. During the same period, two thousand eight hundred and sixteen patents were issued, fifteen extensions of old patents granted, and twelve hundred and fifty-six applications rejected.

Certain changes and modifications of the laws regulating the administration of this bureau were recommended to the favorable consideration of Congress in my last annual report. The experience of another year has strengthened the conviction then expressed, that the efficiency of the service requires that the modifications then suggested, or something equivalent thereto, should be adopted. Indeed, I am prepared to go further, and recommend the establishment of a board of appeal, *in addition* to the present force of the office.

The establishment of such a board would restore to their respective classes the three examiners, now almost exclusively engaged in hearing appeals. At present, the overwhelming pressure of the business of the office compels the examiners to dispose of cases hurriedly and unsatisfactorily, if not superficially. With the proposed addition to the examining corps, a thorough scrutiny of the claims to novelty which every application presents—a scrutiny demanded alike by the interests of the inventor and of the public—will be secured.

A very slight but just modification of the existing tariff of fees would enable the office to sustain itself, notwithstanding the increased expenditure which the proposed change in its *personnel* would involve. The policy of keeping the expenditures of the bureau within its revenues is approved, and has heretofore been rigidly maintained; and for this reason greater confidence is felt in an appeal to Congress for liberal and favorable legislation in its behalf.

The subject of agriculture appears to occupy an increased share of public attention, and every new fact in relation to the productions of the earth is received with favor by the country. The agricultural division of the Patent Office may justly claim that it has contributed more than any other agency in exciting the interest thus manifested. By means of the appropriations made from year to year "for the collection of agricultural statistics, investigations for promoting agricultural and rural economy, and the procurement and distribution of cuttings and seeds," great material advancement has already been effected; and, though much remains to be done, the advantage to the country from these expenditures cannot be too highly estimated. A few years ago science had done comparatively little for the farmer; the modes of cultivation were careless and without system; the component elements of the soil and of many valuable fertilizers were not understood, and costly manures were generally applied without knowledge, and often without benefit; and improvements by means of the introduction of superior seeds and cuttings were dependent upon the feeble and variable exertion of individual enterprise.

It was then that the Patent Office, in obedience to the expressed wishes of the national Legislature, entered upon the execution of its utilitarian plans, including investigations into the character of soils, the peculiarities of different climates, and the collection of accurate information in regard to the suitableness of the several divisions of the country for the propagation of desirable plants and animals. A great mass of facts has been collected, collated, published, and scattered broadcast among the people, together with improved seeds and new plants, and directions as to the best modes of cultivation. The public attention has thus been awakened and arrested; agricultural societies have sprung into existence in every State, and almost every county over the whole country; men of science have been induced to lecture upon agriculture and its kindred subjects, and thus shed a flood of light upon all the processes of nature in the vegetable productions of the earth and the economy of animal life; public fairs have been encouraged, and competition in every branch of agricultural industry fostered by awards of premiums to the most successful; newspapers and magazines devoted to agriculture in all its branches have been established, and seeds have become an article of merchandise in almost every village; and professorships in our colleges have been instituted with the view of impressing upon the young student the advantages of scientific knowledge in its application to production.

Among the primary advantages of this official agency may be enumerated uniformity of method, concurrence of action, and the communication of results to a common center for comparison and elaboration and subsequent judicious publication. Although it may be admitted that experiments have been made, and seeds distributed, which have proved of little profit, yet, in a country possessed of so great a variety of soil and climate, it was wise to essay the propagation of every plant affording any hope of usefulness, especially as each success would more than compensate for all the cost and trouble attending many instances of failure. A few examples of this character, may, with propriety, be here cited. The apparently waning sugar culture of the United States has been reinvigorated by the introduction of rattoons of new varieties from Demarara and Caracas. The success attending the culture of the Chinese sugar-cane in the southern, middle, and western States, has been greatly augmented, fully equaling all that was anticipated from it. It is believed that not less than a hundred thousand acres have this year been devoted to its culture, for syrup-making, and forage for stock, for both which purposes it is generally, if not universally, pronounced admirably adapted. Of the cereals, the different varieties of wheat and barley, introduced from regions adjacent to the Mediterranean, and from France, are highly appreciated by intelligent farmers. The chufa, which was obtained from Spain, and extensively distributed, has been successfully cultivated, it is believed, in every State in the Union. From the recent analysis of this tuber, as well as from the testimony of many cultivators, the belief is warranted that it will prove of great value. The cork oak, also introduced from Spain, has found so much favor that a large supply of acorns has been ordered.

In conformity with plans for promoting the culture of the grape and the manufacture of wine, an effort is in progress to collect the indigenous vines, and, after a series of experiments, to induce the cultivation of the more approved varieties in their appropriate localities.

It is believed that the effort now making to obtain information in regard to the several varieties of the tea plant, the soils and climates best adapted to their growth, and the methods pursued in their culture and subsequent preparation for commerce and consumption, is the most earnest, and likely to prove the most decisive, that has ever been made in this country or in Europe; and it is hoped that before the expiration of another year, a degree of progress will have been attained in this enterprise upon which to base an intelligent opinion respecting its ultimate success. In view of the facts that the importation of the grape and its products, raisins, wine, and brandy, as shown in the average of four years, ending with 1857, involves an annual expenditure of $6,718,235, and of tea, of $6,602,984; and that the domestic production, by insuring unadulterated and cheaper commodities in commerce, will increase the consumption, it will not be thought that too much attention is given to these subjects.

The entomologist in this branch of the service has been stationed in the region of the St. John's river, Florida, where he is occupied in investigations relative to the insects infesting the orange tree and cotton plant, in the hope of devising means to destroy them, or prevent the injuries they inflict; and in noting all the accidents and diseases to which this tree and plant are liable, and endeavoring to ascertain the causes thereof and the most efficient preventives and remedies.

The result of the researches of the chemists during the past year are recorded in the report on agriculture for 1857. These persons have been employed during the present year in analyzing the ash of the tobacco plants and their soils, as found in Massachusetts, Maryland, Kentucky, Florida, and the Island of Cuba. A chemical examination has also been ordered to ascertain the composition of the soils of East Florida, peculiarly adapted to the growth of sea island cotton.

In presenting these as a portion of the objects to which the liberal grants made by Congress for the advancement of agriculture have been appropriated, I would remark that, in view of the fact that ours is emphatically a country of cheap lands, where every citizen so inclined may easily become a landed proprietor, and that so large a proportion of the people are devoting themselves to the cultivation of the soil, it cannot be considered that the Government has acted prodigally or unwisely in attempting in its legislation to elevate agriculture, so essential to our wealth and prosperity as a nation, at least to an equality with other pursuits.

In closing this report, I take pleasure in commending to your favorable notice, the fidelity and promptness with which the officers connected with the Department of the Interior have discharged their respective duties.

I am, sir, very respectfully, your obedient servant,

J. THOMPSON,
Secretary of the Interior.

The PRESIDENT OF THE UNITED STATES.

Report of the Commissioner of the General Land Office.

GENERAL LAND OFFICE,
November 30, 1858.

SIR: The following is respectfully submitted as a report of the operations of this branch of the service for the fiscal year, terminating on 30th June, 1858, and for the quarter ending on the 30th September, 1858.

There was surveyed and ready for market, on the 30th September, 1858, including all previous operations, an area of *unoffered* lands of 61,951,049 acres.

About one fourth of this area was actually surveyed during the five quarters, ending 30th September, 1858, to wit: 15,209,376 acres.

The following table No. 1 exhibits detailed results:

No. 1.—*Exhibit of the quantities of Public Lands, exclusive of school sections, prepared for market and not advertised for sale, on the 30th June,* 1858; *also, the quantities prepared for market during the fiscal year ending June* 30, 1858; *and showing the quantities advertised for sale during the same fiscal year; the quantities prepared for market and advertised for sale, during the quarter ending September* 30, 1858; *also, the whole quantities of unoffered surveyed public land on hand, September* 30, 1858.

States and Territories.	Quantities of unoffered surveyed land prepared for market, June 30th, 1857.	Quantities of surveyed land prepared for market during the fiscal year ending June 30, 1858.	Quantities advertised for sale, and not postponed, during the fiscal year ending June 30, 1858.	Aggregate quantities collected from all past operations, prepared for market, and not advertised for sale, on the 30th June, 1858.	Quantities of surveyed land prepared for market during the quarter ending September 30, 1858.	Quantities advertised for sale, and not postponed, during the quarter ending September 30, 1858.	Whole quantities of unoffered surveyed land ready for market and on hand, September 30, 1858.
Missouri	443,591	44,898	443,591	44,898	-	-	44,898
Alabama	90,530	52,741	52,741	90,530	-	-	90,530
Louisiana	2,572,179	-	1,334,700	1,237,479	-	-	1,237,479
Michigan	609,938	-	-	609,938	-	-	609,938
Arkansas	733,278	-	-	733,278	-	-	733,278
Florida	3,399,420	5,278	-	3,404,698	-	-	3,404,698
Iowa	4,005,493	686,690	1,811,394	2,880,989	-	-	2,880,989
Wisconsin	3,965,711	1,143,535	-	5,109,246	356,895	-	5,466,141
California	21,055,607	106,107	7,466,694	13,695,020	341,541	-	14,036,561
Minnesota	9,203,264	1,783,000	-	10,986,264	638,430	-	11,624,694
Oregon	3,219,385	570,817	-	3,790,202	-	-	3,790,202
Washington	800,747	491,929	-	1,292,676	-	-	1,292,676
Kansas	3,763,850	4,195,631	-	7,959,481	390,880	-	8,350,361
Nebraska	1,892,301	3,314,548	-	5,206,849	286,030	-	5,492,879
Utah	1,987,580	-	-	1,987,580	-	-	1,987,580
New Mexico	107,928	800,217	-	908,145	-	-	908,145
	57,850,802	13,195,591	11,109,120	59,937,373	2,013,776	-	61,951,049

During the fiscal year ending 30th June, 1858, there were sold for cash	3,894,908.46	acres.	
Located with military bounty land warrants	5,802,150.00	"	
Making a total of	9,607,058.46	"	
Reported under swamp-land grant	1,395,587.41	"	
Making an aggregate of	11,002,645.87	"	
For the quarter ending 30th September, 1858, there were sold for cash, (part estimated)	1,000,011.00		
Located with military bounty land warrants	1,174,960.00		

Reported under swamp-land grants	5,977.67		
Being for the quarter		2,180,948.67	acres.
Making an aggregate for the five quarters ending 30th September, 1858, of		13,183,594.54	"

CASH RECEIPTS.

For the fiscal year ending 30th June, 1858, the receipts from the sales of the public lands amount to	$2,116,768 02
The receipts for the quarter ending 30th September, 1858, (part estimated,) amount to,	417,424 18
Making a total for the five quarters of	$2,534,192 20

Condition of the Bounty Land business under acts of 1847, 1850, 1852, *and* 1855, *on 30th September,* 1858.

ACT OF 1847.

Grade of warrant.	Number issued.	Acres embraced thereby.	Number located.	Acres embraced thereby.	Number outstanding.	Acres embraced thereby.
160 acre	80,330	12,852,800	74,344	11,895,040	5,986	957,760
40 acre	7,544	301,760	6,104	244,160	1,440	57,600
Total	87,874	13,154,560	80,448	12,139,200	7,426	1,015,360
ACT OF 1850.						
160 acre	27,407	4,385,120	26,044	4,167,040	1,363	218,080
80 acre	57,687	4,614,960	51,136	4,090,880	6,551	524,080
40 acre	103,910	4,156,400	88,856	3,554,240	15,054	602,160
Total	189,004	13,156,480	166,036	11,812,160	22,968	1,344,320
ACT OF 1852.						
160 acre	1,222	195,520	919	147,040	303	48,480
80 acre	1,698	135,840	1,359	108,720	339	27,120
40 acre	9,062	362,480	7,420	296,800	1,642	65,680
Total	11,982	693,840	9,698	552,560	2,284	141,280
ACT OF 1855.						
160 acre	84,000	13,440,000	53,603	8,576,480	30,397	4,863,520
120 acre	95,045	11,405,400	70,489	8,458,680	24,556	2,946,720
100 acre	5	500	3	300	2	200
80 acre	48,000	3,840,000	35,843	2,674,440	12,157	1,165,560
60 acre	347	20,820	191	11,460	156	9,360
40 acre	506	20,240	318	12,720	188	7,520
10 acre	5	50	3	30	2	20
Total	227,908	28,727,010	160,450	19,734,110	67,458	8,992,900
SUMMARY.						
Act of 1847	87,874	13,154,560	80,448	12,139,200	7,426	1,015,360
Act of 1850	189,004	13,156,480	166,036	11,812,160	22,968	1,344,320
Act of 1852	11,982	693,840	9,698	552,560	2,284	141,280
Act of 1855	227,908	28,727,010	160,450	19,734,110	67,458	8,992,900
Total	516,768	55,731,890	416,632	44,238,030	100,136	11,493,860

Sales and other disposals of the Public Lands.

Total five quarters.	During the third quarter, ending Sept. 30th, 1858, (part estimated).	During the fiscal year ending June 30, 1858.	
948,767.56	131,938.91	817,539.33	Number of acres sold for cash at and above the minimum price, $1 25.
$1,332,906 00	182,743 33	$1,150,166 73	Amount received therefor.
2,856,151.90	888,772.79	2,967,379.11	Number of acres sold at graduated prices.
$1,201,253 14	234,681 85	$966,691 29	Amount received for the same.
6,977,110.00	1,174,960.00	5,802,150.00	Number of acres located with military warrants.
1,401,565.08	5,977.67	1,395,587.41	Number of acres approved under Swamp land grant.
$2,534,192 20	417,424 18	$2,116,768 02	Total amount received for lands sold for cash at all prices.
13,183,594.54	2,180,948.67	11,002,645.87	Total number of acres sold for cash and otherwise disposed of.

The lands sold and located are in the main for actual settlement. The spirit of speculation affected, to a most limited extent, the land operations of the past year. The diminished receipts are attributable to the late severe pecuniary crisis in the country, which everywhere felt its influence.

We had expected a handsome addition to the Treasury from several million acres of new lands, which had been prepared for market and proclaimed; but these being in new and distant territories, where the money pressure was paralyzing, it was deemed due to the frontier settlers to save them from the forfeiture of their improvements, which the forcing of such sales would have inevitably produced.

REVOLUTIONARY BOUNTY LAND SCRIP.

Scrip has been issued, in satisfaction of Virginia military land warrants, filed under the act of August 31, 1852, since the commencement of operations to the 30th September, 1858, for the amount of 735,487 acres. Of this amount there was issued during the year ending September 30, 1858, 113,892 acres.

Warrants have been filed during the year ending 30th September, 1858, for 49,942 acres. Scrip has been issued on these for 22,451 acres. Leaving suspended for defects in the proof of service, title, &c., or unexamined, 27,491 acres.

Of the scrip issued during the year ending September 30, 1858, there was issued, in satisfaction of "staff claims," allowed under the opinion of the Attorney General, "on Virginia military bounty lands," rendered May 30, 1858, 28,316 acres. There are "staff claims" now pending amounting to 46,684 acres.

The action of this office, since the late opinion of the Attorney General, has been, to satisfy all claims where the evidence presented proved the service of the claimant, for the term allowed, to

the satisfaction of the Virginia authorities; where there was no fraud or imposition practiced in the presentation of the case; and where no evidence has since been discovered showing that the party had resigned, been cashiered, or suspended; and where the register of the Virginia land office issued the warrants to those legally entitled, for the proper amounts due, as shown by the evidence before the Executive and Council, and by their order of allowance.

Claims of "resigned officers," amounting to 46,018 acres, have been filed, but no definite action touching the question of their admissibility has yet been had.

The total amount of claims, under the said act of 31st August, 1852, now on our files, and remaining unsatisfied, is 250,000 acres.

From a careful examination it is estimated that all cases that can hereafter be presented, including all outstanding claims, lands lost by interference in Kentucky and Ohio, and including the balance due of the ten per cent. cases, under the act of March 3, 1835, will not exceed 150,000 acres.

Scrip has been issued upon United States revolutionary warrants, under the act of May 30, 1830, to the amount of 900 acres.

"*Virginia Military Land District, Ohio.*"

This district, originally embracing 3,709,848 acres, has been appropriated, nearly in full, by entry, survey, and patent, in satisfaction of the Virginia Continental line warrants. It is estimated that there are now 40,000 acres unappropriated.

These lands are of but little value, being small, irregular, fractional pieces, and might be donated to the State for educational or charitable purposes.

The act of March 3, 1855, fixing the time for the survey of entries, in this district, expired by limitation on the 3d March, 1857.

It is recommended that the claimants be allowed to perfect their entries by survey, and to receive patents therefor.

War of 1812.

The act of February 8, 1854, which authorized the issue and location of warrants granted for services in the war of 1812, and of the Revolution, expired by limitation on the 26th June last, leaving many warrants outstanding and unsatisfied, and, unless further legislation is had, they will not be available for any purpose.

Patents have been issued for fifty warrants, granted under this act, to the amount of 8,320 acres.

Patents for 480 acres have been issued under the act of January 7, 1853.

This act, which authorized soldiers of the war of 1812, where the lands originally patented to them were found unfit for cultivation, to exchange the same, expired by limitation, and should be extended, enlarging its provisions so as to cover cases of the heirs-at-law of the soldier.

The following tables, numbered 1, 2, and 3, exhibit the condition of the acts of 1849 and 1850, granting swamp and overflowed lands to the States in which they lie:

No. 1—SWAMP LANDS.—*Statement exhibiting the quantity of Land selected for the several States, under acts of Congress, approved March* 2, 1849, *and September* 28, 1850, *up to and ending September* 30, 1858.

States.	4th quarter, 1857.	1st quarter, 1858.	2d quarter, 1858.	3d quarter, 1858.	Year ending June 30th, 1858.	Total since dates of grants.
Ohio	-	-	-	-	21,999.99	54,438.14
Indiana	-	-	-	-	-	1,334,732.50
Illinois	-	-	8,617.98	-	8,617.98	3,943,891.46
Missouri	84,209.70	12,274.82	7,590.45	5,732.75	*229,968.82	4,248,203.81
Alabama	-	-	-	-	-	2,595.51
Mississippi	-	292.13	-	-	2,585.13	2,836,675.89
Iowa	-	-	-	-	12,791.14	1,752,996.99
Louisiana, act of 1849	39,078.83	71,632.01	76,184.08	214.92	274,224.16	10,660,398.33
Louisiana, act of 1850	10,049.47	5,932.92	284.84	-	17,982.88	541,945.95
Michigan	-	-	-	-	-	7,273,724.72
Arkansas	160.00	41,801.43	-	-	†196,752.22	8,562,752.93
Florida	160,212.60	-	-	-	160,365.95	11,790,637.46
Wisconsin	477,199.14	-	-	-	477,199.14	2,827,199.14
California	-	-	-	-	-	-
	770,909.74	131,933.31	92,677.35	5,977.67	1,395,587.41	55,129,492.13

* 46,276.70 acres of this amount embraced in former aggregate, being corrective of lists received.
† 154,790.79 acres of this amount embraced in former aggregate.

No. 2—SWAMP LANDS.—*Statement exhibiting the quantity of land approved to the several States, under acts of Congress approved March* 2, 1849, *and September* 28, 1850, *up to and ending September* 30, 1858.

States.	4th quarter, 1857.	1st quarter, 1858.	2d quarter, 1858.	3d quarter, 1858.	Year ending June 30, 1858.	Total since dates of grants.
Ohio	-	-	-	-	-	25,640.71
Indiana	-	-	-	-	92,431.89	1,259,937.51
Illinois	29,993.45	182,290.38	1,038.28	*46,317.28	†215,185.43	1,371,620.23
Missouri	-	-	-	-	-	3,615,966.57
Alabama	-	-	-	-	-	2,595.51
Mississippi	21,904.32	293.13	61,385.63	-	213,147.02	2,918,579.19
Iowa	-	-	24,475.87	39,155.71	24,475.87	63,631.58
Louisiana, act of 1849	-	-	-	-	-	7,379,994.23
Louisiana, act of 1850	-	-	-	-	-	221,541.23
Michigan	-	-	-	-	-	5,465,232.41
Arkansas	114,307.39	-	52,628.63	168,474.50	166,936.02	6,255,435.46
Florida	-	154,512.41	-	-	648,655.43	10,701,494.88
Wisconsin	-	-	-	-	-	1,650,712.10
California	-	-	-	-	-	-
	166,205.16	337,095.92	139,528.51	253,947.49	1,290,831.66	40,923,181.61

* This amount embraced in former aggregate. † 210,842.70 acres of this amount embraced in former aggregate.

No. 3—SWAMP LANDS.—*Statement exhibiting the quantity of Land patented to the several States under the act of Congress approved September* 28, 1850.

States.	4th quarter, 1857.	1st quarter, 1858.	2d quarter, 1858.	3d quarter, 1858.	Year ending June 30th, 1858.	Total since date of grant.
Ohio	-	-	-	-	-	25,640.71
Indiana	24,631.40	20,695.25	-	-	45,306.65	1,256,349.56
Illinois	-	200,481.15	-	-	200,481.15	801,592.23
Missouri	-	166,824.45	96,364.64	208,269.30	263,189.09	2,386,480.25
Mississippi	-	208,192.66	637,093.48	8,404.22	845,286.14	2,549,618.39
Michigan	-	-	-	-	-	4,985,588.47
Arkansas	-	-	-	2,050,059.27	-	4,418,429.86
Florida	256,606.02	-	-	778,836.20	1,021,140 96	10,618,549.35
Wisconsin	-	-	-	-	*34,910.75	1,674,585.29
	281,237.42	596,193.51	733,458.12	3,045,568.99	2,410,314.74	28,716,834.11

* Special patent, act 2d March, 1855.

Within the fiscal year, ending June 30, 1858, the selections reported for all the swamp-land States amount to 1,395,587.41 acres. There have been approved during the same period 1,290,831.66 acres; and patented within the same time, of these and prior selections, 2,410,314.74 acres.

During the quarter ending 30th September, 1858, there have been approved 253,947.49 acres; and within the same period there have been patented 3,045,568.99 acres.

Under the grant of 1849, peculiar to the State of Louisiana, the aggregate selections from the date of that grant, made and reported to this office, amount to 10,660,398.33 acres. Under the general act of 1850, the selections for all the swamp States amount to 44,469,093.80 acres; making in the aggregate, 55,129,492.13 acres, of which there have been approved and certified, under grant of 1849, 7,379,994.23 acres; and under the act of 1850, 33,543,187.38 acres.

The approval and certification under the grant of 1849, having the effect of a patent, the amount thus acted upon—7,379,994.23 acres—will, with the addition of the amount patented under the grant of 1850, show 36,096,828.34 acres, for which complete titles have passed, from the United States to the several States interested.

Considerable progress has been made in the preparation and transmission of lists of the lands claimed, under the grant of 1850, but which have been disposed of by the Government since the date of said act; thus enabling the States to present the proof required by the act of 2d March, 1855, and extended by the act of 3d March, 1857, preparatory to receiving the indemnity authorized thereby. The grants made in aid of the construction of railroads prior to the confirmatory act of 3d March, 1857, where the routes of the roads had been definitely fixed before that date, render it necessary to withhold action upon all the tracts in the granted sections within the six-mile limits, and tracts in corresponding sections within the six and fifteen mile limits, in order properly to determine the character of the lands, and the disposition to be made of them. A period of eight years having elapsed since the grants, and the States still continuing to make selections, the suggestion made in former reports, that a limit be fixed to the time, within which the selections must be made, is again renewed. This, indeed, is a measure urgently called for, and being indispensable, to avoid conflicts and quiet titles, is respectfully and earnestly recommended.

RAILROAD GRANTS.

By the acts of Congress of May 15th and 17th, 3d of June, 11th of August, 1856, and March 3, 1857, grants of land for railroad purposes were made to Iowa, Alabama, Florida, Louisiana, Wisconsin, Michigan, Mississippi, and Minnesota.

Iowa.—The grant to this State by act of May 15, 1856, is for four roads, parallel to each other, traversing the State from east to west, connecting important points on the Mississippi with the Missouri river. The grant had been accepted by the State, and transferred to companies, the lines of route established, their six and fifteen mile lateral limits laid down on the official plats; lists of lands, (excepting in the Chariton district, now in hand,) have been prepared with great labor; and, when they shall have passed the necessary tests, will be submitted for approval.

The following is an exhibit of the length of each road under the grant, and the areas ascertained for each, exclusive of suspended interferences:

	Miles of road.	*Acres inuring.*
Dubuque and Pacific railroad	330¾	1,137,143
Iowa Central Air Line railroad	338	686,523
Mississippi & Missouri railroad	318	400,000
Burlington & Missouri railroad	276½	252,655
	1,263	2,476,321

Alabama.—The grant to this State is for eleven roads and one branch, as follows:

By the act of 17th May, 1856, for one road; 3d June, 1856, for eight; 11th August, 1856, for one; and 3d March, 1857, for one road and a branch.

We have thus far acted upon the acceptance by the State of the grant for three roads and her rejection of one, viz: that for the Memphis and Charleston. Of the three roads referred to, one is under the act of 17th May, 1856, and two under

act of 3d June, 1856. The adjustment of two of them has been nearly completed. The lengths of these roads and quantities inuring to them respectively are as follows:

	Miles of road.	*Acres inuring to the grant.*
Alabama and Florida railroad	114	398,500
Mobile and Girard railroad	228½	500,000
Alabama and Tennessee railroad	125½	250,000
	468	1,1485.00

In addition to these, a map of the Coosa and Chattoogee river railroad has been presented, but no definite action has been had thereon.

Florida.—The aforesaid act of 17th May, 1856, also makes a grant to Florida. The maps for all of the roads have been filed, except for a portion of the line of road to Tampa Bay; and the following is the length of the recognized roads and quantities of land inuring:

	Miles length.	*Acres inuring to the grant.*
Florida and Alabama railroad, approved and duly certified to the State	45	165,687
Florida, Alabama, and Gulf Central road	60	*27,778
Pensacola and Georgia railroad	290¾	†901,000
Florida Railroad Company	151¾	†280,000
	547½	1,374,465

* Nearly completed. † Estimated.

Louisiana.—By the act 3d June, 1856, lands were granted to this State for three roads, and by the act of 11th August, 1856, for one road.

Two of the three first mentioned have been accepted, all the official preliminary requirements have been complied with, and the adjustment thereof has so far progressed that the lists are nearly completed for approval.

The grant for the remaining road has been rejected by the State, and the withdrawn lands restored to market.

The length of recognized roads and quantities inuring to them respectively, are as follows:

	Miles length.	*Acres inuring to the roads.*
New Orleans, Opelousas, and Great Western	263	684,000
Vicksburg, Shreveport, and Texas	166	363,670
	429	1,047,670

Wisconsin.—By the act of 3d June, 1856, a grant was made to this State for two lines of road, one having a branch. The routes and lateral limits have been laid down on the official plats, but as the lists have not yet been prepared for the selections, the following is submitted as an *estimate* merely of the probable quantities:

	Miles length.	*Acres inuring to the grant.*
La Crosse and Milwaukee railroad	252	735,000
St. Croix and Lake Superior railroad	243	900,000
Chicago, St. Paul, and Fond du Lac railroad, extending into Michigan, that part being treated of under that head.	167	600,000
	662	*2,225,000

* The estimate in last report was upon *direct* lines between the termini. The present statement in this case rests upon the returns of actual survey, giving deflections to the routes necessary in consequence of difficulties encountered in the configuration of the country, and thereby increasing the length of the roads and quantity inuring.

Michigan.—The act of 3d June, 1856, makes a grant to this State for eight routes, (roads and branches.) The maps for the roads in the northern peninsula have been filed; that of but one (the Chicago, St. Paul, and Fond du Lac) has been definitely acted upon and accepted, the adjustment of the grant being now in progress. Maps of all the lines in the lower peninsula, excepting the Amboy, Hillsdale, Lansing, and Traverse Bay road, have been filed and laid down on the official plats. The lists not having yet been prepared, the following are only estimates:

	Miles of road.	*Acres inuring to grant.*
Michigan part of the Chicago, St. Paul, and Fond du Lac railroad	159	575,000
Grand Rapids and Indiana railroad	183	660,000
Detroit and Milwaukee	107	35,000
Point Huron and Milwaukee	89¾	15,000
Flint and Pere Marquette	173½	625,000
	712¾	1,910,000

Mississippi.—The act of 11th August, 1856, makes a grant to the State of Mississippi of lands for four railroads, only one of which has been reported, namely, the route from Jackson eastward to the Alabama line, which, by an act of the State, has passed to the Southern Railroad Company. The map has been filed and accepted, the lateral limits of the road laid down on the official plats, and a list of the lands inuring to the State under the grant is nearly ready for approval. The length of the road is one hundred and ten miles; area of lands inuring to the road is 207,731 acres, exclusive of conflicts, which, when adjusted, may increase the quantity.

Minnesota.—The grant by the act of 3d March, 1857, makes provision in land to aid in the construction of four roads and two branches in Minnesota. The grant has been accepted. The route of one road and its branch, and part of another and its branch, are in progress of being laid down, with their lateral limits, upon the official township plats. When this is accomplished, the work of adjustment will go on. In the meantime, the following *estimates* are submitted:

	Miles of road.	*Acres inuring.*
Minnesota and Pacific railroad, (main stem)	230	850,000
Minnesota and Pacific railroad, (branch.)	116	400,000
Minneapolis and Cedar Valley railroad, (branch)	112	150,000
	458	1,400,000

The map of the Southern Minnesota railroad, and the Transit railroad, being incomplete, and not finally acted upon, are excluded from this estimate.

The following summary indicates the length only, of such of the railroads as are in progress of adjustment under the legislation hereinbefore cited, with the quantities of land, part estimated, inuring to the same:

States.	*Miles.*	*Acres.*
Iowa	1,263	2,476,321
Alabama	468	1,141,297
Florida	547¾	1,374,465
Louisiana	429	1,047,670
Wisconsin	662	2,225,000
Michigan	712¾	1,910,000
Mississippi	110	200,731
Minnesota	458	1,400,000
	4,649½	11,775,484

Soon after the passage of the laws making the railroad grants, lands falling within their probable limits were withdrawn from sale and location; as the adjustment of the grants advanced far enough to enable us to discriminate between the granted lands and those remaining to the Government, the latter class have been released from suspension, and restored to market.

The following is an estimate of the quantities of land offered and unoffered, released and restored:

	Acres.
Iowa	4,000,000
Wisconsin	8,250,000
Michigan	1,590,000
Alabama	750,000
Louisiana	2,000,000
Florida	2,000,000
Total	18,590,000

For the mode of proceeding in the adjustment of the railroad grants, reference is made to the last annual report from this office.

After the "definite locations" and maps of the roads have been accepted, no notice is taken of any inconsiderable modifications the company may find it necessary to make in the routes, but the adjustments are made upon the locations as reported, provided other rights are not interfered with.

The sales, locations, preëmptions, and swamp selections within the six and fifteen mile lateral limits are entered in our ledgers, and their validity tested before we begin the preparation of the lists of the lands to be finally certified to the State.

The grants attach and take the lands "in place" from the date of the "definite location," and are good against all entries subsequent to that date, except when founded upon settlement made before such definite location, or before an absolute withdrawal. The right of the State attaches to the selections made in lieu of the lands disposed of "in place" from the date of the reception of notice thereof. Such selections must be made from alternate sections outside of six and within fifteen miles of the road or branch, and nearest to the tiers of sections granted "in place." No selection can be made by skipping any vacant tract nearest the section "in place;" and the indemnity for a main road must be taken from its belt, and for a branch road from its belt. When roads intersect each other, the lands inuring under the grant, within limits common to each, will be certified to the State for the benefit of both, jointly.

It is difficult to convey an adequate idea of the labor incident to the management of the railroad business. It is in fact a great undivided land interest, in which the United States are concerned, to set apart and secure their sections "in place," the minimum price of which the law has enhanced $2 50 per acre—that being the indemnity to the public Treasury, which was the avowed principle in making these munificent grants to the States, and then to set apart and secure to the States their lands "in place" within the six-mile limit and the indemnity selections. Then, with antagonist interests to these we have the multitude of settlers, old and new, who crowd along the lines of the roads, purchasers at private sale, preëmptions upon offered and unoffered lands, bounty land locations, and swamp selections.

These varied and conflicting interests figure in the adjustment of the claims to the most minute subdivisions of the lands, and require greater care and more labor than are bestowed upon their ordinary disposal.

FOX AND WISCONSIN RIVER GRANT.

Under the acts of 8th of August, 1846, 2d of March, 1849, 3d of August, 1854, joint resolution of 3d of March, 1855, and the act passed at the last session, approved 9th of June, 1858, "for the relief of certain settlers on the public lands in the State of Wisconsin," the whole area inuring to the State of Wisconsin, as heretofore reported, is 684,269.00 acres. Of this quantity, there have been selected and *approved* 589,387.84 acres; leaving a balance of 94,881.16 acres not yet approved.

Under the act abovementioned, of the last session, it is found that there are recognized as valid selections:

1st. As a part of the 69,832 selection, which, under prior legislation, had been excluded as illegal, being of unoffered lands, the quantity of ..... 42,822.13 acres
2d. Selections on our files, at *Menasha*, in May and December, 1856 ..... 14,299.60 "
57,121.73 "

Leaving a residuum of 37,759.43 acres, to be taken from a large excess, embraced in a list also on our files, of tracts which had been selected in August, 1855, at *Hudson*, Wisconsin, to satisfy the unapproved balance of 94,881.16 acres above mentioned.

The following is an exhibit of the present condition of the Des Moines river grant, in Iowa, under the act of 8th of August, 1846:

Lands below the Raccoon Fork, approved July 13, 1848, by Secretary R. J. Walker ..... 321,028.03 acres
Situated above the Raccoon Fork, *conditionally*, approved by Secretary A. H. H. Stuart:
October 30, 1851, list No. 1, 107,195.78
October 30, 1851, list No. 2, 25,487.87
October 30, 1851, list No. 3, 81,707.93
March 10, 1852 ..... 143,908.37
358,299.95 "
Approved by Secretary R. McClelland:
December 17, 1853 ..... 33,142.43
December 30, 1853 ..... 12,813.51
45,955.94 "
Making aggregate approved ..... 725,283.92 "

Ample time having elapsed since the propositions made to the State authorities for the adjustment of this grant, under the Attorney General's opinion of 19th of May, 1856, and those propositions not having been accepted, the matter now comes before us as a case *de novo*. Upon again being called up, it was, therefore, referred to the Attorney General, for his opinion as to the extent of the rights of the claimants under the law; and, after the Department shall be in possession of that opinion, a decision will be rendered upon the matter without reference to antecedent action.

GRADUATION ENTRIES.

Under the provisions of the act of 3d March, 1857, nearly all the entries made, prior to that date, under the graduation act of August 4, 1854, have been confirmed and patented.

In regard to graduation entries, subsequent to the passage of the act of 3d March, 1857, notwithstanding printed instructions were sent to the registers and receivers to notify the purchasers, at the time of making them, that proof of actual settlement and cultivation would be required within one year from the date of entry to entitle them to patents, in but a very limited number of cases has the proof been produced, leaving the mass of said entries on our files, mixed up with the regular cash sales, at the ordinary minimum, necessarily causing great delay in the issue of patents for the latter class of entries, without a departure from the present system of issue in numerical and chronological order.

To obviate this difficulty, and free the office from embarrassment in its current operations, this class of entries has been filed for patenting, with the series of ordinary cash sales, and the patents, in accordance with the recommendation submitted to and sanctioned by you, will be transmitted to the proper local offices to be delivered to the respective purchasers, upon the production of the required proof of actual settlement and cultivation, and the surrender of the duplicate receipt—public notice to be given by the registers that unless said proof shall be furnished within twelve months after said notice, the patents will be returned to this office for cancellation, and the land again thrown into market.

By the adoption of this rule, the current business of the office will be greatly facilitated, while at the same time a spirit of liberality is exercised towards the purchasers by giving them a final opportunity to establish their claims.

The operations, under this act, continue to be very heavy, and to clear this office from future embarrassments, and prevent frauds, will require further legislative interposition.

From the passage of the act, August 4, 1854, up to the close of the fiscal year, ending June 30, 1858, 18,081,435.34 acres have been sold at the various graduated rates. Of these, 10,068,480.25 acres were sold at the lowest price of twelve and a half cents per acre. And, of the whole quantity, about 6,457,421 acres, or more than one third, were sold in the State of Missouri.

We have reason to believe that a very considerable portion, if not the greater portion, of the entries for settlement and cultivation have been made by unscrupulous individuals in contravention of the law, and bought up by speculators, who are relying on Congress for the confirmation of their entries, by the passage of an act similar to the act of 3d March, 1857, dispensing with the proof of settlement and cultivation.

To free the act from the odium of evasion and fraud, and to confine its wise and beneficent provisions to the exclusive benefit of the actual settler and cultivator of the soil, I would recommend that it be so amended as to require the settlement and cultivation to be made, and proof of that fact produced, in every instance, before the entry of the land is consummated, the same as required under the preëmption act of 1841, else that the condition of settlement and cultivation be waived altogether.

The graduation law was never designed to interfere with the regular sales, under the general laws, but merely to lower the price of the lands to actual settlers and cultivators; and its operation should be confined, as far as practicable, to that class of persons, and, in my opinion, this can only be done by legislative action as above suggested.

The recommendation, in the last annual report, is renewed, that further legislation be had to restrict the compensation commissions of registers and receivers, under the act of April 20, 1818, to a quarterly *pro rata* allowance of the maximum of $2,500 per annum, their compensation both for salary and commission, to commence and be calculated from the time they enter upon the discharge of their duties.

For more detailed views upon this subject reference is made to the last annual report from this Office.

The accounting duties of this office have been materially increased under the several acts of Congress, granting compensation to registers and receivers for locating military bounty land warrants, and for lands sold at the several graduated rates—the same as if sold at $1 25 per acre; and by the issue of bounty land scrip, receivable as money in payment of public lands, involving very patient and laborious investigations in the adjustment of these accounts. These duties have been faithfully performed. The postings of the sales and locations, though unusually heavy, have been brought up to a recent period, and the accounts of the receivers and disbursing agents, adjusted to the latest dates practicable; and it is believed that every dollar of the large sums received for lands will be promptly paid into the Treasury.

The preëmption privilege which had its inception more than half a century ago, and until after the lapse of forty years had only a retrospective effect, finally resulted in the policy which is developed in the preëmption act of 1841. In the progress of legislation, extending this law from old to new States and Territories, a want of uniformity has arisen which is properly the subject of amendment. In some instances the law gives the right of filing a declaratory statement within three months from the date of settlement. Others from surveys in the field, statutory provisions in the former being held by executive construction to relate in regard to limitation to three months from the date of the approval of the plat of survey. That rule should be made of universal application.

The act of 1854 also, which extends the act of 1841 to Kansas and Nebraska, should be so modified that two or more settlers, on the same quarter section, should each be permitted to take the legal subdivision embracing his actual residence, and make up his quantum upon contiguous lands.

It was heretofore suggested that a limitation should be prescribed in respect to the period of payment by settlers upon unoffered as well as offered lands, whereby the former should be required to pay within twelve months from date of settlement; but, as this has not received the favorable action of Congress, the Department does not further press the recommendation, but is bound to treat the present system, which requires that public sales shall go on as circumstances may suggest, as proper in view of the public interest, and that the time for such public sales shall be the only limitation to the period of payment by preëmptors for *unoffered* lands.

By the 11th section of the preëmption act of 1841, an appeal lay to the head of the Department direct from the action of the local officers, not looking to an intermediate decision by the commissioner. The tenth section of the act of 12th June, 1858, changed this by making the decision of the commissioner final, unless an appeal was taken to the Secretary of the Interior. This has not materially diminished the labor incident to the right of appeal. In order to effect this, and at the same time give claimants the right of review by the executive authority of last resort, and to put an end to controversy and settle rights, it is recommended that a law be enacted that the party appealing shall do so within a limited time, and only then upon filing an affidavit stating that his purpose is not for delay or vexation of his opponent, and indicating specially the alleged error of fact or of law.

The "town-site" preëmption act of 1844 has been one involving great difficulty in its administration.

Under the ruling of the Department, "town-site" claimants are restricted to three hundred and twenty acres, although their improvements may extend beyond that quantity. But if any portion in legal subdivisions of a town claim is not occupied by substantial improvements, that portion cannot be lawfully entered.

The decision in substance is that every one of the smallest legal subdivisions must be occupied and improved before it can be entered as a part of such a claim. In some instances towns have been incorporated with greater limits than the quantity the law allows to be preëmpted. The authorities are consequently restricted to the limitation as to quantity which is stipulated in the law, and to so much as by actual legal subdivisions is actually occupied for town purposes. The excess is public land, and liable to disposal as such.

If city or town improvements extend beyond the legal subdivisions which may be entered under the act of 1844, those who have made the outside improvements, and occupy them, are protected as against agricultural preëmptors by the preëmption law of 1841.

The "mail or post route" preëmption privileges in virtue of provisions of the acts of 3d March, 1855, and 3d March, 1857, are held to extend only to the *Territories* west of the Mississippi. An amendment in these provisions is suggested so as to allow each contractor the privilege of organizing stations with the exclusive use of the same during the continuance of his contract, and no longer, the right to inure to his successor, the fee-simple to remain in the United States; such amendatory legislation to extend to all existing cases where the contractor, at the passage of the new enactment, has not consummated a legal entry of the lands occupied as a station, nor made his improvements thereon. In regard to preëmptions on the line of railroads, it is submitted that there is no just ground for the existing legal inhibition to preëmptions resting upon *bona fide* settlements made upon the United States reserved sections *after* the final allotment. The rule which recognizes settlements made *before* such allotment should therefore be enlarged so as to embrace those made *after* the final allotment and at any time before the public sale.

The following land districts have been discontinued during the last year, viz: Vincennes, in the State of Indiana; Palmyra, in the State of Missouri; and Mineral Point, in the State of Wisconsin; and circulars have been addressed to the officers of such other old districts as it is probable the remaining lands are approaching to a point of reduction below one hundred thousand acres, with a view to their discontinuance.

The three additional districts in California, created by the act of 29th March, 1858, have been put in operation. The necessary instructions, record, and other books and blank forms having been furnished. The number of tract books required for those districts and opened in this office is one hundred and eighty volumes. Of other records, fifty-seven volumes, with thirty-nine volumes of laws, and upwards of four hundred large packages of blank forms of various kinds have been furnished.

Under the act of 11th May last, "to enlarge the Detroit and Saginaw districts in Michigan," all necessary instructions have been issued and the act carried into effect. Nine volumes of tract books were required in which to post entries made of lands in portions of the old "Cheboygan district," attached to the Detroit and Saginaw districts. The volumes have been transmitted.

For the district of New Mexico, created by act of 24th May last, two hundred and four volumes of tract books are required, with nineteen volumes of other records and thirteen volumes of laws; these, together with the necessary instructions and forms, have been dispatched.

No provision is made by existing laws for the transfer from the surveyor general to the district land officers, of the duties devolved upon the former in relation to *donations* in the territory, nor has it been determined whether authority is given to the President by existing laws to proclaim lands at public sale in said territory.

The whole number of volumes of tract books and other manuscript records in this office is twelve thousand and seventeen. They are rapidly increasing, together with the files of letters, land warrants, patents returned from discontinued districts, and various archives connected with the public lands, so that they will soon require additional accommodations for their permanent preservation.

Some idea may be formed of the increase of business in this office when it is stated, that in the annual report of 26th November, 1851, it appears the number of manuscript volumes then in the office was seven thousand three hundred and eighty-three, which had accumulated in about forty years, and that the present number shows, in *seven years*, an increase of four thousand six hundred and thirty-four volumes of records. Nei-

ther this nor the report of 1851 embraces the volumes connected with the public lands, which have, from time to time, been transmitted to the various district land offices scattered throughout the several land States and territories, estimated at several thousand volumes.

SURVEYS.

Michigan.—The resurveys, under contracts entered into prior to the last annual report, and amounting to about seven hundred and nine miles, have been closed.

The transcripts of the field notes of the resurveys have been made, and are in process of preparation for binding as a part of the permanent archives of the Department.

The original surveying archives, properly appertaining to Michigan, were transferred to the State authorities in May last, thus finally closing the surveys and resurveys in that State.

Minnesota.—The surveys of the public lands have been prosecuted with energy. The returns during the year, ending June 30, 1858, show the extension of upwards of nine thousand miles, embracing two million acres of agricultural lands, independent of the survey of Indian reservations under the treaties with the Chippewas of Lake Superior and the Mississippi. Of these the grand portage reservation, embracing 41,064.39 acres, was surveyed in August last.

The surveys have been rapidly extended in the northwestern part of the State, reaching to the valley of the Red River of the North, to meet the demands of actual settlers attracted in that direction both by the fertility of the soil, and the facilities suggested by the anticipated eventual extension of a North Pacific railroad, connecting the valley of the Mississippi with that of the Red River of the North.

In the region of country in the southwestern part of the State, extending from Big Stone lake to the south boundary of Minnesota, and bounded by her *western* limit, it is found necessary in order to keep pace with the rapid settlements there, that the surveys should be extended to the western boundary of the State, and to do this properly, it is indispensable that that portion of the Minnesota western boundary line which has no river or other natural feature to fix with certainty its precise *locus*, be permanently established, so that the lines of the public surveys can be closed therein.

An estimate is therefore submitted for the permanent establishment of that portion, about one hundred and thirty miles, of the western boundary of Minnesota.

Wisconsin.—The field operations have been carried on in the northern part of the State to the extent allowed by the means provided, both east and west of the fourth principal meridian, and north of the third and fourth correction parallels.

The returns exhibit 4,900 miles of surveys, and embrace 1,200,000 acres of land, including the survey of the Apostle Islands, in Lake Superior. The survey of those islands was executed by J. Allen Barber, deputy surveyor, with unusual care and trouble.

Iowa.—The surveys of township lines in this State have been completed, and the sub-divisional work has progressed to the extent allowed by the appropriations for it.

The returns received during the year ending 30th September, 1858, cover 2,000 lineal miles of surveys, embracing upwards of 600,000 acres of lands

The unsurveyed lands in Iowa are situated in the northwestern corner of the State and could be finished during the fiscal year ending June 30, 1860, should demands for settlement exist, and adequate funds be provided; but should this not be found necessary, the scope of the surveying operations will be of a limited extent, affording an opportunity, and sufficient time, to the clerical force engaged in the surveyor general's office at Dubuque, Iowa, to bring up the office work and keep pace with the field operations, (progressing at a moderate rate,) and promising final completion within the fiscal year ending 30th June, 1861.

Illinois.—The surveys in this State having been completed, the archives in the surveyor general's office at St. Louis are ready for transmission to the State authorities at Springfield, Illinois; but no provision having yet been made by the State Legislature for the reception and safe-keeping of the same, the documents are kept in the surveyor general's office until the requisite law is enacted by the Legislature, in conformity with the act of Congress, approved January 22, 1853.

Missouri.—The surveys of the public lands and correction of erroneous and defective lines in former surveys have progressed slowly, mainly attributable to the fact that the remaining unsurveyed public lands are confined to the overflowed region situate between St. Francis and the Mississippi—allowing a short surveying season for finishing the work. The actual returns of the survey show but about 140 miles, embracing islands in rivers and agricultural lands in the submerged region, amounting, in the aggregate, to but 48,000 acres, 30,681.23 of which inure to the State, under the swamp-land grant, and the residue, being found fit for agricultural purposes, was paid for by the United States.

The closing of the surveys, undertaken in the year 1857, in the overflowed region in the southeastern portion of this State having proved more troublesome than was anticipated, owing to the periodical rise of waters in the St. Francis and Mississippi rivers, the final closing of the work under contract cannot be effected during the present fiscal year, and hence the archives of the surveyor general's office, appertaining to the State of Missouri, will not be in readiness to be transferred to the State authorities until the 30th June, 1860.

Arkansas.—Of all the surveys ordered in this State, there remains but a portion of township two, south of range nine west, for the retracing of which a contract was entered into on the 15th of February last. The surveyor general reports that the reason for non-completion was the prevalence of excessive rains, and the overflowed condition of the township. The extent of the resurveys during the last year was 237 miles, embracing an area of 68,000 acres. Although the surveyor general reports the existence of certain unsurveyed lands in the overflowed portion of the northeastern part of the State, on the St. Francis river, and draws attention to applications for the resurveys of alleged fraudulent and erroneous work of former years, I am of opinion that no further surveys ought to be made, as they are generally attended with difficulties, and complicate the evils sought to be avoided.

The original surveys of the public lands having been finished years ago, and the resurveys carried on to considerable extent, the time has arrived for closing the field operations in that State and bringing up the arrears of the office work, so that the archives of that surveying district may be transferred to the authorities of the State of Arkansas, under the acts of January 12, 1840, and January 22, 1853.

To effect the closing of the surveyor general's office, which it is believed may be done within the present fiscal year, steps will be taken by this office to have the records completed and transferred to the State authorities. This proceeding obviates the necessity for the usual funds to pay the compensation to the surveyor general of Arkansas, and to his clerks, for the next fiscal year; and, for this reason, no estimates have been submitted for that purpose.

Louisiana.—The returns of surveys and resurveys in this State, during the year ending 30th September last, show 1,334 miles, covering an area of 166,000 acres.

The progress of field operations has been interrupted by the early rise of waters, and continuing during a great portion of the surveying season. This, with the prevalence of disease, has retarded the progress of the work, and will defer the closing of this surveying district to a later period than was anticipated.

Among the most important surveys yet to be executed before closing the United States surveyor general's office of Louisiana, is that of township twelve, south of range eleven east, in which the city of New Orleans is situated.

This subject has been repeatedly brought to our notice by surveyors general, but owing to the difficulty occasioned by the obliteration of surveys in the vicinity of the city, of numerous private claims in conflict, it may require twenty dollars per mile, or $3,000 for the proper survey of the whole township

The office work in the surveyor general's office is being prosecuted as rapidly as possible, with the view to the completion of the land records, to be transferred to the State authorities.

Florida.—The surveys in this State, on account of the Seminole hostilities, since the year 1855, have been suspended. Upon the removal of the Indians from the peninsula to the country assigned to them west of the Mississippi, United States deputies, whose surveying contracts were incomplete prior to the outbreak of the Indian depredations, have resumed their respective field operations with the expectation of closing their contracts by the 1st of May next. The surveying sphere lies immediately northeast of Lake Oke-chobee, and is to the extent of over three thousand lineal miles.

While the field operations in Florida were suspended, for the reasons alluded to, the work in the office of the surveyor general in the preparation of the records of the public lands and private claims for permanent preservation and delivery to the authorities of the State of Florida, progressed with dispatch.

That business cannot be closed with due regard to the public interests, at as early a period as was anticipated, owing to the protracted suspension of the field operations during two years past, and to the fact that the country south of Caloosahatchee river, hitherto considered as covered by swamps and everglades, and unfit for cultivation, is found by actual reconnoissance, during the operations of the United States troops in pursuit of the Indians, to contain large bodies of high lands, fit for agricultural purposes, and equal to any in the State for fertility.

Further: The surveyor general brings to the attention of this office the fact that there are forty-eight private land claims in Florida, amounting to 61,740 acres, which have never been located or surveyed because of the vagueness of description, and impracticability of ascertaining and fixing their precise localities. He recommends that a float be granted to each of these upon unsurveyed lands, wherever they have been finally confirmed. It would comport with past policy for Congress to satisfy them, but with the restriction in location to *offered* lands.

The survey of the keys, off the coast of Florida, has been continued, under the provisions of the act of Congress approved 28th June, 1848, entitled "An act respecting certain surveys in the State of Florida," through the instrumentality of the Coast Survey office, under the direction of Professor Bache, agreeably to instructions from this office, dated 24th October, 1848. The returns have been made of the various keys falling within twenty-three townships, and embracing about 27,000 acres of surface unfit for cultivation; some of them, however, are adapted to the manufacture of salt, are devoid of timber, and chiefly covered with mangrove. The operations of the topographical parties commenced about twenty-four miles northeast of Key West and extended to Key Large, about fifty-four miles. For a more detailed description of this work, reference is made to the reports of the Superintendent of the Coast Survey, to this office, dated July 20, 1857, and October 12, 1858, with the accompanying extracts from the sub-reports from officers in charge of the several surveying parties, which are herewith submitted.

Kansas and Nebraska Surveying District.—The returns of the public surveys in this district, during the year ending 30th September last, cover twenty thousand miles of surveying, over seven million acres.

The surveyor general reports the progress during that period in the field operations as equal to eighteen thousand miles, at the aggregate cost of $98,000. This extent of the surveys, in addition to that formerly reported, reaches a total in that district of sixty thousand miles, covering fifteen million acres.

That officer further reports, in addition to the quantity of fifteen million acres, that there will be surveyed and returns made, by the 1st July, 1859, of about five million acres, now in progress of survey. This will carry the surveys in that district up to twenty millions acres.

In consideration of this large provision for the demands of actual settlers, the estimate of the

surveyor general, for the year ending June 30, 1860, of $185,560, has been reduced to $40,000, and is submitted as adequate for field operations for that period in Kansas and Nebraska.

Pursuant to the order of the President of April 9, 1858, for the removal of the surveyor general's office at Lecompton, Kansas, to Nebraska City, Nebraska Territory, the necessary instructions were dispatched, the order carried into effect, and the office opened at Nebraska City on the 1st June, 1858. The surveyor general invites attention to the condition of the New York Indian lands, situate in the southern part of Kansas, and traversed by the Neosho and Verdigris rivers. This reservation has been set apart for those Indians by the treaty of January 15, 1838, at Buffalo creek, New York. The third article of that treaty provides, that in case the Indians do not accept of, and remove to, their new homes (that reservation) within five years, or such time as the President may appoint, they shall forfeit their lands, and the same shall revert to the United States. The tribes have never accepted, so far as we are advised, of these provisions; but individuals who may have removed there are equitably entitled to their *pro rata* share of said reservation. The fact of the non-emigration there of the Indians, except, perhaps, in a very few cases, has left the New York reserve generally vacant, if not abandoned, and, consequently, our people have gone on and made actual settlements, and these require favorable consideration.

Under the circumstances, the General Land Office can take no action in the matter until such reserves as may be allowed under the treaty shall have been ascertained and reported. Then, by force of the provisions of said treaty, the unappropriated lands will be open to settlement and sale.

The surveyor general reports surveying deficiency of $14,000 in Kansas and Nebraska, as having accrued during the four years' incumbency of his predecessor, being since the organization of the district. This is the aggregate excess liability over the appropriations in four years' operations, and is but five per cent. upon the appropriation of $300,000, and was the difference between the estimated amount of work when contracted for and the actual returns of the same when performed in the field.

New Mexico.—The surveying operations in this district have been prosecuted to much greater extent than heretofore, and entirely with Burt's improved solar compass, which the surveyor general reports has answered admirably any purpose claimed by the inventor.

The sphere of operations was chiefly in the valley of the Rio Grande del Norte, from the north boundary of Arizona, to within twenty miles of the northern boundary of New Mexico, and on Rio Gallinas, a tributary of Rio Picos, as well as on Rio Colorado, or Canadian fork of the Arkansas.

The returns of these surveys embrace 6,000 miles, covering 830,000 acres.

The examination reported as made in June last by the surveyor general, whilst on a reconnoissance of the country in the vicinity of the Canadian fork of the Arkansas river, shows the soil to be extremely rich, the climate salubrious, and that the country is well watered, and produces excellent pasture, and suggests the propriety of considerable surveys of the public lands in that direction.

The surveyor general reports the mineral and agricultural resources of the country as in progress of development; and that in working the richest mines, machinery has been introduced.

It is also desired by that officer that legal provision be made authorizing an official seal for authenticating copies of documents, and that provision be made by which deputy surveyors could be authorized to administer oaths to their assistants, to obviate the labor and expense of repairing to a distant settlement for the services of a justice of the peace.

The surveyor general submits enlarged estimates for the surveying service in New Mexico for the fiscal year ending June 30, 1860, viz:

Thirty thousand dollars for the survey of private claims and Pueblo grants; and two hundred thousand dollars for the survey of public lands.

The unexpended balance for the surveys of former years, renders, in the opinion of this office, an estimate unnecessary.

Extensive surveys of the *public lands*, at this time, in that Territory, are not deemed proper or desirable: first, because of the non-extinction of the Indian title in desirable localities; next, the non-confirmation or want of legal provision for the summary and final confirmation of foreign titles, so as to enable us to properly separate them from the public domain. Therefore, the surveyor general's estimate is reduced from $200,000 to $20,000; the latter sum being, in our opinion, adequate to the continuance, for the next year, of the field-work within localities not exposed to the hostility of the Indians.

Utah.—Since the departure of the surveyor general from his post, in July, 1857, no surveying operations have been prosecuted in Utah. The late surveyor general reached Washington and reported to this office on the 11th June, 1857, assigning his reasons for the abandonment of his post to be, that his person and life were in imminent danger.

On the 7th July succeeding, he applied for permission to extend his absence from his post until 1st September, 1857, when he expected either to resume his duties or to deliver the office to his successor.

On the 13th July, 1857, the President appointed John C. Hays, of California, his successor, and Mr. Burr was advised thereof on the same day, and directed to deliver, or cause to be delivered, over to him the archives of the surveyor general's office.

The late surveyor general was also directed to carry out, as speedily as possible, the instructions of the 13th of the same month, and, in the event of his successor not arriving at Salt Lake City by the 30th September then ensuing, he was required to cause his agent to surrender the office and archives to Governor Cumming, or other United States responsible officer on the spot.

Eight months after the receipt of the above instructions, Mr. Burr advised this office, on the 15th March, 1858, that he had dispatched from Washington, District of Columbia, on the last day of August, his son, as agent to deliver the office and archives to Governor Cumming.

On the 5th day of April, 1858, Governor Young, of Utah, advised this office of his having taken possession of the surveyor general's archives for safe-keeping.

Governor Cumming was requested to receive the archives belonging to the surveyor general's office from Governor Young, and hold them until a surveyor general should be qualified and take possession.

The preëmption laws of the United States have not been, in express terms, extended to the Territory of Utah, nor has a land district been created therein.

By the seventeenth section of the act of 9th September, 1850, to "establish a territorial government for Utah," it is provided that the "laws of the United States are hereby extended over and declared to be in force in said Territory so far as the same, or any provision thereof, may be applicable." Similar provisions are found in the acts organizing the Territories of New Mexico, Kansas, and Nebraska; yet, in the act of 23d July, 1854, establishing the offices of surveyor general in these Territories, the public lands, within their limits, are made subject to the "operations of the preëmption act of 4th September, 1841." In the absence of such legislative construction it would have been held that the general provision extending "the laws of the United States" carried the preëmption system into the Territory. As the Territory of Utah is now in peace, and its people yield obedience to the laws of the General Government, it is recommended that it shall no longer be treated as an exception in the legislation for the Territories upon this subject; and that, to place the matter beyond question, the preëmption policy be expressly extended to that Territory, and that one land district be organized therein, coextensive with its limits.

California.—The returns of the surveys of the public lands and confirmed private land claims in California, received during the year ending 30th September last, amount to about 4,000 lineal miles, embracing more than 1,000,000 acres of land; and the extent of the surveys executed since the organization of the surveying district in 1851, amounts to an aggregate of 89,000 miles of surveys, embracing nearly 24,000,000 acres. In the above aggregate is included the progress of the field operations in that State during the year ending 30th September, 1858, above 3,870 lineal miles, embracing upwards of 100,000 acres. The sphere of the field operations has been interspersed with numerous private claims, presenting impediments to the uninterrupted progress of the lines of the public surveys.

The surveying accounts, growing out of the liabilities incurred by the late surveyor general, and for the payment of which a deficiency appropriation was made on the 4th May last, have all been paid, with the exception of a few accounts, amounting to about ten thousand dollars. These have been suspended, and are awaiting the reception of the reports of the examiners appointed by the surveyor general to test the fidelity of the execution of the surveys in the field.

Since the deficiency estimate was submitted, on the 25th September, 1857, additional liabilities have been reported, to the sum of nearly sixty thousand dollars.

This latter sum is reported by the surveyor general as in *full* of all the liabilities contracted by his predecessor over and above the regular appropriations for the surveys in California up to 30th June, 1857. To provide the requisite means to liquidate these demands, and to prosecute further surveys, there is included in the present estimate $103,000.

The surveyor general invites attention to the inadequate rate of compensation for running the exterior lines of public surveys and private land claims, and suggests that twenty-five dollars per lineal mile be allowed, instead of the maximum of sixteen dollars under the existing law.

A communication from Deputy Norris is herewith transmitted, which shows the difficulties encountered in the survey of the confirmed private claims, and the propriety of commending the allowance to favorable consideration, as recommended by this office under date of 13th April last.

The lines of the public surveys have reached, and in some instances crossed, the Sierra Nevada. In order to continue those lines, or close them upon the boundary, it is necessary that not only the eastern boundary be determined, run, and marked for that purpose, but also the northern, as the surveys in Oregon have reached the forty-second degree of north latitude, being the northern boundary of California.

Washington Territory.—The progress of the surveys during the year ending 1st September, 1858, is reported by the surveyor general to have been highly satisfactory. The returns, after passing strict examination, proved the work to have been faithfully executed.

The sphere of the field operations during the last year has been upon Shoalwater bay, Gray's Harbor, Whidby's Island, southern coast of the straits of Juan de Fuca, and on the Columbia river; and the surveyor general reports that those operations have developed excellent farming lands.

There are at present thirteen deputy surveyors in the field, who are expected to close their contracts within the fiscal year ending the 30th June next.

The extent of the surveying returns, in this surveying district, during the year ending 30th September, 1858, amounts to about one thousand four hundred lineal miles, embracing an area of three hundred and forty thousand acres.

Under the donation law (now expired) eighty claims have been surveyed. The surveyor general reports that the progress in that branch of the service would have been greater had there been provision of law compelling claimants to have their claims surveyed within a limited period.

This office concurs in the opinion of the surveyor general of Washington and Oregon, that an act should be passed requiring claimants within a limited period, after the proving up of their claims, to make application for the survey thereof, otherwise their survey may remain unfinished for years to come.

The surveying service, in the field, has been

prosecuted during the last year, without any hinderance by the Indians, with the exception of the party under Deputy Surveyor Hunt, who, while in the performance of his duty on Whidby's Island, was murdered by the savages: and the surveyor general reports that two of the Indians, through the instrumentality of the efficient agent for the Puget Sound district, were arrested, and are awaiting trial at the military station at Fort Townsend.

The office work in the surveyor general's office is reported by him as having been kept up by his efficient and industrious employés.

Oregon.—The surveying operations in this district *west* of the Cascades are nearly finished, and might have been entirely completed had the Indian difficulties not intervened, prices of labor not been affected by the gold excitement, and had the Department possessed adequate means for the purpose. Upon the passage of the act of Congress extending the surveying laws to the country lying east of the Cascades, the surveyors general made the necessary arrangements for the survey of the base line across the Cascade mountains from the point situate thirty-six miles east of the intersection of the Willamette meridian with the base, to a point on the eastern slope of these Territories, with the view to the timely surveying operations in Wasco county, of which Dalles is the county seat, and also in the settlements on Umatilla, Walla-Walla, John Days, and the Des Chates Valleys.

The returns of the surveys of the public lands from Oregon during the last year, ending 30th September, 1858, exhibit nearly fourteen hundred lineal miles, and embracing 350,000 acres. The progress has been commensurate with the appropriations at the disposal of the surveyor general; and whatever deficiency may appear in the field operations as to their extent, when compared with former years, is more than compensated by the office work in the surveyor general's department, former arrearages in records having been nearly brought up.

The surveyor general reports that during the last year one hundred and ninety settlers, under the donation laws, have filed their final proofs, and were disposed of by his acting thereon and forwarding them to the registers of the respective land districts in Oregon. Also, that of all the surveys ordered by him and executed since his incumbency, there remains the work of but two deputies to be examined in the field, and that the examiners of the surveys have invariably reported the surveys faithfully executed.

It was formerly the practice to send advances to the surveyor general to pay clerks and draughtsmen in their several offices. This system has been changed since 1st July, 1858, the present plan being to make payment to them direct from the Treasury without the interposition of the surveyor general.

In regard to the late geological operations in Washington and Oregon, the department possesses no official data touching the services of the geologist further than presented in the last annual report.

Statement of the surveying returns to this office from October 1, 1857, to September 30, 1858, showing the number of miles surveyed in the different States and Territories, and the aggregate number of acres contained therein.

States and Territories.	Resurveys.			Original surveys.			Original and resurveys.
	Miles.	Chains.	Links.	Miles.	Chains.	Links.	Number of acres.
California....		-		3,070	70	28	1,029,061.67
Washington T		-		1,377	16	1	340,231.42
Oregon T.....		-		1,918	40	46	349,880.79
Florida.....		-		72	13	37	5,278.09
Kansas T.....		-		10,467	28	97	3,679,692.10
Minnesota....		-		9,155	6	76	2,059,782.19
Louisiana....	1,334	68	7	415	46	66	166,878.12
Nebraska T...		-		9,917	17	70	3,184,551.20
Iowa.....		-		2,025	18	46	619,456.52
Michigan.....	709	48	26	-			168,323.91
Wisconsin....		-		4,930	44	69	1,270,761.10
Arkansas.....	237	40	52	-			68,720.71
Missouri.....		-		142	70	58	46,820.63
Illinois.....	16	66	55	-			
New Mexico..		-		5,895	77	86	830,743.69
Total.....	2,298	64	40	49,388	50	80	13,821,182.14

PRIVATE LAND CLAIMS.

Titles derived from former Governments which have been recognized by the United States pursuant to treaty stipulations.

The duties devolved upon this office in connection with this branch of the service, demand in their performance much care, with patient and laborious investigation. The great mass of the claims in California, which had their origin under Spain and Mexico, have been finally acted upon by the courts, and the surveys are progressing as rapidly as the means at command and the nature of the business will permit. The whole number of surveys platted, approved, and returned, by the surveyor general in that State, is ninety-two, and patents have been issued on thirty-eight of them. These claims are scattered throughout California, presenting every variety of form, varying in quantity from a "town lot" to "ranchos" of many thousand acres. It is made by law the duty of the surveyor general to cause all *finally confirmed* claims to be surveyed, and to return to this office a plat of survey duly approved by him.

For his government in making those surveys, instructions have been issued by this office at various times embodying as prominent points the following: That the decree of confirmation must govern, and where its terms are specific, they must be strictly adhered to in locating and surveying the claims; that where the confirmation is for a certain quantity within extended boundaries embracing a surface greater than the area confirmed, the location must be taken within that surface, in compact form, in accordance with the lines of the public surveys, at the election of the confirmee as to the precise locality, and in such manner, when practicable, as not to interfere with other claims.

Where such interference is inevitable, the conflict is to be settled according to the principles prescribed in the sixth section of the act of 3d March, 1831, creating the office of surveyor general of Louisiana, as extended to California by the thirteenth section of the act of 3d March, 1851, for the settlement of private land claims in that State.

In case the confirmee has sold a part of his claim, the portion sold is to be treated as an election on the part of the confirmee to the extent and of the locality embraced by such sale.

When the approved plat of final survey is returned to this office, it undergoes a critical examination in regard to its conformity in location and survey with the decree of confirmation, as well as to test the accuracy of the work. In deciding upon the locality, it is often necessary to recur to the original Spanish or Mexican grant and map, (*diseño,*) reference being made to them in the final decree. The defects in these old title papers are, generally, want of specific calls and description in the grants and in the maps. In fact, there is the absence of almost everything that renders a map useful.

These *diseños* are generally rude sketches, not based upon survey, without accuracy, even as to the relative position of the prominent natural features of the locality, and without indicating a single course or distance. Hence arise grounds for contention among claimants, disputes and difficulties between them and the settlers, devolving upon this office concentrated difficulties for solution and adjustment. When this is done by the rendition of our decision, a considerable amount of labor is still required to carry the claims into grant. Some idea of this may be formed, when it is stated that each patent, on parchment, contains a full transcript of the whole survey, extending in the larger claims to hundreds of courses and distances, and accompanied by a transcript of the approved plat, the whole to be committed to record. Thirty-four of these grants have been issued within the past year, embracing in the aggregate 540,577 acres, covering, exclusive of the plats, four hundred and eighty-two large folio pages of record, being an average of over fourteen pages for each grant.

In *New Mexico*, where there are numerous urban and rural grants from Spain and Mexico, and where, as in California, the precious metals abound, no means have yet been prescribed by law for their *final* adjustment. As the Territory rises in importance in the social and political scale, her landed interests necessarily become enhanced in value, as they have been, very materially, since the transfer of the Territory to the United States. It is therefore important, to meet the expectations of our citizens, that prompt legislative action should be had, looking to a speedy, just, and final settlement of ancient titles in that region.

Independently of the considerations suggested, it is a measure indispensable to the separation of public from private property, so that the United States, as an immense landholder there, may be able to dispose of the soil without interference with private rights. We have a multitude of confirmed ancient titles, of Spanish, French, and British origin, falling within the limits of the States of Louisiana, Mississippi, Missouri, and Arkansas, which were carved out of the Louisiana cession of 1803, and also extensive grants in Florida. In addition to these, we have ancient settlement claims in the lower peninsula of Michigan—and Indiana, at the old Vincennes post—in Illinois, such as Kaskaskia, Peoria, and other French settlements—and in Wisconsin, at Prairie du Chien and Green Bay. These are coming up from time to time, either to obtain grants, or as the subject of inquiry to ascertain the source and nature of title, for the information of parties concerned or contesting. These require great research and patient examination, in order to discharge the duties required of the General Government in regard to them.

In respect to Indian reservations, this office is prepared to answer applications on demand, where the survey and other proceedings are found regular, and during the past year grants have issued for Choctaw, Chickasaw, Winnebago, Wyandott, and Chippewa lands.

OREGON AND WASHINGTON DONATIONS ACT OF 27TH SEPTEMBER, 1850, AND ACTS AMENDATORY.

This class of claims, though requiring generally less labor in their examination than California titles, owing to their small size in comparison with the latter, and the nature of the titles, resting upon occupation of recent date, still require great care in their investigation, and a critical examination before patenting. The conflicts of boundaries in some of the older claims, which, under the law, are admitted without regard to the lines of the public surveys, lead to serious difficulties and delay in their adjustment, and many intricate questions arise involving the legal rights of contesting parties. In one of these cases, known as the "Portland City" claim, recently decided by this office on an appeal from the decision of the land officers in Oregon, the record would make several printed volumes, with elaborate arguments filed by counsel for the different parties in interest.

Patents have been issued for fifty of those claims. In connection with this subject, complaints have reached this office from persons engaged in gold-mining in Oregon, representing that, owing to the fact that the *mineral lands* are not properly indicated on the township maps, important mining interests may be seriously affected, and much difficulty created by permitting settlers to locate on mineral lands, as the law exempts such lands from donation or preëmption. There can be no doubt of the existence of valuable mineral deposits within the Territory, confined within such narrow limits as to have escaped notice by the surveyors, or where the gold has been discovered since the survey. To provide as far as possible against the evil apprehended from this source, and insure due observance of the law, the only remedy now is to place the matter in charge of the local land officers.

The registers and receivers in Oregon and Washington Territories have accordingly been instructed, where they have reason to believe that mineral lands exist, or where mining is in actual operation, or expenses have been incurred with a view to mining, to take proper measures to ascertain the character of the lands, and admit testimony on application, on the part of the mining interest, and upon satisfactory proof that a tract is *mineral*, not to permit it to be located, the rule for determining the character of the land in such cases to be, that if it contain such quantity of the precious metals as to make mining remunerative, and raise it in value above merely agricultural

land, it shall be considered *mineral*, otherwise to be treated as agricultural lands.

Among the most important measures requiring the action of our Government, is the extinction of the Hudson's Bay and Puget Sound agricultural interests, in Washington Territory. Should this be accomplished in the manner contemplated by the treaty of 1846 between the United States and Great Britain, all parties will be satisfied, and our people relieved from a class of claims which sooner or later must be quieted.

TIMBER.

The trust devolved upon the Department in the management and sale of the public lands has drawn into action the incidental but important function for the protection of the public timber.

The spoliations had become extensive from the impunity with which depredations had been committed, and the wrong had almost tacitly ripened into a privilege, notwithstanding the inhibitory laws of Congress and the possession of the United States of the same civil rights and remedies as individuals for the protection of their property from waste.

Looking to this condition of things, and to extensive combinations which had been formed for the work of depredation, the Department, in order to avoid a tax upon the Treasury by the employment of permanent agents, has resorted to the instrumentality of our district land offices, defining their duties, pointing out the law, and requiring them to resort to the legal authorities to punish the wrong-doers and vindicate the public rights. The efficiency of this system is shown in the abatement of any serious complaint and the general arrest of the evil.

The foregoing outline of prominent subjects dealt with during the past year conveys no idea of the immense labor and results incident to the varied, multiplied, and multiplying duties of the Department, to whose care are committed the great landed interests of the Union, covering some 1,450,000,000 acres.

The gradual extensions of our public surveys are conducted under the professional principles which experience has developed, and under safeguards established for security and fidelity in the execution of the work. The restless and adventurous spirit of our people, and particularly of the frontier men, is pressing into the great interior region, the general features of which, twenty years ago, were but imperfectly known to the body of our citizens. Over the advancing settlements the law throws its protection, and with them go interests under all the varied forms of grant which Congress has provided for educational and other purposes essential to the happiness and prosperity of man, and to the strengthening of our political institutions.

As we advance in this widened sphere of operations we meet, over portions of our territory acquired from France, Spain, and Mexico, and of Great Britain, with individual rights, protected by treaty, which we are required to respect, and ripen into patent from the United States. Aside from these, during the past year, our issues of land patents for sales and locations have numbered over ninety thousand. We have also patented to sovereign States, under the swamp act, which, averaging the tracts at eighty acres, would equal fifty-eight thousand, two hundred and five patents, and certified to States for railroads an additional number of seven thousand eight hundred and sixty-eight—the whole being equal, within the past year, to a regular issue of ordinary cash system patents of over one hundred and fifty-six thousand; and before the close of the present calendar year the great mass of Kansas Indian trust patents will have been transmitted to their appropriate destination. In the progress of this mosaic work of titles difficult questions of land tenures have arisen, been discussed and settled—probably as many issues made and determined as are found on the dockets of many of the United States courts.

As to the intricacy of some of these, and magnitude of interest involved, the reported decisions of the Supreme Court of the United States will bear testimony. The points ruled are necessarily in all grave matters carried up by appeal, adding to the weighty and responsible duties of the head of the Department of the Interior, under the direct revision of whom they are passed and by whom they are finally adjudged.

Respectfully submitted,

THOMAS A. HENDRICKS,
Commissioner.

Hon. JACOB THOMPSON, *Secretary of the Interior.*

Report of the Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE INDIAN AFFAIRS,
November 6, 1858.

SIR: I have the honor to submit for your consideration the usual annual report on Indian affairs.

No change has taken place during the past year in our relations with the various border and other tribes, with which we have, for some time, had treaty engagements; and the annual reports from this office for the last and several previous years having fully set forth all the material facts in regard to their location, condition, and circumstances, I omit, on this occasion, the usual detail of particulars in relation to them. A mass of interesting information respecting them and their affairs will, however, be found in the accompanying reports of the superintendents and agents having them in charge.

As heretofore reported, the whole number of Indians within our limits is estimated to be about three hundred and fifty thousand. These consist of one hundred and seventy-five separate and distinct tribes and bands, with forty-four of which we have treaty engagements.

The whole number of ratified treaties with Indians, entered into since the adoption of the Federal Constitution, is three hundred and ninety-three—nearly all of which contain provisions that are still in force, and the proper execution of which occupies a large portion of the time and attention of this office from year to year. Most of them were treaties of cession, by which large bodies of land were acquired from the tribes with which they were made, for occupation and settlement by our white population. It is estimated that the quantity of land thus acquired is about 581,163,188 acres, and that the entire cost thereof, including the expense of fulfilling all the stipulations of the treaties, will be $49,816,344.

From a considerable portion of these lands the General Government derived no pecuniary advantage; as, on the extinguishment of the Indian usufruct title, they became the property of the States within whose boundaries they were situated. From what has, up to this time, been sold of the others, it is estimated that there has been received into the Federal Treasury an amount which exceeds the entire cost of the acquisition of the whole, and the expenses of surveying and selling those disposed of, by at least $100,000,000. The amount applicable for fulfilling treaty stipulations with the various tribes, and for other objects connected with our Indian policy, during the present fiscal year, was $4,852,407 34, of which sum $204,662 89 was derived from investments of trust funds, in stocks of various States and the United States. The whole amount of trust funds held on Indian account, is $10,590,649 62, of which $3,502,241 32 has been invested in that manner; the remainder, namely, $7,088,407 80, being retained in the Treasury, and the interest thereon annually appropriated by Congress. As, by this latter arrangement, the Government, every twenty years, pays an amount equal to that of the principal, so retained, it is worthy of consideration, whether it will not be expedient and advisable, when the national Treasury shall be in a condition to admit of it, also to invest that amount, in like manner, with the other Indian trust funds.

The aggregate amount appropriated by Congress for the service of this Department during the fiscal year, was $2,659,389; of which $1,309,054 was required for the fulfillment of absolute and specific treaty stipulations. The remainder, namely, $1,350,335, was mainly for recognized and established objects of expenditure connected with our Indian policy, and it was only over it that any discretion whatever could be exercised in regard to economy. By a careful and rigid supervision of the expenditures, however, and by a system of retrenchment, which has been commenced in the administration of the policy of colonizing the Indians on the reservations established in Oregon, California, and Texas, this office hopes to be able to effect a material reduction in its expenditures for the remainder of this and during the next fiscal year. In making up the estimate recently submitted for the last-mentioned period, every item which admitted of the exercise of any discretion was carefully scrutinized, and in all instances where it was deemed prudent and practicable, reduced to the lowest possible amount. In consequence of such reductions, the sum estimated as necessary for the next, is less by $744,829 51 than the amount of the appropriations for the present fiscal year.

From the commencement of the settlement of this country, the principle has been recognized and acted on, that the Indian tribes possessed the occupant or usufruct right to the lands they occupied, and that they were entitled to the peaceful enjoyment of that right until they were fairly and justly divested of it; hence the numerous treaties with the various tribes, by which, for a stipulated consideration, their lands have, from time to time been acquired, as our population increased.

Experience has demonstrated that at least three serious, and, to the Indians, fatal errors, have, from the beginning, marked our policy towards them, namely: their removal from place to place as our population advanced; the assignment to them of too great an extent of country, to be held in common, and the allowance of large sums of money, as annuities, for the lands ceded by them. These errors, far more than the want of capacity on the part of the Indian, have been the cause of the very limited success of our constant efforts to domesticate and civilize him. By their frequent changes of position, and the possession of large bodies of land in common, they have been kept in an unsettled condition, and prevented from acquiring a knowledge of separate and individual property, while their large annuities, upon which they have relied for a support, have not only tended to foster habits of indolence and profligacy, but constantly made them the victims of the lawless and inhuman sharper and speculator. The very material and marked difference between the northern Indians and those of the principal southern tribes may be accounted for by the simple fact that the latter were permitted, for long periods, to remain undisturbed in their original locations, where surrounded by, or in close proximity with, a white population, they, to a considerable extent, acquired settled habits and a knowledge of, and taste for, civilized occupations and pursuits. Our present policy, as you are aware, is entirely the reverse of that heretofore pursued, in the three particulars mentioned. It is to permanently locate the different tribes on reservations embracing only sufficient land for their actual occupancy; to divide this among them in severalty, and require them to live upon and cultivate the tracts assigned to them; and, in lieu of money annuities, to furnish them with stock animals, agricultural implements, mechanic shops, tools and materials, and manual-labor schools for the industrial and mental education of their youth. Most of the older treaties, however, provide for annuities in money, and the Department has, therefore, no authority to commute them, even in cases where the Indians may desire, or could be influenced to agree to such a change. In view of this fact, and the better to enable the Department to carry out its present, and really more benevolent policy, I would respectfully recommend and urge that a law be enacted by Congress empowering and requiring the Department, in all cases where money annuities are provided for by existing treaties, and the assent of the Indians can be obtained, to commute them for objects and purposes of a beneficial character.

The principle of recognizing and respecting the usufruct right of the Indians to the lands occupied by them, has not been so strictly adhered to in the case of the tribes in the Territories of Oregon and Washington. When a territorial government was first provided for Oregon—which then embraced the present Territory of Washington—strong inducements were held out to our people to emigrate and settle there, without the

usual arrangements being made, in advance, for the extinguishment of the title of the Indians who occupied and claimed the lands. Intruded upon, ousted of their homes and possessions without any compensation, and deprived, in most cases, of their accustomed means of support, without any arrangements having been made to enable them to establish and maintain themselves in other locations, it is not a matter of surprise that they have committed many depredations upon our citizens and been exasperated to frequent acts of hostility.

The Indians in Oregon and Washington number about forty-two thousand, and are divided into thirty-five tribes and bands. The only treaties in force with any of them are with those who inhabited the valuable sections of country embraced in the Rogue river, Umpqua, and Willamette valleys.

After repeated acts of hostility and continued depredations upon the white settlers, the Indians in Oregon were removed to, and are now living upon, the reservations—one on the western, and the other on the eastern side of the coast range of mountains; and the country to which their title was extinguished has rapidly filled up with an enterprising and thrifty population. In the year 1855 treaties were also entered into by the superintendent of Indian affairs for Oregon, and by Governor Stevens, *ex officio* superintendent for Washington Territory, with various other tribes and bands, for the purpose of extinguishing their title to large tracts of country which were needed for the extension of our settlements, and to provide homes for the Indians in other and more suitable locations, where they could be controlled and domesticated. These treaties not having been ratified, the Indians were sorely disappointed in consequence of the expectations they were led to entertain of benefits and advantages to be derived from them not being realized. Moreover, the whites have gone on to occupy their country without regard to their rights, which has led the Indians to believe that they were to be dispossessed of it without compensation or any provision being made for them.

This state of things has naturally had a tendency to exasperate them, and, in the opinion of well-informed persons, has been the cause of their recent acts of hostility. The belief is confidently entertained that, had the treaties referred to been ratified and put in course of execution, the difficulties that have occurred would not have taken place; and there can be but little if any doubt that the cost of the military operations to subdue the Indians, and the losses sustained by our citizens from their depredations and hostilities, will amount to a far greater sum than would have been required to extinguish their title and establish and maintain them for the necessary period on properly selected reservations, had that policy in respect to them been sanctioned, and timely measures taken to carry it out.

It cannot be expected that Indians situated like those in Oregon and Washington, occupying extensive sections of country, where, from the game and otherwise, they derive a comfortable support, will quietly and peaceably submit, without any equivalent, to be deprived of their homes and possessions, and to be driven off to some other locality, where they cannot find their usual means of subsistence. Such a proceeding is not only contrary to our policy hitherto, but is repugnant alike to the dictates of humanity and the principles of natural justice. In all cases where the necessities of our rapidly-increasing population have compelled us to displace the Indian, we have ever regarded it as a sacred and binding obligation to provide him with a home elsewhere, and to contribute liberally to his support until he could reestablish and maintain himself in his new place of residence. The policy, it is true, has been a costly one, but we have been amply repaid its expense by the revenue obtained from the sale of the lands acquired from the Indians, and by the rapid extension of our settlements, and the corresponding increase in the resources and prosperity of our country.

One of the difficulties attending the management of Indian affairs in Oregon and Washington is the insufficiency of one superintendent for the great extent of country and the numerous tribes and large number of Indians in the two Territories. The superintendent reiterates his former representations respecting the necessity for two additional superintendencies; and your attention is respectfully recalled to the subject, as presented in the report from this office on the 6th of May last.

The superintendent again represents the necessity for the employment of a small war steamer for the protection of our settlements and the friendly Indians along Puget Sound and the waters of Admiralty Inlet, from the hostile and predatory visits of the warlike Indians from Vancouver's Island and the neighboring British and Russian possessions; who move so swiftly in their large boats that it is impossible to overtake or cut them off except by means of such a vessel.

The policy of concentrating the Indians on small reservations of land, and of sustaining them there for a limited period, until they can be induced to make the necessary exertions to support themselves, was commenced in 1853 with those in California. It is in fact the only course compatible with the obligations of justice and humanity left to be pursued in regard to all those which our advancing settlements render new and permanent arrangements necessary. We have no longer distant and extensive sections of country which we can assign them, abounding in game from which they could derive a ready and comfortable support—a resource which has in a great measure failed them where they are, and in consequence of which they must, at times, be subjected to the pangs of hunger, if not actual starvation, or obtain a subsistence by depredations upon our frontier settlements. If it were practicable to prevent such depredations, the alternative to providing for the Indians, in the manner indicated, would be to leave them to starve; but as it is impossible, in consequence of the very great extent of our frontier, and our limited military force, to adequately guard against such occurrences, the only alternative, in fact, to making such provision for them, is to exterminate them.

Five reservations have been established in California, on which, according to the reports of the agents, 11,239 Indians have been located; two in Oregon, with 3,200 Indians; and two in Texas, with 1,483. The whole amount expended in carrying out this system, thus far, has been $1,173,000 in California, and $301,833 73 in Texas. The exact sum which has been expended on account of the reservations in Oregon has not yet been ascertained; but the whole amount disbursed for Indian purposes in that and the Territory of Washington since 1852, up to the 1st of July last, is $1,323,000. The amount disbursed in New Mexico, for the same period and purpose, is $212,506; and in Utah, from 1853 to the 1st of July last, $172,000. The operations thus far in carrying out the reservation system can properly be regarded as only experimental. Time and experience were required to develop any defects connected with it, and to demonstrate the proper remedies therefor. From a careful examination of the subject, and the best information in the possession of the Department in regard to it, I am satisfied that serious errors have been committed; that a much larger amount has been expended than was necessary, and with but limited and insufficient results.

From what is stated by the superintendent for Oregon and Washington, in his annual report herewith, in regard to the two reservations in Oregon, it is apprehended that a great mistake was made in their location; the lands not appearing to be such as will afford the Indians a comfortable support by their cultivation, and that, consequently, so long as they are kept there, they must be entirely sustained, at an enormous expense, by the Government.

From accompanying reports, it would seem that in California, a greater number of reservations have been established, and a much heavier expense incurred, than the condition and circumstances of the Indians required; as has probably been the case in respect of all the reservations or Indian colonies that have been commenced. In the outset, it was the confident expectation that the heavy expense attending these colonies would rapidly diminish from year to year, and that after the third year at furthest, they would require but little if any outlay on the part of the Government; the Indians, in the mean time, being taught to support themselves by their own exertions. This expectation has not been realized; neither have the expenses been diminished, nor the Indians been materially improved. The fault has not, however, it is believed, been in the system, but in the manner in which it has been carried out. Too many persons have been employed to control, assist, and work for the Indians, and too much has been done for them in other respects. They have not been sufficiently thrown upon their own resources, and hence the colonies have not become any more competent to sustain themselves than they were when they first commenced. Time and experience having developed the errors of the system, the proper reforms are now being introduced.

No more reservations should be established than are absolutely necessary for such Indians as have been, or it may be necessary to displace, in consequence of the extension of our settlements, and whose resources have thereby been cut off, or so diminished that they cannot sustain themselves in their accustomed manner. Great care should be taken in the selection of the reservations, so as to isolate the Indians for a time from contact and interference from the whites. They should embrace good lands, which will well repay the efforts to cultivate them. No white persons should be suffered to go upon the reservations; and, after the first year, the lands should be divided and assigned to the Indians, in severalty; every one being required to remain on his own tract, and to cultivate it; no persons being employed for them, except the requisite mechanics to keep their tools and implements in repair, and such as may be necessary, for a time, to teach them how to conduct their agricultural operations, and to take care of their stock. They should also have the advantage of well-conducted manual-labor schools for the education of their youth in letters, habits of industry, and a knowledge of agriculture, and the simpler mechanic arts. By the adoption of this course, it is believed that the colonies can very soon be made to sustain themselves; or so nearly so, that the Government will be subjected to but a comparatively trifling annual expense on account of them. But it is essential to the success of the system that there should be a sufficient military force in the vicinity of the reservations to prevent the intrusion of improper persons upon them, to afford protection to the agents, and to aid in controlling the Indians and keeping them within the limits assigned to them.

It would materially aid the Department in its efforts to carry out the system successfully, in respect to the Indians in California, if that State would, like Texas, so far relinquish to the General Government her jurisdiction over the reservations to be permanently retained there, as to admit of the trade and intercourse laws being put in force within their limits, so as to secure the Indians against improper interference and intercourse, and to prevent the traffic with them in ardent spirits. Much good could also probably be accomplished by the introduction of a judicious system of apprenticeship, by which the orphans and other children, of both sexes, could be bound out for a term of years to upright and humane persons, to be taught suitable trades and occupations; provided the necessary State laws were enacted to authorize and regulate such a system. I would suggest the propriety of an application being made to the proper authorities of California for the requisite State legislation on both these subjects.

The only additional information of any importance respecting the Indians in Arizona, which has been obtained since the last annual report, will be found in the accompanying report of Godard Baily, special agent, on the subject of Indian affairs in that Territory. Concurring generally in the suggestions made by him, I would call special attention to his recommendations in regard to the Pimas and Maricopa bands. The loyal character of these Indians, and their uniform kindness towards our emigration and other citizens, justly entitle them to kind and generous treatment in return. Measures should be adopted to secure them in the possession of their lands, and they should be furnished with some agricultural implements and seeds; and also the means

of defense against the wilder tribes, to whose depredations and hostilities both they and our citizens are subjected. Such a course towards them would lastingly confirm their friendship for our Government and people; and enable us, with great advantage, to avail of their influence and services in controlling and keeping in subjection the wilder and lawless tribes in that region of country.

The Indians of New Mexico have generally remained quiet and peaceable during the year, except the large and powerful tribe of Navajoes, who have continued their depredations and outrages upon our citizens in violation of their treaty obligations. Every effort has been made to persuade them to cease their lawless conduct, but in vain; and no alternative is left but to chastise them into submission.

Our citizens in that Territory have suffered severely from Indian depredations since its acquisition by the United States. Claims have been sent in for property lost in that manner amounting to $516,160 68. The attention of Congress has heretofore been called to the subject of these demands, and it is for that body to determine what course shall be adopted in regard to their liquidation.

I would respectfully reurge that provision be made by Congress, at an early day, for surveying and defining the boundaries of the tracts of land owned and occupied by the Pueblo Indians in New Mexico.

There appears to be a material improvement in the disposition and conduct of the Indians in Utah, caused, doubtless, by the presence of the large military force which has been sent there, and which has rendered the northern route to our possessions on the Pacific coast much safer than heretofore to the overland emigrant.

Measures have been adopted for the location and survey of a third reservation in Texas, for which provision was made at the last session of Congress, to complete the arrangements for the colonization of the Indians of that State; but it is essential to the welfare of those Indians that the trade and intercourse law can be extended over their reservations, in order to enable the Department and its agents to protect them from improper interference by lawless white persons, and to prevent the fatal traffic with them in intoxicating liquors.

I regret to state that no progress has yet been made in carrying out the provision in the act of March 3, 1857, for "collecting and establishing the southern Camanches, Witchitas, and certain other bands of Indians, on reservations to be located south of the Arkansas river, and west of the ninety-eighth degree of longitude." Those Indians are wild and lawless in their dispositions and habits, and cannot be brought together without danger of difficulties occurring among themselves, or of their committing forays upon the western Choctaws and Chickasaws, with whom they will be brought into close proximity, and whom we are bound, by treaty stipulations, to protect from such casualties. A strong military force at the proper point in the region of country where it is intended to settle them, is absolutely necessary to hold in check and control them, and to afford the requisite protection to the agent appointed to take them in charge. And until it shall be in the power of the War Department to furnish such a force for that purpose, no successful efforts can be made to carry out the intention of the above-quoted provision. Not even the agency for those Indians can, until then, be established, as, for the necessary security among Indians so lawless and treacherous, it must be in the immediate vicinity of the post, which it is the understanding shall be located there, as soon as troops are available to occupy it.

A bitter controversy having arisen among the Choctaws, growing out of a reorganization of their government, and it being likely to lead to serious difficulty, if not domestic strife and bloodshed, the Department was compelled to interpose for the purpose of arresting it. The occurrence was the more to be regretted, because of the excellent character of the Choctaws, and their uniform good conduct heretofore. I am happy to state, however, that the difficulty appears to have been amicably arranged and settled by the judicious course pursued by superintendent Rector, acting under the positive instructions given to him by your directions, a copy of which is herewith transmitted. With the exception of this disturbance among the Choctaws, peace and good order have continued to prevail among all the different tribes of the southern superintendency. Much credit is also due to the same officer for his judicious management in effecting the removal, last spring, of nearly the whole of the Seminoles in Florida, to the country set apart for them west of Arkansas, an object which the Government had, at an expense of many million dollars, been working for more than twenty years to accomplish, but with only partial success. It is, further, highly commendable that his operations were conducted with the most rigid economy, but a comparatively trifling amount having been expended by him, and much less than the Department apprehended would be required. He is under instructions to return to Florida for the purpose of removing the few Indians who could not be found when he was there last spring, but who have since made appearance and manifested a wish to follow their brethren to their home in the west.

I would respectfully call attention to the recommendation in your annual report and that of this office for last year, in regard to the establishment of a Federal court or courts for the convenience and benefit of the Choctaws, Chickasaws, Creeks, and Cherokees. It is certainly a provision which they are justly entitled to have made for them in consideration of their condition and the inconveniences and disadvantages under which they now labor.

The several well-grounded recommendations contained in last year's annual report on Indian affairs in regard to the Indians in Kansas and Nebraska, very clearly point out the course or policy to be pursued towards them, and are therefore respectfully renewed.

I would, however, ask special attention to the necessity which exists for immediate legislation respecting the lands in Kansas, formerly intended for the Indians of New York. By the second article of the treaty with those Indians of January 15, 1838, it was provided that a tract with certain metes and bounds should be set apart for them, "to include one million eight hundred and twenty-four thousand acres of land, being three hundred and twenty acres for each soul of said Indians, as their numbers are at present computed," and "with full power and authority in the said Indians, to divide said lands among the different tribes, nations, or bands in severalty." By the third article, such of them as did not accept and remove to the lands thus set apart for them, within five years, or such other time as the President should appoint, were to forfeit all interest therein. Only a small number of them so accepted and removed, the greater body having remained, and being now permanently located in the State of New York. Those who went, and are now living, are entitled to have their shares assigned to them; after which the remaining lands should be brought into market and sold; but the Department has no authority to adopt either measure, because, by the treaty, the lands were separated from the public domain for the purpose stated, and the division among the individual Indians was to be made amongst themselves by the tribes and bands after removal. The proper legislation in the case is therefore necessary; especially as the tract is being rapidly settled up, and it may soon be difficult to assign the Indians their shares without doing injustice to those who have in good faith made locations and improvements upon the lands, under the impression that they were public lands, and open to settlement.

I would further state, that to avoid conflict of jurisdiction and other difficulties, it is necessary that the twenty-fourth section of the act of June 30, 1834, to regulate trade and intercourse with the Indian tribes, which, for judicial purposes, attached to Missouri the whole of the then Indian country west of that State, shall be so amended and changed as to vest in the United States courts in Kansas and Nebraska the jurisdiction in all cases arising under that act, which it conferred upon the United States district court for Missouri.

It is important that there be some early legislation in regard to those provisions in the treaties of 1854 with the Shawnees and the Kaskaskias, Piankeshaws, Peorias, and Weas, which subject the alienation of the lands secured to individual members of those tribes, or bands, to such restrictions as the President or Congress may think proper to impose. In the absence of such necessary legislation, there is no authority to sanction or confirm any permanent disposition which the reservees may desire to make of the lands thus secured to them, however important it might be for their interests and welfare.

The thirteenth section of the act of the 12th June last, "making appropriations for certain civil expenses of the Government," established "the line surveyed by John C. McCoy, in 1838, as the western boundary of the half-breed tract specified in the tenth article of the treaty made between commissioners on the part of the United States and certain Indian tribes, at Prairie du Chien, on the 15th of July, 1830," as "the true western boundary of said tract." I beg leave to state that it has been clearly and satisfactorily ascertained that said line is not in accordance with the positive and specific requirements of the treaty, and that, if the above-quoted provision is to prevail, the Indians interested will be deprived of over seventeen thousand acres of land, to which they are justly entitled by the treaty, which is, and should be, regarded as the supreme law.

The act of Congress of the 8th of June last required the sale which had been made by the Christian Indians to A. J. Isaacks, of the reservation of four sections of land which they held in Kansas, should be confirmed by the President on the payment of the purchase-money, namely, $43,400, to the Secretary of the Interior within ninety days after the passage of the act; the amount to be applied, in part, for the purchase of a permanent home, the erection of buildings, and for other beneficial objects for the Indians, and the remainder to be invested for the support of a school among them. The money having been so paid, the sale was duly confirmed; and measures will be adopted to procure those Indians a suitable home.

In conformity with the provision of the second section of the act of March 3, 1853, treaties were entered into, in March and April last, with the Poncas and the Yancton Sioux, who reside west of Iowa, for the purpose of extinguishing their title to all the lands occupied and claimed by them, except small portions on which to colonize and domesticate them. This proceeding was also deemed to be essentially necessary in order to obtain such control over those Indians as to prevent their interference with our settlements, which are rapidly extending in that direction. Those treaties were duly laid before the Senate at its last regular session, but were not, it is understood, finally acted on by that body.

Relying upon the ratification of their treaty and the adoption of timely measures to carry out its provisions in their favor, the Poncas proceeded in good faith to comply with its stipulations on their part, by abandoning their settlements and hunting grounds, and withdrawing to the small tract reserved for their future home. Being without a crop to rely upon, and having been unsuccessful in their usual summer hunts, they were reduced to a state of destitution and desperation. As nothing had been done for them under the treaty, they concluded it was void, and threatened to fall back upon their former settlements—some of the most important of which had in the mean time been taken possession of, and were occupied by numerous white persons. To prevent this, and a consequent collision between the parties, as well as to save the Poncas from extreme suffering, if not actual starvation, the Department has been compelled to incur a heavy expense in furnishing them with the necessary provisions.

Treaties were also negotiated with the Med-a-nay-kan-toan, and Wah-pay-koo-tay, and the Sesee-toan, and Wah-pay-toan bands of the Sioux Indians for the purpose of reducing the large reservations on which they reside, in the western part of Minnesota, and to arrange for the division and assignment to them, in small tracts, of the lands to be retained by them. Such an arrangement is necessary for the well-being of those Indians, who have so far improved since they have been concentrated on their reservations, as to be in a condition to dissolve their tribal organization, and to become possessed of individual

property in their lands. The considerable surplus land now occupied by them is also required for the use of the increasing white population by which they are becoming surrounded. Like considerations render it expedient and important that a treaty for the same purpose be made with the Winnebagoes at an early day.

Our relations with the Se-see-toan and Wahpay-toan band of Sioux have been materially interfered with by the Yanctonnais band, who complain that the cession made by the former, by the treaty of 1851, embraces a considerable portion of territory which belonged to them. They create much trouble and difficulty by coming into the annuity payments, and claiming a large share of the money distributed to those bands; and they evince so vengeful a disposition as to occasion the constant apprehension of their breaking out into hostilities, which would lead to very serious consequences in the loss of both life and property on that frontier. It was deemed advisable to send them some presents for the purpose of soothing their irritation, and satisfying them of the friendly disposition of the Government towards them, and thus to prepare the way for holding a council with them under favorable circumstances, with a view to the settlement of the existing difficulty. Congress having made the necessary appropriation, suitable presents to the amount of $21,000 were purchased and sent out in July last, a special agent having at the same time been appointed to apprise them of the views and wishes of the Department, and to induce them to appoint a time for receiving the presents, and holding a friendly conference. No satisfactory result attended this proceeding. They behaved with great incivility, and refused either to receive the presents or to fix any time for a council for the settlement of their alleged grievances.

The Indians in the region of the Upper Missouri, and its head waters, were, fortunately, not visited the past season with the small-pox, with which they were so severely scourged last year. Those within the Blackfeet agency, consisting of the tribes of that name, the Gros Ventres, Piegans, and Blood Indians, and numbering about nine thousand four hundred, are represented by the agent to have been generally peaceable and quiet, and as remaining well affected toward the United States. The tribes within the Upper Missouri agency, numbering about thirty thousand four hundred, have been somewhat turbulent and discontented. A large and warlike portion of them are near the frontiers, and have it in their power to inflict much injury upon our advanced settlements, and emigrants by the northern route to Oregon and Washington. An adequate military force is very necessary to restrain and keep them quiet, and it is advisable that a new treaty be made with them, for the purpose of effecting a better understanding as to the limits of the tract of country which they claim, and to impose upon them the obligation to remain within those limits; to cease hostilities with one another, and to abstain from committing depredations upon the whites.

Measures should be adopted to prevent the annual slaughter of the buffalo, in this region of country, merely for their skins, to sell to the traders. This animal is the principal means of subsistence for the Indians; but, at its present rate of destruction it will soon become extinct, when they must starve, sustain themselves by plunder, or be thrown upon the Government for support.

Attention is again called to the urgent necessity that exists for a complete and thorough revision of the laws relating to Indian affairs, which, in consequence of lapse of time and change of circumstances, are in a great measure unsuited to the present condition of things, and in consequence of which it is impossible to administer the duties of this office and Department with the necessary and proper degree of system, efficiency, and economy.

Very respectfully, your obedient servant,

CHARLES E. MIX, *Commissioner.*

Hon. JACOB THOMPSON, *Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
November 15, 1858.

In consequence of the late period at which I came into this office, it has been impossible for me to examine the foregoing report with reference to the facts therein contained; but I concur generally in the suggestions made by Mr. Mix in regard to the policy that ought to be pursued by the Government in dealing with the Indians.

J. W. DENVER,
Commissioner.

Report of the Commissioner of Public Buildings.

OFFICE OF THE COMMISSIONER OF PUBLIC BUILDINGS, *October* 18, 1858.

SIR: I respectfully submit to you this my annual report of the operations of this office, and the application of the appropriations confided to my disbursement.

Congress, at the last session, made no appropriation for any new object under my charge, with the exception of small sums for shelving and fitting up two rooms in the Capitol, which the Speaker of the House of Representatives had assigned to the use of the library, and for cleaning out the sewer traps on Pennsylvania avenue. The rooms have been arranged as contemplated and turned over to the Librarian. The effect I anticipated from frequently cleaning out the traps has been realized as far as possible under existing circumstances. The cylinders being kept free from obstructions, the water flows swiftly into the sewers and passes off, and it requires an unusually hard rain to flood the avenue, as was frequently the case when the traps were neglected and suffered to be choked with the sweepings of stores which were borne into them by the current in the gutters. The extent of drainage which passes through the traps is so great that they cannot promptly discharge all the water that falls in a very heavy rain. The remedy is a plain one. The extent of the drainage must be reduced by having sewers in the streets that intersect the avenue, and thereby convey off a portion of the water which now runs into it. So far as the traps were intended to shut off the offensive effluvia of the sewers, they have succeeded entirely.

All necessary repairs have been made in the Capitol, and it will be in good condition for the reception of Congress. The roof requires constant attention to prevent leakage, and will continue to give trouble until the dome is finished. The old Representative Hall is in a very unsightly condition, having been stripped of its decorations and furniture. Visitors, and especially strangers, take a great interest in it. They admire the imposing style of its architecture, and speak of the stirring scenes that have transpired within its walls, and the great men who have adorned it; and all express the hope that it will be appropriated to some suitable and honorable purpose. Congress will, no doubt, assign it to some use that will not be discreditable to its past history.

The naval monument, which stands in the reservoir on the lower terrace of the Capitol, does not belong to the Government. It was reared to the memory of the gallant officers who fell before the walls of Tripoli, by their brothers of the Navy, whose admiration of the heroic conduct of the deceased induced them to appropriate a portion of their pay for the purpose. Commodore Porter was intrusted with the care of procuring the monument, and was greatly indebted to the Bishop of Florence for his assistance, and through whose influence Micali, of Leghorn, was induced to undertake the work. It was brought to this country in the frigate Constitution, and was erected in 1808 in the Washington navy-yard, where for years it attracted the admiration of all who visited the yard. During the last war with Great Britain it was very much defaced by the British soldiers on their visit to this city. Congress, in March, 1831, made an appropriation for removing it to its present position, and in the following year appropriated a further sum for renewing the inscriptions and cleansing and repairing the monument. As a work of art, it is generally considered in good taste and well executed; and, taken as a whole, it is pronounced beautiful. It was certainly bad judgment to place it in juxtaposition with the Capitol, where it is overshadowed and eclipsed by the magnificence of that building. Besides, there is not the same special aptness as in the former location. As the monument is now falling to pieces and will require for its preservation speedy repair, would it not be better to replace it in the navy-yard, and especially as it was not the offering of national gratitude, but of the just pride which the officers of the Navy felt in the glory and honor their deceased brothers had reflected upon the service and the country? To repair it in its present position will cost five hundred dollars, and to remove it to the navy-yard about two thousand.

The Capitol grounds are in very good order, with the exception of the irregular and unsightly paths, which inconsiderate persons have made by walking upon the sward instead of keeping on the pavement. Every means have been adopted to prevent these paths from being made, but all to no effect. There being no law to punish such evident impropriety, it is in vain to appeal to good sense and taste where neither is respected. In other cities no such disfigurement of the public grounds is seen, because they are under the protection of law; and until the same shelter is thrown around the public grounds in this city, they will be liable to be intruded upon, and their beauty marred. Public grounds in every city should be regarded with favor and care, not only because they please the eye, but because they likewise conduce to health by affording free circulation of air and an opportunity for exercise.

The President's House has undergone the usual repairs, and every attention has been paid to its sanatory condition. The grounds never looked better. Owing to the extension of the Treasury building, they have been very much compressed, and ought to be enlarged. Congress made an appropriation for taking down the south wall and reconstructing it in such a manner as to give to the house the benefit of the grounds south of it. The plan adopted for the Treasury extension interfered with the plan for the improvement of the President's grounds, and the latter was abandoned. Congress subsequently authorized the adoption of a new plan, such as the President might approve; but the street immediately south of the wall being occupied by the work-shops and materials of the Treasury building, no new plan has been submitted. My own opinion is, that the grounds south of the house ought to be added to the President's grounds without any intervening wall, which would rectify, in a great measure, the mistake that was made in encroaching upon the President's grounds for the accommodation of the Treasury Department.

LaFayette square has been very much improved. The underground drainage which was made in it last year has corrected the dampness that existed in some parts, and prevented the grass and shrubbery from growing, and now everything is as flourishing in those localities as in any other portions of it. The entrances to it have been made easy by the erection of small circular railings, with light gates, just within the large and heavy gates, which give great satisfaction and answer the purpose of keeping out cattle.

The citizens of the seventh ward, commonly called the Island, complain very much that they are excluded from the thickly-settled and business portion of the city on nights when the moon does not shine. The streets running through the Mall were made, and are owned by the Government. Neither the corporation nor individual citizens, have any authority to light them, and of a dark night but few persons are willing to venture through them. They are the connecting links between the Island and that portion of the city which lies immediately north of the canal, and it does seem that the Government is bound in justice to light them up, so that the object for which they were designed of facilitating intercourse between those parts of the city, may not to any extent be defeated. The citizens immediately interested have petitioned Congress upon the subject, and there is every prospect of their prayer being granted.

There is no longer any cause for complaint of the quality of the gas or the sufficiency of the supply. The company, with commendable enterprise, seems determined to keep pace with the growth of the city, and answer all the wants of the community. The consumption of gas by the Government has become a large item of expense,

and the great increase in the expenditure for this purpose is mainly owing to the extension of the Capitol. It is impossible to estimate, with any degree of certainty, the cost of the gas consumed by the Government, as it will be materially affected by the number of nights Congress may set, which cannot be foreseen. There is no waste of gas so far as the consumption is under my control, great care being taken not to have any more lights than are necessary, and to extinguish them as soon as they are not required. All leaks are searched after and detected with the least possible delay, and promptly remedied.

The beneficence of Congress in annually making an appropriation for the medical treatment of non-resident paupers in the Washington Infirmary, cannot be too highly appreciated. The poor and destitute, who receive the benefit of it, have great cause to be thankful that the Government makes such a humane provision for them. During the last two months the Infirmary has been pretty much filled with Government patients, persons who have been drawn to the city from various parts of the country to make the excavations for laying the water-pipes which are to connect with the aqueduct. But for the provision which Congress had made for them I know not what would have become of them. In a strange city, without means, and the hand of sickness pressing heavily upon them, how deplorable would have been their situation!

I herewith transmit to you the report of the resident physician of the Infirmary, for the year ending 30th June, 1858.

The eastern portion of Pennsylvania avenue has been graveled during the summer. From the amount of travel upon it, I do not expect it will long remain in good condition. It is the thoroughfare to the navy-yard and the Congressional Burying Ground, and ought to be graded and paved. The avenue west of the Capitol, it is apprehended, will be in a very bad condition. It has been opened its whole length to admit water-pipes; and, although I have caused the greatest attention to be paid in filling up the excavations, and ramming the earth before relaying the pavement, I very much fear that it will sink in many places.

The bridges over the Potomac have all been repaired. The Navy-Yard and Anacostia bridges are in good order. Everything that could be done with the limited means at my disposal has been done to strengthen the Long Bridge. It is, however, in a tottering condition from age, and I have not much faith in its power of endurance. It could scarcely be expected to withstand a flood of ice, such as sometimes occur in the river on breaking up of winter. The heavy travel over it, of omnibuses, wagons, and other vehicles, and droves of cattle, is fast doing the work of destruction; and, as it has been well observed that a bridge is *a necessity*, I think there is no time to be lost in beginning the construction of a new one.

Congress, at the last session, corrected the mistake that had been made in the appropriation for flagging the main entrance to the Congressional Burying Ground, which limited the extent of it to the Government vault. The whole length of the avenue has been flagged, as was originally designed by the estimate, and authorized by the act of the last session. The flagging of the central avenue in the botanic garden, and of the walks leading to Maine and Missouri avenues, has been finished. The walls of Tiber creek are still down, and the banks have been very much washed and injured by the heavy rains in the spring and early part of last summer. If the walls were erected upon the plan suggested in my last report, there would be no danger of their ever again tumbling down, and the creek would be a beautiful feature in the improvements of the garden.

A handsome and substantial iron foot-bridge will be erected across the canal in a line with Maine avenue during the present fall. The appropriation was first made for a wooden bridge with a double track, which was decided to be impracticable, owing to the want of sufficient width in Canal street to give it the necessary elevation. At the last session Congress authorized the erection of such a bridge as I had suggested; and, as I found that one of iron could be constructed for the appropriation, I decided to select that material on account of its greater durability, and because the bridge would present a lighter, and in all respects better appearance.

The west wing of the Patent Office building has been finished, and every story of it is occupied. The large saloon is magnificent, and elicits general and unqualified commendation for the simplicity and beauty of its decorations. Its areas and footways have been flagged, and a handsome iron railing erected around it. In my last report I informed you that the sub-basement of the north front of the building had been set, and I promised that there would be a handsome show of the work done during the present season. That promise has been fully redeemed, and the rapidity with which the building has risen up is a matter almost of wonderment. Two stories have been added, and during the next working season it will be roofed. All the work is of the most substantial character, and has been executed with a skill that cannot be excelled. When the whole building is completed, it will be one of the handsomest public edifices in the city, and will reflect great credit upon all who have had any agency in its erection.

All the triangular spaces on Pennsylvania avenue, between the Capitol and Georgetown, with the exception of three in the western part of the city, have been inclosed with an iron railing and handsomely ornamented; and there is no reason why the same attention should not be given to those three. There are many of these triangular spaces interspersed through the city, which the Government will, sooner or later, have to inclose and improve; and by providing yearly for two or three of them, the whole work will be accomplished without feeling the expense.

Franklin square was purchased at a very low price, and some of the parties who sold it to the Government allege that they were induced to take so small a sum under the assurance and expectation that it would be handsomely inclosed and improved as a place for public resort. It is one of the finest of the public squares, and the houses built around it are among the best in the city. I really think that the Government is bound in good faith to inclose and improve it.

In my report of October 11, 1855, I called the attention of your predecessor to the importance of filling up the public grounds south of the Capitol, between A and B streets south, and New Jersey avenue and First street west; and I submitted an estimate of the amount necessary for the purpose. Congress had previously shown its appreciation of the importance of the work per act of March 3, 1855, by making an appropriation in the following words:

"For removing fences, grading streets, &c., preparatory to the extension of the Capitol square, in accordance with the plan submitted by the Commissioner of Public Buildings, $15,000: *Provided*, That no part of this sum shall be expended except upon property now owned by the United States."

The Secretary of the Interior, while fully aware of the necessity of completing the work thus commenced, did not deem it a proper subject for executive recommendation, inasmuch as it had been initiated by Congress. The $15,000 appropriated were expended almost entirely in filling up the public grounds north of the Capitol; and the small balance remaining was applied to similar work on the grounds south of the Capitol, which accomplished but little. No appropriation has since been made for the object. Serious inconvenience must result from the delay; and, to obviate it as far as possible, the necessity for an appropriation to renew the work at the earliest practicable moment is urgent. The south wing of the Capitol extension is so near completion as to render it apparent that a convenient road-way of approach to the building on that side, when the grounds shall be extended, cannot be made as soon as it will be required, for the depth of the embankment necessary is very great, and before any improvements whatever, either plantations, walls for the support of fences, stair-ways or road-ways can be judiciously constructed upon its surface, it must not only have been slowly and carefully made in thin, successive layers, but it must also have had time to settle and become perfectly compacted. Even if it were possible to avoid any extension of the present Capitol grounds, north or south, the ultimate necessity for filling up the contiguous public grounds to the grades of the avenues and streets surrounding them would still remain; while in view of the fact that they must be included in any and every possible plan for the enlargement of the Capitol grounds, and that, until they shall be filled up, no approach to the Capitol on the south, from Pennsylvania or Maryland avenues, can be made, it is obviously most important that the work should be commenced as soon as possible. Thirty thousand dollars could be judiciously expended upon this work during the next season; and I deem it to be my duty respectfully to recommend that an appropriation be asked for that amount.

It is not inappropriate, in connection with this subject, to state here that great public and private injury is resulting from the delay in deciding upon a plan for the extension of the Capitol grounds. Many individuals owning property within the limits of the various plans which have from time to time been proposed are anxious to make improvements, but are prevented from doing so until they can positively know the determination of Congress whether it will be required for public uses, or not; whilst others having lots within the same limits, impatient of delay, are building houses on them, which will add largely to their value, and increase to that extent the cost to the Government, if it should determine to purchase, without the slightest benefit. Thus the Government suffers in the steady increase in value of the lots and the improvements put upon them, the citizens suffer from uncertainty and consequent unwillingness to improve their property, and the city suffers from retardation of improvement in quarters which need only the adoption of any fixed and determined plan for the extension of the Capitol grounds to be occupied and embellished by private residences worthy of proximity to the Capitol.

I beg leave to renew my recommendation of an appropriation "for continuing the grading and planting of the unimproved portions of the mall." The general estimates of the last year included for this purpose the sum of $10,000. Congress, however, unfortunately omitted to make the appropriation, and the consequence has been that the unprotected, newly-graded surface of the mall, has suffered, from the rains, serious damage, which will probably require from fifteen hundred to two thousand dollars to make it good. It is not presumable that Congress, having commenced, and by several successive appropriations persevered in the improvement of this, the great central park of the city, intended to abandon the work and let the grounds relapse into their former rude and unsightly condition. If it be thought desirable at present not to extend the work, the necessity will yet remain to repair and protect from further damage the portions already graded. The only effectual protection will be to finish them, which involves the construction of the necessary surface drains and sub-drains, and the production of a good turf over the entire surface. To accomplish this, all of the appropriation asked for will be required.

The filling up of the ravine and the grading of Judiciary square is another most important work, which was arrested in its rapid progress to completion by the failure at the last session of Congress to obtain an appropriation of the $7,000 included in the general estimates for that purpose. This square is in the very heart of the city, and ought to be, as it was designed, one of its most attractive ornaments. The sum asked for will finish the grading.

An appropriation of $840 was made at the last session of Congress for making necessary repairs to the jail, and putting venetian blinds to the windows. The money has been applied to the greatest advantage in accomplishing the object contemplated. The building has been repaired wherever necessary, if within the means of the appropriation, and the blinds to the windows have been put up. The repairs have not added much to the strength of the building, but the blinds have, in a great measure, remedied one of the greatest nuisances of the jail, by excluding the prisoners from public view, and preventing them from seeing the passers by on the streets, which used to excite them to the use of profane and vulgar language, that offended the moral sense of the whole neighborhood. No amount of repairs could render the

jail perfectly secure, such is its dilapidated condition. The jail was only intended to accommodate fifty persons. At this time there are upwards of a hundred, of all ages, and committed for different degrees of crime, promiscuously crowded into small and damp cells. The danger of producing some contagious disease is imminent, and the moral depravity that must be infused into the minds of the young and scarcely conscious criminals by such intimate association with old and hardened culprits, is educating them to be desperadoes and outlaws when they shall again be turned loose upon society.

The jail in this city is unlike, if not all, at least most of those in other places. It is a prison not only for the retention of persons awaiting trial, but for the punishment of the convicted. There are in this District certain offenses not punishable by sentence to the penitentiary, but by confinement in the jail. It is not right that a person whose guilt is not established, and who is sent to jail because he is unable to give bail for his appearance at court, should be shut up in the same apartment with a convict, who is confined there as a punishment, by sentence of the court. The demands of this community require a much larger jail, not only for the sake of health, but that apartments may be assigned according to the ages and grades of offenses of the persons committed. The location of the jail has long been a cause of great objection to it. The square on which it is situated is in the center of the city, and is now much needed as a place of public resort. The prisons of most of our large cities are on their confines, if not beyond their limits.

I respectfully submit herewith a letter which I received from Marshal Selden, in reply to an inquiry I addressed him about the jail, and to which I respectfully invite your attention.

I should be wanting in duty if I did not again present for your consideration the utter insufficiency of the accommodations for the courts of this District. There is no room assigned to the criminal court to hold its sittings in; and the judge can only hold his court by the courtesy of the circuit court or city council. The orphan's court occupies a small, damp room, in the basement of the City Hall, and in the city's portion of that building. The offices of the clerk of the court and register of wills have not room for the safe-keeping of their valuable records. They are very much exposed to depredators; and they are so clustered together that if a fire were to break out among them, they would all inevitably be destroyed from their combustible nature; and the loss such an event would entail upon this community, and even upon the Government itself, cannot be estimated. The grand jury, in a report made to the court at the December term, 1857, observes "that, owing to the want of a safe and suitable apartment, a considerable portion of the court records are kept at this time in the open passage leading to the clerks' and marshal's offices, in the east wing of the City Hall. It must be obvious, and experience shows, that the records, as now exposed, are liable to be mutilated, defaced, destroyed, or stolen by mischievous and interested persons." The judges have repeatedly represented the insufficient accommodations for the courts and for the security of the judicial and land records, and no one who will take the trouble to visit the building can come to any other conclusion. The east half of the City Hall belongs to the Government, and is appropriated to the court and the clerk's office. By enlarging it as is provided for in the plan of the building, ample accommodations can be afforded for all the courts and offices, and at comparatively but small cost. The object is one of such great and pressing importance, and so manifestly just, that I do not believe there will be an objection to it from any quarter, and I am therefore satisfied that there can be no difficulty in obtaining an appropriation for it.

The necessity for an appropriation to meet the requirements of the fifteenth section of the city charter, approved May 15, 1820, and of the twelfth section of the amended charter, approved May 17, 1848, is daily becoming more urgent. They provide that the Government shall bear a just proportion of the expense of opening and improving streets and avenues in front, or adjoining to, or which may pass through or between any of the public squares or reservations; also set the curbstone and pave the footways next to the reservations, when the corporation shall by law direct the proprietors of lots on the opposite side of the street to make similar improvements.

The Government and citizen, as property holders, are placed on the same footing. Each is required to make these improvements adjoining his own property, which are customary and intended to promote the comfort and convenience of the whole community. It must be remembered that this requirement is not an arrogant assumption of power on the part of the corporation, presuming to exercise jurisdiction over the Government property; but it is a just and noble concession of the Government, stooping to the level of individual proprietors, so far as its property is concerned. There are a number of reservations about which these improvements should be made, if there were means to apply to them, and the expense in the aggregate would amount to a large sum; but I have deemed it advisable only to ask for a small annual appropriation, which, in the course of a few years, would accomplish the object without the Government feeling the expense.

I beg leave to renew such of the recommendations of my last report as have not as yet received the sanction of Congress; and I append hereto a statement of receipts and expenditures for the fiscal year ending June 30, 1858.

Very respectfully, your obedient servant,

JNO. B. BLAKE,
Commissioner.

HON. JACOB THOMPSON, *Secretary of the Interior.*

Report of the Commissioner of Pensions.

PENSION OFFICE, *November* 1, 1858.

SIR: I have the honor to submit to you the accompanying tabular statements marked A, B, C, D, E, and F, as exhibiting, in part, the operations of this bureau during the past fiscal year.

During that period 209 original Army claims for invalid pensions have been allowed, requiring for their payment the sum of $18,775 per annum; thirty-five claims for increased allowances have also been admitted for the further sum of $1,386 per annum. The whole number of this class of pensions now on the rolls is 4,916, requiring the annual sum of $446,485 93.

Eleven (11) original claims have been allowed to soldiers of the Revolution for the aggregate sum of $674 74 per annum, and in five cases the claims previously allowed have been increased in the aggregate sum of $264 65 per annum. One hundred and fifty-two (152) original claims, amounting to $8,354 06, and thirty-nine claims for the increase of pensions formerly granted, for the aggregate sum of $2,070 35 per annum, have been allowed under the several acts granting pensions to the widows of revolutionary soldiers. The number of revolutionary soldiers yet on the rolls is 253, and the number of widows, 4,209. The annual amount required for the former is $14,734 29; for the latter, $334,450 85. The number of revolutionary soldiers reported to have died during the year is 104, and the number of widows of revolutionary soldiers is 624.

Under the acts of 1836, 1848, and 1853, granting half-pay pensions to widows and orphans of deceased officers and soldiers of the Army, 187 original claims, amounting to the sum of $13,924, and two for increase of pension, for $72 per annum, have been allowed. The number of this class of pensioners now on the rolls is 1,345, and the amount required for them annually is $107,029 22. The whole number of Army pensioners now on the rolls, under all the acts, is 10,723, the sum of whose pensions is $902,700 29.

The aggregate amount of arrears due at the dates of the certificates for the foregoing admissions was $104,420 70, namely: $9,119 to invalids; $11,855 98 to revolutionary soldiers; $47,319 34 to the widows of revolutionary soldiers; and $36,126 38 to widows and orphans under the half-pay acts.

The number of original claims and for increase allowed to officers, seamen, and marines of the Navy, is 30, calling for the annual sum of $1,485 50. Thirty-two (32) claims have been allowed to widows and orphans for the aggregate sum of $6,696 per annum. The sum of the arrears due at the dates of the certificate was $6,400 60. The whole number of Navy pensioners now on the rolls is 892, and the aggregate amount of their stipends is $130,501 10.

The aggregate amount paid for Army and Navy pensions in the several States and Territories, during the fiscal year, was $1,130,369 95. This is exclusive of the half-pay pensions adjudicated by the Third Auditor, and also of "unclaimed pensions," which are payable only at the Treasury of the United States.

The act of February 20, 1847, requires that remittances to pension agents shall be so regulated as to prevent an undue accumulation of balances in their hands. This has been done, as the sum of the balances in their hands on 30th June last ($196,379 46) attests.

Of the total amount of expenditure by the Government on account of pensions, during the fiscal year, the sum of $59,175 32 has been absorbed in the payment of arrears which had accumulated, to revolutionary soldiers and their widows, anterior to the adjustment of their claims. During the fiscal year prior to your decision prohibiting the allowance of such arrears to the representatives of deceased revolutionary soldiers and their widows, this item of expenditure was $177,845 52. This indicates a saving to the Treasury of $118,670 20, in one year, by the discontinuance of a practice which, in the opinion of the Attorney General, had grown up without any authority of law.

On the 3d of June, 1858, an act was passed to renew and continue, during life or widowhood, the half pay pensions formerly granted to certain widows and orphans for five years. Under this act 541 claims have been admitted up to the present date. The amount due on them to the 4th September, was $46,031 15, and the amount required to pay them annually thereafter, is $44,087. The whole number of claims presented under this act, thus far, is 955. They have nearly all been examined, and those not admitted have been suspended for further evidence, and the parties advised of the defects. The number of claims which it is estimated will be presented under this act cannot be less than 3,000; but it may prove to be considerably greater.

During the year ending 30th September last, 13,815 bounty-land warrants have been issued, requiring 2,034,420 acres to satisfy them, as follows:

Revolutionary War.

2 warrants for 100 acres each, making.....		200 acres.

War of 1812.

17 warrants for 160 acres each, making....		2,720 "

Mexican War.

149 warrants for 160 acres each, making...		23,840 "
10 "	40 " " "	400 "

Under acts of 28th September, 1850, and 22d March, 1852.

13 warrants for 160 acres each, making		2,080 acres.
7 " " 80 " " "		560 "
24 " " 40 " " "		960 "

Under acts of 3d March, 1855, and 14th May, 1856.

10,633 warrants for 160 acres each, making		1,701,280 acres.
1,669 " " 120 " " "		200,280 "
1 " " 100 " " "		100 "
1,256 " " 80 " " "		100,480 "
8 " " 60 " " "		480 "
26 " " 40 " " "		1,040 "
13,815 warrants, making.....		2,034,420 acres.

This, added to the quantity reported last year, makes the whole amount of public land granted for military services, to the 30th September, 1858, 62,739,362 acres.

The number of bounty land claims under the acts of 1847 and 1855, now on the suspended files of the office, and which are constantly being called up for reëxamination at the request of the claimants or their attorneys, or in consequence of the presentation of additional evidence, is about 74,000.

Bounty land is yet due under the resolve of Congress of 1776—

To one hundred and twenty-two commissioned officers of the different continental lines of the army of the Revolution, amounting to.....	28,000 acres.
To eighteen hundred and eighty-seven non-commissioned officers and soldiers of those lines, amounting to.....	188,700 "

To forty-two soldiers whose warrants for one hundred acres each are yet uncalled for, and which will require new certificates of the right to locate them, before they can be made available, making..... 4,200 acres.
To thirty soldiers, whose warrants for three hundred acres each, making..... 9,600 "
To nine hundred and nineteen, for one hundred and sixty each, making..... 147,040 "
have been issued under act of 24th December, 1811, &c., but not satisfied, and which likewise require new certificates for location.
And to the heirs and legal representatives of one hundred and thirty-four, at one hundred and sixty acres each, making..... 21,440 "

whose claims have been established, with the exception of the usual proof of heirship.

The period within which warrants of these classes could be issued or located was limited. It has been extended from time to time, and finally expired on the 26th of June last. None of the warrants or rights of parties mentioned can be made available, therefore, unless Congress should further extend the time, which ought to be done.

During the past year, frauds, especially under the bounty land laws, have been detected to an unusual extent. Four of the guilty parties have been convicted and sentenced. One, against whom the evidence was equally conclusive, was acquitted under the statute limiting prosecutions to two years from the commission of the offense, and to which the attention of Congress has been repeatedly invited. Indictments have been found against thirteen others, whose final trials have not yet been had.

The quantity of land involved in the claims thus far ascertained to have been presented by these persons, reaches the enormous quantity of about 175,000 acres. Other cases are known to exist, in which, however, the office is not yet fully prepared to institute judicial proceedings. When well-grounded suspicions of fraudulent schemes are excited, much patient and laborious investigation is often required in order to bring the perpetrators to punishment, and to fully guard the Government against loss.

The laudable desire of my predecessor to execute the recent bounty land laws with a dispatch commensurate with the number and necessities of the beneficiaries constituted by them, unavoidably prevented the full execution of their designs respecting the permanent records of their official action. The permanent registers of the claims presented under the act of 28th September, 1850, had not been completed when the more comprehensive act of 3d March, 1855, was passed. Under that law 295,200 claims have been filed. These, like those filed under the act of 1850, were entered, as they were received, in a number of small alphabetical registers designed to be temporary. About a hundred thousand of these entries have been carefully reëxamined and transferred into large and well-bound books, prepared for the purpose, exhibiting, in each case, the number of the claim, the name of the claimant, when and from whom received, the service rendered, the number, date, and denomination of the warrant issued, to whom sent, &c. The preparation of a set of three-letter alphabetically-arranged registers of warrants of the denomination of one hundred and sixty acres, has also been commenced, and satisfactory progress made.

Much work of this description remains to be done to secure ready access, in the future, to past operations. The large accumulation, on the files, of suspended and rejected half-pay and pension claims under the various laws, and inquiries on these subjects generally, still devolve considerable labor and a heavy correspondence upon the office. The current business is, however, now up to date, in all its branches, and the clerical force which the execution of the bounty land law of 1855 rendered necessary, will soon be dispensed with.

A report containing the information the President was requested, by resolution of 12th June last, to communicate to the Senate, is nearly completed, and will be submitted to you soon after the meeting of Congress. From the progress already made, it is evident the whole amount paid for pensions since the commencement of the present Government will not fall much below $90,000,000. If to this we add the land granted for military services—estimating it at $1 25 per acre—we have the total amount paid for military services, in land and money, $168,424,202.

I beg leave to renew the recommendations contained in my last annual report, as further experience and reflection have only tended to demonstrate their propriety.

In conclusion, permit me to acknowledge the prompt and efficient coöperation of the gentlemen associated with me in the administration of the various and complicated laws executed at this office.

I have the honor to be, very respectfully, your obedient servant,

GEO. C. WHITING,
Commissioner.

Hon. JACOB THOMPSON, *Secretary of the Interior.*

Report of General-in-Chief of the Army.

HEADQUARTERS OF THE ARMY,
NEW YORK, *November* 13, 1858.

SIR: The tables giving the numbers and distribution of our troops will be laid before you by the Adjutant General, the object of this, my annual report, being to offer some remarks on the recent services, general condition, and wants of the Army. The annexed general order (No. 22) will illustrate, in some instances, (omitting many,) the extraordinary zeal, activity, patient endurance, and prowess habitually displayed by the troops—officers and men—in the perpetually recurring wars with the Indians about our border settlements. Thus, with an average effective force of (say) ten thousand men, exclusive of recruits in depot and in route, less by at least three regiments than is needed, the Army has been for years, in nearly all its parts, almost constantly engaged in the pursuit of enemies, or in daily expectation of being called upon to repeat such services. This state of excessive activity, fatigue, and hardship has led to excessive losses, more from disease and desertion than from battles or combats; the greater part of which may be primarily attributed to *deficiency in numbers.*

This want of troops to give reasonable security to our citizens in distant settlements, including emigrants on the plains, can scarcely be too strongly stated; but I will only add that, as often as we have been obliged to withdraw troops from one frontier in order to reinforce another, the weakened points have been instantly attacked or threatened with formidable invasion. Minnesota, Arizona, and the northern frontiers of Texas and Arkansas have recently supplied striking illustrations of this fact.

For the happy conclusion of long-standing Indian troubles in Florida, much credit is due to the energy and judgment of Colonel Loomis, the last commander in that war.

In New Mexico, Brevet Brigadier General Garland, an intelligent and enterprising commander, has used his limited force to the best advantage in punishing hostile and in keeping in check turbulent Indians, besides detaching very handsome support, in the handsomest manner, to the Utah army in its embarrassments of the last winter. Colonel Bonneville, who has recently succeeded General Garland in this command, is carrying out the views of the latter with like perseverance and success.

The cheerfulness and efficiency of the Utah army, under its very able commander, Brevet Brigadier General Johnston, notwithstanding its difficult marches and unavoidable privations, have won for it a large portion of the admiration of the country.

In Texas, Brevet Major General Twiggs has, with his usual ability, made the most effective disposition of the force at his command, resulting already in substantial and brilliant success, which he purposes to follow up, if necessary, in a winter campaign.

In the Pacific department Brevet Brigadier General Clarke, the commander, has displayed an energy and judgment worthy of high commendation. Upon the first news of recent hostilities in that quarter his measures were rapidly and wisely taken. Troops and supplies were promptly assembled near the theater of operation, and, under his immediate direction, two columns, commanded by Colonel Wright and Major Garnett respectively, were organized and put in motion against the enemy. Successive victories have already caused most of the hostile bands to disperse or sue for peace, which, no doubt, will soon be reëstablished. [I learn, in the act of signing this report, that my prediction is now history.]

The department of the West has recently been commanded, in succession, by Brigadier General Harney, Colonel Sumner, and Colonel Francis Lee. Garrisons have been established and strengthened in it, along the emigrant route to the West, and for months a column of cavalry was kept in movement on the plains to overawe disaffected tribes. The troops in Minnesota and on the Upper Missouri have all continued to render valuable service in restraining the Indians from committing massacres and depredations in that quarter.

On the many and formidable roving tribes on this side of and on the Rocky Mountains, not in open hostility, but yet of doubtful or menacing dispositions, and whose depredations would soon have called for direct punishment, a great moral effect has been incidentally produced by our display of force in the direction of Utah. These large moving columns have been seen, and the power of the United States, to some little extent for the first time in those regions, estimated and feared. Such displays, often repeated and in sufficient numbers, combined with feats of arms like those set forth in the annexed order, can alone give the security to our frontiers for which the army is held responsible.

From the distribution of the troops into fragments, an increase of the regular medical officers has become a necessity. Sometimes private physicians may be hired, but not always, and rarely of the required science and experience, even at extravagant rates of compensation. No less than six posts in a single department have been recently reported to me as without a medical officer.

I must also again beg attention to the miserable state of the barracks or quarters at nearly all our permanent fortifications and posts. Health and efficiency, as well as comfort, must be sacrificed where strict attention is not given to the lodgings of men.

Incessant calls for reinforcements received from the frontiers compel us habitually to forward recruits without the instruction that should precede service in the field; and, on joining their regiments, perhaps in the act of pursuing an enemy, it is long before the deficiency can be supplied. The want of this instruction has always been felt in combats, notwithstanding the usual gallantry of the troops. As it is no longer difficult to fill our ranks by enlistments, it would be highly desirable to detain the recruits sufficiently long for instruction at our larger depots, especially those destined for the mounted service; but, again, this cannot be done without some additional regiments.

The institution of the artillery school at Fort Monroe will leave nothing to be desired for that arm after we shall be at liberty to withdraw from the field the additional companies (three) which are needed. The school will then consist of eight companies, two from each regiment, alternating every two years with some other companies of their regiment. Thus, with two mounted companies, one third of each artillery regiment would at all times be engaged in acquiring, with the best help, the difficult theory and practice of artillery, while the other two thirds would in emergencies be available for infantry service as heretofore. For such instruction there will be required, as the Department is aware, an appropriation to add to the Government lands about Fort Monroe (for exercise of field batteries and long ranges of heavy guns) before the school can receive its full development. Without waiting for this extension, however, a systematic course of instruction has been commenced under Colonel Brown, the superintendent, and its progress is already satisfactory.

There is in the circumstances of our service no reasonable distinction between the three arms now recognized as mounted riflemen, dragoons, and cavalry, if indeed the law intended any between the two latter. Their fields of operation and duties generally are in all respects the same, and whatever variations exist in uniform and equipment only serve to create inconvenience and expense. I therefore recommend that the three corps

be consolidated into one line of cavalry regiments, (five,) for the tactics and equipment of which I suggest that the experience of a select board of cavalry officers be consulted.

It is my duty to present the fact that reports come to me from some quarters of the injurious effects upon discipline produced by the neglect of the law requiring that the troops shall be paid *at least* once in two months, it being understood that the pay department has not the number of deputies necessary to approach regularity at any of the more distant posts. Drunkenness, disorders, and desertions are the consequences of the larger payments, which are made at long intervals.

I have the honor to be, sir, with high respect, your obedient servant,

WINFIELD SCOTT.

To Hon. JOHN B. FLOYD, *Secretary of War.*

CASE OF JUDGE WATROUS.

Reports of the Judiciary Committee.

Mr. CHAPMAN, *from the Committee on the Judiciary, submitted the following views of a minority of the committee:*

The Committee on the Judiciary, to whom were referred the petitions of Eliphas Spencer and Jacob Mussina, for the impeachment of John C. Watrous, United States district judge for the district of Texas, have had the same under consideration, and the undersigned have resolved to report favorably to the prayer of the petitioners.

Inasmuch as the committee are equally divided on the question of impeachment, it is believed to be proper to present a more detailed report than would otherwise have been deemed necessary.

The charges of misconduct against Judge Watrous, set forth in the memorial of Spencer, need not be recapitulated.

It appears that, in the early part of the summer of 1850, the Hon. John C. Watrous, being at the time district judge of the United States court for the district of Texas, Thomas M. League called at his house or office, in Galveston, and, in the course of conversation, in substance stated that he knew of an opportunity to engage in a speculation, that promised to be very advantageous, in lands lying on the Brazos river. It was then suggested by Judge Watrous, on League's saying he had not the necessary funds at hand, that he, the judge, had friends in Alabama who would, perhaps, like to engage in the speculation. It was said by League that the title papers had been submitted to Judge Hughes, a lawyer of Galveston, and *he* was satisfied the title was good. The parties in Alabama referred to were addressed by letter; and two of them, shortly afterwards, visited the tract of land, which consisted of about sixty thousand acres. They found persons in possession of a portion of the land. Clearings had been made, and, in one or two instances, valuable improvements had been erected, especially by Spencer. The persons referred to were Messrs. Frow and Price, who, accompanied by League, visited the land, and, on returning to Galveston, consulted Judge Hughes as to the validity of the title, made an arrangement with him "to bring suit," and, having received a satisfactory opinion from Judge Hughes on the title, returned to Alabama.

About the 8th or 10th of July succeeding, Judge Watrous and League arrived at Selma, Alabama, and very soon afterwards a meeting took place between them and Messrs. Frow, Price, Lapsley, Pluttenburg, and Goldsby, all citizens of that State. The object of this meeting was to make arrangement concerning the purchase of the land above mentioned. League had shortly before obtained a conveyance to himself of the right and title belonging to Sophia St. John, who was the reputed owner. A day or two was passed in preparing the papers and in consultation between the parties in relation to their arrangement, Judge Watrous being frequently present. An agreement was finally entered into, substantially to the following effect: The legal title was vested in Lapsley. He executed an instrument having some resemblance to a deed of trust, by which it appears he held the property in trust for the several parties. Himself, Frow, Price, Pluttenburg, and Goldsby, to have one half in equal shares, and the other half to belong to Judge Watrous and League equally. This instrument has not been recorded. The purchase money stipulated to be paid was $7,000. This was to be paid in order to enable League to comply with his contract with the party of whom he purchased; he having bought the property for little less than that sum. A note was given by Judge Watrous and League, amounting to $4,532, payable in five years after date, with interest; being the consideration for one half of the land held in trust by Lapsley for them. This note has not yet been paid, nor has any part of it. The deeds and accompanying papers were examined by Lapsley, who is a lawyer; but it does not appear that the copy of a certain power of attorney, said to have been executed at Saltillo, Mexico, by Josè Maria de Aguirre, Raphael Aguirre, and *Thomas de la Vega*, to Samuel May Williams—an important link in the chain of title—was produced; though Judge Hughes testifies that when the muniments of title were submitted to him for his opinion, it was among them. Why this power of attorney did not then accompany the papers is left unexplained. There were conversations respecting the title in the presence of Judge Watrous, and he participated in them; at one time remarking that the title was good, and had been so pronounced by Judge Hughes, whom he represented to be the best land lawyer in Texas, and he urged League to sign a warranty of title, which Lapsley required.

In the fall succeeding, Lapsley gave directions to Hughes to bring suits in the district court of the United States at Galveston—the court in which Judge Watrous was the sole judge—against the persons in possession of the land, and said, in his letter dated November 2, 1850:

"As Mr. League and Judge Watrous are interested in this land, I beg leave to refer you to them in relation to any matters relating to the suit to be brought," &c.

Eleven suits were brought—one of them against the memorialist, Spencer. The suits were instituted on the 11th of January, 1851, at Galveston. The defendants were summoned. Nothing was done with the cases until January, 1852, when they were transferred to Austin, as it is said, by agreement of counsel. At the April term, 1851, and May term succeeding, they were continued, as appears by entries on the docket, and in one instance the entry is in the handwriting of Judge Watrous. It is stated on the docket that they were transferred to Austin by agreement of counsel; but Mr. Taylor, of counsel for nearly all of the defendants, says he had no knowledge of this entry having been made. Some time before, an order transferring the cases had been entered on the docket, but it omitted to state that it was done by agreement of parties or their counsel, and when discovered by Judge Watrous, he directed it to be erased and another made, which alleged the transfer to have been by agreement of counsel, and also that he was interested personally, and interested by reason of his connection by blood with persons concerned in part of the subject-matter in contest. It may be remarked, there is no evidence that Judge Watrous was related to any of the parties, though many of the witnesses were interrogated on that point. The cases remained at Austin until November, 1854, when they were certified by Judge Watrous to the district court of the United States at New Orleans.

By way of explanation, it is proper to mention that the transfer of the suits to Austin was applied for by Mr. Taylor, counsel for the defendants, Austin being within the district where the lands lie, in which he was justified by the act of Congress.

At the time Lapsley acquired the legal title, he declared his purpose to bring the suits in the United States court in Texas, and intended they should be removed out of that State for trial. His letters written to Judge Hughes, the attorney employed, abundantly prove this, independently of his evidence before the committee. And this must have been the understanding of all the parties, for, Judge Watrous being interested, it was known he could not sit on the trial of the cases. Besides, Lapsley says, in one of his letters to Judge Hughes, dated Selma, Alabama, December 30, 1851:

"These considerations induced me to suppose (and so I thought we all agreed at the time of the purchase) that it would be better to have the case tried in New Orleans than anywhere else."

There is evidence to show that this matter entered into the consultations at Selma. On his examination, in answer to the question, "Was it mentioned in the course of the consultation at Selma where the suits should be brought?" he replied, "I think the thing was spoken of between myself and my friends. I have no particular recollection, but I presume it was spoken of. It was a matter which I supposed was understood." He was asked: "Was it understood that the suits should be brought in the United States court at that time?" He answered: "Yes; and the first information that I got of the contrary desire or intention was from Judge Hughes, stating that he preferred to have the suits tried in Texas. I do not recollect anything definite on that subject, further than that the matter was talked over. My own opinion was very decidedly made up." And he further says in his evidence: "I preferred it for the reasons stated in my letter to League, because I had understood that there was some prejudice prevailing in Texas against titles of this kind, and I was afraid to risk it before a local jury."

But, aside of all other evidence, Judge Watrous's knowledge of Lapsley's purpose is conclusively established by his friend, James Love, the clerk of his court, who testifies that while he was preparing the writs in the suits, Judge Watrous came into his office and said, in substance: "This is one of my cases; I am interested in this case. You will lose your fees, because they will have to go elsewhere to be tried." And he afterwards says, this was one of the so-called Lapsley cases. It will be recollected that the district judge of Texas has district and circuit court powers; that he is the sole judge and chancellor of the district, and that his district included the whole State at that time. There appears to have been no surprise or dissatisfaction expressed by Judge Watrous in the presence of the clerk when the writs were being made out; nor do we hear of any protest by him against the design of Lapsley at Selma.

Under these circumstances it is impossible to resist the conclusion that Judge Watrous fully assented to the institution of the suits in his own court—suits in which he was interested to the extent of a large fortune, as he believed, judging from his representations made to Major Holman in a conversation that took place between them some months afterwards. And such being his estimate of the amount at stake, it is impossible to believe that he held no conferences with Judge Hughes, his lawyer and near neighbor, on the subject, whom, at a later day, he instructed to bring suits against the same defendants in the State courts, at Waco, thereby assuming control over the business himself. But of this direction and the probable reason for it, it will become necessary to speak hereafter.

That these suits, in which Judge Watrous was interested to the extent of one fourth of nearly sixty thousand acres of land, were brought in the court of which he was the sole judge, with his knowledge and consent, admits of no doubt. This fact being established, the necessity of inquiring how far he is to be held accountable for the acts of his attorney (Hughes being counsel for him, as well as his partners) is dispensed with. As there were State courts in which these suits might have been brought and tried, and, eventually, decided by judges who have received the commendations of Judge Watrous, it follows there must have been a special motive for their institution in his court. A motive is disclosed by Lapsley, in his letter to Judge Hughes. The former wished to avoid a trial before a Texan jury. He also says he wished to have the advantage of the judgment of the Supreme Court of the United States. If the latter was one of his reasons he must have believed there would be protracted litigation. If the first aided in producing a motive, then it is of importance to know whether that motive operated with Judge Watrous, and if it did, was it justifiable, or was it consistent with the purity that should ever attend the high judicial position he held.

Did Judge Watrous assent to the institution of

these suits in his own court, in order that they might be moved out of the State, and, thereby, trials before Texan juries be avoided?

In the solution of this question, our attention is recalled to the fact that the first time we hear of this speculation in the Brazos lands was at Judge Watrous's own house, in Galveston, in a conversation between himself, League, and Shearer, the brother-in-law of Price, one of the subsequent parties; and the suggestion that persons in Alabama should be applied to for the purpose of uniting in the speculation emanated from Judge Watrous. League was a man of wealth, though professing at the time not to be well supplied with available means. Still he was the owner of large estates in land, and it is singular the sum of $7,000 could not have been obtained in Galveston or some of the cities of Texas upon the security he was abundantly able to have furnished. No efforts appear to have been made in that direction, but the suggestion of Judge Watrous was at once adopted. Shearer wrote to his brother-in-law. Judge Watrous also wrote to Alabama. Lapsley was an old acquaintance of his. League was a stranger to the parties there. Thus it was, that instead of using even moderate efforts to obtain the money necessary to secure the whole of this prize, which was estimated by League to be of immense value, and the title to which, according to the opinion of Judge Hughes, the best land lawyer in Texas, if not in the United States, had pronounced to be valid, or instead of seeking for partners in Texas, others at the distance of hundreds of miles are brought in to share in this mine of wealth. Few men in Texas were more deeply impressed with the idea, whether well grounded or not, that there was a strong prejudice existing among a large portion of the people of that State against what were known as the Mexican grants or concessions. The title under which the land in dispute in these suits was held was one of them. He has adverted to this fact, though in another connection, in his answer to one of the memorials. These circumstances, added to the avowed purpose of Lapsley, which Judge Watrous could scarcely have failed to have heard, together with the reasonable conjecture that he must have had with the attorney, Judge Hughes, some conversation on the subject, force the conclusion that one of his purposes in assenting to the use of his court was, that the trials might not be had before Texan juries.

Whether the prejudice complained of existed or not is immaterial. It by no means followed that a jury of honest men, free from all bias, could not be obtained. Jurors in Texas did render verdicts sustaining these Mexican grants—as was the case in Ufford *vs.* Dykes, Hancock *vs.* McKinney, and others—both in the Federal and State courts. The citizens of Texas had by law a right to the trial of their suits in their own courts, unless commenced by citizens of other States; and any arrangement made for the purpose of depriving them of that right would, if discovered, be held nugatory; and when engaged in by a party and a judge, in his own court, can be viewed in no other light than as criminal in a high degree.

It is worthy of consideration that the legal title to this property was vested in Lapsley alone. Judge Watrous had a much greater interest than Lapsley, and consequently was equally a party, though not of record, in his own court. But his interest was not disclosed in the deed to Lapsley. It may be asked, why not? and why was not the deed of trust recorded? League says:

"After the suits were brought, I then thought that I would not put it upon record, because I would not give a stick to break my own head with."

If Judge Watrous, being a citizen of Texas, had held the legal title in common with the other parties, the suits could not have been maintained in the United States court. It is said the arrangement vesting the legal title alone in Lapsley was made to avoid embarrassing the record or to enable the parties to facilitate the execution of deeds to purchasers. These allegations are not considered entirely satisfactory.

But it is proper to return to the question of motive. Suppose Judge Watrous had none such as is imputed to him. Is he then excusable? He permitted the suits to be brought in his own court, knowing they must be certified to New Orleans. He knew the defendants must lose the chance of a trial before a jury of the vicinage. He knew if all had been fair and open, and he had stood before the world a legal party, these people could not have lost that chance. He knew that the tribunal for the trial of the cases would be brought far nearer to his partners in the speculation, but several hundred miles further removed from the residence of the defendants, who, for the most part, were in humble circumstance and little able to contend with a combination of men of wealth, of intelligence, and some of them of official position. Being a party in interest and the judge of the court, his course was a plain one. The moment he discovered the clerk preparing the writs, while it is not admitted he had no previous knowledge on the subject, he should have countermanded the orders of Judge Hughes or waited on him and protested against the proceeding.

He chose, at a subsequent date, to use the name of Lapsley, for plaintiff, in the institution of suits against the same defendants in the State court at Waco. This was the exercise of control quite equal to a direction that the *præcipæ* or petitions in his own court should be withdrawn, or that the suits should be at once discontinued. But no, he suffered the writs to be made out without protest, and the suits to be fairly launched in his own court. In this connection it will be remembered that Lapsley, in his letter to Hughes respecting the institution of the suits, expressly refers him to the judge and League "in relation to any matters relating to the suit to be brought," &c. It is true that some time afterwards, when the suits were on the docket, and his interest had become the subject of remark, he expressed himself in very strong language against the propriety of touching them. Still they were *in* his court, and on the road to New Orleans. Had he really entertained the repugnance to touch the cases, which the emphatic remark attributed to him by some of the witnesses would lead us to suppose he did, it is strange it did not manifest itself to the clerk, or to Hughes, and at once produce a discontinuance of the cases in his court, and lead to the institution of the suits in the State court. Why should he be embarrassed by these suits, over which he had a control as a party, and about the commencement of which it was directed he *should be consulted?* Why not assert his authority, and get rid of them and the displeasure their presence on the docket was *sure* to occasion by intercepting their passage across the threshold of his court? But no; however offensive to him, they still remained there. In 1852, suits against these same defendants were brought by Hughes at the instance of Judge Watrous in the State court at Waco, the seat of justice in the county where the lands are, but nearly two years after the suits were brought in his own court. By the evidence of Major Holman, it was in this city, and so far as appears in the absence of Lapsley, and without his knowledge, Judge Watrous borrowed of him $200 to be given to Hughes, who was also here, to defray the expenses in bringing these suits at Waco. Hughes was instructed to proceed on that mission, and he did. Why were these suits brought, and never to this day pressed to trial? With them there was no necessity to wait several years to procure some lawyer who would consent to act as judge.

It appears that Judge Watrous was in this city in 1852, attending to an investigation into his official conduct upon charges preferred by Mr. Alexander, a lawyer of Texas, and though his interest in the Lapsley cases was not referred to in Alexander's memorial, it was brought before the committee by that gentleman. Circumstances lead to the impression that the direction given by Judge Watrous to Hughes, to bring the suits in the State court at Waco, followed very soon after this charge made by Alexander. Hughes, in his testimony, says Judge Watrous wished the suit brought in the State court in order that the question might be determined there, "so that he might not be subject to imputation." This evidence is suggestive. But still the suits in his own court were not discontinued. It is said they were awaiting the decision in another case in the State court, involving the same question, and because no lawyer could be found to sit as judge. It will be seen that Hughes said, shortly before the cases were removed to New Orleans, Mr. Taylor would not agree to his proposition to have a judge *pro tempore*, and he would send the cases to New Orleans. The inquiry again suggests itself, why were not the suits at Waco pressed to a trial? There was no occasion to wait for Mr. Taylor there. Why were no steps taken to obtain a trial of them from the period of their institution in 1852, to December, 1854, when the suits were removed from Austin to New Orleans; or why has nothing been done with them up to the present time? But Judge Hughes held on to the suits in the district court, and they finally reached their destination. This project to select a gentleman of the bar to act as judge may have been made in good faith. It was earnestly protested against, however, by Lapsley, who held the legal title, and is now represented by Judge Watrous and League as having the whole control and direction of the suits. Whose orders was Judge Hughes obeying? Were the parties embarrassed as well as their lawyer? Was Judge Watrous unwilling to "touch" the suits? Would he have ordered their discontinuance, but for Lapsley? Had the charge made by Alexander before the committee produced any embarrassment?

It is said Judge Watrous disclosed his interest at the first or second term after the suits were brought. It is not very material when this took place. Officers about the court were aware of his interest, but it was not generally known. It was not known by the defendants, or their counsel, until some time after the suits were brought; to some of the defendants, not until about the time they were certified to New Orleans; and by all, according to the testimony, in the first place the interest was understood to be an interest resulting from relationship to some of the parties. And it is questionable if this interest was known to Taylor, counsel for defendants, or why should he make the application to have the suits sent to Austin for trial? Judge Watrous presided there.

If all the defendants had come in and agreed to the substitution of a lawyer as a judge, it is reasonable to suppose Judge Watrous by that means expected to wash his hands of the business; or if the suits could have been discontinued and those brought at Waco tried, he might then have thought he would be relieved from the apprehensions he entertained in reflecting upon the charge made by Alexander, but both a trial before a judge *pro tempore* and a trial at Waco were against the wishes of Lapsley. All these circumstances, occurring after the institution of the suits at Galveston, can have little share in exonerating Judge Watrous from the imputation of a motive in accordance with that which governed Lapsley, and do not at all contradict the charge that he in the beginning assented to the preliminary steps taken to accomplish the former's motive, whether he was actuated by it or not. In either point of view his conduct was criminal. It may be stated as an additional reason for the delay in transferring the suits to the district court at New Orleans, that the power of attorney alleged to have been granted by José Maria de Aguirre, Raphael de Aguirre, and Thomas de la Vega, needed authentication. The original was represented to be among the archives at Saltillo; a copy said to have been certified by Juan Gonzales, called a *testimonio*, was on file in the land office at Austin. It was withdrawn from the office by Judge Hughes, December 18, 1854. It was proved on the 23d February, 1855, by Dr. Hewitson, a citizen of Saltillo, and a suitor in Judge Watrous's court, at the instance of Judge Hughes, by his testifying to the signatures of Gonzales and of the subscribing witnesses. The suits were ordered to be removed to New Orleans in November, 1854, but the records were not filed there until the 9th of April following, and after Hewitson's deposition had been taken. The power of attorney above mentioned, as will hereafter appear, is represented to be a forgery so far as relates to Thomas de la Vega, the reputed grantor of the land in question, and Raphael de Aguirre, one of his associates in the concession. The following paragraph is extracted from Judge Watrous's answer to Spencer's memorial:

"I was anxious, when it became necessary to sue, that the litigation should be had in the courts of the State, and inquired of Judge Hughes how much it would cost to bring the suits and commence the litigation in the State court. He stated to me that $200 would be enough, and I paid him

that amount for that purpose out of my own pocket, to insure the certainty that the litigation I had not anticipated, but which had now become necessary, should be had in the courts of the State. I have been informed by Judge Hughes that he did so bring the suits. But Mr. Lapsley, who had control of the matter, by reason of the legal title, was unwilling to trust the decision to the State courts, and wished the decision of the Supreme Court of the United States, and directed the suit to be brought in the district court of the United States at Galveston. About this movement I was not consulted. It was done without my procurement or consent, against my known and expressed wish. The first I had to do with the litigation was when I found the cases on the docket."

This statement is almost wholly inconsistent with the testimony of Holman and James Love. According to Love, he was present when the writs were made out, which was in January, 1851, and we hear of no protest, and no "wish" to the contrary expressed. He was aware of the existence of the suits in his court before he "found them on the docket." According to Holman, the $200 paid to Hughes to bring the suits in the State court was in 1852, nearly two years after the institution of the suits in his court, and long after it became known that it was, to use his own language, "necessary to sue." By the manner in which he speaks of bringing suit, he allows it to be inferred that the first step was taken by himself, and that in the State courts, which is wholly erroneous. But he is correct in saying that Lapsley was unwilling to trust the decision of the suits in the State courts. Holman and Judge Watrous are friends.

That Judge Watrous had a right to purchase and sell land, none will dispute. By being promoted to the bench he lost none of his rights as a citizen of Texas. But it was not compatible with his position to engage in speculation with a company of professional dealers in real estate in and out of the State, in the purchase of immense tracts of land held adversely, or the titles to which were in dispute, and where litigation was inevitable. Nor was it, by any means, proper that he should go into partnership in business matters that held out the prospect of gain with one who was a litigant in his own court in cases involving the title to large tracts of land under Mexican grants, as was the case in his connection with Dr. Cameron in the silver mines in Mexico. He was appointed to administer the law between suitors in his court; and when he embarked in the purchase of lands with disputed titles, he necessarily vacated his office to the extent of his interest. This tract of eleven leagues was but the one third of a concession by the Mexican Government. The whole consisted of about one hundred and eighty thousand acres, or thirty-three leagues, and was conceded to the De Aguirres and De la Vega, already mentioned; and when and where ever the title to any part of this concession came in question, he was totally disqualified to sit as a judge. If such a practice be tolerated in a judge, he may soon disable himself from discharging a large part of the duties devolving upon him by virtue of his commission. When tempting opportunities present themselves to a judge to realize a fortune by engaging in speculation in lands, held adversely, within the jurisdiction of his court, if he means faithfully to fulfill the duties of his office, he should permit them to pass by unheeded; or if he will embrace them, his only course is to retire from the bench; an alleged inadequacy of salary furnishes no excuse not to do so.

This purchase was attended by circumstances which have been the cause of much complaint, and have led to an investigation into the proceedings in another case, namely, that of Ufford *vs.* Dykes and others, which was tried before Judge Watrous in February, 1855. It appears by the testimony of Mr. Hartley, one of the counsel in this case, that some time previous to the trial a judgment by default had been taken in this and other kindred cases. A motion was made by the counsel to set aside the judgment. Shortly after this motion had been made, Mr. Hartley met Judge Hughes on the street, the judge *not* then being counsel in the case, who told him (Hartley) "that Judge Watrous came into his office the evening before, where *he and Mr. League were*, and said he was in great perplexity about that case; that he did not like to see the case go off in that way; that the motion to arrest the judgment was not sufficient; and that there was no affidavit of a meritorious defense in support of a motion for a new trial;" and further, that "Judge Watrous said if I would put in an affidavit of a meritorious defense, he would grant a new trial." The motion in arrest of judgment was soon after withdrawn, and an affidavit of defense was filed, and Judge Watrous granted the application for a new trial. Why Judge Hughes, who was not then employed as counsel, took an interest in this matter, and why Judge Watrous desired a new trial, may, perhaps, be inferred from the subsequent development of circumstances.

Some time after the new trial had been granted, Judge Hughes was brought into the case, at the instance of Mr. Hartley. When the case was called for trial, Mr. Hale, the counsel for plaintiff, announced that he was not ready for trial; that "they could not go to trial for want of proof of the genuineness of one of the powers of attorney—the power of sale." This is the same power of attorney already referred to as an essential link in the title involved in the Lapsley suits. Neither he nor Mr. Thomas P. Hughes, a lawyer of Georgetown, not related to Judge Hughes, and who was the original counsel, and had come down to the court to attend to the cases in behalf of the defendants, knew at the time there was any dispute about the validity of this power of attorney, nor did they know that it constituted a part of the title in the cases in which Judge Watrous was interested in his own court. Nor did they know that while the land in question in this suit was claimed by the plaintiff under a concession by the Mexican Government to Raphael de Aguirre, José Maria de Aguirre, and Thomas de la Vega, that the same concession embraced land claimed, in part, by Judge Watrous. This concession, it will be observed, was to the Aguirres and De la Vega, and included a grant of eleven leagues of land to each one. The power of attorney purporting to have been given to Samuel May Williams to sell, was joint. By the testimony of Hartley, it seems that when he "got Judge Hughes to assist him, Hughes distinctly stated he would make no objection to the original concessions, and that he had no confidence in any point, except one, which was that the grant or concession had been previously satisfied, located, and extended at another place. He considered that an impregnable defense, and on that he mainly relied, and I concurred in that opinion. Thomas P. Hughes, on the other side, was anxious that every possible objection should be taken. He said that we might take all the objections we pleased. Judge Hughes remarked that he believed the original title was good," &c.

During the examination of Judge Hughes before the committee, he was asked by Judge Watrous whether the power of attorney was read to him on the trial of the case of Ufford *vs.* Dykes. Hughes replied:

"I do not believe it was, because *Mr. Hale*, I think, *had no copy of the power of attorney*, and it was necessary, in order to maintain the case, to show a claim of title from Raphael de Aguirre to the plaintiff; and having examined the power of attorney myself, I believed it to be, *on its face*, a good power of attorney, and *I furnished Hale with the copy I had, and no objection was made to it on the trial.* I was counsel for the defendants, and Mr. Hale for plaintiff."

He further says:

"I cannot say the power of attorney was admitted by express agreement, but it was by tacit agreement, no objection being made to it."

Judge Watrous again inquired: "Was any question made as to that power of attorney on the trial?" Hughes replied:

"I cannot answer in the affirmative clearly and distinctly, but I can say this: Mr. Thomas Hughes was the original counsel for the defendants; he was a young man, residing at Georgetown. Mr. Hartley and myself, in the order named, were subsequently employed as counsel; and at the trial, believing no substantial objection existed to the power of attorney, *I insisted* that Messrs. Hughes and Hartley *should not object to it;* and I believe that no objections were made."

And he afterwards said that he let in the power of attorney to prevent a continuance. This is the reason assigned for allowing this important feature in the plaintiff's title to go in evidence without objection. It cannot be pretended that Judge Hughes was ignorant of the fact that Judge Watrous was then sitting on the trial of a case involving the same and a material question existing in the Lapsley suits. The power of attorney which he kindly furnished the opposite counsel and made no objection to, was a copy of that which for another purpose he had obtained from the land office at Austin some time before, and which he was very careful to preserve, and the same which he thought advisable to get Dr. Hewitson to prove at a subsequent date. It may here be remarked, that Judge Hughes was one of the counsel for Judge Watrous before the committee in 1852, as well as in the present investigation. He appears to have been acquainted with the plaintiff's title, and declared to his colleagues that "he believed the original title was good; that the holders of it had a good title to the land extending up the mouth of the Bosque," and "would make no objections to the original concessions."

Was Judge Watrous aware that the title in which he was interested in the Lapsley cases was involved in the suit on trial before him? Though the power of attorney appears to have been prevented from making a conspicuous figure, as well as the original concessions from the Mexican Government, it seems impossible that Judge Watrous should not have been aware of their presence. He is a man of talents, and an able judge, not likely to have overlooked any material feature in the case, unless it had been purposely concealed from his notice. But, on referring to his charge to the jury, he uses this expression:

"The grant to Raphael de Aguirre, introduced by the plaintiff, is, on its face, a valid title, and appropriates the land described in it. The mesne conveyances down to the plaintiff are sufficient to convey the land."

In addition, it appears that Samuel M. Williams was examined as a witness in this case, and among other things, says:

"I acted as the attorney of Raphael de Aguirre, José Maria de Aguirre, and Thomas de la Vega, and held their powers of attorney. Stephen F. Austin was interested in the grants—that is, the concessions made by the Governor of Coahuila and Texas to them."

But, beyond this, Mr. Hartley was asked the following question:

"In your argument, you and your colleagues attacked the original concession from the State of Coahuila and Texas to the two Aguirres and La Vega?"

And he answered:

"Yes, sir, Thomas P. Hughes and myself; we did not argue that question to the jury. We resisted its admission as evidence on that ground at the trial."

It seems incredible, from these facts, that the knowledge of the original title and power of attorney in this case, and in the Lapsley cases, in which he was so deeply interested, were the same, could have escaped him, if, which is difficult to disbelieve, he was aware of their existence in those cases. And if so, it follows that both he and his counsel, Judge Hughes, knew that he was personally interested in the question that was decided on this trial; and, so far as the decision in this case could have that effect, the original title in the Lapsley cases was thus established, but in a covert manner.

The suggestion of Judge Watrous, through Judge Hughes, who was not then employed, made to Mr. Hartley, in regard to a new trial, before referred to, and the anxiety expressed by Hughes after he was brought into the case to his colleagues, that no *exceptions* should be taken in relation to the *concession and power of attorney*, as well as his act in furnishing the opposite counsel with a copy of the power to be used by him, and dispensing with all proof of its execution, are strong circumstances going to show that such was the purpose of Judges Watrous and Hughes.

The power of attorney, so frequently alluded to, was considered by Judge Hughes a muniment of title of the highest importance. The original was said to be among the archives at Saltillo, in Mexico. It purports to have been executed by the two Aguirres and *Thomas Vega*, authorizing Samuel May Williams, a citizen of Texas, to *sell* the three eleven-league grants conveyed to them by the authorities in Mexico, and dated in 1832. A copy, purporting to have been certified by Juan Gonzales, in the presence of two witnesses, was filed in the land office at Austin. It was called a *testimonio*, and by the laws of Mexico, if genuine, would have been of equal force with the original. Several copies of this *testimonio* were obtained from the land office at Austin. It is not certain that the validity of this instrument was impeached until after the Lapsley suits were removed to New Orleans. Before the suits were removed,

Judge Hughes took advantage of the presence of Dr. Hewitson, a *suitor in Judge Watrous's court*, who was then in Texas, his residence being Saltillo, Mexico, to prove that the signature of Juan Gonzales, as well as those of the subscribing witnesses to the *testimonio*, were genuine. It is by no means clear that the validity of the power of attorney was free from the suspicion of Judge Hughes at the time. There are circumstances to raise a doubt—such as, his dispensing with proof of its execution in the case of Ufford *vs.* Dykes, his obtaining the testimony of Dr. Hewitson, and the fact that the name of "Thomas Vega," was signed to the *testimonio*, instead of "Thomas de la Vega."

After the Lapsley cases had been transferred to New Orleans, measures were taken by the defendants to obtain the testimony of Thomas de la Vega and the custodian of the archives at Saltillo, in relation to the power of attorney. A commission issued from the court in New Orleans, and the testimony of *these persons was taken*. The first pronounces the instrument a forgery, as respects his own signature, and says:

"That he has examined the copy, (in question,) and that he never signed the original which it purports to represent; that he, conjointly with Don Raphael and Don José Maria Aguirre, grant a power to the effect that the Williams referred to should take possession of and mark off eleven tracts (of land) which the Governor had granted to each one of the appearers; but that he did not grant, and that he has never granted, any power, as to his part, to alienate or sell these lands; that, consequently, the power which is exhibited to him is false. That he has always signed Thomas de la Vega, and that he does not recollect ever having done so under the name of Thomas Vega."

José Cosme de Castaneda, the custodian of the archives, testifies that he has been such since the year 1840:

"That he has examined the records, and, in fact, has found a power granted by Messrs. José Maria de Aguirre, Raphael Aguirre, and Thomas de la Vega, to Mr. Samuel May Williams, a resident of the city of Austin, which power is legally authenticated by the regidor of the honorable council who officiated as second alcalde, Don Juan Gonzales, dated the 28th of April, 1832, by which the aforenamed Messrs. Aguirres and Vega empower Williams, in their name, to take possession of thirty tracts of land which the said appearers (grantors) acquired by purchase from the supreme Governor of the State, and to select the spot in which the surveys of these tracts should be drawn. There is also another power, which the same gentleman drew out before the same regidor and second alcalde, Don Juan Gonzales, dated the 5th of May, 1832, by which the said Williams is authorized to proceed to the sale of the abovementioned tracts of land; but this power was signed *only* by the alcalde, Don Juan Gonzales, and Don José Maria de Aguirre, and not by Don Raphael Aguirre or Don Thomas de la Vega, or of the assisting witnesses; wherefore, the said document can be of no effect. That, in verification of all that he has stated, he refers to the original documents which exist in the archives under his charge."

These depositions were brought to New Orleans, and with them a certified copy of the original power of sale as it remained in the archives, which corresponds with the foregoing testimony of the custodian, and filed in court. This became known to League, he having received a copy from the clerk. He then consulted Judge Watrous on the subject, who directed him to see the parties in Alabama. He did so, and steps were taken to counteract the effect of the abovementioned testimony. John Treanor, a person well known in the Cavazos cases, was employed to go to Saltillo. He was accompanied as far as Monterey by League and Francis J. Parker. From thence, Treanor proceeded alone, as he professes to have desired. He reached Saltillo, and immediately called on Gonzales, whom he found to be nearly blind. Gonzales was shown the *testimonio* by candle-light, and he and his family pronounced the signature to be his. No inquiry was made by Treanor of the alleged parties to the power of attorney, whether they had executed it or not; and but little effort was made by Treanor, and none by Gonzales, to search for the original. No inquiry appears to have been made of the custodian of the records, though Treanor testifies he saw something among the archives "*nearly equal to it.*" It is fair to presume this was the power of attorney signed by José Maria de Aguirre *alone*. Treanor had interviews with Dr. Hewitson, whose deposition had formerly been taken to prove the handwriting of Gonzales and the subscribing witnesses. Treanor was abundantly supplied with money, and used many inducements, aided by Dr. Hewitson, to get Gonzales to accompany him to Monterey, which were at length successful. They proceeded to Monterey and were there met by League. From thence Gonzales was persuaded to travel to New Orleans, where his deposition was taken, and where he swore the *testimonio* was a genuine paper and allowed by him at the time it bears date, in his official capacity as second alcalde in turn at Saltillo. He was impressed with the idea that his honor was at stake. He was paid a large sum of money, and he was promised that whatever damage the stock in his tan-yard should suffer by reason of his absence should be made up to him. His sight at New Orleans was still very imperfect, and he said that he knew his signature to the *testimonio* by the *rubric* underneath. Whatever views may be entertained concerning the genuineness of this power of attorney, its validity was so far impeached as made it inexcusable in Judge Watrous, especially, to be connected with the measures that were practiced to establish it. The circumstances under which this old man, partially blind, was brought to New Orleans, the payment of $1,300 to him, besides his expenses, were, to say the least, exceedingly improper. A commission having been issued from the court at New Orleans, on the application of the opposite parties, to obtain evidence at Saltillo in relation to the power of attorney, might have suggested the proper course for him and his friends to have adopted. Such a course was open to them, and it is presumed there was nothing to prevent a thorough search among the records. The procurement of the deposition, thus obtained, cost several thousand dollars, and the reflection involuntarily arises that the defendants in the suits brought in the name of Lapsley, as plaintiff, who were relying upon the rights acquired to the land by authority of the State of Texas, had a most powerful association to contend against.

The undersigned are fully aware of the vast importance the final issue of this investigation is to Judge Watrous; but they are not the less sensible of the paramount necessity there is for preserving the fountains of justice wholly free from all impurity. After a patient and laborious investigation, extending through several months, they are unable to arrive at any other conclusion than that the circumstances disclosed in pursuing the inquiry instituted in relation to the charges preferred by Eliphas Spencer, demand his impeachment by this House, and his trial by the Senate of the United States. The prominent features of misconduct may be briefly summed up, and are as follows:

That while holding the office of district judge of the United States he engaged with other persons in speculating in immense tracts of land situated within his judicial district, the titles to which he knew were in dispute, and where litigation was inevitable.

That he allowed his court to be used as an agent to aid himself and partners in speculation in land, and to secure an advantage over other persons with whom litigation was apprehended. That he sat as judge on the trial of cases where he was personally interested in questions involved, to which may be added a participation in the improper procurement of testimony to advance his own and partners' interests.

The charges against the Hon. John C. Watrous, contained in the memorial of Jacob Mussina, are based upon his judicial action in the progress of a cause brought on the chancery side of the court, over which he presided, on the 12th day of January, 1849, and entitled "Cavazos *et al. vs.* Stillman *et al.*" All the facts upon which these charges depend, with the exception of those connected with the allegation that Judge Watrous, by his conduct, deprived the memorialist of an appeal from the decree made in it, are shown by the record of the case, a copy of which is among the evidence received by the committee, and is now before the House.

The bill of complaint in this case was brought by Raphael Garcia Cavazos and seven other persons, aliens, citizens of, and residing in, the State of Tamaulipas, one of the United States of Mexico, against Charles Stillman and others, who were citizens of the United States. In this bill of complaint the plaintiffs set up title to a large tract of land under an old Mexican grant; and then, after alleging that on account of differences and dissensions among themselves and their predecessors, no partition or division of the land had ever been made, and that it was their desire "to have an immediate and amicable partition" of the tract of land, "without being hindered, embarrassed, or interrupted therein by other persons." They state that "the defendants and many other persons have, within the year last past, set up, and still continue to set up," titles to large portions of the land; and, in particular, that they had obtained "invalid grants or claims to such portions, purporting to be given by the authority of the ayuntamiento of Matamoras," and had "procured a large number of head-right certificates, bounty warrants, land scrip, and other evidences of title to land issued under the authority of the late Republic and present State of Texas," and caused the same to be located and surveyed on portions of the tract claimed, "since the annexation of Texas to the United States." In the conclusion of the bill of complaint, the plaintiffs ask for a final decree of the court, by which their "title to the said tract of land, in their bill described, may be fully established," and they "quieted therein;" "that the said defendants, and each of them, may be required to deliver up the evidences of their pretended claims, grants, and titles, to be canceled," &c.; and that the "defendants, and each of them, may be forever restrained, by a writ of injunction issuing from this honorable court, from again setting up or pretending any right or title" to the same, or from "intermeddling with the said tract of land without the consent" of the plaintiffs. There was, at the same time, an injunction prayed for by the plaintiffs against the defendants to restrain them "from selling, leasing, or otherwise disposing" of the land claimed.

On the 6th of March, 1849, a motion was made by a counsel of some of the defendants for an order on the plaintiffs, "by themselves or their solicitors," &c., "to show by what authority they and each of them, respectively, instituted" the suit. This order was granted, and the parties were ordered to go before the clerk of the court or master, to show their authority; and they went before the master in obedience to it, who, on the 27th of June, 1849, made this report, to the effect that no authority had been shown by the plaintiffs, or their solicitors, for the institution of the suit. On the 29th of the same month Robert H. Hord filed an affidavit, stating that he and Elisha Basse, Esq., had been requested, in September, 1848, by five of the plaintiffs, to institute suit in the district court of Texas for the county of Cameron, against the other three, to obtain a partition of the tract of land in question, and moved the court to dismiss the case so far as these five persons were concerned. This motion was acted on on the 30th of June, 1849, and it was "ordered that the said motion be sustained, and that the other parties, complainants in the said bill named, have leave to amend the said bill by making the abovenamed parties complainant defendants to the said bill;" and these parties, so stricken from the record as plaintiffs, then appearing, by R. H. Hord, their attorney in fact, in open court, agreed that, being so made parties defendant, they would "place upon the record of this cause, by answer or otherwise, such averments as will recognize the jurisdiction of this court, by acknowledging themselves citizens of this State, (the State of Texas,) for the purposes of this action."

At or about the time that this order was made, some of the original defendants had answered the bill. On the 7th of July, 1849, three of the original plaintiffs amended the bill of complaint, with leave of the court, by striking out the names of the five other complainants named in the original bill, and inserting other words in it, so as to make it read that the complaint was also brought "against Doña Feliciana de Tigerina, Doña Maria Angela (or de los Angelas) Garcia Lafon de Tarnava, Don Ramon Lafon, and Don Manuel Prieto," the complainants, whose names had been stricken out, and to state that they were "each and all citizens of the said State of Texas, and residing therein."

On the 9th of July, 1849, Jacob Mussina, who had been made a party defendant by another amendment of the bill, filed his answer. In this answer to the bill of complaint, Mussina sets up

title to the land in dispute with him, under grants made by the ayuntamiento of Matamoras, and alleged that the ayuntamiento of that city, under whom he and his associates held, had been in the actual occupancy and adverse possession of the same since the year 1826. Title to the land was also set up in the answer under the laws of Texas; and it was likewise alleged that the complainants were barred by the statute of limitation. And, finally, it was specially alleged in the answer that the bill of complainants "did not contain such ground and cause of action as are properly and necessarily cognizable and relievable in a court of equity;" but that, in fact, there was an adequate and complete remedy for the same at law.

In April, 1850, E. Basse and R. H. Hord, as counsel for Feliciana Goscochea de Tigerina and Manuel Prieto, two of the original complainants, whose names had been stricken from the bill as complainants, and again inserted as defendants, in pursuance of the order of the 30th of June, 1849, filed their separate answers, in which these defendants were declared to be citizens of Texas.

At a subsequent period, William G. Hale, one of the counsel of the complainants, was examined on the trial of the cause as a witness in their behalf. In the course of his examination, Hale stated that he was not, "by any agreement, to have any portion" of the land in contest, "nor any interest in such land, but only a portion of the proceeds of the sale, should the same be finally recovered and sold." The deposition of Hale, taken at this examination, was offered by the complainants at the hearing. When it was offered the defendants objected to its being received, on the ground that the witness was shown "by the deposition to be interested and incompetent." The objection of the defendants was overruled, and the evidence received.

On the trial of the cause, the complainants also offered Robert H. Hord, the counsel for a portion of the defendants, as a witness, to prove a fact material to their success. His testimony was objected to by some of the defendants on the ground that he was interested in the cause of the suit; and he also claimed an exemption on the same ground; and, in consequence, he was sworn upon his *voir dire*. In answer to the questions then put to him, he said:

"Since the institution of this suit I have bought the entire interest of Stillman & Belden, two of the defendants. I am also interested in the establishment of the old title, which I am now called to prove up, but I am more largely interested in the defense of this suit. Jacob Mussina has no interest in the property in controversy; he forfeited any joint interest he may have ever claimed with Stillman & Belden by failing to perform any contract which he may have had with them."

The solicitors of Jacob Mussina, one of the the defendants, thereupon put the following question to Mr. Hord:

"Have you, or have you not, any understanding or agreement with the complainants, or either of them, or their agent, or solicitors, in relation to the determination of this cause, or of any of the matters involved therein, adverse to any right or interest claimed by Jacob Mussina in any property or rights involved in this suit? Are you, or not, interested in any such understanding or agreement?"

This question Mr. Hord refused to answer; and, thereupon, the court decided "that the question need not be answered."

Before the final hearing of the cause, the defendants, on the 2d of April, 1851, "jointly and severally," moved the court "to dismiss the bill of the complainants" at the hearing of the following causes, among others, apparent on the said bill and in the record of the proceedings:

"1. That no jurisdiction is shown or exists between the complainants and the defendants, Doña Maria Angela Garcia Lafon de Tarnava, Ramon Lafon, Feliciana de Tigerina, and Manuel Prieto, &c.;

"2. That it appears by the complainant's bill and the records and proceedings herein, and the fact is, that the complainants are all aliens, and that the defendants, Maria Angela Garcia Lafon de Tarnava, Ramon Lafon, Feliciana de Tigerina, and Manuel Prieto, are also aliens," &c., "and this honorable court has no jurisdiction as between the complainants and said defendants, and, in consequence thereof, no jurisdiction over the complainants' bill, or to grant the relief prayed, or any of it;" and

"3. That the case was not of a nature to entitle the complainants to relief in a court of equity; that they sue on a pretended legal title; and that their remedy, if any they are entitled to, must be sought in a court of law," &c.

The hearing of the cause seems to have been concluded on the 14th of April, 1851, as on that day there is an entry to that effect; and it is stated in the record that "the court, not being fully advised, took time to consider of the decree until the next term." On the same day it was also ordered "that the motion of defendants, heretofore filed in this cause, and praying the court to dismiss complainants' bill for want of jurisdiction, be reserved by the court for decision until the decree of the court shall be rendered herein."

At the term, however, when it was heard and submitted, James Love, the clerk of the court, says he remembers "that Mr. Hale, the counsel for complainants, and Mr. Hord, who was one of the parties interested, said to him, (the judge,) we have agreed upon a decree in this cause, and wish you to render it at this term;" and that "Judge Watrous said from the bench, 'Is Mr. Mussina represented here?'" The reply was, that he was not. Judge Watrous then said: "There are some questions in this case on which I want to inform myself, and, as Mr. Mussina is not represented, I will take it under advisement until the next term." In his answer, Judge Watrous says that "some one of the counsel for the defendants stated to the court that it was desirable that the cause should be speedily decided; that some of the defendants would prefer the rendition of an adverse decree to having the case postponed to another term. I inquired whether Mr. Mussina agreed to such a decree, and was answered that he did not. On his account, and his *alone*, I took the case under advisement."

The decree in the case was not made until the 15th of January, 1852. It seems that there was an impression on the part of some persons that there would be no term of the court holden at Galveston at that time. John S. Jones, the deputy clerk, who did the principal business of the office at that time, in reply to the question as to whether there was "any uncertainty as to the fact of the court being holden in Galveston, in January, 1852?" says: "I can only speak for myself. I was uncertain about it. I did not know, nor did I believe, that Judge Watrous would hold that term of the court there." When asked the reason for this belief, this witness said Judge Watrous "was absent, and I thought he could not get there in time;" and when asked where he was, he stated, "I think he was here or in New York." Mr. Atchison, the counsel of Mussina, says: "It was not expected that any term of the court would be held there. I think I so advised Mr. Mussina." He was then asked why he expected "the court would not be held?" and, in reply, stated that he "had seen a letter from Mr. Merriman to a gentleman residing in Galveston, Mr. Ball, stating that the court would not be held; and I understood it from general rumor." When the court was holden, Mr. Atchison attended for the purpose of resisting the rendition of the decree at that time; and states that he objected to it "because Mussina had had no notice or expectation of its being rendered at that time." "The judge," he says, "expressed his surprise at the time that objection was made to the decree, and stated, in substance, that he had seen the parties in Austin, and that they were satisfied that the decree should be rendered at that time," &c. The parties alluded to by the judge were understood to be Basse and Hord, the attorneys. The decree was then rendered, and Atchison left the court.

The judge, in referring to this point says, in his answer, that he "directed the marshal to keep the court open, to keep a bailiff in attendance in the court room until twelve o'clock at night, with instructions to call" him from his office, which was only a few feet from the court-house, so that he could "come at any time to give Mr. Atchison the opportunity of entering his notice of appeal, or to take any other step he might think advisable in the case."

The judge further states that he "opened the court the next day, and kept it open until he came into the court-house, when the steamer's bell was being rung," to sign "the minutes," and then "walked from the court-house to the steamer just as she was leaving the wharf" to go to Brownsville. The objection of Mr. Atchison to the rendition of the decree at that time, was based upon the ground that Jacob Mussina was taken by surprise, and that, as he was then situated, it was impossible for him to take an appeal, which would stay proceedings on the decree, because, as the case was a large one, "involving a large amount," he "could not have got the bond within the time the law required." This was so distinctly Mr. Atchison's impression, that he says that he had "no thought of doing such a thing." Nor is it easy to understand what could have been the motive of the judge in ordering the court to be kept open until twelve o'clock at night, and keeping it open on the next day until he left for Brownsville, when it is recollected that Jacob Mussina was not there, but was at New Orleans, in Louisiana, where he resided; and it was a physical impossibility that the difficulty in relation to the appeal, growing out of the alleged surprise, if any such existed, could have been obviated within that time.

An appeal was taken in the Cavazos case on the 30th of July, 1856. In this appeal it was supposed that Jacob Mussina was included. On that supposition, he employed Mr. Benjamin, of New Orleans, one of the Senators from Louisiana, to argue the case in his behalf. The transcript from the district court in Texas was brought up by the brother of Jacob Mussina, who represented it to the clerk of the Supreme Court of the United States as an appeal of Mussina, and made the usual deposit to cover costs in the appellate court, and took a receipt for the deposit, in which the title of the case is given as though Mussina was the appellant. Mr. Benjamin examined the record in December, 1856, and discovered that Mussina was not embraced in the appeal. He communicated this fact to his client, and on his suggestion steps were taken to perfect the appeal. Mr. Atchison, the counsel of Mussina, was communicated with on the subject, and, when examined as to the facts, he stated that he was "instructed to take an appeal for two others of the parties;" that he "drew up the usual petition for an appeal, and took it to the judge at his room." This, Mr. Atchison says, "was previous to the 10th of January, 1857." He then proceeds to state that he "knocked at the door, and was invited in;" that he "read the petition to the judge," and after that, told him he "wished him to fix the amount of the bond which he would require for costs." The judge answered him, "that he would take the paper and consider the matter," and would inform him what action he would take. Mr. Atchison further states that, about the second day after going to the judge's room with the petition, he "went into open court, and from his place called the attention of the judge to the matter which he had presented to him in chambers," and "asked him whether he had fixed the amount of the bond," saying that he was "ready to execute it." Mr. Atchison then goes on to say that the judge "then told me, for the first time, that he would fix the amount of the bond when the opposite counsel came into court;" and that, upon this, he, Atchison, took his hat "and left, under the full impression that he would not do anything in the matter," &c. It is proper here to say, that a number of the officers of the court in attendance upon it, have been examined as to this point, all of whom state that they never heard and have no knowledge of any such occurrence in the court as that spoken of by Mr. Atchison. The fact of the application of Mr. Atchison for an appeal at chambers, however, is mentioned by the judge in his answer. The time within which an appeal could have been taken in the case expired a day or two after, on the 15th of January, 1857; and an application was made to the Supreme Court for a *mandamus* to the judge to complete the appeal, based substantially on the facts stated by Mr. Atchison, and it was referred by the court after argument. The papers in relation to this application, with the judgment of the court, are before the House.

Before the decree was made in the cause, and on the 1st day of November, 1851, after the disclosures made by Hord, when examined as a witness in the Cavazos case, Mussina, who had objected to his examination, instituted a suit in the fourth district court of New Orleans, against Charles Stillman and Samuel A. Belden, his co-defendants in the Cavazos case, and William Alling, their associate, residents of New Orleans, and Basse & Hord, his and their counsel, in which he charged them with "combining, confederating, and conspiring together for the purpose of de-

frauding him," &c., "out of his just rights," under a certain "contract," dated on "the 9th of December, 1848;" with slandering him by falsely and maliciously charging him with fraud in the public newspapers of the country," and with slandering his titles to the said property, and in his petition prayed that "William Alling and Samuel A. Belden be compelled to make" him a "title to the property acquired by them from Basse & Hord, on the 5th day of January, 1851," &c., and further prayed that Alling, Stillman, and Belden, and Basse & Hord, be condemned, *in solido*, to convey to him, "by good and sufficient title, all the property included in the contract of the 9th of December, 1848, and in subsequent purchases made under it, &c., or, in default thereof, to pay him the sum of $300,000" in the way of damages.

All the defendants filed their answers to this petition, and after various proceedings the case was tried, and a jury having rendered a verdict against the defendants and in favor of the plaintiff, on the 21st of May, 1853, a final judgment was rendered against the defendants, ordering them to convey "all the rights of property acquired by Basse & Hord under the transfer of conveyances of the 14th of December, 1849, and the 31st of January, 1850, within ninety days from the date hereof, and that Elisha Basse, R. H. Hord, S. A. Belden and William Alling, pay to the plaintiff $25,000 damages." And also ordering that S. A. Belden and William Alling should "convey to Jacob Mussina the property purchased by them from Basse & Hord on the 5th of January, 1851," &c.; "and that, in default of the defendants making the above conveyances within ninety days, the plaintiff, Jacob Mussina, recover from the said defendants the sum of $214,000, in lieu of the title to the property," &c.

The judgment, it is proper to state, was afterwards reversed by the supreme court of Louisiana, on appeal, in June, 1856, and a judgment of non suit rendered in it, as is shown by the reports of the decisions of that court.

A portion of the property involved in the Cavazos case was occupied by the United States for military purposes, and it was thought that there was a large sum due by the United States as rent for it, depending on the result of that litigation. After the decree in favor of the complainants was made in January, 1852, Mussina, by his agent, notified the War Department not to pay what was due to the complainants, and claimed to be entitled to it himself. This was in the summer of 1852. On the 4th of January, 1854, Allen and Hale, the attorneys of the complainants in the Cavazos case, moved for a rule upon Jacob Mussina, requiring him to show cause "why an attachment should not issue against him for a contempt of the court, in disobeying the order and injunction of the court; first, by claiming to be entitled to the rent due by the United States for a part of the property in contestation in the Cavazos case; second, by asserting a title in himself in the suit instituted by him in the fourth district court of New Orleans; and third, "by claiming and asserting such title in himself to a portion of the lands aforesaid, by his parole declarations and written statements," &c. This motion was supported by the affidavit of Hord, various copies from the War Department, and a copy of the petition of Mussina in the fourth district court of New Orleans, dated on the 26th day of March, 1852.

The rule asked for was granted, and Mussina, who was a citizen of Louisiana, was notified of it in New Orleans on the 18th of January, 1854. Mussina appeared by his counsel, in reply to this rule, on the 15th of February, 1854, and made a written answer, and filed copies of his petition and of most of the evidence given on the trial of the case in the fourth district court—showing that it was instituted on the 1st of November, 1851, that there had been a verdict and judgment in his favor, and the principal facts on which the verdict and judgment had been rendered. The question presented by the application was then submitted to the court after argument, and the court decided that Mussina had been guilty of a contempt of the court, and ordered an attachment to issue against his person. Mussina, being a resident of Louisiana, was not within reach of the process of the court; and this fact being shown by the return of the marshal, the counsel of complainants moved for a sequestration of his property. This motion was granted on the 23d of March, 1854, and a commission for its sequestration was thereupon issued.

We have felt it due to the House, under the circumstances, to give this connected statement of the points presented by the evidence before the committee and reported to the House, in relation to the charges contained in the memorial of Jacob Mussina; and we will now proceed to state briefly the conclusions to which a fair consideration of the evidence before the House would seem to lead.

The exercise of jurisdiction over the case by the district judge was wrongful on two grounds:

First. The case presented by the complainants when they filed their bill was not one of chancery jurisdiction, and should have been dismissed when a plea to the jurisdiction on that ground was interposed. The complainants asserted a legal title to land, and sought to recover it from persons in possession of it, under adverse titles, by a decree in chancery. This proceeding was in opposition to the sixteenth section of the judiciary act, approved September 24, 1789, which declares "that suits in equity shall not be sustained in either of the courts of the United States in any case where plain, adequate, and complete remedy may be had at law." The case had no one feature which could give rise to the slightest pretense for subjecting it to the chancery jurisdiction of the district court. It was not a bill of peace. It did not relate to a common right. There had been no previous litigation in relation to it to create even a suspicion that the question of title could not be settled definitely by the usual trials had in cases of ejectment. The number of parties was not great. And it was not even a case in which the equity power of the court was resorted to with a view to effect a partition; for the bill itself states that a decision was asked for with respect to the title so that the complainants might be able "to have an immediate and amicable partition of the aforesaid tract of land."

Second. After the amendment of the bill, by striking out the names of a portion of the complainants and making them defendants, the court was ousted of its jurisdiction. A portion of the defendants, as well as all of the complainants, after this amendment, were aliens. The courts of the United States are courts of limited jurisdiction, and they are absolutely without jurisdiction in such a case. They have no authority whatever to adjudicate upon questions presented in a case where the plaintiffs and defendants are aliens. This fact was known to the court, and its action in the case would have been wrongful, even if no objection had been interposed by any of the defendants. But the objection was interposed. One, at least, of the defendants made the plea, and brought the fact strongly to the notice of the court.

The statement made by Hale, in his answers to the cross-interrogatories propounded to him, showed the existence of an interest which would seem to render him incompetent as a witness; and the refusal of the judge to exclude his testimony altogether, appears to be in direct opposition to the well-established rules of law, as recognized in Texas.

The refusal of the judge to compel the witness (Hord) to answer the questions propounded to him by Mussina's counsel, and then permitting the witness to testify to a fact material to the issue, and in opposition to Mussina's interest, was, we think, in violation of law. By such a proceeding, the judgment of a witness upon the facts within his own knowledge is substituted for the judgment of the court upon those facts; and in place of the decision of a functionary created by the law to decide on the known facts as to the competency of evidence, we have the decisions of persons without any authority to decide, and that, too, upon unknown or concealed facts. The action of the judge, in the instance spoken of, seems to be subversive of all recognized principle, and to admit of no excuse.

There appears to be no reasonable ground to doubt that the judge, by his action, did embarrass or obstruct the defendant, Mussina, in obtaining an appeal. And when we say this, we must not be understood as impugning, in any way, the decision of the Supreme Court of the United States, when that tribunal refused to grant a *mandamus* against the judge in the matter of the appeal. A consideration of all the evidence bearing on the point, will, we think, clearly show that whilst the party claiming the appeal failed to show that diligence which a court ought to require to be shown before granting an extraordinary order like a *mandamus*, it also shows, not the less clearly, that the judge, too, failed to do his duty.

It also seems clear, when the pleadings in the suit instituted by Mussina against Stillman, Belden, and Alling, and Basse and Hord, in the fourth district court of New Orleans are considered, together with the judgment rendered in it upon the verdict of a jury, and the evidence in the contempt case, that there was no foundation whatever for the proceeding against him for a contempt, and that the action of the judge with respect to it was unauthorized by law, and was intended to be vexatious and oppressive. How any other conclusion can be arrived at, when it is remembered that the suit in New Orleans was instituted by Mussina against his co-defendants alone, and their counsel, and related to rights growing out of their own transactions, it is not easy to conceive.

Before concluding this branch of the subject, it is proper to state that there was no evidence before the committee to show that Judge Watrous had any interest in the subject-matter of the litigation in the Cavazos case, or that he was to derive any advantage to himself from his various rulings in it, or from its final decision in favor of the complainants. But, whilst this is true, it is also due to the occasion for us to observe, that whilst no one point in the progress of the Cavazos case, to which reference has been made, would, perhaps, if standing by itself, be sufficient to constitute positive misconduct in a judge, yet we are constrained to acknowledge that our conviction is different when we look at all of these points, and embrace them at a single view.

Every irregular or wrongful decision of the judge was in favor of the complainants and against the defendant, Mussina, and those occupying a similar position, and was to their particular injury. By maintaining the proceeding as one rightfully brought on the chancery side of the court, those defendants were illegally deprived of their right to a trial by a jury, and were compelled to submit to an adjudication upon their rights to the property in such a manner that the decision would be final and conclusive as the title of the property, instead of one upon the right of possession, which would at once have been pronounced, on the law side of the court, in an action of ejectment. By maintaining jurisdiction over the case, when a portion of the defendants as well as the plaintiffs were aliens, these defendants were deprived of their rights to have the questions involved in it decided by the courts of Texas, to whose jurisdiction they were rightfully amenable, and whose laws were to govern in that decision. By admitting incompetent witnesses to testify, their rights were affected by evidence given by persons who had an interest in the litigation adverse to theirs. And finally, they are prevented from having the decision against them reviewed in the appellate court by the failure of the judge to perform his whole duty to them in facilitating the exercise of the right of appeal, given to them by law, from motives of public policy, for their own private advantage, and that, too, when there is some reason to believe that the decree by the court is not in conformity with the principles of law, as recognized in Texas. Such a course of action continued through the whole progress of a cause, in favor of some of the parties and against others, is, to our minds, conclusive evidence of the existence of a purpose, on the part of the judge, to favor one party, or set of parties, at the expense and to the injury of others, which is inconsistent with an upright, honest, and impartial discharge of the judicial functions. And this, we believe, constitutes a breach of the "good behavior" upon which, by the Constitution, the tenure of the judicial office is made to depend.

The Constitution of the United States declares that "the judges, both of the Supreme and inferior courts, shall hold their offices during good behavior." Does not this necessarily imply that

their offices are to determine, and they are to be removed when they are guilty of a breach of "good behavior?" Clearly so. But how are they to be removed? No power of removal is vested in the Executive, nor is there any provision in the Constitution of the United States like that to be found in many, if not all the State constitutions, by which the Executive is authorized to remove, on the address of two thirds of the members of the two Houses of the Legislature. The only mode of removal of judges known to the Constitution is by impeachment; and it therefore necessarily follows that wherever a judge has, in the course of his official conduct, been guilty of actions which are inconsistent with an impartial discharge of the high duties intrusted to him, then it is both the right and duty of this House to proceed, in the only way known to the Constitution, to effect the removal of the magistrate who misuses or abuses the trust reposed in him for the public good.

For the reasons stated, we therefore now respectfully recommend the adoption of the following resolution:

Resolved, That John C. Watrous, United States district judge for the district of Texas, be impeached of high crimes and misdemeanors.

HENRY CHAPMAN,
C. BILLINGHURST,
MILES TAYLOR,
GEORGE S. HOUSTON.

Mr. READY, from the Committee on the Judiciary, submitted the following views of a minority of said committee:

The Committee on the Judiciary, to whom the House referred two memorials, one of Jacob Mussina and another of Eliphas Spencer, praying the impeachment of the honorable John C. Watrous, judge of the district court of the United States for the district of Texas, not having been able to agree on a report, the undersigned, members of that committee, present herewith to the House their views on the subject.

The committee have been almost constantly occupied with this matter, from an early day in the session to the present time. They have examined seventeen witnesses, some at great length, their testimony filling over four hundred pages of printed or manuscript copies of records of proceedings of courts, besides inspecting the original records of the district court in which Judge Watrous presides. They have also had before them the memorialists or their agents, with counsel, and the accused, with counsel; and they have given the subject all the reflection and consideration which its importance demands, and was required by their duty to the House and to the country. The result of all which has been to leave the committee equally divided on the question whether there is good cause to impeach Judge Watrous or not; and of course the committee, as such, does not and cannot recommend his impeachment by the House.

The undersigned had hoped that, considering many of the charges are, in their opinion, utterly frivolous in their character, that some of them are not proved or attempted to be proved, and that none of them establish, import, or imply, upon the evidence, the commission of any act of malfeasance in office, nor any high crime or misdemeanor, by Judge Watrous, there would have been a unanimous report of the committee, as, in their judgment, there ought to have been, completely exonerating him, and recommending his entire and full acquittal by the vote of the House. They think there is nothing in the affair but the resentfulness of two disappointed litigants, each of them without right in the matter complained of, and who therefore lost their cases, and to gratify whose ill will, Judge Watrous has been subjected to severe persecution; and heavy expense, to no useful purpose, has been imposed on the Government. All this, the undersigned think, will be shown by a brief examination of the substance of the two memorials, and of the evidence submitted to the committee.

Both memorials, although one is signed by Jacob Mussina and the other by Eliphas Spencer, were drafted or prepared by Simon Mussina, and he appears as the prosecutor in both, while he admits on oath that he has no personal knowledge of the truth of the charges which he himself, in effect, makes against Judge Watrous.

The memorial in the name of Jacob Mussina charges mainly that in sundry rulings in a certain chancery suit, Cavazos and others against Stillman and others, or in reference to the appeal on the same, or an attachment for contempt incidental thereto, Judge Watrous was guilty of corruption and oppression. No proof was offered that Judge Watrous had any interest in the case, and there is ample proof to the contrary; and the corruption is charged by inference only from the pretended erroneousness of his rulings, chiefly on evidence and other incidental questions; for it is not even charged distinctly that his final decision was incorrect; and if the House entertain process of impeachment on such a showing, it will very soon have nothing else to do but to exercise the function of appeal constitutionally belonging to the Supreme Court.

The printed transcript of the main case fills one thousand and eighty-three pages. The undersigned will not undertake to do what they think the House ought not—that is, to review the case; but they have looked into it sufficient to satisfy themselves that the final decision of the court was right; and if they had any doubt on that point it would be removed by the fact that Mussina, the only party pretending to be aggrieved, omitted to take an appeal, and that the whole question has been reviewed collaterally by the supreme court of the State of Louisiana, on a suit brought on the same substantial matter there; and the supreme court, while sustaining Judge Watrous's decision, goes further, and decides that Mussina, the party complaining, had no right or interest whatever in the case or its subject-matter. (See case of Mussina *vs.* Alling, 11 Lousiana Annual Reports.)

As to the incidental rulings in the case, the undersigned perceive, in examining the transcript, that the case was earnestly contested on both sides; that numerous counsel were employed for some of the parties, and for Mussina about as many counsel as for all the parties, plaintiffs and defendants, put together; that a great mass of evidence was put in, and, in the course of the preliminary proceedings on the hearing, at least seventy-five motions or other questions were made requiring the decision of the judge. Of these, forty-one were decided in favor of the complainants, and thirty-four in favor of the defendants. We do not know but Judge Watrous may have erred in some one or more of these incidental rulings; he must be a judge of remarkable correctness of judgment if he did not. But we think it is absurd, not to say ridiculous, to suggest, as the memorialist does, that, upon the assumed erroneousness of some half dozen of these seventy-five interlocutory rulings, corruption is to be inferred. If it were so, what judge in the United States could escape impeachment? For what but to correct errors are courts of appeal constituted? And what member of the bar would carry up an appeal without having a better show to make than to except to four or five out of seventy-five rulings of the court below? Besides which, we have looked into these rulings, and they seem to us to be correct in law; but we do not think it is proper, or possible, for us to discuss them to the House.

As to the appeal, Mussina does not pretend that he made any attempt to take any until a few days before the expiration of the five years allowed by law for that purpose. Indeed, when the charge was preferred, and for more than a year afterwards, Mussina had not done the first thing towards taking an appeal. He had never applied for one, or instructed anybody to apply for one; and the charge of oppression in this respect is founded on the most futile allegations of the party not being present, and ready to take the appeal at the term when the decree was rendered, in January, 1852. There is no pretense of any other attempt to take an appeal, until during the present session of Congress, a few days before the expiration of the five years; and the undersigned, without going into the evidence on that subject, content themselves with saying that they are satisfied the attempt was not then made in good faith, and had no other purpose but that of anticipated effect on the committee and the House of Representatives.

As to the process of contempt, it seems to have been issued for good and sufficient cause, in the common exercise of chancery power. If it had been followed by actual arrest of person, or sequestration of property, the undersigned, out of tender regard for the rights of the citizen, might be disposed to inquire into its merits with care. As it is, and on the very showing of the memorialist, there is nothing in which it deserves the attention of the House.

In a word, there is nothing which the undersigned can see, in the contents of the memorial, or the evidence appertaining to it, to justify inquiry even, or to raise a suspicion of the official or personal integrity of Judge Watrous, nor anything to be made the subject of even plausible showing for impeachment before the Senate.

The memorial of Eliphas Spencer charges Judge Watrous with corrupt use of his court for the benefit of an interest which he held in a tract of land in Texas, in connection with Mr. Thomas M. League, of that State, and Messrs. John W. Lapsley, Frow, Price, Goldsby, and Pluttenburg, of Alabama. This charge is not like that of Mussina, futile and frivolous on its face; it suggests fit matters of inquiry, which if proved as charged, would reflect on the official integrity of Judge Watrous. But after careful consideration of the evidence produced on both sides, and solicitous reflection on the whole case, the undersigned are unable to see anything in it which impeaches his personal or official honor, or which calls for or can justly receive the condemnation of the House.

This property, it appears, consisted of a tract of land in Texas, granted by the State of Coahuila to Thomas de la Vega, and located and sold by his attorney, Samuel M. Williams, one of the *empressarios* of Texas, associated with Stephen F. Austin, for whose benefit, and to release whom from imprisonment in Mexico, the land was sold by Williams.

It is proved by the testimony of Mr. League that Judge Watrous participated in the purchase, at the suggestion of Mr. League, in the supposition and belief that the title was good, and that there would be no litigation regarding it, any question which it involved being likely to be settled in another case then pending in the courts of the State of Texas. It is proved further, by Mr. Lapsley and others, that the title was taken in the name of Mr. Lapsley, for the security of himself and his associates in Alabama, by whom the purchase money was advanced. It is further proved, by the testimony of Mr. League, Mr. Lapsley, and Mr. Robert Hughes, that, when afterwards suits on the title were brought in the district court, this was done without the advice, consent, or previous knowledge of Judge Watrous, and by the direction of Mr. Lapsley, who, holding the legal title, had the sole direction of the matter; that Judge Watrous regretted and complained of this, desiring and endeavoring to have the case litigated in the courts of the State; that his interest in the land was known to many persons at the time when the suits were brought, there being ample proof of this before the committee, from the witnesses above named, and also from Mr. Paschall, Mr. Shearer, and Mr. Holman; it was proved by the records of the court, and by the testimony of the counsel on both sides, Mr. Hughes and Mr. Taylor, and of other persons, that Judge Watrous disclosed his interest from the bench, had it entered of record, and declined to make any order in the cases; and that in due time, and on motion made, the cases were transferred, because of his interest, to the adjoining district of Louisiana.

In addition to this, it appears that since the time when the complaint of Spencer was first preferred to the House, which was in the last Congress, the suit in which he was defendant has been tried in the circuit court of the United States for Louisiana, and decided in favor of Lapsley and against Spencer; and that, during the investigation before the committee, at the recent term of the Supreme Court of the United States, the case came up there on appeal, and the Supreme Court has decided that the title of Lapsley is good and valid in law, and that there is no title whatever, or even color of interest, legal or equitable, in Spencer.

On the mere statement of the general facts, the

only question would be, whether a judge has the right to acquire or possess real or any other estate; for, if he does, he may be subject to the imputation of not disclosing his interest, or disclosing it to the imputation of looking to his own court for the support of his title, or of putting the opposite party to inconvenience of his being incapacitated from sitting because of interest; or, if he be a Federal judge, of the transfer of the case to the judicial district of another State. All these are possible inconveniences of the judge having property; but, on the other hand, he must live, to be a judge. It is not the policy of the country to give large salaries to judges; and, as public servants, it is desirable that a judge should have property, not only for the support of his own dignity and the respectability of his family, but also in order that he may be interested, in common with his fellow-citizens, in the conservation of individual rights and of public order. If this involves occasional inconveniences to individuals, it also involves great and permanent convenience and benefit to all others and to the whole of society.

Judge Watrous, it appears from the evidence, instead of being justly subject to the imputation of being interested unduly in land speculations, as has been charged, or engaged in such, in common with suitors in his court, or having sought to use his court for personal advantage in any such relation, has been more than usually reserved in this respect; it being proved by several witnesses as well as avowed by himself, that this is the only purchase of land which he has made during the twelve years he has been on the bench, and these the only cases of transfer, because of his being interested. This is a fact which is most important to be considered in judging the question of the appreciation of Judge Watrous's acts by the House.

In view of these facts, the undersigned do not deem it necessary to analyze the great mass of evidence adduced, touching the details of the transaction, or to compare and sift the testimony on both sides of the particular questions of fact. They do not think it is proved; on the contrary, they think it is disproved, that Judge Watrous intended or expected any advantage in the case, from his official position, or that he used it in any way whatever to that end, or that his interest occasioned any prejudice to any body, or any inconvenience, except in the transfer of the case to the adjoining district, which is the ordinary possible incident of the possession of property by a Federal judge.

Much evidence was taken by the committee as to a power of attorney, which was put in as evidence of the chain of title in these cases. It seems that Simon Mussina has recently entered into partner ship with Thomas de la Vega to attack the title derived under him, alleging that what purports to be the power of attorney given by La Vega to Williams is not a genuine instrument. But the proof is ample in the case that the power possesses all the *indicia* of authenticity; that it has been received as such since the year 1832, when it purports to have been given; that neither Judge Watrous, nor either of his associates, ever heard or suspected, or had any reason to suspect, that it was not genuine, until within a year or two—that is, six years after the purchase; and that they still confidently believe it to be authentic, and that the contrary assertion is but a step in the plan of attack on their title by Mussina. And the parties have, as the undersigned think, pursued a lawful and proper course in the means adopted by them to prove the genuineness of the power, and to defend their rights and their reputation in the premises; and that, as a pending controversy of private right, the undersigned think it belongs to the courts exclusively to judge, and the decision of which cannot rightfully be prejudged by the House of Representatives.

Objection has been made also to the fact that Judge Watrous sat on the trial of another case, that of Ufford vs. Dykes, in which the same power was involved. But it is clearly proved that Judge Watrous had no interest in the case; that this power was put in by agreement without being read, or any question raised upon it, and if there had been, it would not have constituted a case of disqualifying interest, which, like that of a witness, must be direct interest in the issue, as lately decided in an important leading case involving the interest of Lord Chancellor Cottenham.

The undersigned, therefore, have no hesitation in coming to the conclusion that there is no just grounds presented for the impeachment of Judge Watrous, and they recommend the adoption of the following resolution:

Resolved, That the testimony taken before the Committee on the Judiciary in the case of the Hon. John C. Watrous, judge of the district court of the United States for the eastern district of Texas, is insufficient to justify the preferment of articles of impeachment against him for high crimes and misdemeanors in office.

CHARLES READY,
M. W. TAPPAN,
BURTON CRAIGE.

I concur in the above resolution reported by my colleagues of the committee, being of opinion, from the whole evidence adduced, that no proof of corrupt intent on the part of Judge Watrous is established, and feeling satisfied that his conviction for high crimes and misdemeanors would be against the truth and justice of the case, as the same is presented before the committee.

I am not satisfied to vote an impeachment upon the ascertainment of what is commonly termed probable causes; nor do I regard the principles of the common law relative to proceedings before grand juries applicable to cases of impeachment under the Constitution of the United States.

The House of Representatives ought, in my judgment, to look beyond a *prima facie* case, and failing to discover in the evidence disclosed any fact inconsistent with judicial integrity on the part of Judge Watrous, and finding satisfactory explanations of the circumstances, from which suspicions of such integrity may have arisen, should decline subjecting the accused to the expense and hazard of an impeachment.

H. F. CLARK.

Visitation of American Vessels by Officers of the British Navy.

The following message from the President of the United States, and the accompanying correspondence, were laid before the House of Representatives on the 15th instant, in answer to a resolution of the House calling for information in reference to reported acts of visitation by officers of the British navy of American vessels in the waters of the Gulf of Mexico.

EXECUTIVE OFFICE,
WASHINGTON, *December* 15, 1858.

SIR: In compliance with a resolution of the House of Representatives of the 13th instant, requesting the President of the United States, if not inconsistent with the public interests, "to communicate all the information in his possession, or which may shortly come into his possession, respecting the reported recent acts of visitation by officers of the British navy of American vessels in the waters of the Gulf of Mexico," I transmit the accompanying reports from the Secretaries of State and of the Navy. The report from the Secretary of State is not, in strictness, embraced by the terms of the resolution, but I deem it advisable to communicate to the House the information therein contained.

JAMES BUCHANAN.

Hon. JAMES L. ORR, *Speaker, &c.*

DEPARTMENT OF STATE,
WASHINGTON, *December* 15, 1858.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 13th instant, requesting the President, if not inconsistent with the public interests, to communicate to that House "all information in his possession, or which may shortly come into his possession, respecting reported recent acts of visitation by officers of the British navy of American vessels in the waters of the Gulf of Mexico," has the honor to report that no official information concerning these proceedings has been received by this Department.

As connected, however, with the general subject of the resolution of the House, the Secretary of State has the honor to submit herewith extracts from a dispatch to this Department, received on the 14th instant from the Minister of the United States in London, which reports a conversation had by him on the 26th ultimo with Lord Malmesbury, her Majesty's Principal Secretary of State for Foreign Affairs. In relation to the first paragraph of this reported conversation, referring to a communication supposed to have been made by the British Minister at Washington to the President, it is deemed proper, for the purpose of correcting an evident misapprehension, to transmit herewith the accompanying copy of a note from Lord Napier, which, with his lordship's consent, is placed at the disposal of the President.

By direction of the President, the Secretary of State also transmits herewith a copy of his note to the Minister of the United States at Madrid, dated October 21, 1858, and extracts from the reply of that Minister, dated November 15, and received yesterday at this Department, together with the copy of a memorandum, which accompanied it, of the Spanish Minister's observations, as furnished by the Assistant Secretary of State at Madrid.

Respectfully submitted. LEWIS CASS.

To the PRESIDENT.

Mr. Dallas to Mr. Cass.—[Extracts.]

[No. 138.] LEGATION OF THE UNITED STATES,
LONDON, *November* 26, 1858.

SIR: Having just returned from the Foreign Office, I have the honor to report the substance of my conversation with the Earl of Malmesbury. After receiving me with frankness and cordiality, his lordship said that he had invited this interview because he was aware that my letters for Washington would go forward to-morrow, and he wished me to convey in them some few remarks from him.

1. Lord Napier had communicated to the President the treaty negotiated by Sir W. G. Ouseley with the Minister from Nicaragua. It was believed that no objection was expressed to its provisions. One of its objects was to terminate the Mosquito protectorate.

2. Sir W. G. Ouseley was by this time at Nicaragua, and would exert himself to obtain the ratification of the treaty; in doing which, it was indispensable that he should be protected by the presence of a naval force from any violence meditated by fillibusters.

3. The two Governments harmonized perfectly in their determination to arrest or crush the ravages of General Walker and his associates. Nothing could be more entirely just and satisfactory than the President's proclamation.

4. He had, however, been much surprised at the contents of a recent letter from Lord Napier, which stated that General Cass considered the orders issued for the protection of Sir W. G. Ouseley to be incompatible with the Clayton-Bulwer treaty. These orders were to the effect that, if the Government of Nicaragua required for their defense from fillibusters the actual intervention of military power, a suitable armed force was to land, seize the offenders, and hand them over, if Americans, to the nearest authority of the United States; having done this, to retire immediately. His lordship could not understand why such a proceeding should be regarded as in violation of that article of the treaty which interdicted "occupation," [dominion,] especially as a clause of the Cass-Irissari treaty, with which this Government found no fault, but, on the contrary, desired to see effected, provided for exactly the same sort of temporary assistance. It was impossible to allow their diplomatic representative to have his object cut short by marauders. When the treaty was disposed of, there would be an end of their interference. Thus far as to Central America.

5. In regard to Mexico, his lordship described Spain as extremely irritated by the cruelties inflicted upon Spaniards, and as threatening to send a fleet to punish and exact redress. England, however, had successfully persuaded delay. Mexico was in so distracted a condition that she could scarcely be said to have a responsible Government. England had herself been grossly outraged in the person of Mr. Hanson, whose treatment could best be resented, in the opinion of the law

officers of the Crown, by a British fleet sent to Tampico. Her Majesty's Government, however, were averse to any strong measure, which might make things worse than they already are, and the severity of which would probably fall upon the innocent. It was difficult to say to what result the disordered state of Mexico must lead if the nations interested in her well-being forbore to intervene. * * * *

My solicitude in this narrative has been to give the leading ideas of Lord Malmesbury. Of course, he was not unfrequently interrupted by comments from myself, which led to collateral explanations. Among other things, I remarked that the provision in the Cass-Irissari treaty which seemed to me rather to carry out than to violate the Clayton-Bulwer treaty, by securing for all equally the safe and uninterrupted transit, was essentially different in its character from Admiralty orders, which, amid the struggles of parties, left to the discretion of naval officers whom to recognize as the *de facto* Government of Nicaragua, and whom to denounce for British pursuit and dispersion as fillibusters. If the popular party now in motion acquired strength, their adversaries would, as a matter of course, brand them with that odious name, and call for British succor; thus installing foreign troops to settle the political destinies of the country. That was a consequence to which the President and people of the United States could not be supposed insensible; which, of all things, was most repugnant to the spirit and terms of the Clayton-Bulwer treaty; and which could not possibly follow from the application, as contemplated by General Cass, of merely such temporary force as might be thought by Nicaragua herself necessary to keep the transit open for the common convenience. His lordship insisted that both landings in the two cases were equally right, or equally right or equally wrong; he esteemed them to be right; and certainly any attempt by fillibusters to defeat the operations of Sir W. G. Ouseley would be put down.

I also incidentally remarked that I regretted that his lordship had expressed some leaning in favor of Mr. Belly's project. He disclaimed having done so. Mr. Belly was patronized neither by England nor France. He was a speculating adventurer. It was immaterial by whom the work of opening the transit was effected. If any citizen of the United States held an unexpired or unforfeited contract, he would be entitled to go on. He was not intimate with the merits of the several claimants to contracts.

Again, in the course of the interview I referred, with probably an honest feeling, to the alleged "*joint note*" addressed by the French and British Ministers to our Government respecting Mr. Belly's contract. He promptly and emphatically denied that any thing of the sort had been written or ever contemplated.

The rumor of the morning, coming direct from Paris, was adverted to—that an Anglo-French fleet had orders to proceed to the Gulf of Mexico. That rumor, he said, had lowered the funds. It was, nevertheless, utterly destitute of foundation.

I can perceive that the discovery of the golden sands in Fraser river, leading to the creation of the new colony of British Columbia, has increased the solicitude for isthmian routes of transit. In other respects the pacific dispositions of this Government do not appear to have changed. Lord Malmesbury several times remarked that it was best to accomplish one aim at a time; that the disrelished protectorate of the Mosquitoes was finally disposed of in Sir William's treaty; that as soon as the English guarantee applied to the Nicaraguan route, capital, science, and labor, would hasten to accomplish the work, however formidable it appeared. * * * * *

I have the honor to be, sir, your most obedient servant,

G. M. DALLAS.

To the Hon. LEWIS CASS, *Secretary of State.*

[Private.] H. B. M. LEGATION,
WASHINGTON, *December* 16, 1858.

MY DEAR SIR: I have the honor to acknowledge the receipt of your letter marked "Private," of yesterday's date, referring to an account which has reached you from Mr. Dallas, recapitulating a conversation which that Minister had recently held with the Secretary of State for Foreign Affairs.

The Earl of Malmesbury is reported to have stated on that occasion that—

"Lord Napier had communicated to the President the treaty negotiated by Sir William Gore Ouseley with the Minister from Nicaragua. It was believed that no objection was expressed to its provisions. One of its objects was to terminate the Mosquito protectorate."

I conceive that what the Earl of Malmesbury intended to convey to Mr. Dallas was this:

"Lord Napier has imparted verbally to General Cass the general sense of a projected treaty which Sir William Gore Ouseley is instructed to negotiate with Nicaragua, one of the objects of which is to terminate the Mosquito protectorate, and to which no objection was expressed by the United States Government."

I have not had the honor of holding any personal communication with the President on this subject.

In so far as I am informed no treaty has, as yet, been concluded by Sir William Gore Ouseley with any agent on the part of Nicaragua.

I remain, my dear sir, yours very truly,

NAPIER.

The Hon. LEWIS CASS, *Secretary of State.*

Mr. Cass to Mr. Dodge.—[Confidential.]

[No. 66.] DEPARTMENT OF STATE,
WASHINGTON, *October* 21, 1858.

SIR: Late arrivals from Europe bring us reports that a naval and military armament is about to leave Spain, destined to attack Mexico, with a view, it is rumored, to acquire political ascendency there, taking advantage of the distracted condition of that unfortunate Republic. Under these circumstances, I have thought it proper to ask your attention on this subject.

You are aware of the position taken by the United States, that they will not consent to the subjugation of any of the independent States of this continent to European Powers, nor to the exercise of a protectorate over them, nor to any other direct political influence to control their policy or institutions. Recent circumstances have given to this determination additional strength, and it will be inflexibly adhered to, whatever may be the consequences.

The subject is familiar to you, and needs no illustration. I do not desire you to draw the attention of the Spanish Ministry to it by any formal communication; but it would be well to embrace such favorable opportunities as may present themselves to bring the matter incidentally to the attention of the Minister of Foreign Affairs, and to make known the interest which this Government attaches to this subject; reminding him, at the same time, of the policy concerning it which has been repeatedly declared by the United States, and which will, in all human probability, never be departed from.

With respect to the causes of war between Spain and Mexico the United States have no concern, and do not undertake to judge them. Nor do they claim to interpose in any hostilities which may take place. Their policy of observation and interference is limited to the permanent subjugation of any portion of the territory of Mexico, or of any other American State to any European Power whatever.

It is very desirable that this Government should know whether Spain is about to send a force to Mexico, and, if so, what is its strength; and, also, what are the alleged causes and the avowed designs. I will, therefore, thank you to communicate all the information you can procure upon these points, and upon any others connected with this subject which you may deem important.

I am, sir, your obedient servant,

LEWIS CASS.

AUGUSTUS C. DODGE, Esq, &c., *Madrid.*

Mr. Dodge to Mr. Cass.—[Extract.]

[No. 96.] UNITED STATES LEGATION,
MADRID, *November* 15, 1858.

SIR: I had the honor, on the 13th instant, to receive your No. 66, dated the 24th ultimo, asking information respecting the threatened hostilities between Spain and Mexico, and expressing the well-known determination of the United States to resist the subjugation by European Powers of any of the independent States of our continent, with a view to the exercise of a protectorate or any other political influence over the policy and institutions of such States.

On the same day I sought and obtained an interview with Mr. Calderon Collantes, her Catholic Majesty's Minister of State, causing your dispatch to be read and translated to him, and at his request I have since furnished him with a copy of the same.

He took no exception whatever to any of the views or determinations therein expressed. He assured me most earnestly that in the movement which duty, honor, and self-respect had constrained his Government to make against Mexico, Spain had not the most remote intention of interfering with the well-known policy of the United States, as expounded by Mr. Monroe and reiterated by yourself, or of attempting anything for the present, more than to afford protection to her citizens, and obtain redress for her injuries done them—he averring that they had been robbed and maltreated in the most inhuman manner. He said that they would not receive back, or attempt to govern Mexico, or any of the South American States, were she or they to request such government to-morrow; that all Spain expected or desired in that quarter was the retention in peace of her present possessions. He went on to say that the enormities recently perpetrated upon his countrymen were of such an atrocious character as to demand the presence of a suitable naval force off Vera Cruz and Tampico, but that no troops to operate on land had been sent, and that the officers in command had been instructed to avoid, if possible, any conflict with Mexico.

As explanatory of what has been done, and the reasons for doing it, I send you a translation (No. 1) of a memorandum of the observations of the Minister of State furnished to me after the interview by J. T. Comyn, Esq., Assistant Secretary of State, a gentleman who, when holding a diplomatic situation in London, was well known to President Buchanan. * * * *

You will remember that I have always given it as my impression that there would be no war, for the reason that I have always believed that England and France would have sufficient influence to prevent it. But, to my surprise, I now learn from Mr. Collantes himself, as well as from the * * * that in the matters of recent complaint the Spanish Government have rejected, in the most emphatic manner, the proffered intervention of the before-mentioned Powers.

* * * * * * * * * *

I remain, very respectfully, your obedient servant,

A. C. DODGE.

Hon. LEWIS CASS, *Secretary of State.*

[Translation No. 1.]

The excesses committed in "San Luis Potosi" by the constitutional troops upon the subjects of her Catholic Majesty induced the Captain General Governor of Cuba to send to Tampico some vessels-of-war in order to guard against the repetition, at the last named point, of the outrages suffered at the former place. These vessels entered the harbor of Tampico with permission from the Governor of the place, and remained quiet spectators of the conflict which was then raging.

When General la Garza imposed upon the Spaniards a large war tax, putting in prison and injuring those who, from want of means, were unable to pay it, the Captain General of Cuba determined upon sending to Tampico other vessels of the royal navy. The expedition of these vessels has for its sole object that of obtaining from General la Garza reparation for the losses and damages caused to the subjects of her Catholic Majesty, refunding the amounts exacted from them, and satisfaction for these outrages. If to obtain this end it should be necessary to employ force, any measures which may be adopted will tend exclusively to the accomplishment of that object, and to protect the Spaniards against the excesses of the Mexicans. These measures will have to be proportioned to the extent of the evil

they may have to encounter, but will never have any other object than the one above indicated. The instructions given to the commander of the frigate Berenguela, who is the chief on the station of Tampico, also include the protection of other foreign subjects whose interests may be prejudiced.

The assembling a respectable naval force at Sacrificios (Vera Cruz) is for the same purpose. Knowing the tendency of the Mexicans to indulge in a bitter persecution of the Spaniards, the Spanish Government has believed it to be its duty to assemble sufficient means to force them to respect the lives and property of its subjects.

These two expeditions do not tend in any manner to interfere in the interior affairs of the Mexican Republic.

NAVY DEPARTMENT, *December* 15, 1858.

SIR: I have the honor to acknowledge your reference to this Department of the resolution of the House of Representatives of the 13th instant, requesting the President, if not inconsistent with the public interest, "to communicate all information in his possession, or which may shortly come into his possession, respecting the reported recent acts of visitation by officers of the British navy of American vessels in the waters of the Gulf of Mexico," and to lay before you copies of two dispatches, Nos. 52 and 53, and their inclosures, recently received from Flag-Officer James Mc. McIntosh, commanding the home squadron, which contain all the information the Department has on the subject.

I have the honor to be your obedient servant,

ISAAC TOUCEY,
Secretary of the Navy.

The PRESIDENT OF THE UNITED STATES.

[No. 52.] FLAG-SHIP ROANOKE,
OFF SAN JUAN DEL NORTE, *November* 26, 1858.

SIR: I have the honor to inform you that I arrived off this place at five o'clock last evening. The Savannah is in the river, and the officers and men are in good health, having but eleven on her sick report. The Jamestown left a few days since for fresh sea air, and would touch at Aspinwall and return here immediately. I regret to learn she has some thirty cases of the fever. Should they not have lessened, I will send her on her arrival immediately back to Aspinwall, as perhaps the most healthy of the two places.

The Washington, mail steamer, arrived here on the 18th instant, and is now firing up for Aspinwall. Her passengers are still on board, there being no means to take them either across the country or to San Francisco had they reached San Juan del Sur. The Hermann left Panama direct to San Francisco. I anticipated precisely what has occurred, as I informed you in a previous letter.

The Valorous, Sir W. C. Aldham, with Sir William Gore Ouseley on board, is now the only English vessel-of-war in the river. I have heard a report that an officer was sent from her to board the Washington after she had been inspected and passed by the Savannah, and who put some very improper interrogatories to her captain, and that Captain Wainwright, in the Leopard, was dispatched in great haste to the Colorado river in search of two hundred fillibusters, which rumor stated had been landed from the Washington at that point, and that he sent a boat on board the American steamer Catharine Maria, then lying in that river, to ascertain the correctness of the report. I am taking immediate measures to get full particulars from Captain Jarvis, and will report them in full by the next opportunity; but, according to my present understanding of the matter, it looks like a renewal of the scenes which lately occurred around the Island of Cuba, changed only to fillibusters for Africans. You may rely on my taking prompt and efficient measures to protect the honor of our flag should it become necessary; and if really her Britannic Majesty's officers have instructions to board and examine merchant ships for fillibusters, under the very guns of the ships of my squadron, the time must be very short before the most serious consequences may be anticipated. But I hope some explanation may be made, so soon as I can investigate the matter, which may give a more favorable aspect to the course said to have been pursued.

The Valorous saluted my flag this morning, which was promptly returned. I write in haste to get my letter off by the Washington.

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES Mc. McINTOSH,
Flag-Officer, Commander-in-Chief Home Squadron.

Hon. ISAAC TOUCEY, *Secretary of the Navy.*

[No. 53.] FLAG-SHIP ROANOKE,
ASPINWALL, *December* 3, 1858.

SIR: I had the honor, on the 26th ultimo, in my No. 53, to inform you of my arrival at San Juan del Norte on the evening of the 25th, and also that the Washington had arrived, her passengers still on board, without the prospect of crossing the country by that route. She left on the 26th for Aspinwall, and has again returned to the United States with a large portion of her deceived passengers; verifying (I regret it on many accounts) precisely what I reported to you might be expected in my letter (No. 48) under date of 16th of October last. That route may, therefore, for the present, be considered as closed.

The Valorous, Captain W. C. Aldham, was the only British vessel-of-war in port when I left. Sir William Ouseley and family were still on board.

I reported to you that I had verbally learned that the Washington had been examined by boats from the Valorous, subsequently to her being boarded and passed by Captain Jarvis, of the Savannah; that Captain Wainwright, in the Leopard, had been dispatched in great haste to the Colorado river in search of fillibusters; that she had boarded the American steamer Catharine Maria, then at anchor in that river, with armed boats, in search of them; that I was taking immediate measures to get the full particulars from Captain Jarvis; and that I would report to you in full by the next opportunity.

Before I proceed further, however, I will here state that the reports in relation to the Catharine Maria were greatly exaggerated, and have been most satisfactorily explained to me by Captain Aldham, and that I have not the slightest reason to believe that another case, such as occurred on board the Washington, will be repeated. I am, however, constrained to say that I believe, had Captain Aldham been left entirely to his own judgment, that such a proceeding would not have occurred at all.

I herewith inclose to you copies of the correspondence with Captain Aldham on this subject, by which you will perceive that he claims a protectorate over the harbor of Greytown, (Nos. 1, 2, and 3.) I trust that my letters will meet your approval.

I should here state that my first letter to Captain Aldham reached him on Saturday, the 27th ultimo, and his answer was not received until Monday morning; but at the same time I received a private note of a most friendly character from Sir William Gore Ouseley, in which he stated that he had had interviews with both the President and yourself just previously to his leaving the United States. I had sent my card to him by my flag-lieutenant, in the first boat that left my ship after my arrival, and desired him to express my regret to Sir William that the exceedingly bad weather and heavy sea prevented me from personally paying my respects.

You will perceive that my second letter to Captain Aldham is dated on the day his answer to my first was received. It was, with a private note to Sir William Gore Ousely, sent in on that afternoon by my secretary, Mr. Zantzinger, in which I stated to Sir William that he might be confided in, as he had stated in his note "he would have been glad we should have met, as he would have been pleased to have a little chat on subjects of mutual interest to both of us."

I would here inform you, that, from the moment of my anchoring up to the time when I left San Juan del Norte, it was blowing a norther, with a heavy sea heaving in, the ship rolling the muzzles of her gun-deck guns deeply in the water, requiring the officers and men to get into and out of the boats by ropes and ladders, and the selection of the most active to do it even in that way. It was attended with great danger, and, in my weak state, precluded the possibility of my doing it, which was the only reason I did not wait on Sir William.

Mr. Zantzinger returned to the ship about six p. m., bringing with him Captain Aldham, of the Valorous, and who, upon my invitation, at once consented, in consequence of the roughness of the weather, to remain with me for the night. A short period after his arrival, Mr. Synge, Sir William's secretary of legation, came on board, intending to spend the night. I had determined, when I sent Mr. Zantzinger with my second letter to Captain Aldham, to leave the anchorage as soon as he returned; for I could not remain longer there with the ship straining in every direction, the oakum starting from her seams, and the danger of injuring some portions of her engines. I therefore concluded, as I was obliged to leave, and as I thought it necessary you should receive the very earliest information as to all the facts, to return to Aspinwall, so as to meet the steamer of to-morrow. I requested Mr. Zantzinger to inform Sir William and Captain Aldham that I should proceed to Aspinwall when I left, and would be pleased to take any communications they might desire to send.

To this, most probably, and to a great desire, as Captain Aldham declared, to have an interview with me, I was indebted for the unceremonious visit of both him and the secretary of legation; the latter, no doubt, being sent by Sir William purposely, to remove all unfavorable impressions, and talk over, rather than write further upon, the subjects at issue; which, in truth, I did not regret; for I was not insensible of the fact that, in such a correspondence, Captain Aldham would have the benefit of the advice and experience of Sir William. Captain Aldham and myself conversed most frankly upon the subject of the Washington. He declared his having no intention of an interference with American vessels; his great desire to act in concert with me in endeavoring to prevent the landing of "fillibusters;" that he could not possibly see the slighest cause for the apprehension of any difficulty; and that, so far as he was concerned, there should be none.

With Mr. Synge the conversation was equally frank. He, however, distinctly declared that England had never abandoned the protectorate; but that he believed before the 1st of January next the whole matter would be finally settled; that, as to boarding and searching American vessels, they had already abandoned it, not from fear or pusillanimity, but because England felt she could do so honorably, and ought to do it, and it was not probable it was now to be revived; that there was certainly nothing secret or mysterious in Sir William's mission, as it was well understood in Washington; and that no officer in her Britannic Majesty's service would be less likely to do any act which could be construed as offensive, or as an interference with us, than Captain Aldham. In this conversation I had little to say, for my position had been taken in my correspondence, and I desired there to leave it.

I do not pretend to give you the precise words of these free and frank conversations; but I have endeavored, so far as my memory serves me, to give you their meaning literally; and if there was sincerity in them, of which I have not the slightest doubt, I am happy to say I can see, at present, no cause of apprehension on our part for a recurrence of the proceeding. I was much pleased with both the gentlemen, and everything was done by Captain Gardner and myself which hospitality or kindness could dictate to make them comfortable and at home. They left the ship fully so impressed.

Sir William Gore Ouseley is expected to reach this, on Monday next, in the British mail steamer.

I have to state to you the utter impossibility of this ship remaining at anchor off San Juan del Norte during the blowing of a norther. She has been more strained in the four days I was there, in hull, masts, and rigging, than she could have been in a dozen winter voyages across the Atlantic. These winds blow in squalls, and when they moderate, the current from the river is running out with such velocity as to cause the ship to lay

directly in the trough of the sea, and roll most heavily, certainly endangering her masts and straining her engines. It is a bad anchorage, even in the regular trades; for then, as was the case in the Wabash when she landed her men, the ship was rolling guns under; but in a norther, and this is the season for their recurring every few days, it is simply impossible without the utmost danger. No ship with too great a draught to enter the river should be kept there from November to March. Mr. Burton, the pilot, now informs me that he has more recently sounded thoroughly the bar, and, as a constant thing, twenty-three feet is all that can be found; but that occasionally, as was the case some time since, when the Savannah entered the river, twenty-five feet were found in two instances. Such a variation makes it too precarious for this ship ever to enter the river.

The Jamestown, I regret to say, left here with our mails before my arrival; but, as she has had fair winds, and I ordered her immediately back, I hope to receive any dispatches she may have for me in a few days, and I shall await here her arrival.

I herewith also transmit the petition of a town meeting held at San Juan del Norte, on the 18th ultimo, addressed to Sir William Gore Ouseley, and the response of Sir William. These papers I only received from Mr. Cotrell, our commercial agent, just previous to getting under way from that place. (Nos. 4, 5, 6.)

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES Mc. McINTOSH,
Flag-Officer, Commander-in-Chief Home Squadron.
Hon. ISAAC TOUCEY, *Secretary of the Navy.*

[No. 1.] FLAG SHIP ROANOKE,
OFF SAN JUAN DEL NORTE, *November* 26, 1858.

SIR: I inclose to you the copy of a report made to me to-day by Captain Joseph R. Jarvis, commanding the United States ship Savannah. It relates, as you will perceive, to the visit to the American steamer Washington by two of the officers of her Britannic Majesty's navy, attached to the ship under your command. I have also a verbal report relative to the boarding by Captain Wainwright, of her Britannic Majesty's ship Leopard, of the American steamer Catharine Maria, in the Colorado river, in search, it is said, of fillibusters.

Of the last act I am, as yet, but imperfectly informed. In both cases, however, quite enough has been ascertained to cause me deep regret at the course pursued, and much anxiety, if persevered in, or again repeated, of maintaining the peaceful relations at present existing between our two Governments.

My instructions are most rigid in relation to the boarding, delaying, or examining of American merchant vessels, by the vessels-of-war of any other nation; and I see no difference between the doing so, whether in search of fillibusters or Africans. They look to no such difference, and it cannot for a moment be admitted. These instructions must be executed to the extent of the power intrusted to my command, and I assure you that it will be most agreeable to me if it can be done without the slightest misunderstanding in relation to our respective duties, and still preserve the peaceful relation which now exists, and I hope may continue to exist between our two nations. To secure this most desirable end, vessels under the American flag calling at the ports of Central America must be exempted from visit or search on any account.

A part of my duty here, with a portion of the squadron under my command, is to prevent the landing in Nicaragua, Costa Rica, and the other Republics of Central America, of all fillibustering or other illegal expeditions, should any attempt it, from the United States, under the American flag; and the officers in command of the ships of my squadron are strictly instructed upon this point. There can, therefore, be no possible excuse for the interference by the ships-of-war of her Britannic Majesty's navy with vessels under the American flag; and it is to be hoped that the officers commanding them will desist from creating all unnecessary excitement and the danger of an interruption to the good understanding which at present exists; particularly as I received, under date of the 7th July last, the assurance of Commodore Kellett that he had issued instructions to the respective captains and commanders of the ships and vessels under his command "to cease visiting or interfering with American vessels in these waters."

I have the honor to be, sir, very respectfully, your obedient servant,

JAMES Mc. McINTOSH,
Flag-Officer, Commander-in-Chief Home Squadron.
Sir W. C. ALDHAM, K. C. B., *Commanding Her Majesty's steam-frigate Valorous.*

UNITED STATES SHIP SAVANNAH,
SAN JUAN DEL NORTE, *November* 20, 1858.

SIR: I have the honor of informing you that, since I wrote to you this afternoon, I have the following information:

Two officers from one of the British ships in the harbor boarded the Washington within fifteen minutes after she came to anchor, and asked Captain Churchill the following questions: "Where from?" "How many passengers have you?" "How many days out from New York?" "Did you stop at any port on your way out?"

These questions were answered. They then wished to look at his passenger list. Captain Churchill referred them to his purser. On looking over the list which they received from the purser, they asked, "How many passengers have you?" He answered by stating the number. "Are they all Americans?" "No; they are of various nations." "Are they armed?" "Not any, to my knowledge." "Did the American officers who boarded you examine your hold?" "No." Mr. King, the first mate, who was present at the interview, remarked that if they (the officers) wished any information on the subject, they might obtain it by applying to one of the American ships-of-war in the harbor. They replied "that their instructions were to obtain their information direct."

The above is all the information I have received; and I shall await your further instructions upon the subject.

I am, sir, very respectfully, your obedient servant, JOSEPH R. JARVIS, *Captain.*
Flag-Officer JAMES Mc. McINTOSH,
Commander-in-Chief Home Squadron.

[No. 2.] HER MAJESTY'S SHIP VALOROUS,
GREYTOWN, *November* 28, 1858.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, inclosing a copy of a report made to you by Captain Jarvis, of the United States ship Savannah, relating to the visit, on the 17th instant, of two officers of her Majesty's ship under my command to the American steamer Washington, which had just anchored at this port.

In reply, I must express my great regret that you should consider the act of visiting an American merchant vessel within this port, which is under the protection of Great Britain, for the purpose of obtaining the information which is usually required by all civilized nations from vessels entering their harbors, or those under their protection, or in any friendly port, in the same light as the delaying, boarding, and examining of an American vessel on the high seas, in search of slaves or pirates; and I still more deeply regret that my acting in accordance with established usages in this respect should cause you to apprehend any such grave danger as that to which you allude.

I trust to remove from your mind any misunderstanding as to my acts and intentions, and beg to assure you, that in carrying out my instructions, which are of a similar nature to those which you have received from your Government, and which you have been kind enough to communicate to me, it will be my earnest endeavor, and my most pleasing duty, to act in a spirit of perfect frankness and cordiality with the flag-officer or any other officer of the United States forces on the station.

There are some circumstances which appear to have escaped your attention, and which I beg to bring to your notice.

The Washington had been boarded by the United States ship Savannah previous to my sending a boat to her, and as she had been permitted to enter the harbor, it was evident, judging from the declaration of the United States Government against all illegal invaders, that she was not employed by the fillibusters, for in that case she would have been forbidden to enter the port.

After the Washington had anchored in this port, the usual and natural course of sending to make inquiries and obtain news was followed. No prohibition of all friendly intercourse between American merchant or passenger vessels and her Majesty's ships had been made known to me; such intercourse is customary in times of peace among all civilized nations, and is never objected to by her Majesty's officers when practiced by United States men-of-war to English merchantmen.

I beg to point out that such a hostile prohibition would have been in the present case highly inconvenient to some of the passengers on board, who are English subjects, one of them, indeed, a British functionary proceeding with his family to one of her Majesty's possessions on the Pacific coast; and unless in case of actual warfare, such prohibition of intercourse appears quite unusual. None such now exists on board Her Majesty's packets with respect to foreign men-of-war, either in this harbor or elsewhere.

I have to thank you, sir, for imparting to me the gratifying nature of your instructions respecting the fillibusters, or others illegally attacking nations with whom our respective Governments are in peaceful relation; such an honorable course was to be expected from the well-known disposition and declaration of the United States Government; and it is highly satisfactory to me to acquaint you that my instructions are to a similar purport, and are actuated by the same spirit.

In order to convince you of the perfect frankness and cordiality with which I am desirous to act towards you, I will, if you will allow me to trespass still further on your time, lay before you at once, and without waiting till you communicate to me formally the reports on the subject which, as yet, have only reached you verbally, a clear statement of the circumstances under which I directed Captain Wainwright, of Her Majesty's ship Leopard, to proceed to the Colorado river.

Having received a notification from the authorities of the Nicaraguan and Costa Rican Governments that a hostile force had landed, or were about to land, in the River Colorado, with a request that I would aid in preventing it, I immediately dispatched Captain Wainwright in the Leopard to ascertain if such was the case.

Captain Wainwright left this port late in the afternoon of the 18th instant, and, it being dark, mistook the entrance of the river, and anchored two or three miles to the southward of it. At daylight he weighed and anchored off the river, and in his own boat, accompanied by two others, pulled into the river, examining the banks on either side, to see if there were any traces of a landing having taken place. In proceeding up the river, he observed the Catharine Maria at anchor, and as he neared her, perceived some persons on board with whom he was acquainted. He immediately went alongside, in his own boat only, and going on board requested to be informed if they had heard or seen anything resembling marauders or fillibusters in the neighborhood; and being answered in the negative, Captain Wainwright left the Catharine Maria and returned to his own ship, weighed, and was at anchor again in this port by noon of the 19th.

I trust, sir, that this frank explanation of the circumstances to which your letter alludes, will convince you that I have acted in no spirit of interference with American merchant vessels, and have not abrogated to myself any right which is not conceded by universal custom to the commanding officer of the naval forces in a port belonging to, or placed under the protection of, his own nation.

I have the honor to be, sir, with great respect, your most obedient servant,

W. CORNWALLIS ALDHAM,
Captain.
Flag-Officer JAMES Mc. McINTOSH, *Commander-in-Chief Home Squadron U. S. ships.*

[No. 3.] FLAG-SHIP ROANOKE,
OFF SAN JUAN DEL NORTE, *November* 29, 1858.

SIR: I have the honor to acknowledge the receipt of your communication under date of the 28th instant.

As a justification of your act in sending officers from your ship to visit and examine American merchant vessels entering the port of San Juan del Norte, you informed me that "this port is under the protection of Great Britain." I am not, however, aware that my Government has ever acknowledged such protection. On the contrary, my Government has always repudiated it. The first article of the "Clayton-Bulwer convention" distinctly disavows it. I quote therefrom:

"Agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, *or assume or exercise any dominion over, Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America*"

If her Majesty's vessels board our merchant vessels for the purpose of examining the papers and cargo of those which enter the port of San Juan del Norte, as the officers from the Valorous did, then you "assume" to "exercise dominion," which the "Clayton-Bulwer convention" distinctly disclaims. Such construction I cannot for one moment recognize until further advised by my Government; and, consequently, I must act under my present instructions, the tenor of which were communicated to you in my letter of the 26th instant.

I beg to express to you my entire satisfaction with your explanation in respect to the visit of Captain Wainwright, of her Majesty's frigate Leopard, to the American steamer Catharine Maria, in the Colorado river, and of which visit I stated to you that I was but imperfectly informed; but which I find, from your frank and clear representation, and for which I thank you, was very much exaggerated.

I regret, however, to find that I am misunderstood by you as objecting to a friendly visit from one of her Majesty's ships-of-war to an American vessel in this or any other port. Such was not my objection, for I am aware that it is customary to make such visits by the vessels-of-war of all nations, and they are constantly made to her Majesty's mail packets by the ships of my squadron; but they are simply acts of courtesy, with offer of services, &c. The Washington had been boarded by an officer from the United States ship Savannah, in obedience to my instructions to Captain Jarvis in relation to all American vessels bound into the river or that should appear off this port, and she was strictly examined, particularly as to improper persons who might be forcing themselves into Nicaragua and Costa Rica.

She was found to be in all respects regularly cleared, her passengers unexceptionable, and she was therefore permitted to enter the river. Under other circumstances the Washington would have been, as you justly infer, prevented from going in. A friendly visit from a boat from your ship, after the Washington had anchored, would never have been made by me the subject of complaint. But the inquiries which were propounded by the boarding officers from your ship looked at once into a thorough investigation and examination of the ship, and to the manner in which the United States officers had performed their duties. This I considered as exceeding what would be characterized as a *friendly visit*, to which I called your attention, and which I am constrained still to consider as unnecessary on the part of the officers under your command.

I trust, however, from the frank and friendly tenor of your letter, and which I assure you in no one point exceeds my own, that we shall have no interruption to our friendly relations in the execution of our respective duties.

I have the honor to be, sir, with great respect, your obedient servant,

JAS. Mc. McINTOSH,
Flag-Officer, Commander-in-Chief Home Squadron.

Sir W. C. ALDHAM, K. C. B., *Commanding her Majesty's steam-frigate Valorous.*

[No. 4.] UNITED STATES SHIP SAVANNAH,
SAN JUAN DEL NORTE, *November* 20, 1858.

SIR: On the 17th instant I had the honor of informing you that I had called upon Sir William Gore Ouseley, and that he had stated to me that he should sail for Aspinwall in two or three days. He now informs me that it is uncertain when he sails, and I have therefore thought it best, as the Jamestown was going to sea for a short time on account of the health of her crew, to send her to communicate with you.

Sir William appears to be very busy in diplomacy, but we have not been able to ascertain what about. He appears to be in constant communication with Mr. Green, her Britannic Majesty's consul. Mr. Banuel, the reported consul for Nicaragua to this place, was received on board the Valorous with seven guns.

On the 18th, at one o'clock, the Washington steamer arrived from New York with three hundred and thirty passengers, bound to California. Her clearance, &c., is perfectly correct. At half past five o'clock, p. m., Colonel Childs proceeded up the river to San Juan in the Catharine Maria, bound to Nicaragua, to try and obtain permission to carry them over the transit to San Juan del Sur. Should he not obtain it, the Washington, on the 26th, will leave this port for Aspinwall. At midnight the Catharine Maria, not finding water enough, returned and went outside to the Colorado river.

There was a town meeting held at Greytown, on the 18th instant, and certain resolutions passed, a copy of which I am trying to obtain. I herewith send you a copy of a letter received from Mr. Cottrell upon the subject of the town meeting.

At four o'clock, p. m., of the 18th, the Leopard sailed from this place and stood to the eastward, and on the morning of the 19th returned and anchored here. Captain Wainwright informed me that he was on board the Catharine Maria in the Colorado river. At about nine o'clock, p. m., of the 18th, Captain Aldham came on board and asked me what I thought of the steamer Washington. I told him I had no doubts of her being engaged in a lawful pursuit; that her clearance, &c., was all correct. He said he thought so too; that he had heard a report that she had landed at the Colorado river over two hundred men, under the command of General Henderson. I told him that I did not believe a word of it; that it was all a humbug. He said he agreed with me.

The Leopard sailed to-day on her way to England.

Our sick list is on the increase, and I shall take a cruise on the return of the Jamestown, unless otherwise ordered by you. We have twenty-one with intermittent fever, one with remittent, and one with scurvy. The cases generally are very light. I cannot account for the increase. For the past fortnight there has been remarkably fine weather for this place.

I am very respectfully, your obedient servant,

JOSEPH R. JARVIS.

Flag-Officer JAMES Mc. McINTOSH, *Commanding Home Squadron.*

SAN JUAN DEL NORTE, *November* 20, 1858.

DEAR SIR: I have ascertained that a public meeting was held on the 18th instant, at the station-house in this town, and a petition was yesterday sent to Sir William Gore Ouseley, her Britannic Majesty's Plenipotentiary, signed by some seventy of the residents of this place, requesting him to aid them in maintaining an independent Government for this port, setting forth that they had for several years past a government of their own, made their own laws, elected their own officers, and managed their own affairs *independent* of Nicaragua, Mosquito, or any other Power; that it was, in the opinion of the petitioners, absolutely necessary that there should be *one* place in Central America where the *people* ruled, and claiming that the Government here had been established and conducted on this principle, and had always afforded shelter and protection to Nicaraguans and Costa Ricans, and others, during the troubles which, for the last few years, had disturbed the peace of the interior, &c. The petitioners also stated that only on one occasion since the establishment of their Government had crime escaped unpunished, and that the case referred to was that of the murder of a Nicaraguan by a captain of a transit steamer on the San Juan river, who was shielded from justice by Mr. Solon Borland, while a Minister of the United States in Nicaragua.

This petition was presented to Sir William Gore Ouseley yesterday, with what success I have not been able to learn.

Very respectfully, your obedient servant,

B. SQUIRE COTRELL.

Captain J. R. JARVIS, United States Navy, *United States ship Savannah.*

[No. 5.]—*Copy of a petition of citizens of Greytown, assembled at a public meeting, addressed to Sir William Gore Ouseley, her Britannic Majesty's Plenipotentiary to Central America.*

SIR: We, the undersigned, citizens and property-holders of the city of Greytown, or San Juan del Norte, would beg leave to state to your Excellency that, from the 1st of May, A. D. 1851, the citizens of this place have exercised all the rights of a separate and independent government, under the title of the Free City of Greytown, or San Juan del Norte; have formed and adopted a constitution adapted to our wants; passed and enforced our own laws, regulated our finances, and have been enabled, for the last seven years, to protect the public peace, the property and rights of our citizens, and those residing in or passing through this place, with the single exception of the bombardment and destruction of this place by the superior forces of the United States, in July, A. D. 1854; that this city and port have been declared and is a free port in every sense of the word, the city levying no imposts, nor collects any revenues upon the commerce imported or exported into this city, nor upon the commerce of those States of Central America where exports and imports pass through this city and port. The citizens of this place are almost entirely foreigners, consisting of Americans, English, Frenchmen, Spaniards, Germans, and Italians. The merchants of this city are, almost without exception, foreigners. The real estate and improvements of the city have been made, built, and belong almost exclusively to foreigners. In fact, we may say we have no interest, except *commercially*, with the States of Central America; and it is the wish of the citizens of this place that this city of Greytown, or San Juan del Norte, remain a free and independent government, with a territory and jurisdiction attached as is set forth in the constitution of 1852, its neutrality and rights being protected by the great Powers of Europe and the United States; for we consider it absolutely necessary, for the benefit of commerce and public safety, that there should be *at least one place* in Central America where the commerce as well as the lives and property of its citizens should have security and protection; and we are perfectly satisfied that, as a free city, we are able to maintain such a position, and have been enabled so to do for the last seven years; and in no instance, but one, has crime escaped its just punishment in this city, and *that one* was the murder of Antonio Palidino, a patron of a river bungo, who was killed by a Captain Smith, who was in command of a river boat belonging to the Accessory Transit Company of Nicaragua, and who was protected from arrest and punishment by Mr. Solon Borland, the American Minister, in May, 1854.

We would, therefore, ask of your Excellency, if compatible with your official position, to assist us in maintaining our position as a free and independent government, with full powers of regulating our own affairs, enacting and enforcing our laws, electing our officers, regulating our finances, and defending our territory, which rights we feel we are fully entitled to.

We remain, &c.

Copy of the Reply of Sir William G. Ouseley to the petition.

[No. 6]. HER MAJESTY'S SHIP VALOROUS,
GREYTOWN HARBOR.

SIR: Owing to a severe attack of fever, I have been unable earlier to acknowledge the receipt, through Mr. Consul Green, of the memorial dated the 18th instant, and signed and attested by yourself, Mayor of Greytown, to which are appended the signature of a considerable number of residents and property-holders of this place.

With respect to the questions referred to in the

memorial, I can only at present express my opinion that the whole subject of the relations, protectorate, and limits of the kingdom of Mosquito will no doubt shortly be taken into consideration in the proper quarter, with due respect for the rights, privileges, and interests involved, and, I cannot but believe, with results favorable to the prosperity and progress of all concerned.

I have to request you, Mr. Mayor, that you will be good enough to communicate this reply to the signers of the memorial, with my compliments, and to accept them yourself from your very obedient humble servant,

W. G. OUSELEY

The MAYOR of Greytown.

IMPEACHMENT OF JUDGE WATROUS.

SPEECH OF HON. G. S. HOUSTON,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

December 15, 1858.

The House having under consideration the resolutions reported by the Committee on the Judiciary, in reference to the impeachment of Judge Watrous—

Mr. HOUSTON said:

Mr. SPEAKER: It is impossible, in the course of one hour, for any gentleman to debate the various points that arise in this case; and it is less in my power than it is in that of almost any other member of the House, because, naturally, I speak slowly. I shall, therefore, omit many of the matters that have been presented to the House, for the reason that it is my purpose to press those points only which I believe are conclusive of the case.

In what, Mr. Speaker, are we engaged to-day? Are we trying the guilt or innocence of Judge Watrous, as the gentleman from Georgia seemed to believe? No, sir; we are only investigating the charges against him, in order to see whether those charges, under the proof that is before the House, make out a case that ought to be further investigated by the only tribunal that has power, under the Constitution, to pass upon his guilt or innocence. And what is Judge Watrous doing? He is resisting, not the finding of his guilt; he is resisting a proposition which is pending before the House, that he shall be transferred to the Senate, where he can be heard in a fair, public, open trial, and where he can prove his innocence, if innocent he be. The resolution reported by that branch of the committee with which I concur, does not determine his guilt or innocence. It simply proposes to impeach him for high crimes and misdemeanors, and to turn him over to the only court competent, under the Constitution, to try him. Gentlemen say, however, that if you send him to the Senate it is a stain upon his character. I would like to know how much more his character would be stained if he should go before the Senate for trial, than it is now, with these charges and this evidence hanging over him? Why, sir, it is but an act of justice to the party himself, if he be innocent, to let him go where he can vindicate his honesty and prove his innocence, and stand forth before the world without this withering stain upon his character.

It is said, however, that the expense of sending him to the Senate will be great; and that it would be wrong to send him before that body for trial because it would consume so much time. That is no argument. It does not affect the merits of the case. If he ought to go to the Senate for trial, there is no consideration of expense or of the consumption of time that ought to weigh with us; but he ought to be sent before that tribunal, where he might have a public trial, which would be satisfactory to the country, to the State of Texas, and which ought to be satisfactory to the judge himself. The gentleman from Georgia, however, says he does not consider that this House has the constitutional power to impeach, unless it be for the violation of some law, which violation is indictable in your courts, and punishable accordingly.

Mr. STEPHENS, of Georgia. What is that?

Mr. HOUSTON. I cannot repeat what I have said.

Mr. STEPHENS, of Georgia. The gentleman stated my position?

Mr. HOUSTON. Yes, sir; I was repeating what the gentleman avowed as his opinion; and yet the gentleman specified in the course of his argument that he would impeach for many things which he named, and which are not indictable under the common law, or under any statute of the country; so that his inconsistency is presented to the House in a few words.

Mr. Speaker, if we cannot impeach a judge for anything short of a crime, for which he may be prosecuted under statute or common law, what security or protection has the country against the misconduct of a corrupt judge? Why, sir, there is security to some extent where the criminal laws take cognizance of, and punish offenses upon the part of a judge; but you have no security against the thousand and one things in which he may violate the rights of the parties who may come before him, and against whom he may corruptly use the machinery of his court, for which he could not be criminally prosecuted. If the doctrine of the gentleman prevail, the judge may go scot free, and the parties whose rights have been stricken down must suffer. Mr. Speaker, the dangers of the misconduct of a judge, arising from his malpractices in those cases which are not prohibited and made punishable by the criminal laws of the country, are much greater and more alarming than those that are thus punishable. In those cases where the law inflicts a punishment, if the judge is a bad man, he would be naturally inclined to avoid such indictable crimes. If, however, you establish the doctrine enunciated by the gentleman from Georgia, you will find that all judges who are disposed to be corrupt, will feel free from restraint. Such are controlled only by their fear of punishment.

Allow me, by way of illustration, to put a few cases which seem to me to settle this point too conclusively to require further examination. Suppose a judge should go upon the bench drunk, unfit to discharge the duties of his office: would the gentleman contend that he ought not to be impeached? Suppose a judge should speak to a lawyer who rises to address him, "Sir, you have no right to come into my court; I will not allow you to appear in my court." The lawyer says, "But, your honor, I was employed to appear in this case by Mr. A B; I am not aware that there is any disqualification resting upon me." "Sit down, sir, you shall not appear in my court!" "Why not, will your honor tell me? Am I not a member of the bar?" "Mr. Clerk, strike that man's name from the roll of attorneys." Is that an offense for which a judge could be prosecuted *criminally*? Certainly not. Yet every member of this House will admit that it is a proper case for impeachment. But why illustrate by these supposed cases, when there are cases—precedents—established by the House and the Senate, which are conclusive of the point. There is the case of Judge Peck, with charges precisely like this—using his court to oppress an attorney—whose trial was initiated in the House and sustained by the House. Judge Peck was put upon his trial before the Senate, and the charges there investigated. It is true, that two-thirds of that body did not vote to convict him, but still the case was entertained and tried by the Senate, and the precedent is conclusive.

Again, sir, I hold in my hand, but have not the time to read, an account of the trial of Judge Pickering, of New Hampshire. There were four articles of impeachment filed in the Senate by the House of Representatives against him. The last of the four was that he went upon the bench in a state of intoxication—when he was drunk; you could not indict a judge for that. There is no law in this country under which you can indict a judge for getting drunk, or appearing upon the bench drunk; yet the House of Representatives, by an almost unanimous vote, sustained the articles of impeachment, and the Senate convicted him by a vote of nineteen to seven upon that charge. So it appears that Judge Pickering was impeached by the House, upon that with other articles, convicted by the Senate, and dismissed from his office. Can further argument be necessary? I presume not.

Another question, upon which I will say a word or two, has arisen in the course of this debate; it is this: My friend from New York, before me, [Mr. CLARK,] argued that this case should not be sent to the Senate upon anything short of absolute proof sufficient to convict the judge before the Senate. He contends that the same proof which would be required to convict him in the Senate, would be necessary in this House to send him to that body for trial. This, Mr. Speaker, is a new doctrine in this country; it is a new construction of that clause of the Constitution relating to impeachment. I refer that gentleman to the case of Judge Peck, where the gentlemen who were defending the judge, as well as those who were urging his impeachment, agreed that when there was reasonable probable cause for prosecution—probable ground of guilt—the House should impeach. The argument of Mr. Wirt upon that occasion, before the Senate, is conclusive upon this question. He there took the ground that the action of this House was similar to that of a grand jury; that while the investigation of the House was not necessarily *ex parte*, the office of the House of Representatives was not to ascertain whether the party was guilty or innocent of the charges preferred against him, but whether the proof was sufficient to make the case *worthy of a further trial*.

Mr. Speaker, if it be the office of this House to ascertain the guilt or innocence of the party, why the necessity of a trial in the Senate? I ask the gentleman from New York, if his view of the duty of the House be the correct one, and was so intended by the framers of the Constitution, why send the case to the Senate at all? Why not settle it here? Why go to the additional expense and trouble of requiring the Senate to try him again? And, as another proof that the gentleman is wrong, I need only refer to the fact that when a case goes from here to the Senate for trial, the members of that body resolve themselves, under a constitutional requirement, into a court; they, for that trial, become judges. They are called up and sworn to try the case as judges, and a two-thirds vote is necessary to convict. So the gentleman must be mistaken. I put this case: suppose, in an investigation in this House, there was a contrariety of evidence, *a conflict of proof*, so that it embarrassed the minds of gentlemen to determine on which side was the preponderance: I would like to know what we should do in that case? Here are witnesses who prove charges against the judge which ought to cause his impeachment; here are other witnesses who swear differently; and in that condition of things the case is brought before the House. The minds of members may be in doubt; and yet will you turn that judge loose upon the country with such a cloud hanging over and impeaching his honesty, his integrity, and tell the people of his district that they must have their rights adjudicated by him? Would my friend from New York [Mr. CLARK] have a judge sit upon a trial involving his life, his liberty, or his rights of property, when the testimony of respectable men (as is true of the case before us) showed the fact that he was corrupt, notwithstanding there might be proof, to a greater or less extent, of a counter character?

Now, sir, the true rule, in my judgment, is this: not that the House, as a mere grand jury, should hunt up its evidence from one side. It is our duty to get such evidence, if we can, as will present the true state of the case; not that we should go to the prosecutor alone, or to the other side alone, but that it is the duty of the committee, as it is the duty of the House, to examine into the truth of the case; to send for witnesses who know the truth, and will tell the truth; and when those witnesses show a fair, probable ground of accusation against the judge, to send the case to the Senate, where he may be fairly put upon his trial, and vindicated if innocent, or punished if guilty. My doctrine is, that in an investigation before this House—such as the one in which we are now engaged—if doubt rests upon my mind, I should give the benefit of that doubt in favor of an outraged and injured people—in favor of a trial; and the very doubt which I would give here in favor of putting the party upon trial before the only court in which he can be tried, might induce me, were I a Senator, to acquit him. You cannot try the case in this House; and if you turn the party loose upon a mere *balance of testimony*, his character is not vindicated, nor is he in a condition to try causes. He is only in a condition to

be brought before the House again, and have his case reëxamined at some subsequent Congress—as will be the case here if you discharge this judge without a trial. It is the duty of the House, where there is shown to be a fair ground of an offense such as is impeachable, to impeach.

I admit, Mr. Speaker, as a general rule, that a judge has the right to purchase and sell land, as other persons have; but I want you, and I want the gentleman from New York, [Mr. CLARK,] to tell me whether Judge Watrous should not be impeached if he were to buy land, the title of which was then in litigation before his court?

Mr. CLARK, of New York. If he did, he would have disqualified himself from deciding the title.

Mr. HOUSTON. He would have disqualified himself for the discharge of a portion of his duty, and my friend would say, "impeach him for it." If that is true, (and I am satisfied I do not misunderstand him,) I would like him to tell me the difference in principle between the two cases. What is the difference between the case where the property is then in litigation before the court of which he is judge, and the case where the parties (as I think I will show of the case under discussion) agreed, at the time of the purchase, that the property should be brought into litigation in his court? There can be none. I assimilate this case to the one where a judge goes upon the bench drunk. In that case he ought to be impeached. Why? Because he disqualifies himself for the discharge of his duties; and because he brings disrepute upon his court. The judge who enters into a speculation of land, the title of which is disputed, and disputed upon the same ground upon which the large mass of the real estate of the country is disputed, disqualifies himself to that extent for the discharge of his duties; and being thus disqualified by his own act, he still holds his office and receives the emoluments. He is, by his own act, disqualified in both cases. I assert that a judge has no right to disqualify himself by either mode; and if he should do so he should be impeached.

But gentlemen say that Judge Watrous did not disqualify himself by the purchase he made. Let us see. All agree that he bought the land; and the question is, what was the condition of the title when he bought it? Read Judge Watrous's own statement. He tells you, on the second page of his last memorial to this House, when replying to what the committee had reported, that the reason why there was great trouble in his office, was that—

"Its land titles were involved in controversy by the circumstances attending the transition of the State from dependence to independence, and by the supervening necessity for the reconcilement of the codes of proprietary concessions under the Crown of Spain; of colonization under the authority of the Mexican Republic; of revolutionary and head right or settlement grants by the Republic or State of Texas."

If you will examine the evidence, you will find that Lapsley swears that, when this purchase was made, *he expected litigation*. In answer to questions, he says, (p. 120:)

"*Question.* When you purchased, you were aware, of course, that it would be necessary to bring suits in order to eject the persons on the land?

"*Answer.* Yes, sir; I understood that there were men who were called squatters on the land. Mr. League spoke of them as being on the land.

"*Question.* Was it contemplated, at that time, that suits were to be brought?

"*Answer.* Yes, sir; I calculated that suits would become necessary."

Colonel Lapsley, in his letter to Judge Hughes, of the 31st October, 1850, at page 122, says:

"This land, as you are probably informed, was purchased by me of Mr. League for a company of gentlemen, including Judge Watrous, Mr. League, and myself. I understand an *arrangement was made with you to bring suit for the recovery of possession by Messrs. Price & Frow.* Our desire is to have suit brought, if practicable, to the next term of the United States court, as Mr. League will inform you."

And in his evidence, at page 123, he said:

"I wish to state, in connection with a remark in this letter, that I was informed by Major Frow and Major Price, on their return from Texas, that *they had employed Judge Hughes to bring the suit, provided we were to purchase the land.*"

And in explanation, at page 157, he says:

"After the word 'land,' add the words 'and suit became necessary, as expected,' so as to read: 'provided we were to purchase the land, and suit became necessary, *as expected.*'"

Look at League's evidence. He says, (page 212:)

"*Question.* Did you expect any litigation?

"*Answer.* I expect litigation on everything.

"*Question.* You expected litigation?

"*Answer.* I did not know but that there might be litigation.

"*Question.* Because of the uncertainty of titles, and by reason of locations?

"*Answer.* Yes, sir; if you go out, before you return you will have some squatter upon your land."

He uses a strong figure—if a man should leave his land, before he returns he would find some squatter upon it. Colonel Lapsley says expressly, and in all the various places where he has been examined he continues to repeat, notwithstanding great efforts were made to get him to say otherwise, that he expected litigation when he bought the land. If the parties expected it, (and that cannot be doubted,) there can be no difference between this case and the one which the gentleman from New York says would be impeachable.

There is another circumstance. What was the condition of this land, at the date of purchase? Here was a land grant of eleven leagues of land. Ordinarily, there are about forty-eight thousand acres of land in an eleven-league grant. Judge Hughes swears that there were about twenty thousand acres more than that, in this grant, making it nearly seventy thousand acres. And what was given for it? Seven thousand dollars for about seventy thousand acres of fine, rich Texas land, together with some ten thousand acres of land scrip or certificates!

Now, sir, I would suppose the $7,000 would have been repaid by the land scrip alone which accompanied the sale, and which was sold and transferred to the Lapsley company, with the land, so that the land was obtained virtually for nothing. Why was it that Nathaniel F. Williams, being the brother of Mrs. St. John, understanding the titles of Texas lands and the value of Texas lands, should have sold sixty or seventy thousand acres of land and the land scrip I have spoken of, belonging to his sister, for $7,000, when the land scrip itself would probably have repaid the purchase money? There is something in this which shows that there was no confidence in the title; and that those acquainted with it could not believe it was a good one. No one can reasonably believe that it was sold or bought as a good title, and more especially when you see the deed to League being without warranty of title.

Gentlemen say that if Judge Watrous knew at the time of the purchase that suits were to be brought in his court, then he ought to be impeached. I understood the gentleman from Maryland [Mr. DAVIS] to attempt to draw a distinction in regard to the time when the interest of Judge Watrous accrued; but that can make no difference in the principle. I understood him to say that if the evidence established the fact that at the time of the purchase, and as a part of the consideration, it was understood that Judge Watrous was to use the machinery of his court for the purpose of advancing the speculation and getting the case out of Texas, then he ought to be impeached. Now, a word as to that. Can there be any difference in the cases because of the fact of such understanding having been had at the time of the contract, or of its having been had afterwards? If Judge Watrous had gone into that trade saying, "you may bring the suits in my court, and I will transfer them to New Orleans, so as to avoid a trial before a Texas jury," it is admitted he would have well deserved to be impeached. Suppose the trade had been made honestly; suppose it had been made without reference to the use of his court; but that, after the transaction was concluded, the parties should have concluded that it would advance their interests to bring the suits in Judge Watrous's court, and Judge Watrous had assented to that: what difference would there be in the degree of criminality? The charge is, that Judge Watrous gave the use of his court corruptly; in the one case, for his interest in the land; in the other case, for the purpose of advancing the interests of the partnership. The consideration was the advancement of his own speculation, and the security of the title which he had thus acquired. It is true that the legal title having been vested in a citizen of another State, that person had the right to sue in the Federal court of Texas. But, suppose the proof shows that, while that must be acknowledged as a right, it was talked over between the judge and the other parties, and that the judge agreed to, and acquiesced in the understanding that suits were to be brought in his own court for his benefit; then, I say, the bargain is as corrupt as if it had been the understanding *ab initio*.

Mr. BARKSDALE. I desire to ask whether there is any proof of that?

Mr. HOUSTON. I feel satisfied that I can show that the fact is conclusively proven. I will not ask the House to rely on my word for it. I will refer to the pages where the proof is to be found. Gentlemen will find it in Lapsley's testimony, (pp, 126, 128, 132, 147, 148, and 149;) also, a corroboration in Love's testimony, (pp. 335, 336,) and in League's, (p. 213.) I will read a paragraph or two, at the risk of losing the time which perhaps I ought to appropriate to other branches of the subject. I regard this as an important point in the case—a controlling point. I have stated my grounds broadly, and I wish to sustain them by reference to the proof.

Will the gentleman from Mississippi, [Mr. BARKSDALE,] who, I know, desires to obtain the facts as they exist—as I hope we all desire in this matter—bear with me till I call his attention to a letter written by Mr. Lapsley to Mr. League, under date of December 30, 1851—a letter which I have no doubt speaks the truth, and is not influenced by passion, or prejudice, or sympathy? Referring to the purchase as made at Selma, and giving reasons why the case should not be tried in Texas, Colonel Lapsley says:

"In such cases the prejudices and sympathies of juries would very naturally incline them to favor the defendants, more especially if some of the jury (a very likely case) should be *interested in the question* on the side of the defendants, or should have relatives or friends so interested.

"These considerations induced me to suppose *(and so I thought we all agreed at the time of the purchase)* that it would be better to have the case tried in New Orleans than anywhere in Texas.

"In the trial of these cases, I do not know exactly what questions will be submitted to the jury, but if any controlling question should be submitted to a jury biased by prejudice, interest, or partiality, I would fear the result, and would prefer, if practicable, to avoid such an ordeal."

How could the trial before a Texas jury have been avoided? The gentleman from Georgia [Mr. STEPHENS] says that Mr. League was a non-resident, and could as well have brought the suits as Mr. Lapsley. Suppose that were true; there was yet another thing to be accomplished in order to secure a trial of this case out of Texas, and to put it out of the influence of a Texas jury; and that was, to interest the judge of the Federal court in the speculation with the legal title in a non-resident. League, suing without an interest in the land being owned by the judge, would have been compelled to try the case before a Texas jury. That was what they intended to avoid.

Mr. BARKSDALE. I desire to ask the gentleman from Alabama whether, if any one else in Texas but the judge had had his interest in the lands, the case could have been removed for trial to Louisiana?

Mr. HOUSTON. There is no law of the United States that authorizes a change of venue in the United States courts.

Mr. BARKSDALE. I would ask the gentleman whether, if any other citizen of Texas had owned Judge Watrous's interest, the case could have been transferred?

Mr. HOUSTON. No, sir.

Mr. STEPHENS, of Georgia. Suppose the land had been sold to a kinsman of Judge Watrous: how would it have gone?

Mr. HOUSTON. In that case it might probably have gone to another State. Why did they not put the title in a kinsman? Where is the evidence that he had a kinsman there to receive the interest?

Mr. STEPHENS, of Georgia. Mr. Speaker, I——

Mr. HOUSTON. The gentleman must excuse me. Unless my time is to be extended, I cannot yield to him. I have not interrupted gentlemen, and unless my time is to be extended, I cannot submit to be interrupted by them.

Mr. STEPHENS, of Georgia. I only desire to answer the gentleman's question. I want the House to understand that the gentleman will not

allow himself to be corrected on an important point in the testimony.

Mr. HOUSTON. What is it?

Mr. STEPHENS, of Georgia. The gentleman said that it was proved by the testimony that it was understood at the time of the contract that the suit should be brought in Judge Watrous's court. Now, I call the gentleman's attention to the testimony of Lapsley, who swears that there was no such understanding expressed or understood.

Mr. HOUSTON. Sir, that shows what the gentleman has already exhibited in his speech, that he knows nothing about the case. I have already read from Colonel Lapsley's letter to Mr. League; I will now read from Colonel Lapsley's evidence, page 128:

"*Question*, (by Mr. CHAPMAN.) Was it mentioned in the course of the consultation at Selma where the suits should be brought?

"*Answer*. I think that thing was spoken of between myself and my friends. I have no particular recollection, but I presume it was spoken of. It was a matter which I supposed was understood.

"*Question*. Was it understood that the suits should be brought in the United States court at that time?

"*Answer*. Yes; and the first intimation which I got of the contrary desire or intention was from Judge Hughes, stating that he preferred to have the cases tried in Texas. I do not recollect anything definite on that subject, further than that the matter was talked over. My own opinion was very decidedly made up.

"*Question*. Why did you prefer that the suits should be brought in the United States court?

"*Answer*. I preferred it for the reasons stated in my letter to League; because I had understood that there was some prejudice prevailing in Texas against titles of this kind, and I was afraid to risk it before a local jury."

Also, speaking of the same subject, he says:

"*Question*. Was that spoken of?

"*Answer*. I presume it was spoken of, although I cannot state positively. I think it was spoken of.

"*Question*. In the presence of Judge Watrous?

"*Answer*. Yes, sir. I cannot say that Judge Watrous ever said a word on the subject of bringing suits in Texas. My consultations were principally with the gentlemen in Alabama, with whom I was associated."

I could read other paragraphs of his evidence, but these abundantly establish what I have stated, and as fully disprove the statement of the gentleman from Georgia.

This, sir, is the proof, and it is as strong as the English language can make it; and now you can appreciate the speech of the gentleman from Georgia, who asserted that there was no proof tending to show any such thing.

But, sir, I read again from pages 148, 149, while Colonel Lapsley was being examined by Judge Hughes, attorney for Judge Watrous. This shows that Judge Watrous participated in the negotiations at the time they were going on, at Selma, Alabama, and which resulted in the purchase, and the only purchase, of that land, to which Judge Watrous was a party. It will not be pretended that he had any interest in the land until the trade at Selma, Alabama:

"*Question*. When you met on the second occasion for the purpose of executing the papers, was your attention called at any time, and if at any time, at what time, to the fact that Judge Watrous was present?

"*Answer*. We all met there—Judge Watrous and the rest of us.

"*Question*. When you first arrived was he there, or did he come in afterwards?

"*Answer*. It puzzles me to say. I cannot recollect.

"*Question*. State what occurred in relation to the warranty being urged on him; did Judge Watrous urge him to sign it?

"*Answer*. I think he did.

"*Question*. Did he participate otherwise actively in the proceedings towards the execution of this instrument, besides in that particular, except when he came to sign it?

"*Answer*. I think all the parties were present when it was read. I read it over. Mr. League protested that it was wrong to require him to execute such a deed. I think I remarked, 'It is nothing more than you yourself assert. You say you have undoubted confidence in your title, and that your counsel, Judge Hughes, has given you this advice; why not sign it?' Judge Watrous told him, 'You can sign it with perfect safety, Mr. League, because I am satisfied that the title is good.' As to urging him particularly, I do not know that he was very urgent about it; but he advised him to sign the paper. Mr. League hesitated for some time. I am inclined to think that the reason of his hesitation was to see if I would not recede. The other gentlemen seemed to leave it to me to fix that matter. I think, perhaps, I made this remark, or something equivalent to it, that unless that paper, or something equivalent to it, was signed, I would not go into the matter; and it was at that time that Judge Watrous advised him, or rather urged him to sign the paper, and he did sign it.

"*Question*. Do you recollect his participating in what was said or done there, beyond that advice, and the signing of the agreement when it was read?

"*Answer*. No further than his stating that you (Mr. Hughes) had examined the papers, and that you had pronounced in favor of the title, and that he was entirely satisfied that the title was good.

"*Question*. I understand you, then, to say that you cannot specify any other participation than that in the thing going on there?

"*Answer*. Judge Watrous spoke of the quality of the land. That the lands were valuable, being situated on the Brazos river. That was a matter which came up in the course of conversation."

Turn to page 335, and you will find the following in Love's evidence, speaking of Judge Watrous's interest in the Lapsley land. He says:

"*Question*. You had your information from hearsay?

"*Answer*. From Judge Watrous himself.

"*Question*. Judge Watrous himself had told you who the parties in interest in these suits were?

"*Answer*. He told me before the suits were brought.

"*Question*. How long before the suits were brought?

"*Answer*. I think a very short time before the writs were issued; or it may have been at the time that I was issuing the writs. I was interested in these suits; they were very profitable.

"*Question*. And either at the time of your issuing the writs, or shortly before, you had a conversation with Judge Watrous about them?

"*Answer*. It was a voluntary communication on his part. Judge Watrous and myself have been friends for twenty years. He had been a stranger to me, and never been introduced. He used to come into my office. We had discussed all these questions years and years before. He came into my office at the time the writs were being issued, I think; and he said, in substance, 'this is one of my cases; I am interested in this case. You will lose your fees, because they will have to go elsewhere to be tried."

This shows that Judge Watrous saw the writs when they were being issued, and evidenced no surprise or objection to the suits being instituted in his court. He treated it as a matter understood and expected by him; yet the gentleman from Georgia very confidently and unconditionally asserts that there is no evidence tending to fasten a knowledge or understanding upon him. What an overpowering thing this book of evidence has proven itself to be, and especially to gentlemen who have not properly examined its contents!

Mr. League says:

"*Question*. The question I am asking you is, was anything said about the tribunal, in which any litigation might result, owing to the peculiar character of land titles in Texas, should be conducted—whether they should be in the State court or Federal court?

"*Answer*. My impression is, there was something spoken of it at the time. This case of Santiago del Valle was soon to come up, and to be decided, and the decision was looked upon as settling the question of our title."

And now, Mr. Speaker, I feel authorized by the evidence in saying that it was agreed at Selma, at the time of making the contract, and we are bound to believe as a part of the contract, that the suits should be brought in the Federal court of Texas, presided over by Judge Watrous, for the purpose of getting the case out of Texas—avoiding the trial before a Texas jury, and that Judge Watrous was present when that agreement was made, and assented to it.

Mr. TAPPAN. I desire to correct the gentleman.

Mr. HOUSTON. No, sir; I cannot yield. If I had time, I could show that the gentleman made many gross mistakes in the statement of the testimony in his speech.

Mr. TAPPAN. I want but one minute.

Mr. HOUSTON. No, sir; I decline to yield. The gentleman did not confine himself to the testimony in his own speech, and I do not wish to be interrupted by him now. I am endeavoring to give this case a candid, fair, and impartial examination before this House.

Mr. TAPPAN. I merely want to refer the gentleman to——

Mr. HOUSTON. I cannot yield. And to corroborate that testimony is the statement of Thomas M. League, a witness whom I confess I believe wholly unworthy of credit; but Thomas M. League, himself, says that this thing was talked of about the time of the negotiations at Selma, Alabama; that the court in which the suits should be brought was spoken of in conversation there, so the evidence upon that point, as I understand it, is mostly, if not wholly, on one side. It is true that in one part of League's evidence he says his recollection is confused upon these points, but the very fact of his recollecting such conversation, though confused as he states it, is in itself proof that the whole matter of suing, and the court in which the suits should be instituted, was talked over and agreed upon.

It is replied, as an answer to what I have said on this point, that Judge Watrous gave Judge Hughes $200 to bring suits in the State courts. Judge Watrous makes the same statement. Hear him on that point:

"I was anxious, when it became necessary to sue, that the litigation should be had in the courts of the State, and inquired of Judge Hughes how much money it would take to bring the suit and commence the litigation in the State courts. He stated to me that $200 would be enough, and I paid him that amount for that purpose out of my own pocket to insure the certainty that the litigation which I had not anticipated, but which had now become necessary, should be had in the courts of the State. I have been informed by Judge Hughes that he did so bring the suit. But Mr. Lapsley, who had control of the matter, by reason of the legal title, was unwilling to trust the decision of the State courts, and wished the decision of the Supreme Court of the United States, and directed the suit to be brought in the district court of the United States at Galveston."

In this language there is nothing ambiguous; it is plain and positive. Is his statement true or false? He says: I was anxious when it became necessary to sue, that the litigation should be had in the courts of the State. Where is the evidence of that? Can such evidence be found? League remembers very *confusedly* that Watrous said something on that subject just before or about the time of the trade at Selma. Colonel Lapsley heard him express some such sentiment after the suits had been tried at New Orleans, and after he had been threatened with an impeachment for his conduct; yet, these will not prove the truth of his statement. Colonel Love says Judge Watrous came into the office when the writs were being issued; saw them; saw what was being done; spoke of it; spoke of the cases, but made no objection to the suits as they were being brought; said not a word about the State courts; treated it as a matter well understood; said the case would have to go elsewhere for trial. That of itself triumphantly disproves the truth of his statement. But, Mr. Speaker, I wish to do the judge no injustice, and therefore let me refer to the evidence tendered by himself. Of course, if his statements be true, and not intended to mislead and deceive the House, his own reference will sustain him. He says he paid Judge Hughes $200 out of his own pocket *to insure the certainty that the litigation which I had not anticipated*, but which had now become necessary, should be had in the State courts. *Now* become necessary? *When?* You would suppose he referred to a time before the suits were brought. No one can suppose anything else. Suits were instituted in January, 1851, and his word *now* must refer to some time before that. Again, he says: "*But Mr. Lapsley—who had control of the matter, by reason of the legal title, was unwilling to trust the decision of the State courts, and wished the decision of the Supreme Court of the United States—directed the suit to be brought in the district court of the United States at Galveston.*" Now, Mr. Speaker, will you not be much astonished to learn that the $200 he paid Judge Hughes to "*insure the certainty*" of the suits in the State courts were paid a year or two after the suits had been instituted in the Federal court at Galveston? Judge Hughes, the attorney of Judge Watrous, and a witness, being examined on the suggestion of Judge Watrous, says:

"I believe the suits were commenced in the fall or winter of 1852, after my return from this city home." * * * * * * "As to that suit at Waco, it is a different thing entirely. I have already stated that I commenced that suit at the request of Judge Watrous, who gave me $200 to pay for the expenses of the commencement of it, because, he said, he wanted the question decided. He wished the suit brought in order that the question might be determined in the State courts, *so that he might not be subject to imputation.*" * * * * * *

"*Question*. (by Judge Watrous.) What was about the time of your bringing that suit at my request; was it in 1852 or 1853?

"*Answer*. I stated in my former testimony that it was after my return from Washington city in 1852."

So, instead of Judge Watrous making a truthful statement in his answer as to the institution of the Lapsley suits, he made a statement by which he must have intended to deceive every person who might read it. You will bear in mind that the suits were brought in the Federal court at Galveston, January, 1851, and Hughes says the suits were brought in the State court in the fall or winter of 1852; and it turns out to be true that Judge Watrous never made an effort to have suits brought in the State courts until he found he was likely to be impeached. After it had been mentioned against him in the committee-room,

then it appears he borrowed $200 of his friend Holman and paid it to Hughes, and instructed Hughes to sue in the State court, *so he might not be subject to imputation.*

There is another circumstance, Mr. Speaker, which I would like to have explained. The evidence shows Judge Watrous to be insolvent; it also shows that, although $20,000 have been paid by the other partners, he has never paid a dime; and further, he has never been called on to pay a dime. Why is this? He is *one fourth* owner of the whole purchase; and, although it has been several years since the money was paid by his partners, yet he has paid nothing, and has not been asked to pay anything. Strange indulgence, this! *Singular favoritism towards the judge.* So much so, that we are very naturally led to the inquiry, *how and why is this?*

It is also argued that Judge Watrous had nothing to do with the suits, and had no right to control them; that he could not even prevent Lapsley from suing in Watrous's court. Let me read from a letter of Colonel Lapsley to his attorney, Hughes, under date 2d November, 1850, some two months before the suits were brought. In this letter he, in express language, puts his attorney (Hughes) under the instructions, in part, of Judge Watrous, as to the suit to be brought:

"As Mr. League and Judge Watrous are interested in this land, I beg leave to refer you to them in relation to any matters relating to the suit to be brought," &c.

Mr. Speaker, I am admonished that my time is fast passing away. I wish briefly to speak to a few other points. It is said that there was an agreement between the lawyers representing the case, that it should be removed to Austin, and there tried before a lawyer selected by the parties. I deny that there is sufficient evidence to prove any such agreement. On the contrary, while the testimony of two or three witnesses tends to prove the existence of such agreement, the letters of Colonel Lapsley, which I have before said are more reliable than the memory of the witnesses who have spoken of it, satisfactorily disprove it; they show that Judge Hughes *contemplated* such an arrangement. They do not show an *agreement made*, and the lawyer on the other side swears no such agreement was ever made. But why transfer the cases from Galveston to Austin, Judge Watrous being the judge at both points? And if they could agree for a lawyer to try the cases, why take them to Austin? Why not try them at Galveston? The whole thing is an absurdity. Mr. Taylor swears he made no such agreement, and I am entirely satisfied he told the truth.

Did Judge Watrous disclose his interest in the Lapsley cases at the first term of the court? I am well satisfied he did not. Cleveland swears he did; but his evidence is entirely worthless; indeed, his shifting and changing, as spread upon the pages of this book of testimony, conclusively show him to be wholly unworthy of belief. Shearer and Jones swear doubtingly; Love but little better; League is pretty much in Cleveland's condition; Judge Hughes fixes the time at which the disclosure was made, at the term at which Mr. John Taylor made a motion for a transfer of the cases to the Austin branch of the court, and the record shows that to have been in January, 1852—the third term after the suits were instituted. While, on the other side, Spencer, Taylor, Howard, Hartley, and others, swear they heard no such disclosure. Spencer was one of the defendants who was there attending to his suit; Howard was his attorney in the case; Taylor was the attorney for most of the other defendants; Hartley, Atchison, and other attorneys, were practicing attorneys in that court; yet it seems that they heard no such disclosure. Then, how is it that the disclosure could have been made from the bench, and no one, except the immediate officers of court and the judge's partner, (League,) and his lawyer, (Hughes,) have heard it? Can any gentleman believe the truth of that testimony? Can it be that the disclosure could have been made and not heard by some one outside of that number?

The gentleman from Georgia stated that the interest of Judge Watrous was disclosed at the first term after the suits were brought; he said the record proved it, and read from the minutes of the court of the third term. The gentleman from Wisconsin [Mr. BILLINGHURST] showed that the orders to which the gentleman from Georgia referred, in which that interest was disclosed, were not made at the first term, thereby disproving the statement. Now, let me refer the gentleman to page 482, where the record shows that at the April term, 1851, the Lapsley cases were continued; that they were so marked on Judge Watrous's docket, and in his own handwriting:

"During the examination of James Love, the clerk of the Federal court at Galveston, he was requested by the committee to furnish transcripts of the orders entered in the Lapsley cases, in the books produced by him before the committee, and of the docket of those cases, to which he and his deputy, John S. Jones, were examined; and such transcripts were produced, as follows:

"*No.* 1.—*Trial Docket, April term*, 1851.

"Hughes 346. John W. Lapsley *vs.* James Marlin; filed January 11, 1851. Continued.

"Hughes 347, Taylor. Same *vs.* Charles Duncan; filed January 11, 1851; executed March 5, 1851. Continued.

"Hughes 348, Taylor. Same *vs.* Brown; filed January 11, 1851; executed February 17, 1851. Continued.

"Hughes 349. Same *vs.* George Bernard; filed January 11, 1851; executed February 17, 1851. Continued.

"Hughes 350, Taylor. Same *vs.* David Barton; filed January 11, 1851; executed February 17, 1851. Continued.

"Hughes 351, Taylor. Same *vs.* James Barton; filed January 11, 1851; executed February 18, 1851. Continued.

"Hughes 352. John W. Lapsley *vs.* Eliphas Spencer; filed January 11, 1851; executed February 18, 1851. Continued."

You will find from the evidence of Colonel Love that these entries on the judge's docket were made by Judge Watrous himself, and that not one word was said or entered upon his docket disclosing his interest, or about his interest in any way; and these entries on the minutes were read to Judge Watrous, and not in the least objected to by him; and notwithstanding these facts, during the January term of 1852, Jones, the deputy clerk, swears that Judge Watrous insisted that he should make an entry changing the continuances thus marked in his own handwriting, to make them read as by consent; and he did so. Again: Taylor says he never made such an agreement, and that he never heard of it until he saw the evidence of it exhibited in the committee-room here. Why did Judge Watrous direct that these entries should be made to read by agreement of parties? Had he the right to do so? The attorney swears he never consented to the change. Jones swears he did it at the instance of Judge Watrous. Yet, in the face of this mutilation of the record, gentlemen say he should not be tried.

Love, (p. 341,) speaking of the continuances as originally entered in the minutes of court, says:

"*Question.* Did the judge know of these orders?

"*Answer.* I presume so.

"*Question.* You do not know he did?

"*Answer.* I do not know other than that I saw them on the books. I read the orders to him every morning, and I presume he knew the orders were on the books.

"*Question,* (by the CHAIRMAN.) Every morning when you go into court, you read the orders of the preceding day?

"*Answer.* Yes, sir."

But it is said that he disclosed his interest to certain parties. What is a disclosure of interest, unless the disclosure is made publicly or to the parties interested—the parties who have a right to avail themselves of it if they can? Yet there is no satisfactory proof that he did so disclose. On the contrary, the most reliable evidence is that the suits were carried from term to term without such disclosures being made or put upon record. Mr. Taylor, who was then the attorney for most of the defendants in the Lapsley suits, not only says he made no agreement to substitute a lawyer to try the cases in place of the judge; that he made no consent or agreement to transfer the cases to Austin; but that he made no agreement to change former entries, as Judge Watrous insisted that Jones, his deputy clerk, should do, and as was thus done. Mr. Taylor swears that he made a regular motion in court to have certain suits transferred to Austin. And while he was arguing it, the judge granted his motion; and he supposed his case went to Austin by virtue of such motion and the orders upon it. There are orders on the minutes marked as erroneous, and are precisely as Taylor remembered them, excepting the marking them as erroneous. Those orders were entered upon the record of Judge Watrous's court. Afterwards a consent or agreement was entered upon the record, and the former orders marked erroneous; which Taylor swears he never made or agreed to, and never heard of until he came into the committee-room. Those orders go on to say that the counsel agree that all former orders shall be changed, so as to read as if entered by consent, when the evidence is that they were changed at the instance of the judge himself, and without the consent or knowledge of defendant's attorney.

I will read one of the entries which Mr. Taylor proves, and which it seems was entered, and afterwards, in ink of different color, marked as erroneous:

JOHN W. LAPSLEY, *vs.* MITCHELL and WARREN. } Erroneously entered.

"In this case it appearing to the court that the defendants reside within the limits assigned to the branch of the district court of the United States for the district of Texas, held at Austin, upon the motion of the said defendants, by their attorney, John Taylor, Esq., it is ordered that this cause be transferred to the said branch of the said court at Austin, and that the clerk of this court forward the papers and proceedings therein accordingly, to the said court at Austin, upon the payment of his fees by the said defendant."

I will now call your attention to one of the other entries; I mean one of those purporting to have been made by agreement between the attorneys of the parties:

"365. John W. Lapsley *vs.* Mitchell and Warren.

"This day came the parties aforesaid by their attorneys, and thereupon the judge of this court having stated that he could not sit in this case by reason of a personal interest, and of an interest of persons with whom he is connected by blood in a part of the subject-matter in contest, the said parties, by their attorneys, agree that this cause be removed and transferred to the district of Austin. And further, it is agreed that the continuances, and all other orders heretofore made in this case, be so corrected as to read as made by consent of parties, and not by the order of this court."

Let me now read what Mr. Jones, the deputy clerk, says about the last entry:

"*Question.* Look at the record book and find the entry in 1852, or the order transferring the Lapsley cases, and tell me whether you made that, and when you made it?

"*Answer.* That was made in January, 1852, and by me.

"*Question.* Did you make that entry?

"*Answer.* I made it on the 6th of January. I made the whole of it.

"*Question.* (by Mr. CLARK.) By whose order did you make that special entry in relation to previous orders?

"*Answer.* Judge Watrous insisted that it should be done. He insisted that it should be shown that he had not meddled with the case."

Mr. League says, at page 247:

Question. Was the fact of Judge Watrous having an interest in that tract of land notorious in Texas at the time those suits were brought?

"*Answer.* I cannot say that it was. I knew it at the time the suits were brought.

"*Question.* Was it generally known?

"*Answer.* I think it was not known until he divulged it from the bench, when the cases were called up."

Mr. Speaker, it is admitted that Judge Watrous presided in the Ufford and Dykes trial—was that wrong? In 1830, the State of Coahuila and Texas granted to José de Aguirre, Raphael de Aguirre, and Thomas de la Vega, eleven leagues of land each; it is true that the grant was of eleven leagues to each one, but it is equally true that the three grants were made in the same instrument, the same concession. Judge Watrous was interested with Lapsley who claimed under La Vega, through that concession, and through a power of attorney, purporting to have been executed in 1832 by the three grantees to Samuel Williams authorizing him to sell, &c. Ufford claimed under Raphael de Aguirre through the same concession—same power of attorney &c., so that Judge Watrous was interested not only in the *question* involved in the Ufford and Dykes case, but he was interested in the same instruments, or muniments of title. It is answered to this, Mr. Speaker, that Judge Watrous did not know that the power of attorney used in the Ufford and Dykes trial was also an instrument common to both that case and the Lapsley cases; that the power was admitted by the attorneys; not read in the trial or hearing of the court, and he should not be blamed for he could not know it was an instrument common to both sets of cases. I admit that the power of attorney was admitted by consent, but was there nothing else in the case, or that was developed on the trial, to admonish the judge that he was trying a case involving, not only the same questions, but the same instruments, upon which his own title to his interest in the Le Vega land depended. Look at the deposition of Samuel M. Williams which must have been read to the jury. In that deposition Williams explains the concession, and, if I am not mistaken, also the power, showing the connection between the cases, making

it clear that the judge must have known what he was doing.

Again: there had been a judgment by default in the Ufford and Dykes case at a previous term of the court; and it seems the judge's attention had been called to it by a motion in arrest of judgment. He went into the office of *Judge Hughes*, where *League* was, and expressed some concern about the case. Judge Hughes, who was said to be one of the judge's favorites, and who was the attorney for Lapsley and partners, who claimed under La Vega, delivered a message to Mr. Hartley, which I will read:

"One morning, after the motions had been argued—perhaps one of them—I started out to get Colonel Allen to make an affidavit of meritorious defense, which had not yet been put in. As I was returning, I met Judge Hughes at the corner of my pavement. He was not then employed in the case. He spoke to me, and told me that Judge Watrous came into his office the evening before, where he and Mr. League were, and said that he was in great perplexity about that case; that he did not like to see the case go off in that way; that the motion in arrest of judgment was not sufficient; and that there was no affidavit of a meritorious defense in support of a motion for a new trial." * * * * "Judge Hughes told me that Judge Watrous said that if I would put in an affidavit of meritorious defense, Judge Watrous would grant the motion for a new trial."

Judge Hughes in that way succeeded in getting into the defense of that case, with the two young men (Hartley and Thomas P. Hughes) who were representing the defendants; and it was partly, if not mainly, through his influence, that those young men agreed to let in the power of attorney, Judge Hughes at that time being the attorney of Lapsley, whose interest it was to establish the validity of that power of attorney, and furnishing a copy to be read against his own clients. Judge Hughes says:

"*Question.* Was any question made as to that power of attorney, on the trial?

"*Answer.* I cannot answer in the affirmative clearly and distinctly; but I can say this: Mr. Thomas Hughes was the original counsel for the defendants; he was a young man, residing at Georgetown; Mr. Hartley and myself, in the order named, were subsequently employed as counsel; and at the trial, believing that no substantial objections could be made to the power of attorney, I insisted that Messrs. Thomas Hughes and Hartley should not object to it; and I believe that no objections were made."

Now, sir, one word to the gentleman from Virginia, [Mr. MILLSON.] He seems to feel the force of the arguments which have been presented within the last few days—that there was a certain power of attorney in which Judge Watrous was interested, and that that certain power of attorney was admitted on the Ufford and Dykes trial, with the knowledge of Judge Watrous of the fact that it was a power in which the judge himself was interested; and he presents the point that the power of attorney may have been good for La Vega and not for Aguirre. If the gentleman will look into the case, he will find from the evidence of Hartley, one of the lawyers in the case, that the defendant's attorneys objected to the introduction of the original concession as evidence.

In the case of Ufford *vs.* Dykes the same concession gave La Vega and the two Aguirres eleven leagues of land each; and that concession, if good for one, must have been good for all; if bad for one, bad for all. That concession was not admitted by consent. It was objected to by the defendant's attorneys; and was objected to in part upon the ground that the laws of Coahuila and Texas did not authorize the Government to grant so much land in one concession. The judge overruled the objection, and permitted the concession to go in evidence to the jury, and charged upon that evidence that the concession was good upon its face and conveyed the title.

Mr. CRAIGE, of North Carolina. The gentleman does not state the facts, which appeared in the testimony, that the concession never was read before Judge Watrous, in the Ufford and Dykes case; that the case went off upon the statute of limitation; that the defendant admitted it to be received, and that no question was raised as to its validity.

Mr. HOUSTON. The gentleman is mistaken.

Mr. CRAIGE, of North Carolina. No, sir; the proof is complete and full as to those facts.

Mr. HOUSTON. My hour has nearly expired; but if the House will give me time, I will show whether that is so or not. I stated that Hartley swears that he objected to the introduction of the concession, and I am satisfied that I can show that he did object. He goes on to state that he did object because it conveyed more land than the laws allowed.

Mr. CRAIGE, of North Carolina. I challenge the gentleman to show that the case did not go off upon the statute of limitation.

Mr. HOUSTON. That is not the question before us. Here is Hartley's testimony, and I leave the House to determine the question. I have no feeling in this matter other than the discharge of my duty. I have no pride in having a trial ordered if the circumstances and proofs do not require it; but I have a pride in making good what I say.

Mr. CRAIGE, of North Carolina. I have as little pride as the gentleman; but the gentleman having the conclusion of the argument, should not misstate the testimony.

Mr. HOUSTON. I did not say the gentleman had any pride, nor do I care whether he has or not. I am arguing the question upon the facts.

I am going to read the evidence, and the House can judge whether I am right or wrong.

[Here the hammer fell.]

Mr. HOUSTON. I hope the House will allow me to read a short extract from Mr. Hartley's evidence sustaining my statement.

Mr. GARTRELL. I move that the gentleman be allowed thirty minutes longer.

[Cries of "No!" "Yes!" and "Go on!"]

The SPEAKER. The gentleman's time has expired, and objection is made to extending his time. The question is now upon the resolution, and the amendment offered thereto.

[The following is the evidence of Mr. Hartley to which Mr. HOUSTON referred:

"*Question.* You stated that the original concession embraced the two titles of La Vega and Aguirre?

"*Answer.* It was to La Vega, Raphael Aguirre, and José Maria Aguirre.

"*Question.* It was a single concession embracing three grants?

"*Answer.* Yes, sir; and I think one of the objections to it was taken upon that ground. The objection was that it embraced thirty-three leagues, when the law of Mexico provided that no more than eleven leagues should be united in the hands of any one person.

"*Question,* (by the CHAIRMAN.) In your argument you and your colleagues attacked the original concession from the States of Coahuila and Texas to the two Aguirres and La Vega?

"*Answer.* Yes, sir; Thomas P. Hughes and myself. We did not argue that question to the jury. We resisted its admission as evidence on that ground at the trial."

Page 405, Mr. Hartley says:

"The case of those who had no special defense was tried first. On each trial my impression is that we took every possible objection to the original title, and all possible objection we could suggest to the validity of the original concessions themselves."

Again, he says:

"*Question.* Will you reflect, in order that you may state with some degree of precision, whether there was any argument to the court or not on any question arising on the face of the power of attorney?

"*Answer.* I do not recollect. I do not know whether we saved the point or not. We objected to the sale under that power of attorney, because the sale was really made more than seven years afterwards. The idea was to bring it within the presumption that the party who executed the power was dead. We made some objection with a view to that. We called Mr. Merriman, who was counsel for the other side, to prove by him that the deeds under the power of attorney were antedated; that they were in his hand writing, and dated prior to the time he went to Texas. That objection was made, but whether it was finally saved or not I am not certain. I think it is possible that it was not."]

IMPEACHMENT OF JUDGE WATROUS.

SPEECH OF HON. MILES TAYLOR,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

December 13, 1858.

[REVISED.*]

The House having under consideration the resolutions reported by the Committee on the Judiciary, in reference to the impeachment of Judge Watrous—

Mr. TAYLOR, of Louisiana, said:

Mr. SPEAKER: My position upon the Judiciary Committee, and the fact that, as a member of that committee, I joined in a report recommending the impeachment of Judge Watrous, would seem to make it necessary for me to take a part in this discussion. But, if it had been otherwise, I should have felt it my duty to seek the floor for the purpose of giving expression to my views in regard to the great question involved in the resolution now before us. That resolution proposes to impeach a judicial functionary of the United States for high crimes and misdemeanors in office. The position of the case, however, is a singular one. We find that there is strong and decided opposition made to the resolution, and that that opposition is based upon positions which, according to my notions, are in violation of the principles of the Constitution; are opposed to the practice of this Government from its very foundation; and, if maintained, would, in the end, be subversive of the administration of justice.

It is proposed by a portion of the committee that John C. Watrous, of the State of Texas, should be impeached for high crimes and misdemeanors. That recommendation is based upon facts elicited upon an inquiry had before that committee upon two memorials. One of those memorials was presented by Jacob Mussina, a citizen of the State of Louisiana. The other was presented by Eliphas Spencer, a citizen of the State of Texas. It is not now my purpose to engage in an argument of, or even to give a recital of, the facts which were elicited upon that investigation. I shall not engage in any argument in respect to controverted positions on the evidence, but shall simply content myself by a reference to certain facts which stand uncontroverted and are uncontrovertible, and afterwards attempt to show that upon those facts as presented to this House, it is our duty to the country, that it is our duty to ourselves, to accuse John C. Watrous of high crimes and misdemeanors, and call upon the Senate of the United States, the great constitutional tribunal, clothed with the exclusive authority to condemn or absolve him on that accusation, to put him on trial at their bar.

I will refer first to the facts which are established in relation to the memorial of Jacob Mussina.

In that memorial it is set forth that the conduct of Judge Watrous in a certain chancery case pending in the district court of the United States, within the State of Texas, was unworthy of a judge, and was calculated to injure a citizen, to deprive him improperly of his rights, and to disturb the administration of justice. Upon an examination of the record of that case, it will be found that that bill in chancery was brought originally in the names of a number of parties, who claimed to be the owners of a certain tract of land under a grant; and in the bill, as presented to that court, they asserted themselves to be, as beyond all doubt they were, citizens of Mexico; they asserted themselves to be aliens. In the progress of that cause, the right of the counsel who instituted the action to represent all those parties, was controverted. The fact was put in issue; it was submitted to the judge, and the judge, by an order passed, recognized the fact that the counsel who had filed the bill, was not employed by five out of the seven or eight parties. The judge then ordered those parties' names to be stricken from the bill as parties complainants; but going beyond the limits of ordinary proceedings, in the same order it was suggested, and directed, that the counsel should have leave to make those persons whose names had been stricken from the bill as plaintiffs, parties defendants, upon making the allegation in the answer, that they were citizens of the State of Texas. As citizens of Mexico, they could not have been joined in a suit as parties defendants, because that would have ousted the court of jurisdiction, and the court would have been absolutely without any jurisdiction and without power to try the cause. The judge knowing that fact—for it is to be presumed that judges know something—knowing the fact that these parties were citizens of Mexico, directed the counsel to make an assertion of a falsehood upon the record, in order that the court might have authority to proceed.

Is it necessary to refer to authorities to show that the court presided over by Judge Watrous was absolutely without jurisdiction in the case before it? Does not every one know that the courts of the United States are courts of limited jurisdiction; and that they have no authority whatever to act in a cause unless it is rightfully

* For the original report see Cong. Globe, page 59.

before them? and that, unlike courts of general jurisdiction, there is no presumption in favor of their authority to proceed in any cause, but that the facts necessary to give them jurisdiction must be specially shown by the record? And what are the facts disclosed by the record? Was the case presented one arising under the Constitution or laws of the United States? or of treaties made under their authority? or one of admiralty and maritime jurisdiction? Not at all. It was one of an ordinary character; between ordinary individuals; involving a mere controversy as to title, and with respect to which no court of the United States could have been seized of jurisdiction, unless the character of the parties was such as to give them cognizance of it.

Under the Constitution of the United States, the judicial power of the Federal Government, when its exercise depends on the character of the persons engaged in it, extends to controversies between citizens of different States, and between the citizens of the United States and of foreign States. But in all such cases, it has been uniformly held by the Supreme Court of the United States, from the foundation of the Government to the present day, that each plaintiff must be capable of suing each defendant, to give the United States courts jurisdiction. That is, if the plaintiffs are aliens, all the defendants must be citizens of the United States. The joinder of a citizen of the United States with aliens as plaintiffs; or the joinder of aliens with citizens of the United States as defendants, prevents the jurisdiction of the United States courts from attaching; and when a suit is originally instituted by aliens against citizens of the United States, if at any time afterwards, in its progress, aliens should be joined with the defendants, or citizens of the United States be joined with the plaintiffs, the United States court in which it had been rightfully brought would be at once ousted of its jurisdiction. Does any one require authorities to be satisfied of that? If he does, let him refer to 3 Cranch, 267; 2 Peters, 136, 565; 14 Peters, 60, &c.

And now I ask, what are the facts disclosed by the record in the case spoken of? Were not a part of the defendants in the case, as well as all of the plaintiffs, aliens? And was it not known to Judge Watrous that that fact had the effect of ousting his court of jurisdiction? If you say it was not; then let me ask you why it was he directed the Mexican plaintiffs, in the order dismissing them from the case as plaintiffs, to come into court again as defendants, and allege themselves to be citizens of Texas? Why direct a falsehood to be placed on the record, unless he knew that the statement of the truth as to their citizenship would have been fatal to the jurisdiction of the court? To my mind no other conclusion can be drawn from the facts; and for myself, I cannot but think that Judge Watrous intended, by authorizing the assertion of a falsehood on the record as to the character of the new defendants, to retain jurisdiction over the case wrongfully.

But if I were mistaken in this, and it were true that the court had jurisdiction over the parties to the suit, it would be still clear that the case was not rightfully before the court—that it had no jurisdiction over it in the shape in which it was brought. The case was begun and carried on by a bill in chancery, on the equity side of the court. And now, sir, upon examining that bill it will be found that the district court of Texas, sitting as a court of equity, was utterly without jurisdiction in respect to the nature of the litigation. The matter presented for the decision of the court was a mere question of title. That is a question which belongs to a court of common law. By a statute of the United States, a court exercising jurisdiction by the Constitution is prohibited from exercising chancery powers in relation to any matters in reference to which there is an adequate remedy by an action at law.

But it has been said that jurisdiction was given to the court because of the nature of the contest. It is said that this was an instance in which the parties complainant sought the exercise of the equity powers of the court to obtain peace. Sir, there is not one feature in this bill which could give a court of chancery jurisdiction; and I will call on any lawyer within the limits of the House, or within the limits of the nation, to show me one single case in which a court of chancery ever maintained jurisdiction in an action of this nature. The bill declares it is for the purpose of a recovery on the title. It expressly declares that it is not for the purpose of obtaining a partition; for it is the intention of the parties to make an amicable partition, and they wish the question of title settled in order that they may be able to make that amicable partition. It is not a bill of peace; because, Mr. Speaker, there had never been any suit in regard to that title. There is not an instance within equity jurisprudence in which there ever has been a bill of peace entertained by a court of chancery when there had not been a long series of litigation with respect to the title of property in contest in courts of law. Under the system of practice adopted in countries where the common law prevails, the ordinary mode of trying title to property is by actions of ejectment. But the action of ejectment is, in its nature, a mere possessory action. It decides nothing but the simple question as to the right of possession at that time. In consequence of this, under the principles of common law, parties who conceive that they have a better right to a piece of property may at any time begin, again and again and again, actions in ejectment founded on the same titles.

In most, if not all, of the States composing the United States, there has been legislation on this subject for the purpose of preventing the evils growing out of protracted litigation in this way. In many of the States, it is by statute declared that after a certain number of verdicts, the question of title shall be considered conclusively settled. But, I repeat, there is not an instance in the whole circle of equity jurisprudence in which there was ever a bill entertained by a court of chancery to quiet a title—to give peace until after there had been previous litigation in regard to that title in a court of law. Neither was it a case which related to a common right, like a right to a fishery, or to a right of way, &c., &c., in which great numbers or a whole community were interested alike; nor were there an unusual number of defendants to be brought before the court. It was purely and simply an action upon a legal title for the recovery of a tract of land from a few adverse claimants who were in possession of it. And, this being so, can any one believe that the case presented was one of which a court of the United States, sitting as a court of equity, could rightfully take cognizance? Why, sir, under the principles which obtain in England with respect to the exercise of equity powers by their courts, such a case as that could not have been maintained for an instant. And if that is true in England, where there is no positive statute expressly forbidding the exercise of equity powers by the courts in cases where there is a plain and adequate remedy at law, how much more so must it be here, where there is such a statute?

The want of any jurisdiction over the case in equity was formally set up by plea, on the part of some of the defendants, in their answer to the bill; and the fact, that the court was absolutely without jurisdiction because of the character of the parties, was brought to the notice of the court by a motion to dismiss on that ground, made before the case came on for a final hearing. But neither of the objections were heeded by the judge who proceeded to make a decree in the case in favor of the plaintiffs. And what, let me ask, was the effect of this conduct on the part of the judge? Why, sir, the suit was one properly cognizable at common law, in which the defendants were entitled, under the Constitution, to a trial of the facts involved, by a jury. And it was also one in which these defendants could not have been rightfully concluded by a single decision at law so as to be forever after precluded from asserting any rights which they might really have to the land in question, in a subsequent action. By the improper conduct of John C. Watrous in maintaining jurisdiction over the cause, first, the defendants were deprived of their right to a trial of the cause by jury; and secondly, the complainants were enabled to obtain a decree in a single proceeding, by which they were not only put in possession of the property claimed, but the defendants, in violation of the principles of the common law, and to the injury, perhaps destruction, of their legal rights, were to be forever prohibited from again raising the question of title with respect to the land described in the bill; as they would have been authorized to do, if the suit had been one at law instead of in equity.

These are the only points, as to the misconduct of the judge, to which I will now direct the attention of the House, with respect to the case presented by the memorial of Jacob Mussina. There are various other points in his conduct in that case which merit the serious attention of the House. But I cannot now take the time to refer to them; and will pass on to the case presented by the memorial of Eliphas Spencer.

I will not attempt an investigation of the facts involved in that case. That has been gone into at length by a number of gentlemen, and many of the most important facts have been referred to, in a manner calculated to arrest the attention of the House, by the gentleman who has just closed his remarks, [Mr. JOHN COCHRANE.] I shall, however, refer to two or three facts that are presented by the evidence, and which cannot be disputed or disproved. It is shown that the tract of land spoken of by the honorable gentleman from New York—the eleven leagues of land—was purchased by parties in Alabama, and by parties in Texas, of whom Judge Watrous was one. It is true it was sought in the course of the investigation before the committee, by the testimony of Judge Hughes and of other witnesses, to show that at the time the purchases were made, Judge Watrous desired that the litigation which was to follow upon the purchase should be instituted and carried on in the State courts, and that he, Judge Watrous, had no agency or connection, nor was he to have any agency or connection, with the management or direction of that litigation; that he had no agency as to the choice of the courts in which the suits were to be instituted; that he had no agency or connection with the management and progress of the cases; and that he could not, by any possibility, have had any, because the legal title was in Lapsley. This is stated, in so many words, by Judge Hughes, who was examined before the committee. It is stated in so many words by Thomas M. League, who was also examined before the committee.

That record, however, contains evidence which shows that these gentlemen were mistaken, and that what they asserted was not true in point of fact. This evidence does not depend upon treacherous, or perverted memories. It is written evidence, cotemporaneous with the transaction; written evidence furnished by the parties, and which preceded the institution of these suits, directed where they should be instituted, and prescribing under whose direction they should be prosecuted. Mr. Lapsley, in his letter to Judge Hughes, of the 31st of October, 1850, states that it was the determination of the parties that the suits necessary to be instituted for the recovery of this land should be brought in the Federal court of the State of Texas. In the latter part of this letter he states that he had sent a certain portion of the papers, but that there are other portions of the papers in reference to this case which would be forwarded to him at a subsequent day, through Mr. League or Judge Watrous; showing that at that time Mr. League and Judge Watrous were with Mr. Lapsley. In a letter dated the 2d of November, only two days after the writing of that letter of instructions to Hughes, directing the institution of the suits, Mr. Lapsley writes another letter, in which he refers to the fact that suits are to be brought in the Federal court; and he then specifically instructs Mr. Hughes to be guided in respect to the management and direction of the cases to be brought: and by whom? By Judge Watrous and Mr. League, who were, Lapsley says, interested with him in the land to be sued for.

In his testimony Mr. Lapsley declared that he never gave any other instructions to Judge Hughes, in regard to the place of instituting these suits or the mode of conducting them, other than were contained in these letters.

If this fact be true, (and who can for a moment doubt it, after looking at the evidence before us,) what is the necessary result? Why, is it not certain, as was well shown by my friend from New York, [Mr. COCHRANE,] that when the parties interested in the purchase of the land completed their arrangements at Selma, it was their design

to bring the suits to be brought against those who were in possession of it, in the Federal court of Texas, over which Judge Watrous presided, in order that they might be removed from Texas to Louisiana? Lapsley declared that that was his intention. The honorable gentleman from Maryland, [Mr. DAVIS,] in referring to the case, on Saturday, stated that it was clear to his mind that that was the intention also of League. He admitted, too, that that intention was an improper one; and then said, in so many words, that if that design could be brought home to Judge Watrous, he would then be prepared to impeach him. Now, I would ask that gentleman how such an intention is to be brought home to the judge? You cannot look into his heart and read his intention. Must he confess it? Is it requisite that he should have declared it in so many words, before you can believe it? Why men conceal evil deeds—they cover up evil intentions. It is rare, indeed, in the administration of criminal justice, that the positive intent of criminals is shown by direct proof. It cannot be done, sir. It is not necessary that it should be done to convict in any case where crime is charged. And how then, I ask, can it be necessary to make such direct proof in order, not to convict, but to accuse? Not to condemn, but only to put one on trial? No, sir; the intent may in all cases be inferred from the acts done; and I will say to that gentleman, that if the intent of Judge Watrous cannot be inferred from the facts shown in this case, it is difficult for me to imagine a case in which it can be inferred at all.

Why, sir, contrary to what usually takes place in such investigations, the intent of Lapsley and League is positively shown. And is it not also shown that John C. Watrous was their partner in a common undertaking? that they were partners engaged in the prosecution of a common design? that they were partners who wished to derive, and who have derived, a common benefit from the same transaction? Under these circumstances, and under the principles of the criminal law, is it not true that, instead of its being necessary to do what the gentleman from Maryland suggested was requisite in order to satisfy his mind—to prove that Judge Watrous was actuated by the same intention which influenced Lapsley and League—it would be necessary for Judge Watrous, in order to exonerate himself from such a charge, to prove the contrary? The legal presumption is, the necessary presumption is, that these men, being parties in a common transaction, having a common interest—proposing a common advantage, the necessary presumption, I say, is, that they acted with a common design, with a common intent; and that they have, therefore, a common guilt. Adopt any other rule than this, and the greatest criminals will go unpunished—the greatest crimes go "unwhipped of justice."

I will now, Mr. Speaker, address myself to what I conceive to be the great questions involved in the inquiry before us.

The passage of the resolution authorizing the impeachment of Judge Watrous is resisted upon two or three grounds. And first, I will refer to the objections made in the case arising under the memorial of Jacob Mussina. It is said that the ruling of the judge, when taking jurisdiction of a case of which the court had not rightful jurisdiction, was an error of judgment; and that a judge, for such a ruling, is not amenable to this House, and cannot be subjected to an impeachment. Mr. Speaker, I think that that position is incorrect. I think that it is one which is disproved by the past practice of this House, and by the past action of the Senate, sitting as a high court of impeachment. Gentlemen say that a judge cannot be impeached and cannot be removed from office unless he has been guilty of corruption; that is, has done some act which involves the acquisition of an unrighteous gain to himself. I deny the correctness of that proposition. The contrary is shown by the practice of this Government from its very foundation. There have been, Mr. Speaker, but three impeachments of judges since we became a nation; and, to the honor of the American judiciary be it stated, that not one of those impeachments has been based upon the ground of corruption in office.

There was the case of Judge Chase. This House determined, after a solemn investigation, that his conduct was a proper subject for impeachment before the Senate. Was he charged with corruption? No, sir; the charges amounted to nothing more than this: that he had allowed his partisan feelings to become enlisted until his political rancor had induced him to bear down oppressively upon a person brought before his tribunal upon a criminal accusation. In that case it was the sense of this House, as it was afterwards the sense of the Senate, that such conduct was unworthy of a judge; that it was of such a character as to give foundation for an impeachment; and that, if the allegations were established, it would justify his removal from the bench.

Another case was that of Judge Peck. Was that a case in which he was accused of corrupt practices, with proposing to obtain wealth, money, pecuniary advantage? Not at all, sir. It was a case in which he was charged with having, under the influence of partiality, proceeding from no matter what source, used his power arbitrarily to oppress a member of the bar in the conduct of a cause depending before his court. And what was the decision of the House of Representatives, sitting at that day, upon that charge? It was, sir, that when a judge, under the influence of personal feeling, showed partiality in such a manner as to operate injuriously upon the interests of a lawyer or his client, it was an impeachable matter; and if proved to the satisfaction of the Senate, would authorize his removal from the bench.

There was yet another case, the case of Judge Pickering. Was he charged with corruption? No, sir; he was charged with an error of judgment; he was charged with an improper ruling. It was not pretended that he proposed any pecuniary advantage to himself. But whether it grew out of favor towards one party or opposition to another party, he was charged with having decided incorrectly and improperly, under the influence of improper motives. This House considered in that case that an improper ruling was a proper subject of impeachment where it was of a gross and palpable character—that it was proper that the judge should be impeached, and the matter presented to the constitutional tribunal, in order that if it was then found upon examination that the interests of public justice required it, he might be removed. And in that instance and upon that charge the Senate of the United States decided that he ought to be removed, and he was removed by the decision of that august tribunal.

Mr. WRIGHT, of Tennessee. I desire to ask the gentleman from Louisiana, while he is upon that part of the subject, whether he understands, from the ruling in the case referred to, that a simple error of judgment, without corrupt intention, would be a good ground of impeachment?

Mr. TAYLOR, of Louisiana. No, sir; a mere error of judgment would not authorize an impeachment; but where a judge makes a ruling which is in itself grossly and palpably wrong, it is the right, and I believe it to be the duty of the House, when it is brought to its notice, and it is of a character to affect the rights of litigants or to wrest aside or pervert the course of justice, to present the fact to the Senate by impeachment of the judge, in order that all the circumstances connected with the improper ruling may be investigated, with a view to ascertain what were the true causes which produced it. If, upon investigation, it were clear that it was the result of a mere error of judgment, that there was no intention to oppress, no intention to wrest aside the course of justice, it would necessarily be the duty of the Senate to absolve him. But if, on the other hand, it should be found that the improper rulings were the result of a desire to benefit one party, or to oppress another; that the mind of the judge had been influenced by hatred or affection, by feelings of partiality or dislike, or, in a word, by any motive which was inconsistent with the faithful and honest discharge of the judicial function, without regard to the character, position, or relations of the parties, then to my mind it is clear that the judge should be condemned and removed from office. The Senate is the only tribunal authorized to absolve or condemn in such a case, and when there is reasonable ground to apprehend that a grossly incorrect ruling, of the character spoken of, has been made by a judge, it is my deliberate opinion that the public interest requires that he should be impeached.

That judges are not responsible for mere errors of judgment, is a rule of law that has been long since firmly established in England. And yet, in that country, if a judge ignorantly condemn a man to death for felony, where the act done was not a felony, and the person condemned suffers the punishment, the judge would be subjected to fine and imprisonment, and to loss of office. And a judge would also be responsible there in the same manner, if, being in the exercise of a limited jurisdiction, he exceeded the power conferred on him. And would it not be the same here? With respect to rulings like those presented in the Cavazos case, it seems to me a perversion of common sense to call them errors of judgment. They were grossly and palpably wrong; so grossly and palpably so that it is difficult for the mind to conceive that they were the result of want of knowledge; and a violent presumption almost necessarily arises, that the rulings were caused by the operation of some improper motive or influence on the mind of the judge.

It is true, sir, that there is no evidence before us directed to that point, but it does not necessarily follow that there is none in existence. Though all wrong decisions of judges are injuries to individuals, and do mischief to the public in all instances; it is nevertheless certain that there would be no impropriety in making them subjects of investigation under ordinary circumstances. But it is otherwise in cases like the present. Judicial decisions may be erroneous from want of knowledge or from lack of legal or judicial discrimination; but they may also be wrong because the mind is operated on by interest, or is drawn aside by favoritism, or is perverted by passion, prejudice, or any other of the many impure, selfish, or dishonest motives that too often take possession of and sway it. To refuse to impeach for rulings like these now before us would be, in my view, full of danger to the future administrations of justice; for, to use the language of the mover of the resolution for the impeachment of Judge Chase, "To allow judges to disregard the Constitution, and shelter themselves under the doctrine that they are not punishable for errors of judgment, would be giving them a dangerous latitude indeed."

Mr. Speaker, I will now proceed to the other branch of the case—that presented in the memorial of Eliphas Spencer. In that case, it is shown that Judge Watrous entered into an arrangement with other parties for the purchase of a large tract of land; that in consequence of his being a party to that purchase, the suits which could have been rightfully tried in the district court of the United States for Texas were necessarily removed to Louisiana; and that it was the intention of the parties, in making the arrangement, that the suit should be brought in Judge Watrous's court, and then removed to the State of Louisiana. And what was the effect of this proceeding? It was to compel citizens of the State of Texas, who were entitled under the Constitution and laws of the United States to have their causes tried within the State of Texas, to have them adjudicated by a tribunal within the territorial limits of the State of which they were citizens; it was, I say, to compel them to go into another State to follow the suits brought against them, to impose on them the burden of going to another jurisdiction; it imposed upon them the necessity of going to a court holden at a distance of some five or six hundred miles from the place where they resided; it entailed upon them the necessity of employing counsel in a country where they were unknown; it imposed upon poor men a burden which they could illy sustain, and it gave to wealthy men advantages which they knew well how to avail themselves of.

Now, sir, without attempting to investigate the facts, without attempting to refer to particular portions of the evidence, I shall assume that it is clearly established that it was the intent and design of Judge Watrous in becoming a party to the purchase with Lapsley and his associates, to compel this transfer, with all its attendant consequences, to the injury of the parties who were to be the defendants in the suits to be brought for the benefit and advantage of himself and his associ-

ates. If this be true, and I cannot for a moment conceive how the fact can be controverted, then it seems to me clear that Judge Watrous, in becoming a party to that transaction, became a proper subject for the exercise of the impeaching power of this House.

But it is said by the opponents of the resolution before us, that a judge of a United States court had the same right to purchase land as any other man; it was said by the gentleman from Maryland, [Mr. DAVIS,] and several others, that Judge Watrous had the right to be engaged in this transaction, though his engaging in it necessarily led to the results spoken of. Mr. Speaker, I differ in opinion from all those gentlemen. That Judge Watrous had a right to purchase land, as a general rule, is beyond all dispute; but that he had no right to engage in a purchase of land which would interfere with the discharge of his duties as judge, I think is equally beyond dispute.

But I will go further than this. I say that Judge Watrous had no right, as a man, to engage in that particular transaction at all.

The honorable gentleman from the State of Tennessee, [Mr. READY,] who spoke upon this subject, alluded to one of the witnesses who appeared before the Committee on the Judiciary, in this case, (Simon Mussina,) and strove to create an impression in the House unfavorable to the character of that witness, by reciting the fact that he had entered into a contract with parties now living in Mexico, who claimed to be the owners of the land in question under the same grant, which he said was a champerty contract. Well, sir, I am not here for the purpose of defending the character of Simon Mussina; I am not here for the purpose of defending the character of the contract entered into by him with a view to enforce the title of parties in Mexico to the land, and under which he is to obtain a portion of it for his services in the event of success in the contemplated litigation. The gentleman stated that the effect of this arrangement, if carried out, would be to oust the squatters, as he termed them, from the land, and intimated, as I understood him, that, in this, Mussina was acting against those in whose interest he had prepared the memorial of Eliphas Spencer. The gentleman will remember, and the House will remember, that this arrangement was made after the decision of the suit by which these squatters were ousted from their possession, under the claim of Lapsley, Watrous, and their associates, and that if anything grows out of it, it will have the effect of ousting these parties from the vast tract of land which they now appear to have possession of.

But while speaking of this champerty contract of Mussina, it seems never to have occurred to the gentleman from Tennessee that Judge Watrous himself was a party to a champerty contract. What was the arrangement by which this land was acquired? What do the facts show? They show that the title to this land upon which Lapsley, Watrous, and their associates, instituted the suits against Eliphas Spencer and others, was vested prior to 1850, and had been for many years previously vested in certain other parties, who had never attempted to enforce the title; that the grant or concession under which this title existed covered some fifty or sixty thousand acres of land; that a large portion of this vast extent of land was in the possession of settlers who had made it productive by their toil—had made their homes upon it, and who had been in the quiet possession of it for years; and that Judge Watrous was himself a party to the arrangement by which this title was purchased, with the intention of instituting suits to dispossess those occupants. If gentlemen will refer to the common-law definition, they will find that champerty is nothing more nor less than buying the rights of parties with a view to subsequent litigation. What does Blackstone say about it? Why he says, (vol. 4, p. 135,) that "in one sense of the word, it," champerty, "signifies the purchasing of a suit, or right of suit," and then speaks of it as a thing "abhorred by our law." And what does he say of those who engage in such operations? He terms them the "pests of civil society," who "are perpetually endeavoring to disturb the repose of their neighbors;" and remarks that they were severely animadverted on by the Roman law, and were punished under it by a forfeiture of one third of their goods, "and perpetual infamy." This purchase, then, by Judge Watrous and his associates, was a champerty arrangement. The transaction was wrong in itself; it was one which would have been punishable as a criminal offense under the common law of England.

But, sir, it may be that in the States of this Union it is not such an offense; it may be that no penalty is attached to the fact of being engaged in such a transaction; but I hold it to be immoral in any man, and especially for a man holding a high judicial position, to purchase, under these circumstances, for the paltry consideration of $7,000, a title under which a recovery of property which the purchasers believed to be worth $300,000 was to be had against actual possessors. If they succeed, it will indeed enrich them; but how? By rendering destitute scores of families, driving them from their homes, and stripping them of possessions which they have peaceably enjoyed for years, and which they had a right to consider theirs, and which would have been theirs but for the conduct of these persons. Why, sir, is it not apparent to all that the settlers on this land would have joyfully paid the amount received by the former holders of this title, to secure themselves in their possessions, if they had had an opportunity of doing it? But they had no such opportunity; and these parties, a judge of a Federal court being one, taking advantage of their knowledge of facts not known to the former holders of the title, it is to be presumed, or to the common mass of the people, make this purchase for the purpose of enriching themselves to the injury both of the actual possessors of the soil, and of those from whom they obtained the title.

Sir, I am one of those who believe that transactions of this character are in opposition to good morals, and injurious to the best interests of the country. Speculations such as this engaged in by Judge Watrous are demoralizing in the highest degree. They not only strike down the hand of honest industry, make desolate the happy homes of those who go into the wilderness and subdue it for the support of man, but strengthen that unhallowed appetite for gain without labor, which makes men reap where they have not sown, and which, in its increasing voracity, seems to threaten the very vitals of the Republic.

But, sir, I will now look at the connection of the judge with this speculation in another aspect. If this were a transaction which was right in itself; if this were a transaction in which an ordinary man could engage without stain, without subjecting himself to moral censure, it is a transaction in which a judge, placed upon the bench, has no right to enter. What is the position of a judge? He is set apart for the discharge of judicial functions; he is a priest appointed to minister in the sacred temple of justice; he is to hold the scales even between men and pass upon the rights which may be brought into controversy before him. It is his duty to be impartial; it is his duty to administer the high functions of his office impartially in every case which, under the laws and the Constitution, may with propriety be brought before him by any citizen of the Republic, or which may be brought against any citizen of the Republic. When he goes upon the bench, there is an obligation contracted by him that he will discharge the duties of his office faithfully; that he will remain in such a position that he may try the cases which may arise within the territorial limits of the district for which he is appointed. I hold that when a judge has once taken his seat upon the bench, that obligation exists, that it is imperative upon him. It may be true, that while an ordinary citizen he might engage in this and that transaction; but if he becomes a judge, if he takes his seat upon the bench, this right is surrendered so far that he has no right to engage in any transaction which may be likely to embarrass his mind in the cases before him, or have the effect of imposing a burden not contemplated by the law upon any citizen living within his district. If Judge Watrous had not engaged in that transaction, the defendants in the Lapsley case would have been entitled to a trial of their causes before his tribunal; entitled to have the questions of fact arising in them passed upon by a jury of the vicinage.

This judge, by his acts in the pursuit of gain after he went upon the bench, rendered that impossible. This judge, by his acts after he went upon the bench, placed a portion of his fellow-citizens, men who had a right to the decision in that court at that place, in such a position that they were compelled to go before a tribunal foreign to them. That, sir, was one of the causes which led our fathers to engage in the revolutionary struggle which severed these provinces from the mother country. I know not what other men may think upon that subject; but for myself, I am clear that, under the principles of the Constitution of the United States, it is the right of this House, it is its duty, if such facts—facts which produce such results—are brought to its knowledge, to prefer an accusation against such judge, in order that the Senate of the United States, sitting as a court for the trial of impeachments, may determine whether or not a functionary, who has so far forgotten the contract between him and the people of the United States, which was necessarily implied in his acceptance of the judicial office, has not committed an act which is a cause, and a just cause, for his removal.

It will not do to tell us, to tell the people, that this man, although his conduct is improper; although it is unworthy of a judge; although it prevents him from discharging a part of the duty which he undertook to perform when he went into office, and deprived a portion of his fellow-citizens of rights to which they were entitled under the Constitution and laws of the country; it will not do, I say, to tell us that he cannot be impeached, removed from office, because what he has done is not an offense known to the law. Why, sir, what is the tenure by which a judge holds his office? and for whom does he hold it? He holds his office during "good behavior;" and he holds it for the common benefit and advantage of the people. If this be so, is he not removable when he is guilty of misbehavior? when his conduct becomes injurious to individuals and to the public? Why, sir, if it be otherwise, then the judicial office is private property and not a great public trust; and the men who fill it are at liberty to employ it, or to pervert it, with impunity, in the pursuit of gain, without let or hinderance, so long as he is not guilty of positive corruption, or does not subject himself to the stroke of criminal justice.

In most of the States of this Union, perhaps in all, the people, under the authority of express provisions embodied in their constitutions, can get rid of any judicial officer who is believed to be unfit for his position, through the action of the Governor, who is authorized to remove any officer on an address of two thirds of both branches of the State Legislature. No such provision, however, is contained in the Constitution of the United States. Here the only mode of removal is by impeachment. But does it therefore necessarily follow that an unfaithful and unfit judge cannot be removed unless he has committed a well-formed, distinct, and recognized offense against a known law?

No, sir; the Constitution of the United States declares that "all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors." But it is also declared in the Constitution that judges "shall hold their offices during good behavior." So that, by the very letter of that instrument, their right to hold office is, necessarily, at an end whenever there has been a breach of "good behavior" on their part. Now, sir, what is a breach or want of "good behavior" in a judge? Why, sir, is it not anything which is in its nature calculated to render a judge unfit for the discharge of his judicial functions; anything which shows that he has thwarted the course of justice, under the influence of improper motives; anything which shows that he is incapable of holding the scales of justice even; anything which shows that by his conduct he will deprive his fellow-citizens of their rights, impose improper burdens upon them, or give advantage to combinations of men who seek unjust gains at the expense of, or to the injury of, others? And does it not, then, follow, of course, that, in the sense of the Constitution of the United States, the word "misdemeanor" means, as

the gentleman from New York [Mr. JOHN COCHRANE] well expressed it, "misdemeanor," as used in the provision of the Constitution referred to; because the Constitution of the United States does not give to a judge the place for life; does not give to him the right to his office for any specified length of time, but only so long as his conduct is right and proper. Upon any other principle than this, what would be the result? If you refuse to pass this resolution, what would be the necessary effect? A judge upon the bench will be at liberty to enter into every species of speculation, though such speculations have the effect of entirely disqualifying him from the trial of the causes that ought legitimately to come before him. Individuals who desire to accomplish the removal of causes from one State where they apprehend defeat to another where they are assured of success, contrary to the spirit and intention of the Constitution and laws of the United States, will be able to attain that end by making judges parties to their transactions; engaging them, under the hope of gain, to lend themselves to insure or promote the success of speculative schemes; and that, too, in such a manner as to deprive multitudes of individuals of the rights which their fellow-citizens enjoy, of having the controversies in which they are engaged tried by their own juries, decided by their own courts; and, at the same time, in such a manner as to diminish the amount of business imposed on them by their public duty. Such a state of things would have the effect of giving extraordinary advantages to combinations of intelligent and wealthy men over the poor and ignorant. Men of small means may well defend their own causes at home and among their own fellows when the process of the courts is within their State, and when the counsel who practice in them are known to themselves or their neighbors, without incurring any extraordinary expenditure; but when they are exposed to the danger of being called a great distance from home, four, five, or six hundred miles, as has happened in this instance, it becomes a burden which poverty cannot bear.

Mr. Speaker, the most serious consequences will flow from a failure to impeach in this instance. If we allow such acts on the part of judges to go unchallenged and unrebuked, the judicial office will soon cease to be what it is designed to be—a barrier against wrong and oppression; and will, at no distant day, be converted by bad men into an engine for the making of unhallowed gains, whenever speculative schemes can be advanced by giving him an interest in them. Look at the temptations held out to bold and unscrupulous speculators, to make judges a party to their operations in those States and Territories where there are great numbers of unsettled land titles? Why, sir, there are hundreds of millions of land titles in Texas, in California, and in New Mexico, now in dispute; and who is there that can tell what would be the evils that would be entailed on the people there, if judges are to be allowed to remain upon the bench without question or censure after they have been made interested, gratuitously, in disputed titles, by those who buy them up for mere trifles, with a view to enforce them by a combination of talent and wealth against the actual possessors?

For my own part, I feel it to be of the most extreme importance to the people of the United States that this House should act in such a manner as to make it certain that no judge, after he has accepted a seat upon the bench, after he has become a minister in the temple of justice, shall be engaged in any transaction which will be calculated to bias his mind in respect to questions which may arise before him, or be tempted to engage in transactions which will necessarily deprive those who are ordinarily subjected to his jurisdiction, of the advantage of having their trials at home, and subject them to the necessity of going elsewhere for the adjudication of their cases. Sir, the judicial ermine should be without spot or stain, and the breasts of our judges should be sanctuaries into whose sacred precincts no improper motive, no unworthy thought, should ever be allowed to intrude. And how, I would ask, is this to be done? By keeping them out of the mire of the world; by removing from the bench every one who ventures to abandon the ministry to which he is devoted when he puts on his robes of office so far as to mix himself up in the contentions and struggles of the world in the pursuit of gain, in the manner John C. Watrous has done.

It was not my intention to have spoken thus long; and I shall therefore now merely say, in conclusion, that, for myself, such is my conviction as to the danger of failing to visit with proper condemnation acts of the kind which have been placed in evidence before us, such is my feeling as to the duty I owe to the people of Texas, some of whose citizens have already suffered from them, and others of whom are still exposed to injury from other acts of the same description; such is my feeling as to the duty which I owe to the people of other States who are exposed to the same practices, and the same evils, that I shall vote, heartily vote, for the resolution of impeachment.

POLICY OF THE GOVERNMENT.

SPEECH OF HON. REUBEN DAVIS,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

December 22, 1858.

The House being in the Committee of the Whole on the state of the Union—

Mr. DAVIS, of Mississippi, said:

Mr. CHAIRMAN: The world had arrived at a new era. An adventurer had gone forth and discovered a new continent. It had been peopled; generations had been born and passed away. The heroes of the Revolution are in possession of the country. As a race, they had no parallel in ancient or modern times. From their cradle they had looked out upon the noble forests and lofty mountains which surrounded them, and in their infant minds the grand and sublime had been awakened; they had stood upon the banks of our mighty rivers, and gazed on their waters rapidly dashing on in freedom to old ocean; they had seen the noble eagle leave his mountain home, floating in blue ether, and heard his wild scream of liberty; and from these they had caught the inspiration of freedom, and its love had become a part of their nature. In the enjoyment of their political rights they felt the oppressive hand of British dominion, and with the sword they severed the tie of dependence, and established this Republic; the Constitution under which we live is adopted, and we rapidly pass from an infant and feeble state, to our present important position amidst the nations of the earth.

It is now announced in the Senate Chamber "that the question of slavery in the Federal Territories involves a dynastical struggle of two antagonistical systems, the labor of slaves and the labor of freemen, for the mastery in the Federal Union." This, sir, is but another mode of expressing the sectional controversy which has so long existed between the free and slave States of this Union, and which, if not arrested, must commence its decline and ultimate overthrow. The word "dynastical," in the use made of it in the above quotation, gives to each system the importance of sovereingty-rule-line of kings. Thus we are told two distinct systems—two distinct Governments, sovereignties opposite in interests, opposite in pursuit, antagonistical—exist upon this continent, and now struggle for superiority, for mastery in the Federal Union. This assertion is important, if true, and ought to be rendered intelligible to the whole American people, because if such an antagonism does naturally and necessarily exist, the one or the other section of the Union must become a conquered province, and rendered subservient and subordinate.

Now, in a subsequent portion of my remarks, I shall endeavor to show that no such antagonism exists between free and slave labor on this continent as the announcement implies; yet for the present—it having been asserted by the acknowledged leader of the free-labor system—I must examine its purport. The object of this Government was to advance the common good of all the States, and not to unite under one Government two discordant elements, the one to be corrected by the other. If, after seventy years, it is now discovered that such antagonism of systems does exist, it only affords a reason for a dissolution of the Union, which must take place the very moment our people are fully convinced of the existence of this necessity. I regret, Mr. Chairman, that the distinguished Senator who gave utterance to this expression, had not afforded the country evidence of its truth. I deny any antagonism which justifies the struggle at this time existing between the free and slave States. The struggle is one of aggression and resistance, waged in violation of the constitutional compact; and is incited by a spirit of avarice and injustice.

The first object of the struggle has been, and is, to deprive the people of the slave States of any interest in acquired territory, and thus prevent their expansion. This looks chiefly to a limitation of their political power. In such a contest as this there is no necessary or natural antagonism between systems of labor; it is the offspring of injustice. And the spirit which induces it will not be satisfied with the mere possession of power; it has a more important aim beyond. It either intends the emancipation of the slaves, or the enforcement of a system of revenue which will oppress slave labor and enrich capital. If either or both these objects enter into the struggle, when all its objects are violative of the constitutional compact, and absolve the States from allegiance to the Federal Union.

Before I advance further in my remarks, to a proper apprehension of my views, it is necessary to examine the true nature of our Federal Government and the relation of the States to it. It was created by the States by the advice and with the consent of their people, and is the act of State sovereignty. Its powers embrace only subjects of a general nature, and such as appertain to the relations between the States of the Union, and of this with foreign Governments, while all that relates to the civil rights of our people is reserved to the States respectively. It acts upon measures only which relate to sovereign States, and not to individual citizens. It is a league, a compact between the States, and not a union, as contended for by many of our ablest statesmen.

The first contract between the States, after the commencement of the Revolution, was only a league—an alliance. And to strengthen which, the convention was called which framed our present Constitution; and that convention referred that Constitution to the States, and not to the people of the Union, for ratification. They could have made no other disposition of it. If they had referred it to the people to approve or reject, it would have been an invitation to high treason against the States. The people of the States could do nothing towards forming an alliance or union without the permission of the State, and only then through the State as the sovereign. Each State was a separate and distinct sovereignty—complete, full, and perfect; and the people who resided therein were her citizens, and due her, individually, allegiance. Had they attempted to take from the State of which they were citizens any portion of its sovereignty, to be transferred to another Government, they would have been in rebellion to the State, and punishable as traitors. The people, then, without an act of revolution, could not have transferred one particle of the sovereignty of the State to the present Government. Nor could the States have done it without the consent of the people.

No Government can transfer one or all of its citizens to another State without his or their consent. And in the act of forming our present Federal Government, it required the concurring consent of each State and its citizens; and as an evidence that the Congress which proposed the convention so regarded it, the proposition was submitted to the States, and not the people as such. The States, feeling that they had no power to part with a portion of the sovereignty vested in them, consulted the people in regard to doing it, and obtained their consent. The States, then, having created the Federal Government, stand between it and its citizens; and in all questions involving the exercise of political power by the Federal Government over the citizen, is the ar-

biter, and it is her duty to decide how far she surrendered sovereignty to the Federal Government; and that decision is final. This leads me to the conclusion that the States covenanted with each other, and that the Federal Union is the result of that covenant. Each of the States having surrendered an equal amount of sovereignty for the common good of all, the residue and most essential portion each retained. All that which appertains especially to our domestic interests and rights to property, is reserved to them. They alone have power over questions relating to property, to personal security, religion, the elective franchise, and such other subjects as their citizens have an immediate interest in. On the other hand, the powers of the Federal Government extend to measures, not people—to great questions of public and national policy.

Now, this being the true nature of our Government, whence comes the authority for a majority of States to combine, and force upon the minority a system which oppresses them, although it may increase the wealth of that majority? If there is no such right, why make the Federal Government a party to this dynastical struggle between the two antagonistical systems of labor? And I may ask what she can do in this controversy? What right has she to interfere in a contest between the slave-labor system of Mississippi and free labor of Massachusetts? and why does Massachusetts invoke her aid? Has she the power to emancipate the slave? I answer, no! The question of what shall and what shall not be property is one for the decision of sovereignty, and is one of the powers reserved to the States, and does not appertain to the Federal Government; and any effort by her to exercise it would be a positive usurpation of power which would absolve the States from their allegiance. The general welfare would not authorize it.

But if, sir, by a usurpation of power this Government shall hereafter make herself a party to this supposed struggle, and in disregard of the rights of the States deprive their people of this slave property, what would be its effects upon the present and future of this great country and the world? You would strike down three million of laborers now engaged in the cultivation of the soil, thereby reducing the productive wealth of the nation not less than two billion dollars, and render idle three billion more of real estate and agricultural implements. The sudden destruction of this vast sum would produce a shock from which the monetary affairs of the world would not recover in the next five hundred years. It is the products of the labor engaged in the cultivation of the soil that adds permanently to the general wealth of a nation, and gives prosperity to her people. Now, render inoperative and unproductive this five billion of land and labor, the real productive wealth of the nation, and your prosperity which now culminates at its zenith will be turned back to the horizon to linger in feebleness, and ultimately be overcast in the darkness of anarchy. Thus reduce the annual products of this country, and the millions of money which it has heretofore attracted and now attracts, for investment, would seek other lands and other climes more congenial to its wants.

Mr. Chairman, there is now brought into this country, from the States of Europe, more than two hundred million dollars annually to be invested in agricultural products: and this vast sum is an addition to the wealth of this nation; and is that, sir, which gives life and activity to commerce, and diffuses a wide-spread prosperity which enters into all the pursuits of our people, and is enjoyed by the industrious and energetic alike. Destroy, then, and render idle this vast amount of property, and this sum will cease to come here; will find other marts for investment; and where now flows a golden stream of riches will be seen stagnation and poverty. I will not, to-day, undertake a review of the commercial condition of the world up to the period of the introduction of slave labor into this country, and the production of cotton by it. It is sufficient for my purpose to say, that industry, the mechanic arts, commerce, civil and religious liberty, have advanced with a rapidity which startles the contemplation; destroy it, and the reaction will equal the advance, and the dark ages will be restored.

The operatives in the free States, who depend upon their daily labor to procure the means for the support of their families, would be left without employment, and would see their country reduced to a state of ruin which no imagination can portray. If gentlemen imagine that this dark picture can be avoided by the introduction into the rice, cotton, and sugar regions of the South of free white laborers, or by a reorganization of the African emancipated labor, they are mistaken. The African can only be made to labor as a slave, and under compulsory power. The white man never has performed, and never will perform, the labor necessary to the successful development of tropical regions. But suppose you could successfully reorganize a system of labor suited to the cultivation of rice, sugar, and cotton: it would require time, during which, so deep would become the ruin of this country, that it would require many generations before the shock could be recovered from. Suppose the present annual products of slave labor should be stopped for five years: your spindles, which, as an item of national and individual wealth, equal $1,000,000,000,000, would be forever destroyed, and those now in their employ left without bread. In the destruction of agriculture and manufactures, commercial prosperity would be involved; and then would set in a dark, long, dark night, upon our common country.

Thus I have shown that, by the emancipation of the slave, the accumulation of national wealth which has so successfully progressed in this country would be arrested, and national bankruptcy produced. In this condition of the country no one is benefited, and especially the poor or the laborers; because in national, not individual, wealth, does the interest of the poor lie. National wealth falls upon all classes, like the dews of heaven, alike; while individual wealth is the cold, sordid, miserly tyrant, that demands the letter of the bond, although it exacts the last drop of blood.

I have thus far, Mr. Chairman, considered this question in its effects upon national prosperity. I have not, and shall not, to-day examine its immediate operation upon individual interest, or the section of the Union to which I belong. Enough, in times past, has been spoken and written on that subject. I leave the friends of this measure to consult their own hearts, and then afford the answer. It will tell them that seas of blood, an era of anarchy, a disorganization of society, and a rending of the Government, like the oak by the lightning bolt, must be the consequences.

But many tell me this is not the aim of the struggle. Then, I ask, what is it? Certainly no great contest like this can commence and continue, shaking a great country to its foundation, having no motive. The fraternal feeling of this numerous and mighty people ought not to be causelessly riven and rent. It is the consummation of wickedness to excite in the minds of thirty million freemen a storm mightier than the winds of heaven, for no other purpose than to hear its wild wailing, and to behold the grandeur and sublimity of its terrific sweepings. And he who would do it deserves the maledictions of earth and the vengeance of heaven. If this is not the motive, then assert it, that the quiet calm of civilization and religion may be restored to the South, and the fiery breath of fanaticism extinguished in the North. But, sir, it is untrue that this struggle is without motive; it may not be the same with all, but it has a motive. With some it is, doubtless, the emancipation of the slave. With others it is the destruction of the equilibrium in the political power of the two sections of the Union, and the concentration in the hands of the free States the balance, to be used in inflicting upon the slave States, by legislative aid, a system too oppressive to be endured; a system alike oppressive upon every branch of industrial labor; a system which must place at least the agricultural industry of this country at the mercy of every other pursuit in which civilized man is engaged—the chief measure of which system is the tariff, falsely denominated protection of American labor, but truly the fosterer of individual capital.

Mr. Chairman, I shall not to-day, in the consideration of this subject, enter into detail and show by statistics the true effects of a protective tariff upon the industry of the people of this country. I shall content myself with a general view of it. It is a system of bonuses; and that bonus inures to the capitalist, and not the laborer—augments individual wealth and does not reward individual toil. It proposes to keep down the competition of European capital, not European labor. The true interest of labor is to increase the competition of capital, so as thereby to increase the profits of labor. A protective tariff has not this effect. The assertion that it does is merely plausible, not real. It is not so much the price of labor which gives individual prosperity, as it is the cheapness of consumption. High wages is always consumed by high consumption; and to render consumption cheap, we should have the whole world for a market.

You impose, sir, a duty of fifty per cent. upon an article imported into this country from a foreign State. This sum must be paid by the consumer, and that consumer is the laborer, as well as any one else. Who, then, gets the advantage of this fifty per cent.? It is the capitalist engaged in the production of that particular article, and the consumption of that article costs the capitalist less by fifty per cent. than it costs others. This assertion requires explanation; it is easily afforded. A invests $100,000 in an establishment for the manufacture of cotton goods; he employs laborers—does not own them; he pays wages. The labor thus employed costs $100,000, and it produces $100,000 of fabric. The laborer has been paid. Now, by the aid of the tariff, the capitalist is enabled to add fifty per cent. to this $100,000 of fabric, making its consumable value $150,000. Now, who gets the benefit of the $50,000 thus added? Not the laborer; his wages are not increased; he has received his wages before this addition is made. It is the capitalist. Who is injured? The laborer: because he must consume, and consume a portion of this very fabric, and is compelled to pay this fifty per cent. without any increase in the utility of the article since it came from his hands; because this fifty per cent. does not increase the utility of the article, but only its consumable value.

But suppose you tell me that the capitalist, by having the power to add this fifty per cent., is enabled thereby to increase the wages of the laborer: still the increase in the consumable value is far greater than in the wages, and the laborer is injured. The capitalist himself is benefited in another way; he consumes at the cost of making the fabric, and not at its consumable price. The argument might hold good if, in every instance, the laborer was also the capitalist; but even then the law would be unjust, because it would enable the laborer in this particular branch of industry to impose this burden of fifty per cent. upon every other branch of industry, and especially upon agriculture, which, from its very nature, cannot procure from legislation similar aids. The true value of every fabric is the cost of material and price of labor, and that should be its consumable value. But the tariff enables you to increase its market value fifty per cent., which is a burden upon consumption, for individual benefit, and, to the extent of the duty imposed, diminishes consumption, and thereby lessens the value of labor.

The proposition that a tax imposed upon an article of consumption increases its market price to that extent, will not, I apprehend, be denied. If, then, the market price is increased, it will require a much larger amount of labor to obtain it; which necessarily diminishes the consumption, or increases the price of labor. If it diminishes the consumption, it will prejudice those engaged in that branch of labor, because less labor will be required to supply the demand; and whenever demand is diminished, of course labor must cheapen, because of the competition produced by a surplus number of hands. To illustrate: the price of cotton fabric has been increased fifty per cent. by the aid of a duty imposed by the Government in its favor; of course, with the same amount of money I must purchase a third less, and as the consumption has been diminished one third, the demand for labor must be diminished in a like proportion; and thus competition is increased, and thus labor is cheapened, and the whole benefit inures to the capitalist.

But suppose you deny this position, and assume that the price of labor will be increased, because the capitalists will be able to pay higher rates: I will show the assumption to be founded

in error; first, because it is not the nature of capital to pay more than it is compelled; and, secondly, because, although his profits would be greater upon what he sold, yet he would sell so much less that there would be no inducement to increase wages, as competition would keep it down.

But again: suppose the price of labor in that branch of industry should be increased: would it result to the benefit of the laborer? I think not. The laborer must consume, and is interested in cheap consumption; and if you increase the price of consumption one third, and labor one third, it would be the same in its results, as if both remained at the lower rates.

I think, Mr. Chairman, I have shown that the common day-laborer at the North is not benefited; if not, I shall certainly show that the landowner from one end of this continent to the other is deeply injured. Now, buying and selling is but an exchange of commodities, and no one is able to continue long to buy who creates nothing. Now, when you increase the cost of consumption, you either diminish the amount used, or require a much larger amount in exchange for it. This diminishes the value of the articles given in exchange; and of course diminishes the profits of labor, and of course the price of labor. This diminution must extend to the landlord, who consumes fabric and creates raw material. I confess, if the laborer worked for himself, and owned the fabric when made, the duty imposed would then enhance the profits of his labor; but that is not the effect when the capitalist is the owner of the fabric. I confess, also, that if the farmer who owns and works his own land could impose a duty of twenty-five per cent. upon the raw material, his profits, too, would be increased; but this he cannot do; and consequently he is oppressed by the operation of the rule.

To be a little more specific: take the States of Massachusetts and Mississippi. The one manufactures, the other cultivates the soil. The one creates fabric, the other raw material. The farmer of Mississippi needs for consumption such fabrics as Massachusetts produces; but he can obtain the same article from the English manufacturer. The Englishman proposes to sell a given quantity of his fabric to the Mississippi farmer for $100, and will take the farmer's agricultural products in exchange at a given price. The Massachusetts manufacturer cannot afford to take less than $150 for the same amount of the same fabric, and is only willing to allow the same price for the farmer's products. The Government interposes in favor of the Massachusetts vendor, and against the farmer; requires the English vendor to pay fifty per cent. duty before he is allowed to offer his article. This compels him to increase the price of his article fifty per cent., and the farmer to take it at that price. It is a tax on the farmer of fifty per cent.; and transfers from Mississippi to Massachusetts one third of the labor of the farmer without consideration, by increasing the consumable value of the article purchased.

Thus, it will be seen that no class of laborers is benefited. Then, who is? I repeat again, capital. And this, sir, brings me back to the proposition asserted by me, in my opening remarks, that there was no conflict between the two systems of labor. They are dependent upon each other, and mutually contribute to produce the greatest national prosperity. Antagonism can only exist where the labor is the same, and then only because of a superabundance. If there were more capital and labor engaged in the production of iron than the consumption demanded, there would then be antagonism. So in the manufacture of cotton goods. But between free and slave labor no such antagonism can exist. It is differently employed. The highest prosperity of the one has its dependence upon the other. Slave labor, everywhere, is confined to the cultivation of the soil, and limited to the production of cotton, rice, sugar, tobacco, hemp, and breadstuffs; and these are the very articles upon which free labor depends for success. What would your cotton factories do without slave labor? The history of the world shows that cotton has never been successfully raised where slave labor did not exist. And what would they do without sugar, breadstuffs, &c.? Slave labor is peculiarly suited to agriculture, and especially in tropical climates; while commerce, navigation, and the mechanic arts, require a higher degree of intelligence, possessed only by the white man.

From the triumphs and perfection of agriculture these latter pursuits derive their success, and let it be impaired or destroyed, and they will sink into ruin and decay. The true interest of each system of labor demands that the disproportion between them should not be too great, and especially in favor of free labor, since that, deriving its prosperity from slave labor, will become aggressive, as it has been from the foundation of the Government. A commerce is carried on between them by an exchange of commodities, thus enabling the votaries of each to obtain the necessaries as well as the luxuries of life. Thus it will be seen that the two systems are dependent, and not antagonistical. The argument has its existence in an ingenious device originating with capital, which is waging an eternal war upon labor, in every form and in every clime; intruding its hideous avarice into all the pursuits of men, robbing them of the profits of their labor.

The antagonism is between capital and labor, both free and slave; between which it would induce a conflict to advance its profits. Its constant cry is cheap labor and dear consumption. It keeps labor at the lowest possible ebb, while it demands the highest rates for all it sells. Thus it has been in all ages of the world. When, since society existed in a distinct form, have we not had combinations of capital, with a view to concentrating a controlling colossal power to be used in making the rich richer and the poor poorer? When, in years of scarcity, has it not been used to purchase the entire provisions of the country, and then demand prices so exorbitant as to put it beyond the means of the laborer, leaving him and his family to suffer with hunger? Who now are the champions of this struggle? It is those engaged in the service of capitalists. Who originated capitalists? Men engaged in class pursuits, and who now demand, and have been demanding for so many years past, protection for their capital against labor. Protection which will enable them to rob labor; and when they had failed to effect this by argument, when they discovered there was intelligence in this country to detect the error in their argument, and that our people refused to be misled by them, they changed their tactics, and assailed the prejudices of the human heart, by presenting, in an aggravated and false form, the condition of the slave, and appealed in favor of his right to be free and equal with the white man.

Thus the fanaticism of the whole North was awakened into action, and when they discovered this Government shakened to its foundation, and the Union in danger, they have ingeniously diverted the direction of the storm, and now say they are not for emancipation; but announce an antagonism in the two systems. It is due to truth and candor that they shall make known their real object. If it is true there is antagonism, they do intend emancipation; because that is the only mode of terminating it. If it is true that they are not for emancipation, then it is an admission there is no antagonism; and, if no antagonism, the object of this storm, which they are getting up, is to enable capital so to use the Government as to enslave the white as well as the black man. And now, I ask, will the laborers of the North lend themselves to this foul fraud, and ripen into success this despicable conspiracy against their interest? I ask the people South if they would not prefer to see this Union dissevered than endure the operation of a system which is to transfer, as I have shown, the one fourth of the net proceeds of their labor to northern capitalists annually.

I repeat, Mr. Chairman, this is a contest between capital and labor—a contest of power against weakness; a contest in which the pride of the freemen of this country is to be humbled and their spirits broken, until they will consent to any degradation, even serfdom; and from this, Mr. Chairman, if our people desire to escape, they must stand by the Democratic organization, and thereby perpetuate the great doctrine of limitation on the powers of the Federal Government, and the absolute right of the States to legislate alone upon subjects which concern their domestic and civil rights—doctrines which leave the people of each State with the full and undivided right to pass for themselves laws suited to their climate, soil, and industrial pursuits.

The perpetuation of the nationality of that party with its principles, leaves every branch of industry free to pursue its own course of policy, and compels it to stand upon its own inherent merits. In its long and brilliant course of triumphs on this continent, it has given no cause of complaint to our people; its career has been unfelt, oppressively. It has discouraged sectionalism and discountenanced class legislation. Against it all class interest have combined and wage war of extermination; not because the party had done too much; not because the party had used the power of the Government to advance one interest at the sacrifice of another; but because it had refused to do this—not because it had used the power of the Government to interfere with the domestic interest of the people of the different States, but because it had refused to do it; not because it granted monopolies and gave bounties, but because it had declared that these powers did not belong to the Government; not because it had not vindicated the honor and glory of the nation, when assailed, but because sensitive to national honor it had resented national wrongs; not because it had not used all honorable means to extend our dominion and propagate our free institutions, but because this it had done; not because it had used the power of the Government to prevent the full development of the various sources of wealth and the various branches of industry of our country—our whole country, this it had done, and we see it in the facts that to-day our people are the happiest on earth, the freest on earth, and prosperous beyond all parallel in the past or present history of the world. Nowhere else is wealth so generally diffused amongst all classes, and industry so unrestrained and unrestricted as here. And now, at this point of exalted prosperity, capital has excited this storm which appals the heart of our people for the future of our country; and amidst the conflicting elements our only hope to arrest the storm and save the country from ruin and anarchy is the Democratic organization. Let it go down, and disorder and carnage and anarchy and despotism must result. The free-labor system having obtained possession of the Government, will bring all its powers to their aid; and that which is now denominated a struggle becomes a conflict which must be settled by the sword, unless the slave-labor system consents ignobly to yield to the dominant party. Will they do it, Mr. Chairman? Do you believe they will? Does any man here to-day believe they will? I tell you, no! Look you at the breathless quiet which rests upon the whole slave region. Do you apprehend it? It is the stern resolve of millions of freemen who know their rights and have resolved to maintain them, who wait for the result of the conflict now being waged in the free States between the constitutional Democracy and those who would trample the Constitution down in a course of usurpation. They await the issue with the most intense interest, but dauntless of the result. This struggle must be ended and sectional strife terminated. As long as the Democratic party is continued in the ascendant, it will be kept in check, and when that party shall fall, the sword must and will do its work. Let justice direct our councils, and amidst the crumblings of European thrones we will remain a unit and a pride—happy and free.

INDIAN DEPREDATIONS.

SPEECH OF HON. J. R. GIDDINGS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

January 21, 1859.

[WRITTEN OUT BY HIMSELF.*]

The House being in the Committee of the Whole on the Private Calendar, and having under consideration the bill for the relief of citizens of the State of Alabama—

Mr. GIDDINGS said:

Mr. CHAIRMAN: The facts involved in this case, divested of all extraneous matters, are few and

* For the original report, see Cong. Globe, page 523.

simple in their character. In 1836, a difficulty arose with the Creek Indians residing in the State of Alabama. Acts of hostility were committed by a portion of the tribe. They burned buildings and devastated plantations. The President ordered an army there; some of the friendly Indians were received into the public service; cattle were taken for beef, and other provisions were seized by order of the commanding officer, amounting in all to the sum of $25,000. This portion of the claim, coming within the equity of the law of 1816, was paid by Government.

Aside from this taking of provisions by lawful authority, Indians and soldiers are said to have taken provisions without orders, and the hostile Indians are said to have destroyed a large amount of property belonging to the settlers. A commission was appointed to take testimony and report facts. The commissioners repaired to Alabama; made a list of all claims presented, amounting to more than twelve hundred thousand dollars, of which they adjudged that some three hundred and sixty thousand had been proved to have been destroyed, or taken without authority. These facts were reported, and may be found in Executive Documents of 1837. The claims for property destroyed were referred to the proper committee, who made a report against them, (*vide* reports of 1837-38;) and they have slept quietly some twenty years, until the Committee on Indian Affairs recently reported a bill authorizing the Secretary of the Treasury to adjust and settle them.

Sir, I had proposed no more to address the House on the subject of private claims; but the principles involved in the bill before us are so important, and its passage has been urged with so much ability and zeal and influence, that I feel called on to examine its merits. I also feel some degree of interest in vindicating the report of my predecessor, Hon. Elisha Whittlesey, who, as already stated, while chairman of the Committee of Claims, made a full and thorough investigation of these demands, in 1837, and drew up an able, full, and explicit report against them. This report being unanimously agreed to by the committee, was presented to the House, and for many years was supposed to have settled this whole matter. I feel called on to say, that, from 1794, that committee had received from this body nearly all claims against Government that were not allowed by the Department under existing laws. They early adopted definite and well-established rules of decision; and no court of equity in our country was more strict in adhering to established laws than was the Committee of Claims in their adherence to established precedents. They are yet the only committee of this House that keeps a journal of its proceedings, and a record of its decisions.

During the early period of our Government, there were many claims for property destroyed during the Revolution. Some had been destroyed by our own troops, and much by the enemy. Ours was a Government novel in its character, based upon different principles from those on which the monarchies of the Old World had been founded. Other Governments, in all past time, had held that, in a state of war, every individual of one nation was at war with every individual of the conflicting Power; that each was bound to protect, not merely his own property, but the property of the nation. Indeed, they held that each individual, if necessary, was bound to surrender his life as well as property to the defense of his country. And our ancestors were called on to adopt or discard this ancient doctrine. Upon examination, it was seen clearly that no rule, no action of Government, could possibly equalize, among the individuals of our nation, the losses occasioned by war. The loss of life could not be compensated, nor could the loss of property be equitably distributed.

The views of Mr. Hamilton did much towards settling this question. As Secretary of the Treasury, he was officially called to express his opinions, and the resources of his vast intellect were brought into requisition; but he found it impossible to devise a new system that should operate better than the custom of European nations.

But those who had suffered much during the war were anxious to obtain indemnity. Commissioners were appointed to investigate and report the losses in different States. Mr. Hamilton advised that the question of indemnity for property destroyed be left with the several States to decide for themselves. And my present impression is, that in no case after the adoption of the Constitution was indemnity granted for *property destroyed* by the enemy, or by our own troops; while, I believe, all claims for property *taken for public use* was paid for. In other words, they applied that paragraph of the Constitution which stipulates that private property shall not be taken for public use without compensation, to the claims which arose during the Revolution and before the Constitution was adopted. But destruction of property in no case was regarded as a taking for public use. Thus, when General Sullivan, commanding one wing of the American army at Boston, attempted to dislodge the British troops from a part of the city, he found he could only do so by destroying certain dwelling-houses of which the British were in possession; he ordered the buildings set on fire, and they were burned. One of the owners, Mr. Frothingham, presented his claim for indemnity. Mr. Hamilton, after mature consideration, declared the loss to have been sustained *by the casualties of war*, and that it was not a taking of private property for public use. I refer gentlemen to American State Papers, volume entitled "Claims," where they will find the decision alluded to; indeed, they will find all the doctrines involved in losses of property during war; and I commend to the younger members an examination of that volume, in order to qualify themselves to sit in judgment upon this class of claims. The case of Frothingham constituted one of the class which had been left to the States.

I desire particular attention to the historical fact, that, of all our States, Connecticut alone attempted to indemnify its citizens for property destroyed. Even Connecticut did not adopt this as a general principle. She indemnified the citizens of New London and Danbury and other towns, for the losses which they sustained by conflagrations kindled by the enemy; but she went no further. And to them she paid no money, but gave a half million acres of her western lands. These were called "fire lands," and are within the present counties of Huron and Erie, of our State, and represented at this time by our honorable chairman, [Mr. SHERMAN.]

I may be permitted to say that, if the State of Alabama chooses to equalize the loss of her sufferers, as Connecticut did, she has the same undoubted right and power to do so; but it would be unjust to pay them by taxing the descendants of those patriots who, during our Revolution, lost their entire fortunes. It would be rank injustice to tax the children who, in Boston, were rendered houseless and homeless by order of General Sullivan, to pay losses sustained by Indian depredations in Alabama. Nor is it right to speak of Government as separated from the people, or as having funds other than those drawn from the pockets of the people; and when we thrust our hands into the pockets of our constituents, and take from them money to be placed in the hands of men in Alabama, we should have plain and satisfactory reasons for it.

But shall I speak of the suffering from Indian depredations during the Revolution? Why, sir, the history of Tryon county, in the State of New York, would present claims at this time amounting to many millions of dollars, that are infinitely stronger than those now before us. Whose blood does not curdle as he reads the massacre and destruction at Wyoming, in the State of Pennsylvania, and throughout Kentucky? Those people suffered more, lost more property, and that, too, under a thousand times more aggravating and distressing circumstances, than those of Alabama; and to me it would bespeak great injustice to tax their descendants to pay the claims now before us.

During the war of 1812, claims of almost every conceivable character arose; and in 1816 Congress passed a general law for their adjustment, entirely changing the practice which prevailed after the Revolution. The law was recommended by the President; was carefully considered, and fully discussed.

The first section provided for indemnifying the owner for any horse lost in battle, or by reason of the failure of the United States to furnish forage for such horse while in the public service.

The second section provided indemnity where the owner, while in service, had been separated from his horse by order of the commanding officer, and thereby lost such horse.

The third section provided indemnity where property, which had been impressed, was destroyed by the enemy, or damaged *while in the public service.*

The fourth section provided indemnity where the arms of a soldier or officer had been captured.

The fifth section provided indemnity where property or provisions had been impressed for the use of the troops, and such property had been lost or destroyed while in the public service.

Now, sir, according to my recollection, no compensation in any of these cases, except that of provisions taken for support of the troops, or other property literally taken *for the public use*, had been allowed during or subsequent to the Revolution; and this law was amendatory of the previous practice, and, by the words of the law, limited to cases which had arisen during the war of 1812.

By the twelfth section the President was authorized to appoint a commissioner for the adjustment of all claims provided for by this law. The commissioner was directed by the act to frame rules for his decision, which were to be approved by the President and published to the country.

The President made the appointment; the commissioner framed his rules of decision; they were submitted to President Monroe, and, being considered in Cabinet council, were approved and published. They became the rules of decision, were strictly adhered to, and were in fact, a part of the law itself. Claims embraced in the fifth section included those of the character now before us, and were styled the "fifth class."

I will now ask my friend from New York [Mr. POTTLE] to read the rules of construction under this fifth section of the law.

Mr. POTTLE read as follows:

"'When any property has been impressed or taken by public authority for the use or subsistence of the Army during the late war, and the same shall have been destroyed, lost or consumed, the owner of such property shall be paid the value thereof, deducting therefrom the amount which has been paid, or may be claimed, for the use and risk of the same while in the service aforesaid.'

"This provision relates to every species of property taken or impressed for the use and subsistence of the Army, not comprehended in any of the preceding classes, and which shall have been in any manner destroyed, lost, or consumed by the Army, including in its scope all kinds of provisions, forage, fuel, articles for clothing, blankets, arms, and ammunition; in fact, everything for the use and equipment of an army.

"In all these cases, the certificates of the officers or agents of the United States taking or impressing any of the aforesaid articles, authenticated by the officer commanding the corps for whose use they were taken or impressed, and, furthermore, of the officers and agents under whose command the same were destroyed, lost, or consumed, specifying the value of the articles so taken or impressed, and destroyed, lost, or consumed, and, if any payment has been made for the use of the same, and the amount of such payment, [must be furnished;] and if no payment has been made, the certificate must state that none has been made.

"'Before any other evidence will be received, the claimant must make oath that it is not in his power to procure that which is above specified; and, further, that the evidence which he offers in lieu thereof is the best which he is able to obtain.'

"Under this provision, no claim can be admitted for any article which has not been taken by the orders of the commandant of the corps for whose use it may be stated to have been taken. For any taking not so authorized, the party's redress is against the person committing it."

Mr. GIDDINGS. I will here say that, in 1817, this law was extended so as to apply to losses sustained by Indian depredations; and although the law was limited in its duration, and became obsolete after five years by such limitation, this body, through the Committee of Claims, and through its other committees, adopted the equity of that law under their rules of construction for deciding all claims arising by Indian depredations, or for those sustained in civilized warfare. For more than thirty years, great efforts have been made to change the rules so as to grant indemnity for property lost on the waters of the Chesapeake during the year 1814. And since 1836, unceasing attempts have been made so to change those rules as to grant indemnity for property destroyed in the Florida war; and I am sorry to say that in some few instances committees, from inexperi-

ence, have reported in favor of claims that had been rejected by the Committee of Claims many years since. Indeed, some of our committees appear unconscious that any rules of decision ever were established for adjudicating claims. I ought, however, to say that, while Lewis Williams, of North Carolina, Elisha Whittlesey, of Ohio, Governor Chambers, of Kentucky, and David Russell, of New York, presided in that Committee of Claims, all memorials asking indemnity that came before them were subjected to those rules of decision, and equal justice was dealt out to the various claimants, and none had cause to complain. So far as my own connection with that committee is concerned, I will only say that it was my endeavor, and, I believe, the intention of the other members, to administer the equity of the law of 1816 with an even hand to all who presented themselves before us.

The claims now under consideration were submitted to that committee in 1837. My predecessor, Mr. Whittlesey, was chairman; and I may be permitted to say, that no member ever bestowed greater labor upon the cases before it, or was more careful in the collation of facts, or the adoption of principles, than he was. And his report against this claim comes to me with an authority which compels me to examine closely the merits of his decision, before I vote to overrule it; particularly as the adverse report was obtained by taking the case from its appropriate reference to the Committee of Claims, and sending it to the Committee on Indian Affairs. I mean no disrespect to the latter committee when I say it has never been distinguished for inflexible adherence to established rules and precedents. Indeed, it could not have attained that character from the fact that it keeps no record of its decisions.

Some days since, I asked the advocates of this bill to point out the distinction between this and all other cases of loss by reason of Indian depredation.

Mr. SMITH, of Virginia. I call the attention of the gentleman from Ohio to the fact that Mr. Whittlesey's report was founded upon the assumption that the Indians were in a state of war with the Government.

Mr. GIDDINGS. I will answer the gentleman. The advocates of this bill may take their choice, either to regard the Indians at that period in a state of war or peace with the Government, and then I will show that the Government is not responsible in either case. Is not that fair? Call it war or peace. For war I will give you the same rule of action, the same measure of damages and justice that I will give——

Mr. SMITH, of Virginia. If the gentleman will allow me, I will not take a minute of his time. What I wish to state is this: the Revolution was a state of war. This claim, on the contrary, is not founded upon a state of war; I make the distinction.

Mr. GIDDINGS. I shall meet that. It is one of the purposes for which I rose.

I desire to deal out the same measure of justice to these applicants that I would to all others. This is a subject on which statesmen can have no feeling. These people went to the frontier of Alabama for the purpose of improving their fortunes. They voluntarily assumed the risk attendant upon frontier life, just as all pioneers in past times have done. My colleague [Mr. LEITER] has argued this case with marked ability. He spoke of the sufferings of these people; but did he forget that, in 1812, almost in sight of his own dwelling, the Indians on the "Black fork of the Mohiecan," in a time of profound peace between them and the United States, suddenly rose and burned the dwellings and destroyed the property of the whites, as they did in Alabama, and added to the horror of these scenes by murdering the families who owned the property? But did the representatives of these sufferers ever ask indemnity? No, sir, never. They well understood the loss to be their own, and not that of the people of New England or of the South, nor of our own State.

Mr. LEITER. Had we a treaty of peace and amity with those Indians?

Mr. GIDDINGS. We had.

Mr. LEITER. Had we an intercourse law similar in its provisions to that now in force?

Mr. GIDDINGS. We had an intercourse law similar to that now in force.

Again: I call attention to the fact that, after the surrender of General Hull, in 1812, the inhabitants living on the peninsula north of Sandusky bay were compelled to flee from their habitations, even while their meals, in some instances, were smoking upon their tables. They left their dwellings, their property, their hogs and cattle, and fled across the bay in their small water craft, and escaped to the more densely populated country, in the rear of the small army of militia, who hastened to the defense of the frontier. I saw the smoke of their dwellings ascending in the clear and quiet atmosphere of early September. They fled from their homes, many of them shaking with chills, or burning with fever. I saw their suffering; I witnessed their misery; and when gentlemen tell me of the suffering of the claimants now before us, I point them to scenes in by-gone days, when property was not only destroyed, but when families were murdered. Some of those people yet remain. They had no remedy for their loss. They never asked indemnity from Government, for they well knew that Government granted no indemnity in such cases. But, sir, if we compensate the claimants now before us, and tax those sufferers of 1812 to pay those people of Alabama, I will do what I can to induce our people to present their claims, and to an unceasing prosecution of them.

These scenes occurred, as it were, in sight of the residence of my colleague, [Mr. LEITER,] who has so earnestly advocated this indemnity to the people of Alabama. But I know that he would not in his heart aid in any capricious legislation; and I call these facts to his recollection, and demand for these claimants the same measure of justice that we deal out to those who suffered in Ohio, in Kentucky, and in Indiana. Give these men the same indemnity we have given to all others; no more, no less.

But, sir, I will not stop here. In 1813, General McClure burned the village of Niagara—perhaps it has since been called by some other name—and in return the British troops burned the city of Buffalo. In the winter, amid snow and storm, parents and children were driven from their dwellings, which were immediately wrapped in flames; their furniture and their all was consumed, while they were enabled to escape by reason of the light which shone from their flaming houses.

The sufferers called on Congress for relief, but they called in vain. A commission was appointed to ascertain the extent of loss, as in these cases. If I recollect aright, it amounted to between two and three million dollars. They sent to this body a Representative who they believed would be most likely to obtain redress. The election turned on this subject. Albert Tracy, an eminent lawyer, a man of experience and of great influence, was sent here, and all his powers and learning and influence were brought to bear in favor of those claims; but Congress, as in 1794, regarded their loss as the fate of war, and they never received one dollar. I ask gentlemen who advocate this bill, shall we change the rules established in 1816, and open up the Treasury to all these claims which have slept for half a century?

Such, too, was the fate of the people living at Frenchtown and in the vicinity of Detroit. Their property was taken by the enemy and destroyed, but not a dollar of indemnity was ever granted to one of them.

In all these cases Congress adhered steadily and firmly to the law of 1816, and to the rules adopted by Mr. Monroe and his Cabinet for construing the law.

But it is said that soldiers, and Indians acting as soldiers, killed the cattle of the settlers in Alabama for food without the order of the commanding officer. If so, it was a trespass, for which each individual was liable; but such trespasses imposed no obligation upon us, or upon the people of other States.

This is no more than is usually practiced; where ever an army goes, the soldier feels at perfect liberty to take from the fields of the farmer, green corn, potatoes, peas, and whatever vegetables he can lay his hand upon to render his diet comfortable, provided he can do it without being detected and punished. Indeed, the officers usually wink at such acts. I speak from experience. On the peninsula to which I have referred, the people left their cattle and their hogs. Our own troops and the Indians lived upon this stock while scouting upon that bloody ground. They did there precisely as they did in Alabama.

Mr. CURTIS. I wish to make a point that I think ought to be fairly discussed. It is this: in this instance, the claim is not placed upon the ground that the loss was done by a foraging party, but that it was done under the order of the quartermaster to take property for public uses.

Mr. GIDDINGS. Of course, all the property in schedule A, reported by the commissioners, amounting to some twenty-five thousand dollars, taken by order of the commanding officer, comes within the equity of the law of 1816, and the rules prescribed under it, and has been paid for as stated in my opening remarks. But the entire claims, as they now stand before us, are for property taken or destroyed by soldiers and Indians, either friendly or hostile, without such order.

I will go further: the officer himself can give no authority for taking provisions while he is furnished with such rations as the law allows. If the troops have the regular amount of beef and bread, he has no authority to impress pork or potatoes; nor can he take household furniture or family pictures under any circumstances. He is the agent of the people, and, while acting within his authority, binds the Government; but when he oversteps his legal powers, he ceases to bind the Government. The rule is the same as in private life. He may, in such cases, make himself a trespasser; but his action imposes no obligation upon the people or Government. In the language of the instructions which I have read, "no claim can be admitted for any article which has not been taken by order of the commanding officer of the corps for whose use it has been taken. For any taking not so authorized, the party's redress is against the person committing it."

Now, sir, I wish to say that any bill or report in regard to losses sustained by the action of our troops, or by those of the enemy, that is not in conformity with this law of 1816, and the rules prescribed for its construction, is clearly against the long train of decisions of this body, to which I have referred, would render our legislation capricious, and open up the Treasury to all the vast amount of claims which for more than seventy years have been rejected.

Mr. WOODSON. Will the gentleman from Ohio answer me one question?

Mr. GIDDINGS. Certainly, sir.

Mr. WOODSON. I ask the gentleman if he is willing to give these claimants all they could get under the act of 1834—the intercourse act?

Mr. GIDDINGS. I was just coming to that, and I will leave the question, so far as war is concerned, at this very point. Indeed, I have not time to pursue it further. Much has been said in regard to those claims coming under the law of 1834, called the intercourse act. That law regulates the intercourse between white people and Indians in time of peace, giving the Indians a remedy against the whites whenever the whites injure them, and giving the whites indemnity against the Indians whenever they, in time of peace, commit depredations upon the whites. This was the substance of the first intercourse law of 1802, and continued such up to 1834, and certainly, in its terms, was just and right.

But that these claims come within that law was not suspected when the Legislature of Alabama sent their memorial here. They expressly state, in the memorial, that the depredations were committed *in time of war*, or words to that effect. They are said on all hands to have been committed by *hostile Indians*, or by the unauthorized acts of our own troops; and certainly the intercourse law could have nothing to do with hostiles; nor could our army, or its soldiers, while in service, be regarded as Indians. It is certain that General Jackson regarded it a war; and acted upon the subject as if it was a war, and characterized it "a war" in his official communications. Members who have argued in favor of these claims, have spoken of these hostilities as a *quasi* war; while some have also insisted that the claimants are entitled to relief under the intercourse law of 1834.

Now, it is certain that if neither the equity of the law of 1816, nor that of 1834, gives relief, both taken together do not; although the committee reporting this bill evidently supposed the two statutes made a stronger case than either taken separately.

Sir, I lay it down as a clear proposition, that, if these claims come within the intercourse law, they should be presented to the proper Department for adjustment, and not sent here. But gentlemen say they come within the *spirit* of the law of 1834, but not within the letter of that act.

Now, sir, so far as we can make the hostile Indians and soldiers who destroyed this property without justice or authority, compensate the sufferers, I am willing to act. But when it is proposed to take the compensation for their injuries from the pockets of my constituents, I demand on their behalf the reason for doing it. Is there justice in compelling the people of Ohio to pay for the crimes committed by Indians in Alabama? I ask gentlemen to show me the justice of such policy. I was not sent here to do such acts without good and sufficient reasons. The law of 1802 gave the remedy, as I have already stated, only against the Indians committing the depredations. In no case did it authorize payment from the public Treasury. Under this law, our pioneers of the West and Northwest, the South and Southwest, were governed, from 1802 until 1834. They suffered constant depredations from Indians who always seek food, and will have if they can get it by stealing. For property thus taken, our pioneers sometimes obtained compensation from the Indians, under that law; but more generally the property taken was entirely lost to the owner. The loss was sustained without murmuring. And, so far as my knowledge extends, no man thought it right to tax the people of his own or of other States for such unlawful acts of Indians.

In 1834 a new intercourse law was enacted, which gives the sufferer in such case three years' time to present his claims; and if presented and proved before the superintendent, agent, or sub-agent, such agent shall report the same to the Department, and the United States may retain such sum from the annuities of the tribe to which such Indian belongs; or, if no annuity be paid such tribe, the same shall be paid out of the national Treasury. In the cases before us no such presentation or proof was made. There is therefore no legal claim upon the Government; but the advocates of the bill insist that these cases come within the equity of this statute of 1834. I deny it; there is no equity, no color of equity, in making the people of other States pay for the depredations committed by Indians in Alabama. I speak not of the provocation given by the white people that aroused the Indians to violence; but I say it is clearly and obviously inequitable and unjust to make my constituents pay for their depredations, whether such depredations were or were not provoked. I need not say that equity or justice is an attribute of Deity—the same yesterday, to-day, and forever, immutable and unchangeable; that no act of Congress can enlarge or diminish its scope, or set bounds to its operation. I need not repeat that the law of 1802 was equitable and just, nor need I say that the law of 1834 has not changed or enlarged this justice. If these pioneers in Alabama were willing to run the risk of settling among the Indians, with the hope or expectation of making fortunes, it was their own act, and at their own risk. The people of other States did not become insurers against loss by Indian depredations.

But it said there was no superintendent or agent *at that time* among the Creeks to whom the settlers could apply. I answer, they had three years to make their application; and although the agent had, for the time being, left the Indian country, there was not, I think, six months at any time when there was no agent among the Creeks. Indeed, the Creek annuities were regularly paid by the superintendent, to whom application could have been made at any time. But suppose the agent had been absent during the whole three years; or suppose the President had neglected to appoint an agent during the then three years: would such dereliction of duty have imposed upon my constituents the duty of paying for these claims? Or, indeed, suppose the President had stipulated that the people of other States should pay these claims: would such stipulation have imposed any obligation upon the people of Ohio or any other State? The answer is clear; and I am led to the unhesitating conclusion that, neither in law, in equity, nor in justice, have these people the shadow of a claim upon our public Treasury.

FEDERAL JUDICIARY.

SPEECH OF HON. PHILEMON BLISS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. BLISS said:

Mr. CHAIRMAN: Debate on the appropriation bill for the judiciary having been closed, I am driven to that exhaustless mine, the President's message, now under consideration. True to his early instincts, he again appeals to the Supreme Court, as authority for political opinions, and indirectly approves an old dogma, recently indorsed in the report of a Democratic committee of my own Legislature, "that the decisions of the Supreme Court, upon constitutional questions, must stand as a part of the instrument itself, until they are reversed." It is to combat that ultra Federal dogma, and to explain the provisions of certain bills of my own, that I propose to speak.

During the last session of this Congress, the Judiciary Committee reported against a bill introduced by me, repealing the twenty-fifth section of the judiciary act of 1789, and curtailing the *habeas corpus* powers of the United States judges. I had then no opportunity to express my views upon the subject-matter of the bill. There is now before the same committee a bill introduced by me to prevent the packing of juries in the Federal courts of Ohio. I shall not hereafter share the responsibility of Federal legislation; and despairing of present action, I should, perhaps, content myself by letting the bills themselves express my views. But I find myself constrained to speak. Amid the din of crowding events I may fail to get a hearing; yet I cannot return to my people without giving vent to my deep conviction of the dangers to the citizen and to our federative system from the encroachments of the Federal courts.

We justly praise the Federal Constitution. That instrument, in its simple, its comprehensive grandeur, will ever command the homage of mankind. Even when the infidelity of a degenerate people, trampling on its guarantees, abusing its powers, spurning its reservations, shall render its benignant provisions a curse, the instrument itself will deserve none the less reverence, but only prove that liberty and law, justice and tranquillity, are the result of a spirit and not a form; a sentiment and not a parchment. But we speak thus of the Constitution in reference to the times and our young experience. It has grave defects in not sufficiently guarding its provisions from abuse; in not providing against dangers then unseen, but which now command the most serious alarm.

As we were to have a government as well as a league, a separate judicial department became, or was deemed, essential. This judiciary must of course have cognizance of cases arising under the Constitution and laws. It must in such cases decide upon the powers in the Constitution and upon the reserved rights of the States. There is no avoiding this whenever a case arises that involves the necessity of considering them.

It is one of the evils arising from every written constitution, from the fact that it is written, that a court may so twist its language as to enforce as fundamental law provisions undreamed of when adopted. We feel this evil in the States, and seek to guard against it by judicial responsibility, by limiting jurisdiction, and, above all, by giving health to opinion. Evils like these were unknown to our fathers. The great danger, now so patent, in giving to a permanent body of men the power, without responsibility, to interpret, even in causes of a judicial character, the Constitution and Federal laws, and to decide the extent of their own powers, seemed not to have oppressed them. They regarded the judiciary as weak and needing strength. It had not been a power in the colonies; it had not been a power in the Revolution. Mr. Hamilton says: "the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution," (Federalist, No. 78.) And thus he always spoke. It is evident, also, from Mr. Madison's convention report, "that the political influence of the judiciary was not feared," (Elliot 5, 483.) Our English model had no power to nullify, only to interpret; and a false though innocent interpretation was easily remedied by appeal to the Lords, or by a new enactment. Hence the spectacle of a gowned conclave, gravely setting aside statutes and constitutions of sovereign States; enforcing powers not granted in the compact, and against the express reservations of the States; with eager zeal reversing the whole current of authority and law, to make universal a local and exceptional despotism; prompting its ministers to mayhem and murder, sure of their illegal shield, never darkened our fathers' vision. Had a tithe of what we stupidly suffer been anticipated by them, the Federation itself would have been an impossibility; at least the court would have been but a Hamilton's dream of a life Executive and Senate. But they had seen the English danger of dependence upon the King, and, mistaking a phrase for a fact, thought they saw the English remedy in "the independence of the judiciary."

There never was a more serious mistake. There is now, there was then, no such thing in England as the independence of the judiciary. The most important judicial officer—the Lord Chancellor—the only one who possesses any political power, comes and goes with every administration; and all the other judges are subject to removal by a bare majority of the Parliament. The power that changes an administration can legally disrobe a whole bench; and the consciousness of that fact, with the denial of all political power to the common-law judges, has been the true conservator of the English courts. No, it is the "responsibility of the judiciary" that has redeemed the English bench. "Independence of the judiciary;" simply meant independence of the Crown, with responsibility to the people. Words are sometimes the vail as well as the mirror of things; and the phrase, both true and false, kept out of sight the real character of the great English reform, and dictated the strange tenure of our judges and blinded the Congress of 1789 to the power their jurisdiction over the States might give them. The "scarecrow of impeachment"—that laughing-stock of irresponsibility—was weakly trusted to frighten those whose unchecked will might make, or aid monopolists and demagogues to make and unmake constitutions and laws.

And, besides, it cannot be denied that the conservatism of 1787 and 1789 dared not fully to trust the people. I am often surprised at its blindness now, as then. Timid and unusually honest, it shows the sagacity of the ostrich, and the clear-sightedness of the owl at noon-day. Conservatism would treat man as a child, to be always led; or a wild beast, to be always caged; while Democratic Republicanism regards him as a rational being, to be developed; a person clothed with the responsibilities and charged with the duties of majority. Conservatism would guide him and sustain him only, of course, to prevent mischief to himself. It would keep him from the water till he had learned to swim; would withhold a gun till he had learned its use; would measure his daily food for fear he would overeat; and would surround him by a police to prevent him from jostling and being jostled in his walks; while Republicanism would bid him plunge in the stream, shoulder his own weapon, regulate his own diet, and thread his own pathway.

Were development unnecessary, and could we always insure both wisdom and goodness in our rulers, there might be some excuse for conservatism. The good, though somewhat mythical Incas were said to have made a people happy, though they kept them babes, waiting to yield to the first assault. But our experience shows us, that power always corrupts, and the consciousness of irresponsibility only stimulates the selfish passions. The only true conservatism teaches personal independence in the citizen and strict responsibility in every department of government. It is true

the people may become corrupt; but, alas! where then can we look? If a man cannot govern himself, how can we trust him to govern others? If he fail to himself, will he submit to the wise? Or rather will he not become the prey of the unscrupulous, or the tyrant of his fellows? Surrounded by those forms that shall check passion, protect the individual, and render impotent sudden tumult, THE PEOPLE, more honest and as apt to be wise as their servants, must govern the governors—be the tribunal before whom all tribunals bow. The consciousness of this responsibility alone can make the corrupt heed his way; alone can make the judge, as well as the legislator, tempted to pander to a private interest, or break down a personal safeguard, pause to see whether he can give a good reason for his act, one that shall satisfy an honest master, and one that shall accord with those fundamental principles he has sworn, and they have more than sworn, to follow.

This blunder in the Constitution was greatly aggravated by the course of those into whose hands its first administration fell. Unfortunately, they were not satisfied with its simple powers. They honestly believed it but "a rope of sand;" and sought, by forced constructions, to fortify and strengthen it. I speak not to blame. They were great and patriotic men; but men who feared anarchy more that despotism, license more than power, and who only sought to enlarge what they deemed the basis of our liberty. The people could not always be dazzled by the names of Washington and the revolutionary heroes—all naturally on the side of a strong Government; they were passing away; and some refuge from their own passions must be furnished the people, or the fruits of the Revolution would be only strife and impotency. Fortunately, the Constitution had provided a tribunal, irresponsible and dignified, and filled by those who deeply sympathized in their fears. This tribunal, if sufficiently strengthened, might be able to build upon this Constitution the ark of our deliverance.

There were two obvious ways of strengthening it. First, by extending its jurisdiction; and second, by giving it supreme sway over the minds of the people.

In jurisdiction, they at once succeeded as fully as could be desired by the most devoted Federalist. In reading over the twenty-fifth section of the judiciary act of 1789, I have often wondered at the tameness of the States, thus at once made vassals. If the Federal court may not only try "cases" arising under the Constitution; if in such cases primarily brought in it, it may not only solve for itself the doubt as to whether it may be a Federal or is a State case merely; whether a power has been yielded or withheld; but if, whenever any State tribunal, the tribunal of a sovereignty *per se*, equally bound to observe the Constitution, and possessing larger powers, shall decide that a power is "reserved" and not "delegated," this Federal court may step in and take from it jurisdiction upon mere claim of a party, then, indeed, the federation becomes really a nation, and the discretionary overseer of the States. Though many seem to have lost sight of it, yet it is really against the jurisdiction given by that section, that the struggles of the State-rights Republicans have been ever since directed. Why it has not been repealed, I greatly wonder. Why this club should be continued in the hands of this court, always rampant against the States, is passing strange.

But perhaps a solution may be found in the second method adopted by the Nationals, then as now, to give permanence to their views. We bow to opinion, not force. Hierarchies and thrones rest upon the superstition of men. Blind reverence is always relied on to cherish authority that reason disowns. The friends of this court and its claims have sought to clothe it in the robes of majesty, and to enthrone it upon the seat of serene infallibility. We treat our State courts with the freedom that belongs to human tribunals; approving when right, condemning when wrong. But when, from yon mysterious vault, the enrobed nine send forth their tomes, befogging by their diffuseness even when announcing the plainest principles, and still more bewildering by "words without knowledge;" when essaying some new constitutional construction, as they call their attacks upon the rights of the States and their citizens, we are taught to bow without question as the faithful to the decrees of the Grand Lama.

Having thus given the Federal court control over the State judiciary, and taught a superstitious reverence for its opinions, a single constitutional interpolation only becomes necessary to make its authority complete. The Constitution gives jurisdiction in certain "cases," *i. e.* suits between parties. If this authority could be extended to all *questions*, as well as cases, the most ardent centralizer could ask no more. It is plain, that if I seek an advantage, a right under a written instrument, whether it be a constitution, statute, or contract, I must be governed by the construction given the instrument by the tribunal whose aid I invoke. This is equally true, whether I seek the intervention of a Federal or a State court, executive officer, Legislature, or umpire. Each power will give me relief in the specific case, as it understands my rights under the instrument, and must, necessarily, so far construe that instrument; but to give decisions upon questions and principles by which other departments or tribunals of equal authority shall be bound in other cases, is quite another thing.

If the idea could be generally infused into the public mind that this court had jurisdiction to decide all constitutional questions; could be made, like the councils, the final arbiter of faith, by whose opinions upon the political theory supposed to be involved in the cause all should be bound, the end of the consolidation party would be attained. Law and order would erect its throne upon the seat of liberty and law, the democratic element be held in check by the arm of power and the sentiment of loyalty; and from a disjointed Confederacy would spring a great and consolidated empire. To thus infuse that idea, was directed every energy. True, Mr. Jefferson and a few others have always fought against it; but they seem almost to have fought in vain. (See appendix.) From then till now, the leading Federal idea has possessed the public mind. Legislators, Presidents, orators, essayists, whether conservative or demagogue, constantly, and with confidence, appealing to the varying and contradictory opinions of Federal judges, denounce the impious dissenter. Does a United States bank, looking in vain to the Constitution itself, demand a continued existence, its Webster, with a power alone his own, rallies us to the support of its shield, the court, as the final arbiter of all constitutional questions. Does the genius of personal despotism, from its local abode, look with jealousy upon our joyous freedom, and seek to cut off the great domain from its enjoyment, the ready opinion of an eager court is proclaimed by the President as the ultimatum; and, from that opinion alone, slavery is enforced as the general law. Does the State, tired of monopoly, seek to grant to others the same privilege hitherto given alone to a corporation, or to otherwise change the law creating it, we find the court making the strange discovery that all charters are contracts, and beyond the control of the State. Thus all corporations, and the multitudes interested in corporations, are oppressors; and the multitudes whose chief glory is to hate the subjects of oppression, instinctively rally around the court, and wonder that any one can doubt its final authority upon all *questions* as well as "cases."

Of all the departments of the Government, the Supreme Court should be the last one to decide political questions. If the people are the source of power, if they adopt their fundamental law, they must ultimately give it construction. It is not possible that they intended to give to a body of eight or ten men chosen for life, and almost wholly irresponsible to them, power to modify and change their constitution at pleasure, as some new light or new influence shall inspire them. It is not possible that the States intended to give their sovereignty to such keeping. The blunder of its creation and its early powers—those strange oversights that great men might be guilty of, who were intent alone upon traditional dangers, and, scanning the history of all people, found neither example nor peril, because their system itself was without precedent, cannot be thus interpreted. No; the people of the States, both through their several State governments and their Federal Representatives, are the only power that can legitimately decide these questions. And, if the Federal court, after they have become so unequivocally decided, shall, in cases before them, refuse to conform to such decision, then it becomes the duty of the people "to alter or abolish it."

The character of that court's decisions demand that we hold it strictly to the law. I have nothing to say of the judges personally; I suppose them to be like other men, generally honest, but liable to be swayed by private interest, class or local jealousies, and party passions, and needing, like others, the restraining influence of the terrors of accountability. I have alluded to some of their decisions; I have no time to speak of them at length, and will content myself with quoting a criticism of Chief Justice Bartley, of my own State, only remarking that his criticism has been indorsed by the Democratic party of Ohio by renomination for the supreme bench immediately after it was made:

"It is a remarkable fact, that almost every unwarrantable stretch of power by Congress has been sustained by the Supreme Court of the United States. This is a matter of public history. The alien and sedition laws; the vexatious regulations of the embargo and non-intercourse acts; the act to incorporate the Bank of the United States;" * * * * "the recent bankrupt law;" * * * * * "these, and numerous other acts which might be mentioned, now repealed, and now wholly repudiated by the force of public sentiment as unwarranted by the Constitution, received a ready sanction in the Supreme Court of the United States. In view of the unmistakable disposition manifested by that tribunal to enlarge the powers of the General Government by construction; in view of the fact that it has taken under its protection almost every species of corporation, political, pecuniary, and eleemosynary; in view of its repeated encroachments on the sovereignty of the States, by annulling laws which in no way whatever concerned the affairs of the Federal Government, or interfered with the progress of its legitimate administration, it must be admitted, though much to be lamented, that the decisions of that tribunal have not only lost much of their moral influence, but much weight as judicial authority, in the courts of the States."—6 *Ohio State Reports*, page 379.

I do not disown judicial authority, or deny its influence, outside the given case. Every judicial decision, whether State or Federal, is entitled to respect; and if it settle a disputed point upon the basis of reason, should be followed by other courts. The judicial maxim "*stare decisis*," means this and no more. In the relations of the Federal and State courts, an additional rule prevails. The construction of a Federal statute by the Federal courts, should be followed in the State courts; and conversely, the construction of State statutes by State courts, is binding on the Federal. Yet this rule only applies when exclusive jurisdiction over the subject-matter of the statute, or the constitutionality of the statute, is admitted. Hence, when the Federation assumes personal jurisdiction not granted in the Constitution, as in punishing for crimes over which no jurisdiction is given them, it is the duty of the State to disregard such assumption and vindicate its reservations; and when the State seeks to punish for acts under Federal authority, as for collecting imposts, the Federation will disregard such attempt and vindicate its powers. In such cases, neither the decisions of Legislatures or courts have any binding force. Be not alarmed at the collisions that thus arise. They show that we have not lapsed into the calm of despotism. Through them freedom breathes, and great principles renew their life. It is the only way by which the public reason, that must ultimately decide all these questions, can be directed to their solution; and we shall be the wiser and better for the collisions.

The twenty-fifth section of the judiciary act, which I propose to repeal, provides for a direct supervision of the State courts by the Federal judiciary, whenever they decide against a party who claims privilege or exemption by virtue of Federal authority; though, if the decision is in favor of such party, however erroneous, his opponent is without remedy.

"SEC. 25. * * * * That a final judgment or decree in any suit in the highest court of law or equity of a State in which a decision of the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties, or laws, of the United States, and the decision is in favor of such their validity; or where is drawn in question the construction of any clause of the Constituuon, or of a treaty, or statute of, or commission held under, the United States, and the decision

is against the title, right, privilege, or exemption, specially set up or claimed by either party under such clause of the said Constitution, treaty, statute, or commission, may be reëxamined and reversed or affirmed in the Supreme Court of the United States, upon a writ of error," &c.—1 *United States Statutes at Large*, page 85.

This section of the statute is one of the uncorrected errors of those who so early sought to nationalize this Federation; the principle of it is clearly vicious. I speak not now of the twelfth section, which is subject to some of the same objections.

All cases, either at law or equity, fall under the jurisdiction either exclusively of the Federal, exclusively of the State, or concurrently of the State and Federal courts, wherever the suit is first instituted. When the jurisdiction is exclusive, any similar proceedings elsewhere are absolutely void. There is no necessity for either a Federal or State court to review on error the opinions of a tribunal that has no jurisdiction in the case. They may be treated as a nullity; and the court having exclusive jurisdiction will proceed as though no other proceedings had been had.

In nearly all the cases in which jurisdiction is given by the Constitution to the Federal courts, it is admitted that the State courts have concurrent jurisdiction. And the question arises, whether the State courts, having properly acquired jurisdiction, are courts inferior to the Federal in the sense that their final decision should be subject to review on appeal on error to the Federal courts?

Ohio has as yet always submitted to such review, and in cases deeply affecting her sovereignty. I would not counsel our own supreme court, for a light cause, to refuse obedience; yet the signs indicate that the time may soon come when such refusal will become a duty. Acquiesence in this Federal supervision has been by no means universal. Virginia [see appendix] and Georgia have openly and with impunity repudiated the right of Federal review, and it has been often questioned in other States. State nullification is always a dangerous, though sometimes a necessary remedy. Congress should remove the temptation by the repeal of a statute, which any State at pleasure may nullify, and for which we find no constitutional authority, as I will show.

If the Federal court may lawfully review a final decision in the courts of the States, that authority of course is given in the Constitution. Judge Marshall in Cohens *vs.* Virginia, (6 Wheaton 264, see page 416,) claims that the words of the Constitution "give to the Supreme Court appellate jurisdiction, in all cases arising under the Constitution, laws, and treaties of the United States. The words are broad enough to comprehend all cases of this description *in whatever court they may be decided.*" Let us see what are these so broad words:

"SEC. 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts *as the Congress may from time to time ordain and establish.* The judges, both of the supreme *and inferior courts*, shall hold their offices," &c.

This is very express. The judicial power is vested in the Supreme Court and courts *created by Congress*, not "in whatever court" certain cases "may be decided."

Again, immediately following:

"SEC. 2. The judicial power shall extend to all cases in law and equity arising under this Constitution," &c.

What judicial power, pray? That of any of "whatever court" may decide constitutional questions? So it would seem from the language of Judge Marshall; and such would seem to have been the idea of those good old Federalists who framed this twenty-fifth section. But, in looking at the simple instrument itself, we see that "the judicial power" is the "judicial power of the United States" just spoken of, and is vested in a Supreme Court, and in other courts *created by Congress*. The judicial power of the several States, or of foreign States, may extend to these cases, yet not by virtue of this instrument. If a plaintiff bring a defendant into the courts of Great Britain, or of New York, and claim a right, or the defendant claim an exemption under the Federal Constitution, or laws, or treaties, such court must necessarily decide the claim. They are courts of general jurisdiction, and decide upon all claims lawfully brought before them, under whatever constitution or laws they arise. But they do not so decide by virtue of this section, and their power is not "the judicial power of the United States."

The second paragraph of this second section provides directly for this appellate jurisdiction of the Supreme Court. It is the only pretended authority for the twenty-fifth section of the judiciary act; and I ask a careful attention to its language:

"In all cases affecting embassadors, &c., the Supreme Court shall have original jurisdiction. In all other cases *before mentioned*, the Supreme Court shall have appellate jurisdiction," &c.

What cases are "before mentioned?" Why all those enumerated cases to which "the judicial power shall extend." The judicial power of New York? of Great Britain? No; but "the judicial power of the United States," "vested in one Supreme Court, and in such inferior courts as the Congress may from time to time establish." So we see that the "appellate jurisdiction" is not from State courts, or foreign courts at all; and "the words" are not "broad enough to comprehend all cases" involving a construction of Federal laws, &c., "in whatever court they may be decided."

But, as if conscious that the words of the Constitution were not broad enough to give "appellate jurisdiction" from any but those courts in which the judicial power of the United States is vested and which are created by Congress, the same learned judge, in the same case, (pages 414, 415,) infers this power not from any "words," but from his idea of the general relation of the Federal and State Governments. He says:

"We think that in a Government acknowledgedly supreme with respect to the objects of vital interest to the nation, there is nothing inconsistent with sound reason, or incompatible with the nature of government, in making all its departments supreme, so far as respects those objects, and so far as is necessary to their attainment. The exercise of the appellate power over those judgments of the State tribunals which may contravene the Constitution or laws of the United States, is essential to the attainment of those objects." * * * * "It seems to be a corollary from this political axiom that the Federal courts should either possess exclusive jurisdiction in such cases, or a power to revise the judgment rendered in them by the State tribunals."

Perhaps they "should;" but to see whether they actually *do* possess it, we must look to the Constitution itself, either for an express grant of the jurisdiction, or to see whether it is a direct inference from an express grant. The judicial power of the United States is expressly granted to the Supreme Court, and to such inferior courts as Congress may establish. Appellate jurisdiction is expressly given to the Supreme Court in cases over which judicial power is thus granted. Laws to carry into execution these express grants should provide for the organization of this supreme and these inferior courts, and for error and appeal from the latter to the former. So far as jurisdiction is concerned, they should do no less; *they can do no more*. And yet this learned judge—and truly learned he must have been to have established his strange constructions—has discovered an implied power, not "to make all laws which shall be necessary and proper for carrying into execution" the powers expressly granted; but he implies a power from his own theory of the general character and relations of the Federal and State Governments. The Federal Government is supreme, therefore its court has appellate jurisdiction over the State courts! So I might say the State governments are supreme, and therefore the State courts should have appellate jurisdiction over the Federal. The truth is, the LAW is supreme, and not the courts, though each is superior to the other in their own forum and within their own exclusive jurisdiction; but when the jurisdiction is concurrent they are equals; and the Federal Constitution gives no color to the idea that there is any dependence or subordination of one to the other. The Federal courts being of special and limited jurisdiction, can only pass upon the rights of litigants where certain specific questions are involved; and in such cases, so far as is necessary, must interpret constitutions and laws. The State courts, being of general jurisdiction, may pass upon the rights of litigants, whatever the question involved, unless expressly restrained. If a party bases his claim or defense upon a law of England or France, or upon the constitution or laws of any other State, or of the United States, it becomes the duty of this State court to construe such laws by whatever sovereignty enacted. Because England and France and the several States are each superior in the enactment of their own laws, will error hence lie to their courts? I admit there would be more propriety, *were the power granted*, in the exercise by the Supreme Court of the United States of appellate jurisdiction from the State courts, than in its exercise by courts of extra-territorial jurisdiction. But the reasoning of the court, when it leaves the record to flounder in the mire of conjecture, applies as well to one as the other.

But it is said the Constitution, and laws of the United States in pursuance thereof, are the supreme law. Most true; but does it follow that hence the Supreme Court of the United States has appellate jurisdiction over the State courts? The State judges are all sworn to support the Constitution of the United States; they are sworn to administer its laws. Except in actions pertaining to the realty, they can only hear complaints against persons within the bailiwick. These judges are their natural protectors, and, as representatives of the local sovereign, ought to decide all local tenures. The plaintiff who appeals to them, and the defendant who sits under their shadow, cannot complain of their decision. "The supreme law of the land" is just as binding upon them as upon a Federal court; and there is no reason to believe they will not administer it as honestly, as impartially. Most of the reasoning of the Federal court, in assuming this appellate jurisdiction, is a mean imputation upon their integrity. I have yet to learn that the courts of the States, at least such of them as have fallen under my cognizance, are a whit behind the Federal Supreme Court in learning, in integrity, and in fidelity to the admitted principles of our Government. I might say more; but I forbear.

But, it is said, we should have uniformity in constitutional interpretations, that all the people may hold the same doctrine. This may be important, or may not; but it certainly cannot be obtained through the Supreme Court. For, firstly, it has no power to decide these questions for the people at large. It can only give or withhold relief from some particular litigant, in a given case, and can go no further. And besides, experience has shown that constitutional questions have not been settled in this way. They have been settled only by the verdict and general acquiescence of the people, and generally against the opinion of the Supreme Court. And even this twenty-fifth section, which seeks uniformity by a method unknown to the Constitution, fails upon the face of it. It provides for appeals in only a portion of the cases. If the State court decides, however erroneously, *in favor* of the party seeking to avail himself of some Federal weapon or cover, it is all right. There is no appeal. It is only when such weapon or cover is held illegal, that appeal lies; thus making a distinction unjust to parties and odious to the States.

But I am compelled to drop this subject just as it opens before me, or omit other things I desire to say.

In the same bill before spoken of, I provided for the repeal of the seventh section of the act of March 2, 1833, "further to provide for the collection of duties on imports," (4 Statutes at Large, page 634,) commonly called the "force act." I think the whole act should be repealed. A grant of extraordinary power for a particular emergency should never become part of a permanent system. The seventh section extends the jurisdiction of the Federal judges in *habeas corpus* to cases when the prisoner is confined "for any act done, or omitted to be done, in pursuance of a law of the United States, or any order, process, or decree of any judge or court thereof." It was drawn upon the supposition that Federal officers would be imprisoned for the proper execution of Federal process, or collection of Federal revenue. It was designed to meet the then threatened resistance of South Carolina; and though it might have been necessary in that emergency, its continued existence implies an unwarranted distrust of the ever-loyal State authorities. Respect for that loyalty, if nothing else, demands its repeal. No State tribunal ever has, or ever will punish any person

for a lawful act under Federal authority, and the Federation has no right to insinuate such a disposition. It is a wanton insult, as if a magistrate should plant his cannon to command the dwellings of the citizens, on pretense that they may rise against him.

Besides, it is a clear usurpation of Federal authority. The States have a right to execute their criminal laws—have a right to put upon trial any man accused of violating them. A person is accused of murder. He pleads that he is a United States marshal, and the homicide was justifiably or excusably committed in the discharge of his duty. If he sustains his plea, he goes acquit. *But that is the fact to be found.* The truth of the plea is not to be presumed; any scoundrel might plead it. But this section of the force act steps in and snatches the culprit from the custody of the State, and impudently says that he shall not be tried at all. A district or circuit judge, who has no more jurisdiction of the crime than the Sultan, will decide, in chambers, upon his guilt; and if he wills it, the murderer goes abroad, not acquit, but without power in the State to put him on trial. I look in vain in the Constitution for such a surrender by the States of jurisdiction over crime. And if it were surrendered, the fact of guilt or innocence is not to be decided by any judge, but "the trial of all crimes, except in cases of impeachment, shall be by jury." (Article 3, section 2.)

My hostility to this *habeas corpus* power is not lessened by its plain abuse on the part of Federal judges. Certain occurrences in the southern district of Ohio are alluded to in the message of Governor Chase, of January, 1858. I give an extract that this House may see the judicial antics which irresponsibility may cut:

"A disposition has been manifested, within the last few years, by some of the officials of the Federal Government, exercising their function within the limits of Ohio, to disregard the authority, and to encroach upon the rights of the State, to an extent and in a manner which demands your notice.

"In February, 1856, several colored persons were seized in Hamilton county as fugitive slaves. One of these persons, Margaret Garner, in the frenzy of the moment, impelled, as it seems, by the dread of seeing her children dragged, with herself, back to slavery, attempted to slay them on the spot, and actually succeeded in killing one. For this act, she and her companions were indicted by the grand jury for the crime of murder, and were taken into custody upon a writ regularly issued from the court of common pleas.

"While thus imprisoned under the legal process of a State court, for the highest crime known to our code, a writ of *habeas corpus* was issued by a judge of the district court of the United States, requiring their production before him. The writ was obeyed by the sheriff, and, contrary to all expectations, and in disregard, as I must think, of principle and authority, the prisoners were taken from his custody by order of the judge, and, without allowing any opportunity for the interposition of the State authorities, delivered over to the marshal of the United States, by whom they were immediately transported beyond our limits. The alleged ground for this action and order was, that the indicted parties had been seized as fugitive slaves upon a Federal commissioner's warrant, before the indictment and arrest, and that the right to their custody, thus acquired, was superior to that of the sheriff, under the process of the State. This doctrine must necessarily give practical impunity to murder whenever the murderer may be seized by a Federal official as a fugitive from service before arrest for the crime under State authority. Imputing no wrong intention to the judge, I am constrained to add that his proceeding seems to me an abuse, rather than an exercise, of judicial power.

"A similar case occurred more recently in the county of Champaign. Several deputies of the Federal marshal, having arrested certain citizens of this State for some alleged offense against the fugitive slave act, a writ of *habeas corpus* was issued by the probate judge of that county, requiring the arrested parties to be brought before him for inquiry into the grounds of detention. The sheriff of Clark county, while attempting to execute this writ, was assaulted by these petty officials, and seriously injured, while his deputy was fired upon, though happily without effect. A warrant was issued by a justice of the peace for the apprehension of the perpetrators of these offenses. This warrant was duly executed, and the prisoners committed to jail, under the custody of the sheriff of Clark county. A writ of *habeas corpus* was then issued by the same district judge who had interposed in the case of Margaret Garner, requiring the sheriff of Clark county to produce his prisoners before him at the city of Cincinnati. This writ was also obeyed, and the prisoners were discharged from custody, by order of the judge, on the ground that, being Federal officers, and charged with the execution of a Federal writ, they had a right to overcome, by any necessary violence, all attempts made under the process of a State court to detain them or their prisoners, even for inquiry into the legality of the custody in which these prisoners were held.

"This principle cannot be sound. It subverts effectually the sovereignty of the States. It asserts the right of any district judge of the United States to arrest the execution of State process, and to nullify the functions of State courts and juries, whenever, in his opinion, a person charged with crime under State authority has acted, in the matter forming the basis of the charge, in pursuance of any Federal law or warrant. No act of Congress, in my judgment, sanctions this principle. Such an act, indeed, would be clearly unconstitutional, because in plain violation of the express provision which requires that the trial of all crimes shall be by jury.

"It is deeply to be regretted that collisions of this kind should occur. The authorities of Ohio have never failed in due consideration for the constitutional rights of Federal courts, nor will they thus fail. But they cannot admit, without dishonor, that State process is entitled to less respect than Federal, nor can they ever concede to Federal writs or Federal officials a deference which is not conceded to those of the State.

"The true course is one of mutual respect and mutual deference. Whenever, in any inquiry upon *habeas corpus*, by any court, State or Federal, it may be ascertained that the applicant for the writ is detained under valid process in pursuance of a constitutional law, he should be remanded at once to the custody from which he may have been taken for trial in due course. No investigation should take place into the guilt or innocence of the party charged, or, what is substantially the same thing, whether the facts were justified by the authority under which the applicant was acting at the time. Inquiries of this character are for juries upon a regular trial and in open court; not for a judge at chambers. If made upon one side upon *habeas corpus*, they must also be made upon the other. If Federal courts are to protect Federal officials from prosecution by State courts for alleged violation of State law, State courts, in their turn, must protect State officers from prosecution in Federal courts, under similar circumstances. Hence, dangerous conflicts must arise, and imminent peril both to liberty and union.

"If such conflicts must come, to the extent of the power vested in me I shall maintain the honor of the State and support the authority of her courts. I prefer to hope that they may be averted by the abandonment, on the part of the Federal authorities, of the indefensible positions which they have assumed."

These are by no means the only cases in which Federal judges have been guilty of abusing their jurisdiction in *habeas corpus*, but suffice as a specimen. I do not claim these strange acts to be within the statute. By no manner of means. But they are within the practice of irresponsible judges, under color of the statute, and furnish a strong reason for the repeal of any act that can give color to any such unwarrantable proceedings.

As I at first stated, I have sent a bill to the Judiciary Committee at this session to regulate the empaneling of juries for the Federal courts in Ohio. I have only a moment to consider the necessity of this or some similar measure, and, indeed, it seems to me that an elaborate argument upon it would be an insult to the intelligence or purity of this House. Jurors represent no party; they represent no class; they are not transient residents; not adventurers; but belong to the body of the people, and are usually selected from the more substantial of the freeholders. The law has always been very careful in the mode of selection, so as to secure that absolute impartiality which is essential to the very idea of a juror. In Massachusetts, if not in all New England, juries are drawn in the same manner, in both the Federal and State courts, and that is by lot from the body of such of the freemen as are not rejected by the towns for cause.

In Ohio, for the State courts, the trustees of each township annually return to the county clerk the names of a certain number of qualified citizens, according to population, from which number all regular jurors are drawn by lot. The object of such mode is to insure popularity and impartiality; and more effectually to secure the latter, we have various provisions for striking juries, changing venue, &c. The selection of a prejudiced jury is a substantial denial of the jury trial; ay, and worse; it is poison for bread, a curse for a blessing. And any mode of selection that shall endanger impartiality, that shall offer facilities to take them from a party, to make them represent a class rather than the body of the people, is a fraud on the Constitution. An honest man, rather than countenance such a fraud, would boldly deny altogether the jury trial. Of what value to the citizen accused of crime is the constitutional guarantee, if the State select the jury? It is worse than a mockery; and yet such is the fact in our Federal courts.

The clerk and the marshal, the creatures of Government, one directly, and the other indirectly, holding at the will of Government, by a rule of court select the names from which jurors are drawn, to decide upon the truth of Government accusations! And this power given the Government to convict any one it wills, is called "constitutional liberty," and such prosecutions "trial by one's peers," "due process of law," &c. Give us, if you please, the naked knout or bowstring; but away with shams, and no longer prostitute the forms of liberty to the overthrow of its substance!

It is not my purpose to blame the court for the rule referred to. The State method of selecting jurors may be impracticable, without further legislation. If not, the duty of the court, under the law, is clear; and it seems to me that a rule requiring the Federal clerk to request the clerks of the several counties to draw for him, from their regular jury box, the names from which the Federal panel is to be filled, would much more nearly follow the present statute, requiring conformity to the State method, than the rule adopted. But the method I propose, requiring the sheriffs of the several counties to return the names, is better than either, as it insures both impartiality and a probable selection of more competent men.

Mr. Chairman, I am a friend of this Union and of its Government, and demand that it do its whole duty within its jurisdiction. I would curtail no just power. The States have yielded the power to levy imposts. I would have them so levied as least to oppress and most to encourage the business and labor of the country. They have given the power to make rules and regulations respecting the common territory; I would have them so regulate it as to prevent the monopoly of the soil and the oppression of the settler. They have yielded the power to regulate commerce; I would have them so regulate it as to protect not alone from foreign aggressions, but protect it in its avenues, in its depots, whether by frigate, by light-house, by pier, or by snag-boat; and continue to protect it, until its subjects shall be brought within the exclusive jurisdiction of the States. So of all powers: I would have them exercised in good faith and for the common good, notwithstanding Federal recklessness and Federal neglect almost make us repent the grants. *But the powers reserved we must keep.* Most of all must we hold on to our judicial power over citizens and corporations within the States, over State criminal laws, and the power to judge of the reservations of the Constitution, where the liberty and property of the citizen is unconstitutionally endangered by foreign tribunals.

True conservatism supports State sovereignty. The Federation has primarily no citizens; we are all citizens of the States. All our governmental relations at home are with the State. Our ten thousand personal and property relations are under cognizance of the State. Engaged in the peaceful pursuits of industry, we regard Federal action, as applied to persons, almost as that of a foreign Government; and only pray to be let alone. We look to the States alone for protection in person; for protection in property. *The efficiency of that protection depends upon the power of the State.* Destroy that power, and you beat down the shield of every man's rights. Hence the contest for State sovereignty is no idle strife between powers, but a conservation of power in the only sovereignty that can protect.

I am also a friend of the Federal courts, though I regret the mode of their organization. For certain Federal purposes we need them; for those purposes I would purify and preserve them. I show not my friendship for the fallen by encouraging their prostitution; but, surrounding them with restraints and motives, I bid them go and sin no more. The people are becoming roused to the true nature and alarming encroachments of the Federation. They look upon the judiciary as the right arm of those encroachments. They will never yield their liberty; and if these things continue without remedy, *the Federal courts must fall.* I would save them by timely reform.

APPENDIX.

The following clear vindication of the independence of the other departments of the Government is given in General Jackson's veto message of July 10, 1832:

"If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coördinate authorities of this Government. The Congress, the Executive, and the court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood

by others. It is as much the duty of the House of Representatives, of the Senate, and of the President, to decide upon the constitutionality of any bill or resolution that may be presented to them for passage or approval, as it is of the Supreme Judges, when it may be brought before them for judicial decision. The opinion of the judges has no more authority over Congress, than the opinion of Congress has over the judges; and, on that point, the President is independent of both. The authority of the Supreme Court must not, therefore, be permitted to control the Congress or the Executive, when acting in their legislative capacities; but to have only such influence as the force of their reasoning may deserve."

In the celebrated case of Hunter *vs.* Martin, (4 Munford, &c.,) the supreme court of Virginia, on full argument, by elaborate and clear opinions, unanimously repudiate the authority of the Supreme Court of the United States, under the twenty-fifth section of the judiciary act. I can only give the syllabus:

"1. The court of appeals of Virginia will consider whether a mandate issued by the Supreme Court of the United States, directing this court to enter a judgment reversing one which it heretofore pronounced, be authorized by the Constitution or not; and, being of opinion that such mandate is not so authorized, will disobey it.

"2. It is the opinion of this court that so much of the twenty-fifth section of the act of Congress, passed September 24, 1789, entitled 'An act to establish the judicial courts of the United States,' as extends the appellate jurisdiction of the Supreme Court of the United States to judgments pronounced by a supreme court of a State, is not warranted by the Constitution."

The opinions of Mr. Jefferson, after witnessing the insiduous encroachments of the Federal Court, are well known. I give a few extracts from his correspondence:

Extract from a letter to Judge Roane, dated Poplar Forest, September 6, 1819.

"In denying the right they usurp of exclusively explaining the Constitution, I go further than you do, if I understand rightly your quotation from the Federalist, of an opinion that 'the judiciary is the last resort in relation *to the other departments* of the Government, but not in relation to the rights of the parties to the compact under which the judiciary is derived.' If this opinion be sound, then, indeed, is our Constitution a complete *felo de se*. For, intending to establish three departments, coördinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone the right to prescribe rules for the government of the others, and to that one, too, which is unelected by, and independent of, the nation." * * * * * * * * *

"The Constitution, on this hypothesis, is a mere thing of wax, in the hands of the judiciary, which they may twist and shape into any form they please. It should be remembered, as an axiom of eternal truth in politics, that whatever power in any Government is independent, is absolute also; in theory only at first, while the spirit of the people is up, but in practice as fast as that relaxes. Independence can be trusted nowhere but with the people in mass. They are inherently independent of all but moral law. My construction of the Constitution is very different from that you quote. It is, that each department is truly independent of the others, and has an equal right to decide for itself what is the meaning of the Constitution in the cases submitted to its action, and especially where it is to act ultimately and without appeal. I will explain myself by examples, which, having occurred while I was in office, are better known to me, and the principles which govern them."

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Extract from a letter to Mr. Jarvis, dated Monticello, September 28, 1820.

"You seem in pages 84 and 148, to consider the judges as the ultimate arbiters of all constitutional questions—a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. There maxim is, '*boni judicis est ampliare jurisdictionem*,' and their power the more dangerous as they are in office for life, and not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal, knowing that, to whatever hands confided, with the corruptions of time and party, its members would become despots. It has more wisely made all the departments coequal and cosovereign within themselves. If the Legislature fails to pass laws for a census, for paying the judges and other offices of the Govment, for establishing a militia, for naturalization, as prescribed by the Constitution, or if they fail to meet in Congress, the judges cannot issue their *mandamus* to them; if the President fails to supply the place of a judge, to appoint other civil or military officers, to issue requisite commissions, the judges cannot force him. They can issue their *mandamus* or *disfringas* to no executive or legislative officer, to enforce the fulfillment of their official duties, any more than the President or Legislature may issue orders to the judges or their officers."

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Extract from a letter to Thomas Ritchie, dated Monticello, December 25, 1820.

"The judiciary of the United States is the subtile corps of sappers and miners constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a coördination of a general and special government to a general and supreme one alone."

Extract from a letter to Archibald Thweat, dated Monticello, January 19, 1821.

"The legislative and executive branches may sometimes err, but elections and dependence will bring them to rights. The judiciary branch is the instrument which, working like gravity, without intermission, is to press us at last into one consolidated mass. Against this I know no one who equally with Judge Roane himself possesses the power and the courage to make resistance; and to him I look, and have long looked, as our strongest bulwark. If Congress fails to shield the States from dangers so palpable and so imminent, the States must shield themselves, and meet the invader foot to foot. This is already half done by Colonel Taylor's book, because a conviction that we are right accomplishes half the difficulty of correcting wrong. This book is the most effectual retraction of our Government to its original principles which has ever yet been sent by Heaven to our aid. Every State in the Union should give a copy to every member they elect as a standing instruction, and ours should set the example. Accept, with Mrs. Thweat, the assurance of my affectionate and respectful attachment."

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Extract from a letter to Mr. C. Hammond, dated Monticello, August 18, 1821.

"It has long, however, been my opinion, and I have never shrunk from its expression, (although I do not choose to put it into a newspaper, nor, like a Priam in armor, offer myself its champion,) that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary—an irresponsible body, (for impeachment is scarcely a scare-crow,) working like gravity by night and by day, gaining a little to-day and a little to-morrow and advancing its noiseless step like a thief over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one."

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Extract from a letter to William T. Barry, dated Monticello, July 2, 1822.

"We already see the power, installed for life, responsible to no authority, (for impeachment is not even a scare-crow,) advancing with a noiseless and steady pace to the great object of consolidation. The foundations are already deeply laid, by their decisions, for the annihilation of constitutional State rights, and the removal of every check, every counterpoise, to the ingulphing power of which themselves are to make a sovereign part. If ever this vast country is brought under a single Government, it will be one of the most extensive corruption, indifferent and incapable of a wholesome care over so wide a spread of surface. This will not be borne, and you will have to choose between reformation and revolution. If I know the spirit of this country, the one or the other is inevitable. Before the canker is become inveterate, before its venom has reached so much of the body politic as to get beyond control, a remedy should be applied. Let the future appointments of judges be for four or six years, and renewable by the President and Senate. This will bring their conduct, at regular periods, under revision and probation, and may keep them in equipoise between the general and special Governments. We have erred in this point by copying England, where certainly it is a good thing to have the judges independent of the King. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative Houses. That there should be public functionaries independent of the nation, whatever may be their demerit, is a solecism, in a Republic, of the first order of absurdity and inconsistency."

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Extract from a letter to Judge Johnson, dated Monticello, March 4, 1823.

"I cannot lay down my pen without recurring to one of the subjects of my former letter, for, in truth, there is no danger I apprehend so much as the consolidation of our Government by the noiseless, and therefore unalarming, instrumentality of the Supreme Court. This is the form in which Federalism now arrays itself, and consolidation is the present principle of distinction between Republicans and pseudo-Republicans, but real Federalists."

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The following extract from a letter to Judge Johnson, dated Monticello, June 12, 1823, forcibly reminds of the *dicta* in the Dred Scott case, and the object of that *dicta:*

"The practice of Judge Marshall, of traveling out of his case to prescribe what the law would be in a moot case not before the court, is very irregular and very censurable. I recollect another instance, and the more particularly, perhaps, because it in some measure bore on myself. Among the midnight appointments of Mr. Adams were commissions to some Federal justices of the peace for Alexandria. These were signed and sealed by him, but not delivered. I found them on the table of the Department of State, on my entrance into office, and I forbade their delivery. Marbury, named in one of them, applied to the Supreme Court for a *mandamus* to the Secretary of State, (Mr. Madison,) to deliver the commission intended for him. The court determined at once that, being an original process, they had no cognizance of it, and, therefore, the question before them was ended. But the Chief Justice went on to lay down what the law would be had they jurisdiction of the case, to wit: that they should command the delivery. The object was clearly to instruct any other court, having the jurisdiction, what they should do if Marbury should apply to them. Besides the impropriety of this gratuitous interference, could anything exceed the perversion of law! For if there is any principle of law never yet contradicted, it is, that delivery is one of the essentials to the validity of a deed. Although signed and sealed, yet as long as it remains in the hands of the party himself, it is in *fieri* only—it is not a deed, and can be made so only by its delivery. In the hands of a third person, it may be made an *escrow*. But whatever is in the executive offices is certainly deemed to be in the hands of the President; and in this case was actually in my hands, because, when I countermanded them, there was as yet no Secretary of State. Yet this case of Marbury and Madison is continually cited by bench and bar, as if it were settled law, without any animadversion on its being merely an *obiter* dissertation of the Chief Justice."

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Extract from a letter to Edward Livingston, Esq., dated Monticello, March 25, 1825.

"I have attended to so much of your work as has been heretofore laid before the public, and have looked with some attention also, into what you have now sent me. It will certainly arrange your name with the sages of antiquity. Time and changes in the condition and constitution of society, may require occasional and corresponding modifications. One single object, if your provision attains it, will entitle you to the endless gratitude of society—that of restraining judges from usurping legislation. And with no body of men is this restraint more wanting than with the judges of what is commonly called our General Government, but what I call our foreign department. They are practicing on the Constitution by inferences, analogies, and sophisms, as they would on an ordinary law. They do not seem aware that it is not even a *Constitution*, formed by a single authority and subject to a single superintendence and control, but that it is a compact of many independent powers, every single one of which claims an equal right to understand it, and to require its observance. However strong the cord of compact may be, there is a point of tension at which it will break. A few such doctrinal decisions as barefaced as that of the Cohens, happening to bear immediately on two or three of the large States, may induce them to join in arresting the march of Government, and in arousing the co-States to pay some attention to what is passing, to bring back the compact to its original principles, or to modify it legitimately by the express consent of the parties themselves, and not by the usurpation of their created agents. They imagine they can lead us into a consolidated Government, while their road leads directly to its dissolution. This member of the Government was at first considered as the most harmless and helpless of all its organs. But it has proved that the power of declaring what the law is, *ad libitum*, by sapping and mining, slyly and without alarm, the foundation of the Constitution, can do what open force would not dare to attempt."

PROTECTION AND FREE-TRADE TARIFFS TESTED BY STATISTICS.

SPEECH OF HON. E. P. WALTON,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. WALTON said: I have, Mr. Chairman, prepared, with much labor, an argument mainly statistical, upon the necessity, and, as I think, upon the proper principles, of a revision of the tariff, to meet the necessities of the Government and the business of the country. It is not so well fitted for delivery as for the press, and therefore I ask leave of the committee to print the same.

Mr. VALLANDIGHAM. I shall interpose no objection, provided the gentleman will indicate in the Globe that the speech was not delivered in the Hall, but printed by consent of the committee.

Mr. WALTON. Certainly.

The following are the remarks of Mr. WALTON:

Mr. CHAIRMAN: There are various topics in the President's message, eminently worthy of debate; but in the present condition of the Government and people of the country, and in view of the brief time left for the business of Congress, I think it is our duty to forego the discussion of all matters merely speculative or political, and to address ourselves to such as are practical and necessary. Among these the most prominent is a revision of the tariff, for the strict constitutional purposes of meeting the current expenditures, discharging the public debt, and providing for the general welfare of the country.* If these great constitutional purposes shall be effected by any act of ours, I care not by what name you call it—revenue or protective, incidental, transcendental, or accidental; though I much fear that the passage of such an act by this Congress, will be reckoned among the happiest of accidents.

The necessity is palpable and absolute. This is acknowledged by the President in his annual message, and by the Secretary of the Treasury in

* "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States."—*Federal Constitution*, Art. 8.

"Whereas, it is necessary for the support of Government, for the discharge of the debts, and the encouragement and protection of manufactures, that duties be laid on goods, wares, merchandise," &c.—*Preamble to the first tariff, passed by the First Congress, July* 4, 1789.

his report. After adverting to the deficiency in the revenue, the Secretary uses this emphatic language:

"A revision of the tariff of 1857, and the imposition of additional duties, *is the only remedy*, unless Congress shall take some action to relieve the Treasury from a portion of the expenditure it is now required to meet."

The President is even more emphatic. Recounting the loan and Treasury notes, to the amount of $40,000,000, required of Congress at the last session, he says:

"No statesman would advise that we should go on increasing the national debt to meet the ordinary expenses of the Government. *This would be a most ruinous policy.* In case of war, our credit must be our chief resource, at least for the first year, and this would be greatly impaired by having contracted a large debt in time of peace. It is our true policy to increase our revenue so as to equal our expenditures. *It would be ruinous to continue to borrow.*"

Thus, sir, the responsibility is thrown upon Congress by the Executive; and I confess the right of the Government and the people to hold us strictly to it.

Let us consider the necessities of our condition in respect to revenue.

Starting on the 1st of July, 1857, with a balance in the Treasury of		$17,710,114 27
The Secretary states the balance, July, 1858, to be		6,398,316 10
Making the deficiency in the balance		11,311,798 17
The public debt, July 1, 1858, consisted of, old debt	$25,155,977 66	
Treasury notes outstanding	19,754,800 00	
Total	44,910,777 66	
The public debt, July 1, 1857, was	29,060,386 90	
Increase of debt during the year		15,850,390 76
Which, added to the differences in the balance in the Treasury, gives		$27,162,188 93

as the deficiency in the resources of the Treasury for the single year ending 30th of June, 1858. And if to the $11,311,798 17 deficiency in the balance, is added the sum of $23,716,300 received on Treasury notes, the deficiency in the ordinary current receipts was $35,028,098 17. Now, sir, I think the President was right; we cannot go on at this rate, adding to the national debt twenty-seven or thirty-five million per annum. This would, indeed, be "a most ruinous policy."

But this is not all. While frankly admitting that the "present estimates are based upon the opinion that a reaction in the trade and business of the country has commenced, and that we are gradually, but steadily, returning to a prosperous and healthy condition," the Secretary still admits a deficiency for 1859 of $4,000,000, with an addition to the debt of $20,000,000, (for the loan authorized in 1858,) making a deficit of $24,000,000 for that year; and for 1860, he counts upon a deficit of nearly eight million dollars more. Here, then, according to the official estimates, are $32,000,000 to be added in the next year and a half to the existing debt; making, as the result of three years of financiering by the present Administration, a debt of $59,000,000! And not all yet, sir. So much for the official estimates; but if these approach no nearer the truth than did the estimates of December, 1857, you must add $15,000,000 each to the deficits of 1859 and 1860, reckon the addition to the debt by this Administration at $89,000,000, and the total national debt in 1860 at more than one hundred millions. Nor is even this the worst view of the case. Why, sir, the Secretary has not estimated for a single dollar of the $30,000,000 for that remarkable "negotiation," which the distinguished Senator from Illinois, [Mr. DOUGLAS,] and the distinguished member of this House from South Carolina, [Mr. KEITT,] have united in recommending to us; that negotiation for the Island of Cuba, with the Army and the Navy bravely ahead, and the negotiator safely behind. And $30,000,000, in my judgment, are modest nest-eggs for the brood that will be apt to follow; robbery to begin with, war in the middle, and a national debt of two or three hundred million dollars to bring up the rear—counting negroes and nullification as the causes rather than the cost of this magnificent crime.

But, to confine myself to the programme which the President has provided for us in his message, let me say, that the $30,000,000 for the Cuba negotiation are not in the estimates; the Pacific railroad is not in the estimates; the armed occupation of Mexican States, and all creation besides, in the discretion of the Executive, is not in the estimates; and war is not in the estimates; although, if we are to credit the President, our differences with Great Britain, Spain, Mexico, Paraguay, and the Central American States, are ample enough to lead to the most serious results. Now, sir, without exaggeration, I think it may be said, if we are to go into these great projects which are gravely recommended by the President, and as gravely discussed in the Senate and the House—or, if we are to have even one little war upon our hands—that the addition to our debt in the three years ending on the 30th of June, 1860, (even if the present official estimates are not exceeded,) will be at least eighty million instead of fifty-six; and the total national debt at that date will be, in round numbers, $110,000,000. Sir, I think it high time for us to take care of the revenue of the country. In any view of the question, without the addition of a dollar of debt beyond that already estimated, there is to be an alarming deficiency in the next two years; and do what we will, the Government will be bound to carry, for several succeeding years, a heavy national debt.

And now, Mr. Chairman, let us consider the necessity of a revision of the tariff in respect to the business of the country; and, that the picture may not be exaggerated, I will quote the language of the President:

"When Congress met in December last, the business of the country had just been *crushed* by one of those periodical revulsions which are the inevitable consequence of our unsound and extravagant system of bank credit and inflated currency. With all the elements of national wealth in abundance, our manufactures were suspended, our useful public and private enterprises were arrested, and thousands of laborers were deprived of employment, and reduced to want. *Universal distress prevailed among the commercial, manufacturing, and mechanical classes.*"—*President's message, December*, 1857.

Sir, I will attempt to add nothing, either to the sad truth of history, or the intensity of the President's expression of it. Such was the picture of December 1857; and what was it in 1858? The President has not dared to look at it, or he has not dared to draw it. He is no longer historian, but prophet; he gives us but few facts, and a full measure of fancy. He tells us what energy and enterprise *will do*, "within the period of another year;" that "capital has again accumulated in the large cities," although he forgets to tell us that it has been drawn from the suffering country; and he finishes the prophesy by assuring us that "*so soon as it is discovered that this capital can be profitably employed*," "*prosperity will again smile throughout the land.*" No doubt of that, sir; and no doubt, too, that suffering millions in this land would have been greatly pleased, if he had but named the day. But it is for *us* to say when "this capital can be profitably employed."

Mr. Chairman, I am not dealing with the future, but with the condition of the business of the country during the year 1858, and now. There is an impression, indeed it is claimed, that the condition of 1858 was better than that of 1857. I think it is a great mistake. It is indeed true, that in 1857, the merchants and manufacturers in the Atlantic States sank beneath the stroke. The sudden crash of many and large establishments, seen and felt by all around, and flashed by telegraph to all abroad, was a calamity which everybody readily understood. The calamity of 1858, though less striking, was wider spread, and far larger in its losses. It spread from the narrow cities to the broad country—from three million people to more than twenty—from the merchants and manufacturers to the farmers. It spread silently, indeed, but as fatally as "the pestilence that walketh in darkness;" and none can understand the magnitude of the ruin, until he shall gather a million bills of mortality into one grand and sad sum total.

I will take for illustration two of the largest branches of agriculture—cotton and flour.

	Cotton. *Cents per pound.*	*Superfine Flour.* *Per barrel.*
June 30, 1855	9.49	$7 47
" " 1857	12.55—increase 3.06	6 23—loss $1 24
" " 1858	11.70—loss .85	4 73—loss 1 50
Jan. 11, 1859	11.50—loss .20	
" 18, 1859		4 00—loss 73

While the increase of the price of cotton from June 30, 1856, to June 30, 1857, was three and six hundredths cents per pound, the loss from June 30, 1857, to January 11, 1859, was one and five hundredths cents per pound—equal to $11,750,000 on the quantity exported in 1858; and while the loss on flour was $1 24 per barrel from June 30, 1856, to June 30, 1857, the loss from the last named date to January 18, 1859, was $2 23 per barrel—being nearly thirty-six per cent. on the value of 1857, and amounting to $18,250,000 on the quantity exported in 1858.

Thus it will be seen that, to the farmers—the great body of the people of the country—the losses of 1858 and to this date greatly exceed those of the preceding year. But it is the loss of both years, and of the year upon which we have already entered, and the loss to all interests, that demands our care. Compared with 1856, when cotton was low, and excluding 1857, when cotton was high, the loss in exports of domestic products in 1858 amounted to $15,000,000, or five and a half per cent. of the exports of 1856. If that was the loss on our annual product of at least three thousand million dollars,* then our loss in the year 1858 was $170,000,000 on the value of all products, and $107,360,000 on agricultural products alone, saying nothing of the reduction on all fixed property, the losses by forced sales, the depreciation of capital, and the absolute losses by bankruptcy. We may safely double that sum;† and yet it is nothing, absolutely nothing, compared with the blasted hopes, the mental and physical misery, and the moral degradation which accompanied this terrible pecuniary loss. Figures cannot measure the calamity; language cannot express it.

Mr. Chairman, it is clear enough, I think, even from this incomplete statement of the present condition of the country, both as to its revenue and its business, that our first duty is to give all the *relief* within our power. The disease is too serious for delay.

The next point I make is, that our present condition is not exceptional or accidental; but that, springing from identically the same causes, we have had a recurrence of such calamities periodically in the past, and must, unless we provide a remedy, expect them in the future. The President describes these calamities as "periodical convulsions," and plainly tells us that "the periodical revulsions which have existed in our past history, must continue to return at intervals," so long as their causes exist. I disagree with the President, somewhat, in respect to the causes, but I agree fully as to the consequent calamities. The calamities have been as regular and as inevitable as the tides of the ocean, and have swept the business of the country to wreck and ruin, as surely as the resistless wave sweeps all its burden to the strand. There have been three marked eras of ruin within the memory of many living men, occurring at almost exact and equal points of time, from essentially the same causes, and marked by the same terrible disasters to the revenue of the Government and the business of the country. In these, sir, I propose to find the *causes* of the present condition of the country; and from these causes, illustrated by the intervening periods of prosperity and peace, I shall attempt to find the measures of remedy and relief which I think we are bound to adopt.

These eras embraced the periods of 1818–19, 1837–38, and 1857–58, almost exact, of twenty years. Few members of this House will remember the convulsion of 1818–19: let me therefore say, in the language of President Monroe, quoting from the message of December 7, 1819, that "the pecuniary embarrassments which affected

* Henry C. Carey states the production of 1858 at $3,500,000,000. In De Bow's Compendium, the agricultural product of 1850 is put at $1,300,000,000, and the increase is estimated at twenty-two per cent. in 1854—$1,600,000,000. The same rate of increase would give on agriculture, in 1858, $1,952,000,000. Manufactures exceeded $1,000,000,000 in 1850, and if increased at all in 1858, the sum total will exceed the $3,000,000,000.

† The cash value of farms in 1850 was double the amount of production, and the capital invested in manufactures was half of the production. This would give the total sum of $4,428,000,000 as the representative of agriculture and manufactures in 1858, without any increase of manufactures since 1850.

various parts of the Union during the latter part of the preceding year, (1818,) have, during the present, (1819,) been considerably augmented, and still continue to exist." President Monroe also spoke of "the great reduction in the price of the principal articles of domestic growth," "and the consequent fall in the price of labor;" of "the pecuniary embarrassments which have so deeply affected the commercial interests of the nation," and "been no less adverse to our manufacturing establishments;" of "the great reduction of the currency, which the banks have been constrained to make, in order to continue specie payments, and the vitiated character of it where such reductions have not been attempted;" and, finally, of "the loss of individual confidence, from the frequent failures which have recently occurred in some of our principal cities."

Of the convulsion of 1837–38, yet fresh within the recollection of us all, I need only say, that it fully rivaled that of the present era; and that the storm, which swept commerce, manufactures, and agriculture in 1837–38, was equaled only by that fiery storm of popular indignation which overwhelmed the mistaken politicians, whose policy had provoked the common ruin. Let the gentlemen on the other side of this Hall remember the holocaust of 1840.

Why these convulsions? Why so regular in occurrence, and so uniform and disastrous in their consequences? The President gives us a solution in "our present system of bank credits." The unanswerable objection is, that we have had the same system, as well in periods of universal prosperity as of universal calamity; why have we not always had calamity? Why is our banking system good in one period and bad in another? Again, the President materially varies his solution; it is not in our "system" of banking, but in *bad* banking; in "the speculative inflation of our currency," which, I admit, certainly preceded the periods of convulsion, but did not prevail in the intermediate period. The inevitable inquiry is: why had we "speculative inflations" in the periods preceding the convulsions of 1838 and 1858, and why did we *not* have them in the intervening period of 1844–46? My answer is involved in the whole theory of the cause of the convulsions of 1818, 1838, and 1858, which is this: under every financial system of the Federal Government which encourages the consumption of foreign productions, to the exclusion of domestic, we have, as its proper fruits, inflated expenses of the Government—illegitimate banking, characterized by "speculative inflations;" a vast excess of imports over domestic exports, and a consequent debt to foreign countries, the grand result of all which is a "convulsion" that depletes the Treasury of revenue, augments the national debt, and utterly blasts the business of the country. On the other hand, under every financial system which encourages domestic production in preference to foreign, we have moderate expenses, legitimate banking, moderate balances in the foreign trade, a sufficiency of revenue, and national vigor and prosperity, as the grand results.

In this theory, the "speculative inflation of the currency," charged by the President, has its proper place, as a powerful, though not the chief, element of mischief. It accompanies inflated importations of foreign productions and aggravates their mischief, because the bills of your banks, those painted vanities that pay the toiling millions of the land, are spurned by their Government for the very taxes it imposes, and spurned by their creditors, in every land but their own, for the very debt which crushes them.

Now, Mr. Chairman, I propose to test this theory by the simple logic of facts, deduced almost exclusively from the last report of the Secretary of the Treasury. The periods I have selected are the four years following the last war with Great Britain, and ending with the "convulsion" of 1818; the seven years from 1825 to 1831, both inclusive, under the tariffs of 1824 and 1828, and immediately preceding the reduced tariff of 1832; the period from 1834 to 1838, both inclusive, under the compromise act of 1833, and ending with the "convulsion" of 1838; the three years, 1844 to 1846, and all that were under the tariff of 1842, for which the Secretary's report gives us the details;* and the eleven years, from 1848 to 1858, both inclusive, under the low tariffs of 1846 and 1857, and ending in the "convulsion" of 1857 and 1858. I state the "average duty" in each period; and I mean by it the per centage of the revenue from customs upon the total amount of foreign goods entered for consumption. I also state the "consumption" and "taxation" per head of population—meaning, by the one, the amount of foreign goods consumed per head; and by the other, the expenses of Government, exclusive of payments on the public debt, per head of population:

Periods.	*Average duty per cent.*	*Consumption per head.*	*Taxation per head.*
1. 1815–18, low tariff	20 7-10	$11 88	$2 23
2. 1825–31, high tariff	35 8-10	5 09	1 06
3. 1834–38, low tariff	15 2-10	7 37	1 79
4. 1844–46, high tariff	25 7-10	5 25	1 16
5. 1848–58, low tariff	20 7-10	8 86	1 99

Starting with a low tariff of twenty and seven tenths per cent., with the consumption of foreign productions amounting to $11 88 per head, and the Government tax for expenses to $2 23 per head, (both enlarged, doubtless, by the fact that this period immediately succeeded the last war with Great Britain,) we find, in the succeeding high-tariff period of thirty-five and eight tenths per cent. consumption reduced from $11 88 to $5 09 per head, a reduction of more than fifty-seven per cent.; and the tax reduced from $2 23 per head to $1 06; a reduction of over fifty-two per cent. In the next following low-tariff period of fifteen and two tenths per cent., the consumption of foreign goods is raised from $5 09 per head to $7 37, an increase of over forty-four per cent.; and the tax is raised also, from $1 06 per head to $1 79, an increase of nearly sixty-nine per cent. In the next succeeding high-tariff period of twenty-five and seven tenths per cent., we find the consumption of foreign goods reduced from $7 37 per head to $5 25, a reduction of more than twenty-eight per cent.; and the tax upon the people reduced from $1 79 per head to $1 16, a reduction of more than thirty-five per cent. In the next succeeding low-tariff period, we find the consumption of foreign goods increased from $5 25 per head to $8 86, an increase of fifty-eight per cent.; and the Government tax increased from $1 16 per head to $1 99, an increase of sixty-three per cent.

Here, sir, is an invariable rule: low tariffs increasing always the consumption of foreign products, and the burden upon the people for the support of the Government, and taxing the people heaviest at the very moment when the flood-tide of foreign importations is reducing to the lowest point their ability to pay. High tariffs work precisely the opposite effects.

The next point is illegitimate banking and "speculative inflations." Here, sir, I exclude the two first periods, for the double reason that I find no returns in the report of the Secretary of the Treasury, and that the calculations for the purposes of comparison would be disturbed, perhaps, by the connection of the United States Bank with the currency of the country in those periods. I take the last three periods, remarking that in the last, from 1848 to 1858, the years 1852 and 1853 are not included, as the report of the Treasury does not give the returns:

Periods.	*Average duty per cent.*	*Average banking capital paid in.*	*Average per head of population.*
3. 1834–38	15 2-10	$258,308,880	$16 78
4. 1844–46	25 7-10	204,604,111	10 34
5. 1848–58	20 7-10	288,906,379	11 37

	Average loans and discounts.	*Average per head of population.*
3. 1834–38	$421,507,360	$28 04
4. 1844–46	288,545,783	14 58
5. 1848–58	498,960,955	19 64

Starting with the low-tariff period from 1834 to 1838, and its average banking capital paid in of $258,308,072, we find that capital reduced in the succeeding high-tariff period to $204,604,111, and then again increased, in the next low-tariff term, to $288,906,338. Measuring capital by population, we see that in the opening low-tariff period it was $16 78 per head; that it was decreased to $10 34 in the next high-tariff term, and again increased to $11 37 in the succeeding low-tariff term. Thus the general results are, that low tariffs drive capital from production to banking, and high tariffs precisely reverse the operation. But this will appear more strikingly, indeed conclusively, if we compare the lines of loans and discounts; and this brings me to "the speculative inflations of our currency," to which the President exclusively charges the great calamities that periodically sweep the country.

In the low-tariff period of 1834–38, we start with average loans and discounts, $421,507,360. In the following high-tariff period (1844–46) the amount is reduced to $288,545,783; and in the next low-tariff period (1848–58) the amount is increased to $448,900,955. Dividing by population, we begin with a low tariff and $28 04 per head; then we have a high tariff and only $14 58 per head, a reduction exactly of forty-eight per cent; and then follows a low tariff with an increase from $14 58 to $19 64 per head, or thirty-four per cent.

Now, to show still more strikingly the periods of "speculative inflation in our currency," I will compare the loans and discounts with the capital paid in. In the opening low-tariff period, the excess of loans and discounts over capital was $173,199,272, or sixty-seven per cent. of the capital. Under the succeeding high tariff, only $83,941,671, or forty-one per cent of the capital; and under the last low-tariff period, $209,994,909, or seventy-two per cent. of the capital. The reduction, therefore, in the excess of loans under a high tariff is twenty-six per cent., while the increase of excess, in the last low-tariff period, is thirty-one per cent. Thus, perfectly and irresistibly, is it demonstrated, that the periods in which the country is beset with "speculative inflations of the currency," are precisely those when the tariff is low; and I will add, that it is precisely in these low-tariff periods that the people themselves are driven from the regular and legitimate business of life, with the slow, but sure, accretions which build up their fortunes, as the architect builds up the pile that is to challenge the assaults of time, into the wildest, vainest schemes of speculation, gilded bubbles, that quickly burst from their own expansion, and all their gold is air.

Were it at all necessary to my purpose, I think, sir, I might give good reasons for the prevalence of these excessive bank inflations, and this fatal fever of speculation, in the periods of low tariffs and excessive importations; and I will suggest that it is just then that capital is forced from manufactures and other legitimate home productions into the banks; and just then that borrowers are driven to employ it in speculative and doubtful adventures, rather than in the processes of a regular and certain business. But I will stick to the logic of facts, and crown the demonstration of this part of the subject with these: in the high-tariff periods of 1825–31 and 1844–46, there were no great variations from a fair average increase in the revenue from the public lands; while, in the low-tariff period of 1834–38, the excess was more than forty millions; and in the last low-tariff period, 1848–58, notwithstanding the lavish grants of the public lands "without money and without price," the excess is more than fifteen millions. These low-tariff facts are sufficiently suggestive of unproductive investments, abortive towns and cities, disappointed expectations, and dividends of despair.

The next point is the balance of trade exhibited by a comparison of imports of foreign goods for consumption with domestic exports—specie excluded:

Periods.	*Average duty per cent.*	*Excess of foreign goods imported in each period.*	*Average excess per year.*
1. 1815–18	20 7 10	$165,713,777*	$41,428,444
2. 1825–31	35 8-10	32,949,455	4,707,065
3. 1834–38	15 2-10	90,159,822	18,031,964
4. 1844–46	25 7-10	6,333,802	2,111,267
5. 1848–58	20 7-10	338,478,548	30,770,777

* No separate account of specie for this term.

* The tariff of 1842 embraced 1843, but the beginning and ending of the financial year were changed in 1843, and the tables given in the report from the Treasury Department do not correspond in periods: for instance, revenue and expenditures are given from January 1 to June 30, six months, while specie is given for nine months, to June 30, 1843; and imports and exports from September 30, 1842, to September 30, 1843. It being impossible to use these tables for comparison, I have omitted the year 1843, and give only 1844, 1845, and 1846 as the best test of the tariff of 1842. That tariff covered all but one month of the term—the last month of 1846.

In the first low-tariff period of four years, we bought nearly $166,000,000 more than we sold; in the next seven high-tariff years, the balance was reduced to less than $33,000,000; in the next five low-tariff years it was increased to $90,000,000; in the three following high-tariff years it was again reduced to less than $7,000,000—making a difference in our favor, compared with the preceding five low-tariff years, of more than $83,000,000; while in the last low-tariff period of eleven years, the balance against us was more than $338,000,000—making a difference against us, compared with the preceding high-tariff term, of more than $330,000,000. Comparing the average annual excess of imports, it runs from a fraction over $2,000,000, to less than $5,000,000, under the high tariffs, and from $18,000,000 to more than $40,000,000, under the low tariffs.

These figures are sufficiently expressive. As we raise our duties and encourage home production, the balance against us goes *down;* while, as we reduce the duties and encourage foreign productions, the balance against us goes *up*, until it reaches a point beyond our means of immediate liquidation, and then come the crash of business and the wreck of hearts and hopes. So much as to the excesses in the importation and consumption of foreign goods.

Now, with the purpose of seeing how the foreign debt has been increased, let us find the balance of our imports and exports *entire*—including specie:

Periods.	*Average duty per cent.*	*Balance of imports over exports in each period.*	*Average annual balance.*
1815-18.....	20 7-10	$165,713,777	$41,428,444
1825-31.....	35 8-10	38,620,030	5,517,147
1834-38.....	15 2-10	140,504,148†	28,100,825
1844-46.....	25 7-10	8,046,228	2,682,076
1848-58.....	20 7-10	23,640,714	2,149,156

† Fortunately $50,000,000 of it was in specie.

In the opening low-tariff period of four years, the balance against us is $165,000,000; the next seven high-tariff years reduce it to less than $39,000,000; the next low-tariff five years increase it to more than $140,000,000; the next three years of high tariff again reduce it to $8,000,000, making a difference in our favor of more than $130,000,000; while in the next and last eleven low-tariff years, the balance against us is once more increased to nearly $24,000,000, and that, too, notwithstanding an enormous export of $314,240,176 of specie in these eleven years.

Mr. Chairman, I have been seeking for the causes of the terrible convulsions that have periodically crushed the country; and here, I submit, is the chief cause—the most potent of all causes—in these monstrous excesses of importations over exports. These make an enormous foreign debt which has to be paid, and paid with interest; an important item that finds no place in the annual tables of imports and exports. And this debt (for I am speaking of balances only, after deducting exports) has to be discharged in specie. Thus, to meet the balance of imports against us in the last eleven years, we withdrew from the capital of the country and exported abroad $314,240,176. Why, sir, the entire coinage of this Government from 1793 to 1858, was only $651,639,089 78; and here is nearly one half of that sum withdrawn from the capital of the country in the last eleven years; and $184,159,158, or more than one quarter of the entire coinage, has been withdrawn and exported from the country in the last four years! This enormous drain of $314,000,000 in specie still left a debt of $23,640,714 for foreign goods consumed above all our domestic exports in the same period, and left also the unpaid interest, whatever it may be, upon our total foreign debt, which is now estimated at no less a sum than $500,000,000. Here, I again say, in this enormous drain of cash capital, springing directly from excessive imports of foreign goods,* is the great cause of "convulsions."

I come now to the effect of high and low duties, respectively, upon expenditure and revenue, (meaning revenue from customs alone,) excluding the period from 1815 to 1818 entirely, and the year 1858 from the fifth period, on account of extraordinary expenditures growing out of war:

Periods.	*Tariffs.*	*Average annual expenses, excluding public debt.*	*Average excess or deficiency from customs to meet them.*
2. 1825-31.....	high....	$12,893,715 02	$9,275,896 58*e*
3. 1834-38.....	low.....	27,580,292 77	10,311,432 97*d*
4. 1844-46	high....	22,987,979 07	3,820,138 10*e*
5. 1848-57.....	low.....	48,366,568 02	1,654,432 90*e*

Periods.	*Tariffs.*	*Average annual expenses, including public debt.*	*Deficiency of revenue from customs alone to meet them.*
2. 1825-31.....	high....	$25,067,647 54	$2,898,125 94
3. 1834-36.....	low.....	29,952,752 71	12,683,892 90
4. 1844-46	high....	30,588,234 15	3,780,116 98
5. 1848-57.....	low.....	59,705,088 30	9,684,087 37

e Excess. *d* Deficiency.

I find that the opening high-tariff period gives an annual average expenditure of less than $13,000,000, excluding payments on the public debt; the succeeding low-tariff period, $27,500,000—expenses more than doubled! The succeeding high tariff reduces the average from $27,500,000 to $23,000,000; and then the next and present low-tariff period runs up the amount from $23,000,000 to $48,300,000—more than doubled again! Taking all expenditures, including payments on the public debt, we start with a high tariff, and an annual average expenditure of $25,000,000; the next low tariff gives us $30,000,000 within a fraction; the next high tariff gives us a large fraction over $30,000,000—due exclusively to larger payments on the public debt, as the table shows; and the succeeding *low* tariff runs up the sum from $30,500,000 to almost $60,000,000—nearly doubled again. As to revenue: the amount from customs alone, in the high-tariff periods, is always in *excess* of expenditures, excluding the public debt, varying from about $4,000,000 to $9,275,000; while the low-tariff periods vary from an excess of more than $1,600,000 to a deficiency of more than $10,300,000. Including payments on the public debt—that is, all expenses—the high-tariff deficiencies run from less than $3,000,000 to $3,780,000; while the low-tariff deficiencies run from $9,600,000 to $12,600,000. Thus the high-tariff tendency is to moderate expenses, and moderate variations in revenue; while the low-tariff tends to excessive expenses, and large deficiencies, which, at last, find legitimate results in a bankrupt Treasury and an accretion of the public debt.

To show this, I will give the deficiency in the revenue (from all sources except loans) to meet all expenses, and also the amount borrowed in the *last year* of each period:

Years. Tariff.	*Deficiency of revenue.*	*Excess of revenue.*	*Amount borrowed.*
1. 1818..low *c*...	$13,519,704 35	-	$8,765 62
2. 1831..high *n*..	1,511,625 20	-	-
3. 1838..low *c*...	13,152,876 61	-	12,716,829 86
4. 1846..high *n*..	-	$2,067,684 84	-
5. 1858..low *c*...	35,029,098 17	-	23,717,300 00

c Convulsion. *n* No convulsion.

The low tariff year 1818, gave a "convulsion," with a deficiency of $13,500,000, and the Government a borrower to a small amount. High tariff, 1831, reduced the deficiency from $13,500,000 to $1,500,000; there was no convulsion, and the Government was not a borrower. The year 1838, with a low tariff, ran up the deficiency to more than $13,000,000; there was a terrible "convulsion," and the Government was a borrower to nearly the amount of the deficiency. The year ending June 30, 1846, under the high tariff of 1842, gave an excess of revenue of $2,000,000; the Government was not a borrower, and there was no convulsion; while the year 1858, which closed a long low-tariff term, found the Government a borrower to the amount of $23,000,000, and with a deficiency of $35,000,000, and the country "crushed" by one of the most terrible "convulsions" that has ever occurred.

Now, sir, what are the great facts shown by all these details from the official tables? In all the periods when we have stimulated foreign productions and repressed domestic by a low tariff, we have had excessive imports, excessive foreign debts, excessive inflations of paper currency, and excessive expenses of the Government; and, as the sum of them all, a "convulsion," bankrupting the Government, and "crushing" the business of the country. In both periods, when we have encouraged domestic production and discouraged foreign, by a high tariff, we have had moderate imports, moderate foreign debts, moderate banking, moderate expenses of the Government; and, as the results, a Government strong in means and credit, and the country exempt from those ruinous "convulsions" that have attended every period in which the opposite policy prevailed. There is one exception to be noticed by and by, which does but confirm the rule. Why this striking uniformity in details and results, all marking the protective and the anti-protective policies, as surely as the mercury in the thermometer marks the alternations of heat and cold? Why? unless it is that the revenue system, which favors foreign countries, is ruin to our own; and the revenue system, which favors our own, is its chief defense.

These, I submit, are fair, palpable, and undeniable conclusions from the whole mass of facts presented. But, consider the last two periods, 1844-46 and 1848-58, more in detail. In the protective period of 1844-46, the balance between foreign goods consumed and domestic exports was all but even. Compared with the preceeding low-tariff term, banking capital was reduced $53,500,000, and loans and discounts $133,000,000. The expenses of Government were reduced thirty-five per cent. per head of population. There was a small excess in the ordinary revenue, and the Government paid $21,000,000 more than it borrowed; and, finally, the country, throughout the entire period, experienced neither a "convulsion" nor even a single spasm. The immediately succeeding anti-protective period, ending with 1858, stimulated foreign imports to a balance against domestic exports of $338,000,000; withdrew $314,000,000 of specie from our real capital; and at the same time run up our corporate banking capital more than eighty-eight million, and bank loans and discounts $210,000,000; increased the expenses of Government sixty-three per cent. per head of population; and then came the "convulsion," prostrating the business of the country, and bonding your Government to Jew and Gentile for many years to come.

Why this mighty difference—this mortal plunge from wealth to bankruptcy—from vigorous strength to weakness—from rosy health to "convulsions?" "From an inflated currency," says the President. I say most respectfully to the President, no. The inflation of banking capital was less than one third the inflation of imports, and less than one third, also, of the solid specie exported. Even the inflation of loans and discounts was but two thirds the excess of imports and of the loss of specie. It is passing strange if the addition of $88,000,000 to our banking capital, or $210,000,000 to our paper money, has done this immense mischief, and the $338,000,000 excessive imports and the loss of $314,000,000 of gold and silver have done no mischief at all! I submit it to the President and to everybody else, to deny if they will, that the loss of $314,000,000 of specie, and a balance against domestic products of $338,000,000 of imports, are, infinitely, the most potent means of mischief. Why, sir, blot out utterly your average line of loans and discounts, ($498,000,000,) and still the country could far better lose every dollar of it than the $314,000,000 of specie, which is the only substantial basis for your banks. No, sir; you must look for the prime cause of convulsions in those excessive importations of foreign products which your free trade policy stimulates. From these come foreign debt; from debt, a drain of capital; and then the collapse of your inflated paper currency, and the universal bankruptcy of Government and people, which you call a "convulsion." This is my conclusion, and I appeal to the facts for my defense.

We have seen that excessive imports attended each of the low tariff periods, which ended in severe "convulsions." Now, I will add that we have had two other years of marked disturbance, and one of them occurred within, and at the commencement of a high, but immediately following a low, tariff period. If this is an exception to the general high tariff rule, it is but another proof of the truth of the rule. I refer to the year 1825.

*Of the large amount of foreign capital coming ostensibly for investment, the most has come in goods; railroad iron, in the last eleven years, making a formidable item.

The other occurred within the low tariff period, which ended with the great convulsion of 1838; I mean the year 1834. Well, sir, the disturbance of 1825 was attended by *an excess of imports* of $20,000,000 per year, for four years, compared with 1821. The disturbance of 1834 was aggravated by financial difficulties throughout the country, but it was preceded for three years by an average annual *excess of imports* of $30,000,000, compared with 1831. An average addition to imports of $34,000,000 above 1834, for three years, brought us to the convulsion of 1838; and an addition of more than seventy millions a year on the average of the term since 1850, gave us the convulsion of 1857-58.

Mr. Chairman, in view of all the evidence, so strong at every point, that the periodical strictures in the Treasury, and the periodical bankruptcy of the country, are due primarily to excessive expenditures, and excessive consumption of foreign products to the exclusion of our own, I ask, what is the true remedy? My answer is, *reduce your expenses; reform your revenue system; discourage excessive imports; and encourage domestic production.* All appliances, short of these, will utterly fail of reaching the disease. A bankrupt law for the banks, suggested by the President, will hardly replenish an exhausted Treasury or restrain imports. A merely temporary increase of duties, under the present free-trade system, as recommended by the Secretary of the Treasury, even though the increase be large, will only postpone, for a brief season, the recurrence of another terrible convulsion. It took but four years of excessive imports to bring the convulsion of 1818; but four years for the disturbance of 1825 and but three years for that of 1834; but four years for the convulsion of 1838; and but seven years for the terrible convulsion of 1857-58. The Secretary is unwilling to go so high as the rates of the tariff of 1846; and yet the overwhelming convulsion, that has not yet subsided, is mainly due to the tariff of 1846. Again: a reduction of expenses alone, as much as we need, and as heartily as I will go for it, will not meet all the necessities of the case. Still, again: adopt the recommendation in which two or three free-trade Democrats and two free-trade Republicans of this House united last year—I mean an abandonment of the protective policy, a repeal of the navigation laws, and the adoption of direct taxation—and you will but aggravate existing evils. I suggest but one point: divide your last year's expenses ($81,000,000) by the number of congressional districts, and the tax for each would exceed three hundred and forty thousand dollars; over a million per annum for Vermont; about four and a half million for Virginia; over eleven million for New York! Such a specie tax, in a convulsion like that of 1858, would do, I think, as "the last straw that breaks the camel's back."

But even more impracticable and absurd, I fear, as a revenue measure, and quite as fatal in stimulating foreign to the exclusion of domestic products, would be the system advanced by the Secretary of the Treasury, and indorsed in this Hall by a distinguished member from Virginia, [Mr. MILLSON;] I mean "taxing, in preference to others, such articles as are not produced in this country; and, among articles produced here, those in which the home product bears the least proportion to the quantity imported." Sir, as a revenue measure, it seems to me that this substitution of the free list for taxation in place of the dutiable list would be absurd. It is very certain that the revenue, under such a system, must come from silks, tea, and coffee, with drugs that nobody needs, and dye-stuffs that nobody would use; for, if England and France are to furnish our manufactures, we shall turn over to them the dye-stuffs. Well, sir, the free list of 1858, excluding specie and deducting articles reëxported, was $55,000,000. Add silks $23,000,000, and the sum of $20,000,000 for articles which are somewhat like our own, and we shall have less than one hundred millions as the sum on which to impose duties—or less than half the dutiable list of 1858. This system, then, must be liberally enlarged, so as to impose duties on articles competing with our own; or else we must have the highest rate of duties ever known—full double the existing rates—as a tax upon articles that we do not produce. Why, sir, if such duties were imposed on competing articles, they would be stigmatized at once as exorbitantly protective or prohibitory. When applied to articles that we do not produce, and especially to exotics not absolutely necessary, it is clear that such duties would be so far prohibitory as materially to reduce imports of that, class. As a revenue measure, then, we have reasons to suspect that this plan of the Secretary, like the estimates for 1858, would prove to be a magnificent mistake.

As to importations, it is obvious that this enormous tax, levied upon articles that do not compete with our own, would operate as a bounty upon articles that do compete with our own, and thus excessively stimulate that most potent cause for periodical and ruinous convulsions, the consumption of foreign products instead of our own, to the loss of the profit of manufacture and the cost of transportation, and to a ruinous reduction of our specie capital. Clearly, I think, we must set aside each and all of these schemes, as being either utterly inefficient or utterly impracticable.

What then? In my opinion, we must strike straight at the roots of the disease. If we would relieve the country, and stop the ruinous effects of excessive importations, we must turn the flood. How? Not, I think, by very high duties, which would be temptations to fraud, but by a moderate increase in the rate; by discriminations in favor of domestic products, and by the most perfect guards against evasions and frauds. Sir, I am happy to say that the President has gone far in the right direction, in his recommendation of an "increase of revenue," "incidental protection," and "specific duties." With the addition of an honest system of valuation as to articles taxed by value, and an honest custom-house force, true to the Treasury, to their country, and to the law, there would be little left to be desired. With the other changes, a very moderate increase of duties will probably suffice; and to justify this opinion, I will contrast the effects of the tariff of 1842 and 1846.

I have spoken of the tariff of 1842 as a *high* tariff; and yet it was so, only in comparison with the lower duties that preceded and followed it. Compared with the tariff of 1828, it was decidedly low. It is a remarkable fact that the rate of duties on goods imported under the tariff of 1842, (that is, the amount of revenue from all imports,) was only five per cent. higher than that under the tariff of 1846; and yet, sir, the tariff of 1842 gave us next to the lowest consumption of foreign goods per head of population ever known in this country, while the tariff of 1846 gave us the highest ever known since 1818. The tax upon the people for Government was not so high by sixty-three per cent. under the act of 1842, as under that of 1846. Nay, more: I maintain that the tariff of 1842 was superior, also, as a revenue measure. I mean by a superior revenue tariff, that which, with other ordinary means, loans excepted, will nearest meet the ordinary expenses, including a fair reduction of the public debt. I say, "nearest meet," without extreme variations in either direction. I have excluded the year 1858 from the calculation on the tariff of 1846, on account of the extraordinary war expenses.

The revenue from all sources, (loans excepted,) under the tariff of 1842, from June 30, 1843, to June 30, 1846, three years, was	$88,962,519 42
Expenses, exclusive of public debt	68,963,937 11
Surplus of revenue over ordinary expenses,	$19,998,582 31
Paid on the public debt	22,800,765 35
Deficiency of revenue to meet all expenses,	$2,802,183 04

Or, $934,061 01 per year.

Under the tariff of 1846, from June 30, 1848, to June 30, 1851, three years, the revenue, (exclusive of loans,) was	$126,869,005 71
Expenses, exclusive of public debt	121,149,482 18
Surplus of revenue over ordinary expenses,	$5,719,523 53
Paid on public debt	28,317,763 13
Deficiency of revenue	$22,598,239 60

Or, $7,532,746 53 per year.

The excess of annual average payments on the public debt in the last term, over the first, was $1,838,999; but the annual excess of deficiency was $6,597,685 42; showing a difference of $4,758,686 23 per year in favor of the tariff of 1842 *as a revenue measure.* In the years succeeding 1851, to 1857, under the tariff of 1846, when the peculiar low-tariff vice of stimulating foreign importations had been fully developed, the revenue was *in excess* of all expenditures. This excess of revenue stimulated excess in expenditure, till both of these vices received their terrible penalty in the crash of business and the collapse of the Treasury, in 1858.

Sir, these examples unerringly mark the measures of reform required by the necessities of the country. I repeat it: let us have a reduction of expenses. The Secretary of the Treasury suggested it, and herein he is right. Let it be thorough in the excision of old abuses. Let it be stern in the resistance of new extravagances. I would forego Cuba, and all other schemes of annexation. If ever to be ours by the decree of "manifest destiny," let us wait for more "manifest" signs of an impending Providence than the utter unwillingness of Cuba to come, and our utter unpreparedness to woo her or to win. If ever to be ours by necessity for defense, then let us wait till necessity makes her demand; we can better take her when we need, than keep her for a doubtful occasion. When another war with a great marine Power shall come, unquestionably there will be a necessity for immense additions to our forces; but I am sure it would not be wise, this year, to call the militia of the country into the field, or convert into war-ships our magnificent but crumbling commercial marine. Yes, sir, let us forego Cuba; I think it will be cheaper to pay a round price for her sugar, than such a "plum" as the annual interest on a debt of two or three hundred millions for conquest or purchase; counting as nothing the vexation and cost of so vicious a black colt in the Federal team. I would postpone, too, a Pacific railroad, at least until the Government is able to guaranty the cost of running it when built; for I have a strong suspicion that we can easier get that elephant than support him—easier build the road than run it.

Thus, sir, let us stop the leaks in your Treasury, little and great; bar out the thieves who rob it in extortionate and fraudulent contracts, and cut off those pensioners of party who exhaust it by salaries without service; those masculine prostitutes, who corrupt themselves for factions, and forage on the public money. All this, and more, to relieve the Treasury; and then, sir, for relief—relief to the nation, to all the people, all its business, all its material interests, we must quit the revenue system that favors all countries but our own, and restore the system that will give to our own a fair chance upon our own soil. The Secretary of the Treasury recommends a slight increase of duties; put them in the right place, and so far he would be right. The President recommends "specific duties" and "incidental protection;" and therein the President is right. Let us heartily agree with both President and Secretary just so far as they are right. Let us agree to specific duties and a moderate increase, so far as is practicable; and to all this add an arrangement of duties with the view of giving to our own people, our own labor, our own capital, our own skill, and our own products, a fair chance on our own soil. Less than this is to give the advantage to all other lands, whose capital or resources are more abundant, or whose labor is less rewarded, than our own. In a word, we must restore, very nearly, the tariff of 1842; not in all its details or duties, for doubtless some of them are not adapted to the time, but in its essential principles. Then, sir, with an Executive force to carry out this policy in good faith, by all the testimony of history, with all the guarantees of official facts, I say, we may safely count upon moderate expenses; a moderate and steady supply of revenue; moderate importations; large domestic production and exports; a steadily increasing capital; accumulating strength and perfect independence; and, with all these, and because of all these, an exemption from those terrible "convulsions" that have periodically "crushed" the country, without a single exception, whenever the opposite policy has been fairly tested. These, sir, are the conclusions, the fair and legitimate conclusions, from the logic of facts.

And now, I ask, why not restore this system?

It is "protective," says an objector. Sir, in the sense sometimes given to the word "protection"—that is, very high, or prohibitory duties—this objection is not true. I ask no monopoly for domestic production; no prohibition of foreign importations; but I do ask precisely this: a system of revenue which shall give the home market to American productions, at a fair price to the consumer, and a fair profit to the producer. And this, I maintain, is precisely within, and only this is within, the very words of the Constitution, which we are bound to maintain—to wit: "Duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States." This is, indeed, protection, and the identical protection designed by the Constitution. Give the country this, and its course shall forever be onward and upward! Deny to the country this, and she shall reel to and fro, as a drunken man—through inane elations and real "convulsions—in all the false glory of imaginary riches, and in all the sorrows of real distress.

But the "science of the world has abandoned the protective system," said the gentleman from Virginia, [Mr. MILLSON,] some days ago. Well, sir, whether the gentleman be mistaken or not, it is hardly worth while to argue the point. If he is wrong, it is not the first time that "science" has been "falsely so called;" and if he is right, it is not the first time that "science" has proved too weak for collision with the sober facts and the sturdy common sense that control the practice of mankind. I will give high authority, which surely will commend itself to the classic taste, if not to the sharp judgment, of the gentleman from Virginia. The poet Spenser defended the "cloudily enwrapped allegorical devices" of his immortal poem, "the Faerie Queene," on the ground that everything else in his day was measured by practical common sense. He reserved the cloudy and the fanciful for poetry; and I most cheerfully resign them to those ingenious, but too often delusive, theories of free trade, which are the very poetry of politics.

In his letter to Sir Walter Raleigh, explaining and defending the method of his poem, Spenser wrote:

"To some I know this method will seem displeasant, which had rather have good discipline delivered plainly in way of precepts, or sermoned at large, as they use, than thus cloudily enwrapped in allegorical devices. But such, me seem, should be satisfied with the use of these days, seeing all things accounted by their shows, and nothing esteemed of, that is not delightful and pleasing to common sense. For this cause is Xenophon preferred before Plato, for that the one, in the exquisite depth of his judgment, formed a commonwealth, such as it should be; but the other, in the person of Cyrus and the Persians, fashioned a government such as might best be: so much more profitable and gracious is doctrine by example than by rule."

Now, sir, I appeal from the "doctrine by rule" to the "doctrine by example;" and from the "science of the world" to that higher natural law, inscribed by Him by whom the world was made, "upon tables of stone" in all our mountains, written on all our fields, and reflected in every drop that flows from the mountains to the sea. Why do we find, in all the rugged mountains of the land, the ore within their bowels, and side by side the coal, or on their brows the wood, to purge it of its dross? why down their jagged sides plunge streams to turn the busy mill-wheel, and all between the fleecy sheep and sturdy oxen crop? why mighty rivers mark the vale, and all the vales invite to toil, if from the iron we shall not have the plow, and with the plow and the ox we shall not break up the soil and bring out "meat for man;" if with the fleece and the mill we shall not clothe him; and with the rivers water all the fields, and bear their fruitage where we will?

Why this nice adjustment of every necessary thing to its fellow, of all to man, and to man in every condition of place or climate—the wool to the frigid North, and the cotton to the sunny South? I take it there is a meaning in all this "eternal fitness of things." I take it that all these things are to be used; that the people of this country are here for the very purpose of using them; and that every policy of Government, which neglects these natural resources and this natural law, most impiously flies in the very face of a manifest Providence, and flouts the plainest dictates of patriotism and common sense. Sir, I am a poor Christian, and by political affiliation I am no "American" at all, but I hold religiously to the doctrine of "America for Americans," and of the American Government for the American people—first, foremost, and forever. If, by moderate duties, to check excessive foreign importations, to give a preference to the products of our own citizens in our own markets, and to protect the country from convulsions that periodically shake it to its center and cover it with the ruins of its own magnificent material interests; I say, if this makes me a protectionist, I will gladly bear the name. It is just the protection which every Government owes to its subjects; and precisely the protection provided for the people of this land in the Federal Constitution.

Mr. Chairman, there is but one other objection, now occurring to me, that is worthy of notice; and that comes with the authority of the Secretary of the Treasury, and the indorsement of the gentleman from Virginia, [Mr. MILLSON.] It is, that duties upon foreign articles corresponding to home products, are taxes, not only upon the foreign product, but also "on the quantity made at home;" and the latter are paid "not to the Treasury, but to the manufacturer; thereby rendering such a duty not only more burdensome, but grossly unequal, the home producer being benefited at the expense of the consumer." On this objection, so strongly and plainly put, I have but three remarks to make.

The first is, that the amount of the tax paid by the consumers to the Government, is not to be measured by the rate of duty imposed on particular articles, but by the total amount exacted on the total amount consumed. Though the rate of duty be high, the amount consumed may, for that very reason, be so small, that the tax actually paid will be far smaller than it would have been with a lower rate and the consequent larger amount consumed. Thus, if the duty amounts to prohibition, there will be no tax, because there will be no goods imported and consumed; or, if the duty is so high as to reduce the imports disproportionately with the increase of duty, the tax will be reduced. And the stubborn fact is, as I have before shown, that every high tariff has given the consumer low taxes, and every low tariff has given him high taxes. As a tax, therefore, the high rate is the cheapest for the consumer.

The next remark is, that the theory of the Secretary, that the duty "enhances the value" of the home product, and to that extent taxes the consumer for the benefit of the manufacturer, is only true and only objectionable, when the duty is limited to manufactures alone, or is grossly partial. Just extend it to all products—of the soil, of the workshop, of the head, and of the hand—and this theory of the Secretary constitutes the chief glory of the protective policy. It "enhances the value of all," most truly said the Secretary. Thus it adds immensely to the value of labor and products and capital; to the wealth, strength, and prosperity of the nation; giving it complete independence of the world, potency in war, security in peace, and a more universal and rapid advance of its people in knowledge, arts, civilization and religion.

Now, if we are to call this "enhanced value" of all our products by the odious word "tax," I beg to know who are taxed? The Secretary says the consumers. And who receive the benefit? The Secretary says the producers. Then it follows inevitably, that, if we produce more than we consume, this enhanced value of products is a bounty, and not a "tax." Now, sir, I give you another "stubborn fact" to solve this question. We do produce more than we consume. McCulloch (an exponent of free-trade "science,") estimated "the average annual income of the people of Great Britain, for 1846, at from eighteen to nineteen pounds each, or at £92 10s. at a medium for every family of five persons;" and even for poor and oppressed Ireland, he put the annual income at "£7 7s. or £7 10s. each, at an average of the population." (McCulloch's British Empire, vol. 2, p. 526.) To put a Yankee at a single figure less than an Englishman would be unjust to Yankee industry and thrift, and a dangerous insult to a pugnacious race.

Remembering the superior resources of our soil and the infinitely greater breadth under the dominion of every man, I am sure that the average income, or excess of product over consumption, is far larger in the United States than in Great Britain; but to be reasonable, I will assume it to be as near the British rule as round numbers will permit. The average British rate, (£18 10s per head,) would give us about ninety dollars; let us call it one hundred dollars, to every person. Well, sir, every man must pay the enhanced value of every article he consumes, and receive the enhanced value of all that he produces. So says the Secretary, and he is entirely right. Then, when we have balanced the account between production and consumption, every body receives, as clear gain, just exactly the "enhanced value" of what he produces more than he consumes. What is the sum? The average balance in favor of production is $100 per head of population.

The Secretary estimates the "enhanced value on the quantity made at home," to be equal to "the whole sum taken from the consumer" on the quantity imported. That sum, under the tariff of 1842, was twenty-five and seven tenths per cent. on the entire amount of imports. Let us call it twenty-five per cent. Then, it is twenty-five dollars to every person in the United States. How much to the country? The Secretary estimates the population for 1858 to be twenty-nine and one half millions; multiply that sum by twenty-five and you will find the "enhanced value," under the protective duties of 1842, of the surplus product of the country, after paying the "enhanced value" of products consumed. It is the very handsome sum of $737,500,000.

Sir, I think the Secretary must have been joking when he called this immense gain to the country a "tax." Surely it is a pleasing pain, that any country can afford to bear. I think the sum is rather large; but I have fairly worked out the theory of the Secretary. I think his theory is wrong, in that it assumes that the duty is the exact measure of the tax to the consumer and the benefit to the domestic producer. It would be so when the duty is levied upon articles that do not compete with our own; but when applied to articles that do compete with our own, the competition between our own producers and between them and the foreign producers, will vary the final result. Still, it is undoubtedly true that duties upon articles competing with our own do "enhance the value of the quantity made at home;" and if to this you add the enhanced value growing out of a greater variety of domestic productions, with the consequent increased value of raw material and labor; and still, to all that, add the enhanced quantity produced by the country, I have no doubt that the total absolute gain in wealth, through such a tariff as that of 1842, was even more than seven hundred and thirty-seven and a half million dollars.

But this is "burdensome," says the Secretary. Well, sir, $700,000,000 is a pretty heavy burden to carry; but then it is ours; it belongs to the hard-handed laborers, the sinewy farmers, the thrifty and the strong, and I think they will contrive to manage it. Again, sir: the Secretary tells us that it is "grossly unjust." Let us see. De Bow's Compendium of the Census of 1850 (p. 128) tells us that three fourths of the people of the country are producers—the people who produce more than they consume, and therefore receive this enhanced value of products. Is it "grossly unjust" that they should have it? Why, sir, it is but the enhanced value of their own products; and to deny it to them, or to cut it off by free-trade tariffs, would be the real injustice and superlative folly.

And what as to the other fourth of the people—the non-producers? Is it "grossly unjust" to deny them their share? They have earned none of it, and deserve none of it. Ay, and that they have not, is their own fault, or their own misfortune, and not the fault of the tariff, or of their more industrious neighbors. If this is unjust, then is that Divine ordinance unjust, which founds all right to property on "the sweat of the brow." Sir, I think it but right and just—most clearly right, most indubitably just—that the drones of the hive, and the reckless prodigals, "who waste their substance in riotous living," shall not rob hardy labor and honest thrift of their due reward.

The third remark I have to make is, that if so vast is the gain to the country, by the "en-

hanced value" of its products, which flows from protective duties, then that, at least, is the loss the country sustained by adopting the opposite policy. Add this immense loss to the foreign debt which free-trade tariffs inevitably give us, and you will have another prominent and powerful cause for the inevitable "convulsions" that have followed in their train.

Mr. Chairman, the necessities of the Government and the country are pressing; the policy we ought to adopt is so clearly pointed out by the experience of the past, that we cannot hope to escape the judgment of the country, if we neglect our duty; and now, I think, is the time. For thirty years, certainly, there has not been a period so favorable for taking this great question out of the arena of politics. The President and the Secretary of the Treasury disagree upon the question, and every political party of the day is divided upon it. Let us decide the question for the country, and not for party. This year we can do it; next year it will be too late! Too late for the country, and too late for the politicians.

THE TARIFF.

SPEECH OF HON. J. A. STEWART,

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1859.

The House being in the Committee of the Whole on the State of the Union—

Mr. STEWART, of Maryland, said:

Mr. CHAIRMAN: It is made the duty of the President of the United States, by the third section of the second article of the Constitution, to communicate to Congress, from time to time, information in regard to the state of the Union, and to recommend such measures as he may deem expedient and proper. In compliance with this constitutional obligation, a message was transmitted at the commencement of this session, comprehensive in its scope, and impartial in its explanation of the state of public affairs. It becomes our duty, as a component part of this Government, to consider well the recommendations, and adopt such legislation as may seem to be necessary in order to promote the public interest. The district I have the honor to represent has no special reasons for claiming from this Government any particular favors. All that they ask is, that the Government may be faithfully administered, their constitutional rights secured; and that the Administration may discharge its high trust with entire impartiality and fidelity. I, therefore, as the Representative of the first congressional district of Maryland, may announce here to this committee, that I am not expected to be the advocate of any particular scheme or policy, except in perfect keeping with those outlines I have indicated. They require no tariff for protection; they expect no particular line of policy with a view of subserving especially their interests; and they desire that those who have charge of the Government—the Administration and the Congress of the United States—shall discharge their duties so as to protect and preserve all the diversified interests of the whole country.

Now, sir, I shall not undertake, during the time allotted to me, to review all the topics which are so handsomely and ably embraced in the President's message. Prominent among these, and perhaps primarily to be considered, is the subject of the finances or the tariff question. Another matter highly important, is the construction of the railroad from the Atlantic States to the Pacific. Another great question which conspicuously arrests the attention of the country, and must command consideration, is the proposition in reference to the acquisition of Cuba. So far as I may be permitted to consume the time to which I am entitled, I propose to present to the House such considerations in relation to these topics as will govern me in the discharge of my duty when any of these questions may be up for action. I state to this committee that I am utterly opposed to what may be considered the doctrine of protection *per se*, in the arrangement of a tariff. I am for securing to the Government of the United States a revenue adequate and competent to meet all the exigencies of the public service; and as to the mode by which you will adjust your tariff, I look upon that as a matter of detail. Whether you shall have specific duties, in part, as urged by the President, or duties *ad valorem*, as maintained by Mr. Secretary Cobb, I think is not such a cardinal question as should warmly divide the American people. In adjusting the details for the purpose of obtaining the necessary revenue, it may be more discreet that you should place upon some articles specific duties; and in the very same tariff advisable, so far as other articles are concerned, that you should adopt the *ad valorem* principle.

Then I do not recognize, so far as I am a member of the Democratic party, and acknowledging my allegiance to the same, any obligation resting upon any member of that party to develop his principles, or to square his views, upon that subject, either according to the doctrines announced by the President of the United States, or by the Secretary of the Treasury; for they differ upon this subject, both professing to be Democrats. I should be sorry to think that the great Democratic party of this country was so reduced in its dimensions and in its platform, as now to have settled down upon that single, isolated point, whether duties imposed by the Government, for revenue, are to be arranged upon the principle of specific or *ad valorem*. No, sir, that would be quite as idle and ridiculous, it seems to me, as was the controversy which arose in the days of Locke. We have heard that, in that metaphysical age, there was a great and pervading question, which agitated the whole nation, as to the identity of a silk stocking. The grave inquiry was elaborately discussed by the metaphysicians and logicians of that day. Suppose you take a silk stocking, it was said, and change and modify it, darn it with yarn until you have nothing left of the silk stocking; the question was mooted whether it was the identical silk stocking or a woolen stocking? and if it was not a silk stocking, when did it become a yarn stocking? some maintaining that it was a silk stocking, and others as strenuously contending that it was a yarn stocking. The difficulty was to learn when it became metamorphosed, and at what time it lost its identity; and especially, whether it occurred as long as there was any silk left.

This question of the tariff would seem to be quite as prolific and perplexing as that which confounded the metaphysicians in the days of Locke as to the said identity of the silk stocking. I have heard gentleman here, professing to act upon enlightened principles of statesmanship, agitate and discuss the principle of specific and *ad valorem* duties with very much the same sort of spirit and *vim*. The principle which controls the Democratic party, as I understand it, is not whether you shall have *specific* or *ad valorem* duties; but whether you shall have a tariff arranged in reference to *revenue* or *protection*. That is the great principle—a tariff for revenue; and upon that Democrats of all sections can unite. I then completely ignore all this controversy which is attempted to be inaugurated upon the propriety of specific or *ad valorem* duties. The great object should be to raise revenue; and if you will convince me, as a free trader, that by imposing specific duties you can conveniently raise more revenue than by *ad valorem* duties, then, according to the well settled principles of free trade and a revenue tariff, you ought to adopt the specific mode of imposing duties *quoad hoc*.

Mr. SCALES. I would like to inquire of the gentleman from Maryland, whether, if he could raise a sufficient revenue by an *ad valorem* tariff, he would not prefer it?

Mr. STEWART, of Maryland. I cannot say that I would; because there are other considerations connected with the matter of raising revenue. For instance, suppose I can raise the same amount of revenue by specific duties, or more, than upon the *ad valorem* principle, and it should happen that, by imposing the duties in that mode, I could afford incidental protection: I certainly would not discriminate against such protection.

Mr. SCALES. What does the gentleman then want with more than enough revenue?

Mr. STEWART, of Maryland. We do not want more than enough, and we are not likely to have more than is required. The object is to raise a sufficiency. Under the tariff of 1857, we have a very large free list, and we have different schedules under it also. Now, would my friend from North Carolina adopt the horizontal principle, take these articles out of the free list, and out of the schedules, and adopt the *ad valorem* principle upon all articles? I apprehend not. My friend does not respond in the affirmative. Then, I maintain that, under the tariff of 1857, you have articles on the free list upon which duties should be imposed. And I have understood, from those who are more familiar with the details than I am, that there are items in its free list which would raise five or six million dollars, and I would like to know of any opponent of a change of the tariff of 1857, and advocate of free trade, upon what principle he could go before the country and justify himself, when there are articles there upon which duties ought to be imposed, and undertake pertinaciously to retain them under existing circumstances, and with the present deficiency in the revenues of the country.

Why, sir, we have had tariffs from the beginning of the Government. There were the tariffs of 1816, 1820, 1824, 1828, 1832, 1842, 1846, and 1857. There are different and various schedules in them all; and no man can tell me, from the operations of the Government and the course of trade, that any particular tariff, for all time, would be perfect and infallible, and need not be amended, always yielding sufficient revenue, and no more. It would seem to me that, according to the doctrine of some gentlemen, your tariff should be, like the laws of the Medes and Persians, unchangeable. If it were inflexible, it would not accomplish the purpose desired. It might not always raise enough of revenue. The exigencies of the country may be, and are, greater at one time than another. I hold, therefore, that it is the duty of the Representatives of the people, and particularly of the Democratic party in this Congress, under the recommendation of the President of the United States, and reiterated in the report of the Secretary of the Treasury, to meet promptly the financial exigency in which we find ourselves.

It is not only the duty of the President of the United States to recommend to Congress measures that are of vital importance, but it is further his duty, if Congress fail to meet its responsibility in this crisis, to convene it again in extra session. He cannot escape from the responsibility that is devolved upon him by the Constitution. The President of the United States and the Secretary of the Treasury, not only in their regular communications to Congress, but the latter in a special report, in reply to a resolution of this House, (and he is in favor of *ad valorems*,) announce that there will not be, from any data they have, sufficient revenue; and that, in all probability, at the close of this fiscal year, if the tariff be not revised, the Government will be without adequate funds. Is this the attitude to be occupied by the friends of the Administration in this House in such an emergency? Is that the position it is to assume when it is told by those having control of the Government, and whose duty it is to communicate with Congress, that revenue enough is not to be anticipated? From what source are we regularly and legitimately to derive information upon such subjects? This is a Government of law and order. There are different departments and various branches of the public service. It is the duty of the President, also of the Secretary of the Treasury, to communicate to us the state of the finances; and they have faithfully discharged that duty. They insist that there is not revenue enough, and have recommended a revision of the tariff.

Mr. Chairman, one would suppose, from remarks made in this House from time to time, that gentlemen who undertake to talk on this subject, and who profess to be Democrats and friends of the Administration, were its adversaries, although they aided in bringing it into power. Who clothed the President with the high responsibility which he is now called upon to assume? Who placed the Secretary of the Treasury in position? It was the Democratic party. Then, sir, is it with the members of the Democratic party here, with the elements of which it is composed, to ignore the recommendation of those officers? We cannot relieve ourselves by any sort of hasty patch-

work. We cannot undertake to carry on this Government in defiance of what has been announced by those whose official duty it is to furnish the statistics in regard to the state of the Treasury. It is not wise to attempt to do so. We are not, in my judgment, by such a revolutionary course, sensibly meeting our responsibility. I know that we ought to retrench where it can properly be done. I am an advocate for economy. I understand the President and the Administration as a unit, favor economy. But, sir, what is economy? What does it consist of? You may demolish your Government, you may strike down your Navy and your Army and your Judiciary, and in that wise you may save much more money than by some of the inefficient modes of curtailment suggested by gentlemen. But, would that be wise?

I am told that your annual expenses some years ago were only thirty or forty million dollars, but that they are now over seventy million. What deduction is to be made from that? That there has necessarily been a wasteful expenditure of the public money? That, sir, is a *non sequitur*. You must point out to me in what that wasteful expenditure consists. Show me where any money has been improperly expended; demonstrate to me where any may be saved, and I am ready to go with any gentleman, I care not of what party, to curtail such improper expenditure. But, sir, it is not sufficient for me, in view of the exhibits made by the President and the Secretary of the Treasury, to say that there have been wasteful expenditures. It may be said that this is a free country, and that if a man cannot wear shoes he can go barefoot. The President may go down the avenue without boots, and with his elbows out, but that would not be in keeping with the respectability of his position, nor with his duty, indeed, to the people of the United States. We may save a great deal, but it may not be wise nor economical to do so. We must act up to the occasion; we must meet all of our responsibilities. In making a tariff for revenue, you are not mainly to consider the question how far any particular interest may thereby be protected.

Mr. LOVEJOY. I would like to inquire of the gentleman from Maryland, whether it is not his view that this revenue thus raised is really a tax upon the consumer of the articles upon which the impost is laid? If so, then why would it not be a cheaper way, and more in accordance with Democratic principles, to have a direct tax, than a tariff?

Mr. STEWART, of Maryland. Of course, all such duties are a tax upon consumption; but there are several modes by which you can raise revenue under this Government. One is by a system of direct taxation. Has the gentleman from Illinois examined the question as to the operation of a system of direct taxation? On what species of property, under that system, would he impose the tax?

Mr. LOVEJOY. I wish to ascertain the views of the gentleman, whether, if revenue is to be raised, the imposition of a tariff is not the most expensive mode; whether, indeed, it is not more expensive than by direct taxation? In the latter there are no custom-houses, &c.

Mr. STEWART, of Maryland. I should think not. I believe that the present system of imposts is far preferable to that of direct taxation. If you resort to a system of direct taxation, you will have officers under the Federal Government traveling over and through the different States. They will be multiplied from time to time, and will somewhat interfere with the operations of the people in their ordinary pursuits. It seems to me that, so far as State rights and prerogatives are concerned, the system of direct taxation would be calculated to bring the States more under the control of the General Government.

Mr. LOVEJOY. I ask the gentleman whether the whole thing could not be done through the State officers, inasmuch as the State taxes are raised in that way? Could not the Federal taxes be raised in the same manner?

Mr. STEWART. The State officers might be selected; but in the discharge of that duty they would be under the control of the General Government. I do not know that that would be better calculated to aid the collection of the taxes, than for the Federal Government to constitute its own officers. I know that the system of direct taxation is contended for by some gentlemen of the South; and I would like to know whether the gentleman from Illinois is in favor of abolishing the duties upon imports and resorting to direct taxation?

Mr. LOVEJOY. My object was to ascertain the views of the gentleman from Maryland. I did not propose to put forward my own.

Mr. STEWART, of Maryland. If the gentleman from Illinois does not choose to answer, that is a matter for himself.

Mr. LOVEJOY. If the gentleman should wish me to reply, I would say, that I think that direct taxation is the constitutional mode of raising revnue, if we are to have a tariff simply for revenue purposes, without any regard to protection. I think that that would be more proper, and the cheapest mode.

Mr. STEWART, of Maryland. I apprehend that the gentleman has not considered fully the effect of a system of direct taxation. From the foundation of the Government to the present time, direct taxation has been resorted to on two or three occasions only. In time of war, when revenue cannot be raised by impost duties, direct taxation must be resorted to. The eighth section of the Constitution of the United States provides that Congress "shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense of the United States;" but that "all duties, imposts, and excises shall be uniform throughout the United States." While providing for uniformity of duties, it does not provide that direct taxation shall be uniform. Why is the word "taxes" left out in that provision? Because it is recognized in another section under a different principle. The second section provides that representatives and direct taxation shall be apportioned among the several States according to their respective numbers, which shall be determined by adding to the whole number of free persons, excluding Indians not taxed, three fifths of all other persons; so when we come to impose direct taxes, we should do it on the principle of apportionment. Other duties must be imposed upon the principle of uniformity. Those who would undertake to inaugurate the system of direct taxation would find themselves surrounded with immense difficulties.

There is another provision in the Constitution that "no capitation or other direct tax shall be laid, except in proportion to the census or enumeration directed to be taken." Now, it has been decided by the Supreme Court of the United States, I believe, that you can only tax land or persons under that clause of the Constitution. You cannot tax personal property. Then if you were to resort to a system of direct taxation you would have to tax the lands and the people *impersonam* of the different States and Territories, according to their number. From the great variety of climate, soil and facilities for market, there would be great difficulty in assessing lands in different sections of the country. You would require the same officers to travel through the thirty-two States and Territories putting a valuation on property; men who would understand all the reasons and considerations that should operate in fixing the valuation. The system would be attended with more objections and greater inequalities than can grow up under the system of imposts. It would be the most difficult thing in the world to ascertain precisely the apportionment, so as to equalize taxes in all sections of the country.

Yes, sir, if we were to abandon the system of imposts and resort to direct taxation, it would be attended with infinite trouble and would, in all probability, occasion a revolution or some outbreak. I am sure, therefore, that such a measure would be next to impracticable. There never, in the history of the world, was a great Government like ours, carried on with such slight burdens to the people. We have heard a good deal here in respect to the tariff of 1857 and other tariffs; but in my own section I heard no complaint of the burdens of the Federal Government. The same thing, I presume, is the case in other sections of the country. All this fuss, clamor, and disturbance about the expenses of the Government is connected with presidential schemes, I fear. It may be with schemes of plunder and favoritism. All that the people desire is, that the Administration and their Representatives shall see that no money is wastefully expended. And yet we have heard gentlemen say here, "strike down your Army; strike down your Navy; put out your light-houses; batter down your marine hospitals, and make your Post Office self-sustaining." I have even heard some go so far as to say that Congress should be self-sustaining, and that all branches of the Government should be self-supporting. When a man can raise himself by the waistbands of his breeches, it may be done.

The country has been extended immensely. We have now six Territories, while, when our annual expenditure was but $40,000,000, we had but one Territory. Now, we own the whole country reaching to the Pacific. We have just had a *quasi* war with Utah. We have had wars with the Indians. All this was attended with enormous expense. We have established overland mail routes to the Pacific—also attended with great cost. And now, it is proposed to build a railroad from the Atlantic States to the Pacific. I think, however, that it would be wise and sensible on the part of the Congress of the United States, before undertaking that work, to let the country be explored a little more; to have wagon roads opened, and mail routes, and to encourage emigration. By this means, a road may be built much more satisfactorily and economically than if we undertook to construct it now.

It is said, also, that the rates of postage must be increased. The mileage of members has also been talked of, and it has been said that the members from California ought not to get so many thousand dollars for mileage, while a member from Maryland receives but a small pittance. For my part, I do not think that the mileage paid to a member from California, or the Pacific country, more than pays him for the sacrifices which he makes for the public interest.

I once heard of an old woman who, in the startling days of the Millerites, was told that the world was coming to an end. "Great God!" was her nervous reply, "what shall I do in such a case for 'snuff.'"

It may be said now, how could we get along without gas and dyspeptic politicians? Mileage, boxes for Congressmen, and saddle-horses for messengers, "beggars on horseback," &c., are grave subjects, and fruitful of eloquent discussion. If you give a member from the Pacific more pay, in the shape of mileage, than the member from Maryland gets, why the member from Maryland has his compensating reciprocity in being able to go home occasionally to his family, and in attending, to a certain extent, to his business at home. It seems to me, then, that there is nothing unjust, unfair, or unreasonable, in allowing those members who come from remote sections of the Union additional pay. It may operate to keep the different sections of the country better together. Strike down your overland mail service, annihilate the facilities of communication which connect us in the East with the Pacific coast, and you sunder one of the strong ligaments which bind this country in close communion. I look upon these facilities of intercourse between the sovereign States of this Union, or remote possessions, as calculated to unite the people, and perpetuate the Government of this Republic. You may, if you think proper, graduate your rates of postage by not changing it for a certain distance, then increasing it to five cents for all distances, say of not less than five hundred miles and not more than one thousand miles, and ten cents for all distances over one thousand miles. You may adopt some graduating system in reference to distance like that, which will answer every purpose, and I shall not object; but, sir, I protest, in the name of the people, against these wild and utopian schemes called retrenchment and reform, which would reduce this Government from the proportions of a giant to those of a miserable dwarf. It is simply dwarfing this Government, and utterly unworthy of the age in which we live. Unless gentlemen can show how such a system is to benefit our whole country, I cannot join in such a crusade, and yet I am opposed to a magnificent government.

Now, Mr. Chairman, so much for my views in regard to the tariff and other incidental subjects; and I think I am sufficiently understood. Before leaving the subject, however, I will say that I think that gentlemen who plant themselves upon the doctrine of free trade, or upon the dogma of specific or *ad valorem* duties exclusively, occupy losing ground. They are not holding that high position which they should do. When the expenses of this Government have run up to some sixty or seventy million dollars, they should see the necessity and propriety of having a tariff sufficient for revenue, and those who are protectionists should be satisfied with the incidental profits which such a tariff will necessarily afford. No man with common intelligence will believe that the people of this country, to any great extent, North, South, East, or West, are in favor of any principle in respect to the adjustment of a tariff, except for revenue. The day of tariffs for protection has long passed; all parties throughout the country, except, perhaps, in special localities, yield now the fact that a tariff for revenue will afford ample protection. I would not discriminate against protection nor in its favor. Yes, sir, I go for a *judicious* tariff, for a tariff which may incidentally, if you please, within the revenue principle, afford protection, while its primary and direct object is revenue; which shall discriminate neither against nor in favor of protection, maintaining that scale of duties upon imports which shall conveniently produce the most ample revenue, and be the least burdensome to all interests.

Mr. PURVIANCE. Will the gentleman allow me to ask him a question, just at this point?

Mr. STEWART, of Maryland. Certainly.

Mr. PURVIANCE. I understand the gentleman from Maryland to say he will go for a tariff which will produce the most revenue. Now, I wish to inquire if the tariff of 1828 did not produce the most revenue of any tariff we have had? Whether that tariff did not only produce revenue enough to maintain the Government in all its branches, but whether it did not produce surplus revenue sufficient to pay off the debts of the Revolution? I ask the gentleman again, whether, under the tariff of 1842, which was principally a tariff of specifics, we did not have ample revenue to carry on the Government in all its machinery—to carry it on better than under the tariff of 1846, or under the tariff of 1857, or under any of the other tariffs approximating to free trade?

Mr. STEWART, of Maryland. I will answer the gentleman that I believe all the tariffs we have had have been so arranged as ordinarily to raise money enough to carry on the Government; for they have been based primarily upon the principle of revenue. But I imagine no considerable part of the people of Pennsylvania, that the gentlemen, in part, represents, would ask for a tariff based solely on protection.

Mr. PURVIANCE. In answer to the gentleman from Maryland, I have to say, that from the earliest organization of the Government down to the administration of Mr. Polk, it was understood that there was a constitutional power conferred on the Representatives of the people to enact a tariff directly in reference to protection. The attention of Congress was called to the subject by Jefferson, by Madison, by Monroe, by Jackson, and even as late as the campaign of 1844, Mr. Polk, over his own signature, in his celebrated Kane letter, declared that he was in favor of protection.

Mr. STEWART, of Maryland. It may be true, that in the days of Jefferson, when the manufactures of the country were in their infancy, it was considered wise, in framing a tariff for revenue purposes, to arrange it with reference to protection.

Mr. CLAY. I should like to ask the gentleman from Pennsylvania a single question upon this subject of a tariff for revenue and protection. I would like to ask my friend whether, in 1832, when the celebrated compromise tariff was framed, it was not conceded by the friends of protection, and did they not proclaim it to the world, that after 1842 protection for protection's sake must be abandoned, and that thenceforward the doctrine ought to be a tariff for revenue.

Mr. STEWART, of Maryland. That is precisely the course of remark I proposed to pursue in reply to the gentleman from Pennsylvania.

Mr. PURVIANCE. If the gentleman from Maryland will allow me, I desire to say a word in reply to the gentleman from Kentucky. I ask the gentleman from Kentucky, if we were to have no tariff for protection after 1842, why it was that in Pennsylvania the principle of a tariff for protection was made the issue between the friends of Mr. Polk and the friends of the gentleman's lamented father in the campaign of 1844; and why it was that there was inscribed, in Pennsylvania, upon the banners of the Democracy, "Polk, Dallas, Texas, and the tariff of 1842?"

Mr. CLAY. If the gentleman from Maryland will allow me, I will answer the gentleman from Pennsylvania by saying that, in my judgment, the compromise in reference to the tariff was violated in Pennsylvania for the very purpose of courting particular interests.

Mr. STEWART, of Maryland. I am sorry to interrupt the colloquy between the gentlemen, but I must go on with my argument, as my time is rapidly passing. The suggestion made by the gentleman from Pennsylvania amounts to just this: it was conceded by those who advocated a protective tariff originally, that after a short time they would be able to get on without any additional protection. That was the doctrine proclaimed in 1816, in 1828, and in 1832, when it was declared that after 1842 no tariff, more than a uniform one of twenty per cent. for revenue would be urged, that the protective system would then be abandoned. I think that will be understood by the country, no matter upon what ground they electioneered in Pennsylvania. I can see how the manufacturers should insist that the tariff should be so arranged as to afford them some protection while in their infancy. But should they claim in this year of our Lord 1859, what they asked in 1816, after the war, in 1824 and in 1828? I say that is not reasonable or just. At that time, when you wanted to raise a revenue of but sixteen or twenty millions, you might with more force contend for a tariff to be adjusted for protection; but now that your expenses are run up to $80,000,000 annually, and you have to raise that amount, are we still to be told we are to have protection in the same way and for all time? I think that entirely unreasonable and enormous, and that the common intelligence of the country has come to the conclusion that the system of protection cannot be tolerated *per se*, or with reference to protection alone.

Would Pennsylvania expect, and I am not hostile to her interests, that the Government of the United States should put a duty upon iron for the purpose of protecting the iron interest, when, under the *ad valorem* system of 1857, it was twenty-four per cent., and under the tariff of 1846, thirty per cent.? Now, they want a specific duty upon iron in Pennsylvania. Well, if you will take the tariff of 1846, and find what has been the average duty raised upon a ton of iron of a particular description, for the sake of illustration, for ten years under the *ad valorem* system, and then put a specific duty upon the article to that amount, it might not be obnoxious to grave objection; for though, under that arrangement, when iron was down, the consumers would have to pay a little more for it, yet when the article was advanced in price, the duty would be no higher, and they would get the article for a less price. I would be governed in arranging the tariff, after getting the best information I could upon the subject, somewhat in this wise. Were I satisfied that by having a specific duty of so much per ton, I could raise as much revenue, and that mode would afford them incidentally more protection, and at the same time impose no additional burden upon my people; I see no serious objection to that, because when I go against protection *per se*, I would not discriminate against such interests or ignore all considerations of that sort.

Mr. PURVIANCE. In reference to specific duties, I say to the gentleman that, so far as iron is concerned, it is a matter of vast importance, I conceive, not merely with an eye to revenue, but to the nation generally. For instance, under specific duties you prevent the importation of the bad iron which has found its way upon our railroads, and which, in my judgment, has led to the most of the disasters which have occurred upon our railroads; and I will mention a fact which will satisfy the gentleman of the correctness of my position. The rails upon the central road, from Philadelphia to Pittsburg, were manufactured by an establishment near Philadelphia, in Pennsylvania; and it has been ascertained that those rails have deteriorated but one per cent.; while the rails upon the road from Philadelphia through Wilmington to Baltimore, being of English iron, have deteriorated twenty-five per cent. And how does that happen? Why the British are enabled, under the *ad valorem* system, to sell us iron of an inferior quality, and thrust it upon us, and thus destroy home competition. We cannot compete with iron like that under the *ad valorem* system. But give us a duty of so much per ton, and it strikes at their bad iron and compels them to introduce none but good iron. I state this as an important consideration connected with the interests of this country, because it is connected with the safety of our citizens!

Mr. PEYTON. It strikes me that the object of the gentleman from Pennsylvania is to exclude the importation of bad iron from abroad, in order that Americans, citizens of Pennsylvania, may produce the bad iron themselves. I desire to know whether he has any assurance that if we place a duty upon bad iron so high as to exclude it, that the American people will not soon make that bad iron, and that we would gain anything by the exchange? Would it not be a bonus held out to the American manufacturers to make bad iron?

Mr. PURVIANCE. My answer is, that if the American people, under this bad iron which has been thrust upon us, would not resort to making it, they would not do so under a system of protection.

Mr. PEYTON. It would seem that the English people are only a little smarter than we are, in making bad iron. Give them this bonus and they will soon do it.

Mr. STEWART, of Maryland. All these matters mentioned by both gentlemen are things to be taken into consideration when you come to arrange a tariff, but it depends entirely upon the proof of what will be the effect. What I maintain is this, that if you will take the specific duties through a series of ten or twenty years, and convince me that my people, as consumers and not manufacturers, will not be injured by the imposition of that amount of specific duty—that though they might pay a little more at one time, yet they would purchase it enough less at another, as argued by the President—that they would not be borne down by additional burdens; I should have no objection to adopting that system so far as iron or any other article is concerned. And that is as far as gentlemen can reasonably expect the consumers to go.

There was a time when the interests of only a few States had to be consulted; but now our country extends from the Atlantic to the Pacific, and from the Canadas to the Gulf of Mexico, and our interests have become diversified and complex, with the increase of our population. Do you suppose you can satisfy the great West—saying nothing of the complaints of the South—with a system of protection by which they cannot be benefited, but which will tax them for the benefit of other sections? I think it is essentially preposterous, and that no party can plant itself upon the doctrine of protection *per se*, and maintain itself before the universal country. They will never, in my judgment, go beyond the extent I have indicated. The President and the Secretary of the Treasury tell us that we now require some seventy or eighty million dollars annually; and, as the country progresses in population, as the Government increases in all its departments, there will be occasion for more money. It may be that the expenditures will so increase that to raise the revenue to meet them by imposts upon importations would amount almost to a prohibition. Then a system of direct tax, or excise, would have to be resorted to, to eke out the revenue.

I say that it cannot be expected that the people upon the Pacific, or of the South and of the Northwest, will go for a system for the benefit of a few gentlemen, it may be, in Pennsylvania, Rhode Island, Massachusetts, or elsewhere, who are interested in a particular branch of manufac-

tures. They must all take their chances. They must submit to these fluctuations. They must let trade work out its own fortunes, or misfortunes, if you please. And, sir, all that can be expected from a great Government like this, which has many sections to protect, and various interests to subserve, is, that it will not discriminate in the use of its legitimate powers, to oppress any particular interest or section? That doctrine, I think, may be laid down as well settled. I do not care what arrangement may be made in reference to who may and who shall not be President; any party that takes the ground of protection for the sake of protection, and goes before the country alone on that, whether it be the Republican, or any other nondescript party, must suffer defeat; for I believe that there is enough of interests disconnected to act upon proper principles, and ignore any policy of that kind.

But, Mr. Chairman, the President and the Secretary of the Treasury say that you have not a sufficiency of revenue, and that the tariff ought to be revised. Yet it is urged, by some of the professed friends of the Administration, that the tariff ought not to be revised; that it may afford revenue enough. I grant that it might possibly afford a sufficiency; but we cannot tell. If it yield a sufficiency, it must be by largely increased importations. If there be a large amount of importations, upon which your Government may raise revenue and get out of debt, the people, unless they have something to export to pay for these importations, will get into debt, and in a year or two you will have another reaction—or revulsion, I believe they call it.

Mr. PURVIANCE. Let me ask the gentleman a question?

Mr. STEWART, of Maryland. I have no time to yield further. Now, sir, as a free trader, against any system of protection *per se*, I go for a revenue tariff ample and sufficient. I take the recommendations of the President and the Secretary of the Treasury. There can be no doubt in reference to the impartiality of those recommendations. Take them together—one going for specifics and the other for *ad valorems;* and yet they agree that the present tariff ought to be revised. I am prepared to meet that responsibility. I maintain that the tariff ought to be reviewed. There is now not enough of revenue to meet the expenses of the Government; and although a devout free trader and a strict constructionist of the Constitution, yet I am not prepared, in the face of these recommendations of the Administration, in view of the condition of the public finances, and the demands of the Government, to reject pertinaciously all propositions of revision, and leave the revenue to the chances of trade. It is not wise to reject the recommendations of the President. I am not prepared to go before my people rejecting that revision, and with additional loans and public debt staring us in the face, and with the contingency threatening of an extra session of Congress. That, my people, I believe, and the people of the South, will be opposed to; for the South mostly hold their elections after the adjournment.

The elections generally in the North have already taken place. They have not had them in the South, and they cannot well have them in the summer, in that region, and therefore postpone them to the fall. If an extra session be necessitated, the responsibility is not with the President, or the Secretary of the Treasury; but it is with Congress itself, for having refused to supply some system to raise revenue enough for the wants of the Government. The people would laugh to scorn any denunciations of the President for calling an extra session. It would be his bounden duty to do so. It would be said that the President has the right to call us back; that we get no additional compensation or mileage thereby; and that having failed to discharge our duty it should not be left us long to continue in that condition. We have heard, for hours and days, discussions of this appropriation and that appropriation. We have now before the committee an appropriation bill of thirty pages and over, and we have only advanced three or four pages. Look at the debates in the Globe; what do they amount to? It is probable that some of the appropriations, though struck out in committee, will nevertheless be reinstated in this House, or in the Senate, or in the committee of conference.

I say, therefore, that it is wise, it is prudent, it is sensible, to act on the recommendations of the President and the Secretary of the Treasury, and go to work upon a revision of the tariff. Either restore the tariff of 1846, if that is the shortest way, or take the tariff of 1857; diminish the free list; run up the schedules; take the decimal system; make it five, ten, fifteen, twenty, twenty-five, and follow out of any of the courses that are in keeping with the tariff of 1846 or 1857. It is not a herculean task, but simple and short in its structure. I protest, therefore, as one of the members of Congress, and as having a duty to discharge, against the efforts to put off a revision of this tariff, I am not prepared to justify any such responsibility. We shall have to vote for a loan, or a reissue of Treasury notes. The Government is running into debt, while gentlemen are maintaining that there will be a sufficiency of revenue; and in a couple of years, probably, it will run up to $100,000,000. Does anybody suppose that the present tariff will ever afford revenue for the annual expense, saying nothing about the liquidation of that debt? Certainly not. If you do not revise the tariff, you may have to resort to direct taxation. So much for the considerations that govern me as to that subject.

The President also recommends the construction, in some mode, of a Pacific railroad. I want, in the few moments left me, to define my position on that subject. I think, so far as the territory or public lands are concerned, they belong to the people of the United States. The Government has the right to establish roads. It can explore and survey its public lands, establish land offices; and to facilitate the sale of the public lands, it may provide for the construction of roads. It is upon that ground I put the power to establish a road through your Territories. It appertains to the proprietary right. I do not derive it from the war power, where the President places it. Possibly it may exist under that power. I admit that you may have a Pacific railroad through your own territory; but is this the time to construct it? If you have overland mail routes—wagon roads; if you let the Territories be opened up, the time will speedily come when you may arrange for a Pacific railway, so far as you have constitutional authority. Will you undertake to build it now as a practical measure? From whence are the population and material to come? From donations of the public lands?

TARIFF—PUBLIC LANDS—PENSIONS.

SPEECH OF HON. Z. B. VANCE,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. VANCE said:

Mr. CHAIRMAN: The condition of the country is a rather singular one at this time. The statesman of enlarged phenomena might now behold many important events in the indications by which we are surrounded, could he but read them aright. The late fury of the political heavens having spent itself in the fierce and bitter contests which raged in these Halls, we have now a comparative quiet. But whether the winds merely pause to gather more wrath; whether it is merely a truce to enable the combatants to recruit and to bury their dead, we cannot tell. It may be that the now tranquil skies do but portend—

> "A greater wreck, a deeper fall;
> A shock to one, a thunderbolt to all."

But let us hope not. I, for one, am determined to interpret the omens for good. I think they are full of hope and peace and promise for the Republic. I hope, sir, that the lull is not a treacherous stillness, heralding the deadly simoon, but that it is Halcyon herself who comes to brood upon the dark and restless deep. Eight weeks of this session have gone by; grave and important questions have been discussed and passed upon; and yet harmony and good feeling have prevailed. Zeal there has been, but without fanaticism; warmth and spirit, but without bitterness and rancor. Though the bush has been beaten from Maine to California, from the Lakes to the Gulf, only the gentleman from Maine [Mr. WASHBURN] has been able to start a negro; and though the gentleman from Ohio [Mr. GIDDINGS] did howl upon the trail, the chase was so distant, and the scent lay so cold, that he soon called off, and the committee was not frightened from its propriety.

It behooves the Representatives of the people to take advantage of this hopeful state of affairs, and to turn their earnest attention to the practical every-day matters of the nation. Too long, already, has the country suffered from this all-absorbing excitement which has so much hindered practical legislation. Our disordered finances, our depressed trade, our empty Treasury, our confused foreign policy, our Secretary calling, like the daughter of the horse-leech, "Give, give;" all show this melancholy but instructive fact. The great question of a tariff, the principal source of our national revenue; the public lands; and, inseparable from these, the growing expenditures of the Government greatly need, nay, *must* have, our attention. It is time, sir, we were considering the ways and means to do something for the people—that vast and ever-striving mass whose servants and Representatives we are; by whose intelligent industry and unceasing toil, by whose early-rising and late lying-down, this Government receives its protection and its bread, its glory and its prosperity.

When we reflect, sir, that the expense of administering this Government has reached a point far exceeding the receipts of the public Treasury, we must look around for some means of making both ends meet. I presume there are few members of this committee who desire to see the Government embark in a system of borrowing money, except in extraordinary cases of emergency, and thus to lay the foundation of a great national debt like that of Great Britain, which is to go on growing and increasing until it gets forever beyond the hope of ultimate payment. The soundest policy of national financiers has been to borrow money only in case of war, or some such urgent necessity, to be repaid during the long years of peace and prosperity which follow these calamities. In times of general tranquillity it has always been considered best to draw upon the sources of the nation's income sufficiently to meet our current expenses without borrowing, no odds how much the amount might be. We are not now doing this: instead of living like a frugal housekeeper, on the interest of our money, we are devouring the principal. During the last fiscal year, in the midst of profound peace, this Government has issued Treasury notes and bonds to the amount of $35,000,000 beyond the receipts of the Treasury, and a similar issue may soon be called for, unless the deficiency is levied on some source of the revenue. The tariff levied on importations is the principal source; the next largest is the public lands. Let us consider the former.

Shall it be raised to a revenue standard or not? That it is not now up to this point, is, I take it for granted—the opinion of many gentlemen to the contrary, notwithstanding—sufficiently obvious from the plain fact, that we are now living on borrowed money. This fact, for practical purposes, is worth all the theories that gentlemen can put forth in regard to the present rates. Sir, I am not philosophical on this subject; I have not made the laws which govern the trade and commerce of the world my study; I have not hunted up the statistics, nor counted with care the enormous columns of figures which contain our commercial transactions. I am free to confess it. Nor do I believe that I am much the worse for this reason. But crude and unelaborated as my opinions may be, I will venture to lay it down as an undisputed fact, that, as we are in debt and spending more than our income, and as our income is derived principally from the tariff, we have to do one of three things: either raise that income, lower our expenses, or walk into the insolvent court and file our schedule. I do not think there is, or ever was, a political economist on earth who could deny these propositions. It is a question, sir, entirely beyond financial theories and abstractions.

The doctrine, sir, of a tariff for protection has been pretty generally abandoned in the section from which I come; and it may not be amiss, perhaps, to say here, that one great cause of that doctrine being abandoned by my constituents, who once held it, was, that those very men whose interest and institutions, from a spirit of national pride, we were upholding and protecting, became in time the deadliest enemies to our institutions and to our interest. And it must be remembered, too, that at the time the doctrine of a protective tariff prevailed among my constituents, our national expenditures scarcely exceeded twenty million dollars per annum; and therefore the incidental protection afforded amounted to scarcely anything, and made the necessity for protection obvious. But now that we have to raise from eighty to one hundred million dollars per annum, principally by duties on importations, the incidental protection afforded becomes so large as to render direct protection both uncalled for and unjust.

I am, therefore, sir, like those I represent, opposed to a tariff for protection, both for that reason, and also because it is to the interest of my section. I place it upon the ground of self-interest frankly, because I do not believe in the validity of the general rules and deductions which gentlemen lay down so fluently. To assert that the only true policy of a nation is free-trade, is only less absurd than to assert that the nation should extend protection, universally, to all the manufactures within its borders. Trade and manufacturing are, I take it, governed and affected like all other human transactions by the thousand and one accidents and adventitious circumstances to which nations, as well as individuals, are subjected. What Adam Smith, and later British politicians, may say, in general terms, would have little more application to our condition, than would the maps and profiles of Professor Bache's survey applied to the angles and indentations of the British coast. Even in England, covering not more territory than the State which I partly represent, the public sentiment was never a unit on the tariff question; the manufacturer wanting it laid heavily upon articles similar to those in which he dealt, and free-trade as to breadstuffs; while the agriculturist contended for precisely the reverse. What French economists may say, can have still less bearing on our affairs as there is a still greater dissimilarity in our condition and institutions.

How, then, can we lay down a rule for the regulation of a tariff which shall be general in its operation for the best, for a country like ours, stretching, as it does, through all the degrees of an entire zone; with many thousand miles of coast; with every variety of soil, climate, and production; and containing within its borders artisans, manufacturers, and laborers, of every form, fashion, and profession under the heavens? There is, indeed, one general rule, which, though diverse in its operation, is yet the same in its applicability the world over—the universal law of self-interest. And, despite the ingenious theories of politicians, as to an enlightened public opinion having settled it this way or that, I will venture to say there is not a civilized nation or community now on earth, where the manufacturing interest is dominant, that does not seek protection for its workshops at the expense of its fields, and *vice versa*. This, sir, is another reason why I am opposed to a tariff for protection—that it would build up northern manufactures at the expense of southern agriculturists. We need no protection for that which we raise for market; and that which we have to buy, we want the free markets of the world to choose from.

But, be this as it may, we must have a revenue tariff, or resort to direct taxation, which I am not prepared to do. In putting up the rates, then, to that standard, it strikes me that we should endeavor, not to protect any man, or set of men; but to protect the whole body of the people, from heavy or unequal taxation—for laying a tariff is, to some extent, laying a tax, though not an equal tax, as many of the States are now doing. The same principle ought to govern us. The cardinal doctrine of "the greatest good to the greatest number" ought to be our guide in laying these burdens upon the people. The same care to make them bear lightly as possible on the poor, yet without being unjust to the rich, which has ever been the ideal of a perfect tax bill, should be observed. Whilst I do not hold that the interests of the manufacturer and the consumer are necessarily and altogether antagonistic, yet to some extent they certainly are. If, therefore, that class of our citizens which produces the raw material of commerce, and consumes the manufactured article, is the larger and more extended interest of the country, and it most assuredly is; if it numerically and substantially predominates in fact, over the manufacturing interest, then the genius of our institutions plainly demands that that predominance should be felt in the legislation of the country. I am not for sacrificing a smaller interest for the sake of a greater, in so many words; but I believe that all commercial enterprise should be, in a large degree, self-sustaining; and I cannot regard the operations of any institution as healthful and vigorous, which flourishes alone by statutory enactments.

But a tariff for revenue I am in favor of. It is a necessity at this time, and not an open question. If, in putting up the rates to meet this necessity, any protection should be incidentally afforded to the manufacturing interest, I can see nothing wrong in it. Indeed, if the rates are fairly imposed, without making a special discrimination against all the manufactories of the nation, I cannot see how it is to be avoided, if it were ever so sinful. We certainly should not be so illiberal as to refuse to them that which cannot hurt us, and which *may* help them. I certainly am not so hostile to my own country, or to any portion of it, as to desire to transfer what little protection is incidentally afforded by a fairly constituted revenue tariff, from our own manufactures to those of the British or the French, when my own people could not be in the least benefited thereby.

As to the manner of levying these duties, I am constrained to say that I concur with the President. I believe that the method recommended by him in his late message is the best, the simplest, and, in most cases, the fairest, at once for the merchant, the consumer, and the Government. A specific duty on any given article is a steady source of revenue; it is certain; it cannot be avoided or circumscribed; and if any protection arises from it, it is a home protection, and not a foreign one. It also puts to rest the difficulty as to home and foreign valuations, which always arises under the *ad valorem* system. That some protection will be afforded is inevitable, if the duties go up. Mr. Secretary Cobb says himself that he does not expect to see a tariff "framed on rigid revenue principles;" and both the President and Mr. Cobb seem to agree that the duties must go up, or we must borrow more money, which is not, they say, desirable. Indeed, the difference would be just the interest on the sum total borrowed in favor of increased duties. I must agree with both in this respect, and think it better to bring up the tariff at once to a revenue standard and be done with it, than to keep on glorifying free trade in the face of the facts and figures; for, although we are told to wait a little longer, to wait until the country has recovered from the great financial crisis which it has so recently undergone, I regard delay as the more dangerous course. How much, indeed, the present low duties have had to do in producing this very crisis, is, in my opinion, a question open to debate, to say the least of it. My own notion is, that California gold, for which we are not indebted to any kind of tariff, has alone kept us from calamities compared with which our recent troubles were small and insignificant.

But, although there may be a difference honestly entertained, among gentlemen, as to the best manner of regulating the tariff, it seems to me, sir, that there can be but one opinion in regard to the public lands—that other great source of our revenue. I am one of those who believe, with General Jackson, that these lands ought not to be made a source of revenue at all. I have a still stronger reason for disbelieving in the policy of keeping them, both as a source of revenue and as a corruption fund to control the politics of the country. I have heretofore acted upon the policy of distributing these lands among the several States of the Union, or their proceeds, in order to enable them to erect public works, establish free schools, and to bear the burdens of general improvement within their respective borders. I believe, if that policy had been adopted at the time it was first broached, that the wealth and prosperity of every State in the Union would have been materially enhanced, and the country saved from much wrangling and bitterness, from many monstrous frauds and gigantic swindles.

But this policy was withstood by the Democratic party, which, at a very early period, took ground against distribution, and declared that these lands ought to be held as a source of revenue, the proceeds poured into the public Treasury, and applied to defraying the public expenses, and would thus best inure to the use and benefit of the people. That party prevailed; and although under that disposition of the public lands, Virginia, North Carolina, and Georgia, which ceded their lands to the Government, until the lands thus ceded were all sold, continued, in reality, to pay five times more than their proportionable share of the public taxes; yet the public was everywhere met with praises of the justice and equality, as well as economy, of the system. From that time down to the last convention, which assembled at Cincinnati in 1856, every neighborhood, county, district, State, and national convention, so far as my recollection now extends, pledged the party, in the face of the nation, to oppose the distribution of these public lands, whether among States, corporations, or individuals; and saying that they ought to be applied to the use of the General Government, to relieve the people of taxation, and for no other purpose whatever. Nay, sir, the favorite term of expression was, that "the proceeds of these lands ought to be sacredly applied" to these purposes, thus giving a kind of religious sanction to the sincerity of the promise. When the advocates of distribution, defeated in so many struggles, had come almost to despair of obtaining their object, I, for one, felt that we were well consoled by being able to fall back upon these oft-repeated promises. I was cheered by the thought, that if we could not get a fair and equal distribution, we knew at least that the proceeds of the land sales were well disposed of; that they were "sacredly applied" to the general charge and expenditure. But, sir, even that consolation is taken away from me, and the actual reality stares us in the face.

During the last session of Congress, acting in obedience to a resolution, the Secretary of the Interior transmitted a report in brief, to the House, setting forth the number of acres disposed of, and for what purposes, since the inauguration of the present system. By that report it appears that (I quote from memory) about one hundred and twenty-nine million acres have been sold, and the proceeds applied (whether sacredly or not, we cannot now tell) to the public expenses; whilst, during the same period, there have been "sacredly" given away and squandered about two hundred and ten million acres! And this exclusive of military grants amounting to some forty-four millions! Some millions are given to build the magnificent railroad system of Illinois, which cannot be fairly construed to come under the head of "general charge and expenditure;" some millions more are handed over to Minnesota, to Iowa, to Wisconsin, and other northwestern States for railroads, schools, public buildings, and so on. What construction other gentlemen may put on this, I am unable to say; but, in my opinion, the giving away of the common property to free States, to support those public burdens which my constituents have to pay out of their own pockets, is neither a part of the expenses of the General Government proper, nor is the object very sacred. To avoid tediousness I shall not enumerate the various States that have shared this public spoil, both North and South, or recite the various grants so sacredly donated to corporations and companies. They will all be found grouped over the sum total of two hundred and ten millions in the report referred to.

Is there any prospect of the evil being stopped? Why, sir, I was perfectly astounded to learn the number of bills now before the House for giving away lands. I sat in my place in this Hall, and heard the other day bills enough introduced to cover, as I thought, all the vacant lands on the

North American continent. Many of them seemed to me to have reference to the prospective annexation of all the nations, kindreds, tongues, and tribes, from the open Polar sea, beyond the regions of eternal ice, to the Isthmus of Darien. There seems to prevail, in certain sections, a notion that our "manifest destiny" is to conquer territory, and then to give it away in lots and quantities to suit the convenience of applicants. Why, sir, no Spanish monarch ever gave away realms and barbarian empires which were not yet his to give, with so lavish a hand as we display in granting away annually millions upon millions of acres of the noblest land on earth, of which it is promised that the price of every acre shall be sacredly applied to a far different object. So wild has the infatuation grown, that, not satisfied with the splendid operations of States, corporations, and individuals, the nation has actually conceived the idea of swindling itself out of two hundred million acres to build a Pacific railroad. What an age we live in! But the brightest, most magnificent idea of all yet conceived for getting rid of these lands, is the bill—which lately passed this House—of the honorable gentleman from Pennsylvania, which will give at least one hundred million acres to whoever will go and take it. No odds who it is; the invitation is general to all the world. "Walk up, gentlemen, and help yourselves!"

Now, sir, leaving entirely out of sight, the fact, that this disposition of the public property is a rank and gross outrage upon the rights of the old States, and a palpable violation of the spirit of the deeds of cession, is it not a reckless and ruinous waste of the public revenues? Is it not a strange way of redeeming a promise so "sacredly" made What wonder, sir, that the tariff has to go up, when this great and unfailing source of public wealth is thus lavishly thrown away! If this fund is no longer to go into the public Treasury to relieve the people from the burdens of a high tariff, why then, in common justice and common honesty, let us all, the old and the new States, take share and share alike. I have long been a distributionist, because I thought justice and equality demanded it; but if I could only see these promises faithfully carried out, if I can only see this vast fund honestly applied to defraying the general charge and expenditure of a common Government, I would agree to ask nothing more. I call on gentlemen to stop this wild raid after the public lands. I will gladly stand with any party to effect this object.

It is a little strange that every State in the Union can participate in these land grants, save and except alone those States which were the original proprietors. The ordinary statute of distributions is entirely reversed; and the furthest of kin, instead of the nearest, seems to be best entitled to this estate. There is great anxiety manifested on the admission of every new State, to put it on an equality with the other States, by princely donations of the public property; but it never seems to occur to gentlemen that there is no equality in the case, so long as one half the States get nothing at all.

What do you call equality, and how do you bring it about? Do you call it equality when one party gets all and the other gets nothing? And do you produce this equality by loading one with favors and stripping the other bare? Nay, sir, worse still is done. The elder sisters of this great family of States, bring their advancements into hotch-pot, and the law not only gives the younger sisters the principal estate, but the advancements also, leaving the elder sisters without an inheritance in the common property. Truly, "from him that hath not shall be taken away even that which he hath." And although the doctrine has been as strenuously maintained, that it was unconstitutional for the General Government to erect improvements not of a national character, in the respective States, the Secretary of the Interior shows us that four thousand six hundred and forty-nine and one half miles of railroad have been built, or provided for, by the Thirty-Fourth Congress alone. How many schools have been established, and how many public buildings have been erected by Congress in this way, the report does not show. It would take up all my alloted time to show one half the donations to the new States, and for what purposes; therefore I will forbear. Suffice it to say, that scarcely a single grant is not in direct contravention of this doctrine, whether right or wrong. And before I close this subject, I may be permitted to remark upon the strangeness of the fact, that no land bill has passed this Congress, and become a law, which made provision for an equal division among all the States. The faintest shadow of justice and equality in a land bill is sufficient to "damn it to everlasting fame." Bennett's land bill could not get through, neither could the agricultural college bill of the gentleman from Vermont, [Mr. MORRILL;] and though the lunatic asylum bill got through Congress, it met its quietus on the ground of unconstitutionality, at the hands of a President who signed bills giving away lands enough to build four thousand six hundred and forty-nine miles of railroad, and many million acres beside for works of a similiar nature!

But, sir, we are continually told that it becomes no man to talk about a waste of the public revenues, or to recommend economy, who voted for the old soldiers' bill; that that was a measure of such reckless and dangerous extravagance, as to completely shut the mouths of all who are anxious to promote a reform in our alarming expenditures. I am glad to hear that word economy coming from such gentlemen. I am delighted to know, sir, that Saul is once more among the prophets, though he come even "in such questionable shape" as a reformer; for if there ever was a time in the history of the Government, when retrenchment and reform were needed, now is that time. Put in the knife, sir, by all means. Let it be sharp and keen, and I will help and hold and cry, "Lay on, Macduff!" and well done, while the bright blade flashes right and left, reddening as it goes, among the foul ulcers of the body-politic, till the last one is removed.

But I do not wish to begin to economize in the wrong place. I do not wish, sir, to let the first stroke fall on the best, the noblest, the most useful part of the whole nation, the gallant soldiers of the war of 1812. What would be thought, sir, of the man who would begin to reform his household expenses, by giving a half feed to his horse, his ox, and his plowman? Instead of saving money, sir, he would dry up the source of his wealth entirely; for in a short time, his plowman and his horse would be as weak as a politician's promises, as feeble as a modern platform. Such a man would hardly be termed a bad economist; he would be called a *fool*, and would deserve the appellation. He should commence by cutting off all the superfluous parts of his establishment first, so there might be no diminution in the comforts of those who labored. So, sir, we should begin in the national household, to lop off the superfluous excrescences that uselessly feed on the Treasury. We might profitably decapitate some thousands of that class of hungry hangers-on, who swarm in the land with the numbers and the rapacity of the Egyptian locust, "devouring every green thing." I contend, sir, that the citizen soldier is at once the pride and glory, the stay and the surety of the nation; and no Government is wise which refuses to contribute, in this way, to the fostering of that warlike spirit in its militia.

The gentleman from Ohio [Mr. NICHOLS] told us the other day, that this spirit originated solely in patriotism and devotion to our liberties, and that no greater insult could be offered to those gallant men than to put their services in the war of 1812 on a footing of dollars and cents. "Patriotism," said he, "is its own reward." What a pity it is that he is not as prompt to defend these men from real want as from imaginary insult! I would not do any soldier of that war the injustice to suppose for a moment that thought of the pay influenced him in the slightest. His country was in danger; that was enough for him. The bugle-blast told him that the invader's foot was upon the soil; and he went to the rescue. But this is all the greater reason why they deserve well at our hands. As they were prompt and brave to defend us, so should we be prompt and liberal to repay them. I do not believe they are sufficiently repaid by the honor and glory they have acquired. Thousands of these men are now in the deepest poverty, and have the hardest work to keep the wolf from the doors of their homes, where dwell their wives and little ones. Can one of them walk into the market and buy a rump of beef or a leg of mutton, with glory? What merchant advertises that he will take either glory, honor, or renown, in exchange for beef, pork, and cabbage? I doubt, sir, if either the gentleman from Ohio or myself would agree to represent our constituents in this Hall, glorious as it is, without—to speak in Kansas technology—"an enabling statute." You may talk of glory as much as you like, but these old soldiers want some more substantial testimonial of the country's gratitude.

That argument, sir, reminds me of the custom, in Catholic countries, of having the priest to pass over the fields in the spring and bless the expected crop. On one such occasion, the priest being something of an agriculturist, paused at one field, which was very poor and sterile; "here, my friends," said he, "blessing will do no good; this field must have manure." The old soldiers, sir, value the glory they have acquired, no doubt; but they must have something that will do more good than empty fame.

Sir, I hope that gentlemen will not be guilty of the sin of so often taking the name of economy in vain, for the people will not hold them guiltless. I protest, sir, against making this word cover all the sins of the age. There are but few of these soldiers alive, and they are all necessarily far advanced in years. It is but now and then that you meet with one of them; and if we do our duty in cutting down our ruinous expenditures at the present session, the amount required to pay them will scarcely be felt. The bill provides no back pay, and only gives a small sum for life, graduated according to the length of the soldiers' services. In my opinion, the vast amount so unwisely spent in the bloodless Mormon war, would be sufficient for this bill. I do earnestly hope that the Senate may consider it favorably, and that it may become a law.

CENTRAL AMERICA—SLAVE TRADE—CUBA.

SPEECH OF HON. JAMES B. CLAY,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

February 7, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. CLAY said:

Mr. CHAIRMAN: I have sought the floor, sir, for the purpose of giving expression to views I entertain upon some branches of the foreign policy of this country. It will be my endeavor, clearly and plainly, to make known my opinions; and that I may do so, I propose to state, in the beginning, the matters I intend to discuss.

There are three questions which have, of late, more than any other connected with our foreign affairs, occupied the public attention; they are intimately connected in principle, and full of importance to the destiny of the nation:

1. England, Central America, and the Clayton-Bulwer treaty.

2. The slave trade and our engagements to Great Britain for its suppression.

3. The acquisition, in any manner, of the Island of Cuba.

Sir, for a full understanding of England's connection with Central America and the subject of the treaty called the Clayton-Bulwer treaty, it is necessary to go back to a period anterior to the foundation of this Government; and, although I cannot expect to bring forward any historical facts which have not heretofore been brought to the attention of Congress and the country, I shall make a rapid resumé of such prominent matters of history as I think necessary to the elucidation of my views, believing that, however much attention may ever before have been given to them, there was no time when they presented themselves in an attitude so imposing and full of importance as now.

Omitting all the incidents of Spanish conquest so graphically detailed, and so beautifully wrought up by the genius of the venerable Prescott, whose death I have noticed with great regret, I shall go no further back than the time when Spain, being in full possession of the whole of Central Amer-

ica and the adjacent islands, allured by the rich cargoes and golden freight of the Spanish galleons, the buccaneers, the fillibusters, and the pirates of the countries of Europe, and especially of England, first began to gain a foothold upon the soil. For many of my facts I am indebted to the writings of an English clergyman, whose work, I understand, his own country have sought to suppress, because it contains too much truth for the purposes of the British Government.

Among the islands of the Bay of Honduras is that of Roatan. This island, with one or two others less important, was taken possession of, in 1642, by a British pirate; in 1650, the pirate horde were expelled from it by Spanish forces. In 1740, British settlements had been formed on the Mosquito shore, and at that early period a connection with the Pacific had been conceived by means of the river San Juan and the Lake of Nicaragua. In 1780, a formidable expedition was sent by the English to the river San Juan, in which the heroic Nelson commanded a ship, without any result. The river and town of Belize became the retreat of a lawless band of pirates, whose irregularities, murders, piracies, and atrocities of every kind, are said to have been perpetrated with barbarous indifference, because punishment was unknown. Thus, the British settlements at Roatan, on the Mosquito shore, and at Belize, first had their origin with a class of persons far worse than any fillibusters of the present day, British pirates of the fifteenth and sixteenth century.

More than one hundred years ago, the constant conflicts between the British and the Spaniards became the subject of contention between the two Governments. In 1763, a treaty was concluded by which the subjects of Great Britain were permitted to cut and carry away logwood from the bay of Honduras. Sixteen years after, in 1779, the logwood cutters were attacked by the Spaniards, dispersed, and many carried into captivity. In 1783, after the American war, a treaty was made between Great Britain and Spain, by which British subjects were again allowed to cut logwood in certain localities, well defined by boundaries, an article of which provided *that the stipulations therein should not be considered as derogating in any wise from the Spanish rights of sovereignty.* Other articles were afterwards added to this treaty, extending the limits set by it, and authorizing the cutting of other descriptions of woods, but forbidding the cultivation of the soil, and always carefully guarding the Spanish rights of sovereignty. In 1798, the Spaniards, having become jealous of the British settlements, sent an expedition against them, but were beaten off. In the mean time the British had more than once taken possession of the Island of Roatan, from which they were as often dislodged by the Spaniards. From the mere circumstance of having been able to maintain themselves in the possession of the rights granted by the Spaniards, the British now began to claim to hold by the right of conquest.

I deem it unnecessary to go over the period between 1800 and 1850, when the Clayton-Bulwer treaty was made between the United States and England—unnecessary to refer at length to the continued expansion of her pretended claims; the emancipation of the Central American States from Spanish rule; England's assumption of a protectorate on the Mosquito shore, with its incidents so disgraceful to an enlightened nation; the seizure of Greytown upon the veriest pretext, and the annexation of Tiger Island, notwithstanding its cession to the United States. These matters of recent date are, perhaps, familiar to the public mind. Suffice it, that England's only title rests upon treaties with Spain, which gave her the right to cut various descriptions of woods within certain bounds, in which the Spanish rights of sovereignty were always expressly and emphatically reserved. The emancipation of the colonies of Spain gave no new right to England. All that she had was acquired directly through a class of her subjects who had effected their lodgment, not for the sake of colonizing and improving the condition of the country and people upon whom they trespassed, but under the pretext of cutting logwood, for the purpose of robbery, murder, and piracy. A foothold once obtained by any means soever, those who had been pirates by every law on earth were made to serve designs of British aggrandizement, and were transformed into loving British colonists and subjects.

Sir, let us glance over the map and see what territory, in 1850, England claimed to hold or protect; *and, in this connection, I will say that, as distinguished from the actual sovereignty, I recognize no such thing as a protectorate.* On the northern shore of the Bay of Honduras, she possessed herself of about twenty thousand square miles; the Island of Roatan, at least one hundred and fifty square miles; by a treaty with one of the contending parties in Yucatan, she extended the northern boundary of her Central American empire about three thousand six hundred square miles of additional territory; to this must be added her assumed protectorate over the Mosquito shore; in all, including islands, a sum total of more than eighty thousand square miles, or nearly one third of all Central America. Was not this fillibustering with a vengeance and to a purpose? Yet what complaints have been made of American fillibusters! We have even seen an American ship visited in the very waters of San Juan upon the ingenious pretext that the negotiations of Sir William Gore Ouseley should not be embarrassed by their operations; as though the existence of war, in any shape, had ever interfered with British diplomacy!

The inquiry naturally suggests itself, what could have been the cause that the United States stood silently by and witnessed this gradual acquisition of an empire, by Great Britain, at our very threshold. The answer is easy. First, the war of the Revolution—then the war of 1812, terminated in 1815, from the effects of which long years were required for the country to recover. So much were we occupied, internally, that the silent, secret operations of Great Britain were almost unobserved. Yet the fathers of the Republic were not blind to its destiny.

On the 2d December, 1823, President Monroe sent to Congress his message containing the famous Monroe doctrine. It asserted—

"That the United States could not view any interposition by any European Power, for the purpose of oppressing or controlling in any other manner the destiny of the American Governments who had declared and maintained their independence, in any other light than as the manifestation of an unfriendly disposition towards the United States."

Establishing the principle as applicable to this continent, which ought thereafter to be insisted upon—

"That no European nation ought to be allowed to plant upon it new colonies."

This principle was asserted in 1825 by Mr. Adams, in his message to the Senate on the subject of the purposes of the Congress at Panama, and by his Secretary of State in his then famous Panama instructions of the following year, to its broadest extent, instructing the minister accredited to that congress to propose a joint declaration of all the American States to the same effect. In the same year, (1826,) Mr. Webster, in his great speech on the subject of the Panama mission, went as far as any one had ever gone before or since to uphold and maintain the doctrine, at the same time mentioning that the declaration of the principle was hailed with unbounded applause by the British Parliament. Mr. Brougham declared—

"That no event had ever created greater joy, exultation, and gratitude among all the freemen in Europe; that he felt pride in being connected by blood and language with the people of the United States; that the policy disclosed by the message became a great, a free, and independent nation; and that he hoped his own country would be prevented by no mean pride or petty jealousy from following so noble and glorious an example."

This principle, thus promulgated to the world, became a cherished part of the public law which was to govern the relations of this country with the nations of Europe.

By what strange infatuation Mr. Clayton was ever induced to make the treaty in 1850, known as the Clayton-Bulwer treaty, or how the Senate came to approve it, it is impossible to conceive. The Father of his Country had warned us to beware of entangling alliances. Surely this was one. Intending to put an end to British acquisitions in Central America, even according to our construction of it, it at the same time placed an obstacle insuperable, as long as it shall remain in force, to our own advance in that quarter. Meaning to apply the Monroe doctrine to Great Britain, it in reality applied it to us.

Important as was the aspect of the Central American question at that day, involving the most direct communication between the two great oceans, yet it did not appear to possess the vital interest it now does. Although we had acquired California, her population was small and her resources undeveloped; although gold was known to exist, the rich streams of the precious metals which have since been poured from her cornucopia into the laps of the older States had scarce begun to flow. Now, the shortest, the best, and most expeditious route over the isthmus is absolutely indispensable to the very possession and well-being of our Pacific domain; and we would be justified, by that great law of necessity which is at the foundation of and beyond all human laws, even to seize upon, if there were no other remedy, any portion of Central America that might be required to afford a safe, certain, and quick connection with the Pacific.

This treaty, condemned by the whole country, wherever an expression has been made—the Monroe doctrine, in express terms, made a part of the Cincinnati platform, and adopted as a fundamental principle of the party that elected him—President Buchanan, in the first message he sent to the Congress of the United States, expressed himself in the strongest terms in favor of abrogating. He thought it ought to have been done promptly and long ago. He informed us, at the same time, that overtures had indeed been made by Great Britain, in a friendly spirit, for the purpose of adjusting the difficulty arising out of the different constructions put upon the treaty by the two countries, upon which result he was not prepared to express an opinion. *He did not inform us that the object of the overtures referred to was the absolute abrogation of the treaty.* The majority of the Committee on Foreign Affairs of this House, entertaining the fullest confidence in the sincerity of the President, looking to the principle of Mr. Monroe's message as the sense of the country, and his own opinion expressed in the most solemn manner, offered, early in the last session a resolution, almost in the very language of the message, requesting the President to take such steps as might be, in his judgment, best calculated to effect a speedy abrogation of the treaty. It was not the design of the committee to interfere in any manner with the treaty-making power; but simply that this House should express its opinion sustaining and upholding that of the President. Some of those opposed to any action on the subject, urged that it would be transcending its proper sphere to express its opinion. I, for one, entirely deny any such doctrine. I utterly repudiate it. I believe one of the very purposes for which Representatives come here biennially, fresh from the people, is to give expression to the true sense of the country upon any and all subjects of public interest. Although the resolution has not yet been passed, the vote upon its engrossment conclusively showed the opinion of a majority of the Representatives of the people.

In his message of this session, the President informs us that the cloud which had hung over the purposes of one of the British Ministers has been raised. We are told that he has proceeded to Central America to negotiate a surrender of the claims of his country to her assumed sovereignty and protectorate in that region. Sir, whilst I am now, and expect to be until it is accomplished, as much in favor of the entire abrogation of a treaty which I regard as a disgrace to this country, as the assertion of the principle of the Monroe doctrine was regarded an honor and a glory even by British statesmen, yet I am not unwilling to await the result of the pending negotiations; confessing, however, an utter want of faith in any British diplomacy which assumes to have for its object the abandonment of a claim to one foot of territory; and which, I feel sure, will be justified by the event of that now being conducted by his Excellency Sir William Gore Ouseley.

I come now, sir, to the second branch of my subject—the slave trade, and our engagements to Great Britain for its suppression. I believe that with the slave trade to any part of the continent, except to her own colonies, England has nothing whatever to do. It is my opinion that the course

pursued by her on the subject is a direct interposition in the affairs of this continent which she has no right to make; and, moreover, that that portion of the treaty of Washington, ratified the 22d March, 1842, relative to the slave trade, and binding us in engagements to Great Britain, constitutes an alliance in the highest degree entangling. I refer to the eighth article of the treaty. It stipulates—

"That each of the nations shall prepare, equip, and maintain in service on the coast of Africa, a sufficient and adequate squadron or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce separately and respectively the laws, rights, and obligations of each of the two countries, for the suppression of the slave trade; but the two Governments stipulating nevertheless to give such orders to the officers commanding their respective forces as shall enable them most effectually to act in concert and cooperation."

The effect of this engagement has been and is, that whilst we do not desire the introduction of slaves from the coast of Africa into this country, and which it is believed has never been done, unless, perhaps, in the case now undergoing judicial investigation, our laws declaring it to be piracy, we are forced, under this article of the treaty, to maintain at vast expense on the coast of Africa a squadron equal to about one seventh of our whole force in commission, at the imminent risk of life to our officers and men, to prevent the introduction of slaves into countries which perhaps desire to have them, and with whose internal policy we have nothing to do; thus, at the very time when the majority of the people of the United States have declared that this Government will not intervene upon the subject of slavery in our own territory, continuing a direct intervention thereupon in foreign countries. The worst consequences, consequences endangering the peace of the civilized world, have been the result of this entangling alliance. That our ships have been and are almost daily visited on the coast of Africa, by British cruisers, is a fact that can be easily established; and it was only last year, when our flag, repeatedly insulted within sound of cannon of our own shores, aroused the country to such a pitch that the nation was ready to spring to arms.

Whilst announcing myself opposed to the slave trade for our own country, and willing to see proper laws passed for its prevention to our own shores, I confess that I am not opposed to it on the score of humanity, believing the condition of the negro slaves in the United States to be far better and happier than is that of the African race in any other portion of the world. It is on account of the white race, and upon grounds of expediency, that I base my opposition to a reopening of the slave trade.

Does any one acquainted with the subject believe that England really desires to suppress the trade? I certainly do not. It is true that under the influence of Wilberforce and others, she at one time adopted a policy which desolated some of the finest of the West India Islands—a policy which, ever since its results have been fully developed, she has been sedulously endeavoring to repair, by the introduction of a new class of slaves, whose condition of slavery is far worse than that of those whom she emancipated; and such has now become the sentiment upon the subject in Europe, that even the eloquence of the Earl of Carlisle, who is now endeavoring to play the worn-out *rôle* of Wilberforce, cannot again excite the nation against its interests. I believe, sir, that it is now part of the policy of Great Britain, whilst appearing to desire to suppress the slave trade, in reality that it shall continue. How does her cooly system, and her negro-apprentice system, differ from the most unlimited slavery, except in the horrible feature which they assert, that when they have exhausted the energies of the man, they send him back to starve and die in the country from which they forced him. I assert my belief that she desires a continuance of the slave trade, and for two purposes; to give employment and prize money to her seamen, and to obtain apprentices for her colonies. It is a fact not known to every one, that for every slave taken by a British cruiser she receives five pounds, or about twenty-four dollars, and a like sum for every ton the vessel measures. And what becomes of the miserable slave? Is he taken back to the country from which he came, as we send back to Africa those captured by our cruisers? Not at all? The slave ships are taken either to Sierra Leone or to St. Helena, and the slaves, often without even being landed, are reshipped on board of British transports and sent to Demerara, Berbice, and her West India Islands, and apprenticed for a limited number of years. But the instances of their ever getting back to Africa are so rare as scarcely to form exceptions to the rule.

If Great Britain really wished to put a stop to the slave trade, it is believed that she could easily accomplish it. The trade is now principally carried on from the river Congo, and from the near vicinity of her own possessions on the coast of Africa. Those who are best acquainted with the subject, assert that a few forts, block-houses, at the mouth of that river, and in other localities where slaves are obtained, five hundred free blacks and a few white officers would effectually put a stop to it. But then her seamen would lose their prize money, and she her ten-year apprentices, which cost her only twenty-five dollars a head. She would lose, too, a large part of that commerce which is beginning to be by no means inconsiderable to us, and which the conduct of her cruisers threaten to destroy. The files of the State Department are full of claims against her for indemnity for illegal seizures of vessels, upon the veriest pretexts of being engaged in the slave-trade.

Sir, it is fortunate for us that the eleventh article of the same treaty of Washington places it in our power to put an end to the obligations of the eighth, whenever we may choose to do so. It provides that "the eighth article shall be in force five years from the date of the exchange of the ratification of the treaty, and afterwards, until one or other of the parties shall signify a wish to terminate it." I believe it is the true policy of this Government at once to give notice of such desire, because, as I have said, it is against a declared principle of the United States, and because, if we even wish to continue a police of the African coast, on our own account, we can do so with a few steamers, at far less cost than with a naval force of eighty guns.

Mr. Chairman, it is with the highest satisfaction that I hailed that portion of the last annual message of the President upon the subject of the acquisition of the Island of Cuba. I believe, sir, that there is no subject of our foreign relations whatever at all to compare with it; and it is somewhat remarkable that whilst the statesmen of this country have differed upon questions of the acquisition of all other portions of territory since the foundation of the Government, there has been but one opinion as to this. Florida, Louisiana, Texas, California, and New Mexico, all have had their opponents; we were even willing to yield something of our claims upon our northwest boundary; but no one has for a moment doubted the vital necessity to us of the acquisition of Cuba; each day becoming more apparent.

Sir, it is not upon the ground which has been so eloquently adverted to by many gentlemen on this floor, the great wealth and extreme fertility of the island, that I base my ardent desire that it shall be acquired by the United States. Arguments of that sort, addressed to cupidity, are, in my judgment, unworthy the consideration of a great nation. It is because Cuba has been placed by the Maker of all things in such a position upon the earth's surface as to make its possession by the United States a geographical and political necessity; and if she were a mere barren rock like Gibraltar, I would as earnestly desire its acquisition as now. Instead of referring to its commerce and its resources, let us take but a single glance at our own, which this island, by its position, in the event of difficulty with Spain, or with any country with which she is in close alliance, effectually commands.

Of all the regions of the earth, with its Anglo-Saxon race, its immense fertility, and its vast surface, the valley of the Mississippi, if not today the most important in agricultural productions, is destined soon to be beyond all comparison. With one thousand miles from New Orleans to St. Louis, two thirds of the distance the finest cotton land on the globe; above St. Louis, with fifteen hundred miles on each of the two rivers, the Missouri and the Mississippi, over which settlement and cultivation has extended, or is rapidly extending; one thousand miles for the Ohio, which waters the very heart of the present agriculture of these States, to say nothing of the vast extent of the other rivers which flow into them; what an empire in this valley is exhibited to the world! I have no time to go into statistical statements; the importance of the subject is too vast for ordinary figures. The cotton interest alone, with its millions of bales, whose production has sprung up in a life-time, has assumed such importance that the very life-blood of England depends upon it. "Cotton is king," says a Senator from South Carolina. Whilst I am not willing to admit this dogma, yet neither you nor I, sir, nor the world beside us, can close our eyes to the immense importance of the staple—morally, socially, and politically. When we add to cotton, sugar, and grain, the animal products of this great valley, which pass either coastwise or to foreign countries through the mouth of the Mississippi; when we consider how they must all be increased and magnified even during our lives, should it please Providence to spare us to the ordinary term of human life, what a spectacle is presented to the forecast of the statesman!

In addition to the valley of the Mississippi, Texas, one of the young daughters of the Republic, is already beginning to loom up as one of the richest of the States; Alabama, with her great resources, finding chiefly an outlet from her port of Mobile. These interests, whose territory circles one half the Gulf, are but a part of the enumeration. All our commerce with our Pacific States, before you and I are dead, sir—most probably the commerce of the Indies—will pass through the Caribbean sea. All this, sir, all, must pass within gun-shot almost, of the Island of Cuba. From the Florida capes to the island, and from the island to the nearest point of Yucatan, the distance is about the same, less than one hundred and thirty miles. All the commerce of the Gulf must pass between one or the other of these channels. A few small steamers of war, quietly brought together, and suddenly thrown across each channel, never out of sight of each other, could, in a time shorter than would be necessary to send a force to sweep them from the seas, produce such havoc and destruction of our commerce from the Gulf alone, as even the wealth of the Island of Cuba could not reimburse. So well was the importance of the geographical position of Cuba understood by our older statesmen, that, thirty-odd years ago, in the celebrated Panama instructions, this language was used:

"No Power, not even Spain herself, has, in such a variety of forms, so deep an interest in its future fortunes as the United States."

Mr. Webster was afraid to trust himself to speak upon the subject. Sir, times have changed. In 1826 we were a weak country; our population was less than twelve millions. If our statesmen at that day had the courage to hold the language they did, how ought we to speak now, with near thirty millions of people, every day increasing in a degree far beyond the laws of natural increase, and with power and resources which place us in the first rank of the nations of the earth? Sir, the march of our destiny is onward. Shall we be untrue to our sires who gave the propulsion? Cuba is necessary to our well-being and to our continued prosperity. General Jackson is reported to have said, on some occasion, "that men made the constitutions of countries, but God made the geography." So men make what is called the law of nations, from the necessities of States, but God makes the geography which controls the necessity. We must have Cuba, from a necessity which the Maker of the world has created.

Our foreign policy has ever been weak and timid. England and France, the two great Powers of Europe, nearest to us, who have assumed the right to declare to the rest of the world what shall be the true construction of the law of nations, have never been restrained for an instant by its requirements in their purposes of aggrandizement. Look at India, the pages of whose story are blotted all over with blood. Who that reads the English language can ever forget the impeachment of Warren Hastings, conducted by the ablest minds England ever produced? What an

array there was against him—Burke and Fox and Sheridan! Even the great Pitt, although premier, abandoning him in the hour of his need. Notwithstanding his crimes, his breaches of every law, against the might of the most powerful prosecution ever brought to bear against mortal man, he was finally acquitted, upon the ground that the services he had rendered to his country in the acquisition of vast treasure and of territory were acts of necessity, justified on that ground alone. From that time to the present, England has marched on steadily to the acquisition of whatever she desired in India, regardless of all law, and with accompaniments that cause the mind to shudder at their atrocity.

Has France done better? Look only at Algeria, to say nothing of the principles which governed the elder Napoleon in his ideas of universal conquest. Up to 1815, all the Powers of Europe, and even the United States, had assented to the exactions of the Dey in the form of tribute paid. In 1815, the Americans captured an Algerine frigate, and compelled the Dey to renounce all exactions, and to pay an indemnity of $60,000. In 1816, Algiers was bombarded by English and Dutch ships; their fleets and arsenal destroyed; a heavy sum was exacted, and the Dey compelled to sign a treaty by which the enslaving of Christians was abolished.

All this was just and right. How did France bear herself? This country of Algeria was known in many parts to be rich and beautiful; the French became desirous to repair the dismemberment of their colonial possessions by reducing it to a province. In the language of the historian:

"They desire to rival, if not eclipse, the splendor of England in the East. They needed new space upon which to plant their overflowing population. Already the speculator fancied himself in possession of the rich plain of the Metiaja, and the orange gardens of Koliah and Blidah."

She had been insulted time and again; her subjects enslaved, compelled with the other nations of Europe to pay tribute. All this she bore, seeking sometimes, indeed, partial redress, until she thought it *necessary* to her to possess the country; then a pretext was to be found. In 1827, European diplomacy, which had borne insult, slavery, tribute, easily found it; and a *casus belli*, perfectly legitimate, was discovered. One day, an old, irascible, half civilized, half barbarous Bey, gave way to a perhaps momentary exhibition of passion, and so far forgot the dignity of his three tails, and his safety, as to strike a French consul across the face with a fly brush he held in his hand. Instantly the dogs of war were let loose; scenes were enacted such as would disgrace American savages; on one occasion five or six hundred Moors were suffocated in the cavern of Dahra, with smoke applied by the French troops. France, *la belle et la glorieux*, thus proceeded to avenge the wounded dignity of her consul, and to acquire a province which she has ever since held and now holds.

Sir, these are the nations to whom we are constantly referred for construction of that national law which is so much talked off. The two examples I have referred to, India and Algeria, both of modern times, show the principle of the law which governs them when their interest is at stake. No sooner is it proposed that we shall pursue their line of policy, and their construction, than instantly we are threatened with Anglo-French alliances, and all the cannon of the allies are made to thunder in our ears. Sir, I have no language to express the contempt I feel for such arguments addressed to the American people. I desire to see no wrong done to Great Britain or to France. It is their true interest, as it is ours, to maintain the most friendly relations. I would be the last person to desire recklessly to plunge this country into war with these two great nations. But we fear them not, nor any alliance they may make or have made to stand in the path of our prosperity. Alliance can be met by counter-alliance; and France, our old ally, cannot forget the day when combinations against her caused the Cossack to bivouac in the gardens of the Tuileries.

Mr. Chairman, in addition to the practice of the great Powers of the Old World upon the principle of necessity, I find high sanction for my position in the opinions of American statesmen. As long ago as 1810, in his speech on the line of the Perdido, Mr. Clay asserted the doctrine. I quote his language:

"I have no hesitation in saying, that if a parent country will not, or cannot, maintain its authority in a colony adjacent to us, and there exists in it a state of misrule and disorder menacing our peace; and if, moreover, such colony, by passing into the hands of any other Power would become dangerous to the integrity of the Union, and manifestly tend to the subversion of our laws, we have a right, upon the eternal principles of self-preservation, to lay hold upon it."

Mr. Webster, in his great speech upon the Panama mission, went still further directly in reference to Cuba. Said he:

"Who has estimated, or who can estimate the effect of any change which should place this Island in other hands, subject it to new rules of commercial intercourse, *or connect it with objects of a different and still more dangerous nature?*"

Upon the principle of necessity and self-preservation, he went a greater length than any other. He thought that we ought not to wait until the event came without declaring our sentiments upon subjects important to our rights and interests:

"If we have (said he) a subsequent right to complain, we have a previous right, equally clear, of protesting. *And if the evil be one which, when it comes, will allow us to apply a remedy, it is not only allowed to us, but makes it our duty to apply prevention.*"

Sir, upon the principle of necessity and self-preservation, which has so often governed the conduct of England and of France, and which has been asserted time and again by our own statesmen, if Cuba stand in the way of our continued advancement and prosperity, geographically placed in such a position as constantly to threaten the safety of our commerce; if, moreover, Spain has entered into alliances with European Powers, by which they guaranty a protectorate of the Island, inconsistent with our declared principles on the subject of foreign intervention; I am free to express my opinion that it is not only our right, but our duty, to possess ourselves of it by any means in our power. But, sir, whilst I believe these conditions exist, and that they will every day become more apparent, I have no doubt as to the true policy of this Government to avoid conflict, if possible, and to acquire peacefully if we can. I am therefore content, whilst I fear nothing can be accomplished in that mode, to wait until the Executive has exhausted every effort of diplomacy for the acquisition of the Island, and shall give the bill reported to this House from the Committee on Foreign Affairs my cordial and hearty support.

Sir, expecting shortly to retire from the public service, I have desired, upon the last occasion on which I will probably ever address this body at any length, to place my opinion upon the important topics I have touched on, upon the records of the country. I congratulate myself that I have found an opportunity to do so.

ACQUISITION OF CUBA.

IN THE SENATE,

JANUARY 24, 1859.

Mr. SLIDELL made the following report, (to accompany bill S. No. 497:)

The Committee on Foreign Relations, to whom was referred the bill (S. No. 497) making appropriations to facilitate the acquisition of the Island of Cuba, by negotiation, have had the same under consideration, and now respectfully report:

It is not considered necessary by your committee to enlarge upon the vast importance of the acquisition of the Island of Cuba by the United States. To do so would be as much a work of supererogation as to demonstrate an elementary problem in mathematics, or one of those axioms of ethics or philosophy which have been universally received for ages. The ultimate acquisition of Cuba may be considered a fixed purpose of the United States—a purpose resulting from political and geographical necessities which have been recognized by all parties and all Administrations; and in regard to which the popular voice has been expressed with a unanimity unsurpassed on any question of national policy that has heretofore engaged the public mind.

The purchase and annexation of Louisiana led, as a necessary corollary, to that of Florida, and both point with unerring certainty to the acquisition of Cuba. The sparse and feeble population of what is now the great West, called in 1800 for the free navigation of the Mississippi, and the enforcement of the right of deposit at New Orleans. In three years not only were these privileges secured, but the whole of the magnificent domain of Louisiana was ours. Who now doubts the wisdom of a measure which, at the time, was denounced with a violence until then unparalleled in our political history?

From the day we acquired Louisiana, the attention of our ablest statesmen was fixed on Cuba. What the possession of the mouth of the Mississippi had been to the people of the West, that of Cuba became to the nation. To cast the eye upon the map was sufficient to predict its destiny. A brief reference will show the importance attached to the question by our leading statesmen, and the steadiness and perseverance with which they have endeavored to hasten the consummation of so vital a measure.

Mr. Jefferson, in a letter to President Madison, of the 27th April, 1809, speaking of the policy that Napoleon would probably pursue towards us, says:

"He ought to be satisfied with having forced her [Great Britain] to revoke the orders on which he pretended to retaliate, and to be particularly satisfied with us, by whose unyielding adherence to principle she has been forced into the revocation. He ought the more to conciliate our good will, as we can be such an obstacle to the new career opening on him in the Spanish colonies. That he would give us the Floridas to withhold intercourse with the residue of those colonies, cannot be doubted. But that is no price, because they are ours in the first moment of the first war, and until a war they are of no particular necessity to us. But, although with difficulty, he will consent to our receiving Cuba into our Union, to prevent our aid to Mexico and the other provinces. That would be a price, and I would immediately erect a column on the southernmost limit of Cuba and inscribe on it a *ne plus ultra* as to us in that direction. We should then have only to include the north in our Confederacy, which would be, of course, in the first war, and we should have such an empire for liberty as she has never surveyed since the creation; and I am persuaded no Constitution was ever before so well calculated as ours for extensive empire and self-government."

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"It will be objected to our receiving Cuba, that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it."

Again, in writing to President Monroe on the 23d June, 1823, he says:

"For certainly her addition to our Confederacy is exactly what is wanting to advance our power as a nation to the point of its utmost interest."

And in another letter to the same, on the 24th October, 1823, he says:

"I candidly confess that I have ever looked on Cuba as the most interesting addition which could ever be made to our system of States. The control which, with Florida Point, this island would give us over the Gulf of Mexico, and the countries and isthmus bordering on it, would fill up the measure of our political well being."

John Quincy Adams, while Secretary of State under Mr. Monroe, in a dispatch to Mr. Nelson, our Minister at Madrid, of the 28th April, 1823, says:

"In the war between France and Spain, now commencing, other interests, peculiarly ours, will, in all probability, be deeply involved. Whatever may be the issue of this war as between those two European Powers, it may be taken for granted that the dominion of Spain upon the American continents, north and south, is irrevocably gone. But the islands of Cuba and Porto Rico still remain nominally and so far really dependent upon her, that she yet possesses the power of transferring her own dominion over them, together with the possession of them, to others. These islands, from their local position and natural appendages to the North American continent, and one of them, Cuba, almost in sight of our shores, from a multitude of considerations, has become an object of transcendent importance to the commercial and political interests of our Union. Its commanding position, with reference to the Gulf of Mexico and the West India seas, the character of its population, its situation midway between our southern coast and the Island of St. Domingo, its safe and capacious harbor of the Havana, fronting a long line of our shores destitute of the same advantage, the nature of its productions and of its wants, furnishing the supplies and needing the returns of a commerce immensely profitable and mutually beneficial, give it an importance in the sum of our national interests with which that of no other foreign territory can be compared, and little inferior to that which binds the different members of this Union together. Such, indeed, are, between the interests of that island and of this country, the geographical, commercial, moral, and political relations formed by nature, gathering in the process of time, and even now verging to maturity; that, in looking forward to the probable course of events, for the short period of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the con-

tinuance and integrity of the Union itself. It is obvious, however, that for this event we are not yet prepared. Numerous and formidable objections to the extension of our territorial dominions beyond sea, present themselves to the first contemplation of the subject; obstacles to the system of policy by which alone that result can be compassed and maintained, are to be foreseen and surmounted, both from at home and abroad; but there are laws of political, as well as of physical gravitation; and if an apple, severed by the tempest from its native tree, cannot choose but fall to the ground, Cuba, forcibly disjoined from its own unnatural connection with Spain, and incapable of self-support, can gravitate only towards the North American Union, which, by the same law of nature, cannot cast her off from its bosom.

"The transfer of Cuba to Great Britain would be an event unpropitious to the interests of this Union. This opinion is so generally entertained, that even the groundless rumors that it was about to be accomplished, which have spread abroad, and are still teeming, may be traced to the deep and almost universal feeling of aversion to it, and to the alarm which the mere probability of its occurrence has stimulated. The question both of our right and of our power to prevent it, if necessary by force, already obtrudes itself upon our councils, and the Administration is called upon, in the performance of its duties to the nation, at least to use all the means within its competency to guard against and forefend it."

On April 27, 1825, Mr. Clay, Secretary of State, in a dispatch to Mr. A. H. Everett, our Minister at Madrid, instructing him to use his exertions to induce Spain to make peace with her revolted colonies, says:

"The United States are satisfied with the present condition of those islands (Cuba and Porto Rico) in the hands of Spain, and with their ports open to our commerce, as they are now open. This Government desires no political change of that condition. The population itself of the islands is incompetent at present, from its composition and its amount, to maintain self-government. The maritime force of the neighboring republics of Mexico and Colombia is not now, nor is it likely shortly to be, adequate to the protection of those islands, if the conquest of them were effected. The United States would entertain constant apprehensions of their passing from their possession to that of some less friendly sovereignty; and of all the European Powers, this country prefers that Cuba and Porto Rico should remain dependent on Spain. If the war should continue between Spain and the new republics, and those islands should become the object and the theater of it, their fortunes have such a connection with the prosperity of the United States, that they could not be indifferent spectators; and the possible contingencies of such a protracted war might bring upon the Government of the United States duties and obligations, the performance of which, however painful it should be, they might not be at liberty to decline."

Mr. Van Buren, writing to Mr. Van Ness, our Minister to Spain, October 2, 1829, says:

"The Government of the United States has always looked with the deepest interest upon the fate of those islands, but particularly of Cuba. Its geographical position, which places it almost in sight of our southern shores, and, as it were, gives it the command of the Gulf of Mexico and the West India seas; its safe and capacious harbors; its rich productions, the exchange of which, for our surplus agricultural products and manufactures, constitutes one of the most extensive and valuable branches of our foreign trade; render it of the utmost importance to the United States that no change should take place in its condition which might injuriously affect our political and commercial standing in that quarter. Other considerations, connected with a certain class of our population, make it the interest of the southern section of the Union that no attempt should be made, in that island, to throw off the yoke of Spanish dependence; the first effect of which would be the sudden emancipation of a numerous slave population, the result of which could not but be very sensibly felt upon the adjacent shores of the United States. On the other hand, the wisdom which induced the Spanish Government to relax in its colonial system, and to adopt, with regard to those islands, a more liberal policy, which opened their ports to general commerce, has been so far satisfactory, in the view of the United States, as, in addition to other considerations, to induce this Government to desire that their possession should not be transferred from the Spanish Crown to any other Power. In conformity with this desire, the ministers of the United States at Madrid have, from time to time, been instructed attentively to watch the course of events and the secret springs of European diplomacy, which, from information received from various quarters, this Government had reason to suspect had been put in motion to effect the transfer of the possession of Cuba to the powerful allies of Spain.

"You are authorized to say that the long-established and well-known policy of the United States, which forbids their entangling themselves in the concerns of other nations, and which permits their physical force to be used only for the defense of their political rights and the protection of the persons and property of their citizens, equally forbids their public agents to enter into positive engagements, the performance of which would require the employment of means which the people have retained in their own hands; but that this Government has every reason to believe that the same influence which once averted the blow ready to fall upon the Spanish islands would again be found effectual on the recurrence of similar events; and that the high preponderance in American affairs of the United States as a great naval Power, the influence which they must at all times command as a great commercial nation, in all questions involving the interests of the general commerce of this hemisphere, would render their consent an essential preliminary to the execution of any project calculated so vitally to affect the general concerns of all the nations in any degree engaged in the commerce of America. The knowledge you possess of the public sentiment of this country in regard to Cuba, will enable you to speak with confidence and effect of the probable consequences that might be expected from the communication of that sentiment to Congress, in the event of any contemplated change in the present political condition of that island."

And again, on the 13th of October, 1830:

"This Government has also been given to understand that, if Spain should persevere in the assertion of a hopeless claim to dominion over her former colonies, they will feel it to be their duty, as well as their interest, to attack her colonial possessions in our vicinity, Cuba and Porto Rico. Your general instructions are full upon the subject of the interest which the United States take in the fate of those islands, and particularly of the former; they inform you that we are content that Cuba should remain as it now is, but could not consent to its transfer to any European Power. Motives of reasonable State policy render it more desirable to us that it should remain subject to Spain rather than to either of the South American States. Those motives will readily present themselves to your mind; they are principally founded upon an apprehension that, if possessed by the latter, it would, in the present state of things, be in greater danger of becoming subject to some European Power than in its present condition. Although such are our own wishes and true interests, the President does not see on what ground he would be justified in interfering with any attempts which the South American States might think it for their interest, in the prosecution of a defensive war, to make upon the islands in question. If, indeed, an attempt should be made to disturb them, by putting arms in the hands of one portion of their population to destroy another, and which in its influence would endanger the peace of a portion of the United States, the case might be different. Against such an attempt the United States (being informed that it was in contemplation) have already protested and warmly remonstrated, in their communications last summer with the Government of Mexico; but the information lately communicated to us in this regard, was accompanied by a solemn assurance that no such measures will, in any event, be resorted to; and that the contest, if forced upon them, will be carried on, on their part, with strict reference to the established rules of civilized warfare."

Mr. Buchanan, in his dispatch to Mr. R. M. Saunders, of June 17, 1848, said:

"With these considerations in view, the President believes that the crisis has arrived when an effort should be made to purchase the Island of Cuba from Spain, and he has determined to intrust you with the performance of this most delicate and important duty. The attempt should be made, in the first instance, in a confidential conversation with the Spanish Minister for Foreign Affairs; a written offer might produce an absolute refusal in writing, which would embarrass us hereafter in the acquisition of the island. Besides, from the incessant changes in the Spanish Cabinet and policy, our desire to make the purchase might thus be made known in an official form to foreign Governments, and arouse their jealousy and active opposition. Indeed, even if the present Cabinet should think favorably of the proposition, they might be greatly embarrassed by having it placed on record; for, in that event, it would almost certainly, through some channel, reach the Opposition, and become the subject of discussion in the Cortes. Such delicate negotiations, at least in their incipient stages, ought always to be conducted in confidential conversation, and with the utmost secrecy and dispatch.

"At your interview with the Minister for Foreign Affairs you might introduce the subject by referring to the present distracted condition of Cuba, and the danger which exists that the population will make an attempt to accomplish a revolution. This must be well known to the Spanish Government. In order to convince him of the good faith and friendship towards Spain with which this Government has acted, you might read to him the first part of my dispatch to General Campbell, and the order issued by the Secretary of War to the commanding general in Mexico, and to the officers having charge of the embarkation of our troops at Vera Cruz. You may then touch delicately upon the danger that Spain may lose Cuba by a revolution in the island, or that it may be wrested from her by Great Britain, should a rupture take place between the two countries, arising out of the dismissal of Sir Henry Bulwer, and be retained to pay the Spanish debt due to the British bond-holders. You might assure him that, whilst this Government is entirely satisfied that Cuba shall remain under the dominion of Spain, we should in any event resist its acquisition by any other nation. And, finally, you might inform him that, under all these circumstances, the President had arrived at the conclusion that Spain might be willing to transfer the island to the United States for a fair and full consideration. You might cite as a precedent, the cession of Louisiana to this country, by Napoleon, under somewhat similar circumstances, when he was at the zenith of his power and glory. I have merely presented these topics in their natural order, and you can fill up the outline from the information communicated in this dispatch, as well as from your own knowledge of the subject. Should the Minister for Foreign Affairs lend a favorable ear to your proposition, then the question of the consideration to be paid would arise, and you have been furnished with information in this dispatch which will enable you to discuss that question.

"The President would be willing to stipulate for the payment of $100,000,000. This, however, is the maximum price; and if Spain should be willing to sell, you will use your best efforts to purchase it at a rate as much below that sum as practicable. In case you should be able to conclude a treaty, you may adopt as your model, so far as the same may be applicable, the two conventions of April 30, 1803, between France and the United States, for the sale and purchase of Louisiana. The seventh and eighth articles of the first of these conventions ought, if possible, to be omitted; still, if this should be indispensable to the accomplishment of the object, articles similar to them may be retained."

Mr. Everett, in his celebrated letter of December 1, 1852, to the Comte de Sartiges, rejecting the joint proposition of the French and British Governments for a tripartite convention with the United States, disclaiming, severally and collectively, all intention to obtain possession of the Island of Cuba, and respectively binding themselves to discountenance all attempts to that effect on the part of any Power or individuals whatever, said:

"Spain, meantime, has retained of her extensive dominions in this hemisphere but the two Islands of Cuba and Porto Rico. A respectful sympathy with the fortunes of an ancient ally and a gallant people, with whom the United States have ever maintained the most friendly relations, would, if no other reason existed, make it our duty to leave her in the undisturbed possession of this little remnant of her mighty transatlantic empire. The President desires to do so. No word or deed of his will ever question her title or shake her possession. But can it be expected to last very long? Can it resist this mighty current in the fortunes of the world? Is it desirable that it should do so? Can it be for the interest of Spain to cling to a possession that can only be maintained by a garrison of twenty-five or thirty thousand troops, a powerful naval force, and an annual expenditure for both arms of the service of at least $12,000,000? Cuba, at this moment, costs more to Spain that the entire naval and military establishment of the United States costs the Federal Government. So far from being really injured by the loss of this island, there is no doubt that, were it peacefully transferred to the United States, a prosperous commerce between Cuba and Spain, resulting from ancient associations and common language and tastes, would be far more productive than the best-contrived system of colonial taxation. Such, notoriously, has been the result to Great Britain of the establishment of the independence of the United States. The decline of Spain from the position which she held in the time of Charles V. is coeval with the foundation of her colonial system; while within twenty-five years, and since the loss of most of her colonies, she has entered upon a course of rapid improvement unknown since the abdication of that emperor."

Mr. Marcy, in his dispatch of July 23, 1853, to Mr. Pierre Soulé, says:

"SIR: There are circumstances in the affairs of Spain, having a connection with this country, which give unusual importance at this time to the mission to that Government. The proximity of her remaining possessions in this hemisphere—the Islands of Cuba and Porto Rico—to the United States, the present condition of the former, and the rumors of contemplated changes in its internal affairs, complicate our relations with Spain. The Island of Cuba, on account of its magnitude, situation, fine climate, and rich productions, far superior in all respects to any in the West India group, is a very desirable possession to Spain, and, for the same reasons, very difficult for her to retain in its present state of dependence. The opinion generally prevails among the European nations that the Spanish dominion over it is insecure. This was clearly evinced by the alacrity with which both England and France, on occasion of the late disturbances in Cuba, volunteered their aid to sustain the Spanish rule over it, and by their recent proposition to the United States for a tripartite convention to guaranty its possession to Spain. Without an essential change in her present policy, such a change as she will most likely be unwilling to make, she cannot, it is confidently believed, long sustain, unaided, her present connection with that island.

"What will be its destiny after it shall cease to be a dependency of Spain, is a question with which some of the principal Powers of Europe have seen fit to concern themselves, and in which the United States have a deep and direct interest.

"I had occasion, recently, in preparing instructions for our Minister to London, to present the views of the President in relation to the interference of Great Britain, as well as of France, in * * * * Cuban affairs. To spare myself the labor of again going over the same ground, I herewith furnish you with an extract from those instructions.

"The policy of the Government of the United States in regard to Cuba, in any contingency calling for our interposition, will depend, in a great degree, upon the peculiar circumstances of the case, and cannot, therefore, now be presented with much precision beyond what is indicated in the instructions before referred to. Nothing will be done on our part to disturb its present connection with Spain, unless the character of that connection should be so changed as to affect our present or prospective security. While the United States would resist at every hazard the transference of Cuba to any European nation, they would exceedingly regret to see Spain resorting to any Power for assistance to uphold her rule over it. Such a dependence on foreign aid would in effect invest the auxiliary with the character of a protector, and give it a pretext to interfere in our affairs, and also generally in those of the North American continent. In case of collision with the United States, such protecting Power would be in a condition to make nearly the same use of that island to annoy us as it could do if it were the absolute possessor of it.

"Our Minister at Madrid, during the administration of President Polk, was instructed to ascertain if Spain was disposed to transfer Cuba to the United States for a liberal pecuniary consideration. I do not understand, however, that it was at the time the policy of this Government to acquire that island, unless its inhabitants were very generally disposed to concur in the transfer. Under certain conditions the United States might be willing to purchase it; but

it is scarcely expected that you will find Spain, should you attempt to ascertain her views upon the subject, at all inclined to enter into such a negotiation. There is reason to believe that she is under obligations to Great Britain and France not to transfer this island to the United States. Were there nothing else to justify this belief but the promptness with which these two Powers sent their naval forces to her aid in the late Cuban disturbances, the proposition for a tripartite convention to guaranty Cuba to Spain, and, what is more significant than either of the above facts, the sort of joint protest by England and France, to which I adverted in my instructions to Mr. Buchanan, against some of the views presented in Mr. Everett's letter of the 2d of December last to Mr. Sartiges, the French Minister, would alone be satisfactory proof of such an arrangement. Independent of any embarrassment of this nature, there are many other reasons for believing that Spain will pertinaciously hold on to Cuba, and that the separation, whenever it takes place, will be the work of violence."

From these and other extracts that might be presented, it is manifest that the ultimate acquisition of Cuba has long been regarded as the fixed policy of the United States—necessary to the progressive development of our system. All agree that the end is not only desirable, but inevitable. The only difference of opinion is as to the time, mode, and conditions of obtaining it.

The law of our national existence is growth. We cannot, if we would, disobey it. While we should do nothing to stimulate it unnaturally, we should be careful not to impose upon ourselves a regimen so strict as to prevent its healthful development. The tendency of the age is the expansion of the great Powers of the world. England, France, and Russia, all demonstrate the existence of this pervading principle. Their growth, it is true, only operates by the absorption, partial or total, of weaker Powers—generally of inferior races. So long as this extension of territory is the result of geographical position, a higher civilization, and greater aptitude for government, and is not pursued in a direction to endanger our safety or impede our progress, we have neither the right nor the disposition to find fault with it. Let England pursue her march of conquest and annexation in India, France extend her dominions on the southern shores of the Mediterranean, and advance her frontiers to the Rhine, or Russia subjugate her barbarous neighbors in Asia; we shall look upon their progress, if not with favor, at least with indifference. We claim on this hemisphere the same privilege that they exercise on the other—

"Hanc veniam petimusque damusque vicissim."

In this they are but obeying the laws of their organization. When they cease to grow, they will soon commence that period of decadence which is the fate of all nations as of individual man.

The question of the annexation of Cuba to the United States, we repeat, is a question but of time. The fruit that was not ripe when John Quincy Adams penned his dispatch to Mr. Forsyth, (it has not yet been severed from its native tree, as he anticipated,) is now mature. Shall it be plucked by a friendly hand, prepared to compensate its proprietor with a princely guerdon? or shall it fall decaying to the ground?

As Spain cannot long maintain her grasp on this distant colony, there are but three possible alternatives in the future of Cuba: First, possession by one of the great European Powers. This we have declared to be incompatible with our safety, and have announced to the world that any attempt to consummate it will be resisted by all the means in our power. When first we made this declaration, we were comparatively feeble. The struggle would have been fearful and unequal; but we were prepared to make it at whatever hazard. That declaration has often been repeated since. With a population nearly tripled, our financial resources and our means, offensive and defensive, increased in an infinitely larger proportion, we cannot now shrink from an issue that all were then ready to meet.

The second alternative is the independence of the island. This independence could only be nominal; it never could be maintained in fact. It would eventually fall under some protectorate, open or disguised. If under ours, annexation would soon follow, as certainly as the shadow follows the substance. An European protectorate could not be tolerated. The closet philanthropists of England and France would, as the price of their protection, insist upon introducing their schemes of emancipation. Civil and servile war would soon follow; and Cuba would present, as Hayti now does, no traces of its former prosperity, but the ruins of its once noble mansions. Its uncontrolled possession by either France or England would be less dangerous and offensive to our southern States than a pretended independent black empire or republic.

The third and last alternative is annexation to the United States. How and when is this to be effected? By conquest or negotiation? Conquest, even without the hostile interference of another European Power than Spain, would be expensive; but, with such interference, would probably involve the whole civilized world in war, entail upon us the interruption, if not the loss, of our foreign trade, and an expenditure far exceeding any sum which it has ever been contemplated to offer for the purchase of Cuba. It would, besides, in all probability, lead to servile insurrection, and to the great injury or even total destruction of the industry of the island. Purchase, then, by negotiation, seems to be the only practicable course; and, in the opinion of the committee, that cannot be attempted with any reasonable prospect of success, unless the President be furnished with the means which he has suggested in his annual message, and which the bill proposes to give him.

Much has been said of the danger of confiding such powers to the Executive; and from the fierceness with which the proposition has been denounced, it might be supposed that it was without precedent. So far is this from being the case, that we have three different acts upon the statute-book, placing large sums of money at the disposition of the President for the purpose of aiding him in negotiations for the acquisition of territory. The first is the act of February 26, 1803. Although its object was well known, namely: to be used in negotiating for the purchase of Louisiana, the act does not indicate it. It placed two million dollars unreservedly at the disposition of the President, for the purpose of defraying any "extraordinary expense which may be incurred in the intercourse between the United States and foreign nations." Second. The act of February 13, 1806, using precisely the same phraseology, appropriates two million dollars, it being understood that it was to be used in negotiating for the purchase of Florida.

The act of 3d March, 1847, "making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion," has been adopted as the model on which the present bill is framed. Its preamble states that—

"Whereas, in the adjustment of so many complicated questions as now exist between the two countries, it may possibly happen that an expenditure of money will be called for by the stipulations of any treaty which may be entered into: Therefore, the sum of $3,000,000 be, and the same is hereby, appropriated, to enable the President to conclude a treaty of peace, limits, and boundaries, with the Republic of Mexico; to be used by him in the event said treaty, when signed by the authorized agents of the two Governments, and duly ratified by Mexico, shall call for the expenditure of the same, or any part thereof."

The bill now reported appropriates, under the same conditions, $30,000,000 to make a treaty with Spain for the purchase of the Island of Cuba.

It will be perceived that this bill defines strictly the object to which the amount appropriated shall be applied; and in this respect allows a much narrower range of discretion to the present Executive than the acts of 1803 and 1806 gave to Mr. Jefferson. In those cases the object of the appropriation was as well known to the country and to the world, as if it had been specifically stated. The knowledge of that fact did not then in the slightest degree tend to defeat the intended object, nor can it do so now. Under our form of Government we have no state secrets. With us, diplomacy has ceased to be enveloped with the mysteries that of yore were considered inseparable from its successful exercise. Directness in our policy, and frankness in its avowal, are, in conducting our foreign intercourse, not less essential to the maintenance of our national character and the permanent interests of the Republic than are the same qualities to social position and the advancement of honest enterprise in private life.

Much has been said of the indelicacy of this mode of proceeding. That the offer to purchase will offend the Spanish pride, be regarded as an insult, and rejected with contempt; that instead of promoting a consummation that all admit to be desirable, it will have the opposite tendency. If this were true, it would be a conclusive argument against the bill; but a brief consideration will show the fallacy of these views. For many years, our desire to purchase Cuba has been known to the world. Seven years since, President Fillmore communicated to Congress the instructions to our ministers on that subject, with all the correspondence connected with it. In that correspondence will be found three letters from Mr. Saunders, detailing conversations held with Narvaez and the Minister of Foreign Relations, in which he notified them of his authority to treat for the purchase of Cuba; and while the reply was so decided as to preclude him from making any direct proposition, yet no intimation was given that the suggestion was offensive. And why should it be so? We simply say to Spain, you have a distant possession, held by a precarious tenure, which is almost indispensable to us for the protection of our commerce, and may, from its peculiar position, the character of its population, and the mode in which it is governed, lead, at any time, to a rupture which both nations would deprecate. This possession, rich though it be in all the elements of wealth, yields to your treasury a net revenue not amounting, on the average of a series of years, to the hundredth part of the price we are prepared to give you for it. True, you have heretofore refused to consider our proposition; but circumstances are changing daily. What may not have suited you in 1848, may now be more acceptable. Should a war break out in Europe, Spain can scarcely hope to escape being involved in it. The people of Cuba naturally desire to have a voice in the government of the island. They may seize the occasion to proclaim their independence, and you may regret not having accepted the rich indemnity we offer.

But even these arguments will not be pressed upon unwilling ears. Our minister will not broach the subject until he shall have good reason to believe that it will be favorably entertained. Such an opportunity may occur when least expected. Spain is the country of *coups d'etat* and pronunciamentos. The all-powerful minister of to-day may be a fugitive to-morrow. With the forms of a representative government, it is, in fact, a despotism sustained by the bayonet; a despotism tempered only by frequent, violent, and bloody revolutions. Her financial condition is one of extreme embarrassment. A crisis may arise when even the dynasty may be overthrown unless a large sum of money can be raised forthwith. Spain will be in the position of the needy possessor of land he cannot cultivate, having all the pride of one to whom it has descended through a long line of ancestry, but his necessities are stronger than his will; he must have money. A thrifty neighbor whose domains it will round off is at hand to furnish it. He retains the old mansion, but sells what will relieve him from immediate ruin.

The President, in his annual message, has told us that we should not, if we could, acquire Cuba by any other means than honorable negotiation, unless circumstances which he does not anticipate render a departure from such a course justifiable, under the imperative and overruling law of self-preservation. He also tells us that he desires to renew the negotiations, and it may become indispensable to success that he should be intrusted with the means for making an advance to the Spanish Government immediately after the signing of the treaty, without waiting the ratification of it by the Senate. This, in point of fact, is an appeal to Congress for an expression of its opinion on the propriety of renewing the negotiation. Should we fail to give him the means which may be indispensable to success, it may well be considered by the President as an intimation that we do not desire the acquisition of the island.

It has been asserted that the people of Cuba do not desire a transfer to the United States. If this were so, it would present a very serious objection to the measure. The evidence on which it is based is, that on the receipt of the President's message, addresses were made by the municipal

authorities of Havana, and other towns, protesting their devotion to the Crown, and their hostility to the institutions of the United States. Any one who has had an opportunity of observing the persuasive influence of the bayonet, in countries where it rules supreme, will know how much value to attach to such demonstrations of popular sentiment. There can be no doubt that an immense majority of the people of Cuba are not only in favor, but ardently desirous of annexation to the United States. It would be strange, indeed, if they were not so; deprived of all influence, even in the local affairs of the island—unrepresented in the Cortes—governed by successive hordes of hungry officials, sent from the mother country to acquire fortunes to be enjoyed at home; having no sympathy with the people, among whom they are mere sojourners, and upon whom they look down as inferiors; liable to be arrested at any moment on the most trifling charges; tried by military courts or submissive judges, removable at pleasure; punished at the discretion of the captain general—they would be less than men if they were contented with their yoke. But we have the best authority, from the most reliable sources, for asserting that nearly the entire native population of Cuba desires annexation.

Apprehensions have been expressed by some southern statesmen, of perils resulting from the different elements composing the population, and the supposed mixture of races. They are not justified by the facts. The entire population, by the census of 1850, was 1,247,230, of which 605,560 were whites, 205,570 free colored, and 436,100 slaves.

Allowing the same annual percentage of increase for each class, as shown by comparison with the previous census, the total population now is about 1,586,000, of which 742,000 are whites, 263,000 free colored, and 581,000 slaves. There is good reason to suppose that the slaves considerably exceed the estimated number, it having been, until very recently, the interest of the proprietor to understate it. The feeling of caste or race, is as marked in Cuba as in the United States. The white creole is as free from all taint of African blood as the descendant of the Goth on the plains of Castile. There is a numerous white peasantry, brave, robust, sober, and honest, not yet perhaps prepared intelligently to discharge all the duties of the citizen of a free Republic, but who, from his organization, physical and mental, is capable of being elevated by culture to the same level with the educated Cubans, who, as a class, are as refined, well-informed, and fitted for self-government as men of any class of any nation can be who have not inhaled with their breath the atmosphere of freedom.

Many of them accompanied by their families are to be met with every summer at our cities and watering places, observing and appreciating the working of our form of Government and its marvelous results; many seeking, until the arrival of more auspicious days, an asylum from the oppression that has driven them from their homes; while hundreds of their youths in our schools and colleges are acquiring our language and fitting themselves hereafter, it is to be hoped at no distant day, to play a distinguished part in their own legislative halls, or in the councils of the nation.

These men, who are the great proprietors of the soil, are opposed to the continuance of the African slave trade, which is carried on by Spaniards from the peninsula, renegade Americans, and other adventurers from every clime and country, tolerated and protected by the authorities of Cuba of every grade.

Were there a sincere desire to arrest the slave trade, it could be as effectually put down by Spain as it has been by Brazil. Cuba and Porto Rico are now the only marts for this illegal traffic; and if the British Government had been as intent upon enforcing its treaty stipulations with Spain for its abolition as it has been in denouncing abuses of our flag, which we cannot entirely prevent, this question would long since have ceased to be a source of irritating discussion, it may be of possible future difficulty. Those who desire to extirpate the slave trade may find in their sympathy for the African a motive to support this bill.

We have, since the conclusion of the Ashburton treaty in 1842, kept up a squadron on the coast of Africa for the suppression of the slave trade, and we are still bound to continue it. The annual cost of this squadron is at least $800,000. The cost in seventeen years amounts to $13,600,000, and this, too, with results absolutely insignificant. It appears, from a report of a select committee of the British House of Commons, made in March, 1850, that the number of slaves exported from Africa had sunk down in 1842, (the very year in which the Ashburton treaty was concluded,) to nearly thirty thousand. In 1843 it rose to fifty-five thousand. In 1846 it was seventy-six thousand; in 1847 it was eighty-four thousand, and was then in a state of unusual activity. Sir Charles Hotham, one of the most distinguished officers of the British navy, and who commanded on the coast of Africa for several years, was examined by that select committee. He said that the force under his command was in a high state of discipline; that his views were carried out by his officers to his entire satisfaction; that, so far from having succeeded in stopping the slave trade, he had not even crippled it to the extent of giving it a permanent check; that the slave trade had been regulated by the commercial demand for slaves, and had been little affected by the presence of his squadron, and that experience had proven the system of repression by cruisers on the coast of Africa futile—this, too, when the British squadron counted twenty-seven vessels, comprising several steamers, carrying about three hundred guns and three thousand men. The annual expense of the squadron is about $3,500,000, with auxiliary establishments on the coast costing at least $1,500,000 more—a total cost annually of $5,000,000 in pursuance of a system which experience has proved to be futile.

In 1847, the Brazilian slave trade was in full activity. It has been entirely suppressed for several years. The slaves now shipped from the coast of Africa are exclusively for the Spanish islands. It is not easy to estimate the number. From the best data, however, it is supposed now to be from twenty-five to thirty thousand per year. It would cease to exist the moment we acquire possession of the Island of Cuba.

The importation of slaves into the United States was prohibited in 1808. Since then, a period of more than fifty years, but one case has occurred of its violation—that of the Wanderer, which has recently excited so much attention.

Another consequence which should equally enlist the sympathies of philanthropists, excepting that class whose tears are only shed for those of ebon hue, and who turn with indifference from the sufferings of men of any other complexion, is the suppression of the infamous Coolie traffic—a traffic so much the more nefarious as the Chinese is elevated above the African in the scale of creation; more civilized, more intellectual, and therefore feeling more acutely the shackles of the slaveship and the harsh discipline of the overseer. The number of Chinese shipped for Cuba, since the commencement of the traffic up to March last, is 28,777; of whom 4,134 perished on the passage. From that date up to the close of the year, the number landed at Havana was 9,449. We blush to say that three fourths of the number were transported under the American and British flags—under the flags of the two countries that have been the most zealous for the suppression of the African slave trade. The ratio of mortality on the passage was 14¾ per cent., and a much larger proportion of these wretched beings were landed in an enfeebled condition. Coming, too, from a temperate climate, they are not capable of enduring the exposure of the tropical sun in which the African delights to bask. When their allotted time of service shall have been completed, the small remnant of the survivors will furnish conclusive evidence of the barbarity with which they are treated. The master feels no interest in his temporary slave beyond that of extracting from him the greatest possible amount of labor during the continuance of his servitude. His death, or incapacity to labor at the end of his term, is to the master a matter of as much indifference as is the fate of the operative employed in his mill to the Manchester spinner.

Another effect of this measure, which should recommend it most strongly to the humanitarians, will be the better treatment and increased happiness of the slaves now existing in the island, that would inevitably flow from it. As a general rule, the slave is well treated in proportion to his productiveness and convertible value; as an expensive instrument is more carefully handled than one of less cost. When the importation of slaves from abroad is arrested, the home production affords the only means of supplying the increasing demand for labor. It may be assumed as an axiom of political economy, that the increase of population, if not the only true test, is the most reliable, of the average well-being of the class to which it is applied. Tried by this test, the slave of the United States affords a very high standard as compared even with the white population of our favored land. But when comparison is made with the statistics of African slavery in all European colonies, the results are startling. Since Las Casas, in his zeal for the protection of the Indian, originated the African slave trade, it is estimated that the whole number transported to the New World has been about 8,375,000. Of these, we, in our colonial condition, and since, have only received about 375,000. By natural increase, after deducting all who are free, we had, in 1850, 3,204,000 slaves of the African race. These, allowing the same percentage of increase for nine years, as the census returns show during the last decennial period, would now number over 4,300,000; while, from the same data, the free colored population would amount to 496,000. The British West India colonies received about 1,700,000. The whole population of those islands, including Jamaica and Trinidad, acquired from the Spaniards, and British Guiana, black, white, and mixed, is but 1,062,639. The Spanish and other West India Islands received about 3,000,000. This is very much more than their entire population to-day. The proportion may vary in some of the colonies, but the general result will be found everywhere the same; a very much less number now existing of African descent, either pure or mixed, than have been imported from Africa.

There is another aspect in which this proposition may be viewed, which is deserving of serious consideration. It is forcibly put in the President's annual message that the multiplied aggressions upon the persons and property of our citizens by the local authorities of Cuba, for many years past, present, in the person of the captain-general, the anomaly of absolute power to inflict injury without any corresponding faculty to redress it. He can, almost in sight of our shores, confiscate, without just cause, the property of an American citizen, or incarcerate his person; but, if applied to for redress, we are told that he cannot act without consulting his royal mistress, at Madrid. There we are informed that it is necessary to await the return of a report of the case, which is to be obtained from Cuba; and many years elapse before it is ripe for decision. These delays, in most instances, amount to an absolute denial of justice. And even when the obligation of indemnity is admitted, the state of the treasury or a change of ministry is pleaded as an excuse for withholding payment. This would long since have justified us in resorting to measures of reprisal that would have necessarily led to war, and ultimately resulted in the conquest of the island. Indeed, such is the acute sense of those wrongs prevailing among our people, that nothing but our rigid neutrality laws, which, so long as they remain unrepealed or unmodified, a Chief Magistrate, acting under the sanction of his official oath to see that the laws be faithfully executed, is bound to enforce, has prevented the success of organized individual enterprises that would long ere this have revolutionized the island. It is in part, probably, for this cause that the President has recommended the policy which this bill embodies, and the world cannot fail to recognize, in its adoption by Congress, a determination to maintain him in his efforts to preserve untarnished our national character for justice and fair dealing.

The effects of the acquisition of Cuba will be no less beneficial in its commercial than in its political and moral aspects. The length of the island is about seven hundred and seventy miles,

with an average breadth of about forty miles, comprising an area of thirty-one thousand four hundred and sixty-eight square miles. The soil is fertile, climate genial, and its ports the finest in the world. Havana is more familiarly known to us; for apart from our extensive trade, which employs several hundred American vessels, thousands of our citizens have touched at that port in our steamers, on their way to California or New Orleans. They have all carried away with them vivid recollections of its magnificent harbor, and have breathed ardent prayers that their next visit should be hailed by the stars and stripes floating from the Moro. And yet Cuba can boast of several other harbors equally safe and more extensive than that of Havana.

In 1855, the importations, by official custom-house returns, were $31,216,000, the exports were $34,803,000. As duties are levied on exports as well as imports, there can be no exaggeration in these returns, and the real amount is undoubtedly considerably larger.

When we consider that more than two thirds of the whole area of the island is susceptible of culture, and that not a tenth part of it is now cultivated, we may form some idea of the immense development which would be given to its industry by a change from a system of monopoly and despotism to free trade and free institutions. Whatever may be the enhanced cost of production, caused by the increased value of labor, it will be nearly if not quite compensated by the removal of export duties; and of those levied on articles produced in the United States, which are now by unjust discrimination virtually excluded from consumption. It is not possible, within the limits which your committee have prescribed to themselves for this report, to cite more than a few of the most important. Of flour, on an average of three years, from 1848 to 1850, there were imported from the United States 5,642 barrels, paying a duty of $10 81 per barrel. From other countries, and it is believed exclusively from Spain, 228,002 barrels, paying a duty of $2 52 per barrel; a discrimination against our flour of nearly two hundred per cent. on its present average value in our markets. On lard, of which the importation from the United States was 10,163,000 pounds, a duty is levied of $4 per quintal, while of olive oil 8,481,000 pounds were imported, which is chiefly used as its substitute, paying a duty of 87 cents per quintal. Of beef, dry and jerked, but 339,161 pounds were imported from the United States, paying a duty of $1 96 per quintal, while the importation from other quarters, principally from Buenos Ayres, was 30,544,000 pounds, paying a duty of $1 17, the difference being, in fact, a protection of the Spanish flag which thus enjoys a monopoly of this branch of trade. To-day, with its increased population and wealth, it is fair to presume that, were Cuba annexed to the United States, with the stimulus afforded by low prices, her annual consumption of our flour would be 600,000 barrels; of our lard, 25,000,000 pounds; of our beef, 20,000,000, and of pork, the most solid and nutritious food for the laborer, 10,000,000 pounds. The same ratio of increase would be exhibited in our whole list of exports. Many articles that now appear not at all, or in very limited quantities, would force their way into general consumption. The Spanish flag, deprived of the advantage of discriminating duties of tonnage and impost, would soon abandon a competition which it could not sustain on equal terms, and the whole carrying trade, foreign and domestic, would fall into the hands of our enterprising merchants and ship-owners, but chiefly those of the northern and middle States, while the farmer of the west would have a new and constantly increasing market open to him for the products of the soil. With all the disadvantages under which we now labor, the American vessels entering the port of Havana alone last year numbered nine hundred and fifty-eight, with a tonnage of 403,479. To what figure will this be extended when ours shall be the national flag of Cuba?

The cultivation of sugar is the chief basis of the wealth and prosperity of Cuba. The average annual production, exclusive of what is consumed in the island, is about 400,000 tons; that of Louisiana, about 175,000 tons. The whole amount of cane sugar, from which Europe and the United States is supplied, is estimated at 1,273,000 tons; of this, Cuba and Louisiana now furnish somewhat more than forty-five per cent. Is it extravagant to predict that, with Cuba annexed, we should in a few years have as complete control of this great staple, which has long since ceased to be a luxury, and become almost a necessity of life, as we now have of cotton?

There is one other consideration, of minor importance, when compared with the vast political interests involved in the question of acquisition; it is that of cost. Ten years past, as appears from the published correspondence, our Minister at Madrid was authorized to offer $100,000,000 as the extreme price for the purchase of Cuba. If that was its value then, something may be added to it now. Assuming it to be $25,000,000 more, the annual interest, without reference to the probable premium which would be realized from a loan, bearing five per cent. interest, would be $6,250,000. Of the imposts of $31,216,000 in 1856, your committee have not before them the means of ascertaining the proportion coming from the United States. From the summary of Balanzas Generales, from 1848 to 1854, in the report of Commercial Relations, volume 1, page 187, it may, however, be fairly assumed to be somewhat more than one fourth, or about $8,000,000. This proportion would doubtless be largely increased. Admitting it to be $16,216,000, it would leave a balance of $15,000,000 on which duties could be levied. Under our present tariff, the average rate of duties is about eighteen and one eighth per cent.; but as the articles on our free list are of very limited consumption in Cuba, the average there would be at least twenty per cent. This would yield a revenue from customs of $3,000,000. But under the stimulus of free trade and free institutions, with the removal of many burdens from the consumer, it would necessarily be greatly and speedily augmented. It would be a moderate calculation to say that in two years it would reach $4,000,000. On the other hand, it may be said that our expenditure would be largely increased. Such is not the opinion of your committee. On the contrary, it is believed, from the greater security of our foreign relations resulting from the settlement of this long agitated and disturbing question, our naval expenditure might be safely reduced, while no addition to our military establishment would be required. It has already been shown that an annual saving of $800,000 may be effected by withdrawing the African squadron, when its services will no longer be necessary. Thus our expenditure for the interest on the debt incurred by the acquisition would be credited by $4,800,000, leaving an annual balance of but $1,425,000 to the debit of the purchase. Is this sum to be weighed in the balance with the advantages, political and commercial, which would result from it? Your committee think that it should not.

A few words on the wealth and resources of Cuba, and your committee will close this report, which has swollen to dimensions not incommensurate with the importance of the subject, but which, it may be feared, will, under the pressure of other business during this short session, be considered as unduly trespassing on the attention of the Senate. The amount of taxes that can be levied upon any people, without paralyzing their industry, and arresting their material progress, is the *experimentum crucis* of the fertility of the land they inhabit. Tried by this test, Cuba will favorably compare with any country on either side of the Atlantic.

Your committee have before them the last Cuban budget, which presents the actual receipts and expenditures for one year, with the estimates for the same for the next six months. The income derived from direct taxes, customs, monopolies, lotteries, &c., is $16,303,950. The expenses are $16,299,663. This equilibrium of the budget is accounted for by the fact that the surplus revenue is remitted to Spain. It figures under the head of "*Atenciones de la Peninsula*," and amounts to $1,404,059, and is the only direct pecuniary advantage Spain derives from the possession of Cuba, and even this sum very much exceeds the average net revenue remitted from that island, all the expenses of the army and navy employed at or near Cuba being paid by the island. The disbursements are those of the general administration of the island, those of Havana and other cities being provided for by special imposts and taxes.

It may be moderately estimated that the personal exactions of Spanish officials amount to $5,000,000 per annum, thus increasing the expenses of the Government of Cuba, apart from those which, with us, would be considered as county or municipal, to the enormous sum of $21,300,000, or about $13 50 per head for the whole population of the island, free and slave. Under this system of government, and this excessive taxation, the population has, for a series of years, steadily increased at the mean rate of three per cent. per annum, about equal to that of the United States.

Since the reference of the bill to the committee, the President, in response to a resolution of the Senate requesting him, if not incompatible with the public interest, to communicate to the Senate any and all correspondence between the Government of the United States and the Government of her Catholic Majesty relating to any proposition for the purchase of the Island of Cuba, which correspondence has not been furnished to either House of Congress, informs us that no such correspondence has taken place which has not already been communicated to Congress. He takes occasion to repeat what he said in his annual message, that it is highly important, if not indispensable to the success of any negotiation for the purchase, that the measure should receive the previous sanction of Congress.

This emphatic reiteration of his previous recommendation throws upon Congress the responsibility of failure if withheld. Indeed, the inference is sufficiently clear that, without some expression of opinion by Congress, the President will not feel justified in renewing negotiations.

The committee beg leave to append hereto various tables concerning statistical details of matters treated of in this report.

All of which is respectfully submitted.

No. 1.—*Commerce of the Island of Cuba with foreign nations for the years 1852, 1853, and 1854, made up from the "general balances."*

[From Ex. Doc. No. 107, First Session, Thirty-Fourth Congress, Commercial Relations of the United States.]

Countries.	1852.		1853.		1854.	
	Imports.	Exports.	Imports.	Exports.	Imports.	Exports.
Spain	$10,200,429	$3,889,634	$7,756,905	$2,998,871	$9,057,428	$3,615,692
United States	6,558,585	12,076,408	6,799,732	12,131,095	7,867,680	11,641,913
England	5,638,854	5,486,677	6,195,991	8,322,195	6,616,980	11,119,326
France	2,203,334	1,513,368	2,177,223	3,203,389	2,558,198	1,921,567
Germany	1,102,002	1,690,105	1,115,940	1,474,018	1,420,639	1,824,074
Belgium	492,968	321,260	998,511	466,366	633,866	811,880
Spanish America	2,144,618	801,100	1,677,476	514,831	2,145,370	671,390
Portugal and Brazil	-	-	-	-	16,245	14,186
Holland	343,286	297,152	88,876	946,661	1,994,390	251,482
Denmark	651,554	804,366	485,422	403,085	558,824	309,949
Russia	-	483,216	-	253,688	-	-
Sweden and Norway	27,753	15,489	47,756	16,309	14,076	23,694
Austria	-	241,458	-	138,036	-	24,082
Italy	33,269	380,586	69,022	-	310,865	313,779
Deposit	483,456	-	377,011	-	-	-
Total	$29,780,242	$27,433,936	$27,789,865	$31,210,405	$31,394,578	$33,633,731
Add for Prussia	-	-	-	-	-	5,258

No. 2.—*Statement of the aggregate of revenue and expenditure of the Island of Cuba.*

REVENUE.

Section 1.—Contributions and imports	$3,026,833 69
Section 2.—Customs	9,807,878 87
Section 3.—Taxes and monopolies	1,069,795 44
Section 4.—Lotteries	*6,719,200 00
Section 5.—State property	119,385 94
Section 6.—Contingencies	595,928 94
	$21,338,928 88
Deduct for sums paid as portions of the forfeitures under seizures	12,972 88
Actual total	$21,325,956 00

EXPENDITURE.

Section 1.—Grace and justice	$712,755 00
Section 2.—War	5,866,538 36
Section 3.—Exchequer	7,645,145 43
Section 4. { Ordinary expenses	2,386,634 16
{ Extraordinary expenses	1,190,700 37
Section 5.—Executive Department	2,115,833 12
Section 6.—Attentions (remittances) of the peninsula	1,404,059 00
Total	$21,321,665 44

*From this sum should be deducted $5,022,000, which figures among the expenditures of the exchequer under the Government guaranty of prizes in the lotteries, and which is included in the sum of $7,645,145 43 set down as expended by that department. This leaves a net revenue from that source of $1,697,200, and a total net revenue of $16,105 96.

No. 3.—*Comparative statement of the number of sea-going vessels entering the port of Havana for the years named.*

Years.	American.		Spanish.		English.		French.		Other nations.		Aggregate of each month.	
	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.
January, 1858	101	44,162	54	10,803	13	6,256	1	1,050	14	3,845	183	66,116
February, "	79	37,367	29	5,996	22	9,976	3	1,635	13	3,710	146	58,684
March, "	781	44,402	32	7,022	11	4,884	5	3,948	9	2,756	158	63,012
April, "	102	42,492	66	13,523	21	9,347	3	1,238	21	6,053	212	72,653
May, "	102	42,359	81	18,961	15	5,940	3	1,176	10	3,085	211	71,521
June, "	69	29,836	65	14,895	11	5,184	2	709	13	4,372	160	54,996
July, "	54	20,409	67	15,058	10	4,181	1	336	12	4,817	144	44,751
August, "	48	20,768	33	10,256	11	5,324	1	299	10	3,928	103	40,575
September, "	60	21,097	18	4,626	10	5,443	2	1,056	12	3,371	102	35,587
October, "	78	35,540	56	12,976	15	7,500	2	748	10	3,323	161	60,087
November, "	69	30,313	66	17,729	7	4,052	3	853	15	3,390	160	56,340
December, "	95	23,825	86	19,182	15	6,090	1	614	12	3,782	209	55,493
Total for 1858	958	392,572	653	151,027	161	74,127	25	12,662	79	46,432	1,949	679,815
Total for 1857	909	406,873	684	153,651	152	64,110	67	28,760	141	42,972	1,953	696,366
" 1856	883	384,752	652	159,534	131	59,013	62	20,133	132	38,993	1,815	662,426
" 1855	889	379,327	527	120,881	116	49,963	122	33,522	113	29,462	1,717	613,155
" 1854	903	336,998	571	111,823	122	59,556	69	18,790	127	30,027	1,782	557,186
" 1853	813	304,138	553	111,029	136	58,324	93	20,877	122	33,030	1,717	527,402
" 1852	750	308,120	578	114,338	143	55,427	52	12,538	124	29,782	1,647	520,196
" 1851	856	344,046	550	114,216	191	58,308	47	11,124	156	40,789	1,800	568,483
" 1850	634	298,299	541	107,230	164	65,136	51	12,466	152	40,337	1,542	423,468

No. 4.—*Table of the total production of sugar, consumption, &c.*

	Tons.
Cane sugar	2,057,653
Palm sugar	100,000
Beet-root sugar	164,822
Maple sugar	20,247
Total	2,342,722

But the quantity of sugar from which the United States, England, Europe and the Mediterranean is to be supplied, reaches one million two hundred and seventy-three thousand tons. Thus, for the three hundred million souls who are dependent on it, it gives but about eight pounds per head, while the consumption in England is triple that quantity, and in the United States twenty pounds per head. The use of sugar in the world is rapidly increasing. In France it has doubled in thirty years. It has increased more than fifty per cent. in England in fifteen years. In the Zollverein it has quadrupled. The following table will show the imports and production of sugar in Great Britain, France and the United States, during many years:

Consumption of Sugar in Great Britain, France, and United States.

Years.	Sugar duty paid in France.				Great Britain.	United States.			Average amount.
	Colonial.	Foreign.	Beet-root.	Total.		Foreign.	Louisiana.	Total.	
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Per cent.
1841	74,515	12,042	27,162	114,719	203,200	65,601	38,000	103,6[illegible]6	49.52
1842	77,443	8,210	35,070	110,723	193,823	69,474	39,200	108,674	45.42
1843	79,455	9,695	29,155	118,215	204,016	28,854	64,360	93,214	42.30
1844	87,382	10,269	32,075	129,626	206,000	83,801	44,400	128,206	41.82
1845	90,958	11,542	35,132	137,632	242,831	88,336	45,000	133,336	40.40
1846	78,632	15,185	46,845	140,662	261,932	44,974	83,028	128,002	41.85
1847	87,826	9,636	52,369	149,821	290,275	98,410	71,040	169,450	34.95
1848	48,371	9,540	48,103	106,014	309,424	101,214	107,000	211,214	29.40
1849	63,335	18,979	43,793	126,107	299,041	103,121	99,180	202,301	31.00
1850	50,996	23,862	67,297	142,155	310,391	84,813	110,600	194,413	32.20
1851	-	-	74,999	-	329,715	190,193	102,000	292,193	32.32
1852	32,030	14,882	67,445	114,357	360,720	228,772	118,273	347,045	28.00
1853	32,841	15,044	87,120	135,005	380,488	232,213	160,967	393,180	30.72
1854	40,113	18,943	85,825	144,981	475,095	227,982	224,662	452,644	-
1855	45,373	49,822	52,902	148,097	384,234	236,942	173,317	410,259	-
1856	46,767	16,456	95,103	158,326	397,448	272,631	115,713	388,344	-
1857	42,466	25,689	*132,000	200,155	367,476	388,501	36,933	425,434	-

*To close of February.

The production of beet-root sugar, in France, was for four years as follows:

	No. working.	Kilos.
1854	303	77,848,208
1855	208	50,180,864
1856	275	91,003,098
1857	341	132,000,000

The figures for 1857 are only to March 1, and exceed by fifty-four million kilogrammes the product of last year. The production in the Zollverein, in 1855, was as follows:

	Cwt.
Prussia	4,099,263
Anhalt	2,301,364
Bavaria	247,126
Saxony	131,968
Wurtemburg	603,256
Baden	988,825
Hesse	59,137
Huringen	122,965
Brunswick	634,496
Giving a total of	19,188,402

The increase in the consumption is immense. In 1841, the total for the three countries abovenamed was four hundred and twenty thousand tons. This has increased to eight hundred thousand tons, or a quantity nearly doubled, and the supply has come from Louisiana and from beet-roots; the former failed considerably in the last two years, and, as a consequence, nearly convulsed the world. The value of sugar in the open market, then, seems to depend upon the precarious crop of Louisiana, since, when that fails, the prices rise all over the world.—(United States Economist.)

No. 5.—*Table of number of Chinese shipped from China from* 1847 *to March* 23, 1858.

The following table, derived from a reliable source, exhibits the total number of vessels that have arrived at this port since 1847 with Asiatics; their flags, tonnage, number of Asiatics shipped and landed, number and percentage of deaths, &c., which, I think, will not be deemed uninteresting:

Flags of vessels.	Numbers.	Tonnage.	Asiatics, number shipped.	Landed.	Deaths.	Percentage of deaths.
American	13	13,545	6,744	5,929	815	12
British	29	21,275	10,791	9,205	1,586	14¾
Dutch	8	5,003	2,773	2,463	310	11¼
French	7	6,037	3,655	3,154	501	13¾
Spanish	5	2,038	1,779	1,489	290	11¾
Portuguese	3	1,246	1,049	1,021	28	2¾
Peruvian	3	2,484	1,314	812	502	38¼
Bremen	1	560	249	236	13	5½
Norwegian	1	479	221	179	42	19½
Chilian	1	250	202	155	47	23
Total	71	53,008	28,777	24,643	4,134	14¼

From the foregoing it will be seen that the loss of life on the total number shipped actually amounts to fourteen and three fourths per cent.; and whilst the number of deaths of those brought hither in Portuguese ships mounts to only two and three fourths per cent., the number brought in American ships amounts to twelve per cent., in British ships to fourteen and three fourths per cent., and in French ships to thirteen and three fourths per cent.; whilst in Peruvian ships the number of deaths amounts to thirty-eight and one fourth per cent.

No. 6.—*Population of the West Indies, as stated in Colton's Atlas of the World, volume* 1.

Hayti—Haytien empire		572,000
Dominican republic		136,000
Cuba, (slaves 330,425)		1,099,060
Porto Rico		447,914
French Islands—Guadalupe and dependencies		154,075
Martinique		121,478
French Guiana		22,110
St. Bartholomew		9,000
Danish Islands—St. Thomas	13,666	
Santa Cruz	23,729	
St. John	2,228	
		39,633
Dutch Islands—Curaçoa, &c		28,497
Dutch Guiana		61,080
British Islands—Bahamas	27,519	
Turk's Island	4,428	
Jamaica*	377,433	
Caymans	1,760	
Trinidad*	68,645	
Tobago*	13,208	
Granada	32,671	
St. Vincent	30,128	
Barbadoes	135,939	
St. Lucia	24,516	
Dominica	22,061	
Montserrat	7,653	
Antigua	37,757	
St. Christopher's	23,177	
Nevis	9,601	
Bermuda	1,707	
Anguilla	3,052	
Virgin Islands	6,689	
British Guiana	127,695	
		963,639
Total		3,575,376

*Acquired from Spain.

ACQUISITION OF CUBA.

HOUSE OF REPRESENTATIVES.

JANUARY 24, 1859.

Mr. BRANCH, from the Committee on Foreign Affairs, proposes at a proper time to submit the following report to accompany bill H. R. No. 678:

The Committee on Foreign Affairs, to whom were referred House bill, No. 678, "A bill appropriating money to enable the President to settle unadjusted differences with the Government of Spain, and for other purposes;" and also House bill, No. 684, "A bill authorizing the President to obtain a loan of money for a certain purpose;" have had the same under consideration, and now report:

At the close of their struggle with Great Britain for independence, the United States possessed no territory on the Gulf of Mexico, their southern boundary, being nearly coincident with the present northern boundary of Florida, extended to its intersection with the Mississippi river at 31°of north latitude.

The Mississippi river, then their western boundary, was far west of the extreme frontier settlements, and their productions being entirely east of the Alleghanies, commerce needed no ports except on the Atlantic seaboard.

In 1795, Spain held all the shores of the Gulf; but in 1800 ceded Louisiana, from the Perdido to the Sabine, to France.

After the close of the war of independence, our settlements spread westward, and the rich valley between the Alleghanies and the Mississippi soon received a hardy and enterprising population, under whose industry its fertile soil and unequaled resources were beginning to furnish material for an incalculable commerce. This commerce necessarily sought the ocean through the Mississippi, and as the mouth of the river was in possession, first, of Spain, and afterwards of France, jealousy and ill feeling were engendered between friendly nations, constantly threatening hostile collisions, against which the prudence of rulers could furnish no guarantee.

Napoleon Bonaparte, who was then at the head of the French nation, is known to have cherished no policy more ardently than that of building up for France a commerce that should rival that of England; and though fully alive to the importance of Louisiana as a means toward accomplishing this object, he did not hesitate, in 1803, to cede it to us for the sake of preserving amicable relations between the two nations. He well knew that every consideration of justice demanded of him the cession, and that the pride and obstinacy of rulers ought not to stand in the way of the prosperity of large bodies of the human race. He also knew that however solicitious this Government might be to restrain its citizens from aggressions, it was not possible for it to do so under circumstances so well calculated to invite them. If Napoleon had been less a statesman, and had attempted to block up the mouth of the Mississippi, it cannot be doubted that long and bloody wars between France and the United States would have ensued, and that Louisiana would have been added to our Union at an enormous expense of blood and treasure.

By the acquisition of Louisiana, we became one of the Powers on the Gulf of Mexico, and by the subsequent purchase of Florida from Spain, and the annexation of Texas, we have become the paramount Power, having the unquestionable right to demand that, on its waters and around its borders, our peace and prosperity shall not be interrupted or endangered. Around it our social and political institutions prevail, and on it floats the commerce of fifteen States of the Confederacy. No other commerce worth mentioning is found there except ours, and we have a right to regard it, in all matters involving our security, as an inland sea.

Since the acquisition of California, passengers and mails in passing between the Atlantic and Pacific, seek a point of transit across the continent where it is narrower than at any point within our territorial limits. There are three points at which it may be conveniently traversed, each presenting some advantage peculiar to itself. The first or most northerly is at the Isthmus of Tehuantepec, within the Republic of Mexico; the second in the Territory of Nicaragua; and the third at the Isthmus of Panama, in New Granada. It is important to us that all these routes should be kept open, as the competition between rival lines could not fail to be advantageous to our citizens. But the Tehuantepec route being within the Gulf of Mexico, we had a just right, as the predominant Power in the Gulf, to claim a free and exclusive right of way over it for our citizens, mails, and property, passing between the Atlantic and Pacific portions of the Union. The Government of Mexico, with a clear appreciation of its own interest, and a liberal sense of what was due to us, has authorized the construction of a railroad at this point, and by the treaty of the 30th of December, 1853, guaranteed to the United States the full and unrestricted right of transit over it, with the privilege to "extend its protection as it shall judge wise to it when it may feel sanctioned and warranted by the public or international law," and with the further stipulation, "nor shall any interest in said transit way, nor in the proceeds thereof, be transferred to any foreign Government." By this liberal and enlightened course on the part of Mexico, we have been enabled to secure within the Gulf of Mexico a transit route as free, and in every respect as advantageous to us, as if it was within our own limits.

By securing the Tehuantepec transit-right, we have diverted into the Gulf the coastwise intercourse between the Atlantic and Pacific, and thereby added incalculably to the large commercial interests we already have there.

It will be seen from this brief review that Spain, France, Texas, and Mexico, have voluntarily placed us in a position, territorially, on the Gulf, which has made it to us almost an inland sea. Having thus voluntarily, and for ample consideration, made its free use a necessity to us, can they justly withhold any additional concessions that experience has shown to be indispensable to our peace and security?

It is worthy of remark that Spain has at all times shown more reluctance to make amicable territorial arrangements with us than any other nation with whom we have been coterminous. Its pride seems only to have revolted against cessions to us, and to have prevented no obstacles to cessions to other Powers. Louisiana and Florida were time and again transferred and re-transferred between Spain, France, and England, so that it is almost as difficult to trace their history as it is to date the various transfers of a personal chattel. Yet, when Florida became indispensable to the security of the United States, and we proposed to purchase it, Spanish pride instantly revolted. Our Government so scrupulously respects the territorial rights of neighboring nations, and so honorably discharges all the duties of good neighborhood, that few persons are aware how sorely the patience and forbearance of the generation preceding ours was tried by the obstinacy of the Spanish rulers in regard to Florida. All efforts to purchase it having failed, Congress, in 1811 and 1813, in secret session, passed the following acts, which were not printed and promulgated until after the lapse of several years:

Resolution and acts relative to occupation of the Floridas by the United States of America.

Taking into view the peculiar situation of Spain and her American provinces, and considering the influence which the destiny of the territory adjoining the southern border of the United States may have upon their security, tranquility, and commerce: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States, under the peculiar circumstances of the existing crisis, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign Power, and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of the said territory; they at the same time declare that the said territory shall, in their hands, remain subject to future negotiation.

Approved, January 15, 1811.

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An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido and south of the State of Georgia and the Mississippi Territory, and for other purposes:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the President of the United States be, and he is hereby, authorized to take possession of and occupy all or any part of the territory lying east of the river Perdido and south of the State of Georgia and the Mississippi Territory, in case an arrangement has been or shall be made with the local authority of said territory for delivering up the possession of the same, or any part thereof, to the United States; or, in event of an attempt to occupy the said territory, or any part thereof, by any foreign Government; and he may, for the purpose of taking possession and occupying the territory aforesaid, and in order to maintain therein the authority of the United States, employ any part of the Army or Navy of the United States which may be necessary.

SEC. 2. *And be it further enacted*, That $100,000 be appropriated for defraying such expenses as the President may deem necessary for obtaining possession as aforesaid, and the security of the said territory, to be applied, under the direction of the President, out of any money in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted*, That in case possession of the territory aforesaid shall be obtained by the United States, as aforesaid, that, until other provision be made by Congress, the President be, and he is hereby, authorized to establish, within the territory aforesaid, a temporary government; and the military, civil, and judicial powers thereof, shall be vested in such person and persons, and be exercised in such manner as he may direct, for the protection and maintenance of the inhabitants of the said territory, in the full enjoyment of their liberty, property, and religion.

Approved, January 15, 1811.

—

An act concerning an act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido and south of the State of Georgia and the Mississippi Territory, and for other purposes, and the declaration accompanying the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act and the act passed during the present session of Congress, entitled "An act to enable the President of the United States, under certain contingencies, to take possession of the country lying east of the river Perdido and south of the State of Georgia and the Mississippi Territory, and for other purposes," and the declaration accompanying the same, be not printed or published until the end of the next session of Congress, unless directed by the President of the United States; any law or usage to the contrary notwithstanding.

Approved, March 3, 1811.

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An Act authorizing the President of the United States to take possession of a tract of country lying south of the Mississippi Territory, and west of the river Perdido.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to occupy and hold all that tract of country called West Florida, which lies west of the river Perdido, and now in possession of the United States.

SEC. 2. *And be it further enacted*, That, for the purpose of occupying and holding the country aforesaid, and of affording protection to the inhabitants thereof, under the authority of the United States, the President may employ such parts of the military and naval force of the United States as he may deem necessary.

SEC. 3. *And be it further enacted*, That, for defraying the necessary expenses, $20,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and be applied for that purpose under the direction of the President.

Approved, February 12, 1813.

Happily no necessity arose for the exercise by the President of the extraordinary powers conferred on him by these acts, and they became obsolete on the subsequent acquisition of Florida by the treaty of 22d of February, 1819.

It is a fact of some significance that these acts and resolutions were for the first time published and promulgated with the laws, pending the negotiation of the treaty for the cession of Florida.

Even after the treaty had been signed by the plenipotentiaries of the contracting parties, the Spanish Government withheld its ratification on frivolous pretenses until the 24th of October, 1820, nearly two years; and so completely had the patience and forbearance of our Government been exhausted, that President Monroe, in his annual message of December, 1819, brought the subject to the attention of Congress, and said:

"From a full view of all the circumstances, it is submitted to Congress whether it will not be proper for the United States to carry the conditions of the treaty into effect, in the same manner as if it had been ratified by Spain; claiming, on their part, all its advantages, and yielding to Spain those secured to her."

From these legislative and executive manifestations, immediately preceding and succeeding our last war with England, we might deduce an example which we do not follow, because we may now safely repose on the conviction that our power is adequate to our protection under any emergency.

Of the immense colonial possessions once held by Spain in this quarter of the globe, none remain under her authority except the islands of Cuba and Porto Rico. To her they are distant and expensive appendages, in no way connected with or participating in her Government, adding nothing

to her power, and held solely for the advantages derivable to the mother country from a monopoly of their trade. Though the inhabitants of Cuba are probably more heavily taxed than any other population in the world—eight hundred thousand free persons, of whom two hundred thousand are free negroes, paying more than twenty-three million dollars per annum—yet Spain derives little or no advantage from the revenue, it being absorbed in the support of nearly twenty-five thousand peninsula troops and a numerous navy, on and around the island, to keep it in subjection. Whilst Spain held large colonies on the main land of the continent, especially whilst Mexico, Texas, Louisiana, and Florida, were under its rule, Cuba was important to her as a commercial entrepot, and also as a military outpost from which were fitted out her expeditions to Mexico and Central and South America. Its importance in that respect seems to have been appreciated by her and recognized by other nations; for whilst Louisiana and Florida repeatedly changed sovereigns, Cuba never has, from the time the Spanish flag was planted upon it by Columbus, in 1492, except for a short time, during which Great Britain held it by conquest. Its value to Spain, in this respect, has entirely ceased, and it has become of even greater importance to us as her successors in Florida, Louisiana, and Texas. Our rights and obligations in reference to the Gulf and the nations lying around it, to which the committee has already adverted, demand that the Island of Cuba should constitute a State of our Confederacy, bound to us not only by a common Constitution, but by the bonds of mutual interest, and side by side with the sister States of the Union, aiding to place under our flag the richest and freest commerce the world has ever seen.

Its importance to our national security, and for the protection of our foreign and coastwise commerce, will be perceived from considerations which we will briefly present.

Into the Gulf of Mexico empty all the rivers of Texas, the Mississippi and its tributaries, all the rivers of Alabama, and a portion of those of Georgia and Florida, furnishing twenty-five thousand miles of inland navigation, and bearing towards the markets of the world the surplus productions of fifteen of the most fertile States in the Union. The trade of the ports in the Gulf may be set down at $200,000,000 per annum, as follows:

Exports of domestic produce to foreign countries (official)	$113,541,367 00
Imports from foreign countries (official)	19,703,870 00
Exports coastwise (estimated)	20,000,000 00
Imports coastwise (estimated)	47,000,000 00

No one can doubt that these figures are much lower than might be safely assumed, and that within a very few years the same trade will amount to $500,000,000, independently of the trade with California over the Tehuantepec route, which baffles all computation.

The gulf into which all this trade is annually poured is in the form of a distended bag, its contracted mouth being presented towards the Atlantic ocean. All vessels going into or out of it must pass through this mouth; and just between the headlands of Florida and Yucatan, which form the mouth, is situated the island of Cuba. An enemy's fleet lying in its harbors, and cruising in the narrow straits which separate it from Florida on one side and Yucatan on the other, could effectually close the gates of the Gulf and lock in the whole trade of the valley of the Mississippi.

When France was in possession of Louisiana, the commerce of the Mississippi was little more at its mercy than it is now at the mercy of Spain and her allies. By our treaty of peace with Great Britain, in 1782, we were entitled to the free navigation of that river from its source to its mouth, and we could maintain our right so long as we had a preponderance on land, although both banks, near the mouth, were in the hands of a foreign Power; but now we are secure only so long as we maintain a naval superiority over Spain and all the allies she may array against us. If the solicitude of our fathers to remove foreign Powers from the banks of the Mississippi, because they might interrupt its navigation, was well founded, it is amazing that there should not be greater solicitude on the part of their children to remove Spain from the mouth of the Gulf Taking into account the growth of our western States and the vast increase of their productions, the acquisition of Cuba must be far more important to them now than that of Louisiana was in 1803.

Owing to adverse currents, intricate channels, and other causes controlling the movements of mariners, the majority of vessels navigating between the Gulf and the Atlantic seaboard pass to the southward of the Island of Cuba, and the island, therefore, bears the same relation to the track of our navigators that Florida would bear to it if they could pass to the north of the island. It is, practically, the salient point of the Florida peninsula; and, defensively, the Florida cape is of no more value to us than a position on the northern border of the Everglades, because there is a much stronger position in advance of it held adversely.

Nothing can be more irritating to an independent and spirited nation, or better calculated to precipitate collisions, than to have such vast and delicate interests as our most important coastwise intercourse compelled to pass almost within hail of foreign fortifications, and to run the gauntlet of alien fleets. Hence, our relations with Spain are constantly of a semi-hostile character, and our Minister at Madrid can do little else than wrangle with the Government to which he is accredited about high-handed outrages and petty grievances inflicted upon our citizens, which Spanish officials in Cuba are armed with full power to inflict, but none to redress.

The following list of unredressed cases, pending in 1854, resembles more the criminal docket of a county court than the portfolio of a minister plenipotentiary:

1. The bark Zulette.
2. Claim of the heirs of Alexander D. Harang.
3. The bark Godefroy.
4. Imprisonment of Mr. West.
5. Shipwreck of the North Carolina.
6. Prisoners taken at Contoy.
7. The Crescent City.
8. Schooner Manchester.
9. Firing, with ball, at the Black Warrior.
10. Seizure and detention of the Black Warrior.
11. A large number of claims arising out of the irregular repeal of an order admitting grain and timber free of duty.
12. Reclamations for port and navigation duties improperly exacted.

If some of these cases have been settled since 1854, others have been added to the docket; and it is not likely that it will be reduced whilst our present relations to the island are maintained.

If Long Island was in possession of a foreign Power, and the morning gun from its bristling fortifications could be heard in our great commercial metropolis, would it not be the signal to battle? How long could a foreign flag float there, whether defended by twenty-five thousand or thrice twenty-five thousand troops? What Government here could keep the peace with the intruder? Our Government has kept the peace with Spain, and its ability to do so is proof of our scrupulous respect for the rights of others, and of the obedience of our western and southwestern citizens to law and the constituted authorities. It is well known that large bodies of men in the United States have been eager to assail the Spanish power in the West Indies, and have only been restrained by the stern mandates of their own Government. They have passed and repassed, in peace and in war; once, when returning flushed with victory, and armed with the weapons that wrested from Mexico indemnity for wrongs no greater than have been inflicted on us by Spain. More recently our squadrons have passed, to avenge on Paraguay an insult to the flag. Yet what has Paraguay done comparable to the insults that we have more than once received in Cuba?

Under any circumstances, the geographical position of Cuba would render it a source of annoyance and irritation to us, so long as it remains in the hands of a foreign Power; and it would constantly disturb our friendly relations with its possessor. But the Spanish Government has never seemed desirous to render it as little so as possible. It will neither guard against wrongs to us, nor redress them. The President says:

"Whilst the captain general of Cuba is invested with general despotic authority in the government of that island, the power is withheld from him to examine and redress wrongs committed by officials under his control on subjects of the United States. Instead of making our complaints directly to him at Havana, we are obliged to present them through our Minister at Madrid. These are then referred back to the captain general for information, and much time is thus consumed in preliminary investigations and correspondence between Madrid and Cuba, before the Spanish Government will consent to proceed to negotiation."

The committee entirely concur with the President in the following sentiments:

"It has been made known to the world by my predecessors that the United States have, on several occasions, endeavored to acquire Cuba from Spain, by honorable negotiations." * * * * "We would not, if we could, acquire Cuba in any other manner. This is due to our national character. All the territory which we have acquired since the origin of the Government, has been by fair purchase from France, Spain, and Mexico, or by the free and voluntary act of the independent State of Texas, in blending her destinies with our own. This course we shall ever pursue, unless circumstances should occur, which we do not now anticipate, rendering a departure from it clearly justifiable under the imperative and overruling law of self-preservation."

The attempts to acquire it, alluded to by the President, have been made by the Executive without the express sanction of Congress, though it is not doubted that they have met its hearty approbation and that of the American people. Perhaps a proposition made with the express sanction of Congress may receive a more favorable consideration from the Spanish Government. Until such a proposition has been made and rejected, we ought not to consider "honorable negotiation" exhausted, nor would it be proper to discuss what course would be demanded of us "under the imperative and overruling law of self-preservation." It is certain that the Executive will take, and Congress will sanction, no step which will not be sanctioned by the practices, if not by the public sentiment, of all civilized nations.

In addition to commercial privileges for a limited time in the ports of Cuba, similar to those granted to Spain in the ports of Florida, and to France in those of Louisiana, and even greater privileges if Spain should desire them, the United States could afford to pay an equivalent in money for the change of flags. It is true that the principal pecuniary gain from the acquisition would inure to those classes of our citizens engaged in commerce, navigation, and manufactures, on whom the taxation to pay the equivalent would fall with the least weight; but the producing classes also would be largely benefited, and it is not doubted that, in consideration of the political and commercial advantages to the whole nation, they would cheerfully bear their proportion of the burden.

No prospect of pecuniary gain could induce the people of the United States to sanction an act of wrong, and no arguments will ever be necessary to reconcile them to pay the cost of national security. But as the sum proposed to be appropriated is large, and the people under our Government demand, and have the right to receive, from the representative body full explanations as to every legislative act, it is our duty to lay before the House the information which has guided us in settling the amount of appropriation recommended.

The committee, therefore, present to the House statistical facts, drawn from official and reliable sources, showing the advantages which may be expected to result from the acquisition to the leading industrial interests of our country:

1. To the agricultural.
2. To the manufacturing
3. To the navigation.
4. To the commercial.

Most of the facts are drawn from the official report of the "Commercial Relations of the United States with all Nations," prepared at the State Department and published by order of Congress, and where a due regard to brevity will permit, the language of that report will be adopted.

1. The advantage to our agricultural classes would be two-fold:

First. Of articles used mainly by them we imported from Cuba, in 1851, as follows: Molasses, $3,051,156; sugar, $15,555,409.

On these articles an export duty was collected by the Spanish Government of	$750,000
An import duty of twenty-four per cent. was collected by the United States	4,465,575
Tax on sugar imported from other countries, which would come from Cuba free	1,130,609
Total	6,346,184

But this does not exhibit the whole saving. So long as the domestic production of these articles is less than the consumption, the import duty of twenty-four per cent. levied by this Government enables the domestic producer to exact twenty-four per cent. more than he could get if the foreign article was not enhanced in price by the duty. It is clear that if the duty was taken off, so that Cuban sugar and molasses could be bought twenty-four per cent. cheaper, the Louisiana produce would also be sold twenty-four per cent. cheaper, or not at all. This amounts to about eight million dollars per annum, on which twenty-four per cent. amounts to $1,920,000, making an aggregate annual saving on sugar and molasses, mainly to the agricultural closses, of $8,266,184. On the importation of 1857, the saving would have been over fifteen million dollars.

A superficial observer may say that this saving will constitute no real gain; because, if the Government is deprived of the revenue it now derives from sugar and molasses, it must levy an equal amount upon some other article consumed by the same class.

This view is by no means correct; for when our revenue system is extended over Cuba, its citizens will pay into the Treasury an amount averaging, under our present tariff, about twenty per cent. on all their foreign importations. It is not possible to estimate what this may be.

Second. By opening the island to the introduction of our agricultural productions free of duty, the acquisition would furnish to that class a large and most important market for their surplus.

Breadstuffs, and provisions generally, of which we raise so bountiful a supply, are produced to a very small extent in Cuba; and yet, owing to the discriminating duties and onerous charges and restrictions imposed by the Spanish Government, we are unable to supply our nearest neighbors what we have in such superabundance, and they so much need.

"The duty in Cuba on flour imported from Spain is $2 50; on that imported from the United States in American or other foreign bottoms it is $10 81, the effect of which is to drive the American article entirely from the Cuban market, except at such times as when scarcity may have carried it up to a famine point.

"Were the discriminations removed, flour would unquestionably become our leading staple export to Cuba.

"The most moderate estimate places the consumption of flour, were it admitted at reasonable duties, at from eight to nine hundred thousand barrels. That this trade would be enjoyed almost exclusively by the United States is evident from the fact that flour is amongst our heaviest articles of export, and European competition with a country within a few days' sail of the island would be out of the question."—*Com. Rel.*, vol. 1, p. 182.

From the single article of flour, the agriculturists of this country would realize at least five million dollars per annum. At present, they sell none to Cuba.

"Lard, an article of great consumption in Cuba, imported almost exclusively from the United States, is subject to a duty of four and a half cents per pound, when brought from this country in American bottoms; the coarser qualities of oil (olive,) which are imported for the same purposes, are delivered with a duty of two and four fifths cents per pound; and the result is that 10,000,000 pounds of lard, being a vastly superior article, are imported, while 8,000,000 pounds of oil from other countries, far inferior to lard, are enabled to compete with it in the markets of Cuba, because of the difference in price in its favor produced by the duty."—*Com. Rel.*, vol. 1, p. 183.

"Meats.—The existence of a differential duty on meats imported in Spanish bottoms draws the supply of this article in the markets of Cuba from Buenos Ayres to the extent of 30,000,000 pounds annually; while from the United States it comes to a very limited extent, notwithstanding the quality of the article imported from the United States is far superior to that from South America."—*Ib.*, p. 183.

The removal of the discriminating duties referred to would open a market for 38,500,000 pounds of our meats and lard, without adding anything for the increased consumption which may be expected to result from the superior quality and cheaper price of the article we would furnish. At ten cents per pound, this would give to our agriculturists $3,800,000, where now they get nothing.

Similar statements might be made in reference to Indian corn, rice, and other articles of food, of which our farmers produce a large surplus, much of which is wastefully consumed because there is no accessible market for its sale, and all of which is reduced in value because the demand is unequal to the supply in those markets which are accessible.

In 1854, the island imported articles of subsistence to the value of $19,000,000, all of which, under free trade, would be furnished by us.

Enough has been stated from official sources alone, without exaggeration, and without additions which might be legitimately made, to show that the acquisition of the island would promote, in a wonderful degree, the prosperity of our agricultural classes. The sugar planters of Louisiana might find their profits somewhat curtailed. But it must not be forgotten that the first attempts to produce sugar in Louisiana resulted in such signal failures that the business was abandoned, and for a great many years the soil and climate were regarded as altogether unsuited to its production. Circumstances having caused a renewal of the attempt, perseverance and skill finally established it as a lucrative and apparently a permanent business. But of late years serious apprehensions have been entertained that it is about to be blighted again, and that, perhaps, in a very few years, our whole supply of sugar from that source may be cut off by uncontrollable natural causes. Fortunately, the soil and climate are well adapted to the production of cotton, and the most serious disaster that can befall the planter is the necessity of transferring his capital from the production of sugar to that of cotton.

Congress has always manifested a great desire that we should be independent of foreign nations for our supply of sugar; and, with a view to protect and foster the production of it at home, heavy duties have been imposed on the foreign article. Although the consumers have borne this heavy burden for many years, the increase of production has not kept pace with the increase of consumption. The amount produced at home has scarcely, in any one year, equaled half the consumption; while, in 1855, it was barely a third; in 1856, only a tenth; 1857, about an eighth.

Table compiled from statistics contained in Homans's Cyclopedia of Commerce.

SUGAR.

Year.	*Total produced in Louisiana. Pounds.*	*Total consumed in United States. Pounds.*
1850	231,194,000	435,736,629
1853	495,156,000	927,424,644
1854	385,726,000	863,067,520
1855	254,569,000	671,427,000
1856	81,973,000	848,422,400
1857	87,360,000	628,913,600

The importation for the year 1858 was 519,036,256 pounds. No means are at hand for ascertaining the production in Louisiana.

Homans's table has been compared with Champonier's report, and no variance is found prejudicial to Louisiana.

These facts and figures show conclusively (and none more regret it than the committee) that Louisiana cannot supply our wants, and must prepare for the free importation of sugar from other quarters; as it cannot be supposed that the consumers—our entire population—will consent to be taxed much longer on an article of universal consumption, and almost a necessary of life, for a purpose which it is obvious cannot be accomplished. The only feasible plan for the attainment of so long cherished an object—independence of foreign countries for our sugar—is by the introduction of Cuba into the Union. Louisiana has on all occasions shown a patriotic devotion to the interest of the whole Union, and having had the liberal aid of the Government towards the development of her full sugar-producing capacity, will no doubt surrender it without a murmur, when it is certain that she has not the capacity to supply the demand; and that the protection she enjoys is simply a tax of twenty-four per cent. on the whole sugar consumption of the Union, for the benefit of her few sugar planters.

2. The benefits to the manufacturers. No nation in Europe has clung with so much pertinacity to the self-aggrandizing colonial policy as Spain. Others have sometimes relaxed their colonial restrictions when relaxation seemed necessary to the maintenance of their dominion. Spain, on the contrary, has lost her whole colonial empire except Cuba and Porto Rico, because her pride revolted at any concessions. While she held sway over almost all the gold and silver mines in the world, she vainly strove to dry up the life-blood of the wealth of the world, and to prevent its diffusion beyond her own borders by prohibiting the exportation of the precious metals. Such absurd folly was only not mischievous because it was impotent.

An official publication says:

"The restrictive policy of Spain, especially as regards the trade of her colonies, is adhered to, to-day, in Cuba and Porto Rico, almost as rigorously as when she was mistress of nearly the entire southern portion of this continent." * * * * "Until the system itself is abolished, and Spain adopts the more liberal commercial policy which characterizes the present enlighted age—until she follows the example of Great Britain, Belgium, Holland, and other neighboring countries, in removing all unnecessary shackles from commercial enterprise—the commerce of Cuba, not only with the mother country, but with the United States and all foreign nations, must remain as it has during the past quarter of a century, crippled, restricted, and struggling." * * * * "The last tariff for imports and exports of the Island of Cuba commenced to be enforced in 1847. Foreign merchandise, in foreign bottoms, pays some twenty-seven and one half per cent.; others thirty-three and one half per cent.; foreign merchandise, in Spanish bottoms from foreign ports, some nineteen and one half per cent., others twenty-three and one half per cent. The same rates of nineteen and one half per cent., and twenty-three and one half per cent., are levied upon foreign merchandise coming from the peninsula in Spanish bottoms. Spanish goods coming in foreign vessels, pay some fourteen and one half per cent., others seventeen and one half per cent. All Spanish productions and manufactures (except jewelry) that come in Spanish vessels pay seven and one half per cent. An additional three per cent. has been laid on since this tariff went into operation."—*Com. Rel.*, vol. 3, p. 126.

A careful inspection of the tariff, in detail, has been made, and it was found that almost all the more important productions of this country are charged the highest rate—thirty-six and a half per cent.—and discriminations are made against us by our valuations.

It is wonderful that our manufacturers should be able to send any of their fabrics to the island in the face of such impositions and discriminations. Whether they are or not, and to what extent, are not known, but it is believed that the amount is very limited. The importation of manufactured articles into the island from all quarters, in 1854, amounted to about twelve million three hundred thousand dollars. This amount certainly would be secured to them by a change which would enable them to introduce their goods free, whilst all others were charged our regular tariff rates. As, however, the population of the island is exclusively agricultural, and is increasing rapidly, both in numbers and in wealth, a largely increased demand might be looked for, especially under a more liberal system of commercial exchanges; and Cuba would probably prove to be their most valuable customer, taking millions of their fabrics, and threatening no rivalry. Whilst this would be profitable to the manufacturers, it would be eminently beneficial, in a national point of view, as aiding to settle the heavy balance of trade against us in our intercourse with the island.

In 1858, we imported from it	$27,214,846
Whilst we exported to it only	14,433,167
Leaving a balance of	$12,781,679

Perhaps there is no more appropriate connection in which to state that, in 1852, when our trade with Cuba was considerably less than half what it was in 1858, the Spanish Government collected from it $3,338,120 of revenue. At the same rate it levied on our trade of 1858, $7,600,000. What increase might we not expect in our trade when relieved of such an imposition? Its ability to exist under it at all is proof that, if free, it would be susceptible of almost indefinite extension.

3. Benefits to the navigation interest. The devices adopted to exclude foreign shipping from engaging profitably in the carrying trade of the island are vexatious and oppressive in the extreme.

The differential duties in favor of trade under the Spanish flag, and against their flags of other nations, are exhibited in all the extracts we have already made from their tariff. The same policy is adopted not only in regard to all imports, but also in their export regulations.

Superadded to these are a multitude of port charges and dues, in all which heavy discrimination is made in favor of Spanish vessels. For nearly thirty years this Government has been endeavoring, by negotiation and by retaliatory legislation, to induce a relaxation in favor of our shipping; but its efforts have not been attended

with the least measure of success. Our Minister at Madrid wrote to Mr. Marcy in 1853:

"Since my reception at court, I have had several interviews with M. Calderon. I find him ill inclined to favor any policy that might tend to bring Spain to a closer connection with the United States. He sets no great value on the advantages which his countrymen might derive from a free intercourse with us, and views rather as danger whatever is likely to promote it."

This is probably the general feeling of Spanish politicians, at least of the old school, and it is futile to aim at any advantages for our citizens, in the Island of Cuba, so long as it remains subject to Spanish law.

The discriminations against our shipping can be better appreciated from their effects than from an enumeration of them in detail.

The total commerce of Cuba, import and export, for the year 1854, according to its custom-house returns, which are said to be twenty-five per cent. under the truth, was $64,078,309, employing 3,812 vessels of about one million tons. From the proximity of the seat of this trade, and the nature of the exchanges between Cuba and other countries, our ship-owners ought to enjoy the carriage of nearly or quite the whole of it. In the absence of discriminations against them, their superior skill and enterprise would enable them to secure its monopoly.

The following table will show how far the repressive energy of Spanish legislation has driven their sails from their own doors to seek employment in distant quarters of the globe.

Let the mariner, when he lies paralyzed and shivering in the frozen seas of northern Europe, or floats lazily on the yellow waters of Asia, where everything around him bespeaks man and nature dormant and stationary, turn his thoughts to the soft atmosphere and rich vegetation of the tropics. There he will see the Spanish sailor—the petrified semblance of the bold mariners of the same nation who discovered this continent—protected by a bulwark of legislation to keep off intruders, enjoying without merit the prize which ought to be the reward of skill and enterprise.

Number of vessels entering the ports of Cuba from 1848 *to* 1854.

	1848.	1849.	1850.	1851.	1852.	1853.	1854.
Total	3,548	3,213	3,356	3,869	3,612	3,918	3,812
United States	1,733	1,639	1,596	2,014	1,886	2,307	2,132
	1,815	1,574	1,760	1,855	1,726	1,611	1,682

The trade of the island and the tonnage employed are greater now than they were four years ago; but no official returns are at hand of a later date than those given. It appears that our shipping is superseded by foreign, principally Spanish, to the extent of about five hundred thousand tons per annum. In this statement no account is taken of the shipping employed in the coasting trade. We have no data on which to base even an estimate of this; but it must be very large in an island having many good harbors and more than fifteen hundred miles of sea-coast.

4. The benefits to the commercial classes. This branch of the subject is susceptible of being presented in so many points of view that the length to which it is desirable to restrict this report will not allow of anything more than the presentation of facts drawn from official sources, from which each inquirer may form for himself an estimate of the productiveness and commercial capabilities of the island. The committee feels less reluctance to pursue this course, because the intelligence and sagacity that have always characterized our commercial classes are a guarantee that they need no aid to enable them to draw reliable deductions from known facts, and no prompting to induce them to extend, by every honorable means, the field in which they may display enlightened and liberal enterprise.

"Its great fertility of soil, its genial climate, its almost limitless resources, its commercial wealth, and its geographical position, render the Island of Cuba the most important, as it is the largest, of the Antilles.

"It comprises an area of 31,468 square miles, (30,139,520 acres—about the size of all the New England States except Maine.)

"The census of 1775 gave a population of 170,370; that of 1817, of 551,698; that of 1841, of 1,007,624; and that of 1850, of 1,247,230, of which last 605,666 persons were whites, 205,570 free colored, and 436,100 slaves. The portion of the island under cultivation does not exceed two million acres, (less than one fifteenth part,) but most abundant crops of maize, yams, bananas, potatoes, sugar, coffee, tobacco, and, to a limited extent, of cotton, cocoa, and indigo, are produced."—*Com. Rel.*, vol. 1, p. 177.

"The amount of raw sugar, as a gross product to the acre in several countries of the globe, from good authority, is as follows:

	Pounds.
Mauritius	6,000
Brazil	5,000
Cuba	4,000
Isle of Bourbon	3,300
Guadaloupe	2,000
Vera Cruz	1,900
Martinique	1,700
Bengal	1,600
St. Domingo	1,100
Louisiana	1,000

—[*Homans' Cyclopedia of Commerce*, 1700.

Cuban sugar is preferred to all others in the markets of the world, and the only two countries that exceed it in production to the acre raise a comparatively small amount in the aggregate.

An intelligent historian, resident in the United States, says:

"Cuba has been justly styled the garden of the world; perpetual summer smiling upon its favored shores, and its natural wealth almost baffling the capacity of estimation. It is scarcely credible that, when the generous soil produces from two to three crops annually, the vegetable wealth of this island should be so poorly developed. It is capable of supporting a population of almost any density, and yet the largest estimate gives only a million and a half of inhabitants. Nowhere on the face of the globe would intelligent labor meet with a richer reward; nowhere on the face of the globe would repose from labor be so sweet. Cuba is, indeed, a land of enchantment, where nature is beautiful, and where mere existence is a luxury; but it requires the infusion of a sterner, more self-relying, and enterprizing race to fully test its capabilities, and to astonish the world with its productiveness.

"The virgin soil of Cuba is so rich that a touch of the hoe prepares it for the plant. So fertile a soil is not known to exist in any other portion of the globe. It sometimes produces three crops to the year, and, in ordinary seasons, two may be relied upon."—*Ballou's History of Cuba.*

It is said that a mixture of the three kinds of soil by which the island is covered forms the richest fertilizer, next to guano, known in agriculture.

With its present limited population and inadequate cultivation, its productions are immense, having been in 1855, according to the report of the American consul, as follows:

Sugar	$36,000,000
Coffee	1,000,000
Molasses	2,400,000
Minerals	2,500,000
Wax and honey	1,000,000
Rum	1,000,000
Tobacco and cigars	32,000,000
Fruits, &c.	2,000,000
Total	$77,900,000

As might be supposed, the commerce resulting from these rich productions is very large, though not nearly so great as it would be if relieved from onerous burdens and restrictions. The following table, compiled from official sources, exhibits the exports and imports for the year 1854:

	Exports.	*Imports.*
Spain	$3,615,692	$9,057,428
United States	11,641,813	7,867,680
England	11,119,526	6,610,909
All other nations	6,306,700	7,858,561
Total	$32,683,731	$31,394,578

Exportable domestic produce is the basis of all commerce. The amount of such produce possessed by any people measures their commercial capability; or, in other words, their purchases in a series of years will about equal their ability to pay. Any commerce beyond that must be unsound as involving the country in debt, or positively detrimental as making drafts on its accumulated capital to pay balances. Taking the exports as the measure of commercial capacity, Cuba has, in proportion to its population, nearly three-fold that of the United States. With an estimated population of twenty-eight million, the United States exported, in the year 1858, $293,758,279 of domestic produce, being $10 49 per head; whilst Cuba, in 1854, exported $27 23 per head. The fact that a total population of one million two hundred thousand, of all classes, paying a tax of $23,000,000 to Spain, and without any of the encouragement or protection derived from good government, can exhibit such results from their rude and untutored industry, will speak volumes to the commercial inquirer, and needs no comment.

Determined to confine themselves to incontrovertible facts, the committee have been obliged to go back to 1854, in order to obtain official information. In the four years that have since elapsed, great progress has been made in the island; and it is not doubted that twenty-five per cent. must be added to these results, to represent the wealth and commerce of the present time. In addition to which, all writers agree that the official reports from their custom-houses are twenty-five per cent. under the truth.

We cannot hope that we have been able to present all the material facts bearing upon this point. Indeed, the jealousy of the Spanish Government sedulously conceals much that would throw light upon the subject. But the few prominent facts that we have mentioned, will show, beyond doubt, that to the commercial classes of the United States the acquisition of the island is of inestimable importance.

Ours is a Government dependent on the consent of the governed, and resting for its basis upon the affections of its citizens. If the arm of power is felt, it is in repressing vice and maintaining order. If there is, throughout the broad limits of the Republic, one citizen who looks with malevolence upon the Constitution under which he lives, he is spurned by the good, but fears no persecution. *Haud invitis* is, and ought to be, our maxim, in extending our institutions over organized communities. It would accord neither with our principles nor our practice to take into the Union any territory already fully occupied by a civilized people averse to our Constitution. It becomes important, then, to inquire whether the people of Cuba would probably desire annexation to the Union.

On this point we can have no direct assurances, for the slightest whisper of discontent would probably bring down upon their heads the wrath of the Government under which they live.

A well-informed historian thus sums up the oppressions under which they groan:

"She is permitted no voice in the Cortes; the press is under the vilest censorship; farmers are compelled to pay ten per cent. on all their harvest, except sugar, and on that article two and a half per cent.; the island has been under martial law since 1825: over twenty-three millions of dollars taxes (about four hundred dollars to each family) are levied upon the inhabitants, to be squandered by Spain; flour is so taxed as to be inadmissible; the natives of the island are excluded entirely from the army, the judiciary, the treasury, and the customs; letters passing through the post are opened and purged of their contents before delivery; planters are forbidden to send their sons to the United States for educational purposes; in short, every possible subterfuge is resorted to by the Government officials to swindle the people, everything being taxed, and there is no appeal from the Captain General."

Many of the oppressions enumerated are omitted for brevity.

To these grievances are to be added the terrible threat constantly held over them by the minions of the Government, that, on the least appearance of disaffection or rebellion, the shackles will be stricken from the slave population of the island, and half a million of African savages will be turned loose to deluge their hearths in blood and desolate the island. Threats of spoliation and visions of carnage hang like a thunderbolt over their heads.

If the thirty thousand resident Spaniards, who are allowed to monopolize the honors and emoluments of Government, and to domineer over the island in the very wantonness of unrestrained power, should object to any change, it would not be surprising. The same class of persons interposed the same kind of objection to the cession of Florida, where their exactions were not nearly so great, nor their privileges so lucrative, as they are in Cuba. As was done in the case of Florida, there could be reserved to them by the treaty the privilege to leave before the flag of the Republic is raised on the island.

To the five hundred and twenty thousand native white population the question presented is totally different. To them it is a question of emancipation from thralldom, freedom from exactions and oppression, elevation from political servitude to political freedom, escape from the most irresponsible despotism to be invested with the full powers of self-governing freemen. From being a colony, governed by laws in the making of which they have no voice, and the local administration of which is in the hands of a class having no sympathy with them, they would become an

equal in a Confederacy of States, governing themselves in all local affairs, and through their Senators and Representatives in Congress participating in the conduct of the Federal Union, whilst enjoying its protection and sharing in its glories. Under the liberal commercial system which prevails in our Union, and which has so wonderfully developed the industry and wealth of the nation, the citizens of Cuba might reasonably expect to attain to a degree of wealth, civilization, and power which has never been reached by any people living under a political despotism.

To suppose them insensible to these advantages is to attribute to them an obtuseness most variant from all the accounts we have of them; and to suppose that, being sensible of them, they would not eagerly embrace an opportunity to become a State of the Union, would be to deny the existence in them of the motives and aspirations which have been found to impel other branches of the human family.

Our object in pointing out the material advantages that would result to our own citizens from the acquisition of Cuba has not been to excite their cupidity, nor to encourage unlawful enterprises for its seizure. As such a prize could only be paid for out of the common Treasury, so must its acquisition, whether by purchase or force, be by the constituted authorities acting in obedience to law. Our purpose is to show, that whilst political advantages and national security are the objects at which we aim, the pecuniary gains would be such that we can afford to pay to Spain a liberal price for its transfer. Though it has been an object of solicitude to our Government and people for many years, it is believed that no distinct offer has ever been made to the Spanish Government for its purchase. In the opinion of the committee, the time has arrived when such an offer should be made, in such terms as may seem to the President, who is charged by the Constitution with the duty of negotiating treaties, best calculated to arrest the serious attention of the Spanish Government.

The committee are aware that some who admit the force of all that is said in favor of the acquisition, and who would not purposely throw obstacles in the way of its attainment, doubt the propriety of any action at this time, because, as they allege, the attempt to procure the assent of Spain will be futile.

The committee cannot recognize the force of this objection.

The President, in his annual message to Congress, said:

"The publicity which has been given to our former negotiations upon this subject, and the large appropriation which may be required to effect the purpose, render it expedient, before making another attempt to renew the negotiation, that I should lay the whole subject before Congress. This is especially necessary, as it may become indispensable to success that I should be intrusted with the means of making an advance to the Spanish Government immediately after the signing of the treaty, without awaiting the ratification of it by the Senate."

In his special message of January 21, he again calls the attention of Congress to the subject, and declares that he deems "it highly important, if not indispensible, to the success of any negotiation which I [he] might institute for the purpose, that the measure should receive the previous sanction of Congress."

He alone, has the means of obtaining official information as to the disposition of the Spanish Government, and it is not to be presumed that this recommendation is made, and reiterated to Congress without a sufficient motive. A failure on the part of the national Legislature to respond to the Executive recommendation will be attributed by Spain, however improperly, to opposition or indifference to the object, and will tend much to render futile an attempt at negotiation. Since the subject has been so prominently presented by the President, omission to act would be regarded by her as little less expressive than positive dissent from his views.

The committee hope that circumstances may never occur rendering it incumbent on the United States, "under the imperative and overruling law of self-preservation," to take possession of the island without the consent of Spain; but if they should, summary measures could be much more easily justified if we are prepared to show that we have exhausted honorable negotiation in attempts to avert the necessity; and had offered to Spain an equivalent in exchange for it. As such an offer might be necessary to the complete vindication of this Government hereafter, we ought not to be deterred from making it by any supposed unwillingness on the part of Spain to accept it, or even to entertain it in an amicable spirit.

Approving the recommendation of the President, and entertaining the belief that, by a failure to act, Congress would take upon itself a grave responsibility, the committee herewith report back the bill referred to it by the House: "A bill appropriating money to enable the President to settle unadjusted differences with the Government of Spain, and for other purposes," with an amendment to strike out "one," wherever it occurs, and insert "thirty;" and recommend its passage.

The bill is; in effect, similar to the act entitled "An act making further provision for the expenses attending the intercourse between the United States and foreign nations," passed 26th of February, 1804, to enable Mr. Jefferson to negotiate a treaty for Louisiana; and to "An act making further appropriation to bring the existing war with Mexico to a speedy and honorable conclusion," passed March 3, 1847.

The sum named in the bill is proposed to be appropriated for no secret or disguised purpose, but to enable the President to make a payment to the Spanish Government, on the full ratification of the treaty by it, without waiting for its ratification by the Senate of the United States, and the appropriation of the money by Congress; it being supposed that a contingency might arise in which the ability to make such prompt payment would tend to bring negotiations to a successful issue. Nor is intended to limit the amount which the President may engage to pay for the adjustment of our differences with Spain, including the cession of Cuba. This and all other details of the treaty, if a treaty can be negotiated, are left to be arranged and its execution provided for in the manner prescribed by the Constitution and laws.

A statement of the duties, taxes, &c., collected annually in the Island of Cuba, without taking into consideration the large amount of goods smuggled through the custom-house with the connivance of the officers thereof.—(Report of the American consul to the State Department.)

Import and export duties, together with a charge of five per cent. (*alcabala*) on all recorded sales of real estate and negroes	$13,586,302
Income from the royal lottery	1,559,000
Income from the post office	1,200,000
Income from the *diezmo* duty, the tenth part of the agricultural products, farmed out for	600,000
Church fees for marriages, funerals, christenings, &c	250,000
Stamp duties	250,000
City taxes upon carriages, horses, negroes, &c	300,000
Courts of law	1,000,000
Expenses of street lighting, fire-engines, and watchmen, for Havana alone	161,600
Passports and licenses	1,000,000
Interest upon securities belonging to the church,	4,000,000
Sales of "*oficios*," a church impost	10,000
Fines, (incomplete)	8,000
Signature of Captain General in law-suits alone,	25,000
A tax of 18¾ cents upon every description of animals offered for sale in the market places or otherwise, for the clothing of the militia	100,000
Income from legacies left for this purpose to bishops and other church dignitaries	40,000
Tax upon foreigners coming to the island to reside	10,000
Taxes upon vessels for pilots, captains of the port, and for discharging ballast	150,000
Mariners' fund, raised by a tax of 18¾ cents on each trip of every mariner in the coasting trade	30,000
Total	$24,259,902

BILL ACCOMPANYING THE REPORT

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of $1,000,000 be, and the same is hereby, appropriated, out of any money not otherwise appropriated, to enable the President to conclude with the Government of Spain a treaty of amity, and for the settlement of all differences, including the cession of the Island of Cuba; to be used by him, if he shall think fit, in advance of the ratification of the treaty by the Senate: *Provided*, said treaty, when signed by the authorized agents of the two Governments, and duly ratified by the Government of Spain, shall call for the expenditure of the same or any part thereof; full and accurate accounts of which expenditure shall be by him transmitted to Congress at as early a day as practicable.

SEC. 2. *And be it further enacted* That if, at the time said payments shall be required to be made, there shall not be in the Treasury sufficient funds not otherwise appropriated, the President of the United States is hereby authorized to borrow so much as may be necessary, not to exceed the sum of $1,000,000, in the same manner and on the same terms and conditions as were prescribed by an act entitled "An act to authorize a loan not exceeding the sum of $20,000,000," approved 14th June, 1858.

AMENDMENT.

Strike out "$1,000,000" and insert "$30,000,000."

NOTE.—Since the publication of this report, Hon. MILES TAYLOR and Hon. GEORGE EUSTIS, Representatives from Louisiana, have called in question the statement as to the quantity of sugar produced in that State in 1857. The authority for the statement was given in the report—Homans's Cyclopedia of Commerce. Any person who will consult that work, page 1774, will find the statement sustained by the authority.

The draughtsman of the report is rejoiced to find that Homans is in error, and that the production of Louisiana, in 1857, was (counting one thousand pounds to the hogshead) two hundred and seventy-nine million six hundred and ninety-seven thousand pounds.

That was, however, considerably less than half the consumption, and the argument of the report remains unrefuted—that "the increase of production has not kept pace with the increase of consumption," and "that Louisiana cannot supply our wants, and must prepare for the free importation of sugar from other quarters."

THE TARIFF.

SPEECH OF HON. W. H. KEIM,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. KEIM said:

Mr. CHAIRMAN: I design to occupy the attention of the committee as briefly as may be. I represent a district which is familiarly known as "Old Berks," and which is, perhaps, as largely interested in the iron manufacture as any in the Union. My advent here, with my political antecedents, has caused some surprise throughout the country. The enigma is of easy solution. The great and radical change was caused by the principle of protection to labor. The people, the Warwicks of our time, who make and unmake the ruling power, true to their interests, arose in their might, threw off the shackles of party, and now stand redeemed and disenthralled! And there they will remain, until you foster those interests which will enable them to maintain their families, found a home, and educate their children, to become the intelligent and reliable supporters of the laws and the Constitution. I aver, most emphatically and distinctly, that no party can gain the vote of my district that opposes protection for the sake of protection. Berks county has performed no unimportant service in political history. The fate of the next presidential election may depend upon its decision. In all presidential elections in the State, since 1836, the Democratic majority has been less than five thousand; and, as no President can be elected without Pennsylvania, a change like the last special congressional election, of seven thousand five hundred votes, will decide this contest in favor of those who sustain the dominant interest of the district. But while I ask protection to the iron trade, I desire all the manufacturing and agricultural interests promoted, North and South. Why not support American labor in preference to the pauper labor of Europe? If not as a matter of policy, I ask it as a tribute to humanity to save those who are suffering the pangs of want.

That the committee may understand the operation of the financial and manufacturing revulsion in the district I have the honor to represent, I would state that the two leading channels of transportation of anthracite coal from the Schuylkill coal-fields pass through the county of Berks from north to south, and through the city of Reading. The coal delivered at Reading by the canal and railroad in 1857, was 137,602 tons; in 1858, was

97,056 tons; the difference between which was 40,000 tons and upwards, or about thirty per cent. less in 1858 than in the year 1857. It is true that taking the product of all the fields, there was an increase of about 60,000 tons in 1858 over the year before—the figure of that vast interest being carried up to 6,491,000 tons, a production never surpassed but in one year, namely in 1856, when it realized 6,751,000 tons. The steady increase of production follows the domestic and manufacturing demand, and the production is carried forward, in spite of the revulsion, by the constantly opening new markets for domestic use. It is at the iron manufacturing points, like Reading and Phœnixville, that we see the diminution for manufacturing purposes. If manufactures had not been paralyzed, the production of the anthracite in 1858 should have, and would have, reached 7,000,000 tons. Indeed, the production of that coal has experienced no backset, if I may so call it, since 1838. In that year the production was 738,000 tons, from which it has grown, without a single year of diminished production, until the year 1857, when it reached the total I have mentioned.

The diminution I have adverted to at such points as Reading, centers of manufacture, grow out of the stoppage of furnaces, forges, and of steam-driven machinery of all kinds; out of the diminished production of iron and of its various manufactures. The use of forty thousand tons less of coal in one year, in Reading, than in another next preceding it, implies to one, conversant with the business of our people, a very grave and serious interruption of that business in every department. Think for a moment of what a vast industry that amount of coal, at that single point, was an exponent! Think of the engine fires that were extinguished; of the furnaces out of blast; of the operatives directly employed about the engines and furnaces, thrown out of work; of the mines of coal and of iron ore to supply those furnaces, those engines; of the vast carrying apparatus by railroad, by canal, by the cart, all turned adrift without work. And then, looking for a moment beyond all this, at all the producing and mercantile classes, how they must have been affected by the prostration of that great interest whose industry it was their function to supply—you have before you society, in the full rule of life and vigor, suddenly smitten down, credit ruined, debt almost annihilated, confidence between man and man almost blotted out, patient honest industry brought to beggary, and no class flourishing.

This is the faintest possible picture of what took place in that noble district, which I have the proud honor to represent. Is it strange that I am here? I tell you, sir, that Berks is, this day, as loyal to her ancient sentiments, and is as ready to indorse them by her vast majorities, as ever she was. Her principles stand as unshaken as her own eternal and glorious hills. Her people are as true to them as to their religious faith. They are like that grand old monk, who is the type of the German race, who concluded his appeal to the Emperor and Princes of the Empire in those memorable words, "*Hier stehe ich; ich kann nicht anders; so hilf mich Gott.*" And there they do stand, full of truth and loyalty, and there they will stand; ay, sir, there they will stand; so help me God!

They are a confiding people. With them, confidence is, perhaps, a plant of slow growth, but when it has grown it is like tearing their heart strings to pluck it out from their hearts. They love whom they can trust, with a love surpassing that of woman. They will not listen to the suggestions of every super-serviceable knave that would breathe a tarnishing slander on a trusted one. The county, whose every twelfth man is a uniformed volunteer, which, having one thirtieth of the population of the State, furnishes one tenth of its citizen soldiery, is full of a truly gallant and chivalrous spirit, peaceful, orderly, law-abiding, honest, and just. In times past this people reorganized, and were proud to follow the leadership of such men as Joseph Hiester, Henry A. Muhlenberg, John Ritter; honest men, every one of them, and trusted, loved, and honored, not merely up to their latest breath, but now, in memory. These were leaders fit to follow. They were Democrats, while there was a Democratic party. Hiester voted for the Missouri compromise. Muhlenburg repeatedly voted for tariffs for protection. Ritter voted for the Wilmot proviso. Who ever doubted their Democracy? Yet these great measures, to-day, stink in the nostrils of those who would affect to lead that Democracy. I would not vote, perhaps, as Mr. Ritter voted on that question, for I do not, as at present advised, believe that Congress has any right to legislate slavery *into* or *out of* the public domain.

The people of the district I represent are called upon to stultify themselves; to throw away all their old principles, and take up with the new ones, of late, and not happy inventions. They are for protection that will at least put our labor on fair terms with that of other countries. They hate negroes, and have no affection for slavery; they would leave it alone where it is, and not prevent its going where the people really wish to have it. They are for letting the people govern themselves. All this, in very fact, they were called upon to abandon. With regard to the tariff, the wolf was at their own door. They wanted no glozing speeches to persuade them that all was right, when they saw and felt that all was wrong. They felt insulted by the miserable sophistry and falsehood that was attempted to be imposed upon them. The solemn and secret pledges and promises for the future they scouted when they thought of the broken and dishonored ones of the past.

These were the antecedents of the election of last fall in that district. The people did not abandon anything. They only would not follow the new lights. As to my being an old Whig, of which I am not at all ashamed, why the very head of the organization against me was a gentleman who followed "that same old coon" as ardently as I ever did myself. Whig, indeed! If I am not mistaken, the very governing and directing energy of this Administration, at this very time, is none other than what was ever Whig.

The views expressed by the President in his late annual message upon the subject of the tariff, are those to which that great party, to which he is said to belong, has never committed itself, nationally. No school of political economy, neither the protection nor the free-trade school, has ever been able to obtain from that party a distinct, unequivocal indorsement of its system. The resolutions of national conventions, and the letters of presidential candidates have been drawn with a studied reserve of meaning. The art of such compositions seemed to consist in such a use of words as could conceal the writer's real views, or, at least, leave them open to conflicting constructions, as suited the particular localities in which the construction was to be made.

While I thus arraign the fair dealings of the Democratic party upon this subject, I would not be understood to say or imply, that the other great party, of which Henry Clay was the embodiment, was entirely guiltless in this respect. He, who was the soul of that party, never wavered or faltered, but the party sometimes nationally, often locally, presented views which were not in harmony with each other.

All this is a natural and necessary consequence of bringing the tariff into the vortex of party politics. The Democratic party has, it is true, in these latter years, mainly advocated the doctrines of free trade; yet, locally, there are parts of the country where it has been compelled to renounce and denounce free trade. Mr. Polk's letter to John K. Kane was intended to serve a double purpose. The letter may have meant nothing; yet it was made to mean enough to get the electoral vote of some tariff States. The same game has been unsuccessfully played since; but it is now about played out, as my standing here, in the presence of this committee, and as the fate of some of my respected colleagues, and other gentlemen who were candidates for seats in the next Congress from the tariff States, may be taken to indicate. The tariff should not be made a party question; it should be framed by all parties to subserve the laboring interests of the country.

The President undoubtedly expresses the views of my whole constituency, and, I believe, of ninety-five hundredths of the people of Pennsylvania, with regard to the moral and financial superiority of specific over *ad valorem* duties; and I suppose I may say that Mr. Secretary Cobb expresses the views of the other five-hundredths; that is to say of the five per cent. of the population, who are Federal officeholders, or who are financially interested in free trade or *ad valorems*. In the time of General Jackson, it was considered important that the President and his Cabinet should be "*a unit*" in opinion and sentiment. We all remember the disruption of a Cabinet of his which was deficient in this unity. They had not then learned the art of "agreeing to disagree," which is one of the arts and mysteries of our late politics It is convenient for an Administration to present a double face on such a question as this of the tariff: one section can swear by the President, and be orthodox—another by the Secretary, and not be heterodox: one is of Paul, another of Apollos, yet both of the same faith. I have no fault to find with this state of things; indeed, it indicates a toleration from which the happiest consequences may be anticipated. "Specific duties" are, at least, no terrible heresies, and "*ad valorems*" are not such truths, as that one doubting them must infallibly be excommunicated from the Democratic party.

The agricultural interests of the country require as much protection as any other. It is a well established fact, that in the manufacture of goods of all kinds, fifty per cent. of the products of the farm enter into the composition as labor, in the shape of food, wool, leather, &c. During one year, the importations into the United States amounted to $362,000,000, consequently the imports of the productions of the farm amounted to $181,000,000. Think of that, and ponder it well, farmers!

Besides, with the excessive importations and balance of trade against us, the precious metals must be sent out of the country, thus creating fluctuations and revulsions, disastrous to the stability and well-being of the community.

I am not going to afflict the committee with a citation of the opinions of the whole unbroken line of our great statesmen in favor of the policy of protection. Those opinions are familiar to this House and to the country, as household words. Protection is the defensive policy of a State—that which husbands its resources, develops its skill, renders industrious, happy, prosperous, its people. If ever there was a country, which, more than any other, was bound by the highest duty to itself, to look after the industry, prosperity, and happiness of its people, this is that country. For this is the country in which the people are sovereign, which is ruled, not by a king over the people, but by the *king-people* itself.

What is the policy of this people with regard to labor? Shall it raise American labor up to a higher level than the labor of all the rest of the earth, or shall it sink American labor down to the level of that wretched, European from-hand-to-mouth pauperism, which is the lot of labor in the Old World? It is not a question of protecting iron or any other product of labor, but of protecting labor itself. It is not for her *iron* that Pennsylvania asks specific duties, but for the *men* who make that iron. She would not have her fifty thousand sons who are engaged in making or manufacturing iron, reduced to that European level. Would you reduce the labor of this country to starvation? Remember that, in the free States, that labor votes. It is educated, it reads, it thinks, it acts for itself. It bears in its hand the rod of empire. And will this House, which lives but in the breath of its nostrils—will this House turn a deaf ear not only to the voice of that labor, uttered so emphatically last fall, but to the voice of true policy, as well?

If the government of our great cities is every day becoming more difficult; if, in these, our American solution of the problem of man's capacity for self-government is becoming overcast with doubts and fears; if the eight hundred policemen of Philadelphia, and the twelve hundred or more of New York—*uniformed and armed*—are necessary, in those cities, for the imperfect protection of life and property; if the city of New York shivered with alarm, when the evil-genius of its executive magistrate almost arrayed the poor in arms against the rich, in the winter of 1857-58, I would ask: why that difficulty of government, why these doubts and fears, why that vast police force,

why that alarm in New York? It is largely because of the inadequate or precarious reward of labor; because of low wages and unsteady employment. Men cannot be brought together in masses, and left idle. How much better for the country would it be, if those fine, able-bodied policemen could be disbanded; if the mace and the revolver could be taken from their hands, and the implements of honest and honorable toil substituted.

Our ill legislation is the curse of those cities; and it will make those cities, if we persevere in it, the curse of the country. You cannot give those cities over to anarchy and misrule; you cannot degrade and pauperize their industrial population down to the European level, without inflicting infinite harm upon the whole country. Convert that population into a brutal, ferocious, licentious mob, and you will feel the effects of it in the remotest, smallest hamlet in the land. And you will make them such a mob, by evil lawmaking, affecting their labor; for laws can make or unmake the moral character of a people. A people whose labor is not well rewarded, cannot, if that last long, continue to be free. The intelligence of a people is much, their virtue is much, their religion much, all these may long hold them up, enable them to endure, but all these will give way if the physical well-being of a people is not kept up to the level of their moral and intellectual development. A people like ours is worth making every effort to save; for if it goes down, with it will go down the hopes of mankind forever.

FISHING BOUNTIES.

SPEECH OF HON. N. ABBOTT,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. ABBOTT said:

Mr. CHAIRMAN: I have sought the floor at the present time for the purpose of saying a few words in opposition to a bill which passed the Senate at the last session of Congress, repealing the bounty on fish. The passage of that bill would, in my judgment, be a great injury to the country generally, as well as an act of gross injustice to the people of that section engaged in the fisheries. My constituents, along the sea-coast, from Frankfort to Wiscasset, are deeply interested in this question, and I should be unfaithful to the trust they have reposed in me, were I to be silent when their rights and their interests are so deeply involved. Our fisheries, although local—and even outside of the Union, so far as the place where the fish are taken is concerned—are, nevertheless, eminently national; national in the consumption of their products, national in their effects upon our commerce, our navies, and the defenses of our country.

I propose, in what few remarks I make within the hour allotted to me, to point out some of the effects of our fisheries upon the great interests of the country, and to show the folly and injustice of striking them down, by the withdrawal of the protection they are now receiving at the hands of the Government. Nowhere is the fishing business a self-sustaining business; yet the great commercial nations of the world, Great Britain, France, Holland, and the United States, have ever deemed it for their interest and safety to foster and sustain that branch of industry, by bounties or other protection; and all of these nations, except the United States, have recently increased their bounties, or protection, for the purpose of stimulating their people to embark in the business. They protect and uphold the fisheries from national considerations. They look upon them as nurseries to rear and educate a hardy and efficient race of seamen to man their merchant and naval ships; and they are too wise to dispense with them, although they require increased protection; whilst the United States, with more commerce and less naval force, as if determined on their own injury, are seeking to destroy their fisheries, by withdrawing the little protection they now receive. There is no nation on earth so deeply interested in the maintenance of its fisheries as the United States; yet the United States, or the men who control the Government, are the only men who fail to see it.

Unlike the monarchies and despotisms of the Old World, the true policy of our free Government is to exempt the people from the oppressive burdens of large standing armies and navies, and to enable them to spend the fruits of their labor in fitting themselves and their children for the great and responsible duties of freemen. Yet a free people must always be prepared to defend themselves against foreign aggressions. Their flag and their rights will not be respected unless they possess the means of redressing wrongs and insults, from whatever quarter they may come. Our means of redressing wrongs and insults from without, will never be found in large standing armies and navies, while the people are true to themselves and to the Government they have established. Having retained the sovereign power in themselves, they will not oppress and degrade themselves to a level with the miserable victims of despotism by the imposition of unnecessary burdens. The strength of the Governments of the Old World lies in the magnitude and the efficiency of their armies and navies; in the ability of the *few*, through their engines of war, to oppress and over-tax the many, for their exclusive benefit; in the power to rob industry of her earnings to uphold a system of odious distinctions. On the contrary, the strength of our free Government lies in the material resources of the country, and in the spirit and patriotism of the people to apply those resources in defense of their rights and their liberties whenever occasion requires. The strength of a despotism, or a monarchy, or an aristocracy, is the weakness of a republic. The one stands on the fears of the people; the other on the love they bear to their country, and the ability to manifest their love in its defense. Our national defense lies principally in our citizen soldiery, and in the ready means of fitting out a sufficient number of privateersmen to cripple and destroy the commerce of a hostile power; and not in standing armies and navies, which impoverish and debase the people. Protect our fisheries, and the means of naval defense will always be within our reach.

Whenever the United States shall become involved in a war with any of the leading Powers of Europe, our merchant vessels will be thrown out of employment during the war, and they will not at the wharves, unless engaged in privateering. Hence, so far as vessels are concerned, the means for our naval defense will always be at hand on the breaking out of war; and, if we are wise enough to extend suitable protection to our fisheries, we shall have brave men enough to man them, and carry our flag proudly and triumphantly into the very rivers, bays, and harbors of the enemy, and compel him to sue for an early and an honorable peace, as they did Great Britain in the war of 1812. Our privateersmen, or rather our means of fitting them out at a moment's warning, in numbers sufficient to sweep the commerce of any nation from the ocean, enable us, more than any other cause, to maintain friendly relations with the jealous and antagonistic Powers of Europe. That branch of our national defense is our greatest safeguard against foreign aggressions, foreign wars, and their terrible consequences to life and property. It is feared ten-fold more by the commercial nations of Europe, than all the regular defensive force of the country. It was instrumental in an eminent degree in terminating both of our unnatural and onerous wars with the mother country. Its power reached the pockets of her merchants and business men, and they, to save their vessels and their merchandise from the grasp of our intrepid privateersmen, forced their Government to sue for peace. In the revolutionary war, our privateersmen were our only naval defense, and they were fitted out and manned almost exclusively by our gallant eastern fishermen. During that war they hovered about the channels and great thoroughfares of British commerce, and, unaided by any other naval force, captured over seven hundred of the enemy's vessels, laden with rich cargoes of merchandise and munitions of war. In the war of 1812 they coöperated with the small naval force furnished by the Government, and, in conjunction with that force, they captured between two and three thousand British vessels; and if the war had not been speedily terminated, British merchantmen would soon have ceased to plow the ocean, except under strong naval escorts. In these remarks, I am not unmindful of the gallant services of our regular naval force; but that force is too small, and ever will be too small, if we adhere to the true principles of our free Government, to excite the fears of great rival and warlike nations.

Now, peace, *peace* with all the world, is our true policy. To have it, all the world must fear our power; and, as our chief power to injure an enemy consists in our ability to cover the ocean with privateersmen, at a moment's warning, manned by fearless eastern seamen, schooled on the decks of our fishing crafts, is it wise to destroy our fisheries? wise to cut off our chief source of power? Cannot the wisdom of this House see the connection of our fisheries with the defenses of the country? When the House considers that the Government expends only $300,000 on this branch of our national defense, annually, and $25,000,000 on our regular Army and Navy, will it not regard it with some degree of favor? If $25,000,000 is the largest sum the Government can afford to expend, annually, for the defenses of the country, (and I admit that that sum is much more than it ought to expend,) will it not be as well to preserve both arms of our national defense, by reducing the expenditures of the regular Army and Navy to $24,700,000, and let the other $300,000 go to the fishermen, to sustain our fisheries? Men, *men*, on their farms, in their workshops, on the decks of their vessels, engaged in productive industry, inspired with that fervent, ever-living patriotism which springs from the enjoyment of an economical and free Government, are our bulwarks against invasions from without, and not a hireling non-producing soldiery. Love of freedom, freedom to enjoy the fruits of their labor, undiminished by onerous military or civil impositions, is the great motive power which ever has impelled, and ever will impel, our people to deeds of valor in the defense of their country's rights. It was this that crowned our revolutionary efforts with success; this that gave us the victory in the war of 1812; this that covered our armies in Mexico with so much glory. Hence, to preserve and augment our power to resist foreign encroachments, is to augment the material resources of the country by upholding all of its legitimate enterprises, and by diminishing its enormous and unnecessary expenditures; for there can be no enduring patriotism, no continuing love of country, swelling the hearts of a people writhing under oppressive burdens. Every dollar filched from the pockets of the people, to sustain large military and naval armaments, or large corps of civil plunderers of the public Treasury, lessens the pecuniary means of the country; lessens the patriotism of the people; and, consequently, lessens the defensive power of the Government.

Again, our commerce, foreign and domestic, locking within its mighty embrace all the great interests of our whole country, calls no less loudly for the preservation of our fisheries than does our power to repel invasion. There has ever been an intimate connection between the fisheries of a country and its commercial and naval successes. In all ages of the world, and in all nations where commerce has flourished or navies have covered themselves with glory, the fisheries have been regarded as the best and cheapest schools for the education of seamen, and one of the chief causes of their triumphs. Venice so regarded them when she was the acknowledged mistress of the ocean, when her dominion was absolute and undisputed over the waters of the Adriatic and Mediterranean seas; and when her fisheries ceased to be objects of public concernment, her power declined. They were so regarded by France and England in all their controversies, treaties, and wars, from the treaty of St. Germains, in 1632, when Nova Scotia was given to France, down to the war of 1756, when Great Britain became the permanent possessor of all the French possessions in Canada. They were so regarded by the British provinces in America, and the mother country, anterior to the Revolution; and the mother country, at a very early period, began to manifest jealousy of the

growing power of her provinces, principally on account of the number, hardihood, and manly independence of the seamen reared in their fisheries. The act of the British Parliament, passed in 1775, prohibiting certain of their eastern colonies from fishing on the Grand Banks, proves the existence of that early jealousy. They have been so regarded since our Revolution, by England and the United States, as all the treaties, negotiations, and diplomatic correspondence between the two countries clearly attest; and whenever either of these great maritime nations shall fail to so regard them, its commerce and its naval strength will be impaired. They were so regarded by the Continental Congress, when, in 1779, it instructed John Adams, the colonial Minister at the Court of St. James, that "the common right of fishing must in no case be given up, and that that right was essential to the prosperity of all the States." Fisher Ames so regarded them, when he said, "they will enrich, while they will protect, the nation." They were so regarded by that great apostle of genuine democracy, Thomas Jefferson, who, in 1791, when he was Secretary of State, said, "we have two nurseries for forming seamen—our coasting trade and our fisheries." And who again, when he was President of the United States, in a message addressed to Congress, in 1802, said:

"To cultivate peace, and maintain commerce and navigation, in all their lawful enterprises, and to foster our fisheries as nurseries of navigation, are the landmarks by which we are to guide ourselves in all our proceedings."

General Knox, Commodore Stewart, John Q. Adams, and Daniel Webster, have all borne testimony equally strong in favor of the national importance of our fisheries. I might sustain this position by quoting the uniform opinions of our statesmen, military and naval officers, from the days of Washington to the present time; but it would be an unnecessary waste of the time of this House; for no man, in my judgment, can fail to recognize the importance of our fisheries, as schools for the rearing of seamen, unless he is blinded by sectional bigotry, and his eyes utterly closed to the truths of history and the teachings of experience; and to such men, I trust, I am not speaking. The war of 1812 checked, for the time being, the natural development of our country's resources, and was looked upon with great disfavor by the American people; yet so conscious was our Government of the national importance of our fisheries, as aids to our commerce and naval defenses, that our peace commissioners at Ghent—Adams, Clay, Gallatin, Bayard, and Russell—were peremptorily instructed not to permit our rights to them to be discussed even; but to "terminate negotiations the moment those rights should be brought into question."

Such was the policy of our Government then. Such has been its policy from that day to the birth of this bill, in the Senate, at the last session of this Congress. Yet, strange to say, that now, when our commerce has found its way to the remotest corners of the earth, and has outgrown that of any other nation, and needs, more than ever, a continuance of that policy, it is proposed by the conservative branch of Congress to change it. Our growing commerce, which is necessary to the prosperity of every section of our country, furnishing employment to northern laborers, artisans, and navigators, and to the South and the West the means of transporting their vast and ever-increasing surplus products to the best markets the world affords, however distant or difficult of access, demands more native-born officers and native-born seamen in its service. Even now, with the immense number annually supplied by our fisheries, it is impossible to obtain the requisite number. What, then, must be the condition of our commerce when Congress shall have cut off that prolific source of supply? Take from our commerce the fifty thousand native-born seamen, who have been schooled in our fisheries, and it must languish for want of capable and efficient seamen to perform its nautical labors. The shipowners and merchants in our Atlantic cities, from New Orleans to Calais, have, for several years, seen and felt the necessity of more native-born seamen in the merchant service; and, at the last session of the present Congress, they sent in a memorial praying for the passage of a law to remedy the defect. They asked Congress to make it compulsory on the owners of each merchant vessel to educate annually, on ship-board, at their own expense, a certain number of American boys. But it is manifest that Congress does not possess the power to impose such a ruinous tax on the shipowners of our country; and if it did, the exercise of it would prove utterly inadequate to the accomplishment of the object sought. If there were no other reason for protecting our fisheries, the fact that we want more native-born seamen to sustain our vast and growing commerce is sufficient of itself. The sons of our hardy fishermen, from their childhood up to manhood, during the summer season, are on the ocean with their fathers, learning the art of practical seamanship, and in winters in our common schools fitting themselves to occupy the first places in the commerce of their country. When thus educated and matured, they naturally seek and engage in the business for which they are so preëminently qualified. Indeed, the little State of Maine, with only six Representatives on this floor, builds and mans, in whole or in part, one third of all the vessels built in the United States, and four fifths of all her seamen have been schooled on the decks of our fishing crafts.

The repeal of the fishing bounty act, at this time, would not only subject our Government to the charge of imbecility, but also to the charge of wanton and gross injustice towards that section of the country engaged in the fishing business. Upon the principle of common justice, that act is irrepealable. Its enactment was an invitation by the Government to the people to invest their means in the enterprise. When Congress passed that act, it virtually said to the free citizens of the North, the fishing business is known not to be a remunerative business; but the great interests of the Union require that it should be prosecuted; and, if you will embark in it, your investments shall be protected, and made remunerative by assistance from the national Treasury. The exact amount of the assistance was then fixed and established, as a motive to the investments that have been since made. Trusting in the good faith of the Government, our honest fishermen invested their money and labor in fishing-vessels, fish-wharves, fish-yards, fish-houses, and other fixtures necessary to the prosecution of the business. They now have on hand over two thousand fishing vessels engaged in the cod-fisheries, with the necessary fixtures for drying and curing the fish when taken, exceeding, in value, four million dollars, all of which was invested upon the invitation and good faith of the Government, and all, or nearly all, of which will be lost to the owners, if the Government withdraws the bounty. The vessels are too small, and their models ill adapted to the coasting trade, or any other business. The property invested in the fisheries is valueless for any other purpose. Cut off the bounty, and you will cut down the business; for under the recent reciprocity treaty with England, opening our ports to provincial fish, and other products, duty free, it will be impossible for our fishermen to compete, without protection, with their provincial neighbors with protection. Cut off the bounty, and our fishing vessels will cease to be schoolhouses for the education of seamen. Cut it off, and our Government will stand convicted of leading an honest and confiding corps of fishermen into the investment of more than four millions of their hard earnings, and then turning round and destroying it, by a wanton act of its sovereign power. Cut it off, and you will cut off so much of the revenue of the country as is now derived from the duties on imported salt used in curing fish caught by our fishermen. Our fish markets must be supplied by provincial fishermen; and their fish, under the recent treaty (and consequently the salt used in curing them) will be received free of duty. Cut it off, and you will weaken our national defenses, injure our commerce, destroy all the property invested in our fisheries, drive our hardy fishermen from their accustomed employment, and thereby leave an open field for the exclusive benefit of foreign nations.

Sir, I protest against such national folly; against such legislative injustice towards that section of the country I, in part, represent. The legislative action of a country should be just towards its several parts. The rights of no section should be disregarded or overlooked, however small or distant. With us, unjust legislation is intolerable; and whilst the spirit of our fathers animates the hearts of the people, they will not submit to it. Every true friend of the Union will look upon the authors of it with loathing and disgust. In the language of the Constitution, our Union was formed "to establish justice." Justice, emanating from our national Government, and spreading itself over every section of our vast and diversified country, is, and ever must be, the bond of union between these United States. Ignore that, and our glorious Union will break into fragments. Ignore that, and the Union will not be worth preserving; for the end of our Government is the absolute protection of human rights, persons, and property.

Now, I respectfully submit for the consideration of this House, is it just for Congress, by bounties, to induce the people of Maine and Massachusetts to invest their money, for the general good, in a non-productive business; and then, after the investment is made, change its policy, withdraw the bounty, and thereby destroy the property invested and ruin the men engaged in the business? Such an act would be equivalent to taking private property for public uses without just compensation. Hence I maintain that, if Congress takes away the bounty from our fishermen, it is not only bound by every principle of justice, but also by the spirit, if not the letter, of the Constitution itself, to make an appropriation to pay them for the losses they will sustain. Protection granted to a particular branch of industry, which is deemed to be of national importance, and which involves an outlay of capital in works unfit for any other purpose, is in the nature of a contract; and to withdraw it without indemnity, is as dishonorable in a Government as the violation of its technical obligations. Eleven twelfths of the property which will be destroyed by the passage of this bill is owned by the people of Maine and Massachusetts, and I am unwilling that the whole loss should fall on them. If the Government shall be foolish enough to change its wise, national, and time-honored policy of protection to its fisheries, let the losses occasioned by the change be borne equally by the whole country. If the Government cannot or will not see its true interest, it can be just towards the especial victims of its folly. The provision in the bill, postponing the time when it shall take effect, will not materially diminish the loss. To go on with the business, the vessels and fixtures must be kept in repair; and, consequently, when the bill goes into operation, whether it be two or ten years hence, the amount of property to be affected by it will be nearly the same.

I am opposed to this bill because of its tendency to excite and keep alive sectional feelings. Ostensibly it is the child of the Democratic party, but in reality it is the child of a few southern dictators of the Democratic party, who control that party, and through that party control the Government of the country. These dictators of the Democratic party seem to be inspired with a jealous hatred of free labor and free institutions. Acting in obedience to such inspiration, they are now wielding the entire powers of the Government in hostility to everything free, from the *soil* on which we stand to the men who till it; and the *free* fishermen of the far East are the victims of their hatred to be reached by this bill. If protection is needed to uphold a northern interest, the system is regarded by these dictators as manifestly unequal; if needed to uphold a southern interest, no such inequality is perceptible. If a paltry sum is wanted to sustain our New England fisheries, they hold that it is better to let them perish than to violate a great principle; but, if double the amount is wanted to sustain the sugar business in Louisiana, it may be taken without objection. A postal system, that takes millions from the free States to pay deficiencies in the slave States, they regard as equal; but just and trifling aids to a free State business, unequal. The door of the national Treasury is closed against every enterprise carried on by free labor and free capital, whilst it is wide open and prodigal in the bestowment of its gifts on whatever is supposed to promote the institution of slavery, or the interests of the men who uphold it. It is wrong, in their opinion, to take

a few hundred thousand dollars to rear a corps of free and intrepid seamen to man our naval, privateer, and merchant ships, but it is right to take $3,000,000 to build a custom-house in New Orleans; right to take $2,000,000 more to build another in Charleston, South Carolina; right to take $10,000,000 to eradicate from the hearts of the people of Kansas, by military force, the love of freedom; right to squander $50,000,000 of the public money annually, to reward partisans, in the great Democratic crusade against the spirit of Christian civilization; right to spend hundreds upon hundreds of millions in the acquisition of Cuba, Mexico, and Central America, for the purpose of opening new fields for the extension of human bondage.

But, sir, I turn from the contemplation of such sectional favoritism, under the belief that the time is not far distant when this Government will be administered by wise, patriotic, and national men, upon the principles enunciated by the fathers of the Republic. I turn from the contemplation of the sectional bitterness that now exists in this country, with feelings of profound regret. Its fruits are evil, and nothing but evil; and besides, there is no occasion for it. There are no sectional antagonisms in this country, but the antagonisms of opinion, and they are confined almost exclusively to the subject of slavery. Now, as the system of slavery is, by the Constitution, local, subject to State control alone, the antagonisms of opinion, on that subject, ought not to disturb our social relations, or the harmony of the country, any more than the antagonisms of opinion on the subject of religion, ethics, or any other question of conscience. Whilst it is the duty of every man to exert, to the full extent of his power, a moral influence in the promotion of truth and humanity, it is not his duty to quarrel with his neighbor, whose opinions may differ from his own. Reason and sympathy are antidotes for perversities of conscience, not blows. The diversities of soil, climate, and productions, in our widespread country, are not antagonisms, but bonds of concord and friendship.

The various branches of industry peculiar to different localities, are so interlocked as to promote each other. The prosperity of one promotes the prosperity of all. New England factories and work-shops create markets for southern and western products. New England ships transport the vast surplus cottons, grains, and meats of the South and West, to the best markets the world affords, however remote. In return, those products give profitable employment to New England commerce and navigation. One section of the country feeds, another clothes, and another manufactures for the whole. Hence, the growth and prosperity of each section promotes the growth and prosperity of all the rest. Lop off any part of our glorious Union, East, West, North, or South, and the Union would be imperfect. As a whole, it contains all the elements of a mighty and prosperous empire. Disjoint it, and God only can foresee the consequences. Let, then, the whole country be just towards its several parts. Let sectional animosities cease. Let the people of all sections become as firmly united in friendship, as the diversities of the country have united them in interest. That result will be attained so soon as the politicians of the country shall turn *statesmen*, and cease to stir the fires of sectional discord which they themselves have fanned into a devouring flame for selfish ends.

LAW AND ORDER.

SPEECH OF HON. J. JACKSON,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. JACKSON said:

Mr. CHAIRMAN: Gentlemen have discussed with ability and eloquence the political and commercial necessity of the acquisition of the Island of Cuba; and visions of the future growth of American domain and of the ultimate glory of American empire, have been freely indulged. In response to this necessity and to these visions, my own heart beats warmly; and my judgment sees nothing in our complex, yet harmoniously-adjusted, system of governments—Federal and State—incompatible with the indefinite extension of our present vast dominion. But underlying these forms of Government, which are the mere organs through which the vital energy of our great country breathes and acts, are the people themselves—the sovereign people of these States. It becomes, therefore, the prudent political thinker, whilst allowing his eye to wander with patriotic hopes over regions yet to be purchased with our money or conquered by our valor, to turn that eye with the coldness of impartial criticism upon our national inner-man—the heart and life-blood of our vast organism—the people themselves; and though the task be thankless, and his reward a sneer, if he detect there the seeds of disease which, unchecked, must throw the entire system into convulsions, and end in death, it is his duty to expose that disease, and assist, so far as he may be able, the great heart of the nation to throw it off. I fear, Mr. Chairman, that disease is at this time preying upon the vitals of our system—not, I trust, among a vast majority of the people, but among large and increasing numbers of them; and it is my purpose to call the attention of the committee, and, if my voice shall reach them, of the country, to what I conceive to be this alarming evil.

It is a disposition to set up caprice or passion or prejudice or interest, each under the guise of a "higher law," called conscience, *above the laws*—to worship on "high places," at altars other than that of the Constitution erected by our fathers, and sprinkled and sanctified with the blood of the Revolution. In one word, it is a spirit of insubordination to law and order. The seed was sown many years ago by a cunning thought suggested by an artful mind in the other wing of the Capitol. That thought was that in each man there is a law higher than the Constitution itself—the law of conscience, and the responsibility of that conscience alone to God—thus attempting to annul the decree of Almighty, who, when in the human form of Jesus, said "render unto Cæsar the things that are Cæsar's, and unto God the things that are God's." What is conscience? Too often, from human depravity, but a self-consoling excuse for unhallowed desire, or an artful pretext for unlawful enterprise. What is this law of conscience? It is a crown of *absolute* sovereignty placed upon the brow of every man, submitting to his option obedience or disregard of every law, under the plea that the thing he calls conscience will not permit him to obey this law, or forces him to disregard that. It involves a repudiation of man's social nature and civilized society, and subverts the foundation of enlightened government. Everybody knows that this foundation is laid on the sacrifice of a portion of individual liberty for the benefit of the community and of the individual himself as a member of the community. But, if men be taught that the conscience of each is above the law of all, and act out the lesson in practical life, then, indeed, does "a multitude of tyrants become the worst of tyranny;" security of life, person, and property, the object of all government, is gone; the law, no longer fixed, fluctuates with the changing breath of each man's conscience; anarchy has begun, and despotism follows rapidly in its rear.

Yet this doctrine, thus pregnant of evil, has found foothold in our midst, and is marching with rapid stride all over the land. Its footprints are seen in the refusal of large portions of the northern people to enforce the plain provision of the Constitution for the rendition of fugitives from labor, in the resistance of mobs and communities and entire States to the execution of the fugitive slave law? What is the universal excuse? The pretexts are many, but the simplest analysis reduces them all to "the higher law" of conscience. That inward, unwritten, unseen law does not suffer them to capture a slave, but forces them to connive at his escape, assist him in his flight, and thus defy the highest law of the land—the Constitution of their country.

Mark the track of the higher law again, on the plains of "bleeding Kansas." Emigrant aid societies, with powder and ball and Sharpe's rifles, are an old song, at the repetition of which my taste revolts. Pardon me, sir, for a brief allusion to it. It lay right in the path of my thought, and I may not pass it by, disgusting as is the sight to me. Emigrants, armed to the teeth for civil war, went to their work of arson and murder, with the blessing of God invoked upon them by professed priests and followers of the meek and merciful Jesus. Yes, sir, the blessing of Him, who proclaimed his mission to be love, who repudiated the pomp and prowess of arms, and relied for the triumph of His kingdom alone upon the principles He inculcated and the unseen yet all-pervading spirit which He sends to enlighten every man—His blessing, with a zeal equaled only by its profanity, was invoked upon this crusade of rapine and murder. What is again the excuse? Conscience whispers it was a great wrong to repeal the Missouri restriction, shuts out the thought that the organic law of the Territory, right or wrong, is the law of the land, and forces preachers of the Gospel to bless those who migrate for the purpose of resisting its execution with fire and sword. Oh, what an unsafe guide is even enlightened Christian conscience, when, for a moment, it loses sight of its polar star, *the written word of God!*

The same disposition to elevate the law of conscience above the law of the land is more strikingly exhibited, perhaps, in the progress of that singular Mormon superstition which, driven from its earlier settlements in Illinois by the advancing tread of a better civilization, found a stronger foothold in the Territory of Utah. There, under influences congenial to the savages who roamed around it, it fed and fattened. Prompted by lust, or deluded by a superstition unworthy of the age, thousands flocked to its standard; and the immunity of conscience from the restraints of law was the excuse that first permitted the adulterous heresy to be planted upon the soil of a Christian nation, as well as the apology for it in every stage of its growth; though the most careless observer could not fail to see that its noxious fruit must poison the moral atmosphere, and so infect society as to endanger the chaste relation of husband and wife, the dependent relation of parent and child, and the peace and purity of the family circle. The principle of the higher law led there to its logical and inevitable result. The entire Territory yielded to the dominion of one man, claiming to be God's vicegerent upon earth, and was precipitated into open rebellion against the Federal authorities and the law of the land.

This dangerous heresy, thus originating in a northern mind, and practically acted out in the North and West, found no spot upon southern soil congenial to its development for more than sixty years. The southern statesman, upon the floor of Congress, could proudly point to her entire record, and defy her bitterest maligners to show one blot upon her honor, or a single violation of constitutional law by her. Observing all the compacts of the Constitution herself, she could demand, and did demand with irresistible moral power, the observance of them all by others.

It pains me, therefore, Mr. Chairman, to be constrained, by truth, to say that this "higher law" doctrine has at last found advocates in her midst, has been openly acted out by a portion of her people, is apologized for by others; and, unless soon checked by her own sense of right, will demoralize her lofty character, and destroy that conservative influence which she has hitherto maintained in the Confederacy. It might have been reasonably supposed that the origin of the thought, coming, as it did, from a brain fruitful of evil to her, would have warned her children to dash the poison from their lips. Her great interests, resting, as they do, *in the Union* alone upon the Constitution and constitutional law, should have counseled all her people never to unsettle those interests by violating either the one or the other. With an overwhelming majority of political power against her, it is obviously her policy, while submitting to nothing wrong, to do nothing but what is right. Entertaining these opinions of her interest and policy, I do deprecate those manifestations of "higher law" which some of her sons have recently exhibited. I allude to the attempts made to set at defiance the neutrality laws, and to reopen, *contrary to law*, the African slave trade. The first may have been prompted by a love of chivalrous adventure, devotion to the land of the South, and resentment

of wrong; yet, sir, I believe the policy to be as reckless as the results have been derogatory to southern honor, and disastrous to southern interests. Nothing but the spirit of the higher law can be invoked to justify or defend it. Look at the facts. An eminent judge of the supreme court, born in Georgia, and grown to the manhood of the full lawyer in the State of Alabama, of irreproachable private character, blending the highest tone of southern feeling with profound erudition and stern integrity, expounds to the people among whom he had lived for years, the plain law of the land, only to meet with derision, if not insult, from a portion of that people and its press. Light, brighter than that which falls from the lucid mind of the judge, unseen by all except themselves, the inner light of this higher law of conscience, illumines the minds of jurors, and the expositions of the judge become twilight under its brilliancy. The fillibuster and his coadjutors spurn both the law and its expounder; he evades the revenue cutter, carries off with him its officer, contemns the laws of his country, and sails for conquest and glory on the shores of Nicaragua. How does the play end? With the wretched farce of his shipwreck and restoration, through the kindness of a British man-of-war, which, if he had but encountered it before the shipwreck, he had determined to fight and demolish. What are the fruits of the enterprise? Reproach upon southern character for the observance of law and derision heaped upon southern chivalry—the whole affair reminding one more of the windmill adventure of Don Quixote than the prowess of real heroism.

Kindred to the expedition of the fillibuster in quixotism, though destitute of any approach to its chivalry, is that other adventure which was lately enacted on the shores of Georgia. Without the hope of honor or the prospect of military renown, these latter adventurers seem to have been allured by the less noble desire for gain. Though the constitution of Georgia prohibited the African slave trade, and erected the barrier of State sovereignty, in addition to the Federal law, in their path, the law of their consciences overleaped both love of the Union and love of the State, and became to them a *law higher* than both the laws of the Union and the constitution of Georgia combined. Thus does the higher law, when once enthroned in the hearts even of men of position and character, dethrone all reason, substitute passion for prejudice, and lead men to acts which they must regret themselves, when reason resumes her throne. I deeply deplore the fact that any portion of the South should have been the scene of this violation of law; and I deplore it the more because Georgia was selected as the spot where Federal law was to be trampled upon and her own constitution defied. Let me not be misunderstood. The justice or propriety of any of these laws is not the question I now discuss. So far as the neutrality laws are concerned, however, I am free to say that I am ready by my vote, at any time, so to modify them as to sweep from the march of "manifest destiny" the barriers which our own legislation has erected in its path; but while they stand on the statute-book, I cannot add my voice to the clamor against those who discharge their duty by enforcing them.

In regard to those for the suppression of the African slave trade, I deprecate all agitation of the question for many reasons, which time will not permit me now to detail. Suffice it to say, that the scheme is now wholly impracticable. The trade never can be reopened by the repeal of the laws interdicting it, while the Union lasts. If the South were united upon it, no Representative from the North would vote for their repeal, and the only effect of the agitation that I can see, will be to weaken northern Democrats friendly to the constitutional rights of the South, by furnishing food to feed and fatten the growing Abolition party North. But the South is not, and probably cannot be, united upon it, and the agitation is dangerous, because it must divide her against herself—separating probably the older from the fresher cotton States, and at all events the cotton States from the border hemp and tobacco and grain States of Maryland, Virginia, Kentucky, Missouri, and possibly others. The great "desideratum," for which southern statesmen, who are now in their graves, pined and prayed, has been accomplished. The South is a unit; united in unshaken faith that her institutions are in accordance with the word of God, beneficial to the slave and the master, guarantied in the Constitution of the country; and if that Constitution be broken, she feels possessed both of will and ability sufficient to defend and protect them. This union is her strength. Divide her and she is conquered. Let those who throw this firebrand into her midst and fan its flame, pause, lest in their zeal to serve, they divide and weaken, if they do not destroy the land that they love.

But, I repeat, the propriety of the law is not the question I now consider. Its violation *while law* I denounce as but another exhibition of that "higher law" which all of us at the South contemn and despise when exhibited at the North.

I pass by, Mr. Chairman, other violations of law and order, having selected these as the most striking, for a three-fold purpose.

First, to awaken the attention of the sober and thinking men of the country, that all such men may unite to put down this higher law, and its disastrous effects, by the moral force of public opinion. I believe, unless arrested by the frowns of the people who love law and order, it must result not more certainly in a dissolution of the Union than in that which is of more consequence to us and our children than even the Union itself—the destruction of our free institutions, and the substitution of despotism in their stead. Sensible men want security—security of life, person, and property; and they must and will have it. Without fixed law, and obedience to it, there can be no such security; and they may be forced to look elsewhere than to our present forms of government for it.

My second purpose is to put this Administration upon trial; and appeal to the great jury of their countrymen to say whether they have discharged faithfully the great duty enjoined by the Constitution, "to see that the laws are faithfully executed." I do this the more cheerfully because it has been wrongfully abused, in my opinion, in both sections of the Union, and for the same cause in both; because it has discharged its executory duty with an eye single to the Constitution and the law, and without respect to sections or to men.

I remember, when a candidate for the seat I now occupy, that I repeatedly expressed the opinion that, so far as Kansas was concerned—then the theme of agitation and acrimonious debate—this Administration would see to it that the organic law of that Territory was faithfully executed. It has done so, sir, to the letter. The special message of the President, communicating the constitution framed at Lecompton, is an ample answer to every assault upon him before the people I represent here. And what great sin was thereby committed against the North? He adhered to all the forms and sanctions of law. "His offense hath this extent, no more:" Expressing his opinion that the constitution ought to be submitted to the people as the surest test of the popular sanction, he did not make such submission a "*sine qua non*," because the Constitution of the country, which he had sworn to support, gave him no such power. The law organizing the Territory left the people free to act "in their own way." That law was enforced by protecting the convention in the right thus secured, and recommending their action to the favorable consideration of Congress. The discharge of this duty, this adherence to law and order and repudiation of mob-sovereignty, has been tortured into a vile submission to the slave-power. The friends of half a century have united with political foes to heap odium upon the President, and he sits today in the White House the best-abused President since Jackson's time. Sir, impartial history will write down the truth, and that will be, that, though forced to break the ties that bound him to early friends, and abandoned by statesmen and States until the entire North bristled with an almost unbroken line of anger and opposition, he possessed the moral nerve to discharge his duty and execute the law. He found the Kansas act in operation—the work of other men. He was pledged to enforce its provisions, and, though some, who assisted to make, abandoned it, he redeemed the pledge.

The unsettled condition of the Mormon Territory of Utah—another fruit of the "higher law"—was cast upon this Administration by inheritance; not by any act of theirs, or omission on their part to act. With firmness and moderation, force and prudence, they did act. The supremacy of the Constitution has been vindicated; the authortiy of law maintained, and peace and civilization resumed their sway where bloodshed and anarchy had reigned so long.

Has this Administration, elevated to power in so large a degree by the South, and represented in the Cabinet by four southern men, proved faithless to its trust to execute the law *at the South*, in defiance of ebullitions of southern feeling, and in the teeth of exhibitions of the higher law there? If it has failed thus to act, it is unworthy of the confidence of honest men everywhere, and ought to be repudiated and disgraced. I am gratified that it can be said, with truth, it has discharged its whole duty there. It would have sunk into contempt in the estimation of the people of the South had it done otherwise. All its constitutional power has been employed to maintain the neutrality law in its spirit, and enforce it to the letter. Indeed, sir, so vigilant has been the Administration in the suppression of expeditions to Nicaragua, that some of the first and best men here from the South have thought that the neutrality laws have been enlarged by construction and strained in their execution. If grand juries fail to prefer bills, or petit juries to convict, let the blame rest upon them, or upon the law which, for wise purposes, under our free system, vests in them these powers.

Let it be remembered that the Federal Executive exhausts all its powers when, in good faith and with vigor, it accuses and prosecutes. Nor is a prosecution without conviction always a farce. The fact that prosecutions are pressed and offenders subjected to the expense and anxiety attendant upon bonds or imprisonment, goes far to deter others from similar adventures, and often answers this important object of punishment. The correspondence of the Treasury and Navy Departments discloses zealous efforts to preserve untarnished the honor of the country, and maintain inviolate its own law of neutrality. Yet, sir, there are not wanting men in this country, familiar with the limited powers of our Executive and the checks which our Constitution interposes between those powers and the liberty of the citizen, ready to echo the cry of foreigners, that our Government connives at these expeditions and secretly rejoices at their escape from our shores. Shame upon all who, for purposes of party, thus lower the standard of American character abroad, and bring reproach upon their country in the eyes of the civilized world!

Equally vigilant has been the Administration in its efforts to suppress the African slave trade. Efforts have been made to detect all who participated in the enterprise; and all detected have been committed for trial. What may be the result of the prosecutions, no man can foresee; but the Government has gone the entire length of its constitutional limit. Active agents are appointed; assistant counsel is employed; and no labor or expense has been spared to bring the offenders to justice. Should failure result, let it be attributed either to the harshness of a law of doubtful constitutional authority, making the trade piracy, or to that inestimable constitutional privilege of trial by jury, which sometimes enables the guilty to escape, but oftener is the only security for the innocent.

From these facts, Mr. Chairman, which cannot be truthfully denied, I assert that, in the important function of the execution of the law, this Administration has discharged its whole duty, without respect to sections or to men. It has, most emphatically, known no North, no South, no East, no West. It has been enabled thus to execute laws of a *quasi* sectional character *in* all sections of the Union, because it was lifted into power *by* all sections of the Union; and this last thought leads me to the consideration of the third purpose for which I alluded to the "higher law," and some of its consequences. That purpose is to show that an Administration, elevated to power by no party except a party composed of material from both of the great distinctive sections of this

Confederacy, can govern that Confederacy, and execute the laws in peace. It can never be done by any Administration put into power by one section alone. In other words, the success of a purely sectional party will inevitably result in an overthrow of the Government, and a dissolution of the Union. Suppose the Republican party had succeeded in the last presidential contest, and fillibustering enterprises and slave trade adventures, similar to those lately exhibited at the South, had been set on foot: does any sane man believe the Administration of that party could have suppressed them *in peace?* Suppose the South had acquiesced in the inauguration of such an Administration: six months would not have elapsed before revolution and ruin would have overwhelmed the country. Let it be remembered, *that revolutions are never the work of sober majorities acting through the forms of law.* A spark is thrown into some inflammable neighborhood. It ignites the hearts of the people there, and, catching and spreading into other neighborhoods, it runs and burns wherever it finds material on which to feed; and it finds that material wherever hearts, kindred to those first inflamed, beat with the same sympathies of clime, or country, or section. Men, thus on fire, do not stop to argue. The heart, the great governor of the will, beats for action; and act they must.

Now, sir, in view of this principle of human nature, universal in man, let us suppose an Administration not voted for by a man at the South, or, if the South were the dominant section, not voted for by a man at the North, to undertake to enforce a law calculated to arouse sectional feeling in the weaker section: what, I ask, would be the *natural* consequence? Resistance to its execution—wrongful and unlawful in its origin, if you please; confined, it might be, to a single neighborhood, perhaps to a hundred men; but *resistance* still would be made. To execute the law thus resisted, force would necessarily be resorted to; and it requires no prophet to foresee that the first drop of blood ordered to be shed by order of such Executive—in whose choice they had no share—would, like the blood spilt at Lexington, arouse a million of hearts, and baptize another new-born nation.

Mr. Chairman, there was excitement, intense excitement, at Mobile and Savannah, in consequence of the efforts of *this Administration*, elected in part by the people there, to enforce the laws. Who shall say what would have been the consequences had force been used by a sectional Administration, for which no man among that people had voted—nay, which Administration had been installed into power by an organization hostile to one of their dearest rights, the right of property; and that, too, when the offenders sought to be punished were seeking, in the opinion of portions of that people, to extend and strengthen that great right of property?

Sir, my colleague in the Senate, [Mr. IVERSON,] a few days since, expressed the opinion that the Union could not survive the election of Mr. SEWARD to the Presidency; that opinion has been ridiculed, and the Senator derided. Yet, I undertake to say, that a more solemn truth never was uttered in the American Senate; and every man in Georgia, who knows anything of me, knows that, in my heart, "the wish is not father to the thought." My views have ever been conservative—my love of the Union of my fathers, intense; I have sometimes thought, Mr. Chairman, too strong; but, sir, my judgment, stripped of all feeling, cold and naked, can see no other result from his accession to power. Even if the South waited for the inauguration of a man who announces that all the States must be free or slave, the first effort he made to enforce any law at all connected with slavery would be resisted, if, for no other reason, for the purpose of producing a separation; blood, revolution, civil war, would follow; and the Union, as our fathers made it—a Union of equal and assenting States—would be at an end forever.

From these considerations I deduce the conclusion that of all parties *now existing and organized*, the Democratic party alone can govern this country in peace, and give to the people security everywhere. It is the only party possessed of strength North and South, and therefore the only party that can govern in peace both North and South. The Republican party is confined to the North, the American party to the South; the latter not so confined from its principles, but because it is absorbed by the Republicans at the North, and has no distinctive strength there. I am aware that an effort is being made to form a party out of the two, uniting the Americans and the more conservative Republicans upon an approach, at least, to national principles. This policy was foreshadowed in an able speech by the distinguished gentleman from Kentucky, [Mr. MARSHALL,] a few nights ago. I wish that policy success; for if the Democratic party must be defeated, for the sake of the country, and the continuance and success of our institutions, let it be done by a party *assimilated to itself*—national, not sectional—drawing its inspiration from the Constitution, and with a patriotism as broad as the Union.

Mr. FARNSWORTH. Is the gentleman willing to join that great conservative party?

Mr. JACKSON. No, sir; because I belong to a better one now.

Mr. STANTON. That is the reason I will not join it.

Mr. JACKSON. If the party of the gentleman from Ohio had any strength at the South, then my argument would utterly fail, and the Republican party would be national. For the reason that it has no strength at the South, it must necessarily be sectional. I want the gentleman to unite with the gentleman from Kentucky in the formation of that conservative party, so that the country may be safe, and the good men of every party may sleep in peace.

Mr. FOSTER. If the Republican party should triumph, does the gentleman really believe that it would invade any of the rights of the South?

Mr. JACKSON. I honestly and seriously do believe that that result would be disastrous to the Confederacy, and would break up the Union of these States, whether the gentleman desired it or not.

Mr. STANTON. Does the gentleman regard the test of sectionalism as being the locality in which a party receives votes, or the principles on which that party stands?

Mr. JACKSON. There is no use in disguising the fact that the people of this country are divided into two great sections. There is, as every man can feel, a distinct line drawn between them. In one section the States hold slaves; in the other they do not. From the assaults that have been made on that weaker section, and from the fact that their institutions have been assailed—as they were assailed on this floor this afternoon by the gentleman from Illinois, [Mr. LOVEJOY,]—the South is sensitive, and justly so. A sectional party is, from the very nature of the case, a geographical party. The Republican party is confined exclusively to the North, not because of the climate, but because there are no slaves there. I do not want the people of the North to have slaves against their will. I would not interfere with any of their rights; but they are distinct from us in their social organization, and we are, from the attacks constantly made upon us, suspicious about them. For that reason, so long as the gentleman's party is confined to the North and has no strength at all among us, I must regard it, and I think every sensible man must regard it, as a sectional party.

Mr. STANTON. Did the gentleman regard the Whig party as a national one?

Mr. JACKSON. I did.

Mr. STANTON. Suppose that the Republican party of to-day should adopt, *toties quoties*, the principles and platform of the Whig party, and yet, in consequence of the changes in public sentiment for the last ten years, could get no votes South: is the Republican party, therefore, any more a sectional party, with such platform, than was the old Whig party?

Mr. JACKSON. Romeo told us a great many years ago, that "which we call a rose by any other name would smell as sweet;" and Republican is just as good a name, so far as I am concerned, as Whig. I care nothing about the name. If the party of the gentleman will *bona fide* adopt principles that can receive southern votes, then, of course, his party ceases to be a sectional party, and becomes national.

Mr. STANTON. I wish to say to the gentleman that we do not understand that the Republican party of to-day proclaims or professes or has in its platform a solitary principle that has not been advocated by Mr. Clay and the Whig party down to the year 1854. Now, if the South has abandoned the Whig party and the principles on which it was organized and existed as a national party for a quarter of a century, and if it has organized itself into a sectional party, does that make ours a sectional party? We have no principles in our platform for which we cannot quote the authority of Mr. Clay and of every leading statesman of the South from the organization of the Government down to this time.

Mr. JACKSON. If that great patriot who now sleeps in his grave, Henry Clay, ever uttered a sentiment in this country that all the States of this Union must be free or slave, I am not aware of it. I never heard of it. But I understand that such a sentiment has been uttered recently in the State of New York by the great leader of the Republican party, Mr. SEWARD—the gentleman who, in all probability, will be their candidate for President.

Mr. STANTON. I do not intend that the Republican party shall be bound by the opinions of any man. What the gentleman refers to is merely the opinion of the Senator from New York, that there is an antagonism between the two systems. About that there may be differences of opinion North and South. What I claim is, that the authoritative exposition of principles of the party, as authentically proclaimed by its conventions and its regularly-constituted authorities, is to be taken as its basis. We do not hold ourselves responsible for the sentiments that may be expressed by any man or any newspaper. What I ask is, that the Republican party shall be judged by the proclamation of principles made by those authorized to proclaim them.

Mr. JACKSON. I am gratified that this colloquy has taken place to-night between the distinguished gentleman from Ohio and myself. I am deeply gratified that he, at least, as one leading Republican, utterly repudiates the Rochester platform of the distinguished Senator from New York. The gentleman has but one step further to take, and that is to ally himself with the distinguished gentleman from Kentucky, [Mr. MARSHALL.] I will meet that party, when thus organized, in Georgia, and fight it to the best of my ability; and if the old Democratic flag is to go down, I shall feel happy, at least, that our great country, which I love, is safe.

Mr. STANTON. I have no doubt the gentleman thinks it very desirable that a party should be organized in the free States upon the principles set forth by the gentleman from Kentucky; for the gentleman's party would have no difficulty in beating such a party. It would be the easiest thing in the world. I do not wish to be understood as having expressed any opinion, *pro* or *con.*, as to the antagonism of interests between the two sections of the Confederacy; but, if the gentleman supposes that there is to be any organization, in the free States, upon the principles proclaimed by the gentleman from Kentucky, of the Dred Scott decision and of the constitutional establishment of slavery in the Territories, why, he is laboring under a great delusion. No such party as that could live in any free State one hour.

Mr. JACKSON. Why, sir, I was rejoicing just now to hear the gentleman, as I thought, repudiate the position of the distinguished Senator from New York. It seems I was mistaken; and I am very sorry that I have now to enroll him as a disciple of this higher law; because he repudiates the Dred Scott decision, which is a decision of the Supreme Court of this country, which all law-abiding citizens should respect. I have, therefore, mingled feelings of pleasure and of pain growing out of this colloquy—pleasure, at one moment, because I thought he had repudiated the principle of his distinguished leader, the Senator from New York; pain, now that I find that he must be enrolled as one of the disciples of the higher-law doctrine of that Senator.

But let me proceed, from this digression, upon the train of thought in which I was interrupted.

I can conceive of nothing more to be desired by good men—nothing to be hailed with more joy by every patriot who loves his whole country—

than the organization of a party, differing, if it must, from the Democratic party in governmental detail, yet like it in devotion to the Constitution, love of the Union, and justice to all sections. If the country should be again divided into two great and patriotic parties, like the old Whig and Democratic parties, on the return of those quarternial elections which separate the people into two opposing political armies, the good man, whether preferring the one or the other, on the night of the great contest, may rest in peace, assured that, whatever may have been the result, the Government organized by his fathers will be maintained in its integrity, and his rights of person and property secured to him and his children.

But I greatly fear, sir, that the conservative element in the Republican ranks will be too weak to contend for the mastery with that "higher law" principle, which has been its life-blood, and without which, the gentleman from Ohio [Mr. STANTON] thinks, and I dare say correctly, it will dwindle and die. Should these fears be realized, the principles of the gentleman from Kentucky, and all who think with him, North and South, will lead them into a party already organized, as devoted to our constitutional union as any that can be formed; the very party so eloquently described by himself, and which he fails now to recognize only because of past associations. Why should these associations deter him from its embrace? Democratic principle is molded into the very being of his country. The proportions of that country's gigantic stature are formed out of the material of Democratic thought and fashioned by Democratic hands. Where on the statute-book can a law be found of finance or revenue, settling the internal policy of our country, and acquiesced in by our countrymen of all parties, that has not been placed on the statute-book by Democratic votes and stereotyped on the hearts of the people by Democratic argument? The iron hand of Jackson struck the blow that severed the money of the people from the mammoth Bank; and the Democracy followed up the blow by dissolving its connection with the lesser monopolies that had grasped the spoil. Democratic argument and votes have approximated the tariff, after protracted struggles, to the revenue standard; and the principle at this late day is too strongly fixed in the affections of the masses to be abandoned to temporary policy or surrendered to greedy appetite for spoils.

Not less identified with the growth of our empire is the name and fame of the Democratic party. Associated with them are a thousand memories, interweaving them with every garland of her past progress and glory. The Mississippi, so long as it pours its flood of waters to the Gulf, shall mingle with the hum of its immense commerce the name of Jefferson, the father of Democracy. Every breath of wind that stirs the magnolia groves of Florida, brings from the land of flowers fresh fragrance to the memory of Monroe, another of the patriot sages of Democracy. The immense cotton and sugar fields of Texas, and the golden sands of California, all attest the past triumphs of Democratic policy, and point with unerring finger to Cuba, destined soon to be added, with her tropical fruits and tobacco and sugars, to swell the practical triumphs of Democratic rule. Talk about the destruction of such a party, because there are quarrels in our ranks! Sir, the Democracy always have quarreled, and they always will quarrel, among themselves. But these quarrels are but summer thunder—clouds destined soon to pass away and leave the atmosphere purer than before; but bubbles upon the surface of the stream, necessary to let off the noxious gas beneath. The great current rolls on, and must roll on forever; at least while the Constitution, strictly construed, needs defenders, and the rights of the States friends and champions. Those who argue from present distractions the destruction of the Democratic party, have failed to read, or read with little profit, their country's history. They miscalculate the inherent strength of its principles, and fail to appreciate the confidence its past career inspires. Look at it in 1840, discomfited and overwhelmed, North and South. See it in 1844, triumphant again. Behold it in 1854, weakened and distracted; yet in 1856 we see it again victorious. Though the elections of 1858 have been disastrous to its prospects, they are scarcely worse than those of 1854; and who shall say that 1860 will not usher in another victory as brilliant as that of 1856?

Let us then, sir, close up our broken ranks and face the foe together. True, it is sometimes necessary to cut off a piece of "dry rot" which the frosts of the North produce, or prune some luxuriant branch which the rich soil and hot sun of the South have shot too high; but the first only invigorates the trunk of the Democratic tree by keeping its sap pure; and the last, whilst it gives more solidity to the lopped limb, which might have fallen by the excess of its unchecked growth, causes the whole top to widen and intertwine, thus increasing the breadth and interlocking the branches and strengthening the unity of the whole. Let all who love the Union gather under its mighty shade, and all who would protect the rights of the States *in the Union* find there the surest shelter from every storm. At all events, Mr. Chairman, let all patriots unite in inculcating obedience to law, and sustaining the Executive in its execution. Of all people on earth, we should be the most law-abiding; for we are the only people who have an equal voice in making the law. And let none of us, the Representatives of the people, be deterred from sustaining the Executive where he is right, by the silly cry of sycophancy and subserviency to the powers that be. We are in more danger of doing wrong, in this free country, from demagoguism than sycophancy. Sycophancy involves the sacrifice of principle at the shrine of place, where place is to be secured through Executive power; demagoguism, too, is the surrender of principle for the sake of office, where office is sought at the hands of the people. The only difference is the appointing power. The man who would be a sycophant in a monarchy, where all power emanates from the throne, is very apt to be a demagogue where all power springs from the people.

Holding our places here from the people, we are in more danger of doing wrong from the fear of our appointing power—the people—at home, than from any subserviency to the Executive, from whom we hold no office, and, from his limited tenure, expect none. Our fathers designed that we should be independent of the Executive, and the Constitution makes us perfectly so. It is right that we should be so. It is right, too, that we should reflect the opinions of those we represent, when consistent with our sense of right; or, if inconsistent with that sense, give place to others. But the popular clamor of the few sometimes sounds like the voice of the majority, and the Representative too often swells that clamor, instead of endeavoring to stem its torrent. I claim to be no better than other men. I speak out of my own heart. I argue from influences against which I have been constrained to guard myself. Compared with the approbation of those who sent me here, the approbation of all others weighs as nothing with me; and I submit, that in opening my own heart, I have revealed the inward emotions of all others here. Nor, Mr. Chairman, have these remarks in behalf of law and order put to the test any firmness of mine, or displayed the slightest moral courage in me; for I feel I have but echoed the sentiments of my people at home. My acquaintance with the larger portion of them is the acquaintance of years. During much of that time it was my duty to administer the law among them; and it affords me pleasure to say, that nowhere on earth is there a people more devoted to order, or more obedient to law. Nowhere do juries listen more attentively to charges of the court, or endeavor more faithfully to apply them to the facts. Lynch law and mob law are unknown among them. Their law of conscience is the unostentatious discharge of duty. They seek no "higher law" than the Constitution and laws of their country; and if all the people of our Union were, in this respect, like the people of the sixth district of Georgia, that Union would indeed stand forever; for it would rest where our fathers placed it—upon a Constitution of equal rights to all sections and all citizens, and upon the hearts of a people loving that Constitution as their "*highest law*," and determined to maintain and obey it.

ADMISSION OF OREGON.

SPEECH OF HON. J. F. FARNSWORTH, OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. FARNSWORTH said:

Mr. CHAIRMAN: I do not rise for the purpose of making a speech, but only to occupy the attention of the committee for a very few minutes, while I make a few remarks in reference to the Oregon bill. It was not my intention to speak upon this question this evening, and I probably should not have done so now, had the time of the committee been occupied as was anticipated; but I know that there are several gentlemen who desire to address the House upon this question to-morrow, and more, perhaps, than will get time before the vote is taken.

But before proceeding to give my views in reference to the Oregon question, I wish to say a word or two—and but a word or two—in reply to the gentleman from Georgia, [Mr. JACKSON,] in reference to the organization of political parties. My impression is that the gentleman's anxiety for the formation of this *conservative party*, as he is pleased to style it, grows out of the fact that he thinks it would be an easy party to beat, especially as the gentleman himself is very much averse to joining it, and says he belongs to a much better one. Now, sir, when the gentleman from Ohio [Mr. STANTON] stated that there was no principle now held by the Republican party which had not been advocated and held by eminent Whig statesmen, both North and South, I wished that he had also added by eminent Democratic statesmen, both North and South. For, sir, whatever of genuine Democracy there is left in the country, is held by the Republican party. There is not a school boy, who is posted up in his A B Cs, in our political history, but who can demonstrate that the Republican party stands upon the same platform that Thomas Jefferson stood upon, in reference to this question of slavery. Every man North or South knows that we hold the same principles that James Madison held in reference to this question. Why, sir, it is but a day or two since I picked up an argument that was recently made in the Legislature of South Carolina, by a very eloquent member of that body, in reference to the slave trade, in which he admitted substantially that the Republicans of to-day occupied the same ground that was occupied at the organization of the Government of the United States by the men who made the Constitution. But he stated that the people of this generation were wiser than those of that, and that the people of this day had found out that the principles incorporated into the Declaration of Independence, by Thomas Jefferson and his colleagues, were false and fallacious. Now, sir, it is but a few years since a Democratic President signed a territorial bill which prohibited slavery. In this very Territory of Oregon, which we are now asked to admit into the Union under this constitution, slavery was prohibited by an act of Congress, passed by a Democratic majority in both Houses, and approved by James K. Polk, a Democratic President.

Mr. JACKSON. If the gentleman will allow me just there, I will state that the reason why Mr. Polk signed that bill, and why Democrats from the South voted for it, was because, at that time, that long line of the Missouri compromise was stretched across this country, and had not been violated by the acquisition of California. When California was acquired, the North refused to apply the line to that country. Oregon lay north of that line; and, at that time, the Democratic party of this country were in favor of adhering to that line in good faith.

Mr. FARNSWORTH. Does not the gentleman know that that "long line of the Missouri compromise" did not reach the Territory of Oregon?

Mr. JACKSON. The spirit of it did.

Mr. FARNSWORTH. The spirit of it could not extend beyond the line. The Missouri compromise was only made to apply to the Louisiana

purchase, and provided that, north of a certain degree in the Louisiana purchase, slavery should not exist.

Mr. JACKSON. If the gentleman will allow me, the Missouri compromise line did not extend in its letter through the State of Texas; yet the spirit of that line was applied in the acquisition of Texas. The spirit of it was concieved to be applicable, and the line was run through Texas, a slave State; and when it was afterwards violated by the North refusing to run it through California, then, as a matter of course, southern men, and the Democratic party, doing justice, and simple justice to the South, insisted that the line should be abrogated everywhere. That is the truth.

Mr. FARNSWORTH. That is just what I was contending for. I was contending that we had the spirit of Democracy. The spirit of the Missouri compromise was the prohibition of slavery in the Territories. That was the spirit of it, and that is all there was of it. The Missouri compromise was a simple provision that slavery or involuntary servitude should forever be prohibited in certain Territories. That is the spirit of the Republican party to-day. I contend that the ancient Democracy has been violated by its latter-day professors, and that it has gone to the Republicans.

Mr. JACKSON. Just there, I wish to state that the Missouri compromise was a division of territory, giving to the South all below that line, and the North all above that territory. That line was run through Texas, a sovereign State, a State that had won her own sovereignty by the sword. Yet, sir, the gentleman and his party have repudiated that line as to California. Then did the Democracy, the true Democracy—not the spurious Democracy of the gentleman—that Democracy which is indestructible, which lives in the heart of the people—that Democracy, properly, I think, abrogated that compromise as to Nebraska and Kansas, and the other Territories.

Mr. FARNSWORTH. California was territory subsequently acquired from Mexico. It was settled up by our own people. They had no territorial government there at all, but they formed a State constitution and asked for admission as a free State. Yet that is what the gentleman calls violating the Missouri compromise. California was never subject to a territorial government. A State constitution was framed by her people without an enabling act. They came here and asked for admission as a free State. There is certainly no violation of Democracy in that. I would ask the gentleman if he thinks there was?

Mr. JACKSON. Efforts were made, and the gentleman knows it—the gentleman is attempting to dodge the issue—efforts were made time and again to form a territorial government for California. We all know that fact who are familiar with the history of the country. Because of these miserable sectional divisions which the gentleman and his party have fostered, California remained in an unorganized condition. Because the compromise was refused to be applied in its spirit to California, no territorial government was formed for her. The South could not give up everything. A good many men in the North were willing to stand by the South. The consequence was, that a State government was precipitated upon California. She was brought into the Union on a series of compromise measures, which the gentleman knows all about as well as I do, embracing territorial governments for New Mexico and Utah.

I say that there was here a violation of the spirit of the Missouri compromise, and a violation of the true spirit of equal rights, which is the spirit of Democracy. What is Democracy? Nothing in this world but equal rights to all sections and all citizens. That is what I understand by Democracy. California was acquired by our common blood and common treasure; and a regard to equal rights dictated that the Missouri line should be run through it. We would have got but a small part of it. The South would have got the lion's share. I say, then, that after that line was repudiated in the settlement, or after the refusal to settle, if the gentleman prefers the language—after the refusal to give California a territorial Government, the South considered the Missouri compromise line abrogated, and insisted upon equality everywhere, as well North as South. When the South demanded that, it demanded nothing but equal rights, and what every Democrat, standing upon equal rights, was willing to give her; but not such Democrats as the gentleman.

Mr. FARNSWORTH. I understood the gentleman to say that there was a violation of the Missouri compromise in making California a free State; and that the South, therefore, insisted upon its abrogation as to all the other Territories. But, does not the gentleman know, that among the compromise measures of 1850, one of which was the admission of California as a free State, was a reënactment of that very Missouri compromise?

Mr. JACKSON. Where?

Mr. FARNSWORTH. In the omnibus bill, which admitted California as a free State and provided territorial governments for Utah and New Mexico, was a provision also fixing the boundary of Texas. The second article, I think, of the joint resolution annexing Texas, declared, that in any States formed out of her territory, north of 36° 30′, slavery should forever be prohibited. The compromise measures of 1850 recognized that article in express terms, and continued it in force. Thus, Congress deliberately affirmed and extended the Missouri compromise line to the State of Texas after California had formed her State constitution.

Enough, however, on that point. It is not worth while to go over the history of that compromise at this time. I propose briefly to give, Mr. Chairman, the reasons for the vote I shall give on the admission of Oregon as a State into this Union. It has been argued here to-day that the constitution of Oregon is in violation of the Constitution of the United States, because it provides for alien suffrage. I shall not oppose the admission of Oregon on that ground. True it is, that no State can naturalize foreigners, and that the only power for the naturalization of such persons is in the Congress of the United States. The constitution of Oregon permits persons to vote who are *bona fide* residents, and who have declared their intention to become citizens. Is that a violation of the Constitution of the United States? I think not. Suffrage, in my judgment, is not the test of citizenship. To vote is not to be a citizen of the United States. They are different and distinct things. We have many citizens of the United States who are not voters. Females are citizens, but they are not allowed to vote. Minors are citizens; they are protected by the courts, they are allowed to sue in the Federal courts as citizens of the United States; but yet they cannot vote. Citizenship does not, therefore, necessarily carry with it the right of suffrage. I think that the rule operates also in the other way: that to be a voter it is not necessary to be a citizen. Each State may, if it sees fit, allow any persons to exercise the right of suffrage. It is not a question for Congress to determine, who shall or who shall not vote in any State in the Union. I therefore look on that as no infraction of the Constitution of the United States. If a new State sees fit to allow aliens who have become *bona fide* residents of that State to vote for their officers, it is none of my business, and I should not for that reason vote against the admission of Oregon into the Union.

But, sir, there are two reasons why I oppose the admission of this State with this constitution. I think that, in another particular, the constitution of Oregon does violate the Constitution of the United States. The Constitution of the United States provides that the citizens of each State shall be entitled to all the immunities and privileges of citizens of the several States. In the preamble of the Constitution it is declared that the Constitution is made to establish justice; to promote the general welfare and secure the blessings of liberty to the people. The constitution of Oregon provides as follows:

"No free negro or mulatto, not residing in this State at the time of the adoption of this constitution, shall ever come, reside, or be within this State, or *hold any real estate, or make any contract, or maintain any suit therein*; and the Legislative Assembly shall provide by *penal laws* for the removal, by public officers, of all such free negroes and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them therein."

Now, sir, that is substantially denying to a portion of the people of the United States the right to life and liberty and property within the proposed State of Oregon.

Mr. LANE. Will the gentleman allow me to inquire whether the people of Oregon, in making a constitution, have not the right to exclude free negroes?

Mr. FARNSWORTH. I think not.

Mr. LANE. May I ask whether the constitution of Illinois excludes free negroes?

Mr. FARNSWORTH. Not practically; but by a provision of her constitution she does.

Mr. LANE. And how can the gentleman say that the State of Oregon will practically exclude free negroes, although by a provision of her constitution she may?

Mr. FARNSWORTH. I do not know whether she would *practically* exclude them or not; but I suppose that provision was put in her constitution for the purpose of practically excluding them.

Mr. LANE. And so was, I suppose, the provision in the Illinois constitution.

Mr. FARNSWORTH. I voted against that proposition in Illinois, as I will vote against it now in Oregon. I believe that, in the case of Illinois, it is an infraction of the Constitution of the United States, and it is no less so in the case of Oregon. But in Illinois they are not excluded from the protection of the courts; by *this* constitution they are.

Mr. LANE. It was the intention of the framers of the constitution of Oregon, to prohibit free negroes the right of residence there. If we live up to that principle, how can free negroes get there to institute a suit in court? Besides, if this provision conflicts with the Constitution of the United States, will it not be a nullity, and would not a court of the United States so decide it? If free negroes cannot commence suit in the State courts of Oregon, that does not prevent their doing so in the Federal courts.

Mr. FARNSWORTH. The Dred Scott decision managed that.

Mr. LANE. Well, sir, the Dred Scott decision commends itself to my judgment.

Mr. FARNSWORTH. I suppose so. I have no doubt that this provision was put into the constitution of Oregon for a purpose. I take the constitution to mean what it says.

Mr. LANE. I desire to ask the gentleman this one more question: whether he desires that the people of Oregon should submit to negro equality, and whether he would interfere with the people of Oregon in making an organic law under which they are to live?

Mr. FARNSWORTH. I would like to ask the gentleman (in Yankee fashion) what he means by negro equality?

Mr. LANE. I mean allowing the negro the privilege of citizenship, the right of voting, the right of holding office, the right of serving on juries, and all other rights that white men enjoy.

Mr. FARNSWORTH. I will discuss all these questions. The constitution of Oregon forbids, as I have already said, the colored man living in, suing in the courts of, holding property, or making any contract, in Oregon.

Now, the gentleman says, how can the mulatto or negro, if he cannot have a residence in Oregon, have occasion to bring a suit there? I can put such a case. A great many people leave the eastern and other States and go into the new States and Territories, leaving debts behind them. There are colored men in New England who do business, who own property, and make contracts. White men do get into debt to them sometimes, and do go off into the new Territories. By the terms of this constitution the poor, unlucky negro, should he happen to become the creditor of some man who goes to Oregon, is debarred the poor privilege of entering a suit in the courts of Oregon, to recover that debt. Now, that looks like injustice. It looks to me like an unjust and invidious "respecting of persons," to allow white men to come in there and live, owing money to free negroes outside the State, and not permit those negroes to bring suit there for the recovery of those debts.

Mr. LANE. If the gentleman will allow me, I will ask him again, whether he would allow negroes in Oregon the same rights and privileges

as white men? I tell my friend from Illinois, that no white man who owes a negro will go to Oregon to live; if he does, and it is discovered that he does owe a negro, he will be required to pay him, or he will not remain in the good graces of his neighbors.

Mr. FARNSWORTH. As far as I am concerned, I prefer not to trust it to a matter of grace.

Mr. LANE. Well, sir, I desire to know how far the gentleman would go on the subject of negro equality? Would he give them the right of citizenship, the right of voting, or the right to sit on juries? Would the gentleman like to risk the rights of his family, the rights of his wife and children, in the hands of a negro jury?

Mr. FARNSWORTH. I asked the gentleman a moment ago what he meant by negro equality? He says the right of citizenship, the right to vote, and the right to sit on juries. Well, sir, these are political rights, in reference to which I care not what the people of Oregon may determine. They have the right to make such restrictions in these respects as they choose. The point I make here is alone in regard to the provisions of this constitution, to see that they do not violate the Constitution of the United States. By permitting or refusing any class of individuals the right of suffrage, they do no more than it is their right to do. They may permit or refuse aliens or blacks to vote, and it is no infraction of the Constitution; but when they strike at *legal* equality, at the right to be protected by courts of justice, it is striking at a right guarantied by the Constitution of the United States. The gentleman will find no precedent in the constitution of Illinois for that. We permit every man to sue in and to enjoy the protection of the courts of justice of our State. How, in God's name, are you going to permit these men to live at all, if you deny them the right to come into your State, the right to make any contract, the right to buy bread on which to live, and the right to collect any debt due them by any person? You might as well deny them life altogether.

Mr. LANE. We have no negroes in Oregon, and we want no negroes there. We have said in our constitution that we will not allow slavery there, and we have said that we want no free negroes to live there. When this clause of the constitution was submitted to the people, nine out of every ten voted to exclude slavery. This is a constitution of their own making, approved almost unanimously by the people of that Territory. Now, will you interfere with their rights, will you insist on giving the privilege to free negroes to go and reside there, when we do not want them? We have none there; and I ask the gentleman, in all conscience and in all fairness, not to compel us to permit a population to come amongst us that we do not want; a population which, as far as we have had anything to do with, has already caused us much trouble; a population which has already cost this Government much expense, and which has cost the sacrifice of the lives of many white men in Oregon; for the negroes there have gone amongst the Indians, and have instigated trouble and hostility. If there had been a more considerable free negro population among us than there was, it is not at all certain that our whole white settlements would not have been cut off. Then, with these facts before us, does the gentleman want to compel us to submit to a policy which would lay our whole country in ruins?

Mr. FARNSWORTH. I was going on to discuss the question propounded by the gentleman from Oregon as to whether I would require the people of that Territory or State to permit negro equality, and to discuss the definition which the gentleman gave of negro equality. As I said before, in reference to the right of suffrage, and in reference to other political rights, I leave the people of Oregon to determine who shall sit upon juries; I leave them to determine who shall be allowed to vote. If they choose to allow women and minors to sit upon their juries, I shall not complain; that is a matter for their own determination in which it is not for us to interfere. But what I do complain of, is that they have debarred one set of men from the right which they hold under the Constitution of the United States of protection in the courts. I cannot better define a citizen of the United States than by saying he is one who is entitled to the protection of the courts; that is what I mean by citizenship. I heard the gentleman from Indiana [Mr. HUGHES] this afternoon in the House discussing this question. He read an extract from the New York Tribune, from which he inferred that the Republican party were in favor of negro equality, and by negro equality, I judged from the tenor of his remarks, that he meant social equality, and the equality of political rights and franchises. If he meant that, he is totally mistaken, so far as I am concerned, and totally mistaken, so far as all the Republicans with whom I am acquainted are concerned.

The gentleman asks if I would require the people of Oregon to allow colored men to live there? I require the people of Oregon to protect every man who has committed no crime, in his person, his property, and his life. I require the people of Oregon not to violate that right in the constitution which they bring here and ask me to approve by my vote.

Mr. LANE. How can the negro want these rights when we do not allow him to go there at all? I say to the gentleman, in reply to his requirement, that the negro shall be protected in his person and in his life; that if a free negro passing through that country should be robbed or murdered by a white man, the State would become the prosecutor, and they would take him up and hang him as quick as they would if he had robbed or murdered a white man; but he would be prosecuted not by the negro, but by the State of Oregon, for a violation of the law.

Mr. FARNSWORTH. But if he was not protected voluntarily by the officers of the State, what remedy would the negro have? Should he be maimed, beaten, bruised, and wounded, and thereby deprived of the ability and capacity to labor and earn a living, he would have no remedy. Under this constitution, he could bring no suit for his damages.

Mr. LANE. If he is not there at all, how could such a thing happen? We do not want him there.

Mr. MAYNARD. Under the constitution of Oregon, could a free negro sue in the courts there through his next friend, as slaves do?

Mr. LANE. No doubt about that at all. He could.

Mr. FARNSWORTH. That is a strange conclusion. It is provided that no free negro or mulatto shall maintain any suit therein. The gentleman says that he may bring suit by his next friend. How can he bring a suit by his *prochein ami*? He is the real party, and the other only a nominal one. If you are going to allow a negro to sue by his next friend, why not let him sue for himself directly? Is that what is meant by this constitution? I wish to know whether the gentleman, on consideration, does mean that, under that constitution, a free negro cannot bring suit in his own name, but may do so by his next friend?

Mr. LANE. If the gentleman presents the case he did a while ago, of a man coming to Oregon from New England, where negroes enjoy citizenship, then I say that that person may bring a suit through a third person to recover the debt due him.

Mr. FARNSWORTH. Suppose a colored man passing through Oregon is taken and enslaved, how can he bring suit for his freedom?

Mr. LANE. He cannot be so taken. We prohibit slavery, and it does not exist there.

Mr. FARNSWORTH. What kind of suit can he bring? How can you try the question? The free negro could not have the right of writ of *habeas corpus*, because the constitution says that he shall not maintain a suit. How, then, are you going to try the question under that constitution, whether he is a slave or not? Suppose I hold Tom as my negro, I whip him, make him work, and he appeals to the courts to try the case as between him and myself; the judge will refer him to the constitution of Oregon, which says that no negro or mulatto shall maintain any suit therein; the negro is turned out of court; and how is the question to be decided? Why, sir, unless you admit this man to the courts, and allow him to invoke their aid and protection, your prohibiting slavery amounts to nothing

I come to the question propounded to me by the gentleman, whether I am in favor of negro equality. I am in favor of that *kind* of equality under the Constitution which permits every man, woman, and child, who has committed no crime, to invoke the aid and protection of a court of justice for their property, their persons, and their lives. If the gentleman asks me whether I am in favor of negroes voting, I will tell him that that is a question for his State to determine. If he asks me whether I am in favor of negroes intermarrying with whites, I answer that is a question of taste. I am not in favor of marrying them, nor are my friends; and if the gentleman is afraid of that, I am willing to vote him a prohibitory enactment to restrain them. [Laughter.] What is the use of continually harping upon the subject of negro equality? Is he not low enough now, that you must legislate him lower for fear that you will be considered upon the same plane with him? I think that I am a little above the negro, and that there is no necessity for my legislating him down any further. There is a distinction already existing between him and myself. I am not afraid the people will think us equal.

In some States colored persons are permitted to vote. Of that the States are judges. I am not aware they have suffered any great inconvenience from negro suffrage. Negroes used to vote in Tennessee and in North Carolina. The Hon. Cave Johnson, when a member of this House, stated, perhaps not publicly, that he was indebted for his first election to the votes of free negroes. When the Constitution of the United States was framed, five of the States permitted negro suffrage. They voted under the old Articles of Confederation. If you take suffrage as a test of citizenship, then a free negro voter of Massachusetts can go to Oregon and claim all the rights and immunities that he enjoyed at home. When the State of Missouri applied to be admitted, there was a provision in her constitution that the Legislature should pass laws restraining the emigration of free people of color to that State. Objection was made to the admission of that State under that constitution, and she was not admitted until a provision was incorporated into the resolutions admitting her, that her admission should be "upon this fundamental condition, that that constitution should not be so construed as to prevent the citizens of other States enjoying the rights and privileges of citizens of that State." That was in 1821. In that day, these free people of color were regarded as citizens, and therefore it was required that Missouri should, by an act or resolution of her Legislature, put herself right on this constitutional question, by declaring what the construction of this article ought to be.

I have in my possession, Mr. Chairman, the copy of a passport given by James Monroe, while Minister to Great Britain, to a slave of John Randolph, by the name of Essex White; describing him as a citizen of the United States. James Monroe was a slaveholder, a citizen of Virginia, and it may be supposed that he knew something about the Constitution of the United States, and what it meant. He had no qualms about negro equality, but gave this regular passport, not only to a colored man, but to a slave, as a citizen of the United States.

Sir, when you deprive a man of that which sustains life, of the right to live on the soil, to make a contract, to sue in the courts of justice; what is that but depriving him of the right to life, liberty, and property? It is nothing else. I am opposed to the admission of Oregon, with a constitution containing a provision of this kind. I will not, by my vote, approve of such a constitution.

I am also opposed to the admission of Oregon on this application, so long as that provision shall remain on the statute-book, unrepealed, which requires that before Kansas shall be admitted, it shall be ascertained by a census, regularly and legally taken, that she has a population sufficient for a Representative in Congress.

Mr. FOSTER. I wish to ask the gentleman what has been the custom in this country, down to the Dred Scott decision, in reference to the rights of free negroes, as to suits?

I noticed, when that decision was made, one of the New Orleans papers stated that the free ne-

groes in that city owned $4,000,000 worth of property. What were the rights of these men prior to that decision?

Mr. FARNSWORTH. Prior to that decision, a case cannot be found in the books where a free negro has been ever deprived of the right to sue in the Federal courts. Not a case. And this is the first instance of the enactment of that Dred Scott decision in a State constitution. By it, a free negro cannot make a bargain for a loaf of bread in the State of Oregon. There is not a *slave State* in this Union where a colored man cannot bring suit in its courts. By the act of the last session, known as the English bill, it is provided that if the people of Kansas shall refuse to adopt the Lecompton constitution, they were—

"Authorized and empowered to form for themselves a constitution and State government, by the name of the State of Kansas, according to the Federal Constitution; and may elect delegates for that purpose whenever, *and not before*, it is ascertained by a census duly and legally taken that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives of the Congress of the United States."

Now, we have no evidence here that is reliable that the population of Oregon is equal to that required for a member of Congress of the United States. I know that the gentleman from Oregon gives certain data, some *conjectures*, that convince him, and may probably convince others, that there is a population in Oregon sufficient to entitle them to a Representative. But in the Kansas bill it is not left to conjecture. There must be a certainty, by "a census regularly and legally taken," that they have such a population. So long as that provision remains on the statute-book in the case of Kansas, I insist, as a matter of equal and exact justice, that it shall be applied to all the other Territories. I care not whether that Territory be North or South, I will not single out, nor by my vote permit to be singled out, one Territory, and apply to it a principle in regard to its admission which I refuse to apply to another. I do not want to be understood as stating that in all cases I would require as a rule that each Territory coming in as a State should have ninety-three thousand inhabitants; but I do mean to say that I will adopt that as a rule, so long as this principle remains in the case of Kansas unrepealed on the statute-book.

Mr. LANE. The test applied to Kansas, in submitting the constitution back to the people, has been submitted to the people of Oregon, and the people decided in favor of their constitution in a peaceable, orderly, and quiet manner.

Mr. FARNSWORTH. That is not the objection that I make. I do not deny that Oregon has framed a constitution, and that that constitution has been submitted to, and adopted by, the people. The point I make is, that I will not discriminate in favor of Oregon and against Kansas; but will apply the same principle to Oregon as was applied to Kansas, last winter, by the English bill.

I do not say that I would vote against the admission of Oregon for the reason of the paucity of its population, in case this provision of the Kansas bill were repealed. I do not think I would make that an objection to the admission of a new State in case the same rule be applied to the other new States. For these reasons, Mr. Chairman, I shall vote against the admission of the State of Oregon, under this bill, with this constitution.

ADMISSION OF OREGON.

SPEECH OF HON. JOSEPH LANE,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. LANE said:

Mr. CHAIRMAN: I see no good reason or good sense in saying that Oregon shall be subjected to the tests that were applied to Kansas, for she had made her constitution prior to that of Kansas, and long before this law of Congress was enacted. They had done it legally; they had done it quietly; they had done it in an orderly manner; and Oregon is now here asking admission into the Union. After the restriction was put upon Kansas, the gentleman from Illinois [Mr. FARNSWORTH] must remember that Senators of the same political faith as himself voted for the passage of this bill, and it passed the Senate by more than a two-thirds vote. Many of the Republicans of the Senate gave it their support, notwithstanding the rule that had just before been applied to Kansas. They were willing to treat Oregon upon her own merits.

Let me say further, to the gentleman from Illinois, that there is no paucity of population there. I am as well satisfied, as I am that I am living at this moment, that there are ninety-three thousand people there, or more than that. I can satisfy the gentleman, if he will look at the facts and figures, that we have a larger population than even that.

While I am upon the floor, I will say a word to my friend from Tennessee, [Mr. MAYNARD,] who to-day adopted, as a portion of his speech, some remarks made two years ago by the gentleman from South Carolina, [Mr. BOYCE,] in which he quoted from Bishop Scott. Now, sir, Bishop Scott left Oregon in 1855 or 1856, the year or the year after the census was taken. He came to the Atlantic States not long after I came to attend the Thirty-Fourth Congress. It was well known to Bishop Scott that when the census was taken it did not do justice to the population. He was well aware that, instead of there being but forty-three thousand four hundred people, as returned, there were fifty thousand. He went to New York to obtain aid, which he got; and, I will say for Bishop Scott, that I think there is no better man on the face of the earth than he is. He went to New York to represent to its people the condition of that far-off portion of our country. He said that Oregon was a great country; he pointed out its advantages, its resources, its agricultural capacity, and its healthfulness; and then he said that he was there to ask aid for the construction of churches in that distant Territory, with its fifty thousand inhabitants—putting it a little over what the returns of the census of that year showed it to be.

Now, one word more to my friend on the subject of population. In 1855, when the assessor came round, whose duty it was to enumerate the people and take the census, I was living in Douglas county. He took a list of my property and of the number of my family. We had at that time, in that county, but a few hundred families. There were no mills at which to grind our corn near us. We were, in fact, living outside of the settlements. Well, sir, I left Oregon in the fall after the census was taken, and when I returned in 1857—for I remained here during the whole Congress, as has been my custom—I found that a county seat had been located in that county. When I left we had no town worthy of the name in that county, but when I returned the county seat had been located, there was a population of near a thousand persons, containing several stores and two good flouring mills in sight of my house, and nearly every cultivable quarter section of land in that county had been taken up, and now it casts as many votes as it had people when I left.

So, too, in other portions of Oregon. I had the pleasure of reading a letter, but a day or two since, from Colonel Mansfield, of the Army, a native of Connecticut, but who has been long in the Army. He was on a tour of inspection through Oregon just before the census of 1855 was taken; and he was on a similar tour last summer. He wrote a letter from San Francisco to an acquaintance of mine, in which he said that he found that the country had settled up rapidly; that the farms were beautiful, the fruit magnificent, to use his own language; and that the city of Portland had increased more than fourfold. Now, with my knowledge of the country, and in view of proof of this description, how can any man doubt our population? There can be no doubt that, if you will allow us to count the Chinese at work in Oregon, we have over one hundred thousand people, and over ninety thousand white people. I will say to my friend from Tennessee, that, in 1855, thirteen thousand claims had been taken under the donation law; and the people taking those claims have lived upon them four years—the time required by law to perfect their titles. Nine out of ten of the men living on these farms are married men, having families.

Mr. FARNSWORTH. I would ask the gentleman if women were not allowed to take the claims he speaks of?

Mr. LANE. I will explain that to the gentleman. In 1850, Congress passed a law donating lands to all persons living in Oregon, or who should emigrate there previous to 1853. Afterwards Congress extended the benefits of that law to all persons who would go there and take claims prior to December, 1855, on condition of four years' occupation and cultivation. A married man was entitled to six hundred and forty acres, one half to himself and one half to his wife; an unmarried man to three hundred and twenty acres.

Mr. FARNSWORTH. Could not married women take the benefits of that act?

Mr. LANE. Married women could not take claims, yet under the donation law we have over thirteen thousand claimants who are entitled to their patents. It is safe to say, since that census was taken, that our natural increase has been very nearly thirty thousand. Portland, Oregon City, Salem, Scottsburg, Roseburg, the Dalles, and other towns, have a population of many thousands.

Mr. MAYNARD. If there is anybody that would disarm opposition, the gentleman is certainly that man. I understand him, by the course of his argument, to concede the proposition I advanced to-day, that before the Territory is admitted as a State, it should be made to appear she has a population equal to the ratio of representation in this House.

Mr. LANE. I can say, in relation to that matter, as Mr. SEWARD said in the Senate, that it was fair to suppose that Oregon had eighty thousand population; and that it approximated so closely to the ratio it should be held sufficient. I know that we have that population, and more. I am as well satisfied of it as I can be of anything. Do not raise the question of population, then. There is no good reason for doing so. There are thirteen thousand farms, and five persons to each would make sixty-five thousand; twenty thousand for natural increase would be fifteen or twenty thousand; and the population of the cities and towns, who do not live upon farms, would make one hundred and fifteen thousand. I will say to my friend from Tennessee, that we have no land in market; and none can own land there unless it is those who have taken it under the provisions of the donation law; and they, until recently, have received no patent for their lands. No real estate, up to this time, has been assessed. The assessment spoken of to-day of $22,000,000 was upon personal property alone. Patents for real estate are going out. Next year the assessment will be much more, for real estate will be assessed. With all these facts before them, how can gentlemen stand here and object on the score of deficient population? I hope that gentlemen will look at this thing right, and not turn from your doors the people of Oregon, who have been so law abiding, and who are worthy of a place in this Confederation by every consideration of interest and justice.

A word more: citizens of the United States commenced to go to Oregon in 1831—people mostly from the northern States. They established missions and settlements there. The enterprising men who were there took care of the American right to the soil, organized a provisional government in 1841. A provisional assembly was appointed to watch over the general welfare. Courts were established, and everything was done for the protection of life and property. In 1843, a regular provisional government was organized, and Mr. Abernethy, who had gone out at an early day, was made Governor. He continued to discharge the duties of that office until the laws of the United States were extended over the Territory. I went there as the Governor. When I arrived, after a severe trip in winter, I found the government in a healthy condition. There was order and happiness, and I felt that it was a pity to disturb the government. The people, however, flocked out to meet me, and the officials cheerfully yielded up to me. The territorial government was immediately organized, and under it that people have since lived.

ACQUISITION OF CUBA.

SPEECH OF HON. H. E. ROYCE,

OF VERMONT,

IN THE HOUSE OF REPRESENTATIVES,

February 15, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. ROYCE said:

Mr. CHAIRMAN: The President, in his late annual message has called the attention of Congress to the relations of this Government with Spain; and has recommended a course of policy to be pursued, with reference to that Government, which is remarkable in its character and momentous in its consequences upon the interests of this country. The policy which the President recommends looks to the acquisition of the Island of Cuba, a dependency of Spain, and of which she has been in almost uninterrupted possession since its discovery by Columbus. The acquisition of Cuba has been regarded as desirable and important by very many of the public men of the country. Its commercial importance, and its geographical position are such that its acquisition under certain circumstances would, no doubt, be desirable. But while I admit this, I deny that the facts and reasons set forth in the message of the President warrant the conclusions to which he has arrived, or will justify Congress in adopting the extraordinary course which he has recommended, in making an appropriation in money to be used by him in the negotiation with Spain for the purchase of Cuba, in advance of any action on the part of the Senate, in whom the Constitution has wisely vested the power to ratify and confirm all treaties which may be made by the President.

The terms upon which the President proposes to acquire Cuba, are by honorable negotiation; and he is careful to say that we would not, if we could, acquire it in any other manner; with the important qualification, however, added, that circumstances may occur which will justify its acquisition in some other manner—under the imperative and overruling law of self-preservation. The terms of honorable negotiation, by which the President proposes to acquire Cuba, forbid the supposition that the causes of complaint against the Spanish Government, which he has made so prominent in his message, are designed to influence the question, except to illustrate the importance of its acquisition to the peace and prosperity of the country.

The first complaint made is, that Spanish officials, under the direct control of the Captain General of Cuba, have insulted our national flag, and, in repeated instances, have, from time to time, inflicted injuries on the persons and property of our citizens. This is a grave charge, and, if true, it seems to me that the President would better discharge his duty to the country, after the failure of all honorable attempts to obtain satisfaction, to lay the whole subject before Congress, with such facts and evidence as would aid intelligent action, and ask for such legislation as a proper regard for the national honor, and the protection of our citizens, may demand.

Mr. Chairman, I have no justification to offer for Spain on account of these charges. I believe, sir, I would go as far as any one in defense of our national honor, and the protection of our citizens. But, sir, when we remember that, within the past few years, expeditions have been set on foot in this country, in violation of our treaty obligations with Spain, in violation of international law, and in violation of our own laws, to subjugate and conquer Cuba, justice, to ourselves and to the enlightened sentiments of the civilized world, requires that these charges should be fully and fairly investigated, before any legislation is predicated upon them, involving the country in pecuniary obligations or in war. In speaking of our claims against Spain, the President says that one class, the Cuban claims, have been admitted, but not paid; and it would seem that there are others; but the President has not given any information to Congress of their nature or amount. He also says, that the mission to Spain has been intrusted to a distinguished citizen of Kentucky, who will make another, and a final attempt, to obtain justice from that Government. I infer from the language of the message that no peremptory demand has yet been made upon the Spanish Government. When such a demand shall have been made and refused, it will be time for Congress to consider what further measures are required for the protection of the national honor and the enforcement of private rights.

The fact mentioned in the message in connection with these claims of the oft-recurring changes in the Spanish ministry is, no doubt, unfortunate to private claimants in this country upon that Government; and is, probably, equally unfortunate to Spanish subjects; and although we may well regret this vacilating policy in that Government, or any other, I see no way in which our Government can interfere to prevent it. Another cause of complaint which the President makes is, "the want of authority" on the part of the Captain General of Cuba to examine and redress wrongs committed by officials under his control on citizens of the United States. The Spanish laws have never conferred this authority upon the Captain General; and all the intercourse of our citizens with Spanish subjects in Cuba is presumed to have been had with a full knowledge of the laws regulating that intercourse; and while it may be inconvenient for our citizens to be compelled to go to Madrid to seek redress, there may be good, and sufficient reasons why Spain should retain the right to pass upon all those questions affecting the revenue, or property of the State, rather than intrust this power to a subordinate officer. The Spanish Minister of State (Don Calderon Collontes) in his message of the 4th of January last, in speaking of this portion of the President's message, says:

"But the demand is made that the Captain General of Cuba should have power to administer the government of that country, and to act in all question which may arise. I do not see upon what a demand so important can be founded. There has never been a conflict which could not be settled in the best way by her Majesty's Government, and that in a short time. Communications with those countries are now frequent, so much so that the Tampico reparation, of which I spoke just now, was made on the 1st of December of last year, and her Majesty's Government received the acknowledgment during the month.

"This shows, then, how much delay occurs in the communication of the petitions of the Government of the United States to her Majesty's Government, and how much time will be necessary to return the answer which the Government may decide upon. But whether the time which these communications require be long or short, the Crown of Spain cannot be deprived of the prerogatives which belong to it. The direction of the foreign relations, the determination of all international conflicts, whatever may be their nature, belongs exclusively to the Crown; the exercise of this prerogative cannot be delegated; it would be an abdication which the legitimately-constituted public powers could not tolerate. The Spanish Government will, therefore, resist any indication whatever which may be made in this direction; and beforehand it takes the opportunity to declare that the Captain General of Cuba will continue to exercise the powers which belong to him at present, and that they will receive no extension, because the laws do not allow it, the public powers would not authorize, it and it would not be consistent with the dignity of the Crown.

"And so it is seen, consequently, that, with respect to the three points which have occupied the public attention, and which necessarily have occupied the attention of all, the Spanish Government is in a tranquil position, firm and advantageous. As to our relations, there has been nothing which can disturb them; and as to the alienation of Cuba, it is a delusion into which none can fall who are acquainted with Spain and have penetrated into the feelings and into the character of our country; and as to the powers of the Captain General of Cuba, there is no motive, either of convenience or expediency, for enlarging them. The Spanish Government is the only judge of the expediency of any measure of interior administration, and this is of that character."

It would seem as if this answer ought to be conclusive in the mind of the President against the justice or propriety of this demand. The same embarrassments exist in our intercourse with the colonies and dependencies of other Governments. It is a subject with which this Government has no right to interfere, and has no just cause of complaint, as long as treaty obligations are faithfully observed, and we are placed on the same footing with the most favored nations of the earth.

The President says, further, that "Cuba, in its existing colonial condition, is a constant source of injury and annoyance to the American people." This expression of the President is susceptible of different constructions, and it is doubtful in what sense he wishes to be understood. If it is injurious and annoying to maintain a prosperous and increasing commerce with that island, and to exchange the productions and manufactures of our country for those of Cuba, then the President is right in saying that its present condition is injurious and annoying to the American people. But, I hardly think that the President has expressed the true sentiment of the American people to whom he refers. I know the possession of that island, by the Spanish Government, is a source of annoyonce to a portion, and I believe it to be a small portion, of our people. But the annoyance does not arise from any direct, material injury to themselves, or to any American interests. It arises rather from a covetous spirit of envy. They are annoyed that that beautiful island should be in the possession of any other Power, or of anybody else but themselves. Believing, as I do, that this is the sum total of the injury and annoyance which the Spanish possession of that island entails upon our people, it has struck me with surprise that the President should have made it a subject of comment, or of remark even, in his message to Congress.

Another reason assigned by the President for the acquisition of Cuba, is the happy effect which he anticipates from it in the suppression of the African slave trade. This is an argument which addresses itself to the moral sense of the country; and if the facts warrant the belief which the President has expressed, it will be regarded as an important, and with some, perhaps, as a conclusive reason why we should secure its acquisition. If the President can devise any means by which this disgraceful traffic in human souls can be forever abolished, he will not want for support in enabling him to apply them. But I insist, Mr. Chairman, that he has fallen into a grave error in supposing that the acquisition of Cuba will accomplish any such result. He says that we are bound by treaty with Great Britain to maintain a naval force on the coast of Africa, at much expense, both of life and treasure, solely for the purpose of arresting slavers bound to that island. The treaty which was concluded between this country and Great Britain on the 9th day of August, 1842, and to which the President refers, makes no mention of Cuba, and does not appear to have been made with special reference to any country. It language is plain and explicit, and is clearly applicable to the slave trade everywhere. It is not confined to Cuba; and it is as much obligatory upon this Government to coöperate with Great Britain, under that treaty, in preventing the slave trade to this country, as to Cuba.

But the President, no doubt, bases this conclusion, upon the fact stated by him, that Cuba is the only spot in the civilized world where the African slave trade is tolerated. The President cannot mean to be understood that there is any legal toleration for this trade in Cuba, for the slave trade is declared to be illegal by the Spanish laws in force in Cuba, and is in violation of treaty obligations of Spain with Great Britain. He must mean that it is permitted or suffered; that parties engaged in this trade escape punishment in Cuba. If this was true at the date of the message, it is not true now; for since that time we have had conclusive evidence that the slave trade, about which the President expresses so much just abhorrence, is tolerated, in the sense in which the President must have used that term, in this country. I allude to the late importation of a cargo of slaves into the State of Georgia. And it is only a few days since I saw a notice in one of the newspapers that two more vessels, laden with slaves, were lying off the coast of Georgia or Florida, waiting a favorable opportunity to land their cargoes upon our soil. And, sir, when our squadron shall be withdrawn from the African coast, and all British interference with the slave trade shall cease, and the fact is published to the world that southern juries refuse to convict parties engaged in it, the trade will be carried on to this country just as long as it is found to be profitable; and in view of this fact, and that some friends of the Administration upon this floor have so strenuously opposed the small appropriation recommended by the President to educate and maintain, for a brief period of time, the crew of the slaver Echo, lately transported to Liberia, the President might well despair of the Christianization and civilization of benighted Africa.

One argument used by those friendly to the

acquisition of Cuba is, that the aggregate productions of the island are to be largely increased as a consequence of its acquisition. This must necessarily involve a demand for an increase of laborers, and this demand is expected to be supplied by slave labor. So that, instead of the anticipations of the President being realized, there is good reason to fear that the acquisition of Cuba would stimulate this trade, and strengthen the opposition to our prohibitory laws upon the subject; and if it did not eventually procure their repeal, would become so powerful that they would become useless, because they could not be enforced.

It follows, almost as a necessary consequence, that enlarging the area of slavery must increase the demand for slaves; and the President will find great difficulty in convincing the American people that the addition of more slave territory is calculated to lead to the abolition of the slave trade, or that any new legislative sanction of the system on this continent will tend to the civilization of benighted Africa.

I cannot, Mr. Chairman, accord to the President any sincerity in his presentation of this subject. It seems to me rather, that knowing as he must, the deep-seated, strong, and increasing opposition of the people of this country to the whole slavery system, that this argument is put forth by him to furnish a plausible justification to those of his political friends in the free States, who are expected to aid him in the accomplishment of the object recommended.

But I have already spent too much time upon this portion of the message. This argument, in connection with the description of the present condition of the island, needs only to be stated, to be condemned by an intelligent people. The argument upon which the President evidently most relies, is that of the geographical position of Cuba, and its commanding influence upon the commerce of this country.

It is said, Mr. Chairman, that Cuba naturally belongs to us, on account of its position. This claim of natural right is of modern invention, and I apprehend will be found difficult of application. I suppose, sir, when we get Cuba, this same claim is to be used for the acquisition of Jamaica; for Jamaica is only about ninety miles from Cuba, while Cuba is one hundred and thirty miles from our coast; and so on until we add all of the West India Islands to our possessions; and when there are no more islands to purchase or to conquer, the discovery will be made that Mexico naturally belongs to us; and when we have acquired Mexico, it will be ascertained that we have a natural right to all of the Central American States. And, last of all, the British and Russian possessions on this continent are to be brought within its operation; and this claim of natural right is never to be satisfied, until there are no more lands upon the continent, or in the ocean, contiguous, left for it to operate upon.

I understand, Mr. Chairman, that there are no natural rights to things corporeal in any civilized country, except those which are conferred and guarantied by law; and this definition applies to nations as well as individuals. The rights of property are defined, ascertained, and protected by law; and nations are as much bound to respect, observe, and enforce these laws as individuals; and the man who should persistently claim a natural right to the property of his neighbor, because it happened to lie contiguous to his own, or because he thought it might be more valuable to him than to his neighbor, would soon lose the respect of all with whom he might associate.

I am not disposed, Mr. Chairman, to debate the question of the commercial importance of Cuba, which other gentlemen have so magnified in the debates upon this floor, and which is so lengthily discussed in the majority reports of the Committees on Foreign Affairs of the House and Senate. I am willing to admit that our commerce with Cuba is very important, and is rapidly increasing. The same is true of our commerce with other foreign countries, which the President has not yet recommended Congress to purchase; and, with the Government wisely and properly administered, I expect to see a constantly increasing commerce with all the nations where our commerce now extends, and that new fields will be discovered and new avenues of trade will be opened for it; and it will keep on, steadily and healthily increasing, until it rivals the commerce of the world. If I was disposed to institute comparisons, I think I could demonstrate that, in a commercial point of view, there are other countries which it would be quite as important to acquire as Cuba.

Another argument used, and which is directly connected with the question I have just been considering, is the pecuniary value of the island to us. The claim is, that the value would be immense, but gentlemen here failed to point out in what that value would consist. The land constituting the island, except the reservations for military and other governmental purposes, has been owned by individuals, and mostly by Spanish subjects, for centuries. The personal property is also owned by individuals. The President has not yet committed himself to the policy of confiscating private property upon the island, and he can hardly expect to acquire it by honorable negotiation, without entering into treaty obligations to respect and protect the rights of property of the subjects who are transferred with the island. Then, sir, what rights of property do we acquire by its acquisition. We get, to be sure, the fortifications, which have been erected mainly to protect it against fillibustering expeditions from this country, and all the other fixtures, which have been provided for the accommodation of the large standing army which is maintained there. But of what value will these be to us, unless we expect to maintain a large standing army there? If our people wish to emigrate to Cuba, to cultivate its soil, they will be compelled to purchase the land, not of the Government, but of its owners, and at prices to be fixed by those owners.

It is said that when Cuba is annexed, this country will furnish it with those articles of consumption and trade which are now supplied by other countries. If this be true, we shall derive no revenue from importations to Cuba; and the Constitution prohibits the exaction of export duties. Where, then, is the revenue coming from to enrich the coffers of the State, or even to defray the expenses of its own government? The cost of its acquisition can only be estimated by hundreds of millions. And the people ought to understand now, that if Cuba is purchased, it must be paid for out of the Treasury, and not from the avails of anything we acquire by the purchase. Sir, we shall acquire nothing but the political sovereignty of the island; and I shall try and demonstrate, before I conclude my remarks, how much that will be worth.

It is presumed that the President, unless he is restrained by some rule of State policy, will communicate to Congress the true and strongest reasons which exist, in support of any recommendation he may make. In this instance, it seems the President was under no such restraint; for in response to a call made upon him by the Senate, since his message was sent to Congress, he has informed that body that there had been no correspondence with Spain upon this subject, except what had long since been made public. A candid and careful examination of all the facts, to which the President has invited our attention, in connection with this subject, has failed to convince me that it is the duty of Congress to legislate at all upon the matter. If the President is sincerely desirous of preserving friendly relations with Spain, I would respectfully suggest to him, that the will be likely to effect that object by refraining from all further attempts to purchase from her that which she has at all times refused to sell; and which he must know we have no money to pay for, and the whole world knows we do not need.

In 1853, Mr. Buchanan, as Secretary of State, informed the Spanish Government that as long as Cuba remained as a dependency or colony of Spain, this Government would be content; but that we would not consent that Cuba should be transferred to any other European Power. The President does not pretend that there is now any danger of its transfer; nor does he assign any reason for this apparent inconsistency in his conduct. He can hardly expect to retain confidence and respect, unless upon great national questions he can be more consistent in his action than he seems to have been on this question

I come now, Mr. Chairman, to a consideration of the means which the President recommends Congress to adopt, in aid of the proposed acquisition of Cuba. And lest I might be accused of doing him injustice, I will refer to that portion of the message. He says:

"The publicity which has been given to our former negotiations upon this subject, and the large appropriation which may be required to effect the purpose, render it expedient, before making another attempt to renew the negotiation, that I should lay the whole subject before Congress. This is especially necessary, as it may become indispensable to success that I should be intrusted with the means of making an advance to the Spanish Government immediately after the signing of the treaty, without awaiting the ratification of it by the Senate. I am encouraged to make this suggestion by the example of Mr. Jefferson, previous to the purchase of Louisiana from France, and that of Mr. Polk, in view of the acquisition of territory from Mexico. I refer the whole subject to Congress, and commend it to their careful consideration."

A majority of the Committee on Foreign Affairs of this House have reported a bill, which is now lying on the table, appropriating $30,000,000 to enable the President to conclude, with the Government of Spain, a treaty of amity, and for the settlement of old differences, including the cession of the Island of Cuba, to be used by him, if he should think fit, in advance of the ratification of the treaty by the Senate; provided said treaty, when signed by the authorized agents of the two Governments, and duly ratified by the Government of Spain, shall call for the expenditure of the same, or any part thereof, full and accurate accounts of which expenditure shall be by him transmitted to Congress at as early a day as practicable. The second section of the bill makes a very necessary provision in the present condition of the national finances, in giving the President authority to borrow the money.

These remarkable propositions of the President and committee have filled the country with just alarm for the permanency and stability of our Government. I regard them as a direct attack upon an important constitutional provision, which was intended for the protection of the citizen, by giving him, through his Representative, a free and untrammeled voice and vote, upon all treaties which the President may make with other nations. The second section in the second article of the Constitution provides that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur. The language of the Constitution precludes the supposition that the President, in the execution of the power conferred upon him by this provision, can do anything more than to submit a proposed treaty to the Senate, for its approval or rejection. And so jealous were the framers of the Constitution of Executive power, that they required a vote of two thirds of the Senate to ratify a treaty and make it binding upon the nation; and if there is any occasion when the Senate should be left perfectly free and unbiased, it is when they are called upon to act upon treaties. Treaties are always supposed to be matters of national concern. The intercourse of the world is controlled and governed by treaties; and the peace of the world is dependent upon treaties. Our fathers were so deeply impressed with their importance that they wisely excepted them from the general rule which binds the Government, by a majority vote of the Senate and House, and required that two thirds at least of the people's representatives in that branch of the national Legislature should assent to a treaty before it should become the law of the land.

Now, sir, what is proposed by this bill? It is to vest in the President the legal authority to pay $30,000,000 out of the national Treasury, under a treaty, when it shall have been ratified by one party; and before it shall have been submitted even to the other party, whose assent is required before it can become obligatory upon the nation. Let us suppose, Mr. Chairman, that the President succeeds in making a treaty for the purchase of Cuba, and pays over to the Spanish Government the $30,000,000 appropriated by this bill, in part payment, and the treaty is then submitted to the Senate for its action; what alternative is presented to the Senate? It is either to ratify the treaty, however objectionable it may be, or to take the responsibility of the loss of the amount paid by the Government. Sir, the Senate may be fully

competent for any such emergency, but it would be dangerous and unwise, in my judgment, to thrust any such responsibility upon it; and a precedent of this character is dangerous to the constitutional liberties of the country. It is virtually divesting the Senate of its constitutional rights, and conferring them upon the Executive, and political majorities in both branches of Congress.

If we have the constitutional right to appropriate the sum named in this bill for this purpose, we have the same right, in the same manner, to appropriate the whole amount required to complete the payment. And if the President is able to conclude a treaty, and to pay the full amount required, and the sovereignty of the island is transferred, and the President, as Commander-in-Chief of the Army and Navy of the United States, takes military possession of it, what more is required to constitute Cuba a part of this Union? If anything more is needed, you have only to recognize it by some ordinary act of legislation, such as extending the United States laws applicable to Territories over it, and the work is accomplished, without the exercise of the treaty-making power of the Senate; and in spite of the constitutional majority required to ratify a treaty. And when an application is made to organize a territorial government for Cuba, this question, too, will be determined by a majority vote; and when she comes to Congress with an application for admission into the Union as a State, the question must be determined by a majority vote; and if a majority of the House and Senate vote for her admission, and the Executive approves their action, we shall have a sovereign State admitted into the Confederacy, formed out of territory acquired from a foreign Government under a contract made by the President, without the Senate ever having ratified that contract by a constitutional majority.

If this power which is proposed to be conferred upon the President is thus liable to abuse, is it not dangerous and inexpedient to confer it? Neither of the examples instanced by the President, and which, he says, encourage him to make this suggestion, can be fairly treated as precedents to guide his or our action in this instance. The act passed 26th February, 1803, entitled "An act making further provision for the expenses attending the intercourse between the United States and foreign nations," and which, the report of the committee says, was to enable Mr. Jefferson to negotiate a treaty for Louisiana, provided:

"That a sum of $2,000,000, in addition to the provision heretofore made, is hereby appropriated for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations, to be paid out of any money in the Treasury not otherwise appropriated, and to be paid under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress as soon as may be."—*U. S. Statutes at Large*, volume 2, page 202.

Although history may prove that the real object of this appropriation was to enable Mr. Jefferson to negotiate a treaty for the purchase of Louisiana, yet the act furnishes no such evidence, and seems to have been purposely framed to conceal it, and is, clearly, not open to the objection I make to this. There is nothing said in it about a treaty; and it confers no authority upon the President to apply the money upon a treaty before its ratification by the Senate; and is applicable to all nations with whom we had intercourse. And the fact that no portion of the money was used in payment of the amount agreed to be paid by the treaty of 30th April, 1803, for the purchase of Louisiana, goes far to prove that Mr. Jefferson did not understand that he had any right to apply the money to that purpose.

But if this act will bear the construction which the committee seem to have put upon it, some justification may be made for it from the history of the times. Louisiana had become an absolute necessity to the enjoyment of our possessions in the valley of the Mississippi and its tributaries. Europe was in a state of war. Nations were leagued together against Napoleon Bonaparte; and he held the consulate of France by an uncertain and doubtful tenure. Mr. Jefferson saw that that was the time, and perhaps the only time, to negotiate a treaty. And if there has ever been a time in our history when Congress could be justified in the exercise of a doubtful constitutional power, that was the time. But there can be no pretense that the existing state of things in Europe and in this country calls for the exercise of any such doubtful powers in legislation. The world is at peace; and Spain, once the proud sovereign of a large portion of this continent, is, to-day, better able to defend what little she has left from foreign invasion and from domestic dissensions than she has been before for a century. No threats are made by any other nation but this against her independence and integrity; and no danger is apprehended that she is to transfer Cuba to any other nation; and, if left free from the meddlesome interference of other nations, there is good reason to expect that she may soon exhibit that permanency and stability in her Government which the President thinks is so important to the protection of American interests.

The act passed March 3, 1847, and entitled "An act making further appropriations to bring the existing war with Mexico to a speedy and honorable conclusion," recites, that war then existed between the Republic of Mexico and the United States, and expressed a desire to see that war speedily terminated, and the fact that the President might be able to conclude a treaty of peace before the next session of Congress; and made an appropriation of $3,000,000 to enable the President to conclude a treaty of peace, limits, and boundaries, with Mexico, and gave the President the same right to use the money as is proposed to be conferred by this act. (United States Statutes at Large, volume 9, page 174.) The act contains the evidence that we were in a state of war with the party with whom the treaty referred to in the act was to be made; and the object of this appropriation seems to have been to enable the President to conclude that war; and the only justification which can be made for it is based upon the necessities which war creates. The act was passed just at the close of a session of Congress, and there were strong and urgent reasons for its passage.

But there were very many who thought it would be better that public and private interests should suffer for a time, and even that the war which they were so anxious to bring to a speedy termination should be prolonged until the President could convene Congress to act upon any treaty which he might make, than that the Executive should be clothed with the dangerous power proposed to be conferred upon him by that act, and which is now used by the President as a precedent, in a time of profound peace. So far, Mr. Chairman, from the President being sustained by precedents in this recommendation, I believe that the whole course of our legislation is in direct opposition to the course he now recommends us to pursue.

There is another subject connected with this bill, which, in my judgment, is deserving of careful consideration; and that is the unlimited power which it confers upon the President in the disposition of the money it appropriates. There is no provision limiting the amount which the authorized agent of this Government may agree to pay for Cuba; and all that is required to enable the President to draw the $30,000,000 from the Treasury is to show that a treaty, including the cession of Cuba, has been signed by the agents of the two Governments, and been ratified by Spain. No matter what the terms of the treaty may be, the moment it is ratified by Spain the money is at the absolute disposal of the President. If he applies it upon the treaty, he will, no doubt, carry out the intention of the friends of the bill. But if the President thinks proper to apply the money to any other purpose, what legal restraint does the bill interpose to prevent it? Sir, he may employ this enormous sum for political purposes; in corrupting the elective franchise; in subserving his own ambitious purposes; and yet the law is powerless to prevent it.

The proviso to the first section will be found, on examination, to furnish no protection, because the full and accurate account of the expenditure of the money which it requires him to furnish to Congress, is only to be furnished at as early a day as practicable, leaving the time wholly to the discretion of the President; and, if the money is misapplied, there never will come a practicable day, in the opinion of the President, to furnish his account. And, however much gentlemen may rely upon the integrity of the President, let them reflect that the legislation of to-day is to influence the future.

Mr. Chairman, it is only a few days since I heard it claimed by gentlemen upon the other side of the House, that the preservation of the rights of the section of the Union which they represented depended upon a strict observance of the laws. Let me admonish these gentlemen that, not only the rights of their section, but of the whole Union must, and will be, endangered by this attack upon the constitutional rights of the Senate; and, if they would preserve their rights, let them rally around the Constitution and preserve it from those who would prostitute one of its most important provisions at the bidding of the Executive.

But, Mr. Chairman, I have already occupied too much time in the examination of the President's message and the bill reported by the committee. A careful examination of the whole subject will naturally suggest the inquiry, why is this subject here? Why is it that the valuable time of Congress must be occupied with this matter, to the exclusion of a consideration of the important home interests which are imperatively demanding its attention? Does any one suppose we can obtain Cuba by negotiation? I have not yet heard any such expression of opinion, here or elsewhere. But, on the contrary, gentlemen who are friendly to its acquisition have expressed the belief, in debating the subject here, that Cuba could not be acquired by negotiation; and whatever opinions may have been entertained upon the subject, the recent expressions from Cuba and Spain ought to be regarded as conclusive upon the question. And here I beg leave to refer again to the message of the Minister of State for Spain. He says, in speaking of the President's message, that—

"The second point, gentlemen, is more grave; it is that which occupies the attention of all, and which necessarily excites all hearts. When, after long tribulations and immense misfortunes; when, after great losses, a country is born again into a new and fresh and vigorous existence; the slightest menace which tends to compromise its dignity necessarily excites the sentiment of nationality. Spain is in this position to-day. It has been believed that the Spanish lion was dead, but it is not so; the Spanish lion has been sleeping; but even sleeping, he has held in his paws the most precious treasures; and I say, when an attempt is made to snatch them from him, his roar will be terrible. If such a moment come, (the Government has never hesitated about it,) if a terrible crisis, a supreme day should come, the Spanish people would arise, like one man, to defend their honor, and the interests which their ancestors conquered by their perseverance, their valor, and their genius, inspired, as if by Divinity itself.

"Since this Ministry has been in existence, there has not been the slighest indication which referred to the acquisition of the Island of Cuba; more, I am absolutely confident that no such indication will be made; and if it is made, gentlemen—if it is directed to me, as Minister of Spain, by any representative of any foreign Power, I should hasten to interrupt him as soon as the words which he should have spoken should give me to understand what his intention was, and I would tell him what his insinuations were causing in the minds of all Spaniards.

"The preservation of the Island of Cuba is for us no question of interest or expediency. In vain would an attempt be made to persuade us of the advantages of parting with it; and yet, if we were to consider it under this aspect, it is not probable that we should listen to the advances of those who desire to acquire it.

"The Spanish Government will always know how to appreciate at their true value the deep interests which are committed to its charge. The question of the preservation of the Island of Cuba is for Spain no question of dignity, no question of honor. All the interest which it may have, all the gold which it might heap together, would not be enough to procure from Spanish dignity the sacrifice of this glorious remnant of the precious discoveries, the surprising and magnificent conquests which our ancestors made throughout the world.

"The President of the United States makes a singular declaration:

"'This course we shall ever pursue, unless circumstances should occur, which we do not now anticipate, rendering a departure from it clearly justifiable, under the imperative and overruling law of self preservation.'

"No, gentlemen, the inexorable and omnipotent law of self-preservation of an individual as of a people has never demanded the violation of the sterner principles of morals and of justice. The violation of these principles would be a source of alarm and perturbation to all the civilized nations. I do not fear that there is any Government who will infringe them.

But you know, gentlemen, that when perils of this kind come, when questions of this nature arise, it is always important to an individual and a nation to have right and justice on their side. The Spanish nation will provoke no struggle, but it will fight it through if it is drawn into one.

It will always endeavor to have right on its side, because the inexorable tribunal of the nations judges by that, and God gives the victory to him who fights bravely in defense of justice."

If the President wished to renew negotiations with Spain, he had the undoubted right to do so without the intervention of Congress. I cannot believe, sir, that the President seeks this appropriation to further any honorable negotiation, or that he thinks the money will be needed for any such purpose. There seems to have been a design upon the part of the President to thrust this question upon Congress and the country in the most objectionable form in which it could be put. I think he hoped, by the magnitude and novelty of this proposition, to divert public attention from the imbecility and profligacy of his sinking and doomed Administration. If the President flatters himself with any such hope, he will soon find that the people will only regard it as a new evidence of his incompetency, and that he looks more to a centralization of power in the Executive than to the preservation of the rights of the Representatives of the people.

The objection with me to the acquisition of Cuba, which is paramount to all others, is the character of its people. The population of Cuba, as shown by the census of 1850, was 1,009,060, and was composed of—whites, 501,988; free colored, 176,647; slaves 330,425. Among those classed as whites, were 90,000 Spaniards, 20,000 Canary Islanders, 3,000 French, 1,000 English, and 3,000 North Americans and other people. It will be seen by the above classification, that nearly all of the white population are foreigners, who have been educated to hate republican institutions, republican laws, and republican manners. The power and strength of a State is measured more by the intelligence of its people, and their attachment to its institutions, than by its numbers. The people of Cuba are wholly unfitted to share in the benefits of our Government, or to participate in its administration; and the introduction of such a population must weaken instead of adding strength to the Republic.

I object, Mr. Chairman, to the acquisition of Cuba, because it will make this Government responsible for the disposition of the slavery question there. Gentlemen upon the other side of the House seem to take it for granted that when Cuba is admitted, she will come as a slave State, and with a slave Representative. If these gentlemen will reflect for a moment upon the political history of the country for the past few years, they will see that no such result can follow. There is to-day a large majority of the people of this country who are solemnly pledged to resist, by all constitutional means, the further extension of slavery, and they will never consent that new slave States shall be formed out of foreign territory to be purchased with the common treasure of the country. And those who think that the acquisition of Cuba will add to the political strength of the South, are laboring under a great delusion.

It has been urged, Mr. Chairman, that a liberal offer for Cuba will furnish a sort of justification for its forcible seizure in a certain contingency. Sir, in my judgment, any offer we may make will not justify the commission of a great national crime. I am opposed, sir, to contracting any more obligations for the purchase of territory, north or south, in the present condition of the Treasury. We have territory enough now, if we will but improve it. Let us develop its resources, replenish our exhausted Treasury, and settle some of the distracting questions which divide our people, rather than introduce new elements of discord and confusion.

But, if this insane passion for territorial acquisition must be gratified, I prefer that we should attempt the acquisition of the British possessions on this continent. We have as good reason to believe that such an attempt would be successful as we have for believing that we can succeed with Spain; and, as far as danger to our prosperity and peace is concerned, it is much greater from the British than the Spanish possessions on this continent. No ocean intervenes between our possessions and those of Great Britain. They are divided only by an imaginary line extending across the continent. By the acquisition of the British possessions, we should acquire a rich and productive country; and, what is more important, we should bring into the Union an intelligent and free people, and a country where the laws of climate and the will of the people have settled the question of human slavery forever. Mr. Chairman, I have no expectation that the views of the President are to receive an indorsement by this House.

But his purpose is answered in bringing this subject forward as an Administration measure. Instead of pouring oil upon the troubled waters, he has thought proper to make a new issue to distract and divide the people. I believe, sir, the free and intelligent North is ready to meet this issue. But they will not be diverted by it from the strict accountability to which they will hold the President for his broken pledges, his neglect of their interests, and the ruin and distress which his administration of the Government has brought upon the country.

THE TARIFF.

SPEECH OF HON. B. STANTON,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

February 15, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. STANTON said:

Mr. CHAIRMAN: Before proceeding to the discussion of the subject to which I design mainly to address myself, I desire to make a few remarks in reply to the gentleman from Virginia, [Mr. GARNETT.] He contrasts the expenses of the Democratic administration of Mr. Buchanan during the past year with the expenses of the Whig administration of Mr. Fillmore, and shows a difference, in the aggregate, of some $30,000,000 against the present Administration, without any increase of territory, or any apparent cause for any increased expenditure.

In sundry items of expenditure, the amount of which is in the discretion of the President and the Executive Departments, he shows an increase, in many instances, of more than one hundred per cent.

When I saw the line of argument which the gentleman was pursuing, I congratulated myself that I had, at last, found a sincere and genuine apostle of retrenchment, who was willing to charge the responsibility of the profligacy and extravagance of the Government where his facts and figures showed that it clearly and unquestionably belonged.

Imagine, then, if you can, how great was my disappointment and surprise, to hear him charge the responsibility of these abuses on the minority in this House, with a few of the Democratic members from the free States, and especially from the State of Pennsylvania, while there was a Democratic majority of nearly two to one in the other wing of the Capitol, and the executive department, from the President down to the meanest table waiter, is in the hands of the same party. Sir, it occurred to me at once, that confession was the first step towards genuine repentance and reformation. And, if the Democratic party, which, according to the gentleman's own showing, is so clearly guilty of these abuses, is not yet prepared to confess its sins in this matter, neither the House nor the country has much to hope for in the way of retrenchment and reform from that quarter.

This attempt to make a scapegoat of the minority to carry the sins of the Democratic party into the wilderness will scarcely pass current with the people. You know, sir, that our appropriation bills uniformly come back from your Democratic Senate loaded down with millions by way of amendments, and that we are compelled to take them at the hands of committees of conference, or leave the Administration without the means necessary to carry on the Government. And after the appropriations have thus been swelled to an almost fabulous amount, the Executive makes no scruple of expending additional millions, which we are driven by the incessant importunities of the Secretary of the Treasury to meet by deficiency bills.

At the last session we passed a deficiency bill amounting to some eight million dollars. But I submit to the gentleman from Virginia [Mr. GARNETT] that he should exercise great forbearance towards the Democracy of the free States, and especially to the Democracy of Pennsylvania. You have imposed very heavy burdens upon them during the last seven years. They have been required to make bricks without straw, and their necessities have been very great. You have required them to repeal the Missouri compromise, and aid in the propagation of slavery into the free Territory of Kansas. You have required them to sustain the border-ruffian invasion, by which slavery was fastened for a time upon that outraged and oppressed people. You have required them to sustain the Government so forced upon them by Federal patronage and Federal bayonets. You have required them to sustain the admission of Kansas into the Union with a constitution which the people of the Territory loathed and abhored, and against their most solemn protests and remonstrances. You have required them to sustain the English bill, which provided for the admission of a slave State with some forty thousand inhabitants, and required ninety-three thousand for a free State.

But, in all your dealings with them, you have never before ignored that passage of Scripture which says: "Loweth the ox over his fodder, or doth the wild ass bray when he hath grass?" But now, when they ask for bread, the gentleman from Virginia proposes to give them a stone. What would have been the fate of the facetious gentleman from the first district in Pennsylvania if the navy-yard had not been in his district? I fear he would hardly have been able to get the certificate, to say nothing of his chances for a legal election. Why, sir, I am told there are scores, if not hundreds, of men nominally employed in these navy-yards who never go there at all, except on pay-day. The only service they render is on election days, when they perform the duties of shoulder-hitters, and engage in such other amusements as the exigencies of the party require. This, I have no doubt, is the explanation of the increased expenditures of which the gentleman from Virginia complains. They have increased as the exigencies and necessities of the party have increased; and it is to these expenditures that the party owes its success. That gentleman and his party are now enjoying the power and patronage which these expenditures in the free States have secured, and without which it would have suffered an overwhelming and ignominious defeat. His friends in the free States have done the only thing that was left for them to do, and have achieved success for the gentleman and his party; and I submit to him, whether he is rendering a proper return for such signal service?

But, I tell the gentleman from Virginia, that if he wants to secure an economical administration of this Government, he must lay the ax to the root of this corrupt tree, and not content himself with lopping off a few branches. They will grow out again more sturdy and vigorous than ever. *You must prescribe proscription.* So long as the offices and contracts and disbursements of the Treasury are made the "spoils of victory" and the rewards of party service, so long will corruption "boil and bubble and overrun the stew;" and so long will the expenses of the Government go on increasing.

But, I must pass to the consideration of the main question, upon which I propose to address the committee.

"Music hath charms to soothe the savage breast;"

but, when it is discordant and out of tune, it grates harshly upon the ears, and gives us anything else than pleasant sensations. But, sir, there is not only discord, but absolute rebellion in the executive choir.

The President leads off with the grand and solemn air of Old Hundred, but his Minister of Finance strikes in with the spirit-stirring strains of Yankee Doodle. This, as Dogberry would say, "is most tolerable, and not to be endured," makes "confusion worse confounded" in the Democratic congregation. Some follow the President and some the Secretary; and such a confusion of voices and sounds has not been heard since the building of Babel.

It must be confessed, however, that within the church, and amongst the faithful, the voices that

follow the lead of the Secretary greatly preponderate; and but for the stentorian voices from the outside sinners in the gallery, the feeble voices of the few followers of the Executive must speedily be drowned and silenced. But with this timely aid, the contest is close enough to be interesting, and the result doubtful.

But is not the Democratic church in a melancholy condition, when its pastor is compelled to go out into the highways and byways, and gather up the sinful multitude without, to aid him in maintaining the doctrines and enforcing the discipline of the church? It seems to me, sir, that these are unmistakable signs of its speedy dissolution and overthrow. These external manifestations of discord do not proceed from difference of opinion in non-essentials; but they go to the fundamental articles of the Democratic creed, and show that heresy and schism have made fearful ravages amongst the once faithful followers of the Democratic church.

Let us compare the views of the President and Secretary of the Treasury, and see how far they can be reconciled; or whether they are not, in fact, irreconcilably antagonistic and hostile.

The President, in his annual message, says:

"In regard to the mode of assessing and collecting duties under a strictly revenue tariff, I have long entertained, and often expressed, the opinion, that sound policy required this should be done by specific duties in cases to which these can be properly applied.

"They are well adapted to commodities which are usually sold by weight or by measure; and which, from their nature, are of equal, or nearly equal, value."

The President argued at some length in support of this proposition. It is true that he winds up the argument with the declaration, that these "suggestions" are "the fruit of" his "own observations," to which Congress is invited to give "such weight as they may justly deserve." No test of party fealty is to be made upon conformity with the President's views upon this question. It amounts merely to a dispensation to the Democracy of Pennsylvania to sustain the interests of their State without incurring the pains and penalties of heresy.

The Secretary of the Treasury says, in his annual report, in reference to the modification of the tariff with a view to increase the revenue, that "the remedy proposed is either a home valuation, or specific duties." He then argues at much length against any change, and in favor of *ad valorem* duties upon a foreign valuation. But this is not the worst of the Secretary's heresies. He proposes, in levying duties for revenue, to discriminate against protection.

He says that the largest amount of revenue can be most equally raised by "taxing, in preference to others, such articles as are not produced in this country; and, among articles produced here, those in which the home product bears the least proportion to the quantity imported."

I propose, for the hour that is allotted me by our rules, to examine this question of *ad valorem* and specific duties.

There is no necessity, in the existing condition of the Treasury, and of the receipts and expenditures of the Government, for discussing the question of "protection for the sake of protection," which has, in former times, been so thoroughly discussed. In all our past legislation, we have uniformly recognized the principle of discriminating, in the adjustment of revenue tariffs, for the protection of our own industry. No party in the country has ever committed itself against discriminations for the purpose of protection. And a tariff that will meet the exigencies of the Treasury with judicious discriminations, will afford all the protection which is necessary or desirable for the various industrial interests of the country.

The main question for consideration, therefore, aside from the details of a tariff, is, whether specific or *ad valorem* duties shall be adopted. And upon this question, very unexpectedly, and, I believe, for the first time in my life, I find myself sustaining the opinions of the present President of the United States. Specific duties are preferable to *ad valorem*, for the purposes of revenue as well as protection. In levying duties for revenue, one of the leading objects to be obtained is stability—uniformity in the amount of revenue to be derived from them. And it is especially desirable to guard, as far as possible, against the fluctuations of trade and commerce; to avoid the accumulation of a surplus in times of general prosperity and great commercial activity, or a deficiency in times of depression and stagnation in trade and commerce.

But no invention could be devised better calculated to aggravate these very evils, than *ad valorem* duties. When times are prosperous, and trade and commerce flourishing, the *quantity* of imports is always greatest, and the prices highest. Hence the revenues are increased by the increase of the price, as well as the quantity of imports. So, on the other hand, when trade and commerce, are depressed, the revenue is diminished by the falling off in the amount of imports, as well as the reduction of the amount of duties upon what is imported. To see how it operates, take the article of rolled iron imported from England to the United States in 1852 and 1853. In 1852 we imported 5,060,036 cwt., at $7,300,216; or $1 44 per cwt. In 1853 we imported 7,262,558 cwt., at $14,522,186; or $2 per cwt. Under the tariff of 1846 this iron paid a duty of thirty per cent. *ad valorem*, making an aggregate of $2,190,064, of duties paid in 1852; and $4,356,655, in 1853, upon these importations.

But it will be seen that in 1852, when the iron cost $1 44 per cwt., the duty, at thirty per cent., amounted to forty-three and one fifth cents; while in 1853, when it cost two dollars per cwt., the duty was sixty cents per cwt.

A specific duty of fifty cents per cwt. would, at these prices, have been about equal to an *ad valorem* duty of thirty per cent. Now, if we had had a specific duty of fifty cents per cwt. in 1852, when the importation was small, we should have added $344,082 to the revenue for that year; and in 1853, when the importation was excessive, we should have reduced it $725,376.

Take the importation of brown sugar for the years ending June 30, 1857, and June 30, 1858; and we find that there was imported, in 1857, 774,931,815 pounds, which cost $42,614,604, being five and a half cents per pound, which paid a duty of thirty per cent.; making $12,784,381 of duties paid into the Treasury.

In 1858, the import of the same article was 517,228,624 pounds, which cost $23,317,435, being four and a half cents per pound, upon which, at thirty per cent., the duties would amount to $6,995,230.

An *ad valorem* duty of thirty per cent. on sugar, at five and a half cents per pound, is equal to a specific duty of one cent and six and a half mills per pound, or $1 65 per one hundred pounds.

A like duty on sugar, at four and a half cents per pound, is equal to a specific duty of one cent and three and a half mills per pound, or $1 35 per one hundred pounds. The mean price for the two years would be five cents per pound, an *ad valorem* duty of thirty per cent. upon which would be one cent and five mills per pound, which would be equal to a specific duty of one and a half cent per pound, or $1 50 per hundred pounds.

If, in lieu of the thirty per cent. *ad valorem*, its equivalent in the shape of a specific duty of one and a half cent per pound had been levied on the sugar imported for these two years, the result would have been that in the year 1857, when the Treasury was overflowing, and Congress was taxing its ingenuity to the utmost to find some means of depleting it, the duties on this article alone would have been reduced $2,160,404; leaving but $10,623,977 for duties on brown sugar, instead of $12,784,381. And in 1858, when we were borrowing at the rate of more than $20,000,000 a year for market money, it would have added $763,202 to the revenue, and given us $7,758,432 instead of $6,995,230, for duties on this single article. If this article is a fair test of the effect of specific and *ad valorem* duties upon the revenue, it is easy to see what its effect must have been on the whole revenue for these two years.

The revenue arising from customs, for the year ending June 30, 1857, was $63,876,003. For 1858 it was $41,789,619.

The *ad valorem* duty of thirty per cent. on sugar, at five and a half cents, in 1857, was equal to $1 65 per one hundred pounds, and just fifteen cents more than the mean rate of $1 50 for the two years; and at four and a half cents it was equal to $1 35, or fifteen cents less than the mean rate. Fifteen cents is just ten per cent. upon $1 50, which is the mean rate of duty. In 1857, therefore, there was ten per cent. more collected than would have been under a specific duty equal to the mean rate for the two years. Ten per cent. upon $63,876,003 is $6,387,600, which would leave but $57,488,403; and to that extent relieve the Treasury of the surplus with which it was burdened. In 1858 there was ten per cent. less collected than there would have been by a specific duty at the mean rates, which would amount to $4,178,961, and would have swelled the revenue from customs to $45,968,580.

I am aware that the duty on sugar was reduced to twenty-four per cent. *ad valorem* by the tariff of 1857, and that the actual results were not precisely as I have stated them. But this illustration tests the principle, and shows precisely what must be the result in the absence of any change in the rate of duties.

If it had been the object of the framers of the tariff of 1846 to frame a law that would create the greatest fluctuation in the revenue from imposts, and to create the greatest possible embarrassments to the Treasury, they could not have devised a plan that would more certainly have accomplished that object. It is a sliding scale against uniformity in the revenue as well as against protection. And I greatly fear that this latter feature is what commends *ad valorem* duties so strongly to the Secretary of the Treasury and to his followers in this House. Let me illustrate for a moment its operation on our manufactures.

Suppose railroad iron may be manufactured in Birmingham, England, and brought to New York at forty dollars per ton, and that it may be manufactured in Pennsylvania at fifty dollars per ton. By a duty of twenty-five per cent., which is equal to ten dollars per ton, you put the foreign and domestic manufacturer upon an equal footing, and enable them to go into the American market in competition, *so long as the cost of production remains the same*. But if the foreign cost should be raised to forty-five dollars, the duty goes up to $11 25, when the domestic manufacturer only needs a duty of five dollars per ton to afford him adequate protection. But suppose the cost of the foreign article goes down to thirty-five dollars, the duty goes down to $8 75, and it can be sold, after paying the duty, at $43 75; and consequently the American manufacturer is driven from the market. When he has the least need of protection, the duty is the highest; and when he has most need of it, the duty is the lowest. It is this instability which characterizes *ad valorem* duties, rather than the inadequacy of the amount, which makes our present policy so utterly ruinous to domestic producers.

But there is another evil which attends *ad valorem* duties that is more disastrous to the revenue, as well as to domestic producers, than the one to which I have alluded. That is, the frauds that are practiced by undervaluation at our custom-houses. This system renders it necessary for us to have at our custom-houses an army of appraisers, whose salaries, by the way, amount to about $120,000. They are required to ascertain the value of imports by taking the market value at the place from which they are imported, with the cost of shipping at the foreign port. Ordinarily the appraiser has no means of ascertaining the value of the imported goods in the foreign market, except the invoice furnished by the importer and verified by his oath.

"Custom-house oaths" have long since passed into a proverb, as the most utterly worthless and unreliable of any kind of evidence. It has been a standing matter of complaint for many years, that the revenue was largely defrauded by false invoices and the grossest under valuations. It is now said to have been carried to such an extent, that honest men—men of character and standing—have been driven from the business, and that the import trade of this country has fallen almost exclusively into the hands of unprincipled men, who make no scruple of taking any oath or practising any frauds that will enable them to avoid, to the greatest extent, the payment of duties. Although it has, for many years, been generally admitted that very gross frauds have been practiced by undervaluations at our custom-houses, I have seen no effort to ascertain the precise extent of the evil.

With a view to enable me to arrive at something definite, I had the honor to offer a resolution here, which passed the House, calling upon the Secretary of the Treasury to furnish statements showing the aggregate amount and value of imports from France and England during the last five years; and also, the quantity and value of a few of the leading articles of import from each, as shown by the English and French custom-house returns as well as by our own. I supposed that by a comparison of the quantity and value of the exports from England and France to the United States, as shown by their custom-house returns, with the quantity and value of imports from those countries, as shown by our custom-house returns, we should be able to approximate pretty closely to the extent of the undervaluation. Although the answer to this resolution is not so satisfactory as I had hoped and expected, on account of the difference in the manner in which the custom-house books are kept in the different countries, yet it is sufficient to throw much light upon this dark subject.

I also find in the Commercial Relations, compiled by the State Department, much information upon this subject.

In 1849, Secretary Walker complained of the frauds upon the revenues by undervaluations and false invoices. He says:

"The system or practice referred to, consists in the preparation and transmission of double invoices of the identical goods embraced in the importation, with a material variation between the two invoices, as to the cost or foreign market value of the same goods.

"Several cases of fraud, on the part of collectors, amounting in the aggregate to $200,000, have of late been detected by the Treasury Department."

In the Commercial Relations, it is said that—

"From an official report recently published in that country, the value of imports into the United States from France are stated to exceed, by 30,000,000 francs, that given by the United States official report for the same year."

The United States reports on commerce and navigation, for 1853-54-55, show an import of 438,650 tons of guano, at an aggregate value of $1,248,587, or about $3 25 per ton, while the lowest price paid at the Chincha Islands is from twenty to twenty-five dollars per ton.

Tables are given in the commercial relations of imports from various countries, according to our custom-house returns, and the custom-house returns of the countries from which they came. And in every instance the amount shown by the foreign custom-house returns greatly exceeds the amount shown by ours. It may be that this discrepancy is not entirely attributable to undervaluations at our custom-houses. But the statements furnished by the Secretary of the Treasury in answer to the resolution of the House to which I referred, unsatisfactory as they are as a whole, furnish the means of making comparisons that demonstrate precisely the extent of the undervaluation at our custom-houses on a few articles. Amongst the statements called for, was one for the amount and value of manufactures of iron for the five years ending June 30, 1857.

But, as our custom-house returns do not give the quantities of all the manufactures of iron imported, it does not furnish the means of making the comparison, as to all or any of the manufactures of iron, except the single article of guns. It shows that, according to the English custom-house returns, we imported from England, in the years 1853-54-55-56 and 1857, 115,276 guns, at $8 05 each, amounting to $928,394 28. According to our custom-house returns, we imported for the same years 35,580 guns, at $5 98 each, amounting to $213,088, showing an undervaluation on the guns, according to our custom-house returns, of $73,650 60. By the tariff of 1846, which was then in force, they were chargeable with a duty of thirty per cent., making a loss to the revenue on this single article of $22,095 18.

According to the French custom-house returns, there was exported from that country to the United States, for the years 1853, 1854, and 1855, 13,545,714 of gallons of wine, valued at $14,506,937 34, being $1 07 per gallon.

The United States custom-house, for the same years, show our imports of wine from France to be 13,927,383 gallons, valued at $6,704,886, or 48 cents per gallon.

The amount of undervaluation on the quantity shown by our custom-house returns to have been imported, is $8,217,155 99.

By the tariff of 1846, under which these wines were imported, they were chargeable with a duty of forty per cent. The Government was therefore defrauded, by undervaluation on wines, in three years, of $3,286,862.

The French custom-house returns also show that, for the years 1853, 1854, and 1855, there was exported from France to the United States, 3,393,130 gallons of distilled liquors, valued at the French custom-house at $5,883,559, or $1 70 per gallon.

The United States custom-house returns show that, for the same years, we imported from France 6,911,124 gallons of distilled liquors, valued at our custom-houses at $6,758,100, or 90 cents per gallon.

By the tariff of 1846, under which these importations were made, distilled liquors were subject to a duty of one hundred per cent. The loss by undervaluation on 6,911,124 gallons, shown by our custom-house returns, at eighty cents per gallon, which is the difference between the French valuation and ours, is $5,528,899, and the duties at one hundred per cent. amounted to the same sum, showing the loss to the revenue to be $5,528,899.

Thus it will be seen, that the loss to the revenue from false invoices and undervaluation, in three years, on these three articles has been—

On guns	$73,650 60
On wines	3,286,862 38
On distilled liquors	5,528,899 00
Making	$8,889,411 98

These articles have not been selected, because they show more gross frauds than any other, but because they were the only ones which the official documents within my reach enabled me to compare our custom-house valuation with the custom-house valuation of the country from which they were imported. And I have every reason to believe, that, if I had the means of comparing our custom-house valuations of the manufactures of wool and silk with the English and French valuations, the disparity would be quite as great as it is in wines and distilled liquors.

Although the tables furnished by the Secretary of the Treasury do not furnish us the means of making a comparison of the quantity and value of woolen goods imported from England or France, as shown by their custom-houses and ours, I have been furnished by my friend from Vermont [Mr. MORRILL] with some facts which show the extent of the undervaluation in that description of goods.

The ship Claiborne, from Marseilles, in France, to New Orleans, in the United States, contained woolen goods, valued at the French custom-house, as per invoice and custom-house books, at $29,143; at the United States custom-house, per invoice, $13,768; showing an undervaluation of $15,375.

By the same vessel, and part of the same cargo, is given as follows:

Blankets, per French custom-house and invoice:	
10 bales at	$11,415
23 bales at	29,143
39 bales at	32,369
Making	$72,927

By the United States custom-house value, and the invoice furnished by the importer, they were valued as follows:

10 bales at	$5,293
23 bales at	13,768
39 bales at	15,862
Making	$34,923

Undervaluation, $38,004.

Thus it will be seen that the reduction upon the French valuation is considerably over fifty per cent.; and the fraud upon our revenue considerably exceeds one hundred per cent. on the amount received.

The discrepancy shown in the article of guns would seem to indicate, that upon manufactures of iron the disparity is not so great, and ranges somewhere between thirty to forty per cent., probably thirty-five per cent.; while upon wine, distilled spirits, and probably upon manufactures of wool, cotton, and silk, it exceeds fifty per cent.

It will be recollected, also, that these articles make up the great bulk of our dutiable imports. I think, therefore, we are authorized to say that the Government is defrauded of fully forty per cent. of the revenue due from duties on imports, by false invoices and undervaluations. The revenue arising from duties on imports for the fiscal year ending June 30, 1858, was $41,789,620. If we had specific duties precisely equal to our present duties, *fairly* levied, our revenue would have been increased, at forty per cent., $16,715,848, making $58,505,469; which, with the revenue derived from other sources, would have been sufficient to meet the current demands upon the Treasury. This shows that you, in reality, want no increase of duties, but such a change of the law as will enable you to collect, honestly and fairly, the duties now provided for by law.

This can only be done by making a radical and thorough change from *ad valorem* to specific duties; and I confess I have never heard an honest reason for preferring *ad valorem* to specific duties. The only reasons I have ever heard, that seem to me to have any force in them, are, first, that it costs much more time and labor to adjust the details of a tariff with specific duties than with *ad valorem*. That is undoubtedly true; but is there any reason why we should not bestow upon the subject all the time and labor that are necessary to mature such a tariff as the public welfare demands?

But there is another reason which operates upon those who are opposed to protection. They are willing that it shall not be fairly executed. If the law requires the levy and collection of a duty of thirty per cent., and the domestic producer complains that he cannot live under it, he is pointed to the law, and told that the duty is enormous, and that if he cannot live under it he ought to die. He is not permitted to say that the law is not fairly executed, and that it is not equal to a duty of fifteen per centum upon a fair valuation. If he says so nobody will believe him. The consumers of his product are prejudiced against him and his business, and against the whole protective system, by being told that they have to pay thirty per cent. for the benefit of the manufacturer, and that he is still clamoring for more protection. I will not stop here to inquire whether the producer or consumer pays the duty on imports; but those who ask protection have a right to require an honest law, and an honest execution of it.

If you are willing to give any protection to manufactures, whether it be great or small, give it in the form of a specific duty, that they may know, and that the world may know, precisely what it is. If equality is required in the distribution of the public burden, it can be better secured by a carefully-adjusted tariff of specific duties, which can be fairly executed, than by a system of *ad valorems*, which offers immense bounties for falsehood and fraud, and makes a fair and equal execution of the law absolutely impossible. If stability and uniformity in our revenue are desired, they can only be secured by specific duties. All other commercial countries recognize the soundness of these principles, and act upon them. England has *ad valorem* duties on a few inconsiderable articles; but upon the great leading articles of import she levies specific duties. France, Spain, Belgium, the Zoll-Verein or German Customs-Union, Austria, Russia, and all the other European States with which we have any commercial intercourse, levy specific duties exclusively. I do not believe that a single instance of *ad valorem* duties can be found in the tariffs of any nation in Europe, except in the inconsiderable cases referred to in England. The settled and universal practice in all civilized countries is certainly a very strong argument in favor of the utility of the practice.

I do not understand why free-trade men should prefer *ad valorem* to specific duties, if they are in favor of an honest law, and of having it fairly and honestly executed. If they do not want high duties, let them make them low; but let them be specific, that the consumer may know how much he pays, (if he pays the duty at all;) that the domestic producer may know precisely the extent of the protection it affords him; and that the Government may know precisely how much revenue may be expected from a given quantity of importations.

I have no time to go into a discussion of the principles of protection; and if I had, I have no disposition to do so on this occasion. But I must be permitted to say a word or two in reply to a remark of the gentleman from Virginia [Mr. MILLSON] early in the session.

Mr. MILLSON. Will the gentleman from Ohio allow me a moment to sustain the statement which I made some days ago, and which the gentleman has just now controverted, by an authority which I have seen since I made the remark to which the gentleman adverts? I quote from one of the most recent and most distinguished and able writers on political economy, McCulloch:

"Protection in commercial legislation means the protection or bolstering up of certain branches of domestic industry by prohibiting the importation of the produce of such branches from abroad, or loading it, when imported, with heavy duties. This policy at one time was universally prevalent; but its extremely injurious influence having been demonstrated over and over again, *it has been abandoned by all intelligent statesmen;* and notwithstanding the principal interests by which it was supported, it has nearly disappeared from our legislation, and it will no doubt eventually disappear from the legislation of all countries."

Mr. STANTON. Very well. He says most vehemently and emphatically, that "all science is against protection."

It might, perhaps, be sufficient to say, in reply to this, that "all history and all experience are in favor of it."

It will be remembered that, a very few years ago, the question of the practicability of navigating the ocean in vessels propelled by steam was very much discussed by scientific men. The amount of fuel required to propel a vessel a given distance, and the capacity of a vessel to carry the amount required, were all calculated, with every other element that could enter into the question, upon purely scientific principles, by the first scientific men of the country, and it was finally settled that it was wholly impracticable, and that no more time or money should be spent in experimenting upon the subject. But just as the question was fully and finally settled, and the decision promulgated to the world, one fine morning in June the steamer Sirius, from Liverpool, came steaming up the bay and anchored in the harbor of New York.

The scientific demonstration still stands. No man has been able to disprove or answer it. But the trouble is, that men will go all over the world in steamships in spite of it. It is very much so with the science of political economy.

It is now nearly a century since Adam Smith and Say and Ricardo, demonstrated that protection was injurious to every country that adopted it, and must ultimately work its ruin. But in spite of this demonstration, nations have gone on, protecting the industry of their people, and have grown rich by it, and those that have afforded the most uniform, steady, and ample protection, have grown the richest. Two hundred years ago, England was a third-rate Power in Europe. In the reign of Charles I. her wool went to Flanders to be manufactured, and her woolen goods were imported from that country. Her exports and imports were carried by Dutch vessels from Holland.

Spain, with her "Invincible Armada" was mistress of the ocean. Van Trump and De Ruyter, with the navy of the States-General of Holland, swept the British channel with a broom at the masthead. The faithless and imbecile King of England was waging a war upon the liberties of his subjects, for the extension of his prerogative. His throne was overturned, and his head brought to the block; and the reins of Government were placed in the hands of Oliver Cromwell. He procured the passage of the English navigation laws, by virtue of which goods exported and imported in British-built vessels, and manned by British sailors, were relieved from the payment of a part of the duties imposed upon goods exported or imported in foreign vessels. Laws were passed to encourage the immigration of Flemish artisans to England. The exportation of unmanufactured wool was prohibited. The dead were required to be buried in woolen cloth. The importation of woolen goods was prohibited. The effect of this policy soon began to develop itself. The imports and exports of England were soon monopolized by English ships, and the carrying trade of other nations soon fell into their hands. Her extended commercial marine soon furnished a full supply of trained seamen to the royal navy. The Spaniards and Dutch were soon driven from the sea, and from that day to this, England has reigned unquestioned mistress of the ocean. Her manufactures have extended to the production of every commodity which human skill and ingenuity can devise. Her artisans supply every commodity which the necessities or the luxuries of the human family require.

England has become the great workshop of the world. She imports the raw products of all other nations, converts them into manufactured fabrics, and sends them back again, enhanced in value a hundred-fold by the labor of her artisans, to be consumed by the producers of the raw material. She has thus become the center of the commerce of the whole civilized world. The balance of trade is always in her favor. The whole world is in debt to her. A bill of exchange on London will command a premium in St. Petersburgh, in Calcutta, in San Francisco, or in New York. In all the elements of power which make a great and mighty nation she has no equal, either in ancient or modern times. "On her dominions the sun never sets, and her morning drum-beat is never still."

This unrivaled prosperity and power she owes mainly to the wonderful genius of Oliver Cromwell, and to the steady and uniform protection which she has afforded to the industry of her people, in all their industrial pursuits. All her resources are fully developed, and actively and profitably employed. "Wealth is power;" and her capital has accumulated so immensely that interest on money is reduced to a mere nominal rate. She is a lender in all the money markets of the world. A thirty years' war against France by the combined Powers of Europe, was sustained mainly by the never-failing resources of the English Exchequer. Crowned heads bow before her "merchant princes"—her Barings and Rothchilds—for the "sinews of war," which are indispensable to the support of their tottering thrones. All history, both ancient and modern, teaches the same lesson. Wherever the workshops of the world are, there will its commerce center, and its capital concentrate. And the only solid basis of national power and greatness is the wealth, the accumulated capital, and the productive power and capacity of its people.

The public Treasury may be exhausted and its resources reduced; but when the exigencies of the State demand it, a rich, powerful, and patriotic people are an inexhaustible source of revenue.

On the other hand, all history proves that no nation can be prosperous and powerful without manufactures. A purely agricultural people, who rely upon an exchange of their rude products with other nations for the manufactured fabrics which they consume, always has been, and always will be, poor, feeble, and dependent. Half their labor is thrown away in the transportation to distant foreign markets of their cheap, heavy, and bulky products.

In answer to these great practical lessons which all history teaches us, the gentleman from Virginia [Mr. MILLSON] quoted McCulloch's Political Economy. Some leisure afternoon, when we have nothing else to do, I should be very willing to go into the discussion of the subject upon purely scientific principles. But I should consider it just as idle and as useless as it would be to show upon scientific principles that vessels propelled by steam can navigate the ocean. A question that has been settled and determined by the uniform and settled practice and history and experience of the civilized world for two centuries, cannot be successfully controverted by a treatise on political economy.

But, as I have already said, there is no necessity for discussing the question of "protection for the sake of protection." No one proposes any increase or change in the tariff, except what is imperatively demanded for the purposes of revenue. And in making the change, we only ask that the principle of discrimination for the sake of protection, which has always been applied in every tariff that has ever been passed, shall be adhered to. We ask no more, and we will take no less than this.

THE TARIFF.

SPEECH OF HON. A. M. SCALES,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. SCALES said:

Mr. CHAIRMAN: The recent revulsion in the commercial world, attended as it has been with diminution of our trade, the depression of business, and the falling off in the revenues, added to the increased expenditures of a great and rapidly-expanding country, have become so many pretexts for again raising the old clamor for high protective tariffs and specific duties. The friends of this system have depicted in the most gloomy and dismal colors the present condition of the country. They point us to the exhausted state of the Treasury; the insufficiency of the revenues to meet the demands of the Government; the increase of the public debt; the bankruptcy of merchants, the suspension of the manufactories; the sad and destitute condition of thousands of operatives, without means, without work, and without bread; in fine, to the death-like torpor which has settled upon every class of business; and with an air of triumph proclaim—these are the fruits of *ad valorem* duties and a tariff for revenue.

Nor do they stop here; but, hurried on by a blind zeal in behalf of the manufacturer, they boldly avow that the protection of this interest is and should be the paramount object with the Government, and that in this protection, afforded by high duties, will also be found a remedy for all the other evils which have befallen us. Forgetful of the great objects of the Government, the powers delegated to it under the Constitution, and its duty alike to all the different and diversified interests of the country, they scruple not to declare that it is the high duty of Congress to build up and sustain the manufacturers, and to this end to impose burdens grievous to be borne upon all other occupations and pursuits. I will not now, sir, undertake an investigation of the variety of causes, which combined have given rise to the recent revulsion and all its attendant consequences. Others better qualified for the task, have preceded me in this work. The President, in his annual message, and the Secretary of the Treasury, in his annual reports, both for 1857 and 1858, have ably reviewed this whole subject, from which it will be seen that whatever other causes may be assigned, it certainly cannot be found either in the tariff of 1846, or that of 1857. The Secretary has gone more into detail in this matter, and as it is sufficient for my purpose to show that there is no connection between the present tariff and the revulsion, I will content myself by giving a few extracts from the report on this particular head, which demonstrate beyond controversy the truth of my position. I quote from his last report, on page 6:

"The revulsion was not confined to the United States, or even to this continent. It swept over the world, and was felt with equal, perhaps greater, severity in other countries than our own. These results have been too universal to have been brought about by a reduction of about twenty per cent. upon the rates of duty in the United States; being a reduction of about five per cent. upon our importations." * * * * "The foreign producer and manufacturer have not been benefited by the reduction. At all events they have not been preserved from the general calamity which has come upon the producers and manufacturers of similar articles in our own country.

"The importations for the fiscal year ending June 30, 1858, the first and only year of the present tariff, amount to $282,613,150, being $78,274,991 less than the importations of the last year of the tariff of 1846."

But again, sir, he shows that the operations of the iron interest during the same period; and by reference to his table, it will be seen that the importations of iron and steel, of all kinds, for the year ending 30th June, 1857, amounted to $25,954,111. In the year ending 30th June, 1858, it amounted to $14,328,039, being a reduction of $9,626,072. This reduction is accounted for in part by the reduced price of the last year. But then there is shown by the same table a large reduction in the amount of imported iron and all manufactures of iron.

Again, sir, after appending a list of leading

articles in which there had been a decline of price, the Secretary says:

"It occurred indifferently in articles imported in the most trivial quantities and in the most largely imported; in articles, the duty on which was unchanged and in those on which it was diminished."

Now, sir, the friends of protection allege that the low duties of the tariff of 1857 increase our importations, bring the foreign in competition with the domestic article, diminish its value, and thus militate against the interest of our home manufactures. This is their argument. If, then, as shown conclusively from these facts and figures, it be true that our importations have greatly fallen off; if this is so, even in the importation of iron; if there has been a decline in price of articles, indifferently, whether imported in large or small quantities; and lastly, if this financial distress has swept over all nations; surely all will admit, that the tariff is in no way responsible, and that the cause of the revulsion must be sought somewhere else.

But, sir, it has been asserted here, and the gentleman from Pennsylvania, the other day, made a vain attempt to prove it, that the high protective system has gone hand in hand with the increase, expansion, and general wealth of the country, and that its history is the history of her highest prosperity. Vain, indeed, must the attempt prove to make this assertion good. It is in direct antagonism with all reasoning on the subject, as well as with the truth of history. It conflicts with the plain principles of political economy, as well as the practice of nations. Let us refer to this history. It is no small or insignificant part of the history of the country. Being within itself a question of the highest moment, it has given rise to high debate, to fierce and bitter political contest; and we shall, no doubt, learn some useful lessons as to the operation of the different schemes which, from time to time, have been adopted for raising revenue, their effects upon trade and business, and the manner of their approval or repudiation by the American people.

The first tariff bill was passed in 1789. It will be remembered that we had just passed through the glorious yet long and bloody war of our independence; that a heavy debt had accumulated upon our hands; that our resources had been crippled; our credit exhausted; and our manufactures just in their infancy. Here, then, were circumstances, if ever they can occur, which called loudly for protection as the boasted panacea of all financial ills, and the only hope of the manufactures. Yet, sir, by that act the wise men of that day, animated by an equal and sincere regard for every portion of the country, refused to build up one interest at the expense of another; and hence, laid a tariff solely for the purpose of raising a revenue. They saw that the prosperity of the country depended upon increasing our trade and building up our commerce, and to this end they endeavored, so far as was practicable, to cut off all restraints and checks upon it, and well did the result prove the wisdom of their policy. The highest rate of *ad valorem* duty imposed by this tariff was only fifteen per cent., and that only on one article. With this exception, the average rate *ad valorem* did not exceed ten per centum.

By a reference to the debates on this tariff act, it will be seen that the leading and primary object of the statesmen of that day was revenue, and not protection for protection sake. Northern and southern men alike declared, that such duties, and no more, should be levied, as would raise a sufficiency of revenue; and that these duties ought to be so levied as to bear as nearly equal as was practicable upon all classes, and to effect them in proportion to their amount of property. It is refreshing to compare the sentiments thus expressed by men whose patriotism was broad enough to take in the entire Union and all of its interests, with the views and opinions of latter-day statesmen, whose political vision is hemmed in by the boundaries of their own State, and whose patriotism seems to be confined to the same narrow limits. This tariff continued in existence for many successive years, with a few slight modifications; and I believe it was not until near the close of Mr. Madison's administration that any *ad valorem* duty higher than twenty per cent. was levied. In the year 1816, we may be said to have inaugurated, for the first time, the policy of protection for protection sake; and here let me call the special attention of those gentlemen who look upon protection as as sort of *sine qua non* in government, to the sad condition of the country during the operation of that tariff. Nor can I better do this than by quoting the language of Mr. Clay, in his great speech for protection in the year 1833. After stating the prosperity of the country up to that time, which I will do him the justice to say he did not attribute to the low rates of duty, he proceeds to describe the condition of the country during the eight years of the tariff of 1816, and concludes as follows:

"In short, sir, if I were to select any term of seven years since the adoption of the present Constitution, which exhibited a scene of the most wide-spread dismay and desolation, it would be exactly the term of seven years which immediately preceded the establishment of the tariff of 1824."

Having once ingrafted the protective system upon our financial policy, it was strengthened and extended by the act of 1824, and then again by the act of 1828, when it reached the climax of its insolent, unequal, and oppressive demands. Never had there emanated from Congress a measure so fraught with mischief, so unequal and unjust. It was justly styled the bill of abominations. The people felt its burdens. The agricultural interest groaned especially under its oppression; and out of this tariff act grew a fierce and bitter struggle, which is without a parallel in our political history, and which I am sure no patriot would like to see revived.

For a time the storm raged with a bitterness and fury which acknowledged no barrier or check, and defied all consequences. A sovereign State was driven to the very borders of desperation. The Union was rocked to its center, and well nigh did we approach that dark and dismal abyss of dissolution, anarchy, and civil war, which threatened to involve, in one common ruin, the Union, the States, and with them the cause of civil and religious liberty.

Fortunately for mankind, the good genius which presides over the destinies of this country ruled the storm, calmed the troubled waters, and "bade the raging tumult cease." Wise counsels prevailed, and a compromise was effected. This was entered into in 1833. By that compromise, it was agreed that protection should continue for eight years, subject, however, to an annual graduated reduction, until the expiration of the time, after which, as it was alleged, the manufacturers having succeeded in placing themselves on a permanent footing, could very well afford to *be generous*, and give in their adhesion to a tariff upon strictly revenue principles. Such was the memorable contest, and such was the sacred compact which drove back the tide of disunion and again shed the sunlight of peace and amity over our glorious and blood-bought Union—a Union which can defy the Powers of earth, and which no unhallowed hand dare ever profane so long as, true to itself, to its constitutional powers, and the protection of all alike, it does but aim at and accomplish the great objects of its foundation.

Will any one say, dare any one assert, that in all this there were no wrongs, no burdens, no grievances? Shall I be told that your manufactures flourished, that the revenues increased, and be asked to take this as an evidence of the prosperity of the country during the operation of these high tariff acts? I answer, as the South and West might have answered: "Your manufactures have flourished, but at our expense; your revenues for a time increased, but we paid the tax. It is true, a beneficent Providence smiled upon our labors and crowned them with abundant fruits; yet our cotton, our breadstuffs, our tobacco, and other products, were made subservient to the purposes of the manufacturers. Our money was absorbed in the enhanced price of the protected yet necessary article. It was your profit; but not unfrequently drawn from our necessities. We were neglected—ay, more, oppressed by Government. You were pampered and fed by its bounty. Your cities increased in population, wealth, and commerce, and ours, like conquered provinces, were made tributary to your greatness." In this compromise, it will be observed that there were mutual concessions.

The friends of protection secured, for the present, their policy, upon condition that, at the expiration of eight years, it should be abandoned. This, sir, with them, was a dying struggle. The then recent elections showed that their days were numbered. The people had spoken; and their voice was not to be disregarded. Hence, they sought not to save, but protract its existence. Mr. Clay, the great father and champion of protection, saw its extremity, and, with a paternal anxiety, had pressed the compromise, as the only means of prolonging life. He says:

"How can this system be maintained against numbers, against the whole weight of the Administration, against the united South, and against the increased impending dangers of civil war?"

Hear him again at the same time, when he more fully expresses his purpose and the objects of the compromise:

"Now, give us time; cease all fluctuations and agitations for nine years, and the manufacturers will sustain themselves against all foreign competition. I am anxious to find out some principle of mutual accommodation, to satisfy, as far as practicable, both parties; to increase the stability of legislation, and, at some future day, but not too distant, when we take into view the magnitude of the interests involved, to bring down the rate of duties to the revenue standard, for which our opponents have so long contended."

How, sir, was this compromise kept? Most faithfully, on the part of those opposed to protection, for eight long years; but when the time expired, and they were to reap the fruits of their contract, thus faithfully performed on their part, the protectionists (and some of them the very men who, eight years before, had pledged themselves to the compromise) repudiated their part of it. The manufacturers of the North, wielding, from their position of wealth and power, an influence which always secured for them a large party in the country, disregarding this sacred compact, determined not to give up this source of their wealth and affluence without still another struggle; and hence, in 1842, the earliest opportunity that presented itself after the expiration of the eight years, another tariff act was passed, which, though not quite so odious, was, nevertheless, unequal and oppressive. This was, however, destined to but a short reign. The people again spoke, and that, too, upon this very question, it having been made one of the principal issues in the canvass of 1844. The protective policy was again repudiated; and in 1846 a tariff for revenue, and exclusively upon the *ad valorem* principle, was passed. The old Whig party, that had clung so long and with such tenacity to this protective system, had grown weaker, and more and more divided in every contest, had at last yielded to its inevitable destiny, which followed a few years afterwards, and ended in its entire dissolution.

From 1846 to 1857, that tariff remained, with no variation in principle. And yet, sir, at no time in the history of the country, did all classes of its citizens enjoy a higher degree of prosperity than during that period. For several years of the time we were engaged in an expensive foreign war; appropriated millions of dollars in the acquisition of territory and in negotiating peace. Yet, sir, the prosperity of the country, from Maine to Louisiana, was almost without example. Our commerce was extended; our manufacturers were not only sustained, but even increased in number and wealth. All the demands of the public Treasury were met; and, for the last four years of the operation of that tariff, we not only succeeded in paying upwards of fifty-seven million dollars of the public debt, but left, at the end of Mr. Pierce's administration, a surplus in the Treasury of $19,901,325 45. I have thus, sir, given a brief history of the tariff since the foundation of the Government. I challenge a further comparison as to the merits of the two systems.

Let us take the operation of the tariff of 1842, and the first four years of the tariff of 1846. I have selected this as furnishing the best and fairest test, inasmuch as, coming the one immediately after the other, little or no allowance need be made for the expansion and growth of the country; and even if such allowance should be made, it will be more than counterbalanced by the Mexican war, begun and carried on during Mr. Polk's administration, and the effect of which was to reduce production and to check our commerce and the extension of trade. For the year ending the 30th June, 1843, the domestic exports amounted to $77,793,783; for 1847, the first year of the tariff

of 1846, they amounted to $150,637,464; for 1844, second year of the tariff of 1842, they amounted to $99,715,179; for the year 1848, second of 1846, $132,904,121; for 1845, to $99,299,776; for 1849, $132,666,955; for the year 1846, to $102,141,893; and for 1850, $136,946,912.

Thus, while it will be seen that there was a very large increase for every year of the tariff of 1846 over that of 1842, it will be also seen that between the last year of the tariff of 1842 and the first of the tariff of 1846, which was the year following, the difference in favor of the latter was the large sum in a single year of upwards of forty-eight million dollars The importations during the same time were in a corresponding ratio, with a balance of trade in our favor. Then if we take 1856, the last year of the tariff of 1846, we find that our exports had reached the enormous sum of $310,586,330; our imports, $314,639,942; of this amount there was reëxported and not consumed $16,378,578, leaving a balance of trade in our favor of over $12,000,000. Again, sir, the receipts from customs for the same years:

Receipts from Customs.

	Tariff of 1842.
To June 30, 1843	$7,046,843 91
" 1844	26,183,570 94
" 1845	27,528,112 70
" 1846	26,712,667 87
	Tariff of 1846.
To June 30, 1847	$23,747,864 66
" 1848	31,757,070 96
" 1849	28,346,738 82
" 1850	39,668,686 42

And then again, in 1856, the last year of the tariff of 1846, the receipts from customs were $64,022,863 50; and all this increase under the tariff of 1846.

Now, sir, for the manufactures. The domestic manufactures of cotton exported in the following years were as follows:

1843	$3,223,550	1847	$4,082,523
1844	2,898,780	1848	5,718,205
1845	4,327,928	1849	4,933,129
1846	3,545,481	1850	4,734,424

Showing that the manufacturers of cotton have not only been sustained, but have actually exported a large amount of their products, which they have asked to have protected here, bringing them in competition with similar fabrics of other nations, without protection, and that these exports have largely increased during the tariff of 1846 over what they were during the tariff of 1842, when they had high protection.

Let us again try it as to iron, which is now the principal article clamoring for protection:

Exports of domestic iron.

1843	$532,693	1847	$1,167,484
1844	716,332	1848	1,259,632
1845	845,017	1849	1,096,172
1846	1,151,782	1850	1,911,320

Again, sir, the total manufactures of pig iron, iron castings, and wrought iron, and manufactures of wrought iron, were, in the year 1840, $29,909,162; in 1850, $60,485,653, an increase of over $30,000,000 in ten years; and in the year 1855, $78,406,538, an increase of nearly $18,000,000 in five years. And yet, sir, we are to be told that, without the bounty and protection of the Government, the iron interest cannot survive.

Having learned thus much with regard to the past, let us still further consider some of the objections, which, to me, sir, are insuperable against the propriety of again resorting to protection for the sake of protection. As I have already intimated, this system demands of the Government a bounty or premium for the support of the protected classes, which, as I humbly conceive, is in direct violation of the spirit of the Constitution, and totally at war with the great objects for which the Federal Union was established. If we can levy an indirect tax for any such purpose, without regard to the revenues which may be necessary to support the Government, why, then, may we not take the revenues thus collected, and distribute them among all classes of our citizens in specific sums, and for any specified object; and if we can do this, why may we not go a step further, and lay direct taxes upon the people, in order that we may have the privilege of scattering it promiscuously among them, or of paying over to such as we may deem most meritorious.

Now, sir, I take it that no man can be found who will dare assert that Congress has the power to use the revenues, whether collected by direct taxation or by imposts, for any such purpose. Where, then, is the distinction? In what does it consist? It is true that the bounty, or premium, secured to the manufacturers does not go into the Treasury; but it is, nevertheless, paid, and must operate as a tax upon the consumer. To afford this protection, the importations of foreign goods are prohibited, except at a duty that will so enhance the price of the foreign article as not only to enable the home manufacture to compete with it, but to realize therefrom large profits. The consumer, who might have obtained the foreign article, with low duties, at a greatly reduced price, is thus forced to purchase it at the price enhanced by the higher duties; and thus actually to pay into the pockets of the manufacturer a tax, ay, sir, a tax, which could be rightfully and constitutionally levied for no purpose, save the expenses of the Government, economically administered.

To illustrate this, we will suppose a cargo of cotton goods brought from a foreign port, which the importer without any duty could afford to sell at twenty cents per yard; a duty of five cents per yard is levied and collected; this, of course, will increase the price of the goods to twenty-five cents per yard, the manufacturer of the home article being thus enabled to demand and receive for his goods the same price, and having no duty to pay, of course, in addition to the profits that the article at twenty cents per yard would have afforded, puts into his pockets also the five cents duty which the importer has to pay to the Government. In order to show to what extent this system may be carried, I will here read an extract from the report of the Secretary of the Treasury, under Mr. Polk, which I may add, is but another evidence of the gross injustice and intolerable burdens of the tariff of 1842.

"At least two thirds of the present tariff (of 1842) are paid not into the Treasury, but to the protected classes. The revenue from imports last year exceeded $27,000,000. This, in itself, is a heavy burden; but the whole tax imposed upon the people by the present tariff is not less that $81,000,000, of which $27,000,000 are paid into the Treasury upon the imports, and $54,000,000 to the protected classes in enhanced prices of similar domestic articles."

Then, sir, it is not only a tax, but a heavy tax, that the consumer is forced to pay, not into the Treasury for the support of the Government, but into the pockets of manufacturers. It is imposed and regulated by law just as a direct tax would be; it is collected just as the revenue now in the Treasury has been; and the only difference between them, is that one is paid to the protected class, the other to the Government. And then the question arises, if the one is so paid, why may not the other be used in the same way, or for any other purpose? I confess my inability, sir, to draw the distinction. But it may be said that these same arguments would apply to any duty for all, to some extent, protect. I answer, that one is for the purpose of revenue and therefore legitimate; the other for protection, without regard to revenue, and therefore unconstitutional; and if in any event, by the impost system, a tax is paid by the consumer to the manufacturer, surely a just Government will not increase the burden beyond what is absolutely required for Government purposes.

Now, sir, who are the principal contributors to such gigantic annuities, extorted by legislative force, and paid to the northern manufacturers? We of the South and West, and the agricultural interest of the North. Agriculture is emphatically the great business of our people; it is the prime source of our wealth and power as a nation. Our cotton is the great motive power of trade; it is the king of commerce and manufactures; it is the currency of nations, always in demand, always redeemable in silver, gold, or what you will. We ask for it and our other products no protection; we but ask to be let alone. Yet, sir, this great interest of the people is to be fettered and burdened to build up a much smaller one, and which is principally confined to one section; thus repudiating the principle of the greatest good to the greatest number, or that still more important principle of equal and exact justice to all. Is this, sir, right? is it just? Will not such a policy, in the future as in the past, meet with the indignant rebuke of the American people, involving the party that dares advocate it in irretrievable dissolution and ruin.

But, sir, it is contended by some of the more zealous of the protectionists, with more zeal than discretion, that the duty does not enhance the price of the article. Need this be answered? Is it not absurd upon its face? May it not be said, in full answer to such an assertion, that if this be so, then there can be no protection, and, as a consequence, the manufacturer can derive no benefit from it? Why, then, this continual clamor for high duties, and why these cries of distress? If it does not enhance your price, certainly there can be no relief. But, sir, I will let the great advocates of protection speak for themselves. Mr. Clay, in 1833, said:

"In general, it may be taken as a rule that the duty upon an article forms a portion of its price."

Mr. Adams, as chairman of the Committee on Manufactures, in 1832, made a report, from which the following extracts are taken:

"The doctrine that duties of import cheapen the price of the articles upon which they are levied, seems to conflict with the first dictates of common sense. It is certainly contrary to the natural course of things that an addition to the cost should be a reduction of the price of an article."

Again, sir, in the same report, he says:

"But the duty upon the article imported from abroad enabled the domestic producer to enter into competition with the importer from abroad. So long as this competition continues, the duty operates as a bounty or premium to the domestic manufacturer. The duty constitutes a part of the price of the whole mass of the article in the market. By whom is it paid? Certainly by the purchaser of the article, whether of foreign or domestic manufacture. Upon one it is a bounty, upon the other a burden; and a repeal of the tax must operate as an equivalent reduction of the price of the article, whether foreign or domestic."

In 1824, Mr. Webster said:

"To begin with iron. The amount of our own manufactures is, I think, seventeen thousand tons. The present duty on the imported article is fifteen dollars per ton; and as this duty causes, of course, an equivalent augmentation in the price of the home manufacture, the whole increase of price is equal to $750,000 annually, which the consumer has to pay, over and above what he could supply himself at without the tax; and this to support a business that cannot support itself."

I have not given Mr. Webster's exact language, but the substance of it, and nearly his own words. So much for the effect of the duty upon the price of the article.

But it is again argued by others that, admitting that the price of the domestic article is enhanced by the duty, the history of protective tariffs shows there has been a corresponding increase in the price of cotton and other agricultural products. Not stopping to show the unreasonableness of this proposition, I will content myself by producing facts and figures, which are more potent to convince than argument. I quote from De Bow's Review, December, 1858. For the five years preceding the tariff of 1828, the average price of cotton was fourteen cents; for the five years of its existence, the average price was nine and nine tenths; for the five years after its repeal, the average price was fourteen and three tenths: and so, for the five years preceding the tariff of 1842, the average price of cotton was eleven and six tenths; for the five years during its existence, seven and two tenths; and for the five years after its repeal, nine and one tenth: thus showing, that as the tariff was increased, the price of cotton went down. Nor can this be said to be owing to the amount of the crop; for, by the same statement, the author shows that in 1827 the crop was 294,000,000 pounds, price ten cents. In the year 1831, when the tariff was in force, the crop was 276,000,000 pounds, the price nine and one tenth; showing a decrease in the crop of 18,000,000 pounds, and a falling off in the price of one cent per pound. And the same result appears by a still further comparison during the existence of the tariff of 1828 and that of 1842. And so it might be shown, I doubt not, with regard to other agricultural products. And, even if this were not so, yet it is certain that by a high protective tariff the South has to pay out of the price of her cotton, for articles of necessity, an amount equal to the duty levied over and above the sum at which she could otherwise supply her necessities.

But, sir, I would not prostrate our manufactures. I rejoice in their success and their prosperity. I would afford them that incidental protection, and that only, which a tariff raised strictly for revenue

would give them; and this, together with the costs and charges of transportation of the foreign article, should enable them to compete with the nations of the world. And if it does not, it is an evidence that they are not adapted to our soil, and that, in a commercial computation, they cost more than they come to. The nation cannot afford to pay so much for the glorious privilege of being thus independent. But I say to the manufacturers, you can do it. You have done it in the past; you can do in the future. The facts and figures I have already presented show that you have grown in wealth and numbers until, scorning the protection which a duty would give you in the home market, you have launched your bark upon the broad ocean of trade, exported your fabrics and your iron to the markets of the world, bringing them into contest with similar articles, and defying all competition. This you have done with protection, and still more extensively without it, having the proud consciousness that no unjust extortions contributed to your success, and that you were dependent for it alone upon your superior skill, native energy, and industry.

These are resources that will never fail you; they are the gifts of Heaven, and no legislative act should, or will, fetter or cramp them. You are thus rendered permanent and secure; not tossed to and fro by the ever-changing winds of legislation, granting you protection to-day, and to-morrow leaving you to your own resources. All sections and classes will be thus placed on an equal footing; our Government made to accomplish its chief end, affording protection to all, special favors to none. Energy and capital are left free to employ themselves in the most profitable channels of trade, which they are as sure to find as water does its level, and the needle the pole. In this consists our true wealth; in this our independence; for though it may sometimes happen that we can for the want of adaptation in soil, on account of climate, price of labor, or any other cause, purchase an article cheaper than we can make or raise it, and to this extent must and should depend upon other nations, yet, sir, from the fertility of our soil, the variety of our climate, embracing nearly all the degrees of heat and cold; in short, with all our untold mineral, agricultural, and manufacturing wealth, and the skill and energy of our people left unfettered and free to develop them, we may not only hope, if united, to preserve all the essential elements of our own independence, but become the chief dependence of other nations; not only to reach a point in prosperity, power, and true greatness, beyond the highest conception of any living statesman, but in carrying out our great mission we can and will receive the down trodden subject of tyranny to our shores, and with our breadstuffs feed the hungry, and with our cotton clothe the naked of the world.

Again, sir, it is urged that we should not only increase the present tariff, but that we should return to specific duties. It is said that it is the only mode by which we can prevent frauds upon the revenues. Now, sir, if this were true, still it would be entitled to but little weight, unless it could be clearly shown that the advantages thus derived were of more importance, and therefore to be more regarded, than the wrongs and injustice inflicted upon the tax-payer by a system of specific duties.

A specific duty, as I understand it, is one that is levied upon a given class of articles, without regard to valuation. For example: we will suppose a quantity of broadcloths imported into the United States which were of different values, and ranging, according to quality, from one to ten dollars per yard: a duty of one dollar per yard is levied upon the whole; so that the cloth at ten dollars would have to pay as much as, and no more than, the article at ten dollars per yard.

From this it will be seen that were we, in raising revenues, to confine ourselves to specific duties, it would operate very unequally and unjustly upon the consumer. The poor man who, for want of means, was forced to content himself with cloth at one dollar per yard, would pay a tax to the Government of one hundred per cent.; while he who had the ability to purchase the highest-priced article, would pay a duty of only ten per cent. It is universally conceded, that in laying a direct tax upon the people, it should be laid in proportion to the value of property; and no man would dare assert before the people, that the man who owned a small tract of land worth $500, should pay as much tax upon it as he who had one worth $5,000,000. He would not do it because, in the first place, it would be wholly impracticable, as the tax might reach a point so as to render the poor man utterly unable to pay it; and in the next place he would not do it, because it would be obviously unjust and oppressive.

Now, sir, in laying imports, which are but a substitute for direct taxes, and which are, and must be, paid by the consumer, I suppose it will not be denied, they ought to be so levied as to approximate, as nearly as possible, this universally admitted principle in direct taxation. If, then, this be so, it is in direct violation of this principle to levy a specific upon articles without regard to quality or value; to require him who is only able to purchase an article of small value, to pay the same tax to the Government, as he who, with more means, was able and thought proper to buy an article of the highest price and best quality; in short, to require the man who has a tract of land worth only $500, to pay just as much as his more wealthy neighbor, with a tract worth $5,000.

To avoid this, and to apply the principle as just laid down, of taxation in proportion to property, the Democratic party has inaugurated the present policy of an *ad valorem* tariff, which levies the tax in proportion to the value of the article; so that the lower the goods the lower will be the tax.

But there are others who advocate specific duties to a limited extent; they would confine them to such articles as are usually sold by measure or weight, and which are equal, or nearly equal, in value; and they urge this, as has been already said, as the best mode of securing the revenues against fraudulent and false invoices. It is difficult to conceive of a given class of articles which are all of the same quality, and therefore equal in value; and even if it were so, the argument upon which this change is based, as to false invoices, would equally apply to all other classes of articles; and, though confined now, would prove but the entering wedge for an exclusive system of specific duties. But, sir, it is not true that specific duties are the only security against fraudulent and false invoices. It is too late in the day to assert this; the Secretary of the Treasury shows that the restrictions thrown around the collection of the revenues, under the present system, are ample protection against frauds; and if they have occurred the *ad valorem* system is not responsible. Besides, sir, the working of the present tariff, for upwards of ten years, should be, and is, a sufficient answer to this argument.

The next question that claims our attention is the present tariff. It is urged by many who are opposed to both protection and specific duties, that there exists a present necessity for its revisal and increase. The Secretary of the Treasury, in his report to Congress, estimates that the total deficit in the Treasury for the fiscal year ending the 30th of June, 1860, will amount to $7,914,576. This sum, as the Secretary very properly remarks, should be provided for in some way, either by an increase of the tariff, or by cutting down the expenditures. Here the alternative is presented; and the question as to which course we shall adopt, becomes of serious moment to our constituents, and demands at our hands the most serious and earnest consideration. It is a question of raising the taxes upon the people, of increasing their burdens; and while under all circumstances it would be one of deep interest, yet at a time like this, when the country is just recovering from the effects of the late disastrous revulsion, it becomes one of special interest and importance.

Is there, then, a necessity for this increase? Has the present tariff been fairly tested? Can any one say that it may not yet meet all the requirements of the Government? It has been in operation only since the 1st of July, 1857, and during this time has had to encounter all the sad effects of the revulsion. Business of all kinds has been greatly depressed; our trade has been crippled; our importations have fallen off; and, as a matter of course, our receipts from customs have diminished. Under circumstances like these, any tariff would have failed, and a high tariff more likely than a low one. Then, sir, this tariff has not been fairly tested. The Secretary admits this. The people will ask, and well may it be asked, why should we seek to impose other burdens before the necessity really occurs? The revulsion is now fast passing away. Trade everywhere is reviving; a new life and energy seems to be infusing itself into all classes of business. Our importations have already increased, and are still rapidly increasing. For the months of October and November in 1858, the receipts from customs at the single port of New York have exceeded those for the same month during the year 1857, by nearly two million dollars. Will not these receipts still continue to increase, and may we not calculate that when the effects of the revulsion have passed quite away, the present tariff will yield an abundance of revenue to meet all the necessary expenditures of the Government?

If, however, we should be mistaken in all this, we have still the alternative presented of reducing the expenditures. I am pleased that the Secretary has thus presented it. I am gratified that the responsibility is placed on Congress. On all sides, we have the cry of retrenchment and reform. The appropriation bills are before the House; and we, who are ever ready to cry "reform," will have an opportunity of testing our sincerity. The expenditures of the Government have increased year after year, until they now reach the large sum of over seventy-two million dollars. This increase, to a very considerable extent, is owing to the rapid expansion of our country, and to the unusual and extraordinary demands upon the Treasury for the last two years.

But, sir, after allowing all due credits on account of the expansion of our country, still there is room enough for retrenchment and reform, and to such an extent as, with the increased duties of the tariff, will not only meet all the demands of the Government, but leave us in the Treasury an amount sufficient to meet all contingencies which may arise. At a time like this, when our expenses are exceeding the revenues, there are many outlays of money which should be cut off, that at another time, when the Treasury is full, might be altogether proper. Nor, sir, should we overlook small matters. I know there are some gentlemen who are disposed to sneer at, and treat as unworthy a statesman of liberal and enlarged views, a reform or a reduction which is small within itself. But, sir, the ocean is made up of drops; a century, of moments; and I doubt not that, even in small matters, we might make such a reduction in all the varied and multiplied objects of expenditure, as in the end would amount to millions of dollars. Besides, I must confess, that I have no sympathy with such statesmen as would disregard and overlook an abuse and waste of the public money because it was small. We are the sworn agents of the people, and have no authority, legal or moral, to expend one dollar—no, sir, not even one dollar more than is necessary.

Let me not be misunderstood. I would not so retrench as to injure in any degree the public service; on the contrary, I am willing and will, vote to make liberal appropriations to every branch of the service, and for any necessary purpose of the Government. I agree with the President that it is not always true economy to withhold supplies; but we should discriminate properly as to the objects, and apply the money sacredly to such as are necessary and legitimate. Economy, a rigid system of economy, in the expenditures of the Government, I have ever regarded as one of the highest and most important duties of a Representative. It is essential to our prosperity as a nation. It inspires the people with confidence in the Federal Union, and is a guarantee against corruption, waste, and oppressive taxation. On the other hand, reckless extravagance and a useless waste of the public money has a corrupting and demoralizing tendency. It increases Executive patronage; gives to the national Legislature undue power and influence; tends to consolidation; weakens the confidence of the people and the bonds which hold together the Union; and, if suffered to go unchecked, will most assuredly work out the destruction of the Republic. It was not the Goths and Vandals that destroyed Rome; nor was it

the man of Macedonia who overthrew the institutions of Greece. They but completed what had been already begun at home, by their extravagance, their corruptions, and their dissensions. He who wasted most of the public money in corrupting the people, became the chief man in the republic. Public virtue was corrupted, and existed only in name. Public faith was wholly disregarded. "Romans betrayed Rome; the legions were bought and sold; and this great republic, thus weakened, thus prostituted, became an easy prey to the destroyer." Let us, sir, learn lessons of wisdom from the past. Let us take warning from their example, and avoid the rock upon which they split, or expect to meet their fate.

Mr. Chairman, I solemnly aver, here in my place to-day, that, if this Union is to be destroyed; if the members are to be unnaturally and ruthlessly torn from the body; if anarchy and confusion are to take the place of law and order; liberty to be supplanted by oppression and tyranny, and this great Republic, greater than Greece or Rome, is to become what Rome now is, it will be our own doing. And history will record the charge to our infamy that, "thou, even thou, hast destroyed thyself." And I with equal solemnity declare that, in my opinion, in this as well as all other republican Governments, one of the greatest dangers to be guarded against is the corruption which, springing up in the very heart of the Government, diffuses itself like a deadly poison through all the members and arteries of the Government, until the whole body politic is diseased.

I know, sir, this is attaching great importance to the subject of our expenditures, but not greater than what is due, or greater than the truth of history will justify. Permit me to call the attention of the House to an extract from one of Mr. Jefferson's messages, in reference to economy. It breathes the spirit of purity and patriotism, and will apply to us with equal, if not greater, force and propriety:

"Considering the general tendency to multiply offices and dependencies, to increase expenses to the ultimate term of burden which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge, that it may never be seen here, that after leaving to labor the smallest portion of its earnings on which it can subsist, Government shall itself consume the residue of what it was intended to guard."

If there was this tendency to extravagance during Mr. Jefferson's administration—the purest and brightest period of our history—which called forth from him such earnest remonstrance and such unceasing vigilance, how much more are we called upon at the present time, when the expenditures are greatly increased, and the opportunities for extravagance have greatly multiplied, to watch with sleepless vigilance the Treasury, to investigate well the appropriations, and lop off every dollar which can be shown to be unnecessary? I have been much gratified, sir, to know that the President is with us in this reform. He is a statesman of the Jeffersonian school, and of large experience. He has grown up with the Republic, whose age scarcely exceeds his own; and, in showing his appreciation of the subject, has not only invited us to a rigid scrutiny into all the Departments, but promised us his best aid. Let us hear him. After exhorting Congress to the practice of the most rigid economy, he says:

"The objects of expenditure should be limited in number, as far as this may be practicable; and the appropriations necessary to carry them into effect ought to be disbursed under the strictest accountability."

Again, sir, he says:

"I invite Congress to institute a rigid scrutiny to ascertain whether the expenses in all the Departments cannot be still further reduced; and I promise them all the aid in my power in pursuing the investigation."

Then, sir, with the President with us, with the cry on every side that there must be retrenchment, shall we not commence the work, and rid the Government of many abuses which have been for years growing up, and which can only live by the sanction of Congress?

But, sir, it will be asked, where we shall commence? What shall we cut down? I answer, commence with those appropriations for which Congress is alone responsible; those large and extraordinary demands upon the Treasury which have robbed it of its substance, and added so much to make up the large amount of the public expenditures. Enter, with a bold and fearless step, the wide and undefined boundary of your contingent fund, which of late years has increased so much; explore the almost boundless field of appropriations for claims, where so many greedy, hungry, and fraudulent claimants and their agents find pasture, and roll in the riches which negligence and extravagance on your part have thrown in a reckless profusion around them. Look to your printing; your exploring expeditions; your coast surveys; your employés and their salaries; your French spoliation bill, involving an appropriation of millions of dollars; the homestead bill; and lastly, by way of testing our sincerity, our franking privilege, our mileage, and our salaries. Let us investigate all these. Let us prune with an unsparing hand; and when we get through we will exhibit to the public an important work of reformation, and a saving to the Government of millions of dollars. After this, we will then enter the Departments, and where ever there is an abuse, lop it off. Wherever there is a dollar unnecessarily spent, save it to the Treasury. Much can be done, even here; but I cannot go so much into detail. We have our committees, who are better posted up on these subjects; they will aid us in making such reforms as will not injure the public service.

The receipts from the present tariff, during the next fiscal year, will amount, according to the estimates of the Treasurer, to about fifty-six million dollars; which, together with the receipts from public lands and miscellaneous sources, will make the sum of $61,000,000. This ought to be sufficient, and, if properly and economically used, will be sufficient for all the purposes of the Government.

ADMISSION OF OREGON.

SPEECH OF HON. A. H. STEPHENS,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

February 12, 1859.

The House having under consideration the bill providing for the admission of Oregon—

Mr. STEPHENS, of Georgia, said:

Mr. SPEAKER: I do not know that I can say anything that will add force to the argument already made in behalf of the admission of Oregon. It is my purpose, however, to contribute what I can to that end. And if I fail in my wish, it will be because my ability is not equal to my zeal. Apart from considerations of public duty and justice to the people claiming this admission, there is another consideration which enlists my entire energies for the bill; that, sir, is the opportunity it affords me, as a southern man, and one acting with the Democratic party, to show the groundlessness of the charge made last year, that we were in favor of putting one rule to a State applying with a slave-State constitution, and another and a more rigorous rule to a free-State application; that we required a larger population for the admission of a State not tolerating African slavery, than one permitting and allowing it. The gentleman from Ohio, [Mr. STANTON,] who has just taken his seat, has reasserted that charge, in substance. Sir, I repudiated it when it was first made, and I repudiate it now. The position of Kansas and that of Oregon are totally dissimilar; and whatever consideration of duty, looking to the peace and quiet of that country, as well as the general welfare, may have induced me and others, to put the population restriction upon any future application from Kansas, like considerations of duty, of a higher character, acting as we now are under existing obligations which we cannot ignore, forbid that the same representative ratio rule should be extended to Oregon. As I stated in my opening remarks, under existing compacts, under existing laws affirming and extending what all regarded as a most solemn compact, the ordinance of 1787, it is, in my judgment, a high obligation to admit Oregon so soon as she has sixty thousand inhabitants.

Now, sir, before going into that, I wish to reply to the gentleman from Ohio, [Mr. STANTON,] who has just taken his seat. If I understand him, and the gentleman from Massachusetts, [Mr. GOOCH,] who asked that significant question of the Delegate from Oregon and Senator elect: how he would vote in the Senate on the repeal of the population clause in the Kansas bill of last session? both of them would be willing to vote for the admission of Oregon, provided that representative ratio required of Kansas should be repealed. They occupy this strange position: because the Democratic party did Kansas at the last session, as they assume, a wrong, they will do Oregon a like wrong at this session, by way of retaliation.

Mr. STANTON. The gentleman misunderstands me.

Mr. STEPHENS, of Georgia. I cannot be interrupted. I have heard the gentleman's argument; so has the House; and the gentleman and the House will hear mine. Let them stand together. I understand the minority of the Committee on Territories, with the gentleman from Pennsylvania [Mr. GROW] at their head, signify a like willingness.

Mr. GROW. No, sir; I stated distinctly that I would never go for the clause of the constitution I have indicated.

Mr. STEPHENS, of Georgia. Do not interrupt me. I state the gentleman's position as it appears in his minority report. The only thing he complains of in it is the discrimination, as he calls it, in the Kansas conference bill. The only amendment he proposes to this bill is a repeal of that. Not a word in his report against the obnoxious clause in the Oregon constitution against negro equality. That he passes over, and evidently seems to rest his entire opposition to this bill to the existing law in reference to Kansas. What has brought "this change over the spirit of his dream" I do not know. I am glad, however, to see that there is a number of the other side actuated by a more liberal, a juster, and a more magnanimous sentiment. They cannot see the logic, or the moral of the position of the gentleman from Pennsylvania; that because, in his assumption, this side of the House did wrong last session, therefore he will do wrong this. To the majority on that side, acting with the gentleman from Pennsylvania, I would put the question, how can two wrongs make a right? If it were granted that injustice was done Kansas, how can that be righted by repeating it towards Oregon? That side of the House will permit me to tell them, that by their votes to-day they will spike every gun they have fired against the Democratic party for their alleged injustice done to Kansas. If the Democratic party did wrong to Kansas, (but I shall show that the cases are totally dissimilar,) the Republican party seems disposed to-day to follow suit, and do the same wrong they complain of to Oregon. If they are sincere in their belief, and not governed solely by opposition and antagonism, would it not be the wiser, the better, the nobler, and more statesmanlike course for them to come forward and set us an example of doing right, as the two gentlemen from Massachusetts [Mr. THAYER and Mr. COMINS] urged them yesterday?

But, sir, the cases are totally dissimilar; the clause in the Kansas compromise bill, refusing to hear any further application for admission from her in case of her declining to come into the Union under her then application, with the modification of her land proposition, which we submitted until she had a population equal to the representative ratio, may, or may not have been right, according to the opinions of gentlemen. The policy of adopting such a general principle in al cases where it can be done, may, or may not be right, as gentlemen may vary in their opinions but that question cannot arise in the case of Oregon. We are foreclosed on that point, in the territorial organic act; and I appeal, not only to this side of the House, but to every side, and ask how they can get round that obligation in the territorial bill of Oregon, of 1848, which declares solemnly that all the guarantees, privileges, and rights secured to the people of the Northwest Territory, should be extended to the people of Oregon? The words of the act are:

"SEC. 14. *And be it further enacted*, That the inhabitants of said Territory shall be entitled to enjoy all and singular the rights, privileges, and advantages, granted and secured to the people of the Territory of the United States northwest of the river Ohio by the articles of compact contained

in the ordinance for the government of said Territory, on the 13th day of July, 1787, and shall be subject to all the conditions, restrictions, and prohibitions, in said articles of compact imposed upon the people of said Territory."—*Statutes at Large*, volume 9, page 329.

And what were those rights and privileges guarantied to the people in the Northwest Territory hereby secured and guarantied to the people of Oregon? Here they are:

"And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted by its Delegates into the Congress of the United States on an equal footing with the original States, in all respects whatsoever; and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interests of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand."—*Fifth Article Ordinance* 1787, *Statutes at Large*, volume 1, page 53.

No such guarantee as this was ever given to the people of the Territory of Kansas; if there had been, that representative-ratio feature could not have been put in the conference bill without a violation of plighted faith. And is there any inconsistency on this side of the House in adopting the representative-ratio principle, wherever it can be done, and still maintaining good faith where previous obligations prevent? Oregon is the only Territory to which this previous obligation to admit with sixty thousand inhabitants applies. Hers must be an exceptional case in any general rule that it may be deemed advisable to adopt for all the other Territories for the future. Kansas stands in a position to take her place with all the others, except Oregon, without any just cause of complaint. Whether such general rule be wise and proper, is not now the question; nor whether its application to Kansas at the last session was right or wrong; the question before us at this time, is simply whether we will discharge an existing obligation?

The gentleman from Tennessee, [Mr. ZOLLICOFFER,] who made one of the minority reports, argues that the compact of 1787, extended to Oregon by act of 1848, was not in the nature of an engagement with the people of a Territory, but with a State. The language, he says, is, "whenever any of said States," &c. Mr. Speaker, what makes a State? Is it boundary? is it limits? is it rivers? is it parallels of latitude? Sir, people make States. His argument, to my mind, has no force. The Territory was defined, and the compact entered into with the people, with the inhabitants; and that compact was, that as soon as they had sixty thousand free inhabitants, they were to be entitled to admission as a State; and further, so far as it can be consistent with the general interest, such admission shall be allowed with a less number than sixty thousand inhabitants. There is no escape from this; nor are we without some lights as to a proper construction of these words. It is the same identical guarantee that was extended to Tennessee in 1790; and how was this language interpreted by those who made the compact? How was it construed by the great lights of the old Republican party? This identical question came up on the admission of Tennessee, the gentleman's own State.

The debate on that question was referred to yesterday. There is no dodging the question—no evading it. The question here, so far as population is concerned, is the same as that on the admission of Tennessee. The only fact in issue now before us, is the fact that was in issue then. It is not whether the proposed State has ninety thousand or one hundred thousand, but simply whether it has sixty thousand inhabitants. I will not go over the argument to show that it has. I am satisfied that there are over sixty thousand inhabitants in Oregon. I am well satisfied, from the evidence I cited the other day, that there are over one hundred thousand. There were forty-three thousand and upwards in 1855, as shown by an imperfect census. Five years before there were only ten thousand. In five years they had increased four-fold. With a proportionate increase there would be now one hundred and thirty thousand and upwards. But even suppose the increase has been partially retarded: the other evidence shows there must be over one hundred thousand. The official report shows personal property to the amount of $22,000,000. Suppose the people of Oregon to be worth $200 *per capita* of personal property—which is more than any State in the Union: there would be one hundred and ten thousand inhabitants. I think the *per capita* estimate of personal property at $200 is too high for Oregon. In Georgia, where the wealth *per capita* is greater, as I showed the other day, than in any other State in the Union, it is, including real and personal estate together, $534 for the entire population. The average in the United States is something over $350. Place it at $150 in Oregon for personal property alone, (for they own no real estate there—no land patents have yet issued) and the population will be over one hundred and thirty thousand. These facts satisfy me that there are more than one hundred thousand people there. No man can doubt, it seems to me, that there are over sixty thousand; and that is the question.

Then, sir, in the debate referred to on the admission of Tennessee, what said Mr. Madison on that point?

"The fact of population was the only necessary one; and would gentlemen be satisfied with no other method of ascertaining it but such as they themselves should direct?"

He went on:

"If there were the stipulated number of inhabitants, that Territory could not be denied its claim of becoming a State of the Union without a violation of rights."

Again, he says that—

"He himself has no doubt on the subject; the evidence was sufficient and satisfactory."

And again he said:

"But he thought, where there was a doubt, Congress ought to lean towards a decision which would give equal rights to every part of the American people."

He said there was no doubt on his mind that there were sixty thousand people there; and that, under the compact, they were bound, from all the facts he could gather, to admit the State.

How can gentlemen escape that? Mr. Macon, a gentleman who occupied a high position in the Republican party of that day—not the party of modern Republicans, but of good old Republicans of the Jeffersonian school—one of the shining lights of the House, whose name will go down to history and live as long as the names of the founders of the Republic, said:

"The question before the committee was on admitting the Territory to be a State in the Union. There appeared to him only two things as necessary to be inquired into. First, was the new government republican? It appeared to him to be so. Second, were there sixty thousand inhabitants in the Territory? It appeared to him there were; and if so, their admission as a State should not be considered as a gift, but as a right."

Again, Mr. Gallatin said he—

"Was of opinion that the people of the southwestern territory became *ipso facto* a State the moment they amounted to sixty thousand free inhabitants; and that it became the duty of Congress, as part of the original compact, to recognize them as such, and to admit them into the Union, whenever they had satisfactory proof of the fact."

I cannot dwell on this branch of the subject. It is no question of ninety-three thousand here. It is no question of what is the ratio in other Territories. It is no question of Kansas discrimination. It is the simple, naked question of fulfilling obligations. That is the whole of it. I have no doubt that she has sixty thousand; and every man upon this floor so believing, according to this authority, is bound to vote for her admission. Will you do it?

But the gentleman from Ohio [Mr. STANTON] complains of the constitution of Oregon. He complains of that article which denies political equality to the African race; to that part which excludes negroes from voting; which prevents them from exercising the rights of citizenship; especially that which denies them the right to maintain an action in their courts. The Topeka constitution of Kansas, which that gentleman favored in 1856, excluded free negroes entirely from the Territory of Kansas.

Mr. GROW. I will correct the gentleman. The Topeka constitution did not exclude free negroes from Kansas; but the question was submitted to the people, as instructions to the Legislature, to pass an act of that character.

Mr. STEPHENS, of Georgia. And a large majority of the gentleman's friends who adopted the constitution voted to give the instructions.

Mr. GROW. I make no point upon that.

Mr. STEPHENS, of Georgia. And those who profess to be the exclusive friends of negroes, as they now do, so far as that constitution was concerned, voted to banish them forever from the State, just as Oregon has done. Whether this banishment be right or wrong, it is no worse in Oregon than it was in Kansas. But, on the score of humanity, we of the South do not believe that those who, in Kansas or Oregon, banish this race from their limits, are better friends of the negro than we are, who assign them that place among us to which by nature they are fitted, and in which they add so much more to their own happiness and comfort, besides to the common well-being of all. We give them a reception. We give them shelter. We clothe them. We feed them. We provide for their every want, in health and in sickness, in infancy and old age. We teach them to work. We educate them in the arts of civilization and the virtues of Christianity, much more effectually and successfully than you can ever do on the coasts of Africa. And, without any cost to the public, we render them useful to themselves and to the world. The first lesson in civilization and Christianity to be taught to the barbarous tribes, wherever to be found, is the first great curse against the human family—that in the sweat of their face they shall eat their bread. Under our system, our tuition, our guardianship and fostering care, these people, exciting so much misplaced philanthropy, have attained a higher degree of civilization than their race has attained anywhere else upon the face of the earth. The Topeka people excluded them; they, like the neighbors we read of, went round them; we, like the good Samaritans, shun not their destitution or degradation—we alleviate both. But let that go.

Oregon has, in this matter, done no worse than the gentleman's friends did in Kansas. I think she acted unwisely in it—that is her business, not mine. But the gentleman from Ohio [Mr. STANTON] questions me, how could a negro in Oregon ever get his freedom under the constitution they have adopted? I tell him, under their constitution a slave cannot exist there. The fundamental law is against it. But, he asks, how could his freedom ever be established, as no free person of color can sue in her courts? Neither can they in Georgia; still our courts are open to this class of people, who appear by *prochein ami* or guardian. Nor is there any great hardship in this; for married women cannot sue in their own names anywhere where the common law prevails. Minors also have to sue by guardian or next friend. We have suits continually in our tribunals by persons claiming to be free persons of color. They cannot sue in their own names, but by next friend. They are not citizens; we do not recognize them as such; but still the courts are open; and just so will they be in Oregon, if the question is ever raised.

Mr. REAGAN. By the laws of Texas free negroes are prohibited from residing in that State, and hence have no right to sue in her courts; and yet the courts there have entertained jurisdiction of suits for the liberation of free negroes, and I have assisted in the prosecution of such suits, in which they were declared free under writs of *habeas corpus*.

Mr. STEPHENS, of Georgia. I understand the gentleman to say that the constitution of Texas is similar to this, and yet that her courts are opened just as I stated in reference to Georgia; and that he himself has assisted free negroes in the courts of Texas to obtain their rights. There can be no difficulty upon that score. Let me say to gentlemen on the other side of the House, not to lay the flattering unction to their souls that they can escape by such a pretext as that.

But it was intimated by the gentleman from Ohio, that last year we voted to admit Kansas as a slave State with a view of getting two Democratic Senators, and that our object is the same now in regard to Oregon. Sir, in this he is mistaken. We stood then, as now, upon principle. Had Kansas been admitted under the Lecompton constitution, all of us knew that the probabilities were, that two Republican Senators would have been elected. Nor was the large Democratic vote in the Senate, soon after, upon this bill for the admission of Oregon, based upon any such idea as

he intimated. It could not have been. When this bill passed the Senate it was not known what sort of Senators would be elected there, any more than it was as to Kansas. The election in Oregon had not been heard from. It was a hot contest. And at the election which afterwards came off, the member who was returned to this House was elected by only sixteen hundred majority.

Under these circumstances, how can the gentleman attribute such motives to the action of Democratic Senators? Where is the slightest evidence for such an imputation? May be the gentleman attributes to others the motives by which he himself is governed—that is, a wish to bring in the State under political auspices favorable to his own view of public policy. May be he thinks, by rejecting this constitution, the State may come in under a Republican instead of a Democratic banner; for he said her admission was only a question of time. I will not say that this is his object in opposing this bill; but I do say, for myself, that I am governed by no such motives as he has intimated. I will vote, whenever a State comes here with a constitution republican in form, and with an obligation resting upon me to vote for her admission, as this does, for her admission, irrespective of what may be the political cast of her Senators and members elect. I will never do wrong that right may afterwards come from it. Wrong does not produce such fruits. What you plant and sow, that you reap. I will never commit an acknowledged error, hoping that good will come of it. Good ends never justify wrong means according to my code of morals. Honesty is the best policy in all things. Perhaps most of those on the other side of the House who go against this bill, do so barely to be in opposition. To such I would say what I once said to a gentleman in my district. When I was going to address the people at a particular place, meeting him on the way, I asked him if he was going up to the court-house? He said, no; that I was going to speak, and that he only wanted to know what side I was upon to be against it. I said "that is the reason you are always in the minority; you give me choice of sides upon all questions, and of course I take the best." [Laughter.] Would it not be well for gentlemen on that side to consider the point, barely as a matter of political or party tactics? That gentleman was so well pleased with the remark that he went and heard me on the occasion alluded to, and from that day to this has never failed to vote for me. If the opposite side will allow me, I will say to them it is bad policy in any party to oppose everything barely for opposition sake. Let me entreat them not to oppose this bill—as some of them do, I fear—barely because Democrats vote for it. By this course, you give us choice of sides in a great issue of right.

One word further, upon another subject, and I call the especial attention of the House to it. It is the objection raised to the constitution of Oregon on account of the alien suffrage feature in it. The gentleman from Tennessee, [Mr. ZOLLICOFFER,] in his report, quotes a part of the decision of the Supreme Court, bearing upon the constitutional power of a State so to regulate suffrage within her own limits, but stops right in the middle of a sentence. I will read first the extract quoted by the gentleman—italics his—and then read the whole sentence, as it stands in Chief Justice Taney's decision in the Dred Scott case:

"The Constitution has conferred on Congress the right to establish a uniform rule of naturalization, and this right is evidently *exclusive*, and has always been held by this court to be so. Consequently, no State, since the adoption of the Constitution, can, by naturalizing an alien, invest him with the *rights and privileges secured to a citizen of a State under the Federal Government*," &c.

There the gentleman stops, with the sentence unfinished, at a comma. The Chief Justice goes right on with these words—

"although, so far as the State alone was concerned, he would undoubtedly be entitled to the rights of a citizen, and clothed with all the rights and immunities which the constitution and laws of the State attached to that character."

In this the Supreme Court says, and says truly, that no State can make an alien by birth a citizen of the United States—that is the exclusive right of Congress; but that each State may clothe an alien with all the privileges and rights they see fit, within their own jurisdiction and limits. The right of suffrage, the right to declare who shall vote at elections, is expressly reserved in the Constitution of the United States to each State. This Government cannot interfere with that power. It is the last right I would have the States to surrender; for upon it rest all the great bulwarks of State rights; and, should it ever be surrendered, no vestige of State rights would remain.

Mr. ZOLLICOFFER. The comments of the gentleman from Georgia upon that portion of my report would produce the impression that I have acted unfairly.

Mr. STEPHENS, of Georgia. I do not say that. I cannot, however, be interrupted. I have barely time sufficient——

Mr. ZOLLICOFFER. But let me make this statement. I will not be two minutes.

Mr. STEPHENS, of Georgia. Be brief. I will give you two minutes, but no more.

Mr. ZOLLICOFFER. I was enforcing the position, as asserted by the court, that a State could not confer upon unnaturalized foreigners the rights of citizenship, so far as the Federal Government was concerned; and, therefore, I quoted only that portion of the sentence found in the decision, which showed that to be the position of the court. That portion of the sentence is this.

Mr. STEPHENS, of Georgia. I cannot yield any further. I have already read it.

Mr. ZOLLICOFFER. Let me add the single remark that, in my report, I distinctly concurred with the court in the remaining portion of that sentence; that, so far as "the State *alone* was concerned," the State had the right to confer rights of citizenship upon unnaturalized foreigners.

Mr. STEPHENS, of Georgia. It would have been much better understood, if the gentleman had quoted the whole of it, and given his concurrence in the whole as it stands. And I must be permitted to say, that in concurring in the whole of that decision as it stands, he yields the whole question. If a State has the right to confer upon aliens all the rights of its own citizens, so far as she is concerned, certainly the right of suffrage is included.

Mr. ZOLLICOFFER. That is, so far as the State alone is concerned.

Mr. STEPHENS, of Georgia. Exactly. The State has the exclusive control of the right of suffrage within her limits and under her laws, according to the decision of the Supreme Court. She can say who may vote for all her officers; who for Governor and who for her State Senate and who for her House of Representatives; and then the Constitution of the United States expressly provides that the members of this House shall be chosen or voted for by those in each State who, by the constitution and laws of each State, are entitled to vote for the most numerous branch of the State Legislature. In admitting that each State may allow an alien to vote for members of the most numerous branch of their own Legislature, the gentleman yields this entire question. The language in Chief Justice Taney's decision immediately preceding that quoted by the gentleman in his report, is in these words:

"Nor have the several States surrendered the power of conferring these rights and privileges, by adopting the Constitution of the United States. Each State may still confer them upon an alien, or any one it thinks proper, or upon any class or description of persons; yet he would not be a citizen in the sense in which that word is used in the Constitution of the United States, nor entitled to sue as such, in one of its courts, nor to the privileges and immunities of a citizen in the other States. The rights which he would acquire would be restricted to the State which gave them."

Then comes the gentleman's quotation. And from the whole, the principle is clear, that each State may, if she chooses, confer the right of citizenship within her own limits and jurisdiction, upon an alien. But, without naturalization under the laws of the United States, this will not give him the right of citizenship in any respect outside of that State. In it, his rights of citizenship may be as full and complete as those of the native born.

But I did not intend to argue this point. I did that at the last session, on the Minnesota bill. In that argument, I gave the history of this question of alien suffrage in the Territories. I have nothing to add to what I then said. I barely refer to it now, that it may be considered as part and parcel of what I would say on the same points, if my time allowed, to-day. Of the Presidents who, in some form or shape, had given the principle their sanction, either in the Territories or States, on their admission, I named Washington, the elder Adams, Jefferson, Madison, Jackson, Polk, Fillmore, and Pierce; and to this list may now be added that of Buchanan, who signed the Minnesota bill.

My colleague [Mr. HILL] yesterday alluded to what Mr. Calhoun said on the subject in 1836. I commented upon that, last year. I could not find that speech of Mr. Calhoun in the Globe, or any parliamentary record in the country. I do not mean to say that he did not make it. It was not made upon the admission of Michigan. It was made, if at all, when a measure was up involving the question of suffrage in the Territory, while Michigan was still in a territorial condition. The speech is said to have been made in 1836. Michigan was not admitted until 1837. Her constitution was similar in this respect to that of Oregon. Mr. Calhoun was then in the Senate; he did not raise his voice against that feature in it, as far as I have been able to find. Not a word fell from him, at that time, on the subject of alien suffrage, that I am aware of.

Mr. ZOLLICOFFER. Allow me one sentence.

Mr. STEPHENS, of Georgia. I cannot yield.

Mr. ZOLLICOFFER. Allow me but a single sentence: that sentence is, that I should labor under great disadvantage, if the gentleman were even disposed to extend to me the courtesy of allowing me to reply to his points while he holds the floor. Therefore, I will not at present ask to do so.

Mr. STEPHENS, of Georgia. That I understand very well. The gentleman can reply hereafter. My time will not allow me to indulge him now. I made the speech I have referred to last year, expecting that it would be replied to; but it remains yet without reply. And I cannot permit my time to-day to be taken up with matters there disposed of.

Mr. HILL. Let me ask my colleague a question. Is he not aware of the votes given by Mr. Calhoun, on the Michigan bill, against permitting alien suffrage in that State? It was on the motion of Mr. Clay.

Mr. STEPHENS, of Georgia. What year?

Mr. HILL. In 1836.

Mr. STEPHENS, of Georgia. Yes; I know of his votes alluded to in 1836. Michigan was then a Territory. I repeat again, that on the admission of Michigan as a State next year, Mr. Calhoun said nothing against the alien-suffrage feature in her State constitution, that I know of. He may still have been against it.

But one word further in reply to my colleague as to Mr. Calhoun's position on this subject: Whatever he may have said on it, or however he may have voted on it in 1836, yet in 1848, he was on the committee that reported the celebrated Clayton compromise, which provided a government for this very Territory of Oregon, and that bill contained this very alien suffrage clause in it. Mr. Calhoun voted for the bill with this clause in it in the Senate. I have the record by me. It is not of so much importance what he said or how he voted in 1836, when the question was first started, as how he voted twelve years afterwards, and after mature investigation. Here is his vote in 1848. I put that against his speech and his vote in 1836, and let all go to the country with my colleague's comments. I shall be content.

Now, Mr. Speaker, on another and entirely different aspect of this question, I have something special to say to another side of the House—a distinct class in it. I mean the members coming from slaveholding States. There is evidently a feeling of opposition in that quarter to the admission of Oregon, from a reluctance and manifest indisposition to increase the number of what are called free States. This arises from an apprehension that, with the loss of the balance of power, the rights of our section upon constitutional questions will be less secure. This may be so. It does not, however, necessarily follow. But that balance is already gone—lost by causes beyond your or my control. There is no prospect of its ever being regained; and, in taking that ground, you do but reverse the position of our sectional

opponents on the other side of the House. I know it is the tendency of power to encroach; but let us look to the security which rests upon principle, rather than upon numbers. The citadel of our defense is principle sustained by reason, truth, honor, and justice. Let us, therefore, do justice, though the heavens fall.

Let us not do an indirect wrong, for fear that the recipient from our hands of what is properly due will turn upon us and injure us. Statesmen in the line of duty should never consult their fears. Where duty leads, there we may never fear to tread. In the political world, great events and changes are rapidly crowding upon us. To these we should not be insensible. As wise men, we should not attempt to ignore them. We need not close our eyes, and suppose the sun will cease to shine because we see not the light. Let us rather, with eyes and minds wide awake, look around us and see where we are, whence we have come, and where we shall soon be, borne along by the rapid, swift, and irresistible car of time. This immense territory to the west has to be peopled. It is now peopling. New States are fast growing up; and others, not yet in embryo, will soon spring into existence. Progress and development mark everything in nature—human societies, as well as everything else. Nothing in the physical world is still; life and motion are in everything: so in the mental, moral, and political. The earth is never still. The great central orb is ever moving. Progress is the universal law governing all things—animate as well as inanimate. Death itself is but the beginning of a new life in a new form. Our Government and institutions are subject to this all-pervading power. The past wonderfully exemplifies its influence, and gives us some shadows of the future.

This is the sixteenth session that I have been here, and within that brief space of fifteen years, we have added six States to the Union—lacking but one of being more than half of the original thirteen. Upwards of twelve hundred thousand square miles of territory—a much larger area than was possessed by the whole United States at the time of the treaty of peace in 1783—have been added to our domain. At this time the area of our Republic is greater than that of any five of the greatest Powers in Europe all combined; greater than that of the Roman Empire in the brightest days of her glory; more extensive than were Alexander's dominions when he stood on the Indus, and wept that he had no more worlds to conquer. Such is our present position; nor are we yet at the end of our acquisitions.

Our internal movements, within the same time, have not been less active in progress and development than those external. A bare glance at these will suffice. Our tonnage, when I first came to Congress, was but a little over two million; now it is upwards of five million, more than double. Our exports of domestic manufactures were only eleven million dollars in round numbers; now they are upwards of thirty million. Our exports of domestic produce, staples, &c., were then under one hundred million dollars; now they are upwards of three hundred million! The amount of coin in the United States, was at that time about one hundred million; now it exceeds three hundred million. The cotton crop then was but fifty-four million; now it is upwards of one hundred and sixty million dollars. We had then not more than five thousand miles of railroad in operation; we have now not less than twenty-six thousand miles—more than enough to encircle the globe—and at a cost of more than one thousand million dollars. At that time, Professor Morse was engaged in one of the rooms of this Capitol in experimenting on his unperfected idea of an electric telegraph—and there was as much doubt about his success, as there is at present about the Atlantic cable—but now there are more than thirty-five thousand miles in extent of these iron nerves sent forth in every direction through the land, connecting the most distant points, and uniting all together as if under the influence of a common living sensorium. This is but a glance at the surface; to enter within and take the range of other matters—schools, colleges, the arts, and various mechanical and industrial pursuits, which add to the intelligence, wealth, and prosperity of a people, and mark their course in the history of nations, would require time; but in all would be found alike astonishing results.

This progress, sir, is not to be arrested. It will go on. The end is not yet. There are persons now living who will see over a hundred million human beings within the present boundaries of the United States, to say nothing of future extension, and perhaps double the number of States we now have, should the Union last. For myself, I say to you, my southern colleagues on this floor, that I do not apprehend danger to our constitutional rights from the bare fact of increasing the number of States with institutions dissimilar to ours. The whole governmental fabric of the United States is based and founded upon the idea of dissimiliarity in the institutions of the respective members. Principles, not numbers, are our protection. When these fail, we have, like all other people, who, knowing their rights, dare maintain them, nothing to rely upon but the justice of our cause, our own right arms and stout hearts. With these feelings and this basis of action, whenever any State comes and asks admission, as Oregon does, I am prepared to extend her the hand of welcome, without looking into her constitution further than to see that it is republican in form, upon our well-known American models.

When aggression comes, if come it ever shall, then the end draweth nigh. Then, if in my day, I shall be for resistance, open, bold, and defiant. I know of no allegiance superior to that due the hearthstones of the homestead. This I say to all. I lay no claim to any sentiment of nationality not founded upon the patriotism of a true heart, and I know of no such patriotism that does not center at home. Like the enlarging circle upon the surface of smooth waters, however, this can and will, if unobstructed, extend to the utmost limits of a common country. Such is my nationality—such my sectionalism—such my patriotism. Our fathers of the South joined your fathers of the North in resistance to a common aggression from their fatherland; and if they were justified in rising to right a wrong inflicted by a parent country, how much more ought we, should the necessity ever come, to stand justified before an enlightened world, in righting a wrong from even those we call brothers. That necessity, I trust, will never come.

What is to be our future, I do not know. I have no taste for indulging in speculations about it. I would not, if I could, raise the vail that wisely conceals it from us. "Sufficient unto the day is the evil thereof," is a good precept in everything pertaining to human action. The evil I would not anticipate; I would rather strive to prevent its coming; and one way, in my judgment, to prevent it, is, while here, in all things to do what is right and proper to be done under the Constitution of the United States; nothing more, and nothing less. Our safety, as well as the prosperity of all parts of the country, so long as this Government lasts, lies mainly in a strict conformity to the laws of its existence. Growth is one of these. The admission of new States, is one of the objects expressly provided for. How are they to come in? With just such constitutions as the people in each may please to make for themselves, so it is republican in form. This is the ground the South has ever stood upon. Let us not abandon it now. It is founded upon a principle planted in the compact of Union itself; and more essential to us than all others besides; that is, the equality of the States, and the reserved rights of the people of the respective States. By our system, each State, however great the number, has the absolute right to regulate all its internal affairs as she pleases, subject only to her obligations under the Constitution of the United States. With this limitation, the people of Massachusetts have the perfect right to do as they please upon all matters relating to their internal policy; the people of Ohio have the right to do the same; the people of Georgia the same; of California the same; and so with all the rest.

Such is the machinery of our theory of self-government by the people. This is the great novelty of our peculiar system, involving a principle unknown to the ancients, an idea never dreamed of by Aristotle or Plato. The union of several distinct, independent communities upon this basis, is a new principle in human governments. It is now a problem in experiment for the people of the nineteenth century upon this continent to solve. As I behold its workings in the past and at the present, while I am not sanguine, yet I am hopeful of its successful solution. The most joyous feeling of my heart is the earnest hope that it will, for the future, move on as peacefully, prosperously, and brilliantly, as it has in the past. If so, then we shall exhibit a moral and political spectacle to the world something like the prophetic vision of Ezekiel, when he saw a number of distinct beings or living creatures, each with a separate and distinct organism, having the functions of life within itself, all of one external likeness, and all, at the same time, mysteriously connected with one common animating spirit pervading the whole, so that when the common spirit moved they all moved; their appearance and their work being, as it were, a wheel in the middle of a wheel; and whithersoever the common spirit went, thither the others went, all going together; and when they went, he heard the noise of their motion like the noise of great waters, as the voice of the Almighty. Should our experiment succeed, such will be our exhibition—a machinery of Government so intricate, so complicated, with so many separate and distinct parts, so many independent States, each perfect in the attributes and functions of sovereignty, within its own jurisdiction, all, nevertheless, united under the control of a common directing power for external objects and purposes, may natural enough seem novel, strange, and inexplicable to the philosophers and crowned heads of the world.

It is for us, and those who shall come after us, to determine whether this grand experimental problem shall be worked out; not by quarreling amongst ourselves; not by doing injustice to any; not by keeping out any particular class of States; but by each State remaining a separate and distinct political organism within itself—all bound together for general objects, under a common Federal head; as it were, a wheel within a wheel. Then the number may be multiplied without limit; and then, indeed, may the nations of the earth look on in wonder at our career; and when they hear the noise of the wheels of our progress in achievement, in development, in expansion, in glory, and renown, it may well appear to them not unlike the noise of great waters; the very voice of the Almighty—*Vox populi! Vox Dei!* [Great applause in the galleries, and on the floor.]

The SPEAKER. If the applause in the galleries is repeated, the Chair will order the galleries to be cleared.

Many MEMBERS. It was upon the floor.

Mr. STEPHENS, of Georgia. One or two other matters only I wish to allude to. These relate mainly to amendments. I trust that every friend of this bill will unite and vote down every amendment. It needs no amendment. Oregon has nothing to do with Kansas, and should in no way be connected with her. To remand her back, as the gentleman from Kentucky [Mr. MARSHALL] proposes, to compel her to regulate suffrage as we may be disposed to dictate, would be but going back to the old attempt to impose conditions upon Missouri. There is no necessity for any census, if we are satisfied, from all the evidence before us, that there are sixty thousand inhabitants there. Florida was admitted without a census. Texas was admitted, with two members on this floor, without a census. So was California.

To our friends upon this side of the House, let me say, if you cannot vote for the bill, assist us in having it voted upon as it is. Put on no riders. Give us no side blows. Aid in keeping them off. Let the measure stand or fall upon its merits. If you cannot vote for the bill, vote against it just as it stands.

I see my time is nearly out, and I cannot go into the discussion of other branches of the question; but may I not make an appeal to all sides of the House to come up to do their duty to-day? I have spoken of the rapid development of our country and its progress in all its material resources. Is it true that the intellectual and moral development of our country has not kept pace with its physical? Has our political body outgrown the heads and hearts of those who are to govern it? Is it so, that this Thirty-Fifth Congress is unequal to the great mission before it?

Are we progressing in everything but mind and patriotism? Has destiny cast upon us a heavier load of duty than we are able to perform? Are we unequal to the task assigned us? I trust not. I know it is sometimes said in the country that Congress has degenerated. It is for us this day to show whether it is true or not. For myself, I do not believe it. It may be that the *esprit du corps* may have some influence on my judgment. Something may be pardoned to that. But still I feel that I address men of as much intelligence, reflection, talent, integrity, virtue, and worth, as I have ever met in this Hall; men not unfit to be the Representatives of this great, growing, and prosperous Confederacy. The only real fitness for any public station is to be up to the requirements of the occasion, whatever that be. Let us, then, vindicate our characters as fit legislators to-day; and, with that dignity and decorum which have so signally marked our proceedings upon other great, exciting questions before, and which, whatever may be said of our debates, may be claimed as a distinguished honor for the present House of Representatives, let us do the work assigned us with that integrity of purpose which discharges duty regardless of consequences, and with a patriotism commensurate with the magnitude of the subject under all its responsibilities.

ATRATO SHIP CANAL—ITS IMPORTANCE TO THE COMMERCE OF THE UNITED STATES AND OTHER NATIONS.

SPEECH OF HON. ELIJAH WARD,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 15, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. WARD said:

Mr. CHAIRMAN: Having the honor to represent in this honorable body a constituency vitally interested in the progress of commerce, an element which has enabled our country to attain a high rank among the nations of the world, and to which we must be chiefly indebted in the future for its further growth and increased power, I feel a deep interest in all subjects which seem likely to aid in the development of our commercial greatness, and in maintaining the supremacy which we are rapidly acquiring.

Our vast extent of territory, its fertility, mineral and other resources, the energy of the people, and the great amount of capital employed, are powerful levers in advancing the prosperity of the country; but the history of the past demonstrates that no one element has had so great an influence in the extension of commerce, and contributed so largely to our national wealth, as increased facilities for annihilating space and time by means of railroads and canal communications. The utility and importance of these modes of transportation have been fully demonstrated. Railroads are of comparatively recent origin, their introduction not exceeding twenty-seven years since. Within that period England has expended £300,000,000 sterling, and the United States $1,070,000,000, in constructing railroads. Canals attracted the attention of the ancients. The best authenticated accounts of ancient Egypt represent "that country intersected by canals conveying the waters of the Nile to the more distant parts of the country, partly for the purposes of irrigation and partly for navigation. The efforts made by the old Egyptian monarchs and by the Ptolemies to construct a canal between the Red sea and the Nile are well known, and evince the high sense which they entertained of the importance of this species of communication." This work was intended for a ship canal to connect the Red sea with the Mediterranean, (McCulloch's Commercial Dictionary.) This locality is now attracting public attention, and the route has been examined and surveyed and found to present no difficulty that cannot be removed. The French projectors of the Suez canal contemplate its reopening, or the construction of a parallel line connecting the two seas, which, if carried into effect, would be of great benefit to commerce. Canals have been constructed in Italy, France, Holland, Denmark, Sweden, England and other countries; but it was reserved for the State of New York to excel all other Powers in connecting the waters of the Hudson with Lake Erie, by means of the Erie canal.

My associations with mercantile men, my residence in the commercial metropolis, have long since induced me to examine with the greatest attention projects that proposed to develop intercommunication. The construction of canals in the several States, of lines of railroads leading to all parts of the country, the introduction of our steam marine and the many lines of clipper and other sailing ships, induces me to believe that much more may be done beneficially in this direction. Boston, New York, Philadelphia, Baltimore, Charleston, and the other sea-coast cities and towns, as well as those in the interior, attest the benefits of railroads and canals, interlinking and binding the Union by ligaments of a common interest too strong to be severed. Appreciating the advantages to the country that result from the home and foreign trade, it becomes important to facilitate that trade in every proper manner.

With a view to increase commercial intercourse, by diminishing the traveling distance from the Atlantic to the Pacific ports, the subject of a ship canal is assuming an importance commensurate with its merits. No project of higher moment or greater magnitude has been presented to the country.

"When, in 1513, Vasco Nuñez first beheld, from the heights of Darien, the shores of the Pacific, its near proximity to the Atlantic could not fail to render evident the importance of a water communication between the two oceans. Long and vainly did the Spaniards seek for a natural channel, which might facilitate their passage to the Indies, and when forced to abandon all hope in its existence, they continually directed their attention to the best means of opening an artificial way. The great utility of such an undertaking became still more evident towards the latter part of the eighteenth century, which witnessed the rising importance of Hindostan, of China, and of the islands of the Indian ocean, as well as the discovery of Australia, and the numerous islands of the Pacific. The length of time required, and the danger incurred, in doubling the two tempestuous capes, by which alone the passage could be effected, served continually to keep attention fixed on the inestimable advantages which would accrue from an inter-oceanic communication. Various points of Central America were, therefore, surveyed, and plans were proposed for executing this most desirable enterprise; but the difficulties to be overcome appeared almost insurmountable, and most of the projects have been tacitly abandoned.

"But within the last few years, the acquisition of California by the United States, and the commercial activity which resulted from the working of the gold fields, so immediately followed by a similar discovery of the precious metal in Australia, and the consequent rapid development of trade with that continent; the extension of commercial enterprise throughout the whole of the Pacific and the Indian oceans; all concur in rendering the realization of this project indispensable."—*Kelley's paper, read before the Institute of Civil Engineers, London*, 1855.

If a passage through the isthmus can be made, thousands of ships and vessels of all classes with their cargoes would pass through it from and to every clime; it would save thousands of miles in sailing distance, weeks and months of time, and the difficulties and dangers of the Capes of Good Hope and the Horn be avoided. It would open to our merchants new fields for enterprise and rich markets for their wares and the various productions of the country.

It has been carefully estimated that fourteen thousand miles between New York and San Francisco, and ten thousand miles to China, India, Japan, and the Sandwich Islands, British Australia, the Dutch, English and French East Indies, New Zealand, the Russian American possessions, the coasts of Central America on the Pacific, Chili and Peru, or nearly in this ratio, may be saved on every outward voyage our ships make, and the same distance on the return.

The attainment of such great results would give an extraordinary impulse to the commerce of the United States and other nations. Mr. Chairman, from the time of the discovery of this continent, a short passage to the East has been constantly desired; a region Columbus was seeking for when he discovered the New World. The commercial history of the past shows that whatever country has hitherto controlled the trade of the East, has invariably held, for the time being, the greatest commercial power in the world. In ancient times, Carthage and Alexandria controlled the trade of the land of spices and frankincense. Venice owed her splendor and commercial rule to the same cause. At a later day, when the discovery of the passage by the Cape of Good Hope had been made by the Portuguese, they held the key to the East. The trade with India in silks, fine cottons, linens, spices, and myrrh, gave to Portugal such a supremacy in Europe, that her rival, Spain, fitted out the expedition which bore the discoverer of this continent to our shores. It did not result in the discovery of the passage so ardently desired, and there was almost as much disappointment felt that a way to India was not found, as there was joy at the discovery of America.

When the Dutch, half a century or more later, (Prescott and Helps,) secured a portion of the Indian trade, they, too, reaped the benefits and shared in the immense gains. Subsequently England disputed with Portugal and Holland for this trade; fierce and bloody wars were waged; and history now records the unrivaled extent of English commerce, which has vastly contributed to her power. During the last few years we have been disputing with her for this trade, and we have in part succeeded; but if we desire further gains in this respect, we must place ourselves in a central geographical position by making a passage through the isthmus.

Nations have made great sacrifices to secure the benefits of this commerce. The most recent illustration may be found in the late Russian war, which, stripped of its pretended objects, and the varied phrases of diplomacy, may be regarded as a struggle for the control in the Indies and the trade of that country; for, by possessing Constantinople, Russia would have had a transit by the peninsula to the Persian gulf and the Red sea, and thence, by channels of communication now open, into the Indian ocean.

Mr. Chairman, it appears to me that no one, familiar with the subject and the sources of commercial strength and power, can justly doubt the importance and utility of an inter-oceanic communication, by means of a ship-canal. The main point to be determined is, whether it is feasible; has any route been discovered that science, skill, and energy, can overcome, within such a cost as to make its prosecution and completion practicable? While the subject has occupied attention for several generations, more recent elaborate explorations and surveys indicate only five or six routes as at all practicable. In this connection, engineering problems are not so difficult of solution, as to obtain the capital required in the experiments and accomplishment. The routes to which public attention has been drawn are: 1. Tehuantepec; 2. Honduras; 3. Nicaragua; 4. Panama; 5. San Miguel; 6. Chipo; and 7. The Atrato.

In examining the several routes, my attention has been particularly attracted to the Atrato for its practicability; and more especially, because it can be constructed without locks, and at much less cost, for the same sized canal, than at any other point. These routes I propose briefly to examine.

1. The Tehuantepec route commences on the Bay of Vera Cruz, in longitude 21° from Washington, and, crossing the dividing ranges of the water sheds of the continent, extends to the Puebla of Tehuantepec, on the Pacific. The distance is one hundred and eighty-six miles, and the summit level at the pass of Nisi Correjor is eight hundred and fifty-five above the level of the sea. The topographical features of the country are a great general slope from the sea, on either side, to the summit, which is nearer to the Pacific than to the Atlantic.

No water exists at a sufficient elevation to operate a canal with locks; even if locks were not objectionable, as they are, where they can be dispensed with; and to make an open cut from sea to sea would cost, as nearly as I have been able to learn, over a thousand million dollars.

The data upon which my conclusions are founded was collected by the Government engineers. This line, although favorable for a railroad—a point which I do not question—still it is not, in my judgment, adapted for a ship-canal. Since accurate surveys were made, its practicability, I believe, has not been urged.

2. The Honduras line lies eastward of the Balize, and runs in nearly a southerly direction across

the isthmus known as Baya Honda, from Puerto Cabella to Fonseca. The length of the route is one hundred and sixty miles, and the summit level is two thousand six hundred and eighty-one feet above the sea. Notwithstanding that, the rivers Humuya and Goascoran interlock, and their head waters pass one another, still the supply is very little, and the great height of the summit would require at least one hundred and sixty locks of great magnitude, and enormously costly. I therefore consider this line out of the question for canalization; for a railroad it is practicable.

3. Nicaragua. This route has been very much discussed, and in point of desirability for a water communication between the oceans, is undoubtedly next best to the Atrato, but is much inferior to it, for the reasons which I will hereafter present. At this place an elevation of one hundred and twenty-two feet has to be overcome, and, according to the most approved plans, at least thirty locks would be necessary. Water here is abundant on the summit, and at the Atlantic terminus there is a good harbor; but on the Pacific a harbor must be constructed at Breto, or in that vicinity, in order to make the communication complete.

If the use of locks was not greatly disadvantageous, the Nicaragua line would claim our warmest support; but the difficulty and danger of elevating great ships to the height of one hundred and twenty-two feet, and then lowering them again every time a passage is to be made from one ocean to another, must be apparent. Locks offer serious objection to such navigation; each lock of a canal is nearly similar to a dry dock, and thirty would have to be passed each way: in addition, there is the difficulty and uncertainty attending the use of locks, arising from the failure of the gates that inclose them, which, in this case, would number one hundred and twenty, if the locks were single lifts, which are most desirable. The cost of keeping such mechanical structures in repair would be great. The risk arising to vessels from striking against them is to be regarded, and the probability of occasional delay in them, when out of repair, is to be taken into consideration.

At Nicaragua, the cost of constructing a work equal in width and depth, would be more than at the Atrato. I am aware that plans have been made, the estimated cost of which would be less than is contemplated at the Atrato; but these plans propose a canal of much less depth and width, and insufficient to do the trade required. I am confident, from the estimates that have been made—and I speak from a knowledge of the case—that the same sized canal, even with locks, which would materially reduce its working capacity, cannot be built at Nicaragua for the same price as at the Atrato.

4. Panama route. Upon this line a railroad is now in successful operation. It is undoubtedly one of the most desirable lines, if not the best route, for a railroad crossing the Isthmus; it is but forty-seven and a half miles long, and good harbors exist at either end. But for purposes of a canal, its disadvantages may be summed up in a few words. Forty-two miles must be canalized; ships must be lifted two hundred and fifty-seven feet. At this elevation there is not sufficient water to feed the canal, and water must be collected in reservoirs in the mountains, and brought sixty-one miles through a trench of more than one hundred and fifty feet deep. Even then, thirty-six locks would be required. If an open cut is attempted, the quantity of material to be removed would be equal to over three times what is necessary at the Atrato, and a lock on the Pacific would be indispensable.

5. San Miguel. There have been various explorations made at San Miguel under the directions of the engineers of the Government of the United States, Great Britain, Spain, and Holland; but no line at all proper for a ship-canal has yet been discovered.

6. Chipo. This route has only been surveyed on the Atlantic coast; and the range of mountains (Cordilleras) seem to render it not available for the purpose of a ship-canal at this point.

7. The Atrato. This proposed canal is through an open cut from the sea to the waters of a navigable river, having sufficient depth to float the largest man-of-war and merchant ships; and no locks or other impediments are required.

This route that I have reference to, lies in the Republic of New Granada, in the province of Choco, and may be found between the seventh and eighth degrees of north latitude, and the seventy-seventh and seventy-eighth degrees of west longitude from Greenwich. It begins at a good harbor at the mouths of the Atrato river, in the Bay of Candilaria, thence ascends the Atrato river to one of its affluents.

In the early part of the present century, the venerable and remarkably far-sighted Baron Alexander Von Humboldt, in his "Essays Politique," in describing the various routes that probably existed for forming inter-oceanic navigation, designated the line of the valley of the Atrato river, as worthy of particular consideration. Humboldt came to this conclusion at this early period, from having personally examined this and the other proposed routes; and in his various writings, he urges the merits of this particular line. The transit routes at Honduras and Tehuantepec, the canoe navigation at the lake Nicaragua, and the mule route at Panama, however, for many years drew off the attention of commercial men and capitalists, from the route in question.

In 1850, General T. DeMosquera, ex-President of the country, in a work entitled, "Physical and Political Geography of New Granada," drew attention again to the valley of the Atrato, and a citizen of the State of New York, (Mr. Frederick M. Kelley,) appreciating the vast benefits to be derived to his own city, the country, and the world, from any good route across the Isthmus, but more particularly from any that could be made available for purposes of canalization, learning the views of Humboldt, and all that Mosquera could inform him relative to this locality, determined in 1853, as a mere matter of public utility, and without any immediate hope of personal advantage, with scarcely the remotest prospect of self-aggrandizement, to fit out an expedition at his own expense, and have surveys made, to see if the impressions of the illustrious men I have named, were founded in fact or otherwise.

The first surveys were made up the river Atrato and over the dividing isthmus, and down the river San Juan, upon the line of a small canoe canal, more properly a ditch, that the priests of the mission of San Puebla had caused the natives to dig, many years ago, and through which canoes laden with the gold and merchandise of the surrounding countries passed, at times, at high water, from one ocean to the other. This line did not present such favorable features as were anticipated; but, nothing daunted, three other expeditions, making four in all up to that period, were fitted out with praiseworthy zeal, by the same individual. They, however, all merely added to our geographical knowledge of this highly interesting portion of our continent.

The fourth expedition, at nearly the close of the third year of the researches, gave some slight promise of success, having learned from the traditions of the natives, that low ground existed near the seventy-seventh parallel; but owing to circumstances they could not control, they were compelled to return without making any very important discoveries. The data they furnished, however, was the key to future success.

Another expedition was started and intrusted to an experienced explorer, with directions to search in the vicinity of the locality before indicated as practicable. The dense growth of underbrush, and the gigantic forests that cover the entire face of the country, made the work of exploration tedious and difficult; but after an absence of several months the party returned with the tidings that a route had been discovered and surveyed, by which a canal could be built, to connect the waters of the Atlantic and Pacific oceans without locks, and at such a cost as to be commercially available. No speculations, however, were gone into; sober, serious reflection seemed to indicate that, before any public demonstration was made, the surveys should be verified by a Government corps. Years had been occupied, and a large amount of money expended by a private individual to solve this great problem. The surveys being completed, Mr. Kelley proceeded to Europe with the result. I ask, to submit, in his own language, his reception abroad. He says:

"I went to England, and submitted my plans and reports to the Royal Geographical Society of London, and to the British Institution of Civil Engineers. I invited the searching criticism of those most competent to judge in the mother country. I went to France, and, knowing how deep an interest the Emperor Napoleon had taken in the promotion of similar enterprises, and how profound a knowledge he had displayed of the general subject, at a time when correct views were confined to a very limited circle, I laid my plans and surveys before his Imperial Majesty, and invited to their consideration, in the most public manner, the highest science in the service of the Government and people of France. I went to Berlin, and frankly explained to that illustrious sage, the pioneer of all scientific knowledge of Central America, the general views which I entertained, and the nature of the evidence by which they had been confirmed. In those three enlightened countries I was not treated as a stranger. There was a grandeur in the design of which I was the bearer, a dignity in the mission with which I was charged, that won for me courtesies, which, on mere personal grounds, no stranger, going to Europe for the first time, could have anticipated or claimed. From the Emperor of the French, from Lord Clarendon, from Sir Roderick Murchison, from Baron Humboldt, from Rear-Admiral Beechy, from Robert Stephenson, Admiral Fitzroy, and the members generally of the Royal Society and Institute, I received great kindness; and, what was of more importance, they applied to my plans and reports, in a catholic and courteous spirit, but with the rigid exactness due to science and their own high reputations, those tests suggested and fortified by their great experience. A friendless and unknown American citizen was treated by these men as though he was a brother, not because he was eminent in science, but because they recognized in him the zeal, the prophetic hope and self-devotion which are ever the handmaids of science."—*Kelley's Atrato Ship-Canal Pamphlet.*

The important results thus far attained were brought to the attention of the Thirty-Fourth Congress at its second session. Appreciating the efforts made, and the great results to flow from interoceanic communication, an appropriation was made by this Government for a verification of the surveys to which I have alluded. Congress authorized the Secretaries of War and the Navy, under direction of the President, to detail officers for the survey and have the verification made. The Navy Department selected Lieutenant Craven, and the War Department detailed Lieutenant Michler, of the topographical engineers. These officers, upon their return, proceeded to prepare their reports; and the result of the expedition will probably be laid before Congress at the present session. While I am not able to give the detail of the survey, I am sufficiently informed to state that their reports will confirm the physical facts as represented, including harbors, rivers, rock and earth excavation, and the general character and quantity of material to be removed to form the canal, upon which the former estimate of the cost of this work was based. This estimate of cost had been computed by several experienced engineers in this country.

By the proceedings of the institution of engineers of London for 1858, I find that body—perhaps as competent as any in the world to judge—indorses the estimates made by our own engineers. I have also seen the written expressions of many able and intelligent American engineers on the subject; letters from distinguished engineers—Robert Stephenson, George Rennie, and other English and French engineers of eminence, verifying the estimates made for the work in this country. In April and May, 1856, the Royal Geographical Society, at Mr. Kelley's request, discussed this question at great length, and took very decided ground in favor of the work being done. The President, who was Minister to England while Mr. Kelley was abroad, did all in his power to advance this great measure, and suggested the application to the United States for verification. The French Emperor also appointed a commission to examine the plans and surveys, and they reported favorably to him, who, I learn, expressed a willingness to unite with England and the United States in building the canal. The plans were submitted to Baron Humboldt, and his approval obtained.

Mr. Chairman, having drawn the attention of this honorable body to the subject of ship canals, briefly referred to the various projects, and given a rapid sketch of the Atrato, I would now refer to the benefit which the commerce of this country and other nations will derive from such a channel of communication from the Atlantic to the Pacific oceans. I have already alluded to the great saving in traveling distance, and refer to

the appendix for the detail. The first influence felt would be from the supply of a colony of workmen, consuming the breadstuffs, manufactures, tobacco, and other products of the United States, during the construction of the work.

I find, by official statistics, that the total tonnage owned by the United States, that would use this canal, if constructed, is 1,857,485 tons. The cargoes are valued at $100,294,687, and the ships at $92,874,250; making a total amount of value afloat, belonging to the United States, of $193,168,937. This includes the whale fishery, but not the precious metals from California. Upon this basis, taking the diminution of time as a basis, the benefit by the gain in sailing distance from one part of the world to the other, by the Atrato canal, estimating the saving by insurance, interest on money, wages of men, freight, wear and tear, it is estimated that the sum of $35,995,930 would be saved to the United States alone, as follows:

Table showing the saving in money to the trade of the United States that would result from the use of the Atrato canal, according to the official statistics for the year 1857.

Insurance on vessels and cargoes saved	$3,863,378
Interest saved on cargoes	3,008,840
Saving of wear and tear of ships, five per cent.	4,643,712
Saving of freight-money, (by time)	11,250,000
Saving of wages, provisions, crew, &c	13,230,000
Total yearly saving to the United States	$35,995,930

Should the United States assume to pay the whole interest on the work, during its progress and completion, the amount thus saved to the commerce of the country in one year exceeds, by $8,500,000, the entire sum that would be required to be paid in twelve years, or seventeen times the average annual payment. If England and France unite, it is over forty times the annual sum that would be required.

We find the tonnage of England, that would pass this canal, is 1,029,295 tons; the value of tonnage and trade is $190,649,750. The saving to England, upon the foregoing basis, would be $9,950,348, as follows:

Table showing the yearly saving in money to the trade of England, as ascertained by the official returns for 1856, if the trade went through the Atrato canal, instead of round the Capes.

Insurance on vessels and cargoes	$1,906,495
Interest on cargoes	1,858,826
Saving of wear and tear of ships	2,573,237
Saving of wages, provisions, finding, &c	3,611,790
Total	$9,950,348

The tonnage of France that would pass the Atrato is 162,735 tons; the tonnage and trade is valued at $67,210,609. The savings would be as follows:

Table showing the saving in money to the trade of France that would result from the use of the Atrato canal, according to the official statistics for the year 1857.

Insurance on vessels and cargoes	$753,000
Interest saved on cargoes	452,084
Saving of wear and tear of ships	325,470
Saving of freight-money estimated by time	276,949
Saving of wages, provisions, and outfit of ships	376,427
Total yearly saving to France	$2,183,930

Of countries other than those named—the value of the trade and tonnage that would pass this communication is 16,802,000 tons; the saving would be about $1,400,000.

The aggregate of the foregoing tonnage and trade is $467,831,296; and the total saving is $49,530,208 annually.

These statements are predicated upon the present state of commerce. The average increase for the last ten years was about one hundred and ten per cent., and it is fair to assume that the trade will increase one hundred per cent. in the next ten years, in which case it is estimated the saving to the world would be $99,060,416.

Having included the trade in aggregate form, it is perhaps proper to say that there are many specific interests that would be greatly benefited. It is believed that the whaling fleet, for example, could go into the fishing grounds, and return with as much oil and bone as they do now in two thirds of the time, and the coasting vessels of New England and the northeast could find employment in the Pacific, during the seasons they are now idle, procuring guano, &c.

Notwithstanding the vast benefits that would be secured to commerce, it might be urged that the Government, in addition, should have some direct benefit. In answer to this, in rendering the aid required, Congress could provide that all national vessels and munitions of war should pass free of charge for a certain period.

In transporting heavy merchandise (which is about ninety-one hundredths of all the trade) across the isthmus, the canal can only be resorted to on account of economy; railroad communication being too costly, besides the difficulty in unloading and loading. The charge for transporting a ship and cargo of one thousand tons by the canal would not probably equal the twenty-fifth part of what the cargo would cost by railroad.

If, instead of constructing a canal, it was determined to build railroads across the isthmus, it would be found that there is not only a want of room to build them upon, but that it would require twenty roads, each of them equal in capacity to the Panama road, to be capable of doing the business of the canal; these twenty roads, if built, would cost, at least, double as much as the canal, and could not be kept in order for many times as much as would be required for the canal.

Independently of the risk and expense of loading and unloading, the cost of transportation by railroad in that country is equal to over forty-five times as much as it would be by canal; or in other words, the canal can do the entire freighting trade of the world in this direction, pay an interest on the cost and the interest sunk during construction, and maintain and operate itself for $8,140,000 per annum. To do the business by railroad that the canal could do at this cost, at the prices now paid to the railroad, would amount to $360,000,000.

I would next invite your attention, and that of this honorable body, to another branch of the subject; which is, the physical advantages of this route as compared with all others for communication between the oceans.

When it shall have been determined that any road, railroad, or canal, is necessary in any direction, our next duty is to decide which will be most useful, and, in connection with the expense to be incurred, involving and evolving one question with the other, to settle its final place. Many situations are alone suited for wagon roads, and these are ample and sufficient for the wants of the Government and the country they accommodate. Other places, again, require more rapid communication, and a greater amount of tonnage is expected to pass over them. Here it is proper to employ the facilities afforded by modern science, and construct railroads or canals. If swiftness of movement, as in the case of passengers and mails, is desirable, then railroads should be preferred. If the commodities to be moved are heavy, and water-carriage can be employed, more particularly where a part of the journey is performed in ships from the necessities of the case, it is advisable to make a canal, more especially if the goods can be carried, ship and all, through without handling, so as to avoid the process of loading or unloading. If goods could be conveyed to our inland cities in the same ships that cross the ocean, with their cargoes on board, no one would desire to unload them into a canal-boat, or on to a railroad. These considerations become elements in the process of reasoning by which we should decide what method is best adapted to carry on our enormous and constantly increasing business between the two great oceans of the world. If equal advantages exist for loading and unloading, and water is abundantly deep, no commercial man would prefer his goods unloaded from his ship fifty miles from the entrepôt, and brought by wagon or railroad to his warehouse, when his ship could as well come to the wharf at his door. The same rule would govern in crossing the Isthmus.

The estimated cost of this project is $73,687,141. (See appendix.) It is evident that a work of this magnitude can only be completed by the aid of the Government, as a means for postal facilities, and for the transportation of military and naval stores. It is estimated that it will require at least nine years to complete it. To raise the requisite means, it is proposed that the United States should guaranty to pay interest at the rate of five per cent. upon the amount expended in the process of the work, from year to year, for the period of twelve years. The amounts in each, annually, would be as follows:

First year	$150,000
Second year	400,000
Third year	800,000
Fourth year	1,250,000
Fifth year	1,700,000
Sixth year	2,150,000
Seventh year	2,600,000
Eighth year	3,150,000
Ninth year	3,750,000
Tenth year	3,750,000
Eleventh year	3,750,000
Twelfth year	3,750,000
Total interest money	$27,200,000

The above is based upon the supposition that this Government is the sole promoter. In case England and France joined, it would be for one third the amount. The interest being guarantied by the United States, or in conjunction with England and France, it is believed that those engaged in the construction of the canal would be able to obtain the money necessary for their object upon the most favorable terms.

The estimated cost of this great work, I am prepared to admit, is a large sum; but this estimate is founded upon the actual cost of doing the same kind of work in the same kind of a country, and is based upon the amount of cubic yards of rock and earth to be excavated, and dredging to be done, and is no theoretical hypothesis of something yet never undertaken.

The cost of this canal, Mr. Chairman, is predicated on a depth of thirty feet at low water, and one hundred feet wide. It is maintained that this is ample and sufficient to pass the largest vessel afloat. There is scarcely a harbor that admits vessels drawing over thirty feet of water; the great commercial marts of this continent, Europe, and Asia, do not allow vessels of this draft to enter, or at least do not allow those drawing more to pass over their bars, hence ships are not built drawing more than this when loaded; but as the harbors of the world mostly used do permit vessels of twenty-eight or twenty-nine feet draft to enter, it is deemed best to make the canal, at low water, as deep as the deepest harbors. In width, it is proposed that it shall be, as I before said, one hundred feet wide; this will pass abreast two of the large-sized merchantmen, with their yards clewed back, but not two of the largest steamers, because of the width of their guards and wheelhouses; these steamers must pass by signals, singly, in each direction, through the rock cut. Up the Atrato river, any sized vessel, and three or four together, can pass one another, so that there would be little or no detention from any of larger size, as the wide part extends for more than half the distance from ocean to ocean.

No attempt whatever has been made to underestimate the cost, or to keep from the public the information upon which the calculations are based. If, however, it is not in all respects correctly estimated, a percentage of five or ten per cent. of error in the calculation would not alter our position. This canal would be a sound and proper investment for the country to make, at $75,000,000, in the manner proposed; and, if necessary, at twice that amount.

In furtherance of the work, the Government of New Granada has not only given all proper facilities to the private and Government engineers that conducted the explorations; but it has, by a formal concession, under proper restrictions, given the right to construct, maintain, and operate the canal for ever, accompanying this grant with various desirable privileges extended to those that may undertake the work. The State of New York has also granted a special charter, under which a company may be organized to build the canal.

Mr. Chairman, I have merely presented some prominent points bearing on this interesting subject. It is too vast in all its details to be discussed under the rule of this House. I present it to this honorable body as worthy of its most serious consideration.

The gentleman (Mr. Kelley) whose name is identified with this great work has quietly and unobtrusively, at a large individual expense, been endeavoring to solve the great problem of the age. He has brought this project to a position that invites the attention of not only our own country, but the whole world. I feel the deepest in-

terest in this subject, in consequence of the great benefit, as I have shown, that is to flow to trade. The extension of commerce is not only important to national wealth, power, and prosperity, but is also the great lever which conquers and maintains peace and tends to bind the nations of the earth in perpetual amity.

APPENDIX.

Table of the saving in distance from New York to the following places by the Isthmus of Panama over the Cape routes.

From New York to—	Distance via Cape of Good Hope.	Distance via Cape Horn.	Distance via the Isthmus of Panama.	Saving in distance over the route by the Cape of Good Hope.	Saving in distance over the route by Cape Horn.
	Miles.	*Miles.*	*Miles.*	*Miles.*	*Miles.*
Calcutta	17,500	23,000	13,400	4,100	9,600
Canton	19,500	21,500	10,600	8,900	10,900
Shanghae	20,000	22,000	10,400	9,600	11,600
Valparaiso	-	12,900	4,800	-	8,100
Callao	-	13,500	3,500	-	10,000
Guayaquil	-	14,300	2,800	-	11,500
Panama	-	16,000	2,000	-	14,000
San Blas	-	17,800	3,800	-	14,000
Mazatlan	-	18,000	4,000	-	14,000
San Diego	-	18,500	4,500	-	14,000
San Francisco	-	19,000	5,000	-	14,000

*Table showing the trade of the United States that would pass through the Atrato canal, if now finished, taken from the official returns of the year 1857.**

Countries traded with.	Exports and imports.	Tonnage.
Russian North American possessions	$126,537	5,735
Dutch East Indies	904,550	16,589
British Australia and New Zealand	4,798,083	52,105
British East Indies	11,744,151	177,121
French East Indies	98,432	3,665
Half of Mexico	9,601,063	34,673
Half of New Granada	5,375,354	131,708
Central America	425,081	36,599
Chili	6,645,634	63,749
Peru	716,679	193,131
Ecuador	48,979	1,979
Sandwich Islands	1,151,849	33,876
China	12,753,062	123,578
Other ports in Asia and Pacific	80,143	4,549
Whale fisheries	10,795,090	116,730
California to east United States†	35,000,000	861,698
Value of cargoes	100,294,687	1,857,485
Value of ships	92,874,250	at $50 per ton
Total value of ships and cargoes	$193,168,937	$92,874,250

Whale ships and coasting vessels have been estimated generally throughout this pamphlet at $40 per ton. The United States and European commerce round the Capes is conducted in first class ships, which often cost $80 per ton; $50 have therefore been taken as the fair average value in the construction of this table, which does not include coasting trade.

Table showing the trade of England that would pass through the Atrato canal, if now finished, taken from the official returns for 1856.

Countries traded with.	Exports and Imports.	Tonnage.
Half of Mexico	$2,775,137	11,833
Half of Central America	1,244,817	5,615
Half of New Granada	2,437,605	10,188
Chili	15,486,110	118,311
Peru	20,473,520	244,319
Ecuador	350,015	1,820
China .... Outward only	7,077,390	68,530
Java .... 40 days saved	3,821,410	16,603
Singapore, by canal.	4,364,070	16,500
Australia and New Zealand	78,246,095	522,426
Sandwich Islands	520,560	1,950
California	2,378,105	11,800
Value of trade	139,184,834	1,029,295
Value of ships	51,464,750	at $50 per ton
Total value trade and ships,	$190,649,584	$51,464,750

* Congressional Reports on Commerce and Navigation.
† Exclusive of gold dust.

Table showing the trade of France that would pass through the Atrato canal, if now finished, taken from the official returns for the year 1857.

Countries traded with.	Exports and Imports.	Tonnage.
Chili	$10,000,000	25,688
Peru	13,160,000	35,096
Half of Mexico	2,790,000	19,004
Half of New Granada	1,090,000	2,389
Ecuador	440,000	1,651
Bolivia	100,000	1,000
California	2,073,859	8,997
China } outward	2,180,000	2,028
Dutch East Indies, } only.	4,440,000	20,400
Sandwich Islands	2,000,000	4,119
Philippine Islands	1,000,000	1,463
Australia	19,800,000	50,000
Value of cargoes	59,073,859	162,735
Value of ships	8,136,750	at $50 per ton
Total value	$67,210,609	$8,136,750

Table showing the total tonnage that would pass yearly through the Atrato canal, if now finished, from official returns.

United States	1,857,485 tons.
England	1,029,295 "
France	162,735 "
Other countries	44,555 "
Total	3,094,070 tons.

Table showing the general results of the foregoing tables.

Tonnage and trade of United States	$193,168,937
" " England	190,649,750
" " France	67,210,609
" " other countries	16,802,000
Total trade affected by the canal	$467,831,296

Table showing the saving to the trade of the world by using the Atrato canal.

United States	$35,995,930
England	9,950,348
France	2,183,030
Other countries	*1,400,000
Total	$49,530,308

Exports of Great Britain increased one hundred and seven per cent. in ten years. Exports of France increased one hundred and thirty per cent. in ten years. Exports of the United States increased ninety-three per cent. in ten years. The average increase is one hundred and ten per cent. in ten years. If the trade increases one hundred per cent. in the next ten years, the saving to the world will then be $99,060,416 per annum.

A summary of the estimated cost of the canal and appurtenances.

Works at the mouth of the Atrato	$550,800
Excavations under water in Truando	3,280,000
" at confluence of open cut and do	20,000
Excavations between confluence, as above, and Pacific, (excepting tunnel,) calling all the quantities rock, and estimating that the grubbing and clearing would be thus included	38 941,997
Tunnel $2, heading $10	12,701,920
Harbor at Kelley's Inlet	1,150,000
Light-house	35,000
Piers	25,000
Depots on Pacific	50,000
" on line, and Hospitals	35,000
Depot at Junction	15,000
Executive Department	120,000
Engineer Department	375,000
Medical Department	80,000
Pay Department	90,000
Commissary Department	120,000
Quartermaster's Department	135,000
Dredging machinery	350,000
Hoisting and pumping engines and machinery	875,000
	58,949,717
Add 25 per cent. contingencies	14,737,424
Total	$73,687,141

The following table will show the money to be spent year by year, and the interest on each year's expenditure, as long as paid by the Governments, and the amount of interest-money to be paid each year:

	Spend.	*Pay Interest at 5 per cent.*	
1st year	$3,000,000	$150,000 for 12 years	$1,800,000
2d "	5,000,000	250,000 for 11 "	2,750,000
3d "	8,000,000	400,000 for 10 "	4,000,000
4th "	9,000,000	450,000 for 9 "	4,050,000
5th "	9,000,000	450,000 for 8 "	3,600,000
6th "	9,000,000	450,000 for 7 "	3,150,000
7th "	9,000,000	450,000 for 6 "	2,700,000
8th "	11,000,000	550,000 for 5 "	2,750,000
9th "	12,000,000	600,000 for 4 "	2,400,000
Total cost	$75,000,000	Total interest	$27,200,000

NOTE.—I take pleasure in acknowledging my obligation to F. M. Kelley, Esq., for valuable information, and the statistics contained in my remarks and the appendix.

*Equated from the trade of England, France, and the United States.

INDIANA ELECTION QUESTION.

DEBATE IN THE SENATE.

MONDAY, *February* 14, 1859.

The VICE PRESIDENT. The Chair will cause the whole state of the question, from the beginning, to be laid before the Senate. The Committee on the Judiciary concluded their report by this request:

"That the committee ask to be discharged from the further consideration of the memorial of the Legislature of Indiana."

The Senator from New York [Mr. SEWARD] has proposed to amend this proposition by striking out all after the word "that," and inserting:

Henry S. Lane and William M. McCarty have leave to occupy seats on the floor of the Senate pending the discussion of the report of the Committee on the Judiciary on the memorial of the Legislature of Indiana, declaring them her duly elected Senators; and that they have leave to speak to the merits of their rights to seats, and on the report of the committee.

It is proposed by the Senator from Ohio [Mr. PUGH] to amend that amendment by striking out all after the word "that," and inserting:

The resolution of the Senate, adopted June 12, 1858, affirming the right of GRAHAM N. FITCH and JESSE D. BRIGHT as Senators elected from the State of Indiana, the former until the 4th day of March, 1861, and the latter until the 4th day of March, 1863, was a final decision on all the premises then in controversy, and conclusive as well upon the Legislature of Indiana, and all persons claiming under its authority, as upon the Senators named in the resolution.

The question is upon the amendment to the amendment.

Mr. CRITTENDEN. My wish is, as I have before expressed it to the Senate, to give these gentlemen an opportunity of being heard. The inclination of my opinion is against them. The inclination of my opinion is, that the decision which has been heretofore rendered is conclusive upon all parties; but still, upon that question I am willing to hear these gentlemen. It seems by this course, however, that it is impossible for the Senate ever to arrive at a vote on that proposition. It appears to me there must be something wrong in a course of proceeding which denies to the Senate an opportunity of voting on a matter of a character so integral and distinct in itself. I wish to know if I can by any means arrive at the vote on that point. This amendment, offered by the Senator from Ohio, cuts me off entirely from the vote which I desire to give. I desire to hear these gentlemen. I cannot do it under this amendment. If this amendment is carried, I can never vote upon the question that I desire to vote upon. If there be any way by which I can arrive at that question, I should like to know it.

The VICE PRESIDENT. The Chair can only reply to the Senator from Kentucky, that the questions appear to him to be presented here in an orderly manner, and he must recognize these amendments as they are offered. The question now is on the amendment to the amendment offered by the Senator from Ohio.

Mr. BAYARD. Mr. President, I differ from the honorable Senator from Kentucky. The report of the committee has not been read, but it has been printed; and I take it for granted that that honorable Senator, as well as others, have read it, and I shall therefore not call for its reading.

That report was made on the memorial of the Legislature of Indiana, representing that they had chosen to revise the decision of the Senate of the United States made at the last session; and that, subsequent to this revision, they had proceeded, on the 22d day of December last, to elect Senators to this body. It seems to me that the question which necessarily arises as a preliminary question, before any claimant can be heard on this floor, is, whether the Senate will reconsider their decision of the last session, made by solemn resolution, and which affirms the right of the sitting members to their seats as Senators until 1861 and 1863, respectively. Until that question is decided, there can be no claimant before the Senate.

The committee have given their reasons why the decision of the Senate is irreversible, because it proceeds on the same state of facts, the same matter of contest upon which the Senate, after debate, deliberately decided at the last session; and they consider the decision conclusive. If that be

the case, the subsequent election was a mere nullity, and no one can have a right to be heard as a claimant until the Senate determine whether they will rehear that decision. If the Senate determine to rehear it, then I admit the claimants elected subsequently have a right to contest the seats of the sitting members who have been formerly adjudicated to be members of the Senate; but until you reverse that decision, according to my judgment, no claimant can appear at the bar of the Senate, or on the floor of the Senate, for the purpose of asking the body to take action in reference to his rights. That is the distinction that I make.

Mr. COLLAMER. It is, Mr. President, with me, especially at this stage of the session, an unpleasant task to trouble the Senate by occupying any time, for I hardly expect to obtain much attention, in relation to this topic. I have desired that the Legislature of the State of Indiana might have an opportunity of being heard through the men whom they have sent here to represent them. I desired that they should be heard through their own agents; through their own organs, and heard upon the very question which the Senator from Delaware seems to suppose has been decided by a decision which is *res adjudicata*, and, as I understand him, incapable of revision; or, if capable of revision, possessing such infallibility that the Senate will not permit anybody to be heard about it. Inasmuch as the course taken here now is with an evident and avowed intention to prevent their being heard at all, I cannot permit the subject to pass by entirely in silence. If the State of Indiana cannot be heard by her proper organs, I suppose she must be heard, if at all, by improper ones.

I was one of the minority of the Judiciary Committee who concurred in the minority report presenting our views. I do not ask the Senate to take up time by reading that report, although it embodies a brief of the argument of these gentlemen in support of their right. I do not ask the Senate now to listen indirectly, by the reading of that report, to an argument which they do not choose to hear directly; but I must be permitted to say a word or two.

I cannot regard it as true that a decision made by either House of Congress in relation to a member's right to a seat is conclusive. The power of the Senate to judge of the elections and qualifications of its members is not exhausted by once resolving upon the subject. It is an abiding and continuing power. I do not hold that an election, in itself unlawful, can be made lawful by a resolution of the Senate. The Senate does not, by a resolution, make an election; it merely expresses an opinion upon the legality of an election; but the power to judge still remains in no way exhausted. Such a continuing power is absolutely necessary to us. Suppose it were suggested to us that a member sitting here had once, if you please, obtained a resolution in his favor by a set of forged, simulated, and fraudulent papers, by which we had been imposed upon: must not the Senate have the power to revise its decision? Most unquestionably. I do not present that as a case parallel to this. I merely cite it for the purpose of showing the absolute necessity of the existence and continuance of the power of revision.

The first question that arises is, has the Senate the power of revision or reëxamination of its decisions? On that I do not choose to take up any more time. In the next place, what is the proper occasion on which they will put in exercise this power? When will they do it? I take it, whenever they are addressed respectfully by a body of people who have the right to be represented in the Senate, and are asked to make a reëxamination, they should do it; and if that body, who had the right to elect, considering that there has been no election, make one, and send it here to be examined into, contending that the former election was illegal and the present legal, it is the duty of the Senate to examine it candidly and fairly. If they do not find any different presentation of facts, they may affirm their former decision. If they find a manifest difference, or if they find on examination that they themselves have been mistaken—mistaken as to a matter of fact, or as to a matter of law, on the consequence of what took place—I take it they will correct that mistake, and they ought to have the candor to correct it. They at least ought not, I think, to assume the ground that they have made an infallible decision, and that they are unwilling to correct it, and unwilling even to hear the subject argued. The claim of infallibility does not become any human being. We are all fallible creatures.

Nor, sir, is the present case at all without precedent. I cannot but regard the precedent which was cited here before, of the Mississippi members of the House of Representatives, as perfectly in point on this subject. On that occasion, Messrs. Claiborne and Gholson were elected, at a special election, members of the House of Representatives for the Twenty-Fifth Congress, there being a special session. When the session came, their rights to seats were objected to. The question was sent to a committee, and the ground taken was, that the Governor had no power to call a special election for the purpose of electing members to a called session of Congress; that members could only be elected at a regular legal election. On examination, however, the committee reported that those members thus chosen by the people were elected to, and were entitled to seats as members of, the Twenty-Fifth Congress —the whole Congress. They took their seats as members of the Congress. This was in September. In November afterwards, came the regular election of the State; and the people elected two different men, Mr. Word and Mr. Prentiss. They came to the other House with their credentials, and claimed their seats. The subject was taken up, reëxamined, argued at great length, and the House revised its former decision and rescinded the first resolution. This was done by the very House of Representatives which had decided, by a resolution placed upon record, the question of the election of these members. There was no new fact involved in the second decision. There had been a new election in the mean time, in despite, as gentlemen here would say in contempt, of the decision of the House; but the people made the election, and sent different persons here. On that occasion the House of Representatives did not refuse to examine into the subject. It was insisted that no new matter could be shown in relation to the right of Messrs. Gholson and Claiborne to their seats; but still the House reëxamined the subject and rescinded the former resolution entirely. And why? Because they found they had been mistaken in relation to the legal consequences and effects of the election. They had decided them to be entitled to the seats as members of the Twenty-Fifth Congress, when they were not entitled to them. The result was, that the election was sent back to the people again; but of that part of the case I have nothing now to say, for it is not involved here.

Now, Mr. President, the question is, have the Senate the right and power, and is it their duty, when respectfully applied to, to reëxamine their decision in relation to the seats of Senators? I think they have the power. I think they should perform it. Whether, when the examination has been made, and the State of Indiana has been heard in relation to that point, the Senate will reaffirm their former decision, it is not now for me to say. All I ask is, that the subject may be fairly and candidly examined.

A word more in relation to the form in which this question is presented. The Senator from New York, in effect, applies for permission to those gentlemen to be heard. The Senator from Ohio proposes, by way of amendment, as a substitute for that proposition, that it shall be declared to be *res adjudicata*. The only way that I see in which we can regularly get at the question of the hearing of this case, is to reject, for the present, this amendment. It may be a proper one after the hearing; it may be that the Senate will then agree to it; but it should be offered only after a hearing. The proper way is, for us to reject this amendment, and then take the question as whether we will hear the gentlemen sent here by the Legislature of Indiana. After they shall have been heard, Senators can present the proper resolution which the case may require.

Mr. CRITTENDEN. Mr. President, can I not ask to divide this proposition, so as to have the question first upon striking out, and then upon inserting? There is an amendment before the Senate; and a proposition is made to strike it out and to insert other matter. Can I not ask for a division of that question, so as to have the vote first upon striking out?

The VICE PRESIDENT. By a rule of the Senate, it is not divisible.

Mr. CRITTENDEN. Very well, sir.

Mr. PUGH. Mr. President, I not only think my amendment is the right resolution, but I think it is offered at the right time. Mr. Lane and Mr. McCarty do not come here with any credentials. They are not contestors, seeking a seat. They have not even presented a memorial to the Senate. They are the bearers of a memorial from certain gentlemen of the Legislature of Indiana.

Mr. COLLAMER. Will the gentleman indulge me for a moment?

Mr. PUGH. Certainly.

Mr. COLLAMER. They have filed the certificates of their election, which have been referred to the Committee on the Judiciary, with the memorial of the State Legislature.

Mr. PUGH. I do not know what they have filed; but I have seen no such credentials presented to the Senate.

Mr. COLLAMER. They have been presented to the Senate.

Mr. PUGH. Well, let us take it that way. I will give the gentleman the benefit of that. Their credentials are no more than blank paper, unless there is a vacancy in the representation from the State of Indiana; for to pretend that a Legislature, which is not authorized to elect any Senator unless there is a vacancy, can make a vacancy in order to fill it, is a preposterous proposition. According to the regular period of the terms of Senators in Indiana, the present Legislature was not chosen by the people for any such purpose. In order to arm itself with power which the people never gave, to enlarge its own functions, it resolves, as an appellate court, to reverse the decision of the Senate of the United States, and make a vacancy, in order to have the pleasure of filling it. That is the whole case. There is a memorial from these gentlemen, not an electoral body for Senators, asking us so far to defer to them as to give them a right to choose Senators. If it were put as a question of courtesy, really put so, I would as lief hear these gentlemen as anybody else; and when the former resolution was offered, giving them the privilege of the floor pending the hearing of this petition, if I had conceived that it was in truth a question of courtesy, I should not have hesitated an instant; but I conceived that they were no more than the ordinary bearers of a memorial; and the rule of the Senate is express that no party shall be admitted to present a petition, or to read it. They were merely the bearers of a petition. A petition from the Legislature of Indiana is but a petition. It is not a legislative act. It has not passed through the forms of legislation required by the constitution of that State. It is no more to-day than a petition signed by the gentlemen who voted for it in the one or the other House. Who authorized the Legislature of Indiana to become a petitioner? That is not her position under the constitution of that State. This petition is a voluntary act—the voluntary act of the parties who voted for it; and these gentlemen are but the bearers of it. I see no more reason why I should admit them to the floor of the Senate, pending the decision of their petition, than I should admit any other petitioner who comes here. I consider that that involved an important principle; and therefore I voted to lay upon the table the proposition to admit them to the floor.

Now, the Senator from New York and the Senator from Vermont tell us, again and again, that these gentlemen must be admitted to argue their case. Why, sir, they have no case. That is the very question. If they have a case, by all means let them be heard. But the first thing for us to decide is whether they have a case; for until parties have brought their case before the tribunal, and have the court and the jury ready to hear them, who ever heard of their arguing their case? The question for us to determine, and which I ask the Senate to determine by a vote upon my amendment, is, whether, in present circumstances, there be any contestors before the Senate. That involves the question of what is the effect of our decision upon the contest at the last session.

The Senator from New York said, the other day, that the action of the Senate in a contested election was an ordinary legislative resolution; that it could be reconsidered, could be rescinded, could be repealed, at any time—not merely within the two days given by our rules for moving a reconsideration, but during the whole period of six years for which a Senator may be chosen. What a monstrous doctrine! There sits the Senator from Illinois, [Mr. TRUMBULL,] whose seat was contested. The Senate adjudicated it in his favor. My opinion was then that he had not been legally elected. I continue of that opinion; I have never changed from that hour to this; but the Senate decided otherwise. Can I to-morrow, and next day, and every day during the whole of his term, move the Senate to order an inquiry again whether that Senator was duly admitted to his seat? When is it to end?

There sits the Senator from Iowa, [Mr. HARLAN,] who was ousted of his seat by a vote two sessions ago—wrongfully ousted, in my opinion, as I said and voted at the time. Suppose he had not been reëlected; suppose some other gentleman had been chosen in his place, and had come hither and been sworn in, and was sitting in his seat, and I should come, day after day, and week after week, with a petition from that gentleman, that the Senate would admit him to the floor, and allow him to argue his case, over and over and over again: is there to be no end to these things? What do our decisions amount to? The Constitution does not make our decisions upon the question of election a legislative act. The legislative powers of the Senate are to be exercised coördinately with the House of Representatives; but the power which we exercise in deciding upon the election of a Senator is our power. It is judicial in its character. The Constitution uses the very word that constitutes it a judicial act: "Each House shall be the judge of the elections, returns, and qualifications of its own members;" and our act, in deciding upon an election, is as completely a judicial act as is the action of the House of Peers in Great Britain, when they hear a writ of error to an inferior court. In saying this, I not only express my own opinion, according to the universal and immemorially settled law in the British Parliament and in this country, but I cite an authority which I suppose may stand in this Chamber, possibly, against the opinions of the Senator from Vermont, [Mr. COLLAMER,] and the Senator from New York, [Mr. SEWARD.] I allude to the late Chancellor Kent. Commenting on this very clause of the Constitution, he says:

"Each House is made the sole judge of the election, return, and qualifications of its members. The same power is vested in the British House of Commons, and in the Legislatures of the several States; and there is no other body known to the Constitution to which such a power might safely be trusted. It is requisite to preserve a pure and genuine representation, and to control the evils of irregular, corrupt, and tumultuous elections; and as each House acts in these cases in a *judicial character*, its decisions, like the decisions of any other court of justice, ought to be regulated by known privileges of law, and strictly adhered to, for the sake of uniformity and certainty."—*Kent's Commentaries*, vol. 1, part 2, lec. 11, p. 248.

That is all the Committee on the Judiciary have reported. At the last session, on the resolution of the Senate, the credentials of the present Senators from Indiana, with the protests of a number of electors, and a vast body of proofs, documentary and in depositions, were referred to the committee. They were carefully examined in the committee. From first to last, my recollection is that the case was before the Committee on the Judiciary more than a year. The committee at last arrived at a conclusion. That conclusion was reported to the Senate. It was debated at great length. The Senate concurred with the majority of the committee, and the present Senators from Indiana were confirmed in their seats.

What was the object of all that, if it decided nothing; if the same question could be mooted again, and at any future time? I have not said that that decision is absolutely infallible, but I have said that it is an end of that case, as to all matters then alleged. If any new cause of disqualification can be shown as to either of the present Senators, that is open; but the judgment is conclusive of all the premises then before the tribunal.

The Senator from Vermont puts a suppositious case. He says, suppose a Senator were admitted here with a forged credential, and his seat were affirmed by a vote of the Senate: could it not afterwards be shown that the credential was forged? To some extent it might. If the fact of forgery had not been alleged at the time of the decision, if it had not been a matter considered and decided at that time, it might be shown afterwards; but if it had been alleged that the credential was forged, and that question of forgery had been tried and settled, that would be an end of it, completely and forever.

But is said there are new parties presented. What new parties? The gentleman from Illinois [Mr. TRUMBULL] said the other day that the Legislature of Indiana was now a party. How comes the Legislature of Indiana to be a party? The present Legislature of Indiana had no more power than the last Legislature—not so much; certainly no more; and the last Legislature, as a Legislature, had no power at all over this subject; it was a college of electors. Any elector, or any number of electors, a majority or a minority, had a right to protest against the election, and that protest brought before us the question of the regularity and validity of the election. They did protest, so many Senators, so many Representatives. That was the case we heard; that was the case we decided. All the Senators and all the Representatives in the present Legislature of Indiana are nothing but the successors of those who protested. It might as well be said that, if the Governor were to write us a letter on the subject, it would introduce a new party. There can be no new party. If that decision was a valid and regular decision upon the controversy as then made, it binds the present Legislature of Indiana; it binds every future Legislature of Indiana; it binds everybody who claims any title under that Legislature, or in any manner. Did it bind the two Senators? Suppose they had been ousted from, instead of confirmed in, their seats, and had come back at this session and asked us to hear the case again: what should we have said? All these Senators would have been universally indignant, and said, "why, we decided your case last session; go your way." It was conclusive on them; that is very certain. Why is it not conclusive on the other side?

However, sir, it appears to me to be utterly idle to controvert this matter. There is nothing alleged in the memorial of the Legislature of Indiana, there is nothing alleged in the brief (as they call it) of those gentlemen, which was not before the committee and the Senate at the last session. There is not a single fact alleged that was not alleged at that time. There is not even a single legal proposition urged, which was not urged at that time, and quite as well urged. We may have erred in fact; we may have erred in law. I do not think so; I did not think so then; but whether we erred or not, we heard it all, we considered it all, and we decided it all; and the object of my amendment is to say, that when the Senate of the United States has decided a contested election, the decision binds all parties so far as the matters then in controversy are concerned. If there be new facts not brought to light in the former investigation, that may be a different question. That is not this case.

I say I do not think we erred before. For one, there has not only never been any question brought to me for decision, either as a legislator or in the course of considerable experience in the practice of the law, to which I gave a more deliberate, unbiased, and, so far as I am capable, impartial consideration, than I gave to this case; and the conclusion of all my deliberation was expressed in my vote. I believe the present Senators from Indiana are as legally and rightfully elected as any Senators on this floor, and are quite as much entitled to their seats as I am to mine.

But, sir, it is said that the House of Representatives made a different decision in the Twenty-Fifth Congress. I cannot see the appropriateness of that citation in any manner. In the first place, there is this wide difference between the action of the House of Representatives in contested cases, and the action of the Senate: the House has an innumerable body of electors; that is to say, the number of qualified electors of a Representative cannot be ascertained; they are the people of a particular district of country; they may be ten thousand; they may be one hundred thousand; but the electors of a Senator are always fixed; they are the members of a State Legislature; and the constitution of the State defines how many of those members there shall be. Therefore, where it is impossible to ascertain, from the circumstances, who was the choice of a majority of the electors, or whether a majority of the electors ever signified any choice, or whether the election was tumultuous, or whether it was in such circumstances as to mislead a large number of the electors, then the House claims, as the House of Commons has always claimed, the right to set aside the whole election, and order a new one. That arises from the impossibility of fixing the whole number of electors. That difficulty does not exist with us. We know the electors of a Senator; we know what is a majority of the whole number; and, therefore, the Senate has never exercised the power of setting aside an election because it was impossible to ascertain the will of a majority of the electors. That simple fact explains this whole Mississippi case.

Certain gentlemen came here at the extra session of the Twenty-Fifth Congress—Messrs. Claiborne and Gholson. At that time, there was, in fact, no provision by the law of Mississippi for the election of Representatives until, I think, the month of November; but there was a provision in her law that, whenever there was a vacancy in the representation from that State, caused by death, resignation, or otherwise, the Governor should issue a proclamation for a special election. Supposing that provision of the law to be applicable to the case, the Governor of Mississippi did order an election for Representatives during that special session about to be held. The proclamation was simply void, because a Representative in the other House cannot be elected for only one session, unless to fill an unexpired term. Messrs. Claiborne and Gholson were elected for that special session. They came to the House with their credentials. I believe the credentials specified on their face that they were elected only for the session; but I am not so certain about that. At all events, there being no opposition, they were sworn in; and their credentials were referred to the committee. The committee, while admitting the fact that the Governor's proclamation, to this extent, for a special session, was a nullity, nevertheless held—or that is the legal effect of it; I do not care what this man, that man, or the other, may have said in a speech; I am speaking of it as a decision, and of the legal principles on which it must stand, if it stands at all—the House held that, for aught that appeared, although there was no law authorizing that election, although the proclamation was a nullity, yet, there being no contrary allegation, as a majority of the qualified electors had met together in due form, and had made choice of Messrs. Claiborne and Gholson to represent them in Congress, they should be admitted. So it stood, like the case of Jennings, the Delegate from the Northwest Territory, cited by the Senator from Georgia [Mr. TOOMBS] at the last session, and many other cases, where, in the absence of any law or any usage, the majority of the duly-qualified electors, on notice to the rest, having made due choice, that choice shall stand.

These gentlemen were admitted. By-and-by, in October or November, the regular time of election for Congressmen in Mississippi came on; the people went to vote at that election, and Messrs. Prentiss and Word claimed to have, and probably had, a majority of the votes on that occasion. They then came to Congress, and it appeared to the House that a new element was introduced into the discussion; that Messrs. Claiborne and Gholson had been admitted originally, upon the supposition that the qualified electors had acceded to the first election although it was illegal, whereas it appeared that they had not; for a great many voted at the regular time. But the House did not reverse its former decision; the House did not seat Prentiss and Ward; the House set aside the whole election, as it might well do, and referred it to the people, exercising therein that peculiar privilege of a House whose members have unascertained constituencies. That is the whole case, and it is the only case that has been cited in the whole history of parliamentary law. It is a

special and extraordinary case, standing upon its own circumstances, and warranting no principle upon which the gentlemen claiming to be contestants can stand.

But, sir, what is the practice of the country from which we derive our parliamentary law What is the practice of the House of Commons? A committee is drawn by lot, so that it cannot be constituted by a majority of the members even. The constitution of the committee is a pure matter of chance. That committee retires, and in secret hears the parties and their counsel and their witnesses; and the decision of that committee is final on the House as well as on the parties. The contests are not decided there, as they are here, by a vote of the House; they are decided by a vote of the committee; and in order to make the committee impartial, it is chosen by lot. That shows that these decisions, from the earliest time, have been considered as decisions of controversies like those that are made in courts between parties. At the last session, the issue presented to us was whether, upon the facts, as proven before us, Messrs. Bright and Fitch had been duly elected Senators of the United States, in February, 1857. We examined it; we decided it; and the simple question is, whether our decision means anything; whether, when we, as judges under the Constitution, have decided the case, our decision shall be treated with any respect; or, whether any Senator or person shall be at liberty, day after day and year after year, to insist that we shall put aside other business and reconsider that?

Therefore, I say that inasmuch as, in my judgment, there is no case before the Senate; as we have decided that there is no vacancy in the representation from the State of Indiana, there can be no contestor; there can be no election; it is all void; and hence these gentlemen have no claim, as contestors, to be heard. The right way to dispose of it is to settle for ever, for their benefit and for all others, the principle that a decision of the Senate, once made in these cases, shall, as to all the facts then alleged, and all the matters then in controversy, be final to the end.

Mr. TRUMBULL. Mr. President, it seems to be determined to force a debate on this question, without allowing the Senators elected from Indiana to be heard, or even an opportunity to the Senate to vote upon the question of whether they shall be heard. It seems to be assumed that the matter is decided? Well, sir, I suppose that assumption would prevent a hearing in any case, but that is the very question in controversy. According to the report of the majority of the committee, the question in controversy is, whether it has been decided? The State of Indiana says it has not been decided; her Senators elected say it has not been decided; a minority of the members of the Committee on the Judiciary say it has not been decided; but the majority say it has been decided, and therefore they will not hear; they will hear no argument upon that question. Why, sir, that is begging the whole question. It will be very difficult for any man to ascertain in this case what has been decided. The extraordinary spectacle was presented here at the last session of Congress, of admitting to their seats two gentlemen, as Senators from one of the States of this Union, without any report from the committee upon which the action of the Senate was based giving them their seats. No reasons were given for coming to such a conclusion.

The majority of the committee contented themselves by simply reporting a resolution declaring the gentlemen entitled to seats, without giving any reasons for arriving at that conclusion. The majority of the Committee on the Judiciary, who have now presented this report, do not pretend that the decision made last year was right. They place it upon no such ground. The honorable chairman of the committee who presents the report will not rise in his place and say the decision was right; but a decision made without a reason is now to be interposed as an obstacle to overturning what I believe to have been an unconstitutional decision. Senators were admitted to their seats a year ago, in violation of the Constitution, illegally, and that not controverted by the report of the committee; and we cannot reach it and correct the wrong! Shelter is to be taken behind this impregnable wall of *res adjudicata*. Why, sir, what has been decided? The State of Indiana, it is said, has insulted the Senate of the United States, has undertaken to revise a decision of the Senate. Will it be said that the State of Indiana is not asserting her constitutional right? It is all she seeks to do; and is she to be treated as having insulted the Senate of the United States, when she claims and asserts her constitutional rights, and asks nothing more?

Mr. PUGH. Who made any such statement?

Mr. TRUMBULL. The report, to which the Senator from Ohio is a party, does not say the sitting Senators were legally admitted. It places the whole case upon the ground that a resolution of the Senate, adopted at a former session, awarded them seats.

Mr. PUGH. I should take that to be a legal admission.

Mr. TRUMBULL. Yes, sir; and it would make the Senate of the United States the constituents of the sitting Senators, and not the sovereign State of Indiana. Do you place it upon that ground? You refuse to open the case; you refuse to hear the State of Indiana; you refuse to hear her Senators whom she has sent here; and upon what ground? Because the Senate of the United States has adopted a resolution; not because it is right. If this committee had reported that the former decision was correct, that there was no reason for reëxamining it; that the case had been decided rightfully, and the Senate refused further to investigate it, that would be one thing; but that is not pretended. The Senator from Delaware will not rise in his place and say that the former decision was right; but a decision having been obtained, right or wrong, and, as the Senator from Vermont well remarked, no matter even if it were upon forged papers, the fact that the decision is made is an insurmountable obstacle in the way of the assertion of her constitutional rights by one of the sovereign States of the Union.

Now, sir, we deny that this case has been decided. I made the objection last year that no reasons were given for the conclusion at which the committee had arrived. If there had been, we could have seen the ground on which the decision was made, and could determine at a glance whether anything new was now introduced into the case. But the main reason which was given in argument by Senators for allowing the sitting Senators to hold their seats at that time, has vanished now. What was the reason, so eloquently dwelt upon by the Senator from Georgia, [Mr. TOOMBS,] and the Senator from Louisiana, [Mr. BENJAMIN?] Let us see if that reason exists now. The Senator from Louisiana said:

"The State of Indiana has sent us no contest of the right of her Senators on this floor. No one of her public bodies, either executive, legislative, or judicial, has asked us to inquire into the fact of their election. Certain men in the State have asked us to investigate it, and we ought to investigate it when complaint is made by men who themselves come here with clean hands and pure lips; but when they come here, after having themselves been guilty of the very violence and the very fraud which produced the irregularities of which they complain, I, for one, say that I know of no rule of justice, of no provision of law, that compels us to give ear to their complaints; and, for one, I am not willing to do it."—*Congressional Globe*, Thirty-Fifth Congress, First session, page 2930.

He was not willing to hear last year. Why? Because the Legislature of Indiana had not complained. He would not give ear to those who protested then. Why? Because their lips were polluted. He will not hear now because he decided last year that he would not hear then. That is the reason—first do a wrong, and then take shelter behind it, so as not afterwards to be right. This was the reason why the sitting Senators were admitted to their seats—the only substantial reason there was. It was alleged as a reason by the Senator from Louisiana at the time, and by the Senator from Georgia with still greater warmth. The Senator from Georgia said:

"We have the highest evidence of the legislative department of Indiana, but we are asked to go behind that. Where shall we go? To a faction? I will not speak of them as I think of them. I have denounced them when they were with me. I spare my opponents the deep indignation which I feel for the traitorous violation of their oaths and the Constitution of my country. I say I will spare my opponents, though I did not spare my friends on a like occasion. Who comes here? Is there a contestant? None. Is Indiana here, protesting against this election through her executive, legislative, or judicial departments? Not at all; these gentlemen speak for her. Not one of her departments contests their authority. Who are the men that do? They are traitorous, perjured wretches."

That was the reason why he would not hear them. He said, further:

"A part of the members of the Legislature come here and say, 'We did not participate in the election; the Constitution gives the power to elect to the Legislature; we are a part of the Legislature, and we had nothing to do with it, because we wanted to defeat the great right of our sovereign State to be represented in the Senate of the United States. We have been without one Senator two years, and should be without another one for two years, unless an election was made at this time; cannot you, honorable Senators of the United States, representatives of sovereign States, help us to perpetrate this iniquity?' It would go hard with me if I could not find some place to cheat such scoundrels, and to defeat their schemes. I would lay my hand on the law, as long as it stood by me, and then I do not know whether I should not be provoked to stand on principles of eternal justice before I could submit to it. It is not right. I would not submit to it, I care not who did it."

There is the principle upon which the sitting Senators were admitted to their seats last session, because there were scoundrels who objected to their being admitted. Sir, the Constitution of the United States tells us who shall elect Senators. It says, in so many words, that each State shall be entitled to two Senators "to be chosen by the Legislature thereof." The State of Indiana declares that her Legislature shall consist of two Houses, a Senate and a House of Representatives. The sitting Senators from that State came here elected by the House of Representatives alone, against the solemn protest of the Senate of Indiana. A faction in the Senate, less than half its members, tumultuously, irregularly, and disorderly left the body and united with certain members, less than a quorum, of the House of Representatives, and made the election. They were the faction. The Senate as an organized body, a quorum being present, resolved that they would have nothing to do with any such pretended election. That body passed a solemn resolution in organized Senate, by a vote of twenty-seven to twenty, repudiating the whole concern. They did it in advance, before the day when the sitting Senators were elected. It was pretended that there was to be an adjourned joint convention of the two Houses, when in fact, the two Houses had never agreed to meet together for any purpose. The Senate as a body hearing of the outrage intended to be perpetrated, passed a resolution declaring that they would have nothing to do with any such irregular joint meeting of members. This was done in a full Senate, only three members being absent. Not only was a quorum there, but nearly the whole body was there participating in the passage of that resolution, voting for or against it.

Then, sir, when it was found impossible to sustain the claims of the Senators from Indiana upon constitutional principles, when they came here, elected not by the Legislature of Indiana, which is made up of two bodies, but by one of those bodies and a fraction from the other, the extraordinary means were resorted to to keep them here by asserting that the Senate of Indiana should not be heard; that it was not one of the departments of the government of Indiana. It was just as good a department as that which sent the Senators here; it was one of the component parts of the Legislature. It is true it was not the whole Legislature; but it was a coördinate branch of it; and because it insisted upon its right of an election of United States Senators, by the concurrent action of each branch in its organized capacity, and refused to go into a joint convention for that purpose, a majority of its members were denounced on this floor as scoundrels. Sir, what would be a fitting term to apply to the minority of the Senate who, in a revolutionary and unconstitutional manner, undertook to perfect an election, when such terms are applied to the majority?

A decision obtained under such circumstances is sought to be presented here as an impenetrable shield, through which truth and justice and the constitutional rights of a sovereign State cannot penetrate; and shelter is taken behind this decision, made without a reason, and for which such extraordinary excuses were urged as those to which I have alluded.

But, sir, the Senator from Ohio says Messrs. Lane and McCarty present no credentials. There

has been laid before the Senate the act of the sovereign State of Indiana, through the only body known to the Constitution of this country which has a right to elect Senators. Her proceedings have been laid upon your table; and they show that a majority of both Houses, not of one, but of each House in its organized capacity, has sent Messrs. Lane and McCarty here as the Representatives of that State. The papers were referred to the Judiciary Committee, and have been reported back. Are not these credentials?

Mr. PUGH. No.

Mr. TRUMBULL. If they are not sufficient credentials, I do not know what would be. If the Legislature of Indiana is capable of giving a credential to Senators, it has done it. The credentials of Messrs. Lane and McCarty are the same as of every man here, except the sitting Senators from Indiana, who derive their credentials from the Senate of the United States, in the shape of a resolution of this body at a former session. That is the credential which is interposed here, to prevent a hearing even of the State of Indiana. Credentials come, and can come from no other source than the Legislatures of the States.

But, says the Senator from Ohio, this is a judicial decision, and the Senate acts in a judicial capacity; and Chancellor Kent is referred to where he says that the decision of legislative bodies, on questions of this character, should be stable; should be settled upon principle; should be fixed. Ah, sir, I wish the Senator from Ohio had thought of that a year ago. Where was the Senator from Ohio a year ago that he was overturning the judicial decision of the Senate in regard to the Senator from Iowa? There sits a Senator elected by the Legislature of the State of Iowa, in a joint convention agreed to by both bodies of the Legislature, and when a majority of both bodies were present; a legal joint convention, not a spurious one, a majority of both bodies being present, and he receiving a majority of the votes of the whole Legislature; and yet he was turned out of this body, and compelled to obtain a second election, because a majority of one of the branches of that Legislature, although present, refused to vote either for or against him at his first election. Where, then, was this love for fixed decisions? Where, then, was your principle of *res adjudicata?*

Mr. PUGH. The cases were different.

Mr. TRUMBULL. Unquestionably, they were different. They were different in one essential matter. There was no legal joint convention in Indiana; and there was in Iowa. They were different in that respect, and the difference was wholly in favor of the Iowa case. In other respects they were precisely similar, except that one occurred in the State of Iowa and the other in the State of Indiana; and the names of the persons elected were different; and therefore, I suppose, they were to be decided upon different principles. It is suggested that there was also a difference in the politics of the persons elected.

Mr. PUGH. May I ask the Senator a question? If he did not think that the cases were different, how did he come to vote different ways on them?

Mr. TRUMBULL. I will tell the Senator from Ohio, and I am glad he has asked me the question. The cases were different; and how? In the State of Iowa, a legal joint convention was called. The Constitution of the United States says, that Senators shall be chosen by the Legislatures of the States, in the time, place, and manner, prescribed by the Legislature. The Legislature of Iowa in its organized capacity, in each of its branches, prescribed the time, the place, and the manner, of electing a Senator; and the Senator from Iowa was elected in accordance with that prescription. That is his case.

Mr. PUGH. Then the Senator thinks there was a difference.

Mr. TRUMBULL. I do in that respect.

Mr. PUGH. I think there were a great many other differences, which I stated at the time.

Mr. TRUMBULL. I think there was that difference: the one was a legal joint convention; but in the State of Indiana a legal joint convention was never held, and the gentleman cannot show a joint resolution of each body of the Legislature of Indiana directing the election of United States Senators, or prescribing the time and place, and manner in which the sitting members were elected. No such resolution was passed. How then do the cases differ. In Iowa there was a legal joint convention of both Houses called in pursuance of concurrent resolutions of each; in Indiana there never was a joint convention agreed to by each House; but I will tell you how the cases are alike.

Mr. PUGH. Will the Senator let me speak again there? I thought there was a legal joint convention in both cases, and I voted the same way in both cases; but the Senator voted differently.

Mr. TRUMBULL. I voted differently, and if the Senator from Ohio cannot appreciate the difference, I am sorry for it. If he cannot tell the difference between a tumultuous assembly of the members of a Legislature convened without authority of law, and a regular meeting of the members of a Legislature convened in pursuance of law, I am sorry for his discrimination. I trust other Senators and the country can tell the difference.

But, sir, there was no difference in this respect: the Senator from Iowa did not receive a majority of the votes of each branch of the Legislature when he was elected, although he received a majority of the whole number of members composing the Legislature, having received considerably more than half the members of the House, and not quite half the members of the Senate. In that respect, the cases were exactly alike. The sitting Senators from Indiana received a majority of the votes of the members of the House of Representatives, but less than a majority of the votes of the members of the Senate. Because the Senator from Iowa did not receive the votes of a majority of the members of the Senate, or rather, because a majority of the members of the Senate did not vote when he was elected, did not participate one way or the other, the Senate of the United States turned him out; but because a majority of the Senate of Indiana did not vote one way or the other on the election of the sitting Senators from that State, the Senate of the United States did not turn them out. I voted for the Senator from Iowa to hold his seat. Why? Because a regular joint convention was called in pursuance of law, at the time, place, and manner prescribed by law; and I held that a majority of both branches being present, and he receiving a majority of all the Legislature, in the mode prescribed by law, he was a duly-elected Senator. I hold that the Senators from Indiana were not elected, because no time, place, or manner, had been prescribed by the Legislature, and the assembly which made the election was a tumultuous, irregular, and unlawful one, assembled without the authority of law.

I know there is a pretense that the members in Indiana assembled legally; and what is it? The pretense is, that the constitution of the State of Indiana requires the Speaker to open and publish the votes for Governor in the presence of both Houses of the General Assembly. That was done early in January. The returns for Governor of Indiana were sent to the Speaker of the House of Representatives, who, early in January, opened them and declared the result; and his having done so affords a satisfactory reason to the Senator from Ohio for a joint meeting of less than a quorum of either House, and less than half the members of the Senate, sometime in February, in defiance of a resolution of the Senate, to make United States Senators.

But, says the Senator from Ohio, each House of Congress, by the Constitution, is made the judge of the qualifications, elections, and returns of its members, and the Senate have decided this question. Why, sir, what sort of power is it that is conferred on the Senate to decide as to the elections, qualifications, and returns, of its members? Is it a plenary authority? Can it make such decision as it pleases? Can it decide that, as a qualification, a man must be fifty years of age, when the Constitution of the United States requires him to be but thirty? Not at all. Can it decide that an election has been held when none has been held? Can the Senate of the United States make an election of members? It can simply decide upon the regularity or irregularity, and ascertain the facts, to see whether a person comes up to the qualification prescribed. The Senate can inquire if a gentleman sent here is thirty years of age; but it cannot elect him a Senator if he is but twenty-nine. Such an act would be utterly void. Where there has been no election, the Senate has no jurisdiction. There has never been an election of Senators in Indiana, for the present terms, until the present Legislature made it a few weeks since. The body authorized to elect Senators had never undertaken to elect till then. There was nothing to found a decision upon; there was no jurisdiction in the Senate to decide at the time it gave seats to the sitting Senators. A court might as well undertake to decide a case of which it had no jurisdiction, either of the subject-matter, or of the parties, as for the Senate to make a decision at its last session, that should be binding upon the State of Indiana, and upon the gentlemen who present their claims here at this time.

But the Senator from Ohio, finding the decision of the House of Representatives in his way, in the case of Claiborne and Gholson, from Mississippi, seeks to remove that out of the way, because the constituencies of members of the House of Representatives are different from the constituencies of Senators. Does that alter the principle at all? He goes on to say that the members of the House of Representatives are elected by a popular vote, and it is sometimes difficult to ascertain how the popular vote is. Has that anything to do with the question of *res adjudicata* on which he is relying to shield himself in this case, and to protect a decision made by the Senate at its last session? Well, sir, the House of Representatives did not put their decision on any such point as that. He tells us that the House did not reverse its former decision. I tell you it did reverse its decision; and for the satisfaction of that Senator, I will refer him to the document which shows that fact. In the sixth volume of the Congressional Globe, at page 150, I find in the proceedings of the Twenty-Fifth Congress:

"Mr. BELL now modified his amendment, as follows:

"Strike out all after the word '*Resolved*,' and insert: 'That the resolution of this House of the 3d of October last, declaring that Samuel J. Gholson and John F. H. Claiborne were duly elected members of the Twenty-Fifth Congress, be rescinded, and that Messrs. Gholson and Claiborne are not duly elected members of the Twenty-Fifth Congress.'"

That resolution was adopted by a vote of 119 yeas to 112 nays as an amendment to the then pending resolution, which was that Messrs. Prentiss and Word were not entitled to seats. This was adopted as an amendment, and subsequently was concurred in by the House of Representatives by a decided vote. The case from Mississippi, so far as relates to the binding force of a former decision, cannot be distinguished from the present one. That the Senate may have a distinct statement of what the case in Mississippi was, I will read from the argument of Mr. Bronson, of New York, upon that subject, where he states, in very few words, precisely what the case was; and he advances the same doctrine which the Senator from Ohio and the Senator from Delaware now insist upon, though he was not quite so confident as the Senator from Delaware is. He was willing to hear and to discuss the question. Here is what he said:

"A more solemn judicial decision was never made by this House."

That is, then, the decision made at a previous session declaring Gholson and Claiborne duly elected members of the Twenty-Fifth Congress. He then goes on with the case:

"At the very commencement of the extra session, even before the members were sworn, an objection was made to the right of the sitting members to seats in this House. At the earliest practicable moment the matter was referred to the Committee of Elections, who were directed to inquire and report as to their credentials, and '*whether they are members of the Twenty-Fifth Congress or not.*'

"The committee examined into the matter, and reported, on the 18th September, that they were duly elected members of the Twenty-Fifth Congress, and, as such, were entitled to their seats. This resolution was fully debated for many days, on both sides of the question; and after mature deliberation and full discussion, the House adopted the resolution, on the 3d October, by a vote of 118 to 101.

"This resolution *declares the fact* that Messrs. Claiborne and Gholson are duly elected members of the Twenty-Fifth Congress; and its adoption is a judicial decision of this House, which is the highest and only tribunal for the settlement of such matters."

Mr. Bronson declared further:

"If I doubted the propriety or correctness of that decision, I should feel very unwilling to shield it now, under the plea of '*res adjudicata*.'"

I wish to put that to the Senator from Delaware. Judge Bronson, although he argued and insisted upon the former decision as a settled one, says:

"If I doubted the propriety or correctness of that decision, I should feel very unwilling to shield it now under the plea of '*res adjudicata.*'"

I ask the Senator from Delaware, if he does not doubt the correctness and the propriety of the former decision of this body in awarding seats to the sitting Senators? I ask him if he does not deem it unconstitutional, and is he willing to shield himself under the plea of *res adjudicata* to uphold an unconstitutional decision of this body? I inquire whether, in his opinion, the former decision was constitutional or unconstitutional? The "solemn decision," as Judge Bronson called it, in the Mississippi case, was afterwards reversed in the House of Representatives, by a resolution declaring in so many words that it should be rescinded; that Gholson and Claiborne were not elected members of the Twenty-Fifth Congress; and in looking over the yeas and nays upon that vote, I find here in the Senate several gentlemen who were then members of the House of Representatives, and who voted to rescind that resolution. Both the Senators from Virginia then occupied seats in the other end of the Capitol, and both voted to rescind that solemn decision. The Senator from Maryland [Mr. PEARCE] also was a member of the House, and voted to rescind that solemn decision. The Senator from Tennessee [Mr. BELL] was a member of the House, and voted to rescind that decision.

These gentlemen not only thought the matter open to discusion, but, upon their constitutional oaths and duties, solemnly voted to rescind and annul a former decision, and to turn Claiborne and Gholson out of Congress after they had been admitted by a solemn decision of the House on investigation and examination. I appeal to them; I ask the Senators from Virginia and from Maryland and from Tennessee, will you now refuse to hear this case? Will you refuse to have it examined, when you gave a decision of this kind in a former case, acting, as you now are, under the obligation of an oath, and, as the Senator from Ohio insists, in a judicial capacity?

So, sir, this is no new question; but the cases of Gholson and Claiborne, and of the sitting Senators from Indiana, are precisely analogous. No man can draw a distinction so far as the question of *res adjudicata* is concerned, except the Senator from Ohio. He makes the distinction; and it is this: that the same men do not elect Representatives that elect Senators; and, therefore, a resolution declaring a Senator entitled to a seat is a finality irreversible forever; but not so a resolution in regard to a Representative. In other words, that whether a decision is a finality or not, depends upon the character of the constituents of the person about whom it was made. A wonderful distinction!

But, sir, the decision of last session cannot be conclusive on the claims of Messrs. Lane and McCarty, for the reasons which I gave the other day; and it will be but a repetition to go over them again. The resolution declaring the sitting Senators entitled to seats was not based upon any avowed principle. No reasons were given for it, as I said. It was a bare resolution; and the only way we have to ascertain upon what principles Senators decided is to look at the discussion; and when we look at that, we find that the Senators from Georgia and Louisiana made it a point in the argument that there were no contestants; that the State of Indiana had not, through any of her departments, taken exception to the then claimants for seats. Now that is changed. Now, Indiana, through her legislative department, the proper department, does take exception to their occupying seats; and she says in her memorial that they are not her representatives, but that Messrs. Lane and McCarty are her true and lawful representatives. If that was the controlling motive of Senators, the case is different, at once. They would not hear the men who objected before; and the Senator from Louisiana, in the height of his eloquence, declared that he would not listen to such men. Will he not listen, I ask him, when the sovereign State of Indiana, through her legislative department, calls upon him to do so? Will he not hear her? Is she to be denounced as traitorous, and her members as scoundrels? I think that will hardly be done. That was the ground taken a year ago in this body: that the State of Indiana was not then here contesting the seats. The case is now different. Indiana is now here through her proper department, and that changes the parties according to the argument of the Senators from Georgia and Louisiana.

But, sir, other persons are now here. The gentlemen who have laid their credentials upon your table, which were referred to the Committee on the Judiciary, and have been reported back, were not Senators elect of the State of Indiana at the time when the question was taken upon the rights of the sitting Senators to their seats. They had not then been elected. They had no right then to claim seats. Their rights have arisen since, and could not have been passed upon and could not be precluded by any decision made before then, or before the case arose which is now submitted for the consideration of the Senate.

I should not have taken up so much time if the contestants had been allowed to present their own case. I am sorry that I have been compelled to discuss the question at all. I was for allowing the legally-constituted representatives of Indiana the right to come here and present their case; but the Senate refused that; and then, as the next best thing, I have endeavored to present it in my feeble way, without the assistance which we should have had if those gentlemen were here to argue their case. I am astonished that they are denied that privilege. In the House of Representatives, in the case to which I have alluded, Messrs. Prentiss and Word were admitted upon the floor of the House of Representatives and argued their right to seats; and they had been elected after the decision in favor of Gholson and Claiborne; just as Lane and McCarty have been elected after the decision in favor of the sitting Senators. The cases are precisely analogous.

In this body, when a contest arose some few years ago between a sitting member and a claimant, the claimant was admitted upon the floor of the Senate and allowed to argue his case, although the committee unanimously, I believe, reported against his right, and the vote of the Senate was unanimous against him. Such was the courtesy of Senators—although there was no difference of opinion in the Committee on the Judiciary; although they thought there was no question as to the right of the sitting Senator; and it was so clear that I believe there was entire unanimity in the body—still they heard the claimant. Here is a case where the committee is divided; where different opinions are known to prevail on different sides of the Senate; and yet, the claimants are to be turned away, and the State of Indiana insulted, by telling her that she has undertaken to revise the decision of the Senate. Sir, she has revised no decision of the Senate. She has but exercised her constitutional right to elect Senators, who are now here demanding seats to which, in my opinion, they have a clear and indisputable right.

Mr. GREEN. I shall say but a very few words, for I know it is the common understanding that the Senator from Kentucky [Mr. CRITTENDEN] is to have the floor and present his views upon a more important question than that now before us. There are, however, two or three things that I beg leave to suggest before the vote is taken. I presume no Senator will vote misunderstandingly. A vote for the amendment now pending is simply to say, finally and conclusively, that the Senators holding seats in this body are properly here; and also, that to determine this question, we do not need the advice of the two gentlemen from Indiana, who come and present themselves, claiming seats as Senators. No one will misunderstand this; and I have thought, after two or three repeated attempts upon the part of the Senator from New York, and when the Senate had repulsed it two or three times, by a decided vote laying it on the table, that it would there be permitted to sleep, and that it would be understood that this Senate did not want their advice. They have no rights here. We do not want their advice. We understand the subject for ourselves, and we are responsible for the decision we intend to make.

The practice of permitting contestants, even in a proper case, is a clear matter of courtesy. It is not a matter of right. They are not parties before the country. They are claimants. They present themselves, asking to be admitted. It is for the judgment of the Senate to decide whether they shall be permitted or not. In order to have a correct understanding on it, there may be reasons why, in particular cases, the Senate would relax its rules, depart from all notions of propriety, and permit counsel to come and speak for or against the respective sides. In this case is there any reason for it? Why do we desire to hear the arguments that can be made for or against either of these parties? Is there any particular reason why? Can any Senator say that he believes his judgment would be better informed after having heard them? Is there one solitary Senator in this body who will say so? Not one. This question was all discussed at the last session, thoroughly, ably, fully discussed and decided.

The Senator from Illinois says, however, that the report had no reasons in it. That reminds me of a certain person who, when asked for reasons, said, if they were as plenty as blackberries, he would not give them on compulsion. Did not the decision announce the fact, and the judgment of the Senate? Reasons are one thing, judgments another; and if a court gives a wrong reason or a right reason, the judgment stands as a judgment in any case; and it is folly to stop to talk about the reason of a court, provided the judgment be right.

Mr. TRUMBULL. The Senator from Missouri misunderstands me. If he will allow me, I will state that what I meant to say was, that they gave no opinion. They gave merely the conclusion at which they arrived. They delivered no written report upon the subject. They simply presented a resolution. They did not consider the matter in a report. That is what I meant to say.

Mr. PUGH. I suggest to my friend from Missouri that the committee, in four contested cases upon which it has reported since I have been a member of the Senate, in three of them presented nothing to the Senate but mere resolutions, indicating the sense of the committee; and there was only one in which they gave a written report.

Mr. GREEN. I understand this matter. The committee investigated it; they examined it; and they came to their conclusion. A majority reported that conclusion to the Senate, and the Senate indorsed it. That ended the whole matter. As for any secret thought or private motive that passed through the heart or in the brain of any member of the committee, or of the Senate, I know nothing, and I have no right to stop to inquire. The conclusion at which they arrived is a fixed, definite record. The power of the Senate to pass upon the election of Senators is one of a judicial character, as was well remarked by my colleague upon this committee. Every judicial determination is an end, unless there be a provision in law for its readjudication. The power to judge is the power to decide. The power to decide is the power to determine. The power to determine is the power to make final; and, unless there be intervening something that gives you the power to go beyond, supervise, and overrule, it is always a finality.

Thus the judgment of the Senate, under the constitutional power to judge of the election of Senators, has been pronounced, and I even think it disrespectful to the Senate to make the offer to present their claim. I think it disrespectful to the two honorable Senators representing that State to make the assertion in this body that she is unrepresented. The State has never said so as an organized body; and what right has any Senator here to make the assertion? The Governor, one of the branches of its government, has never sanctioned it. He comes in by a majority of the people of the State of Indiana. He has never sanctioned any such proceeding as this; and what right, therefore, (and I ask it, desiring to be answered,) has any Senator to say the State has said the State is unrepresented?

Mr. TRUMBULL. I will, by permission of the Senator, state to him why I state this. I state it on this authority:

"The State of Indiana, by her Senators and Representatives in General Assembly convened, would respectfully

represent to your honorable body that, as she is not now, and has not been for some time, represented in the Senate of the United States," &c.

That is the authority upon which I made the declaration. Neither the Governor nor the judiciary having anything whatever to do with the election of Senators; the only power that can make Senators has said that she has no representative here.

Mr. GREEN. What is the State? The Senate and House of Representatives combined? No. They are but the instruments, partial instruments, in the hands of the State. They can wield but the limited authority parceled out by the constitution of the State, but they are not the State. To constitute State authority, you must have, in a primary sense, the people of the State. If you go to this primary sense, the people of the State stand by the two sitting Senators this hour. If you do not go to the primary sense of the word, and say the people of the State, then, in the organized character under the constitution, it requires their Governor and the legislative authority in conjunction. Take either horn of the dilemma. If you say it is the people, the great mass of the voters of the people, of the State of Indiana, they indorse the sitting Senators from that State, and say they are represented; and the man who says they are not represented speaks without warrant or authority. If he wishes to confine himself, in a technical sense, to the organized State under the constitution, then I say the Senate and House of Representatives do not constitute it, even in that sense; and hence he is without warrant or authority there. He may take either horn of the dilemma. The State of Indiana has been heard. The subject presented to the Senate has been determined. There is no power for review.

It has been said a case occurred in the House of Representatives in the Twenty-Fifth Congress. Is that to be brought up as a presumption, as a precedent to control and guide and govern us? If it is, I answer ninety-nine other cases have been decided and regarded as final. If you are to be governed by precedent alone, take the majority of the adjudged cases, and ninety-nine out of every one hundred cases ever presented in either House were regarded as final and settled. Now, is the mere idea of precedent to control, or are you to take a single exception to a general rule, and make that the leading and controlling case?

There is another reason in this case. It is known to the older members of this body—I am but a young man, and it is known to myself, however—that, up to the meeting of the Twenty-Fifth Congress, it was an undecided question as to the commencement and termination of a Congress, and when it was decided that those members elected from the State of Mississippi were declared to be members of that Congress, it was even then an undecided question, whether they continued in their term of office from the 4th of March, 1837, to the 4th of March, 1839. Afterwards, this subject was brought up and determined. It was brought up in consequence of this other fact. A Speaker was elected, and the question was, whether that Speaker should continue through a Congress, a period of two years, or whether only for the extra session called in May, 1837? This was the occasion of the difficulty. The House of Representatives gave seats to certain men from the State of Mississippi, for the extra session. In the couching of the language of that resolution, they went too far. It was too broad. It embraced a Congress. When it was decided subsequently what a Congress meant, and that two, three, five, or six sessions might be included in one Congress, and a subsequent election was held under a law providing for an election, then they reversed that decision, and said it should only apply to the first extra session called in May, 1837. But, I care nothing about that precedent one way or the other. If precedent is to weigh, we have one hundred to one. If precedent is not to weigh, then it is to be disregarded. But, a wrong precedent is more to be honored in the breach than in the observance.

There is one other idea in the same connection. A decision upon the filling of a seat in the Senate or the House is in the nature of a decision in the courts under what we call a proceeding *in rem*. It is not about the outsiders who complain; the the question is, is the seat filled legally and constitutionally? I might complain to-day, another man might complain to-morrow, and a thousand others might complain; and giving it a character as a privileged question, and consuming every hour of every day of every session, if you sanctioned the idea that anybody outside can complain after a question has been once decided. It is in the nature of a proceeding *in rem*. Where a question is decided in the affirmative or negative, neither side can bring it up again. It is a matter adjudicated; it is a matter settled; there is no power to supervise; and it is, I think, disrespectful to the Senate to ask them to undo what they have done on full, mature deliberation and decision.

Mr. BAYARD. I shall not detain the Senate long, because, as I said the other day, I consider it, on the primary question involved, as hardly an arguable question; but the honorable Senator from Vermont assumes the idea that the rule of finality which attaches to judicial action, and the judgments, whether of courts proper or of bodies acting judicially, is founded upon the notion of infallibility. Not so, Mr. President. It is perfectly immaterial whether the judgment is right or wrong, the rule of finality is founded on the great principle that it is the interest of the Republic that there shall be an end to litigation. There is no other ground on which it can be sustained. There must be an end to all strife at some time, and courts of justice have adopted it, and adhered to it invariably, that a final judgment cannot be reheard, but with certain exceptions, one of which the honorable Senator from Vermont has pointed out. You may impeach it on the ground of fraud committed upon the court by the original proceedings, but you cannot undertake to re-argue it after the term of the court has expired in which the judgment was pronounced, on the ground that the court committed an error in judgment. No such case can be found, and it is on that great principle that there must be an end at some time to decisions in the nature of judicial proceedings.

In this case, also, there might be another exception specified. If the ground on which the Senators were declared to be entitled to their seats, had not been passed upon in the decision of the Senate, but a distinct substantive ground were presented, you would say that the former decision did not cover it. The decision on the former occasion went to the validity of the election, but if an objection were now to be presented to the qualifications of the parties, as the Senate pronounced no decision on the qualifications of the parties, of course, a decision pronounced on the validity of the election, would not bind them, if it were subsequently ascertained, that the parties were not qualified to retain their seats. But in no court acting judicially, in no tribunal acting judicially, with the exception of the case spoken of from the House of Representatives, which I shall comment on presently, can honorable Senators find on the same state of facts, appealing to the same questions of law, that a court, or a body acting judicially, having jurisdiction of the subject, has pronounced a final judgment, that the body has ever permitted that final judgment to be re-argued after the time, which, by its own limitation, a reconsideration of the judgment can be made. You may impeach it originally for fraud committed upon the body, whether it is a court or a body acting judicially. You may get at it in many cases, grounded upon a distinct subject. You cannot undertake, unless you proceed on one of those grounds, to tell the court that has decided the question, "you were wrong; though the term has expired, I come here now and ask you to let me re-argue that question, that I may convince you that you were wrong." No court of justice would hold it to be arguable. No court of justice would permit a counsel to attempt to argue such a question before them. It is concluded law, and with the single exception of the case from the House of Representatives, no case can be found that interfares with the principle. It is a principle founded in right reason. It prevents endless litigation. It produces that which is essentially necessary as a rule of order in reference to all judicial action, that there must be an end to it at some time.

Why, sir, if this doctrine were true, if the Senate of the United States, having decided at a previous session, on the same state of facts and after full debate, that the Senators from Indiana were duly elected to their seats in the Senate, and entitled to them for specific periods, the late Legislature in Indiana could undertake, having no jurisdiction of the subject, of the qualifications, or returns of members to this Senate, to revise that decision, and on the ground of sending here a memorial, ask that persons having no rights whatever in the body, be heard before this body, and the whole case be reopened; what is to prevent a second rehearing, of a subsequent Legislature elected by the State of Indiana, who entertain different political views, or different sentiments? Nothing whatever. There can be no bar; there can be no finality, if this proceeding be allowed by the Senate. Precisely the same sentiments could be echoed then that we hear now, that respect was due to the State; that the State had petitioned to be heard, and that her rights were invaded.

Sir, if I read the Constitution of the United States rightly, the power to judge of the election of its own members, their qualifications, and their returns, is given for the protection of the body, not for the personal rights of the parties. No matter in what mode the question arises in which the body has formally decided that the party is entitled to his seat, the judgment is conclusive, unless a motion for reconsideration is made within the rules and orders of the Senate; and it cannot afterwards be reversed. No other tribunal has jurisdiction or the right to question that decision. For my own part I consider the action not of the State, but of the Legislature of Indiana, which was founded upon political considerations altogether, as grossly disrespectful to the Senate of the United States, when they undertake to reverse the decision of the Senate, without one shadow of right to act in the matter. Sir, if they had meant to treat you with respect, their action would have been this: they would have asked the Senate, by a memorial, to reopen the decision before they proceeded to act as if that decision was a nullity. They choose to present themselves here, covered with the name of the State. The language of their memorial may be respectful; it is their action which is disrespectful to the body. It stands precisely, and quite as strongly, if not stronger, than the case would stand if the Supreme Court of the United States had decided a question and directed its mandate to the circuit court to enter judgment according to their mandate, and the circuit court had refused to obey it and entered a judgment counter to the mandate of that court, and sent up with it a petition that the court wouldhear the argument of the party as to whether their mandate ought to be obeyed The Supreme Court would not hear counsel in such a case as that. The Supreme Court would know how to vindicate their authority. Such action, on the part of an inferior tribunal, would be properly considered as subversive of all order.

In reference to this question, the State of Indiana, through this Legislature, who have undertaken to act, does not even occupy the position of an inferior tribunal. The Legislature has no authority whatever on the subject, except to fill vacancies in this body. The Legislature has no authority to decide whether the Senate have done right or wrong. You may assume it to be entirely erroneous; but that Legislature has no authority to decide that the Senate of the United States erred when, by their decision, they said GRAHAM N. FITCH was entitled to a seat as Senator from the State of Indiana to the 4th of March, 1861, and JESSE D. BRITHT to the 4th of March, 1863. They knew the decision; and they assumed an authority not given to them in the remotest way; and we are told that respect to the State of Indiana, that chooses to treat with contempt the decisions of the Senate of the United States, requires us to hear such a question argued!

Mr. President, I have quite as much respect for the body of which I am a member, as I have for the Legislature of Indiana. I trust I shall always hold great deference to the rights of the States; I trust I shall always respect the rights of the States; but I shall respect, also, the rights of the body of which I am a member. I cannot doubt that the right to decide these questions is given for the protection of the body, and it has no relation to any individual State. It is their duty and

their right to decide—such is the doctrine of Chancellor Kent—and having so decided it is not competent for the Legislature of any State to tell them not only that they are wrong; not only to ask them to revise that decision, but to treat it with contempt, and undertake to make an election; and yet we are to be told that those claiming under an election made under such circumstances, are entitled, by courtesy, to be admitted to the floor of this body. I can accede to no such doctrine.

Now, sir, I wish to put the case which I mentioned in a former debate here. You cannot distinguish between the principle of them, but I apprehend the Senate would never doubt in such a case whatever. A Senator from my own State was, in the recess of the Legislature, appointed by the Governor as a Senator from the State of Delaware under the authority vested in him by the Constitution of the United States. For the purposes of appointment, he had the same authority precisely in the case of a recess of the Legislature that the Legislature has when in session. When he presented himself on the floor of the Senate for the purpose of being qualified, the objection was made that he was not entitled; and the decision of the Senate was, that before he should be qualified, the credentials should be referred to a committee of the Senate. They were referred. The committee reported that the Legislature of the State had met in the *interim* between the vacancy occurring, without taking any action whatever; and that, therefore, subsequent to their meeting and adjournment, the authority of the executive did not exist to make the appointment. That judgment was affirmed by a vote of the Senate of some 20 to 7. The decision was right—clearly right; the whole process was right. The party was not permitted to be qualified.

Now, sir, suppose that when that Senator had gone home, the Governor of the State had chosen to say, "this decision is wrong; the object of the Constitution is"—and a plausible argument could be made upon that as upon almost every other question—"to keep the Senate full; the Legislature is not in session and will not be in session for six months after Congress meets; I do not want the State unrepresented, and therefore I shall reappoint the same party, or appoint another man, and send him there with my memorial, in the name of the State, asking the Senate to revise their former decision and admit the appointee as a Senator of the United States." Now, there would be less objection in such a case as that, on the ground that the Senate would not be full, the State would be unrepresented. Does any one doubt that such an act as that, in the face of the decision of the Senate, would be a disrespect to the body? How can it be otherwise? The exclusive power is vested in us to decide on the qualifications, returns, and elections, of our own members. No other revising body exists. If the Legislature of a State, or the Governor of a State, can undertake to revise those decisions—not ask us to revise them, but to revise them themselves—and act as if the decision was a nullity, and send their claimants here who are to be heard on this floor, (I suppose for the purpose of making stump speeches for circulation in the State of Indiana,) if such is the rule, I ask how the Constitution of the United States can be observed? What order can we expect in the body?

Objections might be multiplied. You may make a decision in one term, and the next term of the Senate, or the next Congress at any rate, you may be called upon to revise your decision. Although it may be perfectly true, that in political bodies political passions and preferences too often mingle and disturb the course of judicial action, the result will be to destroy entirely any argument or any general principle in reference to the rights of Senators to seats, except the will of the existing body at the time of the appeal. Your tenure of office would be gone. The Constitution makes it six years. Each successive Legislature might take the chances of argument, or discussion, or political change in the Senate of the United States, as to whether they would apply to them to revise their former judgment. There would be no safety; there would be no certainty. The same reason, with a view to finality, with a view to the end of litigation and strife, which has bound courts of justice, on the great principle that the interest of the public required that there should be some end to litigation, to hold final judgments as not arguable matters, requires that when the Senate of the United States on the same state of facts have decided questions of law—whether the decision is erroneous or correct is immaterial—it is final and irreversible.

The honorable Senator from Illinois [Mr. TRUMBULL] has chosen to make a great many quotations in this case, and to go into the merits of the former decision of the Senate. I have no answer to make to that. Whether my opinion was in favor of that decision, or coincided with it, is perfectly immaterial, in my judgment. I hold it to be irreversible by my action, or the action of this body, now. If the honorable Senator desires to know, I will state that I did not coincide in that opinion. But that does not make it the less right; it does not make it the less obligatory on me as a member of the body; in the same manner that, as a private citizen, when a law is passed, I am bound to obey a law, though I may have thought it inexpedient, or unwise, or unjust. But, sir, as the honorable Senator has chosen to make quotations, I will take the liberty of quoting, too, from the action of the Senate on a former occasion upon this case. The Committee on the Judiciary reported at three several times upon this subject. In the first instance, they reported in favor of authorizing testimony to be taken by the protestants, who are composed of a majority of the Senate of Indiana, and a minority of the House of Representatives—a minority of the whole body. They protested against the election of the sitting Senators; and on their protest the case was heard. The Senate authorized testimony to be taken. The committee reported a resolution to that effect. While that resolution was pending, on the 16th of February, 1858:

"The Senate resumed the consideration of the resolution reported by the Committee on the Judiciary, in the case of the contested election of the Hon. GRAHAM N. FITCH and the Hon. JESSE D. BRIGHT; and

"On the question to agree to the following amendment, proposed by Mr. TRUMBULL"—

I believe that is the honorable Senator from Illinois—

"Strike out all after the word 'resolved,' and insert:

"'That the Senate will now proceed to the final determination of the right to seats, in this body, of GRAHAM N. FITCH and JESSE D. BRIGHT, claimed to have been elected Senators by the Legislature of Indiana.'"

What was the Senator's idea of finality, then? What did he mean by the word "final?" Did he mean that he thought testimony unnecessary, and that we ought then finally to dispose of the case? There is no other meaning that can be attached to the word. But the exigency had not then arisen; even the imagination of the honorable Senator from Illinois would not have led him to the supposition that the Legislature of Indiana, in the face of the decision of the Senate, would have had so little respect for it as to take the step they did, of a subsequent election.

Mr. TRUMBULL. If the Senator from Delaware will allow me, I would inquire if my proposition was not voted down?

Mr. BAYARD. Yes.

Mr. TRUMBULL. It was voted down. It was for a final decision of their claims; but the question now is a different one. Other parties claim. While up, I would ask the Senator from Delaware another question. I understood him to have avowed, in his present remarks, that in his opinion the Senators from Indiana were wrongfully admitted to their seats last session. If they were wrongfully admitted they were unconstitutionally admitted; and I ask the Senator from Delaware now, if, believing them to hold seats here in violation of the Constitution, he is willing to shelter himself behind a resolution of this body?

Mr. BAYARD. The honorable Senator puts his question. I will in proper time be ready to answer him. I shall go on with my own line of argument. He has not got rid of the import of his own amendment. The question before the Senate then was whether, in the pending case, the parties should take testimony or not. The honorable Senator moved his amendment to proceed to the final determination of the case. If he had not considered the determination then to be made, final, why insert the word?

Mr. COLLAMER. The proposition then, whether final or interlocutory, was, "would you take testimony;" that is all.

Mr. BAYARD. I understand it precisely. I take the amendment as it reads. If the word "final" can have any meaning—that is, any meaning according to the ordinary import of language—the idea in the mind of the gentleman who proposed it was, that the decision to be made, whether the party was or was not entitled to a seat, was to be a final adjudication of the question. Then we refused to do it; but after taking the testimony we did proceed to act according to the resolution of the Senator from Illinois, and we made a "final decision" in the language of the resolution reported by the Senator from Ohio, which was final. The whole difference consists in this: that then no one dreamed that the Legislature of Indiana would undertake the course they did in reference to this election, and therefore there was no necessity to guard the resolution of the honorable Senator from Illinois, and it sprung from his general knowledge of law and of the effect of the decision of the Senate.

Now, sir, as to this idea of a case being between parties, it seems to me it is grossly absurd. You might as well say that a decision under the bankrupt law, which is always *ex parte*, did not bind, and a creditor could come in, because the case is reported on the record, "*ex parte*, A B," and, therefore, not conclusive upon him, just as much as the parties. The power is given to the body to protect itself. An admission of *prima facie* evidence is no decision of the Senate. It is merely an admission for the purposes of subsequent investigation. Where the objection is made, and a contest is raised, it matters not how, whether on the objection of a single Senator, or, as in this case, on the objection of a majority of the Senate of Indiana and a minority of the House of Representatives, if the question comes before you, if the right of the State comes before you, the decision must be final as to the right of the parties.

I put the question to honorable Senators on the other side, if the decision on that occasion had been that the election was not valid, whether they would not have held the decision final? If final in the one case it must be final in both. You cannot give an aspect to any judicial decision that shall not be final as to the rights of both parties. If you had decided that they were not entitled to their seats, would you have heard them this session again, if the Legislature of Indiana in a memorial, or any other mode, had asked you to hear them? No. They would have lost the seats in the Senate. If the judgment pronounced against them would have ousted them from the seats if adverse, certainly on all legal principles, if pronounced in favor, it must be conclusive as to the rights, according to the terms of the judgment.

Mr. President, there are many other matters connected with this question into which one might enter; but I forbear, because I am satisfied that the real ground, the true ground upon which this case ought to be decided, certainly the one I hold, which binds me, is, that a judicial decision having been rendered, further inquiry cannot be made into it. The honorable Senator from Illinois endeavors, by a sophism, to tell me that I am violating the Constitution if I considered this decision erroneous when made, and support it now as final. Because I held that opinion, then, he seems to suppose that I am bound now to vote for a reconsideration of it. I think the answer to that is very obvious. I might as well pretend to disobey the law of the land, because, in my private judgment, though the courts had affirmed its constitutionality, I considered it was an unconstitutional law.

Mr. FESSENDEN. If the Senator will allow me, I desire merely to ask him a question of law on the point which he is arguing. Suppose the charter of a city gives to the Board of Common Council, or the Board of Aldermen, as they all do, to decide upon the elections of their own members. Suppose either body, the Aldermen, or Common Council, decide on a certain day that a certain person, whose seat is contested, is legally elected. On a subsequent day, the board reverses that decision by a vote, and decides that he is not legally elected. He files his petition for a *mandamus* in the court having jurisdiction, to compel the Council to admit him to a seat Would the

court, in view of those two decisions, feel bound to issue the *mandamus* without compelling him to show, in addition, that he was actually elected? Would they say that the first decision was binding, that they could not reverse it, and that they would not ask who was elected?

Mr. BAYARD. The answer to all that is very easy, Mr. President. The action of a corporation, and their right, in the first instance, to decide that he is validly elected, is subject to the supervision of courts of justice. The action of the Senate of the United States is conclusive in itself, and not subject to the revision of a court.

Mr. FESSENDEN. The Senator will excuse me for interrupting him. He is arguing that it is final because decided. The fact that nobody can review the decision does not change it. There is a case where a court will act and review the decision. Now, I ask, upon what is the decision based?

Mr. BAYARD. I said that the reason the court will do that is, because the courts of law have appellate jurisdiction; in other words, have a summary jurisdiction over all corporate cases. There is no analogy between the cases. This is a legislative body in which the Constitution vests the exclusive and final power of adjudication as to the qualification of its members. A corporation is a mere creature existing under the laws of a State, in which power is vested by the particular charter, in which the members undertake primary action subject to the courts of justice. I am asked whether, if that corporation commits an error, the courts of justice will not revise it? Yes; they can reverse that decision, because it is perfectly legitimate for them to do so. But that has nothing to do with the question of finality, as applied to a case where the court of last resort, having exclusive jurisdiction, finally decides a question, that they will not permit that question to be reargued unless upon the ground of fraud committed upon the court, or that the subject-matter on which the party seeks relief was not before the court on the former occasion. No case can be found in the whole annals of judicial decisions in which a court of justice, or a body acting judicially, exercised such a principle.

Now, Mr. President, I have a few more remarks to make in reference to the doctrine initiated by the honorable Senator from New York [Mr. SEWARD] a few days ago. Among the many heresies that fell from his lips on constitutional questions in this body, he told us that this was purely the exercise of legislative power, as I understood him, because this was a legislative body; that we had no judicial powers to exercise, and could exercise none except where we were sitting as a court formally organized for the purpose of trying an impeachment by the House of Representatives. He attempted to draw an analogy between cases of decisions upon contested elections, and a revocation of bills of attainder in the Parliament of Great Britain. Why, sir, every one knows that bills of attainder are legislative acts, and they cannot be repealed by the House of Lords; they must be repealed by the Legislature of Great Britain. No one pretends it is judicial action in this case whatever, but as regards the Senate of the United States. The true test of judicial action is this: it is not that the Senate is a court; we do not pretend that it is a court in its forms; but we pretend that a legislative body may, as Chancellor Kent says, have to act judicially in the course of some of its proceedings. What is the case in reference to the qualification of members? They are to judge of the qualifications of their own members. The Senate cannot legislate as to the qualification of a member; it cannot prescribe it. It is bound to decide whether that member has the qualification which the Constitution prescribes. Is not that judicial action? What is the meaning of the word "judicial?"

So as to the election; it cannot say what is the body to elect; it cannot delegate the authority that is not delegated by the Constitution; but it can decide what is the intent and meaning of the Constitution, and whether the election is validly made under the terms of the Constitution. Is that legislation, or is it action judicial in its character? If it is action judicial in its character, then I say the great general principle which has obtained from time immemorial in all the courts of justice, *inter est Reipublicæ sit finis litium;* that principle upon which the finality of all judgments must rest, and ought to rest; the principle of order which is essential both in courts and in all bodies acting judicially, requires that we should adhere to the decision solemnly made, and not suffer it to be impugned on circumstances like these involving disrespect to the body. Even if no disrespect to the body were involved, though it were a mere memorial presented for consideration, we should be bound to refuse it.

Mr. SEWARD. Mr. President, when this question has been heretofore before the Senate, it was one in which I felt a considerable degree of interest. The subject involved the question whether the two incumbents of the seats from Indiana had been duly elected and were justly members of this body—a question which, as I have had occasion before to say, is a question affecting the rights of the State of Indiana, a sovereign State of the Union; a question affecting the proper, legal, constitutional organization of the Senate of the United States. But still I was willing to let it pass without elaborate discussion or earnest remonstrance on my part, because it seemed to me, at the moment, to involve no more than I have thus described. I have not at all doubted that during the existence of the Government there has been more than one time in which more than one State of the Union has been represented in the Senate by persons who were not duly, legally, constitutionally elected. But, sir, in the course of this debate, the subject has assumed new and varied transformations. It is accompanied now by so many strange and extravagant propositions —propositions so dangerous to the constitution of this body and to the rights of the States which are its constituents, that I cannot suffer the occasion to pass away without making, with what brevity I can practice, some observations in addition to those I have already submitted.

I am told by the honorable Senator from Delaware [Mr. BAYARD] that I have introduced many unconstitutional heresies into this body. Sir, time will soon determine whether what are called heresies to-day are not the sound constitutional principles of fifty years ago, and whether they will not be found fifty years hence to be true constitutional principles, and, therefore, enduring and everlasting. I submit my record to the country, with as deep a solicitude that I may stand right before my country and before posterity, as any other member of this body, or any person connected with this Government, can entertain. I impeach none of my cotemporaries. I abide their censures, not without self-distrust, but with composure. But I must be permitted to say that, in all my life I have never heard heresies so anti-republican, heresies so unconstitutional, heresies so dangerous, as those which this debate has called into being. Why, sir, we have sat here hour after hour, and learned gentlemen of the law discuss the question of the effect of a resolution of the Senate by analogies derived from the practice and proceedings of courts of the common law. We have had analogies between the proceedings of the Senate and the process of *mandamus* in the State courts, together with parallels between our own resolutions and judgments, final and interlocutory, in the tribunals of other countries. We have had the decision of the Senate, made in the form of resolutions, pronounced by worthy lawyers to be in effect identical with judgments *in rem*, borrowed from the civil law. Because a judgment of *mandamus*, or some other final judgment, entered upon a record, instead of an interlocutory order, is, without some provision made for its review, held final in the courts, it is alleged, most illogically, that the resolutions of this body are final and irreversible.

Sir, when you have declared that the Senate has ever made a decision which was final and irrevocable, then you have ascertained one decision of this Senate that was infallible; and the body that has power to make one infallible judgment, has the power to make more. So each Senate may anticipate and usurp the functions of its successor. The principle, then, for which our assent is demanded, is, that the resolutions and orders of this Senate upon the subject of elections are infallible. Gentlemen tell us we must acquiesce out of respect to the Senate; that we must submit, though we think they are wrong; we must not question them. They plainly tell us that it is disrespectful, it is contemptuous, on the part of the State of Indiana, to protest against a decision of the Senate as being unjust or erroneous; and we who maintain the appeal of Indiana are guilty not merely of discourtesy, but of contumacy.

No man entertains a more profound respect for the Senate of the United States than I do. No man will be found, I trust, less likely to do any act to impair its dignity, its character, or its just constitutional authority. Nevertheless, I deny absolutely that the Senate of the United States is possessed of such virtues and such wisdom, and that it can never err. I deny that there is any such constitutional principle in this Government as that the Senate or the House of Representatives, or any other legislative body, cannot err. On the other hand, I maintain that it is of the very essence of the principles of our whole republican system that legislative bodies may err through want of knowledge, through want of wisdom, through want, even, of virtue; that they may act, and do often act, under the influence of passion, prejudice, ambition—ay, and sometimes even of corruption. The man who shall tell me that the time has arrived in this country when a State of this Union may not come to the Senate Chamber of the United States and arraign the body itself, and charge it with infidelity to the Constitution, and with infidelity even to truth and justice, announces to me that the period has come when it is necessary for the people of this country to revise the action of the Senate, to review its conduct with promptness and decision, and to teach and instruct it that it is the creature and not the creator; that it is the servant and not the sovereign.

I am astonished at pretensions so extravagant and arrogant as this. I am told that the power to judge is given to the Senate for the protection of the body. The saying is most true; but the protection is sought, not for the dignity of the members who sit in its cushioned seats, on its carpeted floors, or for the dignity of its chairmen of committees, or its judiciary committees, or for anything personal in it, or about it; it is for the protection of the States, which are the constituents of the Senate, and of the liberties of the American people. Tell me that your decisions are infallible; and that no power shall approach you, even to complain! I tell you, sir, that the voice of complaint, when stifled, in this or any other country, is the power that makes revolutions. You may strike in a despotism with safety, provided that you hear; but not even in a despotism is there a power that can safely strike the meanest subject, unless it listens first to remonstrance, and complaint, and even supplication.

To all these fine-spun theories about the dignity of the Senate, and the infallibility and finality of its decisions in the cases of contested elections, I have one short but conclusive answer. They all proceed on the ground that the Senate, in making such decisions, pronounces what is technically a judgment, and so exercises judicial powers. There can be no "judgment" pronounced anywhere that is not pronounced in the exercise of a judicial authority; and the power that pronounces a judgment, is necessarily a judicial power. Now, sir, the Constitution of the United States defines the powers of the Senate of the United States; and it declares that—

"All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

There is no other grant of legislative power to the Senate, and no power whatever but in the short, simple sentence which I have read, which is given to the Senate of the United States, if we exclude the power to try impeachments conferred in another article. The Constitution makes this purely a legislative body; the Constitution expressly excludes it from the exercise of all judicial power whatever; for it declares, in the first section of the third article, that—

"The judicial power of the United States shall be vested in one Supreme Court, and such inferior courts as the Congress may from time to time ordain and establish."

This, then, is merely a legislative body. It acts not as a court, it acts not judicially; but always as a Legislature, and in the form of legisla-

tion. The argument that the resolution in the Indiana case is a judgment which must be submitted to and acquiesced in, even though it be wrong, is without the least foundation whatever in the Constitution. Mr. President, if we, if the Senate, is infallible in this act, then in this case it exercises a power different in its nature, and different in its effect, from the authority which it exercises in passing laws. The Congress of the United States can pass no law to-day that cannot be repealed and rescinded to-morrow; and yet this principle which is claimed here, would be to invest the Senate alone with a power transcending that of the whole Congress of the United States. It is no sufficient argument against this view of the case that it may work inconveniencies in its exercise. There is but little ground for the argument of probable inconvenience presented in this case; for, after a period of seventy years, we are able to bear witness that, in all cases of fair hearing and resolution of contested claims in the Senate of the United States, there has been a uniform acquiescence; and that there has never been any considerable disturbance of the peace, the equanimity, the harmony, the order, of the Senate of the United States, by the agitation of contests about the seats of its members. This is either an extraordinary case, or else the passion of the hour has become wild and ungovernable; and if it be so, it will soon subside, and the anomaly will cease. It is not for me to undertake to say, now, how the matter stands in this respect.

Mr. President, I have declared that the Senate of the United States may err, and must err. In saying this, I say only what Charles James Fox said of the House of Commons when, in a similar case, he protested against a judgment to exclude himself as an elected member of that body. He told the House of Commons of Great Britain, in which he was so long one of the greatest and most distinguished actors, that, like all other representative bodies, it was liable to err through prejudice, through passion, through ignorance, through improper executive influences, and even through corruption. I do not say that this Senate, in the decision which has been rendered, has submitted to any such influences. I am claiming only the vindication of the principle for which I contend, namely: that its decisions are always open to review, and that the Senate never pronounces a final judgment upon anything. Sir, there was, in the year 1834, a Senate that was as strong in the majesty of its intellect, as honest in the consciousness of virtue, as the present Senate of the United States. That Senate, on the 28th of March, 1834, adopted a resolution as solemn, and after ten times a more learned and profound and elaborate debate than we have had here on the present occasion, in these words:

"*Resolved*, That the President, in the late executive proceeding in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation to both."

In the Journal of the Senate, on a day three years later, I find black lines drawn around that resolution with great care, and this entry made on the face of the original record:

"Expunged by order of the Senate, this 16th day of July, in the year of our Lord 1837."

Now, Mr. President, I bring my remarks to a close, by saying that I suppose and expect that I shall be borne down here, on this occasion; but I give notice, when this decision shall have passed, I shall follow the example of the precedents which were set in the interesting and celebrated case I have cited. I shall ask the Senate to allow me to submit to its consideration a resolution in these words:

Resolved, That the resolution adopted by the Senate on the 12th of June, 1858, which resolution is in these words, to wit: "*Resolved*, That GRAHAM N. FITCH and JESSE D. BRIGHT, Senators returned and admitted from the State of Indiana, are entitled to the seats which they now hold in the Senate as such Senators aforesaid; the former until the 4th of March, 1861, and the latter until the 4th of March, 1863, according to the tenor of their respective credentials," be expunged from the Journal; and for that purpose the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript Journal of the session of 1857-58 into the Senate, and, in the presence of the Senate, draw black lines round the said resolution, and write across the face thereof, in strong letters, the following words: Expunged, by order of the Senate, this —— day of ——, in the year of our Lord eighteen hundred and ——.

I shall be in this Senate Chamber, if God spares my life, two years more; and at every session hereafter that I am here, I shall call for the passage of this resolution. When my time shall have come to leave the Chamber, as I trust to leave it with the goodwill and personal kindness of all my associates here, I doubt not I shall leave behind me some member who will insist on calling for the consideration of the same resolution, until a period not distant shall arrive when the resolution in the Indiana case, which is now found an infallible, final resolution, and for questioning which a sovereign State of this Union is denounced and adjudged to be in contempt, shall be reconsidered, and not merely rescinded, but expunged.

Mr. GREEN. I have but a word to add, for I think this subject has been sufficiently discussed; but when it seems to me that the honorable Senator from New York designs, by his manner, to make political capital out of it, I think it ought to be counteracted; for we have acted as we believe to be right. I suppose he has done the same thing; but, to make these popular appeals to influence public judgment, and influence party spirit, to stimulate insubordination to the decisions of those in authority, is a principle that I cannot sanction. I have never subscribed to the higher-law doctrine. While I am in the Government I submit to the Government, and when I am tired of Government I leave Government. Wherever there is an authority or a power invested with the right to decide a question, I will submit to the decision; and he who does not, and appeals to anything else, is disloyal to the Government of which he is a member.

The Senator from New York says that the legislative authority is vested in a Senate and House of Representatives, quoting from the Constitution of the United States that all legislative acts are subject to repeal and modification. He is wrong in two respects; first, all legislative acts are not subject to repeal. There are certain legislative acts that convey and vest private rights, called in the technical language of the Constitution "vested rights," and a repeal of the law will not affect the rights previously conveyed. Hence, it will not do for the Senator from New York, in his broad, general, electioneering manner, to use these expressions; which are not true in point of law and in point of fact.

But again, when he says legislative authority is vested in the Senate and House of Representatives, and that therefore they may change from time to time; I answer, the decision of the Senate on a contested election, and the decision of the House of Representatives on a contested election in that House, is not a legislative act. All legislative power is in the two Houses; but has the House of Representatives anything to do with the elections, returns, and qualifications of Senators? Has the action of the Senate anything to do with the elections, qualifications, and returns of members of the House? Not at all; yet all legislative power is vested in the two Houses. Therefore, it is no legislative power; and the very quotation he makes proves the absurdity of the quotation, and the absurdity of the position he assumes. It is no legislative act. Is there a Senator in this body who will say that passing upon the elections, qualifications, and returns of Senators, or of members of the House, is a legislative act of either body? Is there a man who will say so? And yet the Senator undertakes to quote the Constitution to prove that such is the case. It is not so; and he knows it. It is no legislative act. It is a special power conferred in the Constitution.

Ah, but he quotes the celebrated expunging resolution of my very distinguished predecessor, Colonel Thomas H. Benton. Has that any relevancy to the point now under consideration? None; and why? I will give the reason, so that every man shall understand, even he who makes these remarks for popular effect in Indiana. When the Senate passed that resolution condemning General Jackson for the removal of the deposits, in 1832—we all remember it; we all know it—the Senate was not performing a legislative act. That is the first point. The second is: it was not in the exercise of a special authority conferred by the Constitution. Therefore, it being a voluntary act, without constitutional authority, not a legislative act, any other Senate could undo what had been improperly done. In 1836, under the powerful influence of the strong voice of that man Benton, and the uprising, the upheaving of the public heart of the country, it was properly expunged.

How is it with this subject? There is a special authority to act upon the subject of the filling of the seats of the Senators from Indiana. There is but one kind of power on the subject. When you exercise it the power is exhausted, unless there be some other power to revise, improve, correct, or nullify it. There is no power that can revise, improve, correct, or nullify it; and therefore, it is conclusive. Now, does not everybody understand the distinction? And can this reference to that expunging resolution have any effect, either upon the popular mind, upon the judgment of a lawyer, or upon an honest man; that, because we have decided this, under special authority of the Constitution, and in another case, where there was no special authority, where it was a mere abstract declaration of opinion without constitutional power, the Senate undertook to correct it and did correct it; therefore we will undertake to correct this, which is conferred by special grant? Is there no difference between the cases? Does not everybody understand the difference and the distinction? Is it not as plain and palpable as the noonday sun? It seems to me that I am almost offering an insult to the Senate, to the country, and to the Senator from New York, when I even make these remarks and call his attention to the fact. The one is in pursuance of authority conferred by the Constitution; the other is a mere association of persons choosing to express an abstract opinion, without power, without special authority under the Constitution. That opinion, right or wrong, may be corrected, revised, expunged, or rescinded. In the case of General Jackson it was expunged. In this case it is a judgment; it is no legislative act. If it were a legislative act it would require the concurrence of the two Houses; but it is no legislative act. It is a power to decide, conferred under special grant of the Constitution. That special grant has been made use of in the decision which the judgment of the Senate pronounced. There being no power to revise, annul, or change it, it stands perpetual as long as the Government stands.

One other word, sir. We have been a little tantalised with the idea that we are afraid to meet the original question. It is not so; it is not correct. It is well known to Senators that, on the original question, before the decision was made, I believed that the voice of Indiana, legally expressed through her Legislature, desired these Senators to represent her, and so expressed it in a legal manner. I then voted to give them their seats. It is, therefore, in conformity with my former judgment. But why go behind and open up a question that we have no right to open? I am told that the plea of an estoppel is denounced by Lord Coke; but this is no plea of estoppel; it is a former judgment. An estoppel results from the act of the party himself. The plea of a former recovery, or a former judgment, is from the action of a tribunal appointed by law to decide; and there is the distinction between them. There is, therefore, no estoppel. Open your mouths and speak as much as you please, deny the whole deed if you want to, repudiate your whole covenant if you want to; but the judgment of the court will stand as a perpetual and conclusive answer between you and the parties whose rights are contested.

Mr. HALE. The honorable Senator from Missouri has made an appeal, and he asks us on this side of the Chamber, if he has not satisfied us of the entire difference between the case put by the honorable Senator from New York, in relation to the old General and this case? I think he has; but I could give him a precedent older than that. There is a precedent that illustrates this difference, and it is in one of the oldest books that I ever read—Webster's spelling book. It is a case exactly in point and illustrates the difference, and it was this. There was a farmer who once went to a lawyer for advice. He told him he wanted his advice upon a case something like this: "My bull has gored your ox." "Then," replied the lawyer, "you must pay me for it." "But," rejoined the farmer, "I recollect that it was the other way. It was your bull that gored my ox."

"That," said the lawyer, "is a different case altogether." [Laughter.] The farmer said, "the case I first put you decided without an 'if,' but when the damages are to come out of your pocket, you immediately interpose an 'if.'" The difference is, whose ox was gored? Now, in this case, when that expunging resolution was adopted it was the Whig ox that got gored.

Mr. GREEN. On which side was the gentleman then? Was he the gorer or the goree?

Mr. HALE. That was in 1834, was it not, sir? I was a Democrat then, without respect to complexion. [Laughter.] The test of trying men by complexions had not been brought into the Democratic party then. A man was at liberty to believe, in the words of the Declaration of Independence, that all men were endowed by their Creator with certain inalienable rights; and that had not been construed to read "all white men," up to that time. I think it was understood in the States of North Carolina and Tennessee that "all men" meant all men at that time. That was the way I learned my Democracy. I remember, upon that subject, hearing an honorable member from the State of Tennessee, and I hope I have the ear of Tennessee now—one of the most distinguished men that ever did come from that State—I mean until the present members came—I do not want to say anything disparaging to them. [Laughter.] I refer to Cave Johnson. I heard Cave Johnson say, on the floor of the House of Representatives, that the first time he was ever elected to Congress, he was elected by the votes of free people of color in the State of Tennessee.

Sir, the honorable Senator from Missouri, as I said, has put this case, and asked us if we did not see the difference. I see it, and I think I have explained it, and answered the question which the honorable Senator put candidly. Having answered that, I want to say what I would not have said if this discussion had not extended so long, that I look upon this as the Senator from Illinois looked upon it, as one of the gravest questions that can be presented to the Senate, or to the American people. I look upon this as a precedent by which the Senate have taken the first step in constituting themselves a body by which their own power is to be perpetuated independently of the will of the Legislatures of the several States, and that is in substituting the bare will, the arbitrary will of a party majority, to bring men upon this floor, not, in my humble judgment, entitled by the provisions of the Constitution to have seats here; and, under the sanction of that precedent, fortifying them in power.

The honorable Senator from Ohio, [Mr. PUGH,] to whom I always listen with pleasure, and, I hope, with profit, gets rid of this case very easily by assuming it is no case at all. Well, sir, when he declared that it was no case, if he had added, "in my opinion," I would not have contradicted it; I would have admitted that he was entirely and totally correct; but, when he leaves off that qualification, and undertakes to pronounce from his place, *ex cathedra*, that this is no case at all, he simply does what less able men than he sometimes resort to, and that is, as it is called by logicians, begs the whole question. If this subject can be decided by positive asseverations by declaring that the case the contestants present is no case at all, it is very easy to decide any question that might be presented.

But, sir, let me make an asseveration, and I will put on the qualification; I will say "in my opinion." I say, in my opinion, the sitting members here have no right at all on this floor, under the Constitution of the United States. Some of the honorable Senators on the other side of the Chamber, and I believe the honorable Senator from Missouri, assumed that it was right to expunge that resolution, because the Senate had no right to pass it—that they had no jurisdiction upon the subject; that it was a mere assumption of theirs, and no power was granted by the Constitution to the Senate to pass it. I say, by the very same reason, the Senate had no power to pass the resolution by which they gave the sitting members their seats on this floor. Why? Because to give jurisdiction to the Senate to judge of the qualification of members, there must be an election by the Legislatures of the States. Those are the words of the Constitution; and if anybody comes here with credentials that do not upon their face purport to be from the Legislatures of the States, it is a case upon which the Senate has no jurisdiction at all. Granting to the Senator from Missouri all that he claims, in the remarks that he made, it is just as much of a usurpation on the part of the Senate to undertake to judge their qualifications, when they did not come within the words of the Constitution, as it was for the Senate to pass that resolution condemnatory of General Jackson for removing the deposits.

The honorable Senator from New York has given a pledge of what he will do. I confess that I never was much in favor of that expunging resolution. I did not think at the time, I do not think now, that that resolution can be reconciled with that provision which says the Senate shall keep a Journal. If there was any meaning in it, it was an attempt to efface and expunge; but they did not efface and did not expunge. It was simply an act of indignity to their predecessors—nothing more, nothing less. It was not what it purported to be. The resolution was not expunged, and it could not be. It would have been a violation of the Constitution to have done it; and it is a cheat to undertake to do what it could not do—to pretend to expunge when it does not expunge. It stands there, nothing more nor less than an expression of indignity on the part of the Senate who passed the expunging resolution, against those who passed the original resolution. I thought it was wrong then, and I think so now, and I suppose I shall always think so; and though I may not possibly be able to overcome these objections as to form, and prepare to follow the illustrious Senator from New York in exactly the track in which he walks, I will, if God spares my life, and I shall set here six years, on every suitable and every fit occasion, and until the time arrives when the Constitution of my country can be vindicated, I will substantially aid him by my vote, to give the men Indiana sent here through her constituted tribunals the seats to which, I believe in my conscience, under the oath I have taken, they are entitled. I believe the Senate of the United States has no more right to choose Senators for the State of Indiana than has the House of Representatives.

In 1848, when there was a schism in the Democratic party of this country, which resulted in the defeat of General Cass for the Presidency, amongst a great many things not so wise nor so well that a certain distinguished man said in that campaign, there was one thing which he did say, which, I think, ought to redeem his memory forever. I allude to a saying of John Van Buren's. He said it was as well to be sometimes right, as to be always regular. I think so. I think it is as well sometimes to be right as to undertake to be always regular. I think that the great question of right is with these contestants. I believe that the great principle which lies at the very foundation of the organization of this body has been violated; and that it is palpable and apparent to the country and to the world that this Senate, in the exercise of power, (claiming at the time to be omnipotent, and now to be infallible,) usurped upon themselves authority not conferred by the Constitution, but in derogation of it. Sir, Indiana would have been craven and recreant, and the Legislature of that State would have been false to their constituents, false to the oath which they had taken to support the Constitution of the United States, if they had not at the earliest moment done what they could to vindicate her sovereignty, and her right to a representation through individuals chosen by the regularly-constituted organs of her constitution to represent her on this floor.

The honorable Senator from Missouri complains that an attempt is made to make speeches upon this subject that are to go out and influence the public mind. Sir, I hope that it may have that effect. I confess that so far as I have any agency in it, that is the object and the end and the purpose that I desire. I believe that the rights of the State have been trodden down by the Senate, and I hope in God that the people of this country will arouse, that they will make themselves heard, and that they will make this omnipotent and this infallible tribunal, this American Senate, learn that there is a more omnipotent and a more infallible power even than this high body, and that is expressed by those much-abused words, popular will, popular sovereignty. I do hope, and I do believe, that the surges of an awakened public sentiment will beat against this Senate door, and that they will be heard. The day is not far distant when that resolution will be rescinded and repealed. The Senate cannot stand there. It is idle to think it. It is written in too plain letters upon the face of the Constitution for it to be blinked or winked out of sight. In a fancied moment of omnipotence, the Senate may have decided it; in an hour of fancied infallibility they may refuse to review it; but I tell you, sir, there is a power over all; there is a power before which omnipotence and infallibility, so long as they walk in mortal shape, must bend and bow in this country. If you silence us and vote us down, as I have no doubt you will, the only appeal that a violated Constitution can make, is to the common arbiter of the fate of us all—public opinion. To that tribunal this question must go; before that tribunal neither the plea of your omnipotence nor your infallibility will avail; but before that enlightened and that intelligent tribunal this question must be examined, and there will be a judgment pronounced to which even the Senator from Ohio must bow, if not with cordiality, with submission.

Mr. GREEN. The Senator from New Hampshire says, giving a quotation from John Van Buren, that it is better to be right once than wrong always. I appreciate that.

Mr. COLLAMER. Not wrong—regular.

Mr. GREEN. Right once and wrong always, that was it.

Mr. HALE. You misunderstood me.

Mr. GREEN. Very well. It is better to be right once than simply uniform. I understand it. The gentleman can appreciate that because those who are accidentally right enjoy it with a great deal of gusto; those who are always right look on it as matter of course, and it does not strike them with any particular astonishment. When he says, however, that the repeal of the expunging resolution was a disrespect, and was an indignity to the previous Senate that enacted or passed the resolution of condemnation against General Jackson, in 1834, he admits that if his course be sanctioned to-day, it would be an indignity and condemnation of the opinion of this body one year ago. If the passage of the expunging resolution was disrespectful, wrong, and an indignity towards another Senate which had sat two years before, then he wishes to accomplish the same thing to-day, and urges it with great vehemence. Does he desire an indignity to be inflicted upon this Senate? Is that his purpose?

Mr. COLLAMER. This is all the same body.

Mr. GREEN. It is not all the same body. It is a living, changing body, and the Senator from Vermont knows it is not all the same body.

Mr. FESSENDEN. It is the same Congress.

Mr. GREEN. Ay, it is the same Congress; but Congress has no right to enter upon the qualification of members. It is the Senate alone, not the Congress.

Mr. FESSENDEN. It is the same Senate.

Mr. GREEN. It is the same Senate, but it is not the same body of Senators. Are we to have an eternal turmoil? A decision to-day; death, resignation, and a new election to-morrow, and a second turmoil the next day; and, when that shall have been decided, another death, another resignation, and a third turmoil the next day; and after that another death, resignation, or expiration of term of service, and another turmoil the next day? Is this to be perpetual? Will old, grave, established Senators sanction any such principle where the Constitution does not confer the right upon them?

Again, if it was such an indignity to reverse a mere expression of opinion on the subject of the removal of the deposits, where the Constitution did not, in terms, convey the right or confer the right to give any expression of opinion; if it was so wrong in a case without constitutional authority to reverse it two years afterwards, how much worse to-day, where there is a specific and express grant of right to judge, determine, and settle the question. This is all I have to say

Mr. HARLAN. I move that all the papers in this case be recommitted to the Committee on the

Judiciary, with instructions to inquire whether Graham N. Fitch and Jesse D. Bright, or Henry S. Lane and W. M. McCarty, or any one of them, has been elected to the office of Senator of the United States from the State of Indiana, as provided by the Constitution of the United States, and in accordance with the laws and usages of the State of Indiana, and report the fact and laws connected with and bearing on the supposed election of each to the Senate; and that the contestants be allowed to appear at the bar of the Senate when said report shall be made, and argue their right to seats.

I make the motion for the purpose of raising a question originally suggested by the resolution of the Senator from New York. I desire, as has been stated by other Senators, to have a vote on a distinct proposition whether the Senators elect from Indiana shall be heard in the argumentation of this case. As I understand it, the amendment to the amendment, proposed by the Senator from Ohio, opens the merits of the question. I do not desire to be heard on that subject; but I wish to vote so as to enable the Senators elect, or those who purport to have been elected by the Legislature of Indiana, to argue their own case before the bar of the Senate.

I find, on looking over the only published book of contested-election cases, that this privilege has never been denied. There are several cases on record here where application was made, the parties claiming the right to be heard before the bar of the Senate previous to admission. In the very first case recorded, a person not even a member of the Senate was permitted to be heard. I refer to the case on page 860 of Contested Elections, where it appears Mr. Lewis argued the case at the bar of the Senate of the right of a claimant to a seat. I learn, by inquiry of the Secretary of the Senate, that he was not at the time a member of this body. It seems to me no more than just, then, to the gentlemen claiming seats, and certainly no more than just to the Legislature of Indiana, that the case should be presented by their own representatives. I will say, whilst I am up, that I do not understand that the Legislature of Indiana has announced its purpose to review the recent decision of the Senate of the United States. That view seems to have been taken in the report before the Senate. The committee say:

"In the opinion of the committee, this resolution (no motion having been made to reconsider it) finally disposed of all questions presented to the Senate, involving the respective rights of the Hon. GRAHAM N. FITCH and the Hon. JESSE D. BRIGHT to their seats in the Senate, as Senators from the State of Indiana for the terms stated in the resolution. It appears by the memorial that the Legislature of Indiana, at its recent session in December last, assumed the power of revising the final decision thus made by the Senate of the United States, under its unquestioned and undoubted constitutional authority, to 'be the judge of the qualifications of its own members.'"

Now, I do not understand that the Legislature of Indiana has announced any such power on its part. It merely declares that it, as a legislative body, is required, by the constitution of the State, to keep a journal, to keep a record of its own proceedings; and, by the examination of its own journal, by the examination of its own record, it ascertains that it has not elected members to fill the seats that were vacant two years ago; that those seats have not been filled by the Legislature of Indiana, as is shown by their own record; and hence they send a memorial here, elect men to fill those seats, and ask the Senate of the United States to review their previous decision. It seems to me there is nothing in the case disrespectful to the Senate.

Mr. BENJAMIN. I know the Senator does not desire to misstate the facts; but it does appear, on the records of the House of Representatives of Indiana, that Messrs. BRIGHT and FITCH were elected Senators.

Mr. HARLAN. I understand that the honorable Senator from Louisiana refers to the journal of the House of Representatives of the Legislature of Indiana; but I remember, full well, in the argument of that case, more especially in the argument of the case from Iowa, with which I was personally connected, he took the ground, distinctly, that the constitution of the State determined what should be its Legislature; and in the Iowa case especially, that the Constitution declares that the Legislature shall consist of a Senate and of a House of Representatives, and that each shall keep a journal of its own proceedings. Hence the fact stated by the honorable Senator from Louisiana is not in contradiction to the statement that I have made. It may appear, from the journal of the House of Representatives, that Senators were elected; but it does not appear, from the journal of the Senate, that Senators were elected; and it requires the action of each and both branches of the General Assembly of the State to constitute the Legislature of that State.

Mr. TRUMBULL. If the Senator from Iowa will allow me, I will state that it appears affirmatively, by the journal of the Senate of Indiana, that no Senators were elected. There is a resolution to that effect.

Mr. COLLAMER. If the gentleman will indulge me one moment, another fact appears; that record in the House was made by a man without authority.

Mr. FESSENDEN. It was not made by the Clerk of the House.

Mr. HARLAN. At all events, Mr. President, we have the declaration here of the Legislature itself, in due form, that they find that they have made no election of Senators to fill the seats thus vacant. This is their declaration. Now, the question before the Senate is, whether they have made a case by their allegations sufficient to justify the Senate in reopening the former decision on this subject? Can the notion be entertained, not whether the position assumed by the Legislature of Indiana be true, but have they alleged enough in their memorial to justify the Senate in opening the case? This I understand to be the legal point now pending. Have they alleged enough to justify the Senate in opening the case and allowing them to present proof? The committee have not presented the record here; and of that, I, as a member of the Senate, have a right to complain.

Mr. PUGH. What record?

Mr. HARLAN. The record of the Legislature of Indiana. They ask the Senate of the United States, in their report, to vote that this case has been decided definitively and irrevocably, in the face of the memorial of the Legislature of Indiana declaring that the Legislature of Indiana has never had an election of Senators to fill the seats that were vacant two years ago. More than this; the committee, as it seems to me, admits the power of the Senate to open this case, in the concluding paragraph, next but one, of the report. They say:

"The decision was made"—

That is, the decision of the Senate of the United States, a year since—

—"by an authority having exclusive jurisdiction of the subject; was judicial in its nature; and, being made on a contest in which all the facts and questions of law involving the validity of the election of Messrs. FITCH and BRIGHT, and their respective rights to their seats, were as fully known and presented to the Senate as they are now in the memorial of the Legislature of Indiana; the judgment of the Senate then rendered is final, and precludes further inquiry into the subject to which it relates."

Now they say further inquiry is precluded. Why? Because all the facts were presented at the previous investigation and all the law was then considered? How do I know this? The committee have not reported these facts. They have not indicated them, or anything bearing on the subject. It is a mere declaration of theirs. Then I inquire, if the facts have not yet been presented, will you not open the case and consider it? It is a just conclusion to be drawn that the Committee on the Judiciary themselves would have reported in favor of opening the case.

But I do not desire now to enter into a discussion of the merits of the questions which have been raised by the amendment to the amendment proposed by the Senator from Ohio, but merely to state my reason for making the motion that I now make, to recommit the subject to the Committee on the Judiciary, with instructions to report the law and the facts, and to allow the Senators elect from Indiana to argue their own case at the bar of the Senate. If, after a full investigation, it shall appear that it would be improper, that it would be indecorous to the Senate of the United States, to reopen the case, let it be so; but certainly it would be no more than proper to allow these gentlemen to argue their own case, and no more than respectful to a sovereign State, a member of this Confederacy, to permit it to be done.

Mr. PUGH. It seems to be supposed by the Senator from Iowa, and others, that because the Legislature of Indiana, as they say, has presented a memorial to us, that alters the facts in the case. The same facts were presented in a case from Rhode Island, which was before the Senate more than twenty years ago. One Legislature in Rhode Island undertook to set aside and annul the election of Senator, made by its predecessor, declared it utterly void, and attempted to pass its judgment upon the Senate of the United States. The Senate rejected them, and confirmed the first election.

Mr. SIMMONS. I would like to ask the Senator from Ohio whether the Senate permitted the party claiming the seat to be heard?

Mr. PUGH. Certainly; before the committee; not before the Senate.

Mr. SIMMONS. That is the question here.

Mr. PUGH. If any person claiming to be admitted had come before the committee at the last session, we should have heard them. In fact, that committee was ready to hear the parties and their counsel, and to allow the parties and their counsel to produce proofs.

Mr. COLLAMER. No, sir; I did ask the committee to hear them; and it was refused.

Mr. PUGH. This time?

Mr. COLLAMER. Yes, sir; and they were refused.

Mr. PUGH. Certainly, they were refused now; and why?

Mr. GREEN. They were not refused to go before the committee.

Mr. COLLAMER. Yes, sir.

Mr. GREEN. Not when I was present.

Mr. PUGH. There was a case regularly presented. The Legislature of Rhode Island chose Mr. Robbins to be a Senator. During the vacation, and before the next meeting of the Senate, another Legislature came in power, and undertook to vacate the election of Mr. Robbins, and elected Mr. Potter. At the opening of the Senate both gentlemen presented themselves, and presented their credentials. The Senate gave Mr. Robbins the seat, as the gentleman first elected, and referred the case to the committee; and Mr. Potter, armed with all the resolutions he brought from the Legislature, created no extraordinary sensation. If this case were now opened, I would give these parties leave to be heard, not only before the committee, but, if they wanted it, before the Senate; but the very ground on which I stand is, that there is no use of the Senate proceeding to decide a contested election if, when once decided, it can be argued again at the bar of the Senate by the parties or by counsel. So much for that.

The Senator from New York notifies us that, day in and day out, from this time forth, he will propose a resolution to expunge the order of the Senate. Well, sir, if the Senator is able to carry it, let him carry it. There have been many things threatened before that never came to pass, and the Senator, in my judgment, will find this to be one of them. I should have thought, with his long experience in this body, and with his experience of those with whom he associates on this floor, he ought, at least, to know that a threat like that will have no effect at all.

The Senator from New Hampshire says he means to appeal to the people. Very well, sir; I have no objection to an appeal to the people, not the slightest. When their appeal does go to the people, if I am called in judgment as one of the culprits as the author of the original resolution, and of this amendment, I shall have something to say in my own defense. I shall quote the speech of the Senator from New Hampshire in defense of the Senator from Iowa; I shall quote the speech of the Senator from Illinois [Mr. TRUMBULL] on that case, and the speech of the Senator from New York, [Mr. SEWARD.] I shall show the people whose ox was gored on that occasion; how it was that they implored the Constitution of the United States in defense of the Senator from Iowa, maintaining that he was entitled to his place in this body because he had a majority of the qualified voters in the Iowa Legislature, and the Senators from Indiana were not, although they had the

same majority. We will understand wherein the difference consists. We will understand whether it is a difference of geography, or a difference of political complexion. If I am called to account for my votes, I have only to say what the Senator from New Hampshire himself acknowledged at the last session, that in both those cases there has not been a change on my part of the opinion which I have announced from the first down to the very last.

I believed the Senator from Iowa was entitled to his seat, and I voted to give him his seat; but I was overruled. I, at least, maintain for the Senators from Indiana the very same principle, and none other, for which I had contended in the case from Iowa. I did not make these contested elections party questions. And yet, sir, since I have been in the Senate, in the whole number of these cases, while I have seen my political friends divided on every occasion, I never have known the Opposition to vote except in a solid column in favor of their political friends. That fact, too, shall come when the case is heard.

Mr. FESSENDEN. Mr. President, I did not intend to take any part in this debate; but I did take some part in the debate on the question of the right of the Senator from Iowa to a seat, and I do not like to stand in the position of having maintained that the Senator from Iowa was entitled to a seat because he had a majority of the votes of the members of the Legislature. That is the ground upon which the Senator from Ohio says we put it.

Mr. PUGH. I did not refer to the Senator from Maine. I referred to other gentlemen. I have read their speeches lately.

Mr. HALE. I never contended for any such thing.

Mr. FESSENDEN. I do not know that gentleman on our side ever contended for any such doctrine. We might have said that he had a majority, but no Senator that I heard on our side of the House contended that, therefore, because he had a majority, no matter how the votes were given, he was entitled to his seat. We might have made that remark, but that anybody here made it a substantive ground, without reference to the manner in which that majority was obtained, I deny. I heard no such argument from our friends, and I do not believe any such was made by them. That ground was taken by the Senator from Georgia, [Mr. TOOMBS,] and he maintained the same ground in the case of the Senators from Indiana; but he was the only Senator who took that as a substantive ground on which to base his vote in the Iowa case. The distinction between the two cases is obvious. In the case of the Senator from Iowa, it was shown by the record, that each House, as a legislative body, a component part of the Legislature, had voted to form a convention at a given time and place, for the purpose of electing a United States Senator. The Constitution of the United States says the Senators shall be chosen by the Legislature; and we contended that the Legislature must act, as such, in relation to that matter in fixing the mode, as no mode had been established by Congress, which alone had the right to override its action; and that after, by proper legislative action, a convention was formed, that convention had power over the whole subject, and the withdrawal of no part of the members of it, unless they were so many that no quorum remained, would be sufficient to affect its action in any manner. That is the ground on which we put it; that is the ground against which the Senators on the other side contended.

The Senator from Louisiana [Mr. BENJAMIN] contended that there had been no legislative act in relation to that matter. He drew his argument from some provisions of the constitution of the State of Iowa. He took the same ground in part that I did: that in order to make a legal election there must be preliminary legislative action on the subject; and he argued that fully, and established that point to the satisfaction of everybody. It was argued also by the Senator from Connecticut, who was then a member of this body, now Secretary of the Navy, (Mr. Toucey,) that not only must there be preliminary legislative action, but a majority of each body must be present, or there was no election. That was the ground on which he put it, in the argument which took place in the Senate.

Now, sir, what is the distinction? In the case of the Senators from Indiana, there was no legislative action, there was not even a pretense of legislative action. The Senate of the State never took any action on the subject; it was never called upon to vote, and a majority of the Senate never acted upon the subject. There was no entry upon their journals in regard to it. They never had a proposition before them to elect United States Senators. But a minority of the Senate met, with a bare majority of the House of Representatives, not a quorum by the constitution of Indiana, for another purpose under the constitution, and proceeded to make an election at an adjourned meeting, without any reference to the Senate, or any legislative action on the part of the Senate.

There is the distinction between the two cases; and it is as obvious to any lawyer, it strikes my mind, as anything can possibly be. In one case there was legislative action, making it the action of the Legislature of the State; in the other case there was no legislative action at all; but, as my friend from Illinois designated it, the action of a mere assembly of men—to be sure, members of the Legislature, but that making no difference in the world.

We said, here is a precedent, a precedent set by the majority of this body, in the case of the Senator from Iowa. The Senator from Ohio has read from Chancellor Kent's Commentaries a passage, in which he says the action of the Senate in such cases is judicial. That means that they act as a body, having the right to settle the thing; that is all. Anybody will see, from reading the sentence, that he meant that they established a principle, when they acted, and their action must be considered as judicial, not with reference to the particular case, but with reference to the principle established, in order to promote uniformity in the decisions; that is, that what they establish at one time they shall not shrink from at another.

Sir, the majority of this body, by speech and vote, in the case of the Senator from Iowa, established that, in order to make a legal election, that election must be by the Legislature, under the Constitution; that an election by the Legislature, to be legal, must be preceded by, or attended with, legislative action under the Constitution. But, when this question of the Senators from Indiana came up, what did they do? Without a word, without a pretext, they repudiated the whole doctrine, and based their decision—for it is the only ground upon which they could put it—on the previous argument of the Senator from Georgia, that, if a majority of a majority of the votes were obtained, no matter how, no matter where, no matter when, there was a legal election. They repudiated their former action as distinctly as it could possibly have been done, and as plainly as if they had said upon the record that they meant to abandon, in this case, the principle which they established in the other. It was obvious to every man.

Well, now, sir, that I am on my feet, let me allude to the case which is before the Senate in a few words; I do not design to argue it at length. How did it present itself in the first place? These Senators came here under this vote, which is pretended to be the action of the Legislature of Indiana under the Constitution of the United States. When they came here, a protest was presented from a majority of the Senate of Indiana; but they were sworn in. What was the first report made by the Judiciary Committee, to whom the matter was referred? That either party should be at liberty to take testimony. That was at a called session of the Senate a year ago. Did those who protested ask for time to take testimony? The whole matter was on the record, it was stated to be on the record, so that no testimony could change it; there was no dispute about the facts. It was said, I think, in some paper presented in the name of one of the Senators from Indiana, that there was a dispute about the facts. On that the Senate decided that the subject should go over from that time to the regular session. It went over; and what did the Committee on the Judiciary then do? They reported again that time should be granted to take testimony. Why had not the testimony been taken in the mean while? There had been a whole vacation when they could have taken it.

Mr. BENJAMIN. The Senator is mistaken, I think.

Mr. FESSENDEN. Not at all; I remember it very well.

Mr. BENJAMIN. The Committee on the Judiciary reported at the first session—there were but a few days left—a resolution for taking testimony. That was objected to, and the question was kept under discussion by the Senator from Illinois, so that we could not get to a vote on it. It remained there. There was no power given to take testimony in the vacation.

Mr. FESSENDEN. But could they not have done precisely what they did afterwards, which was simply to take affidavits? But I am coming to the action which took place in this matter afterwards. When we met at the next regular session of Congress, the same report was made by the Committee on the Judiciary. The contestants, or those who represented them here, said then, "nobody asks for time on this side; the matter is all of record; the record shows all you will find, and this is a mere pretense to gain time." I will not undertake to say, or to intimate that there was anything meant in that but what appeared on the face of it; but it was put off for weeks and months, those members retaining their seats here; and what was the result? Time was given to take testimony at the request, not of those who contested the seats——

Mr. BRIGHT. Will the Senator allow me a moment?

Mr. FESSENDEN. Yes, sir.

Mr. BRIGHT. I have sat perfectly still, and have charged no gentleman with misrepresenting the facts, and I hope no one would do so knowingly. There cannot be found a line on paper from myself showing that I ever asked a moment of time or relied on anything else than the journal of the House of Representatives of Indiana.

Mr. FESSENDEN. I do not know how it was in regard to that Senator. Will the other Senator say the same?

Mr. FITCH. I think I did ask that testimony should be taken upon a difference of facts as alleged by the Senator from Illinois and myself, and the testimony justified my allegation. I expressly stated, at the subsequent session, that I had desired testimony at the first session because of the allegations of the protestants, not knowing at that time that my views of the facts, and the facts as I knew them to exist, were set forth in the House journal; but being furnished with a copy of that journal subsequently, the other proof became a matter of secondary consideration, as the Senator from Maine doubtless knows I stated at the time. Yet depositions were taken, were sent to the committee, were read to the Senate, and had an important bearing on the case.

Mr. FESSENDEN. I shall not enter into a dispute with the Senator from Indiana as to the facts. I know what I am stating, and nobody can deny it. Time was requested; and on the very occasion when that time was requested, the journal of the Senate was here; all the papers were here; the journal of the House was here——

Mr. PUGH. The journal of the House was not before the committee at that time.

Mr. FESSENDEN. I understand that it was.

Mr. BENJAMIN. I never saw the journal of the House until the ensuing Congress.

Mr. PUGH. Nor I.

Mr. BENJAMIN. It was brought from Indiana at the ensuing session.

Mr. FESSENDEN. Very well; when it came at the beginning of the ensuing session, was it not here when further time was asked for?

Mr. BENJAMIN. I never saw it until the very close of the case.

Mr. FESSENDEN. I do not know whether the Senator saw it, but it was here.

Mr. BENJAMIN. I was a member of the committee, and it was not brought before the committee by anybody until towards the close of the session.

Mr. COLLAMER. I cannot say certainly that each of the various papers in this case was here at that time. It will be recollected by the Senate that when an application was made for a continuance, for the purpose of taking testimony, a re-

port was made by the minority of the committee, contending that instead of granting time to take testimony, the Senate should proceed to the consideration of the case, and they stated the facts. Not a single fact that they stated has ever been changed since.

Mr. FESSENDEN. I know that, although time was given at the extra session, and although further time was given at the regular session——

Mr. PUGH. None given at the extra session.

Mr. FESSENDEN. Well, a report was made in favor of it, and it went over; time was given at the regular session. When that time expired, which was months afterwards, no testimony was presented by those who claimed the seats here—not a particle. They presented affidavits——

Mr. FITCH. I cannot permit such wholesale statements, wanting the proper foundation in fact, to go uncontradicted. Depositions were taken by the sitting members; they were presented, and went in testimony.

Mr. FESSENDEN. I understand that they were mere *ex parte* affidavits; that they were not taken on notice.

Mr. FITCH. Simply because they were in this city and were not accessible in Indiana.

Mr. FESSENDEN. That makes no difference. If they were to be taken in this city they could be taken without all that time being granted. I know that when that matter came back, the testimony that was taken was by the contestants to meet what they supposed would be urged on the other side, but no testimony was taken in Indiana by those who claimed the seats, or, at any rate none was presented that ever I saw.

Mr. FITCH. That is likewise an error.

Mr. FESSENDEN. Was it presented to the committee?

Mr. FITCH. Gentlemen appeared there in our behalf who cross-questioned the witnesses, and when they desired to present their own witnesses, they were refused the privilege of so doing by your friends, for fear they would prove too much to please them.

Mr. FESSENDEN. They could have taken their testimony on notice at any time; it was not in the mouth of our friends to object. For gentlemen to say they took testimony because they cross-examined the other party's witnesses, is a new idea to me as a lawyer. Everybody knows that, under the order of the Senate, there could have been no difficulty about the sitting members taking testimony on notice in the regular form.

But, sir, passing from that, we came back here, and the Senate passed the vote that it did, after debate, admitting these gentlemen to their seats. There was no report, no statement of facts, nothing upon which anybody could judge, except the statements that were made on the one side and the other in the Senate. There was not a regular case made up, as it has been usual to make cases up when information is desired by the Senate, especially when there are two sides to the question. The argument was had, and it was decided as I have stated. It was had upon a resolution; and it was adduced in that argument as a strong and material element—the Senators on the other side will recollect that they adduced it themselves—that there was nobody here properly to contest these seats; that we did not hear from the State of Indiana; that we did not hear from the Legislature of Indiana; that there was no contesting party before the court. That was an argument relied upon.

Well, sir, the Legislature of Indiana meets at the proper time under its constitution. It takes warning from what has been said by Senators here in their arguments. It draws up its protest; it makes its statement; it petitions this body in respectful terms to hear it; it takes up the case which had been dropped for want of a party, and says: "We are a party to this matter; we will ask the Senate of the United States respectfully to consider our petition on the subject of the Senators from the State of Indiana;" and in order to make that valid and effectual, to show their view of it in case they should succeed, and the State of Indiana should be considered as not having been represented up to that period, they elected gentlemen to take these seats, if it should turn out that there was a vacancy in the Senate from the State of Indiana; and those gentlemen present themselves here and submit their petition. They come here in a respectful manner; they present themselves with all the respect that is due to this body. Respectfully and even humbly, that is to say, with all the humility which becomes a State, which is not meanness, but manliness, the Legislature of Indiana present themselves before the Senate, and say "our opinion is that we are not represented; and these seats are vacant, and we ask you to reconsider your action and admit those whom we have elected to fill these places."

Now, sir, what is the response? What is the response from the committee at the head of which stands the honorable Senator from Delaware? It is, that this case has been considered and decided; that it is *res adjudicata;* that there is an end to it; that there is no power in the Senate of the United States to correct mistakes in reference to the rights to seats in this body; that there is no power in the Senate of the United States to receive enlightenment; that there is no power in the Senate of the United States to reconsider its action upon a question of this description. What is the answer made? It is, that you have power over the whole subject; it is submitted to you by the Constitution of the United States. The Constitution says you shall be the exclusive judge of the election of your own members. But it is said, that means that you shall judge once, and if you made a blunder, or were mistaken as to the facts, or were cheated, or did not know the facts, you shall not judge again. Does the honorable Senator from Delaware, as a lawyer, say that that ground can be sustained? I put the case to him by way of query. I put it again; and I put it with a view to answer what he alleged, if a common council of a city, under its charter, has the right, and the exclusive right, to judge of the election of its own members, and on a contested case it says that one member is elected, and next day reviews that decision and says he is not elected, and those votes are entered upon the journal, that individual petitions a court having jurisdiction, claims his seat, and exhibits those votes; would the court say that he was entitled to his seat on them?

Mr. BAYARD. I will answer the Senator again, if he will permit me.

Mr. FESSENDEN. Very well.

Mr. BAYARD. There is no analogy whatever between the cases, in my judgment. The Legislature of a State confers upon a corporation the right to judge in the first instance of the election of its own members; it does not supersede the judicial power to revise that decision; therefore, whether there is one decision or more of the council, it is always subject to the mandate of the court, whatever may be the court in whom the jurisdiction vests, to revise the action of corporate bodies. The Senate of the United States, under the Constitution, has exclusive jurisdiction; and there is no revisory body. I will give the Senator an analogy that would be perfect. In the case of Frémont against the United States, the Supreme Court of the United States decided that the title was valid; and they reversed the decision of the district court which disaffirmed the title, and sent the case back to that court, with directions to enter a decree in favor of the title, according to the mandate of the Supreme Court. The United States appealed from the decree of the court; and when it came before the Supreme Court again on a motion to dismiss the appeal, there were two grounds, both of which were affirmed. The first was a technical one. The second was, as alleged in the language of the appellant's counsel, one of the honorable Senators on this floor, that this was an attempt to revise the decision of the Supreme Court, under cover of revising a decision of the district court, made in pursuance of its mandate, that it was disrespectful to the court, and would lead to endless litigation. On the motion to dismiss the appeal on that ground, as well as the other, the Supreme Court dismissed it. There is the analogy.

Mr. FESSENDEN. There is a very grea difference of opinion between the honorable Senator and myself as to what is analogous. I drawt my analogy from a body formed with precisely the same provision, and in the same words that exist in the Constitution of the United States. He draws his from a comparison between the Senate of the United States, acting under the Constitution, and a court of justice. Now, I leave to anybody to decide which is the most analogous of the two. I take the same language, and the Senator has now made the same answer that he made before, and I propose to answer him. Would not a court, in such a case as that I have stated, with such a record, say: "here, it appears that on such a day it was voted that you were entitled to your seat by the body having exclusive jurisdiction, and the day after that was reversed, and it was voted that you had no right to a seat; now we call upon you to show that you were elected?" What is the answer which is made in this case? "I do not propose to show that I was elected; I only propose to show that a body voted so; and having once voted that I was elected, they had no right to reverse it and say I was not." That is precisely the argument; that is the finality in this matter, as arising from an adjudged question.

What is the answer made by the Senator from Delaware? That, in the case I put, there is a revising power, and in this case there is no revising power, because nobody can overrule and revise what we do or decide upon it. What difference does that make? I ask what a revising power would do? The Senator's argument is drawn from a legal proceeding. Well, if a court of justice would not revise a proceeding of that kind, and admit a person to a seat, it is only because we have no power over us that can revise our proceedings, that this may not be reconsidered. It is because there is no revising power over our proceedings that we call upon the Senate to revise its own action. If the Supreme Court could act upon this question, there might be an application there under similar circumstances; but it cannot. We are the supreme power; we direct our own proceedings; but, let me tell the Senator from Delaware, it is no answer to say that this cannot be reconsidered, simply because there is no power which can revise and correct our errors. On the contrary, I say if there is no power which can revise and correct our errors, the more the reason why we should revise and correct them ourselves. The argument that is advanced by gentlemen on this floor, comes to this: "We decide a question—and admit, for the sake of the argument, we decide it wrongly—in a matter entirely within our own jurisdiction, and over which we are supreme; therefore, because we are supreme, we have no right to correct that erroneous decision of our own." Sir, that is no argument addressing itself to the mind of any man.

If I believed, for a moment, that the Senate of the United States had no power to correct its own proceedings in a matter exclusively within its jurisdiction, I should believe (to carry out a little further the idea of the Senator from New York) we were in a position to call for the action of the people to overlook them, to deprive them, or limit them in the exercise of the powers which they enjoyed. Sir, we are liable to error. But it has been argued here very gravely, and in fact the report of the Committee on the Judiciary puts it on that ground, that it is an insult to this body to suppose that it could make a mistake.

Mr. BAYARD. The report says no such thing.

Mr. FESSENDEN. It says no such thing in words; but that is the substance.

Mr. BAYARD. I believe it to be true, in fact, that it is a disrespect on the part of the State; I will not say an insult.

Mr. FESSENDEN. Then the argument is, that it is disrespectful to the Senate of the United States to suppose that it can make a mistake. I think it makes mistakes of one kind or another almost every day in the course of its action, some of greater, some of less consequence, and I have not hesitated to say so, sometimes in my place in the Senate, in respectful language; and I do not know that any member of the Senate ever considered himself insulted by it, or that the majority from whom I happened to differ considered that I had been guilty of any disrespect to the Senate. How can it be argued—and it is put upon that ground—that, when the Legislature of Indiana comes here with respectful language, in a perfectly respectful manner, and requests the Senate of the United States to reconsider its opinion because the State of Indiana considers itself aggrieved, that is disrespectful? On what kind of

eminence do we stand, what kind of meat do we feed on, that we cannot be approached respectfully by a sovereign State of this Union, and requested to reconsider our action in a matter of vital importance to that State? It is a new idea. The Senator who stands at the head of the Judiciary Committee differs entirely from his colleague, the Senator from Ohio. He says that the proper mode of approaching this question would have been by petition alone; but the Senator from Ohio, in his argument, said they had no right to petition on the subject at all; that they had no power to petition.

Mr. PUGH. Where does the Senator gather that?

Mr. FESSENDEN. From what you said.

Mr. PUGH. I say the pretense that this petition is the act of the State of Indiana is all a sham. The constitution of the State of Indiana does not constitute her Legislature a petitioner.

Mr. FESSENDEN. That is it exactly; that inasmuch as the constitution of Indiana had not constituted her Legislature petitioners, therefore they had no right to petition on this subject. On the contrary, the Senator from Deleware says the proper mode would have been by petition alone.

Mr. BAYARD. Will the honorable Senator allow me to explain?

Mr. FESSENDEN. Certainly.

Mr. BAYARD. I said that the disrespect was involved in the attempt to elect in the face of the judgment of the Senate. I neither said, nor intimated, whether they had or had not the right to petition. If a State chooses to petition or to memorialize the Senate on any subject-matter, I am willing to consider her memorial. The disrespect was involved in the act of election, not in memorializing; and on that memorial I arrived at the conclusion the committee did—that the subject had passed from the further action of the Senate by the judgment rendered at the previous session

Mr. FESSENDEN. The committee have made no such decision. The conclusion they came to is, that the matter is settled, and they will not rehear it. The reason given for it by the Senator from Delaware—and I think it is so stated in the report—is, that the Legislature of the State of Indiana had undertaken to revise the decision of this body. Suppose they have elected Senators: their election of Senators does not make them so. They have a right to express their opinions, and they may express them in that way as well as in any other. If the seats are filled, the election goes for nothing. Is that disrespect? They do all that the Senator suggests; they present their petition. It is couched in respectful language. What does the Senator say? "I will not consider your respectful petition, because you have done an act which is an offense to the Senate of the United States." Sir, is that an argument?

Mr. BAYARD. I did not say that at all.

Mr. FESSENDEN. The Senator did not say it; but that is the legitimate result of his argument.

Mr. BAYARD. No, sir. We did not consider their petition; because we decided that, the case having been disposed of, the petition could not be maintained.

Mr. FESSENDEN. But what is the conclusion he comes to? We ask that these gentlemen may be heard; we ask that the State of Indiana may stand before us by its own representatives. The State of Indiana asks it through them. This is a courtesy which has never in any case been denied before. Those who have been selected as Senators or Representatives from a State, have always been allowed to appear before the body and state the grounds upon which they claim seats. When we ask this customary privilege for these gentlemen, what is the answer that is made? That they shall not come inside of these doors. Sir, we asked for the State of Indiana simply the ordinary courtesy which might have been extended to two gentlemen whom that State chooses to consider her Senators, that they might be admitted on this floor until this question is settled; might be permitted to sit upon these sofas, and not sent into the galleries, or elsewhere. That was received with contemptuous indifference and denial—even that. Then, when the State of Indiana, through its agents, goes a little further, and respectfully requests that these gentlemen may appear and state the grounds of the claim of that State before this august tribunal, the same answer is made: "you have treated the Senate of the United States with disrespect, and we cannot permit you to come here and show even that this question has not been decided."

Now, sir, I have been betrayed into speaking much more upon this subject than I had any idea of doing. I do not propose to review the question itself; that was argued fully before; but I cannot avoid alluding in some degree, in as few words as I can use, to what I consider the contradictory ground upon which gentlemen have been compelled to place, what is manifest to me, a determination that this matter shall not even be presented fairly before the Senate of the United States. How much difficulty we have had in presenting the matter at all. Did Senators suppose that, after repeated efforts, we had not the power in any possible way to get the subject before the Senate and before the country? The Senator from Missouri seems to think that we are committing a grave fault, or that my friend from New York was speaking language that might have an effect upon the people of Indiana. Sir, no day passes, as Senators well know, that language of that description is not used on this floor by somebody, in relation to something; and certainly, when a State considers its honor and its rights involved, it is difficult for any Senator in addressing this body to use language which may not have an effect to show either that it has been injured, or has not been. One side or the other of that question is inevitable. I believe that nobody here can justly accuse me of ever talking much for the sake of outside effect upon anybody. I endeavor to address myself to the questions before the Senate; but, sir, I am willing now to express my opinion, and, like the Senator from New Hampshire, I give it only as opinion; I considered the decision of the Senate, at the time it was made, as in utter defiance of the rights of the State of Indiana. I considered, then, that the two gentlemen admitted to seats on this floor had no more right here than any other two men who could be picked up from that State, or any other, and came here claiming seats; but, at the same time, I knew that the decision, if made, would be adhered to. My opinion may be wrong, but it is satisfactory to me. I mean no disrespect to gentlemen when I express it; I impute improper motives to no man. Such was my opinion of the decision itself, and I have not changed it. When a State comes here, having acted legally through its Legislature, having shown the regular legislative action, and sent its men, and requested simply that they might be heard before the State was judged, I think it is dealing a hard, a harsh, a contemptuous measure to a sovereign State of this Union, especially on the part of those who claim to be the especial champions of State rights and State sovereignty, to say that they shall not be heard here because this question has been decided when they, according to the arguments of gentlemen, were not even a party to the decision that was made.

Mr. BENJAMIN. Mr. President, I did not suppose that, under any circumstances, I could be provoked into saying another word on this question; but I have heard so much to-day that is to me so perfectly heretical in principle, and so much that I must say is entirely unsupported in fact, in this discussion, that I beg to be indulged in a statement simply—in no argument—but in a short statement of what is before the Senate.

Some two years ago, a Legislature was elected in Indiana, composed of a large majority of Democrats; it was their duty to elect Senators of the United States; whereupon the Republican minority undertook, by force of arms, to prevent an election. When the Senate of Indiana was organized, its Lieutenant Governor, under its constitution, took his seat with a view of swearing in the Senators, and a Republican Senator took his seat, by force, alongside of him; and there the spectacle was presented of the constituted authority of the State endeavoring to organize the Senate of the State under its constitution and laws, and a factious minority of the Legislature endeavoring, at the same time, to interrupt that organization, or, at all events, to carry on some cotemporaneous formality which they considered as equivalent to an organization. A justice of the peace was called in to sit alongside of the Lieutenant Governor of the State to swear in the Republican Senators, and members were sworn in who had no credentials. The Senate was crowded with men who were armed. They were headed by the notorious Lane, of Kansas. They were there, according to the testimony, with a view of overawing the legitimate authorities of the State. Under these circumstances, with a clear Democratic majority, an attempt was made to prevent the discharge of the constitutional duty of the Legislature of the State; that is, the election of Senators.

Mr. TRUMBULL. Will the Senator allow me to interrupt him for a moment?

Mr. BENJAMIN. Unquestionably.

Mr. TRUMBULL. I should like to ask him if he is not aware that it was in proof from Lieutenant Governor Willard himself that the disturbance of which he speaks occurred in the forenoon of the day when the Legislature was organized, and that, in the afternoon of the same day, he, himself, swore in all the Senators except one, whom he was directed by a vote of the Senate to swear in, and then swore him in; and that all the disturbance of which he speaks, occurred in January at the organization of the Legislature; and that the election of Senators did not occur until February afterwards.

Mr. BENJAMIN. Certainly, I was aware of all that.

Mr. BRIGHT. Will the Senator allow me a moment? Governor Willard did swear them in, but he swore them in by an order of the Senate; the same men who had been inducted into office under the mob-organization voting to require him to do it.

Mr. TRUMBULL. I will read Governor Willard's testimony upon that point, and it will show they were sworn in, whether it was by order or not. I said one Senator was sworn in by order of the Senate, and the others were not. Let us see. Governor Willard, in answer to the question, "State what Senators held over, and what persons were sworn into office that day as Senators, and by whom?" said: "The Senators holding over were"—I will not read their names; there are twenty-five of them in all. Then the names of twenty-five who were sworn in on that day, and he gives the names of some of them who "were sworn in by Samuel Gookins, a judge of the supreme court, under the direction of Lewis Burk, in the forenoon of that day. In the afternoon of the same day all the last-named Senators who had sworn under the order of Senator Burk, with the exception of Mr. Stanley Cooper, were under my order sworn in by Judge Gookins, as Senators. Afterwards, under the order of the Senate, I administered the oath to Stanley Cooper." It thus appears that only one person was sworn in by the order of the Senate, and all the others were sworn in under the order of Lieutenant Governor Willard himself.

Mr. BENJAMIN. Really, I must beg gentlemen not to interrupt me any further, because I am not going into all these details which we went into last year. I did not mean to say at all that the election was held at the time the violence was committed. I say that the Republican faction in that Legislature started with the deliberate intention, and carried it out from the first hour, to interfere by violence in the organization of the Legislature, and thus prevent the performance by that Legislature of the constitutional duty of electing Senators, and did it because the Democratic party were the majority and they the minority; and now we have had this whole day the most miserable affectation of indignation because that faction did not succeed. That is the whole of it; you can make nothing else out of it. The faction did not succeed, and everybody on this side of the House is thoroughly indignant; and they call upon the people of the United States to vindicate the violated majesty of popular sovereignty. That is the whole affair.

Now, what was determined by the Senate last year? We determined that, inasmuch as it was the duty of that Legislature to elect Senators, and inasmuch as all the attempts at carrying that out constitutionally and regularly were obstructed by

the illegal violence of the very men who complain of the irregularities, they should not be heard; that the only point for us was whether there was a majority of the members of the Legislature to elect these Senators. We found, that of the whole body of the Legislature, a large majority were Democrats, and had elected these Senators, not regularly, not formally, not legally, if you choose; but the irregularity, the illegality, the informality created by the very party that complained of it; and we said we would not listen to them; and in saying that we said what is said in every court of justice under the canopy of heaven, when parties complain of irregularities and illegalities of which they themselves were the cause. I would go no further at the time. It was enough for me that the Democratic majority had the right to elect Senators, and would have elected them regularly, if not prevented by illegal violence—illegal violence that began at the very opening of the session, and that was continued down to the end—people going into the Senate of the State with bowie-knives, at the head of armed ruffians, and then coming here to the Senate of the United States, and complaining that the election was not conducted regularly, forsooth; was not conducted according to the forms which they themselves had so atrociously violated! I said, at the time, that I was unwilling to listen to them.

Is it not a principle as old as the hills, that, wherever there is a body of electors entitled to elect, and you have got at their will, and ascertained that a clear majority of the electoral college, whatever that college may be, voted for one party, the election cannot be set aside upon the mere ground of informalities? Is not that the daily decision in the other House?

Now, sir, what occurred in the case of the Senator from Iowa? In that case there was no attempt at violence, there was no attempt at irregularity, no attempt to obstruct the action of the Legislature; but simply a declining, on the part of the Senate of that State, to go into joint ballot. There was nobody to force them, nobody could force them, and they never went, in my judgment. That was my opinion about it. In the case of the Indiana election, under the constitution of the State, both Houses did meet—did meet, it is said, for a particular purpose. I admit it, but still they did meet in joint convention; they were all there; it was proven to us by the testimony taken that they had a right of adjournment coeval with the history of the State. They did adjourn over; they did meet at a future time; they did meet as a majority of both bodies of the Legislature; and that convention thus adjourned, and thus meeting again, elected Senators by a majority of the whole number of both branches of the Legislature.

Our decision upon this subject may have been right, or may have been wrong. I am merely stating what it was, in order that the statements which have been made to-day may be met by a counter-statement. I say, I care not now whether our decision, in relation to the regularity of that election, was right or was wrong; the point was brought up to us here to be decided, and we decided it; and now we are asked to go back upon our decision, upon the flimsiest of all possible pretexts.

Mr. President, I venture to say, that if the question now presented to this body were submitted to every respectable lawyer of Republican principles in the United States, not engaged in party politics; merely having the principles of the Republican party, but not engaged in active partisanship; you would not find one in a hundred that would not say the Senate could not go back upon its decision. That is my opinion. I may be wrong about it; I may give them credit for more candor than they deserve; but that is my deliberate opinion. I do not suppose you could go through this country, and find a lawyer anywhere, with no preconceived notions on the subject, no determination to carry out his partisan views at any risk or any sacrifice of self-respect, who would not say, when a legislative body has decided upon the election of its members, that is final; and no future body can decide again upon the election of the same members. The Senate of the United States, a Senate—is not this one, because this has other members in it?—a Senate having the right to determine whether or not the present sitting members from Indiana were entitled to their seats, determined that they were so entitled. Suppose we reverse that decision. Shall we come here next December, with a change again of the members of this body, turn out the new members, and put in Messrs. BRIGHT and FITCH again; and so the next year following turn them out, and have an alternate *chassez-croisez* here of Senators from Indiana, according to the shifting majorities of the body? Is it not ridiculous on the statement of it?

Gentlemen here make an argument that will do well to go out to people who are not in the habit of investigating these questions, and who will be led away by it. When some good and honest Republican farmer reads in the Globe that the Senator from Maine, whose reputation as a lawyer is so well established in the country, or the Senator from Vermont, has said so and so, he will read it to his neighbors around his farm-house fire at night, and say to them: "Look what horrible creatures these southern slave driving Democrats are; see what our Senator has said; that must be so; do you not know he is a good lawyer?" That is the system. That is the system on which the Senator from New York practices so largely. He gave us here an exemplification of a power of acting which almost made me believe, for a moment, that he had mistaken his vocation. I never saw so astounding an exhibition in my life. I looked up in surprise, and could not believe it was the usually quiet, sedate, and tranquil Senator from New York, that was bursting out here with a new vein of Orlando Furioso, actually proposing to go back, with an expunging resolution, upon a simple vote of the Senate at the last session, as to whether or not certain of its members had been elected.

The Senator from Ohio has brought attention to a fact which cannot but strike the country; cannot but strike the mind of every impartial man that will view it. That is this: that in every question of contested election that has yet come before this body, since he and I have been members, the entire Republican party has voted as a body without a solitary exception, and there have been constant dissonances of opinion among the Democrats. When the Senator from Iowa had his seat contested, numbers of Democrats voted that he should retain his seat, thinking him properly elected. The whole body of Republican Senators voted for him. Not one of them doubted. When the Senator from Pennsylvania [Mr. CAMERON] took his seat, a contest was raised in relation to his election, and I reported, as a member of the Committee on the Judiciary, that he had been properly elected.

Mr. FOOT. In the case of Judge Phelps, Republicans voted against him.

Mr. BENJAMIN. I spoke of cases since I had been in the Senate. The Republican party had not been formed then; you were not born when the case of Judge Phelps came here. [Laughter.]

Mr. COLLAMER. We have had but two cases since.

Mr. BENJAMIN. You had the case of the Senator from Iowa [Mr. HARLAN] for whom you voted in a body; not one of you doubted. Democrats examined the case, and men were found in the Democratic party of different opinions, and each voted according to his opinion. Next came the case of the Senator from Illinois, [Mr. TRUMBULL,] and there, again, not a Republican doubted; not one. There never were men whose consciences were so easily satisfied, and whose minds were so easily convinced, when, according to the statement of the Senator from New Hampshire, it was their cow that had been gored by the adversary's bull. Then come to the case of the Senator from Pennsylvania, and the Democratic party voted for him; some doubted. No Republican doubted. Now, finally, came up the case of the Senators from Indiana, and some of the Democratic party voted against them; but the majority voted for them. Not a Republican Senator doubted. To-day, though that case was settled by the last Senate; though the decision has gone into the records of the country; though the Indiana Senators have been sitting here and occupying their seats as Senators in behalf of their State for over two years, we are asked to disturb that settled decision; and when we say "No; the thing is settled," not a solitary Republican doubts our right to break it up, and go ahead again.

Now, Mr. President, let these facts be spread before the country, and it will very soon be seen which side of the two is governed by partisan motives, and which of the two gives votes according to its deliberate opinion of the merits of the case. I am sorry to have spoken so as to provoke, as I know I shall, an answer, but I could not sit silent any longer.

Mr. FESSENDEN. I am very much in the condition the Senator from Louisiana was in when he rose; that is to say, I cannot sit still, after hearing the peculiar kind of argument which he has seen fit to address to the Senate. The Senator from Louisiana is a lawyer, and he is a very distinguished lawyer. We have all had occasion to know that he certainly is not deficient in that quality of an able lawyer which distinguishes one who can, if he chooses, "make the worse appear the better reason." Nobody has greater facility in that line than the Senator from Louisiana.

Now, sir, what is his argument as a matter of fact upon this question, and as a matter of law, too? The argument of that Senator is, that in the Senate of Indiana, on the morning of the day when that Senate met, a disturbance took place; and that disturbance was occasioned by Republicans, and was unjustifiable. Grant it. What inference does he draw from it? Therefore, although the Senate had, in the mean time, been legally organized, and there had been no further difficulty; every member had been sworn in by the Democratic Lieutenant Governor; a month had elapsed with no difficulty; because that disturbance took place on the morning of the first day, the Legislature of Indiana was justified in holding an illegal election; and the Senate of the United States, and the Senator from Louisiana in particular, is justified in indorsing it!

Is that a position to be assumed by a gentleman so distinguished for his legal attainments as my honorable friend from Louisiana? Is it the kind of moral logic that he would apply to any other case? Because I have done wrong to-day, does that justify him in doing wrong a month afterwards? Because I disregard my duties to my country to-day, does that justify him in treason a month afterwards? Not that I call this treason, but that the argument may as well be put strongly. That is the whole argument of my distinguished friend as addressed to the country. The Republicans attempted a wrong and failed; *ergo*, the Democrats are justified in doing a wrong, and the Senate of the United States are justified in abandoning the principles which they had before asserted, and in sustaining that wrong; and, therefore, the Senator from Louisiana, who in the case of the Iowa election maintained one doctrine, is justified in abandong in that doctrine in the case of the Senators from Indiana; for that is what I put to him.

I hold to no such political morality as that, and I hold to no such moral logic as that. I do not suppose that I, as an individual, am justified in abandoning my duty at one time, because somebody else abandoned or disregarded his at another. I do not suppose that, as a Senator of the United States, I am justified in disregarding a constitutional provision because a wrong was attempted by my adversary on another occasion. I hold to no such doctrine; and yet that is now gravely put forth to the country, as an excuse for the position which the Democrats in this body took last year, reversing or disregarding their own decision, and setting at defiance what they had before held to be the law, as applicable to the case of senatorial elections. The Senator cannot gravely contend for it, nor would he, were he not strongly influenced by what he thinks we Republicans have a great deal of a desire to put forth, a plausible excuse to the country for the action of the majority of this body. I must say, with all respect to him, it is hardly plausible.

There is another point. I shall pass over what he said about the matter of *res adjudicata*. When he asserts that there is no respectable lawyer, hardly, of the Republican party, not engaged in active political life, who would not say that this is a question settled, and not to be determined otherwise, I can

only say that I have talked with many highly respectable lawyers of the Democratic party in my section of the country, and I have never met the first man who did not say that the decision of the Senate in the case of the Indiana Senators was an outrage upon the Constitution of the United States; and I have heard men speak of it, not of so great eminence, but of as much ability as even my honorable friend; but it is of no consequence what they say.

One thing more. We are taunted by the Senator from Ohio, and he is followed by the Senator from Louisiana, with having voted in solid column on three separate occasions. What were they? The first one was the case of the Senator from Illinois, where a Democratic majority of the Committee on the Judiciary reported to this Senate that he was elected legally and properly. Is it very strange that we should have adopted the decision of the Democratic majority of the Committee on the Judiciary, and especially when we found a large majority even of the Democracy here voting with us upon that question? I wish to put it to the honorable Senator, whether, if we find one Democrat whose conscience fails him when he comes to a question of that sort as to a Republican Senator, that, in itself, is not justification to us, and does not prove that we are right? Take the case of the Indiana Senators. Did not we have Democratic votes with us upon that question? There stands the honorable Senator from Virginia, [Mr. MASON.] He repudiated the correctness of that election, and other Senators with him, more or less, I do not know how many. How was it in the case of the Senator from Iowa? Did we not have votes from the Democratic side of the Chamber in favor of the legality of his election?

Well, sir, is it strange that we stood together, when we found our adversaries voting with us—voting to sustain Republicans? God knows there is little enough favor shown to us who are called Black Republicans, on this floor by gentlemen. They would very gladly get rid of us, undoubtedly, if they could consistently with law and with their views of what is due to themselves and to the Senate and to the country and to the Constitution of the United States. We get nothing here from affection. If we find that a part of the Democracy are disposed to sustain our men when they come here, on the legality of their elections, I think the country, from what has passed, will be very well satisfied that it is a case where a Republican could conscientiously vote that his brother and friend was entitled to a seat. Sir, it is hardly fair, I think, when your consciences fail you—no; I will not use that word; it is offensive—but when your judgments fail you with reference to the elections of Republicans, and you are obliged to sustain them, it is too much to charge us with a want of fairness when we go with you upon that subject, even although the majority of you may be against us. I think the answer is conclusive. It will be at any rate to those in my section of the country who are accustomed to consider the action of the majority here, with reference to those questions, with pretty much the same eyes that I look upon them.

Mr. SEWARD. Mr. President, it is not my intention to assail any Senator for any vote he has heretofore given in this case, or in any other; much less, to defend any vote that I have ever given. The record will speak for us all on these subjects. I have one or two words of reply on another point to the honorable Senator from Louisiana.

I am not proposing to submit the review of this question to lawyers of the Republican party or any other. We have had too much of the lawyers meddling with it already. I have no confidence in lawyers as legislators. When it comes to a question that the lawyers are to review our legislation and pronounce upon our adherence to the Constitution, I know on which side the lawyers will always be found; and that is on the side of power, concentrated power against the people. I propose to submit this question, therefore, to the people of Indiana and to the people of the United States. They are competent to make constitutions, and they are competent to review, and by our system they always do review, all our legislation.

The Senator seems to think it strange that I should propose to rescind and expunge this resolution. How else could I so properly answer and expose the absurdity of the principle contended for here, and which is interposed as a barrier in our way, that this is *res adjudicata*? I take one of several distinguished precedents in which the Senate of the United States has receded, rescinded, reversed, and even expunged, a decree to which its pride and its ambition and its love of power were committed.

The Senator from Louisiana has seen fit to introduce partisan allusions in regard to this subject—a line of argument from which I have cautiously abstained; but since he has done so, I must take leave to say that it is of the very nature of the Senate, as a legislative body, as it is of all legislative bodies, that they decide questions of relative power between parties generally by partisan votes; and that the decree of this Senate, which is supposed to be infallible here, because it is final, is nothing more than the decree of an accidental majority of Democratic members overruling the accidental minority for the day of Republican members. I wish human nature were so that legislative bodies could be above passion and prejudice; but it is not so. They always have been subject to such feelings; and it is because they are liable to be influenced by passion and prejudice, that I claim that their decisions and all their actions are necessarily open to review to-day, henceforth, and forever. It is no reproach against the Senate of the United States that it decides even these questions according to party; for I have seen a great constitutional question carried before the Supreme Court of the United States, and the division in the judgment made exactly according to partisan lines. If that high tribunal, removed by all the surroundings of their high position, and by all the confidence and all the hopes of a great and glorious country, must divide by party lines upon party questions, who shall say that the Senate of the United States must not be expected to divide sometimes in the same way? Nor has God sent upon earth men who could constitute any tribunal to administer justice upon any question whatever, where partisan or sectarian controversies intervened, that the same sad infirmity did not betray itself in their conduct. It is now some ten or twelve years since the Episcopal Church of the United States constituted a court for the trial of a bishop for offenses, and after a long trial and accumulated testimony, and elaborate arguments, that ecclesiastical court, that tribunal which prayed night and morning for the direction of Almighty God, whose servants and ministers they especially were, in their conduct, arrived at a conclusion, and just exactly that number of bishops of the court who sympathized with the theological opinions of the accused, pronounced him innocent, and all the others pronounced him guilty.

Now, Mr. President, there is nothing extraordinary in the principles I have laid down here; and there is nothing unprecedented in the conduct that I have adopted in relation to them. I hold that the foundations of this Government lie under the walls of the Senate Chamber. The stones of those foundations are the rights of the States. I hold that this decree annihilates those rights as to representation here; and that when you have declared that you can admit Senators against the protests of the States, and refuse to review them, you have established a precedent by which you can constitute the Senate, by successive appointments, a close corporation; and when it becomes a close corporation it ceases to be the Senate of the United States and the bulwark of liberty.

Mr. HARLAN. Mr. President, I shall occupy the attention of the Senate for but a few moments in relation to the history recited by the Senator from Louisiana. I think he errs greatly in supposing that the Democratic party, as a party, has ever condemned the doctrine that one branch of a State Legislature has the right to defeat the election of Senators to the Senate of the United States. At least, the Democracy of Indiana have never taken such a position. At the session next preceding the one of which the Senator from Louisiana complains, the Democratic majority in the Senate refused to unite with the Republican majority of the House to elect a United States Senator, and thus defeated the election for two years, leaving the State with but one representative on this floor.

There is another case from that State, which I must be indulged in reciting. The senior Senator from Indiana [Mr. BRIGHT] was, a few years since, at the legislative session of 1844-45, President of the Senate of Indiana, being at the time Lieutenant Governor. The Whigs had a majority in the House of Representatives; and in the Senate the Whigs and Democrats were equally divided. On a motion made in the Senate to unite with the House of Representatives for the election of a United States Senator, the members were equally divided—the Whigs voting for the joint convention and the Democrats against it. The honorable Senator from Indiana, [Mr. BRIGHT,] as Presiding Officer, gave a casting vote in the negative, and defeated the election. The election of Senator went over until after the election of a new Legislature; which, having a majority of Democrats in both branches, held an election. The honorable Senator, then Lieutenant Governor, was the successful candidate, and thus reaped the fruits of the very rebellion denounced by the Senator from Louisiana.

Mr. BENJAMIN. Will the Senator permit me a word?

Mr. HARLAN. Certainly.

Mr. BENJAMIN. However I may disapprove, I did not reprobate the conduct of any gentleman who, in a State Legislature, chooses to vote against going into an election. The conduct I was animadverting upon was the attempt to overawe the Senate of the State of Indiana by armed force.

Mr. HARLAN. In that I would agree most heartily with the Senator from Louisiana, and would have agreed with him had he made the statement much broader. As an original proposition, in my judgment, the members of one branch of a Legislature, being in an accidental political majority, ought not, by a factious opposition, to defeat the election of Senators to the Senate of the United States by the majority of the members of the two branches; but I am now merely reminding Senators of the history of the Democratic party on this subject, for the purpose of showing how far this implied denunciation of the Republicans in Indiana, by Democratic Senators here, is just. When I first became a member of the Senate of the United States, there was but one Senator here from the State of Missouri. One seat was vacant. When the vacancy occurred, the two branches of the Legislature of that State, in consequence of a political difference, were unable to agree to elect a Senator. There was but one Senator on this floor at that time from the State of Pennsylvania from a similar cause; but one from the State of California, from a similar cause; and I am reminded that there was but one on this floor from Indiana; but to that case I have previously alluded.

Mr. GREEN. Let me correct the Senator. In the case of Missouri there was no disagreement between the two Houses; but after they went into a joint convention they could not give a majority of votes for any one.

Mr. HARLAN. That may be so as to the case; but as I understood the case at the time, the failure to elect was in consequence of political differences of opinion between the members of the Missouri Legislature. They were unable to perform a constitutional duty because they could not agree politically. But, sir, I have another case in point. The State of Iowa, after having been admitted into the Union as one of the members of the Confederacy, was unrepresented on this floor for two years; and that, too, in consequence of a refusal on the part of a Democratic Senate to unite with a Whig House in the election of Senators. At the first session of the first Legislature of the State, the Senate and House met in joint convention to elect two United States Senators. On the first ballot it became manifest that the Whigs would be able, probably on the next vote, to elect their nominee, Mr. Jonathan McCarty, who opposed Augustus C. Dodge, my immediate predecessor. The Senate arose in a body and was on the point of leaving the Chamber; but some one making a motion to adjourn, the joint convention was dissolved, and the Democratic Senate re-

turned to its Chamber, and thenceforward persistently declined to unite with the House. Two years afterwards, both branches of the Legislature being Democratic, my predecessor and also my colleague [Mr. JONES] were elected.

I cite these cases, and I might mention others, for the purpose of showing that the Democratic party initiated the policy of defeating the election of United States Senators when their opponents were a majority of all the members of a State Legislature, but in a minority in either the Senate or the House; and they have been uniformly sustained, I believe, by the party. At least, the right of a Democratic Senate, or a Democratic House, to defeat the election of United States Senators by their opponents, when in a majority, if in joint convention, has been uniformly defended by their leaders on the stump, in legislative halls, and, generally, even on this floor. They have never repudiated a member of their party on that account. The Senator from Indiana is an illustrious example of success gained by initiating and pursuing this policy; for I think the very first case that ever occurred was initiated by the senior Senator from Indiana. I am not willing that those with whom I act politically shall be denounced for having, in one or two cases, followed the precedents set for them by their political opponents. It seems to me, at least, that it is unfair for Democrats to arraign Republicans for doing the very thing which they, by their official acts, say is right, and which some of them defend on constitutional grounds. They say that the power to elect Senators is vested in the Legislature of a State; that where the Legislature is composed of two branches, the responsibility equally belongs to each branch; and if they choose to be unrepresented in the Senate of the United States, they have a right to refuse to elect Senators. But whether this be defensible or not, it seems to me to be unfair for Democratic Senators to arraign their opponents on this ground, as having acted improperly, as a reason for maintaining the former decision of the Senate of the United States. If that decision can be defended, let it stand on its own merits, and not on the supposed wrongful act of others.

Now, sir, what is the question presented to the Senate? The Legislature of Indiana, after having examined her own record, ascertains, as she alleges, that she is unrepresented on this floor by members elected by her votes as "a Legislature." There may be gentlemen here claiming to represent Indiana, elected by individual members of the Legislature; but planting themselves upon the very ground laid down by the distinguished Senator from Louisiana in the case from Iowa, the Indiana Legislature maintains that that was not the act of "the Legislature." I doubt not the honorable Senator will remember the point presented so pertinently, as I thought at the time, by him, by antithesis in my case. He read from the constitution of the State of Iowa the provision declaring that the legislative power of the State should be vested in a Senate and House of Representatives; and then from the Constitution of the United States, the provision that the Senate of the United States shall be composed of Senators chosen in each State, "by the Legislature thereof," thereby demonstrating, from the text of the two constitutions, that the election of Senators to the Senate of the United States was, in his opinion, the act of "a Legislature," if not a "legislative act." He argued, then, that no election to the Senate of the United States could be valid not made by a Legislature; and that where composed of two branches it required the distinct act of each branch of that Legislature. He united and read as one paragraph the provisions of the constitution of Iowa and the Constitution of the United States:

"The legislative authority of this State shall be vested in a Senate and House of Representatives, which shall be designated the General Assembly of the State of Iowa. The business of this legislative authority is to pass laws, and to elect a United States Senator. A majority of each House shall constitute a quorum to do business."

And then argued:

"Now, sir, if it be in part the business of the Legislature of Iowa, to elect a Senator to the Congress of the United States, then it cannot elect that Senator under the terms of the constitution of the State, unless there be present a quorum of the two Houses. In the case at bar, it is admitted on all hands that there was no quorum of the two Houses. The Constitution provides explicitly that the Senator shall be elected by the Legislature. The constitution of Iowa provides that the legislative power of that State shall be vested in a Senate and House of Representatives. The Legislature of every State has the power of determining the time and place and manner of electing Senators; but, in so determining, it appears to me they must do so in subordination to the express direction of the Constitution of the United States. They cannot determine that the election shall be held at such time and in such manner as that it shall not be held by the Legislature." * * * * "When that convention fails to be a convention of the Senate and House of Representatives, it no longer has the legislative power of the State of Iowa, and is therefore not such a body as, under the terms of the Constitution of the United States, can elect a Senator."

In the case from Iowa, which is in some respects similar to this case, it was maintained by the now chairman of the Committee on the Judiciary, [Mr. BAYARD,] that the Senate of Iowa, as a Senate in its organized capacity, had never agreed to the decision of the joint convention; that it had agreed to form a joint convention; had met with the House of Representatives repeatedly, and voted; but that, when the election took place, the Senate was not present as an organized Senate, and hence could not agree to the act of that joint convention. He said:

"On this state of facts, the question which I suppose to arise is, whether 'the Legislature' of a State, under the language of the Federal Constitution delegating to the Legislature the right to elect Senators of the United States, is to be taken to mean the individual members of the Legislature, or the body or bodies of which the Legislature is composed. I suppose the term, as used, means the bodies of which the Legislature is composed." * * * * "They must both be present and act in the matter, or there can be no validity in the act done."

Other Senators, learned in the law, were as explicit. Mr. Toucey, then a Senator on this floor, said:

"The question involved in this discussion is simply this: Was the Senate of Iowa present in the Hall of the House of Representatives when this alleged election took place?"

Mr. Douglas said:

"Now, let me ask, how was the Senator from Iowa elected—by a Legislature composed of two branches, with a majority of each present, constituting a quorum? If not, he was not elected by the Legislature of the State of Iowa. There could be no Legislature without the presence of a quorum of each branch."

Mr. Geyer, then a Senator from Missouri, said:

"It is a convention of the two Houses, and not a convention of the members of two Houses. They meet together, and when they vote together both Houses are present, giving their sanction to the act. The Legislature of the State, therefore, makes the appointment, being represented by all the branches of the Legislature."

This was the controlling point in the Iowa case. There was no other defect. The Senate of Iowa was not present as a Senate. Nor was this controverted by the Republican members of this body. It was admitted that both branches of the Legislature must acquiesce in the election to render it valid. But they contended that the Senate had agreed to the election; had united with the House in the formation of the joint convention; had met with the House from day to day, and then had no power to dissolve the convention under the laws of the State, and defeat an election, by the mere withdrawal of a majority of its members.

In the case from Indiana, is it pretended that the Senate of Indiana ever agreed to the election of the sitting Senators? No one has maintained this in the argument to-day; nor was it contended in the argument of the case originally. It is admitted on all hands, that the Senate of Indiana, as a Senate, never did agree to the election of the sitting members. Consequently as the Senate has a power equal to the power of the House, no election took place by "the Legislature of Indiana." The Legislature of Indiana to-day plants itself on the argument of the distinguished Senator from Louisiana, the distinguished Senator from Delaware, and other distinguished Senators on this floor, that an election, to be valid, must be the act of the Legislature as such, and not the act of the separate members of the Legislature. It must be the act of the Legislature, that power constituted under the constitution of the State as the Legislature, and not the act of the distinct and separate elements of the legislative body.

Who, then, is inconsistent? The Republicans in the Iowa case voted to sustain the election, because they believed that the Senate of that State, having agreed to unite with the House in joint convention, having formed that joint convention by its own deliberate act, in pursuance of a law of the State, could not dissolve it by the mere absence of a majority of its members, or render its acts void by mere inattention to its business; but in the case from Indiana there is no pretense that the Senate of the State ever did agree to this election. As was stated by the Senator from Illinois, the Senate of Indiana understanding that an attempt would be made to elect United States Senators in an informal and irregular way, adopted a resolution, and spread it on its journal in advance, notifying the House of Representatives and the world that the Senate had not agreed to become a party to a joint convention for any such purpose; and after the election had been held by less than a quorum of the members of the House, and a minority of the Senate, the Senate protested against its validity, and laid that protest on your table, demanding that the sitting Senators should not be admitted to seats as Senators from Indiana. The protest was disregarded. The applicants were admitted temporarily to seats. The protest and their credentials were referred to the Judiciary Committee, and many months thereafter the parties were authorized to take testimony. In the mean time the Legislature had adjourned; the protesting Senate was resolved into its original elements and dispersed; there was no longer an official Senate capable of acting, in existence. The sitting Senators collected testimony. The Judiciary Committee heard this *ex parte* history of the election, reported in their favor, and the Senate confirmed the decision of the committee. But in the process of time, the Indiana Legislature is again convened. The journals of the proceedings of their predecessors are examined, and they find by their record that no legal election of United States Senators had been held to fill the vacant seats. The Legislature of Indiana, legally assembled, by a concurrent vote of both branches, memorializes the Senate of the United States, and alleges that no legal election of Senators had been held at the previous session; that the seats then vacant are still unoccupied by legally elected Senators; they hold an election according to the laws and usages of the State, and forward their memorial to the President of the Senate, and ask to be heard at your bar; and the Republican Senators are willing to hear her own argument of her own case.

I have but little patience with the idea that this is an insult to the Senate; that the approach of one of the sovereignties, of which this Confederacy is composed, to the Senate in a respectful manner, by her memorial properly authenticated and directed to the Presiding Officer of this House, with a request to be heard as to the legality and validity of her own act, is an insult to the Senate of the United States!

Mr. PUGH. Will the Senator tell me who has said that? I have heard that man of straw set up about a dozen times to be knocked down. I should like to know who said it was an insult. Who has used the expression?

Mr. HARLAN. I understood the chairman of the committee a few days since, in presenting this case, to distinctly announce that he regarded it as an insult to the Senate of the United States.

Mr. BAYARD. I used no such language, and I have repeated this explanation several times. I said the act of election, in the face of the decision of the Senate, was disrespect to the body.

Mr. HARLAN. Have I heard the explanation of the honorable Senator from Delaware, that it is "disrespectful" to the Senate of the United States to ask to be heard as to the legality of its own acts?

Mr. BAYARD. No; I do not say it was disrespectful to memorialize the Senate at all; but to assume that the decision of the Senate was wrong, and when the Senate had decided the body was full, to elect as if it was not full, was an act of disrespect. The memorial I never characterized as disrespectful in any way whatever.

Mr. HARLAN. I am glad to be corrected, Mr. President. I would not misrepresent the honorable Senator, or any other Senator, willfully. But it seems to me that even that statement is not justifiable by the facts before the Senate. It is, in effect, saying that it is disrespectful to the Senate of the United States for the Legislature of In-

diana, the electoral college, to assert that it had not previously acted in the premises. When it examines its own record, and it is bound by the constitution of the State to keep a journal of its proceedings, it finds that no election, according to the constitution and usage of Indiana, has taken place; and finding the seats vacant, according to its own record, it proceeds to fill them; it elects Senators; it furnishes the Senators elect with credentials. With these credentials of an election by the Legislature of a sovereign State, they appear at the bar of the Senate, and ask to be admitted as its legal representatives. The Legislature, learning that two gentlemen had previously been admitted to seats as Senators from that State, during its recess, precedes these Senators elect by a memorial, giving, in detail, as I understand—though the committee has not favored us with a report on the allegations of this memorial—a history of their own action in the premises, and also a history of the election of the sitting Senators, and allege that the supposed election was not the act of the Legislature of Indiana; that, when the supposed election took place, the Senate of Indiana was not present; that a quorum of the House was not present; that the act was unauthorized, and not binding on the State. No other power on earth could elect United States Senators for Indiana but its Legislature! These seats were vacant, when the Legislature was previously last in session. No election was held by the Legislature. Hence these seats must be still legally vacant; and they elect gentlemen to fill them.

In what consists the disrespect? By her own record the Legislature of Indiana knew when vacancies in this body, from that State, occurred; by her own record she knew that no election had been held. By her own record she knew that these seats were still vacant. She proceeds to fill them; sends gentlemen here with certificates, and memorializes the Senate, calling its attention, through its Presiding Officer, to the facts in detail which she regarded as a violation of her sovereignty.

I cannot perceive in this whole procedure a single element of disrespect to the Senate of the United States; and if these gentlemen are to be spurned from the Senate Chamber, are not permitted to enter its portals, as other Senators elect, it will be an uncalled-for indignity to one of the sovereign members of this Confederacy. They have a right to be heard. They have a right to demand it in the name of a sovereign State. They have a right to demand by what authority this Senate sets aside her own interpretation of her own laws, and denies her even a hearing at its bar. I understand that the Supreme Court of the United States will not overrule the interpretation of the laws and official acts of a State, as construed by its own supreme judiciary. Harmony among the members of the Confederacy requires that the judicial construction of the official acts of each by its own tribunals shall stand. The highest Federal court known to the Constitution will not disturb such a settlement. And here is an adjudication by the Legislature of Indiana of an act of the Legislature of Indiana. Indiana interprets her own act differently from the interpretation placed on it by the Senate of the United States. The Indiana Legislature says that she did not elect the sitting Senators. This Senate says that she did elect them—that this Senate has examined the case, and solemnly decided that she did. Here is the issue joined between the Senate of the United States and the Legislature of Indiana; and Indiana asks to be heard at your bar on this issue. She asks you to cease to be advocate, and be the judge. She asks the privilege of arguing the question whether she is estopped by your act. She asks whether the records of this Senate or the records of her Legislature are the better evidence of what the Legislature has done.

I have made the motion which is now pending, to recommit this whole subject to the Committee on the Judiciary with instructions to report all the facts connected with both these elections and the law that they may suppose to be pertinent in the decision of the case, and that the gentlemen from Indiana who claim to be entitled to seats on this floor may be heard; such a request hitherto has never been denied. The Senate has not only heard those who were claiming seats here, in person, but has permitted parties to contests to appear at the bar of the Senate by an attorney. I read one section only from the same document to which I referred a few moments since:

"Mr. Lewis commenced his speech by observing that he appeared there on behalf of Conrad Laub, and other respectable men, who complained of the unconstitutionality of admitting Mr. Gallatin to a seat in the Senate."—*Contested Elections in Congress*, 1789-1834, page 860.

It appears, by an examination of the record, that Mr. Lewis was not, at the time, a member of this body, but appeared at the bar of the Senate as an attorney for the parties who protested against the validity of the election of Mr. Gallatin. I find, in the second case, recorded in this book—

"*William Cocke and William Blount, of Tennessee.*—May 23, 1796.

"A letter, signed by these gentlemen, was read, stating that they had been duly elected Senators, to represent the State of Tennessee in the Senate.

"'On motion, That Mr. Blount and Mr. Cocke, who claim to be Senators of the United States, be received as spectators, and that chairs be provided for that purpose, until the final decision of the Senate shall be given on the bill proposing to admit the southwestern territory into the Union,'

"It was moved to refer the consideration thereof to a committee, but disagreed to. The foregoing motion was then carried—yeas 12, nays 11."—*Ibid.*, page 868.

Those individuals were admitted to seats on the floor of the Senate, although the State had not, at that time, been admitted into the Union as a member of the Confederacy. I again find, on page 872, that:

"Mr. Van Buren submitted the following motion for consideration:

"*Resolved*, That the Hon. James Lanman have leave to be heard at the bar of the Senate, on the question as to his right to a seat therein, under an appointment made by the Executive of Connecticut."

And further on:

"The resolution submitted by Mr. Van Buren on the 5th instant, for permitting Mr. Lanman to be heard at the bar of the Senate, on the question of his right to a seat, having been agreed to—"

These are the only cases on record, where application was made on behalf of the claimants to seats or their friends, to be heard either in person or by attorney; and in every case, so far as the record goes, where the application was made, the request was granted. I see no reason for making this an exception. I have understood from the oral statements of others, that in other cases—in the case of one honorable Senator who now occupies a seat on this floor—the contestant of his right to a seat was permitted to be heard at the bar of the Senate. In the other branch of Congress, the right of contestants to be heard on the question of their title to seats, has never been denied. Why should this be made an exceptional case? What is there in the previous *ex parte* adjudication of this case by the Senate, during the recess of the Indiana Legislature, when the constitutional elector of Senators was incapable of action, that bars her right to be heard on this contest, so vital to her interests, and so directly affecting her sovereignty?

If your decision was a legislative act, it is admitted, you could review and rescind. But it is said to partake of the solemn nature of a judicial decision by a court of the last resort, from whose decision there is no appeal. But no appeal is demanded; no change of venue is asked. You are only asked to review your own adjudication for cause alleged at bar. The defendant has never had his day in court. How could the highest courts of the country bind a party to a suit, unless in the nature of a suit *in rem*, who had never received legal notice? How would you bind a minor unrepresented? How could you conclude a party under legal disability to receive notice or to respond, and bar a motion, on his part, to set aside a judgment, if made in reasonable time after the legal ability returned, or was acquired to make an appearance?

You directed testimony to be taken in this case during the recess of the Indiana Legislature, and gave notice by publication; you made your decision when it was legally incompetent to receive notice and to act. At the first session thereafter, as soon as she possessed legal ability to notice your adjudication, she makes her appearance by memorial, and by her representatives, and moves for a rehearing. What is your response by your judicial organ? "That she is forever barred by your *ex parte* adjudication!" so effectually barred, that you will not entertain a motion for a rehearing! so effectually barred, that you will not suffer her to make the motion, nor hear her on the question of her right to make the motion! And this on the ground that your decision was "judicial in its nature!"

It seems to me to be an act of courtesy due to the claimants, an act of justice to the State of Indiana, and a duty which the Senate of the United States owes to itself, as the most dignified and august legislative tribunal of the nation, to so far reopen this case as to hear the parties who represent the State in interest. And I array the argument presented by the honorable Senator from Louisiana, "that our votes are too likely to be controlled by our political opinions," though introduced by him in a different connection, as a controlling reason for this position. It should be a grave consideration with the majority whether they have not prejudged the case through prejudice. The applicants are your political opponents. The case has been referred to a committee composed largely of political opponents, with whom it is possible that political dislikes may have given a perverted or distorted coloring to the facts and law of the case. The sitting Senators are your political friends. You have much to lose by displacing them and admitting the more recent claimants. It may materially affect the political organization of the Senate to make a change of four in its political complexion. This might especially weigh materially with a majority that is rapidly waning from other causes. Hence, if you would act justly, it is due to yourselves that you should extend every opportunity to the claimants to throw light on the subject, that your minds may be disabused of any possible party bias against them. All these considerations appeal strongly to the majority to allow them to be heard on the merits of the case, but especially on the question of their right to a rehearing; whether a motion for a rehearing, made by the Legislature of a State affecting the legitimacy of its representation on this floor, will lie before this tribunal; whether such a motion can be entertained. If you are sitting as a court, you certainly will not dismiss the motion without a hearing. A party making this motion in a court of justice would hardly be spurned from its presence unheard. His motion would be entered; his allegations would be heard; and if, in the opinion of the court, the allegations are sufficient, issue is joined, and if sustained, the case is reopened, and the parties are then heard on the merits.

In this case you say you sat as a court, from your decision there is no appeal. Then the only possible mode of correcting an error in this court is by a review of its own decisions by itself. If it possesses no such power, it is unlike any court of original jurisdiction that ever existed. But if it cannot, why not? It is not prohibited by any law of Congress; it is not prohibited by the Constitution; by it plenary power is conferred to judge of the qualifications, returns, and election of its own members. It is not prohibited by public policy; justice to any one of the thirty-three sovereign States may at any time demand it; and a denial is in the nature of a reward for temporary success obtained by fraud.

But, if it is possible for allegations to be made sufficiently strong to justify a rehearing in any case, do they exist in this?

The Legislature of Indiana alleges that no election to fill vacancies existing two years since has been held by it until Messrs. McCarty and Lane were chosen, a few weeks since. Is this sufficiently strong? If true, no act of yours could, by possibility, fill these seats with legal incumbents; for the Constitution provides "that each State shall be entitled to two Senators, to be elected by the Legislature thereof." If the sitting Senators were not elected by the Legislature of Indiana, their supposed election is void, and the claimants are entitled to their seats. This allegation has been made by the proper party, and it has been made at the first moment after your decision that it possessed the legal ability to make its appearance at your bar. Then why not permit them to be heard? On what principle of law or equity or public policy will you exclude the hearing?

I cannot exclude a sovereign State from a hearing with such allegations by her Legislature. By this declaration I intend no disrespect to the honorable gentlemen from Indiana now occupying seats on this floor. They both know that none other than the kindest relations exist between them and myself; but, as a member of this body, I never will deny a State the right to be heard here by legislative memorial or by her representatives whom she commissions and sends here as members of this body. Had not these seats been preoccupied by gentlemen purporting to represent Indiana in the Senate, the credentials presented by Messrs. McCarty and Lane would have entitled them to be sworn at once as Senators. No one doubts it; but with those full credentials from a sovereign State, backed by a memorial of the Legisfature declaring that the incumbents were never elected by the Legislature of the State, you propose to deny to them the ordinary courtesy which has never before been denied to an applicant for a seat in either branch of Congress; you propose to deny them the right to be heard, and also to exclude them from the portals of the Senate Chamber. They come with credentials as full and complete as any member of this body ever presented at your Secretary's desk, and they are thrust aside on the poor plea that the Senate is now full, by an act of the Senate itself; on the ground that there are no vacant seats, though the Legislature of Indiana alleges that the incumbents were never elected by her act. It seems to me that every principle of magnanimity, of courtesy, of justice, of duty, and of public policy, conspires to induce the majority to permit this case to be reviewed, and to allow these gentlemen to be heard.

Mr. PUGH. I ask for a division, so that we may vote first on the question of recommitment.

The VICE PRESIDENT. A division of the question having been demanded, the question will be on the first branch of the proposition of the Senator from Iowa, which is, that all the papers be recommitted to the Committee on the Judiciary.

Mr. HARLAN called for the yeas and nays, and they were ordered.

Mr. BELL. I desire to state that I have paired off with the Senator from South Carolina, [Mr. HAMMOND.] If I voted at all, I should vote consistently with my former votes on this question, in the House of Representatives and here. If the Senator from South Carolina were here, he would vote "nay" on this proposition, and I would vote "yea."

Mr. CLARK. The Senator from Connecticut [Mr. DIXON] requested me to say that he had paired off with the Senator from New Jersey, [Mr. WRIGHT.]

Mr. DOOLITTLE. I am requested by my colleague [Mr. DURKEE] to state that he has paired off with the Senator from Arkansas, [Mr. SEBASTIAN.]

Mr. SLIDELL. The Senator from New Jersey [Mr. THOMSON] has paired off with the Senator from New Hampshire, [Mr. HALE.] The Senator from New Jersey would vote against the recommitment if he were here.

Mr. WILSON. I have been requested by the Senator from Rhode Island [Mr. SIMMONS] to say that he has paired off with his colleague, [Mr. ALLEN,] at the request of Mr. ALLEN, who is quite indisposed.

Mr. HAMLIN. I have been requested to state that the Senator from Ohio [Mr. WADE] paired off with the Senator from Florida, [Mr. YULEE.] Mr. WADE would not vote to recommit if he were here.

The question being taken by yeas and nays, resulted—yeas 14, nays 32; as follows:

YEAS—Messrs. Cameron, Chandler, Clark, Collamer Doolittle, Douglas, Fessenden, Foot, Hamlin, Harlan, King, Seward, Trumbull, and Wilson—14.

NAYS—Messrs. Bayard, Benjamin, Bigler, Broderick, Brown, Chesnut, Clay, Clingman, Davis, Fitzpatrick, Green, Gwin, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Kennedy, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Shields, Slidell, Smith, Stuart, Toombs, and Ward—32.

The VICE PRESIDENT. The motion to recommit having failed, the instructions appear to the Chair to fall with it. The question now is on the amendment of the Senator from Ohio [Mr PUGH] to the amendment of the Senator from New York, [Mr. SEWARD;] on which the Senator from New York demanded the yeas and nays, but the Chair failed to put the question on that call.

The yeas and nays were ordered.

Mr. JOHNSON, of Tennessee. I ask for the reading of the amendment on which the vote is to be taken.

The Secretary read it. It is to strike out all after the word "that," and insert:

The resolution of the Senate, adopted June 12, 1858, affirming the right of GRAHAM N. FITCH and JESSE D. BRIGHT, as Senators elected from the State of Indiana, the former until the 4th day of March, 1861, and the latter until the 4th day of March, 1863, was a final decision of all the premises then in controversy, and conclusive as well upon the Legislature of the State of Indiana, and all persons claiming under its authority, as upon the Senators named in the resolution.

Mr. COLLAMER. I call for the reading of the amendment for which that is offered as a substitute.

The Secretary read the amendment of Mr. SEWARD, which is to strike out all after the word "that," in the resolution discharging the committee, and to insert:

Henry S. Lane and William M. McCarty have leave to occupy seats on the floor of the Senate pending the discussion of the report of the Committee on the Judiciary on the memorial of the Legislature of Indiana, declaring them her duly elected Senators; and that they have leave to speak to the merits of their rights to seats, and on the report of the committee.

The VICE PRESIDENT. That which has just been read is the amendment offered by the Senator from New York. The one read before is the amendment offered by the Senator from Ohio to that amendment. Upon the latter, the vote is about to be taken. The Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 30, nays 16; as follows:

YEAS—Messrs. Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Davis, Fitzpatrick, Green, Gwin, Houston, Hunter, Iverson, Johnson of Arkansas, Jones, Kennedy, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Shields, Slidell, Smith, Stuart, Toombs, and Ward—30.

NAYS—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Doolittle, Douglas, Fessenden, Foot, Hamlin, Harlan, Johnson of Tennessee, King, Seward, Trumbull, and Wilson—16.

The VICE PRESIDENT. The question recurs on the amendment as amended.

Mr. WILSON asked for the yeas and nays.

Several SENATORS. Oh, no; we have just had them.

Mr. WILSON. Do I understand that the question is on the resolution as amended.

Mr. PUGH. It is on the adoption of the amendment as amended.

The VICE PRESIDENT. There was an amendment to an amendment. The amendment to the amendment has been agreed to, and the Chair supposes that the question now, is on the amendment as amended, and if that be agreed to it will then be upon the original resolution as amended.

Mr. COLLAMER. The original resolution as the Chair calls it, as I understand, is not a resolution, but a simple request that the committee be discharged from the further consideration of the case. That is of no particular importance; it does not dispose of any question. The question, as amended, now stands on the proposition of the Senator from Ohio, that this is an adjudged case, and, I take it, the next vote will be on the passage of that proposition. ["Certainly."]

Mr. KENNEDY. I should be glad to have the resolution read as amended.

Mr. STUART. A motion was made to strike out of the resolution of the Senator from New York all after the word "that," and insert the proposition submitted by the Senator from Ohio. That amendment has been agreed to; and now the question is on the resolution as amended.

The VICE PRESIDENT. The Chair thinks the Senator from Michigan is correct.

Mr. HAMLIN. I think the Chair was correct in the first instance; and if the Senator from Michigan will hear a statement of the whole case, I think he will see himself that he is wrong. The Senator from New York offered an amendment, which proposes to strike out words already existing in the report made by the committee.

Mr. PUGH. To add to it?

Mr. HAMLIN. No; to strike out, and to put in their place other words. ["Oh, no."] Am I not right?

Mr. GREEN. Yes, sir; the Senator from New York made that motion.

Mr. HAMLIN. The Senator from New York moved to strike out of the original resolution certain words and to insert others. The Senator from Ohio proposed to amend that amendment. The amendment to the amendment has been adopted, and now the question is on adopting the amendment as amended.

Mr. GREEN. It takes two votes.

Mr. PUGH. You do not want the yeas and nays on this vote.

The VICE PRESIDENT. The Chair did not make himself as familiar as he ought to have done, with the precise question. The motion of the Senator from New York was not a resolution; it was an amendment. The motion of the Senator from Ohio was an amendment to the amendment, and that has been agreed to. The vote now must recur upon the amendment as amended. If it be agreed to, the question will then be on the original proposition as amended. ["Certainly."]

Mr. COLLAMER. The original proposition will, by the adoption of this amendment, have been entirely dispensed with. The original proposition was, that the committee be discharged. The motion of the Senator from New York was to strike out that proposition to discharge the committee, and insert what he offered. Then comes up the amendment of the Senator from Ohio. It is a substitute entirely for that of the Senator from New York. If we adopt it, we strike out altogether the proposition to excuse the committee.

Mr. PUGH. I suggest to the Senator that the amendment of the Senator from New York is an addition; it is not to strike anything out.

Mr. COLLAMER. It is to strike out all after the word "that."

Mr. STUART. Certainly that can be settled by letting the Secretary read what it is.

The VICE PRESIDENT. The Secretary will read the proposition.

The SECRETARY. The report of the committee concludes, "that the Committee on the Judiciary be discharged from the further consideration of the memorial of the Legislature of Indiana." Mr. SEWARD moved to strike out all after the word "that," and insert——

The VICE PRESIDENT. The Senator from New York sent up his amendment as an original proposition. The Chair laid it before the Senate as an amendment, and supposed that was the form in which it was before the Senate. The question, as it appears on the record, appears to the Chair to be upon the original resolution as amended; and, if there be no objection, the Chair will put it in that way.

Mr. KING. I ask for the yeas and nays on that.

Mr. FITCH. I have watched this matter with some little interest; and I think the Senator from New York, although he offered his resolution as an original proposition, subsequently moved it as an amendment to the report of the committee, so that it stands right as read by the Secretary.

Mr. SEWARD. But the Senator from Ohio moved to amend my amendment, so that it comes up as an amendment; but it seems to me to come to precisely the same thing, because my amendment proposes to strike out after the word "that," and the amendment of the Senator from Ohio, which the Senate has adopted, does strike out all of the original resolution after the word "that;" and so my amendment, as it has been converted and changed to satisfy the judgment of the Senate, has been accepted, and it seems to me nothing remains but for the Senate to declare that in that form they will accept the report of the committee.

The VICE PRESIDENT. The question before the Senate is on the resolution of the committee as amended; and on this the yeas and nays are called for.

The yeas and nays were ordered.

Mr. JOHNSON, of Tennessee. I desire to vote understandingly on this proposition. In the first place, I understand the report made by the Judiciary Committee was before the Senate. In the next place, the Senator from New York proposes to amend it. In the third place, the Senator

from Ohio proposed to strike out his amendment and insert one offered by himself. That the Senate has done. Now the question comes up between the original report and the proposition adopted on motion of the Senator from Ohio. The question is, whether we will adopt this in lieu of that part of the report of the Judiciary Committee proposed to be stricken out? The issue is between the report and the substitute offered by the Senator from Ohio, in lieu of the amendment offered by the Senator from New York.

Mr. TOOMBS. Certainly; that is it.

Mr. JOHNSON, of Tennessee. We must first have the vote of the Senate on adopting the amendment in lieu of the report made by the Judiciary Committee.

Mr. TOOMBS. Certainly; we all understand that.

Mr. STUART. There can be no question that the Chair stated this case correctly. The Senator from New York proposed to strike out of the committee's resolution all after the word "that," and insert his own. The Senator from Ohio moved to amend by striking out all after the word "that," and inserting his own, and the Senate has adopted that. Now the question is on the resolution as amended.

Mr. KENNEDY. I should be glad to hear it read.

The Secretary read it.

Mr. JOHNSON, of Tennessee. Suppose the Senate now reject this amendment: are not we then thrown back on the report originally made by the Judiciary Committee? ["Yes."] I prefer that, and shall vote in the negative.

The question being taken by yeas and nays, resulted—yeas 29, nays 16; as follows:

YEAS—Messrs. Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Davis, Fitzpatrick, Green, Gwin, Houston, Hunter, Iverson, Johnson of Arkansas, Jones, Kennedy, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Shields, Slidell, Smith, Stuart, Toombs, and Ward—29.

NAYS.—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Doolittle, Douglas, Fessenden, Foot, Hamlin, Harlan, Johnson of Tennessee, King, Seward, Trumbull, and Wilson—16.

The VICE PRESIDENT. The resolution is——

Mr. STUART. I move that the Senate adjourn.

Mr. CLINGMAN. Is there not another vote? I think there is, according to the statement. The question now is on adopting the resolution as amended.

The VICE PRESIDENT. The Chair was announcing the result; and if Senators will take their seats, the Chair will rectify an error that has been committed in his opinion. He was announcing the result in accordance with what seemed to be the general understanding of the Senate; but he is satisfied, on a minute's reflection, that his original impression is correct, and that the Senator from Tennessee and the Senator from Maine were correct.

Mr. CLINGMAN. Then there is another vote to be taken?

The VICE PRESIDENT. The first vote taken was upon an amendment to an amendment, offered by the Senator from Ohio. That was agreed to. Next properly recurred the vote on the amendment as amended; and now comes the vote upon the resolution as amended; for, as suggested by the Senator from Tennessee, if this amendment had been rejected, the Senate would have fallen back upon a vote on the original resolution of the committee.

Mr. JOHNSON, of Tennessee. Now the question is on the adoption of the report of the Judiciary Committee as amended.

Mr. WILSON. I ask for the yeas and nays on that. ["Oh, no!"]

The VICE PRESIDENT. The Chair will put the question on the resolution of the committee, as amended. Are the yeas and nays demanded?

Mr. JOHNSON, of Tennessee. Yes, sir.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 15; as follows:

YEAS—Messrs. Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Davis, Fitzpatrick, Green, Gwin, Houston, Hunter, Iverson, Johnson of Arkansas, Johnson of Tennessee, Jones, Kennedy, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Shields, Slidell, Smith, Stuart, Toombs, and Ward—30.

NAYS—Messrs. Broderick, Cameron, Chandler, Clark, Collamer, Doolittle, Douglas, Fessenden, Foot, Hamlin, Harlan, King, Seward, Trumbull, and Wilson—15.

So it was

Resolved, That the resolution of the Senate, adopted June 12, 1858, affirming the right of GRAHAM N. FITCH and JESSE D. BRIGHT, as Senators elected from the State of Indiana, the former until the 4th day of March, 1861, and the latter until the 4th of March, 1863, was a final decision of all the premises then in controversy; and conclusive, as well upon the Legislature of Indiana, and all persons claiming under its authority, as upon the Senators named in the resolution.

ACQUISITION OF CUBA.

SPEECH OF HON. MILES TAYLOR,

OF LOUISIANA,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. TAYLOR, of Lousiana, said:

Mr. CHAIRMAN: It is not my habit to speak on subjects not directly before the House for its action. But, as there is a subject of great public importance, which will, in all likelihood, be before it for decision during the closing days of the session, under such circumstances that it may be impossible for me to get an opportunity to speak upon it, I shall avail myself of the one which now presents itself, and will proceed to give expression to my views upon that subject at this time.

The subject to which I allude is the acquisition of the Island of Cuba by the United States. To that subject the public attention has been long directed; and with every succeeding year since the idea of making the acquisition first took possession of the popular mind, it has continued to grow in popular favor. The geographical position of the island is such that it seems to be marked out by nature to become, at no distant day, a part of the Union. It lies contiguous to our territory, from which it is separated only by a narrow strait, and at a great distance from the country with which it is now politically connected as a mere colonial dependence.

But it is not its geographical proximity alone which indicates the propriety of its being taken into the confederacy of American States. That island lies within the tropics, whilst the whole of our present territory is within the temperate zone. Its productions are almost entirely different from ours. We grow or manufacture nearly everything the island stands in need of; and on the other hand we require everything with which her climate or soil is capable of rewarding the hand of labor, for the consumption of our own people. Under such circumstances, it is evident to all that the interests of the United States and of Cuba would be advanced in the most extraordinary manner if the relations between them were of such character that their people could make those interchanges of their different commodities, in obedience to the great laws of trade, and without being trammeled in their operation by those commercial restrictions which almost necessarily grow out of the various conflicting interests of the different members of the great family of nations. But this was not so. The commercial regulations adopted by Spain with reference to Cuba, have always and at all times been designed to secure to the mother country all the benefits which it was possible for her to derive from that possession, and to exclude all other nations, as far as practicable, from any share in them. This system operated more harshly and more injuriously upon the United States than on any other country; and it is, therefore, not to be wondered at that the advantages likely to accrue to the nation from the possession of Cuba should have been a frequent subject of speculation among our citizens at a very early period in our political history.

But, sir, whilst a feeling of this kind was everywhere prevalent amongst us, and our distinguished statesmen had again and again declared that the acquisition of the island was every way desirable, yet we never forgot what was due to other nations, or to ourselves, under the influence of that settled conviction; and the position which the United States has taken and steadily maintained, has been worthy of herself, and in perfect accordance with the principles on which our Government is based. At various periods while there were contentions amongst the great Powers of Europe; while there were disturbances in the relations of the great States, it has been thought at different times that there might be a change in the situation of Cuba; that she might be transferred by the chances of war, or by the political necessities of the times, from the dominion of Spain to that of some other Power. When anything occurred which, in any degree, indicated the possibility of such a result, it has always been the habit of American statesmen to consider what position the United States ought to occupy in the event of the happening of such a contingency.

The settled policy of our people is peace. Our institutions are purely republican. They have their foundations on the principle that it is the right of every political community to govern itself; and it is inconsistent with their spirit that we should make acquisitions of territory by force. We cannot hold a colonial dependency. We cannot dominate over a subject-people. We cannot acquire and retain territory occupied by any distinct portion of the human family, any separate and organized political community, without making that community part and parcel of ourselves. Whatever political societies may be from time to time united with us in the future, so long as our existing institutions are maintained in their purity, must be united with us as brethren. They must be associated with us as equals. Therefore, as it would have been entirely at war with the principles of our Government that we should ever propose to make permanent acquisitions of territory by force, that we should seek to have another community added to that formed by our own people against its consent, the position of the United States was always in accordance with her principles. She said, "we have no desire to disturb the existing relations between the Island of Cuba and the parent State. Let that relation exist forever, if Spain and Cuba both desire it. But," she added, "if, in the contentions of the world, a contingency should arise which might lead to the severance of that island from the mother country, then the United States owe it to themselves to declare to the world that they will not permit it to pass under the dominion of any other Power." And why was this declaration made? Was it made in the lust of territorial acquisition? No, sir. It was made in the interest of Spain, and to deter those European States which coveted her remaining possessions in this hemisphere from taking them, at any time, with the strong hand. And this attitude, which was just to the world, just to Spain, and just to ourselves, we have maintained from the time it was first taken to the present day. Nor do I understand that there is any intention of abandoning it now.

It is true, Mr. Chairman, that the President has, in his late annual message, suggested to Congress the propriety of attempting, at this time, to procure a cession of Cuba from Spain to the United States. Is this suggestion indicative of a desire on his part to abandon that attitude? to adopt a new line of policy towards Spain, conceived in a different spirit? I cannot believe it. Such an attempt would not be in itself inconsistent with the future maintenance of the position we have hitherto occupied with respect to the acquisition of Cuba by any other Power, or with the existence of the most friendly feelings on the part of the United States towards the Spanish nation. Indeed, to my apprehension, a proposal made with a view to procure its voluntary transfer to the United States by Spain for a full equivalent, would imply, on our part, a strong desire to maintain those relations of amity and kindness which have so long existed between the two countries, and to place them beyond the chances of any future rupture.

It is known to all that various events have transpired in the Island of Cuba, or in its waters, within the last few years, which have occasionally given rise to a good deal of irritation in the two countries; and which, at times, even seemed calculated to disturb the good understanding between them. Now, sir, the President's attention has been necessarily directed to these causes of national disquietude, and it is to a desire of obviating them in the future that the recommendation

contained in his message must, in fairness, be attributed.

But, whatever may have been the motive which induced the President to bring this subject before Congress at this time, I am sure that the suggestions made by him will not be entertained here in the aggressive spirit imputed to us by the leading presses of Europe; and that any proposition which we may determine to make to Spain with respect to it, will be made under the influence of those feelings of respectful regard for her which should characterize the conduct of the United States towards a nation which was one of those which came to their assistance when they took up arms for the purpose of achieving their independence.

The object of the President in speaking on the subject in his message, was to have the Congress of the United States take some definite action with a view to obtain a peaceful transfer of Cuba from Spain to the United States, at an early day, if it be at all practicable to do so in the present position of the civilized world; and in consequence of his having so spoken, the attention of both Houses of Congress has been given to it during the present session. The committees of both Houses have reported in favor of making an attempt at this time for the immediate acquisition of Cuba, and have accompanied their respective reports with bills which are designed to give effect to this policy. These bills are substantially the same, and I shall therefore call attention only to that reported to the House, and which will be before us for consideration in a few days. That bill is in the following words:

Be it enacted, &c., That the sum of $30,000,000 be, and the same is hereby, appropriated, out of any moneys not otherwise appropriated, to enable the President to conclude with the Government of Spain a treaty of amity, and for the settlement of all differences, including the cession of the Island of Cuba, to be used by him, if he shall think fit, in advance of its ratification by the Senate: *Provided*, That said treaty, when signed by the authorized agents of the two Governments, and duly ratified by the Government of Spain, shall call for the expenditure of the sum or any part thereof; full and accurate accounts of which expenditure shall be by him transmitted to Congress at as early a day as practicable.

From this, it will be seen that the committee propose to make provision, by a legislative act, for the appropriation of $30,000,000, to be placed at the disposal of the President of the United States, and which he shall be authorized to make use of in the event of there being a treaty entered into with Spain for the cession of Cuba, after that treaty has been ratified by Spain, and without waiting for the action of the American Congress; and that it makes no other provision whatever with reference to the contemplated acquisition, but leaves everything connected with it to the sole discretion of the President, or to that of the Senate, or to the future action of Congress.

Now, sir, I am in favor of the speedy acquisition of the Island of Cuba. I am in favor of that acquisition, because I know, if it become a part of our territory, that it will be of immense advantage to the whole nation; that it will give a new impulse to our industry, extend our trade, and give rise to new relations with all the various countries of Europe with which it is desirable to remain upon the footing of friendship. But, sir, while that is my feeling, I am not in favor of proceeding in this way. I think the scheme involved in it incomplete. I think the proposition, if it should be adopted, is not of a character at all likely to lead to the attainment of the object aimed at with any certainty.

What is the proposition? Why, it, in effect, authorizes the President to open negotiations with Spain for the cession of Cuba, and places a certain sum—$30,000,000—at his disposal, to be disbursed by him after the ratification of the treaty on the part of Spain, and in advance of its ratification by the Senate. Would such a provision as this insure the acquisition of the island, if the President were to negotiate a treaty and use the money intrusted to his discretion? The views of the President, with respect to the sum which might with propriety be given as a consideration for that island, might differ widely from those of Congress. A treaty might be entered into with Spain, under his instructions, which would stipulate for the payment of a sum vastly greater than the people of the United States would be willing to give. Under these circumstances, as a matter of course, the acquisition would not be made, because the treaty would be rejected by the Senate, or be repudiated by the people.

But this proposed plan of proceeding is liable to another and still greater objection. It makes no provision whatever with respect to the future position of the island, or of its people, in the event of their transfer from the dominion of Spain to that of the United States. Is the island to remain a dependency of the United States and the Government, as a Territory, or is it to be erected into a State? Are the people of the island to be left to regulate their local affairs according to their own views, and according to their own good will and pleasure, or are they to be subjected to interference from without, and be liable to have their present social organization disturbed, and their domestic institutions changed, in obedience to the will of others, and in opposition to their wishes, and to the injury or destruction of those rights of property which they now enjoy under the authority of Spain?

These are questions of momentous importance. We are all aware of the difficulties to which their settlement, from time to time, gives rise in the United States, whenever they are in any way connected with the existence of the right of property in slaves, or with the preservation or continuance of that system of labor. The Island of Cuba is only valuable to the world because it swells all the streams of trade with a great variety and a vast amount of those commodities which are the peculiar growth of the tropical regions of the earth; and it is known to all that its capacity to do this, in a manner and to an extent at all commensurate with the daily increasing wants of civilized life, depends altogether upon the employment of slave labor there. Her present commercial importance is inseparably connected with that species of labor. Without it she would soon lose her proud preëminence among the great producing countries of the tropics; and if it were once disturbed or interfered with, in violation of the rights of those who now employ and direct it there, it requires no extraordinary foresight to perceive that, after passing through all the various stages of decay and demoralization which have been exhibited to the world of late years, in the downward progress of the West India colonies of England and France, under the operation of the same causes, she would at last sink into the state of barbarism and degradation which has caused her neighbor, the once flourishing and prosperous Hayti, to forfeit her former place on the rolls of civilization, and to become a mere blank or a foul blot on the earth's surface.

It is clear to my mind, Mr. Chairman, that the Island of Cuba would be of no value to us, if its present system of labor were to be disturbed, and its capacity to supply our own markets and the markets of the world with tropical productions were to be destroyed. Without this capacity, her acquisition by the United States would not be a national advantage. It would neither add to the materials of our trade nor lead to an increase in our shipping; nor would it give new life to our present agricultural and manufacturing industry by opening a more extended market to their products. Unless the island can be transferred to our possession in its present condition, and with the certainty that the rights of its people to regulate their domestic institutions will be preserved inviolate, it would neither be useful to the United States, nor just to the people of the island, to make the acquisition. And, for one, I have no hesitation in saying that, in my opinion, no measure looking to the acquisition of Cuba deserves support which does not make full provision on that subject.

But these are not the only objections which present themselves to my mind against the bill reported by the committee. That bill proposes, without any real necessity, to put $30,000,000 at the disposition of the President, to be used by him, at his discretion, in bringing about the cession of the island. It is true, that the bill provides that he shall use this money only in case the treaty for the cession, when made, "shall call for the expenditure of the same," &c. For what is it to be used? To what purpose is it to be applied? Is it intended to form a part of the consideration to be given for the island? Or is it to be expended in some collateral way, to facilitate the making of such a treaty? I have the greatest confidence in the integrity of the present Chief Magistrate of the nation. I have no fear that he would misapply the fund placed at his disposal, or that he would employ it in any unworthy manner to promote the success of the projected negotiations. But, sir, I hold it to be wrong in principle, to vest any unnecessary discretion in the Executive, at any time, or for any purpose. There can be no necessity for leaving him any discretion in this case, with respect to the payment of money. If it is the intention of Congress to appropriate the sum specified in it to the payment of a part of the consideration to be given for the island, the bill ought to say so. But, in that event, the simple and proper way of accomplishing that object would be to direct the payment of the money appropriated directly to Spain. If that be all that is aimed at, why not say so? And then there will be no necessity for vesting any discretion whatever in relation to the disbursement of the money appropriated, in any officer whatever.

In my view, these various objections to the bill before the House are insuperable. When Congress acts at all, with reference to the peaceful acquisition of Cuba, it seems to me that its action ought to be complete in itself; that it should be of such a character that, if it were met by Spain in the same spirit, it would necessarily result, not only in the absolute acquisition of the territory, without leaving anything to be done in the future to give it effect, but would also fix and determine the position which the island and its people were to occupy in our political system, after their transfer to the United States. In the hope of contributing, in some way, to the adoption of such a measure, I had the honor a few days since of asking the leave of the House to introduce a bill embodying the various provisions which seemed to me essential for the carrying out of the policy of which I have spoken. Objection was made at that time, and I was prevented from submitting those provisions to the consideration of the House. It is, however, my intention, when the subject comes up before the House, to offer the bill which I then sought to introduce, as a substitute for the one reported by the committee; and with the view of securing to it a favorable reception at that time, I shall now proceed to lay it before the House, and to show the propriety of adopting it, if we are really desirous of obtaining possession of the Island of Cuba, and of securing to the country all of the advantages which ought to flow from such an acquisition.

But before doing this, it seems to me proper that I should say something as to the position which I occupy with respect to the policy of acquiring Cuba. I have said that I am in favor of acquiring that island at once; and have already spoken of the great advantages which would result to the United States from making the acquisition. But, Mr. Chairman, the committee who reported the bill of which I have been speaking, whilst they describe, in the warmest terms, the extraordinary manner in which the interests of the nation, as a whole, will be advanced by the acquisition, more than intimate in their report that the success of the measure would be very injurious to the sugar-growers of Louisiana; and, indeed, if I remember right, they urge its adoption on the House on the very ground that if it be carried out, it will have the effect of permanently lowering the price of the great staple of that State, in the culture of which their fortunes are now embarked. And some of the members who have addressed the House with reference to this measure, have also taken the same ground, and have advocated the acquisition of Cuba for the special reason that it will necessarily give the people of the United States their supply of sugar free of any duty.

Now, sir, I come from that very portion of the United States which it is intimated, or asserted, is to be injured and not benefited by this policy of acquisition. I am the Representative of the greatest sugar-producing district in the United States, perhaps in the world. Those engaged in its culture, certainly derive an advantage, a very important advantage, from the duty imposed on the sugar imported into the United States from

Cuba. If Cuba should become a portion of the United States, those engaged in that culture would necessarily be deprived at once, and forever, of that advantage; for the barriers opposed by our revenue laws to the free importation of sugar from that island, would be removed, and the same free trade which now exists between the several States of the Union would be established between Cuba and ourselves. And, yet, sir, I am in favor of this policy of acquisition.

I do not believe that there is within the limits of this nation a constituency more patriotic, more disinterested, or more willing to submit to all of those personal sacrifices which a portion of the people are sometimes required to make for the good of the whole, than that which I have now the honor to represent on this floor. But, sir, while this is true, while I have the most profound conviction that my constituents would not hesitate, though it might prove injurious to themselves, to give their full consent to the acquisition of Cuba if the good of the whole Union demanded it at their hands, I must still confess that I should not presume to take such a step, to make such a sacrifice in their behalf as would be necessarily involved in the advocacy and support of any measure which I believed would be injurious to them, until I had first submitted the question to them for their consideration, and had been authorized to do so by their positive instructions, given with that very view. After this expression of what I consider to be the duty of the Representative to his constituents, is it necessary for me to say that I am settled in the belief that Louisiana will constitute no exception to the rest of the United States, so far as it relates to the benefits to be derived from the proposed acquisition?

No, sir; instead of being an injury to Louisiana, the acquisition of Cuba will be a permanent benefit to all her citizens, and to none more than to those whose fortunes are now embarked in the sugar culture. It is true, sir, that the first effect of that acquisition might be to depress the price of their great staple; but if that were so, how long would the depression continue? Why, sir, notwithstanding the extravagant expectations of many of those who look forward with hope to such a result, under the operation of the known laws of trade, a depression of price from this cause would not continue during a single crop. And then, I would ask what would be the subsequent effects of the proposed measure when once carried into successful operation?

The only really great and insurmountable advantage which Cuba now possesses over Louisiana, in the prosecution of the sugar culture, grows out of the unlimited supply of cheaper labor which she has hitherto derived, and still continues to derive, from the illicit prosecution of the African slave trade, and from that other open and legalized traffic in the yellow races of Asia which has been established and carried on in our day, by other nations, under the auspices and example of philanthropic England. Deprived of that advantage, we of Louisiana can successfully compete with her in the markets of the world for the supply of sugar. Annex Cuba to the United States, Mr. Chairman, and this illicit and secret trade and that legal and open traffic will both be at an end, so far as Cuba is concerned; and in a short, very short, time, the cost of production in the two countries will be equalized. If annexation gives to Cuba a better market for her sugar, by enabling her to sell it to the consumers among our people free of any duty, it will at the same time, deprive her of the advantages which she has hitherto enjoyed over us in the shape of cheaper labor and cheaper land; so that the relative positions of Cuba and Louisiana, with respect to the profits to be derived from the production of that commodity, will not be materially disturbed for any considerable length of time.

These considerations, I think, make it clear that the present interest of the Louisiana sugar planters would not suffer very materially from the immediate effect of the annexation of Cuba. But it is not to the present alone, that we are to look. The statesman should cast his eyes also towards the future when he is determining upon his course with regard to a measure which must, from its very nature, produce effects that are to be felt through a long series of years. It would be easy for me to show, Mr. Chairman, from acknowledged, and indisputable facts, that the future interests of the class to which I have referred, would be advanced in the highest degree, and placed upon the most solid foundation, by the adoption of the very measure, which many, who have not fully considered the subject, have thought was full of menace and danger to them. But, sir, I forbear; because it is no part of my present object to prosecute such a discussion. My only desire at this time is to promote, as far as it is in my power to do so, by word or deed, the success of the great measure to which the attention of the House will soon be directed in the ordinary prosecution of its business; and I will therefore now return to the consideration of the provisions of the bill to which I have already referred, and which it is my intention to offer at the proper time, as a substitute for the bill before the House from the Committee on Foreign Affairs.

The bill which I design offering as a substitute for that of the committee, is in the following words:

A bill to provide for the acquisition of the Island of Cuba by negotiation, and for its being incorporated into the Union in the event of its being so acquired.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized and empowered, when in his judgment it is advisable so to do, to open negotiations for the cession of the Island of Cuba from Spain to the United States; and that he be, and he is hereby, further authorized and empowered to bind the United States for the payment to Spain of a sum, not to exceed $120,000,000, as a consideration for such cession, when the same shall have been made and completed by a treaty signed by the properly accredited and duly authorized agents of the two Governments, and ratified by Spain.

SEC. 2. *And be it further enacted*, That upon the ratification by Spain of a treaty for the cession of the said Island of Cuba from Spain to the United States, made and completed as aforesaid, the President be, and he is hereby, authorized and empowered, immediately thereafter, to cause bonds of the United States to be issued for the payment of said sum of $120,000,000, or so much thereof as may be required, and to deliver the same to the properly accredited and duly authorized agent of Spain; which said bonds shall be divided into not less than six installments, and be payable in not more than thirty years, and shall bear an interest not to exceed five per centum per annum, payable half yearly at the Treasury Department of the United States.

SEC. 3. *And be it further enacted*, That the said Island of Cuba, if the same is at any time ceded to the United States, may be erected into a new State, to be called the State of Cuba, with a republican form of government, to be adopted by the people of the said island, by their delegates, duly elected by the suffrages of the white males, over the age of twenty-one years, resident in the island and citizens thereof, in convention assembled, with the consent of Congress, and that the said new State, so erected as aforesaid, shall be admitted into the Union, by virtue of this act, with four Representatives until the next apportionment of representation, on an equal footing with the existing States.

Upon an examination of this bill, it will be found that if it should be enacted into a law, it will constitute, in point of fact, a formal, distinct, and complete proposition made by the sovereign authority of the United States to Spain, for the cession of the Island of Cuba to the United States, upon terms which it is deemed would be advantageous to both countries.

The first section of the bill would fix the sum which the United States are willing to give to Spain as a consideration, and authorizes the President to bind the Government for its payment when Spain agrees to make the cession.

The second section provides for the issuing of the bonds of the United States for the amount to be paid to Spain, as a consideration for the cession, and for their delivery over to Spain as soon as she has actually ceded the island to the United States.

And, finally, the third section authorizes the erection of the island into a State, in the event of its being ceded to the United States, with a Republican constitution, to be adopted by the white male citizens of the island, over the age of twenty-one years, and declares that, the State, when so erected, shall be admitted into the Union without any further action of Congress, upon a footing of equality with the existing States.

If it be our design to make any attempt for the acquisition of Cuba, it seems to me eminently proper for us to begin by the passage of such a bill as the one I intend to submit to the House. Such an act would be right in itself, because by its adoption the people of the United States, through their representatives in both branches of Congress, would determine beforehand upon the consideration they were willing to give for the cession of the territory they proposed to acquire, and would leave nothing to be done to give effect to the cession, when once agreed to by Spain on the terms proposed in the act, which was in any degree dependent on the discretion of any executive officer, or on the subsequent action of Congress.

But, Mr. Chairman, I will go further than this. I believe that the passage of the proposed bill would be followed, at no distant day, by the relinquishment of Cuba to the United States. I know, sir, that it is believed by many to be inopportune, at this time, to make any proposition on this subject to Spain. I will not pretend to say what would have been my judgment, if I had been called upon to determine whether the subject should be agitated now. But the subject has been agitated. It has been brought to the notice of the American Congress; and, if we refuse to act, it will be a declaration to the world that we do not desire to acquire the island.

But, sir, I do not consider the time unpropitious for the attainment of the object in view, if we proceed in the right direction and in the proper spirit. Nations, like natural persons, are under the dominion of their interests. And whilst there is, at all times, a sort of indefinable aversion to the alienation of ancient possessions, it is nevertheless true that political communities, as well as individuals, rarely hesitate to part with them, when it is to their interest to do so. In modern times, there have been many instances of such cessions of territory, and the history of Spain, itself, presents two of the same kind within the last century.

It is well known to us all that Cuba has long since ceased to be a valuable possession to Spain. To retain the island under her dominion, she is compelled to maintain a large military force there, and to keep a fleet constantly in its waters. The various expenses entailed upon her by these necessities, it is probable, exceed the revenues which she is able to derive from the island; so that the continuance of her authority over it may be a burden to her finances instead of an advantage.

But, in addition to this, from the very nature of things, her possession of the island must, for the future, be holden by a very precarious tenure. In the event of any great political convulsion in Europe, it would, in all probability, be lost to her. If a general war should break out there, it is scarcely conceivable how she would be able to retain it. Does not the present position of affairs in Europe denote a rapidly approaching crisis? Is not the public mind upon the continent full of apprehension, perhaps alarm, at the idea of an impending war? Well, sir, if this apprehension should prove to be well founded, what would be the position of Spain? Will not France and England be on opposite sides in the event of such a war? And would not Spain, then, be allied with France, both from necessity and choice? If this were the case—as it most surely would be—then tell me, would Spain be able to protect the island? No, sir. It would be at the mercy of that haughty Power which has so long arrogated to herself the dominion of the seas, and which now possesses the mightiest navy the world has ever seen.

When I look to the present value of the island to Spain, and to the various contingencies of a rapidly approaching future, it seems to me that it would be the part of prudence in Spain to cede it to the United States for a fair consideration. Owing to the geographical position of Cuba, no country would derive as great advantages from its possession as the United States; and for that very reason we can afford to give a far higher consideration for it than any other Power. Under such circumstances, I can see no possible impropriety in our making known to Spain our strong desire to make this acquisition, and telling her, as an inducement to her to gratify that desire, what consideration we are willing to give her for the island, and what privileges we design to confer on its people if she should consent to transfer the island into our possession.

Such a proceeding on our part, when viewed in its proper light, can give no just cause of offense to Spain. The proposition which it involves, if made at all, will be made in a friendly spirit.

We believe that the agreement, or contract, or treaty, whichever you please to call it—for a treaty is nothing more nor less than a contract or agreement between nations—that we desire to make with Spain in relation to the cession of Cuba, would be advantageous to both countries. It will be made on that presumption from one sovereign to another. If the inducements held out by us to Spain are sufficient, she will assent to our proposal and cede the island to us; but if, on the other hand, she sees fit to decline it, she most certainly will be at liberty to do so without giving any ground of complaint to the United States.

Our previous conduct to Spain has made it manifest to her and to the world that we have no wish to acquire Cuba without her consent. The President has so declared in his message bringing the subject to our notice. And this fact would be necessarily implied in the very making of a proposition by which we formally ask her to cede the island to us, and offer to pay her an immense sum of money as an inducement to do so. And how, then, I would ask, is it possible that the making of such a proposition, on our part, should be misconstrued by Spain at this time? I cannot believe it, sir. I am persuaded that the making of the proposition which I have suggested can give rise to no misconstruction. But whether I am right in this or not, of one thing I feel perfectly certain: if we desire to obtain Cuba by negotiation, we must act now. And, sir, if we do act, as we propose, I, for one, shall entertain some hope of a favorable result, notwithstanding the excited expression to which the subject gave rise, very recently, in the Spanish Cortes, when the probability of some offer being made with reference to it became a subject of discussion among its members.

When a specific arrangement is once proposed which will be manifestly advantageous to the party to whom it is made, I see no reason to despair of its being acceded to. And now let me ask, what would be the necessary consequence of our making the proposition I have spoken of to Spain, in the form of a public legislative act? Would it have the effect merely to excite to declamatory displays on the part of frothy politicians and aspiring patriots? No, sir. It would attract and receive the attention, the earnest attention, of the whole Spanish people. And what would be the effect it would be likely to produce on the public mind, when it came to be fully understood in all its bearings? Can any one doubt that it would be favorable, and be likely to lead, sooner or later, to such a change in the position of the "gem of the Antilles," that, from being a mere colonial appendage to a distant Power, it would become a new sister in our republican household, and add still another star to that glorious blazonry which glitters in our political firmament?

Now, Mr. Chairman, let us turn our eyes to Spain, and see how she would be likely to be affected by the proposition I have spoken of.

I have already said that Cuba was not a source of revenue to Spain, and that it had become, and promised to continue, a burden on her finances. It is also well known to all, that its possession adds nothing whatever to her military strength, but, on the contrary, diminishes it to a very great extent, by compelling the employment of a considerable portion of her army and navy at a great distance from her shores, for its preservation and defense. As Spain is situated, it seems quite certain, then, that she derives no advantages from the possession of the island for the masses of her people, but such as may result to them from the trade which they carry on with it.

Now, it so happens that such advantages are precisely those which do not always depend on the political union of countries. There may be portions of her people, it is true, who now enjoy peculiar advantages from the operation of various commercial restrictions imposed on the intercourse of Cuba with other countries, for their benefit, of which they would be deprived by its transfer to the United States. But, if this were the case, it by no means follows that the transfer of the island to us would be injurious commercially to Spain. The experience of the past has shown, again and again, that the commercial intercourse with colonies after their separation from the mother country is almost always more beneficial to the mother country than it had been before, because of their being freed from the trammels thrown around them in their colonial condition. This was eminently so in the case of the United States after their separation from Great Britain. And we are familiar with the fact, that the conviction on that point has become so strong in England that the policy of breaking the bonds which now unite her with the Canadas has of late found strong advocates among her most eminent statesmen.

These various considerations, Mr. Chairman, constrain me to believe that Spain, in transferring Cuba to the United States, would lose nothing by the transfer which it is either very desirable or very important for her to preserve by retaining it. But how would it be with what we should propose to give her in exchange for it, if this bill should pass? Would she not gain something of the highest, the very highest, importance to her if she were to accept our proposition? Why, sir, Spain is one of the very finest countries in Europe. She has a fruitful soil, and a delicious climate; her coasts abound in harbors, and her mountains in minerals; her population is numerous, frugal, and industrious. And yet she has lagged behind, in our day, in the race of improvement among the nations.

And why is this? Why, sir, Spain is a country of elevated plains and sharp mountain ridges. She has no great navigable rivers, opening easy channels of communication from her coasts to the interior. She has no facilities for making canals. What she needs are railroads to traverse her plains, to penetrate into the recesses of her mountains, so that her people may be awakened to life and progress in their sequestered abodes, and started in the career of improvement, by new demands upon them for the fruits of their industry, and new opportunities presented to them for supplying their wants. To have these roads she must have money. And this proposition, if accepted, would give her the money she requires. If Spain were to receive the sum mentioned in my bill, in exchange for Cuba, what would she not be able to accomplish with it, if it were prudently administered? Why, sir, its possession would enable her to make all those public works which are now necessary for the development of her great resources; and the acceptance of this very proposition might lead to a revival of the old glories of the Castilian name; to the restoration of Spain to her ancient rank among the foremost nations of the world. And can it be believed, Mr. Chairman, for a moment, that all this, and more, would not present itself to the minds of intelligent and patriotic Spaniards, if such a proposition were made, and make them urgent for its acceptance?

And how would it be with respect to Cuba? Would not its transfer to the United States, on the terms proposed, be followed by an immediate and extraordinary rise in the value of property there? And would not every person interested in that property have a direct pecuniary interest in bringing about the transfer? But this is not all. Such a proposition as that I speak of, which makes ample provision for the security of their existing rights of property and secures their immediate admission into the Union, would be regarded with favor by the entire population of the island. If it were acceded to, and they were placed under the protection of the "stars and stripes," they would no longer be the inhabitants of a dependent colony, ruled over by officials from abroad—mere subjects, shut out from all participation in the public concerns affecting their own interests; men whose only duty it was to yield a silent obedience, to bow in patient submission to the behests of those set over them by others. They would become an independent and free people. They would constitute a sovereign State, placed upon a footing of the most perfect equality with the other sovereign States of this great Confederacy. From being subjects, bound to obey, they would be elevated at once into citizens, vested with all the rights of self-government. They would be at liberty to engage in all of those pursuits which lead to distinction among men. Public life would be open to them. They could take part in the management of their local affairs; fill the places created for the transaction of their local business. They would be eligible to seats in their State Legislature; and seats upon this floor, and in the Hall at the other end of the Capitol, would be open to them. In a word, sir, in place of being excluded from all public stations of honor or trust, the high offices in all the departments of the Government of a great nation would be placed within their reach, and might become the proper objects of an honorable ambition to all.

The plan submitted by the committees of the Senate and House for consideration will not answer. To proceed on that plan, in my judgment, would be entirely useless, if we contemplate a peaceful acquisition of Cuba. If it should be adopted, it gives no assurance to the people of the island as to the future. Their rights of property and their position under the authority of the United States would be left subject to all the hazards of subsequent congressional action. This circumstance alone would, in itself, constitute a very serious obstable to the success of any negotiation, by filling the minds of the people to be affected by the transfer with apprehensions on these subjects, and arraying them in opposition to it. Neither would it place anything before the people of Spain of such a character as to make them certain that we were willing to give them a full equivalent for the island; or which would be calculated to break down the natural aversion which all nations entertain with regard to alienations of territory, by creating an opposite desire for some great and clearly appreciable advantage which would result from such an alienation.

The bills from the two committees would do very well, beyond all doubt, if the only object were to display an extraordinary amount of confidence in the Executive. They would do very well if they were merely intended to make political capital, or to get up a cry to be rung out in our party contests. But, I repeat it, Mr. Chairman, congressional action of the kind which they propose, would not, in my view, be likely to lead to the attainment of the object aimed at with any certainty. If it is our object to make a serious attempt to acquire Cuba by negotiation, we must proceed in the way I propose. It is the only one, I fully believe, which, as statesmen, we ought to adopt, whether we look to the success of the projected negotiation, or to the peace and quiet of our own country after its success.

I do not mean to say that we shall succeed, if we pass the bill I propose. I only say that, in my judgment, it would offer a reasonable prospect of success if we should pass it. But let us suppose, for a moment, that we do pass it, and that the proposition which it embodies is made to Spain, and rejected: well, what then? Why, sir, the act will stand upon our statute-book a perpetual monument to the world of the spirit in which alone the American people desire to make acquisitions of territory. Much has been said in monarchical Europe of the aggressive policy of the United States. Their subsidized presses rail about it to operate upon the uninformed masses, and excite a prejudice against the Americans name and against republican institutions. But there is no foundation for the reproach. It is disproved by the history of all our past territorial acquisitions.

How was it in the case of Louisiana? Why, sir, we held a vast region of country lying on the upper Mississippi and all its eastern tributaries. The lower portion of that river flowed through a country belonging to another Power. We claimed a right to the free navigation of the Mississippi river under the law of nations; but that right was denied us, to the great injury of our people. We had the power to vindicate our right, and wrest the territory through which it flowed from its unjust possessor. But did we do so? No, sir. We acquired it by treaty for a valuable consideration. When it passed into the hands of France, and that Power found that it could not retain it because of the maritime ascendency of England, she was disposed to part with it, and we bought it from her for its full value to her at that day.

And again, sir, with respect to Florida. The possession of that country was important to us as a nation. Whilst it was held by Spain it

was a source of injury to us, when we were engaged in war with England or in hostilities with various Indian tribes, because it afforded our enemies facilities for attacking us, or gave them shelter after their discomfiture in the field. In consequence of various annoyances of this sort, we took military possession of the country three several times. But did we retain possession of it by force? No, sir. When the occasions which compelled us to occupy it passed away, we withdrew our forces at once, and it came under our dominion at last only when Spain found it to her interest to cede it away.

And how was it with Mexico? We had possession of its capital; we controlled its destinies, from the waters of the Gulf of Mexico to the Pacific ocean. Yet our only desire was to compel our enemy to sue for peace. When there was a disposition to treat, when there was a disposition to abandon hostilities against the United States, we made a treaty and withdrew our forces. We did not imitate the monarchs of Europe, or follow the example of those States of the Old World, which have taken possession of almost entire quarters of the globe by violence. It is true, we acquired a portion of her territory which was convenient to us, by the treaty of peace; but she ceded this territory to us voluntarily, and received for it a consideration which was satisfactory to her, and had the effect of relieving her people from various pecuniary embarrassments under which they had labored for years, or which grew out of that war, which was one of their own making.

No, sir; the United States, during their whole existence as a nation, have never yet violated the rights of another nation, or acquired one single foot of territory without the full consent of its former possessors, and without giving to them a full equivalent for it. The acquisition of territory on any other principle than this would be directly at war with the spirit of our free institutions; subversive of the principles on which our public policy towards other States has been hitherto based. I know, Mr. Chairman, that many who look forward to the acquisition of Cuba, do not hesitate to say that it is necessary to our security as a nation, and that therefore we have a right to take it by force, if Spain should refuse to yield it to our demands. For one, sir, I do not assent to any such position; nor can I conceive, for a single moment that it can be seriously countenanced by any people, unless they have deliberately made up their minds to return again to

> "The simple rule—that good old plan,
> That they may take who have the power,
> And they may keep who can."

I neither acknowledge the principle, nor admit the fact on which that assumption is founded. It is undoubtedly true that our earlier statesmen looked to the possession of Cuba with anxiety, as a means of increasing our national strength. But it was never pretended that we had the right to seize it, on this ground, in utter disregard of the rights of Spain. In the earlier days of the Republic, beyond all question, the possession of this island would have been important to us in a mere military point of view. We were then in our infancy. The nation was in its swaddling-clothes, and exposed to injury from every attack. But how is it to-day? Though we have not yet attained our full growth, our giant proportions fill a continent, and our strength has become such that we may laugh all enemies to scorn. There is no longer any reason why we should have fears of foreign Powers, for the world in arms is not strong enough to move us one jot or tittle from the path which we are called on to pursue under the promptings of right and honor. No, sir; it is not to increase our national strength, or to give us security in the future, that we should desire the acquisition of Cuba. It is to advance the interests of our people in peace. And it is because I am persuaded it will have that effect, that I am now in favor of making a proposition, by the direct action of Congress, with a view to obtaining a cession of the island from Spain to the United States, on terms equally advantageous to both countries, and which should be, at the same time, not only just to Spain, but worthy of a great Republic.

PUBLIC PRINTING.

SPEECH OF HON. GEO. TAYLOR,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 10, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. TAYLOR, of New York, said:

Mr. CHAIRMAN: It is not my intention to occupy much of the time of the committee this evening with remarks of my own. I wish to present certain certified statements from the Register of the Treasury, the Secretary of the Senate, and the Clerk of the House of Representatives; and I shall say no more in connection with them than is necessary to explain them.

Much has been said about the increase of the public expenditure, and much more might be said with great propriety. While in some instances that increase has been necessary and proper, in others it has been so far otherwise that no valid excuse for it can be found.

The public printing presents the especial illustration to which I desire to draw attention; and I do so because circumstances have led me more particularly to inquire into the public expenditures in this particular. The amount of public printing depends, in a great degree, upon the action of Congress. That printing may be confined to what is strictly necessary in the legislation of the Government, to the Executive documents, to the reports from committees, to bills, and other necessary matter, during the period in which Congress is in session; or, it may be increased, as it was in the Thirty-Third Congress, by orders for large and expensive editions of works not necessarily connected with the legislation of the country. The practice of ordering works to be printed, before the manuscripts have been sent in to Congress, has led to many abuses. The rule adopted by this Congress, which requires every sheet of manuscript to be delivered before the subject of printing is acted upon, has done much good. Similar precaution on the part of the Thirty-Third and Thirty-Fourth Congresses would have saved millions to the Treasury.

Previous to the Thirty-Third Congress, but few surveys and explorations had been printed by the Government. The Thirty-First Congress printed Messrs. Foster and Whitney's report on the copper regions of lake Superior; but it was done in the manner of an ordinary document, and at little expense. The Thirty-Second Congress ordered the publication of Lieutenant Stansbury's report on the Great Salt Lake and Utah; and during the last session of that Congress the Senate ordered a limited number of the reports of Captains Marcy and Sitgreaves. This, however, was sufficient to give an impulse to the congressional publishing business. It came to be thought necessary to revise the law, and change the system of public printing. In that revision and change, which took place in 1852, the office of Superintendent of Public Printing was created. The duties which were devolved upon the superintendency were simple and direct. It was thought that one person, with a salary of $2,500, would be sufficient to perform them. In this supposition there appears to have been a mistake, which arose, probably, from the greatly increased amount of work ordered. The Superintendent's office grew into a bureau, with a salary of $3,000 per annum; four clerks, at $1,800 each per annum; a messenger, and a laborer. With this important machinery, the Thirty-Third Congress commenced the manufacture of books in earnest.

It may be necessary, in order to secure a more perfect understanding of this subject, to remark, that the regular number of every document printed is 1460 for the Senate, and that for the House one thousand five hundred and twenty. Any larger number for either body is called *extra*. The Thirty-Third Congress ordered extra numbers of many works. In order to ascertain the number of volumes I have multiplied the number ordered by the number of volumes in each work.

The Senate ordered extra copies of—

	Volumes.
Smithsonian Report	10,000
Patent Report, (mechanical)	12,000
Patent Report, (agricultural)	40,000
Gibbon's Report	20,000
Sitgreaves's Report	3,000
Health on Emigrant Ships	5,000
Lee's Cruise of the Dolphin	4,000
Andrews's Report	10,000
Finance Report, first session	10,000
Commerce and Navigation	18,200
Marcy's Report	10,000
Finance Report, second session	10,000
Patent, (mechanical,) second session	54,000
Patent, (agricultural,) second session	55,000
Smithsonian Report, second session	10,000
Pacific Railroad Surveys	132,000
Perry's Japan Expedition	15,000
Gilliss's Astronomical Report	14,000
Total	432,200

The House ordered extra copies of—

	Volumes.
Finance Report	15,000
Obituary, Vice President King	30,000
Herndon's Report	40,000
Gibbon's Report	50,000
Patent (mechanical) Report	60,000
Patent (agricultural) Report	110,000
Smithsonian Report	10,000
Marcy's Report	10,000
Gilliss's Astronomical Report	20,000
SECOND SESSION.	
Finance Report	15,000
Patent (mechanical) Report	120,000
Smithsonian Report	6,000
Mortality Statistics	15,000
Pacific Railroad Survey	120,000
Perry's Japan Expedition	31,500
Commerce and Navigation	15,000
Volumes for the House	687,500
Volumes for the Senate	432,200
Volumes for Congress	1,119,700

It will be seen that the message and accompanying documents, Coast Survey report, and many other documents, are not included in the above statement. The Commerce and Navigation report and that on Finance are included, for the reason that no necessity appears for the large number of *extra copies* of those reports. One fifth the number of these valuable reports would be sufficient, if they were properly distributed through the Treasury Department. A law exists, providing for these publications; and the number of extra copies is directed by that law, and they are not ordered by each Congress. I am not ignorant of the importance of these reports; but the number is unnecessarily large, and the present mode of distribution fails to secure the object contemplated.

I have said that the Thirty-Third Congress commenced the publication of books in earnest; but I would not be understood as reflecting upon the members of that Congress. A combination of circumstances led to the increased printing. It appeared to be necessary, in order to lay before the people the results of the various surveys and explorations which the officers of the Army and Navy had been directed to make; and for which, in most instances, appropriations had been made by preceding Congresses. Little good could have resulted from our costly surveys and explorations, without the publication of the valuable geographical and scientific information collected by the officers engaged in them. No one can object to the legitimate and necessary expense incurred in spreading information among the people.

The civilized world is moving onward. Under a new and mighty impulse, our generation is extending the conquests of man over the islands of the most distant oceans, and to almost every point on the wide-spread continents. Seas and rivers, heretofore unknown have been explored; national barriers which have withstood the tide of centuries, have been broken down by the resistless spirit of the age; and whole empires have been opened to commerce and civilization. Certainly, no one can doubt the propriety of having written and published the history of such achievements. And as their triumphs have been made through Government appropriations, and by Government officers, it becomes the duty of Government to spread the record before the people.

The people do not object to the publication of necessary and valuable reports; the objection is

to the system of publication adopted by Congress, to the useless extravagance to which that system has led, and to the outrageous corruption and venality attending it. The abuses connected with it have become so wide-spread and dangerous, so intolerable, in fact, in their influences, that it would be better for Congress to forego all the advantages of publication than to continue a system fraught with so much evil. It is well known that combinations have been formed for the purpose of controlling the election of Public Printer; and that, through such means, parties totally unable to perform the work have been elected. And it appears to me that circumstances almost authorize the belief that those parties never expected to do the public printing. Congress and the country know that they sold out the Government work at a large bonus; and the public ought to know that Congress now pays a double price for composition—an excess which forms an aggregate almost equal to the bonus referred to; almost sufficient to liquidate or pay it.

But more: it is known that combinations have existed for the purpose of levying a tax upon all persons engaged in performing labor or in supplying materials to the Government in connection with the printing. There is no doubt of the fact that contracts have been farmed out, and that contractors have made a provision in the amount charged for the commissions which they knew had to be paid. Thus, as has been very correctly remarked by one of our leading journals, the public printing has become the center of the lobby corruptions. Sir, in my opinion, it is the heart of this great political malady. Around the avenues of public printing, and its adjuncts—engraving and lithographing—stand arrayed a hungry swarm of lobbyists, of middle men, ready at all times to fleece the honest mechanic or artisan, to corrupt the official, and, if possible, to defraud the Government.

That I might be able to lay before the commit tee exact and reliable information on the subject of printing, I have obtained, from the officers to whom I have referred, the certified statements, which I present, of the cost of reporting the proceedings of Congress and of the Congressional Globe; of printing, binding, engraving, lithographic printing, &c. The cost of the paper used, I have taken from the very valuable report of the present Superintendent of Public Printing.

I submit the statement marked G, which I received through the politeness of the Secretary of the Treasury:

G.—*Statement of expenditures for Printing, Engraving, Lithographing, and Binding, and also for reporting proceedings for the Thirty-Third, Thirty-Fourth, and first session of the Thirty-Fifth Congresses.*

Heads of appropriations.	Thirty-Third Congress.		Thirty-Fourth Congress.		Thirty-Fifth Congress, first session.
	First session.	Second session.	First session.	Second session.	
Printing	$141,530 45	$78,886 11	$293,990 31	$115,000 00	$132,250 00
Lithographing, engraving, &c.	-	-	-	-	56,273 60
Folding and binding	-	-	-	-	67,548 21
Reporting proceedings	21,039 47	14,610 00	18,649 49	29,137 38	37,627 14
	$162,569 92	$93,496 11	$312,639 80	$144,137 38	$293,698 95
	In addition to the above, there was expended, for the fiscal years ending—				
	June 30, 1854.	June 30, 1855.	June 30, 1856.	June 30, 1857.	June 30, 1858.
Printing	-	$43,845 97	$12,022 82	-	$121,095 66
Printing for Thirty-Third and Thirty-Fourth Congresses	-	-	-	-	127,546 17
Binding	$113,153 08	139,577 41	155,091 66	$181,678 00	246,556 42
Folding	8,371 45	10,127 68	21,000 97	54,767 64	60,232 36
Folding for the Thirty-Third and Thirty-Fourth Congresses	24,500 00	-	-	-	68,391 16
Reporting proceedings	-	8,000 00	22,500 00	50,808 54	44,142 74
Lithographing and engraving	63,753 00	161,496 58	153,477 84	224,900 00	247,794 80
	$209,777 53	$363,047 64	$364,093 29	$512,154 18	$915,759 25

TREASURY DEPARTMENT, REGISTER'S OFFICE, *January* 14, 1859. F. BIGGER, *Register.*

Mr. Chairman, it will be seen that the accounts for printing, engraving, and for other matters connected with this subject, are kept at the Treasury Department for each fiscal year, and not against each Congress. The amount paid during the last fiscal year embraces the deficiencies on the printing ordered by the Thirty-Third and Thirty-Fourth Congresses, for which special provision was made at the last session. From the statement of the Register of the Treasury, there appears to have been paid on account of public printing, during the last five years, the sum of $3,370,374 05.

This sum does not include the paper account, which, for the same period, amounted to the sum of $1,678,453 47; nor does it include the amount paid for copies of the Congressional Globe which were purchased for distribution. By reference to the table marked D, it will be seen that the House took twenty-four copies for each member during the Thirty-Third and Thirty-Fourth, and for the first session of the Thirty-Fifth, Congresses—amounting, for the Thirty-Third Congress, to $51,768; for the Thirty-Fourth Congress, to $52,056, and for the first session of the Thirty-Fifth Congress, to $34,704; making together, for the period specified in the Register's report, the sum of $138,528.

It will be seen, on the table furnished by the Secretary of the Senate, marked B, that the Senate, during the same period, took, for the Thirty-Third Congress, Globes amounting to the sum of $51,894; for the Thirty-Fourth Congress they paid $64,188 58; and for the first session of the Thirty-Fifth Congress, $59,294 28—making together the sum of $175,376 86. As these Globes are taken for distribution as other books are, it appears proper to include them in this statement. These sums, added together, give us the total of $5,362,732 38. It will be remembered that this amount embraces the public printing, engraving, lithographing, binding, and the paper for the same, and the reports of congressional proceedings, with the Globes purchased for distribution during the last five years.

But, in order to get the entire expense growing out of the public printing, it is necessary to ascertain the cost of the folding-room, of the paper and other material used in that department, clerks' hire, and various other matters, which may be safely estimated at $100,000 per annum; and last, but equally important in this connection, we should estimate the cost of sending these heavy documents through the post office over the country. Into these items I have no desire, had I the time, to inquire.

The question very naturally arises, how much of all this expense is necessary to carry on the Government? The present able and faithful Superintendent of the Public Printing, shows, in his annual report, that the entire cost of the printing ordered by this Congress, at its first session, was $496,610 25. From this sum we may deduct, for extra work and materials, not necessary to the legislation of the country, from the Senate account, $88,307 06; and from the House account, $190,928 82—making $278,235 88; leaving a balance of $218,374 37 for necessary work and materials. To this sum should be added about $28,000 for binding the regular documents; which makes the total expense $248,240 69 for the long session. I am satisfied that the necessary congressional printing and binding can be done for $250,000. The Department work ought not to cost more than $50,000 per annum, which would make the total cost $300,000.

Mr. Chairman, in order further to illustrate the rapid growth of congressional expenses, let me refer to the Congressional Globe and the present mode of reporting our proceedings. I will not detain the House by reference to the early history of this matter. For all practical purposes, it is sufficient to commence with the action of the Senate in 1841, which led to the present mode of reporting and publishing congressional proceedings. On the 3d day of July, 1841, the Senate appointed a select committee to examine into the subject of reporting, &c. That committee invited propositions or plans for this work from various parties, and afterwards reported the projects to the Senate. (See Senate Documents for 1841, first session Twenty-Seventh Congress, No. 114.) It will be found, by reference to that report, that Messrs. Blair and Rives proposed the following plan:

"*The Reporting.*

"1. The Senate to select, by ballot or otherwise, five reporters, who shall be sworn to give faithful reports of the proceedings of the Senate and the remarks of the Senators.

"2. They shall take notes in succession, and when their turn is completed, shall retire from the Senate Chamber and prepare their copy for the printer, so that the copy for the whole day's proceedings may be in his hands within three hours after adjournment; the reporters to be paid each at the rate of fifty dollars per week.

"*The Publication.*

"Blair & Rives will engage to publish the entire debates of the sessions of the present (Twenty-Seventh) Congress, as handed to them by the Senate reporters, in their daily paper. They will engage that the paper shall be put to press within an hour and a half from the period that the last copy is furnished; and in five hours from the time of adjournment. One hundred and four copies of the paper will be ready to be delivered on the order of the Secretary of the Senate, or they will be delivered by nine o'clock in the morning, at the Senate Chamber, free of all charge to the Senate. The proceedings will be subsequently published, unconnected with any other matter but congressional proceedings, in a quarto form, suitable for binding; and such Senators as prefer it may have an equivalent for their daily copies in that form. Blair & Rives will also engage to furnish the proof slips of the proceedings to any paper in this District, which will enter into agreement to publish them entire."

"*The Expense.*

"The entire cost of a corps of reporters to the Senate which would enable a full and faithful report of their proceedings to be published on the evening of the day on which they occurred, and of two copies of the paper containing them to each Senator, would be $250 per week, $3,250 per session of three month, $6,500 per session of six months, or an average of $4,875 per session, or per annum."

Messrs. Gales & Seaton made a similar proposition.

Mr. Jonathan Elliot offered another project, more in detail, and still further reducing the expense. He made the reporting to cost $181 per week, $2,353 for a short session, and $4,706 for the long session of twenty-six weeks. This proposition provided for five hundred copies of the proceedings.

It will be remembered that these projects embraced the Senate's proceedings only, and that we must double these sums in order to get at the expense of both Houses. The difference in the expense between the Houses under these projects must be very small. The project of Messrs. Blair & Rives would have cost the Government about $19,500 per Congress, or about $9,750 per annum. Taking this, then, as a starting point, let us trace the history of this matter, and see how the cost of reporting and publishing the proceedings of Congress has swollen during the last eighteen years.

During the Thirty-Second Congress the reporting and the Globe cost the Government about $114,500. To this sum there must be added, say $16,000 for binding, making the total $130,500.

These figures are taken from the correspondence between Mr. Rives and Mr. Moore, in 1854. I have not had time to get certified statements from the proper officers; but I presume they are correct.

The expenses for the same objects were considerably less for the Thirtieth Congress. The House then took one half only of the number of copies now taken; and hence a less amount was paid. The reporting and Globe for the Thirty-Fourth Congress cost the Government the sum of $221,496 90. This may be seen in detail, by reference to the certified statements of the Secretary of the Senate, and of the Clerk of the House, which I submit:

(A)

OFFICE OF THE SECRETARY OF THE SENATE,
December 17, 1858.

SIR: I have the honor to transmit a statement prepared in compliance with your request of the 8th instant, showing "the amounts paid by the Senate for the Congressional Globe, and binding the same, reporting proceedings, and extra allowances to reporters during the Thirty Third, Thirty-Fourth, and first session of the Thirty-Fifth Congresses.

I have the honor to be, sir, your obedient servant,
ASBURY DICKINS,
Secretary of the Senate.

HON. GEORGE TAYLOR, *House of Representatives.*

(B)

Amounts paid by the Senate for the Congressional Globe, and binding the same, reporting proceedings, and extra allowances to reporters, during the Thirty-Third, Thirty-Fourth, and the first session of the Thirty-Fifth Congresses.

To whom paid.	Reporting proceedings.	Congressional Globe, and binding same.	Reporters.
33d Congress.			
R. Armstrong	$3,300 22	-	-
J. C. Rives	23,144 72	$51,894 00	-
A. O. P. Nicholson	3,899 47	-	-
J. W. Sheahan	717 00	-	-
J. Tretler, (binding.)	-	10,372 20	-
S. De Camp, (binding.)	-	10,349 50	-
Parkhurst and others	-	-	$969 50
R. Sutton and others	-	-	1,500 00
	$31,061 41	$72,615 70	$2,469 50
34th Congress.			
J. C. Rives	$25,937 05	$64,188 58	-
R. Sutton and others	-	-	$2,400 90
B. Tucker	1,846 50	-	-
Gales & Seaton	10,350 00	-	-
A. O. P. Nicholson	2,674 08	-	-
S. De Camp, (binding,)	-	6,736 08	-
J. Espey, (binding,)	-	4,418 63	-
	$40,807 63	$75,343 29	$2,400 00*
35th Congress, first session.			
J. C. Rives	$18,046 06	$59,294 28	-

* Other payments have been made at the Treasury on this account, of which the Secretary of the Senate has no knowledge.

(BB)

OFFICE OF THE SECRETARY OF THE SENATE,
February 2, 1859.

SIR: In compliance with your request of this day's date, I have the honor to inform you that Mr. J. C. Rives, for "extra allowances of one cent for every five pages over three thousand," of the Congressional Globe and Appendix, has been paid:

For the first session Thirty-Fourth Congress....$10,263 48
" third " " " 1,476 10
" first " " " 10,211 52

I have the honor to be, sir, your obedient servant,
ASBURY DICKINS,
Secretary of the Senate.

HON. GEORGE TAYLOR, *House of Representatives.*

(C)

OFFICE OF THE HOUSE OF REPRESENTATIVES,
January 18, 1859.

SIR: I inclose herewith a statement of the amounts paid for reporting the proceedings of the House, purchase of the Congressional Globe and Appendix, binding the same, and extra compensation to the reporters, from 1847 to the present time, as complete as can be furnished by this office.

I am, very respectfully, your obedient servant,
J. C. ALLEN,
Clerk House of Representatives.

HON. GEORGE TAYLOR, *House of Representatives.*

D.—*Statement showing the number of copies of Congressional Globe taken by the House of Representatives, and the cost thereof.*

Objects of appropriation.	Twenty-Ninth Congress.	Thirtieth Congress.	Thirty-First Congress.	Thirty-Second Congress.	Thirty-Third Congress.	Thirty-Fourth Congress.	Thirty-Fifth Congress, first session.	To whom paid.
Reporting proceedings of the House	-	-	$25,650 75	$38,994 04	$29,716 97	$37,489 65	$19,238 09	J. C. Rives.
For twenty-four copies of the Congressional Globe and Appendix for each member	*$8,208	*$394,876	51,919 00	51,336 00	51,768 00	53,656 00	34,704 00	J. C. Rives.
For one hundred copies of the Congressional Globe and Appendix for the Library of the House	-	-	†8,018 00	2,000 00	900 00	1,481 60	1,155 60	J. C. Rives.
For binding Congressional Globe and Appendix for the members	-	-	13,171 00	20,383 40	20,832 00	15,333 93	14,117 60	Sundry binders.
For excess of one cent for five pages of Congressional Globe and Appendix over three thousand pages for a long session, and fifteen hundred pages for the short session	-	-	-	-	-	13,635 20	10,179 84	J. C. Rives.
For additional compensation to the reporters of the Globe	-	-	-	6,900 00	10,700 00	8,800 00	4,400 00	The reporters.

* For twelve copies of the Congressional Globe and Appendix for each member.
† For complete sets, including the Thirtieth Congress.

The reporting and Globe, for the first session of the Thirty-Fifth Congress alone, cost the Government the sum of $180,535 47. I will give it in detail:

House reporting	$19,238 09
One cent extra allowance	10,179 84
Senate reporting	7,894 54
One cent extra allowance	10,211 52
Copies for the House	34,704 00
Copies for the Senate	59,294 28
One hundred copies for library	1,155 60
Binding—altogether	31,117 60
Extra compensation to the reporters	6,800 00
	$180,535 47

The Secretary of the Senate says that there was a further amount paid at the Treasury Department, of which he has no account. The round sum for these objects may be set down at $182,000 for the first session of the Thirty-Fifth Congress. An average cost for this session would be about $83,000, which would make for the Congress the sum of $265,000, or an increase over the last Congress of $44,003 10; and an increase for these expenses over the Thirty-Second Congress, of $135,000.

On examination I find that the Secretary of the Senate has embraced some payments in his item of $59,294 28, other than the copies of the Globe, and binding the same, for the first session of the Thirty-Fifth Congress. The regular number taken by the Senate is five thousand eight hundred and fourteen, which would amount to $34,884, which, with the binding, would make $49,154 76. There is, therefore, an error in that item of $10,139 52. This amount was carried into the account for last session from an unsettled balance of the preceding year, and is an error of the Secretary in charging to the first session of this Congress, the balance due from the former account.

This increase has taken place in the period of six years, which shows the annual increase to be $22,500. For this, Congress is alone to blame. Previous to the Thirty-First Congress, the House ordered twelve copies only of the Globe for each member; but at the Thirty-First Congress the number was increased to twenty-four for each member and Delegate. The Senate then took seven hundred and forty-four copies only; but during the Thirty-Third Congress, the Senate ordered five thousand and twenty-two copies, in addition to twelve copies for each member.

This unnecessary addition to the number of copies greatly increased the expense, and consequently the profits, of the official reporter and publisher. But a still larger draft was made upon the liberality of the Government during the Thirty-Fourth Congress, when, at the solicitation of the official reporter, a small section was inserted into the "appropriation bill for certain civil expenses," which gave him an additional compensation of one cent for every five pages over three thousand for the long session, and fifteen hundred for the short session. This apparently petty allowance, which Senators at the time supposed would amount to a few hundred dollars only, amounted to the sum of $24,394 97 for the Thirty-Fourth Congress, and $20,391 36 for the first session of this Congress. (See statements BB and D.)

I will not pretend to calculate the profits made by the official reporter. The fault is not with him, but in Congress. It may not be improper, however, to insert the propositions of other parties, equally competent to discharge the duty, to show that the amount paid is too large, and that there is needless extravagance in the matter. Propositions from publishers in this city show that they are willing to do the same service for thirty per cent. less than the sum now paid:

(I)

WASHINGTON, D. C., *February* 1, 1859.

SIR: In answer to yours of this date, requesting me to state the amount at which I would be willing to report, print, and bind the Congressional Globe, compared with the prices paid at present for the same, I would respectfully reply, that after a careful estimate of the work, I can safely say, that I would be pleased to contract for the performance of the same at thirty per cent. less than the prices now paid, and should consider it one of the best business operations I had ever engaged in.

Very respectfully, your obedient servant,
C. WENDELL.

HON. GEORGE TAYLOR.

(J)

WASHINGTON, *January* 16, 1859.

DEAR SIR: In answer to your inquiry, "at what price will you execute the reporting and printing of the proceedings and debates in Congress, as now executed," I make the following proposal:

I will print a daily paper, and deliver *one copy* to each Senator and member of the House of Representatives, the columns and type to be the same size of the Daily Globe, and bring out the proceedings of each day on the morning following, including reporting, for $7 50 per column, *the price now paid for the same work*, and furnish Congress with the same number of copies they *now* take of the Congressional Globe and Appendix, at a reduction of *twenty* per cent. upon the price *now paid;* or I will furnish the work complete, bound in the same style it is now bound, for the *same price now paid for the work in sheets*, which is a reduction of from *twenty-two* to *twenty-five* per cent. upon the price now paid for printing and binding the Congressional Globe and Appendix.

The prices here proposed will enable me to furnish the work on paper equal in quality to that now used, and comply, in every respect, with the requirements of Congress as to dispatch, &c.; and I will give sufficient bond and security faithfully to comply with this proposition, and that I will not call upon Congress to increase my pay per column, per page, per copy, or in any other form, *knowing*, from my knowledge of the work, that the prices named will be amply sufficient to pay me well for the time and capital invested.

Respectfully, LEM. TOWERS.

HON. GEORGE TAYLOR.

It will be seen that Mr. Towers does not refer to the extra allowance of one cent for the additional pages, which would also be saved under this proposition. This would be, at least, $30,000 per Congress.

It is not my desire simply to urge a reduction in this expenditure; the whole system is wrong, and should be dispensed with. No fault can be found with the manner in which this work is done; the reporting is perfect, and it reflects great credit upon the gentleman who does it; but so great an expense is unnecessary, and therefore, in the present condition of the Treasury, is inexcusable. The work of retrenchment belongs to Congress; not to the official reporter who performs his duty promptly and well, and without any other consideration than that provided by law; and, in this connection, no fraud can be found.

The same language may be used respecting the performance of the Public Printer. Considering the large amount of work ordered, and the short time generally allowed for its execution, it would I think, be difficult to do it in better style. But this does not justify the amount ordered by Congress, nor is it any excuse for paying twice for composition which is done once only. The present Superintendent of Public Printing states in his report, that at least $100,000 has been paid for composition under these circumstances since the passage of the act of 1852. For the payment of this large sum of money there is no excuse, except the fact that it is authorized by law, unless it be this: that it is a small sum contributed to the fund for the payment of the middle-men who manage, through the election of Public Printer, to place themselves between those who do the work and the Treasury.

After a careful examination of the whole subject of public printing, I am satisfied that the only remedy for all these evils is the establishment of a Government printing office or bureau, under the supervision of the Secretary of the Interior. I am not ignorant of the many and strong objections urged against this plan. Political favoritism may creep in; nay, may take bold and strong possession of the Government establishment; corruption may penetrate the best organized and most skillfully guarded system; but could the system of a Government establishment be worse than the present? Is it possible for every avenue leading to a Government establishment to be thoroughly blocked up by middle-men—by these unlawful tax-gatherers, who are equally the ruin of the contractor and the curse of the Government? I think not. The public would have the protection, at least, of one officer, selected for his reputation and character, and under his supervision the present state of things could not exist. The responsibility of the subordinates would be direct and immediate under the Government establishment; but this is not the case now. The committees of Congress have not the time to superintend the work, and it necessarily falls into the hands of improper and irresponsible persons.

These large interests, involving millions of dollars during a Congress, require the time, attention, and ability of persons well acquainted with printing, engraving, and lithographing. The committees of Congress may very properly report upon the work to be done; but they require the agency of efficient and faithful officers to superintend its execution, and to limit the expenses. If a system is not adopted in some measure like the one reported by the select committee of last session, the public printing will continue to be the source of fraud and corruption. It cannot be done economically or safely under the present system. Certain practices have become so inseparably connected with the public printing and its adjuncts, engraving and lithographing, as now done, that no political doctoring can remedy the evils. The plan must be abolished; the constitution of the patient must undergo a change; the whole framework must be remodeled before the disease can be reached.

Gentlemen may, and undoubtedly many do, consider this matter too small for serious consideration. As compared to the wasteful and ignorant expenditure of money upon this Capitol, it is small, I am free to admit. Other comparisons might be made, in which its insignificance would be equally apparent; but there is more than extravagance in this system of public printing; the expenditure of money, though by no means insignificant, is the least of the evils to be considered. The demoralization, the corrupting influences which steadily flow out of the system, and which extend each year, and blight and ruin all they touch, cannot be estimated.

If a member should rise upon this floor and announce the fact that a foreign army was in the act of invading our country, and that our liberties and institutions were in imminent danger, there would be but little, if any, debate on the necessity of repelling the invasion and of protecting our institutions; yet we have reason to believe that an army infinitely more fearful than all the armies of Europe combined, is steadily at work in eating out our chief strength, our only reliable security—the public virtue, the very foundation of our republican institutions; while few and feeble efforts only are made to crush the foe and protect our institutions from the threatened danger.

Having tried to discharge my duty in this particular, I leave it in the hands of other gentlemen; and I have no doubt that the time is not far distant when the necessity of a change will be apparent to all. When this is the case, the country will find that the proper remedy will be applied. We have had abundant evidence during this session that Congress is equal to the task, and that it will neglect no important and necessary duty, however unpleasant it may be.

ACQUISITION OF CUBA.

DEBATE IN THE SENATE.

TUESDAY, *February* 15, 1859.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 497) making appropriation to facilitate the acquisition of the Island of Cuba by negotiation.

Mr. CRITTENDEN. Mr. President, I will, as plainly and briefly as I can, state the views which I entertain in relation to this important and interesting subject. The Island of Cuba has always been a subject of no little anxiety and interest to this country. Lying immediately upon the borders of our great continent, across the Gulf of Mexico, and at the mouth of the Mississippi river, it cannot be otherwise, in many points of view, than a matter of great consequence to us. It belongs, however, to another. It is the property of Spain by every title that nations recognize. It was among the first discoveries of her great navigator, Columbus. There he lived and there his remains repose. His life, his death, his history, is a monument of her title. Desirable as it has been regarded to the country, our anxiety to possess it has never blinded us to her rights. We have acknowledged, and we have declared, over and over again, that, while it remains hers, we never intended to question or disturb her in the possession. Our policy, in regard to it, has been as distinct as any policy which this Government has avowed in relation to any subject whatever. We acknowledge that it is Spain's; we acquiesce in her possession; but it is far more important and desirable to us than it is even to her; and we desire to acquire it; but this we must insist upon, that she shall transfer it to no one but ourselves, and that we cannot, with a due regard to our own rights and our own interests, suffer it to go into the hands of another Power. That has been our policy. We have avowed it fairly and frankly before the world. We have made known to Spain our wish to acquire it. We have, perhaps, on more than one occasion, offered to purchase the island. These offers have all been unavailing. With the pride which characterized that proud people, who remember their renown when they have lost almost all those imperial possessions that gave that renown to them, they are loth to part with anything that carries with it the remembrance of the ancient days of their empire and their glory. They hold this island with Spanish tenacity, and we have not yet succeeded.

The President now informs us that the time has come to renew our negotiations for the purchase. He desires to obtain it, in his own language, by honorable negotiation; we would not, if we could, have it on any other terms. He recognizes again our acknowledgment of the title of Spain, and her right to the possession. We desire to possess it ourselves, but we would not have it, (says the President,) unless it can be acquired by honorable negotiation, and with this declaration, the President proposes to renew the negotiation. Sir, I have no objection to that. The President will pursue on this subject that course which his own discretion and his own wisdom, and the responsibility of his great office, may dictate to him. I am content that he should. Independent of us, independent of our legislation, the President has a right to negotiate for this or any other object with the Spanish Government. He has a right, founded upon the Constitution, not derivable from us or controllable by us, now to negotiate; and if he can obtain from her, by negotiation, a cession of the Island of Cuba, there are few here, I think, who will not be prepared to hail that acquisition with pleasure.

Sir, I desire to take my whole responsibility of this great subject, and to express my opinions thoroughly in regard to it. It is my duty to do so; and here among my brother counselors to give my counsel freely and independently, and on my responsibility, before our common countrymen. I say, let the President go on, if his judgment so dictates, in an attempt to negotiate for the acquisition of Cuba. He will distinguish his administration if he can make a suitable and satisfactory treaty for its acquisition; but for myself, I must confess I do not look upon his success as probable. I look upon the time and the season in which he is making the attempt, as the most unpropitious that has occurred, or that could easily occur, for his success. Look, for a moment, at the condition of Spain. Is she in a mood, is she in circumstances to afford us any promise that now is the time and the present Administration the Administration to which she is willing to make the sale? When the annunciation, to which I have alluded, from the President, of his intention to attempt the purchase of Cuba went forth to the world in the early part of December in the President's annual message, what was the echo that returned from all the Spanish possessions to us—I may say, almost, from all Europe—what was the response? In Cuba even, in provincial, down-trodden Cuba, the province of a despotism, Spanish pride was excited. The proposition in the message for the use of money to accomplish it, and the declaration of the purpose to all the world, seemed to them to contain something offensive. At least, according to my information, it had the effect of rallying almost every man in the Island of Cuba in opposition to our purchase. They were not to be meted out and bought and sold in the market. That idea was offensive even to them humiliated as they have been by long subjection, to a heavy despotism. We had not asked them whether they would be willing to be sold; we had no information that they were willing to be sold. It is supposing a good deal to suppose that a community so long established, occupying such a delightful situation on the face of the earth, rich, enlightened, I may say prosperous, are willing not only to be sold, but to submit to it unasked and uninvited. This I presume to be the reason which produced such a concurrence there, in opposition to, and in denunciation of, the President's statement. But perhaps Cuba is of little consequence; she has no voice; she is but a province; the despotism of the mother country has left her no voice, has left her no counsel on the subject of her own destiny. How, then, has the same message and the annunciation of our purpose been received in Spain? The Government of the Queen of Spain have declared that they consider it an offense. Her ministers went before the Cortes, the great Congress of that country, and were there immediately questioned on the subject: "How do you intend to answer the American proposition to buy of us the Island of Cuba?" and all agreed that it was to be regarded as an offense; and this we have since the message was delivered. We know, then, that Spain not only has not been conciliated at all by our diplomacy, by our manner of approaching her on this subject; but, on the contrary, she is prepared to consider the President's message as an insult. If the President could have known that his message would have been thus received, would he have thought it advisable to follow up this negotiation? When Mr. Marcy was giving instructions to Mr. Soulé, who some years ago was instructed to attempt to negotiate

for the purchase of Cuba, when some such purpose was contemplated by the Government, Mr. Marcy said:

"In the present aspect of the case, the President does not deem it proper to authorize you to make any proposition for the purchase of that island. There is now no hope, as he believes, that such a proposition would be favorably received; and the offer of it might, and probably would, be attended with injurious effects."

If the circumstances existing before Mr. Marcy, and presented to his mind in 1853, when he penned the instructions to Mr. Soulé, indicated to him that Spain would not sell, how much stronger are all the circumstances now from which we may presume the same thing? The President gives us no information from which we can indulge the hope of success; he gives no information but that which is common in the politics of the world; he gives no single fact, no single tittle of information; he simply says, we want Cuba; and the time has come when he thinks the negotiation should be renewed. Why does he think so? If there were any information presented to instruct our judgment; if the President had had any communication whatever with the Spanish Government that justified the belief, or could give us any assurance from Spain, the case would be different; but she has always, heretofore, refused. There exists every circumstance now that ever did exist at any former time to suppose that she is not willing to part with the island. In addition to all that formerly existed, we have now the positive known fact that Spain regards as an insult even the declaration made in the message of our President. I presume we are to regard this as authentic. We hear no contradiction. It comes by every channel of information from Europe, and there is none to doubt it. Perhaps she has been too sensitive on this subject; perhaps there was no occasion for her anger, or for treating this subject in such an angry mood as she has done. I do not justify or vindicate that; I say nothing about it; but I state the fact that, whether for good or ill, she did become irritated at the very announciation contained in the President's message, and declared that she would consider any intimation from us of a proposition to buy Cuba, if made hereafter, as an insult. This is, in substance, the declaration of the Spanish Government; not simply of its ministry, but of its Cortes, the great national legislative and political power of the country.

With this knowledge on our part, if the President, with or without this bill, should proceed to propose to the Spanish Government, in the face of their declaration that they will consider it an insult, how could they avoid considering that as an insult—a premeditated insult; an offense committed against their avowed purpose; against their avowed feeling on the subject? The President will have a difficult task, under these circumstances, to win the favor of Spain and to make the negotiation. There will be the more honor and the more glory to him, if, from all these difficulties, he can derive success. Let him go on, then; and I say God speed him in this negotiation; and if he can get it on satisfactory terms, and save us from the possible feuds and possible wars of which Cuba might otherwise become the cause hereafter, let him take to himself all the honor and all the credit of it. I do not believe that anything can be done. I believe, as Mr. Marcy said, in 1853, to make this proposition and have it rejected will be of injurious effect, and cast us further back from the object at which we aim. Those instructions of his are full of wise and cautious lessons to us. They show the prudence, the skill, and the address, of a minister. "Our object is to obtain the island by negotiation. Proceed cautiously. If you find it offensive, make no proposition; and so improbable does success appear to us now," says he to Mr. Soulé, "that you are not authorized to make any proposition, because evil consequences will follow from the proposition made and rejected. Our diplomacy had rather leave this subject open without any barrier of that sort against our future attempts made at more propitious times. We will seek favorable occasions in the thousand vicissitudes and events which affect the destiny and the fate of nations; we will find some opportunity when Spain will be more easily conciliated—when circumstances will favor our proposition; and we do not wish now, by any premature and precipitate rejected effort, to create any difficulty hereafter."

These are my views; and I say again, I shall not be disappointed if the President is deceived in his expectations. I do not believe that he can, at this time, purchase Cuba. I think, therefore, it would be impolitic to give offense by making a proposition which we foreknow will be rejected. If we do foreknow; if, in our judgment, we can reasonably anticipate it, and as surely anticipate it as we can the future in any respect, would it not be an utter want of prudence, an utter want of wisdom, to give voluntary offense to Spain by thrusting an insulting proposition, or what she considers an insulting proposition, upon her, and doing that in the face of the world? for it seems to be thought best to depart from the quiet ways of diplomacy, and to make this subject of negotiation one of public debate and public legislation. It gives a character of more publicity, it gives a character of more point, to the conduct which Spain has taken on this subject, and to that which we are to take. In the face of the world, the Cortes and the ministry of a proud, ancient nation, have said it will be an insult to ask them to sell this portion of their empire, and they will resent it as an insult. Even if they said this not altogether in earnest, or if they said this boastfully, can they, in the face of all Europe, and within a few months, before the shoes they wore have grown old, come down and trample on these declarations? No, sir; no man, no nation, can face that amount of shame, self-contradiction, and self-degradation, before the world. We cannot succeed now by honorable negotiation, because Spain is utterly opposed, according to all the calculations of human conduct that can be made, to sell this island.

I think we have reason furthermore to consider this scheme as impracticable, at present, from the foreign connections and alliances of Spain. We have seen, and we know, the anxiety with which the Governments of both England and France have regarded Cuba; how readily they have been disposed to go to its relief and protection and defense; how they have proposed to this Government to enter into a tripartite treaty with them, renouncing forever all pretensions to the Island of Cuba, and guarantying it forever to Spain. They have shown a degree of solicitude that leaves us but little ground to hope that now, with their present views of policy, they would encourage, or I might almost say permit, Spain to sell to us this island. Spain is in the hands of mighty auxiliaries, altogether beyond her power; and the actions of her Government are, to a great extent, we may suppose, influenced by French and by English counsels. Indeed, it was intimated by the honorable gentleman from Louisiana [Mr. BENJAMIN] in the remarks which he so eloquently and instructively made a few days since, that it might be even now that Spain held the island rather as a trustee for the use of England than in her own right. If so, how can we expect Spain to transfer it without the assent of England? If France also has an interest in it, and a control over the counsels of Spain, we must anticipate her concurrence also before we can indulge a reasonable hope of the acquisition of it at this time. Let the President, however, go on. He may understand all these difficulties far better than I do; or, understanding them as I do, he may hope for some powerful influence and agency by which he is to overcome all these difficulties, and get the island. Be it so. I say to him, "go on; and if you can acquire Cuba, do it, and I will not be hindermost in rendering you praise and credit and honor for it; you will have done something for your country."

I think then, sir, that there never was a time, so far as regards Spain, more unpropitious to our hopes of a successful negotiation. Now, let us look a little at the question as it regards ourselves, and see whether, in that respect, the time is peculiarly favorable to our acquisition of this island.

I have observed from all sides that it is anticipated that we are to give a great price in money. The learned and able report made by the honorable Senator from Louisiana, [Mr. SLIDELL,] as the organ of the Committee on Foreign Relations, informs us that about ten years ago, or more, $100,000,000 was offered, and Spain declined it. It is supposed, in the same report, that there has been an increase of value since that time, which might make the real value now one hundred and twenty, or one hundred and thirty, or one hundred and forty million dollars. One hundred and forty million dollars is our bid here among ourselves. What will we give Spain for it when we go to bidding and get fairly engaged in making the bargain, with nothing to settle but the price? In common conversation I have heard $200,000,000 familiarly stated as the price to be given, and it is considered a good bargain at that. It may be more; not very probably less. Say $200,000,000 is to be the price she will exact and we will give: when are we to pay it? Are we now in the most favorable financial condition for paying it, or providing for it? On account of our own little domestic difficulties, we have been obliged to go in debt to supply our own household; to supply market money. We have had to borrow, within a year past, $40,000,000, and are now under imminent necessity for obtaining more. So far as concerns our Treasury, then, it renders a mournful sound when you knock upon it and ask for $200,000,000. A funeral response comes forth; there is nothing there; it is all emptiness.

Look at your revenue. Does that come in in any such way as to render you at all hopeful that, besides paying the expenses of the Government, it will fill up that vacancy? No, sir; not at all. Your Treasury is not only vacant, but your revenue is deficient and your expenditures are increasing and likely to increase. Last year the expenditures were more than eighty-one million dollars; this year they will be $100,000,000, if we pay our debts honestly. That is my estimate; that is what I learn from those who trouble themselves much more about figures and financial calculations than I do. I see that the Secretary of the Treasury estimates for $74,000,000. I see that in that estimate the probable deficiencies in the Post Office Department—that vault which swallows up, and seems still to swallow and swallow and never be filled—are not included. They are $6,000,000. That addition to the $74,000,000 makes $80,000,000. Then suppose you pay the $20,000,000 of Treasury notes which have been issued, and are payable on or before the 30th of June next: and you have $100,000,000 to pay this year, without including any appropriations which Congress may make in excess of the estimates. If the payment of those $20,000,000 of Treasury notes be now postponed, they must fall on another year. I do not, at present, see before me when we can calculate upon having a superfluous Treasury in order to make this purchase.

I do not mean to say that in a proper cause, upon a proper occasion, we could not produce whatever any exigency our country might require, in money or in men. We could do it; but it is a little more convenient to do it at one time than at another; and I am only inquiring to see whether this is the auspicious and convenient time when we can most readily and conveniently make preparation for the payment of $200,000,000, or whether we are to have it fastened upon us, and fastened upon our posterity for an interminable period of time, and to pay a stipend to Spain or her assignees in the market of $10,000,000 a year as the interest of this purchase-money. I do not say it will become an everlasting obligation, for nothing is so with us; but it will come to be a fastened debt upon us of which no man can see the end. That is one point of view.

What is our condition in other respects? Are there no other difficulties? I admit that, if the only difficulties in our way were the want of money, and our mere transient necessities about revenue, we could overcome them all. I do not underrate our financial ability, or our spirit, or our enterprise. I know my country, and I know that her energies are almost unlimited. I do not look, however, with any comfort, at a debt which is to stand at $200,000,000. One debt has an attractive power. One debt of $200,000,000 will be a standing temptation to more. It will become a national, interminable debt. But this is not all; we have got troubles and difficulties all around. It was once the great policy of this Government to preserve amity and the kindest relations with all the States of North and South America; and we succeeded. A noble course of policy it was. I was here when they were springing into independ-

ence—emerging from that Spanish despotism into which they had been immersed for so many ages. I remember the sensibility and the sympathy with which we all regarded the struggles going on in South America; and, as a Kentuckian, I remember with especial pride that it was the trumpet-toned voice of Henry Clay that led on this great subject of American policy and American sympathy. In South America, at that early day, nothing was so much cherished; and the speeches of Henry Clay in their behalf, proffering peace and friendship and kindness to them, and encouragement in their efforts, were read at the head of their armies, and hailed with shouts and enthusiasm. They came into the world as free nations, as it were, under our auspices; hailed, cheered on, and encouraged, by the voice of America. All their eyes were turned on us; we were an exemplar to them. What has become of that feeling? Where is it, you rulers of our people, where is it? or how is it that you have lost all these good feelings on their part? The good will of a whole continent is a mighty fund of national strength; and we have lost it. The nations of South America were striving to establish such liberty as we had established; striving to connect themselves with us by all those bonds which unite Republics, to take our stand against the great European world, and the great European system. That was the object of this policy.

At the close of the great wars of Europe, when Spain solicited assistance to resubjugate her South American colonies, when their menacing reached the ears of the rulers of this country, what was done? It was the mightiest question that had been presented to the world in this century—whether South America should be Europeanized and fall under the European system of government and policy, or whether it should be Americanized according to the American system of republics. What a mighty question was it! By kindness, by encouragement, by offers of unlimited kindness and protection, we won their hearts, and they fell into our system. They gave us all their sympathy; but now, where has it gone? Read the last message of the President, and consider the troubled state of our relations with these States which it depicts. There is not a state where we do not find enemies, where our citizens are free from violence, where their property is not taken from them. It seems that the persons and property of our citizens are exposed continually to daily violence in every State of South America with which we have relations. It is so, too, in Mexico and Gautemala and Costa Rica, and the various States of Central America.

How has it been that this state of things has been brought about? How has it been that we have lost that mighty acquisition—an acquisition, not of territory, but an acquisition of the hearts of men; an acquisition of the hearts of nations, ready to follow our lead; to stand by us in a common cause, to fight the world, if it were necessary? That great golden chain that bound freemen together from one end of the North to the end of the South American continent, has been broken in a thousand pieces; and the message tells us the sad tale that we are everywhere treated with enmity and hostility, and that it is necessary for us to avenge it. We are gathering up little accounts with these nations; we are making quarrels with them. They have done some wrong; practiced some enmity against our citizens; taken some property that they ought not to have taken; and, besides, we have claims against them. From the Feejee islands to the Spanish throne, we have demands to be urged; and I think we are coming to a very summary process of collection, where no Congress is to sit to examine into the *casus belli*, but a ship of war, better than all the constables in the world, is to go around collecting, from the cannibals and others, whatever she is commissioned to say is due to us.

What peace can we have, what good will can we have among men, if we are to depart from the noble course which governed our forefathers, who had no quarrels but those which they could make a fight out of, and ought to have made a fight out of, directly and at once, and be done with them? Do all these little clouds or specks of war that darken our horizon promise additional prosperity, or an increase of revenue to meet our debts? No, sir. If they portray anything, they portray the contrary—increased expenditures; for however summary your collections, however summarily you take vengeance on other nations, it costs always, and it will cost, a good deal. Fighting is an expensive luxury; luxury it may be considered, but there is cost in it.

Now, sir, what are we about to do? In view of all the enmities that surround us in South America and in Central America, the Committee on Foreign Relations have presented a little bill to meet the emergencies of the case, and the causes of war are so common that it would trouble Congress too much to act and decide on them all; they must be struck off the docket in a summary way, and judgment must be executed immediately under the orders and mandate of the President. Here is the title of the bill: "A bill authorizing the President of the United States to use the public forces of the United States in the cases therein specified." Allow me to read the cases that are specified:

"Whereas the President of the United States, in discharge of the duty imposed on him by the Constitution, 'from time to time to give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient,' has informed Congress that, by reason of the distracted and revolutionary condition of Mexico, of certain of the States of Central America, and occasionally of those in South America, as well the property as the lives and liberties of American citizens, peacefully and rightfully within their respective limits, are subjected to lawless violence or otherwise placed in peril by those claiming to be in authority, and for redress whereof negotiation and remonstrance in the forms of diplomatic intercourse are attempted in vain; and it being manifest to Congress that such condition of things in the States aforesaid will continue so long as government is found there in the unsettled and irresponsible condition, at present, and at times heretofore, tolerated by their people; and it being the indispensable duty of the Government of the United States, to protect its citizens against lawless violence without the limits of the United States whenever found on lawful errand: Therefore,

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whenever it shall be made to appear to the President that any citizen or citizens of the United States have been subjected, within the limits of any of the States aforesaid, and without commensurate offense on their part, to any act of force, on the part of those claiming to be in authority therein, affecting the life or liberty of such citizen or citizens, and the case, in the opinion of the President, demands on his part the interposition hereinafter provided, it shall be lawful for the President to use the land and naval forces of the United States, or such part of them as he may deem requisite, in such way as in his judgment may be most effectual by force within the country so offending, to give full and adequate relief and protection to any citizen or citizens of the United States so injured or imperiled, and at his discretion to obtain redress for any wrongs so done: *Provided*, That the President shall report to Congress, (if in session forthwith, or, if in recess, at its first meeting thereafter,) whatever may be done by him at any time in execution of this act: *And provided further*, That as soon as the object shall be attained in any case where the provisions of this act shall be carried into execution, the land and naval forces so used shall be withdrawn."

Here, in view of all this, we propose to let the President make war as he pleases. The Constitution says the Congress of the United States shall have the power to make war. Has any body else the power to make war but we and the House of Representatives? Is it a little inferior jurisdiction that we can transfer and delegate to others? Did the Constitution intend that the President should exercise it? No; it gave it to us, and in the balance of powers just as much denied it to the President as it gave it to us. We subvert the whole system of our Government; the whole constitutional frame-work of it is a wreck, if you take this most dangerous and most important of all powers, and put it in the hands of the President of the United States. Can you abdicate this power which the people have given you as their trustees? You cannot do it. Does not this bill do it?

To be sure, it will be observed that the right of summary redress is limited to weak States. There seems to be some saving understanding upon the part of the framers of this policy that it would not be applicable to large States. Some trouble, some resistance, might be anticipated from them; but you can safely thunder it over the heads of these poor little South American States; you can make them tremble; you can settle the accounts, and make them pay your own balances. Sir, what sort of heroism is that for your country and my country, to triumph over the small and the weak? The bill on which I am commenting does not suppose that war is to require formal debate, but proposes, whenever it shall be made to appear to the President that an American citizen, in any of these countries, has been the subject of violence or depredation in his property, to allow the President, at his *ipse dixit*, to make war. Unheard, unquestioned, at once the will of a single man is to let loose the dogs of war against these small, weak nations. It is a violation of the spirit of the Constitution; and, besides, there is a pettiness about it that does not belong to our country. Surely it was in a thoughtless moment that the President intimated the necessity of such a measure, or that it was introduced into the Senate. There is nothing in it that can stand investigation. It is not more uncongenial to the Constitution of the United States, than it is, I trust, to the magnanimous character of my countrymen, that they should be willing to hunt out the little and the weak and chastise them, and let the great go free, or leave them to the ordinary solemn course of proceeding, by treaty or by congressional legislation. No, sir; far better is the maxim of the old Roman—*debellare superbos*, put down the proud.

If the bill on which I am commenting should pass, can we expect to be at peace? According to the message, every one of these Powers has been guilty of outrages which are said to merit war, to deserve that sort of redress. They are the daily habit; they are of almost continual occurrence. Suppose the past is not to be the subject of these little presidential wars; are we safe in the future?

That is not all; we are now engaged in the task of chastising one of the little South American States. We passed at the last session a resolution whose whole pith and substance is expressed, I believe, in about two lines, the full intent and scope of which I verily confess I did not comprehend at the time it was passed, authorizing the President to exercise his discretion in taking proper means, by force or otherwise, to obtain redress from Paraguay. We have to renew our geographical knowledge to point out the places against which we are now to direct our forces. We are to search all over the earth for nations that insult us, and no discoveries were ever more acceptable. We go nowhere but to some little despot, and we talk about nothing but some little claim, some little violence done to our people. So far as I know my countrymen I do not believe there is a Kentuckian in your long list of citizens whose person or property has been violated in these little South American States. Our countrymen generally are the readiest men to strike back that ever I knew, and yet it seems a Yankee can no sooner go traveling abroad than somebody imposes on him, and cheats him, or strikes him, and he must come to his Government and make a claim. If he was struck, do you not think he struck back, and settled the account right off, at once? I believe it is the Yankee, Mr. Hopkins, who says Lopez cheated him out of some of his property in Paraguay. Be that as it may, we have now sent out a fleet consisting of, I do not know how many vessels, great and small, good and bad, some bought, and some built; the greatest armada we ever sent abroad, and to do what? To find Lopez, the Paraguayan chief, who I have no idea is at all comparable in ability, if he even is in power, to John Ross, the Cherokee chieftain. But to this poor, little, obscure Power we are quite revengeful for an injury. It is said that in their inhumanity or hostility, they fired a gun at one of our ships, and robbed some property from a Mr. Hopkins, who, if I understand rightly, never had any property. That is really about the history of that transaction, as I understand it. We have sent an armada to cross the ocean, to ascend mighty rivers, with an army of three thousand men on board the fleet, for the purpose of taking satisfaction from Mr. Lopez, for the Paraguayan wrong to Mr. Hopkins and to Captain Page.

All this may have been well and proper. I am no more for submitting to insults than are others; but I think I might receive other insults that I would prefer first to notice. I think our imperial eagle, which is spoken of so eloquently, soaring over our heads and making her way to the skies, need not have sent three thousand miles to punish a petty, dirty chief of Paraguay, whose whole people, men

and women, hardly exceed the limits of one of our Indian tribes. Was it worth our while? We have sent a fleet, a spectacle to all the nations on every side, to make our name terrible among the regions of South America. Sir, formerly, it was our great and glorious policy to make our name respected and loved. Now we sail ten thousand miles to avenge an insult, and make it notorious to all the world. The cannon is to tell all the world, that the American Republic is in a great passion at Paraguay. That is the way we are getting on, and under the bill of which I have spoken, we shall have a dozen such little wars to amuse us, morning, noon, and evening.

Sir, that is no way to make that progress which I trust my country is to make. I am for progress; yes, I am for all that progress which is consistent with conservatism, and I am for all that conservatism which is consistent with progress. That is my view. I am for proceeding wisely and slowly. Let "hasten slowly" be our maxim of policy. I think it is not an unwise one, though I have no doubt it has something a little old fogyish about it.

In addition to all this, what more mischief have we to do in the world now? What violation of the peace of others have we to commit, in order to keep our own? The President of the United States, in his message, suggests that we shall seize two provinces of Mexico, Chihuahua and Sonora; and there is no doubt, we are told, that Mexico will consider it a very friendly act. It would be a little surprising to me if she did, for it has not been ordinarily the case that a nation considered such action friendly. But we are to seize these two provinces; for what purpose? To defend our frontier of Arizona against Indians and Mexicans, who come from the Mexican side! That is the reason urged for it.

Now, Mr. President, does it occur to you that it is absolutely necessary to go on the Mexican side to prevent them from invading Arizona? Suppose you were to place troops within our own borders on this side of the Mexican line, would not that prevent invasions of Arizona just as well? But we want a little exercise to employ the Army; we want them in constant athletic exercise, prepared for war, ready to defend the frontiers of Arizona, which is said to be as utter a wilderness as the sun shines upon within the limits of this continent. In all its vast borders, there are not more than ten thousand people at the highest estimate, and eight thousand of them, I believe, are included now within the territorial government of New Mexico.

Mr. COLLAMER. All of them; Arizona is all in New Mexico.

Mr. CRITTENDEN. There are a few sparse settlements hundreds and hundreds of miles apart, constituting what we call, poetically, Arizona. It is to defend Arizona that you are to take possession of two somewhat populous States, old States, in Mexico—Chihuahua and Sonora. Nothing could be more rash; nothing could be a more heedless violation of the rights of other neutral nations than that we should undertake to seize upon a portion of the territory of Mexico.

We are to set out upon all these works. The President is to have power to make little wars with little nations all around, and he is to seize Chihuahua and Sonora to defend our wilderness of Arizona from Mexican invasions. There are very few people there, if any; and as for the old common law complaint for entering a man's close and treading down his grass, if I understand it, there is very little grass there, and a man might travel for days and never trample down a single spear. All this sounds to my ears as most unwise and most improvident. We ought not to be guilty of anything that is little. If the great ambition of the nation prompts it to some violation of law or right, let it be for something worthy; something that will tend to accomplish empire, or something else worth incurring a hazard for, and worth incurring, at the time, the censure and rebuke of the world; no stealing along the border; no making of little unconstitutional, predatory, warfares; no seizing of other people's provinces, under pretense of defending our own. We can defend every inch of ours in other ways.

I must recur for a single instant to a branch of the subject that I have left behind, and I must say that I think our present President, with all his ability and all his wisdom, and the general conciliation of his manner, is not exactly the best qualified for this negotiation; and I will tell you why. I am afraid Spain will be particularly jealous of him. We remember, in the political history of this country, that a few years ago a letter was published, under the signature of three of our foreign ministers, to the most distinguished Courts of Europe, of whom Mr. Buchanan was one. I allude to the Ostend letter, which was signed by Mr. Buchanan, our Minister to England, Mr. Mason, our Minister to France, and Mr. Soulé, our Minister to Spain. Spain was supposed to take considerable offense at that letter. It taught this doctrine: that if Cuba, in our judgment, was more important and valuable to us than it was to Spain, and we offered Spain what we thought was a fair price and she refused to take it, then there was a sort of intimation, that seemed to be so evanescent and so sublime that it was hid a little in the clouds; but the result of it all, to mortal ears and mortal appreciation, was, then take it. Who knows but that Spain may consider this offer, thus publicly made against her avowed will, as that sort of diplomatic conclusion that we mean to buy if she will sell, but, if she will not, to take the island?

In my poor judgment, Mr. President, the time never was so unpropitious as it is now to make this purchase. We are proposing to buy what the owner will not sell, and what we have not the money to pay for. We must go on credit for it. I say again to the President, "Go on, sir; the object is worthy of your efforts; buy Cuba if you can. If, against all these circumstances, which would seem to repel every hope of success, you do succeed, the more is your honor and the greater is your credit." The President has the power to negotiate independent of us; the Constitution gives him power to appoint ministers and conduct negotiations; let him exercise his judgment upon the subject; he stands responsible to the country. When he shall have made a treaty, he must lay it before us, and then we shall act upon our responsibility. I say to him, "Go on, with a full assurance that if you can obtain the cession on fair terms, we will ratify your treaty, and comply with all the conditions of payment." This is the foundation of all our negotiations. This is the constitutional basis on which the President negotiates with all the world. He makes a treaty and we ratify it; and thus the nation has the benefit and the assurance of the independent action of each of these two responsible parties; its guarantees and securities are double. I do not, in extraordinary cases, however, take any exception to the President's previous consultation with the Senate; but I say the general rule is, for the President to take the whole of his own responsibility; to appoint his minister and negotiate his treaty; and when he has done that, he refers it to the Senate, and they advise and consent to its ratification or rejection; and this, I say, is the most advantageous course, generally, for the nation. All other modes are exceptional. This is the general, safe, and constitutional rule; each to act separately and independently, so as to give to the whole country the greatest possible assurance that these independent powers, by their concurrent action, will guard the interests of the country.

I have cheered the President on, telling him candidly the difficulties I found in the way, and expressing my want of faith in his success at the present time; but I say to him, "Go on, sir; and the more be your honor, if I have halted in this great career; go on, and the more honor you will be entitled to for yourself, if you succeed." But the President tells us further, in his message:

> "The publicity which has been given to our former negotiations upon this subject, and the large appropriation which may be required to effect the purpose, render it expedient, before making another attempt to renew the negotiation, that I should lay the whole subject before Congress. This is especially necessary, as it may become indispensable to success that I should be intrusted with the means of making an advance to the Spanish Government immediately after the signing of the treaty, without awaiting the ratification of it by the Senate. I am encouraged to make this suggestion, by the example of Mr. Jefferson previous to the purchase of Louisiana from France, and by that of Mr. Polk in view of the acquisition of territory from Mexico."

Thirty million dollars is the sum which has been settled upon as that which is indispensable to the President's success; and, in the language of the bill, this is to enable him to make a treaty with Spain, and the money is to be used after the treaty shall have been ratified by Spain and signed by the representative of this Government, without awaiting its ratification by the Senate. This is the money that is wanted for that purpose. There is my difficulty. The President is encouraged by the instance in the administration of Mr. Jefferson of an appropriation for the purpose of making his purchase of Louisiana. It ought to have encouraged him but very little. If he had reflected upon these cases and the difference between them, I think he would not press the analogy. What were the circumstances, what was the powerful exigency, that existed in the case of the acquisition of Louisiana? Mr. Jefferson, with all the adroitness of a skillful and veteran ruler, had been negotiating, and had ministers running between Madrid and Paris for the purpose of getting up and consummating the purchase of Louisiana. Spain was under some obligation for an exchange of territory given by France—the Duchy of Parma, I think—and for some other considerations, to concede Louisiana to Napoleon. This was the condition of things. War was then flagrant, or it had broken out, or was just about to break out, after the peace of Amiens, between England and France, and of course it would spread over the whole continent. Bonaparte apprehended that, if it were announced to England that he was the beneficial owner of Louisiana, England would proceed against Louisiana as his property as soon as a British fleet could sail across the ocean. With Spain she was at peace. This rendered Bonaparte willing to sell—anxious to sell. The United States apprehended that England would seize it, and all parties were averse to that. Bonaparte found this Government willing and anxious to make the purchase. He wanted money instantly, as he was about to be engaged in a war with all the world.

These were the mighty exigent circumstances under which Mr. Jefferson was able to inform Congress, "We can buy Louisiana, but it must be done now; prompt action is necessary; postpone it to go through the ordinary forms of diplomacy and negotiation, and the prize is lost forever, for England will seize it." That was the reason, and that makes the case different from this. The general rule is to pay only after the treaty is made and both parties have ratified it; but here there was a necessity to do a little more than that, because of the exigency which the case required. Is that the general mode in which the President of the United States and the Senate exercise the treaty-making power? Certainly it is not. We all know, by daily practice and experience what the ordinary rule is. This is an exception. This is not the safe, ordinary, beaten path of the Constitution. It is a new and exceptional way to embrace an exceptional case.

The other case which encourages the President is that of Mr. Polk in respect to Mexico. We had had a war with Mexico, and Mr. Polk was very anxious to make a treaty by which we should obtain some territory. It was very doubtful whether there was vitality or national function enough left in Mexico even to make a treaty. This Government had, as it were, to hold her up to get her to sign the terms of the treaty. She had no government; she had no army; all were swept away. She had not a single limb of government left. We had really to bring her into existence by money, for the purpose of getting her to sign the treaty. We were very anxious to make peace, because, if we did not make peace with her, we feared she would soon expire, and give up her national existence.

I know that was some of the trouble of Mr. Polk. It was apprehended that we could not find anybody in Mexico to make peace with. We knew what was the condition of the country—utterly exhausted. We voted $2,000,000 in the exigencies of that case, to enable Mexico to make a treaty; and what sort of a treaty? We knew the treaty would be dictated just as the President directed our negotiator to make it. That was the consequence, and the plain, flat case before us. There was no power of resistance, no power of contradiction. We wrote a treaty, and she signed it; and we knew that would be the case.

Now, how different is this case? Can the President of the United States and the Secretary of State give us any assurance that Spain wants to sell this island? or, if she does want to sell it, any reason for this exigency, hastening the matter with such rapidity as to depart from the usual course, and make $30,000,000 as a previous payment, taking it out of all the safeguards which surround it in the Treasury of the United States, and place it in the hands of the President? Sir, I have, I may say, a high degree of confidence in the personal integrity of the President; but that is not the question with me here. I am dealing with considerations far beyond those which are merely personal. If, without a single reason to make this an exception, like the case of Louisiana or the case of Mexico, without a single reason to take it out of the ordinary course of negotiation, we agree to consider it so, is it not a precedent for having at all times hereafter a permanent appropriation, say of thirty or fifty millions, to aid the President in any negotiation he may find it convenient to make throughout the world? Why not do that? If it is right in a case which has not a single exceptional circumstance connected with it, it is right in every case. Why not make a permanent appropriation, and say that the President may take the money out of the Treasury of the United States; may take it to the White House for greater security, if he thinks proper; may keep it there in his pocket until the time comes when, according to the provisions of the bill, he may use it? This exigency supposes that Spain will be influenced by having the money paid down instantly, or cotemporaneously with her ratification of the treaty. Then, where must the money be? In Spain. The President must, some time before, have drawn the money out of the Treasury, have it in his own individual hands, and it must be transferred to Spain in the same unsafe condition, or at any rate freed from all the guards which protect the people's money in the Treasury of the United States. Are we prepared to do that?

I do not differ with my friends from Louisiana in their estimation of the value of Cuba. I grant that Cuba is desirable. It is a rich and valuable possession. It would be more important to the United States, I, as an American, verily believe, than to old Spain, or any other nation. No argument is necessary to prove to me that it is a great convenience, and a very desirable possession; and, for that reason, I say, negotiate for it in the ordinary way; make a treaty for a fair price, and upon fair terms; and, for one, I will vote the price. But why do you ask that this extraordinary course should be pursued? It is an extraordinary course. There are only two or three instances of it, and the fact of there being no more proves that it is extraordinary. They were distinguished, and made exceptions by extraordinary circumstances. This has not a single extraordinary circumstance to distinguish it. So far from it, there cannot be, in the mind of any gentleman, more than a slight probability that you can make a bargain to purchase Cuba at all; and yet, in the mean time, before a treaty is made, before the proposition is even made to the Spanish Government, from the time instructions have been given to make the proposition, the President, under the bill, may draw the money out of the Treasury, or borrow it in the street, and take the safe-keeping of it into his own hands.

Now, sir, it is not for me to place, even in the hands of the President, such a temptation. The Constitution does not contemplate it. The Constitution does not put a dollar in his hands. Do you not believe that the possession of $30,000,000 might be liable to abuse or corruption? We are not here now upon personal complimentary confidences to be talked of, in the President. We are here upon constitutional grounds. The Constitution does not trust him with a dollar; and yet it gives him the power to negotiate treaties. He has to come to Congress for every dollar. You intrusted $2,000,000 to a President before, under extraordinary circumstances. You are now called upon to trust $30,000,000 without a single extraordinary circumstance. Sir, I cannot agree to it. It is not out of a want of personal confidence in the integrity of the President. It is, I trust, out of my respect and reverence for the Constitution of the country. By assenting to it, I should not only be hazarding the people's money, but I should be doing more. By making one branch of the Government a depository of that money to an enormous amount, I should be augmenting the influence and the power of that particular branch of the Government, and destroying the balance of power which the Constitution intended to make by the adjustment of the authority which is vested in the various departments of the Government. And I am now to do it to enable the President to do—what? To make a treaty with Spain for the cession of Cuba, and with the positive understanding that, after the treaty has been made, if we do not choose to ratify it we lose our $30,000,000.

Sir, can you conceive for yourself a treaty containing a cession of the Island of Cuba, a country of that wealth, of that extent, of that population, of that peculiar opinion, that would not require more important conditions than the mere cession? Is it expected that Spain is to cede it to us absolutely and without condition? Hardly. What are to be the conditions? Are we to admit her as a State into the Union at once, to have a representative on this floor, and to legislate for me who am to-day called upon to legislate for purchasing her, and to legislate for my child and my community? Is that to be it? If such a treaty were made, and $30,000,000 were paid under it, and that treaty, when it came here, showed me under an obligation to take Cuba immediately into this Union on a footing of equality with old Kentucky, I would not think of it. If it came to mingle with, if it came to diminish, if it came to defile, my native pride and my native rights one iota, I would care nothing for the $30,000,000, nor would any of you, if any great essential principle of this Government were violated. What, sir, violate Government at home, or any great principle, or any great policy of it, to take in a new State of alien people, not speaking our language, not harmonizing with us in political opinion, of different political experience altogether? No, sir.

In making such a treaty, the inhabitants of Cuba ought not to be abandoned by their own Government. Some conditions just and equitable ought to be made; but those conditions must be perfectly compatible with my sense of my own rights, and the Senate's sense of its rights, in order to secure the ratification of the treaty. They would have nothing to fear, I believe, from the justice of this Government; nothing to fear but that its liberal principles would be applied to them without any condition, and without any stipulation. If Cuba is ever obtained, that is the way I hope to obtain it. And what would be my policy then? If I had it to-day, and had paid for it $200,000,000, I should think it would be our policy to say to her, "We have rescued you from the hands of the European system and policy; we have rescued you from the European system of warfare, and from being made use of as an instrument against us in case such a calamity as war with Europe should come upon this country; but we believe it would be better for you, and better for us, to set up a free and independent government of your own, under the protection of the United States, and under the liberal terms we will prescribe, and which you will voluntarily accept." I think that is the best way. So thought Mr. Marcy in 1853; so wrote Mr. Marcy, in 1853, to Mr. Soulé; so I think to-day. If we are to have Cuba, we are to take her with all the charges of government, which are not small; we are to take her with all the discontents and disquietudes that will certainly rise up among the natives of that island under a foreign government. They are threatening insurrection against Spain. That is in part, no doubt, because of oppressions practiced which this Government would not practice; but oppression is, to a great extent, an imaginary thing. Only let a man imagine himself oppressed, and he is oppressed; imagine that he is not, and he is not. Discontents would certainly rise up, and we should have our troubles; we should have to keep a little standing army there, if we undertook to govern it as a dependency of the Republic. Would you leave it to be seized upon by the first captain that might choose to present himself? No, sir; you must have a little army there to preserve your dominion. This would be indispensable.

I think we shall sooner or later find it our duty to make Cuba an independent State, under our protection, and bound to us by certain liberal ties of commercial intercourse and of alliance, which are to be irrevocable. That is the best course. By it we free ourselves from their government, and we leave to them all the trouble and all the expenses of their own government; we relieve ourselves from all inconveniences and dangers to which the possession of Cuba by a European Power of any force would expose us. We get all we want—peace and security for our commerce in the Gulf of Mexico. Then the island will be held, if not by us, for us by friends; we shall have bought it, and paid for it, and made them its voluntary rulers. That, I think, is the best course. In agreeing to grant this liberty, of course we should make such stipulations as our own security required, and which would not be incompatible with theirs.

Mr. President, I have occupied much more time than I intended on this subject. I say again, I am content that the President of the United States shall go on with negotiation and acquire, if he can, the Island of Cuba. I am not willing to give this sum of $30,000,000. For his sake, I am not. For the country's sake, and upon the principles of the Constitution, I am not. It is not good for him to have it. As certainly as the sun exists, there will be those who will charge him with misapplying the money. What does he want with it? they will say. There is no probability of negotiating a cession with Spain, and why does the President want to keep $30,000,000 at his sole and arbitrary control in the White House? Why does he want it—to enable him to make a treaty? Is it to be used for any purpose of corruption, in order to get a treaty? or is it a great general magnificent delusion thrown out; the political fireworks of the Administration set blazing now to give a new view and new complexion to the rather darkened features of the Administration? What is it? What do you want it for? If Spain will sell, we shall pay directly the bargain is made. Does Spain doubt the United States? Cannot Spain go into the market to-day and sell whatsoever she may want of this debt upon the people of the United States, and will not the world take it? I see no plausible reason, nor has a plausible pretext been assigned by anybody who has advocated this bill, for taking the money out of the Treasury beforehand, and placing it in the pocket of the President of the United States. Suppose the proposition was that we should take the money out of the Treasury, and we Senators become sixty-six guardians of it, what would the country expect would become of the money? Sir, the Treasury of the United States is the constitutional depository of the public money, made so by the Constitution and by the law. It is not fit that we should change that depository without a reason; and if we do change it, it is not fit that we should place it in the hands of the President of the United States—the last hands in which it should be placed, the very last. His hands, at least, ought to be preserved pure; unsoiled by money; unsuspected. I would not expose him to that unescapable suspicion. I would not, without a cause, hazard the people's money in any President's hands. Our Government is not built up on the insecure foundation of personal confidence. We rely upon institutions as security for the public money and for the public rights.

Shall we, the Senate of the United States, disparage ourselves in the exercise of the treaty-making power? The Constitution gives us the power of passing upon the ratification of every treaty. The President, with the advantage of money in his hands, may make a bargain that he knows is not exactly agreeable to us. Is it right to let him come to us and say, "$30,000,000 have been paid, and if you do not ratify the treaty it will be lost?" Have we a right to place ourselves under that species of influence without a cause, unnecessarily? Where is the gentleman now who is willing to say, I will put my hand in the Treasury of the United States, take out $30,000,000, and place it in the hands of the President to await his future arbitrary expenditure? Where is the man?

Mr. SLIDELL. Will the Senator from Kentucky allow me to make a single remark?

Mr. CRITTENDEN. Certainly.

Mr. SLIDELL. If the Senator can frame any amendment that will place this money beyond the control of the President until the treaty shall have been ratified in the manner that the President proposes in his message, and that the bill proposes, I will accept it, with a great deal of pleasure.

Mr. CRITTENDEN. I take the bill exactly as its friends, and the friends of the President, make it. I take the bill exactly as the President in his message, in terms, recommends it. I am arguing against their proposition. The President desires not only to have the $30,000,000 given to him, but he desires further the privilege of using it before the ratification of the treaty by the Senate.

Mr. SLIDELL. Certainly.

Mr. CRITTENDEN. These are the express terms of his message. I wish to deal in all possible candor with this subject, as gentlemen will observe. I am not willing to make any appropriation of money, because I do not believe there is the remotest probability now of making such a treaty with Spain. I do not want to make such an appropriation for another reason, because even if I did think there was a probability that a purchase might be made, I say, let the President go on, make your treaty acquiring the island, and as soon as you have done so, I will vote the money to pay the price that is agreed to be given for it. This, I say, is the ordinary mode, and I am not willing to weaken our own hands by putting money in the hands of the President in this way. I am not willing to expose the Chief Magistrate of the country to the suspicion that would attend the arbitrary possession by him of such a sum of money. I will not vote for the appropriation of it in any way, because I do not believe it is to be expended. Why not? Because, as I said, I believe this scheme of policy will all burst like a bubble—all a mere piece of fanfaronade, nothing more—as I said before, a sort of political fireworks set off just now to amuse and entertain the people with undefined and exaggerated projects. I will not vote for it, nor will I favor it; but I will resist all schemes that have that appearance. Gentlemen, I am sure, will understand me with the same candor with which I express myself. I do not mean to impute any improper motives. These measures come from the President, and it is but the natural effort to let the President have the advantage of his own views, and carry them into effect. I say to him, go on; and if you make a treaty, I will vote the money; but, in the meantime, excuse me for not giving $30,000,000 out of the Treasury to put in your pocket to be kept under your safe-keeping to be applied to the treaty, until I know what it is.

Mr. DAVIS. If it will not interrupt my friend from Kentucky, I wish to call his attention to a single point, that this money will be no more in the hands of the President than the appropriation for foreign intercourse now is. That is to say, it will be in the Treasury, subject to be drawn by the warrant of the President, instead of being drawn by the warrant of one of his executive officers. That will be the only difference between this money and any other. He will have no more the custody of it, save as he draws it out by a warrant, and that warrant to be entered in a book subject to future examination and inspection, than he would have of any other money in the Treasury of the United States.

Mr. CRITTENDEN. I think I comprehend this subject; and I think my friend from Mississippi does not comprehend it exactly. The President cannot, under any one of your appropriations, on his warrant, draw a dollar.

Mr. DAVIS. Certainly; that is what I say.

Mr. CRITTENDEN. But if you pass this bill—what then? Cannot the President draw out this money the next day, or cannot he borrow it the next day, and make the Secretary of the Treasury issue certificates of stock for it, and put them in his pocket, and keep them there until he deems it necessary to use them? May he not say, "I must keep it, and not only keep it, but employ my own agents to send it to Madrid?" Certainly my friend will see that this is the inevitable consequence.

Mr. DAVIS. I do not think I made myself understood. I said the difference was, he could draw it by a warrant, and only by a warrant, and that that warrant must be entered in a book kept in the State Department, subject to future inspection and exposure, if there was anything corruptly or improperly done in relation to the fund; but it is a fund in the Treasury, and differs not at all from other money in the Treasury, except in the form of drawing it; for the President, having the power to control his executive officers, can reach the control of the Treasury indirectly in other cases.

Mr. CRITTENDEN. I do not know the formalities of this thing. I do not know whether the President must draw a warrant. I suppose he might go with the law in his hand, and say, give me the money; but the President has it in his pleasure to draw it. When I say this is putting money in the President's pocket, I mean it is giving it to him at any time he pleases to take it, before any public use can be made of it; to keep it in his pocket indefinitely until it chooses to please him, by his ministers, to make provision for its payment to Spain. It puts all at his will and pleasure.

Mr. SEWARD. Will the honorable Senator from Kentucky allow me to interrupt him for a moment?

Mr. CRITTENDEN. Certainly.

Mr. SEWARD. A matter occurred in this debate just now which I wish may be set right. I understood the honorable Senator from Louisiana to offer to the honorable Senator from Kentucky, that, if he would propose any amendment that would keep this money from the President's hands and in the Treasury, until after the treaty should be ratified by the Senate of the United States——

Mr. SLIDELL. I said no such thing. I said, in the terms of the message itself, until the treaty should have been ratified in compliance with the recommendation of the message, which, of course, meant ratification by Spain, and signature by our agent.

Mr. SEWARD. I beg pardon of the honorable Senator from Kentucky, for my interruption. I misunderstood the Senator from Louisiana.

Mr. CRITTENDEN. I should be very glad in any way I could do it, consistently with my own sense of propriety, to facilitate the acquisition of Cuba; but that is not upon a general principle of wanting anything and everything, but it is on account of the peculiar fitness of the Island of Cuba to our great interests, because of the insecurity it may create under foreign control, because of the peculiar advantages it would give to us. It belongs to us geographically; it must come to us; it must become ours before very long. We need not, I think, be very impatient about it. To get rid of our impatience now may be worth $200,000,000, and I am not willing to give it. We are getting along very well without it. Every day and every hour of the day, we are getting more and more able to do for ourselves and by ourselves, without the Island of Cuba or any other island, or all the other islands in the ocean. Tell me that Cuba is necessary, absolutely necessary to the preservation of this Government! Why, sir, my national pride as an American revolts at the idea. Tell me that the want of that island will destroy and dismember this Union! No such thing. I allow no such ideas to enter or possess my mind.

Sir, let us cultivate the internal resources of our prosperity; let us grow, as we are destined to grow, by a natural affiliation and association, without force, without violence, by the will of all, and Cuba will fall, like the ripe fruit, into our lap. We had better hasten slowly in this matter; that is my idea. We do not want the trouble and expense of governing other people; much less do we want to bring into the bosom of our Republic people who, like the Asiatics that came to Rome, governed Rome. When we have had possession of Chihuahua for a good long while under a protectorate, to guard the borders of Arizona, it may grow into an American province, for all you and I know; and I may have the honor of addressing the gentleman from Chihuahua as one of my brother Senators; but I hope I shall never see that time. I do not want to see our Anglo-Saxon race; I do not want to see our American tribe, mingled up with that sort of evil communication. I mean evil in a political sense. They do not understand our rights; they do not think as we think; they do not speak as we do.

I am not for universal expansion. Some little concentration, some little condensation, seems to me to be the mode of gathering together the greatest amount of human or of intellectual power. Of late, it has been said that expansion is the true policy of the country, and that none but cowards and fools oppose it. Such is the declaration which the newspapers ascribe to the President of the United States; I will not believe it to be authentic, though I have seen it in the Union newspaper, and I am told the Intelligencer reports the same thing. I say I will not consider this as authentic, and I will not act upon it as such. If a President should ever be found to say that in the ears of the Congress of the United States, to say in a message to Congress such words, then I should have something to say about it. If that be the policy of the President, why has he not told us so? The Constitution makes it his duty to recommend to Congress the policy which he thinks necessary and proper for the country. If he had said such a thing to a petty crowd at midnight, why could he not have said it to us here? It cannot be.

Sir, I want my country to go on growing greater and greater every day and every moment. I do not know that that greatness is to be achieved simply by adding more and more acres to our territory. There is a great deal to be done in the interior of our country; a great deal of moral and of intellectual culture and of material improvement in the heart of our country. I want to see that glorious country filled up with its arts and with its industry, animated as it can be by all its talents, enriched by all its industry. That is the glory which, I think, we should cultivate for some time to come, and that is the way in which we are to achieve great results.

Sir, I will not occupy your time longer. My purpose was but to state fully, and to state, as I hope I have done, briefly the reasons which would induce me to vote against this bill. I have done so; and I thank the Senate for its attention.

Mr. HALE. Mr. President——

Mr. GREEN. Will the Senator allow me to make a motion for an executive session?

Mr. SLIDELL. I hope the Senator from New Hampshire will insist on his right to occupy the floor.

Mr. HALE. I may as well say now what little I have to say.

Mr. GREEN. There is important executive business, and I thought it would accommodate the Senator to go on to-morrow.

The PRESIDING OFFICER, (Mr. STUART in the chair.) Does the Senator from New Hampshire yield the floor to the motion of the Senator from Missouri?

Mr. HALE. No, sir; I propose to submit at the present time what little I have to say on this subject. I have read, Mr. President, with some care, the report of the Committee on Foreign Relations recommending this measure, and I have also read the message of the President of the United States, and I will endeavor, as well as I may, to present very briefly what I think to be the argument of the committee. They start out, not with attempting to prove, but with assuming, that the acquisition of Cuba is a matter of great importance; and they say that to undertake to prove that it is of importance, would be "as much a work of supererogation as to demonstrate an elementary problem in mathematics, or one of those axioms of ethics or philosophy which have been universally received forages;" and further, "that the acquisition of Cuba may be considered a fixed purpose of the people of the United States, a purpose resulting from political and geographical necessities."

Well, sir, I think I understand something of the doctrine of necessity—I mean political necessity. It has been characterized in all time as the plea of tyrants. Geographical necessity I do not understand so well; but I may be permitted to say at the outset, that I do not think tropes and figures are always the best arguments. In some of the arguments which have been adduced for the acquisition of Cuba outside of the report of the committee, political gravitation has been brought in to work with political necessity

and geographical necessity, and it is said that Cuba is gravitating to us. I think the Senator from Georgia [Mr. TOOMBS] would have us infer that this gravitation began a great while ago, and that the velocity has been increasing in proportion to the squares of the distances, until it has got now so great that it can hardly be resisted.

Well, sir, it will be a curious subject for some of those political philosophers to inquire why it is that this law of gravitation, which we have ordinarily been taught to consider as universal, operating alike upon all particles of matter, in all conditions, does not operate upon some of the adjacent islands; why, stretching itself out, it has not affected Yucatan. How, in the name of gravitation, is it that every one of the British islands, great or small, has not been affected by this magnetic influence? Why is it that this political gravitation uniformly affects the possessions of weak and feeble Powers? Gravitation, we have not ordinarily supposed, was subject to such considerations.

But the great argument of the Committee on Foreign Relations is that it is a very convenient island; that it will be very desirable for us to possess it. I can understand that argument. That is an argument which is not ordinarily used in legislative assemblies, but in very different places, and under very different circumstances; it may be characterized—I do not know how to characterize these doctrines independently of their authors, but I mean to do it; I mean to speak of doctrines—it is the doctrine of the highway; it is the doctrine of power and of might; it looks upon a thing, and says it is desirable, and, therefore, we ought to have it; and we will have it.

But the Committee on Foreign Relations go on further. They undertake to prove, and I think they do prove, pretty conclusively, that we not only want it, but that we have been wanting it for a long time past. I agree to that. If you will show me a place on God's earth that power and avarice lust for to-day, I will show you a place that power and avarice lusted for years ago, and still I shall have done little or nothing to demonstrate the morality or the justice of the feeling that is entertained. I wish, however, to examine a little in detail the proofs that are arrayed by the Committee on Foreign Relations, to show that this has been so desirable. These proofs are to be found in the writings of Mr. Jefferson, Mr. Clay, Mr. Buchanan, Mr. Alexander Everitt, Mr. Edward Everett, Mr. John Quincy Adams, Mr. Van Buren, and Mr. Marcy. I concede, for the sake of the argument, that all these gentlemen have lusted after Cuba; but I think, so far as the authority of Mr. Jefferson is concerned, he goes against the acquisition; for Mr. Jefferson, in the writing quoted by the committee, in their report, says nothing should ever be accepted by us which would require a navy to defend it. That is Jefferson's opinion. I apprehend to-day, there is no man in this Senate, no man in this Congress, no man in this country, whose opinion is worth anything, who will tell you that Cuba can be defended by sea without a navy.

Mr. MALLORY. I do not wish to interrupt my friend from New Hampshire, but he is quoting Jefferson's opinion upon this point; and in that very letter from which he is quoting, Jefferson says Cuba can be defended without a navy, and that is the reason he recommends it.

Mr. HALE. Mr. Jefferson says that nothing should be ever accepted by us which could not be defended without a navy; and it is true, as the Senator from Florida says, that, in the same letter, Mr. Jefferson expresses the opinion that Cuba could be defended without a navy. Well, sir, as I said yesterday, I do not believe in the infallibility of the Senate, nor do I believe in the infallibility of Mr. Jefferson. Mr. Jefferson had a natural and innate and an undying hatred of a navy; and I suppose that the great reason of his hatred to the Navy was, that it was the pet-child of the old Federal party. It was the great bone of contention between the parties of that day; and if there was one thing Mr. Jefferson abominated it was a navy. You know, Mr. President, that one of the first measures of his administration, when he came into power, was to undertake to substitute gun-boats for vessels-of-war, which had been introduced by the Federal party. But Mr. Jefferson, when he expressed the opinion that Cuba could be defended without a navy, was entirely ignorant, for the thing had not existed, of the creation of a great steam marine. If Mr. Jefferson were alive to-day, I apprehend that he, no more than any other sensible man, would venture the opinion that, at the present time, with the present state of the naval affairs of the world, Cuba could be defended without a navy, and without a large navy.

Mr. John Quincy Adams, who is also quoted upon this subject, speaking of this matter, says:

"Numerous and formidable objections to the extension of our territorial dominions beyond the sea, present themselves to the first contemplation of the subject."

Sir, those objections to extending our territorial possessions beyond the seas which, upon the first blush of this matter suggested themselves to Mr. Adams, exist to-day; and if you will go on and read every one of the opinions of the earlier statesmen of this country, such as Mr. Jefferson, Mr. Clay, Mr. John Quincy Adams, Mr. Alexander Everitt, and Mr. Edward Everett, I think you will find every one of their statements qualified, and they express the idea that, with the present condition of things, as they existed at the time they wrote their letters, they were content to let Spain occupy Cuba as she did. Mr. Edward Everett delivers himself upon this subject—and I think he will obtain vastly more credit and more honor by it than he will by going about to collect funds to buy Mount Vernon—as follows:

"A respectful sympathy with the fortunes of an ancient ally and a gallant people, with whom the United States have ever maintained the most friendly relations, would, if no other reason existed, make it our duty to leave her in the undisturbed possession of this little remnant of her mighty transatlantic empire. The President desires to do so. No word or deed of his will ever question her title or shake her possession."

That was the statement of Mr. Everett upon this subject; and you will find, I think, the sentiments of every one of those gentlemen who are relied upon to prove that the acquisition of Cuba would be desirable, thus qualified. But, sir, I do not meet that argument; I give up; we want Cuba. I mean that is the purpose of the national will. We desire it, and we have desired it a long time. We have desired it anxiously and earnestly. We desire it because it is rich. It is rich in the natural productions of the earth, rich in its commerce, and in every way desirable for us to possess if we could get it honorably; and if this proves anything of the justice or the rightfulness or expediency of taking it, it is an argument that might be made.

The Committee on Foreign Relations go on and argue this question at some considerable length. They say, in their report, that there are three alternatives for Cuba: first, her possession by a foreign Power, which we would never submit to; secondly, her independence, which is impossible; and thirdly, her acquisition by us, which is inevitable. Well, sir, those are curious alternatives. One never can be, the other never shall be, and the third is inevitable, and we are called upon to-day to appropriate $30,000,000 to bring about an inevitable consequence. I think it was stated by a Senator sitting on the other side of the Chamber, in reference to manifest destiny, "manifest destiny will take care of herself." She wants none of our puny and feeble aid; and I think in the present state of the Federal Treasury it is a wasteful and extravagant appropriation of money, to appropriate either actually or prospectively, $30,000,000 to bring about an inevitable consequence. That is the ground on which the committee place it.

The committee not only prove that we have always wanted Cuba, and cannot help taking it—it is inevitable—but they go on to fortify the justice and the propriety of our taking her, by the example of some of the other nations of the earth. The report says:

"Let England pursue her march of conquest and annexation in India, France extend her dominions on the southern shores of the Mediterranean, and advance her frontiers to the Rhine, or Russia subjugate her barbarous neighbors in Asia; we shall look upon their progress, if not with favor, at least with indifference."

Yes, sir, let Great Britain carry on her schemes of conquest; let her annex kingdom after kingdom in India; we look on, "if not with favor, at least with indifference." Let France extend her dominions; let her pursue and carry on her schemes of conquest in Algeria; we will not have a word to say there. Let Russia pursue unchecked her career of conquest upon the Caucasus; let her anticipate the time when that "sick man" in Constantinople will die, and seize upon Constantinople and command the Mediterranean; we will look on, "if not with favor, at least with indifference."

"We claim on this hemisphere—"

here is the ground on which the claim is put—

"the same privilege that they exercise on the other."

Then there is a beautiful line in Latin poetry: I will endeavor to construe it:

"Hanc veniam petimusque damusque vicissim."

Sir, whenever I hear a judge in court give an opinion in Latin, I generally conclude that he is about to announce some infernal doctrine that he is ashamed to speak in English. [Laughter.]

"Hanc veniam petimusque damusque vicissim."

Now I will tell you what the *petimusque* and the *damusque* are in this case. *Damusque*, we will give—we will give to England liberty to extend her wars of conquest and aggression in India and swallow it all up; we look on, if not with favor, certainly with indifference. *Damusque*—take it, France, take what you want anywhere; go on with your conquests, not only where you please, but as you please—*damusque*, we give up that. Russia, go establish yourself on the Mediterranean and the Bosporus; if the "sick man" does not die quite soon enough for you, smother him between the pillows—*damusque*; [laughter;] if we do not look on with favor we do with indifference. This, sir, is an uncharitable world; it is an ungrateful world; but will England and France and Russia be so ungrateful and ungracious if we have given up to them so much; if in the scale of *damus* we have thrown such tremendous weights, as not to allow us to take Cuba. Now listen to the *petimus*. We want to do a little robbing on our own account. Here is a rich, beautiful island lying close to our shores; its political gravitation is so great that we have hardly virtue to keep it off; it is ready to fall into our hands—*petimus*. [Laughter.] Stand by while we take that—*hanc veniam*. That is all the *petimus* we ask of the world, and this is the argument stripped of its poetry, and translated into plain English.

But there is another trope, and the report does great credit to the committee, and that is one originally, I believe, introduced by Mr. Adams, and incorporated by the committee in their report. They say:

"If an apple, severed by the tempest from its native tree, cannot choose but fall to the ground, Cuba, forcibly disjointed from its own unnatural connection with Spain, and incapable of self-support, can gravitate only towards the North American Union, which, by the same law of nature, cannot cast her off from its bosom."

It is inevitable. I do not think the poetry applies. We have not to use *petimus* to what is inevitable, and will come whether we will or not. Now, sir, this argument of the apple is a beautiful one. It is one that boys can understand; for we can remember when we looked upon ripe apples hanging upon the trees, and we have all of us deplored the waste that was accruing if the ripe apples should fall to the ground and rot upon the soil; and sometimes, I am not certain but some of us, lest such an extravagance as that should happen, and the apple should grow ripe and fall when we were not by to catch it, have used a club to hasten this process of nature, and knocked the apple off before it got quite ripe. [Laughter.] But the committee say the apple is absolutely ripe. Now, I am not certain that this judgment may not have been formed a little by the hankering appetite of the committee for ripe apples, instead of a precise knowledge of what the state of the fruit is. [Laughter.]

These, I think, are the arguments that have been adduced by the committee in prose and in poetry. It is desirable; it is a rich island; we want it now, and you cannot prove that there ever was a time when we did not want it; we want it very much, and are determined to have it; we cannot help it; this is the only alternative there is for us—to take it. We will let France, Russia, and England, take all the world—*damusque*—if they will only allow us to have this *petimus*,

to do what we cannot help doing. Now, sir, can not we reason with the rest of the world that they are acting unreasonably?

Having fairly stated and answered, as well as I could, (for I am not acquainted with these tropes,) the argument of the committee, I will now proceed to answer some of the positions assumed by the honorable Senator from Louisiana, [Mr. BENJAMIN.] By a remarkable coincidence, it turns out that this knowledge of the political necessity and the geographical necessity, and the argument growing out of ripe fruit and everything of that sort, seems to be better appreciated by the Senators from Louisiana than by Senators from any other part of the United States. I do not know that it is strange that it does. The magnetic influence of that political gravitation which has been going on will be more likely to be felt in that part of the coast nearest the magnet, than it would in the more remote parts. But, sir, there is one portion of the argument of the Senator from Louisiana which, I doubt not, he thinks I cannot answer, which he considers it is folly to attempt to answer, which I will now undertake to answer. I shall not undertake to controvert one single word that he said about the cooly trade. If he has found a system of human slavery on the face of earth worse, and greatly worse, than any that he has seen on our continent, I am perfectly willing that he may expend his sympathies and his philosophy upon it. I shall not undertake to controvert it. I yield to him for the sake of the argument, though I do not profess to be instructed in the matter, that so far as his censures have fallen upon the cooly trade, they are just. I will not undertake to controvert them. So far as his censures have fallen upon the trade carried on in African apprentices, I will not controvert one word of them.

But, sir, when the Senator stands up here in the Senate, and undertakes to assume, as he did, that the experiment of emancipation tried by the British Government in their islands and the abolition of domestic slavery has been such a total failure that it is admitted and acknowledged by everybody to be such, and is treated as such at the present day, I beg leave to say to that honorable Senator, to the Senate, and to the country, the evidence upon that subject is not all one way. I admit, further, for the sake of the argument, that the experiment of the emancipation of slaves in the British West Indies has not been favorable to the cultivation of the sugar estates. If there was no other destiny to be developed in the future; if there was no other lot that was desirable for mankind than to be converted into sugar planters, I would yield him the argument; but, in my own State, in the whole of the six New England States, in Pennsylvania, and in New York, I believe there is not a single sugar planter; and yet we think that we have, in some tolerable degree, answered the great purposes of a Christian civilization in those communities; we believe that, upon the whole, we are not a whit lower in the scale of morals, of intellect, of mechanical arts, of industry, and of everything which elevates and refines and advances human society, than any of the sugar-growing States. I will not trespass upon that by alleging any superiority. It is enough for the argument that we do not conceive that we are inferior, notwithstanding we have not a sugar planter among us.

But, sir, aside from the fact that the cultivation of sugar may have suffered somewhat considerably in the British West India islands where this great crime of emancipation has been tried, that beyond that it has been a failure I utterly deny, and I do not stand here to speak without the book upon that subject. I hold in my hand a report made to the British House of Commons, in 1857, entitled "Accounts and papers." The first piece of evidence to which I desire to call the attention of the Senate is, a copy of a dispatch from Governor F. Murray to the Right Honorable H. Labouchere, dated "Bermuda, June 18, 1856." I think the Senator will find that every authority which I quote to him is older and later than those which he gave to the Senate in the remarks which he submitted. Governor Murray, in this report, says:

"SIR: I have the honor to transmit the Blue Book for the year 1855.

"I am happy to report that the general state and prosperity of the colony is satisfactory; that is strongly exemplified by the fact, (as you will perceive by the tabular returns,) that the exports have increased in value, when compared with last year, from £25,563 to £41,420, and that the imports have increased from £120,389 to £162,556. To this sum must be added imports to the value of £9,332 for the use of Her Majesty's military and naval forces, and that of the convict establishment, making the total imports £171,888. There has also been an increase in the revenue, notwithstanding that the *ad valorem* percentage duty on imports had been reduced one per cent. Agricultural and commercial enterprise are steadily augmenting, and improved habits of industry are observable among the people generally."

That is the Bermudas. I next read from a report made from Lieutenant Governor Shortland to Governor Hincks, dated the 16th day of June, 1856, and written from Tobago. He says, in this report:

"Your Excellency submits to me the question relative to the employment of the negro population not engaged in the culture of sugar—'whether they are industrious, or, as represented to be the case in some colonies, abandoned to slothful habits, and content with the mere necessaries of life.' The negroes of this island cannot be termed slothful or abandoned; they bear the character of being orderly and well-disposed, and, I believe, deservedly so. The black and colored classes have acquired a considerable amount of property. Many have raised themselves to the position of lessees of sugar estates, and a spirit of emulation seems to be on the increase. I am aware of offers having been made to proprietors by the negroes to rent estates, and to repair the works at their own cost; indeed, in one instance, three negroes have taken the lease of an abandoned sugar works, and have repaired both the mill and the boiling-house. Several other instances might be adduced of equal enterprise. I am not, however, prepared to say that the negro, as a class, can be called industrious, in the true sense attached to the word. He is not fond of continuous labor."

This is what the Governor says, and in that, I would add, he is not singular:

"But, when working for himself, taking the average of a year, performs a considerable quantity of work. When working for hire, he gives his employers the smallest quantity he finds will be submitted to. The struggle, too, never ceases; he must be constantly urged forward, or he would fail to work. Nevertheless, I am induced to extend to him a decided preference over all other laborers for general purposes in a tropical climate."

I next read from the report of the Colonial Secretary to Lieutenant Governor Shortland, dated June 5, 1856, and some memoranda attached thereto, I believe by the stipendiary magistrate. Speaking still of the Island of Tobago, he says:

"The fact that a great majority of the negro population—whether plantation laborers or otherwise—have, since emancipation, left the plantation negro-houses, and acquired comfortable residences of their own, may be taken as *prima facie* evidence that they are industrious and saving. No man, contented with the mere necessities of life, will work, and save up money to buy a piece of land and erect a house, and pay the taxes to which he thereby subjects himself. I have been upwards of twenty years in Tobago, and I deny that its peasantry are abandoned to slothful habits. I assert, on the contrary, that a more industrious class does not exist in this world—at least when working for themselves. I see no reason, either, for employers on estates to find fault. In the face of our taxation, '8*d.*' a day is not a very remunerative wage to laborers whose employers in Great Britain are comparatively untaxed for the produce which they extract from Tobago. Better wages will procure an increase of work. A minimum of wages naturally purchases a minimum in return, and prompts the peasantry to labor for themselves rather than for their employers."

The next is a report from Antigua, another of the British West India islands. I read from a dispatch from Governor Hamilton to the Right Honorable H. Labouchere. Governor Hamilton says:

"Although there has been a great diminution in the value of tropical produce, and the labor of the plantation cultivation has proved in various years unremunerative, yet, upon the whole, the success of the cultivation, by free labor, of the valuable staple commodities of the West Indies, in well peopled colonies, is demonstrated by the results produced in this island, as well as in the neighboring island of Barbadoes; and experience has sufficed to convince the public mind that there is no sufficient cause for despondency in the agricultural condition of the West Indian colonies."

Here is another colony, not one of the West Indies; but one in which the experiment of the abolition of slavery has been made—Mauritius. What I am about to read is taken from a report of Governor Higginson, dated May 13, 1856. He says:

"Our sugar crop, for the past year, reached one hundred and two thousand tons, and that now about being reaped promises to be still more abundant. Should the season continue as favorable as it has hitherto been, the coming crop may be estimated at not less than one hundred and twenty thousand tons—about double that exported in 1850; and as large tracts of cultivable land still lie unreclaimed, only awaiting the hand of the husbandman, provided nothing occurs to obstruct the steady influx of immigrant labor, it is hardly possible to estimate the limit of producing power attainable within another five years."

These are all official documents sent to the House of Commons by the Governors of those islands. But I have a later and a more minute authority. Last year, in 1858, a gentleman residing in Boston addressed a series of queries to Governor Hincks, Governor of the five Windward Islands; and I will read you an extract from his answer:

"GOVERNMENT HOUSE, BARBADOES, *January* 9, 1858.

"MY DEAR SIR: I willingly comply with your request, that I should communicate to you the opinions which I have formed as to the results of the abolition of slavery in the British West Indies, as well in their bearing on the civilization of the emancipated classes, as on the general prosperity of the colonies. I do this the more readily, because, being thoroughly persuaded that most erroneous opinions on this important subject prevail generally, both in Europe and America, I think that every possible assistance should be given to those who take the trouble to inquire into the actual condition of these colonies.

"The errors to which I shall more especially advert, are, first, the assertion that slave labor is cheaper than free. Secondly, the charge of habitual indolence advanced against the creoles of African descent, which has led, it is alleged, to the abandonment of the sugar estates, and the consequent ruin of the proprietors.

"On the first point, namely, the comparative cost of free and slave labor, I believe that little if any difference of opinion prevails among the proprietors of this island. It is, however, much to be regretted that the West Indian planters have more than once, since the period of emancipation, made formal complaints to the Imperial Parliament, founded on their inability to compete in the production of sugar by free labor with the slave labor of foreign countries.

"The object of the complainants doubtless was to obtain a continuance of the protective duties then levied upon foreign sugars. I can, however, state with confidence, that many who at one time held the opinion that the increased production of sugar in Cuba was to be attributed to the cheapness of slave labor, have long since discovered their error. For my own part, I entertain no doubt that the productiveness of Cuba is to be mainly attributed to its rich virgin soil, on which ratooning can be carried on for many years with little labor. Land in that island is abundant and cheap, and labor is in great demand for clearing and preparing it for cultivation." * * * * *

"As to the relative cast of slave and free labor in this colony, I can supply you with facts, in which the most implicit reliance may be placed. They have been furnished to me by the proprietor of an estate containing three hundred acres of land, and situated at a distance of about twelve miles from the shipping port. The estate referred to produced during slavery equal on an average to one hundred and forty hogsheads of sugar of the present weight, and required two hundred and thirty slaves. It is now worked by ninety free laborers—sixty adults and thirty under sixteen years of age. Its average product during the last seven years has been one hundred and ninety-four hogsheads."

In slavery, 230 slaves produced 140 hogsheads, and after emancipation 90 free laborers produced 194 hogsheads. Again:

"The average of pounds of sugar to each laborer during slavery was 1,043 pounds, and during freedom, 3,664 pounds. To estimate the cost of slave labor, the value of 230 slaves must be ascertained," &c.

Another extract from the same letter. He says:

"I shall now proceed to the consideration of the complaint against the creoles of African descent, that they are indolent, and that they have abandoned the sugar plantations. This is a subject involved in much greater difficulty than the one on which I have already treated. I admit that the planters generally, in several of the British colonies, would vehemently maintain the correctness of the charge. I am, however, bound to affirm that, after a most patient investigation, I have been unable to arrive at such a conclusion. There is no doubt that the condition of the laboring classes ought to be worse in Barbadoes than in any of the other colonies. In Barbadoes, land is exorbitantly dear, being worth, in small quantities, from four to six hundred dollars per acre. Wages are from ten pence to one shilling per day, as I have already stated. There are only five working days in the week, except during crop time. With all these disadvantages, the small proprietors in this island holding less than five acres of land, increased, in sixteen years, from about eleven hundred to three thousand five hundred and thirty-seven. I doubt much whether such a proof of industrious habits could be furnished with regard to a similar class of laborers in any other country in the world. I adduce the above remarkable fact to prove that in this island there has been no want of industry on the part of the creoles of African descent. I think that in those colonies in which the sugar estates have been partially abandoned, we must look to other causes than the indolence of the laborers."

Again:

"With regard to the condition of the African race, I can answer your queries with unmixed satisfaction, and with the conviction that there will be little, if any, difference of opinion among well-informed persons on that subject. The improvement which has taken place in the religious condition of the people of all classes, and the progress of education, is quite equal to what could reasonably have been expected. The creoles are advancing rapidly in civilization."

That is the opinion of Governor Hincks, dated this year, of the state of things in the Island of Barbadoes. I now wish to show you that, in other respects than the mere physical one, this experiment has not been a failure. I read from a letter

from the Bishop of Barbadoes. He gives some other statistics. The Bishop says:

"The following is a comparative view of our church schools in Barbadoes at the dates mentioned:

Daily primary or national.

Year.	*Schools.*	*Scholars.*
1825	8	600
1834	27	1,574
1841	49	3,994
1857	70	6,180

Daily dame or infant.

1825	-	-
1834	3	261
1841	2	173
1857	14	1,140

Again, on another point:

	1825.	1834.	1841.	1858.
Number of clergy in Barbadoes,	15	29	33	43
Churches and chapels	14	23	35	50
Amount of church accommodation	5,000	7,750	22,500	28,000

So, sir, when tried both by the standard of progress in schools and in churches, the experiment of emancipation in the West Indies does not seem to be so disastrous as the Senator would suppose. A letter from the Hon. B. T. Young, written to the same gentleman in answer to the same letter, dated January 13, 1858, says:

"The religious condition of the people generally, has greatly improved since the abolition of slavery, and, undoubtedly, emancipation has removed many of the obstacles that existed during slavery, and stood in the pathway of the slave in improving his religious condition."

In regard to education, he says:

"Greatly improved, but by no means to the extent desired. Popular feeling is now pressing the enlargement of education to all classes, and the Legislature of Barbadoes is quite willing to carry it out to the extent desired, by increasing the annual grant towards education."

In respect to crime, he says:

"I do not think there is more crime now than in the days of slavery, because the owner, during slavery, had the power to punish all crime short of a capital offense. Now, all crime is punished by the courts, and thus a wide publicity is given to it."

In answer to the question, "are the estates, generally speaking, better cultivated under free labor than they were under slave?" he says:

"In Barbadoes, the estates are, generally speaking, better cultivated with free labor than they were under the slave labor.

"I believe it is generally admitted that the cost of production is generally less under a free-labor system.

"The voice of one and all pronounces it to be a blessing." * * * * * * * * *

"There can be no question that emancipation has worked most beneficially for the emancipated classes.

"The condition of the poor whites in Barbadoes is lamentably deteriorated, but from causes quite apart and distinct from emancipation."

Now, sir, I desire to call the attention of the Senate to the Island of Jamaica, in which it is said, I believe, that the most disastrous consequences have ensued from this experiment of emancipation. The Governor, in writing from Jamaica, says:

"The returns from the several jails continue to testify to the comfortable condition and peaceful disposition of the lower orders."

Instead of Jamaica being about to be abandoned as hopelessly given over to barbarism, the Governor says:

"Such a revival is distinctly traceable in these returns; the comparison for the last four years standing, as under, after correction of an error into which I was last year betrayed by the total omission from the custom-house tables, which were very carelessly prepared by the then Comptroller of Navigation Laws, of the value of British goods imported:

	Imports.	*Exports.*
1852	£837,894	£927,377
1853	864,094	837,276
1854	926,166	932,316
1855	899,508	1,003,325

Again he says:

"Last year I could sum up my report with no greater amount of encouragement than an assurance that the position of the colony had grown no worse, and that its prospects were by no means desperate; this year I am fairly entitled to found on the facts and figures I have passed in review much more sanguine inferences; and though difficulties and drawbacks still remain to be encountered, I feel far more confident of the ultimate restoration of prosperity than I ever did before."

So, sir, even in Jamaica affairs are not quite so hopeless as the Senator from Louisiana supposes; and I hope that he will come to the conclusion that the experiment of emancipation in those British West India islands has not been so utter a failure as he had been led to imagine. The people, instead of working upon the plantations, have become land-owners, and in sixteen years the small land-owners, holding small estates of five acres and upwards, have increased more than three hundred per cent. I am glad that the honorable Senator has based the argument for the annexation of Cuba upon what he says is the conviction that compulsory labor is absolutely necessary to the maintenance of that island. He argues that compulsory labor can only be maintained there, first, by the introduction of the cooly trade, which he condemns in no measured terms; by the apprenticeship, to which he is equally opposed; and by the foreign slave trade, which, I suppose, from the tenor of his remarks, does not meet his approbation. He would have it left for us to infer that the only alternative by which this demand for compulsory labor by which the agriculture of Cuba is to be maintained is, that these slaves are to come from the United States of America; that when Cuba is annexed to us, the foreign slave-trade being cut off, the necessities of compulsory labor still continuing, the United States of America must then take the place and occupy the position which the coast of Africa now occupies, and instead of foreign slavers going from Cuba to the coast of Africa to get their cargo of human muscles with which to carry on the agricultural labor of Cuba, that they are to come to the United States; and that this great demand for compulsory labor is to be supplied by annexation. That I understand to be the argument.

The President of the United States puts it on the ground, also, that it will tend to the abolition of the foreign slave trade. Now, sir, I confess that I am not entirely clear in my convictions of the propriety of this suggestion from the present Executive. I think, before it becomes us to annex foreign territories to our possessions for the purpose of putting down the African slave trade, that we see to it that we put it down in the possessions we have now got. I believe, from the commencement of the Government down to the present day, it has never transpired that any man has been convicted, in any of your Federal courts in any of the States of this Union, for being engaged in the foreign slave trade. I may be mistaken in that, but I think I am not. The Federal judiciary is utterly powerless, to-day, if newspapers be relied upon, for the enforcement of the laws against the slave trade in the States of this Union. The doctrine has been openly avowed within a few days, within a short distance of where I stand, that this foreign slave trade must be reopened to enable the southern States to contend with that species of labor against the emigration which is coming from Europe into the northern and eastern States.

Now, sir, it is very well for the President to be desirous to put down the foreign slave trade, but I would commend to the President, and to those gentlemen who desire to put down the foreign slave trade by annexing Cuba, this simple admonition of one of the Apostles, I believe it was Paul, who in writing to his brethren says: "When thou art converted, strengthen thy brethren." That saying would seem to imply that it is not very well for us to begin to strengthen anybody else until we have converted ourselves. I would say to the President of the United States, and I would say to those gentlemen who are desirous of the annexation of Cuba for the purpose of putting down the foreign slave trade, that they had better begin by putting it down at home. They had better see that the Federal judiciary and the Federal laws are able to deal with this great sin and this great crime upon our own coasts, before we go abroad beyond the seas, for the purpose of annexing Cuba to put it down there. It will be time enough for us to enter upon a crusade, for the abolition of the foreign slave trade in Cuba, when we have abolished it upon our own shores, and in our own country.

Mr. BENJAMIN. Will the Senator from New Hampshire permit me to ask him a question?

Mr. HALE. Yes, sir.

Mr. BENJAMIN. I will ask the Senator, who is very urgent that the Federal judiciary shall put down the African slave trade with the United States, if he knows of a solitary instance in which a solitary African slave has been introduced into the United States except the recent case of the Wanderer, which the Federal officers are now pursuing?

Mr. HALE. I do not know, because I never visited any further South than Virginia; my opinion is derived from papers altogether. Upon that subject I have no particular information, but I have a very decided conviction. I do not know that there has been any other; but the case of the Wanderer is enough. That may be the first one that has been discovered and brought out palpably; but is the Senator so ignorant of what has transpired in the city of New York, if we are to believe the papers and the accounts that come from there, that he means to say that vessels are not fitted out, and have not been for years in the city of New York, for the foreign slave trade?

Mr. BENJAMIN. I will state to the Senator, with great pleasure and with entire candor, that I believe a great many vessels are fitted out in the United States for the purpose of carrying on the slave trade between the coast of Africa and Cuba—not one to my knowledge, nor do I believe one ever has existed, except the solitary case of the Wanderer, for carrying on the slave trade with the United States.

Mr. HALE. Well, sir, that is all I desire. The witness has answered everything I wanted him to answer. I am satisfied.

Mr. BENJAMIN. So am I.

Mr. HALE. So am I; and now I will proceed to argue the case. The Senator has no doubt that a great number of vessels are fitted out in the city of New York for the purpose of engaging in the foreign slave trade between the coast of Africa and Cuba, in which they violate the laws of the land and our treaty stipulations; and your Federal power has been incompetent to arrest that business in the city of New York. If it cannot take care of the slave trade in the city of New York, I think it will be very difficult to do it in Cuba.

But, Mr. President, I will deal candidly with this subject, and with the authors of this proposition. I do not believe that this measure is pushed at this time with the expectation, the remotest expectation, that Cuba is to be annexed by it. I I think I hold in my hand a paragraph from a newspaper which gives the true clue to this whole movement, and I will read it. It is taken from the Carolina Spartan, dated February 3, 1859:

"PURCHASE OF CUBA.—In both Houses of Congress propositions are pending to appropriate and place at the disposal of the President $30,000,000, to be used in negotiations for the purchase of Cuba. The report of the committee, in the Senate, by Mr. SLIDELL, occupied one hour in reading. On the subject of the acquisition, the Washington correspondent of the Charleston Mercury, holds this language:

"'Among politicians the acquisition of Cuba is the absorbing topic of conversation. It is evident Mr. Buchanan has purposely reserved this question for political capital, and intends to make it the lever by which to raise the Democratic party out of "the slough of despond" into which the Abolitionists had thrust it. It is a subject peculiarly attractive to the people of the North, who, while they are fondly devoted to free negroes, are still more ardent in their love of "free sugar," and will go for Cuba without slavery. If anything in the future may be predicted from the present complexion of affairs, "Cuba" is to be the Democratic war-cry in the presidential campaign of 1860, and is the only thing which is likely to give us a Democratic President.'"

I do not believe it will do that, either. [Laughter.] When I read an extract from Governor Hincks's letter, the honorable Senator from Louisiana was curious to know what paper it was published in, as if a document coming from the hands of an individual could be affected in its character for veracity, by that of a paper in which it was printed. It was printed in the National Era; but this that I speak of, this Democratic war-cry article, has no abolition taint about. It comes from South Carolina, from the Charleston Mercury, which I understand to be the alkoran of the party. In that article it is said that the war-cry of the next presidential campaign is to be Cuba; and that if anything in this world can lift the Democracy out of the slough into which it has been thrust, this will do it. I think the President overrates altogether the power of Cuba, in that respect. He does not know what a job it would be to do that. General Taylor came into the Presidency an honest man, and he entertained the idea that he was going to bring the Government back to its original purity. Providence took him from the evil that was to come. It broke the old man down. He did not know what a job it was to bring this Government back to its original purity.

I have heard nothing in modern times equal to it in absurdity, except this attempt to lift the Democratic party out of the slough of despond, in 1860. I have read the President's arguments; they are not new. When I read this report I could not but be struck with the similarity of some of the arguments, to those that were used in Congress on a former occasion, some fifteen years ago. I allude to the annexation of Texas.

Mr. President, you have forgotten, I venture to say, the arguments by which that measure was carried through Congress. I had almost forgotten them myself; but I have been refreshing myself on that subject. I have lately read a letter published by a distinguished Senator from Mississippi—he is not one now, but was one in former days—in which he undertakes to argue the annexation of Texas; and I will tell you what the grounds upon which he put it were, and I commend that letter to gentlemen; they should go and read it. In the first place, he said it was a great abolition measure, and would tend to the rapid extinction of slavery in the United States. Said Mr. Walker, in a letter addressed to the citizens of Carrollton, I think it was, in Kentucky, if Texas should be reannexed—why do not Senators put that *re* on to Cuba?—slavery would be abolished in Delaware in ten years, in Maryland in twenty, and it would have been very much lessened and decreased in Virginia. Texas was to be the outlet by which slavery, by the law of political gravitation, was to slide off through Texas into Central America, where there was no prejudice against color, and there the colored man was to be elevated and was to create a new condition for himself, such as the blacks have acquired in the West Indies, according to the report of the Governor. That was one of the reasons then given for the annexation of Texas, and your northern Democracy, which at that time—I will not speak of the present; I hope they have improved—were ready to do anything you asked, if you only gave them something by which, if they could not deceive others, they might themselves, caught it up, and the Democratic party in my own State resolved that they were in favor of the annexation of Texas because it would add more free than slave States to the Union, and they had the authority of Mr. Walker for it. He said it would entirely abolish slavery in Delaware in ten years, finish it in Maryland in twenty, and make awful inroads in Virginia. Well, sir, [Mr. MASON in the chair,] you can state how much it has done in Virginia on that subject.

There was another argument, and I almost stagger with credulity when I repeat it, but I find it all in Mr. Walker's letter. It was necessary to preserve the tariff. Yes, sir, the appeal was made to the manufacturers of the New England and middle States, that the annexation of Texas was necessary to preserve the tariff. They found out how efficacious it was in that respect. That problem was demonstrated sooner than will be the other one of how long it will take to abolish slavery in Virginia.

The third argument used by Mr. Walker for the annexation of Texas, was that it was necessary in a military point of view; and what do you suppose that military point of view was? That it was necessary to defend New Orleans, and to preserve the Union. Mr. Walker said if Texas were not annexed there would be a southern confederacy, the Union would be dissolved, New Orleans would be at the mercy of any foe that would come to take it. Those were the arguments. The annexation of Texas was to prepare for the extinction of slavery, it was necessary to preserve the tariff, to protect New Orleans, and cover the land with blessings. We got it. Another prediction Walker ventured upon to manufacturers was this: if Texas should be reannexed to the United States, in ten years there was to be more cotton manufactured in the United States than there was in Great Britain. That was another of the consequences to flow from its annexation.

Well, sir, the Democratic party listened to these arguments. I did not, and I got turned out of doors for not listening. The measure was consummated, and consummated, too, by the votes of the northern Democracy, and now they have history left to tell them how true, how specious, or how just, were the arguments by which it was advocated. There is to be the same cry always, that it is necessary in a military point of view. Why is Cuba so necessary in a military point of view? What can Cuba do towards protecting the mouth of the Mississippi? I believe the passage on the east side of the island to the capes of Florida is something like eighty miles. The fleets of the world could go in there without the fortifications on either side molesting them. On the western side, from Cuba to Yucatan, I think the channel is still wider—more than eighty miles across. How are you to protect and command the Gulf of Mexico by owning this Island of Cuba, which has a channel eighty miles wide on each side of it, unless you maintain a navy to do it? Mr. Jefferson, when he, in the quotation which is made by the committee, undertook to recommend receiving Cuba into our Union, he said we should immediately erect a column on the southernmost limits of Cuba, and inscribe on it that it was to be the *ne plus ultra* to us in that direction—seeming to admit that if we took Cuba we were going as far as it could possibly be justifiable to go on any condition, and that we were to erect a monument when we got to Cuba to proclaim to all the world, through all time, that our avarice and our lust for dominion and for empire were satiated, at least in that direction, and that we were to go no further.

But there was another part of Mr. Jefferson's opinion, in which he says:

"We should then have only to include the north in our Confederacy; which would be, of course, in the first war; and we should have such an empire for liberty as she has never surveyed since the creation."

Well, sir, I have had occasion more than once or twice, to speak about this north side of the Union. Mr. Jefferson thought it necessary to throw that in, when he suggested the acquisition of Cuba. He said that, after we had got Cuba, all we should want was to take in the north. I believe when the reannexation of Texas was proposed, that the reannexation of Oregon was thrown in as a sop for the North. Well, sir, we reannexed Texas; but what became of Oregon? There is a north to this country, and, if we are to have annexation, why in the name of geographical necessities do we not ever look north? Here we have a great empire bounding us on the north from the Atlantic to the Pacific. We have the most dense part of our population lying within cannon shot of the fortifications and the vessels of the most powerful nation on earth. Why, sir, during the campaign of 1848, the Democratic candidate for the Presidency slept right under British guns. There was only a river that divided the city in which he dwelt from the great force of the British Empire. Well, sir, we have never turned our thoughts that way. What is the reason? Gentlemen will not admit that the reason we look to Cuba and neglect Canada, is that Spain is feeble and Britain strong. They will not admit that; though I very much fear that the world will suspect it.

Now, I ask gentlemen if there is a geographical necessity for our expansion, let us go north. We have gone south long enough; we have taken Florida; we have bought Louisiana; we have reannexed Texas, and we have divided Mexico; but on the north our history has been directly the reverse. When there is the greatest and most powerful nation on earth owning rivers which run into the very center of our continent, penetrating into some of the most densely settled and wealthy parts of our country, why is it that the views of our statesmen, who give direction to our energies and administer to this great national taste for expansion, have never turned their eyes north? Why is it that, when we come to the north side of the continent, instead of annexing we have been cutting off? If the outlet of the Mississippi was so necessary to the great West fifty years ago, why is it that the outlet to the St. Lawrence is not necessary for us now? The commerce that comes down those lakes now, is vastly, immeasurably greater than the commerce of the West when we purchased Louisiana so many years ago. No, sir, that is not the course of things; that is not the direction which things take. The necessities of our annexation and our expansion are always in one direction, and it so happens that that is always and exactly in that direction where a particular local institution exists and prevails. There it is that we seek and demand and require expansion.

I think I do no injustice to the truth of history when I say that if slavery were to be abolished in Cuba, and the experiment which has been tried in the British West India islands were tried in the Spanish islands, and the experiment should succeed beyond the most ardent expectations of the most warm-hearted philanthropist; if the chain should be stricken from the bondman; I believe the same Administration which to-day seeks Cuba at an expense of $100,000,000, would give $100,000,000 rather than take it. They would not have it. Nobody expects that this bill will accomplish the professed object. Spain, in the most solemn manner in which she could speak, in the most emphatic language in which she could give utterance to her feelings on this subject, has told you that, so far from being willing to sell, so far from being willing to negotiate, she will look upon the very proposition as offensive, and she has the right to do so. But, whether she has a right to do so or not, if such be the fact, if such be the temper, and such the disposition of Spain, that she looks upon the proposition as offensive, then, I say, if you make the proposition, instead of hastening, you will retard the consummation of this measure.

The true theory, Mr. President, of all this, is given in this South Carolina paper. The annexation of Cuba is to be the great war cry of the Democratic party in the coming campaign. That is to be the issue with which they are to go before the people. That is to be the extraordinary expedient that is to be resorted to in the coming campaign, in order to deceive, delude, and mislead the people of this country. Sir, it is one of the omens of the time, and it is one of the indications of the time, from which I take courage. This party that misrules the country, that squanders our Treasury, that in times past reduced us to bankruptcy, feels that it is in a situation in which an appeal to the popular intelligence cannot command the popular approbation. They have made these appeals in times past. In 1844, they had Texas. In 1848 they had no political watchword, and they went to the bottom. Subsequently some new scheme was to be devised, and they undertook to save the Union, and they saved the Union. By the compromise of 1852, they undertook to save themselves, and they did. Well, sir, these things have run out; saving the Union will not do any longer; Texas is annexed, and some extraordinary means and measures must be adopted to throw into the political campaign a watchword upon which the changes are to be rung, and that in the present instance is the acquisition of Cuba. No man in his senses supposes that we can get it. Every man who looks at it dispassionately and calmly, is obliged, as I believe, upon his conscience, to say that the passage of this bill will postpone and retard instead of accelerating this measure.

For myself, I should be willing to take Cuba; I should be willing that this country might expand; I have no objection to its expansion indefinitely; but I desire that it may be done on just, honorable, honest, and patriotic principles. I want no deception, and I want no humbug about it. I want nothing of this sort thrown into the political canvass for a watchword with which to appeal to popular prejudice and popular clamor, when the real object that is to be attained is not the one which appears palpably upon the face of the bill. I assume that from the fact, that since this bill has been talked of, and before it was introduced, we received the most positive assurances that we could not effect that which the bill proposes to effect.

I desire to say further, that while I am willing that the country should expand, and desire that it should expand, I am not willing that it shall expand continually in one direction, and for the annexation of countries in which the institution of American slavery exists. I desire not to interfere with the just rights of any State of this Union in regard to any institution she may see fit to keep up and maintain. I never have; I am willing that they may have it. I have said it before, and I say it now. If it is a blessing, let them bless themselves with it; if it is a curse, let them stagger under it; but I am not willing to

extend the boundaries of this country for the express purpose of bringing into this Confederacy territories, islands, and States, whose great and controlling merit, moving the measure, is that they are slave States, slave territories, and slave islands.

The Senator from Georgia [Mr. TOOMBS] says that he is willing to leave the question of what is to be the character of the population of these islands, or these countries annexed, to the law that the people themselves may make; and he thought that it was a great piece of magnanimity in him, coming from the "weaker section," to be willing to yield so much. Sir, I can stand irony as well as anybody; but I think, when a southern gentleman gets up here and talks about coming from the weaker section of the country, it is putting it on a little too strong; it is a trope, a figure, that I think is a little too heavy for a flight of rhetoric. The weaker portion of the Union! I am not going into the history of that section, or of that portion of the Union, nor of this weak system. Suffice it to say that united; uniting one section of the country as one man; swallowing up all divisions, all parties, and all sects; presenting a united, compact, impervious front, it dispenses the patronage of this nation, and, by that means, divides and cuts up and conquers the North. That has been its history in times past. Of the future, I do not propose to speak. When I hear a gentleman from that section talk about coming from the weaker portion of the Union, I confess I feel as if he was doing anything else than addressing a sober, serious, and solemn argument to the Senate. No, sir; it is the interest, the great interest, that makes war and makes peace, buys territories and sells them, puts up Presidents and pulls them down.

What killed Martin Van Buren? What deprived him of the nomination of the Democratic party in 1844? Why, he had demonstrated that it was constitutional to take Texas; but he said that while Texas was in a state of open war with Mexico, he did not think it would be exactly right to annex her, and that we could not do it consistently with our treaty obligations. Well, sir, the history of Mr. Van Buren is well known. He stood no chance after that. But I want to show the manner in which the argument was met. The argument was met in this wise: When we annex Texas, although she is at war with Mexico, we are at peace with Mexico, and if we take Texas, she will be a part of us, and at peace with Mexico; and then, if war ensues Mexico will have to begin it, because the United States and Mexico are at peace. We had a war with Mexico, and the great burden of the message of Mr. Polk, after the war commenced, was to satisfy us that war commenced by the act of Mexico. I suppose if we were to follow out the suggestion made by the honorable Senator from Louisiana, which looks like anything but purchase, and were to take Cuba by force, and Spain should undertake to resent it, it would be said the war commenced by the act of Spain.

In the report—no, I think it was in the speech of the honorable Senator from Louisiana—it is evident he looks beyond this bill. He understands its spirit. He is not confined to the letter. He knows that the letter is a mere humbug; there is nothing in it; he looks beyond it; and he says that we must say to Spain, that we will extend the same aid to Cuba, when she undertakes to assert her independence, that France extended to us in our great revolutionary struggle. I thank the honorable Senator for the manliness and the candor with which he strips off the paltry disguises with which this poor bill undertakes to dress up this scheme, and tells you what we look at. It is Cuba; it is inevitable; and we will declare to the Cubans, "go on, declare yourselves independent; if you can achieve your independence, we will admit you into the Confederacy; and if you cannot, we will help you." That is the meaning of it. In one of the dispatches of one of our Secretaries, Marcy or Buchanan, or some of that latter-day class of politicians, they undertake to say that the United States will never seize Cuba while in possession of Spain, and will never allow anybody else to have the island. They admit, and the whole argument is based on the assumption, that Spain is too weak to hold on to Cuba. They are willing that she shall have it, if she could hold it; but she cannot, and we will not let her call upon anybody else to help her; and when the ripe apple falls, we will take it. That is the morality of the whole thing.

Now, sir, let me characterize the measure as it presents itself to my mind. It is a gigantic scheme of national rapine. It looks to nothing else. This bill, if it has any effect, can only have the effect to debauch and corrupt the public mind and the public morals. It is to whet that keen appetite which, in years past, has been, in violation of our laws and our treaty obligations, fitting out expeditions to go and seize upon Cuba. It is a great, gigantic appeal to our national avarice, to our lust of power, of conquest, of aggression, by all means and by every means, to seize upon Cuba. If we do not in the letter countenance these things, in its spirit, and in its ultimate effect, it has that meaning, and nothing else. The honorable Senator from Louisiana so treats it, and so I treat it. It is an attempt to corrupt the public morals; to call upon all that is base and selfish, and avaricious and grasping, in our national character, and urging them to a great tirade against our ancient ally, which alone of the nations of Europe, from the first day of our national existence to the present time, has preserved relations of amity, of peace, and of concord, uninterrupted with us.

When the message of the President was read, and we were told that our relations with Spain were not what they should be, and he regretted it, I thought I would look some years back, and see some of the messages that for a few years past had been submitted to Congress, and see how long this dissatisfactory state of things had existed. When I turned to the messages of the immediate predecessor of the President—President Pierce—and read what he had stated to us upon our relations with Spain, I found that President Pierce congratulated the country—upon what? That Spain had ceased her aggressions upon us? That Spain had taken off her hand from molesting our commerce, and interfering with our rights in the Mediterranean? No, sir; but President Pierce congratulated the country that he was enabled to announce to them that no lawless bands had fitted out expeditions within our shores during the past year, and made these unauthorized expeditions against Spain.

Sir, when the history of the connection, and of the manner in which the treaties between Spain and the United States have been observed, shall be considered, I tell you that, in the scale of national honor, and in the observance of treaty stipulations, and of a jealous regard of national fame, we shall have nothing to boast of in the comparison. It will be found that our aggressions upon Spain, some of them national, some of them private, have been ten-fold more than anything we have had occasion to complain of from Cuba. You will find that we have sent, in time of profound peace, our armies into the national provinces of Spain, and we have, by treaty, made liberal stipulations for the payment of the damages, which were unauthorized, which nothing in the treaties required at our hands. There is pending upon your Calendar to-day, a private bill reported by my honorable colleague from the Committee on Claims, by which it will appear that we are to-day indebted to the assignees of claimants for the interest, upon the damages that we thus inflicted upon Spain, or Spanish subjects, some forty years ago. Those claims are yet unadjusted and unpaid. There may have been, and doubtless have been, many things that we have had a right to complain of in the conduct of the authorities of Cuba in regard to some of our merchantmen; but I believe that in regard to the manner in which we have been treated by Spain, when these matters have been brought home to the cognizance of the Spanish Government, we have no right to complain. Though I do not sympathize with the chairman of the Committee on Foreign Relations in the statement which he makes, yet the chairman of the Committee on Foreign Relations has stated to you, more than once this session, that Spain does complain, and rightfully complains, of the conduct of this nation, in not making the reparation to her which is provided in a bill which he introduced. I do not believe it. I do not believe that Spain has any such claim; but when our national Executive tells her she has, when the chairman of the Committee on Foreign Relations tells her she has, just claims against this Government in that behalf, we certainly cannot complain of her if she assumes that they are so.

Looking upon this measure in that light, I am opposed to it—utterly, totally, and entirely opposed to it. I want to hold out no inducements to our people, or any part of them, to do anything that may have a tendency to shake or disturb, in the remotest degree, the hold which Spain has upon this island. Necessity! Sir, necessity is a stern law, and if it be so stern, I ask the ministering priests of necessity that sacrifice at her altar to find some other territory, some other State, some other island than that of a weak nation, with which we are at peace, to satisfy this cormorant appetite of political and geographical necessity. I would that this country might expand and cover the continent; I would that the blessings of free government might be coextensive with the continent; I would that the American eagle, planting himself on the dome of this Capitol, might plume his wings for a flight that should cover the continent; but I would let him be the precursor, the ensign, of a higher civilization than that of the nations he has known. I would let our advent be heralded by no clanking of slave chains; but I would that the genius of our Republic, when it spreads itself over the continent, should carry with it the light of civilization, of Christianity, and of humanity. I would that it might be the precursor of a higher and of a holier mission than spreading this institution of domestic slavery. It is time that we meet this question. It is idle to say it is a sectional or a local one. The reproach of introducing it cannot be charged upon me, nor upon those who act with me. When I see the whole energies of the land, the whole energies of the Government, devoted to one end, one aim, and one purpose, and that purpose subservient to the interest, the protection, the extension, and the perpetuity of this institution, I have a right to call upon the people to pause, to hesitate, to strip off disguises, and look at measures as they really are.

Now, sir, without preparation, and without much coherence, I have delivered to you some of the objections which I entertain to this measure. I do not confine myself to the time, nor the mode, nor the manner of doing it. I am against the thing itself. It is not an objection to me that you want to do it now. I do not believe it is a ripe apple, and if it is a ripe apple, I believe that it is an apple of which the poet sung, of which it was said the mortal taste brought death into the world, and all our woes. I believe that the history of Spanish civilization upon this continent is not such as to make us very ambitious and very desirous of incorporating a whole State of that class of population into our midst. Though I would extend religious liberty to everybody, I would throw no impediments in the way of any man's faith or infidelity; he may believe or disbelieve what he pleases; yet I have a right, and it is my duty as a member of the Senate, to look at the question of the religious faith of a whole people, if I believe that that faith is calculated to exert an influence adverse to the best interests of our country. Sir, I believe that a republican government can only be maintained, and successfully maintained, on the principle of Protestant liberty. While I would give the fullest latitude to every man to believe or disbelieve, to worship or not, as he pleases, I have the right, and I cannot rightfully subject myself to the imputation of injustice and unfairness, to look into that question. When it is proposed to add a whole people, if I think that the religious faith they have amongst them is so believed and so practiced and so established among them, that it will exert a deleterious influence, I will not, by my consent, receive them into our midst.

Sir, it is that religion that, to-day, has prevented in a great degree the success of institutions of free government in Mexico. It is adverse to what I believe is essentially necessary to our growth, our progress, and our highest interests, and that is Protestant liberty. Let me tell you, sir, and I think I will not be controverted when I make the assertion, that the history of modern times, the history of civil liberty, is the history of Protestant liberty; and the struggle of civil liberty

has been the struggle of Protestant liberty. The genius of a free government requires the genius of a Protestant religion. I am willing that the Cubans shall have any faith they please. I am willing when they come here, they shall profess any faith they please; but when the proposition is made to annex them, I claim the right, in looking at the question in all its aspects, to look at it in that.

Then, sir, from every point in which I can look at this question, I do not consider the acquisition of Cuba desirable; and I do not believe that, at the present time, even if it were desirable, the measure which is proposed is one likely to effect it.

Mr. THOMPSON, of Kentucky, obtained the floor.

Mr. BENJAMIN. I understand that my friend from Kentucky does not wish to go on now, but would prefer to go on in the morning; and as I have a few words to say, I will say them now.

Mr. THOMPSON, of Kentucky. I will yield to an explanation, certainly, if it is understood that I am entitled to the floor in the morning; if not, I will go on now.

Mr. BENJAMIN. The period of the session is so late, and so many gentlemen desire to be heard upon this subject, that it will evidently be impossible for any of us to have an opportunity to speak more than once, and therefore, if any gentleman who has not spoken desires the floor now for the purpose of expressing his views, I will very cheerfully yield; but, if not, I do desire now, on the spur of debate, to say something in reply both to the Senator from New Hampshire, and the Senator from Kentucky who spoke this morning. While I have the book by me, I wish first to revert to the lamentable failure made by the Senator from New Hampshire in his effort to controvert the facts which I adduced. The Senator began by saying that he would show us that the testimony in relation to the success of the emancipation scheme in the West India colonies was not all on one side. He had later testimony which he proceeded to develop to the Senate. I had applied myself to the Library for the later volumes of these parliamentary papers, but found myself anticipated by other gentlemen—no doubt the Senator from New Hampshire may have been one; and I have, therefore, not had an opportunity of refreshing my memory with reference to the exact passages which would be most apt to demonstrate the truth of the proposition that I laid down the other day; that is to say, that the emancipation experiment made by the English and the French with their West India colonies is an admitted total, disastrous, irreparable failure. I take the very volume from which the Senator just quoted, and I find the proof of what I said. I will follow his own quotation, and give some passages on the very pages from which he read, showing the condition of that population to be *now*, just what I stated the other day, that it was in 1850, 1852, and 1855.

First, in relation to the condition of Jamaica. What is the state of the population there? The very writer of the report to which the Senator has alluded, quotes the same article from the Westminster Review, which I spoke of on a former occasion. He speaks of certain specimens of agricultural products of Jamaica, which were exhibited at some European expositions of industry, and says:

"I fear it cannot be denied that our capabilities are, at present, limited to the production of specimens only; that we can produce pints of our starches, and blocks of our woods; but we are powerless for all practical development of the wealth which these samples indicate, simply from the same cause which has partly contributed to the downfall of many a sugar plantation, namely, the want of available labor."

This same report goes on again to indorse and renew the recommendation that the authorities of the colonies should endeavor to get the free negroes of the United States to come out there, and teach British free negroes industry and energy. The same writer says:

"It ought therefore to be an object of the highest importance in a country like this, whose staple productions have been declining for years past, that every effort should be made to introduce into it a class of settlers who may be reasonably expected to devote themselves to those various branches of industry, the value and importance of which have been so highly distinguished in the recent competition of our products with the industry of the world; and it is with reference to these resources that every well-wisher to Jamaica will heartily concur with the writer in the Westminster Review respecting the advantages to be derived from an emigration of the colored people of America.

"If it be true that they are sober and industrious, steadily advancing in wealth and social improvements, supporting from their own resources charitable and religious institutions, exercising most of the handicraft arts, desirous of education and instruction, and possessing the elements of civil respectability, they could not fail to diffuse over this island the qualities which are so required to improve the condition of our native population, and at the same time remove some of the obstacles and difficulties which at present discourage all enterprise on this island.

"In conclusion, I beg to remark *that there is no change, that I can perceive*, which requires any remarks from me on the subjects of education, the progress of agriculture, and the state of crime in the district of St. Andrew.

"I have, &c. D. EWART,

"*Stipendiary Magistrate.*

"HUGH W. AUSTIN, Esq., *Governor's Secretary.*"

That is the state of things in Jamaica now. Next, let us take up Antigua. In the very volume from which the Senator read, I find the following:

"I fear that there is too good evidence of increase in the number of minor offenses, and the calendar of the court of Queen's Bench exhibits no diminution in the catalogue of graver breaches of the law.

"I have before adverted to the differences of opinion which exist on this subject, under the head of jails and prisoners; but, after weighing the testimony dispassionately, it appears to be a just conclusion, that *there has been for some time a tendency to such an increase*, which has now been swollen to a magnitude which can scarcely be accounted for by assigning the alleged strictness of the magistracy as the reason. Chief Justice Sir Robert Horsford has ably and perseveringly insisted on attention to this subject, in his addresses from time to time to the grand jury. He entertains a settled conviction that the evil does exist; and, viewed in connection with other circumstances in the social condition of the community, there is nothing which forcibly opposes this belief. What can be expected but plunder and depredation, with their concomitants, *from youths of nomadic habits who have no settled abode; who are not to be found for two weeks, in some cases scarcely for two days, in the same part of the island*; and there are, unfortunately, only too many such in this community?"

So much for that colony. Let us see how the next flourishes—the Mauritius. The Senator went over to the East Indies to find something by which he could rebut the statistics that I read to the Senate the other day. The Senator read us the statistics of the sugar crop; the sugar crop was increasing, and this report shows it; but it says that the increase is due to the number of emigrants imported, and asks for more importations to keep it up, and then depicts the population as it is:

"Our sugar crop, for the past year, reached one hundred and two thousand tons, and that now about being reaped promises to be still more abundant. Should the season continue as favorable as it has hitherto been, the coming crop may be estimated at not less than one hundred and twenty thousand tons, about double that exported in 1850; and as large tracts of cultivable land still lie unreclaimed, only awaiting the hand of the husbandman, *provided nothing occurs to obstruct the steady influx of immigrant labor*, it is hardly possible to estimate the limit of producing power attainable within another five years."

All these immigrants can be worked up as "raw material" into sugar, no doubt; but what is the condition of the inhabitants?

"Material prosperity doubtless conduces immeasurably to the contentment and happiness of a people; but the influence of moral and social advancement is even more appreciable. I lament my inability to affirm that these have advanced with equal rapidity, or to speak with similar confidence of future amelioration. There is, nevertheless, a manifest and growing improvement perceptible amongst the masses, both creole and Indian, encouraging the expectation that the measures now being taken for the extension of education, and the more active efforts made for their spiritual enlightenment, *may* slowly, perhaps, but surely, rescue the rising generation, at least, *from the ignorance and superstition by which their fathers have been degraded.*"

So, the whole of this improvement consists in a *hope* that they will do better for the future—there is nothing done yet. Mr. President, I might repeat to a very considerable extent these quotations. I will only give one more. I will take one of the islands under the jurisdiction of the correspondent of the National Era—this Governor General of the Windward Islands. I read from the report of Mr. President Seymour to the Governor in Chief, dated Nevis, April 10, 1856. Let us see what he says in this report:

"Much has been said and written of late respecting the supposed increase of crime in some of these islands, and the late chief justice of Nevis, who took a gloomy view of the subject, has published a small work, in which allusion is made to our criminal statistics. *It is true that crimes of violence are not uncommon. It is little more than two years since the President of the Council was murdered in broad daylight in the market-place: another murder and execution followed some short time afterwards; and, still more recently, the rejoicings of this last new year's day were disturbed by* THE MALICIOUS BURNING ALIVE OF A CHILD, *in the destruction of a house. Cases of stabbing occurred so frequently at one time that it was not easy to get a conviction by the negro jury, (all the white men being then on the grand jury,) however clear the evidence might be.* The jurors thought the sentences awarded by the court too severe, and determined to acquit the prisoners. To prevent the entire escape of the offenders, some cases of cutting and wounding were disposed of by the magistrates like common assaults, in a summary way. *Crime had become a sort of epidemic at that time, and fresh cases of violence were heard of daily.* The state of things has now become more healthy, and there are but two persons awaiting trial at the next sessions, which promise to be the lightest known for some years in Nevis."

I have other places marked out here—Barbadoes, Antigua, Tobago, and other islands—but I will not detain the Senate by reading them. This, sir, is the evidence brought forward to prove that the picture which I read the other day from British colonial authorities, of the condition of the British colonial possessions, was too highly colored, and all the evidence brought against it is a communication to the National Era, published in Washington. That is all the evidence adduced against it. These official reports sustain every word that I uttered, and I think that the Senator has signally failed in his attempt to answer them.

Mr. President, I desire now to say a few words in answer to the remarks made by the honorable Senator from Kentucky to-day—made with his usual ability and eloquence, and which I think ought not to go out to the country without some comment. I shall proceed very rapidly to say a few words in reply to five or six topics he introduced.

First, the first objection made was, that we ought not to offer proposals for the purchase of this island, because it is understood the Cubans are unwilling to be sold; or, if not, that they have at least no voice in the matter, so far as we can ascertain, and because Spain is unwilling to sell them. At a subsequent period of the Senator's remarks, he also spoke of the purchase and sale of the Cubans as if the annexation of that colony to the United States amounted to the purchase and sale of the human beings who inhabit it. Now, Mr. President, one of the glories of which the American people are the proudest is this—I stated it the other day, and I repeat it now: we make no subjects; we purchase no slaves; we compel no homage to our free institutions. All that we desire of Spain is the cession of her sovereignty over the island; but, when that sovereignty shall have been ceded, does any one here propose that we shall treat the Cubans as a purchased people? Does any one propose that we shall govern them as slaves? Or, is not the proposition, rather, that after we shall have bought from Spain her sovereignty over the island, its population, having become freemen, shall govern themselves with all the rights of freemen; shall form their own institutions, organize their own republican government, and then either remain an independent nation, under our protecting wing, until they shall have been tutored into a knowledge of those institutions to which we were happily born, or, if the people prefer it, be admitted into this confederation of independent States? That is the proposition, the only proposition that is advocated upon this floor; and I submit to the honorable Senator from Kentucky, it is hardly fair to treat this as a proposition for the purchase or sale of the Cubans.

The next objection (and I have been astonished to hear grave Senators uttering this as serious) is, that it will create a national debt; and the Senator from Kentucky, taking it for granted that the purchase-money would even go to the sum of $200,000,000, sees in that the germ of future embarrassments for the Confederacy, and the origin of a public debt, which will reduce us to the position of the ancient kingdoms of Europe. Now, Mr. President, what is the amount of debt to be incurred, even supposing the honorable Senator's calculation of the sum required for the purchase to be correct to its fullest extent? Two hundred million dollars. Well, sir, it is a large sum when spoken of by individuals; and yet if the people of this country will submit but for twelve months to the taxation which has weighed on Cuba for years, and which will continue to weigh on her for years to come, they will raise a sum more than double, or very nearly double, these $200,000,000. The population of the whole Island of Cuba is

but one million five hundred thousand; our population is thirty million, speaking in round numbers; we have twenty times her population, and yet her people are subjected to exactions amounting to over twenty million dollars per annum. That ratio of taxation, if levied on our people, would produce, in twelve months, more than four hundred million dollars; in six months would buy the island; and yet we are told that it will over-tax the energies and paralyze the future of this great country to purchase the island, when the submission of our people for six months alone to the rate of taxation which is perpetual with them, will suffice for the purchase of the entire fee-simple.

Why, Mr. President, talk to us, when a great national object like this is in view, of the cost of $200,000,000, even admitting that so extravagant a sum could be thought of? Talk to us of the cost of $200,000,000 as something from which we are to recoil as the germ of a future national burden which the people will refuse to bear! Why, sir, collect the slightest and paltriest tax upon the rich commerce that pours past that very Moro castle which we are to purchase; the smallest contribution upon that commerce will pay it in a very few years. Cuba herself will pay it for us. Cuba herself, in ten years, would pay back the whole amount at the present rate of taxation, and then her people would be relieved forever from the exactions now imposed on them.

I concede, Mr. President, that it is a matter of exceeding difficulty to fix a sum in advance which is to form the basis of a bargain between a foreign country and our own, for a cession of sovereignty over a colonial possession; but I think that the time may come, I think the time will come, I think that the time must come, when no volition will be left to Spain; when she will be compelled to sell; and I would have the President of the Confederacy armed with the power to take advantage of the opportunity when it shall occur.

We are asked why it is we wish to give the President of the United States control of this sum in advance? We respond by pointing to the acquisition of Louisiana, and to the propositions made for the treaty of peace with Mexico. The honorable Senator from Kentucky admits the appropriateness of the citation of the Louisiana example, but says the circumstances were different. Ay, sir, the circumstances were different; but who can look into the future for six months only, and say that the circumstances will not become identical? How happened it, that, when our negotiators in conference with the French Emperor, proposed the acquisition simply of an outlet at the mouth of the Mississippi, of the right of depot for western goods at the city of New Orleans, they were astounded by the sudden proposal by Napoleon to sell all Louisiana. They could not account for it. They could not divine his motives. The Emperor said, "take it; take the territory; I want you to have it; you are the proper owners; geographically it is a part of your Union." Afterwards, however, when the facts became known, it turned out that the sale was made because the province was about to be torn from the grasp of the Emperor by the naval power of Great Britain. It turned out that Napoleon was on the eve of declaring war, and feared that he would lose the colony at all events, and it was better to receive $15,000,000 to assist him in carrying on the war with England, than to lose the colony without any remuneration whatever. He made the proposition, and Louisiana became ours.

Who is there that is prepared to say to-day that Spain is secure from an eventuality like this within the next six or twelve months? Who shall say that she has any security or guarantee for the continuation of peace with all the other nations of Europe; that to-morrow the despot will not involve her in hostilities with Russia or with England? Who can tell that hostilities have not already broken out in Europe; that events have not already occurred, which may make it necessary for the Spanish Cabinet to abandon their lofty tone, and to cede the island for a consideration to a friend, rather than to have it snatched from them by an enemy? Sir, if the time shall come, if the opportunity shall occur, the President of the United States has told us that he will seize the occasion for negotiating for the transfer of Cuba. The passage of this bill will advance this object: first, as an expression of congressional approval of his purpose; and secondly, by furnishing him with the means of rendering his negotiation effective. If we refuse its passage, on us will rest the responsibility of failure in a purpose which I believe to be earnestly desired by the American people.

Now, sir, the Congress may say if they please, and as the Senator from Kentucky proposes we should say, we will not trust the President with this money lest it should tarnish his honor; "we will not trust the President with the control over this sum of money for this great national purpose, because the purity of his official robes must not be exposed to spot or stain." But, Mr. President, I trust that no American Senator seriously entertains such fears—I trust that the time has not yet come in which there is a single Representative of the American people that will hesitate to confide to the Chief Magistrate of the nation the disposal of a sum of dollars for national purposes, lest the national honor should be tarnished by his misappropriation of the fund. There is no danger, sir; there can be none. The Senator from Kentucky does not mean to say that there is any, and yet—unless his language is carefully revised by himself when his speech goes out—he will find that this insidious construction may be given to his language; a construction which we, who hear him, would not think of attaching to it. He did not mean that, and yet I repeat, if he examines the exact tenor of his remarks, he will find that they are susceptible of being perverted into bearing such a construction.

A few words more, Mr. President, in relation to some other of our foreign affairs. The Senator from Kentucky went into these matters at so great length, embraced so vast a scope in his remarks, that it is impossible, at this late hour, to answer all that he said. I want to say something in relation to the Central American States, to Mexico, and to the weaker States upon our own continent. The Senator asks why it is, and how it is, that the generous and affectionate confidence with which we were formerly regarded by all the Hispano-American colonies has disappeared; how it is that we are wrangling with one, quarreling with another, and getting up an account to be collected from a third; whereas, in former times, we were upon terms of amity, peace, and good will.

Well, Mr. President, I am sorry to say that the truth in regard to the present state of facts is very nearly as the Senator has depicted it; but whose is the fault? Have we ever encroached upon these Central American Powers in any way or shape? Have we ever wronged their citizens or even affronted their Governments? In 1820, 1822, 1823, 1825, during the whole period of the revolutions of the South American colonies, they regarded us with respect and affection, and the Senator has given the reason. It is that they had from us aid, sympathy, succor. It is that the first voice of civilized man elevated in behalf of their independence was raised by the illustrious predecessor of the Senator himself.

How has all that been changed? It is because at that day England was heartily united with us in protecting and securing these infant people, in lifting them up, in supporting their childhood, smoothing the paths of their youth, and endeavoring to make them progress with rapid steps to the maturity of manhood, so that they might take their place among the family of nations. Mr. Canning proposed to us to join England in assisting them. The two nations were pursuing the same line of policy. Hand in hand they went, and the blessings of liberty smiled upon the people protected by these, the only two free Powers of the earth.

But, sir, after the independence of these people had been acquired; after this perfect good will and cordial understanding between Great Britain and the United States had called them into existence, what next occurred? Years passed away, and the young giant of this Republic had filled out his limbs, and his sinews had become stout and strong; he had a quarrel with a neighboring Republic and his prowess startled the eyes of the civilized world, and the European Powers began to look around and say what will this power one day be? where will it stop? how shall we stay it? And then the British people, forgetful of the ties of kindness, and of the common freedom of institutions which distinguishes the two countries, sought strange alliances with an old hereditary enemy across the channel, and these two foreign Powers undertook to administer to the ambition of each other. They undertook, in the pride of their power, to regulate, by common accord, matters on both sides of the Atlantic; and then British emissaries interfered with American diplomatic agents in every land and upon every sea of this continent. I met them down on the Andes. I met them in the city of Quito, under the equator. I had gone there myself on business; and there I found your American chargé d'affaires making a treaty of commerce with the Republic of Ecuador, and the French and English chargés d'affaires making protests against this arrogant assumption of the United States, in daring to make a treaty of commerce with Ecuador, without their consent. They wanted to know what it was. They wanted to be consulted about it; they wanted to forbid it, if it did not please them.

Again, in the miserable Island of San Domingo we wanted a coal-depot in a bay; it had been granted to us by the Dominican Republic; but the French and English consuls interfered and prevented the grant, although the President of the Republic was perfectly willing to accord it. So, sir, on all sides, by a continued series of petty vexations everywhere we have gone, the impertinent agents of France and England have been before us to impede the national progress and to insult our national pride. They have spread jealousies in the minds of these people of the Central American States, they have prevented advantageous arrangements, they have insinuated doubt of our motives, and they have done all that they could to sow the seeds of jealousy and ill will between our sister Republics on this continent and ourselves.

This, Mr. President, is the true source, the chief source, almost the only source, of the ill feeling now existing between the Central American States and us. It is true there are some other causes which have contributed; but none through our fault. This unfortunate Hispano-American race is incompetent to self-government. Wherever they have tried it, they have had revolution, strife, and civil disorders. The people do not know how to yield to the will of a majority. The leaders all seem to be actuated by the sole desire of arriving at place and power, and making themselves rich on contributions exacted from the population. The consequence is, you see one revolutionary chief after another enforcing exactions, and amassing riches, which are acquired at the expense of the people. You see insurgent parties rising and devastating the land; you see the highways obstructed by public robbers; you see disorder and confusion in what were once orderly and prosperous countries. It has also happened that some of these insurgent parties have sought the aid of Anglo-Saxon arms and Anglo-Saxon valor, for the purpose of securing their own triumph over an adversary. Thus was Walker originally invited into Nicaragua; and thus, too, in other parts of the continent, have American adventurers penetrated, with a view to improve their own personal condition, and, perhaps, also to spread our political institutions. All these last-mentioned causes are the natural growth of events; they all exist entirely independent of us; and I do not think that the Senator from Kentucky is justifiable in imputing, even by implication, the causes of this changed state of our relations to the administration of the Federal Government.

But, sir, we are told that the war power is to be abandoned by Congress; that the President asks and we propose to give him authority to declare war, or what is equivalent to war; and then the Senator from Kentucky, with his habitual eloquence, appeals to all the nobler sentiments of our natures, and says to us, "Will the American people wage war upon these petty Powers? Is it consistent with their magnanimity to use force upon these miserable weak people?" "Oh!" he says, "let us take the ancient motto of the republican Roman; let us choose his motto, *debellare superbos;* let us wage war upon the proud." He did not carry out the quotation, which told him, *parcere subjectis*—to spare none but those who

were obedient. We take neither one nor the other half of the motto for ourselves. We wage no war upon people because they are proud; we refuse to spare none because they refuse to be subject. We pursue the even tenor of our own path, upholding the rights of our own citizens. The rights of American citizens are daily outraged in these countries. Their persons are attacked; their liberties are infringed; their property is confiscated; and where, where will the Senator find redress? Is it in our debates here? Have we not talked enough? Have you not got upon your table, sir, claims for $100,000,000 against these petty States that the Senator would treat with such tender commiseration? How are you ever going to get at them? You speak of their being weak and feeble, and therefore that magnanimity ought to induce us to spare them!

Mr. President, this is an age of abuse of weakness more than of abuse of power. This nation has endured wrongs and insults from the sister people of this hemisphere that it never would have endured for half an hour from the proudest and the strongest nation of the Old World. What, sir! have we not seen our citizens murdered when endeavoring to cross a peaceful transit, where the right to pass is guarantied by treaty; and have we not been years and years in obtaining a bare acknowledgment of responsibility from New Granada? Have we not seen rival factions contending for superiority in the Republic of Mexico, and each in turn seizing the first American citizen that passed in their way, placing their grasp on his collar, and forcing military service upon him, unless he purchased immunity with his money? Have we not seen them put their hands upon his property, and confiscate it to the public use, without the semblance of authority? And where has been our redress? We have talked, and talked, and talked again. When have we acted? When shall we act, unless the Executive arm is clothed with some power by which he can exact redress upon the spot, subject, of course, to rendering an account to the people of the nation, assembled in Congress, for the exercise of the special power with which we are called upon to invest him?

I had the honor to offer a substitute for the bill reported by the Committee on Foreign Relations on that subject. They proposed to limit the Executive right of interference to outrages upon the person. I propose to extend it to outrages upon property also.

This is not a war power that we seek to give the President. He has no right to declare war; but he has a right to demand instant redress for a wrong done to one of our citizens; and the moment he has got the redress for that particular wrong, to retire.

Why, sir, is it not a lamentable spectacle in the eyes of the civilized world that we are presenting to-day? Here, right in our Gulf, right opposite our ports and harbors, we have a Republic that owes our citizens millions of money, that has committed outrages on them by the hundred. The President proposes (I must confess I do not agree with him in the remedy) to seize and hold Sonora and Chihuahua. I do not believe myself that that is the best remedy; but the President proposes to seize them. The Senator from Kentucky objects only on the ground that we ought not so to act towards a weak Power; and urges that, notwithstanding all our claims, all the unredressed injuries to the persons and property of our citizens, we should refrain from action, whilst the combined fleets of France and England, carrying out Lord Clarendon's declaration of their policy, are now lying off the port of Vera Cruz, putting down by their combined power the constitutional party of that Republic, interfering for the benefit of the priestly party, and imposing upon the authorities of the port a tariff to suit the interests of these two Powers. France and England have none of these scruples of commiseration for weak nations, but send a combined fleet and extort from Mexico not simply redress for wrongs, but payment of money due on contract; and we—we are to be the only Power on earth who are to be satisfied with what somebody the other day called gab, gab, gab. That is to be our only satisfaction.

Now, sir, I am for giving the President power to protect the citizens of the nation; and I will give him the greater power, too, and with the more readiness, in proportion to the distance of the aggressor, and to his fancied security in the strongholds of his locality. The Senator from Kentucky tells us that it was beneath the dignity of the nation to organize the expedition against Paraguay; and he compares the Paraguayan Government to an Indian tribe, with John Ross for its chief. Well, sir, this miserable Indian tribe, with a John Ross for its chief, is, in reality, a territory of eighty thousand square miles, inhabited by a population exceeding a million in number, and with a Government, in the hands of a race of direct descendants from the northern provinces of Spain. It is a petty Power, to be sure; but it is not an Indian tribe. It is the white race that owns Paraguay; it is the white race that is there under the despotic sway of Lopez. This white race undertook to cheat, as the Senator says, some Yankees; and he seems to think that was rather an impossible exploit. Well, admit that he did not succeed: we are not waging war on him for that; but because he ordered his fortifications to fire, and they did fire, upon an armed national vessel of the United States. They killed the helmsman, at the wheel, with the stars and stripes floating over his head as his protection, without provocation, without explanation, on the simple suggestion that our officers were sounding a river within the limits of the jurisdiction of this man Lopez, and against his permission. Instead of sending to order them off; instead of sending a force for the purpose of preventing their continuing their work, and threatening hostility if they disobeyed his orders, within the territory over which he claimed to have jurisdiction, the first intimations were balls fired into our peaceful steamer, pursuing a scientific exploration, and American citizens were killed under the protection of the flag of this country on one of its national vessels. It was done only because the aggressor was far away; because he supposed he was beyond the reach of the Federal arm; and I care not at what expense; I care not with what sacrifice of blood, we vindicate this national insult. In my judgment, sir, the nation would have been dishonored and degraded, if it had not fitted out an expedition to teach that distant despot that wherever the American banner floats, the American seaman is protected under its folds.

That was the object for which the expedition was fitted out; just, legitimate, and approved by the American people; and it is no holiday warfare that they have gone to encounter. High upon the banks of the Paraguay and Parana rivers lie the territories of the adversary; and the channel is protected by fortifications which will have to be forced if he shall offer resistance. The contest is not so unequal, waged at such a distance against an enemy so sheltered. But, sir, do we seek difficulties with him? Have any instructions been given to wage war upon him? No, sir; diplomacy had previously been employed; and even now, the display of force is merely made to add weight to the arguments of our envoy. If proper redress be given, and proper apology made for the outrage done to the nation, our thunders will sleep, and our fleet peacefully will seek again the shores of their country. It is only in the event of the upholding and maintaining of the wrong done by Paraguay, that hostilities will ensue; and, if that wrong be upheld and maintained, I would willingly appeal to the patriotic Senator from Kentucky himself, to say whether we should submit, or enforce redress.

Mr. THOMPSON, of Kentucky. This explanation has extended so late that I do not feel disposed to go on to-night. I move that the Senate adjourn, that I may have the floor to-morrow.

Mr. BENJAMIN. I will give way. I was satisfied already that I was pressing on the time of the Senate. ["Oh, no." "Go on."]

Mr. THOMPSON, of Kentucky. I do not wish to interrupt the Senator.

Mr. CRITTENDEN. I hope to be permitted to make a very few remarks.

Mr. THOMPSON, of Kentucky. With the understanding that I have the floor in the morning, I give way to my colleague. I must certainly be as courteous to him as I was to the Senator from Louisiana.

Mr. CRITTENDEN. Mr. President, I did not intend to state accurately and circumstantially the difference between us and Paraguay. I thought this chieftain and his half-barbarous people, living in the distant and inhospitable region which they inhabit, ought scarcely to have been considered as worthy to be regarded as insulting the Government of the United States. That is all. I thought this Government ought not to have given itself much trouble or concern for what their ruler might do—no more than if he were the chieftain of an Indian tribe. I did not pretend to compare the number of his forces to those of the Indian chief to whom I alluded. A few more or a few less make very little difference in the consideration of this point. They are semi-barbarous and semi-savage. They know that the shedding of blood is wrong; but as for those nice lines of national law which prescribe a course of duty and the rights of strangers proceeding upon the waters, I can very readily imagine that they are entirely ignorant on that subject, and therefore I should not be for applying any nice rule of exaction to their conduct. Not that I value the blood of an American citizen less, but because I would not unnecessarily take offense at people of this description, and would not go far out of my way to send armies and navies to avenge what is merely called an insult. That is the way I regard it.

The Senator from Louisiana and I do not differ so much as our words would seem to imply, perhaps. In regard to what I said of the sale and purchase of the Cubans, the Senator understood perfectly what I meant; he must have understood it. I did not mean that we were buying them into servitude as slaves. Nobody understood it so; but here was one country to which the island belonged as a part of her sovereignty, disposing of it to another Power, without consulting its people. May I not, without any misuse or abuse of language, consider this as selling them? We give a price in money, and for that price in money a foreign nation cedes to us a people that has not been consulted by either party about it. That is selling, in a certain sense. It is not selling into the bondage of African slavery, but it is putting them under another jurisdiction without their consent. It is selling the allegiance which they owe to their mother country; it is selling that allegiance to a stranger Government, without any voice or consultation on their part. This is what I meant by selling; and so, I presume, I was understood by the honorable Senator from Louisiana, and every other Senator.

The Senator objects to other observations which I made, and in particular to my objection to the bill giving the President the power to use the land and naval forces, as in his judgment he may think proper, for the purpose, in the most effectual way, of obtaining redress for such grievances as he has specified. You apply it to small objects, you apply it for small objects, you apply it by the hand of an executive officer. To be sure it is not war against a great nation, but is it not war? Is it not war which you delegate to the President of the United States the power to make? I should think the honorable gentleman would see it. He says that our people must be protected; that we use nothing but ineffectual and useless words; that they are entitled to a practical redress and a practical protection, and they cannot get it; and let us give the President the power. Now, I ask the honorable Senator from Louisiana to consider for a moment how these doctrines, naturally as they seem to arise in the mind, correspond with the principle of our Government.

The person of an American citizen should be sacred everywhere; he ought to receive protection against all personal violence; he ought to receive protection for his property; both his person and his property ought to be respected, and the shield of his American character and of his freedom as an American citizen ought to insure his protection. But who are his protectors? We, his political representatives. Can we abdicate that character? We stand here for the purpose of protecting him; and that office, feebly as we may execute it all of us, and inefficiently, as I fear, too often, I will not consent, I cannot consent to abdicate. He is entitled to protection, and we are bound to give it to him. Let us do it. Are we tired of the Constitution which has made us his

protectors? Are we willing to lay down this proud office, and to call in the President of the United States, and, without any constitutional warrant for it, to devolve upon him all our duties? Sir, a President takes a little power now and a little power then; and what he is allowed to take is always a power that is convenient for him to exercise, and by allowing him to exercise it no time is lost; whereas a Congress has to investigate, a Congress has to reason, a Congress has to legislate. The President need not reason at all. He may act from his passions, from a momentary feeling.

I ask the honorable Senator if it is not our business to protect the citizens of our country, and if we are not to pledge the whole power of the nation, if necessary, for his relief and for redress of his wrongs? Who is it under our form of Government that is to exercise this power? Who is to decide when a real injury has been done to a citizen? Who is to investigate it? Who is to bring on the country this great charge, and this great responsibility of war? The American Congress. The Constitution of the United States says Congress shall make war—nobody else shall do it; Congress alone shall call upon the people of this country to shed their blood and encounter all the hazards and all the burdens of war—nobody else. The citizen has a right to be summoned to the field by the great representative body of his country—by no other power.

Why, sir, we might soon, upon the same sort of argument on which the bill to which I allude is defended, say the judicial power of the Government is managed very slowly; a poor man is worn out and exhausted before he can gather together all his witnesses to have a fair trial; and would it not be greatly more convenient to allow the President of the United States to hear these complaints and settle them himself. Where is this sort of doctrine to end? Where is our recession from our own proper position under the Constitution to stop? Sir, we cannot begin it, and I venture to say that upon reflection the honorable Senator from Louisiana, whose judgment and whose ability we all know so well, will come to the same conclusion. It is war that you propose to authorize the President to make, and, under the Constitution, you cannot authorize the President to make war. You could as soon invest him with a crown to be worn upon his head, as with a power to be carried in his hand to make war and to pledge all the people of this country to execute those hostilities. You cannot do it. Under the bill to which I have alluded, he can march your Army, he can direct your Navy, he can employ all the force for a particular injury or a particular case to be judged by him. I say that does not accord with my views of the Constitution, and I will give him no such power. The honorable Senator from Louisiana surely, I think, upon reflection, will not object to the view which I entertain on this subject.

Neither will I place $30,000,000 in the hands of the President without a better cause than any I have yet seen. I alluded to extraordinary circumstances, such as those to which the gentleman himself referred, in the cession of Louisiana to this country, justifying the placing of money in the hands of the President for such an exigency, an exigency admitting of no delay. There was a cause, and where there is a cause it may be well; but where there is no cause, as I think, to place money in the hands of the President for safe-keeping, is not in consonance with the proper spirit of this Government. If the people should think the money is improperly placed in his hands, what will be the natural operation of the human mind? I said I believed Mr. Buchanan to be an honest man; but so far as the people look upon it, if they view it as I do, that a negotiation with Spain for Cuba, at this time, is utterly hopeless, they can see no reason why it should be placed there. Why not leave it in the Treasury of the United States, under all the safeguards that protect other moneys?

The President has said, to be sure, that he wants to negotiate with Spain for an object that may require money. It may be well enough to have the President always standing ready to make a good bargain whenever the necessities of nations, or the events of the world, shall compel one or another of them to offer a bargain; and we may think it would be wise to keep a permanent fund in the hands of the President to be applied to the purpose of treaty making; but would any of us agree to that? Would it not be making a considerable change in the relative weight of the departments of the Government? Would it not be rather humiliating to the Senate, and exalting to the Executive? I think so. Can you not easily imagine cases where the treaty-making power, combined with the money power, might place the Senate under restraints in its decisions upon treaties? It is not difficult to do it; but I shall not stop on it.

But what is the progress you are now making; To place money in the hands of the President to reinforce the treaty-making power, without any special cause, or any extraordinary circumstances to justify it; to place in his hands the power of making war at his discretion? What a mighty change in the complexion of our Executive this is, Thirty millions of money in his hands to make treaties! Suppose he should be like many of those Presidents we may have, who are willing to take responsibility; and I see that our present President says that in a certain emergency he would have taken the responsibility of making war without any law. Now suppose that in one of these wars we are to authorize him to make, he should find in his judgment that $30,000,000 might be applied to the purposes of that war usefully to the country, and he takes the responsibility, and comes before us and tells us he has taken the responsibility, what then? What can we say to that?

Mr. SLIDELL. He has no more right to take the $30,000,000 this bill would place at his disposition for any other purpose than the acquisition of Cuba, than he would have to apply any other money in the Treasury.

Mr. CRITTENDEN. He could not apply any other money in the Treasury, because there are keys to that Treasury held by hands not his, according to law, unless we have reached another page in the progress towards absolute power in the Executive, or extended power in the Executive, so that every man who holds office under him is a mere servile agent of his to do his bidding. If other officers of the Government do their duty, he cannot get a dollar out of the Treasury, according to my understanding; but if he has the money in his hands, under this bill, for the purpose of enabling him to make a treaty for the purchase of Cuba, he would have no right to make a different use of it. I acknowledge he would have no right; but suppose he takes the responsibility——

Mr. SLIDELL. I cannot suppose it.

Mr. CRITTENDEN. You cannot suppose it. We have had Presidents and great ones who have taken serious responsibility, and Mr. Buchanan tells you in this message in so many words, that he would have taken the responsibility of making war without law, in case of an emergency, for the protection of his fellow-citizens. Now, I say that, under the pretext of protecting the rights of the citizens, under the pretext of protecting them from violence in foreign countries, I do not want the Executive, under the extreme pretexts of such beneficence and kindness, to change the forms of this Government and destroy its principles. I do not want to see him taking responsibility, which is taking power that does not belong to him, and taking it again and again, until the thing becomes so familiar that there is no one, after a little while, to contest it. The remarks which I have made have had this reference and this extent, and no more, not intending to impeach personally the President's integrity; but I mean to say this is a trust which I am not permitted to repose in him. It is a trust liable to abuse, and the securities which we have endeavored to raise up against abuse are to be found in the institutions and in the Constitution of our country. It is not a matter of mere personal trust. We have not put you in the place of the Chief Magistrate upon trust, that you will use no more power than is necessary. We have put you in power there with certain defined faculties and certain defined powers, and no more. The people trusted you with no more, and we, as their representatives, can trust you with no more, and ought to trust you with no more; and if you seek to have us bestow unnecessary trusts, immense and tempting sums of money in your hands, though, sir, your personal integrity may be above all suspicion, it is a bad example. You may have successors bad enough to seek such trusts for the mere purpose of abusing them; and, therefore, we can set no such example. It is from such bad precedents that grow mischiefs hereafter. The bad example is set in a good case, but it is the root from which bitter and mischievous results afterwards spring.

I see no necessity, no great public expediency, much less any exigency, demanding the deposit of this money in the President's hands. He does not tell me that he has any reason to believe he can make a treaty with Spain. Not a single fact, not a single circumstance, is disclosed, which has not been known for years, having any bearing, or likely to have any influence, on such a negotiation. I say nothing personally reproachful to the President; it is not necessary at all to take any such view of the subject; but I have considered the question with all the decorum which is due to the Chief Magistrate of the country, upon the grounds of the Constitution and grounds of sound policy. It is there I have planted myself, in all I have said. Trusts, uncalled for by any public necessity, I say again, are most likely, in their evil consequences, to induce the drawing of general suspicions on the Chief Magistrate of the country; and I think the Senator from Louisiana would have me correct nothing in that sentiment. That is the inevitable effect. I considered that among its evils. I want no such precedent. I want to see the Government of my country subsist on honor. Whether we are opposed to the Administration or in favor of it, there is a certain amount of confidence that must be given to it to enable it to act even for the good of the people. I do not like this policy, and that is all I have said, all I shall say.

Mr. President, the remarks which I made were submitted in a very desultory and hasty way, though I was a long while hung up before I could get the opportunity of speaking. There are no doubt other objections to them; but I think those which have been urged by the gentleman I have answered, at any rate, sufficiently to satisfy him what my meaning was.

ADMISSION OF OREGON.

SPEECH OF HON. C. J. GILMAN,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

February 11, 1859.

The House having under consideration the bill providing for the admission of Oregon—

Mr. GILMAN said:

Mr. SPEAKER: A question of great magnitude is presented to the members of this House for consideration. Shall the Territory of Oregon become a State of the Union? Emigrants from the States and from foreign countries have settled within the limits of that Territory; they have gone there to lay the foundations of a State on the western slope of the Rocky Mountains. Who could have anticipated this growth, this development, this progress, twenty years ago? I am not indifferent to the trials and the sacrifices of those men and women who have settled on the western declivity of this continent. They have appealed to us to give to them a State government. I would gladly gratify their wishes and yield to their appeal if I could so do and discharge my duty honestly and conscientiously. It is said that the odious and objectionable feature contained in the fourth section was taken substantially from the constitution adopted by the people before the territorial government was organized, and that the early settlers of the Territory were actuated by a desire to conserve the welfare of the Territory. The statement may be true; still, according to my judgment, this provision violates the Constitution of the United States. It is urged by different gentlemen that the people of a Territory have the right to determine the nature and quality of their constitution, and that the members of this House are simply called upon to vote for or against the

admission of the State, regardless of the constitution. I cannot subscribe to this doctrine.

Shall the State be admitted? is not the only question. Is the constitution republican in form, and in conformity with the Constitution of the United States? is the question of deep import and significance. As a member of the House of Representatives, I cannot escape this issue; I cannot approve that part of the fourth section just read by the Clerk; nor can I approve other propositions contained in this constitution. Gentlemen on the other side of the House, who advocate the admission of Oregon, now discover that the doctrine contained in the conference bill returns to plague the inventors. If I do not greatly misapprehend, members from the southern States will find it somewhat difficult to explain to their constituents how it is, and why it is, that Kansas can only be admitted as a State when she has ninety-three thousand, when they have voted to admit Oregon with a population less than that of Kansas. The record is their own; they must make the solution of a problem so complex. That it is the purpose of the leaders of the pro-slavery party to so organize the territorial governments, to so administer the political affairs of the Territories, that they may be made to conserve their policy, is perfectly apparent.

If the vast region lying between the Mississippi and the Pacific cannot be divided into slave States, then it is the design of leading men at the South to consent to the admission of free States, or western States with southern principles.

Let us cherish the hope that, through the triumph of the Republican party and the ultimate vindication of the principles of this powerful organization, this vast territorial expanse may be saved, not only from the servitude of the African, but from every other form of servitude; that the dignity of labor may be upheld; that the arts of civilized and refined society may be cherished; that the energies of free men, impelled by the noblest impulses, may lay deep the foundation of States; and that their representation in these Halls may illustrate the sentiments of those wise and patriotic men who established the Constitution of the Republic.

If wise and harmonious counsels prevail; if the members of the Republican party are united by principles and not divided by candidates; if we sacrifice everything for men and nothing for our cause, our triumph will be certain and our policy will be permanent. If we are true to our convictions, true to our history, true to the spirit of the age, true to that race of men who secured our independence, true to our constitutional duty, then will every part of the North American continent, without the eight hundred thousand square miles of slave territory, inevitably and immediately pass from the oppressive sway of a spurious Democracy to a Republican administration, which will derive its strength from the intelligent voice of the people, and not from the degradation of labor.

Mr. DAVIS, of Mississippi. I suppose, when that time comes, you will have no objection that the eight hundred thousand square miles shall legislate for itself.

Mr. GILMAN. I do not mean to indicate any unkindness to the South. Notwithstanding so much has been said about fanaticism, Abolitionism, and Black Republicanism, the gentleman from Mississippi and his associates have yet to learn with what facility a Republican President and Republican Congress will administer the affairs of the Government, and protect the States from any invasion of their constitutional rights; and I trust he may soon be convinced that a Republican Administration is a safe depository of the authority derived from the Constitution. The people of this country have tolerated the misrule of the pro-slavery party long enough. They demand a change.

Mr. VALLANDIGHAM. Does the gentleman mean to ignore the Democratic party? He has spoken of a Republican party and a pro-slavery party; now, I understand that there is yet a Democratic party.

The SPEAKER. The Chair is of the opinion that the discussion is assuming rather a wide range.

Mr. DAVIS, of Mississippi Let me say to the gentleman from Maine, that, if the Constitution is administered according to its letter and spirit, the South is the last portion of the Union that would complain.

Mr. GILMAN. Let me say to the gentleman from Mississippi that I do not care to calculate whether the *North* derives more advantage from the Union than the South; still, I will suggest to him that the greatest security for that peculiar institution, which he so dearly cherishes, is the Constitution of the United States.

Mr. DAVIS, of Mississippi. If the gentleman understood me to say, if we got, under the Constitution, all we were entitled to, we would be satisfied, then he understood me correctly.

Mr. GILMAN. I am willing, Mr. Speaker, to vote for the admission of a State into the Union, provided there is nothing in the constitution repugnant to the Constitution of the United States. I will not consent to the admission of a State with a constitution containing inhuman features. It has been said on this floor that "there is not a slave State in this Union that denies the free colored man access to her courts." Why should not a freeman of my own State, whatever may be his color, if, by accident or design, he is in the territorial limits of Oregon, whether as a State or Territory, be shielded and protected in his rights under that section of the Constitution which provides that—

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

Permit me to call the attention of those gentlemen from the free States, who propose to vote for this constitution, to the following language found in the fifth article of amendments to the Constitution of the United States:

"No person shall be deprived of life, liberty, or property, but by due process of law; nor shall private property be taken without just compensation."

Compare this passage with the fourth section of the constitution of Oregon, by which "no free negro or mulatto can hold any real estate, or make any contract, or maintain any suit," not residing within the State of Oregon. By the constitution of the State of Maine, a negro is something more than a person; he is a citizen. I will here suggest to southern men that we have enterprising and efficient men belonging to the negro race. Many of them will compare favorably with those whose skin is whiter.

Mr. VALLANDIGHAM. It is not so in the West. I beg leave to put in a caveat.

Mr. GILMAN. The gentleman is entitled to his own conclusion. I shall not yield my judgment to his, in relation to the point. I will now call the attention of the House to other considerations.

On the 4th of March, 1857, James Buchanan declared in front of the Capitol, in his inaugural address, that he would cheerfully submit to the decision of the Supreme Court, which was about to be made. On the 5th of March, Chief Justice Taney delivered the opinion of the court in relation to the case of Dred Scott, which opinion was foreshadowed by the President of the United States. The Chief Justice, in this opinion, uses the following language in relation to the African race:

"They had, for more than a century before, been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit."

On the 9th day of November, 1857, the people of Oregon adopted the constitution which contains this section:

"SEC. 4. No free negro or mulatto not residing in this State at the time of the adoption of the constitution, shall ever come, reside, or be within this State, or hold any real estate, or make any contract, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws for the removal by public officers of all such free negroes and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them therein."

In this part of the fourth section, is illustrated that passage from the opinion of Chief Justice Taney, "that they [negroes] had no rights which the white man was bound to respect." I will call the attention of the House to the preamble to the Constitution of the United States:

"We, the people of the United States, in order to form a more perfect union, *establish justice*, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

For such purposes was the Constitution ordained and established. Ordained and established not only for the original thirteen, but for all States that might in the future be admitted into the Union. "To establish justice," "to promote the general welfare," "to secure the blessings of liberty to ourselves and our posterity," are expressions that clearly indicate the purpose and design of the framers of the Constitution. They are considerations that were intended to guide and direct any future Congress as to the conditions essential to admit a State into the Union. What gentleman, with a full consciousness of the responsibility imposed by his oath to maintain the Constitution of the United States, can sanction that part of the fourth section of the constitution of Oregon, which prohibits a man, because of his color, "to reside" or "to be within this State" of Oregon, "or hold any real estate," "or make any contract," or "maintain any suit therein?"

Can it be said by any member from the free States, at least, that to admit a State upon principles so obnoxious, is to "establish justice" and "promote the general welfare?" He who gives the affirmative reply must differ from the framers of the Constitution, as to the meaning and signification of the term "justice." We are the body to determine whether the constitution under consideration is republican in form, and whether it is in conformity with the Constitution of the United States. If we declare to the world that it is in conformity with the Constitution, then the Declaration of Independence is no longer entitled to consideration or regard; justice has lost its signification; the fathers of the Revolution, aspiring to establish a Government for freemen, have established a Government with monarchical and despotic features. If this House gives its approval to this constitution, then, for the first time, will an American Congress declare that there is a class of human beings possessed of all those attributes, faculties, and qualities which distinguish man from the brute, "which has no rights that white men are bound to respect." The indications are that the House is about to sanction the odious propositions of the Oregon constitution; so much, then, will be gained by the pro-slavery party on this continent; so much will be lost to freedom.

But it is urged that the people of Oregon have a right to frame and adopt a constitution that is most agreeable to their own views, their own condition and wants. Because a people have done violence to the fundamental law of the land, by what rule, by what reasoning, are we called upon to imitate their example? By what authority do the people of Oregon dictate to an American Congress the terms upon which they will be admitted into the Union? Are we independent legislators, or are we the mere instruments of territorial despotism?

The Territory of Oregon is certainly so far from the slave States that it cannot be affected by slave emigration from the States. For what reason, then, is the hall of justice closed against the African? There is a purpose to be accomplished, and the public men of that Territory have shown a willingness to be the instruments of a class on this continent, whose highest aspiration seems to be to make this Government the exponent of those principles which controlled the minds of men during the dark and middle ages.

It is said that the Territory of Oregon is equal to the area of the original thirteen States. It is deeply to be regretted that her leading men have lost sight of those great truths which the statesmen of the original thirteen so ably vindicated on the field of battle and in the halls of legislation. It is said that Oregon has a genial climate, magnificent harbors, great mineral resources, and a soil teeming with undeveloped wealth. If nature has been so prodigal of her gifts, is it not lamentable that those who administer the affairs of a domain so rich and so desirable, have not a clearer perception of the tone and spirit of our institutions, and a more just appreciation of the purpose and design of the founders of our Government? Better, far better, that the people of that Territory should not exercise the functions

of a State unless they will consent to be governed by those principles which their fathers embodied in the Constitution of the Republic. Oregon has been tempted to do wrong; she manifests the waywardness and recklessness of youth. Let her wait until maturer years and a riper experience shall convince her of the error of her ways. Let this pro-slavery constitution be rejected, and let other Territories be admonished, that an American Congress will not recognize a form of Government which is not broad enough and comprehensive enough to protect the rights of any and all human beings of whatever color, of whatever nation.

I will call the attention of the House to the thirty-second section of the first article:

"SEC. 32. White foreigners who are or may hereafter become residents of this State shall enjoy the same rights, in respect to the possession, enjoyment, and descent of property, as native-born citizens. And the Legislative Assembly shall have power *to restrain* and regulate the immigration to this State of persons not qualified to become citizens of the United States."

If the House of Representatives approves this section thirty-two, how is such approval to be reconciled by the ninth section, article first, of the Constitution of the United States?

"SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year 1808, but a tax or duty may be imposed on such importation, not exceediug ten dollars for each person."

In the United States Statutes at Large, page 426, chapter 22, can be found an act of Congress, approved March 2, 1807, which was designed to execute and carry out the above ninth section.

The language of section five of the act of 1807, is as follows:

"*And be it further enacted*, That if any citizen or citizens of the United States, or any other person resident within the jurisdiction of the same, shall, from and after the 1st day of January, 1808, contrary to the intent and meaning of this act, take on board any ship or vessel from any of the coasts or kingdoms of Africa, or from any other foreign kingdom, place, or country, any negro, mulatto, or person of color, with intent to sell him, her, or them, for a slave or slaves, or to be held to service or labor, and shall transport the same to any port or place within the jurisdiction of the United States, and there sell such negro, mulatto, or person of color, so transported as aforesaid, for a slave, or to be held to service or labor, every such offender shall be deemed guilty of a high misdemeanor, and being thereof convicted before any court having competent jurisdiction, shall suffer imprisonment for not more than ten years nor less than five years, and be fined not exceeding $10,000, nor less than $1,000."

"And the Legislative Assembly shall have power to restrain and regulate the immigration to this State of persons not qualified to become citizens of the United States," is the language of the thirty-second section, article first, of the Oregon constitution. This language means something, or it means nothing. Who are persons not qualified to become citizens of the United States? They are evidently negroes or mulattoes, or persons of color of foreign birth. By our naturalization laws, "*free white aliens*" can only become citizens of the United States. Now, I would inquire, where do members of this House find the authority in the Constitution to enable them to sanction the above thirty-second section? Is not the act of the 2d of March, 1807, quoted above, the law of the land? Why, then, hesitate? Why not repudiate a constitution which so clearly violates the spirit and the letter of the law? Is it the part of wisdom and propriety for legislators, for the makers of laws, for those who should be ever ready to vindicate and defend what is lawful and constitutional; is it our part to be first and foremost to violate the law? If we sanction the constitution of Oregon, we declare to the people of that State, with an emphasis not to be mistaken, that they may revive the African slave trade; that they may import persons of color either from the coast of Africa or from the eastern coast of Asia. We proclaim to them from this Hall that they may so do in violation of the ninth section of the Constitution of the United States, and in violation of the act approved March 2, 1807. Time will indicate the purpose and design of this thirty-second section. The horrors of the cooly trade are well known to the intelligent mind of this country. This "new peculiar institution" may yet be established on the Pacific coast. It may be urged that the people of Oregon have determined that neither slavery nor involuntary servitude shall be or exist within the limits of their State. Is it not well known, that when there are apparently two conflicting provisions in the same statute or fundamental law, the rule of construction is, that both shall be sustained if possible? After the opinion pronounced by the Supreme Court in the case of Dred Scott, does it become members of Congress, representing free constituencies, to leave any question to that court which can so easily be determined on this floor? The cooly system is not called "slavery," nor is it called "involuntary servitude;" yet, who is ignorant of the fact that it is practically and essentially the most infamous condition of human degradation?

EXECUTIVE ABUSES.

SPEECH OF HON. I. N. MORRIS,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

February 15, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. MORRIS, of Illinois, said:

Mr. CHAIRMAN: I shall avail myself of the latitude allowed in Committee of the Whole on the state of the Union, to submit some remarks upon matters which pertain principally to the State I have the honor, in part, to represent upon this floor. Although, as is my custom, I shall use plain language, if I should utter a word or sentiment of a revengeful or unkind character, I shall regret it. My object is to present an unvarnished statement of facts; and if *they* should appear harsh, I beg gentlemen to remember that the Illinois Democracy have a right to speak in terms of merited condemnation of the wrongs and outrages which have been inflicted upon them by the present Administration. We have borne and forborne; but there is a point beyond which it would be a positive dereliction of duty to submit. That point, in my judgment, has been reached.

The policy inaugurated by the Executive and his Cabinet officials in proscribing every Democrat, particularly those of the honored State from which I hail, who would not violate their political faith, surrender their consciences, and the creed of the party as enunciated by the Cincinnati convention, at the command of power, and bow down and worship at the shrine of Lecomptonism, has been madly followed from the moment of its introduction to the present time. While a dispensation is freely granted to others, the work of proscription has been carried on in Illinois with a relentless ferocity heretofore unknown to the history of the country. Some of the most miserable and loathsome outcasts have become *secret informers*, and before they had the slightest intimation of what was to follow, the best men have been stricken down by the authorities here, without the slightest opportunity being afforded them of defense. So frequently has this been done that the moral sense of the nation has ceased to be shocked at the repetition of the offense, and it is now looked upon as a matter of course. The bloody knife is scarcely plucked from the heart of one prostrate and quivering victim, before it enters the bosom of another unconscious sacrifice. Blow after blow follows, in such rapid succession, that the crimson blade is never dry.

This may truly and emphatically be said to be the reign of shame and terror in America; the re-enactment of the sedition law in all its terrific effect, if not upon the statute-book, at least at the White House, from whence decrees go forth as arbitrary and tyrannical as any that ever emanated from Caligula. Even in this city independence of thought and action is not tolerated; and Government officials and clerks, upon whom *black mail* was freely levied in order to raise a fund to overthrow the Democracy of Illinois, go about the streets subdued in their mein, afraid to utter a single word in opposition to the President's wishes or views, knowing that to do so would be a forfeiture of their places, which they cannot very well afford to lose, and be turned out upon the world, in these times, with nothing to do. If they dare whisper a sentiment of the heart, it is only in some private room, to a confidential friend who will not betray them. Spies track them from place to place, and, as is understood, report to headquarters what they may be able to hear or discover.

As proof that the black mail, to which I have alluded, was levied, I will mention a single fact. A committee of this city procured the printing of documents sustaining the President's Lecompton policy, which they supposed would operate against Judge Douglas, Major Harris, myself, and others, to the amount of thousands of dollars, and distributed them by wagon loads throughout Illinois, before the late election there. And when the printer wanted his pay, a certain high functionary, who has been rewarded with a foreign mission, applied to a Government official immediately connected with the Cabinet, to aid him in raising the money. This last mentioned gentleman coolly sat down at his desk, took up the Blue Book, assessed the whole amount upon the heads of bureaus and clerks, according to their respective salaries, and sent a collector around among them to collect the money; the understanding being, that whoever should refuse to pay, would be proscribed. Some did refuse; and the President's official organ at once denounced their conduct, and claimed it was their duty to submit to the assessment. One of the clerks from Illinois wrote an article denouncing the whole scheme as tyrannical and unjust. That article was published in a newspaper in this city, and the manuscript was stolen, or mysteriously disappeared from the printing office of that paper, and was carried around one of the Departments, that the handwriting might be recognized. When it was finally ascertained who the author was, it was immediately hinted to him that he had better resign, or he would be removed; and he did resign.

I state these facts, Mr. Chairman, upon the authority of one of the assessed victims; and if their truth is questioned, and the House will give me a committee to investigate the matter, I think I can prove them to the satisfaction of the country.

Such is the course pursued towards subordinates; and shall it go unrebuked? Is the Representative of the people to be subdued also? Is he to put his hand upon his mouth, and his mouth in the dust, and utter no note of alarm, and no word of condemnation? Is he also to bow down at the shrine of Executive dictation and exchange his manhood and independence for the smiles of power? If others do, for one I never will; so help me Heaven, I never will, come what may. If I stood alone in the breach, and knew I would be stricken down the next moment, I would oppose, with whatever ability God has endowed me, the proscriptions, encroachments, and usurpations of the Executive. For less offenses than he has committed Cæsar lost his life, and Charles I. his crown and his head; for neither ever perpetrated so many acts of petty tyranny, or did so much to corrupt national morality—a crime, in my judgment, of the highest grade. Shall we stand, then, as poor, timorous mortals, before his advancing power, and suffer him to crush out every vestige of the nation's manhood, without raising the alarm or offering the least resistance? He has even ventured so far as to enter into a sovereign State, to control its local elections with the corrupting use of the patronage and money of the Government; a thing heretofore unknown in our political annals; thus, sir, aiming a blow at the freedom of election, and the purity of the ballot-box. Offices were virtually sold to those abandoned renegades who would go the furthest, and perform the most menial service, to crush out the party that had done so much to elect him. A reward was offered for treason, and a few Judases were found willing to sell themselves for less than thirty pieces of silver; and they brought more than they were worth at that. These creatures, whose employment has been, and is to-day, to point out the doomed that they may reap the advantages of their fall, (I blush for my country when I say it,) are screened from the public view as far as possible, and their vile calumnies and communications are concealed in the archives of the Departments here, that they may go unwhipped of justice. This state of things, so outrageous, tyrannical, and violative of every principle of right, and more in consonance

with the dark ages, than this free and enlightened Republic, should no longer be tolerated.

Sir, as it is evident that the course heretofore pursued is to be followed up still, and as neither the people of Illinois or their Representatives here are to have a voice in the regulation of their home matters, it is high time to give the President a Rowland for his Oliver—not in the way of revenge, but with a view of enabling the just and impartial to determine from the facts whether we have not been more sinned against than sinning. The motto of General Jackson, to ask nothing that was not right, and to submit to nothing wrong, is yet just and truthful, and as applicable now as the day that it was uttered. I shall, therefore, speak of things as they are, and will

"nothing extenuate,
Nor set down aught in malice."

When at home engaged in my ordinary avocations, although I was somewhat familiar with public events, I never dreamed that my Government was guilty of concealing the evidence upon which a public officer was immolated; and the people everywhere will be surprised and startled to learn that such is the fact. It was reserved to me, when I reached this city as a Representative, and made myself as familiar with the working of things here as the limited opportunities afforded me would permit, to learn, for the first time, that our Executive Departments were Star Chambers instead of public offices. To say I was shocked upon receiving that information, would but illy express my feelings. I was mortified to know that the teachings and doctrines of the early fathers of the Government were disregarded, for they did ever act openly and in the face of day; and that the officials of the present time loved "darkness rather than light," and perhaps "because their deeds are evil."

Deeming it to be my duty to test the matter fully, and to drag the guilty from their covert, that they might be tried at the bar of public justice, upon receiving petitions with a request that they should be laid before the Post Office Department, asking for the reinstatement of Jacob Parsons, Esq., or the appointment of some other good man as postmaster at Griggsville, Pike county—which I represent, with other counties of Illinois—I went to that Department, and asked the Hon. Horatio King, First Assistant Postmaster General, to permit me to look at the charges upon which Mr. Parsons was removed, and the recommendations upon which Mr. Robert Allen, a man totally unqualified for the place, was appointed his successor. His answer was: "I don't know about that. If you are going to rip up things, I don't know that we can let you see the papers." I replied, "Very well, sir; all I want to know is that you refuse." Mr. King then said: "I will see the Postmaster General on the subject, and let you know what he thinks about it." I responded, "Very well," and then bade him good morning. Upon going to the House, it occurred to me that I should make application directly to the head of the Department, instead of to a subordinate. Consequently, I immediately addressed that functionary a note, a copy of which I send to the Clerk's desk to be read.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, *December* 17, 1858.

SIR: I desire to know whether the privilege will be afforded me, on application, to examine all the papers on file in your Department, in relation to removals and appointments to office in Illinois; and if so, whether I shall be permitted to make copies of said papers, and a public or private use of the information I may thus obtain?

Your early reply will greatly oblige, yours, respectfully,
I. N. MORRIS.

Hon. A. V. BROWN, *Postmaster General.*

Mr. MORRIS, of Illinois. Mr. Chairman, after waiting for several days for a reply, and receiving none, I determined to make an application to the House for a call upon the Postmaster General directing him to furnish the desired information. I was fortunate enough to obtain the floor upon the 23d of December last, and offered for adoption, the resolution which I send up to be read:

The Clerk read as follows:

"*Resolved*, That the heads of the Executive Departments be, and they are hereby, respectfully requested to communicate to this House the following information, as far as they may be in possession of the same in their respective Departments.

"1. The names of all persons removed from office in the State of Illinois, since the commencement of the first session of the present Congress, and the salaries paid respectively to each.

"2. The names of the persons appointed to office in said State of Illinois since the meeting of the present Congress.

"3. A copy of all petitions, letters, remonstrances, and other papers, upon which said removals and appointments were made, now on file, or which may have been on file, in their respective Departments."

Mr. MORRIS, of Illinois. Before the reading of that resolution was half finished, I was surprised to find some members springing to their feet and saluting our ears with the familiar words, "I object," "I object." What there was, or is, in the resolution to object to, I was then, and still am, at a loss to determine. It is certainly respectful in its language, censures no one, and only calls for information touching public matters in Illinois of which the people of that State have a right to be in possession. Yet I was not even allowed to have it voted on, for it was offered on a day when I could not move to suspend the rules; and one solitary objection excluded it.

Since that time, now more than a month and a half, on every Monday, I have earnestly and perseveringly sought to bring it before the House, that I might test the question as to the propriety of its passage, on a motion to suspend the rules; but I have never been sufficiently fortunate to get the recognition of the Speaker. Despairing of doing so, I take this means of presenting it to the country, together with the facts, so that every man may judge for himself the propriety of suppressing it. Gentlemen seemed to be startled and alarmed, for fear that something might be brought to light which would not be agreeable to the *refined* and *delicate* sensibilities of the Administration, and threw themselves into the breach to prevent the exposure; and, for the time being, they have, in a measure, succeeded. But the day will come when the record, unless destroyed, will speak for itself. The time will come when the facts will be known, and the guilty have to plead to the indictment. Justice, although sometimes tardy, is always sure. No great wrong can be inflicted on any considerable portion of the citizens of this country, without certain retribution following.

Sir, on the evening of the day I offered the resolution referred to, I returned to my residence; and found Mr. King awaiting my arrival. An interview ensued between us, in which he informed me that I could read the papers in the Department, but that it was against the rule to allow copies to be taken. He further said that I would only be permitted to see them "confidentially," and that I would not be at liberty to make any public use of the information I might thus acquire. I replied that I did not desire to see them on such terms; that it would be of no use to me to know the facts unless I was allowed to communicate them to those most interested. Consequently I never have seen them to this day. Mr. King appeared very solicitous that I should be satisfied with his verbal response, and not require an answer in writing. On this point I was unyielding, and the result was that I received the answer which I now ask to be read.

The letter was read, as follows:

POST OFFICE DEPARTMENT, APPOINTMENT OFFICE,
December 27, 1858.

SIR: The Postmaster General duly received your letter of the 17th instant, and referred it to this office for reply, the business to which it relates belonging to this branch of the Department.

You ask to know whether the privilege will be afforded you, on application, to examine all the papers on file in this Department in relation to removals and appointments to office in Illinois; and if so, whether you will be permitted to make copies of said papers, and a public or private use of the information thus obtained?

I would have answered earlier, as you are aware, but that I was desirous of seeing and communicating to you verbally, which I could much easier do than by writing, the reasons at length why your request could not consistently be granted. Having been favored with this opportunity, and learning from you that you nevertheless desire a written answer, I now have the honor to inform you that, while the same facilities heretofore extended to you of examining any and all papers on file relating to post offices, &c., in your district, will be cheerfully granted to you, the permission to take copies is respectfully declined as contrary to a long-established and salutary rule of this Department, the reasons for which have been verbally explained to you, and are too well known to require to be repeated here.

By this, therefore, you will understand that, although the Postmaster General is unwilling to relax any of the regulations of the Department, every facility and attention enjoyed by other members of Congress, will, in like manner, under the rules, be extended to you.

When permission is given to examine papers, it is always under the express or implied understanding that the sole purpose of the inspection is either to assist the Department in promoting and improving the service, or to enable the latter to avoid the employment of dishonest agents, postmasters, &c. In this way the rules themselves, as well as the relaxation of them, are made to advance the welfare of the public and the good of the service.

I have the honor to be, very respectfully, your obedient servant,
HORATIO KING,
First Assistant Postmaster General.

Hon. I. N. MORRIS, *House of Representatives.*

Mr. MORRIS, of Illinois. It will be seen that that reply, although as adroitly and carefully drawn as a special plea, is, in substance, the same as the one the writer gave to me in person, and proves, beyond all cavil or doubt, that the Departments here conceal from the public the charges upon which a man is tried, convicted, and removed. Without his having the slightest opportunity of confronting his accusers, or repelling their accusations, his head rolls from the block. And this conduct is to be dignified by the high character of the Executioners! The doctrine is practically promulgated that "the king can do no wrong;" or, in other words, that the Executive Departments are not to be held responsible to the people for their acts.

Take the case of Mr. Parsons, and let us see how it looks. He is an elderly gentleman, of the highest standing and of the purest integrity and morality. At home not even a suspicion was ever cast upon his reputation. For many years he held the office of deputy postmaster at Griggsville; and although a firm and consistent Democrat, he gave universal satisfaction to all parties by the prompt and impartial manner in which he discharged the duties of the place. But neither his gray locks, his long experience, his undoubted qualifications, the confidence reposed in him by his neighbors, nor their general desire to have him remain in office, could save him from the proscriptive knife. A man who has not the slightest qualification for the position succeeded him. Nobody there knows how. Nobody wanted him. Yet that made no difference. But the worst of it all was that the Government committed a larceny on the reputation of Mr. Parsons. They sought to deprive him of his good name by creating a suspicion that he had been unfaithful to his trust. When he asked, through me, as his Representative, when his friends asked, what he had done to cause his removal, I am told, they are told, "we cannot make that public." What was his offense? Who are his accusers? What are the charges filed against him? The same response, Mr. Chairman, comes back: "We cannot make that public."

Thus he has not only been deprived of the little office which afforded him in his old age a scanty living, but he is left with unholy imputations clustering about his integrity, as far, at least, as the act of removal could effect the object. The highwayman will take your purse, but will spare your character. Both were sought to be taken from Mr. Parsons. With a view to his vindication and as a measure for the promotion of the public interest, more than one hundred and sixty citizens residing in Griggsville and vicinity forwarded petitions asking for his restoration, and setting forth the total disqualification of Allen. These petitions I filed in the General Post Office Department on the 13th of December last. They remained there till the 22d day of the next month, when I became fully satisfied that no attention would be paid to them, and then withdrew them.

Now, I ask that they be read that they may go out before the public as a part of the case; I present them, to be judged of in connection with it.

The Clerk read as follows:

To the Honorable Postmaster General:

We, the undersigned citizens of Griggsville and vicinity, do respectfully represent, that we consider the removal of Jacob Parsons, postmaster of said town, and the appointment of Robert Allen in his stead, without, in any way, consulting the people, as being impolitic, and a great detriment both to the citizens and to the Department.

Mr. Allen, the appointee, is entirely unfitted by previous education and business habits, to perform the duties of the office, and had the citizens of the town been consulted, could not have gotten any one to recommend him as a suitable man.

We, therefore, request the Postmaster General to reconsider the matter, and appoint some man capable of performing the duties of the office. We would also respectfully recommend the reappointment of Mr. Parsons, but should

it be thought inexpedient so to do, would suggest and recommend that George F. Dickinson, who, for four years, has performed the active duties of the office, be appointed. That he is fully competent, the quarterly returns from this office will show; he is gentlemanly and courteous in his manners, and we think his appointment will give general satisfaction.

We make this appeal through no ill-feeling toward Mr. Allen personally, nor from any political motives whatever—we being of all parties; but simply and solely from a desire to see the office competently filled, and for our own benefit and convenience, and the good of the Department. We therefore earnestly hope that the Postmaster General will take this request into consideration, and make the desired change.

C. F. GIBBS,	J. L. THOMPSON,
CHESLEY McLAIN,	CHARLES STIPE,
PETER WELLS,	J. B. STODDARD,
JAMES O'NEIL,	G. W. GLADWELL,
J. R. STONE,	LEROY HILL,
JESSE PARKE,	WM. THARKURAY,
JOSEPH HARVEY,	T. CADWELL,
F. A. PELLETIER,	H. CARMER,
C. W. GOLDMAN,	L. W. DIX,
URIAH TAYLOR,	W. H. H. BATTLES,
GIDEON CADWELL,	J. M. CRANDALL,
F. CADWELL,	JAMES BRAKEFIELD,
J. W. PASTORS,	JAMES A. HOWARD,
GOODWIN BROOKS,	D. BYRNE,
ISAAC DAVISON,	M. ANTNEY,
ROBERT DAVISON,	A. HOLT,
SAMUEL SHINN,	P. B. BRAINERD,
WILLIAM G. BLACK,	WM. REYNOLDS,
J. H. JONES,	W. L. HOUSTON,
G. H. LOMBARD,	JAMES LIGHTLE,
A. NEWMAN,	WM. H. GORBET,
T. KNEELAND,	GEORGE DOODY,
HENRY FESLER,	COLLINS PARK,
NATHAN'L FESLER,	R. A. MORTON,
T. C. COFFEY,	J. M. HIGGINS,
DENNIS CARNES,	WM. TURNBULL,
ISAAC BARNNETT,	JNO. K. BASHFORTH,
WM. MARSHALL	T. H. DIMMUTT,
GEORGE BRINGLE,	JAMES WARD,
HENRY SHAFFNER,	C. H. WEAGLEY,
JAMES HEWELL,	JOHN HOUSTON,
JOHNSON WEST,	F. W. DICKINSON,
WM. URGET,	HENRY CLAPP,
J. DUGALD BLUE,	J. H. ALLEN,
A. DONOVAN,	EBEN'R MAY,
W. DONOVAN,	JOHN S. SHINN,
G. B. HINMAN,	WM. MARGHAR,
E. S. LOVETTE,	P. SHINN,
HARVEY ELLEDGE,	ASABEL HINMAN,
J. S. WORDS,	JAMES R. OWEN,
WM. GREER,	J. BICKERDIKE, JR.,
J. B. SHINN,	A. WELLS.
G. W. FURNHAM,	C. H. MANKER,
A. STARNE,	P. M. ROUSH,
ENOS TARK,	PATRICK RILEY,
ROBERT LAUGH,	D. A. FAGIN,
PATRICK WHELAN,	F. T. M. DUTCHER,
J. L. EMORY,	W. W. HIGBEE,
THOMAS P. COBBY,	N. ELLIOTT,
W. K. BRADBERRY,	PETER FRY, JR.,
WM. SHAW, SR.,	THOMAS BRADBURY,
D. W. COPELAND,	BENJAMIN BATES,
ALEX'R TAYLOR,	THOMAS CARNES,
H. A. CRAIG,	WM. DUNHAM,
JOHN McLAUGHLIN,	T. WILSON,
ANDREW PHILLIPS,	WILLIAM SHIN,
J. M. PHILLIPS,	G. YATES,
F. J. PHILLIPS,	T. STAGG,
GEORGE MILLAM,	J. GOULDIN,
JOHN YOUETT,	S. GOULDIN,
E. T. ARMSTRONG,	J. COOPER,
G. W. WARRICK,	BENJ. BECKFORD,
L. T. FALES,	GEORGE EVANS,
E. L. ROSE,	ROBERT J. WALKER,
OTIS PARSONS,	DAVID S. CRAPTON,
THOMAS CARDON,	JOSEPH J. WILSON,
OSCAR BENTLEY,	RICHARD WADE,
W. H. WINSOR,	JOHN MORGAN,
B. BROOKS,	WALKER SLIGHT,
ANDERSON MAGEE,	STEPHEN WHITE,
GEORGE WILSON,	WILLIAM WILSON,
J. U. KELLENBERGER,	WILLIAM STAATS,
THOMAS SIMPKINS,	FRED. GARROTI,
JOHN WARTONS,	E. L. STAATS,
FRANCIS FESLER,	JOHN LARHERG,
DANIEL GOULD,	JAMES BROWN,
JOHN SHINN, JR.,	JOHN DENMIT,
JOHN GEORGE,	BERCH DENMIT,

We could get any amount of names if necessary.

Mr. MORRIS, of Illinois. Here is another, and one of the names signed to it is that of Mr. Starne, formerly Democratic Secretary of State of Illinois; a gentleman of as high standing as any in the State.

The Clerk read as follows:

GRIGGSVILLE, *November* 23, 1858.

To the Hon. A. V. BROWN, *Postmaster General:*

We, the undersigned, citizens of Griggsville, Pike county, Illinois, would respectfully represent that we are members of the Democratic party, and that we labored, in our humble way, for James Buchanan, in 1856; and we do enter our protest against the appointment of Robert Allen as postmaster for the town of Griggsville: first, because he is not qualified to fill the office; second, because he has never been a reliable Democrat; third, because he has been cooperating with the Black Republicans; fourth, his deputies are all Black Republicans.

For the above reasons, we think that a Democratic Administration ought not to hesitate a moment, but remove him forthwith.

OTIS PARSONS,	ALEXANDER STARNE,
L. T. FALES,	JAMES WARD,
JOHN K. BASHFORTH,	G. F. GIBBS,
J. H. ALLEN,	GEORGE F. DICKINSON,
	J. P. WEAZLY.

We could get any amount of names, but deem it unnecessary.

Mr. MORRIS, of Illinois. Take another case: influential and prominent Democrats of Blandinsville, in the county of McDonough, which I also have the honor to represent, asked for the appointment of Mr. Jones—a gentleman whom I know very well, and who has been a life-long Democrat, and is well qualified—to the office of postmaster of that thriving and beautiful village. Their request was not only disregarded, but spurned, and a Mr. Delavan Martin had a commission forwarded him. This individual was voted for by the Administration party of the county in which he lives as a candidate for the Legislature at the late election; and, although three thousand seven hundred and twenty votes were given, nineteen hundred and fifty-two of which were Democratic, he received the *enormous* number of *five*. Not a man in the town or in the precinct in which he lives voted for him, and not a Democrat there wanted him as postmaster; yet he was appointed, in total disregard of the wishes of the people. Mr. Martin lives in the Blandinsville precinct; and, to show the fact to which I refer, I will request to have read the certificate of the county clerk:

The Clerk read as follows:

STATE OF ILLINOIS, McDONOUGH COUNTY, *ss.*

I, Isaac Grantham, clerk of the county court of said county, do hereby certify that at a general election held in said county on Tuesday, the 2d day of November, A. D. 1858, Delavan Martin received five votes for Representative to the Legislature of the State of Illinois, as follows, to wit: in Prairie City precinct he received one vote; in Macomb precinct he received three votes; and in Hire precinct he received one vote, as the same appears of record in my office.

In testimony whereof, I have hereto subscribed my name and affixed the seal of said court, at my office in Macomb, this 1st day of January, A. D. 1859.

ISAAC GRANTHAM, *Clerk.*

[L. S.] By JAMES W. MATTHEWS, *Deputy.*

Mr. MORRIS, of Illinois. I will, Mr. Chairman, mention one other instance. In the city in which I reside, containing a population of near twenty thousand inhabitants, Captain A. Brooks was removed from the office of postmaster, and another appointed in his place. The Democratic party immediately took Mr. Brooks up for the State Senate, and the Administration party ran the new postmaster, who had the influence of a party nomination in his favor. The former gentleman was triumphantly elected, while the latter received in the whole district, including the city of his residence, the *large number* of about seventy-two votes; while the two other candidates received more than eight thousand. I give these numbers from recollection, and may not have them exactly right; but they are substantially so.

I might go on multiplying such instances of disregard of the public choice and interest, but I will not detain the committee with their rehearsal. Those I have named are only representatives of a whole class of cases in the State; indeed they present more favorable palliations than many others. In some instances, where none could be found in the vicinity willing to degrade themselves below the contempt of the people and accept positions where they were not wanted, men have been imported from abroad to take them; and I regret to be under the necessity of adding, that some of them did not bring very good moral characters with them. If a mail robbery should be committed, there are men employed in the service in Illinois who would at once be suspected. The appointments commenced last winter by selecting, for one of the highest positions in the State, a man who was notoriously a public defaulter, and was shown to be such by the records here; a man wholly destitute of every qualification for the office, and who deserved a prison rather than official position. I regret to add that, since then, too many of this class of persons have been promoted; too many of these camp followers, who were required to make war upon the men and organization of the party, and who did it with a heartless ferocity and an unscrupulous disregard for truth or decency. Willing to sell their independence for a mess of pottage, they supposed that others would dispose of the birthright of freemen as cheaply as themselves.

It is very easy for those who have no character to lose, to assume, with the boldness of ignorance, that others are as corrupt as themselves; and this class of venal men in Illinois, to whom I am alluding, stood in the public highways, with their rasps in their hands, to rasp off a few spoonsful from the conscience of every man who encountered their polluting touch, and from the reputations of all who fled from them as from a moral contagion. The whole patronage and power of the Government was placed in their hands for disposal, superadded to the corrupting appliances of money, in order to strike down the brave chieftain of a heroic party, and with him, that party itself. I have in my possession records pertaining to some of these men, showing them to be the most abandoned wretches that ever lived, but I will not use them now; hereafter I may. But what, says some gentleman, of all this? Had not the President a legal right to remove and to appoint whomsoever he pleased? Grant that he had the legal right: does it follow he had a *moral* right to do it? The appointing power was conferred upon him to be exercised with a sound discretion for the public benefit, and not for the purpose of gratifying personal malice at the expense of the public interest. He holds it *in trust* for the people for whose benefit the offices were created, and not as an absolute dictatorial power, to be exercised without reference to their wishes.

The views and feelings of the public should be consulted, and not trampled upon. Yet, in the instances I have presented, and many others, not the slightest attention has been paid to them. They are treated as though they were aliens and serfs in their own Government, having no rights in it. When they petition for a redress of grievances, they are spurned as indignantly away as were our fathers when they petitioned the British throne. The President tells you, by his acts, that he has the power to fill the offices; that it is none of your concern whom he puts in them; that he will exercise his authority as he pleases. And this is said by a man claiming to be a Democrat, to a Democratic constituency! I stand here, Mr. Chairman, to brand with shame such outrages upon the doctrines and usages of the party. They are in violation of public rights, and form no part of the Democratic creed, and will be everywhere condemned. They are flagrant, daring, and shameless innovations, which must be stayed, or they will sap the foundation of our republican institutions.

The question was asked me a thousand times, at home, how I accounted for the course of the President? I confess that his conduct has been so singular, so extraordinary, so distinctly marked by every act which can "define a tyrant," that I did not know what response to make. "Is he governed by malignity or by imbecility?" the people everywhere inquired. It may be answered that both have had an agency in controlling his actions. His advanced age, aided by his aristocratic character and intense hatred of Judge DOUGLAS, has led him to gratify that hatred, and to sacrifice every interest of his administration, until it has sunk, in the esteem of the country, below the point of resurrection. Suppose he does dislike the Senator from Illinois: is that any sufficient justification of his course? Should he carry his hatred so far as to strike at the people?

What injury have the Democracy of my State done him, that he should set his servile creatures upon the trail of every postmaster and other public officer there? It is true, they were in favor of the reelection of Judge DOUGLAS; it is true, the delegation in Congress voted against forcing Kansas into the Union under the Lecompton constitution; it is true, we voted against the bill known by the name of the English bill, which was gotten up by several gentlemen who had no very good right to prescribe a new party creed, when Lecompton, pure and naked, was voted down. But should such things, right as they are in themselves, and past as they are as issues, form a justification of his conduct? Not only the Lecompton, but every other policy of his administration has failed. His measures are but the sport and derision of Congress, and his very recommendation

of them is a presage of their defeat. He has few or no friends here. Members turn away from him, yet no test is made except upon the Lecompton question. Judge DOUGLAS and his friends are involved in that, and they are hunted down still. At the last session of Congress he could not have effected the passage of some of the most important appropriation bills, if it had not been for my own vote and the votes of other anti-Lecompton Democrats; and this session, I fear he will not be able to get them passed even with our assistance. The poisoned chalice has returned to his own lips; and he is reaping the storms of the whirlwinds he sowed. His reckless attempts to interpolate the Democratic platform, and to prescribe new tests of party fealty, and his unwarrantable interference with the local politics of the country, will be milestones placed along the road of other Presidents, to warn them against the fatal rock upon which his administration was broken to pieces.

It was said by a distinguished Kentuckian that the administration of John Tyler would be, in the history of this country, like a parenthesis in the middle of a sentence, always to be read in a low tone of voice, and which always could be omitted without altering the sense. That much cannot be said of Mr. Buchanan's Administration. It does not even rise to the dignity of a parenthesis, but will be regarded as an entire inverted sentence, with scarcely an intonation in its length or breadth to soften its harshness.

But, Mr. Chairman, the Administration did not stop with the mere distribution of documents, and the sale of the offices, in my State. I saw the imprint of its finger in my district, here and there, wherever I went. One, who was a judge upon the supreme bench, resigned his office, in order that he might receive the nomination over me. After he had been in Washington conferring with the officials here, he returned home, took the stump, and labored unceasingly to defeat myself, and every other regularly-nominated candidate. A State Senator, for changing his position from anti-Lecompton to Lecompton, was given the Quincy post office, and was supplied with the means of publishing a paper to overthrow the regular Democratic ticket. My immediate predecessor upon this floor was induced to run as an independent candidate, in order that my Republican competitor might be elected, and he received only five hundred and four votes out of twenty-five thousand six hundred and eighty-one cast, while my majority was one thousand eight hundred and eighty-one—considerably greater than it was in 1856. What is true of the district I represent is substantially true of every other district in Illinois. Everywhere, all over the State, men were at work, under directions from Washington, to break down the regular organization, and to elect Republicans. They left no stone unturned, to effect their object; and yet, out of two hundred and fifty-two thousand two hundred and two votes given in the whole State, the highest cast for a Lecompton Administration candidate was just five thousand one hundred and seventy-three! Cabinet officials interfered directly in the contest, and did not leave the work to their subordinates.

I will read a paragraph or two from a letter addressed by a member of the Cabinet to a Federal office-holder in the State, during the pendency of the late election, and if the Administration desire the name of its author, and will call upon me, they shall have it, and I will account for the possession of it. Speaking of those he calls "Douglas men," he says:

"Those of them who are willing to give a fair support to the Administration, and regard the English bill as a settlement, ought to be conciliated, treated kindly, and supported. But, if nothing else will serve their turn except opposition to the party, it cannot be helped.

"They say here, that Mr. Harris is more violent and bitter in his hostility to the Administration, and to all who support it, than any Black Republican in Congress.

"Now, what should be the difference to us between such a man and an Abolitionist, except that such a man, elected by Democratic votes, would do more injury to the Democratic cause, than an Abolitionist would have it in his power to do. Most truly yours," &c.

The gentleman to whom that letter was addressed, was afterwards removed from his position because he would not abuse his friends, and assist to defeat the party of which he has been all his life a brilliant, talented, and active member. The one who succeeded him is now arraigned before the Administration, by a gentleman, for official villainy of the highest grade. Whether he will be removed remains to be determined. I have no expectation, Mr. Chairman, that he will, no matter what his offense may be, so he sings peans to the powers at Washington. The extracts which I have given, will be read by honest Democrats at home with profound astonishment. To persons here, who are familiar with the manner in which things are done, they will be no matter of surprise.

It will be observed that the author of that letter lays down two tests of Democratic orthodoxy, which if lived up to will entitle the believer to a place in the Democratic church; if not, he must be cast out. The first is submission to the Administration. The second, support of the English bill. There is nothing in the letter about the Cincinnati platform, and nothing about the Democratic creed as we received it from the fathers of the party. It seeks to establish an entirely new test. Verily, we have fallen on strange times! Party edicts seem to go out from the White House as though the President was his Imperial Majesty James I. Sir, who gave him, who gave his Cabinet, authority to send out to Illinois these excommunicating bulls? If they would attend to the legitimate functions of their offices, they would do much better. For one, sir, I do not recognize the right of any but the party itself, to alter its platform. I spurn the dictation of all intermeddlers; and I say, in frankness, that if the English bill, which I view with abhorrence, is to be made a party test, I will not give it my assent. I would infinitely have preferred to vote for the original Lecompton bill, as it came from the Senate, for that had the comparative merit of frankness.

But, sir, we were told by the considerate Cabinet official that if we would submit to the new test we should be "conciliated, treated kindly, and supported." *Ergo*, the converse was, that if we did not submit we were not to be "conciliated, treated kindly, or supported." Inasmuch as the Democracy of Illinois did not submit, they had meted out to them the full measure of Executive wrath. My former colleague, the late lamented Thomas L. Harris, at the bare mention of whose name a million of brave and warm Democratic hearts leap with joy, is denounced by this member of the Cabinet as "worse than an Abolitionist," and of course, all who agreed with him are "worse than Abolitionists" in the view of the new dictators of the party faith. The harpies of the National Democracy of Illinois, alias Danites, were instructed rather than vote for Judge DOUGLAS, myself, or any other anti-Lecompton Democrat, they had better vote for "Black Republicans." This is the substance of this Cabinet officer's letter; and poor souls, they only wanted a nod from their masters here, to obey, as I will show you by the confession of their leading organ in the State, the "Chicago Herald." In its issue of the 4th of November last, two days after the election, that paper contains an editorial article which I will read. Here it is and mark it well:

"THE VOTE OF CHICAGO.—That fact having become known on the eve of the election, that the entire Catholic vote of this city, notwithstanding the professions to the contrary, would be thrown for Douglas, the national Democrats became exasperated at such wholesale treachery, and despite all efforts that could be made to prevent it, they voted *en masse* for the Republican candidates, as the most effectual way of defeating Douglas. Although by voting thus, they, beyond question, prevented the election of two of the Douglas candidates for the Legislature, we do not approve of their course. We go for a strict adherence to the principle, and to party organization, whatever may be the present result, fully believing that such a course will, in all cases, insure ultimate success."

The author of that article, who is the editor of the paper, was appointed by the President marshal of the northern district of Illinois, during the pendency of the election, in place of Colonel Davidson, removed, after he had the most positive assurance that he would be retained. The admission that the miscalled "National Democrats" voted for the Republican candidates for the Legislature, and thereby defeated two "Douglas Democrats," is broad and unqualified. The reason assigned is that the Catholics would not vote with them! What ridiculous folly! The reason was they were instructed from Washington to do as they did. The editor pretends to disapprove the acts of his Danite brethren, and talks of principle and party as though he was governed by one or acted inside of the other.

Mr. Chairman, since the election, these vampires have fallen out amongst themselves, over a division of the spoils; and if one tenth of what they tell upon each other is true, they are the most graceless set of scamps upon earth. The people of Illinois believe all that is said on both sides, and even then, that half has not been told. In speaking of the Danites, I do not wish to be understood as including all who sustained the Administration in its policy, for some were honest, and pursued the course they did conscientiously; but through what I believe was a misapprehension of the merits of the controversy on their part.

I allude to the place-seekers, the liegemen, who acted without reference to principle, and were actuated alone by corrupt motives. They constituted a band of political spoilsmen who were on the exchange for the highest price they could get for themselves. They flattered the President, and he encouraged their treason. He is, therefore, not only directly responsible for their appointment, but for their conduct, and he cannot escape that responsibility. He may denounce as he will corruptions in elections of which he was *particeps criminis;* but lachrymose letters, like that he wrote to the Fort Du Quesne celebration, will do him no good. Singing psalms will not save him now, sir. He has already sinned away his day of grace, and all hope for him has become extinct. The Democratic party must cut itself loose from his administration, and let it float off as drift-wood. We cannot go into the canvass of 1860 with any hope of success; with its fetid and rotten carcass tied to the party, it would be hanging to it as dead weight. We might as well expect to blow down the walls of this Capitol with our mere breath. It has even fallen so low that those who live upon its bounty do it no reverence. We may excuse it; we may palliate it; we may patch it up as we please; but it will be all to no purpose. It is folly—nay, worse than folly, it is madness for us to stand with folded arms, and blinded to the consequences which are inevitable if we adhere to it. "A prudent man forseeth the evil and hideth himself; but the simple pass on and are punished." We cannot retrieve the fortunes of the party by any hesitating, doubting policy. Action, prompt and decisive, is required. Mr. Buchanan, who certainly let out "that drop" of Democratic blood, if it was ever in his veins, is floating the Government into the old moorings of Federalism, from which it is now evident his affections have never departed. We have been deceived; and the sooner we acknowledge the fact the better. An open confession is preferable to a vain attempt at concealment. If we go on, and cry "peace, peace, when there is no peace," defeat, certain and inevitable, will be our lot.

Let Mr. Buchanan, during the remainder of his term, devote his time to gathering up the bleaching bones of his fallen friends, which are strewn upon every political battle-field of the North, East, and West. Let him breathe into them a little brief spasmodic life; but let the great Democratic party move on in defense of its integrity and great principles. Let it repudiate the man who has repudiated it. What is there in his Administration which gentlemen will undertake to defend? Who is there in this or the other Hall of Congress who will rise and proclaim that his Kansas policy was wise, when, like Dead sea fruits, it has turned to ashes on his lips? Who will defend the improvident and ill-managed Utah war, commenced without sufficient authority of law, and ending in nothing but folly after squandering millions of dollars? Who dare vindicate the extravagant and reckless expenditures of his Administration, and ridicule economy, but the writer for his official organ? His Cabinet has disappointed the hopes of the country. His appointments, as a class, have been the worst, by far, that were ever before made, to say nothing of the appointees at large having been selected principally from two or three States, to the exclusion of the balance, and without regard to their claims. His administration has fallen a prey to flatterers and public plunderers. His bankrupt policy finds no advocates. His Pacific railroad scheme is defeated. His Paraguay expedition promises noth-

ing but disaster, and proves we did wrong to intrust him with the power, though some suppose the fight between him and Lopez affords an equal chance of success, as it is generally believed they are well matched, except that Lopez possesses superior military qualifications. He publicly recommended, in his message, the abrogation of the Clayton-Bulwer treaty, and then privately labored to prevent Congress from expressing an opinion in favor of that recommendation. A professed disciple of the Monroe doctrine, he stands with folded arms, and does nothing efficiently to prevent European interference with the affairs of this continent. His efforts to enforce the neutrality laws are everywhere regarded as failures. His proposition to establish a protectorate over Mexico is treated with indifference, if not contempt. His plan of increasing the regular Army Congress at once put down. His ill-advised attempt to defeat the Democracy of Illinois, who so nobly sustained him in 1856, was signally rebuked. He has an organ without a responsible editor, an Administration without a party, power without respect; and to crown all, a Secretary of the Treasury who tells him to his teeth that his fiscal policy is wrong, and yet both retain their places! Strange anomaly! He came into the presidential chair pledged to *ad valorem* duties, and now recommends specifics, and has embroiled the party which elected him in almost interminable difficulties upon that subject. He found us peaceful, contented, and buoyant with hope; and, in less than two short years, brings broils out of quiet, excitement and angry controversy out of contentment, and despair out of joy. He has desecrated the social circle with political feeling; tainted the simplicity of republican manners with the airs of a foreign court; corrupted the national morality by an improper disposal of the public patronage, and the selection of appointees to office without reference to their moral characters; given unlimited range to his passions and prejudices, and sees no merit in any one who was not originally for his nomination. In his letter accepting the nomination of the Cincinnati Convention, he said, speaking of the Kansas-Nebraska bill:

"This legislation is founded upon principles as ancient as free government itself; and, in accordance with them, has simply declared that the people of a Territory, *like those of a State*, shall decide for themselves whether slavery shall, or shall not, exist within their limits. This principle will surely not be controverted by any individual, of any party professing devotion to popular government."

In his message transmitting the Lecompton constitution, delivered at the last session, he tells us that "Kansas is, therefore, at this moment, as much a slave State as Georgia or South Carolina," notwithstanding slavery has never been established there by law, and the people are opposed to it. No torturing he can apply to the decision of the Supreme Court, in the Dred Scott case, can reconcile these conflicting positions. We learn that he has granted an amnesty to Brigham Young and other Mormons, and has sought to prevent the execution of the laws in Utah, and not to enforce them; and thus to strike down the independence of the judiciary, and bring it into subjection to his will, as he sought, at the last session, to subdue Congress by an Executive fiat. He is the Jonah that troubles the ship, and has sought to tear to pieces the platform of principles upon which he was elected; to strike down the great doctrine of self-government and popular liberty, and substitute his will for that of the people. His conservatism has proved radicalism. On the slavery question he is sectional with the extremest of the South; on the tariff, with the North. He has violated, as the head of the nation, national courtesy; and then his Representative, honorable J. Glancy Jones, in the House, indelicately accused members of opposing an appropriation from which he was to reap pleasure, if not benefit, because they were not invited to his table to dine. Shame, where was thy blush! He has shown no administrative ability; but has used the power conferred on him to gratify personal feeling, and not in the spirit of a public trust. And in the name of the Democracy I impeach him, as one of its Representatives, for these high crimes and misdemeanors. I impeach him, in the name of our common country, for the common wrongs and injuries he has inflicted upon it. Discovering too late his fatal course, he is now seeking to embroil the nation in foreign troubles with the view of diverting attention from the failures of his home measures, and making some grand and signal demonstration. He asks us to place $30,000,000 in his hands to negotiate for the purchase of Cuba. While I should like for our Government to possess that island, I am unwilling to intrust so important a matter to his discretion. After the evidence he has given us of his financial ability, I am satisfied, in my own judgment, that he would use up the money, and that we would then be further off from the acquisition of Cuba than we are now. Nothing of importance he has recommended has succeeded, and it is high time that the Democratic organization had calculated its reckoning, and taken a new departure. His administration is not the party, and the distinction must be broadly marked and kept up. The old Democratic ship "Union," the ark which has so long borne up the covenant of these States, is imperiled, and ho! all hands aboard! and we may yet rescue her from the breakers upon which she is beating. If we stretch ourselves out lazily upon the bank, and manifest a serene indifference, or reckless disregard of consequences, she will be dashed to pieces within sight of the shore, and for the want of the assistance we can render. If, however, we select the right man for a commander, one who has great qualities; and not one for his supposed availability, (we have had enough of that in all conscience,) inscribe our old principles upon our flag, and turn away from this administration, as we would from the Angel of Death, she will ride safely into port, a little strained, it may be, by the tempest, but well fitted to perform many other voyages. But if we make a misstep, we may proclaim as much as we please to the troubled waters, "peace, be still," and they will rage and roar on, and soon close over the vessel; then we shall be adrift upon the boundless ocean of uncertainty, with not a plank or splinter to hold us above the surging billows.

But, Mr. Chairman, I will again recur to appointments. It is held correct by the Democratic party that Federal officeholders should not interfere with the freedom of elections; not that they should not vote or express their opinions, but that they are thought to be out of their line of duty to use their official positions to control the ballot-box. Now, it seems to be made a condition precedent of their appointments, that they should do but little else than control it. In my own State I have seen too many and painful instances of this not to rebuke it in terms of merited condemnation. Federal officials and employés there and elsewhere were marshaled for the conflict, under the command of some leader dictated at Washington. If any held back, if any indicated a repugnance to the duty required, they were at once disposed of as deserters. Perhaps, however, this is the least objectionable part of the conduct of the Administration.

At the last session, the President held back the nominations of appointees from the Senate, especially those in Illinois, until near the close of it; and he could have had no other reason for his conduct than a fixed and deliberate purpose of using his patronage to compel the expectants and their friends to assist in forcing the Lecompton constitution, which Senator HAMMOND now admits was brought into Congress reeking with "blood and fraud," down the throats of the people of Kansas. At the present session he pursued quite a different course. At the commencement of it, and during Judge DOUGLAS's temporary absence, he sent in to the Senate the nominations for Illinois, of appointments made during the recess of Congress in place of those removed; thus depriving Judge DOUGLAS of offering reasons why they should be rejected. This conduct speaks for itself, and will cling to the President as a leprous spot upon his reputation, which time will never efface. The character of a maneuverer, added to that of a tyrant, dishonors the man, while the country mourns the fall. At the last session, when he was striking at public liberty and crushing out northern manhood, I stated in this House that the Executive was surrounded by flatterers, and that no man had told him the truth. At this session I am constrained to tell the truth on him. This duty, however, has been no pleasant one to me. I would to God, for his sake and the sake of our national character, I had been spared the painful necessity. When forced upon me, I have not felt at liberty, however, to shirk the responsibility. It seemed to me meet that an Illinois Democrat should sketch the scenes of his unfortunate administration.

One feature, Mr. Chairman, of the Kansas imbroglio has struck me as a little singular. The President first makes the Lecompton constitution a test of Democratic orthodoxy. Secondly, he makes the conference bill. His friends in the East, North, and West, go home, and in the canvass tell the people they did not mean anything when they gave their votes for a measure excluding Kansas from the Union until she had a population sufficient to entitle her to a Representative in Congress, the fact "to be ascertained by a census duly and legally taken;" and that if they were reelected they would vote for her admission at any time she applied: while the President, in his late message, still insists she must be kept out. By the force of this pledge a few succeeded, while the great majority of them fell in the battles. But even this is not all. Some gentlemen started out fiercely against Lecompton, and afterwards went over to the President's policy, and certain results followed the new association. One case of the kind suggests itself to my mind, which I will briefly name.

The member from the Columbus district, in Ohio, [Mr. Cox,] made an early speech in this Hall, at the last session, against the Lecompton constitution, and was severely and bitterly denounced for it by the friends of that measure. Afterwards he supported the conference bill, and was taken back into full fellowship by the Administration. Soon after he submitted his remarks, his personal, bosom friend, a Mr. Miller, was removed from the office of deputy postmaster at Columbus, and Colonel Medary, who was then in Washington, abusing Mr. Cox and every anti-Lecompton Democrat, and the people of Kansas, in bitter terms, was appointed in his place. Subsequently to Mr. Cox's support of the conference bill, Colonel Medary is sent out as Governor of Kansas, to rule over a people he labored to oppress, and Mr. Miller, the friend of Mr. Cox, is put back in the post office at Columbus. I have no comment to make on these facts further than this: that no anti-Lecompton Democrat who stood firm and resisted the wrongs attempted on the people of Kansas has had a friend restored or received any favor from the President. The public, Mr. Chairman, can and will judge of such matters for themselves; and if they should come to the uncharitable conclusion that the member from Ohio, to whom I have referred, gave a practical illustration of the truth of the doctrine he advanced in his Cuban speech, that it was the physical law of our nature that the greater always absorbed the weaker power, and that it was right it should be so, I cannot help it, and he has no one to blame but himself.

But, Mr. Chairman, I have already trespassed too long upon your patience and that of the committee. I have said what I have upon my own responsibility, more in sorrow than anger, and from a deep sense of public duty and obligation to the Democracy of Illinois. I might say much in addition, but will refrain. Perhaps, after all, the Administration is to be pitied for its weakness, rather than censured for its crimes. One thing is certain: it has lost the respect and confidence of Congress and the country, and will expire

"Unwept, unhonored, and unsung."

I expect, however, to see the Democratic party spring, phœnix-like, from its ashes. That party, sir, has been the hope of the Republic; and if it will only be true to itself, true to its integrity and its principles, this Union will continue, in a political sense, the star of Bethlehem to the downtrodden nations of the world; but if it should attempt a justification of this wicked and imbecile Administration, (a thing I do not anticipate,) I should fear the most disastrous result. Nothing is more common than for the people to repudiate public servants who have disappointed their just expectations; and the President is not invested

with that regal power which should make him an exception to the rule. The beauty and glory of our Government consists in the accountability of officers, high and low, to a constituency.

The President, sir, "has been weighed in the balance, and found wanting," and no flower of gratitude will ever bloom upon his grave. If "the evil men do live after them," and "the good is oft interred with their bones," how unfortunate for him. In his efforts to read others out of the Democratic party, he has not exactly gotten out himself, for he was never really in it; but he has been the means of the forfeiture of that confidence it may otherwise have continued to bestow upon him. In other words, he has committed political suicide. In his vain endeavors to inscribe his name high upon the roll of fame, he has written it in sand, and the sporting winds will soon obliterate every vestige of it, except the evil deeds connected with it.

A word or two more, and I have done. Illinois, sir, which seems to be the special object of Executive vengeance, is no pleading, cowering slave at the foot of power. She has a proud record to which she can point. Her history speaks for her. She has never yet strayed off from the Democratic fold. Even in the memorable hard-cider campaign of 1840 she withstood the shock, and was one of the few States who bore her banner upward and onward. She has never yet struck it, and never will. Her Democracy have never quailed before the face of an enemy; and shall their knees smite together in the presence of one in whose hands they helped place the scepter? No, never! Though he is clothed "with a little brief authority" and "plays fantastic tricks before high Heaven," he will find them still "unsubdued rebels." They can neither be silenced into submission by threats or persecution, or bought with office or money. Let the President expend his rage upon them; let him, during his little brief day, continue to lord it over God's freemen. We ask not for his smiles, we defy his malice, we scorn his patronage, and snatch the thunder-bolt from the would-be Jove, and shake it defiantly in his face.

Mr. Chairman, every bane has its antidote. One good will result from the President's abuse of power. It will teach us the necessity of curtailing his patronage, and placing it, as far as possible, in the hands of the people. Already I have introduced a bill to break his grasp upon the Territories, and if I live to reach here at the next session, I shall introduce another providing for the election of postmasters by the people throughout the length and breadth of this land. These monstrous assumptions and usurpations in Washington are becoming dangerous to public liberty, absorbing the rights of the States and the people, and should be checked. Unless we strike down the colossal arms of power here, which are reaching out everywhere all over the Republic for new acquisitions of strength, we may be well alarmed for our safety. Our Government was designed to be plain in its construction and economical in its expenditures, and was created for a few great national objects necessary for the common protection, and not as one grand vortex of centralization, into which all rights were ultimately to flow, and it is well for us to look to it that our liberties are not swallowed up.

Eternal vigilance is the only way in which we can maintain them; and unless we exercise it, the man is now living who will follow their hearse to the grave. However unpleasant the duty, and without reference to who is to be affected by it, the American patriot should speak out, and sound the note of alarm as the advancing column comes in sight. Let the watch cry be—

"Thou, too, sail on, O ship of State!
Sail on, O Union, strong and great."

I have only to add, Mr. Chairman, that I fully realize the responsibility of the remarks I have made. I know very well what was said, when, some weeks ago, I alluded to the character of the appointees to office in Illinois. I suppose the same, or more, will be said now. But when such things shall induce me to suppress the truth, and fail to discharge my duty as one of the Tribunes of the people, it will be only when I will no longer have the power of speech.

INCREASE OF EXPENSES—EXTRAVAGANCE OF THE DEMOCRATIC PARTY.

SPEECH OF HON. A. H. CRAGIN,

OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES,

February 15, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. CRAGIN said:

Mr. CHAIRMAN: Since I have been a member of this House, I have heard much said about economy by certain gentlemen on the other side of the Hall. They have been valiant in their attacks on sundry small items of appropriation. Every session there has been a contest about paying a few thousand dollars to six or eight "land-map clerks." Several times, strenuous efforts have been made to reduce the pay of the door-keepers and other employés of the House. Recently, great efforts were made to defeat an appropriation for paying for the return and support of the poor negroes who were stolen and brought to our shores in violation of the laws for suppressing the infamous African slave trade. A few days ago, a bold and successful fight was made against a few pine boxes, which cost $2 50 a piece.

It is quite recently that any of these gentlemen, so far as I know, have proposed any radical reform—anything that would lessen or stop the great leaks from the Treasury. They now only propose to withhold certain appropriations, without changing the laws requiring them; and to stop certain works, already contracted for, until the Treasury is, in some way—they do not know how—replenished. In other words, they propose to bequeath to the next Administration the debts, contracts, &c., which they have created, but cannot pay and carry out. All that is withheld now, which the law requires to be paid, will have to be provided for by the next Congress; and then these gentlemen will swear that the Black Republicans have increased the expenditures. But I am bound to presume that these movements are sincere. If, however, the Treasury was in good condition, and the Democratic party was not under the load, I very much doubt if we should hear much about retrenchment from that quarter. It is evidently desirable to make a show of virtuous indignation at the way the money has been lavished and squandered. We have all heard of the man who locked the barn-door after the horse was stolen. Gentlemen are frightened for their party; and they simply propose to put off payment where they can, and to borrow what must be had, without providing any means for paying it.

That the expenses of this Government have increased to an enormous extent, within a few years, no one can deny. Within seven years they have gone up from $48,000,000 to $80,000,000. No extraordinary circumstances have occurred to cause this increase. It has been caused by profligate, corrupt, and wanton extravagance, and by nothing else. The patronage of the Executive has been vastly augmented, for the purpose of giving greater facilities to the party in power. Men have beseiged and beset every department of the Government for fat jobs and contracts. Salaries have been increased and offices multiplied. There is now an army of Federal office-holders, numbering nearly, if not quite, one hundred thousand men. They cover the land like the frogs of Egypt.

The Queen of England is said to be the "fountain of honor;" the President of the United States is the source of patronage. He presides over the entire system of appointments, jobs, and contracts. He dispenses, to a large extent, the $80,000,000 annually. The rule of action has been, "*the President wants my vote and support, and I want his patronage; I will vote as he wishes; I will support such measures as he supports, and he will give me and my friends the offices we desire.*" At the present time, presidential influence and dictation is much less potent than it has been during six years past. This results partly from the fact that the Treasury is empty, and partly from other causes. I rejoice that the "one-man power" has received a check. It can never be brought within safe and proper limits until the President is shorn of a large share of the patronage he now wields.

The Administration, within five years, has had several heavy jobs, which have not been carried through without great expenditures. I have not the least doubt that $20,000,000 of the people's money has gone, within that time, directly or indirectly, to carry measures and elections; to pay for burying the dead and providing for the wounded; in paying salaries created for party favorites, and for cheating the people generally. The people of the free States have been hard to conquer, and there has been an alarming demand for patronage and money, by those who have undertaken the job. Of course the money has been appropriated for various purposes—much for buying sites for custom-houses, court-houses, post offices, &c., and for building the same; much for expenses at the navy-yards; much for supplies for the Army; and for transporting the same; much for work and materials on the public buildings and the aqueduct, in this city; and much for mail service, and for contracts and jobs generally. The deficiency bills have been very large, especially the one last year.

The Senator from Georgia, Mr. TOOMBS, in a recent able speech on extravagant expenditures, thus condemns his own party:

"Now, sir, are the $73,000,000 of estimates for the next fiscal year, to which the Senator from Pennsylvania called our attention, necessary? Will any man say that they are all necessary expenses; that they are all proper expenses; that the money is all to be expended to promote the interests of a great and free people? Nobody has said so; but the advocates of taxation say we must increase the revenue. Some say retrenchment is with Congress; others say Congress can do nothing without the Executive. The truth is, the fault is with both; it is with the executive and the legislative departments. *They have both departed from the true track. They have both encouraged extraordinary, unnecessary, profligate, and many of them corrupt, expenditures.*"

I will call another witness. On the 23d February, 1852, about one year before Franklin Pierce and his party took the Government in charge, James Buchanan wrote a letter about extravagance, from which I take the following extract:

"These expenditures have now reached the *enormous sum of* $50,000,000 *per annum*, and unless arrested in their advance by the strong arm of the Democracy of the country, may, in the course of a few years, reach $100,000,000."

Seven years have passed, and the "strong arm of the Democracy," instead of arresting the *advance*, has carried the amount to $80,000,000. In five years more the same arm would carry it to "$100,000,000." In the same letter, he says:

"I am convinced that our expenses ought to be considerably reduced below the present standard."

That is, $50,000,000. It is perfectly clear that neither he nor his party, although in power nearly all the time since, has done what he then said ought to be done. They have actually increased the amount $30,000,000 per annum, or more than one third in less than seven years. And what is still more remarkable, in this time of depression, the same man and the same party propose and seriously advocate an appropriation of $30,000,000 in addition to the annual expenditures, to be placed in the hands of the Executive, to be used as he sees fit; but ostensibly for the purpose of aiding negotiations for the purchase of Cuba. Every man of common sense knows, that if this money is appropriated and the object accomplished, it will require more than $200,000,000 to complete the bargain; and that, whether accomplished or not, it will increase the power and patronage of the Executive to a most dangerous extent. The accretions of power at the center of the Government are already enough to alarm the people. The made land of Executive, centralized power, has extended, and is extending, far into the ocean of popular rights.

It is well known that nearly one half of the annual expenditures (about $40,000,000) go for the support of the Army and Navy. Here is the field for reform and reduction. We now have a standing Army of about twenty thousand men, supported at an annual cost of nearly $20,000,000. Within my recollection the Army has increased three-fold, and the cost of its support nearly four-fold. During Mr. Fillmore's administration, the Army expenditures averaged less

than $9,000,000, and we had the same extent of country we now have. Here I take another extract from the speech of Senator TOOMBS, as follows:

"It was not until the year 1852-53 that the expenses of the Army ever got to two figures in millions in time of peace. Never, before 1850-51, in time of peace, did they reach $10,000,000. When I came into Congress, the Army expenses ranged from five million two hundred thousand to five million seven hundred thousand dollars. During the Mexican war, of course, they increased, and after that they were, one year, $9,000,000, another $8,000,000, another $9,000,000, and never more than $10,000,000 until 1852-53. During those years we had all the Indians and all the Mexicans we now have. Our territory then was more sparsely settled than it is now. We had not five hundred thousand people in California; we had not one hundred thousand or one hundred and fifty thousand in Oregon and Washington; but we had to defend the people on the Pacific, in a few straggling settlements, with troops, and then the Army cost us $9,000,000. Now it costs $18,000,000, without counting the Mormon war. That was a side job, which had its eight or ten millions to itself. It now costs $18,000,000 a year for the maintenance of your Army; within a few millions of what it averaged during the last war with Great Britain. The expenditures for the Army, during that war, averaged about thirty million dollars, and you had four hundred and fifty thousand soldiers in the field. During the Mexican war, the whole expenses of the Government did not, in a year, exceed $60,000,000; and yet, you called out seventy-five thousand men, and gave them magnificent pensions and bounties of public lands; and they went with alacrity, they acted with most distinguished courage, and they shed luster on the name of their country. No soldiers ever fought better in any mere war of invasion, and none were entitled to higher consideration from the country. Then you carried on the Government for $60,000,000, and afterwards, in time of peace, you brought it down to $48,000,000."

The reduction of the Army is demanded by every consideration of economy and expediency. And especially is it necessary to reduce the number of officers and hangers-on of the Army. The time was when a standing Army of twenty thousand men, in time of peace, would have alarmed the people of this country and almost driven them to revolution. The sentiment of the people on this subject found embodiment in the Constitution. That instrument teaches us to rely on our militia of freemen, who will volunteer for the defense of their rights. The fathers of the Republic were very jealous of standing armies, and sought to place the military power of the Government under the control of the civil authority. The power of Congress to appropriate money for the use of the Army, for more than two years, is prohibited by the Constitution. It would be well for us to study the early precepts and precedents on this subject. President Madison, in his inaugural address, says:

"The militia is the firmest bulwark of republics. Without standing armies their liberties can never be in danger, nor with *large ones* safe."

General Jackson, in his inaugural, says:

"Considering standing armies as dangerous to free Governments, in time of peace, I shall not seek to enlarge our present establishment."

Then, I believe, numbering about five thousand men.

I have said that it is not the policy of our Government to maintain large standing armies. The policy has been to support a small establishment, to protect our frontiers against Indian depredations, and to serve as a skeleton for constructing an effective army in time of war. An establishment of six or eight thousand men, with a proper number of officers, liberally educated in the arts of war, is amply sufficient at this time. Such a reduction would be a blessing to the country, and would save the Treasury an annual expenditure of $10,000,000.

There is another view of this subject, which ought to arrest the attention of the country. Of late the practice has prevailed of employing the Army to put down fancied or real insurrections among our own people, and in aiding the execution of the functions of civil officers. In my judgment, this is a plain and palpable violation of the Constitution. It is one of the very abuses and evils which the founders of the Government feared might result from a standing army. It strengthens the arm of the Executive, already the controlling power of the Government, and unites the sword and purse in the hands of one man. If the Army may be used as a *posse comitatus* to enforce the execution of law at the discretion of the President, there is no tyranny that may not be practiced upon the people. A hired soldiery has no discretion but to obey orders; and, under the command of a reckless tyrant or partisan, may butcher the people in cold blood. The scenes in Washington, where the marines shot down twelve or fourteen unoffending citizens, at the command of arbitrary power; and in Kansas, where usurpation and invasion of the rights of the people were protected and encouraged by the military arm of the Executive; where cruel and unjust laws were enforced at the point of the bayonet, all admonish us of the dangers that may result from this assumption of Executive power. The Constitution authorizes Congress "to *provide* for calling forth the *militia*, [not the regular Army,] to execute the laws of the Union, suppress insurrections, and repel invasions." Congress has passed laws for the purpose of calling forth the *militia* in such cases; but the President has assumed the right to use the *standing Army*. That such use is unconstitutional, and contrary to law, I have no doubt. Being so, it affords another reason why the Army should be reduced, and this dangerous usurpation of power taken from the Executive.

I am not prepared to say that any reduction of the Navy should be made. While the proper and legitimate objects for which our Army was established have not increased during the last ten years, but rather diminished, the noble objects for which the Navy is employed are increasing daily. Our maritime interests are being extended over the whole world. The Navy constitutes our best standing security against foreign aggression. It protects our commerce, displays our skill in navigation, and carries our flag and the fame of our arms to the remotest parts of the globe. We have had no increase in the number of seamen in the Navy, and, I believe, no increase of ships under naval appropriations for some years. The few ships that we have built, within six or eight years, have been constructed by special appropriations. There has been no increase of compensation for officers or men in the Navy for twenty-five years.

While I would not diminish the floating force or efficiency of the Navy, especially at this time, when all the signs indicate that the African slave trade is about to be reopened, in violation of law, and in spite of the Government, I have no doubt that many abuses exist in the land department of this branch of the service. We have about eight thousand seamen in the naval service, and about eight thousand men connected with the navy-yards. While there has been no increase in the former, the latter have, within a few years, increased from three thousand to eight thousand. I have no doubt that half the present number is amply sufficient. The expenses of the navy-yards have increased more than three-fold, since 1852. The knife should be applied here, and millions of dollars could be saved. I confidently believe that it would be far better for the Government if one half of the navy-yards were abolished and sold. They are nests of corruption; and the work that is done there could, ordinarily, be better and cheaper done by private parties. That great corruption and frauds are practiced, in contracting for naval stores, and for work and materials about the yards, there can be no doubt. In the larger cities they are made political machines, and used to influence elections. No man can find employment there unless he will vote as ordered by the power that gives him support. About election day it frequently happens that there is need for large numbers of men at these yards. It is understood that this was the case in Philadelphia and New York, last fall. I have known such exigencies to arise at Portsmouth, in my own State.

I have no doubt the expenses of the Navy might be reduced $4,000,000 annually, and not materially diminish its usefulness. Upon this subject I quote from the speech of Mr. TOOMBS, as follows:

"Your appropriations for navy-yards have gone to the building of houses for officers, and making flower pots, and all that kind of thing, at a cost of $2,000,000; and it will be no less as long as you will pay it, but it will go up to $4,000,000, if you do not stop it. There are $2,000,000 that you have no need for at all. You have eight thousand sailors to man your Navy; you have not increased them of late years; and you have eight thousand men in your navy-yards to help them—civilians. You have carried the number up from three thousand to eight thousand. There is discretion. You have eight navy-yards; England has over five hundred and fifty ships, and she has two navy-yards. You have eight, conveniently located, all about through the country, and it is a cause of reproach to good Democrats, *for the enemy say we keep people there to cheat them in elections; and, as God is my judge, I am afraid there is something in it.*"

Much more could be said upon these subjects, but my proposed limits will not allow me to say more at this time. My examination has fully satisfied me that a reduction of the expenses attending the Army and Navy must be made before there can be any material retrenchment in our national expenditures. There are other branches of the public service that need attending to; indeed, corruption and extravagance have crept in everywhere. I cannot follow them to all their hiding places; but I will refer to a few other matters, which seem to have been concealed from the keen eyes of those who seem so eager to retrench in little things. We have here a beautiful and magnificent structure—a Capitol worthy of the nation. I would not have it less magnificent. But that vast sums of money—millions—have been thrown away, and worse than wasted, upon unnecessary work, and upon needless and ridiculous show and flummery, and in paying unreasonable and extravagant prices for necessary things, no one can deny. The corner-stone of the extension was laid on the 4th of July, 1851. The architect, Thomas U. Walter, in his report of December 23, 1851, to the Secretary of the Interior, says:

"I have estimated the cost of executing the entire design, in accordance with the drawings and models, the whole to be faced with white marble, and finished in a substantial and workmanlike manner, and find that every expense will be covered by $2,675,000. This estimate is founded upon the assumption that the interior of the new building will not be more expensively finished than the present Capitol; if, therefore, it should be hereafter decided to introduce architectural embellishments of a *more ornate and expensive character*, the cost will be proportionately augmented."

The appropriations for this work have already reached the sum of $5,075,000, and the estimates call for $500,000 more for the next year, making $5,575,000. The Capitol will be far from completion then. If the present plans are carried out, and Congress will supply the money, the entire cost will not be less than $8,000,000. This does not include the dome, which alone will cost over $1,000,000 in addition. Over $600,000 have already been appropriated for the dome. The original appropriation was $100,000, which many members of Congress supposed would complete it.

When General Pierce came to the presidential chair, $1,000,000 had been appropriated for the Capitol extension. The work was being performed under the direction of the Interior Department. It was soon after transferred to the War Department, and an Army officer detailed to superintend and direct the work. From that time extravagances commenced, until the original estimates are already more than doubled, and the work is far from being completed. On the 11th of August, 1856, the President sent a message to the House, transmitting a report of the Secretary of War, in reply to a resolution of the House of Representatives of May 26, 1856, in relation to the Capitol and Post Office extensions. From that report I make the following extract:

"Captain M. C. Meigs, superintendent, has the general control of the work, makes all purchases, *directs all construction*, employs all agents, *and disburses the funds.*"

Again, in the report of Captain Meigs, (Executive Document No. 139, first session of the Thirty-Fourth Congress,) will be found the following—the words of Meigs, himself:

"Montgomery C. Meigs has, under the direction of the Secretary of War, general authority and control of the work, and of all persons employed thereon; *designing the whole interior construction and arrangement of the building;* decides the style of designs, plans, and drawings of modes of construction; appoints all agents and persons employed; makes all bargains and purchases; *disburses the money;* superintends the foremen; and is responsible for the construction and execution of the work generally."

Here is almost unlimited power and discretion. It is evident that the original designs of the architect have been much changed, especially as to the "interior" finish. I cannot go far into details, but I propose to show a few things from official documents, and some others from equally

rellable information. From Executive Document No. 138, first session of the Thirty-Fourth Congress, I learn that the two front doors, and their outside trimmings, cost $47,072. The items for each, are as follows: two figures, over door, $6,260; bronze door, $13,200; and marble work, $4,076 39—making, for both, the sum before named. The designs and models for these doors cost $12,000. From the same document, I find that, by the original contract, made by Mr. Walter, before military rule prevailed, the front doors were to cost about $600. I learn, also, that the door which will separate the old Representative Chamber from the entrance into the south wing and this Chamber, will cost, according to estimate, $14,416. This is simply for that part which swings on the hinges. The design and model cost $8,000. This latter sum was paid to Mr. Randolph Rogers, and the work was done in Rome. The door is to be bronze, and cast in Europe. The cost of sculpture for east pediment is $60,000. This is only for one wing. The other costing the same, both will amount to $120,000. Much of this is estimated cost. I have no doubt the actual cost is much more. The models alone, for pediment of north wing, cost, in *Rome*, $18,000. The design and model for figure to crown the dome, cost $3,000. When the bronze is cast, and raised to its place, I have no doubt it will cost $10,000 more.

The cost of marble, workmanship, &c., for each window, as contracted for by Mr. Walter with Prevost, Winter, & Co., according to said document, was $822 64. By the change made by Captain Meigs, each window actually cost about $2,000; or more than double. By this change, more than $100,000 was added to the cost. This is only for the marble work. The windows themselves were separate things. I know not their cost. I only know they are made of the best white *French* plate-glass. The spread-eagle handrails for the private stairways, in both wings, cost $12,000. We have all seen one on the dark stairway south of this Hall. It is now proposed to tear out one of the committee rooms, on the floor below, so as to let a little light shine upon this railing. Such things should not be put in dark corners. The painting of the agricultural committee-room cost $5,000; that in one other room, $10,000. How much the daubing in this Hall and elsewhere cost, no one knows.

By a little calculation, I judge that there is about three miles of polished Italian marble washboard, around the rooms and passages, in the two wings. This cost over two dollars per foot; or, in all, $32,000. This was not in the original design. I have tried to ascertain about what the tile cost; but cannot. It averages about one dollar per square foot. The floors of the committee-rooms and this Hall were first laid with tile, which is now covered with costly carpets. A responsible man in this city told me that the contracts for furnishing the tiles were worth $100,000.

The contract for marble, to be used on the exterior, provides for paying "sixty-five cents per cubic foot for all blocks of marble containing thirty cubic feet or less; and $1 98 per cubic foot for all blocks of marble containing over thirty cubic feet." It is well understood that most of the marble was received in blocks containing "*over* thirty cubic feet." I know of men who think the Government has been defrauded out of $500,000 in this way.

Fifteen months ago, there had been paid for Italian marble $74,000; and for Tennessee marble $52,000—making $126,000. This was its cost in the rough. It has been used in the interior of the building; and the cost of cutting and polishing it for its final use must have been more than the cost of the blocks. The original plan did not include such finish.

The four *grand* stairways, two in each wing, leading to the chambers and galleries, with all their polished marble and embellishments, will cost *one million dollars*.

I have gone into this matter further than I intended; but I cannot omit referring to a few other things, with which we are more familiar. I have before me the report of the contingent expenses of the House of Representatives, made by the Clerk on the 13th of December last, and marked Miscellaneous Document No. 4. As it contains some rich items, the cost of some of the fixings, and as the good country people may desire to be informed of the republican simplicity of their Capitol, I have concluded to present a few facts from this document:

Furniture, &c., for the Speaker's room.

Large French plate mirror, with elaborately carved and gilded frame	$1,350 00
Large pier table	275 00
Mantel mirror	215 00
Fine writing table	95 00
Two fine lounges, at $90 each	180 00
Six large antique chairs, at $95	570 00
Six arm chairs, at $48	288 00
Desk chair	48 00
Three suits French brocatelle curtains	900 00
Fine book case	668 00
Eighty yards Axminster carpet, at $4 50	340 00
Making and laying same	22 50
Fire fender, $12 50; pair of andirons, $7	19 50
Shovel, tongs, and stand	9 00
French washstand	85 00
Clothes rack, and umbrella stand	47 00
Fine mosaic hearth rug	38 00
French China chamber set	28 00
Silver-plated ice pitcher	18 00
Ten Britannia spittoons	16 50
Fine marble clock	145 00
Two bronze statuettes	60 00
Fine marble and bronze inkstand dish	50 00
Brushes and combs	7 87
Picture frames, &c	25 00
Making	$5,500 37

The furnished rooms in this wing, occupied by committees, clerks, and as retiring rooms, &c., number about thirty. As a specimen of the cost of furnishing them, I take that of the Committee of Ways and Means, as follows:

Eighty-five yards of velvet carpet, at $2 50	$212 50
Making and laying same	24 75
Two office tables, at $33 each	66 00
Committee table	85 00
Four suits of tapestry curtains, at $145	580 00
Large French plate mirror	425 00
Fine marble clock	145 00
Nine fine chairs, at $33	297 00
Two " " at $50	100 00
Fine book-desk and case	600 00
Fine sofa	85 00
Fine hearth rug	15 00
Fine clothes rack and umbrella stand	32 00
Washstand, marble top	68 00
Pitchers, tumblers, spittoons, and brushes	15 00
Making	$2,749 75

The desks and chairs in this Hall, 260 of each, cost the snug little sum of $47,000, and the cleaning and varnishing the same, since last session, cost $1,156 60; the 18 lounges outside the desks cost $1,980; the 8 lounges in the south lobby of this Hall, cost $760; curtains for 43 windows, in this wing, cost $6,345. I find here 10 mirrors which cost $5,470, and many others costing from $100 to $300 each. The carpet for this Hall, and the laying of the same, cost $2,630 25; carpet for the galleries, and fitting and laying the same, cost $2,230; cushions, for gallery seats, cost $2,359 50.

I find that this House was supplied, during the last session, with 285 English hair brushes, at a cost of $425, and with 285 buffalo combs at $220. I suppose the next annual report of the Clerk will show about the same for this session. Eighteen gold pens, supplied to members of the first session of the Thirty-Fifth Congress cost $143 25. If each member had been supplied, at that rate, the cost would have been $1,904.

There seems to have been more economy in some things. I find by this report that one jug cost only 25c.; one corkscrew 50c.; and two rattraps only $1 75.

The snuff account is small, and stands as follows:

Twelve bottles Maccaboy snuff	$15 00
One half dozen bottles Martinique snuff	6 50
Thirteen pounds "American gentleman" snuff	7 15
	$28 65

This report shows that the present Clerk has paid to L. F. Clark alone, for furniture, $54,628 31. It should be borne in mind that all these expenditures, and many more which I have not mentioned, belong to the House.

I presume the side arrangements of the Senate Chamber are still more elegant and costly. I have not the documents to prove it. I know, however, that they have one retiring room lined entirely with mirrors, and another with polished marble. Without intending to cast any *reflections*, it has occurred to me that if we had here a few mirrors, wherein members of Congress, and especially the Lecomptonites, could see themselves as others see them, it would be money well expended, at any price.

I have examined somewhat into the cost of the other public buildings in this city. I will briefly refer to the Post Office extension. The original estimate for completing that work, was $650,000. And to show that this estimate was ample, I will state that two responsible parties offered to contract for the entire work, one for $547,000, and the other for $575,000. This fact may be found in the Congressional Globe. President Pierce declined their offers, saying that the work was to be done by the day, under the direction of the War Department. Military discipline has prevailed there also, under the command of Captain Meigs; and the appropriations have already reached $900,000. The estimates for the next fiscal year call for $150,000 more. How much it will finally take to complete the work no one can tell. Comment is unnecessary. If there is nothing else for Army officers to do, except to superintend the construction of public buildings all over the country, I think it is high time that one half of them should be dismissed from the service.

The expenses of this short session of Congress are considerable. Including the salaries of members from the close of last session to the 4th of March, they are as follows:

Senate.

Compensation and mileage		$162,750 00
Employés		79,244 00
Contingent expenses		184,325 70
		426,319 70

House of Representatives.

Compensation and mileage	$580,250 00	
Employés	86,748 00	
Contingent expenses	385,464 60	
		1,052,462 60
		$1,478,782 30

To each of three hundred members, $4,929 27; or, for each member for each of the sixty days of this session, $82 15. Reform, as well as charity, should begin at home.

I have some other items, but I think I have said enough to show this committee and the country that there is "rottenness in Denmark." The expenses of the Government have swollen to an enormous and unreasonable extent. The party in power know that they are responsible for this increase and extravagance. They have controlled the Government for six years, and have added *thirty million dollars* to the annual expenses. They have run the nation in debt *forty millions* during the last year, and now require more. Alarmed at this state of things, and knowing that the people will hold them accountable for it, they are struggling to make some slight amends, and escape condemnation. Their councils are divided, and the whole thing will end without any relief to the country. The only thing that can bring relief, a modification of the tariff, so as to encourage and protect home industry and home productions, finds its most strenuous and bitter opponents among that party which has brought this calamity upon the country. Let us rejoice that the time is not far distant when an outraged people will pass judgment upon this party for its much wrong-doing. Its efforts to enslave Kansas are not forgotten. Its subserviency to the slave-power is well known. That power, which usually controls the President, cannot now be controlled by him. In his financial distress they abandon him. It is as much opposed to any tariff policy that will benefit the free-labor industry of the country as it was in the days of nullification.

The ship of State must be manned by new officers and crew, from the Republican ranks, in 1860; and she will again float in the sea of prosperity, and carry rich freights to all parts of the Union

REVISION OF THE TARIFF.

SPEECH OF HON. WM. MONTGOMERY,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 21, 1859.

The House being in the Committee of the Whole on the state of the Union, and having under consideration the President's annual message—

Mr. MONTGOMERY said:

Mr. CHAIRMAN: I intend to make some remarks on that part of the President's message which relates to a revision of the existing tariff laws.

This is a subject in which every Pennsylvania Representative feels a deep and thrilling interest. As one of those Representatives, I propose to make some remarks on this subject, rather by way of suggestion and request than as a regular argument.

On the 20th day of February, 1857, this House passed the revenue law commonly known as "Campbell's tariff." On that day there was in the Treasury of the United States a surplus of over $20,000,000. We had more money than we could expend. Every branch of business was in the highest degree of activity, and prosperity smiled upon the land. In less than one year thereafter, the President of the United States, in discharge of his official duty, asked us to pass a law authorizing a loan of $20,000,000 to enable the Government to meet its liabilities—to unlock its wheels and set its machinery in motion.

Our commerce had fallen off; our manufactures were idle; thousands of laborers were cast on the community, without any means of gaining a livelihood; a panic had unstrung the nerves of credit; and general distrust of everything and everybody withdrew capital from its ordinary and legitimate channels. Now, I will not say that this crisis was entirely produced by the passage of that ill-timed tariff bill; but I will say that I do believe that the period of its coming was greatly hastened by it. Nor am I sure that this stagnation of business, this want of confidence—the cause of all our misfortunes—would have ever existed, if that bill had not become a law. With the influx of gold from California, and our great prosperity, we might have prevented, or, at least, have procrastinated, the time of disaster. When this House passed that bill, men of capital and business at once contracted their expenditures. Banks began to diminish their circulation; money soon became scarce; public confidence was shaken; and the crisis was suddenly precipitated upon us.

I do not propose to enter the field of calculation and conjecture to ascertain what our situation is, or what it might be. I will not parade figures on this floor to show that our expenditures are too great or too small. I must legislate for the nation as I find it. For many years no set of appropriation bills have been passed without a number of patriotic gentlemen taking the heads of Departments to task for extravagant and wasteful expenditures. Plausible and earnest speeches have been made, and buried in that tomb of oblivion, the Congressional Globe; but the nation has gone on progressing, and the expenses have steadily increased with our multiplied wants and growing population. Gentlemen may conjecture what might be done, and tell us what they could do; but it is the dream of theorists; it never can and never will be realized. I judge the future by the past; I take the nation as I find it, as it is, as it has been, and as it is destined to be. What, then, is the spectacle we this day present, as a nation? We have a national debt of $64,000,000. The estimates made by the head of the Treasury Department show that our revenues will not meet our expenditures by about $8,000,000. And all this in a time of profound peace!

I regard the estimates of the Secretary as much too low; and I think with my colleague, [Mr. PHILLIPS,] that the deficiency will be much nearer $50,000,000 than $8,000,000. That part of the question has been very fully elaborated by both my colleagues, [Mr. HICKMAN and Mr. PHILLIPS,] and I propose to devote my attention to other considerations. I indorse their figures and sustain their calculations. But I may add that, unless the Paraguay expedition is conducted with much more economy than the Mormon war, the estimate of $50,000,000 for our deficiency is much below the mark.

Then suppose the old soldiers' bill shall pass and become a law, it is estimated that it will require $11,000,000 to pay the pensions provided for in that act. Again, suppose the homestead bill receives the approbation of the Senate and the President: this will deprive us entirely of the revenue from public lands, and will decrease the income $5,000,000. These two items taken together make $17,000,000 that are likely to be taken from the estimates of our receipts and added to our expenditures during the fiscal year.

By what species of arithmetic the Secretary of the Treasury failed to include the $19,754,800 of Treasury notes which fall due on the 1st of July next, as a part of the fiscal deficiency, I cannot conceive. We owe these notes; they fall due, and should be paid; yet they are not included in his calculation. But my colleagues have already so ably handled that subject that I will not consider it, nor go over the calculations.

Taking this as our stand-point, and viewing our financial condition with these lights before us, what is necessary to be done? Shall we go on madly and recklessly increasing our indebtedness by further loans? I think such a course is neither wise nor prudent. It is condemned by the President and by the Secretary; condemned by the very spirit of our republican institutions, which requires simplicity and economy. I regard a national debt as a national curse; and I will never, by any vote of mine, acknowledge it as a permanent and lasting policy. We must, then, revise the tariff, and raise more revenue; pay our debts, and preserve our credit.

There is a sneering allegation often repeated on this floor, that "Pennsylvania wants a tariff." If, by this declaration it is intended to charge that Pennsylvania demands a tariff merely for selfish purposes and without any motives of a national character, I emphatically deny it—such is not the case.

A revision of the tariff is demanded to replenish our exhausted Treasury, to save our national credit, and to redeem our national faith. The President has advised it. The Secretary of the Treasury has urged it upon us; and a national debt of $64,000,000 is an argument whose colossal proportions can neither be disputed nor answered. No, sir, it is not Pennsylvania, but the nation, that asks a revision of the tariff.

The President of the United States, in his wisdom, after an experience greater than any statesman in America, has admonished us of the necessity; and the Secretary of the Treasury has twice urged upon us the importance of immediate legislation. The President has well said that this change is demanded, not only to replenish our exhausted Treasury, but that the incidental protection thus afforded might, "to some extent, increase the confidence of the manufacturing interests, and give a fresh impulse to our reviving business." I certainly agree with him. His suggestion, and his recommendation of specific duties instead of the present *ad valorem* rates, are eminently wise and proper, and entitle him to the lasting gratitude of the working men of our whole land. As a Pennsylvanian, I thank him for it; and I will here in my place exert my feeble influence to have them carried out.

We are told by the friends of a revenue tariff, that the increase in the duties must be placed upon all articles alike. They claim that we shall exercise no discriminations, make no distinctions; but shut our eyes to all other objects than the revenue to be raised. I am not one of that number. I am for an increase of the tariff; but I desire to discriminate in its modification in favor of our own manufacturers and producers. I desire that this increase of duty shall do something more than replenish our Treasury. I desire to see it, in the language of the President, "*increase the confidence of the manufacturing interests and give a fresh impulse to our reviving business,*" by incidentally protecting them from ruinous competition with the products of the cheap labor and great capital of other lands.

The difference between us, on this question, is of the highest importance. The friends of incidental protection and discriminating duties are also the friends of a home market and of American products, skill, capital, and enterprise. The friends of a revenue tariff without discrimination are wholly indifferent to the fate of our manufactures and look no further than the mere collection of revenue.

I here desire to meet and repel a common delusion which prevails on this subject, and which seems to afford an argument which the friends of a revenue tariff urge with great pleasure and plausibility. We are told that a tariff is a tax; and that when we propose to levy a duty upon such articles of our imports as we can either manufacture or produce in our own country, we thereby increase the price to the consumer, and in this way tax him. Now, will the friends of a revenue tariff tell me if, when we levy a duty on such imports as are neither produced nor manufactured in our country, we do not increase the price to the consumer upon them also? It is unquestionably true, that all duties are, in the beginning, a tax on the consumer; nor does it matter whether we produce the same kind of articles in our country or not, still, the duty is a tax; although, as I intend hereafter to show, where we produce articles of a similar kind with those on which we impose a duty, the protection thus afforded attracts capital, skill, and enterprise, into that kind of production, and thereby necessarily and invariably decreases the price to the consumer, and, instead of being a tax, it really gives him a better article at a lower price.

But what I now desire to show is the fallacy of the argument which charges the friends of incidental protection with taxing the people. Permit me to illustrate. We have now a deficiency of $8,000,000 to raise by an increase of duties on our imports. The difference between us is not the amount of money which we propose to raise; both sides ask an increase of $8,000,000. This sum of money we must have. The enemies of protection propose to tax the people just as much as its friends. Both sides propose to raise $8,000,000 by a tax. Let me hear no more then of the argument that, because we advocate incidental protection to our own producers and manufacturers, we are therefore the only advocates of a tax on the people. Those who advise a revenue tariff propose to place a duty on tea and coffee. I propose to increase the duties on iron and wool. Am I any more the friend of taxation than they? They place the duty on tea and coffee, and thereby tax the laboring man and benefit no one. I place the duty on iron, and thus foster and encourage the American manufacturer, and benefit the consumer by giving him a cheaper article and a home market. Yet, amusing as it may seem, these gentlemen who tax the poor and laboring classes on the necessaries of life, charge me with imposing burdens on their constituents. A duty on tea and coffee falls on the poor; a duty on railroad iron falls on rich corporations against which some gentlemen profess such a horror. It is, therefore, no difficult task to judge between us, nor to determine which is the advocate of burdens on the people. I therefore trust that, in the progress of this debate, I may hear no more of this tax argument. It is not true, and is too transparent a humbug to deceive any one. We agree as to the amount we desire to raise; and we differ only in the articles on which we intend to have the duties imposed, and the manner of imposition.

Another favorite argument with the opponents of protection is, the want of constitutional power to impose protective duties. The first tariff law ever passed was signed by George Washington, and was advocated and voted for by the very men who framed the Constitution. Yet that law contained the memorable declaration that it was necessary that duties be laid for "the *encouragement* and *protection* of manufactures." This was a favorite doctrine with Washington, Jefferson, Madison, Monroe, and Jackson. Each of these illustrious statesmen, in their messages and public speeches, earnestly and ably advocated, not tariffs for revenue, but tariffs *for protection*. Sanctioned by the authority of these great names, I might safely leave this subject without further comment. Before the adoption of the Federal Constitution, the power to regulate commerce within their bor-

ders belonged to each of the old thirteen States. The Articles of Confederation gave Congress no power over the subject, and it was one of the strongest arguments in favor of the new Constitution—that this power would thereby be vested in the central Government, and the laws regulating the intercourse, as well between the several States as foreign nations, would be uniform and consistent. Previous to the adoption of the Constitution, the several States had local laws on this subject; and conflicts of a dangerous and exciting character were likely to grow out of this complicated jurisdiction. In 1785, the Legislative Assembly of Pennsylvania passed laws regulating commerce, and similar enactments will be found in other States. This power was given up by the States to the Government of the Union. It was not extinguished nor relinquished, but merely transferred from the Legislatures of the States to the Legislature of the Union. Viewed in this light, we see how consistent the legislation of the First Congress was with this constitutional grant. The men who framed that Constitution were the same who left us the light of their interpretation to guide us in after years. Many of the commercial laws passed by the First Congress are yet in force, and have received the approbation of every succeeding Congress and of the nation, through many long years. Yet those laws not only protect our home industry, but actually prohibit foreign competition.

The power "to *regulate commerce*" is given in the constitution. Those who deny the constitutional power of Congress to pass protective laws, must interpret "regulate" to mean *let commerce alone*—for that is what they ask us to do. We on the contrary, ask Congress to control, guard, foster, and encourage our commercial intercourse; to do what all other civilized nations have done, and are doing; we ask the passage of laws to make our commerce profitable and advantageous; not only a source of a revenue, but a means of increasing our welfare and happiness, by building up our own manufactures and stimulating and increasing our productive industry and wealth. Judge between us, which is the better interpretation. And here, I might leave this subject, but I prefer to show that even the enemies of protection, the men who make this objection, have, and still do sanction by their acts and votes, the constitutional power of this Government to protect our own industry, even by *prohibitory laws and bounties*. Under the power to regulate commerce, the first Congress passed laws confining the coast trade to American ships. This law is still in force, and is deemed eminently wise and just by all. I am its friend, yet this is not only *protection*, but *protection by prohibition*. Look at the bounty of $200,000 paid annually to those engaged in cod-fishing. This is another phase of the same power to regulate commerce, not only *protecting*, but actually taking money from our Treasury as a bounty to stimulate the industry and enterprise of our people. Let those who doubt our constitutional power to protect remember the embargo advised and signed by Mr. Jefferson. Was he a Democrat, and did he understand our Constitution? Again, if the authority to protect our industry is not vested in Congress by the Constitution, we present the strange anomaly of a nation without a power possessed by every other civilized people on the globe—a conclusion so absurd, that it will not bear a moment's consideration.

I have made this hasty examination of this branch of the question by way of suggestion to those who think the Constitution a stumbling block to the levy of protective duties.

Although I consider the constitutional power vested in Congress, ample to authorize us to pass all necessary protective laws, yet I do not advocate the passage of prohibitory laws, nor claim protection for the *sake of protection* only. All I ask for Pennsylvania is the passage of laws which, whilst they do not prohibit trade, so discriminate in *the duties* imposed, as incidentally to foster, encourage, and protect our agricultural and mechanical interests. No tariff ever was levied in this country which did not make discriminations. Discrimination necessarily becomes protection; and I regard it as wise and just; and whilst this system continues, I, for one, will never consent to any law which robs Pennsylvania of her share in these incidental advantages. I regard the tariff law of 1857 as an outrage on the interests of Pennsylvania, and I am for its immediate repeal. The tariff of 1846 had been in force for eleven years; under it the nation was happy, contented, and prosperous; and its repeal was an impertinent and disastrous interference with a law, which experience had shown to be wise and wholesome. There is nothing the manufacturing interests of the country so much dread as this uncertainty in legislation. That the world is governed too much is certainly true; but especially is it true in relation to tariffs. When a law operates well, let it alone. Hands off, should be our motto. Laws, under which hundreds of millions are invested, should be changed only in extreme cases, and with the greatest caution and prudence.

I would prefer specific to *ad valorem* duties; yet, in the main, the tariff act of 1846 had worked so satisfactorily, and we had been so prosperous under it, that I dare not condemn it. Change the form of the duties, and restore it, and make it sacred from the tinkering hand of tyro legislators, and prosperity will be restored, and the Treasury replenished.

I am the earnest advocate of specific duties; and I regard the *ad valorem* principle which prevails in the act of 1846 as its most serious objection. The principle of *ad valorem* duties is impolitic, and the revenue derived from any tariff founded upon it must be fluctuating and uncertain. How can we rely on a permanent revenue from a tariff whose duties fluctuate with the price of the articles on which they are levied? You levy twenty per cent. on a given article; the ten thousand causes, which are ever operating on the market, reduce the price of that article fifty or a hundred per cent.; your duties are diminished in the same proportion. The importer doubles his imports in times when the price has been reduced, yet the Government only receives from him the same duty formerly received for one half the quantity of goods.

Ad valorem duties have four evil effects. First, the Government, under such duties, never can confidently rely upon a certain revenue. Secondly, such duties are easily avoided by false invoices and other fraudulent contrivances; and, thirdly, in times of greatest financial distress, on account of the cheapness of the price, it stimulates to overtrading and plunges the nation in debt when least able to pay. This drains the precious metals from us to meet the accumulating balance of trade which stands against us on the ledgers of other nations. Fourthly, the reduction of the duty by the fall in the price brings our manufacturers in direct competition with the products of other countries at the very time when the financial pressure makes them least able to bear it.

The recommendation of the President on the subject of specific duties cannot be too highly commended. In the name of Pennsylvania and of the country, I thank him for it. The wisdom of his advice will be remembered by the nation in times to come, and the principle of specific duties will never need a clearer argument to sustain it than he has given us.

For forty years the representative of a State deeply interested in the collection of the revenue, Mr. Buchanan has, perhaps, a more enlarged experience, a more comprehensive knowlege of the operation of our tariff laws, than any man now living. Let not, then, the calm, enlightened counsel he has given us, be treated with neglect. Let us cast aside our prejudices and examine the question as he has done, and, my word for it, our conclusions will agree with his.

The yard-stick and the scales cannot be cheated by fraudulent invoices. No combination of the manufacturers and importers will make a yard shorter than three feet, or a pound lighter than it is. No financial embarrassment, no reduction in price, will diminish the length or weight of the import. Your banks may suspend; your prices may depreciate; all other things may fluctuate; but when the duty is so much per yard, or so much per pound, there will be permanence and uniformity. The temptation to overdealing when the price is low will be checked, because the duty is unchanging. The disastrous effects on our manufacturers and producers of a reduction of the price and the duty in the periodical financial embarrassments which pass over our country, will not so frequently occur. The manufacturer, when he invests his capital in machinery and materials, will have the assurance that he will have the incidental advantage of a certain and specific duty. The same sum, levied in an unchanging and certain form, will afford him a surer and better protection than a higher, though fluctuating duty. The manufacturer as well as the Treasury needs certainly a thing which never can be attained under *ad valorem* duties. You levy the duty on the value, and the value changes, and with it the duty changes; but when you levy the duty on the pound or the yard, the price may change, but the weight, measure, and protection, remain the same. The recommendation of the President is sustained by the practice of nearly every civilized commercial nation on earth. The revenue laws of England, France, and Russia, impose specific duties almost entirely. The experience of centuries has demonstrated the wisdom and propriety of specific imposts; and we should not forget its lessons. Let us learn from other commercial nations, and follow their example.

It may be difficult in the beginning to adjust the rates of duty on many articles, where the resemblance is so close as to deceive the officers; but experience will soon teach us the defects of a new system, and enable us to correct them. Many kinds of cotton goods of very different value, are so much alike in appearance that ordinary judges would be deceived. Yet it is equally true that the difference is perfectly apparent to those conversant with such business. It therefore only requires a certain amount of knowledge to obviate the difficulty which arises from resemblance of one thing to another.

Nor has this objection any weight in case of specific duties which is not equally applicable to a duty on the value; for, if the resemblance is so great as to prevent ordinary judges from detecting important differences, they can no more tell its value in one case than another; and the resemblance which deceives the officer as to the class to which it belongs, will also deceive him as to its price; so that the objection is applicable to all systems alike, and has therefore no weight when urged especially against specific duties.

Pennsylvania has a deep interest in the proper adjustment of this important question. The fires of her forges and furnaces have gone out; her glass works are no longer in blast; her coal is brought in ruinous competition with the products of the mines of Nova Scotia, and her wool is reduced in price by the importations from aboad. Every interest that Pennsylvania had in the tariff was stricken down by the act of 1857. The advantage she derived from the incidental protection of former tariffs was reduced, and her products were brought into competition with imported articles, under practical free trade.

This state of things demands redress; and in the name of justice we demand it. Pennsylvania pays a large share in the expenses of this Government, and she has a just right to demand her share in the advantages derived from the imposition and collection of duties. If, in adjusting our duties on imports, we incidentally give aid and encouragement to particular branches of industry, why should the industry and staple productions of my State be forgotten? Let any man take up the tariff act of 1857, and say, if he can, that Pennsylvania is fairly dealt with. A monetary crisis was then regarded as at a distance; by the passage of that act you destroyed public confidence, and precipitated it upon the country at once. Inspired by the firm belief that, at the present session of Congress, wise legislation would supply the obnoxious provisions of that odious law, public confidence is slowly reviving. Pass a judicious and properly-considered tariff, and prosperity will soon smile throughout the land, and the palsied arm of industry will again grow strong; labor will find employment, and content and happiness will go abroad arm in arm.

Permit me for a few moments to call the attention of this House to the extent of interest Pennsylvania has in the revision of the tariff.

Under the reciprocity treaty between the United States and England, in relation to the trade between us and her North American possessions, our Pennsylvania coal is brought into free competition with the products of the inexhaustible mines of Nova Scotia. This sacrifice was submitted to by us without a murmur, although the blow fell heavily upon the industrial interests engaged in that extensive branch of trade. Pennsylvania, with that generosity which has ever distinguished her when a sacrifice was required of her individually for the national interest, gave up all claim to protection on coal, and entered into competition with the most accessible and greatest coal fields in the world. We are informed, in a lecture delivered in this city, in the Smithsonian buildings, by Professor Joseph Le Conte, and published in the last report, that, according to a geological examination made by Messrs. Lyel and Dawson, "the coal stratum of the Nova Scotia mines, at the South Joggins, is about three miles thick. At the Albion mines, one hundred miles distant, it is nearly the same; and the coal basin is three thousand six hundred square miles in extent, and of an average thickness of a mile." These immense deposits, easily accessible by sea, are being mined at a very small expense, and can be brought into our seaports in immense quantities. Coal has, therefore, been stricken from the list of articles on which Pennsylvania asks protection.

When the tariff act of 1857 was passed, there was not a village on the Monongahela river in which there was not one or more glass manufactories in operation. A single manufactory is now left, a last survivor of them all. The laborer is idle; the fires have gone out; and the business is suspended. Can all this change be attributed to the financial embarrassment which has prevailed? Was not a great portion of it owing to the passage of that act which threw open our ports to the cheap products of other lands? Capitalists want confidence before they risk their money, and manufacturers must feel sure of a market before they are willing to invest their funds in manufactured products.

IRON.

There are said, by competent judges, to be forty thousand persons engaged in the manufacture of iron in the State of Pennsylvania. We produce more iron than all the other States of the Union, and about one third the quantity made in Great Britain; as much as France; five times as much as Russia or Sweden; and four times as much as Belgium.

Gentlemen ask us to let our iron enter into competition with England free of duty, or substantially so. Our iron manufacture is yet in its infancy. Even now, however, products of equal value can be produced almost as cheap in Pennsylvania as in England. But the kind of iron which is sent here, and which enters into competition with ours, is of an inferior quality—a kind of article which is nowhere manufactured in our country.

England is deeply interested in breaking down our manufacturers. Pennsylvania is her greatest rival for the iron markets of the world. The United States is the greatest consumer of her iron; and if she could destroy the Pennsylvania manufacturers, she would have a monopoly of our market, and could increase the prices to any extent without the fear of competition. For years she has been attempting to destroy our forges and furnaces by bringing into the market railroad bars so inferior in quality that its wear is, when compared with Pennsylvania iron, *as one to two*. Railroad companies, in their eagerness to get a cheap article, have been tempted to buy it at nealy as high a rate as they could have purchased American iron, which would have lasted twice as long.

English iron is excluded from the ports of Europe by the high rates of duty imposed upon it, and she must either sell to us or have no buyers; she has therefore persistently and earnestly resolved to secure the market of the United States; and, as a preliminary step, she desires to blot out of existence our iron manufactures, and I regret to say that she finds active allies in the free-traders on this floor. France imposes a duty on rolled iron of $41 75 per ton, and $15 50 on pig metal. Russia and Sweden have each heavy duties on iron. Shut out from the ports of Europe, England must find a market here, or cease to be an iron manufacturing nation. She knows this, and her manufacturers are ready to sacrifice millions to secure a monopoly of our market.

It is estimated that forty thousand persons are directly or indirectly employed in the iron manufacture in Pennsylvania. Many of these persons have been thrown out of employment by the disastrous effects of the tariff of 1857. With this evidence of the injurious consequences of that law, why should we hesitate to wipe it from the statute-book? We are impoverishing the nation by permitting the honest industry of these people to remain without employment. It is their labor which fashions the raw material and gives it value. Go with me and inquire of what the most valuable products of human labor are composed? What is glass? A black stone is dug from the hills; a fire is kindled with it, and the sands of the river are gathered, and, with a quantity of potash, and some other slight ingredients mingled together, it is placed upon the fire, and glass is the valuable and useful product. What is iron? Again the black stone dug from the hills is fired, and another stone is quarried and cast upon it, and the molten lava that runs from the furnace is that most useful and indispensable metal called iron. These are the products of human labor. The raw materials are valueless, until combined and modified by the industry of man. It is labor that makes us rich and independent. It swells the mass of material wealth, varies our national pursuits, and makes us a world within ourselves. The hand of nature formed these raw materials for the use of man, buried them out of the way in the bowels of the earth, or cast them by the river side, that man might dig from these great treasure-houses as his wants required. God made Pennsylvania the land of iron. By the side of the ore he buried the inexhaustible veins of coal, and then heaved the level earth into mountains, that its wealth might be accessible.

Let us not make war against the behest of the Almighty. These mountains hold emboweled the greatest source of national wealth and independence. Let us encourage the full development of this inexhaustible treasure. Our iron manufactures are but in their infancy; give them time and they will ripen into sturdy manhood. The tender child needs the mother's care; but in the fulness of years, it attains its growth and rejoices in its strength. Give us but time, and foster and protect us; permit capital, energy, and enterprise, skill and experience, to become invested and enlisted in this business, and, my word for it, we will soon compete with England, not for our own, but for the iron markets of the world.

The Pennsylvania iron manufacturers have had much to do. They found these mineral deposits in mountainous and sparsely-peopled regions. After they had expended millions in buildings and machinery, they had to erect houses for their hirelings, dig roads over rugged mountain ridges, and build long lines of railroad before they could get their products to market. These immense works require the labor of years. And it is these vast expenditures of time and labor that have retarded the full development of our manufacturing ability. Give us but time, and we will enter the market and defy the competition of all lands. We will not confine our operations to a home market; we will cross the seas to other lands, and add annually to our national exportations hundreds of millions in the shape of iron. How much richer this nation then must be! We now expend millions for iron brought from abroad; then we will make our own iron, and keep our money at home. We will have the iron and the millions both.

What has enabled the citizens of England to loan to their Government £800,000,000? Was it not because she manufactured and produced more than she consumed? It was but the products of her sales to other countries. This is the foundation of her wealth, as it is of every other nation. We should manufacture our own goods and keep our money at home to circulate amongst our own citizens.

Protect our iron manufacturers, and you will not only give employment to our own industry and develop our own resources, but you will bring capital from abroad to be invested here in a permanent form. It is a rule of trade that capital seeks profitable investments. Make the iron business profitable by protecting its manufacturers, and you invite the investment of capital in its production. The moneyed men of England and of Europe will send their surplus funds here to build iron works, and you will thus increase our national wealth, and reduce the price of iron by the competition and rivalry incited amongst its manufacturers; you will enlarge the basis of production, give a fair field to the skill and enterprise of our citizens, and develop our natural resources. Nothing so much contributes to the happiness and prosperity of a nation as a diversity of pursuits and a proper division of labor. A nation, a world within itself; a nation around whom you might build a wall, and yet all sources of national industry and production would go on in their natural channels, is alone really great and independent. I would not put fetters on commerce, nor close our ports against the productions of other climes; but I would foster and encourage our own productive industry, until it had acquired a wealth, strength, and permanence, that would enable those engaged in it to withstand competition with the old established manufactories of other nations.

We have such a variety of climate and production, such a broad and glorious land, that we need but little from abroad. Let our industry be as varied as the climate and soil of our country: then war may rage along our shores; but it cannot impede our progress, or shake the firm foundation of our prosperity. The bonds of our national union will be strengthened by the cords of commercial dependence. One section of our country will be dependent upon another; the North will learn to love the South, and the South the North. Mutual wants will create mutual affection; and additional prosperity will add additional strength to our national Union.

Who would deny this stimulant to prosperity, when we remember that it arises incidentally, and almost necessarily, from the collection of the revenue indispensable to the wants of Government? We impose no additional burdens upon the people; we merely discriminate in the imposition of duties on those articles of import which come in competition with the productions of our own citizens. This is all we ask. Yet there are those who are unwilling to concede even this to American producers. As for myself, I am for our own country, our own people, our own productions.

WOOL.

But there is another great product in which Pennsylvania feels a deep interest; that product is wool. I reside in the greatest wool-growing county in the United States, and I feel considerable interest in the imposition of proper duties upon it. A prevailing idea is, that coarse wools should be admitted duty free. I do not think so. I am aware that there is no wool of such coarse texture as is embraced in the free list produced in this country; yet it is equally true that this coarse article is substituted for our own coarse wools in many articles, and thus diminishes the demand and reduces the price. It operates most injuriously on the small farmers and the poorer class of our wool-growers. I am, therefore, in favor of a duty upon it. The amount of this kind of wool imported is the evidence of its consumption and the extent of its competition with ours. We imported last year $3,843,320 worth of wool free from duty. The value of the imported wool of a finer grade, which paid duty, was $179,315. Much more of this class of wool was imported, but, owing to the revulsion, it was not used here, but was reshipped to other places. It is, therefore, apparent that the duty on wool may be very properly increased. The price of wool, since the great reduction of duty upon it, has declined from ten to twenty per cent. This decline in price is not entirely owing to the reduction of duty, but may perhaps be, in part, attributed to the pressure in the money market. Yet we feel seriously the injurious effects of the present tariff, and we demand its repeal. Washington county, where I reside, produces annually over $500,000 worth of

this staple, and such a percentage on the produce of our county is deeply felt by our people.

THE ADVANTAGES OF A TARIFF.

I have been attempting, in my remarks, to impress upon the committee the deep stake Pennsylvania has in the proper imposition of duties. I now propose to point out some of the advantages which arise from protective duties.

There is no writer on political economy who does not teach that nothing tends more to increase national wealth, and to develop the skill and ingenuity of a people, than a division of labor and a variety of pursuits. When we stimulate capitalists to invest their money in manufactures of any kind, we produce this division of labor and diversity of calling which we have been taught to regard as national blessings.

Labor is wealth. To permit labor to remain unproductive is to lose a portion of our national wealth. To open new manufactures is to create new pursuits, and to give additional employment and higher wages to productive industry, and, therefore, increase the wealth and happiness of the nation.

When we erect manufactories, we create home markets for our surplus products. The whole community is benefited by the exchange of the products of one man's labor for that of another. The farmer raises more grain than he can consume, and he exchanges it with the tailor, the shoemaker, the merchant, and the iron manufacturer, for their products. They live beside each other, and the cost of importation is saved to each. The farmer sells his grain cheaper, because he has not to haul it to market. The merchant sells his goods lower, because he got them from the manufacturer over the way, and, consequently, saved the cost of transportation and his own traveling expenses. The goods are cheaper and quite as good as if they had been transported over the seas. To illustrate what I mean by a home market, I will take the case of a farmer in one of the broad productive prairies of the West. The rich, fat lands have been tilled, and he has an abundant harvest. His corn is worth ten cents a bushel; his wheat twenty-five cents; his oats six cents. Now, why is this? It is because he has no home market. If he hauls his wheat three hundred miles in a wagon, it has taken the whole price of it to pay for the transportation. If he hauls it fifty miles, and gets one dollar per bushel, one sixth of that dollar has to be paid for freight. If he takes it one hundred miles, one third of his crop is sunk in its carriage. Put the market at his door, and this one sixth and one third, and indeed all cost of transportation, are saved. And it is to be remembered that this saving is not on one bushel, but upon his whole crop; not upon one kind of grain, but upon all.

Now, let us suppose that one fourth of his crop goes to purchase articles the price of which has been increased twenty per cent. by a tariff: is he not greatly the gainer if he saves one fourth the price of his whole crop by avoiding transportation? These are questions easily solved by the simple rules of arithmetic, and I leave them to the consideration of members who are disposed to overlook or depreciate the value of a home market. We are told by the advocates of free trade to buy where we can buy cheapest, and to sell where we can sell dearest. It seems to me, that gentlemen forget that the teeming productions of the great valley of the Mississippi and Missouri have from a thousand to fifteen hundred miles to travel before they can reach the sea-coast, and then they must pass three thousand miles over the Atlantic to Europe. Now, permit me to ask some of my mathematical free-trade friends to calculate what part of the price of a bushel of wheat would go to the farmer who raised it, after he pays the cost of this transportation. Yet, gentlemen of reputation stand on this floor and tell us of the advantages of a European market for our surplus agricultural products, when the statistics demonstrate that Massachusetts consumes more of our agricultural productions than is exported to all Europe. Any gentleman at all conversant with the prolific yield of grain in any one of our prairie States, is aware that the surplus yield of a single year will more than equal our whole exportation. This surplus production must increase every year. What, then, is to be done, unless we create a home market for it, by taking men from the agricultural, and giving them employment in some other pursuit? Take them from the production of grain, and make them its consumers?

We are told that we oppress the farmer by increasing the price of the articles he consumes. Admit it, for the sake of argument: and is it not better that he should pay a higher price for his cloth, his shoes, his hats, and his iron, than that his crops should be permitted to rot in his granaries for want of a market? If the farmer produces no more than he consumes, his industry is unproductive, and he will never gain anything by his labor. If he does produce more than he consumes, then there must be consumers who are not producers of grain. Now, if all men in our country were to quit manufacturing, and go to farming, we would have in agriculture all producers and no consumers, and the product would be valueless for want of a market. Yet, such is precisely the kind of political economy taught by the advocates of free trade, and the enemies of home manufactures. We must create a variety of pursuits that the surplus productions of one branch of trade may be consumed by another. The shoemaker makes more shoes than he wears, and sells them to the farmer, who wears them out whilst he tills the crop, the surplus of which pays for them. Thus one trade supports another, and the surplus of all these products constitutes our national wealth. This system renders us independent of other nations; it makes us rich and prosperous in peace, and saves us from want in time of war. A policy so just and so indispensable to our happiness merits the approbation of every good man.

The theory of "buying where you can buy cheapest, and selling where you can sell dearest," has misled thousands. The producer of agricultural products, if he had money, might possibly purchase articles of English manufacture cheaper than he could those made in the neighboring village; but he has not got the money; he can only buy by selling his grain, and the English importer will not take that; he must have money. Now, if he permits his crop to rot for want of purchasers, how much is he profited by the cheap goods of England? The rule is a correct one; the error is in its application. The farmer who encourages the home manufacturer practices on that rule. He realizes the advantages of a *home market;* he knows that what he produces will find a consumer close beside him. His is a certain market, and a fixed price. The farmer knows that, *to buy*, it is necessary first *to sell;* and both are necessary to prosperity.

For fifteen years previous to 1844, the average annual export of wheat to Great Britain from all other countries only amounted to 11,000,000 bushels. There was great variation in the yearly exportation; sometimes it was down as low as 300,000 bushels, and in other years it ran up to 24,000,000 bushels. The price was as variable as the quantity, ranging from $1 07 to $1 92 per bushel. Of this 11,000,000 bushels, the United States supplied about 2,100,000; the residue was furnished by many other countries, chiefly, however, from the Baltic. The whole supply of wheat, however, from the United States to Great Britain is not equal to the surplus production in a single congressional district in the wheat-growing regions of our country. When the farmer cannot sell, how can he buy?

The price of wheat at Dantzic, Hamburg, Amsterdam, Antwerp, and Odessa, the principal wheat marts on the continent of Europe, only averaged, for fourteen years, (from 1830 to 1843 inclusive,) eighty-eight cents per bushel. Take off the cost of transportation from our country to England, and it can be seen that our wheat growers never can hope for a remunerative market in that country, at such prices. It is, therefore, clear as demonstration, that our agriculturists never can find a market for their surplus products in Europe. We must rely on the home market alone for consumption. Remember, now, that the rule of the economist is to sell dear and buy cheap; but we must *sell before we are able to buy.* If the American farmer does not patronize the American mechanic, the latter must cease manufacturing, and cease to be a consumer; and the former must lose his market, and the latter his business; and both are ruined. The chain that binds together the business of any country must have no broken links. The producers of a nation must work harmoniously together, or, like a machine out of order, the wheels must cease to move.

I have a distinct recollection of a very ingenious calculation, made some years since by the honorable gentleman from Virginia, [Mr. SMITH,] showing how small a portion of the agricultural products of our country were consumed by our own manufacturers. It was ingenious; but if it proved anything, it was that we had not consumers enough; that our home market was too small. Why not, then, endeavor to increase it, by every means in our power? It seems to me that, with the immense surplus of agricultural production which that gentleman tried to prove existed, he would be the warmest advocate of every measure that would divert men from agriculture and turn their labor to some other pursuit. Although the calculation of the honorable gentleman is founded in error, yet, if we take his own doctrine, it shows clearly the importance of a home market, and a division of labor.

DOES A TARIFF INCREASE THE PRICE?

The stereotyped argument with the opponents of protection is, that a tariff imposes burdens on the people by increasing the price of protected articles.

Now, I will admit that, in the beginning, this is the case; but so soon as capital has been invested in manufactures, and American skill and inventive genius have been taxed by necessity to produce new and improved machinery, the price is reduced by the competition and the increased facilities of manufacture.

The common-sense rules of trade show this clearly. A man who has but small means must charge a large percentage upon it to live; but increase his means and his sales, and his percentage becomes lower and his profits greater. A man who sells five hundred yards of cloth at twenty-five cents profit per yard, makes no more than the man who sells a thousand yards at a profit of twelve and a half cents a yard. But if the latter should sell two thousand yards at the same profit, he would make double as much as the former in each year. Increase the business, and you decrease the percentage. Make trade profitable, and you invite the investment of capital into it; these investments soon produce lively competition, and competition tasks the invention of genius to produce cheap products, and this reduces the price; and hence it is that protection is necessary to stimulate the investment of capital in production. And no nation ever did or ever will become a great manufacturing country without the protecting and fostering care of the Government. The reasons for this are apparent. Successful manufactories require the combination of capital and industry to a very great extent; and unless they are made more profitable than ordinary individual pursuits, they never will be formed. But, if we foster and encourage these combinations by reasonable protection, they are made more profitable than individual enterprises, and capital is freely invested; and when once formed, they grow stronger and more skillful, until they will not be broken down even by the competition of foreign and older establishments.

But it is claimed that this reduction of price is the result of improved machinery. That is true; but we never would have had improved machinery if we had never had manufacturers. "Necessity is the mother of invention;" and necessity alone taxed the inventive genius of our people and produced labor-saving machines.

This is the theory. Do the facts of history bear it out, and prove it correct? Let us examine:

I am not forty years of age, yet I have seen roofs on houses which were driven with wrought nails, which cost twenty cents per pound. Now you can buy a superior article of shingle nails at three cents per pound.

The majority of the members of this House can remember when shirtings sold at thirty cents

per yard. Now, you can purchase a finer and better article from six to ten cents per yard.

In 1824, calico was selling in New York for thirty cents per yard. Now, you can purchase a very superior article from five to ten cents per yard. Kentucky jeans were sold in 1834 for one dollar per yard; in 1836, for eighty cents; 1838–39, for sixty-five cents; and a better article can now be purchased at thirty-seven cents in any country store.

We formerly exported all our cotton to England, and then shipped it back in the form of manufactured goods. Now we manufacture many articles of cotton goods cheaper than any country on the globe; and we not only supply the United States, but the English colonies. Yet in its infancy we were compelled to foster and encourage this kind of manufacture by protective duties. This single example proves more than ten volumes of idle theories. We are told that capital seeks the most profitable investments. It is not true always. Men dread combinations requiring great capital, and never form them whilst individual enterprises equally as profitable can be found; and it is only by the temptation of large profits that you can induce such investments to be made; hence the necessity of protection in the infancy of manufactures. But I will proceed with the examples of the influence of protection. The tariff of 1842 imposed a heavy duty on carpetings, and under its influence manufactories were started in various places, and in four years the market was filled with carpets of the best finish and most beautiful patterns, which sold twenty per cent. cheaper than the same articles did before that tariff went into operation.

In 1842, hemp bagging, such as is used by the planters to put up their cotton bales, was selling in Dundee and Inverness, in Scotland, according to the Hon. T. H. Benton, for from thirteen to fourteen cents per yard. Our supply, previous to the passage of the tariff of that year, was brought from Scotland. A heavy duty was imposed on this bagging; and I learn from the speech of the Senator from Georgia, Mr. TOOMBS, delivered in 1846, the same kind of bagging could be purchased in Kentucky for more than five cents a yard less than it sold for in 1842, in Scotland. My free-trade friends will say that this was only the common reduction in the price of hemp. Not so fast. Mr. TOOMBS informs us that it could be purchased then three cents a yard cheaper in Kentucky than in Scotland. So much for the benefits of protection in stimulating American manufactures. Let my southern free-trade friends bear in mind, as they roll up their cotton bales in this cheap American bagging, that they saved three cents a yard on every yard they use by the impulse given to American hemp manufacturers by the protective duties on that article in the tariff act of 1842.

The tariff of 1842 imposed a duty of three cents per pound on lead. This stimulated lead mining in our country; companies were soon formed, and a large capital invested in the business; and in 1846, lead was selling for three cents a pound. When the tariff of 1842 went into operation, there were only four establishments for the manfacture of cut-glass in the United States. In five years thereafter, they had increased more than five-fold, and produced $6,000,000 worth of this kind of manufacture, giving employment to thousands of laborers, and consumed nearly the whole surplus products of our lead mines, together with large quantities of potash. The articles manufactured were richer and more beautiful than ever were seen in our country before; and sold for thirty per cent. less than the same articles could have been purchased for previous to the passage of that tariff.

But I will not weary the patience of members by enlarging this list. I may here make the challenge, that I defy the advocates of free trade to show a single instance of any article which our country produces, and which has been protected by high duties, the price of which has not been decreased. When gentlemen speak of theories, I reply to them by facts. Experience is the best teacher; by it we learn all that we do know of cause and effect. The history of civilized nations, teaching us by example, proves that, to attain proficiency in manufactures, requires time, experience and protection. I do not advocate discrimination and protection for the sake of the manufacturer, but for the benefit of the consumer. I desire to foster and encourage the infant manufactures of our country, that industry, enterprise, capital, skill, and competition, may be stimulated to cheapen production, to lower prices, to furnish us with a home market, and make us independent of foreign nations. I need hardly say, that I do not advocate discrimination in favor of those products which are not and cannot be produced here. I only advocate the imposition of higher duties on those articles which are the natural products of our own soil, or which can be produced here by manufacturing our raw material. I desire no exotics, grown in hot-houses; no unnatural and forced productions.

I desire to replenish the exhausted Treasury of our country, not by loans or Treasury notes, but by wisely-adjusted revenue laws. But, whilst I do this, I desire, as an important incident, to discriminate in favor of our producers and manufacturers.

Gentlemen tell us that we must retrench our expenses and reform present abuses. I am the advocate of retrenchment and reform in the proper sense of those terms. But I am not the friend of that stinted meanness which denies to the laborer his hire. I do not wish to see the Government of a broad land like ours conducted on a scale of insignificance, commensurate only with some of the little nations whose area on the map of the world is but a colored point.

There should be a fitness in all things; and our Government must be conducted on a scale of dignity and grandeur becoming the first nation on the earth. I oppose wasteful extravagance, and profligate and useless expenditure of public money. I know there are many abuses that should not exist, which I desire to have corrected. Yet I am not willing to reduce the salary of the President, nor refuse a compensation to the heads of the Departments, which will enable them to maintain their positions as high officers of a great country with proper dignity. I will never consent to the establishment of a permanent national debt; nor that this Government shall become a bank of issue, nor the parent of a brood of shin-plasters. I blush to know that our revenue laws are so defective, that, in a time of profound peace, we are unable to meet our ordinary expenses, and that in two years we have contracted a national debt of $64,000,000.

I regret that the advice of the venerable Chief Magistrate and the Secretary of the Treasury, the men who know most of the state of our finances, are unheeded by our Committee of Ways and Means, and by many other members of this House. The nation calls upon us for action; for legislation. "Why, then, sit we here idle?" Let us up and at the work. Let the reform be wise and thorough, so that it may be permanent. Let us provide for the future with provident care. Let southern members think of it. You ask us to grant you $30,000,000 *to begin* the purchase of Cuba. You desire us to occupy portions of Mexico; you desire to revenge the insults offered our citizens and our flag by the South American States; you ask us to build the Pacific railroad. Come, then, to the task of legislative reform with these things before you. Like wise men, count the cost, and provide for it. These great objects can only be accomplished with an overflowing Treasury. Fill your coffers; then dash out into these great and dazzling schemes.

The gentleman from Virginia [Mr. GARNETT] has told us of an "old banner under which he fights, covered with the smoke and dust of many a gallant conflict." I know his banner well, and the forces who fight under it. It is the banner of sectionalism, unfurled years ago by Mr. Calhoun, when he rebelled against General Jackson, and made war on the forces of the Democratic party. I fight under a nobler and an older flag—a flag whose folds were flung to the breeze by the immortal Washington—the flag under which Jefferson, Madison, Monroe, Jackson, and Buchanan, have fought and conquered. Whenever I see that banner in the thick array of battle, I for one will rally around it. It is the banner of conservative and old-fashioned national Democracy. It is a banner on whose folds glitters the star of every State, and on which is inscribed "Union and liberty, now and forever, one and inseparable."

Gentlemen of the South, I appeal to you for assistance in this great work. Refuse it not. Be not mistaken and misled by the clamor of a few sectional and ultra men. Stand not against your own best interests.

Tell me not of the fanaticism and opposition to slave institutions in the North. You, yourselves, created it, and are responsible for it. Sectionalism in the South begets sectionalism in the North; a sectional slavery party in one end of the Confederacy naturally begets a sectional anti-slavery party in the other. Such a party in the South has created and keeps alive the Republican party in the North. Allow me to assure you that the mass of the northern people feel but little interest in the institution of slavery in the South, nor do they desire to interfere with it in the States where it exists. But you beget opposition, by your stubborn resistance to those laws so necessary and beneficial to the working millions of the free States. Change this narrow and illiberal policy. Be liberal and just. Show, by your acts and your votes, that you are interested in our welfare and desire our prosperity, and you make those millions your warmest and best friends. Let that patriotic and national feeling which bound us together in the olden time, come back again and rule your councils. Then, indeed, shall the men of Maine and Massachusetts hail, as friends and brothers, the men of Texas and Louisiana. Let us be Americans all, friends all; a happy, contented, united, and powerful people. Let us legislate as statesmen, as Representatives of the whole country, and not of local interests and narrow districts. Elevate your visions, and behold our glorious land bounded by the broad seas, and let your hearts expand with its greatness and grandeur.

The planters of the South may need no protection. Their slave laborers, unrefined and uneducated, are incapable of conducting any but the simplest and plainest husbandry. They are unfit for the control of the complex machinery of extensive manufactories. They can cultivate tobacco, cotton, or sugar; but they cannot be profitably employed in the higher branches of productive industry. This is not the case with the laboring classes of the North. They are men of refinement, education, and progressive intellects. They are not slaves; but the masters and rulers of the land. They fill and adorn the highest places, and make mankind their debtors by the utility of their labors and the ingenuity of their inventions. The American mechanic has astonished the world with his wonderful combinations of powerful and useful labor-saving machinery. Go with me to your Patent Office, and look around on the labors of his brain and the cunning of his hands. You will find them in every safe, on every shelf—their name is legion, and their utility beyond the computation of arithmetic. These memorials of his labor and genius are but pigmy monuments of what he has done and is still doing for the race of man.

Go and behold, as at his bidding, the steam and lightning work in harness, and the wood, iron, and steel perform with accuracy and regularity the work of man. He has seamed the land with artificial rivers, and clasps the continent in the railroad's iron arms. He skims the seas in the ocean steamer, and leaves the lagging winds and waves behind. He has annihilated time and space and talks with the lightning's voice to his brother man thousands of miles away. He has grasped the pen of literature, and wields the lever of the press. He dictates terms to parties, and talks to the nation as his audience. He touches the harp of living melody, and his song fills the land with its music, and embalmed in sweetest verse, beats its numbers to the march of time.

Such men appeal to us. Their voices are coming down to us from mountain and valley, from forge and furnace, from the green hills covered with their fleecy flocks, from every spot where productive industry plies its arm. Let them not be unheeded. Make those men your friends by wise, conciliatory, and timely legislation, and the enemies of liberty and Union may do their worst. The days of sectionalism will soon be terminated, and on the lids of our Constitution may be written in characters of living light: "*Esto perpetua.*"

REVENUE AND EXPENDITURES.

SPEECH OF HON. R. TOOMBS,

OF GEORGIA,

IN THE SENATE, *February* 9, 1859.

[REVISED BY HIMSELF.*]

The Senate having resumed the consideration of the following resolution offered by Mr. BIGLER, of Pennsylvania:

Resolved, As the opinion of the Senate, that the creation of a large public debt in time of peace is inconsistent with the true policy of the United States; and as the present revenues are insufficient to meet the unavoidable expenses of the Government, Congress should proceed, without delay, to so readjust the revenue laws as not only to meet the deficit in the current expenses, but to pay off the present debt so far as it may be liable to immediate cancellation.

Mr. TOOMBS said:

Mr. PRESIDENT: The resolution just read at your table seemingly asserts a truism, but it does not. It uses convenient generalities to conceal, not to express, a political truth. Large and small are relative terms; $100,000 is a large sum when applied to the obligations of ordinary men; it is a very small one when applied to those of this Government. An individual is not considered largely in debt when his contracts are below two-thirds of his annual income. The debt created during the last year for the support of Government does not exceed that proportion of our income. If the Senator from Pennsylvania [Mr. BIGLER] means only to say that the ordinary expenses of Government should be supplied by its ordinary revenue, the proposition receives my assent; but the converse of the proposition is equally true, that extraordinary expenses, or even ordinary expenses, which, from transient causes, cannot be conveniently met by the ordinary revenue, fall without the rule. It is not wise to change a revenue system to meet casual or temporary deficiencies in the Treasury. This position is not only true, but of great public importance when the public revenue rests on taxes, on consumption. Our taxes are mainly levied by duties on commodities imported from abroad, which are imposed according to their value at the place from whence they are imported. Therefore, everything that affects the price of the taxed commodities in the countries from whence we draw them, and whatever affects the amount of consumption by our own people, necessarily increases or diminishes our revenue. Therefore, if we adhered strictly to the rule that annual expenditure should be met by annual taxes in all cases, we might have to remodel our tariff as often as we pass appropriation bills. This rule would be especially obnoxious to the protectionists who all clamor against changes, and demand permanency in tariffs.

The second branch of the resolution under consideration, contains the gist of the whole controversy, which it was the duty of the Senator to establish, before he could, rightfully, on his own principles, call upon the Legislature to impose new burdens on the people. He has wisely omitted the attempt, and was content to assume that it was self-evident and incontrovertible. He assumes "that the present revenues are insufficient to meet the unavoidable expenses of the Government;" and that, therefore, "Congress should proceed without delay, to so adjust the revenue laws as not only to meet the deficit in the current expenses, but to pay off the present debt so far as it may be liable to immediate cancellation." I deny both his premises and conclusions. The Senator does not say that the present revenues are insufficient to meet the necessary or proper or economical expenses of the Government, but that they will not meet the *unavoidable* expenses. I waive any verbal criticism on the term "*unavoidable*," and assume that he means necessary and proper expenses of the Government; and proceed to show that the present tariff is adequate, with the other sources of public revenue, to meet all just, necessary, or proper public expenditures, and is fully adequate to the extinguishment of the existing public debt, as soon as the public interest or convenience require its payment.

The Executive Government asks, for the service of the next fiscal year, $73,000,000. I consider such an expenditure neither wise, necessary, proper, or "unavoidable;" but if it should be so held by the Senate, I shall show that the income of the Government will meet it, if properly husbanded and applied to the public service, without *a further increase* of the public debt.

The objects of public expenditure are plainly set forth in the Constitution. I will supply all the necessary and proper means for securing these objects; these are safe landmarks, and within them I would liberally promote the utmost efficiency of every branch of the public service. We are not driven to economy from necessity; but we should practice it on principle. It will preserve the purity of the Government, which is certainly equal in importance to the money of the people.

On these principles is the expenditure of $73,000,000 during the next fiscal year necessary and proper for the public service? I think not. Let us test it first by the experience of the past, and then subject it to the scrutiny of the lights of the present. According to the financial report of Mr. Guthrie for the years 1855–56, page 12, "the average expenditures of the (then) last five years, excluding the public debt and the $10,000,000 paid under the treaty with Mexico, but little exceeded $48,000,000;" and from this data he recommends the reduction of the duties on imports to $50,000,000 per annum. It further appears from the same report, that the average of the duties on imports for these five years (leaving out fractions) was but $55,000,000; yet on that revenue from customs $45,000,000 of the public debt were paid in less than three years. (See Guthrie's report, pages 7 and 8.) And besides these payments, and very extravagant appropriations for the next years 1857–58, there was a balance in the Treasury of about $17,000,000 on the 30th June, 1857. Thus it appears, that, with an average annual income from customs of less than the estimates from the same source for the next year, ($56,000,000,) for six years preceding the monetary convulsion of 1857–58, the Government not only supported itself under an expenditure up to that time wholly unknown in our annals in time of peace, but discharged above $45,000,000 of the public debt, and brought a surplus into that year of over $17,000,000.

Now, sir, what is there in the present condition of the country that requires a larger expenditure than these five years? They were not years of economy. The expenses during these six years were many millions beyond any that went before them, except during a foreign war. We are frequently told that the country has expanded, the population has increased, that money has diminished in value. The first answer is untrue in fact, and the last two wholly inadequate and unsatisfactory excuses for this profligate expenditure. We have not obtained an acre of territory since the treaty of Hidalgo Gaudalupe, in 1848, except a small slip, called Arizona, which was paid for under the last Administration. Then we have no more country, no more Indians, than we had five years ago; besides these acquisitions, are more easily defended from the fact that our population has rapidly increased in California, Washington, and Oregon, on the Pacific coast, making their defense less expensive, and emigration has pressed onward towards the Rocky Mountains on this side, increasing in power and strength, and lessening the transportation of the necessary supplies of our troops.

The excuse of increase of population is equally untenable. This brings strength and not weakness. We have no troops now, or if any, very few on this side of the Mississippi; and there the great increase of population has occurred. But this increase of population, if allowed to be a just element in the increase of expenses, is but about three per cent. per annum, and, therefore, would amount to but eighteen per cent. in the last six years. An amount far below the proposed increase of expenses. And, besides, increased population brings increased production and increased consumption, and, therefore, increased revenues under the same tariff. The argument of the increased value of money is a still more barren pretext. By what rule do these apologists for profligate public expenditures estimate the increase of the value of money within the last six years? If you measure it by the price of a bushel of wheat, the most approved standard among political economists, it will show a decline rather than a rise in value. The price of a bushel of wheat being now much below the average of the last six years. Do they measure it by the value of a day's labor even paid in money? The Senator from Pennsylvania, and those who act with him, represent labor as distressingly low, and call for protection for our labor against that of other countries. These two arguments cannot stand together. It is not the duty, neither is it in the power of Congress, to regulate the wages of labor, except as to those who are employed in the public service; and the true basis for the payment of that labor is, to pay these employés the same wages which rule in the labor market of the country for the same service and qualifications. The departure from this salutary rule has been the main cause of the great extravagance in the Government, the extraordinary remuneration for every species of public service having produced an alarming pressure for governmental employment. None of these reasons can stand the test of an examination.

In 1857, Congress, seeing that large exactions were made from the pockets of the people, more than were necessary for the wants of the Government, passed the present tariff law, with the avowed intention to reduce the revenue from customs to $50,000,000. The then Executive Government recommended the reduction to that extent, and the present tariff was enacted by a more general assent of all interests and all sections and parties, in this country, than any such act has received for more than forty years. The House of Representatives was largely in Opposition, and passed it by a vote of nearly two thirds; the Senate were largely Administration, and the measure received every vote in this body, I think, but eight. It owned no party, no sectional feeling—the Senators from Massachusetts and Carolina, long separated on revenue questions, united on it. It was not expected, until increased production increased our exports, to bring above $50,000,000. The Senate passed it with this understanding. The House passed it with this understanding. The country accepted it with that understanding. The Executive Government informed us that $48,000,000 from customs was all sufficient for the legitimate wants of the Government. What new necessity for enlarged expenses has the Senator from Pennsylvania presented us? None. Our powers are the same; our duties are the same; we have profound peace; even Indian and Mormon wars, wars so fatal to the Treasury, and to the Treasury only, have ceased. The Senator from Pennsylvania, in his elaborate speech of one hour and a half, failed to bring to our attention a single reason or suggestion why the expenses of 1860 could exceed the average of the last five years preceding 1855–56. He assumed that we could not escape; he neither invented nor discovered a single reason for it but one. That one was, that additional taxes were necessary to the State of Pennsylvania. He represented her industry as prostrate, and demanding relief. He demands, in her behalf, increased taxation to revive her industrial prostration.

The statement of the case shows that there is more in it than meets the eye. He knows that increased duties on imports taxes somebody; he believes that it does not tax Pennsylvania; or, if it does, that she will receive incidental advantages from this taxation, more than commensurate with her part of the burden. The revenue of the first year of the present tariff did not equal the expectations of its friends. It fell short above $8,000,000. The reasons were very apparent. An extraordinary monetary revulsion reduced your imports above $78,000,000. I shall not now stop to inquire into the causes of revulsion. We simply, in this connection, have use for it as a fact. The tariff of 1857 did not produce or aggravate it in any degree. The causes, whatever they may have been, lay behind that act. For the present year, the Secretary of the Treasury estimates our receipts from customs at $50,000,000. We have passed through more than seven months of the fiscal year, and, thus far, his calculations are more than verified. He estimates the receipts for the next year at $56,000,000; $6,000,000 more than we supposed this tariff would bring when we enacted it. As I am called upon to supply

* For the original report, see Cong. Globe, page 896.

deficiencies of Government, I shall assume the estimates of receipts to be correct. Why, then, shall we retrace our steps in relation to income? It is admitted that we shall get more than we expected, under the present act. It can be for no other reason than that we are prepared to part with our constitutional control over expenditures, and turn that branch of the public service over to the Executive Departments. I am not prepared for this surrender of my constitutional duties. I will surrender them to none but those who conferred them upon me. I believe now, as I did when I voted for the act of 1857, that $50,000,000 are more than sufficient to meet the just and proper wants of the Government in time of peace, and I intend to stand by it to the end.

The expenditures for the next fiscal year, ending the 30th day of June, 1860, are estimated at $75,139,147 46; the receipts at $69,063,298 57; leaving a balance of $4,075,848 89, exclusive of a deficiency in the Post Office Department, for this year, of $3,838,728. But, of these expenses, estimated for the service of the next fiscal year, the Post Office Department, besides this sum, have been allowed the sum of $6,382,900; and, including this sum, we are called to charge the revenue of the next fiscal year with $10,221,628 for the deficiency of our postal service. I do not intend to vote for it. I wish to bring the Post Office Department back to its simple and useful business of carrying letters and newspapers, instead of carrying "progress and civilization." The settled policy of the Government for above fifty years, was to make the Post Office Department support itself. I will not sustain so monstrous an abuse of the principles of true policy and just government as are practiced in our postal system. I wash my hands of the whole of it; and before I get through I shall have occasion to comment on the postal statistics presented by the Senator from Pennsylvania, and to show the value of figures gotten up not to vindicate truth, but to sustain a point. For the last year, the Post Office Department has absorbed nearly one fourth of the net revenues from customs, and, at the same rate of increase, will absorb the other three fourths within the next ten years. I do not think this expense "*unavoidable.*"

The Secretary of the Treasury estimates that there will be a deficiency in the next year, including the Post Office deficiency, of more than seven million dollars. But, in order to attain that result, he assumes that there will be an outstanding unexpected balance of appropriation on the 30th of June, 1860. I do not concur with him in this opinion. I think it erroneous. I find, upon examination of the outstanding appropriations for each year, from 1791 to 1856, inclusive, that there has been such a balance every year, as large as $1,784,000, in 1791, and averaging above $25,000,000 per annum for the five years ending with 1856. The Secretary gives us no reasons for believing that this uniform result for more than seventy years will not happen in 1860. Indeed, it is next to an impossibility that it should not happen. Continuing appropriations are not carried to the surplus fund; and, therefore, may remain outstanding for an indefinite period. There are a great variety of such in all of the appropriation acts; and one may safely calculate upon such outstanding balances equal to the present estimated deficiency. We have now large outstanding appropriations for custom-houses, post offices, fortifications, unascertained claims, and various other similar items, which cannot be expended during the next fiscal year without an activity of expenditure inconsistent with the present state of our finances. These balances may be greater or less, at the pleasure of the Government.

Mr. SIMMONS. Do I understand the Senator to be commenting on the remarks of the Senator from Pennsylvania, or the report of the Secretary of the Treasury?

Mr. TOOMBS. I am commenting on the report of the Secretary of the Treasury, and endeavoring to show, by facts and figures, that upon his own basis the deficiency which he estimates for 1860 will not exist. I am seeking for the truth, and endeavoring to extract it from the facts before me. But I am seeking to assail nobody; and I can tell the Senator from Rhode Island that I have a very high regard for the ability and integrity of the gentleman who presides over the Treasury Department.

Mr. SIMMONS. I had not an opportunity of reading the speech of the Senator from Pennsylvania, but I wanted to know where I could find the figures.

Mr. TOOMBS. I can show the Senator where he will find the figures I refer to. I read them from a document printed last year, containing a statement of the receipts and expenditures of the United States from March 4, 1789, to June 30, 1857, ordered to be printed on the 5th February, 1858. The tables are from the office of the present Secretary of the Treasury, and I have no doubt are accurate.

There is another source of public revenue altogether adequate to meet the estimated deficiency, even if it should occur, and for the management of which, I think, the country has just cause of complaint against whoever may be responsible for it. I mean the public lands. For the last five years we must have paid more than $3,000,000 in the necessary expenses of bringing the public lands in the markets. I find the expense for the last two years exceeds $500,000 per annum. We have above sixty million acres which have been surveyed and never offered for sale. Some of them have been open for settlement six or eight years, yet have never been offered for public sale. The best of them, of course, are daily covered by preëmptions, town sites, mill sites, and all locations having extraordinary value are constantly seized upon by speculators by means of sham settlers. And yet the Government, while it urges the increase of the public taxes, refuses to avail itself of this legitimate and proper source of public revenue. The receipts for the present fiscal year but little exceed $3,000,000. It might have been readily carried to double that sum by simply offering the lands at public sale, and thereby compelling these persons to pay the Government what is justly due it. Some of these lands having been open to settlement for the last ten years, the policy of the Government has operated as a ten years' credit on preëmptions. This policy is not warranted by law, and is opposed to the settled policy of the Government for the last thirty years. We had to abandon the system of direct credits on the sales of public lands more than thirty years ago. This indirect credit is liable to even greater objections, has not been sanctioned by Congress, and daily adds new embarrassments to the proper administration of this public property.

Mr. SHIELDS. I presume the honorable Senator, in saying there had been no sales made in the new States, means public sales, general sales.

Mr. TOOMBS. Certainly.

Mr. SHIELDS. That is true. The people of those States are opposed to those public and general sales, because they put the lands into the hands of speculators and non-residents; but there have been sales going on yearly there, what we call private sales, preëmption sales; and those sales have not brought much money into the Treasury, and never will. The reason is, that the land warrants which have been issued by Congress supply the place of the money, come in as substitutes for it, and even public sales will bring no money into the Treasury as long as the land warrants exist.

Mr. TOOMBS. This is a very great mistake, and I need simply refer to the facts to show it. Before the last two years we got from $5,000,000 to $10,000,000 from the public lands, and had ten times as many land warrants as now. The facts are against the Senator. We commenced this bad system, in my judgment, of throwing away the public lands in 1849; warrants were issued to the amount of seventy or eighty million acres, and all of them have been absorbed but ten million; and yet, during that time, the revenue from lands went as high as $10,000,000 or $12,000,000 some years.

Mr. SHIELDS. Will the honorable Senator permit me to say a word?

Mr. TOOMBS. Certainly.

Mr. SHIELDS. I do not wish to interrupt his remarks, but I merely want to defend the Department. I know the honorable Senator does not mean to make on attack on the Department, and I am delighted to see that he is exposing these things independent of individual men. I am glad to find one Senator bold enough to rise here and put aside favoritism. But, sir, on this single point I now venture this prediction, that if the Secretary of the Interior and the President bring all the public lands of the United States into market and sell them to speculators, they would not bring $200,000 into the Treasury for two years.

Mr. TOOMBS. I think the honorable Senator is very greatly mistaken. That is not the idea of the Government, because in the estimates of 1860, with all the land warrants out, they estimate $5,000,000 as the land receipts. We have seen the operation of these land warrants for ten years. The reason why the lands have been kept back is this: when public lands are offered for sale, the preëmptioner must pay; until you offer them for sale, he may live on them for twenty-five years, and never have to pay. That is what the postponement means, and nothing else. You might settle every quarter section in Iowa or Minnesota or Wisconsin, and until the Government offered it for sale, and thereby compelled the preëmptioner to pay up, it would never bring a dollar into the Treasury, unless the settlement was on lands open to private entry, at $1 25 an acre. All the money, or nearly all, we got from the public lands last year was from those lands which were subject to entry at $1 25; but, as I said before, we have sixty or eighty million of the best land that have been surveyed and not brought into market. It is true, the more settlers, the less they bring, because they take the advantageous positions. They will take the town sites, they will take mill sites; they will take river fronts; but at public sale there will be competition. Many years ago some lands at public sale in Alabama brought from sixty to seventy dollars per acre at public sale; some brought, in 1836, in Mississippi, from twenty to thirty dollars an acre. As to this cry about speculators it means but little; the public lands must be thrown open to public competition, and all can buy who choose.

The objection in the new States is not to speculation; the man who settles and puts his cabin on a quarter section, and pays his $1 25 an acre, will sell it to you for $10. He likes that sort of speculation. I think the most desirable thing is to sell as much land as you can to actual settlers; but it is the duty of the Government, when they have charged the public Treasury with the expense of surveying sixty or eighty million acres of land, and we need the money, to sell the land and get revenue from that source. It is not done. We ought to sell at least the public lands which we have ready for sale, before going to the pockets of the people for additional taxes. The public lands were given to you by the States for the purpose of being sold in order to lessen taxation; and as long as they belong to this Government, the legitimate purpose, the absolute condition of the grant, is, that they shall go into the public Treasury to the relief of all the States, the grantors included. That is the very language of many of the grants of the different States, my own among the rest.

I know the Senator from Pennsylvania, somehow or other, threw out the idea that there was some sort of advantage that somebody got—probably the South—from the public lands, and that Pennsylvania, some way or other, was deprived of her part. There is nothing in that idea at all. So far as Georgia is concerned, we ceded Alabama and Mississippi, and they have brought nearly $50,000,000 into the Treasury. I do not consider that she did anything wrong in making the grant, nor do I regret it. I think it was but justice to her confederates, and I approved her policy. I always thought the principle Maryland maintained was right, and that the wild and vacant and unappropriated lands, which were won by the valor of the whole country, from its common sovereign, ought to inure to the general benefit; and, therefore, I always approved the Georgia grant, and approved the grant of Virginia. It ought to have been a common fund, for the purpose of meeting the burdens of a common struggle; and, therefore, the special appropriation of it to particular States, in my judgment, was not just, and hence I heartily approved of the cession; but how Pennsylvania has ever been injured by it, I cannot imagine.

Mr. BIGLER, Will the Senator from Georgia allow me a moment?

Mr. TOOMBS. Certainly.

Mr. BIGLER. I certainly did not state that Pennsylvania was injured directly. The idea which I presented was this: that this property was the common property of all the States at the time it was given to the States which I named, for railroad purposes; that it was a valuable donation from the common Treasury. If the lands had been converted into money, that money would have gone into the Treasury, and answered to pay the common expenses of the whole Government.

Mr. TOOMBS. I did not know that the Senator had put it upon a thrice, yea, a ten-times refuted idea. The grants that have been given for railroads in the United States, and which have been so much complained of, did not cost Pennsylvania, or Georgia, or any other State, a single dollar. You granted alternate sections of the public lands along the line of those railroads, within a given distance, and raised the price of the reserved sections to double the ordinary minimum; and the actual result has been that they have brought it. I say, then, this policy has not cost Pennsylvania, or anybody else, a single dollar; and I think it was acting the part of the dog in the manger to oppose it. For myself, I have looked upon the public lands as a portion of the public property, not at all distinguishable from the public money in our use of it for internal improvements; but when the General Government had large quantities of lands which she could not sell, which nobody would settle upon, on account of the want of timber, and of water, and of the means of transportation, it was wise policy to grant a portion of the lands to build improvements which would make the remainder worth double the price at which they were held. It is what I would do with my own property; and to the extent of my constitutional power, that is my rule of dealing with the public property. I say Pennsylvania did not lose a dime by these grants of land; but besides the general, she had a special benefit from them. A great many of these roads have been built, and thereby have caused a greatly increased demand for that sterling and staple article, iron, which is now attracting so much general attention, especially in the good old State of Pennsylvania.

I say, sir, that if the public lands which have been recently surveyed—between sixty and eighty million acres—were thrown into the market, as they ought to have been before, there would not now be a dollar of deficiency. Put your Post Office Department on its old basis; make it self-sustaining, as was provided by our fathers, and, as it was ignorantly or deceitfully said, would be the effect of the last reduction of postage; and there would now be no deficiency. You have to make a deficiency in the Treasury by bad policy, by squandering the public means, in order to create an excuse for taxation. That is the truth about it. It requires the most extravagant expenditures to work out, at the end of 1860, even with disastrous times, a deficiency of $4,000,000, in order to present it to the American people, and say the necessity for increased taxation is inexorable, unavoidable; bend your backs to new burdens. Sir, I will none of it, not an ounce.

I have shown you, sir, that there is properly no deficiency, even upon the present basis. I have shown you that, if there is an actual deficiency, you may meet it by a single item alone, the public lands; or you may meet it by another single item, by making the Post Office stand where it ought to do. Act properly with either of these subjects, and your present means will suffice for your expenditures even on the present extravagant basis, and provide a fund for the redemption of the debt which you have incurred under extraordinary circumstances.

But, sir, suppose I am wrong in these facts and deductions, and that, in truth, the revenue is insufficient to meet the expenditures of the present basis: then my remedy is to reduce the expenses down to the revenue. The remedy is certainly worth an inquiry. But the Senator from Pennsylvania declines to enter into this inquiry; he can see relief in nothing but additional taxes. He represents his constituents as distressed, out of employment, suffering from industrial prostration, and he comes here and begs for new taxes; no, he does not beg for them, he demands them. He says Pennsylvania is no beggar. I know it, sir; and if she were, I am quite sure she is too wise to beg for taxes; for new burdens to be put upon her back. I do not believe it is her voice; but if it is, I will protect her in spite of herself, so far as my vote can do it.

I proceed then to show that $73,000,000 are not necessary to be expended during the fiscal year 1859-60. Indeed, this great fact is admitted by every Senator who has spoken upon the subject. The difficulties of retrenchment, not its propriety, are pleaded in defense of waste and extravagance. Some allege that the Executive Departments are responsible for this waste and extravagance; others allege that the Legislature is responsible for them; when the truth is, the fault lies with both, but mainly with Congress. Our Constitution intrusts the national purse to our guardianship—vests us with ample power for its safe-keeping. It is the duty of the Executive Government to watch over the proper application of the expenditures directed by law, and to suggest such alterations in the laws as may be necessary to protect the public interests. We are sometimes told that the Executive Departments only expend what Congress appropriates. So unmindful in its duty has Congress been for many years past, that it may be said, with as much truth, that Congress appropriates whatever the Executive Departments demand. But neither proposition is wholly true. A very large proportion of the ordinary public expenditure is not and cannot be regulated by law; and this is the door through which some of our greatest excesses have crept in. Abuse of discretion is the rule in Executive Departments; careful economy is the exception. Look at your quartermaster's department in your Army, and the expenditures in yards in your Navy for the most striking proof of this truth. These are not regulated by law, they are fast swallowing up the Treasury, and eating out the vitals of these two great branches of the public service. The postal service, from its nature, is capable of being subjected to legal control, and, as I have already shown, it is swallowing up nearly one fourth of your net revenue. These are examples on a large scale. The same rule runs through the minutest detail of the public expenditure, and admonishes us that nothing should be left to discretion which can be regulated by law; and that the price of economy is eternal vigilance over those to whom you are compelled to commit a discretion over any part of the public expenditures.

When we come to the legislative department, the great difficulty in the way of a proper economy is the want of individual responsibility of the legislator. The people do not hold each member responsible for his own votes; he stands or falls with his party in his district or State; and neither gains nor loses by his good or bad conduct in these respects; and under our system a minority often holds a majority responsible for the very abuses which they have foisted upon the country, by uniting with a fragment of the majority. The people must hold every member responsible for his own acts, before this great evil can be corrected; it is in their hands, and they alone can apply the remedy. Of late years the people have been so much absorbed with great sectional issues, that they have given but little heed to the practical administration of their affairs; and even great culprits have not only escaped punishment, but even public indignation, by a clamorous affectation of sectional zeal.

We have maintained an army and a navy from the beginning of the Government. But it is important to inquire upon what principle they have been hitherto and ought now to be maintained. Latterly we seem to have forgotten first principles. It is not our policy to maintain an army or navy on a basis having the least relation to similar establishments of other nations; we do not expect or desire to keep up these establishments on the basis of England, France, and other great European Powers. In the first place, our remoteness from Europe protects us from sudden invasion, and our interests separate us from all complications with her complicated policy, and our institutions wisely relieve us from any necessity for great military establishments for domestic uses. The organs of despots abroad, and foolish or interested men at home, frequently taunt us with the smallness of our military establishments in comparison with those mighty engines of oppression maintained by the European Powers. But the comparison is their shame and our true glory. The peace establishment of England, before the late Russian war, was a little over one hundred thousand men in her army, besides her large naval establishment. She kept regiments at home as a security for order; she kept regiments in Ireland to maintain oppression and keep down just rebellion; she kept regiments in Canada as additional security for the loyalty of the colonies; regiments in India, to enable the honorable East India Company's tax-gatherers to flog rupees out of the bottoms of the feet of her loving Asiatic subjects; she kept them in Gibraltar, in other points in the Mediterranean, in the Persian Gulf, in the East and West Indies, to secure possession of which her rapacity had robbed the rightful owners, or to maintain the injustice which she has inflicted on her own subjects. She has also nearly two hundred ships in commission, and she needs them; she is assailable all over the earth. There is not a continent on the earth, nor an island of the sea, nor a civilized nor a savage people, who have not smarted under her insults and her injuries. She does not hold so much as a fortification in the whole earth, outside of Great Britain, from which the rightful owners will not wrench the flag of St. George, the moment an opportunity offers. Do you suppose Spain would not retake Gibraltar if she could? Do you suppose Persia would not retake Aden if she could? Do you suppose the Irish do not wish freedom? Do you suppose her policy in the West Indies ever had any other sanction than her power? Do you suppose her hundred million of conquered subjects in India love their chains? No, sir, England has made the world her enemy, and she needs troops; and if we compare her necessities and ours, our own military establishments are larger than hers in proportion to our necessities. Besides these standing aggressions, within the last three years England has been in open war with half the human race. She can never have friends until she changes her policy; she has but one policy, that is to increase her own power, positively and relatively; first by strengthening herself; second, by weakening all other Powers of the earth. Her day of reckoning is at hand; I hope it will be in my time. Neither have we the same necessity for armies as the continental Powers. The French Emperor keeps up an army of five hundred thousand men in peace; they are the support of his throne, and his defense against hostile dynasties and peoples at home and abroad. The same may be said of all Europe. Possibly their armaments are not greater than their necessities. We stand on a different system; our Government has no other foundation, needs no other support, but the consent of the governed. Our Constitution teaches us to rely on the people, not on standing armies to defend us from danger both from within and without; upon our militia, not on mercenaries to maintain the honor and interests of the Republic, both at home and abroad. The allegiance of our people is voluntary; as long as your institutions are just, the body of society will be interested in their maintenance. No Senator here pretends to ask for a single soldier to preserve peace or order in any State of the Union. If, under some temporary excitement, any State of the Union chooses to disregard the laws, we cannot afford to crush her by force; if she is faithless to her high duty, it is safer to cut her off than to govern her by external force; but we have no such alternative presented us, and I trust never will have. I have faith in justice as a sovereign remedy for popular discontent under republican institutions, none in soldiers.

Therefore, I want no armies to keep peace at home, or make war abroad, or to force our Government upon reluctant peoples. We need only enough troops to protect our frontiers against the casual depredations of savage Indian tribes; ships enough to protect our commerce from pirates; from such sudden, irregular, lawless violence, as may be inflicted on our commerce in different

parts of the world. Our Army is already too great, much too great, for the purpose here specified, and could be reduced with great public advantage. For the five years preceding these, referred to in Mr. Guthrie's report, the expenses of the military service did not much exceed the sum of $9,000,000 per annum; and it was not until 1852–53 that these expenses ever reached $10,000,000, except during war, or before a reduction of the war establishment. When I came into Congress, the Army expenses ranged from $4,000,000 to $6,000,000 per annum. During the Mexican war, of course, they were greatly increased. We called sixty or seventy thousand men into the field for foreign war; but, even during that war, the whole expenses of the Government were but $60,000,000. It is true, you have since raised the compensation of the Army; but compensation is not the abuse complained of. You now spend, in the quartermaster's department, above $7,000,000; an amount greater than the whole expenses a few years ago. You also gave, several years ago, the discretion to the Secretary of War to carry up your companies to ninety men, when serving on the frontiers, if such a measure should become necessary. The present head of the Department has exercised that discretion unwisely, in my judgment, by calling out the last man the law permits, and thereby greatly increasing not only the pay, but other expenses rendered necessary by this act. This discretion ought to be repealed. Its repeal will save you not less than $3,000,000 per annum. This is strong proof of the danger of leaving to discretion that which should be regulated by law.

The Navy Department is running the same race of profuse expenditure without any corresponding increase of efficiency. We have had no marked increase in the number of our seamen for several years, and but little increase in ships; those which we have built for the last three years, have been built by special appropriations. Your appropriations for simply improving navy-yards, not building or repairing ships, are estimated for the next year at above $2,000,000, and it will not be less until you arrest it by withholding the appropriations. You have eight thousand seamen, and frequently keep as many workmen in your yards to keep them afloat. You have eight navy-yards; six located within a few hundred miles of each other on the Atlantic coast; and I am informed that England has but two or three yards of construction in the whole of Great Britain for her six hundred ships. Your own are so badly governed as to bring a reproach upon the Administration; its enemies say they are used to control elections. I know nothing about the truth of it, but there may be something in it; at all events, it is our duty to see that those who manage them should not both spend our money and corrupt the ballot-box. I would put the sting of disability into the temptation, by confining appropriations to the strict necessities of the service.

This money does not go to build a ship, or repair a ship. The $2,000,000 which you spend in navy-yards, does not drive one nail into a public vessel; does not give Jack an additional ration of grog. You have carried your naval expenses in ten years from five or six million dollars to $13,000,000, with no more efficiency, and but few more ships. The three or four million dollars which you spend ostensibly for the gradual increase of the Navy, does not build you a ship; for whenever you want a new one, you come here for an appropriation. If you want a little bit of a sloop at a cost of $80,000, there is a special recommendation for it. The President recommends it; the Secretary of the Navy recommends it; and my friend who now occupies the chair [Mr. MALLORY] is urgent about it. Notwithstanding the ten or twelve million dollars we give for the Navy, we are asked to vote six or seven hundred thousand dollars for ten sloops next year. I think this money is badly spent, even if spent for politics. If it is to be appropriated even to that business, it ought to bring more results.

I recollect, Mr. President, that you and I had some controversy the last session in regard to naval matters. I stated that the French navy, proper, cost 120,000,000 francs. You asked for my authority, and stated it to be a much larger sum. I have now got the official account, which I will take great pleasure in showing you on some occasion, which proves that I was exactly right. That is all the French navy costs, with their four or five hundred ships. She expends $24,000,000 on her navy, and we spend $13,000,000. We are threatened by gentlemen with her four or five hundred steamers; and we are ridiculed for our ten or twelve. Take the English navy, and the same result is apparent. One gun, floated by the American Navy, costs five times what a gun is floated for by Great Britain or France. We cannot stand that. Squandering our means in peace is not the way to prepare for war. The true policy of preparing for war is to strengthen the nation, to husband its resources, make your people rich and prosperous, and then they can protect themselves. It is not by useless armaments squandering the public money.

Mr. MALLORY, (having left the chair.) Will the Senator from Georgia allow me to interrupt him for a moment?

Mr. TOOMBS. Certainly.

Mr. MALLORY. I do not wish to interfere with the course of the Senator's remarks; but, perhaps, it would be as agreeable to him to correct, as he goes on, any error that he may fall into in relation to these matters.

Mr. TOOMBS. Certainly.

Mr. MALLORY. I think the Senator stated just now that we had eight navy-yards, and Great Britain had but two. Sir, the fact is, that Great Britain has seven building yards and constructing yards in her own immediate dominions, each of which is probably five times more extensive than the largest one of ours. That is a very important matter. Then, in relation to the expenditures of the French navy, the pay is about one fifth of ours; and the pay of their mechanics perhaps less than one fifth; and in the British navy the pay of the men is fifty per cent. less than with us; and so, throughout all of her mechanical operations, the pay is about one third of what it is here. No comparison can be instituted between the expenditures of our Navy and that of Great Britain or France, without taking these things into consideration.

Mr. TOOMBS. I do not intend to controvert that they get things done cheaper in England and France than we do. I believe that, when labor in New York city is worth six shillings a day, the Government pays an able-bodied man $2 50.

Mr. MALLORY. In our navy-yards they give the same rate of wages, and no more, that is paid in private yards. The current rate received in private yards at New York, is that given in the public yards. I believe, however, there is a limitation of time observed in the navy-yards, the ten-hour rule, which is not observed in the private yards. That is the only difference I know of.

Mr. TOOMBS. The fact stands that in Europe they get their work done cheaper, and yet they send here to have ships built. The British and French support their naval establishments at a much less expense, comparatively, than we do, and yet we have one great advantage. Not a mast, perhaps not a spar, that the French navy uses, is grown on the soil of France. She has not a mast in all her vast dominions that I know of. They are brought out of Georgia and the Senator's State, and other southern States.

Mr. MALLORY. I will say, in answer to that, it is the highest compliment which could be paid to the mechanical skill and progress of our country. They do not send here because they get their ships built cheaper, but because they get them built better; for they have not built a ship in Europe equal to one of ours.

Mr. TOOMBS. I am not to be diverted by the Senator's passion for praising the Navy. I have heard it too often. As for their ships not being good ships, I presume they are equal to ours. If they are not, so much the better for us; and we can take them easier when we come to fight them; but I am afraid we shall be mistaken, if we rely on that. I would rather rely on the mettle of our men, than on the difference in our ships.

Now I come to the Post Office Department. My honorable friend from Pennsylvania yesterday gave us some tables, by which he attempted to show that the southern States were greatly benefited by the existing post office arrangement. He gives us tables to show what the excess of postal expenditures over receipts in Georgia, for the last five years, has been; and upon the same basis he says they ought to have been so much in Pennsylvania. He seems to look upon the Government of the United States as a great beggar-house, from which there ought to be a fair division of plunder. I have a plain story that will put that Senator down very readily. I told him I would show him what his tables were worth. I say there is not a State in the Union, whose expenditures for carrying the mail last year, according to the report of the Postmaster General, which I have before me, did not exceed the receipts, except Massachusetts, Rhode Island, New York, and the District of Columbia; Rhode Island and the District of Columbia, because they have but little territory over which to pay for carrying the mail; New York and Massachusetts because they received a large amount of foreign postage, for which we pay England and other foreign countries and our own steamships over two million dollars for earning, which is not charged against them. Therefore, there is, in fact, not a single State or Territory in the Union in which the post office is not a burden.

Who has brought about this state of things? When you reduced your postage to three cents, it was said, "Let us imitate England; she has a penny postage, equal to two cents of our currency; three will give us money enough." My honorable friend from Vermont [Mr. COLLAMER] told you that would not do; he brought his usual good sense to bear, and told Congress it was a policy which would not keep the Department self-sustaining; but it was proved, apparently, by those who seek to put the expense of their business upon the people of the United States, that three cents would pay all the expense. I protested against it, and voted against it, and never believed in it; and I do not think anybody believed in it, except some very simple people.

Mr. BIGLER. Will the honorable Senator allow me to say a word?

Mr. TOOMBS. Certainly.

Mr. BIGLER. I am satisfied it is not the Senator's intention to misrepresent any statement which I made; but the effect of his argument will do so. I was perfectly aware that the statement which I presented, in the view which the Senator takes, was not accurate. I stated distinctly, that I had thrown out of that account the expenses of the general Department, and the expenses of the foreign mail service, and the Pacific service; so that the account embodied only the local service within the several States—the expenses for transmitting the mails and for postmasters. In doing that, I stated, further, that I acted on the communication of the Postmaster General, to which the honorable Senator has just referred, who said that these general expenses belonged to the States *pro rata*. I know that when they are divided amongst the States, there is not one which pays its expenses in full; but that does not in any way disturb the account which I presented, which is for the local expenses within the several States.

Mr. TOOMBS. I have stated the Senator precisely as he represents himself; but he left out important elements necessary to get at the case. The Senator did say that the southern section of the United States was benefited by it at the expense of the North. If his argument did not mean that, it meant nothing.

Mr. BIGLER. I certainly said, and I meant, that the States to which I referred had a large proportion of their postage paid out of the Treasury; but in what light did I present it? Simply to meet the complaint which was made, that the manufacturing States realize large incidental benefits from our revenue system. In making up the account, I threw out the foreign postage to which the honorable Senator has referred, as far as I could get the information; and in getting it, I did not rely entirely on my own judgment. I endeavored to make it accurate, and I hope it is so; for I should regret to have made an incorrect statement.

Mr. TOOMBS. The Senator may, perhaps, better wait until I am through with my reply to his postal argument; he will find a good deal more

to answer. My complaint of his statement of his statistics was that they did not present all the facts, and were therefore calculated rather to mislead than to enlighten us. He recapitulated the results of five years post office debtor and credit with Pennsylvania. Why did he not take the *present* condition of the postal service in Pennsylvania? It told a different story, that is all. He referred to a time when the post office was conducted somewhat after the old fashion—to a time when men paid their own postage—to a time before the enterprising classes had contrived to throw the expenses of their business upon the public Treasury. But since the post office had devoted itself to "progress and civilization" instead of carrying letters and newspapers, Pennsylvania, like the rest of her sisters, "is short" in her accounts. The moment that the expenses of the Department were thrown upon the Treasury, we began a race of deficiency; all the States became deficient; and the "devil take the hindmost" is now the cry all along the line.

But the Senator takes consolation from the fact that Pennsylvania is not so far behind as Virginia and Georgia. But there is this difference: Virginia and Georgia, now and at the time of the adoption of this profligate policy, opposed it; Pennsylvania, then and now, supported it. We insist that the man who writes and receives letters shall pay his own postage; we say that it is unjust that merchants, manufacturers, lawyers, and lottery men, who write great numbers of letters, and whose business requires it, shall throw the cost of their business upon the public Treasury; upon working men who do not, and perhaps cannot, write letters; we neither seek nor desire that those among us whose business requires a large use of the Post Office, shall compel honest toil to share with them this part of their business. This is a departure from the practice of our fathers; they held that when the Government undertook the carrying of people's letters and newspapers, these people should pay the cost of their transportation; that they should not throw any portion of their expenses on other people's shoulders. Suppose my friend from Pennsylvania should propose to some honest farmer in Pennsylvania, near his post office, to hire a box together, each to pay an equal sum of postage, when his postage would be ninety-five per cent. to five per cent. of his honest friend: does he suppose that he has a constituent out of the madhouse who would not treat the proposition with indignation? Yet this is precisely the principle upon which our Post Office is now carried on. They who write letters and send or receive newspapers, and whose business requires them to do so, throw the expense of their business upon honest toil, and then write and speak and send men to Congress to prate about protection to these very laborers, whom they are robbing under the forms of law. These very skillful, adroit, enterprising gentlemen, contrive a system by which they levy pence out of poverty, to pay the legitimate expenses of their own business, and then have the audacity to stand before me and claim to be the especial friends of labor. Sir, it is mockery which should be exposed by all honest men.

That this is the result of the present postal system, is demonstrable. It is not sectional; it affects the laborer in Maine and New York as much as it does the laborer in Georgia. I stand here to resist the transfer of the burdens of commerce, manufactures, and professions, upon other pursuits in Georgia, as well as in Pennsylvania or New York. The New York Legislature sends memorials to fasten this burden upon their labor. I will not do it. The Senator from New Hampshire stands up here to grind his own poor for the benefit of the rich. I will resist him, and defend the rights of the humblest laborer in New Hampshire against this injustice. The Senator says, with great plausibility, I do not intend to tax the poor men in my State more than three cents for their letters. Well, suppose three cents per letter does not pay the cost of transportation: where is the rest of the cost to come from? Out of the public Treasury, of course. Who pays that? Government earns no money; it only spends the earnings of labor. Nearly all of our taxes are levied by duties on imports, which are taxes on consumption; rich and poor pay according to their consumption of dutiable commodities. A laborer with an income of $1,000 per annum, may consume as many dutiable goods as a capitalist with $10,000 a year. I know many planters in my State who are but little affected by your revenue laws. They live at home. They make their own shoes and hats and blankets; their daughters spin and weave their shirts and pants and coats, and their wives make them up; they buy salt and iron, and care but little for the balance of your imports. But take a working man, who makes no part of his own consumption, and sells his labor to buy what he needs, and he may consume more dutiable goods, and thus pay more revenue to the State than one of those persons with an annual income of $10,000. I have seen it stated in the newspapers that a very worthy gentleman in New York pays a tax of $85,000 per annum to the city as assessed on property. His coachman probably does not pay one cent to the city, because he may have no taxable property. But he probably has as voracious a stomach and as broad a back as his employer, and may have a much larger family to support, and therefore it is possible that he may consume as many goods paying duty, and pay as much duty, as his employer. It is next to impossible that his employer could consume an amount of dutiable goods in proportion to his wealth. To collect of this gentleman taxes on imports equal to the tax on property which he pays the city of New York, he would be compelled to buy near $500,000 of dutiable goods per annum. There are very narrow limits to individual consumption, especially of the articles upon which the Federal Government levies its revenue. Most of our people are able to buy and consume all they want of such commodities. The difference between the consumption of the poor and the rich is not at all proportioned to their means of purchasing; therefore their taxes are grossly unequal. Indeed, indirect taxes, all taxes on consumption, are unjust and unequal taxes. They tell terribly on labor. They have destroyed the labor of Europe, and they will destroy ours, if we keep up the system. They eat up the small gains of the poor—the substance of the laborer, by tolling his daily earnings in the purchase of the necessaries of life, and exempt the greater portion of the incomes of the rich from public burdens. By this system, England has beggared her laborers, who are daily fleeing to America, to Australia, and to all parts of the earth, to escape its direful effects. She has abandoned protection, but levies her revenues mainly on the consumption of the necessaries of life, from the sweat of the poor. Let us profit by her example. The revenues of the State should be levied from its wealth and not from its poverty; therefore, a tax on property should be substituted for a tax on consumption, as rapidly as other public considerations will allow of it. Let not my friend from Pennsylvania then put heavier burdens on the poor to pay the postage of the rich. By his own account, they carry all, nay, even more than they are able to bear. Spare them this additional infliction, and go with me back to the better days of the Republic, when letter-writers paid for their own correspondence, and newspaper-takers paid their own postage, and the humble poor, who, perhaps, could neither write nor read, were not burdened with the legitimate expenses of their more fortunate neighbors. To make the man that writes no letters pay for those who do, whatever the New York Legislature may say about it, whatever the Senator from New Hampshire may say about it, is but taxing the poor, and it may be the unfortunate poor, for the benefit of the rich.

But the Postmaster General seems to think that we should no more expect the Post Office Department to support itself than the Army or Navy. I would tell him there is this difference: the public defense is indivisible. We can only apportion the expenses of these Departments among the people justly by just taxation; if we could apportion these expenses according to the benefits received, it ought to be done. But it lies at the foundation of civil society, that every part of it, every man in it, is bound with his life and his property, the whole of it, to defend and preserve the State, and defend every man in the State. But there is nothing in civil society that requires one man to be taxed to carry another man's letters, more than there is to tax him to carry to market another man's corn, wheat, cotton, or potatoes. Not to see this distinction is a sufficient solution of our present postal difficulties.

I demand, therefore, that the Post Office shall support itself, or be cut off from the Government. If New England, on account of her dense population and particular pursuits, can support her postal system at a less cost than we of the South can, let her have the benefit of it. We do not wish or desire her money to pay for our letters. My friend from Virginia [Mr. HUNTER] has presented a project which will meet all such difficulties, and do justice to the whole country. We get an undue share of the wastage of the Post Office Department. We have hitherto resisted, and now desire to surrender it as unjust. Abolish your franking privilege, stop weighing down your mails with useless unpaid trash, such as Globes and Patent Office reports; raise postage to a remunerating point; and if you cannot then carry on the system as cheaply and efficiently as it can be otherwise done, abandon the business and leave the transportation of letters where the transportation of all other commodities is left, with those who have an interest in the business. I know you will not do it well; and I would to-day, if I could, sever the connection between the Government and the postal business of the people. But it will take some time for this plain truth to get itself acknowledged. I am content to watch and wait. In the mean time, labor must toil and sweat and bear other burdens for the sake of soft words from deceitful tongues. I suppose it would be hard for me to convince a day laborer at one of the furnaces of Pennsylvania, who has nothing to carry to market, that it would be to his interest to join me and pay one half or two thirds of the expense of carrying my cotton to market, and I to pocket all the benefits of the operation; but that is exactly what his Representatives here are doing for him with regard to my letters, every day they sustain our present Post Office system. These are blind leaders of the blind, or men who see, yet perceive not. Sir, I am a friend of labor; I honor it; I pity it; the world praises it and robs it. I will give no vote to rob it of its just earnings. I will not wring another drop of sweat from its face.

You need not talk to me, then, about a deficiency of $10,000,000 in your Post Office Department for the next fiscal year. I will not vote it, I will not provide for it, and, without that single item, we need no increase of taxes. Make those who use the post office pay for their own business, and you have no need to levy a single shilling out of labor for the next year. The Post Office Department pays above $2,400,000 for carrying the mails from the Atlantic to the Pacific side of the continent. I remember a few years ago, that Mr. Vanderbilt offered to Congress to do that service efficiently for $250,000 per annum. I doubt not it could be done to-day for $500,000. We receive but $272,747 06 from the whole of our Pacific postage; we, therefore, sink near $2,250,000 on the mail service on that coast. This annual loss is greater than the whole loss on postage, from the Revolution to the acquisition of California, from the best data I can obtain. Is it not time that one's patience should be exhausted? Is it not time that the Postmaster General should cease developing "the agricultural and mineral resources of nearly one half the continent," by means of four-horse post-coaches? Is it not time that he should stop pioneering for "civilization and progress?" I think so—I shall vote so. These things can be done better by letting them alone. There is no sane man in America who would manage his business in this way. Any man who would thus manage his own affairs would have them taken out of his hands in any well-regulated community, and put into commission. He would be, to use a polite term, what the Scotch call an innocent, favored by the gods, and deserving the kind protection of all men. We must alter our system, bring down this Department to the wants of the country to be tested by what those who use it are willing to pay for it. I must pass other equally glaring excesses in other Departments of the Government. I intended to look into your Indian affairs, your light-house system, your custom-house, and post office building expenses, but I have not time,

or strength; I must reserve them for a future occasion. Your whole Indian relations ought to be changed. The present head of the Interior Department manages that, and all the rest of the public interests committed to him, with great industry, integrity, and ability; but the system is wrong and demands reform.

I must here leave the second point of the controversy, and submit to the Senate and the country whether I have not shown that the present basis of Government expenditure is neither wise, prudent, necessary, or proper, and ought to be altered. These views necessarily dispose of the whole question; but, as the Senator only made this resolution a text for a tariff speech, I will follow him into his remedy for imaginary necessities. The truth is, the honorable Senator is a good friend of economy in the abstract; he votes well upon public expenditures, but he imagines that Pennsylvania wants additional protection on iron; he does not wish to come up and demand it as a wise and proper system of legislation, but assumes that it is a financial necessity. He does think that additional protection on iron will benefit Pennsylvania. I do not think so; it may be a benefit to particular interests in Pennsylvania, but not to her whole people. I do not believe the people of Pennsylvania have raised this clamor. I think the iron-mongers have raised it; they speak in the name of Pennsylvania to give weight to their appeals; but I am unwilling to believe the State of Pennsylvania demands any such legislation. Why should it have arisen now? It is shown by the very able report of the Secretary of the Treasury, that there was less foreign iron imported last year than there had been for many years before; that the production of iron had steadily increased up to the pecuniary revulsion, until the product had reached the unprecedented amount of one million tons. It is true, iron has fallen in Pennsylvania; and so it has all over the world. Does the iron-maker expect that Congress is to protect him from wide-spread monetary convulsions? If he does, his expectations are vain; for Providence has wisely denied them the power to do such a thing.

I have disposed of the tariff of 1857, so far as it affects the revenues of the Treasury; I now propose to examine it in its industrial effects. The act of 1857 is a tariff for revenue, discriminating for protection. Whether this system be wise or unwise, it is the principle upon which that act is founded; it is based upon the principle contended for by Mr. Clay, in 1844, though not carried to the extent to which he would have carried it, if he had succeeded to power. Then the principle of the bill is not obnoxious to Pennsylvania; it is justly obnoxious on account of the extent to which the principle is carried. Even as a protective measure, I think it transcends, in the present state of the country, any reasonable bounds of protection, and if the revenues do require augmentation, that such increase ought rather to be sought in the imposition of duties on some of the free articles of that act than in any increase of the duty on the protected articles. The duty on iron, as laid at the custom-house, is at least twenty-five per cent. *ad valorem*. Is not one fourth of the price of iron enough protection for it at this day? Mr. Clay only defended protection even within the revenue principle, while our manufactories were in their infancy. When will the iron manufactory get grown; what is the age of its majority? It has been protected with a duty from twenty-five to one hundred per cent. for above forty years—from 1816 to this day. How long before it can stand alone? If it be that, after the lapse of forty years, it is unable to stand without protection, according to all sound principles, even of the protective policy, it ought to be abandoned, and American labor should no longer be wasted in the unprofitable pursuit. We have had time, continuous protection, and experience for forty years; within this time the cost of producing iron in the markets of the world has been reduced one half; and if, under all these circumstances, iron cannot be profitably made with the advantage of twenty-five per cent. duty, we should no longer close to ourselves the markets of the world. It is an article of the first necessity in nearly all of the industrial pursuits of the earth. It is especially so to the greatest interest of this country, and of the whole world—that of agriculture. The farmer relies on iron for the production and transportation of his commodities to market. The farmers of the United States have no protection, and can have none; that interest, in the greater portion of our country, is extremely depressed. Shall we put new burdens on it for the benefit of the iron manufacturer? I say not. He already gives them a quarter of every dollar he spends for his own implements of husbandry; and those who transport his commodities to distant markets of consumption, already pay one fourth of the cost of all iron necessary to lay their tracks for the support of the iron interest. The business of the food-growers is as much depressed as that of the iron-makers; by what right shall the latter tax them for their benefit? Their pursuit is entitled to no more favor; it is no more useful to the human race; no more necessary to the State; they are not by many, many millions so numerous; why, I ask again, shall they be thus favored? They are more enterprising and clamorous; but I would advise them to beware how they push for extraordinary benefits at this day; new and great interests have sprung up in this country. Cheap transportation is the first necessity of the great West and the South—now a majority of this country; their rough produce, corn, wheat, potatoes, beef, and pork, must find a market on the Atlantic, and in Europe; more than one thousand millions of capital has already been invested in railroads to meet this ever-growing demand for cheap transportation. This is the power you have to dread; look to it. They can combine as well as iron men; the present iron duty taxes them fifteen hundred dollars per mile on all the roads they build. They will not long submit to it. They are now prepared to say to the iron-masters, we have protected you for above forty years; you have had time enough to learn your trade; we will tax ourselves and our customers, the agriculturists, no longer for your benefit; and I think they will be words of wisdom and of truth.

Mr. President, I have but a few words more to say on this subject, and they are words of friendly warning to the protective interests which now seek to disturb the tariff of 1857. That act discriminates largely for protection. It relieved nearly all of the foreign commodities necessary to domestic manufactures from duty, and even the exceptions were retained for protection and not revenue purposes. It was a great concession to domestic industry, in violation of the principles of free trade. When it was adopted, we found our revenues redundant, and it became necessary to reduce taxes, in order to prevent great and unnecessary and hurtful accumulations in the Treasury. We, who earnestly desired a reduction of revenue, found it necessary, in order to obtain it, to make large concessions to the manufacturing interest. In some respects the act of 1846 did work hard upon them. Thirty per cent. duty was laid upon woolen manufactures, but the same amount was also laid upon wool, thus greatly neutralizing the benefit of the duty to the manufacturers. They asked that coarse wool, at least, should be free, and woolen manufactures left in the twenty-four per cent. schedule. The demand was granted, and they went on their way rejoicing. The Senator from New York, the especial representative, (not of free trade, but of free soil and protection,) was in the conference committee which reported this act; it received his support, and that of his friends generally; all parties are fairly committed to its support; committed to it not only as a protective, but as a revenue measure; committed to it with the full understanding that it would not produce above $50,000,000 on the importations of the then current year, and that for any increase of that sum we could only look to the future increase of the production and consumption of the country. It was a national settlement, and carried with it the implied pledge that the public expenses were to be kept down to that standard.

But now, sir, we are told by the Senator from Pennsylvania, that his State demands a change of this measure, the Executive Government asks a change of this measure, and that, too, in the face of its entire success, according to the estimates of the Treasury Department. Well, I know not the result; I have seen many strange things in politics in my time; I know not how many gentlemen are prepared to eat up their own words so lately uttered. I am not prepared for it. I shall stand to it until it shall be found necessary to reduce, but not to raise it. It gives all the protection I shall ever assent to; and if we need more revenue, I am in favor of raising it from the free lists, and not from the protected articles. The protective interest will find it to their advantage to stand by their bargain, to stand by their implied pledge to reduce the appropriations to the economical wants of the Government. There is safety in it as well as honor and good faith.

The honorable Senator from Pennsylvania [Mr. BIGLER] suggests a change in the mode of levying the duty; at least, on some articles, he prefers specific to *ad valorem* duties. I have always believed that, whether your duties were high or low, specific could be wisely substituted for *ad valorem* duties on a great many commodities; such has been the experience of all the great commercial nations. Thirteen years ago the arguments now urged for specific duties were submitted by me against the universal adoption of *ad valorem* duties in the act of 1846. I then argued that *ad valorem* duties offered greater facilities for fraud on the customs; that their effect would be to make your revenue, under the same rate, less stable and more fluctuating, inasmuch as it would make it depend on the prices of the dutiable articles, as well as the quantity consumed, and that its necessary effect would be to raise the most revenue when the Treasury would be the least pressed, and give most protection where none might be needed, and least when the most was needed. A slight examination of the sugar duties for the last two years will strongly illustrate these positions: For the years 1856-57, we received from duties on sugar $12,478,871; equaling nearly one fifth of the whole revenue for that year. In the year 1857-58, we received only $4,547,199; or less than one ninth of the revenue for that year.

But, sir, while I believe that on many commodities it would be wise to levy a specific duty, whether it be large or small, instead of *ad valorem*, yet the great majority of those with whom I act and most generally agree on these subjects, prefer the *ad valorem* mode. But they agree with me that the public burdens shall not be increased; they only differ from me as to the manner of imposing them; and as my great abiding object is to prevent an increase of public taxes, I shall yield to them the manner of imposing them. The friends of specific duties generally, in this body, are the friends of increased protection; many of them care less for the manner of laying duties than for the amount levied; some of them think specific duties a convenient mode, especially at this time, of covering up increased protection.

The Senator from Pennsylvania [Mr. BIGLER] says that $12 per ton is suggested on rails. The last accounts from Cardiff gave the price of rails at £6 10*s.* per ton; $12 per ton is about thirty-six per cent. *ad valorem* on present prices. The Senator is not in favor of high duties, but only suggests a specific rate which will give thirty-six per cent. instead of twenty-five per cent. protection. He also suggests $15 on bar iron—it was worth, by the last advices, £6 6*s.* This is only asking a little more than forty per cent. in lieu of twenty-five per cent. All he wants are incidental advantages from a revenue tariff, but he seems willing to take on any amount of burden only to get the "incident." I believe his colleague wants $18 on bar iron.

Mr. CAMERON. Oh, no; I take no part in this. I am listening to the gentleman with great pleasure. It is a fight between members of the dominant party.

Mr. TOOMBS. I can tell the Senator we have passed the time for viewing this great social question through the disturbed medium of partisan prejudices. I am arguing this question to American Senators, who, without reference to party, voted for the law now under consideration. They have already discarded mere party objects in its adjustment. The honorable Senator from Pennsylvania, [Mr. BIGLER,] for whom I have a very

high personal respect, advocates an unsound policy, in my judgment. I propose to meet him, as far as I am able, with arguments worthy of the Senate, and worthy of the great public interests involved. The Senator and the Government had as well begin to look this great question full in the face. Such protection as the honorable Senator advocates cannot be had, except from the enemies of their principles; and it is extremely doubtful whether such a course as that can accomplish the result. The world does move. Forty years ago the country was young, was poor; our manufactures were few and feeble; we wanted capital; we wanted skill; we imposed our taxes in such manner as greatly promoted our manufacturing industry. We nursed them; we built them up, whether wisely or unwisely, the fact is accomplished; and they will go on increasing and prospering in spite of croakers, in spite of convulsions, and in spite of tariffs. All the great branches of our national industry are on a firm basis; they are daily increasing and gathering strength; they will be subject to fluctuations, to adverse times and prosperous times; that is the law of human industry, but the result of it all is still progress. Small men tie themselves on to the one or the other of these great interests, affect to be its peculiar friends for their own advantage. We have education, skill, experience, capital, labor, food, and raw materials lying all around, and millions of active, producing consumers, and free Government. These are the imperishable elements of our material prosperity. Strike down your custom's duties to-morrow, and you will not thereby extinguish your furnace fires, nor shut up your factories or workshops, but they would survive it, and still flourish, perhaps all the better, for standing on industry rather than fluctuating legislative enactments.

Another pretense for overthrowing the tariff of 1857 is that it failed to bring a sufficient revenue in the year 1857-58. You have mistaken the remedy. Under the imports of that year it is doubtful whether any tariff you ever laid would have met these expenditures. It is absolutely certain, that neither the act of 1842 nor that of 1846 would have produced a sufficiency of revenue for that purpose. I have applied with great care the acts of 1842 and 1846 to the dutiable imports of 1857, and find that the act of 1846 would have brought but $51,982,796, leaving a deficiency for the year of over $20,000,000. The same tables show that the act of 1842 would have provided but $60,679,794. This, upon the assumption that the high duties of that act would not in any degree have lessened imports, would have left a deficiency of over $10,000,000. But, fairly estimating the reduction of imports which the very high duties of that act would have necessarily produced, I do not doubt but the duties under it would not have exceeded $40,000,000, being a deficit of over $30,000,000 in the Treasury. This table conclusively shows that the highest protective tariff you ever placed on your statute-book is inadequate to your wants.

I again repeat, you have mistaken your remedy. You must retrench. High duties can only assist our manufactures by shutting out foreign commodities and substituting domestic commodities of all kinds in their stead. This will reduce, and not increase, the revenue. The system, if successful, finally, and with certainty, must drive us to direct taxation for the support of Government. Such was the result in England; she imposed internal taxes to compensate for protection. It is well to consider, on our present basis of expenditure, how far we are from that point. I therefore reject increased taxes as a remedy for present evils. I have shown that retrenchment is not only possible without injury to the public service, but easy, necessary, and expedient. The policy of the Democratic party is to bring down the expenses to the revenue. By the misconduct of all parties, they have been carried beyond the just wants of the Government. It would be a public calamity, instead of a public advantage, to keep them there. Let us, then, retrench; substitute economy for waste and extravagance; leave honest toil to the enjoyment of its own fruits; and we will thus earn the blessings of labor, and the confidence of the country.

GOVERNMENT EXPENDITURES.

SPEECH OF HON. N. ABBOTT,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

February 21, 1859.

The House being in Committee of the Whole on the state of the Union—

Mr. ABBOTT said:

Mr. CHAIRMAN: It is time that the true character of this Government should be understood by its constituent parts, and exhibited to the people of the country for their inspection. It is time that the Government should examine itself, and place the report on the records of the country, so that it can be seen and read by all men. Self-examination is as necessary to the purity and welfare of nations, as individuals; and, like individuals, they never stand still. They either advance or retrograde. In power, in wealth, in morals, and in all the elements of greatness, they either go forward or backwards. We read on the pages of history, from the commencement of the world to the present time, accounts of the rise and fall of empires—their progress and decline; but no description of a stationary Government has yet been written. Motion of some kind is an immutable law of their being. The framers of our free Government supposed it contained all the essential elements of progress. They risked their fortunes and their lives to establish it. They held it up to the world as a model Government—worthy of imitation, worthy to be adopted by all nations; and so it is, if humanity is wise enough and pure enough to live up to its principles.

Sir, let us now examine the moral and political condition of our country, and see in what direction it is drifting. During the brief period of my connection with this body, the Government has been frequently charged with profligacy and corruption. Are these things true? If they are, we can have no surer evidence of the decline of our Government; for profligacy and corruption invariably precede the downfall of republics. Now, as perfection is not an attribute of Governments, any more than of individuals, profligacy and corruption are relative terms. Hence, I know of no better way to determine the truth or falsehood of these charges, than to contrast the present with the past; to compare the sentiments, opinions, and actions of our present rulers, with the sentiments, opinions, and actions of the rulers of our country who have preceded them. Before the comparison can be made, we must first ascertain who our present rulers are. Well, sir, who are they? They are not the people; for their voice is not heeded. They are not the men who nominally stand at the head of affairs; for they are mere puppets, moved by those who stand behind them. They are the ultra men of the South, holding extreme notions on the subject of slavery, and wholly sectional in their feelings and designs. These ultra men rule the Supreme Court of the United States; they rule the Congress of the nation; they rule the President in the White House; they rule the caucuses and conventions of the Democratic party; they rule the Democratic party itself, in all its actions; and, through the Democratic party, they rule the country. The national Government, and every branch of the national Government, is as fully and completely under the control of these few extreme men of the South, as are the slaves on their plantations.

I am asked how this is done? Sir, I will tell you how it is done. It is done by sectional organization, and by sectional action. There are fifteen slave States in the Union. The few leaders in the slave States manage to excite the fears of the people, by telling them frightful stories concerning the wicked purposes of the anti-slavery men of the free States; and, in that way, they induce all the slave States to act together as a unit. All the delegates from the slave States, in Democratic national conventions, act together. All the Democratic Senators and Representatives in Congress from the slave States act together in their caucuses; and, in their caucuses, they outnumber the Democrats from the free States two to one. In their caucuses, all party measures are agreed upon. Hence, the Democrats from the free States, being in a minority, are entirely in the power of their southern dictators. They, in reality, have no voice in the legislation of the country; and they can have none, unless they bolt from caucus dictation, and that they dare not do, because of the severity of the penalties. Disobedience to caucus discipline is political death. Death, without the benefit of clergy. Death to the culprit, and death to all his innocent friends in office. He is read out of the party. He is libeled by the Democratic papers at Washington and at home. His friends holding places of profit, if he has any such, are suddenly removed; and tools, who will join in the howl against the poor sinner, are appointed in their stead. These are the means by which a few ultra slavery propagandists of the South now rule this country; prescribe its foreign and domestic policy; mold and direct its institutions; guide its destinies; plot its ruin.

Having ascertained precisely who the present rulers of our Government are, let us see whether or not they are guilty of profligacy in the administration of its affairs. That we may do these men no injustice, let us contrast the annual expenditures of Buchanan's administration with the annual expenditures of former Administrations. During the first years of Washington's administration, the costs of the national Government were only forty-eight cents to each inhabitant. The population of the country was about four millions, and the whole expenditures of the Government less than two million dollars annually. The costs of the Government now exceed three dollars to each inhabitant—more than six times as much as they were in the days of Washington. The population of the country now is about twenty-five million, and the Government expenditures about ninety million dollars. If the Government was administered now as economically as it was in 1790, $13,000,000 annually would be the extent of its expenditures; and there would be a yearly saving to the people of $77,000,000, and a saving to each head of a family of over twenty dollars a year. In 1830 and 1831, when General Jackson was President of the United States, the costs of the Government amounted annually to one dollar to each inhabitant. Now they amount to over three dollars to each. Then the annual expenditures were only $13,000,000, and the population thirteen million; now the expenditures are $90,000,000, while the population is less than thirty million. Bring this Government back to the economy which characterized the administration of General Jackson, and $60,000,000 would be saved to the people annually; and over fifteen dollars would be saved annually to each head of a family in this country, two dollars to each individual, and twenty dollars to each man having a wife and eight children.

Is there any excuse for this extravagant waste of the public money, by the men now in power? Do the people receive any adequate equivalent for this enormous tax on their pockets? Is the country better ruled now than it was during the administration of General Jackson? Are life, liberty, property, and the pursuit of happiness, better secured now than then? No. And the men who now rule the country, and rob the people of $60,000,000 of their hard earnings annually, dare not assert that they are. The money is not used for Government purposes, but for party purposes. It goes to pro-slavery partisans, in payment for partisan labor performed in the service of their leaders. Sir, I know that the assertion made upon this floor, that the party now in power squanders $60,000,000 of the public money annually, is a startling assertion; but it is nevertheless susceptible of perfect demonstration, unless you deny the propriety of Jackson's administration; and that you cannot, you dare not do.

I do not expect to be able in a single speech, under the hour rule of this House, to point out all the leakages in our national Treasury—to show where every dollar of the $60,000,000 plunder-money goes. But I do expect to exhibit, from official reports, facts and figures enough to satisfy any man that not less than $60,000,000 of the public money is squandered annually by the party

in power, to uphold and sustain its party ascendency. I do not contend that money is taken from the Treasury for party purposes directly, and without color of law. No; it is all paid out by Government agents, under appropriations made by Congress. But then, the rulers of the Democratic party control both branches of Congress; they control the appointing power, and hence, they make just such appropriations, and have just such agents to make Government contracts, and to spend and disburse the money as they please. And although all the expenditures are made under the forms of law, yet the slightest scrutiny discloses a stupendous system of public plunder.

From 1830 to 1840, the average annual expenditures of the Army amounted to $4,000,000. Now, when we are at peace with all the world, the expenditures exceed $18,000,000. With such a disparity in the expenditures, can it be possible that the money is honestly expended, that there is no favoritism in Army contracts? No partisans indirectly rewarded for services rendered, or to be rendered? In 1855, proposals were sent to the Treasury Department to furnish the granite for the extension of the Treasury building. Edward Hawks, of Belfast, Maine, offered to furnish it for $308,385. If the contract had been given to him, as it would have been if there had been no favoritism shown, the Government would have saved, in that one item, from one to two hundred thousand dollars. It was given to Messrs. Beals & Dixon, whose bid, on the face of it, as appears from the Treasurer's report, was less than Hawks's, it being, as it there stands, $243,546. Hence, on the face of the transaction, the bidders appear to have been treated fairly, and the public interest appears to have been secured. But, according to the specifications in Beals & Dixon's bid, they are to have extras and additions on a large number of items.

Now, I have been informed, by men who ought to know, that the drafts upon the Treasury, to pay for these extras and additions, will be nearly equal to the bid, as it stands on the face of the report. Now, sir, I do not know, of my own knowledge, how this matter is; but I do know that the transaction bears unmistakable evidence of a design to cheat the Government for the benefit of somebody. Whether the stealings are to be shared between the contracting parties, the Government agents, and Messrs. Beals & Dixon, or for what purpose they are to be applied, will probably remain forever a Government secret. Bill after bill, which is adverse to our true interests, and hostile to the spirit of our free institutions, such as bills for the increase of the Army and Navy, bills for the construction of war steamers, bills for the construction and repair of fortifications, and the like, are forced through Congress by men who are looking for Government contracts, dependent on their passage. When such bills are up, the outside lobby pressure is immense, which is pretty good evidence that Government contracts, under our present rulers, are tolerably profitable.

Prior to the last session of Congress, appropriations had been made, from time to time, for the erection of a custom-house in New Orleans, amounting in all to $2,675,000. The original appropriation to build the house was $100,000, which sum was amply sufficient for the purpose; and all that ever would have been asked for, if there had been no chance for public plunder, under the cover of Government contracts. Last session, the Senate passed an appropriation bill, in which was an item of $350,000, to continue the work on this custom-house. The House of Representatives, by a pretty decisive vote, struck out that item. The bill went back to the Senate, and the Senate put it in again. The bill being again returned to the House, the House again struck out the obnoxious item. The Senate then asked for a committee of conference, and the House joined in a committee. That committee changed the item to $250,000, and reported in favor of its passage; and it did pass both branches of Congress, and was approved by the President. Sir, the pertinacity manifested in holding on to that appropriation, and in forcing it through Congress, excited suspicion in my mind that promises of magnificent Government contracts had some little connection with the efforts made; and, sir, does not the fact that the money is all gone, and more asked for, tend to prove that my suspicions were well founded?

I find a bill upon my desk, reported by the Committee of Ways and Means this session, appropriating $250,000 more for continuing the work on this same New Orleans custom-house; which, together with the former appropriations, amount to $3,175,000, which has been squandered towards the erection of a single custom-house. The whole expenditures of the Government from the 4th March, 1789, to the 1st January, 1792, when the first statement was made, amounted to only $1,919,589. In 1810, the whole expenditures were only $5,311,082. Thus we find that there has been drawn from the Treasury, under the pretense of building a single custom-house, $1,255,411 more than the entire expenditures of the Government for nearly three years of Washington's administration; and nearly as much as the whole expenditure of the Government in 1810.

I will notice the impositions and frauds that have been practiced upon the Treasury, in the name and under the guise of one other incipient custom-house structure; and then, I will bid adieu to the custom-houses, and turn my attention, for a few moments, to their inmates. An appropriation was originally made of $30,000, to build a custom-house in Charleston, South Carolina. Between the time when the original appropriation was made and the close of the Thirty-Fourth Congress, $1,670,000 in additional appropriations, had been made, from time to time, towards the completion of the building. Last session the Senate passed a bill appropriating $250,000 more to continue the work. That appropriation was twice voted down by the House; but was finally passed through, under a report from a conference committee, reducing the amount $200,000. That money, we are told, is all gone. The $30,000 is all gone; the $1,670,000 is all gone; the $200,000 is all gone, and now we are called upon for more. And, strange to say, the Committee of Ways and Means have heeded that call, and have, this session, reported a bill appropriating $200,000 more to continue the work, or, more properly speaking, to feed hungry, and clothe naked Democratic politicians, who rely on Government patronage, and Government contracts, for subsistence. There are Army contracts, Navy contracts; contracts for the purchase and sale of public property; contracts for carrying the mail, and various other Government contracts, which I have not time to examine now; and which I hope may not generally prove as ruinous to the Government as the sale of Fort Snelling, by which the Government was swindled out of at least $300,000, by the faithlessness or frauds of its own agents.

Sir, I have no means of telling the exact amount, yet it is evident that millions of dollars are squandered annually by retaining in the public service custom-house officers, diplomatic and other agents and employés, whose services are not needed. In 1857 the whole amount of revenue collected at the custom-house in Wilmington, Delaware, was $2,004; eight custom-house officers were employed to collect it at a cost to the Government of $15,848—loss to the Government of $13,344, over and above the entire revenue collected. At the custom-house in Annapolis, Maryland, the same year, there was collected $374; four officers were employed in its collection at a cost of $983—loss to the Government of $609. At Oranoke, North Carolina, there was collected, same year, $82; seven men were employed in its collection at a cost to the Government of $2,301—loss to the Government beyond the revenue collected, $2,219. At Port Oxford, Oregon, same year, there was collected $5; two men were employed in its collection at a cost of $2,703—loss to the Government, $2,698. At Monterey, California, there was collected, same year, $45; three men were employed in its collection at a cost of $7,050—loss to the Government, $7,005.

A Government that creates and continues collection districts, year after year, where there is comparatively no revenue to collect, for the sole purpose of giving sinecures to six or eight men in each district to reward them for party services, is a Government that a free people will not long sustain. Seven Government offices, kept under pay the year round, to collect $82 revenue; three officers to collect $45; two officers to collect $5, are curiosities, indeed, in a Government where the people have retained the sovereign power in themselves, and pay the Government expenses.

But these are no greater curiosities than some of the appropriations made for the erection of buildings in which to collect the revenue. Three million one hundred and seventy-five thousand dollars to build a custom-house in New Orleans is decidedly a curiosity. Two million one hundred thousand dollars to build another in Charleston, South Carolina, is a curiosity worth looking at by a people who furnish the money by the sweat of their brows. The great object of a free Government is exemption from such impositions—exemption from taxation to support in idleness and luxury a lazy, privileged class, to poison and corrupt the social system. There are many other collection districts in the country, well supplied with officers, where the whole revenue collected is not equal to the salaries of the officers appointed to collect it; but I have not time to refer to them now in detail.

I have in my mind several smaller leakages, which help to deplete the Treasury, such as the $31,000 given to the President annually, in the shape of perquisites, in addition to his constitutional salary of $25,000, and in violation of the Constitution; such as the new corps of commissioners of customs, recently appointed, with no duties to perform, but to visit the collectors in their several States once a year, and receive their salaries of $3,000 each; such as the disbursing agent at New Orleans, appointed to disburse the money appropriated to build the custom-house at that place, at a salary of $6,000 a year, when there is a superintendent under pay at ten dollars a day, who can disburse the money just as well as not, with no additional cost to the Government; such as keeping four times as many naval officers under pay from year to year as can be employed in the naval service, rusting out in perfect idleness upon the dry land.

But, waiving these smaller matters, I desire, sir, to call your attention, and the attention of the country, to a stupendous fraud upon the Treasury and upon the people, in the form of appropriations made for miscellaneous purposes. Now, a small appropriation is wanted annually for such purposes, and only a small appropriation. In 1800, the appropriations for miscellaneous purposes were $193,636; in 1810, $315,783; in 1850, $1,363,297. In 1857, appropriations for miscellaneous purposes were made to the enormous amount of $18,946,189; and increased a trifle in 1858. Thus we see that this Government now expends annually, for mere miscellaneous purposes, ten times as much as the whole expenditures of the Government during the first years of Washington's administration; and $6,000,000 more than the entire expenditures of the Government in 1830. Where does this $18,000,000, nay, almost $19,000,000, appropriated annually for miscellaneous purposes, go? Sir, I desire to know what has become of the $37,000,000 appropriated the two past years for miscellaneous purposes? I must know before I will vote for a single appropriation containing such items.

Appropriations are specifically made for every item of expense worth naming. The appropriations for miscellaneous purposes are designed to cover very trifling outlays that are too small to be named. Sir, I repeat, what becomes of this vast amount of money thus appropriated annually? It is all used up. The Government officers take it all out of the Treasury. Sir, it is a part of the Democratic secret-service fund; one of the main pillars on which the Democratic party now stands; the cohesive power which keeps it from breaking into fragments. With its present sins unrepented of, and unforgiven, the Democratic party could not survive a single election, in any part of the country, if the doors of the national Treasury were barred against its felonious fingers. But bar them you cannot, so long as the people, by their votes, keep the present rulers in power; for they have the control of every branch of the Government, and they have learned how

to open the Treasury with false keys, yet under the color of law. When Buchanan was inaugurated, less than two years ago, there was a surplus in the Treasury of $24,000,000. All that is gone; all the revenue of the country, amounting to $50,000,000 annually, is gone; the Government has incurred a debt of $40,000,000; and now it is crying for more, more. The national Treasury has become a perfect sieve. Money, to any amount, may flow in, but it escapes instantly. It has a waste-way at every point, a leech at every pore. These leeches suck from every farmer and mechanic in the country, in the shape of duties on articles of daily consumption, from fifteen to twenty dollars annually, which is more than the whole amount of their town, county, and State tax. Sir, I am for choking off these leeches, great and small; for barring out of the Treasury the thieves who rob it by fraudulent contracts; for setting adrift the pensioners of party, who deplete it by the receipt of salaries without service, and who forage on the public money, and corrupt the public morals. Such is my remedy for an exhausted Treasury. We want no more revenue. We have enough now. We want no increase of the tariff. The tariff is high enough now. What we want is, reform in the Government abuses—honest men to manage our national affairs. And we will have them. Yes, we will have them.

Sir, I desire now to ask you, and to ask the people of this country, if the charge of profligacy is not made out against our present rulers? I desire to ask if it is not apparent, that this Government might be administered as cheaply now, in proportion to its population, as it was during General Jackson's administration? I desire to ask if $60,000,000 of the public money is not squandered annually to prop up a falling dynasty? I desire to ask, if every head of a family, throughout the length and breadth of this Union, does not have to contribute from fifteen to twenty dollars annually, towards the money thus squandered? And I desire to ask the people how long they mean to submit to such rule? How long they mean to give their votes for such rulers?

Sir, I will now turn from the consideration of the profligacy of our present rulers, to the charge of corruption made against them. And here, again, that I may mete out exact justice to them, I will contrast their sentiments, opinions, and acts, with the sentiments, opinions, and acts, of the early fathers of the Republic. This I need not do to make good the charge of corruption; for the fact that profligacy is proved, to the fullest extent, is sufficient evidence of corruption. Profligacy, in the administration of public affairs, is corruption. But I will proceed to contrast the opinions and acts of the old with the present rulers.

Washington, the father of his country, and the first President, regarded slavery as an evil, and expressed a hope that "it would soon be abolished in the States."

Buchanan, the present President, during the last session of Congress, used the whole power and patronage of his official position to give slavery the preëminence over freedom. By his favorite Lecompton bill, Kansas was urged to step into the Union with slavery, but denied admission without slavery; thus discriminating in favor of slavery and against freedom.

The Declaration of Independence enunciates the precious truths that "all men are created equal, and endowed with certain inalienable rights, among which are life, liberty, and the pursuit of happiness." The majority of the judges of the Supreme Court of the United States have recently decided that "negroes have no rights that white men are bound to respect." Thus denying all rights to a whole class of men.

In 1787, the old Confederation passed an ordinance excluding slavery forever from the Northwestern territories, because of its blighting influence upon the energies of our new country. In 1858, the Democratic party in Congress, backed by the Executive head of the nation, labored six long months in the inglorious attempt to plant and perpetuate the cursed system on the virgin soil of Kansas.

The Supreme Court of the United States, in the case of Prigg *vs.* the State of Pennsylvania, decided that—

"The state of slavery is deemed to be a mere municipal regulation, founded upon, and limited by, local law."

Chief Justice Marshall, in delivering the opinion of the Supreme Court, in 1810, in the case of Sere *vs.* Pitot, said:

"The power of governing and legislating for a Territory is the inevitable consequence of the right to acquire and hold territory. Could this position be contested? The Constitution declares that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory, or other property belonging to the United States. Accordingly, we find Congress possessing and exercising the absolute and undisputed power of governing and legislating for the Territory of Orleans."

In 1828 the same court held, in the case of Contre *vs.* the American Insurance Company, that—

"The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence this power may be derived, the possession of it is unquestioned."

The same court, having lost its conscience and forgotten its former decisions, or become the tool of slavery propagandists, has reversed its former decisions, and now holds that—

"Slavery exists in all of the Territories of the Union under the Federal Constitution, and that Congress has no right to legislate it out."

In 1847, President Buchanan wrote a letter to the Democracy of Berks county, Pennsylvania, asserting the power of Congress over the Territories. I read from it:

"After Louisiana was acquired from France, and when the State of Missouri was about to be admitted into the Union, the Missouri question arose, and, in its progress, threatened the dissolution of the Union. This was settled by the men of the last generation in a spirit of mutual concession. Under the Missouri compromise, slavery was forever prohibited north of 36° 30'. Congress, in the admission of Texas, adopted that rule; and, in my opinion, the harmony of the States, and even the security of the Union itself, requires that the line of the Missouri compromise should be extended to any new territory which we may acquire from Mexico. Such has been my individual opinion, openly and freely expressed ever since the commencement of the present unfortunate agitation; and, of all places in the world, I prefer to put them on record before the incorruptible Democracy of old Berks. I therefore beg leave to offer you the following sentiment: The Missouri compromise—its adoption, in 1820, saved the Union from threatened convulsion; its extension, in 1848, to any new territory which we may acquire, will secure the like happy results."

In this letter, Buchanan, before he became merged in the Cincinnati platform, and when he spoke as a man, from the promptings of a living soul, iterated and reiterated the power and the necessity of Congress excluding slavery from the Territories north of the compromise line. Now, speaking from the belly of the Cincinnati platform, he asserts that—

"Slavery exists in Kansas as fully as in Georgia or South Carolina;" "slavery exists in Kansas under the Constitution of the United States. This point hasnt last been finally decided by the highest tribunal known to our laws. How it could ever have been seriously doubted is a mystery."

What Buchanan saw, as clear as sunlight, when he was a man, is now a perfect mystery. Human rights, things obviously necessary to the peace of the Union, truths which nobody ever doubted before, when viewed through the dark lens of the Cincinnati platform, are wholly obscured from his vision, or seen only to be perverted.

In 1820, Congress passed an act declaring the African slave trade piracy; affixed the death penalty for its violation; and all sections of the country admitted it to be eminently just and proper. This session of Congress forty-two members of the House voted against a resolution, indicating that they were in favor of the revival of the trade.

In 1820, Congress, by the passage of the Missouri compromise act, inhibited slavery north of 36° 30', thereby proclaiming to the country, and to the world, that, in their opinion, slavery was an evil.

In 1854, Congress repealed that most meritorious act, and thereby contradicted its former opinion.

Judge Summers, of Virginia, said in a speech in 1832:

"A slave population produces the most pernicious effects upon the manners, habits, and character of those among whom it exists."

Mr. GARTRELL, of Georgia, in a speech delivered on this floor, last session, said:

"I repeat, therefore, when I am asked if any statesman can maintain that the right of property in African slaves is as sound as any other right of property, I reply yes! a thousand times yes! It is consecrated by reason; it is consecrated by our experience, because it has been the foundation of a highly refined culture of the richest and most potent industry of a powerful empire, and a rational, a stable, and a noble freedom for the white race in our southern States."

John Randolph, on the floor of Congress, when speaking of slavery, said:

"Where are the trophies of this infernal traffic—the handcuff, the manacles, the blood-stained cowhide? What man is worse received in society for being a hard master? Who denies the hand of sister or daughter to such monsters?"

On the same floor of Congress, WILLIAM SMITH, of Virginia, has recently said:

"I believe that the institution of slavery is a noble one; that it is necessary for the good, the well-being, of the negro race. Looking to history, I go further, and say, in the presence of this assembly, and under the imposing circumstances surrounding me, that I believe it is God's institution."

Mr. FAULKNER, a distinguished leader in the Democratic party, and now a member of this House, in a speech delivered in the Virginia Legislature in 1832, uttered sentiments, which, if uttered now, would excommunicate him from the Democratic fold as a fanatic, and a traitor to his party. I will quote his exact language:

"Slavery, it is admitted, is an evil. It is an institution which presses heavily against the best interests of the State. It banishes free white labor; it exterminates the mechanic, the artisan, the manufacturer; it deprives them of occupation; it deprives them of bread; it converts the energies of a community into indolence, its power into imbecility, its efficiency into weakness. Sir, being thus injurious, have we not a right to demand its extermination? Shall society suffer, that the slaveholder may continue to gather his crop of human flesh? What is his mere pecuniary claim, compared with the great interests of the common weal? Must the country languish, droop, die, that the slaveholder may flourish? Shall all interests be subservient to one—all rights subordinate to those of the slaveholder? Has not the mechanic, have not the middle classes, their rights—rights incompatible with the existence of slavery?"

Noble sentiments these, and nobly spoken! All honor to the head and the heart of Mr. FAULKNER, in 1832. Would to God that such sentiments pervaded the hearts of our rulers now. But to show the deplorable and almost infinite declension, I will quote from Senator HAMMOND's speech delivered in the other wing of the Capitol last session:

"In all social systems there must be a class to do the menial duties, to perform the drudgery of life. That is, a class requiring but a low order of intellect, and but little skill. Its requisites are vigor, docility, fidelity. Such a class you must have, or you would not have that other class which leads progress, civilization, and refinement. It constitutes the very mud-sills of society and of political government; and you might as well attempt to build a house in the air as to build either the one or the other, except on this mud-sill."

Here is a full and perfect denial, by one of the chief rulers of our Republic, of the capacity of man for self-government. The great mass of the people must forever remain "mud-sills" for society to rest upon. Progress, refinement, civilization, all depend on a social system, which divides the people into two distinct classes, "mud-sills" and gentlemen. What a commentary on the degeneracy of our rulers! What a libel on our free institutions! What an insult to the intelligent masses of our American citizens!

Jefferson denounced the whole commerce between master and slave as a continual exercise of the most unremitting despotism on the one hand, and degrading submission on the other; and, in his Notes on Virginia, he emphatically asks:

"With what execration should the statesman be loaded who, permitting one half of the citizens thus to trample on the rights of the other, transform those into despots and these into enemies; destroys the morals of the one part and the *amor patriæ* of the other? Can the liberties of a nation be thought secure when we have removed their only firm basis—a conviction, in the minds of the people, that these liberties are the gift of God; that they are not violated but by his wrath? Indeed, I tremble for my country when I reflect that God is just, and that His justice cannot sleep forever."

Jefferson looked upon statesmen, who simply permitted slavery to exist, as deserving the execration of their fellow-men. He trembled for his country because they simply permitted it. What, then, must be the feelings of men of Jefferson's type at the present time, when the great Democratic party, holding the Government of the country in its hands, and every branch of the Government, asserts and maintains that slavery is a Heave nly blessing; "that the right of property

in slaves is before and higher than any constitutional sanction, and as inviolable as the right of the owner of any property whatever?"

What a contrast between the sentiments, opinions, and acts of the early and the present rulers of our country! Black and white, light and darkness, truth and falsehood, are no wider apart. The former recognize the great principles of human rights and human equality, written, by God himself, in the constitution of every man. The latter deny the existence of any such principles, and assert that the inequalities of men are so great that one class "has no rights whatever that another class is bound to respect."

From the birth of our Republic, and even before its birth, when the States were separate colonies, down to 1854, slavery, South and North, was regarded by all men as a great moral, social, and political evil. Then, all at once, the South became pregnant with, and quickly gave birth to, a new idea. Slavery was suddenly transformed from an evil to a "heavenly blessing;" an institution ordained by God himself, for the good of the black man as well as the white. Congress took the new idea to its bosom; gave it perfect freedom of expansion by the abrogation of all restrictions to its spread; the Supreme Court adopted it, reversed its former decisions against it, nursed it, and clothed it with the gorgeous robes of its judicial ermine; the President embraced it, fondled it in his lap, made it his pet child, and, before it was two years old, baptized it in the blood of free Kansas. But no adoption, no dress, no baptism, can ever make it anything than the chief curse of the nation; the abhorrence of men and of angels; the abhorrence of nature and of God; the abhorrence of all intelligence throughout the universe, except the invisible demons of wrath.

I might multiply the comparisons indefinitely, tending to show the moral and political degeneracy of the rulers of our country; but I will close by comparing the Constitution of the United States with the constitution of Oregon. The former was sanctioned by the great and good men of the Republic, who placed their lives, their fortunes, and their sacred honor, on the altar of universal liberty. The latter has just been sanctioned by the men now in authority, who have turned this Government into a great work-shop, in which to forge chains and manacles for down-trodden humanity; and who deny, not only liberty, but life even, to a whole race of their fellow-men. A man now, who loves liberty, and believes in a righteous retribution, may well exclaim, "I tremble for my country, when I reflect that God is just, and that His justice cannot sleep forever."

The Constitution of the United States declares that it was adopted "to establish justice, and secure the blessings of liberty;" "that no man should be deprived of life, liberty, or property, but by due process of law;" that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States."

The constitution of Oregon contains a section which provides that—

"No free negro or mulatto, not residing in the State at the time of the adoption of this constitution, shall ever come, reside, or be, within this State, or hold any real estate, or make any contract, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws for the removal, by public officers, of all such free negroes and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them therein."

It will be seen at a glance that this provision of the Oregon constitution is, in several particulars, repugnant to the Constitution of the United States; repugnant inasmuch as it denies all right to "justice," through the courts of law, to a certain class of individuals, leaving their persons and their property at the mercy of any abandoned scoundrel who may choose to violate them; repugnant to the Constitution, inasmuch as the colored citizens of the free States are not permitted to enjoy the same "privileges and immunities" which are allowed to the citizens of Oregon; but, if they go to Oregon on business, or are driven into an Oregon port by stress of weather, are to be seized as animals, treated as animals, robbed, maimed, and killed, if any ruffian pleases to kill them, with no redress whatever—the doors of justice being completely barred against them; repugnant to the Constitution inasmuch as it denies the right to live, reside, or be, in the land of one's birth—subjecting the tender infants of negroes and mulattoes, born in the State after the adoption of the constitution, to be torn from their mothers' arms, (for no crime of their own, or their parents, or any other being, but God himself, for making them black,) and banished no one knows where; for if the rest of the world should be as barbarous and inhuman as Oregon, and enact similar laws, these new-born infants would be left with no resting-place on earth; no refuge but in death; and no grave even in death.

Sir, I defy the ingenuity of men or devils to concentrate, in the same space, more refined and consummate barbarity than is condensed and incorporated into the negro clause of the Oregon constitution. Yet the Democratic members of our American Congress, in the nineteenth century, at noon-day, with the gaze of the civilized world upon them, refused to permit it to be stricken out; and, after they had passed the bill, proceeded to the White House, keeping step to the music of Hail Columbia, for the purpose of receiving the congratulations of the President; and they received them (with shame be it said) from a window in the presidential mansion of a free people. For them there is no excuse. Better be a dog, under the control of the imps of darkness, than under the control of men who delight to triumph in such monstrous inhumanity. To refuse to strike out such a provision—to rejoice over its adoption because it deprives free colored people of all rights, simply because they are colored, is strange indeed. Why triumph over a poor, weak, and harmless people, merely because they are black? Why abuse them for no fault of theirs? Did not the same God make both you and them? Did not the same God that gave you your color give them their color also? Go, then, if you do not like their color, and blame God, not them. Say to Him, "Your works are not the works of wisdom."

I repeat, for the Democracy there is no excuse. But for the Republicans who voted for the admission of Oregon, there is an excuse. They tried to get the obnoxious section out of the bill, and when they found they could not, they concluded to vote for it, for the purpose of relieving the people of Oregon from Federal control and Federal corruption, hoping that, when so relieved, they might expunge the hateful section from their constitution. But, sir, I think the excuse hardly sufficient to justify the act. Better never do wrong that good may come of it. As to myself, I may do many things that I ought not; I may leave many things undone that I ought to do; but whilst the blood of a freeman courses through my veins; whilst I have a brain to think, or a heart to feel; whilst a righteous God permits me to walk upon this fair earth, and breathe the pure air of heaven, which are His free gifts to all men, without distinction of condition, race, or color, I will never sanction, or seem to sanction, by my vote, such monstrous injustice and barbarity as are embodied in the Oregon constitution. You may go back to the earliest monuments of the human race; you may delve into the archives of the darkest days of antiquity; you may search the journals of barbarians and pirates, and bring to light their blackest records of infamy, and you will find nothing in them more infamous and inhuman than the negro section of the Oregon constitution. To punish innocent men by law; to shut the courts of justice against them; to deprive them of the right to nurture their children, by penal enactments; to deny them the right to live, or be, on the soil that God gave to man, exhibits a degree of wickedness never surpassed by the rulers of any people, in the annals of the world.

When the stronger and more intelligent race in this country shall deny all rights to the weaker race—shut the courts of justice to their cries for protection against robbery, murder, and the violation of female purity—they will have reached the lowest depths of moral and political degradation. But I thank Him who made the black man as well as the white; who directs the destinies of men and of nations according to His own good pleasure, that He has not permitted the popular heart of this mighty empire to keep pace, in moral and political declension, with the moral and political declension of its rulers.

EUROPEAN AND NORTH AMERICAN RAILWAY.

SPEECH OF HON. S. C. FOSTER,

OF MAINE,

IN THE HOUSE OF REPRESENTATIVES,

February 21, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. FOSTER said:

Mr. CHAIRMAN: I had the honor, some weeks ago, to present the following resolution to the House, and to ask its acceptance by unanimous consent. Objection was made; and I therefore avail myself of this occasion, in the Committee of the Whole, to set forth the reasons which induced me to offer it. It reads as follows:

"*Resolved*, That the Committee on the Post Office and Post Roads be directed to inquire into the expediency of authorizing the Postmaster General to contract with any company or companies for the railroad transportation of the mails to and from Europe, from the city of Bangor, in the State of Maine, to the city of Halifax, in the British province of Nova Scotia, for a term not exceeding twenty years after the line of railroad between the two points shall be completed, upon receiving satisfactory security that such line shall be completed within six years; with leave to report by bill or otherwise."

Every one in the least acquainted with the physical geography of the American continent must be aware that the British province of Nova Scotia lies many hundred miles nearer than any part of the United States to the continent of Europe and to the British islands. The distance by land, following a practicable railroad route, between New York and Louisburg, on the Island of Cape Breton, is about nine hundred miles. The sailing distance between those points is about the same as that by land; and it is to be remarked that the route pursued by the steamers bound from New York to Liverpool is by way of Halifax.

The sailing distance between New York and Liverpool is three thousand one hundred miles; and the actual distance usually traversed is said to be two or three hundred miles further. With a continuous line of railway between New York and the eastern extremity of Cape Breton, this immense sea voyage may be shortened nine hundred miles; or, supposing Halifax, in Nova Scotia, to be the terminus of the railroad system, the sea voyage would be reduced by about eight hundred miles.

Furthermore, the eastern end of the voyage to Liverpool may also be shortened by making Galway, in Ireland, the terminus of the steam-ship line. From the latter point to Dublin, the distance by railway, now in operation, is one hundred and twenty miles. From Dublin to Holyhead, on the opposite side of the Irish sea, the distance, sixty-three miles, is traversed by a line of steamers in about three and a half hours. From Holyhead to Liverpool, the distance is eighty to a hundred miles. The saving of distance, by this Galway route, across Ireland and the Irish sea, between New York and Liverpool, is something like three hundred miles; and possesses the additional advantage of substituting two hundred miles of land travel, over a highly interesting country, for five hundred miles by sea.

The object of the resolution, Mr. Chairman, is to facilitate a scheme long cherished by the people of New England, for abridging the long and wearisome sea-voyage to Europe, by extending the railway system of this continent to the point which approximates nearest to that of the eastern continent, and then launching our steam packets for the nearest harbor on the coast of Ireland.

This brief statement of facts in relation to the physical conformation of the two continents and their adjacent islands would seem sufficient of themselves to satisfy every intelligent and liberal mind of the utility of the plan suggested.

In 1847, I had the honor to offer a resolution in the House of Representatives of the State of Maine, proposing to inquire into the expediency of such a road as that which was subsequently chartered by the State as the European and North American Railway, and which it may not be inappropriate to advert to on this occasion. I regret that I have lost or mislaid the resolution. But it substantially proposes to raise a committee, with instructions to inquire into the expediency of constructing a railroad from Portland to Calais or its

vicinity, and to invite the coöperation of the British provinces in extending it to the river St. John. A friend, at my request, has had my remarks made on the occasion copied from the legislative debates, and forwarded them to me. I propose to publish them as a note at the end of the remarks which I am now making.

But the merits of the plan by no means rest on the slender foundation of my own judgment or fancy. It has enlisted the ardent support of the most intelligent men of New England, without distinction of party; it has inspired a warm enthusiasm among the people of the British provinces in the colder regions north of us, and it has found favor among the leading men in remote sections of the country.

As I wish to arrest the attention of gentlemen representing all parts of the Union, and awaken interest in this national enterprise, I shall be excused for briefly adverting to facts in connection with it, which, though of great national importance, transpired in the remote angle of the Confederacy which is more immediately concerned, and for that reason may have been overlooked or forgotten by the great body of the nation. I have before me a large pamphlet, containing the proceedings of a railway convention which met at Portland on the 31st of July, 1850. This convention was composed of delegates from all parts of New England, from New York, and, what constituted a peculiar and interesting feature of it, from the British North American provinces. Governor Hubbard, of Maine, was made president of the convention, and among the vice presidents were Admiral, the late Honorable Fitzwilliam Owen, of New Brunswick, together with the Mayors of Halifax, St. John, and Fredericton. The convention continued in session for three days, and its proceedings, embraced in the large pamphlet before me, are still of deep interest and significance to the thoughtful mind. It was a spectacle calculated to move the heart of the Christian and philanthropist, to see the representatives of two independent nations in council together, with the fraternal object in view of promoting their mutual welfare, by the establishment of a great international highway. It was, perhaps, the first event of the kind in the history of the world, and may be said to mark an epoch in the progress of civilization.

This international convention, I am happy to say, was not barren of results. It gave expression to the unanimous sentiment of New England and of British America; and its recommendations were ingrafted upon the codes of Maine, New Brunswick, and Nova Scotia. The necessary charters were granted, and every influence which these communities could command was given in favor of the great object which the convention had in view. The State of Maine, at the next session of its Legislature, chartered the "European and North American Railway Company," which authorizes certain persons, therein named, to locate and construct a railway with one or more tracks, "from the city of Bangor, crossing Penobscot river above the Bangor and Brewer bridge, over the most practicable route in a line to the city of St. John, in New Brunswick, to the eastern boundary of the State, so as best to connect there with a railway to be constructed from said city of St. John to said eastern boundary, under a charter from said province, with a like name as is used in this charter, as the directors of said corporation, in the exercise of their best judgment and discretion, shall judge most favorable and best calculated to promote the public convenience, and carry into effect the intentions and purposes of this act."

When this charter was granted, our railway system was barely begun; and the line which now unites Portland and Bangor had only reached Waterville. Since that day it has been extended to Milford, several miles east of Bangor, in the direction of St. John. From Milford to St. John, the distance is only one hundred and fifty-three miles, of which eighty-two are in the United States. The construction of the road over this brief space is all that remains for us to perform in the grand enterprise. From New York to St. John the distance is six hundred and thirty miles; and over this distance four hundred and seventy-seven miles of railway are already in operation, namely, from New York to Milford, in Maine. Only one fourth, therefore, of the entire distance remains to be completed; of which fourth, as I have just shown, but little more than half remains to be constructed within our territory. It will devolve on New Brunswick to continue the road to St. John—a distance of some seventy miles. Between the latter place and Halifax, the distance is two hundred and fifty miles, and a railroad is in course of construction at both ends, with about a hundred miles completed.

There remains to be completed, between Halifax and St. John, one hundred and fifty miles of road; and between the latter point and Milford, in Maine, one hundred and fifty-three miles; showing an aggregate of only three hundred and three miles to be constructed of this great international highway. The country through which this great line of railway is to pass, though possessing great capabilities, is yet sparsely settled. The climate is rigorous, the soil heavily timbered; and it has, thus far, been outstripped in the race of progress by the genial regions south and west of it. But its progress has been steady, and during the present century it has increased in population four-fold. To build railroads through such a country, without Government aid, is difficult; and for ordinary local purposes, almost impossible. But the European and North American Railway Company was projected with great international objects in view, which, with such guarantees of Government patronage as it has a right to claim from the United States, and from Great Britain, cannot fail to command the confidence of capitalists. It is for this reason that I have presented the resolution which has been read in your hearing, proposing to authorize the Postmaster General to contract with the company for carrying the mails destined for Europe. With this stimulus, the road would be built; and, while the commerce and business interests of the whole Union would be benefited by the greater facility of intercourse with Europe, the State of Maine would be, in the highest degree, stimulated in all industrial and social enterprises.

If any State in the Union has a claim upon the peculiar tenderness and favor of the Federal Government, it is Maine, in consequence of the irreparable wrong and injury done to her honor and interests by the cession of her territory to a foreign State. She was literally sacrificed to the supposed or pretended necessities of the Federal Union; and while her wrongs are ineffaceable, it behooves the Federal Government to exhibit a consciousness of error by showing a readiness to offer redress.

For the reasons I have alluded to, our population has increased less rapidly than that of the western and middle States; but every reflective mind must be convinced that the material development of Maine, as well as the British Provinces, is only a question of time. The region of country embraced by them is destined, like Massachusetts, Rhode Island, and Connecticut, to become distinguished for excellence in the arts and manufactures. Their ungenial climate will forbid great agricultural development; and the hardy and enterprising populations which occupy them will, with ready facility, turn their attention to manufactures and commerce. The great human tide now flows past us in search of fertile soils and genial climates; but these tillers of the rich soils of the West and South are making markets for the products of the more skillful labor which is to occupy our more sterile, yet more healthful northern regions. We are also on the high road between Europe and America; and shall not the thoroughfare of nations become the center of population and civilization?

It would seem superfluous to enlarge upon the utility of an enterprise which will shorten the sea voyage between New York and Liverpool one third, and between New York and London, or Paris, in a still greater proportion. A voyage across the Atlantic may have its curiosity and interest; but all will agree that it should be abridged as much as possible, without sacrifice of time and money. Two thousand miles of sailing will satisfy the curiosity of the most enthusiastic lover of the ocean, while the great majority would be amply satisfied, particularly in a fit of sea-sickness, with a much shorter voyage. Grand and beautiful as the mid-ocean may be, for a little while, it soon produces a feeling of weariness, and a longing for the sight of land. The ocean is at once unstable, and yet monotonous. The land is firm, yet full of variety.

The European and North American railway will not only abbreviate the sea voyage, but it will accomplish what Americans and the commercial world generally will regard as of still more importance. It will shorten the time required in traveling between this country and Europe. It is believed that the voyage between New York and London can be made in four days less time by this contemplated railway, in connection with the railways across Ireland and England, than by steamer. On this point I present an estimate made by J. H. Gray, Esq., of St. John, a member of the Provincial Parliament. He was a member of the Portland convention, and addressed that body in an interesting speech, from which I take the following table:

	Days.	*Hours.*	*Min.*
From London to Holyhead 263 miles, at 35 miles per hour, average speed of express trains, including stoppages	-	7	30
Holyhead to Dublin, 63 miles, at 18 miles per hour, the present speed of the channel boats	-	3	30
Dublin to Galway, 120 miles, at 30 miles per hour	-	4	-
Galway to Halifax, 2,165 miles, at 16¾ miles per hour, the Cunard boats having attained 15½ and with less weight of coals, will increase their speed	5	11	15
Halifax to boundary between New Brunswick and Nova Scotia, 120 miles, at 30 miles per hour	-	4	-
Through New Brunswick, via St. John, to Calais, in Maine, 210 miles, at 30 miles per hour	-	7	-
From Calais to Waterville, 155 miles, at 30 miles per hour	-	5	10
Waterville to New York, (line in actual operation,) 410 miles, at 30 miles per hour	-	13	40
Total running time	7	8	5
Add 4 hours for delays, transhipment, &c.	-	4	-
Whole time between London and New York	7	12	5

In connection with this table Mr. Gray made the following eloquent remarks:

"Such are the practical views in which this great subject may be regarded; but if we look at it in the light designated by the fourth resolution laid before this convention, it assumes an importance which language is powerless to convey. It is no local matter—the highway of the world from St. Petersburgh to San Francisco. It must ever be without a competitor, because its geographical position insures it precedence. It traverses empires, kingdoms, colonies, and States, for the benefit of all. Connected with the systems of Europe and America, its arms embrace the civilized world; the ties of brotherhood are fostered by its means; the humanities of life extend; generous impulses are imparted; national differences are forgotten, and this European and North American railway will link the eastern and western worlds together—one great commonwealth of nations."

The voyage to Europe by this route will be, to the people of a large portion of the Union, mainly a land route. The citizen of New Orleans will have performed more than half the trip before he leaves terra firma; and the citizens of the remote interior States, which are to grow up beyond the Mississippi, will regard the sea voyage of two thousand miles as an agreeable change in the mode of conveyance.

The people of all parts of the Union will be interested in the accomplishment of this great enterprise; and I cannot imagine a locality, the citizens of which would not prefer what I may designate the land route, to the long sea voyage by way of New York, or any place south of it.

But to New England and the northern tier of States, it will be peculiarly important. To the citizens of the middle and southern States, New York is directly in the way to Europe; and although, for the reasons stated, they would prefer passing on nearly a thousand miles further before embarking on the ocean, they have the consolation of knowing that they are not going out of the way, or a contrary direction, when they go to New York for the purpose of taking a packet for Liverpool. But the New Englander, or the northern New Yorker, is further from Liverpool when he arrives at New York city than when he left home; and the northwestern man—even the western New Yorker—has only approximated the place of his destination by a circuitous route. The inhabitant of Bangor could reach Louisburg, if

the European and North American railway were completed, as soon as he can now reach New York; so that the want of this road compels him to travel nearly a thousand miles out of his way.

But, sir, the construction of this road would draw a large share, and, indeed, the great majority, of the Canadian travel to Europe, through the State of Maine; and thus bring a large contribution to the support of our internal improvements and prosperity. We have already a railroad connection between our principal sea-port—Portland—and the principal cities of Canada—Montreal and Quebec. By the construction of the proposed road, we infallibly secure an immense amount of travel through Maine, which now, for the most part, sails directly from Quebec; and which will, in a few years, unless we anticipate them, go by rail from Quebec to St. John, in New Brunswick, and thence on to Halifax. We should take time by the forelock, and direct this stream of commerce and travel through our own territory, before it is too late.

I will briefly recapitulate the advantages which must result from the completion of the European and North American railway; and will endeavor to show the propriety of extending to it the friendly aid of Government.

In the first place, it will facilitate commercial intercourse between Europe and America, by shortening the time which is now necessary in conveying letters and passengers. The saving of time, as I have shown, will be something like four days, or one third of the time ordinarily consumed in the passage. The importance of this matter of time in commercial transactions, I need not enlarge upon; but I may say that the abreviation of time is fully as important to commerce as the reduction of expense. This we see illustrated every day in the history of our railroad enterprises. The railroad is a more expensive mode of conveyance for travelers, or for the objects of commerce, than the canal or the steamboat; but, such is the importance of expedition, that the more expensive but more rapid mode of conveyance is preferred to that which is cheaper but slower. Whenever the value of an article will bear the expense, it is always carried by railroad; and it is only bulky articles, such as grain, coal, lumber, and the like, which are carried by canals in competition with railroads. Indeed, the railroads of New York, as well as the Baltimore and Ohio railroad, are successfully competing with the canals in the transportation of these heavy articles. As to traveling, a man could not be hired, now-a-days, to take a canal boat from Albany to Buffalo, although it was once a great and highly-prized thoroughfare. Even the steamboat, with its palatial accommodations, can no longer cope with the railroad in the conveyance of passengers.

I will not undertake to maintain that any considerable portion of the commerce between New York and Liverpool would be conveyed over the contemplated road to Halifax or Louisburg; but that it would monopolize the travel, there can be no doubt; and all we ask is, that the Government should give a guarantee to the enterprise by contracting in advance with the company for the transportation of the mails. We ask nothing more than your Pacific Railroad bills propose as an inducement to the construction of a thoroughfare across the continent; and, sir, I hold that the European and North American road is a necessary link in the chain which is to unite the East with the West, and to make our favored land the highway of nations. Why, sir, do you propose to build a Pacific railroad, and why do you propose to give the postal revenue as a guarantee to the company which may undertake the work? Is it not to give celerity to our commercial and social intercourse with the Pacific coast, and with the great empires of Asia? Then, there is the same reason for quickening intercourse with Europe, and the same justice and propriety in extending governmental aid to the eastern, as to the western, end of the international highway.

I need not undertake to prove that the commerce, the correspondence, and the travel, between these shores and those of Europe, are ten-fold greater than those between the Atlantic and Pacific sides of this continent. There is, therefore, a ten-fold greater reason for the proposed abridgment of time and distance. The objection that a part of the proposed route to Europe is through the British Provinces, is met by the long and persevering efforts of the Federal Government to acquire the Tehuantepec and Nicaragua routes to the Pacific, through Mexico and Central America. The Federal Government is estopped from urging any such plea in excuse for withholding its aid to the European and North American road.

It is fair to presume that all the bulky commodities of commerce would continue to go the whole distance between the great commercial emporiums of Europe and America, by water, while the lighter and more valuable articles, such as bullion, jewelry, and fine silk goods, laces, &c., would be sent by the safer and more expeditious route, which involves the shortest and speediest passage of the ocean.

The contemplated road would also carry a still larger share of the commerce of Maine, New Brunswick, and Nova Scotia; and I may remark that the way-travel and transportation upon this road, which I assume will be eventually built, either with or without the aid and encouragement of the Federal Government, is destined to grow into great importance. These communities are yet in their infancy; and are destined to become powerful and populous, as the older portions of New England now are.

Sir, we have heard much of "manifest destiny." We are told that the people of the United States are destined to absorb and annex the whole continent of North America, if no more; but I am sorry that all efforts at annexation have hitherto been made in but one direction. We acquired Louisiana and Florida, and Texas and California, in order to extend and round off our southern and southwestern frontiers; and that portion of the Louisiana purchase which jutted up into the icy regions of the North was gratuitously ceded away to England, in order, I suppose, to give symmetry to the northwestern outline. Our goodly State, which loomed up like a cone to the northeast, was in like manner subjected to the same laws of taste, and rudely pruned down to the required standard of beauty.

Gentlemen talk patriotically of extending the area of freedom. They desire Cuba and Mexico, they would have us to believe, merely for the purpose of extending the field of commercial enterprise, and of adding to the national resources. No sinister or sectional or selfish purpose lurks beneath their patriotic tropes and figures of rhetoric; yet, by some strange fatality, they never turn their vision to the northward. I invite them to look in the direction of the north pole for once. They will find a great and powerful nation growing up on our northern border, whose vast and valuable possessions extend from the Atlantic to the Pacific, and from the St. Lawrence to the pole. This young empire, wholly Caucasian in origin, and for the most part Anglo-Saxon, is already more populous, more wealthy, and more powerful than the United States were on the day they declared independence of Great Britain; nay, sir, more powerful than these States were when they entered into "a more perfect Union," under the present Constitution, and inaugurated Washington as President.

Sir, we have a proposition before us to purchase Cuba at a cost of $125,000,000. We are told that Cuba is the gateway of the Gulf of Mexico, and there exists a political necessity for its acquisition. Now, I will not stop to inquire into the truth of this plea of necessity; but what I undertake to say is, that there is far more "necessity," in a military as well as a commercial point of view, for the acquisition of the mouth of the St. Lawrence. The plea for the acquisition of Louisiana was the necessity of having free egress and ingress at the mouth of the Mississippi; and the incipient State of Kentucky, before its admission into the Union, plotted and intrigued, and threatened to separate from the Union unless this privilege was secured. The complaints of the Southwest were listened to, and at a cost of $15,000,000 the mouth of the Mississippi was purchased, together with a territory as large as all the rest of the United States.

Now, mark the difference. We own the upper waters of the St. Lawrence for several hundred miles. We have an immense internal commerce on the lakes, the sources of that great river, but we cannot proceed with our ships and steamboats to the ocean without the consent of a foreign nation. If the possession of the mouth of the Mississippi was necessary to the well-being of the Southwest, is not the possession of the St. Lawrence equally necessary to the welfare of the Northwest? But, sir, if the people of the Northwest were seriously to come to Washington with a memorial to this effect, they would be laughed out of court. It would be regarded as the height of presumption in a northern State to demand what the Federal Government is ever ready to concede to the South.

The St. Lawrence is the gateway of the great lakes. Its possession, and the annexation of the great and flourishing communities on its banks, and in the vicinity of its outlet to the ocean, would add far more, in a commercial point of view, to the nation, than the acquisition of Cuba can do. In a military and political aspect, the cases admit of no comparision. The British provinces would add so much strength to the Union—the annexation of Cuba so much weakness.

But, sir, the contrast goes further. The British provinces are homogeneous with our States; they speak our language; have our manners, customs, religion, and free institutions; and their admission into the Union would give stability and consistency to our political fabric. Cuba, on the other hand, has been trained for centuries under the most galling despotism, with an established religion different from our own; with a language wholly different; and with manners and customs equally so. Now, sir, is it not strange, in the face of these indisputable facts, that "manifest destiny" and "political necessity" point, as unerringly as the needle to the pole, to the acquisition of this barbarous, besotted, slave-ridden, Spanish colony, and turn away coldly from the idea of admitting the free, enlightened, and virtuous communities north of us, into our Union?

Sir, it is not my purpose to ask for the annexation of the British provinces; but I do insist that it is the duty of the Federal Government to strengthen the ties that bind us to those provinces, by facilitating the construction of railroads leading into them. You have forced us into a treaty of reciprocity with them, and you should now help us in the construction of a great international highway which may inure to the mutual advantage of both parties.

I would not be understood as claiming the right to annex forcibly the British Provinces to the United States. They are a free people, with as much right to determine that matter as we have. My purpose, in alluding to the subject, has been merely to illustrate the policy of southern sectional favoritism which has been pursued by this Government for forty or fifty years past. It is our policy to court and encourage the most intimate relations with our British neighbors, looking forward to their eventual independence, or union with us, as a matter of mutual choice and advantage.

Before closing, I will briefly refer to the opinions of leading minds in this country, outside of New England, in reference to the feasibility and importance of the European and North American railway. I begin with the following letter from the Hon. R. J. Walker. It is so much in point, and comes from so high and so intelligent a source, that I will read the letter entire:

SCHOOLEY'S MOUNTAIN, NEW JERSEY,
August 9, 1850.

SIR: Your letter of the 22d of July, addressed to me at Washington city, reached me yesterday at this place. It was therefore not in my power to comply with the request made by the committee, in your name, to attend and address the convention held at Portland, on the 31st ultimo, with a view to the continuation of the Great Eastern railway from your city to some point in Nova Scotia, nearest to Great Britain and Ireland. This would, indeed, be a work of vast importance, not only to your own State and city, to Nova Scotia and New Brunswick, but to the whole American Union, and to all the continents of the Old World. It is hoped, with the improvements now being made in steamers, it might bring some good harbor in Ireland within five days of our American shores. It would greatly enlarge international commerce, and become a new bond to preserve the peace of the world. It would increase our exports to the British Provinces and to Europe, with a corresponding augmentation of imports and revenue. It would bring Europe so near to America that it would greatly facilitate the export and diffusion abroad of our republican principles, without any diminution or deterioration of the supply left for domestic consumption. It would hasten the Americanization of New Brunswick and Nova Scotia, and antedate

the period when both those provinces, with their own cheerful assent, and that of Great Britain and this Government, would fulfill their destiny by becoming States of the American Union. It would greatly facilitate and increase the intercourse, as well as commerce, between the Old and New World. It would vastly augment emigration from Europe to America, with a corresponding increase of wealth and capital.

I cannot doubt but that the present enlightened ministry of Great Britain, the great advocates of a liberal commercial policy, will aid this noble enterprise; *that our Government will extend to it all proper facilities by mail arrangements and otherwise;* and that the rest will be accomplished by the well-known energy of New England, aided by the co-operation of Nova Scotia and New Brunswick.

From the increased speed, it seems to me that the mail and passengers, between both countries, must generally be carried by this route, as also light articles of great value.

With great regard, I have the honor to be your obedient servant, R. J. WALKER.

JOHN A. POOR, Esq., *Portland, Maine.*

Mr. Chairman, I have omitted to consider the the question of constructing this road in a military point of view, although I have adverted to that subject in another aspect. I am reminded of the omission by the following extract of a letter from Lieutenant Maury. It will be seen that he goes beyond what my resolution proposes; and that, regarding the contemplated railroad as an important adjunct of our military defenses, he recommends an appropriation of the public lands to aid in its construction. I will not dwell upon a consideration which must be obvious to the plainest understanding. Lieutenant Maury, writing from the National Observatory, in this city, under date of July 24, 1850, to Mr. Poor, as a member of the corresponding committee, says:

"Now, with the power which this railroad would give you to draw an army, if need be, from the great valley of the West, and, in two days, march it all the way by steam from Memphis, on the Mississippi, to the frontiers of Maine, or even into foreign territory; with such a power, what do the people of Maine want with any forts and castles, except such as may be necessary to protect her sea-port towns from the great guns of big ships?"

He continues:

"Seeing, therefore, the important part which railroads are performing and will perform in the system of national defenses; seeing that one of the principal objects which moved our fathers to form this Union, was 'the better to provide for the common defense;' and seeing that the public lands are a common fund which is being squandered, I am of opinion that a more righteous, wise, and beneficent disposition could not be made of portions of these lands, than to apply them to aid in the construction of railroads and other works which provide so effectually as railways do for the *common defense.*

"It would, in my judgment, be wise in Congress to give to your contemplated railway, and all like it, a grant of public lands on some such conditions as these: These lands to be selected by the company and charged to it at one half the Government price, without interest during the construction of the road. But the company should be obligated, for and in consideration of such grant, to transport, free of charge, all troops and munitions of war that the Government, in time of war, should desire to send over it; and to let the interest annually accruing on the amount with which the company is charged on account of the lands, go in part payment for services rendered in carrying the mail in times of peace. Thus, you observe, that the public lands might by these means be converted through railroads into a beautiful system of national defenses in war; and also made, in times of peace, to serve as a source of revenue forever, by assisting the Post Office expenses."

Professor Bache, writing under date of July 29, 1850, from Philadelphia, said:

"I have read the pamphlet attentively, and examined the map by which its statements are illustrated; and, it appears to me, the plan is feasible; and, if prosecuted in a liberal spirit to completion, the route formed for England would be preferred by passengers and for costly freight. Comparing the route between New York and Liverpool by steamers, and the route between those cities by the proposed plan, the distance traveled would not be very different; but, by the proposed route, about one thousand miles of the distance would be accomplished on railroads, and at a speed at least double that of ocean steamers. Thus, the passage between the two cities would be shortened in time by the proposed route, and the sea voyage abridged one third."

Mr. Fillmore, then President of the United States, writing from Washington under date of July 27, 1850, said:

"I trust that your proposed convention may be productive of the most happy results, and that through it another link may be added to that chain which is binding more closely the great commercial interests of this continent and Europe."

Among the distinguished New Englanders who expressed by letter their cordial sympathy with the enterprise, were Mr. Everett, the late Judge Woodbury, and Dr. Charles T. Jackson. Among those present at the Portland convention, and taking an active part in its deliberations, was the Hon. John Appleton, of Maine, at present Assistant Secretary of State.

I mention these facts in order to show that the proposition which I have submitted for your consideration is one which enlists the ardent support of New England, without distinction of parties. It is a matter in which the northeastern section of the Union is specially interested; but I think I have shown that it is, at the same time, calculated to promote the common welfare of the whole Union.

Remarks made by Hon. Stephen C. Foster, in the House of Representatives of the State of Maine, May 14, 1847:

Mr. FOSTER said it would be perceived that this order contemplates nothing more than an inquiry or investigation, and the collection of statistics upon an important enterprise, interesting to the whole State. He had regarded our State as behind the age in these great enterprises. Various projects are now on foot for the construction of railroads, but none of them contemplated going, at present, further east than the middle of the State. The east needs, and the interest of the whole State will be promoted by the construction of, a railroad the whole length of the State. No one, he presumed, entertained a doubt, that if a road was now constructed to the city of Bangor, the stock would pay. It is some ninety miles, over a level country, from Bangor to Calais, situated at the head of navigable waters upon the river St. Croix, and through Calais and the neighboring town of St. Stephens—important and growing towns, and surrounded by a country that is rapidly increasing in population and wealth.

It was evident that, for some time to come, the transportation and travel would not support a railroad. The distance from Calais to some point on the river St. John does not vary much from sixty miles, over a very level country. The St. John river, considering its numerous tributaries, is one of the finest rivers in North America, running from its source in this State, some four hundred miles to the sea, at the city of St. John; about one hundred and fifty miles of which distance, with several of its tributaries, are in our own State; this portion of the State is rapidly settling, and the natural outlet is through the St. John.

The St. John is navigable for large steamers ninety miles to the capital, (Fredericksto n,) and some one hundred and thirty-two miles further, to the Grand Falls, for a smaller class of steamers. And there is also a large extent of good navigable water above the falls. The city of St. John, which is well located for a large city, is already a city of considerable importance, and rapidly increasing in population and wealth; and though there had been an impression that there was a great want of enterprise in her Majesty's Provinces, yet in St. John, in one particular at least—her navigating or shipping interest—she is not behind any of our commercial cities. The Province of New Brunswick is rich in natural resources; and with her good soil, fine rivers and harbors, and many natural advantages, and last, not least, her sober, moral, and industrious population, must inevitably go on prosperously for a long period to come. The great and growing interests of this Province have been greatly underrated. The time required to run from St. John, or Fredericksto n, to Boston, would not vary much from twenty hours; and this would probably be the shortest and best mode of communication with Great Britain. I repeat, Mr. Speaker, this order contemplates nothing more than an inquiry into the facts, collecting the statistics, and extending an invitation to the citizens of her Majesty's Province to interest themselves in the enterprise with us; and when the facts shall be so collected, and presented in a tangible form, competent judges will be able to make a tolerably correct estimate whether the transportation and travel in the American territory, between the Penobscot and St. Croix, on the upper St. John, and the British travel and transportation in the Province of New Brunswick, and that portion of Nova Scotia which would naturally pass over it, and perhaps some remote travel from Prince Edward Island, together with the consideration of the increased travel it would give the whole western portion of the road, will be sufficient to warrant the construction of the proposed railroad.

[Mr. F. moved to lay the order on the table. The motion prevailed.]

FANATICISM OF THE DEMOCRATIC PARTY.

SPEECH OF HON. OWEN LOVEJOY,

OF ILLINOIS,

IN THE HOUSE OF REPRESENTATIVES,

February 21, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. LOVEJOY said:

Mr. CHAIRMAN: Within the last five lustrums, a strange fanaticism has made its appearance in this country—a fanaticism at once monstrous and malign. Twenty-five years ago, by univeral sentiment of the country, slavery was deemed a moral, social, and political evil; a wrong to the slave, an injury to the owner, a blight on the soil, a detriment to all the best interests of the communities or States where it was found, and, in its reflex influence, a reproach and damage to the whole country. By many, it may be, this evil was considered incurable, but still an evil. But within the period indicated, a different sentiment has sprung up. This fanaticism deems slavery not an evil, but a blessing.

Formerly by all, and still by all right-thinking men, slavery was regarded as a hag—ugly, deformed, wrinkled, and covered with the daub and paint of harlotry; but now we are told it is an angel of beauty, a virgin decked in bridal attire, to be gazed on with complacency and love! Candidates who aspire to gubernatorial honors are made to renounce opinions held a quarter of a century ago, and give in their adhesion to this new dogma, to wit: that slavery is a blessing. It is not any longer the question how a cancer can be cured—whether by knife or caustic, or other remedial agencies; but to have a cancer is now proclaimed to be a sound and normal condition of the human system, the highest type of health, and, if on the face, an ornament and beauty spot. Every one, to enjoy perfect health, must have this form of disease gnawing at his vitals. The spirit of this fanaticism has taken possession of the Democratic party, and worked therein a wonderful and almost incredible transformation; for, since the Ages drew up the reins and started on their journey, I do not suppose they have witnessed such a stupendous lie as the Democratic party now is. I speak of the organization, without any reference to the individuals who compose the party. "From the sole of the foot even unto the head, there is no soundness in it; but wounds, and bruises, and putrefying sores: they have not been closed, neither bound up, neither mollified with ointment"—unmedicated and unbandaged, it drips with its fetid putrescence.

Look at the President's message, now under discussion. It is instinct with simulation and deceit. Professedly he deprecates the discussion and agitation of the slavery question, and yet the whole of the message is engrossed with it. Not a leading topic of that State paper that has not a direct or remote bearing on it. What do we want of another slice from Mexico? Is our population pressing against our boundaries? Let the vast regions within our present limits yet unoccupied, and which will not be occupied for the next half century, answer that question. Why, then, does the Executive urge the acquisition of more of the Mexican domain? It is that slavery and disunion, twin-born of darkness, may have a rail-car in which to ride. This is openly avowed, in the other end of the Capitol. What is that part of the message relating to Kansas, but the querulous last word of an old man, whose pro-slavery policy had been condemned by the country? What occasion is there for the doleful tone of the message in regard to the future decadence of the Republic, which has given rise in Europe to so many prophecies of ill omen in regard to our future? How eagerly the advocates of despotic government catch up this Democratic slander, and foretell the downfall of our free institutions!

But what is the trouble? Is there any disloyalty to the Union among the Republicans, or indeed among any class in the free States? No. Any disaffection toward our principles of Government? None. What, then, has excited the fears of this urbane and hospitable old gentleman? Did the Chief indite the message under the influence of too deep potations from the distillations of rye? No one believes this. The slavery-extending policy of the Administration had received a terrible rebuke from the people. They had repudiated the President's Sancho Panza, the autocrat of the dinner table; and the poor man, shocked and bewildered, and tearing his locks, like King Lear, thought the Government was falling to pieces, because slavery propagandism had been reprobated by the popular vote *Hinc lachrymæ!* Be comforted, venerable Chief! It is not the free institutions of our country, but the pro-slavery Democracy, that is falling asunder, like a piece of limestone when water is poured on it. So also in regard to Cuba. The *real* object of its purchase is not the *avowed* one. It is governed by a race who do not speak our language, who are unused to self-government who have, and if annexed as States will continue to have, an established form of religion, or Church and State united; but, in spite of all, we are asked to purchase this island, and to place $30,000,000 in the hands of the Executive, to begin the negotiations—that is, to buy up the officials! Does any one believe that it is for the benefit of commerce, or the safety of navigation, that we

are asked to do all this? If so, why not seek to purchase the British West Indies? Have we not as much to fear from England as from Spain? And where is Canada and the other British possessions, that stretch all along our northern frontier, from the Atlantic to the Pacific? No; it is not for the benefit of commerce, nor to guard against invasion, that we are asked to purchase Cuba; but it is for the benefit of slave-breeders and human-flesh mongers. And yet these Democrats profess that they want to get slavery out of national politics. Would to God they were sincere! Would to Heaven this beast of prey would take the carcass of the slain into its lair! It might gnaw the flesh and craunch the bones without molestation from me! But instead of that, it asks me to hold its victim while it sucks the blood. But this, God helping me, I never will do. Take your pound of flesh, if it is so nominated in the bond, but do not ask for the blood as well.

Read over the whole message, and you will find its entire texture to be slavery. Every topic is discussed with reference to its bearings on the subject of slavery. And yet the Democrats, with an impudence that challenges our admiration for its sublimity, turn to us, and say, "Do not agitate the subject." Do not keep up this sectional strife! To agitate, to legislate, to make treaties, to annex territory, to purchase empires, *for* slavery, is all right; but to do anything against slavery is wrong and sectional.

And here is another phase of this fanatical spirit, which has taken up its dwelling-place in the Democratic party. It identifies slavery with the nation, and especially with the South.

Now, I am reckoned as ultra and extreme as most on this subject, and yet no one has ever heard me say anything against the South. It is only against slavery that I have spoken, and I propose to assail that only in those modes justified by the Constitution; yet I am sectional, and Republicans are sectional. When they only seek to prevent the extension of a system which is under the ban of the civilized world, they are charged with being sectional. In Illinois, we have supped full of this horror. And what is the proof? Oh, we have no delegates from slave States to attend our national nominating conventions! Why have we none? Mark! because, if delegates attend these conventions they are mobbed and driven into exile. What if we, in the free States, should say to the Democrats, "if you attend the Charleston convention we will hang you," and thus keep them all at home, and then reproach them with being a sectional party, because only the slave States were represented? "Well, you have no votes in the slave States; your principles do not circulate with us at all; you dare not even proclaim your doctrines among us."

And why do not our principles circulate in the slave States? They used to, for they are the principles of Washington and Franklin and other founders of the Republic. The reason why our principles do not circulate in the slave States is, that this despotism has, like another Napoleon, crushed out the freedom of speech and of the press. Allow us free access to the minds of the non-slaveholders of the South, and in one year we would have more Republican votes, in proportion, in the slave States, than there are Democratic votes in the free States. "Your principles do not circulate down here," boasts the slavery propagandist. Sacred history tells us of a certain rich man who died, and who was very unfortunate in the selection of a future home; but, though an impassable gulf spread itself between him and a better world, it seems he could converse with those more happily situated. Supposing, now, this man should lift up his voice, and send it booming across the chasm that yawns between Heaven and Hell, and say, "Ho! Abraham, Isaac, Gabriel, and you celestials generally: you are a sectional party up there; your principles do not circulate down here." And why does not Heaven's truth circulate down there? Because the inmates are so wicked that they will not tolerate the presence of any angel preacher. This man must have been a good, sound, national Democrat. And so, I suppose, was that illustrious personage whom Milton has described as bridging the chasm that spread between earth and the place of his exile, and who claimed the right of carrying the local institutions of his realm into Paradise.

And this reminds me to say that the Democratic party, led on by this insane fanaticism, which holds slavery to be morally right, under the guidance of a political harlequin and trickster, has proclaimed the constitutional right of slavery to go into the Territories without let or hinderance. Plighted national faith is broken and dishonored! Principles once declared sacred by this very leader, and said to be canonized in the hearts of the American people, are ruthlessly and recklessly trampled under foot. We had an angel of liberty stationed at the portals of our Territories. For thirty years this sentinel had kept watch and ward, and guarded that magnificent domain as the heritage of freedom, and, with the flaming sword of the ordinance of the patriots of the olden time, kept out slavery from this Eden. Who chased away this angel, and broke down the walls that inclosed that empire, consecrated to the sons and daughters of freedom as a dwelling-place and home, as long as the sun and moon should endure? Who did this ruthless, reckless, damnable work? The Democratic party, under the leadership of the individual I have indicated. Under what plea was slavery thus allowed to enter in and ravage the heritage of freedom? On the same ground that the madman opens the pest-house to let leprosy, plague, and cholera, rush forth, as did the winds from the fabulous cave, to walk at midnight and waste at noonday. A man with a contagious disease must not stay in his own house, nor be confined in the hospital; but must be allowed to roam abroad, to spread disease and death among his fellow-men! What is this, but the veriest madness that ever reigned in Bedlam? I know it is said that there are two wings to the Democratic party. I am aware of that; and I know, also, that both wings belong to the same vulture; and, although one has been slightly out of joint, it has now got back to its place, and both will flap in unison, to bear the carrion bird back to gorge and fatten on the carcass where it has gorged and fattened so long.

But the strangest and most impious phase of this fanaticism is, that it claims the sanction of the Bible for American slavery. I have neither time nor disposition to enter into a philological argument on this question. I shall not ransack Greek lexicons and musty manuscripts to ascertain the precise etymological force of the Greek words translated *servant* in the Bible. And as for the grand old Hebrew, in which the ancient Scriptures were written, it has no word which describes or recognizes a human being as a piece of property. Before quoting chapter or verse, I desire to say a few words having a general bearing on this subject. The theocratic charter granted to the Jews was exclusive, and constituted them a kind of close corporation, with peculiar privileges as a commonwealth. But all those unusual franchises were bestowed upon them on the express condition that they should comply with a prescribed ritual. God explicitly declared that he would slay every native-born Jew that did not comply with the provisions of their charter. Now, I desire to inquire of those who claim the right to hold slaves under this old charter given to the Jews, have you complied with the requisitions of that charter? Do you abstain from Virginia ham and other swine's flesh? Do you observe the new moons, the Sabbaths, circumcision, and the appointed feasts? If not, you are no Jew, and are not entitled to the franchises of a Jew; but on the other hand you belong to the Gentile race, who, according to your theory, were of right made slaves. If the advocates of slavery choose to go back, and place themselves under a code of laws given to a race of men evidently yet in a state of barbarism, let them take the whole code, and abide by it, and obey it. Another statement: if the Bible sanctions slavery at all, it is the enslavement of white men. No one pretends that the servants spoken of in the Bible were blacks. The Roman slave was not a black man. The Hebrew servant was not a black man. The question is, whether the laboring man, white or black, may rightfully be enslaved?

I may as well notice, here, that worn-out quotation erroneously placed on Ham. Noah planted a vineyard, raised some grapes, made some wine, and got drunk. When he waked up, still fuddled with the fumes of the wine, *sotto voce*, so confused he did not know his son from his grandson, he uttered the malediction, "cursed be Canaan," not Ham, who had been guilty of the wrong. And now, in the blaze of the nineteenth century, with the radiance of Christianity shining around, Democrats go mousing back five thousand years to learn the basis of human rights from the lips of a man still half drunk. "*Cursed* be Canaan," is evermore the refrain of Democratic minstrelsy.

And now to the Bible. I will not detain the committee long, for I have no patience with the impiety that attempts to throw the sanction of this holy book around the diabolical system of American slavery. What says this inspired volume? "Thou shalt not steal!" Brief, comprehensive, and to the point. This must be taken from the Bible, before it can be made to sanction slavery. Does this forbid my taking my neighbor's horse, but allow me to reduce the man to a slave, and then claim them both? How much better is a man than a sheep? If I am told that slavery is not theft, because the felonious intent is not there, I reply, as the gentleman from Georgia replied, who has, in former years, on this floor, attempted to justify slavery on the authority of the Scriptures. He declared that the act of Paulding in arresting the marauder, Walker, was an act of robbery. Some one replied, that it could not be robbery, for there was no felonious intent. The gentleman from Georgia rejoined, "I said robbery; I did not say legal robbery." So I say *theft;* I do not say *legal* theft, or theft in the legal sense. We are talking about the moral, not the legal, character of slavery. The title to every slave originated in violence and robbery, and its continuance has no other moral character. There can be no mistake about the rightful ownership of a human being. He belongs to himself. Because my father or mother was reduced to the condition of a slave, does that justify my being reduced to the same condition of brutism? Does the continuence of a wrong take away its guilt? I repeat, there can be no doubt as to the ownership of any human being. The title is in himself. To take it from him is robbery.

But we have a specific statute on this subject. "He that stealeth a man and selleth him, or if he be found in his hands," that is, in his possession, "he shall surely be put to death." This enactment takes this transaction out of the catalogue of ordinary crime, and brands it with peculiar reprobation. Other forms of theft could be atoned for by returning four-fold; this claimed the forfeiture of life itself, thus making it a capital offense. No squirming of sophistry can get round this. There it stands, the estimate of the Jewish Scriptures of the crime of trafficking in human flesh. So once thought the Presbyterian Church, when they declared slaveholding to be a violation of the eighth commandment. So thought President Edwards, when he declared the slaveholder guilty of man-stealing every day. This was the constitutional law of the Jewish Commonwealth. No other statute could contravene it, any more than a State or territorial law could annul a provision of the Constitution of the United States. All the instances of buying and selling relied upon by the advocates of slavery, are confined to the person bought and the person sold. A person "*falling into decay*" sold himself, not as a chattel or slave, but as a servant for a term of years; and when the jubilee came round, liberty was proclaimed throughout all the land, to all the inhabitants thereof. When there was a failure on the part of the people to proclaim this liberty, promised and secured by law, then God proclaimed a liberty to them to the sword and to the pestilence, and those other judgments that fell swift and terrific from the hand of an incensed God. It was this providential retribution which made Jefferson tremble for his country, when he remembered that God was just, and that his justice would not sleep forever. In the uprising of those oppressed millions, he averred that no attribute of Jehovah could take sides with the oppressor.

"Honor thy father and thy mother," is the requirement of the Bible. Slavery utterly annuls this command. The owner claims honor and obedience, to the utter disregard of parental authority and parental claims. Who ever thinks of

a slave child obeying his parent in preference to his master? The very suggestion is preposterous. Does the Bible sanction a system that abrogates its own injunctions?

There stands that slave mother, pressing, with a mother's love, her own child to her heart! To whom does it belong? Is it not hers against the universe? Is there any being, this side the throne of God, that has the right to take it from her? Has the master the right to come and tear it away from her embrace, and claim it as his property? And is this robbery sanctioned by the Bible, and that Bible the word of God? I know the people are taught this by a ministry that I dislike to characterize as I think they deserve.

"Wealth, lust, and fashion, bid them still to bleed,
And holy men quote Scripture for the deed."

But these men do not truly interpret the Bible. They teach for doctrines the commandments of men, and make the word of God of none effect through their traditions. How dare these men make the Bible lend its sanction to a system that abrogates parental authority and filial duty?

So, also, with the conjugal relation. The Bible everywhere represents this as the most sacred, inviolate, and indissoluble of all human relations. Father and mother are to be forsaken, in obedience to the claims of this still higher and holier relation. Now, what does slavery do with this domestic institution? Leave God and the parties perfectly free to regulate it in their own way? No; with impious and brazen front, it steps in and utterly annihilates the marriage relation, so far as its victims are concerned. There is no more any legal marriage among the three or four million slaves in the United States, than there is among so many cattle. Slaves in the eye of the law are cattle, and their union is that of brutes. They are declared to be goods, chattels personal, to all intents, constructions, and purposes, whatever. The civil law which prevails in some of the States takes them *pro nullis, pro mortuis, pro quadrupedibus.*

Would it not be an interesting spectacle to see one of these clergymen, who teach that the Bible sanctions slavery, called in to attend the wedding of a bureau and chest of drawers? The chairs, and shovel, and tongs, are invited as guests. After a fervent prayer for the Divine blessing, the clergyman says:

"By the old Levitical laws,
I join the bureau to the drawers."
"Quid rides? mutato nomine, de te
Fabula narratur."

Absolutely, there can be no more a legal marriage between two slaves, than between two articles of furniture, or between two brutes. They "take up together," they do not marry. No clergyman dare pronounce two slaves husband and wife till death shall separate them. The will of the master is their fate. The Bible says: "What God hath joined together, let not man put asunder." The slave system says: Who cares for God? I will separate them when I please. A slave who is a church member is taught by his religious teachers that it is his duty, on being sold from one plantation to another, leaving a so-called wife behind, to take another mate; and the reason assigned by these pious instructors is, that in this way he can be most profitable to his master, which is his first and paramount duty. Thus he may, as a good Christian, take up with a new woman on every plantation to which he is sold. This has been formally so decided by an ecclesiastical council. And yet these blasphemers seek to make God a partner in this revolting practice. The Bible everywhere requires an equivalent to be given for services rendered. "Woe unto him that buildeth his house by unrighteousness and his chambers by wrong; that useth his neighbor's service without wages, and giveth him not for his work." "Behold, the hire of the laborers who have reaped down your fields, which by you is kept back by fraud, crieth; and the cries of them that hath reaped are entered into the ears of the Lord of Sabaoth." Slavery never allows any wages at all to those who garner in its harvests. To say that the clothing and food that the slave receives are wages, is to say that the hay, grain, and stabling of the horse are wages. These constitute the keeping of the horse, and of the slave; wages they are not.

It is frequently said, that although individuals may do wrong, yet the system is right. Now, it is against the system that I speak. The truth is, the individuals are better than the system. The humanity—and, in my charity, perhaps, I ought to say Christianity—of the master often triumphs, to a great extent, over the system. If every master exemplified the extreme capability of the system for outrage and diabolism, an indignant world would rise and wipe it out.

Suppose, now, this system, all reeking with lust, incest, crime, and cruelty, is brought out and placed under the blaze of Christianity. "Whatsoever ye would that men should do unto you, do ye even so unto them;" for this is the law and the prophets. This is the condensed summary of the whole Bible. Who has the hardihood to say that the practice of slaveholding is consistent with this injunction? What, in the New Testament, is the classification of slaveholders? It places them with murderers of fathers and murderers of mothers.

Everywhere the Bible inculcates a spirit of generous magnanimity. "Ye that are strong ought to bear the infirmities of the weak, and not to please yourselves." Slavery, I know, claims this attribute, and talks about its chivalry and magnanimity. And is it not magnanimous to cheat a poor, ignorant, degraded man, out of the entire earnings of his whole life—rob him of his wife and children, and then justify it by saying that they are an inferior race? Admit the fact of inferiority—does it therefore follow that it is right to oppress them? Every page of the Bible flashes its anathemas against the oppression of the poor and helpless. The chivalry of the Bible is to help the weak, to protect the defenseless, and rescue those in peril. This, indeed, is the idea of the olden chivalry. Witness the incident in the romance of Ivanhoe. The true knight, enfeebled by sickness, rides into the lists to meet a powerful antagonist—and in whose defense? For one belonging to a race as despised and degraded then as that of the African now is. This chivalry we recognize as having something manly and noble in it. But, from the chivalry that robs mothers of their children; that applies the scourge to helpless women, to secure their labor or make them surrender their chastity; which sells a boy for a harlot and a girl for a pair of shoes; which, by superior knowledge, combination, and legal enactment, reduces millions of human beings to the condition of brutism, and then by false teachings seeks to delude their conscience, and cause them to believe that their enslavement is in accordance with the will of God—from all such chivalry I ask to be delivered.

The Bible sanctions slavery; and if the Bible, then God. What kind of an ideal of Deity has that religionist who holds this doctrine? The ancients divided their vices, and made one of their gods the divinity of each. The advocate of Bible slavery takes a system that concentrates in itself all crime, and makes Jehovah its patron deity. I do wish that slavery would leave us an ideal of the Supreme Being that is not polluted with its slimy touch. It is said of Goldsmith, as a writer, that there was nothing that he did not touch, and nothing that he touched that he did not beautify. And it can truly be said of slavery, that there is nothing that it does not touch, and nothing that it touches that it does not defile. It has perverted the Government, violated the national faith, muzzled the press, debauched the church, corrupted Christianity, and seeks to change the glory of the invisible God into a Moloch, and transform the eternal and loving Father into a patron of cruelty, lust, and injustice; and then, with the impudence of the strange woman, wipes its mouth and says, "I have committed no sin!" I should be ashamed of such a God as that. It is to me utterly incomprehensible, that any one can sincerely believe that the Bible sanctions the system of American slavery; and I leave that point.

But this fanaticism goes still further, and arrogates to itself prerogatives which God himself, never claimed, and what, be it spoken with reverence, the Supreme Being himself cannot do; and that is, to make right and wrong. Before all law and above all law, human and Divine, is the idea of right and wrong, eternal, indestructible. The Omnipotent does not claim the right or power to annihilate this distinction. He himself bows to this idea, which sits enthroned, absolute and supreme, higher than the Highest. The supreme Legislator never undertook, by mere arbitrary enactment, to obliterate this distinction, and put darkness for light, and light for darkness—bitter for sweet, and sweet for bitter. His own conduct is controlled by His perceptions of what is right and what is wrong. Human statutes cannot do what Divine legislation never attempted to achieve. Can you, by a congressional enactment, change the laws that govern the material world? Can you make the Potomac roll back to its sources amid those far off hills; or calm the ocean, when, moved from its depths, it lifts its crested waves on high, and dashes them in broken spray against the beetling crags? Much less can you annul the eternal distinction between right and wrong. The attempt is and must forever remain utterly vain and impotent.

The gentleman from Georgia, the other day, called our attention to the sublime spectacle of State after State emerging from a territorial condition, and wheeling into line as sovereign States in this Confederacy. In this process, according to the gentleman, were united the two principles of expansion and popular sovereignty, and the gentleman was reminded of that grand chorus which an ancient exile heard when there was poured upon his ear the voice of many waters, and the voice of the thunders, and the voice of the Almighty, and the utterance of ocean and thunder and of Jehovah was, "*Vox populi vox Dei.*" Sir, I claim that the voice of truth and justice and liberty, is the voice of God. When I hear the voice of thousands and thousands, and ten times ten thousand, swelling upward, like the voice of many waters and the voice of mighty thunders and the voice of the Almighty, it is that other and better sentiment—"Let justice prevail, though the universe crumbles." Ay, sir; I too heard the voice of the people, and it went surging through the streets of Judea's proud metropolis. It swept through the portals of Pilate's judgment hall, and echoed along its arches, crying, "Crucify him! Crucify him!" Was "*Vox populi vox Dei*" then? Did the gentleman from Georgia hear the voice of the Almighty, responsive to the popular will, demanding the crucifixion of his own Son? Did their cry of blood have the Divine sanction, simply because they had voted it, and because they had a law by which the Man of Nazareth must be put to death? What an impious dogma!

But let us follow this expansion and *vox populi* doctrine. We already embrace Utah; there the voice of the people sanctions and demands a multiplicity of wives. Is it the voice of God? We acquire Cuba; and there the voice of the people demands the union of Church and State, and forbids a prayer to be uttered by the open grave of a friend who breathed out his soul beyond the pale of the Papal Church; and the voice of the people is the voice of God! Expansion! We sweep onward, and take in Mexico; and in some sequestered vale there is a remnant of the old Aztec race, with their Teocalli surrounded with human skulls. The voice of the people here leads forth a pampered young man—the fairest and best of the nation, decorated with flowers—up to the consecrated hill, laying him on the sacrificial stone, and with breast raised, the priest seizes the knife, and drags it craunching through the ribs, and tears out the heart, all reeking and quivering; and this is the voice of God!

But we have taken in the continent, from Esquimaux to Patagonian, and still we must expand. We ride forth on the Pacific wave, and annex the Feejee Islands; and the voice of the people here is to feast on human flesh; and the voice of the people is the voice of God! Is this an insane asylum? Is the Democracy struck with lunacy, as well as filled with fanaticism?

The slavery Democracy prates and chatters about "negro equality," "Black Republicans," and "nigger-stealing," to use its classic phrase and improved orthography. It has, or affects to have, a great horror of "niggers;" and any one who advocates the principles of human freedom, as they were enunciated and laid down in indurating forms by the fathers of the Republic, is a "woolly head," and these same Democrats have learned to speak of them with a peculiar nasal

twist. *Naso contemnere adunco.* You would suppose that these gentlemen, whose olfactories are so sensitive and acute, never saw a nigger, unless in a menagerie. And yet, would you believe it! the very first service rendered him on earth is performed by a nigger; as an infant, he draws the milk which makes his flesh and blood and bones from the breast of a nigger; looks up in her face and smiles, and calls her by the endearing name of "mammy."

(Incipe parve puer. Cognoscere risu matrem.)

and begs, perhaps, in piteous tones, for the privilege of carrying "mammy" to the Territories; he is undressed and put to bed by a nigger, and nestles, during the slumbers of infancy, in the bosom of a nigger; he is washed, dressed, and taken to the table, by a nigger, to eat food prepared by a nigger; he is led to and from school by a nigger; every service that childhood demands is performed by a nigger, except that of chastisement, which, from the absence of good manners in many cases, it is to be feared is not performed at all. When down appears on his lip, the tonsorial service is performed by a nigger; and when he reaches manhood, he invades the nigger quarters to place himself in the endearing relation of paternity to half-niggers. Finally, if he should be ambitious, it may occur that he will come to Congress to represent a constituency, three fifths of whom are niggers, and talk about "Black Republicans," "amalgamation," "nigger equality," "nigger stealing," and the offensive odor of niggerism.

I insist upon it, we have had enough of this tomfoolery. Let members from the slave States treat us with the courtesy due from one gentleman to another, and they will receive the same in return. But till then, if God pleases, they shall have a Roland for an Oliver. I call gentlemen to witness, that during all last session, I endured this kind of abuse. Scurrilous letters were read from the Clerk's desk, and I held my peace. Again this session, old Mose is exhumed, and served up in a Democratic re-hash. And who is this old Mose, that is to form the pabulum of an interesting chapter, when some Democratic historian shall give us the history of the United States? A poor, old, septuagenarian negro, whom I never saw, and of whom I never heard till he came to my door, free by the admission of the blackguard who had owned him. I gave him a meal of victuals; he remained a few hours till the cars came, when I secured the payment of his passage to Chicago, and he went on his way rejoicing, like the Ethiopian of old. By the way, ought there not to be an ecumenical council of the Democratic church, to get out an expurgated edition of the Bible? What a scandalous thing, that Philip should ride with the Ethiopian! It is asked why I did not state these facts before. I answer, I will not hold myself bound to explain every ebullition of blackguardism, either in or out of Congress. When a boy, I used to strike back at every dog that barked at me as I rode along the highways; but I have ceased doing so, long since, and let them bite the iron that encircles the wheel.

And now, what about this negro equality of which we hear so much, in and out of Congress? It is claimed by the Democrats of to-day, that Jefferson has uttered an untruth in the declaration of principles which underlie our Government. I still abide by the Democracy of Jefferson, and avow my belief that all men are created equal. Equal how? Not in physical strength; not in symmetry of form and proportion; not in gracefulness of motion, or loveliness of feature; not in mental endowment, moral susceptibility, and emotional power; not socially equal; not of necessity politically equal—not this, but every human being equally entitled to his life, his liberty, and the fruit of his toil. The Democratic party deny this fundamental doctrine of our Government, and say that there is a certain class of human beings who have no rights. If you maliciously kill them, it is no murder; if you take away their liberty, it is no crime; if you deprive them of their earnings, it is no theft. No rights which another is bound to regard? Was there ever so much diabolism compressed into one sentence?

Why do the Democrats come to us with their complaints about the negroes? I, for one, feel no responsibility in the matter. I did not create them—was not consulted. Now, if there is any one dissatisfied with the fact that there is a whole race of human beings with the rights of human beings, created with a skin not colored like our own, let him go mouth to the heavens, and mutter his blasphemies in the ear of the God that made us all. Tell Him that he had no business to make human beings with a black skin. I repeat, I feel no responsibility for this fact. But inasmuch as it has pleased God to make them human beings, I am bound to regard them as such. Instead of chattering your gibberish in my ear about negro equality, go look the Son of God in the face and reproach him with favoring negro equality because he poured out his blood for the most abject and despised of the human family. Go settle this matter with the God who created, and the Christ who redeemed.

"He that despiseth the poor, reproacheth his Maker."

A single word as to this charge of negro stealing. I suppose I have a right to speak on this subject, having been made the object of this allegation. So far as any personal abuse is concerned, it may go for what it is worth. If the object is to ascertain whether I assist fugitive slaves who come to my door and ask it, the matter is easily disposed of. I march right up to the confessional, and say, *I do.* I recollect the case of a young woman, who came to my house, who had not a single trace of African descent either in feature or complexion. According to her own story, she was betrothed to a man of her race, though not of her color, and was, before her marriage, sold to a libertine from the South, she being in St. Louis. She escaped, and, in her flight from a life of infamy, and a fate worse than death, she came and implored aid? Was I to refuse it? Was I to bewray the wanderer. Was I to detain her, and give her up a prey to the incarnate fiend who had selected her as a victim to offer up on the altar of sensualism?

Who would do it? I would not, did not. No human being, black or white, bond or free, native or foreign, infidel or Christian, ever came to my door and asked for food and shelter, in the name of a common humanity, or of a pitying Christ, who did not receive it. This I have done. This I mean to do, as long as God lets me live. I shall never "bewray him that wandereth." I shall never become a slave-catcher. Any one who chooses may transform himself into a blood-hound—snuff and scent and howl along the track of the fugitive—loll out his tongue, and lap up the dirty water that stands in muddy pools by the way side—overtake the rifle-scarred and lash-excoriated slave, (a mother, it may be, with her infant, the love of whom has nerved her for the flight,) thrust his canine teeth into the quivering flesh, brace out his fore feet, and hold the captive till the kidnapper comes, with fetters and handcuffs, to load down ankles and wrist, and then receive, as a reward of this brutism, a pat on the head from the slave-catcher, and the plaudit, "Good dog, Bose."

Sir, I never will do this. I never will degrade my manhood, and stifle the sympathies of human nature. It is an insult to claim it. I wish I had nothing worse to meet at the judgment day than that. I would not have the guilt of causing that wail of man's despair, or that wild shriek of woman's agony, as the one or the other is captured, for all the diadems of all the stars in heaven.

Is it desired to call attention to this fact? Proclaim it, then, upon the house-tops; write it on every leaf that trembles in the forest; make it blaze from the sun at high noon, and shine forth in the milder radiance of every star that bedecks the firmament of God; let it echo through all the arches of heaven, and reverberate and bellow along all the deep gorges of hell, where slave-catchers will be very likely to hear it. OWEN LOVEJOY lives at Princeton, Illinois, three quarters of a mile east of the village; and he aids every fugitive that comes to his door and asks it. Thou invisible demon of slavery, dost thou think to cross my humble threshold, and forbid me to give bread to the hungry and shelter to the houseless? I BID YOU DEFIANCE IN THE NAME OF MY GOD!

THE TARIFF.

SPEECH OF HON. L. Q. C. LAMAR,

OF MISSISSIPPI,

IN THE HOUSE OF REPRESENTATIVES,

February 21, 1859.

The House being in the Committee of the Whole on the state of the Union,

Mr. LAMAR said:

Mr. CHAIRMAN: A question of vital importance and practical legislation is upon us; growing every day in the imperious urgency of its demand for solution, and involving not alone the honor of the Government, but its very means of continued operation. Theories of taxation have been discussed; schemes of protection or encouragement to favored interests have been pressed upon the attention of Congress; and yet the action of this House, upon the great question of equalizing the means and expenditures of Government, is not unlike the motion of that sluggish, overgrown insect, which moves its thousand legs and arms at different times and in different directions, but is incapable of one single, powerful, onward impulse. The estimates of the Secretary of the Treasury contemplate a deficiency, on the 1st of July, 1860, of nearly eight million dollars. That it is the duty of Congress to make provision, before the termination of its present session, to meet this deficiency, no one denies. How shall this be done? By a loan? by the issue of Treasury notes? or by the revision of the tariff? And if by the latter, upon what principle shall this revision be effected?

The gentleman from Ohio [Mr. STANTON] proposed, in his speech the other day, to meet this difficulty by repealing the existing tariff, and substituting in its stead a system of specific duties, in the adjustment of the details of which there shall be discriminations for what he calls protection to certain classes of American industry. In the course of his remarks he undertook to excite some merriment at the expense of the Administration, on account of the difference of opinion existing between the President and the Secretary of the Treasury. Sir, this difference is open and public. It shows that there is no affectation of harmony without, and concealed hostilities within.

I have never been a strong believer in that arbitrary doctrine that has obtained of late years in theory, though never enforced in practice, requiring a Cabinet to be a unit upon all questions. Whatever may be its other merits, it certainly has not the authority of the earlier Administrations. Similar differences of opinion, and upon the same subject, characterized the administration of him who was "first in war, first in peace, and first in the hearts of his countrymen."

Sir, if this difference of opinion, either at this time or at any future time, shall embarrass the President or his Administration, the candor and frankness which mark his character afford the most satisfactory assurance that he will be the first to communicate that fact to the Secretary; and the fidelity to principle which has hitherto distinguished the career of that Secretary, furnishes to the country ample guarantee that an intimation alone will be sufficient to relieve the President and his administration from such embarrassments.

The gentleman asserts, with great confidence, "that no party in the country has ever committed itself against discrimination for protection." Upon another occasion, when seeking to escape the irresistible deductions of the able and eloquent gentleman from Georgia, [Mr. JACKSON,] in relation to the aims and purposes of the Black Republican party, the gentleman from Ohio insisted that their published platform was the only authentic exposition of their principles and purposes. Now, sir, if he will only determine the doctrines and tenets of the Democracy by the test which he claims for his own party, he will be constrained to admit that the Democratic party is committed against the doctrine of protection, whether for protection's sake, or in the form of discriminations.

The doctrines, purposes, and arguments, set forth in the speech of the gentleman of Ohio,

emanating as it does from one of the acknowledged leaders of the Opposition, in my opinion demand thorough examination and exposure.

As my object is the development of truth, and not a mere triumphant reply in debate, I shall state the arguments of the gentleman in the very language in which he presented them.

In discussing the relative merits of specific and *ad valorem* duties, the gentleman says:

"In levying duties for revenue, one of the leading objects to be obtained is stability—uniformity in the amount of revenue to be derived from them. And it is especially desirable to guard, as far as possible, against the fluctuations of trade and commerce; to avoid the accumulation of a surplus in times of general prosperity and great commercial activity, or a deficiency in times of depression and stagnation in trade and commerce.

"But no invention could be devised better calculated to aggravate these very evils, than *ad valorem* duties. When times are prosperous, and trade and commerce flourishing, the *quantity* of imports is always greatest, and the prices highest. Hence the revenues are increased by the increase of the price, as well as the quantity of imports. So, on the other hand, when trade and commerce are depressed, the revenue is diminished by the falling off in the amount of imports, as well as the reduction of the amount of duties upon what is imported."

If, by uniformity of revenue, the gentleman means a certain invariable amount to be collected each year, undisturbed by the fluctuations of trade and the mutations of commerce, he will find that this "leading object" can never be accomplished by any system of import duties, whether *ad valorem* or specific. And, if he makes it a "*controlling* idea," he must be driven to the system advocated by my friend from South Carolina, [Mr. BOYCE,] direct taxation; for, sir, there is no provision possible, in any system of indirect taxation, which can guard against the reduction of price and the falling off of imports at the same time.

The decrease in the importation of dutiable articles in 1858 was almost equal, in proportion, to the depreciations in value of those which were imported. It could not be less than $80,000,000. How could specific duties supply such a reduction in the sources of revenue? I state this fact merely for the purpose of showing how utterly visionary is the gentleman's idea about a uniform and stable revenue.

I do not claim that the revenues would have diminished last year to the same extent under a specific tariff. I am not controverting the fact upon which he bases his argument against our present system. It is undeniably true that an *ad valorem* duty—that is, a duty in proportion to value—will vary with the price of the article on which it is imposed, paying more when the price of the article is enhanced, and paying less when the price of the article is reduced. It is equally true that a specific duty—that is, a fixed sum laid by the weight or measure, irrespective of value or quality—will not rise or fall with the changing price of the article upon which it is levied.

Thus, suppose the duty to be twenty per cent. upon a certain article of cloth: when the price of that article is one dollar, the duty will be twenty cents. If the price of the cloth falls to fifty cents, the duty is reduced to ten cents.

On the other hand, a specific duty of twenty cents per yard will, of course, bring in that amount, whether the price be one dollar or fifty cents. In the latter case, however, it becomes a duty of forty per cent. on the article so taxed.

But that which the gentleman makes an objection to the *ad valorem* system constitutes, in my judgment, the feature most to be commended. He does not pretend that *ad valorem* duties are inadequate to supply the revenues of the country *for a long series of years*. At the end of ten years, for instance, the amount of revenues brought in by an *ad valorem* tariff will be, confessedly, equal to that brought in by a specific tariff. But the objection of the gentleman is, that the *ad valorem* system fluctuates with the fluctuations of trade; that in a year of prosperity, when importations are large, and prices are high, the Treasury, under its operation, is embarrassed with a surplus; and that, in a year of adversity, when importations are small and prices are low, the Government is embarrassed with a deficiency, and compelled to resort to loans to carry on its operations.

I differ with the gentleman as to what constitutes a uniform and stable revenue system. A system which, for a long series of years, will produce, in the average, an amount sufficient to defray all the expenses of Government, preserves all the essential requisities of uniformity and stability. If, in the accomplishment of this leading object, its principles are so fixed as to gather in the greatest amount of revenue in seasons of prosperity, when the resources of the people are abundant, and their capacity to bear taxation is greatest; and, on the other hand, lightens the burdens of taxation and gathers diminished revenues in periods of pecuniary distress, when the people are unable to buy imported goods either in large quantities, or at high prices, it is the more to be commended as a wise, salutary, and benign system of taxation.

The effect of *ad valorem* duties is to make the revenue system of the Government sustain, to the material condition of the people, the same relation which the Government itself sustains to the political opinions of the people; and as the latter represents in its action the people's sentiment and judgment, so does the former, become, under *ad valorem* duties, the faithful mirror which reflects the people's wants and necessities.

The Government is thus forced to husband its resources and curtail its expenditures, just as the people, from whom its supplies come, are compelled to economize their means and to contract their expenses. Such a system loses nothing by a comparison with that rigorous and inexorable policy which the gentleman and his party are now seeking to fasten upon the country; a system which makes Government neglect to increase its stores in times of prosperity, but throws additional burdens upon the people in a period of pecuniary distress, when bankruptcy and ruin are sweeping like a simoon through the country. To show that such is the true character of the policy which the gentleman is seeking to introduce, I will take the illustration submitted by himself:

"To see how it operates, take the article of rolled iron imported from England into the United States in 1852 and 1853. In 1852 we imported $5,060,036 cwt., at $7,300,016, or $1 44 per cwt. In 1853 we imported 7,262,558 cwt., at $14,522,186, or $2 per cwt. Under the tariff of 1846 this iron paid a duty of thirty per cent. *ad valorem*, making an aggregate of $2,190,064, of duties paid in 1852; and $4,358,655 in 1853, upon these importations.

"But it will be seen that in 1852, when the iron cost $1 44 per cwt., the duty, at thirty per cent., amounted to forty-three and one fifth cents; while in 1853, when it cost two dollars per cwt., the duty was sixty cents per cwt.

"A specific duty of fifty cents per cwt. would, at these prices, have been about equal to an *ad valorem* duty of thirty per cent. Now, if we had had a specific duty of fifty cents per cwt. in 1852, when the importation was small, we should have added $344,082 to the revenue for that year; and in 1853, when the importation was excessive, we should have reduced it $725,376."

I want no better illustration of the operations of that odious system, now proposed by the opponents of the Democratic party, than the one I have just quoted. To show its practical workings, the gentleman has selected the article of iron, an article of the greatest and most universal use, more essential than even tea or coffee or sugar to all classes. It has been wisely said to be the great civilizer, and, in the extent of its use, is certainly the surest evidence of civilization. Upon this all-important article, so indispensable to the working classes; used alike by farmers, mechanics, and artizans; by every man who wields a hammer or delves the earth or plows the soil; by every wife who prepares the frugal meal for the household; upon this article, the gentleman would increase the burdens of taxation, in hard times, when money is scarce, prices low, and imports small. And he complains of the present *ad valorem* tariff, because it lightened the burdens of taxation upon this article during a period of adversity and embarrassment, so as to diminish the revenues of the Government to the amount of nearly two million dollars! The fact that it more than makes up this amount in a year of abundance and prosperity, renders it still more obnoxious to the censures of the gentleman and his political associates.

I proceed to the second illustration of the gentleman:

"Take the importation of brown sugar for the years ending June 30, 1857, and June 30, 1858; and we find that there was imported, in 1857, 774,931,815 pounds, which cost $42,604,694, being five and a half cents per pound, which paid a duty of thirty per cent.; making $12,784,381 of duties paid into the Treasury.

"In 1858, the import of the same article was 517,223,624 pounds, which cost $23,317,435, being four and a half cents per pound; upon which, at thirty per cent., the duties would amount to $6,995,230." * * * * * *

"In 1857, therefore, there was ten per cent. more collected than would have been under a specific duty equal to the mean rate for the two years. Ten per cent. upon $63,876,003 is $6,387,600, which would leave but $57,488,403; and to that extent relieve the Treasury of the surplus with which it was burdened. In 1858, there was ten per cent. less collected than there would have been by a specific duty at the mean rates, which would amount to $4,178,961, and would have swelled the revenue from customs to the sum of $45,968,580."

I am willing that the merits of the two systems may rest upon this single article. To test his principle, the gentleman has selected an article of almost universal consumption. I hazard nothing in saying that it is used by every man, woman, and child, in my district. I presume it is used by every man, woman, and child, in the gentleman's district. According to the estimate of his colleague, [Mr. Cox,] in his able speech on the acquisition of Cuba, the State of Ohio has paid $6,000,000 into the Treasury, in the form of duties on sugar, since 1847. I presume the gentleman's constituents paid their proportional part of this vast amount; for it is the only article of luxury used by the toiling millions of this country, and it has become an article of prime necessity in the nursery and the sick-room.

The system which the gentleman and his party are seeking to establish would, according to his own argument, just quoted, have *increased the taxes* upon brown sugar, amounting in the aggregate to $4,178,961 in a year of unparalleled adversity, when bankruptcy and impoverishment brooded like night over the country, and when thousands upon thousands were struggling against an adverse current to save themselves and families from abject poverty and want.

Sir, what a contrast does the gentleman's policy present to the lofty patriotism and enlarged statesmanship exhibited in the speech of his colleague, [Mr. Cox,] on territorial expansion. His colleague enters into a calculation to show how much his constituents have paid, and are now paying, upon sugar; and one of the grounds upon which he advocates the acquisition of Cuba is, that it brings to the very door of his people this article, and the other tropical productions, at prices cheaper than they are now furnished to them. But the gentleman to whom I am now replying, urged on by a reckless spirit of fanaticism against his brethren of the South, seeks not only to exclude from our limits this fair and teeming island, but would, by a harsh griping system of revenue, tax his constituents heavily upon such articles of necessity as iron and sugar; ay, sir, and increase the tax in the inverse ratio of the people's capacity to bear them. And for what? To bring in more revenue? No, sir; he cannot say that his system will produce more revenue, in a series of years, than the *ad valorem*. He cannot deny that this latter system, by operating lightly upon the people in hard times and heavily in prosperous times, supplies the deficiencies of one year with the surpluses of another. Why such a difference in political sentiment and action, between two gentlemen, representing the same people and similar interests? Mere peculiarities of individual organization will not explain such a political phenomenon. It shows that the antagonistic principles of the two parties to which they belong, have struck their roots deeply in the national mind, and still exist in undiminished vitality.

I shall show, before I conclude, that this effort to reëstablish specific duties, has for its object neither an increase or uniformity of revenue.

Sir, if the consumers could only pay the duty on sugar with their products, directly to the custom-house officer, they would realize how partial and unjust is this system of specific duties. Suppose wheat to be worth one dollar a bushel, and sugar to be worth ten cents per pound: then ten bushels of wheat would buy one hundred pounds of sugar, free of duty. But say a duty of twenty per cent. is placed upon sugar: that would be two dollars off on the one hundred pounds, and the wheat grower could get but eighty pounds of sugar for his ten bushels. Now, sir, if hard times should come, and wheat should fall to fifty cents per bushel and sugar to five cents per pound, the twenty per cent. *ad valorem* duty would be only one dollar per hundred weight, and the wheat

grower would still get his eighty pounds of sugar for his ten bushels of wheat. Now, instead of an *ad valorem* duty of twenty per cent., let there be an equivalent specific duty of two cents on the pound of sugar. Then, when wheat falls to fifty cents and sugar to five cents, the specific tax of two cents continues to be two dollars per hundred weight of sugar, and under its operation the wheat grower will get only sixty pounds of sugar, when, under the *ad valorem* tariff, he would have got eighty pounds. That is, the consumer loses twenty pounds of sugar by the mere substitution of a specific for an *ad valorem* duty. In addition to the twenty per cent. that he had to pay under an *ad valorem* tariff, he must pay twenty per cent. as a bounty to the sugar manufacturer. And right here is the great merit of *ad valorem* duties; they are honest and fair; they impose no greater burden than they seem to impose. They are democratic also, falling upon every rank and class of society equally, and making each pay according to the value of the article which he purchases. The system is based upon equality—"equality of benefits and equality of burdens." Hence, sir, in those States in which the Democratic party is in the ascendant, the *ad valorem* principle is generally observed in their taxation.

But I said that I would show the object of this war upon *ad valorem* duties. To do this, I have only to refer to the speech of the gentleman from Pennsylvania, [Mr. MONTGOMERY,] who has just taken his seat. Indeed, all the advocates of specific duties declare their object to be "*a little more protection.*" I quote again the gentleman from Ohio:

"The tariff of 1857 is a sliding scale against uniformity in the revenue, as well as against protection." * * * * "Let me illustrate for a moment its operation on our manufactures. Suppose railroad iron may be manufactured in Birmingham, England, and brought to New York, at forty dollars per ton, and that it may be manufactured in Pennsylvania at fifty dollars per ton: by a duty of twenty five per cent., which is equal to ten dollars per ton, you put the foreign and domestic manufacturer upon an equal footing, and enable them to go into the American market in competition, *so long as the cost of production remains the same.* But if the foreign cost should be raised to forty-five dollars, the duty goes up to $11 25, when the domestic manufacturer only needs a duty of five dollars per ton to afford him adequate protection. But suppose the cost of the foreign article goes down to thirty-five dollars: the duty goes down to $8 75, and it can be sold, after paying the duty, at $43 75; and consequently the American manufacturer is driven from the market. When he has the least need of protection, the duty is the highest; and when he has most need of it, the duty is the lowest."

Ad valorem duties fail to afford protection to the manufacturer of iron when it is most needed! *Hinc illæ lachrymæ!* Why, sir, is not that calamity common to all classes, which makes the manufacturer "need protection?" And what right have these manufacturers, through their representatives, to demand of this Government any advantage over the grain growers of the West, or the cotton planters of the South, or the merchants and the mechanics and the farmers of the whole country, who suffer equally with them from a decline of prices? He seems to think that the Government is bound to tax all other classes for the benefit of the manufacturers; and that that system of taxation shall be so fixed as to be heaviest when those other classes are least able to bear it.

His whole theory is wrong. There is, sir, no "sliding scale" in an *ad valorem* tariff, either against protection or against revenue. A duty of twenty per cent. is the same, whether the price be high or low. Twenty per cent on $100 worth of iron is $20, whether the price on iron be $50 or $30 per ton. But you *do* have "a sliding scale" in your specific system, with a vengeance. Suppose, again, that a bushel of wheat, in the year of abundance, to which the gentleman has referred, was worth $1, and that iron was worth $50 per ton, the duty being twenty per cent., which is equal to $10 per ton: in that case, sixty bushels of wheat would buy a ton of iron. But suppose a revulsion comes upon the country, bringing wheat down to fifty cents a bushel, and iron to $25 a ton: the duty is $5; so that sixty bushels of wheat will still buy a ton of iron. But make this duty a specific one of $10 a ton; and when wheat falls to fifty cents a bushel and iron to $25 a ton, the specific duty remaining at $10, iron will be worth $35 a ton; so that when the wheat-grower is suffering most, and is least able to make his purchases, it will require seventy bushels, instead of sixty, to purchase the same amount of iron. In other words, in addition to the ten per cent. which he paid under the *ad valorem* tariff, he will be compelled to pay ten bushels more of wheat as a bounty to the iron manufacturer.

Thus it is, sir, that, in a period of general distress and suffering, a specific duty, which purports to be a duty of twenty per cent., becomes, in reality, a duty of forty per cent. In the gentleman's view, this is all fair and just and right; because there has been a decline in prices, and the manufacturer is suffering with hard times. But mechanics, farmers, merchants, and all other classes of society, must not only suffer from the hard times, but they must also suffer under the superadded load of increased Government taxation for the protection of the manufacturer. Sir, the planter of the South suffers from a revulsion and needs protection during such a period, than the manufacturer of the North. At a period like the one stated, he is compelled to furnish his laborers with comfortable homes, liberal supplies of food and raiment, and medical attendance to those that are sick. But the manufacturer, the instant he feels the pressure upon him, can dismiss his operatives; turn them out, without food, or raiment, or shelter from the pitiless storm, so far as he is concerned. He can suspend his business until a time when his profits will reach their former prodigious figure.

Now, sir, suppose the policy reversed. Suppose the agriculturists of my State, when cotton falls from fourteen to eight cents, and the wheat and wool growers of the West, when their productions fall in like proportion, should claim from the other classes, and especially from the manufacturing class, a bounty sufficient to make up the deficit: what a yell and howl of rage would we hear coming from that quarter now so clamorous for plunder! And this reminds me of a remark which I once heard made, characterizing these two interests. It was, that the agricultural interest was like a flock of sheep, which may be shorn of its fleece without evincing the least resistance, or giving forth the faintest bleat of distress; and that the manufacturing class was like a drove of hogs; you cannot pull the bristles of a single one without throwing the whole herd into commotion.

Mr. Chairman, imagine, if you can, the disastrous effects of this system of specifics and protection incorporated into the direct taxation of a State. Suppose that a specific tax was imposed on land, so that the most valuable city lot should pay no more than a sterile field, worth but five dollars per acre: a certain sum on houses, so that the palatial residence of a rich nabob should pay no more than the rude hamlet of the humble day-laborer. Now, add to this the protective feature. Let a farmer, who has made his crop of wheat, say to himself: "I will buy cloth with this sack of wheat for my children's clothes." He goes to the manufacturer, who offers him fifteen yards of cloth for his sack of wheat. A manufacturer from another country, says: "I will sell you twenty yards of cloth for your wheat, because we can afford to weave cloth cheaper than they can here." The farmer is ready to close the trade, when the tax-gatherer approaches, and says: "You may buy the fifteen yards of the home manufacturer; but if you buy of this other, you must forfeit to me six yards of your cloth." He would exclaim: "Why should not my little ones have what the hard-earned product of my labor brings them?" The reply would be: "We wish to protect our home manufacturer from foreign competition."

Sir, if such a system was enforced in the district of the gentleman from Ohio, a consuming flame of indignation would spread over the entire country. The principle is the same. The gentleman is advocating a system of spoliation upon his neighbors, for the benefit of the iron manufacturer of Pennsylvania and the sugar planter of Louisiana. If it were not disguised, if its hideous features could only be exposed, through the vail with which it is attempted to conceal them, the condemnation of his people would fall upon him like the scathing lightning of heaven. The direct tendency of the system, its inevitable effect, and its avowed object, is to convert this Government into a vast insurance company, for the purpose of insuring not the *property*, but the *profits* and the *income* of the manufacturers, at the expense of every other class of society. For every scheme hitherto adopted to increase, by positive legislation, the profits of certain favored branches of American capital, without, to that very extent, injuring the other less favored branches, has proved as fruitless and unavailing as the attempts of the daughters of Danaus to draw water with perforated buckets.

I proceed to notice the objections urged by the gentleman from Ohio, to *ad valorem* duties. The gentleman says:

"But there is another evil which attends *ad valorem* duties that is more disastrous to the revenue, as well as to domestic producers, than the one to which I have alluded. That is, the frauds that are practiced by undervaluation at our custom-houses."

Now, sir, I shall not repeat the argument showing that specific duties are subject to the same embarrassment, and that it is just as easy to practice fraud upon the Government in relation to the *quantity* as to the *quality* of imported goods. I propose to examine some of the cases cited by him, to show the existence of those gross frauds practiced by undervaluation at our custom-houses. I quote from the gentleman's speech:

"The United States reports on commerce and navigation for 1853-54-55, show an import of 438,650 tons of guano, at an aggregate value of $1,248,587, or about $3 25 per ton, while the lowest price paid at the Chincha Islands is from twenty to twenty-five dollars per ton."

This certainly discloses a most appaling disparity between the price as shown by our custom-house returns, and the price which the gentleman says the article actually bears at the Chincha Islands.

If the gentleman can show that this discrepancy grows out of *ad valorem* duties, it will be perhaps a conclusive proof of his proposition. But, sir, there is one fact which makes this very example scatter to the winds all of his arguments based upon the difference between the amount of articles imported into this country as shown by our custom-house returns, and the amount as shown by foreign custom-house returns. Sir, *guano is entirely free of duty.* The difference of the price, as reported here, from what it bears at the Chincha Islands, if there be any difference, is brought about by causes totally disconnected with tariff operations, either *ad valorem* or specific. What these causes are, it is needless to discuss here. The article of guano is the only one which the gentleman has selected that bears a specific price; all the others are reported at an average price.

This vast falling off in the reported price of an article having no duty upon it at all, shows that, if it had been imported subject to duty, and there had been a necessity for an appraisement, under oath (and under heavy penalties) by the custom-house officers, the result would have been different and the disparity not so great.

I quote again from the gentleman:

"Tables are given, in the Commercial Relations, of imports from various countries, according to our custom-house returns and the custom-house returns of the countries from which they come, and, in every instance, the amount shown by the foreign custom house returns greatly exceeds the amount shown by ours."

Sir, I am astonished that a gentleman usually so accurate, should have ventured an assertion so incautious and erroneous. Why, sir, the document from which the gentleman quotes, shows that the exports from Great Britain to this country, as stated in their tables, fall far below our imports from Great Britain, as exhibited in our tables. By examining the statement of the Secretary of the Treasury, sent to this House, exhibiting the value of iron and manufacturers of iron imported into this country from Great Britain, it will be seen that the amount, as set forth in our custom-house returns, exceeds very considerably the amount as shown by the British custom-house returns. How can the gentleman reconcile this fact with his unqualified assertion that, "*in every instance*, the amount shown by the foreign custom-house returns exceeds the amount shown by ours?" Why did the gentleman omit to mention iron and iron manufactures? That is the very interest which is clamoring for protection.

Mr. STANTON. Our custom-house returns do not show the quantity of every description of iron. They only show the quantity of some

sorts. Hence it is impossible to make the comparison as to the average value of the manufactures of iron.

Mr. LAMAR. The gentleman says that our custom-house returns do not show the *quantity* of iron. That does not relieve him. We are not discussing the question of *quantity*, but the *value* of imports. And the gentleman charges *undervaluation* at our custom-house returns, by which the revenue is defrauded. I show that the aggregate value of iron imported into our country from Great Britain is greater, according to our custom-house returns, than it is according to her custom-house returns.

Mr. STANTON. I found the custom-house returns, as to value—aggregate value—wholly unreliable. I based my calculations upon a comparison of the value per ton, per gallon, or whatever it may be. Aggregates are unreliable; but when you find an article is imported at so much per ton, and so much per gallon, and you find the same article is valued at so much per ton, and so much per gallon, it furnishes a ground of comparison; and it is the only ground I rely upon.

Mr. LAMAR. Why are the returns of our custom-houses as to *aggregate* value more unreliable than as to *average* value? There can be no reason for it; and it is an assumption of the gentleman's. If the aggregate value of the article, as shown by our custom-house returns, exceeds that stated in the foreign custom-house returns, the question of undervaluation on that article is put to rest; and there is no necessity for an examination into the average value per ton, or per gallon.

But, I will bring to the attention of the gentleman, before I sit down, a case which will silence him upon this point. But first, let me take the next illustration which he has recited:

"It shows that, according to the English custom-house returns, we imported from England, in the years 1853-54-55-56 and 1857, 115,276 guns, at $8 05 each, amounting to $928,394 28. According to our custom house returns, we imported for the same years 35,580 guns, at $5 98 each, amounting to $213,088, showing an undervaluation on the guns, according to our custom-house returns, of $73,650 60. By the tariff of 1846, which was then in force, they were chargeable with a duty of thirty per cent., making a loss to the revenue on this single article of $22,095 18."

It is true that there is here a considerable reduction in the average value of this article of guns. But, sir, does it follow that this result is to be attributed to the *ad valorem* tariff on guns?

Why, sir, the falling off in the *number* of guns is much greater than the depreciation of value per gun. How do you account for that?

The falling off in the *number* of guns, which the gentleman does not pretend grows out of the *ad valorem* principle, is as 115,276 to 35,580, while the reduction in value was as $8 05 as to $5 98.

This reduced number of guns imported, according to our custom-house returns, proves conclusively that there is some other cause than taxation; certainly some other cause than *ad valorem* taxation, which produces such variances.

But, sir, let us proceed to the next example of the gentleman.

"The French custom-house returns also show that, for the years 1853, 1854, and 1855, there was exported from France to the United States, 3,393,130 gallons of distilled liquors, valued at the French custom-house at $5,883,559, or $1 70 per gallon.

"The United States custom-house returns show that, for the same years, we imported from France 6,911,124 gallons of distilled liquors, valued at our custom-houses at $6,758,100, or 90 cents per gallon.

"By the tariff of 1846, under which these importations were made, distilled liquors were subject to a duty of one hundred per cent. The loss by undervaluation of 6,911,124 gallons, shown by our custom-house returns, at eighty cents per gallon, which is the difference between the French valuation and ours, is $5,528,899, and the duties at one hundred per cent. amounted to the same sum, showing the loss to the revenue to be $5,528,899."

Now, sir; I respectfully submit to the House, if the gentleman does not, in this case, refute the proposition with which he started—that "*in every instance* the amount shown by the custom-house returns greatly exceeds the amount shown by ours." Here is a specific instance brought forward by the gentleman himself, where our custom-house returns show not merely an increase of double the amount of importations over the custom-house returns of France, but an increase in value of nearly $1,000,000. The calculation of a loss to the revenue of $5,528,899 is simply ridiculous.

The great difference between the custom-house returns of the two countries, as to this article, may be very satisfactorily explained. It is well known that the manufacturers of liquors in this country—cheap, drug liquors—export them for the very purpose of importing them as French distilled liquors. The article, being of inferior quality, is entered at low rates, and thus reduces the average value per gallon on the whole amount brought in. The result is accounted for without imputing fraud either upon the part of importer or appraiser.

Mr. TRIPPE. Do you mean to say that it is not a fraud to import those poisonous liquors as fine French brandy? [Laughter.]

Mr. LAMAR. Oh, yes, it is a fraud upon the consumers of the article; but not upon the revenue, inasmuch as it increases that.

Mr. JACKSON. If it be a fraud upon the consumer, my colleague has a right to be indignant. [Laughter.]

Mr. TRIPPE. Certainly I have, sir; but it is in behalf of my suffering friends, among whom I include my colleague, the gentleman from Mississippi, and yourself, Mr. Chairman. [Laughter.]

The CHAIRMAN. Does the gentleman from Mississippi yield the floor to the two gentlemen from Georgia?

Mr. LAMAR. No, sir; I cannot now discuss the private griefs of my two friends from Georgia. I would suggest, however, that the temperance pledge is a better security against the frauds of which they complain than a revision of the tariff, which I am now discussing.

I think, Mr. Chairman, that I have succeeded in showing that the illustrations brought forward by the gentleman himself, disprove the charge which he makes of frauds practiced under the *ad valorem* system at our custom-houses. But there is a significant fact connected with this subject, which the gentleman has omitted. Great stress has been placed upon the fact that the English tariff is a specific one. By comparing the tables of Great Britain and France, it will be found that, according to the French tables for 1857, their exports to Great Britain exceeded by more than double the amount which the tables of Great Britain show, of imports from France for the same period. Will the gentleman attribute this enormous discrepancy "to frauds practiced at the custom-houses" of Great Britain? I attribute it to no such cause; but I state the fact to show that if taxation has anything to do with it, the specific system is more subject to the evil than the *ad valorem* system.

Returning to his favorite theme of protection, the gentleman undertakes to reply to the remark made by the member from Virginia, [Mr. MILLSON,] that all political science is against protection. I give his words:

"It might, perhaps, be sufficient to say, in reply to this, that 'all history and all experience are in favor of it.'

"It will be remembered that, a very few years ago, the question of the practicability of navigating the ocean in vessels propelled by steam was very much discussed by scientific men. The amount of fuel required to propel a vessel a given distance, and the capacity of a vessel to carry the amount required, were all calculated, with every other element that could enter into the question, upon purely scientific principles, by the first scientific men of the country, and it was finally settled that it was wholly impracticable, and that no more time or money should be spent in experimenting upon the subject. But just as the question was fully and finally settled, and the decision promulgated to the world, one fine morning in June the steamer Sirius, from Liverpool, came steaming up the bay and anchored in the harbor of New York.

"The scientific demonstration still stands. No man has been able to disprove or answer it. But the trouble is, that men will go all over the world in steamships in spite of it. It is very much so with the science of political economy.

"It is now nearly a century since Adam Smith and Say and Ricardo demonstrated that protection was injurious to every country that adopted it, and must ultimately work its ruin. But in spite of this demonstration, nations have gone on, protecting the industry of their people."

Sir, the gentleman is as much at fault in his reference to the science of navigation as he is in his reference to the science of political economy. It was never demonstrated that the application of steam to machinery was impracticable. Long, sir, before the motive power of steam was practically illustrated, it was enunciated as a philosophical principle; and its discovery was due to researches prompted by a pure love of abstract truth. So far from having philosophy against it, the great impediments it had to overcome were the objections of your self-styled practical men, "that all history and all experience" were against its practicability.

Sir, in attempting to discredit the great truths of political economy, the gentleman is only resorting to an ancient error, with which empiricism has ever sought to shut out the lights of reason and the teachings of philosophy. He seems to forget that all which is of value around him—the institutions under which he lives, even the appliances by which the powers of nature are made to minister to his material wants—were once but speculative theories wrought out in a philosopher's brain; "thoughts converted into facts." If it be true that the doctrine of protection is fixed in the legislation of European nations, in defiance of the fundamental axioms of political economy, it is because the Governments of those nations are so constructed as to give the selfish few uncontrolled sway and power over the rights and interests of the unprotected many to whom they are irresponsible.

The gentleman points us to the case of England; and his rhetoric grows almost drunk in the excitement of his admiration of her magnificent Government, her world-wide commerce, the pomp and luxury of her higher classes, her merchant princes, her splendid cities, her great standing army, "whose morning drum-beat is never still." The gentleman has doubtless derived his views of political economy from that Government. I would, if I could, turn his attention from all this pomp and magnificence of government, to the abject condition of the toiling millions, upon the fruits of whose daily and yearly labor, wrested from them by unjust legislation, this splendid superstructure rears its aspiring head. Let him look to the fact that all this wealth is amassed by pauperizing the great body of the people; that this magnificent army is sustained by enormous taxation, the larger part of which is paid as salaries to her generals, the sprigs of her nobility; while the common soldier, who fights her battles in India, receives a compensation less to the year than our own soldier receives by the month. Let him bear in mind that one man in every seven, in England, is a pauper. Let him go back to the time when "one million of her operatives struck work and stood silent, moody because there was no work for them to do." Let him look to Ireland, "that withered, distorted member" of her empire, writhing under all the oppression which corruption can invent and tyranny inflict. Let him look at the condition of the toiling millions of France, who are but little better off. Let him look at Belgium, which is much the same; and to many of the German States, which are progressing rapidly to the same point: Then, sir, let him say, if he can, that we shall adopt their system.

But, sir, it is nevertheless true, that in proportion as the Government of England is becoming more free, she is striking off the shackles from her commerce, and relieving her people from the blighting effects of the restrictive system. She has abrogated her system of navigation laws which excited so much of the gentleman's admiration. For years past——

Mr. STANTON. Seven years.

Mr. LAMAR. Yes, sir; whilst we are adhering to the narrow, contracted monopoly established by our navigation laws, England has thrown open her coasting trade to the world. Since Sir Robert Peel broke down the famous corn laws, the protective system is fast giving way, and will finally yield to the irresistible current of public opinion.

But the gentleman and his party, instead of following these reforms which the spirit of liberty is introducing into that country, would cling to the old abuses which she is sloughing off.

If I do not mistake the indications around me, there is a determination to take advantage of the temporary deficiency of the revenues; and, under the pretext of revising the tariff, to reëstablish the protective policy. As long as there is a prospect of success to these schemes, I shall resist any such revision. Sir, we can provide for this deficiency by adopting a measure, which was always a favorite mode with such Democrats as Calhoun, Woodbury, and Benton, of avoiding the necessity

of high tariffs. We can issue Treasury notes, with the full assurance that our present system will, in a time of prosperity, bring us revenue sufficient to meet the current expenses of that period, and secure the redemption of our notes besides. This is manifest from the argument of our opponents, that it gives us a deficiency in times of adversity, and a surplus in times of prosperity.

Those of us who take this position are called factious and pragmatical. The gentleman who has just taken his seat, says that my friend from Virginia [Mr. GARNETT] is fighting under a sectional banner and on a sectional platform. Sir, no platform is sectional whose principles are national. For one, I thank the gentleman from Virginia for the unconquerable intrepidity with which he has battled for economy and retrenchment. In defending the Constitution of the country and the rights of the people against the rapacious demands of the mercenary capitalists from the manufacturing States, he is but carrying out principles embodied in the platform of the national Democracy—a platform which forbids the General Government to foster one branch of industry to the detriment of any other, and makes it the duty of every branch of Government to enforce and practice the most rigid economy in conducting our public affairs.

Let our opponents make the issue. I feel that I can speak for the high-minded, generous, and open-hearted planters and farmers and mechanics of the young and glorious Commonwealth of Mississippi. They ask for no protection in the shape of Government bounties; no advantages resulting from a violation of the Constitution; no benefits which they would not see freely administered to all, and no exemption from that equal portion of public burden which it is their duty to bear. They are ready to stand, shoulder to shoulder, hand to hand, and heart to heart, with their Democratic brethren of the North and of the mighty West, who, friends of free trade, honest legislation, and constitutional liberty, are determined to bring back the Government to its original purity, simplicity, and economy.

RIVER AND HARBOR IMPROVEMENTS.

SPEECH OF HON. I. T. HATCH,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 21, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. HATCH said:

Mr. CHAIRMAN: The bill making appropriations for the improvement of harbors and rivers has been before the Committee of the Whole since almost the commencement of this Congress. Yet there has been no action upon it, and there can be none without the minority consents. Its title should be, as I will show from the report of the Committee on Commerce, a bill to preserve the improvements commenced for harbors and rivers. The bill proposes to appropriate, under this restrictive rule, $1,479,861. This, sir, in brief, is the amount of this bill; and the character of the appropriations is for repairs of public works of great necessity for the preservation of property and life on the northern lakes. It proposes no new work; and, to use the language of the report, it proposes to prevent from "suffering through *neglect* the sacrifice of the millions already expended."

I should remark here, that most of the harbors upon our northern lakes are artificial, not formed by natural indentations in the coast, like those of the Atlantic. The storms and waves are constantly wearing or sweeping them away. They can only be preserved by annual repairs. For seven years the Government has neglected these necessary repairs, and there is now scarcely one of this class of harbors but what is in a state of decay and dilapidation, and dangerous to enter.

As the Representative of a constituency deeply concerned in the commerce of our inland seas, the canals and rivers of this country, my duty is to make efforts in behalf of these appropriations, although they may be now unavailing. As one of the Representatives also of the State of New York, I am bound to urge their consideration; for no State presents such geographical relations to this Confederacy as that State. Whilst it is bounded on the east by the shores of the Atlantic, its western boundary is washed by the waters of Lake Champlain, river St. Lawrence, Lake Ontario, river Niagara, and Lake Erie. In its center the Hudson flows to the ocean through the only natural opening channel in the mountain ridges of the Alleghanies on this continent, and thus connecting, by the Erie canal, with our inland seas, makes a water line of internal navigation penetrating almost three thousand miles into the interior of the continent. Her city of the lakes is the natural inlet of its vast commerce, and her metropolitan city on the Atlantic is its natural outlet.

I was glad, sir, to have the memorial of the Canal Board, which is composed of the financial officers of that State, the other day presented, demanding these appropriations as *rights*. The views in that paper were fully corroborative of those I urged upon this House at its last session. The members of that most important board, under our State constitution, united in this memorial. This was followed by concurrent resolutions of the Legislature of the State, demanding these appropriations as rights. I believe they all expressed the sentiments of the people of that State, which now has a population equal to half of all the States in this Union. Upon this question they could not well divide, for inland commerce has made her metropolis the shipper, factor, and banker of the Union. Still, sir, no State in this Union has contributed so large a share through her canals, her railroad system, and the enterprise of her citizens, to create and develop this internal commerce. The State of New York does not come here as a suppliant for national favor; her lines of railroads and canals, which connect the Atlantic with our inland seas, cost more than one hundred and fifty million dollars; and in opening the boundless prairies and vast wildernesses of the Northwest to the immigration which crowded your Atlantic cities, she made a national expenditure for the general welfare. She pays annually into the Treasury over forty millions of revenue from her collection districts on the Atlantic, and from her collection districts upon the lakes has paid into the Treasury, from 1837 to 1855, $2,084,745, (when duties were mostly abolished on the northern frontier by the reciprocity treaty,) against an expenditure by the General Government of $965,429; and has also paid for public works on the lakes in that State, $409,773. While this latter money is a just claim on the Government, and which will have to be paid in time, she now only asks as a *right* that the national Government should discharge its constitutional duties in improving the extended line through these lakes of the inland commerce, which is the source and foundation of the foreign commerce of the nation.

I am aware, sir, that, in the accelerated movement of property by railroads for the last few years, the people of this country begin to look with distrust and indifference upon our water lines of inland navigation; but if any wisdom has been recently learned from the financial disasters, it is the fact that rivalry to them, however favored by corporate prerogatives, has failed, and the people of the State of New York are again hastening to complete their Erie canal enlargement as the only reliable way to restore their lost supremacy in the carrying trade of the West, and as the greatest democratic instrumentality in diffusing equally and equitably the elements of wealth among the people, and protecting their immense traffic from the dominion of monopolies.

I can scarcely suppose, sir, at this day, there can be found many defenders of that artificial line between interior and exterior commerce, which excluded the immense trade of our lakes from the the care of our national Government. The tidal theory which tested the constitutionality of this class of appropriations by the saline qualities of the water whose navigation they were intended to improve, fresh or salt, has been exploded by the courts. Congress has extended over our inland seas the whole body of maritime laws, and the highest courts declared their commerce identical in feature and substance with the foreign commerce. (Act of Congress, 1845, and 12 Howard's Report of the Supreme Court of the United States, pages 443, 453.) Every sanction with which law and judicial decisions could justify the constitutional right of these appropriations, has been given; and all sustained by the practice of the Government, almost since its organization, under the Administrations of Jefferson, Madison, Monroe, Adams, Jackson, Van Buren, Tyler, and Fillmore. And why, sir, should not this be so? The interior commerce is the source of our national wealth. Appropriations for its protection can be vindicated either as a question in finance, revenue, equal right, or of humanity.

The staple articles of the South, for the last three years, have been exported in increased quantities and values, and still our revenues have declined, and are declining. The source of this decline is only found in the internal commerce of the country. I will refer to only one of our inland channels, the Erie canal, to establish this position. I have only the returns of the movement of property there for 1856 and 1857, which are as follows:

	1856.	1857.	*Decrease.*
Value.....	$208,418,441	$122,206,259	$86,212,182

The influence of this decrease is shown upon our imports in the fiscal year ending June 1858, when our imports decreased about the same amount, ($92,000,000.) Imports, 30th June, 1857, $294,000,000; 1858, $202,000,000. Comparative statements, in former periods of financial revulsions in our history, will show the same result. Artificial causes may for a time affect the natural movement of inward and outward commerce, unduly depress the one, or elevate the other; but this cannot long continue, as supply and demand control both, and soon produce an equilibrium. This falling off of these millions in our inland commerce, shows where the revenues come from. When consumption stops, imports stop. The agricultural millions live in our lake States and upon our western rivers. More than half the white population, according to the census of 1850, is in these States, and this proportion has been largely increased by immigration, as the census of 1860 will show. They are the consumers, and pay over two thirds of the revenues. When consumption diminishes with them, the revenues diminish. Inland commerce and inter-State commerce far exceed the foreign commerce of this country. As I desire to rely on official statements, I refer you, sir, to the statistics furnished to this House by the Committee on Commerce, in 1856, (No. 316, vol. 3, page 9.) They are as follows:

COMMERCE OF THE LAKES.

Districts.	*Tonnage entered and cleared.*	*Value of import and exports.*
Buffalo.....	3,330,232	$303,023,000
Cuyahoga.....	1,782,493	162,185,640
Sandusky.....	-	59,966,000
Maumee.....	1,034,644	94,197,000
Chicago.....	2,632,000	233,878,000
Detroit.....	1,538,000	140,000,000
Milwaukee.....	-	35,000,000
Oswego.....	1,607,000	146,235,000

This shows the commerce of the lakes, exclusive of the freight and passenger trade, to be $587,197,320.

The statistics are confirmed by the reports from Colonel Abert, Andrews's Colonial Trade, and Colonel Graham, officer in charge of the topographical service of the northern lakes. Now, sir, any governmental aid, which improves or extends these facilities of this interior commerce, must extend the area of production as well as of consumption; and serve the double purpose of increasing commerce and revenue. Immigration crowds always the lines of inland transportation, whether artificial or natural. Every facility added to it must add to the revenue, as every acre of prairie which the pioneer turns over with his plow, or forest that he fells with his ax, and subjects to cultivation, adds to national wealth in increasing the production and consumption of the country. It is the combination of these fundamental elements in political economy which enter into and create the foreign commerce of a nation. I should add here, for I wish to fix the attention of the country upon the precise sections of the Union to which you are now looking for relief to your Treasury, that, if the revenues of this Government are to be increased by a tariff, that in-

crease must fall on the Northwest to pay. The gentlemen of the South boast of their prosperity. You do not expect anything from that section of the Union. The South is now overflowing with all the means that stimulate consumption. Consumption is at its maximum in the South and at its minimum in the North. It is, then, in the denser and depressed laboring populations of the North that you expect to stimulate consumption, instead of waiting its healthy growth, through the slow, sure processes of nature. It is in this way you expect to increase your imports and your revenues. Yes, these increased burdens are to be imposed on the free and independent labor of the agricultural millions of these neglected sections of the Union—upon their *consumption* and *production*. This unequal and unjust legislation may, sir, continue for some time longer; but the time is not remote when the Northwest will be, from its increased political power, commanding in these Halls, where it is now only pleading hopelessly for its just and equal rights.

But, sir, there are considerations involved here higher than mere financial questions. There are equal and constitutional rights violated, and this class of consumers and producers are suffering wrongs which this Government has the power and ought to redress. Upon them falls the burdens of this Government, and through its *neglect* the cost of their articles of consumption is increased, and the value of their productions diminished. I will refer to only one of the many appropriations in this bill, to show the injurious influence of Government neglect upon them. I refer again to Colonel Graham's report for some figures He gave the value of property, passing during the season of 1855, over St. Clair flats, at $259,721,455. He estimated the increase of freights, owing to the unimproved condition of the river, at $2,064,276; and the loss to the agricultural interests on their produce and necessary articles of consumption, $1,376,184. (Senate Documents, pages 13 and 15.)

I will also add from the report of the Committee on Commerce, volume 3, page 24, 1856, for loss, towing, lighterage, damages by detention on St. Clair flats, $660,146 56, annually.

Although the St. Clair river is the national gateway of our continental seas, and its improvement or obstruction affects our inland navigation from Lake Superior to the Atlantic, yet every unimproved harbor or neglected work, through the whole lake regions, operates in the same way, only limited in the extent of its injurious influence. If these figures and statements are true, how can the continued neglect of this Government be justified? *For the result is, to compel the consumer to pay dearer and sell cheaper.* This is the very class, too, from whose toil millions are annually exacted to protect the foreign commerce of the country, while not a dollar is given to facilitate and cheapen inland commerce, in which they are so largely interested.

No portion of the globe, sir, presents such a succession of magnificent rivers, or such a chain of inland seas. Upon them has grown up, noiselessly, an inland commerce, which, in magnitude, surpasses any in the eastern empires of the world. Yet, sir, I repeat, for seven years no general appropriation has been made to improve these inland channels of commerce; not a dollar been granted even to preserve the public works from destruction which cost millions to establish. If there is economy or justice in this, I would like gentlemen of this House to give facts and figures in their vindication; something more than constitutional abstractions. We have yearly placed before us official accounts and estimates of damages done to our harbors by the action of the waves and the storms, and the estimates of the cost of the necessary repairs; and what attention does all this grievous list of dilapidated public works on our northern lakes receive? None at all.

Worse than this, a proposition is now before the Senate to withdraw, or shirk off, the appropriations of the few thousand dollars which the Government has heretofore annually granted for lighthouses on our northern lakes. Yes, it would seem that they are even willing to extinguish the beacon-lights that now serve the useful purposes of warning the mariner from the dilapidated harbors, or aid to guide them around the dangers which charts or buoys may indicate, whilst nothing is done to remove the cause of the dangers, or increase the safety of inland navigation. You can appropriate small sums to erect a light-house or a pier, but nothing to preserve the pier. You can appropriate for charts that indicate the necessity for deepening a channel, but nothing to deepen a channel for the convenience of vessels of commerce or war. This is the wisdom and humanity of modern legislation! Happy Republic, to have a people so submissive under it! They cannot retrench appropriations for improvements for rivers and harbors; for, where nothing has been given, nothing can be taken away. Lights, buoys, and lake charts—these small and only remaining evidences of any governmental care of inland navigation—would no longer be spared, if they were not placed in the class of general appropriations, where a minority cannot rule them out.

None doubt, I think, that Congress, under the Constitution, is fully empowered to regulate commerce and navigation. The exercise of this power is necessary for protection of property on the rivers, lakes, and ocean. Its execution is also demanded by a higher and a more sacred obligation. The appropriations asked for are necessary for the preservation of human life.

The aggregate of losss on steam and sail vessels on the lakes from 1853 to 1858, was $11,182,925.

The loss of lives on the lakes from 1854 to 1858, was 1256.

It is proper to add here, that over sixteen hundred vessels are navigating the northwestern lakes, with an aggregate burden of over four hundred thousand tons, and manned by over thirteen thousand seaman.

These are the appalling statistics of the loss of life and property on our lakes. The decayed and destroyed harbors on our lake coasts, and the want of harbors of refuge, send hundreds annually, of American seamen, to early graves. Laws "for the better security of passengers and vessels propelled by steam," are all very well; but it is hypocrisy in philanthropy to go no further. They want better harbors on our lakes, or those repaired that you have commenced. Here lie the dangers to our inland navigation, and are the cause of the loss of more lives than all the explosion by steam. Millions are annually voted to extend and aid our foreign commerce, and protect life and property from loss in it; whilst loss of life and property in our inland commerce is criminally neglected, I repeat, from the criminal neglect of the Government. Individual neglect, which results in the death of another, is punishable with the same penalty as from violence. The moral obligation upon the Government to protect the life and property of American citizens from violence in the distant seas is recognized. If such an obligation is recognized, then that perception in ethics must be very refined that can detect the shade of moral difference between protecting American citizens from loss of life and property from violence in distant seas, and loss of life and property on our inland seas, produced from the neglect of the Government. It has cost this Government, of late years, millions to protect our citizens who have wandered beyond the outposts of civilization, from savage violence; yet there have been more lives lost from shipwreck, caused by the neglect of our national Government to repair the dangerous harbors on our northern lakes, in one year, than in the last ten years from Indian violence. When this Republic relies upon its sovereignty for immunity from responsibility for neglect of its constitutional duties, it becomes a tyranny.

If these grave considerations have no weight here, then I ask, sir, if the recent movements of the British Government, to establish a line of inland communication across this continent, are to go unnoticed? Her statesmen are now planning this great enterprise. Said Mr. Roebuck, in Parliament, on the 20th August last:

"The present state of the North American continent was a matter of great interest to England. That continent was divided among three possessors. The southern and most important portion belonged to the United States of America, which ran up to where they met the dominion of England, which stretched from the Atlantic to the Pacific. England possessed the larger part of the continent, which proceeded northward until it reached, upon its western frontier, the territory belonging to Russia. We heretofore had planted colonies in the southern division that he had named. We had planted thirteen colonies in that country; those colonies had declared their independence, and had since increased to the number of thirty-five or thirty-six free States. We had created a Power there which, if something were not done by England as a counterpoise to the United States of America, would overshadow, not only England, but the earth. He believed that, in the northern part of the continent, we had the means of establishing the counterpoise which he sought."

"He thought it proper that the rights of the Hudson's Bay Company under their charter should be ascertained, so that the whole of the land should be converted to the purposes of civilization, and the dominion of England be carried from the Atlantic to the Pacific.

"Taking the western side of Lake Superior to the Rocky Mountains, they would cut the new colony which the right honorable Secretary for the Colonies proposed to establish, and he believed plans had been laid before the right honorable baronet for carrying a railway completely across the continent, so that a direct communication would be established between England and Vancouver's Island, by way of Halifax. This was a magnificent scheme.

"The accomplishment of such a scheme would unite England with Vancouver's Island, and with China, and they would be enabled widely to extend the civilization of England. When he referred to the civilization of England, he wished it to be compared with the civilization of America, and he would boldly assert that the civilization of England was greater than that of America."

The Colonial Secretary, Sir E. B. Lytton, said:

"Already, by the Pacific, Vancouver's Island has been added to the social communities of mankind. Already, in the large territory which extends west of the Rocky Mountains—from the American frontier, and up to the skirts of the Russian domains—we are laying the foundations of what may become, hereafter, a magnificent abode for the human race; and now, eastward of the Rocky Mountains, we are invited to see, in the settlement of the Red river, the nucleus of a new colony, a rampart against any hostile inroads from the American frontier, and an essential arch, as it were, to that great viaduct by which we hope one day to connect the harbors of Vancouver with the gulf of St. Lawrence."

This would shorten the passage from England to China thirty-five days less than by the Cape of Good Hope, which is sufficient for the construction of the line by a monarchy which has such mighty stakes in the trade and in the dominion of her subjugated millions in the east. The past history of this nation leaves no room for doubt as to the attempted consummation of this magnificent scheme; for no power in the earth or on the earth, material, physical, or elemental, has ever arrested the march of her empire around the globe. If, then, it is consummated, England will allow this nation to assert her "Monroe doctrines," or extend "her protectorate" in South and Central America, at its leisure. She will have grasped in the north the great commercial prize of the age, whilst we are involving ourselves deeper in entangling alliances in Central American affairs. I believe this movement by the British Government in the north is instigated by the mixed motives of traditional hate and grasping conquest in the east. If no other consideration, then this should awaken American pride and attention to this gigantic rivalry to our water-line of internal transportation, now extending almost into the center of the continent, and which must soon be connected, by railroad, with the Pacific. This latter extension and connection must be so. No matter where this railroad crosses the Mississippi, it must strike our chain of inland seas; for property seeks and moves on the cheapest transit route by laws as imperative as nature herself. Over this transit line, the march of American emigration and industrial power has been moving, from year to year, from the Atlantic towards the Pacific, under the guidance of omnipotent laws, and upon a line which neither legislative power nor sectional balance of power can ever deflect. It is the highway of empire westward. It lies, too, between three parallels of latitude, in which the human race is ever moving in its exodus from the East to the West.

Is it possible then, that whilst England is engaged in this gigantic rivalry in the north, that this Government can hesitate in a liberal policy in improving its natural rival channels of inland navigation? Gentlemen already, of this House and of the Senate, speak of the almost certain success of this British enterprise. If this be so, are there not naval and military considerations that should induce action? These improvements are demanded as a necessary element in the military defense of the national frontier. With the Sault Ste. Marie canal completed, and St. Clair flats deepened, armed fleets can coöperate in time

of war on Lakes Superior, Michigan, Huron, and Erie. When these works subserve the double purpose of military defense in times of war and advancing the commerce between the States of the Union in peace, the constitutional wrong done by the refusal of these appropriations, becomes the more unjustifiable. Our colonial wars, the wars for American independence, and that of 1812, were fought upon the northern frontier; and upon almost every inland sea, our naval forces have carried victoriously, the flag of the Republic. In fact, sir, New York State and the northern frontier have always been our national battle-grounds. There is scarcely a foot of the northern frontier that has not been consecrated by American blood and valor, and is not now marked by the traces of military defenses and crumbling fortifications.

I can only refer briefly to the objections raised to our general system of appropriations to facilitate the internal commerce of the country. This branch of public service has been so decried, of late years, that its friends almost sink from exhaustion, and begin to believe that it is more exposed to corruption than any other branch of the public service. It could be easily shown, if time would permit, that there is nothing in this, except the general clamor which is raised against expenditures in these sections of this Union. Look at the millions expended for the Army. Who does not recollect that, even before there was a drum beat in the Utah war, or, in fact, before even the appropriations were made, resolutions were introduced to inquire into the corruptions in contracts for supplies? There is the Navy, too. A select committee is now investigating alleged corruptions in that service. In these large appropriation bills there, doubtless, will be included some works that are not meritorious; but is it common sense or common justice to reject all because some few thousand dollars are expended to remove the Dog river bar, in Alabama, or build the breakwater at Owl's Head, in Maine?

If there is anything in this objection, it amounts to this, that a large portion of the people of this Confederacy must be ruled out of their just and equal rights, because there is not sufficient official honesty in the Government to perform all its functions, and protect the general welfare. Upon the same ground, no more marine hospitals should be built for the sick and disabled seamen, because, in some cases, they have only proved useful, and been used for sick and disabled politicians. Upon the same ground of fallacy, we are told, no more custom-houses ought to be built on the northern frontier, or appropriations for the improvement of harbors made, because our northern collection districts pay no revenue, after Congress had abolished the revenue, by the reciprocity treaty, and increased the official business of the districts. These collection districts on the lakes paid into the Treasury over twice the amount ever expended upon the improvement of the harbors. I add the figures for a single collection district—Buffalo—to show the working of the reciprocity treaty upon its revenues and business. It will be recollected that this treaty went into effect in 1855. Official returns show that the amount of duties collected in Buffalo, in 1854, was $99,663 59. The foreign merchandise imported from Canada into the district of Buffalo free, under the provisions of the reciprocity treaty, for the year 1858, amounted to the sum of $1,690,451. The duties on these importations, under the tariff of 1857, would amount to $321,185 69.

From this you will perceive the objection is a mere cavil. The custom-house and preventive force on the northern frontier are the only security that you have for the collection of a dollar of revenue on the Atlantic coast. Revenue has nothing to do with the question. If it had, you had then no business to inflict the reciprocity treaty upon our internal trade.

This objection, that our collection districts on the lakes pay no revenue, deserves more than ordinary notice, from the apparent official and distinguished sanctions it has received. The Secretary of the Treasury says, in his annual report, page 18: "the revenue received at any port indicates the amount of business which requires a custom-house." This statement that revenue is the index of the extent of commercial business, is a modern fallacy. I have already shown, that in our northern lake ports, revenue and business, under the reciprocity treaty, bear no relation to each other. Whilst the necessity of custom-houses and preventive forces is not diminished, and the general business of a collection district is increased, revenue is almost entirely abolished, as in the case of the Buffalo district. It is quite surprising that this important fact in our revenue system should have escaped the enlightened sagacity of its financial head.

Ignorance of the financial bearing of these northern collection districts upon the revenues and the foreign commerce of the country has spoiled the statements upon which many very eloquent speeches have been made in this House, and the hopes of reform awakened among confiding constituencies by their Representatives, only to be broken by the logic of a little arithmetic and geography, the simplest rudiments of a common-school education. I have only to suggest to those gentlemen that they hereafter seek wider fields for reform, where corruption riots in millions of public expenditures on our Atlantic coast, instead of peering around our custom-house service on our lake and river coast, which only costs the Government $133,600, to protect a line of six thousand miles, in extent equal to the Atlantic; and when, too, the registered tonnage of these lakes exceeds all the ports on the Atlantic south of New York, (see Commerce and Navigation Report, 1858,) and is double the amount of the tonnage of American and foreign vessels entering and clearing from them. This is a startling expenditure to protect our northern frontier, almost equal to half the expenditures of the New Orleans custom-house service, and not as much as is voted annually for fog-bells upon the sounds and bays of the Atlantic coast. I have been particular, sir, in meeting these often-repeated allegations against our northern collection districts, because they have been charged as a corrupt and unnecessary branch of the public service.

The gentleman from South Carolina, in his free-trade report last session, parades a list of the northern collection districts, and refers to the revenue and expenditures in them as evidence of the extravagance of the Government. And among others, the gentleman from New York [Mr. THOMPSON] and the gentleman from Michigan [Mr. CHANDLER] republished it in their speeches to point its moral on the extravagance and corruption of the Government. These northern collection districts, so misrepresented on this floor, either through ignorant statesmanship by their Repretatives in Congress from the North, or sectional prejudice in the South, are not only the cheapest and most economical and important branch of the public service, but they are the ports of entry and delivery of the elements of our inland commerce, that surpass annually in value all the accumulated gold of California since its discovery. And, sir, the progress of population and agriculture in the great valleys of the lakes, and the increase of the elements of national strength and wealth there, are among the marvels of this most marvelous age.

The next objection is, that the system of general appropriations heretofore practiced by the General Government for the improvement of rivers and harbors, is not politic and just as a tonnage system. When I addressed the House at the last session, I read the ordinance of 1787, which declared these rivers and lakes "common property and forever free." Our Constitution incorporated this declaration of freedom to the inland commerce of the country in these brief word:

"Nor shall vessels bound to or from one State be obliged to enter clear or pay duties in another."—(Article one, section nine.)

There can be no doubt about the construction of this clause, nor of its antecedent history. Congress has no authority to give its consent that a State may "lay any duty of tonnage" upon domestic tonnage. This clause in the Constitution only applied to foreign tonnage. Madison's letter to J. C. Cabell, dated Monticello, September 18, 1828, gives a history of the causes which produced our Constitution, and especially the clause to which I have referred, and places the history beyond doubt that our present Constitution took its origin in the imperative necessity to correct the evils under which the colonies were suffering from the conflicting attempts to lay duties on foreign tonnage. He says:

"These projects were suspended for the moment by that of the convention at Annapolis in 1786, and forever by the convention in Philadelphia in 1787, and the Constitution, which was the fruit of it."

The strict constructionists of the South, although generally opposed to these northern appropriations, are divided upon the constitutionality and policy of the tonnage system. Mr. DAVIS, Senator from Mississippi, among the foremost of southern statesmen, in a debate with Senator TOOMBS, of Georgia, last session, advocated and vindicated the constitutional freedom of domestic tonnage. This whole system of tonnage dues and light dues is a vain attempt to evade the constitutional duty of the Government, and further tax the agricultural industry of the Northwest. These schemes are unconstitutional, impracticable, and unjust. I feel bound to say here, that all these attempted evasions of constitutional obligations, and all the fallacies in finance, economy, and philanthropy, with which the adversaries of these appropriations seek to justify the Government in its neglect of these northern interests, has done more to prolong the existence of the anti-slavery party in the North than any religious sentiment enlisted in its behalf. Fanaticism alone soon dies out when it embodies only a religious sentiment. Real or imaginary public grievances have been the foundation of the fanaticism of every age. Demagogues, lay or clerical, have always found it the most potent element to sway the public mind and secure supremacy. Although crazy priests and mad knights conceived the Crusades, history records that ambition enlisted its leaders and filled the ranks of its armies. Remove, then, the cause of public complaint in the North, by a wise, just, and economical policy of legislative relief to her inland commerce, and the present occupation of the fanatic and demagogue there will soon be gone.

But, sir, notwithstanding the extent of our internal trade, as shown by the statistics, and its nature, as recognized by the legislative and judicial branches of the Government; and although no other country has ever had or can have, as I have shown, an internal commerce of the kind or extent of that of the Northwest, still that trade *alone* is not its most distinctive attribute, nor its grandest feature. It is rather to be found in its immense internal resources; in its productions of the means of commerce as connected with that commerce. These not only form the grand feature of that section of the Union, but will, if they do not already, form the grand characteristic feature of the country itself. The narrow strip of land bordering the Atlantic, and the manufacturing portions of it, find their parallel in similar parts of other countries, but no other has any great portions of it at all like the Northwest. This will be, this must be, the greater, the richer part of our own country. It will be the consumer for the manufacturing portions of the nation, and of its import trade. It will be the great producer of the staples of life for the manufacturing portions. The great producer (save so far as the peculiar products of the South are concerned) of the export trade; it must of necessity be the conservative part of the country—that part which, from its community of interests, will keep all the parts together. This general feature must stamp the Northwest as the most conservative part of the country. In this view, any internal improvements there are more truly national than any on the sea-board or elsewhere.

But there are other considerations more important. Commerce is king; government, constitutions, and laws are only filaments on its progress, over land and ocean. Its movement is only controlled by the omnipotent laws of trade. A wise foresight must look forward to the time when the different sections of this country, in their increased population, will be moved by more stringent interests, by more sharp and jarring rivalry; to the time when the abundant resources, the extent, and development of the country will not be, as now, such powerful auxiliaries in its easy government and preservation of its national identity. When that time, sir, not far distant, shall come, it will then be seen that the North-

west, not from that ever variable thing, popular opinion, but from the nature of itself, from its geographical relations, from the laws of commerce, will be the conservative part of the Union. Different as the North and South are, they will then feel but little commercial sympathy; they will have but little business which they, of necessity, must do with each other.

Not so with the Northwest. The bond of commercial sympathy, between the great valleys of the lakes and the upper and central valleys of the Mississippi and the tributary rivers, will be strengthening every year with their increasing lines of trade, through railroads and canals which now bind them together. It will be the mutual consumer and producer for the other sections of the Union. In its growth, its incalculable growth and increase, it will be thus the consumer and producer much more than now. Its geographical position, however, will, more than any one thing, give vigor to its conservative strength. Through the line of the northwestern lakes and rivers, connected with canals and railroads, it reaches through and is made part of the northern manufacturing and more purely commercial States. The Mississippi and its tributaries form, in commercial sense, but one river. These tributaries interlace the whole West, and the great river itself, pouring through the almost fabulous riches of the valley of the Mississippi, runs through the South; for, although running through only one part of the South, it actually passes through, for all national purposes, the whole—for the South, in its community of feeling and interest, is but as one body.

Give to the Northwest, then, the giant strength it must have under the accelerating development its own prosperity will give, and strengthen that strength with the omnipotent laws of trade, and abstract notions of State rights, the learned differences of men's opinions upon theoretical questions of Government, will be utterly powerless to divide the North, the South, thus held together by the Northwest, as they must be by this greater interior section of the country which must and will ever keep its lines of trade free, open, and common, to one nation. It will clamp the whole sections of the Union together. The all-powerful interests of a productive and commercial people, will make the Union of the States paramount to all sections of the Union. Under its supremacy, the internal and foreign commerce of the country must be forever held under one Government, strengthened and founded upon the only enduring basis of free institutions—a community in interest and fraternity in destiny; and no power on earth will be able to rend it asunder.

INDIAN WAR EXPENSES OF WASHINGTON AND OREGON.

SPEECH OF HON. I. I. STEVENS,

OF WASHINGTON,

IN THE HOUSE OF REPRESENTATIVES,

February 21, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. STEVENS, of Washington, said:

Mr. CHAIRMAN: At the last session of Congress I presented some observations in reference to the war debt of Oregon and Washington. In those observations I endeavored to show that the calling out of the volunteers, by the Governors of these Territories, was a matter of public and imperative necessity. I also endeavored to show that their operations were, as a general thing, managed with judgment and economy. I did not, until a comparatively recent period, expect that I should trouble either the House or the committee with any further observations on this question. But Congress, at its last session, failed to take any action in the matter of these war debts, and the Committee on Military Affairs did not even make a report. During the present session there has been action to a certain extent; for during the recess of Congress an examination was made of these claims by one of the auditing bureaus of the Government, and a report upon these claims has been made by the Auditor, submitted to this House, and referred to the Military Committee. The Military Committee, founding their action upon this report, have adopted resolutions which have received the sanction of this House, referring the whole matter back again to the same Auditor, with instructions to reaudit the accounts, to reduce the prices for supplies, transportation, &c., to the cash prices of the country, the pay of the volunteers to that of the regular service, and in no case to allow more than $200 for the value of a horse lost or killed in service, no matter how much its appraised value on the muster rolls or its cash value in that country may exceed that sum. The Third Auditor is to ascertain the amount due under these reductions, and is directed to report to Congress at the commencement of its next session.

Before entering further upon this question, I wish to say that I congratulate that distant country, that I congratulate my own constituents, that we have made one step forward in this business—for it is now generally admitted that there was a war raging in Oregon and Washington, and that that war spread from the forty-second to the forty-ninth parallel, and from the shores of the Pacific to a great distance in the interior. This fact has been admitted generally by members of the Committee on Military Affairs, by members of both branches of Congress, by officers of the Army, and by the civil officers serving in those Territories; that the war threatened the very existence of the settlements, spread rapine and massacre over many districts, and could only be checked and ended by the promptest organization and the most decisive handling of the citizen soldiery of the country.

There is, indeed, one notable exception. The gentleman from New York, [Mr. OLIN,] the other day, was bold enough to take ground very different from that; and, in the remarks which he submitted to the House, he stated that, if certain facts were known, Congress would not pay one cent of the debt incurred. These are his words:

"I wish to say that I have had an opportunity to examine this report, and I can state from my own observation, that it contains such an exposition of the origin and nature of these Oregon and Washington claims, that if it were placed before the House, they would, in my judgment, pronounce a judgment of condemnation upon the whole transaction."

The gentleman, in making that remark, has outheroded Herod—he has outwooled Wool; for General Wool himself has recommended, in his official reports, the payment of a portion of these claims. General Wool has not denied that there was a war in southern Oregon, which made the service of volunteers indispensable; nor has he denied that there was a war on Puget Sound, which made it the duty of the authorities to call out volunteers. On the contrary, he has admitted, as I understand, that both in southern Oregon and on Puget Sound, the services of the volunteers were indispensable. The gentleman from New York has a certain memoir in his mind, on which he relies to establish his conclusion—not simply a memoir, but a *topographical* memoir—the memoir of Captain Thomas Jefferson Cram, of the Army. He has stated that if that memoir were published, it would convince all men that this claim is a fraud on the Government, and ought not to be sanctioned by Congress. He also says he has read that *topographical* memoir. So have I. It is a public document on the files of the Department, open to inspection. A topographical memoir is a memoir descriptive of the country, of its routes, its navigable streams, and its great avenues of communication, and should particularize all the facts which will enable you to decide how troops and supplies shall be moved. That which purports to be a topographical memoir is, in large part, made up of an account of the volunteer operations and of the treaty operations in that country. I find that in it there has been brought together all the flying, scandalous rumors that were propagated throughout that country in the winter of 1855–56. When I said to that gentleman that I desired the publication of that report, I said it with deliberation and judgment, because I think that the publication of that report will put a potent weapon in our hands to convince Congress that this debt is just, and ought to be paid. I, of course, do not accuse Captain Cram of any intention to misrepresent, but its errors of statement are so glaring, and are so opposed to all the received facts at the present time, that it will have no weight whatever.

Why, sir, in this *topographical* memoir he has inveighed against the treaties made with the Indians in that country. He has made statements to establish which he cannot bring forward a tittle of evidence; but, on the contrary, the evidence is overwhelming and conclusive to establish the very contrary, and thereby he has arrayed himself against all the officers in service in that country; for, as the matter has been examined, the officers of the Army, who once were opposed to those treaties, now insist that they shall be confirmed as the first condition of peace and tranquillity there. In the report of the Secretary of War at this session, you will find the urgent and strong recommendation of Brigadier General Clark, who was in command of the department of the Pacific during the recent hostilities, urging upon the Government the confirmation of those very treaties denounced in this topographical memoir of Captain Cram. Hear what General Clark says:

"Some time since I was persuaded that the treaties made by Governor Stevens, superintendent of Indian affairs for those Territories, with the Indian tribes east of the Cascade range, should not be confirmed. Since then circumstances have changed, and with them my views.

"The Indians made war and were subdued; by the former act they lost some of their claims to consideration, and by the latter the Government is enabled and justified in taking such steps as may give the best security for the future.

"The gold discovered in the north in the past year will carry a large emigration along the foot hills of the eastern slope of the Cascades, and not improbably gold will be mined from every stream issuing from these mountains.

"This emigration must graze and cultivate the valleys of these rivers, or draw supplies from long distances at great expense, and at times with great suffering.

"That the country will soon be filled with emigrants, led on by the irresistible temptation of mining, admits of no doubt, and as little that the Indians will then be dispossessed by force if not by treaty.

"The pacification now made, to be lasting, must now be complete; the limits of the Indians should now be drawn, not to be again disturbed.

"Influenced by these views, I decided to urge on the Department the immediate confirmation of these treaties, or of modifications of them, the payment of the stipulated price, and the opening of the lands to settlers."

There is on the files of the War Department, the urgent recommendation of Colonel Mansfield, the inspector general of the Army, also urging the confirmation of these treaties. In recent letters to me, Colonel Mansfield says:

"I have this mail reported to the Secretary of War direct, that the treaties made by you in this department be confirmed without delay, and I have urged it strongly. They must not lay over another year!

"Now, lastly, urge the confirmation of the treaties with the Indians. I have reported to that effect without exception, and have urged it strongly."

Only a few days since, there was sent to the Senate the report of Judge Mott, who went out to that country as a commissioner, and who examined into these treaties; and has given it as his opinion, that not only justice to the Indians, but the very peace of the country, and a great saving to the national Treasury, are dependent upon their confirmation. After most earnestly recommending the ratification of all the treaties made with the Indian tribes in Oregon and Washington, now before the Senate, Judge Mott says:

"Whilst it is true that a ratification of these treaties may increase the expenditures of the Indian service for a time, it is perfectly apparent to my mind, that it will obviate a further necessity for the large appropriations required for the Army service and war debts—the subduing a people made hostile by a 'penny-wise and pound-foolish policy;' and that it will, in the end, prove to be the most economical course we could adopt.

"The course hitherto pursued by Congress, of voting appropriations utterly inadequate to discharge our national obligations to the aborigines, followed by the heavy expenditures thereby necessarily entailed on the War Department, besides being amenable to many other objections, has, with the usual fate of a parsimonious policy, proved to be the most expensive in the end.

"We have taken from this people a country, some of which is as fine as ever the sun shone upon; we have made millions of money by the bargains we compel them to accept; and yet refuse to comply with our portion of the contract. Justice, humanity, and every principle of fair dealing, imperiously demand the ratification of these treaties."

I allude, sir, to these facts, inasmuch as an attempt has been made to cram Captain Cram's report down our throats on various occasions. I refer to it to show how reliable his statements are in reference to the Indian treaties. His statements will be found equally reliable when treating of the volunteer operations in these Territories. If gentlemen had any doubt about the disturbances of 1855–56, it would seem that the

recent Indian war in Washington Territory would remove these doubts. This war was not brought on by the outrages of the white inhabitants, as was alleged in the case of the war of 1855-56, for there were no white inhabitants amongst the Indians who brought on this war. This war was not brought on by the movements of the volunteers, for there were no volunteers in the field; but it was an affair exclusively between the regular troops and the Indians. It would seem that the war of 1858, commencing by the defeat of Steptoe, and which ended in the brilliant and successful operations of Wright and Garnett, under the lead of the able, energetic, and gallant veteran, General Clarke, would show the true condition of our Indian relations. Sir, the combination of hostile tribes of 1858, in extent and magnitude, did not compare with the magnitude of the combination of 1855-56, for last season it was simply the tribes east of the Cascades; but in 1855-56, the flames of war spread over the country both west and east of the Cascades. In 1855-56, the combination was infinitely more formidable even east of the Cascades, than was the combination of 1858; yet, last year it required the very utmost exertions—it required that the commanding officer of the Pacific should send to the Gila, and to every part of California, to collect troops. Three months were occupied in concentrating troops in the Walla-Walla and preparing for the field. Two columns, numbering nearly one thousand men, were organized and sent against the enemy, and such were the preparations, and such was the campaign required to suppress the late disturbances. But, I will assume, as I have a right to assume, that the question of the necessity of calling out the volunteers of 1855-56 is practically admitted; that we have not to come before this Congress to argue this question, but that we stand here to demand of this Congress the payment of our just dues; and to this point I shall direct my observations.

I have said that the Third Auditor of the Treasury has made an examination into these accounts; that he has reported to the House the result of that examination; that the Committee on Military Affairs have submitted to this House resolutions referring the whole matter back to the Auditor, and that the House has actually referred the matter back for report.

Now, sir, the last Congress passed a law in regard to this matter, and it sent out a commission to that Territory, which commission, after a laborious examination of one year, reported upon the amount due to the territorial governments of Oregon and Washington, in consequence of that war. I give the law in full:

"SEC. 11. *And be it further enacted*, That the Secretary of War be directed to examine into the amount of expenses necessarily incurred in the suppression of Indian hostilities in the late Indian war in Oregon and Washington by the territorial governments of said Territories, for the maintenance of the volunteer forces engaged in said war, including pay of volunteers; and that he may, if in his judgment it be necessary, direct a commission of three to proceed to ascertain and report to him all expenses incurred for purposes above specified."

I may now ask why was this course pursued? Why were commissioners directed to proceed to that country to make that examination? Why did not this Congress do as the present House has done—refer it at once to the Third Auditor? Why did it not direct the Secretary of War to call upon the territorial governments to forward their reports of the war claims to the Third Auditor in order that they might be examined in his office? Mr. Chairman, the reason is obvious. It was an impracticable thing for an examination to be had in any office in this city. If Congress had taken this course of referring, in the first instance, the whole question to the Third Auditor, it would have devolved upon him duties which he could not have performed, and for that reason it wisely and properly directed a commission to proceed to that country to inquire into all the circumstances of the case. Now, sir, two of the three members of that commission were officers of the Army who had served for long years in that country; they were familiar with its population and resources; they were familiar with prices; they were familiar with the Indians in that country; they combined in their two persons the whole experience of the country which was the theater of the war, for the president of the commission, Captain A. J. Smith, had served in southern Oregon, and was familiar with the Rogue river war.

Captain Ingalls was the principal quartermaster for the district of the Columbia river, and was familiar with all the operations, with the movements of the troops, and with the cost of supplies and transportation, both of the volunteers and regulars.

Well, sir, these two officers of the Army, with my friend from Oregon, who now sits on my right, [Mr. GROVER,] who had served on previous commissions, to the acceptance of the Government and of the people of Oregon, who participated in the operations of the troops in this campaign, both in Oregon and Washington Territories, constituted that commission. They took sworn testimony as to the prices, in order to determine what was justly due, and they made their awards accordingly.

Now, sir, is the report of such a commission, made from facts within their own knowledge, and from sworn testimony taken before them, worthy of the consideration of this House? Is it worthy of as much consideration as the report of the Third Auditor of the Treasury, upon which this House has referred these claims back for readjustment? Sir, I have no question of the honesty of that officer, and that he will make up his report from the best information within his possession. But I submit to this committee that, from the very nature of the case, that report will bear upon its face the marks of absurdity. Sir, the report of the Third Auditor, upon which this House has founded its action, is unjust to the volunteer service; it is unjust to the people of Washington and Oregon; it is full of errors, misunderstandings, and false conclusions; and it has led this House to take action which, I predict, will lead to nothing, because you have devolved a duty upon that officer which he has not the means of executing.

To show how inconclusive and absurd is this devolving upon officers examinations and reports which can only be made on the ground, I will touch only upon a very few of the points in the report which the Third Auditor has made to this House, in order to show the errors and inconsistencies in it, and the errors and inconsistencies which are to be expected in any future report. I will speak first in regard to the price of horses used in the volunteer service. The commission fixed the maximum price of horses at $400 each, and the price ranged from $400 down to $100. The Third Auditor finds that horses were purchased for the regular service, in the same locality, at prices varying from $80 to $200, and he very naturally came to the conclusion that such was the cash price of horses. Now, sir, I may very properly put the question to this committee, what is the price current of horses? If I buy a horse and pay $80 for him to-day, does it follow that a horse which you may buy for $400 to-morrow is worth simply $80; or if I buy a horse at $400 to-day, does it follow that the animal which you may buy to-morrow at $80 is a cheaper horse? Are horses to be measured by a regular price current, like wheat or oats?

Now, sir, these are the facts established by sworn testimony before that commission, in regard to the horses purchased for the regular service. They were mostly Indian ponies, or horses of Spanish blood, with a few worn-out American horses. They were purchased for the purpose of remounting the dragoons, under an order from General Wool prohibiting the payment of more than two hundred dollars for one horse. They were taken to Vancouver, and every one of them, before a board of regular officers, was condemned as unfit for the purpose for which they were purchased. Not an animal came up to the regulation standard. Not one was fit for cavalry uses. The agents who purchased these horses for the regular service gave their sworn testimony that the horses purchased for the volunteer service were every one up to the dragoon standard, and that their value was more than double the value in cash of the horses purchased for the regular service. That was the reason why the commission fixed the maximum price at $400. Has the Third Auditor any means of getting at the proper cash prices of the horses purchased for the volunteer service? Sir, the report of that officer upon this subject does great injustice to the purchasing agents of these horses; and any report which he may make will, of necessity, do injustice, for the simple reason that he has not the information before him.

Now, I undertake to say that an investigation into the other matters contained in this report would show nearly the same result. It would show that there was judgment and care exercised in the purchase of supplies, and that great judgment and care were taken by the commission in protecting the rights of the Government. Why, sir, the value of American horses in the valley of the Willamette, in southern Oregon and at Puget Sound, at that period ranged from two hundred and fifty to five hundred dollars cash value. In making up the value of personal property to be taxed, every one knows that the assessed value of property is some per cent. below the cash value, and yet the assessed value of horses in that country shows these prices.

I have here a paper from Captain Keller, the largest lumber manufacturer on Puget Sound—a gentleman who manufactures some twelve million feet of lumber a year; who employs one hundred and fifty hands; who keeps two large steam saw-mills going constantly; and who is one of the best informed men on the Pacific. I have here a statement in regard to prices, which I will make a part of my speech.

It will appear from this paper that for his mills at Port Gamble, he paid for oxen $320 per yoke, and for mules as high as $325 each; and that hay cost in San Francisco sixty dollars per ton. He also gives many interesting facts in regard to the fluctuation of prices.

Now, sir, what means has the Third Auditor for ascertaining these facts? I submit that it is an absurdity to refer the matter to him. Unless you send him to Oregon and Washington to take testimony, he cannot make up the report required by the House without involving great injustice in the proceeding.

There are some animadversions in the report of the Third Auditor in regard to our claims, at which I have been very much surprised, because the report itself, as a general thing, furnishes the material for its own refutation; and the only apology which I can find is, the work was necessarily done in a short time, and that the Third Auditor was not able to give it a proper examination. In justice to him, it ought to be said that he speaks of his report as the result of a somewhat cursory examination. He complains very much of the fluctuation of prices in the volunteer service. He speaks of it as extraordinary and remarkable, while his own report shows, that in the regular service the prices fluctuated as much. In the fourth quarter of 1855, during the pendency of the volunteer operations, the quartermaster of the regular service in southern Oregon, paid at Fort Lane for oats, prices varying from two to five dollars per bushel, and for hay, prices varying from thirty to one hundred dollars per ton. Which will be the cash price of the article under the recent resolutions? The maximum price allowed by the commission for hay was $120 per ton. But nearly all the hay was purchased at prices much under one hundred dollars. The paper of Captain Keller gives many interesting facts in regard to the fluctuation of prices on our coast; and what has excited the surprise of the Third Auditor is personally known to all men of intelligence and experience in western coast matters as an every day occurrence.

Now, these remarks in regard to prices are sufficient for my purpose, showing how, in two matters of fact, the Third Auditor has been led to a most unfortunate and untrue conclusion. He is equally unfortunate when he refers to the subject of sales, on which rest, particularly, the vindication of our service; because it is a fact, that the property, after being deteriorated by long use through a rainy and long winter, sold in the aggregate for about what it cost. He enumerates particular articles, such as pack-saddles, riding-saddles, and gear of all kinds, which sold for a small amount, forgetting that they had been worn out in the service, and that if it had been a case of property in the regular service, it would have been condemned by a board of officers, and would have brought nothing. He also forgets the fact that in the sale of property, such as provisions, there was a considerable surplus, and it was not

to be expected that it would bring even the cash price of the country; for every one knows what the effect is of throwing upon the market a large quantity of provisions.

Again, he complains that we sold more horses than we had purchased. He brings that as evidence of great irregularity and great unreliability in our accounts. Well, sir, we lost some horses, some died in the service, and some were captured by the Indians, but we captured many from the Indians. And all those horses were turned in as public property and sold at public auction. They were an inferior kind of Indian horses, run down by service, which brought the low price of which the Auditor complains.

Now, sir, the fact that we sold more horses than we purchased is undeniable. Animals were captured from the hostile Indians. There were stringent orders issued to both Territories prohibiting the appropriation of captured property to private uses; and such property was accounted for and sold, and the proceeds made use of to diminish our debt.

In justice to the quartermaster and commissary general of the Washington forces, General Miller, who has come under the animadversions of the Third Auditor, and than whom there is not on that coast a man of larger business capacity, or more inflexible integrity, I desire to quote from his official report passages showing the discouraging circumstances under which our operations were carried on, and the facts in regard to the sales of our animals, and other means of transportation:

"The operations of the department under my charge have been carried on under very discouraging circumstances. There was no ready money with which to meet daily expenses. There were no large cities, or wealthy communities, where supplies could be purchased for the immediate need of the troops. Everything had to be obtained, if possible, for scrip, from either this or Oregon Territory, both sparsely populated, already impoverished by Indian hostilities, and of which a large number of the inhabitants were in arms against the common enemy. In this Territory, especially, many of the farmers had been driven from their claims; others, with every disposition to help the common cause, could not do so without depriving their families of bread. Notwithstanding this, the conduct of the citizens has been worthy of all praise. Without their zealous cooperation, the volunteers would have starved.

"In obedience to orders, the public property has been disposed of as soon as possible; and all haste is being made to bring the affairs of the department to a close. I am gratified to be able to state that much of it sold at a high advance on the original prices, which were regarded as extravagant at the commencement of the war. Yet, horses, which cost $250 to $400, brought from $200 to $600; wagons, costing $200, were readily sold for $300; and oxen were disposed of at thirty per cent. above cost. This, too, after the property has been, of course, deteriorated by six months' active service.

"As an evidence of the fidelity with which the public interest has been protected, it is sufficient to state that, whilst five hundred and seventy-one horses were purchased for the service, six hundred have been turned in and sold. When it is remembered that many of the animals have died in service, and that many have been captured by the enemy, it will be seen how faithfully the animals purchased, and those captured at Grande Ronde, have been accounted for."

How is it with sales in the regular service? How was it with the sale of the vast quantities of supplies, transportations, &c., at Vera Cruz, at the close of the Mexican war? How was it at a similar sale at the Brazos? It is a matter of notoriety, that everything was sold for a song. How is it with the sale of condemned property at military posts; with the sale of horses reported upon by a board of officers, and pronounced unfit for service? How is it with the sale of provisions, condemned for a like reason? How is it with the sale of clothing, condemned for a like reason? I know something about these sales, and if the Third Auditor had gone to the records of the War Department, and had ascertained the prices at which condemned horses and other property had been sold at the military posts in Oregon and Washington, he would have had reason to congratulate the National Treasury upon the sale of horses, made in the volunteer service of these Territories. The report of the Auditor shows that many animals sold at prices exceeding the cost, after having rendered six and nine months' service, and become very much reduced in flesh and fitness for service in the operation.

We have, Mr. Chairman, been between two fires in that Territory, and we now find ourselves between the veteran general, who declared that we could only subsist ourselves by plundering the Indians, and the Third Auditor, who complains of us because we had such ample transportation, and such ample supplies; transportations and supplies which made it entirely unnecessary to plunder the Indians. Who is to be relied upon? the commanding general, or the Third Auditor?

I will call your attention to some remarks of General Wool, contained in his letter from Benecia, August 4, 1856, addressed to the headquarters of the Army. General Wool, referring to the operations of Colonel Shaw against the hostile Cayuses and Walla-Wallas, uses this language:

"In doing this, his object"—that is, the object of Governor Stevens—"was to provoke a continuance of the war with the Walla-Wallas, and to *plunder the Indians of their horses and cattle.*"

And again, he wrote to Colonel Wright, through his chief of staff, Major Mackall, under date of August 2, as follows:

"It appears that Colonel Shaw, from Puget Sound, with his volunteers, has gone to the Walla-Walla country. *His men can only be subsisted by plundering the Indians in that country.*"

Such are General Wool's reports in 1856; and now the Third Auditor speaks with surprise of the amount of our transportations and our accumulation of supplies, and finds fault with the forecast and success which prepared the sinews of war in defense of our people.

Let me indulge a moment in reminiscence. I had peculiar feelings, as the Executive of the Territory, in that matter. I was the Indian superintendent, and I had sworn a solemn oath to protect their rights. I had told them in council that I was their father, and it was to me a matter of conscience, as well as a matter of determination, that these friendly Indians should be protected. And this was the reason why I, as the Executive, desired to accumulate supplies and to get transportation, so that the volunteers should not be tempted to plunder, to procure subsistence. And yet this very forecast, this very care, both of the troops and of the Indians who were then friendly, is made a matter of reproach. How could we judge when the war would terminate? On Puget Sound, as I observed last session, we had three Indians to every able-bodied white man, and it was a country peculiarly fitted for Indian warfare. The immense forests on the shores of Puget Sound afforded the Indians inaccessible retreats, and the waters of that sound gave them the means of collecting all their forces, in order to strike down any settlement on its shores.

I felt it to be my duty, and that was the feeling in both of the Territories, to take time by the forelock, to accumulate supplies and means of transportation, so that we could protect the settlements against Indian rapine and massacre. And, sir, if I were to be put in a similar position, I cannot tell how, in these respects, I could act more wisely, or deserve better the approbation of my country.

There is also complaint made in this report that we furnished families with food. I wish I could speak to this House on this point; that I could portray the condition of that most unfortunate and most distressed people. Why, sir, our people lived in block-houses for six months. Farmers were driven from their claims. Three counties were wiped out. In several settlements every soul was massacred. We had many families on the verge of starvation. They could not get away, and they could not get wherewithal to keep body and soul together. What did humanity require? What did public duty require? What did the precedents furnished by the regular service require? To see them starve, or to furnish them with rations? What is done in the regular service in such cases? What is done to the distressed emigrant families upon the plains? Why, sir, rations are issued out to them. Trains are got up, and supplies are sent to them. It has been done in Washington; it has been done in Oregon; and instead of being made a matter of complaint, it has always received the approval and commendation of superior authority. That was the case in both of these Territories. I little dreamed, when reading in my youth the history of New England, of my native State, Massachusetts, and of my native town—and I was born in a house the scene of Indian burnings—I little dreamed that my fortunes would carry me to the extreme northwest of my country, and that it should be my fate, in connection with its people, to do what I could to save them from the horrors of an Indian war. I now see, in my mind's eye, the early history of New England; and, sir, I say that there has not been a parallel, in danger and in difficulty and in suffering, to the history of Oregon and Washington, during the years 1855 and 1856. I say it without fear of contradiction.

The Auditor also brings forward, to the disparagement of the service, the fact that clothing was issued to the volunteers when they were going out of service. Did that show judgment and a proper regard for the public interest or not? The volunteers had not received one cent of money for their services. There was a considerable sum due to them. Their clothes were worn out. Was it the duty of the territorial authorities to send them home naked to their families, or to issue to them clothing which was on hand, at the scrip prices, and charge the same upon the muster rolls? Which best protected the rights of the Government, the disposition of this property at the prices for which they were purchased, thus involving no expenditure to the Treasury, or the forcing the clothing upon the market at public sale at a greater depreciation in value? The Auditor finds fault with the sales, and he finds fault with issues to discharged volunteers. These were the simple alternatives. I protest against such trifling and carping, as unworthy of a public functionary, and as calculated to cast discredit upon this Government.

He seems also to be surprised at the large quantities of clothing issued to volunteers in the field. The commission was acquainted with the field of operations, which explained the whole matter. The scouts were made mostly in heavily timbered regions without trails, in the rainy weather, and the wear and tear of clothing was many times greater than in ordinary service.

The Auditor complains that men were retained in service and obtained pay of the commission after the volunteers were disbanded; forgetting, or not appreciating the fact that these services were indispensable to settling the accounts, and preparing the final papers for the action of the commission. It has taken the Auditor the whole recess of Congress to make a somewhat "cursory examination" of these accounts and papers. Does he suppose, or does this committee suppose, that we could settle up the business without keeping in service, for some considerable time, the heads of departments, with suitable subordinates and assistants? And were such services to be recognized by the commission or this Government? It was a service honestly, fairly, and necessarily rendered, and is entitled to consideration equally with service rendered previous to the disbanding of the volunteers. His allusions to General Miller are entirely gratuitous and unfounded. If he will take the trouble to inquire, and not proceed rashly to decide, he will unquestionably find ample justification for the action of the commission in the allowances to him of compensation; and so of the other gentlemen to whom he alludes.

Again: the Auditor seems to be surprised that animals were purchased or brought into service by appraisement from the enlisted men of the service, and that there were men in the service who received pay for more than one horse. He says:

"Captain Yantes's company, of only twenty-three strong, including four commissioned officers, were also called out to protect the United States commissioners making treaties with the Indians, in which one private is reported for pay for three horses in service, which was two more than he was entitled to keep.

"Many of the owners of this property, if not the greater part of them, were members of Captain Maxous's company, and an examination would probably show that all of them were members of this or some other company."

Now, the facts would satisfy even the Auditor himself. It is extraordinary that it should be made a reproach against the service that the men of means in the country, not only freely furnished of their substance to free the country from the horrors of an Indian war, but gave their own personal services into the bargain; for it is a fact that the most extensive and wealthy of the farmers and stock-raisers enlisted as privates, left their herds and fields to waste and decay, and marched into the interior, or operated in the forests of Puget Sound and southern Oregon, to bring back peace to their distracted country. Men enlisted

into the service, furnishing, not only a horse for their own use, but for their neighbors who had no horses. These horses were in the service of the Territory. No man had more than one horse for his own use, and it was by getting horses from those who owned horses that every man was mounted. It seems to me that these facts show the admirable and patriotic spirit of our people, and peculiarly recommend the service to the confidence and appreciation of the country.

The Auditor, morever, brings up the case of company A, Washington Territory volunteers. He states:

"This company was fifty-three strong, all told, and the roll shows a service, altogether, of eight thousand seven hundred and eighty-three days, and, if it had so served, entitled to that number of rations. A large number of the members are marked on the roll as having signed 'unmilitary resolutions,' and only seven of the fifty-three, all of whom are marked, are certified by Colonel E. C. Fitzhugh, the inspecting and mustering officer, as entitled to an honorable discharge. Of course the rest of the company were not so entitled, and therefore had no claim either to pay, maintenance, or any of the allowances consequent upon a military service. The captain resigned on the 24th of May; the first lieutenant was suspended on the 20th of June, and the remaining lieutenant signed unmilitary resolutions. Yet, notwithstanding all this, the whole company, except two, one of whom deserted, and the other was absent without leave, are reported for, and payment for the United States recommended by the board of commissioners, to the amount of $13,907 75, beside the clothing, &c., received by them, to the value of $3,996 38."

Now, it must be admitted that no attempt was made to secure payment for this company, either by the territorial authorities or by the commission, under false pretenses. The facts are given precisely as they occurred. There is no dispute that the service was rendered. It was a very trying and difficult service. The company was raised in King county, and did duty in the forests of King county, and was stationed, not at Seattle, the only refuge of that county for its citizens, every other house having been burned down, and a flourishing settlement of one hundred families having been despoiled of all their property, but in the midst of the scenes of Indian rapine and devastation, from which it drove the Indians, intoxicated with success and flushed with victory. Their scouts, and the roads they made, are given in the official reports. Considering all these circumstances, the territorial government urgently recommended payment for their services, and the commission decided that payment ought to be made. I think the territorial government and the commission acted in the spirit of simple justice. It must be borne in mind that were it a case in the regular service, the payment for service would have been essentially made; for payments there are made every month or two months. But in the volunteer service, no payment whatever had been made. It would have been most unjust, considering the services of that company, considering the misfortunes and sufferings and massacres and burnings with which their county was afflicted, considering the recommendations of the territorial government, to refuse to make payment for services actually rendered, and which were of signal value and of imperative necessity.

Mr. Chairman, I propose in these remarks rather to fasten upon points, than to go into the whole subject. But the Auditor has gone into implied censures of the organization we adopted in Washington Territory in order to wage that war; and he has covertly indulged in slurs against the service. He complains because there was so large a staff, because there was so many quartermasters and commissaries and surgeons, and so many higher officers. Well, the commission examined that matter. What does the Third Auditor presume to know about those matters? How can he apply the reasons to the facts? The military gentlemen of that commission, men who served in that country, examined that territorial staff and organization, and they were satisfied that the organization was good and effective; and that the staff was simply adequate to the duties they had to discharge. It is proper to state, that it is an axiom with military men that the staff is not so much proportioned to the force, as to the extent and character of the country over which that force operates. And, sir, in the extent of our operations, in the character of our country, you find the conclusive and overwhelming reason for the organization adopted.

The Auditor complains that our companies were small. But you must recollect that our population was sparse. If we organized at all, we had to organize in small companies. That is a conclusive refutation of that objection.

But, Mr. Chairman, in a certain part of the report, the Auditor disparages the service, by speaking of it "such as it was." I have, sir, served in one campaign and five pitched battles. I have heard the whistling of bullets; and I carry on my person the marks of honorable wounds, received in the service of my country; but I have never been in a service of such danger and difficulty as the service characterized by the Auditor "such as it was." I make no special complaint of the Auditor. It was unfortunate that he went out of his province to criticise what was not within his knowledge. When I returned from the Blackfoot country to Puget Sound, in the months of November and December, 1855, through thousands of hostile Indians, with a party of twenty-five men—we moved through forests and over mountains four hundred miles—not a man of my party believing that we would get through, but every man expecting that his bones would be left to whiten upon the great plain of the Columbia. That was a service characterized by the Auditor "such as it was." I feel proud of that service, not for myself alone, but for the noble devotion and heroism of my party; men who had crossed the continent with me in 1853, and whose nerves and hearts were hardened to steel. I will give some facts showing the imminence of danger in my own mind.

We had crossed the Bitter Root mountains in snow three feet deep, and had reached a camp twenty-five miles from the first Indian village. I was satisfied that the Indians had no notice of our coming. They were reported and believed to be hostile. My animals were tired out and my men broken down with the long march. It was impossible for me to move my train in a single day to the village; and if I did make the attempt, I was of opinion that our movement would be slow and straggling, and that we could not reach the Indians before they would hear of our coming, and that they would have time for preparation. So I determined, with two men, to go in advance of my party, and see whether, in this way, taking them by surprise, I could not direct their minds from hostility, and thus insure the safety of my party. So, mounted on our best horses, the two men and myself, with four friendly Indians, started, leaving directions for the train to reach the village the following day. We moved on rapidly. Soon after noon we came in sight of the Indian village. We rode into the midst of the Indians, dismounted from our horses, and with our rifles in one hand, we offered the other to the Indians. They were taken entirely by surprise. They had not the slightest intimation of our approach. Their preparation to give us a hostile reception had only been abandoned a few days, as they had given up all expectation of our coming. They grasped our outstretched hands; and, through the aid of the friendly Nez Perces, their minds were softened, and my party, the next day, were received with kindness by them.

Mr. Chairman, that was done by me as a matter of judgment. I was satisfied that I was safer with that tribe with two men—the tribe not knowing of my coming—than I would be, they having notice, with twenty-five men at my back. My judgment was satisfied as to the course of safety; and, thank God! I did happen to have nerve enough to act as my judgment dictated. We moved on to the Spokane with the same party. It was these same *Cœur d'Alênes and Spokanes* who drove Steptoe and his one hundred and fifty men out of that country last season, and compelled him to move ninety miles in one night, abandoning baggage and howitzers. The result of our interview with these two tribes was, that their friendship was gained, after a stormy and doubtful conference which lasted for some nine days. Before we parted from them, the Indians came to us with their little complaints, asking for redress. I saw that we had gained their confidence, and then I knew that their hearts were mine. Not only did we have them as friends, but they offered their assistance, which was declined

That is the sort of service that is represented by this Auditor "such as it was." It was a service, the like of which I never saw before, and the like of which I never expect to see again.

When I moved from the Spokane, I did not know what were the feelings of the Nez Perces. They were reported to be hostile. I knew that the chief, Kamiakan, with five hundred warriors, was at Priest's Rapids on our flank, and that Pupu-mux-mux, with seven hundred warriors, was on the Touchet and on Mill Creek, in the Walla-Walla country, blocking up the road. I started for the Spokane with our pack animals, carrying only eighty pounds and twelve days' provisions. On the Spokane we had exchanged all our horses but five, and got the best horses in the country. I knew the country well; and I was satisfied that, if we found all the Indians hostile, we could some way or other work our way to the settlements. This was the service, "such as it was." Fortunately for our safety, the Oregon volunteers advanced upon the Walla-Walla, met and defeated the Indians, and opened the way for my party, increased to about fifty men by the accession of the miners from Colville.

Mr. Chairman, I desire now to touch upon some other matters, in justice to individual companies and to gentlemen in the Territory. The Auditor has discovered some double and treble payments. I am glad that these are made known; with one exception, they were unknown to me before. It is not to be expected that in a new service—and particularly in the quartermaster's and commissary's service—mistakes were to be avoided; for even in the regular service, and where there are trained officers, there are very often great difficulties in adjusting and making out the accounts. If the Third Auditor had gone through all the accounts, and had found no mistakes in them, it would have excited the suspicion of every man versed in such matters.

Some years ago, Mr. Chairman, while I was in the Army, I called on a friend of mine in one of the bureaus of the War Department, and we commenced to converse about old acquaintances. The conversation finally turned upon a person who had prided himself in never having had a mistake found in his accounts during a service of twenty years. Said he, "I believe that man is dishonest. It never happened to mortal man, in a course of twenty years, to get his accounts all perfect. He has done a good deal of cooking and working up." That is the invariable impression produced by these infallible accounts.

If in our volunteer accounts everything had been found right, and according to rule, it would have been damning evidence against them, because the thing is impossible. I state this as a fact, which the experience of the Third Auditor might have suggested. It is sufficient, however, for the vindication of the awards of the commission, and for the vindication of the people of the Territory, that they have not asked for the double or treble payment. We, acting for them, have stated from the very outset, at the last session of Congress, and at this, that we asked nothing of that kind. It was simply a mistake that occurred, and that would have been ascertained in any adjustment of the accounts.

There were cases, however, of men in the civil and Indian service of the Territory, who were also engaged in its military service, and there were strong reasons, in the opinion of the territorial government of Washington, why they should be allowed their pay for military service, in addition to their other pay. But the fact of the employment in other service, with the amount of compensation, was expressly reported to the commissioners, and by them carefully set forth on the proper muster-rolls. There was no attempt, either on the part of the territorial authorities, or of the commission, to conceal or evade the facts; which is their emphatic and sufficient vindication from the implied charge of the Third Auditor, of wrong and concealment.

There is a certain transaction in regard to exchange of property between the volunteer service and the Indian service, in respect of which the Third Auditor arrives at a very wrong conclusion. The Indian service hired from the volunteer service, horses and mules and oxen, at fifty cents per day, per animal, and wagons at fifty

cents per day each. The Third Auditor concluded—and very naturally, perhaps—that such were the cash prices of the hire of animals and wagons at that time, whereas the truth is that they were the *scrip prices*. That was what each day's use of a horse, or mule, or yoke of oxen, or wagon, cost the volunteer service *in scrip*. For taking the cost of the animals and wagons we purchased, and deducting from it the amount for which we sold the same, and distributing the balance through the days' work of animals and wagons, we find the cost to the volunteer service was about fifty cents per day, and such was the charge made for their use against the Indian service. Observe, that this whole matter was a thing which grew up in consequence of a particular turn in affairs, which was not anticipated and provided for in the beginning. The battle of Grande Ronde was fought, and a great victory gained over the Indians. They all sent in messengers asking for peace. The Nez Perces, particularly, who had been friendly up to that time, asked me to go to the Walla-Walla and meet them in council. This victory and the changed deportment of the Indians, in connection with the movement of regular troops to the Walla-Walla, which before that time had been refused, as the official reports show, changed the whole aspect of affairs. Although I had issued a proclamation calling out two hundred additional volunteers, I immediately revoked it, and disbanded the volunteers already in service in that quarter of the Territory; that left on hand a large quantity of provisions, which could be applied with great advantage to supplying the wants of friendly Indians, and subsisting them at the council. Thus, supplies purchased for the volunteer operations, were applied to the Indian service, and at prices which provisions bring at sales where a large quantity is thrown upon the market. It was believed, simply, but just to the volunteer service, to charge the Indian service precisely what it cost the volunteer service to transport them.

I do not make any complaint of the deduction of the Third Auditor, for it was natural; but it is seen how indispensable it is for the facts to be known before a deduction is made. These facts were known to the commissioners who examined into them all, carefully; and there was great care taken to protect the interests of the Government.

The resolutions to which reference has been made, by which the whole matter is referred back to the Third Auditor, are as follows:

"*Resolved*, That, preliminary to the final settlement and adjustment of claims of citizens of the Territories of Oregon and Washington, for expenses incurred in the years 1855-56, in repelling Indian hostilities, it shall be the duty of the Third Auditor of the Treasury to examine the vouchers and papers now on file in his office, and make a report to the House of Representatives by the first Monday in December next, of the amounts respectively due to each company and individual engaged in such service; taking the following rules as his guide in ascertaining the amounts so due:

"1. He shall recognize no company or individual as entitled to pay, except such as were called into service by the territorial authorities of Oregon and Washington, or such whose services have been recognized and accepted by the said authorities.

"2. He shall allow to the volunteers engaged in said service no higher pay and allowances than were given to officers and soldiers of equal grade at that period in the Army of the United States, including the extra pay of two dollars per month given to troops serving on the Pacific, by the act of ——, 1852.

"3. No person, either in the military or civil service of the United States, in said Territories, shall be paid for his service in more than one employment or capacity for the same period of time; and all such double or triple allowances for pay as appear in said accounts shall be rejected.

"4. That in auditing the claims for supplies, transportation, and other services incurred for the maintenance of said volunteers, he is directed to have a due regard to the number of said troops, to their period of service, and to the prices current in the country at the time, and not to report said service beyond the time actually engaged therein, nor to recognize supplies beyond a reasonable approximation to the proportions and descriptions authorized by existing laws and regulations for such troops, taking into consideration the nature and peculiarity of the service.

"5. That all claims of said volunteers for horses, arms, and other property lost or destroyed in said service, shall be audited according to the provisions of the act approved March 3, 1849."

These resolutions not only direct the Auditor to scale the prices to the cash prices in our country, which he has not and cannot have the information to do, but also directs him to decide as to the quantity of supplies and transportation received for the service, a duty which the Third Auditor will be equally impotent to perform.

But, in the face of the known facts as to prices in that country, these resolutions forbid the Auditor to allow more than $200 for the appraised value of a horse, and it is obvious that every purchase of horses will be reduced to that price by the Third Auditor. It matters not that horses at private sale bring from three to five hundred dollars. It matters not that the people are taxed for their horses at the same rates. It matters not that all these purchases were made by contract, and that governmental faith is involved. They must all be brought to the bed of Procrustes. Because General Wool bought a few worthless Indian ponies and worn-out American horses, for from $80 to $200, every one of which was condemned as unfit for service; therefore the large, strong-limbed, serviceable, and hardy American horses of the volunteers, which *were* fit for service, which *did* come up to the regulation standard, which went through long and severe campaigns, living simply on grass, and which enabled the volunteers to strike the hardest blows, and achieve the greatest victories over the Indians, which were struck and achieved either by volunteers or regulars, are to be paid for at rates from $80 to $200. This course is not only unjust to our people, but disgraceful to our Government.

The resolutions nominally propose to give the volunteer the same pay as the regular service. But, practically, they do not. For, in the regular service, every man enlisted in Oregon and Washington is paid $142 bounty money, that being the estimated cost of transporting recruits to that district from the Atlantic depots. It cost $150,000 to transport the ninth regiment of infantry to Fort Vancouver, and $50,000 more before they reached their appropriate field of labor in the interior. Yet, an amendment offered to these resolutions, proposing to pay the bounty to the volunteers, to make their pay equal in every respect to that of the regular service, was voted down.

There is another consideration which gives peculiar weight to these claims, and which entitles the territorial authorities and the commission to the confidence of this Congress. The facts and circumstances of the service were promptly and minutely reported to this Government through the War Department, just as they occurred. For myself, as the Executive of Washington, I took especial care to report carefully by every mail, not only what had been done, but what was proposed to be done. These reports have all been published by order of Congress, and are therefore within the official knowledge of the members of this committee. Did the Government disapprove of the operations of the territorial authorities? They gave not a single intimation of disapproval. Did they direct the disbanding of the volunteers? Nothing of the kind.

I reported in May the probable expenses of the service in Washington Territory, and the probable length of time it would be necessary to keep the volunteers in the field. Whilst I expressed my determination to keep down expenses to the lowest possible point, and to bring the service to a close at the earliest possible period, I expressed the opinion in May that it would not be safe to estimate that the expenses would be less than between one million nine hundred thousand and two million dollars. The commission, after a laborious and faithful examination, report the debt about three quarters of that amount. The indebtedness was kept down so much below the estimates, partly by our care and success in reducing the expenses and length of the service, and partly by good judgment and good fortune in disposing by sale of the public property left on our hands at the close of the war.

In like manner, as the Indian superintendent, I reported in great detail to the Indian department all my operations in the Indian service, which reports have also been published by order of Congress; and I defy the most censorious and the most prejudiced to read consecutively my reports in the Indian and military service, without coming to the conclusion that there was the most perfect and immovable determination so to manage affairs as to bring to a conclusion a most disastrous Indian war, to protect the Indian tribes in all their rights, and to conduct the service in a manner which should deserve the commendation of all good men who truly love their country, and desire the advancement of its honor and renown.

In conclusion, Mr. Chairman, I protest against the action of this House; I protest against the report of the Third Auditor; I stand fairly and squarely on the act of the last Congress that established this commission; and I demand, in the name of the people of Washington, that payment be made according to the awards of that commission.

APPENDIX.

Statement of J. P. Keller, of Teekalet, Washington Territory, on the subject of claims growing out of Indian hostilities in said Territory.

The Puget Mill Company, of which I am a member, has been established at Teekalet, in Washington Territory, and engaged in the manufacture of lumber, and in mercantile business, since the summer of 1853. During all that time, I have been the acting agent of said company, and have had ample means of knowing the prices of labor, provisions, supplies, and, in fact, of all descriptions of exchangeable property on Puget Sound. The company has constantly kept in its employ a large number of laborers, and has now in its employ about one hundred and fifty men. Our stock of goods, for the last three or four years, has averaged from fifteen to twenty-five thousand dollars, chiefly provisions, clothing, &c.

At the commencement of Indian hostilities in 1855, and during their continuance, prices of labor, provisions, and supplies, at Puget Sound, ruled very high, and, with some fluctuations, have so continued ever since.

I think I am perfectly safe in saying that labor at Puget Sound has commanded higher prices, from 1853 to 1858, than in any other State or Territory in the United States.

The price of day labor has generally ruled from two to four dollars, with boarding found by the employer, during said five years, and sometimes higher. Officers of the Army have been compelled to pay day laborers $4, and sometimes more. The price per month, with boarding found, has ranged from $35 to $150, according to the kind of service performed.

The Puget Mill Company has had in its employ from twenty to one hundred and fifty men, during the time aforesaid, at the above rates. All other companies and individuals employing laborers have been paying about the same rates.

Prices of provisions and supplies of all kinds, during said time, differed much, in consequence of difference in times when, and places where, delivered or furnished, and according to supply and demand; as, in the course of a few months, the prices of many articles sometimes varied much in the markets from which they had to be obtained.

Flour was refused, at offers of $16, in the course of the war, and reached $15, in San Francisco, in April, 1856.

Pork and beef (good articles) have generally ruled at from $30 to $50 for the last five years, beef having sometimes exceeded the price of pork. Pork was selling at $45 per barrel, on Puget Sound, in the spring of 1858; and, I think, reached that price in San Francisco about the same time. Prices ruled high for nearly a year previous. Up to and during the time of the war, all salted beef and pork was obtained from San Francisco, and were very scarce, at times, on Puget Sound, during the war.

In April or May, 1856, barley was 4¼ cents per pound, and hay $60 per ton, in San Francisco. Sugar and many other articles have frequently reached high rates, at San Francisco, during the last five years; say, cargo sales of sugar, at 18¾ cents; coffee, 22½ cents, &c., as all know who have noted the market prices. Soap, candles, &c., have often been very high during the same time. All these articles, which had to be obtained from San Francisco, of course commanded higher rates on Puget Sound.

The contract to supply the military post at Fort Townsend, for 1857, with fresh beef, was at 22½ cents per pound, and the contractor failed to supply, at that price, for the full year.

The price of working oxen per pair has ruled from $250 to $320, for the five years last past, on Puget Sound. The latter price was agreed upon at Fort Townsend, for a pair, in May, 1858, for the Puget Mill Company, when it was known that it would cost twenty dollars to deliver them where they could be put to work.

But very few pairs of oxen have cost less than $275, delivered at the mills of the Puget Mill Company, since the summer of 1853. The company has bought hundreds of oxen since that time, and has from thirty to forty pairs now.

We do not use horses, but two mules cost, delivered at our mills, one $286 in the spring of 1857, and the other $325 in the spring of 1858.

I cannot testify as to the justice or fairness of all the accounts approved by the commissioners who examined and reported upon the claims growing out of Indian hostilities in Oregon and Washington. I can say, however, that in many instances, prices that have been objected to as extravagantly high, and which would so appear to any one not acquainted with the circumstances under which the contracts were made or the supplies furnished, are, in fact, but reasonable and just.

The Puget Mill Company furnished large amounts of provisions and supplies for the troops during the war. These were all purchased of the company by Quartermaster Robinson, except about $2,700 worth furnished Captain I. N. Ebey, at the commencement of hostilities, and which were furnished at lower rates than could be afforded afterwards.

The supplies furnished Quartermaster Robinson by the company were principally furnished upon contracts made at his earnest solicitation, and not sought by the company. The company was earnestly solicited to contract for furnishing further supplies, but refused. They consisted principally of provisions purchased by the company at San

Francisco, to be delivered on Puget Sound, eight hundred miles distant, at stated times. In order to fulfill these contracts, the company was obliged to divert a large amount of its capital from channels in which it could have been profitably employed, as well as to incur heavy liabilities which have been very embarrassing to the prosecution of their regular business. Something, of course, had to be added to prices, on account of the difficulty of obtaining these large amounts from a distant market at short time, and the uncertainty of getting their pay in a reasonable time, or, rather, the *certainty* that a good deal of time would elapse before payment. Experience has proved that the additions made to prices on these accounts were not sufficient to indemnify the company for the risks incurred.

I would here remark that a comparison of the prices paid, or contracted to be paid, for provisions and supplies, during the war, with the prices at which the same or similar articles were sold *at auction*, after the cessation of hostilities, affords no just criterion by which to judge of the reasonableness of said contract prices. These auction sales took place at a time when, in consequence of the cessation of hostilities, cash prices had been much reduced, generally, on Puget Sound, and threw upon the market many articles which were not wanted by the community in which the sales took place.

Where prices received at these sales are referred to, for the purpose of showing the market prices at Puget Sound *during the war*, they are only calculated to mislead and deceive.

The prevailing rate of interest on Puget Sound, since the cessation of hostilities has been from one to three per cent. per month, ruling at two per cent. and upwards. The legal rate of interest in the Territory is ten per cent. per annum, but money cannot be obtained at that price. The money invested by the Puget Mill Company, in furnishing said supplies, could have been safely invested at an interest of two per cent. per month.

When hostilities commenced, the company were without arms, and immediately dispatched a boat and six men to Victoria, Vancouver's Island, seventy miles distant, where they purchased to the amount of about $400, and returned after an absence of a week. The company built a block-house, and furnished arms, ammunition, and provisions, and defended themselves throughout the war. Families from Whidby's Island came to our station, twenty-five miles, for safety, and occupied our block-house a portion of the time. For all these expenditures by the company, no charge has yet been rendered. J. P. KELLER.

DEFENSE OF THE SECRETARY OF THE TREASURY.

SPEECH OF HON. JAS. JACKSON,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

February 21, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. JACKSON said:

Mr. CHAIRMAN: The attacks made upon the Secretary of the Treasury by the Opposition, and by some of his professed political friends, who have been thwarted in their designs upon the Treasury by his rigid economy and stern integrity, demand a reply; and it seems to me that such reply could not come more appropriately from any quarter than from myself. Representing the district which so often honored him by its suffrages, and which he so fully repaid by a long, able, and brilliant career in this House, it is meet that I should vindicate the fame of one dear to those who sent me here, and thereby repay, in part, the debt of gratitude I owe for their kindness to me. The only regret I feel in undertaking the defense is, that I have not an ability equal to the zeal which I bring to the task. Satisfied, however, that it requires no labored effort to vindicate truth, and that all that is necessary in this case is a simple, unadorned statement of facts and array of figures, I feel that I shall be able to show to every impartial mind that the attacks made upon that distinguished officer have been as unprovoked as they are utterly without foundation.

Those attacks, when resolved by the simplest analysis, are reduced to three. First, that the Secretary, upon his installation into office, found a redundant Treasury; and that, by the unlawful and injudicious expenditure of the public money for the redemption of the public debt before maturity, at exorbitant premiums, he emptied that Treasury, and thereby created the necessity for loans and the issue of Treasury notes at an earlier period than would otherwise have been necessary; and money, to the extent of the premiums paid, has been forever lost to the country. Second, that his estimates of receipts have been wide of the mark; that he has displayed in them no financial forecast whatever, and that they are unworthy of the confidence of Congress and the country; unfit bases of legislation; and, therefore, the Secretary is proved incapable of managing the intricate machinery of his laborious office. Third, that the expenses of this Administration are enormous; and the Secretary of the Treasury, as its financial head, is responsible for these exorbitant expenditures.

I shall consider these charges in the order in which they are stated, and the candid mind will find no difficulty in arriving at the conclusion, not only that they are wholly incorrect, but destitute of the shadow of foundation. Under the first head, I ask was it *unlawful* for the Secretary to purchase the public debt at the current market price? The act of 1853 answers the question. Let it speak for itself:

"SEC. 9. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to purchase, at the current market price, any of the outstanding stocks of the United States as he may think most advisable, from any surplus fund in the Treasury: *Provided*, That the balance in the Treasury shall not at any time be reduced below $6,000,000."—*Statutes at Large*, chapter 97, volume 10, page 212.

Comment upon this act is unnecessary. It needs no interpretation. It is as plain as the English language can make thought intelligible. It not only authorizes, but would seem to *require*, the Secretary to redeem the public debt so long as there was a surplus exceeding $6,000,000 in the Treasury; and Mr. Cobb ceased to purchase with $10,000,000 left there. Upon this interpretation of the act, the predecessor of the present incumbent had acted; and stocks of the United States, outstanding and not due, were purchased by him. But it is said that the price paid by Mr. Cobb in the way of premium was *extravagant*, and the public money wasted in the purchase of United States stocks by him. The reply to this charge is as conclusive as that to the *illegality* of his conduct is shown to be by the production of the law. He paid what the law authorized—the market price. He could purchase at nothing short of that, for the simple reason that the holders of the stocks would take no less from Government than they could get from other purchasers. He paid precisely the same sum that Mr. Guthrie, his predecessor, had paid the year before, and, indeed, up to the 3d of March, 1857, when he left, and Mr. Cobb took charge of the Department. The subjoined table shows the premiums paid at the Treasury in the redemption of the debt of the United States from the passage of the act of 1853 up to the time when the last stocks were redeemed by Mr. Cobb; by which it will be seen that the present Secretary paid the identical premium which Mr. Guthrie had paid *the same year*:

Statement showing when the public debt of the United States is redeemable, the rate of interest, and the rates of premium paid upon its purchase at different periods.

Loan.	Rate of interest.	When redeemable.	Premium paid.				
			From July 30 to December 31, 1853.	From Jan. 1, 1854, to Aug. 25, 1854.	From Aug. 26, 1854, to Jan. 2, 1855.	From 3d Jan., 1855, to 3d of March, 1857.	From March 4 to Oct. 17, 1857.
1842.....	6 per cent.	Dec. 31, 1862	16 per cent.	15¾ per cent.	11 per cent.	10 per cent.	10 per cent.
1846.....	6 per cent.	Nov. 12, 1856	8¾ per cent.	6 per cent.	3 per cent.	2¼ to 1¾ p. ct.	
1847.....	6 per cent.	Jan. 1, 1868	21 per cent.	21 per cent.	16 per cent.	16 per cent.	16 per cent.
1848.....	6 per cent.	July 1, 1868	21 per cent.	21 per cent.	16 per cent.	16 per cent.	16 per cent.
Texan indemnity...	5 per cent.	Jan. 1, 1865	-	10 per cent.	6 per cent.	6 per cent.	6 per cent.

Thus does this charge of having paid extravagant premiums for United States stocks fall harmless at the feet of the present Secretary.

But it is urged that Mr. Cobb should not have purchased any of the public debt during the financial crisis of 1857; that so soon as the banks suspended, he should have suspended his operations in the purchase of that debt, and hoarded the gold and silver in the vaults of the Treasury; that he might have foreseen the ensuing embarrassments of the Treasury, and should have locked up the specie of the Government; and, shutting out from his heart all sympathy for the distress of the people, ought to have left the great industrial interests of the country to take care of themselves.

The bare statement of these propositions carries with them, in the judgment of every sound head and heart, their own refutation. True, a public officer should do *nothing contrary to law* to ameliorate public distress; but he should do *every thing in accordance with law* to relieve the embarrassments of the people. Government is, in this country, the creature—the mere agent—of the people; and the agent should, at all times, have his eye fixed upon the interests of his great principal. Considering the conduct of Mr. Cobb, therefore, acting as he did *by authority of law*, merely as an effort to give relief to the commercial community—the great mercantile interest, whose ramifications, like network, cover the entire surface of society, and extend to the most remote neighborhood—it was a noble effort of a manly heart; and was responded to, at the time, in one unbroken echo of approval from the press and the people. Extracts from the press of the day can be multiplied to an indefinite extent, to show the truth of what I affirm. I beg to call the attention of the committee and the country to a few from leading papers in our great commercial metropolis.

And, first, I call attention to the leading paper of that commercial metropolis—the leading paper, indeed, of the Union, having the largest circulation and the widest influence; neutral in its party affiliations, yet an advocate of the election of Frémont; but since Mr. Buchanan's election, a supporter of the leading measures of his administration. In its issue of October 15, 1857, the day after the suspension of the New York banks, that paper says approvingly of the policy of the Secretary, as follows:

"It is evident, therefore, not only that Mr. Secretary Cobb has done all that he can do for the immediate relief of the financial interests of the people, but that, for the next fiscal year, he will himself need relief, in the shape of a loan of ten, fifteen, or twenty, million dollars."

Again, the Journal of Commerce, the leading commercial paper of the same city, independent in politics, and possessing the entire confidence of the commercial community, in its issue of December 5, 1857, says:

"The large payments on account of the public debt may seem, in the light of the present deficiency, to have been uncalled for and impolitic; but we have heard from business men of all parties the most unqualified commendation of Secretary Cobb, for his course in this respect. It is true, that the Government was under no obligation to advance the money at so large a premium; and if the Secretary of the Treasury, in the use of the wise discretion given him by Congress, had locked the Government vaults, and made no disbursements not absolutely demanded by actual appropriations, he could not have been legally impeached. Such a course, however, would have called down upon him a weight of public censure, from which he could not have escaped. His predecessors, under the sanction of Congress, and the unanimous approval of the country, had called in large portions of the debt, at a time when the accumulation of coin in the sub Treasury had created no uneasiness in financial circles; and if Secretary Cobb had refused to continue the redemption, in the midst of prevailing commercial distress, when such a disbursement was eagerly demanded as a measure of relief, he would have been charged, perhaps justly, with a selfish disregard of the interests of that large class through whom the revenues of the country are more immediately derived.

"But we have reasons to think that the motives which actuated the Secretary in continuing the redemption went beyond the mere question of popularity, and were dictated

by a profound judgment of cause and effect. It was obvious that the commercial embarrassment had reached a point where it must seriously interfere with the revenue from customs, and that, if it were to increase much further, it would cut off these receipts altogether, or render the amount merely nominal. If, with this prospect before him, the Secretary, by a legitimate disbursement of the surplus in the Treasury, could arrest the progress of this financial ruin, and thus limit the decline in the revenue, a judicious regard for the national finances would surely dictate such a policy, if there had been no other considerations present to his mind. And we are confident that the end has fully justified the measure adopted, considered in either light. The few millions which were thus disbursed afforded great relief to the community at a most critical moment, while, if retained in the Treasury, they could not have prevented a deficiency, even had the receipts shown no further diminution, and the Government would not have found the same facility in borrowing in the hour of need."

Again: the same paper of 28th May, 1858, in reviewing our financial troubles, says:

"The clouds began to darken, however, over the commercial world, and the Secretary hesitated about continuing his efforts to redeem the debt. At this moment he was urged from all quarters to go on with the work. The argument which doubtless had the greatest effect upon his mind, was not that the surplus gold in the sub-Treasury would relieve the banks, by supplying the demand for the precious metals (although this was true and strongly enforced in appeals for aid,) but that continued payments would operate to limit the depression in trade, check the excitement which was rapidly prostrating the mercantile interest, and thus preserve the public revenues now seriously threatened."

Again: the same paper, in the same article, says:

"Even with the light of our present experience thrown upon it, the wisdom of this measure can hardly be questioned. It was designed to serve a great national interest, while it should grant incidental relief to those who were supposed to have some claims upon the consideration of the Department. That it was not successful to the extent desired, we know; but that the success was not sufficiently probable to authorize the effort, no candid man will dare to affirm."

The New York Times, a leading Opposition paper, in its issue of October 16, 1857, says:

"As we have no bank for the purpose, the Secretary of the Treasury has done much service, at the present crisis, by producing his hoard and pouring it through the four great commercial centers, and into the ordinary channels of commerce. He has done this without traveling out of his legitimate sphere, by disbursing freely for the public service and redeeming the public debt. We are sorry to see that he has been obliged to discontinue the redemption of public stocks, so that no further relief from this quarter can now be anticipated. But what he has already done has been of essential service to the business public."

Again: the same paper, of October 19, 1857, says:

"It should have done more, by averting the embarrassment altogether; but the fault was not with the Secretary. He, of all men, is most disappointed at the untoward result. He, of all, has least cause for reproach or mortification. Had want of gold been the cause of trouble, the difficulty would have ended where it began, with the failure of the Trust Company, and a few other like concerns involved with it. But the cause being in another direction, the General Government could no more remove it than it could remove mountains, or check the wild and distrustful spirit of fifty bank presidents without a leader."

These sentiments of approval were not confined to New York, but pervaded the entire press, North and South. I well remember a most complimentary article from the Charleston Mercury, to the effect that Providence always raises up the man for an occasion requiring nerve and ability; and lauding to the skies the conduct of Mr. Cobb, as evincing in this transaction an extraordinary degree of both. But, Mr. Chairman, no man is a hero if the battle be unsuccessful. The Father of his Country would have figured in history as the rebel Washington, had not the British surrendered at Yorktown, and the independence of America been achieved. Houston and Lamar would have been scoffed at as fillibustering Walkers, had not victory been achieved at San Jacinto, and the lone star of Texas culminated to sovereignty. And Cobb is now ridiculed as the weakest of financiers because a pecuniary convulsion, which he endeavored faithfully and energetically to arrest, swept over the country, prostrating commerce, driving back importations, and thereby depleting the Treasury. Such is the justice of human criticism; such the judgment ever pronounced by frail humanity upon effort, however generous and manly, if it be not attended with complete success.

But, sir, was it not attended with success? Who shall say how many merchants were relieved by the gold and silver which the policy of the Secretary poured into the channels of commerce? Who shall say how many suits, instituted by these merchants upon those indebted to them, (and whom they would have been forced by their own necessities to sue,) were prevented by the relief thus furnished to the fountains of commercial enterprise? How many hearthstones, over which the hammer of the sheriff and constable would have been raised, were secured to humble poverty, and left unmolested, still to warm the bodies and gladden the hearts of their unpretending inmates? The prosperity of the people of this country, Mr. Chairman, the prosperity of all the people, from the lordly merchant to the humblest cottager, is mutually dependent; and the capacity of all to pay their debts insures their ability to buy more of the necessities and comforts of life; and this ability to buy is the very life-blood of commerce, and therefore of importations from abroad; and from these importations flow, under our tariff system of imports, those streams which pour money into the Federal Treasury.

Considered, therefore, as a mere financial measure, looking to a speedy termination of the crisis, and designed to stop its ravages at the earliest moment, and speed the return of prosperity to the consumer, and, therefore, the restoration of trade and increase of revenues, the policy of the Secretary of the Treasury displayed a financial ability and consummate statesmanship, which the short-sighted and narrow-minded alone fail to see and appreciate. It is vain to ask such men how much longer the arm of business would have been paralyzed, and the heart of toil crushed, had not $3,000,000 of specie, thrown into circulation by the far-seeing head of the Federal Treasury, been speeded to their relief. Equally vain is it to attempt to show them how much longer it would have been before importations from foreign ports would have reached their ordinary level, and how much greater than it now is would *necessarily* have been the present deficit in the Federal Treasury; and, as a consequence, how much larger the public debt, and greater the necessity of taxing higher the purses of the people. The only argument that avails with them is the actual amount that went out of the Treasury for the redemption of the public debt, and the precise sum that has been brought in to supply its place. Their capacity extends to the rules of addition and subtraction; and to those rules I intend to advert for a moment.

What was this immense amount that the Secretary paid, *during the revulsion*, for the purchase of Government stocks? The sum total of public debt redeemed by him from the 20th September to the time when the last payment was made upon that debt, is $2,891,739 47, an amount sufficient to keep the wheels of Government in motion the long period of three weeks? In other words, had Mr. Cobb not purchased the stocks, and relieved the people to the extent of nearly three million dollars thrown into circulation, the Government could have postponed the issue of Treasury notes just three weeks; and yet, sir, this act, springing from a heart that sympathized with a distressed and embarrassed community, and relieving them to an extent which cannot be calculated, has been seized upon by the revilers of the Secretary as the principal cause of the embarrassment of the Treasury; and this Administration and their friends are constantly taunted with the slur, that coming into power with an overflowing Treasury, they were forced in the first year of their official existence to apply to Congress for the relief of Treasury notes and loans. No one knows better than many who make the charge and use the taunt, that the whole cause was the revulsion in commerce of 1857; and their conduct is but another illustration of the justice of political criticism upon opponents or *political friends* whom they desire to strike down.

The following table exhibits the precise amount of the public debt of the United States, paid from the 20th of September to the time when the Secretary closed his last purchase, embracing all the public debt redeemed during the crisis; for the Philadelphia banks suspended specie payments on the 25th of September; the Baltimore and Washington banks on the 26th of the same month; and the city banks of New York on the 13th and 14th of October:

Statement showing the amount of the public debt of the United States paid since the 20th September, 1857, with the amount and rate of premium.

Loan.	When paid.	Principal.	Total principal.	Premium.	Total premium.	Rate.
1842..... }	Sept. 1857.	$51,000	$433,950 00	$5,110	$43,395	10 per ct.
1846..... }	Oct. "	382,950	25,600 00	38,285	-	-
1847..... }	Sept. "	102,450	1,462,750 00	25,992	234,040	16 "
1848..... }	Oct. "	1,300,300		208,048		
Texan indemnity.. }	Sept. "	412,000	936,000 00	65,920	149,760	16 "
Texas debt,	Oct. "	524,000		83,840		
		3,000	22,000 00	180	1,320	6 "
		19,000	11,439 40	1,140	-	-
			$2,891,739 40		$428,5	

By this, it will be seen that the entire amount of premium paid, is the sum of $428,515, about enough to support the Government three days. Had this sum been forever sunk, it would have been well spent in relieving the misfortunes of a suffering community, and hastening the restoration of health in the veins of commerce. But was it sunk? Is it lost? Let us see.

The interest on the public debt purchased during the crisis, accurately calculated up to the time it would have fallen due, at the rate of interest it bore, amounts to the sum of.....	$1,642,423 03
The interest on the Treasury notes and loans which supplied its place at the rates, up to the time they will fall due, they bore respectively, amounts to the sum of.....	1,261,047 40
Thus saving to the Government, in the way of interest.....	381,375 63
The amount of premium paid in the redemption of the public debt is..... $428,515 00	
The amount of premium received on bids for the new debt, is the sum of..... 139,404 51	
Making a difference against the Secretary's operations in premiums of.....	289,110 49
Deducting the loss of $289,110 49 on premiums from the gain in interest of $381,375 63, and we will have, when the present public debt, which was substituted for that redeemed, is paid, an actual saving, in dollars and cents, of.....	$92 265 14

I trust, therefore, Mr. Chairman, that those who cannot appreciate the argument which I have addressed to the heart, in asking a response to the heart of the Secretary when it beat in sympathy with the distresses of an embarrassed people, and those whose limited mental visions cannot embrace within their scope the enlarged policy which looked for relief to the Treasury, from a revival of trade, and the prosperity of the consumer, will be able to understand this calculation in figures; and when they perceive the sum of $92,265 14 actually saved to the Treasury by the operation which they thought had reduced it to bankruptcy, will acknowledge a truth most difficult for human vanity to confess—that there are some people in this world wiser and more far-seeing than themselves. With these remarks, I dismiss the first charge by which want of capacity in the Secretary of the Treasury has been attempted to be proved by some, and is insinuated by others. I submit, that a more complete vindication of a public officer has never been addressed to the minds of a candid people.

The second charge alleged against Mr. Cobb's management of the Treasury is, that his estimates

of receipts from imports have been so inaccurate in the past that they cannot be relied on for the guidance of Congress in the future. If the test of financial ability be the power to foresee how many goods will be imported from year to year, and, consequently, what will be the revenues to Government from them, then this country is wofully deficient in able men, or all the Presidents have made most unfortunate selections for the supervision of our finances. My researches into this subject have not carried me back further than twenty years; but, commencing with the estimates of Hon. Levi Woodbury, in the year 1838, and coming down to the present period, it will be seen that that distinguished gentleman, now no more, and all who have followed him, have fallen into errors similar to those of the present Secretary. Nor is it wonderful that it should be so. The currents of trade do not flow with the regularity of the tides of the ocean. They are not governed by laws as absolutely fixed as the motions of the heavenly bodies, and cannot be calculated, by minds as powerful as those of Napoleon or of Webster, with the same exact certainty. They are moved constantly out of their accustomed orbit by causes which human foresight cannot determine, or human genius avert.

The progress of civilization opens every day new channels for the streams of commerce. International treaties facilitate or retard them. Changes in the revenue laws of commercial nations; alterations of export and import duties; even modifications of their internal taxation, all affect the relations of the commerce of the world. Like members of the same civil community, the members of the great family of nations are mutually dependent upon each other. The prosperity or adversity of one, peace or war between any two, is sensibly felt by the commerce of all. The pocket nerve of nations, as of men, is the most sensitive; and the Bourse in Paris, the Exchange in London, and Wall street in New York, feel, with electrical rapidity, the slightest shock that strikes the nervous system of international intercourse anywhere within the range of civilized enterprise. Whilst the table, therefore, which I now exhibit, shows great inaccuracy, with only an occasional approximation to accuracy, my object is not to cast reflection upon the distinguished names who, from time to time, have presided over the American Exchequer; but simply to vindicate the character of its present head, and show that he stands upon a level with those who preceded him. I deemed it unnecessary to extend the review further than 1838, because, prior to that time, our resources were smaller, and our revenues and expenses proportionately less. I do not doubt, however, that, if examined, they would present the same per cent. of inaccuracy.

Mr. Woodbury's Estimates.

Estimates of the revenue for the year 1838		$17,500,000
Lands		5,000,000
		22,500,000
Actual receipts for same:		
Customs	$16,158,800	
Lands	3,081,939	
		19,240,739
Being a difference of		$3,259,261
Estimates of the revenue for the year 1839		$19,000,000
Lands		4,500,000
Miscellaneous		500,000
		24,000,000
Actual receipts for 1839:		
Customs	$23,137,924	
Lands	7,076,447	
Miscellaneous	247,509	
		30,461,880
Being a difference of		$6,461,880
Estimates of the revenue for the year 1840		$15,000,000
Lands		3,500,000
Miscellaneous		100,000
		18,600,000
Actual receipts for 1840:		
Customs	$13,499,502	
Lands	3,292,285	
Miscellaneous	283,258	
		17,075,045
Difference		$1,524,955

Estimates for 1841:		
Customs		$19,000,000
Lands		3,500,000
Miscellaneous		80,000
		22,580,000
Actual receipts for 1841:		
Customs	$14,487,216	
Lands	1,365,627	
		15,852,843
Difference		$6,727,157

Mr. Ewing's Estimates.

Estimates of receipts from customs, 1842		$22,500,000
Actual receipts from customs, 1842		18,187,908
Difference		$4,312,092

Mr. Forward's Estimates.

Estimates of receipts for the half year, 1843:		
Customs		$7,500,000
Lands		1,500,000
Miscellaneous		50,000
		9,050,000
Actual receipts for the same period:		
Customs	$7,046,843	
Lands	897,818	
Miscellaneous	120,663	
		8,065,324
Difference		$984,676
Estimated receipts for fiscal year June 30, 1844:		
Customs		$16,000,000
Lands		2,700,000
Miscellaneous		150,000
		18,850,000
Actual receipts for the same period:		
Customs	$26,183,570	
Lands	2,059,939	
Miscellaneous	261,007	
		28,504,516
Difference		$9,654,516

Mr. Spencer's Estimates.

Estimates for fiscal year 1845:		
Customs		$20,000,000
Lands		2,250,000
Miscellaneous		50,000
		22,300,000
Actual receipts for same period:		
Customs	$27,528,112	
Lands	2,077,022	
Miscellaneous	163,998	
		29,769,132
Difference		$7,469,132

Mr. Bibb's Estimates.

Estimates for fiscal year 1846:		
Customs		$30,030,302
Lands		2,010,000
Miscellaneous		120,000
		32,160,302
Actual receipts for same period:		
Customs	$26,712,667	
Lands	2,694,452	
Miscellaneous	92,126	
		29,499,245
Difference		$2,661,057

Mr. Walker's Estimates.

Estimates for fiscal year 1847:		
Customs		$22,500,000
Lands		2,400,000
Miscellaneous		100,000
		25,000,000
Actual receipts for same period:		
Customs	$23,747,864	
Lands	2,498,355	
Miscellaneous	100,570	
		26,346,789
Difference		$1,346,789
Estimates for fiscal year 1848:		
Customs		$28,000,000
Lands		3,900,000
Miscellaneous		100,000
		32,000,000
Actual receipts for same period:		
Customs	$31,757,070	
Lands	3,328,642	
Miscellaneous	351,037	
		35,436,749
Difference		$3,436,749

Estimates for fiscal year 1849:		
Customs		$32,000,000
Lands		3,000,000
Miscellaneous		100,000
		35,100,000
Actual receipts for same period:		
Customs	$28,346,738	
Lands	1,688,959	
Miscellaneous	1,038,649	
		31,074,346
Difference		$4,025,654
Estimates for fiscal year 1850:		
Customs		$32,000,000
Lands		3,000,000
Miscellaneous		400,000
		35,400,000
Actual receipts for same period:		
Customs	$39,668,686	
Lands	1,859,894	
Miscellaneous	1,847,218	
		43,375,798
Difference		$7,975,798

Mr. Meredith's Estimates.

Estimates for fiscal year 1851:		
Customs		$32,000,000
Lands		2,150,000
Miscellaneous		300,000
		46,800,000
Actual receipts for same period:		
Customs	$49,017,567	
Lands	2,352,305	
Miscellaneous	943,106	
		52,312,978
Difference		$17,862,978

Mr. Corwin's Estimates.

Estimates for fiscal year 1852:		
Customs		$45,000,000
Lands		1,600,000
Miscellaneous		200,000
		34,450,000
Actual receipts for same period:		
Customs	$47,339,326	
Lands	2,043,239	
Miscellaneous	345,820	
		49,728,385
Difference		$2,928,385
Estimates for fiscal year 1853:		
Customs		$49,000,000
Lands		2,500,000
Miscellaneous		300,000
		51,800,000
Actual receipts for same period:		
Customs	$58,931,865	
Lands	1,667,084	
Miscellaneous	738,623	
		61,337,572
Difference		$9,537,572
Estimated receipts for fiscal year 1854:		
Customs		$49,000,000
Lands		2,000,000
Miscellaneous		200,000
		51,200,000
Actual receipts for same period:		
Customs	$64,224,190	
Lands	8,470,798	
Miscellaneous	854,716	
		73,549,703
Difference		$22,349,703

Mr. Guthrie's Estimates.

Estimated receipts for fiscal year 1855:		
Customs		$51,000,000
Lands		3,500,000
Miscellaneous		500,000
		55,000,000
Actual receipts for same period:		
Customs	$53,025,794	
Lands	11,497,049	
Miscellaneous	828,531	
		65,351,374
Difference		$10,351,374
Estimated receipts for fiscal year 1856:		
Customs		$56,000 000
Lands		6,000,000
Miscellaneous		500,000
		62,500,000
Actual receipts for same period:		
Customs	$64,022,863	
Lands	8,917,644	
Miscellaneous	1,116,391	
		74,056,898
Difference		$11,556,898

Estimated receipts for fiscal year 1857:		
Customs		$64,000,000
Lands		7,000,000
Miscellaneous		500,000
		71,500,000
Actual receipts, same period:		
Customs	$63,875,905	
Lands	3,829,486	
Miscellaneous	1,263,820	
		68,968,211
Difference		$2,531,789
Estimated receipts for fiscal year, 1858:		
Customs		$66,000,000
Lands		6,000,000
Miscellaneous		955,310
		72,955,310
Actual receipts for same period:		
Customs	$41,789,620	
Lands	3,513,715	
Miscellaneous	1,254,231	
		46,557,566
Difference		$26,397,744

Now, Mr. Chairman, let it be borne in mind that Mr. Cobb is the only Secretary who encountered, at the same time, two concurrent embarrassments in making up the estimates submitted in his report of 1857; *the new tariff of* 1857, *and the revulsion of that year.* He saw the difficulties which surrounded him, and in that report called the attention of Congress to them, and invoked "its own judgment upon the credit to which they were entitled." I extract from page 6, of the report on the finances of 1857, the language of the Secretary:

"It is difficult at all times to estimate in advance the probable receipts into the Treasury for the next one and two years. Our revenue being derived principally from duties on imported merchandise entered at the custom-houses for consumption, the amount is necessarily dependent not only upon all those causes which affect trade and commerce, but on such as control the inclinations and ability of the people in the purchase of such merchandise for consumption.

"Ordinarily an approximation can be made to the probable result, provided no unlooked for cause shall intervene to disturb the usual course of trade and consumption.

"The events of the present fiscal year furnish a striking illustration of the uncertainty of all such estimates from the operation of unforeseen causes which exert a controlling influence over the revenue from customs.

"When the estimates for the present fiscal year were made to the last Congress by my predecessor, it was impossible to foresee either the material change in the rates of duty, which were among its last acts, or the present revulsion in trade and commerce, both which have deeply affected the revenue, and satisfactorily account for the difference between his estimates and those now submitted. With these two disturbing causes now in view, it is very difficult to form satisfactory estimates of the probable receipts from customs. The tariff act of March 3, 1857, has not been in operation long enough to test its effects upon the revenue, even under ordinary circumstances. Simultaneous with this act going into operation, the country is subjected to a disastrous revulsion. To what extent importations would have been affected by it, had there been no revulsion in trade and commerce, is now as much a matter of conjecture as it was before the passage of the act. Experience has thrown no light on the subject. The probability is, that it would, to a limited extent, have increased importations, though not to the extent of supplying the deficiency created by the reduction of the duties.

"In submitting to Congress, under these circumstances, estimates of the receipts for the present and the next fiscal year, it is deemed proper to accompany them with a statement of facts and principles upon which they have been made, in order that Congress may pass its own judgment upon the credit to which they are entitled."

Now, sir, I ask what is the basis of these attacks? Are they not as unjust as I have shown them to be destitute of foundation? Of all his predecessors, none, in the judgment of the country, managed the Department with more fidelity and ability than Mr. Guthrie; yet that distinguished officer, in estimating for the year ending 30th June, 1858, thought the receipts would go to $72,355,310, when they reached, in fact, but the sum of $46,557,568—making a difference of more than $26,000,000. As he was estimating under the tariff of 1846, it is proper to take into consideration the larger revenues which that act would raise over the act of 1857, which, upon the importations of the year ending the 30th June, 1857, it is estimated would have made a difference of $11,000,000. Deducting that from $26,000,000, and we have a variance between his calculations and the actual receipts of more than $15,000,000. Whereas Mr. Cobb, with the advantage, it is true, of one quarter to go upon, estimated the receipts for the same year at upwards of $57,000,000, and they reached but $46,000,000, making a disparity of $11,000,000.

In the last report of the same able officer, (Mr. Guthrie,) he estimated that there would be in the Treasury, on the 1st of July, 1858, $43,995,710. There was a deficiency of $13,356,483—making a miscalculation to the amount of $57,352,193. Deducting again $11,000,000 for the difference between the act of 1857 and that of 1846, and we still have a disparity of more than $46,000,000. Mr. Cobb estimated that there would be in the Treasury, on the 1st July, 1858, $426,875 surplus. The result was a deficiency of $13,356,483—making a variance of $13,783,368. Understand me, Mr. Chairman, I make no charge upon the late head of the Treasury. I would not pluck a laurel from his well-earned fame. I know, too, that he did not and could not foresee the crisis of 1857. My object is simply to vindicate the present Secretary, by comparing him with one of the most able and distinguished of his predecessors, and showing that he, with some advantage of standpoint, it is true, approximated much nearer the result than did that predecessor, able and distinguished as he was.

But how stands the case with the financiers of this House; with those who would lead opinion and control action here? The gentleman from Virginia [Mr. GARNETT] may be considered as the representative of one class, the men who think the Secretary has under-estimated the revenue; and the gentleman from Pennsylvania, [Mr. PHILLIPS,] as the representative man of the other wing of the Democracy, of those who would have the tariff increased, and who think the Secretary has over-estimated the incoming receipts. It is really amusing to note the wonderful disparity between them. With both, "the wish," I am afraid, "is father to the thought." Both have assumed the character of advocates, endeavoring to advance each his own theory, and failed, despite themselves, perhaps, to consider the subject with the impartiality of judges, and with a single desire to seek for truth. The former gentleman thinks that there will be a surplus of "over eighteen millions" at the commencement of the next fiscal year, whilst the latter is firm in his conviction, and rampant in his declaration, that there will be a deficit of precisely $46,904,376; and thus we find these gentlemen differing to the extent of the very trifling sum of nearly $65,000,000. One or the other must be greatly at fault; and they will pardon me, I am sure, for the suggestion, that however inaccurate the estimates of the Secretary, immediately following the monetary crisis of 1857, more reliance will be placed, and should be placed, by Congress and the country, upon estimates of that officer, made now, under more favorable circumstances, than upon the vague calculations and uncertain guesses of gentlemen, as well informed as they are, but who have placed between themselves the wide margin of $65,000,000.

In making that most astounding calculation, whereby he finds the Treasury bankrupt on the 1st day of July, 1860, to the amount of more than $48,000,000, the gentleman from Pennsylvania has done the Secretary of the Treasury the grossest injustice. He says that the Secretary of the Treasury finds a balance there, on the 30th June, 1859, of $3,224,570 28, and adds:

"In that estimate I want the members of the committee to understand, there was no mention by him of the fact that $18,000,000 of Treasury notes would then be falling due, making the actual deficit upwards of $15,000,000."

This language, whether so intended by the gentleman or not, conveys the idea that the Secretary had withheld from his estimates all mention of the Treasury notes, and had thereby attempted to deceive Congress as to the state of the Treasury. The gentleman, if he designed to convey that impression, must have read very superficially the report on the finances of 1858; or if he did not intend to convey such an impression, he does not appear to me to possess a clear perception of the meaning of words. This speech has gone to the country; it is right that the reply should go with it. I read from the report of 6th December, 1858, pages 15 and 16:

"The details are shown by statements marked 1 and 5. In estimating the receipts and expenditures for the present and next fiscal years, it is not contemplated to redeem the outstanding Treasury notes. As these notes will become due and payable during the next fiscal year, some provision should be made to meet them. I am opposed to the policy of adding this amount to the permanent public debt, by funding the notes. On the other hand, their entire redemption, in one year, would call for an increase of the tariff to a point which would render necessary another revision of it in the succeeding year. The true policy is to look, in the present revision of the tariff, to their gradual redemption, commencing with the next fiscal year. To carry out this policy, Congress should provide for the raising of such amount of revenue as will enable the Department to redeem a portion of them, and, at the same time, extend, for one year, the provision of the act of December 23, 1857, authorizing the reissue of such portion of them as the means of the Government will not enable us to redeem. By this course, we shall gradually discharge this part of the public debt without placing upon the people an onerous additional burden in the unnecessary increase of their taxes."

By this extract it is apparent that the Secretary not only calls the attention of Congress to the outstanding Treasury notes, but suggests what he considers the true policy in regard to their redemption, yet the gentleman says no mention is made of them in the estimate. Their exact amount is not there stated; but the law of their creation limited their existence to one year; and statements marked 1 and 5 of the report referred to in the extract I have quoted, show their amount.

Now, then, Mr. Chairman, in view of the monetary panic of 1857, and the consequent depression of business and falling off of importations, in view of the new tariff of 1857, never before tested, and of the large miscalculations of former Secretaries, having no such difficulties to contend with, and yet who escaped without reproach, I ask the impartial man of any and all parties, if the attacks upon the present Secretary are not harsh in the spirit that dictated them, and grossly unjust in the conclusions sought to be deduced from them?

I come now to consider the third and last attack made upon the official conduct of Mr. Cobb. It involves the charge of extravagance against the Administration, and seeks to hold that the Secretary of the Treasury, as its financial head, is responsible. In regard to the charge of extravagance against the Administration, considered in its totality, I have to say that I shall not now go into an elaborate defense. That duty has been well performed by the gentleman from Tennessee, [Mr. SMITH,] and the gentleman from Mississippi, [Mr. DAVIS.] A bird's-eye view of the situation and growth of the country, however, satisfactorily explains the larger amount of expenditures, and the passage of laws by Congress creating the necessity and imposing the duty of spending more money, accounts for much of the remainder. The Utah war; the enormous necessary cost of transportation of provisions for troops there; the Indian hostilities in Oregon and Washington, on the far Pacific; the transportation of troops, and the cost of provisions to feed them there; the Paraguay expedition; the immense influx of gold from California and Australia, totally changing the relation between the value of money and property of all sorts, and enhancing the price of provisions; the increased pay of officers of Government, in all its ramifications, rendered necessary by the increased price of living, consequent upon enhanced price of property and provisions and lessened value of money, by the large additions to the gold of the world; the settlement of immense tracts of western wilderness, and the consequent necessity for the creation of land offices and officers without number, as well as for the opening of innumerable roads, and establishment of numerous and long mail routes authorized by law, and required by acts of Congress; all these, at a single glance, whilst they mark the march of civilized improvement, and swell the patriotic heart with pride in the contemplation of the almost marvelous growth of our immense empire, show the absolute necessity for increase in the expenses of a Government covering such an area, and ministering to such enlarged demands.

But, supposing that there is extravagance: is the head of the finances, under our system, responsible? True, it is his duty to furnish estimates to Congress; but those estimates are furnished to him by the heads of the other Departments, each for its own; and it would be at once beyond the sphere of his duty, indelicate to his compeers in the Cabinet, and impossible, from the immense labor involved in its exercise, for any one man, though an intellectual giant, to perform the task of supervising and retrenching each item

that seemed to him unnecessary. The duty is devolved upon him of submitting the estimates to Congress; because his office requires him to raise the money necessary for their liquidation, and to call upon Congress to provide the means and make the appropriations. But he is responsible to the President and the country for the propriety of no estimates but those submitted for the Treasury Department. What extravagance has been *hinted* to exist there? How many members of Congress have been refused applications which would have caused an increase of expenses in that Department? How many sore places are there to-day in the hearts of members of this House, and of separate communities interested in local expenditures, because of the efforts of the *vigilant and economical* head of the Treasury to retrench? Two millions of the public money could be saved at a dash, by enacting into law his recommendation to dispense with the erection of hundreds of court-houses, where courts are held once a year, for three days, and the State court-rooms would answer every purpose; of custom-houses where no imposts are collected, and of extravagant post offices, where a room rented by the postmaster would supply every want. A half million more can be saved in the single item of the collection of the revenue, by the passage of the act prepared and submitted by him to Congress, to simplify and cheapen the mode of its collection.

Sir, the Secretary of the Treasury has lopped off every rotten limb in his own Department that his unaided arm can reach, and to-day calls upon Congress to give him power further to prune and retrench. Yet, because he sits in the Exchequer and presides over the finances, from the mere sound of those words, without reason or argument, it is sought to hold him responsible, and condemn him in the opinions of the people, for that which he has no power to prevent. I submit what I have said in his defense to the judgment of the committee, and to the honest heart of the country; satisfied that, to the eye of justice, and to the mind of impartial reason, his vindication is complete.

But these attacks upon the Secretary of the Treasury, Mr. Chairman, constitute but one link in the continuous chain of abuse by which it is sought to drag down the entire Administration, and sink it in public estimation. No man connected with it has escaped invective and vituperation. No matter how pure in character or venerable in service and age, all have shared a common fate. Especially has the tongue of calumny been busy with its aged, but bold and determined chief. Like Jackson, elected by the people over the politicians, he determined, like Jackson, to be the President of the people and not the tool of factions. The fate of that old patriot, of bold heart and iron nerve, has been thus far his fate. Abandoned by friends, and covered with calumny, the old hero passed his official pilgrimage, strong alone in the integrity of his purpose and confidence in the verdict of posterity. That verdict has been rendered; and the fame of Andrew Jackson lives, and will live forever, in the affections of his countrymen. Like Jackson, Buchanan has been abandoned by friends, and covered with calumny as gross and unjust. I believe, sir, his purpose is as sincere, his confidence in the future as unshaken. When the vail of that future is raised, may it reveal for him a green old age as luxuriant in the affections and veneration of his countrymen, a death-bed as full of the Christian's hope, and an official life in his country's history as rich in civic fame.

NATIONAL FOUNDERY.

SPEECH OF HON. JOHN A. GILMER,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 21, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. GILMER said:

Mr. CHAIRMAN: In offering any views in support of the claims of my native State, North Carolina, to a share of the public patronage and disbursements in the establishment of national works, I am at once struck with two important reflections. First, that, of the many millions invested in munificent Government structures, distributing so much capital among the people where they are erected, and, at the same time, strengthening the hand of commerce and enterprise in their respective localities, and from which all of the sea-board States have derived more or less advantage, the old North State, though one of the most faithful of the thirteen sisters who pledged their jewels, treasure, and honor upon the altar of liberty, and never broke the vow, has yet to be rewarded with the first particle of Government patronage to any respectable degree; and second, and perhaps more astonishing, that mineral wealth of such almost boundless extent, as is proven to exist there, should not long ere this have been called into active use by well directed individual enterprise. Here are two manifest derelictions of duty of some sort, and should claim the immediate attention of every true son of North Carolina.

The first neglect, I fear, has resulted from the want of proper attention and vigilance, on the part of her Representatives on this floor, who have spent too much of their time upon abstract propositions, in fostering the mere political issues of the day; which, when advancement or tenure of place is to be the result, are never wanting for ardent, if not furious advocates, while the real interests of the constituency, and the State they represent, have been too much neglected. Days, weeks, months, and years, have been wasted or labored away, urging in the political forum matters wholly abstract, and often incapable of even a practical test; and in which fact consists, in many instances, the major part of the apparent dignity and effect of such issues, while real, practical, useful questions, of the development and improvement of the material resources, agricultural, commercial, and mineral, of their State, have been completely overlooked. Now, I do not propose to arraign any gentleman for a failure in duty, who has heretofore, or now represents my State, for their reasons for their previous course of legislative action have doubtless been to them satisfactory and sufficient. But, I do propose to ask them, and all others, to unite with me in giving some attention to the real material interests of North Carolina. In fact, I might extend my remarks beyond my purpose, and cause them to apply to many of the other southern States; but, in doing so, I would not only assume the duties of others more competent to do so, but would, at the same time, transcend the courtesy extended to me by the House on this occasion.

Nor can I now do full justice to my State on this important matter, both for the want of time and all the information I could wish, even were I not limited by this particular subject of the establishment of a national foundery, to which I shall advert directly. So immense, and almost boundless, are the mineral and manufacturing resources of North Carolina, that a volume may be filled with their variety, quality, and utility. I speak not now of the gold and silver, existing in such large quantities, and which are so much more actively sought, but I mean to allude more particularly to the more solid, abundant, and, I will add, more valuable deposits of coal and iron. These are the articles of universal use, which everybody pays tribute to in some shape, and ever must, so long as commerce and agriculture, and their natural offspring, manufactures, are the leading objects of man's attention. I care not who holds the purse, while I hold the articles of indispensable use, such as coal and iron. The former will loosen its strings and flow to the latter, as naturally as the magnet is attracted by the poles. Every man, who inhabits a house or shelters under a roof, uses, either directly or indirectly, the fabrics or products of coal and iron, and pays for them, in some shape; therefore, every man is a contributor to the use of these great staple minerals. While Spain and other European Powers held and absorbed, as it were, the so-called precious metals, then known both to the Old and the New World, England being possessed of the solid coal and iron, *the real precious metals*, has drawn the gold and silver of Spain and other countries into her national coffers, where they are yet safely locked up, and are likely to be, while English domestic and commercial policy is observed, and until other nations, equally blessed with like material, shall adopt the same precept and example, of using their *best* resources, *their solid* wealth, their *coal* and *iron*.

North Carolina is bountifully blessed by Providence with these solid staple minerals of coal and iron, and equally blessed with water-power and other natural elements for bringing them into use, and which must come into use, in spite of present or hitherto neglect. Her water-power, I can almost say, is the best in the universe. Her Yadkin, Ararat, Mitchell's, Fisher's, Dan, Smith, North and South Tow, Carey, Ivy, Swananoa, French Broad, Pigeon, Tuckaseega, Tennessee, Nantihala, Valley, Hiwassee, Watauga, New, Catawba, Uwharie, Haw, and Deep rivers furnish streams for manufacturing purposes, which will last inexhaustible, beyond the power of man to consume, so long as the mountains, from which these streams flow, shall stand to attest the work and glory of a beneficent Creator. In her French Broad alone is more water-power than in all New England put together, only waiting to be called into use by an industrial enterprise similar to that which has made New England what she is, and I hope will ever be in this particular, to render North Carolina in everything her superior. Over four hundred thousand spindles revolve in Lowell alone, and over ten times four hundred thousand can be moved by the regular waters of the French Broad alone, without even making an impression on the abundant supply. Besides the over-abundance of water in the limpid streams of the old North State, they are exempt from the bitter frosts and freezing winters, which congeal at times the best streams in New England, obstructing their greater utility, while in North Carolina they rarely ever freeze, and are at the same time blessed with an elevated locality, and wholesome mountain atmosphere, rendering her valleys not only safe for man's habitation, but equally desirable

But iron ores, the best and most abundant, as I have stated, abound throughout the whole State. It would astonish one not familiar, to see or learn their quantity and extent. To attempt to describe their precise locality and extent with minuteness, would lead me into too great detail; but before confining myself to the particular subject designed in these remarks, this much I will say: you may cast your eye on the map of North Carolina, and start with me from the county of Stokes, where you have an abundant supply of coal and iron, in immediate proximity; you may go westward, bordering hard on the Virginia and then the Tennessee line, till you reach the Roan mountain, and from thence bear southward till you reach King's mountain, which continually calls to mind much of the heroism of the Revolution; and from thence eastward till you run into the Deep river valley, and you will have traveled over deposits of iron, so abundant, of such superior quality, that not a similar scope of country on the earth can surpass it; forming, as it were, a great reserve treasured up in nature's store-house, waiting for the trained hand of the enterprising utilitarian to quietly unlock and use, to the benefit and wealth of mankind. I cannot contemplate the vastness and value of these sinews of wealth and grandeur of my native State without being greatly moved, and longing to see the day when a better directed industry and wiser political economy shall, with fostering policy, call them forth, and bid North Carolina be in practical fact what she is by nature designed, one of the best and most extensive iron producing countries in the world. Once developed, the mines will sustain themselves; and the southern forge and rolling-mill will sustain and meet the southern demand, and every car-wheel that traverses the State, bearing the products of her soil, will wind their way over iron rails taken from the same soil without the aid of tariffs or protection; and then, indeed, may we talk of and about southern independence.

It has long been a growing conviction on the part of the Government, that a national foundery should be established, not only for the certain supply of a better article of certain kinds of fabrics of iron for naval and military use, but also to improve the system of combining, and the effect of combining, the various descriptions of iron, and other kindred metallic ores. This important subject at once attracted the attention of the present able Secretary of War, upon his install-

ment into office, and in his first annual report he spoke and recommended the subject, in the following earnest and emphatic manner:

"The importance to the public service of establishing a national foundery has been so often brought to the attention of Congress by my predecessors, that nothing but a conviction of its great consequence to the public and private interests of the whole country encourages me to mention it again.

"A well-managed national foundery would very speedily develop and establish facts, which would add immensely to our national wealth. It is scarcely to be credited that, with the infinite variety of iron ore, and their boundless extent in the United States, we should not have yet discovered a mine capable of making the very best gun, or, if such be discovered, that there are no means by which the public service can be benefited by it; but such is the fact.

"A national foundery would serve as a great laboratory at which the quality and value of metals throughout the whole Confederacy would be tested and fixed. Every variety of iron, with its special adaptation to particular uses, would, in a few years, be familiarly known in the country, and individual enterprises would be saved, in experiments, many times the amount which the works would cost; whilst a great national branch of industry might, by this means, receve a legitimate and efficient encouragement.

"There is but little doubt that many American iron ores are equal, at least, to those of Norway, and yet the national armories are driven by necessity to purchase from abroad the Norwegian iron for the manufacture of small arms. Choosing to have the best quality of arms, we must go abroad for the best quality of iron. A national foundery would soon teach to improve the manufacture of iron, and we would be saved the mortification of bringing iron from abroad, and the money, too, we have to pay for it.

"The cost of heavy guns would presently be diminished, and their quality would be, undoubtedly, very materially improved.

"It therefore appears to me that every consideration of sound policy and economy demands the establishment of a national foundery, which I accordingly respectfully recommend."

So soon as I discovered that this subject was again recommended to the attention of Congress, I at once felt convinced that North Carolina was the State, and the Deep river valley the locality, which offered the best facilities for erecting such a work; and when my colleague, [Mr. BRANCH,] at the last session, offered a bill to this effect, I was in hopes the effort would move steadily forward, and that the claims of North Carolina, and the facilities she offered on this subject, would be well considered, and, if well sustained, as I believe they can be, conceded and allowed. But, like most of measures which are of a truly practical and commercial character for a southern State, it has been permitted to linger till it is about forgotten. It is now my purpose to revive the subject, and claim for my State a full and fair hearing in the premises. I premise, then, by saying that the Deep river valley, in the State of North Carolina, is a suitable place for a national foundery, and that the State of North Carolina has peculiar claims for its location within her borders.

What constitutes a suitable place for a national foundery?

1. Minerals and other materials for use in such a work; and of these, principally coal and iron ore.

2. Locality, accessibility to tide-water, and inaccessibility to an enemy in time of war.

3. Climate, and means for subsisting a population of mechanics and workmen.

On the first I can safely say, without disparagement to other places, that the Deep river valley has no superior. It has coal of the best and most abundant quality. It is a bituminous coal, totally free from sulphur, or other noxious element militating against its free use for manufacturing purposes of any description. It is conceded to be one of the best gas coals in the world, and yields the greatest abundance of the best coke for smelting and forge work, and is well adapted for making what is called hollow-fires, for heavy wrought-iron work. Its iron ores, too, are equally superior, embracing every variety. The specular, brown hematite, magnetic, and blue-clay ores, are inexhaustible, and are all bedded together in a narrow compass. And then, over and above any other place known on the continent, the only workable vein of black-band ore interlines the coal-fields themselves; not only so, but are the deepest in thickness and extent ever yet discovered in any country. This is not assumption, but fact, proven and visible to the inspection of any inquirer. A shaft, lately sunk by one of the companies engaged in operating these mines, to the depth of five hundred feet, discloses no less than upwards of seven feet of coal, and over eleven feet of black-band ore, all confined in a stratum of some forty feet. This is only one spot; but others are equally favored. But this important malleable article of ore, for the purpose of making all the descriptions of fabrics for war and naval use, cannot be over-estimated, and should give a controlling influence in the selection of the locality for such a national work. With the use of this deposit, exclusively, as yet, found in workable quantities in the Deep river valley, combined with the other and harder ores found in such great abundance, will enable the Government to make every description of iron fabrics, from the hardest steel cannon or shaft, down to the softest loop-band that can be demanded for any part of the naval or military departments.

Several very able and lucid reports have been made by eminent geologists, who base their statements upon actual explorations, made with the greatest caution and attention to the facts, among whom I may mention prominently Professors Johnson, Jackson, and Emmons—the latter being the authorized State geologist for North Carolina. From their united opinions and statements in their several reports, the following are some of their conclusions:

1. The coal is of a quality equal to the best Newcastle coal, and the best for making gas, for which purpose it would bring in New York six or seven dollars per ton.

2. It is very easy to work, and free of fault.

3. It is admirably suitable for smelting iron, being free from sulphur.

4. Black-band iron ore overlies and underlies the coal, and can be mined from the same pits and openings.

5. The black-band is in deposits eighteen inches to six feet thick, and of a better quality than any found in Scotland, containing such a large portion of bitumen, and of so peculiar a character that from twelve to sixteen gallons of kerosene oil can be extracted from it while it is being calcined to fit it for the blast furnace. Six to sixteen inches is the usual thickness of the black-band iron ore in Scotland.

6. Hematite iron ore, clay-band, and also magnetic iron ores, are in enormous deposits within ten miles of the coal and black-band.

7. Pig iron can be made from the above deposits, of a quality superior to any made in Scotland, in any quantity, and at prices less than in Scotland, the proximity of the minerals to each other more than compensating for the higher wages in mining. Says a practical Scotch iron master, speaking of the Deep river valley:

"I am satisfied that pig iron can be made at a cost of nine dollars per ton in Chatham county, on the banks of the Deep river. One hundred and fifty thousand dollars would suffice to buy enough of mineral land to supply two furnaces with material for some generations. It would suffice to sink the pits, and erect two furnaces on the Scottish principle; and, as the minerals are the same as in Scotland, the plans ought to be imported from thence. The two furnaces could make four hundred to five hundred tons a week—say twenty thousand tons per annum—at a cost of about ten dollars per ton. ($200,000.) Price in New York and Boston varies from twenty-two dollars to twenty-eight dollars per ton."

In addition to these materials, there is fire-clay of best quality, in great abundance, interlining the seams of coal and black-band ore; thus affording, from the same pit or shaft, coal, iron ore, and fire-clay; and the other descriptions of iron ore, to wit, the hematite, specular, and magnetic, being immediately contiguous, leave nothing to be done but to develop and use them to any extent and in every shape that the Government can wish or require the use of iron.

The second supposed requisite for a suitable site for a national foundery—the "*locality, accessibility to tide water, and inaccessibility to an enemy*"—I will briefly state, is advantageously presented in these North Carolina coal fields. The Deep river flows through the coal and iron deposits. It is a beautiful stream, highly adapted to slack-water works, which are now being constructed. The distance from the site of the works to the seaboard, or mouth of the Cape Fear river, into which Deep river flows, is only about one hundred and sixty miles; and tide-water, to the depth of some twelve feet, comes to within some seventy miles of the place where a national foundery could be advantagously erected. With the slack-water works completed, as they soon will be, besides a railroad to Fayetteville, now under construction, the fabrics for Government use can safely and conveniently be carried out to the adjacent seaports, or borne by railroad; whilst no enemy's fleets can ascend the stream, or an armed force invade the establishment without marching over land a considerable journey; which is about as nigh security as can be obtained. The locality I claim to be a good one.

Thirdly, *climate*, and means of subsisting a population of mechanics and workmen. In this respect the Deep river valley certainly possesses superior advantages. It forms, indeed, the dividing line between what are peculiarly southern and northern products. Extending south from the locality of the mines, you traverse the cotton and rice regions where those staples are produced for export to all parts of the world; while, moving towards the north and west from these mineral deposits, you are greeted with a fine wheat, corn, and other vegetable-producing region, adorned with beautiful scenery. In fact, all the staples, either north or south, for the subsistence of workmen, can be commanded in the Deep river valley at the cheapest and most accommodating rates. By way of description, it may be said that these valuable mineral deposits are in "a good land; a land of brooks of water, of fountains, and depths that spring out of valleys and hills; a land of wheat and barley and vines and fig trees and pomegranates; a land of olive oil, and honey." And besides this, the climate itself is excellent, being elevated and healthy, abounding in fresh water springs of the purest quality. No region is more healthy than that of which I am now speaking.

There is also an abundant supply of oak and all other timber suitable for such purposes as will be needed about a national foundery, within convenient reach. There are also limestone and other suitable materials for practical use in a foundery, in abundant supply, in the country round about. Then, may I not ask, what more is needed for supplying all the demands requisite for a national foundery? Can as much as I have here attempted to state, be said of any other named locality? It is true, other places may possess some particular articles of material to an equal, and perhaps greater, degree than is to be found in the Deep river valley; but then, can all the materials be found to the same extent, variety, and quality? Till better informed, I assert they cannot; that the same varieties of iron ore, with the same supply and quality of coal, with all the other materials I have enumerated suitable for the making of every description of iron fabric for Government or national use, are yet to be found in such connection in any one place. And I then ask the question, why will not the Government pay proper deference to a place so suitable and favored by nature, in selecting its site for a national foundery? Why shall not North Carolina number within her borders some one of the Government structures, when she offers at least equal, if not the best, facilities; and derive, in common with her sister States, some of the advantages to the trade and commerce of her citizens, resulting from Government expenditures? This latter consideration would not be proper if North Carolina did not offer equal facilities for the erection of a national foundery to any other State or locality; but when it is so clearly demonstrated that she does, I feel authorized to claim for her the full benefit of an equality in the distribution of the public patronage; and I invoke the voice of every Representative she has in this Capitol to unite with me in the demand. I truly regret that the opportunity has not been favorable for my colleague to urge the bill he introduced at the last session, or that better progress could not have been made. But there is yet time and opportunity, and let the future improve it. If it shall be my province to wield a voice in the deliberations which will finally dispose of this question, I shall be found earnest in insisting upon both the advantages and rights of North Carolina in the premises. I shall keep my eye steadily upon the movements of things in their behalf; and shall not fail to urge for my native State all that is so justly due from this Government to her long-neglected resources, so far as the Government has the right and power to act.

In fact, I wish to see a new era open up in the South generally. I wish to see less fustian and parade of new-fledged and broken-down politicians, in the shape of so called southern commercial conventions, and something more practical and available resorted to. There is better, as well as more profitable, work before us than the mere echoing of high-sounding resolutions, without a feasible feature in them, or a possible benefit in their provisions, to the South or anybody else, beyond the fancy of those who pass them. I wish to see our valleys and mountains brought into actual use. I wish to see our streams studded with mills, whose numberless spindles and looms shall echo back an eternal response to their ever and onward flowing current. I wish to see the blast of the furnace, and hear the strokes of the forge, declaring the fact that commerce and manufactures are in ripe development. I wish to see the mountains of the South, pregnant with their mines of wealth, disgorging their hidden treasures, and furnishing to our prosperity as certain tribute as they afford delightful retreats and abodes to our citizens. In short, I wish to see the South, in fact, what nature has eminently designed her to be, a commercial and manufacturing, as well as an agricultural people. We can then boast of our greatness, because we will then be great and prosperous.

INDIAN WAR EXPENSES OF OREGON AND WASHINGTON.

SPEECH OF HON. L. F. GROVER,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

February 21, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. GROVER said:

Mr. CHAIRMAN: Not having been admitted to a seat in this House in time to participate in the debates which occurred a few days since, on the subject of the Indian war expenses of Oregon and Washington, I desire to place on record my views touching the matter. And, in doing this, I do not intend to go much beyond a statement of such facts and of such explanations bearing upon this subject, as may be relied on hereafter, to support the position which the State of Oregon and the Territory of Washington will occupy on this question.

It is a mandate of the Constitution that the United States shall protect each State against invasion and against domestic violence. This is the obligation of the Federal Government to the several States; in recognition of which, we find, through our whole history, that in times of foreign wars and Indian hostilities, the national troops have been put in requisition to defend the States; and, in case resort has been had to the militia forces of any State, prompt assumption has been had by the General Government of the expenses incurred by each State in her own defense.

The obligation of the General Government to protect and defend the Territories and the District of Columbia, which are governed by Federal legislation, is more direct and of a higher quality.

The very preamble of the Constitution declares, that one of the principal ends to be attained by its adoption was, "to secure domestic tranquillity, and to *provide for the common defense.*"

It is the first element of every civil Government that it shall defend the integrity of its territory, and protect the lives and property of its citizens. The question of assuming the expenses of the States and Territories, incurred in repelling foreign invasions, or suppressing Indian hostilities, has, therefore, never been one of policy merely, but one of vital obligation on the part of the General Government—a duty, the performance of which is necessary to our national conservation.

It is not necessary for me, after the eloquent and forcible remarks of my friend from the Territory of Washington, [Mr. STEVENS,] to say anything relative to the origin and conduct of the Indian war of 1855–56, embracing in its field of operations seven degrees of latitude, and more degrees of longitude, and involving the combined hostilities of many powerful tribes. I need not dwell upon the marked incidents of this Indian campaign, longer continued, more severe in fatigue duty, and more dangerous in its execution, than any which has ever occurred on our frontiers.

The existence and *necessity* of this war have been recognized by sovereign acts of this Government, and we are not called upon, and never can be called upon, to review and refute the false charges of those who have chosen to place themselves in contravention to this conclusion.

The chairman of the Committee on Military Affairs, [Mr. FAULKNER,] to whom had been referred this whole subject, in a written communication under date of February 4, 1859, to General Lane, then Delegate from Oregon, now a member of the Senate, referring to the hostilities of 1855–56, says:

"The duty which the Military Committee devolved upon me embraced, according to my construction of it, two heads of inquiry. First, the origin of the war; did the facts connected with its origin show a proper case for calling out the militia forces of the Territories? Was it a *necessary* war, so far as the protection of the lives and property of the people was concerned? In pursuit of this branch of the inquiry, I procured promptly, after the adjournment of Congress, all the printed documents and other information within my reach, bearing upon that aspect of the subject; and, after a careful examination, I reached the conclusion that the condition of affairs in the Territories of Oregon and Washington, in the fall of 1855, *fully justified* the call for the militia of the Territories; and I so reported to the committee, at its first meeting in December."

This special finding of the Committee on Military Affairs of this Congress is only a reaffirmance of the premises on which the action of last Congress was predicated, when the act of August 18, 1856, was passed. This act, so far as it relates to the expenses of this war, has the following provision:

"That the Secretary of War be directed to examine into the amount of expenses necessarily incurred in the suppression of Indian hostilities in the late Indian war in Oregon and Washington, by the territorial governments of said Territories, for the maintenance of the volunteer forces engaged in said war, including pay of volunteers; and that he may, if in his judgment it be necessary, direct a commission of three to proceed to ascertain and report to him all expenses incurred for purposes above specified."

Does not this law recognize "the late Indian war in Oregon and Washington," as a fact within the notice of the Government? And does it not proceed to require "the amount of expense necessarily incurred by the territorial governments of said Territories, for the maintenance of the volunteer forces engaged in said war, including pay of volunteers" to be examined into and reported for adjustment, on the sole ground that could exist for such an act, that the war was necessary to defend the lives and property of the citizens?

If the war was a sham, gotten up by the people of those distant Territories for the purpose of exposing their own lives and the lives of their defenseless wives and children to the dread cruelties of savage barbarity, and their property to certain devastation—if their military organization was only the mustering of the rabble, intent on brutality and plunder, regardless of the interests of their country and the policy of the Government, then the expenses of their services might well have been ignored.

But such was not the case. This war was a just war. It was an inevitable war, and it was conducted, so far as circumstances would admit of, with humanity. Such was the determination of last Congress upon a full hearing of this subject when this matter was passed upon.

Under this act of Congress recognizing the services of the volunteers, and providing a method of ascertaining the amount due on that account for the purposes of liquidation, the Secretary of War issued the following order:

WAR DEPARTMENT,
WASHINGTON, *September* 4, 1856.

Agreeably to the authority given by the eleventh section of the act of August 18, 1856, making appropriations for certain civil expenses of the Government, for the year ending June 30, 1857, a commission, to consist of Captain Andrew J. Smith, first Dragoons, Captain Rufus Ingalls, quartermaster's department, and La Fayette Grover, Esq., Salem, Oregon, is hereby appointed to examine into the amount of expenses necessarily incurred in the suppression of Indian hostilities in the late Indian war in Oregon and Washington, by the territorial governments of said Territories, for the maintenance of the volunteer forces engaged in said war, including pay of volunteers, and report the result of their examination to the Secretary of War.

The commission is authorized to hold its sessions at such places in Oregon and Washington as may be most accessible to the claimants and convenient for the transaction of its duties.

JEFFERSON DAVIS,
Secretary of War.

This embraced the warrant and the instruction of the commission to proceed to duty, which they did on the 20th day of October, 1856, and after spending more than a year in a careful investigation of these claims, traveling over the whole field of operations occupied by the volunteers during the late hostilities, and after marshaling the best evidence on all doubtful points which the country could afford, they made their report to the War Office.

During the transaction of their duties, the commissioners were visited, at their principal office in Vancouver, by a special agent of the Government, J. Ross Browne, sent to the Pacific coast to examine into the condition of our Indian relations in that quarter, the transactions of public officers, and particularly the doings of this board. This agent sums up his elaborate and interesting report on this subject, in the following words:

"The commissioners at Vancouver have faithfully and impartially performed their duty. Whatever sum they may have decided upon in estimating this war debt, I hold that amount to be justly due, and trust that Congress will at once provide for its extinguishment."

The Secretary of War received, examined, and approved the report of the commission. In his annual report for 1857, he says:

"By a law passed the 18th day of August, 1856, a commission was directed to be appointed for the purpose of ascertaining the sum of money fairly due to the volunteers of Oregon and Washington Territories, for their services in the Indian wars, which threatened to lay waste those Territories. In compliance with this law, Captain Smith, of the first dragoons, Captain Rufus Ingalls, of the quartermaster's department, and La Fayette Grover, Esq., of Salem, Oregon, were appointed to examine the accounts and claims, and to make a report in conformity with the law, and upon the facts as they existed, so far, at least, as it was possible to ascertain them.

"These officers entered upon their duties on the 10th day of October, 1856, and seem to have labored with great assiduity and patience in discharge of them, until the 20th of October last, when they were brought to a close. I have examined this report very carefully, and conclude that, from the data they have adopted for their guide, as to the prices for stores and subsistence, and time of service rendered by the men, it is not probable a more just or accurate result could be attained than these gentlemen have arrived at. The amount ascertained to be due is a very large one, and Congress will have to make provision for its payment, if it is intended they shall be liquidated, of which I presume there can be no doubt."

Under this state of facts, a bill was introduced into this House at the last session, by the Delegate from Oregon, to pay these claims on the awards of the commission. This bill, I contend, should in justice have passed. The war had been recognized; its necessity was not questioned; its expenses had been assumed by act of Congress, and they had been ascertained and reported in manner as directed by that act. Was not this an adjustment made under the authority and with the full sanction of the Government, and was it not binding upon it? If the action of the Government in this case does not amount to what I have claimed for it, it does not amount to anything. And the marching and counter-marching with the "pomp and circumstance" of legislation and of administrative action, have only been so much trifling with a distant and important portion of our people, who deserve, and have a right to expect, better things.

This bill, providing payment of these claims, was referred to the Committee on Military Affairs in the House at the last session. The committee, through a resolution of the House, called on the Secretary of War for the report of the commission and accompanying papers. They were promptly placed at their disposal. But, instead of a personal examination, which, under the circumstances, might have been impracticable, but which was due to a subject of this magnitude, all these papers and rolls, consisting of some half a cord in bulk, were turned over to the Third Auditor for an analysis to assist the committee in coming to a proper conclusion in reference to the labors of the commission and the details of their work.

Although this reference was made to the Third Auditor during last session, with directions to report at the commencement of this session, nothing had been done in the premises when the pres-

ent session convened. At the most urgent solicitation on the part of the delegations of Oregon and Washington, the matter was finally taken up. The examination had, was, as the Auditor himself says, "cursory" in its character. In the words of a member of the Military Committee, [Mr. MARSHALL, of Kentucky,] used in the late debate on this floor, "it was a criticism," and what I call an ill-advised criticism.

I will review, in a brief manner, some of the points of this remarkable letter of the Third Auditor, and exhibit some of its inconsistencies not noticed by my friend from Washington Territory, [Mr. STEVENS.]

The letter of the Third Auditor says:

"The evidence of indebtedness went before the commissioners, generally, on report of the quartermaster and commissary generals. Whether or not the expenses were incurred necessarily, or the property expended in a proper manner by the subordinates; whether they were, in fact, wholly incurred, or were partly constructive or simulated, could only be determined by the commission.

"It may not be doubted that the quartermaster and commissary generals reported to them the true state of subordinate accounts as received by them; yet there is nothing among the papers to test their representation, and certainly nothing by which to ascertain whether the subordinates did or did not make faithful returns. It is to be presumed that the commission were satisfied on these points; for they approved everything—*only reducing rates;* and no reasons were given among the papers for even that. The only exceptions are few, and generally trivial. One or two cases of labor, where the persons were enlisted men; two cases where enlisted men were known to have been employed, and paid for the time, in the regular Army, although regularly mustered and discharged; and a few cases where the time of service has been reduced."

But the report of the commission under review says, upon this point:

"In examining into the amount of expenses necessarily incurred for the maintenance of these volunteer forces, the commission deemed it proper, under the authority contained in the order organizing the board, to visit extensively both Territories, with a view of being informed fully of the nature and extent of the late Indian hostilities, the means employed for their suppression, the rates of labor, the prices current of property furnished the service, and the facilities and expense of transportation.

"The officers of the staff departments of the late volunteer service were visited, and the mode of doing business and the integrity of their accounts inquired into. Irregularities and imperfections were, of course, to be found, but to a less extent than might have been anticipated.

"The commission, in pursuing its inquiries into the character and extent of such liabilities, first took up these vouchers and examined each in detail with reference to—First, its being genuine and sufficiently authenticated; second, the kind of property or services embraced, whether or not proper or necessary, under the circumstances, for military purposes to which devoted; and, third, the rates of compensation allowed or contracted for.

"Frequent conferences were had with officers and agents who originated these vouchers, and with the parties claimant, in all cases admitting of doubt in the regularity and integrity of the claims; and, when necessary, the sworn statements of disinterested persons have been taken.

"Such claims, and items in any claim, as were based upon the furnishing of property or labor not necessary or proper for the maintenance of the volunteer forces, have been rejected.

"In passing upon the rates of compensation and allowances, the commission took into consideration the various market prices of the different sections of country embraced in the field of operations during the late Indian war, and established, on the statements and testimony of the most competent witnesses, carefully adjusted prices-current of the several local markets. With these rates as a guide, each voucher was examined with reference to the sums therein allowed for the property or service described. In all cases where there existed established rates for particular kind of property in a district, and the rates in the voucher were excessive, a deduction was recommended and indorsed thereon. In cases where rates were not excessive, the voucher was indorsed 'approved.'

"Many of the claims were for kinds of property which could not admit of action upon any fixed basis, in which cases particular inquiries have been made in adjusting the amount allowed."

The italics in the quotation from the Auditor are his own.

Why does the Auditor say that there is nothing by which to ascertain whether the subordinates did or did not make faithful returns, when he can find among the papers, if he will examine, as perfect returns and complete accounting, as far as Oregon is concerned, as can be found in the accounts of the regular Army, except in a few unimportant instances?

Why does he say that "it is to be *presumed* that the commission were satisfied on these points, for they approved everything, *only reducing rates*, and no reasons were given among the papers for even that," when the report of the commission distinctly states that the regularity and integrity of the claims were strictly inquired into, and that such claims as were based upon the furnishing of property or labor not necessary or proper for the maintenance of the volunteer forces, have been rejected? The abstracts generally have been completed under the direction of the commission, after a full marshaling of the accounts, and rejected claims of courts would not be entertained upon them.

And as to there being no reasons given for the reductions recommended, such a statement could only come from one who had not read the report of the commission, nor examined the accompanying papers.

Complaint is made that some of the vouchers for miscellaneous expenditures are indefinite and uncertain. That is true; but the commission could not recognize the very basis of all these claims, and require a compliance with the technical accuracy of regular accounts. They devoted themselves to the only remaining alternative of calling on the claimants to establish the items of the account by proofs, and to justify their general integrity. Nor could the results of this labor become a matter of record without expending years in the work, and accumulating quantities of papers which would never be examined.

The Auditor cites, in his letter, many instances of vouchers selected from the accounts, showing great variation of prices and high rates of purchase; and, in extreme cases, he reports exorbitant charges, without stating what the action of the commission was in the premises. For instance, giving the purchases of Quartermaster L. P. Brown, he states his purchases to have been fifty horses and twenty-eight mules, "the horses from $100 to $500," without communicating the fact that the commission deducted all over $400 from the price of all horses exceeding that figure.

On giving the purchases of Quartermaster Millard, he says: "His prices appear to be enormous—horses as high as $550, mules $500. He purchased sixteen mules for $6,180; the lowest at $275, and the highest at $500;" with the same gross omission, in not stating the fact, patent on the very roll from which he copied these figures, that the *maximum price* allowed in any of these cases was $400; thereby leaving it to be inferred that all these rates passed the approval of the commission, and that the whole thing was an attempted swindle on the Government. This feature of *suggestio falsi* runs through the entire letter of the Auditor, as far as it relates to prices of property.

The Auditor notices, as a case of triple allowance or pay, that William Johnson, (of Keith & Johnson,) one of the owners of the ferry across the Columbia river, at the Dalles, has a claim of $644 50 against the Territory of Oregon; while, during the time in which this claim was engendered, the firm had contracted for $300 per month to ferry all the troops and public animals and stores, for Washington Territory; while Johnson himself was a private in Captain Goff's company of volunteers. Two other cases of triple pay, so termed, those of Packwood and Packard, at the Nesqually ferry, in Washington Territory, are mentioned by the Auditor as presenting this condition of things. These men were volunteers in the service of the Territory, and at the same time have claims for ferriage of troops and public animals; and he adds:

"The fact of their being in the service, under pay, seems not to have made any difference in their charges for ferriage; and they, or one of them, besides, charged for a great many separate meals to various passing travelers."

The simple fact is, that the owners of ferries in Oregon and Washington hardly ever run their ferries themselves personally, nor do I know that the people of those regions differ in this respect from the people of the States generally; and when they contract by the month to convey a person, or a family, or the troops of a State or Territory, across a river, they do not thereby preclude themselves from conveying other persons, or the troops of other States or Territories, for hire; nor do they preclude themselves from joining in the defense of their country. And further, I do not know of any law or rule of our Government which would forbid a keeper of a public house, as Packwood was, from entering the public service in time of war. And if he should do so, I cannot see how his family could be debarred from conducting the public house, as his did, in the name of the proprietor, and claiming and receiving pay "for a great many separate meals to various passing travelers." Can the fact that a man is a soldier deny to him the earnings of his ferry, or of his public house, or of his servants and family? And does it compel him to feed the public for nothing?

According to the Auditor, Quartermaster Peters's account show that in the hire of animals for public transportation, "the persons from whom the animals were hired were nearly all in the service as teamsters and packers." This is furnished as a class of instances of double pay.

In the mountainous regions of southern Oregon and northern California, transportation of goods by mule-trains is a very important branch of business. The proprietors usually accompany their own trains, and when they are required for public service, they enlist with their animals; and I never before heard the intimation of any rule which would deny the employé his pay, if he happened to own the animal which he might ride or drive.

The following statement is calculated to mislead:

"The adjutant general, (Tilton, the surveyor general of the Government, at a salary of $3,000 a year,) with the rank of brigadier general, reported for pay to the amount in addition of $4,815 81."

This would indicate that an attempted fraud had been disclosed. The commission made no such report. The staff-rolls were regularly made out, and the pay accruing to each officer, according to his rank, was carried out on the roll. When any officer held a public place under the United States, his official character and salary were stated also. The commission made no special recommendation, but gave all the facts, so that the proper accounting officer could adjust the matter according to the laws and rules governing his Department. Under general law, two salaries cannot be paid during the same current period of service; but the officer has his right to elect which he will take.

It is stated that the roll of Captain Williams's company, Washington Territory volunteers, "is full of errors and confusion." As the sole specification under this general charge, it is declared that "seventeen of the men are set down and reported for pay by the commissioner for themselves and horses, at nearly eight dollars per day, each." This sentence seems intended to induce the belief that the commission allowed seventeen men of Captain Williams's company "eight dollars per day, each," while the roll referred to does not show this. The roll will show, that on volunteering, seventeen men of this company put several horses each into the public service, which were used to mount the balance of the company; and, perhaps, some men of other companies, who furnished none for themselves. The roll further shows, that each of those seventeen men were allowed by the commission two dollars per day for his own services, and two dollars per day for the use and risk of each horse which he put into the service, and the amount is carried out in gross, to each man, according to the territorial law.

Referring to the same subject, in another part of the letter, the Auditor says:

"In some of the companies, the members had more horses in service than they were entitled to keep—all of which are reported for pay."

In letter, this statement is true; but in fact, it is not true. The members of any company who had more horses in service than they were entitled to keep, did not keep them. They were entered to the use of the Territory, and were used to mount men who had no horses, and such were reported on the same roll as mounted on horses furnished by the Territory, because the Territory was charged on that roll with the hire of the horses so furnished.

The same answer will apply to the reference made to Captain Yantis's company, "in which one private is reported for pay for three horses in service, which was two more than he was entitled to keep." No private in either of the Territories did keep, or receive pay for, more than one horse for his own use. This mode of entering horses furnished by the volunteer, or by others, on the company muster-roll, is not a new thing in the frontier service of the country. It was practiced in the volunteer service of 1853, in the Rogue river

country, and in other volunteer services. The commission had no power to reconstruct these rolls in this particular, and it remained only for them to report the services and the right of claimants; which they did.

Referring to the transactions of Quartermaster Millard, the Auditor says:

"He, as well as the rest of quartermasters of the Territory, appear to have considered tobacco an article of military supply, which, it is scarcely necessary to say, is unknown to any service ever recognized by the United States."

The article is treated by Quartermaster Millard as "clothing, of which he received and issued two thousand three hundred and twelve pounds." Now let me ask, Mr. Chairman, how was the article of "clothing" treated in these accounts? The law required that the volunteer should furnish his own clothing; and in case he was unable to do so, he was furnished by the Territory, and the amount so furnished was charged to him and estopped against his pay. So with tobacco; it was not a part of the military ration, as whisky used to be in the time of our grandfathers, but it was furnished as clothing was, and estopped against the pay of the volunteer. I think, with the Auditor, that it was "scarcely necessary to say" that the supply of tobacco to our military service is unknown, for such a statement is not founded in fact. The American soldier, nowhere, is ever found without his tobacco, any more than Napoleon was found in battle without his snuff. At established military posts of our Army, sutlers, dealing with the soldiers under authority of the commanding officer, furnish them with tobacco, keeping an account which is adjusted at the monthly pay table, if not before, by the soldier himself. And during campaigns beyond the line of settlements, commissaries, when there are no traveling sutlers, are ordered to take a supply of tobacco, and to furnish it to troops at cost, estopping the amount from their monthly pay account. Our army in Mexico, in many cases, were supplied in this manner. The volunteers of Oregon and Washington received no monthly payments; and, consequently, the supplies of this character were furnished by the Territories, and estopped against the pay that might be allowed them thereafter. In principle, the practice in the regular Army and that of the volunteer service of Oregon and Washington are the same in this particular. The only difference is, that the consumption of tobacco does not appear in the accounts of the regular service, and does appear in those of the volunteers. Nor would these items have appeared in the volunteer accounts if there had been monthly, or any other payments, whereby they could have been adjusted otherwise.

In the examination of the accounts of Washington Territory, constant complaints, like the following, occur:

"None of the property purchased by Governor Mason appears to be accounted for."

And again:

"There are twenty-nine vouchers representing these claims, not one article of which appear to be accounted for."

Instead of mixing in these constant complaints throughout his letter, why did he not do the people and officers of that Territory the justice to give the plain statement of the commission relating to this very subject, as follows:

"The authorities of the Territory of Washington have not been able to present, in any regular or tabular form, satisfactory accounts of the disbursement or use of such public property as was actually expended in the public service; in the absence of which, the commission, in addition to the personal examination of the board in the premises, has required sworn statements of such officers (chief and subordinate) as were charged, during the service, with the same, touching the disposition of such property."

And why did he not examine these sworn statements and state their effect in a fair and just manner?

To one acquainted with the condition of our frontiers, and the history of our country, this failure to furnish regular accounts is no marvel. No attempt was made at any accounting in this particular in the Cayuse war; in the war with the California Indians, in 1850; in the Rogue river war of 1853; or in any irregular service that I know of, except in that of Oregon in 1855-56. And the General Government, in adjusting the expenses of those wars, has never demanded any regular accounting. The inexperience of those issuing such public property has generally precluded the practicability of full accounting.

But when there is a regular and accurate accounting, the Third Auditor points at it with the finger of ridicule. Presenting the property account of Captain William Kelly, he says:

"The public property received by this officer and his company is very regularly accounted for, though the abstracts and vouchers are made out in triplicate, *which was an unnecessary waste of stationery.*"

I will only remark that all disbursing officers of this service who did their business safely, made out their abstracts and vouchers in triplicate; one for the United States, one for the Territory, and one for their own protection.

In presenting the accounts of L. P. Brown, quartermaster at Deer Creek, for the purpose, I suppose of indicating that there were too many quartermasters, he says that, "Deer Creek is near Fort Leland, where Huelat (a quartermaster) was." This information would be important, if true. Deer Creek is eighty miles from Fort Leland; the one in the Umpqua valley, the other in the valley of the Rogue river, separated from each other by the Umpqua mountains, six thousand feet high. Through a deep pass, a cañon in the mountains twelve miles long, the Government has been constructing a military road at an expense of $20,000 to connect the two regions for military purposes.

Some of Quartermaster Brown's accounts show that wheat, oats, and barley were purchased during the war for scrip, at rates exceeding four dollars per bushel; and that in September, after the close of the war, oats were purchased as low as seventy-five cents per bushel, and hay at thirty dollars per ton. The auditor adds:

"This shows the difference between scrip credit prices during the war, and cash prices immediately thereafter."

Now, Mr. Chairman, allow me to make a statement which will not confuse the minds of gentlemen, nor mislead the judgment of this committee. In the accounts of Lieutenant Sweitzer, of the regular Army serving in southern Oregon, in the fourth quarter of 1855, which was at the commencement of the volunteer service in that region, and when prices were lower than at any time afterwards until its close, he paid for oats twelve and a half cents per pound, which, according to the weight of oats in that country, is five dollars per bushel. He paid eight cents per pound for barley, which is $4 80 per bushel. He paid five cents per pound for hay, which is $100 per ton. These were cash payments. After the war he could have purchased as low as Quartermaster Brown did, because a new crop had been harvested, and extraordinary demand had ceased. *This shows the difference between cash prices during the war and cash prices immediately thereafter.*

The Third Auditor, had all these facts before him, when he made the ingenious statement which miscarried the Military Committee on this point. Slight inaccuracies of figures, as where a seven has been reckoned as a nine, by its being mistaken for that figure by a computing clerk, &c., have been placed in bold relief in this letter, as though more mistakes of the kind, in half the amount involved, did not frequently occur in the accounts of every department of the Government. What relevancy has such kind of criticism to an inquiry into the merits of these claims on the principles on which they were adjusted? But I have no time to go further with these corrections and exposures, although they might, with ease, be carried to the end of the chapter.

Mr. Chairman, my friend from Washington Territory [Mr. STEVENS] thinks that the Third Auditor, "through ignorance did these things." I will not characterize this letter to the Military Committee in the terms which I now think it deserves. I hope it may prove to have been written under a misapprehension of the real facts.

The Committee on Military Affairs (I am sorry that I see none of them present) took action based upon the statements of this letter. Could action on such a basis be otherwise than unjust? They reported to this House, through their chairman, [Mr. FAULKNER,] the following resolutions, which, after some debate, were adopted:

"*Resolved*, That, preliminary to the final settlement and adjustment of claims of citizens of the Territories of Oregon and Washington for expenses incurred in the year 1855-56, in repelling Indian hostilities, it shall be the duty of the Third Auditor of the Treasury to examine the vouchers and papers now on file in his office, and make a report to the House of Representatives by the first Monday in December next, of the amounts respectively due to each company and individual engaged in such service; taking the following rules as his guide in ascertaining the amounts so due:

"1. He shall recognize no company or individual as entitled to pay, except such as were called into service by the territorial authorities of Oregon and Washington, or such whose services have been recognized and accepted by the said authorities.

"2. He shall allow to the volunteers engaged in said service no higher pay and allowances than were given to officers and soldiers of equal grade at that period in the Army of the United States, including the extra pay of two dollars per month given to troops serving on the Pacific by the act of ——, 1852.

"3. No person, either in the military or civil service of the United States, in said Territories, shall be paid for his service in more than one employment or capacity for the same period of time; and all such double or triple allowances for pay as appears in said accounts shall be rejected.

"4. That, in auditing the claims for supplies, transportation and other services incurred for the maintenance of said volunteers, he is directed to have a due regard to the number of said troops, to their period of service, and to the prices current in the country at the time, and not report said service beyond the time actually engaged therein, nor to recognize supplies beyond a reasonable approximation to the proportions and descriptions authorized by existing laws and regulations for such troops, taking into consideration the nature and peculiarity of the service.

"5. That, all claims of said volunteers for horses, arms, and other property, lost or destroyed in said service, shall be audited according to the provisions of the act approved March 3, 1849."

The first resolution is unimportant, as no action will ever take place under it, after the facts are known; and these facts have been patent on the rolls at all times.

The second resolution is intended to cut down the pay of volunteers from two dollars per day to the grade of regular troops. The crying injustice of this rule would be to defeat its object, the adjustment of the claims of the citizens for services rendered the Government in time of war. The volunteers would not accept anything under it. In fact, many of them could not accept anything, for in cases where volunteers were furnished an outfit of clothing for the service, as they were in many instances by the Territories, at rates of purchase, and the prices estopped against their pay on the rolls, they would be in debt to the Government after having served four or five months in the war. The service in Oregon and Washington was mostly rendered during the winter months of 1855-56, and the volunteers going into the field without tents or shelter of any kind, campaigning mostly beyond the line of settlements, sleeping on the frozen ground or in the mud and snow, they needed about the following outfit:

2 pairs heavy blankets, at $8	$16
1 overcoat	20
1 pair of pants	10
1 hunting shirt	6
1 pair boots	10
Other clothing	10
Amount	$72

If in service five months, he might be allowed $60. The account would then stand:

Volunteer —— *To the United States,*	*Dr.*
To one suit of clothes	$72
Cr.	
By military service as a private, &c., from October 15, 1855, to March 15, 1856, five months	60
Balance due the United States	$12

But this is not half the account. The volunteer, at the close of the war, would return to the settlements, his clothing, and perhaps his constitution, worn out in the service. If he was poor and had no credit, he could not supply himself with clothing; and before his discharge, would demand of the quartermaster a suit of clothes, to enable him to return to his friends decently clad. There are instances where such advancements have been made at the close of the service. This would add still more to his indebtedness. In all those cases, where these disabilities do not appear on the rolls, they have been discharged in cash by the volunteer during the service. It will be thus seen how insignificant the amount of pay under this resolution will be, as compared with the necessary personal contingencies of the volunteers in this war.

But, Mr. Chairman, it is said the volunteers receive the same pay as regulars serving in the

same field. Not so at all, under any application of this rule. The regular soldier is relieved of every possible expense; he is clothed and fully rationed and quartered at the cost of the Government; he then receives his monthly pay clear of charges. If he is transported to that country, it costs the United States $210 per man from New York to the place of rendezvous of the volunteers. If he enlisted in Oregon, or Washington, he received $130 in cash, as a bounty for enlistment. The effect of this enlistment under bounty, does not keep the soldier in that country, for he may not serve there six months.

There are upon the rolls of this service, six thousand four hundred and fifty-two men.

To have recruited them on the Pacific coast, it would have cost the United States $838,760.

To have transported them there, from New York, saying nothing of the expenses of concentrating them at that city, it would have cost the United States $1,354,920.

To this might be added $80,000 for monthly pay during transportation.

The entire allowance for personal services reported by the commission at the rate of two dollars per day, is but $1,886,585.

In making out the pay-rolls of this service, the commission did not act upon any discretion of theirs in the premises, although they considered the standard reported a just one. The law of Congress, and the order of the Secretary of War authorizing their action, directed them "to examine into and report the expenses incurred by the territorial government" in conducting this war, "including pay of volunteers."

The law of the Territory fixing the pay of the volunteer at two dollars per day, was a part of the action of the territorial government in levying these troops. It was the contract between the government and the volunteers, and the commission were bound to recognize it, and to act upon it, if they reported, as required to do, what expenses the territorial government had actually incurred. It has been said that it was not necessary to have paid so much. If so, it makes no difference with the obligation. But can the United States raise troops by recruitment on that coast at a less rate of pay? The offered bounty of $130 secures no recruits. It gains some few reënlistments after the expiration of the term of service of worn-out soldiers, unable, even in that land of gold and high wages, to support themselves.

The provisional Government of Oregon conducted the Cayuse war in 1847, before the discovery of gold on the Pacific, and when wages were much lower than since that time. That government allowed $1 50 per day, by law, for troop service, and issued its bonds, payable with interest, for adjusting the account.

The State of California paid for troop service, in 1850, $5 per day, and issued her bonds in the same way. These were the lowest rates of ordinary wages in these countries, at the time of the service. They were just, and have been assumed and paid by the United States. Two dollars per day was the lowest rate of ordinary wages by the month, in Oregon and Washington, in 1855–56; and was fixed by law as the pay of the citizen-soldier.

But, Mr. Chairman, I will say no more on this subject. Time will not allow.

The third resolution declares that no person shall be paid for his services in more than one employment in the same time, and that "all such double and triple allowances for pay as appears in said account shall be rejected." This is proper, and will affect the action of the commission in no manner whatever; for it is the rule on which they acted. Instances may, and probably will, occur to the contrary, owing to the complicated nature of the original papers, and the necessity of action by the board on these accounts, a part at one time, and a part at another, without opportunity of comparing and testing the whole together. But these instances are not of the nature which the Auditor has generally put forward in his letter as cases of double and triple allowance, as I have just shown.

The fourth resolution, intended to restrict claims for transportation, &c., is, doubtless, based upon the following clauses in the Anditor's letter:

"It appears from the muster-rolls that of the animals first purchased, three hundred and sixty were furnished the first regiment in northern Oregon, and twenty-six to the ninth regiment in the south. The field and staff were furnished with thirteen, and the second regiment with but sixty-seven. These include long and short periods. It is seen, therefore, that nearly all the animals purchased must have been used for transportation purposes, in addition to the great number of pack animals and teams hired. It is quite probable that the animals hired for long periods might not have been used all the time, but were in possession of, or at the command of the Territory."

I will now show the fallacy of the statement and deduction, and I will not go beyond the Auditor's letter to do it.

How many animals were there of those "first purchased," which he refers to?

Quartermaster General Miller, and Assistant Quartermaster General Zeiber, were the only purchasers during the first periods of the war. The former purchased three horses; the latter, six hundred and fifteen horses and ninety-seven mules; making, in all, seven hundred and fifteen animals. Of these, according to the quoted statement, four hundred and sixty-six were used to mount the troops at the outstart, leaving one hundred and forty-nine for the transportation of two regiments of troops.

These volunteers executed marches beyond the line of settlements into the interior, equal to half the distance from Fort Laramie to the Great Salt Lake. The advance of our little army to Utah, if I recollect right, consisted of about two regiments; and their outfit for transportation was one thousand three hundred six-mule wagons, making seven thousand eight hundred public animals for this kind of transportation alone. I do not pretend that this is a parallel case at all; but I cite it to show those unacquainted with the subject, what transportation is sometimes required in a military expedition.

Most of the transportation in the Oregon and Washington service was done by hired trains and teams; a few were purchased. None were on the hands of the Territories idle, as intimated. There were a great many horses purchased during the war, but they were used to remount the troops. The "recruiting battalions," as they were called, were nearly all mounted in this manner. This winter campaigning in a wild, unsettled region, without forage, except what the poor animals can obtain for themselves over the bleak hills and amidst the snows, soon kills off the best of horses. Our army for Utah lost five thousand public animals by starvation and fatigue on the line of march.

But, Mr. Chairman, the restriction on claims for supplies contained in this resolution will not affect the Oregon claims. The Oregon volunteers did not have their allowances in many cases. In the first expedition through the Yakima country, they subsisted, as to the meat ration, principally on captured wild cattle; and in the Walla-Walla country, in the dead of winter, their rear having been occupied by the hostiles, and their supplies cut off, they subsisted, solely, for weeks on the flesh of their dead horses and mules, perished by fatigue and starvation. A portion of this time they did not even have salt for a relish.

But the rule will take effect on the claims of Washington Territory growing out of "supplies issued to distressed families in time of war," an issue which the Third Auditor confesses he never heard of, but which, as my friend from Washington [Mr. STEVENS] has shown, is known in the Army of the United States, and in the military service of every civilized Power, where humanity prevails.

The persons who received these issues were those who had been driven from their homes, who had witnessed the destruction of their dwellings, and the slaughter of their herds and flocks by the savages, and had been gathered into block-houses and stockade forts for safety. From plenty and happiness, they had been reduced in a day to poverty and distress. They were cut off from any means of supplying their own wants by their labor, for they were beseiged. They must have been subsisted, or starved. The Government owed them protection, and if it were not granted at that time, the failure only adds ten-fold weight to the obligation to relieve them from this contingent of the want of such protection.

I cannot bring myself to believe that this House voted for such a resolution with the understanding that such was or would be its effect.

The fifth and last of this series of resolutions provides that all claims of volunteers for horses, arms, and other property, lost or destroyed in said service, shall be audited according to the provisions of the act approved March 3, 1849. This act, or rather the first section it, which bears more particularly on this subject, I will read, with the permission of the committee, as follows:

"*Be it enacted, &c.*, That any field or staff, or other officer, mounted militia-man, volunteer, ranger, or cavalry, engaged in the military service of the United States since the 18th of June, 1812, or who shall hereafter be in said service, and has sustained, or shall sustain, damage without any fault or negligence on his part, while in said service, by the loss of a horse in battle, or by the loss of a horse wounded in battle, and which has died or shall die of said wound, or, being so wounded, shall be abandoned by order of his officer and lost, or shall sustain damage by the loss of any horse by death or abandonment because of the unavoidable dangers of the sea when on board an United States transport vessel, or because the United States failed to supply transportation for the horse and the armor, were compelled, by the order of his commanding officer, to embark and leave him, or in consequence of the United States failing to supply sufficient forage, or because the rider was dismounted and separated from his horse, and ordered to do duty on foot, at a station detached from his horse, or when the officer in the immediate command ordered, or shall order, the horse turned out to graze in the woods, prairies, or commons, because the United States failed, or shall fail, to supply sufficient forage, and the loss was or shall be consequent thereof, or for the loss of necessary equipage, in consequence of the loss of his horse, as aforesaid, shall be allowed and paid the value thereof, *not to exceed* $200: *Provided*, That if any payment has been, or shall be, made to any one aforesaid, for the use and risk, or for forage after the death, loss, or abandonment of his horse, said payment shall be deducted from the value thereof, unless he satisfied, or shall satisfy, the paymaster at the time he made, or shall make the payment, or thereafter show, by proof, that he was remounted, in which case the deduction shall only extend to the time he was on foot: *And provided also*, If any payment shall have been made, or shall hereafter be made, to any person abovementioned on account of clothing to which he was not entitled by law, such payment shall be deducted from the value of his horse or accouterments."

The only feature of this law which is to govern the Auditor in his action, that I wish to notice is, the limitation of $200, which is not to be exceeded in making allowances for horses killed in battle, lost, or worn out in service.

This law was a very just one, no doubt, when it was made, ten years ago. But since that period, we have reduced to civilized occupancy a vast domain on the Pacific, throughout which prices of all kinds of property range certainly one hundred per cent. higher than in any part of the States to which this law applied at the date of its enactment. With what justice, then, can such a law be extended and applied to a service which does not fall within its purview, (for these troops, in the eye of the law were not "in the service of the United States,") or what line of policy, leaving justice out of sight, would dictate that when the citizen soldier had had a valuable horse shot under him in battle, and could prove that he was worth $400, he should be paid only $200; and that without being allowed a dime for the service of the animal?

This action has evidently been based upon the following clauses in the letter of the Third Auditor:

"In the absence of any testimony on these points, I have had recourse to the accounts of disbursing officers of the regular Army in Oregon and Washington Territories during the latter part of 1855, and the first quarter of 1856, with the view of ascertaining the prices paid by them for purchases of property, of supplies, hire of employés, &c.

"Lieutenant Withers, during the two quarters, purchased one hundred and eleven horses, at prices ranging from $60 to $200, the average cost being little less than $124. Some of these are described as 'American horses,' ranging from $160 to $200 each; others as 'half breed,' at about $125. Of mules, fifty-one were purchased at prices ranging from $140 to $200 each, and averaging $158 each."

This purchase of horses by Lieutenant Withers was made known to the commission at the time of their action on the allowances for horses lost in service which they reported. Lieutenant Withers having been transferred from the department of the Pacific to the department of Texas, the commission caused the principal agent who made these purchases to come before them. They took his sworn testimony relative to the value of those animals, and the value of the animals in the volunteer service with which he was well acquainted. His statements were, that these one hundred and eleven horses were generally of an inferior order, that very few of them were of American blood, and were in some instances returned worn-out horses from the volunteer service; that, as an

average lot, they were not of one half the value of those of the first regiment of Oregon mounted volunteers. He further states that none of them were fit for mounting dragoons in the regular service.

On this, and other testimony of a like character, $400 was established as a *maximum price* for horses; and I will say that this was regarded by the public there as a low maximum.

To show the reason of the great diversity of prices of horses appearing in these accounts, I will state that there are three distinct classes of horses found everywhere west of the Rocky Mountains. The first and most valuable is the American, taken there overland from the older States. The second is the Spanish, of less value, but often a good saddle horse, introduced from the Mexican settlements south; and the third and most valueless, the Indian. The Spanish and Indian horses, and their mixtures, are commonly sold at ordinary rates of American horses of the common qualities in the older States, while the American horses are of double the value.

A statement of the value of this latter class of property in the Pacific States and Territories is found in the report (No. 132) of the Committee on Indian Affairs of this House at last session, made upon sworn testimony in the premises, in adjusting the claim of certain mail contractors for the loss of horses killed or driven away by Indians on the route from California to Salt Lake. The statement is as follows:

"These animals are proved to be worth from two to five hundred dollars each. Nor does this sum seem to your committee extravagant. The route was between Salt Lake and California; none but the best stock could perform the service. For, in addition to the length of the trip, there were changes of grass and climate and water, which would destroy the constitution of any but the very best animals. The prices of stock in Salt Lake and in California were high; and when an animal well suited to the service was procured, his value to the contractors was doubtless $500.

"Your committee, therefore, think it reasonable to take the sum of $350, the difference between $200 and $500, as the average price of each animal, and thus ascertain the eighty-three animals of Messrs. Woodward and Chorpenning killed to be worth $29,050."

This presents the true cash value of good American horses throughout all that country. Many of the horses of the volunteer service of Oregon and Washington were of this class, and they were particularly required for the long interior campaigns, extending over a field of operations more than half way to Salt Lake.

But here let me state that there have been purchases of horses made for the regular service in Oregon since the war, when, as the Auditor shows, prices had fallen very much, at rates varying from two hundred to three hundred and fifty dollars; and these were generally under size for mounting dragoons.

These facts are to be had from the same sources whence the Third Auditor sought out the precious item of the one hundred and eleven condemned animals. Why did he not present these facts when he was pretending to give information to the committee?

Mr. Chairman, with such facts on the record, (and I might place there a thousand others in their support, had I the time,) who will say that the system of legislation pointed out by these resolutions, will not prove to be the concentration of injustice? Who will say that the General Government has discharged its duty to those infant and embryo States on the Pacific, by paying half their expenses incurred in these Indian wars—wars fought to maintain there the flag of the nation, to enforce its jurisdiction and laws, and to open for sale and settlement that vast scope of country embraced in the western shed of our continent?

I can but feel oppressed at the apparent indifference manifested here to the condition and claims of that country.

Times were when, in the lights of earlier statesmanship, we would have fought Great Britain, at an expense of $200,000,000, to have saved one half of Oregon to our common flag. Yet the American pioneers of that sunset land, taking possession of the country while yet, *de jure*, it was in the joint occupancy of both contending Governments, and planting there our institutions, saved the whole, and that without a war. They have had struggle after struggle to maintain their foothold. They have been beset and tempted by powerful foreign influences; but as naturally and truly as the prairie sun-flower turns to the source of light, they have looked to the standard of the Union and clothed themselves in the beams of American liberty. And they have triumphed, and been welcomed here as a sovereign State. They bring to the common altar of our country the fruits of their weary toils as pioneers of our great western empire. Shall we now witness the spectacle of the American Congress denying to these people a just recognition of their services?

REVENUE AND EXPENDITURES.

SPEECH OF HON. J. S. MILLSON,

OF VIRGINIA,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. MILLSON said:

Mr. CHAIRMAN: The subjects of revenue and expenditure are deeply interesting at the present time. They are kindred, or rather reciprocal, subjects. They ought not to be considered apart; and, indeed, the one cannot be properly understood without the other. I propose to answer the argument of the gentleman from Pennsylvania [Mr. PHILLIPS] on the subject of revenue, and to review the remarks of my colleague [Mr. GARNETT] on expenditure.

A few years ago, we were embarrassed with riches. We had more money in the Treasury than it was proper to have, and so much, indeed, that we found it difficult to get rid of it. Congress then determined to reduce the revenue. It was expected and intended that we should make a reduction of about $11,000,000. We passed a bill having that object in view; and now, having accomplished the design which was deliberately entertained, gentlemen seek to make our very success the means of frightening us. The law of 1857 was intended to reduce the amount of revenue $11,000,000 below the act of 1846. It has accomplished this very object. But still the cry is raised that the country is about to sink into bankruptcy and ruin. And why? Because, from transitory causes, which are already passing away, and which operated upon the existing tariff almost as soon as it went into effect, it has failed to bring into the Treasury the amount of revenue expected, and which would have been brought in, but for the happening of these temporary difficulties. I do not say that the tariff of 1857 is the best possible tariff. I myself objected to the principle upon which that tariff act was framed. I objected to the large free list; and in giving my vote for the passage of that law, I stated that I did so because it reduced the taxes, and with a protest against the principle of the reduction.

I need not dwell upon the causes which have prevented that tariff from securing an ample revenue to the Treasury. We know that these causes are to be found in the general embarrassment of trade throughout the commercial world. They are not local, not partial, not produced by the operation of that law, not confined to the United States, but they are universal. They originated in the inflation of the general currency, from the multiplication of gold coin, and the consequent expansion of bank issues, which will always increase as the specie basis increases. There was, then, a falling off of importation—a falling off of importation of all kinds of merchandise, the unprotected as well as the protected. Now, sir, the advocates of protection, seeking to take advantage of the present embarrassment, and coming forward under color of raising revenue, demand that the country shall return to the exploded policy of protection. They endeavor to show that the present condition of the Treasury requires higher duties to bring in a larger revenue, but their object is to have these duties imposed with reference to the protection of certain favorite interests.

The effect, then, would be, not to increase the revenue, but to reduce it. The duties they propose would tend, not to increase importations, but diminish them. They desire protection; and they seek, by means of specifics, to lessen the competition of foreign articles with their own; and all this they do in the name of revenue, revenue. They try to alarm us into their measures, by insisting upon the low state of the Treasury. They tell us that the income from the present law will not meet the necessary expenditures of the Government. If that be so, and I will not now controvert it, then, for that very reason, I oppose their efforts. If the present law will not raise a sufficient amount to meet the current expenditures of the Government, then I am only the more opposed to any reduction of the revenue by means of such imposts as will prohibit, or lessen the importation of foreign merchandise. I need not, then, attempt to confute the arguments by which the gentleman from Pennsylvania [Mr. PHILLIPS] endeavored to prove that there must be a large deficiency under the tariff of 1857. I meet the gentleman on his own selected ground. If his premises be right, then, for that very reason, his conclusions are wrong.

If the gentleman thinks the Government is likely to be plunged into embarrassment, one would suppose he would come forward and insist that the necessary amount of money should be raised by a loan. But the gentleman from Pennsylvania, at the very moment of indulging these melancholy forebodings, declares his unalterable purpose to afford no relief whatever by consenting to a loan.

The gentleman's argument is so foreign from his conclusions, that he must pardon me if I compare him to a celebrated barrister who flourished in one of the clubs of London, some years ago, and who was known among his acquaintances as Counsellor Therefore. He always assigned reasons for doing a thing which were exactly the reasons why it should not be done. And we are now urged by this "Counsellor Therefore" argument, to add to our revenues, by protecting the interests of Pennsylvania, through specifics that are designed to prevent or diminish importations of coal and iron, on which revenues are raised.

Mr. PHILLIPS. Will the gentleman allow me to correct him? He has referred to what I said, and stated that I would not consent to a loan. The gentleman will pardon me: I said no such thing. I said I would not consent to a loan unless provision was at the same time made for paying that loan at maturity. The gentleman will find that I never said I would not vote for a loan, except in that way.

Mr. MILLSON. The gentleman will never consent to vote for a loan, unless we couple with it a proposition for specific duties, by which the revenue is to be injured rather than benefited; unless we couple with the loan a proposition to impose specific duties, the object and effect of which are to cut off importations of articles that come in competition with the productions of the gentleman's constituents. I do not think the gentleman has bettered his case by the explanation.

The gentleman wants specifics; but would he have such specifics as we find in the British tariff? Would he be content with two and sixpence a hundred weight on machinery, cutlery, and other manufactures of iron and steel, and fifteen shillings a hundred weight on fancy, ornamental articles of iron and steel? Would he like such specifics as a shilling a quarter on wheat and other grain, and four pence half penny a hundred weight on flour? Are these the kinds of specifics the gentleman wants? Oh, no; he does not want specifics that exclude nothing, that bring revenue into the Treasury. He wants specifics that will keep money out of the Treasury. He desires all this, because he knows that, under the operation of such taxes, his constituents will receive more than they pay. But I beg leave to remind him that our constituents are expected to pay more than they receive.

But the gentleman insists that, under the act of 1857, the revenues will not pay our expenses. What are his reasons? Why, because it would require this year importations to the amount of $343,000,000; and, next year, to the amount of $381,000,000, to yield the necessary revenues. Without stopping to inquire whether the gentleman's calculations are correct, I ask him why he supposes that the importations cannot hereafter reach the amounts he considers necessary? What

has been the increase of our importations within ten years past? In 1847, our whole foreign imports were but $122,000,000. In 1857, they were $348,000,000—an increase of about three hundred per cent. in ten years. I will state the yearly increase of our imports within that period:

In 1847.....	$122,000,000	In 1853.....	$263,000,000
1848.....	148,000,000	1854.....	297,000,000
1849.....	141,000,000	1855.....	257,000,000
1850.....	173,000,000	1856.....	310,000,000
1851.....	210,000,000	1857.....	348,000,000
1852.....	207,000,000		

And yet, with this steady and regular progression, the gentleman tells us we cannot expect a like increase of our imports, in future, or that they will even reach the importations of 1857.

Mr. HOWARD. Do you include bullion in those importations?

Mr. MILLSON. Of course I do; but there is very little bullion imported, I fancy.

This shows an increase from year to year. But the gentleman asks, how we are to pay for these imports? I tell him we are to pay for them by our exports. I have no difficulty upon that point; and let me remind the gentleman that the respectable merchants of the country, who order goods from abroad, will have no difficulty on that point. If they cannot pay for them, they cannot get them; and if they do get them without paying for them, I think that, in an economical point of view, it is not we that have cause to complain, but their creditors abroad. But if our merchants cannot pay for their goods, it is not likely they will get them.

Now let us see what has been the progressive increase in our exports. The exports have increased from $150,000,000 in 1847, to $278,000,000 in 1857. They were:

In 1847.....	$150,000,000	In 1853.....	$189,000,000
1848.....	130,000,000	1854.....	215,000,000
1849.....	131,000,000	1855.....	192,000,000
1850.....	134,000,000	1856.....	266,000,000
1851.....	178,000,000	1857.....	278,000,000
1852.....	154,000,000		

Here is a regular progression in our exports; and yet the gentleman asks us how we are to pay for our imports? I tell him we *have* paid for them. If the gentleman consult the returns at the Treasury Department, he will find that our exports, including specie, in the last five years, have actually exceeded our imports, including specie, in the amount of $25,000,000. If the gentleman add to that the differences between home and foreign valuation, commercial profit, freight, and other charges, he will find that the real excess of exports over imports was nearly $100,000,000 in the last five years. And yet the gentleman asks me how we shall pay for our imports? He need not trouble himself with any such inquiry. We shall pay for them as we have heretofore paid all our indebtedness to foreign countries. The gentleman asks the question, as if Congress were called on to provide for the payment of our imports. That is not part of our functions. The people of the country may well be trusted with the management of their own business; and the gentleman need not be alarmed lest they should become involved and unable to pay for the goods they may order.

Now, Mr. Chairman, these efforts of gentlemen representing the protected classes have been, as I have said, made rather with a view of impairing the revenue than of adding to it. I know, very well, that they would put a double tax on other things to make up the deficiency produced by the exclusion of the articles intended to be shut out. That is their policy. Do they hope to blind others to their designs? Do they hope that the intelligent people we represent will be unable to penetrate their real object? No, sir; it is to cut off competition; and you can cut it off in no other way than by diminishing importation. Their purpose is to diminish the revenue from coal and iron, and to make up the deficiency, so as to meet the expenses of the Government, by higher taxes upon non-protected articles.

Mr. MONTGOMERY. If the gentleman knows anything about the coal trade of America, he is aware that, under the reciprocity treaty, the coal trade between the British provinces and the States of the Union is entirely free. There can be no duty imposed on it that would be any protection to Pennsylvania coal, and we ask none. Nor do we desire to decrease the imports. The effect of the tariff would be to increase the price for a short time; but it does not follow that it would decrease the imports.

Mr. MILLSON. We know very well that it is the desire of the people of Pennsylvania to have coal, as well as iron, protected. I am attributing to them the motives that prompt their political movements. I had not an opportunity of hearing the gentleman's argument. I only saw his speech reported yesterday. But from the tenor of that speech, as well as that of the one made by his colleague, [Mr. PHILLIPS,] to which I was just now adverting, I feel myself impelled to persuade them to come into the communion of the Democratic party upon this, their most sacred article of faith. I wish I could persuade them, and that they would persuade the people they represent, to give up their idols, not of wood and stone, but of coal and iron. But if they will not, they must pardon us if we refuse to bow down before them.

Mr. MONTGOMERY. I desire to say, in reply to the gentleman, that I have always been within the pale of the Democratic party. It is himself who is without the fold of that party. He is fighting under another banner than that of the Democratic party. From the days of George Washington to the present time, no Democrat who has occupied the presidential chair has advocated any other than the principles for which we contend. No Democratic President has ever been nominated or elected on any other platform, or under any other flag than the one under which we now fight.

Mr. MILLSON. Mr. Chairman, the gentleman refers to Washington, and the earlier Presidents, as advocates of protection. Will he agree with me to vote for a tariff bill such as the ones they sanctioned? Will the gentleman agree with me to vote double the duties which they sanctioned? I will meet him upon that ground. When he talks about the early Presidents as the advocates of the protective policy, I tell him that I will bind myself to vote for three times the rates of duty then imposed, rather than for the duties he demands.

The gentleman, in his speech, advised us not to war against the Almighty. It is to the gentleman himself that that remark would apply. It is to him that the admonition should be addressed. He and his constituents are warring against the decrees of Providence. Sir, cannot they see the admirable wisdom of those arrangements, which give to each country its own soil, climate, and production, and which compel commerce among men by those reciprocal wants which no single region can supply? If their natural advantages or social position make them less fit than others for employments in which they yet wish to engage, can they justly expect that we will join them in the attempt to force labor and capital into new and unprofitable pursuits? Is it not, indeed, most unreasonable to suppose that we should consent to make up the losses of their barren industry, by compulsory contributions from all the rest of the community? No, sir; let them apply themselves to genial labor. Let them be content with the due and proper reward of their toil. But if they will enter upon a sterile occupation, let them not seek to appropriate to themselves any part of the fruits of other men's labor, to eke out the scantiness of their own earnings.

Mr. MONTGOMERY. Permit me to say one word.

Mr. MILLSON. I will yield to the gentleman for a moment.

Mr. MONTGOMERY. I say to the gentleman here, as a Representative from Pennsylvania, that he cannot to-day point out, in his speech which he intends to send to his constituents, a single article that has been protected which has been produced in this country, that is not cheaper than it was when the protection was afforded, and that did not steadily decrease in price under that protection.

Mr. MILLSON. Such has been the progress of human ingenuity; such has been the multiplication of labor-saving machines, that in spite of these efforts to keep up the price, the price has fallen; and hence the rapid decline of price has made these frequent tariffs necessary. Because the price has fallen, from time to time, in consequence of the greater facilities in producing the raw material, or of manufacturing it into the complete fabric, the protectionists have been forced to raise the taxes, from time to time, in order to oppose the march of science and improvement, and still keep out the articles intended to be excluded.

But I must pass from this topic, which is only introductory to another subject more directly applicable to the bill before us. These efforts of the protectionists; these complaints of the insufficiency of the present tariff, and clamor for a higher one; these predictions of the insolvency of the Government, have had some effect, I am sorry to say, upon other gentlemen. Some of them have become alarmed at what they call the extravagant expenditures of the Government. Sir, they seem to be panic-stricken; and almost every vote given in reference to appropriations asked for or required, is given under the influence of mortal apprehension, lest the failure of a proposition to cut down any proposed expenditure, may involve the country in bankruptcy.

Now, Mr. Chairman, these implied admissions, on the part of Democratic members, are calculated to do much injury, not to say injustice, to the present and to past Administrations, and to the present and to past Congresses. I will not deny that the expenditures have increased, nor will I deny that many of those expenditures have been improper and unjustifiable. I should be false to my own record were I to make any such assertion. They have increased, and I think it is practicable to reduce them. I do not know that any gentleman on this floor has more constantly voted against extravagant expenditures than I have, or that any gentleman has more frequently made such expenditures a subject of complaint than I have done. But, sir, I think an inspection of the Journals will show that it is not the Democratic side of the House who are as much chargeable with these public expenditures as other gentlemen. I will not undertake to compare the votes of gentlemen on either side. Such comparisons are invidious. Their votes are upon record, and are subject to the investigation of any who may choose to examine them.

But, sir, let it be borne in mind that much of this increase of expenditure has not only been justifiable, but inevitable; and let it also be borne in mind—what seems to have escaped the observation of most, if not all, the gentlemen who have spoken on this subject—that if our expenditures have increased, so have our revenues. The expenditures have only kept pace with the revenues. Many of us have been desirous to prevent this accumulation of revenue, but we were not allowed to do it. We wanted to reduce the tariff long before we succeeded in doing it; but we were not assisted by gentlemen on the other side of the House. We carried the measure some two years ago, in opposition to their votes. We are now assailed with charges of the extravagance and profligacy of the Democratic Administrations, by some of the very gentlemen who voted against reducing the duties. Well, sir, if expenditures have increased, it must, at least, be admitted that they have increased without a corresponding increase of taxes upon the people; so far from it, they have increased under a reduction of those taxes. And I would suggest to gentlemen on the other side of the House, and especially to some whom I see before me, that the point in which an increase of expenditure most excites the sensibilities of the American people, is that which involves an increase of their burdens and taxes. Extravagant expenditure is alarming, because it implies high taxes; and the people will understand that those gentlemen who charge extravagance on others, are trying to increase the taxes; and that we, against whom the charge is made, are opposing any increase.

I have said that the increase of revenue has kept pace with the increase of expenditure. In 1847, the revenue, exclusive of loans, was only $26,000,000. In 1857, it was $65,000,000—more than double. I will give the yearly increase, within that period. In 1848, $35,000,000; 1849, $30,000,000; 1850, $43,000,000; 1851, $52,000,000; 1852, $49,000,000; 1853, $61,000,000; 1854, $72,000,000; 1855, $65,000,000; 1856, $74,000,000; 1857, $65,000,000.

Now, sir, it will be borne in mind that the

increased expenditures have grown out of the increased receipts. The money in the Treasury has been disposed of, by the people's Representatives, not always wisely and judiciously, as I think, but still disposed of and invested, by the people's Representatives, for the people's service. In what way, I proceed now to inquire.

This increase of expenditure has arisen from two causes; the first is the inflation of the currency from the vast influx of gold into the country. This cause alone would have greatly increased the expenditure. But it must be recollected that this very cause has also increased the Government's receipts; for the same rise in price and value which forces the Government to pay more for what it buys, enables it to receive more at its custom-houses, from the duties it collects; for, these duties being assessed *ad valorem*, the higher the price the greater the duty.

The other cause of the increase of expenditure is the multiplication of the subjects of expenditure. Within the period I have named, the Army has been increased by four regiments. The Navy has been increased a thousand men, within two years; and yet several gentlemen, who held seats upon this floor when the law passed authorizing this addition to the Navy, have declared that the necessary expenses of the Army and Navy are no more now than they were fifteen or twenty years ago.

The expense of collecting the customs has necessarily increased with the increase of the revenues collected, and, indeed, the whole cost has been added to the public expenditures within the past ten or twelve years. Before that time, the cost of collecting the customs was deducted from the revenues themselves, and the charge did not appear among the public expenditures. Six or eight territorial governments have been established, with all the attendant expenses of Governors, Legislatures, judges, registers, and so forth. Then, sir, your foreign intercourse has been extended, and new missions have been created. Your consular system, too, has been altered. Salaries are now given to consuls in lieu of the fees formerly allowed; the fees being required to be paid into the Treasury. Numerous public buildings have been erected, not only in the city of Washington, but throughout the country. Remember the vast sums appropriated by Congress for the Capitol extension; the Treasury building; the Patent Office; the Post Office.

Then, there is the Washington aqueduct, on which nearly a million dollars was expended last year. Appropriations have been made for rivers and harbors. Your mail-steamer service, too, costs you another million a year. You have constructed, besides, numerous costly custom-houses and post offices all over the country.

Now, sir, I have myself voted against nearly all these expenditures. Can the gentlemen who complain so loudly of extravagance make the same assertion?

I have said that this increased expenditure has resulted from two causes—the first being the expansion of the currency and the depreciation of money. This cause, alone, has made necessary an increase of salary to almost every officer in the service of the Government. I know scarcely any that have not been raised. Higher salaries have been given to all your foreign ministers, to your judiciary, to your Cabinet officers, to members of Congress, to the Army and Marine Corps, to the sailors and petty officers of the Navy, to the clerks in all of the Departments, and many others; and the wages of mechanics and laborers have so increased, in consequence of the increased cost of living, as to render necessary an increase in the compensation given to that class of the public agents employed in all your dock-yards and arsenals, and on all your public works.

Much of this clamor has been directed against the Navy; and I propose now, having shown the intimate connection between the subject of revenue and the general increase of expenditures, to apply my remarks to the bill under consideration. Let us see with how much justice those charges of extravagance can be made against the appropriations for the Navy. In the first place, gentlemen have assumed that the Navy is no larger now than it was ten years ago. I have shown that it is larger by at least one thousand sailors, added by the act of 1857. Your courts of inquiry and the President, by recent legislation, have also added a large number of officers to the Navy. As to ships, your Navy is larger than it was ten years ago. We now have eighty-eight vessels of all descriptions; ten years ago we had only seventy-eight. Of these seventy-eight, seventeen have been condemned or lost. So that there has been an addition of twenty-seven vessels to the Navy in the last ten years. In 1839, there were only fifty-eight, and of those fifty-eight, sixteen have been condemned or lost, exclusive of the seventeen I have just mentioned. We have thus, in ten years, added twenty-seven vessels to the Navy, two being frigates of the first class, seven screw steamers of the first class, two side wheel steamers of the first class, six screw steamers of the second class, eight screw steamers of the third class, besides smaller vessels; and nearly all these vessels have been built within the last two or three years. Yet gentlemen express surprise at the increased expenditures of the Navy. Sir, with this increase of men and vessels, is it to be wondered at that there should be a corresponding increase in the appropriation for pay, for provisions, and the other expenses incident to the increase of our force? Yet my colleague has adverted to this increase, as if it deserved the general condemnation of the country.

Then we come to the subject of increase, equipment, and repair. He and others have adverted to the fact that the appropriation, under this head, has been increased within the past few years. It is an unavoidable increase, and why? Because within a few years past you have substituted steamships for sailing vessels. Nay, sir; I ought not to call it a substitution, but rather an addition to the expenditures of the Navy; because we all know that these steam vessels are fitted up as sailing vessels, as well as with machinery. We must consider, then, the immense cost of fuel. We must consider the deterioration; the more rapid deterioration of steam vessels as compared with sailing vessels. Every gentleman, conversant with the subject, knows that the deterioration of war vessels, and especially of steamers, is much greater than that of ships of commerce, in consequence of the greater length of voyage, their not being so often discharged and cleansed—vapors, steam, animal exhalations, and so forth. Yet, sir, the increase in the amount asked for equipment and repair, is much smaller than I had supposed would be possible, under the circumstances. Do gentlemen know that the hull of a ship-of-war requires to be renewed once in every sixteen years. When I say once in sixteen years, I assign the very longest period.

Mr. CLARK, of New York. Steam or sailing vessels?

Mr. MILLSON. I take either; twelve years would be a juster limit for the service of a hull; but I assign sixteen years, which is the longest possible period.

Mr. CLARK, of New York. It is ten for steamers.

Mr. MILLSON. The hull requires to be renewed once in from twelve to sixteen years, the machinery once in ten years, the masts in eight or nine, the rigging in five, and the sails once in three years; yet gentlemen seem to think that it is a subject of wonder, as well as complaint, that there should be annual appropriations for the equipment and repair of the vessels of our Navy: as if they were not aware that almost all these vessels, upon the average, will require to be renewed once in ten or twelve years, taking all the expenditures together. This, sir, is true as to vessels built in our navy-yards, which are so much better than those built by contract. One gentleman complained, a day or two ago, that these vessels are not built exclusively by contract, in the private yards of the country. Let me tell him that the Government has two or three times made an experiment of building vessels by contract; and not a single contract vessel has ever made more than two cruises, and some of them only one. The Java, 44, built in Baltimore, in 1814, made only two cruises. The Hudson, 44, built in New York, in 1814, made only one cruise; the Lawrence, built in Baltimore, in 1845, made only two short cruises; the brig Boxer made only one cruise; the brig Saranac only one; the Chippewa, only one; and the Guerriere, 44, built in Philadelphia, in 1814, made only two cruises. Not one of them made more than two cruises, and yet gentlemen suggest that the Government shall build all of its vessels by private contract.

I come now to the subject of ordnance. Do not gentlemen know that the ordnance now used is much more expensive than that formerly used? One eleven-inch Dahlgren gun costs about $1,400, and one nine-inch Dahlgren gun costs $700. Ten years ago the gun-carriage cost only $150. Now the pivot-carriage necessary to be used for the Dahlgren guns, costs from $1,900 to $2,200. Sir, war is a very expensive luxury; and I commend that reflection to those gentlemen who desire to see our Army and Navy employed in subjugating all other parts of the globe, and who want our little Navy to go forth challenging all the world. Let me tell gentlemen that every time a shell is fired from one of these Dahlgren guns it costs the Government $11. And yet these expenses must be incurred, for our ships and officers and men must be kept in practice, if they would not be whipped in the first engagement.

But I come now to the navy-yards. Gentlemen here are very eloquent in denunciation of the increase of navy-yard expenditures. My colleague, too, [Mr. GARNETT,] has devoted some of his time to the consideration of this question. Will not the House be surprised to learn that the appropriations for navy-yards in the present bill are nearly half a million less than the average appropriation of the last ten years?

Thus, the appropriations for navy-yards were—

In 1849	$1,441,000	In 1854	$948,000
1850	1,996,000	1855	1,471,000
1851	1,623,000	1856	1,848,000
1852	1,413,000	1857	1,781,000
1853	1,435,000	1858	1,982,000

The amount asked for in the present bill for navy-yards, is only about $1,100,000; and yet gentlemen have made more noise about appropriations for the navy-yards than almost any other subject. Sir, my colleague committed an error—unintentionally, I am sure—by omitting, in his calculations, appropriations for the dry-docks, which were, in some years, put down as separate items, while, in other years, they are classed among the appropriations for the navy-yards. The Committee of Ways and Means have already reduced the estimates for all the navy-yards nearly $1,000,000; and I have heard it suggested that we ought to save $2,000,000 more on the navy-yards. As the whole amount asked is only about $1,100,000, I do not know any other mode of saving $2,000,000 than by making the navy-yards pay the Government $1,000,000.

Sir, these are necessary expenditures. The operations of the navy-yards cannot be discontinued without serious and lasting injury to the interests of the Government.

It has been said, however, that we have too many navy-yards. I think we have. I think we might dispense with some of them. But when we hear gentlemen fall into the error into which some gentlemen on the other side, and grave Senators, have fallen, in declaring that England has but two navy-yards, I cannot but express my surprise and regret that they had not possessed themselves more correctly of the facts before they ventured on any such assertion. England has more navy-yards than the United States. She ought, perhaps, to have fewer. Her territory is small—not exceeding that of Virginia; but England has immense dock-yards, extensive naval establishments, at Chatham, Portsmouth, Woolwich, Deal, Deptford, Sheerness, Devenport, and Pembroke, besides, at the Cape of Good Hope, in the East Indies, in the British North American provinces, in the West Indies, in China, in Malta, at Gibraltar, and elsewhere. And yet it has been said that England has but two navy-yards, while we have eight. We have such an immense extent of coast that we might very well have more navy-yards than England; and yet I myself yield to the force of the argument, with regard to the number of navy-yards, and think we might well dispense with two or three of them, at least.

Now, the average amount of the whole expenditure for the Navy for the last five years, excluding the building of new ships, has been $11,811,000.

In 1859, excluding new ships, the proposed expenditure is $11,606,000—about $200,000 less than the average expenditure of the last five years. And, including the expenditures for new ships, the appropriations in the bill before the committee are about a million less than the average expenditures of the last five years. Is not that an important step taken towards a reduction of expenses? And yet, gentlemen talk of the rapid increase of expenditures. In 1855, we appropriated $3,000,000 for the building of ships; in 1857, $1,000,000; in 1858, $2,550,000; and this year it is proposed to appropriate to that object only $674,000.

These appropriations, sir, have been made out of the large surplus in the Treasury. What more judicious use could be made of that surplus than in the building of national ships, and in the construction of such public buildings as were necessary?

We know very well that, some year or two ago, the surplus in the Treasury was so large as to attract corrupt demands from all parts of the country. We hardly knew how to dispose of it. We were almost on the point of depositing it with the States. It was in this condition of things that many appropriations were made, which have since given occasion to so much unjust complaint.

REVENUE AND EXPENDITURES.

SPEECH OF HON. W. A. HOWARD,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. HOWARD said:

Mr. CHAIRMAN: Perhaps there has been no time, during the last thirty years, more favorable for the consideration of the question of the revenues and expenditures than the present. These questions necessarily mix themselves up more or less with the different political parties; and when an error is once adopted by a party, it will run on just in connection with the successes of the party. Whether it will be fortunate or otherwise, these party shackles seem to hang more loosely about men's necks than is usual. It is possible, if these chains shall be broken, that some errors and false theories may be given up on one side as well as on the other. The most difficult thing about it all, is for men to agree about names. While I deem it a fortunate time to discuss this question, I confess that I approach it with great diffidence. It is a subject vast in its extent, and of great importance to the country; perhaps the most important subject that could be brought forward; and I would wish to see so great a question discussed by men of more ability, of more information, of more experience, than I have, and with maturer preparation.

Such has been the nature of my duties, that I have made no preparation for this effort. I have not one fact before me, except in my memory. I have other difficulties, too, growing out of the organization of the party with which I have the honor to act. That party has never yet been called upon to take any position whatsoever, on the subject of the tariff, either for revenue or protection. No convention of the party, either national or local, has ever acted upon the subject. The party, as such, stands uncommitted to any policy. As an humble member of that party, this question has been forced upon me in one of the committees of this House, of which I am a member. I am to speak here, in a certain sense, in behalf of the party, and yet, I have no party on this question. I said, sir, that the difficulties surrounding this question consisted, in part, at least, in names, or rather in the meaning that is to be given to certain words. Some of us proclaim ourselves protectionists. Others bear even the name of protection with horror. The gentleman from Pennsylvania, [Mr. PHILLIPS,] a member of the Committee of Ways and Means, announced in his speech the other day, that he was hostile to protection, and almost immediately afterwards defined protection to be prohibition. Well, sir; all I have to say about it is, that if that be protection, I never in all my life heard it *called by that name before*, and I do not believe I ever shall again. I think one such definition ought to last for a generation. Prohibition protection! Not at all.

I wish to say, in advance, that I am in favor of no such protection as that. I am in favor of no protection that would amount to prohibition. I am in favor of no protection for any class—be they blacks or whites. I hold, sir, that it is a great principle, that should govern us on all occasions, and run through all our legislation, that we are to legislate for the nation—for the many, and not for the few. We are not to legislate for the few at the expense of the many; and any protection that will not work for the benefit of the great majority of the community, I am opposed to here and elsewhere. Some men talk about protection, as though the object was to make some particular man, who has a thousand dollars invested in some little manufacturing establishment, rich or poor. Why, sir, what have we to do with the man or his thousand dollars? Nothing; nothing. But, sir, we have something to do with the great industrial interests of the country, as a whole. We have something to do, perhaps, with manufactures; but not with the manufacturers. I go further: I do not see upon what ground any protection can be justified or defended, that shall not work advantageously to the development of our great natural resources; and work them out, in the long run, to the advantage of the community. If I were to protect any class, (and in that sense I am for protection,) it is the consumers, and not the producers. The consumers are the many, in reference to most articles, and the producers are the few. That man is not much of a hatter, who cannot supply a hundred men with hats. That man is not much of a shoemaker, who cannot supply a hundred men with shoes. And if we are to legislate for one or the other of these two classes, I submit that it should be for the consumers, and not for the producers.

But those interests are not necessarily hostile the one to the other; by no means. But, sir, perhaps I am premature in submitting these observations upon the question of protection, and defining what I mean by protection. Perhaps the first inquiry is this: do we want more revenue, or in what way shall we bring the expenditures and the receipts together, not for this particular month or year, being an extraordinary one, but as a system?

In what way shall we produce an equilibrium between the revenues of the Government and the expenditures—I mean the average current revenues of the Government, and the average current expenditures of the Government? If we can do that with the present tariff, then to my mind there is no good reason for a change of that tariff, unless it shall be found to work oppressively in its details, or unless we find it necessary in its prospective operation to increase the amount of revenue in order to meet the increased prospective amount of expenditure. But if we should find that we cannot make these two things meet; if we should find that we cannot, under the present tariff, collect revenue enough to meet these expenditures, then we must find some way in which to meet the current expenses of the Government.

The question then arises: by what means shall we increase the revenues of the country? If by a tariff, what sort of a tariff shall it be? Shall it be a horizontal tariff, leveling every article of importation down to the same grade, the same rate of percentage? If not, shall we discriminate for revenue exclusively? Sir, every gentleman who knows anything about this matter knows that the highest revenue standard is not the same standard rate of duties on every article, by any means. There are some articles that just as you increase the rate of duties, you diminish the amount of revenues collected therefrom, while there are other articles on which you increase the revenues to be derived therefrom in the proportion that you increase the rate of duties. If, therefore, you would adjust your tariff to a strictly revenue standard, you must fix the duties upon each specific article of merchandise, taking into consideration the facility of importation and the facility of production in our own country. Take, for instance, the article of iron. The consumption of it in the country is going on and is destined to increase. For example: suppose you take off all duty from that article, and the whole revenue from it ceases. But with the present rate of duty, perhaps one half the supply is from imports and the other from home production. An increase of the rate of duty would diminish, and, if excessive, prohibit the importation, and in that case the whole supply would be from home manufacture, and we should get no revenue from it. But a reduction of the rates of duty would stimulate the importation and diminish the home production, and, if excessive, the fires of our furnaces might be put out, and the whole supply coming from abroad would produce a large revenue in consequence of the low rate.

Now, sir, if you increase the duty on iron, you necessarily increase the amount manufactured in the country; while on the other hand, reduce the duty, and the fires in your furnaces will go out, and all the iron going into the consumption of the country must be imported, for the very good reason that for the time being it will be cheaper to procure it abroad.

If, then, you would discriminate for revenue alone, you must fix the amount of duty to be levied upon each article by itself. If you would act wisely in making up these large schedules of duties, you cannot make them up some Sunday; you cannot make them up in the middle of the night in some committee of conference. To do that is a very "slip-shod" sort of business. No, sir; it must be the work of days and weeks and months. If it is to be done wisely, it must be done, above all things, independent of all considerations of party politics. How do you now find the subject considered? One man gets up and tells you what he wants in his section; another gentleman tells you what another section wants; one says he is for a tariff; another says he is opposed to a tariff, but he is for reducing the expenditures of the Government; and we have had some magnificent specimens of reduction here. Why, sir, some man will get up here, and move to strike out of an appropriation bill an appropriation of a few dollars to buy boxes for members to pack their books in, which they are to send home by express at their own expense, instead of loading down the mails with them; while the very next thing you hear of the same gentleman, he is warm in pursuit of some custom-house at some point where all the revenue collected would not pay one per cent. upon the cost of the building.

Mr. Chairman, when I was a boy and went to school, I had some instruction in arithmetic worked into my head; and, among other things, I remember the rule of reduction was the first which was impressed upon my mind. I remember that reduction was of two kinds—reduction ascending and reduction descending. Well, sir, I find that although this matter of controlling the expenditure of the Government is reduction descending in theory, it is reduction ascending in practice. [Laughter.] Sir, how long will it take us to reduce the expenditures of the Government down to the present standard of revenue?

But, sir, the gentleman from Virginia, [Mr. MILLSON,] to whose remarks to-day I listened with great interest, as I always do to his remarks, tells us that the present tariff is going to produce revenue enough. The gentleman admits that the revenues are in a very collapsed state at present; but as soon as the importations shall have risen again to the point which we may reasonably expect, there will be revenue enough. Sir, before you are able to collect $56,000,000, the amount of revenue estimated by the Secretary of the Treasury for the year ending June 30, 1860, from duties levied on goods imported under the present tariff, you will have to import goods amounting to $409,594,172. That is what it takes to produce that amount of revenue under the present tariff, if the average is the same as last year; it being a percentage of 13.673. Why, sir, the Secretary might as well undertake to carry himself through Pennsylvania avenue in a basket, as to raise that amount of revenue under the present tariff. But the gentleman points to the fact that the imports have been increasing steadily from year to year; and that our exports have also increased from year to year. That is all true; yet,

under the tariff of 1846, the amount of imports have exceeded the amount of exports by five or six hundred million dollars in a few years.

Thus much gentlemen know; but do they know that, among other things exported, but not contained in these tables, we exported $500,000,000 in our own bonds, State stocks, railroad securities, &c.? But did we not bring in railroad iron and other things for them? We actually made, within a few years, a debt of at least $500,000,000. Why, then, do the tables show a different thing? I will tell you why. It was because of the enormous frauds and false invoices to cheat the Government out of the revenue. Every gallon of liquor imported from France, turns out at the custom-house, at New York, to have cost ninety cents per gallon on the average. But, go over to France, and you find that the money actually paid for it was $1 70 a gallon. They make false invoices and bring them here to defraud the revenue; but when you come to settle up the balances, these frauds disappear.

Mr. MILLSON. Did I understand the gentleman to say that the average rate of duty was thirteen cents?

Mr. HOWARD. It was 13.673 upon the whole amount.

Then we have imported into this country and settled for it in our own railroad bonds and State stocks at the rate of from $75,000,000 to $100,000,000 a year. And the highest importation we ever reached was $362,000,000; and yet, sir, to reach the Secretary's estimate, you have got to bring in $409,000,000 a year, including the free list. Why, sir, the thing is preposterous. And even if we get $56,000,000, that same Secretary estimates that the deficiency on the 30th of June, 1860, must be $8,000,000. Why, sir, instead of getting $56,000,000, we cannot, by any possibility, get more than $48,000,000.

But there is another thing. We can import, in the long run, as much as we can consume and pay for. We can import, when we are out of debt, as much as we can export, and keep ourselves in a good condition. But, sir, we owe $500,000,000, and it will take $25,000,000 of your exports to pay the interest upon that debt every year. If, then, you can export $350,000,000, you can only import $325,000,000, because $25,000,000 of that must go to pay interest upon your debt.

Now, sir, possibly trade may revive to that extent—and it will revive to a certain extent—that, for a year, we may import $362,000,000, a higher amount than we imported the year that we bursted up; for a collapse came along with it, although we were working on a margin of $100,000,000; and yet, even that did not save us. I say we may possibly import $362,000,000 a single year, for the country is pretty bare of goods. If we do, $25,000,000 of that is used up in interest, and we have only $337,000,000 left, which will not produce more than $47,000,000. Do you suppose that the percentage upon the tariff is going to change? Would there not be, from year to year, about the same average of free goods and dutiable goods? I take it, that the fluctuation is as likely to be upon one side as upon the other. I take it, that 13.673 per cent. is, then, the fixed measurement of duty; at any rate, it is safe enough for any Secretary to rest his estimates upon. I go upon the supposition that the estimates are all right; and yet there will be a deficiency the next fiscal year of $8,000,000, according to his own showing; and, my word for it, it will reach the sum of $17,000,000. Now, the question is, can we reduce our expenses? and I take it for granted that every considerate man in the country wants to bring our revenue and our expenses together in some way or other. Now, reduce your expenditures as much as you can——

Mr. MILLSON. I desire to say to the gentleman that the present tariff, on the importation of 1857, would produce, according to the admission of the Washington Union, nearly $59,000,000.

Mr. HOWARD. Why should the gentleman quote the Washington Union upon me? What have I done that he should do that thing? [Laughter.]

Mr. MILLSON. And I desire further to say that the average of duties which would have been collected by the tariff of 1857, upon the importation of the last eight years, would be upwards of $46,000,000 annually.

Mr. HOWARD. I will listen to any argument, if the gentleman will not saddle the Washington Union upon me. I submit that that is too bad. [Laughter.]

Mr. MILLSON. It is an argument upon your own side.

Mr. HOWARD. I am very sorry for it. I have already said I have no side, that I had no party; but I trust, when the Republican party do move, they will plant their feet upon principles which will stand, and I will not then care who is against us, or who for us.

Now, I do not know what other gentlemen may think, but it is past my comprehension what men think of when they estimate the receipt of $56,000,000 from this tariff. It is impossible.

Mr. MILLSON. It is the opinion of many New York merchants.

Mr. HOWARD. I have had a great deal of intercourse with New York merchants in my lifetime. I have acted as their attorney, and I know some of them are very wise men, and some of them very great fools; and upon this subject their opinion is not one whit better than that of your own or mine. Any man can figure this out for himself. I need not stop to inquire what other people say about it. If you are going to pay the current expenses out of the revenue, you must provide more revenue; and you cannot do that under the present tariff. What will you do? Shall we resort to loans or Treasury notes? We have already contracted a debt of $40,000,000 in that way, and it will take $2,000,000 of that to pay the interest upon the debt which we have contracted for current expenses since the beginning of this Congress. If each Congress should continue to do the same thing, I would like to ask how long it will take to get up a frightful state of things? We would be in a good situation to break up to form a southern Republic and a northern Republic, and leave the debt, perhaps, to fall between the two. I take it that we, as men, ought to grapple with this thing. I did not seriously object to the issue of Treasury notes when it was done, though I disliked to make a loan. But it was urged that the difficulty was temporary; that the taking of the goods out of the Government warehouses would almost, of themselves, relieve the Treasury; and I consented to it, though reluctantly. But instead of being better off, we are worse off by a hundred per cent. than we were before.

Now, have you any hope, as sensible men, that any laws will be made to reduce the expenses until each standing committee of Congress takes up what appertains to its respective duties, and introduces legislation radical and thorough? I tell you, if you pass the appropriation bills at all, they will be larger than the estimates; and, notwithstanding the Committee of Ways and Means cuts off some few millions here and there, there is something else eternally put on. Your customs will not be, under the present tariff, by any possibility, more than $50,000,000 a year, even though the imports may be unusually large, in consequence of the reduced stock in the country. You get some four or five millions annually from the public lands, and $1,000,000 from miscellaneous sources. Your entire receipts will not much exceed $50,000,000; and if Secretary Cobb will take the entire receipts from all sources, and make them equal to his $56,000,000 of estimates from the customs, I, for one, would be willing to vote him $5,000,000 for doing it.

Now what shall we do? Shall we have a loan? Will you repudiate your expenses? Will you say, "this has been rather a corrupt Administration; they have been lavish in their expenditures; and we will repudiate the whole thing, and kick our servants out?" I take it that our legislation is going to stand by all just debts; and I take it that our expenses are to be continued; and I want to know how you are going to get the money to meet them.

If you propose to increase your revenue by an increase of the tariff, what shall be the basis? Upon what principle shall we proceed? Will you change it solely with reference to revenue, or will you discriminate only for revenue; for if you are going to get a revenue, you must discriminate upon different articles? and will you discriminate for protection, and not for prohibition? I take the ground that we have never yet had a tariff that did not discriminate both for revenue and for protection, in the proper sense of protection. Any tariff which is not perfectly horizontal, must discriminate for something; else, why are they not all alike? They do discriminate; and they may discriminate widely, and the only object may be revenue. But you cannot discriminate for revenue without, absolutely producing, to some extent, protection; and, sir, there are very few articles, at the present time, according to my judgment, on which the duty need to be higher for protection than for revenue.

This quarrel, after all, if gentlemen would but take their eyes from the elections which are coming off in their districts soon, and look at the facts just as they are, in all their combinations, would be found to be a fight about a very small difference between reasonable and moderate men. The Democratic party need not go to pieces upon that question; and I have so much sympathy with that party that I hope they will not; though I am a little provoked the gentleman from Virginia [Mr. MILLSON] should quote the Washington Union upon me. [Laughter.] Sir, I say if you discriminate at all, it will work incidentally for protection. It may not work for the benefit of those engaged in the manufacture of any particular articles; and, so far as I am concerned, in the long run, I hope it will not. Protection is not to build up the manufacturers, but it is to develop resources. The price of an article is always governed by supply and demand; and if you would so shape your policy as to make the cost as light as possible, you must increase the supply. How will it do that? By turning over the market to foreign monopoly, and leaving our mountains of iron and copper and coal a sealed book, in violation of the laws of the Almighty, about which the gentleman from Virginia spoke so eloquently.

Sir, the legitimate object should be to stimulate production; and let me say that in every instance, since the organization of the Government, where protection has been properly applied, it has worked out a cheaper supply to the consumer than before; and in every case where it has failed to produce that result proves that it was wrongly applied. I have serious doubts whether we ought to protect some things which it is now proposed to protect. I have doubts whether protection to them would not fail to benefit the consumer, and therefore are unworthy to be put in that category. Take sugar, for instance. I am not prepared to say, definitely, that the result has been to multiply the production. Perhaps the time is not far distant when the door ought to be thrown open. In a single year, the consumers of sugar paid $12,000,000 revenue to this Government. That is putting the hands of the Government into the old woman's sugar-bowl rather too freely.

Much is said about Pennsylvania. I care not for Pennsylvania any more than I do for South Carolina, or any other State. I think South Carolina has some heresies that Pennsylvania has not; but, perhaps, if they have much more humbug theories down there, they have been less humbugged and cheated in practice by their own Representatives. I recollect well, on a time, that banners were unfurled all over the State inscribed with the motto: "Polk, Dallas, and the tariff of 1842." I am not here to defend the tariff of 1842; I have nothing to say about it. Yet, sir, that same Dallas came here and gave the casting vote in the Senate of the United States to repeal that tariff. I do not say that that tariff was right or wrong. It has passed away. If it were right then, it would most certainly be wrong now, such have been the changes in many of its features and many of its articles.

Mr. MONTGOMERY. There was only one Representative from that State upon this floor who voted for the repeal of the tariff of 1842.

Mr. HOWARD. Now, let us go to that State and take an illustration that the gentleman, at least, will not dispute. In 1856, the cry there was Buchanan, Breckinridge, and free Kansas. The doctrine of popular sovereignty rang from one end of that State to the other; yet, sir, that very James

Buchanan proclaimed himself as being determined to throttle that bantling, squatter sovereignty. I say the people of that State have been rather unfortunate in some respects. I have nothing to say against Pennsylvania. I utterly repudiate any kind of protection that cannot and will not in the end, work out for the benefit of the masses of the consumers a cheaper supply; any protection that will come short of that effect, when the farmer casts his seed broadcast upon the field, not to rot but to spring up and to yield its hundred-fold, any protection that will not produce that result is utterly unworthy of consideration here. What does history prove? I again say, and I have not time to go into it, in every instance where it has been properly applied, by inviting capital, inviting skill and industry to a particular branch in its infancy, it has soon created a home competition which worked out far greater and better results for the consumer than any other. I have seen brown cotton sold in all of the eastern States at six cents a yard, when the specific duty on that cloth was ten cents a yard. The duty had long before become a mere nominal thing, producing not one cent of revenue. It did no good, and it did no hurt, except in some year when there was a panic, and our factories were breaking up, to prevent the foreign manufacturer from throwing a surplus into our market to be sold at a sacrifice, and to the destruction of our own manufacturer. In that respect it worked advantageously. It produced no effect, one way or the other, on price. Yet, sir, gentlemen talk eloquently about taxes—that they are not for increasing taxes, and they are for diminishing the expenses of the Government. It is a most laudable thing. The reduction of the expenses is like the fellow's metaphysics. When asked what was the difference between theory and practice, he said that there was no difference, except that there was a little more friction in practice. [Laughter.]

Where does this cry come from? Perhaps more from the southern States. I am not here to advocate any sectional views, or to speak disrespectfully of any section of the Union; but I may be permitted to say this: that as a general thing, we of the free States pay five times as much taxes as the southern States, under any tariff. We pay three times as much as you do per head. You have the institution of slavery amongst you. You have four millions, in round numbers, of slaves. You treat them very kindly, I presume, and do the best that can be done for them. But, for all the clothes they wear, and all the food they eat, not one dollar in five hundred comes from abroad. A tariff makes no sort of difference with reference to the great bulk of these coarse articles. Coarse cottons are cheaper in this country than in any other. We are constantly exporting them. Your first families consume as much as, and more than our first families; but the great body of our laborers are white and free men, and even though they live and die poor, yet there is a time, when their sons and daughters are growing up, they, by some means, contrive to have their new dresses and to consume a great many goods which are imported into the country and pay duty. If we could get at the truth of the matter, the tax upon imported goods is not one fifth upon the South what it is upon the free States. Yet southern gentlemen are wonderfully excited. I expect that their elections are coming off. There have been some theories preached down there ever since Mr. Calhoun's time, and perhaps before then. I suspect that men are committed to theories. They have blindly rushed into the notion, that whatever duties you impose necessarily increase the price just that much. I think it does in the first instance, yet it creates a competition that will ultimately result in a great reduction of price.

Now, what shall we do? I should like to have presented to the committee some of the features of a bill to which I give my assent. My time is already far spent. Perhaps at some other time, in a five or ten minutes' speech I can explain some of the misapprehensions which exist about it.

There are not more than four or five items in the bill that I do not cordially approve of. There are not over half a dozen of them that I could not defend on the principle that I have here laid down. There may be errors in the details of the bill that have not come within my knowledge. In two or three cases I yielded my judgment to that of other men.

And now let me allude to one or two other things which I deem proper to call up here. I took up a Philadelphia paper a few days ago, that contained a letter written from this city. The writer discussed, among other things, this tariff question, and expressed the liveliest regret that I and my associates on the Committee of Ways and Means had not abandoned, and the hope that we would ultimately abandon, our lofty notions of protection; come down from our high and extreme protective position to the middle ground occupied by my friend from Pennsylvania; the ground intermediate between that taken by the chairman of the Committee of Ways and Means, and that taken by the minority, with which I have the honor to act. Let me say, sir, that with respect to this bill, it is far less objectionable on the score of protection, in the sense in which that word is understood, than the tariff of 1846. It is intermediate between the tariff of 1857 and that of 1846. It varies from both of them in this: that about one third is made specific, and the other two thirds *ad valorem*. For myself, I care nothing about *ad valorems* or specifics. I have no preference for the one or the other. I have not a constituent in all my district who has opened his mouth to me on this subject, or sought to influence me one hair's breadth. There is not an interest in all Michigan that is demanding any protection here or elsewhere. I am committed to neither specifics nor *ad valorems*.

In my judgment, it is demonstrable that in some cases the one principle should be applied, and in the other case the other should be applied. Those who advocate the one or the other exclusively, are alike in error. I hold that every article of fixed value, that does not fluctuate, and that has a fixed quality and value contained in its description, should be on the list of specifics; and that articles that vary in value, cloth, for instance, where the value may be a shilling a yard, or a dollar a yard, or ten dollars a yard, should be on the list of *ad valorems*. I do not suppose that there is any man on this floor who wants to encourage fraud, by means of false invoices; or wants to support an army of partisan idlers, to be fed from the public Treasury, for the sake of doing the work of political parties, unless such man is committed to party. An honest man, who had no personal or party interest to bind him, would prefer an honest course to a dishonest course. If so, why raise a howl about specifics, if properly applied? Some men seem to associate the very idea of specifics with some monstrous idea of high protection that would build up a few nabobs, and keep all the rest of the community toiling in poverty. But it is no such thing. Specific duties may be as low as *ad valorem*. The only question is, whether the description of an article can reach the precise thing, so that the rate of duty may be known. I go for specific duties, when I think that they are for the benefit of Government, and a means of protection. By protection, I mean that process of development which produces that competition which multiplies the supply, and therefore cheapens the price. Take the case of a yard of broadcloth. It may represent one dollar or ten dollars. If it represents ten dollars, the specific duty should certainly be more than if it represents but one dollar. The only way to reach the case is by *ad valorem* duties, and by preventing, as well as you can, the commission of fraud by false invoices.

I was going on to say that we were invoked most pathetically to come down from our lofty position to that middle ground. I do not know whether that correspondent knew anything about it, but I suspect he had a flea in his ear; and if he had, I should like to know whose flea it was. But the proposition stated is true, that we occupy a medium ground upon the bill offered by the gentleman from Pennsylvania, [Mr. PHILLIPS,] but prepared by the gentleman from Vermont, with the assistance of my friend from Maryland, [Mr. DAVIS,] and myself. The tariff of 1857 yields about nineteen per cent. on the *dutiable* goods. It is believed this bill would yield about twenty-two per cent. on the average; whilst the tariff of 1846 produced twenty-five and one fourth per cent. But as from one quarter to one third of the duties in this bill are specific, the importations will appear larger by the disappearance of fraudulent invoices; and the revenue from customs would, it is believed, reach $60,000,000 per annum. If we add $6,000,000 from lands and miscellaneous sources, it will make a total of revenue of $66,000,000. By reducing the current expenses of the Government to $50,000,000, we should then have $16,000,000 per annum to pay interest on our debt, and gradually absorb the principal. Every branch of domestic industry would revive and flourish. Our foreign commerce would become healthful and steady; our shipping regularly and profitably employed. Agriculture would prosper; and we should learn by our general and uninterrupted prosperity that practical common sense applied to legislation is far better than the vague theories so much extolled and insisted upon by gentlemen on this floor.

THE TARIFF.

SPEECH OF HON. M. H. NICHOLS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. NICHOLS said:

Mr. CHAIRMAN: The naval bill being the subject of consideration, I avail myself of the opportunity presented, to speak of questions relating not to that bill, but to the state of the Union generally. As to the tariff, that question which has been the special subject of discussion to-day, my position in regard to it, can be stated in a few words.

In the inauguration of a new policy, my inclinations would lead me to adopt the only safe principle in a free government: that of free trade and direct taxation. Whenever it be determined to remodel our entire financial policy, to reconstruct the principles upon which this Government bases its action, if I can obtain a bill (being placed in a position to further it) embodying these principles, it shall receive my unqualified support. I say this, sir, unhesitatingly. I prefer actual capital to ideal capital, the substance to the shadow. Whenever, sir, these questions are presented to me in a manner that my vote can be made to reflect my sentiments, I shall, without a moment's hesitation, give to them an affirmative vote. I say, sir, in addition, that, as an inevitable result of the premises laid down, I would base our business interests upon, and superadd to this platform, the doctrine of cash payments, or *hard money*, in business transactions, whether on the part of the Government, national or State, or in the transactions of private individuals.

But I know, sir, as well as you do, that but few individuals here look to any such results from our action. How many of those who profess radical sentiments, and a desire for true economy here, are willing to adopt the only means left to us for the repression of our public expenditures, and for the reconstruction of our financial policy? I confess, sir, that I do not know. Do you, sir? The votes of this House, and of the Senate, afford no true answer to the inquiry.

In my judgment, sir, the people of this Government ought to repudiate indirect taxes. When they do, sir, and come to that point; when they feel *directly* what their Government costs them, we shall have *responsibility* in all departments of the Government. We are now on the eve of adjournment. There is no party here for these ideas. The reverse of this policy is in the ascendant. Tariffs, whether for protection or revenue have been, as it is proposed to make them now, the established means for the support of the Government; and I propose now simply to direct my attention to comparative tariffs, and an investigation briefly into the causes of the present commercial prostration of the country.

Mr. Chairman, gentlemen are talking here, learnedly and wisely, about the present condition of the country and its past condition, and are endeavoring to account for the present prostration of

the business interests of the nation, the interruption of its commercial relations; and they seek to assign the reason why the Treasury, which a few years ago was replete with funds, is now in the condition that it is. In my judgment the error lies more in the legislation of Congress, than in any other cause. It is true that a few years ago your Treasury was full to overflowing, and you had a surplus of from twenty-four to twenty-seven million dollars; and now you are compelled to borrow money in order to pay the ordinary expenses of the Government. But what are the reasons to be assigned for this great change in the finances of the Government during the last five years? I hold, as one member of this House, responsible for my opinions only and holding to opinions on this question which have characterized my whole political career, that the evil arises not from our tariff policy at all, but from legislation here, which has fostered an unwise spirit of speculation throughout the country, and conduced to bring about a system of credit detrimental to the public interests, and which sound policy reprehends and repudiates at all times.

I wish to speak upon one branch of this question alone. As to specific or *ad valorem* duties, I may have a few words to say upon their respective merits hereafter. But I speak of this one principle now. During the six years that I have served here, the Government has frequently loaned its credit in the shape of grants of the public lands to the various States of this Union for railroad purposes. It has thus loaned its credit to those States. The States have received those donations, have based their legislation upon them, have fostered unwise and ruinous schemes of public improvement as a consequence of such loans of credit. Companies have been formed which have undertaken enterprises which never would pay, and which had their origin in the fertile brains of men who sought to derive from them their own pecuniary advancement. And these enterprises have derived the very breath of life—their vitality—from these insane grants to them by the American Congress of the people's property. Now, what have been the legitimate fruits of this system? Your companies are formed; these enterprises are undertaken; they go into the market; and they do this upon the credit you have given them by your land grants. What, then, are the reasons why the country is placed in the position that we find it in to-day? I have indicated two or three which, in my judgment, form the basis of all these difficulties; and I say now that the whole trouble arises, not from a deficiency of revenue, not because sufficient duties are not collected under the present tariff, for which I voted, but from an inflation of the paper-money system of the country and an expansion of the credit of the country, unwise in itself, and which all history tells us leads only to embarrassment and ruin, and brings in its train commercial revulsions as naturally as prostration follows the fever-flush of unnatural speculation and stimulated production.

Mr. Chairman, I recollect well that when we left this Hall in 1855, we left the Treasury replete with money. We all know what followed. The prostration of a single establishment—a large private banking establishment, or broker's office, in the State which I have the honor, in part, to represent, precipitated a commercial crisis upon the country. And what led to the bankruptcy of that concern? What was it? I ask those familiar with it to answer me the question, what led to the prostration of that concern? I ask my colleague near me, [Mr. BLISS.] I ask my colleague over yonder, [Mr. VALLANDIGHAM.] I ask my senior colleague, [Mr. GIDDINGS.] Was it not the abstraction of its actual capital? Was it not that its actual money was embarked in unprofitable railroad investments and enterprises that could not pay, and never were supposed to be able to pay, and the maladminstration of its affairs by the officers and stockholders of the concern, that broke it down?

Mr. BLISS. It was so understood. It was the engagement of the company in railroad speculations.

Mr. GIDDINGS. And principally in New York.

Mr. NICHOLS. It was the investment of the funds of the concern in railroad enterprises in our own State, and its connection with speculators in New York, that bankrupted it. I wish here to pay a high tribute to the State which I have the honor, in part, to represent. So far as we ourselves were concerned, we were abundantly able to meet all our obligations on the part of that concern or any other; and when the suspension of specie payments swept like a miasma over your eastern and southern States, with pestilential breath prostrating the business of the country, Ohio stood nobly up and redeemed her obligations in every particular. Sir, her banks did not suspend; they paid specie at their counters, upon all *bona fide* presentments; her State credit was preserved, and her people were in a sound condition, notwithstanding it was discovered, in the same year, that $750,000 had been fraudulently abstracted from her State treasury. Her credit was unimpaired. But I hold, in this connection, that the tariff question shows this, and this only, that it is not the actual amount of duties levied, but the system of carrying on the business of the country which prostrates the business of the country, and brings about these commercial embarrassments. These results follow the combination of the speculators; the moneyed men; the paper men—for that is the correct term—these paper men, the inauguration of whose system of operations makes the labor of the country, the business of the country, and the men of the country subordinate to their corporate influences.

Now, Mr. Chairman, the prostration of this one concern in Ohio produced embarrassment in all your eastern banks, and brought about all your eastern failures. They went down in a way that reminded me of the boys that I have seen on the street corners, who would set up a row of bricks, and then, when they toppled over one brick, all the others were prostrated. They went down *en masse*. Why? Why, Mr. Chairman? Because the system was rotten; it was based, not upon labor, it was not based upon industry, not upon capital, but upon a fictitious value in paper promises to pay; that was all there was of it. And, sir, Congress encouraged this speculation, by giving in Minnesota, by giving in Michigan, by giving in Illinois, by giving in Iowa, by giving in other States, grants of land, placing capital in bank for these paper bankers to draw against at any time, thereby inflating what would otherwise have been a standard currency, and making the whole interests and labor and capital of the country, subordinate to this floating paper currency, utterly irredeemable, issued by utterly irresponsible men, and utterly worthless in value.

Now, Mr. Chairman, what was the condition of the revenues of the country on the 4th day of March, 1855? As I have before stated, your Treasury was then full; it was inflated; where is it now? Your Treasury has been depleted; your commerce almost prostrated, and your revenues diminished. Why? It has been because, upon the faith of the legislation of Congress, upon the grants of land made by Congress, that these wild and unwise schemes were devised; upon that faith that these speculations were encouraged. If you will go back to 1855, you will find this to be the state of things existing: that, under the legislation adopted by Congress, and by the State Legislatures, every State, and every county, and every city, and every town, almost, in the whole West and Southwest, went into debt to almost the whole amount of their actual wealth or capital for schemes of ostensible improvement. They went into debt, and the bonds issued as the evidence of such debt, went into circulation in the country, as the basis of capital for banks, and in various ways, to the amount of $300,000,000. These securities were issued in the shape of railroad bonds; in the shape of State bonds, county bonds, and city bonds. As a circulating medium for the furtherance of large transactions, they were deemed better than bank bills themselves. And when the Ohio Life and Trust Company went down, all those banks and corporations which had for their basis such securities, went down in their turn. The effect, in fact, was to strike from the paper circulating medium of the country $300,000,000, which had contributed to enhance the value of produce, and which had contributed to enhance the price of labor, and to stimulate an unnatural excitement in the various business marts of the country. When this fictitious amount of capital was withdrawn, this general prostration of business followed, as a matter of course.

Now, sir, gentlemen may draw at least one lesson from this experience of the past; that a course of frugality and economy is the best course for any people to pursue. The days are past, when our mothers and wives and sisters will be content to wear homespun dresses. A new order of things has been inaugurated. The things which we now regard as necessaries in those days were considered luxuries. It is important, therefore, that we should strive to practice frugality and economy, not only in our own private business and relations, but also in the administration of our national affairs. That, sir, is the course which every nation must pursue, which wishes to preserve its reputation unimpaired in the eyes of the world.

Now, sir, I sincerely desire to act with those gentlemen who are associated with me in political relations upon this financial question, if I can. I notice, sir, that the vote which I gave upon a motion to suspend the rules to introduce the tariff bill of the gentleman from Vermont, [Mr. MORRILL,] the other day, has been already the cause of considerable comment upon the part of my political friends here and elsewhere. I have only this to say in relation to that vote, as I propose, with the consent of the people of my district—previously obtained, you understand—to retire from public life in ten days; and I wish to say it in order that I may be held responsible for it hereafter; that I would never vote for a tariff bill embracing the provisions of that bill. I could not do it. It is at war with every principle which, as a politician, I have ever advanced. Now, gentlemen may ask me "what would you do?" Well, sir, I quarrel with no man about his opinions, and I do not want any gentleman to quarrel with mine, on this question, though I will frankly confess that, upon this question, it makes very little difference whether they do or not.

I say this bill is one which I can never vote for. If my time allowed me, I would state the reasons now; but it is unnecessary that I should. There is scarcely a man, woman, or child, in my district, who is able to read, who does not understand my opinions; and that knowledge is not confined to my district particularly, at this time. But the question is asked, "What will you do?" I will tell you what I would do. I do not presume there is a majority of this House in favor of the measure which I would adopt; and, with all due respect for my associates on this floor, I care very little whether there is or not. I would vote for a suspension of the tariff last adopted, and for the reënactment of the tariff of 1846. That is what I would do; and I would go no further, except it may be in the matter of railroad iron, upon which I care not how high you make your specific duty, for it represses public debt and tendencies to public debt; and in that bill I find high duties upon articles of luxury, and low duties upon articles of prime necessity. Its principles of adjustment I am satisfied with. If you choose to put a tax upon articles such as I have indicated, that will amount to a prohibition of their purchase in a foreign market, I will go for it; not because it is a protection to the manufacturer, but simply because, in my judgment, it protects the honest people whose interests are being prejudiced by the creation of debt, and the unwise grant of their credit to schemes which embarrass them, and entail upon posterity debts ruinous to their best interests. I hope that I am understood.

I do not know that I can say anything more on this question; but I propose to diverge to another question. I find myself, sir, occupying a very equivocal position upon this floor. The gentleman from Virginia [Mr. LETCHER] says that I am in a sort of transition state. Gentlemen upon this side have indicated that I do not belong to an organization with which I have acted for about five years. I wish to say this, that a man's position is determined precisely by his own will; and I know no way in God Almighty's world that a man can be dismissed from a party without his own consent. I allude to one thing, and that is

my vote, some days ago, on the Oregon bill. My opinions were well known during the whole of that controversy. I never made any concealment of them; and, will say, sir, that I never sought to do so. I made my opinions known to every gentleman who consulted me.

I say now, sir, with reference to that vote, that it now commands the approval of my deliberate judgment. I have nothing for which to apologize, and I take nothing back. There is no honorable man with whom I am associated in politics who would ask me to do it, I know. But, sir, if we could be left to the gentlemanly intercourse of equals and associates here, I apprehend we could have little trouble. Outside influences are brought to bear upon men, which makes it necessary for them, once in a while, to define their position, and to give a reason, as is said in the class meetings of better men amongst my people than any of us, who are primitive, honest, and true, to give a reason for the faith that is within me. I voted for the Oregon bill; and by that vote, as I have before said, I am prepared to stand. I ask no man's pardon; I make no apology. It was a just vote, and one which I think I can defend against all attacks. Yet, sir, in that paper, which is the organ of the Republican party of my State, I find myself assailed day after day. In other papers I am held up as responsible for deserting the organization of the Republican party. Now, I know no reason for this. I believe there were fifteen of us in that category; and I suppose that my venerable colleague [Mr. GIDDINGS] will accord to us that we are all honorable and honest men.

The reasons why I voted for that bill—and I speak of the question now, sir, not that I suppose it needs any particular defense, but because I had not the opportunity of putting my reasons fully upon the record before; and I propose to add nothing now that I said before. I propose to finish what time did not then allow me: some additional reasons for the course I pursued—what are they? I listened attentively; I sought for an opportunity for joining those with whom I have been associated in their opposition—if that position in my judgment was just; I heard their objections; I alluded to one or two of them in my former remarks; I cannot follow them out now; but I say, in addition to one or two points presented, that the most serious objection urged against the admission of Oregon, was that urged by my colleague, [Mr. STANTON,] that the constitution of Oregon prevented the immigration of free negroes, and that it prohibited free negroes from suing in her courts of justice. Now, sir, I lay down the proposition that a people are sovereign. I insist upon the primary position I have always maintained, and which I always will maintain, that the sovereignty of a Territory is in the whole people of a nation, to be exercised through their Representatives in Congress. I lay down that proposition primarily; and the next proposition I make is this: that whenever a people come to form a State constitution, or, in other words, to model their organic law, and to submit that to the Congress of the United States, there is but one constitutional question that I, as a Representative, can ask, and that is, as to whether their constitution is republican in form.

Mr. GIDDINGS. Define what you mean by that.

Mr. NICHOLS. I know what my colleague means by that question, and I will give him the definition that he desires. If it be republican in form, I, as a conscientious member of this body, having my own views of what constitutes republican, am bound to vote for it. Here is a constitution which excludes free negroes. I have no doubt, Mr. Chairman, that that people have a right to exclude them in modeling their organic law. I say, further, that a State may determine that a foreigner shall never exercise the right of suffrage within its limits; and would you say, because they did so, that their constitution was not republican in form? It is true that, as a citizen of a Territory, I would never lend my sanction to either of those measures. But it is the action of the people; and I beg leave to say, in support of my position, that Ohio has for fifty years made the same discrimination, not in her own constitution, but upon her statute-books. I gladly hailed, as a member of the Democratic party, the wiping out of Ohio's discrimination against a portion of the population of the country. I defended the men who voted to strike down the negro laws of my State, because I believed that they were unjust. That discrimination, as my colleague knows, had been a dead letter before the Legislature wiped it out, except in one particular, and in that one particular we but lent our aid to the dictates of justice, and furthered its sound administration.

Now, sir, in the remarks that I submitted on the Oregon bill, I said—and I again repeat it, and hold myself responsible for it—that, if the people of Oregon did not desire the presence of free negroes, they had the right to prevent their introduction. True, I might say in my own mind, that I would not have done it; that I believe it to be inhuman. But it is a power that has been exercised by the people of various States, free and slave, and which I believe might be exercised by the people of any State. American citizens have the right to determine the character of the population that may inhabit a particular State. It is no answer to say that the State of Ohio or the State of New York give to one portion of its people one privilege, and which privilege may be denied by another State. I know of no principle, no right, no power, that can be exercised by the General Government, which forces on the people of Ohio a free-negro population against their own consent.

Mr. GILMAN. I would like to ask the gentleman from Ohio, what party held that the General Government had such a power?

Mr. NICHOLS. I answer the gentlemen in this way. A people seeking to be invested with the attributes of a sovereign State, presented their application for admission into this Union. No party, as a party, rejected that application. That is true. But of the ninety-three members of the party, with which I and the gentleman act, all but fifteen voted against the application of a free State for admission, on the ground that the constitution formed by her people does exclude free negroes; and the gentleman himself voted with them, sir, to impose State limitations, and to reject Oregon because she did exclude free negroes.

Mr. GIDDINGS. Oh, no.

Mr. NICHOLS. Then on what ground?

Mr. GIDDINGS. I will state, in a few words, why I voted against the admission of Oregon. It was because, in the assumption of her power, she overstepped the bounds of human government in declaring that certain individuals should not maintain their natural rights within the bounds of that State. When Oregon, by any provision of her constitution, secured the enjoyment of all the rights of her citizens, she was acting within her legitimate sovereignty. But when she overstepped these bounds and made war on any portion of the human family, declaring that the natural rights which God gave them shall not be maintained within her bounds, then I cannot support her action.

Mr. NICHOLS. I do not find fault with my honorable colleague.

Mr. GIDDINGS. I make this statement because I understood my colleage to state the grounds on which the admission of Oregon was opposed. I merely state the grounds on which I opposed it.

Mr. NICHOLS. Now I will hear the gentleman from Maine give the reasons for his vote.

Mr. GILMAN. My reasons are on record in the Globe.

Mr. NICHOLS. I was not aware of it; and my misfortune is that I have not seen them. I should very much like to see them.

Mr. GILMAN. I call the attention of the gentleman to one point; and I will be glad if he shall allude to it before he takes his seat. I want to direct the gentleman's attention to the section that provides for regulating and restraining immigration to Oregon.

Mr. NICHOLS. I think my opinion has been very clearly expressed on that subject already. I believe that the people of Ohio have a right to say that they will not be troubled—if it be a trouble—with free negroes. Whether it be expedient and proper to say so, or not, is another question. I, for one, would not say so.

Mr. GIDDINGS. I will propound one question to my friend. I wish to know whether he holds that human governments are constituted among men to *secure* the right of every individual to life, liberty, and the pursuit of happiness?

Mr. NICHOLS. In my judgment, men's natural rights are: life, liberty, and the uninterrupted pursuit of that road to happiness which they may choose. But human governments are organized on well-known principles. Man gives up a portion of his natural rights whenever he enters a state of civilized society. The people of Ohio enjoy their natural rights, restrained only so far as conduces to their condition of happiness as a civil or political community. There is no question about that. But we are a nationality; and the limitations upon natural rights, ordained and established by our compact of nationality, ought to be well understood by my colleague.

Mr. GIDDINGS. Will my colleague specify the natural right which he or I have given up in Ohio?

Mr. NICHOLS. Yes, sir, I will. I understand that the right of a man in a barbarous state is to govern his own morals according to his own will; to right his own wrong by the strong hand; in fact, to be a *sans culottes*, if he desires it; but when he enters into a state of civil society, he sacrifices a part of his own will for the benefit of the whole.

Mr. GIDDINGS. Let me explain. In entering this state of civilization, we surrender no right, either of life or liberty, or the pursuit of happiness. We surrender the will, to be sure; but my friend would not hold that that authorizes us to encroach on the rights of one human being?

Mr. NICHOLS. No, sir. No natural or constitutional right have we authority to encroach upon. I am very thankful to the gentleman for bringing me back to the point on this Oregon question. There are no free negroes in Oregon. No rights of theirs are, therefore, to be affected within the limits of that State. There is a prohibition against the entrance of any free negroes there; and a provision superadded, that no free negroes shall sue in the courts of justice there. If there be no free negroes there, what right is invaded by providing against suits by such people? If there are no free negroes there, there are none there to sue; and my colleague goes off, not upon a practical point, but upon an abstraction.

Mr. GIDDINGS. I would say to my colleague, that hundreds of free negroes in the eastern States own property, real and personal, in Oregon; and the constitution of Oregon precludes them from recovering debts, or maintaining their rights to property.

Mr. NICHOLS. If that be the fact, I know nothing of it. My information, derived from the best sources, is, that there are none there.

Mr. GIDDINGS. They are not there. They reside in New England, and other States, and hold property in Oregon.

Mr. NICHOLS. I would like to know how the people of that despised race, for whom the sympathies of my colleague and myself have always been enlisted, come to have extensive interests in Oregon?

Mr. GIDDINGS. I state to my colleague the fact, and ask him about the principle?

Mr. NICHOLS. I will tell you what I would do were I a citizen of Oregon. I would say, give to these free negroes the right to collect their debts. But, in our own State, if I have a claim against a man and have the right to enforce its collection, and go into a court of justice to obtain judgment, and obtain it, if he interposes the exemption law, the stay law, and the appraisement law, against the collection of my debt, he hinders and embarrasses me, and I cannot get my natural rights to my own, except I take them, subject to the regulations of civil society. Does not that rest on the same principle?

Mr. FOSTER. I ask the gentleman whether black citizens are not protected by the Constitution of the United States?

Mr. NICHOLS. In my judgment they are. But now I come down to the practical point, that which was alluded to in the most stringent manner by gentlemen on this side. They say that the constitution of Oregon interdicts slavery. It does. They say that, notwithstanding that provision of the constitution, if a negro be taken there and held in slavery, he cannot assert his

freedom in the courts. In Ohio, in two notable instances, slaves have recovered their freedom, although they were not the instigators of the suits themselves. Some good, generous white friend applied for a writ of *habeas corpus;* filed affidavits; a hearing was had; and the slaves discharged. There is no people on earth so abandoned that in a case of that kind a white man cannot be found to act as *prochein ami* of a negro.

Now, Mr. Chairman, what next in the consideration of this question? I have endeavored to reply to the question of the gentleman from Maine, [Mr. GILMAN.] He asked me who put their objections upon these grounds? I have endeavored to show that fifteen other Republicans voted for the admission of Oregon with these provisions in its constitution, and that the residue of the party voted against it, basing their opposition to it upon these two provisions in the constitution of Oregon. I never meant to quarrel with the vote of a single man upon this floor against that bill, and I know that no gentleman would quarrel with my vote for it. But I have been assailed for that vote in a manner which impels me to struggle against the assault, and to make my record clear. I do not intend to go down without a struggle upon such a question as this, when I believe, as God liveth, that I am right and just in my action. The people of Oregon settled their institutions just as the people of Ohio and Illinois and other States settled theirs. Do you mean to say that when a child of this Confederacy comes up and asks the protecting hand of the Government to be admitted into the Union as a State, to be a sister, "bone of our bone, and flesh of our flesh," you should interpose the objection that there is a provision in her constitution which prohibits the immigration of free negroes into the State? Gentlemen say they do not put their opposition upon that ground. What then? They say negroes are not permitted to sue in the courts of Oregon. Now, I would like to say this to gentlemen: I have a pretty intimate knowledge of the free negro population of this country—better, I apprehend, than gentlemen here who are identified with me in political action. I reside in a district which has about as many free negroes in it as any other district in the Union; and I was born and raised in a district where they were numerous. I know them. I do not know, however, that their interests are such that they have extended their commerce and their business to the State of Oregon, so as to make it absolutely necessary that they should have admission into the courts of that State. I do not so understand their business and their interests. If they are excluded from the State, then the whole objection becomes a mere matter of nonentity, and there is nothing in it. That is the view I have taken of the question.

But, sir, there is another question—I do not make it now, but it has been made by the editor of the Free-Soil paper published in this city—a gentleman who has more brains than four fifths of the editors of this Union. In a recent article, he has made a legal point that has more in it than any that has been made by myself, or by any of the gentlemen who oppose me upon this side of the House. And when that legal point shall be presented in the courts of Oregon, that man who foresaw it and brought it out and developed it, will see his predictions and conclusions verified in the judgment of the judicial tribunals; and that which he, as an humble individual, foresaw, will become a part of the settled policy of a great State upon the Pacific coast.

Now, there is another clause of the constitution that I did not argue as fully on a former occasion as I should have done, and that is the alien clause. I do not apprehend that, among my particular political associates, there was any objection in the world to that.

Mr. GIDDINGS. Yes, there was.

Mr. NICHOLS. I am told there was. Mr. Chairman, I do not care whether there was or not. That makes no difference to me. I believe that in the past history of my own State favors of that kind have been conferred upon aliens in reference to many questions; and I see, when I cross the boundary line into Indiana, living immediately upon it, that those people are allowed to vote. I declared my opinion on that occasion, as I had done repeatedly before. For the satisfaction of my colleague, I will do it again. The question of suffrage belongs to the people of the States, placed there by the Constitution—the question of citizenship, under the Constitution to the Government of the Union. Sir, I maintain that doctrine firmly. Do you mean to say, sir, is it contended here, that Congress may come to my State, and by an arbitrary law prescribe the terms upon which our people shall exercise the right of suffrage? I say no, sir; never. There is no safety, sir, in any such doctrine. And this, sir, brings us the whole question, and furnishes my answer to my colleague upon all his inquiries. The States prescribe the rule of suffrage without limitation by the General Government; in some, aliens are excluded; in others, limitations upon and discriminations against their right to vote, are imposed. These States are in the Union under the Constitution; and, sir, was it not just as competent for the people of Oregon to exclude free negroes as it is for other States to impose and inflict disabilities upon a portion of their own white inhabitants? In my judgment, the principle involved is the same in one case as the other. A proposition to admit within the limits of a State the lazaroni of Naples, or a ship-load of paupers from the workhouses of England, to exhaust the substance of a people, and to spread crime and pauperism, is as easily defended upon the ground of *natural rights*, as is the claim of free negroes to go to Oregon against the consent of her people.

I will yield the balance of my time to my colleague, [Mr. BLISS.]

Mr. GRANGER. I object. If the gentleman yields the floor I claim it.

Mr. NICHOLS. Very well, then I will proceed. Now, Mr. Chairman, I hope I am understood upon these questions upon which I have designed to speak plainly and unreservedly. In conclusion, I desire to say that it makes no difference whether I am hunted down in a newspaper, by a man in the reporters' gallery, who has the privilege granted by the House to slander members gratis, or otherwise. I will have my own opinions.

Mr. STANTON. Under the constitution of Oregon, neither a negro nor a mulatto has the power of making a contract. Now, I wish to inquire of my colleague, whether, if a negro should become an importer into Oregon from Hayti or Jamaica, and should get a bill of exchange of a citizen of that State upon the proceeds of his cargo, which should be indorsed by him, and go into the hands of a third party, it would not be held void under that constitution, on the ground that a negro or mulatto was incompetent to make a contract?

Mr. NICHOLS. Certainly not. I do not think that such should be the legitimate construction of the constitution of Oregon; and, if it were, it would be at war with the Constitution of the United States. If it be a contract fairly and honorably made, the negro would be protected in it under that clause of the Constitution of the United States which provides that no law shall be made to impair the obligation of contracts.

Mr. STANTON. But suppose a bill or note should be given by an infant: would not that be void, notwithstanding the provision of the Constitution to which the gentleman has referred?

Mr. NICHOLS. A bill or note given by an infant would be valid, or not, according to the laws of the State in which it was given regulating that subject. As the gentleman well knows, our own State, all the States, make terms in regard to infants which have no bearing upon the question at all. As a general principle, infants are incompetent to contract. There is no analogy in the two cases. A provision, as I have intimated, at war with the Constitution of the United States, impairing the validity of contracts, and, I may say, sir, which expressly negatives the right of the Union to negotiate treaties of amity and commerce with foreign Powers, is a nullity; and, with all respect, sir, to my colleague, permit me to say to him that I do not think he has examined the question with that circumspection which is due to his high character as a lawyer.

Mr. ANDREWS. In your judgment, would Ohio have the right to deprive the citizens of a sovereign State of the right and privilege of redress of grievances in its courts of justice, or the right to prevent the collection of debts in its courts by the citizen of another State?

Mr. NICHOLS. I say, unhesitatingly, that I believe Ohio has no such right.

Mr. STANTON. Now, another question. May not the laws of a State impose a disability upon infants, upon married women, and upon negroes and mulattoes, to make contracts?

Mr. NICHOLS. Unquestionably, so far as the laws relate to their own people, and are confined to their own limits. Women married, and infants, are incompetent to contract by the laws of nearly all the States. But this is not the case first put by my colleague; but the answer to it may be made in the same way.

Mr. STANTON. But with such a law existing in a State, is not a contract made by a negro or mulatto void?

Mr. NICHOLS. Void or not, according to circumstances. Between negroes and others residing in the State, void, if such be the law; if residing in the State, he cannot contract by the law, then his contract is void. The gentleman knows as well as I do, that in reference to these questions the law of a locality governs. I do not know, however, how this question bears upon the first question made by him. By the connection which he makes, he only shows that married women and infants may be subject to the same disabilites that are imposed by the people of Oregon upon free negroes. But, I propose, sir, to terminate all this. If the question were to arise in my own State, I would not forbid negroes to make contracts; but so far, sir, as Oregon is concerned, I take my position upon a broader principle. Even with the construction placed upon the constitution of Oregon by my colleague, I would have voted for the Oregon bill. I would, sir, and understand me distinctly, I would rather intrust the interests of free negroes to the tender mercies of the people of Oregon, than to leave them in the hands of the Federal Government. In passing upon the question of the admission of Oregon, I had the right to examine her constitution only for the purpose of ascertaining whether it was republican in form. I believe that it was republican. I believe so now. Upon that belief, I voted for her admission, and although I may agree with my colleague, that there are provisions in that constitution which I, if I were a citizen of Oregon, should not approve, yet I am willing to leave it to the good sense of the people of Oregon to correct the evils which may exist in their own constitution, in their own way. They can, by a majority vote, change their constitution at any time. The power of amendment is in the people. The sovereignty of the State springs from the people. If they have, by their constitution, inflicted wrong upon any portion of the human race, I will trust it to the good sense of that people—I will leave it to God's providence and their own good sense to right the wrong, and redress the evil.

Mr. Chairman, there is another consideration which impresses me with the belief that there can be no danger to the institutions of this country, whatever political sentiments may prevail in this Hall. I have confidence in the people of this country, and I have confidence in the Representatives of that people in this Hall. When I look around I see upon the other side this fact, that the Administration, with $80,000,000 patronage, cannot control a majority to carry out its own decrees. There is an evidence of the fact in the votes upon this identical Oregon question. You see fifteen men on this side voting for the bill, and twenty-two men on the other side voting against it—men who, as the particular friends of the Administration, are its particular advocates, and the recipients of its favors; men who would grumble very much to-morrow if any recommendation of theirs for the appointment of a friend to office was not complied with. I thank God that this is so. I want independence of thought here, and independence of action. I want individuality. I trust the day has gone past when the edict of an Administration shall be registered simply by the

Representatives of the people, as the edicts of your kings of France were registered formerly, as a matter of course, in a bed of justice. What are we here? True a little lower in the political scale, but as men equals of Presidents and cabinets. Sir, I would not change my position here for any office known to the Government. I simply desire to discharge my duty here according to my own conscience. As to the President, his patronage, his power, and his favors, let them all go to gentlemen whose disposition it is to invest capital in that line. I am his enemy—his political enemy. I have no sympathy with him, and profess to have no sympathy with him. I simply stand up here, as the Representative of the people, to contend for my own rights—the right to think as I please and to act as I please, and that right I will maintain, as I always have maintained; and, when I can no longer have it, let me die.

THE TARIFF.

SPEECH OF HON. J. C. KUNKEL,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. KUNKEL, of Pennsylvania, said:

Mr. CHAIRMAN: With a public debt amounting to $65,000,000, and the revenues ascertained to be more than $30,000,000 less than the ordinary current expenditures of the Government, the party of the Administration, if there be such party, is divided as to the means of meeting the deficiency; whether by such revision of the tariff of 1857 as will enable it to pay as it goes, or additional loans. As to any change with reference to the decline and prostration of business, the wreck of capital, or the suffering of labor, this does not for a moment receive their consideration. The President, with a seeming regard for his record and promises to his Pennsylvania friends, recommends specific duties, and protests against the accumulation of a national debt; but his specifics are speedily overborne by the *ad valorems* of his Secretary, and his protest answered by propositions from his friends in this House to borrow $20,000,000 and reissue $20,000,000 of Treasury notes. Rebellion has reared its front, and the example of the Secretary has become contagious and seized the rank and file, who, installing King Caucus, have ignored the recommendations of both President and Secretary. The House is divided against itself, and the highest authority has pronounced its doom.

The President, before half his term has expired, is shorn of his power, and is no longer chief of his party. How striking and humiliating the contrast with his position a year ago! The country will hardly suppose the same man is President. When the liberties of an infant community in a distant Territory were to be crushed, and the right of self-government sacrificed, the President had an energy of purpose which allowed no hesitation and brooked no control. How he prostituted his administration to that remorseless work! Its patronage, blandishments, and intimidations, under his combining talent, welded the party into a unit of terrific energy. The officials of the Government quailed before his iron will, and decapitation followed fast upon the heels of dissent. Even Representatives in this House of free constituencies of the North, day by day passed under the yoke, and, blasted by the lightning of popular indignation, are now heard only as "melancholy voices from the spirit land." What Secretary, or more humble official, had then taken issue with his chief, in a communication to the country on his Kansas policy, and survived a day? Where are the zeal, the energy, the remorseless proscription, of the Kansas struggle? What change has come "over the spirit of his dreams?" Is Mr. Buchanan only allowed the honors of chieftainship, when he stifles his declared convictions of duty? Is he allowed to be strong only in the support of slavery and slave labor, and powerless in maintaining the just rights of free labor? Are his Pennsylvania constituents to be satisfied with *recommendations?* These will light the fires of no furnaces, or start the hum of no spindles. It is a refinement of cruelty which thus subjects the first man of the nation to the scorn of his enemies for insincerity of motive, and the pity of his friends for infirmity of purpose. Hard as may be the choice, it is all that is left the President.

But, in pursuance to my purpose, I turn to the consideration of the estimates of the Secretary of the Treasury, for the fiscal year from July 1, 1859, to July 1, 1860. His figures result in a deficiency on the 30th June, 1860, of $7,914,576, the annual expenditures being supposed to be $73,139,147, and the annual receipts $69,063,298, leaving a deficit of $4,076,848; to which he adds $3,838,728, required for the service of the Post Office Department during the present fiscal year. How likely it is that he over-estimates the expenditures or under-estimates the receipts, may be judged by his estimates for the last fiscal year. Some latitude must be allowed a financial officer in a revulsion such as that through which we have just passed; but the Secretary draws heavily upon the indulgence of the country. In December, 1857, after five months of the fiscal year had elapsed, he proposed to get through it, and have a balance of $500,000 from the current receipts; and at the same time estimated the revenues from customs for the present year at $64,000,000. Yet within a week from the date of that report he asked for $20,000,000 of Treasury notes; and in less than four months afterwards, he asked for another loan of $20,000,000.

In the Secretary's estimates, like a bankrupt, afraid to show the actual state of his accounts, he makes no account of $19,754,800 Treasury notes, outstanding and payable during the next fiscal year. By adding this amount, we have a total deficiency of $27,669,376. This sum is subject to the possibilities of additions from the Private Calendar, the old soldiers' bill in the Senate, the French spoliation bill in this House, the Oregon war debt, and the $30,000,000 first installment on Cuba. Turn to his estimate of expenditures. There are $73,139,147 46. He proposes to get $5,000,000 of this from public lands; yet the gross receipts from that source for 1858, were only $3,513,715, and for the first quarter of the present year, $421,171 84, and the remaining three quarters, estimated by himself at $1,000,000, making $1,421,171 84. He proposes also to get from customs $56,000,000. The utter fallacy of that calculation will be manifest from an examination of the practical operations of the tariff of 1857, as contrasted with that of 1846.

The duty-paying goods entered in the year ending June 30, 1858, were $202,293,878, duties $41,789,620; or 20.66 per cent.—say 20⅔ per cent.

To determine the actual result of these importations—the first under the present tariff—it is necessary to ascertain the goods in warehouse on the 1st of July, 1857, and which paid duties in that year. These amounted, on July 1, 1857, to $56,487,644; and there was payable upon them, in duties, $16,956,852. At the end of the year there remained in warehouse $22,829,583; on which there was payable, in duties, $6,434,326, leaving a balance of $10,522,526 paid into the Treasury during the year, independent of the goods imported. Deducting this sum from the gross revenue from customs, leaves $31,267,094 duties upon goods actually imported in 1858. It is said, however, and truly, that the last year was an exceptional year; and I will, therefore, make the seven years preceding the 30th of June, 1857, the basis of my calculation.

The following table will show the amount of dutiable imports of those seven years preceding the operation of the tariff of 1857; the actual revenue upon them under the tariff of 1846; and the revenue which would have been raised at a rate of twenty per cent.

Year ending— Dutiable goods.	*Revenue which would have been raised at a rate of 20 per cent.*	*Actual revenue under act of 1846.*
June 30, 1851.. $191,118,345	$38,223,669	$49,017,567
" 1852.. 183,252,508	36,650,502	47,339,326
" 1853.. 236,595,113	47,319,023	58,931,865
" 1854.. 271,276,460	54,255,292	64,224,190
" 1855.. 221,378,184	44,275,637	53,025,794
" 1856.. 257,684,236	51,526,847	64,022,863
" 1857.. 294,160,835	58,822,167	63,875,905
" 1858.. 202,293,875(actual)	42,046,277	

This would give an average of $47,000,000 on the dutiable goods of the tariff of 1846. But from this, twelve per cent. must be deducted to cover the excess of the free list of the act of 1857 over that of 1846. It follows, therefore, that even upon the basis of the importations from 1851 to 1857 under the act of 1846, the act of 1857, at twenty per cent., yields only an annual revenue of $42,000,000; and this result is reached only upon what are admitted to be excessive importations, which, by sending abroad the specie of the country, stimulated bank expansions and over-issues to an extent that precipitated the financial crisis of 1857.

These facts and figures give us this summary: an indebtedness of $65,000,000; a revenue, including an estimated balance in the Treasury, of $7,063,298 57; and receipts from miscellaneous sources, $1,000,000; and say $3,000,000 from public lands, with $42,000,000 from customs, of $53,063,298, against an expenditure of the sum of $73,139,147; and a deficiency, with the Treasury notes, of $27,669,376; or a total deficiency of $47,745,225. The expenditures of this Administration are enormous. There is no security they will not reach $80,000,000 the next fiscal year. They exceeded that sum the last year. The last Whig administration of this Government, General Taylor's, did not exceed $39,000,000 the first year; and for the four years, averaged about $40,000,000. It was then that Mr. Buchanan wrote his political friends in Baltimore, saying:

"These expenditures have now reached the enormous sum of $50,000,000 per annum; and unless arrested in their advance *by the strong arm of the Democracy of the country*, may, in the course of a few years, reach $100,000,000."

His own Administration has verified his prediction. I rejoice to say, however, that there is a promise of resisting this headlong extravagance. We are not advised, indeed, when it is to begin, or where the pruning-knife is to be applied. I much fear the prodigality of the Administration is constitutional; and to eradicate the disease would be to destroy the patient. To spend money, and to save it, require quite opposite talents; the possession of the former to so high degree augurs a total inaptness for the latter.

The gentleman from Alabama, [Mr. CURRY,] deploring the distractions of his party, and the departure of Pennsylvania Democrats on this floor from that fundamental article of the common faith, "free trade and direct taxes," as the sovereign remedy for all the evils which afflict the Government and the people, wonders what "occult power" still keeps his party together. He may solve that problem by the annual expenditure of $80,000,000. It was the great apostle of the gentleman's creed who said the cohesive power of public plunder was the bond of the Democratic party. It is said the act of 1857 was framed upon the basis of an expenditure of $50,000,000, and our ears are saluted, day by day, with the music of "retrenchment and low taxes." Gentlemen on this floor wax eloquent in denunciation of their own prodigality. They will not touch with the little finger the act of 1857; for "was it not framed for an expenditure of $50,000,000; and is not that sum sufficient to administer the Government?" Henceforth their battle-cry is to be "retrenchment and low taxes," against "high duties and lavish expenditures." This issue is to be adjourned from these Halls to the people. It is thought to be a good issue for the approaching elections in the South, as the edge of the "nigger question" has grown somewhat dull. The impudence of this pretension is only exceeded by its folly; and both are unparalleled. Whose extravagance do these gentlemen inveigh against but their own? For has it not been under their administration of the Government that the expenditures have doubled? Is it quite honorable for gentlemen from the South to take issue against their own party for local and sectional effect? If the cry of retrenchment is anything but the claptrap of partisanship, why delay it, and adjourn the question over? You have possession of the Government, and control both Houses of Congress. Plunge in the knife when and where you will, there will be none to gainsay or withstand you. Let your reforms be radical and salutary. Let the lustration of the Administration be by its

own hands. If, at any time, you shall need the help of this side the House, you can have it for the asking.

But, Mr. Chairman, propositions of retrenchment to be made hereafter do not meet the exigencies of the case. We are appropriating for the next fiscal year; and any retrenchment, to be of service, must be impressed upon the figures of the present tables. The first step in that direction is yet to be taken. The Administration demands $74,000,000, and this House has given $70,000,000. Who does not know that what has been taken off here will be put on again in the Senate, with additions, and that the bills lose nothing in their passage between the two Houses, or in conference committees? Has not that been our uniform experience? It is in vain, however, that these facts and figures are thrust into the face of gentlemen. When it is proposed to revise the tariff for more revenue and such incidental protection as is consistent with that end, we are denounced as "beggars and robbers." All duties upon imports, it is said, are taxes and burdens—bounties paid to the few producers from the pockets of the many consumers. We are kindly warned that even such meager protection as is now afforded, is shortly to come to an end. That day is as distant, in my judgment, as the time this Government can be administered without money, or the people will consent to direct taxation. Why, no one at this day, in this country, asks for a monopoly for domestic productions, or prohibition of foreign importations, nor for a tariff for protection, except that incidental protection which arises by discrimination upon a revenue measure.

It is conceded on all hands that the first great object in the levying of duties should be to provide revenue for the wants of the Government. The preamble of the first law on the subject, enacted in 1789, declares the just objects of all tariffs, and in their proper order, "*supporting the Government, discharging the debts of the United States, and encouraging and protecting manufactures.*" There never was a tariff bill enacted by Congress, which yielded the required revenue, which was not a revenue measure. A revenue tariff, in the free-trade sense of the term, would yield no revenue at all. Every competent revenue tariff must also be protective. It becomes a revenue measure simply because it is protective. The ability of the people to purchase imports, arising from the protection afforded to their industry, creates revenues to the Government. The productiveness of a revenue system does not depend upon a low rate of duties, or any arbitrary arrangement in given schedules, but on the means of the country to import and pay for whatever they may want from abroad. Thus, on the lower rates of the act of 1857, we imported only $202,293,878 last year, against $294,160,838, under the higher rates of the act of 1846, the previous year. What avails the importation, if there be no sales; or what cheapness, if no means of payment? The best protective tariffs this country has ever had were its best revenue measures, simply because the fair remuneration of labor enlarged the power of consumption.

Our experience abundantly attests that it is not a reduction of duties that secures importations, but the consuming capacity of the people which constitutes the difference in this regard between one tariff and another, or between the operation of the same tariff at different periods. Hence, nothing is more certain than that a tariff adequate to $60,000,000 of revenue must be also a reasonably protective tariff. No purely revenue measure which does not also foster the industry of the people will ever yield enough for the most economical Administration. Our expenses are never likely to be reduced to a point where they could be met by revenues realized on the Secretary's principle, of taxing, in preference to others, those articles which we do not produce, or produce in the least proportion, without casting the weight of the burden upon the necessaries of life. The free-trade genius of the country could not devise such a measure. Protection and revenue go together, and lean upon each other; and Government, as long as it obtains its support by duties levied upon imports, must reach its revenues through the protection it accords.

It seems clear to me, therefore, that the needs of the Government have become the security of our industrial interests, and that they will at last find stable protection in the necessities of its administration. Now, if it be correct, that, in order to raise the necessary revenue, Government is compelled to yield incidental protection, there is an end of the controversy until it be proposed to provide the means in some other way. I am fully aware that the conclusion arrived at, and the reasoning leading to it, will be denied and repudiated until, at least, it shall be further confirmed by the experience of the Treasury. I shall wait with confidence the issues of that day, when the Government shall need the home producer as much as he may need the Government.

But, it may be said that the necessity of protection does not establish its justice. That is granted, with this limitation, however, that if no substitute less liable to objection can be devised, it becomes, like government itself, a necessary evil. I frankly confess, Mr. Chairman, that if I considered duties upon imports as bounties paid by the thousand consumers to the single producer, and that the duty did not in the end reduce the price, I would not be the advocate of protection. I hold the object as well as the result of all protection to be to stimulate production, and thereby diminish price; and whenever, and in respect of whatever product, upon fair trial, it fails of that end, it should be withdrawn. It is no purpose of this Government to put bounties into the pockets of the comparatively few producers; and that is not within the design of a just system of protection. Government is instituted and sustained to serve the general welfare, and the masses must always be the objects of its regard. The purposes of protection are development and production. To compass these results, it must operate mainly upon articles for the manufacture of which nature has conferred upon us special advantages, either in the abundance of the raw material, or the aptitude of the labor; and their development and production will inevitably, in the long run, diminish price. That is the experience of the world—of all time and all places. There are a thousand articles which would serve as illustrations of this position, but I cannot stop to consider them in detail.

It was competition at home, arising from protection, that brought down the price of coarse cotton from thirty-six cents a yard to one sixth of that sum, and enabled our manufacturer to sell them in Calcutta, China, and South America, in the face of the Manchester goods. So with cut nails, every variety of cutlery, and a thousand other articles. The challenge was thrown out by my colleague [Mr. MONTGOMERY] to the gentleman from Virginia, [Mr. MILLSON,] to name a single article which had not been reduced in price under the operation of protective duties; to which he replied "not by protection, but by machinery, labor-saving machines, and increased skill." But let me ask whence come these? It was protection which led to development and production; these to rivalry and competition, which were the stimulants to the inventive brain and skillful hand to increase production and cheapen price. Monopoly would keep on in the beaten track forever. It is the strong necessity of competition which sharpens the intellect. While it is true, that demand and supply are the law of price, and monopoly is oppression, it will also hold, that increased production and competition, resulting from the encouragement of industry, will diminish cost.

But we are referred to our iron interest, and Mr. TOOMBS says, in the Senate, "you have had forty years to make this iron, and we will not tax ourselves longer for your support." But what sort of protection has the iron interest had, during these forty years? Sixteen regular tariff laws have been enacted since the foundation of the Government, under which the duties upon iron have been changed, alternating frequently between high and ruinously low points. The country was new, and had to be opened up, roads and canals built, to bring materials to the forge, or furnace, or mill, and carry the products away; the opening regions of the West were constantly inviting capital from the business, or preventing its going there; but, above all these drawbacks, it was constantly sustaining the competition of the associated capital and cheap labor of Great Britain, with such want of steady and reliable protection as made capital shrink from its fluctuations. And yet, notwithstanding these great disadvantages, it has grown to be a vast interest, and greatly cheapened the cost of its product. What it most wants, however, is stable, as well as fair and generous protection. Give it that for the fourth of forty years, and you place it above the want of governmental assistance, and send it abroad the rival and master of all the markets of the world. The revival of the tariff of 1842, for ten years, would make Pennsylvania the greatest iron manufacturing nation upon the globe, as the voice of the Almighty, in her iron-mountains, her coal-basins, and the stalwart frames and resistless energies of her sons, proclaim she should be.

Mr. Chairman, with the Secretary of the Treasury and the South, "taxes and burdens" are synonymous with duties upon imports. That uncomplaining section of the Confederacy groans at the most distant prospect of a revision of the tariff, as a fresh imposition of grievances. It is imagined the planting States pay the greatest proportion of the duties without any resulting advantages or exemption in other respects. That is quite a mistake; for it can be clearly shown, from reasonably reliable data, that far the larger proportion of the duties upon foreign importations are paid by the North, and that the planting States pay less, and are therefore contributing less to the support of the Government than any other section. That the North sustains the larger portion of the "burden," may be pretty surely inferred from her larger population, their greater and more diversified wants, and higher consuming ability. But, to meet this complaint, let me call attention to a statement which presents the subject as fairly as can be done, found in Secretary Guthrie's financial report for the fiscal year 1854–55, at page 100. The Secretary's statement shows the consumption *per capita* of the paying imports by each State in the Union estimated by, or based upon, its productions. The statistical data being those of the year 1850—the census and the Treasury reports of that year being the vouchers for their accuracy. The principle of the Secretary's statement is the assumption that, the capacity of each State respectively to purchase and consume foreign imports, is measured by its ability to pay for such imports out of the current products of its own industry; that the consumption is exactly in such proportion *per capita;* and it assumes, further, that the accumulations and expenditures of all sections of the Union are, for the purposes of this inquiry, alike. The sources of error in the allotments of the imports, by this statement, are, therefore, to be looked for in the differences that exist in the application of the returns or products, as they are made by the people of the several States. Let us look, therefore, first, at the facts and figures of these allotments of the foreign imports among the several States, and afterwards draw such conclusions as they afford touching the question of the "burden" of our system of import duties upon the respective industrial interests of the country. Confining ourselves to the older States, whose industrial policy may be regarded as about equally well settled, we find the following results. The planting States stand thus in the table:

	Per cent.	*Per capita.*
Alabama consumes, of foreign imports	12	$4 83
Georgia	16	4 52
Louisiana*	.....	4 82
Mississippi	10	4 96
South Carolina	18	4 19
		23 32
Average consumption *per capita*		$4 66

Of the total product of these States, agricultural and manufacturing, the manufactures in 1850 were, respectively: Alabama, twelve per cent.; Georgia, sixteen per cent.; Mississippi, ten per cent.; South Carolina, eighteen per cent. All under twenty per cent. of total product, consisting of manufactures.

* Louisiana shows fifty-five per cent.; but this exaggeration is due to the fact that her sugar is all stated as manufactured. Louisianian manufactures proper do not exceed those of Alabama.

The agricultural States show the following results:

	Per cent.	*Per capita.*
Illinois consumes, of foreign imports	26	$6 55
Indiana	30	5 09
Kentucky	30	5 97
Ohio	43	5 56
Missouri	40	6 48
		29 65
Average consumption *per capita*		$5 93

The percentage of manufacturing products of these States to their total products is, respectively: Illinois, twenty-six per cent.; Indiana, thirty per cent.; Kentucky, thirty per cent.; Ohio, forty-three per cent.; Missouri, forty per cent. All above twenty, and below fifty per cent.

Mixed agricultural and manufacturing States:

	Per cent.	*Per capita.*
New Jersey consumes, of foreign imports	67	$8 89
New York	67	8 47
Pennsylvania	67½	7 31
Maryland	66½	6 17
Delaware	60	6 27
		37 11
Average consumption *per capita*		$7 43

The percentage of manufacturing products of these States to their total products respectively, is: New Jersey, sixty-seven per cent.; New York, sixty-seven per cent.; Pennsylvania, sixty-seven and a half per cent.; Maryland, sixty-six and a half per cent.; Delaware, sixty per cent. All above fifty, and under seventy-five per cent.

The manufacturing States:

	Per cent.	*Per capita.*
Connecticut consumes, of foreign products	78	$11 48
Massachusetts	91	12 26
Rhode Island	91½	12 11
		35 85
Average consumption *per capita*		$11 95

The percentage of manufacturing products above their total industrial products is, respectively: Connecticut, seventy-eight per cent.; Massachusetts, ninety-one per cent.; Rhode Island, ninety-one and a half per cent. All above seventy-five per cent.

It results, from these details, that these four classes of States consume the imports and pay the customs upon them, in the following average proportion:

The planting States consume, *per capita*	$4 66
The agricultural	5 93
The mixed agricultural and manufacturing	7 43
The manufacturing	11 95

The manufacturing States, therefore, consume of foreign imports *per capita*, more than two and a half times as much as the planting; twice as much as the agricultural; more than one and a half times as much as the mixed agricultural and manufacturing; and the mixed agricultural and manufacturing, nearly twice as much as the planting States, and nearly fifty per cent. more than the agricultural States. These statements show that Mr. Clay spoke within the limits of his data when he said in the memorable contest of the year 1832, that the planting States consumed less than one half of their fair *pro rata* proportion of the foreign imports, and contributed that much less than their due share to the revenues of the country. The average consumption of foreign imports *per capita*, in 1850, was 7.02 per cent. The planting States fell 2.36 below that average. The staple States should also recollect, that they being the chief exporters of domestic productions to foreign countries, are by the Constitution exempted from all duties, excises, and taxes upon their products, and have in the great difference of the amount of their exports over those of the manufacturing States, ample compensation for all they contribute to the Treasury. These statements further show that the communities which ask for the encouragement of their industry by protective duties, are the very people who are to bear their weight. They are given only as approximations, and not as entirely accurate. If there be error in them, however, it is certainly not against the planting States. If then, it be necessary to the easiest and least onerous way of raising revenue; if its result in the long run be to cheapen production; and if the complainants bear less than their proportionate share of the duties upon imports—why this warfare upon interests so vital to us?

It is diversified industrial pursuit in the same State which develops its greatness, enriches its people, and makes them independent. That nation which, by its natural advantages of territorial possession and capacity of population, can most diversify its departments of labor, most surely possesses the means of power and greatness. It is just in this regard that nature has been bountiful to us as she has been to no other people on the globe. What an extent of territory, climate, production! What a generous and kindly soil! What majestic rivers, lakes, harbors, and far-stretching lines of sea-coast! What incalculable powers of agriculture, manufacture, mechanic arts, and commerce, coast-wise and inter-State! What an enterprising, bold, self-reliant, and capable people! How have the elements of a mighty empire been lavished upon us, in whatever direction we turn! How has the Almighty thrown up before us a highway to a destiny, the contemplation of which dazzles and bewilders, and bade us walk in it! It is a wise statesmanship which draws its first lesson of political economy from the allotments of Providence. The natural place for the manufacturer is just where the raw material and food are found. It is just there, other things being equal, that the manufactured article can be produced cheapest. How blind that policy, then, which sends the rude material from the cotton-field, the back of the sheep, or the bowels of the earth, abroad, to be manufactured, and with them, the fruits of the earth, to feed the foreign manufacturer, instead of placing the manufacturer and agriculturist side by side, feeding and clothing each other! All experience proves that the nation which depends for its manufactured products upon the workshops of another, must forever remain tributary and dependent. It is not our misfortune to want the means of independence; but to abdicate them seems to be our folly.

But, Mr. Chairman, we learn that the protectionists in this House are far behind the progress of the age, and that their statistics and arguments are very silly things; for the gentleman from Virginia [Mr. MILLSON] tells us, with McCullough in hand, that protection is an "obsolete and exploded idea." Citing an English authority naturally leads us to England. Does she champion free trade now that she has centralized upon herself the markets of the world? Inquire the secret of her colossal power? What has given her a voice among the nations which shall echo back from the abyss of time? What has enabled her, in the few past years, with a national debt of $4,000,000,000, to carry on her Crimean war, costing hundreds of millions, and engage in another war in the East which requires in that distant region the presence of more than one hundred thousand of her troops? Prominent among the sources of her power, and next to the capabilities of her people, is her adoption of the protective system and availing herself of the great laws of trade. In vain for her did Adam Smith announce the doctrine of free trade. Her far-seeing and sagacious statesmen scouted it. By her prohibitory and heavily discriminating duties, her celebrated navigation act, and her suppression of the attempts at manufacture of her colonies, has England become the workshop and market of the world. Look at her policy towards this country during its colonial period. Pitkin, in his statistics, says, as early as 1699, Parliament declared "that no wool, yarn, or woolen manufactures of their American plantations should be shipped there, or even laden, in order to be transported from thence to any place whatsoever." In 1790, the House of Commons also declared "that the erecting manufactories in the colonies tended to lessen their dependence upon Great Britain."

In 1750, Parliament prohibited the erection or continuance of any *mill* or other engine for *slitting or rolling iron*, or any *plating forge* to work with a tilt hammer, or any furnace for making steel in the colonies, under the penalty of £200; and every such mill, engine, forge, or furnace, was declared a *common nuisance*, and the colonial Governors, on the information of two witnesses on oath, were ordered to cause the same to be abated within thirty days, or to forfeit the sum of £500. And has this not always been her policy towards her colonial dependencies, and the spirit of her intercourse with all the world. Is it now, when, by a long course of the most restrictive character, England has centralized upon herself the markets of the world, and her exports of manufactured goods touch $600,000,000, that she preaches free trade to the nations? When protection and prohibition, by their enormous profits, have swollen and cheapened her capital, trained her labor, developed her resources, and thus given her that majestic start which seems to distance competition, she invites, by her specious advocacy of free trade, the rest of the world to dependence upon her. Run your finger over the map of Europe, and, wherever it rests upon a great nation, you have one which has protected its industry. France, Belgium, Northern Germany, Sweden, and Russia, protect themselves against the centralizing power of Manchester and British free trade; and are they not the strong Powers? But turn to Prussia, whose more recent adoption of protective policy is just developing its results. The year 1816 found her prostrate and exhausted, by the desolating effects of the battles between France and the rest of Europe. Shortly after that time, she commenced the policy of protection, to which she adheres to this day. In 1828 the Zoll-Verein was inaugurated, and its operations commenced with the year 1832; and what since then has been the progress of Prussia? In 1849 she was not only able to supply her own markets, but to compete with France and England in the fine linen, woolen, cotton, and silk fabrics, and velvets. In the year 1852 the manufactories of Prussia furnished 99,837,000 *ellen* of woolen cloth, valued at 123,000,000 thalers. In 1805, the consumption of cloth was, per head of the population, three fourths *ellen;* in 1842, it was one and one fifth; in 1852, three and one half *ellen*. The following table shows the progress of the woolen industry in Prussia:

	Number of hands and mechanical looms.	*Number of workmen.*
1831	15,360	20,000
1846	34,234	47,066
1849	38,887	51,513

The Paris *Journal des Economistes*, on the mining industry of Prussia, states that her coal mines, which produced, in 1834, only 7,000,000 tons of brown and other coal, yielded, in 1854, no less than 46,500,000 tons; that the total value of her mining products—coal, iron, lead, copper, &c.—which was about 11,000,000 francs in 1824, amounted to 159,268,220 francs in 1854. The number of mines, smelting-works, founderies, and rolling-mills, was 3,971; the value of their produce, 301,345,661 francs; the number of workmen employed in them was 144,896, and including their families, 437,396. That is, nearly twenty-one per cent. of the entire population of the kingdom was subsisted by this industry. This, the *Journal* declares, "means nothing less than that Prussia has actually surpassed all other countries of Europe, with the single exception of England." Behold the results of the protective policy in the short period of twenty-five years! In that time, the population of the kingdom increased from 10,922,000 to 16,000,000; and the production of grains and potatoes kept pace with the increase of population. Does the growth of such a magnificent industrial interest, under the protective system, in the last quarter of a century, show an abandonment of it by the civilized world? Surely McCullough must have been in the interest of British manufacturers. At the Court of Berlin, as American Minister, is a distinguished statesman of this country, formerly Governor of Indiana, and, before he went abroad, thoroughly imbued with the free-trade prejudices of his party, upon whom the progress of Prussia seems to have made a convincing impression; for, in a letter to a gentleman in this country, under date of December 14, 1858, he says:

"It should be the policy of our States to make more at home and to buy less abroad. We should diversify our pursuits, and make it our aim not only to raise cotton and wool as raw material, but to manufacture it at home, instead of sending it abroad, to buy it back again at a higher price than it would cost to manufacture it ourselves. It is obvious that in Indiana, where coal is plentiful, where provisions are cheap, and where railroads afford rapid and convenient means of communication with other States, it would

be far more profitable to buy or raise the raw material, and convert it ourselves into manufactured goods, than to send both material and provisions to an Eastern water-power or an English coal field. The same principle would apply to every State in the Union. In illustration of the working of the opposite policy, take any six of our Northwestern States, which have expended nearly as much capital in railroads within the last fifteen years as Great Britain has invested in machinery for the manufacture of cotton goods, and compare the relative results. See what her labor and her machinery have enabled her to accomplish with the raw material which we have supplied her looms with! Her vast commercial revenues have enabled her to carry on her conquests, to extend her empire, besides adding millions to her internal wealth. Well may she exclaim, '*Cotton is King.*'

"Why should we forever linger in the rear of such enterprise! We should discard the erroneous but too prevalent opinion that selling the raw material abroad, in any form, will accrue to the substantial advancemant of one section of our country over another. Our common interests cannot be divided. The farmer, whose lands produce corn and wheat, whose flocks supply the wool market; the planter, whose fields whiten with the cotton harvest; the merchant and the mechanic, and the daily laborer, are all alike interested in the home manufacture of cotton and wool, to say nothing of other branches of industry. From mutual prosperity we reap mutual benefit. The burden of insurance, storage, freightage on grain, cotton, or wool, on their way to market, does not fall exclusively upon the several producers of each. The burdens, as well as the profits, are shared by all in the end; and each is, therefore, interested in the prosperity of the other; and all are interested in the home manufacture of the raw material which our country produces, not alone for home consumption, but for sale abroad. It will be an auspicious day for the West, and *especially* for *Indiana*, when we shall send the results of our labor abroad, in a more condensed form than at present, and apply our immense wealth of coal, and other mineral resources, to the purposes of home manufacture and home consumption in other ways."

Let me tell the gentleman from Virginia that the day is not remote when the industrial interests of this country shall find a most potent auxiliary in the great western producing States. Why is it that our great West, with its untold wealth of soil and production, is yet comparatively poor? Among other more immediate causes, one great reason, undoubtedly, is the remoteness of the markets for its agricultural products. And, although the railways which their enterprise has built puts them in easy and cheap communication with the sea-board, yet they are often compelled to seek the uncertain and unreliable markets of Europe to compete with the pauper labor of the grain-growing regions of the Baltic and Danube. And, then, it is always the least profitable of the farmer's crops which will bear distant voyages in search of a market. The difference between the value and profit of a farm in the far West, and one adjacent to a large city, illustrates the difference between a market at hand for all possible agricultural products, and a foreign one with an ocean intervening. At no distant period, when the numbers of the West shall swell to the populousness of the older States, and its products diminish still further in value by increased production, the necessity will be upon her of diversifying her industry; and then great manufacturing cities—other Manchesters and Birminghams, Sheffields and Glasgows—with their swarming thousands, shall spring up along her great lakes, and in the country of the Mississippi and its tributaries to consume her products on the spot where they grow.

I had intended to say something on the issue between the President and his Secretary, as to specific and *ad valorem* duties, but I am sure I can add nothing to the argument on the subject already made by the President, and upon this floor. The assessment and collection of revenue by specific duties or *ad valorems*, upon a valuation fixed in the law, which is, in effect, a specific duty, it must be conceded, would best secure an honest and faithful execution of the revenue laws, and counteract the enormous frauds by which the foreign importer now robs the country. Specific duties would, therefore, be best for the Treasury, and save the Government from an apparent complicity with the system which degrades and destroys public morality. They are also for the benefit of the manufacturer, by securing to him the protection which the law intends, through the substitution for the present sliding-scale—which increases protection when he least needs it, and diminishes it when he most requires it—a specific sum, being the average price of the article for a series of years.

But, while these advantages are conceded, it is contended that specific duties would be oppressive to the consumer, by obliging him, in times of general depression, and when he is least able to bear it, to pay the highest rates. If this were true, whatever its advantages to the Government and manufacturer, it would be a serious objection; for protection, in the details of assessment and collection of duties, as well as in its principle, I hold, works to the advantage of all three. But it is not true; for, in the first place, the average *ad valorem* duty of five years past, taken as the standard of the specific, may reasonably be inferred to be the average of five years to come, in the absence of any extraordinary disturbing cause; and, in the second place, the specific duties, securing to the manufacturer, against the frauds of the foreign importer, the reasonable protection Government may afford him, those revulsions which depress industry and reduce price, by excessive importations and foreign indebtedness, would not so frequently occur, if at all. Iron, among some others, is especially a fit article for specific duties, and principally because of its fluctuations in price. The price of rolled bar iron in 1845-46, at Glasgow, reached £14, and in 1849 had fallen to a little over £5. In 1845, our importation was 30,000 tons, and run up to 173,457 in 1849, an excess of more than 100,000 tons over the highest importation since 1823. In 1845, pig metal sold in the same place for £6, and in 1849 went down to £2. Our importations in 1845 were nearly 30,000 tons, while in 1849 they reached 105,632. Thus, under the *ad valorems*, in the space of about four years, the duties upon rolled bar iron fell, in amount, nearly sixty-six and two thirds per cent., and on pig metal quite that sum; and the American market was flooded with British iron. This demonstrates the injurious operation to both Government and the manufacturer by *ad valorems*.

If it be sought to ascertain the reason of the difference in cost between the foreign and a similar domestic article, it may be found in the relative amount and price of capital and the rewards of labor. Capital and labor underlie the whole protective system. The cost of capital in this country is much higher than in England. The rate of interest there is three per cent.; here, from eight to ten. On $1,000,000 capital, five per cent. difference of interest is $50,000 per annum. The English manufacturer starts with that advantage. But he has a greater in the abundance of capital. We are debtor to Europe $300,000,000, and require large sums annually from her to carry on our internal improvements. English firms have carried on the iron business for three or four years together, at a loss of £100,000 per annum, in order to crush out their American competitors and control the market.

The foreign manufacturer has also an advantage in the price of labor. This labor question is the great question of a tariff. I propose to speak of it, and the interest the laborers of this country have in protection. By laborers, I do not mean only operatives employed in large manufacturing establishments; but the vast number of mechanics, artisans, and persons engaged in the lighter arts of handicraft, builders, machinists, and all labor of hand and head which spring from, and depend upon, manufacturing industry. This is a vastly larger numerical force than is ordinarily estimated, and may well receive the regards of Government. The value of any commodity is according to the labor bestowed upon it. The whole difference between the value of a ton of iron or a yard of woolen cloth, and the raw materials in the bowels of the earth, or on the sheep's back, is the product of the labor of man. In levying the duties upon foreign manufactures the labor of the country is protected in the proportion that it enters into the value of the similar domestic article. Ascertain the ratio between capital and labor in the manufacture, and you have the proportion of benefit to each. This will range from the lowest point in the coarsest to the highest in the finest fabrics. Take a ton of pig metal, sold now say for $20. The cost of its constituents, the limestone, coal, and ore may be $2 50, leaving $17 50 for labor. The quarrying and hauling material, with the labor of the furnace hands, constitute seven eighths of the whole. In a ton of pig metal worth $20, labor and capital are represented as seventeen and a half to two and a half. The total of domestic iron produced from ore in this country may be set down at 1,000,000 tons annually, which, at $30 per ton average, gives $30,000,000, seven eighths or $26,250,000 of which is labor. In 1840, the value of our manufactures was returned in the census of that year at $483,278,215, and in 1850 at $1,055,595,899. This rate of increase makes our manufactures for 1855, nearly $1,700,000,000, the seven eighths of which, $1,487,500,000, is labor. Now, if to the manufacturing labor necessary to produce such result be added, the mechanical which clothes it, and the agricultural which feeds it, how great the sum total?

Wages in the United States are thirty per cent. higher than in England; nearly twice and a half as high as in France and Belgium; four times as high as in Austria and the interior countries of Germany; and perhaps five times as high as in India, Spain, and part of Italy. This comparison is upon the foreign rates of skilled mechanical labor; in the more ordinary kinds, including agricultural, the disparity is greatly increased, the foreign not rising above the cost of slave labor in the South. The rewards of labor in England are better than elsewhere in Europe; yet what a picture of misery and wretchedness is presented by large classes of her working people—huddled together in cellars and garrets, in defiance of comfort, shame, and health; work-houses crowded; jails resorted to for shelter and maintenance; "women and children of tender age subjected to the severest and most constant toils; men harnessed upon all fours like beasts in the subterranean passages of the mines; whole classes stunted in growth, and perishing before the meridian of life is reached; industrious, skillful, and temperate artisans only able, in prosperous times, to obtain a scanty subsistence, and plunged into an abyss of misery by every recurring revulsion in trade." It is not to be disputed that the extent and cheapness of land, the vast amount of work to be done, secures to labor better rewards in this country for its toil than anywhere else in the civilized world. The whole question may be thus stated: "free trade and low wages, leveling American laborers to the degradation of foreign paupers, or protection and remunerative wages, preserving his manhood and independence."

It is well for Government to reflect upon the relation of the free laborers of the country to itself. They are of the "people" bearing their quota of the sovereignty, and impressing their likeness upon its institutions. It is its interest, therefore, as well as its duty, to sustain and patronize its industry against the leveling tendency of unrestricted trade. Not to swell the gains of a favored class; but for the American laborer—free and intelligent, honored and honorable, with muscles and sinews of stalwart strength—bowing his broad back in the fields of husbandry; delving in the bowels of the earth; toiling along the highways; sweltering amid the fires and roar of the forge, the furnace, and the mill; with patient hand upon the loom and spindle, in the whirl of machinery and the stifling breath of the factory; and with curiously contriving brain ever evolving the creations which give man dominion over the forces of nature and multiply his comforts, I invoke the protecting care of this Government. Not for the devotees of mammon, but for the thronging worshippers who bow themselves amid the sounds of "dulcet symphonies and voices sweet" in the great temple of industry. Not for capital, indeed, but for toil; not for money, but for men. In my judgment, no greater calamity could befall my country than the extreme conditions of great accumulations by the few, and the helpless, hopeless, poverty of the many.

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay."

Self-reliant and self-poised, my own great commonwealth, seldom (would to God she never had occasion) ventures her requests to the Federal Government, and then only to remind it of that faith plighted under which her great industrial interest sprang into existence, and is passing through its infancy. It is her destiny to strive for the mastery in the production of a great national interest with the greatest Power upon the globe. To that unequal contest she brings her boundless mineral treasures; the energy and enterprise, the thrift and toil of her sons, and invoking your generous patronage, promises at no dis-

tant day to wrench from the hand of the "mistress of the seas," and lay a trophy at your feet, the iron scepter of the world.

THE TARIFF.

SPEECH OF HON. C. L. VALLANDIGHAM, OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. VALLANDIGHAM said:

Mr. CHAIRMAN: I would very much prefer to speak upon the tariff, when a bill relating to that subject shall be under consideration; but it is evident that at this late day either no such measure will be brought in, or if brought in, then under such circumstances as will of necessity preclude debate. I feel obliged, therefore, to speak to-night, and in Committee of the Whole.

Five parties, Mr. Chairman, are interested in all that pertains to a tariff: the Government, the consumer, the shipper, including of course the importer, the producer of raw material, and the manufacturer. The immediate interest of these several classes, except shipper and consumer, is diverse. It is the immediate interest of the Government—and I begin with it because it is for its sake alone that the power to create tariffs is conferred—that the duties laid shall yield the largest amount of revenue; of the consumer and shipper, that there should be no tariff at all; of the producer of raw material, that the highest rate of duty should be laid upon it; of the manufacturer, that the raw material should be free, and the highest rate of duty laid upon the article manufactured, which goes forth to the consumer. A similar division, having reference to the different sections of the Union, might no doubt also be made; but I do not propose to consider the subject directly, in that particular view, at this time.

In every tariff, the conflicting interests of these several classes, to which I have just referred, ought to be adjusted in accordance with the proportional importance of each. The wants of Government are, indeed, to be restricted to the lowest standard of rational economy; and no more revenue collected than is sufficient for these wants at that standard; for it is not the business or right of this peculiar Federal Government of ours to protect, for the sake of protecting, or to encourage, for the sake of encouraging, any of the great interests, as they are called, of the country. To do that belongs to the reserved rights and powers of the States. Commerce, even, is not an exception. Congress may "regulate" commerce; but to regulate, is not to foster it at the expense of other interests not enumerated in the Constitution. Congress may "promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." But even here, though a class—not, indeed, of the great industrial interests, as in political economy they are called—is named, yet the right to promote science and useful arts is expressly limited to patents and copyrights. Congress may also "dispose" of the public lands; but it must dispose of them in a constitutional way, and for a constitutional purpose.

Nevertheless, it is the sacred duty of this Government, in the exercise of the high powers committed to it, to have the strictest care that none of these great interests suffer detriment by its action; and accordingly, in laying a tariff, Congress is under the highest obligation, first, to limit the aggregate of revenue to the lowest amount consistent with the necessities of economical government; because it is the interest of shippers, and, above all, of consumers, who constitute the vast mass of the community, that there should be no tariff at all. Second. To select as well the raw material, when produced in this country, as the manufactured article, for taxation; because it is the interest of the producer, also, to have the highest price for the thing produced. Third. To select the manufactured article; because otherwise the consumer of manufactures would escape his just proportion of the burdens of government; and in selecting the several articles, and fixing the rate, it is the duty of Congress to regard that fundamental principle of republican government: the greatest good to the greatest number; or, better yet, the least evil to the greatest number; and that other capital rule of just taxation everywhere and in every form: *the least burden upon those least able to bear it.* And if, sir, we would but divest ourselves, in laying duties, of the notion that they are anything else but *taxes*, that the object is taxation, and all tariffs but tax-laws—if we would call things by their right names, we should have less controversy, and less evil, too, to the country, because of false notions and false action upon this vexed question.

Theoretically, indeed, it may be maintained that Congress ought, under the Constitution, to regard the revenue only in the selection and the rate imposed. But this is not now, never has been, and never will, in practice, be strictly observed. Why are not coffee and tea taxed? Neither is produced in the United States. The consumption is great, and the demand and importation, of course, great also. They would yield a handsome revenue. But they are not taxed because they are reckoned now among the necessaries of life, and the burden, therefore, would fall upon millions little able to bear it. Then, sir, there is a departure, there must be a departure, the people will have a departure in practice, from the strict theory of revenue alone. And such, too, is the usage among the several States in enacting tax laws. There is no "protection" there in taxation, and by no vote of mine shall there be "protection" here, falsely so called, in the form of a tariff. But every wise legislator and economist consults the temper, the interests, and the necessities of the people whom he would tax.

But it has been the natural, perhaps, certainly the common mistake of all, and the universal mistake of the friends of what is called "protection," that tariffs are to be laid peculiarly with reference to the interests, and for the benefit, of the manufacturer; and, from the beginning of the Government to this day, the debates in Congress, and books, pamphlets, and newspapers, throughout the country, have been filled with statistics and arguments founded upon this assumption. I am aware, sir, that it is argued, also, as it has just been argued by the gentleman from Pennsylvania, [Mr. KUNKEL,] that whatever benefits the manufacturer benefits the whole country; and that a "home market" is fraught with numberless blessings to the consumer. Well, sir, all this sounds very fine in theory; but, until it shall be established that fostering manufactures tends necessarily to the multiplication of the human species, or an increase in the capacity of the human stomach, pardon me, sir, if I do not believe it. Will he who manufactures iron or wool eat more than the man who grows flax or raises sheep? Can the operative of Lynn or Lowell digest better than the operative of Leeds or Manchester? Will there be a greater demand for flour, beef, and pork, in New England and Pennsylvania alone, than in all the rest of the world and Pennsylvania and New England together?

But I return to the direct question. I am no friend to the act of 1857. It is peculiarly a manufacturer's tariff, and a highly protective tariff, too: in my judgment for them the most "protective" tariff ever enacted. It "protects" in two modes; for there are two modes of "protection." It admits the raw material free, and it lays also a duty upon the manufactured article. Never was there sharper practice than in the passage of that act. It is entitled "an act *reducing* the duty on imports;" and it does reduce duties, and the reduction is apparently great. Revenue it certainly has reduced. But mark you, sir; how does that reduction work? Select the single article of wool. Under the act of 1846, all wool paid thirty per cent., and manufactures of wool twenty-four per cent. But now wool, under twenty cents a pound, is free; and manufactures of wool reduced from twenty-four to nineteen per cent. Thus, the manufacturer yields six and gains thirty per cent. by the dexterous maneuver of the 3d of March, 1857. And thus, too, are the interests of the producer, and especially of the agriculturist of the West, sacrificed for the benefit of the manufacturing interests of New England; and to-day, New England would have no change in the tariff.

I concede very readily, that in the aggregate of taxation, viewing it solely as a tax, the act of 1857 is less onerous than any former tariff, and in two years, perhaps, and with a heavy importation, it might yield a revenue sufficient for an economical Government. But as a tax, simply, it is not equal and just; and in modifying it whensoever it shall be modified, I insist that it shall be made to conform throughout, to the just principles of taxation, which I have laid down. Sir, it is my good fortune to represent, in part, an agricultural State, and especially an agricultural district. We have two million and more of consumers, and a vast multitude of producers, and if there must be, and I think that there ought to be, at an early, but fit time, a revision of the tariff upon just principles of taxation, and for the purposes of revenue, after a reduction of expenditures to the lowest rational point, I demand that in adjusting it, you shall regard the interests of Ohio and the West.

Sir, I have said that Ohio is peculiarly an agricultural State. With two million and a half of people, she has twenty-five million acres; twenty million occupied by or attached to farms; eleven million actually cultivated; four hundred thousand land owners; a greater number of farms, and more tillable surface, proportionally, than any State in the Union. The cost value of her land is $600,000,000; her agricultural products are worth $132,000,000, equal to the whole cotton crop of the South; and her entire taxable property is $900,000,000. She is the first wheat, the first wool, and the first corn-growing State; the first wine-producing, also; and, as my Cincinnati colleague will attest, the foremost in the production of swine. Her animal products, alone, equal $40,000,000, and the value of her butter, poultry, and eggs, would, of itself, support half the State governments of New England.

And yet, Ohio is a part, and a small part only, of the great Mississippi valley, that most wonderful of all the portions of the globe, the very Garden of Eden in the new creation, in the political apocalypse of the Bishop of Cloyne, "time's noblest empire:" the seat, too, doubtless, of empires older than Thebes, prouder than Tyre, nobler than Nineveh, but whose memorials have perished even beyond ruins or tradition; yet destined once again to become the seat of an empire to which you, ye proud men and wise men of the East, will yet come, bearing your frankincense and your tribute.

But I rose, not, sir, to descant upon the opening glories of the West. I was speaking of my own State and of her agricultural greatness. Nor will I abate one jot or title from her manufacturing interest, for she is rich in all that constitutes a State. And I beg Pennsylvania to remember that the area of her coal-fields but little exceeds the area of the coal-fields of Ohio; that Illinois and Virginia are both before her; and that, in the production and manufacture of iron, Ohio, if not the second, is certainly the third State in the Union. Yet right here let me add, that her hay crop alone equals the whole value of her manufactures of iron in all its forms. But, Mr. Chairman, the coal dealers, and the iron mongers of Ohio are not here besieging Congress for tariffs and bounties to protect them from ruin. They are content—I am sure they ought to be content—with the four and twenty per cent. already levied upon the consumer. They scorn, as I think they ought to scorn, your favors, and will earn still, as they always have earned, their bread by the sweat of their brows. Nor do I believe that Pennsylvania has fallen from her high estate, her revolutionary greatness, when one of the most eminent of her sons repelled the bribes of George III., saying, with the true spirit and in the very language of a patriot, "Sir, I am not worth purchasing; but such as I am, the King of England is not rich enough to buy me." I commend Pennsylvania to her early virtue and her ancient independence. Let her go home and look to the sturdy and the manly industry of her sons, and not to the favors and largesses of Government for protection and for riches.

Mr. KUNKEL, of Pennsylvania. I ask the

gentleman whether the iron manufacturers of Ohio want a revision of the tariff?

Mr. VALLANDIGHAM. There is no one here asking it in their behalf.

Mr. KUNKEL, of Pennsylvania. That is not answering my question.

Mr. VALLANDIGHAM. I do not know, unless they shall present themselves at our door.

Mr. KUNKEL, of Pennsylvania. Who is here from Pennsylvania?

Mr. VALLANDIGHAM. The gentleman himself is here, demanding it to-night.

Mr. KUNKEL, of Pennsylvania. So are you, as a Representative from Ohio.

Mr. VALLANDIGHAM. But I am not here asking for "protection" upon iron, or any other article. Five-and-twenty are here pleading for Pennsylvania. Who from Ohio has demanded a higher tax upon iron?

Mr. KUNKEL, of Pennsylvania. A number of your colleagues on this side of the House.

Mr. VALLANDIGHAM. I have not heard it, or read it.

Mr. KUNKEL, of Pennsylvania. You heard Mr. STANTON.

Mr. VALLANDIGHAM. I do not know that there is an iron furnace in his district; I am confident there are not so many as in mine; yet I have not received a letter nor a petition asking for a higher duty. Iron is in more common use, and more a necessary of life than coffee and tea; and is it not quite enough that the consumers who are the many, should pay twenty-four per cent. or one fourth its value? Sir, whoever pays his blacksmith a bill of forty dollars, pays nearly ten dollars, or one fourth in duty, for the benefit of the manufacturer. And right here, let me say to the people of Pennsylvania, to whose "sober second thought," borne down now by depression of trade everywhere, I look with just confidence, and to her politicians, too, who are pressing this question to the utmost, but whom that self-same sober second thought will send back into obscurity, bringing again to public life the men who shall be found true to principle and to the Constitution, but who may perish now before the storm, that the import of coal into the United States very little exceeds the export; that it already pays a duty of twenty-four per cent., or nearly one fourth of its value; and that every year the quantity drawn from her mines has steadily increased; but especially, that the depression in her iron interest, at this moment, is not attributable to the reduction of duty (only six per cent.) upon that article by the act of 1857, since the importation last year of iron and its manufactures of every kind, was $9,000,000 less than in the year preceding, and $12,000,000 less than in 1854. It is because the consumption of iron is diminished, and therefore the demand less, amid the general depression of trade and business for the last eighteen months, by reason, too, of which, all other interests, also, have suffered, that her furnaces languish. But returning trade and returning business will put them all again into blast, without the aid of tariffs and contributions levied upon her sister States.

But, Mr. Chairman, I have pursued this line of remark further than I intended. I rose not to discuss the tariff generally, but to select and speak upon two particular products in which my own State is especially interested, but which are utterly sacrificed in the tariff of 1857, for the benefit of the manufacturer and the dealer, and to give notice that should a bill be brought before the House, I will, at the proper time, propose the necessary amendments—I refer to LINSEED and WOOL.

I do not know, sir, by whose fault it happened, but so it is that a distinction is made in the act of 1857 between linseed and flaxseed. The language of the schedule is "linseed, but not embracing flaxseed, free." Now, sir, there is not a practical agriculturist who does not know; there is not a professor of theoretical, scientific agriculture, who ought not to know; there is not, I venture to affirm, a member even of that assemblage of agricultural savans who convened in this city the other day, under the auspices of the Commissioner of Patents, who is ignorant, that linseed and flaxseed are precisely one and the same thing. It is so in every lexicon and in every cyclopedia. It is so in your "Commerce and Navigation," and in your finance reports; and it was so regarded in the earlier tariffs. Linseed is *linen semen*—the seed of flax; and the result has been that every bushel of flaxseed is admitted duty free.

Mr. DAWES. Will the gentleman from Ohio allow me to explain the difference?

Mr. VALLANDIGHAM. I understand the gentleman from Massachusetts; but he will pardon me. I have too long been accustomed to observe, if not to practice, agriculture, not to know that whatever nice distinctions may be drawn by dealers for their own benefit, there is no difference. And let me say to him, that the same happy blunder occurred in the act of 1846, linseed being rated at ten per cent., and flaxseed at twenty; but no "linseed" was ever imported at ten; the Government taking good care to collect the twenty per cent. upon it, by whatever name called, vulgar or classic. The Secretary of the Treasury held to Shakspeare's notions, about names and roses, and struck for the highest revenue. But, under the tariff of 1857, "linseed, not embracing flaxseed," being made duty free, the draughtsman of the act, marvelous to relate, quite forgot to provide a separate schedule for flaxseed, which he had so carefully distinguished from "linseed." There was no reciprocity here, sir; no "flaxseed, but not embracing linseed." And the result has been that *neither* has paid a dollar of duty to the Government since.

Mr. COMINS. Who was the draughtsman of the act? Where did it come from?

Mr. VALLANDIGHAM. I cannot say of a certainty. I always suspected it to be of New England paternity—possibly from the firm of Stone, Lawrence & Co.

But to resume. Here, then, is a heavy loss of revenue, and an unjust discrimination also against an article in which the people of Ohio and of the Miami valley are, above all others, interested. The sum total of flaxseed, or linseed, raised in the United States in 1850, was 562,307 bushels. Of this, Ohio alone produced 188,000, or more than one third of the whole amount. After her, in the table, Kentucky stands next; and after her, New York and Virginia; but Ohio equals all three. The quantity has no doubt increased since, Ohio still retaining her preëminence. And Indiana now is also largely interested in the article. But the demand is much greater than the home supply, which is not great; because flax is an exhausting crop, and never will be extensively cultivated unless it commands a liberal price. Accordingly, the importation of flaxseed during the fiscal year ending in 1858, amounted to $3,243,174, a slight increase—$40,000—upon the imports of 1857. Under the tariff of 1846, flaxseed was rated at twenty per cent., and the duty in 1857 amounted to $600,764 80; and, had it remained at the same rate, it would have yielded a revenue last year of $648,000.

Unmanufactured flax is in the same category. Under the tariff of 1842, it paid $20 a ton; in 1846, fifteen per cent.; but, under the act of 1857, it is free. Here, again, besides the unjust discrimination against the producer in favor of the manufacturer, is a loss of revenue to the Government, amounting last year to more than $30,000.

But I pass on to the other and far more important article of wool. I have said that Ohio is the heaviest wool-growing State. The whole number of sheep in the United States in 1850 was 21,723,220. Of this number, Ohio had 3,942,929, In 1854, the number had increased to 4,845,189. It has decreased since; but still is 3,308,803. Now, it so happens that I represent the smallest wool interest of all the nineteen rural districts of the State; for, out of the 3,300,000 sheep, Montgomery, Butler, and Preble number but 26,201. The immediate interest of my constituents in wool, therefore, is comparatively small; but the interest of the State is great. The wool clip of last year a little exceeded 10,000,000 pounds, valued at $3,000,000. The whole clip in the United States, in 1850, was estimated at 65,169,660 pounds, worth $20,000,000. It hardly equals that amount, or sum, now; almost certainly, it does not exceed it; so that Ohio probably yields more than one sixth of the entire quantity grown in the country.

Now, sir, from 1816 to 1857, wool costing ten cents a pound and over, had always paid a duty; and, during the greater part of that time, all wool paid some duty, more or less, according to the scale of the tariff. Under the act of 1846 it was rated at thirty per cent., without reference to quality or cost. But, by the tariff of 1857, wool worth twenty cents a pound and under, at the port of exportation, is admitted duty free. Now, sir, in 1857, wool was imported to the value of $2,125,744, and being all subject to a duty of thirty per cent., paid in revenue the sum of $637,723 20. In 1858, the first year of the present tariff, the importation of wool of the value of twenty cents and under, rose to $3,843,320, upon which a duty would have been levied under the act of 1846, of $1,152,996. In the same year, wool worth more than twenty cents, was imported to the value of only $179,315; paying a duty at twenty-four per cent., of only $43,035 60. Thus the excess of free over dutiable wool in the first year of the act, was $3,664,005. Practically, therefore, all wool is free. And thus it is that the revenues of the Government are largely diminished; and, at the same time, the interests of the producing classes, and especially in Ohio, utterly disregarded in the act of 1857. Sir, upon these two articles alone, the loss of revenue last year was $1,800,000.

Mr. PURVIANCE. Will the gentleman allow me to say this? The bill to which he refers, as framed, in this House, did give the gentleman the protection which he demands. When it went to the Senate, it was there taken in charge by Mr. HUNTER, and it was through the gentleman's own friends in the Senate, that the protection which he claims was denied.

Mr. VALLANDIGHAM. I am not claiming "protection" at all. I demand only just and equal taxation. But the bill which first passed this House did admit wool worth fifteen cents, duty free; and more than that, if the value exceeded fifty cents, it was also free. It was this bill, and not that which finally became a law, which my colleague [Mr. STANTON] so vehemently assailed on the 20th, and again upon the 23d of February, two years ago yesterday, in a debate to which I listened as a spectator in the galleries of the old Hall.

Mr. PHELPS, of Missouri. I would suggest, however, to the gentleman from Pennsylvania, [Mr. PURVIANCE,] that the predecessor [Mr. CAMPBELL] of the gentleman from Ohio was upon the committee of conference which agreed to that tariff bill in its present shape.

Mr. VALLANDIGHAM. Certainly my predecessor was on that committee of conference consenting to the report, and, as chairman of the Committee of Ways and Means, conducted it through the House, to which it was reported on the 2d of March, and passed, as so much other mischievous legislation is passed in the last hours of a session, under the previous question, having been read only at the desk of the Clerk.

Mr. COMINS. I wish to ask the gentleman if there is a pound of wool, grown in his State, which is not protected at the rate of twenty-four per cent.?

Mr. VALLANDIGHAM. Perhaps not; and according to the theory of the gentleman and his friends, the influx of foreign wool will forever forbid the production of cheap wools in the State; and thus the small farmer, without capital enough to deal in sheep of the finer breeds, be driven from the market. But, upon the higher-priced wools, the effect of admitting the article, when worth twenty cents and under, duty free, is indirect rather than direct. It is a premium for the manufacture of coarse woolens, and therefore——

Mr. COVODE. Will the gentleman allow me to correct him right here?

Mr. VALLANDIGHAM. No, sir, I cannot. I will yield to no one, friend or foe, in the midst of a sentence. I interrupt no one thus, and I will consent to no such interruption for any purpose. The dignity and decorum of this body, as an assembly of statesmen, are utterly degraded by these continual and persistent interruptions, corrupting all legitimate debate, and converting every speech into a maze or convolution of disjointed dialogues, and this Hall into a stage where each man plays many parts, but with none of the genius or the delicacy and refinement of the classic

drama. Our debates, sir, are becoming now but empty or angry wrangles, in which assurance, petulance, bluff repartee, and mediocre smartness, assert supremacy over modesty, logic, learning, eloquence, and all the other qualities which become a statesman. I mean no disrespect to the gentleman from Pennsylvania, but he must pardon me for declining to yield.

To resume: I was about to say that the effect upon the costlier wools of admitting cheap wool duty free, was incidental rather than immediate, inasmuch as it directs capital to the manufacture of the coarser woolens, upon which there is a greater profit, to the neglect of the finer cloths, thus diminishing the demand for the higher priced wool, and of course decreasing the price.

But this is not all; for while the interests of the producer are thus disregarded in the admission of flax, flaxseed, and wool, free, good care is had that the several manufactures of these articles shall pay a sufficient duty; and accordingly flaxseed oil and oil cake are rated at fifteen, and manufactures of wool at nineteen per cent.; and thus the producer is permitted to purchase back his linens, oil, oil cake, and woolens, with the addition of fifteen and nineteen per cent. to the price at which he might have purchased them had they been placed in the free list, alongside of his free linseed, free flax, and free wool.

I have now said what I intended to say upon this subject at the present time; and conclude with the notice that, should any tariff bill be reported at this session, I shall move, as a substitute, that the tariff of 1846 be revived for two years from the 1st day of July next, so that, meantime, a revision of the act of 1857 may be had, adhering to the principle of *ad valorems*, and also to all the other rules of equal and just taxation.

FAIR PLAY.

SPEECH OF HON. ELI THAYER,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. THAYER said:

Mr. CHAIRMAN: The gentleman from Maine, [Mr. WASHBURN,] in his speech the other day, recommended to the Republican party to "note the policy of the Democratic party, and to learn wisdom from their opponents." Advised by such high authority, and scorning no source of knowledge, however humble, I have, for a few days, made a study of the discipline and policy of the Democratic party, and what do I find? A wonderful toleration of hostile and conflicting principles and measures, prompted by adverse and contending interests. I believe that the plain of Shinar never witnessed about the base of the tower of Babel any such confusion of languages as we see here of principles and measures in the Democratic party. How do they stand upon the tariff? Some are for specific duties, some for *ad valorem* duties, and some for no duties at all. How concerning the Dred Scott decision, and the protection of slavery in the Territories? Some are for the non-intervention of the Federal Government with slavery in the Territories, and some are for the direct establishment of slavery in the Territories by the Federal power, as the Journal of this House will show by the notice which has been given of a bill to be introduced for the protection of slavery in the Territories; and as the debate in the Senate yesterday will show; while others are in favor of making all such schemes of protection null and void by the unfriendly legislation, or by the masterly inactivity of the settlers. And how about the acquisition of territory? Some are for acquiring it by fillibustering and the force of private crusades; some by the more dignified method of protectorates, military occupations, and military usurpation; some by purchase, and some by war. And how is it about the slave trade? Some are for reviving it, and some are utterly hostile to its revival. And so in reference to the Pacific railroad, and every other measure of public policy. I have said enough to show that there is a toleration in that party of the widest diversity of principles, opinions, and measures.

Now, sir, if I am to learn a lesson from this party, I think I may learn this lesson—that while I would not tolerate any such latitude of opinion as would breed confusion in the Republican party, I would tolerate such liberality of sentiment as shall not compel men who agree in practice to quarrel about matters of faith. I do not advocate that proscriptive policy which would drive away from me men who do not agree with me about the importance or necessity or expediency of legislating against slavery, or for freedom in the Territories. While I will not denounce the gentleman from Maine for his favorite measures, I shall expect the same toleration for my own. He may bow down in his chamber three times a day before the Wilmot proviso, with his windows open toward Jerusalem, and I will not trouble him for that. But when he attempts to fit other Republicans to his bedstead, we shall very likely protest against any such act, especially if it involves the necessity of cutting us off at both ends. I maintain my right to think well of Wilmot-proviso men, and to think well, if I choose, of those who are not Wilmot-proviso men. The Wilmot proviso is only a measure, not a principle.

Now, sir, there are some classes of men who profess to belong to the Republican party, to whom I do not propose to address any remarks upon this occasion, because I believe that, politically, they will not be made better, and that they cannot be made worse.

I shall first speak of a class which I will denominate THE RIGIDLY RIGHTEOUS, who claim that it is not enough that a State shall exclude slavery from its limits, but that this act must proceed from most exemplary and Christian motives. The State must exclude slavery because it is a sin. It might as well be a slave State as a free State, if it is not made free upon the purest Christian principles. These pinks of piety deprecate any appeal to national or personal interest; they deprecate any argument which is based upon economical or pecuniary considerations, as an attempt to contaminate the purity of exalted anti-slavery sentiment, and to soil, by earthly contact, the pure and spotless anti-slavery standard of the North. With this class I can never agree, for I would rather see a State free for the worse reasons, than see it slave for the best reasons.

Another class consists of the PREËMINENTLY CONSISTENT. Some years ago they pointed their guns at the enemy; and they intend to fire where they first aimed, whether the enemy be there or not. [Laughter.] To-day you find them pouring their hot shot into the cold ashes of the enemy's extinct camp-fires. [Laughter.] And they say, "is it any reason because the enemy has changed his position, because *he* is unstable and inconsistent, that *we* should be wavering and inconsistent also?" [Laughter.] With this class I do not agree. I am for pointing our guns where the enemy now is—for pointing them where the enemy stands at the instant when we apply the torch.

There is another class, sir, composed of THE POLITICAL CASSANDRAS of the Republican party, who are always prophesying, in the middle of one great disaster, that another still greater is about to come; who are continually saying that slavery has always had its own way, and always will have it; that slavery, under the Dred Scott decision, will yet be established in Massachusetts and New Hampshire; that secret intrigues are going on for establishing it in Canada, as well as for putting the White Mountain and Cape Cod under the lash. [Laughter.] I have an account to settle with these men. I have met them, and found them a great impediment to the progress of freedom in this country. In the contest for free men and free labor in Kansas, I affirm here that they were a greater obstacle to our progress than the border ruffians, the Cabinet and power of President Pierce, or the bad traveling in the State of Missouri—for they were filling the country with the cry that Kansas was lost. With quivering lips and moist eyes, they went about crying that *all was lost*. The effect was to send hundreds and thousands of men, who would have joined our good colonists in Kansas, shivering away to the cold regions of Minnesota. I have no sympathy with these men. Of this class was Uzza in the days of David, who thought that, because the oxen stumbled, the ark of the Lord would surely fall; and he stretched out his trembling hand in support of omnipotence. Smitten by the power which his doubts had insulted, faithless Uzza died upon the spot. Why he died, I ask no commentary to tell me. Why any such are left is not so clear. Without faith, either in the power of God or the destiny of man, they libel freedom and slander freemen. They have no joy in the present, and no hope for the future. They seem predestined to disaster and defeat; and woe to the party or project in which they assume authority or exercise influence. To a man of this class the present life is one perpetual nightmare; and what the future will be, who can say? Can he be saved? Can a man be saved without faith, or hope, or works, with only repentance, and even that consisting not in sorrow for his own sins, but for other people's virtues? [Laughter.] Why, what, if, by some chance, he were once in the Holy City? he would be no more saved than he was before. He never would see the tree of life or the river of life, never would have a harp in his hand but a spy-glass, and skulking about the battlements, and peering off into illimitable space, [laughter,] if he should chance to see Dred Scott or the Supreme Court, even though they might be beyond the great gulf, he would think they were coming to establish slavery on the golden pavements of New Jerusalem. [Laughter.]

Now, sir, I do not address myself to these men. They bear the same relation to the Republican party that Cape Fear and Cape Lookout do to this continent. They serve only to keep people away from it. [Much laughter.] I address the *continent* of the Republican party, and not these insignificant, though conspicuous, capes and promontories. And, in doing it, I shall refer to first principles.

It is an axiom in physics that one body must sustain to another one of three relations. It must be either less, equal, or greater; and it is in accordance with the law of growth that if one organized body is less than another, and, by natural and gradual accretions, shall at some time become greater, it must first become equal. Now, sir, in politics it is also an axiom that if one cause is inferior to another in position or in importance, it can never become superior except by first attaining to a position of equality. Now, sir, freedom and slavery are two causes in our politics, and it is claimed by gentlemen that the cause of freedom is in an inferior position politically, (and this I assert too,) and has been so for years.

The question, then, is, how it shall attain to an equal position, and, perhaps, hereafter to a superior position. It can only attain to that superior position in the legislation of this Government, by first attaining to a position of equality. And it is this policy of striving for this position of equality that I have advocated for years; and I am rejoiced that, at the present time, I am sustained in this argument by very high authority. I find that one of the distinguished Senators from the State of New York [Mr. SEWARD] made a speech last November, in which he took this position. Part of that speech was made in Rochester; the other part of it was made a few days later, in Rome. The speech, altogether, contains two main propositions. The first proposition is this: that the Democratic party ought to be put out of power. The second proposition is the method by which this can be accomplished. Under the first head, the speaker, not having much to prove, and therefore being free from the necessity of laborious concentration, (because a northern audience was willing to assent without argnment,) very naturally digressed from the strict line of logic, and discoursed freely upon a collateral philosophical question. He entered into a harmless philosophical speculation about the comparative vitality of free labor and of slave labor; and I think he came to the conclusion that free labor has the greater vitality. This I consider a very harmless speculation; and had a similar one been indulged in, as it has often been, by a southern statesman, and a contrary conclusion arrived at, no northern man would have thought of taking exception to it. He might have concluded, as Mr. Fitzhugh has done in his Sociology, as southern orators

have often done on the stump, and as southern editors have often done in their papers, that slave labor had the greater vitality, and would hereafter override free labor in the northern States. Well, sir, so much for the very harmless speculation which has been very much misrepresented. But the sum total of the Senator's argument—the conclusion, which was for immediate and practical use—was what may be considered a sound national platform for the party opposed to the Administration. It is broad enough for all the elements of the Opposition to combine upon, and to occupy safely. Now, sir, what is that platform? What are the words of wisdom which give promise of victory? Here they are:

"The work of to-day is to obtain securities for fair play in this great contest. Fair play was all that was left to James Buchanan and his administration to afford us. He promised us that miserable right—the remnant of all other valuable rights. Even that promise was broken, and that right has been treacherously wrested from us the first year of the administration of James Buchanan. The President, without rebuke from Congress, and with the acquiesence of the Senate, successively removed Governor Walker and Governor Stanton, for yielding to the people of Kansas free, fair, and impartial elections. When the people of the State of Kansas by such election repudiated the slavery Lecompton constitution, and avowed their unalterable determination to remain a community of free men, the Congress of the United States remanded them to remain indefinitely a slaveholding Territory. Elections for slavery are held valid and lawful; elections for freedom are deemed invalid, idle, and futile. Have I not said truly, then, that our first conquest must be the recovery of fairness and equality between freedom and slavery in the conduct of the Administration, and of legislation at Washington?"

"Fairness and equality between freedom and slavery, in the conduct of the Administration and in the legislation at Washington!" What, sir, is this, but non-intervention by the Federal Government, either for freedom or slavery in the Territories? What is this but a national platform, upon which all the elements of opposition to the present Administration can fairly stand? I subscribe to that doctrine, and advocate a fair-play party, and a fair-play President, upon a fair-play platform; I am for fair play between section and section, between State and State; for fair play for our foreign policy, and for fair play for our domestic policy; for fair play with England, France, and Spain; fair play with China and Africa; for the acquisition of Cuba, Central America, and Mexico, by fair play, and by that only. Here, then, is the position which the Opposition can fairly assume, and the platform has the highest Republican authority. Sensible and practical men will harmoniously indorse it, and be proud to stand upon it and defend it through the next national campaign.

In relation to slavery in the Territories, and the connection of the Federal Government therewith, there are three political positions, and only three. First, there is intervention for slavery; second, there is intervention for freedom; and third, there is no intervention whatever. What is the present policy of the Democratic party in relation to this question? and what has been its past position? I say that party has been, and it is now, in favor of intervention for slavery. I say that while that party has advocated popular sovereignty, and has elected one President by that advocacy, it has always persistently voted against popular sovereignty. It voted against it in the spring of 1854, upon Senator Chase's amendment to the Kansas bill, giving to the people of Kansas and Nebraska the right to choose their own officers. It was voted against when the Toombs bill was voted for by the Democratic party, imposing a constitution upon the people of Kansas without their approbation. It was voted against by the Democratic party when they voted for the Lecompton bill, which sought to impose upon the people of Kansas a constitution, not only without their approbation, but in defiance of their solemn protest. It was again voted against in rejecting the Crittenden-Montgomery amendment, which gave to the people of Kansas the opportunity of framing their own constitution; of choosing under what organic law they would live.

But, sir, while the Democratic party excluded Congress from intervention with slavery in Kansas and Nebraska, they did not exclude the President from interfering by the use of his patronage and power. The intervention of despotic unity was preferred to the intervention of Congress for the establishment of slavery in Kansas; and, sir, I think they had a tool at that time which was well adapted to the uses for which it was designed. It was supple, pliant, and fitted for many uses. Hudibras had such an instrument—his dagger.

"'Twould scrape trenchers or chip bread,
Toast cheese or bacon, though it were
To bait a mouse-trap would not care;
'Twould make shoes clean, and in the earth
Set leeks and onions and so forth."

So much for the past position of the Democratic party in relation to intervention in the Territories. Now, what is its present position? Is that party now upon the popular-sovereignty platform? Did the debate in the Senate yesterday show that? Are they not in favor of intervention, and that of the fiercest kind, against freedom and for slavery in the Territories? And what does that notice mean upon your Journal of a bill to be introduced which shall provide for the protection of slavery in the Territories? What mean those southern journals when they demand that a Federal law shall be made by Congress for the protection of slavery in the Territories? I refer, first, to the Charleston (South Carolina) News, which says:

"If the Constitution confers upon slavery the right to go to the Territories, as, according to the Kansas-Nebraska bill and the Dred Scott decision, it does, then it also imposes the duty of protecting that right; and this cannot be done without positive pro-slavery legislation, and a Federal slave code for the Territories."

Again: the Richmond Enquirer says:

"The right of property in slaves in the States is now placed, practically as well as legally, beyond the reach of Federal legislative encroachment. But in the Territories the case is different. It is not sufficient that the decision of the Supreme Court prevents Congress and all its delegates from the prohibition of slavery in a Territory. There must be positive legislative enactment; a civil and criminal code for the protection of slave property in the Territories ought to be provided."

In the same spirit is the following extract from the New York Day-Book:

"Of course, the people of a Territory, when they frame their State constitution, may adopt or exclude slavery; but while they are a Territory, if they fail to protect property invested in the person or industrial capacity of a negro, they grossly violate equal rights, and therefore are not authorized to consider themselves Democrats. The whole question is resolved into this simple right, or no right, to protection to slave property in the Federal Territories; and the Charleston News suggests it must constitute the issue of 1860."

We find such opinions becoming prevalent in the Democratic party, and it is demanded that they shall be made the test of party fealty. Then we must come to the conclusion that the Democratic party is to-day against popular sovereignty: that it is in favor of Federal intervention, of Executive intervention, of legislative intervention, as well as judicial intervention, for slavery in the Territories of the Union.

Well, sir, what is it proposed now to oppose to this pro-slavery intervention in the Territories? Is it said that we will oppose to it the Wilmot proviso? I respect the sincerity of those who recommend this as a panacea for all the evils that threaten our Territories, but I cannot highly esteem their intelligence if they believe it can be applied. For how many years is it since any party in Congress had the power to pass the Wilmot proviso in reference to the Territories? Quite a number. And how do the people of this country stand upon that question? In the last two presidential contests they have repudiated that measure, and to-day we find the people against it, Congress against it, and we have it intimated to us that the Supreme Court would declare it unconstitutional. Then, under these embarrassments, shall we unavailingly strive to apply it until all the territory of the United States shall have been settled, and its destiny sealed forever, either as slave or free. Then it is an impracticable and an antiquated issue, and sensible and practical men will now cease to urge it as a party policy. Such men now see that they could not apply any such prohibition if they would, and I hope they will not repudiate those who would not apply it if they could.

If, then, as I have shown, there can be no Federal intervention for freedom in the Territories, we can only choose between intervention for slavery and no intervention at all. Then, sir, without hesitation, while I deny no principle of the Republican party, I advocate the adoption of the policy of no more Federal intervention with respect to slavery in the Territories.

But what *really is the position* of the Republican party upon this question? Can you show an instance in our history in which we have gone against honest popular sovereignty in the Territories? What act in this House, or in the Senate, will show that the Republican party has been against popular sovereignty? During the contest in Kansas, all we asked was, that the people should be let alone, and that they should have the right to do as they pleased? We voted for the Chase amendment in 1854. And how did we vote last session upon the Crittenden-Montgomery bill? Every man upon this side of the House sustained it. Are we not, then, the party not only in favor, but also in possession of, popular sovereignty? We have captured that gun before the enemy had even used it; and now we propose to test its range and accuracy by some experiments on the Democratic party.

But, does any man say that he voted for the Crittenden-Montgomery bill in an emergency, and that he sacrificed his principles in doing it? I doubt whether this will be said. I did not sacrifice my principles by that vote; on the contrary, I voted in accordance with my principles. And, sir, I have but a poor respect for principles that will not do in an emergency; that will not do in a storm. Such principles are not fit to keep in fair weather. Well, sir, that is the policy of the Republican party; at least, it is the practice of the Republican party; and non-intervention is perfectly consistent, therefore, with its present principles. It is not only perfectly consistent for the party, but it is perfectly safe, as I will show you, for the cause of freedom. I can refer you to the history of Kansas. Kansas, without any protection for freedom, has become a free State, or, at least, she is at this day prepared to be a free State, and will never be anything else. In defiance of the numerous obstacles in the way of obtaining her freedom, she has bravely secured it. In the immediate vicinity of the Platte purchase, the most intensely pro-slavery portion of Missouri; there, almost in the bosom of slave States; there, far removed from the States of the North, which furnish emigrants to the West; and with all the force of the General Government against freedom, and for slavery in the Territory; the free-State heroes have triumphed; and, not only that, but they have put forth many times the power which was requisite to accomplish the grand result. If it had not been for Executive intervention, and for the cowardly predictions of faint-hearted anti-slavery men in the North, that Kansas would be lost, I think, sir, that the contest might have been ended before the year 1856. But as it was, notwithstanding all the obstacles in her way, the contest began to grow insipid during that year, for want of opposition from the pro-slavery side, and I left it, as Atchison and Stringfellow had already done. Since that time, we know very well what has been the history of Kansas. It is now apparent that there are, at least, eight or nine free-State men in the Territory to one slave-State man. Whatever may have been intended, such, sir, has been the effect of adopting this principle, which has compelled northern men to rely upon themselves, and act upon their own responsibility, in this matter of making free States. This is safer than to leave this question to Congress and to law. I have a thousand times more confidence in the people than I have in Congress on this subject.

Now, Mr. Chairman, compare the resources of these two causes that contend for preëminence in the Territories—free labor and slave labor. How do we find the wealth and numbers of the North when contrasted with those of the South? I shall not dwell upon this point; for on a former occasion I opened that greatest book of martyrs—the census of the United States—and showed how these facts were.

But how do the North and South compare in the power of combination? Why, we men of the North, called the northern hive, live in towns and villages. Even our agricultural districts are quite densely peopled. We have, in Massachusetts, one hundred and thirty men to the square mile. If there is any difficulty abroad or at home—if there is any need for immediate action or remote action, it is easy for us to assemble, and consult, and determine what action is needed, and

what shall be most effective. And, sir, when it was necessary to put some colonies into Kansas, I found no difficulty in having meetings in these towns and villages at very short notice. Plans were formed for making colonies, and for taking possession of the country in dispute, and thus the result contemplated was accomplished. But how can any such concert of action exist in that part of our country where there is only eighty-nine one-hundredths of a man to a square mile! What chance of holding meetings, of kindling enthusiasm, of taking counsel, and of laying plans for accomplishing grand results? None whatever.

Then, sir, added to this ready combination, we also have great facilities of locomotion. Our people can migrate with but little difficulty. If there were a meeting to-night to put a colony into Kansas, all the arrangements might be perfected, and complete preparation made for starting in two weeks. The next day after the meeting you would see flaming hand-bills on the streets, headed "Ho, for Kansas!" "Property for Sale!" Daguerreotypes of some "familiar faces," and perhaps the old homestead, would be taken, and in two weeks the colony, on the lightning train, following a pillar of cloud by day, and a pillar of fire by night, would be going on its way to their prairie homes.

How can a southern planter hope to rival this speed and readiness of transition? After he has determined to emigrate, his plantation is to be sold, and the purchaser is to be hunted up, and much time is required. And after a purchaser is found, credit must be given of from one year to twenty years. But suppose all this accomplished, and the whole train of servants made ready for the journey: how like a funeral procession would they appear loitering along through the swamps of Alabama and Mississippi! No, sir, you cannot compete with us in this game of emigration. We evidently have the advantage of you every way. You have not power to make a contest in this matter interesting. I say this in no spirit of malignant exultation. I am laying down facts, and I wish southern men to understand their bearing and inevitable consequences.

But, sir, the southern planter does not take his force of negroes to a disputed Territory. The case which I was just now supposing never really occurs in practice. It did not once occur during the contest for the Territory of Kansas. I have never heard of a single slaveholder who took there even as many as five negroes.

The spirit of devotion and the spirit of Christianity sometimes prompt to great sacrifices, but I am compelled to believe that the southern planters are few in number who will hazard the loss of their slaves, even for the grand purpose of securing "scope and verge" to African Christianization.

If, then, there is no motive of Christianity potent enough to influence slaveholders to move with their slaves to the Territories of the West, there certainly can be no other sufficient inducement. There can be no pecuniary inducement to convey slaves where the very soil under their feet will be in dispute, and where the slaves themselves may be confiscated by an organic law excluding slavery from the new State, or by the statute law of the Territory, called "unfriendly legislation."

Again, sir: there is a converting power in these free-State colonies; and it is a wonderful power. I assert, on the best authority, that the majority of the inhabitants of Kansas, who went there from slave States, are to-day free-State men. They came in contact with these northern communities, they learned some facts of which they were not before cognizant, and they made up their minds that it was best for them and their children that Kansas should be a free State. This converting influence extended to the Governors of the Territory. "The extinguishers themselves took fire," and to this day they give a charmingly brilliant light.

Now, sir, in addition to these resources, contrast the causes themselves, which are in conflict. Contrast free labor with slave labor. What are their histories and what their relative power? Free labor has covered the once sterile hills of New England with orchards and gardens and corn-fields. It has filled our valleys with the music of machinery and the hum of busy industry. The same creating power has built thriving cities and towns upon our western waters, and clothed the prairies with fields of waving grain. Scaling the Rocky Mountains, the same majestic power has opened the golden gates of the Pacific, and has transformed the solitary wilderness,

"Where rolled the Oregon, and heard no sound
Save his own dashings,"

into a prosperous State, destined to become the most important seat of commerce and manufactures on our western coast.

Here are some of the trophies of free labor. Others yet, and greater, will be secured in the future. Stronger than Briareus, and possessing more arms than the giant monster brought to defend the throne of Jupiter against assailing Titans, free labor, unaided by law, relying solely on its own inherent energy, will always be found able to protect its own inheritance.

But where are the triumphs of slave labor? I will not reply. I press this comparison no further.

Now, sir, there is no chance of making another slave State from any Territory belonging to this Confederacy. I state this as a fair and well-founded conclusion, that it may be considered by men from all portions of the country. I think that sensible men from the South already consider it a settled fact. What need, then, of quarreling about measures for securing what is already secure? Security is all we ask; and that we have. That is the grand result of a contest to which you invited us, and to which we reluctantly came. We did not propose to you this very unequal game of emigration. It was a game which was proposed by the Democratic party; and the South enlisted in it, under the lead of that party. And what was the stake? You compelled the North to stake Kansas on that game, while you voluntarily offered to stake all the other Territories. For one, I was ready to accept that challenge. I was ready to enter upon that game upon such terms. I did do it. I do not now regret it. I do not want it otherwise than it is; for all that we have lost in achieving the victory that we have gained is more than ten thousand times repaid in that disciplined army of freemen, who are determined to see that all is right from Minnesota to the Gulf of Mexico. These are the facts; and it is better for the whole country that such are the facts.

There are two blunders that the South has made in following the lead of the Democratic party. The first is the blunder of the free-trade policy, which has compelled us to leave our native homes and make free States in the West. We could not be idle; and when you would not let us make cloth in New England, we have gone about making States on the prairies. What, now, would have been the result, if an opposite policy had prevailed? What, if the South and the Democratic party had allowed abundant protection to our manufacturing industry? By that protection our manufactures in New England would have increased in nearly the same ratio as the production of cotton in the southern States. That has been the fact essentially with the cotton manufactures of England. Why would it not have been so with our own, had they been sufficiently protected? But ours have remained almost stationary for the want of this protection. We have therefore gone about making markets for our future products, and in that we have done well. If our manufacturing industry had been protected, as I suggested, New England would to-day have had double her present population, and I think that our free States would not have extended one whit beyond the Mississippi. I doubt whether they would have gone beyond Indiana. The South could have taken possession of the great West by that policy; she would have become the agricultural power of the Union, emphatically. But now, free labor has already taken possession of much, and, as I have shown, will yet take possession of the remainder, of the public domain. The thing is inevitable. It must come. I do not stand here, as a New England man, to find fault with these results; whatever may be said about the motives which secured them, the results are good. We have secured, for all future time, the best market in the world; and New England will yet see brighter and better days than she has ever yet seen. No portion of the country can ever compete with her in the manufacture of cloths, or of boots and shoes; no portion can ever compete with her in ship building, or in the carrying trade of the Atlantic coast. She has now prepared for herself this extensive market of free States, which is every day increasing. The difference between a free-State market and a slave-State market is almost beyond calculation. It is a difference based both on the quantity and the quality of the goods which we manufacture, as well as on the security for pay. Who, then, can condemn us for having enlisted in this crusade for freedom in Kansas with so much zeal, when we understood that her freedom would inure to the benefit of New England industry hereafter forever?

Some men may have had a more exalted motive—no doubt many had—no doubt there was much of sentiment, and much of benevolence and Christianity also, in these efforts; but if there had been nothing but wise pecuniary forecast in them, even that would have been reason enough for our honest efforts to make free States. Here, then, we see that the free-trade policy of the slave States has effectually restricted slavery and extended freedom.

The second grand political blunder of the South, under the lead of the Democratic party, was the repeal of the Missouri compromise. When you rested on the pledges of implied law, you were sure of securing for slavery a large portion of the public domain; but when, under the delusive hope of acquiring Kansas, you invited the North to contend with you in this game of emigration, you abandoned the last solitary hope of slavery extension on this continent. This Kansas contest has created more working anti-slavery than all other causes in our history. To be sure, we had some dreaming sentimentalists before, who felt enough, but who expended their feeling in harmless speeches and resolutions. There were also some political anti-slavery men, who relied on law, and nothing else, to restrict slavery and extend freedom. But the repeal of that compromise gave us free-State settlers instead of free-State sentiments. It made the people rely upon themselves rather than on law and politicians. It has given us a race of workers instead of a race of wishers; and now, whatever may come hereafter, we shall always remember that the surest defense of freedom is a guard of freemen at the point of conflict. The history of that conflict has shown us that the extension of freedom has no necessary connection with the success of party politics; that the people, independent of political organizations, can make free States, even when the whole power of this Government is exercised against them. Who, then, can, for a moment, doubt concerning the result, when the people shall have fair play, and non-intervention in the Territories by the Federal Government, instead of perpetual and persistent Federal intervention for slavery?

These two comprehensive blunders of the South, under the Democratic party, the free-trade policy and the emigration contest—induced by the repeal of the Missouri compromise—have secured, beyond question, the freedom of every foot of the national domain. In commemoration of these transcendent southern illusions, I think the Abolitionists ought to erect one grand enduring monument.

How, then, can this policy of non-intervention in the Territories, which I have advocated, be embodied and made practical? There are two ways by which that may be accomplished. One way is, by allowing the people of the Territories to elect all their officers. I am utterly opposed to the organization of another Territory without such a provision in the organizing act. Another way is to allow no more territorial organization whatever. Some men may consider this as unsafe. I do not *recommend* it now as a policy. I *suggest* it as a policy to be considered, whether it might not be better hereafter, never in any way to increase our provincial dependencies. Such dependencies do not become this Government. They are entirely hostile to the genius of republican institutions. There is nothing in the origin of this nation which should encourage this provincial system for our Territories. I would feel perfectly safe to allow our emigrants, with the Bible and the common law, with the ax and the plow, to go into the national domain and take care

of themselves. How would such a policy affect the Treasury of the United States? It would save us millions of dollars annually. Our people would then go forward in solid phalanx. They would be able to protect themselves. There would be no deterioration in education or morals; for the settlers, living contiguous to each other, could support schools and churches. We would then have no difficulty whatever, arising from Indian wars, and no difficulty arising from the numerous applications of territorial office seekers.

Sir, we have history on our side in favor of that policy. The people of Oregon governed themselves for ten years before the Congress of the United States extended their protecting hand over the colony. They had a perfect system of government; a perfect system for the administration of justice. They had a symmetrical and well appointed government, in all its branches. They established post offices and post roads. According to the testimony of the first Governor of that Territory, everything was progressing with as much regularity and order and success as it could have been if it had been all planned by the powers in this city, and put in operation by their agents. But we have a present example. Dacotah is to-day without a territorial government, and yet we hear of no disturbances there. The people have established a government for themselves, and I much doubt whether it is in the power of Congress to improve it by establishing in its stead a non-resident jurisdiction. But, sir, there are earlier examples of the successful working of this policy than are furnished by either Oregon or Dacotah. I refer to the early colonies of Plymouth, Providence, and New Haven, whose histories are household words.

Wherever you look you find that our people, whether they be few or many, are abundantly able to take care of themselves. Therefore, I suggest, as a policy to be considered, whether there shall hereafter be another Territory organized in the national domain; whether we have not had sectional quarrels enough, and difficulties enough about provincial dependencies, to induce us to create no more, and, as speedily as possible, to get rid of what we now have.

Now, sir, I have advocated an open field for a fair conflict between these two opposing systems of labor. If you, sir, claim that slave labor is a divine institution, I claim that free labor is a divine institution; and I, for one, am willing that hereafter the two institutions shall honestly contend and grapple, and that the stronger shall prevail, and I will acknowledge that the one which shall prove the stronger in a fair contest is the more divine.

Now, sir, in all that I have said upon this subject, I have nowhere denied the power of Congress to exclude slavery from the Territories. On the contrary, I believe the power is clearly established, not only by legal construction of the highest authority, but also by the authority of our history and practice. Still, sir, I should deem the exercise of that power inexpedient at the present time if it could be applied. Nothing should be attempted by law which can be accomplished without law. The extension and security of free labor cannot be effected by law, but by work. It would be a hazardous security for the North to rely on law to prohibit slavery in the Territories, when she can so much more safely rely upon herself. But, sir, we have no power to prohibit it by law, and since we have not, I do not regret the fact; I say that I am willing that this conflict should go on, and that it should come to a decision which is based upon the merits of the contending systems, and upon nothing else. And the more cheerfully do I assent to this arrangement, because it will furnish a sound basis of legislation to ages yet to be. But if to-day slavery is obstructed by law; if to-day slavery is crushed out by the legal enactments of this General Government, and not by the laws of the communities in which it is practiced, then what objection could be urged when a future generation, here or elsewhere, shall propose to establish slavery instead of free labor? Why, it would be said that slavery did not have a fair trial in the United States of America; that it was crushed by the opposing force of law; that it did not fall from its own inherent weakness and lack of vitality; and there might be force in that argument. But now let the question be determined by the merits of the two contesting systems, and let the mighty and majestic power of free labor overthrow and destroy slave labor in a fair fight, as it surely will, then what will be the effect upon the future? Why, if any legislator shall then presume to suggest to this nation, or to any other, that slavery is better than freedom, and shall make an honest proposition that it be established, the student of history will meet him, and, turning back to the records of this contest, will show him the evidence of the invincible power of freedom and of the inherent imbecility of slavery. He will trace the majestic progress of free labor all the way across this continent, from the granite hills of New England to the rocky ramparts of the Pacific. He will show that it was mightier than Presidents and princes, courts and counsellors, Cabinets and Congresses, while slavery, nurtured and caressed by the whole power of this Confederacy, appeared but a dwarfed and impotent cripple in this contest with the heaven-born giant. Then, sir, ages hence, when the actors in these present scenes shall have been forgotten, should it be proposed again to establish slavery, in this, or any other land, the people will ponder upon the progress and the grand result of this last great battle between these hostile powers, and will proclaim with one voice that freedom, having fairly conquered, shall evermore remain in possession of the field, and of the well-earned laurels of victory.

INDIAN TROUBLES IN TEXAS.

SPEECH OF HON. J. H. REAGAN,

OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. REAGAN said:

Mr. CHAIRMAN: I do not propose to participate this evening in the very interesting discussion which is going on in relation to the tariff; or to follow the gentleman who has just taken his seat, [Mr. THAYER,] in the discussion of the relative merits of free and slave labor; but I will call the attention of the committee, very briefly, to another question of great importance to the State I have the honor in part to represent.

It may not be generally known to members of this House, that a state of war has existed with the Indians on the frontier of Texas from 1854 to the present; and that during that time a very large amount of property has been stolen from the frontier by the Indians, and a great many persons have been killed by them. And it may not be known that during the last year two very bloody battles have been fought on that frontier, two of the most important battles which have been fought with the Indians of this Government for several years past.

From remarks I have heard in the course of former discussions, I infer that gentlemen may be laboring under the impression that these wars have resulted from the bad conduct of the whites, and not from the fault of the Indians. And it is my purpose to remove this impression, by the presentation of such facts as may be in my possession. A portion of the Indians, on the immediate borders of the settlements of Texas, consist of small bands of friendly Indians, numbering, in the aggregate, some fourteen or fifteen hundred; who have for many years been at peace with the whites, and who live on what is known as the lower Brazos reserve, under the control of the superintendent and Indian agents in that State. And some three or four hundred of the more friendly-disposed Camanches are living on the upper Brazos reserve, and also at peace with the whites. The Indians on these reserves are being instructed in the arts of peace and civilization; and are making considerable advances in a knowledge of agriculture. Then there are many roving bands of Indians in the vicinity of our frontier, and on the upper Red river, about the Wicheta mountains, and on the Canadian and Arkansas rivers, who have no permanent homes; who do not pursue agriculture, or any of the arts of peace; and who live by plundering and murdering the people along the frontier of Texas, and in the northern States of Mexico. These Indians know nothing of the obligations and duties of civilized life, and live by war and pillage. And it is with these we have been at war since 1854; not by any fault of ours, but to protect ourselves against their hostile incursions. And the official papers in House Document No. 27, of this session, which is now in the document boxes of members, consisting of the correspondence between the Governor of the State of Texas and the Secretary of War, and between the Governor and General Twiggs—the commanding general of the military department of Texas; and between General Twiggs and the Secretary of War; and between General Twiggs and the General-in-Chief, General Scott; and the report of Major R. S. Neighbours, the superintendent of Indian affairs there and his letters; and the official reports of Captain John S. Ford and Major Van Dorn and others show most of the facts connected with this Indian war. And I feel anxious that members may look to these documents, as far as their time will permit. From them, what I have said will be verified and it will be seen also from those official papers, that the Kickapoos, Camanches, Kiowas, and Wichetas, who have treaties of peace with the Government of the United States, and receive annually their annuities, and their presents of arms, &c., and who do not live in the territory of Texas, come down on our frontier for hostile purposes, and use the very arms given them as presents by the Government to murder our citizens; and that they steal our horses, and take them north into the Indian territories, and into the States of Arkansas and Missouri, and sell them where they can find a market for them.

I will mention another fact of importance in this connection. The climate on the borders of Texas and Mexico is mild and genial; and these roving bands of homeless, hostile savages can live there without houses, and, if necessity require it, pretty much without clothes, as many of them do. The pasturage is so good at all seasons of the year, that their horses keep in good order on the grass, and without other food; and game is generally sufficiently plenty to keep them from suffering. And these facts, no doubt, have much to do with drawing the bad Indians of all tribes in reach of us down on our frontier in the fall, winter, and spring months, and account for much of our troubles with the Indians.

In the fall of 1854, these hostile incursions had become so frequent, and so many of our citizens were killed, and so much of their property was stolen by the Indians, that General Persifer F. Smith, then in command of the military department of Texas, finding that the regular force on that frontier was insufficient for the protection of the lives and property of our people, called into the service, in the emergency, but without regular authority to do so, six companies of volunteers, for three months' service, This was in the winter of 1854 and 1855. During the next winter, the winter of 1855–56, Governor Pease of Texas, on a similar emergency, called into the service one company of volunteers for three months' service, and two companies for one month's service, each. And subsequently, it was found necessary by Governor Pease and by Governor Runnels, his successor, who is the present Governor, to call into the service companies of volunteers to serve for limited periods. This additional force became necessary in consequence of the lack of Federal troops to give us protection. And this necessity is the more apparent from the fact that six of these companies were ordered out by General Smith, who was in command of that department, and from the letters and orders of General Twiggs, the present commandant there, who shows the want of a sufficient force to protect that frontier, while the Governor of Texas is urging that fact on the attention of the Secretary of War, and both the Secretary of War and the General-in-Chief recognize the fact that the force there was and is insufficient.

The State of Texas became liable to pay these volunteer companies, and has paid them; for which purpose the Legislature appropriated the sum of $184,544 51, of which amount $148,998 75

has been paid out, leaving on hand $35,545 75, subject to be drawn. And the State asks Congress to reimburse this sum.

As evidence of the necessity for the services of these volunteers, and for this expenditure by the State, I again call your attention to these official papers, and to the evidence they contain, of the vast amount of property stolen from our people by the Indians, and of the great number of men, women, and children who have been killed on our frontier, by them, in the last five years. I might quote from this evidence, but it is before you, and I need not consume the time. I will, however, read one paragraph from the report of Major Neighbours, the superintendent of Indians in Texas, to Mr. Mix, the Commissioner of Indian Affairs, dated January 17, 1858. It is as follows:

"To sum up, the whole investigation shows that there have been stolen and driven off from our frontier since the 1st of November about six hundred head of horses, and that seven persons have been killed or captured by the Indians in the same time, namely: one Mr. Davis, two Messrs. Krenfro, two Messrs. Johnson, and a man, one Mr. Johnson's negro, and one Mr. Johnson's son, taken captive. The amount of property destroyed and driven off is estimated by our citizens at, at least, $60,000, without taking into consideration the lives that have been sacrificed."—*House Doc. No.* 27, page 10.

And this is what came to the knowledge of the Commissioner of Indian Affairs, from the 1st of November 1857, to the 17th of January 1858, two and a half months.

I have said that two very important battles were fought with these Indians during last year. On the 12th of May last, Captain John S. Ford, with a command consisting of one hundred and two volunteers, including officers and privates, and a detachment of one hundred and thirteen friendly Indians, under the command of Captain Ross, gave battle to over three hundred Indians, in which there were seventy-six of the Indians killed, and two of Captain Ford's command killed, and three wounded. And in this battle he captured over three hundred head of horses.

In this campaign Captain Ford demonstrated the practicability of pursuing the Indians across the plains, to their haunts beyond Red river, and chastising them in their own country, and thus striking that terror among them which they have so often produced among our frontier people. The pay for this service is a part of that which the bill now in the Committee of the Whole proposes to repay to the State of Texas.

General Twiggs determined to continue this policy of pursuing the Indians to their hiding places, and of visiting the calamities of war on them at their homes and among their families, as the only means of putting a stop to their murdering and pillaging of our citizens, which they have been doing for some years past, not on account of insults or aggressions offered by our people, but as a sort of business occupation; for the sake of plunder and booty, and as a means of support, instead of coming in, as they are invited to do, and settling on the reserves, where they could be at peace with the whites, and receive the care and protection and partial support of the Government, as extended under our present Indian policy; and where they could be learning something of habits of industry, and of the arts of peace and civilization.

In view of the continuation of Indian depredations during last summer and fall, General Twiggs ordered Major Van Dorn, with three companies of regular cavalry troops, into the Indian country. These were accompanied by a number of friendly Indians, under Mr. Ward and Mr. Ross. And on the 1st of last October, Major Van Dorn, with this cavalry and Indian force, gave battle to a force of from three to five hundred Indians. In this battle, the commander, Major Van Dorn, and eleven other officers and men were wounded, and three men killed on our side. Fifty-six warriors were killed—the number of wounded not known; and over three hundred animals were captured, and about one hundred and twenty lodges were burned. I mention these things in order that the extent and character of this Indian war, about which so little seems to be known here, and which has made it necessary for the commanding general of the Texas department, and for the Governor of Texas, to call these volunteers into the service, and for the Legislature to appropriate the money to pay for these services, which we now ask Congress to reimburse to the State.

The necessity for calling these volunteers into the service is shown by the action of Generals Smith and Twiggs, at different periods, commanders of the department of Texas. It is shown by the action of two Governors of the State of Texas, and by the action, on several occasions, of the Legislature of that State. It is shown by the ample testimony of other officers of the Army, and by the superintendent of Indian affairs of Texas; and numerous and reliable statements of private citizens, which are printed in the document now before us, and vouched for by persons high in official station. The necessity for additional protection there was recognized by the general-in-chief, General Scott, and by the Secretary of War. And the Secretary of War, in a letter of the 11th of last month, to General DAVIS, the chairman of the Military Committee in the Senate, says:

"I beg leave to suggest to the committee, most respectfully, the propriety of appropriating money at once to pay off all the just claims which the State of Texas may have against the United States, on account of services rendered by volunteers."

And it is also shown by the report of the Military Committee of this House, recommending the passage of the bill, now in the Committee of the Whole, to refund to the State of Texas the moneys advanced for the payment of these volunteers. These evidences are all before you, and subject to your examination. The amount Congress is called on to repay is $184,000. And the items are shown in the tabular statement, on page 44 of the House document to which I have been referring.

I have no complaint against the War Department about this matter; for the Secretary of War, the General-in-Chief, and the generals commanding the department of Texas, have shown every disposition to give protection to our frontiers, as far as the means placed at their disposal would enable them to do so, consistently with their obligations to other portions of the country. And I was much gratified when, at the last session, Congress passed a law authorizing the raising of a regiment of mounted volunteers in Texas, for the protection of our frontier. For this would have given peace and security to life and property on our frontier, if the patriotic design of Congress in enacting that law had been carried out. I was equally gratified when, during the last session, the bill passed this House appropriating the money to bring this regiment into service. And I could but turn with sadness and sorrow to behold the suffering condition of our frontier settlers, when, upon the suggestion of the President, pointedly made in two special messages to the last Congress, the Senate refused to pass the House bill making the necessary appropriations to bring this regiment into the field. It would seem that some fatal spell has come over that State. I would hope it has not been brought about by the inefficiency of her Representatives; and I shall regret to be forced to the conclusion that it results either from a willful and perverse neglect by Congress of our rights, and of their duty towards us, or from the baser consideration that Texas has but two humble members on this floor, who need not be consulted in any general scheme for the dispensation of patronage for political effect or for securing public plunder, or from the fact that she has but four votes in the electoral college for President, and because, from that fact, it becomes a matter of but little consequence whether their favorable consideration be propitiated here or not, when other States, with more votes here and in the electoral college, have still a use for more money and Government patronage.

It may be unjust to suppose that such considerations can have any influence here, and I would not be understood as imputing such motives of action; but I am afraid that, in the hurry of business, and in the necessary and natural exertion of members to secure the interests of their immediate constituents, such influences are sometimes felt in our action here. If this be not so, how should I account to the people of my State for the refusal of Congress to provide for the defense of our frontier, when murder and pillage by hostile savages are spreading terror and dismay all along the line of our frontier for six or eight hundred miles in extent? How shall I account to them for the fact that, with a Gulf coast of eight hundred miles or more, we have not a single fort to protect our towns and commerce and shipping? How shall I account for the fact that, in all this long line of coast, we have no custom-houses, such as are built in other States similarly situated? How shall I account for the fact that we have not been able to get any appropriation for the improvement of any of our harbors, while like improvements have been appropriated for in other States, having no greater necessities than ours for such improvements? How shall I account for the fact that our efforts to secure the necessary appropriations for the building of court-houses and post offices have been wholly disregarded, notwithstanding the Federal courts are held at four places in the State, while this day we have voted in this House to reappropriate two or three million dollars for the building of court-houses and post offices in other States, and in many places where they are less necessary than in Texas? And how shall I account to them for the fact that it was regarded by the Committee of Ways and Means, and also by this House, a few days ago, as out of order and improper to insert in the general military appropriation bill a provision making an appropriation to reimburse Texas for money paid out by her for the defense of our frontier, when a motion was made for that purpose by my colleague, [Mr. BRYAN,] and to provide the means for calling the mounted regiment of volunteers for Texas into the service, on the motion of the gentleman from Georgia, [Mr. STEPHENS;] while in the same bill (the military appropriation bill) it was deemed in order and right, by the Committee of Ways and Means, to report in favor of an appropriation of $75,000 for the survey of the northern lakes, where all is peace and prosperity, but where there happens to be a large number of members interested? What shall I say to them to satisfy them of the justice of such legislation as this? and to induce them to believe they receive from the Federal Government that protection and justice which is due to their allegiance and to their fidelity to the Constitution and the Union?

And again, sir, what shall I say to them in relation to the action now being had by Congress in relation to the Indian appropriation bill? At the last session of Congress a new reserve was provided for between the Pecos and the Rio Grande, and an appropriation was made to put it into operation; and provision was made for the appointment and payment of an agent for that reservation; while at this session you refuse in the Senate, and I understand the conference committee on that bill sustain that refusal, to allow the appropriation of this year to be applied to that reserve, though no repeal of the law establishing that reserve is proposed; while in the same bill you propose to increase the Indian reserves in California, where they are not so much needed as this one in Texas. Why, sir, are all these things? What have we done in Texas to merit such treatment as this? Whether a reference to these things by me be justifiable, all things considered, others may judge. I would be the last to complain if I supposed she had been fairly dealt by; and I do so now, more in the hope of securing the just action of Congress on some of these subjects, during the short remainder of the session, than for the purpose of reproaching Congress for a disregard of our rights.

The bill to reimburse Texas for the money paid out for the defense of our frontier, is now in Committee of the Whole. It is my intention, if I can succeed in getting the floor for that purpose, to move a suspension of the rules, and to report the bill back to the House, and ask for its passage. And I have detained the committee for the purpose of laying the facts in relation to it before them, that they may act advisedly when the motion shall be made; as it is not probable I should be permitted to discuss the merits of the bill on such a motion, if I shall be permitted to ask this favor of the House. And I trust your action may be such as to satisfy the people of Texas that it is not the purpose of the Federal Government to refuse protection to our frontier settlers, and require the State to provide for its own defense, and

then refuse to repay it for doing what humanity required it to do, in saving the lives and property of our people, when this Government had failed to do so.

THE TARIFF.

SPEECH OF HON. P. BLISS,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. BLISS said:

Mr. CHAIRMAN: I voted the other day for the suspension of the rules to enable the gentleman from Pennsylvania [Mr. PHILLIPS] to introduce his tariff bill. I did not hence consider myself bound to vote for the bill, but was only in favor of some change; of again bringing the matter before Congress that we might remedy some of the wrongs of the tariff of 1857. As I understood the details of that bill, from its reading in the House, I could not approve them all. It discriminated too highly in favor of some articles, and would raise too large a revenue. But as a Representative of a purely agricultural district, one that from the intelligent industry of its inhabitants and the bounty of its soil will necessarily prosper without regard to tariffs, I am willing to be liberal towards the forge and the loom, and willing to yield them such incidental protection as the Constitution, public economy, and justice to all, will permit.

I shall say nothing of free trade. Its policy has had able and eminent champions; it was ably defended in a report made last session by the gentleman from South Carolina, now before me, [Mr. BOYCE,] and the arguments are not without weight. But it is not now a practical question. Whenever any party, or considerable number of men, shall seriously propose free trade and direct taxation as a practical measure, I will then consider it; but I do not now propose to deal in abstractions.

Differing, then, as I do, from either extreme upon this question, I ask the attention of the committee to a skeleton, or brief, of my views upon the principles upon which the tariff should be adjusted; and whenever the Ways and Means Committee shall bring forward a bill, conforming to those principles, I will vote for it.

And first: what are our constitutional powers? for no one can be supposed to desire to go beyond them.

The Constitution provides that Congress shall have power "to lay and collect taxes, duties, imposts," &c., "to pay the debts, and provide for the common defense," &c. Thus, the *power* to lay and collect duties is clear and undisputed. The *object* seems to be equally clear, which is, a revenue to pay the debts, &c. Revenue must be the prime, the leading object. An assessment of taxes *for* any other object, is not a *usurpation* of power, but an *abuse* of power expressly granted, though for another purpose; like an exercise by a court of an admitted jurisdiction for an unwarrantable end. Though not in strictness unconstitutional, it is yet an equally unjustifiable abuse of a constitutional power. Such exercise of power would, hence, not be *void*, and no State or court could so declare it; yet we are under a strong, a constitutional obligation, not so to exercise it.

This revenue object does not bind us to disregard all other considerations. All powers are to be exercised so as not to oppress any, but as far as possible to benefit the whole. If action upon a given power operates oppressively, the power should not be exercised. If one mode of its exercise be more beneficial than another, that mode should be adopted. Revenue is our object; but have we a right to pursue that object reckless of public and private interests? In direct taxation, we tax to raise money; but we are not bound, hence, to tax everything alike. We may tax land, and nothing else; specific property of any kind, and nothing else; or we may put one rate upon the former, and another upon the latter. We *may* abuse the power; we *should* exercise it so as to promote the general good. So of imports. Our object is revenue; but we may raise that revenue from cloth, or iron, or whatever we choose. In deciding from what to raise it, we should look to the incidental benefit or injury to the community that will arise from any particular assessment. The only constitutional restriction is that the assessment shall be uniform throughout the United States—that we tax a yard of cloth the same in Maine and Louisiana, a pound of tea the same in Ohio and Georgia.

To the claim that an assessment for revenue is inconsistent with any other object; that an assessment with reference to other objects is an assessment *for* those objects, I reply by comparing it to an assignment for the benefit of a creditor. The debtor has a right, by the general law, to prefer a creditor. If that be a direct, a leading object, it is an honest transaction, though driven to it by pressing creditors, and though thereby they be hindered and delayed in the collection of their debts. But if his *object* be thus to hinder and delay, it is a fraudulent, and not an honest transaction, though an honest creditor be preferred. In the one case there is a direct assignment for an honest purpose, with an incidental injury to others; in the other, a direct injury to others, with an incidental honest result. The motive, the leading object, decides the conformity with law in the same transaction. And so with taxation. The direct object is revenue, though assessed with reference to the injury or benefit to the people thereby resulting. But if the direct object be thus to injure or benefit, though money thereby come into the Treasury, it is an abuse of power, because exercised for an unconstitutional object.

It is also claimed that a tariff to be for revenue should be horizontal, *i. e.* assessed equally upon all imports. But why should this be? If the object be the greatest amount of revenue, the duties should be discriminating; the highest on articles we must import, the lowest on what we can dispense with, or produce at home. The fact that such a tariff would act oppressively is, on that supposition, nothing, so long as it would bring a greater revenue. No; we are not bound to raise a great revenue, but should raise the least sum necessary, and in such way as least to oppress. There is not a power granted in the Constitution but should be exercised with discretion and discrimination, always with reference to the same great end; otherwise, we might as well have an automaton government.

There is, then, a radical difference in principle between a tariff for protection and a tariff for revenue with incidental protection. The former is a *quasi* unconstitutional tariff, because laid for an unconstitutional object; the latter is strictly constitutional, because laid for a constitutional object, and with reference to the general obligations that should control the exercise of all powers.

Granted the power to discriminate: I next inquire how duties should be laid, and how they should discriminate?

Under the first inquiry, they should be so laid, either with reference to the number of articles taxed, or the amount upon each article, as to raise a limited revenue. Large revenues are the great source of corruption; they should be kept at the lowest point consistent with the objects of Government.

They should also be laid specifically when possible. *Ad valorem* duties are not uniform. They discriminate against our own importers; they invite fraud and perjury; they are a constant source of disagreement between the collector and importer, and of doubt and uncertainty in the home producer. There is something specious—in itself it is just—in taxing according to value; and, if all imports possessed a uniform and standard value, *ad valorem* duties would answer. But value is, to a great extent, imaginary and speculative. The same article precisely will vary in estimated value more than the amount of the duty, both at the same and at different ports. Agents of foreign houses may invoice at any price they deem safe without reference to their own estimate, even, of value. A bounty is offered to a fraudulent invoice, sustained by a false oath; and, by a collusion between the importer and his foreign correspondent, all detection can be avoided; and it is easy to see the controversies that may arise from these contests as to mere value, if the collectors are honest and vigilant. *Ad valorem* duties, even if honestly laid, are fluctuating—lowest when prices are lowest, and highest when scarce and the price is high; thus taxing our necessities, offering a bounty to extravagance, and leaving the home producer ever uncertain as to the extent of his foreign competition. The Government aids the foreign producer to flood the country by falling when he falls; and, again, gives an unnatural stimulus to home production by increasing the duty whenever he increases his price.

Upon the second inquiry, there must necessarily be some difference of opinion, but it seems to me that the settlement of a few things will greatly aid our conclusions.

First, we should admit, free of duty, what has become a necessary of life, and which cannot, or will not, be sufficiently produced at home. A tax upon tea, coffee, sugar, most dye-stuffs, spices, &c., is a simple tax on consumption. We cannot produce them in sufficient abundance, and the importer or foreign producer has no motive for reducing the price to meet home competition. The assessment, then, increases the price by the amount, or very nearly the amount of the tax, and becomes a direct assessment on the consumer, and not a participation in the foreign profits. On the other hand, a tax upon articles that we produce, and can indefinitely produce at home, operates incidentally to divide with Government the foreign, and perhaps in part the domestic, profits on such imports, by causing a reduction of price to induce purchase; and also operates to assure the home producer that so great reduction cannot be made as to ruin him, and leave any profit at all to the foreign producer. Thus assured, he may freely invest; and home competition will in many, if not in all, such articles, reduce the price to the consumer, below even that of the foreign article. This is illustrated in a vast variety of home products once imported.

But the object is not so much to protect capital as labor. Labor produces capital and capital employs labor. They are necessary to each other; their best relation is when centered in the same person. The laborer should own the capital; the capitalist should be the laborer. This is so with the great body of the working men of northern Ohio, outside of the cities. The farmer works his own farm; the mechanic labors in his own shop, and the merchant sells his own goods. True, labor is there sold, but mainly as a temporary expedient to enable the laborer to acquire a small capital upon which to bestow his own labor. Hence, intelligence, morality, thrift. The school-house smiles at every four corners, and churches point to heaven from every township. Public honesty and public justice are demanded by private virtue, while the land-robber, the man-stealer, and the demagogue flee to crowded dens or darkened plains. But in the cities and larger manufactories, the capitalist buys his labor in the open market, paying according to skill and to demand. Capital is strong, and can always take care of itself; its tendency to accumulation needs no encouragement. It can always find some investment that will sufficiently swell its bulk. It can only demand from Government protection in its free enjoyment, and that it receives from the States. To bounties in any shape, it is not entitled. But it is better for the State, for all, that capital be employed in production than in exchange, merely; for production adds positive wealth to the community, and increases the demand, stimulates the skill, and hence adds to the rewards of labor. Even when the laborer unfortunately is contented to permanently work for others, we find an astonishing difference between the rude and skilled, both in character and rewards. I know communities where skilled labor now commands from two to five dollars per day, where fifty cents and one dollar was once a high reward, and is still a reward for rude employments. New directions of capital have demanded brain, as well as hand, and it must pay accordingly. We should encourage capital to demand both brain and hand.

Without capital either in the laborers, hands or seeking his aid, he is poor indeed. This is illustrated in all communities when the capitalist owns his labor. Capital is then independent of labor, indeed, it *is* labor, for labor when owned is mere capital. Hence the poor who are not owned, and

have nothing but labor to sell are truly poor, for there is no demand for their only wares. It is no wonder that in those communities where labor is thus owned, the miseries of the poor, who cannot sell their labor, should suggest the dogma, that all laborers better their condition by becoming slaves, and that labor instead of being free, should be owned and represented by capital.

The object being to protect labor, and not capital, we should not discriminate in favor of the products of mere capital. The gentleman from Pennsylvania, [Mr. KUNKEL,] has shown us today that pig-metal, the first and coarsest production of ore and coal, represents nine parts of labor to one of capital. This being so—this labor being labor in fact, and not mere capital—iron comes within the category of articles entitled to incidental protection. On the other hand, sugar—I refer to that which alone is a staple of commerce, and not to the amateur sweets of the north—is the product of capital alone. Capital represents the land, the machinery, and the hands—not laborers in any proper sense—who work the whole. It is all capital, and being merely so, is not entitled to this Federal protection. You might as well lay a duty upon foreign loans, in order to protect high rates of interest at home, as thus to augment the profits of capital, unconnected with those benefits to labor I have before indicated.

The day will come—would that I could live to see it—when labor and capital shall not have even the appearance of antagonism; when the laborer shall have such intellectual, and, especially, such moral cultivation, as shall give him a skill, and especially inspire an economy and mutual trust that shall induce him to preserve a portion of the capital his labor creates, and, by its union, transfer the largest establishments to the ownership of those who work them. But the day of ASSOCIATION will not come till the great West shall cease to bid for the highest genius and enterprise of the eastern laborer, till he is compelled to devote his energies to the improvement of his condition at home.

The blunder of those who have hitherto sought the incidental protection that tariffs can afford has been in placing too great reliance upon it; in demanding that Government so tax imports as to enable them to control the home market at a permanently higher price than that of the same imported article. This is wrong in principle; for, first, it seems to be laying duties for the sake of protection merely, which is an unconstitutional object; and, second, it is giving a bounty to the home producer at the expense of the consumer. The latter will never permanently bear such a discrimination, and simply because it is unjust; and such producer can never feel sure of his market. Another evil, in placing too great reliance upon a tariff, is the liability to lose sight of other things that depress production. The country is slowly recovering from its recent gambling mania. The use of money, cost of living, rents, salaries, wages, everything was almost doubled. Production must cease, or its profits increase also. The latter could not be; hence disaster, not for want of a tariff, but because of the universal inflation. For this mania we are indebted, in part, to congressional action in regard to the public lands. As if the ordinary stimulant of cheap lands at rising prices were not enough, we issued millions of land scrip, on pretense of benefiting old soldiers, but really to aid speculation; and gave millions to railroads, which were already, and without such stimulus, too rapidly swamping the capital of the country. The amount of American capital buried in wild lands and railroads that yield no profit is enormous. I cannot even conjecture it. These investments have diverted capital from industrial pursuits, and the country must have enjoyed an astonishing prosperity, to enable us to bear its practical loss as well as we do. No tariff could have applied a remedy. Let us all unite in absolutely withholding any more public lands from market, furnishing only to the actual settler a single farm; let us no longer stimulate our already overgrown railroad system; and let us be content with a moderate tariff, specifically and honestly laid, and I doubt not the business of the country will soon right itself, and capital seek its natural channel in production.

I do not know that, since the passage of the agricultural college bill, any attempt to correct our land system will be of any use. Agricultural colleges, so desirable in themselves, can never compensate for a new flood of land scrip; and if speculation has not already happily exhausted itself, we shall see such diversions of capital, for substantially gambling purposes, as shall continue to embarrass all production, and curse the new States and Territories. Permit me here to say, that in the establishment of agricultural colleges in the States, and in the transfer to them of the funds, either in lands or their proceeds, now used in the agricultural department of the Patent Office, I have for many years felt a deep interest. Actuated by these feelings, and without sufficiently examining its details, I last winter voted for the agricultural college bill. That vote was wrong; for, though the object is a good one, I fear the provisions of the bill will cause more evil to the West, more injury to the morals and business of the community, than any good that can spring from it. And, besides, it must render useless the homestead bill, by far the most beneficent measure before us. I hence voted to kill it, when the amendments came from the Senate; and in doing so, regretted that I was compelled to separate from a majority of those with whom it is ever my delight to act. Some say the President will veto it. I know he wants money, and perhaps will. But his reasons against it must be the antipodes of mine, whatever he assigns. He lives by corrupt speculations, and is the deadly enemy of the homestead; it now hangs upon the gallows erected by his friends in the Senate.

I then conclude this generalization of my views, by urging the friends of economy in administration, of labor and its fair reward, of the protection of capital in its legitimate use, and of the Constitution, and the honest use of its powers, to unite in such a tariff as shall not tempt extravagance, oppress labor, unduly stimulate capital, and such as is warranted by the letter and spirit of the Constitution.

We should not increase our present revenue; we have an abundance for any honest Administration; and I had rather it were less, than more. But we can increase the free list, at least, by adding sugar and molasses, if not salt; as on no principle are articles of local and limited production, especially if the necessaries of life, entitled to discriminating protection. We can then lay an honest and specific duty upon the bulk of our imports; one not so heavy as to cause complaint and render it unstable, and yet one that shall make the producer feel that we show some sympathy between him and his foreign competitor.

I have not spoken of details. They must be the subject of investigation and compromise. Yet they must not be so adjusted as to sacrifice, or even seem to sacrifice, the interests of one class, or section, to the greed of another. We have had enough of that.

I shall not soon forget the tariff struggle of the Thirty-Fourth Congress. Even when Massachusetts was freshly smarting from keenest insults, I saw her turn her back upon her friends and join hands with those who had given and sustained those insults to obtain a petty advantage over the wool-growers of my State. The day that tariff went into operation, our staple wool fell full ten cents per pound; and with reason; for, by the tariff of 1857, woolens are subjected to twenty-four per cent. duty, while common wool was made practically free. Our farmers are able to endure it; they know the dignity and feel the independence of personal, self-reliant, intelligent labor, and they can live with all their products free, and have money to devote to the education and outfit of their children. They are not in the habit of grumbling, and are usually far more fearful of Federal intermeddling than neglect. Yet, they have eyes, and can see; a sense of justice, and can perceive; and they can neither see nor perceive why all their products—their wheat, their wool, their pork, their beef—should be left to compete with the world, while sugar and linens and woolens, and iron in its endless forms, and every product, indeed, of eastern shop or southern field, are fostered with paternal care. She may, on the whole, be better off without Federal nursing. I have sometimes thought it rather perpetuated infancy than developed manhood; but still, the child who is made to generate his own heat at the wood-pile, can hardly help wondering why his brother warms at the cozy fire, even though the outer wood-pile may give highest health and more permanent heat.

The great Northwest welcomes all the competition invited by the Canada reciprocity treaty. We do it cheerfully, because, first, we are able to compete with our neighbor; if not, we are willing to give under. Second, we love Canada and its people. They are bone of our bone, and we hope will soon become flesh of our flesh. Third, we receive a consideration in the freedom of the St. Lawrence, and we are just beginning to improve that freedom. Cleveland has begun by sending ten vessels to Europe the past season; and as our good neighbors shall enlarge their canals, (for we expect nothing from the United States while in the hands of the enemies of labor and enterprise, it is too busy looking after ebony in Cuba and elsewhere,) we will make the Gulf of St. Lawrence white with our commerce. So please do not understand us as complaining of free trade with Canada.

But when you look to the South American pampas for your sheep pastures, make us who, as well as you, demand the luxuries of civilization, compete with shepherds who hang their hammock to the nearest tree, or make the ground their bed; whose pasture is free to all, and ever green; and whose only labor with his flocks is to watch and shear them; we can but ask why you, too, are not willing to compete with cheap labor and cheap capital? No, gentlemen; you that ask favors must be just; and while we will yield you the coarsest wool, which is beneath us, free, if you desire, and, by a specific duty, the finest, which is beyond us, nearly so, we are not willing you should have all the discrimination in your favor.

THE TARIFF.

SPEECH OF HON. W. W. BOYCE,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. BOYCE said:

Mr. CHAIRMAN: The Secretary of the Treasury estimates the expenditures for the next fiscal year, including the Post Office deficiency of $4,000,000, at $77,000,000. This is independent of the interest on the public debt, and provision for the gradual payment of the debt itself. The increase from the public lands, which the Secretary sets down at $3,200,000 per annum, will be required to meet the public debt. The question, therefore, arises whether we can raise $77,000,000 by the tariff. It is very doubtful whether this amount could be raised by any modification of the tariff, even though made exclusively with a view to revenue; but it is perfectly certain that no such amount can be raised by a modification in the interest of the protective policy. It is well understood that those generally speaking in this House, who are desirous of remodeling the tariff, desire to do so with a view of giving additional protection to certain leading forms of industry, especially to the iron interest. The object of the higher duties proposed is to diminish imports. We cannot, therefore, have protective duties, and $77,000,000 of revenue.

The existing tariff—the tariff of 1857—was enacted on account of the large surplus that had accumulated under the tariff of 1846. The average expenditures, exclusive of payments on account of the public debt, during Mr. Pierce's administration, were between $48,000,000 and $49,000,000. It was considered that this was sufficient to carry on the Government, and the tariff of 1857 was adopted with the expectation that it would yield about $50,000,000. I voted for the tariff of 1857, not because it was a perfect tariff in reference to the revenue principle, but because it was a reduction upon the tariff of 1846, and a step in the right direction. One of the chief points of controversy, in arranging the duties under the

tariff of 1857, was in the article of wool. Under the tariff of 1846 wool was protected by a duty of thirty per cent. The woolen manufacturers objected to this duty as discriminating against them and giving a preference to their rivals in England, who obtained their raw material free of duty. They demanded that the quality of wool they needed should be admitted free, and their manufactures of wool put in the twenty-four per cent. schedule. This was done, they were satisfied, and aided efficiently in carrying through the new tariff. There was a collision between the wool-growers and the wool manufacturers. The wool manufactures exercised a more potent influence, and the victory rested with them, which we of the South were willing to, as it was a concession necessary to insure the passage of the bill, as it antagonized the wool-grower and the wool manufacturer, and promised us cheap woolen goods—a result entirely satisfactory to us.

The cotton manufacturers were contented, because ordinary cotton goods were put in the twenty-four per cent. schedule; and bleached, printed, or dyed cotton goods, were put at thirty per cent. The extension of the free list was satisfactory to certain other manufacturers. The iron interest was least contented; but it was left isolated, and was powerless. I was not satisfied with the tariff of 1857 myself, because too large a proportion of the duties was thrown on articles of prime necessity: as cotton, iron, and woolen manufactures, and sugar. These articles, being of universal consumption, too large a share of the burden of taxation was thrown on the laboring classes. The result has shown the correctness of this opinion; for, under the tariff of 1857, nearly one half of all the duties have been collected from these articles. I further objected to this tariff, that it recognized the principle of protection; that it taxed cotton manufactures twenty-four, and in some instances thirty per cent., woolens twenty-four, sugar twenty-four, and brought silks down to nineteen per cent. I was also unwilling to continue tea and coffee on the free list, as being articles not produced in this country: they were peculiarly suited to produce revenue duties, as there would be no indirect tax upon them.

If I could have modified the tariff according to my own ideas, I would have entirely abandoned the policy of laying duties for protection, but dealt with the tariff simply as a means of raising revenue; though I am well aware that any tariff that could be devised would operate practically to afford protection, in a greater or less degree. Further, I would have placed the lowest possible rates of duty on articles of prime necessity, so as to bear as lightly as possible on the productive classes, and throw as much burden as possible, consistent with revenue principles, on articles of luxury consumed by the rich. As regards the free list, I would not have made it embrace tea and coffee; but I did not object to embracing in it the raw material of domestic manufactures; as the only result of doing so is to cheapen production, which will be a benefit to the whole country. But not haying the power to remodel the tariff according to my own ideas, the question was, whether I would take the tariff of 1857, or the tariff of 1846? Between these two, I greatly preferred the tariff of 1857; first, because the average rate of duty was lower, being a fraction over seventeen per cent. under the tariff of 1857, and a fraction over twenty-three under the tariff of 1846; second, because it promised a substantial reduction of revenue to the extent of about $8,000,000; third, because it was a step in the right direction.

I ought not, however, to overlook an important advantage in the tariff of 1857 over the tariff of 1846, in reference to our trade with France. I allude to the duties on wines and brandies. By the tariff of 1846, they were placed in the one hundred per cent. schedule; by the tariff of 1857, they were reduced to the thirty per cent. schedule. I thought this a decided benefit to the South; because our chief exports to France are tobacco and cotton, and a large portion of our exports from France are wines and brandies. It was clearly beneficial to the South to remove all unnecessary impediments to this trade. Under the circumstances which I have alluded to, the tariff of 1857 went into operation apparently with more favor than any tariff which had recently been enacted.

Unfortunately, a disastrous commercial revulsion fell upon the country shortly after the tariff of 1857 went into operation, by which the imports fell off for the last fiscal year $90,000,000, and consequently reduced the revenue to $43,000,000. That this deficiency is accidental and temporary is very clear, because the revenue for the two first quarters of the present fiscal year are a little over $26,000,000, showing a revival of trade steadily going on. I feel satisfied that the estimate of the Secretary of the Treasury of $56,000,000, as the product of the tariff for the next fiscal year, is sufficiently near the mark. The Secretary estimates that he will have in the Treasury for the next fiscal year, including balance on hand of old appropriations, customs, public lands, and miscellaneous, $69,063,298 57. This, in reference to the estimated expenditures for the next fiscal year, will leave a deficiency of $7,914,576. This deficiency, however, is caused by a supposed expenditure of $71,234,633, independent of the Post Office deficiency. Is this large expenditure necessary? I think not. I think we can reduce the expenditures of the Government $20,000,000. Under a system of direct taxation the reduction of expenditure would be even greater than this. Towards the close of Mr. Pierce's administration, Mr. Guthrie, Secretary of the Treasury, reported that the annual expenditures of the Government, for the preceding five years, excluding payments of the public debt and $10,000,000 paid for the Gadsden purchase, but little exceeded $48,000,000. Surely that was not a period of peculiar economy; indeed quite reverse was the case. If $48,000,000 was sufficient, during the administration of Mr. Pierce, when the large surplus rendered extravagance almost a necessity, why cannot we get along now with that sum by proper economy? There is no reason why.

Again: in 1821 our total expenditures were $9,784,154 59, at which time the population was 10,606,544. Our population is now 29,000,000. If our taxation had increased in the same ratio as our population, our expenditures would now be $30,000,000. But should our expenses increase in the same ratio as our population? I think not. Upon this point Mr. Calhoun, whose judgment is entitled to great weight, said in the Senate, January 25, 1842:

"I wish it be understood that I do not admit that the expenditures of the Government ought to keep pace with our rapidly increasing population. There are many branches of the public service which ought not to be, and have not, in fact, been, much increased with the increase of population. *It would, in truth, not be difficult to show that an increase of revenue and expenditures, and consequently of patronage and influence, equal to our rapidly growing population, must almost necessarily end in making the Government despotic.*"

To show that our expenditures ought not to increase in an equal ratio with our population, consider the alarming results which would ensue if they did. Our expenses are now $77,000,000; in thirty years our population doubles; in thirty years our expenditures would be $154,000,000; in sixty years, $308,000,000. I subscribe to the truth of this opinion, except that I would substitute for the word "despotic," the words "utterly corrupt and impossible."

Again: in 1851-52 the expenditures, exclusive of payments on account of the public debt and awards under the treaty with Mexico, amounted to $36,022,099. Now we are asked to expend $77,254,633—more than double. Surely this is too rapid an increase of expenditure in seven years. The country was then as large as it is now, and the same causes for expenditure existed then as now.

I take it for granted our expenditures are largely over what they should be. The three great items upon which the principal reductions can be made, are the Army, the Navy, and the Post Office Department; besides which, there is room for large reductions in all the ramifications of the public expenditure.

In 1821, the Army cost $3,096,924 43. Now, it costs $18,000,000. Surely this is an excessive increase. After the Mexican war, they were as low as $8,000,000; and never above $10,000,000 until 1852-53. During this period we were under the necessity of protecting the same frontier we now have. During the last war with Great Britain, our military expenditures averaged $30,000,000; now they are $18,000,000, in time of profound peace, except an outbreak now and then of the Indians. The quartermaster's department alone costs $7,000,000—twice as much as the whole Army in 1821. It is stated, on good authority, that there are nineteen thousand animals in the employ of the Army, while the Army itself is a little over eighteen thousand.

Surely, there is a great margin for reductions. And here I would return my thanks to the distinguished gentleman who stands at the head of the Military Committee, [Mr. FAULKNER,] for his efficient services in reducing the estimates of the War Department $2,000,000, and for his saving the country $3,000,000 in adjusting the Oregon war debt, at this session. For all this, he deserves the highest commendation. The only use for the Army, in time of peace, is to protect the frontier from Indians, and furnish material for the basis of an efficient army in case of war. I think twelve thousand men are sufficient to do this, and $10,000,000 an ample sum to do it with.

In 1818, the expense of the Army was $451 57 per man, including officers. In 1821, under the administration of Mr. Calhoun as Secretary of War, it was $263 91. The cost of the Army, per man, including officers, was, in 1837, $408 03. In 1838 it was $464 35. It fell the next year to $381 65, and in the subsequent year to $380 63. Now, at $500 per man, $10,000,000 would keep up an army of twenty thousand. I think, therefore, the expenses of the Army might be reduced $8,000,000 without detriment to the public service.

As to the Navy, there is likewise great room for reduction. In 1823, the Navy cost $2,403,765 83. If its increase were according to the ratio of population, it would now cost $7,500,000. But there is no reason whatever why the Navy should increase in this ratio. The real purpose of our Navy is to furnish a school for officers, in case of war, and protect our commerce from pirates, or weak Powers. We do not pretend to put our Navy on an equal footing with the navy of England or France. Our reliance, in case of war with either of these great Powers, would be a large addition to our Navy and privateers. To keep up a navy to compete with these Powers is not seriously contemplated. We have gone on increasing our Navy without any settled policy. We ought to determine upon a policy. It seems to me there are but two policies for us to adopt: 1. To have a navy simply to act as a police of the seas, protecting from pirates and weak Powers; or, 2. To build up a great navy, equal to that of England. There is no middle course. Which policy should we adopt? I think the first. Because the small navy it is contemplated is all that is necessary in time of peace, and, comparatively speaking, as effectual in time of war with a great naval Power, as a larger navy, which yet fell short of power to defy the fleets of the enemy. Upon this point of policy in regard to the Navy, I would call attention to the opinion of Mr. Jefferson, in a letter written to John Adams, November 1, 1822. He says:

"A navy is a very expensive engine. It is admitted that in ten or twelve years a vessel goes to entire decay, or, if kept in entire repair, costs as much as would build a new one; and that a nation who could count on twelve or fifteen years of peace, would gain by burning its navy, and building a new one in time. Since my proposition for a force adequate to the piracies of the Mediterranean, a similar necessity has arisen in our own seas for a considerable addition to that force. Indeed, I wish we could have a convention with the naval Powers of Europe, for them to keep down the pirates of the Mediterranean and the slave ships on the coast of Africa, and for us to perform the same duties, for the society of nations, in our seas. In this way those collisions would be avoided between the vessels-of-war of different nations which beget wars, and constitute the weightiest objection to navies."

And here I may remark that I think we have erred in building large ships, which are immensely expensive to build and keep afloat, and yet not as efficient, in many respects, as smaller vessels. I entirely agree with the Secretary of the Navy in the opinion expressed by him in his recent report on this point:

"What we more especially need, in time of peace, is a larger number of vessels capable of entering the rivers and harbors of all foreign countries as well as our own. The only mode of doing it [protecting our commerce] in an effective and economical manner, is to give the Navy greater efficiency by multiplying the number of smaller vessels of light

draught and powerful armament, capable of following commerce into whatever waters it may frequent, and of which four or five can be built and maintained in commission for the cost of a single frigate or ship-of-the-line. Twenty effective vessels of the smaller class can be built and kept at sea for what it would cost to build and keep at sea four or five vessels of the larger class. And when this fact is considered in connection with another, that well-armed ships of this description, traversing the high seas, visiting the ports of remote nations, are usually, in time of peace, as powerful, for all protective and preventive purposes, as any other, while they are useful and formidable in time of war, the argument becomes irresistible, that we should diminish our expenses by building smaller vessels."

If this policy of a small navy be correct, we should act upon it.

As throwing further light on this point, let us compare the expenses of our Navy now with the expenses a few years ago. In 1851–52, the Navy cost $8,928,236; in 1852–53, it cost $10,891,639. It now costs $13,976,236. Why this rapid increase?

Again: the French navy, in 1857, consisted of three hundred and fifty-three vessels, carrying ten thousand guns, and cost $26,500,000. Our Navy carries two thousand two hundred and forty-four guns.

I think, therefore, it is evident we are spending too much money on the Navy. And I think, by changing our policy, building smaller vessels, and exercising a reasonable economy, we can readily bring our expenses down to $8,000,000. I am confirmed in this opinion by the fact, that if, six years ago, we only spent $8,928,236, under the unnecessary cost of large ships, we can now certainly get along with that amount by changing our policy, and relying upon smaller vessels.

In reference to the military and naval defenses of a country, I think the true policy is not to keep up large armies and navies in time of peace, because the public resources are wasted before war comes; but to have as small armies and navies as possible, and thus preserve unimpaired the resources of the country when the war arrives.

We now approach the Post Office Department. This Department is now expending near $20,000,000, and calls on the Treasury to advance $9,000,000 for the next year. This item of $9,000,000 is twice as much as the whole average annual expenditures of the Government for the first decade, from 1790 to 1800, which were only $4,118,593 68. It is more than the total average annual expenses during the second decade, which were $8,920,102 30.

I would cut this down absolutely, by increasing the rates of postage, abolishing the franking privilege, and diminishing the expenses, and thus making the Department self-sustaining.

That the Department should be self-sustaining, I assume as an axiom; for, why should one man be taxed to carry the letters of another? There is no justice in it. Let those who send letters pay for them. It is very convenient, doubtless, for the merchants, literary men, and professional men, to have the hard-working masses pay for their letters; but it is not right. The Post Office Department used to furnish revenue to the Government; saddling it on the Treasury is quite a modern invention. It began in 1846. There are five mail lines now to the Pacific; one or two at the most would be sufficient. Two million four hundred thousand dollars is paid for these Pacific mails; $400,000 would be sufficient for this purpose. Here is a good place to save $2,000,000 at one blow. Get rid of the ocean mail contracts. Let those who do sea-service take all the postage they can get; no more. I say, let the Post Office Department be self-sustaining; if it will not be, abolish it. Let letters, like merchandise, be carried by private enterprise. The service, I have no doubt, would be well and cheaply done, for private enterprise is always more efficient than Government action. Indeed, when I consider the immense patronage of this Department, as a State-rights man, opposed to too strong a Federal Government, I see great advantage in getting rid of this patronage, and thus simplifying the Government. I annex a statement of the vast patronage of this branch of the Government:

27,977 postmasters, costing	$2,355,000
440 route agents, costing	334,000
28 express route agents, costing	28,000
23 local agents, costing	29,989
1,404 mail messengers, costing	184,634
31 special agents, costing	73,000
Clerks, costing	918,000
Salaries in Post Office Department proper	170,000

Besides this, there are the contractors, a large and influential body.

Before leaving this branch of the subject, I would call attention to the fact, that the post office is a great source of revenue in Europe.

In the French post office department, the net income in 1855 was 18,684,041 francs; in 1856 it was 19,494,130 francs.

The statistics of the English post office department, from 1838 to 1851, give the following as the net revenue:

1838	£1,652,424	1845	£719,957
1839	1,659,509	1846	761,982
1840	1,633,764	1847	825,112
1841	500,789	1848	984,496
1842	561,249	1849	740,429
1843	600,641	1850	840,787
1844	640,217	1851	893,898

The penny postage has occasioned a loss of £1,000,000 per annum.

All letters not paid in advance are charged with double postage.

This would be an admirable provision to adopt into our system. Under the present law, a great many letters are dropped in the office, without being prepaid, which occasions the Department a great deal of unnecessary and unprofitable trouble, as they have to write to the person to whom the letter is directed, informing him that a letter is in the office for him, which he can have by inclosing a postage stamp.

By carrying out the recommendations I have made in reference to the Army, Navy, and Post Office Department, a saving could be made of the sum of $24,000,000.

If time would permit, I could go through with numerous other expenditures of the Government, and show that there was great room for reduction. That these other expenditures might be reduced from five to ten million dollars, I have not the slightest doubt. But will these reductions be made? I fear not. I have no hope of a real economy under our present system of indirect taxation, which takes the money of the people without attracting their notice, and is no tax, but a bounty to a powerful and active interest, the manufacturing. When we have direct taxation; when everybody will know precisely what he pays, and nobody have any interest in high taxes, then, and not till then, we will have true, earnest, sincere economy. We will have a great deal of talk about it for political effect, but ending in nothing; pretty phrases, which cost nothing and accomplish nothing. But the politicians are afraid of this question of direct taxation, because they undervalue the intelligence of the people. I shall reserve for another occasion what I have to say on this subject. Direct taxation, and its twin-sister, free trade, are steadily making progress. There is no large party pure enough and sufficiently unselfish to inscribe these great ideas on its banner. But, in the fullness of time, I anticipate for these ideas a favorable reception by the people.

Certain gentlemen on this floor and elsewhere, who desire a modification of the tariff in the interests of protection, are clamorous against our present system of *ad valorem* duties, and wish to substitute specific duties. I propose now to consider this question. I object to specific duties, which I regret to say are recommended by the present Executive.

1. They are too convenient an instrument of the protective policy. While an *ad valorem* duty of fifty, sixty, seventy-five, or one hundred per cent. for protection, would shock the justice of any fair-minded person, a specific duty of the same or greater amount, from its hidden character, would not excite attention. If the purpose be to give the greatest amount of protection in the most covert way, then specific duties are to be preferred.

2. Specific duties are more difficult to adjust than *ad valorem* duties. Under the *ad valorem* system, you have nothing to do but determine the value, the rate of duty being certain; but under specific duties, it is difficult always to determine the class to which the article belongs. In proof of this, the cases of contest arising under specific duties have been more numerous than under *ad valorems*, and the litigation in the courts has also been greater.

3. There is greater opportunity for mistake and fraud under specific duties than *ad valorems*, because, under the *ad valorem* system, the dutiable articles pass under the inspection of a variety of officers, the collectors, appraisers, examiners, &c.; whereas, under specific, the dutiable articles pass into the hands of one individual, as the weigher, gauger, or measurer, and such officer makes his estimate of the duties due, without superior supervision. Under the *ad valorem* system, the attention of the custom-house official is sharpened by the forfeiture which may accrue; whereas this is not the case under specific. With a bonus to the officer, in case of forfeiture for under-valuation, the law provides a safeguard against fraud, which does not exist under the opposite system.

4. Specific duties practically operate, in general, greatly to enhance the rate of duty, especially on manufactured articles, because of the fall in price of such articles, which has been steadily going on for many years. To illustrate this idea, I would call attention to the following exhibit, showing the fall in various manufactured articles, from 1835 to 1849:

Statement showing fall of prices in certain articles of American manufacture.

	1835.	1849.
Cut nails, per pound	$0 06	$0 04
Axes, per dozen	15 00	8 00
Iron pipes, per ton	55 00	40 00
Hoes, per dozen	5 00	2 42½
Pins, per pack	1 12½	45

	Width, inches.	*No. of yards to pound.*	1835.	1849.
Plain Osnaburgs	20	2.20	$0 14½	$0 07½
Twilled Osnaburgs	30	1.90	17½	09⅜
Stout brown sheetings	37	2.85	12	07
Stout brown sheetings	30	2.80	14	07
Blue drillings	27	2.83	15	08
Calicoes	28	5.50	08.86	03.95
Broadcloth, first quality	6-4	-	4 25	2 00
Scarlet flannel	28	-	38	21
White linseys	30	-	28	17
Fine carpetings	4-4	-	95	60

	Average.
1835, sheathing copper	$0 24
1849, sheathing copper	26
1835, pig lead, per 100 pounds	6 28
1849, pig lead, per 100 pounds	4 50
1838, red blankets, 10-4	5 25
1849, red blankets, 10-4	4 00

This remarkable fall in the price of manufactured articles is owing to the vast improvements and inventions in machinery, for which our century is so distinguished, and which are constantly taking place.

From this exhibit, taken by me from the returns of the Secretary of the Treasury in 1849, which I regret not being able, from the pressure of my avocations, to bring down to the present time, the operation of the principle I have referred to will manifestly appear. It is thus apparent that the constant tendency of specifics, as to a large class of articles, is to an ascending scale. The result is, they are apt to become too high, if not entirely prohibitory; thus necessitating periodical revisions of the tariff. I consider this an insuperable objection to specifics, because they operate against the tax-payer and in favor of the Government. It is not surprising, therefore, as we are assured by the gentleman from Ohio, [Mr. STANTON,] that "France, Spain, Belgium, the German Customs Union, Austria, and Russia, levy specific duties exclusively." Specifics are the duties of anti-popular Governments, for they are convenient dodges to wring from the toiling millions their hard earnings. It is this very system of specific duties which has enabled the monarchies of Europe to raise such vast sums from their subjects to waste in vain-glorious wars and selfish extravagance. For the same reason that kings prefer specific duties, monopolists prefer them, because they can easier fill their coffers with the fruits of the people's labor. Specific duties are a species of political legerdemain, by which the many are pillaged for the benefit of the few. And yet this is the system the gentleman from Ohio is so much enamored of, and that he would have us take up with! I, for one, will have none of them. Specifics suit the genius of monarchies; *ad valorems* manifest the spirit of a republic.

5. A further objection to specific duties, which is of itself conclusive, is, that they are not fair, because they are not imposed with a view to the value of the articles in each class. For instance: a specific duty of $10 is laid on a watch; while some watches may be worth $20, and others $500.

Articles of the same description, of an inferior quality, pay the same duty as more valuable articles. Nothing in taxation can be imagined more unjust than this, under the operation of which the poor are taxed far higher than the rich. It is on the principle of the celebrated window tax in England, which, commencing with a certain amount for each window in a house, began to diminish the rate as soon as the number of windows got beyond the number of windows in the houses of the poor and middle classes; so that the tax fell lightest on the palaces of the nobility, but with full force on the cottages of the poor. That such an unjust device of taxation as specific duties, discriminating against the poor and in favor of the rich, should find advocates in this country, seems indeed surprising. It only shows to what extent the spirit of monopoly will carry its votaries.

Mr. Clay, who, I imagine, will be good authority on this subject with gentlemen of the protective school, said, in the Senate, March 1, 1842:

"What are the other principles of the act? [Compromise act.] First, there is a principle that a fixed *ad valorem* duty shall prevail, and be in force at all times. For one, I am willing to abide by that principle. There are certain vague notions afloat as to the utility and necessity of specific duties and discriminations, which I am persuaded arise from the want of a correct understanding of the subject. We have had the *ad valorem* principle practically in force ever since the compromise act was passed; and there has been no difficulty in administering the duties of the Treasury on that principle.

"Compare the system of specific and the *ad valorem* system of duties, and I maintain that the latter is justly entitled to the preference. I believe that if we adopt a fixed rate, *ad valorem*, wherever it can be done, the revenue will be subjected to fewer frauds than the injustice and frauds incident to specific duties. One of the most prolific sources of the violation of our revenue laws has been, as everybody knows, the efforts to get goods of a finer quality and higher value admitted under the lower rate of duty required for those of a lower value."

We have seen the objections to specific duties; objections which I consider insuperable. Let us now refer to the *ad valorem* system, which is now in operation.

The gentleman from Ohio has gone into an elaborate argument against *ad valorems*. One of his principal objections is, that under it frauds are perpetrated on the revenue by undervaluation. To this I would reply, that no system of taxation can be devised by human ingenuity under which some frauds may not be perpetrated; but the *ad valorem* system is as effectually guarded from fraud as it is possible for any system to be. The valuation is made by sworn appraisers, familiar with prices as their specialty, under the stimulus of self-interest, by forfeiture if undervaluation exist. The invoice price is sworn to by the importer, who, in case of false swearing, runs the risk of the forfeiture of his goods, and a criminal prosecution. Besides this, rival importers are interested to prevent fraudulent valuations, that they may not be undersold.

If we add to the device of specific duties another, known under the euphonius term of minimums, by which a high artificial value is arbitrarily and falsely attached to a particular article, we have the most perfect system imaginable for fleecing the people and enriching the monopolists. As an illustration of this principle, I would cite the article of cotton shirtings, worth, in England, three cents per yard; which, under the tariff of 1842, were assumed to be worth twenty cents per yard, and taxed upon that notoriously false valuation.

Thus we have the interest of the custom-house officer, the importer himself, and his rival importer, all engaged to prevent undervaluation. It would be difficult, it seems to me, to have greater safeguard against fraud. The little likelihood of frauds by undervaluation is further manifest by considering the small gain which accrues to the importer by undervaluation. He only saves the amount of the duty on the fraudulently diminished value of the goods. That is to say, if he undervalues his goods ten per cent. below their value, when they are subject to twenty per cent. *ad valorem* duty, he would only gain $2 out of every $100 of the value of the goods, equal to one and seventy hundredths per cent. on the cost of the goods and the duty; and so on for any degree of undervaluation. The profit is too small in view of the risks. We may, therefore, safely assume that no very great amount of fraud is perpetrated by undervaluation. This cry of frauds from undervaluation is an old cry of the manufacturers, who wished additional protection, and therefore desired a return to specific duties. This matter of frauds was thoroughly probed by an executive commission, who reported upon the subject as far back as the Twenty-Seventh Congress. This report may be found in House Document No. 212, for Twenty-Seventh Congress, second session, page 209. They say:

"In search of these frauds, and the manner in which they have been or might be perpetrated, the commissioners have examined the most intelligent and experienced merchants engaged in the importation of foreign goods and in domestic manufactures, both in New York and Boston. Of their own knowledge, not a single witness called has *testified to any fact which established, in any particular case or any number of cases, the existence of frauds or evasions of the revenue laws.* From rumors and various circumstances relating to the discrepancy in price between importers of the same description of goods, (some of these selling at a price far below what could be afforded by others at a reasonable profit,) and speculative opinions, all agree that frauds have been practiced on the revenue at different times to a considerable extent. They also speak of the devices by which these frauds have been successfully perpetrated, and by which they may be again; *but, of their own knowledge, they do not profess to know anything*, resting their opinions entirely on general reputation and the course of trade as that existed under their own observation. Many of the witnesses examined on these points are *domestic manufacturers, or their agents*, or merchants referred to by such manufacturers, to establish the existence of frauds on the revenue, in order to place foreign commerce under the most rigid restrictions, to exclude the foreign fabric for the benefit of domestic goods of the same description. It may, therefore, be fairly presumed that, if any positive evidence could be adduced to fix the charge of fraud on any number of foreign importers, it would have been, as the door was thrown open widely by the commissioners to the introduction of such evidence. *None such, however, was adduced; and it is presumed, therefore, that none such existed.*"

In this same report is found a statement from three experienced appraisers in the New York custom-house. They say:

"The undersigned, late principal appraisers of the customs for the port and district of New Yew York, beg leave to submit the following report, and respectfully solicit that it may be considered as a part of their testimony:

"From long and careful observations and examinations of merchandise at the custom-house, they are fully satisfied that there have been no frauds of any consequence practiced on the revenue by the undervaluation of cloths and cassimeres at their entry.

"Because there has been, in all English fabrics of that kind, a great uniformity in value on the invoice prices, when of similar quality, whether imported by American or foreign merchants.

"Because most of the woolens, particularly the lower and middling qualities, have not been subjected to duties according to invoiced value; but have, in most cases, been subjected to increased duties through prejudice, caprice, or false valuation, by those acting as appraisers, who were not the legal appraisers in the New York custom-house. Because *there has been no motive to undervalue the goods on invoice*, since it was not taken as the criterion of value on which the duties were to be computed; and consequently the merchant on the other side of the water could not consider his invoice as a guide to the duties to be imposed here.

"Because, neither in an official capacity, or otherwise, have complaints been made of any instances of suspected undervaluation, either by importers, or by persons engaged in the manufacture of domestic goods; *and had there been any such undervaluation, the vigilance of rivalry, and the promptings of interest, would have made the facts known.*

"Because, in the sales of cloths and cassimeres, when they have been made after seizure, by consent of parties and without prejudice, they have rarely brought the invoice cost and charges, even when made under the most favorable circumstances; and in a large majority of the cases, they have not brought to exceed two thirds of the custom-house valuation. We have confined these remarks to cloths and cassimeres solely; *because no allegations of frauds in any other description of merchandise or manufactures have ever been made by the American manufacturers, to our knowledge.*"

This would seem to settle the question; but, as further corroborative and conclusive testimony, I would call attention to the statement of our imports from England and France for the last four years of which we have the official data, taken from the English and French custom-houses, and the United States Treasury.

The statement from the Register's Office is:

Statement exhibiting the value of imports from Great Britain and France for the years 1853, 1854, 1855, *and* 1857.

Year ending—	*Great Britain.*	*France.*	*Total.*
Dec. 31, 1853.....	$149,151,759	$38,151,569	$187,303,328
1854.....	135,275,549	35,000,411	170,275,960
1855.....	103,629,411	37,598,161	141,227,572
1857.....	130,467,739	49,359,201	179,826,940
Total.....	$518,524,458	$160,109,342	$678,633,800

F. BIGGER, *Register.*

TREASURY DEPARTMENT,
REGISTER'S OFFICE, *February* 11, 1859.

The imports, as made out in the commerce and navigation reports, from the statements of the English and French custom-houses, are:

Years.	*Great Britain.*	*France.*	*Total.*
1853.....	$130,265,340	$33,455,942	$163,721,282
1854.....	146,438,537	35,781,393	182,219,930
1855.....	106,543,180	31,609,131	138,152,311
1857.....	130,803,093	47,792,827	178,595,920
Total.....	$514,050,150	$148,639,293	$662,689,443

This remarkable similarity of results, covering so many years and such vast amounts, shows that the cry of fraud is a humbug, got up by certain manufacturers to force us into a system that will give them more protection. They are not so anxious about the Government as they are about themselves.

Having thus disposed of the objections which certain manufacturers have always pertinaciously made against *ad valorems*, in spite of reason and evidence, let us briefly consider the advantages it possesses.

1. It is perfectly fair. An article is taxed according to its value. Cheap articles, consumed by the poor, pay but little; costly articles, consumed by the rich, pay in proportion to their value. This is so just that it recommends itself at once to every unprejudiced mind.

2. It enables the consumers to know exactly the amount of tax they pay on any imported article which they use.

3. It is more permanent than specific duties. It does not increase as the price of imports decreases as specifics do, but preserves the same proportion all the time.

4. It adjusts itself with wonderful elasticity to times. When prices are high, which implies flush times, it collects the most; when prices are low, which implies hard times, it collects the least; operating, in this respect, exactly reversely to specifics.

While we have a tariff, I shall insist on the *ad valorem* principle.

I have much more to say on the general subjects involved in my remarks, but my time will not now permit me.

A PROTECTIVE TARIFF.

SPEECH OF HON. A. P. GRANGER,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. GRANGER said:

Mr. CHAIRMAN: A tariff is a law to tax imported or foreign goods, as they arrive in our ports, to be sold in our markets. It has, or should have, two objects—one to raise revenue to pay for the support of Government; the other to encourage domestic manufacture, home industry, or labor, by taxing the foreign production, while the American-made article goes free, and thus to give a preference in our markets to our own people.

Both of these objects are attainable in the same tariff, and are not in the least incompatible or inconsistent with each other.

The same tariff can greatly encourage the industry and reward the labor of the country, while it raises revenue equal to the support of an economical administration of Government.

Such a tariff I am and always have been in favor of.

Mr. Chairman, you can have as much protection as you want, and as much revenue as is necessary; and the beauty of the thing is, you can have them both from the same tariff at the same time.

Sir, it has been done, once, twice, and it can be done again.

Sir, if it can be done, is there a member on this floor that would object?

I trust not. No one, unless he has the King's money in his pocket.

Mr. Chairman, one fact is worth a dozen arguments. Experience is the best schoolmaster, and far more instructive than mere theory, and a much safer guide to follow.

I was distressed to hear, some days since, the

honorable gentleman from Virginia [Mr. MILLSON] lead off on the all-important subject of a tariff, by quoting the long-exploded theories of free-trade writers. I have been accustomed to listen to the honorable gentleman as to one from whom I expected words of wisdom and fidelity.

But on this subject, the one of all others the most important that can engage our attention at this time, he is wrong, all wrong, or I am woefully mistaken. He is at odds with stubborn facts, and confronted by the entire experience of his country, and contradicted by the practice and policy of the principal nations of Europe.

And when he stated that the policy of home protection was discarded by the most enlightened nations of Europe, I think he was mistaken in point of fact. All of the first-rate Powers, with England at their head, are striving to encourage and promote their own manufactures.

That policy has placed England in the front rank of nations. Nay, she is on the right of the front, and leads the column. It is the basis of her colossal power; and she has never faltered in her course.

She knows, if she leads in manufactures, she leads in commerce, in wealth, and in power. She is the strongest nation in the *world*. She is the richest nation in the *world*. And she has by far the greatest commerce of any nation under *heaven*.

With a debt of $4,000,000,000, she handles it with perfect ease, and pays her interest easier than she did when it was but a fourth as large.

She lends to all her silly free-trade customers, to keep them subservient to her policy. Her credit is above that of other nations, and she can borrow at the lowest rate, and at half the interest of her mistaken but best customer—the United States, the land for which we legislate.

Her manufactures are her controlling, darling interest. She guards it with a parent's care, and she would as soon scuttle her *navy* as change her policy of protecting it. Nearly as small as that little island of Cuba, she is the workshop of the *world* and the counting-house of the *nations*.

She knows well our condition. She knows we are in her debt nigh five hundred million dollars. And who does *not* know that he who deeply owes another is half his slave? Her workshops and our free-trade policy have reduced us to our present deplorable condition, and brought us within her power.

The repeal of the tariff of 1842 sealed our submission to England. She knows it; and we are fast finding it out, to our sorrow.

All the first-rate Powers vie with each other to copy her example, and encourage and protect their manufactures as their first and highest interest.

France and Russia, Austria and Prussia, and every nation that thinks much of itself, (except the United States,) are determined to manufacture for themselves, and keep their workshops near, and board and pay their hands at home.

Sir, I regret to say it, and if the truth did not drive me to it I would not say it, that by the folly and persevering obstinacy of the Democratic party, who, for the misfortune of us all, now rule the realm, the United States is found in company with Turkey, Spain, Brazil, and the Barbary States, in free-trade subserviency to the manufacturing policy of England.

Wherever England has a colony—and they are *legion*—and I might almost say, where she has continents, she *compels* them to keep their workshops and their accounts in England, and bring their produce and their gold, and take her manufactures.

But we, who were once her colonies—then independent—and now her dependent debtor—customer, subject to her policy and surrounded by her power, are a voluntary cripple to her policy.

It takes a constant stream of gold to pay the interest we owe her, on debts contracted for British manufactured goods—goods that we should have made at home.

Millions of dollars a year, nay, monthly, are paid to her for railroad and other iron, which it was cruel to deny our own workmen the privilege to make, and to the injury of all classes of our people.

In three years we imported four hundred thousand tons of railroad iron, at a cost of $20,000,000, which should have been made at home, and had a better article, at a cheaper rate.

Twenty millions paid to our farmers and mechanics and laborers, and from them paid out a dozen times over, would have been felt by every family in America, and would have brought out of its hiding place and put in circulation $20,000,000 more.

Sir, it would have raised the value of the farming lands in this country more than twice twenty millions, and saved thousands of families from bankruptcy and want, and have increased the demand for cotton thousands of bales, and not unlikely have improved the value of the whole crop $20,000,000 more. Such is the influence of a protective tariff, wisely arranged and firmly adhered to.

Sir, what has France done, by encouraging her manufactures?

By it, she has doubled the value of her farm lands, and made a first-rate home market for all her farmers have to sell.

She has one hundred thousand acres planted to the sugar beet, which makes her independent of the world for that important article of sugar. The simple unassuming article of straw—wheat straw—annually brings more money in France than the entire cotton crop of all the southern States.

This is the fruit of her manufacturing policy. This is the work of protection.

Gentlemen seem not to comprehend the mighty influence and power of protection. It can build fleets, control nations, and, as is the case in England, ride the ocean wave in triumph.

And, greater still, it feeds and clothes, educates and elevates, the poor man's child, and dispenses comfort to the laboring millions with a liberal hand.

And yet, sir, you hesitate.

Why, sir, besides manufacturing nearly every article she needs, she carries out into the markets of the world, to compete with England, $370,000,000 worth of her manufactures; and as she is next to England in manufactures, so she is next to England in wealth and power.

But, Mr. Chairman, there is no use of talking. It is now as in 1839–40. We must suffer more, before we come to our senses.

Sir, do you know that in 1857 we bought of England one hundred and seventy-seven million yards of cotton goods, made of our own cotton, and paid her a dollar for every dime she gave us for it, while our own factories were idle, and men, women, and children, begging for employment? *A little better customer than poor subservient Turkey, who only took one hundred and twenty-three million yards.*

Sir, we pay to England $137,000,000 a year for manufactured goods, and did you ever consider that at least fifty million of it goes to the farmers of England, who feed the workmen?

Mr. Chairman, $50,000,000 saved to our farming interest, for beef and pork and mutton and corn and wheat and oats and buckwheat and pigs and poultry, eggs, butter, cheese, milk, and potatoes, cabbages, and garden vegetables, &c., &c., and the $50,000,000 changing hands every week, would soon pay $500,000,000—an amount sufficient to relieve the whole country.

All this our farmers lose by keeping our workshops three thousand miles from home. Here are facts that our farmers are not invited to listen to, while they are constantly told, "*Don't encourage the rich manufacturer at the expense of the farmer.*"

Let the farmers of Iowa, Illinois, and Wisconsin, Ohio and Michigan, and Pennsylvania, even, understand, that in every ton of English railroad iron, they actually purchase of English farmers at least thirty-five dollars in beef and pork and breadstuffs; and then decide who suffers the most for want of a protective tariff, the manufacturers or the farmers. *Why, sir, most clearly, the farmers.*

Yes, Pennsylvania, who has been fooled and robbed by Polk, Dallas, and the tariff of 1842.

Polk, Dallas, and the tariff of 1842, in Pennsylvania, and 54° 40′ or fight, at the South, were the Democratic false lights that deceived the people, and led the nation into this *dilemma*.

Here let me advertise some of the mischievous falsehoods that are continually promulgated by the enemies of home protection, to prejudice an honest community against their own best interests; and *one* is, that to encourage the manufacturer, it must be done at the expense of the farmer.

An absolute falsehood! The farmer gains more by it than does the manufacturer himself. In all manufacturing countries, the farmer is sure to thrive.

He feeds all parties, and of course has a good home market for all he has to sell; and a home market is the best of all markets. Why, sir, during the times of the protective tariff of 1842, when our manufacturing interest saw its best days, the State of Massachusetts alone purchased and consumed more western flour than all the world besides. This is a fact, sir, to be thought of by the farmers, when they are told, "*Don't encourage the rich manufacturer at the expense of the farmer.*"

Suppose, sir, there was a manufacturing village in every county: what, think you, would be the effect on the farming interest? Why, sir, it would double the value of their lands. Let me tell you, sir, that he who tries to excite a prejudice or jealousy between the farming and manufacturing interest is an enemy to both.

Then, again, it is continually said that a protective tariff raises the price to the *consumer*. Nothing more false! Nineteen articles out of twenty for the last fifty years have fallen in price on protection.

Ad valorem instead of specific duties are clung to by the foes of protection. Sir, *ad valorem* is a humbug and a cheat to everybody but the British merchant.

And here, in this connection, let me state *another fact*, that we gave up to Great Britain, without a murmur, six degrees of latitude south of 54° 40′, and Vancouver's Island, south of that, and the free navigation of the Columbia river south of that.

This valuable strip of land between 49° and 54° 40′ of north latitude, on which are the Fraser river gold mines, is the very land on which England, our great rival, is now building her railroad across the continent to the Pacific ocean.

Sir, several hundred miles of this road is done already, and on the route across the St. Lawrence, at Montreal, they have built the most magnificent bridge in the world, and are now surveying west of Lake Superior, while our Democratic rulers are contending about the route, and have done nothing but merely import the dromedaries to traverse the sandy deserts of the southern route.

This, sir, is the very strip of land which President Polk said, in his message, "we had an undoubted right to," and the unterrified Democracy swore they would have it or *fight. This is another fact, sir.*

Sir, was this the work of British gold?

Sir, England manufactures $180,000,000 worth of woolen goods in a year, and France $200,000,000; while we, it is said, have not a broadcloth mill in motion.

Perhaps not one Representative in this Hall is clad in American broadcloth; and still we use more woolen goods than France or England either.

Sir, here is one fact that we may well be proud of. We sent to the World's Fair, in England, a piece of broadcloth that took the premium, and was adjudged to be the best piece of broadcloth in the world, and was made by *John Lang, of Vassalborough, Maine.*

It is not a matter of pride to me, that the rags and remnants of foreign cloths are picked up here at a cent a pound, transported across the water, worked over and reproduced, and sold back to us again.

How many times the costly coats of free-trade gentlemen have been through the English mills, is not easy to determine. If some of them have more than once, I would not wonder.

Mr. Chairman, we ought not to import a yard of cotton or woolen goods, nor a ton of iron, nor a bushel of salt; and had the tariff of 1842 been let alone, we would have been independent of the world by this time, for those controlling articles.

Those articles alone, and we would have been out of debt to Europe this day, and this country $100,000,000 richer than it now is. We have land enough now useless to raise the wool to make all the cloth we *need*.

We might work up all, or nearly all, the cotton crop, and secure it a steady and a better mar-

ket. We have the best of ore and coal in all directions, and furnaces ready built to make the iron, and we have strong salt springs in nearly every State and Territory, and we can make salt *cheap—an article—a necessary article—an article of food used by every family, every day, and nearly every meal.* To be dependent for it on foreigners, and on the fluctuations of peace and war is simply *absurd.* Sir, we should be as independent of foreign nations for salt as powder.

The tariff of 1842 increased the manufacture of iron from two hundred thousand to eight hundred thousand tons, an increase of six hundred thousand tons. The six hundred thousand tons of iron gave new employment, direct and indirect, to hundreds of thousands of men, women, and children, every one of which received its share of comfort; and, all together, they had ten times the profits of the *rich manufacturer* who *furnished* the capital.

He gets his simple profit, but the money he pays out for labor is quickly distributed, giving aid and comfort as it goes to all around, while the farmer, who feeds them all, comes in for the lion's share.

So the *rich manufacturer, as he is mischievously called,* furnishes the money for them all to live on.

Why protect the manufacturer at the expense of the consumer? This free-trade bugbear is simply ridiculous. Competition in this country is always a sure protection against monopoly.

Sir, $50,000 paid to build a furnace, to open a mine, and work them for a year, give ten times the profits to the surrounding country that the owner gets. Why, sir, the money goes to the merchant, the miller, the blacksmith, the house-builder, the house-renter, the hatter, the cobbler, the tinker, and the tailor, the schoolmaster, the wood-sawyer, and the washerwoman, &c., every one of which gets more benefit from the *rich manufacturer's* capital, in proportion, than he does himself.

And now how is it with the farmer, who has so often been told, *Don't encourage the rich manufacturer at the expense of the farmer.*

How is it with him away back in Pennsylvania? Why, sir, he has a market at his own door, and a better price than he could get in Philadelphia. And more than that, sir, one half of his articles would not bear transportation to a distant market—his pigs and his poultry, his potatoes, his cabbage, his hay, and fire-wood. And every hour's work done by the family or the the team, is cash in hand; and even his milk would fetch him equal to butter at four shillings a pound, without churning.

And then, suppose he wants to sell his farm of one hundred and fifty acres: he can do it for the cash at fifty dollars an acre, $7,500, instead of fifteen dollars an acre, $2,250.

Now, Mr. Farmer, of Pennsylvania, see that you are humbugged, and vote a free-trade Democratic ticket, and be sure to vote for a Congressman that will take care not to encourage the *rich manufacturer at the expense of the farmer,* but keep him out of your neighborhood if possible.

Another thing the farmers of Pennsylvania may as well bear in mind—that Pennsylvania has a heavy debt, secured on the land, that she never will and never can pay while the free-trade policy remains, that Buchanan and the Democratic party have been stuffing you with for twelve years past.

In furtherance of British policy, British gold was sent here, and a portion of the press of this country answered the echo of the London Times. Influential papers were active on the British side, and exercised a detrimental influence, especially in mercantile circles.

An influence has been cultivated in our great cities unfavorable to home protection and home-manufactured goods, and the false and mischievous notion inculcated, that foreign rather than domestic commerce was profitable to the mercantile interest.

A mighty mistake, and one that has cost the merchants of New York many million dollars. Domestic commerce is the safest and the most reliable.

In the first place, nothing is more certain than that, under a protective tariff, when domestic commerce is built up, foreign commerce always improves.

Such is the fact, and experience proves it.

Hence the sudden repletion of the Treasury under the tariffs of 1828 and 1842, and the certain depletion that attends a free-trade tariff.

Under the influence of free trade, the revulsions of 1837 to 1842, and 1847 to 1859, bled the merchants of New York to the tune of $20,000,000.

They should stand by the general interests of their own country, and let Great Britain take care of herself, and share in its prosperity. But if they read the Journal of Commerce as their political and mercantile *liturgy,* they must partake of the fruit of its teaching.

That paper has done more (I do not say it intended it) to enhance British interests in this country, at the expense of our own, than any other paper in the world; and that it has not filled its pockets with British gold, is not because it has not earned it, but because it would not take it, for they (the British) always pay liberally for such services.

When the protective tariff of 1842 was repealed, and the British free-tariff of 1846 was, by the aid of British gold, enacted in its stead, "then you and I, and all of us, fell down, and bloody treason flourished over us."

Sir, to this act you may ascribe our present financial distress. But for the discovery of California gold, the crush would have come years ago. That could delay, but not avert.

Two hundred million dollars, dug from our own mines, have come and gone; and we still owe, for British manufactured goods, hundreds of millions of dollars.

The tariff of 1842 would have saved all. Sir, we are nigh the bottom of the hill, and still descending; and the party that is responsible for it are yet in power, reluctant to reform. But now, as in 1840, the Administration must be changed, and we must return to the protective policy of 1828 and 1842.

Mr. Chairman, there is no use of argument. This miserable free-trade policy, which has deranged and prostrated business all over the country, and beggared the Government, has made *gray heads faster than time itself could do it.*

All experience demonstrates the fact that we cannot prosper, neither can we support our Government, in any other way than by a return to a national protective policy, by which the farming, manufacturing, mechanical, and laboring interests of our country shall be protected against foreign legislation, foreign interference, and foreign competition, in our own markets. I say sir, there is no other way under heaven to support our Government, but by a well arranged protective tariff.

The war of 1812 operated as a protection against British manufactures, and an encouragement to our own. It gave a first rate home market to the farmer, and ample employment for labor. Factories sprung up in every direction, and the country prospered, though at war with England. Foreign commerce was nearly ruined; but, with protection and war, we flourished better than we should have done with free trade and peace.

Peace came, with low duties, and foreign goods rushed in in great profusion. Our factories went down, produce and labor fell, and hard times and great distress prevailed.

The Republican party of that day, the war party, the responsible party, with Clay and Calhoun at its head, turned their attention to a protective tariff for relief. The tariff of 1824 was enacted, moderately protective, and it gave some relief. This led to the higher tariff of 1828, perhaps the highest tariff we ever had. Its effect was direct and sudden; and the consequence of that tariff was, we stood out before the world the most prosperous and happy nation under *heaven.*

That is a fact, sir, and why disregard it? We never had been so prosperous before the tariff of 1828 was arranged and perfected by the Committee of Ways and Means, at the head of which was that distinguished Democratic partisan leader, *Silas Wright.*

It gave him a name and an eminence that was rewarded by an offer of the nomination of Vice President of the United States; and, had he lived, would have secured him the highest office in the gift of the people. In this great national measure the people concurred, and they were satisfied with it.

Never was a public measure more completely successful. Under its influence, we paid all the expenses of Government without borrowing a dollar, and paid off the debts of two wars, that of the Revolution and that of 1812, principal and interest, $100,000,000. *Another important fact, sir.*

Sir, these are facts not to be unheeded. From some mysterious cause, the Democratic party became dissatisfied with this state of things. They cultivated an erroneous public opinion, and deceived thousands of honest, well-meaning men of all parties, many of whom, to this day, seem to have a jealousy against a protective policy, although every kind of evidence and all experience are in its favor.

Mr. Clay, the great advocate and defender o American interests in *peace* and in *war,* did all in his power to defend it; but by some strange influence—less understood then than now—he was overpowered, and made to yield. This American, home-protecting, labor-paying policy, was the doomed victim of an unholy alliance.

The Democratic party, then in the ascendant, refused to protect American interests, but left them to the tender mercies of Great Britain.

Down went the tariff, and away went the prosperity of the whole country, and the comfort and happiness of the people.

By 1841, a wreck was made of individual and national prosperity; and both Government and people overwhelmed in debt. Every branch of industry, and almost every family and individual, felt the cruel effect of this wide-spread *revulsion.*

The high and the low, the rich and the poor, felt the shock. The banks were crippled and closed; and the laboring millions—men, women, and children—reduced to pinching *want.*

The General Government had neither money nor credit. In alarm and haste, it dispatched a runner to Europe for help; but so low was its credit, that nothing could be had, and he returned without a dollar in his pocket.

Sir, in profound peace, this Government could not raise a dollar on its credit, on either side of the Atlantic.

A national bankrupt law was found necessary to let up and relieve the prostrate enterprise of the country, that now lay helpless before this all-pervading calamity.

Sir, the pecuniary distress was so severe, and its cause so apparent and so clearly chargeable to the Democratic party, that the people rose *en masse* to redress their wrongs. General Harrison was elected, and the Whigs came into power. An entire change of policy took place. A protective tariff was enacted, and the policy of home protection was legalized by the tariff of 1842. The day the news reached England, Government credit was resuscitated at once, and we could borrow on our own terms. Nay, we had no occasion to borrow, for commerce revived, and the Treasury was no longer empty.

Sir, there never was a country so prosperous and happy as was this while under the influence of the tariff of 1842. The people saw and felt it. Now, again, as in 1828, the man who was foremost, the chairman of the Committee of Ways and Means, (Mr. Fillmore,) who arranged and reported to the House the protective tariff bill of 1842, was honored with the confidence and gratitude of the nation, and *he did live* to receive its *highest honors.*

Prosperity made the people careless; and the *old offender, the Democratic party, with its free-trade propensities,* wormed itself once more into power, and, in the face of all experience, without any *ostensible* reason, repealed the invaluable protective tariff of 1842 and substituted in its place the British free-trade tariff of 1846.

Mr. Chairman, if we had given our bonds for $1,000,000,000, conditioned that the tariff of 1842 should not be disturbed for thirty years, it would have been a *saving ordinance.* Sir, the laboring men of this country could have paid its interest by a poll-tax, and made well by it—*true as a book.*

Sir, here are facts that ought not to be unheeded—facts that are worth more than all the

false theories that British advocates, here or elsewhere, ever did, or ever will, promulgate.

Sir, it is madness longer to shut our eyes and ears against such facts as these. This fell calamity was the necessary consequence of the foolish and uncalled-for change of a protective for a free-trade tariff—from American to British policy.

Sir, why was this mischief done? It was British influence, through *gold*. *Gold* is the potent power by which England works, unseen, and sways our legislation for her benefit; a power by which she holds the check-rein of the nations; a power by which she beat the great Napoleon, in a twenty years' strife, and chained him to a sea-girt rock, and left him there to *die*.

I do not mean that gold bought votes direct, in open day; but I do mean that presses and politicians, and traders of various sorts, combined to create an influence, a public opinion, in favor of free trade and English interests, that political parties found it to their interest to cultivate and follow.

How else can it be told why a policy to us so hostile, and so favorable to the darling policy of England should get possession of our councils?

So eager was England to interfere, and sway our elections, that her gold and press came promptly to the aid of her ally, the Democratic party, and the best interests of the country fell before their united efforts.

Here are extracts from English papers:

"*The triumph of the candidate of the Democratic party, brought forward by the men of the South, will secure, probably forever, the ascendancy of liberal commercial principles;* and, if Lord Derby should be disposed next year to take the American tariff for his model, we have little doubt that it will serve to remove the last illusions of the protective system from his mind. In this respect, and on this point, we take General Pierce to be a fair representative of the opinions of Mr. Calhoun, and, as such, *a valuable practical ally to the commercial policy of this country.*"—*London Times.*

"We are without information as to the views of General Pearce on the subject of coöperation with England; but we cannot say that we feel any apprehension on the point; and we shall await the final election, not without a share in the confidence of many American friends that it will result well."—*London Leader.*

"As regards England, public sympathy, it is needless to say, is enlisted in favor of the Democratic candidate. Not that General Pierce is considered the better man. *Far otherwise.* He is merely accepted as the nominee of the great party in the Union who desire to push the principle of free trade to its utmost limits."—*Wilmer & Smith's Liverpool Times.*

"*The election of General Pierce will at any rate prove that the Democratic majority,* whatever may be their other differences, *are unanimous in their testimony* on behalf of a liberal commercial policy; and any Government *he* may form will be one on which *this may rely for effectual coöperation* in reducing, wherever practicable, existing impediments to international intercourse."—*Manchester Examiner.*

"The two parties of the Republic, Whig and Democrat—that is, conservative and progressive, protectionist and free trade—appear to have marshaled their forces and selected their candidates for the coming election. *Every Englishman,* of almost every class, *rejoices in the expectation of success for the Democratic, free-trade party.*"—*London Dispatch.*

No wonder that we have sent $228,000,000 of specie to Europe in eight years, when becoming so dependent upon the Old World for so much of what we eat, drink, put on, and use. Messrs. J. H. Lippincott & Co., of Philadelphia, have just published List's System of Political Economy, edited by Stephen Colwell, from which we learn that, in 1844, $500,000 cash were subscribed in England, to be expended in circulating free-trade tracts in foreign countries, a large share of which was for our benefit.

"We give the names and addresses of some of the parties, and the amounts they subscribed:

Abraham Lees, Manchester	$100
H. Lees & Brothers, Manchester	200
J. & N. Philips & Co., Manchester	2,500
Alfred Bingen	1,000
William Walker	1,000
Alfred Orrel, Manchester	1,000
George Foster, Manchester	1,000
Others in Manchester	10,000
The Lord Provost, Glasgow	500
A. & J. Dennistoun, Glasgow	1,000
Charles Tennant & Co., Glasgow	1,000
William Dixon, Glasgow	1,000
Samuel Higginbóth, Glasgow	1,000
Dunlop, Wilson & Co., Glasgow	1,000
Others in Glasgow to the amount of over	11,000
Marshall & Co., Leeds	2,500
Others in Leeds	9,000
Ackroy & Sons, Halifax	1,000
Others in Halifax	5,500

The London Times remarked that—

"A subscription was opened to raise funds to circulate free-trade tracts in foreign countries. About four hundred and fifty thousand dollars were subscribed. *Some of these tracts are to be printed in New York, for circulation in the United States.*"

I submit this without note or comment. Let the country judge.

Mr. Chairman, a thousand times has the deceptive heresy been repeated, that the duty on the imported article raised the price, and come out of the pocket of the *consumer*. A plausible argument against protection, *but it is untrue in point of fact.*

The experience of the last fifty years proves, almost universally, that the revenue from a protective tariff comes out of the foreign manufacturer, and reduces the cost to the consumer.

Since my remembrance, our common cotton shirtings and sheetings were imported from India, and were called hum-hums—a light and slazy article, remarkably so—and sold at from twenty-five to fifty cents a yard.

I am within bounds when I say, that one yard of our eight-cent sheetings will weigh four times as much, and wear four times as long as the hum-hums.

I know, for I have worn them, and have sold thousands of pieces of them.

This great improvement, this vast saving, reached the pockets of the masses, and was the fruit of the protective policy. I remember when we imported cut nails at thirteen cents a pound. A specific duty of five cents a pound was imposed by the tariff of 1828, which, according to free-trade logic, added to the thirteen, would make eighteen cents the pound to the consumer.

Now, what is the fact?

The high protective duty in favor of the American nail waked up Yankee ingenuity; and up went the mills, and down went the price—down, down on that all-important article, used almost every day, by almost everybody, to ten, seven, and finally to four or five cents a pound at retail, where it now is.

So with woolen goods, screws, hats, edge tools, glass, and pins, and a hundred other items of imported goods that we have tariffed. Sir, these are facts *incontrovertible.*

Never was a more statesmanlike sentiment uttered than fell from the lips of General Jackson when he said, "plant your manufactories by the side of your farms, and you cover your country with blessings."

Sir, that this noble sentiment should so soon be repudiated by the party which once were proud to call themselves the "Jackson party," is passing strange, but no more strange than true.

Gentlemen of the Administration party, you have twice struck down the prosperity of the country. Once, by the overthrow of the protective policy of the tariff of 1828.

Under that tariff we were in a high state of prosperity. Foreign commerce filled the Treasury to overflowing, while all was life and prosperity at home.

But you would have your own way; and from 1837 to 1841 your free-trade policy had done what you were told it would do—bring universal distress throughout the land.

You were justly held responsible for it, and the people rose in their might, and your party was dismissed as unworthy of confidence.

We got back to the protective policy again, and enacted the tariff of 1842. It worked like a charm, and set all things to rights again.

But the moment you recovered power, as if the evil one possessed you, the first thing you did was to repeal the tariff of 1842, and plunge the country from the highest pitch of prosperity down to the lowest depths of adversity.

This is the second time. This is the second offense. And you ought now to go for during life.

It is the second time the Democratic party has all but ruined the country. Here you have us now again in deep pecuniary distress all over the country. You must see it, and you must know it; and still you refuse to slack sail and take a reckoning, but are madly bent to set all sail and defy the storm.

I wish I could persuade the ruling party to retrace their steps and change their course, and relieve the *country*. I know it would redound to their fame and power; but still, as I love my country more than I hate them, I would persuade them to do it, if I could.

Gentlemen of the Administration party, you have the numbers and the power to relieve the country, if you choose to do it. You have facts and experience to guide you; and I most sincerely and respectfully ask you to do it. Do it for the sake of your country. Do it for the sake of your party, and take the credit of it. It would cover a multitude of sins. Do it now; for it is now or never, with you. Do it, and you might, perhaps, right up again, and keep afloat a little longer. But if you do not do it, the people, without distinction of party, will hurl you from power, with the same unanimity that they did in the memorable contest of 1840.

SLAVE TRADE LAWS.

SPEECH OF HON. J. L. SEWARD,

OF GEORGIA,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. SEWARD said:

Mr. CHAIRMAN: I desire to offer some remarks in regard to the laws prohibiting the slave trade; believing, as I do, that these laws are unconstitutional and void, and a reproach upon the whole system of slavery.

To repeal these laws would only be carrying out the doctrine of non-intervention by the Government, and leaving the States to regulate the entire question of slavery for themselves.

Now, let us consider this matter as a question of power under the Constitution, and see whether Congress has the power to declare the slave trade piracy.

The Constitution of the United States not only tolerated the African slave trade, but an absolute prohibition was put upon Congress for twenty years, and the taxing power of the Government was limited so that the capitation tax or duty upon each person should not exceed ten dollars.

The ninth section of the first article of the Constitution, declares that—

"The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress, prior to the year 1808; but a tax, or duty, may be imposed on such importation, not exceeding ten dollars for each person."

The Constitution, so far from prohibiting the slave trade, put a restraint upon Congress not to prevent the importation of slaves, and forbid a greater tax than ten dollars per head. The foreign slave trade was legitimate commerce, which the Government regarded as a means from which revenue might be derived for its support.

The language of the Constitution is peculiar: "Shall not be prohibited by Congress, prior to 1808." If the language had been, "until after 1808," then scarcely a pretext could be set up in favor of the exercise of the right now asserted, to prohibit the importation, and make it a penal offense.

For a proper understanding of the Constitution, we must look to the whole instrument to see whether Congress could declare the importation of slaves piracy, as defined in the act of 1820. At the time of the adoption of the Constitution, the importation of Africans could not have been made piracy, because this trade was protected and secured to the then existing States. The eighth section, first article, of the Constitution gives Congress the power "to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations." The slave trade could not have been piracy when this power was delegated to define this offense, because, by the same article of the Constitution, Congress was forbid to interfere with the slave trade, and hence could not have contemplated that Congress, under the power to define and punish piracies, could declare the importation of slaves to be piracy, as such a power would be utterly repugnant to the restraint which the Constitution puts upon Congress to interfere with the importation of slaves. When the Constitution was adopted, the right to import slaves remained with the States. This cannot be denied. When did they part with this right? When did they delegate the power to the

Federal Government to interdict it? Congress had no such power prior to 1808. When and how has the power been acquired subsequent to 1808?

To declare the slave trade piracy, is to declare that General Washington, and the members of the convention that framed the Constitution were pirates, and that the Constitution was but an organization to shield pirates, and that this nation was a nation of pirates for twenty years.

The power is claimed by way of inference, because of a limitation upon Congress not to prohibit this trade prior to 1808.

The tenth article of the Constitution expressly declares that—

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

It cannot be insisted that any power is delegated to Congress to punish the slave trade as piracy. It is not a power delegated or enumerated, and cannot be covered by the general clause in the Constitution giving Congress the power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. There is no delegation of or enumeration of such power to carry into execution.

The clause in relation to the importation of slaves grants no power, but expressly denies and prohibits the exercise of such power, prior to 1808. When 1808 arrived what then was to be done? The States had exercised the right to import Africans for twenty years. Did this right cease then? I answer, no. The prohibition was upon Congress, prior to that time. Now, how could Congress acquire the right to exercise this power after 1808? I answer, only by the consent of the States. This prohibition upon Congress in the Constitution, prior to 1808, was a compromise, for the time being, and was intended to act upon Congress, and to stand in the way of any alteration of the Constitution until the twenty years should expire. Then the question, if necessary, was to be considered by the States, and if they thought proper to confer the power upon Congress to interdict the foreign slave trade, it could be done.

In the original draft of the Constitution prepared by the committee of detail, as reported upon this subject, is to be found this clause:

"No tax or duty shall be laid by the Legislature on articles exported from any State; nor on the migration or importation of such persons as the several States shall think proper to admit; nor shall such migration or importation be prohibited."

Mr. Rutledge, of South Carolina, made the report. (See Debates in the Federal Convention, page 379.)

The following is a synopsis of the debate touching this question:

"Mr. L. Martin proposed to vary this clause so as to allow a prohibition or tax on the importation of slaves. In the first place, as five slaves are to be counted as three freemen in the apportionment of Representatives, such a clause would leave an encouragement to this traffic.

"Mr. Rutledge did not see how the importation of slaves could be encouraged by this section. He was not apprehensive of insurrections and would readily exempt the other States from the obligation to protect the southern States against them. Religion and humanity has nothing to do with this. Interest alone is the governing principle among nations. The true question at present is whether the southern States shall or shall not be parties to the Union. If the northern States consult their own interest they will not oppose the increase of slaves, which will increase the commodities of which they will become the carriers.

"Mr. Ellsworth, (of Connecticut,) was for leaving the clause as it stands. Let every State import what it pleases. The morality or wisdom of slavery are considerations belonging to the States themselves. What enriches a part enriches the whole, and the States are the best judges of their particular interest. The old Confederation has not meddled with this point; and he did not see any greater necessity for bringing it within the policy of the new one."

"Mr. Pinckney. South Carolina can never receive the plan, if it prohibits the slave trade. In every proposed extension of the powers of Congress, that State has expressly and watchfully excepted to that of meddling with the importation of negroes. If the States be all left at liberty on this subject, South Carolina may, perhaps by degrees, do of herself what is wished, as Virginia and Maryland already have done.

"Mr. Sherman, of Connecticut, was for leaving the clause as it stands. He disapproved of the slave trade. Yet, as the States were possessed of the right to import slaves, as the public good did not require it to be taken from them, and it was expedient to have as few objections as possible to the proposed scheme of Government, he thought it best to leave the matter as we find it.

"Mr. Baldwin had conceived national objects alone to be before the Convention; not such as like the present were, of a local nature. Georgia was decided on this point.

"Mr. Gerry, of Massachusetts, thought we had nothing to do with the conduct of the States as to slaves, but ought to be careful not to give any sanction to it.

"Mr. Williamson thought the southern States could not be members of the Union if the clause should be rejected; and that it was wrong to force anything down not absolutely necessary, and which any State must disagree to.

"Mr. Rutledge. If the Convention thinks that North Carolina, South Carolina, and Georgia, will ever agree to the plan, unless their right to import slaves be untouched, the expectation is vain."

The fifth article of the Constitution, proposed originally, read thus:

"The Legislature of the United States, whenever two thirds of both Houses shall deem it necessary, or on the application of two thirds of the Legislatures of the several States, shall propose amendments to this Constitution, which shall be valid, to all intents and purposes, as part thereof, when the same shall have been ratified by three fourths thereof, as one or the other mode of ratification may be proposed by the Legislature of the United States."

Mr. Rutledge said he never could agree to give a power by which the articles relating to slaves might be altered by the States not interested in that property, and prejudiced against it. In order to obviate this objection, these words were added to the proposition:

"*Provided*, That no amendments, which may be made prior to 1808, shall, in any manner, affect the fourth and fifth sections of the seventh article."

Which fourth and fifth sections alluded to now stand in the Constitution as the ninth section. This proviso to the fifth article prevented the alteration of the Constitution, which prohibited Congress from interfering with the importation of slaves prior to 1808. The very fact that Congress could not prohibit the importation of slaves prior to 1808, and that the Constitution could not, in this respect, be altered before that time, clearly shows that, while the slave States who thought proper to import slaves should be protected against the non-slaveholding States for twenty years, that after that period, if the power to interfere with the importation of Africans was to be exercised, it must be by an alteration of the Constitution in the manner therein prescribed for its amendment, and not otherwise; and without such an amendment, the States cannot be deprived of this right. This view of the subject, I think, is conclusive, from the fact that the convention had the proposition made by Mr. Dickinson to amend the section in regard to the importation of slaves, thus:

"The importation of slaves into such of the States as shall permit the same, shall not be prohibited by the Legislature of the United States until the year 1808."

If this clause had been adopted, it might have strengthened the inference that after that time Congress should exercise the power. As it was rejected, and as the Constitution itself provides against any amendment affecting the rights of the States to import Africans prior to 1808, it follows that such power cannot be vested in Congress without an alteration of the Constitution, to take place after 1808. The Constitution not having been amended since that date, to effect this purpose, Congress possesses no such power, and all and every act of Congress prohibiting the foreign slave trade is void. Georgia, South Carolina, and North Carolina declared in convention that if the slave trade was prohibited, these States would not consent to the Union. To prevent this calamity, the future power of Congress, after 1808, in regard to the importation of slaves, was to be settled by the States, should they think a convention necessary to be held for this purpose.

Massachusetts was the first State that participated in the slave trade. The colonies were prevented by the British Crown from interdicting the slave trade. William Penn introduced slaves into Pennsylvania, and, it is said, died a slaveholder. The Rev. Mr. Whitefield was mainly instrumental in inducing the trustees of the colony of Georgia to remove the prohibition to the introduction of slaves in that colony, and became a slaveholder, and cultivated a farm in South Carolina at a place he named Providence. In a letter he addressed to the trustees in 1748, he says:

"Blessed be God, this plantation has succeeded; and though at present I have only eight working hands, yet, in all probability, there will be more raised in one year, and with a quarter of the expense, than has been produced at Bethesda for several years past. This confirms me in the opinion I have entertained for a long time, that Georgia never can, or will be, a flourishing province without negroes are allowed."—*Stevens's History of Georgia*, 310.

When this Government was established, all the colonies held slaves, unless it may have been Massachusetts. The slave trade was encouraged and maintained by Great Britain. The colonies were supplied with negroes by the British traders, and Congress was prohibited, when the Constitution was adopted, from interfering with the importation of African slaves in the then existing States, and yet it is insisted that the power to prohibit this trade was conferred upon Congress by reason of the limitation to 1808. It cannot be that the States represented in the convention, could ever have conceived that it would be claimed that the people of their respective States were to be branded as pirates, and punished with death. Why should the slave trade be denounced as piracy? Has not negro slavery been a blessing to the Government and the people, as well as to the slaves themselves? Has not slavery added to the prosperity of the South, and added to the wealth of the North? Is it not to the interest of the North that slave labor shall be fostered and protected?

The South furnishes from its labor $160,000,000 of cotton, about thirty million dollars of which is manufactured in the United States, and mostly at the North. The South furnishes about two hundred and fifty thousand hogsheads of sugar, and about thirteen million gallons of sirup from slave labor, besides timber, leather, hides, and wool; all of which contribute to the comfort and wealth of the North, and furnish the materials which give life and activity to the manufacturing interest of the northern States, and healthy and honorable labor for more than one million of laborers employed in manufactures, most of whom reside in the non-slaveholding States. While the South thus contributes to the wealth of the North, in return the South is supplied with manufactured articles. The four million of southern slaves are mostly clad with the cotton and woolen goods manufactured at the North. The $50,000,000 of capital employed in the shoe trade is made profitable by the large supply of shoes necessary for the slaves.

The iron interest is greatly advanced by slave labor, in furnishing the various implements of husbandry, working tools, and castings, all necessary to the southern planter for the successful prosecution of agricultural labor. And so in every department of business, the labor of both sections is beneficially reciprocal. There is no antagonism between the labor of the two sections of the Union. The dissimilarity of labor is such that the white labor of the North is sustained by the slave labor of the South, and southern labor is made more profitable by the white labor of the North; and thus the two systems of labor are harmonious and beneficial.

As the South increases the number of slaves commensurate with the capacity of the soil, to this extent there is an increase of production furnishing still greater stimulus to the industry of the North, and still enhancing the value of the products of southern labor.

Then, may I not ask if slave labor is not profitable to every section of the Union?

The very statement of facts as they exist demonstrates that there is no hostility between the labor of the two sections.

The next consideration presented involves the humanity of slavery. Is slavery inhuman? The most mistaken fanatic would answer no, if he would visit the South and witness the humane treatment of the master to the slave. Well fed, well clothed, and kindly treated in sickness and in health, he pursues his daily labor with a cheerfulness and exemption from care not found among the laboring classes of any other country. Educated to a system of healthy and respectable labor, he is guarded against the common vices which too often afflict society. His religious rights are recognized and respected, and his condition is far above the idle and dissolute free black man, uncontrolled by any discipline, and left without the wholesome advice and restraint which a benevolent and kind master is always ready to

exercise towards and over him. Where, then, is the inhumanity in transferring the African from a state of savage barbarity to this country, where his every condition is to be improved, by which he is made useful to himself and beneficial to mankind, and adds to the wealth of the nation?

It is an act of mercy and philanthropy to redeem the African from his wretched condition, and place him among the more civilized of his race in the United States. But it is said the trade is cruel, because of the treatment of the negro on his passage across the ocean, and the great mortality that occurs. Whatever of truth there is in this charge, to a great extent grows out of the existence of the law prohibiting it. Hundreds of negroes are crowded on a vessel wholly inadequate to their comfort, by which they are exposed to disease and death. If the laws of the United States were repealed, and this question left to the States, no such objection could be presented; for, if any of the States thought proper to allow the importation of slaves, the captain of the ship could be punished for any cruelty, neglect, or inhumanity towards the crew on the passage; and if any slave should die while at sea, from neglect and improper treatment, it could be declared to be murder, and punished as such. Non-intervention by the General Government would remove every cause of irritation and discontent between the North and South.

It is very questionable whether any of the southern States at present would permit the importation of slaves; surely they would not, unless it was demonstrated that there was great deficiency of labor, and a necessity for increased production. If such should be the fact, then I have shown that the North would be equally benefited by the increase of whatever labor might be introduced from Africa.

To declare the African slave trade piracy, is a reproach upon the institution itself, which did not exist when the Government was established. It was then legal and constitutional; and Congress was prohibited from interfering with this trade. As the law now stands, it can only be considered as the judgment of the nation against the institution itself. The South suffers under this reproach. It is the law, and all are bound to respect and obey it—however they may be averse to it—until it is repealed or declared unconstitutional; and, true to their allegiance to the Government, should conform to it, until the impediment is removed by legitimate and constitutional means.

The tendency of Federal power, as at present encouraged, is against the South. The Navy is used as a police upon the high seas to suppress the slave trade. Treaties have been entered into with Governments hostile to slavery, with stipulations to suppress the slave trade. Our national ships, and the ships of our merchants have been boarded and searched, and our flag insulted under the pretense of capturing slavers under pretended treaty obligations. The South should demand a repeal of all laws against the slave trade, and an abrogation of all treaties upon this subject. The southern States should insist upon being the guardians of their own rights and interests in regard to the importation of slaves, never having parted with this power, and should take all necessary steps before the judicial tribunals of the country to test the constitutional power of Congress to declare the importation of Africans piracy. If slaves are rightful property, why not be as free to import slaves as any other commodity?

Let trade and commerce of every description be as free as possible, thereby placing the North and South upon perfect terms of equality. The doctrine of prohibition is odious. If, in the future, the country should require more labor, where is this supply to come from. The immigration of white laborers from Europe may meet all the agricultural wants of the North, but nothing but slave labor can meet the wants of the South, and furnish the North with the cotton and other products necessary to the steady and advancing interests of their manufactures. As I have shown that the labor of the two sections are not in opposition to each other; as improvements in manufacturing at the north increase; as the number of her artists, mechanics, and laborers increase, so should there be a corresponding increase of labor and products at the South to add to the wealth, happiness, and prosperity of both sections.

If this question of labor and production could be properly understood, we would at once acknowledge the unity of interest between the North and South, and the rights of property would be respected. Commerce would be free, and the nation would advance in greatness and prosperity; and we would be a nation at peace in all our relations of commerce, labor, production, and manufacturing.

PACIFIC RAILROAD.

SPEECH OF HON. S. R. CURTIS,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. CURTIS said:

Mr. CHAIRMAN: For ages, the route to India, by traveling due west from Europe, has been a commercial problem, the solution of which has occupied the minds of statesmen, philosophers, and executive cabinets. To solve this question, Columbus periled a voyage on the trackless ocean, and discovered the West Indies; Cortez penetrated this continent, and conquered the before unknown regions of Mexico; and De Soto, pursuing the same object within our present national limits, perished and found a grave in the wilderness of America.

The exact position of India, and our vast intermediate continent of America, have long since been determined and projected on charts of the world; many routes to India have been ascertained and adopted, and a vast commerce, augmented by the nautical discoveries of the age, now passes from Europe to Asia by commercial lines that circumvent our country. But the great problem, "a direct route to India," will only be finally solved when our railroads, which have now reached the turbid waters of the Missouri, shall be extended so as to admit passenger and freight trains to pass through this broad continent to the Pacific ocean.

Such a work is necessary as a military defense for our Pacific settlements; for a means of intercourse with our brethren who have settled there; and as a cheaper means of transportation of mails, troops, and public stores. The people have petitioned; conventions have memoralized; Legislatures have requested and instructed; and, finally, the subject of a Pacific railroad has been incorporated in the national platforms of both great political parties of our country. It is a cardinal provision in my political platform; and I shall incline to that organization which makes it most prominent in their political creed.

Impressed with the importance of this subject, this Thirty-Fifth Congress, soon after the organization of the first session, appointed a committee of fifteen, selected from all parts of the Union, to consider and report upon this matter. That committee, after much discussion and consideration, have directed me to report a bill, which I send to the Clerk to read, and ask that it may be appended, with the names of the committee, at the end of the printed report of my remarks.

It will be seen that this bill invites bids for transportation by railroad, which requires the construction of such railroad as follows: Commencing with two converging branches, one west of of Iowa and the other west of Missouri, uniting within five hundred miles, and thence by a trunk line to proceed to the navigable waters of the Sacramento river, which connects it with the Pacific ocean at San Francisco.

Council Bluffs, on the Missouri, is at the ninety-sixth degree of longitude, and Sacramento river at longitude 120°; hence the tangent distance is 26°, or at the latitude of 41° north, less than fourteen hundred miles.

But the railroad measurements, as determined by Government surveys and represented by a map which I here present, prepared at the office of the Pacific railroad surveys, under the supervision of Captain Humphreys and Lieutenant Warren, of the United States Army, make the distance as follows:

The map shows the railroad distances—

	Miles.
From Council Bluffs to San Francisco	1,987
From this deduct the navigable trunk of the Sacramento, as stated by Lieutenant Abert, United States Army	265
Total railroad distances from Council Bluffs to the navigable waters of the Sacramento	1,722

I think the proposed *branches* would unite within two hundred miles; but something must be added for *doubling* the first part of the line, and I therefore add two hundred and seventy-eight miles, calling the entire line contemplated by the bill two thousand miles long. Appropriations of land, and an advance of bonds, are to be made by the General Government, to induce the construction of the railroad, and the bonds are to be paid for in transportation. To induce the contractors to adopt a direct line, and to induce them to proceed to the middle of the line, where the cost will be the maximum, because it is most remote, and in the most sterile part of the line, the grants increase as the work progresses from one degree of longitude to another. At each end of the line, the strip of land is six miles wide. It increases, till at the middle point the strip is thirty-two miles wide. The average width of land would be nineteen miles, or about twelve thousand acres per mile. The aggregate of land would be twenty-four million acres, much the largest portion of it so remote that, without a railroad, it would be of little or no value.

The bonds to be *advanced* by the Government, and repaid in mail and other Government transportations, would be as follows:

At each end, $8,000 per mile, increasing at each degree of longitude, to the middle of the line, when the maximum is obtained, $21,000 per mile. The average is $14,500 per mile; and the total advance, supposing the whole line and branch two thousand miles, $29,000,000.

This is, therefore, my estimate of the entire draft on the Government, twenty-four million acres of land; and an advance, on mail and transportation service, of $29,000,000 in bonds.

The lands are remote, mountainous, and, without a railroad, almost worthless.

The bonds are to be amply secured, and reimbursed by services at rates lower than we are now paying.

The bill requires the whole matter to be laid before capitalists; and the contract, if made, would have to be ratified by the next Congress, to give it validity.

It is my judgment, and the opinion of railroad men of great experience, that such a bill, and such an offer, is worthy of favorable consideration by capitalists, and would be likely to secure a Pacific railroad. The Government is not to build the road; it only offers advances, which, with other business, would afford such an income as to induce railroad men to avail themselves of the offer; and, by investing their capital, they would construct a work profitable to themselves, and of great value to our country. In view of the vast importance of a Pacific railroad, many look upon it either as impossible or involving vast expense to the Government. I wish to remove this erroneous impression. Many of those who have thus regarded it, look at such a work from a wrong stand-point. Private enterprise and a little public encouragement have secured the construction of over twenty-eight thousand miles of railroads in the United States. In the State of Illinois, two thousand miles were constructed in about two years.

The great network of railroads has now reached the Missouri, about half way to the Pacific; and standing on the bank of that great river, you would perceive that the mouth of the Sacramento on the Pacific, and the mouth of the St. Lawrence on the Atlantic, are about equidistant. Looking east, we see twenty-eight thousand miles of railroad constructed. Looking west, we see that one thousand seven hundred and twenty-two miles of railroad would connect us with the navigable waters of the Pacific. Standing on the Missouri, at the end of our present system, this matter of a line to the Pacific seems comparatively a small mat-

ter, involving only a small matter compared with what private enterprise has done. To reconcile sectional and local feeling and interests, the bill starts with two branches, which increases the requisite length to two thousand miles; and the simple question is, what aid, per mile, must be given to secure this work? The bill offers, for the first degree of longitude, (52.20 miles,) three thousand eight hundred and forty acres of land, and advances $8,000 per mile; on the next degree of longitude, (52.20 miles,) five thousand one hundred and twenty acres of land, and $9,000 per mile; on the third degree of longitude, (as we proceed from both ends,) six thousand four hundred acres of land, and $10,000 in bonds; so increasing from each end, passing thirteen degrees of longitude, when at the center of the line, longitude 110° 30′, which, on the parallels of 40° or 41° of north latitude, is the region of Green river, the most remote, mountainous, and expensive portion of the line, twenty thousand four hundred acres of land, and $21,000 per mile. As before stated, the average, per mile, is about twelve thousand acres of land, and $14,500 in bonds. The aggregate, for the two thousand miles, twenty-four million acres, and $29,000,000 of bonds.

Thus stated, the problem and its solution are simple. The bill provides for the submission of the matter to capitalists, and before the Government is bound, another Congress must ratify. I believe these figures are sufficient. If they were all doubled, the vast importance of the work would justify their favorable consideration.

ROUTE ADOPTED.

The vast consequences to our country, to localities, and to commerce, which must result from the construction of a Pacific railroad, cause the question of *location* to be the most difficult and exciting obstacle to the determination of congressional action.

Wherever the road be located, great advantages must inure; and therefore, every section desires the advantage of location to itself, and dreads the *prestige* such a location would give to a rival section. Reconcile these antagonisms, and we would easily reconcile other difficulties which have for years postponed the action of Congress.

Explorations have been made at great cost, and the reports of these surveys are contained in ten or eleven large volumes. The chiefs of the survey of at least four lines have reported their specialty to be practicable, and for some reasons, each has presented his as superior to all the others. In point of fact, each route has some peculiar advantage, and each some peculiar difficulty. To present the favorable and unfavorable features of each route, would extend my remarks far beyond our one hour rule. I must therefore confine myself mainly to the consideration of the advantages of a central route, such as the bill of the select committee proposes.

CENTRALITY.

The four routes, which have been reported as practicable, are located as follows:

1. The route by the Gila river, through Arizona, on the parallel of 32°. It runs near our southern boundary.

2. The route through Albuquerque, near the parallel of 35°. It is within four degrees of our southern boundary.

3. The route by the Platte valley, Salt Lake, and Humboldt valley, near the parallel of 41°; the central line.

4. The route from St. Paul to Puget Sound, being northward between the parallels of 44° and 49°; near our northern border.

The section of country west of the present railroad system, lies mainly between the parallels of 31° and 49°, north latitude. It is, therefore, 18° wide; and the latitude of 40° would be the geographical center line of that western territory. The bill proposing to start two converging lines, one from Missouri and the other from Iowa, form an angle very nearly bisected by this central line 40°. The bill, therefore, provides, geographically, for a central route.

The honorable gentleman from Missouri [Mr. PHELPS] has denominated his favorite line a "central route," although it follows nearly the parallel of 35°. I have said the western territory lies mainly between the thirty-first and forty-ninth degrees of north latitude. The width is eighteen degrees. If four were the half of eighteen, then the thirty-fifth parallel, which is four degrees from the southern extremity of this territory, would be a "central route." True, he proposes to start from St. Louis, latitude 38° 30′, and end at San Francisco, latitude 37° 45′; but the main trunk of his line is on the parallel of 35°, and the bending of the ends northward, only gives it ill shape, great length, and no just claim to the name of a "*central* route."

The bill here presented does not define points between the termini. The road may pass the mountains through the Co-che-to-pe Pass, the Chayenne Pass, or the South Pass. The surveys, in my judgment, show the route by the Platte valley, Lodge-pole creek, Chayenne Pass, near the parallel of 41°, to be most favorable; and I therefore take that line of survey as the basis of my argument for a central route, being much nearer than any reported practicable, and only varying one degree from the central line. It is very direct on the forty-first parallel, as the survey shows. To pass through the Co-che-to-pe Pass, we would be carried south to the thirty-ninth degree, and to pass through what is called the South Pass, we have to go north to the forty-second degree. Either pass, however, would not materially vary from centrality; and although I regard the Chayenne Pass route, as preferable, the bill does not restrict the line to any mountain pass, and the road may go either by the Co-che-to-pe Pass, the Chayenne Pass, or the South Pass, as all these are between 39° and 42°. The route of 41° being the shortest and best, and the bill encouraging a direct line, I proceed to call it the line of 41°.

This line is central as to the great railroad lines which have passed the Alleghany Mountains, the Mississippi valley, and are now progressing west of the "Father of Waters." It is a line which, being prolonged, will pass through the center of our population, and the center of our wealth.

It is, in every point of view, *the central route.*

THE SHORTEST LINE.

The continent narrows, as we proceed southward, till, in Central America, its width is only about one hundred and fifty miles. If the object were to find the shortest line from ocean to ocean, we would only have to approach as near to the isthmus as possible, to accomplish our purpose. But this is not the object of a Pacific railroad. Our object is, or should be, to connect the center of our Atlantic population with the center of our Pacific population. Pittsburg is about the center of Atlantic population and Sacramento is near the center of Pacific population. No Pacific railroad would be satisfactory, if it did not connect with our great Pacific harbor at San Francisco. Connecting Pittsburg and San Francisco by any interior system, would effect the greatest good to the greatest number. The great object and argument must be a military defense for our Pacific settlements. A road to a southern or northern port of the Pacific, which would require an ocean steam connection, would not effect a military object, because such ocean steamers would be exposed, in time of war, to the same dangers as those we now have from Panama. We want a safe, central route, on the most direct line, to the navigable waters of the Sacramento, and its interior navigable point is near latitude 40° north.

The railroads having extended to the Missouri river, the object to be attained is therefore accomplished by a line from the navigable waters of the Mississippi or Missouri to the navigable waters of the Sacramento. I have laid down these premises, so as to fairly present the length of different lines, and show that this central line is the shortest. The table of lines presented by the Secretary of War, and inserted in the speeches of Senator GWIN and others, does not *start* the lines or *end* them fairly, and therefore that table does not fairly show the relative length of lines.

The map to which I have before referred, prepared at the office of explorations and surveys of the War Department, shows at a glance not only the centrality of this line, but also the *proper place to start and terminate each line.* Take, first, the southern line. In the table, it starts from Fulton, which is one hundred and fifty miles in a right line from either a railroad or a navigable point on a navigable river. The table starts the line of the thirty-fifth parallel at Fort Smith, two hundred and seventy miles west of Memphis, which is the proper point of navigable water to start from, since the Arkansas is not such a stream as to deserve to be called navigable. I present the length of lines as this map shows them. Starting, as I have said, from navigable points, and terminating either at San Francisco or at a navigable point on the Sacramento, which effects a convenient connection with San Francisco. These I present are the right termini by which to compare lines. Start from a real navigable river, and run to San Francisco, or to the Sacramento river.

This map shows the practical routes as determined by the elaborate surveys made by the War Department:

1. The southern route, parallel 32°:	*Miles.*
From Gaines, on the Mississippi, to Fulton	150
From Fulton to San Francisco	2,024
Total	2,174
2. The Albuquerque route on the parallel of 35°:	
From Memphis to Fort Smith	270
From Fort Smith to San Francisco	2,096
Total	2,696
3. The central, or Platte valley, Salt Lake, route, parallel 41°:	
From Council Bluffs to San Francisco	1,987
Deduct navigable water line of the Sacramento, as stated by Lieutenant Abert	265
Total	1,722
4. Northern, or St. Paul and Puget Sound route parallel of 44° to 49°:	
Vancouver to St. Paul	1,800
To get from this line to the navigable waters of Sacramento, estimated at least	400
Total	2,200

By this showing, taken from this map which speaks for itself, you perceive the central route is four hundred and fifty-two miles shorter than the shortest. Take a careful or casual view of this map, which shows all these various lines marked and distances stated, and you will perceive the same thing is proved also geometrically.

I have taken some trouble to place this point beyond dispute, because many seem to have blundered into error on this subject. I again express the difference, four hundred and fifty-two miles shorter than any other route.

BRANCH CONNECTIONS.

The central position of this line makes the sum of the branches from the south and the north not only mathematically shorter than they otherwise would be, but it is especially convenient for branch lines, as they can follow the great river channels in approaching the main trunk. For instance: from Memphis, follow up the valley of White river; from Fort Smith, follow up the Neosho; from St. Paul, follow the channel of the St. Peter's to the south bend of that river, and thence, via Sioux City, approach the main trunk. It will be seen that our river valleys make convenient approaches for railroad lines.

But it is for Pacific branches that this line is especially convenient, *and the only one that can accommodate branches to all the Pacific ports.* A southern route would not accommodate Oregon and Washington. A northern route would not accommodate Utah or southern California; but from the central line, you can branch from the Salt Lake valley, so as to accommodate all those western States and Territories.

This convenience of branches, especially to the Pacific ports, seems to conclude the argument in favor of the central route. To make a trunk line, inaccessible to Oregon and southern California, would be absurd, and accomplish only a fraction of the objects proposed.

PRACTICABILITY OF THE ROUTE.

This route has the advantage of following several valleys where the grades are exceedingly easy. These are, the valley of the Platte, which extends about six hundred miles west from Council Bluffs; the valley of Salt Lake; the valley of the Humboldt; and the valley of the Sacramento—more than two thirds of the line following these valleys. This much of it is comparatively very

easy to grade. Of the two thousand miles, at least twelve hundred are of this easy surface grade, especially as the two branches proposed would be in the general plane of Kansas and Nebraska, which rises very gradually towards the mountains, and is everywhere comparatively convenient and inviting to railroad construction. There will be, in the two thousand miles, about eight hundred miles of hilly and mountainous line, which is difficult and more expensive, as all such lines are. A difficult work is concentrated within forty or fifty miles on the western slope of the Nevada mountains. But settlements are increasing on both sides of the Nevada; it is a healthy, well-timbered, and well-watered country, in a gold-bearing region, where private enterprise is now driving forward stages, telegraphs, and other enterprises which will aid the progress as they increase the demand and secure the success of a railroad. I will speak of these difficulties when I come to that section of the line.

The official surveys of this line have been made and reported by Colonel Frémont, Captain Stansbury, Lieutenant Beckwith, Colonel Lander, Lieutenant Bryant, and Lieutenant Warren, who, at different times, have examined the different sections, and reported most favorably on the route. All their reports are exceedingly interesting.

But it is impossible to give, within my time, half the testimony which goes to establish the practicability of this route. I will describe it in sections, commencing at Council Bluffs, or St. Joseph, Missouri, and proceeding west, give the features of the line, and some of the proof which proves its feasibility.

The two lines would soon converge, and, as I suppose, uniting near Fort Kearny, follow the valley of the Platte, about six hundred miles, to the foot of the Black hills. Lieutenant Warren speaks of this section as follows:

"The *Platte river* is the most important tributary of the Missouri, in the region under consideration; its broad and grass-covered valley leading to the west, furnishes one of the best wagon roads of its length in America. From its mouth to the forks, the bluffs are from two to five miles from the water, making an intermediate bottom valley of from four to eight miles wide. From the forks to Fort Laramie, the bluffs occasionally come down to the water's edge, and the road has to cross the points of the ridges. From Ash Hollow to Fort Laramie, the road is sometimes heavy with sand. Fine cotton wood grows along the banks, and on the islands, from the mouth to Fort Kearny; from here up it is scarce, and of small size. Cedar is found in the ravines of the bluffs, and in the neighborhood of the forks, and above. The river is about a mile wide, and flows over a sandy bottom; when the banks are full, it is about six feet deep throughout, having a remarkably level bed; but it is of no use for navigation, as the bed is so broad that the water seldom attains sufficient depth, and then the rise is of short duration. The water is sometimes so low, as was the case last season, that it can be crossed anywhere without difficulty, the only care requisite being to avoid quicksands."

The settlements are now extended one hundred miles on this section. If, as I prefer, we follow the South Platte and Lodge-pole creek route; this testimony relates to only three hundred and seventy-three and a half miles of this section, where Lieutenant Warren crossed the South Platte and went north, leaving the route when he found the road "sometimes heavy with sand."

Lieutenant Bryan extended surveys up the South Platte and Lodge-pole creek to the mountain passes. It is in this neighborhood (Cherry creek is fifty miles south) the new gold discoveries are made, and miners are gathering by thousands. According to Lieutenant Bryan, no serious difficulties occur on this section, except a scarcity of timber. He says, (volume 2, part 2, Executive Documents, 1857–8, page 478:)

"From the Laramie crossing to the head of Lodge-pole creek, the supply of good water is constant. The grass is generally short, as on all the uplands, though there are spots occasionally met with, where a more liberal supply than usual may be had. From the head of Pole creek, over the west fork of Laramie river, to Bridger's Pass, there is but one route to be followed; and, as it has already been described, I need not speak of it again here."

I suppose he refers to the report of Captain Stansbury. Large groves of pine and other timber have been discovered this winter, by the miners, some thirty or forty miles south of Lodge-pole creek. The details of Lieutenant Bryan's report are favorable, but too lengthy. I refer to his detailed report.

From the head of Lodge-pole creek to Salt Lake City, we pass the Rocky and Wasatch ranges of mountains; we also pass the valley of Green river; where, for about two hundred miles, at various places, coal is found in strata from two to ten feet thick. Captain Stansbury explored this region; and I refer to his work, from page 217 to page 273. On page 226, speaking of coal, he says:

"The out crop was about eight feet wide, by four feet thick."

At another point, one hundred miles further east, he says, page 234:

"At a point thirteen miles from the mouth of Bitter creek, we found a bed of bituminous coal cropping out of the north bluff of the valley, with every indication of its being quite abundant."

On page 236, speaking of the portion three hundred and thirty-one miles between a summit of the Rocky Mountains and Salt Lake, he says:

"We broke out, from a bed twelve feet thick, some beautiful specimens of excellent bituminous coal, which burned in our camp-fires, with a clear yellow flame."

At longitude 108°, latitude 41°, he says, (page 236:)

"Sandstone cliffs bound the valley on the north side, in which I observed a stratum of coal, which was exposed for a hundred yards, and was at least ten feet in thickness."

Having closed his survey of the route, he says, (page 142:)

"With the exception of the rough ground near the head of the Muddy, which offers no obstruction of consequence, a perfectly feasible, and, indeed, a most excellent route, whether for a wagon or railroad, has thus been traced, presenting fewer obstacles to construction of either than almost any tract of the same length in the country. The grades will be easy, the bridging comparatively light, and, with the exception of the crossing of the valley of the Muddy, where a long and heavy embankment may be required, the cutting and filling will be entirely within moderate limits. In no case will an inclined plane be required; and the route is more than usually free from the objection of high and narrow cañons, liable to be filled up or obstructed by snow during the winter."

Again, (page 261,) speaking of this whole most remote and difficult section:

"A glance at the map, and a little attention to the table of latitudes, will show that, from Great Salt Lake City to the head of Lodge-pole creek, a distance of four hundred and eighty-four miles, the difference of latitude is but 35′ 42″; and that, while the greatest northing made by the proposed line is but little more than 20′ north of Lodge-pole creek, the greatest deviation to the south is but little more than three miles; so that the entire route through that long distance *varies but a trifle from a straight line.*"

And speaking of this route, as preferable to going sixty miles further north, by the South Pass, he says, (page 262.)

"A careful observation of the ground, on both routes, has enabled me to form a general comparison between them; and has led to the unhesitating conclusion that, in point of diminished distance, easy grades, freedom from serious obstacles, and convenience and abundant supply of materials for construction, the line of this reconnoissance presents a trace for a road that is not only perfectly feasible, but decidedly preferable to the other."

Lieutenant Beckwith corroborates this testimony (see volume 2, page 54, "Explorations and surveys for a railroad route," &c.) when he speaks of "the Green river basin, and the coal basin of Green river from being abundantly supplied with that important article. It is more than two hundred miles in extent, from east to west; and has a variable width, north and south, from twenty to over a hundred miles."

Speaking about snow in this region, about which much is said against a central route, and fearful in any country, where houses are not yet constructed, he says:

"The trading post at Fort Bridger has been occupied constantly for the last ten years; but the district was much frequented before, by traders and trappers, whose effects are always transported by cattle, which subsist themselves, throughout the year, by grazing—a fact remarkably significant of the winter climate and depth of snow which falls in the district, the general elevation of which may be safely taken at seven thousand feet above the sea. And it is said, by these people to be a well-established fact, that horned cattle, of which their stock largely consists, cannot so subsist when the snow is deep enough to bury their eyes and enter their ears as they feed."

A large number of our army encamped last winter in that region of Fort Bridger, and we now have about a thousand miners spending the winter at the head of the Platte, about forty-five miles south of this line. My son (a boy of only twenty years) writes me, January 5, from "Arapahoe," at the fort hills of the Rocky Mountains:

"The snow fell last night to the depth of three or four inches. It is the first snow we have had for about a month; and all of the former snows had passed off during the exceedingly pleasant weather we have been enjoying for some time past."

In further refutation of this snow argument, and to show the mildness of the winter in the new mining region, I extract from a letter just received of January 16th, from Peter Haas, who writes from Arari, to inform me that my son, with six others, started "on the 13th January, about noon, in good spirits. Each one had thirty days' rations strapped upon his back, besides their fire-arms. They took with them one horse on which were packed their blankets, prospecting tools, and cooking utensils. There is considerable excitement just now about rock diggings being discovered on the other side of the mountains, and if there is anything of it, these boys will know it."

Such a journey over the mountains would scarcely have been ventured by such a party, prior to the settlement of the mountain region of Virginia or Pennsylvania; and shows that, on the spot, at midwinter, no fearful apprehension is felt for those snows, that some have thought an insurmountable obstacle to a central railroad. Where there are no settlements, snow, be it ever so little, is dangerous to a sojourner; but whenever a railroad reaches this country, sufficient settlements will attach to it. Besides, plank fences and snow-plows have overcome snow on railroads, and, in future times, it will be wondered that this snow argument, against this or any other route, has received even a passing notice. Snow is a great relief that nature provides for the parched earth, and prepares it for its summer products. I dwell upon this matter of snow, because it has been made *the great argument* against a central route; whereas it is really an argument in its favor. There is less snow on this line than we have on the same parallel east of the Ohio.

So much for the route to Salt Lake, to the Mormon settlement, where we have a population of at least forty thousand, and an army of two or three thousand, with which we must have constant communication. From Salt Lake City to the Nevada Mountains, a section of about six hundred miles, we have the valley of the Salt Lake and Humboldt river, level or easily-graded plains. But the line is interrupted by the Humboldt Mountains, which, however, are not difficult to pass. Scarcity of timber is the principal difficulty encountered. Cedar is found in the Humboldt Mountains, but in places ties may have to be transported from fifty to sixty miles. The description of this section, comprising the Mormon settlement and the Carson Valley settlement, is too well known to require much consideration. Its particular features are stated in the report of Lieutenant Beckwith, volume 2, pages 60 to 70, Explorations.

The last section, about two hundred miles in length, includes the Nevada Mountain, where several passes have been surveyed, and are said to be practicable. In passing this mountain, you have to rise twelve hundred feet, and descend twenty-four hundred feet. The rise is easy, and the descent is distributed over sixty-seven miles. On the summit of this mountain there is a level plain some thirty or forty miles in width. After what we have seen in passing the Alleghany Mountains, there can be no doubt of the practicability of passing this mountain through the Madalin, Noble's, or Carson river Pass. Rather than go a great distance out of line to avoid such a mountain, we would adopt the improved inclined planes, which some insist are now the cheapest way to overcome elevations. Or we may adopt the zigzag or Y *boyeau* construction, that has occasionally been successfully used on the Baltimore and Ohio railroad.

But there is no need of such an expedient. The surveys of Captain Beckwith show the probability of passing the Nevada Mountains by using grades that have been successfully tested. The most formidable obstacle, in the route which he seems to prefer, is two cañons through which the Sacramento runs, and through which it is proposed to carry the railroad.

As this is the great obstacle, I give his description and ask railroad men to consider it for themselves. To me, after much personal experience in works contiguous to water courses, it does not appear very formidable. After describing the easy

ascent, from the east to the broad, flat, timbered summit of the Nevada; and after proceeding with no serious difficulties to the declining plain, from whence he could overlook the vast valley of the Sacramento, which leads to the Pacific ocean, he thus speaks of this "cañon of the Sacramento:"

"This cañon is a formidable obstacle to overcome. Its entire length is thirteen and seventy-four hundredths miles, surrounded by an open valley of similar extent, which is followed by another cañon eight and ninety-five hundredths miles in length, of the same character as the first. The river, as it enters the first cañon, is from thirty to forty feet wide, flowing with a rapid current over a bed of rocks; and it is sixty feet wide as it enters the second cañon, just below the junction of Fall river, and flows over a similar bed with an equally swift current.

"At their heads, these cañons are vertical trachytic rocks, eighty feet high, with large masses of fallen rocks accumulated at the bases of the walls. The first is cut through a high plain for six miles; the plain then rises somewhat, and is surmounted by high sloping ridges rising five or six hundred feet above it, and the cañon becomes much broader, and its walls more elevated for two miles, to where it makes a large bend to the north; below this the walls gradually decrease, and in two miles the cañon opens to the width of half a mile, which it preserves for three miles to the succeeding valley. The highest portions of the walls rise two hundred feet above the stream, with an accumulation of fallen rocks extending half way to the top. For eight miles the course of the cañon is direct. It then makes a long bend to the north, and is followed by two or three short curves, but with a generally direct course. Its open part is timbered, and its walls less abrupt; and on the right bank of the stream the mountains, followed by the river, extend considerably into the plain of Fall river. The most favorable line for the passage of a railway leads along the plain on the north side of the river, and descends the sides of the rocky hills which surmount it, and continues on the side of the mountain until it enters the plain of Fal river. The second cañon is only less formidable than the first because it is of less extent."

It will be perceived the river is small—from twenty to sixty feet wide. The cañon is straight, or has long curves. Loose piles of rock lay alongside of the stream. I do not perceive why these loose piles of rock may not be distributed partly in the stream and partly out of it, and with the aid of side cuts, follow near the bed of the stream instead of the side of the mountain.

Be this as it may, Lieutenant Beckwith has not only carefully described these two gorges, which, taken together, only extend over 22.69 miles; but he shows how they may be overcome or avoided. After reading his report, any practical railroad constructor will be convinced of the practicability, and, in some respects, interesting portions, of the railroad route.

As his survey closed the survey to the West, I will read his closing remarks on the general character of this central route:

"Further surveys on this route would doubtless develop important improvements at various points; and at two, at least—one from the shore of the lake near Stansbury's Island, by Pilot Peak, to the pass in the Humboldt mountains; and the other, in crossing from Humboldt river to Mud Lake—would probably diminish the length of the line by one hundred and six miles. The grades, also, are doubtless susceptible of material improvement by minute surveys with the spirit-level. There is an abundance of good stone for bridges and building purposes, at short intervals, upon all parts of this line. Water is also found in abundance for railroad purposes throughout those portions of the Sierra Nevada, Wasatch, and Rocky Mountains explored, and also, at a few miles intervals, in the basin, where it usually occurs in springs at the bases of the mountains, and in small streams descending from the higher peaks and ridges to the adjacent plains.

"And a simple reference to the map of the route will exhibit an important feature in the facts that in its remarkably direct course, for its great length, from the Missouri west to the Pacific, it follows the ascending and descending valleys of permanent rivers and their tributaries, for more than two thirds of its entire length, and that water is abundant on all the intermediate spans, affording the means of irrigation to a large extent, wherever the lands are suitable for it; and that they will doubtless be found so, wherever the sage plains are luxuriant, may be inferred from the rich aromatic odor and resinous properties of that plant, and from the exceedingly nutritious character of the grass scattered through it. And it is a well-known fact, that the Mormons produce some of their first crops from reclaimed sage plains.

"By reference to the map and accompanying table of latitudes, it will be seen that the route explored, conforms throughout to a remarkably straight line, deviating west from Fort Bridger only at the Timpanozos cañon, if that line be preferred to the Weber, and on the northern portion of the Sacramento river."

After these strong indorsements of the practicability of this central route, by all the officers of the Government who have been directed to examine it, I can hardly conceive how it is that doubts have been cast upon it by those who never did see it. The Secretary of War, Hon. JEFFERSON DAVIS, speaking of this route, in his report to Congress, although he favors the southern route, thus speaks of this route on the parallel of 41°, evidently regarding it as next in his estimation:

"The survey of the western portion of this route, by Lieutenant Beckwith, has resulted in the discovery of a more direct and practicable route than was believed to exist from the Great Salt Lake to the valley of the Sacramento. Since his report was made, a brief communication from Brevet Lieutenant Colonel Steptoe, commanding the troops in Utah, has announced the discovery of a still more direct route from Great Salt Lake to San Francisco. The new portion of this route passes to the south of Humboldt, or Mary's river, and, entirely avoiding the difficulties experienced by travelers along that stream, proceeds to the valley of Carson river, being well supplied with water and grass. From Carson river it crosses the Sierra Nevada, by the passes at the head of that river, and descends to the valley of the Sacramento, being practicable throughout for wagons. In the absence of instrumental surveys, affording data for the construction of profiles, no opinion can be formed as to the practicability of this route for a railroad. Should it be found practicable, however, it will lessen the length of the route of the forty-first parallel, and still further diminish its difficulties, already known to be less than on any other route, except that on the thirty-second parallel."

This is true, *except the exception*. I do not admit that this route on the parallel of 41° has more difficulties than those existing on any other line, especially that of the thirty-second parallel. The trouble with that line is, as I have shown, it is four hundred and fifty-two miles longer than that of the forty-first or central route.

The route of 32° runs through an unsettled and far more desolate country, remote from provisions and workmen to aid its construction; whereas, the line of the forty-first degree runs through several fertile valleys; and at several points on the Platte, at the foot of the Rocky Mountains, in Salt Lake valley, Carson valley, and Sacramento valley, are large and growing settlements, able to furnish men and means to aid construction and furnish business to the road.

The route of 32° crosses great rivers, that cannot be bridged. The route of 41° follows the channels of rivers, and, from Philadelphia (which is on the same parallel of forty-one) to San Francisco, all *can easily be bridged*.

The route of 32° crosses the deserts of the *Llano Estreado* and the Colorado desert, together with other long desert sections, where water is only procured by digging, and in many portions, sixty or eighty miles in length, none can be procured even in that way. On the route of 41°, water is procured conveniently at all points.

The route of 32° is much more destitute of timber.

That of 41° has more timber, and the Green river coal field, which occupies two hundred miles on the central portion of the route, will furnish fuel at the most destitute point.

The route of 32°, skirts the southern boundary, could not connect with Oregon and Washington, and, as a military road, has not a safe or suitable position for sending forces to the salient point on the Pacific, San Francisco. The route of 41° is central, safe, and convenient for sending forces to any one of the Pacific ports.

But I cannot afford time, on this occasion, to give the testimony and prove the superior practicability of this central route *over all others*, although I believe such is the fact. Avoiding comparisons, I prefer to demonstrate the national advantages of a great central trunk line.

If this array of testimony, selected entirely from *official* reports, proves anything, it proves the practicability of a central railroad; and this being the line followed most of the way by hundreds of thousands of overland emigrants, I may add their general testimony, with the resolutions of the Legislatures of Utah, Oregon, Washington, and, I believe, California, in favor of this route.

COST OF CONSTRUCTION.

I have said nothing as to grades, curves, and cost. The surveys have not been made with such details as to admit of exact or even approximate accuracy on these subjects. They give general features, from which they and others, familiar with railroads, may judge of the practicability and probable cost. Western railroads cost about thirty thousand dollars a mile. The difficulty which enlarges the probable cost of a Pacific railway, is the distance material and workmen must be transported. There are four items in the cost of a railroad: the cost of the *road-bed, the ties, the iron*, and the *rolling stock*. On the central route, two thirds of the road-bed, so far as the face of the country is concerned, would be easily prepared. The other portion would not be very difficult. Laborers are at each end, and at Salt Lake in great abundance. This can be said of no other proposed line. The country is healthy, the climate temperate, and settlements are accumulating at the new gold mines, Salt Lake, and Carson valley. They will occupy the entire line as the work progresses. Stage stations are now established at short intervals; and emigrants, by thousands, annually pass this way to Utah and California.

Iron and ties and rolling stock are, mathematically speaking, *constant quantities;* and their first cost on a Pacific road *at each end* is easily determined. By adopting a very temporary grade, laying the track could proceed directly from each end, and afford cheap transportation for more permanent and progressive work. Railroad builders will understand and properly appreciate these practical suggestions. Locomotives are running on the Missouri and the Sacramento; and the cost of iron, ties, and stock, at each end of the line, can thus be actually ascertained. It certainly would not reach $20,000 a mile. The only doubtful or extra items are the cost of *road-bed* and *transportation* of material; and these items are still further simplified by considering the use of the progressing road as a means for transportation. Ten thousand dollars a mile for extra transportation of workmen and material would, in my judgment, be a large allowance; and I, therefore, cannot perceive why such extraordinary prices should be attached to the practical question of construction. The bill I submit, presents this question to workmen and capitalists, and involves us in no expense to procure their decision.

So far as the Government is concerned, it does not go to the cost; the question is only raised to show what aid should be given to secure the application of capital. I submit these questions of cost to our presidents and directors of railroads; especially those who are involving their fortunes in great lines that may easily converge to such a central trunk, or to its expanding branches, which will subtend their lines when extended. I submit them to the stockholders and contractors, who, with patriotic zeal, have invested their time and means in the great railroad network that is uniting all sections of our country.

PRACTICAL RESULTS.

A railway being opened to California, the entire travel will pursue that route. You can now go from any of our cities to St. Joseph, Missouri, by railroad, for thirty dollars. The remaining, say, two thousand miles to San Francisco, at three cents per mile, (nearly double the rates on this side,) would be sixty dollars; add for meals and extras, ten dollars—total from eastern cities, by railroad, to San Francisco, one hundred dollars. A passage by any of our *foreign* routes, costs near three hundred dollars. By railroad you could go in six or eight days. It would be much *cheaper*, *quicker*, and *safer* for passengers traveling from ocean to ocean; and they will all take the railroad route. This demonstration is irresistible and incontrovertible. If the extremes would choose this route, intermediate or way travel between the cities on the Atlantic and the Pacific, would, *a fortiori*, adopt this route. There is, as all know, a creative power in a railroad which will double or treble the present California travel; and we may thus safely calculate on a hundred and fifty thousand passengers in a year, which,

At $60 a passenger, on the western trunk, would be the sum of	$9,000,000
All the gold would obviously take this route, and pay three per cent. on $50,000,000 a year	1,500,000
Our postal transportations at present cost over	2,000,000
The transportation of military stores costs near $10,000,000; I suppose half of this would be done by the railroad	5,000,000
	17,500,000
Light goods, including many articles of dry-goods, would take this route; I can show that provisions, stock, and many other articles raised in the Mississippi valley, would go by railroad; and to this, if you add the probable way business, it is not unreasonable to estimate the value of such resources to the road at	10,000,000
Approximate gross income	$27,500,000

I will not descend to details which would show

net results. I only wish to present facts that may be easily developed to prove more exact results, which I hope others will correct and carry out. I give data mainly for that purpose. The cost of transportation on a railroad is from one to three cents per ton per mile, varying according to the kind of freight, grades, competition, and other circumstances. At two cents per mile for each ton, which may be considered as a fair average, the following charges would be rumerative to the company, and at the same time not be unreasonable to the shipper:

1 bushel of coal for one hundred miles			$0 06½
1 bushel of corn	"	"	05½
1 bushel of wheat	"	"	05
1 barrel of flour	"	"	20
1 hog, 200 pounds,	"	"	20
1 barrel of pork	"	"	30
1 steer, 1,500 pounds,	"	"	1 50
1 cord of wood	"	"	3 00
1,000 feet of walnut lumber	"	"	4 80
1,000 feet of oak lumber	"	"	4 48
1,000 feet of poplar lumber	"	"	2 39

These rates are much greater than our railroads charge on long journeys; but, applying these rates on the line of railroad from the Mississippi valley to California, two thousand miles, the freight charges would be, from the region of Missouri and Iowa:

1 ton of freight	$20 00
1 bushel of corn	1 05
1 bushel of wheat	1 00
1 barrel of flour	4 00
1 barrel of pork	6 00
1 hog, 200 pounds	4 00
1 beef, or steer, 1,500 pounds	30 00

Many of these articles would not bear transportation, but many of them would, besides, thousands of lighter articles that may be compared with these would be transported. The great advantage of quick, safe transit would induce articles to follow the railroad rather than go by sultry, sickly routes, which cross the equator.

To determine the propriety of adopting the railroad, take the cost of transporting the articles either by water or railroad to some point on the Missouri, say Kansas, Leavenworth, St. Joseph, Nebraska City, Council Bluffs, or Sioux City, (points where boats can run at all summer seasons, and where railroads will soon be completed,) and add to this the charge in the above table and you can then see the cost by this route. I suppose a ton of freight from New York to Kansas may be ten dollars. Add twenty dollars for the railroad, and your cost is thirty dollars a ton. I merely give this as a formula, not wishing to compare freights on different routes, as that would carry me too far into details. To compare the cost with isthmus routes, these must be charged with greater *insurance, interest on delay, and damage.*

I give data enough to show that a railroad would, like all our great east and west lines, do a vast amount of business; certainly enough to keep it running; and, in my judgment, it would pay a fair dividend on its cost.

Such a road would not only receive the travel of the country, but travel between Europe and Asia would seek a land route, where passengers could see this continent, understand its wealth, visit cities and people, avoid delays and some dangers by sea, and interchange knowledge, taste, and products with the inhabitants of our great interior. Such a line of communication will increase the intercourse between our own people and those of Europe and Asia; facilitate the development of the new trade opened in China and Japan; make our country a great entrepot for other nations; and revolutionize the commerce of the world. The route to India will be opened, science and knowledge will be transmitted to the heathen shores of Hindos, and those that sit in darkness will rejoice in the light of revelation. The power of steam, the extension of railways, and intercourse by electricity, will unite the world.

The Pacific railroad is not only necessary for our own fraternal intercourse, but it is an essential element in the world's progress; a great achievement, worthy of the vast progress of this nineteenth century. I have for years exerted my humble efforts to secure the success of this enterprise, and I shall continue to devote my energies to initiate its commencement and secure its completion.

The magnitude of the subject must plead my apology for trespassing so long on your patience; and I also tender to the select committee of fifteen my grateful acknowledgments for authorizing me to present the accompanying bill.

The following are the names of the select committee:

JOHN S. PHELPS of Missouri, GEORGE W. JONES of Tennessee, ISRAEL WASHBURN of Maine, JOHN S. MILLSON of Virginia, SAMUEL R. CURTIS of Iowa, ERASTUS CORNING of New York, W. L. UNDERWOOD of Kentucky, WILLIAM S. GROESBECK of Ohio, JOHN A. GILMER of North Carolina, OTHO R. SINGLETON of Mississippi, JOHN F. FARNSWORTH of Illinois, HENRY M. PHILLIPS of Pennsylvania, DE WITT C. LEACH of Michigan, CHARLES L. SCOTT of California, and JOHN REAGAN of Texas.

Of these, thirteen were present, and the vote stood seven for and six against the bill.

A bill to secure the construction of a central Pacific railroad.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and directed to enter into a contract for the transportation of the mails, troops, seamen, munitions of war, Army and Navy supplies, and all other Government service, by railroad, starting from two points, one west of Missouri, the other west of Iowa, on the navigable waters of the Missouri river, and uniting within five hundred miles of said Missouri river, to the navigable waters of the Sacramento river, in California, on the most eligible route—reference being had to feasibility, shortness, and economy.

SEC. 2. *And be it further enacted*, That the President shall cause advertisements to be inserted in two newspapers in each State and Territory, and in the District of Columbia, for a period of not less than three, nor more than six months, inviting sealed proposals for the construction of said railroad, and for performing the service herein required, as follows: First, the time in which it is proposed to construct and finish the entire road, and put the same into successful operation, which period shall not exceed twelve years from the execution of the contract; also, what extent and portion of said road, beginning at the eastern and western termini, and progressing continuously until finished, shall be completed and put in operation during each and every year. Second, the time in which said party will surrender that portion of said road which passes through the territory of the United States, with its rolling stock and all appurtenances thereunto belonging, to the United States, for the purpose of being transferred to the several States which may hereafter be formed out of said territory, as herein provided. Third, at what rate per mile per annum, not exceeding $500, it is proposed to carry the United States mails daily, both ways, on said road, under the direction of the Post Office Department, for the period of twenty years from the completion of the road; and, also, for the portion which may be in use while the said road is in course of construction; and at what rate per mile, for a like period, upon each section as it is completed, it is proposed to carry on said road, under the direction of the proper Departments, all military and naval supplies, troops, seamen, passengers, and freights of all kinds for Government purposes, with the limitation that the price to be paid shall not, in any event, either of peace or of war, exceed the sum which, in time of peace, has been heretofore paid for similar service, of equal amount, upon any existing route. After the expiration of said contract, said transportation, postal, military, naval, and for every other Government purpose, shall be performed on said road, under the direction of the proper Departments, for reasonable prices, not exceeding those paid on other first-class railroads, to be ascertained by Congress, in the event of a disagreement between the Government and the contractors or owners of said road.

SEC. 3. *And be it further enacted*, That said proposals shall be opened by the President, after due notice, in the presence of his Cabinet, and such persons as may choose to attend; and he is hereby authorized and directed to enter into a contract for the transportation provided for in this act, with the party whose proposal shall be by him deemed most advantageous to the United States, for the full and complete performance of said contract, in compliance with the provisions of this act. And the party with whom said contract may be made, as a guarantee for the faithful performance of the same, shall deposit, with the Secretary of the Treasury, the sum of $500,000, or the value thereof, in bonds or certificates of stock of the United States, which may be subsequently withdrawn in sums of $10,000, as the work progresses, on production of vouchers showing, to the satisfaction of the Secretary of the Treasury, that an amount equal thereto has been expended in the construction of said road. All questions of damages and forfeitures, by reason of any breach of said contract, shall be determined by the express terms and conditions of the same: *Provided*, That this act shall be taken and considered as part of any contract that may be made in accordance with its provisions, in like manner as if the same was set forth in said contract.

SEC. 4. *And be it further enacted*, That, in consideration of the stipulations and undertaking in said contract, there shall be, and is hereby, appropriated and set apart a quantity of the public lands equal to the alternate sections of public land for the space of six miles on each side of said road, from its eastern to its western terminus, to be selected from the sections designated in the public survey by odd numbers, and to be held and conveyed as herein provided. And between the meridians of 96° and 122°, proceeding from each end, the width of land from which selections may be made shall extend two miles more on each side at each succeeding degree of latitude. And in all cases where the United States may have disposed of said lands, or any part thereof, or from any cause cannot convey a legal title thereto, the deficiency may be made up from any unoccupied and unappropriated public lands within the distance of twelve miles on either side of said road: *Provided*, That all mineral lands be, and the same are hereby, excluded from the operation of this act, and in lieu thereof a like quantity of unoccupied and unappropriated agricultural lands nearest to the line of the road, through said mineral lands, may be selected in alternate sections.

SEC. 5. *And be it further enacted*, That the party with whom the contract aforesaid may be made shall proceed without delay to locate the general route of said road, and furnish a detailed survey and map thereof to the President, who shall cause the public lands to the extent here granted on either side of said road to be surveyed, and the Indian title thereto to be extinguished as soon as practicable. And the provisions of the act of September, 1841, granting preëmption rights, and the rights amendatory thereof, shall be, and the same are hereby, extended to the lands thus surveyed, excepting those herein set apart and appropriated for the use of said road: *Provided*, That, so soon as a contract is made, in pursuance of the provisions of this act, for the construction of said road, it shall be the duty of the President to cause the public lands, for twelve miles on each side of so much of said road as the contracting party shall indicate, to be withheld from settlement, sale, or occupation, until the lands shall have been surveyed and the alternate sections selected, as provided for in this act.

SEC. 6. *And be it further enacted*, That, in making said contract, it shall be stipulated that the said road shall be divided into sections of twenty-five miles each, and that none of said lands are to be conveyed to the contracting party until one section is completed and put into successful operation, when the President shall convey by patent to the contracting party three fourths of the land pertaining to the section so completed, retaining the other fourth as security for the completion of the next section of twenty-five miles; and when the next is completed the President shall, in like manner, convey to the contracting party three fourths of the land pertaining to that section, together with the remaining one fourth on the previous section; and so on with each succeeding section, conveying three fourths and retaining one fourth as security for the completion of the next, until the last section of the road is finished and put into operation, when the President shall convey to the contracting party the residue of the lands hereby appropriated; and said contract shall require that the United States mails shall at all times be carried on said road under the direction and control of the Postmaster General; and all other Government transportation provided for in this act shall be performed under the direction of the proper Departments, respectively, and the compensation therefor, at the prices specified in said contract, shall be regularly paid from the Treasury of the United States quarterly, or at such times as may be agreed upon.

SEC. 7. *And be it further enacted*, That the President be, and he is hereby, authorized and directed, so soon as one section of twenty-five miles of said road is made and put into successful operation, to cause to be issued to the said contracting party bonds of the United States, bearing not exceeding six per centum per annum interest; which interest shall be payable semi annually, and the principal payable twenty-nine years from the date of their issue, to the amount of $8,500 for each mile of the same; and between the meridians of 96° and 122°, proceeding from each end, the amount shall increase $1,000 per mile at each succeeding degree of longitude; and in like manner, when another section of twenty-five miles is made, and put into successful operation, an equal amount of bonds shall be issued and delivered to said contracting party, and so with each succeeding section, until the whole road shall have been completed: *Provided*, That the entire amount of bonds hereby authorized to be issued on account of said road shall in no event exceed, in the aggregate, the sum of $35,000,000, it being the intent of this act to advance to the contracting party $8,000 for each mile of road completed and put into successful operation; increasing $1,000 at each succeeding degree of longitude, as aforesaid; which sum of money thus advanced, together with the interest thereon, is to be repaid to the United States, by the said contracting party, in the transportation and service provided for in this act; and no compensation, other than the lands appropriated and bonds authorized to be issued by this act, shall be made to the contracting party for transportation and service rendered under their contracts, until the value of such transportation and service shall be equal to the aggregate amount of the principal and interest of said bonds: *Provided*, That all duties on railroad iron imported and laid down on said road shall be charged to the contracting party and paid to the United States, by deducting the amount from the credit to be given for the service first performed under this act: *Provided further*, That if American manufactured railroad iron, of equal qualities, shall be offered to the said contracting party, which including all items of cost of manufacture, sale, and delivery, shall not exceed the like cost of such iron obtained from foreign countries, the American manufactured iron shall be preferred and used by said contracting party.

SEC. 8. *And be it further enacted*, That should said contracting party neglect, refuse, or in any way fail, to prosecute the work undertaken by them in a manner to secure the completion thereof in compliance with the contract, or should violate the terms of said contract, then all rights of said contracting party to said road, right of way, lands, or other property pertaining thereto, including such amount of the deposited stocks, if any, that may remain unexpended, shall be and become forfeited, and the United States may enter upon and retain the same. In the event of such forfeiture, to be determined by the President, he shall proceed to relet that portion of the road remaining uncompleted under such forfeited contract, and provide for the disposition of the work in such a manner as will secure the earliest completion of the road in conformity with the provisions of this act: *Provided*, That he shall not stipulate, on

the part of the United States, for any higher or other terms than are authorized and provided for in this act.

SEC. 9. *And be it further enacted*, That the contracting party receiving lands under the provisions of this act shall be required to sell and unconditionally convey one half of the same within five years from and after the issuing of the patents for the same; and all lands so granted, which shall remain the property of such contracting party, or which may be held by themselves or others for their use or benefit, at the expiration of ten years from the date of the patents, shall be and become the property of the United States.

SEC. 10. *And be it further enacted*, That the lands of the United States, for two hundred feet in width along the entire line of said road, are hereby set apart and dedicated for a highway, for railroad and telegraph purposes, under the direction of Congress; and the said contracting party may take any earth, stone, timber, or other necesssary materials, for the construction and keeping in repair of the road within the said two hundred feet; any contract made in pursuance of this act, for the building and keeping up of said road, shall provide for its construction in a substantial and workmanlike manner, with all the necessary drains, culverts, bridges, viaducts, crossings, turnouts, sections, and watering-places, and all other appurtenances, including furniture and rolling-stock, equal in all respects to railroads of the first class when prepared for business, with rails of the best quality; also for the construction of a telegraph line, of the most substantial and approved description, to be operated along the entire line of said railroad: *Provided*, The contracting party shall not charge the Government higher rates than they do individuals for like telegraphic service.

SEC. 11. *And be it further enacted*, That the contracting party building or owning said road, may at any time construct one or more additional tracks within the two hundred feet set apart for the right of way; and it shall be the duty of said contracting party, or owners of said road, to permit any other railroad which shall be authorized to be built by the Legislature of any Territory or State in which the same be situated, to form connections with it on fair and equal terms.

SEC. 12. *And be it further enacted*, That, whenever said road, or any part thereof, shall be surrendered to the United States, in pursuance of the provisions of this act, thereupon so much of the same as may be situated within any State shall, with its assent, vest in, and become the property of such State, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose, restricting the charges for such transportation; and any other State through which said road may pass, admitted into the Union thereafter, shall acquire the same rights, subject to like restrictions and provisions.

SEC. 13. *And be it further enacted*, That, while the said contracting party or owners are in any manner indebted to the United States, they shall keep books, in which shall be entered regular statements of all disbursements, expenditures, and receipts, setting forth specifically the objects of said expenditures, and the sources whence said receipts are derived, together with a particular account of all accidents that may occur, affecting property or persons, or causing delays upon the road, which books shall be open at all times to the inspection of the President, or any person authorized by him to examine the same, and to the members of each House of Congress; and the contracting party, or owners, shall report annually to the Secretary of the Treasury, on the first day of October in each year, accompanied by a minute and detailed exhibit of the expenditures and profits of said road and telegraph for the year preceding, to be attested by the oaths of their secretary and treasurer, which report shall be transmitted to Congress by the Secretary of the United States Treasury at the commencement of each session: *Provided finally*, That the contract here proposed shall, before it is fully binding, be ratified and confirmed by the Congress of the United States.

THE TARIFF.

SPEECH OF HON. PAUL LEIDY,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. LEIDY said:

Mr. CHAIRMAN: I should like, on this occasion, the only one which, during the session, I shall probably have, to give my views upon several of the important subjects that have been presented to Congress for consideration, and which have, from time to time, claimed the attention of this committee and of the House—the question of the acquisition of Cuba, and the Pacific railroad. Both of these are subjects big with interest and importance, not only to the people of this nation, but to the world. In respect to the former, I can only say that I regard the annexation of Cuba as merely a question of time. That she lies in the direct line of our "manifest destiny," I entertain no doubt. Whether the time for a change in her relations to the rest of mankind has yet come, or if not, how near at hand it is, I will not now pretend to say. But it is due to ourselves, that we should keep ourselves prepared for any emergency which may accelerate the coming of that event.

As to the construction of a railroad to the Pacific coast, that, too, is but a question of time. The enterprise is one worthy of our highest consideration, and each year adds not only to its importance but to its necessity. With two Pacific States already organized, and others rapidly forming, we cannot be expected long to endure the inconveniences of the present modes of intercommunication between the eastern and western portions of our Republic. Interest and necessity will soon combine to hasten the accomplishment of this object; and though formidable obstacles now seem to lie in the way, they must quickly disappear, when American energy and American enterprise shall have resolved upon their removal.

There are, also, the exhaustless themes of public expenditures, retrenchment, and reform. To these subjects I would with pleasure devote a few moments, if merely to show to the committee and to my constituents that I am as much a foe to extravagance and a friend to all legitimate reforms as those who go furthest in this matter; exercising my own judgment, however, as to what constitutes the one as well as the other. While I would aid in such a reduction of the public expenditures as can be accomplished without injury to the public interest, I have no faith whatever in those projects which are designed to bring these expenditures down to the standard of *present* resources. Such projects I regard as utterly preposterous; and hence, one of the reforms that I would suggest would be the devising of some proper means for meeting present wants, and securing sufficient future resources for meeting all the necessary demands that must be made upon the public Treasury, instead of wasting time in deprecating these extravagances, and passing laws to authorize the borrowing of money to pay our current expenses; and then set ourselves to work, in some systematic way, to check whatever of undue extravagance may be found in the expenditure of the public funds.

Mr. Chairman, I am decidedly opposed to this borrowing policy. That we, in a time of peace, should be required to make loan after loan for the purpose of defraying our ordinary current expenses, I regard as unworthy of ourselves and unworthy of the people whom we represent. That we should fix upon them a national debt against their will, solely because we will not adopt such means as they have placed in our power to obtain the necessary funds for carrying on the Government, is more than they can be expected to endure.

But, sir, there is one subject in which my own immediate constituents feel a deeper and more direct interest, and one which, in my opinion, is at this time of greater importance, not only to the people of Pennsylvania but to the whole country, than either or all of these to which I have alluded. I need not say that I refer to the subject of a tariff. The condition of the public finances, as it has been represented to us by both the President and the Secretary of the Treasury, calls upon us to adopt some means for supplying the wants of the national Treasury; and the only practical remedy that has been suggested, is an increase of our rates of duties to such standard as will render the receipts from this source adequate to the wants of the Government; and the prostrate and languishing condition of the industry of the country, appeals to us at the same time for that relief which, in the adjustment of these duties by a proper discrimination, we may legitimately and constitutionally afford.

The policy which I shall advocate, and which I believe to be the true policy for us as a nation, is a tariff which will yield sufficient revenue to defray the expenses of the Government, with such discriminations in the adjustment of those duties as will afford, incidentally, encouragement and protection to our own industrial interests; in other words, and in Democratic phraseology, "a tariff for revenue, with incidental protection." The tariff policy was adopted in this country at a very early day, and has, to the present time, continued to be our national policy and chief dependence for the necessary revenues of the Government. During the existence of the Whig party as one of the political organizations of the country, the two great parties were divided on this question; the Whig party advocating as their policy a high protective tariff, imposed and adjusted with a sole view to the protection of certain of our own branches of industry, without any regard to the amount of revenue which would be derived therefrom; while the Democratic party have ever contended that the constitutional restrictions limited the power for imposing duties to the wants of the Government, and that the protective policy could only be adopted within that limit by judicious discrimination. While, however, this line of demarkation has separated these two great parties of the nation, we have found individuals in each differing with the mass of their party, and no one who has kept an eye upon the movements of men on this question can fail to have observed that local interests have exerted a very powerful influence in determining the position of prominent men in relation to this subject. Since the dissolution of the Whig party there is no political organization that maintains, as one of the articles of its faith, a tariff for protection, in the old sense of the term. But all now, the Democratic party and the parties which constitute the Opposition, limit their views to a tariff for revenue with incidental protection. Yet we find in all these parties at this day the same diversity of opinion among individuals, ranging from absolute free trade up to the old policy of protection for protection. I have made these remarks for the purpose of showing that I do not regard the tariff policy now, as in any sense, a party question.

But, sir, in this connection, I desire to add a few additional remarks, relative to the claim of this particular policy that I am advocating, to be called a Democratic measure; and I desire to call the attention of the honorable gentleman from Virginia, [Mr. MILLSON,] who displayed so much magnanimity to-day, in his generous invitation to Pennsylvania Representatives on this floor to come back again to the Democratic party, to this point. Has that honorable gentleman yet to learn that the policy we are advocating has always been the policy of the Democratic party? He surely has not forgotten that Jefferson, Madison, Monroe, Jackson, and Polk were Democrats; and I presume he does not mean to be understood as excommunicating our present President. And he cannot be ignorant of the fact, that each and all of these Presidents avowed themselves in favor of this policy. Sir, I aver here, and without fear of contradiction, that the Democratic party has, on all occasions, when speaking through its recognized organs, its national conventions, or through the Presidents elected by it, uniformly recognized the policy of a tariff for revenue, with incidental protection, including the feature of discriminations for protection. No Democratic President has ever yet been elected whose opinions were regarded as even doubtful on this subject.

We all well remember that when James K. Polk was the Democratic candidate, he was suspected of having free trade proclivities, and in order to prevent a defeat he was compelled to write and publish the Kane letter, and we of Pennsylvania know, that with that letter in our hands, and arguing from it, and proving by it that "Polk was a better tariff man than Henry Clay," we fought the battle of 1844 in Pennsylvania, carried the State and elected him to the Presidency. And now, sir, to show to those who condemn all protection as anti-Democratic, and who are disposed to make platforms for the Democratic party, that the Democracy of Pennsylvania is right on this question. I beg leave to give a few extracts from the messages of several of our Democratic Presidents.

Jefferson, in his second annual message, says:

"To cultivate peace, and maintain commerce and navigation in all their lawful enterprises; to foster our fisheries as nurseries of navigation and for the nurture of man; and *protect* the manufactures adapted to our circumstances; to preserve the faith of the nation by an exact discharge of its debts and contracts; these, fellow-citizens, are the landmarks by which we are to guide ourselves in all our proceedings."

In his eighth annual message, speaking of the conversion of capital and industry to manufactures, he says:

"The extent of this conversion is daily increasing, and little doubt remains that the establishments formed will, under the auspices of cheaper materials, &c., and of *protecting duties* and prohibitions, become permanent."

In his sixth annual message, he asks, significantly:

"Shall we suppress the imposts, and give that advantage to foreign over domestic manufactures?"

Madison, in his second annual message, says:

"To a thriving agriculture, and the improvements relating to it, is added a highly interesting extension of useful manufactures, the combined product of professional occupations, and of household industry. How far it may be expedient to guard the infancy of this improvement in the distribution of labor by regulations of the commercial tariff, is a subject which cannot fail to suggest itself to your patriotic reflections."

Monroe, in his first annual message, says:

"Our manufactories will require the continued attention of Congress. The capital employed in them is considerable, and the knowledge required in the machinery and fabric of all the most useful manufactures, is of great value. Their preservation, which depends on due encouragement, is connected with the high interests of the nation."

In his fifth annual message, he says:

"It may fairly be presumed that, under the protection given to domestic manufactures by the existing laws, we shall become, at no distant period, a manufacturing country on an extensive scale. Possessing, as we do, the raw materials in such vast amount, with a capacity to augment them to an indefinite extent; raising within the country aliment of every kind to an amount far exceeding the demand for home consumption, even in the most unfavorable years, and to be obtained always at a very moderate price; skilled, also, as our people are, in the mechanic arts, and in every respect calculated to lessen the demand for, and the price of, labor; it is manifest that their success in every branch of domestic industry may and will be carried, under the encouragement given by the present duties, to an extent to meet any demand which, under a fair competition, may be made on it.

"It cannot be doubted that the more complete our internal resources, and the less dependent we are on foreign Powers for every national, as well as domestic purpose, the greater and more stable will be the public felicity. By the increase of domestic manufactures will the demand for the rude materials at home be increased; and thus will the dependence of the several parts of our Union on each other, and the strength of the Union itself, be proportionally augmented."

Jackson, in his first annual message, says:

"The general rule to be applied in graduating the duties upon articles of foreign growth or manufacture, is that which will place our own in fair competition with those of other countries, and the inducements to advance even a step beyond this point are controlling in regard to those articles which are of primary necessity in time of war.

"We must ever expect selfish legislation in other nations, and are, therefore, compelled to adapt our own to their regulations in the manner best calculated to avoid serious injury, and to harmonize the conflicting interests of our agriculture, commerce, and manufactures."

James K. Polk, in his first annual message, says:

"A system of *ad valorem* revenue duties, *with proper discriminations*, and proper guards against fraud in collecting them, it is not doubted *will afford ample incidental advantages to the manufacturers.*"

Again:

"Care should be taken that all the great interests of the country, including manufactures, agriculture, commerce, navigation, and the mechanic arts, should, as *far as may be practicable*, derive equal advantage from the *incidental protection* which a just system of revenue *may afford.*"

Will these authorities satisfy the honorable gentleman on this point? Had he not better begin to look around for the old land-marks of the party before the day of inquisition draws near, lest he should be found outside the pale? Sir, when we of Pennsylvania find our views on this subject coinciding with those expressed by Jefferson, Madison, Monroe, and Jackson, by Polk and Buchanan, we have little cause to heed threats of excommunication coming any quarter. Shall I be told that to-day the Democratic Administration is divided on this question? Who, I ask, is to be regarded as the exponent of the principles of the national Democracy on this question? Is it the President, whose opinions and votes had time and again been placed upon the legislative records of his country, and had been "known and read of all men," whom the Democratic party, with a full knowledge of these opinions, and a firm confidence in his adherence to a policy which he had during a long life advocated, had elected to the Presidency? Or is it the Secretary of the Treasury whose peculiar views on the subject of revenue and protection have not yet been passed upon by that great party?

Do I hear some one inquire if this policy forms any part of the Cincinnati platform? I answer, there is nothing in that platform which in the least conflicts with it. When that platform was adopted, the tariff question was not an issue before the people. The country was then prosperous. Nothing in the state of the finances, or in the business condition of the country, seemed to call for action, or indicate any change as desirable. And as the principles and policy of the party in relation to revenue and protection were regarded as long settled, that convention merely announced a general policy, without reference to any particular condition of things then existing, or any change that was about to be made. The term used by that convention was "progressive free trade;" which, if it had any reference whatever to the adjustment of duties on imports, I take it, means that it is the true policy of the Government to reduce the rates of these duties as fast as the condition of the national finances and the industrial interests of the country will permit, without injuriously affecting either. It is evident the President so understood it, from the fact that, as the nominee of that convention, he accepted the platform; and now, as President, (a reduction of the rates of duties having been made since the adoption of that platform, by the act of 1857,) he recommends an increase of the tariff, and its adjustment, with a double view to revenue and protection.

With this as the correct definition of the term, "progressive free trade," I am also in favor of such a policy. I regard the true policy of a nation, possessing advantages such as nature has given to us, to be, first, progressive restrictions, up to a certain point; and then, by a descending scale, progressive free trade. For an infant nation, without the capital, the labor, the machinery, and the skill necessary to prosecute advantageously and successfully the different branches of industry, the products of which are essential to subsistence and comfort, to impose at once, upon such products, when imported, a high rate of duties, would be oppressive, and must retard the progress of the people. As the means for supplying their own wants increase, the restrictions may and ought to increase, both for the purpose of revenue and protection; but when, by reason of the accumulation of capital, the increase of labor, the improvements in machinery, the construction of railroads and canals, and other facilities for the successful prosecution of these branches, they have attained a point at which they can, with less protection, compete with other nations, then such duties would at once become prohibitory, and would cease to afford revenue, and hence the policy should be changed, and a steady, but judicious, progression towards free trade, become the policy. But this progression must not be so rapid as to affect injuriously the national finances or the industry of the people.

I am well aware, Mr. Chairman, that the standard works on political economy, almost without exception, present to us the free-trade policy as the true policy by which the commercial intercourse between the different nations should be regulated; and they have not failed to present it to the enlightened nations of the earth in all its attractiveness. But I am equally well aware that, at the same time, all the enlightened nations of the earth, including those who are proud to enrol the names of these free-trade theorists among their shining lights, have in practice adopted the directly opposite policy; and while they have been teaching free trade, they have been practicing the most unlimited restrictions; while they have assented to the doctrines of these writers as sound, under a given condition of things, and safe for universal practice, no nation has yet been found that dare hazard its own prosperity and the welfare of the people by adopting them in practice. With this practical commentary upon the theory of free trade, I think we need not hesitate in our refusal to adopt it.

That a tariff for revenue, with incidental protection, is constitutional, very few, I think, will deny. The Constitution itself is explicit in its grant of the power. It declares that—

"Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States."

It is just as clear in its limitation to the exercise of the power, as it is in the grant itself. There is no power here given to raise any money by any or all of these means, except what may be needed for the objects specified; but that amount may be raised by any one of these means, or partly by one and partly by the other. Within the limit before mentioned, however, Congress is left to the exercise of a sound discretion in the adjustment of the rates of duties, except that they must be uniform throughout the States. There must be the same rates of duties at all places; but whether they shall be assessed equally upon all articles of import, or whether some articles shall be subject to higher and some to lower rates, or whether some shall be admitted free of duty, and the amount necessary to be raised levied upon the others; whether the duties shall be specific or *ad valorem*, are all matters left to Congress to determine as the condition of the Treasury and the exigencies of the country may from time to time require. If there were any doubt on this point, it could be fully established by the words and the acts of the framers of that instrument and their cotemporaries. Every President, from Washington to Buchanan, has given to it this construction; and every tariff act that has been passed has recognized it as the true construction. And where doubt exists, a reference to the construction put upon it by its framers, and those who acted with them, is not only a common-sense mode of interpretation, but a legal rule.

A tariff being a charge upon somebody, either the producer or consumer, levied for the purpose of defraying the expenses of the Government, I regard it as the duty of every Government, in the adjustment of the rates of duties which it imposes on foreign imports, so to adjust them that the least possible portion of this tax shall fall upon its own citizens, the consumers; and inasmuch as this cannot be done throughout, another object, which should be kept prominently in view, is to secure to its citizens an incidental benefit, as a compensation for the burdens which are imposed upon them. Both these objects can be effected only by a proper discrimination in favor of our own interests. Another object should be to render the burdens, as far as this kind of duties are such, as equal as possible. This can be done, also, by properly discriminating; and in all cases, where the duties imposed are designed to afford any measure of protection, keeping that protection within the proper limit so that it shall not become oppressive; and to extend the protection chiefly to those interests the promotion and encouragement of which will most advance and promote all the other interests of the country.

The purpose for which the duty is imposed, is revenue to meet the expenses of the Government. The protection, which is thereby extended to our own industry is incidental, and may be made more or less beneficial, according as the discrimination is more or less judicious.

I assume, of course, that these interests, which are asking protection, require some defense against the foreign competition with which they have to contend in our own market; and it is because I believe this, and believe that it is for the interest of our country, as a whole, that these interests should be cherished and promoted, that I advocate for them such protection as we can afford them within the limits of a revenue tariff. I say for the interests of the country as a whole. I am well aware that, in a country like ours, including a vast extent of territory, embracing every variety of climate, soil, and production; with diversified, and, in some instances, apparently conflicting interests, it is very difficult so to adjust a tariff of duties that all interests shall derive equal advantages from the protection which these duties afford; for, in many instances, the benefits resulting to particular interests are purely incidental, growing out of the prosperity of those more directly protected; and it is utterly impossible to calculate with any degree of exactness the amount of this incidental advantage. But, at the same time, this very consideration, which creates or increases the difficulty, adds to the importance of so guarding and defending our diversified interests that each shall coöperate with and promote the prosperity of all the rest.

Is it for the interest of the nation that we shall, by means of national legislation, encourage and protect those branches of industry which, in their present condition, cannot be successfully prosecuted without this protection? or, is our interest best promoted by suffering these interests to be abandoned, and the capital and labor now employed in them turned into the other channels which do not require such aid? All will agree that the more capital that is invested in the productive industry of the country, and the more

labor that is employed in working up the raw material of our own country into articles of necessity, comfort, and utility, the more the wealth of the country will be increased. That policy, then, which will bring into the country capital and labor to be invested in the productive industry of the country, is a sound policy, provided the capital and labor are invested in those pursuits that will yield a fair return. As a general rule of policy, it must be regarded as extremely unwise and injudicious for a nation or people, in a country adapted to agriculture, and also possessing, in an eminent degree, the facilities for becoming a great manufacturing people, to confine the capital or labor of the country to either one of these pursuits, to the exclusion, or even to the retarding, of the progress of the other, for the reason that the prosperity of the one is so identified with and dependent upon the other.

The advocates of free trade tell us that the whole system of protection is a fallacy. You cannot, say they, create wealth by legislation. So have said the free-trade political economists of England for ages; but England, without stopping to question the soundness of these doctrines, has gone on with her system of protection, not heeding their beautiful theories, but regarding only the practical workings of her system. And I need not say that she has found that it pays.

If gentlemen mean that you cannot, by a legislative act, increase the value of your land or your horse, by simply enacting that either shall be worth a specific sum, then the proposition is true. But it is not true in the sense in which it is uttered and intended to be understood. Although you cannot increase the value of your property by enacting a law declaring it worth a specific sum, yet, sir, you can by a wise and judicious system of legislation, increase the facilities for transportation and intercommunication, open up new thoroughfares leading to new markets for the products of your labor, promote the introduction of new branches of industry, encourage the working up at home of the raw materials of your country into articles of necessity, utility, comfort, and luxury, to supply the demands of your own people, and you thereby promote the general interest of the State and nation, and incidentally, but as actually, increase the value of your property, as if this increase were a result to be effected by a specific enactment. An instance of the effect of wise and judicious legislation is found in the State of Tennessee. In that State, in 1851, they adopted a system for constructing railroads, by granting State aid. The amount of this State aid was about $15,000,000. The result of this legislation, and the construction of roads in accordance with it, is, that the taxable property of that State has increased in six years from the sum of $104,117,295, to $177,949,888—a net increase, in six years, of $73,832,593. The following statement from the annual report of the comptroller shows this result.

The comptroller, in his annual report to the Legislature, calls attention to the greatly-increased value of taxable property in the State, which he attributes to the beneficial effects of these lines of communication. Here are some of his figures:

Value of land in 1856		$139,378,342
" " 1850		84,110,741
Increase		55,268,268
Value of town lots in 1856	$27,039,565	
" " 1850	12,811,177	
Increase		14,228,388
Value of other taxables in 1856	$11,531,981	
" " 1850	7,195,377	
Increase		4,336,604
Total increase		$73,832,593

This increase in value of the taxable property of the State, and consequently increase of the wealth of the State, the comptroller attributes to the effects of the railroad system. There is one feature in this statement that I wish to call attention of agriculturists to, and that is the very great increase in the value of real estate. The land, not including town lots, increased in six years $55,268,268; being sixty-five per cent. Town lots increased in value in six years $14,228,388; being one hundred and eleven per cent. While other taxable property only increased $4,386,604; being sixty per cent. Now I appeal to gentlemen who have witnessed the introduction of manufactures into a community, and ask them if similar results have not followed? If the results of the introduction of manufactures into the community has not invariably been an increase in the value of rents of real property, an increase in price of lands, an increase in price of agricultural products as well as in the demand, an increase in the wages of labor, and an increase of the general prosperity of the place? That legislation then which will encourage these interests creates wealth in a proper sense of that term.

But gentlemen will say, these advantages are local, and the wealth you accumulate in one community, you abstract from another, so that there is no aggregate increase. To this I answer, the nation is made up of communities, and the results which have been produced in one community may be produced in another, possessing equal advantages. Besides, every nation is itself, in a proper sense, one great community, having an identity and a community of interest the same in kind as that peculiar to any particular locality; and hence the prosperity and improvement of any part contributes to the prosperity of the whole. And this identity and community of interest makes free trade between the States beneficial to all, and at the same time, justifies and makes proper, judicious restrictions upon such foreign imports as would come in competition with, and prove ruinous to our own. If gentlemen mean that we cannot by this kind of legislation increase the agregate wealth of the world; that a system which encourages any particular branch of industry in our own country lessens the demand for the products of that particular kind of industry in other countries; and that it is our duty to take care that, in legislating for the advancement of the interests of our people and nation, we do not interfere with the interests of other people and other nations, I shall not discuss that point with them. That is an enlarged philanthropy that I cannot comprehend; but, to my mind, it is more beautiful in theory than practical. We, as a people, consume yearly a certain amount of products which may be manufactured here, if it is profitable for us to do so.

Now, this is one of the questions involved in the adjustment of a tariff, namely: is it true policy for us, as a nation, to have our manufacturing done abroad; or would true wisdom dictate to us that, so far as we can, we should have our manufactories, our work-shops, at home? The free-trade theorist says, if the articles can be manufactured abroad, brought here, and sold to us cheaper than we can manufacture them here, then it is true policy to buy where we can buy cheapest. If a ton of foreign iron can be purchased here for forty dollars, while the domestic article of the same quality will cost fifty dollars, certainly the consumer will save ten dollars by purchasing the foreign article. This is plain, says he, and incontrovertible. But, sir, the correctness of this depends upon some other considerations. If the only question involved were the price of the iron, then it would be a saving, as is asserted. But the consumer must also inquire whether there are not some incidental advantages resulting to him from having his iron manufactured at home. Suppose he is an agriculturist. He then inquires how far the demand for agricultural products is increased by having the workmen, who manufacture this iron, with their families, brought into his community; how much the price of his produce is enhanced by this increased demand; how much his land is increased in value by the investment of the capital employed in this manufacture, in his own vicinity, and what benefits generally will accrue to him from the increased business of the community in which he resides. And, having considered all these advantages, he is then prepared to judge whether or not he will be the gainer by purchasing the foreign iron. So with all other consumers. They cannot assume that their own particular branch of business will be equally prosperous whether they patronise the home manufacturer or the foreign.

"Buy where you can buy cheapest, and sell where you can sell dearest," is not a safe rule. The true economy is, buy where you can buy most advantageously, and sell where you can sell most profitably; for the cheapest purchase is not always the most profitable one in the end. We practice upon the latter rule continually in our own communities in the purchase of almost all manufactured articles, for which we pay a higher price generally than we could procure the same articles for in our larger cities; but we know that we are the gainers in the end by supporting our own home industry. Suppose the boot-maker, in a country town, goes to the city to buy his hat, because he can buy it cheaper than the hat manufacturer in his town call sell it to him; the hatter, in turn, goes to the same place for his boots for the same reason, and so on through the whole range of business: will such a town prosper? Does not every one see that such a course would very soon prove ruinous to all?

Again: take a town with a population requiring for consumption, yearly, $50,000 worth of manufactures that they do not produce. Who confers the greater benefits upon that town and community—the man who goes abroad and invests his capital in the manufactured products, brings them to the place and sells them out to the consumers at a reasonable advance, or the man who invests the capital in erecting manufactories in the town, and brings into it the men and the machinery necessary, and manufactures this $50,000 worth of goods at their own doors? Undoubtedly, the latter.

All are ready to concede, perhaps, that it is our interest that we should manufacture and produce everything that we require, provided we can do it as cheap as the same articles can be furnished to us from abroad. Well, if this be so, how much are we benefited by the home manufacture in such cases? If it is for our benefit, it must be to some definite extent that we are benefited. I am not aware that any one has ever attempted to fix the per centum of advantage, and presume it would be very difficult to ascertain it. But whatever that benefit is, to that extent we can afford without injury to ourselves, to protect our own industry. If the benefit which we would derive from home manufacture of articles which we can make as cheap as they can be made abroad, be thirty per cent., then we can protect our home manufactures to the extent of thirty per cent. without loss. Let us see if we can get at the amount of this profit. Take the article of iron. We have here in abundance the raw material for the manufacture of this article: the iron ore, the coal, and the limestone. This material, lying in our mountains, is entirely valueless. It adds nothing to the fertility or productiveness of the soil; and if we go to England and buy her raw material, and hire her workmen to work it up in her workshops, and hire her vessels to bring it to us, or, what is the same thing, buy her manufactured iron here, this raw material of our own is of no value whatever to the owner of the land, nor does it in any way add to the wealth of the nation.

Take now one ton of railroad iron. Suppose England can manufacture and bring it here and sell it to us free of duty for $50 per ton, and that we can make it here for the same price, what do we gain by making it here? The raw material, by which I mean the ore, coal, and limestone, in the ground, which are required for one ton of rails, is worth at the lowest calculation five dollars. We gain, then, five dollars by converting that which was before valueless, into so much money. Then the manufacturer and all the laborers must have a profit. This, I presume, we may fairly estimate at twenty per cent. which is $10. If the iron is made abroad, this profit goes into the pockets of foreigners; if made here it goes into the pockets of our own people. Here we have $15 gain by the home manufacture, which is thirty per cent. on the supposed price. Now suppose we cannot make the iron here as cheap as England can, and we put a duty of $12 per ton on it and thereby increase the price that amount, we are still the gainers three dollars. But besides the advantage abovementioned, which we would derive from manufacturing our own iron at home, there are others that we cannot estimate with any precision, such as result from the investment of capital among us, the home market which is cre-

ated for agricultural and other products, by the increased population, and many other things which will suggest themselves to the minds of all. Now, as long as we do not by our protection exceed the advantage which results from our home manufacture, so long we are not injuring ourselves, even though the price of the article should be enhanced to the extent of the duty imposed on it.

But, says the objector, these advantages and profits of which you speak go to benefit individuals and classes who constitute the producers, while the consumers derive no benefit; and in cases where the price is increased by the duty, they are injured. I frankly admit the force of the objection; and here, I think, is found the greatest difficulty to be overcome in the adjustment of a tariff with a double view to revenue and protection. For while regarding the country as a whole, and the benefit which may be derived by any individual or class, as so much added to the aggregate wealth of the whole, we may be making a very unequal distribution of these benefits, or may be even impoverishing some individuals to enrich others; and a system which will produce such results is not to be justified. The Government has no right, in the adjustment of any system for raising revenue, so to discriminate that one portion of its citizens shall derive benefits while others suffer injuries. This would be palpable injustice; and if I believed, for one moment, that the policy which I am advocating was productive of any such results, I should be the first to abandon it.

It does not, however, follow that the benefits resulting to all individuals, or to all sections of the country, under any governmental system, must necessarily be equal. Witness the inequality of benefits resulting from the construction of railroads and canals, by which certain localities are largely benefited, while others derive little or no advantage therefrom. Witness, also, the inequalities of the benefits of the establishment of your post routes, and the location of your post offices.

So far as all the classes whose products are included in the dutiable list are concerned, the benefits and the burdens may be regarded as equal, and neither can feel aggrieved. But that large class of consumers whose products receive no direct protection from these duties, are not so easily answered on this point. To them, however, I reply first, if you are not injured by this policy, if the other classes of your fellow-citizens derive benefits from this species of legislation, and your business is not thereby rendered less productive, the mere fact that others derive benefits which you, in the particular branch of industry in which you are employed, cannot share, gives you no cause for complaint. If their increased prosperity imposes burdens upon you without any benefits by way of compensation, then injustice is done you. But I shall endeavor to show that this protective policy which I am advocating protects these interests also. This class of producers (for they are producers as well as consumers) is subject to the same laws of trade which govern all others, namely, that the price of their products is regulated by the supply and demand. Whatever policy, then, will, outside of themselves, lessen the supply and increase the demand, operates to their advantage.

What, then, is the effect of this protective policy, so far as it tends to encouraging the manufacturing interests, upon the agricultural class? In the first place, it brings into the country from abroad a large class of operatives with their families, who are all consumers of your products, and who, but for the manufacturing interests here, would not come. These increase the demand for your products, and consequently, according to the law to which I have before alluded, enhance the price; next, this system draws from the agricultural pursuits many men, into the manufacturing; this diminishes the supply of agricultural products, and increases the demand, and consequently the price is thereby enhanced. Again, it creates for you a home market for your products, and thereby saves you the cost of transportation; for I think all will agree that agricultural products yield the greater profit the nearer home they are consumed. It furnishes for you a market for many productions which, by reason of the greatness of the bulk as compared with the value, will not bear the cost of transportation to any distant market. These are all advantages, important advantages, to your branch of industry.

Again: these very protected classes who consume your products, are compelled, by reason of the circumstances before-mentioned, to pay you a higher price for these products, than under a policy which caused them to be less prosperous, they would be required to pay, and in this way a portion of the benefits which they derive from protection goes into your pockets, while they suffer partially from the increased price of your products which they must consume, so that to this extent the benefits and the burdens are equalized. But there is still a further benefit which you derive. Your interests are protected by this species of legislation in the same manner as those whose products are included in the dutiable list. The encouragement of the manufacturing interests effectually guards and protects you against a very powerful home competition. Under a policy which will enable the manufacturing industry of the country to be prosecuted to advantage, the hundreds of thousands of operatives engaged in these pursuits, with their families constituting a population of millions, are, as I before remarked, all consumers of your products. They create for you a market for your products at your own doors, such as you cannot find elsewhere in the world; and the more prosperous their business, the more of these products of yours they can afford to and will consume.

Nor is this increased demand confined to the particular locality of these manufacturing establishments. By reason of our great facilities for transportation, the supply is brought from places far remote. Why, sir, from the place where I reside, a few years ago, before the introduction of manufactures into our county, thousands of bushels of wheat were yearly shipped down the Susquehanna, or hauled in heavy wagons over the mountains, to find a market. The coarser agricultural products, which would not bear the cost of this mode of carriage, were a drug in the market. Now, although the quantity of land under cultivation is much greater than at the time I have referred to, and in a much higher state of cultivation, yet we are yearly compelled to import from Buffalo, from Maryland, Virginia, Ohio, and Michigan, large quantities of wheat and flour, to supply our manufacturing population. We bring yearly, from Ohio and Kentucky, thousands of dollars' worth of beef and pork for home consumption, while, at the same time, our own farmers find a ready market, at high prices, for every product of the farm, the orchard, and the garden. In every other manufacturing district the same results have followed. And is this no advantage to you as agriculturists? Is it no benefit to the farmers of Pennsylvania that they have, at their own door, a ready cash market, at prices highly remunerative, for all the produce of every kind which they can raise? Is it no advantage to the grain-growing States that Pennsylvania and other manufacturing States are continually consuming their products? Does the South derive no benefit from the quantity of cotton, rice, sugar, hemp, and tobacco which these millions of consumers connected with the manufacturing interests continually require?

View the other side of the picture. Suppose you crush out this great manufacturing interest of the country, chill up our furnaces, check the rapid motion of the vast piles of machinery which constitute our rolling mills and other manufacturing establishments; let the forge-hammer rest upon the anvil; hush the hum of the spindles and the clatter of the shuttle; beat our manufacturing implements into plow-shares and pruning-hooks: what, then, becomes of the millions now connected with, and dependent on, these branches of industry, these consumers of your products, these your home customers? Why, sir, armies of them will be seen following the star of empire westward to settle upon your fertile prairies to compete with the grain-growers of the great West. Others again will find their way southward to engage in the culture of sugar, rice, cotton, and tobacco, and other products of those States. And what must be the effect of such a change upon your interests? If the prices of your products and the profits of your business depend upon the law of supply and demand, here you find this home market destroyed, this demand cut off; and not only so, but you find these hundreds of thousands of men, who were before consumers, now not only supplying their own wants and the wants of their families, and thereby, to that extent, lessening the demand, but they are, at the same time, adding their surplus produce to the general stock, and thereby greatly increasing the supply. And can you see in this policy, which we are now advocating, no *incidental* protection to your interests which will compensate you for the burdens which it might impose?

In my own opinion, there is no class more deeply interested in the prosperity of the manufacturing interests than the agriculturists. I find in the report of the Secretary of the Treasury, a statement which affords a very clear illustration of the effect of a depression of the manufacturing business upon the agricultural. This statement shows that from June 30, 1857, to June 30, 1858, wheat flour declined in price twenty-four per cent., hemp thirty-six per cent., molasses thirty-four per cent., hay and sugar twenty per cent., and cheese twenty-six per cent.; while bar iron declined in price, in the same time, but twelve per cent., pig iron fifteen per cent., and wool sixteen per cent.; showing, as the honorable Secretary says, "that no class loses more heavily, or sustains greater privations, in a period of general revulsion, than the agriculturists." Now, why is this, that in a time of depression, the agriculturists, the producers of the absolute necessaries of life, should suffer most by a depression in the price of their products? I account for it by the fact that the amount of agricultural products that are to be thrown in the market, in any year, is but little affected by these financial revulsions. The farmer cultivates about the same quantity of land, and raises about the same quantity of produce, during a year of general depression, as during one of general prosperity; and the nature of his products is such that, as a general thing, they must go into the market during the current year; for the next year will bring with it its own supply. But the manufacturer, whenever he finds a financial crisis coming upon him, curtails his business, or perhaps stops it altogether, and can generally, if he chooses to do so, keep his stock on hand, out of the market, until times revive. The operatives being thus thrown out of employ, and without the means to purchase, are compelled to reduce their consumption, which lessens the demand, and consequently brings down the price of the products of the agriculturist, while the manufacturer refuses to sell until there is a demand, and thus is able to keep up the price of his products. But I have said enough on this point.

Another objection which is urged against the protective feature of a revenue tariff is, that the effect of all duties is to enhance the price of the articles on which they are imposed, to the extent of the duty, and that where the duty is levied upon articles which we manufacture here, its effect is to increase the price not only of the imported article, but also of the domestic, to the extent of the duty; and hence the consumers pay not only the duty on the foreign article as a tax for the support of Government, but they pay an equal tax on all the domestic products protected by this duty, which goes into the pockets of the domestic manufacturer. This objection is presented by the honorable Secretary of the Treasury, in his last annual report; and it has formed the basis of the great part of the arguments which have been presented against an increase of the tariff, in both ends of the Capitol. If, say they, a hat can be manufactured at Paris and sold here for three dollars, and you impose a duty of one dollar on it, you enhance the price of the imported hat to four dollars; and at the same time you enhance the price of the same kind of hats manufactured here to the same price. The dollar duty on the foreign hat goes into the public Treasury, while the extra dollar on the domestic hat goes into the pockets of the home manufacturer.

Now, sir, I deny that any such result is necessarily or even generally produced by the levying of duties on foreign goods; and it cannot be sustained by the facts or by reason. Whether the effect of a duty will be to increase the price of either the imported article or the like domestic manu-

facture, and if so to what extent, depends upon other considerations, namely: our ability to manufacture the article here in sufficient quantity to supply the home demand; and if not, whether we manufacture or produce any article that we can substitute for it: and next, our facilities for manufacturing or producing, as compared with those of the foreign producer. If the duty is imposed upon articles which we do and will consume, but which we cannot produce, then the price of the article will be enhanced to the extent of the duty; but if the duty be imposed upon an article which we can and do manufacture at home in sufficient quantity to supply the home demand and at a rate as low as the foreign article can be produced, then the price is not necessarily nor ordinarily increased at all. For instance, if we place a duty of two cents per pound on coffee, it will raise the price of coffee two cents per pound, because we do not produce coffee, and we have no substitute for it that can come into general use; and being entirely dependent upon the foreign producer for our supply, if we put a duty upon it, he will of course make us pay it. But if we levy a duty of $3 per yard on French cloth worth $6 per yard, we do not thereby increase the price of French cloth $3 per yard, because we have American cloth that we can substitute for it, which we can manufacture at lower rates.

Again: If a hat can be manufactured in Paris and sold in our market for three dollars, and a hat of equal quality can be manufactured here for three dollars, then a duty of one dollar on the French hat will not increase the price of either the imported or domestic article, because we have hat manufacturers enough at home to supply the whole demand in our market, and the natural competition will keep the price down to a fair profit; and, if the French hatter wishes to sell in our market, he must sell at prices fixed by our manufacturers, and to do this, he must pay the duty himself. Is not this common sense? And is it not in accordance with every one's observation of the facts? To deny this, is to assert that the foreign producers or manufacturers control our market, and regulate the prices, not only of what we buy of them, but of what we buy of each other; and if this be so, it is time that we should assume the control of our own markets. No gentleman believes that when railroad iron can be manufactured here for fifty dollars a ton, that a duty of twenty-five dollars a ton would increase the price to seventy-five dollars; or, that a duty of two dollars a ton on coal would increase the price of coal two dollars per ton; or, that ten cents a yard on common muslin, would increase the price of muslin ten cents per yard. Yet such are the statements gravely made, under the sanction of great names, and followed up with formidable arrays of figures, which, we are told, cannot lie, to show what enormous sums the consumers have been compelled to pay, first, to the Government, on the foreign article, and next, to the home manufacturer, on the domestic product, by reason of these onerous tariffs.

But some men adopt a theory, and then endeavor to force results in conformity therewith. If the theory of such men required that the motion of the earth should cease at a given hour, the earth must stop rather than their theory prove unsound; even though a general "wreck of matter and a crush of worlds" should be the consequence. So with these men; they have adopted the theory that tariff is taxation upon consumers; that tariffs in any sense protective are a tax upon one class for the benefit of another; and, therefore, unequal, unjust, and oppressive, (under all circumstances,) and this forces the conclusion that they should be abolished; and hence these gentlemen resist an increase of duties, resist discriminations for protection, even if the Treasury should become bankrupt and the people starve. But gentlemen will ask why are we seeking a tariff for the benefit of these interests, if they are not to be benefited by an increase of price? I answer, I have not been contending that these duties will not in any instance increase the price. I have been showing the fallacy of the objection, and the figures based upon it; that these duties enhanced the price of both the foreign and domestic product to the extent of the duty imposed.

I have endeavored to show that, in many cases, no increase in the price resulted from the duty; and that, in other cases, the increase was not regulated by the amount of the duty. I further answer to this inquiry that, by the imposition of a duty which will restrict or lessen importations, you leave to our home producers a more extensive home market; and the more he sells, the greater his net income. If, under the present system, the foreign manufacturer or producer supplies our own market with one half of those products that are required for our own consumption, then one half the profits of those branches of business go to enrich the foreign producer, and to add to the wealth of the foreign nation. But if you impose a tariff on these imports, so that our manufacturers can have the control of our own market, and keep out the foreign product, then the whole profits of the business go to enrich our own men, and add to the wealth of our own nation. The producer or manufacturer finds his profits doubled by the increased quantity of his sales, without any additional cost being imposed upon the consumer.

I shall be told, perhaps, that if the effect of our policy be to exclude the foreign product, it defeats the first object of the tariff, namely, revenue. To this I reply, we have the lights of experience on this point. Such has not been the result of any former high tariff; and we have no reason to infer that such would be the effect of an increase of duties now. The strong reason urged at the time for the reduction of the tariff of 1846, was that it yielded too much revenue. I have not been contending for, nor would I advocate, a rate of duties which would operate as a prohibition. The increased rates would give increased revenue, with less importation; and, again, even with a tariff which would give our manufacturer and producer the control of our market, at fair rates, the foreign product would still come in, to some extent; yes, to as great an extent as we are able to buy. The foreign manufacturer, after having supplied his home market, at regular rates of profit, must dispose of his surplus somewhere else; and if he cannot make a large profit, by reason of the duty, he must sell at small profits; consequently, he will, out of his ordinary profits, pay the duty, and thus put his products into our market. Then, there are the purchases of iron, &c., made in railroad bonds, which no duty, short of entire prohibition, could prevent. Of course, to the extent these goods come in, they will interfere with the home market, and thus lessen the benefits to our manufacturers; but, as I said before, experience teaches us that a reasonable increase of the rates of duty will not diminish the revenue.

The next point, in the discussion of this subject, is specific duties. The object of a tariff, such as I have been advocating, is two-fold, namely, revenue and protection—revenue as the first and principal object, protection as the incident. With reference to both these objects, that mode of assessment should be adopted which would effect the objects with the most regularity. The expenditures of the Government are not to any great extent affected by the financial condition of the country. It requires about the same sum to meet the ordinary expenses when the business of the country is depressed as when it is prosperous; and hence that mode of assessing the duties to raise the required revenue which is least liable to fluctuation should be preferred. The amount of our importations, as well as the price of the products imported, depends, to a very great extent, upon the condition of the business of the country. In adjusting your tariff on the *ad valorem* principle, you take a year of fair, average importations and prices, and base thereon your estimates of the amount of revenue that you will receive. Let a year of great prosperity succeed, and the amount of your importations increases, and, at the same, the prices advance; the result is a two-fold increase of revenue. But let a year of depression succeed, and a consequent reduction in quantity and price, and you have a two-fold decrease in your revenue; whereas if the duties were specific, the only fluctuation to which they would be subject, would be that occasioned by the difference in the quantity imported.

As a protective measure under the *ad valorem* system, when the price of the articles protected is the highest, and consequently less protection needed, the tariff is also highest, and when the price is down to a ruinous rate, the *duty*, or protection, is proportionally reduced. If we regard the tariff as a tax, there is no increased burdens imposed by substituting specific for *ad valorem* duties. The amount required must be raised; and when prices are high we pay higher duties, when the price is low we pay lower; whereas if they were specific, we should pay the same each year, and by passing through a period of prosperity, and one of depression, we should find that at the end the amount of the taxation would be about the same under either form of duties; but, under specific duties, the consumer would pay about an equal amount each year. It seems to me, therefore, that, whether for purposes of revenue or protection, the specific duties are least objectionable; and that if we regard it as a tax, there are no additional burdens imposed thereby on the consumer. It is true they will not admit of universal application; but the advantages they present call for their adoption whenever it can be done without injustice or inequality. The advantages of specific duties over *ad valorem*, in the prevention of frauds upon the revenue, need only be adverted to. No one can fail to see that, when the duties are so much per ton, so much per yard, &c., there is less difficulty in detecting frauds arising from false invoices and undervaluation, than when the duty is assessed at a certain per centum on the value of the article at a foreign port. Yet there is a very large class of commodities on which it would be impossible to fix a specific duty without manifest injustice, and, of course, on these we must adhere to the *ad valorem*.

I have used the word "protection" whenever I have had reference to the benefits which I desire to see extended to our manufacturing and other industrial establishments under such a system of duties as I have been advocating. But I desire to be clearly understood, that by the use of this term I mean only a constitutional protection, protection within the limits of a revenue tariff. I have not spoken of any particular rates of duties as necessary to raise the revenue required; that is a matter that is to be settled by calculation; but I have no doubt a strictly revenue tariff, properly adjusted with judicious discriminations, will afford incidentally all the protection which our own industry now requires. We are sometimes told that this system (of protection) is calculated to benefit the rich iron-masters and other manufacturers and wealthy corporations at the expense of their employés and others. Mr. Chairman, this objection comes with a bad grace from those who are, year after year, advocating on this floor the abrogation of the duty on railroad iron for the benefit of railroad companies. It comes with a bad grace from those who would take from the wool-grower the pittance of protection which had been extended to him and give it to the wealthy manufacturer of the East. Sir, when talking on this point, we naturally recur to the influences which were used to bring about the reduction of the tariff of 1846, in the last Congress. Who asked for that reduction? Was it the operatives of these establishments who sought to be relieved from the unjust burdens which they felt were imposed upon them for the benefit of their employers? Was it the laboring, industrious classes who came to your doors and demanded this change of policy? Where are the petitions signed by these men and presented to this House, asking for relief?

Sir, we know that the tariff of 1846 was reduced by a combination of other influences and other interests; by an unholy alliance between southern free traders and eastern manufacturers; not for the purpose of reducing the protection extended by the former act to these manufacturers, for the benefit of their consumers, but for the purpose of getting the duty reduced on articles which enter into their manufactures, and thereby increasing their protection. And, as to the means used to bring about this reduction, I need only refer to the testimony in the case of Lawrence, Stone & Co.

But, Mr. Chairman, I stand not here to-day to plead in behalf of manufacturing companies, or of the proprietors of these establishments. They have the power, especially in times of depression, to defend themselves. When labor is abundant, and no demand for it, they will take care to pro-

tect themselves by a reduction of the wages of labor—down even to the lowest point, if necessary. At such times it is, that they have the power in their own hands; and they seldom fail to exercise it; so far, at least, as may be necessary to save themselves. But, sir, I stand here to present other claims and other interests. I plead in behalf of an empty Treasury; I urge the importance of sustaining unimpaired your national credit; I remonstrate against the creation of a national debt.

I would urge these considerations as motives for increasing our present rates of duties. And, sir, I further plead in behalf of the languishing industry of your country; in behalf of agriculturists whose produce seeks in vain for a remunerating market; in behalf of laborers thrown out of employment; in behalf of the operatives of these manufacturing establishments who are dependent upon the labor furnished at these institutions for the means of supporting themselves and their families; these men whose sweat and toil give value to your raw material; the men who cultivate your farms, who make your railroads, who manufacture your engines, who mine your ores, and transform them into gold to fill your coffers; in behalf of these interests and these men, I would, were it in my power, present an argument and an appeal which would convince the judgment, and reach the heart. If gentlemen who sneer at protection as a "Pennsylvania measure," could have seen what we have seen, and heard what we have heard, within the last eighteen months, as the results of the prostration of the business of the country; if you had seen the man of strong arm and willing mind wandering from place to place, begging for work at any price; and when denied that boon, forced to beg for bread; if you could have seen strong men and true-hearted women imploring and beseeching that they might be saved from the degradation of becoming public paupers; if you could have gone into the abodes of these families and witnessed the privations which they had from day to day endured before their proud hearts could yield to the stern necessity of becoming dependents upon the charities of their more fortunate neighbors; if you could have witnessed these things as we have witnessed them, every noble impulse of your souls would have been moved in their behalf. Sir, when I contemplate the state of things which existed, and to some extent still exists, among us, I cannot wonder at the political revulsion which occurred in my State last fall. We may philosophize as we will, and endeavor to explain the causes which have combined to bring about this result; but, sir, there is no argument that can prevail against the cry for bread. And when crowds of industrious, willing workingmen stand idle on your wharves, and behold millions of dollars' worth of foreign products landed at their feet—products which their skill and industry could have furnished for you of equal quality, while they are forced for want of employment to beg for bread, no wonder, sir, that they should question the wisdom of that policy which refuses to protect their labor against such a ruinous foreign competition.

And is there no power in this Government that can be legitimately exercised for the relief of these men? these men, whose labor-hardened hands and brawny arms and stalwart frames and vigorous minds, constitute the great capital of your industrial institutions? And if there is, will honorable gentlemen on this floor refuse to exercise that power? and reply to their appeals, "Pennsylvania wants protection!" Sir, Pennsylvania comes not to this House to ask for alms. She seeks not a bounty at your hands. She asks that her industry shall not be crushed by the power of a majority—no, by the power of a minority, in this House. She demands that constitutional protection to her interests which she has a right to demand, and her right to which has been conceded by every Administration that has been in power since the organization of this Government. She asks for herself what she has always been ready to grant to her sister States. Pennsylvania, sir, has ever been free from the spirit of sectionalism. She has known "no East, no West, no North, no South." With her the interest, the integrity, the honor, the prosperity, and the perpetuity of the Union, have been the considerations which prompted her action. And when any section, no matter from what quarter, has presented itself here, invoking the powers of the Government, either for redress of wrongs, or in vindication of its rights, Pennsylvania has never withheld her voice or her vote. Her loyalty to the Union is above suspicion; and her loyalty to the great and enduring principles of the national Democracy has never been questioned. But when she sees her claims repudiated, her interests disregarded, her industry crippled, her prosperity checked, and her people charged with selfishness and sectionalism, because she seeks to avoid a national debt, to replenish an empty national Treasury, and to protect the industry of her people by a constitutional and a Democratic policy, she cannot be expected to acquiesce. She will never permit platforms to be framed for her by those whose Democracy can embrace no interest beyond the lines which bound their own States, and limit the influence of their peculiar institutions. On former occasions, she has turned aside to right such wrongs, through the omnipotent power of the ballot-box; and if gentlemen here are determined to force again such a result, the choice rests with them, and with them the consequences.

I speak on my own responsibility; judge ye what I say.

INDIAN DEPREDATIONS IN NEW MEXICO.

SPEECH OF HON. M. A. OTERO,

OF NEW MEXICO,

IN THE HOUSE OF REPRESENTATIVES,

February 21, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. OTERO said:

Mr. CHAIRMAN: Perceiving, from the temper of Congress at this time, that nothing will be done towards the consideration of territorial business this session, I have availed myself of the present opportunity to say somewhat in regard to a subject which interests and concerns my constituents in a considerable degree. I had flattered myself, and so I had informed many of my personal and political friends in the Territory I have the honor to represent upon this floor, that during the present session many of the important measures which I have brought to the attention of this House, and failed during the last session of Congress, would undoubtedly pass at this. I was led to this conclusion from the avowed promises made to me the past session, to the effect that if I did not press my demands then, I would receive at this session that consideration which justice to my people and Territory seems to require. But I have been sadly disappointed in my expectations; for, as I have said, it appears that nothing will be done for our Territories. This, I think, is the first time, since the existence of the Government, that Congress has failed or denied to give or set aside a few days for the consideration of territorial business exclusively.

But I do not desire to occupy the time of the committee on this topic, and that is a question which more particularly concerns my constituents and myself, and which I shall have to explain to them; although, in this particular, I shall have to contend against the envy, rivalry, and misrepresentation of my opponents at home. I feel conscious, however, that I have performed my duty here; and I am determined to meet every attack that will be aimed at me in consequence of the unavoidable circumstances that this Congress has encountered. It is needless for me to state what those circumstances are; you know them, sir, and the whole country knows them. Besides the exhausted condition of the national Treasury, the Congress is suffering under a spasmodic fit of economy, which may be beneficial to political parties in the States, but which, at the same time, is damning to the interest and prosperity of the Territories. But I shall not dwell upon this subject at present, but will hurry to the principal object for which I have risen upon this floor; which is the consideration of the report of the Secretary of the Interior and Commissioner of Indian Affairs, upon the claims which the citizens of the Territory of New Mexico have against the Government for Indian depredations. The Committee on Indian Affairs, I am happy to say, has reported a bill providing for the examination of all those claims, which has been referred to the Committee of the Whole on the state of the Union, where, I fear, it will remain, at least for this Congress. I desire to make a few observations with regard to that bill, and give a brief history of my action and conduct in reference to these claims.

Mr. Chairman, since I have been in Congress, and have had the honor of representing the interests of the people of the Territory of New Mexico upon this floor, there have been brought, for the consideration of this body, several measures in which my constituents have felt much interest and concern; few, however, can compare with this. This bill proposes that a commission be formed for the purpose of examining the claims which the citizens of that Territory have against this Government in consequence of Indian depredations; the commission to be composed of the superintendent of Indian affairs and two agents. It requires no appropriation whatever.

When I first came to Congress, I found that many claims were filed in the Interior Department with regard to Indian depredations from New Mexico. No action had been taken upon them up to that time; and it was not until the latter part of the first session of the Thirty-Fourth Congress, shortly after I was admitted to take a seat upon this floor, that the Secretary of the Interior was authorized and directed by law to examine and report upon those claims. In the passage of that law I was instrumental; and I have ever since labored to bring the subject before Congress for its action. Nearly at the close of last session, after repeated importunities from me, the Secretary submitted his report upon the subject; but not in time, however, to have action upon it. It was postponed until this session, when, immediately upon the reorganization of the House, I appeared before the Committee of Indian Affairs, and impressed the members thereof with the necessity of adopting the bill which I had previously introduced into the House, and had referred to that committee. I felt then, and I feel now, a great concern in the speedy consideration of the subject; and I am happy to acknowledge, sir, that my wishes were readily complied with by the committee, which authorized the gentleman from Ohio [Mr. LEITER] to report a substitute for my bill, but one which meets with my cordial approval, as I think it will answer the great object I desire to accomplish in my bill. I think, sir, that bill ought to pass; and I hope, before I sit down, to satisfy the committee of the justice and propriety of its passage. The protection of the Government requires it, and the amount of the claims involved demand it. Justice to both parties—the claimants and the Government—require it; and the Commissioner of Indian Affairs, in his annual report to the Secretary of the Interior, calls your attention to it. He says:

"Our citizens in that Territory have suffered severely from Indian depredations since its acquisition by the United States. Claims have been sent in for property lost in that manner amounting to $516,160 68. The attention of Congress has heretofore been called to the subject of these demands, and it is for that body to determine what course shall be adopted in regard to their liquidation."

It is manifest to that Department, from what I have just read, and I hope to be able to satisfy this body also, that the citizens of that Territory have suffered severely from Indian hostilities since the acquisition of that country by the United States. The Secretary of the Interior, in his report upon these claims last session, recommends that a commission be authorized by Congress with a view of examining them. In the report of Commissioner Manypenny, I find the following classification of those claims—numbers one, two, and three:

"The claims of the first class [says the Commissioner] are all barred by the statute, not having been filed within three years after the alleged depredation was committed. The claims of the second class are not shown to have been committed by Indians in amity with the United States, or upon parties lawfully in the Indian country, and do not, therefore, come within the provisions of the intercourse act. The claims of the third class are apparently within the provisions of that act, but it is to be observed that the testimony in relation to them, as well as that relating to the claims embraced in the other classes, is all of an *ex parte* character," &c.

I will not discuss such claims as arise under the third class, for it is admitted by the Commissioner that they come within the provisions of the Indian intercourse act, and they must be recognized by Congress. The only question is with regard to the claims involved in the first two classes, and which the Commissioner argues to be entirely without the provisions of the intercourse act.

Mr. Chairman, the claimants do not rely solely upon the mentioned act for the payment of their claims against this Government for Indian depredations. They base their rights upon obligations more sacred and more binding, in my humble opinion, upon this Government; they base them upon the expressed promises and assurances of the agent of the Government, who took possession of that Territory. He proclaimed to the people of that country that he was acting under positive instructions from his Government in everything that he promised to them; and for the better satisfaction of gentlemen present, who may be disposed to disbelieve my statement, I will read from General Kearny's proclamation to the people of the Territory, dated July 31, 1846. He says, after assuring the people that he entered that Territory with a strong army, for the purpose of seeking union with and amelioration of the condition of the inhabitants:

"This I do under instructions from the Government, and with the assurance that I shall be amply sustained in the accomplishment of this object."

On the 22d of August, he issued the following proclamation:

"The undersigned has instructions from his Government to respect the religious institutions of New Mexico; to protect the property of the Church; to cause the worship of those belonging to it to be undisturbed, and their religious rights in the amplest manner preserved to them; also, to protect the persons and property of all quiet and peaceable inhabitants within its boundaries against their enemies, the Utahs, the Navajoes, and others."

The people of that Territory, at that time, relied upon such assurances made by General Kearny. There was no intercourse act spoken of in the proclamation—none but protection to persons and property against our common enemies, the Utahs and the Navajoes and others. Under these assurances they laid down their arms, believing that better and happier days were about to shine upon them and their country. The forlorn hope, Judea at Bethlehem, did not view with greater joy the coming of the wise men of the East to pay their homage to the new hope of the world, than did that people experience, when they saw the triumphal march of those warriors of the east bearing the ensign bird of the Republic, and the banner which was to them the beacon-light of peace, liberty, and happiness. They were hailed and welcomed with hosannas of joy, and received in the embrace of that generous people with smiles of gratitude, for the day of their deliverance had arrived. And wherever General Kearny, who had promised them protection, went, the people vied with each other in their endeavors to manifest their gratitude to him, as the representative of the Government, for the promises he had made; and, in a letter to the Adjutant General, he says:

"There can no longer be apprehended any organized resistance in this Territory to our troops; and the commander of them, whoever he may be, will hereafter have nothing to attend to but to secure the inhabitants from further depredations from the Navajoes and Utahs."

And on his trip down the Rio Abajo, or southern Rio Grande, he directed the attention of the people not only to the proclamation he had issued, but also made public speeches, assuring them of the protection of the Government, and compromising it to the payment of any property that might be stolen or driven away by the Indians from the citizens of the Territory, when that protection failed. The people believed him, in all that he said and promised them, for, as he said in his proclamation, he was acting under instructions from his Government.

Now, sir, as the Representative or Delegate of that people, I ask the fulfillment of those assurances and promises: Will you comply with them, or will you not? That is the only question, in my opinion, and not whether our claims come within the provisions of the intercourse act of 1834, as Commissioner Manypenny would have you suppose.

All those cases which the Commissioner speaks of as being barred by the statute, and not shown to have been committed by Indians in amity with the United States, are cases that have arisen previous to the introduction of the intercourse act in that Territory. That act was not in force in that country until its organization under this Government in 1850, when the Governor was made *ex officio* superintendent of Indian affairs. The people were ignorant of such act; they relied upon the promises of General Kearny. But, sir, if what General Kearny promised be not sufficient and satisfactory, I request the attention of the House to the ninth article of the treaty of Guadalupe Hidalgo, which reads as follows:

"Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding articles, shall be incorporated into the Union of the United States, and be admitted at the proper time, to be judged of by the Congress of the United States, according to the principles of the Constitution; *and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property*, and secured in the free exercise of their religion without restriction."

I cannot think, sir, that any one under such circumstances, and with such an array of evidence before him, can pretend to deny that these claims are not comprehended within the sacred obligations of the treaty stipulation, and the faith of the Government compromised by the solemn promises of its agent or authorized representative.

Mr. Chairman, the citizens of New Mexico understood, and do now believe, that the solemn assurances of your agent, made to them at that time, would, and will be, complied with; and when they saw the treaty, and read the article referred to, they felt confident that its sacred obligations upon this Government would be carried out.

It may be said that the protection which was promised, was given. I deny it, sir; and it is of that which we complain. You have failed to defend us in accordance with your solemn and sacred obligations. You have failed to protect us in our lives. We ask you, at least, to satisfy our claims for property stolen by the Indians. And if you do not believe these claims to come within the assurances of General Kearny, or the treaty stipulation, give us at least an opportunity, by the passage of this bill, to satisfy you of the justice of them. The bill proposes no appropriation in advance of the proper investigation and examination of the claims. The people of New Mexico desire no advantage; they wish not to come here with *ex parte* testimony; they want the Government to satisfy itself of the justice of their claims. It is not for them alone that I ask the passage of this act; it is for your benefit, also.

I have stated, sir, that this Government has failed to give the people of New Mexico that protection which was promised them; I desire to prove it. Much has been said already of the unprotected condition of a frontier of a sovereign State, Texas, and you are threatened with a dissolution in consequence of it. If Texas, with a population of some three or four hundred thousand inhabitants, and a frontier embraced within no more than ten degrees of east and west longitude, and harassed by no other tribe than the mere Camanches, complain so bitterly of your neglect, what, sir, then, ought to be the complaints of our people, with the knowledge of the circumstances referred to above, a population of not more than one third of that of Texas, and a frontier embracing twelve degrees of longitude east and west, and seven degrees of latitude north and south of the Territory? for we are literally surrounded on all sides of the compass by hostile tribes of Indians. What, I say, must we think, under such circumstances? And for this frontier we have, I believe, nine military posts, while Texas has something like nineteen.

Now, sir, when the Territory of New Mexico was acquired by this Government, there grazed over her grass-covered mountains, plains, and valleys, according to reliable information, some two million head of stock, sheep alone; to say nothing of the thousands and hundreds of thousands of cattle and stock of other kinds. To-day you do not find one quarter of that sum. What has become of them? How have they disappeared? Has there been an epidemic among them, I ask? No, sir! I answer emphatically, no, sir! Look at the records of your Departments—the reports of your Federal and military officers in that Territory since you took possession of it. They will answer you the question. See what the Secretary of the Interior says upon the subject:

"I would state that the claims, so far presented and examined, amount to $502,986 68, but the Department is informally advised that claims to a much larger amount will eventually be presented."

Does not this seem to indicate what has become of the stock and cattle of the citizens of that Territory? Yes. It has been stolen and driven off by the Indians. Have you, then, complied with the provisions of the treaty of Guadalupe Hidalgo? Have you "maintained and protected" us in the free enjoyment of our liberties and property? It seems not, if your heads of Departments and the records in those Departments speak the truth. They stand in judgment against you, and an evidence of your failure to extend that protection to the citizens of that Territory, which you so solemnly promised and agreed to do, by the assurances of your authorized officers, and the binding obligations of your treaty. There let them stand to the shame of this Government. It will at least be consolation to them to know what faith and reliance may hereafter be placed upon your promises. It is a sad matter for me to contemplate when I think of what our sufferings have been since the acquisition of that Territory by this Government, for we have been literally abandoned to the mercy of the savages that infest the whole country.

We had hoped, when you took possession of that Territory, that all our troubles were at an end; but we seem to have been doomed to bitter disappointment. Our property has been stolen; our people have been violated and murdered, and our children taken into captivity; and the old rude crosses and heaps of stone which attracted the eye of the traveler as he traveled from one part of the Territory to the other have not remained alone, but new ones have been added to their number, telling the mournful story of murdered relatives and friends, who have fallen or gone to an untimely grave. You cannot visit a village or a hamlet in the entire Territory but you hear the sad tales of murdered friends and relatives.

These are melancholy truths, Mr. Chairman. I know them to my sorrow; for, not many miles from my home, stand several crosses, the evidences of the untimely death of dear relations, who were murdered by the savages.

Mr. Chairman, if you desire proof of these facts, it can be furnished. I mention them here solely for the purpose of showing you that the people of New Mexico complain that the protection that was promised has not been extended to them; and that, having failed in that, they ask that something might be done to have their claims for Indian depredations examined; and if they come within the provisions of the treaty or the intercourse act, that they may be allowed; and if not, then they will be satisfied. I trust, therefore, that an opportunity may be offered them to test the right and justice of their claims. And I hope that the bill now under consideration may be passed. It creates no new offices, it requires no appropriation. It is a simple bill to give the citizens an opportunity to present their claims properly before the Government.

I desire here, sir, to advert to the recent war with the Navajo tribe of Indians in the Territory of New Mexico. I am glad that the consideration of this subject gives me an opportunity to say something with regard to the difficulties between the Indians and the American troops; for, in my opinion, the citizens had nothing to do with them, save that they have been the sufferers, in consequence of that war. I will endeavor to give, as literally as I can, the history of this much-talked-of Navajo war. From the information that I have in my possession, it appears that the difficulty arose because a negro, belonging to an officer of the Army, was killed by an Indian belonging to the Navajo tribe. What was the reason or cause for that murder, on the part of the Indian, I do not know. Yet I cannot bring my own mind to the conclusion that the murder was a willful one, and without provocation; if not on the part of the negro, at least on the part of somebody else connected with the fort. There must have been something

which induced that Indian to commit the murder; but what that something was, and whether of a character sufficiently offensive to warrant the act, I am not informed; but that there must have been some cause for the criminal act, I think the generality of persons must admit.

I do not wish, however, to be understood as a defender of the Indians—far be it from me. I know the character of that tribe, and am acquainted, not only with the depredations they have committed upon citizens of New Mexico, but with the tragical scenes that have been enacted by them in the assassination and capture of our men, women, and children, in the Territory, before and since its acquisition by the United States. When I first heard of the murder of the negro, I confess, sir, I was not surprised at it. It had been a common occurrence in the Territory, and I was so well associated with such rumors that I read the article without commenting upon it to anybody. I had heard so frequently of the murder of New Mexicans—American citizens—by those Indians, and had noticed that no military parade had been made on their account, that I did not expect anything would have been done in that instance.

It is mortifying to the Spanish pride of the citizens of that Territory when they reflect upon the fact that, for the murder of a negro, war was declared, while, for the assassination of their own blood, silence has been the watch-word; or when no other excuse can be given, their representations and reports of those occurrences among them are characterized as false. Truly, sir, have we been conquered. War should have been declared long before the time that the negro was murdered. Had it been so, the negro would have been spared to his master. Major Kendrick—now a professor at West Point, and a gentleman who is known to the entire Army as a man of intelligence, sagacity, and wisdom, as well as experience in Indian wars—I understand, urged repeatedly the necessity of war against this tribe of Indians. He built Fort Defense, and was in command of it for several years. Mr. Yost, in one of his letters describing the difficulties with these Indians, and the operations of the troops, says:

"In examining the official correspondence between Major Kendrick, now at West Point, a very intelligent and prudent officer, at one time commander of this post, and headquarters of the department at Santa Fé, I observe that, in communications running from 1854 to 1857, he repeatedly urged the necessity of war with these Indians. Special causes, occurring at different periods within that time, are cited, embracing theft, murder, and contumacious conduct, and immediate hostilities recommended. Had these recommendations been listened to and acted upon, I have no doubt it would have been much better for the Indians and our Government. It was foreseen by that thoroughly practical officer that war was inevitable with them. His intimate acquaintance with their ideas and belief forced him to this unpleasant conclusion. He knew them well; they had respect for and confidence in him. But their false notions of their own power and position could not be removed unless they were thoroughly chastised.

"Notwithstanding the necessity for the war, in order to properly impress these Indians with a due sense of their own comparative insignificance, it may be considered unfortunate by some that a *nigger* is anywise connected with the immediate commencement of hostilities. I look upon it in that light myself, as the *nigger* is now the most prolific source of contention and discord, and is seldom associated with any public question unless wrangling and misconstruction follow. Especially is this feature in the inauguration of war destined to become prominent, when the investigation of the matter develops the fact that repeated crimes as heinous, if not more so, have been permitted to pass unnoticed and unavenged. I leave all, however, to form their own opinion, being satisfied with merely mentioning the prominent points likely to arise in discussing the war."

Now, Mr. Chairman, I will not say that I have disapproved of the war because the *casus belli* was a negro; I know that he, as well as any citizen of the United States, has a right to the protection of his life under the laws of the land. I shall not attempt to dispute that point. But why was not war declared before, in accordance with the correspondence of Major Kendrick, and when the citizens of that Territory were murdered and robbed? Are they less worthy of protection at your hands than a slave? Did you acquire that country to mortify the native born and free citizens in that Territory by making a discrimination in our very eyes against us, and in favor of a slave? Is that the treatment that you promised to dispense to that people? A colony conquered by a despotic Power could not receive a greater indignity than that. The people of my Territory feel this most keenly, and it is natural that they should do so, for they know the slanderous and false representations that have been made by ignorant and ungrateful men against them and their character. The representations are so grossly false, however, that they do not deserve the compliment of an honest refutation, and I will leave the authors of them to reconcile their malicious statements with their own hearts and conscience.

The people of the Territory of New Mexico need no defense; but I trust I may be permitted to say somewhat with regard to their character. In doing so, I shall endeavor to divest myself of any national prejudices I may have favorable to them, for I myself am a native of that country, and "to the manner born." The people of that Territory are Mexican born, but the great majority of Castilian origin and descent, and are generous, noble, and brave; and in a striking degree they retain the elements of their Spanish extraction; native quickness of perception and apprehension, pride of character, love of adventure, generosity of impulse, and a characteristic heedlessness of personal danger. They are a people possessing, in an eminent degree, moral probity and integrity in all transactions of business—are active, energetic, and enterprising. Their persevering traders have been, sir, the pioneers, the creators, and the establishers of that vast inland traffic which now animates the boundless prairies into green seas that grandly swell with accumulating floods of thriving commerce.

I know, sir, that there exists a great misapprehension throughout this country towards the people of New Mexico, based, I suppose, upon the fact that we once formed a part of Mexico proper, where exists every gradation of race, and where political vicissitudes, instability, and anarchy, have ever been the prominent and marked characteristics of that Government. I admit that we, in common with Mexico, have certain national prejudices, and also inherit a national religion; but civil feuds and anarchy, the ordinarily recognized traits of our old mother country, from which we sprung, have never crept into and diffused themselves throughout our Territory. We lived, virtually, a separate and an independent people, sustaining and supporting our own government, and protecting ourselves against Indian hostilities, incursions, and invasions, until the period of time when our former allegiance became changed to our present political connection. Such, sir, is briefly the character of the people I have the honor of representing upon this floor, and who feel an inexpressible mortification at the discrimination (although I believe it unintentional) which appears to have been made between them and a slave.

But what of the war with the Navajoes? I shall not attempt to pluck one laurel from the noble brow of the brave officers who, with a handful of men and worn-out horses, met and conquered at every engagement their savage foe. But I cannot give in my assent to the management of that campaign, either by the commander of the department, (Colonel Bonneville,) or the one immediately in charge of it, (Colonel Miles.) I believe that most of Colonel Loring's regiment was engaged in the campaign; and yet he, a man of energy, action, and resolution, was left at home in command of thirty men at Fort Union. I am of opinion that, if there had been a more rapid concentration of the troops in the Navajo country, the war would have terminated in a different manner, and the murderer would have been caught before the Indians could have had time for a retreat beyond the confines of Chusco and Trimcha. And up to the time when the armistice was concluded, no decisive battle was fought; there had been only a little skirmishing, as it appears from the letters of Mr. Yost, the Indian agent in that country, and who seems to have given a true account of the whole affair. Preparations for a winter campaign seem to have been going on all the time; and the commander appeared to be determined, under no circumstances, to make peace either with those bands of the tribe or nation who desired peace, or those who had espoused the cause of the murderer, until the culprit should be delivered up to him. The whole cause for that war was the failure to deliver the murderer—there appears to have been no other reason for it but that.

And, sir, what do we see now? The last intelligence from that country informs us that an armistice has been concluded, and shortly after a treaty of peace was made, both of which, if my information be correct, are farcical, and have done no credit to the regular forces in that Territory, or the officers connected with the negotiations, because neither the murderer has been delivered, nor the band which protected him and espoused his cause been whipped, and thus made to feel the determination and the power of the Government. The murderer and his band have not been subjugated as they ought to have been; they are left free, and in a condition to prosecute their hostile attacks and marauding expeditions upon the citizens of the Territory, just as the whole tribe have always done.

The whole Navajo difficulty, in my opinion, has been so badly conducted, that it leaves the people of the Territory in no better condition than they were up to the origin of that trouble, and the Indians no less humbled.

With these desultory and hurried remarks, and thanking the committee for its kind attention, I shall take my seat, with the consciousness that, in the few observations I have submitted for the consideration of the committee, I have but performed a duty I owe to my constituency.

FRENCH SPOLIATIONS.

SPEECH OF HON. JEFF. DAVIS,

OF MISSISSIPPI,

IN THE SENATE, *January 7 and* 10, 1859.

[REVISED BY HIMSELF.*]

The Senate having under consideration the bill to provide for the ascertainment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801, the question being on ordering the bill to be engrossed for a third reading—

Mr. DAVIS said: I regret very much, Mr. President, that it devolves upon me to state the objections to this bill. I had hoped that some one, not only more competent from his greater knowledge of the subject, but from his physical ability better fitted for the task, would have undertaken it. Looking upon it as an important public measure, as involving questions the importance of which is greatly beyond a single case presented, I feel constrained, however reluctantly, to say something upon it before it passes to a third reading.

The bill proposes to provide for the ascertainment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801. It is a case which has been long before Congress. It is one which was considered by the men who were cotemporaneous with the transaction. It has been from that time to this, pressed in one House or the other; and from the amount of energy which has been shown in its prosecution, it is fair to suppose it is not simply the interest of those segregated individuals who may have been wronged by France, or their descendants, which has been the object of such care. Never, however, during the whole course of the many years in which it has been pressed upon the attention of Congress, has it received the favorable action of both Houses, except upon two occasions, and then it met the Executive veto. It comes before us now after those have passed away who were fully cognizant of the facts; after the men have gone to their final reckoning who suffered by spoliations; after the witnesses who could have brought to us any new evidence have been silenced by death; and under these circumstances we are called upon to sit in judgment on that which others better qualified have decided, and to grant the favorable action which their wisdom and justice withheld.

Feeling that I shall be unable to enter at large into the subject, and yet that it is necessary somewhat to notice the history which is involved in the case, I will now proceed to state some of the facts which lead me to the conclusion to be thereafter presented to the Senate.

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* For the original reports see Congressional Globe, pages 258, 278.

It will be recollected that, when the colonies declared their independence, and, as a feeble confederation, the people of our United States were struggling against the great military and maritime Power of the globe, we received friendly assistance from France; she came to us in the hour of our need; her gallant sons entered our service as volunteers; her navy guarded our coast, and rendered most efficient and valuable service. Indeed, it may be well doubted whether, but for the service they rendered then and there, we could have achieved our independence. It might have been postponed to subsequent generations, when "freedom's battle once begun" had been fought again and again, until at last it would have been won.

These relations to France caused us, as early as 1778, to enter into treaties of amity, commerce, and alliance, giving peculiar privileges to the vessels of the two nations, both in relation to their ports and to their commerce. Among the provisions of this treaty and convention was one which gave the right to a vessel of either nation to enter the ports of the other, and there have its prizes condemned and sold; and another which established the commercial rule that free ships make free goods. With this treaty and convention we went through the war of the Revolution, and achieved our independence. In 1792–93, when the Republic of France was engaged in war with Great Britain, and the monarchical Powers of Europe were all sympathizing with Great Britain in the contest, when it was the policy to starve out France and compel her to submission by the want of bread, Great Britain, disregarding the rights of neutrals, declared provisions contraband, though they were *en route* to a port not blockaded, seized our vessels upon the high seas, took them into her ports, there condemned them as having contraband goods on board, or, as was usually the case, to encourage the continuance of a trade advantageous to her, purchased the cargoes for her own use. Thus, the provisions which were shipped from the United States for the benefit of France, were seized upon the high seas by her great maritime foe, turned aside from their destination, converted to the use of her most hated and dreaded rival, and there being liberally paid for, caused so little complaint on the part of the shippers of the United States, that it came to pass that the French people looked upon us as acting in collusion with Great Britain.

Many difficulties arose from the execution of that article of the convention which allowed the French to condemn and sell their prizes, and to fit out their privateers in our ports. Constant dissatisfaction followed; complaints so grave arose as to threaten the continuance of our peaceful relations, and led to the proclamation of President Washington, wise on that as he showed himself on other occasions, declaring the neutrality of the United States towards the belligerent Powers of Europe. He looked, and, when now retrospectively viewed, it appears to me, looked fairly and justly, upon the convention made with France as a defensive alliance, which did not apply to the position of offense which France had assumed towards Great Britain. France, however, continued to complain of the conduct of the United States in this regard, as well as in the failure to furnish subsidies and supplies to her West India possessions; for it will be remembered that, among other things, France had guarantied the liberty, sovereignty, and territorial possessions of the United States; and the United States had, in turn, guarantied the possessions of France in the West Indies.

To countervail the effect which the acts of Great Britain had to render the treaties of 1778 and 1788 disadvantageous to France, France being bound by treaty to allow our vessels to sail with any supplies they might please to transport to the ports of Great Britain, while Great Britain, free from such obligation, seized them on the high seas, declaring supplies to France to be contraband of war. It followed that France, by a decree, ordered that merchant vessels upon the high seas should be treated by the armed vessels of France in like manner as the countries to which they belonged permitted Great Britain to treat them. Thus we ceased to enjoy the privileges secured by treaties, and to which circumstances had given an immeasurable value, that of carrying supplies during the general war of Europe to the ports of the belligerents. Our just expectations from France were violated by the infraction of that clause of the treaty which declared that free ships made free goods. It is an interesting fact to which we may refer with pride, that in the history of nations, then for the first time did two great civilized Powers establish that rule which has now become the maritime policy, if not the national law of the world.

From this decree of France followed captures, confiscations, an embargo, detentions, arrests of individuals; against which the United States continued to complain and remonstrate; complain of the injuries received, and remonstrate against the violation of the treaty; until at last, after indignity had been added to injury; after our Minister had been rudely rejected; after a commission of three distinguished individuals, sent to France to compose the difficulties with our ancient ally, had been offensively repulsed; President Adams assembled the Congress in extraordinary session, and addressed a message to them, in which, with marked indignation, he spoke of the conduct of France towards the United States, and of the sufferings of our citizens, from the violation of the treaty between the two countries. Then our course towards France was changed. Anterior to that, it had been one of toleration. Hitherto, our only efforts had been to reconcile existing difficulties; for that purpose we sent our ablest men to argue with her in the cause of fraternity; we were willing to yield much, because of grateful reminiscences; but now we assumed that hostile demonstration was our only resort, and thenceforth our course was one of force.

In 1798, the year succeeding the one in which President Adams sent in that message, we passed various laws: one for the employment of the Navy in the capture of the armed vessels of France, then hovering upon our coast and depredating upon our commerce; another, declaring commercial non-intercourse between the United States and France; another, authorizing the President to commission private vessels—in other words, to grant letters of marque and reprisal against France. It is well known that, during her war with Great Britain, France had, upon the sea, comparatively nothing but armed vessels, and that they were employed in committing outrages upon the commerce of the United States. Therefore it was, that the act was directed towards the seizure of the armed vessels of France. Another act provided for the condemnation and sale as prizes of any armed vessels of France which might be captured; and, as my memory serves me, about eighty were taken during the progress of that year and the next. As a final step, the United States declared the treaties of 1778 and 1788 to be abrogated.

It is now urged upon the Senate that, to get rid of the obligations of those treaties, the United States took private property to relieve themselves from the obligations of those treaties; were thus exempted from onerous duties to France; and having taken private property for public use, are bound, under the Constitution, to make just compensation therefor. To this I reply, we had sought indemnity by all the power of negotiation; had exhausted it, even to the extent of an extraordinary commission; had then resorted to hostilities; had carried on a maritime war against France, in which millions of treasure were spent, and much of blood was shed, and the highest authority of the land had declared the treaties to be abrogated. How, then, can it be asserted that we were giving up private property to get rid of the obligations which these treaties imposed? They were entirely swept from the statute-book, had passed away through a state of war, and must have been revived by the treaty-making power of this Government, in order to have acquired a renewed existence.

The VICE PRESIDENT. The Senator will pause. It is the duty of the Chair to call up the unfinished business of yesterday, at this hour.

[The Senate decided to continue the consideration of the bill, but, on account of the indisposition of the speaker, postponed it to a subsequent day.]

MONDAY, *January* 10, 1859.

The Senate resumed the consideration of the bill, and Mr. DAVIS continued:

Mr. President: When, by the courtesy of the Senate at its last sitting, the bill then under consideration was postponed to a subsequent day, I had but a few remarks to add to those which I had already submitted, being then, as now, unable to go into the question at length. The only requital I can make to the Senate for the courtesy exhibited in postponing the question on account of my physical condition, is to abridge, as far as consistent, my remarks on the present occasion.

I was, at the moment the debate was arrested, presenting the point that the treaties which were claimed to be the consideration for which the United States had surrendered private claims, had expired, were of no binding force, and, unless revived, could not constitute a claim against the United States. I had already stated that those treaties had been broken by the act of France. In 1793, France being then involved in war with Great Britain particularly, and the continental Powers generally, violated her treaty of amity and commerce with the United States, by seizing our vessels on the high seas, by detaining them in her ports, and by confiscating their cargoes. They were led to this, not by any act of the United States, but by the fact that the treaty which bound France to allow American vessels to sail with all articles not contraband of war, even to an enemy's port, operated injuriously against France; because Great Britain choosing to proclaim provisions contraband of war, seized all vessels so freighted and bound to French ports, and thus the treaty with the United States, under the action of Great Britain, operated disadvantageously to France.

Having violated the treaty in its provisions, and, as was believed by the most eminent men of our country at that time, having violated the law of nations, our citizens who were sufferers by the aggressions of France, sought redress from that Government; and, having exhausted all the means within their power, invoked the aid of the United States Government. The Secretary of State informed them that all claims which should be well authenticated would receive the attention of the Government of the United States; and that letter of the Secretary of State has since been brought forward to support these claims, and treated as a proposition on the part of the Secretary of State that the commerce being advantageous to the United States, should continue to be prosecuted with full vigor for the benefit of our country; but I esteem it, on the other hand, nothing but a declaration of that functionary that citizens of the United States should receive such protection as our Government could give. If I am correct, this clearly created no obligation on the United States to indemnify for loss sustained in the prosecution of such commerce. Our Government, then, in the performance of an ordinary duty, intervened for the protection of its citizens; sought by every means within its power to obtain an allowance of the claims; continued to prosecute them, and to press them so vigorously as finally to lead to insult and outrage on the part of France by the rejection of our Minister, and the refusal to receive a special commission subsequently sent there.

Having failed in all amicable attempts to procure justice for our citizens who had suffered by the wrongs of France, this Government was compelled to resort to force. The Congress of the United States—the war-making power of our Government—put the Navy in full commission, provided for its increase, and authorized the President to use the Navy against the armed vessels of France. Not only did they thus employ the military power of the Government to make war on the armed vessels of France; they did more: they called out the patriotic citizens of the country, and granted commissions to private vessels to cruise against the armed vessels of France. Thus the military arm of the Government, and the volunteer citizens of the country, were brought into war with France—war upon the sea, it is true; a partial war; but war by the authority of Congress, not by Executive act, as has been so often alleged.

But it is said, "this was not war; if it had been

war, all the citizens of one country would have been at hostility with all the citizens of the other; and this was not the fact." It is also said, that if it had been war, it could only have been terminated by a treaty of peace. I grant it was not a general war; that it was not a declaration of war against France; but it was legislative authority to make war upon the armed vessels of France; and this war was carried on with many battles, victories, and defeats; prisoners were taken and held, and cartels were offered for the exchange of prisoners. Is this a state of peace? If this be peace, what would be war? Millions of treasure were spent; citizens of every character were involved in conflict; blood was shed; captures were made; prizes were sold under authority of special legislation by the United States; and still we are told that we were in a state of peace! War is not necessarily both on the sea and land; neither is there any form prescribed in which our Government shall declare war against a foreign Power. For example: when, by the invasion of our territory on the Rio Grande, it was deemed necessary to wage war against Mexico, it was done as an act of defense. We did not then formally declare war. Congress passed a law asserting that war existed by the act of Mexico, and provided men and money to prosecute the war. In the case before us, Congress declared that the depredations of France must be repelled by force; and they gave men and money for that purpose.

The cases are nearly parallel, the main difference being that one was a war on sea, and the other was a war wholly on land—characteristics which resulted from their own peculiar circumstances. France did not choose to invade the United States. She had not the power then to do so, involved, as she was, in the general war with Europe. The United States did not wish to invade the territory of France. The aggression received was upon sea, and on the sea she went to repel it. In the case of Mexico, the aggression was upon the land; and upon the land it was repelled. Mexico had no navy; therefore we had no battle on sea. In the one case the combats were entirely on the sea; in the other on the land. In neither case was there the ordinary form of a declaration of war; but in each case a legislative act which recognized aggression and provided for its redress.

But I am to be told, no doubt, as we have been told often before, that the negotiations of 1800 were conducted on the basis of peace. It is true; but why were they conducted on the basis of peace? The United States, specially regardful of the claims of her citizens who had suffered depredations, did not choose to hazard them by putting their negotiation on the basis of war. If treated as a case of war, the claims must have been necessarily abandoned. France, on the other hand, anxious to revive the treatics of 1778 and 1788, did not choose to put negotiations on the basis of war; for, if they acknowledged the existence of war, they admitted the extinction of the treaties, and their claim to the obligations incurred by the United States under them fell as a consequence of that admission. Thus, the negotiators on both sides were willing, on the basis of peace, to proceed to the new negotiations of 1800. They thus conducted them. Language was used which would justify the assertion which has been made, and may be made again, that peace existed; but after negotiation was at an end, when diplomacy had exhausted itself, when all diplomatic subterfuges were no longer of value, they used a different language; then we were informed by the French ministers negotiating with our *commissioners*, that it was a state of war, and consequently that there was no claim to indemnity. As this is considered the main point in the case, I refer to the authority. In the journal of the proceedings of the commissioners, September 12, 1800, (State Papers, vol 2, Foreign Relations, page 337,) may be found the following language. After referring to the discussion in relation to the guarantees, indemnities, &c., in connection with modified terms on which the United States would renew the treaties, the journal proceeds:

"The conversation on this subject closed by a declaration of the president of the French commission, that such a modification could not be acceded to without new instructions; that they had no power to assent to such a stipulation; but that, if the Government should think proper to instruct them to make a treaty on the basis of indemnities, and a modified renewal of the old treatics, he would resign sooner than sign such a treaty; adding, that if the question could be determined by an indifferent nation, he was satisfied such a tribunal would say, that the present state of things was war on the side of America, and that no indemnities could be claimed. The other two commissioners made similar declarations."

Our own commissioners, on the 13th September, communicating an account of the negotiation to their Government, said:

"The American ministers being now convinced that the door was perfectly closed against all hope of obtaining indemnities, with any modification of the treaties, it only remained to be determined whether, under all the circumstances, it would not be expedient to attempt a temporary arrangement which would extricate the United States from the war, or that peculiar state of hostility in which they are at present involved, save the immense property of our citizens now depending before the council of prizes, and secure, as far as possible, our commerce against the abuses of capture during the present war."

This is the language used after all the terms of diplomacy had ceased to have value—after they had reached the point of a conclusive issue. The French ministers asserting that the old treaties must be revived, without modification, as the condition on which indemnity would be made; and the American ministers insisting that full indemnity should be granted to our citizens; but the treaties could only be renewed after modification. The American ministers being instructed not to revive the abrogated treaties, proposed to make modifications of the old treaties, and thus sought to secure indemnity. Finding that it was useless further to argue on the basis of peace, the French negotiators peremptorily say, "we will not negotiate on the basis which is offered, because war has swept away your claim to indemnity;" and our ministers admit the fiction which had been employed, by stating that they now determined to get rid of the injuries which would result from the continuance of war. This was the plain language which was used after diplomacy had exhausted all its arts.

But, Mr. President, I do not hold that the question turns on this point, though it has been so argued, and therefore I have thought proper so to notice it. This Government had a right, I say, to abrogate those treaties; they had a right to consider them as destroyed, because they had been broken by the opposite party. A compact broken on one side is entirely broken. It rests then with the party who has suffered from the breach by the other, to permit the compact to continue, or to annul it at its pleasure. France, by many violations of their provisions, had broken the treaties; and there is a strange anachronism in the argument which is presented, that the outrages of France resulted from the wrong perpetrated by the United States in their negotiation with Great Britain. Those outrages were committed in 1793, before the Jay treaty (which is made the basis of complaint) was negotiated. That treaty was negotiated in 1794, and one of the complaints of France was, that it was not promptly promulgated. It was negotiated a year after the outrages were committed, but not promulgated until some time in 1796. This shows how utterly fallacious it is to put the outrages committed by France upon the ground of a first violation of the treaty by the United States in their negotiation with Great Britain. There has been a strange mutation in the relation of parties, too. That party to which my friends and I have succeeded, the old Democratic party, were not the advocates of the Jay treaty. They considered that treaty as a violation of good faith to France. It was odious in this country, the Administration was slow in promulgating it; and but for the outrages committed by France, I think it more than doubtful whether the Jay treaty ever would have been ratified. Alienation occurred from the wrongs which France had committed on our commerce, and the injuries she had inflicted on our citizens, and that feeling sustained the treaty, and, probably, led to its ratification. I say that it does not devolve on me to defend the Jay treaty; but how stands it with the other side? The successors of the party who advocated that treaty now bring it forward to put their own Government in the wrong, and to show that France was right.

Our Government, proceeding upon the basis which I have stated, in the preamble to the act which declared the abrogation of the treaty, spoke of it as broken by France, and then proceeded to declare it abrogated. Now, it is urged that one party to a contract cannot abrogate it without the consent of the other. How is a treaty ever to be terminated? We have had before us at this session, and probably shall soon have again, the question of abrogating the Clayton-Bulwer treaty, as it is termed. If the construction which Great Britain places upon that treaty is found highly beneficial to her and injurious to us; if we, as I think we may justly, claim that she has violated the spirit of that treaty, and if she continue to violate it to our injury, are we to wait for her consent to declare it abrogated? Is there no right on the part of the United States, when a treaty has been violated in its letter and in its spirit, to declare it at an end, and to take the consequences? It seems to me that any other theory binds our Government perpetually to a contract which, being violated or disregarded, may be injurious to all its interests, and degrading to its honor. Contracts fairly made and faithfully adhered to, should bind Governments as they bind individuals. Contracts disregarded on one side may, I say, be repealed on the other, or abrogated at its pleasure, where the parties being sovereign have no controlling umpire. Hence arose the right of the United States to abrogate those treaties; and when our commissioners met in 1800, they did so with a perfect understanding, as their correspondence and instructions show, that those treaties were extinct, and that they had no authority to revive them. Therefore, every proposition made by France to recognize all claims for indemnity on the basis of those treaties, was necessarily rejected; and although the convention of 1800, by its second article, provided at some convenient time for considering the question of indemnities and of the renewal of those treaties, that provision was stricken out by the Senate. The commissioners had neither instructions nor authority to treat upon the basis of the revival of those treaties, and they were so odious in the United States that the Senate would not entertain the proposition of their revival. In striking out the second article, they substituted for "a convenient time" a specific period, a term of eight years.

Now, I ask, how can it be fairly, intelligently urged, that by striking out the second article of the treaty, we abandoned any claim of an American citizen? Did that article provide for the payment of any claim? It did not. It only provided for the consideration of the question of the indemnities and the abrogated treaties at a *convenient time*. What indemnities would have been paid is merely hypothetical. Whether they referred merely to private claims, or to national claims also, is more than doubtful; but we find by Mr Madison's instructions that while national claims might be waived in their negotiations, private claims could not be

The VICE PRESIDENT. Will the Senator be good enough to pause for a moment? The Chair must call up the special order at this hour.

Mr. STUART. I move to postpone the special order, that the Senator may continue his remarks.

The motion was agreed to.

Mr. DAVIS. In the convention of 1800, it will also be remarked that other articles provided for claims of the United States. It is further to be remembered that, so far from considering the rejection of the second article as the abandonment of claims not provided for in that convention, in the very next year the President, in his message to Congress, speaks of the opportunity which is presented by the return of peace in Europe as one which strengthens "the hope that wrongs committed on unoffending friends under a pressure of circumstances, will now be reviewed with candor, and will be considered as founding just claims of retribution for the past, and new assurances for the future;" thus opening the very case which, in the argument that has so often been offered for these claims, has been said to have been closed by striking out the second article of the treaty.

Further, we find these claims constantly prosecuted by our ministers abroad, and our Secretary

of State at home, until in 1803, when, in a new convention, those claims were further provided for. Thus is answered the argument that the Government had, in 1800, taken private property for public use, by the release of France from liability to the claimants.

Now, sir, I ask, even if it were granted that a release had been made, what is the value of that release? Suppose our Government had abandoned the prosecution of the claims, had given an acquittal, what would have been the loss to the claimants? Was anything paid of those claims which were allowed by the convention of 1800? Not a dollar. They remained as they were left by that convention, until the new convention or treaty of 1803, when the United States agreed to pay for Louisiana a certain sum of money, retaining a portion of that sum to liquidate the claims of citizens of the United States; and it appears as a fact, although not known to our commissioners, that we paid France more than the whole sum which was reserved, over and above the price which her ministers were instructed to take for the territory.

Then, again, in the convention of 1803, (as proof that neither party considered that we had abandoned the claims of private citizens,) the preamble expresses the desire, in compliance with articles two and five of the convention of 1800, to provide for the claims of American citizens. If the rejection of article two was a surrender on the part of the United States of all claims to which it referred, how could the commissioners say, in 1803, that their desire was to provide for the claims embraced in that article? Yet such is the language of the preamble; and then, in articles three and five of the convention of 1803, provision is made to secure the sums due to citizens, including cases not mentioned in the convention of 1800. This, Mr. Madison noticed particularly, lest the variation of language should be considered as pretermitting any of the claims; and his instructions were to press the claims of citizens, giving priority to those of greatest merit, but that nothing should be considered as a waiver of the rightful claims of our citizens, or be regarded as an assumption by the United States of any of those claims over and above the sum which has been reserved in the convention for the purchase of Louisiana.

We find it thus continued to 1800, and from 1800 to 1803, and, after 1803, in 1804 the question was revived again and discussed; but never has the position been taken and maintained that the United States had abandoned the rights of its citizens. There was one class of claims which France never would recognize; they were those set up for property belonging to foreigners and carried in American vessels, or belonging to Americans and carried in foreign bottoms. That is the class of claims which never was admitted by France, but earnestly contended for by the United States. These were claims recognized as growing out of our treaties, but denied as not being within the law of nations, and, therefore, dependent upon the revival or continued existence of the treaties.

Then the question is: was there ever anything surrendered by the United States which it was possible to obtain from France? Did she, in either of her conventions, admit that a single claim of citizens of the United States was considered thenceforth to be of no obligation on the part of France? On the contrary, not only did we provide, become paymasters ourselves of claims of American citizens, but it was further provided that any claim not admitted by the United States should still be cognizable by the courts of France, as subject to be paid by her, though disallowed by the United States. I think, in the whole history of our negotiations, there has never been a case where private claims have been so successfully and so energetically prosecuted as those which grew out of the spoliations of France.

Then, Mr. President, to go one step further. What was the value of those claims as against France? I know they have been magnified of late, or attempted to be magnified, by showing what was the value of the treaties. Denying wholly that we were released from the treaties by any surrender of private claims, I refer to the failures of Americans to get anything from France; the refusal of France to pay anything, even the claims admitted under the convention of 1800; and come down to the point where the sum was estimated by the men who were then upon the ground, and most familiar with the facts, you find that France asserted both her unwillingness and her inability to pay any indemnites whatever. You find, too, that Mr. Skipwith, who had examined the subject profoundly, estimated that 20,000,000 livres reserved from the sum to be paid in the purchase of Louisiana from France, would be fully equal to all the just claims of creditors who were citizens of the United States. It may have proved otherwise; but this was the estimate of Mr. Skipwith, whose opinion was considered so valuable that Mr. Livingston, in his correspondence with Mr. Madison, communicated it to him. If there be any desire that I should read those statements, I will do so; otherwise I will pass on. We find, also, that Mr. Livingston noticed the fact that the creditors of other nations then prosecuting their claims before France had not received, and were not likely to receive anything; the citizens of the United States would have been in the same condition, but for the intervention of their Government.

If, then, the claims were not abandoned; if no release from the treaties was purchased; if our Government has faithfully observed all its duty to its citizens; if it has derived no benefit where those citizens have failed to get what was due to them; on what rests the foundation for that pretension, which is now set up, that we are justly bound to remunerate them as citizens whose private property has been taken for public use? I will admit that we could at any time have obtained a full recognition of these claims; could have obtained the obligation of France to indemnify our citizens for all their losses, if we had been willing to pay the price of renewing the treaties of 1778 and 1788; treaties which had been abrogated, swept from the statute-book, buried in the long career of hostilities which ensued, and which constituted, neither in 1800, nor at any subsequent period, an obligation on the United States.

Hurrying through the case, Mr. President, as I am compelled to do, I would ask whence the discrimination made in the present bill? Why do we provide for one class of cases not included in any previous treaty, and exclude all cases included in those treaties, and for which payment has not been made? Mr. Madison's instructions were to give priority to the best class of claims. Why now do you select a class of cases to which priority was not formerly given, and make them the favorites in this bill. My view would be otherwise. If I were disposed to provide for the payment of the claims at all, I would throw the door wide open to all claimants coming under the head of those despoiled by France; all who suffered and have not been indemnified should be permitted equally to come forward with their proofs, and if they belong to the better class of cases, the claimants who suffered by force on sea, or by confiscation of their property entering a port of France with good papers, they, above all others, should be paid; and those who traded with and became partners of British subjects, and thus involved themselves in the exclusion by France, should be the last class of cases for which I would provide.

We are told also, Mr. President, of the evidence which is presented in the action of Congress by its committees. Appended to the report of the present committee, I find one made a number of years ago, in which the reports of the various committees who had considered this subject up to that time are grouped to show how many of them were favorable, and how few were adverse. In looking over this list, however, it is found that a large number of these are reports from select committees. A report from a select committee is that of the member who moves the committee, and is, almost uniformly so, generally favorable. How is it in the present case? A select committee was raised to investigate the claims of the American citizens for losses suffered by French spoliation prior to 1801. The chairman of that select committee, being the mover of the committee, makes the report. The minority of the committee, of whom I was one—the Senator from Virginia, who has heretofore reported on this subject, [Mr. HUNTER,] was another—agreed that the report should be made in the present form, not expressing the opinion of the committee, but presenting a report which should contain two reports favorable and two adverse, so that the views heretofore taken of the subject might be laid before the Senate. That is the extent to which the committee went in making the present report; probably hereafter this report will be exhibited as the opinion of the Senate, or of the select committee in 1859, in favor of these claims.

Omitting the select committees, and enumerating the standing committees to whom these claims have been referred, I find there are thirteen favorable and five adverse. Of the thirteen I find one man made three, another man made three, and another man made four—a total of six persons making the thirteen favorable reports. Of the adverse reports there is a different man for every report. The consequence is, that it stands five making unfavorable reports to six making favorable. Then, tried in another manner, of the six persons who have made favorable reports, three of them were from the State of Massachusetts; of the five persons who made adverse reports, all were from different States; so that it stands compared, State against State, four favorable and five adverse. Since this list was made, the Senator from Virginia to whom I have already alluded, whose ability and purity of character are known to us all, has made an unfavorable report, and this is one of the unfavorable reports not noticed in the debate; for it is constantly stated that no adverse report has been made since the report of the Secretary of State in 1826.

There is, also, something strange in the prepared, stereotyped information which members of Congress receive, in relation to these claims. Speeches handsomely covered, long statements ably gotten up, are constantly furnished to Senators through the mail. What becomes of the adverse reports, and where are the speeches against these claims? Having very great respect for the wisdom and for the laborious investigations of Senator Wright, of New York, now deceased, I desired to obtain his speech. A friend procured one for me, after a search of two days.

Among the adverse reports incorporated in the report of the present select committee, is one from Mr. Forsyth, a man of enlarged experience; whose services abroad had given him special means of information; whose elevated tone and manly character rendered it impossible that he would endeavor to skulk from either a personal or public obligation. Let us see, in his report, how he treats the presentation of the arguments made then, and since, in this case. I will read only a passage:

"This Government never received from France any equivalent for the claims of Americans upon France. The war of aggression was commenced by France, and every act of the United States was a just retaliation for previous injury. The treaties with France were annulled by an act of Congress, in 1778, in consequence of the utter disregard of the stipulations of them by that Power.

"In short, to justify their claims upon the United States, the petitioners assume that France was right, and their own Government wrong; that France was prepared to make a just reparation for the outrages committed under her own laws until her release from her obligations by the United States, who were faithless to their trust, in the first instance, and have been regardless of the obligations of justice ever since—assumptions not consistent with truth, nor creditable to the patriotism of those who make them. The committee recommend to the House to adopt the following resolution;

"*Resolved*, That the petition of the several persons who ask indemnity for spoliations committed by French cruisers on their property between the years 1793 and 1800, be rejected."

There is a historical relation which this subject bears both to our national pride and filial sentiment. It is now presented as a case in which our fathers seized private property and failed to make compensation, transferring to posterity obligations of justice and good faith. Is it true? Were they so forgetful of the obligations of the Government? Were they so recreant to the instincts of honor and of manhood? The record proves they were not. They exhausted all their power, diplomatic and military, in the advocacy of these claims; they did all that could be required of them, even to the extent of becoming paymaster for the admitted claims when they purchased a territory from France, and continued to prosecute such as had not been provided for, even at a subsequent date. Witness the demands made, not

against France only, but also against Spain. If this be a claim of justice and of honor, then our fathers were wanting in both. If it be such, I am willing to meet it, and to pay whatever can be shown to be due; but I hold that it is a severe arraingment to say that all the efforts of that long negotiation neglected what honor and justice demanded, that such claims were put in the lowest class of cases, as it is now a constitutional duty to assume. Guarded as our negotiations were, by the constant declaration that we made no waiver of the obligations of France, that we made no assumption on the part of the United States, how can it be that justice requires us to make that assumption now? I well remember that a Senator, thirty years a member of this body, serving with me on one of its committees, told me, in relation to my opposition to a particular claim, "it is needless; you may reject it now, but it will come again and again; and old claims at last always pass." It remains to be seen whether this is to be an evidence of the wisdom of that Senator, or not.

I plead no statute of limitation. If the money ever was due, I grant it is due now. I plead no inability of the United States to meet the obligation. If it be a debt, let us discharge it, if need be, by direct taxation. I take no advantage of the present condition of the Treasury. I am willing to rest the question simply on the inquiry, whether the Government has incurred the asserted obligation to its citizens? At the same time, I am not willing that importunity or sympathy towards individuals shall blind us to our obligations to the history of our fathers, to the fair fame of our Government, to the past, the present, and the future. The present, sir, is full of hazard from such claims, heretofore rejected, but promptly to be revived upon a precedent like this—claims for every species of loss which the Government could not prevent—and for which indemnity has vainly been sought. Shall they all be sent to the Treasury, there to be remunerated? In the future, whatever hazards an individual may choose to encounter, either in peace or in war, if he shall thereby acquire a claim against some foreign Government, and the United States shall perform its obligation to prosecute that claim, but fail to get remuneration, on the principle which would justify this bill, such claim is to be regarded as a debt due by the United States. If an unkind Providence were to convert our fertile soil into a plain of gold, it would not pay the claims which might arise from such a precedent. We cannot consent to become the guarantors of the hazards which merchants may choose to take when they go upon the high seas, and engage in foreign trade. They take the risk because of the large profits; and insurance companies fix their rate of interest according to the hazard which is to be encountered. The "legal representatives" spoken of in this bill, I suppose, are, in very many cases, the insurers of the cargoes which were lost.

But why limit it to merchants? Were no others sufferers by these irregularities or hostilities of France? It will be remembered that at that time Europe was engaged in a general war. The United States was the great store-house of provisions. Our prosperity was promoted; our industrial development was extraordinary, under the profits derived from the demand which was created for our agricultural products. It was this which stimulated the activity of our merchants. Did not the farmer suffer also by the check which commerce received? Did not the mechanic on shore suffer as the merchant and sailor on sea? If we begin upon this principle of indemnifying all losses sustained, where is it to stop? Not with the single individual whose vessel was seized or whose cargo was taken, but it is to go on ramifying until it includes every citizen of the United States.

There is another view in relation to this bill, which I deem it proper to present. If this be a claim demanded by justice and law; and if it be a case in which we are to make remuneration for private property taken for public use, whence is the right to scale the sums found to be due? We are bound under such circumstances to pay the full sum awarded; we have no right to reduce it. If, on the other hand, we are proceeding under a liberal and equitable view, then some of the best cases, I expect, will be found to be those having the most imperfect proof. By the present plan you array a body of claimants to contest every case by technicality and special requirements, and to defeat that which the equity or liberality of Congress might grant if it were presented individually. I believe there are exceptional cases; that there are cases contemplated in the conventions of 1800 and of 1803, where, from the ignorance or the isolation of the party, the claim was not presented, or where, from the fact of the papers having been destroyed by the French cruisers, when they captured the vessels, it became impossible to present the adequate proof. In such cases the parties have some equitable claim upon the United States; not on account of the abandonment of their case; not because their right was appropriated by our Government to its own use; but by the manner in which our duties as paymaster were performed. I believe I have met one such case; the claim, as described, seemed to be a good one; but if it be ever so good, it is excluded by the terms of the present bill. His case is one which came under the convention of 1800, and was of the most favored classes, being one of those cases where the captain of a merchantman sailed with perfect papers to a French port, there lost his cargo, and subsequently his vessel, by the acts of France. Whether the nonpayment resulted from the claimant's ignorance of the place and manner in which it should be presented, or from his inability to procure the perfect proof, I am not able to say. He laid his case before me; he was an old man, and remembered well the event; was reduced to poverty by that spoliation; his life had been spent in toil upon his farm—and, as I heard it, it seemed to be a case in which equity clearly justified relief. If indemnity be proper in any case, we surely should not exclude such cases as that.

I will only say, in conclusion, having already occupied more time than I intended, that I do not hold our Government censurable, in any aspect of the case; I do not consider it in any manner responsible. I believe those who then administered it discharged all their duty; that they relieved themselves of all responsibility. They received no consideration for the surrender of the claims, as alleged; no remuneration for the vast amount of treasure and blood which were expended, as well in war as in negotiation; a negotiation continued through a long series of years, and pressed with a degree of energy and ability which will compare favorably with the efforts of any Government, at any time, in the advocacy of the rights of its private citizens. The maxim of a gallant sailor, now no more, was "My country, always right; but right or wrong, my country." It would require some modification for the legislator, and yet my sentiment, as an American, very much responds to that maxim; the proof must be clear that my country was wrong before I will condemn it; the proof must be positive, unquestionable, before I will admit that the men who founded this Government, who achieved its independence, and transmitted to us the blessings which we enjoy, shrank from the performance of a duty which justice and honor demanded. I cannot allow to pass unnoticed the carefully prepared representations which are made by snatching paragraphs here and there from a voluminous correspondence, and patching them together to support this claim. In this way letters written to a minister at the Court of Spain have been explored, an extract taken and applied as though it was language addressed to the American commissioners in France, and construed as though it belonged to a case to which it had no application, save upon a hypothesis which that Secretary was answering. Of such, I say, is woven the web which is now presented; such forms the mesh thrown around the sympathy, if not the judgment of the American Congress, to bind it to the recognition of a pecuniary liability as the result of obligations which have long since been discharged by having been, in peace and in war, fulfilled with all the ability which belonged to our Government.

I know it is an ungracious task to oppose claims of this character; they are speciously presented as being connected with our revolutionary struggle; have so long been before Congress as to be enveloped in the sanctity of age; and it is apparent have the sympathy of a majority of this body. Against personal considerations of comfort and health, I have endeavored to perform—however imperfectly—what I consider a duty to the public, a duty to the tax-payers, above all, a duty to the history of my country, that its fair fame may, untarnished, descend to future generations. Much of the opinion which I entertain results from examinations made years ago. It was not deemed necessary or advisable on this occasion to present a tithe of the authority on which that opinion rests. The subject has been worn almost threadbare; Senators must be weary of it; and I have endeavored to fulfill my promise that, in requital for this courtesy, I would abridge my remarks as much as possible.

Mr. CRITTENDEN followed in reply; and having concluded,

Mr. DAVIS resumed, and said: Mr. President, I am happy, indeed, that the difference between my friend from Kentucky and myself, as to what public morality demands should be done in this case, is rather a difference of fact than of the conclusion which we would reach from the same state of facts. My estimation of him is so high, that I should be pained to arrive at an opposite conclusion as to what virtue and manliness demanded, if we had first agreed upon the state of facts; and, therefore, I do not rise to reply to his argument, for facts do not admit of an argument, but simply to show the authority on which I rest the position I have taken; and I think, thereby, to prove that his position is untenable.

His main point is, that we have renounced these claims for a valuable consideration, and that the means by which we did renounce them, was the rejection of the second article of the convention of 1800. What did that article propose to do? Did it, as he says, propose to admit the claims of American citizens for indemnity? Would it, as he says, if it had remained in the convention, have secured to them the payment of the money by France? Let history answer; and if history be silent, let the second article itself speak. Not a word is here said about the admission of claims; not a word about their payment. It is simply this:

"The Ministers Plenipotentiary of the two parties, not being able to agree at present respecting the treaty of alliance of 6th February, 1778, the treaty of amity and commerce of the same date, and the convention of 14th of November, 1788, nor upon the indemnities mutually due or claimed"—

They do what?

—"the parties will negotiate further on these subjects at a convenient time; and until they may have agreed upon these points, the said treaties and convention shall have no operation, and the relations of the two countries shall be regulated, as follows."

What did this give to the creditor? Nothing but the poor promise that his claim should be considered at a convenient season—that doubtful period both in temporal and spiritual affairs. On the other hand, what did it assert against the United States? A right at some future day to discuss with us the revival of treaties which had been swept out of existence. But it is said that the amendment of the Senate by which this article was stricken from the convention of 1800, constitutes the renunciation of the claims of American citizens. Let us see how that is. The Senate ratified this convention, two thirds concurring:

"*Provided*, The second article be expunged, and the following article added or substituted: 'it is agreed that the present convention shall be in force for the term of eight years from the exchange of the ratifications.'"

How did this affect the claimants? Instead of their case being considered at a convenient season, it was required to be considered within eight years, or this convention of amity and commerce was to terminate. It was a means of compelling France to a consideration of their pretensions and claims, whatever they might be; not a renunciation of them. Then, again, as to the ratification of this treaty by the First Consul. He agreed to it, with this amendment:

"*Provided*, That by this retrenchment the two States renounce their respective pretensions which are the object of the said article."

Then the President sent this special ratification

of the First Consul to the Senate, with a message:

December 11, 1801.

GENTLEMEN OF THE SENATE: Early in the last month, I received the ratification, by the First Consul of France, of the convention between the United States and that nation. Its ratification not being pure and simple, in the ordinary form, I have thought it my duty, in order to avoid all misconception, to ask a second advice and consent of the Senate before I give it the last sanction, by proclaiming it to be a law of the land.

THOMAS JEFFERSON.

This is the message of Mr. Jefferson. Was Mr. Jefferson willing to renounce the pretensions of American citizens—this sacred right so eloquently advocated this morning? Surely that will not be alleged. The very argument of the Senator precludes him from alleging it. Then how did the Senate treat it? Not as a renunciation of pretensions which had been set up by our Government for private right; not as a modification of the treaty which required it to be considered and ratified; and surely it would have done so if it was to violate private rights and involve the Government in heavy obligations; but they returned it to the President, with this resolution:

"*Resolved*, That the Senate (two thirds of the members present concurring therein) consider the convention between the United States and the French Republic as fully ratified."

That is, this proviso of the First Consul required no action on the part of our Government. Then follows the whole history of the transaction, showing that, from time to time, at every consecutive step, we were urging these claims to a settlement upon France, and that they were the subject of future negotiations.

Mr. FESSENDEN. The Senator will excuse me for interrupting him.

Mr. DAVIS. Certainly.

Mr. FESSENDEN. I should like to ask him what evidence he has that these specific claims for spoliations were ever urged by our Government on France after that period?

Mr. DAVIS. I speak of claims for spoliations.

Mr. FESSENDEN. Well, what evidence has the Senator that the claims for spoliations prior to 1800, were urged upon France after that period?

Mr. DAVIS. The evidence is to be found in the instructions of the commissioners who negotiated the convention of 1803, in the record of their intercourse with the ministers of France, urging it from point to point, and from time to time; their efforts being obstructed by the old treaties being then constantly presented, as before. You will find it in the journals.

Mr. FESSENDEN. I think not.

Mr. DAVIS. I will not be drawn from my argument by the question of the Senator just now. I will attend to him when his time comes.

Mr. FESSENDEN. I did not design to draw the Senator from his line of argument. I merely asked for information.

Mr. DAVIS. I follow my own line of argument, which I prefer to that suggested to me. In 1803, when we acquired Louisiana, we had also a convention referring specifically to the claims of citizens of the United States against the French Government, appended to the convention for the acquisition of the territory. In that, so far from its being understood at that time that we had renounced these claims, you find in the preamble this declaration:

"Being desirous, in compliance with the second and fifth sections of the convention of the 8th Vendemiaire, ninth year of the French Republic, (30th September, 1800,) to secure the payment of the sum due by France to the citizens of the United States."

There, instead of its being regarded that we had abandoned all the claims considered in the second article of the convention of 1800, it is specifically announced as one of the things which they were desirous to adjust. Perhaps the Senator will think that was paying no attention to them.

Mr. FESSENDEN. If the Senator will look to the treaty, he will see how it was disposed of.

Mr. DAVIS. This is it:

"ART. 4. It is expressly agreed, that the preceding articles shall comprehend no debts but such as are due to citizens of the United States, who have been, and are yet, creditors of France, for supplies, for embargoes, and prizes made at sea, in which the appeal has been properly lodged within the time mentioned in the said convention, 8th Vendemiaire, ninth year, (30th September, 1800.)

"ART. 5. The preceding articles shall apply only, first, to captures of which the council of prizes shall have ordered restitution, it being well understood that the claimant cannot have recourse to the United States otherwise than he might have had to the Government of the French Republic, and only in case of insufficiency of the captors; second, the debts mentioned in the said fifth article of the convention contracted before the 8th Vendemiaire, an. 9, (30th September, 1800,) the payment of which has been heretofore claimed of the actual Government of France, and for which the creditors have a right to the protection of the United States; the said fifth article does not comprehend prizes whose condemnation has been or shall be confirmed; it is the express intention of the contracting parties not to extend the benefit of the present convention to reclamations of American citizens who shall have established houses of commerce in France, England, or other countries than the United States, in partnership with foreigners, and who, by that reason, and the nature of their commerce, ought to be regarded as domiciliated in the places where such houses exist."

This article shows that the class of cases not provided for were those where the parties had connected themselves with foreign merchants. Then it goes on:

"All agreements and bargaining concerning merchandise, which shall not be the property of American citizens, are equally excepted from the benefit of the said convention, saving, however, to such persons their claims in like manner as if this treaty had not been made."

Again:

"The rejection of any claim shall have no other effect than to exempt the United States from the payment of it, the French Government reserving to itself the right to decide definitely on such claim so far as it concerns itself."

Again:

"ART. 12. In case of claims for debts contracted by the Government of France with citizens of the United States since the 8th Vendemiaire, ninth year, (30th September, 1800,) not being comprised in this convention, may be pursued, and the payments demanded in the same manner as if it had not been made."

Will the Senator say this is a renunciation of American claims? Will he say this is an abandonment of them, or that this was an assumption of them? Will either one or the other be said? Again, my friend from Kentucky, who urges this case with his usual zeal and eloquence, pleads the entire insufficiency of the amount reserved in the convention of 1803. Mr. Livingston, on July 30, 1803, writing to the Secretary of State, Mr. Madison, says:

"Mr. Skipwith still thinks that the American debt will fall much within the twenty million for which we have engaged, and all the fair creditors be fully satisfied: the supposed debt being extremely exaggerated in America. Other nations, creditors of France, have, at present, no prospect of being paid."

They regarded it then as an adequate provision. And again, Mr. Madison, writing to Mr. Livingston as late as January 31, 1804, says:

"Should France, however, be unlikely to admit her responsibility for the pretermitted claims, and there be danger that, by urging her responsibility at this time, an equitable modification of any sort may be rendered more difficult, it will be best to pass over the question for the present, taking care that no waiver be made which may either still further weaken the claims against France, or give color for turning them over against the United States." * * * *

"Neither of the succeeding alternatives will increase the balance payable by France, nor is it contemplated that in these, or any other modifications whatever, the Treasury of the United States is to be made chargeable with more than $3,750,000; or rather with more than so much of that sum as would satisfy the debts to which it is subjected by the last convention."

This is the only place where I find him refer to the fifth article. But it is found that in the convention of 1803, both in its preamble and fifth article, it does not enlarge the class of cases to be considered under it, and a new class of claimants did come up not provided for in the convention of 1800. Such appears to be the fact.

Then, again, in the instructions which were given in opening this correspondence, the first point in the instructions was:

"At the opening of the negotiation, you will inform the French Ministers that the United States expect from France, as an indispensable condition of the treaty, a stipulation to make the citizens of the United States full compensation for all losses and damages which they shall have sustained, by reason of irregular and illegal captures or condemnation of their vessels and other property, under color of authority or commissions from the French Republic or its agents."

That was the position of our Government. That they did not get all which was believed to be just; that they did not get all which our Government, at that time, contended for, is true; if, as I believe, it was a violation of the law of nations, as well as of the treaties with France, to seize an enemy's property when on board a neutral vessel, they failed to procure the recognition of all which was due. They got, however, as much by as diligent and energetic application they could obtain. This is my answer to all allegations made that we have surrendered something which France was willing to give.

The Senator from Kentucky, however, says that history tells nothing of the war of which I spoke; that it is a thing unknown heretofore. As I am not willing yet to be classed among those who make war on private account, it becomes necessary to refer to some evidence that it has been heard of before I made my remarks this morning. In the journal of the negotiators, it appears that, on the 12th day of September, 1800, the president of the French commission used the following language:

"If the Government should think proper to instruct them to make a treaty on the basis of indemnities and a modified renewal of the old treaties, he would resign sooner than sign such a treaty; adding that, if the question could be determined by an indifferent nation, he was satisfied such a tribunal would say that the present state of things was war on the side of America, and that no indemnities could be claimed."

Then our commissioners, giving as a reason why they did not still further press these pretensions, say:

"The American ministers being now convinced that the door was perfectly closed against all hope of obtaining indemnities"—

Not that they had abandoned the claims of American citizens when the French Government was willing to pay them, and wanted an opportunity to do justice; but they say:

"Convinced that the door was perfectly closed against all hope of obtaining indemnities, or any modification of the treaties"—

That is, unless they would give the renewal of the extinct treaties as the price:

—"it only remained to be determined whether, under all circumstances, it would not be expedient to attempt a temporary arrangement which would extricate the United States from the war, or that peculiar state of hostility in which they are at present involved, save the immense property of our citizens now depending before the council of prizes, and secure, as far as possible, our commerce against the abuses of captures during the present war."

These were justifiable reasons. They were not required to urge the claims of private citizens to a point that would involve their own Government in a perpetual war. Neither does our Government become responsible; because it may not choose to wage, or to continue a war already commenced with any foreign country.

It is needless to argue this question; but I have some further authority, being a statement of the facts of the case made before the Senate on a former occasion, by a Senator now deceased, Mr. Benton; a decision of the Supreme Court, delivered by Judge Washington, and another by Judge Chase. With the permission of the Senate, I will ask my friend from Alabama to read these extracts.

Mr. CLAY read the following extract from Mr. Benton's speech of August 10, 1846:

"The injuries to our commerce, for the satisfaction of which this bill provides, commenced with the year 1793, with the commencement of the war between Great Britain and France, and continued till the treaty with the First Consul, signed on the 30th of September, in the year 1800. Seven years were the period of these depredations; and seven years of more extraordinary exertions for the protection of its citizens were never made in any country. All the means of protection were resorted to; embassies, military and naval preparations, taxes, loans, letters of marque and reprisal, convoy to merchant ships, exclusion of French vessels from our ports, a non-intercourse with France, the condemnation of her vessels, retaliation upon her citizens, &c. And, in the month of July, 1798, Congress cut the last cord of friendly intercourse with France by passing a solemn act abrogating all our treaties with her, and placed the two countries in a state of actual hostilities. The famous combat of Captain Truxton, in the United States frigate Constellation, with the French frigate L'Insurgente, was one of the fruits of that war; and, although the most signal, was, by no means, the only instance of fierce and bloody collision between the French and Americans of that day. Besides the extraordinary embassies, the military and naval preparations, the loans and taxes were immense and almost incredible for a young nation of five millions of people.

"Between the year 1793 and the complete restoration of friendship with France, in the spring of 1801, the appropriations for the Army were above twenty million dollars; those for the Navy exceeding fifteen millions; the authorized loans were above twenty-five million dollars; duties on imports were increased; direct taxes were laid; the stamp act and excise made their appearance among us. The statute-book, from 1793 to March 4, 1801, is thickly sprinkled over with acts for these taxes, loans, and appropriations; nor did they remain dead letters upon the book. The taxes were collected, ships-of-war were built, the regular Army

was augmented, a provisional army of ten thousand men was raised, Washington was called from his retreat to take the command, ships of war convoyed the merchantmen. At home, the tax gatherer entered every house, the excise-man was abroad, the stamp master retailed his little bits of paper, no contract between man and man was good for more than twenty dollars, unless on taxed paper. Such were the burdens which our fathers bore for seven long years to protect these claimants, or procure redress for them; expenses and efforts almost incredible in a young nation of five million people, and which, to be equaled by our present population in any similar emergency, would require every item of expense or exertion to be multiplied by four. After all, with all the duties on imports increased, and with all the resources of excise, direct taxes, and stamp act, the expenses of these extraordinary exertions were not met. A large debt was created, much of it bearing eight per cent. interest, and the burden of which, both principal and interest, fell on posterity."

The case of Bas *vs.* Tingy (4 Dallas, page 35) came up before the Supreme Court upon a question of prize, in which a claim for salvage was prosecuted; a claim which turned upon the question whether a vessel taken from the French was a vessel taken from the "enemy;" and that brought up the whole subject as to the nature of the hostilities we were then waging with France on account of these claims. Upon that subject the judges were unanimous. They all decided that it was war; that it was public war, coming under the denomination of what is called an imperfect war.

Judge Washington says:

"The decision of this question must depend upon another, which is, whether at the time of passing the act of Congress on the 2d of March, 1799, there subsisted a state of war between the two nations? It may, I believe, be safely laid down, that every contention by force between two nations in external matters, under the authority of their respective Governments, is not only war, but public war. If it be declared in form, it is called solemn, and is of the perfect kind, because one whole nation is at war with another whole nation; and all the members of the nation declaring war are authorized to commit hostilities against all the members of the other, in every place and under every circumstance. In such a war all the members act under a general authority, and all the rights and consequences of war attach to their condition.

"But hostilities may subsist between two nations more confined in its nature and extent, being limited as to places, persons, and things; and this is more properly termed imperfect war, because not solemn, and because those who are authorized to commit hostilities act under special authority, and can go no further than to the extent of their commission. Still, however, it is public war, because it is an external contention by force between some of the members. It is a war between the two nations, though all the members are not authorized to commit hostilities, such as in a solemn war, where the Government restrains the general power."

Again, Judge Washington says:

"In fact and in law, we are at war; an American vessel fighting with a French vessel, to subdue and make her prize, is fighting with an enemy, accurately and technically speaking; and if this be not sufficient evidence of the legislative mind, it is explained in the same law."

Let us read what Judge Chase says:

"What, then, is the nature of the contest subsisting between America and France? In my judgment, it is a limited, partial war. Congress has not declared war in general terms, but Congress has authorized hostilities on the high seas, by certain persons, in certain cases. There is no authority given to commit hostilities on land, to capture unarmed French vessels, nor even to capture French armed vessels lying in a French port; and the authority is not given indiscriminately to every citizen of America against every citizen of France, but only to citizens appointed by commissions, or exposed to immediate outrage and violence. So far it is, unquestionably, a partial war; but, nevertheless, it is a public war, on account of the public authority from which it emanated.

"There are four acts, authorized by our Government, that are demonstrative of a state of war. A belligerent Power has a right, by the law of nations, to search a neutral vessel, and upon suspicion of a violation of her neutral obligations, to seize and carry her into port for further examination. But, by the acts of Congress, an American vessel is authorized: 1. To resist the search of a French public vessel. 2. To capture any vessel that should attempt, by force, to compel submission to a search. 3. To recapture any American vessel seized by a French vessel. And, 4. To capture any French armed vessel wherever found on the high seas. This suspension of the law of nations, this right of capture and recapture, can only be authorized by an act of the Government, which is, in itself, an act of hostility."

These are some of the authorities which I present to the Senate as answering the position taken by the Senator from Kentucky. I do not doubt that, if I viewed the facts as he does, I would reach his conclusion; or, if he viewed the facts as I do, that he would reach my conclusion. I admit the force of his remarks in relation to the obligation of the Government to protect its citizens; and I would measure that obligation neither by time nor by money. I plead no statute of limitation, no incapacity to pay.

Nor can I agree with the Senator from Kentucky that it has been the poverty of our country, as he expressed it, that has kept us from paying this debt. There has been a time when our Treasury was gorged to such an extent as to require depletion by an act of distribution. When the last veto message was sent to Congress, the Treasury was full; the country was prosperous; there was no reason to dread the inability to bear this one payment; and if that was to have been the end of it, it might have been cheaply purchased by saving the time it has occupied. But this constitutes a precedent; it establishes a pledge that the Government, whenever it attempts to advocate the claims of one of its citizens, and to vindicate their rights against a foreign country, that it *shall* in doing so succeed, must wage an interminable war, or pay the citizen the amount of his claim. It is in this view of the case that I consider it of such great public importance. It is this which has urged me so earnestly to oppose the bill.

EXPENDITURES AND THE TARIFF.

SPEECH OF JABEZ L. M. CURRY,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. CURRY said:

Mr. CHAIRMAN: The Secretary of the Treasury, in his annual report, states the total expenditures of this Government, inclusive of the public debt, during the fiscal year ending 30th June, 1858, to have been $81,585,667 76—a larger amount than has ever been expended, in one year, since the organization of this Confederacy. The expenditures for the present year will not fall below the sum just stated. The receipts from the ordinary sources of income do not meet our expenses. Two questions of no ordinary import are thus presented. Shall we increase our taxes—that is the word, *taxes*—to obtain revenue adequate to the present standard of expenditures, or shall we diminish those expenditures? On the joint solution of these questions hang issues of momentous consequence, affecting the prosperity and political standing, if not the liberties, of this people. We must equalize our revenue and expenditures, or saddle upon the country a debt, for the discharge of which the productive energies and capacity of this country will be taxed to its utmost limit. Throw over it whatever disguise you may, the question is between retrenchment and economy on the one hand, and onerous taxes on the other. How can an American statesman and patriot hesitate in making an election?

As preliminary and necessary to the settlement of these questions, it behooves us diligently to inquire whether our disbursements cannot be curtailed, and, in the language of the President, "to institute a rigid scrutiny to ascertain whether the expenses in all the Departments cannot be still further reduced." I am aware that, with some people, the right place to commence a reform can never be found. Some appropriations, however indefensible, are too insignificant to be stopped; as if the smallness of the amount would convert a wrong into right. To cut off some of our useless foreign missions excites the holy horror of those who have been attached as tails to our embassies; to retrench in our Army and Navy is to cripple the administration of the Government; to make the Post Office, as it ought to be, self-sustaining, is to interfere with the extension of our commerce, the spread of our population, the security of the country, and the development of its various agricultural, commercial, and mineral resources. Theoretic Democrats ridicule, as dyspeptics, those who seek to arrest the tide of extravagance; newspapers, ambitious of organdom, oracularly characterize as a "mania" the disposition to retrench and economize, and to bring back the Government even to what it was two years ago; and the Constitution has almost as little influence over our legislation as the Koran or the Pandects.

The surest means of ascertaining whether our expenditures can be reduced, without detriment to the public service, will be to compare them with former periods, when our country was little less in territorial extent, and when the legitimate claims upon the public Treasury were about as large as at the present time. In 1848, our total expenditures, exclusive of the public debt, were, in round numbers, $45,000,000, and in 1858, nearly $72,000,000. The table which I have prepared shows the increase in several items during the decade from 1848 to 1858:

	1848.	1858.
Judiciary	$593,654 81	$1,062,631 61
Support and maintenance of light-houses	419,277 80	1,162,857 51
Marine hospitals	140,995 50	376,806 96
Building hospitals	23,376 07	333,323 16
Building custom-houses	92,140 48	2,021,193 74
War Department	14,558,473 26	25,485,383 60
Navy Department	9,786,705 92	13,976,000 59
Deficiency from postage	22,221 96	5,564,495 00
And for this year		9,164,935 10

After the elaborate speeches of the Senators from Georgia and Virginia, [Messrs. TOOMBS and HUNTER,] and the able speech of my friend from Virginia [Mr. GARNETT] in this House, it would be an unnecessary waste of time in detaining the committee with a recital of the items in which reductions can be made.

All of our Democratic statesmen have urged upon the country the necessity of rigid economy, and the pernicious consequences of lavish and wasteful outlays of the public money. Jackson, Woodbury, Polk, and Pierce, have insisted on a frugal administration as a fundamental tenet of Democratic faith. Mr. Calhoun, in 1836, said:

"To make our country powerful, we ought to avoid any measure opposed to its development, and to make the smallest possible draft on its productive powers."

Mr. Buchanan, in the same year, said the expenditures authorized at that session (and for the whole year they were but $30,868,164 04) ought not to be considered as a standard for future years. As late as 1852, he denounced $50,000,000 per annum as an "*enormous sum*," and invoked the strong arm of the Democracy to interpose and arrest the increasing expenditure, lest it might, in the course of a few years, reach $100,000,000. Our wisest statesmen have deprecated these large outlays, as unduly enlarging the patronage of the Government, corrupting public morals, debasing public sentiment, sapping the foundations of virtue, destroying the independence of the citizen, centralizing power, and "disturbing the nicely-adjusted balance between our State and Federal Governments."

A proper reduction will supersede the necessity of increased taxation. It is incumbent on those who urge a revision and increase of the tariff, not simply to assert, but to prove, that the expenditures cannot be so curtailed as to come within the estimated means. It is no just argument to allege that we need an increased revenue to meet the disbursements. The logical necessity is but half met. The *onus probandi* is but half removed. The expenditures, after severe economy and frugality, must be shown to be necessary to meet the proper wants of the Government. When that is done, and the means are insufficient, I will cheerfully vote to impose burdens on my people; but not until then, even though Pennsylvania should be lost to the Democracy in twice ten thousand presidential elections.

I fear, Mr. Chairman, there is with some an ulterior reason for this zealous advocacy of increase of duties, and that is a desire for increased "protection." Large appropriations may be made to create the necessity for increased taxes. It might be going too far to ascribe such a purpose to a majority on this floor, but one might naturally infer, from the eagerness with which, by agricultural college and homestead bills, the public lands, as a source of revenue, have been surrendered, that there was a covert purpose to render it impossible for the present tariff to furnish sufficient revenue. It is a contradiction in terms, an impossibility, for a high-tariff man to practice governmental economy and oppose extravagance. You may analyze the votes on all questions involving extravagant appropriations, or the surrender of sources of income, and the free-trade man is almost universally the advocate of economy and the opponent of excess, and *vice versa*. It is the men who desire bounties for par-

ticular interests, whose special purpose is to get "protection," not revenue, from a tariff, that are clamoring for increased taxation. It is not consonant with human experience that men should covet burdens, and pray for taxes upon labor and industry, without hope or expectation of compensation. Those who desire protection, and those who receive in the disbursements of the Government more than is exacted from them, can well unite forces and use a temporary exigency, fast passing away, to change a tariff adopted by two thirds of both Houses of Congress, and approved, in its main features, by the leading agricultural, commercial, and mining interests of the country. Agriculture, comprising near fifty per cent. of the population and five sixths of the capital of the United States, and commerce, including millions of capital, and the mechanic arts, are as much objects of governmental favor as manufactures, and their products are as much the results of home labor and home industry.

Since the foundation of the Constitution, twenty-eight changes, thirteen general and fifteen special, have taken place in our tariff policy. These changes and modifications, particularly in 1824, 1828, 1832, 1842, and 1846, have elicited much discussion from our profoundest writers and statesmen. The power of truth has been seen and felt in the gradual abolition of high duties and approximation to free-trade. The intelligent public sentiment has declared "protection" to be taxing profitable branches of industry to support the unprofitable; levying tribute on those which pay well for the benefit of those which do not; a tax on the productiveness of labor; "a warfare on the part of the manufacturing industry, and those which are associated with it, against the export industry of the community and those connected with it;" a robbery or plunder of many branches of industry for the benefit of one branch; and a crippling of real home industry to support local or sectional capital. The total value of exports of domestic produce in 1858, was $293,758,279. Of this amount, there were $30,372,180 of manufactures, and a heavy exaction, amounting to millions of dollars, is wrested from the large amount to foster and protect those engaged in manufacturing.

The reciprocal free trade between the States of this Union is regarded as one of our chiefest blessings and sources of prosperity. The removal of restrictions between Canada and the United States has been attended with like salutary results. The establishment of separate governments in each State would not render less profitable the free interchange of their varied products. If restrictions beyond our necessary economical expenses, to protect what is arrogantly denominated as *home industry*, be proper between this and foreign countries, wherein does the argument not hold good that States and counties and neighborhoods should levy like exactions, and exclude competition foreign to their limits. But a few days since, without dissent, we passed resolutions, declaring it the duty of the Federal Government to use its utmost power, by negotiations or other constitutional means, to obtain a modification of the restrictions with which the trade in tobacco with certain foreign nations is clogged. Why should we require our embassadors to negotiate favorable commercial treaties, extending our trade, when we impose heavy and unnecessary restrictions upon the productions of such countries? The Governments of the Old World are modifying their prejudices and liberalizing the laws of trade. Great Britain has relaxed her rigid navigation laws, and now derives two thirds of her customs duties from articles that are produced exclusively abroad, such as coffee, fruits, spices, sugar, tea, tobacco, &c. The commendation of Napoleon I, by the gentleman from Pennsylvania, [Mr. MORRIS,] for the protection of beet sugar, was hardly promotive of his argument; for, although the production of beet sugar has been artificially stimulated, "the quantity of sugar consumed," says Wayland, "is probably less by one third than it otherwise would be. England, with half the number of inhabitants, consumes two and a half times as much sugar as France," and the United States consumes four times as much *per capita* as the nations of Europe.

I take issue with the gentleman from Pennsylvania, [Mr. MORRIS,] as to the relative influence of protective tariffs and low duties. Reduction of duties has invariably stimulated industrial interests, and given increased impulse to agricultural, manufacturing, commercial, and navigating interests. Our exports of domestic produce, our tonnage, and our manufactures all increase under a low tariff. The tariff of 1846 very greatly diminished the duties of the act of 1842, and under its influence, although we passed through an expensive war, and witnessed the political and commercial revulsion of Europe in 1847, our commerce and revenue were largely augmented. A comparison of three years under the tariff of 1842 with a corresponding period under the tariff of 1846, will illustrate, at a glance, our relative growth and prosperity under the two systems. Our imports for 1844-45, and 1846, exclusive of specie, were $333,702,903, and for 1848-49, and 1850, $463,354,429. Our exports, exclusive of specie and foreign merchandise, for 1844-45, and 1846, were $299,705,146, and for 1848-49, and 1850, $396,814,023. Our tonnage ran up from 7,259,181 tons in 1844-45, and 1846, to 10,023,512 tons in 1848-49, and 1850. The manufactures of cotton exported in 1844-45, and 1846, were $10,772,189, and in 1848-49, and 1850, were $15,385,758. The exports of the produce of agriculture in 1844-45, and 1846, were $61,159,952, and 1848-49, and 1850, $103,186,808; of cotton in 1844-45, and 1846, $148,570,485, and in 1848-49, and 1850, $200,379,877; and our total exports of domestic produce were, in 1844-45, and 1846, $301,156,848, and in 1848-49, and 1850, $402,517,988.

The gentleman from Pennsylvania also advocated a protective tariff, on the ground that the opposite system encouraged European labor and industry, and made us, to some extent, tributaries upon Europe. That is the old argument which has dinned our ears since the earliest discussion of this question. Its fallacy consists partly in the fact that our domestic productions cannot find a market at home. Last year we exported of the products of the sea, $3,550,295; of agriculture, $53,235,980; of cotton, $131,386,661; of tobacco, $17,009,767; and for these articles foreign nations gave their products in exchange, and upon these products—supplied, in many instances, from twenty to fifty per cent. cheaper than they can be bought in America—we are asked to levy a heavy tax, lessening the ability of our customers to purchase from us, and, instead of buying where we can cheapest, to pay a heavy tribute to the capitalists who choose to invest in manufacturing.

If additional evidence were needed to show that this clamor is not excited by a desire to raise more revenue for the Government, it would be found in the fact of the persistent advocacy of the *specific* over the *ad valorem* system of assessing and collecting taxes. It may be hardly necessary to say that an *ad valorem* duty is one assessed in proportion to the value of the article paying the tax, and, whatever its rates, falls equally and impartially upon all consumers, and is, therefore, the most just and equal and honest; while a *specific* duty is—to adopt the definition of Edmund Burke, of New Hampshire, in his able articles, written over the signature of "Bundelcund," in 1845—"a certain, precise, and invariable sum, imposed upon all articles of the same kind, per pound, yard, gallon, bushel, or ton," without reference to their quality, cost, or value, and is fraudulent, unjust, and deceptive, hiding from the consumer the amount of tax, and giving a heavy bounty to the manufacturer. If the Legislature of Alabama were to fix a uniform but arbitrary valuation on every acre of land in the State, taxing to the same extent the city lot in Mobile, and an humble home in the mountains, it would be an extreme but intelligible illustration of the radical injustice of specific duties.

Mr. Clay, in the Senate, on the 1st of March, 1842, used this language:

"What are the other principles of the act? [Compromise act.] First, there is the principle that a fixed *ad valorem* duty shall prevail and be in force at all times. For one, I am willing to abide by that principle. There are certain vague notions afloat as to the utility and necessity of specific duties and discriminations, which, I am persuaded, arise from a want of a right understanding of the subject. We have had the *ad valorem* principle practically in force ever since the compromise act was passed; and there has been no difficulty in administering the duties of the Treasury on that principle." "Compare the difference between specific and the *ad valorem* system of duties, and I maintain that the latter is justly entitled to the preference. The one principle declares that the duty paid shall be upon the real value of the article taxed; the specific principle imposes an equal duty on articles greatly unequal in value." "I say that, in theory and according to every sound principle of justice, the *ad valorem* mode of taxation is entitled to the preference." "I believe that, if we adopt a fixed rate, *ad valorem*, wherever it can be done, the revenue will be subjected to fewer frauds than the injustice and frauds incident to specific duties."

The gentleman from Pennsylvania [Mr. MONTGOMERY] has just said that every Democratic President advocated the principles for which he contends. For his benefit I will read from Mr. Polk's message of 2d December, 1845, who, after speaking of the injustice and inequality of the act of 1842, recommended to Congress the abolition of the minimum principle, or assumed arbitrary and false values, and of specific duties, and the substitution in their place of *ad valorem* duties, as the fairest and most equitable indirect tax that can be imposed. In this opinion concurred such eminent Democratic statesmen as Calhoun, Wright, Walker, Woodbury, Lewis, Hunter, and Cobb, and hence the repeal of the odious specific minimum duties, and the substitution of the more honest and less protective *ad valorem* tariff of 1846.

Mr. PHILLIPS. I desire to ask the gentleman from Alabama if he did not vote for Mr. Buchanan for President in 1856; and if he did not know that Mr. Buchanan had, in the Senate, in 1842, delivered a speech in favor of specific duties?

Mr. CURRY. Certainly; I advocated Mr. Buchanan's election, and knew that he had made that speech; but, having been a member of Mr. Polk's Administration, under whose auspices the tariff of 1846 was passed, and from whose message I have just quoted, we had a right to infer, and did infer, that he approved that act and that message, which are in such palpable opposition to specific duties.

To proceed: under the tariff of 1842, Mr. McKay—upon whom the gentleman from Georgia, [Mr. STEPHENS,] the other day, passed such a high eulogium—*laudari a laudatis*—stated that *specifics* operated as protection from twenty-eight to two hundred and seventy per cent. Besides the covert protection, this cheating device increases the burden upon the poor and laboring classes, while it favors capital and exempts the rich from their just share in supporting the Government. I might easily make good this declaration by reference to the duties on salt, molasses, sugar, silks, &c., under the tariff of 1842. A singular and objectionable consequence of a specific duty is that, while it is nominally fixed, the tax is constantly increasing as the price of the foreign article is diminished; and, hence, a specific duty of twenty-five cents may be, and, if continued for years, will be, from seventy-five to one hundred per cent., if not far more.

Sir, that "bill of abominations," attempted to be offered here, on Monday, by the gentleman from Pennsylvania, [Mr. PHILLIPS,] the offspring of a combination between Black Republicanism and Pennsylvania Democracy——

Mr. HOWARD. Oh, no! there has been no combination; and it was not the bill of the gentleman from Pennsylvania.

Mr. CURRY. He fathered it; and now he disdains his own bantling.

Mr. HOWARD. Who?

Mr. CURRY. The gentleman from Pennsylvania, as I now understand, had nothing to do with it, and does not approve it.

Mr. PHILLIPS. I will say that it was not a bill that I would have chosen, but I preferred it to no bill at all; and I offered it as a measure which I thought would be likely to demand some attention, probably get sufficient votes to insure a suspension of the rules for its introduction.

Mr. CURRY. Then the bill was the result of a combination.

Mr. HOWARD. There was no sort of interest felt as to what bill was introduced; because, if the subject were brought before the House, it could then take any bill it pleased.

Mr. CURRY. Then the bill was not the child of the gentleman from Pennsylvania; he only adopted it as its foster parent. However that may be, the bill, under the guise of specifics, imposed a tax of from fifty to one hundred per cent. on many articles.

Mr. BLISS. I infer that the gentleman seeks

to charge all who voted to suspend the rules with being favorable to that bill. I simply wish to say, that I voted to suspend the rules, although I am unfavorable to the bill as reported; but in favor of some legislation. Many others entertain the same sentiment.

Mr. CURRY. I am glad to hear that all on that side do not approve the features of the bill. After this interruption, let me proceed with my argument.

The chief reason for specific duties is their alleged power to prevent fraud on the revenue. Experience has not demonstrated this capability. Under the act of 1842, the contested cases were numerous, and Alabama's most distinguished Senator, Dixon H. Lewis, stated, in a speech in the Senate, that he was informed that four different rates of duty had been collected, at four different custom-houses, on trace chains, which were subjected to a specific duty. To avoid these imputed frauds, under the *ad valorem* system, specific duties are asked for, as stated by the gentlemen from Pennsylvania and Michigan, on commodities of equal or uniform value, which do not fluctuate in price. If the value is so readily ascertainable, and the price does not fluctuate, then the reason for specifics, the prevention of fraud, fails. Iron, now paying a tax of twenty-four per cent., it is urged needs a specific duty. Now, who ever heard of fraud being committed in under-valuation of iron, or by a false or fraudulent invoice? But, says the same gentlemen, we want to keep out the inferior article. That is a matter safely to be intrusted to the good judgment and common sense of the buyer; and besides, the fraud is only transferred from abroad to this country, as the good articles will be adulterated and depreciated to suit the taste and pockets of the purchasers.

No, Mr. Chairman, the prevention of fraud is but the incident—a pretext. The history of the tariff legislation in this country shows no single instance of a change from *ad valorem* to specific duties on account of fraud. A higher rate of protection has been the inducing cause for a transfer from one schedule to the other, and that, to-day, is the controlling reason with the iron interest. Not content with exacting from the honest farmer and mechanic twenty-four cents on every dollar's worth of axes, hoes, planes, &c., they may buy, a deceptive and protective specific duty of a higher rate is demanded. Specific duties, during a series of years, are necessarily, if not originally, protective; and every man of common sense knows that protection to themselves, not revenue for the Government, and plunder, tribute, and exaction, are what the iron-mongers demand.

The gentleman from Ohio [Mr. STANTON] urged the adoption of specifics to give stability and uniformity of revenue, and cited the examples of Great Britain and other monarchical Governments for our intimation. They furnish no criteria for us. Our systems of government and domestic policy are entirely variant. There, royalty claims Divine right for its authority. Here, the Government springs from and exists for the people. There, State policy must be carried out, independent of the burdened millions. Here, Administrations live, move, and have their being in the nostrils of the people. There, the Crown, the nobility, the church establishments, the pensioned, must suffer no diminution of income, although a pestilence may rage in Ireland, and a war desolate Europe. Here, when disasters overtake us, the Government must stop its extravagance, lessen its exactions, and conform its policy to the people's necessities. Great Britain must have a permanent revenue, never falling below £50,000,000. Commercial crises, political revulsions, continental wars, change not her international policy. Her expenditures never contract, in time of peace even, below a certain amount, and her patronage must never be diminished. Hence she adopts specific duties, as varying prices affect not her necessities, and must not cripple her resources. In America, free, republican, representative America, we repudiate such theories, and disavow such modes of government. Simplicity, economy, frugality, justice, honesty, equality, should characterize our action. As prices are depressed, as trade languishes, as general inactivity prevails, as commerce is paralyzed, as our national energies are benumbed, the Government, drawing its aliment from and sympathizing with the people, must suspend its material development, reduce its taxation, and conform its action to the condition of the citizens, and respect the vicissitudes which have overtaken them.

Mr. Chairman, I regard this question of the tariff connected with expenditures as overshadowing all temporary issues. If eighty or seventy million dollars are to be established as the permanent standard of expenditures, below which they are not to be reduced, the policy of the Government will be changed, the fruits of many victories will be turned into ashes, the powers of the States will be absorbed by a central head, Federal patronage and influence will subsidize the States, corrupt personal and official integrity, and make the South "hewers of wood and drawers of water" for worse than Egyptian task-masters.

Of the effects of such a policy upon the Democratic party, I have not time to speak. Of the just responsibility of that party for the existing condition of affairs, having the President and a majority in Congress, I do not seek to shield it; but in extenuation, it ought to be affirmed that obnoxious appropriations, enlarging patronage and swelling expenses, are generally passed by the other side, aided by the tariff interest on this. But a short while since, "free trade, low duties, no debt, separation from banks, economy, retrenchment, and strict adherence to the Constitution," was the rallying cry of the Democracy. Under our banner, inscribed with these principles, we have gone forth to victory. The North, the South, the East, the West, all sections, have witnessed and shared in our triumphs. Our country has been extended, shackles from trade have been stricken off, the moneyed power has been divorced from the Government, proscription for birth or religion has been prevented, and bright-eyed progress has led our movements. Defeat has stimulated to renewed patriotic exertions, and triumph has enured to the benefit of the country. Is all this to be changed, and are an indignant people to drive us from power, as betraying our trust and belying our professions? Hitherto, our strength has been in the purity of our principles and the constant adherence to them. Hitherto, we have, to a great extent, preserved the rights of the States and of the people. Now, we are divided, torn with dissensions, composed of inharmonious elements, and weakly held together by some occult, cohesive power. Sir, there is virtue, power, victory, invincibility, yet in Democratic principles; but to secure and merit success, there must be a self-lustration and a speedy return to the rigid State-rights and free-trade principles of John Taylor and Jefferson, of Polk and Pierce, of Calhoun and Woodbury. On such alone can the Government be safely administered, and on such alone depend our security and prosperity.

SLAVERY.

SPEECH OF HON. L. M. KEITT,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

February 28, 1859.

The House being in the Committee of the Whole on the state of the Union—

Mr. KEITT said:

Mr. CHAIRMAN: It is a peculiar tendency of some minds to accept, as facts, foregone conclusions which, otherwise defined by the essence of things, frequently come to delude us with the merest varnish of truth. Among those acts of faith which the mind is so prone to perform, I may well be allowed to include the general belief that the direct mission of Christianity went beyond the redemption of souls, and that, breaking the fetters of bondage, it was intended to elevate the slave to an equality, which derives its possibilities from the brains only of modern fanaticism, skillfully egged on by political knavery. If, sir, on past occasions, and in the remarks which I have deemed it proper to make in defense of the institution of slavery, in the sense that it violates no law of Christ and involves no commission of sin, I have not gone astray from the lawful scope of those remarks, or mistaken the teachings of the Gospel; then may I boldly assert that, as Christianity never condemned, so neither did it abolish slavery, through the application or enforcement of any binding, canon law of the Church.

The Church, sir, whatever you may deem that to be, in its agencies on the body-politic, was no institution outside of the general laws which control society. It was its boast, on the contrary, that it could fitly harmonize with the mass of social interests which it found in existence when it was organized. The proclamation of Christianity, therefore, called for no abolition, by virtue of any superior right, of the forms of government; nor did it produce any sudden revulsions in the established order of things. If, according to the teachings of St. Paul to the Galatians—a doctrine which, I think, I have strictly explained—there be an equality among men, that equality does not extend to the coördinations of human society. Its level, sir, is outside of the measurements of earth. It is drawn in the eye of God, who has said "My kingdom is not of this world;" and it marks the equality as a spiritual one, justifying the declaration that "He is no respecter of persons," as components of a body of human society.

In order, sir, that there might be no doubt on this subject, the same Apostle, training the Corinthians, who, as Greeks, were the owners of slaves, and who, as neophytes, might have harbored some scruples—the same Apostle, I say, training them to the knowledge of spiritual gifts, heralds, as it were, his teachings to the Galatians by the declaration to the Corinthians that "By one *spirit* are they all baptized unto one body, whether they be Jews or Gentiles; whether they be bond or free." The very illustration which he uses to enforce his teaching and its meaning forelays the ground which I have occupied in repelling the sophisms of a Christianity condemning slavery into sin. The teaching of the Apostle, sir, is, that the influence of the spirit of faith reduces all discrepant elements into one body for the reception and exercise of *spiritual* gifts; but the discriminations between the various members of the body are clearly retained, and the necessity of their relative uses elegantly enforced. It is the wisdom of the pagan Agrippa, made holy by the breath of Divine inspiration, speaking through the lips of the Apostle Paul.

Before God, therefore, and Him only, according to the earliest Christian doctrine, are men equal; and in Him are found the sources of a freedom not human—the spiritual freedom which Paul defines as the "liberty of the sons of God." Thus, then, Christianity deferred to the arrangements of the social organism which it found existing on its advent. Society was then, as it is now, a great body, each member of which has its own special use and assignment—an organization in which each one is commanded, by the Master himself, to occupy this station and perform his task. In that organization, among the other integral elements, the Apostle found the slave; but neither in the name of his Divine Master, nor by virtue of his mission of truth, did he withdraw the slave from the obligations of the general, social scheme. The inequality of the *status* remained as it stood before the promulgation of the soul-saving law; whilst equality merely was proclaimed in the right to, and in the participation of, those spiritual gifts which are assurances of the salvation of souls, whether they live and believe and pray, in the body of the master or of the slave; whether the slave was one of our own race, as he then existed, with the superior organization which we claim and vindicate; or whether he be, as now, the black barbarian, redeemed from the savagism of Africa, and, through the noviceship of domestic slavery, inducted into the humanizing arts of life and trained to the very knowledge of spiritual things, which leads to the salvation of souls.

Now, in the act of making its proclamation, Christianity, as I have already shown, neither assailed, repudiated, nor condemned, any of the distinctions which society had seen fit to establish—and, by inference, whatever it may now have established—but, on the contrary, its voice, *ab ordine rerum*, down to the present day, commands obedience to the order of things and enjoins "tribute to whom tribute is due; custom to

whom custom is due; fear to whom fear; and honor to whom honor." This, I take it, sir, is the real spirit in which the original Christian faith prescribes its rules of conduct for man, so long as social distinctions, that is, so long as society itself, shall continue to exist. It may, and, I am free and bold enough to declare it, it does bring the master and the slave up to the Maker on a footing of equality when it comes to the scrutinies of the soul. But, far from condemning the lawful distinction and the consecrated right as between the master and the slave, it does, in the name of that Maker, sanction the distinction, recognize the right, and demand kindness from the one, and from the other obedience. This, sir, is the whole and defined extent of the apostolic teachings on this subject of slavery. Beyond that, the Gospel, which those Apostles were commissioned to teach and expound, far from condemning slavery, supplies for it, on the contrary, a prop and a stay as an institution of society, not repudiated, not reproved, but actually admitted by the scheme of the salvation of mankind! A self-consistent Christian, unless he be "in the bonds of ignorance," has no right, therefore, to condemn slavery as something reprehensible in the religious point of view. He cannot declare it at war with the mandate of God without declaring himself, *ipso facto*, wiser and holier than the God who instituted it by the revelations of the primitive law, and sanctioned it by the silence, at least, of the New Testament, which is the record of that law fulfilled in its essence!

Hence, there is no teaching of the Apostles, there is no decision of the Church which they reared—I mean, sir, the Church which existed when there was none other that could pretend to decide—which has declared the tenure of slaves to be sinful, whether *per se* or in relation to the utterances of God's law. Unless I mistake, Mr. Chairman, the normal rule of the Church has ever been: "*In necessariis unitas; in dubiis libertas; in omnibus charitas.*" A magnificent rule, sir, which I should be glad to see applied to the wielding of our political trust. But, whether or not applied by us, that unity you find among the Apostles; you find it in those who followed them, and you find that it has not been departed from, so far as slavery is concerned. On the contrary, I have amply, and I trust victoriously, shown how it was treated and understood by those who were immediately sent by the Savior as heralds of His law and of His creed.

But, Mr. Chairman, whatever may be the diversities and dissidences of the day, I maintain that, as the truth of the doctrine of Christianity is one and essential, so was its application in the origin, and in the course of time, one and essential. It will now, therefore, be mine, in the pursuit of my object, to endeavor to show what was held in reference to slavery by the earliest expounders and defenders of the Christian faith. Should you follow, sir, the application and sequel of that doctrine during the ages which witnessed the establishment of the Church—should you examine its usages and practice—you will find them all converging into testimony against the innovations of our times. Inquire into the teachings of the successive trustees of the new faith, when it had ceased to lurk in the dark corners, or had emerged from the crypts and quarries, to stand face to face with the institutions of the empire, if not to supply one of the elements—the only one, indeed—of its moral power; and they will answer our retailers of political Christianity to their confusion, if their hardihood can be confounded; as well as to their shame, if they have retained that distinctive attribute of manhood.

It was the champions of that Church, sir, who, resting on the Gospel of their Master, settled the canons of the early faith and doctrine, which some of our "eleventh-hour" men now ignore, if not repudiate, because they protest against their unholy passions and pharisaic cant. For the former against the latter, I may, at least, claim the benefit of the axiom of human law: *prior qui tempore, potior ille in jure*. Their priority of possession, in time, is a warrant, at least, for their priority of possession in right. Ask that Church, therefore, bishops and teachers, whose followers undersigned their faith with the blood of martyrdom. Ask those who piously gathered the traditions of that Church and as faithfully hoarded the teachings of that faith. "Ask your fathers, and they will show you—your elders, and they will teach you," that the doctrine which they received on this subject from the hands of the Apostles, that doctrine they delivered to their people in the successions of time. They will teach that none they received and none they taught, of a peremptory character, against the fact or right of slavery; but especially that none did they receive or teach, which marked it with the brand of sin, or of violation of either covenant or Gospel law!

Now, sir, as all are agreed in admitting the first four centuries, up to the fifth age of the Christian Church, as periods of authority in matters of faith, so shall I pass, sir, through that period as cursorily as the subject will allow, and, among other authorities, invoke that of some of the fathers, doctors, and saints—the great lights and able exponents of the creed—for the true doctrine of slavery in connection with the permissions or inhibitions of the law of God. In the teachings and exhortations of these fathers of the faith, I see much that justifies slavery as a normal condition of social life; much that appeals to the charities of the master in regard of his slave; much that admonishes the slave that he owes to that master the service of his body; but I see nothing—not one word—which distinguishes the institution by the characteristic of sin.

In the foremost rank of authority, sir, I meet with the name of Ignatius, bishop of Antioch, and one of the earliest fathers of the Church. When I say in the foremost ranks, I do not mean that his teachings are invested with more authority than are those of his cotemporaries and successors. All of them are alike entitled to credit and faith. But I mean to say that the logic of Lardner and Norton stands still impregnable; and that all the sophistries of a Strauss or a Feurbath have not yet succeeded, as they never can succeed, in thrusting him from his "local habitation," and living, teaching action in the apostolic age. It is the name of one, sir, who not only ministered when the voice of the Apostles was still ringing in the ears of the faithful, but, one, also, whose own voice was the echo of Peter's, the first appointed shepherd of the Christian flock, from whom he had learned not that slavery is sin, but, on the contrary, that the slave is, by the law of God, subject to his master "with all fear." If you cast, sir, a retrospective glance at the then existing condition of things, you will find that, forgetful of the declaration of the Divine Master, the Roman world—that, sir, had got to be the whole world—the Roman world, I say, unheeding his words, "My kingdom is not of this world," deemed that he had come to overturn the existing order and substitute for it a material organization of power. As St. Paul had been assailed with questions, all looking to a supposed change in the social order, and affecting the relations of husband and wife, of parent and child, of man and woman, of master and slave, in the arrangement of human, legal society, so were his successors plied, in the course of time, with inquiries all tending to the same ends for decision. Hence you find the good Bishop of Antioch, among the anxious inquiries of his flock, adverting to this question of domestic slavery, writing to Polycarp, and, through him, recommending to the Christian slaves, by whom he was surrounded, just as St. Paul had done to those of his missionary provinces, to be obedient to their masters in the flesh, and still more faithfully and assiduously to serve, for the very reason that they are believers in the faith. I ask you, sir, to heed the import of his words. As the slaves believe—*cum crediderint*—so the more are they bound to serve their masters in the flesh—*plus dominis carnalibus servire debere.** And where, sir, do you find this imperative command? Is it in the evidences of mere human speculations? Is it in the delivery of mere human opinions, which may, or may not, work conviction in the human soul? Why, sir, it is in a book of testimony, drawn up by one of the original teachers of the faith; drawn up by one trained to immediate contact with the Apostles, and charged by immediate commission to teach to the flock whatever essential thing of that faith they had received from the Master's lips.

Proceeding in this inquiry, which, I repeat, is intended to show that our northern anti-Christs are perverters of the primitive faith, when they say that the doctrines of the Savior proclaim slavery to be a sin, I find, in the middle of the second century, a legion of missionaries starting from the shores of Asia Minor; from those shores where the teachings of the true creed had been delivered by St. Paul to the firstlings of the Christian faith. I find them, sir, coming out of the people, whom John the Evangelist, at a later period, addressed without rebuke, if not in praise, for that they were one of the two congregations that had received and still retained the doctrines of truth. I find them coming from the very spot where Irenæus had been trained to the knowledge of that truth by Polycarp, the Bishop of Smyrna, in the vindication of which the good bishop set up his testimony of martyrdom. Yes, sir, under the lead of Pottinus and Irenæus I find these witnesses of the truth of the doctrines of the Christian Church, in all its relations with social life, wending their way from the shores of the Euxine and the Ægean to the fastnesses of Western Gaul, to pull down the dolmen of the druid, and rear in its stead the altar of God!—to dispel the falsehoods of heathenism and flash the lights of Christianity. For that purpose, sir, they went to those provinces in which the general powers of Rome pressed in every form of enormity—provinces in which the institution of Roman bondage—a fearful system, sir, I am free to confess—exhibited its harshest features in the right of conquest and the usage of slavery combined. These missionaries—not like our northern fanatics, missionaries of hate, insubordination, and bloodshed; but missionaries of love, duty, and obedience—we find, sir, preaching self-denial and patience to the conquered tribes. To the rural slaves we find them holding up the duty of obedience in the name of the Redeemer. Those men were his representatives. They could not, sir, disparage the essence of their mission, nor belie the truth of the doctrine, which they had traditionally received from his divinely unerring lips. The testimony of history is still extant to tell us that those provinces of both Cisalpine and Transalpine Gaul swarmed with herds of paupers and multitudes of slaves—slaves, so recognized both by the preëxisting usages of the tribe and the subsequent law of conquest. And these, sir, in contact with few, very few, provincial masters, the majority of whom were actually emancipated slaves themselves! They greedily clustered around the strange heralds of a strange creed to them. The hopes of that creed—the promises of its salvation—were tendered to them. But nothing was taught them that could affect their social condition, which it was not within the scope of the Divine mission to touch. They clustered around those "heaven-alighted" heralds of spiritual weal. We have, sir, the record of the history of those days for the fact that they asked easement from their estate of bondage; and you have, sir, the answer also of those men of peace and justice. The early representative of that Church, which claims that it cannot err, because it claims to be under the guidance and the presence of its founder—one of the living and successive echoes of the teachings of the Apostle Peter, caught from the lips of that founder, and of the Apostle Paul, miraculously initiated into the secrets of His will—Irenæus has but one answer, like St. Paul's, for their anxious inquirings: *servos, cum crediderint, plus dominis carnalibus servire debere!* Slaves! for the very reason that you are believers—for the very reason that you have been redeemed from the darkness of paganism—for that very reason are you still *more* bound to tribute service to your masters! And, sir, is this a new doctrine of Irenæus? Were the ears of the Gallic slaves the first that had ever been addressed by this doctrine of submission, involved in the doctrine of truth? Why, sir, a century had scarcely gone by when to the Ephesians, to the Galatians, to the Corinthians—nay, to the very pastors of the churches and missionaries of the faith—that doctrine had been proclaimed and enjoined by St. Peter and St. Paul, lest, in the words of the latter, "the name of God should be blasphemed!" Why, sir,

* "Servos, cum crediderint, plus dominis carnalibus, servire debere.—*Testimon.* lib. 3, cap. 72.

go to the conventions—go to the pulpits, or to whatever place in which our "covenanting carles" exult in their saturnalia of pseudo-Christianity—proclaim this doctrine, taught, maintained, and enforced by the immediate recipients and the expounders of the faith, and our modern improvers of its teachings would not, I have little doubt, hesitate to denounce Peter and Paul as perverters, if, indeed, they should abstain from the blasphemy of charging the Savior with imposture!

And yet, sir, were slavery a sin, as our traducers pretend it to be—were it, and had it been, a violation of the commandments of the law of grace—never, since the days of the Master himself healing the slave of the centurion, had such an opportunity offered for its condemnation in the name of God. Never such an opportunity for holding it out to the few masters converted to the faith as a sin blighting the soul and subjecting them to the anger of Heaven. In those provinces, sir, the slaves being incomparably more numerous than the masters, the first missionaries of the faith, had they acted in policy, and not in truth, might have said to the former, in answer, "The law of the Redeemer is against the claim of those who hold you in bondage; you, as well as they, have been called to the knowledge of Divine truth; and we as its messengers, declare to you that that Divine truth charges you to refuse them service and obedience, because the service given and the obedience claimed are violations of the law of God, and sin committed in his sight." Was that the answer, Mr. Chairman? Happily, sir, the voice which, pealing above the roar of wild beasts in the arena of Lyons, praised God that he had "brought his servant to the knowledge and teaching of truth;" the voice of the holy martyr, Irenæus, joining in the concert of nine thousand other Christian voices of masters and slaves singing the peans of martyrdom, still rings through the lapse of seventeen hundred years this answer to those who hypocritically descant on the slavery sin of the South: *Servos, cum crediderint, plus dominis carnalibus servire debere*—slaves, as you are believers, the greater your duty to serve your masters in the flesh!

You cannot, sir, open a single page of the history of those days, which is the basis not only of modern history, but the baptismal record, also, of all modern society, without finding testimonials of this kind. According to St. Hilarius, a truly religious man is to take no account of the condition of freedom or of slavery; whilst he makes no distinction of bondage, but that of the soul in sin.* Slavery, therefore, not as understood and judged by the vulgar, is but an empty name, which may deceive the herd only as to the relative condition of master and slave. It is a mere accident of life—a fact which may be set among those things which are immaterial in themselves—things that may be good or bad in accordance only with the disposition of the spirit of those who are submitted to its trials and its requirements. Good, if they obey the injunctions of the Savior, speaking through the apostles; bad, if they resist the mandate, in the resisting of which lie the disregard of the law and the guilt of sin? Now, sir, do you find a word in this which goes to make slavery sin? No doubt it is an inconvenient thing, says the doctor; it is a hard obligation of life; but is it a sin, as our modern doctors teach? Not a word, sir, about that. But the bondage of the soul, which is sin, that the teacher of the primitive faith holds to be wretchedness, indeed!

Another one, sir, and one of even greater authority, if there can be relative degrees of authority upon an essential truth, the great Basil, enforcing the example of St. Paul returning Onesimus to Philemon, prescribes to his clergy to admonish and *amend* the slaves who take refuge in monasteries, and to return them to their master's authority. To the slaves themselves, by the seventy-fourth of his rules, he enjoins the duty of obedience *dominis carnalibus*—to their masters in the flesh. In others of his dogmatic writings, having special reference to matters of faith, the great doctor does not scruple to invest his reasoning in the formulas of Aristotle, and to proclaim —what? That slavery is a curse and a sin? Why, sir, that "it is useful and profitable to him, who, from inferiority of faculties has not within himself the means of self-guidance, and requires it from abler hands."

This, though more radical than the teachings of any of the other fathers, Augustine and Ambrose, perhaps, excepted, is strictly in keeping with their lessons, that looked to the emancipation of souls from the bonds of sin and not to the enfranchisement of slaves from the master's rights. We find another example, sir, derived from the same doctor; one which, although not presented in a didactic form, is not the less significant of his tenets on the nature of slavery and the character of the slave. Intrusively questioned by Simplicia, an Arian lady, who called him to account for some of his opinions—his very dictum, it may be, on the subject of slavery—the eminent Bishop tells her: "My discourses are not such as you deem them. God will be my judge. If witnesses be required, *let no slaves be brought forward against me.* People of that condition shall not stand at the judgment seat; but virtuous and *perfect men*, who shall see in reality what is now seen in the spirit only." We of the South, sir, might well borrow the vindications of the learned doctor and equally pure saint to answer the impertinences of the pantaloonedConstantinople Simplicias of the North! I would naturally expect them to pervert the true doctrine, speaking through his lips, and assail a character which still splendors with all the beauty of primitive virtue. Well, let them, if they choose. What the reasoning of a wolf might be against an originally-appointed shepherd of the flock, I will not stop to inquire. Yet it seems to me, Mr. Chairman, that it might not, by comparison, disparage the logic of our meek northern friends, who assume to themselves the exclusive wardship of the American Christian flock, to howl denunciations against the other pastors who have guided their sheep in the spirit of truth that has lawfully come down to them. As they now denounce us of the South, who maintain that slavery is neither immoral nor antichristian, so I have no doubt they will not spare their abuse of the teachings of the first shepherds of the fold, into which some there be who are irreverent enough to suspect that they have stealthily clambered to contrive mischief and suggest bloodshed in the Master's name!

However this may prove, Mr. Chairman, I find additional reasons for its probability in the accumulation of irresistible testimony, which rises out of this inquiry, provoked by the repeated slanders of our adversaries. I find another expounder of the early faith of the Christian Church, as one of the body of heralds and teachers of the Gospel, the promises and reaches of which are bound only by the duration of eternity. Him I find a profound thinker, a faithful bishop, a man, of a far-reaching intellect, of inflexible justice, and of saintly purity. In that man, sir, in St. Ambrose of Milan, I find a like identity, a like coherence of doctrine on this subject of slavery, as handed down to him by the apostles through his predecessors. Slavery is one of the conditions of life; but it is no violation of the law of God. It is a hard estate; but it is no destroying sin. Far from it; St. Ambrose holds that it may be a useful necessity. You have heard, sir, one of the lights of the eastern Church, St. Basil, declaring that inferiority of faculties makes bondage profitable to the slave. Listen now to an equally great head of the western Church, in perfect accord, and in consonant faith with his coworker in the task. St. Ambrose, in his treaties on the life of beatitude, speaking of the bondage to which Isaac reduced Esau, his own son, advances the proposition that it was right that Esau should serve a brother *more* prudent than himself.* Error, sir, is the child of Time; Truth the offspring of Eternity. Truth, therefore, is ever unchangeable.

The doctrine of the earliest guardians of the creed of truth, after a lapse of fifteen hundred years, is the doctrine of those of us who maintain the benefit of the institution for the welfare—moral, physical, and religious—of the African slave. A race, sir, which, for all the contacts of civilization, is marked for the lower reaches of its scale A race, which, with the pretended blessing of emancipation, after the trainings of labor had initiated them into a species of elevation, have shown themselves to be so utterly incapable of self-guidance and so ludicrously unfit for self-government, is a race marked by every characteristic which defines strict inferiority. This, sir, is what we, who are the founders and the judges of our own system of society, maintain; this is what the admitted levites of the faith have justified in times past. This is what warrants us in hurling back, upon our traducers, the charge of sin against God; especially when slavery seems so manifestly to be one of the means of his providential ends. To this view of the question, the doctrine of St. Ambrose is germanely applicable. The enfeoffment of Esau into his brother Jacob's hand is additionally sustained as coming within the intentions of God; whilst, on the pretended sinfulness of slavery, as a fact existent in society, Ambrose leaves no doubt. With him, as well as with the other doctors, the only bondage is that of sin. The slavery of the body is a condition of human existence, and, as I have already shown from another source of authority, a merely hard estate of life.

But, sir, from whatsoever body of authorities, I defy any opponent to show that the keepers and expounders of the primitive faith—though they held the fact of slavery to be a harsh one—though they pleaded earnestly for its mitigation—ever held it in any other view than that of one of the inconveniences of life, like pauperism, for instance; or ever proclaimed it to be in violation of the Divine law. To suppose that they ever could have done so is impossible—it is monstrous. They, sir, were self-consistent men; they were men of sense and conscience both. They claimed and asserted the right of being the depositaries of the faith and the discipline which the Apostles had taught; and they knew, long before our modern-times discoveries, that every line which bears the record and enjoins the disciples of that faith stands out in accusing rebuke of the perversions of our opponents. They, therefore, could not stultify themselves and disgrace their ministry by teaching that to be sin which the original doctrine had not so taught. On the contrary, sir, both St. Augustine and St. Chrysostom, far from qualifying slavery as a sin, claim it to be the result of the violation of the law of God, and, therefore, one of the forms of displeasure indicated by the Maker for the infringement of his will. Them I have selected, sir, to complete my testimony, drawn from the primitive sources, because as expounders of the tenets of the Greek and Latin Church, they stand prominently in advance of their glorious compeers.

St. Augustine, in his magnificent conception of the mystic city of God, lays down the theory of slavery with an unfaltering hand. Proceeding to argue that the condition of slavery must have been rightfully imposed on sinning man, he concludes that sin was the original cause of bondage. If that be so, sir, then am I justified in having, upon other occasions on this floor, carried its origins to the very threshold of human existence. "Sin," says the great doctor and logician, "is the primal cause of slavery. Whence, man was made subject to man in the bond of its condition, *which could not be done, except by the judgment of God*, in whom there can be no injustice." And this is not merely his own exposition of the fact; not merely his own conclusion from it, but, like all the other doctors, he rests them, so far as they have any binding power, on the teachings of the Apostles who, he repeats after all his coadjutors, commanded the slave to obedience. Nay, who exhorted them, if they could not be emancipated by their masters, to turn their bodily bondage into spiritual freedom and to serve their masters in good will, until all human principalities and powers shall have passed away, and God is all in all!*

* Conditionem corporis religiosæ animæ generositas despicit. Officium quidem durum tamen homini non omnino miserabile; at verò animæ captivitas, quàm infelix es!—*Tract: in psalm*, 125, § 4.

* Qui imperare non poterat et alterum regere, servire debebat, ut à *prudentiore* regeretur. *Ambros: de vitâ beatâ*; lib. 2, c. 3.

* Conditio quippe servitutis *jure intelligitur imposita* peccatori. Prima autem causa peccatum est, ut homo homini conditionis vinculo subderetur; *quod non fit, nisi Deo judicante, apud quem non est iniquitas.* Apostolus etiam servos monet ut scilicet, si non possunt a dominis liberi fieri, suum servitutem ipsi quodam modo liberam faciant, donec evacuetur omnis principatus et potestas humana et sit Deus omnia in omnibus.—*St. Augus. de Civitate, Dei. lib.* 19, *cap.* 15.

So, Mr. Chairman, according to St. Augustine, who cannot be presumed to have had as much learning or wielded so powerful an intellect as the Reverend Cheevers, or the equally Reverend Beecher, but who assuredly must be admitted to be as genuine an interpreter of the doctrines of Christ as they can possibly be, slavery is the result of the will and judgment of God, *in whom there is no iniquity*. Yet, sir, the Reverend Cheevers and the equally Reverend Beecher stand up in their pulpits and virtually damn us for allowing that which He himself instituted by special ordinance for a special purpose! A strange phase of sin, indeed, would that prove, Mr. Chairman, which is laid down by one of the accredited expounders of the Christian faith as the result of a judgment of a God, *apud quem non est iniquitas*—of a God whom it were blasphemy to submit to our scrutinies or to charge with injustice; yet a God whom our northern friends do not hesitate to arraign, and constructively to condemn, before their own impeccable tribunal! Sir, I do not pretend to be very familiar with the question, as agitated in this special form, by the past expounders of the faith. Indeed, I confess that my inquiries on this ground are of a comparatively recent date. That they have been confined to ascertaining whether actually and truly, in the opinions and by the teachers of our forebearers, we are the shocking sinners which our loving brethren would have us appear; confined, sir, to ascertain whether the charge that "slavery is a sin," made against us of the South, is founded in the testimonies of the early Church; and whether those, many of them indeed, who gave evidence of the true spirit of faith, in the greedy raptures of martyrdom, had really marked us, for centuries and by anticipation, as violators of the law of God, into which our charitable northern friends would pervert us in the sight of the country and of the world! Yes, sir, I confess that beyond that line my investigations have scarcely gone; but I am equally bound to feel and to know that they have led me far enough to detect the shallow pretensions of our detractors, and to discover the source of much of the acerbity, the presumption, and intolerance of those who affect the monopoly of moral goodness and religious truth, by virtue of their aurora-borealis system of faith, looking like the true light, yet flashing nothing but error and bale over the northern heavens! Now, do I understand, sir, the truculent ravings—the madhouse blasphemies of an "anti-slavery Scripture and an anti-slavery God?" The fiat of that Scripture, which, in this matter at least, cannot be theirs—for truth and falsehood cannot co-exist—is against their calculated malice; and the very ordinance of the God whom they would impiously shape to their views speaks in condemnation of their arrogant perversions. They howl against the slaveholder of the South in their very inability to convict him of sin in owning slaves. Still more fiercely do they howl against us in their impotence "to rail away the seal" from the testament of truth, which, not ranking slavery among the infringements of the law of God, has been handed to us by the early propagators, doctors, and martyrs of the Christian faith to protest against their attempts to wrest its legacies to their own unhallowed ends.

I have said, Mr. Chairman, that St. Augustine has laid down the theory of slavery with an unerring hand. It is saying but one half of what he has done on this head. With a precision more marked and telling than anything that characterizes either Pagan or Christian thinker—with a closeness of reasoning more binding than you find in an Epictetus, a Seneca, or a Libanius, he clenches the question with the fiat of an authority which no heathen writer could command. His premises he carries to conclusions which none but the hopelessly ignorant and the willfully perverse can resist. You have heard him, sir, lay down the proposition that slavery is the consequence of sin rightfully adjudged, and *necessarily* so, by a God in whom there is and there can be no injustice. Listen now, sir, both to the logic of the philosopher and the doctrines of the saint. In the sequence of his chained conclusions, he takes issue with our good friends and tells them—not that slavery is sin—but that so soon as sin asserted its power it tainted the freedom of man, and, in so much, introduced slavery. "From this fact, therefore" argues the great doctor, "both the slave and the master may alike derive great advantage; if they shall consider that out of sin grew among men the distinction which marks the domination of the master, and, on the other hand, the subservience of the slave."*

I would suppose, sir—indeed, any one might suppose—that, after conclusions so terminative, the question might well be closed. The learned and holy doctor, however, is not satisfied with results which might leave room for the doubts of the skeptic or the objections of the sophist. Taking up his own argument, he reduces it, under every phase, to the searching scrutinies of his own vast intellect, and comes to the ultimate conclusion that slavery is the result of a preconceived intention; that it is evident that it was *lawfully introduced into the world by the law of nations*, and that the slaves, by the mandate of Holy Writ, *ex scripturâ sacratâ*, are bound to acknowledge their masters and to serve them.†

Stepping from this conclusion, sir, the doctor carries the question upon other grounds. He seems to have anticipated the very objection of those who, admitting the introduction of slavery by the will of God, claim that it is condemned and abolished by the subsequent law of the Gospel. If slavery entered the world through sin, it may be argued, he says, that it was blotted away by the atonement.

But the answer to the objection immediately follows in the compactness of reasoning, which is peculiarly his own. "These questions," he says, "may be satisfactorily settled by one solution. Our forefathers, indeed, did sin, and by their prevarication introduced slavery into the world; but that slavery, thus introduced, their posterities *confirmed* by the fact of their own sins!" I may safely rest the question, Mr. Chairman, on the authority of a teacher, of whom we have the record that "he allowed no utterance of doubtful doctrine ever to pass unchecked and unrebuked;" rest it with the conviction that one so watchful of the sincerity of religious truth in others could hardly have erred in laying down and enforcing this question of slavery in the sense of Christian duty and of Gospel precept. He had learned, sir, and probably had learned from the very epistle of the Apostle Paul which poured the truth of God's Word, with converting power, into his mind, that that Word spoke no condemnation of slavery. The promises of the atonement had been made, and the injunctions of that Word had been preached, for more than three and a half centuries; and yet, in the presence of both, the doctor does not hesitate to decide that the continuance of sin among the posterities of Adam confirms the fact of slavery.

Hence, Mr. Chairman, you perceive that St. Augustine traces the origin of slavery to the very precincts of Paradise; derives it from the violation of the first command, and justifies its usage as a result—*Deo judicante*—of the judgment of God, and sanctions its existence, *jure gentium*, by the law of nations. But surely, sir, neither of these can make slavery a sin. Like plagues, war, scourges, and death, it can be but a consequence at worst. The former is an effect, the latter is the cause. To the destruction of the latter, therefore, according to the axiom, *ablatâ causâ tollitur effectus*, should our actuaries of the politico-religious concerns of the world apply their undivided efforts and their holy zeal. For observe, Mr. Chairman, if the commission of sin was the herald of bondage, then must its prevalence be the accompaniment of slavery in some shape on this earth. On this score, the doctrine of the great bishop leaves no doubt. Deeply, therefore, do I regret that our pious brethren are so consumed by the zeal of the house of God as to assail the consequences of his own law in their prosecution of that zeal. I regret that, holding the monopoly of godliness in their hands, and pleading against the slavery sinfulness of the South, they have not addressed themselves directly to the abolition of slavery. Still more do I regret, sir, that they have not yet consented to give us the best, if not the only, earnest of their abhorrence of slavery by the uprooting of sin in their midst. Though the question of its overthrow, through such a condition precedent, might well be adjourned to the "Greek Kalends," which I believe, never were known to come; yet firmly as I hold to the lawfulness, human and divine, of slavery, just as truly would I greet the announcement of its pending abolition. For, then, Mr. Chairman, would I exult in the conviction that a new hope had arisen for the sinners of our Israel. The day, sir, which would proclaim the abolition of slavery as a violation of the law of God would also suggest to me the pleasing assurance that our northern friends have washed away every taint of iniquity and every blot of sin from their sanctified souls!

But, sir, I am recalled to the consideration in chief of this subject. It were easy to infer the bearing of the doctrine which the Bishop of Hippo has advanced. But he does not leave us to inference. He has authoritatively laid down the principle, and he fully carries it out in all its tendencies. He expounds the question not only in the religious sense, but he does it also in the domestic sense. In his view, the slave, by the judgment of God—*Deo judicante*—and by the law of nations—*jure gentium*—owes obedience to the master, but the master, by the law of grace, owes care, kindness, and charity to his slave. This, Mr. Chairman, laid down with singular precision, constitutes the perfect harmony between the law of God and the law of man in the institution of slavery. It absolves it from all the trumpery charges of the North, and leaves it, as God has made it, a not abnormal element in the organization of society. You have seen that, according to all the pastors of the early church, the master is required to bear with the frowardness and the failings of the slave. That is the law of his Christian duty. But listen to the law of the church under his proprietary rights:

"But if any slave, [says the Saint] shall, through disobedience, assail the domestic peace of the household, let him be corrected by word or by scourge, or by any other kind of just and lawful punishment, which human society grants for the good of him, who is corrected in order that he may be reduced to the state of peace from which he had strayed."*

Heaven knows, Mr. Chairman, that, under this rule, and by discipline of those whom I am compelled, with the consentient opinion of the world, to admit as expounders of the Christian faith, the subordination of the slave and the authority of the master are amply recognized. But, for fear of error—for fear of misunderstanding—the doctor immediately adds:

"Hence, it is, that it is the *duty* of the head of the household to apply *the precepts of the State*, by which he must so govern his household that it shall harmonize with the peace of society."

Note, Mr. Chairman, that this is not said of the household in the form of it with which our northern friends are blessed; but in the household as, by the old patriarchal rule—by the dispensations of the new law—it exists in our southern homes, under the "precepts of the State," as the bishop terms the laws, which justify the master's authority. Concluding his argument, on the authority of the father, blending with that of the master, and, on his obligation to rule his household, the doctor subjoins:

"Wherefore, as our *just fathers*."—

That, sir, you will please to observe, refers to the old covenant.

—"as our just fathers had slaves, they so maintained the harmony of the household that, in so far as concerned these temporal possessions, they made a distinction between the estate of their children and the condition of their slaves; but they provided, with equal solicitude, that all the members of their family should worship God, in whom lies all hope of eternal good!"

Than yourself, Mr. Chairman, I hold none to be a better judge of the intrinsic differences between error and truth. I ask you, sir, admitting

* Peccatum ergò ubi intravit, libertatem perdidit, servitutemque introduxit. Ex quo autem servus ac dominus pariter magnam capient utilitatem, secum reputantes, expeccato, natam esse, inter homines, aliorum dominantium, aliorum contrà servientium, differentiam.—*St. August. de Civitate, Dei, lib. 19, cap. 15, in sequentiâ.*

† St. August. de Civitate, lib. 19, chap. 15, vol. VII.

"*Si quis autem, in dorno, per inobedientum, domesticæ paci, adversatur, corripiatur, sen verbo, sen verbere, sen quolibet alio genere penæ, justo atque licito, quod societas humana concedit pro ejus, qui corripiatur, utilitate, ut paci, undè dissiliverat, coapetut."

the authority of the exponent—and I defy its rejection upon any tenable ground—to tell me whether, within the range of your knowledge and experience, you have, on this subject, as a matter of Christian faith and Christian obligation, ever met with anything more lucid, more cogent, and more inexorable than this religious synthesis of slavery, as laid down by one of the lights of the primitive Church? It is the voice of centuries of primitive truth, pealing its refutations in the ears of those who would pervert both the sanctions of the Gospel, and the teachings of the men whose places they seem not to have inherited, but, indeed, usurped! But, sir, as it is not yet proven to my satisfaction that, on this point, our friends of the North show an unquestionable title to the monopoly of God's truth, so is it not proven to my satisfaction that, on the question of slavery, the doctors of the Church were not, eighteen hundred years ago, better qualified than our friends can be, to decide a matter of so momentous an import to the temporal and spiritual welfare of the South. I therefore protest, Mr. Chairman, that unless one of the ablest and purest of the teachers of the Church has preached false doctrine and dangerous heresy, we are no violators of the law of God in the fact and right of holding slaves. I protest that what the great doctor taught, fifteen hundred years ago, is precisely what we now practice. I protest that we follow his dogmas, in preference to the anti-slavery ravings of the North, and that, observing and maintaining the difference, which he marks out between the children and the slaves of our households, we reduce both to the worshipful duty which we all owe and pay to our God. Particularly do I protest, sir, that, relying on the original purity of the original faith, we of the South have acquired the right to stigmatize, as I now do, those who accuse us of slavery-sin, with the brand which belongs to falsehood, perversion, and anti-Christianity.

For this protest, sir, well and safely may we rely on the great doctor; for if ever there was one man more than another competent to dispense sound doctrine on this subject, whether viewed in the legal, social, or political light, St. Austin was that man; he who embodied in his person the scholar, the philosopher, the legist, the pastor, and the saint. Evidences of the true teachings of the Church in connection with slavery you will find, sir, inscribed in many a passage of his commentaries on Holy Writ. Take for instance, his seventy-seventh question on the Book of Exodus. He is treating this very subject of slavery in Jewish society. Speaking of the septenary reversion to freedom which inured to the slave of *Hebrew origin*—not to him *purchased from the heathen nations* around, who was "a perpetual inheritance" to his masters—he marks the distinction between Jewish slavery and Christian bondage, and concludes with this remark, which might, no doubt, kindle the ire of our anti-slavery grumblers:

"Lest the *Christian slaves* should request this from their masters, the apostolic authority commands the slaves to be subject to those masters, for fear that the name of God shall be blasphemed!"*

One more citation, sir, from him who teaches the slave that "he is a faithful servant of Christ, if he serves those whom Christ has served," and I will have adduced sufficient proof from that source that slavery is not the sin charged upon our heads in the name of the Gospel of Faith. It is a dictum touching the organization of human politics; but it is not the less binding for being proclaimed by one who stands as a controlling authority in the early annals of that faith. Comparing God's government on earth and the republic described by Cicero, he refers to Scipio's definition of a good commonwealth, and argues against his objection that "it is unjust that the republic should allow slavery." There is the doctor's answer; and let me ask you whether the South may not justly claim it as a vantage-ground of right?

"We answer on the part of justice, [says the doctor,] that it is equitable on this account, that slavery is useful to some men; and that, when legally practiced, it is so to their advantage—namely, when the license of doing mischief is taken away from the savage; for, in a condition of domesticity, they will bear themselves better, in proportion, as they bore themselves worse, when not domesticated. And, in order that this reason may be confirmed, we may add a noble example, drawn from nature, and ask, why, therefore, does God control his creature—the soul, the body, and reason, the passions, and other vicious tendencies of the mind? It is plainly evident, from this example, that slavery is beneficial to some."

With this quotation, which I will not weaken by any comment of mine, I close, sir, such authorities as I have deemed apposite, from the works of St. Augustine, to show that, in the year 350, or 360, of the early Christian era, the guardians of the faith not only did not hold slavery to be a sin, but also maintained that, in instances adduced, it is a positive benefit to some. But, as they entirely harmonize with the doctrines of the Greek bishops, I now proceed to complete them by others, drawn from the doctrinal writings of the high-famed Chrysostom, the valiant champion and golden-mouthed orator of the Christianity of the East. Like his great brother of the Latin Church, on all questions of faith, and of course on this of slavery, he goes to the sacred record to inquire into the mandate of the Savior and the teachings of His Apostles. Like him, he there finds nothing that construes slavery into sin; but, on the contrary, all that makes it an allowable element of society, not clashing with the intentions and will of the Divine scheme. And none, sir, was better qualified than he to examine that question under every phase which it might present. Armed with all the resources of Greek dialectics—an instrument friendly to error in the service of paganism, but a weapon of irresistible power in the vindications of Christianity—versed in what the ancients tersely called the *rerum humanarum divinarumque peritia*—trained to every form of human knowledge then attained, and credited as an authoritative expounder of things Divine—Chrysostom, with the stern logic of a Demosthenes, embellished by the elegant copiousness of a Cicero, has developed every relation, moral, social, political, and religious, of the Christian organization. Nothing, sir, was too vast to elude the grasp of his intellect—nothing too minute to escape the searchings of his inquiry. And all of those relations were analyzed and developed in due subordination to the mandates of the Christian faith. Numerous, sir, as are the muniments which we could build up from the teachings of a man who is acknowledged to have had no superior in pagan or Christian antiquity, I must be content to adduce a few authorities only from his writings, and those of a purely and strictly dogmatic character. I open the book of those immortal homilies which, if I may so term it, have constituted, unconsciously in many instances, the stock in trade of successive preachers, and, among the multifarious subjects which they agitate, I find this of slavery, in the Christian sense, handled with an acumen and a rigor unsurpassed. In the outset of his postoral labors—in his preachings to his flock, preachings widely differing, sir, I am bound to say, from those of our holy brethren of the North to *their* flocks—I find the learned bishop, in his fifth homily on Genesis, introducing this question of domestic slavery under the Christian dispensation, and addressing slaves, not to tell them that their masters are sinners because they hold slaves, but to justify such holding, and to explain to the slaves their duty under the requirements of the Christian law.

"This [exclaims the saint] may be said to slaves: Art thou called a slave? Well, why should it concern thee? Do you not see that the Apostle shows that slavery is but a nominal thing if you but have the Christian virtues? But, even could you become free, make a *still better use* of your condition—that is, *rather remain in that condition of bondage!* And why? Because he who is called a slave, in the truth of the Lord, is the freedman of the Lord!" (St. Chrysostom, Homel V.)

Human laws, Mr. Chairman, may, by legislation, create crimes. I mean that some acts, against which there never was a penal sanction, may be, and they have been, converted into misdemeanors by the subsequent will of society lawfully expressed. But I have yet to learn, sir, that the case finds a parallel in the Divine law, and that human agency can add to or detract from what it has clearly defined under the sanctions of unerring truth. Hence, sir, if the holding of slaves, involving the existence of slavery, was not a sin in the earlier days of Christianity; if the fact of slavery, involving the existence of the master, was not only not a sin, but actually was a condition in which one of the great teachers of spiritual truth *exhorted the slave to remain*, I am at a loss to account, save on the grounds of malice and perversion, for the late, very late, addition of "slavery sin," which our pious brethren have, in the nineteenth century, made to the catalogue of iniquities originally defined as violations of the law of God. Some, no doubt, may regret that the great doctor and exemplary saint had not the assistance of the profound learning, and the benefit of the edifying practices, of our modern expositors Had this been his privilege, he would assuredly have amended his heresies; nor would he have so pertinaciously held to his premises, exclaiming in their further development:

"Do you not perceive, therefore, that slavery exists as a merely nominal thing, and is freedom in reality? Why else did the apostle allow you to continue a slave? Why, but that you should be made acquainted with the excellence of spiritual freedom? For, as it is a much greater thing, and one worthy of more admiration, to have preserved unscathed the bodies of the three youths in the burning furnace than to have quenched out the flames; so much greater and more admirable is it in the permanence of slavery to give evidence of that freedom than to abolish the slavery! Hence, has the apostle said, although you may have it in your power to be made free, rather avail yourself of the bondage; that is, *remain a slave—servus mane*—for you are in possession of the truest liberty."—*St. Chrysostom*, ibid.

Now, Mr. Chairman, if we take the doctrines of the primitive teachers of the faith and contrast them with the denunciations of our latter-day champions of anti-slavery, we have an opposition the most absolute, perhaps, presented to the judgments of the human intellect and the obligations of Christian faith. The authorized expounders of that early faith tell the slave that his *status* in the social organism should be no matter of concern to him; but the ingenious inventors of our days, tell him, in contradiction, that it is his right, at any cost and by every means, to withdraw himself from the normal state of things. The former, in the acquittal of their conscience, and in the discharge of their ministry, as men and as pastors, tell him that, provided he profits by the spiritual gifts which are extended to him, it is better for him, even if he could become free, to continue in his bondage, and, availing himself of his servitude for the benefit of his soul, to abide by his condition as a slave. The latter tell him that, by all cost and by all means, it is his duty to defraud the master of what St. Augustine calls his "temporal property," and withdraw himself from a lawful authority. The former tell him that his condition is one of the various conditions of human life, which, fused together, go to constitute the harmonies of social order, under the foresight and intentions of the suggestor of all societies. The latter tell him that that condition is not in the fitness of things, and that it is imposed upon him by the arbitrary will of man in violation of the written law of God. The former tell him that slavery is a mere name—that it is no evil; but, on the contrary, that it is a derivative benefit, to him, from which he must not seek to absolve himself. The latter tell him that slavery is a galling incubus—that it is the curse of curses, to the removal of which he is bound, in the name of God and by the faith of Christianity, to apply all his energies in flight, in conflagration, and in blood!

Can these conflicting doctrines, Mr. Chairman, consistently stand side by side? Who are to be presumed to be the perverters of the truth in this question of slavery? They who almost directly received the sacred teachings of the primitive apostleship, or they who, with an intervening chasm of fifteen centuries, ignoring the teachings of those apostolic times—ignoring those compact traditions which speak to the present the testimony of the past—suddenly stand up and preach a doctrine, novel, false, and reprobated by the records of those days? Can two distinct truths be successfully maintained on any essential question—even such a question as this of slavery—as a matter of Christian obligation and Christian faith? And, if it be a truth that slavery never was adjudged to be a sin, by the *dictum* of the

* Ne servi Christiani hoc flagitarent à dominis suis, apostolica auctoritas jubet servos dominis suis esse subortos, *nè nomen Die blasphematur*.—St. August. Comment. in Exod. Quæst. LXXVII, lib. 3.

Savior—that it never was held to be such; but, on the contrary, held to be a benefit, on the award of the first apostles and of the successive teachers of the Church, can it now, in the nineteenth century, and on the lips of our slanderers, be a truth, defining the institution both as a sin and a curse, which are to reduce us to the condemnation of human opinions, as well as the vindications of the Divine laws? Can two truths, so opposite in their essence, upon one and the same question, be derived from one and the same source? It is beyond the power of even credulity to reconcile them. Is the draught of water, Mr. Chairman, which you draw from your street-pump, purer than the drink which you exhaust from the living spring, gushing out of the primitive rock? Are these teachings of the followers of an "anti-slavery Scripture and an anti-slavery God"—teachings of a well-masked infidelity, stealthily squatting on the suburbs of atheism to supplant the merciful silence of the Savior, to overthrow the direct doctrines of his apostles, to blot out the traditions of their successors? Are we, more than six millions of men and Christians, who have no intention of disparaging themselves by a comparison with northern superiorities, are we to be arraigned before the tribunal of the world, under the indictment of "three thousand clergymen," who enter the sovereignties of our States, traduce the moralities of our households, violate the forum of our consciences, and charge us with the sin of slavery, because they themselves have perverted the word of God, marred the teachings of their Master, and disturbed the tendencies of His will, which is His law? These pretensions, sir, of our northern editors, of a new canon of Christianity, are, I apprehend, rather premature; and they may well stand adjourned until they have succeeded in fastening upon this country the teachings of their anti-slavery Scriptures, and secured the coöperation of an anti-slavery God!

I would desire, Mr. Chairman, still further to develop the authorities which I have before me, relative to the concinnous doctrines of the early Church, especially to the doctrinal teachings of Chrysostom, on this head of domestic slavery. But, self-admonished that the branchings of the question and the abundance of the materials have even now carried me far beyond the limits which I had assigned to myself, I must be content to close my inquiry with a bare advertence to a fact, which is vouchsafed for by the testimony of both legislation and history. I have quoted the authority of the early bishops as teachers of the Church; but we must not lose sight of the capital fact that they were also counselors of the Empire.

And, now, sir, allow me to ask you: those bishops of the Church had sufficient influence on Constantine, when he was yet but a neophyte, to enlist him in all the interests of the Christian faith, of which they were the depositaries. They had sufficient influence to move him into a purely religious war with Maxentius, who, sustaining the doctrines of Arius, struck at the divinity of the Savior, and destroyed the essence of his creed. They had sufficient influence to procure from him notable changes in the *vectigalia*, the taxation system of the Empire, which weighed upon the poor, and ground them down into daily increasing poverty. Nay, they had sufficient influence to secure their appointments as civil magistrates, seated upon the Prætorium, and wielding, at once, the spiritual authority, and dispensing the imperial laws? They had influence for all this; but had none to obtain, from him and his successors, whose supporters, counselors, and directors they were, a binding declaration of the sinfulness, and a rescript for the gradual abolition, of slavery. Sir, had they, as the inheritors of the promises of Christ, and the trustees of the teachings of his Apostles, held the fact of slavery to be a violation of the Divine law, would they not have exerted their spiritual authority, armed by their temporal influence, to have it suppressed by the dictum of human law

Now, sir, how does this question stand on the page of history and in the articles of the code? Why, the period which embraces the labors of those bishops embraces also the very times when slavery appears to have been constituted as a question *stricti juris*, and made the subject-matter of positive law. Previous to the constitutions of Constantine, and, consequently, of Theodosius and Justinian, slavery, except in the special ordinance and institution of God, had existed as the result of various causes, which, on other occasions, I have developed on this floor. It had rested on a species of common law—common to all the nations of the earth. Lost in the very origins of the most rudimentary forms of society, it had been previously left to the sanctions of tradition and usage—to the arbitrary will of the master, or the occasional edict of the Prætor. But with the accession of Constantine, more especially with the succession of his decendants, to the throne, its relations were strictly defined; the rights and duties of the master, and the tenure and obligations of the slave, were, under the influence of the Christian Church, settled by imperial decrees, as they are with us settled by legal statute.

This, sir, presents an inductive argument, which, to say the least of it, may not be easily gainsayed. The Christian, sir, had passed away from the ordeals of persecution. He had groped his way out of the catacombs to realize the taunt and the boast of Tertullian—to vote in the Senate—to lead on the armies—and to judge in the tribunals. Through the bishops, who guided him in the ways of faith, he was a power, and a marked and controlling power, in the State. As in other matters, so in this of slavery, he might have made that power felt. But it was not done, sir; and not done, because those who wielded the energies of that faith, and laid down its requirements, knew, beyond all doubt, that they were not called on to direct and apply them in that way. They had learned, sir, and they had taught, that slavery is no sin, but one of the conditions of human life, "*Deo judicante*," "in the judgment of God, with whom there is, and can be, no injustice!" Having so learned, and having so taught, they could not ask for the abolition of that which, being no violation to the law of that God, was a humanly and divinely consecrated element in the regular order of society. Had it not been so, Mr. Chairman, had those men—bishops, martyrs and saints—not known and felt that slavery is not the sin which our modern *saints* impute to us—they would, as upon all other occasions, have been ready to lay down their lives in the vindication of the integrity of that faith. I find nothing of the kind.

But through the dim archways of the past, I will tell you, sir, what I see, and that is something which should blast the presumption of the men who, from their luxurious pulpits, would assail and repudiate the teachings and the faith of those who baptized them in their very life-blood! Already, sir, have I alluded to the bloody arena of the chief city in Gaul, which witnessed the martyrdom of nine thousand Christians, of fathers and mothers, of husbands and wives, of masters and slaves. With the inquirer into the varieties of the past, I go down into the very catacombs which housed the infant destinies of Christianity; and upon their walls, to the memory of Gordianus, slaughtered for the faith, with all his household—children and slaves, I find a votive memorial, inscribed by the affection of Theophila, the only survivor of that household, a grateful slave! In another quarter I see St. Thecla, surrounded by fifty of her slaves, giving with them the highest testimony of the faith which bound the mistress and the slaves in one common tie. I step into the circus, and I behold the heroic Blandina calling down upon herself, so as to divert them from her mistress, the torturing ingenuities of the executioners; I see the mistress sustaining the slave, and the slave comforting the mistress, until their blending spirits passed on to the throne of God! I see these things, sir, and I am reminded of an appointed, inevitable day before that throne. It does not belong to me, sir, to judge. But, before that throne, I await the coming of our assailants. To that day I adjourn them, when these witnesses—masters and slaves—made holy by the consecrations of martyrdom, shall stand to protest against their perversions of the truth!

DEATH OF HON. JOHN A. QUITMAN.

REMARKS OF HON. JEFF. DAVIS,

OF MISSISSIPPI,

IN THE SENATE, *January* 5, 1859.

[REVISED BY HIMSELF.*]

A message was received from the House of Representatives announcing the death of Hon. JOHN A. QUITMAN, a member of the House of Representatives from the State of Mississippi.

Mr. DAVIS addressed the Senate as follows:

Mr. PRESIDENT: The message which has just been received, sadly recalls to our consideration the loss which not only Congress, but the whole country, has sustained in the death of Hon. JOHN A. QUITMAN—justly described in the resolutions which have been read. During the last session, as a member of the House of Representatives, he was associated with us in the labors of legislation. Much experience in official stations had set upon his brow the crown of wisdom and of public confidence; and his services were becoming, with each revolving year, more valuable to his country. He yet retained enough of physical and intellectual vigor to give promise that his life would be long, and his career of usefulness add much to his country's welfare. A soldier who had so often been spared amid the storms of battle, it was natural to expect would still continue to be the favorite of fortune. He was not the one we should have supposed, in the midst of common danger, would have been selected by the hand of death for its victim. Yet the tide of time, returning hoarse, bears as a wreck on its relentless wave all that was mortal of the hero and statesman. It is not my purpose to attempt, in the language of eulogy, to describe the character, or narrate the services, of the deceased, but briefly, very briefly, to refer to some of the events of his life which connect themselves with the history of the country, and serve to illustrate some of the blessings of the institutions under which we live.

JOHN A. QUITMAN was born in the State of New York, in the year 1799. Carefully educated by a pious father, he was taught, especially, languages to fit him for the holy ministry; but his taste, as he grew up, led him to seek a more active field. He emigrated to Ohio, and was there admitted to the bar. After a brief residence, about two years, he went on to the State of Mississippi, settled at Natchez in 1822, and there commenced his career as a lawyer. The energy, the activity, the love of popular esteem, which constantly pressed him on to vigorous exertion, brought fame and wealth in their train; brought more than these—the tribute of approbation from his fellow-citizens, and the love of his neighbors throughout his long and eventful life.

My acquaintance with him commenced a short time after his arrival in Mississippi, and I then realized what so many have felt at subsequent periods—the power he had to attach the young to him. I was a school-boy; we read Spanish together; and he impressed me with that peculiar trait in his character which endeared him to youth, and which caused so many manly cheeks to be wet with tears when his death was announced in that country where he was best known.

His career in the profession of the law was one of rapid advancement. He was not only among the first in his profession at the bar where he practiced, but he was soon elevated by the popular judgment to the post of chancellor. He mingled with the arduous labors of the law the pursuits and cares of a planter. He also, prompted by that patriotism which turned him aside from his own avocations to those of general importance, engaged in the public affairs of the State; was a member of the Legislature in both its branches; presiding officer, at one time, of the Senate, and the Governor of our State; thus having, as it were, completed the circle both of political and of legal positions within the limits of the State of which he was a citizen. We thus see a northern youth, thrown off into the extreme portion of the Union from that in which he was born, associated with men not only strangers to him, but without

* For the original report, see Cong. Globe, page 224.

any knowledge of his family, raising him step by step, because of the merit and patriotism which he exhibited, to all the distinctions which it was in their power to confer—a beautiful tribute to the fraternity which binds the American people together, and to the Constitution, which gives equality of privilege and immunity to the citizen of each State who may choose to reside in another. His last political office was that of a member of Congress. It was in that position that he became associated with us here. He was always active, always laborious. He addressed himself to the useful labors of the body of which he was a member. He sought not to render himself conspicuous by frequently appearing in debate, nor by delivering studied orations; but he addressed himself to the useful labors of the committee-room and the current business of the House of which he was a member.

From my intercourse with members of the House of which he was a member, I feel that I hazard little in saying that he has left behind him the respect even of his political opponents; that all who knew him well, marked in his death the loss of a faithful public servant. Earnest, he pursued his duties with undiminished exertion, though his health was impaired and life was steadily waning away; and thus he continued to devote himself to the constant labors of his position, until, at the close of the session, he left the seat of Government in enfeebled health, returned to his home, and there, in the midst of his family, he died, as a ship that has ridden out many a storm, and at last goes down in the calm of a summer sea. Thus he passed away from earth to eternity, and left a reputation which all who value integrity, patriotism, and usefulness, will not fail to hold up to the rising generation as an object for their emulation.

His taste led him very early to pay attention to military affairs, and connected him with the militia of the State of Mississippi. He was the captain of a company which has maintained its organization down to the present day, and its name still continues in the town of his former residence. He was a general of the militia, and took such special interest in all that advanced it that he is considered, and I think justly, as the father of the present militia system of our State. When the war with Mexico began, the same tendency to military affairs which he had exhibited on another sphere led him to offer his services to the Government. He was appointed a general of volunteers, and joined the army of General Taylor, who, with that discriminating judgment which exhibited itself upon so many occasions, selected him from among those who were at headquarters at Camargo, as one who should accompany the advance column to Monterey. In the siege and storming of that place he was conspicuous; and exhibited, as on after occasions, the martial spirit and aptitude for military affairs of which his previous career gave promise.

Not the least interesting characteristic of the American people is the capacity which has been, in so many instances, manifested to pass from one pursuit to another, so that a single individual treads all the paths of human distinction. The deceased was lawyer, planter, statesman, soldier, and prominently successful in each.

After the seige and capitulation of Monterey, and when, by the decision of our General Government, the plan of campaign was changed, so that, instead of advancing directly from that point into Mexico, the port of Vera Cruz was adopted as the base of operations, and the main force sent thither, General Quitman was transferred from the command of General Taylor, and passed to that of General Scott. Thus he served in the campaign of the valley of Mexico, gathering distinction as wide as his employment was various. In one expedition he commanded the whole of the land forces. He at last arrived at the city of Mexico, and there established the high military reputation which will descend as a rich inheritance to his family. It was his good fortune to be distinguished in various battles before the city. It was his special fortune to lead the column which first entered the capital, and receive the surrender of the citadel of the place.

Peace, with its blessings, being restored to our country, he, not being a soldier by profession, returned to his former pursuits, and thus remained until he became a member of Congress, and served with us at the other end of the Capitol.

In youth and in age he bore a love of representative liberty, which developed itself in various forms. It was this which led him, when the Texans were struggling to achieve their independence, to go with a company and unite his fortunes with theirs in the darkest hour of their revolutionary trials. His career there was not eventful, circumstances having thrown him out of coöperation with that army which fought the main battle and achieved the independence of Texas. It is an instance, however, of his readiness to sacrifice his own ease and interest for a cause which he believed to demand his exertions; and thus, I think, his services have been gratefully remembered by the people of Texas.

In after years, when we believed, and had reason to believe, that a people oppressed by despotism were struggling to be free in Cuba, he connected himself with movements which were designed to aid them in their effort. He has himself explained, far better than I could, his views in relation to such conduct, by the able speech which he made in the House of Representatives on the neutrality laws. To those who may not agree with him in his conclusions, to those who may dissent from him in the opinions which he entertained, and upon which, to some extent, he acted, I have only to say that to us, at least, it is a sufficient apology that whatever error existed arose from an excess of that love for representative liberty which the American education strongly inculcates. We have been reared from our infancy to turn to the names of De Kalb and Kosciusko, and Pulaski and La Fayette, with grateful veneration—men who left their country to join our fathers when they bore the name of rebels, and whose swords were weighed in the balance when their fate and our inheritance was decided. I have said it was not my purpose to speak in the language of eulogium, or attempt to give a history of the deceased; and with this brief allusion to that which may be in some minds the subject of criticism, I leave the subject.

In politics he belonged to what is known as the State-rights strict-construction school. He followed it in the various phases and names which it has borne. Mr. Calhoun was the light and guide of his youth; and when he occupied a seat in the House of Representatives he endeavored—I leave others to say if he did not successfully endeavor—to follow in the path of that great political luminary. I will not, upon an occasion like this, attempt to defend—of course it is not expected that I should attempt to justify—the creed which he entertained, and which is also my own; I allude to it because it is part of the public history of the deceased, as a logical deduction from the character ascribed to him. Suffice it to say, that he was of those who believed that all power emanated from, and permanently resided in, the people; who held that government existed alone by the consent of those over whom it was established; that compacts for the delegation of functions must be rigidly construed to entitle them to popular respect; and that, within this limit, a people who enter into an obligation are bound to adhere to it to the last jot and tittle. Out of these elements was wrought the political creed which he always avowed, and which I have ascribed to him.

Duty to his country marked his career, both military and civil. Duty! The word which, in the American as in the English character, always occupies the first position in the history of those who have most honored their country. We are not a people captivated by splendor; whom the mantle of glory dazzles so as to blind us to the obligations imposed upon States and individuals, and even covers failure of duty. Ours, I trust, is long to remain a Government of justice and a people among whom success cannot redeem crime; from whom even a general who would violate the Constitution under which he held his commission could not receive an ovation, though he brought with him, from a triumphant campaign, the representatives of twenty conquered provinces. Duty! the great watchword of an American statesman, the regard for which is the first prerequisite of those who hold official trusts under our form of government, whether their functions be legislative, judicial, or executive. In this devotion to duty, as I have before suggested, he passed the last days of his life, and fell a victim to it: sadly impressing us with the fact that—

"The paths of glory lead but to the grave."

Faithful to his country, endeared to his friends, respected by his neighbors, language fails me to express the tender and exemplary relation which he bore to his family. He closed a long life of public usefulness, having impressed upon those who knew him best the conviction that every day made him but more and more necessary, not to his family only, but to his country also. His mission was closed, and life's fitful fever was ended, on the 17th of July, 1858. He died leaving behind him that good name without which "glory is but a tavern song."

DEATH OF HON. THOMAS L. HARRIS.

REMARKS OF HON. JEFF. DAVIS,

OF MISSISSIPPI,

IN THE SENATE, *January* 17, 1859.

[REVISED BY HIMSELF.*]

A message was received from the House of Representatives announcing the death of Hon. THOMAS L. HARRIS, a member of the House of Representatives from the State of Illinois.

Mr. DAVIS said:

Mr. PRESIDENT: It is the custom of our body, upon the announcement of the death of one of our brethren, either of this Chamber or the other, that the fact should be noticed, not merely by those who belong to the same geographical section, or who hold very near political or personal relations to the deceased, but that it should also be responded to by those who occupied other relations. It is a usage worthy to be preserved. It speaks to the heart and to the mind of that which makes us really one people—fraternity. It speaks also to history of that which, I trust, is long to remain, such good understanding among members of Congress as secures the coöperation of men from every portion of our wide-expanded country, for the one great object, the common good of the whole. It belongs, also, to the civilization of the age, that while we raise the little heap over the remains of the departed, we should smooth every trace of controversy which has existed in life, and leave the grave to bear only the flowers of affection and the cypress of sorrow.

But mine, sir, is not the performance of merely a formal task. I come bringing the heart's offering. Such is my contribution to the pile which affection and justice are rearing to the memory of the deceased.

Each revolving year but impresses me more and more with the sense of obligation for benefits received, and the inadequacy of the return I have been able to make to my fellow-men for the kindness which they have bestowed. To the deceased I am indebted for services which friendship only gives—a friendship which I had no right to claim or even to expect from him; services rendered on more than one occasion, and rendered, too, when it was least likely I should ever know it. It is with me a matter of deep regret that I never sufficiently manifested to him the gratitude which I felt and feel. Language would fail me if I were to attempt to express all that I believe to be a just tribute to his memory. My heart feels what my tongue cannot express. If it be permitted to friends in the land of the departed to note the acts of those they have left behind, I trust the cordial tribute which I offer to his memory will not be unwelcome to his spirit.

Truly has our path of late been strewn with monitors of the vanity of life's toils and troubles. One after another, in quick succession, we have been called upon to mourn the loss of those who have been connected with us in the labors of legislation; and as we look back on the vacated seats of even the most distinguished, are we not solemnly warned how ephemeral are all our efforts, how vain are the cares which engross the

* For the original report, see Cong. Globe, page 407.

mind, and the midnight toil with which we weave that web which the next breeze may bear away forever? Empty must seem the struggle to blow the little bubbles which the next wave of the tide of time will bear to oblivion. The Senator from Illinois has well described how his exposure in the camp and his toil in the council hastened his death. In this earnest and excited labor he is but another instance of the many which surround us, how far ambition, even leading to misplaced exertions, robs youth of its spring time, and hastens us on prematurely to the languid step, the hollow cheek, the dimmed eye, which wintry age alone should bring. Around us, Senators, are strewn the wrecks which such an encounter with the storms of life has daily made. Around us they stand as monitors to the living; and though silently yet forcibly do they appeal for that tribute which is due to the dead who died by the public service, and claim the offering which patriotism brings when it approaches the altar where man has sacrificed himself to his country.

The deceased, both in peace and war, showed that he realized that obligation of the citizen of a Republic which denies that he shall consider himself as living for his family only. True to his friends in private life; true to his country in official position; true to himself; may we not venture to hope that he has gone to his God to receive the reward which justice gives to truth and manly virtue? Studious and conscientious, he was remarkable for the accuracy of his knowledge, and this gave him especial value in council. Long will he be remembered by those who went to him as a sort of walking lexicon of current events, and often must he be missed by them when they require his aid in consultation. Others may look upon his career as fulfilling the measure of his mission; but his personal friends must still deplore his early loss; their sorrow can find no healing balm. The winter of life has no returning spring; the flowers wither and fade, never to bloom again. The muffled drum has beaten the last march of the soldier; the lamp of the statesman is extinguished forever. It but remains, then, for the tear of affection to water his grave; for the prayer of patriotism to follow the spirit of the departed, and give that which patriotism claims for the man who lived for his country and died as became its citizen.

PACIFIC RAILROAD.

SPEECH OF HON. JEFF. DAVIS,

OF MISSISSIPPI,

IN THE SENATE, *January* 20, 1859.

[REVISED BY HIMSELF.*]

Mr. DAVIS. I now ask the Senate to consider the proposition which was some time since submitted by me. It is to strike out all after the enacting clause of the bill, and insert a substitute.

The substitute is as follows:

That the President of the United States be, and is hereby, authorized and directed to advertise for proposals to establish railway communication across the territory of the United States, and thus to connect the States of the Atlantic and the Pacific, and to contract for the transportation, upon said railroad, of the United States mails, troops, seamen, munitions of war, supplies for the Army, and Navy, and all other Government service.

SEC. 2. *And be it further enacted*, That the party contracting to established said railway communication shall be required to construct the railroad in a substantial and workmanlike manner, equal in all respects to railroads of the first class, with all the necessary drains, culverts, bridges, viaducts, crossings, turnouts, stations, and watering places, and all other appurtenances, including the equipment and rolling stock. And the said railroad, with all its appurtenances and equipment, shall be finished and put into complete operation within the period of ten years from the execution of the contract.

SEC. 3. *And be it further enacted*, That, to aid in the construction of said road, there shall be, and is hereby, appropriated and set apart the alternate sections of public land, for the space of six miles on each side of said road, to be held and conveyed as herein provided. The alternate sections hereby appropriated shall be those designated in the public surveys by odd numbers; and the contracting party receiving lands under the provisions of this act shall be required to sell, and unconditionally convey, one half of the same within five years from and after the issuing of the patents for the same, and the remaining half within ten years from the issuing of the patents; and all said lands not so alienated shall revert to and become the property of the United States.

SEC. 4. *And be it further enacted*, That the party with whom the contract aforesaid may be made shall proceed without delay to locate the general route of said road, and furnish a detailed survey and map thereof to the President, who shall cause the public lands, to the extent of forty miles on each side of the said road, to be surveyed, and the Indian title thereto to be extinguished as soon as practicable; and the provisions of the act of September, 1841, granting preëmption rights, and the acts amendatory thereof, shall be, and the same are hereby, extended to the lands thus surveyed, excepting those herein set apart and appropriated for the use of the said road.

SEC. 5. *And be it further enacted*, That, in making said contract, it shall be stipulated that the said road be divided into sections of twenty-five miles each, and that none of said lands are to be conveyed to the contracting party until one section is completed and put into successful operation, when the President shall convey by patent to the contracting party three fourths of the land pertaining to the section so completed, retaining the other fourth as security for the completion of the next section of twenty-five miles; and when the next is completed, the President shall, in like manner, convey to the contracting party three fourths of the land pertaining to that section, together with the reserved one fourth on the previous section; and so on with each succeeding section, conveying three fourths and retaining one fourth as security for the completion of the next, until the last section of the road is finished and put into operation, when the President shall convey to the contracting party the residue of the lands hereby appropriated.

SEC. 6. *And be it further enacted*, That the land of the United States, for two hundred feet in width, along the entire line of said road, is hereby set apart and dedicated for railroad and such other purposes, not incompatible with this grant, as Congress may authorize and direct; and the party contracting for said road may take any earth, stone, timber, or other necessary materials, for construction and keeping in repair of the road, within the said two hundred feet, subject to such regulations as Congress may provide.

SEC. 7. *And be it further enacted*, That the contracting party for, or owners of, said road may at any time construct one or more additional tracks, within the two hundred feet set apart for the right of way; and it shall be the duty of said contracting party, or owners of said road, to permit any other railroad, which shall be authorized to be built by the Legislature of any Territory or State, in which the same may be situated, to form connections with it on fair and equal terms.

SEC. 8. *And be it further enacted*, That the President be, and is hereby, authorized to enter into contracts for the transportation, under the direction of the proper Departments, on the said road, when completed, and for any available part thereof, while said road is in course of construction, for the period of twenty years, of the United States mails, and all military and naval supplies, troops, seamen, passengers, and freights of all kinds, for Government purposes, with the limitation that the price to be paid shall not exceed that which the Government would necessarily pay by any existing means of transportation, nor in the time of war be higher than the rates stipulated for in time of peace.

SEC. 9. *And be it further enacted*, That in any case where the passengers and freight shall be greater than the transporting capacity of the road, the Government shall have priority of right for all purposes of transportation.

SEC. 10. *And be it further enacted*, That, for and in consideration of the advantages thus to be secured to the United States in the use of said road, and further to aid in the construction of said road, $10,000,000 are hereby appropriated, to be advanced upon the following conditions and provisions, to wit: As a guarantee of the faithful performance of the contract hereinbefore described, the contracting party shall deposit with the Secretary of the Treasury the sum of $500,000, in bonds or certificates of stock of the United States, which may be subsequently withdrawn, in sums of $10,000, as the work progresses, on production of vouchers showing to the satisfaction of the Secretary of the Treasury, that an amount equal thereto has been expended in the construction of said road. When one twentieth part of the line of said road, located as heretofore described, is completed and put in successful operation, the President shall cause to be advanced to the contracting party one twentieth part, less ten per centum, of the whole sum of money herein appropriated. And, in like manner, when each succeeding section of equal extent is completed and put in successful operation, an equal amount shall be advanced to the contracting party, until the whole road is completed, when the ten per centum reserved shall be advanced to the contracting party, as hereinbefore provided.

SEC. 11. *And be it further enacted*, That until the sum of money thus advanced to aid in the construction of the road shall have been repaid to the United States, no dividends shall be declared to the stockholders of said road, nor other sum be retained by the contracting party than that which may be necessary for the maintenance and successful operation of the road.

SEC. 12. *And be it further enacted*, That until the said contracting party or owners shall have fully reimbursed the United States for the advance of money herein authorized to be made, they shall keep books in which shall be entered regular statements of all disbursements, expenditures, and receipts, setting forth specifically the objects of said expenditures, and the sources whence said receipts are derived, together with a particular account of all accidents that may occur affecting property or persons, or causing delays upon the road; which books shall be open at all times to the inspection of the President of the United States, or any person authorized by him to examine the same, and to the members of each House of Congress; and the contracting party or owners shall make a report thereof annually to the President of the United States, on the 1st day of October in each year, accompanied by a minute and detailed exhibit of expenditures and profits of said road for the year preceding, to be attested by the oaths of their secretary and treasurer; which report shall be transmitted to Congress at the commencement of each session.

SEC. 13. *And be it further enacted*, That should said contracting party neglect, refuse, or in any way fail, to prosecute the work undertaken by them in a manner to secure the completion thereof in compliance with the contract, then all rights of said contracting party to the said road, right of way, lands, or other property pertaining thereto, including such amount of the sums of money advanced, if any, that may remain unexpended, shall be and become forfeited, and the United States may enter upon and retain the same. In the event of such forfeiture, to be determined by the President of the United States, he shall proceed to relet that portion of the road remaining uncompleted under such forfeited contract, and provide for the disposition of the work in such a manner as will secure the earliest completion of the road in conformity with the provisions of this act: *Provided*, That he shall not stipulate, on the part of the United States, for any higher or other terms than are authorized and provided for in this act.

SEC. 14. *And be it further enacted*, That the proposals for establishing the railroad communication, and performing the service hereinbefore described, shall be opened by the President of the United States after due notice, in the presence of the Cabinet and such persons as may choose to attend; and he is hereby authorized and directed to enter into contracts for establishing the railroad communication, and for the transportation provided for in this act with the party whose proposal shall be by him deemed most advantageous to the United States, for the full and complete performance of said contracts, in compliance with the provisions of this act. All questions of damages and forfeitures by reason of any breach of said contracts shall be determined by the express terms and conditions of the same: *Provided*, That this act shall be taken and considered as part of any contract that may be made in accordance with its provisions, in like manner as if the same was set forth in said contract.

Mr. SEWARD. Will the honorable Senator from Mississippi be good enough to state the general effect of his amendment?

Mr. DAVIS. The general effect of the amendment will be to appropriate $10,000,000 and ten sections per mile of land, to construct a railroad across the territory lying between the States of the Atlantic and the Pacific, leaving parties who propose to construct the road to name whatever location they please, and submit their proposals to the President. The other conditions, as to transportation, are like those of the bill. In relation to the receipts of the road, however, there is this difference: that, instead of requiring the proceeds of the road to be paid into the Treasury to remunerate the Government for its advances, this requires only the net proceeds to be paid in, so as to prevent the hazard of the failure of the company for the want of income to meet current expenses; and, to secure the Government from having the road forfeited and thrown upon its hands. The $10,000,000 in this case, the sum proposed in the bill as amended, is to be refunded to the Government by the net proceeds to be paid into the Treasury, and in the form of advantages secured for the transportation of the Government.

There are two other differences between the two propositions; the substitute enters not the limits of a State. It does not assume to give authority to any company, or to create any company, for the construction of a road within the limits of a State. It has no termini indicated; leaving it to free inquiry as to where a road, with a given sum of money, can be built, that given sum having been determined by the belief I entertain that it would build a road at one point across the territory. I leave others to determine whether it would build it elsewhere.

Being satisfied that there is one line on which a road could be built with this grant, I say it is not proper to give one dollar more. We are here as agents; agents of the people to whom this money belongs. Is there a Senator who would add to the amount for which he could have a work performed, in order that he might induce some one to perform it elsewhere than the particular place which was found to be the most practicable and economical? It is to be remembered that we have no right to be liberal; we have no right to appropriate money for the benefit either of individuals or of sections. We are restricted to the appropriation of money to answer the ends of the Government; and if a given sum will attain the service which the Government requires, we are in honesty bound not to appropriate more.

Now let us see how the $10,000,000, the sum limited, is to be advanced. Only upon the execution of a certain part of the work; then it is to be advanced *pro rata*, retaining ten per cent. as security for the further prosecution of the work; and this on the line to which I have particularly directed my examination, has the additional assurance that every mile which is built increases the necessity for building the remainder; it is made the interest of the contractor to go on, not

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* For the original report, see Cong. Globe, page 477.

merely by the reserved fund but by the character of the country through which he is to pass. He begins at the western end to connect as soon as he can with the Rio Grande, and he begins at the eastern end as soon as he can to get to the navigable waters of the Pacific ocean.

The first question, it strikes me, which meets us in the consideration of this subject, is the *necessity* for a railroad across the continent. If there be no necessity for the railroad for Government purposes; if it be merely to facilitate migration across the continent, to encourage settlement along the line of the road, without contributing to the ends for which the Government was instituted, without enabling it to perform the duty which was imposed upon it; without, I say, being necessary to the execution of its duty, then I hold there is no constitutional power to build it. Therefore, in the front ground with me, stands the question, is the road necessary? I hold it to be essential in time of peace; essential for that intercourse which alone can hold the different parts of our wide-expanded Republic together. Separated as we are by an intermediate desert, fronting as we do upon different oceans, looking out to the teeming population of Asia on one side, and the active people of Europe upon the other, it must ensue, whenever our Pacific possessions are peopled, that they will have different interests; they will have an opposite commerce; and if they are required to come through a foreign country, to look over impassable mountains, to learn here by what laws they shall be governed; if our commerce is to continue as separate, as opposite, as it will be unless these two parts are more nearly linked together, the finger of destiny points inevitably to a separation of these two parts of the United States.

In the history of man, and history is said to be philosophy teaching by example, we find no instance where a country has maintained the integrity of its territory if that territory is riven by a chain of mountains. We find the warlike and semi-barbarous hordes of Asia running over the south of Europe; at one time a single military hero covering all the vast plains which lay beneath him; but soon we find those conquering legions separating from the people from whom they emanated, and in a short time the States they had conquered again assuming the geographical limits they had before the invasion. And so, at a more modern period, Napoleon led victorious armies over the Alps and over the Pyrennees; but those barriers which the hand of nature had placed again demanded the separation of the country into its original parts; and soon after the conquest we find France again reduced to the plains lying between those mountain ridges, and there to-day she stands as before her imperial conquests.

Thus inevitably do we reach the conclusion that mountains divide a people. But we are not divided merely by a mountain ridge, along each base of which, and up the slopes of which, a teeming population may hereafter live; we are separated by a system of mountains with desert plains, where, save here and there some irrigable spot, agricultural man can never reside. Then the question presents itself, shall we share the fate which history, by the example of all nations which have preceded us, indicates as our future, or so change the conditions of the problem as to obtain the opposite result? Shall we allow our territory to be divided? Shall the United States commence her downward step by losing the rich possessions she now holds on the Pacific, as the inevitable consequence of that separation which mountains and deserts demand? Or shall we use the power which science and art, and the progress of civilization have conferred upon man, overcome the physical obstacle, bind these two parts together, and hold this country one and indivisible? These are questions which, I think, it belongs to the statesman to consider.

For such reasons it is held that the road is essential in time of peace. I believe it to be absolutely necessary in time of war, and hence within the constitutional power of the General Government. Upon this point it has been my misfortune to separate from those with whom I generally act, and who represent the same geographical section with myself. I believe, however, that I stand upon the unchanging rock of truth. I believe I advocate the true and permanent interests of the country, and impelled by the high duty devolved upon me, though assailed by my friends on the one side, and by my old political opponents on the other, I trust I shall stand unmoved. What, sir, are the arguments so constantly directed against the military necessity of this road? It is said that the period is rapidly arriving when the population on the shores of the Pacific can defend itself; that the ocean and the Isthmus routes now afford the means of transporting by sea what we propose to transport by land. Unless the people shall develop an agricultural capacity not yet believed to exist there, unless they shall be drawn into a different pursuit, and, instead of being tributary to the wealth of the Atlantic slope and the Mississippi valley by consuming the products of agriculture, shall become an agricultural people themselves, the day can never arrive when they will maintain, from their own agricultural resources, the population which will be necessary to defend that coast. Take the most remote period to which the eye of prophecy may look, and still we find staring us in the face the necessity that they must draw their supplies from the valley of the Mississippi.

But how are these supplies to be transported? In time of peace, I grant, the Isthmus and ocean routes are open to us; but is there a Senator here whose intelligence will permit him to say that, if we were engaged in a war with a maritime Power, those routes would remain so unless we constructed a navy to sweep the seas? Is it not known to every one that the smallest character of war vessel lying sheltered in some port, would bide her time, cut off our transports, and it would only be in fleets covered by armed vessels of the United States, sufficient to protect them, that there would be the least safety in sailing down the coast. I grant that it is in the power of the American people to construct a navy to command the ocean down to the cape, and up the ocean beyond the possessions of the United States; but this would cost millions, where thousands would suffice with a more economical mode of transportation. Are we ready, through the long years of peace, to maintain a navy of such a size as this? Are we ready to invest the whole Treasury of the Government in vessels as perishable as those which in a nautical view it is proper to construct? Or shall we employ but a small part of that money in achieving for ourselves the whole end which this vast navy would attain? Sir, under any condition which we can anticipate, those routes could not be kept open in time of war. At the commencement of a war, we should be without lines of communication; our Pacific coast, with its sparse population, with its inferior agricultural resources, would be thrown upon its own capacities for defense, and be lost to the United States. When Rome commenced losing her territory, decline was set upon her brow, and she rapidly sank into that decadence from which she never rose again. Whenever the United States begin to lose their territory, whenever an invading army can seize upon any portion of our domain and hold it, the prestige, the pride, the power, and the progress of the United States are at an end. Thenceforward the hand of decay will be laid upon us, and we shall sink, the unworthy defenders of the glorious institutions we have inherited.

But we are told that it is quite easy to store, on the coast of the Pacific, all the supplies which will be required for twenty-five years to come. Is it so? Have Senators studied the difficulty of preserving powder for twenty-five years? Do they know the impossibility of telling of what material gunpowder is made, unless it is inspected before manufacture and followed through the mill? Have they marked the amount annually condemned and thrown away because of the impurities contained in the salts from which it is manufactured? Have they kept an account of the deterioration of provisions? Have they forgotten the vast improvements made within twenty-five years, not only in ammunition, but in the weapons themselves. What, I would ask the Senate, would be our condition to-day, if pork and flour, reduced to the condition it would be after twenty-five years' storage on the damp coast of the Pacific; if powder, in the condition it would be in if it were kept twenty-five years, and originally made of imperfect material; if arms of the old standard of twenty-five years back, were our whole reliance for the defense of our possessions on the Pacific? This is the condition in which the country will be placed, unless it be claimed that we have reached that exalted wisdom which secures us from all errors of the present to be developed by the future.

Again upon those routes proposed to be traversed by sea and by short land connection, we pass into tropical climates. So far as I am informed, we have thus far found but one kind of flour which can thus be transported and delivered in good order. It is not so bad with other supplies; but something of the same kind appertains to all the supplies required for the Army and Navy on the Pacific coast. It is needless, therefore, to speak of the accumulation of vast stores, which are to serve us in future contingencies; but if that could be done, it would be easy to prove that the cost of accumulating and maintaining these stores would exceed the cost of constructing the railroad proposed.

We have been told in this debate that having stored our supplies in time of peace—supplies which will not deteriorate for a quarter of a century—it will be easy when war breaks out to march the men across the continent. If Senators have acquired some knowledge by which the munitions of war and supplies for men are to be preserved indefinitely; if they have fixed the standard of arms so that no future change will be required, then, perhaps, they have also acquired the power to smooth down mountains, and fill up the cañons which nature has made, and to march men across places where, when the last explorers were there, a route feasible for such use could not be found. It may not be generally known to the Senate, and I call their attention to the fact, that there are, to-day, across this continent, within the limits of the United States, but two roads practicable for wagons. I have had occasion, in another position, to call the attention of Congress to the fact, that the want of permanent supplies upon those routes renders it impracticable to pass large trains in rapid succession; that the grass at the watering places, the only means of sustaining the draught animals, being soon exhausted, the communications overland must cease. These men are not to be marched across the continent, I suppose, without provisions. They are not to take a march of over a hundred days on what they can put in their knapsacks. I take it for granted, therefore, that Senators have discovered some manner of furnishing forage to these trains, when the natural supply has failed.

It is asked, why build a road from the Mississippi valley to California by Government aid, and leave all other railroads to be constructed by private capital? On more occasions than one, I have stated that the necessity of the case arose from the intermediate desert which obstructed the construction of roads, and caused the want of that continuous population which makes migration easy. I have said from the beginning, so far as I have been connected with this question, and others have said it much more forcibly, that the hand of nature had impressed upon it difficulties which could only be overcome by Government aid. I have looked upon it as really evading the question, as shrinking from the responsibility imposed upon us, when gentlemen have said "why not build this road as railroads are built elsewhere?" presuming that their intelligence made them perfectly aware that the means which had rendered it feasible to build them elsewhere did not here exist.

But, sir, there are other relations. War is not conducted merely by assembling men, and furnishing munitions and provisions. That which is termed the sinews of war—the abilitity of the country to raise the means of supply—lies behind all the military power of a Government. Now, I submit to any one, whether, if the shipments of gold from California and the Pacific coast were arrested for sixty days, there would be a banking institution in the United States which would not be necessarily closed? whether credit and commerce would not be paralyzed? whether the capacity of the Government to raise the means by which it could maintain its Army would not fall with the prostration of private prosperity? If

continued communication, by which we constantly derive the precious metals from that region of their great deposit, is essential even in time of peace to maintain, for sixty days, the prosperous condition of our country, how are we to bear, without most injurious results, the heavy burdens entailed by the prosecution of protracted and formidable war?

To all these arguments it may be answered, that, granting them to be true in some degree, still, the vast expenditure entailed is a reason why we should not attempt this work; and in order to heighten the argument, gentlemen announce that it is to cost two or three hundred million dollars. The original bill, I think, proposes $35,000,000. The substitute which I offer proposes $10,000,000. Then the gentlemen must derive those two or three hundred millions of expenditure from the same source on which they have so largely drawn for their topography—their imagination—and the opinions must follow in the train of their own desire. Ten million dollars is the sum proposed in the substitute; $35,000,000 in the bill. If gentlemen insist upon building three roads instead of one, and thus increasing the cost to an untold extent, let it be distinctly understood that the vast expenditure results from choice and not from necessity. For myself, mingling always with the idea I have of the necessity of the work, the idea of limiting what is to be done under that necessity, to just so much as will perform that work, I have offered this substitute, believing it will execute all which is demanded by the necessities of the Government. I believe it will give us railroad connections to the Gulf of California, and in time to the Bay of San Francisco. I will speak of that, however, hereafter. So much for the argument of vast expenditures.

Before proceeding to the general discussion, I ask Senators to measure, by facts of recent occurrence, the comparative advantage and cost of the work on the basis which I propose. In time of national peace to put down a rebellion that extended merely to the attacks of foraging parties upon our trains, it has cost us nearly as much to transport the food of the little army sent over to reduce the Mormons to order, as I propose to contribute to the building of this road. If this road had been built, it would not have been necessary to have made that expedition across the country, if indeed it could have been possible that the Mormons would have taken the attitude of rebellion at all. South of where the Mormons reside, and near to the line of this road, there are Indians, who, for their warlike character, and their numbers, are probably more than equal to all the Mormon population; and it is perhaps not unreasonable to anticipate another campaign, where the roads would be more difficult to pass, another campaign where the cost of transportation would exceed that of quelling the Mormon rebellion. In the time of war, it is provided in this substitute, that the cost of transportation on this road shall not exceed that which is paid on existing routes in time of peace. Thus we get the advantage of a uniform standard, paying no more in war than we now pay in peace upon any of the existing lines of transportation.

But above this, or these, or all else whatsoever, the great point to be considered is, have we the *constitutional power*? If we have not the constitutional power, then I have argued for a necessity military and political, argued for advantages in peace and in war, wholly to no purpose. If the Constitution does not confer the power, there is an end of the question. It is proper, therefore, to treat of that point before entering into any discussion as to routes.

The substitute which I propose is confined to the Territories. It has been argued here that there is no difference between a State and a Territory. I hold to the other doctrine. I hold that a State is sovereign within its limits; that the power of the General Government to enter with an artificial person—a railroad corporation for instance—the limits of a State, does not exist as a constitutional right, and cannot be derived from the consent of the State. We heard yesterday that States and Territories stood upon the same platform in this regard, if the States would but consent to allow roads to be run within their limits. Is this so? This is but a new phase of that doctrine of squatter sovereignty with which, from the time I first took my seat in the Senate, I have been battling, and which I intend to oppose to the end. Is it true that the Federal Government can walk within the limits of a sovereign State and there take land, and exercise jurisdiction as within a Territory? Is it true that the restrictions of the Constitution, limiting the General Government to the control of sites purchased with the consent of the States for the construction of forts, arsenals, and dock-yards, mean that, by the consent of a State, they may exercise a like power for any and every purpose within its limits? If so, why enumerate the objects? Why narrow them down to special things, and those things such as were known to be usually most necessary? Can the United States purchase a tract of country across a State, there to build and administer a railroad? I hold that they have no such power under the Constitution, and the consent of the State can give them none. Can the Government of the United States create a corporation, and send the artificial person to exist within the limits of a State? I, and those from whom I have drawn my political opinions, have long held the reverse. That question came up distinctly upon the old United States Bank; it has been decided by the people; it is needless for me to reargue it.

The grants of the Constitution restrict the Government to special purposes. To hold control over land within the limits of the States, even for those specific and most needful purposes enumerated in the Constitution, it is required first to get the consent of the States. I say, then, the consent of a State can give no power to the Federal Government which it could exercise for railroad purposes within the limits of a State. It might be very convenient as a means of military defense; it might be necessary as a means of military defense; and still I say this Government has no power, even when you prove the necessity to exist, to invade the limits of a sovereign State, there to set up its artificial creature, and exercise a jurisdiction which the Constitution does not give.

Within the Territories, I hold our relations to be different. The United States have derived territory either by cession from one of the United States, or by acquisition from a foreign Government; and they have, as a consequence of the grants of the Constitution, the authority to do in that territory whatever is within the power of the Federal Government. They cannot do all which a State could have done over the territory before the State ceded it, because the State was inherently sovereign; the Federal Government has only those powers which have been delegated to it. All of those powers it may exercise upon a territory when it derives it either by cession from a State or by acquisition from any other sovereign Power, deriving, from the deed of cession, the sale, or the annexation, whatever power it was competent for the Federal Government to receive and execute. All else remains in other depositories; and those depositories, not rendering it possible to exercise it, must there remain inactive until the people inhabiting the territory shall become a State. Then they will be invested with the sovereign power which the government of the States united could not use, though received at the date of the cession, annexation, conquest, or purchase.

Within the Territories we find that, from the foundation of the Government, the United States have always exercised the power to construct roads, to establish a corporation—for instance, the corporation of a territorial government—to support it, paying its Governor and its Council, or, when it rose to the higher grade, paying its Legislature, thus exercising all the powers within the Territory which belong to the trustee holding under a specific authority.

If the view which has been taken of this subject, from the foundation of the Government, be correct, (and it is hardly needful for me, at this day, to vindicate it,) there is power in the Federal Government to appropriate money for the construction of a road within a Territory; not an absolute, unlimited power, because every power which the Government holds, is, for some object, enumerated in the Constitution. The power to appropriate for the construction of military roads generally, is a different question; but that it exists within a Territory has been so long admitted, so uniformly acted upon—acted upon at the last session, and no doubt may be acted upon this—that it is hardly needful further to argue it here.

But it is said you cannot construct a railroad, though you can construct any other character of military road. If gentlemen had said this Government could not administer a railroad, they would have been putting themselves somewhat upon the ground taken by Mr. Monroe, when he vetoed the Cumberland road bill upon the ground that the General Government could not erect tollgates within a State. If they had said we could not administer a railway, even in a Territory, I should grant there was force in the objection, and should have admitted that I entertained the same difficulty; that I reached the same conclusion; but the construction of a road, whether it be of dirt, stone, or of iron, must belong to the same general power of the Government; and if it exists for one, it must exist for the other and for all.

Having asserted the power, with the restrictions which I think imposed by the Constitution, it only remains for me to say that I was very happy to discover, in the course of my examination, that it was not required that the General Government should build this road out of the public Treasury; that it need only contribute, in proportion to the pecuniary interest it had in comparison with that of commerce in the construction of the road; and it is this commercial connection which has subjected the proposition to the criticism that the road was to be built for commercial and not military purposes. No one believes that the amount of money proposed either by the bill or the substitute will build the road, if that alone is to be contributed. Either would fall far short of the requisite sum, and neither was viewed otherwise than as aid in a work which the public good required.

If in any case it be constitutional to construct a railroad when it is necessary for military defense, we must take the responsibility in this, as in all other cases, of relying upon the discretion of the agents of the Government, that they will not pervert the recognition of that which is necessary, by using it where it has no such application. If gentlemen are to be deterred from undertaking a public work because of the abuse which it is possible may result from it, I would ask what appropriation have we ever made from which we should not have been likewise restrained? We have made an appropriation to extend the Capitol. Does the exercise of that power involve the right to go on and build a house that will cover the District of Columbia? And yet the absurdity which is resorted to in order to prove the impropriety of this measure, would be as applicable in the one case as in the other. As to the old argument of the abuse of power, it belongs to everything. Government is a practical thing. It is to be administered by men. Our Government was founded by honest men. It can only be administered by men both intelligent and honest. The abuse of any power which we possess might be arrayed as an argument against its exercise. I think it may be very well stated in this, as in other cases, that those powers which are most useful, most readily run into abuse. It comes within the maxim, the worst is the abuse of the best.

If, then, it be admitted that there is constitutional power, and that it is expedient upon the limited scale which I have proposed to exercise it, it but remains to consider the practicability of the project.

In the outset of this question, however, the authority upon which the conclusion of the practicability of a particular route was based, was doubted; the evidence was said to be insufficient, and such as no prudent company would accept if they were about to locate a railroad. The Senator from Massachusetts, [Mr. WILSON,] particularly, made those objections. It is true that these explorations were made by officers of the Army, educated as engineers, and that they belonged to that class, without which, I believe, no great work of public improvement in the United States has ever been conceived and executed. If there is one great work of public improvement in

the United States which has been conceived and executed without the aid of some member of this particular class, I am not aware of it. The Senator from Massachusetts would have found, by turning to his own State, that the railroad system which exists in it was initiated, the surveys conducted, and the work progressed usually to completion, in the hands of military engineers. I can refer to some of the names: William Gibbs McNeil, George W. Whisler, Daniel Tyler, Joshua Barney, Isaac P. Trimble, John M. Fessenden, Childs, Barnes, and a great many others. At a very recent period, the professor of civil engineering in the University of Harvard was an officer of the Army, who resigned his position to take that professorship. They are the men over this whole land who have inaugurated the great works of civil engineering which have been successfully executed. They were the teachers. It is their pupils who now rise in rebellion against them, and, anxious for employment, arraign the masters for incompetency to do the work which they taught them to perform. I could refer to almost every State, and bring out the fact that their works of internal improvement were generally planned and conducted by those who either were at the time, or had been, military engineers. So much for the character of the evidence on which I rely, and the capacity of the men.

During the course of this debate, I have felt how fortunate was the selection of military engineers for these explorations. It was foreseen at an early stage of the debate, that we were, at last, to run into this poverty-stricken sectional quarrel—a thing from which I always turn with loathing; for which I feel only contempt. Fortunate it was, in this view of the case, that men were selected who, in their very boyhood, were separated from the interests of any locality, educated for their country and in its service, who are bound by habit as well as by other ties to their country, their whole country, and who went to these explorations without the influences that would sink them to the petty purposes which it is too clearly indicated must influence some portion of the argument we hear in this Chamber. The officers thus selected had their fame connected with the route they explored; they had their honorable sense of duty, and their professional reputation, involved in the exact presentation of the truth. If they could truly show that they had discovered a favorable route, the best over which a railroad could be built, and thus identify themselves, to the end of time, with the exploration they had made, it was human ambition to do it. So far, then, as anything is said unfavorable towards the line they explored, it is to be set down to principle, to the love of truth, and the suppression of that ambition which would make every explorer desire to find the most practicable and economical route. When compendiums are made by drawing from the reports what each has said in relation to his own route, it is to be supposed that the most favorable aspect of each case is presented, and that the comparative merits derived from these is probably that which future surveys will but corroborate.

I will not allude to the regions in which these officers were born; I leave others to do that; because it matters not to me whether they came from Maine, or New Hampshire, or Massachusetts, as they did, or whether they came from Georgia, South Carolina, or North Carolina, as they did not. I believe they had the intellectual endowment, the education, the character, and the purpose, which make their reports more reliable than any we could otherwise have obtained; and it so happens that where these barometrical observations which have been criticised were made, and have subsequently been subjected to the test of the level, the difference is so small that a contracting party would not care for it one way or the other, showing that a method which is not usually relied upon, in the hands of men trained and skillful was brought to such perfection as to answer the purposes of the level.

It will be seen before I get through, however, that I do not rely upon their testimony alone; for I shall adduce the evidence of others which may have more weight with those who have discredited military engineers.

Before referring to the results of the explorations, it is proper that I should reply to certain strictures which have been made upon the fairness of the Government in directing them. Mr. President, I feel very reluctant to misapprehend the Senator from Massachusetts, and to reply to his remarks without correctly understanding their meaning. Therefore, I wish to ask him whether, in arraigning the last Administration as having used all its power to "belittle" northern lines, and to "magnify" the extreme southern line, he intended to imply a want of integrity in the performance of the duty assigned to it, to find the most practicable and economical route?

Mr. WILSON. I will say, in regard to that, that the Senator from Mississippi had for four years the direction of these surveys, and I do not question here, or anywhere else, his integrity; but I do say, what I believe to be true, and what I think any man who has ever read the reports of the surveyors, and his own comments upon them, his own deductions and inferences, and who has examined carefully the policy of the Government, will say, that his general opinions, his feelings, or some matter that might spring from his location in the country and from his general views, did, to a certain extent, color his actions. I do not here question his integrity or his honesty in any way whatever; for, so far as my experience goes, I have no reason to do it; but I do say that I think no intelligent man can rise from the perusal of those volumes and not say that he thinks the Senator's elaborate report on the surveys is not sustained by the evidence in the surveys; and that the Government, by its purchase of territory, by its introduction of camels, by its sinking of wells, and all its other policy, has elevated the southern route and let the others, to a great extent, take care of themselves.

Mr. DAVIS. Then, Mr. President, the Senator attributes to me a bias on account of my residence. I believe no man loves the section in which he lives better than I do. Every fiber of my heart would respond to the rights and interests of that section, whenever they are involved. But I feel, sir, that a public officer has a higher duty than that which his sentiments and his feelings prompt, and I think I can show to the Senator that he is entirely mistaken in the conclusion at which he has arrived. As he does not question my motives, so I shall not impugn his; but from the record will conclusively prove to him, or to any other man who may be prejudiced like himself, that, if there be a difference at all, it is upon the other side. I am not conscious of ever having favored one line or the other; but if the record leads to such conclusion, it must convict me of having favored the extreme northern line; so it stands.

It will be remembered that when Congress made an appropriation directing the War Department, by topographical and other engineers, and other persons, to explore the country, so as to determine the most practicable and economical route for a railroad from the Mississippi to the Pacific, I was at the head of the Department of War. I organized companies to survey lines wherever previous explorations, or even the reports of trappers and hunters, indicated that there might be a practicable route for a railroad. Although I believed, from examinations partially made, that a particular route would be found impracticable, nevertheless, because of the constant assertions made in the two Houses of Congress of its feasibility, a party was organized and explored it. It was the only line which was finally pronounced wholly impracticable.

First, as to the manner in which those parties were organized. On the route of the forty-ninth parallel, a party was organized, at the head of which was placed a gentleman recently distinguished as an officer of the engineer corps, who had been for a long time employed on the coast survey, and who, therefore, was particularly trained to the character of exact observation which he would be required to make. He had recently left the United States military service, and been appointed Governor of the Territory of Washington. Where, in the whole length and breadth of the land, could I have found a man with higher indications of qualification, or one who could have been supposed more earnestly to desire to find a practicable route to that Territory, than Isaac I. Stevens, who was appointed to the command of that party? Not only did I select the person thus described, but his was the first party to whom instructions were given—the first party for whom any provision was made. This was because I knew is was the most difficult exploration, and therefore should have the largest amount of time; not to favor one route more than another. I had no purpose but to perform my duty like an honest man. I am glad that my motive has not been arraigned.

Not only was this party the first organized, and a man thus specially qualified put in charge of it, but the quartermaster's department was required to furnish trains at great cost, and even to turn over to it a large sum of money, not less than $15,000. A corps of sappers and miners were given to it, and a number of military officers, not furnished to any other expedition. Now, perhaps, I may be asked by the advocates of the southern line, why was this done? My answer is, it was an unexplored region; it was filled with savage and hostile Indians; and the party was organized to acquire that sort of information which was necessary not only for a railroad, but for the military purposes of the Government. Because of its peculiar relation to the inhabitants, and the wants of the country, it derived this special advantage, and received $15,000 in cash from the quartermaster's department, besides the sum of money which was turned over to it from the appropriation for the specific work. There were seven officers of the Army attached to the expedition, besides the detachment of sappers and miners, some of whom were non-commissioned officers. Their pay was taken from the appropriation for the support of the Army, and not charged to the expense of this exploration. To the other exploring parties, only two officers of the Army were given; an advantage in favor of the northern line of seven to two. If to the sum of $74,000, which was set aside for this exploration, be added one half the sum expended by the party for explorations of the connections with San Francisco, $21,000, it appears that this line received $95,000 in money, out of the appropriation for the exploration and survey of routes—a larger sum than was given to any other route. I ask, then, how can a northern man, whose eyes are not utterly blinded by his sectional prejudices, question the fairness with which money was distributed to the parties engaged in this exploration?

Next looking southward, on the route of the forty-first and thirty-ninth parallel, $38,000 were given. Part of this region having been explored by Frémont and Stansbury, it was unnecessary to go over it again. This reduced the line of exploration; and consequently reduced the amount of money which was required for it, and therefore but $38,000 were given. Adding one half the expenditure for exploring the connections with San Francisco, $21,000, you find this line a total of $59,000.

On the route of the thirty-fifth parallel, $58,000 were given originally. Adding one half the sum for the connection with San Francisco, $23,500, makes $81,500 for this line.

On the route of the thirty-second parallel, $29,000 were given; and, to ascertain the practicability of obtaining water by sinking artesian wells in regions of a certain character, west of the Rio Grande, $20,000, for connection with San Francisco, $23,500, making the total on that route $72,500; or, stating it by yearly expenditure, $37,500 in 1854, and $35,000 in 1855, making a total of $72,500.

Now let us divide it between the two sections of the country. This apportionment was made purely by reference to the necessities of each case, and the relative amount was not noted until I saw in a newspaper the miserable charge that this money had been appropriated to the benefit of the southern route. I then had a comparison instituted, and it turned out to be dollar for dollar, exactly equal—$154,000 for the southern, and $154,000 for the northern routes, regarding the thirty-fifth parallel as a southern route. This included both the first and second appropriations. In addition to these expenditures, there were others for the preparation and examination of the reports in the office of the railroad explorations.

They were common to all, and therefore are so charged.

As to the sinking of the artesian wells, the first expenditures were made on the line of the thirty-second parallel, and have been included in the charge against that line, though, in fact, they were for the interest of all. Afterwards, as it had not proved successful, but was attended by such indications as rendered it probable that water could be brought to flow on the surface of the earth, Congress, without the recommendation of the Department, made an appropriation of $100,000. Why charge that against the Administration? I say that, without the recommendation of the Administration, Congress made that appropriation. They made it for a larger sum than I believed to be necessary. The officer returned to the work, and prosecuted it without success, and it is now probable that we are to be disappointed. At the last accounts received, a vein of water had been struck between two strata of rock, and the current flowed with such velocity as indicated an open channel, and destroyed the probability that it would ever rise to the surface. Whether the boring has been commenced at another point, I am not informed. It is not at all improbable, however, that, in the same region, he may strike water which would rise to the surface of the earth.

Why were these artesian wells attempted? The Senator seems to think it was to render a line practicable which nature had rendered otherwise. Not so. It is true, the boring of these artesian wells was connected with the question of the railroad; but it was connected with a much broader question. It was: whether all that arid desert which separates the population of the East and the West, upon every line of exploration, could ever be rendered fit for the habitation of man. If artesian water could be made to flow upon the surface, it would first produce grass, subsequently timber, and a country which otherwise would remain a desert forever, would be made the habitation of man, and be converted to the uses, if not of agriculture, at least of pastoral life. It was but tributary to the railroad. It was commenced on the *Llano estacado*, not far from the river Pecos, because that was believed to be one of the least feasible points, and that if it should succeed there it would probably succeed on the desert plains, all the way north to the British possessions. If it had succeeded there, I do not doubt that experiments would have been made hereafter by companies—the expense would be beyond the power of individuals—and that districts would have been converted to pastoral uses; I trust yet, there are many in the Senate who will live to see the day when that will come to pass, and when a country where rain and dew are denied by meteorogical condition, will be rendered fit for the uses of civilized man, and contribute greatly to expand not merely the wealth of the West, with which it is geographically connected, but the wealth of our whole country.

Having thus disposed of the charges brought against the manner in which the field work was directed, I now proceed to notice the criticisms upon the conclusions announced in the Secretary's report, which have been questioned in a manner that would seem to indicate that the document itself has been left unread. It will be found on examination, in the first place, that I did not announce to the country that such a survey had been made as would justify capitalists in locating the road; did not say that the question was concluded for all time to come; but did say, as will be found on the eighth page, that—

"If the results of the exploration made under these instructions do not furnish the data requisite to solve every question satisfactorily, they at least give a large amount of valuable information, and place the question in a tolerably clear light. We see now, with some precision, the nature and extent of the difficulties to be encountered, and, at the same time, the means of surmounting them."

This is in the first volume of railroad explorations; and I may also state that in this volume is contained the report of the survey of the route near the forty-ninth parallel, being the only report contained in this volume, and thus given to the public more than a year before any other was published. It had in this another advantage; and here let me state how it arose. Governor Stevens, having charge of this exploration, made his report first, and thus secured for it the earliest publication.

In treating of this northern route, I did not, as the Senator seems to assume, declare that it was impracticable. On the other hand, I stated that it was practicable—practicable, but vastly expensive; expensive because of its tunnels; expensive because of the short curves so well described by the Senator from Iowa; expensive, also, because of the heavy embankments which were to be made, and which, in a very brief period of these explorations, could not be accurately determined. The probability now is, that if were to return to the examination with more extended observations, we should find the level of these streams, at the periods of greatest flood, such that the embankments would exceed the estimates which have been made, and consequently would have to increase the estimated cost of constructing the road on that route. This line will receive further attention when I discuss the character of the different routes. It will then be shown that every statement of an unfavorable character in relation to it contained in the Secretary's report, is amply sustained by the reports of the explorers.

Let us now turn to the subject of the arid region. The Senator has omitted to read us from the Secretary's report the part showing the aridity and desert character of some portion of the country crossed by the thirty-second parallel, as though that was a matter which had never been presented to the country in connection with the explorations of this route. He reads from the testimony on which the report was made; and in that report—so brief that surely, before criticism, it might have been read—he would find these facts stated in the same manner in which he has quoted them. He would have found it thus stated in that document:

"From the report of Captain Pope, it would appear that the belt of fertile land which lies on the west side of the Mississippi throughout its length, extends on this route nearly to the head waters of the Colorado of Texas, in about longitude 102°—that is, about three degrees further west than on the more northern routes. The evidence adduced in support of this opinion is not, however, conclusive."

Speculative meteorology would render this probable; but so guarded was this report in relation to every route, that here, in speaking of the thirty-second parallel, it is said that the statement of Captain Pope, that fertility on that region extended to the one hundred and second meridian, is not conclusive, though he had many opportunities for observation:

"The evidence adduced in support of this opinion is not, however, conclusive; and, until it is rendered more complete, the fertile soil must be considered in this, as in other latitudes, to terminate about the ninety-ninth meridian. Thence to the Pacific slopes the route is over uncultivable soil, though generally grassed, the exceptions being, as on the route of the thirty-fifth parallel, in portions of the valleys of the Pecos, Rio Grande, Gila, and Colorado of the West. The table lands and mountain slopes are usually well covered with grama grass, and, in New Mexico, have supported immense herds of cattle. There are exceptions to this, however, on the greater portion of the Llano Estacado, on portions of the plains between the Rio Grande and the Gila; and (comprised in that space) from Tucson to the Gila, eighty miles, there is no grass on the route traveled, nor is it to be found on the Lower Gila valley."

The very thing which the Senator explored the report of Lieutenant Michler to find, and read as matter which had been drawn from some recess and never presented by the Department.

"Occasional patches of bunch grass only being found on the plain, and a species of grama grass sometimes upon the mountain sides. No grass is found on the Colorado desert, one hundred and thirty-five miles along the line of location.

"The length of the route through this generally uncultivable soil is twelve hundred and ten miles. Upon descending from the summit of the San Gorgonio Pass, on the route to San Pedro, the soil is fertile, and either well watered or can be irrigated."

Here, again, all speculation is omitted as to what might be obtained by using that which the ancient Hebrews used as the fertilizer of soil—water—to convert the sterile plain which is spoken of, on the west side of the Colorado, into land of the highest productiveness. By merely tapping the Colorado river and turning the water out on that so-called sandy plain which is here described as a desert, I believe California may command an agricultural region which, acre for acre, will be equal to any upon the banks of the Nile; but, at this and all other points of speculation, things not determined by an actual existing state of facts, and brought home as results of explorations, were excluded from the report.

The Senator further says, that we have expended $10,000,000 in buying a territory in order to construct this railroad. I surely thought we had much higher objects, and think we have gained a great deal more. I think we have purchased a country, the value of which is only now beginning to be realized by the public generally; that we have acquired land peculiarly adapted to the production of those articles which will be most profitable in the trade with Asia; that we have acquired a portion of the best mining region Spain possessed when she held the mineral lands of this continent; a region where silver is in its richest deposits, by the working of which we shall be able, whenever we get the means of transporting it from its location, to equalize the currency of the world between the gold and silver coin employed. I think these are great advantages. They will contribute to the building of the road; but we might well have acquired that territory, even if a railroad should never be constructed.

Again, the Senator says: "We got camels to traverse this arid desert." This arid desert? Where? That vast plain on the route of the forty-ninth parallel, covered with sage, is the very desert which nothing but the camel can ever profitably pass over. It is the largest desert I know of in the United States where no grass can be found. But it was not on account of railroads that those camels were purchased by the Government. The subject was agitated before a railroad across the continent was presented to the minds of Congress. I do not recollect the date, but when I was formerly a member of this body, many years ago, I introduced a proposition to purchase camels for the purposes of army transportation. It went on from year to year, gaining favor, until at last Congress most wisely passed a law appropriating a small sum of money to import the camel and make the experiment, to see whether or not it would be fitted, in our climate and country, for purposes of army transportation—army transportation anywhere, everywhere. I regret exceedingly that these camels were not consolidated and sent up to Fort Leavenworth, to be used in the transportation to Utah, where, I think, they would have exhibited their value to the country in a higher degree, perhaps, than we shall have an opportunity hereafter to show.

The Senator attributes to me the desire to secure a southern location for the interoceanic railroad on grounds of sectional advantage. I am confident that this location would be adopted by contractors who invested their own money in the enterprise; but that is a geographical opinion, not a political hope. It has been constantly assumed that the South are most eager, for sectional purposes and advantages, to get the road diverted to the thirty-second parallel. As a southern man, I have no such views. I believe that, if the railroad were built southward from the terminus proposed in the bill, to cross the continent on that parallel, it would bring with it those hordes of "carpet-bag men," who are dangerous to the slave population of the country with which they are mingled. I prefer the more slowly progressing and more stable population that would come over wagon roads. In a sectional point of view, it may well be doubted whether the South has any reason to wish for a railroad connecting the northern territories with those near to the thirty-second parallel. Believing that the necessities of the Government require a railroad to connect the Atlantic and Pacific States, I desire to see one built. Yet I do not believe that it can be done upon any other line than that from the western border of Texas to the eastern border of California, for any sum the United States is likely to give, and the only reason for believing that the substitute I have offered will make such connection is, that Texas projects a road across her own domain as far as the Rio Grande. That is my reason for believing that the end sought may be attained there, but not elsewhere.

The mines that will be intersected by that line of road are immensely valuable. The silver mines, if they are as rich as described, will attract thither a large population; and the supplies for laborers in those mines, as well as the transportation

across the continent, will give to the road some probability of making a fair return to those who construct it; but these inducements will scarcely lead to its construction without aid, and it is because of this, together with the necessity of the Government, and therefore only, that I have ever been willing to give one dollar toward the construction of a railroad to the Pacific.

I now proceed to consider some of the peculiarities of the different routes proposed for the road; and to present some of the authorities which justify the conclusion heretofore announced by me, when Secretary of War. Foreseeing how much I should be embarrassed in this discussion by the labor of speaking, I have prepared some notes upon these lines with a view to their comparison.

I will first present some views in relation to the *route near the forty-ninth parallel*, being extracts from the office examinations, from the report of Captain McClellan, of Governor Stevens, of geologist Gibbs, and of Lieutenant Abbot. Some of these have been made since the report sent to Congress by myself; but instead of shaking my confidence in the conclusions which I then reached, they have served to confirm it. Difficulties which I supposed not to be insurmountable, have, by subsequent examinations, proved to be so. For instance, in that report it appeared that, after reaching the Columbia river, the descent along the plain of that river would be easy. Recently a gentleman connected with the missions established on the Columbia river, in conversing with me in relation to that country, informed me that, instead of the mountains sloping gently down to the river, so as to favor the construction of a railroad near the Dalles and Cascades, they rise precipitously, forming channels which seem to have been the result of volcanic action. The river tears by these rocky cliffs, that almost overhang it, with such velocity as to render the navigation exceedingly dangerous, and, at some places, impossible. The mountains are composed of basalt that is hard to cut, but which crumbles rapidly by exposure to the air, so as to be liable to slide and block the road. I derive the same information from other sources. It appears that the settlers have not been able to get a wagon road down the river bank from the Dalles to Fort Vancouver; but that they are compelled to use a very bad pack trail, which winds along the faces of precipices, on ledges so narrow, that animals are sometimes precipitated to the bottom and killed. An appropriation made by Congress to make a wagon road from Fort Vancouver to Fort Dalles, was expended upon a short portage at the Cascade; the road proving impracticable without enormous expense. Therefore, I say, so far from finding the route less difficult, the difficulty has been magnified, and we are thrown back to the consideration of whether those passes where the snow accumulates twenty feet deep, and which were declared to be impracticable on account of the length of the tunnels to be cut, do not at last afford the only route by which we can reach the Pacific on that parallel of latitude.

I wish particularly, however, to call the attention of the Senate, on account of remarks which have been made here, to the character of the soil in this region of the country. It will be remembered that the geologist, Dr. Evans, had not made his report at the time of sending in the preliminary report in which my opinion was presented. It was then said in the Official Review:

"Previous geological examinations over portions as far west as about longitude 101° or 102°, show that the uncultivable region begins in about the same longitude on this route as in the latitude of the Arkansas.

"From the geological information respecting the region between the meridian of 101° and the Spokane Plain, imparted recently by Dr. Evans, from the report of Mr. Gibbs upon the section west of the Spokane, and after a close examination of the reports, the following general conclusions have been arrived at respecting the soil of the region traversed by the northern route." * * * *

"The river bottoms, in part, (where the soils of the different strata become mixed,) and the valleys among the mountains, form exceptions to this general condition of sterility. As, for instance, it is Lieutenant Donelson's opinion, that upon the Missouri the soil is such that the settlements might be continuous upon its banks up to the mouth of the L'eau-qui-court river, longitude 98°; from that point to Fort Union, about one fourth could be settled. 'Above Fort Union,' Lieutenant Grover says, 'on the lower portion of the river, (between Fort Benton and Fort Union,) there are many quite extensive bottoms, well adapted to agricultural purposes. There is a good deal of arable land, also, in the vicinity of Fort Benton, and in the Sun river valley.' The proportion of cultivable bottom lands on this section of the river is much less than one fourth."

It has been assumed that these valleys are all arable, and they have been so treated generally. This shows the fallacy of that assumption. Then, after crossing the Cascades:

"From the main cascade chain, the generally sterile soil extends eastward, over the dry region, until the rain that falls upon the Cœur d'Alene, Bitter Root, and other mountains, begins to be felt; we then have grazing. The soil improves in quality as the mountains are approached, the valleys of which are represented as fertile, perhaps influenced, in some degree, by the nature of the mountain debris that have been washed upon them. The Columbia river and its affluents, in their lower courses within the limits above mentioned, are stated to carry gravel and sand, but no fertilizing matter."

All the valleys in this region, on which reliance was placed, are sometimes overflowed by the Columbia.

"Lieutenant Mullan says of the St. Mary's valley, which has been considered as a kind of standard, 'the soil of the valley of the Bitter Root (St. Mary's) is fertile and productive, well timbered with pine and cotton-wood, but whose chief characteristic and capability is that of grazing large herds of cattle, and affording excellent mill sites along the numerous mountain streams.'

"Dr. Suckley, referring to the Hell Gate, Bitter Root, Clark, and Columbia rivers, and to the Dalles, says: 'there are a few pieces of excellent land along these rivers. The valley of Clark's Fork is heavily timbered with pine; there is no grass.'

"Within the limits of Washington Territory, between the Cascade and Rocky Mountains, there are seven thousand three hundred and fifty-six Indians. Within the same Territory, west of the Cascades, the areas being as three to one about, there are six thousand nine hundred and three Indians. This may give some indication as to the capabilities of the soil for supporting animal life."

I will next read a general statement of the amount of cultivable land from St. Paul to Seattle:

"So that of the two thousand and twenty-five miles from St. Paul to Seattle, on Puget Sound, we have only a space of about five hundred and thirty five miles of fertile country; the remaining fourteen hundred and ninety miles being over uncultivable prairie soil, or mountain land, producing only lumber, with the limited exception of occasional river-bottoms, mountain valleys, or prairie."

This is the region which we have been told, in the course of this debate, is of such extreme fertility that men could build a road through it from the sale of the lands alone.

I will next give some extracts from the report of Captain McClellan, who examined the western section of this route:

"The Yakima unites with the Columbia in a vast sage desert, extending to the north and northeast, as far as the eye can reach; and the desolate, dark gray color of the sage is unbroken by the verdure of grass or trees. The Columbia is here about four hundred yards in width, with sand and gravel banks thirty feet in height; a placid current; here and there a cluster of willow bushes borders the stream, usually destitute of vegetation. In the Yakima, at its mouth, are three islands covered with good grass—all that is to be found in the vicinity. Neither stone nor timber occurs in the neighborhood. The valley of the Yakima soon becomes more contracted by low hills, which gradually close upon it, and soon increase in height as the stream is ascended. To the commencement of the pine timber, a distance of nearly one hundred miles from the mouth, the average width of the valley is about six miles, occasionally reduced to four or five hundred yards by spurs closing in on both sides, and sometimes widening out to ten miles. Cotton-wood and willow fringe the stream; grass is generally confined to the water's edge, but is not in sufficient quantity to adapt the valley to grazing purposes on a large scale. In some of the small lateral valleys good bunch grass is found, as well as on the summits of the highest ridges of hills. But the winters are too severe for cattle to thrive in the open air, the whole country being covered with snow; and, in addition, the bunch grass is of too scanty growth to be cut for hay. During the winter the Indians drive their horses and cattle to the most sheltered spots, where they feed on wild sage and willow.

"As far up as Ketetas, the wild sage covers the valley in all parts a little back from the water. The general character of the soil is sandiness, or exceeding lightness, occasionally gravelly, or covered with loose stones. It might, in many places, answer well for small grains, when compared with the greater part of the territory. By reference to the mass, it will be observed that Mr. Gibbs returned from the mouth of the Yakima to Wenass by a trail to the north of the river valley. From the point where he left the Yakima, his trail passes through a wide valley for some twenty-four miles; this valley is somewhat undulating, and is very barren, being almost entirely destitute of grass, having no timber; but one little pool of water, sixteen miles after leaving the Yakima, and that brackish; it is covered with the usual growth of sage."

He goes on to describe the country on the east side of the Cascade region, proves it to be a dessert, irreclaimably a desert; and so it continues, according to all these reports, until you reach the region where this great plain of sterility is covered by the debris from the mountains, washed down upon little valleys, and where, by its elevation, it begins to catch some of that moisture which passes over from the Pacific ocean. There, for the first time, a spot is reached which can be cultivated without irrigation. The rest is a desert. And here, in general connection, I may say that this extends from the Cascade mountains eastward, up the elevations of the Rocky Mountains, southward across the Snake river, and westward over the valley of the Des Chutes, with here and there a little spot where the washing of a mountain has deposited some soil on the sterile surface that lies beneath it, and where the moisture rolling down in little streams, which serve to irrigate such spots, will render it possible for agricultural man to reside. Beyond that, it is a mere grazing country; and whenever we meet these descriptions of bunch grass and grama grass, rely upon it, Senators, it is not a proof that the region is fit for cultivation. On the contrary, it may be remarked that these grasses are the usual attendant of that aridity of climate which forbids the hope of successful agriculture. To show how utterly hopeless it is to expect anything from this country, I will read a few lines more from Captain McClellan's report. He says:

"The Indians are harmless and peaceable; with the exception of the Yakimas, they are very poor. Their food consists of salmon, berries, and potatoes. The entire absence of game renders it difficult for them to obtain good clothing; during the whole trip I did not see a single deer, elk, or bear; nothing larger than a wolf. Wolves, badgers, squirrels, and a few gray marmots, were the only quadrupeds."

Next, sir, I come to the geological description furnished by Governor Stevens, of part of this desert region:

"From the range called the Snake river divide, the whole character of the country is completely changed. Here the geological formation is basaltic and volcanic, principally. None of the numerous streams and rivulets flowing from the mountains, along the route we traveled, emptied into the Snake river, but either sunk into the ground or formed small lakes in the broad valley of the Snake river. The ground, in most places, is formed principally of sand; and where large beds of basalt are not found, the ground is of a dry, absorbing nature, through which the water sinks, at times bursting out again. It was somewhat singular, that for sixty miles above Fort Hall, along the main stream of Snake river, we did not cross but one tributary, and that coming in from the south, while none came in from the north; all of the streams, as before mentioned, either forming lakes or sinking into the ground."

He goes on:

"It extends for many miles in length and breadth, forming an immense ocean of prairie, whose sameness is only broken by the 'Three Buttes' of the valley, which rise like islands in the sea, in this broad and barren area. Its whole character might be included in the word sterility."

This is Governor Stevens's own account. The Senator could not find the desert there, but found it on the line of the thirty-second parallel. Again, Governor Stevens says:

"From the mountains bounding the Snake river valley on the north to Fort Hall, a traveled distance of one hundred and twelve miles, there is but one fertile spot of ground that could be converted to any useful purpose, and this is found at Cantonment Loring, five miles above Fort Hall."

Then again, under the head of "topography of the route from the Missouri to the Columbia," he says:

"The great plain of the Columbia, or plateau of Spokane, as it has been called, is bounded on the north by those rivers; on the west by the former, and on the south and east by the Blue and Rocky Mountains; it is about two hundred by one hundred and fifty miles in its greatest length and breadth, and presents such a curious variety of surface, that it has been alternately called a barren, sage plain, rocky plateau, sterile waste, and sandy desert."

And he goes on to describe it, and shows that it deserves either one of these appellations. Such is the description of this land of rare fertility, where a teeming population is to maintain the road, according to the argument of the Senator from Massachusetts; such the report of the men who explored it, and who, perhaps as much, if not more than those on any other line, were interested in giving it its most favorable complexion. Whether in Governor Stevens's subsequent report, which I regret to say Congress has failed to print, there is additional information expanding the region of fertility, I do not know. It was not sent in at the time these reports were furnished to Congress. The report of the geologist, Mr. Gibbs, I will refer to next. He says of the

region round Vancouver, which we have generally supposed to be the best in that section of country:

"The country around Vancouver, and thence back to the foot of the mountains, is gravelly and poor, except that on some of the small streams there are narrow skirts of rich black soil. The small prairies lying near the branches of the Cathlapooti, are, however, exceptions. These appear to have been formerly the beds of lakes, and retain, to some extent, a wet and marshy character, the soil being clay. The Columbia bottom, below Vancouver, is of a fine sandy loam. Much of that, on the immediate banks of the river, is subject to overflow during the freshets; a double misfortune, as the deposits of the Columbia are not fertilizing, and the temperature of the water destroys growing crops."

This is the opinion of geologist Gibbs, who is good authority among men of learning. Speaking of the country of the Spokanes, the same geologist says:

"That portion of the Cascade range which crosses the Columbia sinks into an elevated plateau, which extends as far as the limit of vision to the eastward—this is the Spokane plain. On it we could see no indication of water; not a single tree, except on the mountain spur; not one spot of verdure. It was of a dead, yellowish hue, with large clouds of black blending into the general tinge. It appeared to be a sage desert, with a scanty growth of dry bunch grass, and frequent out-croppings of basalt. Descending by a very steep trail, we reached the valley of the Columbia on the 21st. Through a valley, about a mile in breadth, in which not a tree is to be seen, and seldom even a bush, and which is bordered by steep walls of trap, lava, and sandstone, often arranged in a succession of high plateaux or steps, the deep, blue water of the Columbia flows with a rapid, powerful current; it is the only life-like object in this desert. The character of the valley is much the same as far as Fort Okinikane. It occasionally widens out slightly; again it is narrowed by the mountains pressing in. Sometimes the trail passes over the lower bottom; at other places over very elevated and extensive terraces; and in a few places over dangerous points of the mountains. At one of the latter, three miles above the En-te-at-kwu, two of our mules were instantaneously killed by falling over a precipice, and two others seriously injured. The difficulty of the trail at this point may be imagined from the fact that we were occupied from eleven o'clock, a. m., until dark, in passing the train over a distance rather less than two miles.

"In this portion of the valley a few small groves of pine are met with; but the general character is entire absence of trees and bushes. In places only is the grass good; but we found no great difficulty in so regulating the marches as to obtain enough for the animals. The soil is so very sandy that it is not probable it can ever be applied to any useful purpose. Granite, gneiss, and syenite occur in the valley in large quantities and of excellent quality."

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"The country through which we passed to the east of the Cascade range may be described as generally barren and unfit for agriculture, and poor for grazing purposes. There are two small tracts which are exceptions to this rule; but I know of none which would be considered good in our western States." * * * * * *

"The soil of these plains is generally thin and sterile, and covered with oxide of iron from the decomposed basalt; but in the swale, along the margin of the small streams, it is a rich, black mold. Bunch grass grows plentifully upon them, and they afford a good range for the horses of the Indian tribes to which they belong. It is, however, to be considered that in all the stock ranges of this country the scattered growth of the wild grasses renders necessary a large comparative extent of country. These plains, except on the northern skirts, are destitute of timber, and are swept by high and piercing winds."

Perhaps I have read enough on this subject. The Columbia river Pass is described here in the same general terms employed by the gentlemen heretofore referred to as coming from the mission in that country. Here is, however, a more exact description of it by Lieutenant Abbot:

"The Columbia river forces its way through the Cascade range by a pass, which, for wild and sublime natural scenery, equals the celebrated passage of the Hudson through the Highlands."

Here it may be remarked that a railroad was made along the Hudson, but it was because, on account of the great expanse and quiet character of the river, it was possible to build in the river itself; to turn from the mountains, and, on tresselwork standing in the water, to construct a railroad. This pass, however, is a chasm through which the Columbia river pours with immense velocity. It is stated boats can pass within a few feet of the basalt columns on the bank without danger of striking sunken rocks, so closely does deep water border upon the shore.

"For a distance of about fifty miles, mountains, covered with clinging spruces, firs, and pines, when not too precipitous to afford even these a foothold, rise abruptly from the water's edge, to heights varying from one to three thousand feet. Some of the ridges are apparently composed of compact basaltic conglomerate; others are immense piles of small rocks, vast quantities of which have been known to slide into the river, overwhelming everything in their course."

Lieutenant Derby, with an appropriation of $25,000, made for the construction of a wagon road from Fort Vancouver to Fort Dalles, made a careful examination, and has reported the road impracticable without enormous expense. Lieutenant Abbot, in mentioning the fact, says:

"The officer in charge of the work, Lieutenant G. H. Derby, United States topographical engineers, made a careful examination of the route, subsequent to my reconnoissance, and has reported the road impracticable, without enormous expense. I think a careful survey would show the same to be true with reference to a railroad."

Then he goes on to describe the country in the valley of the Des Chutes, showing that there is a great belt of desert country extending north and south, east and west, probably including all that great region which lies between the great chain of the Rocky Mountains and the first chain of mountains which obstructs the passage of currents of air from the Pacific ocean.

Leaving the northern route, I pass to the *route of the forty-first parallel*, which has been described in the Senate as having peculiar advantages. From the Great Salt Lake to the Sierra Nevada, the country on this route consists of alternate mountains and plains, or valleys—plains utterly barren. The office examinations of the railroad explorations state that—

"The greater part of the surface of these valleys is merely sprinkled by several varieties of *sombre artemisia*, (wild sage,) presenting the aspect of a dreary waste; though there are spots more thickly covered with this vegetation, yet the soil is seldom half covered with it for a few acres, and is nowhere suitable for settlement and cultivation. Immediately west of Great Salt Lake, there is a desert plain of mud, clay, and sand, impregnated with salt, seventy miles in width from east to west, by its longest line, and forty at a narrow part, further south."

The following extracts from Captain Beckwith's own reports, exhibit the general character of the soil over a large portion of this route, and fully sustain this statement of the revising officer:

"The western range of the Wahsatch mountains, standing on the eastern border of the Great Basin, is continuous, extending north and south over five degrees of latitude, from the vicinity of Little Salt Lake to north of Bear river, broken only by the passage of the Sevier, Timpanogos, Weber, and Bear rivers." * * * * "Its western slope is very steep—often inaccessible—presenting, generally, a formidable barrier to the entrance of a railroad into the basin from the east. Many small streams descend from it; and as far as its disintegrations have been deposited at its base upon the alkaline plains of the basin, it forms a rich soil. This line of deposit is narrow and continuous, but varying in width, where it is found, from two or three miles to ten or twelve at a few points, as opposite Utah and Great Salt Lakes, where it occupies the entire space from the mountain to the lake shores. It is to this narrow belt of land that the Mormon settlements are almost exclusively confined, the isolated settlements being upon similar deposits, in small valleys, at the base of other mountains, the small mountain streams upon which these deposits are the richest, and chiefly exist, being used for irrigation."

The Mormon community eagerly seek for, and occupy, small tracts of cultivable soil, if sufficiently large to support a few families, even though at great distances from the main settlement.

"From the western shore of the Great Salt Lake to the valley of Humbolt river, the country consists alternately of mountains, in more or less isolated ranges, and open, level plains." * * * * "Cedar mountain lies immediately on the southwestern shores of the lake, and gradually subsides towards the north, terminating in Strong's Knob." * * * * "Immediately west of this range there occurs a desert plain of mud, about seventy miles in width from east to west, by its longest line, which becomes narrowed to forty, and eventually entirely disappears as it extends southward—less than thirty of which is miry by this line—and it is firm in proportion to the distance from the lake." * * * * * * * * * *

Describing this desert where the party crossed it, he says:

"For this entire distance there is not a sign of green vegetation, (May 13,) and only here and there a dry stalk of artemisia, where it has been transported by the wind. The lightest sheet of effloresced salt covered the moist earth at intervals, and the track of a single antelope or wolf could be seen crossing the desert for miles by the line of dark mud thrown up by its feet, so level, white, and soft, was the plain; and the whole scene was as barren, desolate, and dreary, as can be imagined. Fortunately, the sun was partially obscured during most of the day; but, even with the obscurity, its reflection was very painful to the eyes, which were very materially relieved, however, by one or two light passing showers, which dissolved the salt upon the plain, but greatly enhanced the fatigue and labor of crossing it."

At the encampment that night, after crossing the salt mud desert, he says:

"We were soon visited by a number of the expected guests, extremely filthy, and very naked, and emaciated by starvation during the long winter, during which their supply of rats and bugs fail, and they are reduced to the greatest extreme of want, if their appearance truly indicate it; and they are, doubtless, among the lowest of the human race, in intelligence and humanity."

Describing Fish Creek Valley, he says:

"*May* 15.—The valley is here several miles wide, and the stream lined with grass, which is not all, however, of a superior quality. Many of the small settlements of Utah are not so well supplied with the requisites for successful cultivation as those found on this stream, on which we found a band of twenty Shoshonee Indians encamped, besides women and children. They are mounted, and contrast strikingly with their Goshoot neighbors in the plump condition of their persons, although they complain of hunger," &c. * * * * "Our Indian guides left us here, as we were approaching the western line of their territory; and we endeavored, unsuccessfully, to obtain one from the Shoshonees to accompany us—their perfect knowledge of the country being of great service in designating the points at which water and grass can be found."

"*May* 16.—Leaving camp, we took a nearly west course by the shortest route we could discover, leading to a favorable passage of the low mountains in that direction. The country was at first gently rolling, but soon became more broken and hilly, and covered with an unusual growth of cedar, artemisia covering the whole face of the country, and the soil was light and dusty." * * * * *

"*May* 18.—Last night was cold, freezing the surface of the ground to the depth of a quarter of an inch. Altitude, six thousand five hundred and fifty feet. Leaving camp at sunrise, we continued down the dry bed of the creek for a short distance, but leaving it as we entered the valley, in which our course changed more to the north, for the purpose of passing around the north end of the succeeding mountain. The road was dry and hard, and the artemisia, which covered the whole face of the country, small."

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Describing the large valley lying at the eastern base of Humboldt mountains, sixty miles in length and twenty in width, at the widest part, he says:

"*May* 20.—" * * * * "It is the most fertile valley known to exist in the center of the basin. Numerous streams descend into it from the elevated range of the Humboldt Mountains, all the crest of which for a thousand feet below its summit is still buried in snow. To the largest of these streams I gave the name of Franklin river. It rises by the union of several small streams in the pass by which it is proposed to cross the mountain with the railroad, descends to the east to the base of the mountain, and thence flows south for many miles, forming the most considerable lake in the valley, of which there are several, but none of great extent. These lakes are surrounded, and all the streams are lined, with extensive meadows of coarse, tall, luxuriant grass; and the water, so far as we could ascertain, at least at this season of the year, is fresh, but near the lakes has a strong taste of decaying vegetation. The richest of the lands are, unfortunately, too low and wet for cultivation to their full extent; otherwise it would furnish lands for a respectable settlement." * * * * "We rode for several miles in a due west course from this pond, although this course would bring us directly to the base of the mountains, where there is no possibility of crossing them; but the width of the plain is such" * * * * "that it is necessary to be sure of finding water and grass for our animals at night, which we could not fail to do at the foot of the snowy range we were approaching, although it increased the distance to travel beyond what it would otherwise have been. But in the middle of the plain we came upon Franklin river, the channel of which is thirty feet wide at present, and it has everywhere overflowed its banks; but in midsummer it is doubtless a small stream." * * * * "We encamped on the banks of the river, which are destitute of timber, but sage furnishes abundant fuel."

The route here enters the pass of Humboldt mountains, and crossing them, descends the valley of Humboldt river, Colonel Frēmont's description of which Captain Beckwith quotes:

"The country through which it passes, (except its immediate valley,) is a dry, sandy plain, without grass, wood, or arable soil." * * * * "Its own immediate valley is a rich alluvian, beautifully covered with blue grass, herd grass, clover, and other nutritious grasses, and its course is marked through the plain by a line of willow," * * * * "serving for fuel."

Lieutenant Beckwith adds:

"*June* 8.—Willows line the stream in many parts, but trees are nowhere seen on the Humboldt. Its water, even at this season, is not superior, and becomes less so as you descend it, and as it subsides after the spring rise. It is now forty yards wide when all collected in one channel, and eight feet deep, flowing with a moderate current. There are no fish in this part of it larger than minnows."

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"*June* 9.—We moved camp but six and eighty hundredths miles down the river to a point selected for crossing it, where it has no bottom land upon it. These low lands being very much overflowed at this season, and miry, are entirely impassable for horses or cattle; and many arriving here in a weak condition, are annually lost by emigrants from becoming mired. But one of the chief causes of the loss of cattle by emigrants upon this stream, is allowing them to eat the grass in the river bottom, which is extremely unwholesome. The more experienced stock drovers to California, send their cattle back from the river to feed on the nutritious grass of the hills; but, as these are frequently distant from the road and from water, it is only by experience that men learn its importance.

"The country to the south of this valley (of Humboldt river) consists of an alternation of narrow mountains and valleys rapidly succeeding each other." * * * * "They (the mountains) are sharp, rocky, and inaccessible in many parts, but are low, and easily passed in others." * * * * "They are liberally supplied with springs and small streams, but the latter seldom extend far into the plains. At the time of melting snows they form many small ponds and lakes, but at others are absorbed by the soil near the bases of the mountains. Grass is found in abundance upon nearly every range, but timber is scarce, a small growth of cedar only being seen upon a few ranges." * * * * "The valleys are much less fertile than the mountains, but generally support several varieties of artemisia, relieving them from the character of barrenness or desert. There are, however, many barren spots in each of these valleys; and the soil is seldom one half covered with vegetation, even for a few acres, while the great mass of it is merely sprinkled by the somber artemisia foliage, presenting the aspect of a dreary waste, unrelieved by inviting shades, grassy plats, and floral beauties, and is nowhere suitable for settlements and cultivation."

It will be noticed that Captain Beckwith applies the words "barren" and "desert" only to soil destitute of any vegetation whatever:

"From Humboldt river there are three lines which may be followed to the foot of the Sierra Nevada." * * * "The fertility of this section corresponds with that of the line south of Humboldt river."

Returning to June 8:

"The valley of the Humboldt as seen here, is eighteen to twenty miles wide, its soil very light and friable, with extensive districts of sand, more or less covered with the several varieties of artemisia, which occupy so large a proportion—at least nine tenths of the plains—of our territory between the Rocky and Sierra Nevada Mountains, and characterize its vegetation."

He thus describes the cañons which are necessary to be passed on this route. He says:

"For ninety-six miles below the mouth of Canoe creek to seventeen miles above Fort Reading, the course of the Sacramento lies entirely through heavily-timbered mountains, which rise precipitously from the river banks to the height of from fifteen hundred to two thousand feet above the stream. Its course is winding, with all varieties of curves greater than a right angle, and it is seldom entirely straight for two miles consecutively; but its general courses are more uniform.

"The foot of the mountains along the stream is often obstructed by fallen rocks to such an extent as to prevent its passage on horseback; and it is also obstructed by fallen timber and dense thickets of brushes." * * * *

"At many points, but for short distances only, the way is obstructed by rocks in place. The road will require to be carried on the side of the mountains, a few feet above the stream at high water, throughout this entire section to the open valley of the Sacramento, whence it can be continued on the open plain."

What, think you, is it to cost for that side cut, ninety-six miles in length, with stone a greater part of it not in place, and therefore liable constantly to slide in on any road which may be constructed, any excavation which may be made. He goes on to describe this region of country, and says:

"The two cañons of the Sacramento, fourteen and nine miles in length, and the very sinuous course of the river for the space of ninety-six miles through heavily-timbered mountains, rising precipitously from the stream, form the principal characteristic unfavorable features of the route; the cost of constructing a railroad along which cannot be properly estimated until minute surveys are made."

There is something very peculiar in this route. Instead of finding the Sierra Nevada rising with a sharp back-bone, as was expected, viewing it from the east and west, always rising and presenting a sharp ridge against the sky; instead of finding it as it was supposed to be, a mountain, a single crest which might be passed by deep cutting or by tunnelling, it turns out to be a great plain, forty miles wide, having its own little streams and lakes, lying between two ridges of mountains, which rise upon its two sides like parapets to guard it. It is the ascent and descent over the ridges which bound this plain that constitute the immense difficulty. It was, therefore, that the engineer, with great discrimination, having ascended this plain, looked for a stream along which he might descend from it. He struck the fork of Pit river, followed its course, and passed through this cañon of ninety-six miles, as the most practicable mode of descending from his elevation, some five thousand seven hundred feet, to get upon the plain of the Sacramento, as it lies at Fort Reading. What the grade will be on some of the descents, I do not know. I think it could have been ascertained if the profiles had been published; and here I will mention, in connection with the publication of the railroad reports, a fact that I deem it proper in this place to notice. When the explorations were sent in, when the maps were prepared, and after delay had worn out my patience in waiting for them to be engraved, an estimate was sent to Congress of the amount it would cost to engrave them, in order that an appropriation might be made to permit the War Department to have the work executed. When that came before Congress, they chose, in their kindness, to make the appropriation, but to leave it in the hands of the Superintendent of Public Printing. *Those maps have not yet been engraved; the part of them which has been engraved has not yet been printed,* and the country is deprived of the profiles and detailed maps which would have served to give them that clear understanding of the geography of this region which must have relieved the Senate from so much imaginary construction of the face of the earth.

But I have been told that this route which was surveyed is not the one which is meant; that instead of going through these cañons of the Sacramento, some insist that the descent should be directly to Fort Reading. This, of course, includes some lifts where the grade would be vastly greater, but the difference of elevation between the crest of the ridge over which you descend to the valley of the Sacramento and Fort Reading, calls for an average grade of one hundred and thirty feet per mile for forty miles, the space which you have to overcome this descent. Therefore, I say it was wise in the engineer, seeing how close he had come upon the valley, and how great was his elevation, to seek some stream by which he might circuitously locate the railroad to the valley, at Fort Reading, even although he had to follow these tremendous cañons.

In connection with the passage of these mountains, I have had the good fortune to get some information from a report of the surveyor general of the State of California, being the first reliable information we have in relation to the route that passes through what is called Carson's valley. It will be remembered that that was not crossed by either of the exploring parties, and it may be well for me here to state the reason. The party going west, commanded by Captain Beckwith, finding their resources nearly exhausted, instead of attempting to cross from Carson's valley over the mountains, upon satisfying themselves that it was impracticable for a railroad, turned north to find some better line. They had heard of Noble's Pass. They examined it, and found that it was nearly, if not quite, impracticable for a railroad. They went on to another, the Madelin Pass, where they found the easiest grade which that chain of mountains presented. Anxious, however, to satisfy the public, and fully discharge the duty imposed upon me, another party on the Pacific was subsequently directed to make that exploration across the line of travel into Carson's valley. The party was detained in the examination of the range near Des Chutes valley until November, and then found the snow so deep in the mountains that they were compelled to abandon the attempt to cross over into Carson's valley. Therefore it was, that, until this report of the surveyor general of the State of California was obtained, we had no positive information; though already the conclusion was inevitably reached, that if in November the mountains were covered with snow so deep that the engineers could not explore them, it was useless to inquire whether a railroad could be constructed there or not. This report of the surveyor general, however, puts an end to all further speculation on the subject. He gives the elevations passing over by two routes, one of which is called Johnson's Cut-Off, and the other the Old Route. I refer to his report, printed in 1856. The distances and elevations are according to a survey made in 1855, by an engineer named Goddard.

I know nothing of the character of the engineer or the surveyor general. My opinion in relation to the engineer, however, is favorable, from the work which he presents. It seems to hold together very well. It appears that, in sixty miles to the junction of these two roads, Johnson's Cut-Off and the Old Route, you gain an elevation of four thousand feet. On the latter it is forty-five miles thence to the summit, an altitude of nine thousand feet, the average ascending grade being one hundred and eleven feet. You may generally double an average grade in a rolling country. By Johnson's Cut-Off it is thirty-six miles to the summit; the altitude is six thousand seven hundred and fifty feet, which would give an average ascending grade of eighty feet. To descend from the summit to Carson's valley by the Old Route, requires an average descending grade of two hundred feet per mile for twenty-one miles; and by Johnson's Cut-Off, an average descending grade of one hundred and forty feet per mile for twelve miles. The descent and the ascent upon both these routes, doubling the average grade, show that it is impracticable to run a railroad otherwise than by stationery engines; and, therefore, that it is better to attempt the construction through the Pit river cañon than to cross this mountain, unless it be by a tunnel. There is no estimate for the cost of that. I think the examination was rather for a stage road, for which the pass was found practicable and highly useful, and no authority, therefore, by which to estimate the expenditure required to construct a railroad over the mountains at this point.

In relation to the climate of this route, I would say, that I believe it to be worse than that on the forty-ninth parallel; that there is more snow upon the line, and occasionally as intense cold; that the liabilities to loss of life, and interruptions to the working of a road, are greater upon it from cold and snow, than they are upon the forty-ninth degree of latitude.

Captain Stansbury, who passed the winter of 1849–50 in Great Salt Lake City, says:

"I had hoped, from the representations which had been made to me of the mildness of the two previous winters, that we should be able to keep the field the greater part, if not the whole, of the season; but, in the latter part of November, the winter set in with great and unusual severity, accompanied by deep snows, which rendered any further prosecution of the work impracticable."—*Report*, page 120.

"The winter season in the valley of the Great Salt Lake was long and severe. The vicinity of so many high mountains rendered the weather extremely variable; snows fell constantly upon them, and frequently to the depth of ten inches in the plains. In many of the cañons it accumulated to the depth of fifty feet, filling up the passes so rapidly that, in more than one instance, emigrants who had been belated in starting from the States were overtaken by the storms in the mountain gorges, and forced to abandon everything, and escape on foot, leaving even their animals to perish in the snows. All the communication with the world beyond was effectually cut off; and, as the winter advanced, the gorges became more and more impassable, owing to the drifting of the snow into them from the projecting peaks.

"We remained thus shut up until the 3d of April."—Page 122.

One Senator has informed us that the *thirty-seventh parallel* is the proper location, and insists on running a road straight across the country on that line. This is an old story. We used to have the road running straight across on this parallel and over a very level country; which level country, when subjected to instruments, proved to be ten thousand feet above the level of the sea, with tunnels of such length as no man yet has ever undertaken to cut. I had supposed that the reports of the engineers had convinced every one of the impracticability of the route. They speak with sufficient plainness to render any discussion of the physical obstacles unnecessary, and I will only refer to some additional evidence in relation to the climate of this region not drawn from the railroad reports, of which, perhaps, Senators are growing somewhat weary. I refer to the report of Captain Marcy, of the recent expedition which he made near this line, trying to find his way down into New Mexico. He says, in his letter dated "Taos, New Mexico, January 23, 1856," describing his route:

"For two hundred miles, I encountered from two to five feet of snow, requiring great labor on the part of the escort to break a trail for the animals, and, for several days, I only marched about three miles per day. In consequence of this, my rations were consumed ten days before I reached the valley of the Rio del Norte, and it became necessary to subsist my command upon mules that became exhausted and could perform no further labor."

The exposure, and loss of his party, encountered by Colonel Frēmont, in the same region of country, are well known, and must be remembered by the Senate. Captain Marcy, in his letter to Major Porter, dated June 12, 1858, describing the expedition already referred to, says:

"Our trace is along the valley of the Grand river, to the junction of the Bunkaree and Compadre, both of which we forded, and ascended the latter about fifteen miles. We found no snow in these valleys, and the atmosphere was mild, with much of the grass green.

"Several lodges of Utah Indians were met with upon the Compadre, who informed us that the major part of their band had gone to Snake river upon a buffalo hunt, and had taken with them nearly all their best horses. I held out every inducement to persuade them to sell some of the remaining ones, but did not succeed in purchasing one.

"They seemed to be amply supplied with rifles and blankets, which they said had been presented to them by their agent, in Mexico. I also made an effort to hire one of them to accompany us, as a guide, as far as the 'Coo-che-to-pa' Pass, supposing he would know the best route to avoid the deep snows; and, as an inducement, I offered him the value of two horses; but he most peremptorily declined, saying 'the snow was very deep in the mountains; that we would all perish; and that, for his part, he was not disposed to die in that way.' He also said that it would be much more wise for us to turn about and go back, or stop and winter with them.

"Our interpreter replied to him that we were men, and not old women; that we intended to go on, and had no fears as to the result." * * * * * * * *

"On the 22d day of December, we left the valley, of the Compadre, and taking a southeast course, entered the mountains, where we at once encountered snow, which increased in depth as we ascended, and upon the top this was a hard crust, that cut the mules' legs severely, and greatly augmented the difficulty in traveling.

"On the 24th the snow had become so deep that, finding it impossible for our jaded animals any longer to break the track, I placed forty men in advance who waded slowly through it, alternating from front to rear as they became exhausted, and in this manner a path was beaten over which the packed mules with difficulty passed. The snow continued to increase in depth as we advanced; but the men struggled most manfully on. They were cheerful, and there was not a word of complaint from any one of the soldiers." * * * * * * * * *

"We then followed slowly on until the 31st, making about five miles a day. This brought us to a small creek which our guide informed me had its rise on the Coo-che-to-pa Pass. Here we had the misfortune to encounter a snow storm which added about fourteen inches to the heavy body of snow already upon the ground, and increased very greatly the difficulty of breaking a track through it.

"The following morning dawned upon us with gloomy auspices, far from promising a happy new year; yet we struggled on, and by the severest toil made about two miles during the entire day. The snow was now from four to five feet deep, and the leading men were obliged in many places to crawl upon their hands and knees to prevent sinking to their necks. They could only go a few yards at a time before they were compelled, in a state of exhaustion, to throw themselves down and let others take their places."

He goes on to describe the suffering of his men; but I have read enough to show that this is a country where the climate alone creates such difficulty that I presume no one, speaking understandingly on the subject, would say it was a fit route for a railroad. He says further:

"The route we passed over, from Camp Scott to the valley of the Rio del Norte, traverses for almost the entire distance a very broken and mountainous region, over which I regard it as wholly impracticable to carry a wagon road without the expenditure of a vast amount of labor. It would, however, be a good route for summer travel with pack mules, as grass, water, and wood, are abundant upon the whole route. The estimated distance from Camp Scott to Fort Massachusetts is five hundred and ninety-three miles."

That is the region of country where the Senator from New Hampshire [Mr. CLARK] proposes to run this road, as the only line which he could favor. In order that I may not have been misunderstood in the heights of the passes, I will repeat that the altitude of the pass El Sangre del Christo is ninety-four hundred and nineteen feet; and that of the Coo-che-to-pa, ten thousand and thirty-two feet. Here we find a party of soldiers compelled to relieve each other, to crawl on their hands and feet, in order that they might break the snow sufficiently for the pack mules to follow.

Passing on to the *thirty-fifth parallel route*, where, it has been said, we have the best soil, and the greatest abundance of timber and water, and, therefore, the best line for a road, I will first notice the soil. I read from the office examinations of the field-work of the railroad explorations:

"Grama grass being found on the north bank of the Canadian, in longitude 96° and extending westward in greater or less abundance to the Sierra Nevada, indicates that the change from fertility to barrenness begins at this latitude, at least north of the Canadian. Cactaceæ also make their appearance with grama grass. South of it, however, the geological formation is that of a good soil, to about longitude 98° 30'. At this point the change to uncultivable land is complete, except in the river bottoms, which are more or less fertile, but not the great body of the land. Not far south of the route good soil extends westward to the termination of the Wichita mountains. Some portions of the upper valley of the Canadian, the upper valley of the Pecos, the valleys of the Rio Grande, Zuñi, Colorado, Chiquito, San Francisco, Colorado of the West and its tributaries, possess a fertile soil, requiring generally irrigation to make it productive. That portion of the southwest corner of the Great Basin traversed by this route, and over which the explorations of Lieutenant Williamson extended, is well constituted for fertility, its barrenness resulting from the absence of rain. Generally the uncultivable plains have an abundance of nutritious grass, though there are extensive tracts where little or none is found—the two greatest being from the Antelope Hills to Tecumcari creek on the Canadian, two hundred and fifty or two hundred and sixty miles, and from the lower part of Santa Maria river, to the Mohave river, two hundred miles."

Upon this route, I think the interior is better supplied with such timber as will serve to construct a railroad than upon any other route, except that of the forty-ninth parallel. There are some portions of the line where the timber will have to be carried a considerable distance. This is true, however, of all the routes; and in comparison, therefore, it is hardly necessary to speak of it. On this route, there is a smaller portion of the distance, I think, where fuel cannot be got, than in any other; but—

"From the Aztec Pass to the Sierra Nevada, four hundred and twenty miles, no fuel for railroad purposes will be found, and that for working parties will be scanty in some places. From the point of leaving the Colorado to the Mohave river, one hundred and fifteen miles, no fuel is to be had."

And, it might have been added, *no water*. That portion of the difficulty on this route has been constantly overlooked; no mention has been made of it. Gentlemen have spoken of it as though they had passed all difficulty and reached a point where all was smooth. They seem to be clinging to the old error, that the Mohave river is a tributary to the Colorado, and that, when they reach the Colorado, they have passed into the Mohave valley, an error long since corrected by these explorations. It is shown that there is a high ridge, rising to four or five thousand feet above the sea, between the termination of the Mohave river and the Colorado, and that the Mohave river sinks in a kind of pool, never to rise again. The party of exploration, when they left the Colorado, had to divide into three parts to get water when crossing this ridge to the Mohave river. As to the general supply of water on the thirty-fifth parallel route, it is stated in the official review that:

"The exact distances over which water is not found at certain seasons, or permanently, are not stated. It does appear, however, that a resort to unusual means will be necessary east of 109° longitude. Between that and the Pacific there are spaces destitute of it, where, from the known character of the geological structure, there is no doubt that sufficient supplies can be obtained either by deep common wells, artesian wells, or reservoirs." * * * *

"These large supplies of timber and water, west of the Rio Grande, are attained at the expense of great elevation and somewhat rugged ground."

I will now proceed to the consideration of the only remaining line, the *route of the thirty-second parallel*. I hope I am not expected to make it quite smooth, or find water at convenient distances, cultivable land, and timber continuously along the route. I know of no such route across our territories. I wish I did. If there were a route where it was thus made easy to build a railroad, we might feel a more happy security for the future. It would bring in its train not only the construction of such a work, but that continuous population which is needful to bind the two parts of the country together. Knowing no such line, I believe it is a herculean task to construct the road, attempt it where you will. Go on what parallel of latitude you may, all you can do is to take the least of most serious obstacles. I reached the conclusion that the difficulties were least on the thirty-second parallel; not that they were light. This conclusion was based upon the information possessed at that time. Subsequent explorations have materially improved the location upon the route, as I shall proceed to show, first describing the section from the Rio Grande to the Pimas villages.

The office examination says:

"After ascending from the bottom lands of the Rio Grande, in traversing the region examined by Lieutenant Parke between these two rivers, from Doña Ana to the Pimas villages, one appears to be traveling on a great plain, interrupted irregularly and confusedly by bare, rugged, abrupt, isolated mountain masses, or short ranges, seemingly, though not in reality, without system. Winding around these isolated or lost mountains, or using a few passes through them, a railroad may be constructed with easy grades. Except through the mountain passes, the surface is so smooth as to require but little preparation to receive the superstructure of a railroad; and even in the two most difficult of the passes, (where in one case, deep cutting or a tunnel at the summit, near the surface, in rock, with heavy side cuttings and high embankments for short distances, and in the other a short cut of sixty feet—probably through rock—are proposed by Lieutenant Parke, to attain grades of forty-six feet and ninety feet per mile, or less by increasing distance,) the natural slope of the ground may be used for a railroad for temporary purposes, and until the road itself can reduce the cost of materials and supplies to the lowest rates."

The resurvey by Lieutenant Parke shows that these two most difficult passes may be avoided.

In relation to the supply of water upon this part of the route the report of the Secretary says:

"The great difficulty experienced in crossing this district is in the long distances over which no water is found at certain seasons. The survey by Lieutenant Parke was made during the dryest season of the year, and, irrespective of the springs found at intermediate points, the whole distance between the two rivers, Rio Grande and Gila, may be divided into five spaces, varying from eighty to fifty-three miles in length, at the termination of which large permanent supplies of water are found at the most unfavorable season of the year.

These spaces and points are—

From the Rio Grande to the Rio Mimbres	71 Miles.
From the Rio Mimbres to the stream of the Valle de Sauz	72 "
From the Valle de Sauz to the San Pedro	80 "
From the San Pedro to Tuezon.	53 "
From the Tuczon to the Gila	79 "

Intermediate between these streams are permanent springs; and the new survey has improved the location in this respect. In his last report, Lieutenant Parke states:

"The supply of water upon the plateau is limited. Along and near the proposed line it is found at the following localities, and from these the working parties can be supplied: at Neide's spring, at the southwest corner of the basaltic hills, east of Cooke's spring; Rio Mimbres; Agua Fria; Ojo de la Vacca; Ojo de Inez; Valle del Suaz; in the Puerto del Dado; Croton springs, at the Playa de los Pimas; Castro spring, near the Railroad Pass under Mount Graham; Pheasant creek; Antelope and Dove springs, at the base of the Calitro mountains; and at Bear springs, at the head of the Aravaypa. The distances, in direct lines, from one of these localities to another, are as follows:

From the Rio Grande to Neide's spring	40 Miles.
From Neide's spring to Cooke's spring	12 "
From Cooke's spring to Rio Mimbres	21 "
From Rio Membres to Agua Fria.	15 "
From Agua Fria to Ojo de la Vacca	6 "
From Ojo de la Vacca to Ojo de Inez	12 "
From Ojo de Inez to Valle del Sauz	40 "
From Valle del Sauz to Puerto del Dado	23 "
From Puerto del Dado to Castro spring	30 "
From Puerto del Dado to Croton springs	30 "
From Castro spring to Croton springs	18 "
From Croton springs to Pheasant creek	12 "
From Pheasant creek to Antelope spring	3 "
From Antelope spring to Dove spring	2½ "
From Dove spring to Bear spring	16 "

"On the San Pedro route water is abundant and convenient, at Chameleon spring and Prospect creek, and in the entire valley of the Rio San Pedro. Besides these permanent supplies, water is found, after the rains, on the *playas* and in depressions in the drains."

It has been argued, and I think successfully, that if the road were built, it might be worked from one supply of water to another; but that has never satisfied my mind in relation to the difficulty which presents itself in building the road. Without tanks or wells, I do not see how the road is to be built, how working parties are to be sustained, with the distances which are found upon every route which has been surveyed.

The facilities for making such artificial reservoirs upon this part of the thirty-second parallel route, are thus favorably described by Lieutenant Parke:

"For the working parties in the construction of the road during the dry season, water can be obtained from the several abovementioned permanent sources of supply; but this will involve, of necessity, much haulage, the maximum distance being twenty-three miles. But I am clearly of the opinion that water can be obtained at other points along and near the line of construction by sinking common wells. These *playa* formations are particularly favorable. Being basin-shaped, they receive and retain the drainage from the surrounding country, giving us natural reservoirs, which require only to be tapped to give a constant and plentiful supply."

I will next proceed to describe the section west of the Pimas villages. The office examination states:

"We have now reached the Gila, seven miles above the Pimas villages, the elevation above the sea being one thousand three hundred and sixty-five feet. From this point to its junction with the Colorado, the valley of the river is highly favorable to the construction of a railroad. There will be no necessity for embankments against freshets, but trifling occasional cutting and filling; and in those instances where the hills close in upon the river, there is ample space for the road without heavy cutting. The elevation at the mouth of the river being one hundred and eight feet, and the distance between the two points two hundred and twenty-three miles, we have a general slope of five and six tenths feet per mile, which, from the favorable character of the ground, may be assumed as the grade of the road.

"Water and fuel, for working parties, are sufficient, though no grass. Logs may be driven down the Gila from the Mogoyan Mountains, at its source, from the Pinal Lleno,

and down the San Francisco and Salinas rivers, from the pine forests on the former, and the mountains at the source of the latter.

"But it may be found more economical to receive all the supplies needed from the western portion of the road, either from the San Bernardino Mountains and Pass, or from the harbors of San Pedro or Diego, or, should it be found desirable to establish one, from the depot near the mouth of the Gila."

Senators will perceive that I am here explaining the basis on which I formed the opinion which governs my vote in this case. I have no controversy with anybody. I do not expect to satisfy gentlemen that their routes are not as good as they wish them; but I am dealing with the facts as they are contained in the reports, to justify me in the opinion which I have officially expressed, and on which I am now acting in my proposition to grant a given sum to make a railroad. I have not encountered all this labor in a mere spirit of controversy.

"The most favorable point for crossing the Colorado is at the junction of the Gila, where the river is narrowest, six hundred and fifty feet wide, and has bluffs on both banks.

"The direction that the road should take across the desert intervening between it and the foot of the coast range depends, in part, upon the position of the pass by which it crosses this mountain chain. There are two passes known and explored. Warner's, the more southerly of the two, will require five miles of excavation in granite and mica slate for the full width of the road, the grades varying from one hundred and thirty to one hundred and ninety feet per mile.

"The distances from the mouth of the Gila, over the desert, to the entrance of this pass, is eighty miles; thence to San Diego is one hundred and fifty miles. The San Gorgonio or San Bernardino Pass, on the contrary, is remarkably favorable. It is an open valley, from two to five miles wide, the surface smooth and unbroken, affording in its form and inclination every facility and no obstruction to the building of a railroad."

This plain, eighty miles in width, has been treated as a desert *jornado*, although there are springs and wells upon it, and the water of the Colorado sometimes overflowing or rising in the middle of the plain, forms what is called New river. The plain is certainly deficient in water; but it is evidently a delta formation, and not a desert in the sense of being unproductive because of its constituent elements. It is all of alluvial formation, clearly once belonging to the Colorado, and habitually overflowed by it; but the deposit on the banks of the stream, having enough moisture and tenacity to catch the sand driven upon it by the prevailing winds, at last became a natural levee or barrier sufficient to restrain the floods; and long drought rendered the alluvial plain west of the river entirely sterile. Thus, I am informed, it is now along the Rio Grande. When the cultivation of a field is abandoned—left but for a few years without irrigation—sterility ensues, but it can be restored to fertility by again supplying it with moisture.

The supply of timber upon this whole route is deficient. The points where it may be obtained are thus stated in the office examination:

"Let us assume the most unfavorable case for supplies of ties and lumber over that portion of the route between the eastern limit of the Llano Estacado and the summit of the San Gorgonio Pass, one thousand and fifty-two miles—that is, they must be brought from either end of the road, say three hundred miles from the eastern limit of the Llano Estacado, and from the port of San Pedro on the Pacific, one hundred miles from the summit of the San Gorgonio Pass, making the points of supply one thousand four hundred miles apart; the greatest distance to which they must be transported from each end is, therefore, seven hundred miles by the road, the point of junction of supplies from the east and west being about one hundred and ten miles west of the Rio Grande. Lumber can, undoubtedly, be procured in the Red river district for $30 per thousand feet. The additional cost for transportation to the Llano, three hundred miles by the railroad, at three cents per ton per mile, (double the usual cost on eastern railroads,) is $13½, and its cost there $43½ per thousand feet; the cost per thousand feet for four hundred and fifty miles additional transportation is $20, and hence the cost per thousand feet at this extreme point will be $63½. The mean cost over these four hundred or four hundred and fifty miles from the eastern limit of the Llano Estacado will be $53½ per thousand feet. From Fulton to the Llano it is unnecessary to estimate its cost.

"Lumber may be delivered at San Pedro or San Diego, from Oregon, for $30 per thousand feet. Abundance of it can be got out from the San Bernardino and other mountains near the line of the road at that cost; and it may be assumed, therefore, to be supplied at San Pedro or San Diego at that price, and at a mean cost over the road (the road supplying itself, as it must do, sections of forty or fifty miles being built at a time) of $46 per thousand feet.

"The worst case having been discussed, it remains to be said, that good ties and lumber can be obtained from the Guadalupe and Hueco mountains, from the head-waters of the Rio Mimbres, from the Pinal Lleno, Salinas river, and head-waters of the San Francisco, and from the San Bernardino mountains of the Sierra Nevada or Coast range, which sources of supply may be found to materially obviate the necessity of transporting lumber from the two ends of the road."

In fine, it may be said that the route of the thirty-second parallel, from the Mississippi river to the Pacific ocean, is the shortest of those explored, its length being from one to four hundred miles less than the shortest of the other routes; it is likewise the shortest route to San Francisco, being one hundred miles shorter than any other. The vast uncultivable belt through which all the routes must pass, is crossed by the route of the thirty-second parallel where the width is least, its length through this region being two hundred miles shorter than upon any other line.

The mountain region on this route has the least elevation, and the table lands preponderate to a greater degree than on the other routes.

It is the most economical route; the estimated cost to the Pacific being from eighteen to twenty million dollars less than that of any other, and to San Francisco $10,000,000 less; the cheapness of construction being due to the great extent of plains and table lands where the road-bed preparation required is slight.

The mountain passes are open, and their natural slopes admit of temporary use without costly preparation. The winters are so mild that no difficulties, impediments, or dangers from snow and ice are to be apprehended, and this admits of the use of steep grades, and greatly facilitates construction.

On all the routes, unusual means must be resorted to for supplies of water at the distances common on railroads. The intervals between the large permanent supplies on the route of the thirty-second parallel, are not too great for the working of a railroad, but additional supplies at shorter distances, may be collected by tanks or wells.

In the uncultivable belt that separates the Mississippi valley from the Pacific slope, occasional areas of arable soil are to be found. The route of the thirty-second parallel is neither less favorably situated in this respect, nor in mineral wealth, than those in other latitudes, nor is the supply of building materials and timber materially less on this route than on the others, excepting an interior portion of the route near the forty-ninth parallel.

In confirmation of the opinion expressed in the Secretary's report upon the comparative advantages of the thirty-fifth and thirty-second parallel routes, I wish to refer to the testimony of a civil engineer who has traveled over both, and looked at them with a view to the construction of a railroad—Mr. Albert H. Campbell. He was first connected with Captain Whipple's party for exploring the route near the thirty-fifth parallel; subsequently with that of Lieutenant Parks when reëxamining the route near the thirty-second parallel. I intend to read from a letter which I find addressed by him to the Hon. GUY M. BRYAN, of Texas, in relation to the Pacific railroad, published in 1858. On the first page, he sets forth his total indifference as to which of the two routes may be selected, and the absence of any pecuniary motive to influence him in one way or the other. He says:

"I have no pecuniary or landed interest in the El Paso route, and consequently have no motive for my preference, except an honest conviction, derived from personal observation, that it is emphatically the most practicable, cheapest, and shortest route between the Mississippi river and the Pacific ocean; and the country through which it passes, as a whole, will compare favorably with any other route in agricultural and pastoral resources, and in mineral wealth, and that it is the only route that can be successfully worked during the entire year." * * * * * *

"It is practicable to construct a railroad along the Albuquerque route, as reported by Captain Whipple; but I maintain, and I am willing to leave it to the decision of the ablest impartial railroad engineer in the country, that it cannot be done without an immense outlay of treasure in preparing a road-bed, and exceeding, by at least twenty-five per cent., the cost of constructing a road of equal length over the thirty-second parallel."

Of the climate, he says:

"In regard to the climate of winter on the Albuquerque route, I am satisfied that it will be found too cold to work a railroad successfully for at least three, if not four, months of the year. The recorded experience of six winters at Fort Defiance, only twenty miles in latitude north of Campbell's Pass, and about the same elevation (as I observed when I went to that post in November, 1853, through Campbell's Pass, though the Army Meteorological Register, page 641, puts it down, or rather up, to '7,200(?) feet' above the level of the sea) must be taken as conclusive of the fact of it being at times extremely cold.

"At Albuquerque, according to the meteorological report of the medical department of the United States Army, the maximum and minimum temperatures, respectively, were, for the winter months of 1849 and 1850: in December, 53°, 5°, January, 49°, 12° below zero; February, 57°, 17°. For 1850 and 1851: in December, 52°, 5° below zero; January, 57°, 8°; February, 59°, 7°. For 1852 and 1853: in December, 65°, 21°; January 65°, 19°; February, 66°, 13°. For 1853 and 1854: in December, 66°, 20°; January, 63°, 5°; February, 67°, 15°; and in December, 1855, 58°, 19°.

"At Fort Defiance, about twenty miles north of Campbell's Pass in latitude, and from three to five hundred feet higher, the maximum and minimum temperatures, respectively, were: For the month of December, 1851, 62°, 4°; eighteen inches snow. For 1852 and 1853, in December, 50°, 2°; January, 55°, 7°; February, 56°, 6°. For 1853 and 1854, in December, 57°, 6°; January, 49°, 20° below zero; February, 54°, 2°. For 1854 and 1855, December, 65°, 10°; January, 59°, 17° below zero; February, 61°, 13°. For 1855 and 1856, December, 56° 25° below zero; January, 54°, 8° below zero; February, 51°, 3° below zero."

A great error has been committed in supposing that, because the thirty-fifth parallel route is in a southern latitude, it must be a warm country. Temperature depends as much upon elevation as upon latitude; and fertility results not from the constituent elements of the soil alone, but from the meteorological conditions of the atmosphere also. Here is an elevation of seven thousand feet above the sea, and a country of extreme aridity. The air from the ocean deposits the moisture it possessed, in passing over mountain ranges, before it reaches this plain. Over it broods a forbidding sterility, and across it the winter winds sweep with a degree of cold scarcely less intense than that found in any portion of our country. At the close of this table, the writer says:

"The table above will give a fair idea of the climate of the country. The winter of 1855-56 was more severe than any one known for many years. The wintry weather commenced on the 1st of November, 1855, and has continued up to the present time, (March 14, 1856.) The Rio Grande, at Albuquerque, was frozen over, and with ice sufficiently strong to bear a horse and carreta. Those Indians who live habitually to the north of Fort Defiance, were obliged to abandon that portion of the country and move south, with their flocks and herds, in quest of grazing, on account of the depth of snow, which, in the mountains, at whose base the fort is situated, was over two feet in depth in March, 1856." —*Correspondence, J. Leatherman, Assistant Surgeon United States Army; Smithsonian Report*, 1855, page 287.

Speaking of the immense exposure encountered on this elevated plain in winter, Mr. Campbell says:

"The imagination can readily picture the terrible calamity which would inevitably befall a train load of passengers *en route* for the Pacific if an accident of a similar kind should stop their progress midway upon one of those desolate artemisia districts between the Ojo de Gallo and the Little Colorado, and between the valley of the Big Sandy Fork and the sink of the Mohave, where no human habitation can ever exist between the permanent water stations."

He treats of the supply of water in the same manner as the authors of the official reports. He notices the fact that Captain Marcy, having traveled over the thirty-fifth, and then over the thirty-second parallel route, testified in favor of the latter as an emigrant route. Citing the opinion of Major Emory as to the route on the thirty-second parallel, he says:

"In an allusion to the subject of a railroad, (on page 51, first volume of Mexican Boundary Report,) he [Major Emory] emphatically declares, of the advantage gained by the last, or Gadsden treaty, that it 'has secured what the surveys made under the orders of the War Department demonstrate to be the most feasable, if not the only practicable, route for a railway to the Pacific.'"

The comparison instituted in the office when the field-work of the various explorations was reported, was to fulfill the requirements of Congress, to find the most practicable and economical route for a railroad from the Mississippi river to the Pacific ocean. I am not engaged now in the investigation of that exact question, the problem being merely that of crossing the Territories; but as the practicability of effecting a connection between the Mississippi and Pacific may control in any action of Congress, a table has been prepared which presents, in a condensed form, the distances, and the comparative cost of each route from the Mississippi river to the Pacific ocean. Whether this estimated cost be too high or too low, it is not for that purpose needful to inquire.

The object was to approach as nearly as possible to accuracy of comparison, not to give an absolute statement of the cost. This is all that has ever been claimed for the office estimates of cost; and this is the reason why the estimates of chiefs of parties have been modified so as to bring them to the same comparative scale. I submit the table to the Senate:

Table showing the lengths, comparative costs, &c., of the several routes explored for a railroad from the Mississippi to the Pacific.

Routes.	Distance by proposed railroad route.	Sums of ascents and descents.	Comparative cost of different routes.	Number of miles of route through arable land.	Number of miles of route through land generally uncultivable, arable soil being found in small areas.	Altitude above the sea of the highest point on the route.
	Miles.	*Feet.*				*Feet.*
Route near forty-seventh and forty-ninth parallels, from St. Paul to Seattle	1,955	18,654	$135,871,000	535	1,490	6,044
Route near forty-seventh and forty-ninth parallels, from St. Paul to Vancouver	1,800	17,645	125,781,000	374	1,490	6,044
Route near forty-first and forty-second parallels, from Rock Island, via South Pass, to Benicia	2,299	29,120*	122,770,000	899	1,400	8,373
Route near thirty-eighth and thirty-ninth parallels, from St. Louis, via Coo-che-to-pa and Tah-ee chay-pah Passes, to San Francisco	2,325	49,985†	Impracticable.	865	1,460	10,032
Route near thirty-eighth and thirty-ninth parallels, from St. Louis, via Coo-che-to-pa and Madelin Passes, to Benicia	2,535	56,514†	Impracticable.	915	1,620	10,032
Route near thirty-fifth parallel, from Memphis to San Francisco	2,366	48,521‡	113,000,000	916	1,450	7,550
Route near thirty-fifth parallel, from Memphis to San Pedro	2,090	48,862‡	99,000,000	690	1,400	7,550
Route near thirty-second parallel, from Gaines's Landing to San Francisco, by coast route	2,174	38,200§	94,000,000	984	1,190	5,717
Route near thirty-second parallel, from Gaines's Landing to San Pedro	1,748	30,181§	72,000,000	558	1,190	5,717
Route near thirty-second parallel, from Gaines's Landing to San Diego	1,683	33,454§	72,000,000	524	1,159	5,717

* The ascents and descents between Rock Island and Council Bluffs are not known, and therefore not included in this sum.

† The ascents and descents between St. Louis and Westport are not known, and therefore not included in this sum.

‡ The ascents and descents between Memphis and Fort Smith are not known, and therefore not included in this sum.

§ The ascents and descents between Gaines's Landing and Fulton are not known, and therefore not included in this sum.

In volume seven of the railroad reports, a table will be found with which this very generally corresponds, the difference being that some of the surveys having commenced at interior points, one, for instance, at Council Bluffs, and another at Fort Smith, the estimates of the reports are made from those points. Here they have been extended to the Mississippi river. The table in volume seven is also here modified by the supposition that the reported practicability of the Cœur d'Alene Pass is correct, and thus the total sum estimated for the route near to the forty-ninth parallel has been reduced. No additions have been made for those difficulties which, in addressing the Senate, I have stated had come to my knowledge since the preparation of my report, because information not derived from instrumental survey is not accepted as the basis of estimate.

I have only to add that, looking to the grant of land and money with which Texas has endowed her railroad company, and to the interest which would be brought to bear for the extension of the Texas road to the Rio Grande, by a company formed to build a road from the Rio Grande to the Colorado, I believe the sum of money, and the grant of land contained in my substitute, although the smallest proposed by any one, will secure the construction of the road across that intermediate territory; will insure the extension of the road of Texas to the Rio Grande; and that, having reached the Colorado, California will charter a company o extend it to San Diego, to San Pedro, or to San Francisco. Most probably a company, if incorporated to build a railroad from Fort Yuma to San Francisco, would first connect with the ocean at San Pedro, and thus command a more prompt return for their investment in the road than if they awaited its final completion to San Francisco.

I have endeavored, during the progress of this debate, to ascertain how much of the land in the valley of the Santa Clara and the Salinas might inure to the benefit of a company undertaking to build a road. It is all known to be of the highest fertility, and blessed with a climate not inferior to any within the limits of the United States. If it is possible for the company to obtain, near to that line, even one half of the amount of land proposed to be granted, I rely upon the accuracy of Lieutenant Parke's estimates to establish the fact that the road might be built there for the land grant alone. Whenever California shall charter a company to build this road within her own limits, and that company shall ask Congress for a grant of land to construct it, I cannot doubt that the interest of the United States will warrant Congress in making such a grant. Thus is reached the conclusion that the Texas road will be drawn on to make a junction with the road built in the territory, and that the latter, when built to the Colorado, will certainly be extended to the Pacific. The eastern terminus of the Texas road will be available to all the roads which ramify throughout the United States, and be connected, in a very short time, with every important point from St. Paul to Galveston.

If the facts, which have been thus imperfectly grouped and presented to the Senate, sustain the conclusion that this result is to be attained by so small a sum of money, it may reasonably be claimed that all who desire the construction of a road across the territory, with complete connections throughout the States, are bound to sustain the proposition which I have submitted.

My position is, that the completion of this great work is necessary to the due execution of the functions of the General Government; that it will not be achieved by private capital alone; therefore, that we should strike off every shackle which impedes its execution; should abandon the right to collect duty on the iron employed; give the whole limit of the United States from which to select a route; extend every aid we can constitutionally afford to insure the construction of a road somewhere, be it where it may, so that it is on the soil of the United States. If, by haggling over petty sectional controversies; if, by sticking in the bark and destroying the vital energy of the Constitution, politicians shall defeat the efforts which have been made from session to session, shall prostrate the last hope for this road across the continent, and thus unprepared, should we become involved in a war with the great maritime Powers of Europe, they may, when it is too late to avert the disasters which have been so often foretold, have cause to pray for the mountains to fall upon and cover them from public indignation; to them may attach the blame, on us all may press the shame and sorrow of having lost to the country a territory worth innumerable treasure, of having forfeited that the value of which cannot be measured by money—the prestige of stability, progress, and invincibility, and the right to inscribe on our national shield EQUAL TO THE PROTECTION OF A CONTINENT-WIDE REPUBLIC.

PACIFIC RAILROAD.

SPEECH OF HON. HENRY WILSON,

OF MASSACHUSETTS,

IN THE SENATE, *January* 11, 1859.

[REVISED BY HIMSELF.*]

The Senate having under consideration the bill to authorize the President of the United States to contract for the transportation of the mails, troops, seamen, munitions of war, Army and Navy supplies, and all other Government service, by railroad, from the Missouri river to San Francisco, in California—

Mr. WILSON said:

Mr. PRESIDENT: Before the acquisition of California, before the discovery of its golden treasures had allured our countrymen to the Pacific ocean, the idea was conceived of a railroad across the continent, which should make our country a way of transit between the nations of western Europe and the teeming millions of eastern Asia. Since the treaty of Gaudalupe Hidalgo gave us the title deeds of that magnificent empire on the shores of the Pacific, and since the discoveries of gold have drawn to that portion of the globe the eyes of mankind, the attention of the country—of the public men of the country, and of the people of the country—has been directed to the construction of a railway from some point on the Mississippi, or the Missouri, to the bay of San Francisco. After years of discussion and investigation, the opinion of the people has been unmistakably pronounced in favor of the speedy construction of this great national work—a work which will carry population over the continent, carry the light of Christian civilization to the shores of the Pacific, develop the power and wealth of the Republic, and bind together by ties of interest, as well as affection, the people who are hereafter to dwell on the Atlantic and Pacific slopes of the Rocky Mountains.

But it is not my purpose, sir, to enter into the general discussion of the considerations why we should construct a Pacific railroad. The time for such discussions in these Halls has passed away. We are summoned now to the consideration of plans of detail and to act upon specific questions. I conceive the only questions before the Senate and the country now to be: over what route shall this railroad be located? and how shall it be constructed? I propose to address myself to the consideration of these two questions, which I conceive to be the only practical questions before the Congress of the United States.

The Senator from New York, [Mr. SEWARD,] at the outset of his earnest, eloquent, and powerful appeal for the construction of a railroad across the continent to the shores of the Pacific, said that "it was only the Senators on this side of the Rocky Mountains who required to be convinced;" that "it was only on this side of the mountains that the snow and ice of indifference and prejudice remained to be removed." There may be Senators who require to be convinced; I am not one of that number. There may be States where the snow and ice of indifference and prejudice remain to be removed; Massachusetts is not one of that number. Nor is it recent investigation that has convinced me of the necessity of constructing a railway to the Pacific.

More than twenty years ago, while California was but a distant, and almost unknown, province of the Mexican Republic, before the discovery of its golden treasures had fixed on it the attention of the commercial world, it was my good fortune to listen to Mr. Whitney, the railroad pioneer, in the capital of my native State, New Hampshire, and hear him there unfold and develop his splendid scheme for the construction of a railway

* For the original report, see Cong. Globe, page 304.

across the North American continent. Little as was then known of the interior of the country, or even of the region on the shores of the Pacific—little as was then known of the location, construction, and working of railways—it seemed to me that a plan so grand, so comprehensive, so national in its scope and character, would, at no distant day, be an achieved result. And, sir, during the past seven years, in seventeen of the States of this Union, and before assembled thousands, I have advocated the policy of the construction of a railway from some point on the Mississippi or Missouri, across the central regions of the country, to the city of San Francisco. I do not suppose that I shall be considered an enemy of the project because I cannot give my assent to a plan which I think comes under the head of that class of schemes characterized by the Senator from New York as "shams;" because I cannot give my assent to a bill that, with all respect to the committee which reported it, I think should be entitled, "An act to facilitate the schemes of speculators in the public lands, and secure to their use and benefit those portions of the public domain, the proceeds of which should be devoted to the construction of a railway to the Pacific ocean." The zeal of new converts, however, is proverbial, and the Washington Union, in its new-born ardor for this project, seems inclined to hold us, who have been its steady and persistent advocates, to a rigid account for our lack of faith in the practicability of the bill now under consideration.

But, sir, while the country is united in favor of the construction of a Pacific railway, the people are divided in regard to the location of the road. That local interests and prejudices should divide the people, will excite no surprise; but, in my judgment, this division of public sentiment is due to a great extent to the conduct of the Government in organizing and in carrying on the surveys that have been ordered for a route for the railway. Those surveys were instituted in 1853. They were organized under the late Secretary of War, now a member of the Senate; and we all know that he carried into the Cabinet of President Pierce a vehement and passionate devotion to what is called southern rights, southern interests, and southern policy. No man can read the eight volumes of reports of surveys that have been printed, without coming to the conclusion that the summary, the deductions, and the arguments, made by the Secretary of War, are not sustained by the evidence published in those volumes. I think, and I believe the country entertains the same opinion, that the great central route, and also the northern route, have been belittled; that the entire policy of the last Administration, and of the present Administration, has been to magnify the route along the thirty-second parallel.

In the first place, I think a great mistake was made in the men who were sent into the field to make those surveys, as we call them. We call them surveys, but they are not surveys; they are simply explorations and reconnoissances. The Senator from Iowa, [Mr. HARLAN,] the other day, asked why, with all this data before us, we could not locate the road? Why, sir, there is no evidence here for us to locate the road upon. All we can get from those volumes is some general views of the country. I think that, with the officers of the Army, there should have been sent some of those men who for a quarter of a century have been engaged in surveying, in locating, in constructing, and in working the railroads of the United States. There are such gentlemen, whose opinions, with us, as well as with the business men and the capitalists of the country, would outweigh those of a whole battalion of officers of the Army, intelligent as we all know them to be, and well fitted as we all know they are for their appropriate duties.

Then, sir, this Administration took up the policy of the last, for the sake of magnifying that desert route, now and hereafter to be known, I trust, as the disunion route; and in order to reach San Francisco by the thirty-second parallel, the present Postmaster General, without authority of law, has located along that parallel a mail route at an annual expense of more than half a million of dollars.

I have said that the Administration policy has been to belittle the central and the northern routes; to represent them as impracticable; to represent them as being in a condition unfitted for the location of a road like this. Now, sir, the testimony of the officers who have surveyed these lines—little as those gentlemen are accustomed to the location and construction of railways, little able as they were to examine the subject, resolve it into its component parts, and make up a sound judgment, worthy the confidence of the country—shows that the central route is a practicable one; that the route by the Canadian, through Albuquerque, across the Colorado, and thence through the Tulare Valley, to San Francisco, is a practicable route; and that the route from Lake Superior to Puget Sound is a practicable route.

Let me quote here, sir, the testimony of some of the gentlemen who went over these routes. Governor STEVENS, now the Delegate from Washington Territory, surveyed the northern route. Those who know him, know him to be a gentleman of great intelligence. I hold in my hand an address recently delivered by him in the city of New York, before the American Geographical and Statistical Society. He has examined that whole country, and he says in regard to the temperature:

"There were more cold days on the line of the Great Trunk railroad, and of the roads in Minnesota, than on this northern route."

Referring to the impediments to be encountered from snows—and he is a native of New England, familiar with the snow storms of that region—he says:

"If I were asked where I should expect the most difficulty from snow in the whole country, from the Atlantic to the Pacific, I should say the first ten miles from the Atlantic ports."

I find, too, that in his report, as published, of the very highest portions of that route among the Rocky Mountains, he says:

"We find on the route no desert; we find on the route no tremendous snows; we find the country there nearly all arable and adapted to grazing."

He says, further:

"In 1853-54, my parties crossed, in the depth of winter, the Big Hole Pass, Hell Gate Pass, the Little Blackfoot Pass, and Cadot's Pass; and the greatest depth I saw, except when drifted, was one foot."

He states that the Indians, with their wives and their children, traverse these passes at all seasons of the year. I have here, also, the report of Lieutenant Saxton. He say, writing on the 26th of August, when near the summit of the Rocky Mountains, between the head waters of the Columbia and Missouri:

"Our route was along the Flathead river, through a fine, open country, with an abundance of fine timber upon the hills back from the river." * * * "The sun does not shine upon a better spot of earth.

"I find that my previous ideas of the Rocky Mountain range were, so far as this section is concerned, entirely erroneous. Instead of a vast pile of rock and mountains, almost impassable, I found a fine country, well watered by streams of clear cold water, and interspersed with meadows covered with the most luxuriant grass.

"We crossed, to day, the highest mountain in our route. It was one of the Rocky Mountain range, and, I think, may be avoided in the construction of a railroad. It was raining heavily when we crossed it. It is covered to its summit with a heavy growth of timber." * * * *

"*September* 5.—Marched twenty-five miles due west, along the banks of the Blackfoot Fork river, through a magnificent country, fitted to support a numerous population of civilized men. Its bracing air and grand mountain scenery will give inspiration and energy to the future inhabitants of this mountain region.

"*September* 6.—We marched thirty miles, and are now encamped on the last dividing ridge of the mountains. Antoine says that we shall see to morrow the long looked-for plains of the Missouri. We passed through a region of the same fine character as that of yesterday, but with more timber and more game. I saw numerous large, fine-looking elk, which would have made a welcome addition to our slender stock of provisions; but we did not succeed in taking any.

"The grass and timber are as good as can be found anywhere. It is contrary to all my preconceived ideas of the Rocky Mountains, to find such a country in their very heart.

"Crossed the last dividing ridge of the mountains, and are encamped on a small creek upon the eastern side, one of the head branches of the Missouri. The ridge which divides the waters flowing into the Atlantic from those flowing into the Pacific, at the place where we crossed, is but a high hill; and it is not more than a mile, in a straight line, between the sources of the Columbia and the Missouri. Nature seems to have intended it for one of the great highways across the continent. We stopped and took a parting glass of the clear, pure water of the Columbia, and, in a few moments, pledged the toast from the stream whose waters flow to mingle with the Gulf of Mexico. The view from the summit of the pass is grand and beautiful—the Atlantic and Pacific slopes of the mountains spreading out on either side, and embracing on this hill of union as well as of separation.

"The mountains at this point offer no obstacle to the construction of a railroad from this place to the Flathead village. With the exception of one mountain, easily to be avoided, a finer region through which to build a road can nowhere be found. The vast amount of timber and stone, granite and marble, will furnish an inexhaustible resource of materials for its construction."

It will be remembered that Lieutenant Saxton spent several months in traversing this country, at the head of twenty-five men. He had no sickness, lost no men, was only one night without wood over the whole route. He saw Indians who owned a thousand horses; he saw immense herds of buffalo; he found the entire country, among the very summits of the Rocky Mountains, adapted to agriculture and grazing, and containing some of the most beautiful spots on the North American continent. He says, in summing up:

"From as careful a survey of the country through which I passed as the limited means at my disposal, and the rapid rate at which I traveled, would admit, I give as the results of my observations:

"First. That from the mouth of the Walla-Walla river to Fort Benton no insurmountable obstacle to the construction of a railroad exists; and that the Blackfoot or Cadotte's Pass is much the lowest pass through the Rocky Mountains that has yet been discovered, and eminently fitted by nature for the line of a railroad.

"Second. That the region is well watered, rich in agricultural and mineral resources, and abounding in fine timber and all other materials necessary for the construction of a railroad. It is destined, and at no very distant period, to be occupied by a civilized and energetic population, capable of making roads for themselves, independently of those which are to form the great lines of communication between the eastern and western oceans."

Well, sir, we all know that the country from Lake Superior to Fort Benton is a beautiful and a rich country; that it is a country where people can live, where you can grow a people, and establish the institutions that elevate and refine them. And here we have the testimony of Lieutenant Saxton in regard to the country in the very heart of the Rocky Mountains. Passing beyond those mountains to Puget Sound, all the evidence goes to show that the country is rich, well watered, well wooded, with timber enough around Puget Sound to supply the civilized world for years. It is a great commercial line. Any man who will take the map, and look at the lakes and rivers, and look at the conformation of the country, will come to the conclusion that it is the cheapest and best route across this continent.

But it is said that the British Government intends to build a railroad from Lake Superior to Vancouver's Island. Well, sir, I hope that it will. I have no fear, no jealousy, of that Power, which is rising up along our northern frontier, from the Atlantic to the Pacific ocean. It is a great country, of three million square miles; it is owned, and partially occupied, by a free people; and whether it is to be, as I trust it will be at some future day, a portion of our Union, or not, it is a portion of the world with which our intercourse must be great, both commercial and social. The subject has been brought up in the British Parliament. Mr. Roebuck, in August last, called the attention of the Secretary for Colonial Affairs to the construction of this railway. The Secretary, in response to that call, indicated that the British Government hoped to make such a railway across the continent. Lord Bury, in a speech recently made at Toronto, says that, in all human probability, such a railway will be constructed by Great Britain, and at this time there is, on this side of the Rocky Mountains, a corps of surveyors on that line. There is, at this time, at Victoria, a corps of surveyors from England, who, in the spring, are to survey this line. It is said, also, that an attempt is being made to organize in England a company with a capital of $50,000,000, to continue the Grand Trunk railway across the continent. We connect with Canada by the road from Portland to Montreal, by the roads through Vermont at Rouse's Point, at Ogdensburg, at Niagara Falls, and at Detroit; and if they should build a railway—and if we do not, I hope they will—we shall tap that road; we shall be connected with that road along the whole line to the Pacific ocean; and the benefits of it will accrue to us as well as to them. It excites no apprehension, in my mind, that the British Government, or the Canadian people, propose to construct such a railroad.

Now, sir, I pass over the central route—the reports concerning it, of Frémont, Stansbury, Beckwith, and others, have long been familiar to the country—and I proceed to examine the southern route, the route down on the frontiers of Mexico, the desert route, which we shall consider henceforth, after what has been avowed on this floor, as the disunion route. An interested portion of the public press is filled with glowing accounts of Arizona, of its mines, of the wealth buried there, of its agricultural resources; but every intelligent man in America knows that, for a great distance this side of El Paso, for one hundred and twenty-five or one hundred and fifty miles, there is one of the most barren and desolate spots on the face of the globe—the Llano Estacado, or Staked Plain. The Government has just expended $100,000 to dig artesian wells there. None have been attempted to be dug on the northern or central routes. They are not needed on the northern; you do not dig any on the central; but away down on this southern route, $100,000 has been expended to find water; and Captain Pope has abandoned the undertaking, having failed altogether.

The country, from the Pecos to El Paso, is a barren and worthless country, without wood, and without water fit for the use of man or of beast; and the country from the frontier of Texas, from El Paso for three hundred and fifty or three hundred and sixty miles to the Gila, and then from the Gila over two hundred miles to the Colorado, and from the Colorado two hundred and seventeen miles to San Diego, a distance of nearly eight hundred miles altogether, is a sterile and barren country, over which, in the words of Professor Henry, "sterility reigns supreme." Lieutenant Whipple says of the country on the river Pecos, in Texas—this beautiful, rich land, full of fertility and beauty, if we are to rely on what is now stated—Lieutenant Whipple, one of your own officers, says the valley between the Pecos and the Rio Grande, "for hundreds of miles, is a blank and dreary waste, with scarcely a shrub to relieve the eye of the traveler."

This is over the Staked Plain, over which this southern railroad has to pass to reach El Paso. You have spent $100,000 to get water there; you have dug six or eight hundred feet deep, and you cannot get it. That is a fine country to build a railroad over! That is the route which has been lauded to the skies; while the rich and fertile regions over the northern and the central routes have been under-valued altogether. I do not certify to the truth of this extract; but a correspondent of the Cincinnati Times, writing from El Paso, in alluding to the breaking up of Captain Pope's artesian-well expedition, and the consequent sale of public property, says:

"Amongst other things, are three hundred horses and mules with not a sign of hair on them from head to tail, caused by drinking the water of the Pecos, the best that can be had in that vicinity."

Beautiful land this, to run a railroad through! Fine land for agricultural purposes! fine country for the European races, and for free institutions! It is a country that will never be settled to any considerable extent until we are as much crowded for room as they are in China, or unless gold shall be discovered there.

Of the country beyond El Paso, and from there to the Colorado, along the banks of the Gila, I now propose to give the testimony of some officers of the Army who have passed over it. Major Emory, in his Mexican boundary survey, says:

"I think I am safe in stating that, as a general rule, throughout this vast region, corn, cotton, and vegetables, cannot be produced without irrigation; and, furthermore, the limits of the ground which can be brought under the effects of irrigation are very circumscribed."

You cannot raise these crops without irrigation, and the bounds are very circumscribed—very, indeed, I should think. In 1846, Major Emory passed, with General Kearny and his military force, across that portion of the continent; and he said then of the country, at the point where the San Pedro joins the Gila:

"In one spot only we found a few bunches of grass. More than four fifths of the plain was destitute of vegetation. The soil, a light brown, loose, sandy earth, I supposed contained something deleterious to vegetation."

Passing along that region, he says of it:

"We traveled till long after dark, and dropped down into a dust hole. There was not a sprig of grass or a drop of water, and during the whole night the mules kept up a piteous cry for both."

That is truly a fine country for a great national highway to the Pacific! He says further:

"From information collected from the Indians and others, it appears that we shall meet with no more grass from this spot to the settlement, estimated to be three hundred miles distant."

In speaking of the long route over which he had passed, he says:

"In no part of this vast tract can the rains from heaven be relied on (to any extent) for the cultivation of the soil. The earth is destitute of trees, and in a great part also of any vegetation whatever."

This is the testimony of an intelligent officer, selected to run your boundary with Mexico; and this is the character he gives of that country. Lieutenant Parks, another officer, says of the plain at the De Sauz, which is one hundred and forty miles west of the Rio Grande: "Grass is scarce and salty."

Of the San Pedro valley, two hundred and thirty-two miles west of El Paso, he says it is—

"A dry, parched-looking plain, bounded on the east by a low, bare ridge. The banks are devoid of timber, or any sign indicating the course or even existence of a stream to any observer but a short distance removed."

He characterizes the whole country as being "the perfection of sterility." And remember, sir, that this is the character of hundreds of miles over which this southern road is to be forced. Mr. John R. Bartlett, employed at one time as boundary commissioner, says:

"The valley of the San Pedro river, near our camp, was anything but luxuriant. It consists of a loam, which, if irrigated, might be productive; but as its banks are not less than eight or ten feet high, irrigation is impracticable, except by digging a canal a very long distance."

Lieutenant Michler, one of the gentlemen attached to the boundary commission, who went over the whole of this route, crossed, in twenty-three days, from San Diego to Fort Yuma, a distance of two hundred and seventeen miles, and he says:

"We passed over mountains and deserts. This road is the most difficult I have ever traveled for heavily-loaded wagons."

Speaking of the plain of the Gila and the Colorado, he says:

"The plain is a perfect desert, marked by an entire absence of water, and destitute of vegetation, save some few sickly plants." * * * * "This country is truly a desolate region."

A desert region of more than two hundred miles on the river Gila, that, if we are to believe what is recently reported throughout the country, ought to equal the valleys of the Rhine or the Rhone in fertility! Lieutenant Michler says of the climate of this region:

"The climate of this region is in accordance with everything else relating to it.

"Having returned the following August to Fort Yuma, the thermometer, in the shade, at the post, was found to be 116° Farenheit, and over 120° in the shade along the river."

One hundred and twenty degrees! Mr. Blodgett says, in his work on Climatology, (page 91,) that:

"At Fort Yuma the mean for the year is 73° 5′, and that for the warmest month 93°—measures only equaled in the lowest basins and valleys of Arabia."

He further says:

"There are intensely-heated districts, like the desert at Fort Yuma, where the heat alone is stifling from mere excess, though the air is intensely arid."

Fine country for the people of this Union and of Europe to live in and cultivate; a region without water, without grass, without wood, with the thermometer up to 120° in the shade! I do not understand where they find the shade. Again, Lieutenant Michler says:

"The heat, commencing to be excessive in May, becomes almost unendurable in the months of June, July, and August; even in winter, the sun is so hot, and the direct as well as the reflected light upon the sand-plain so dazzling, that, excepting a couple of hours after daybreak, and an hour before sunset, it is only possible to see objects through the best instrumental telescopes in the most distorted shapes, a thin, white pole appearing as a tall column of the whitest fleece."

I think this reflected light, which dazzles the eye, by which you cannot see things except in distorted shapes, even with a telescope, by which a white pole becomes a tall white column, explains why certain gentlemen have recently had such visions of the beauty and fertility of that region. I think that is the natural philosophy of the matter; but I hope that, at this distance, this reflected light will not so distort the vision of the Senate as to pervert its judgment. Lieutenant Michler continues:

"In August we were enabled to complete that portion of the work; and although engaged upon it during the wet season, barely sufficient water was to be had for our wants. The heat had become so great as to compel us to operate entirely with signal fires by night."

This is a great route to select for a railroad, where the gentlemen employed on the boundary survey could only work over portions of it by signal fires at night! Lieutenant Michler further says:

"Instead of storms of rain during the winter and spring, they have those of dust and sand. These are caused by high and strong winds sweeping over the desert plains, coming principally from the northwest, raising and carrying before them, like mist, clouds of pulverized sand and dust. You can watch them in their progress as they approach for hours beforehand; and when they reach you, the dust penetrates into every crevice, the finest silk not being impervious to it. They last generally a day, sometimes three. The winds blow up quickly and violently, and it is useless to attempt to work with nice instruments. These dust storms were our great drawbacks, as it was impossible to see many feet distant, and then only at the risk of being blinded. The gusts of wind which produce this unpleasant effect in winter, are, in summer, like the simooms of the Sahara—they sweep over and scorch the land, burning like the hot blasts of a furnace."

That would be a pleasant region to run a train of cars through! The Senator from Maine suggests that it would be a fine country for way business! I agree with him in that opinion. Giving an account of his travels from Sonoyta to Fort Yuma and back, in the middle of August, 1855, Lieutenant Michler says:

"It was the most dreary and tiresome I have ever experienced. Imagination cannot picture a more dreary, sterile country, and we named it 'Mal Pais.' The burnt limelike appearance of the soil is ever before you; the very stones look like the scoriæ of a furnace. There is no grass, and but a sickly vegetation, more unpleasant to the sight than the barren earth itself; scarce an animal to be seen, not even the wolf or the hare, to attract the attention; and, save the lizard and the horned frog, naught to give life and animation to this region."

I have read to you, sir, from the report of Lieutenant Saxton, where he spoke of the innumerable herds of buffalo that range all over the northern region of the continent, of elk, of deer, of herds of cattle. Here is a country through which it is proposed to construct a great national railroad—a highway between Europe and Asia—where the lizard and the horned frog are the only animals which enliven the scene and suggest the existence of animated nature.

"The eye may watch in vain for the flight of a bird"—

I suppose the reason why birds do not fly there is, because they could not live. They must carry their provisions with them in their flight in that neighborhood, and that would be rather a difficult undertaking for them.

"The eye may watch in vain for the flight of a bird; to add to all this, is the knowledge that there is not one drop of water to be depended upon from the Sonoyta to the Colorado or Gila. All traces of the road are sometimes erased by the high winds sweeping the unstable soil before them; but death has strewn a continuous line of bleached bones and withered carcases of horses and cattle, as monuments to mark the way."

This is the route that the last Administration and the present Administration have done all in their power to select; and they expended $10,000,000 to purchase a region like this; and they sent to Asia and imported camels which could go ten days without water; and I commend them for their sagacity in that, for I think the camel is the only animal fitted to travel in that country at all. They have expended hundreds of thousands of dollars to find water, and have failed; and then, to add to all, have given a contract for more than half a million dollars annually to carry the mail down on that route in order that a railway may follow it.

Lieutenant Michler further says:

"The valley of this part of the Gila is the same in appearance as that of the Colorado; the soil seems to be more sandy, and contains more alkaline matter; a white efflorescence covers nearly the whole surface. Little grass grows, except in spots subject to overflow."

Professor Henry says of this country east of the Colorado:

"The entire district is bare of soil and vegetation, except a variety of cactus. Over a greater portion of the northern part of Sonora, and the southern part of New Mexico, sterility reigns supreme.

"We hazard nothing in saying that the mountains, as a

whole, can be of little value as the theater of civilized life, in the present state of general science and practical agriculture."

I have before me extracts from a letter written by Edward E. Dunbar, formerly of California; and I am told by the Senator from California [Mr. BRODERICK] that he is a gentleman of intelligence and character. He has written a series of letters in the New York Times; and I quote from him. He has spent three or four years in that country, passed over it, seen it, and says that during that time he has known of something like two hundred murders and assassinations in that region. The only consideration that casts doubt on Mr. Dunbar's statement is, how so many people got there to be murdered and assassinated. He states, also, the names of several gentlemen who have attempted to cultivate the soil in that region, but have been compelled to abandon the attempt. He says:

"That portion of Arizona, according to its present limits, lying south of the river Gila, and west of the one hundred and eleventh parallel, comprising nearly half the country south of the Gila, does not contain a running stream or living spring of water. Several nomadic bands of Papago Indians exist there by the water holes and wells, which, during a few months of the year—the season of showers—furnish them with a scanty supply; but they do not and cannot cultivate.

"The Gila bottom, from the aforesaid parallel to the Colorado, a distance of little over two hundred miles, is very uninteresting, and, from a variety of causes, cannot be made available to any great extent for agricultural purposes." * * * * "The climate is excessively hot in summer, and in the winter months strong and high winds, which raise stifling clouds of sand, prevail. Grass is generally scarce and poor. That portion of territory proposed to be included within the limits of Arizona, north of the Gila, and west of the one hundred and eleventh parallel, is, like the country south of the Gila, of which mention has been made, a dreary waste of deserts and mountains, and entirely destitute of water. The eastern part of Arizona, comprising nearly one half of the entire Territory, may, therefore, be considered wholly unavailable for agricultural purposes, except, perhaps, some small sections on the river Gila."

Sir, I have quoted authorities enough to show that, from the time you strike the Staked Plain in Texas, across to the Pacific ocean—a distance of nearly one thousand miles—there lies a country worthless for all purposes of agriculture. It is sterile, hot, barren, and unfitted for the permanent residence of any considerable portion of civilized society; and it is through this country that it is proposed to carry the Pacific railroad. It is through this country that the entire power of this Government, since 1853, has been exerted, so far as it has exerted any power at all, to force a railway to the Pacific ocean.

Now, sir, I am in favor of constructing a railroad from the point indicated in this bill, between the Big Sioux and the Kansas rivers, across the central regions of the continent, to the bay of San Francisco. Starting between these two points, I would not draw the lines too close. I would even consent to have the route starting from there make a deflection southward, strike the Canadian, and go, by way of Albuquerque, across the Colorado and through the Tulare valley to San Francisco, if that is the best route. I believe, myself, that the other is the best route; and I believe, further, that this location would accommodate the north, the center of the country, and the South, with the exception of the extreme South.

It is not surprising, Mr. President, that we should divide upon this question; but, in all our discussions heretofore, whatever may have been the policy of different gentlemen, we have been accustomed to regard the construction of a railway to the Pacific as a work that would not only develop the power and the strength of the country, but also bind the people of the Atlantic and Pacific coasts together in bonds of union. The distinguished Senator from New York, [Mr. SEWARD,] in particular, based his support of the project on the fact that the construction of such a road would insure the permanence of the Republic.

But, the other day, the Senator from Georgia [Mr. IVERSON] came here with a carefully-prepared and elaborate speech, committed to writing, in which he opposed the construction of a railway across the central region of the country, because it would not be within a southern confederary when the Union should be dissolved. The Senator pictured to us the triumphs of the Republican party in the northern States. He told us that those triumphs had been triumphs over the national Democracy; over the rights of the South; and that they were not relieved even by the victory of "Free-Soil Democracy" over "Abolitionized Whigery," in the State of Illinois. The Senator told us that he thought the time had come when the South must give up the Union or give up slavery; and he said that, if the Senator from New York, [Mr. SEWARD,] or any of his compeers in this Chamber, or in the other House, or in the country, who concur with his political opinions, should be elected President in 1860, the time would have come for the dissolution of the Union; that it would be a sufficient cause for the South to secede.

This seemed to me to be very strange language to be used in this Hall. Why, sir, only two days before, our hearts beat with patriotic pride as we listened to the words that came gushing from the generous and patriotic Senator from Kentucky, [Mr. CRITTENDEN,] as we were bidding farewell to the old Hall, when he told us that the Union was the source of our present power and past glory, and would be the source of our future greatness. We listened, also, to the words with which the Vice President closed the eloquent and chaste address, in which he expressed the hope that our latest posterity would look upon the deliberations of representatives of independent, free, and UNITED States. We came into this Chamber and we listened to the man of God as he consecrated the Hall, and invoked the blessing of Heaven upon us, and upon the Union of these States; and expressed the hope that the banner of our country would wave over a free and united people forever. Two days after this, the Senator from Georgia came into the Chamber to oppose the construction of a great national central railway, because it would lie outside a southern confederacy. In a speech, deliberately prepared beforehand, and on the ground that if a majority of the people of the United States elect a President in 1860, representing their political sentiments, as they have a constitutional right to do, he announced that the slaveholding South intended to dissolve the Union.

Mr. IVERSON. Will the Senator from Massachusetts allow me to interrupt him for a moment?

Mr. WILSON. Certainly.

Mr. IVERSON. The Senator does not state my argument fairly. I have not said on this floor, or anywhere else, that the South will dissolve the Union because of the election of a northern man to the Presidency. Sir, the South will do no such thing. I am one of the last men who would advocate or promote such a proposition. Sir, the South did not talk about dissolving the Union when Mr. Adams was elected President, nor when General Harrison was elected President, nor when Mr. Van Buren was elected President, nor any other northern man. It is not because a man hails from the North, that we object to his election to the Presidency of the United States; it is not because a man hails from the North, if he be elected upon principles which are general to the whole country; but it is because you elect a man from the North on a declaration of war against the institution of slavery, that I say the South will dissolve, and ought to dissolve, the Union, whenever such an event occurs. I said, that whenever the North, a sectional majority of this country, elects a President upon the principles announced by the Senator from New York in his Rochester speech, then the South ought to dissolve, and I believe would dissolve, the Union. Now, sir, let the Senator state me fairly, and I have no objection to his replying to my argument; but I shall hold him to the text, and he must not depart from it.

Mr. WILSON. Mr. President, if the Senator had heard me through, he would have found that I did not intend to misrepresent him, and did not misrepresent him. I meant simply to say, and I did say, that his threat of the dissolution of the Union was, that if the people elected to the Presidency, as they had a constitutional right to do, a man who held opinions against slavery extension, the South would dissolve the Union. If they elect a northern man with southern principles, or a northern man who would do what the slave propagandists required him to do, I did not suppose these gentlemen would threaten to secede. So long as they can use that class of men, they will stay in the Union and govern the country. But the Senator did say that:

"The election of a northern President, upon a sectional and anti-slavery issue, will be considered cause enough to justify secession. Let the Senator from New York, [Mr. SEWARD,] or any other man avowing the sentiments and policy enunciated by him in his Rochester speech, be elected President of the United States, and, in my opinion, there are more than one of the southern States that would take immediate steps towards separation."

He said, further, that his advice would be given for such a separation. Well, now, sir, the Senator from Georgia, and every other Senator here, who has read the Rochester speech, or the other speeches of the Senator from New York, knows that that eminent Senator stands within the Constitution and within the Union, and does not propose to interfere with the constitutional rights of any portion of the people or any section of the Republic. The Senator from Georgia, and every other Senator here, knows that there is not in this body, that there has never sat in the Senate of the United States, a Senator who has a record more clear and explicit, in favor of a broad, comprehensive, and national policy, than the Senator from New York. And if that Senator should be elected President, or any of those Senators around me who agree in the doctrines which he has avowed concerning slavery, it will be, according to the idea of the Senator from Georgia, a sufficient cause for the dissolution of the Union! The Senator said, further:

"It is because I believe that separation is not far distant; because the signs of the times point too plainly to the early triumph of the Abolitionists, and their complete possession and control of every department of the Federal Government; and because I firmly believe that when such an event occurs the Union will be dissolved, that I am unwilling to vote so much land and so much money as this bill proposes, to build a railroad to the Pacific, which, in my judgment, will be created outside of a southern confederacy, and will belong exclusively to the North."

Now, sir, I see no occasion to arraign the people of the North as the Senator from Georgia has done. Five years ago you repealed the prohibition of slavery over five hundred thousand square miles where it had been prohibited. The people of the North denounced your act. You opened that territory, and proclaimed the doctrine of squatter sovereignty. You won under it, no matter whether you believed in it or not. You invited the people to go there and settle the question of slavery for themselves. The people went there, and they settled it. The people went for freedom. A few of the managers undertook to cheat them out of their rights. They manufactured a constitution. Your own agents, Walker and Stanton, denounced it as the creature of fraud and violence. The President knew it was a fraud, for his own agents told him so; the country knew it was a fraud; and yet we were compelled to spend the last session of Congress in resisting the consummation of that great crime against the people of Kansas. You sent that constitution back to Kansas with a splendid bribe, and that poor people nobly spurned your bribe. Not one sixth of them voted for your constitution; more than five sixths voted it down. We of the North have this year simply been punishing the men who undertook to sustain that fraud, and we have succeeded to our hearts' content. Here we are to-day, representatives ready to attend to the public business; we have not thrust this question upon you. The people of the North stand cool, calm, and dispassionate; and while they have no disposition to infringe upon the rights of anybody, they are determined to maintain their own. Sir, since I have been a member of this body, I have traveled in a majority of the States, more than forty thousand miles, and addressed tens of thousands of people, and I never yet heard a member of the Republican party propose to exercise power that is not clearly in the Constitution; to interfere with the rights of any section of the country or class of its population.

But the Senator from Georgia wants this road to go south, that they may have it when they divide the Union; and he has magnanimously offered us a northern road, by which we may get to the Pacific when they have left us. We should like to have a northern road; but we are willing to give it up, so far as construction by this Government is concerned, and we are willing to build a central road, that will accommodate the North and the South alike; for if any Senator will ex-

amine the map, he will see that such a road can easily be reached from New Orleans, or any part of the southern country.

But as to the southern route, a route over barren deserts, a route now proposed to be selected for a disunion road, I am against it now, and against it forever. I will not vote a dollar for it. But I will make a proposition to the Senator from Georgia, the Senators from Texas, and the Senator from California. I will give them every foot of this Gadsden purchase—all that we bought for $10,000,000; I will even give them all between the thirty-first and thirty-fourth parallels, from the frontiers of Texas to the Pacific ocean. I will make no reservation of alternate sections; for we should be poorer if we had the alternate sections than we should be without them. I will give them the whole "rich gold and silver mines;" I will give all this to construct a local railroad from El Paso to San Diego. That is a fair proposition. I will vote for it now, and I will pledge my vote to it at any other time. Take that country. We say it is worthless, unless there be gold and silves mines in it; that for agricultural purposes it is utterly worthless. Take it; take mines and all; construct your local temporary southern railroad to San Diego, or down to Guaymas, if you can. Perhaps this proposition may be accepted. It is well known that we have, south of us, a class of uneasy gentlemen, who are exceedingly anxious to get into the Senate of the United States, or into the other House; restless, ambitious gentlemen, who are organizing southern leagues to open the African slave trade, and to conquer Mexico and Central America. They want a road to the Pacific ocean; they want to carry slavery to the Pacific, and have a base line from which they can operate for the conquest of the continent south. Now, let these gentlemen put their hands into their pockets, raise the money, take that beautiful country down there, and build their local road to the Pacific ocean. Perhaps the grants made by Texas will enable the company to reach El Paso some time during the present century.

Mr. IVERSON. Will the Senator allow me to ask him a question? Will he, as a northern representative, take the northern route, and build their road, and not take our money out of the Treasury to help it?

Mr. WILSON. I will tell the Senator what I will do.

Mr. HOUSTON. I rise, not to interrupt the gentleman, but to remark that I will accept his proposition, on behalf of the State he has mentioned, so far as I am concerned, to take that country, the mines included, and construct the railroad.

Mr. HALE. It ought to be reduced to writing.

Mr. WILSON. We will put it in print; and I tell the Senator from Texas, and I tell his colleague, who will remain here after he has left us, that he shall have my vote for that proposition at any and all times while I occupy a seat in this body.

The Senator from Georgia wants to know if we will take the northern line. I will tell him just what we will do, and what I propose to do. I am in favor of building a railway to the Pacific ocean with the money of the Government. I believe it is the only way we shall get a railroad built there for many years to come. I am in favor of starting it where this bill starts it, and running it to San Francisco. I would build the road on a central route, as a great national highway, with the money of this Government. I will give the Senator the whole of the land on the southern line south of the thirty-fourth parallel, and I will make a grant of land from Lake Superior to Puget Sound —a distance of one thousand eight hundred miles— and give fifty alternate sections to the mile, limiting the sale of the land to actual settlers alone, which will yield $40,000 to the mile, to carry a railroad across that section of the country also. We will reserve the alternate sections on that route, because they are worth saving.

But another reason given by the Senator from Georgia was, that if this road was built, its benefits would accrue to the northern States; it would pass under the control of the great northern railroad lines; the great mammoth corporations that have constructed railways across the continent to the Mississippi and the Missouri. He told us that the South would only get sometimes a stray passenger, or a stray bale of goods; but before the close of his speech, he said that, in the South, they paid from eight to ten per cent. on their railway investments, while our roads, in the North, paid but little, and sometimes nothing at all. I would suggest to the Senator from Georgia, that when he prepares an elaborate speech on a question of this character, he pay more attention to figures of arithmetic than to figures of rhetoric. I have examined that subject—for this whole railway system of ours is open to be read of all men—and I find that in the slave States south of this city there are more than two hundred and seventy million dollars invested in railroads. There is, however, in that section of the country, but one mile of railroad constructed to ninety-five square miles of territory. In the free States, east of the Rocky Mountains, with the exception of Minnesota, which has just come into the Union, there are twenty thousand miles of railway out of a total for the whole country of twenty-eight thousand, and near eight hundred million dollars are invested there. We have one mile of railway to twenty square miles of territory. In Massachusetts we have fifteen hundred miles of railway, and one mile to less than six square miles of territory. The competition is greater, and of course there is more rivalry between these competing roads. Many of your southern roads have just been constructed; they traverse long lines of level country; many of them are mere surface roads. They have cost much less than our roads have cost. They have the advantage of carrying a class of freight, cotton especially, that can afford to pay high charges for transportation. They have therein the advantage over our northern lines, which have to carry wheat, corn, and other agricultural products of less value. The southern roads are mostly new; time enough has not yet elapsed to wear them away; but you will have hereafter to lay out annually about twenty per cent. on your running machinery, and $1,000 to the mile to keep your railways in repair. That is the average in my State; and in New York it is higher still, being nearly two thousand dollars to the mile. The original cost of our roads in the northern States, east of the Alleghanies, was from forty-five to fifty thousand dollars a mile; west, they cost from thirty to thirty-five thousand dollars. The original cost of the southern roads does not average more than thirty thousand dollars.

The railways of the entire country paid an average dividend, last year, of four and a quarter per cent. They earned about five per cent. clear profit. A majority of southern railroads do not pay any dividend at all. The aggregate of their dividends is not three and a half per cent. in the whole southern country south of this city. The railways of the Senator's own State are preëminently profitable, equaled, perhaps, in that respect, by those of no other State, unless it be New Jersey; but the railroads of almost all the other southern States are in process of construction. They are about in the same condition as in the northwestern States, where they have nearly one hundred million more invested in railways than in the whole southern section of the Union, and about the same number of miles, and where railways are anything but profitable at present.

Now, sir, I come to the consideration of the question, how shall we construct a railway to the Pacific? I am in favor of constructing a railway across the central route. I do not believe, and I do not know a practical railroad man who believes that we can raise private capital enough, with the security offered in the pending bill, to locate the road to San Francisco. I will tell you what it is, and just, in my judgment, what will come from the passage of such a bill as this. Under its provisions, a certain class of men can take possession of the franchise—men of capital are not going to invest in the road; under the provisions of this bill, the road will pass into the hands of a class of men who can carry it, starting from the mouth of the Big Sioux, opposite Sioux City, in Nebraska, down across the Platte valley, the best portion of Nebraska Territory, across the front of the entire Territory of Kansas, across the Indian Territory, and strike the so-called Pacific railroad in Texas, a distance of more than five hundred miles over the best portion of the country west of the Missouri river.

We all remember that Texas made a grant of $6,000 and ten thousand acres of land to the mile to a Pacific railroad company. I remember that, when that company was organized, the men who got it up could not, by any possibility, have raised $100,000 altogether, if they paid their honest debts. Many of them were political bankrupts as well as pecuniary bankrupts—men who had not a dollar; and some of them were men who not only never paid a debt, but never recognized any obligation to do so. They took two, three, four, or five hundred thousand dollars' worth of stock apiece, and I think some of them subscribed as much as $1,000,000 in this splendid scheme. Years have passed away, and what has Texas got? She has got twenty-two or twenty-three miles of railway, with two cars upon it, with no depot, the company owing everybody within hailing distance of the road; and they have imported an old, worn-out engine from Vermont, with which, I dare say, the Senators from that State are well acquainted. And this is part of your grand southern Pacific railroad. These gentlemen are out in pamphlets, proving each other great rascals, or attempting to do so; and I think they have generally succeeded. This whole Pacific railroad scheme, under such a bill as this, may fall into such hands as those. There may be, and doubtless are, some honest, deluded men connected with that scheme; but the whole thing, from the beginning, has been a gigantic swindle.

Well, sir, in my judgment, the managers of that affair, and that same class of men who are to be found all over the country, and especially around the city of Washington, want to get hold of this splendid railway scheme which we are discussing; and how can they do it? All they would have to do would be to raise $500,000—and that would be to them the most difficult part of the undertaking—and deposit it as security. Then they can begin the road at Sioux City, go five hundred miles through a fine country, and get $12,500 a mile, more than six million dollars; and get between six and eight million acres of good land, worth on an average at least five dollars an acre. Much of the land over that route I know you cannot buy to-day for ten dollars an acre. They will get six million acres of land, worth at least thirty or forty million dollars, and $6,000,000 in money, for building a railroad that need not cost more than twenty or twenty-five thousand dollars a mile—or say, at the utmost, thirty thousand dollars a mile; and then it would not cost more than fifteen million dollars. Thus they can put from fifteen to twenty-five millions into their pockets, and throw the road upon the Government, utterly worthless as it would be; for a road of that class would not pay its running expenses in that country. I believe that, if this bill passes in its present shape, we shall see that the men of character and the men of capital will have nothing to do with it. We shall see it pass into the hands of men who will run the road down to communicate with the southern road that is to go to El Paso, and we shall see it constructed over about five hundred miles, until it joins Texas, and then, perhaps, a portion of the Texas road will be constructed where money could be made from the lands and the $6,000 per mile granted by that State. Then, as they approach the desert, they will throw the road upon the Government; they will have received millions of acres of good land, and we shall have no Pacific railroad. Then the Government will have to take it up and carry it across the Staked Plain, and carry it from El Paso to Fort Yuma, and from Fort Yuma to San Francisco, over a country where the road will cost from fifty to one hundred thousand dollars a mile, and where the land is generally barren and worthless.

I *know*—yes, sir, I *know*—that a Pacific railroad cannot be built under this proposition. Who has any money to invest in such a road at this time? Look at the four new States in the West—Michigan, Iowa, Wisconsin, and Minnesota. To-day, railroad companies in those States hold millions of acres of land that can be reached from New York in two or three days—some of the best land the sun shines upon. Money in New York is at four or five per cent. per annum, and

the holders of millions are seeking opportunities for investment; and yet the railroads in these States, with all this land as security, in a portion of the country that can be readily reached, remain unbuilt. Many of those lines of railroad are paralyzed and bankrupt. The Northwest has no money to put into a Pacific railroad.

How is it with Maryland? Maryland has as many railroads as she can take care of now, as the Senators from that State will certify. There is her great line that she has carried across the Alleghanies to the Ohio. You can buy the stock of that road for about sixty per cent.—a great line, that carries more than a thousand passengers per mile, making no dividends.

How is it in Virginia? They have embarked in a splendid scheme of internal improvements. I hope that they are to succeed, for I would glory in their prosperity; but the government of Virginia will have to be well managed if it does not get involved.

How is it South, in North Carolina? Her railroads are almost worthless. South Carolina has already had to stop one of her great lines. Georgia is prosperous, and I am glad she is so, but I think she has enough to do to take care of her own interests, and has no millions to sink in the Rocky Mountain passes.

Mr. TOOMBS. Not a dollar.

Mr. WILSON. Then we come to Kentucky and Tennessee. The Kentucky roads are almost worthless. The Tennessee roads are in process of construction—prosperous, I hope they will be; but Tennessee has all she can do to carry out the policy she has adopted. Missouri has already become indebted about twenty-five million dollars for railways. Two of her lines were unable, on the 1st of January, to pay the interest on their bonds, and fell back on the State government for relief. There is not a spare dollar in Missouri to invest in this road.

If you go, then, to New York, you will find that the capitalists of that city now refuse to invest, to any considerable extent, in railroads West, and take land securities; though money, as I have said, is just now a drug in New York.

Go to Boston, and if there is any money in the country to build this road, it will be found in New York and Boston. In Massachusetts, we have over one hundred million dollars invested in railroads; about sixty-nine million dollars of that sum in our own State; and of the rest, some is down in Georgia, and a great deal of it is West, in the Illinois Central, and the Michigan Central, and the Michigan Southern, and other roads. These outside investments do not pay very well. I will say nothing about the Vermont Central, and some other lines; but I say that their investments out of New England do not encourage our capitalists to put money into an undertaking of this character. You cannot raise in the city of Boston, or in the State of Massachusetts, money under this bill to put into a Pacific railroad. The effect of the bill, if you pass it, will be to squander thirty or forty million dollars in value of good land, from the Big Sioux to the frontiers of Texas; or if the central route should be selected, from Council Bluffs, or from some point up the Platte river towards the Rocky Mountains, five or six hundred miles of country over which you can build a railroad as easily as you can lay it along Pennsylvania avenue. These lands, the benefit of which ought to carry the road through the Rocky Mountains, and through the deserts, will be seized by speculators, and the money of the Government will be absorbed; and then, when the Rocky Mountains are reached, we must build the road across them. As a measure to complete a road, this bill is not worth the paper it is written upon.

I am ready to commence at once, as I proposed in the amendment I have submitted, to put engineers on the line, to make a survey, and locate the road, and borrow $10,000,000 annually, at five per cent., as can be done at a premium, and go to work and build the road, setting apart the country for one or two hundred miles on each side of the route, the sales of the land within which limits are to constitute a perpetual sinking fund to pay the debt incurred in the construction. I will vote for such a bill as that, but with the idea distinct in my mind, which I think I can demonstrate, that every dollar put into a Pacific railroad by anybody, must be sunk. Nobody supposes that a road can be built across these two thousand miles cheaper than the average cost of the railroads of the United States. You must commence at the ends of the road; you must work into the country from both ends; you must use your road as you build it, to carry men and materials, for you have no people in the interior; you cannot approach the line by any flank movement.

This bill allows twelve years to build it in. Suppose it be twelve years, twenty-five or thirty millions must be consumed in interest, and several millions must be lost in the wear of the road. Now, I am ready to sink $150,000,000 to make such a road, for I consider it a mere bagatelle; it does not amount to anything to this great country. The building of the road, although the stock will be worthless, will be worth to the country pecuniarily hundreds of millions, to say nothing of increased national strength and power. We built a road at a cost of $80,000 a mile across the State of Vermont—the Vermont Central—over one hundred miles long, and it cost $8,000,000. The stock and first bonds are worthless. The road hardly pays its running expenses; and yet the $8,000,000 sunk in it were not thrown away. The road added to Vermont and New England millions of dollars more than it cost. I look upon this Pacific railroad in the same light; and I would be thankful, when we had built it, if the road could support itself; but I doubt it; and I think you will have to pay a pretty high price for carrying your munitions of war, your troops, and your mails, over the line when completed.

But, sir, we were told the other day how many passengers we were to have; and the Senator from California told us there had been one hundred thousand in some years between the Atlantic and Pacific coasts. One hundred thousand for two thousand miles would be fifty to the mile. Then he said it might go up to two hundred and fifty thousand, which would be one hundred and twenty-five passengers to the mile. We have railroads in New England that carry twenty thousand through and way passengers to the mile yearly. The average passengers over the Massachusetts roads are eight thousand to the mile yearly, and the roads divide four or five per cent.; they do not earn more than five and a half per cent. over expenses, and some of them are in debt. The Eastern railroad carried one million three hundred thousand passengers last year—twenty thousand to the mile; but its stock can be bought to-day for forty-six dollars, and it has not made a dividend for several years; it is in debt, and it uses its income to discharge the debt.

I have before me a report of the New York roads, and I find that the New York Central road carried last year five thousand passengers to the mile; the Erie railroad two thousand; the Hudson River railroad ten thousand to the mile. The Erie railroad, carrying its two thousand passengers to the mile, cost about sixty thousand dollars a mile; a little more, perhaps, than the Pacific railroad would cost, or about the same; and its stock is worth about seventeen per cent. It makes no dividend, yet carries two thousand passengers to the mile. The Hudson River railroad, costing about eighty thousand dollars a mile, carried ten thousand passengers to the mile; it made no dividend last year; its stock can be bought today for thirty per cent. Then the Illinois Central, that great line of railway, carried last year one thousand passengers to the mile, about seven times as many per mile as is estimated over this road, even by its warmest friends, who think a road can be built out of the wild lands in the Rocky Mountains. The Illinois Central road made no dividend last year, and but for the grants of land along its line, I think its stock would be of little value.

The Southern Michigan railroad carried one thousand five hundred passengers to the mile; and the Senator from Michigan knows what its stock is worth, and what dividends it makes. I tell you, sir, that you may go into this examination; you may take up the railroads of New England, the West, the Central States, and of the South; you may analyze their receipts, and you will find that the roads generally carry from one thousand to ten thousand through and way passengers to the mile. The New Jersey Central carries over twenty thousand to the mile, and yet only makes eight per cent. dividend. It takes population, it takes a travel of more than one hundred and twenty-five to the mile to support a railroad, unless that road has valuable freights.

The idea was sneered at the other day, that heavy through freights could not be carried across this continent by railroad. The whole idea that a heavy freighting business can be carried over the road, is one of the most absurd and ridiculous that ever entered the minds of sensible men. Sir, suppose you wished to carry two thousand tons of freight from New York to San Francisco, and your road was constructed, what would it cost to transport it across the country; and what would it cost to carry it around by way of Cape Horn? I have examined the cost of freight transportation in New England, over the Worcester and the Western railroads, and it is about four cents per ton a mile. I have here a report of the New York Central road, and I find that the charge there varies from two to five cents, and averages nearly four cents, a ton. I find that on the Pennsylvania roads and the Western roads the rate is about the same—four cents to the mile per ton. I find that on the southern roads, where they carry cotton and other articles that can afford to pay high rates of freight, they charge four, five, and six cents a ton to the mile. The Reading railroad, that carries coal, the article that can be most cheaply transported, brings it for $1 90 per ton, ninety-eight miles, to Philadelphia. Everybody who has been in that district knows how easy it is to load their trains. The cars are made to carry coal; yet this road charges two cents a mile for such freight, and does not make money at that.

Now, suppose we take the lowest rate that we find charged in the United States—the rate of two cents a ton per mile for carrying coal on the Reading railroad; we will call it three thousand miles from New York to San Francisco, across the continent. What will it cost to take two thousand tons of freight across? You can ship it on board a ship of two thousand tons and carry it to San Francisco for twelve dollars a ton, or, in all $24,000. You want to carry it across the country at two cents a ton a mile. The cargo would be carried by railroad for $120,000; around Cape Horn for a fifth of that sum. This is at the rate they carry coal on the Pennsylvania railroads. I am inclined to think that $96,000 added to these articles would be regarded as quite an addition, even on the shores of the Pacific, and they would prefer to wait the difference of ninety days between coming around on a clipper ship to going across the continent. To take two thousand tons of freight, you want ten trains, ten large engines with twenty-five cars each, and eight tons to the car, to steam it across the country. To carry two thousand tons of freight at the lowest conceivable rate, at only about fifty per cent. of what the railroads generally charge, would involve a cost of $120,000; while you can carry it for $24,000 by ship; and freight by shipping has been lower than it is now.

Do not tell me then, that you can carry heavy freight three thousand miles by railroad in competition with ships built in our time—clipper ships, that sail almost as fast as a railroad freight train travels! It is utterly impossible. You will carry what is needed in the interior of the country; you will carry what the immediate demands of the people require; you will carry some fine and costly fabrics, light, compact, and valuable. These will go across the country both ways; but the idea that the great mass of freight will go, is ridiculous. We have paid in some years as high as $8,000,000 for freights to California. The proposition that all goods are to go to California by railroad cannot bear analysis for a moment. There is not a practical railroad man in the country that does not know it.

I believe the construction of this railway across the country to be a great national concern, and I am ready to vote for it; but I do not want to vote for it so as to deceive myself or anybody else. I am willing to meet the question as it is; a great enterprise on which you are to expend millions of dollars. But if you want to sell it, it would be like selling a fort that you had spent $10,000,000 upon—valuable to the country for defense, but

worthless as an article of commerce. But, sir, this bill I look upon as a mere tub to the whale; it is a sort of answer to the general wish of the country for a railroad. There is an undefined but deep sentiment in the country for a railroad, and this meets that demand. Why, sir, if I owned the Tehuantepec route, or the Panama route, or the route across Central America; or if I owned the Pacific mail steamship line, or was in any way interested in any or all of them, I should care nothing for a bill of the kind which is before Congress. Those concerns will never be injured by the building of a railroad across the continent to San Francisco, under the provisions of this bill.

The Senator from Mississippi, and I must express my utter amazement when I read his bill, proposes to give sections of land and $10,000,000, to build a railroad across the country. According to the Senator's own representations, two-thirds of the land is not arable; and he proposes to give three thousand eight hundred and forty acres of land, only one-third of which is arable, and $5,000 to the mile, to build a railroad across the country to the Pacific ocean.

Mr. DAVIS. When did the Senator from Mississippi make that proposition?

Mr. WILSON. I believe the bill is now pending as an amendment. Is it not?

Mr. DAVIS. It is $10,000,000 to connect the States of the Atlantic and the Pacific by railroad.

Mr. WILSON. How do I understand the Senator?

Mr. DAVIS. The substitute proposes to give $10,000,000 to connect the States of the Atlantic and the Pacific.

Mr. WILSON. Well, Mr. President, we were contemplating the question of building a Pacific railroad; and a Pacific railroad by any of the routes will be about two thousand miles in length from the Mississippi, and $10,000,000 to build it would be about five thousand dollars to the mile. If the proposition is simply a proposition to connect Texas, at El Paso, with California, at Fort Yuma, then I understand the Senator.

Mr. DAVIS. That is not the proposition.

Mr. WILSON. Will the Senator tell us what it means, then? How are we to connect with the Pacific?

Mr. DAVIS. It means to build a road across the territory intermediate; and the Senator may, according to his construction, select the central route, and connect California and Missouri or Iowa, if he believes what he has stated in relation to that route and the land upon it.

Mr. WILSON. I not only believe it, but I I think it is the general belief, especially among those who have studied the subject. Now, I come back to where the Senator interrupted me, and say that my original declaration was, in substance, correct. Suppose we take the central route, and start from Missouri to California; what is the distance? You are to have three thousand eight hundred and forty acres of land to the mile, and $10,000,000 divided along the line, be it more or less. The distance is about two thousand miles, and that makes about five thousand dollars a mile. The proposition is much lower than the proposition made by the Senator from California, [Mr. GWIN,] which is to give $12,500 to the mile, instead of $5,000, and to give twenty sections of land instead of six sections.

I have said that I do not believe the railway can be built in this mode; and, therefore, I am in favor of the bill which I presented, and of building the road on the central route, through the South Pass to California, or starting within certain limits and going to the Canadian river, and up that river to Albuquerque, thence across the Colorado through the Tulare Valley, to San Francisco. Here both the beginnings and endings are central. There may be a deflection south, if it can be best built in that direction. Then, in order to encourage the settlement of the country, in order to encourage the building of the road, if they want a road over the thirty-second parallel, give them the whole country south of the thirty-fourth parallel to build it. Then let us establish from Lake Superior to Puget Sound a mail route, and let us give, say fifty alternate sections to the mile over that route, so arranging the act that the land cannot be sold to speculators, but must be sold to actual settlers at $1 25 an acre. Let this be given, and then let them work towards the Pacific ocean there as fast as the public lands and settlements will enable them to go.

The lands are worthless to the Government now, and, in the ordinary course of events, cannot be reached by emigration for years. I think a policy of that character, which would be a liberal and generous policy, might, in a series of years, carry a railroad over that northern route, by the aid of such a land grant, and especially if English capitalists, wishing to run their Grand Trunk railway to the Pacific, should choose to invest their money in the undertaking. They have, already, the control of roads from Portland to Montreal, and from Montreal to Toronto, connecting with the Canadian railroad at Niagara Falls, and running thence to Detroit. I understand they have got possession of the Detroit and Milwaukee railway, and that they are looking to get the control of the railway across Wisconsin—the Milwaukee and La Crosse railroad.

It may be that their surveying parties will find that it will be difficult to construct a railroad north of Lake Superior; and that they may be persuaded, as they ought to be, that it is a matter of not the slightest consequence to them whether the railroad runs through their own territory, or a hundred miles south of it through ours. That is a point of no importance to them, in a commercial light. They may be willing to invest their capital and take the lands as they are settled at $1 25 an acre, as their security, and in time work a railroad along that route. This route has better water, and more of it. It has better timber, and more of it. It can be approached by water. The waters of the Missouri, at or near Fort Benton, and the navigable waters of the Columbia, are within four or five hundred miles of each other. A railway can be built in time across that divide, especially after a few years more shall have elapsed, when our population shall have made further progress westward. The difficulty in selling western lands to build railroads with, at this time, is, that in land speculations we have gone some years ahead of the demands of the country. That is one reason why our friends in the northwestern States, to whom we have made magnificent grants of land, find it difficult to construct their roads.

I think the course I have proposed is that suggested by sound policy; and I should like to recommit this bill, or in some way put it in such a shape, that we shall, as a Government, undertake the construction of a railroad starting between the mouths of the Big Sioux and Kansas rivers, crossing the continent to San Francisco on a line north of the thirty-fifth or thirty-sixth parallel, and south of the forty-third parallel. Let that be a great national work; for the idea of the country is, to go to San Francisco, where there is population; not to Puget Sound, where there is none; and not to San Diego, where there never can be any. Then let us give our southern friends, those gentleman who want a road on which they can go to the Pacific ocean when they dissolve the Union, all the lands they want south of the thirty-fourth parallel, and let them make the most of them. I hope they may make $100,000,000 out of them, for I should rejoice in their prosperity. Then let us give lands on the northern line, and carry out the ideas suggested by the Senator from Minnesota and the Senator from Wisconsin. What they want in that vast northern region is a people. They want settlers; and a policy of this kind will carry settlers from Lake Superior a thousand miles to the Rocky Mountains, and, if the engineers who went over this route are to be believed, even in the Rocky Mountains is to be found good land. Beyond the Rocky Mountains, to Puget Sound, there will be found, not only a great country, but across that line, in time, I do not doubt, we are to have a great commercial route connecting the northern lakes with Puget Sound.

These are my views. I am for a Pacific railroad; but I do not believe in the idea of attempting to construct a road to the Pacific ocean merely by grants of land, within any reasonable period. If we make a grant to the northern line, I do not expect a road to be built there for some time. I do not even expect it to be commenced at once. I know it cannot be begun in earnest in the present financial condition of the world. Neither do I expect any such thing over the southern line. But we want a central road; we want it begun now; we want it completed as speedily as possible; and to do that, let us take the money of the Government, and build it as cheaply as cash can build it, and keep the lands, reserving their proceeds as a sinking fund to meet the bonds, which may be made due thirty or forty years hence. We shall then have seventy or eighty million people, and their redemption will be but a light tax on such a nation. During that period, in my judgment, it will have added hundreds of millions to the wealth of the country; and the addition it will make to the power and strength of the Union is beyond the calculation of the human intellect.

Mr. HARLAN and Mr. DAVIS addressed the Senate; after which.

Mr. WILSON again spoke, as follows: Mr. President, I have listened very attentively to the Senator from Mississippi. I have listened to his explanation and exposition; and I cannot but repeat now what I have before said, that no disinterested man can read his summing up of the reports made, without coming to the conclusion that he clearly thinks the evidence in those reports has established the fact that the thirty-second parallel is the route to be built. I do not mean to charge that Senator, in all this matter, with any want of honor or of integrity; but he knows, and I know, that the history of his life shows that he is deeply, strongly, intensely, devoted to the interests of his particular section of the Union. When he talks here about sectional strife, the Senator must permit me to say that I know of no man in the Senate, or the country, (and I say it with entire respect for him, which he knows I entertain,) who is more biased by sectional feeling than the Senator from Mississippi. He is, I doubt not, unconscious of it; but the words found on the records of the Government, and the eloquent words he has uttered in the country, will sustain me in this position.

I say that the summary which he made of the results of the railroad explorations is not sustained by the facts of the case reported. I believe that influences have been used, perhaps imperceptibly, looking to the construction of the road on the thirty-second parallel. When a gang of speculators seized upon the splendid offering of the State of Texas—a splendid offering, indeed; one that ought, before this hour, to have carried a railway across that State, and would have done it in some portions of this Union—why was it that, when Robert J. Walker and the speculators in that great scheme wanted to make the road across Texas the route of the Pacific railway, we paid $10,000,000 for a piece of barren and worthless soil, to carry this road there; and that, too, when the evidence of Stansbury, the evidence of Stevens, and of other men, if fairly construed, the knowledge that existed in the country, showed that you could carry a railroad across the central regions of the continent, and across the northern line; and when a railroad across the central regions would accommodate equally the North and South? The Senator says the boring of artesian wells was ordered by Congress. Well, sir, we know how these things have been done by Congress. The last Administration had, and I suppose the present Administration has, though I do not know that I can find the man, a friend in this Chamber, and in the other House; and how was it that that measure came in here, and was carried through? The examination has been made; it has been abandoned; and Captain Pope has gone further up into the regions of New Mexico, somewhere, I think, near Albuquerque.

I find, on examination, that Governor Stevens made a liberal estimate, and calculated the cost of a road on the northern line at from twenty-five to thirty or forty per cent. more than similar work on the eastern lines. The Secretary of War added about fifty per cent. per mile to the estimates, over what Governor Stevens made them. I further find that on the extreme southern route, the Senator, when Secretary of War, deducted $10,000 a mile for eight hundred or nine hundred miles, amounting to several million dollars, from the estimates of some of the engineers who went over that line.

Now, I want to say here, once for all, that I do

not charge upon that gentleman any impropriety. I only suppose that he has the common weakness to which flesh is heir, and has some regard for his own particular people in that section of the country, who want this railroad to go from Memphis, by way of Fort Smith, to the State of Texas; which has made a splendid offer to carry it six or seven hundred miles across that State, and then to go from El Paso to the Pacific ocean. I think the ultimate view is to go down to Guaymas, on the Gulf of California. The idea that this road is to go up to San Francisco, I do not believe. I know that is not desired in a large portion of the country.

And now, sir, passing from the Senator from Mississippi, I have a word to say to the Senator from Iowa, and I say it with kindness of feeling. That Senator knows that I entertain for him personal regard and respect. He spoke upon this subject with a great deal of feeling and emotion, and I was amazed at the course of his remarks and the feeling he exhibited.

Mr. DAVIS. Will the Senator from Massachusetts allow me, before he passes on to his general review of the Senator from Iowa, merely to read to him a passage which will show him (as I do not doubt his constant averment that he wishes to do me justice) that he is doing very great injustice in hunting everywhere, except the place where a man would naturally go to find it, for what I did say? If he will go to my report, he will find exactly what he seems to hunt somewhere else to discover. In speaking of Governor Stevens's route, he will find, on page 11 of this brief report, published in the first volume, and of which he has therefore been longest in possession, this language:

"Its cost has been estimated by Governor Stevens, by the Columbia river valley and the Cowlitz, at $117,121,000; the cost of work at eastern prices having had twenty-five per cent. added to it from the Bois des Sioux to the Rocky Mountains, and forty per cent. thence to the Pacific. It has been thought safer to add one hundred per cent. to the cost of eastern prices, from the eastern slope of the Rocky Mountains to the Pacific. This would swell the estimate to $150,871,000.

"Should Governor Stevens have included a full equipment in his estimate, $10,000,000 should be subtracted from this sum to bring the estimates in accordance with those of the other routes; and the cost then becomes $140,871,000."

He will find in the same report that no pretension is made to give accurately the number of dollars which each road would cost; but, by taking a uniform standard of measurement, to show the relative cost of the different routes. Therefore, it was necessary either to cut down or to add to the sums of the reporting officer, whenever he departed from the adopted standard of estimate, and thus secure an accurate comparison upon the report of the engineer, nothing else being relied upon.

Mr. WILSON. I assure the Senator from Mississippi, that I have read his report more than once since this debate commenced, and I certainly do not think I have misrepresented it in any respect.

Passing, however, to the Senator from Iowa, I say to that Senator now, that there is probably not a man in this body, not one here to-day, that is more fully committed in favor of voting for a railway to the Pacific ocean, between the thirty-eighth and forty-second parallels, than myself. I venture to say here, that unless it be the Senator from Illinois, [Mr. DOUGLAS,] who has addressed us and addressed everybody, that I have spoken in favor of the Pacific railroad to more men in America than any one in the Senate. I go further; if I give a vote against a good, practical plan—a plan which capitalists, experienced men, railway contractors, railway builders and engineers, assented to as a good bill to build a road, that could do it—I should not only be false to my own declarations, but false to the people I represent; for the sentiment of Massachusetts approaches unanimity in favor of a central railway to San Francisco across the continent.

The Senator from Iowa seemed to speak as though his part of the Union had a deep interest in this question. I beg the Senator's pardon; but I tell him my State has ten dollars to his one, and the sentiment is as unanimous in my State to-day as in his. The Senator arraigned me, and arraigned us of New England; I do not know by what right. I cannot speak for others; but I know there has been no arrangement and no consultation among the New England Senators here to defeat this bill, or to decide this question in any way whatever. The Senator says he and his friends have voted to protect the commerce of the sea; they have voted for the Navy. Sir, the Navy is for the whole country; equally for the men on the Atlantic, the Pacific, the great lakes, and in every portion of the Union. A vote for the Navy is no vote for Massachusetts, any more than for Iowa. The Senator knows, and he has had practical proof of it here, that I have given my votes to give a splendid—yes, sir, I may use the word, I think, fitly—a splendid gift of land to the State of Iowa, and to the other northwestern States. I regret to say that a vote given with all honesty to develop and improve the country, to carry population there, to add to the wealth of the Northwest, and thus improve their interest and our interest, has not so turned out. I regret that the great gift of this Government in too many instances has been seized upon by dishonest men, who have brought dishonor on their section of the country. The Senator knows that, at all times and all occasions, I have voted in favor of western interests. He will acknowledge this.

Now, in regard to this bill, I say that I do not believe this bill can build the road; I know it cannot build the road. If you will summon to this capital one hundred of the great railway builders of the country—the capitalists of the country—summon them before a committee and take their opinions, they will tell you that you can never build the road under this bill.

Mr. DOOLITTLE. Will the honorable Senator give way for a motion to adjourn?

Mr. WILSON. I shall be through in one moment. I say, sir, that opposition to this bill is no opposition to building a Pacific railroad. It is simply an opposition to this measure that cannot do it; which, I think, may be entitled an act, not to build a road, but to get land. I will vote land on the northern route, the southern route, the central route, if they want that; and a large amount of it, too. I will vote for a bill that shall give land up, say, to the one hundred and sixth meridian on the central route, and then forty or fifty thousand dollars to the mile on the Rocky Mountain region, to carry it through there; but I do not like this giving of $12,500 in money; this giving of thirteen thousand acres of land per mile at the ends of this road, where you can get five or six hundred miles of fertile country, and then throw on the Government a railroad utterly worthless. I cannot vote for such a bill; and I do not intend to do it, or to be dragooned into it. Bring me a practical plan, and I will vote for it with all my heart; and, in doing it, I act according to the convictions of my judgment, the warmest feelings of my heart, and what I know to be the sentiment and opinion of the people I represent. Let me say, sir, that since I offered a bill here providing that the Government should survey and locate this road, and borrow the money to build it, I have received from New York and Massachusetts letters from some of the ablest and most experienced railway men in the country, saying that it was the practical plan to construct a road. I am not devoted to that plan. I will vote for any other. I cannot vote, however, to sacrifice millions of acres of the public domain with no security that we are to have a railroad to the Pacific ocean.

ACQUISITION OF CUBA.

SPEECH OF HON. S. R. MALLORY,

OF FLORIDA,

IN THE SENATE, *February* 21 *and* 25, 1859.

[REVISED BY HIMSELF.*]

The Senate having under consideration the bill providing for the acquisition of the Island of Cuba by negotiation—

Mr. MALLORY said:

Mr. PRESIDENT: I prefer going on now, late as the hour is, because I perceive that, unless the friends of this bill stand by it, we shall not get a final vote upon it. In rising, particularly after the address to which we have just listened, to support a bill which appropriates money for the purchase of the Island of Cuba, my mind is embarrassed and oppressed, not only by the multitude and variety of the topics which cluster around it, and which, as we have seen here at this moment, have, more or less, entered into the discussion, but by the importance and gravity of the considerations which it involves. The honorable Senator [Mr. COLLAMER] who has just taken his seat, has referred to this as a sectional issue, as if the South were supporting this measure to get a few more slave States into the Union, to restore the equilibrium between the North and the South.

Mr. President, I approach this measure in no sectional spirit, and shall discuss it without reference to its northern or southern aspect. The maintenance of the equilibrium between the slaveholding and non-slaveholding States, the equilibrium of numbers, or of population and representation, is a delusive hope, and one which I have long since surrendered. And, thank Heaven, sir, we are independent of any such balance of power. Sir, let me assure the northern States here represented, that if I supposed southern rights dependent upon such equilibrium, I would exert every effort to induce at least my own State to withdraw from the Union at once.

No, sir; our rights in this Confederacy are not to be held by the permission of a majority of States. They must ever depend, under the Constitution, upon our enlightened patriotism; and, so long as we shall have loyal hearts and strong arms, with the blessing of Heaven, we will maintain them against all odds, as those will learn who undertake to invade them.

Mr. President, this is no idle discussion. Whether we shall have a vote or not, the results are to be tangible for good or evil. If this bill shall pass both Houses of Congress, nay, if it shall pass but the Senate, I trust it will appear to Spain at least as a shadow which certainly tells of coming events. Nay, sir, whether it shall pass this body or not, the effect will be inevitably that, by concentrating and enlightening public opinion, it will prove to Spain that there is a destiny which shapes the ends of this country, to which she, no less than ourselves, must submit. Therefore, sir, I want the discussion; I believe the effect on the main question will be of vital importance, whether the bill shall pass or not.

I desire to discuss this question fairly, in its broadest national aspect; and hence, I avow the opinion, here upon the threshold of the discussion, that Cuba is not for sale for money; that, in my judgment, she has not been for sale for money for a quarter of a century; that, for twenty-five years past, annually, the disinclination of Spain to part with her has been increasing; and that we are further from it to-day, for a moneyed consideration, than we have been for a quarter of a century. Spain has seen her American offspring wandering off, each in its separate orbit; and she gave a most unwilling assent to their independence, on the urgent intervention of mutual friends; and she still retains an angry recollection of their dereliction. She has watched Cuba adhering to the parent country until she has earned for herself, with what justice I will not here undertake to determine, the title of "the ever faithful;" and now, when she has increased in strength and beauty, and when the mother is winning golden earnings from the abasement of the daughter; now, sir, when the ties of self-interest clustering around her have strengthened the ties of affection—it is not surprising that Spain should be unwilling to part with her. But, before I sit down, I trust to be able to satisfy the Senate that Spain may be induced, even now, in this very year, for a proper consideration, a proper relation to ourselves, not as an enemy, not as a belligerent, but as a friend having mutual ties and mutual interests, perhaps to part with Cuba upon terms creditable to both parties.

The vigorous views so unequivocally presented by the President in his annual message, constituting as they do, not only a marked feature of this Administration, but of the age in which we live, calculated, as I sincerely believe they are, to expedite the regeneration of Cuba, either as an independent Power, sustained and supported by our arms, or under the stars and stripes of our own country, have touched a chord of the popu-

* For original report, see Cong. Globe, pages 1188 and 1327.

lar heart, and are awakening a fervid response throughout the length and breadth of the land. Scarcely a paper can we take up now which does not convince us that this is not a sectional issue; and I honestly believe, that, if the country were polled to-day, there would be found more men north of Mason and Dixon's line in favor of the acquisition of Cuba, than there are south of it. It should not, therefore, be treated as a sectional measure; and all of the South who support it should not be charged with doing so only with the view of adding more slave States to the Union. The President is entitled to my thanks, at least, for bringing this long-cherished Cuban policy, which I now see is denominated political necessity, to the attention of Congress; and he shall have my coöperation in attaining a work which I doubt not is identified with the future welfare of the country.

From the purchase of Louisiana to the present hour, the acquisition of Cuba has been regarded as a necessary consequence of that measure; and nearly every prominent statesman of the present century, from Jefferson to Mr. Buchanan, has, directly or indirectly, advocated this measure as one of great national policy. Banks, tariffs, internal improvements, domestic slavery, questions of peace and war and conquest, have disturbed and divided political parties throughout the country, each in their turn; but the acquisition of Cuba has been admitted as a cherished feature in the platforms of them all.

When Mr. Clinton, of New York, was discussing the Mississippi question before the Senate, in 1803, he made these remarks:

"The seizure of New Orleans would vest us with a place of deposit; but a place of deposit without a free use of the Mississippi, would be entirely useless. As long as the enemy holds the country below New Orleans, and possesses a superior naval force, so long will we be excluded from the Mississippi. Suppose, however, this obstacle *removed;* supposed we are enabled to pass into the Gulf without molestation; is it not necessary for vessels to *hug the Island of Cuba* on their passage to the Atlantic States? And will not *this* expose them to *certain capture*, as long as *Spain* retains that important possession? To secure the great object said to be aimed at by this resolution, and to *establish*, beyond the reach of annoyance, a free communication between the *Atlantic* and *western States*, we must *seize* not only *New Orleans, but the Floridas and Cuba;* and we must immediately create a formidable navy."

It appears that in that time not only the friends of the Mississippi question, but its enemies, looked to the acquisition of the Island of Cuba as the necessary consequence of the purchase of Louisiana.

I quote now from Mr. Huskisson's remarks, in speaking of this very question, and calling the attention of the British Parliament to it, and to Mr. Jefferson's opinions on the subject:

"If the United States have declared that they cannot allow the Island of Cuba to belong to any maritime Power in Europe, Spain excepted, neither can England, as the first of those maritime Powers—I say it fearlessly, because I feel it strongly—suffer the United States to bring under their dominion a greater portion of the shores of the Gulf of Mexico than they now possess. Within the last twenty-seven years, they have become masters of all the shores of that Gulf, from the Point of Florida to the river Sabine, including the mouths of the Mississippi, and of other great rivers, the port of New Orleans, and the valuable and secure harbors of Florida; and, within these few days, we hear of their intention of forming a naval station and arsenal at the islands of the Dry Tortugas, a commanding position in the Gulf stream, between Florida and Cuba. With all this extent of coasts and islands, we know, further, that designs are entertained, and daily acted upon—I will not say by the present Government of the United States, but, notoriously, by the people—to get possession of the fertile and extensive Mexican province of Texas. To borrow an expression of a deceased statesman of that country, 'the whole people of America have their eye' upon that province. They look on all the country between the river Sabine and the river Bravo del Norte as a territory that must, ere long, belong to the Union. They have also, I believe, that same eye upon some of the western coasts of Mexico, possessing valuable ports in the Gulf of California. Should they obtain these districts, the independence of Mexico, I will venture to say, will be no better, or more secure, than that of the Creek Indians, or any other Indian tribe now living within the circle of the present recognized limits of the United States; and the Gulf of Mexico will become as much a part of their waters as the Black sea was once of the waters of Turkey, or as the channel which separates England and Ireland may be considered as part of the waters of the United Kingdom.

"I may be told, sir, that these are visionary alarms, contemplating schemes of aggrandizement and ambition which never have been, and probably never will be, entertained in any quarter. At this moment, I willingly admit that there exists a friendly disposition in the Government of the United States; and I cannot doubt that his Majesty's Government fully reciprocates that disposition. Upon every account, I am glad to see these two powerful States living upon terms of honorable and mutual confidence, each relying upon the peaceful counsels of the other. But it is not to be imputed to me that I am under-valuing this good understanding, or that I am guilty of want of respect towards the United States, or even of discretion as an individual member of Parliament, if, on this occasion, I do not lose sight of those circumstances of a permanent nature which belong to the fixed policy of the United States, and to those motives of action which, however dormant at present, would probably be revived under contingencies that, in the course of events, may hereafter arise—contingencies which the views and passions of the American people would not fail to turn to account for the attainment of a long-cherished and favorite object." * * * *

"In respect to the Gulf of Mexico and the immense interests—commercial, colonial, and maritime—which are closely connected with the navigation of that Gulf, these memoirs are full of instruction—I might say of admonition—well deserving the most serious attention of the people of this country. I will not trouble the House with any long extracts from them; but I cannot deny myself the opportunity of pointing their attention to a few passages, which show how soon the United States, after they became a separate nation, fixed their eye upon the Gulf of Mexico, and how steadily and successfully they have watched and seized every opportunity to acquire dominion and ascendency in that part of the world. Within seven years after the time when their independence had been established, and finally recognized in 1783, we find them setting up a claim of free navigation of the Mississippi from its source to the Gulf of Mexico; and it is not a little curious to see what was the opportunity which they took of asserting their right against Spain—a Power that had materially assisted them in obtaining their independence. In the year 1790, it will be recollected that a dispute had arisen between England and Spain respecting Nootka Sound. Whilst these two countries were arming, and everything appeared to threaten war between them, the United States thought that they saw, in the embarrassment of Spain, an opening to claim the navigation as of right. Whether such a claim could or could not be sustained by any principle of the law of nations, is a question which I will not now stop to examine. The affirmative was at once boldly assumed by America, and her demand proceeded upon that assumption. The right once so affirmed, what does the House think was the corollary which the Government of the United States built upon their assertion of their supposed right? I will give it in the words of Mr. Jefferson himself, not a private individual, but the Secretary of State, conveying the instructions of his Government to Mr. Carmichael, then the American envoy at Madrid: 'You know,' writes Mr. Jefferson, 'that the navigation cannot be practiced without a port, where the sea and river vessels may meet and exchange loads, and those employed about them may be safe and unmolested. The right to use a thing comprehends a right to the means necessary to its use, and without which it would be useless.' I know not what the expounders of the law of nations in the Old World will have to say to this new and startling doctrine. In this instruction, which is dated the 2d of August, 1790, the principle is only laid down in the abstract.

"I will now show the House the special application of it to the claim in question, by quoting another letter from Mr. Jefferson to Mr. Short, the American envoy at Paris, dated only eight days after the former, namely, the 10th of August. It is as follows: 'The idea of ceding the Island of New Orleans could not be hazarded to Spain in the first step; it would be too disagreeable at first view; because this island, with its town, constitutes, at present, their principal settlement in that part of their dominion, (Louisiana,) containing about ten thousand white inhabitants, of every age and sex. Reason and events, however, may, by little and little, familiarize them to it. That we have a right to some spot as an *entrepot* for our commerce, may be at once affirmed. I suppose this idea (the cession of New Orleans) too much even for the Count de Montmorin at first, and that, therefore, you will find it prudent to urge and get him to recommend to the Spanish Court, only in general terms, a port near the mouth of the river, with a circumjacent territory sufficient for its support, well defined, and extra-territorial to Spain, leaving the idea to future growth.'"

He quotes this extract from a letter of Mr. Jefferson to Mr. Monroe, of the 4th of May, 1806:

"We begin to broach the idea that we consider the whole Gulf stream as our own waters, in which hostilities and cruising are to be frowned on for the present, and prohibited so soon as either consent or force will permit us."

Mr. Huskisson continues:

"If the United States 'broached this idea,' in 1806, they are not likely to have abandoned it in 1819, when, in addition to Louisiana, they procured, by treaty with Spain, the further important cession of the Floridas. That it is a growing, rather than a waning, principle of their policy, I think we may infer from a letter which we find in this correspondence, not written, indeed, by Mr. Jefferson in any public character, but addressed by him, as a person exercising, from his retirement, the greatest sway in the councils of the Union, to the President. This letter, dated so lately as the 24th of October, 1823, discusses the interest of the United States in respect to Cuba and the Gulf of Mexico, and these are the statements which it avows: 'I candidly confess that I ever looked on Cuba as the most interesting addition that could ever be made to our system of States. The control which, with Florida Point, this island would give us over the Gulf of Mexico, and the countries and isthmus bordering upon it, as well as those whose waters flow into it, would fill up the measure of our political well-being. Yet I am sensible that this can never be obtained, even with her own consent, but by war."

In connection with this subject, because the opinions of my friend from South Carolina [Mr. HAMMOND] have been quoted here, I looked to his speech, and I found that his friends might be misled into the idea that even Mr. Calhoun was opposed to the acquisition of Cuba. Sir, I believe that he was in favor of the acquisition of Cuba at the very earliest period compatible with the honor of the country. In this body, in 1848, in a speech on the Yucatan question, he said:

"There are cases of interposition where I would resort to the hazard of war, with all its calamities. Am I asked for one? I designate the case of Cuba. So long as Cuba remains in the hands of Spain—a friendly Power, a Power of which we have no dread—it should continue to be, as it has been, the policy of all Administrations, ever since I have been connected with the Government, to let Cuba remain there; but with the fixed determination, which I hope never will be relinquished, that if Cuba pass from her, it shall not be into any other hands but ours; this, not from a feeling of ambition, not from a desire for the extension of dominion, but because that island is indispensable to the safety of the United States; or rather, because it is indispensable to the safety of the United States that this island should not be in certain hands."

The remark which is put into Mr. Calhoun's mouth, that "Cuba is to us forbidden fruit," he never used. As I said before, it is believed that he desired the acquisition of Cuba, at the very earliest day compatible with the honor of the country.

Sir, if authorities can add weight to our Cuban policy, I could cite hundreds of names of leading men of all parties who favored its acquisition. I am yet to learn one who was not in favor of the acquisition of Cuba at the very earliest moment consistent with the interests and honor of the country.

Now, sir, whence comes this general unanimity? Why is it that the varied interests of our country, differing widely as do our States in population, in climate, in soil, in production, have generally concurred in the wisdom and policy of regarding this as a great national measure? Why is it that the pro-slavery cotton-planter of Texas, and the abolitionist manufacturer of Massachusetts, here find a common bond of union and a common platform, and are to-day, while I am speaking, battling together for this very policy? Why is it that the State of Connecticut has adopted a resolution, within a very few days past, in favor of the acquisition of Cuba? Here let me say, that she was the first State to lead off for the annexation of Texas.

Mr. FESSENDEN. Does the Senator say the Legislature of Connecticut has passed any such resolution?

Mr. MALLORY. No, sir.

Mr. FESSENDEN. It was passed by a Democratic caucus.

Mr. MALLORY. That is authority for that State, of course.

Mr. BENJAMIN. It was a Democratic State convention; not a caucus.

Mr. MALLORY. I ask, whence comes this general unanimity of feeling? It is not confined to the South; it is equally found North, East, and West; and, as this discussion shall progress, it will become, in my judgment, overwhelming, and will shape, somewhat, the future policy of the country. Sir, this general feeling is not only based upon a conviction that the industrial interests of the whole country are concerned in this measure, but it springs, too, from the conviction that the first blow which the interests of our country is ever to receive, must be from the direction of Cuba. It must necessarily be so. I think I can demonstrate that, if danger ever threatens us at all from abroad, it must be from a point contiguous to our shores, and under the control of another Power; and the most important point of all on the face of the earth, in that view, is Cuba.

In the report which the Committee on Foreign Relations have presented us with, we have important statistics of the trade, commerce, and resources of the Island of Cuba.

Now, sir, whatever influence these considerations may have upon the minds of gentlemen as to the price to be paid for Cuba, they can certainly have none whatever on the question of whether we ought to have it or not. That is a preliminary question. When that is decided, the statistics will furnish us with information to guide us as to the price; and in connection with this, we must also consider the amount which the public property of Cuba herself can contribute.

I said that the first blow which this country is ever to receive, in any contest, will, in all probability, be from the direction of Cuba. The Gulf

of Mexico is emphatically an American sea. Its waters wash the shores of five of our States. All the rivers of Texas and Alabama, and part of those of Georgia and Florida, flow into it, together with the Mississippi, and all its tributaries, exposing at least twenty-five thousand miles of internal navigation. The products of fifteen States of the Union seek a market over its waters, and upon its bosom floats a commerce which is worth to-day $300,000,000; and all this commerce passes between a narrow strait ninety-four miles wide, presenting some seventy-eight miles of available navigation.

This space six steamers may bridge across, and speak each other every fifteen minutes by signals; and by an enemy possessing a naval superiority this would be done, and the Gulf of Mexico would be sealed up as securely as if nature had reared a wall from the bottom of the ocean to the top. There, at the mouth, you may say, a hostile Power would lie in wait, and sink or capture everything that pretended to enter it. In form it may be regarded, to use a familiar illustration, as a demijohn on its side; and through its mouth, between Cuba on the south and Florida on the north, floats this vast commerce, upon which the hills of Cuba, like sentry-boxes, look down.

Are we not justified, then, in asserting that the first contest—and this must be a naval contest—in which we shall ever become involved, will be here? It must necessarily be so; because no sea upon the habitable globe offers such a temptation to a maritime enemy against our commerce as the Gulf of Mexico.

A war with either of the great maritime Powers would necessarily find us unprepared; and though the wonderful resources and matchless creative powers of our country would eventually provide for any emergency, the Gulf of Mexico—with Cuba in the hands of Spain—would be to us a closed sea.

There is another outlet to the Gulf of Mexico that ought not to be lost sight of, between the west end of Cuba and Yucatan, between Cape Catoche and Cape San Antonio. That outlet is one hundred and four miles wide; but from the adverse winds and currents which prevail there for eight twelfths of the year, and that portion of the year, too, when the great cotton crop and the products of the West are upon the sea, no sailing ship ever attempts it. They go through the other way. From the prevailing winds and currents there, and the circuitous passage through the Caribbean sea and out through the Mona Pass, it would prolong the voyage to New York to twenty-five days, when, in fact, it ought only to take twelve days; and under no circumstances will commerce seek that path.

The mouth of the Mississippi, and the Gulf terminus of the Tehuantepec road, are here at this strait, and not at the Balize, or at St. Juan de Nicaragua.

If a bale of cotton be cast adrift at New Orleans, and left to the action of winds and currents, it passes out at the Balize, takes a southeastwardly course, doubles the Tortugas, and reaches the open Atlantic through this strait; and from the lone and distant fortification of Tortugas fleets of merchantmen are daily seen, in the freighting season, making their way to or from the Gulf through this pass.

The importance of a position like Cuba, a natural fortress at our very doors, has never been, and can never be, disregarded by a statesman; and by all parties, for fifty years, its acquisition has been an admitted necessity.

Our language to Spain upon this subject has heretofore apprised her that, while we would never permit any other Power to acquire Cuba, we would remain satisfied with her tenure of it, and take no steps to dispossess her. And, sir, this is the language held to-day, even by the opponents of this bill.

The Senator from Wisconsin, [Mr. DOOLITTLE,] speaking of (if not for) his party, says:

"These letters of the Secretaries of State of the United States show clearly what the policy of this Government is in relation to the acquisition of the Island of Cuba. That policy is based, as I have stated, upon three foundations, the first of which is, that we will never consent, cost what it may, to the transfer of that island by Spain to any other European Power. Such a transfer would be resisted by the unanimous voice of the American people, and especially by the Republican party, as against its policy, and against all our history. We would resist the transfer to England, or to France, if need be, resist it to the very death, cost what it might of treasure or of blood."

I am free to express the opinion, Mr. President, that the period of voluntary acquiescence in Spain's possession of Cuba has passed. We have heretofore respected it, because we believed that Spain was both able and willing to govern and maintain the island in a manner consistent with the safety of our country—an ability and a willingness to which she can no longer pretend, as I am prepared to show.

Have gentlemen reflected, when they talk about being satisfied with Cuba remaining in the hands of Spain, that this language was used by our fathers, in our infancy, and in the day of Spain's strength, when she occupied a position before the nations of the earth that she no longer occupies?

In the event of war between ourselves and any maritime Power to-morrow, what would be the condition of Cuba? The policy of Spain would be to remain strictly neutral, to declare the ports of Cuba open to both belligerents alike. She undoubtedly would have the right to treat both belligerents alike, and neither would have the right to complain. In that case, the numerous ports of Cuba, many of them excellent, would be at the very points where the enemy would place them. And the enemy would have all the advantages of ports of refuge, resort, and repair, without the responsibility of defending them.

During the late war between Russia and the Allies, we were perfectly neutral, and made powder and guns for both parties, our ships transported the troops of the Allies to the Crimea, and would have been just as ready to transport the troops of Russia.

Now, sir, if I am correct in my views of the matchless geographical position of Cuba, and the perils to us which it involves as a military, strategetic point, does it not fully justify, nay, does it not demand from us prompt, energetic, and decisive action? Can we wisely delay action?

When I say that Spain is at this time more unwilling to part with Cuba than she has ever been, I keep in view the fact that her revenue from it directly, and her commerce with it, have not only greatly augmented, but that its importance and value in her eyes have been greatly enhanced by the light in which we regard it, and the price which we have signified our readiness to pay for it.

Her unwillingness to part with it has also been sustained by the active and unceasing influence of Great Britain and France, an influence prompted not by any special interest of theirs in this quarter of the globe, but by a desire to thwart and embarrass the policy and progress of our country. While she has persistently opposed our Cuban policy, and even interfered elsewhere to prevent our acquisition of simple coal deposits for our Navy in other seas, Great Britain has taken, with a strong hand, islands, countries, empires, and millions of people; and on this continent, from the Orinoco river up along the Spanish Main to the Caribbean sea, and thence through the Yucatan Pass to Honduras and the Bay Islands, out by the Bahamas to the distant Bermudas, she has seized upon salient and stragetic points wherever a gun could be planted or a standard reared.

Now, sir, I am for proclaiming to her and to the world, that this question of Cuba is an American question, and that this Government looks forward to the time, and that not a distant one, when the Gulf of Mexico shall be a closed sea, as much under our jurisdiction and control as is the Irish channel under those of England; and that no foreign flag shall then float upon its bosom but by the permission of the United States.

Britain, amongst other pretences for interference in Cuban affairs, sets up her right to suppress its African slave trade, and this brings me to the consideration of this branch of the subject, and I shall dispose of it briefly.

AFRICAN SLAVE TRADE.

I am indisposed, Mr. President, to connect, in any manner the question of slavery with our Cuban policy; for they have never been in any manner connected by any leading statesmen of our country who have advocated the acquisition of Cuba.

We have discussed this question of domestic slavery for twenty years, and the results have been sectional divisions and alienations where a common interest demanded union.

It has certainly not advanced the interests of the negro race in the way in which the false philanthropy of its false friends desired; for it has not freed a single slave; but it has proved, beyond all question, that the condition of the negro slave in the United States is preëminently superior to that of the free negro in any part of the earth, and that the negro's greatest happiness and greatest usefulness are best secured under our system of domestic servitude.

Inasmuch as I am prepared to show, as an inducement to some gentlemen to vote with us on this measure, that the African slave trade in Cuba would cease with the transfer of the island to the United States, I will briefly state how it is at present conducted.

It will be remembered that Spain relinquished, by the treaty of 1817, all right to engage in the African slave trade, and received from Great Britain two million dollars mainly for this concession. The trade, however, did not in the least abate. In 1835, Britain forced Spain to make another treaty, whose provisions were more stringent, and by the instructions under which, it was supposed, the trade would be broken up; but still it continues, though upon a more limited scale, while the "horrors of the middle passage" have been greatly augmented by the increased risks of capture.

The manner in which this trade is conducted, though more or less a mystery to the world, may be readily understood, and it may be briefly stated, thus:

Under the instructions of the Spanish Government, issued with the apparent design to prevent the trade, slaves on the Island of Cuba are registered, and to their owners are issued, what are called in Spanish, *cedulas*—which may be translated permits—and these *cedulas* are printed in books uniformly, one hundred in each, and issued under the authority of the Captain General; and it is made the duty of owners to have *cedulas* for their slaves.

A party wishing to engage in the slave trade, usually purchases a fast-sailing vessel—generally an American vessel—and pays for her at Havana or in the United States, upon the condition of her being delivered on the coast of Africa. She sails for Cabinda, or some other point of the slave coast, with a few articles required for a return slave voyage—under the command of her American master or mate, with a crew to bring her back—and, on her arrival on the coast of Africa, she is turned over to her new owners, the master pockets his vessel's register, returns home, delivers it to the custom-house to cancel his registry bond, and upon it is written "vessel sold abroad."

The Spanish owner, the moment he takes command, offers so many of the American seamen as he wants, liberal wages, varying from three to five hundred dollars, for the return voyage, and not unfrequently secures their services. The water casks are then filled, the slave deck laid, the caboose and coppers arranged, and when a favorable off-shore breeze springs up, the slaves are taken on board, in two hours if necessary, and the vessel, with her new owner and cargo, is off for Cuba.

The place of landing in Cuba is previously arranged; and as the time for the arrival of the vessel approaches those interested in the enterprise are at their posts. *Cedulas* have been obtained from the officer who does this part of the dirty work of the Captain General, for the number of slaves expected, two and a half ounces (or forty-two dollars and fifty cents) being paid for each as the Captain General's fee.

The slaves are landed, the *cedulas* being exhibited to the chief authority, and to the captain of the partido of the district, to each of whom handsome gratuities are paid for their connivance.

This is the ordinary course of proceeding when the affair is successful, and the profits it yields are enormous—the bozal costing the trader about seventy dollars, and selling for from eight to twelve hundred in Cuba.

But it not unfrequently happens that Mr. Crawford, the British consul general at Havana, learns

of the intended importation, spiritedly remonstrates, and demands the Captain General's interference; and this officer, in appearance at least, adopts active measures to prevent it; but it rarely amounts to anything. If any slaves are taken, the affair is so managed that the trader is suffered to escape with enough to make a fair profit; and if any participant has to be imprisoned for a few days, it is usually the captain of the partido, who runs this risk and charges accordingly. Thus is the slave trade conducted; and while it is manifest that the trade could not exist a day without the connivance of the Captain General, it is equally obvious that it is impossible to obtain accurate information as to the number of slaves annually introduced. I have examined all the received authorities upon this point, and I have reason to believe the number generally overstated.

Lippincott says, that in 1844, when the trade was uncommonly active, the importation reached ten thousand; but General Crawford, whose means of obtaining correct information entitle his statements to great consideration, does not estimate it at over six thousand

Mr. President, I totally dissent from the assertion that the plantation slaves of Cuba are replaced by importations every seven years; and from the assertion of my friend from South Carolina [Mr. HAMMOND] that the climate of Cuba is adverse to the African. Cuba is but a degree south of Florida, where our statistics show the negro is healthier than in any other portion of our country.

The southern keys of Florida are in latitude 24° 33′, and Cuba lies southeast about ninety-four miles from them; and while Florida is but little elevated above tide-water, a backbone of mountains traverses Cuba from east to west.

With similar treatment, the plantation negro in Cuba would be what he is in Florida—the freest from disease and care, the happiest and the most enduring of his race on the face of the earth.

But it must be remembered that, so long as the slave trade exists, increase by births is discouraged, not only by the interest of the planters, but by the prejudices of those in cities owning domestics.

The trader finds the expense and trouble of bringing females equal to that of bringing males from Africa; and as the female is worth only about one half or three fifths as much as the male of the same age, but few females are brought, the proportion being about one to six.

Hence we find scarcely a female on some plantations, except a few domestics about the houses.

Now, sir, annex Cuba and abolish the trade, and the females would be sent from the cities and towns to the plantations, their places would be supplied by the coolies, or the *Islanias*, and the domestic slavery of Cuba, like the island generally, would soon be Americanized.

I trust that I do not shock the prejudices of any of my friends when I say that the continuance of the African slave trade is the greatest curse that could have been inflicted upon Cuba; for to that, and that alone, is she indebted for the deathly pall that wraps her in despotism to-day.

Spain has violated her treaty obligations to encourage it, because she deliberately adopted the horrible policy of ever keeping a large number of negroes, fresh from their jungles in Africa, ready to turn upon the people; savages, with whom slaughter is pastime; and one of her ministers, with a cold-blooded forecast unsurpassed, has calculated that the ability of Spain to turn these negroes upon the people, is equal, in controlling Cuba, to an army of one hundred thousand men.

It has kept the people in constant terror of insurrection, and afforded a plea to the Crown for keeping amongst them a standing army of soldiers, spies, and informers. Upon this point General Concha's authority will be admitted. Upon the expiration of his first term of service in Cuba, he published a memoir, in which he comes to the conclusion that to the balance between the white and colored races, is Spain indebted for her tenure of the island, and for the failure of Cuba to go off with the other American provinces in 1823, when Spain had but three regiments there.

The existence of this slave trade has moreover furnished to Great Britain a pretext for interfering, from time to time, in the affairs of Cuba in a very remarkable manner; and I think we are justified in believing, nay, I think we would be culpably incredulous, were we not to believe, that England's stern and settled policy is to attain the liberation of every negro imported into Cuba since 1820, and thus to reduce it to the condition of St. Domingo.

From the following dispatch of Mr. Crawford to Lord Clarendon in 1855, written at Havana, we can infer the rate of bribery in this trade:

"Your lordship will be able to form some idea of the nature of such arrangements by the details I am enabled to furnish of what was effected at Santa Cruz, on the south side of the island, when five hundred bozals were landed near that place in August last, viz:

	Gold—Ounces.
To the commanding officer	468
To the captain of the port	234
To the collector of the port	200
To the tide-surveyor	200
Total	1,102

"This arrangement was made upon four hundred and sixty-eight slaves, the rest being week and sickly, (rather over forty dollars a head,) which must be considered a remarkably cheap bargain of its kind."

ACQUISITION OF CUBA.

I trust, sir, that it may not be deemed unbecoming in me, or violative of any courtesy which this body, and which I, as an American Senator, owe to a friendly Power, to stand here in my place and announce to the world my conviction, as I now do, that this cold-blooded and barbarous policy is now being pursued by that Government.

The views entertained in the past, as well as in the present, by Great Britain and ourselves, upon the present and future condition of the African race on this continent, are well determined by the course and action of each. She, partly induced by a spurious philanthropy, partly moved by a desire to develop her Indian empire, and to injure the United States, adopted the emancipation measure, and prostrated the most productive, prosperous, and valuable colonies that ever an empire owned, to beggary, ignorance, and barbarism; and in this condition she maintains them that the negro may be free; free to violate all his duties to himself, to his fellow, and to his God—a condition which reduces him to hellish slavery, and conducts him back to his original barbarism. And having done this with her own colonies—and her objects yet unattained—are we to suppose she will pause in her career with the colonies of Spain?

To hamper, crib, cabin, and confine the progress of our country, she bestows unceasing vigilance. Why, sir, I remember that you yourself, [Mr. MASON in the chair,] not two years ago, as the head of our Committee on Foreign Relations, brought to the notice of this body, not only her encroachments on this continent, but her active interference to prevent us from acquiring simple coal deposits for our Navy.

Her trade with Cuba now is considerable, but if it were Africanized it would pass at once, as a free black colony under her protection, at the doors of our southern States; and she would not only have a monopoly of its trade, but the regulation of its tariff.

But let us look at the direct evidence before us. Great Britain's tone and language upon our Cuban policy have been uniform for a half a century, always expressing her determination against its transfer to us.

I will not go over the evidence so ably presented by my friend from Louisiana, [Mr. BENJAMIN,] to show that she has twice attempted to get Cuba secretly. She values Gibraltar as a possession beyond all price, because it is the key to the Mediterranean; but what is Gibraltar in comparison to Cuba, where she could not only command *our* Mediterranean, but where she could, for all time to come, plant a free-negro soldiery upon our borders, and within a night of our shores?

But I will pass on to the direct proof of her policy.

I have just seen an able article in the *La Patrie*, (published in Paris,) of the 17th ultimo, in which this language is used:

"To protect Cuba against the covetous Americans, Spain ought, above all, to count on England, who has also Jamaica and so many other important islands to defend; but the former intimate relations between Spain and England have greatly changed during the last twenty years; and the principal cause, not to say the only cause, of this coldness is the undeniable continuance of the Cuban slave trade and the tolerance, but little disguised, that the Spanish authorities afford to this inhuman traffic. This continuance of the trade, in obliging England to maintain, from self-esteem, a squadron in the sea of the Antilles, is the source of continued difficulties which spring up periodically between England and the United States." * * * *

"The Spanish Ministry knows well—and that is the chief motive that determines its present conduct—that the abolition of slavery is the most infallible means of assuring to Spain the possession of Cuba. Independence would suit certain planters who have daily relations with New Orleans and New York. The most solid aid of Spanish rule are the two hundred thousand mulattoes of Cuba, who are to-day free men, in possession of every civil and political right, and who would, the day following its annexation to the United States, fall back to the level of the slaves. To fortify this class by the addition of all the negroes still in the bonds of slavery would be to raise an insurmountable barrier to American invasion. Free them, and they would sooner perish under the banner of Spain than submit to the reëstablishment of service by the hands of Americans. Thus has it always been believed that the Governors General have received, in their secret instructions, the authorization to proclaim their emancipation the day in which the authority of Spain in Cuba would be in peril. It is much better for Spain to gradually prepare the emancipation than have recourse to such an extreme measure.

"Cuba, peopled by mulattoes and free blacks, would no longer be the prey that to-day the Americans aspire after. The southern States urge the acquisition of that island because they could divide it into two States, and could thus reëstablish in the Senate and House the equilibrium of votes, which now stand to their disadvantage. Cuba, besides, would serve them as a depot, to which they could draw the negroes of Africa, and to give a great impetus to the slave trade. With the perspicacity and the vigilance of which the American custom-house officers have given evidence, it would not be difficult to land at Charleston or Baltimore, as coming from Cuba, negroes brought directly from Guinea or Mozambique; and thus they could put an end to the period of high-priced slaves, this plague which ruins the producers of sugar and cotton. But Cuba, peopled with free men; Cuba, bringing as citizens into the great Republic of men a people of mixed blood, and of veritable negroes, would be no more the aim of the men of the South; she would, on the contrary, be a dangerous example and a source of continual apprehensions.

"Spain is, therefore, well inspired, in seeking in the emancipation of the blacks the salvation of her finest colony. May the efforts of the O'Donnell Cabinet be crowned with success. May brilliant experience show once more that true policy is that which serves best the interests of humanity."

This extract is significant.

Now, sir, let me ask the attention of the Senate to a few extracts from dispatches of British ministers, touching this question; and, first, I will read from a dispatch addressed by Mr. Crawford, at Havana, to the Captain General of Cuba, dated 31st March, 1855.

The "emancipated" here alluded to, are those who had been captured, on being imported, and farmed out, with a ticket as emancipados.

"I am also instructed to refer your Excellency to the assurance given by the Conde de Alcoy to Lord Howden, in March, 1853, that all the captured slaves in Cuba—whose liberty the Spanish Crown bound itself, by the treaty of 1817, to guarantee—should receive their freedom before the end of 1853; and, at the same time, those captured negroes to whom immediate liberty was promised by Spain, under article thirteen of the treaty of 1835, should be liberated as soon as they had completed a term of five years, to be reckoned from the date of their last assignment.

"I am therefore instructed by the Earl of Clarendon to state these views to your Excellency, on the part of her Majesty's Government, and to remind your Excellency of the contents of the dispatch from General Valdez, of the 30th of April, 1842, which was communicated officially to her Majesty's Government, and in which General Valdez promised that, on the completion of five years from that date, all the emancipated negroes were to enjoy perfect freedom."

Here is the British consul general writing a diplomatic note to the Captain General of Cuba, under instructions from Lord Clarendon, announcing to him the failure of the promise made by General Valdez, *that every negro imported into Cuba since* 1820 *should be free.* If our authority for the position which we take rested only here, it would certainly be sufficient to arouse the attention of this country. Who can contemplate this condition of things in the Island of Cuba calmly? I ask, is there a patriot who does not shrink from the Africanization of Cuba—a term which vividly recalls the unutterable horrors of St. Domingo—and which embraces within its ample signification murder, rapine, and desolation; and lives there a man, honored by the American people by their confidence here, who would for a moment hesitate to interpose all the power of this Government to avert from Cuba, from our age, and our race, so dark, so sad a fate?

In 1841, England endeavored to establish a British tribunal in Cuba, with power to decide the *status* of the negroes making application to it. Lord Aberdeen, in a dispatch of 31st December,

1843, to Mr. Bulwer, then British Minister in Spain, holds the following language in relation to this attempt, and its temporary abandonment:

"In 1841, the draft of a convention was transmitted to Madrid, by which it was proposed to institute, by the aid of British functionaries, an examination into the *titles by which the slave population of Cuba is held in servitude.* Encouraged by the novel appearance of good faith on the part of the government of Cuba, as it was then administered, her Majesty's Government admitted the weight of certain objections raised against that proposal by the Government at Madrid, and forebore for the time to press it."

The "draft of a convention" here referred to, had for its object an agreement between Spain and Great Britain, that British functionaries should proceed to Cuba, go upon the plantations, call the negroes before them, and determine for themselves the titles by which they were held, with the view of liberating all introduced since 1820; and to this humiliating proposal Spain lent a willing ear, and sent it to Cuba to ascertain public sentiment there upon it.

It produced an indignant remonstrance from the Cubans; and it was temporarily laid aside, but not abandoned.

The Count Villanuera, (who was then Intendente,) said:

"It is not to be presumed that any white man will be disposed to submit to so hard a fate. They will prefer to emigrate to foreign countries to earn their livelihood and save the lives of their children, if they do not previously adopt the course which a state of desperation would prescribe." * * * * "There has been but one feeling or opinion since the arrival of the publications in question from Madrid, which is that the island would be irrecoverably lost by it to the mother country, and to its inhabitants, who would prefer any extreme to the calamity of sacrificing their fortunes, endangering their lives, and remaining in a state of subordination to the negroes."

In 1850 and 1851, these demands were again pressed by England with great energy and warmth, but were now resisted by Spain. On the 23d March, 1851, Señor Bertan de Lis writes to Lord Howden:

"But it seems impossible that the well-known perspicuity of the Cabinet of London should have overlooked in its turn the immense responsibility imposed upon the Queen's Government by the present circumstances of the Spanish Antilles, and the stringent duty in which it is placed, of proceeding with the greatest prudence and circumspection, in all matters which may exercise either directly or indirectly any influence upon the social and political situation of those colonies.

"You are aware of the dangers by which these colonies are menaced. You know that, for the prevention of these dangers, for the consolidation of the security and preservation of its transatlantic possessions, her Majesty's Government, hitherto, unfortunately, reduced to its own means, cannot as yet rely upon the decided protection of its most important allies."

In reply to this, on the 10th of July, 1851, Lord Palmerston writes to Lord Howden:

"The Spanish Government will do well to consider that if such a course of proceeding shall continue, the people of this country, instead of looking with displeasure at attempts which may be made to sever Cuba from the Spanish monarchy, may be led to view with satisfaction the accomplishment of an event, which, in consequence of the conduct of the Spanish colonial authorities, will have become the only means of putting an end to the commission of crimes which the Spanish Crown solemnly bound itself, many years ago, utterly and forever to prevent any Spanish subject from committing."

On the 7th of August, 1851, Lord Palmerston to Lord Howden:

"Her Majesty's Government deem it due to the frankness which ought to characterize the intercourse of friendly Governments, to let the Spanish Government know, that if, as seems to be the case, the Government of Madrid is unable to cause its subordinate officers in Cuba to carry into execution the treaty engagements of the Spanish Crown for the suppression of the slave trade, and to enforce the laws promulgated by the Crown of Spain in execution of those engagements, the British Government must deem itself obliged to take the matter into their own hands, and to have recourse to such measures in relation to it as may appear to Her Majesty's Government best calculated to accomplish the purpose in view."

In another dispatch, Lord Palmerston says:

"With reference to that passage in M. de Miraflores's note, in which he states that the Spanish Government cannot understand how her Majesty's Government can seriously recommend a measure which would prove very injurious to the natives of Cuba, when they also recommend that the Spanish Government should conciliate the affections of those Cubans, I have to instruct your lordship to observe to M. de Miraflores that the slaves of Cuba form a large portion, and by no means an unimportant one, of the population of Cuba; and that any steps taken to provide for their emancipation would, therefore, as far as the black population are concerned, be quite in unison with the recommendation made by her Majesty's Government; that measures should be adopted for contenting the people of Cuba, with a view to secure the connection between that island and the Spanish Crown; and it must be evident that if the negro population of Cuba were rendered free, that fact would create a most powerful element of resistance to any scheme for annexing Cuba to the United States, where slavery still exists."

Here I will close my review of British dispatches on this point, observing only that in 1853 England and Spain seem to have arrived at a conclusion mutually satisfactory, suddenly and unexpectedly; for conflicting dispatches were written on the same day by the ministers of both.

On the 16th of March, the Earl of Clarendon writes to Lord Howden (at Madrid) that the position of Spain "*endangers the friendly relations between the two countries;*" and on the same day Lord Howden writes to the Earl of Clarendon that the "*Spanish Government has agreed to a settlement of a question which has so long been a matter of painful dispute.*"

As yet, we know not the details of this "*settlement;*" but Lord John Russell, on the 4th of May following, showed that they were satisfactory to England; and from the course adopted towards us, we are justified in believing that they embraced France. When we rejected the overtures of England and France to become a party to the tripartite treaty, Lord John Russell directed the British minister here to say, that—

"While admitting fully the right of the United States to reject the proposal made by Lord Malmesbury and Mons. de Turgot, Great Britain must at once resume her entire liberty, and, upon any occasion that may call for it, be free to act, either singly or in conjunction with other Powers, as to her may seem fit."

And subsequently, Lord Clarendon, as Secretary for Foreign Affairs, announced in Parliament that—

"There is no portion of the two hemispheres with regard to which the policy of the two countries, however heretofore antagonistic, is not now in entire harmony."

And now, sir, can we, in justice to ourselves, hesitate to act promptly upon this long cherished Cuban question? Are we to await the final act of the tragedy progressing in Cuba, the emancipation of the negroes, and the revival there of the scenes of St. Domingo?

Are we to fold our arms and permit England and France to erect Cuba into a free negro colony?

Sir, I am aware that men still live, nay, some may be found even within these Halls, who profess to regard the negro's ability to govern himself as a question yet to be solved, and who affect not to see this question in the light which historic truth has shed upon it. Let me invite their attention to the present and prospective condition of the British colonies.

CONDITION OF BRITISH COLONIES.

Great Britain has shown no little solicitude to ascertain the real state of things in her West India colonies. For this purpose, she appointed, in 1842, a select committee, consisting of some of the most prominent members of Parliament, with Lord Stanley at their head. In 1848, another committee was appointed by her, with Lord George Bentinck as its chairman, to inquire into the condition of Her Majesty's East and West India possessions and the Mauritius, and to consider whether any measures could be adopted for their relief. The report of both committees show, beyond all doubt, that unexampled distress existed in the colonies. The report of 1848, declares:

"That many estates in the British West India colonies have been already abandoned, that many more are in the course of abandonment, and that from this cause a very serious diminution is to be apprehended in the total amount of production. That the first effect of this diminution will be an increase in the price of sugar, and the ultimate effect a greater extension to the growth of sugar in slave countries, and a greater impetus to slavery and the slave trade."

From the same report, we also learn that the prosperity of the Mauritius, no less than that of the West India Islands, had suffered a fearful blight, in consequence of the "glorious act of emancipation."

A third commission was appointed, in 1830, to inquire into the condition and prospects of British Guiana. Lord Stanley, in his second letter to Mr. Gladstone, the Secretary of the British Colonies, has furnished us with the following extracts from the report of the committee:

"Of Guiana generally, they say: 'It would be but a melancholy task to dwell upon the misery and ruin which so alarming a change must have occasioned to the proprietary body; but your commissioners feel themselves called upon to notice the effects which this wholesale abandonment of property has produced upon the colony at large. Where whole districts are fast relapsing into bush, and occasional patches of provisions around the huts of village settlers are all that remain to tell of once flourishing estates, it is not to be wondered at that the most ordinary marks of civilization are rapidly disappearing, and that, in many districts of the colony, all traveling communication by land will soon become utterly impracticable.'"

"Of the Abary district—'Your commission find that the line of road is nearly impassable; and that a long succession of formerly cultivated estates presents now a series of pestilent swamps, overrun with bush, and productive of malignant fevers?

"Nor are matters," says Lord Stanley, "much better further south."

"Proceeding still lower down, your commissioners find that the public roads and bridges are in such a condition that a few estates still remaining on the upper west bank of Mahaica creek are completely cut off, save in the very dry season; and that with regard to the whole district, unless something be done very shortly, traveling by land will entirely cease. In such a state of things it cannot be wondered at that the herdsman has a formidable enemy to encounter in the jaguar and other beasts of prey, and that the keeping of cattle is attended with considerable loss from the depredations committed by these animals.

"It may be worth noticing," says Lord Stanley, "that this district—now overrun with wild beasts of the forest—was formerly the very garden of the colony. The estates touched one another along the whole line of the road, leaving no interval of uncleared land.

"The east coast, which is next mentioned by the commissioners, is better off. Properties, once of immense value, had there been bought at nominal prices; and the one railroad of Guiana passing through that tract, a comparatively industrious population—composed of former laborers on the line—enabled the planters still to work these to some profit. Even of this favored spot, however, they report that it 'feels most severely the want of continuous labor.'"

The commissioners next visit the east bank of the Demerara river, thus described:

"Proceeding up the east bank of the river Demerara, the generally prevailing features of ruin and distress are everywhere perceptible. Roads and bridges, almost impassable, are fearfully significant exponents of the condition of the plantations which they traverse; and canal No. 3, once covered with plantains and coffee, presents now a scene of almost total desolation."

Crossing to the west side, they find prospects somewhat brighter; "a few estates" are still "keeping up a cultivation worthy of better times." But this prosperous neighborhood is not extensive; and the next picture presented to our notice is less agreeable:

"Ascending the river still higher, your commissioners learn that the district between Hobaboe creek and 'Stricken Heuven' contained, in 1829, eight sugar and five coffee and plantain estates, and now there remain but three in sugar, and four partially cultivated with plantains, by petty settlers; while the roads, with one or two exceptions, are in a state of utter abandonment. Here, as on the opposite bank of the river, hordes of squatters have located themselves, who avoid all communication with Europeans, and have, seemingly, given themselves up altogether to the rude pleasure of a completely savage life."

The west coast of Demerara—the only part of the country which still remains unvisited—is described as showing *only* a diminution of fifty per cent. upon its produce of sugar; and with this fact the evidence concludes, as to one of the three sections into which the colony is divided.

Again hear the report:

"If the present state of the county of Demerara affords cause for deep apprehension, your commissioners find that Essequibo has retrograded to a still more alarming extent. In fact, unless a large and speedy supply of labor be obtained to cultivate the deserted fields of this once flourishing district, there is great reason to fear that it will relapse into total abandonment."

Describing another portion of the colony, they say of one district:

"Unless a fresh supply of labor be very soon obtained, there is every reason to fear that it will become completely abandoned. Of a second, 'speedy immigration alone can save this island from total ruin.' 'The prostrate condition of this once beautiful part of the coast,' are the words which begin another paragraph, describing another tract of country. Of a fourth, 'the proprietors on this coast seem to be keeping up a hopeless struggle against approaching ruin.' Again, 'the once famous Arabian coast, so long the boast of the colony, presents now but a mournful picture of departed prosperity. Here were formerly situated some of the finest estates in the country, and a large resident body of proprietors lived in the district, and freely expended their incomes on the spot whence they derived them.' Once more, 'the lower part of the coast, after passing Devonshire Castle, to the river Pomeroon, presents a scene of almost total desolation.'"

"'Berbice,' says Lord Stanley, 'has fared no better. Its rural population amounts to eighteen thousand. Of these, twelve thousand have withdrawn from the estates, and mostly from the neighborhood of the white man, to enjoy a savage freedom of ignorance and idleness, beyond the reach of example, and sometimes of control. But on the condition of the negro, I shall dwell more at length hereafter; at present it is the state of property with which I have to do. What are the districts which together form the country of Berbice? The Corentyne coast—the Canje creek—

east and west banks of the Berbice river—and the west coast, where, however, cotton was formerly the chief article produced.' To each of these, respectively, the following passages, quoted in order, apply:

"The abandoned plantations on this coast, which, if capital and labor could be procured, might easily be made very productive, are either wholly deserted, or else appropriated by hordes of squatters, who, of course, are unable to keep up, at their own expense, the public roads and bridges; and consequently all communication by land between the Corentyne and New Amsterdam is nearly at an end. The roads are impassable for horses or carriages, while for foot passengers they are extremely dangerous. The number of villages in this deserted region must be upwards of two thousand five hundred, and as the country abounds with fish and game, they have no difficulty in making a subsistence. In fact, the Corentyne coast is fast relapsing into a state of nature.

"Canje Creek was formerly considered a flourishing district of the country, and numbered on its east bank seven sugar and three coffee estates, and its west bank eight estates, of which two were in sugar and six in coffee, making a total of eighteen plantations. The coffee cultivation has long since been entirely abandoned, and of the sugar estates but eight still now remain. They are suffering severely for the want of labor, and being supported principally by African and cooly immigrants, it is much to be feared that, if the latter leave and claim their return passages to India, a great part of the district will become abandoned.

"Under present circumstances, so gloomy is the condition of affairs here, that the two gentlemen whom your commissioners have examined with respect to this district, both concur in predicting 'its slow but sure approximation to the condition in which civilized man first found it.'

"The negroes, who, in a state of slavery, were comfortable and prosperous beyond any peasantry in the world, and rapidly approaching the condition of the most opulent serfs of Europe, have *been by the act of emancipation irretrievably consigned to a state of barbarism.*"

Surely it is no wonder that the hurraing of the English people has ceased.

"At the present moment," says the London Times for December 1, 1852, "if there is one thing in the world that the British public do not like to talk about, or *even to think about*, it is the condition of the race for whom this great effort was made."

Not so with the Abolitionists of this country. They still keep up the annual celebration of that great event, the act of emancipation, by which, in the language of one of their number, more than half a million of human beings were "turned from brutes into freemen."

I will not delay to show the condition of Jamaica and other colonies. The same results of negro self-government, beggary and vice, everywhere exist.

And here let me say to the Senator from Wisconsin, [Mr. DOOLITTLE,] whom I see in his seat, and to whose novel plan of surrendering the tropics exclusively to the negroes I listened, that if he can show me a square mile of earth on this globe which exhibits the negro's ability to govern himself and prosper, I may confess that his notion has some foundation at least. Why, sir, I do not know in what city or town the honorable Senator resides; but I will undertake to say that if any negroes are there, it has its negro quarter; the filthiest and the most shunned in all the city; and that their progress, stimulated as it must be by false philanthropy, has never carried them beyond the menial employments in which they are usually found.

Emancipation, sir, has been a total, a wretched failure; and it has illustrated a singular feature of the negro race, namely: that, just as there are certain grains and fruits which the industry of man has redeemed, by careful culture, from their original and savage nature—from some wild grass or bitter nut—which, if withdrawn from his care, will relapse back to their original type; just so does the African in these colonies, when left to himself, relapse back, stage by stage to the original barbarism of his fathers.

CUBANS.

It is not my purpose to review the grounds occupied by the opponents of this bill at this time; but there is one objection taken, which, considering the time and place in which it is made, is too remarkable to pass over.

It is said that the Cubans are Catholics, and therefore averse to, and unfitted for, liberty; and that the Catholic Church is hostile to freedom. An assertion so irreconcilable with the truth of history scarcely merits a serious answer; but, sir, if this charge shall ever be made under circumstances requiring a response, Heaven grant that the Church may have the privilege of confronting her enemies here before the freest and greatest forum upon the earth. As one of her humblest followers, and a most indifferent one, I regret to say, perhaps the only one in this body, I stand always ready in her defense; but, sir, she needs no defense. There she stands, with the historic truth and traditionary lore of eighteen centuries clustering around her head, her annals illustrated and adorned by the proudest names and monuments of earth; her teachings sublime and universal, her morning sacrifices to the ever-living God welcoming the sun in his coming, and her vesper bells cheering his departure throughout the bounds of earth.

Sir, let this charge be seriously made, and its refutation will be found in every forum, and upon every field where freedom has been lost or won.

I am unauthorized, sir, to express upon this subject any opinion but my own; but, in my judgment, the enlightened Catholics of the world to-day would regard the transfer of Cuba to this country as a measure well calculated to advance the interests of the Church.

It is also alleged that the Cubans are ignorant; that they are satisfied with Spanish dominion, and desire no change. Sir, I profess to know something of the Cubans, and I feel bound to remind those gentlemen who have dealt here in wholesale abuse, and in some innuendos against their indisposition to liberty, against their incapacity for self-government, against their ignorance and superstition, that in a population of about six hundred thousand whites they sustain one daily journal, at least, having nine thousand daily circulation; while in the mother country there is not a single paper that has two thousand, and that daily journal, about the size of our Journal of Commerce, is twice the size of any in Spain.

Let me say that, deprived of every office of honor, trust, and profit, not permitted to enter the Army or Navy, not permitted to enjoy any of the benefices of the Church, not permitted to leave the island, or return, without permission; or bear arms, or enter upon a trade, or transfer a residence, without permission; crushed by law, and regarded by habit as an inferior race, they have yet speedily adopted many of our mechanical contrivances, they have shown the most remarkable capacity for managing their own affairs, in the administration of the island, as its unrivaled prosperous commercial and agricultural condition to-day manifest, and they are the planters and mechanics of Cuba, while the old Spaniards are the governing class.

They have sought the United States upon every occasion; and those that you have seen here are fair specimens of the Cubans. In private virtues, I do not believe they will compare unfavorably with our own people. The spirit of hospitality rests upon every creole mansion in Cuba. Most especially does it to an American. The miserable pretense has been set up, and sometimes urged here, that this people, crushed and downtrodden as they are, do not desire a change of government. It is the most preposterous presumption on earth, that a people thus crushed, living almost within hearing of our own bells which celebrate the anniversaries of our independence, coming to our country, educated in our public schools, carrying back with them and spreading the principles of civil and religious freedom, should tamely submit to the rod, if they could possibly avoid it.

Why, sir, these people, within my own recollection, have, on five different occasions, organized a well-directed revolution; and the existence and maintenance of an army of trained soldiers, usually twenty-five thousand men, never less than seventeen thousand, and numbering, with the militia and partidos, twenty-five thousand at all times, besides the government spies—the very existence of this force shows how much Spain fears the spirit of the people. But for the maintenance of a standing army, a great deal larger than this country ever had, or, I hope, ever will maintain for years, Cuba would have been free by the exertions of her own sons long ago. On every occasion, when manhood and courage could be shown, the people of Cuba have not been backward. But the dawn of that glorious morn which is yet to rise upon Cuba is already struggling up to our vision. The influence of young Cuba, of a generation educated under free institutions, is beginning to be felt; and Heaven grant that the soil which has been moistened by the blood of the Ageuros, of Lopez, and of Crittenden, may soon cease to afford a resting-place for the oppressor. In that little melancholy affair of her chosen liberator, Lopez, there was one company of forty-three men, commanded by a young Cuban of Cardenas, some of whom went from our shores under my own eyes; some of them were my own friends: they appealed to me whether to go, or not. I told them it was going to absolute, certain destruction. But they left their wives, their children, their property—nay, they would not take a suit of clothes with them, because they would have to go back to their houses to pack them up. They elected cheerfully to die; and, they said to me, they would be ashamed to look their countrymen in the face if they could remain away when there was an expedition on foot to free the Island of Cuba; and I believe, to-day, they but expressed the honest conviction of every Cuban heart in the island. I believe there is not a creole in the island who would not raise his hand for freedom; and, if the island is to be bought, they are ready to assist to raise the money, if necessary. Gentlemen here have not entered into a calculation of the fund that may be raised on the Island of Cuba, either by the sale of her public property, the acquisition of her public lands, or the voluntary subscription of her own people.

But, sir, they are habitually crushed by the despotic will of a Captain General, at the point of the bayonet; a man who is not unfrequently sent to Cuba because he has become dangerous at home. In illustration of this, I need go no further back than the present reigning Viceroy. All men who have given any attention to the affairs of Spain, will recollect that this same General Concha revolted against his royal sovereign in Gallicia. They remember very well that he turned over to the Government, and was sent back to murder and butcher his old companions whom he had assisted in rebellion. They remember that, after he returned from the Island of Cuba in 1853, as Captain General, he again raised the standard of revolt against his Queen to depose her, and made his pronunciamento in the streets of Madrid; that he fled, was pursued, declared a traitor, and condemned to death; but with the tortuous ways of Spanish diplomacy and General Concha's own matchless character and ability for intrigue, he was recalled from France and sent to Cuba, and declared a loyal citizen, to govern over that island; and when he got there, in perfect keeping with his character, he seized the very friend who had stood by him in his adversity, and who, it was supposed, was possessed of papers which might compromise him, and he commanded the judges to put that friend to death, because he said he had in his possession sufficient evidence to convict him of treason. Under his dictation, but fortunately spreading the order upon their records, they did condemn him to death; and Pinto was garroted under his orders.

Such men as these are sent to the Island of Cuba with a nominal salary of $50,000 a year, but a despotic power to crush out of the people any amount of money they may think proper. But, in spite of all this, the people of Cuba to-day present a degree of commercial and agricultural prosperity that is hardly to be seen in any similar latitude upon the face of the globe.

The slave trade is encouraged by Spain in direct opposition to the Creole sentiment of the island, and in no wise can they be held responsible for it.

Mr. BRODERICK. Will the Senator from Florida give way for a motion to adjourn? It is now quarter past six. He can go on to-morrow.

Mr. MALLORY. I give way.

Mr. BROWN. I ask the Senator from California to suspend his motion for a moment. Before the conclusion of the question, which the Senator from Louisana has given us notice he means to press to-morrow evening, I shall desire to say a word, and that word I desire to say to the northern Democracy.

I say distinctly I desire to say it to them; and whenever, during to-morrow, I shall have an opportunity of speaking, I wish their presence, because what I have to say I design for them especially and separately.

Mr. KENNEDY. If the vote is to be pressed to-morrow evening——

Several SENATORS. No. No

Mr. BRODERICK. It cannot be pressed then.

Mr. KENNEDY. I hope not. I desire to be heard on this question. I am prepared to go on to-night, or to speak to-morrow.

Several SENATORS. We will hear you to-morrow.

Mr. FESSENDEN. You may depend upon it, the vote will not be taken to-morrow night.

Mr. BRODERICK. I renew my motion to adjourn.

The motion was agreed to; and the Senate adjourned.

FRIDAY, *February* 25, 1859.

The Senate resumed the consideration of the same subject.

Mr. MALLORY. Mr. President, when I had the honor of last addressing the Senate on this bill, I took the broad ground which has been assumed by every statesman of our country who has ever had this question under consideration, that the Island of Cuba is essential to the general welfare of the United States, and to its military defenses; I endeavored to show its remarkable geographical position in a strategic military point of view. I further endeavored to show why it was that the statesmen of our country, from Mr. Jefferson to the present day, including all complexions of political parties, Whigs as well as Democrats, have uniformly used the language that the United States would not seek to disturb Spain in the possession of the island. It was when Spain was comparatively, as compared with the rest of the Powers of Europe, a strong nation, and we were relatively weak. It was said with the understanding that Spain could maintain her *status* in Cuba, and would govern it in such a manner as to be compatible with our interests. Who supposes, for a moment, that any of these leading men, most especially Mr. Calhoun, would have used such language if the alternative of the Africanization of Cuba had been submitted to him? If it had been seen, in 1845, that Spain was taking measures to turn the slave population of Cuba free, and to reduce it to the condition of Jamaica, or St. Domingo, does any man suppose that Mr. Calhoun would not have been in favor of adopting immediate measures for the acquisition of Cuba, if necessary in the manner he pointed out, by the alternative of arms? Yes, sir; he would have felt then, as many of us do now, that it is our duty, openly and in the face of the world, to take Cuba, and talk about it afterwards.

In this connection, also, I endeavored to show the weakness of Spain, and her inability to maintain her neutrality, in the event of any difficulty between her and any of the European Powers, and I will do it more fully to-day. It is manifest that, in a war between ourselves and Great Britain, or France, it would be impossible for Spain to pretend to neutrality; or if she did, she would have but to open her ports to both belligerents alike, and to offer the same facilities to ourselves and to our enemy, to insure to the enemy the greatest possible advantages, and to us the greatest possible detriment; and if it did not, experience has taught us that Britain, as an enemy, has never regarded the rights of neutrals. In our own brief naval career in the last war, we saw that, at Valparaiso, she attacked our fleet when lying under the guns of a neutral port, and she did the same at Fayal, and if we wanted further assurance we might take her conduct at Copenhagen. It is fallacious to proceed on the ground that we can recognize longer a continuation of Spain's authority over Cuba, on the presumption that she can, if she would, govern it in a manner compatible with our interests in the event of difficulty. In the event of war, she could not so govern it, and in peace, as we are now, she is so governing it as to show the very worst possible aspect to our interests.

GOVERNMENT OF CUBA.

Mr. President, Spain has a written constitution; and under its provisions, life, liberty, and property, find general security. In her national assembly, or Cortes, the people, no less than the State and the Church, are represented; but from the provisions of this constitution, and from the Cortes also, unhappy Cuba is excluded. She sent her deputies there in 1837; but they were ignominiously excluded. They published an indignant remonstrance to the Spanish nation; but it had no effect, and Cuba was turned over to the tender mercies of royal ordinances and special edicts. Governed by a viceroy, under the title of Captain General, who is clothed with all the powers usually devolved on the commander of a besieged city; who exercises power over life, liberty, and property; who, trained in the camp, and at the head of an army, recognizing no divided authority, enforces a despotic will at the point of the bayonet; who, not unfrequently found a traitor or a troublesome character in his own country, is sent to Cuba to govern her people, to burnish up his own reputation, and recruit his fortunes; Cuba stands out to-day as the most appalling instance of misgovernment on the face of the earth—a despotism to which the misrule of Japan is absolute freedom. I will say to my friend from Vermont, who deprecated any allusion to the government of Cuba, that I am surprised at him. I am surprised that, in this nineteenth century, here in the American Senate, we should not be permitted to speak of a despotism within almost hearing distance of our own shores, which has existed under our own eyes, to which our citizens are compelled to submit, and which we have yet made no effort to obviate. The Senator says they are under no compulsion to go there. We have a treaty of amity and commerce with Spain, of 1793, under which our people go there, and they go there with the understanding that they are entitled to all the rights, and subject to the laws and usages, of Spanish citizens. To an American the shield of the law means something; it conveys, at least, the idea of some protection; but let me tell him that in Cuba, where the supreme power is the will of the Captain General, no such protection is found. A very intelligent English traveler, (Phillips,) who cannot be supposed to be biased, says of the government of Cuba:

"The government of Cuba, though, as already said, similar to that of the parent State, is much more oppressive. It is a kind of military despotism, or, rather, an oligarchy, in which the love of dominion is carried to a species of fanaticism, and degraded into meanness. As nothing is too large for its ambition, so nothing is too small for its cupidity. Its appetite is insatiable, and its digestion omniverous. There are no limits to its rapacity. Both the legislative, judicial, and executive power are almost entirely in the hands of the Governor. Indeed, the power with which he is invested is almost equal in extent to that granted to governors of besieged towns. Even the higher classes may be said to have no civil rights; neither those of personal liberty, personal security, nor personal property—immunities declared by Blackstone as the inalienable birthright of every man.

"The taxation is said to exceed in variety and extent that of any tax imposed by any Government in any country of its size upon earth, namely: upwards of twenty million dollars collected by the order and for the uses of the Spanish Government alone, independently of those appropriated to the wants of the country itself, or for social purposes.

"The creole population are excluded from almost all influential and lucrative offices and positions. The judges and most of the officials are from Spain; and, being without salaries, like so many vultures they prey upon the unprotected within their jurisdiction. There are no means, dishonest, tyrannical, or cruel, which the Spanish authorities have left untried in their apparent endeavors to ruin the colony. Bribery and corruption seem to be recognized as necessary methods of this Government."

The natural fruits of such a despotism are visible to every eye in Cuba; they are making themselves manifest everywhere, and every department of her government exhibits, habitually, in all its intercourse with our citizens, a degree of corruption that can hardly be imagined—a corruption that extends from the highest officer to the lowest, from the Captain General, who receives his bribes in ounces for violating the faith of his country, for violating her treaty obligations, for admitting slaves knowingly, down to the humble tide-waiter, who receives his bribes in dollars for making a false custom-house return. All is corruption, all is bribery in their officials, and integrity is the exception to the rule.

OUR COMMERCIAL RELATIONS WITH CUBA.

I will now briefly review our commercial relations with Cuba, so far as they bear upon the question of annexation, for I hold that if we had in this respect pursued a wise policy, the acquisition of the island would have been an easy matter to-day.

But if our worst enemies had devised some cunning scheme for alienating the Cubans and driving their trade from our ports, they could not have performed the task better than we have done it for ourselves.

As Cuba's nearest neighbor, and as the cheapest producers of all the staples of life, we ought naturally to engross a very large share of her trade; and such would be the natural result, did we permit Cuban vessels to purchase in our ports. But I will undertake to say that if our ports, from Maine to Texas, were examined to-day, you would find no Spanish vessels in them bound to Cuba; and I remember that the last time, some four years ago, I examined this subject, our exports to Cuba in Spanish bottoms amounted to $12,000, while those from Great Britain reached nearly three millions. Cuba sells to the United States double the value of what she receives in products; but under no wise system could this possibly exist. For example, if our imports from Cuba this year shall be $15,000,000, our exports in value will be $7,500,000, leaving us her debtor $7,500,000; a debt which we do not pay directly to Cuba, but which we pay, through exchange on England and France, to Spain, to equalize her balance against Cuba. Cuba sells to England, either directly or through "Cowes and a market," as much as she receives, and the commerce between them is about equal. Spain takes $3,600,000 of Cuban products, and she sells to Cuba $9,000,000, or nearly three times as much; but of this $3,600,000, much is not consumed in Spain, but in the ports of the Levant and the Adriatic, going first to Cadiz and Barcelona. France sells to Cuba $2,500,000, and Cuba sells to France $2,000,000; or, if the value of Cuban produce which goes through Spain into France be considered, their trade is about equal. Under the American flag, Cuba would receive from us sixteen twentieths of all the articles she now imports from France and England; and to illustrate the commercial change which her incorporation into the American Union would work, let us look alone at the article of flour.

Cuba consumes three hundred thousand barrels of flour per annum, only nine thousand of which are American; and I estimate her population at one million six hundred thousand, a grade higher than it has been placed on this floor. I have reason to believe this to be correct. On Spanish flour the duty is $2 50 per barrel, and on American it is $10 81 per barrel, a discrimination of $8 31, or more than the first cost of the article, against us; and the consequence of this enormous protection to Spanish flour has been to confine its use mainly to the wealthy classes. Were flour admitted free, they would consume three fourths of a barrel each per annum, or one million two hundred thousand barrels of American flour, which would sell in Cuba at $5 per barrel, for $6,000,000, instead of the $45,000 worth of flour we now sell them. Lying, as Cuba does, at the very doors of the flour and rice market, these articles would be carried there in the small Spanish vessels, which would make short voyages, and supply the market upon a sudden demand at all the ports of Cuba.

When the independence of her American colonies was acknowledged by Spain, and privateering under the Colombian and Mexican flags ceased, Spain had not a ton of commercial shipping upon the ocean. Her naval power was insignificant, and she at once adopted a policy to create a school for seamen, and to build up her navy; and her first measure was to discriminate, in levying duties upon ships and merchandise, in favor of her own vessels against those of all the world.

Mr. Van Ness, being then our Minister at the Court of Madrid, was directed to remonstrate against this system. Spain refused to recede, and upon the petition of certain shipping interests, Congress adopted the suicidal policy of retaliatory measures—measures which struck a heavy blow at the agricultural and commercial interests of the country.

With the view of coercing Spain into the abandonment of her policy, we passed the two acts of 1832 and 1834, levying discriminating duties on Spanish vessels; and these acts, directed against the trade of Cuba and Porto Rico, have the following effect:

A Spanish vessel takes on board at New York, or any other American port, a thousand barrels

of flour, and goes to the custom-house to clear. If she be destined for any other place in the world than Cuba or Porto Rico, she is compelled to give a bond in double the value of vessel and cargo, that no part of it shall be landed at either of these islands. Here, at once, is a discrimination (not designed by the law) which effectually throws the Spanish vessel out of the freighting business, for a commission has to be paid to the merchant for giving the bond; and from this vexatious expense all other flags are free.

But if the vessel be destined for Cuba or Porto Rico, then the collector demands the payment of a sum of money equal to the discriminating duty chargeable in Cuba upon the same cargo as between a Spanish and an American vessel.

If, for example, this cargo of flour landed in Cuba from a Spanish vessel would pay seven dollars per barrel duty, and from an American ten dollars—then, upon every barrel at New York the collector wouid charge the Spanish vessel three dollars, and call this a tonnage duty.

A more restrictive measure, or one better calculated to legislate Cuban trade from us, could not have been devised: and this explains the enormous balance of trade against us.

No nation but ourselves pursued this course, and England and France have largely increased their Cuban trade in consequence.

To show how this has ever been regarded by the Cubans, I will request the Clerk to read the following portion of the report upon the trade of Cuba, made to the Captain General in 1844, and which I have translated for that purpose:

"To show the injustice of the measure, (alluding to the act of 1834,) let us compare the imports of the two countries, (Cuba and the United States.) Our vessels coming from the United States pay, on the value of their cargoes, from seventeen and one fourth to twenty-one and one fourth per cent., and those of the Americans, with same cargoes, from twenty-four and one fourth to thirty and one fourth per cent.; the difference between the two is from seven to nine per cent., giving a mean difference of eight per cent."—Page 283.

"The Government of the United States has the indisputable right to exercise equal discrimination upon our vessels to protect theirs and the products of their country, as have all other nations; but, has it done so by the enactment of this law? No. May it please your Excellency, the American Government has said that, in addition to the contributions common to other vessels, those of Spain engaged in the trade of Cuba and Porto Rico shall pay an additional duty equal to the *difference* imposed on these islands between national and American vessels; that is to say, if foreign vessels pay in the United States twenty per cent. more than American vessels, those of the islands must pay a differential duty of twenty-eight per cent.; a duty which augments just in proportion as we decrease the burdens imposed on our vessels, though we do not increase those of the American vessels."—Pages 283-4.

"In other words, may it please your Excellency, it is *equivalent to the declaration* of the American Government to that of his Majesty: *in vain you think* to protect your shipping, even at the cost of their public revenue; because just so much as you lighten *your* burdens upon it, just so much will we augment *ours* upon it! Such a violation of the rights of nations can hardly be conceived on the part of a great and liberal Government, and still less that it should be tolerated by Spain."—*Ibid.*

"This violation is more flagrant and manifest as it respects *exportations*. As to importations it is very well to levy equal (not different) duties upon cargoes imported into both nations reciprocally, because the productions of the country thus have protection; but with respect to *importations*, what motive can the Government of the United States have to levy this differential duty if it be not the extinction of our shipping, even at the cost of her own productions."—*Ibid.*

"Thus, then, if to-morrow our Government shall deem it right to make a sacrifice of all parts of the imposts upon our marine which it now pays, have strangers the right to receive the same in their ports? Evidently no, your Excellency; all they can rightfully do is to imitate the Government of Spain, and to protect their marine at the cost of the same sacrifice. But to augment the duties on our vessels in proportion as we decrease them, when we do not increase those upon American vessels, and to convert this sacrifice made by the Spanish Government into a means for its destruction, is what has never been pretended to by any other nation, and cannot be tolerated by Spain without disgrace."

No complaint was ever more just, and, so far as we have gone, we have recognized its justice. Two committees of this body, and two Secretaries of the Treasury, Mr. Walker and Mr. Corwin, have recommended the repeal of these laws in elaborate reports.

PURCHASE OF CUBA.

I venture the opinion, sir, that we can purchase Cuba only by combining with a money consideration certain commercial concessions and advantages to Spain. The commercial spirit of Spain, fostered by her Cuban trade, and in the hands, principally, of the active, energetic people of Catalonia—the Yankees of Spain, as they are called—is steadily advancing.

Spain, in her own tonnage, sends her surplus flour, wines, oils, fruits, &c., to Cuba, to the value of $9,000,000, and charges imposts on them there, thus concentrating the interests of her producing classes in her retention of this trade. Now, the people of Spain know well that whatever sum of money might be paid for Cuba would be used or squandered by the Government, or the Court, the most corrupt in Europe, and that they would derive but little benefit from it commensurate with the loss of Cuba. They know that, for the last fifty years, Spain has witnessed but a succession of revolutions, and that every ministry ejected from office left an empty treasury to its successors, to be replenished by extra taxes, until the national debt to-day amounts to over seven hundred million pounds sterling.

The vice and rapacity of ministers, and the corruptions of her Court, however, have not changed the Spanish people. They are the same—honest, brave and true—that they were in Spain's palmiest days, retaining their primitive virtues with their primitive customs; and in riding through the roads and beneath the old chesnuts of La Mancha to-day, you will encounter pretty much the same groups of peasantry, dressed in the same style, inviting you with the same salutations to partake with them of the same style of breakfast with which they greeted our old friends, Don Quixote and Sancho.

Connect the offer of money with a right of Spain to preserve her home trade with Cuba for a period—say forty years—and it would carry great weight. There would then be apparently no interruption to her commerce by the transfer, and the industrial interests of Spain would sustain no sudden sensation. Nor would her oils, wines, or fruits, compete with any agricultural interests of ours; and, moreover, her carrying trade, which is her principal school for her naval seamen, would not be destroyed.

Spain needs money; she has long been on the verge of national bankruptcy. Lord Gorge Bentinck, speaking for the British holders of Spanish bonds in 1846, in Parliament, used the following language:

"The debt due from Spain to British holders amounts to about £46.000,000, the interest on which, at three and a half per cent., is £1,610,000; and this sum deducted from the total revenue of *Cuba* and *Porto Rico* alone, would leave a surplus income to Spain from those sources of £652,500. The annual value of the produce of the island of *Cuba* is about £9,300,000, whilst the revenue of Havana alone increased in twelve years, namely: from 1815 to 1827, from $1,726,963 to $4,383,262. *Here, then, is wealth to repay the whole debt due by Spain to British bondholders. Now, as the whole Spanish navy only amounts to three ships of the line, five frigates, and twenty sloops, brigs, and smaller vessels of war, so far as the prudence of the case goes, I think the most timid Minister need not be under any apprehension that, whatever course was taken, there would be any very effective resistance on the part of Spain.* I think, then, I have shown, that there is capability on the part of Spain, and that it only requires the application of an energetic system, on the part of the noble Lord, to show her the necessity of placing herself in a position to pay her debts."

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"But in what manner are the revenues of Spain wasted? Why, I find that the royal household, one of the most corrupt and profligate in Europe, costs £435,000 a year, being upwards of £140,000 a year more than the Queen of England receives."—*Hansard's Parliamentary Debates*, third series, vol. xciii.

SPAIN'S POWER TO RETAIN CUBA.

It must be admitted that, in a war between Spain and any of the great Powers of Europe, Cuba would be the coveted prize and would fall from her grasp.

Mr. DOOLITTLE. If the honorable Senator from Florida will allow me for a single moment, as he is passing on to another branch of the discussion, I desire to read a single extract, in relation to the condition of the Liberian settlement on the coast of Africa.

Mr. MALLORY. I would rather that the Senator would introduce that when he makes his own remarks.

Mr. DOOLITTLE. Of course, I do not desire to interrupt the honorable Senator.

Mr. MALLORY. Spain's future power is to be judged by her past condition and present weakness; and I will briefly sketch her troubled existence for the last forty-five years.

In 1814, on the fall of Napoleon, that wretched and imbecile creature, Ferdinand VII., returned from his French prison to Madrid, and was once again a king; and, surrounding himself with the adherents of absolutism, he immediately proceeded to establish a despotic Government, and did so. This lasted about three years, the times varied by insurrections and anarchy. The glorious patriot Riego then raised the standard of revolt sucessfully, overthrew the Government, proclaimed the constitution of 1812, under which the Cortes were convened, and liberal principles again declared.

During the next three years, varied as before by revolts and confusion, the King played falsely alike with friends and foes until a French army interfered and restored the Bourbon monarchy. Then followed military commissions and trials, held all over Spain, many of the noblest men of the country were executed, and Ferdinand crowned his perfidies and sunk his memory to eternal degradation by authorizing the execution of Riego.

The monarchy, however, had no peace; insurrections, guerrilla parties, the commencement of the Carlist war, and the corruptions of the Court, reduced the country to beggary and bankruptcy, which continued down to the death of Ferdinand, in 1833, when, by his abolition of the Salic law and the elevation of Isabel to the throne, another intestine war of seven years followed. The adherents of Don Carlos, under the title of Charles the Fifth, and those of the *good and virtuous queen mother Christina*, took the field, and hostile camps covered the country.

In 1834, a new constitution was proclaimed, inaugurated by pronunciamentos and revolts at Madrid, Malaga, and Saragossa.

The Carlist war continued down to 1840, when the Duke of Victoria made his way to the head of public affairs.

In 1843, he, in turn, was driven from power, Narvaez took his post, and in 1845 a new constitution was proclaimed.

In 1854, Concha and O'Donnell raised the standard of revolt; the battle of Vivalcaro was fought, the streets of Madrid were barricaded, the houses of members were sacked, Christina was banished, anarchy reigned throughout the capital, and, in fact, over the whole country.

Espartero then took control of the Government, and a new constitution was proclaimed in 1855. Espartero and O'Donnell divided power, the former giving way in 1856, leaving O'Donnell at the head of affairs, when another constitution was established.

Such have been the last forty-two years of Spain's career; and further, to exhibit the improbability of her retaining Cuba much longer, let us glance at the dominion she has parted with, as furnished by one of her own writers:

"In 1565 we gave up the Isle of Malta to the order of St. John. In 1620 the Lower Navarre and Bearne was yielded to France; and in 1649 the Rousselon. In 1640 we lost Portugal and her colonies. In 1648 we recognized the sovereignty of the Netherlands. In 1626 the English wrested the Barbadoes from us; in 1655 Jamaica; in 1704 Gibraltar; in 1718 the Luccas; in 1759 Dominica; and in 1797 Trinidad. In the seventeenth century France took possession of Martinico, New Grenada, Gaudaloupe, and the half of the Isle of San Domingo; and in 1800 Louisiana. In the eighteenth century we yielded up Sardinia to the Duke of Savoy, and to Morocco our rights of Mazalquivir and Oran. We ceded Parma, Placencia, and Lucca, with other dominions in the north of Italy, to Princes of the House of Bourbon; and in 1759 Naples and Sicily were emancipated from Spanish government. In 1819 we sold Florida to the United States; in 1821 we lost our half of the Isle of San Domingo; and before 1825 all the vast continent which our glorious ancestors had acquired was lost to us forever. Of all this immense power we have, as a remembrance of the past, the isles of Cuba and Puerto Rico, the distant Philippines, and our African possessions alone."

Sir, when I reflect upon the geographical position of Cuba, upon its command of our commerce, upon its iron despotism, upon the claims of her people upon us, upon its fertility and resources, but, above all, upon the repeated provocations which Spain has given us, I am reminded of the reply of Lord Clive, when called before the Parliamentary committee to answer for his alleged spoliation of the Indian Princes: "By heaven, gentlemen, when I reflect upon the temptation, I am astonished at my own moderation."

But our opponents say, what want we of more territory? Have we not enough? And they quote, amongst other opinions, those of Mr Webster upon this point:

"I have always wished," said Mr. Webster in his speech

on the admission of Texas, in 1845, "that this country should exhibit to the nations of the earth the example of a great, rich, and powerful Republic, which is not possessed by a spirit of aggrandizement." "My opinion has been," said he, again, in his great speech of 7th March, 1850, "that we have territory enough, and that we should follow the Spartan maxim, 'Improve and adorn what you have. Seek no further.'"

Something like this fell from my friend from Vermont: "Improve and adorn what you have; seek no further." Sir, it has been the cry from the formation of the Government. It was the cry when we acquired Louisiana, Florida, California, and New Mexico; but it has ever been the cry of minorities, unsupported by power; minorities battling against majorities on party issues; and I much doubt if Mr. Webster would have ever held such language as President of the United States.

The condition of nations is the condition of the individuals composing them. Tell any of these distinguished men who surround me here, "Pause in your career; make no further advance up the steep hill of fame; improve and adorn what you have!" Tell the ambitious student, with all his university honors clustering around his head, "rest from your labors; cease your pursuit of knowledge; stay the ambitious beatings of your heart; improve and adorn what you have!" Tell the seaman, fresh from the deck of victory, to sheathe his sword and lie upon his oars; and, even while they listen, they turn off, each to pursue his own particular career.

Alexander, at the height of his military glory, sighed for new worlds to conquer; and Sir Isaac Newton, when complimented upon his sublime labors, replied that he felt that, like a little child, he had but wandered on the shore, occasionally finding a shell or a pebble more lovely than the rest, while the great ocean of truth lay unexplored before him.

No, Mr. President, it is no more possible for this country to pause in its career, than it is for the free and untrammeled eagle to cease to soar. The blood in our veins and the institutions we have adopted equally impel us onward. Every homestead and hamlet of New England refutes this stand-still policy; for each and every one retains the cherished memory of a son, a brother, or a father, who, surmounting every obstacle, has wandered into distant lands to carve out a home, there to transplant a loved mother, wife, or sister; there to win name and fame, and come back, at some distant day, perhaps to old Connecticut, a proud and honored son; perhaps to Congress, to tell of the hopes of his constituents.

At our present rate of progress this vast continent, every inch of it, must soon be ours. Since we turned England adrift from us we have added a new sovereignty and three hundred thousand people to the Confederacy nearly every four years. It was but yesterday, sir, that a handful of hardy pioneers, with the ax and the rifle, crossed the mountains and settled in Oregon; and last week, while our chairman of Finance was upon the floor, lucidly explaining the monetary condition of the country, the messenger of the President was announced, and said: "The President of the United States has signed a bill admitting Oregon into the Union." Not another word was said—the chairman proceeded with his remarks, and Oregon, with her ninety-seven thousand people, her seventy thousand square miles, her two hundred miles of seaboard, and the agricultural and mineral resources of a great empire, took her place, the thirty-third in our magic circle of stars, whose union and harmony are never broken by additions.

I am sensible that I have detained the Senate longer than I should have done, and I will close in a very few minutes. I desire to advert to what has been said in relation to the manner in which this offer may be received by Spain. I believe that, from 1825, if we had had an agent in Spain ready to make a commercial treaty securing to her the carrying trade between Spain and Cuba to a certain extent, or its equal enjoyment with ourselves, and the admission of her oils and wines into Cuba upon their present terms, and at the same time paying a sum of money down to a ministry, we could have had Cuba on several occasions.

But, sir, I am asked what I would do if Spain should reject all reasonable terms? I can hardly suppose such a contingency, sir; but I would be prepared to meet it.

I would, in such case, act openly and fairly with her, and look directly at the contingency of taking Cuba and talking about it afterwards, as Frederick did with Silesia.

I would remind her that for her hold upon Cuba to-day, she is not only indebted to our neutrality laws, rigidly enforced—to our forbearance, but to our active assistance; forbearance and assistance which we can no longer, in justice to ourselves, extend. I would remonstrate with her upon the tendency, so perilous to us, of her Cuban policy. I would tell her that she has established a Government there, which is an ulcer upon the civilization of the nineteenth century; an ulcer doubly offensive because of its proximity to our shores; a Government whose daily precept and practice are at war with every principle of civil and religious freedom; you have fired upon our vessels on the high seas, in the lawful pursuit of their trade, upon paltry pretenses; you have taken American seamen from our decks, under the protection of the stars and stripes, upon pretenses false and frivolous, incarcerated them in filthy dungeons, and you have liberated them only at your own pleasure; you have arrested our people, unjustly confiscated their property, and you have murdered them without the shadow of a trial; nay, you have so systematized fraud, so established corruption in your own public offices, from the Captain General down, that our citizens who go there under your treaty have to administer to your rapacity to conduct their affairs. We will tell them this; and further, that throughout the whole of these outrages we have sought redress from the Captain General there, and have been put off on the paltry pretense that he had all power to do wrong but none to do right; and, sir, having proclaimed our purpose, I hope there is stamina and power enough in this Government, when we have exhausted these peaceful remedies, to let Spain feel that Cuba shall continue her aggressions no longer, but that hereafter we will right the wrong where it is committed. And, sir, I would let Spain know that an American citizen, wherever he may go, whether standing within these halls, or beneath the dark portals of Cuba's prisons, cannot wander so far but that his country's interest will be felt and her power exerted to right his wrongs, even though it might lead to the end of Spain's dominion over Cuba.

NAVAL CONTRACTS AND EXPENDITURES.

Reports of the Select Committee on Naval Contracts and Expenditures.

IN THE HOUSE OF REPRESENTATIVES,

February 24, 1859.

Mr. BOCOCK, from the select committee on naval contracts and expenditures, made the following report:

The select committee on the subject of contracts and expenditures in the Navy Department, ask leave to submit the following report:

The resolution under which your committee was appointed was moved by a member from the State of Ohio, [Mr. SHERMAN,] and unanimously adopted by the House of Representatives, on the 18th of January last, and, together with the preamble, is as follows:

"Whereas D. B. Allen, a citizen of the State of New York, specifically charges that certain officers in the Navy Department, in awarding contracts for the construction of vessels of war of the United States, have been guilty of partiality, and of violation of law and their public duty; and whereas grave charges have been made that money appropriated for navy-yards and the repair of vessels of the United States has been expended for partisan purposes, and not for the purposes prescribed by law: Therefore,

"*Resolved*, That a committee of five members be appointed to examine, 1. Into the specifications and bids for, and the terms of, the contract for the work and labor done, or materials furnished for the vessels of the United States, constructed, or in process of construction or repair by the United States, since the 4th day of March, 1857, and the mode and manner of awarding said contracts, and the inducements and recommendations influencing said awards. 2. Into the mode and manner, and the purpose, in which the money appropriated for the navy and dock-yards, and for the repair and increase of vessels, has been expended. That said committee have power to send for persons and papers, and have leave to report by bill or otherwise."

It will be seen that one definite subject of inquiry was presented to the committee, namely, the specifications, bids, and contracts for vessels of the United States, constructed, or in the process of construction or repair, by the United States, since the 4th day of March, 1857; the mode and manner of awarding said contracts, and the inducements and recommendations influencing said awards. The purpose of such inquiry was to ascertain whether "certain officers of the Navy had been guilty of partiality and a violation of law and their public duty," as charged against them.

The construction and repair of the vessels themselves, of the Navy, since March, 1857, has been done by the Government in its own navy-yards, and not by contract; with the solitary exception of the Brooklyn, which has been constructed by Jacob A. Westervelt, under a contract with the Government made in 1857.

That contract appearing to be entirely fair, and nothing to the contrary being alleged, so far as the vessel itself is concerned, on any side, the committee directed its attention particularly to the contracts for engines and steam machinery for vessels of the Navy, made since the 4th of March, 1857.

The second branch of the resolution instructs the committee to inquire "into the mode and manner and the purpose in and for which the money appropriated for the navy and dock-yards, and for the repair and increase of vessels has been expended."

And the object designated in the preamble is to ascertain whether said money "has been expended for partisan purposes, and not for the purposes prescribed by law."

Inasmuch as this branch of the inquiry embraces in its scope all appropriations for navy-yards and for increase and repair of vessels without regard to time, it was clearly impracticable for the committee, during the remainder of the session, literally to carry it out. It was in effect limited by the committee to such items of appropriation in that connection as were made the subject of complaint

Wherever either zeal for the public good, or disappointed self-interest, or party intolerance, or love of fault finding, or any other motive, indicated that wrong could be found within the scope prescribed for the investigation, to that point the attention of the committee was directed.

The subjects which were particularly investigated under this branch of the resolution, were:

1. The management of the Brooklyn and Philadelphia navy-yards;

2. The purchase of anthracite coal for the Navy; and,

3. The contracts for live-oak for the Navy, made in 1857 and 1858.

The leading facts elicited on all these points, so far as they are embraced within the prescribed scope of our inquiry, will be briefly stated under the heads respectively to which they belong, and for convenience of arrangement will precede the statement of facts in relation to the contracts for steam machinery.

I. THE BROOKLYN OR NEW YORK NAVY-YARD.

The large amount of money annually appropriated for the Navy, though that branch of the service continues so limited in extent and power, has justly excited interest and inquiry on the part of the people.

The following statement will show the extent of the increase in our expenditures for naval purposes in the last quarter of a century:

	Number of vessels.	*Number of guns.*	*Annual cost.*
1834	53	1,982	$3,956,370
1846	77	2,345	7,449,703
1858	79	2,244	13,262,561

Much of this increase of expenditure springs from the higher price of material, provisions, clothing, &c., now, than in 1835, or even in 1846. Much, also, arises from the substitution of steamers for sail vessels in the Navy of the United States.

In Great Britain, the cost of the navy in 1853-54, when its force of men was 39,407, amounted to £6,285,493 sterling; while in 1857-58, when its force of men was only 39,000, it cost £8,109,168 sterling, under all the exertions that were made after the Russian war to reduce expenditures to the lowest practicable point. This increase of expense is attributed in that country to the substitution of steam for sail vessels.

But while the increase of expenditure in our naval service is thus accounted for in part, it has become a matter of general belief that there is much of waste in our navy-yards. For the number of vessels annually constructed and repaired in our service, our appropriations for yards and docks, and for construction, equipment, and repair, seem to be disproportionately large.

To show how our appropriations for these purposes have increased in the last twelve years, the following statement will suffice:

	1846.	1858.
Yards and docks	$585,549	$3,157,522
Construction, equipment, and repair	1,838,479	3,129,427
Total	$2,424,028	$6,286,949

The investigation made in this case explains some of the causes of waste in the navy-yards.

Your committee believe that persons, in their dealings with the Government, generally display more of voracity and less of scrupulous integrity than is usual in transactions with individuals.

Supplies for Government, whether obtained by contract or in open market, are made the occasion for fraud; the property of the Government is not preserved with due care; its responsible superintendents prove unfaithful, and their subordinates lack the zeal which private interest dictates, and the fidelity which private scrutiny exacts.

These principles, applicable more or less to all departments of Government work, are shown by the testimony to be especially applicable to the Brooklyn navy-yard.

It is a feature of the times, and to some extent an incident to our system of Government, that offices and appointments have come to be employed very generally, and more or less by all parties, as rewards for partisan service. Not only does the dominant party give the high and responsible places of State into the hands of party friends, but the subordinate and merely ministerial places, such as those of clerk, postmaster, mail agent, messenger, doorkeeper, and day laborer, are made to subserve the purposes of party advantage. It is natural, and not improper, that those who have themselves obtained office by party favor should prefer to bestow the patronage of that office upon persons who have been their friends and supporters, rather than upon those who opposed them; and in regard to qualifications, all leading parties have competent men in their ranks.

When the appointing power, in looking around for competent men, is left merely to exercise its natural preference for friends over opponents, all is well. But when party relations and party services are made to constitute a controlling claim upon office, then the strongest partisan has the strongest claim. And as in party times the success of the party often assumes greater importance than good government, so party claims, in bestowing office, come to receive more consideration and influence than character or qualification. Offices, indeed, cease to be viewed practically as positions of trust, created and maintained because their duties are essential to the public good. They come to be regarded as places of emolument, whose salaries are essential to party welfare, and to be distributed with that view.

If, as has been said, such is the tendency of the present time and with all parties, no one party is altogether blameable therefor.

Whenever, in a densely-settled community, party strength is nearly equally divided, and party ascendency often changes, there, of course, this spirit becomes imbued with a peculiarly mercenary tinge. Want presses, victory leads to place. The emolument being the object which was sought, engrosses attention; and while officials have but little thought, except as to the means of holding their places, so those who want office have no care except to gain it. Thus principle and duty are forgotten in the angry conflict of the ins and outs.

If we have correctly described the tendency of things at the present day, it will not be regarded with surprise that this spirit prevails strongly in the commercial emporium of the nation, and has found its intensest development in the Brooklyn navy-yard.

The fact that appointments in the navy-yard have for many years past been bestowed upon party grounds is distinctly proved.

The Hon. John Kelly, recently a popular member of the House of Representatives, and now holding an important office in the city of New York, upon examination before the committee, made the following statement:

"*Question.* Have you known what has been the management of the yard under all parties?

"*Answer.* Yes, sir; when the Whigs formerly had the yard, they would, of course, turn out the Democrats, every man of them; they would not permit them to work there; and as soon as the Democrats got into power again they would turn out the Whigs; and so it has been in all the offices in New York, post office, custom-house, &c., and so it is to-day in the appointment of the police; the Republicans appoint all republicans; it is very seldom that a Democrat can get a place; if he does, it is through some extraordinary influence."

And the Hon. William B. Maclay, at present a member of the House of Representatives from New York city, a gentleman of the highest integrity, and a politician of experience and influence, has deposed before the committee to the same effect.

The following extract is taken from his testimony:

"*Question.* How long have you been acquainted with the management of the yard?

"*Answer.* Since 1842.

"*Question.* What change, if any, has taken place in the mean time in the mode of making appointments, &c?

"*Answer.* I do not think there has been any change.

"*Question.* How long have appointments been made there upon political recommendations?

"*Answer.* I cannot speak of it previous to the date I mentioned; at that time, 1842 or 1843, Mr. Henshaw was Secretary of the Navy, I was Representative in Congress; upon one occasion there were a great many applications for the place of masters; the Secretary finally concluded that he would make the appointments upon the recommendation of the then members of Congress from Brooklyn, who were Henry C. Murphy and myself; he said if we would look carefully over the matter, and write a joint letter making recommendations, he would make the appointments. Mr. Murphy and I thereupon very carefully selected some ten or twelve masters, who remained in office during the remainder of the administration of Mr. Tyler, and the whole of Mr. Polk's. They were removed after the incoming of the succeeding administration, that of Mr. Fillmore.

"*Question.* Do you know whether appointments were made upon political grounds during the administration of Mr. Fillmore?

"*Answer.* Yes, sir; they were made on that ground.

Where appointments are made upon party grounds it is a necessary consequence, especially at points remote from the appointing power, that the wishes and recommendations of leading politicians should be considered.

Everywhere the recommendations of members of Congress are solicited by those seeking executive appointments. So it has been in the past; so, probably, it will be in the future.

When the present Administration came into power, in consequence of the fact that, under the last Administration, many of the congressional districts had been represented by political opponents, the patronage in the Brooklyn navy-yard had been concentrated mainly in a few districts.

Now, all the districts of the city, and of the country immediately adjacent thereto, were, for the first time in years, under representation friendly to the Administration. Each member considered himself entitled to favor, and much of contention arose between themselves, and between them and the officers of the yard.

Under these circumstances, it was represented to the Secretary of the Navy that it would be agreeable to them, and would save trouble to him, if he would adopt the principle of an equal partition of the patronage among the districts, as far as practicable. And in order to do this, it was suggested that it would be well, if practicable, to allow a master workman to each district. (See letter of Hon. H. F. Clark to Secretary Toucey, dated April, 1857.) To this arrangement the Secretary assented. It does not appear that an exactly equal partition was ever attained or attempted. The master painter only came from Mr. Searing's district, and, for a long time, the master caulker alone from Mr. Cochrane's, while some of the other districts had three.

And, in regard to the employés under the masters, the distribution has remained until this day very unequal. It is stated in the testimony that the number from the district in which the yard is located, now represented by the Hon. George Taylor, has remained about twice as large as from other districts.

The arrangement appears to have contemplated such an approach to equalization as might conveniently be made in regulating the dismissals and the new appointments.

If appointments in the yard are to be made on political grounds, it would be difficult to resist the conclusion that the districts are all entitled to a fair share of the patronage.

The evils and abuses in the yard appeared, however, to grow greater. How far this has grown out of this principle of partition, and how far out of other causes, it might be difficult to determine. It should be borne in mind that during the year 1857, a crisis of commercial and pecuniary distress fell upon the country; which, in the city of New York, threw a great many persons out of employment, and thus increased the clamor for Government work. It is also true that, in 1857 and 1858, the Government had need of a larger number of men in the navy-yards than perhaps ever before, and of a larger number of master workmen also.

From whatever causes it has sprung, your committee are satisfied from the testimony that great abuses have been, and are, practiced in the yard.

Where so many men are gathered together in Government employ, abuses are to some extent unavoidable. But the system of appointing and retaining men in the yard upon political influence works great evil.

Men have been appointed without due regard to their qualifications, and retained, sometimes, after they had shown themselves unworthy. They learned to rely, in part, upon a strong friend to retain them, instead of trying to entrench themselves behind meritorious services. This state of things has shown its natural results in producing insubordination, idleness, and a disregard of obligation and duty in general.

The testimony upon which your committee have come to this conclusion is, mainly, the testimony of Captain Rootes, who was for months the executive officer, and frequently during that time the acting commandant in the yard; the confessions of the master workmen themselves; and the letters and testimony of the members of Congress. The complaints of displaced and disappointed men, who discredit themselves by saying that they knew of these abuses while employed in the yard, but never gave information about them till they were dismissed, should, we think, be received with allowance. Wherever their stories have been thoroughly investigated, they have generally been shown to be either wholly, or in great part, untrue.

A man named Berry, who was displaced from the position of master painter, alleges that the Hon. John Kelly became irritated with him, and had him displaced, because he would not keep in office men who he informed Mr. Kelly were drunkards, and entirely incapable of a proper discharge of duty. Mr. Kelly, on the contrary, denies the statement, alleging that he never asked to have any man retained after being informed of his incompetency; and says, that the cause of difference with Berry was that the latter used towards him coarse and insulting language. It turns out, however, that Berry was not dismissed till some three months or more after his difference with Mr. Kelly.

Another man tells of a place being bought by one Mr. Teller of the master painter (Turner) with a present of five gallons of whisky. When examined, Teller and Turner concur in a representation of the matter so utterly unlike that given by the informant; as to make it, in all its essentials, an act of slander. Yet another states that he was assessed twenty dollars for political purposes upon his clerkship in the custom-house at New York, and refused to pay it; and when asked, "What was the result?" answers, "I was removed; from what cause I cannot tell." He attempts to convey the impression distinctly that he was removed for this refusal; and, upon examination, it is found that his assessment certificate is dated 1856, and his removal took place on the 7th of August, 1858.

Such charges are entitled to very little weight.

Commander Rootes, says:

"There were a large number of men who were very in-

subordinate." "In my opinion, theft was common in the yard." "I think that a short time before I left the New York navy-yard, the foreman under Mr. Cohen made a charge against Mr. Cohen and some one else in the yard, that they were in the habit of letting men go out of the yard and still receive their wages. I have no doubt in my own mind that it was done." "A short time before I left the yard, the men got to knocking off twenty or thirty minutes before the bell-ring in the evening," &c.

When asked to what the abuses were owing, Commander Rootes answered:

"From the fact that they think members of Congress put them there, and can keep them there in defiance of the officers of the yard."

Lieutenant Barnett says, when asked what abuses passed under his observation in the New York navy-yard:

"I think there is one that exists in relation to taking in laborers. It should be particularly the province of the officers to select these men. They are, many of them, physically incapable. In one instance, in dismasting the St. Louis, I could scarcely get the masts out of her. I could not get the men to work; in fact, they were not strong enough. If they had been sailors I could have done well enough, but these were men who had been, apparently, broken down by whisky, and besides that they were old—very old—so that they were unable to perform the labor required of them. If I would set them to whitewashing, I had to watch them to see that they did not stop. I reported this thing to Captain Rootes, but he said he had no authority to discharge them and take in better men, although I believe he took it upon himself to do it pretty violently upon one or two occasions, when he got angry and turned them out of the yard by neck and heels."

Merrifield and Turner, who are still master workmen in the yard, and who testify no bias, state that they often kept incompetent men under them from fear of giving offense to members of Congress; and the letters of these gentlemen, published with the evidence, will show how fiercely some of them wielded the rod of terror. But it is due to these gentlemen to say, that each of them who was questioned denied that he ever desired the retention of an incompetent man, and all agreed that the duties imposed upon them by the necessity of superintending this division of patronage was very irksome and annoying. They did it because the system imposed it upon them, but would have been glad to be relieved.

They recommended men, from the nature of the case, without knowing much about their qualifications, and when these men were removed they were apt to attribute it to some other cause than incompetency.

It is very probable that the system of appointing men upon the recommendation of members of Congress tends to the retention of too many men in the yard, especially about the period of elections; and this may have been done to some small extent last fall; but the proof is not decisive on that point.

The officers testify that during the last fall there were both at Brooklyn and Philadelphia more men than were absolutely necessary, but they say that those men were usefully employed. Mr. Crabbe, the clerk of the Philadelphia yard, testifies that at that place the number of men was greater after the election than before.

The official statement of the number of men at the different yards does not sustain the allegation that the yards were stuffed with a view to the election. In New York the greatest number of men in the yard coincided with the time of the State and congressional election. In Philadelphia the election occurred during the first half of October, while the greatest number of men were employed there in the latter part of that month. It so happens that the greatest number of men in other yards, namely: in Portsmouth, Boston, Washington, Norfolk, and Pensacola, were employed also in the months of September, October, and November, 1858, about the same time as in New York and Philadelphia. But in none of these States was there any election in the fall of 1858, except perhaps in Florida. It will not be contended that the yards were stuffed in New Hampshire, Massachusetts, and Virginia, to affect the elections in Pennsylvania and New York.

The table to which I have alluded was furnished to the House of Representatives in answer to a call from that body, and is hereto annexed. —(See page 54.)

It appears from the testimony that there was, at all the eastern yards, in the fall of 1858, an unprecedented amount of work in progress, and that as that was completed, the number of men was diminished.

Commander Rootes speaks of the large number of men necessary for fitting out the Niagara and the Paraguay expedition, and sailing master Brady follows up with this statement:

"*Question.* How does the amount of work going on now compare with the amount that was being done in November last?

"*Answer.* I think we are doing a similar amount of work at the present time, only we are not quite so hurried as we were then. At that time we were hurrying off this Paraguay expedition. As soon as we could possibly dispense with the services of such a large number of laborers without inconvenience to the public service, they were discharged.

"*Question.* When was the first dismissal of the men made?

"*Answer.* I cannot say exactly. I think it was made some time after I got there; I think about the first of the ensuing month, (the 1st of December,) and more dismissed on the 15th of December."

But the testimony of Mr. Lenthall makes a more full and satisfactory explanation in relation to the work:

"*Question.* State what work has been done in your department in the navy-yards, according to the present means of stating, during the past year, in the summer and fall more especially?

"*Answer.* At Portsmouth they have been working upon the Constitution, which required very considerable repairs, and the sloop-of-war Portsmouth, and have been building one of the new sloops. At Boston they have been repairing the sloop-of-war Constellation, the sloop-of-war Levant, and the brig Dolphin, and building one of the new sloops. At New York they have been fitting out the Sabine, Niagara, St. Louis, and the two store-ships Supply and Release, building one of the new sloops, and fitting the steamers Atlanta, Westernport, Caledonia, and Memphis. At Philadelphia they have been repairing the frigate Congress, finishing the sloop Lancaster, building two of the new sloops, fitting out the steamer Chapin for the Paraguay expedition, repairing the merchant vessel Richmond, which had been very seriously injured by being run into by a Government vessel. At Norfolk they have been building the sloop-of-war Richmond and one of these small sloops, repairing the John Adams, and fitting out the steamers Southern Star, the Preble, Fulton, and the Water Witch, for the Paraguay expedition. At Pensacola they have been building two sloops, one called the Pensacola, and one of the new sloops last authorized by Congress. That is all that I remember of the work during the last summer and fall.

"*Question.* How did this amount of work compare with the amount of work at any time before going on in the navy-yards?

"*Answer.* I think that it is rather more than we have ever had at any one time before.

"*Question.* What occasioned the necessity of this great amount of work being done last autumn?

"*Answer.* Part of it was due to the fitting out of the Paraguay expedition. Occasionally ships came in wanting more repairs than we could foresee. In repairing a ship, we may sometimes find it necessary to rebuild it.

"*Question.* How many new sloops did you have at this time?

"*Answer.* One at each of the yards; at Philadelphia there were two.

"*Question.* How many new vessels have you had in progress during the last year?

"*Answer.* Five authorized by the last Congress, and seven authorized since.

"*Question.* Was there ever a time before when there have been twelve vessels in the course of construction at the navy-yards?

"*Answer.* I think not."

Here, then, appears a reason for a larger number of men than usual, during the fall of last year, at all the yards.

If, however, the system did not lead to this result of packing for elections during the last fall, it certainly tends to that direction.

The practice of levying contributions upon the men, and receiving costly presents from them, was amply proven and fully admitted.

It is a practice which your committee cannot too strongly reprobate. The bestowal of a present by a subordinate upon a superintendent is simply the purchase of an indulgence. It must be a man of strong principle who will require full compliance with duty from one whose costly gifts he bears upon his person.

If such practices should be tolerated, employments in the yards will be bought and sold, and the question of a man's retention will be determined, not by his faithfulness in duty, but by his liberality in presents; and so the offices of master-workman will be a mere brokerage in appointments. The men themselves, having obtained their places by pay, will feel no sense of obligation to discharge their duties properly, and the superintendents being bribed, there will be none to exact fidelity.

If a fair share of the responsibility, whatever it may be, for the policy of equalizing the patronage among the different congressional districts must attach to the present Secretary of the Navy, it will not be denied that he is fairly entitled to credit for the measures of reform adopted during his term and by his direction.

Commander Rootes, whose service there commenced soon after the incoming of the present Administration, says: "There were a great many reforms made in the yard while I was there." And one great important reform he mentions as made by him, in carrying out the orders of the bureau of yards and docks. Constructor Delano mentions a regulation adopted about a year and a half ago, for the examination of all master workmen before they can be appointed, thus securing that none but competent men shall hereafter be appointed to these places.

This, he thinks, will have a decidedly beneficial effect.

It appears, also, that an order was issued on the 14th of December from the Secretary of the Navy, the purport of which is to give to the commandants of the yards the power to dismiss disorderly and incompetent men. It is as follows:

Circular.

NAVY DEPARTMENT, *December* 14, 1858.

The commandant of a navy-yard, at any time, when, in his judgment, the public interests require it, is authorized to direct the discharge of any of the men employed in the yard under his command.

He will report to the Department when the services of any of the master workmen can be advantageously dispensed with; also any just ground of complaint which may come to his knowledge against any of them.

ISAAC TOUCEY,
Secretary of the Navy.

To the COMMANDANTS OF NAVY-YARDS.

If it be borne in mind that the evil complained of in these yards is, that the master workmen are appointed at the Navy Department, and that they select their own men, so that there is no sufficient power in the hands of the commandant of the yard to enforce discipline and rid the service of idle and worthless employés, the importance of this order will be seen.

Here, then, are several valuable reforms introduced under Governor Toucey into this branch of the service. And as to the abuses which have been mentioned, flagrant as they are, it would be difficult, upon any principle of justice, to hold him particularly responsible, because it does not appear that they were made known to him. The witnesses were questioned closely on this point, and almost unanimously said that no complaints had been lodged before the Department at Washington. That the Department was always ready to have all necessary investigations made, Commodore Rootes distinctly proves:

"*Question.* I want to know whether, so far as came within your knowledge, when complaints were made to the Department at Washington about misconduct in the yard, was there any remissness in the Department in having these things investigated into—these complaints alleged against men or practices in the yard?

"*Answer.* They seemed to be very anxious to have investigations made."

If Governor Toucey be allowed due credit for the many important reforms introduced by him into this branch of the service, and also for his readiness to inquire into all alleged wrongs that might be brought to his knowledge, he is entitled, as your committee think, to a favorable judgment at the hands of his countrymen.

It seems to be conceded, however, that, in order to secure thorough reform in this regard, some act of legislation is necessary. The great object would be, to remove the appointment and dismissal of men from the reach of political influence. It is a serious question with your committee, whether it is practicable to do so. Can appointments be made at such a location without the intervention of party bias? Its accomplishment, if practicable, is necessary not only for the good of the yard, but for the comfort, convenience, and independence of New York city members of Congress.

The Hon. John Cochrane, the Hon. H. F. Clark, and others, have spoken out explicitly on that subject.

In speaking of the management of the Brooklyn navy-yard, your committee have thus far passed over the investigations made by them into the manner in which the offices of storekeeper and navy agent at that place have been discharged. These are both important offices, and have each been the subject of much unfavorable rumor.

As supplies cannot be purchased exactly when wanted, and as it is found useful in practice to keep a quantity on hand ready for immediate use, the office of storekeeper is indispensable. It is his duty to preserve them, to keep an account of the quantity received, and the quantity paid out; and thus be able to show at any time the quantity on hand. Whenever a new storekeeper is appointed, it is indispensable that an inventory should be taken, in order to ascertain whether the supplies on hand correspond with the quantity which the books call for; otherwise one man might be made to suffer for the fraud or carelessness of another. Indeed, it appears advisable to your committee that inventories should be required at stated periods, even during the service of the same storekeeper, should that service be long. It does not appear that this regulation has heretofore for years been strictly and thoroughly complied with. The present storekeeper (Mr. Herrick) speaks of another abuse as heretofore existing in his office. It has been the custom of some of his predecessors, he says, when supplies of a permanent character were furnished to out-going ships, to credit them upon the books as paid out; yet, if the vessels, upon coming in from their cruise, should return a portion of these supplies, as frequently happens, they have not again been charged against the storekeeper on the books. Thus the storekeeper would have on hand stores for which it would be difficult to fix his responsibility. It is difficult to see how such a case could raise without gross neglect somewhere. The purser or commanding officer of the vessel is, or should be, required to account for all stores, permanent or perishable; and if paid over again to a naval storekeeper, the receipt of that officer should be required as a voucher.

This abuse, however, Mr. Herrick states, has been reformed during his service.

The amount of stores which should be on hand in the offices of the different storekeepers on the 1st of July, 1858, according to the records of the Department, is $6,333,664 21.

At New York, alone, the amount on hand at that time should have been $1,414,152 68, and at some other yards even more. There passes through the hands of the storekeeper at New York, in the course of the year, stores amounting to something like half a million dollars. The penalty of his official bond, as he states, is $40,000 only. This appears to your committee to be scarcely adequate.

Though the importance of this office is thus shown, it appears for years past, and under Administrations of different parties, to have been regarded as a respectable and comfortable place for some man who wished Government aid while he carried on other business. It has often been filled by editors of newspapers. Such was Colonel Fuller, under Mr. Fillmore's or General Taylor's Administration; such is Mr. Herrick now. He says in his testimony:

"I am editor of a newspaper. I do not imagine that a storekeeper with a salary of $1,700 is paid mainly for the manual or mental labor he performs, but for the responsibility he assumes."

When asked whether he devoted as much as one seventh of his individual time to the duties of his office, he answers:

"I do not know that I do; but I do all that is required."

Again, he says:

"I think I am as much in the storekeeper's office proper as any storekeeper I have known; and I have known several for at least fifteen or twenty years. There was Captain Paul R. George, Colonel Craven, Mr. Pentz, Colonel Fuller, and Colonel Delavan, who all conducted the business just as I do; at least, I suppose they did. Colonel Fuller told me that he used to go there once or twice a week. It is not necessary to go every day. I consider the storekeeper's place as one of responsibility; the storekeeper is not expected to do manual labor, or the work of a clerk.

"*Question.* Has not this office been given for many years, under all Administrations, to editors of papers, or some political person?

"*Answer.* All offices that I know of are given to some political person; they are all politicians, either on one side or the other. Colonel Fuller was editor of the Mirror; Colonel Delavan was not, I believe, in any business when he was appointed. He was a politician, however."

While Commander Rootes thinks that the force in the storekeeper's office is unnecessarily large, he thinks it too small, and states that his books are now behind on that account.

If the Government should approve the policy of paying one man for responsibility, and another for labor, it will find occasion to increase its employés in all branches of its business. This policy your committee are not prepared to recommend.

The office of Navy agent is one still more important. He disburses all the money expended at that point, both under the bureau of yards and docks, and under that of construction, equipment, and repairs, amounting in the year to $3,000,000 and more.

Against this office, for years past, rumor has alleged grave abuses; and therefore, your committee resolved to make an extensive examination into its management.

Many charges, more or less grave, were made against the present Navy agent, Mr. Sanders, by different witnesses in this investigation.

Mr. R. S. Swackhamer, who had been employed as a clerk under Mr. Sanders, and been discharged, stated that his accounts had been falsely made out, so as to show less of money chargeable against him than was correct; and also that he had in some cases, for a compensation to himself, paid money to some parties before it was payable, withholding it from others to whom it was due. Mr. Swackhamer said:

"*Answer.* The statement made to the Secretary of the Navy during the last months I was there, did not represent the finances of the office. There were generally several bills, amounting to several thousand dollars, entered as having been paid the last of one month, when they were really paid early in the following month.

"*Question.* By whom was this done?

"*Answer.* By the chief clerk generally.

"*Question.* What effect would that have upon the statement of this account; would it enable Mr. Sanders to draw more money?

"*Answer.* Yes, sir; I took that to be the design. It would present an incorrect view of the matter to the Secretary of the Navy. He would not suppose there was so much money in hand as there really was.

"*Question.* How long did you continue with Sanders?

"*Answer.* Until his office was confirmed; a little over a year after his appointment.

"*Question.* What amount of bills were returned as paid which were really unpaid?

"*Answer.* I think about $20,000 or $30,000.

"*Question.* What was the aggregate amount?

"*Answer.* It passed on from one month to another, probably increasing. I remember one bill of $8,000 and odd, which was reported as paid in April, which was not paid until some time in May."

Mr. Swackhamer further said that the accounts of the former navy agent (his brother) had been incorrectly stated also.

Others charged Mr. Sanders with sending his requisitions almost exclusively to Secor & Co., of which house his surety is a member, without making the requisite call upon contractors, and without knowing anything about the price which Secor & Co. would charge, and many witnesses charge him with neglect of duty, &c.

Upon all these points Mr. Sanders was examined at length. He denied the charges made by Mr. Swackhamer, and on that submitted the following explanations:

"*Question.* When you send a bill to the Department to draw the money on it, is this receipt attached to it?

"*Answer.* A blank form of receipt is attached to it; it is not signed, however, until the money is ready to be paid.

"*Question.* You send the bills to the Department, they send you the money, you pay the parties, and then they sign the receipts?

"*Answer.* That is so. They sign the receipts when the money is paid to them; and these receipts, thus signed, are my vouchers.

"*Question.* Then the bill when it is first sent on is the same as the one you send on as a voucher, only the receipt is not signed?

"*Answer.* Yes, they send it back to me, and when I get the receipt signed, it goes to the accounting officer of the Treasury as my voucher.

"*Question.* Is a record of these bills kept at the Department?

"*Answer.* I presume so, at least; I do not know enough of the way they manage their business, however, to say positively.

"*Question.* Then at the end of the quarter you send to the Treasury Department all your receipts?

"*Answer.* Yes, and they then close up my accounts for the quarter; I have never had a mistake found in my accounts yet; some items may be sent back for explanation, but in every instance it was satisfactorily explained."

In relation to the charge of leaving unpaid accounts which were due, Mr. Sanders stated as follows:

"*Question.* Has it ever been the case that you have used money, which you have received for a particular bill which you have sent to Washington, to pay another bill which you have not sent on to Washington, leaving the other bill unpaid?

"*Answer.* No; I have never let a bill lie over at all, except when I was directed to use this discretion, to work off the Treasury paper to the least injury of all parties, giving a part of the cash, which reaches me in advance, to one, and a part to another. I have never heard a word of complaint from a contractor on this ground; and no man who received money through my office ever had cause to complain that I had kept him waiting for his money a minute after he applied for it, if I had received it. Now, to show that if I am deficient in anything it is not in keeping sufficient funds on hand, because it takes a week for me to make a requisition upon Washington and get the money, I will mention an instance. At the time the Niagara was ordered off, the purser of the Niagara received an order from the Secretary of the Navy upon me for $10,000, and I received a dispatch to that effect, also. Recent drafts from the Secretary and Fourth Auditor had exhausted all the pay and contingent fund on hand; but I promptly borrowed the money and paid it over to the purser. There has been no instance, after the receipt of funds, in which I have kept creditors waiting for their money from the smallness of the contingent fund. The Department has overdrawn on me twice, yet I have always paid. I recollect that there was an article in the Herald, about the time of my confirmation, saying that the Secretary had better examine my accounts; yet, on that very day, I was $2,000 in advance of the Government, and transmitted a telegraphic dispatch to the Secretary of the Navy to that effect.

"*Question.* When did you last settle up your accounts?

"*Answer.* On the 30th of September last.

"*Question.* Did you exhibit your receipts and vouchers at that time?

"*Answer.* Yes; everything.

"*Question.* How did your accounts then stand?

"*Answer.* They were all square."

Commodore Smith, chief of the bureau of docks and yards, says that these things could scarcely be true to any important extent without discovery, and that no complaint, even, had ever been made to the Department on that subject.

"*Question.* Under that system, would it not be practicable to bring into the settlement of a former quarter what had happened during the current quarter, by making a false return?

"*Answer.* I do not see how it could be done, unless he committed a fraud, altering figures and dates.

"*Question.* If that were done would it be likely that complaints would be made?

"*Answer.* The person who is to receive the money upon the bill which has been approved would certainly make a complaint if he did not receive his money, unless he had made a bargain with the Navy agent to allow him to retain the money upon paying for the use of it. If he did that, the Navy agent might charge upon a previous quarter the payment of a bill which he had not paid, excepting by a promise."

Mr. G. A. Blood, who has been chief clerk in the navy agent's office for five years, fully sustains Mr. Sanders's denials and confirms his explanations.

In relation to the charge of procuring all his supplies of Secor & Co., allowing them to charge too high a price, Mr. Sanders stated that his purchases in open market, from Secor & Co., had been, since the 1st of April last, only about $13,000.

In relation to his failure to consult contractors, he explained by referring to the following letter addressed by him to Commodore Smith, on that subject:

NAVY AGENT'S OFFICE, NEW YORK,
August 17, 1858.

SIR: Your letter of the 14th instant, calling my attention to the circular of the Department of December 29, 1855, has been received.

I think it proper, at this time, to present to the bureau a few obstacles in connection with this matter, and which, if the bureau will remove, I will be very happy to carry out the circular to the letter. So far as it has been in my power, I have endeavored to act according to the spirit of the instructions of the Department, always keeping in view the fact that the Department required nothing but of the very best quality; and it is admitted at the yard that the articles are the very best in market, and give the highest satisfaction, for which a fair market price should be paid, and nothing more; and when I have thought parties wished to charge exorbitantly, I have refused them any of the trade of the office. And in a case recently, where purchases were made on account of Mr. Lesley, contractor, the articles were procured at a much lower rate than the contract, although they were afterwards turned over to the contractor, and the bills made in his name.

Requisitions are often made for so small quantities—for instance, three spools of cotton—and so indefinite (if for tools, or iron, &c., no size is given) that no merchant could form an estimate of the price until the parties at the yard are consulted. This occupies time; and two or three applications of this kind, if they should fail to receive an order, the bureau will readily perceive, would not only discourage, but disgust them with the whole working of the Department.

It is often the case that articles are not required until the moment they are wanted for use, and then they are either purchased by the yard, or, if time is taken to go through the form of the circular, hundreds of men are kept idle, waiting, and the Government really loses more than twice the cost of the article; and this cannot be avoided, if the cir-

cular is carried out to the letter. If there is a requisition from the yard of any large amount, it is invariably the case that it is stated on the face of it where it is to be bought. I have too amiably yielded to these suggestions, thereby establishing a bad precedent, as the inspector should not influence the purchase.

I do not understand the circular to give contractors the monopoly of supply. Some of the contractors are evidently of this opinion, and recklessly make bids below the cash value of the best articles of the class, hoping to make up such losses by excessive charges on articles ordered by open purchase. If the inspectors do their duty there will be little profit on the open purchases, even were they all given to a single house, and it is certainly to the interest of the Government that the best house in the city should do all the miscellaneous business, as I have shown it is not of sufficient consequence to be much divided.

Very respectfully, GEORGE N. SANDERS,
Navy Agent.

The chief clerk, Mr. Blood, corroborated Mr. Sanders on this point, also.

Mr. Sanders distinctly denied having ever received any part of the profits upon articles purchased by him. Having investigated these charges as thoroughly as they could, your committee have no hesitation in saying, that, upon the weight of testimony before them, Mr. Sanders has not been convicted of any fraud or malfeasance in office.

The charge that Mr. Sanders is frequently absent from New York, and gives comparatively little personal attention to the duties of his office, appears to have been better sustained. He alleges, however, that when absent from the office he leaves a very competent assistant to discharge his duties for him. It does not appear to your committee that the business of his office has suffered by the absence of Mr. Sanders, nor does it appear that any complaint of personal inattention to duty has ever been made to the Department at Washington against him.

It appears to your committee that the duties of navy agent are not defined with sufficient distinctness. The only legal provision on the subject is that which fixes the salary at $3,000; the rest is left to the regulations of the Department.

The contest which appears several times to have arisen between the navy agent and the commandant of the yard in relation to their relative rights and responsibilities in making purchases, ought to be settled. The responsibility should be clearly fixed.

The large amount of open purchases, and especially the large amount made without the intervention of the navy agent, has struck your committee with surprise.

Purchases by the master workmen do not seem to be sufficiently guarded against fraud and collusion.

The navy agent purchases upon a requisition drawn by the civil officer of the department that needs the article, which requisition is approved by the commandant and countersigned by the storekeeper. The article when bought is inspected by the inspection officer, and is entered upon the books of the storekeeper. There appears to be every necessary precaution in this case, except as to the question of price. When the master workman purchases, the civil officers above him and the commandant of the yard are required merely to approve the bill. Other safeguards are removed. And yet it appears that more than two thirds of the articles recently purchased at New York have been purchased in that way.

Amount of open purchases made at the New York station, arranged according to the quarters, from April 1, 1857, to December 31, 1858, inclusive:

Quarter.	*Purchases by agent.*	*Purchases by yard.*
Second quarter, ending June 30, 1857	$32,287 97	$52,739 56
Third quarter, September 30, 1857	14,832 72	61,028 40
Fourth quarter, December 31, 1857	4,830 30	39,912 24
First quarter, March 31, 1858	5,787 57	57,086 13
Second quarter, June 30, 1858	13,192 88	27,172 12
Third quarter, September 30, 1858	6,425 15	29,860 07
Fourth quarter, December 31, 1858	11,036 23	34,189 80
	$88,392 82	$312,888 32

The Philadelphia yard was the only other to which the investigation of your committee was seriously invited.

The testimony in relation to that discloses nothing which calls, in the opinion of your committee, for special comment.

The question in relation to the employment of eighty oakum-spinners in the summer of 1858, so far as the Government is concerned, appears to have been simply a question whether it was better to have the oakum spun up rapidly by a large number of men, and then dismiss them all, or whether it should have been done by a smaller number in a longer time. The competency of these persons for this work and their faithfulness in labor is proven.

AGENCY FOR THE PURCHASE OF ANTHRACITE COAL.

Since the substitution of steamers for sail vessels to so great an extent in our Navy, fuel has become an important and costly part of our naval supplies.

For a long time the Government was greatly imposed on in making purchases of the article. The circumstances under which the mode of purchasing was changed is thus described by a very intelligent witness, Mr. B. H. Springer, of Philadelphia:

"*Answer.* So far back as 1845, or 1846, I am not positive which, the coal trade in Philadelphia, seeing the manner in which the Government was supplied, felt desirous of introducing a better article, for their own interest, of course, as well as for the interest of the Government. They urged me to visit Washington, and try to get it introduced into the Navy. I think this was during Secretary Mason's first term, under President Polk. I complied with their request, and visited Washington each session without accomplishing anything, until the long session—I do not remember which Congress—which terminated in 1850. I was informed by Mr. Graham that if we could succeed in getting the law altered which gave it to the lowest bidder, he would appoint an agent. We did succeed, and I was appointed in January, 1851."

Mr. Springer was a man of intelligence, who had been much employed in the coal trade, and who understood the business thoroughly. He made, doubtless, a very excellent agent. After him a Mr. Tyson was appointed for four years, and at the expiration of his term, the present agent, Dr. Charles B. Hunter, of Reading, Pennsylvania, received the appointment. The last appointment was made in May, 1858, since the coming in of the present Administration.

It is very clear from this testimony, as well as from that of other witnesses examined before the committee, that Dr. Hunter has proved himself an utterly worthless agent.

It appears, too, that he has an equal partner in the profits of this agency, a Mr. J. F. Smith, of Philadelphia, who has been very little, if at all, more useful than Dr. Hunter.

Such execution of Government trusts your committee cannot too strongly condemn.

The inquiry naturally arises, how far are the authorities at Washington responsible for this worthlessness and incompetency of their agent?

Dr. Hunter is an educated man, of high respectability as a gentleman, a resident in the vicinity of the coal region, and for some time connected with the iron business. It could scarcely be expected that Governor Toucey should make appointments in the different States upon his own personal knowledge; and though the President resided in the same State with Dr. Hunter, yet he had been so much employed in public affairs, and recently so much out of the State and away from the country, that he, too, might well be allowed to rely even for Pennsylvania appointments upon the information and recommendation of friends. Proof has been exhibited before your committee that Dr. Hunter's testimonials and recommendations were of the strongest, most extensive, and most influential kind. The following is a specimen of them:

The undersigned, members of the Senate and House, of Berks county, in the State Legislature, beg leave to recommend Dr. Charles H. Hunter, of said county, for the agency to supply the Government with anthracite coal, now held by Benjamin Tyson.

Doctor Hunter is a sound, active, and influential Democrat, of undoubted integrity, and in every respect fully competent to discharge the duties of the office.

We earnestly request this appointment as one due to the applicant, and as one which will prove highly gratifying to the Democracy of this county.

JOHN O. EVANS.
J. LAWRENCE GETZ.
W. WM. HEINS.
B. NUNEINACHER.
MICHAEL HOFFMAN.

Hon. ISAAC TOUCEY, *Secretary of the Navy.*

Similar recommendations for Dr. Hunter were signed by Mr. Scwartz, Mr. Heister, and a large number of other gentlemen.

If gentlemen in public position, having the interests of the entire Union to supervise, with important trusts constantly claiming their attention, and important appointments constantly to dispose of, with numerous applicants crowding upon them night and day, and with their army of backers and friends, literally laying the Executive mansion and the public Departments under seige—if under such circumstances they may not fall back, and rely safely upon such recommendations as these, what resort will be left to them? They cannot make one appointment in a thousand upon their own knowledge; if, then, they may not rely upon gentlemen of known position and standing to advise them as to suitable persons for public positions, your committee are at a loss to know how such duties are to be performed.

Your committee do not know what testimonials rival applicants may have produced; but unless they were absolutely overwhelming, the question would appear to be, what right had the President and the Secretary of the Navy, as men anxious to do well for the country, to disregard such recommendations in making this appointment?

And after the appointment was made, what was there, as shown by the testimony, to have caused them to remove Dr. Hunter? No complaint was ever made to them, up to the time when this investigation began of his inefficiency or inattention to duty. Coal of better quality than that received in former years was being furnished; Lenthall, the chief of the bureau of construction, under whose supervision much of it passed, was satisfied; Commodore Smith, the chief of the bureau of docks and yards, who supervised a large proportion of it, was satisfied; this branch of the public business seemed to move forward as smoothly and as successfully as if Dr. Hunter had been all his life a coal digger, and was devoting himself to his business with energy and intensity unsurpassed in the history of public officers. What was there, then, to have awakened the attention of men constantly pressed with public engagements, particularly to the coal agency in Pennsylvania?

It is true, there were men all this while apparently lying in wait for their victim, and setting their toils in the dark. There was Nevin, himself a disappointed applicant for the coal agency, and who had proposed dishonorable arrangements in order to obtain the place; he was making proposals which he knew could not be fulfilled, and deliberately preparing himself, as it would seem, to be a swift witness in the future.

There, too, was Repplier, displeased because he was no longer allowed to sell his coal to the Government at a most extravagant price; there were others, envious, perhaps, of the better fortune of more successful competitors for this desirable trade. But no one of them all gave one word of information to the authorities at Washington in relation to a proceeding which they knew at the time (as they now swear) to be a great fraud upon the Government.

In relation to the quality of the coal received during the present agency, Mr. Pierce, naval storekeeper at Boston, says:

"It was very good; it is said by engineers to be superior to that received in former years."

Chief Engineer Wood says:

"It was everything, so far as regards quality and preparation, that could be desired; I never saw superior coal to that furnished."

Scinickson, of Philadelphia, and others, confirm generally this statement.

The importance of procuring the best article of coal for steam purposes, in view of the limited coal room in steam vessels, and to avoid useless freights in supplying foreign stations, will be apparent to all.

What is called the foreign freight is greatly larger than the home price of the coal, and is as much on worthless dust as on the purest ore. The requirement for the best article of coal seems to have been fully met in the recent supplies.

Your committee have said that it was furnished at a price, both relatively and absolutely, lower than for years before. In proof of this, they refer to a table of prices of coal purchased in former

years, as furnished by Mr. Lenthall in his examination.

Abstract statement showing coal purchased and shipped to foreign stations, semi-annually, from January 1, 1852, to September 30, 1858.

Dates.	No. of tons.	Average cost per ton, including freight.	Total cost.
First half year of 1852..	2,240 7-20	$13 04	$29,233 78
Second half year of 1852.....	5,916 13-20	18 70	110,620 80
First half year of 1853..	4,936 4-20	16 93	83,548 18.
Second half year of 1853.....	8,279 11-20	19 89	164,745 05
First half year of 1854..	12,076 15-20	21 05	254,312 15
Second half year of 1854.....	416	14 73	6,131 15
1855.....	-	-	-
1856.....	-	-	-
First half year of 1857..	2,759 6-20	14 22⅝	39,249 10
Second half year of 1857.....	13,676 4-20	14 32	195,881 13
First half year of 1858..	-	-	-
Second half year of 1858, to Sept. 30.....	4,474	12 70	57,834 80

It appears that the agent, some time after his appointment, made an arrangement with the firm of Tyler, Stone & Co., coal dealers of Philadelphia, under which they furnished the greater part of the coal through the year at $3 85 per ton.

What was a fair price for such coal at that time it is difficult precisely to say. The difficulty in the case grows out of some apparent conflict in the testimony, and also out of the difficulty of fixing a standard by which to determine what is a fair price, and out of the different value of coal of different qualities, and under different preparation.

It is in proof that coal of a similar character to that furnished the Government was sold at the same time by other persons, in some instances, at the same rate. Mr. Luther says that he sold it, in one instance, at a price equivalent to $3 85 in Philadelphia.

As he is intelligent, the following is extracted from his testimony:

"*Question.* What would have been a fair market value during the spring and summer of 1858 for such coal as the Government uses, provided a man had obligated himself to be in readiness to furnish any amount the Government might call for upon short notice—any reasonable quantity of coal the Government might call for; such quantities as the Government did in fact use?

"*Answer.* I would not have undertaken to have supplied it, with such dispatch, at less than from $3 75 to $3 85 a ton. When I said that a man might have bought it for $3 40 or $3 50 a ton, he could not buy the quantities the Government orders of one single individual or firm alone. None of them ever have that amount on hand. He might get it, perhaps, by going around to several different houses, taking half a cargo of this one, a cargo of that one, and, perhaps, two cargoes of another. What I mean by a cargo is two or three hundred tons, which is the usual size of a boat load.

"*Question.* Do dealers in Philadelphia often have a quantity of coal on hand such as the Government would need for its uses?

"*Answer.* No, sir; I have never seen any of them have more than five hundred tons of it on hand at a time in my life; never."

Mr. Scinicksen, another coal dealer, also testifies as follows:

"*Question.* As you saw it delivered, what would have been the fair market price in Philadelphia in the spring, summer, and fall of 1858?

"*Answer.* Three dollars and seventy-five cents to three dollars and ninety cents would not be anything more than a regular paying business of ten per cent., I should judge; we sold coal at the same time at $3 85.

"*Question.* To whom?

"*Answer.* To coal dealers in Virginia; we sent a good deal to the South; I do not remember the firms."

Mr. Tyler, of the firm of Tyler, Stone & Co., swears that at $3 85 per ton the profits of his firm were about ten per cent.

Mr. J. Vaughan Merrick, of the firm of Merrick & Sons, testifies that his firm in Philadelphia actually paid a price at least equivalent to this for all the coal they used.

On the other hand, there is testimony that it could have been sold at a considerably lower price.

G. P. Nevin swears that he proposed to sell it to the agent at $3 20 per ton.

He was an applicant himself for the coal agency, and before the matter was determined he made a proposition to Mr. Beach, of the firm of Tyler, Stone & Co., which is described by Mr. Beach, as follows:

"He said he was anxious to get this appointment, and if I would assist him I might dictate my own terms in return."

This incident rests upon the testimony of Mr. Tyler, as well as of Mr. Beach.

But if this is insufficient to discredit Mr. Nevin, the whole current of the testimony will show that he could not have sold to the Government a good article of coal and well prepared for steam purposes at the price named by him. At that price he must necessarily have lost money, or else have practiced a fraud upon the Government.

Then Mr. Repplier testifies that he would have been glad to have sold to the Government as good coal as that purchased of Tyler, Stone & Co., at $3 30. He says, at the same time, however, that he never examined the coal furnished by Tyler, Stone & Co. He may not have known precisely the quality and condition of their coal. The coal he proposed to furnish at $3 30 he called by the same name as that furnished by Tyler, Stone & Co., viz: black heath. But Mr. Springer says:

"We do not go by names, sir." * * * "I have frequently known the names of the best veins applied to very inferior coal."

Your committee are of opinion, from the testimony, that he would not have furnished coal of the vein purchased by Tyler, Stone & Co., dressed as Scinicksen saw them dress it, and placed in the state of preparation described by Pierce, at $3 30 per ton.

A few facts scattered here and there in the testimony will throw some light on his sincerity in the declaration.

He furnished a good deal of the Government coal in 1857. The price he got was $4 25 per ton. It is proven that in 1858 coal was about thirty cents per ton lower than in 1857, so that the price at which he sold it in the year 1857 is about equivalent to $3 95 in 1858.

Tyler and Luther both testify that they bought coal of Repplier & Co., in 1858, at the mines, at a price far more than equivalent to $3 30 in Philadelphia; and Smith, the partner of Dr. Hunter, testifies that some of this very coal, for which the Government paid $3 85, was purchased of Repplier & Co. Scinicksen also says that he knew the price of Repplier's coal in 1858, and it was from $3 75 to $3 65. Your committee attach little importance to his testimony under such circumstances.

There is a sworn affidavit, sent on by sundry firms of Philadelphia coal dealers, saying that they would have furnished coal to the Government, suitable for its uses, at $3 35 per ton. As they were not before the committee to be questioned about the qualities of the coal to which they refer, their affidavit is not conclusive.

The testimony of Mr. Borda, united with that of Scinicksen, will, perhaps, afford the surest basis of calculation. Mr. Borda was the manager of Hecksier & Co., of whom Tyler, Stone & Co. bought.

He says he sold to Tyler, Stone & Co., at the mines, at $1 80, except for six weeks, during which he sold to them at $1 75. Taking $1 80 as the basis of calculation, the freight from the mines to Philadelphia is $1 35. The cost of special preparation, such as they gave, and placing on shipboard, is, according to the testimony of Scinicksen and others, twenty cents. Then add five cents per ton for waste in rehandling. Thus it will be:

Price of coal per ton at mines	$1 80
Freight to Philadelphia	1 35
Preparation and putting on board vessel	20
	3 35
Loss from rehandling	5
	$3 40

That Tyler, Stone & Co. did usually rehandle it, the excellent condition of their coal when delivered, and the express testimony of Mr. Scinicksen, will sufficiently prove. Mr. Scinicksen says:

"*Question.* Did you observe personally that they put extra labor and care upon it in preparing it for Government use?

"*Answer.* I did with regard to some of it; I did not see it all shipped.

"*Question.* How often did you observe it?

"*Answer.* I saw them load vessels frequently; I could not say how many times. I remarked at the time, to them and to others, that they were taking great pains with the coal, and must get a big price for it."

If the sum of $3 40 is a fair price at which to estimate the cost of the coal to Tyler, Stone & Co., then ten per cent. on that would be thirty-four cents, making $3 74. Twelve per cent. would be $3 80.

But a question of drawbacks is raised here. That matter will be given as stated by the witness, Mr. Borda:

"*Question.* You say that the freight would be $1 35; how much of that is allowed as drawback?

"*Answer.* If it is to go to New York there is a drawback of twenty cents; but if it is loaded at Philadelphia, to go South or East, there is no drawback.

"*Question.* What is the five per cent. allowance?

"*Answer.* It is the allowance made by the railroad for waste; we include that in the shipping expenses.

"*Question.* How do you ascertain the weight?

"*Answer.* Upon the railroad scale at the mine. We have lateral railroads, and the coal is weighed upon scales at the termination of those lateral roads, where they meet the Reading railroad. That is called the gross weight. Five per cent. being taken off, that leaves the net weight. We get paid only for the net weight."

How far this statement should modify the above calculation, your committee need not stop to inquire.

It must be remembered that in order to supply large calls from the Government, sent without notice, it was necessary for Tyler, Stone & Co. to keep a large amount of coal, suitable for Government purposes, constantly on hand. On this, of course, they lost interest.

From all that has been said, your committee conclude that $3 85 for such coal as Tyler, Stone & Co. furnished the Government allowed them profits somewhat too large, but not very excessive.

A good agent might, with unusual diligence and devotion to the public interest, have to some extent reduced the price. In every other respect Tyler, Stone & Co., who took upon themselves the duties of the agency, acquitted themselves thereof in a manner that left nothing to be desired. Indeed, while your committee will not withhold its censure from negligent and unskillful agents, yet, in view of the great difficulty of obtaining for the Government a good article at a fair price, they think that this transaction, in its practical results, is not peculiarly unfavorable.

Certainly nothing appears in the action of the Secretary of the Navy to condemn. Mr. Beach, of the firm of Tyler, Stone, & Co., was, it is true, his wife's nephew—a connection rather too remote to overcome by its influence any but a very weak morality; and in the absence of all proofs to show that he had any agency, direct or indirect, in securing for that firm the chief supply of coal, or, in fact, that he ever knew of that arrangement, he is entitled to the full benefit of his own denial, sustained, as it is, by Dr. Hunter's sworn declaration that Mr. Toucey never made any intimation, direct or indirect, to him, as to the persons of whom he should purchase, and that nothing ever occurred between them on the subject.

The rate of compensation allowed was precisely the same which had been allowed by Mr. Fillmore's administration for the first agent, namely: five per cent. on the coal purchased, and on inland freights. The testimony of Mr. Springer, who was the first agent, will best sustain this declaration:

"*Question.* How was your compensation fixed?

"*Answer.* At five per cent.

"*Question.* Upon what?

"*Answer.* Upon the price of coal and freight. I took up all vessels and superintended them."

The amount of coal purchased then was much smaller than it has since become; and, as it grows larger, it might have been well, in the opinion of the committee, to have reduced the percentage allowed. But the amount of coal purchased in the summer and fall of 1858, swelled as it was by the Paraguay expedition, and other unusual demands, furnished no just basis on which to fix the proper percentage; and it must be borne in mind that both the former agents had made claims for some additional compensation.

It would appear hard to hold an Administration responsible for not foreseeing contingencies, and adapting its regulations always strictly to them. In the case of the Japan expedition, under Mr. Fillmore's administration, Howland & Aspinwall, of New York, were allowed ten per cent. on every cargo of coal sent out, including original cost, inland and foreign freights, insurance, &c.

This gave them a clear compensation for the coal furnished to that expedition, in the two years of its existence, greater than the total commissions of all the coal agents together, since the agency was established. This will appear from the annexed table:

Commissions paid to the several coal agents by the bureau of construction, &c., during each fiscal year, since their first appointment in 1851.

Names.	June 30, 1851.	June 30, 1852.	June 30, 1853.	June 30, 1854.	June 30, 1855.	June 30, 1856.	June 30, 1857.	June 30, 1858.	Dec. 31, 1858.†	Total.
B. H. Springer...	$115 09	$292 31	$274 23	$2,100 37	$214 00	-	-	-	-	$2,996 00
John Jamison...	234 45	1,041 36	924 24	690 17	346 67	-	-	-	-	3,236 89
Benjamin Tyson,	-	-	-	-	1,022 13	$1,244 30	$1,404 29	$5,633 78	-	9,304 50
C. H. Hunter....	-	-	-	-	-	-	-	319 21	$5,807 74	6,126 95
James Polk.....	-	-	-	-	227 02	90 47	201 26	-	79 06	597 81
	349 54	1,333 67	1,198 47	2,790 54	1,809 82	1,334 77	1,605 55	5,952 99	5,886 80	22,262 15
Howland & Aspinwall*.....	-	1,785 17	22,030 73	27,159 96	-	-	-	-	-	50,975 86

* This amount was paid to Messrs. Howland & Aspinwall, who acted for that time as the special agents of the Department for the procurement of coal and freighting it for the Japan expedition, the purchasing the coal and paying the freight bills out of their own funds, and, upon settlement with the bureau, receiving a percentage upon the gross amount.
† Six months.

Statement of the amount of commissions paid to the several coal agents for purchase under the cognizance of the bureau of yards and docks, during each fiscal year since their first appointment in 1851.

Names.	June 30, 1851.	June 30, 1852.	June 30, 1853.	June 30 1854.	June 30, 1855.	June 30, 1856.	June 30, 1857.	June 30, 1858.	Dec. 31, 1858.*	Total.
John Jamison...	$213 30	$872 35	$936 05	$66 79	-	-	-	-	-	$2,088 49
B. H. Springer..,	58 21	550 08	840 20	1,020 52	-	-	-	-	-	2,469 01
James Polk.....	-	-	-	-	$1,949 75	$1,994 22	$1,761 46	$2,434 70	$1,866 21	10,006 34
Benjamin Tyson,	-	-	-	-	1,363 34	687 95	1,373 72	1,709 67	-	5,134 68
C. H. Hunter....	-	-	-	-	-	-	-	-	1,645 18	1,645 18
	271 51	1,422 43	1,776 25	1,087 31	3,313 09	2,682 17	3,135 18	4,144 37	3,511 39	21,343 70

* Six months.

February 8, 1859. JOSEPH SMITH, *Chief of Bureau.*

In this connection it is just to say, that in providing for the use of American coal on most foreign stations on terms cheaper than foreign coals have heretofore been purchased, Mr. Toucey deserves well of his country, and especially of the coal interest itself.

Your committee thus far have omitted to allude to the testimony of Mr. Smith, connecting the President of the United States in a peculiar manner with the appointment of Dr. Hunter. It is proved that there was a great contest among the numerous applicants for the appointment. At length it was arranged by a number of friends that Dr. Hunter should be designated as the man agreed on, and the emoluments of the office should be divided between him, Mr. Smith, and Mr. Getz.

No one traces any knowledge of this arrangement, either direct or indirect, to the Secretary of the Navy; and no one but Mr. Smith speaks of any allusion to it in the presence of the President. In order that his testimony may be properly understood, what he says on this point is given as follows:

"*Question.* Did you communicate this arrangement to the President? Did he understand that an arrangement had been made between the competitors for this office?

"*Answer.* Yes, sir; he understood that the emoluments of the office were to go to the three, as I have stated.

"*Question.* Did he say anything about it?

"*Answer.* No, sir."

Again he says:

"*Question.* Do you say that the President understood that you three gentlemen had made an amicable arrangement about this office, or that he understood the profits of the office were to be divided up between you?

"*Answer.* He understood that we had come to some amicable arrangement.

"*Question.* Did he understand that the profits were to be divided?

"*Answer.* I do not know what he understood, whether it was that one half was to go to one man, and one fourth to each of the others, or what it was.

"*Question.* Was anything said by him about dividing the income of the office between you three?

"*Answer.* No, sir.

"*Question.* Was anything said to him about it?

"*Answer.* No, sir; not by me. I do not know what conversation the others may have had about it."

Again, he says:

"*Question.* Did the President understand that this arrangement was for the mutual benefit of you three gentlemen?

"*Answer.* From what little conversation I had with him, I suppose he understood that we three, who were all pressed for appointment, had made an arrangement. But I suppose he knew nothing in regard to how the emoluments were to be divided, whether equally, share and share alike, or not.

"*Question.* Did he understand that the office was for the benefit of you three persons?

"*Answer.* Yes, sir; that we three were to be satisfied; but he knew nothing about the arrangement, whether one half was to go to one party, and the other half to the other two, or not."

It will be seen that Mr. Smith states that the President understood that the emoluments of the office were to go to the three. Again, he says, that the President understood that the three were satisfied. He says further, that nothing was said by him to the President, or by the President to him, on the subject of dividing the income of the office between the three.

How, then, did he know that the President understood the matter? Clearly, it was a mere inference on his part. The matter was strongly in his mind, and he took it for granted that the President knew it too.

This is the whole testimony to that effect.

When he said the matter was settled, the President said he was glad the thing was done or "finished." He was glad that the contest was ended, but made no allusion to a division of the compensation between the three.

As this announcement was made by Smith, who appeared to be satisfied, and as Dr. Hunter was to be the appointee, the inference perhaps is just, that the President understood that they two were to have the agency. But that he knew that Mr. Getz would have a part of the compensation, is rendered highly improbable by the testimony of Mr. Getz himself:

"*Answer.* The appointment was spoken of, I think, by the President in my presence.

"*Question.* The appointment of Dr. Hunter?

"*Answer.* Yes, sir.

"*Question.* What did the President say to it?

"*Answer.* It was in reply to something that was supposed to refer to me; it was in reply to an application for my appointment to that office, as it was supposed; he said he had made up his mind to appoint Dr. Hunter; these were his words, I think: 'Mr. Jones urged me to appoint you; but you were no applicant, and I have made up my mind to appoint Dr. Hunter.'

"*Question.* Was anything further said?

"*Answer.* Not in regard to this subject, I think, sir."

Now, would this have been the language of the President to Mr. Getz, if he had known that he was to get a part of the compensation?

If it be conceded, then, that the President understood that Hunter and Smith were to have the profits of the agency, does it afford any ground of complaint?

Mr. Springer testifies:

"*Answer.* It would require a number of persons to attend to it. One person could not attend to it to give it the attention it requires. For instance, sometimes there will be two or three vessels loading at once at different ports. When I first had it, it could have been done much better, when the different vessels would be loaded near each other. One coal inspector could not attend to the whole; but if the coal were to be procured on contract, it might be still worse."

Mr. Tyson, who preceded Dr. Hunter, actually had a partner in the duties and profits of the agency.

Dr. Hunter, too, would certainly need aid in the discharge of the duties involved. It was a mere agency, which might be given to two men, and not an office to be filled by one only.

If Smith was to remain at Philadelphia to attend to the duties of the agency there, while Hunter was to be employed in the region of the mines, your committee can see no impropriety whatever in the arrangement. What the committee does condemn is the gross neglect of duty on the part of both.

It appears to your committee that a coal agency, under proper regulations, is very desirable. No other system has served so well. Mr. Springer says on this point:

"Prior to that, the Government was supplied in a very bad way, and, I think, injurious to its interests. I think they got a much better article, and at a lower rate, during the agency than before. I consider it an all-important thing. I consider a coal agency, properly conducted, as one of the most important stations belonging to the Navy Department. The properties of coal are so various that a person who is not thoroughly acquainted with it may purchase a bad article and endanger the ship and all on board. The received opinion of persons not acquainted with the subject is, that all coals are alike; but there is as much difference between different coals as there is between the best hickory and the worst pine wood. The Government has bought coal, to my knowledge, not under agencies, but prior to them, which was condemned. I was removed in 1853. Mr. Dobbin was then Secretary of the Navy, and for a time he tried the navy agents; but they sent such coal as could not be used. Mr. Dobbin told me himself, that on some of it they had a survey, and it was condemned and sold for either a dollar and a quarter or a dollar and a half per ton. I was familiar with the fact myself. I must say that I consider a coal agency indispensable for the Navy Department.

"*Question.* What is the proper business of the coal agent?

"*Answer.* When I was in the agency, I can inform you what I considered the business. I was required, when I was first appointed, to abandon all other business and devote my whole time to the agency. The duty of the agent is to select the coal, purchase it, and superintend the shipping of it; to do which, it would require the closest attention of two or three persons. Indeed, while I was agent, that was the course I pursued."

Your committee would recommend that the agency be retained, but that safeguards against abuse be thrown around it.

In this connection, it is proper to say that the other coal agency, that for the purchase of bituminous coal, stands unimpeached in this investigation.

PART II.

Contracts for live-oak Timber.

On the 14th of June, 1858, immediately after the passage of a law directing the construction of eight sloops-of-war, and authorizing the expedition to Paraguay, the Secretary of the Navy advertised for one hundred and fifty thousand cubic feet of live-oak timber, of specific dimensions, to be delivered at six of the navy-yards, to wit: Kittery, Charlestown, Brooklyn, Philadelphia, Gosport, and Warrington, twenty-five thousand feet at each yard; one half to be delivered on September 1, 1858, and the other half on February 1, 1859. Proposals or bids were to be received till three o'clock, p. m., on July 14, 1858. The proposals contained this unusual clause:

"The Department will award the contract in each case to the lowest bidder, reserving the right to decline making any contract for a purchase and delivery at any navy-yard, if it shall then deem it unnecessary or disadvantageous to the public service."

W. C. N. Swift, of New Bedford, Massachusetts, and James Bigler, of New York, had each previously been contractors for the delivery of live-oak timber at several of the navy-yards: Swift at Brooklyn, Gosport, and Philadelphia; and Bigler at Boston, Gosport, and Kittery; and they each had a surplus of timber at the yards at which they had been delivering, amounting in the aggregate to over one hundred thousand feet. Swift's surplus was more than twice as large as Bigler's.

In May, 1858, each applied to the Secretary of the Navy to purchase his surplus timber, and urged it upon the ground that the nature of the service unavoidably left a surplus on hand after the fulfillment of such contracts, which it was the usage of the Government to purchase at a fair price. The Secretary declined, on the ground that he had no power to purchase without having first advertised for proposals, in order that the wants of the Government might be supplied by the lowest *bona fide* bidder in fair competition.

The Secretary had power to procure timber by open purchase if needed for immediate use. Such is the plain language of the law. (See Brightly's Digest, 191, section 7.) And so the law is understood by the Navy Department, as proved by John Lenthall, Chief of the Bureau of Construction, Equipment, and Repairs. About three thousand feet of Bigler's timber in the Kittery yard, and probably as much at the Gosport yard, had been used and paid for by open purchase, being needed for immediate use; and this circumstance was urged by Bigler as a reason for the purchase of his entire stock. But the Secretary did not consider the exigency of the public service required the immediate purchase and delivery of a large quantity of live-oak timber. This is obvious for the reasons:

1. That he refused to purchase, although the stock of Bigler was offered at the moderate price of $1 10 per foot; and Swift said that would establish the price, and he would have to take the same for his. (See Bigler's testimony.)

2. The unusual clause in the published proposals to bidders, "reserving the right to decline making any contract for a purchase and delivery at any navy-yard, if he should then deem it unnecessary or disadvantageous to the public service."

3. The Secretary instructed Mr. Lenthall, as he understood, to specify, in the advertisement for the timber, the earliest time at which it could be *cut and delivered;* and he specified the 1st of February, 1859, as the earliest day practicable. Of course the Secretary knew it would take several months to *cut and deliver it.*

4. But little of it has been used since the delivery of it on contract, as hereafter stated. Mr. Lenthall, Chief of the Bureau of Construction, Equipment, and Repairs, testifies as follows:

"I think that timber of that description was needed; not the whole of it; probably we could have done with much less than was called for. But I think it was for the interest of the service to have got that description of timber, and I think we wanted it then.

"*Question.* At that time?

"*Answer.* Yes, sir; a portion of it."

They got a portion of it as already noticed. They must have gotten all or nearly all then needed, for it is proved but little of the timber referred to has been used since it was delivered under the contract. According to the testimony of B. F. Delano, naval constructor at Brooklyn, about one fourth of the quantity delivered then, say six thousand feet, has been used. Samuel T. Hartt, naval constructor at Gosport, proves that about three hundred feet have been used at that yard.

Francis Grier, naval constructor in the Philadelphia yard, proves there was a little of it used on sloop No. 1, in the Philadelphia yard, and that some was used on the Griffith ship, but leaves the quantity indefinite. He also says if the matter had been referred to him he would not, as a matter of official duty, have recommended the purchase of Swift's timber, and it was not necessary to purchase it to carry on the business of the yard.

Proposals for timber were prepared by Mr. Lenthall, under the directions of the Secretary. When submitted to him, he did not approve of the time fixed for the delivery, which was the 1st of February, 1859, and changed it, making half deliverable on the 1st of September, 1858, (about twenty days after the contracts were completed,) and the remaining half on the 1st of February, 1859.

Swift and Bigler seemed to have entertained no doubt they had the contracts within their grasp, as they had the timber already in all the yards except Warrington, and to prevent competition between them in bidding, Swift agreed, if he got the contracts, to purchase all of Bigler's timber at the same rate for which he contracted with the Government. Swift bid to furnish the timber at $1 30; Bigler nominally bid at a much higher rate, in order that the contract might be awarded to Swift. It turned out there were several other bidders, though they knew it would be impossible for them to deliver any timber on the 1st of September. They believed the Secretary would grant them an extension of time, and doubtless, under that belief, bid in good faith. Swift was underbid for every yard, and the contracts were awarded to the lowest bidders: Buxton & Lawrence at Kittery, Charlestown, and Brooklyn; Samuel B. Grice at Philadelphia and Gosport; and Coates, Degraw & Beach at Warrington. Buxton & Lawrence failed to execute their contract within ten days allowed them. The other successful bidders executed their contracts as required. Samuel B. Grice delivered only 1,400 feet of timber at Philadelphia within the time stipulated for the first delivery. Coates, Degraw & Beach did not deliver any at Warrington. They, each, applied to the Secretary for an extension of time, which he declined to grant; and on or before the 16th of September the contracts were all annulled, and a contract made with W. C. N. Swift to supply all the several yards, at the same rates at which the contracts were first awarded, ranging from $1 09 to $1 17 per cubic foot, and being an average of $1 12.

The usual time allowed contracts for live-oak is one and two years, because, unlike other timber, it is rarely kept on hand by lumbermen, and generally has to be cut near the coasts of the Gulf of Mexico after the contracts are made; and being esteemed more valuable when cut between the 1st of November and 1st of March, one winter season at least is allowed for that purpose.

Having shown the Secretary did not deem this timber necessary for immediate use, it may be here remarked that he could not, and did not, under the first contracts, or under that with Swift, expect half of the timber to be delivered on the 1st of September, or near that time. Every one knew it was physically impossible to deliver any portion of it at Warrington (Pensacola) by that time, or for months afterwards.

None of the contractors for that yard had any timber there, or near there. Each of them had to cut it from the forest before he could deliver it. The yellow fever was prevailing along the Gulf coasts with great fatality, and no one would have exposed himself to the danger by cutting timber during its prevalence. Without this obstacle, it was impossible to have cut and delivered the timber by the time specified, or even to have placed a force in the forests, where it might be cut between the execution of the first contract and the 1st of September.

It appears that Coates, Degraw & Beach, the first contractors for the Warrington yard, were making reasonable exertions to furnish the timber. There is no sufficient reason for believing they would not have furnished it as soon as Swift. In fact, it appears, he has not even yet complied with his contract at that yard, and has delivered but a small portion of the timber. Beach, of the firm of Coates, Degraw & Beach, testifies that they had made arrangements by which they would have been able to deliver it all by the 1st of February. And whether that be so or not, there is nothing shown to justify the belief that they would not have furnished it as soon as Swift. The inquiry at once arises, why was their contract annulled, and a new one made with Swift? If it was the desire of the Secretary from the first to give the contract to Swift and Bigler, or either of them, an answer is furnished.

It is, however, proper to state, in this connection, that the Secretary, in the month of December last, annulled Swift's contract for the Warrington yard on account of his failure to deliver the timber; but orders have since been given by the Chief of the Bureau of Yards and Docks to the commandant of this yard, to receive timber offered under the contract since it was annulled.

Some facts appear, touching this matter, to which it is deemed proper to refer. Swift and Bigler had previously been reasonably good contractors for live-oak timber, and seem to have had more favors than other contractors in allowing their surplus timber to remain in the yards; a favor which perhaps they deserved. Swift was an ardent friend of the present Administration, and had expended his money freely—more than $10,000—to aid the election of Mr. Buchanan. It was known to the Secretary that he had been liberal, as proved by George Plitt, and it was natural he should have a kind regard for him.

There is a striking agreement between the timber for which the proposals were advertised and Swift and Bigler's timber in the yards. This may have been accidental; and Lenthall testifies that the description of the timber in the proposals was not made by the Secretary, but by himself; he also says he had in his possession, at the same time, Swift's letter, and knew what kind of timber he had, but did not pay any attention to his timber in drawing up the advertisement.

The first contracts were annulled, and the contract with Swift entered into with remarkable promptness, the two acts seeming to have been performed at one and the same moment.

The strong confidence of Swift, at all times, as well after the letting as before, that he would finally get the contract; his prompt declaration that the contracts of his under bidders would be annulled and he would take their place; his quietly remaining in Washington till after the 1st of September, and in the mean time writing to Bigler to assure him that their agreement about the timber of the latter would be carried out, are circumstances, the significance of which cannot be overlooked in this connection.

For what reason was the 1st of September fixed for the delivery of half the timber? The Secretary knew Swift and Bigler had it then in all the yards except Warrington, and no other person in the country had it. Bigler testifies as follows:

"After I got my contracts filled, I went to the Secretary of the Navy to get him to buy my timber upon open purchase. He gave, as a reason for not buying it upon open purchase, that it was against the law to buy timber upon open purchase except for immediate use. Mr. Swift went to him on the same score, that he had timber over, which he wished to sell to the Government. This induced the Secretary, I suppose, to make this advertisement to cover about the amount of timber that we had. There was nobody else in the business who could supply the amount and kinds of timber called for, and we did not suppose there would be any opposition to us; and when the advertisement came out, I was very much surprised that it was in that shape; for it was in a very bad shape for me, as I had only about enough timber to fill out the call for two of the yards. This was bad for me in this way: for instance, if I put in bids for all the yards, I might get Pensacola, or Philadelphia, where I had no timber; and then I would be obliged to move it from another yard at great expense and trouble. This induced me to make the arrangement with Mr. Swift, to avoid the expense of removing my timber from one yard to another.

"*Question.* Did the Secretary intimate that he had any purpose in preparing this advertisement to cover the timber of yourself and Mr. Swift?

"*Answer.* I understood him that it was his calculation that it would just about cover the amount.

"*Question.* When was that?

"*Answer.* During the last summer.

"*Question.* Before the advertisement came out?

"*Answer.* Yes, sir.

"*Question.* Who made that statement to you?

"*Answer.* The Secretary of the Navy himself. He said he did not think he had authority to buy my timber; he did not wish to do anything about it but what would be entirely straight, and he did not feel authorized to make a purchase of this timber without advertising; and then, if we put in for it—he knowing that we were the only persons that had the timber—at a higher price than they thought was a fair price, that he would not take it at any rate; mind you, I had already offered my timber to the Government."

The same witness further testifies, as follows:

"*Question.* Was it not understood between you and Mr. Swift, and live-oak dealers generally, that this advertisement was framed for the purpose of preventing competition, and to enable the Secretary to contract directly with Mr. Swift?

"*Answer.* I always understood it so; that is, not for Mr. Swift alone, for up to the time when I came here, after the advertisement was out, I thought it was for both of us."

The same witness further testifies, as follows:

"*Question.* There is one statement of yours that I feel it my duty to question you further about. In answer to a question, you have said that you have always understood that it was the purpose of the Department, in framing these specifications in the advertisement, to exclude competition and to take your and Mr. Swift's timber. Do you say that it was the object of the Department to prevent other people from coming in and underbidding you, if they could furnish it at the time at a lower price?

"*Answer.* If you understood me to say that, I do not think I understood the question. My explanation now would be, that the Secretary of the Navy knew, and the chief of the bureau knew, that there was nobody else in all America that had the timber, and could put it in at such a time, but Mr. Swift and myself. There was not any such timber in the United States that was already got out except ours. There was nobody else in the business, but Mr. Swift and myself, who could furnish it. The Secretary knew

there was no such timber anywhere else in the market. But he told us distinctly that if we did not put it in at a reasonably fair price, they would not take it at all."

The explanation of the Secretary does not conflict with the testimony of this witness, nor does it touch the point which the testimony quoted tends to establish. If there was a conflict between them, the high official station of the one, as a functionary of the Government, should be a guarantee against any attempt to mislead; and it would be an ungracious task, to say the least, to balance between his statement and the testimony of the witness, although the latter stands in a favorable condition to obtain credence. He is free from the suspicion of prejudices engendered by disappointed expectations; has no grounds of complaint for supposed personal, or pecuniary, wrongs imposed by the Secretary, and is not a heated political partisan.

Whatever may be the true state of the facts in regard to the Secretary's intention concerning these contracts, and however much the committee would condemn any personal favoritism to the public detriment, they are gratified to perceive that the Secretary seems never to have lost sight of the public interest. They find the evidence of this in his repeated assurances to Messrs. Swift & Bigler, if they bid "at a higher price than he thought was a fair price he would not take it at any rate." They find it in the unusual clause already referred to, inserted in the advertised proposals, "reserving the right to decline making any contract, if it (the Department) shall then deem it unnecessary or disadvantageous to the public service." The provision was doubtless inserted to protect the Government against the imposition of exorbitant bids, when it was expected there might not be more than one or two bidders. They find still further evidence of this in the reasonable price at which the contracts were actually and finally taken, it being proved that the average rate is lower than similar contracts had previously been made, and as low as any one could have furnished the timber and realized a reasonable profit for his labor. Your committee are of opinion that the timber contracted for in this case was a kind proper to be kept for the repair and construction of small vessels, and they are not prepared to say it could have been purchased materially lower under any circumstances. (See the testimony of Samuel B. Grice, Lenthall, and Bigler.) And if the policy of keeping your yards supplied with suitable timber is to continue, your committee cannot see that the transaction is in any way a disadvantageous one to the Government; certainly it is not in contravention of law.

Before concluding their report on this branch of their inquiry, your committee deem it proper to notice a contract between Mr. George Plitt, as proved by Plitt himself, and W. C. N. Swift, in regard to obtaining contracts with the Government. It appears, that in 1854 Plitt and Swift entered into a written contract, by which the former undertook to use his influence with the officers of the Government, with several of whom, in high positions, he was supposed to be on terms of intimacy, both personally and politically, to procure live-oak contracts for the latter, and for which the latter was to pay him ten per cent. upon the amount of all live-oak contracts he obtained from the Government. Plitt alleges that he has performed his part of the agreement, having taken pains to introduce Swift to various officers of the Government, and to recommend him as a man of honor and probity. He introduced him to Mr. Buchanan and Mr. Toucey, and recommended him in terms of high commendation, informing the latter that he had contributed very liberally towards the election of 1856, &c. Swift had, after 1854, and prior to the contract of September, 1858, obtained some live-oak contracts from the Government; and after obtaining the last mentioned one, wrote to Plitt, repudiating his contract with him, never having paid him anything under it. Shortly after receiving this letter, and between the 15th of October and 15th of November, 1858, Plitt, for the first time, mentioned the contract between himself and Swift to the President, and showed him the written agreement, and asked his advice about it. Plitt says:

"The President very properly told me that it was no affair of his; it was an agreement made long before he came into power, and if my attorney thought I could recover in a court of justice, I ought to do so. He also said he had, of course, no advice to give, and said I might do as I pleased about it."

This, it must be remembered, was subsequent to Swift's last contract for timber.

Your committee believe they could not condemn such contracts in too strong terms, as against public policy and most demoralizing in their tendency. They are not only a bid, but offer of a premium, indirectly, to say the least, for corruption. They are a temptation to the parties to the practice of deception and falsehood. They are nothing less than making merchandise of the social relations and personal confidence which may very properly exist between those occupying high official stations and the private citizen, and, if tolerated, must result in making the Government the daily victim of duplicity and fraud, or in placing an impassable barrier to all social intercourse between high officials and the mere citizen, which would be contrary to the genius of our Government.

However much your committee may condemn such improper contracts, they feel called upon to say they do not perceive any ground to attach blame in this instance, either to the President or the Secretary. It does not appear that the Secretary was ever informed of its existence, and of course never countenanced or knowingly encouraged it. It does not appear that the President was ever informed of it until a period between October 15 and November 15 last, and then summarily disposed of it by saying "he had no advice to give;" "that it was no affair of his." Here his connection with the subject began and ended; and here your committee dismiss it.

CONTRACTS FOR MACHINERY FOR VESSELS.

These contracts have been the subject of much outside rumor and complaint. The committee have, therefore, sought for all the information they could obtain in regard to them, and it is herewith presented. It is full and satisfactory.

The contracts about which there has been complaint, are the following: that relating to steam machinery for the Lancaster, built under the act of Congress, approved March 3, 1857, and those relating to steam machinery for the vessels now building under the act of Congress of June, 1858.

The bids for the machinery of the Lancaster were as follows:

Scale of offers for steam machinery for screw propeller ship-of-war building in the Philadelphia navy-yard, under advertisement of November 19, 1857:

Merrick & Sons	$145,000
Murray & Hazelhurst	138,000
Reaney & Neafie	137,500
Woodruff & Beach	126,000

The difficulty in this case was to decide between the plans of Merrick & Sons and Reany & Neafie. They were both good, and preferred to the others. After much consideration, the contract was awarded to Reaney & Neafie. Their bid was $7,500 lower than Merrick & Sons. The lowest bid was that of Woodruff & Beach, but no one of the engineers approved their plan in comparison with those of the others. It is claimed that there is a family relationship between Beach, of this firm, and the Secretary of the Navy. We may allude to this hereafter.

We proceed now to a brief examination into the awards of contracts for the machinery of the vessels now building under the act of June, 1858.

This act of Congress directed the Secretary of the Navy to cause to be constructed, "as speedily as may be consistent with the public interests," eight war steamers, of light draught, "combining the heaviest armament *and greatest speed* compatible with their character and tonnage."

One of these vessels is being built, we believe, by the Government. On the 26th of July last, the Secretary of the Navy invited sealed proposals for the steam machinery of the remaining seven. The circular of the Secretary calling for these proposals is in strict accordance with the directions of the law of Congress under which he acted. It states, among other things, that it is "the object of the Department to procure machinery which can develop great power when required, so as to insure high speed," &c., and with this view requires the bidders to guaranty certain results. It gave them until the 8th of September to prepare their plans. The terms of the circular seem to have been satisfactory. The leading engine establishments of the United States, situated in New York, Philadelphia, Boston, Baltimore, and Hartford, made proposals. There were fourteen bidders, and, in all, forty-four bids. They were as follows:

Small sloop, Boston, 750-horse power.

Morgan Iron Works, New York	$110,000
James Murphy & Co., New York	107,000
Allaire Works, New York†	97,000
Locomotive Works, Boston*	104,000
Atlantic Works, Boston	100,000
Woodruff & Beach, Hartford	118,000

Large sloop, New York, 1,000-horse power.

Morgan Iron Works, New York	$137,500
James Murphy & Co., New York*	130,000
West Point Foundery, New York	130,000
Allaire Works, New York	105,000
Novelty Iron Works, New York†	97,000
Woodruff & Beach, Hartford	125,000

Small sloop, Pensacola, (direct-action engines,) 750-horse power.

Reaney, Neafie & Co., Philadelphia	$153,000
James Murphy & Co., New York	127,000
Morgan Iron Works, New York*	120,000
West Point Foundery, New York	118,000
Woodruff & Beach, Hartford	118,000
Locomotive Works, Boston	115,000
Murray & Hazelhurst, Baltimore†	100,000

Large sloop, Norfolk, 1,000-horse power.

Reaney, Neafie & Co., Philadelphia	$152,000
Morgan Iron Works, New York	142,000
Novelty Iron Works, New York	100,000
Woodruff & Beach, Hartford	125,000
Murray & Hazelhurst, Baltimore	115,000
C. Reeder, Baltimore†	94,000

Large sloop at Portsmouth, New Hampshire, 1,000-horse power.

Morgan Iron Works, New York	$143,000
West Point Foundery	136,000
James Murphy & Co	135,000
Allaire Works	110,000
Novelty Iron Works†	98,500
Woodruff & Beach, Hartford*	125,000

Small sloop, Philadelphia, 1,100-horse power.

Morgan Iron Works, New York	$110,000
Allaire Works, New York	97,000
Reaney, Neafie & Co., Philadelphia	135,000
Wm. Norris, Philadelphia	126,000
Murray & Hazelhurst, Baltimore†	90,000
Woodruff & Beach, Hartford	118,000

Large sloop, Philadelphia, 1,000-horse power.

Reaney, Neafie & Co., Philadelphia	$145,500
Merrick & Sons, Philadelphia*	102,000
Morgan Iron Works, New York	141,000
Allaire Iron Works, New York	110,000
Novelty Iron Works, New York†	98,000
Murray & Hazelhurst, Baltimore	110,000
Woodruff & Beach, Hartford	125,000

On the 20th of September, the Secretary appointed a board of engineers to open and examine these bids and report to him which of them should be accepted. Each engineer, in order to secure his individual examination and opinion, was required to make a separate report in writing. This board consisted of Samuel Archbold, engineer-in-chief of the United States Navy, W. W. Wood, Henry Hunt, and Daniel W. Martin, chief engineers. This course of the Secretary, your committee find to be such as has been pursued heretofore, and they regard it as very proper. It differs from the former practice only in the increased caution of the Secretary in requiring each member of the board to make a report of his opinion. The persons chosen are engineers of long experience and high standing. No witness has expressed a doubt of their qualifications to sit on such a board, nor of their integrity or impartiality. Reference has been made to Mr. Martin as being liable to be influenced in his decision by reason of his interest in the "Martin boiler." We will notice this hereafter.

Let us now examine briefly their action:

1. The contract for the machinery of the small sloop at Boston was awarded to the "Locomotive Works," situated at that place. There were six bids for this contract, two lower and three higher than that of the party to whom it was given. No one of the board recommended the plan of either of the lower bidders; all concurred in objections to them. One engineer recommended the plan of the Morgan Iron Works, New York, at $110,000; another that of Murphy & Co., New York, at $107,000. Two recommended that of the "Locomotive Works," Boston, at $104,000, and the contract was awarded to them. This seems to be right. It is not pretended that any improper

* Accepted bid. † Lowest bid.

influence was used in getting the contract, nor is the standing or responsibility of the establishment questioned.

2. The contract for the machinery of the large sloop at New York, was awarded to James Murphy & Co., New York. Of the six bids in this case, three were lower than the one accepted. One of the board reported in favor of the Novelty Works; the remaining three in favor of Murphy & Co. The bid of the Novelty Works is $33,000 lower than that of Murphy & Co. There is a wide difference, and we do not feel qualified to decide whether there is this difference in the merits of the plans. Both the bidders included in their plans what is known as the Martin boiler. It is proper to add, in this connection, that the contract should not necessarily be given to the lowest bidder, having reference to price only. Every plan of engine is different—different in arrangement, different in its fitness, and different in its cost to the builder, and its intrinsic worth. A primary object is to obtain one which will best answer the purpose of the Government. The Morgan Works, New York, proposed a plan of engine for this vessel, at a price $40,000 higher than that of the Novelty Works, and Mr. Quintard, one of the proprietors of the establishment, testified that a plan of engine that could have been built for $97,000 would not, in his opinion, have been suitable for the ship. We will only add, that no improper influences in getting this contract are shown, and that no witness has called in question the reputation and responsibility of the house of Murphy & Co. They are shown to be satisfactory and reliable.

3. The contract for the machinery of the small sloop Pensacola was given to the Morgan Works, New York, at $120,000. The bids ranged, in this case, from $100,000 to $153,000. There were in all seven plans submitted for this vessel. But two of them received the approval of the board. These were the plans of the Morgan Works and the Boston Locomotive Works; and upon these the board was equally divided. Mr. Archbold, who favored the plan of the Locomotive Works for this ship, had recommended the Morgan Works for the Boston ship, at $110,000. This latter ship was awarded to the Locomotive Works at $104,000. It is supposed by the committee that it was not considered expedient to award two contracts to one establishment; that it was considered desirable to distribute them, if it could be done with propriety, in order to increase the rivalry among contractors. For these reasons your committee think it was right to give this contract to Murphy & Co., who were preferred by one half the board, and were also preferred by another member of the board for the Boston ship, which was awarded to the competitor for this. The testimony does not show that any political or improper influence was applied by any one to obtain this contract. The establishment to which it was given is responsible and reliable.

4. No contract was given on the first bids for the Norfolk sloop. Two of the board reported in favor of Reeder, one (Martin) against his boiler, and the fourth in favor of Reaney, Neafie & Co. We give the following testimony on this point:

Martin's deposition:

"*Question.* In your opinion you use this language: 'Mr. Reeder's plan of engines is good and his price satisfactory, but his plan of boilers I cannot recommend; if they were made satisfactory, I would recommend him for the Norfolk ship.'

"*Answer.* That was not on account of its not being my boiler, but in the way it was arranged; it was the same plan that had been tried in the Princeton, and had proved to be a failure. Knowing it to be a failure, I could not recommend it again in that form, but proposed some modifications which I do not now remember."

Archbold's deposition:

"*Question.* Did he get the contract?

"*Answer.* No, sir; there were two members of the board who reported in favor of his plans; one reported in favor of the engines and against his boilers, and the other objected to his plans *in toto*.

"*Question.* What was the result?

"*Answer.* I believe he gave up his right to the contract, or something to that effect.

"*Question.* Do you not know that he was deterred from presenting his bid?

"*Answer.* I did not deter him; I do not know who did.

"*Question.* What was the final result of that matter?

"*Answer.* There was a new board ordered, and new bids were given.

"*Question.* Who got the contract?

"*Answer.* Murray & Hazelhurst, of Baltimore.

"*Question.* For how much—was it not $120,000?

"*Answer.* I think it was over that—$131,000 for fourteen miles per hour. They had a speed bid."

Reeder withdrew his bid, we suppose, because he found it too low. New proposals were called for; and it would seem that the terms were varied, and called for a quantity of speed. The following are the second bidders:

"Atlantic Works—geared, $130,000, six months; direct, $125,000, six months.

"Murray & Hazelhurst—geared, $131,000, eight months; direct, $120,000, eight months.

"Fulton Foundery—geared, $138,000, seven months; direct, $129,000, seven months.

"Reaney, Neafie & Co.—geared, $145,000, seven months; direct, $135,000, seven months.

"Boston Locomotive Works—direct, $127,000, seven months.

"Novelty Works—geared, $130,000, six months; direct, $125,000, six months."

Two kinds of engines were called for, the geared and the direct-acting.

For the direct-acting engine, Murray & Hazelhurst and the Boston Locomotive Works were the lowest and equal bidders; and for the geared engine, Murray & Hazelhurst were the next lowest, and $1,000 higher than the lowest. The majority of the board which sat upon these proposals, consisting of Chief Engineers Williamson, Everett, Stimers, Isherwood, and Whipple, reported in favor of Murray & Hazelhurst, and they received the contract. There is no testimony criticising in any way this award, or the price to be paid, or the plan of machinery, or the qualifications and responsibility of the contractors.

We come now to the contracts about which there has been complaint and a more extended inquiry.

5. The contract for the machinery of the large sloop at Portsmouth was given to Woodruff & Beach, Hartford. There were six bidders, two lower and three higher than the parties who received it. Neither of the low bids was approved for this contract, but every member of the board approved and reported in favor of the plan of Woodruff & Beach. There is not a particle of evidence pointing to unfairness or partiality in this award. All that has been attempted, has been to show that there was some relationship between the Secretary and Mr. Beach, of this firm. And what has been the result of this attempt? We give it in the language of the witness:

"*Question.* I wish to obtain from you the precise relationship of Mr. Beach, of the firm of Woodruff & Beach, to the Secretary?

"*Answer.* Mr. Toucey, George Beach, sr., and George Beach, jr., married sisters by the name of Nichols. C. Nichols Beach of Philadelphia, of the firm of Tyler, Stone & Co., is a son of George Beach, sr., by the sister of Mrs. Toucey; Henry B. Beach, of Hartford, of the firm of Woodruff & Beach, is a son of George Beach, sr., by a former wife."

That is, Mr. Beach of this firm, is a step son of the sister of the lady married by the Secretary. Our vision may be obtuse, but we see no relationship here; and, regardless of it, we report that nothing has been brought before us tending to excite the slightest suspicion of favor or partiality in awarding this contract. The testimony of Mr. Beach is reported, and worthy of attention. It shows there never has been any intimacy between the Secretary and himself.

6. Next in order is the contract for the machinery of the "Griffith" sloop. The struggle for this contract has been earnest and protracted, resulting in much disappointment and unusual complaint by one of the unsuccessful bidders. The case is, briefly, this:

Upon opening the bids in September, it was found there were six bidders for this machinery, four of which were lower and one higher than that of Mr. Norris. But it was further found and reported by the engineers, that an untrue and incorrect model of the ship had been sent to those proposing to bid. This arose from a peculiarity of this model, unknown to the Department at the time of the advertisement of July 26, 1858. Mr. Norris alone had been furnished with the necessary information. Very properly, therefore, new proposals were invited.

Two of the September board, Messrs. Archbold and Martin, condemned the plan of Mr. Norris; the other two, Messrs. Wood and Hunt, said nothing for or against it, but merely reported that other bidders had not been given the proper information to prepare their plans.

Under these circumstances, the Department, on the 2d of October, addressed a letter to all who had previously bid for this machinery, but no others, inviting them to bid again, and furnishing them a drawing showing the midship section and correct plan of the vessel. They were given until the 2d of November to prepare new plans. But three bidders appeared. They are here given.

In the mean time, Mr. Norris, knowing that Archbold and Martin, of the first board, had condemned his plan, requested the Secretary not to put them on the new board. The Secretary acceded to this request, and on the 4th of November made a new board, consisting of Chief Engineers Wood, Hunt, Everett, and Whipple. On the 8th of November each member of this board made his report in writing.

Before this, however, and as early as the 2d of that month, Mr. Norris brought to bear what he seems to have considered an additional recommendation of his plan of machinery. It appears, in his letter to the Secretary, dated Washington, November 2, 1858. We give an extract from it:

"On the score of politics, which I have never mentioned before, I have greater claims upon the Government than my competitors. Our shop at Bush Hill, Philadelphia, was the first institution in this country that raised the banner of Buchanan and Breckinridge. The day after the nomination, we raised the standard, with full-length portraits of the President and Vice President, and at the election our shop furnished 764 votes for them. Notwithstanding the present monetary depression, we gave 312 votes for the Administration at the last election. We have supported the party with material aid by thousands of dollars, and worked hard, as any of the party in Philadelphia will testify.

"Now, my dear sir, our competitors in Philadelphia were most violent working opponents against the present Administration, as is well known in Philadelphia."

Here politics makes its appearance very boldly. In regard to the five contracts we have previously considered, we have no evidence that it was brought to bear, but it appears here with great directness—not modestly, or indirectly through a friend. It is the bidder himself who presents it *in propria persona*. It is strongly presented. The bidder comes bearing a banner on which are blazoned "full-length portraits of the President and Vice President." But this is not all. Alas! for his competitors! They must be unmasked, if perchance, they have disguised themselves, and therefore it is brought to light that they "were most violent working opponents against the Administration, as is well known in Philadelphia."

It is proper to notice that this extravagant political self-recommendation was interposed on the 2d of November, two days before the board was appointed, and six days before it reported. Mr. Norris was inquired of on this subject, and he has testified, undertaking to explain why it was he resorted to political influence. He says it was because Messrs. Landy and Witte interfered for his competitors. He saw them at the office of the Secretary. We give extracts from his deposition:

"*Question.* Please name the gentlemen who went in at that time?

"*Answer.* Mr. Landy, now a member of the House of Representatives, was there.

"*Question.* Who else?

"*Answer.* Upon my word, I forget the others.

"*Question.* How many were there of them?

"*Answer.* There were two members of Congress with Mr. Witte. The other gentleman I really do not recollect. I have forgotten his name. Seeing these gentlemen there, was what first alarmed me, and started me off to get political aid.

"*Question.* Up to that time, had you obtained any certificates as to your political character?

"*Answer.* No, sir."

* * * * * * * * * *

"*Question.* When was this that you saw Mr. Landy and Mr. Witte at the Navy Department?

"*Answer.* Some time in November.

"*Question.* What part of November?

"*Answer.* In the early or middle part; perhaps in the middle part; I have no recollection of it, only that it was just about the time I went off to Philadelpha, for seeing them there induced me to go."

* * * * * * * * * *

"*Question.* How long previous?

"*Answer.* It is impossible to say; that first induced me to return to Philadelphia.

"*Question.* I wish you would put it within some limits; say that it could not have been earlier or later than such a time. Was it before the 15th of November?

"*Answer.* I cannot say. If I could see the letter of John G. Brenner, I could tell exactly. It was before November 15.

"*Question.* How long before?

"*Answer.* A day or two.

"*Question.* Do you think it was as much as a week before?

"*Answer.* I do not know; I cannot say.

"*Question.* Could it have been more than a week before?

"*Answer.* Let me calculate. [A pause.] It was on the Friday previous to the 16th of November; it was about the 12th or 13th of November."

* * * * * * * * * *

"*Question.* Your letter reporting yourself a Democrat, and asking favor of the Government on political grounds, was dated November 2?

"*Answer.* Then it was in October that I saw Mr. Landy and the other gentleman here."

We now give some extracts from the testimony of Landy and Witte. Mr. Landy says:

"I find, by reference to the books in which my name is recorded at the hotel, that I arrived here upon the 7th of November, which was after the election, that having taken place upon the second Tuesday of October. Upon reflection, I find a correction I would like to make. I replied that I thought I came here in company with Mr. Witte. I distinctly recollect now that at that time I came here alone."

* * * * * * * * * *

"*Question.* What representations did you make to him in regard to the matter?

"*Answer.* That they were a very experienced firm, highly honorable and creditable men; that in all their undertakings, so far as marine engines were concerned, their labors had been crowned with the highest success; and I recommended them to the Department, in view of the success of the establishment, and their ability to perform the work in a manner advantageous to the Government.

"*Question.* Did you suggest to the Secretary any political considerations?

"*Answer.* None at all; none.

"*Question.* Did you state anything about the political standing of this firm?

"*Answer.* No, sir; nothing at all."

Mr. Witte, an ex-member of Congress, says:

"*Question.* What inducements did you hold out to the Department, or to any officer of the Department, to give to Reaney, Neafie & Co. the last contract, or either of the contracts?

"*Answer.* None other than that their house having a long experience in the construction of marine engines, especially propeller engines, and having, as I am informed by their books, built more propeller engines than have been built in the country; besides, it would be for the interest of the Government to give them the contract. I held out no other inducement except what their supposed superiority, skill, and ability to construct engines of that particular character afforded."

We do not propose to dwell upon this feature of the case; but we think it is evident that Mr. Norris began this political movement. It seems to us the letter itself, without reference to other testimony, shows it; for we cannot but believe that if it had been predicated upon a similar movement, begun first by his competitors, the letter would have referred to it.

The new board reported, on the 8th of November; the "Allaire Works" was the highest bidder, and no one of the board approved their plan. Wood reported in favor of Reaney, Neafie & Co., saying, among other things, their plans, contrasted with those of Mr. Norris, "comprise fewer parts, are less complicated, more accessible, and, in my opinion, best adapted to secure the object of the Department." He also referred, in his opinion, to the movement of the propellers. Each plan had two propellers. In Norris's plan they moved in the same direction; in Reaney, Neafie & Co.'s they moved in directions opposite to each other. Wood says of this:

"I will add, the practice of engineers heretofore has been, where two propellers were used, to drive them in directions opposite to each other; and I know of no sufficient reason to change the practice, and would not do so, were the responsibility of the arrangement to devolve upon me."

Hunt leaned to the side of Norris. He says:

"There is so little difference in the engines offered by Mr. Norris, and Reaney, Neafie & Co., as it regards what I consider will be their efficiency, that it is difficult to decide which to recommend," * * * "and both their plans have, not only good, but objectionable points about them. The engines of Reaney, Neafie & Co. are simplest in form, but they necessarily occupy one hundred and thirty square feet, or about thirty per cent. the most space in the vessel, and will not, in my opinion, be any more efficient than those of Mr. Norris. It is my opinion the condensers of Mr. Norris are the best. Taking simply the plans and specifications as presented to the board, with the time and price for building, I would recommend accepting the bid of Mr. Norris.

Everett reported in favor of Reaney, Neafie & Co.; Whipple in favor of Mr. Norris; and three of them were of opinion that the peculiar movement of Mr. Norris's propellers made no material difference.

How stands the case now among the engineers? Two boards have examined Norris's plans. Of the first board, two condemned them; and were, at Mr. Norris's request, left off the second board. The other two of that board neither approved or condemned, but simply recommended new proposals. The second board was equally divided—two for Norris, and two for Reaney, Neafie & Co. We thus have, in these boards, four engineers condemning Norris's plans.

The reports were sent to the Secretary, and the case was now with him. His decision was suspended. Norris has seen Witte and Landy just about this time; and, no longer trusting to his great letter of the 2d November, begins afresh. He plies the Secretary with political letters and documents of all sorts. By the 16th of the month we find on file, among other papers, the following political letters: One from J. H. Baker, one from J. Hamilton, jr., and two from Hon. H. M. Phillips; and Colonel Florence appeared personally for him. If we could rely upon the recommendations on file by the 16th, we might well say, in the language of one of Norris's friends, that he stood before the Secretary on that day, "personally, mechanically, and politically, meritorious." But how was it with Reaney, Neafie & Co. at that time? They had presented no political letter, nor is it in proof they used such influence. We can only infer it; because Messrs. Landy and Witte represented them, and they deny they presented such considerations. There are papers on file in behalf of Reaney, Neafie & Co.; but they are all pertinent, referring only to the engines. Among others is a letter of J. Ericsson, the inventor of the propeller, which closes with this statement:

"The advantages of giving a contrary motion to the propellers in vessels of light, variable draught, or in a sea way, are too obvious to need any demonstration."

In this state of suspense the Secretary again consults the engineer-in-chief, Mr. Archbold; and he, upon the 18th of November, again reported, for various reasons which he gives, that the plans of engines of Reaney, Neafie & Co. were "decidedly preferable" to those of Mr. Norris. On the same day the Secretary called for a board of outside engineers. This board consisted of Smith, Jones, and Corryell. They reported on the 2d of December—Smith and Jones for Norris, and Corryell for Reany, Neafie & Co.

This ship, the "Griffith," is of peculiar model, and may be regarded as an experiment to obtain speed. This is the chief result sought after in building it. On the 9th of December, Reaney, Neafie & Co. addressed the Department the following letter:

WASHINGTON, D. C., *December* 9, 1858.

DEAR SIR: We are informed that our proposition to give you fifteen miles per hour, as the speed of "Norfolk ship," in case the contract is awarded to us, has not been deemed worthy of notice by the board of engineers.

That it should have escaped their observation is impossible, and that it should be regarded as unworthy of comment is, to say the least, most extraordinary.

We have always supposed, and we learn from your report just issued, that the aim of your Department was, and is, "to combine speed and power with strength in the highest practicable degree."

We beg leave, therefore, most respectfully to call your attention to that feature in our proposal which affords you a guarantee of a rate of speed never before attained by any vessel built for warlike purposes by this or any other Government.

We have the honor to be your obedient servants,

REANEY, NEAFIE & CO.

Hon. ISAAC TOUCEY, *Secretary of the Navy.*

P. S.—We beg leave also to say that we will stipulate for even a higher rate of speed for the ship now building at the Philadelphia station, known as the "Griffith ship."

R. N. & CO.

On the 21st of December, twelve days after, Mr. Norris added to his specifications the following speed bid:

WASHINGTON, *December* 31, 1858.

SIR: I beg leave to add to my specifications now before the Department for machinery for the ship under construction at the Philadelphia navy-yard, by Griffith, naval constructor *pro tempore*, (reserving the right to modify certain parts of said machinery,) the following:

1. I guaranty the speed of the ship twenty miles per hour.

2. The cost of the machinery shall be one hundred and eighty thousand dollars, ($180,000.)

If, upon the trial trips, the ship does not make the speed of twenty miles per hour, there shall be a reduction of $10,000 from the cost-price for each and every mile lacking the speed of twenty miles per hour as guarantied, reducing the cost as follows, namely:

For a speed of nineteen miles, $170,000; for a speed of eighteen miles, $160,000; for a speed of seventeen miles, $150,000; for a speed of sixteen miles, $140,000; for a speed of fifteen miles, $130,000, &c., &c., &c.

Your obedient servant, very respectfully,

WILLIAM NORRIS.

Hon. ISAAC TOUCEY, *Secretary of the Navy.*

On the same day, Reaney, Neafie & Co. particularize what they had agreed to in their communication of the 9th, and stipulate for a speed, under favorable circumstances, of sixteen miles per hour on the trial trip, under a forfeiture of $15,000, if fifteen miles only is attained; or $7,500 for each half hour between fifteen and sixteen miles which they fail to accomplish.

With their propositions so modified, the parties stood as follows: Norris guaranties sixteen miles per hour for $140,000; Reaney, Neafie & Co., the same, for $139,000; Norris guaranties fifteen miles per hour for $130,000; Reaney, Neafie & Co., the same, for $124,000. From this it appears that Reaney, Neafie & Co.'s proposition was $1,000 less than Norris' for a speed of sixteen miles per hour, and $6,000 less for a speed of fifteen miles per hour. The Secretary submitted the specifications, as amended, to the engineer-in-chief, and he, on the 21st of December, reported in favor of Reaney, Neafie & Co. The contract was given to them, and in it they have guarantied speed at the prices fixed. Mr. Norris, disappointed by this termination of a long contest, has complained to the Department and has complained to the public. He has charged that his plans were furnished to Reaney, Neafie & Co. In this he is mistaken. Your committee are of opinion that no partiality or favor has been shown to Reaney, Neafie & Co. in this transaction. On the other hand, it seems to them that Mr. Norris was most highly favored in preparing his plans, and had advantages enjoyed by no other bidders. It is abundantly proven that he and Griffith, the naval architect, worked together from the beginning; that the engine was planned as the model was planned, and that they progressed together, architect and engineer being in constant mutual consultation. It is proper to state that the Martin boiler was in neither of these plans of machinery.

We think it fortunate for the Secretary it so happened that his anxiety to obtain a good result and his sense of duty conducted him to the decision he at last made. Had this contract been awarded to Mr. Norris, considering his own political standing and the influence of this kind he brought to bear, in comparison with the more obscure political standing of Reaney, Neafie & Co., and the apparent absence of all such influence on their part, it might have been that the Secretary would have been charged with political partiality. For ourselves, we are of opinion that politics had no effect whatever in determining this result. It would seem that the plans offered by both parties were good, and worthy of the patient and repeated examination they received. The one party, Norris, is famous here and abroad in connection with land engines or locomotives; the other, by long experience, has acquired an excellent reputation as builders of marine engines; and both seem to be reliable and responsible. We approve this award.

This brings us to the last of the seven contracts.

7. The contract for the machinery of the large sloop at Philadelphia was awarded to Merrick & Sons, of that city. There were seven bids in this case; one lower, $4,000 lower, and five higher than that of the successful party. The bids range from $145,000 to $98,000. That of Merrick & Sons is $102,000. No one of the board recommended the plan of the lower bidder; every member of it recommended that of Merrick & Sons. A comparison of the bids, and an examination of the reports of the engineers, coupled with the high standing of the contractors, render obvious the propriety of granting to them this contract. This and the award of the Portsmouth ship are the only ones in which the board was unanimous in their opinion; and we would not notice it further were it not that, in the evidence, attention has been called to a letter of W. C. Patterson to the President, dated September 13, 1858. We here give it:

PHILADELPHIA, *September* 13, 1858.

DEAR SIR: I venture to suggest to you the importance of awarding the contracts for the machinery of the sloop now building at the navy-yard at this time, and, if it can be done without prejudice to the public service, to Merrick & Sons. Theirs is the only establishment in the first district which employs a large number of mechanics; at this time, 390: when in full work, 450.

The managing partners (Mr. M., senior, being absent, in bad health,) are full of energy, straining every nerve to keep their force during this depression, and, in so far as I know, the only old Whigs of any influence in that district who are in favor of the reelection of Colonel Florence.

I know, from former experience, the value of that influ-

ence, and feel persuaded that it is the interest of the Democratic party to increase it.

The first district will, I hope, be carried, in any event, but with that shop at work, full-handed, two weeks prior to the election, the result would, I think, be placed beyond all doubt.

With much respect, W. C. PATTERSON.
The PRESIDENT.

[Indorsement.]

September 15, 1858.

The inclosed letter from Colonel Patterson, of Philadelphia, is submitted to the attention of the Secretary of the Navy. J. B.

We think it is very evident that the President expressed no wish and interfered in no way in the award of this contract. It was not a case that called for interference or allowed it. The lowness of the bid, the unanimous recommendation of the board, and the high character of the contractors, very properly and promptly fixed the result. There was no actual competition and no contest. The following testimony gives the history of this letter and the practice of the President in such cases:

"*February* 9, 1859.

"Henry M. McGill called and examined.

"*Question.* (By Mr. BOCOCK.) What is your official position?

"*Answer.* I am assistant to Mr. Henry, who is Private Secretary of the President.

"*Question.* What is your business in that position?

"*Answer.* Sometimes opening the President's mail, indorsing letters for him, and recording commissions. I am kept in the office for that purpose.

"*Question.* Do you know anything of that letter? [showing witness the letter of W. C. Patterson to the President, bearing date Philadelphia, September 13, 1858, and which will be found in the Appendix.]

"*Answer.* Yes, sir.

"*Question.* Whose indorsement is that on the back of the letter?

"*Answer.* It is mine.

"*Question.* By whose direction was it made?

"*Answer.* By the general direction of the President. I indorse nearly all his letters.

"*Question.* Was there any special direction in regard to that letter?

"*Answer.* No, sir.

"*Question.* I want to know what the custom of the President is when he receives letters referring to business before the Executive Departments? Do you indorse them as a general thing?

"*Answer.* Yes, sir; I indorse, in fact, nearly all the letters that come to him. I take them in, in the morning about nine or ten o'clock. He reads them over generally, or reads the indorsement on them merely, and directs us to refer them to the Departments, Navy, War, &c., as the case may be. Sometimes he takes them and marks on the back of the letter a reference to the Secretary. That is the general practice with all the letters.

"*Question.* Is it common for him to make indorsements on the back of letters, referring them to the Department to which they relate?

"*Answer.* Yes, sir, very common.

"*Question.* Do you mean to say that it is his custom, whether he approves the recommendation or not?

"*Answer.* Certainly; whether he approves or not, it is a custom of his. My understanding was, when he made that indorsement, that it was merely to draw the attention of the Secretary to the fact that there was such a letter existing.

"*Question.* Do you know anything of that indorsement? [showing witness the indorsement on the envelope, signed 'J. B.']

"*Answer.* Yes, sir.

"*Question.* Whose handwriting is that?

"*Answer.* The President's, sir.

"*Question.* Is that the general form of indorsement for letters relating to the heads of the Departments?

"*Answer.* Sometimes he uses one form, and sometimes another; sometimes it is, 'referred to the Secretary of the Interior,' &c.; sometimes it is, 'submitted to the consideration,' and sometimes, 'submitted to the attention' of the Secretary. He does not confine himself to any one form.

"*Question.* From your knowledge of his habit in this respect, would you be able to say whether that was a favorable or unfavorable indorsement?

"*Answer.* No, sir; I take it he did not mean to be understood one way or the other, from his general habit; it is the same formal reference that he makes with the other letters.

"*Question.* I would like to ask you whether the President, no matter what may be the character of the letters, destroys them; or is it his practice to send them to the different Departments?

"*Answer.* Yes, sir; he sends every letter to the Departments, unless it is a silly letter, or a crazy letter. I know, further, that the President has never interfered with the giving of contracts; I have heard him express himself to that purpose. Upon one occasion, when a gentleman wrote to get a contract for wood, he directed his Private Secretary, in my presence, to write to the applicant and tell him his application should be made to the Secretary; that he never interfered with contracts."

The following statement from the Secretary's communication confirms the foregoing:

"The contract given to Messrs. Merrick & Sons, of Philadelphia, in regard to which a letter from Colonel Patterson to the President, was by him, in the usual course, without an intimation of any wish on his part, referred to this Department, was awarded to them on the merits of their plan and proposals, in accordance with the unanimous opinion of the board of engineers; their bid being lower than those of the other bidders whose plans were approved. The President did not in any manner interfere in this case, nor has he in any other case of contract since I have been in the Department."

The party relations of the firm of Merrick & Sons are given by Mr. Merrick in his testimony:

"*Question.* What are your party relations?

"*Answer.* They are not of a very decided character, one way or the other. We have never taken a very prominent part in politics, and we have studiously kept from influencing our men in any way. I believe that no member of our firm has ever belonged prominently to the Democratic party; but that, generally speaking, the sympathies of one or two of our firm have been upon the other side. I mean in reference to former times. I believe my father was what was called an old line Whig; but neither my brother or myself, who constitute the remaining members of the firm, have ever taken any prominent part in politics. I do not think my father has ever taken any at any time. We have never endeavored to influence our men in any way, one way or the other."

The letter was received by mail from Philadelphia. No special direction was given in regard to it, but it was indorsed in the usual form, it being a custom of the President not to destroy, but to send all letters to the Department to which they related, whether he approves them or not. The very fact of sending the letter to the Department to be there preserved, and produced and made public upon any call for information, as it has been now, is to us satisfactory evidence that the President did not mean to be considered as at all interfering in the matter.

Your committee are aware of the very general practice which has long prevailed of addressing, by letter and verbally, to the officers of the Government, recommendations based in whole or in part upon political considerations. The practice cannot be too strongly condemned, especially so where it is resorted to with a view to affect the award of contracts. It was resorted to in two of the seven cases of contract we are now examining, but as your committee believe, with no advantage or success.

We have now gone over the seven contracts for the machinery of the war sloops, With a brief reference to one other matter, we will dismiss the further consideration of this subject.

Daniel B. Martin, a chief engineer of the United States Navy, was a member of the board which awarded five of the contracts. He is the patentee of what is known as the Martin boiler, and expects and receives a patent fee from those who use it. We believe his boiler to be a good one for marine engines, and could it be used as other boilers without charge, it may be it would go into very general use. It has been extensively introduced into the vessels of the Government, and was included in nearly all the plans offered in these cases. Martin was not on the board during the contest between Norris and Reaney, Neafie & Co:, nor was his boiler proposed by either of the parties. He was not on the second board, the one which awarded the contract for the Norfolk ship; he was on the first and objected to Reeder's boiler, because it was the same which "had been tried in the Princeton and had proved a failure," but he did not object to it because it differed from his. Mr. Reeder afterwards withdrew his bid, but not for this cause. In the opinion of the committee he could have had the contract if he had wanted it. Martin, as we have said, was on the board which decided upon the other contracts. There were twelve different bidders upon these contracts, and, in all, thirty-two bids. Archbold testifies that all of these bidders but the Atlantic Works, of Boston, and the Allaire Works, of New York, included the Martin boiler in their plans. No one of the engineers, in any single instance, approved the plans of either the Atlantic or the Allaire works. The objections are stated in the reports as follows:

"*The engines of the Allaire Works.*

"Boilers: insufficiency of steam room. Engines: disk valves in air pumps, or *foot and delivery valves, standing vertically*, the greater quantity of coals being stowed over boilers; declining to conform to the specifications of requirements of the Department without extra compensation.

"Objection is concurred in by all the members of the board. "*Atlantic Works, East Boston.*

"Method of condensing arrangement decidedly objectionable. The plan proposed for sea steamers never having been successfully applied, the board being opposed to trying experiments promising so little success on such a large scale.

"*Engines.*—Cylinders of too small capacity to develop the power required, without excessive and objectionable pressures of steam.

"*Boilers.*—Grate surface being entirely inadequate and insufficient for the purpose, with the impracticable length of eight feet bars.

"Objections concurred in by all the members of the board."

All of those among whom there was real competition had the Martin boiler. Engineer Everett says:

"*Question.* You have said that it was a common practice to refer to boilers in alternative in the bids; I will ask you to state whether, in the boards in which you have sat, the character of the boiler has been a chief subject of examination?

"*Answer.* Not a chief subject. In determining a contract I do not now recollect an instance where the kind of boiler controlled the determination.

"*Question.* You do not know an instance where it decided the opinion of the board in making the award?

"*Answer.* No, sir; not one."

Others testify to the high standing and good judgment of Mr. Martin. As already stated, all the actual competitors, before the board of which Mr. Martin was a member, presented plans including his boiler, and therefore there could have been no preference on that score. While this is so, and though the committee have no reason to intimate even, that the result would have been different if Mr. Martin had not been on the board, they think it would have been more proper and satisfactory if another person had been selected. In conclusion, we would say, it is our opinion that the Secretary has done well in this matter. With all the knowledge that we now have, at the end of this laborious and protracted investigation, we would not venture or desire to change one of these contracts. We believe they have been carefully, impartially, and stringently made, and with a view only to carry out, in letter and in spirit and at the lowest practicable cost, the provisions of law which directed the construction of these vessels.

In this connection your committee will not omit to allude to some evidence in this case tending to involve the Hon. J. Glancy Jones. This is mainly the testimony of Hon. William H. Keim, of Pennsylvania, in which he says that, as secretary and treasurer of the Reading Forge Company, in the year 1854 he made an agreement with Mr. Jones, then a member of the House of Representatives, that the latter should obtain contracts for work for said company on a commission of five per cent.

This alleged contract was never reduced to writing; no trace of it appears on the books of the company; the precise terms in which it was made, so necessary for its proper construction, are not claimed to be given. Mr. Jones appears never to have claimed its benefit, nor received anything in its fulfillment.

Under the circumstances, an explanation from Mr. Jones was in every way desirable. Every other person who appeared to be implicated had that privilege. It is a feature interwoven in all our system of liberty that no man shall suffer without the privilege of being heard. As Mr. Jones was out of the country and could not be notified in time to make response, your committee are of opinion, under the circumstances, that it would be improper to express any opinion upon this portion of the testimony.

After this long and searching examination into the branch of the service under his supervision, the committee deem it due to themselves to state the fact that nothing has been proved impeaching the personal or official integrity of the Secretary of the Navy.

They propose the following resolutions, asking leave to report a bill hereafter:

1. *Resolved*, That the testimony taken in this investigation proves the existence of glaring abuses in the Brooklyn navy-yard, and such as require the interposition of legislative reform; but it is due to justice to declare that these abuses have been slowly and gradually growing up during a long course of years, and that no particular Administration should bear the entire blame therefor.

2. *Resolved*, That it is disclosed by the testimony in this case that the agency for the purchase of anthracite coal for the use of the Navy has been for some time past in the hands of a person wholly inefficient and grossly incompetent, and that reform is needed in the regulations which exist on that subject; but there is no proof which traces any knowledge of such inefficiency and incompetency to the responsible authorities in Washington, nor any which shows that the need of reform grows especially out of any act of theirs; but, on the contrary, it is expressly proved that the supply of coal for the naval service has been purchased during this Administration upon terms relatively as favorable as ever heretofore.

3. *Resolved*, That, while we could never sanction or ap-

prove any arrangement on the part of an officer of the Government which, under pretense of making contracts for supplies, was designed to confer especial and exclusive favor on individuals, yet, in the contract entered into in September, 1858, between the Navy Department and W. C. N. Swift, for the supply of live-oak to said Department, it is clearly proved by the testimony that if the Secretary of the Navy did contemplate any favor to said Swift, he did not design to bestow it to the detriment of the Government, but that in all he did in this matter he kept always in view the good of the public and the interests of the service.

4. *Resolved*, That in the letting of the contracts for the construction of the steam machinery for the vessels of the Navy during the present Administration, nothing has been shown which calls for the interposition of the Congress of the United States; but it is manifest that the present head of the Navy Department has displayed a very laudable zeal to secure the greatest amount of speed and efficiency attainable for said vessels.

5. *Resolved*, That nothing has been proved in this investigation which impeaches, in any way, the personal or official integrity of the Secretary of the Navy.

MINORITY REPORT.

Mr. JOHN SHERMAN, from the select committee on naval contracts and expenditures, submitted the following report:

The undersigned members of the special committee on naval contracts and expenditures beg leave to report:

That the present organization of the bureaus in the Navy Department is founded upon the act of August 31, 1842. Prior to that time work in the navy-yards, whether for the construction and improvement of navy-yards and docks, or for the construction and repairs of vessels, was done under the sanction of a board of Navy commissioners. The amount then expended was comparatively small. It 1820 the work in navy-yards amounted to $65,000; in 1830 it was $180,500; in 1840 it was $110,250. Prior to 1840 the total expenditures in the purchase, construction, and improvement of navy-yards, was $7,023,942 12. An annual appropriation was also made for the repairs of vessels, and another for gradual increase and improvement.

Under the act of 1842 expenditures in the navy-yards have mainly been disbursed under the direction of two bureaus:

1. That of navy-yards and docks, charged with the construction of, and improvements in, navy-yards.

2. That of construction, equipment, and repairs, charged with the construction and repairs of vessels, and with the purchase of fuel, hemp, and materials for the Navy.

The following statement will exhibit the expenditures under the direction of these bureaus since their organization, excepting the special expenditures for the construction of new vessels:

Bureau of Yards and Docks.

From October 1, 1842, to June 30, 1843.....	$366,681 03
For the year ending June 30,—	
1844.....	396,653 35
1845.....	546,359 15
1846.....	585,549 57
1847.....	806,748 63
1848.....	1,053,018 76
1849.....	1,797,129 18
1850.....	2,320,793 20
1851.....	1,851,991 08
1852.....	1,636,635 21
1853.....	1,762,339 63
1854.....	1,231,159 99
1855.....	2,010,920 17
1856.....	2,567,511 37
1857.....	2,392,768 65
1858.....	3,157,522 57
	$24,483,981 54

Bureau of Construction, Equipment, and Repair.

Amount expended for increase, repair, and equipment, armament, fuel for steamers, and purchase of hemp:

1841-42.....	$2,803,820 70
1842-43.....	935,818 98
1843-44.....	1,398,435 58
1844-45.....	1,222,378 54
1845-46.....	1,838,479 21
1846-47.....	1,567,371 85
1847-48.....	3,067,779 01
1848-49.....	3,663,805 35
1849-50.....	1,867,205 52
1850-51.....	2,080,377 44
1851-52.....	2,354,052 93
1852-53.....	2,724,036 97
1853-54.....	2,371,900 84
1854-55.....	2,767,544 40
1855-56.....	3,156,593 48
1856-57.....	3,115,351 28
1857-58.....	3,129,427 68
To January, 1859.....	1,739,688 38
	$41,804,159 15

In pursuing the inquiry ordered by the House, the attention of your committee has been chiefly directed to four distinct items of expenditure:

1. The purchase of fuel for the Navy.
2. The purchase of live-oak timber.
3. The management of the navy-yards, and especially that of Brooklyn.
4. Contracts for steam machinery.

The undersigned beg leave to submit the result of their inquiry upon each of these subjects separately.

COAL AGENCY.

Previous to, and including, the year 1850, fuel for the use of the Navy was required by law to be purchased by contract with the lowest bidder, in the same manner as other materials for the Navy. By the act of September 28, 1850, it was provided that—

"In the article of fuel for the Navy, or naval stations and yards, the Secretary of the Navy shall have power to discriminate and purchase, in such manner as he may deem proper, that kind of fuel which is best adapted to the purpose for which it is used."

In the exercise of this discretionary power, Mr. Graham, Secretary of the Navy, appointed Mr. B. N. Springer, a retired coal merchant of Philadelphia, the agent of the Government to purchase anthracite coal. Upon receiving a requisition for coal, he went around among the coal dealers, received their offers, and took the lowest bid; and upon its delivery, he or his son was upon the wharf to see that it was weighed correctly and shipped in good order. The compensation of the agent was fixed at five per cent. commission.

In May last, Benjamin Tyson was the coal agent, and several applications were made to the Secretary of the Navy for the place. The mode of purchasing the coal, the selection of the agent, if needed, and his compensation, were, by the law, entirely at the discretion of the Secretary. The coal business had largely increased, so that the amount annually purchased was, in 1858, about fifty-five thousand tons, being a larger amount than in previous years, and the percentage yielded a larger salary. In May, 1858, some of the applicants met at Washington, and at a conference with each other and their friends, (among whom was Hon. J. Glancy Jones,) it was agreed that Dr. Charles H. Hunter, of Reading, Pennsylvania, should be appointed coal agent; and that the emoluments of the office should be divided equally between him, John F. Smith, and J. Lawrence Getz, warm personal and political friends of the President, who had contributed largely to his election. Hunter and Smith were both applicants for the office of coal agent. Getz was a member of the Pennsylvania Legislature, and then and now the editor of the Reading Gazette; each of the parties above named was examined by your committee; and also, C. Nichols Beach, whose connection with the transaction will hereafter appear.

Mr. Smith testified that he was in Washington in May last, and was present when the arrangement for the appointment of Hunter was made. That some of the applicants and their friends had a conversation to arrange things amicably if they could. Finally it was agreed that if the Secretary would appoint either of them, he should appoint Dr. Hunter, Mr. Getz, and Mr. Smith. That the arrangement was communicated to the Hon. J. Glancy Jones, then a member of this House, and that the President also understood that the emoluments of the office were to go to the three. As this was deemed important by the committee, the witness was examined and reëxamined by different members of the committee as to the knowledge of the President. He repeated that the President knew that the three were to divide the emoluments of the office, and that the parties were satisfied with the decision; but he knew nothing about the arrangement, whether one half was to go to one party, and the other half to the other two, or not.

Mr. Getz testifies that he was at Washington at the time, and was informed of the arrangement for the appointment of Dr. Hunter, and that he (Getz) was to have one third of the profits. He agreed to it with a "mental reservation." He conversed with the President about the appointment of Dr. Hunter, and the President said to him, "Mr. Jones urged me to appoint you; but you are no applicant; I have made up my mind to appoint Dr. Hunter."

Mr. Beach (C. Nichols) testified that he is a nephew, by marriage, of the Secretary of the Navy; that he was on intimate relations with him; that he was in Washington when the arrangement of the appointment of Dr. Hunter was made; that he was himself an applicant for the office; that he conversed with Mr. Jones about it; that he knew that the emoluments of the office were to be divided up among these parties; and that it was a matter of general rumor in Washington before, and at the time of, the appointment; that he talked with the Secretary about the appointment of Dr. Hunter, and that the Secretary informed him that, as the application was a Pennsylvania one, he would defer to the wish of the President.

It is to be remarked that, by law, the President has nothing to do with the purchase of coal. The only power in the matter is conferred by law upon the Secretary; yet it appears, from the testimony and the Secretary's admission to Beach, that the power was yielded to the President.

In pursuance of the arrangement, Dr. Hunter was appointed coal agent; Smith received the commission from the Navy Department, took it to Dr. Hunter at Reading, and narrated to him the arrangement, to which Hunter agreed. Getz subsequently declined to share in the profits, because, as he says, the arrangement was distasteful to him.

Dr. Hunter had been for years, was then, and still is, a practicing physician in Reading. He had never purchased coal for sale; he did not know its market value, took no pains to ascertain it; did not purchase any coal for the Government, or do any act, in the performance of his duty, except to sign formal papers sent to him by Tyler, Stone & Co., certifying that a specific quantity of coal of the best quality had been duly inspected and weighed by him, and shipped on board a named vessel. These papers were sent to the proper bureau, and all parties knew, or ought to have known, that the certificates were false, so far as relates to his personal knowledge of the facts certified.

By an understanding between Hunter and Smith, the latter was to make inquiries as to selecting coal at Philadelphia, but it is manifest that he did but little in the execution of this trust. He was in the omnibus business, and had no connection with the purchase of coal.

The coal was required at Philadelphia, and was there delivered on shipboard to the Government. Neither Hunter nor Smith saw the coal inspected, weighed, or delivered, and the whole business was turned over to Tyler, Stone & Co. Mr. Smith testifies that he took no personal supervision of the matter, except to see that the best coals could be had, and depended upon Tyler, Stone & Co. to inspect the coal. When the Government needed coal, a requisition was sent to Dr. Hunter, which by him was sent to Tyler, Stone & Co., who became at once the purchasers for, and the sellers to, the Government. Tyler, Stone & Co. and Dr. Hunter fixed the price at $3 85 per ton. The testimony of many witnesses establishes, beyond a reasonable doubt, that the market value of such coal as was delivered to the Government would not exceed $3 50 per ton; and several respectable dealers would have furnished the Government at that or a less price, and then made a profit. The purchases of coal thus made for the Government by Tyler, Stone & Co., for the six months, from the 1st July, 1858, to 31st December, 1858, were about 40,000 tons, at a cost of $3 85 per ton. The amount of emoluments received by Dr. Hunter, and divided by him with Mr. Smith, was, for the same six months, $7,452 92, or at the rate of $14,905 84 per annum. In addition to this direct loss, the mode of purchase adopted furnished no guarantee against fraud in the quality or amount of coal which, when delivered on shipboard, was not inspected by any officer of the Government.

Your committee have furnished to the parties implicated in these transactions every opportunity to explain them. All the parties, except the President, Secretary of the Navy, and Hon. J. Glancy Jones, have been examined. The President and the Secretary have been furnished with

a copy of the testimony, and notified that any statements either of them desire to make would be heard by the committee, or that any witnesses desired by them would be examined. The Secretary, in his letter of February 14, 1858, herewith submitted, states that the same system existed in the coal agency during the administration of his predecessor. He also states that he was not aware, until the present investigation, of any want of attention on the part of the coal agent.

LIVE-OAK CONTRACTS.

Live-oak timber, like other material for the Navy, is required by law to be purchased by contract with the lowest bidder; but, unlike other material, it is not kept on hand in large quantities by dealers in timber; therefore, it has been the uniform custom of the Government to allow contractors from one to two years to furnish the supply needed, *unless* the exigencies of the service demand an immediate supply, when the amount needed may be bought in open purchase.

When delivered, it is stored away in the navy-yards, and used as the service demands.

W. C. N. Swift, a whaler of New Bedford, Massachusetts, had, prior to 1844, been contractor for the supply of live-oak and other timber for the Government. In 1854 he entered into a written agreement with George Plitt, of Philadelphia, an active and intimate friend of President Buchanan, by which Plitt agreed to aid Swift all he could in obtaining live-oak contracts with the Navy Department; for which Swift was to pay to Plitt ten per cent. on the gross amount of the contracts made. The aid contemplated was that Plitt should place Swift upon familiar relations with the Departments. He introduced Mr. Swift to Mr. Dobbin during President Pierce's administration, and to other gentlemen, and used all his influence in behalf of Swift. Pending the presidential election of 1856, Plitt introduced Swift to Mr. Buchanan, and sought to place him in the very best position he possibly could with the President. Plitt, at the time, was treasurer of the Democratic State central committee of Pennsylvania, and, as such, received from Swift the sum of $16,000, of which Swift contributed $10,000, and received the balance from his immediate friends, to be used in the pending election. Mr. Buchanan was informed before the election, that Mr. Swift was an old line Whig who had come over to his party, and was taking an active part in the election; and he was subsequently informed of the amount contributed by Swift.

Plitt testifies that—

"In introducing Mr. Swift, I told Mr. Toucey that he was a gentleman whom I should be very glad to have him aid in any way that he could, legitimately, of course; that he was my very warm friend, who had contributed very liberally towards the election of 1856, and that he had a number of old-line Whig friends in Massachusetts, who were equally liberal, some of them, at least, and I thought that such gentlemen ought to be patronized of course."

Plitt further testifies that he regarded the contract with Swift, of April, 1854, as a continuing contract, and "supposing that agreement was still in force under the present Administration as under the former one, I had taken pains to make him acquainted with every one of my political friends."

In the frequent interviews of Plitt with the President and Secretary, whenever Swift's name was mentioned, Plitt took pains to recommend him as a very good fellow:

"And I was very sorry he should be disappointed; he was anxious to get some appointments in Massachusetts, in all of which he was disappointed, and I felt some sympathy for him. I frequently spoke of him in that way."

He testifies this was the extent of his aid to Swift.

The undersigned need not dwell upon the corrupting tendencies of such agreements as that between Plitt and Swift, whereby the influence arising from social relations and personal interviews with the highest officers of the Government are sold for money. When they became the general rule, and upon discovery are passed over without objection or reproof by the highest functionaries, they become offenses which should be punished by severe penalties. But they are still more dangerous when they look not merely to political influence, but are controlling and tampering with the judicial duty of awarding contracts.

Contracts for live-oak, in 1857, were awarded to Swift for one hundred and fifty thousand feet, to be delivered at the three navy-yards. An outstanding contract with a Mr. Blanchard was canceled and awarded to Swift in November, 1857. The amount of these contracts is $232,940.

Prior to June, 1858, Swift brought to some of the navy-yards large quantities of live oak, which was rejected; some of it because the size was below that prescribed by the contract, and some for its inferior quality. By the rule of the Department, at most of the yards timber not coming within the contract was required to be removed before that which had been accepted would be paid for. This rule seems to have been strictly enforced, except as to the timber delivered by Swift & Bigler, whose connection with these transactions will be shown hereafter. The officers on duty at the navy-yards, except at Norfolk, would have enforced this rule, but they were required, by an order of the Secretary, to allow this timber to remain in the yards, where, in some instances, it became a grievous inconvenience. By the 15th of June, 1858, when it became necessary to prepare the annual advertisement, the timber thus accumulated amounted to about eighty thousand feet. On the —— day of May, 1858, Swift sent the Department a statement of the amount of his timber then on hand.

Before the advertisement of June, 1858, was issued, Swift and Bigler each had interviews with the Secretary. Bigler urged the Secretary to purchase his timber on open contract. Bigler testifies as follows:

"After I got my contracts filled, I went to the Secretary of the Navy to get him to buy my timber upon open purchase. He gave, as a reason for not buying upon open purchase, that it was against the law to buy timber upon open purchase, except for immediate use. Mr. Swift went to him on the same score; that he had timber over, which he wished to sell to the Government. This induced the Secretary, I suppose, to make this advertisement to cover about the amount of timber that we had."

Mr. Lenthall, the chief of the bureau of construction, equipment, and repairs, testifies that the Secretary inquired of him the shortest time within which the timber could be cut and transported to the various navy-yards. He named the 1st of February, 1859; and the testimony shows that, by extraordinary exertions and unusual expense and risk, it could have been delivered at the navy-yards at that time. Mr. Lenthall inserted this date in the advertisement and sent it to the office of the Secretary. It was there altered so as to require one half of it to be delivered by the 1st of September, 1858; thus excluding all competition. Bigler testifies that such was the design. He says:

"The Secretary of the Navy knew, and the chief of the bureau knew, that there was nobody else in all America that had the timber and could put it in *at such a time* but Mr. Swift and myself. There was not any such timber in the United States that was already got out except ours. There was nobody else in the business but Mr. Swift and myself who could furnish it. The Secretary knew there was no other timber anywhere else in the market."

If any doubt existed as to the design of the Secretary in the particular terms of the advertisement, the subsequent conduct of the parties concerned clearly proves that those terms were carefully arranged so as to prevent all competition, and secure the contract to Swift. Dealers in live-oak timber perceived at once the effect and purpose of the advertisement. Samuel P. Brown, of Maine, an intelligent lumberman, now a member of the Legislature of Maine, thus testified to a conversation with Swift upon the subject:

"I think, about the middle of June, 1858, I had one conversation with him, (Mr. Swift,) that was after the advertisement was issued by the Department. I told him that I was disappointed to see this advertisement come out; I knew that it was got out for his benefit and that of Mr. Bigler, and that the way they were managing the thing would not give satisfaction. I advised him, for his own reputation, to go to the Secretary and induce him to withdraw that advertisement and let him purchase his timber, if he wanted it for immediate use. He told me that he had been trying to induce the Secretary to do that same thing; but the Secretary told him that he had no authority to purchase this timber. He had made up his mind that he could not do it without advertising; but the advertising arrangement was such that nobody could offer for it but himself, because he had timber in the yards, and he knew that no other man could fill the offer, and it would only be trifling to make any offer. I stated to Mr. Swift that I should make an offer to take the contract in good faith, and then should ask the Secretary for an extension of time; says he, 'he will not grant it.' 'Well, then,' said I, 'let him do that, and I will report the thing to Congress next winter.'"

By the advertisement as issued, 150,000 feet was required, being 25,000 feet at each of six yards, and a larger quantity than had been purchased in any previous year, except in 1857; but it was of a smaller size and of straighter form, and therefore much less valuable for ship-building. It was of the peculiar character and description then owned by Swift in the different navy-yards. It was impossible for any dealer but Swift to comply in point of time. The whole amount of live-oak timber in the market within the reach of the Navy Department, other than Swift's and Bigler's timber, was less than 4,000 feet. The yellow fever was prevailing in the live-oak region; none could be cut and transported by the 1st of September, 1858, even to Pensacola, in the midst of the live-oak district. Work was then suspended in the navy-yard there, and neither human endurance nor enterprise could meet the dangers of pestilence in that region.

The advertisement being thus arranged, it is manifest that but two men could compete, and these two were Bigler and Swift. They were in the city about the time the bids were to be opened, and then entered into an agreement, by which Swift was to put in his bid and Bigler was to bid above him, so that there would be no possibility of Bigler coming in competition with Swift. The contract was then to be taken by Swift for the whole amount of timber—one hundred and fifty thousand feet, at $195,000, or $1 30 per cubic foot—and Swift was to take of Bigler the timber he had on hand at the various yards at contract prices. Bigler testifies that he told the Secretary:

"I did not care how he arranged the matter, if he would give the contract to Mr. Swift, for it would make no difference to me, as he had agreed to take my timber."

This attempt of Swift and Bigler to procure the contract would have been entirely successful, but for the intervention of several other bidders, who, being engaged in the business of lumbering, were anxious to obtain a contract with the Government. They noticed the shortness of the time for delivery. Some of them had been, for years, contractors for delivering live-oak to the Government, and in no previous case was the time of delivery less than from one to two years. Not supposing that the Secretary would enforce an impossibility, but would allow a delivery of the timber at any time within the six months prescribed for the delivery of the whole, and supposing that, by extraordinary exertions, they could accomplish that, they made proposals.

The lowest bids were those of Buxton & Lawrence, who offered to deliver twenty-five thousand feet at each of the yards, at Portsmouth, New Hampshire, Charlestown, and Brooklyn, for $81,750 for the whole; Samuel B. Grice offered to deliver twenty-five thousand feet at each of the yards at Philadelphia and Norfolk, for $57,400 for the two yards; Coates, Degraw & Beach offered to deliver twenty-five thousand feet at Pensacola for $27,750; in all being one hundred and fifty thousand feet for $166,700, being $28,300 less than the prearranged bids of Swift. If the usual time of one and two years had been allowed by the advertisement, the testimony shows us that the bids would have been reduced at least fifteen per cent., or about $25,000. But the bids made were upon the basis of an entire delivery before the 1st of February, 1859, involving unusual expense and risk.

The successful bidders promptly took steps to complete their contracts. General —— Berry, of Maine, was applied to by Messrs. Buxton & Lawrence to become their security. Before doing so he wrote to his friend, Mr. John Appleton, Assistant Secretary of State, to obtain an extension of the time for delivery. Mr. Appleton applied to the Secretary of the Navy, and was informed that, if the contracts were not complied with, he would buy the timber in open market and charge it against them under the law. Mr. Appleton urged that, unless the timber was needed for immediate use, it would certainly be better to extend the time for its delivery, and then get it at a low rate, rather than purchase it at once at high rates. The Secretary said he would consider that point before he decided. Mr. Appleton called the second time, and was then informed by the Secretary of the Navy that Mr. Swift had offered to take the contract at the rates proposed by the lowest bidders, and he had accepted his offer.

Mr. Samuel B. Grice duly executed his contract, and promptly delivered at the navy-yard at Philadelphia over one thousand four hundred feet. He arranged to get the residue as rapidly as possible, and he had on shipboard, at the navy-yard at Philadelphia, on September 16, 1858, some eight hundred feet, when his contract was abruptly canceled, and a new one made on similar terms with Swift.

Coates, Degraw & Beach executed their contract, and immediately took steps to fulfill it. This contract related only to the Pensacola navy-yard, *where Swift had no live-oak, and was in no better condition than other bidders.* Mr. Degraw immediately went on to Florida to make arrangements to comply with the wants of the Government there. He was informed by the naval constructor that but a small portion of the timber would be needed immediately, and sixty days would be in time for the delivery of the most of it. He made arrangements to supply the few sticks wanted in the construction of a vessel then on the stocks; as for the balance, he arranged to deliver it when required, and all before the 1st of February, 1859.

Before Mr. Degraw went on to Florida, Mr. Coates came on here on the 1st of September, the very day upon which one half of this timber was to have been delivered, and asked for an extension of time. The Secretary said he was not in the habit of doing that, to which Mr. Coates replied, that if their contract was to be annulled for non-fulfillment, he wanted to know it at once, and he would expend no more time or money upon it. He told the Secretary that they were ready to do what other contractors had done to meet the wants of the Government, and asked if one of their firm had better not go on to Florida and ascertain what the wants of the Government were there. To which Mr. Toucey replied that he had better do so, and report to the Department. In consequence of this, Mr. Degraw went on to Florida. Before he returned, however, the contract had been annulled and awarded to Swift. This was a case of peculiar hardship. A practical lumberman obtained the contract, evinced unusual energy in its prompt execution, risking the dangers of the yellow fever in its worst season, supplying by purchase the immediate wants of the Government, and providing for them in future; yet he is suddenly deprived of his contract, at the loss of his time and labor, because he has not complied with *an impossible condition, not designed to be performed*, and the contract is awarded to a favored contractor who could not comply, and who has not yet complied.

During all this time Swift remained in Washington, in confidence that he would finally get the contracts. He assured Bigler "that he was satisfied that the parties would have to give them up. The Government were under obligations to him, and he thought he could bring such influence to bear that they would give him these contracts. He said it was due to him for services rendered."

By the law—

"All purchases, &c., made by or under the direction, &c., of the Secretary of the Navy, shall be made either by open purchase or by previously advertising for iproposals respecting the same," &c.—*Brightly*, page 191.

"In case the lowest bidder shall fail to enter into such contract and give such security within a reasonable time, to be fixed in such advertisement, then the contract shall be given to the next lowest bidder who shall enter into such contract and give such security."—*Brightly*, page 677.

"Purchases in open market cannot be resorted to, except in case of such articles as are wanted for use so immediate as not to admit of contracts by advertisement."—*Brightly*, note b, page 677.

The Secretary is authorized to purchase in two ways: first, by contract, after advertisement, and acceptance of proposals of bidders. If the lowest bidder fails to enter into the contract and give the security in the time specified, then the contract is to be given to the next lowest bidder.

2. By open purchase.

In this case the Secretary had no more power to enter into a contract with Swift than if the advertisement of June 14, 1858, had never been issued. By the terms of that advertisement, one half of the timber was to be delivered on the 1st of September, 1858, and the rest on or before the 1st day of February, 1859. It was not possible to award the contracts originally advertised for to any one. On the 23d day of September, when the contract was entered into with Swift, it was manifestly absurd and impossible to award a contract to any one to deliver timber on the 1st day of the same September. In every possible respect, so far as Swift was concerned, the Secretary was precisely in the same position, under the law, on the 23d day of September, that he would have been if no advertisement for proposals had ever been issued. The Secretary alleges, in his defense, that there were fears of a rupture with Great Britain when the advertisement was issued, but all those fears were completely dissipated before the end of June; and in September, when the contract was made, our relations with Great Britain were certainly as harmonious as they have ever been at any time within the history of the two Governments.

The allegation of want of timber in the yards is equally as idle as the pretense of fears of Great Britain. The testimony shows clearly that little of this timber was required; perhaps none of it was absolutely necessary for immediate use, and the quantity actually used has been so small compared with the amount purchased as to be worthy of no consideration. In fact, the testimony of the naval constructors at Norfolk and some other yards, renders it probable that the timber purchased from Swift is of small value to the Government; as, in case it should be used, an equal quantity of timber already in the yards will be suffered to decay.

Yet the Secretary, without notice to the next bidder, and without advertisement, and without such a necessity as would justify an open purchase for such an amount as Swift had on hand, entered into a contract with Swift for one hundred and fifty thousand feet. This contract is dated September 23, 1858; but was made as early as September 16. On that day, Mr. Lenthall wrote to Grice, the lowest bidder, as follows:

NAVY DEPARTMENT, BUREAU OF CONSTRUCTION, &c., *September* 16, 1858.

SIR: I am instructed by the Department to inform you that, as you have not complied with the terms of your contract for live-oak, a new one has been made with other parties. Respectfully, your obdient servant,

JOHN LENTHALL, *Chief of Bureau.*

SAMUEL B. GRICE, ESQ., *Philadelphia.*

The arrangement between Swift and Bigler was carried out. All their timber on hand at the different navy-yards that would pass inspection, has been taken. It was the same that was on hand when the advertisement was issued, and no other has yet been delivered. The rejected timber of Swift is still allowed to remain at the navy-yards. The price paid is higher than Bigler offered his timber to the Government on open purchase. The only failure in Swift's plan is, that by the intervening bids, the Government has saved $28,300.

On the 15th day of October, he, for the first time, repudiated his written agreement with Plitt; Plitt thereupon consulted the President. The result of this conference is thus stated by him:

"I did not want to involve the present Administration in any difficulty, and, therefore, I asked the President whether there would be any objection to my prosecuting Mr. Swift in court for this claim. The President looked at the agreement made in 1854, and said he could not see any objection to it. He had, of course, no advice to give, and told me I might do as I pleased about it."

At a recent interview of Plitt with the Secretary, the latter remarked to him:

"Your friend Swift, I am afraid, has failed in delivering one of his last contracts at the Pensacola yard, and if so, I intend to annul it."

Swift also claims that, as his arrangement with Bigler did not entirely succeed, Bigler should pay him $1,000 for nameless expenditures in obtaining the contract, and he testifies to an agreement to this effect, which Bigler denies.

The undersigned have fully considered the statement of the Secretary, of the date of February 14, 1859, that the contracts were made to supply the pressing and immediate wants of the Government, and have directed their attention to that subject. The yards at which the Secretary says the live-oak was most needed, were Norfolk, Kittery, and Pensacola. The naval constructor at Norfolk testifies that they have used to this time less than 1,000 feet of Swift's timber, and that they have on hand over 500,000 feet. At Kittery the wants of the Government were supplied by open purchase from Bigler of about 3,000 feet. At Pensacola, Degraw had arranged with the naval constructor for the few sticks needed for immediate use, and for the balance as needed. The Secretary expressly refused to make the purchase an open purchase, for the reason that the law would not justify it. He so stated to Swift, Bigler, and Appleton.

In June, 1857, a greater necessity for timber existed than when the contracts were awarded to Swift, and yet the usual advertisement was then issued. It is worthy of observation, moreover, that at Pensacola, where the Secretary informs us the wants of the service were most pressing, Swift had no timber, and did not deliver it as soon as the lowest bidders could have done.

BROOKLYN NAVY-YARD.

Shortly after the organization of the present Administration, the patronage of the New York yard having been previously confined chiefly to a few of the congressional districts of New York, an understanding was entered into between the Democratic members from New York, with the acquiescence of the Secretary of the Navy, that it should, as nearly as practicable, be equally divided among them. In some cases the Secretary created new places of master workmen. The correspondence of these members with the Department is herewith reported, and exhibits on its face the evil effects of the system.

The division of patronage among members was well known in the yard. Each master workman understood to whom he and each of his fellows owed their places. Thus the constructive engineer, the master plumber, and the master block-maker, represented Mr. Sickles; the master painter represented Mr. Searing; the master spar-maker, master blacksmith, and timber inspector represented Mr. Maclay; the master laborer, under the constructing engineer, the master boat-builder, and the master ship-carpenter, represented Mr. Taylor; the master calker represented Mr. Cochrane; and the master stone-cutter represented Mr. Ward. Until May, 1858, the master laborer, under the constructing engineer, represented Mr. Clark, and the master carpenter represented Mr. Haskin, and so with all the heads of the departments of labor in the yard at Brooklyn.

Lawrence Cohane was appointed master carpenter, upon the nomination of Mr. Haskin, in the general division of patronage. He was removed on the 9th of June, 1858, on account of Mr. Haskin's course upon the Lecompton constitution, as he says. Alexander Ward was appointed in October, 1857, for Mr. Clark; and in May, 1858, after Mr. Clark had taken position upon the Kansas question, he resigned. He states that he wanted to use his influence for the renomination of Mr. Clark; and he knew that if he did so, and still remained in the yard, he would subject himself to being removed. Rather than that, he preferred to leave himself. These places were then given to Mr. Taylor.

Each master workman selected all the workmen under him, and upon his requisition the number was increased or diminished, he naming those to be selected or discharged.

This system, added to the abuses previously existing, has reduced the navy-yard to a mere political machine, where idleness, theft, insubordination, fraud, and gross neglect of duty, prevailed to an alarming degree. Members of Congress, officers of the yard, both naval and civil, master-workmen, contractors, and laborers, have all testified to many abuses.

Hon. John Cochrane testifies that the tendency of "the distribution of patronage by members was very deleterious upon the purity of elections; injurious to the workmen, in that it teaches laborers and mechanics to look to political influence for sustenance and support; injurious to the member of Congress; that he himself had been besieged—beset by hundreds of claimants at his house and in his office, until now, having been driven from his office, he was in doubt whether he should return to New York." And Hon. H. F. Clark, in reference to the same subject, makes the following statement:

"My attention was first attracted to the subject by receiving a very great number of applications from mechanics and laborers in my district for my interference to procure for them places in the navy-yard. To such an extent was this demand, that it became onerous, indeed offensive. My house was run down. I was addressed in the street upon

the subject. When in the lower part of the city on business, I would be pursued. And I really could find no rest by reason of the great number of such applications."

* * * * * * * * * * *

"Another class of applications was from men who desired to have procured for them the situation of quartermen in the navy-yard, at $2 50 per day. Another class was from men who desired to have procured for them the situation of masters in the navy-yard. And, between them all, I found that more was required of a member of Congress than I had imagined. It appeared to me that I was expected to find places for the unemployed, and there were too many of that class in New York to render it possible that I should voluntarily undertake that business.

"This whole system tends, in the first place, to the demoralization of the laboring classes, to their serious detriment, and, in my judgment, to the degradation, personal and political, of members of Congress."

The incidents and details of these abuses are shown by the testimony, and the very voluminous correspondence of the Department, with Commander Rootes and Mr. Graham, the constructing engineer. Most of the members of Congress went to the yard during the hours of work to look after their interests. Each was anxious to have his friends in the yard, and most of them in person frequently pressed these applications. They had controversies with each other, with the officers of the yard, and with the master-workmen, about the division of patronage. Several cases of this kind are testified to by the master workmen, and are shown by the correspondence. Pressed by laborers begging for work as a reward for partisan services, members sent them to *their* master workmen, in some cases to others, with letters of recommendation, in many cases without proper inquiry as to their fitness or ability to do work. The master workmen, themselves appointed for partisan services, often yielded. In some cases, when they refused, threats of their own removal were sent to them; and when compelled to choose, in some cases they preferred packing the yard with idle and unskillful workmen or laborers to risking their own places. In one case, Hon. John Cochrane, believing that Lawrence Cohane, the master carpenter, did not fairly divide the patronage in his department, wrote Cohane thus:

NEW YORK, *June* 13, 1857.

MR. COHANE: Mr. Cullen tells me that you are to take men on on Tuesday; now, I ask you to take *him* on, and the others I have asked you to take on. I *will* have my proportion of men under you; if you do not give them, I will lodge charges against you. You have turned away all the men but one from my district already. Of this I have complained to the Secretary; and now, unless you rectify this injustice, I will make application that you be turned out. The bearer will bring me an answer.

Yours, &c., JOHN COCHRANE.

Mr. Cochrane's letters, of a similar character, to the master blacksmith, are herewith reported.

In another case, Lewis W. Berry, the master painter, discharged a man for habitual drunkenness, who had been appointed upon the recommendation of Hon. John Kelly. Mr. Kelly requested that the man be taken on again. Berry thus describes what took place at that interview:

"I told Mr. Kelly I could not employ any such man as he was; that he had disgraced himself, and was a disgrace to my department. Mr. Kelly said he could not help that, but that the man must go to work again. I told him I could not employ him again. Said he, 'you must set it down as a fact that I will have you removed if I can, if you do not put that man on again.'"

Within two or three months Berry was removed. When asked if he had been removed for this cause, he said:

"I cannot say of my own knowledge; I only know what was said. I suppose he was as good as his word, as he said he would get me turned out. When I came on to Washington afterwards, I thanked him for being as good as his word."

Mr. Kelly testifies that he did not know that this man was a drunkard, and always had regarded him as a sober man. He said he applied for Mr. Berry's removal, but he did not think he was turned out upon that application, as it was nearly three months before he was removed. William Turner, the successor of Mr. Berry, was appointed for Mr. Searing. An immediate controversy arose between him and Hon. George Taylor about the division of his patronage. The following letters were produced by Mr. Berry from Mr. Taylor to illustrate the control of members of Congress over master workmen.

WASHINGTON CITY, *March* 23, 1858.

CAPTAIN TURNER: You will much oblige me by retaining Mr. Fitzgerald as foreman. This is the understanding between Mr. Searing and myself, and I may add, the Secretary of the Navy. You will also oblige me by appointing Mr. Tenney, of the Twelfth ward, when in your power to do so. As a general thing, Hugh McLaughlon, master laborer, knows who my friends are, and he will confer with you at all times.

Yours, respectfully, GEORGE TAYLOR.

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HOUSE OF REPRESENTATIVES, *April* 7, 1858.

DEAR SIR: I understood that, as a part of the arrangement before your appointment, you were to retain Mr. Fitzgerald as your foreman. You promised to do so, and that is Mr. Searing's understanding. I am now informed that you intend to dismiss him and appoint some one in his place from New York. This is not right, and you ought not to think of it, if you do. I trust that the original understanding will be carried out. I have just conversed with Mr. Searing, and this is his view of the matter, and it was the Secretary's view when you were appointed. In your turn you will, of course, do the best to equalize matters among the various members.

Yours, respectfully, GEORGE TAYLOR.

I have just shown this letter to Mr. Searing.

WILLIAM TURNER, Esq., *Master Painter.*

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WASHINGTON CITY, *April* 13, 1858.

SIR: Your favor has been received. I will be much obliged for a list of the men under you, when I will write to indicate those I am especially interested in. I want only a fair proportion of the men.

In reference to Mr. Fitzgerald, it was expressly understood between Mr. Searing and myself that Fitzgerald should remain, and you promised this yourself. I do not know what Mr. Kelly has to do with this matter, but I shall be pleased to see him gratified so far as it is proper; but I cannot and will not submit to Mr. Fitzgerald's dismissal; and now I give you notice that if you do remove him, I will do what I can to correct it, and if you suffer you must not blame me. I desire to sustain you, and to make your position pleasant; this I desire on your account, as well as in respect to Mr. Searing; but, sir, I will not stand by and see my friends struck down by you or any other master.

Yours, respectfully, GEO. TAYLOR.

WILLIAM TURNER, Esq.

The testimony clearly shows that, through the master workmen, nearly all the workmen in the yard were selected by members of Congress, and mostly on account of political services. One of the master workmen testifies that when unfit men were pressed upon him by members of Congress, he reported it to the naval constructor, Mr. Delano, and the reply was, "he was sorry for me, but he could not help it." He informed Captain Rootes, who said "he saw it, but could not help it." It was reported in the yard, and the report was acted upon, that it was the order of the Secretary that the patronage of the different departments was to be divided and distributed among the members of Congress.

That this report was well founded, the following correspondence will show.

NEW YORK, *July* 27, 1858.

MY DEAR SIR: I have applied to Mr. Fraganza, master joiner of the navy-yard, to give employment to a few men, good workmen and worthy persons, in my district. Although he has one hundred and twenty men or thereabouts in his shop, he has not done so.

I have only sent one letter of recommendation to him, but no attention has been paid to it, beyond the answer that when he put an additional number of men to work he would then see what he could do.

I appeal to you to vindicate my district from this unjust and partial discrimination.

Mr. Fraganza admits he has not one man in his shop from my district.

If I have not misunderstood your views, it is your wish that the masters should select from the different districts adjacent to the yard, in equal proportions, upon the recommendation of members, the workmen employed in the shops, &c.

Truly yours, D. E. SICKLES.

Hon. ISAAC TOUCEY, *Secretary of the Navy, Washington.*

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NAVY DEPARTMENT, *August* 2, 1858.

SIR: The Department has addressed the commandant of the navy-yard at New York, on the subject of your letter of the 27th ultimo.

Very respectfully, your obedient servant,

ISAAC TOUCEY.

Hon. DANIEL E. SICKLES, *New York.*

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NAVY DEPARTMENT, *July* 30, 1858.

SIR: The Hon. Mr. Sickles has complained to the Department that an unequal and unjust course is pursued towards his district by Mr. Fraganza, the master joiner, who, though he has about one hundred and thirty men under him, has not employed a single person from his district, although Mr. Sickles has made only one recommendation.

The Department desires that a fair and liberal course be pursued towards Mr. Sickles's district, and wishes you to inquire into and report upon this matter.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Commodore L. KEARNY,
Commandant Navy-Yard, New York.

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NAVY-YARD, NEW YORK, *August* 5, 1858.

SIR: On receipt of the Department's letter of the 30th ultimo, Mr. Fraganza, the master-joiner of the yard, was called on for an explanation in regard to the complaint made by the Hon. Mr. Sickles. Mr. Fraganza's letter, in answer to the subject is herewith respectfully submitted.

The Department letter of the same date, with reference to the selection of their foreman by the master workmen, was also received, and on the recommendation of Mr. Kennedy, the master stone cutter, I sanctioned the rating of a foreman, named by him, and the discharge of the person who had previously held that position.

Believing that I have carried out the intentions of the Department's order, I would like to be informed if the course pursued in this instance meets its approval.

I have the honor to be, sir, very respectfully your obedient servant, L. KEARNY, *Commandant.*

Hon. ISAAC TOUCEY, *Secretary of the Navy.*

This is certainly very extraordinary business on which to detail an officer of the highest rank known in the Navy of the United States.

The natural result followed: many of them employed were of an inferior class of men. With rare exceptions good workmen would not humble themselves to seek from a politician a job of work when they can get it elsewhere. A master workman testified that the poorest workmen were pressed upon him with the most pertinacity. Romeo Fraganza, one of the master workmen, writes the Department under date of August 5, 1858:

"In eight congressional districts who claim the patronage of the yard, in nine cases out of ten the men who are most strenuously recommended are very indifferent hands, many of whom cannot obtain employment from private employers."

Men from the laborers' gang, who know nothing about painting, were ranked as first-class painters, (Fitzgerald,) others as blacksmiths, &c.; and so on in the different departments. Laborers were employed to act as clerks and to work as carpenters.

Worthless persons, old men, physically unable to work, "primaries," &c., were sent by members of Congress to master workmen, often merely to get rid of their importunities, and they were taken into the several departments, until their unfitness was palpable, and even then in some cases partisan services outweighed public interest. The only department in which the commandant of the yard had a right to appoint the men was the riggers' and the sailmakers' department, usually sailors working under warrant officers of the Navy. Commander Rootes was applied to by members of Congress to put certain men even in their places, and in some instances he complied.

A system of appointment so vicious could not but produce disastrous results. Master workmen neglected their duty. The master of laborers testified that some time after his appointment he continued his business as tin smith, two miles from the yard, and attended in the yard about two hours a day. Many of these master workmen transferred to clerks and quartermen duties they should have performed themselves. A general concurrence of many witnesses conclusively proves that the work done by a laborer in the yard did not exceed two thirds of that done for private individuals.

How far, or whether employments were sold in the yard, your committee have not been able to ascertain. Master workmen testify that offers of money were frequently made to them for employment, but they refused, and direct bribery of that kind could hardly be practiced without exposure. The same offense, however, was repeatedly committed in another way. The master workmen received presents, or "testimonials" as they were called, from the workmen. This practice was common; watches, diamond breastpins, and the like, are the usual gratuities. They were paid for by contributions levied upon the men under them, nominally as voluntary gifts, but really under the fear of removal. The master painter, when appointed, was asked by Captain Rootes if he knew his duty?

"He said it was to set a good example to the men and keep them at their duty. 'Further,' said he, 'Captain Rootes, there are not three men in the yard who do the duty of one,' alluding, as I supposed, to the painters. I said to him: 'That is the opinion of more than yourself, and I am glad to hear you say what you do; I hope when you come in here you will set them a good example.' Yet, within two or three weeks after that, my attention was drawn by some person saying that this same master workman was receiving a gold watch from the men in his employ."

This watch cost the laborers $175, all of which was paid by the working men in the painter's department.

The foreman of the shop testifies as follows:

"A young man by the name of Leighton, in the office,

first suggested it. He told me that Mr. Turner would be glad to have it carried through, and I then assisted in the carrying through of it.

"*Question.* You went round and collected the contributions?

"*Answer.* Yes, sir.

"*Question.* Did all the men contribute?

"*Answer.* I do not believe there was any who did not.

"*Question.* Was there any objection made by the men to making this contribution?

"*Answer.* Not at this time, when this contribution was collected; but afterwards, the following pay day, they had this other tax to pay for him to go to Washington, and they complained of being taxed again.

"*Question.* How was this regarded by the men; as a tax, or as a compliment to Mr. Turner?

"*Answer.* I think, if the men were left voluntarily to themselves, they would not have done it. They did it merely through fear that, as some few had started it, if the others did not encourage it they would be discharged."

A short time afterwards, a contribution of ninety-four dollars was collected from the men to pay Mr. Turner's expenses to Washington, under the pretext that he could get the pay of the men raised. Still another collection, of fifty-eight or sixty dollars, was taken to defray election expenses. All these contributions were collected between April 1, 1858, and the November election, and from common workmen, whose wages were alleged to be inadequate. Master workmen testified before your committee with their "testimonials" on their persons. The only case of a refusal of such a donation, brought to the notice of your committee, was that of Alexander Ward, master of laborers. Shortly after he went into the yard, about one hundred dollars were collected, to be used in the usual way, before he heard of it. He had the money returned to the men, who were then receiving but $1 12½ a day. In another case, about one hundred dollars were raised by men under Mr. Graham, to aid in the election of Mr. Sickles, which Mr. Graham, when he learned of it, caused to be returned to the men.

These abuses increased in the yard as the election for members of Congress approached. Members, master workmen, all were interested in packing the yard. If the master workman was reluctant to increase his force, he was urged to do so by the members of Congress, and was compelled to yield to the demand. In this way the master-blacksmith increased his force twenty-five men. He testified that the same general increase, for the same reason, occurred throughout the yard in all the different departments; and that of the force of about two thousand four hundred men thus employed one fourth were useless; that it was understood that particular master workmen were to administer this patronage for the benefit of particular members. In most cases this pressure was yielded to with alacrity, and a temporary pressure of work in September, 1848, to fit out the Niagara for Africa, and which lasted for four days only, was made the pretext for retaining men after they were no longer needed. Insubordination increased; in one case the master laborer and a number of men answered roll-call, and went to the primary election in Mr. Sickles's district, and yet drew full pay. A short time before the election the men got to leaving off twenty to thirty minutes before bell-ring in the evening, and would collect near the gate ready to go out of the yard. Commander Rootes attempted to stop this; as soon as he got near them between the ship-houses, some of them, in large gangs, sang out his name, and hooted and hissed him. The only reason given by Commander Rootes was, that the men thought that the members of Congress put them there and could keep them there in defiance of the officers of the yard.

The same pressure to increase the force was brought to bear upon the naval officers of the yard; when Commander Rootes sought to remove some of the men after the Niagara had sailed, the master workmen always managed to find something to do. He had no power to remove the master workmen, but could complain of them, and suspend them until an order was received from the Department. If this power was exercised, the result was that the delinquent was soon restored to duty. A short time before the election, Mr. Searing applied to Commander Rootes to employ some two or three men. He replied that he could not do it, the orders were against it; the masters had that privilege. Mr. Turner, the master painter, was present, and he said that it was all important to have these men in the yard, that they could carry a great number of votes, and had a good deal of influence, and it was necessary for the nomination of Mr. Searing. A few days before the election, Mr. Taylor urged Commodore Kearny to take in a number of men. At this period, on the 27th of October, 1858, when the public welfare demanded the vigilance of the officers of the yard, Commodore Kearny was relieved from duty, and Commander Rootes was summarily detached and ordered to Washington by the Secretary of the Navy. Commodore Kearny was left in the yard until his successor arrived. Their successors could not and did not assume their active duties until after the election. This order was unusual, without motive, and no reason has yet been assigned.

The following statement of the number of workmen employed at the several navy-yards in each half month of the year preceding the 1st day of December, 1858, is furnished us by the Department:

Dates.	Portsmouth.	Boston.	New York.	Philadelphia.	Washington.	Norfolk.	Pensacola.	Mare Island.
1857.								
December 1 to 15	564	1,256	1,479	646	863	1,558	450	297
December 16 to 31	544	1,370	1,390	480	857	1,625	445	
1858.								
January 1 to 15	538	1,251	1,426	574	785	1,540	410	358
January 16 to 31	533	1,243	1,429	653	750	1,714	464	
February 1 to 15	516	1,237	1,302	695	722	1,749	448	304
February 16 to 28	438	1,288	1,288	709	683	1,756	424	
March 1 to 15	438	1,268	1,365	766	687	1,718	423	391
March 16 to 31	435	1,074	1,409	785	672	1,580	433	
April 1 to 15	526	1,079	1,403	800	670	1,553	422	279
April 16 to 30	556	991	1,416	914	672	1,503	384	
May 1 to 15	544	966	1,379	1,064	717	1,413	333	281
May 16 to 31	567	1,010	1,711	1,063	725	1,288	340	
June 1 to 15	498	1,119	1,850	1,120	725	1,291	341	296
June 16 to 30	525	1,204	1,912	1,156	715	1,223	365	
July 1 to 15	503	1,250	2,024	1,091	786	1,444	430	341
July 16 to 31	563	1,432	2,092	1,030	790	1,593	463	
August 1 to 15	595	1,538	2,137	1,216	861	1,699	515	330
August 16 to 31	778	1,599	2,132	1,267	889	1,660	545	
September 1 to 15	836	1,626	2,166	1,250	882	1,783	568	312
September 16 to 30	855	1,656	2,286	1,534	899	1,687	587	
October 1 to 15	900	1,633	2,365	1,685	860	1,931	598	346
October 16 to 31	814	1,543	2,414	1,722	872	1,936	619	
November 1 to 15	777	1,576	2,488	1,541	878	1,824	634	320
November 16 to 30	642	1,546	2,319	1,537	872	1,713	620	

NOTE.—The rolls for the navy-yard at Mare Island are rendered for the entire month.

It thus appears, that the number of employés in the navy-yards December 1, 1857, was 7,113; May 1, 1858, 6,697; November 1, 1858, 10,038. The chief increase was at Brooklyn and Philadelphia. In Brooklyn the number, December 1, 1857, was 1,479; May 1, 1858, 1,379; November 1, 1858, 2,488, or an increase of 1,109 men in five months. In Philadelphia the number, December 1, 1857, was 646; May 1, 1858, 1,064; November 1, 1858, 1,541. During the month of October it ranged from 1,685 to 1,722—an increase of over six hundred in four months.

It will be perceived that the highest number at New York was about the 1st of November, and at Philadelphia about the middle of October.

The undersigned find that abuses in the Brooklyn navy-yard are not confined to master workmen and their men, but extend to all the civil departments of the yard.

THE NAVY AGENT.

George N. Sanders, the navy agent at New York, disburses about four million dollars annually. By law he is appointed for four years, but removable from office at pleasure. His salary is not to exceed $3,000 per annum. His duties are not prescribed by law, but are fixed by regulations of the Department. He is therefore, as to term of office and duty, entirely subject to the discretion of the Executive. By the act of March 3, 1843, all materials, of whatever name or nature, for the use of the Navy, *when time will permit*, shall be furnished by contract by the lowest bidder.

Fuel and a few other specified articles are exempted by subsequent laws. Contracts are annually made by the different bureaus for the articles supposed to be wanted; but articles are often needed not embraced in the contract. Under the implication arising from the words, "when time will permit," if articles not covered by the contracts and not in the navy stores are needed, they are bought by "open purchase," under the direction of the Navy Department. The navy agent, among his other duties prescribed by the Department, pays for all articles purchased at New York by contract, and makes all open purchases.

All the articles were purchased upon the assumption that time would not admit of their being purchased by contract. The evidence clearly shows that articles thus purchased were bought at a much higher rate than the contract price. Thus, iron of prescribed sizes in 1853, was three and a half cents per pound by contract. Yet a quantity of iron for hooping the spars of the frigate Congress was needed. There was a slight variation in the size of the iron from that furnished by contract of the two thousand pounds required. One thousand eight hundred and thirty-five pounds were bought on open purchase at five and a quarter cents per pound.

When articles are needed not embraced in a contract, a requisition is made out by the master workman, certified to by the constructing engineer or naval constructor, as the case may be, and commandant of the yard, and sent to the Navy agent. It then becomes his duty to enter the market and purchase the article needed at its fair market value. Instead of this being done in the city of New York, the requisitions are generally handed over to Charles A. Secor & Co., ship chandlers, of New York, and they furnish the article. One of the firm is the security for Mr. Sanders on his official bond, and is his intimate and confidential friend. The articles called for are furnished by them, whether within the line of their business or not, and sent directly to the yard. The Navy agent has followed this course during his term, and never sees the articles, fixes their prices, or knows when, of whom, or at what prices, Secor gets them; and yet claims that he is appointed to make the purchase, and is accountable for the prices.—*Commodore Smith.*

When the articles reach the yard a junior officer of the yard inspects them, to see if they are good, and to satisfy himself if they are charged at fair market prices. To do that he sometimes has sent to the city of New York to make inquiries, but usually he took the price presumed to have been agreed upon by the navy agent as the fair market price. Commander Rootes testifies that they had a great deal of trouble with Mr. Secor, and that everything furnished to the navy-yard by Secor & Co., while he was there, had been far above market prices, and so he wrote to the Department. Lieutenant Barnet, for some time the inspecting officer, makes the same statement. Several instances are shown in the testimony and in Commander Rootes's correspondence with the Department where the price was exorbitant. In such cases the article was rejected; but, as the officer did not purchase the article, and was not informed in regard to prices, it usually passed into the store-house, and thereupon Secor got his pay of the navy agent.

When the attention of Commodore Smith, of the bureau of yards and docks, was called to the

matter, he issued a circular to each navy agent, requiring him to inquire of the contractor for articles in that line, his prices, and also that he ask the prices of two other parties dealing in the same line, and then take the lowest bid.

These instructions were disregarded by Sanders, and many of the open purchases were, and are still, made in the same manner of Secor & Co. Mr. Sanders denied, under oath, that he had received, or expected to receive, any benefit from this arrangement. But it is dangerous to allow a practice under which collusion between the agent and the "provider" is so difficult of detection.

A still more dangerous custom has been allowed by Mr. Sanders within the past year. Latterly, when requisitions were made by the master workmen, Mr. Sanders has allowed them to indicate from whom they wish the purchases made; and in many cases he has allowed master workmen to make the purchases themselves. In some cases where requisitions have come to his office, and he has had them filled by Secor & Co. in his usual way, it was found that men in the yard had made the purchases already, and expected the navy agent to sign the requisite certificate and pay the money. He testifies himself that he has too readily yielded to that manner of making purchases, and that most of the open purchases latterly have been made in this way. Why should the master workmen seek to indicate the vendor? Why desire to make the purchase himself? The danger of collusion between the seller and the master workman is increased as the number of master workmen increases. Each becomes interested in increasing the amount of open purchases in his department, either to favor a friend or to share the profit. He judges of the necessity of the article; makes the requisition; purchases the article; agrees upon the price; inspects it, receives it, and uses it; and yet the formal certificates are signed by others, and the navy agent pays the money.

THE NAVAL STOREKEEPER.

This office is not created by law, and the duties of the office are prescribed entirely by the regulations of the Navy Department. The salary does not seem to be fixed by law, but the amount paid is $1,700 per annum. The duty of this officer is to receive and take charge of the naval stores in the yard and deliver them upon proper requisitions for the use of the service. The following statement shows the amount of stores on hand at the different navy yards, July 1, 1858:

Navy-yards.	On hand July 1, 1857.	Received.	Expended.	On hand July 1, 1858.
Portsmouth	$751,685 50	$161,962 43	$182,681 32	$730,966 61
Boston	1,530,800 39	862,247 22	764,882 62	1,628,164 99
New York	1,315,019 03	556,712 03	457,578 38	1,414,152 68
Philadelphia	526,426 93	295,800 90	293,002 44	529,225 39
Washington	528,115 43	475,634 58	245,267 91	458,482 10
Gosport	1,565,958 28	446,883 38	473,015 06	1,539,826 60
Warrington	341,346 80	61,819 26	70,330 22	332,845 84
Total	$6,559,352 36	$2,861,059 80	$2,786,747 95	$6,633,664 21

It appears that, by the books of the Department, there should have been in the yard at Brooklyn stores of the value of $1,414,152 68 on the 1st of July last; but whether that amount is on hand or not has not been ascertained. No inventory has been taken for years. Anson Herrick, the present storekeeper, was appointed in March, 1857; and during that year an attempt to make an inventory was commenced, but after some months' trial was abandoned.

From the manner in which the books were previously kept, as shown by Herrick, it is utterly impossible to ascertain the condition of the public stores, from the accounts of the Department, until a detailed inventory is completed. Mr. Herrick testifies that previous to his time, when a vessel was fitted out for service, all her stores of every kind furnished were charged as expended. If the ship returned with a part of the stores on board, they were passed over to the storekeeper, and not charged to him. Thus the books of the storekeeper showed that but two comparing watches, furnished the forward officers on going to sea, were charged to the storekeeper as on hand; yet there had been fifteen or sixteen in the drawer. Of these, about seven were stolen; and the storekeeper could deliver over to the Government the two watches called for by the books, and have several left.

They also find that the present storekeeper neglects his official duties. He is an active editor in the city of New York; has no experience as a storekeeper except that, as a boy, he used to attend a grocery store. He is seldom in his office, and considered his duties well done when he signed his name to receipts and returns prepared by his clerks, and carried to his office in New York for signature. He testifies that his clerical force was too small, and that the returns are behind, and cannot be written up for several months; that he has two clerks, two writers, one foreman, who signs Mr. Herrick's name to receipts to contractors, and seventeen laboring men; and yet he testified that he did not know that he spent one seventh of his time in the duties of storekeeper. To use his own language:

"I do not spend but very little time in the navy-yard, for this reason: these papers and documents are brought to me by my chief clerk, who is my son, whom I see every day, or by the messenger—one of the laborers being employed as a messenger. I appointed my own son first clerk, because I could have confidence in him. All the papers that are necessary for me to sign, when I am not at the yard, are brought to me, and an account of all the business that is done in the yard is brought to my house, and reported to me."

Commander Rootes testifies that the force in the storekeeper's department has always been too large, and that this fact, and Mr. Herrick's neglect of duty, have been reported to the Department. Without further detail, and referring to the testimony, the undersigned report that the civil officers of the yard have not, and do not, as a general rule, attend properly to their official duties; that their appointment has been controlled by political reasons, and not by their fitness or qualifications for their respective offices.

PHILADELPHIA NAVY-YARD.

The attention of the committee was directed to one transaction at this yard. In August last, a requisition was made upon the naval constructor for eighty oakum spinners. There were then employed ten to fifteen spinners, who were generally "old salts" disabled for active duty, and yet competent to spin oakum; the work is nothing but rubbing oakum upon the knee. The naval constructor did not deem a greater force necessary, and refused to sign the requisition. The master calker brought it to Captain Carr, the commander in the yard, who also refused to sign the requisition. Thereupon, Hon. Thomas B. Florence, a member of this House, came to Washington, and asked the Secretary to direct the eighty opium spinners to be employed. It was referred to the bureau of yards and docks. Commodore Smith declined at first, but he received a slip of paper signed by Mr. Welsh, the chief clerk, on which was written in pencil as follows:

"The master workmen having made a requisition for eighty additional pickers, you will see that it is complied with."

This was inclosed in the written application of Mr. Florence. The order was then issued to the commander of the yard, and the "oakum spinners" were set to work. Commodore Carr testifies that when the men came in he went down and took a look at them:

"They were the lame, the halt, and the blind; but they did the work. I made a place for them until they worked the oakum up."

They were then discharged.

All the oakum spinning for a year was crowded into a few weeks. The undersigned refer to the testimony of Mr. Florence for the motive of this transaction.

REMEDY FOR ABUSES.

Your committee have directed their attention, as far as time would permit, to the best mode of correcting existing abuses in the management of navy-yards. They have considered whether, 1st, all or some of the navy-yards could not be dispensed with with advantage to the public service, and the construction and repair of vessels be done by private enterprise.

2. Whether work in all or some of the navy-yards could not properly be suspended, and they be placed in ordinary until existing abuses are corrected, or the state of the Treasury will allow further improvements. Your committee have not fully considered these propositions and do not report upon them.

All work in the navy-yards or upon vessels of the United States depends upon the annual appropriations of Congress; so that Congress, by granting or withholding appropriations, may determine these questions without changing existing laws.

In concluding their report upon this branch of the investigation, the undersigned call the attention of Congress to the necessity of a general law prescribing the manner of making Government contracts The existing laws consist of detached sections of various laws, in most cases attached to appropriation bills, and often unconnected with each other. It is difficult to ascertain from the law the powers and duties of officers authorized to make contracts. Abuses, therefore, naturally occur. The undersigned at this late period of the session have not time to mature a bill, but deem it their duty to call the attention of Congress to the subject.

CONTRACTS FOR MACHINERY.

The inquiry of your committee into the contracts for machinery for the vessels of the United States has been mainly confined to the contracts made for the machinery of the vessels now building under the act of June, 1858.

On the 26th of July sealed proposals were invited by the Secretary of the Navy for the steam machinery, &c., for the seven sloops-of-war authorized by that act. The specifications did not prescribe the form, plan, or details of the machinery, but promised a drawing of the section of the vessel to any one making application therefor. It required the bidder to guaranty certain results, such as power, speed, economy of fuel, and the like, but left the design and the arrangement of the machinery with the party whose proposition should be accepted. Under these specifications proposals were made by most of the leading marine engine builders in the United States, accompanied in each case by plans and drawings. The following is a statement of these bids:

Large sloop at Portsmouth, New Hampshire, 1,000-horse power.

Morgan Iron Works, New York	$143,000
West Point Foundery	136,000
James Murphy & Co	135,000
Allaire Works	110,000
Novelty Iron Works†	98,500
Woodruff & Beach, Hartford,	125,000

Small sloop, Boston, 750-horse power.

Morgan Iron Works, New York	$110,000
James Murphy & Co, New York,	107,000
Allaire Works, New York†,	97,000
Locomotive Works, Boston*	104,000
Atlantic Works, Boston	100,000
Woodruff & Beach, Hartford	118,000

Large sloop New York, 1,000-horse power.

Morgan Iron Works, New York	$137,000
James Murphy & Co, New York*	130,000
West Point Foundery, New York	130,000
Allaire Works, New York	105,000
Novelty Iron Works, New York.†	97,000
Woodruff & Beach, Hartford	125,000

Large sloop, Philadelphia, 1,000-horse power.

Reaney, Neafie & Co., Philadelphia	$145,500
Merrick & Sons, Philadelphia*	102,000
Morgan Iron Works, New York	141,000
Allaire Iron Works, New York	110,000
Novelty Iron Works, New York†	98,000
Murray & Hazelhurst, Baltimore	110,000
Woodruff & Beach, Hartford	125,000

Large sloop, Norfolk, 1,000-horse power.

Reaney, Neafie & Co., Philadelphia	$152,000
Morgan Iron Works, New York	142,000
Novelty Iron Works, New York	100,000
Woodruff & Beach, Hartford	125,000
Murray & Hazelhurst, Baltimore	115,000
C. Reeder, Baltimore†	94,000

* Accepted bid. † Lowest bid.

Small sloop, Pensacola, (direct-action engines,) 750-horse power.

Reaney, Neafie & Co., Philadelphia	$153,000
James Murphy & Co., New York	127,000
Morgan Iron Works, New York*	120,000
West Point Foundery, New York	118,000
Woodruff & Beach, Hartford	118,000
Locomotive Works, Boston	115,000
Murray & Hazelhurst, Baltimore†	100,000

At this stage of the proceedings, before the Secretary had passed upon any of the bids, the following letter was sent by Colonel W. C. Patterson, of Philadelphia, to the President:

PHILADELPHIA, *September* 13, 1858.

DEAR SIR: I venture to suggest to you the importance of awarding the contracts for the machinery of the sloop, now building at the navy-yard at this time, and if it can be done without prejudice to the public service, to Merrick & Sons. Theirs is the only establishment in the first district which employs a large number of mechanics; at this time, three hundred and ninety; when in full work, four hundred and fifty.

The managing partners (Mr. M., sr., being absent in bad health,) are full of energy, straining every nerve to keep their force during this depression, and, in so far as I know, the only old Whigs of any influence in that district, who are in favor of the reëlection of Colonel Florence.

I know, from former experience, the value of that influence, and feel persuaded that it is the interest of the Democratic party to increase it.

The district will, I hope, be carried in any event, but with that shop at work, full handed, two weeks prior to the election, the result would, I think, be placed beyond all doubt.

With much respect, W. C. PATTERSON.

The PRESIDENT.

This letter was sent to the Secretary of the Navy by the President with this indorsement:

September 15, 1858.

The enclosed letter from Colonel Patterson, of Philadelphia, is submitted to the attention of the Secretary of the Navy. J. B.

The undersigned regard this as a serious offense. It is the duty of the Secretary to determine which of the bidders was the "lowest responsible bidder," and to award to him the contract. It is a judicial act. The rights of parties under the law, and the rights of the Government, were involved in the award. Any suggestions of fact or motive, except those which would enable the Secretary to adjudge which of the competing bidders was the lowest responsible one, was improper. The Secretary was the subordinate of the President, holding office at his pleasure, naturally controlled by his will; and by law he is frequently required to award and adjudge without regard to the President.—(Decatur *vs.* Paulding, 14 Pet., 515; 6 How., 101–2.) Under these circumstances the President suggested to the Secretary, and in writing called his attention to the importance of awarding one of the contracts for machinery to Merrick & Sons, in order to secure the potent political influence of that firm in favor of the reëlection of Colonel Florence, and thus place the result of the election in his district beyond doubt, and generally to increase the influence of that firm, that it might be exercised in favor of the Democratic party.

If the President had suggested to a judge of the United States courts that he render a judgment in favor of one of the parties litigant in a cause pending before him, because that judgment would aid in the election of a party favorite, or would contribute to the success of the Democratic party, the general voice of the people would demand his impeachment. Is it a less serious offense when this suggestion is made by the President to the Secretary of the Navy? The judge is beyond the power of the President; the Secretary is within his power. Each is required to perform judical functions. The suggestion by the President of corrupt motives to either is equally dangerous, and is more likely to succeed with an officer whose tenure of office is the will of the President.

The terms of the note of the President could not be misunderstood by a subordinate. No one can read the letter and note without a conviction that the inducement in the letter was regarded by the President as a proper one to be submitted and to require the attention of the Secretary. Thus indorsed, the corrupt motives suggested would decide the award without regard to cost, unless the Secretary evinced a higher sense of public duty than his superior.

Should it be said that the letter did not influence the award, the reply is, that the offense is in submitting a corrupt motive to the consideration of the Secretary. But the award was made to Merrick & Sons. How far it influenced the award can only be inferred from the proceedings in the case.

On the 25th of September, 1858, the Secretary appointed an advisory board of engineers to examine the proposals, and each member of the board was required to report which proposal, in his opinion, should be accepted. The board was composed of Samuel Archbold, engineer-in-chief of the United States Navy; W. W. W. Wood, Henry Hunt, and Daniel B. Martin, chief engineers. Martin was the patentee of Martin's vertical tubular boiler, and previous to the proposals, had made arrangements with some of the bidders that he was to receive a specific sum, varying in amount from $750 to $1,000, for the privilege of using his boiler. There was nothing in the specifications advising bidders that the adoption of Martin's boilers was a requisite to success. It was not generally adopted, except in Government vessels. The horizontal tubular boiler was generally used in marine engines. The drawings exhibited the details of the machinery, and the board of engineers would necessarily know whether Martin's boiler was included in the bid. Merrick & Sons specified Martin's patent in their proposals, although they did not use it in other marine vessels. One of the firm testified that one motive for including that boiler was, they had supposed that they would, perhaps, be more likely to succeed in their proposals if they adopted that form of boiler. They, therefore, previously agreed upon a stipulated price with Martin for the use of his boiler, and embodied it in their plans. The specifications required that—

"The offers must be for a specific sum for putting the whole in successful operation; must include all patent fees; and the Department will require a release from the proprietors of any patented article or arrangements used in or about the machinery," &c.

This would necessarily involve a previous agreement of Martin with those parties who included his boiler in their plans, and would make him directly interested to the extent of his patent right, in accepting the bids of those who would pay him for its use, and rejecting those who preferred another boiler.

It is clear this was known to the Secretary. It had been the subject of complaint previously. Martin had placed on the record a release to the Government for the right to use his boiler on Government vessels while he remained engineer-in-chief of the United States, but he was removed in 1857 because of his interest in patents. Martin testifies that he told the Secretary of his interest, and on that ground asked to be relieved from service on advisory boards. The interest of Martin was also discussed between the Secretary and Dickerson.

In deciding upon the proposals, no award was made except to those whose drawings showed the Martin boiler. The lowest bid for the Norfolk sloop was by C. Reeder, of Baltimore, and was for $94,000. Two of the board, Messrs. Archbold and Hunt, were in favor of accepting this bid. All agreed that the engines were good; but Messrs. Martin and Wood did not like the boilers. In his answer, Martin thus states his objection:

"Reeder's plan of engines is good, and his price satisfactory, but his plan of boilers I cannot recommend; if they were made satisfactory I would recommend him for the Norfolk ship."

If the boiler had been "satisfactory" to Mr. Martin, it would have secured a majority of the board in favor of this bid. As, however, the board was divided, a new advertisement was issued, new bids were received, and the contract for the Norfolk ship was finally awarded to Messrs. Murray & Hazlehurst, of Baltimore, for $131,000, or $37,000 more than Reeder's first bid. It appears from the testimony of Martin, that he prepares plans for bidders; that he receives pay for such plans—in one case as high as $500; and that his fees now as consulting engineer for private parties amount to more than his salary as chief engineer in the Navy. In addition, his patent fees for the boilers and valves used in the machinery of the five sloops, awarded partly upon his opinion is, over four thousand dollars. He has now a claim pending before Congress for $13,000 for the use of his patent boiler in the vessels of the United States.

It is impossible for your committee or the House to ascertain whether the action of the other members of the board was proper or not. The rejected plans and drawings have been returned to the bidders. The specifications were so drawn as to leave the whole matter to the Secretary of the Navy. If, in the specifications, the details had been prescribed, the only question to determine would have been the price and security. It is said that the mode adopted secured the best engineering skill in the country; that engineers, having the speed, &c., desired, might seek to secure a contract by improvements on existing plans. What weight ought to be given to these considerations, we are not prepared to say. Upon the plan adopted, there is no check upon executive officers in awarding contracts. Some real or fancied defect in the machinery, or any part of it, such a suggestion as that of the President, political influence, favoritism for certain bidders, or, as in Martin's case, a known or concealed interest, might induce an award to a party whose bid is many thousands higher than another responsible bidder. The easy answer to all complaints is, that the plans of the successful bidder are better. Bidders of high character and ability, whose engines have been successful in commercial vessels, finding their bids repeatedly rejected, and the higher bids of inexperienced parties, without facilities or experience in constructing marine engines, accepted, naturally attribute it to political or other improper influences, and refuse again to incur the expense of preparing plans and drawings, and the loss of reputation incurred by their rejection. Thus the Government work becomes monopolized by a few whose political relations are right, and the Government gets the poorest work at the highest price; a competition for work for the Government becomes a mere scramble of partisans, decided, not by the highest skill and lowest prices, but by political influence.

The board of engineers unanimously reported in favor of Merrick & Sons, for the Philadelphia ship, at $102,000. This was the house described in the letter of Colonel Patterson. The lowest bid was by the Novelty Works, New York, perhaps the most extensive works of the kind in the United States, at $98,500.

For the Pensacola sloop, the board was divided. Archbold and Hunt were in favor of the Boston Locomotive Works, at $115,000; Martin and Wood were for the Morgan Iron Works, at $120,000. Martin had previously engaged with the proprietors of the Morgan Works for the use of his patent, at $1,000. The Secretary, without further proposals or reference, awarded the contract to the Morgan Works. The lowest bidder for the Pensacola sloop was Murray & Hazelhurst, at $100,000. They are marine engine builders of high character and ample facilities.

For the Boston sloop, Martin and Wood were in favor of the Boston Locomotive Works, at $104,000; Archbold and Hunt were for other bidders. The Secretary awarded the contract, without further proposals or reference, to the Boston Locomotive Work. The lowest bidder was the Allaire Works, New York, at $97,000.

For the Portsmouth or Kittery sloop the board was unanimously in favor of Woodruff & Beach, of Hartford, at $125,000. The lowest bid was that of the Novelty Iron Works, at $98,500. It is proper to say that Mr. Beach is remotely connected by marriage with the Secretary. But the committee see nothing in the evidence to show that he was favored on that account.

For the New York sloop, Archbold, Martin, and Wood, reported in favor of James Murphy & Co., at $130,000. The lowest bid was that of the Allaire Works, of New York, one of the most extensive works in the United States, at $105,000. D. B. Allen, one of the proprietors of these works, made one of the written complaints which led to this investigation. Their bid was low because of the general depression of the commercial marine, and their machinery such as has been sanctioned by private enterprise. They have constructed more marine engines than any other establishment in the country.

From the statement of the reports of the members of the board, it appears that the vote of Mar-

* Accepted bid. † Lowest bid.

tin prevailed in every instance. Upon an equal division of the board his opinions were adopted by the Secretary in the case of the Pensacola and Boston sloops; and that upon his objection to the boiler proposed for the Norfolk sloop a contract was refused to Reeder, and was finally awarded to meet Martin's views.

The aggregate difference between the lowest bids and the accepted bids for the machinery in the sloops is $82,000.

THE GRIFFITH SHIP.

The struggle for the contract for the machinery of the smaller sloop-of-war building in Philadelphia, known as the "Griffith ship," presents some features requiring notice. Before the law of June 12, 1858, was passed, Mr. Norris, an engineer, who for some years had retired from active business, desired, in connection with John W. Griffith, to build a vessel of light draught and great speed for the Navy of the United States. Upon the recommendation of Mr. Norris, in June last, and in pursuance of a previous promise by the President to Mr. Norris, Mr. Griffith was appointed temporary naval constructor at Philadelphia. Mr. Griffith at once prepared his plans for the ship, and sent them to the Department. They were somewhat peculiar, and designed to secure light draught and great speed, but to have a heavy armament. Mr. Norris prepared his plans for the machinery, and made a bid in September, 1858, to construct that machinery for the Government at $126,000. The two plans were designed, and the machinery and the vessel were intended for each other. When the bids were opened, it was found that the machinery of Mr. Norris was the only kind proposed that was adapted to the peculiar model of the ship, and that he alone of the bidders had been furnished with the midship sections, plans, and views of the vessel, and knew that it was to have two propellers. Under these circumstances, new proposals were very properly invited. Norris adhered to his bid, and proposals were submitted by Reaney, Neafie & Co., of Philadelphia, and the Allaire Works, of New York. The contest, however, was soon narrowed down to Norris and Reaney, Neafie & Co. The bid of the latter was $139,000. A board of four engineers of the Navy was called to consider these bids; with the plans and specifications of each. The board was equally divided in its report.

Each party, without complaint from the Department, sought to succeed by political influence. The singular spectacle was presented of an ex-member, without knowledge of an engine, managing for one party, while the other pressed his party services.

On the 2d of November, 1858, Norris urged the acceptance of his proposals, in a letter to the Secretary, thus:

"On the score of politics, which I have never mentioned before, I have greater claims upon the Government than my competitors. Our shop, at Bush Hill, Philadelphia, was the first institution in this country that raised the banner of Buchanan and Breckinridge. The day after the nomination we raised the standard, with full-length portraits of the President and Vice President, and at the election our shop furnished seven hundred and sixty-four votes for them. Notwithstanding the present monetary depression, we gave three hundred and twelve votes for the Administration at the last election. We have supported the party with material aid by thousands of dollars, and worked hard, as any of the party in Philadelphia will testify."

On the 9th of November last Hon. James Landy, a member of this House from Philadelphia, apppeared before the Secretary of the Navy to urge that the award be made to Reaney, Neafie & Co. The same firm employed William H. Witte, an ex-member of Congress, as their agent, who at once established intimate social relations with some of the officers in the Navy Department.

This agent was to receive *for his services* one fourth of the profits of the contract, in case it was awarded to Reaney, Neafie & Co. It is to be remarked that he was employed by that firm only to secure Government contracts, and had been successful, in 1857, in securing the contract for the Lancaster, for which he has received, as part of his share of the profits, $5,000. He knew nothing of machinery, and was only employed, as he testifies, on account of his "character and standing."

On the 16th of November last, Norris sent to the Secretary a letter from J. B. Baker, collector of Philadelphia, of which the following is an extract:

"I have been intimately acquainted with the Messrs. Norris Brothers for many years, and have had large business transactions with them, and it may not be amiss to state that they have always heartily advocated and sustained the Democratic party. In the campaign of 1856, their establishment not only contributed many hundred votes to elect our present Chief Magistrate, but, to my knowledge, contributed largely in other ways to bring about that result."

Also, a letter from Hon. Henry M. Phillips, of this House, of which the following is an extract:

"Messrs. Norris are good Democrats, willing and faithful members of the party, who, 'through weal and through woe,' have labored zealously for its success.

"Their fame as mechanics is world-wide, and they are men of high character; and it will be to the fourth district a matter of essential service for them to succeed in their present application.

"Personally, mechanically, and politically meritorious, if their proposal is not extravagant, I earnestly hope that it will be accepted."

Also, a letter from John Hamilton, jr., of which the following is an extract:

"I know no men better entitled to receive the attention of a Democratic Administration than those composing this firm; with a world-wide celebrity as machinists of the first class, they have also been known as Democrats who have never faltered in their active and earnest devotion to the cause; men who, amidst the very howling of the tempest raised by the Opposition, are more energetic and determined in their support. I trust that the claims of these gentlemen, who are so well qualified to perform whatever they may undertake, and who are so deserving as Democrats, will not be overlooked."

To counteract these letters, Reaney, Neafie & Co. relied upon the active interested agency of Mr. Witte, who pressed their claims as a Democratic firm. He also procured from Mr. Baker, the collector, a letter, of which the following is an extract:

"A few weeks since I was requested by Mr. William Norris to state in a letter to you my knowledge of the political character of the locomotive establishment of Messrs. R. Norris & Son, of Philadelphia, which I did; but I did not intend to convey the impression (as I learn has been the case) that the marine-engine works of Messrs. Reaney, Neafie & Co. were not of the same political creed, whom I know by reputation, and it is proper to say, is of the highest character."

Somewhat similar letters were also written to the President and referred to the Secretary. Thus, in a letter under date of November 15, 1858, Mr. Phillips writes of Norris Brothers:

"They have been and are my very good friends, active, zealous, and disinterested Democrats. Their establishment is within my district, where they employ many hundreds of operatives, who, under their exerted influence, were valuable members of our party during our last disastrous campaign.

Colonel Florence, a member of the House, in an interview with the Secretary, recommended Mr. Norris.

These efforts to enlist political influence in awarding contracts were received without objection or reproof, and were placed on the files of the Department, and, with the awards and other papers, were sent to your committee. A highly intelligent contractor testifies that within two or three years it has been a common thing for bidders to satisfy the Department as to their political opinions. If jobs and contracts become the recognized rewards for partisan services, and are disbursed and distributed without regard to the written law, as a mode of refunding money contributed and spent in elections, and these abuses are tolerated by the people, then may the money of the people be taken directly from the public Treasury to corrupt or overthrow the elective franchise. Yet these motives are strongly and confidently urged by high officers of the Government to the high officers charged with a judicial duty, and also to the Chief Magistrate, whose duty it is to execute the law.

On the 29th of November, 1858, the Secretary desired a board of civil engineers, not of the Navy, to examine the propositions of Mr. Norris, and of Reaney, Neafie & Co., and to express in writing which of the two was preferable. A majority of the board reported in favor of Mr. Norris's plan. Thus the matter stood until December 21, 1858, Mr. Norris supposing that the question was settled in his favor. At that date the Secretary submitted to Mr. Norris a written proposition of guarantee of speed, which, at the request of the Secretary, Mr. Norris copied and signed. Norris was not informed that it would be considered as a new offer, or as varying his former bid, but he signed it for the satisfaction of the Secretary, and in the words written by him. The next day, if the date is correct, December 22, 1858, Witte, as the agent of Reaney, Neafie & Co., submitted a written "explanation" of their proposal, in which they stipulated for a somewhat higher speed. Their guarantees were treated as new proposals, and were, on the same day, referred to Archbold, the engineer-in-chief, who had steadily opposed Norris's plans. Archbold on the same day reported in favor of Reaney, Neafie & Co., and the contract was awarded to them.

The undersigned do not deem it necessary to pursue this controversy further. Charges of fraud, favoritism, and improper disclosure of the plans of competing bidders were made. The facts and the claims of each party are fully shown in the testimony and documents herewith submitted.

THE READING FORGE AND HON. J. GLANCY JONES.

As an incident to this branch of their inquiry, it became necessary for your committee to examine a charge that Hon. J. Glancy Jones, now a civil officer of the Government, had, while he was a member of this House, received money from the Reading Forge for his services in obtaining for it contracts with the Government.

Our attention was first called to this charge by the testimony of Dr. Cockroft, giving a statement of James Murphy, a contractor for the construction of the steam machinery for the United States steamship Brooklyn. The purport of the statement was, that he was obliged to let the forging for the vessel to the Reading Forge Company, understood to belong to Mr. Jones. An intimation was also made to Mr. Quintard, of the Morgan Works, New York, the successful bidder for the Pensacola sloop, that if he got the forging work done by the Reading Forge, it would be acceptable or satisfactory to certain parties.

Hon. W. H. Keim, a member of this House, testified that he, as secretary and treasurer of the company, made an agreement with Mr. Jones to the effect that, if he would get work for the forge to do, the company would allow him five per cent. on the amount he obtained; that the kind of work contemplated, was forging shafts, &c., for vessels of the United States Navy. The inducement to the company to make the contract with Mr. Jones was the fact that he was a member of Congress, and it was supposed that he would have facilites for getting work that others would not.

Prior to this agreement, Mr. Jones wrote the following letter to General Keim:

HOUSE OF REPRESENTATIVES, *May* 18, 1854.

DEAR GENERAL: I received your letter this morning, and have just had an interview with the Secretary of the Navy. He informs me that all the machinery will be given out *on contract*, except, perhaps, what is made in Washington. The Secretary will advertise for bids, but will not give it to the *lowest bidder;* he will contract with the offer which he thinks is best for the Government. Now, I think I can serve my town and constituency by securing a fair portion from those who want these contracts; with this the Secretary has nothing to do; but we can do a great deal ourselves by being ready to meet these contractors. I will write you again soon, and send you the notice when the Secretary advertises.

Truly yours, J. GLANCY JONES.

General W. H. KEIM.

Under this agreement, Mr. Jones did get work for the forge, in 1854, for the steamer Wabash, amounting to $10,000 or $11,000, upon which he was entitled to five per cent. The contract for the work was made with Merrick & Sons.

General Keim ceased to be secretary and treasurer of the company in the spring of 1855, and was succeeded by M. A. Bertolet. Mr. Bertolet testifies that the contract with Mr. Jones was frequently spoken of in the meetings of the board, when the justness of paying him what was agreed upon was spoken of. On two or three occasions the witness met Mr. Jones and told him that he was very sorry that the concern was in such a condition pecuniarily; that he did not see how he could pay him any money then. He testifies he always understood that Mr. Jones was the agent of the company, and that the company had either agreed with him or proposed within themselves to give him a certain percentage for such work as

should be procured through his agency. He testifies that Mr. Jones did get work for them from the Government in 1855, in the repair of the Minnesota, the amount of which was $3,109 48, and that this sum was paid to the forge company by the Government. It also appears, from the books of the company, that the forge company did work for the Government in 1856, in the items amounting to $6,481 16, and for contracts under the Government for a large amount. Mr. Bertolet continued in office but one year, and was succeeded by Charles McClenigan, who is now in Rio Janeiro.

Peter McLaughlin became secretary on the 20th of September, 1858. The company failed about three months afterwards. During all this time the forge did a large amount of work for the Government and its contractors. Mr. McClenigan writes to the creditors of the company, under date of November 25, 1857:

"Our prospects for the future are very flattering, as we have at this time *positively secured* the forging for three of the United States sloops, and a very fair chance for the forging for the remaining two; also the Government work, which we at present are looking after."

The agency of Mr. Jones was known generally. At New York it was supposed to be an ownership of the forge. Mr. Bartol, a partner or agent of the firm of Merrick & Sons, Philadelphia, writes, under date of July 24, 1858, to the superintendent of the forge:

"Colonel Florence, who is just from Washington, says it is a settled fact that two of the new sloops are to be built here."

After suggesting that the forge bid for the machinery of one of them, he inquires, "will Mr. Jones support your proposition so as to get the job?" The reply of the treasurer in due time declines the offer, and says: "Mr. Jones is also of opinion that it might seriously affect the interest of the forge company."

No account was opened with Mr. Jones in the ledger of the Reading Forge. The check book of the company was not before your committee. How much he received for his services, how much is due to him on his contract, it is impossible to tell. In the expense account, items of money paid to Mr. Jones at various periods were found as follows:

"October 2, 1854. Office expenses debtor to the Farmers' Bank for check No. 523, drawn to pay J. Glancy Jones's expenses to Washington city, $30.

"November 26, 1856. Office expenses debtor to Farmers' Bank for this amount, check No. 858, sent to J. Glancy Jones, for expenses in procuring work for the Reading steam forge, $250.

"September 28, 1857. Office expenses for this amount borrowed money of A. J. Nichols, to pay J. Glancy Jones, esq., expenses to Washington, on business for the company, and returned the same in check No. 1038, $100."

The undersigned therefore report that Hon. J. Glancy Jones did, when a member of this House, enter into a contract with the Reading Forge Company, by which he agreed to procure work for it from the Government, in consideration of which he was to receive five per cent. commission; that he did procure contracts to be made between the Government and said Reading forge, in which he was interested to the amount of said commission; and that he did receive money from said company for said service.

The evil tendencies of such transactions are manifest. If members of Congress and other officers of the Government may be employed with money to solicit at the Executive Departments and bureaus for contracts and jobs, it cannot be expected that their influence will be resisted. The law will soon be disregarded, and offices, employments, and contracts, will be bartered and sold without regard to the public service.

By the first section of the act of April 26, 1808, it is provided thus:

"No member of Congress shall, directly or indirectly, himself or by any other person whatsoever, in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in the whole or in part, any contract or agreement hereafter to be made or entered into with any officer of the United States, or with any person authorized to make contracts on the part of the United States; and if any member of Congress shall, directly or indirectly, himself or by any person whatsoever, in trust for him, or for his use or benefit, or on his account, enter into, accept of, agree for, undertake, or execute, any such contract or agreement, in the whole or in part, every person so offending shall, for every such offense, upon conviction, &c., be adjudged guilty of a high misdemeanor, and shall be fined $3,000, and every such contract or agreement as aforesaid shall be absolutely null and void."

By the third section of the same act it is provided:

"In every such contract or agreement to be made, or entered into, or accepted, as aforesaid, there shall be inserted an express condition that no member of Congress shall be admitted to any part of such contract or agreement, or to any benefit to arise therefrom."

The interest of Mr. Jones in the contracts between the Government and the Reading Forge Company was certain, direct, and purely of a pecuniary nature.

By the third section of the act of February 26, 1853, it is provided that if any member of Congress shall, for compensation paid or to be paid, either certain or contingent, act as agent or attorney for prosecuting any claim against the United States, or shall receive any share or gratuity or interest in any claim, &c., he shall be liable to indictment as for a misdemeanor; the penalty is a fine of $5,000 or imprisonment, or both.

The clear design of these laws was to prevent a member of Congress from having any pecuniary interest in a contract with any officer of the Government, or in any other claim against the Government. Whether a contract of agency to procure contracts from the Government, where the compensation as a percentage on the amount of the contract is embraced, in the language of the law, might be a matter of doubt; but it is clearly within the spirit of the law, and is most pernicious and corrupting in its effects. In the one case, an interest in the contract would be disclosed by the contract itself; while, in the other case, it may be more readily concealed or covered under the pretext of local interest for constituents.

The undersigned recommend, in order to remove all doubt as to the meaning of the act of April 20, 1808, the passage of a provision of law to punish as a misdemeanor any member of Congress who, for money, acts as an agent in pecuniary contracts with the Government.

In conclusion, the undersigned recommend the adoption of the following resolutions:

Resolved, That the Secretary of the Navy has, with the sanction of the President, abused his discretionary power in the selection of a coal agent, and in the purchase of fuel for the Government.

Resolved, That the contract made by the Secretary of the Navy, under date of September 23, 1858, with W. C. N. Swift, for the delivery of live-oak timber, was made in violation of law, and in a manner unusual, improper, and injurious to the public service.

Resolved, That the distribution by the Secretary of the Navy of the patronage in the navy-yard among members of Congress was destructive of discipline, corrupting in its influence, and highly injurious to the public service.

Resolved, That the President and Secretary of the Navy, by receiving and considering the party relations of bidders for contracts with the United States, and the effect of awarding contracts upon pending elections, have set an example dangerous to the public safety and deserving the reproof of this House.

Resolved, That the appointment by the Secretary of the Navy of Daniel B. Martin, chief engineer, as a member of a board of engineers to report upon proposals for constructing machinery of the United States, the said Martin at the time being pecuniarily interested in some of said proposals, is hereby censured by this House.

All of which is respectfully submitted.

JOHN SHERMAN,
DAVID RITCHIE.

35th Cong. 2d Sess. } HOUSE OF REPRESENTATIVES. { Report No. 188.

OFFICIAL CONDUCT AND ACCOUNTS OF WILLIAM CULLOM, LATE CLERK OF THE HOUSE OF REPRESENTATIVES.

FEBRUARY 28, 1859.—Laid on the table and ordered to be printed.

Mr. MAYNARD, from the select committee to investigate the official conduct and accounts of William Cullom, late Clerk of the House of Representatives, made the following

REPORT.

The committee appointed to investigate the conduct and accounts of William Cullom, late Clerk of the House of Representatives, beg leave to report:

Your committee have taken a vast amount of testimony, extending in various departments of the Clerk's office, and have procured much information new to them, and possibly to many other members of the House. The committee was raised upon the following resolution:

"*Resolved*, That the conduct and accounts of William Cullom, the late Clerk, be referred to a select committee of five, with instructions to inquire into the various items of his accounts, and report thereon at any time, and shall have power to send for persons and papers."

Inasmuch as a suggestion has been made of delinquency on the part of the Clerk, touching the stationery procured and furnished for the use of the members of this House, their attention was first called to that department of the Clerk's office.

It is proper to say that the proof establishes the fact that the stationery furnished to the last Congress was procured, not by the late Clerk, Mr. Cullom, but by his predecessor, Mr. Forney; and whether complaints respecting it are well founded or not, no responsibility attaches to Mr. Cullom; the usage, under the law, being that each Clerk, after the close of Congress and before the next session, shall contract for and purchase stationery for the succeeding Congress.—Sec. 17, act of August 26, 1842, vol. v. Stat. at Large, p. 526.

With respect to the stationery furnished to the present Congress, it appears in proof that immediately after the close of the last Congress advertisements were prepared in the Clerk's office by some of the old incumbents, under the personal direction of the Clerk, to advertise for the kind and amount of stationery that their experience in the office, extending back in some cases nearly ten years, showed to be necessary; that he himself took no other part in preparing the advertisement than merely to give it his official signature; that, with the exception of a single instance, a house in New York, he personally invited no bids; that when the bids were made and the samples furnished, the latter were opened in one of the committee-rooms and carefully collated by the oldest and most experienced employés in the office, at the request, by the direction, and in the presence of the Clerk, who, having little knowledge respecting the different qualities of stationery, took no part in making the selections, but left it to the larger experience and better judgment of his subordinates; that they selected from different samples, such as appeared to them most suitable, regard being had to both quality and prices; and that contracts were awarded to some four or five different bidders, resident at different points, and all shown to be first-rate dealers; that the accepted bids were made known through the office, and instructions given by the Clerk to carefully inspect the articles delivered, and to see that they conformed to the samples, instructions that were faithfully observed; that in receiving and accepting the bids there was no collusion or understanding between the bidders and the Clerk, or any of his employés; that no margin was reserved, and no bonus was paid, or agreed to be paid, or demanded to be paid, by any of the contractors, either to the Clerk or any one in his employ; that the quality of the stationery furnished is very good, and that the skill and judgment used in making selections have been called in question only in the single article of wrapping paper, and that to the extent of but a few cents per ream, certain bidders being of opinion that their own samples were equally as good as those upon which contracts were awarded, while their bids were a trifle lower.

While your committee, therefore, find nothing in the purchase of the stationery to impeach the official conduct either of the Clerk or of those acting under him, their investigation has given them some insight into the stationery system, and they deem it proper to call the attention of the House to it. It appears that, by usage of the office, the stationery is placed in the custody of one of the subordinates, known as the stationery clerk; that he furnishes stationery to the Postmaster of the House, who delivers it to the members, and keeps the accounts with them; that, in fact, members have supplied themselves from the stationery room, leaving the stationery clerk to report the items to the Postmaster; and that in the sickness or necessary absence of the stationery clerk during the session of the House, his duties devolved upon some of his associates; that, so far as your committee can perceive, there is no check imposed upon the stationery clerk, or those who temporarily act in his place, and no means of ascertaining the fidelity with which they execute their

trust. It furthermore appears that a practice had grown up in the office of allowing each of the employés to use the office stationery for private purposes to an extent equal to the amount allowed by law to each of the members. As it appears to your committee, the stationery of the House is in much the same condition as would be a stock of merchandise of many thousand dollars' value, sold at retail by sundry different clerks, to nearly two hundred and fifty different customers, each a part proprietor, interested only in securing his share of the capital, with no eye to profits, no account of sales kept, and no invoice ever taken; the safety of the stock depending alone upon the skill and integrity of the factor. The stationery clerk of the last Congress was an old incumbent, continued in office by the late Clerk in compliance with a very numerous and most respectable recommendation. Your committee design no reflection upon him, but they submit that not only the safety of the officer, but that of the public property in his care, requires that his official conduct should be subjected by the Clerk to constant revisal.

In this connection, your committee deem it proper to call attention to the matter of upholstery, furniture, and repairs for the House, furnished by the direction and the authority of the Clerk. By House resolution of January 30, 1846, it is provided that "all contracts, bargains, or agreements relative to the furnishing any matter or thing, or for the performance of any labor for the House of Representatives, be made with the Clerk, or approved by him before any allowance therefor shall be made by the Committee of Accounts." The disbursements for upholstery, furniture, and repairs, amount annually to many thousand dollars. The practice of the office appears to be to employ some tradesman, who supplies everything of the kind that is required either by the committees or otherwise, without any special contract or agreement as to price, submits his account to the Committee of Accounts, which, when approved by that committee, is paid by the Clerk. During the last Congress three different persons were thus employed, whose evidence before the committee shows that, upon the articles furnished by them, they realized a profit of from twenty-five to thirty-three and one third per cent., which they say is no more than they charge private persons for similar supplies. Certain it is, that the aggregate of profits is very considerable, and does not seem to be attended with corresponding benefit to the Government. For example: it appears from the late Clerk's report that for furniture, &c., in the committee-room on Public Buildings and Grounds, ordered by that committee, was expended $1,439 25; and in like manner, in the committee-room on Expenditures of the Navy Department, $857 50; and in the committee-room on Expenses of the Post Office and Treasury Departments, $633 25.

But a more striking instance of the working of the system is found in the furnishing with carpets and cushions the new Hall. The superintendent engaged upon the Capitol extension, supposing that this fell within his province, had selected a carpet in this city at the price of $1 75 per yard laid down; but was informed by the Clerk that he considered this as a part of his official duty, under the resolution already referred to. In this view he was undoubtedly correct, and the superintendent very cheerfully and gladly acquiesced in it. He wrote to the Clerk giving him some suggestions about the matter, and the Clerk addressed a note to the tradesman employed as general furnisher, authorizing him "to do such upholstery and other work in the new Hall of the House of Representatives and its galleries as Captain Meigs might designate and direct." Under this authority he proceeded and procured the identical carpet selected by the superintendent, laid it down, and presented to the Committee of Accounts a bill at two dollars per yard and twenty-five cents per yard for laying it down, making a profit of nearly $1,000 on the single item. It is proper to add that the testimony shows that these profits, considerable as they appear, were enjoyed by the tradesman alone, neither the Clerk nor any of his subordinates participating in them. And in the matter of the carpet it appears that the Clerk personally had no other connection with it than to give the order in the manner stated, having one of his subordinates to supervise the laying it down according to the wishes of the superintendent.

Among other duties devolved upon the late Clerk, the House, by resolution of July 7, 1856, ordered him to purchase for each new member and Delegate of the last Congress a certain catalogue of books. This order, it seems, he had in part executed, when, on the 3d of March, 1857, the same was modified, so far as it remained unexecuted, by giving a reduced number of books to such public library in each of the districts as the member might designate, and at the same time the sum of $138,000 was appropriated for the purpose of indemnifying the Clerk for books already purchased, and to enable him to execute the order in full. Soon afterwards the Clerk, upon consultation, according to his usage in cases new and doubtful, with the more experienced of his corps of assistant clerks, drew a requisition upon the Treasury for $50,000, for the purpose of indemnifying himself for previous purchases, and to provide a fund for future purchases to be made in his contemplated absence from the city. This requisition was challenged and dishonored at the Treasury, and was followed by a correspondence between the Clerk's office and the Secretary, not necessary to be noticed further than to state the conclusion arrived at. On the 13th of June, 1857, the Secretary of the Treasury addressed a letter to the First Comptroller, reviewing the two resolutions of July 7, 1856, and March 3, 1857, and making a decision in reference to the purchase of books by the Clerk under the resolutions. He says that the resolution of March 3, 1857, "contemplates two distinct objects; first, to indemnify the Clerk for books already purchased by him; second, to enable the Clerk to obtain and forward to public libraries the books set forth in the law." He adds that the object of this latter branch of the law was doubtless to secure the purchase of the books, "as it had been repeatedly charged that members were sometimes in the habit of receiving the money instead of the books." Commenting upon the resolution of July 7, 1856, the Secretary says, "upon examination of similar resolutions which have been adopted by previous Houses, I find that they substantially agree in their directions to the Clerk with the one now under consideration. The Clerk, to the extent that he acted in carrying out this resolution, *with the recognized and approved precedents of his predecessors*, is entitled to protection, and such I have no doubt was the intention of Congress in framing that part of the law which provides for his indemnity. He should be required to produce to your office satisfactory evidence that he has so acted." Pursuant to this decision the Clerk, on the 15th of July, 1857, certified that he had purchased of one Hugh Tyler twenty-four sets of books, had delivered twenty-one sets to as many members, as appeared by their receipts which he produced, and had three sets still on hand undelivered. It was charged that this certificate was untrue, and that in fact no books had been delivered. This charge in three instances was sustained. The facts as they appear in evidence are as follows: your committee examined as witnesses a large number of the members whose receipts appear in this list. They find that in most cases the books were in fact delivered as the receipts purport. They have found but three exceptions. Hon. J. H. Jewett, of Kentucky, testifies in substance: "I did not take the books of Mr. Cullom, but that was at my own instance. I never had any interview with him upon the matter at all. When the resolution was passed, I was absent visiting a sick son. I had always understood that to be a sort of additional compensation to the members. One day one of the clerks came to my desk with a paper and asked me if I would take the books under the resolution. I said I would take the books. However, immediately upon the passage of the resolution, I had received a letter from Sherrard Williams, formerly a member of Congress, offering me his books at a much lower rate than they were to be furnished. Also, in the course of a private transaction with Colonel Stone, my predecessor, matters had so transpired that his books could also be obtained at a less price than they would be furnished here. I therefore proposed, through my colleague, to Mr. Cullom, to take money instead of books, as I preferred to do so. Mr. Cullom furnished me a list of books which he said he had put down at the catalogue prices; I gave him a receipt for them. If there was any fault in the matter, it was with me and not with him."

Hon. D. S. Walbridge, of Michigan, testifies that he received money for a portion of his books. "When I went for them, I told General Cullom that I had already bought some of the same works, the Register of Debates, the Annals, and also the Congressional Globe and Appendix, and they were at my house in my library, and I proposed, if it suited him, that he should give me the money instead of those books, of which I already had copies. He said it made no difference with him, and he did not know as it would make any difference to any one else; he accordingly gave me the money instead of those books."

Hon. John Williams, of New York, testifies, in substance, that on the 5th of March, 1857, one of his colleagues undertook to procure for him his books, and to have them sent to him; that he signed a receipt at Willard's Hotel, and enveloped it to the Clerk; made no examination of the receipt, and remembers nothing of its contents; finds the same receipt on file in the Treasury Department, dated July 15, 1856; had no interview or communication with the Clerk; gave no directions and made no provisions for the freight of his books, and had not received them, but had been assured by the Clerk, on the morning he gave his testimony, which was the first time he saw him, that the books were awaiting his orders. No money was received, or proposed to be received, by him.

The First Auditor, on the 6th of August, 1857, certifies that "the rates charged for books in this account have been compared with prior accounts, and have, in no case, been found to exceed the prices heretofore paid for the same." Your committee have attempted to give a syllabus of the facts connected with this much vexed transaction.

To furnish the books to the libraries, under the second branch of the resolution of March 3, 1857, the clerk employed Messrs. Taylor & Maury, and Mr. Shillington, well known booksellers in this city. Mr. Taylor testifies that he endeavored to procure from John C. Rives the Congressional Globe and Appendix, the Diplomatic Correspondence, and the Finance Reports, but that Mr. Rives refused to sell less than 43 volumes to the set of the Congressional Globe and Appendix, while 37 volumes was all that the Clerk, as he understood the law, was authorized to buy. That for the Diplomatic Correspondence he charged $25 a set, while the Clerk was allowed to give but $15; and for the Finance Reports he charged $24 50 a set, the price fixed to be paid by the Clerk being $24. That failing to get the books there, he collected them in the general market wherever he could find them, except the Finance Reports, which Mr. Rives finally supplied at $24 a set, and a portion of the Diplomatic Correspondence that he could not procure. That the books were delivered in one of the committee rooms of the Capitol, received by Mr. Bailey, Mr. Emerick, and others, and every set that was brought in was examined. "Of course we did not examine every volume thoroughly to see whether it was imperfect or not, because we could not do that. If there was any imperfection found, we stood ready to make it right; so we do in all other cases."

Mr. Bailey, who has been connected with the Clerk's office some eight years, testifies that he had charge of the book business after the 1st of April, 1857; that in the absence of the Clerk, and under instructions from him to have everything right in the matter, and to see that the books should be in a good condition, he gave his personal attention to receiving the books furnished for the libraries, aided by Mr. Emerick; that he attended to having the books packed and boxed up, and sent to the libraries; that he neither received nor sent away any books that he knew were not in good condition.

Mr. Robert K. Elliott testifies that, from the 20th of October to the 7th of December last, at the instance and in the employ of John C. Rives, he visited 22 public libraries, in the States of In

diana, Ohio, New York, New Hampshire, Massachusetts, Pennsylvania, and Maryland, to look for the Congressional Globe and Appendix, the Finance Reports, and the Diplomatic Correspondence; that he found of the first work, in each library he visited, from 37 to 76 volumes, some of them much worn and soiled by dampness, and in some cases the labels off; the Diplomatic Correspondence was in many instances found wanting, but no charge had been made for it, as he ascertains. No complaint was made in regard to the Finance Reports. A portion of these libraries were supplied by the present Clerk. Some complaints have been made that in some cases there were duplicate volumes of the Congressional Globe and Appendix, and in others a volume wanting. This is very satisfactorily explained by Mr. Bailey as resulting from the mistake of the binder—not affecting the contents of the work.

It appears that the Clerk very early authorized Mr. Hugh Tyler to purchase the books required for members of the last House. Besides the twenty-four sets of books already referred to and commented upon, it appears that, on the 29th of March, 1857, he procured from Messrs. Gales & Seaton, of this city, ninety sets of Annals of Congress, Register of Debates, and Senate Land Laws, at the publishers' price of $32,850; that, during the negotiation, as Mr. Seaton says, "the Clerk placed me in the hands of an agent, who, he said, would arrange with me for the number of copies which would be wanted. He declined giving the order himself, and said he would send a man to me, and would give an order to him for such number of copies as he should specify or agree to take. I received the order from Mr. Cullom directly. The agent informed me that he would obtain the order from the Clerk, or would secure the order to issue from the Clerk. General Cullom had previously stated that he would give an order for such number of the books as Tyler should stipulate for us to furnish." This agent, Tyler, exacted from them their check on the banking-house of Suter, Lea & Co., for $7,000, which was honored, and the money received by Tyler.

In a communication addressed to the Secretary of the Treasury by the Clerk, July 29, 1857, and verified by his affidavit, he alludes to a charge that had been made against him at the Treasury Department, growing out of this transaction, in the following terms: "As to the allegation that Gales & Seaton had paid Mr. Tyler a sum of money on any account, I know nothing. I gave Messrs. Gales & Seaton the order for the books myself, unconditionally, and my requisition for the amount of their receipted bill was before the Comptroller of the Treasury, when I went to Tennessee, and was passed and paid, as I understood, to Gales & Seaton in my absence. What they did with the money I know not; certain it is, I have not received a cent of it, nor have I learned from Mr. Tyler that he has. If such be the fact, I aver that I have no knowledge of it." Mr. Tyler's testimony fully sustains this solemn averment of the Clerk. He says that Mr. Cullom did not in any way, directly or indirectly, receive any part or portion of any profit or percentage growing out of the book contract with him; nor was any agreed to be paid. It is proper to add that this transaction of Tyler with Messrs. Gales & Seaton appears to be the only one performed by Tyler while acting under the authority of Mr. Cullom.

It furthermore appears that Mr. John Tretler, a book-binder of this city, had a contract with the late Clerk, to bind the reserved documents of the last Congress, amounting to $75,000 or $80,000; that he applied in person to the Clerk, and presented the recommendations of some of the best citizens of Washington; that he wanted the work, and, as he says, supposing that Mr. Tyler had influence with the Clerk, he subsequently went to Mr. Tyler and offered to give him twenty-five per cent. on the contract, if he would secure it for him; that Mr. Tyler accepted his offer, and that he paid him something over $12,000. Without going at large into the testimony, your committee will simply say, that it does not appear either that the Clerk participated in this money, or knew of the arrangement between Messrs. Tretler and Tyler; or even that the latter in any way intervened for the procurement of the contract. It is shown by Mr. Tretler that, at the instance and by the direction of Tyler, he avoided the Clerk, who in vain made repeated efforts to see him. And it further appears that, when an intimation was given to the Clerk of the reason why Tretler kept away, he went to his establishment, and, not finding him there, left a message for him with his son, who superintended his business, denouncing the suspected agreement, if any such existed.

At the close of the second session of the last Congress, five of the employés in the Clerk's office requested leave of absence during the recess, all, with one exception, to engage in the pending presidential canvass. The Clerk granted the leave, but informed them that during the time they would be absent they should be considered out of office, assigning for this course the two-fold reason that he wanted to bestow a portion of his official patronage upon others of his friends, and that he deemed it incompatible with the duties of salaried officers of the Government to engage in the strife of a political canvass. Objection was made by some of them to being displaced, and it was proposed by them that their names should be continued upon the pay-roll, as being in office; that on their return they should receipt the pay-roll, and indorse the checks for their pay to the Clerk, or under his direction. To this arrangement the Clerk assented. The absentees appear all to have understood that substitutes were to be employed, and that their pay was to go to the compensation of such substitutes. No substitutes, however, were employed. In fact, during the recess of Congress there was very little to be done. On the reassembling of Congress, at the first of December following, four of these five clerks returned to their duties, and carried out this agreement by receipting the pay-roll for their salaries during the months of September, October, and November, amounting in the aggregate to $1,800; indorsed the checks drawn for their pay, and left them with Mr. Ingram, the chief clerk. That officer testifies that, at that time, they kept their funds deposited at the banking-house of Suter, Lea & Co., or rather with Mr. Suter himself. "The checks were drawn payable to the parties, but, upon the subsequent settlement at the bank, the checks were placed to the credit of the Clerk, in my bank account. I think this was not long afterwards, a few days or weeks." Mr. Bailey testifies that his attention was called to the matter about the last of March, 1857. "I had a conversation with you [Mr. Cullom] about the matter, and I told you that you should return the $1,800, the amount in question, to the Treasury; that the depositing that amount in the bank of Suter, Lea & Co. did not answer the purpose which you designed it should. You said it was your purpose to have the matter done correctly, and would so make your settlement at the Treasury. I told you that you should charge yourself in the account current with this item of $1,800, the amount withheld from these clerks, and that would make the account square; and I understood you to say that you would have the matter carried out in that way." He further states that when the act of March 3, 1857, was passed, requiring disbursing officers to keep their accounts with the Treasury, the chief clerk, Mr. Ingram, in making up his estimates of the amount in the hands of Suter, Lea & Co., included this item of $1,800, and that it was returned to the Treasury as a part of the general deposit.

In the account rendered to the Treasury by the Clerk, after the close of his term, filed on the 3d of March, 1858, the Clerk is charged with a balance on hand, and, among others, with this item, without date:

"Account withheld from William Bailey, J. C. Greenlease, J. J. Burnett, and S. S. Stanton, on vouchers returned to the Treasury on the last quarter of the year 1856, $450 each, by reason of non-performance of service, $1,800."

Mr. Ingram further testifies: That the money was never drawn from the Government funds, and, on the final settlement at the Treasury, was fully accounted for; that he was prevented by this investigation from presenting his accounts for settlement at an earlier day.

Thus it appears that the said clerks performed no service during the three months in question, and received no pay; the amount of their salaries reverting to the Treasury, and your committee see no ground of complaint on their part, certainly, and none on the part of the Government.

Your committee have thus disposed of the principal matters of charge against the late Clerk. Some other matters were brought to their attention and were investigated with a great deal of labor to themselves and some cost to the Government, but nothing appeared that is deemed of importance to bring to the notice of the House.

It appears that the late Clerk, on going into office, found several persons of standing and experience holding places, whom he retained in his employ, and they are still retained. They have been examined before your committee, and without exception testify that they know of no fact tending either directly or indirectly to show misfeasance, malfeasance, corruption, or dereliction of duty on the part of the late Clerk. This is negative testimony indeed, but, coming from the source it does, is entitled to much weight.

Witnesses have detailed various statements of the late Clerk respecting the profits of his office, among them J. J. Burnett, S. S. Stanton, and Hon. Charles Ready, who says: "Some few days before the adjournment of the last Congress, during a night session of the House, he (the Clerk) came and sat down by my desk. After some conversation upon different subjects, I asked him myself, I think, what his office would yield him. He stated, in substance, that he had made $30,000; but, if the book resolution should pass, his office would be worth, he thought, $50,000. I give this as the substance of the conversation. That was before the book resolution passed. At that, or some other time, though my impression is that it was at that time, he spoke of having had the advantage, on account of his position here, of engaging in some speculations and making some investments in stocks and real estate. I do not remember very distinctly what was said upon that subject. The idea was, that he made $30,000 in consequence of holding the office."

Mr. McClarin, of Carthage, Tennessee, a neighbor and the private financial agent of the late Clerk, says: "That when with his acquaintance at home, he spoke of his office as a profitable one, and thought he would make some $30,000 or $40,000. He explained the matter by saying that there were good opportunities offered to the Clerk of the House of Representatives to make money by dealing in western lands, stocks, land warrants, real estate, &c.; that his position gave him credit and increased facilities for information. He was considered one of our wealthy men. I have been acquainted with General Cullom for eighteen or nineteen years; and from the time of my first acquaintance with him, his wealth has been annually increasing. As he increased in years, he increased in wealth, and latterly the increase has been larger than formerly." It shows that his means were ample, his credit good, and his character for integrity irreproachable. Mr. French, one of his predecessors in office, on being asked what are the opportunities in this city for such a man to realize money by dealing in real estate, taking advantage in buying and selling, says: "I should think perhaps no man could make money faster in any other way."

It appears in evidence that the Clerk has fully settled his accounts at the Treasury, and that, during his entire term of office, all moneys to his credit as Clerk, were drawn only upon checks prepared by his chief clerk, or the person acting for him in his absence, which were drawn upon vouchers being presented.

Your committee having now completed the labors assigned them by the House, pray to be discharged from the further consideration of the subject. They ask leave to report the following resolutions, and to be discharged from the further consideration of the subject referred to them:

Resolved, That there is nothing connected with advertising proposals, accepting bids, or selecting or purchasing the stationery for the use of the House of Representatives, which reflects the slightest discredit upon William Cullom, the late Clerk.

Resolved, That in the management and disposal of the stationery great abuses have existed; but as these have been continued for a series of years, no special blame attaches to the late Clerk.

Resolved, That negligence and carelessness have been shown in the execution of the House resolution of the 30th of January, 1846, by the Clerk, though there is no evidence

of either corruption or dishonesty in the premises on the part of the late Clerk.

Resolved, That negligence and inattention have been shown by the late Clerk in the execution of the resolution of July 7, 1856, and the act of March 3, 1857.

Resolved, That in the settlement of his accounts at the Treasury Department for the purchase and delivery of books to certain members of the Thirty-Fourth Congress, under the resolution of July 7, 1856, the Clerk certified to the purchase and delivery of two sets of books which were not, in fact, delivered; but money, in whole or in part, had been taken in lieu thereof; and a custom is proved to have previously existed of exchanging books for money; and in the two instances of the receipts filed by the late Clerk, the money had been paid at the special instance of the members themselves.

All of which is respectfully submitted.

DEBATES OF CONGRESS.

Report of the Joint Committee on Printing.

IN THE SENATE, *March* 2, 1859.

Mr. FITCH submitted the following report:

The Joint Committee on Printing, to whom was referred the following resolution, viz: "*Resolved*, That the Joint Committee on Printing inquire and report whether any new provisions of law are necessary to secure a faithful performance of the existing contracts which provide for accurate reports of the debates of the two Houses," report:

That they have had the subject under consideration, and given it such attention as their time and the pressure of other public business would allow.

The subject of reporting and printing the debates of Congress was referred to the Committee on the Library in the year 1846, and on the 7th of August, of that year, the committee on the part of the Senate made a report, from which the following is an extract:

"The subject referred to them is one of great importance, and has long occupied the most serious attention of Congress. The publication of the debates and proceedings of Congress is due to the country, and to the members themselves, and is necessary to a proper knowledge of the action of the Government. Public opinion is the judge of men and measures under our form of Government; and the two Houses of Congress being the great forums for the discussion of public measures, it is to these Houses, and what is said and done in them, that enlightened public opinion must look for much of the material which is to guide its decision.

"The *publication* of the debates and proceedings involves three points of expense and trouble, to wit: reporting, printing, and circulating; and each of these, besides, requires care and fidelity; and reporting requires peculiar talent and education. Congress, as a body, could not take upon itself the management of a business requiring so much skill, care, expense, and trouble, and accordingly has never attempted it. But the publication of the debates and proceedings, in some form, and to some extent, being imperatively required by public opinion, the newspaper press, at its own cost and trouble, especially at the seat of Government, have endeavored to supply the want, but necessarily to a limited degree, and at great sacrifice of pecuniary interest to itself. The oldest established paper in this city, that of Messrs. Gales & Seaton, is alleged to have paid out $100,000 for reporting debates of Congress within the last thirty years; and, no doubt, the other principal papers which undertook to give full reports of debates, paid in the same proportion during the time of their reporting. This mode of publishing is evidently too expensive for the newspaper press of this city, and is, besides, imperfect and insufficient, and withdraws from Congress the proper control and supervision of its own proceedings. Authentic publications, under the authority of Congress, and at its expense, have, therefore, been the mode which has suggested itself as the adeqate means of making the country acquainted with the debates and proceedings of a body intrusted with the power of national legislation, and exercising so great an influence over public opinion throughout the Union; and this mode of publication has frequently been made the subject-matter of anxious consideration before the committees of the two Houses. Plans have been reported by these committees in favor of this mode, but no general system has ever been adopted by the two Houses. A partial system adopted by the Senate, for itself, at the last session, has entirely failed. It has failed at all the points for which reporting is desirable, to wit: promptitude, accuracy, and diffusion among the people. It will probably be abandoned. The House of Representatives has no system of its own, and is dependent upon the voluntary services of the public press for the publication of its debates and proceedings, a service which, howsoever well performed for that House, during the present session, cannot expect to be continued. Both Houses are, therefore, without any system of reporting its debates and proceedings.

"By the Constitution, each House is to keep a journal of its proceedings, and to publish them. It would be a very narrow construction of this clause of the Constitution, and a very insufficient communication of the proceedings of Congress to the people, to confine the publication under this clause to the yeas and nays and the notices of bills and motions which appear on the Journals; nor is such the practice. Reports of committees and public documents are published in immense numbers, and at a vast expense; and, after all, without the great object and advantage of publication, that is to say, *diffusion among the people*, unless the newspaper press lends its aid to the republication of what Congress has printed. Publicity is the soul of our Government action. The nature of our Government, the interest of the country, and the will of the people, require publicity; and it is exacted in some form from all the departments of the Government. All the acts and communications (with few exceptions) of all the branches of the Government are published. While in the document form they are seen by few, it is through congressional debates that the contents of these documents go to the country. But for the publication and diffusion of the Congress debates no provision is made; and all other publication is inadequate without that.

"Impressed with a full sense of the importance and necessity of reporting and publishing the debates of Congress, and convinced that nothing less than the power of Congress (its power in point of authority and means) is adequate to this object, the committee of the two Houses fully decided upon reporting a plan to their respective Houses to place this business under the control and management of the two Houses, each for itself. The principle being agreed in, the details became points of anxious inquiry. To accomplish the great object in view, two different degrees or steps in the publication became indispensable. First, a prompt publication of the debates of each House on the morning of the following day, and their immediate communication to the people in all parts of the United States. To do this required the columns of the daily press, and necessarily involved a running report of the debate, to be put to press most usually without revision or correction by the speaker. Secondly, a revised and corrected publication of the same debates in a durable book form, to constitute the authentic parliamentary history of Congress. Interviews with the practical men and proprietors of the large printing establishments in this city show that it can be done. The National Intelligencer and the Union each will undertake to report, print, publish, and circulate, through their exchanges and subscribers, the daily debates of Congress. Messrs. Blair & Rives will engage to continue their revised and corrected publication of the same debates in the book form in which it is now done. This is for the daily running debate, and which is to come out on the morning of each day after its delivery, and to appear also in the country edition of the paper. Speeches detained by members for correction and revisal will appear in the daily papers at the first moment there is room for them without throwing out the current debate; in the Congressional Register they will appear in an appendix; but the whole running debate may be revised and corrected for prompt publication in the Register, and for that purpose the publisher of the daily reports will be required to deliver to each member a copy of the morning paper, that he may see how he is reported in each, and correct it immediately, if he chooses, and send it to the Congressional Register to take its permanent place in the book form.

"The committee have resolved that there should be two daily papers, one of each political party, to publish the current debates; and this for obvious reasons. It is idle to quarrel with human nature. Two parties exist, have existed, and will exist, in this as in all free Governments; and it is in vain for the party in power to endeavor to monopolize the advantages; and wrong in itself, and often politically injurious, to give one-sided information to the public. The plan proposed for the publication of the current daily debates puts each party upon an equality; and, what is more, it enables the readers and copyists from each paper to see the whole debate on both sides, and thus escape the evils of one-sided and partial information. The revised and corrected debates in the book form having nothing of the party character of a political paper, and, containing nothing but the debates and proceedings, do not require two establishments to print them, and are, therefore, proposed to be left in the faithful and competent hands in which they now are.

"This is the plan which has recommended itself to the committees of the two Houses, as combining all the advantages proper to be obtained by the publication of the debates and proceedings of Congress; an object which requires a double publication, one in the daily press for the daily information of the people, and one in the book form for the permanent preservation of the debates and proceedings."

August 7, 1846.—The Senate adopted a resolution authorizing each member of the Senate to subscribe for twelve copies of the Globe and Appendix, at six dollars a copy (of both) for the long, and three dollars for the short session. A copy of the resolution, and of all other material action of the Senate upon the subject of publishing the congressional debates is annexed, and is made a part of this report:

IN THE SENATE OF THE UNITED STATES, *August* 7, 1846.

Resolved, That each member of the Senate be authorized to subscribe for twelve copies of the debates of Congress, as published in the Congressional Globe, by Blair & Rives, or in the Register of Debates, by Gales & Seaton: *Provided*, The reports of said debates shall be subject to the revision of the speakers, and shall be mixed with no extrinsic matter, whether political or otherwise, and shall be paid for out of the contingent fund of the Senate, at prices not exceeding three dollars per copy for the debates of the short sessions, and six dollars per copy for the debates of the long sessions.

But if the printing done in publishing said reports of debates shall not amount to those prices at the present rates of Congress printing, then the price of said copies to be as much less as the deficiency at these rates may amount to; but in no case is the price of said copies to exceed three and six dollars each, as above provided.

Resolved, That the Secretary of the Senate be authorized to contract with Messrs. Blair & Rives, and with Messrs. Gales & Seaton accordingly, and notify the Senate thereof.

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Know all men by these presents, that we, Francis P. Blair, and John C. Rives, and James F. Haliday, are held, and firmly bound unto the United States of America, in the sum of $10,000, to which payment, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors, administrators, and assigns, and each and every of them, firmly by these presents. Sealed with our seals, and dated this 5th day of December, in the year 1846.

The condition of this obligation is such that, should the above bound Blair & Rives well and faithfully furnish such number of copies of the debates of Congress as may be subscribed for, agreeably to the resolution of the Senate of August the 7th, 1846, and in the manner and form, and upon the terms and conditions, prescribed by the said resolution, then this obligation to be null and void; otherwise, to be and remain in full force and effect.

F. P. BLAIR, [SEAL.]
JOHN C. RIVES, [SEAL.]
JAS. F. HALIDAY, [SEAL.]

Signed, sealed, and delivered, in the presence of
JAS. HOLLAND,
WM. W. CURRAN,
Z. W. MCKNEW.

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IN THE SENATE OF THE UNITED STATES, *March* 3, 1847.

Resolved, That the Secretary of the Senate be, and is hereby, authorized and directed to contract with Dr. James A. Houston, to furnish full and accurate reports of the proceedings and debates of the Senate for the Thirtieth Congress: *Provided*, That the cost thereof shall not exceed the sum of $12,000 for the long session, and $6,000 for the short session; and in the event of an extra session of said Congess, in like proportion for such extra session, to be paid out of the appropriation for the contingent expenses of the Senate: *Provided, also*, That said contractor shall employ a sufficient number of stenographers, and other reporters, to enable him to furnish full and accurate reports of each day's proceedings and debates in printed form on the succeeding morning, and shall have the same neatly made up at the close of every week in quarto form for preservation; and shall furnish to each member of the Senate twenty copies of the daily, and twelve copies of the weekly publication; and that he shall also send daily, by mail, a copy of the daily reports to the principal newspapers in the United States; said reports to be furnished to such of the newspapers in the city of Washington as shall print and publish the same daily, and supply the members of the Senate with twelve copies of a weekly publication, containing the matter furnished during the week; the said paper to contain no political discussions except the debates, and to be in no way connected with any political press.

(See Senate Journal, page 272–3; second session Twenty-Ninth Congress.)

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IN THE SENATE OF THE UNITED STATES, *August* 11, 1848.

The Senate proceeded to consider the resolution reported by the select committee the 8th instant, in relation to the publication of the debates and proceedings of the Senate; and, having been amended, to read as follows:

Resolved, That, in order to secure a more full, impartial, and prompt publication of the proceedings and debates of the Senate, the Secretary of the Senate be, and he hereby is, authorized and directed to enter into a contract, to take effect from this day with the proprietors of each of the daily papers in this city—the National Intelligencer and the Union—and to continue until otherwise ordered by the Senate, for the daily publication, in each paper, of all the debates and proceedings of the Senate, and for the early subsequent publication of such speeches as members may choose more carefully to revise and write out at full length, for which the Secretary is authorized to make weekly payment, at the rate of $7 50 for a column of brevier type: *Provided*, That the proceedings and current debates be transferred to the country edition of said papers; and one copy of the daily edition of each paper shall be furnished to each member during the session without additional charge.

Resolved further, That there be allowed and paid, out of the contingent fund of the Senate, to the present official reporter of the Senate, upon his relinquishing all rights under his contract from and after the end of the present session, $2,500.

On the question to agree thereto, it was determined in the affirmative—yeas 38, nays 9.

(See Senate Journal, page 567, first session Thirtieth Congress.)

On the 11th August, 1848, contracts were entered into by the Secretary of the Senate with Thomas Ritchie, proprietor of the Union, and with Gales & Seaton, proprietors of the National Intelligencer, in pursuance of the above resolution.

IN THE SENATE OF THE UNITED STATES, *February* 24, 1849.

Resolved, That the resolution of the Senate of the 11th day of August, 1848, directing the Secretary of the Senate to contract with the publishers of the two principal newspapers in this city for reporting and publishing the debates and proceedings of the Senate, be so modified as to exclude, after the adoption of this resolution, from any contract which has or may hereafter be made in pursuance of said resolution, the publication of revised speeches, a report of which has once been published; and also to exclude from the report of the proceedings of the Senate messages and reports from executive officers of the Government, and from committees of the Senate; and that the Secretary notify the persons with whom he has entered into contracts of these limitations and modifications of said resolution.—(See Senate Journal, page 256, second session Thirtieth Congress.)

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IN THE SENATE OF THE UNITED STATES, *March* 10, 1851.

The President *pro tempore* laid before the Senate a letter of Gales & Seaton, addressed to the Secretary of the Senate, stating that they are under the necessity of terminating

the existing engagement for the daily report and publication of the debates of the Senate; which was read.

On motion by Mr. Badger,

Ordered, That it be referred to the Committee on Printing.

(See Senate Journal, page 292, second session Thirty-First Congress.)

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IN THE SENATE OF THE UNITED STATES, *March* 11, 1851.

Mr. Borland, from the Committee on Printing, to whom was referred, the 10th instant, a letter from Messrs. Gales & Seaton, reported "that the committee be discharged from the further consideration thereof;" and the report was concurred in.

(See Senate Journal, page 293, second session Thirty-First Congress.)

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IN THE SENATE OF THE UNITED STATES, *January* 20, 1852.

Mr. Norris submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and instructed to audit, and from time to time, to settle the account of John C. Rives for the reports of the Senate proceedings and debates published in the Congressional Globe, at $7 50 per column.

(See Senate Journal, page 131, first session Thirty-Second Congress.)

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IN THE SENATE OF THE UNITED STATES, *January* 28, 1852.

On motion by Mr. Norris, and by unanimous consent, the vote ordering the resolution for settling the accounts for reporting the debates and proceedings of the Senate to be engrossed and read a third time, was reconsidered.

The Senate resumed the consideration of the said resolution; and having been amended on the motion of Mr. Norris, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and instructed to audit, and from time to time to settle the account of John C. Rives for the reports of the Senate proceedings and debates published in the Daily Globe, at $7 50 per column: *Provided, however*, That in auditing and settling such accounts nothing shall be allowed for the publication of revised speeches, a report of which has once been published, nor for messages and reports from the executive offices of the Government, nor for reports from committees of the Senate.

Ordered, That the resolution be engrossed and read a third time.

Resolution passed, January 29, 1852.

(See Senate Journal, pages 159 and 163, first session Thirty-Second Congress.)

On the 8th December, 1853, Robert Armstrong having become the proprietor of the Union, informed the Secretary of the Senate of his willingness to continue the performance of the contract made with Thomas Ritchie, August 11, 1848.

IN THE SENATE OF THE UNITED STATES, *February* 14, 1854.

The President *pro tempore* laid before the Senate a letter from Robert Armstrong, editor of "The Union," asking to be relieved from his engagement to publish the proceedings and debates of the Senate; which was read.

On motion by Mr. Hamlin,

Ordered, That it be referred to the Committee on Printing.

(Senate Journal, first session Thirty-Third Congress, page 181.)

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IN THE SENATE OF THE UNITED STATES, *February* 16, 1854.

The President *pro tempore* laid before the Senate a letter from Beverley Tucker and William M. Overton, publishers of the "Washington Sentinel," proposing to assume the contract for publishing the debates and proceedings of the Senate relinquished by Robert Armstrong; which was read.

Ordered, That it be referred to the Committee on Printing.

(See Senate Journal, first session Thirty-Third Congress, page 189.)

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IN THE SENATE OF THE UNITED STATES, *March* 14, 1854.

Mr. Hamlin, from the Committee on Printing, to whom were referred the letter of Robert Armstrong, and the letter of Beverley Tucker and William M. Overton, respecting the publication of the debates and proceedings of the Senate, reported thereon.

On motion by Mr. Hamlin,

Ordered, That the report lie on the table.

(See Senate Journal, first session Thirty-Third Congress, page 259.)

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IN THE SENATE OF THE UNITED STATES, *May* 18, 1854.

Resolved, That the Secretary of the Senate be, and he is hereby, directed to contract with the proprietor of the "Globe" for five thousand and twenty-two additional copies of the "Congressional Globe and Appendix" for the present Congress.

—

OFFICE OF THE SECRETARY OF THE SENATE
OF THE UNITED STATES, *June* 13, 1854.

SIR: Your proposal of this day's date, "to furnish the Senate five thousand and twenty-two additional copies of the Congressional Globe and Appendix for this Congress, commencing with this session, according to the resolution of the Senate, passed the 18th day of May, 1854, for the original subscription price, six dollars a copy for a long session, and three dollars for a short one;" is accepted.

I am, sir, your obedient servant,

ASBURY DICKINS,
Secretary of the Senate.

JOHN C. RIVES, Esq., *Washington.*

—

IN THE SENATE OF THE UNITED STATES, *August* 6, 1856.

Mr. Johnson submitted the following motion; which was considered by unanimous consent, and agreed to:

Ordered, That each member of the Senate be henceforth supplied with the same number of the "Congressional Globe and Appendix," and at the same price per copy as was supplied to the members of the Senate for the last Congress.

—

IN THE SENATE OF THE UNITED STATES, *August* 9, 1856.

Mr. Brown submitted the following resolution for consideration:

Resolved, That the Secretary of the Senate pay from the contingent fund of the Senate, to the proprietors of the Union, National Intelligencer, and Sentinel, for publishing the debates and proceedings of the Senate for the last two Congresses, and up to the conclusion of the present session, at the rate of $4 50 per column: *Provided*, That neither of said journals, which may have already been paid for any portion of the above service, shall be again paid for the same.

(See Senate Journal, page 550, first and second sessions Thirty-Fourth Congress.)

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August 30, 1856.

On motion of Mr. Cass,

The Senate proceeded to consider the resolution submitted by Mr. Brown on the 9th of August, making compensation to the proprietors of the National Intelligencer, Union, and Sentinel, for publishing the debates and proceedings of the Senate of the Thirty-Second and Thirty-Third Congresses, and of the present session.

And the resolution was agreed to—yeas 18, nays 16.

(See Senate Journal, page 677, first and second sessions Thirty-Fourth Congress.)

An act making appropriations for certain civil expenses of the Government for the year ending the 30th of June, 1857.

SEC. 16. *And be it further enacted*, That there shall be paid to John C. Rives, by the Secretary of the Senate and Clerk of the House of Representatives, out of the contingent funds of the two Houses, according to the number of copies of the Congressional Globe and Appendix taken by each, one cent for every five pages of that work exceeding three thousand pages for a long session, or fifteen hundred pages for a short one, including the indexes and the laws of the United States, commencing with this session.

Approved, *August* 18, 1856.

Amount paid under above section:

For the first session, 34th Congress, 1855-56....	$10,263 48
For the third session, 34th Congress, 1856-57....	1,476 10
For the first session, 35th Congress, 1857-58....	10,211 52

The prices fixed by the Senate resolution of August 7, 1846, appear to have been reported by the Library Committee after a careful investigation, and were subsequently adopted by the House. The contract of December 5, 1846, with Blair & Rives, was made under and in accordance with this resolution. The publisher of the Globe had no connection with the daily publication of the debates for the Senate until 1852, after several other parties had failed to continue agreements to publish them at the price paid the Globe. All contracts and obligations in the matter, both of reporting and publishing have been fully and promptly executed by Mr. Rives. The reports, both in the daily form and in the Congressional Globe and Appendix, are furnished by him more full and cheaper than similar work is had by any Government in the world. The late chairman of the Committee on Printing, (Mr. Johnson of Arkansas) addressed letters to a number of editors and publishers in this and neighboring cities, for the purpose of ascertaining the cost per column of publishing in their respective papers. Their answers show the average of their rates to be more than double the amount paid Mr. Rives; one only proposes to do it *nominally* cheaper. The result of past experiments upon the part of others to do the work, even at Mr. Rives's price, has not been such as to encourage the Senate to become a party to their renewal. If the reports and their publication are to be continued, the committee are unable to perceive wherein the Senate or the Treasury is to be benefited by any change of the present plan. The experience of the past assures us that no one can long report and publish them for a less compensation than that now paid, and any failure to continue them because such compensation is withheld will create danger of additional expense, with no certainty that the work, if resumed, will again be as fully and faithfully performed.

As there is now "a faithful performance of existing contracts," the committee deem no "new provisions of law" necessary.

LAWS OF THE UNITED STATES.

PUBLIC ACTS OF THE THIRTY-FIFTH CONGRESS

OF THE

UNITED STATES,

Passed at the Second Session, which was begun and held at the City of Washington, in the District of Columbia, on Monday, the 6th day of December, 1858, and ended on Thursday, the 3d day of March, 1859.

JAMES BUCHANAN, President. JOHN C. BRECKINRIDGE, Vice President, and President of the Senate. BENJAMIN FITZPATRICK was appointed President of the Senate, *pro tempore*, January 24, 1859, and so continued until February 10, 1859. JAMES L. ORR, Speaker of the House of Representatives.

CHAPTER I.—An Act to continue the office of Register of the Land Office at Vincennes, Indiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to enable persons interested in titles to land in the Vincennes district, Indiana, to perfect the same, and for the transaction of such other business as may require his services, the office of register of the land office at that place shall be continued for the period of three years from and after the passage of this act, if, in the opinion of the President of the United States, the public interests so long require it.

SEC. 2. *And be it further enacted*, That it shall be the duty of the register, under directions from the Secretary of the Interior to issue such patent certificates, or other evidences of title, as may from time to time be necessary, as the basis of patents for the ancient private claims in that district that have been recognized by various confirmatory laws, and that prior to finally closing the district, three months' public notice shall be given thereof.

SEC. 3. *And be it further enacted*, That a register shall be appointed by the President under this act, by and with the advice and consent of the Senate, which register shall be authorized to perform all such duties, both as register and receiver, as shall be prescribed by the Secretary of the Interior, and shall receive in full for the same a salary of five hundred dollars per annum, and such fees for preëmption or bounty-land locations as existing United States laws allow, and in making transcripts of original papers for individuals, said register shall have a right to charge therefor, according to the tariff existing in the local courts of the district.

SEC. 4. *And be it further enacted*, That the officer so appointed shall be required to reside at Vincennes, and to give bond for the faithful performance of his duties, the safety of the archives in his charge, and the public moneys which may be received by him, in such penalty as the President of the United States may deem necessary.

APPROVED, December 21, 1858.

CHAP. V.—An Act to confirm the Land Claim of certain Pueblos and Towns in the Territory of New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Pueblo land claims in the Territory of New Mexico designated in the corrected lists as—

A, Pueblo of Jemes in the county of Santa Ana,

B, Pueblo of Acoma in the county of Valencia,

C, Pueblo of San Juan in the county of Rio Ariba,

D, Pueblo of Picuris in the county of Taos,

E, Pueblo of San Felipe in the county of Bernalillo,

F, Pueblo of Pecos in the county of San Miguel,

G, Pueblo of Cochiti in the county of Santa Ana,

H, Pueblo of Santo Domingo in the county of Santa Ana,

I, Pueblo of Taos in the county of Taos,

K, Pueblo of Santa Clara in the county of Rio Ariba,

L, Pueblo of Tesuque in the county of Santa Fe,

M, Pueblo of San Ildefonso in the county of Santa Fe,

N, Pueblo of Pojuaque in the county of Santa Fe,

reported upon favorably by the surveyor general of New Mexico, in his report of the thirtieth of September, eighteen hundred and fifty-six, to the Department of the Interior, and the claim designated as—

O, Pueblo of Zia in the county of Santa Ana,

P, Pueblo of Sandia in the county of Bernalillo,

Q, Pueblo of Isleta in the county of Bernalillo,

R, (supposed,) Pueblo of Nambe,

reported upon favorably by the said surveyor general, on the thirtieth of November, eighteen hundred and fifty-six.

Also, the claim—

Number seven of the town of Tecolote in the county of San Miguel,

Number eleven, of the town of Chilili in the county of Bernalillo,

Number thirteen, of the town of Belen in the county of Valencia,

reported for the favorable action of Congress, by the said surveyor general on the thirtieth of September, eighteen hundred and fifty-seven; also the claim number two of the town of Tomé reported upon favorably by the surveyor general of New Mexico in his report of the thirtieth of September, eighteen hundred and fifty-six, to the Department of the Interior; also the claim number twenty-nine of the town of Casa Colorado, reported upon favorably by the surveyor general of New Mexico in his report of thirty-first December, eighteen hundred and fifty-six, to the Department of the Interior, be, and they are hereby, confirmed; and the Commissioner of the Land Office shall issue the necessary instructions for the survey of all of said claims, as recommended for confirmation by the said surveyor general, and shall cause a patent to issue therefor as in ordinary cases to private individuals: *Provided*, That this confirmation shall only be construed as a relinquishment of all title and claim of the United States to any of said lands, and shall not affect any adverse valid rights, should such exist.

APPROVED, December 22, 1858.

CHAP. VI.—An Act making Appropriations for the support of the Military Academy for the year ending the thirtieth of June, eighteen hundred and sixty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the year ending the thirtieth of June, eighteen hundred and sixty:

For pay of officers, instructors, cadets, and musicians, one hundred and fifteen thousand seven hundred and eighty-six dollars.

For commutation or subsistence, four thousand one hundred and sixty-one dollars.

For forage for officers' horses, sixteen dollars.

For pay in lieu of clothing to officers' servants, one hundred and twenty dollars.

For current and ordinary expenses, as follows: repairs and improvements, fuel and apparatus, forage, postage, stationery, transportation, printing, clerks, miscellaneous and incidental expenses, and departments of instruction, thirty-five thousand six hundred and ten dollars.

For gradual increase and expense of library, one thousand dollars.

For expenses of the Board of Visitors, three thousand seven hundred and fifty dollars.

For forage of artillery and cavalry horses, seven thousand five hundred and forty-five dollars.

For supplying horses for artillery and cavalry practice, one thousand dollars.

For repairs of officers' quarters, five hundred dollars.

For models for the department of cavalry, two hundred and fifty dollars.

For extension of water pipes and increase of reservoir, two thousand five hundred dollars.

For targets and batteries for artillery exercise, one hundred and fifty dollars.

For furniture for hospital for cadets, one hundred dollars.

For urinary conduits for cadet barrack yard, with service, five hundred and fifty dollars.

For addition to latrines, or privies, in cadet barrack yard, seven hundred and fifty dollars.

For latrines, or privies, at cadet camp ground, five hundred and fifty dollars.

For sewers to river from sappers, dragoons, artillery, and band barracks, one thousand seven hundred and fifty dollars.

For iron girders to give additional strength to academic building, three thousand five hundred dollars.

APPROVED, January 12, 1859.

CHAP. VIII.—An Act to repeal an Act entitled "An Act authorizing the Secretary of the Treasury to change the Names of Vessels in certain cases, approved the fifth of March, one thousand eight hundred and fifty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled, "An act authorizing the Secretary of the Treasury to change the names of vessels in certain cases," approved fifth March, one thousand eight hundred and fifty-six, be, and the same is hereby, repealed.

APPROVED, January 17, 1859.

CHAP. X.—An Act to authorize the President to make advances of Money to Hiram Powers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That out of the moneys heretofore appropriated by law to enable the President of the United States to contract with Hiram Powers for certain statuary, the President shall be, and hereby is, authorized to make such partial payments in advance as he shall deem fit.

APPROVED, January 19, 1859.

CHAP. XI.—An Act authorizing the issue of Registers to the Steamships America and Canada, and to change the Names of said Steamships.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue registers for the steamships America and Canada, now lying in the port of New York, and that the names of said ships be changed to the Mississippi and Coatzacoalcos; and said ships shall hereafter be considered and deemed to be ships or vessels of the United States, and entitled to all the rights and privileges accorded by law to ships or vessels built in the United States: *Provided*, That this act shall not go into effect until due proof shall be made to the satisfaction of said Secretary that said vessels are wholly owned by citizens of the United States, or by an incorporated company entitled to receive registers for ships or vessels under the provisions of existing laws.

APPROVED, January 19, 1859.

CHAP. XIII.—An Act to provide for holding the Courts of the United States in the State of Alabama.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in case of sickness or other disability of the district judge of the district courts of the United States in the State of Alabama, it shall be lawful for the justice of the Supreme Court of the United States for the fifth judicial circuit, upon notice thereof from the judge or marshal of the said district courts, to hold any of said district courts at the regular term thereof, or at such special terms as he may appoint for that purpose.

SEC. 2. *And be it further enacted*, That at any special sessions of the circuit court of the United States in said State, which shall be convened by the presiding judge of the said court, it shall be lawful for the court to entertain jurisdiction and transact business in the same manner, and with the same force and effect as at a regular term of said court.

SEC. 3. *And be it further enacted*, That this act shall continue in force until the fourth day of March, eighteen hundred and sixty-one, and no longer.

APPROVED, January 25, 1859.

CHAP. XVII.—An Act for the enforcement of Mechanics' Liens on Buildings, and so forth, in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall hereafter, by virtue of any contract with the owner of any building, or with the agent of such owner, perform any labor upon, or furnish any materials, engine, or machinery, for the construction or repairing of such building, shall, upon filing the notice prescribed in section second of this act, have a lien upon such building and the lot of ground upon which the same is situated, for such labor done, or materials, engine, or machinery furnished, when the amount shall exceed twenty dollars.

SEC. 2. *And be it further enacted*, That any person wishing to avail himself of this act, whether his claim be due or not, shall file in the office of the clerk of the circuit court for the District of Columbia, at any time after the commencement of the said building, and within three months after the completion of such building or repairs, a notice of his intention to hold a lien upon the property declared by this act liable to such lien, for the amount due or to become due to him, specifically setting forth the amount claimed. Upon his failure to do so, the lien shall be lost. The clerk aforesaid shall file and record such notice in a book provided for that purpose.

SEC. 3. *And be it further enacted*, That such lien shall cease to exist at the expiration of one year after the completion of the building or repairs, unless, before that time, an action to enforce the same shall have been commenced in the said circuit court by the person having such lien against the owner with whom or with whose agent the contract was made, unless such claim be not due at the expiration of one year after such completion, in which case the action shall be commenced within three months after the same shall have become due.

SEC. 4. *And be it further enacted*, That the complaint of the plaintiff shall contain a brief statement of the contract on which the claim is founded, the amount due thereon, the time when the notice was filed with the clerk, the time when the building was completed, if it be completed, with a description of the premises, and any other material facts, and shall pray that the premises may be sold, and the proceeds of the sale applied to the discharge of the lien.

SEC. 5. *And be it further enacted*, That the summons shall be served as in other cases, or, instead of service by publication, it may be made by delivering a copy thereof to the person in possession of the premises. If the defendant shall have sold or disposed of the premises before the service of the summons, the court shall direct notice of the proceedings to be served on the purchaser, or his agent for the premises, who may thereupon, if he desire it, be made a party defendant in the action.

SEC. 6. *And be it further enacted*, That the proceedings in an action to enforce such lien shall be the same as in other actions, except as otherwise provided in this act; and if judgment be rendered for the plaintiff, he may have execution issued against the premises, and thereupon the marshal shall proceed as upon other executions upon real property.

SEC. 7. *And be it further enacted*, That the liens created in pursuance of the provisions of this act shall have precedence over all other liens or incumbrances which attached upon the premises subsequent to the time at which said notice was given. If, upon a sale of the premises on execution, the proceeds be insufficient to pay all such liens, the court shall order them to be paid in proportion to the amount, respectively, due to each, and any other property of the defendant not exempt from execution, may be sold to satisfy such execution.

SEC. 8. *And be it further enacted*, That if the building be on any land lying outside of the corporate limits of Washington city and Georgetown, the land upon which the same is erected, together with the space around the same, not exceeding five hundred square feet clear of the building, shall also be subject to the said lien, if the said land, at the time of the erection or repair of such building, shall have been the property of the person contracting for the erection or repair of the same. If the building be in Washington city or Georgetown, the ground on which the same is erected, and a space of ground equal to the front of the building, and extending to the depth of the lot or lots on which it is erected, shall also be bound by the said lien, subject to the foregoing proviso.

SEC. 9. *And be it further enacted*, That all or any number of persons, having liens on the same building, pursuant to the provisions of this act, may join in one action, but their claims shall be stated distinctly as in a separate action, and the judgment shall show the amounts to which they are respectively entitled. If several such actions be brought by different claimants, and be pending at the same time, the court may order them to be consolidated.

SEC. 10. *And be it further enacted*, That whenever any person having a lien, by virtue of the provisions of this act, shall have received satisfaction for his claim, and the cost of his proceedings thereon, he shall, upon the request of any person interested, and upon the payment or tender of the costs of entering satisfaction, within six days after such payment or tender, enter satisfaction of his demand in the office of clerk aforesaid; and upon failure to do so he shall forfeit and pay fifty dollars to the party aggrieved, and all damages which he may have sustained in consequence of such failure or neglect.

SEC. 11. *And be it further enacted*, That in all proceedings commenced under this act the defendant may file a written undertaking, with surety to be approved by the court, to the effect that he will pay the judgment that may be recovered, and costs, and thereby release his property from the lien hereby created.

SEC. 12. *And be it further enacted*, That any person, having possession of the same, who shall make, alter, repair, or bestow any labor on any article of personal property, at the request of the owner or lawful possessor thereof, shall have a lien on such property so made, altered, or repaired, or upon which labor has been bestowed, for his just and reasonable charges for the labor he has performed and the materials he has furnished; and such person may hold and retain possession of the same until such just and reasonable charges shall be paid; but if possession pass from such person by his consent, the lien shall cease.

SEC. 13. *And be it further enacted*, That the provisions of section twelve of this act shall not interfere with any special agreement of the parties.

SEC. 14. *And be it further enacted*, That the act entitled "An act to secure to mechanics and others," &c., approved March second, eighteen hundred and thirty-three, and all other acts and parts of acts inconsistent with the provisions of this act, be, and the same are hereby, repealed, and this act shall take effect from the date of its passage.

APPROVED, February 2, 1859.

CHAP. XVIII.—An Act to provide for the Lighting with Gas certain Streets across the Mall.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of six thousand four hundred dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for laying down gas pipes and erecting gas lamps on Four-and-a-half street, Seventh street, and Twelfth street, across the plat of earth described in the plan of the city as reser-

vation numbers two and three, com[m]only known as the Mall, the same to be expended under the direction of the Commissioner of Public Buildings. This act shall be in force from its passage.

APPROVED, February 2, 1859.

CHAP. XIX.—An Act to fix and regulate the Compensation of Receivers and Registers of the Land Offices under the provisions of the act approved April twentieth, eighteen hundred and eighteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act for changing the compensation of receivers and registers of the land offices," approved April twentieth, eighteen hundred and eighteen, shall be so construed by the proper accounting officers of the Government as to restrict the aggregate amount allowed as compensation for the registers and receivers commissions on moneys received at any land office in any one calendar year, to the sum of twenty-five hundred dollars each; and that the registers and receivers shall not receive for any one quarter, or fractional quarter, more than a *pro rata* allowance of said maximum of twenty-five hundred dollars. Their compensation, both for salary and commissions, to commence and be calculated from the time they enter on the discharge of their duties.

APPROVED, February 2, 1859.

CHAP. XX.—An Act authorizing the Secretary of the Treasury to grant a Register for the Schooner William A. Hamill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be granted, under the direction of the Secretary of the Treasury, a register for the schooner William A. Hamill, lying in the port of Baltimore, and now owned by Robert Dorritie, a citizen of the United States: *Provided*, It be proved to the satisfaction of the Secretary of the Treasury that she was built at May's Landing, in the State of New Jersey; that she was enrolled as an American vessel, and that she was owned in whole by citizens of the United States at the time she was stranded on a reef near Abaco, one of the Bahama islands, and that she is now owned by Robert Dorritie, who is now a citizen of the United States.

APPROVED, February 2, 1859.

CHAP. XXI.—An Act providing for the payment of the expenses of Investigating Committees of the House of Representatives.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of ten thousand dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the expenses of the several investigating committees of the House of Representatives during the present session, and that the same be added to the miscellaneous item of the contingent fund of said House: *Provided*, That no portion of this sum shall be paid for constructive mileage for summoning witnesses.

SEC. 2. *And be it further enacted*, That hereafter the mileage or traveling allowance to the officer or other person executing precepts or summons of either House of Congress, shall not exceed ten cents for each mile necessarily and actually traveled by such officer or other person in the execution of any such precept or summons.

APPROVED, February 5, 1859.

CHAP. XXII.—An Act providing for keeping and distributing all Public Documents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby charged with receiving, arranging, safe-keeping, and [with the] distribution of all printed journals of the two Houses of Congress, and all other books and documents, of every nature whatever, already or hereafter directed by law to be printed or purchased for the use of the Government, except of such as are directed to be printed or purchased for the particular use of Congress, or *if* [of] either House thereof, or for the particular use of the Executive, or of any of the Departments; and for this purpose the Secretary of the Interior is hereby directed to set apart a proper room or rooms in the Patent Office building to be used for this and no other purpose; and the Superintendent of Public Printing, Public Printer, binder, or contractor, or any *or any* other person whose duty it shall be by law to deliver any of the same, shall deliver the same to him there.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretary of the Interior to obtain and remove from the other Departments and offices, and from the Congressional Library, and other places where the same are now kept, all such journals, books, and other documents now on hand and described in the foregoing section; and for this purpose, so much as is necessary of the appropriation made in the following clause of the act, entitled "An act making appropriations for certain civil expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-eight," approved March three, eighteen hundred and fifty-seven, to wit: "For expenses of packing and distributing the congressional journals and documents, in pursuance of the provisions contained in the joint resolutions of Congress approved twenty-eighth January, eighteen hundred and fifty-seven, twenty-two thousand dollars," as remains unexpended, is hereby appropriated.

SEC. 3. *And be it further enacted*, That a register of such journals, books, and other documents, shall be kept under the authority of the Secretary of the Interior, showing the quantity and kind of each at any time received by him in pursuance of this act; and it shall be his duty to be caused to be entered in such register, at the proper time, when, where, and to whom the same, or any part of them, have been distributed and delivered, and to report the same to Congress at the first session of each Congress.

SEC. 4. *And be it further enacted*, That the same shall be delivered out by the Secretary of the Interior only on the written requisition of the heads of Departments, Secretary of the Senate, Clerk of the House of Representatives, Librarian of Congress, and other officers and persons, private and corporate, who are, by law, authorized to receive the same, except where by law the Secretary of the Interior is required, without such requisition, to cause the same to be sent and delivered; and in either of such cases it shall be the duty of the Secretary of the Interior to cause the same to be sent and delivered, the expenses thereof, except when otherwise directed, to be charged on the contingent fund of the Department.

SEC. 5. *And be it further enacted*, That all such journals, books, and other documents, shall hereafter be distributed according to and for the purposes now prescribed by law, except that the distribution of the same to the Governors of the States and Territories, and to the judges of the courts of the United States, and other officers and public bodies within the States or Territories, shall be wholly under the control of the Secretary of the Interior; and the joint resolution approved March twenty, eight[een] hundred and fifty-eight, supplementary to the joint resolution approved January twenty-eight, eighteen hundred and fifty-seven, respecting the distribution of certain documents, is hereby repealed; and the third section of said joint resolution of January twenty-eight, eighteen hundred and fifty-seven, is hereby amended by striking out the words "by him" in the last line, and inserting the words "to him by each of the Senators from the several States, respectively, and by the Representative in Congress from each congressional district, and by the Delegate from each Territory in the United States:" *And provided*, That such distribution shall first be made at the instance of the Representatives in Congress from districts in which such public documents have not already been distributed, so that the quantity distributed to each congressional district and Territory shall be equal.

SEC. 6. *And be it further enacted*, That the tenth section of an act entitled "An act to establish the 'Smithsonian Institution' for the increase and diffusion of knowledge among men," approved August tenth, eighteen hundred and forty-six, is hereby repealed.

SEC. 7. *And be it further enacted*, That by this act the distribution of all works mentioned in the first section as public documents is intended and directed to be made, except the "Exploring Expedition" conducted by Commander Wilkes.

SEC. 8. *And be it further enacted*, That all books, maps, charts, and other publications of every nature whatever, heretofore deposited in the Department of State according to the laws regulating copyrights, together with all the records of the Department of State in regard to the same, shall be removed to, and be under the control of, the Department of the Interior, which is hereby charged with all the duties connected with the same, and with all matters pertaining to copyright, in the same manner and to the same extent that the Department of State is now charged with the same; and hereafter all such publications of every nature whatever shall, under present laws and regulations, be left with, and kept by him.

SEC. 9. *And be it further enacted*, That the Joint Committee on the Library may, at any time, dispose of duplicate, injured, or wasted books of the library, or any other matter in the library not deemed proper to it, in such manner as such committee may deem best.

SEC. 10. *And be it further enacted*, That all such books and documents, when received at the proper offices, libraries, and so forth, as provided by law, shall be kept there, and not removed from such places.

SEC. 11. *And be it further enacted*, That, of the Statutes at Large of the United States, published by Little and Brown, now deposited in the library of Congress for the use of Senators and Representatives during the sessions of Congress, ten copies be retained by the librarian for the use of the judges of the Supreme Court, during the terms of court, and that one third of the number then remaining in the library be transferred to the Senate and two thirds to the library of the House of Representatives, for the use of the Senators and Representatives during the sessions of Congress.

APPROVED, February 5, 1859.

CHAP. XXIII.—An Act for the Punishment of the Crime of Forgery [of] or Counterfeiting Military Bounty Land Warrants, Military Bounty Land Certificates, Certificates of Location, Certificates of Purchase, and Receivers' Receipts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, if any person or persons shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in falsely making, altering, forging, or counterfeiting, any military bounty land warrant, or military bounty land warrant certificate, issued or purporting to have been issued by the Commissioner of Pensions under any act of Congress, or any certificate of location of any military bounty land warrant, or any duplicate certificate of the location of any military bounty land warrant, or military bounty land warrant certificate, upon any of the lands of the United States, or any certificate of the purchase of any of the lands of the United States, or any duplicate certificate of the purchase of any of the lands of the United States, or any receipt for the purchase money of any of the lands of the United States, or any duplicate receipt for the purchase money of any lands of the United States, issued or purporting to have been issued by the register and receiver at any land office of the United States, or by either of them; or if any person or persons shall pass, utter, or publish as true any false, forged, or counterfeited military bounty land warrant, military bounty land warrant certificate, certificate of location, or duplicate certificate of location, certificate of purchase, duplicate certificate of purchase, receipt or duplicate receipt, for the purchase money of any of the lands of the United States, knowing the same to be false or forged, such person or persons so offending shall be deemed and adjudged guilty of felony, and being thereof duly convicted, shall be sentenced to be imprisoned and kept at hard labor for a period not less than three years nor more than ten years;

Provided, nevertheless, That nothing herein contained shall be construed to deprive the courts of the several States of jurisdiction under the laws thereof over offenses declared punishable by this law.

APPROVED, February 5, 1859.

CHAP. XXVI.—An Act granting the Right of Way over, and Depot Grounds on, the Military Reserve at Fort Gratiot, in the State of Michigan, for railroad purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right of way through and the privilege of constructing depots and work-shops on the public lands of the United States lying in the county of St. Clair, State of Michigan, commonly called the Fort Gratiot military reservation, be, and the same is hereby, granted to any railroad company or companies which may construct a railroad or railroads from the city of Detroit, or any other place in said State, to or near the village of Port Huron, in said State: *Provided,* That, in the opinion of the President of the United States, such grant or grants be not injurious to the purposes of public defense, and that the location of said buildings on, and such road or roads as to position and width through said reservation, and the price of the land to be so occupied, being first determined by the Secretary of War, be approved by the President: *And provided, further,* That, if the price of such grant or grants be not paid within thirty days after the approval of the President, or if either of said roads shall not be completed within three years, or if, at any time after its completion it shall be discontinued, the grant shall cease and determine as to such road: *And provided, further,* That all the buildings to be erected upon said reservation shall be of wood; and if, at any time, it should be deemed expedient by the commanding officer of Fort Gratiot, or by any other higher military authority, to destroy such buildings by fire or otherwise, no claim shall be made against the United States for damages.

APPROVED, February 8, 1859.

CHAP. XXVII.—An Act to provide for the Payment of the Claims of the State of Maine, for Expenses incurred by that State in organizing a Regiment of Volunteers for the Mexican War.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the accounts of the State of Maine for expenses incurred by that State in organizing a regiment of volunteers for the Mexican war, in the year eighteen hundred and forty-six, upon the requisition of the President of the United States, shall be audited and settled by the proper accounting officers of the Treasury Department, pursuant to the provisions of an act approved June second, eighteen hundred and forty-eight, to "refund money for expenses incurred, subsistence, or transportation furnished for the use of volunteers during the present war, upon being mustered into the service of the United States," in the same manner in all respects as if the said regiment had been mustered and received in the service of the United States; and the amount found to be due to the State of Maine shall be paid out of any money in the Treasury not otherwise appropriated.

APPROVED, February 9, 1859.

CHAP. XXVIII.—An Act to authorize the Attorney General to represent the United States in the Proceeding in Equity, now pending in the Supreme Court between the Commonwealth of Massachusetts and the State of Rhode Island and Providence Plantations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is hereby authorized and directed to intervene and represent the United States in the proceeding in equity now pending in the Supreme Court between the Commonwealth of Massachusetts and the State of Rhode Island and Providence Plantations, and to consent on behalf of the United States, to the adjustment of said suit by a conventional line to be agreed upon by the parties, and confirmed by a decree of said court, if, in his judgment, the rights and interests of the United States will not be prejudiced thereby.

SEC. 2. *And be it further enacted,* That in case such suit shall be adjusted as aforesaid, and a conventional line shall be agreed upon, and confirmed by a decree of the court as aforesaid, such line shall be taken and deemed to be, for all purposes affecting the jurisdiction of the United States, or of any Department of the Government thereof, the true line of boundary between said Commonwealth of Massachusetts and the State of Rhode Island and Providence Plantations.

APPROVED, February 9, 1859.

CHAP. XXXIII.—An Act for the admission of Oregon into the Union.

Whereas the people of Oregon have framed, ratified, and adopted a constitution of State government which is republican in form, and in conformity with the Constitution of the United States, and have applied for admission into the Union on an equal footing with the other States: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Oregon be, and she is hereby, received into the Union on an equal footing with the other States in all respects whatever, with the following boundaries: In order that the boundaries of the State may be known and established, it is hereby ordained and declared that the State of Oregon shall be bounded as follows, to wit: beginning one marine league at sea due west from the point where the forty-second parallel of north latitude intersects the same; thence northerly, at the same distance from the line of the coast, lying west and opposite the State, including all islands within the jurisdiction of the United States, to a point due west and opposite the middle of the north ship channel of the Columbia river; thence easterly, to and up the middle channel of said river, and, where it is divided by islands, up the middle of the widest channel thereof, to a point near Fort Walla-Walla, where the forty-sixth parallel of north latitude crosses said river; thence east, on said parallel, to the middle of the main channel of the Shoshones or Snake river; thence up the middle of the main channel of said river, to the mouth of the Owyhee river; thence due south, to the parallel of latitude forty-two degrees north; thence west, along said parallel, to the place of beginning, including jurisdiction in civil and criminal cases upon the Columbia river and Snake river, concurrently with States and Territories of which those rivers form a boundary in common with this State.

SEC. 2. *And be it further enacted,* That the said State of Oregon shall have concurrent jurisdiction on the Columbia and all other rivers and waters bordering on the said State of Oregon, so far as the same shall form a common boundary to said State, and any other State or States now or hereafter to be formed or bounded by the same; and said rivers and waters, and all the navigable waters of said State, shall be common highways and forever free, as well as to the inhabitants of said State as to all other citizens of the United States, without any tax, duty, impost, or toll therefor.

SEC. 3. *And be it further enacted,* That, until the next census and apportionment of Representatives, the State of Oregon shall be entitled to one Representative in the Congress of the United States.

SEC. 4. *And be it further enacted,* That the following propositions be, and the same are hereby, offered to the said people of Oregon for their free acceptance or rejection, which, if accepted, shall be obligatory on the United States and upon the said State of Oregon, to wit: First, that sections numbered sixteen and thirty-six in every township of public lands in said State, and where either of said sections, or any part thereof, has been sold or otherwise been disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools. Second, that seventy-two sections of land shall be set apart and reserved for the use and support of a State university, to be selected by the Governor of said State, subject to the approval of the Commissioner of the General Land Office, and to be appropriated and applied in such manner as the Legislature of said State may prescribe for the purpose aforesaid, but for no other purpose. Third, that ten entire sections of land, to be selected by the Governor of said State, in legal subdivisions, shall be granted to said State for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the Legislature thereof. Fourth, that all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said State for its use, the same to be selected by the Governor thereof within one year after the admission of said State, and when so selected, to be used or disposed of on such terms, conditions, and regulations as the Legislature shall direct: *Provided,* That no salt spring or land, the right whereof is now vested in any individual or individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall by this article be granted to said State. Fifth, that five per centum of the net proceeds of sales of all public lands lying within said State which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State, for the purpose of making public roads and internal improvements, as the Legislature shall direct: *Provided,* That the foregoing propositions, hereinbefore offered, are on the condition that the people of Oregon shall provide by an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States, or with any regulations Congress may find necessary for securing the title in said soil to bona fide purchasers thereof; and that in no case shall non-resident proprietors be taxed higher than residents. Sixth, and that the said State shall never tax the lands or the property of the United States in said State: *Provided, however,* That in case any of the lands herein granted to the State of Oregon have heretofore been confirmed to the Territory of Oregon for the purposes specified in this act, the amount so confirmed shall be deducted from the quantity specified in this act.

SEC. 5. *And be it further enacted,* That, until Congress shall otherwise direct, the residue of the Territory of Oregon shall be, and is hereby, incorporated into, and made a part of the Territory of Washington.

APPROVED, February 14, 1859.

CHAP. XXXV.—An Act for the Relief of the Mobile and Ohio Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whereas the State of Mississippi, by its act approved on the twenty-eighth of January, eighteen hundred and fifty-two, and the State of Alabama, by its act approved on the first of December, eighteen hundred and fifty-one, did transfer to the Mobile and Ohio Railroad Company the lands which were granted to said States under the provisions of the act of Congress approved the twentieth September, eighteen hundred and fifty, to aid in the construction of a railroad from Mobile to the mouth of the Ohio river, the said transfers of said lands so made by said States, respectively, to said company, are hereby recognized, ratified, and confirmed, and the title to all bona fide purchasers of said company are also hereby confirmed, and that the time limited by said original act of Congress for the completion of said railroad is hereby extended, and the said company is allowed further time till the twentieth of September, in the year eighteen hundred and sixty-five, to complete the same, anything in said act to the contrary notwithstanding: *Provided, nevertheless,* That the said Mobile and Ohio Railroad Company be subjected to, and shall comply with, all the conditions, restrictions, and limitations contained in the act of Congress above referred to, approved the twentieth September, eighteen hundred and fifty: *And provided,* That nothing herein contained shall be construed so as

to release the States of Mississippi or Alabama from any liability imposed upon them by the said act of September twentieth, eighteen hundred and fifty

APPROVED, February 18, 1859.

CHAP. LVIII.—An Act to authorize Settlers upon sixteenth and thirty-six[th] sections, who settled before the surveys of the Public Lands, to preëempt their settlements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where settlements, with a view to preëmption, have been *been* made before the survey of the lands in the field which shall be found to have been made on sections sixteen or thirty-six, said sections shall be subject to the preëmption claim of such settler; and if they, or either of them, shall have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quality are hereby appropriated in lieu of such as may be patented by preëmptors; and other lands are also hereby appropriated to compensate deficiencies for school purposes, where said sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever: *Provided*, That the lands by this section appropriated, shall be selected and appropriated in accordance with the principles of adjustment and the provisions of the act of Congress of May twentieth, eighteen hundred and twenty-six, entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for."

APPROVED, February 26, 1859.

CHAP. LIX.—An act to protect the Land Fund for School Purposes in Sarpy County, Nebraska Territory.

Whereas, by the treaty between the United States and the Omaha tribe of Indians, by which said Indian tribe ceded their lands in the Territory of Nebraska to the United States, a reservation was made of a part of section thirty-six, in town[ship] fourteen north, range thirteen east, for the Presbyterian Board of Foreign Missions; and whereas, by virtue of a joint resolution of Congress, approved March third, eighteen hundred and fifty-seven, a large portion of the remainder of said section thirty-six has been preempted, leaving but a fraction for the use of schools: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the superintendent of common schools of the county of Sarpy, in which said land is situated, shall be, and [he] hereby is, authorized to select six hundred and forty acres of any unoccupied public lands in said county in subdivisions of not less than one quarter section, in lieu of the aforesaid section thirty-six: *Provided*, That as soon as such selection shall be made, it shall be the duty of such superintendent to file a notice thereof, with a description of the land selected, in the office of the register of the land office in the Omaha land district, who shall thereupon withdraw such land so selected from the list of lands subject to preëmption, or public or private sale in said land district, and shall report the fact to the United States Commissioner of Public Lands, and the land so selected shall, after such filing with the register, belong to the school fund of said county in all respects the same as other school lands; and the fraction of said section thirty-six remaining after satisfying the terms of said treaty, and after said preëmptions as mentioned in the foregoing preamble, shall be subject to preëmption, public sale, or private entry, the same as other public lands.

APPROVED, February 26, 1859.

CHAP. LX.—An Act to incorporate the Washington National Monument Society.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of completing the erection, now in progress, of "a great national monument to the memory of Washington, at the seat of the Federal Government," Winfield Scott, Walter Jones, John J. Abert, James Kearney, Thomas Carbery, Peter Force, William A. Bradley, Philip R. Fendall, Walter Lenox, Matthew F. Maury, and Thomas Blagden, (being the survivors of the persons mentioned in a certain grant bearing date on the twelfth day of April, in the year one thousand eight hundred and forty-eight, by James K. Polk, then President of the said United States, in virtue of a joint resolution of Congress, approved on the thirty-first day of January, in the same year, of an authority to erect a monument to the memory of George Washington, on reservation numbered three, in the said city of Washington,) and, also, Jonathan B. H. Smith, William W. Seaton, Elisha Whittlesey, Benjamin Ogle Tayloe, Thomas H. Crawford, William W. Corcoran, and John Carroll Brent, and their successors to be elected in the manner hereinafter directed, shall be, and [they] are hereby, created a corporation, and body politic, by the name and style of "The Washington National Monument Society."

SEC. 2. *And be it further enacted*, That the easement, and all and singular the rights and privileges conveyed in the aforesaid grant, shall be, and the same hereby are, vested in, and confirmed to, the corporation and body politic hereinbefore created; and that any and all property and right of property of any and every kind and description whatsoever, whether in possession, or in action, or in expectancy, which may at any time before the passing of this act have been acquired by the voluntary association heretofore known by the name of the Washington National Monument Society, or which may hereafter be acquired by the corporation and body politic hereinbefore created, shall be, and the same hereby are, vested in, and confirmed to, the corporation and body politic hereinbefore created; and that the said corporation and body politic may apply to its uses, and for the purpose of completing the erection of the monument aforesaid, according to such by-laws, rules, and regulations, as it may, from time to time, hereafter, make and ordain, any and all property, of any and every kind, and description whatsoever, which is now appertaining to said monument, or which the corporation and body politic hereby created may hereafter acquire, by purchase, gift, or other lawful means.

SEC. 3. *And be it further enacted*, That it shall be competent for the persons hereinbefore named and described as constituting the corporation and body politic hereby created, and their successors, to remove, by a vote of four fifths of the said persons, any of their number; and the person so removed shall no longer be a member of said corporation and body politic, nor have any authority therein: *Provided*, That for any other act within the legitimate objects of this corporation a quorum of five shall be sufficient for the transaction of business: *Provided*, That notice of all meetings, which may not be provided for in the by-laws and ordinances of the corporation, shall be given to all members thereof residing within the District of Columbia.

SEC. 4. *And be it further enacted*, That when any vacancy shall happen in the said corporation and body politic, from death or resignation, or otherwise, the rémaining members thereof shall elect and appoint a successor to fill the same, within ten days after the happening of such vacancy; and that, on failure to fill the same within thirty days, it shall be the duty of the attorney of the United States for the District of Columbia to proceed against the said corporation and body politic, by a writ of *scire facias*, for a forfeiture of the charter hereby granted before the circuit court of the District of Columbia, and the adjudication of that court thereon shall be conclusive. And should this charter be so adjudged forfeited, the monument and other improvements and property held under the same shall be placed by the President of the United States under the care and custody of the Commissioner of Public Buildings, or such other officer of the United States as he may designate or appoint for the time being.

SEC. 5. *And be it further enacted*, That the said corporation and body politic, hereinbefore created, shall, by the name and style of the "Washington National Monument Society," have perpetual succession; shall be capable to sue or to be sued, to plead or be impleaded in any court of law or equity in the United States; may have and use a common seal, and the same may destroy, alter, and renew at pleasure, and shall have power to purchase, take, receive, and enjoy, to them and their successors, any and all property, of any kind and description whatsoever, for the purpose of completing the erection of said monument; to dispose of the same as they shall deem most conducive to the object of completing the erection, now in progress, of the monument aforesaid; to elect, so soon after the passage of this act as may be convenient, such officers as they may deem proper, and to make and ordain such constitution, by-laws, ordinances, and regulations consonant to the objects of this charter as they may deem expedient and proper, and which shall not be repugnant to the Constitution and laws of the United States; and to repeal, alter, and amend the same: *Provided, always*, That the President of the United States, for the time being, shall be *ex officio* president; and the Governors, for the time being of the several States of the United States, shall be respectively *ex officio* vice presidents of the said society, corporation, and body politic, and that all meetings thereof shall be held, and all records and papers thereof kept at the said city of Washington.

SEC. 6. *And be it further enacted*, That this act may at any time be altered, amended, or repealed by the Congress of the United States.

SEC. 7. *And be it further enacted*, That all laws, acts, or resolutions, or any part of any law, act, or resolution, inconsistent with this act, shall be, and the same are hereby, repealed.

SEC. 8. *And be it further enacted*, That this act shall be in force from and after the passing thereof.

SEC. 9. *And be it further enacted*, That nothing in this act shall be so construed as to authorize this said corporation to issue any note, token, device, scrip, or other evidence of debt to be used as a currency.

SEC. 10. *And be it further enacted*, That each of the corporators in said corporation shall be held liable, in his individual capacity, for all the debts and liabilities of said corporation, however contracted or incurred, to be recovered by suit, as other debts or liabilities, before any court of competent jurisdiction: *Provided, however*, That nothing herein contained shall be so construed as to render said corporators in said corporation individually liable for any debt or liability contracted in the name, or behalf of, the Washington National Monument Society at any time prior to the twentieth day of October, one thousand eight hundred and fifty-eight.

APPROVED, February 26, 1859.

CHAP. LXIV.—An Act to amend an act entitled "An Act authorizing Repayment for Land erroneously sold by the United States."

Be it enacted by the Senate and House of Representatives of the United State: of America in Congress assembled, That the act of Congress, "authorizing repayment for lands erroneously sold by the United States," approved January twelfth, eighteen hundred and twenty-five, be, and the same is hereby, amended, so as to authorize the Secretary of the Interior, upon proof being made to his satisfaction, that any tract of land has been erroneously sold by the United States, so that from any cause whatever, the sale cannot be confirmed, to repay to the purchaser or purchasers, or to the legal representatives or assignees of the purchaser or purchasers thereof, the sum or sums of money, which may have been paid therefor, out of any money in the Treasury not otherwise appropriated.

SEC. 2. [*And*] *be it further enacted*, That, whenever any tract of land has been erroneously sold, as aforesaid, and the sum or sums of money which may have been paid for the same, shall have been invested in any stocks held in trust, or shall have been paid into the Treasury of the United States, to the credit of any trust fund, it shall be lawful by the sale of such portion of the said stocks as may be necessary for that purpose, or out of said trust fund, for repayment of the purchase money to be made to the parties entitled thereto.

APPROVED, February 28, 1859.

CHAP. LXV.—An Act giving the assent of Congress to a Law of the Missouri Legislature for the Application of the reserved two per cent. Land Fund of said State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assent of Congress be, and the same is hereby, given to the act of the Legislature of the State of Missouri, entitled "An act supplemental to an act to amend 'An act to secure the completion of certain railroads in this State, and for other purposes,'" approved on the nineteenth day of November, eighteen hundred and fifty-seven, appropriating the two per centum of the net proceeds of sales of public lands in said State, reserved by existing laws to be expended under the direction of Congress, but hereby relinquished to that State; and that the proper accounting officers of the Government are hereby authorized and required to audit and pay the accounts for the same, as in the case of the three per centum land fund of said State.

APPROVED, February 28, 1859.

CHAP. LXVI.—An Act making Appropriations for the current and contingent Expenses of the Indian Department, and for fulfilling Treaty Stipulations with various Indian Tribes, for the year ending June thirtieth, eighteen hundred and sixty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian department, and fulfilling treaty stipulations with the various Indian tribes.

For the current and contingent expenses of the Indian department, viz:

For the pay of superintendents of Indian affairs and of the several Indian agents, per acts of fifth June, eighteen hundred and fifty, twenty-eighth September, eighteen hundred and fifty, twenty-seventh February, eighteen hundred and fifty-one, third March, eighteen hundred and fifty-two, third March, eighteen hundred and fifty three, thirty-first July, eighteen hundred and fifty-four, third March, eighteen hundred and fifty-five, eighteenth August, eighteen hundred and fifty-six, third March, eighteen hundred and fifty-seven, and twelfth June, eighteen hundred and fifty-eight, eighty-seven thousand seven hundred and fifty dollars.

For the pay of the several Indian sub-agents, per act of thirty-first July, eighteen hundred and fifty-four, ten thousand five hundred dollars.

For the pay of clerk to superintendent at St. Louis, Missouri, per act of twenty-seventh June, eighteen hundred and forty-six, one thousand two hundred dollars.

For the pay of clerk to superintendent in California, per act of third March, eighteen hundred and fifty-two, one thousand eight hundred dollars.

For the pay of interpreters, per acts of thirtieth June, eighteen hundred and thirty-four, twenty-seventh February, eighteen hundred and fifty-one, and eighteenth August, eighteen hundred and fifty-six, thirty-one thousand nine hundred dollars.

For presents to Indians, five thousand dollars.

For provisions for Indians, eleven thousand eight hundred dollars.

For buildings at agencies, and repairs thereof, ten thousand dollars.

For insurance, transportation, and necessary expenses of delivery of annuities, goods, and provisions to the Indian tribes in Minnesota, Michigan, and Wisconsin, thirty thousand dollars.

For contingencies of the Indian department, thirty-six thousand five hundred dollars.

For the employment of temporary clerks by superintendent of Indian affairs, on such occasions and for such periods of time as the Secretary of the Interior may deem necessary to the public service, five thousand dollars.

For fulfilling treaty stipulations with the various Indian tribes:

Blackfoot Nation.—For fourth of ten installments as annuity, to be expended in the purchase of such goods, provisions, and other useful articles, as the President, at his discretion, may from time to time determine, per ninth article of the treaty of seventeenth October, eighteen hundred and fifty-five, twenty thousand dollars.

For fourth of ten installments as annuity, to be expended in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children, and promoting civilization and Christianity, at the discretion of the President, per tenth article of the treaty of seventeenth October, eighteen hundred and fifty-five, fifteen thousand dollars.

For expenses of transportation and delivery of annuities in goods and provisions, seventeen thousand dollars.

Calapooias, Molalla, and Clackamas Indians of Willamette Valley.—For the last of five installments of annuity for beneficial objects, per second article of treaty twenty-second January, eighteen hundred and fifty-five, ten thousand dollars.

For last of five installments for pay of physician, teacher, blacksmith, and farmer, per third article treaty twenty-second January, eighteen hundred and fifty-five, five thousand seven hundred dollars.

Chasta, Scoton, and Umpqua Indians.—For fifth of fifteen installments of annuity, to be expended as directed by the President, per third article treaty eighteenth November, eighteen hundred and fifty-four, two thousand dollars.

For fifth of fifteen installments for the pay of a farmer, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand dollars.

For last of five installments for support of two smiths and smiths' shops, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, two thousand one hundred twenty dollars.

For fifth of ten installments for pay of physician, medicines, and expense of care of the sick, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand five hundred dollars.

For fifth of fifteen installments for pay of teachers and purchase of books and stationery, per fifth article treaty eighteenth November, eighteen hundred and fifty-four, one thousand two hundred dollars.

Chippewas of Lake Superior.—For two thirds of eighteenth of twenty-five installments in money, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, eight thousand three hundred and thirty-three dollars and thirty-three cents.

For two thirds of eighteenth of twenty-five installments for the pay of two carpenters, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, eight hundred dollars.

For two thirds of eighteenth of twenty-five installments in goods, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, seven thousand dollars.

For two thirds of eighteenth of twenty-five installments for the support of schools, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September eighteen hundred and fifty-four, one thousand three hundred and thirty-three dollars and thirty-three cents.

For two thirds of eighteenth of twenty-five installments for the pay of two farmers, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For two thirds of eighteenth of twenty-five installments for the purchase of provisions and tobacco, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand three hundred and thirty-three dollars and thirty-three cents

For fifth of twenty installments in coin, goods, household furniture, and cooking utensils, agricultural implements and cattle, carpenters' and other tools and building materials, and for moral and educational purposes, per fourth article treaty thirtieth September, eighteen hundred and fifty-four, nineteen thousand dollars.

For last of five installments, in blankets, cloths, nets, guns, ammunition, and such other articles of necessity as they may require, to the Bois Forte band, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four, two thousand dollars.

For fifth of twenty installments for six smiths and assistants, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, five thousand and forty dollars.

For fifth of twenty installments for the support of six smiths' shops, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, one thousand three hundred and twenty dollars.

For third of twenty installments for the seventh smith and assistant, and support of shop, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four, one thousand and sixty dollars.

For support of a smith, assistant, and shop for the Bois Forte band, during the pleasure of the President, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand and sixty dollars.

For support of two farmers for the Bois Forte band, during the pleasure of the President, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four, one thousand two hundred dollars.

Chippewas of the Mississippi.—For one third of eighteenth of twenty five installments, in money, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, four thousand one hundred and sixty-six dollars and sixty-seven cents.

For one third of eighteenth of twenty-five installments for the pay of two carpenters, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, four hundred dollars.

For one third of eighteenth of twenty-five installments in goods, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, three thousand five hundred dollars.

For one third of eighteenth of twenty-five installments for the support of schools, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For one third of eighteenth of twenty-five installments for the purchase of provisions and tobacco, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For one third of eighteenth of twenty-five installments for the support of two smiths' shops, including the pay of two smiths and assistants, and furnishing iron and steel, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, six hundred and sixty-six dollars and sixty-seven cents.

For one third of eighteenth of twenty-five installments for pay of two farmers, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four, three hundred and thirty-three dollars and thirty-three cents.

For fifth of twenty installments of annuity in money, per third article treaty twenty-second February, eighteen hundred and fifty-five, twenty thousand dollars.

Chippewas, Pillager, and Lake Winnibigoshish bands.—For fifth of thirty installments of annuity in money, per third article treaty twenty-second February, eighteen hundred and fifty-five, ten

thousand six hundred and sixty-six dollars and sixty-six cents.

For fifth of thirty installments of annuity in goods, per third article treaty twenty-second February, eighteen hundred and fifty-five, eight thousand dollars.

For fifth of thirty installments for purposes of utility, per third article treaty twenty-second February, eighteen hundred and fifty-five, four thousand dollars.

For fifth of twenty installments for purposes of education, per third article treaty twenty-second February, eighteen hundred and fifty-five, three thousand dollars.

For last of five annual installments for the purchase of powder, shot, lead, twine, and tobacco, per third article treaty twenty-second February, eighteen hundred and fifty-five, six hundred dollars.

For last of five annual installments for the hire of six laborers, per third article treaty twenty-second February, eighteen hundred and fifty-five, three thousand dollars.

For fifth of fifteen annual installments for support of two smiths and smiths' shops, per third article treaty twenty-second February, eighteen hundred and fifty-five, two thousand one hundred and twenty dollars.

Chippewas of Saginaw, Swan Creek, and Black River.—For fourth of five equal annual installments for educational purposes, under the direction of the President, per second article of the treaty of second August, eighteen hundred and fifty-five, four thousand dollars.

For fourth of five equal annual installments for agricultural implements and carpenters' tools, household furniture and building materials, cattle, labor, and necessary useful articles, per second article of the treaty of second August, eighteen hundred and fifty-five, five thousand dollars.

For fourth of ten equal annual installments in coin, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of second August, eighteen hundred and fifty-five, ten thousand dollars.

For fourth installment for the support of one blacksmith shop for ten years, per second article of the treaty of second August, eighteen hundred and fifty-five, twelve hundred and forty dollars.

Chippewas, Menomonees, Winnebagoes, and New York Indians.—For education during the pleasure of Congress, per fifth article treaty eleventh August, eighteen hundred and twenty-seven, one thousand five hundred dollars.

Chickasaws.—For permanent annuity in goods, per act of twenty-fifth February, seventeen hundred and ninety-nine, three thousand dollars.

Chickasaw Incompetents.—For arrears of interest due January first, eighteen hundred and fifty-nine, on five per cent. bonds of the State of Indiana, held in trust for the Chickasaw Incompetents by the Secretary of the Interior, three hundred and fifty dollars.

Choctaws.—For permanent annuity, per second article treaty sixteenth November, eighteen hundred and five, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, three thousand dollars.

For permanent annuity for support of light-horsemen, per thirteenth article treaty eighteenth October, eighteen hundred and twenty, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, six hundred dollars.

For permanent provision for education, per second article treaty twentieth January, eighteen hundred and twenty-five, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, six thousand dollars.

For permanent provision for blacksmith, per sixth article treaty eighteenth October, eighteen hundred and twenty, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five, six hundred dollars.

For permanent provision for iron and steel, per ninth article treaty twentieth January, eighteen hundred and twenty-five, and thirteenth article of treaty twenty-second June, eighteen hundred and fifty-five, three hundred and twenty dollars.

For interest on five hundred thousand dollars, at five per centum, for education and other beneficial purposes, to be applied under the direction of the general council of the Choctaws, in conformity with the provisions contained in the tenth and thirteenth articles of the treaty of twenty-second June, eighteen hundred and fifty-five, twenty-five thousand dollars.

Comanches, Kiowas, and Apaches of Arkansas River.—For sixth of ten installments for the purchase of goods, provisions, and agricultural implements, per sixth article treaty twenty-seventh July, eighteen hundred and fifty-three, eighteen thousand dollars.

For expenses of transportation of the sixth of ten installments of goods, provisions, and agricultural implements, per sixth article treaty twenty-seventh July, eighteen hundred and fifty-three, seven thousand dollars.

Creeks.—For permanent annuity in money, per fourth article treaty seventh August, seventeen hundred and ninety, and fifth article treaty seventh August, eighteen hundred and fifty-six, one thousand five hundred dollars.

For permanent annuity in money, per second article treaty sixteenth June, eighteen hundred and two, and fifth article treaty seventh August, eighteen hundred and fifty-six, three thousand dollars.

For permanent annuity in money, per fourth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, twenty thousand dollars.

For permanent provision for blacksmith and assistant, and for shop and tools, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, eight hundred and forty dollars.

For permanent provision for iron and steel for shop, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, two hundred and seventy dollars.

For permanent provision for the pay of a wheelwright, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six, six hundred dollars.

For blacksmith and assistant and shop and tools during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty six, eight hundred and forty dollars.

For iron and steel for shop during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, two hundred and seventy dollars.

For wagon-maker during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, six hundred dollars.

For assistance in agricultural operations during the pleasure of the President, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty *twenty*-seventh August, eighteen hundred and fifty-six, two thousand dollars.

For education during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six, one thousand dollars.

For the third of seven additional installments for two blacksmiths, assistants, shop, and tools, per thirteenth article treaty twenty-fourth March, eighteen hundred and thirty-two, and fifth article treaty seventh August, eighteen hundred and fifty-six, one thousand six hundred and eighty dollars.

For the third of seven additional installments for iron and steel for shops, per thirteenth article treaty twenty-fourth March, eighteen hundred and thirty-two, and fifth article treaty seventh August, eighteen hundred and fifty-six, five hundred and forty dollars.

For twenty-ninth of thirty-three installments for education, per fourth article treaty fourth January, eighteen hundred and forty-five, and fifth article treaty seventh August, eighteen hundred and fifty-six, three thousand dollars.

For sixteenth of twenty installments for education, per fourth article treaty fourth January, eighteen hundred and forty-five, and fifth article treaty seventh August, eighteen hundred and fifty-six, three thousand dollars.

For five per centum interest on two hundred thousand dollars for purposes of education, per sixth article treaty seventh August, eighteen hundred and fifty-six, ten thousand dollars.

Delawares.—For life annuity to chief, per private article to supplemental treaty twenty-fourth September, eighteen hundred and twenty-nine, to treaty of third October, eighteen hundred and eighteen, one hundred dollars.

For interest on forty-six thousand and eighty dollars, at five per centum, being the value of thirty-six sections of land set apart by treaty of eighteen hundred and twenty-nine for education, per resolution of the Senate nineteenth January, eighteen hundred and thirty-eight, and fifth article treaty sixth May, eighteen hundred and fifty-four, two thousand three hundred and four dollars.

For sixth of eight equal installments for payment of five chiefs, per sixth article treaty sixth May, eighteen hundred and fifty-four, one thousand two hundred and fifty dollars.

Iowas.—For interest in lieu of investment on fifty-seven thousand five hundred dollars to the first July, eighteen hundred and sixty, at five per centum, for education or other beneficial purposes, under the direction of the President, per second article treaty nineteenth October, eighteen hundred and thirty-eight, and ninth article treaty seventeenth May, eighteen hundred and fifty-four, two thousand eight hundred and seventy-five dollars.

Kansas.—For interest in lieu of investment on two hundred thousand dollars, at five per centum, per second article treaty fourteenth January, eighteen hundred and forty-six, ten thousand dollars.

Kaskaskias, Peorias, Weas, and Piankeshaws.—For last of three installments of nine thousand dollars each, for the years eighteen hundred and fifty-seven, eighteen hundred and fifty-eight, and eighteen hundred and fifty-nine, per sixth article treaty thirtieth May, eighteen hundred and fifty-four, nine thousand dollars.

Kickapoos.—For sixth installment of interest, at five per centum, on one hundred thousand dollars for education, per second article treaty eighteenth May, eighteen hundred and fifty-four, five thousand dollars.

For the payment of this sum as the sixth installment upon two hundred thousand dollars, to be paid in eighteen hundred and fifty-nine, per second article treaty eighteenth May, eighteen hundred and fifty-four, nine thousand dollars.

Menomonees.—For fourth of twelve installments for continuing and keeping up a blacksmith shop and providing the usual quantity of iron and steel, per fourth article treaty eighteenth October, eighteen hundred and forty-eight, and third article treaty twelfth May, eighteen hundred and fifty-four, nine hundred and sixteen dollars and sixty-six cents.

For fourth of ten installments of annuity upon two hundred thousand dollars, balance of three hundred and fifty thousand dollars for cession of lands, per fourth article treaty eighteenth October, eighteen hundred and forty-eight, and third article treaty twelfth May, eighteen hundred and fifty-four, twenty thousand dollars.

Miamies of Kansas.—For permanent provision for blacksmith and assistant, and iron and steel for shop, per fifth article treaty sixth October, eighteen hundred and eighteen, and fourth article treaty fifth June, eighteen hundred and fifty-four, nine hundred and forty dollars.

For permanent provision for miller, in lieu of gunsmith, per fifth article treaty sixth October, eighteen hundred and eighteen, fifth article treaty twenty-third October, eighteen hundred and thirty-four, and fourth article treaty fifth June, eighteen hundred and fifty-four, six hundred dollars.

For their proportion of nineteenth of twenty installments in money, per second article treaty

twenty-eighth November, eighteen hundred and forty, and fourth article treaty fifth June, eighteen hundred and fifty-four, five thousand six hundred and thirty-six dollars and thirty-six cents.

For interest on fifty thousand dollars, at five per centum, for educational purposes, per third article treaty fifth June, eighteen hundred and fifty-four, two thousand five hundred dollars.

For last of six equal annual installments to Miamies residing on ceded lands, for purchase of former perpetual and other annuities and relinquishment of claims, per fourth article treaty fifth June, eighteen hundred and fifty-four, thirty-one thousand seven hundred and thirty-nine dollars and eleven cents.

Miamies of Indiana.—For their proportion of nineteenth of twenty installments in money, per second article treaty twenty-eighth November, eighteen hundred and forty, and fourth article treaty fifth June, eighteen hundred and fifty-four, six thousand eight hundred and sixty-three dollars and sixty-four cents.

For interest on investment of two hundred and twenty-one thousand two hundred and fifty-seven dollars and eighty-six cents, at five per centum, for Miami Indians of Indiana, per Senate's amendment to fourth article treaty fifth June, eighteen hundred and fifty-four, eleven thousand and sixty-two dollars and eighty-nine cents.

Miamies—Eel River.—For permanent annuity in goods or otherwise, per fourth article treaty third August, seventeen hundred and ninety-five, five hundred dollars.

For permanent annuity in goods or otherwise, per third article treaty twenty-first August, eighteen hundred and five, two hundred and fifty dollars.

For permanent annuity in goods or otherwise, per third and separate article to treaty thirtieth September, eighteen hundred and nine, three hundred and fifty dollars.

Nesqually, Puyallup, and other tribes and bands of Indians.—For fifth installment, in part payment for relinquishment of title to lands to be applied to beneficial objects, per fourth article treaty twenty-sixth December, eighteen hundred and fifty-four, two thousand dollars.

For fifth of twenty installments for pay of instructor, smith, physician, carpenter, farmer, and asssistant if necessary, per tenth article treaty twenty-sixth December, eighteen hundred and fifty-four, six thousand seven hundred dollars.

Omahas.—For the second of ten installments of this amount, being second of the series, in money or otherwise, per fourth article treaty sixteenth March, eighteen hundred and fifty-four, thirty thousand dollars.

For fifth of ten installments for support of a miller, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, six hundred dollars.

For fifth of ten installments for support of blacksmith and assistant, and iron and steel for shop, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, nine hundred and forty dollars.

For fifth of ten installments for support of farmer, per eighth article treaty sixteenth March, eighteen hundred and fifty-four, six hundred dollars.

For keeping in repair the grist and saw mill provided for by the eighth article of the treaty of sixteenth March, eighteen hundred and fifty-four, five hundred dollars.

For supplying the smith's shop with tools and keeping the same in repair, per eighth article of the treaty of sixteenth March, eighteen hundred and fifty-four, three hundred dollars.

For an assistant miller, three hundred dollars.

For an engineer and assistant, one thousand eight hundred dollars.

Osages.—For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum, being the value of fifty-four sections of land set apart second June, eighteen hundred and twenty-five, for educational purposes, per Senate resolution nineteenth January, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

Ottoes and Missourias.—For the second of ten installments of this amount, being the second series, in money or otherwise, per fourth article treaty fifteenth March, eighteen hundred and fifty-four, thirteen thousand dollars.

For fifth of ten installments for pay of miller, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, six hundred dollars.

For fifth of ten installments for blacksmith and assistant, and iron and steel for shop, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, nine hundred and forty dollars.

For fifth of ten installments for farmer, per seventh article treaty fifteenth March, eighteen hundred and fifty-four, six hundred dollars.

For keeping in repair the grist and saw mill provided for by the seventh article of the treaty of fifteenth March, eighteen hundred and fifty-four, three hundred dollars.

For supplying the smiths' shops with tools, and keeping the same in repair, per seventh article of the treaty fifteenth March, eighteen hundred and fifty-four, three hundred dollars.

For assistant miller, three hundred dollars.

For an engineer and assistant, one thousand eight hundred dollars.

Ottowas and Chippewas of Michigan.—For fourth of ten equal annual installments for educational purposes, to be expended under the direction of the President, according to the wishes of the Indians, so far as may be reasonable and just, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, eight thousand dollars.

For fourth of five equal annual installments in agricultural implements and carpenters' tools, household furniture, and building materials, cattle, labor, and necessary useful articles, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, fifteen thousand dollars.

For fourth installment for the support of four blacksmith shops for ten years, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, four thousand two hundred and forty dollars.

For fourth installment of principle, payable annually for ten years, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, ten thousand dollars.

For interest on two hundred and sixty-six thousand dollars, unpaid part of the principal sum of three hundred and six thousand dollars, for one year, at five per centum per annum, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, thirteen thousand three hundred dollars.

For fourth of ten equal annual installments on thirty-five thousand dollars, in lieu of former treaty stipulations, to be paid per capita, to the Grand River Ottawas, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five, three thousand five hundred dollars.

Ottowas of Kansas.—For their proportion of the permanent annuities in money, goods, or otherwise, payable under the fourth article of the treaty of third August, seventeen hundred and ninety-five, second article of the treaty of seventeenth November, eighteen hundred and seven, fourth article of the treaty of seventeenth September, eighteen hundred and eighteen, and fourth article of the treaty of twenty-ninth August, eighteen hundred and twenty-one, two thousand six hundred dollars.

Pawnees.—For second of five installments in goods and such articles as may be necessary for them, per second article treaty twenty-fourth September, eighteen hundred and fifty-seven, forty thousand dollars.

For second of ten installments for farming utensils and stock during the pleasure of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven, one thousand two hundred dollars.

Pottawatomies.—For permanent annuity in silver, per fourth article treaty third August, seventeen hundred and ninety-five, one thousand dollars.

For permanent annuity in silver, per third article treaty thirtieth September, eighteen hundred and nine, five hundred dollars.

For permanent annuity in silver, per third article treaty second October, eighteen hundred and eighteen, two thousand five hundred dollars.

For permanent annuity in money, per second article treaty twentieth September, eighteen hundred and twenty-eighth, two thousand dollars.

For permanent annuity in specie, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine, sixteen thousand dollars.

For life annuity to chief, per third article treaty twentieth October, eighteen hundred and thirty-two, two hundred dollars.

For life annuity to chiefs, per third article treaty twenty-sixth September, eighteen hundred and thirty-three, seven hundred dollars.

For education during the pleasure of Congress, per third article treaty sixteenth October, eighteen hundred and twenty-six, second article treaty twentieth September, eighteen hundred and twenty-eight, and fourth article treaty twenty-seventh October, eighteen hundred and thirty-two, five thousand dollars.

For permanent provision for the payment of money, in lieu of tobacco, iron, and steel, per second article treaty twentieth September, eighteen hundred and twenty-eight, and tenth article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six, three hundred dollars.

For permanent provision for three blacksmiths and assistants, per second article treaty twentieth September, eighteen hundred and twenty-eight, two thousand one hundred and sixty dollars.

For permanent provision for iron and steel for shops, per third article treaty sixteenth October, eighteen hundred and twenty-six, and second article treaty twenty-ninth July, eighteen hundred and twenty-nine, six hundred and sixty dollars.

For permanent provision for fifty barrels of salt, per second article of treaty twenty-ninth July, eighteen hundred and twenty-nine, two hundred and fifty dollars.

For interest on six hundred and forty-three thousand dollars, at five per centum, per seventh article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six, thirty-two thousand one hundred and fifty dollars.

For arrears of interest, due January first, eighteen hundred and fifty-nine, on five per cent. bonds of the State of Indiana, held in trust for the Pottawatomies by the Secretary of the Interior, twelve thousand and fifty-three dollars and twenty cents. That the stocks with which the Secretary of the Interior is now charged upon the books of the Treasury under the head of "Chippewas, Ottawas, and Pottawatomies, mills and education," be charged to two separate accounts to be opened under the heads of "Pottawatomies—mills, and Pottawatomies—education," and the Secretary of the Interior is hereby authorized, with the consent of the Pottawatomies, to transfer the stocks charged as aforesaid to the new heads of account in such proportions as he may deem best for the interest of the Pottawatomies.

Pottawatomies of Huron.—For permanent annuity in money or otherwise, per second article treaty seventeeth November, eighteen hundred and seven, four hundred dollars.

Quapaws.—For education during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, one thousand dollars.

For blacksmith and assistant, shop and tools, and iron and steel for shop, during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, one thousand and sixty dollars.

For farmer during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three, six hundred dollars.

Rogue Rivers.—For sixth of sixteen installments in blankets, clothing, farming utensils, and stock, per third article treaty tenth September, eighteen hundred and fifty-three, two thousand five hundred dollars.

Sacs and Foxes of Mississippi.—For permanent annuity in goods or otherwise, per third article treaty third November, eighteen hundred and four, one thousand dollars.

For twenty-eighth of thirty installments as annuity in specie, per third article treaty twenty-first September, eighteen hundred and thirty-two, twenty thousand dollars.

For twenty-eighth of thirty installments for gunsmith, per fourth article treaty twenty-first September, eighteen hundred and thirty-two, six hundred dollars.

For twenty-eighth of thirty installments for iron and steel for shop, per fourth article treaty twenty-first September, eighteen hundred and thirty-two, two hundred and twenty dollars.

For twenty-eighth of thirty installments for blacksmith and assistant, shop and tools, per fourth article treaty twenty-first September, eighteen hundred and thirty-two, eight hundred and forty dollars.

For twenty-eighth of thirty installments for iron and steel for shop, per fourth article treaty twenty-first September, eighteen hundred and thirty-two, two hundred and twenty dollars.

For twenty-eighth of thirty installments for forty barrels of salt and forty kegs of tobacco, per fourth article treaty twenty-first September, eighteen hundred and thirty-two, one thousand dollars.

For interest on two hundred thousand dollars at five per centum, per second article treaty twenty-first October, eighteen hundred and thirty-seven, ten thousand dollars.

For interest on eight hundred thousand dollars, at five per centum, per second article treaty eleventh October, eighteen hundred and forty-two, forty thousand dollars.

Sacs and Foxes of Missouri.—For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, under the direction of the President, per second article treaty twenty-first October, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars.

Seminoles.—For the third of ten installments for the support of schools, per eighth article treaty seventh August, eighteen hundred and fifty-six, three thousand dollars.

For the third of ten installments for agricultural assistance, per eighth article treaty seventh August, eighteen hundred and fifty-six, two thousand dollars.

For the third of ten installments for the support of smiths and smiths' shops, per eighth article treaty seventh August, eighteen hundred and fifty-six, two thousand two hundred dollars.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article treaty seventh August, eighteen hundred and fifty-six, twelve thousand five hundred dollars.

Senecas.—For permanent annuity in specie, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, five hundred dollars.

For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen, five hundred dollars.

For blacksmith and assistant, shop and tools, and iron and steel, during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one, one thousand and sixty dollars.

For miller during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one, six hundred dollars.

Senecas of New York.—For permanent annuity, in lieu of interest on stock, per act of nineteenth February, eighteen hundred and thirty-one, six thousand dollars.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of twenty-seventh June, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars.

For interest, at five per centum, on forty-three thousand and fifty dollars, transferred from Ontario Bank to the United States Treasury, per act of twenty-seventh June, eighteen hundred and forty-six, two thousand one hundred and fifty-two dollars and fifty cents.

Senecas and Shawnees.—For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen, one thousand dollars.

For blacksmith and assistant, shop and tools, and iron and steel for shop during the pleasure of the President, per fourth article treaty twentieth July, eighteen hundred and thirty-one, one thousand and sixty dollars.

Shawnees.—For permanent annuity for educational purposes, per fourth article treaty third August, seventeen hundred and ninety-five, and third article treaty tenth May, eighteen hundred and fifty-four, one thousand dollars.

For sixth of seven annual installments of money, in payment for lands, per third article treaty tenth May, eighteen hundred and fifty-four, one hundred thousand dollars.

For sixth installment of interest, at five per centum, on forty thousand dollars for education, per third article treaty tenth May, eighteen hundred and fifty-four, two thousand dollars.

For permanent annuity for educational purposes, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, and third article treaty tenth May, eighteen hundred and fifty-four, two thousand dollars.

Six Nations of New York.—For permanent annuity in clothing and other useful articles, per sixth article treaty eleventh November, seventeen hundred and ninety-four, four thousand five hundred dollars.

Sioux of Mississippi.—For interest on three hundred thousand dollars, at five per centum, per second article treaty twenty-ninth September, eighteen hundred and thirty-seven, fifteen thousand dollars.

For ninth of fifty installments of interest, at five per centum, on one million three hundred and sixty thousand dollars, per fourth article treaty twenty-third July, eighteen hundred and fifty-one, sixty-eight thousand dollars.

For ninth of fifty installments of interest, at five per centum, on one hundred and twelve thousand dollars, being the amount in lieu of the reservations set apart in the third article of Senate's amendment of twenty-third June, eighteen hundred and fifty-two, to treaty twenty-third July, eighteen hundred and fifty-one, five thousand six hundred dollars.

For ninth of fifty installments of interest, at five per centum, on one million one hundred and sixty thousand dollars, per fourth article treaty fifth August, eighteen hundred and fifty-one, fifty-eight thousand dollars.

For ninth of fifty installments of interest, at five per centum, on sixty-nine thousand dollars, being the amount allowed in lieu of the reservation of lands set apart by the third article of Senate's amendment of twenty-third June, eighteen hundred and fifty-two, to treaty fifth August, eighteen hundred and fifty-one, three thousand four hundred and fifty dollars.

Treaty of Fort Laramie.—For ninth of ten installments in provisions and merchandise, for payment of annuities and transportation of the same to certain tribes of Indians, per seventh article treaty seventeenth September, eighteen hundred and fifty-one, and Senate's amendment thereto, seventy thousand dollars.

Umpquas, (Cow Creek Band.)—For sixth of twenty installments in blankets, clothing, provisions, and stock, per third article treaty nineteenth September, eighteen hundred and fifty-three, five hundred and fifty dollars.

Umpquas and Calapooias, of Umpqua Valley, Oregon.—For the last of five installments of annuity for beneficial objects, to be expended as directed by the President, per third article treaty twenty-ninth November, eighteen hundred and fifty-four, three thousand dollars.

For fifth of ten installments for the pay of a blacksmith, and furnishing shop, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, one thousand five hundred dollars.

For fifth of fifteen installments for the pay of a physician and purchase of medicines, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, two thousand dollars.

For fifth of ten installments for the pay of a farmer, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, one thousand dollars.

For fifth of twenty installments for the pay of a teacher and purchase of books and stationery, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four, one thousand four hundred and fifty dollars.

Winnebagoes.—For interest on one million one hundred thousand dollars, at five per centum, per fourth article treaty first November, eighteen hundred and thirty-seven, fifty-five thousand dollars.

For thirteenth of thirty installments of interest on eighty-five thousand dollars, at five per centum, per fourth article treaty thirteenth October, eighteen hundred and forty-six, four thousand two hundred and fifty dollars.

Miscellaneous.—For insurance, transportation, and necessary expenses of the delivery of Pawnee annuity goods, five thousand dollars.

For the general incidental expenses of the Indian service in New Mexico, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuit of civilized life, to be expended under the direction of the Secretary of the Interior, seventy-five thousand dollars.

For the compensation of three special agents and four interpreters for the Indian tribes of Texas, and for purchase of presents, fifteen thousand dollars.

For the expenses of colonizing, supporting, and furnishing agricultural implements and stock for the Indians in Texas, twenty-five thousand dollars: *Provided*, That no part of the same shall be expended for the establishment of the reserve west of the Pecos river.

For the general incidental expenses of the Indian service in the Territories of Oregon and Washington, including insurance and transportation of annuities, goods, and presents, and office and traveling expenses of the superintendent, agents, and sub-agents, thirty-five thousand dollars.

For defraying the expenses of the removal and subsistence of Indians in Oregon Territory to the reservations therein, aiding them in procuring their own subsistence, purchase of provisions, and presents, compensation of laborers, and other employés, fifty thousand dollars.

For defraying the expenses of the removal and subsistence of the Indians in Washington Territory to the reservations therein, aiding them in procuring their own subsistence, purchase of provisions and presents, and compensation of laborers and other employés, twenty-five thousand dollars.

For the Indian service in California, to be expended under the direction of the Secretary of the Interior, fifty thousand dollars. And the Commissioner of Indian Affairs is hereby authorized, by and with the consent of the Secretary of the Interior, to increase the number of reservations for Indian purposes in the State of California: *Provided*, The aggregate amount of land so set apart for reservations shall not exceed one hundred and twenty-five thousand acres: *Provided further*, That, for the new reservations hereby authorized, no Indian agents, sub-agents, overseers, or other officers or employés shall be appointed or employed under this act.

For the general incidental expenses of the Indian service in California, including traveling expenses of the superintendent, agent, and sub-agents, seven thousand five hundred dollars.

For the Indian service in the Territory of Utah, to be expended under the direction of the Secretary of the Interior, forty-five thousand dollars.

For carrying into effect the twenty-fourth section of the civil and diplomatic act of March third, eighteen hundred and fifty-five, the sum of nineteen thousand and forty-five dollars and seventy-nine cents.

SEC. 2. *And be it further enacted*, That no part of the money hereby appropriated shall be used for the purchase of arms or ammunition to be given or furnished to any of the Indians herein named, unless such purchase of arms or ammunition aforesaid be in fulfillment of the obligations of existing treaties.

SEC. 3. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized and required to cause to be surveyed, and the boundaries thereof permanently marked, the tract or tracts of land lying on or near the Gila

river, in the Territory of Arizona, New Mexico, now occupied by the confederated bands of Pima and Maricopa Indians; and the sum of one thousand dollars is hereby appropriated to defray the expenses of the said survey.

SEC. 4. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized and required to set apart the tract or tracts of land aforesaid as a reservation for the confederated bands of Pimas and Maricopas: *Provided*, That the said reservations shall not exceed one hundred square miles in extent.

SEC. 5. *And be it further enacted*, That the sum of ten thousand dollars is hereby appropriated to enable the Commissioner of Indian Affairs to make suitable presents to the Pimas and Maricopas, in acknowledgment of their loyality to this Government, and the many kindnesses heretofore rendered by them to our citizens.

SEC. 6. *And be it further enacted*, That, in adjusting the claims of half-breed Indians under the tenth article of the treaty of Prairie du Chien, of the fifteenth of July, eighteen hundred and thirty, lying within the Nemohaw reservation therein described, as surveyed by McCoy, and confirmed by section thirteen of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending the thirtieth of June, eighteen hundred and fifty-nine," approved June twelfth, eighteen hundred and fifty-eight, there shall be found a deficiency in the quantity of land necessary to carry out the intentions of said treaty, then there shall be retained out of the proceeds of that portion of the public lands excluded from said reservation, as said half-breeds claimed its boundaries by the McCoy survey and the thirteenth section of the said act of July twelfth, eighteen hundred and fifty-eight, so much money as shall equal that deficiency, estimating the same at one dollar and twenty-five cents per acre; which said sum of money shall be paid to the Secretary of the Interior, to be held by him in trust for such of said half-breeds as shall be found entitled to it, and by him be paid to them or invested for their benefit, as he shall think most judicious and proper, after the said mixed bloods shall have relinquished to the United States all their interest in and to said deficiency in said reservation.

SEC. 7. *And be it further enacted*, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, is hereby authorized and directed to prepare rules and regulations for the government of the Indian service, and for trade and intercourse with the Indian tribes and the regulations of their affairs; and when approved by the President, shall be submitted to the Congress of the United States for its approval: *Provided*, That such laws, rules, and regulations proposed shall not be in force until enacted by Congress.

SEC. 8. *And be it further enacted*, That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved June thirtieth, eighteen hundred and thirty-four, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases, by Indians trespassing on white men as described in the said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities as prescribed in said act.

APPROVED, February 28, 1859.

CHAP. LXVIII.—An Act to authorize the Enrollment, Registry, and License of certain Steamboats, or Vessels, owned by the Buffalo and Lake Huron Railroad Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled That certificates of enrollment, register, or license, shall issue for any American-built steamboat or steamboats, vessel or vessels, now owned, or which shall hereafter be owned, by the Buffalo and Lake Huron Railway Company, a corporation created under and by virtue of the laws of the State of New York, in the name of said company, on the president or secretary of said company taking the oath required by the fourth section of the act entitled "An act to authorize the register, or enrollment and license to be issued in the name of the president or secretary of any incorporated company owning steamboat or vessel," passed March three, eighteen hundred and twenty-five. And nothing contained in said act shall be construed to prevent the oath required by the fourth section of said act from being taken by said president, or secretary, of the said Buffalo and Lake Huron Railway Company, by reason of any personal disability, or otherwise.

APPROVED, March 1, 1859.

CHAP. LXXIV.—An Act supplemental to an act for the admission of the State of Minnesota into the Union.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the judge of the district court for the district of Minnesota shall hold a term of said court in each year at the following places, to wit: at Preston, to commence on the first Monday in June; and at St. Paul on the first Monday in October. The judge of the said court shall appoint a clerk for said district, who shall reside at and keep the records and papers of said court at either of the places herein designated for the holding of said court, as the judge, in his discretion, shall direct.

APPROVED, March 3, 1859.

CHAP. LXXV.—An Act making Appropriation for the Consular and Diplomatic Expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty, namely:

For salaries of envoys extraordinary, ministers, and commissioners of the United States at Great Britain, France, Russia, Prussia, Spain, Austria, Brazil, Mexico, China, Chili, Peru, Portugal, Switzerland, Rome, Naples, Sardinia, Belgium, Holland, Denmark, Sweden, Turkey, Buenos Ayres, New Granada, Bolivia, Ecuador, Venezuela, Guatemala, Nicaragua, Sandwich Islands, Costa Rica, Honduras, Argentine Confederation, and Paraguay, two hundred and four thousand dollars: *Provided*, That no other embassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, diplomatic representative, or chargé d'affaires, shall be entitled to any compensation during the said fiscal year: *And provided*, That nothing in this act shall be construed to interfere with the disbursement of the amount hereinafter appropriated for the contingent expenses of foreign intercourse.

For salaries of assistant secretaries of legation at London and Paris, three thousand dollars.

For salary of the secretary of legation to China, acting as interpreter, five thousand dollars.

For salary of the secretary of legation to Turkey, acting as dragoman, three thousand dollars.

For contingent expenses of all the missions abroad, fifty thousand dollars.

For contingent expenses of foreign intercourse, sixty thousand dollars.

For expenses of intercourse with the Barbary Powers, two thousand dollars.

For the relief and protection of American seamen in foreign countries, one hundred and fifty thousand dollars.

For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing citizens of the United States from shipwreck, ten thousand dollars, to be expended under the direction of the President of the United States.

For the purchase of blank-books, stationery, arms of the United States, seals, presses, flags, and for the payment of postages and miscellaneous expenses of the consuls of the United States, forty thousand dollars.

For office rent for those consuls-general, consuls, and commercial agents, who are not allowed to trade, including loss by exchange thereon, viz: for office rent, twenty-two thousand three hundred and seventy dollars.

For salary of minister resident at Japan, from the nineteenth day of January, eighteen hundred and fifty-nine, to the thirtieth of June next, three thousand three hundred and seventy-five dollars.

For salary of minister resident at Japan, seven thousand five hundred dollars.

For salaries of consuls-general at Quebec, Calcutta, Alexandria, Havana, Constantinople, Frankfort-on-the-Main; consuls at Liverpool, London, Melbourne, Hong Kong, Glasgow, Mauritius, Singapore, Belfast, Cork, Dundee, Demarara, Halifax, Kingston, (Jamaica,) Leeds, Manchester, Nassau, (New Providence,) Southampton, Turk's Island, Prince Edward's Island, Havre, Paris, Marseilles, Bordeaux, La Rochelle, Lyons, Moscow, Odessa, Revel, Saint Petersburgh, Matanzas, Trinidad de Cuba, Santiago de Cuba, San Juan, (Porto Rico,) Cadiz, Malaga, Ponce, (Porto Rico,) Trieste, Vienna, Aix-la-Chapelle, Canton, Shanghai, Fouchou, Amoy, Ningpo, Beirut, Smyrna, Jerusalem, Rotterdam, Amsterdam, Antwerp, Funchal, Oporto, Saint Thomas, Elsineur, Genoa, Basle, Geneva, Messina, Naples, Palermo, Leipsic, Munich, Leghorn, Stuttgardt, Bremen, Hamburgh, Tangiers, Tripoli, Tunis, Rio de Janeiro, Pernambuco, Vera Crux, Acapulco, Callao, Valparaiso, Buenos Ayres, San Juan del Sur, Aspinwall, Panama, Laguayra, Honolulu, Lahaina, Capetown, Falkland Islands, Venice, Stettin, Candia, Cyprus, Batavia, Fayal, Santiago, (Cape de Verdes,) Saint Croix, Spezzia, Athens, Zanzibar, Bahia, Maranham Island, Para, Rio Grande, Matamoras, Mexico, (city,) Tampico, Paso del Norte, Tabasco, Paita, Tumbez, Talcahuano, Carthagena, Sabanillo, Omoa, Guayaquil, Cobija, Montevideo, Tahiti, Bay of Islands, Apia, Lanthala; commercial agents at San Juan del Norte, Port au Prince, San Domingo, (city,) St. Paul de Loanga, (Angola,) Monrovia, Gaboon, Cape Haytien, Aux Cayes, and Amoor River, two hundred and thirty-five thousand dollars.

For interpreters to the consulates in China, four thousand five hundred dollars.

For compensation of the commissioner, secretary, chief astronomer and surveyor, assistant astronomer and surveyor, clerk, and for provisions, transportation, and contingencies of the commission to run and mark the boundary line between the United States and the British possessions bounding on Washington Territory, one hundred and fifty thousand dollars.

For compensation and per diem of the commissioner, compensation of the surveyor, and for the payment of all expenses of the commission under the reciprocity treaty with Great Britain, twenty-three thousand dollars.

To enable the President of the United States to carry into effect the act of Congress of third March, eighteen hundred and nineteen, and any subsequent acts now in force for the suppression of the slave trade, seventy-five thousand dollars: *Provided*, That so much of said appropriation as may be required to pay expenses already incurred may be used from and after the passage of this act.

SEC. 2. *And be it further enacted*, That the salary provided by the third section of "An act to regulate the diplomatic and consular systems of the United States," approved August eighteenth, eighteen hundred and fifty-six, as compensation for the consul general of British North America, as by schedule B, shall be in full of all compensation allowed to that officer; and all fees received by any vice consul or commercial agent in British North America, exceeding the amount allowed by the President as compensation for his services; and all fees received by said consul general, shall be accounted for by such officers, respectively, to the Treasury of the United States.

SEC. 3. *And be it further enacted*, That the fee for certifying invoices, and for certifying the place of growth or production of goods made duty free by the reciprocity treaty, to be charged by the consul general for the British North American provinces and subordinate consular officers, or agents in said provinces, shall be fifty cents for

each certificate, and no more. And no such certificate of the growth or production shall be required for goods not exceeding in value the sum of two hundred dollars.

APPROVED, March 3, 1859.

CHAP. LXXVI.—An Act making Appropriations for the Naval Service for the year ending the thirtieth of June, eighteen hundred and sixty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the year ending the thirtieth of June, eighteen hundred and sixty:

For pay of commission, warrant, and petty officers and seamen, including the engineer corps of the Navy, three million nine hundred and thirty thousand four hundred and thirty nine dollars.

For the payment of officers restored to the Navy under the provisions of the act of January sixteenth, eighteen hundred and fifty seven, during the period of their retirement or suspension, sixty-two thousand three hundred and ninety-four dollars.

For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea service, nine hundred and forty-five thousand eight hundred and forty dollars.

For surgeons' necessaries and appliances for the sick and hurt of the Navy, including the engineer and marine corps, thirty-five thousand six hundred dollars.

For fuel for the Navy, to be purchased in the mode prescribed by law for other materials, and for the transportation thereof, six hundred thousand dollars.

For the purchase of hemp and other materials for the Navy, three hundred thousand dollars.

For the repair, armament, and equipment of vessels, one million dollars: *Provided*, That not more than one thousand dollars shall be expended in any navy-yard in the repair of any vessel until the necessity of such repair and the probable cost thereof is ascertained by the report of a board of not less than three officers of the Navy.

For ordnance and ordnance stores and small arms, including incidental expenses, five hundred and sixty-three thousand dollars.

For contingent expenses that may accrue for the following purposes, viz: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire engines and machinery, repairs of and attending to steam engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber-wheels, and the purchase and repairs of workmen's tools, postage of public letters, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen and incidental labor not chargeable to any other appropriation, transportation to and labor attending the delivery of provisions and stores on foreign stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, fuel, commissions, and pay of clerks to navy agents and store-keepers, flags, awnings, and packing-boxes, premiums, and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial, courts of inquiry, and other services authorized by law, pay to judges-advocate, pilotage and towage of vessels, and assistance to vessels in distress, and for bills of health and quarantine expenses of vessels of the United States Navy in foreign ports, eight hundred and ninety-six thousand dollars: *Provided*, That the expenditures under the foregoing appropriations shall be so accounted for as to show the disbursements by each bureau, under each respective appropriation.

For the payment of the charter, or purchase of vessels for the Paraguay expedition for nine months, two hundred and eighty-nine thousand dollars: *Provided*, That if the said vessels shall not be purchased, no more shall be used of the sum herein appropriated, than may be necessary to pay for the charter of said vessels, at the rate agreed on, for such time as they may be employed by the Government of the United States.

MARINE CORPS.

For pay of officers, non-commissioned officers, musicians, privates, clerks, messengers, stewards, and servants, for rations and clothing for servants, additional rations for five years' service, for undrawn clothing and rations, bounties for reënlistments, four hundred and twenty-eight thousand nine hundred and thirty-seven dollars and thirty cents.

For provisions, seventy-one thousand seven hundred and fifty-nine dollars.

For clothing, seventy-three thousand eight hundred and fifty-six dollars.

For fuel, twenty-two thousand three hundred and forty-two dollars and twenty-five cents.

For military stores, viz: pay of armorers, repair of arms, purchase of accouterments, ordnance stores, flags, drums, fifes, and other instruments, twelve thousand dollars.

For transportation of officers and troops, and expenses of recruiting, fourteen thousand dollars.

For repairs of barracks, and rent of offices where there are no public buildings for that purpose, eight thousand dollars.

For contingencies, viz: freight, ferriage, toll, cartage, wharfage, compensation to judges-advocate, per diem for attending courts-martial, courts of inquiry, and for constant labor, house rent in lieu of quarters, burial of deceased marines, printing, stationery, postage, telegraphing, apprehension of deserters, oil, candles, gas, forage, straw, furniture, bed-sacks, spades, shovels, axes, picks, carpenters' tools, keep of a horse for the messenger, pay of matron, washerwoman, and porter at the hospital headquarters, thirty-two thousand five hundred dollars.

NAVY-YARDS.

For the preservation of works and for the current repairs at the several navy-yards, viz:

At Portsmouth, New Hampshire, ten thousand dollars.

At Boston, fifteen thousand dollars.

At New York, twenty thousand dollars.

At Philadelphia, fifteen thousand dollars.

At Washington, ten thousand dollars.

At Norfolk, twenty thousand dollars.

At Pensacola, ten thousand dollars.

At Mare Island, California, twenty thousand dollars.

At Sackett's Harbor, one thousand dollars.

HOSPITALS.

For the construction and completion of works, and for the current repairs of the several naval hospitals:

Boston.—For repairs of hospital buildings and fences, two thousand five hundred dollars.

New York.—For repairs of buildings and fences, seven thousand dollars.

Naval Asylum.—For paving and curbing on Shippen street, paving sidewalks on Shippen street, painting and repairing buildings, furniture and repairs of same, house-cleaning and white-washing, furnace, grates, and ranges, and repairs, trees and tree-boxes on Shippen street, gas tax, and water-rent tax, eleven thousand one hundred and thirty-five dollars.

For support of beneficiaries at the asylum, twenty-six thousand six hundred and eighty dollars.

Norfolk.—For repairs of buildings, eighteen thousand two hundred and seventy dollars.

Pensacola.—For general repairs of hospital buildings, and for draining and filling ponds, ten thousand five hundred dollars.

MAGAZINES.

For the construction and completion of works, and for the current repairs of the several naval magazines:

Portsmouth, New Hampshire.—For gun-skids, shot-beds, new powder magazine, and repairs of all kinds, forty-six thousand four hundred and ninety-seven dollars.

Boston.—For repairs of all kinds, two thousand five hundred dollars.

New York.—For completing armory, and repairs of all kinds, eight thousand dollars.

Philadelphia.—For repairs of all kinds, one thousand dollars.

Norfolk.—For completing stone pier and landing at Fort Norfolk, powder-boat, and repairs of all kinds, fifty-five thousand nine hundred and sixty dollars.

Pensacola.—For repairs of all kinds, one thousand dollars.

For pay of superintendents, naval constructors, and all the civil establishments at the several navy-yards and stations, one hundred and fifty-two thousand four hundred and fifty-four dollars.

For the purchase of nautical instruments required for the use of the Navy; for repairs of the same, and also of astronomical instruments; and for the purchase of nautical books, maps, and charts, and for backing and binding the same, twenty-five thousand dollars.

For printing and publishing sailing directions, hydrographical surveys, and astronomical observations, in addition to the balance on hand, seven thousand dollars.

For continuing the publication of the series of Wind and Current Charts, and for defraying all expenses connected therewith, fifteen thousand dollars.

For models, drawings, and copying; for postage, freight, and transportation; for keeping grounds in order; for fuel and lights; and for all other contingent expenses; and for the wages of persons employed at the United States Naval Observatory and Hydrographical Office, viz: one instrument maker, two watchmen, and one porter, six thousand dollars.

For the erection and repairs of buildings, improvement and preservation of the grounds, and for contingencies at the United States Naval Academy, fifty thousand dollars.

For completing seven screw sloops and one side-wheel steamer, authorized by act twelfth June, eighteen hundred and fifty-eight, six hundred and seventy-four thousand dollars.

SEC. 2. *And be it further enacted*, That the following general order, issued by the Secretary of the Navy, and dated January thirteen, eighteen hundred and fifty-nine, be, and the same is hereby, confirmed:

General Order.

Chief engineers of more than twelve years will rank with commanders.

Chief engineers of less than twelve years, with lieutenants.

First assistant engineers, next after lieutenants.

Second assistant engineers, next after masters.

Third assistant engineers, with midshipmen.

Commanding and executive officers of whatever grade, will take precedence over all engineer officers.

This order confers no authority to exercise military command, and no additional right to quarters.

ISAAC TOUCEY,
Secretary of the Navy.

NAVY DEPARTMENT, *January* 13, 1859.

SEC. 3. *And be it further enacted*, That the sixth section of the act of sixteenth January, eighteen hundred and fifty-seven, entitled "An act to amend an act to promote the efficiency of the Navy," shall be so construed as to include officers who, at the time they were dropped or placed on the reserved list, had been detached from duty or removed from command for supposed inefficiency or unfitness, but who have since been restored to the active list, and such officers shall receive the same pay they were receiving respectively when they were so detached or removed, up to the termination of their cruise, when so detached, deducting any pay they may have otherwise received during the time aforesaid; and that this shall extend to any officer who has been transferred from the furlough list to the leave-of-absence list by the President, with the advice and consent of the Senate. That such officers of the Navy as were dropped from the service by the action of the late "naval retiring board," and who have been subsequently restored to the service and placed upon the "furlough" or "leave-pay" list, shall be allowed furlough pay, if placed upon the furlough list, and leave pay if placed upon the leave list, for and during the time they were so dropped, deducting any pay which they otherwise received during the time aforesaid.

APPROVED, March 3, 1859.

CHAP. LXXVII.—An Act to carry into effect the Convention between the United States and China, concluded on the eighth of November, eighteen hundred and fifty-eight, at Shanghai.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the minister or chief diplomatic officer of the United States in China, shall, so soon as the Chinese revenue officers issue the debentures or duty receipts, provided for in the convention, select some proper depositary of the same in China, making such compensation as he shall think right, the said debentures or their proceeds being subject to the appropriation hereinafter provided.

SEC. 2. *And be it further enacted*, That the President, by and with the advice and consent of the Senate, shall appoint two commissioners who shall form a board in China, to receive and examine all claims which may be presented to them, under the said convention, according to the provisions of the same, the principles of justice, and international law.

SEC. 3. *And be it further enacted*, That the board so constituted shall meet at such time and place as shall be designated by the chief diplomatic officer in China, and within one year from the time of said meeting shall terminate their duties.

SEC. 4. *And be it further enacted*, That the compensation of the said commissioners shall be three thousand dollars per annum, and the President of the United States is authorized to make such provision for the contingent expenses of the commission, as shall appear to him necessary and proper, and the said salaries and expenses shall be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 5. *And be it further enacted*, That the said commissioners shall report to the chief diplomatic officer in China, the several awards made by them, to be approved by him, a copy of which shall be by him transmitted to the depositary of the debentures, or the proceeds as herein before provided, who shall thereupon distribute, in ratable proportion, the said debentures, or their proceeds, according to the direction of the said diplomatic officer.

SEC. 6. *And be it further enacted*, That so soon as the said commission shall be executed and completed, the records and documents, and all other papers in the possession of the commissioners, relating to the same, shall be deposited in the office of the Secretary of State.

APPROVED, March 3, 1859.

CHAP. LXVIII.—An Act to protect the Timber growing upon lands of the United States reserved for military and other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons shall unlawfully cut, or aid, assist, or be employed in unlawfully cutting, or shall wantonly destroy, or procure to be wantonly destroyed, any timber standing, growing, or being upon any lands of the United States, which in pursuance of any law passed, or hereafter to be passed, have been, or shall be, reserved or purchased by the United States, for military or other purposes, every such person or persons so offending, on conviction thereof before a court having competent jurisdiction, shall, for every such offense, pay a fine not exceeding five hundred dollars, and shall be imprisoned not exceeding twelve months.

APPROVED, March 3, 1859.

CHAP. LXXIX.—An Act making Appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians for the year ending June thirtieth, eighteen hundred and sixty, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of fulfilling treaty stipulations with the Yancton and Tonawanda Indians.

Yancton Sioux, or Dacotah Indians.—For the first of ten installments to be paid to them or expended, for their benefit, commencing with the year in which they shall remove to and settle and reside upon their reservation, per fourth article treaty nineteenth April, eighteen hundred and fifty-eight, sixty-five thousand dollars.

For maintaining and subsisting said Indians during the first year after their removal to and permanent settlement upon their said reservation; in the purchase of stock, agricultural implements, or other articles of a beneficial character, and in breaking up and fencing land, in the erection of houses, storehouses, or other needful buildings; or in making such other improvements as may be necessary for their comfort and welfare, per fourth article treaty nineteenth April, eighteen hundred and fifty-eight, twenty-five thousand dollars.

For building a school-house, or school-houses, and to establish and maintain one or more normal labor schools (so far as said sum will go) for the education and training of the children of said Indians in letters, agriculture, the mechanic arts, and housewifery; which school or schools shall be managed and conducted in such manner as the Secretary of the Interior shall direct, per fourth article treaty nineteenth April, eighteen hundred and fifty-eight, ten thousand dollars.

For providing said Indians with a mill suitable for grinding grain and sawing lumber, one or more mechanic shops, with the necessary tools for the same, and dwelling-houses for an interpreter, miller, engineer for the mill, (if one be necessary,) a farmer, and the mechanics that may be employed for their benefit, per fourth article treaty nineteenth April, eighteen hundred and fifty-eight, fifteen thousand dollars.

For the expenses of making this agreement, and of surveying the said Yancton reservation, and of surveying and marking the pipe-stone quarry, per eighth and sixteenth articles treaty nineteenth April, eighteen hundred and fifty-eight, twelve thousand five hundred dollars.

Tonawandas.—For payment and investment of this sum for the surrender and relinquishment of lands west of the State of Missouri, per second article treaty fifth November, eighteen hundred and fifty-seven, two hundred and fifty-six thousand dollars.

Creek Nation.—For payment of the remaining sum of two hundred thousand dollars, retained by the United States until the removal of the Seminole Indians in Florida to the country west of the Mississippi, with interest at five per centum per annum, from twenty-eighth August, eighteen hundred and fifty six, the date of the ratification of the treaty, to the third March, eighteen hundred and fifty-nine, per sixth article treaty of the seventh August, eighteen hundred and fifty-six, two hundred and twenty-five thousand one hundred and sixty-six dollars and sixty-six cents.

Florida Indians of [*or*] *Seminoles.*—For interest on two hundred and fifty thousand dollars, at five per centum, to be paid as annuity, per eighth article treaty seventh August, eighteen hundred and fifty-six, they having joined their brethren in the West, twelve thousand five hundred dollars.

For payments under existing contracts for carrying the mails as follows, viz: For the transportation of the mails from Panama to California and Oregon and back, from July first to September thirtieth, eighteen hundred and fifty-nine, eighty-seven thousand and sixty-two dollars and fifty cents.

For transportation of the mails across the Isthmus of Panama from July first to September thirtieth, eighteen hundred and fifty-nine, twenty-five thousand dollars.

For transportation of the mails from New Orleans via Tehuantepec to Ventoza and back from the first November, eighteen hundred and fifty-eight, to thirtieth September, eighteen hundred and fifty-nine, two hundred and twenty-nine thousand one hundred and sixty-six dollars and sixty-six cents.

APPROVED, March 3, 1859.

CHAP. LXXX.—An Act making Appropriations for the Legislative, Executive, and Judicial expenses of Government for the year ending the thirtieth of June, eighteen hundred and sixty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the objects here[in]after expressed, for the fiscal year ending the thirtieth of June, eighteen hundred and sixty, namely:

Legislative.

For compensation and mileage of Senators, three hundred and thirty-eight thousand eight hundred and sixty-one dollars and seventy-two cents, and for the mileage of members of the House of Representatives and Delegates from the Territories, two hundred thousand dollars.

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate, viz: Secretary of the Senate, three thousand six hundred dollars; officer charged with disbursements of the Senate, four hundred and eighty dollars; chief clerk, two thousand five hundred dollars; principal clerk and principal executive clerk in the office of the Secretary of the Senate, at two thousand one hundred and sixty dollars each; eight clerks in the office of the Secretary of the Senate, at one thousand eight hundred and fifty dollars each; keeper of the stationery, one thousand seven hundred and fifty-two dollars; two messengers, at one thousand and eighty dollars each; one page, at five hundred dollars; sergeant-at-arms and doorkeeper, two thousand dollars; assistant doorkeeper, one thousand seven hundred dollars; postmaster to the Senate, one thousand seven hundred and fifty dollars; assistant postmaster and mail carrier, one thousand four hundred and forty dollars; two mail boys, at nine hundred dollars each; superintendent of the document room, one thousand five hundred dollars; two assistants in document room, at one thousand two hundred dollars each; superintendent of the folding room, one thousand five hundred dollars; two messengers, acting as assistant doorkeepers, at one thousand five hundred dollars each; sixteen messengers, at one thousand two hundred dollars each; superintendent in charge of Senate furnaces, one thousand two hundred dollars; assistant in charge of furnaces, six hundred dollars; laborer in private passage, six hundred dollars; two laborers, at four hundred and eighty dollars each; clerk or secretary to the President of the Senate, one thousand seven hundred and fifty-two dollars; draughtsman, one thousand eight hundred and fifty dollars; clerk to the Committee on Finance, one thousand eight hundred and fifty dollars; clerk to the Committee of Claims, one thousand eight hundred and fifty dollars; clerk of printing records, one thousand eight hundred and fifty dollars—making seventy-eight thousand nine hundred and fourteen dollars.

For contingent expenses of the Senate, viz:

For binding, fifty thousand dollars.

For lithographing and engraving, thirty thousand dollars.

For stationery, seven thousand five hundred dollars.

For newspapers, three thousand two hundred dollars.

For Congressional Globe, and binding the same, forty-nine thousand three hundred and thirty-three dollars and thirty-two cents.

For reporting proceedings, eighteen thousand and forty-six dollars.

For clerks to committees, pages, police, horses, and carryalls, thirty-five thousand and four dollars and fifty cents; and for the additional police appointed January twelve, eighteen hundred and fifty-nine, during the present fiscal year, fifteen hundred and fifty-eight dollars and thirty-two cents; making, together, thirty-six thousand five hundred and four dollars; and the further sum of fifteen hundred and forty-nine dollars and fourteen cents, being for the moiety payable by the Clerk of the House of Representatives, and to form a part of the contingent fund of said House, and be disbursed by the Clerk thereof.

For miscellaneous items, twenty thousand dollars.

For compensation of members of the House of Representatives and Delegates from the Territories, one million and nineteen thousand dollars.

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives, viz:

Clerk of the House of Representatives, three thousand six hundred dollars; two clerks, at two thousand one hundred and sixty dollars each; eleven clerks, at one thousand eight hundred dollars each; principal messenger in the office, one thousand seven hundred and fifty-six dollars and eighty cents; three messengers, at one thousand two hundred dollars each; Sergeant-at-Arms, two thousand one hundred and sixty dollars; clerk to the Sergeant-at-Arms, one thousand eight hundred dollars; messenger to the Sergeant-at-Arms, one thousand two hundred dollars; Postmaster, two thousand one hundred and sixty dollars; one messenger in the office, one thousand seven hundred and forty dollars; four messengers, at one thousand four hundred and forty dollars each; Doorkeeper, two thousand dollars; superintendent of the folding room, one thousand five hundred dollars; fourteen messengers, at one thousand and ninety-eight dollars each; eleven messengers, at six hundred dollars each; messenger to the Speaker, one thousand seven hundred and fifty-six dollars and eighty cents; clerk to the Committee of Claims, one thousand eight hundred dollars; clerk to the Committee of Ways and Means, one thousand eight hundred dollars—making seventy-eight thousand seven hundred and twenty-five dollars and sixty cents: *Provided*, That no officer or employé of the House of Representatives shall receive pay for the discharge of the duties of two offices at the same time.

For contingent expenses of the House of Representatives, viz:

For binding documents, seventy-five thousand dollars.

For stationery, fifteen thousand dollars.

For horses, three thousand five hundred dollars.

For fuel, oil, and candles, including pay of engineer, firemen and laborers, and materials for engine-room, fifteen thousand dollars.

For newspapers, twelve thousand five hundred dollars.

For engraving, electrotyping, and lithographing, fifty thousand dollars.

For Capitol police, eight thousand four hundred and twenty dollars.

For laborers, six thousand two hundred and eighty-five dollars.

For pages and temporary mail boys, eight thousand five hundred dollars.

For folding documents, including pay of folders, wrapping-paper, twine, and paste, thirty thousand dollars.

For cartage, two thousand dollars.

For miscellaneous items, forty thousand dollars.

For the compensation of the draughtsman and clerks employed upon the land maps, clerks to committees, and temporary clerks in the office of the Clerk of the House of Representatives, seventeen thousand and eight hundred dollars.

For two mail boys, at nine hundred dollars each, and the messenger in charge of the south extension, three thousand three hundred dollars.

Library of Congress.

For compensation of librarian, three assistant librarians, and messenger, nine thousand dollars.

For contingent expenses of said library, one thousand dollars.

For purchase of books for said library, five thousand dollars.

For purchase of law books for said library, and pay for binding, labor, and other incidental expenses, two thousand dollars.

For compensation of the Superintendent of Public Printing, and the clerks and messenger in his office, ten thousand five hundred and fifteen dollars and ninety-two cents.

For contingent expenses of his office, viz: For blank-books, stationery, postage, advertising for proposals for paper, furniture, traveling expenses, cartage and labor in storing and transportation of paper, and miscellaneous items, two thousand eight hundred and fifty dollars.

For rent of wareroom, two hundred and fifty dollars.

For paper required for the printing of the first session of the Thirty-Sixth Congress, one hundred thousand dollars

For printing required for the first session of the Thirty-Sixth Congress, seventy thousand dollars.

Court of Claims.

For salaries of three judges of the Court of Claims, the solicitor, assistant solicitor, deputy solicitor, clerk and *and* assistant clerk, and messenger thereof, twenty-seven thousand three hundred dollars.

For stationery, fuel, lights, books, labor, and miscellaneous items for the Court of Claims, four thousand dollars.

For commissioners' fees for taking testimony on behalf of Government, fees of witnesses, and of agents or attorneys to be appointed by the solicitor to attend to the taking of depositions under the second and third sections of the act entitled "An act to establish a court for the investigation of claims against the United States," approved the twenty-fourth of February, eighteen hundred and fifty-five, to be disbursed, under the solicitor, by such marshals as he shall direct, or other suitable agent to be appointed by him, five thousand dollars.

Executive.

For compensation of the President of the United States, twenty-five thousand dollars.

For compensation of the Vice President of the United States, eight thousand dollars.

For compensation to secretary to sign patents for lands, one thousand five hundred dollars.

For compensation to the private secretary, steward, and messenger of the President of the United States, four thousand six hundred dollars.

For contingent expenses of the Executive office, including stationery therefor, three hundred and fifty dollars.

Department of State.

For compensation of the Secretary of State, and Assistant Secretary of State, clerks, messenger, assistant messenger, and laborers in his office, fifty-seven thousand eight hundred dollars.

For the Incidental and Contingent Expenses of said Department.

For publishing the laws in pamphlet form, and in newspapers of the States and Territories, and in the city of Washington, nine thousand three hundred and twenty-five dollars.

For stationery, blank-books, binding, furniture, fixtures, repairs, painting and glazing, ten thousand dollars.

For newspapers, five hundred dollars.

For miscellaneous items, two thousand five hundred dollars.

For copper-plate printing, books, and maps, two thousand dollars.

For extra clerk hire and copying, two thousand five hundred dollars.

For compiling and supervising the publication of the Biennial Register, five hundred dollars.

To enable the Secretary of State to purchase fifty copies, each, of volumes twenty-four and twenty-five of Howard's Reports of the Decisions of the Supreme Court of the United States, five hundred dollars.

Northeast Executive Building.

For compensation of four watchmen and two laborers of the Northeast Executive Building, three thousand six hundred dollars.

For contingent expenses of said building, viz: for fuel, light, repairs, and miscellaneous expenses, four thousand five hundred dollars

Treasury Department.

For compensation of the Secretary of the Treasury, Assistant Secretary of the Treasury, clerks, messenger, assistant messenger, and laborers in his office, forty-five thousand two hundred and sixty-two dollars and eighty-four cents.

For compensation of the First Comptroller, and the clerks, messenger, and laborers in his office, twenty-eight thousand three hundred and forty dollars.

For compensation of the Second Comptroller, and the clerks, messenger, and laborer in his office, twenty-six thousand eight hundred and forty dollars.

For compensation of the First Auditor, and the clerks, messenger, assistant messenger, and laborer in his office, thirty-five thousand nine hundred and forty dollars.

For compensation of the Second Auditor, and the clerks, messenger, assistant messenger, and laborer in his office, thirty-five thousand five hundred and forty dollars.

For compensation of the Third Auditor, and the clerks, messenger, assistant messenger, and laborers in his office, one hundred and thirty thousand one hundred and forty dollars.

For compensation of the Fourth Auditor, and the clerks, messenger, and assistant messenger in his office, twenty-seven thousand seven hundred and nineteen dollars and thirty-six cents.

For compensation of the Fifth Auditor, and the clerks, messenger, and laborer in his office, seventeen thousand eight hundred and forty dollars.

For compensation of the Auditor of the Treasury for the Post Office Department, and the clerks, messenger, assistant messenger, and laborers in his office, one hundred and seventy-two thousand three hundred and forty dollars.

For compensation of the Treasurer of the United States, and the clerks, messenger, assistant messenger, and laborers in his office, twenty-seven thousand two hundred and thirty-one dollars and thirty cents.

For compensation of the Register of the Treasury, and the clerks, messenger, assistant messenger, and laborers in his office, fifty-one thousand five hundred and forty dollars.

For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office, seventeen thousand one hundred and forty dollars.

For compensation of the Commissioner of Customs, and the clerks, messenger, and laborer in his office, twenty thousand four hundred and forty dollars.

For compensation of the clerks, messenger, and laborer of the Light-House Board, nine thousand two hundred and forty dollars.

Contingent Expenses of the Treasury Department.

In the office of the Secretary of the Treasury:

For copying, blank-books, stationery, binding, sealing ships' registers, translating foreign languages, advertising, and extra clerk hire for preparing and collecting information to be laid before Congress—said clerks to be employed only during the session of Congress, or when indispensably necessary to enable the Department to answer some call made by either House of Congress at one session to be answered at another; and no such extra clerk shall receive more than three dollars and thirty-three and one third cents per day for the time actually and necessarily employed; and for miscellaneous items, twelve thousand dollars.

In the office of the First Comptroller:

For furniture, blank-books, binding, stationery, public documents, State and territorial statutes, and miscellaneous items, one thousand eight hundred dollars.

In the office of the Second Comptroller:

For blank-books, binding, stationery, pay for the National Intelligencer and Union, to be filed and preserved for the use of the office, office furniture, and miscellaneous items, one thousand two hundred dollars.

In the office of the First Auditor:

For blank-books, binding, stationery, office furniture, cases for records and official papers, and miscellaneous items, including subscription for the Union and National Intelligencer, to be filed for the use of the office, one thousand five hundred dollars.

In the office of the Second Auditor:

For blank-books, binding, stationery, office furniture, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office, one thousand two hundred dollars.

In the office of the Fourth Auditor:

For stationery, books, binding, labor, and miscellaneous items, one thousand dollars.

In the office of the Fifth Auditor:

For blank-books, binding, stationery, office furniture, carpeting, and miscellaneous expenses, in which are included two daily newspapers, eight hundred dollars.

In the office of the Treasurer.

For blank-books, binding, stationery, and miscellaneous items, five hundred dollars.

In the office of the Register:

For ruling and full binding books for recording collectors' quarterly abstracts of commerce and navigation, and blank abstracts for their use, blank-books, binding, and stationery, arranging and binding canceled marine papers, cases for official papers and records, and miscellaneous items, including office furniture and carpeting, four thousand dollars.

Light-House Board.

For blank-books, binding, stationery, miscellaneous expenses, and postage, six hundred dollars; and that the time fixed by law within which the creditors of the late Republic of Texas may file their claims at the Treasury Department be, and the same is hereby, extended to the first day of January, eighteen hundred and sixty-one.

For the general purposes of the Southeast Executive Building.

For compensation of eight watchmen and nine laborers of the Southeast Executive Building, ten thousand two hundred dollars.

For the southern extension of the Southeast Executive Building.

For compensation of four watchmen and two laborers for the south extension of the Southeast Executive Building, three thousand six hundred dollars.

For contingent expenses of said building, fuel, and miscellaneous items, three thousand dollars.

Department of the Interior.

For compensation of the Secretary of the Interior, and the clerks, messengers, assistant messengers, watchmen, and laborers in his office, thirty-six thousand nine hundred dollars.

For compensation of the Commissioner of the General Land Office, and the recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, packers, watchmen, and laborers in his office, one hundred and sixty-four thousand six hundred and ninety dollars.

For additional clerks in the General Land Office, under the act of third March, one thousand eight hundred and fifty-five, granting bounty lands, and for laborors employed therein, fifty-eight thousand four hundred dollars: *Provided*, That the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece work, or by the day, week, month, or year, at such rate or rates as he may deem just and fair.

For compensation of the Commissioner of Indian Affairs, and the clerks, messenger, assistant messenger, watchmen, and laborer in his office, thirty-one thousand nine hundred and forty dollars.

For compensation of five extra clerks employed in the Indian office, under the act of fifth August, eighteen hundred and fifty-four, and third March, eighteen hundred and fifty-five, and under appropriations made from year to year, seven thousand dollars.

For compensation of one clerk in the Indian office, employed to enable the Secretary of the Interior to carry out the regulations prescribed to give effect to the seventh section of the act of third March, eighteen hundred and fifty-five, granting bounty lands to Indians, one thousand four hundred dollars.

For compensation of two extra clerks in the Indian office, employed to carry out the treaty with the Chickasaws, in the adjustment of their claims, two thousand eight hundred dollars.

For compensation of the Commissioner of Pensions, and the clerks, messenger, assistant messenger, and laborers in his office, one hundred and nine thousand three hundred and forty dollars.

For compensation of the Commissioner of Public Buildings, and the clerk in his office, three thousand two hundred dollars.

Contingent Expenses—Department of the Interior.

Office of the Secretary of the Interior:

For books, stationery, furniture, fuel, lights, and other contingencies, and for books and maps for the library, seven thousand two hundred dollars.

For expense of packing and distributing the congressional journals and documents, in pursuance of the provisions contained in the joint resolution of Congress approved twenty-eighth January, eighteen hundred and fifty-seven, six thousand dollars.

Office of Indian Affairs:

For blank-books, binding, stationery, fuel, and lights, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office, five thousand dollars.

General Land Office:

For cash system and military patents, under laws prior to twenty-eighth September, eighteen hundred and fifty; patent and other records; tract-books and blank-books for this and the district land offices; binding plats and field notes; stationery, furniture, and repairs of same, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office; also, for contingent expenses, in addition, under swamp land act of twenty-eighth September, eighteen hundred and fifty, military bounty acts of twenty-eighth September, eighteen hundred and fifty, and twenty-second March, eighteen hundred and fifty-two, and act thirty-first August, eighteen hundred and fifty-two, for the satisfaction of Virginia land warrants, sixty-two thousand dollars.

For fuel, lights, and incidental expenses attending the same, including pay for furnace-keepers, three thousand dollars.

Pension Office:

For stationery, binding books, furniture, and repairing the same, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office, ten thousand dollars.

For contingent expenses in the said office under the bounty land act of third March, one thousand eight hundred and fifty-five:

For engraving and retouching plates for bounty land warrants, printing and binding the same, stationery, blank-books for register's office, furniture, and miscellaneous items, ten thousand dollars.

Surveyors-General and their Clerks.

For compensation of the surveyor general of Illinois and Missouri, and the clerks in his office, five thousand eight hundred and twenty dollars.

For compensation of the surveyor general of Louisiana, and the clerks in his office, four thousand five hundred dollars.

For compensation of the surveyor general of Florida, and the clerks in his office, five thousand five hundred dollars.

For compensation of the surveyor general of Wisconsin and Iowa, and the clerks in his office, eight thousand three hundred dollars.

For compensation of the surveyor general of Oregon, and the clerks in his office, seven thousand five hundred dollars.

For rent of surveyor general's office in Oregon, fuel, books, stationery, and other incidental expenses, one thousand five hundred dollars.

For compensation of the surveyor general of California, and the clerks in his office, fifteen thousand five hundred dollars.

For rent of surveyor general's office in California, fuel, books, stationery, and other incidental expenses, including pay of messenger, seven thousand one hundred and fifty dollars.

For compensation of the surveyor general of Washington Territory, and the clerks in his office, seven thousand dollars.

For office rent for the surveyor general of Washington Territory, fuel, books, stationery, and other incidental expenses, two thousand five hundred dollars.

For compensation of the surveyor general of New Mexico, and the clerks in his office, seven thousand dollars.

For rent of the surveyor general's office in New Mexico, fuel, books, stationery, and other incidental expenses, three thousand dollars.

For compensation of the surveyor general of Kansas and Nebraska, and the clerks in his office, eight thousand three hundred dollars.

For office rent of the surveyor general of Kansas and Nebraska, fuel, and incidental expenses, three thousand dollars.

For compensation of the surveyor general of Utah, and the clerks in his office, five thousand five hundred dollars.

For rent of the surveyor general's office in Utah, fuel, stationery, and other incidental expenses, two thousand five hundred dollars.

For compensation of the surveyor general of Minnesota, and the clerks in his office, eight thousand three hundred dollars.

For salary of the recorder of land titles in Missouri, five hundred dollars.

War Department.

For compensation of the Secretary of War, and the clerks, messenger, assistant messenger, and laborer in his office, twenty-two thousand dollars.

For compensation of the clerks and messenger in the office of the Adjutant General, thirteen thousand six hundred and forty dollars.

For compensation of the clerks and messenger in the office of the Quartermaster General, sixteen thousand four hundred and forty dollars.

To enable the Secretary of War to employ temporary clerks in the office of the Quartermaster General, on bounty land service, two thousand dollars.

For compensation of the clerks and messenger in the office of the Paymaster General, twelve thousand four hundred and forty dollars.

For compensation of the clerks, messenger, and laborer in the office of the Commissary General, ten thousand and forty dollars.

For compensation of the clerks and messenger in the office of the Surgeon General, five thousand two hundred and forty dollars.

For compensation of the clerks, messenger, and laborer in the office of Topographical Engineers, ten thousand six hundred and forty dollars.

For compensation of the clerks and messenger in the office of the Chief Engineer, eight thousand two hundred and forty dollars.

For compensation of the clerks and messenger in the office of the Colonel of Ordnance, twelve thousand two hundred and forty dollars.

Contingent Expenses of the War Department.

Office of the Secretary of War:

For blank-books, stationery, books, maps, extra clerk hire, and miscellaneous items, five thousand five hundred dollars.

Office of the Adjutant General:

For blank-books, binding, stationery, and miscellaneous items, two thousand dollars.

Office of the Quartermaster General:

For blank-books, binding, stationery, and miscellaneous items, one thousand two hundred dollars.

Office of the Paymaster General:

For blank-books, binding, stationery, and miscellaneous items, five hundred dollars.

Office of the Commissary General:

For blank-books, binding, stationery, and miscellaneous items, one thousand two hundred dollars.

Office of the Chief Engineer:

For blank-books, binding, stationery, and miscellaneous items, including two daily Washington papers, nine hundred dollars.

Office of the Surgeon General:

For blank-books, binding, stationery, and miscellaneous items, four hundred dollars.

Office of Colonel of Ordnance:

For blank-books, binding, stationery, and miscellaneous items, nine hundred dollars.

Office of the Colonel of Topographical Engineers:

For blank-books, binding, stationery, and miscellaneous items, one thousand two hundred dollars.

For the general purposes of the Northwest Executive Building.

For compensation of four watchmen and two laborers of the Northwest Executive Building, three thousand six hundred dollars.

For fuel, light, and miscellaneous items, four thousand dollars.

For the general purposes of the building corner of F and Seventeenth streets.

For compensation of superintendent, four

watchmen, and two laborers for said building, three thousand eight hundred and fifty dollars.

For fuel, compensation of firemen, miscellaneous items, four thousand eight hundred dollars.

Navy Department.

For compensation of the Secretary of the Navy, and the clerks, messenger, assistant messenger, and laborer in his office, twenty-nine thousand six hundred dollars.

For compensation of the chief of the bureau of navy-yards and docks, and the clerks, messenger, and laborer in his office, fourteen thousand one hundred and forty dollars.

For compensation of the chief of the bureau of ordnance and hydrography, and the clerks, messenger, and laborer in his office, twelve thousand three hundred and forty dollars.

For compensation of the chief of the bureau of construction, equipment, and repairs, and of the engineer-in-chief, and the clerks, messenger, and laborers in his office, twenty-one thousand three hundred and forty dollars.

For compensation of the clerks, messenger, and laborer in the bureau of provisions and clothing, eight thousand eight hundred and forty dollars.

For compensation of the chief of the bureau of medicine and surgery, and the clerks, messenger, and laborer in his office, nine thousand five hundred and forty dollars.

Contingent Expenses of the Navy Department.

Office Secretary of the Navy:

For blank-books, binding, stationery, newspapers, periodicals, and miscellaneous items, two thousand eight hundred and forty dollars.

Bureau of Yards and Docks:

For stationery, books, plans, and drawings, eight hundred dollars.

Bureau of Ordnance and Hydrography:

For blank-books, stationery, and miscellaneous items, seven hundred and fifty dollars.

Bureau of Construction, Equipment, and Repairs:

For blank-books, binding, stationery, printing, and miscellaneous items, eight hundred dollars.

Bureau of Provisions and Clothing:

For blank-books, stationery, and miscellaneous items, seven hundred dollars.

Bureau of Medicine and Surgery:

For blank-books, stationery, and miscellaneous items, four hundred and fifty dollars.

For the general purposes of the Southwest Executive Building.

For compensation of four watchmen of the Southwest Executive Building, two thousand four hundred dollars.

For contingent expenses of said building, viz:

For labor, fuel, lights, and miscellaneous items, three thousand nine hundred and thirteen dollars.

Post Office Department.

For compensation of the Postmaster General, three Assistant Postmasters General, and the clerks, messenger, assistant messengers, watchmen, and laborers of said Department, one hundred and fifty-seven thousand eight hundred dollars.

Contingent expenses of said Department:

For blank-books, binding, and stationery, fuel for the General Post Office building, including the Auditor's office, oil, gas, and candles, printing, day watchman, and for miscellaneous items, for repairs of the General Post Office building, for office furniture, glazing, painting, whitewashing, and for keeping the fire-places and furnaces in order, fifteen thousand dollars.

General Post Office Extension.

For watchmen, engineer, (for steam engines,) laborers, fuel, gas, candles, repairs of furniture, and for miscellaneous items, seven thousand dollars.

Printing for Executive Departments.

For paper and printing for the Executive Departments, including the paper, printing, and binding the Biennial Register, and the annual statement of commerce and navigation of the United States, and the paper and printing of the annual estimates of appropriations, fifty-eight thousand five hundred dollars.

Mint of the United States at Philadelphia.

For salaries of the director, treasurer, assayer, melter and refiner, chief coiner, and engraver, assistant assayer, assistant melter and refiner, and seven clerks, twenty-seven thousand nine hundred dollars.

For wages of workmen and adjusters, seventy-four thousand eight hundred dollars.

For incidental and contingent expenses, including wastage, in addition to other available funds, seventy-five thousand dollars.

For specimens of ores and coins to be reserved at the Mint, three hundred dollars.

For transportation of bullion from New York assay office to the United States Mint for coinage, ten thousand dollars.

At San Francisco, California.

For salaries of superintendent, treasurer, assayer, melter and refiner, coiner, and five clerks, twenty-eight thousand dollars.

For wages of workmen and adjusters, one hundred and sixty-five thousand four hundred and ninety-three dollars.

For incidental and contingent expenses, including wastage, in addition to other available funds, fifty-eight thousand nine hundred and fifty dollars and fifty cents.

Assay Office, New York.

For salaries of officers and clerks, twenty-four thousand seven hundred dollars.

For wages of workmen, forty-five thousand dollars.

At New Orleans.

For salaries of superintendent, treasurer, assayer, coiner, melter, and refiner, and three clerks, eighteen thousand, three hundred dollars.

For wages of workmen, thirty-four thousand dollars.

For incidental and contingent expenses, including wastage, in addition to other available funds, twenty-six thousand five hundred dollars.

At Charlotte, North Carolina.

For salaries of superintendent, coiner, assayer, and clerk, six thousand dollars.

For wages of workmen, two thousand six hundred dollars.

At Dahlonega, Georgia.

For salaries of superintendent, coiner, assayer, and clerk, six thousand dollars.

For wages of workmen, two thousand eight hundred and eighty dollars.

GOVERNMENT IN THE TERRITORIES.

Territory of New Mexico.

For salaries of Governor, three judges, and secretary, six thousand dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, ten thousand dollars.

Territory of Utah.

For salaries of Governor, three judges, and secretary, seven thousand dollars.

For contingent expenses of said Territory, one thousand five hundred dollars.

Territory of Washington.

For salaries of Governor, three judges, and secretary, twelve thousand five hundred dollars.

For contingent expenses of said Territory, one thousand five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

Territory of Nebraska.

For salaries of Governor, three judges, and secretary, ten thousand five hundred dollars.

For contingent expenses of said Territory, one thousand dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

Territory of Kansas.

For salaries of Governor, three judges, and secretary, ten thousand five hundred dollars.

For contingent expenses of said Territory, one thousand five hundred dollars.

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty thousand dollars.

For deficiencies in the contingent expenses of Kansas, being the amount incurred during the administration of government by J. W. Denver on that account, two thousand two hundred and seventy-five dollars and twenty-two cents.

Judiciary.

For salaries of the Chief Justice of the Supreme Court, and eight associate justices, fifty-four thousand five hundred dollars.

For salaries of the district judges, one hundred and ten thousand seven hundred and fifty dollars.

For salary of the circuit judge of California, six thousand dollars.

For salaries of the chief justice of the District of Columbia, the associate judges, and the judges of the criminal court and the orphans' court, fifteen thousand seven hundred and fifty dollars.

Office of the Attorney General.

For salaries of the Attorney General, one assistant to be employed in his office, and the clerks and messenger in his office, fourteen thousand three hundred and sixty-seven dollars: *Provided*, That the Attorney General, in place of the six clerks now employed in his office, be, and he is hereby, authorized to appoint one assistant in the said office, learned in the law, at an annual salary of three thousand dollars; two third class clerks, at salaries of sixteen hundred dollars each; and one second class clerk, at a salary of fourteen hundred dollars; and that the said Attorney General be authorized, when necessary, to employ temporary clerks: *Provided*, That the allowances to such temporary clerks shall in no one year exceed one thousand dollars: *Provided, also*, That all moneys hereafter drawn out of the Treasury, upon the requisition of the Attorney General, shall be disbursed by such disbursing officer as the Secretary of the Treasury may designate.

For contingent expenses of the office of the Attorney General, two thousand dollars.

For purchase of law and necessary books, and binding, for the office of the Attorney General, eight hundred dollars.

For fuel and labor for the office of the Attorney General, five hundred dollars.

For furniture and book-cases for office of the Attorney General, five hundred dollars.

For the purchase of deficient State reports for the office of the Attorney General, eight hundred dollars.

For legal assistance and other necessary expenditures in the disposal of private land claims in California, ten thousand dollars.

For special and other extraordinary expenses of California land claims, forty thousand dollars.

For salary of the reporter of the decisions of the Supreme Court, one thousand three hundred dollars.

For compensation of the district attorneys, eleven thousand seven hundred dollars.

For compensation of the marshals, ten thousand four hundred dollars.

For defraying the expenses of the supreme, circuit, and district courts of the United States, including the district of Columbia; also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfe[i]tures incurred in the fiscal year ending June thirtieth, eighteen hundred and sixty, and previous years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners, seven hundred and eighty-five thousand dollars.

Annuities and Grants.

To Elizabeth C. Perry, per act second March, eighteen hundred and twenty-one, three hundred and twelve dollars and fifty cents.

Independent Treasury.

For salaries of the assistant treasurers of the United States at New York, Boston, Charleston, and St. Louis, sixteen thousand five hundred dollars.

For additional salaries of the treasurer of the Mint at Philadelphia of one thousand dollars, and of the treasurer of the branch mint at New Orleans of five hundred dollars, one thousand five hundred dollars.

For salaries of five of the additional clerks authorized by the acts of sixth August, eighteen hundred and forty-six, and paid under acts of twelfth August, eighteen hundred and forty-eight, third March, eighteen hundred and fifty-one, and third March, eighteen hundred and fifty-five, five thousand seven hundred dollars.

For salary of additional clerk in office of assistant treasurer at Boston, one thousand two hundred dollars.

For salaries of clerks, messengers, and watchmen in the office of the assistant treasurer at New York, thirteen thousand nine hundred dollars.

For salary of clerk of treasurer of the branch mint at San Francisco, California, as depositary, two thousand five hundred dollars.

For contingent expenses under the act for the safe-keeping, collecting, transfer, and disbursement of the public revenue, of sixth August, eighteen hundred and forty-six, five thousand dollars, in addition to premium received on transfer drafts: *Provided*, That no part of said sum shall be expended for clerical services.

For salaries of nine supervising and fifty local inspectors, appointed under act thirtieth August, eighteen hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with traveling and other expenses incurred by them, eighty thousand dollars.

Expenses of the Collection of Revenue from Lands.

To meet the expenses of collecting the revenue from the sale of public lands in the several States and Territories:

For salaries and commissions of registers of land offices and receivers of public moneys, two hundred and seventy-seven thousand seven hundred dollars.

For expenses of depositing public moneys by receivers of public moneys, thirty-five thousand eight hundred dollars.

For incidental expenses of the several land offices, forty-three thousand three hundred dollars.

Penitentiary.

For compensation of the warden, clerk, physician, chaplain, assistant keepers, guards, and matron of the penitentiary of the District of Columbia, thirteen thousand eight hundred and sixty dollars.

For compensation of three inspectors of said penitentiary, seven hundred and fifty dollars.

For the support and maintenance of said penitentiary, seven thousand nine hundred and twenty dollars.

For compensation of the messenger to the office of the Commissioner of Public Buildings, and for his services in attending to the main furnace in the Capitol, which shall be in lieu of all other compensation, one thousand dollars.

For stationery, blank-books, plans, drawings, and other contingent expenses of the office of the Commissioner of Public Buildings, two hundred and fifty dollars.

For compensation to the laborer in charge of the water-closets in the Capitol, four hundred and thirty-eight dollars.

For compensation to the public gardener, one thousand four hundred and forty dollars.

For compensation of twenty-two laborers employed in the public grounds and President's garden, thirteen thousand two hundred dollars.

For compensation of the keeper of the western gate, Capitol square, eight hundred and seventy-six dollars.

For compensation of two day watchmen employed in the Capitol square, one thousand two hundred dollars.

For compensation of two night watchmen employed at the President's house, one thousand two hundred dollars.

For compensation of the doorkeeper at the President's house, six hundred dollars.

For compensation of the assistant doorkeeper at the President's house, six hundred dollars.

For compensation of one night watchman employed for the better protection of the buildings lying south of the Capitol, and used as public stables and carpenters' shops, six hundred dollars.

For compensation of four draw-keepers at the Potomac bridge, and for fuel, oil, and lamps, three thousand two hundred and sixty-six dollars.

For compensation of two draw-keepers at the two bridges across the eastern branch of the Potomac, and for fuel, oil and lamps, one thousand one hundred and eighty dollars.

For compensation of the auxiliary guard, and for fuel, and oil for lamps, nineteen thousand four hundred dollars; and to repay to the Corporation of Washington the compensation of twenty policemen from the thirteenth day of July, eighteen hundred and fifty-eight, to the thirtieth day of June, eighteen hundred and fifty-nine, twelve thousand five hundred and thirty dollars and fifty-two cents.

For compensation of twenty policemen in the city of Washington, to be appointed in the same manner as the auxiliary guard are now appointed, thirteen thousand dollars.

For furnace keeper at the President's house, six hundred dollars.

For deficiency in printing for first session of Thirty-Fifth Congress, thirty-eight thousand five hundred and seventy-nine dollars and thirteen cents.

For deficiency in paper for second session of the Thirty-Fifth Congress, seventy-eight thousand eight hundred and forty-nine dollars.

For deficiency in printing for the second session of the Thirty-Fifth Congress, sixty-two thousand two hundred and fifty dollars.

For deficiency in the appropriation for the compensation and mileage of Senators during the present Congress, six thousand two hundred and sixty-three dollars and eighty-eight cents.

SEC. 2. *And be it further enacted*, That the authority given by the sixth section of the act entitled "An act relating to foreign coins and to the coinage of cents at the Mint of the United States," approved February twenty-one, eighteen hundred and fifty-seven, to pay out at the Mint the cents authorized and directed by said act to be coined, in exchange for the fractional parts of the dollar therein named, at their nominal value of twenty-five, twelve and a half, and six and a quarter cents, respectively, shall be, and the same hereby is, extended to two years from and after the twenty-first day of February, eighteen hundred and fifty-nine, and no longer.

SEC. 3. *And be it further enacted*, That after the expiration of the present session of Congress, when any document shall be ordered to be printed by both Houses of Congress, whether the copies ordered be the reserved (regular) number or additional (extra) numbers, the entire printing of such documents shall be done by the Printer of that House which first ordered the same; and the House so first ordering the same shall immediately notify the other House of such order. And the Superintendent of Public Printing is hereby directed, in all cases when any document has been ordered to be printed by both Houses of Congress, to cause the order of the House last making the order to print such document to be executed by the Printer of the House first ordering the same, and to further cause the other House to be furnished with the number ordered by it; and in no case shall more than one thousand five hundred and fifty copies of any document be printed, unless the printing of extra numbers be ordered by either House; and the one thousand five hundred and fifty copies, as reserved (regular) numbers, shall be distributed by the officers of the House first ordering the printing of the same to the same persons and in the same manner as such numbers heretofore ordered by both Houses have been distributed; and in all such cases the payment for composition shall be the same as though the printing had been ordered by but one House: *Provided*, That the office of Printer either to the Senate or House of Representatives shall not be transferable either directly or indirectly, and any attempt to sell or transfer either of said offices, or any sale or transfer of the same, shall operate as a vacation and abandonment of the said offices or either of them.

SEC. 4. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, directed to cause the annual report of the Commissioner of Patents on mechanics hereafter to be made to the Senate and House of Representatives, to be prepared and submitted in such manner as that the plates and drawings necessary to illustrate each subject shall be inserted so as to comprise the entire report in one volume, not to exceed eight hundred pages.

APPROVED, March 3, 1859.

CHAP. LXXXI.—An Act making Appropriations for Light-Houses, Light-Boats, Buoys, and so forth, and providing for the erection and establishment of the same, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following appropriations be, and the same are hereby, made, and directed to be paid out of any money in the Treasury not otherwise appropriated, to enable the Secretary of the Treasury to carry the provisions of this act into effect: *Provided, however*, That if a good title to any land which it may be necessary to use cannot be obtained on reasonable terms, or the exclusive right to such land cannot be acquired by cession, when the interest of the United States demands it, before the appropriation would by law fall into the surplus fund, in any and all such cases the appropriations shall be applicable to the objects for which they are made at any time within two years after the first meeting of the Legislature in any State wherein such land may be situated subsequent to the passage of this act, to wit:

New Hampshire.—For a bog-bell, to be rung by machinery, at Whale's Back light-house, one thousand dollars.

Massachusetts.—For rebuilding the two light-house towers on Thatcher's Island, Cape Ann, and for fitting them with first-order illuminating apparatus, as per detailed estimate I, page 102, (estimates of appropriations for eighteen hundred and fifty-eight and eighteen hundred and fifty-nine,) eighty-one thousand four hundred and seventeen dollars and sixty cents.

Connecticut.—For a fog-bell, to be rung by machinery, at the New Haven (Five Mile Point) light-house, one thousand dollars.

New York.—For a beacon-light on one of the Sister's Islands, in the St. Lawrence river, below Alexandria bay, four thousand dollars.

For repairing and securing the pier connected with the light-house at Oswego, New York, so as to prevent the destruction of said light-house, ten thousand dollars.

Michigan.—For a light-house on the north point of the peninsula dividing Grand Traverse bay, six thousand dollars.

For a light-house on the east side of Middle Island harbor, West Marquette, five thousand dollars.

That five thousand dollars be, and the same is hereby, appropriated to repair the light-house pier at Vermillion, Ohio.

Wisconsin.—For a light-house on Green Island, or one of the adjacent islands, Green bay, six thousand dollars.

For a light-house on Raspberry Island, one of the Apostle Islands, Lake Superior, six thousand dollars.

For a light-house at the mouth of Kewanee river, Lake Michigan, six thousand dollars.

Minnesota.—For a light-house at or near the mouth of Two Island river, Lake Superior, five thousand dollars.

North Carolina.—For a beacon-range light at Ocracoke, seven hundred and fifty dollars; and that a light be established at a suitable point at or near Hatteras inlet: *Provided*, That the light-house, at Beacon Island and the Ocracoke light-vessel be discontinued after the erection and exhibition of the aforesaid beacon-light, at the discretion of the Secretary of the Treasury.

South Carolina.—For two range beacon-lights

(in place of the "Over-all beacon-lights") for the beach on Sullivan's Island channel, four thousand dollars.

Georgia.—For a light at a proper point in Saint Andrew's Sound and for one in Saint Catharine Sound, Georgia, twenty thousand dollars.

Florida.—For rebuilding the light-house at Cape Canaveral, and fitting it up with a first-order catadioptric illuminating apparatus, (as per detailed estimate H, page 99, general estimates of appropriations for eighteen hundred and fifty-eight and eighteen hundred and fifty-nine,) sixty-eight thousand seven hundred and fifty-one dollars and ten cents.

Louisiana.—For the commencement and completion of an iron screw pile light-house at or near the entrance to the channel of the Mississippi river, at the Southwest Pass, authorized August three, eighteen hundred and fifty-four, in addition to the former appropriation, as per estimate J, page 103, (general estimate of appropriations for eighteen hundred and fifty-eight and eighteen hundred and fifty-nine,) sixty-nine thousand nine hundred dollars.

Texas.—For the erection of range beacons for crossing the bar and entering Galveston bay, in place of the present light vessel at that place, one thousand seven hundred dollars.

For a light-house at San Luis Pass, and at the mouth of Brazos river, twenty thousand dollars.

California.—For a light-house on Mare Island, San Francisco bay, nine thousand nine hundred and eighty-nine dollars: *Provided*, That no part of this money shall be paid until the Secretary of the Treasury is satisfied that the United States has a perfect title to this island.

That the appropriation heretofore made for a light-house at Point Lobos be, and the same is hereby, reappropriated: *Provided*, The United States has a perfect title to the site of said light-house.

SEC. 2. *And be it further enacted*, That hereafter whenever any of the light-vessels occupying positions which are adapted to the erection of light-houses upon pile foundations require to be rebuilt, or such extensive repairs as to render the substitution of such light-houses advisable and practicable, then such permanent structures are authorized to be erected in place of any such light-vessels: *Provided*, That the expense arising from all such changes and erections shall be defrayed from the general annual appropriations for repairs, &c., of light-vessels, unless special appropriations should be made for any such change.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury, on the recommendation of the Light-House Board, be, and he hereby is, authorized in his discretion to discontinue from time to time, such lights as may become useless by reason of the mutations of commerce and changes of channels of harbors and other causes.

SEC. 4. *And be it further enacted*, That the sums appropriated August third, eighteen hundred and fifty-four, for a light-house half way between Cape Henry and Body's Island, and for a light to mark the entrance to the Cone and Yeocomico rivers, Virginia, be, and the same are hereby, reappropriated for those objects, respectively.

SEC. 5. *And be it further enacted*, That the appropriation approved August eighteen, eighteen hundred and fifty-six, for a light-house at Grand Marais, Minnesota, is hereby authorized to be applied to the erection of a light-house at Grand Portage, mouth of Pigeon river, Minnesota.

SEC. 6. *And be it further enacted*, That if preliminary surveys are required to ascertain the necessity for any light-house or other aid provided for in this bill, or to determine the proper site for the same, or to ascertain more fully what the public exigency requires, the Secretary of the Treasury may cause the necessary examinations and surveys on the sea-board to be made under the direction of the Superintendent of the Coast Survey, and those on the northwestern lakes to be made under the direction of the bureau of topographical engineers; and in all cases in which adverse reports are made, they shall be submitted to Congress at its next session; and in all cases in which the objects authorized are favorably reported upon, the works may be commenced immediately after valid titles and State jurisdiction shall have been obtained to the sites.

SEC. 7. *And be it further enacted*, That authority is hereby given to exhibit a light from the light-house tower on the hill at Cleveland, Ohio.

SEC. 8. *And be it further enacted*, That so much of the act approved August eighteenth, eighteen hundred and fifty-six, as authorizes the Secretary of the Treasury to discontinue the light at Port Clinton, in Portage bay, Ohio, be, and the same is hereby, repealed.

APPROVED, March 3, 1859.

CHAP. LXXXII.—An Act making Appropriations for sundry Civil Expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereafter expressed, for the fiscal year ending the thirtieth June, eighteen hundred and sixty, viz:

Survey of the Coast.

For continuing the survey of the Atlantic and Gulf coast of the United States, (including compensation to superintendent and assistants, and excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy employed on the work,) two hundred and fifty thousand dollars.

For continuing the survey of the western coast of the United States, one hundred and thirty thousand dollars.

For continuing the survey of the Florida reefs and keys, (excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy employed on the work,) forty thousand dollars.

For running a line to connect the triangulation on the Atlantic coast with that on the Gulf of Mexico, across the Florida peninsula, five thousand dollars.

For publishing the observations made in the progress of the survey of the coast of the United States, five thousand dollars.

For repairs of steamers and sailing schooners used in the coast survey, ten thousand dollars.

For pay and rations of engineers for seven steamers, used in the hydrography of the coast survey, no longer supplied by the Navy Department, twelve thousand eight hundred dollars.

To supply deficiency in the fund for the relief of sick and disabled seamen, one hundred and twenty-five thousand dollars.

For preserving the extension of the Treasury building, fifty thousand dollars.

The Secretary of the Treasury is hereby directed to use the balance of unexpended appropriations heretofore made for the Charleston and New Orleans custom-houses in finishing said buildings for use.

For completion of the Indianapolis court-house and post office, forty thousand dollars.

For completion of the Detroit custom-house, thirty thousand dollars.

For repairing the damage occasioned by the recent fire at the Mobile custom-house, ten thousand dollars.

For annual repairs of custom-houses, fifteen thousand dollars.

For annual repairs of marine hospitals, fifteen thousand dollars.

Light-House Establishment.

For the Atlantic, Gulf, and lake coasts, viz:

For supplying the light-houses and beacon-lights with oil, glass chimneys, wicks, chamois skins, polishing powder, whiting and other cleaning materials, transportation and other necessary expenses of the same, repairing and keeping in repair the lighting apparatus, one hundred and thirty-two thousand dollars.

For repairs and incidental expenses, refitting and improving all the light-houses, and buildings connected therewith, one hundred and ten thousand dollars.

For repairing the works and piers, in order to preserve and secure the light-house at Chicago, Illinois, eighty-seven thousand dollars.

For repairs and incidental expenses to the light-house at Oswego, and the buildings connected therewith, thirty thousand dollars.

For salaries of six hundred and two keepers of light-houses and light-beacons, and their assistants, one hundred and ninety-three thousand three hundred and nine dollars and fifty-nine cents.

For salaries of fifty-two keepers of light-vessels, twenty-seven thousand four hundred and fifty-eight dollars and seventy-three cents.

For seamen's wages, repairs, supplies, and incidental expenses of fifty-two light-vessels, one hundred and sixty-six thousand six hundred and eighteen dollars and thirteen cents.

For expenses of raising, cleaning, painting, repairing, re-mooring, and supplying losses of buoys and day beacons, and for chains and sinkers for the same, and for coloring and numbering all the buoys, one hundred thousand dollars.

For commissions, at two and a half per centum, to such superintendents as are entitled to the same under the proviso to act third March, eighteen hundred and fifty-one, on the amount that may be disbursed by them, in addition to available balance, one thousand eight hundred and sixteen dollars and sixty-seven *dollars*.

For the Coasts of California, Oregon, and Washington.—For expenses of raising, cleaning, painting, repairing, re-mooring, and supplying losses of buoys and day beacons, and for chains and sinkers for the same, and for coloring and numbering all the buoys, ten thousand dollars.

For continuing the construction of the light-house on Minot's Ledge, one of the Cohasset rocks, Boston bay, Massachusetts, being one half of the amount remaining to be appropriated to complete the work according to the original estimate, forty-seven thousand and ninety dollars and thirty-six cents.

For commutation of fuel and quarters for officers of the army serving on light-house duty, the payment of which is no longer provided for by the quartermaster's department, two thousand three hundred and sixty-seven dollars and forty-one cents.

For compensation of two superintendents for the life-saving stations on the coast of Long Island and New Jersey, three thousand dollars.

For compensation of fifty-four keepers of stations, at two hundred dollars each, eight thousand four hundred and sixty-three dollars and forty-three cents.

For the best life-boat, to be placed at each of the twenty-eight life-saving stations on the coast of New Jersey, six thousand four hundred and forty dollars, and so much money as was appropriated at the last session of Congress for this purpose as remains unexpended is hereby directed to be carried to the surplus fund.

For repairing the life-saving stations on the coast of Long Island and New Jersey, two thousand dollars.

Survey of the Public Lands.—For surveying the public lands, (exclusive of California, Oregon, Washington, New Mexico, Kansas, Nebraska, and Utah,) including incidental expenses and island surveys in the interior, and all other special and difficult surveys demanding augmented rates, to be apportioned and applied to the several surveying districts, according to the exigencies of the public service, including expenses of selecting swamp lands and the compensation and expenses to survey or to locate private land claims in Louisiana, in addition to the unexpended balances of all former appropriations, sixty thousand dollars.

For surveying the public lands and private land claims in California, including office expenses incident to the survey of claims, and to be disbursed at the rates prescribed by law for the different kinds of work, forty-three thousand dollars.

For continuing the survey of base, meridian, standard parallels, township, and section lines in New Mexico, twenty thousand dollars.

For surveying the necessary base, meridian, standard parallels, township, and section lines in Kansas and Nebraska, also outlines of Indian reservations, including liabilities incurred in the years eighteen hundred and fifty-five, eighteen hundred and fifty-six, eighteen hundred and fifty-seven, and eighteen hundred and fifty-eight, forty thousand dollars.

For preparing the unfinished records of public and private surveys to be transferred to the State authorities, under the provisions of the act of twelfth June, eighteen hundred and forty, in those districts where the surveys are about being completed, ten thousand dollars.

For resurveys and examinations of the surveys of the public lands in those States where the offices of the surveyors-general have been, or shall be, closed, under the acts of the twelfth June, eighteen hundred and forty, and twenty-second January, eighteen hundred and fifty-three, including two thousand dollars for the salary of the clerk detailed to this special service in the General Land Office, two thousand dollars.

For surveying the public lands in Oregon, to be disbursed at the rates now authorized by law, twenty thousand dollars.

For running and marking that part of the western boundary of Minnesota which is not defined by the natural landmarks, estimated distance one hundred and thirty miles, five thousand dollars.

For binding field notes, plats, and records of surveys in the office of the surveyor general of Kansas and Nebraska, one thousand dollars.

For preservation of the collections of the exploring and surveying expeditions of the Government, four thousand dollars.

For collection of agricultural statistics, investigations for promoting agriculture and rural economy, and the procurement of cuttings and seeds, forty thousand dollars: *Provided*, That no part of this appropriation shall be used or expended in defraying the expenses of any body of men or delegates assembled in Washington, or elsewhere, as an agricultural congress, or advisory board on agriculture, convened under the orders or by authority of the Secretary of the Interior, or any other person under any name or for any pretended object whatever.

For drawings to illustrate the mechanical report of the Commissioner of Patents for the year eighteen hundred and fifty-eight, six thousand dollars.

For support, care, and medical treatment of forty transient paupers, medical and surgical patients in Washington Infirmary, six thousand dollars.

For purchase of manure for the public grounds, one thousand dollars.

For hire of carts on the public grounds, one thousand and ninety-five dollars.

For purchase of trees, and tree-boxes, to replace, where necessary, such as have been planted by the United States, and the repair of pavements in front of the public grounds, three thousand dollars.

For annual repairs of the Capital, water-closets, public stables, water pipes, pavements and other walks within the Capitol Square, broken glass and locks, and for the protection of the building, five thousand dollars.

For annual repairs of the President's house and furniture, improvement of grounds, purchase of plants for garden and making hot-beds therein, and contingent expenses incident thereto, three thousand dollars.

For fuel, in part, of the President's house, one thousand eight hundred dollars.

For lighting the Capitol and President's house, the grounds around them and around the Executive offices, and Pennsylvania avenue, and Bridge and High streets in Georgetown, forty-three thousand dollars.

For lighting with gas Four-and-a-half, Seventh, and Twelfth streets, across the public mall, four thousand dollars.

For purchase of books for library at the Executive mansion, to be expended under the direction of the President of the United States, two hundred and fifty dollars.

For repairs of the Potomac, navy-yard, and upper bridges, three thousand dollars.

For repairs of Pennsylvania avenue, three thousand dollars.

For taking care of the grounds south of the President's house, continuing the improvement of the same, and keeping them in order, one thousand dollars.

For the payment of laborers employed in shoveling snow from *from* the walks to and around the Capitol, the President's house, and the pavements along the Government reservations on Pennsylvania avenue, five hundred dollars.

For repairs of water pipes, five hundred dollars.

For casual repairs of the Patent Office building, one thousand five hundred dollars.

For cleaning out the sewer traps on Pennsylvania avenue, three hundred dollars.

For completing the erection of the north front of the Patent Office building, grading and paving streets around the same, inclosing front yards, and improving court yard, fifty thousand dollars.

To enable the Secretary of the Interior to purchase [of] Messrs. Little, Brown and Company, two thousand copies of the eleventh volume of the United Statutes at Large for distribution, agreeably to act of Congress directing the distribution of the other volumes, seven thousand dollars.

For public reservation number two, and La Fayette square, two thousand dollars.

For making cases and fitting up rooms in the Patent Office building to receive copyright books, charts, and other copyright matter, and for transferring, arranging, and taking care of the same, thirty-six hundred dollars.

Government Hospital for the Insane.

For continuation of wall inclosing the grounds, three thousand five hundred dollars.

For furnishing the present hospital continuation, comprising the center and three sections of the wing, fourteen thousand three hundred dollars.

For fire apparatus, nine hundred dollars.

For painting and sanding battlement and window heads and frames, and tracing window sash of the five west sections of the hospital edifice erected, eight hundred dollars.

For grading and planting trees about the hospital edifice and upon the approaches thereto within the grounds, one thousand dollars.

Towards the completion of the four eastern sections of the east wing, which will complete the hospital edifice, forty thousand dollars.

For the support, clothing, and medical treatment of the insane of the District of Columbia, and of the Army and Navy, at the asylum in said District, twenty-four thousand five hundred dollars.

For salaries and incidental expenses of the institution of the deaf, dumb, and blind, in the District of Columbia, three thousand dollars.

For expenses to be incurred preliminary to taking the eighth census, fifteen thousand dollars.

For United States Capitol extension, four hundred thousand dollars: *Provided*, That none of the money hereby appropriated shall be expended in the decoration and embellishment of the Capitol extension by sculpture or paintings, unless the same shall have been approved by the art commission authorized by the act of twelfth June, eighteen hundred and fifty-eight, in the manner stated in said act; but this provision shall not be so construed as to interfere with the completion and payment for works already begun by Crawford and Rogers, or the completion of the painting of rooms in the north wing already partly painted.

For extension of the General Post Office, one hundred and fifty thousand dollars.

For payment of the mortgage and interest on property in Pine street, in the city of New York, belonging to the United States, and purchased under authority of the act of fourth August, eighteen hundred and fifty-four, eleven thousand dollars, or so much thereof as may be necessary for that purpose.

Botanic Garden.

For procuring manure, tools, fuel, and repairs, purchasing trees and sh[r]ubs, for botanic garden, to be expended under the direction of the Library Committee of Congress, twenty-three hundred dollars.

For pay of horticulturist and assistants in the botanic garden and green-houses, to be expended under the direction of the Library Committee of Congress, five thousand one hundred and twenty-one dollars and fifty cents.

For deficiency in the executive extraordinary expenses in Kansas Territory during the administration of Governor John W. Geary, six hundred and ninety dollars and forty cents.

For introducing the Potomac water into the botanic garden, and building a cistern thereon, one thousand dollars.

For completing certain volumes of the exploring expedition now nearly finished, and pay of superintendent, the sum of eight thousand two hundred and twenty dollars and five cents.

To enable the Secretary of War to pay for the purchase of stores furnished for the use of volunteers engaged in suppressing Indian hostilities in the Territory of Washington during the late Indian hostilities in that Territory, seven thousand dollars, with interest from the time the money was advanced by Governor Douglass for said purchase.

For the payment of volunteers employed in Florida during the years eighteen hundred and fifty-seven and eighteen hundred and fifty-eight, and who were called into service by requisition of the President on the Governor of that State, the sum of four hundred and thirteen thousand six hundred dollars, or so much thereof as may be necessary to pay the amount found due for the time said troops were actually in the service of the United States: *Provided*, That no greater pay or commutations be allowed than are authorized by law to similar troops of the United States Army.

For repairs of the Long Bridge over the Potomac at Washington, five thousand dollars, to be expended under the direction of the Commissioner of Public Buildings.

To enable the Commissioner of Public Buildings to pay to John F. Callan, for stone taken from square number five hundred and sixty-two, in Washington city, and used in paving New Jersey avenue, one hundred and sixty-two dollars.

SEC. 2. *And be it further enacted*, That the First Comptroller of the Treasury do allow, in the adjustment of the accounts of Peter Lammond, disbursing clerk of the Interior Department, the sum of five hundred and thirty-four dollars and seventy-seven cents, paid to A. G. Cochran.

SEC. 3. *And be it further enacted*, That the lot of ground in the city of Philadelphia heretofore agreed to be purchased by the United States from the American Philosophical Society, as a site for a court-house, shall be sold at public auction to the highest and best bidder, and that the lot in said city heretofore purchased from the Bank of Pennsylvania, for a post office, shall also be sold at public auction for the best price it will bring: *Provided*, That said lots shall not be sold for an aggregate sum of less than two hundred and five thousand dollars.

SEC. 4. *And be it further enacted*, That the sum or sums of money raised by the sale of the lots and grounds authorized to be sold by the preceding section of this act, together with the unexpended balance of the appropriation for the construction of a post office at Philadelphia, be applied and expended as follows, to wit: for the purchase of the first lot west of the custom-house, commonly known as the Levy Corner, a sum not exceeding seventy-five thousand dollars. For the purchase of the next adjoining lot west, known as the Bailey lot, a sum not exceeding eighty-six thousand dollars; and for the construction of a building on the said Levy and Bailey lots, suitable for a post office and court-house, a sum not exceeding the remainder of the money not disposed of as above provided. And it shall be the duty of the Secretary of the Treasury, the Postmaster General, and the Attorney General, to execute the two foregoing sections of this act: *Provided*, That the whole amount to be expended in the construction of said building shall not exceed the balance of the amount received from the sale of the said lots and the balance of the appropriation.

SEC. 5. *And be it further enacted*, That the power to issue and reissue Treasury notes, conferred on the President of the United States, by the act entitled "An act to authorize the issue of Treasury notes," approved the twenty-third December, eighteen hundred and fifty-seven, be, and the same hereby is, revived and continued in force from the passage of this act until the first day of July, eighteen hundred and sixty; and to defray the expenses thereof the sum of five thousand dollars is hereby appropriated: *Provided*, That the said notes may

be issued bearing an interest not exceeding six per centum per annum; and that it shall not be necessary, as directed by the original act aforesaid, after advertisement, to exchange them for specie to the bidder or bidders who shall agree to make such exchange at the lowest rate of interest upon said notes; and that in all other respects the reissue of said Treasury notes shall be subject to the terms and conditions of the act aforesaid.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury is hereby authorized, under the act of June fourteenth, eighteen hundred and fifty-eight, to issue coupon or registered stock, as the purchaser may elect.

SEC. 7. *And be it further enacted*, That the post office in Boston, Massachusetts, shall not be removed from its present location until after the next session of Congress: *Provided*, The remonstrants against its removal will indemnify the Government from any additional expense growing out of any contracts for another site.

SEC. 8. *And be it further enacted*, That such officers as were placed upon the "furlough list," by the action of the said naval retiring board, and who have been subsequently transferred to the "leave list," shall be allowed "leave pay" for and during the time they were on the furlough list as aforesaid, deducting the furlough pay which they received during said time.

SEC. 9. *And be it further enacted*, That in case of the death of any officer after his restoration or transfer as aforesaid, his legal representatives shall be entitled to receive the amount which said officer would have received under this act up to the time of his death.

SEC. 10. *And be it further enacted*, That in default of any contractor under the act approved August twenty-sixth, eighteen hundred and fifty-two, entitled "An act to provide for executing the public printing and establishing the prices therefor, and for other purposes," to comply with his contract in furnishing the paper for the public printing in proper time and of suitable quality, the Superintendent of the Public Printing is hereby authorized and directed to advertise for proposals, for such time, and in such places, as he may deem expedient, and award the contract to the lowest bidder, and to purchase in the open market upon the best practicable terms, all the paper that may be required for the public printing until a new contract is made; and any increase of cost to the Government in procuring a supply of paper, the contractor in default and his securities shall be charged with and held responsible for the same, and shall be prosecuted upon their bond, in the name of the United States in the circuit court of the United States. And all acts or parts of acts inconsistent with this section be, and the same are hereby, repealed.

SEC. 11. *And be it further enacted*, That in all cases where, by the terms of any Indian treaty in Kansas Territory, said Indians are entitled to separate selections of land, and to a patent therefor, under guards, restrictions, or conditions for their benefit, the Secretary of the Interior is hereby authorized to cause patents therefor to issue to such Indian or Indians, and their heirs, upon such conditions and limitation, and under such guards or restrictions as may be prescribed by said Secretary: *Provided*, That nothing herein contained shall be construed to apply to the New York Indians, or to affect their rights under the treaty made by them in eighteen hundred and thirty-eight at Buffalo Creek.

APPROVED, March 3, 1859.

CHAP. LXXXIII.—An Act making Appropriations for the Support of the Army for the year ending the thirtieth of June, eighteen hundred and sixty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending the thirtieth of June, eighteen hundred and sixty.

For expenses of recruiting, transportation of recruits, three months' extra pay to non-commissioned officers, musicians, and privates on reënlistment, eighty-nine thousand nine hundred and ninety-nine dollars.

For pay of the Army, three million and ninety-one thousand seven hundred and eighty-four dollars.

For commutation of officers' subsistence, nine hundred and ninety-eight thousand four hundred and thirty-four dollars and fifty cents.

For commutation of forage for officers' horses, one hundred and four thousand one hundred and twenty-eight dollars.

For payments to discharged soldiers for clothing not drawn, fifty thousand dollars.

For payments in lieu of clothing for officers' servants, thirty-nine thousand eight hundred and ninety dollars.

For subsistence in kind, one million nine hundred and sixty-nine thousand five hundred and forty dollars.

For clothing for the Army, camp, and garrison equipage, and iron bedsteads for barracks, one million one hundred and twenty-nine thousand eight hundred and nine dollars and seventy-eight cents.

For the regular supplies of the quartermaster's department, consisting of fuel for the officers, enlisted men, guard, hospitals, store-houses, and offices; of forage in kind for the horses, mules, and oxen, of the quartermaster's department at the several posts and stations and with the armies in the field; for the horses of the two regiments of dragoons, the two regiments of cavalry, the regiment of mounted riflemen, the companies of light artillery, and such companies of infantry as may be mounted, and for the authorized number of officers' horses when serving in the field and at the outposts, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank-books for the quartermaster's department, certificates for discharged soldiers, blank forms for the pay and quartermaster's departments, and for the printing of division and Department orders and reports, one million four hundred and forty thousand dollars.

For the incidental expenses of the quartermaster's department, consisting of postage on letters and packets received and sent by officers of the Army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation of judges-advocate, recorders, members, and witnesses, while on that service, under the act of March sixteenth, eighteen hundred and two; extra pay to soldiers employed under the direction of the quartermaster's department, in the erection of barracks, quarters, store-houses, and hospitals; in the construction of roads, and on other constant labor, for periods of not less than ten days, under the acts of March second, eighteen hundred and nineteen, and August fourth, eighteen hundred and fifty-four, including those employed as clerks at division and Department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains, where military escorts cannot be furnished; expense of the interment of officers killed in action, or who die when on duty in the field, or at the posts on the frontiers, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including the hire of interpreters, spies, and guides for the Army; compensation of clerks of the officers of the quartermaster's department; compensation of forage and wagon masters, authorized by the act of July fifth, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the two regiments of dragoons, the two regiments of cavalry, the regiment of mounted riflemen, and such companies of infantry as may be mounted, viz: the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named, four hundred and fifty thousand dollars: *Provided*, That the amount of this appropriation below the estimates shall be deducted from the amount estimated for pay of laborers in the quartermaster's department.

For constructing barracks and other buildings at posts which it may be necessary to occupy during the year; and for repairing, altering, and enlarging buildings at the established posts, including hire or commutation of quarters for officers on military duty; hire of quarters for troops, of storehouses for the safe-keeping of military stores, and of grounds for summer cantonments; and for temporary frontier stations, three hundred thousand dollars: *Provided*, That no permanent barracks and quarters shall hereafter be constructed, unless detailed estimates shall have been previously submitted to Congress, and shall have been approved by a special appropriation for the same.

For mileage or the allowance made to officers of the Army for the transportation of themselves and their baggage, when traveling on duty without troops, escorts, or supplies, one hundred and twenty-five thousand dollars: *Provided*, That mileage shall not be allowed when the officer has been transferred or relieved at his own request.

For transportation of the Army, including the baggage of the troops, when moving either by land or water; of clothing, camp, and garrison equipage from the depot at Philadelphia to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and of subsistence from the places of purchase and from the places of delivery under contract, to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms, from the founderies and armories, to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; for the purchase and hire of horses, mules, and oxen, and the purchase and repair of wagons, carts, and drays, and of ships, and other sea-going vessels, and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportations of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as from their situation require that it be brought from a distance; and for clearing roads and removing obstructions therein to the extent which may be required for the actual operations of the troops on the frontier, three million dollars.

For the purchase of horses for the two regiments of dragoons, the two regiments of cavalry, the regiment of mounted riflemen, and the companies of light artillery, two hundred thousand dollars.

For contingencies of the Army, fifteen thousand dollars.

For the medical and hospital departments, ninety-one thousand dollars.

For contingent expenses of the adjutant general's department at department headquarters, five hundred dollars.

For compensation of the clerk and messenger in the office of the commanding general, two thousand dollars.

For contingent expenses of the office of the commanding general, three hundred dollars.

For armament of fortifications, two hundred thousand dollars, out of which fifty thousand dollars are to be used for experiments on heavy ordnance.

For ordnance, ordnance stores, and supplies, including horse equipments for the mounted regiments, two hundred thousand dollars.

For the current expenses of the ordnance service, including experiments in arms and ammunition, not otherwise provided for, one hundred thousand dollars.

For the manufacture of arms at the national armories, two hundred and fifty thousand dollars.

For the Allegheny arsenal, five thousand dollars.

For the Benicia arsenal, fifty thousand dollars.

For Fort Monroe arsenal, fourteen thousand dollars.

For New York arsenal, three thousand dollars.

For North Carolina arsenal, two thousand two hundred and thirty-five dollars.

For Texas arsenal, twenty-one thousand dollars.

For Washington arsenal, two thousand five hundred dollars.

For Watertown arsenal, one thousand dollars.

For Watervliet arsenal, twenty-five thousand dollars; a part of which sum may be applied to the purchase of a piece of ground adjoining the arsenal on the south side, east of the Erie canal.

For contingencies of arsenals, twenty thousand dollars.

For surveys for military defenses, geographical explorations, and reconnaissances, for military purposes, and surveys with armies in the field, fifty thousand dollars.

For purchase and repairs of instruments, ten thousand dollars.

For printing charts of lake surveys, ten thousand dollars.

For continuing the survey of the northern and northwestern lakes, including Lake Superior, seventy-five thousand dollars.

For defraying the expenses of the recovery and the restoration to their homes of the children surviving the massacre by Indians of the emigrant trains from Arkansas, in the fall of eighteen hundred and fifty-seven, ten thousand dollars.

For the payment to the State of Minnesota for expenses incurred by Captain James Starkey's company of Minnesota volunteers, called out by the Governor of the Territory of Minnesota in eighteen [hundred] and fifty-seven to protect the settlers of the valley of Sunrise river against the Chippewa Indians, two thousand six hundred and thirty-nine dollars, or so much thereof as may be necessary.

For the removal of the Court Orielle band of the Chippewa Indians, on the Red Cedar and Menomonee rivers, in Wisconsin, and providing a permanent home for them among the Chippewas of Lake Superior or the Upper Mississippi, ten thousand dollars.

For repairs and improvements and new machinery at Springfield armory, Massachusetts, fifty-three thousand nine hundred and ten dollars.

For repairs and improvements and new machinery at Harper's Ferry armory, fifty-five thousand dollars.

For printing a revised edition of the system of instruction for field artillery, horse and foot, to be stereotyped, with engraved plates, now ready for the press, and for procuring for distribution to the militia of the United States, books of tactical instruction, ten thousand dollars.

For the construction of a military road from Fort Benton to Walla-Walla, one hundred thousand dollars.

SEC. 2. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized to repay to the State of Texas, out of any money in the Treasury not otherwise appropriated, moneys advanced by that State for the payment of six companies of mounted volunteers called into service by General Persifer F. Smith, on the first of November, eighteen hundred and fifty-four, for three months: *Provided*, That there shall be no greater pay or allowances to these companies than was given to similar troops in the service of the United States.

SEC. 3. *And be it further enacted*, That for the purpose of executing a resolution approved May fourteenth, eighteen hundred and thirty-six, entitled "A resolution to authorize the Secretary of War to receive additional evidence in support of the claims of Massachusetts and other States of the United States for disbursement services, and so forth, during the late war," the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Massachusetts, out of any moneys in the Treasury not otherwise appropriated, the sum of two hundred and twenty-seven thousand one hundred and seventy-six dollars and forty-eight cents, reported under said resolution to be due to said State by J. R. Poinsett, late Secretary of War, in a report dated the twenty-third of December, eighteen hundred and thirty-seven, made to the House of Representatives the twenty-seventh of December, eighteen hundred and thirty-seven: *Provided*, That, in lieu of payment in money, the Secretary of the Treasury may, at his discretion, issue to said State United States stock bearing an interest of five per centum per annum, and redeemable at the end of ten years, or sooner, at the pleasure of the President.

SEC. 4. *And be it further enacted*, That the second section of the act of third March, eighteen hundred and fifty-one, entitled "An act to found a military asylum for the relief and support of invalid and disabled soldiers of the Army of the United States, be so amended as to reduce the number of commissioners authorized by that section to three, and to consist of the commissary general of subsistence, the surgeon general, and the adjutant general, (any two of whom shall be a quorum for the transaction of business,) whose duty it shall be to examine and audit the accounts of the treasurer quarter-yearly, and to visit and inspect the military asylum at least once in every month.

SEC. 5. *And be it further enacted*, That the benefits of the said act be, and they are hereby, extended so as to include the invalid and disabled soldiers, whether regulars or volunteers, of the war of eighteen hundred and twelve, and of all subsequent wars; and that so much of the act of the third March, eighteen hundred and fifty-one, as is inconsistent herewith be, and the same is hereby, repealed.

SEC. 6. *And be it further enacted*, That all pensioners on account of wounds or disability incurred in the military service, shall transfer and surrender their pensions to the institution for and during the time they may remain therein and voluntarily continue to receive its benefits.

SEC. 7. *And be it further enacted*, That the deductions of twenty-five cents per month from the pay of the non-commissioned officers, musicians, artificers, and privates in the Army, shall be reduced, from and after the thirtieth of June next, to twelve and a half cents per month, and that the title of the act be, and the same is hereby, changed from the "Military Asylum" to that of "Soldiers' Home:" *And provided further*, That all persons now in, or that may hereafter be admitted into, the institution, shall be, and are hereby, made subject to the rules and articles of war, and will be governed thereby in the same manner as soldiers in the Army.

SEC. 8. *And be it further enacted*, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the following fortifications:

For fort at Hog Island Ledge, forty thousand dollars.

For Fort Knox, Penobscot Bay, twenty thousand dollars.

For Fort Schuyler, East river, New York, twenty thousand dollars.

For Fort Richmond, Staten Island, fifteen thousand dollars.

For Fort Carroll, Sollers' Point, forty thousand dollars.

For Fort Montgomery, Lake Champlain, ten thousand dollars.

For Fort Delaware, Delaware river, seventy-five thousand dollars.

For Fort Calhoun, Hampton Roads, Virginia, seventy-five thousand dollars.

For Fort Sumpter, Charleston, South Carolina, twenty-five thousand dollars.

For Fort Clinch, Florida, fifty thousand dollars.

For Fort Point, California, fifty thousand dollars.

For Fort Alcatraz, California, thirty thousand dollars.

For Fort Jefferson, Tortugas, Florida, ninety-five thousand dollars.

For Fort Taylor, Key West, seventy thousand dollars.

For continuing the construction of the works at Fort Gaines, thirty thousand dollars.

For contingent expenses of fortifications and repairs, thirty thousand dollars.

APPROVED, March 3, 1859.

CHAP. LXXXIV.—An Act to provide for the Care and Preservation of the Works constructed by the United States, for bringing the Potomac Water into the Cities of Washington and Georgetown for the supply of said water for all governmental purposes, and for the uses and benefits of the inhabitants of the said cities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dams, aqueducts, water-gates, reservoirs, and all fixtures and improvements connected therewith, which have been, or may hereafter be, constructed by the United States for the conveyance of the water from the Potomac river, above the Great Falls thereof, to the cities of Washington and Georgetown, together with the lands, houses, fencing-water, and other rights and appurtenances connected with the same, and belonging to the Government, as also the main conduits, supply pipes, basins, hydrants, fountains, stop-cocks, sewers, drains, receiving basins, and all other fixtures connected with the same, which have been, or may hereafter be, laid down or constructed by the United States, shall be placed by the President of the United States under the immediate care, management, and superintendence of a properly qualified officer of the United States corps of engineers to be appointed by him, who shall act under the Department of the Interior, and who shall make an annual report to that Department in the month of November in each year, to be laid before Congress, at the commencement of their regular annual session, of the work, proceedings, repairs, casualties, and expenditures connected with the said water-works for the preceding year; and such officer, as a compensation for the duties and responsibilities imposed upon him by this act, shall receive, for his pay as said engineer, no more than his regular pay as an officer of the corps. He shall occupy the necessary apartments in one of the public buildings in the city of Washington as may be directed by the President, and shall be supplied by the Government with the stationery, instruments, books, and furniture required in the performance of his public duties. And in this office of the engineer of the Potomac water-works shall be kept and preserved a complete record of all the lands and other property and matters and things enumerated in this section, and otherwise connected with or belonging to these water-works, or which may hereafter be acquired or procured for the same. The said engineer shall have full power and control over the said water-works, and shall regulate the manner in which the said corporations of Washington and Georgetown may tap the pipes for the supply thereof, and shall stop the same whenever it is found no more than adequate to meet the wants of the General Government. The said engineer's decision on all questions connected therewith to be subject only to appeal to the Secretary of the Interior.

SEC. 2. [*And*] *be it further enacted*, That full power and authority are hereby given to the corporations of Washington and Georgetown, in the District of Columbia, to supply the inhabitants within their respective limits with Potomac water from the aqueduct mains or pipes, now laid or to be laid in the streets and avenues by the United States; and to make all laws and regulations for the proper distribution of the same, subject to the restrictions prescribed by this act: *Provided*, That no expense shall devolve upon the United States in consequence of said distribution.

SEC. 3. *And be it further enacted*, That the said corporations shall have authority by ordinance, act, or otherwise, to establish a scale of annual rates for the supply and use of said water, apportioned to different classes of buildings in said city, according to their seize, dimensions, assessed values, exposure to fires, uses for dwellings, stores, shops, stables, manufactories, or other purposes, number of occupants, or consumption of water, measured by meter or otherwise, and to modify, alter, amend, increase, or reduce such scale, from time to time, and extend it to other description of buildings and establishments; to collect such rates or rents, when so fixed, in advance, or otherwise, through such agents or commissioners as they may authorize, from the owners or occupants of all such buildings or establishments, respectively, who may use the water therein; to stop the supply of water to any such dwelling or establishment upon a failure to pay said rate, charge, or rent; and generally to enact such laws as may be necessary to supply the inhabitants of said city of Washington with pure and wholesome water, and to carry into full and complete effect the powers herein granted: *Provided*, That the rates levied by the cities of Georgetown and Washington shall never be a source of revenue other than as a means of keeping up to the said cities a supply of water.

SEC. 4. *And be it further enacted*, That for the purpose of enabling the corporations aforesaid to carry out the provisions of this act, it shall be competent for them to borrow, in such proportions as they may deem expedient, a sum of money not exceeding one hundred and fifty thousand dollars for the city of Washington, and fifty thousand dollars for Georgetown, redeemable within a period of ten years, out of any revenue to be derived from water rents.

SEC. 5. *And be it further enacted*, That it shall not be lawful for any person or persons other than said corporations, or persons authorized by them, to tap or open the mains or pipes laid or to be laid by the United States for any purpose whatever under a penalty of not less than fifty nor more than five hundred dollars for each and every offense. And if any person or persons shall willfully and maliciously break, injure, deface, or destroy any main or pipe, bend, branch, valve, hydrant, service pipe or any other fixture used for the distribution of water throughout the streets and avenues, or for its introduction into the houses, tenements, or buildings of said cities, such person or persons shall be subject to imprisonment in the county jail for a period not exceeding two years for each and every such offense.

SEC. 6. *And be it further enacted*, That whenever it shall become necessary to lay main pipes for the supply of water to the cities of Georgetown and Washington, the cost of the same shall be paid by the said cities, and the engineer aforesaid is hereby prohibited from making any contracts for the same, unless approved by the corporations aforesaid, and expressly stipulated with the contractor or contractors that the payment for the same is to be made by the said corporations: *Provided*, That no greater number of main pipes shall be laid by the General Government than are sufficient to give to said Government the necessary supply of water.

SEC. 7. *And be it further enacted*, That it shall be unlawful for any person or persons to do or commit any act by reason of which the supply of water, or any part thereof, shall become impure, filthy, or in any way unfit for use; and that any person or persons committing any such act or acts, willfully, knowingly, and maliciously, shall be subject to a fine of not exceeding one thousand nor less than five hundred dollars, or not exceeding three nor less than one year's confinement in the penitentiary of the District of Columbia, for every such offense.

SEC. 8. *And be it further enacted*, That all acts or parts of acts inconsistent with this be, and the same are hereby, repealed.

SEC. 9. *And be it further enacted*, That the cities of Washington and Georgetown respectively shall have power to establish a complete system of sewerage in aid of the execution of the provisions of this act.

APPROVED, March 3, 1859.

CHAP. LXXXV.—An Act to provide for extending the Laws and Judicial System of the United States to the State of Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the laws of the United States which are not locally inapplicable, shall have the same force and effect within the said State of Oregon as elsewhere in the United States.

SEC. 2. *And be it further enacted*, That the said State is hereby constituted a judicial district of the United States within which a district court with the like powers and jurisdiction as the district court of the United States for the district of Iowa shall be established; and the judge of the said district court shall hold two regular terms of the said court, annually at the seat of government of the said State, to commence on the second Monday of April and September in each year.

SEC. 3. *And be it further enacted*, That the judge, attorney, and marshal of the United States for the said district of Oregon, shall reside therein; and the annual salary of the said judge shall be two thousand five hundred dollars; and the marshal and district attorney for said district, shall be entitled to the same compensation and fees as the marshal and attorney for the district of Iowa.

SEC. 4. *And be it further enacted*, That in all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States, upon any record from the supreme court of Oregon Territory, the mandate of execution or order of further proceedings shall be directed by the Supreme Court of the United States to the district court of the United States for the district of Oregon, or to the supreme court of the State of Oregon, as the nature of such appeal or writ of error may require; and each of those courts shall be the successor of the supreme court of Oregon Territory, as to all such cases, with full power to hear and determine the same, and to award mesne or final process therein.

SEC. 5. *And be it further enacted*, That for the purpose of trying all issues of fact triable by jury in the district court of the United States for the district of Iowa, said district shall be divided into three divisions as follows, namely: The counties of Clinton, Jones, Linn, Benton, Tama, Marshall, Grundy, Hardin, Webster, and all the counties north of the same, and east of Calhoun, Pocahontas, Palo Alto, and Emmett, shall constitute the northern division; and two regular terms of said court for the same shall be held annually at Dubuque, to commence on the third Tuesdays of April and October.

SEC. 6. *And be it further enacted*, That the counties of Scott, Cedar, Johnson, Iowa, Powasheik, Mahaska, Marion, Lucas, Clark, Decatur, and all the counties south and east of the same, shall constitute the southern division; and two regular terms of said court shall be held annually for said division at Keokuk, to commence on the third Tuesdays of March and September.

SEC. 7. *And be it further enacted*, That all the remaining counties of the State shall constitute the western division; and one regular term of said court shall be held on the second Tuesday of November in each year at Des Moines.

SEC. 8. *And be it further enacted*, That the provisions of the several acts of Congress regulating the courts in the several divisions as heretofore organized, shall, as far as the same are applicable, apply to the courts of said district under the present division.

SEC. 9. *And be it further enacted*, That the judge of said district court shall have power to make such rules and orders as may be necessary to carry into effect the changes provided for in this act.

SEC. 10. *And be it further enacted*, That all acts and parts of acts inconsistent with this act be, and the same are hereby, repealed.

APPROVED, March 3, 1859.

CHAP. LXXXVI.—An Act for the Relief of Congressional Township number twenty-seven north, of range number six east, in Wabash county, Indiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the auditor of the county of Wabash, aforesaid, for the time being, be authorized and allowed to make entry in his own official name of the quantity of five hundred and thirty-seven and ninety one-hundredths acres, in legal sub-divisions, of any lands of the United States, on any part of the public domain subject to private entry, at the minimum price of one dollar and twenty-five cents per acre, the same, when so entered being hereby made and declared to be for the benefit of the inhabitants of congressional township number twenty-seven north, of range number six east, in the county of Wabash, and State of Indiana, and to stand in lieu of a deficit of that quantity in the amount of school lands belonging to said township, and to be held and controlled in the same manner.

SEC. 2. *And be it further enacted*, That when the said lands shall have been selected and entered as aforesaid, and duly reported to and approved by the Secretary of the Interior, he shall cause a patent or patents to issue therefor.

APPROVED, March 3, 1859.

CHAP. LXXXVII.—An Act making an Appropriation for the payment of the expenses of Investigating Committees, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of ten thousand dollars be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, for the payment of expenses of the several investigating committees of the House of Representatives during the present Congress, and that the same shall be added to the miscellaneous item of the contingent fund of said House with whatever now remains of the appropriations "for the engraving of maps, charts, and other plates accompanying documents ordered to be printed at the first session of the Thirty-Fourth Congress," contained in "an act to supply deficiencies," approved May fifteenth, eighteen hundred and fifty-six: *Provided*, That the Clerk of the House may charge to said miscellaneous item any deficiency in the items for stationery, folding documents, and furniture, and repairs of the same, in the south wing of the Capitol.

APPROVED, March 3, 1859.

CHAP. LXXXVIII.—An Act making Appropriations for the payment of Invalid and other Pensions of the United States for the year ending the thirtieth of June, eighteen hundred and sixty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the year ending the thirtieth of June, eighteen hundred and sixty:

For invalid pensions under various acts, four hundred and thirty thousand dollars.

For pensions under acts of the eighteenth March, eighteen hundred and eighteen, fifteenth May, eighteen hundred and twenty-eight, and seventh June, eighteen hundred and thirty-two, forty thousand dollars.

For pensions to widows of those who served in the revolutionary war, under the third section of the act of fourth July, eighteen hundred and thirty-six, the acts of seventh July, eighteen hundred and thirty-eight, third March, eighteen hundred and forty-three, seventeenth June, eighteen hundred and forty-four, second February and twenty-ninth July, eighteen hundred and forty-eight, and second section act of third February, eighteen hundred and fifty-three, two hundred and fourteen thousand dollars.

For pensions to widows and orphans, under first section act fourth July, eighteen hundred and thirty-six, act of twenty-first July, eighteen hundred and forty-eight, first section act of third February, eighteen hundred and fifty-three, and under special acts, fifty thousand dollars.

For Navy invalid pensions, two thousand dollars.

For Navy pensions to widows and orphans, under act of eleventh August, eighteen hundred and forty-eight, one hundred and fifteen thousand dollars.

For privateer invalids, one thousand dollars.

SEC. 2. *And be it further enacted*, That in all cases of application for the payment of pensions to invalids under the several laws of Congress granting pensions to invalids, the affidavit of two surgeons or physicians, whose credibility as such shall be certified by the magistrate before whom the affidavit is made, stating the continuance of the disability for which the pension was originally granted (describing it) and the rate of such disability at the time of making the affidavit, shall accompany the application of the first payment, which shall fall due upon a day in the fiscal year for which provision is made herein, to be declared by the Secretary of the Interior, and at the end of every two years thereafter; and if, in a case of continued disability, it shall be stated at a rate below that for which the pension was originally granted, the applicant shall only be paid at the rate stated in the affidavit: *Provided*, That where the pension shall have been originally granted for a total disability, in consequence of the loss of a limb, or other cause which cannot, either in whole or in part, be removed, the above affidavit shall not be necessary to entitle the applicant to payment.

APPROVED March 3, 1859.

PUBLIC RESOLUTIONS.

No. 1.—A Resolution for the Appointment of two Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancies in the Board of Regents of the Smithsonian Institution of the class other "than members of Congress" be filled by the appointment of Alexander Dallas Bache, a member of the National Institute, and resident in the city of Washington, and George E. Badger, of the State of North Carolina.

APPROVED, January 17, 1859.

No. 2.—Joint Resolution authorizing Townsend Harris, United States Consul General at Japan, and H. C. J. Heusken, his Interpreter, respectively, to accept a Snuff-box from her Majesty the Queen of England.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Townsend Harris, United States Consul General in Japan, and H. C. J. Heusken be, and they are hereby authorized, to accept, respectively, from the Queen of England a snuff-box bearing her Majesty's cypher, which it is the intention of the Queen to offer to each as a mark of her gratitude for assistance rendered by them to Lord Elgin in his negotiation of a treaty between Great Britain and Japan.

APPROVED, January 25, 1859.

No. 4.—A Resolution authorizing the Secretary of the Treasury to convey a portion of the Government Lot on which the United States Court-House stands in Rutland, Vermont, in exchange for other land adjoining said lot.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and empowered to convey to John B. Page, Esq., of Rutland, in the State of Vermont, so much from the east side of the lot of land on which the United States court-house and post office stands in said Rutland, as in the opinion of the said Secretary will not be required for the use of the Government, in exchange for other land, of equal area, on the north side of and adjoining said Government lot, without cost to the Government, and to give and receive deeds to and from the said John B. Page for the lands so given and received in exchange.

APPROVED, February 5, 1859.

No. 6.—A Resolution for the Payment of an unexpended balance to the State of Georgia, on account of militia services.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to apply the unexpended balance of the amount appropriated by the act of eleventh August, eighteen hundred and forty-two, entitled "An act to provide for the settlement of the claims of the State of Georgia for the services of her militia," to the repayment to said State of any amount which she has paid to her said militia, mentioned in said act, since the date of the passage of the same.

APPROVED, February 9, 1859.

No. 7.—A Resolution for changing the plan of the Custom-House at Galveston in the State of Texas.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to make such alterations of the dimensions and plan of the custom-house building constructing at Galveston, Texas, as he may deem best, and as petitioned for by the people of Galveston: *Provided*, The cost, when completed, does not exceed the amount already appropriated: *And provided further*, That the consent in writing of the contractors and their sureties for the construction of said custom-house to such alterations shall be first had and delivered to the Secretary of the Treasury.

APPROVED, February 9, 1859.

No. 8.—Joint Resolution giving the consent of Congress to the acceptance by Captain M. F. Maury and Professor A. D. Bache of Gold Medals from the Sardinian Government.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain M. F. Maury and Professor A. D. Bache be, and [they] are hereby, authorized to accept, respectively, a gold medal tendered to each of them by the Sardinian Government, as a mark of its appreciation of their scientific labors and achievements.

APPROVED, February 14, 1859.

No. 9.—Joint Resolution in relation to the Tobacco Trade, of the United States with Foreign Nations.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the trade in tobacco with Great Britain, France, Spain, Portugal, Austria, Brazil, and other foreign nations, is clogged with restrictions, and limitations wholly inconsistent with that fair and reciprocal condition of commerce which ought to exist between the United States and those nations respectively, and is therefore unsatisfactory to the States of Virginia, Kentucky, Maryland, North Carolina, Missouri, Tennessee, Ohio, and Connecticut, and other tobacco-growing States, in which that article is an important, if not the chief, staple of agricultural production.

2d. *Resolved*, That it is the duty of the Federal Government to use its utmost power, by negotiations or other constitutional means, to obtain a modification or reduction on the part of said foreign nations of the duties and restrictions imposed by them on the importation of American tobacco, and to this end to employ all the diplomatic and commercial powers which the Constitution has confided to it in producing a more just and equal reciprocity in a trade so deeply involving the value of that portion of the agricultural labor of the country, in which at least one fourth of the Confederacy is concerned.

3d. *Resolved*, That the treaties of the United States with China and Japan present a fair and fitting occasion for the enlargement and extension of the tobacco trade of the United States, and it is the duty of the Government of the United States to use all their exertions, within the limits of constitutional power, to foster and encourage the introduction of American tobacco as an article of use among the people of those nations.

4th. *Resolved*, That diplomatic negotiations with England, France, Spain, and Austria, as well as with China and Japan, ought to be commenced as soon as practicable by the Government of the United States, with the view of obtaining a modification of the existing systems of revenue and taxation of those nations in respect to American tobacco, and for this purpose instructions ought to be given to our foreign ministers, consuls, and commercial agents in those nations by the Executive of the United States to use all their constitutional and legitimate functions in producing so desirable a result.

APPROVED, February 14, 1859.

No. 10.—Joint Resolution to authorize the Secretary of the Treasury to sell a certain Plat of Land in the City of Petersburg, Virginia, belonging to the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized in his discretion, if deemed by him consistent with the public interest, to sell, and by deed convey to the purchaser, a piece or parcel of land lying at the southeast corner of the custom-house lot in Petersburg, Virginia, to be so laid off and defined as to make the eastern boundary of said lot a straight line from its beginning, on Tabb street, through to the lot belonging to Powell's Hotel Company; and that the proceeds of such sale be applied, if necessary, to the completion and furnishing of said custom-house building, or grading and inclosing said lot: *Provided*, That the Secretary of the Treasury shall fix the minimum below which the said lots shall not be sold.

APPROVED, February 18, 1859.

No. 12.—A Resolution conferring the Rank of Senior Flag-Officer on the active-service list of the United States Navy on Captain Charles Stewart.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, by and with the advice and consent of the Senate, be, and he is hereby, authorized and empowered to confer on Captain Charles Stewart, of the United States Navy, in recognition of his distinguished and meritorious service, the commission of senior flag-officer of the United States Navy on the active-service list.

APPROVED, March 2, 1859.

No. 13.—A Resolution in relation to the second section of the act of Congress entitled "An Act to provide for the Location of certain confirmed Private Land Claims in the State of Missouri, and for other purposes."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of the act of Congress, entitled "an act to provide for the location of certain confirmed private land claims in the State of Missouri, and for other purposes," approved June second, eighteen hundred and fifty-eight, is hereby so suspended in its operations and effect until the end of the Thirty-Sixth Congress, as that no patent or patents shall be issued, nor shall any action be had by the Executive branch or department of the Government, or any officer or agent thereof, under or by virtue of said section.

APPROVED, March 3, 1859.

No. 14. A Joint Resolution amendatory of an act entitled "An Act to regulate the Compensation of Members of Congress," approved August sixteenth, eighteen hundred and fifty-six, so far as relates to such Members as shall die during their terms of service.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, hereafter, any person elected a member of the Senate or House of Representatives shall die after the commencement of the Congress to which he shall have been so elected, compensation shall be computed and paid to his widow; or if no widow survive him, to his heirs-at-law, for the period that shall have elapsed from the commencement of such Congress as aforesaid, to the time of his death, at the rate of three thousand dollars per annum: *Provided, however*, That compensation shall be computed and paid in all cases for a period of not less than three months: *And provided further*, That in no case shall constructive mileage be computed or paid.

SEC. 2. *Be it further resolved*, That the compensation of each person elected or appointed afterwards to supply the vacancy so occasioned, shall hereafter be computed and paid from the time the compensation of his predecessor is hereby directed to be computed and paid for, and not otherwise.

SEC. 3. *Be it further resolved*, That the provisions of this joint resolution, so far as the same are beneficial to the widow or heirs-at-law of members of Congress as aforesaid, shall be expended and applied to the widows and heirs-at-law of members elected to the present Congress, who have died since its commencement.

APPROVED, March 3, 1859.

PRIVATE ACTS.

CHAP. II.—An Act recognizing the Assignment on Land Warrant Number Thirty-five Thousand Nine Hundred and Fifty-six, (35956,) issued to John Davis, as valid.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the assignment upon land warrant number thirty-five thousand nine hundred and fifty-six, (35956,) issued to John Davis, under the act of September twenty-eight, eighteen hundred and fifty, for forty acres, be, and is hereby, recognized as valid.

APPROVED, December 21, 1858.

CHAP. III.—An Act for the Relief of John Campbell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the pension of four dollars per month given to John Campbell by special act of Congress, be increased to eight dollars per month, the increase commencing on the third day of December, anno Domini eighteen hundred and fifty-five, and that the Secretary of the Interior is hereby authorized and required so to place the name of John Campbell upon the invalid pension roll.

APPROVED, December 21, 1858.

CHAP. IV.—An Act for the Relief of Roswell Minard, father of Theodore Minard, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office shall issue to Roswell Minard, the father of Theodore Minard, deceased, a warrant for one hundred and sixty acres of land, in lieu of bounty land warrant number thirty-four thousand seven hundred and fifty-four, heretofore issued to Theodore Minard, deceased, which warrant, when so issued, shall be in all respects of the same effect as the said warrant number thirty-four thousand seven hundred and fifty-four would have been had it been issued to said Roswell Minard: *Provided, however*, That the said Commissioner of the General Land Office shall be satisfied that said Roswell Minard is the father of the said Theodore Minard, deceased: That the said Theodore Minard died without leaving a wife or lawful children; and that the said Theodore Minard never assigned or transferred the said bounty land warrant number thirty-four thousand seven hundred and fifty-four.

APPROVED, December 21, 1858.

CHAP. VII.—An Act for the Relief of Joseph Hardy and Alton Long.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be instructed to ascertain, as in the case of John P. B. and Henry Gratiot, what amount, if any, of rent was exacted by the United States agents of lead mines from Joseph Hardy, for lead mined and smelted upon the lands of the Ottawa, Pottawatomie, Chippewa, Winnebago, or other tribes of Indians, prior to the purchase thereof by the United States, and pay such amount as may be legally proved to have been actually paid by said Joseph Hardy to such agents of the United States, to Joseph Hardy and Alton Long, out of any moneys in the Treasury not otherwise appropriated.

APPROVED, January 12, 1859.

CHAP. IX.—An Act for the Relief of Elias Hall, of Rutland, Vermont.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War cause to be paid, out of any money in the Treasury not otherwise appropriated, to Elias Hall, of Rutland, Vermont, the sum of five hundred and sixteen dollars and fifty-two cents, in full for the balance due him for his services as superintendent of repairs of small arms, and for subsistence, expenses, and losses while engaged in the service of the United States during the last war with Great Britain.

APPROVED, January 17, 1859.

CHAP. XI.—An Act authorizing the issue of Registers to the Steamships America and Canada, and to change the names of said Steamships.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue registers for the steamships America and Canada, now lying in the port of New York, and that the names of said ships be changed to the Mississippi and Coatzacoalcos; and said ships shall hereafter be considered and deemed to be ships or vessels of the United States, and entitled to all the rights and privileges accorded by law to ships or vessels built in the United States: *Provided*, That this act shall not go into effect until due proof shall be made to the satisfaction of said Secretary, that said vessels are wholly owned by citizens of the United States, or by an incorporated company entitled to receive registers for ships or vessels under the provisions of existing laws.

APPROVED, January 19, 1859.

CHAP. XII.—An Act for the Relief of Martin Layman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Martin Layman be, and he is hereby, authorized to enter the southwest quarter of section thirty-six, township twenty-nine north, range twenty-four west, in the Minneapolis land district, in the State of Minnesota, upon payment, by said Martin Layman, of the usual minimum of one dollar and twenty-five cents per acre; and the Commissioner of the General Land Office is directed to issue a patent on said entry.

SEC. 2. *And be it further enacted*, That the superintendent of public schools in the State of Minnesota is authorized to select an equal amount of other lands in said State for the use of public schools in lieu of the lands herein granted.

APPROVED, January 19, 1859.

CHAP. XIV.—An Act for the Relief of James G. Holmes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James G. Holmes, who obtained a patent for an improvement in "chairs for invalids," dated the twenty-fourth of September, eighteen hundred and forty-four, for fourteen years, which has now expired, be authorized to apply to the Commissioner of Patents for an extension of said patent for seven years, under the rules and regulations now in force for the extension of patents, as if he had made application previous to its expiration, as required by law; and the Commissioner is directed to investigate and decide the application for extension on the same evidence and in the same manner as other applications for extensions are decided: *Provided*, That the application for the extension be made within thirty days after the approval of this act, and the decision of the Commissioner be rendered within ninety days from the filing of said application in the Patent Office: *And provided, also*, That nothing herein shall be so construed as to hold responsible in damages any persons who may have manufactured chairs containing the aforesaid improvement between the expiration of the patent and the approval of this act.

APPROVED, January 25, 1859.

CHAP. XV.—An Act for the Relief of John Duncan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and required to place upon the list of Navy pensioners, at the rate of sixteen dollars ($16) per month, the name of John Duncan, who was a landsman in the United States Navy on board the United States ship-of-war Brandywine, and who has become totally blind in consequence of disease contracted and injuries received by him while in the line of his duty in the service of the United States; the said pension to commence on the first day of December, eighteen hundred and fifty-five, and continue during his natural life: *Provided*, That this pension shall not be paid if the said John Duncan remains a beneficiary in the United States naval asylum.

APPROVED, January 25, 1859.

CHAP. XVI.—An Act for the Relief of Mistress Henry R. Schoolcraft.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, required to cause a copyright to issue securing to Mistress Henry R. Schoolcraft, to her heirs, assigns, and legal representatives, the exclusive right to republish the book entitled "History, Statistics, Condition, and Prospects of the Indian Tribes of the United States," heretofore published under order of Congress, and to make and publish any abridgment or compilation thereof for the term of fourteen years from the passage of this act; and he is further required to transfer and deliver to said Mistress Schoolcraft all the plates, the property of the United States, used in the printing and illustration of said book: *Provided*, That the same be accepted in full satisfaction of all manner of claim for compensation for work, time, or money expended in the collection of materials for said book by Henry R. Schoolcraft.

APPROVED, January 25, 1859.

CHAP. XX.—An Act authorizing the Secretary of the Treasury to grant a Register for the Schooner "William A. Hamill."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be granted, under the direction of the Secretary of the Treasury, a register for the schooner "William A. Hamill," lying in the port of Baltimore, and now owned by Robert Dorritie, a citizen of the United States: *Provided*, It be proved to the satisfaction of the Secretary of the Treasury that she was built at May's Landing, in the State of New Jersey; that she was enrolled as an American vessel, and that she was owned in whole by citizens of the United States at the time she was stranded on a reef near Abaco, one of the Bahama Islands, and that she is now owned by Robert Dorritie, who is now a citizen of the United States.

APPROVED, February 2, 1859.

CHAP. XXIV.—An Act for the Relief of Thomas Laurent, surviving partner of the firm of Benjamin and Thomas Laurent.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and required to pay, out of any money in the Treasury not otherwise appropriated, to Thomas Laurent, surviving partner of the firm of Benjamin and Thomas Laurent, or to his legal representatives, the sum of fifteen thousand dollars, with interest at the rate of six per cent. yearly, from the eleventh day of November, eighteen hundred and forty-seven, being the amount paid by the same firm, on that day, to Major General Winfield Scott, in the city of Mexico, for the purchase of a house in said city, out of the possession of which they were since ousted by the Mexican authorities: *Provided*, The amount so appropriated shall be in full of their claim therefor against the United States.

APPROVED, February 5, 1859.

CHAP. XXV.—An Act to provide for the Settlement of the Accounts of the late Lieutenant Colonel Lewis S. Craig, for his services in command of the military escort on the Mexican Boundary Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed, in the settlement of the accounts of the late Lieutenant Colonel Lewis S. Craig, to grant to his legal representative the same allowances per diem for his personal expenses which were made to other officers of the Army of his grade in said commission; the same to be paid out of the surplus fund now in the Treasury heretofore appropriated to cover the expenses of said boundary survey.

APPROVED, February 5, 1859.

CHAP. XXIX.—An Act for the Relief of C. Edward Habicht, administrator of J. W. P. Lewis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid, out of any money

in the Treasury not otherwise appropriated, to C. Edward Habicht, administrator of J. W. P. Lewis, the sum of twenty-two hundred and thirty-eight dollars and forty-seven cents, being the balance of his accounts as United States agent for the construction of a light-house on Sand Key, in the State of Florida, as stated by the accounting officers of the Treasury.

APPROVED, February 9, 1859.

CHAP. XXX.—An Act for the Relief of Henry Hubbard.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be allowed and paid, out of any money in the Treasury not otherwise appropriated, to Henry Hubbard, the sum of six hundred and seventy-two dollars and seventy-five cents, for his services as United States agent charged with the safe-keeping of the public property at the harbor of Ashtabula, in the State of Ohio, as certified by the bureau of topographical engineers, with interest at the rate of six per centum per annum, from the eleventh of June, eighteen hundred and fifty-six, from which time payment is shown to have been delayed for want of appropriation.

APPROVED, February 9, 1859.

CHAP. XXXI.—An Act for the Relief of Mrs. Ambroise Brou, of the parish of St. Charles, State of Louisiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Ambroise Brou, of the parish of St. Charles, in the State of Louisiana, be, and she is hereby, confirmed in her title to lot or section six, township twelve south, range twenty east, and lot or section ten in township thirteen south, range twenty east, in said State; said lands being the unconfirmed half of a tract of nine arpents twenty-six toises front, by eighteen arpents in depth, the other half of which was confirmed to Ambroise Brou by the act of Congress of February twenty-eighth, eighteen hundred and twenty-three, and is fully described in the report of the register of the land office for the eastern district of Louisiana, dated the sixth January, eighteen hundred and twenty-one: *Provided*, That this act shall not affect the right, title, or claim of any third person, but shall be construed simply as a quit-claim by the United States of any title in and to said tract of land.

APPROVED, February 9, 1859.

CHAP. XXXII.—An Act for the Relief of the Heirs and legal Representatives of Olivier Landry, of the State of Louisiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the heirs and legal representatives and assigns of Olivier Landry be, and they are hereby, confirmed in their title to a certain tract of land situated in township ten south, range five east, in the southwestern district of Louisiana, containing two hundred and thirty acres and eighty-four hundredths of an acre, being the tract on the township map of said township marked forty-nine, bounded on one side by a tract belonging to the heirs of Rene Trahan, and on the other by land formerly confirmed to said Olivier Landry: *Provided*, That this act shall only be construed as a relinquishment of any title that the United States may have to said lands, and shall not affect any title that any third person may have in and to said lands.

APPROVED, February 9, 1859.

CHAP. XXXIV.—An Act for the Relief of Captain Douglas Ottinger.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to Captain Douglas Ottinger, out of any money in the Treasury not otherwise appropriated, the sum of ten thousand dollars, in full compensation for the use of his invention of the life or surf-car by the United States, and also to enable him further to test the practicability of adapting such car to the rescuing of passengers and crews during violent gales at sea.

APPROVED, February 14, 1859.

CHAP. XXXVI.—An Act for the Relief of Mary Boyle.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of Mary Boyle be placed on the pension roll, at the rate of twenty dollars per month, from the first day of January, eighteen hundred and fifty-eight.

APPROVED, February 18, 1859.

CHAP. XXXVII.—An Act for the Relief [of] A. Baudouin and A. D. Robert.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of two thousand dollars to A. Baudouin and A. D. Robert, in full compensation for the damages sustained by them arising from the sinking of a flat-boat of ice, at New Orleans, by a steamboat in the service of the United States.

APPROVED, February 18, 1859.

CHAP. XXXVIII.—An Act for the Relief of Dinah Minis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay to Dinah Minis, or her legal representatives, out of any money in the Treasury not otherwise appropriated, the sums due on loan office certificates—number ninety-three, for thirty-seven dollars and twenty-seven and two thirds cents; number ninety-four, for seventy-four dollars and fifty-five and one third cents; and number one hundred and four, for eighty-one dollars and sixty-six cents; all dated August nineteen, seventeen hundred and ninety-one, and signed by Richard Wylly, commissioner of loans—on the surrender of the said original certificates at the Treasury Department.

APPROVED, February 18, 1859.

CHAP. XXXIX.—An Act for the Relief of Wright Fore.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Wright Fore on the invalid pension roll, at the rate of six dollars per month, to commence on the ninth day of November, eighteen hundred and fifty-two, and to continue during his natural life.

APPROVED, February 18, 1859.

CHAP. XL.—An Act for the Relief of Evelina Porter, Widow of the late Commodore David Porter, of the United States Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to place the name of Evelina Porter, widow of the late Commodore Porter, deceased, of the United States Navy, upon the list of pensioners, to be paid at the rate of thirty dollars per month, from the ninth day of February, eighteen hundred and fifty-eight.

APPROVED, February 18, 1859.

CHAP. XLI.—An Act for the Relief of William Yearwood, sr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior issue a land warrant for one hundred and sixty acres of land to be located pursuant to the provisions of an act of Congress approved February eleventh, eighteen hundred and forty-seven, granting bounty land to certain officers and soldiers in the military service of the United States, to William Yearwood, sr., father of William Yearwood, jr., first lieutenant in Captain Lowry's company, second regiment Tennessee volunteers in the Mexican war, who was wounded at the battle of Cerro Gordo, and died of his wounds on the twenty-fourth day of April, eighteen hundred and forty-seven, leaving neither wife nor child.

APPROVED, February 18, 1859.

CHAP. XLII.—An Act for the Relief of Monroe D. Downs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Monroe D. Downs be, and he is hereby, authorized to enter at the land office in Omaha city, in the Territory of Nebraska, by preëmption, the east half of the southwest quarter, and the east half of the northwest quarter of section numbered thirty-six, of town fifteen north, of range twelve east, in said Territory, at the minimum price of one dollar and twenty-five cents per acre: *Provided*, The said Downs shall, within three months after the passage of this act, establish his right of preëmption to said lands under existing laws, in every respect except the filing of a declaration or notice of his preëmption claim.

SEC. 2. *And be it further enacted*, That the superintendent of public instruction of Douglas county, Nebraska Territory, is hereby authorized to select any unclaimed and unoccupied quarter section of land in said county in lieu of the lands mentioned in section one of this act; and it shall be his duty so to do as soon after the passage of this act as shall be practicable, and to file notice of such selection with the register of said land-office; and after such selection and notice, said lands so selected shall be reserved from sale or preëmption, and shall be held for the benefit of schools, in lieu of the lands hereby authorized to be preëmpted by said Downs.

APPROVED, February 18, 1859.

CHAP. XLIII.—An Act for the Relief of Robert A. Davidge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Robert A. Davidge the sum of one hundred and eighteen dollars and ninety cents, out of any money in the Treasury not otherwise appropriated, in full for his services as a temporary clerk in the office of the First Comptroller of the Treasury from March twenty-sixth to April thirtieth, eighteen hundred and fifty-seven.

APPROVED, February 18, 1859.

CHAP. XLIV.—An Act for the Relief of Myra Clark Gaines.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to place the name of Myra Clark Gaines, widow of the late Major General Edmund P. Gaines, on the pension roll, at the rate of half the pay per month to which the said Gaines was entitled at his death, to commence from the sixth day of June, eighteen hundred and forty-nine, and to continue during her natural life.

APPROVED, February 18, 1859.

CHAP. XLV.—An Act for the Relief of Rebecca M. Bowden, of Prince George county, Virginia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Rebecca M. Bowden, of Prince George county, in the State of Virginia, be, and she hereby is, authorized to locate in her own name, as sole devisee of Littleberry Bonner, late of said county, deceased, on any of the lands of the United States, subject to private entry, at the minimum price of one dollar and twenty-five cents per acre, a certain land warrant, number seventeen thousand six hundred and forty-seven, issued to the said Bonner for his services as a private in Captain Temple's company, in the fourth regiment of Virginia militia, in the war of eighteen

hundred and twelve, or to sell and assign the same as such devisee in the same manner as the said Littleberry Bonner could do were he now living.

APPROVED, February 18, 1859.

CHAP. XLVI.—An Act for the Relief of Francis Carver.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Francis Carver on the invalid pension roll at the rate of eight dollars per month, and to pay him at that rate from the eighteenth day of December, anno Domini eighteen hundred and fifty-seven, and continue during his natural life.

APPROVED, February 23, 1859.

CHAP. XLVII.—An Act to confirm to the Heirs or Assigns of Bernardo Sequi, title to lands in East Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the grant to Bernardo Sequi, of seven thousand acres of land lying on the east side of the St. John's river, in East Florida, between the place called Dunn's Lake and that known as Horse Landing, including the place called Buffalo Bluff, made by Estrada, the then Governor of the province of East Florida, on the twentieth day of December, eighteen hundred and fifteen, be confirmed to the said grantee and those claiming under him; and that the Commissioner of the General Land Office be directed to cause the lands described in said grant to be surveyed to the claimant, without prejudice to any third person.

APPROVED, February 23, 1859.

CHAP. XLVIII.—An Act for the Relief of Samuel A. Fairchilds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to audit and settle the accounts of Samuel A. Fairchilds, for expenses and services in arresting and bringing to trial certain persons charged with robbing the mails of the United States, and to pay to the said Samuel A. Fairchilds, out of any money in the Treasury not otherwise appropriated, whatever sum the said Fairchilds may show, by proper evidence, he expended in arresting and securing the said parties and delivering them to the authorities of the United States; also to pay him a fair compensation for his services in the premises: *Provided*, That the whole amount paid him under this bill shall not exceed the sum of eight hundred and two dollars and fifty cents.

APPROVED, February 23, 1859.

CHAP. XLIX.—An Act for the Relief of Frederick Smith.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Frederick Smith on the invalid pension roll, at the rate of four dollars per month, and to pay him at that rate from the first day of February, anno Domini eighteen hundred and fifty-eight, during his natural life.

APPROVED, February 23, 1859.

CHAP. L.—An Act for the Relief of the Representative of Henry King, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed to pay to the legal representative of Henry King the sum of one thousand eight hundred and seventeen dollars and thirty-six cents, it being for the services of said Henry King in the third Maryland regiment, and in the commissary department, during the revolutionary war.

APPROVED, February 23, 1859.

CHAP. LI.—An Act for the Relief of Leonard Loomis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized and directed to raise the pension of Leonard Loomis from six to eight dollars per month, and to pay him such increased pension from the ninth day of August, one thousand eight hundred and fifty-seven.

APPROVED, February 23, 1859.

CHAP. LII.—An Act for the Relief of David Watson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of David Watson, of Georgia, upon the list of invalid pensioners, at the rate of four dollars per month, to commence on the fifteenth day of February, eighteen hundred and fifty-eight, and continue during his natural life.

APPROVED, February 23, 1859.

CHAP. LIII.—An Act granting an Invalid Pension to John Lee, of the State of Maine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of John Lee be placed upon the pension list of the United States, at the rate of eight dollars per month, from the twenty-second of December, eighteen hundred and fifty-seven.

SEC. 2. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay the said John Lee the said sum of eight dollars per month, to be estimated and computed from and after December twenty-second, eighteen hundred and fifty-seven, and to continue during life.

APPROVED, February 23, 1859.

CHAP. LIV.—An Act to authorize the Claimants in right of John Huertas to enter certain Lands in Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claimants in right of John Huertas to a tract of six thousand acres in Florida, confirmed by the Supreme Court of the United States at the January term in eighteen hundred and thirty-four, be, and they are hereby, authorized to enter, at any land office in the State of Florida, the quantity of three thousand three hundred and thirty-two acres and thirty-hundredths of an acre of any of the public lands in that State subject to private entry, the same being in addition to the area of two thousand six hundred and sixty-seven acres and seventy-hundredths of an acre surveyed for said claim, and designated as section forty-eight, in township nine south, of range twenty-seven east, in the St. Augustine land district, Florida, and being the difference between the quantity embraced by said survey and the six thousand acres confirmed for said claim as aforesaid; and the register and receiver of any of the aforesaid land offices shall receive the proper applications and proofs, and shall issue the necessary certificate; upon the return of which to the General Land Office, with satisfactory proof of the rights of the claimants, a patent shall issue for the lands so located: *Provided*, Said land shall not be located upon any land within six miles of any railroad.

APPROVED, February 23, 1859.

CHAP. LV.—An Act for the Relief of Robinson Gammon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and required to place the name of Robinson Gammon, of Roxbury, in the county of Oxford, and State of Maine, upon the roll of invalid pensions, at the rate of eight dollars per month, from the third day of December, in the year eighteen hundred and fifty-six, during his life.

APPROVED, February 23, 1859.

CHAP. LVI.—An Act for the Benefit of the Captors of the British Brig Caledonia, in the war of eighteen hundred and twelve.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of twenty-five thousand dollars to the captors of the British brig Caledonia, on the eighth of October, eighteen hundred and twelve, on the Niagara river, near Fort Erie, [or to] the widows of the captors, if any, and if none, then to their children or grandchildren, but not to collateral heirs. The said payment to be made to the widow of the late Captain Jesse D. Elliott, to the child of the late General Nathan Towson, then a captain of artillery, and to the officers and men engaged in the capture aforesaid, [or to their] widows if any, and if none, then to their children or grandchildren, but not to collateral heirs, in such proportions as each may be found to be entitled to, according to the usages of the naval service.

APPROVED, February 23, 1859.

CHAP. LVII.—An Act for the Relief of John F. Cannon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Postmaster General be, and he is hereby, authorized and required to pay to John F. Cannon, at the rate of one hundred and twenty dollars per annum, for and during the time he carried said mail, according to his contract, in addition to the amount already paid to him, for additional expense incurred, and extra service performed by him on mail route number two thousand six hundred and twenty-seven.

APPROVED, February 23, 1859.

CHAP. LXI.—An Act for the Relief of Mary Bainbridge.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of Mary Bainbridge, of Massachusetts, be, and the same is hereby, placed upon the pension list of the United States.

SEC. 2. *And be it further enacted*, That the Secretary of the Interior pay, or cause to be paid, to the said Mary Bainbridge the sum of thirty dollars per month, commencing on the first day of June, eighteen hundred and fifty-seven, and to continue during her natural life.

APPROVED, February 26, 1859.

CHAP. LXII.—An Act for the Relief of William H. Russell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, directed, out of any money in the Treasury not otherwise appropriated, to pay to William H. Russell, the sum of eight hundred and thirty-nine dollars and sixty-six cents, in full for his salary as collector of the port of Monterey, in California, from the thirteenth day of March to the twenty-third day of June, eighteen hundred and fifty-one.

APPROVED, February 26, 1859.

CHAP. LXIII.—An Act for the Relief of William F. Wagner.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury pay to William F. Wagner, late marshal of the United States for the district of Louisiana, five hundred and thirty-three dollars and thirty-five cents, in full payment of his costs in the case of "The United States *vs.* Schooner Renaissance and cargo;" and also six hundred and sixty-six dollars, in full payment of his costs in the case of "The United States *vs.* A Lot of Timber."

APPROVED, February 26, 1859.

CHAP. LXVII.—An Act for the Relief of Kennedy O'Brien.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be,

and he hereby is, directed to place the name of Kennedy O'Brien on the list of invalid pensioners, and that said O'Brien be paid a pension, at the rate of eight dollars per month, from the first day of January, one thousand eight hundred and fifty-four.

APPROVED, February 28, 1859.

CHAP. LXIX.—An Act for the Relief of Captain A. W. Reynolds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and required to pay to Captain A. W. Reynolds, out of any money in the Treasury not otherwise appropriated, the sum of four hundred and thirty dollars and sixty-three cents, with legal interest thereon from the fourth day of September, anno Domini eighteen hundred and fifty-seven, the date of the rendition of the award of the arbitrators, R. T. Matthews, Charles I. Biddle, and Rush Van Dyke, in the case of the United States against A. W. Reynolds—till paid; and the said Secretary of the Treasury is hereby directed to pay to the parties legally entitled, the costs, as stated in the said award, upon the presentation of the proper evidence and certificates from the District Court of the United States.

APPROVED, March 1, 1859.

CHAP. LXX.—An Act for the Relief of William Rich.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and [he] is hereby, directed to pay, out of any mony in the Treasury not otherwise appropriated, to William Rich, late United States secretary of legation in Mexico, eight hundred and thirty dollars, it being the difference between the compensation allowed to a secretary of legation and that to a chargé d'affaires, for the period during which he acted in the latter capacity.

APPROVED, March 1, 1859.

CHAP. LXXI.—An Act for the Relief of John Pickell, late a Lieutenant in the United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be directed to place the name of John Pickell, late a lieutenant in the Army, upon the roll of invalid pensioners, and to pay or cause to be paid to him such full pension per month as is allowed to officers of his rank, under existing invalid pension laws; such pension to commence from the first day of November, one thousand eight hundred and fifty-seven.

APPROVED, March 2, 1859.

CHAP. LXXII.—An Act for the Relief of Anthony Caslo, a soldier in the war of eighteen hundred and twelve.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, directed to allow and pay to Anthony Caslo, otherwise known as Anthony Castle, an invalid pensioner, an amount equal to two dollars and sixty-six cents per month, from the twenty-fifth day of May, one thousand eight hundred and sixteen, to the twenty-fifth day of May, one thousand eight hundred and fifty-one, the date at which his name was entered on the roll of invalid pensioners.

APPROVED, March 2, 1859.

CHAP. LXXIII.—An Act to provide for the enrollment and license of the Brig Cumberland.

Whereas a certain brig known as the brig Cumberland, was built at Cleveland, in the State of Ohio, and was wrecked upon the Canadian shore of Lake Erie, and became to some extent the property of Canadian owners; and whereas the said brig is now, in virtue of a judicial sale by a competent court of the United States, the property of Charles L. Flint and of the heirs of Edward O. Gould, deceased: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and empowered to direct the enrollment of the said brig Cumberland at the port of Buffalo, in the State of New York, in the names of Charles L. Flint and of Phares Gould, in behalf of the heirs of Edward O. Gould, and the license of the said brig for the coasting trade upon the great lakes, and the navigable waters connected therewith, upon the usual footing of American vessels.

APPROVED, March 2, 1859.

CHAP. LXXXIX.—An Act for the Relief of Jane Turnbull.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and required to place the name of Jane Turnbull, widow of the late Colonel William Turnbull, of the Army of the United States, on the pension roll, at the rate of thirty dollars per month, from the tenth day of December, eighteen hundred and fifty-seven, for and during her natural life.

APPROVED, March 3, 1859.

CHAP. XC.—An Act for the Relief of Frances Ann McCauley.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, out of any money in the Treasury not otherwise appropriated, to pay to Frances Ann McCauley, widow of Daniel S. McCauley, deceased, late consul general of the United States at Alexandria, in Egypt, the sum of four thousand two hundred dollars, for compensation for judicial services performed by her said husband while holding said office, from the fourteenth day of August, eighteen hundred and forty-eight, to the twenty-sixth day of October, eighteen hundred and fifty-two, under the act of Congress entitled "An act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries," approved August eleventh, eighteen hundred and forty-eight, at the rate of one thousand dollars per annum.

APPROVED, March 3, 1859.

CHAP. XCI.—An Act for the Relief of Eli W. Goff.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officer of the Treasury, upon satisfactory proof being presented that Eli W. Goff, late inspector of customs for the district of Vermont, actually sustained damages and losses by his efforts faithfully to execute the revenue laws of the United States, be, and he is hereby, directed to audit the account of the said Goff, and pay to him the amount of said damages and losses thus proven, out of any money in the Treasury not otherwise appropriated: *Provided*, That the amount allowed the said Goff shall be for damages resulting directly from a proper discharge of his legal duties as inspector of customs, and shall not exceed the sum of five thousand dollars.

APPROVED, March 3, 1859.

CHAP. XCII.—An Act for the Relief of Mary B. Dusenbery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the name of Mary B. Dusenbery be placed on the pension rolls at the sum of thirty dollars per month, to commence on the third day of December, eighteen hundred and fifty-five, and continue for the term of five years.

APPROVED, March 3, 1859.

CHAP. XCIII.—An Act to provide for the final settlement of the Land Claim of the persons claiming as heirs of, or under Jehu Underwood, as purchaser or otherwise, to certain Land in Florida, and to confirm the title to the proper owner or owners.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claim and title, derived from the Spanish Government by John or Jehu Underwood, to land in the State of Florida, so far as the same remains unsettled, shall be received and adjudicated by the judge of the district court of the northern district of Florida, upon the petition of the heirs of said Underwood, or of any other person or persons claiming under him as purchasers or otherwise, according to the forms, rules, and regulations prescribed by Congress in similar cases, and in the same manner, in all respects, as such claim would have been received and adjudicated if said claim had been presented within the time prescribed by the several acts of Congress for presenting the same for confirmation. And so far as said claim is unsettled, and is found to be valid, the said district court shall, and is hereby authorized and required to, enforce the location thereof to the person or persons entitled thereto, as heirs, purchasers, or otherwise, under the same rules and regulations as have been exercised in regard to other mill grants in Florida.

APPROVED, March 3, 1859.

CHAP. XCIV.—An Act for the Relief of Edward Ingersoll.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to pay to Edward Ingersoll, military storekeeper at Springfield, Massachusetts, the sum of three hundred and thirty-five dollars and seventy-five cents, being the amount of a judgment with cost against him for the hire of carriages used by the board of commissioners (appointed under the act of third March, eighteen hundred and fifty-three) while in the discharge of their duties at said Springfield armory.

APPROVED, March 3, 1859.

CHAP. XCV.—An Act for the Relief of James A Glanding.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be authorized and directed to place the name of James A. Glanding, of Pennsylvania, on the list of invalid pensioners, at the rate of eight dollars per month, commencing on the third day of December, eighteen hundred and fifty-five, to continue during his natural life.

APPROVED, March 3, 1859.

CHAP. XCVI.—An Act for the Relief of James Collier.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be paid to James Collier, out of any money in the Treasury not otherwise appropriated, the sum of nine thousand five hundred and eighty dollars and twenty-seven cents, being the amount (with its interest at the rate of six per centum per annum) found due from the United States to said Collier in a certain action tried and determined in the circuit court of the United States for the southern district of New York, second circuit held on the thirtieth day of November, anno Domini eighteen hundred and fifty-five, wherein the United States was plaintiff and said James Collier was defendant, and in which action said court, upon the verdict of a jury, certified that there was then due from the United States to said Collier the sum of eight thousand one hundred and ten dollars and twenty-nine cents, and which proceedings of said circuit court were afterwards affirmed by the Supreme Court of the United States at its December term, anno Domini eighteen hundred and fifty-seven.

APPROVED, March 3, 1859.

CHAP. XCVII.—An Act for the Relief of the Assignees of Hugh Glenn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal assignees of Hugh Glenn, or their personal representatives, the sum of six thousand nine hundred and seventy-one dollars and twenty-six cents, in full of a balance of a judgment certified by the United States district court for the district of Kentucky, at the December term, eighteen hundred and twenty-two, in favor of the said Hugh Glenn, in a suit wherein the United States was plaintiff and the said Hugh Glenn was defendant; the said sum having been assigned by the said Hugh Glenn, the said assignees filing with the said Secretary good and sufficient evidence of said assignment and of present subsisting title thereto.

APPROVED, March 3, 1859.

CHAP. XCVIII.—An Act for the Relief of Enoch B. Talcott, late Collector of Customs at Oswego, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be paid to Enoch B. Talcott, out of any money in the Treasury not otherwise appropriated, four hundred and fifty-two dollars and ninety-seven cents, the amount lost by him by the robbery of the custom-house at Oswego, New York, on the night of December ninth, eighteen hundred and fifty-seven, whilst he was the collector of customs for that district.

APPROVED, March 3, 1859.

CHAP. XCIX.—An Act for the Relief of William M. Harrison.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed in the settlement of the accounts of William M. Harrison, collector of customs for the port of Richmond, Virginia, to allow the said Harrison the sum of ($3,503) three thousand five hundred and three dollars, the balance missing of the money stolen from the custom-house on the night of twelfth October, eighteen hundred and fifty-seven; and the further sum of ($1,332 68) thirteen hundred and thirty-two dollars sixty-eight cents, it being the amount of reward paid by the said Harrison for the recovery of the stolen money and the conviction of the thieves.

APPROVED, March 3, 1859.

CHAP. C.—An Act for the Relief of Lucy A. Wakefield, Widow of Benjamin Wakefield.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to pay to Lucy A. Wakefield, the widow of Benjamin Wakefield, or in case of her death, then to his child or children, the amount of the appropriation made for the relief of the said Benjamin Wakefield by act of Congress of date June the fifth, eighteen hundred and fifty-eight.

APPROVED, March 3, 1859.

CHAP. CI.—An Act for the Relief of Ferdinand Coxe.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, directed, out of any money in the Treasury not otherwise appropriated, to pay to Ferdinand Coxe the sum of six hundred and sixty-two dollars and sixty-nine cents, being in full for his salary as chargé d'affaires at the court of Brazil, from the twelfth day of May, eighteen hundred and fifty-three, to the sixteenth day of August, eighteen hundred and fifty-three, inclusive; the said sum being the difference between said Coxe's salary as secretary of legation and the full salary of chargé d'affaires.

APPROVED, March 3, 1859.

CHAP. CII.—An Act for the Relief of John Perry, of Illinois.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of John Perry, of Illinois, on the list of invalid pensioners, at the rate of eight dollars per month, commencing on the fifteenth day of February, anno Domini one thousand eight hundred and fifty-eight, and continue during his natural life.

APPROVED, March 3, 1859.

PRIVATE RESOLUTIONS.

No. 3.—A Resolution for the Relief of William Hazzard Wigg.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and [he] is hereby, directed to examine and readjust the accounts of William Hazzard Wigg, stated under authority of the act of Congress for his relief, approved on the third of March, eighteen hundred and fifty-three, and ascertain the alleged clerical error whereby the sum of one thousand five hundred and sixty dollars is supposed to have been withheld, and to pay the same to him out of any money in the Treasury not otherwise appropriated, according to the true intent and meaning of said act.

APPROVED, February 2, 1859.

No. 5.—Joint Resolution to correct a clerical error in "An Act for the Relief of Isaac Body and Samuel Fleming."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the words "the northwest quarter of section twenty," where they occur in the "Act for the relief of Isaac Body and Samuel Fleming," approved June fifth, eighteen hundred and fifty-eight, shall read, and be held to mean, *the northwest quarter of section twenty-nine*, the word *nine* having been erroneously omitted from said act.

APPROVED, February 5, 1859.

No. 11.—Joint Resolution for the Relief of Michael Pappreniza.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to extend the provisions of the joint resolution approved March three, eighteen hundred and fifty-three, entitled "A resolution for the relief of the Spanish consul and other subjects of Spain residing at Key West, by indemnity for losses occasioned in the year eighteen hundred and fifty-one," to the case of one Michael Pappreniza, an Austrian subject, who, it is alleged, sustained losses at the same time in consequence of his being supposed to be a Spaniard: *Provided*, That the amount allowed as indemnity to said Pappreniza shall not exceed the sum of two hundred dollars.

APPROVED, February 26, 1859.

APPROPRIATIONS, NEW OFFICES, ETC.

STATEMENTS SHOWING

I. Appropriations made during the Second Session of the Thirty-Fifth Congress.

II. Offices created and the salaries thereof.

III. The offices the salaries of which have been increased, with the amount of such increase, during the same period.

APRIL 19, 1859.—*Prepared under the direction of the Secretary of the Senate and Clerk of the House of Representatives, in compliance with the sixth section of the "act to authorize the appointment of additional paymasters, and for other purposes," approved July 4, 1836.*

I. APPROPRIATIONS MADE DURING THE SECOND SESSION OF THE THIRTY-FIFTH CONGRESS.

By the act making appropriations for the support of the Military Academy for the year ending the thirtieth of June, eighteen hundred and sixty.

For pay of officers, instructors, cadets, and musicians	$115,786 00
For commutation of subsistence	4,161 00
For forage of officers' horses	16 00
For pay in lieu of clothing to officers' servants,	120 00
For current and ordinary expenses, as follows: repairs and improvements, fuel and apparatus, forage, postage, stationery, transportation, printing, clerks, miscellaneous and incidental expenses, and departments of instruction	35,610 00
For gradual increase and expense of library	1,000 00
For expenses of the Board of Visitors	3,750 00
For forage of artillery and cavalry horses	7,545 00
For supplying horses for artillery and cavalry practice	1,000 00
For repairs of officers' quarters	500 00
For models for the department of cavalry	250 00
For extension of water-pipes and increase of reservoir	2,500 00
For targets and batteries for artillery exercise	150 00
For furniture for hospital for cadets	100 00
For urinary conduits for cadet barrack yard, with service	550 00
For addition to latrines, or privies, in cadet barrack yard	750 00
For latrines, or privies, at cadet camp ground	550 00
For sewers to river from sappers, dragoons, artillery, and band barracks	1,750 00
For iron girders to give additional strength to academic building	3,500 00
	$179,588 00

By the act to provide for the lighting with gas certain streets across the Mall.

For laying down gas pipes and erecting gas lamps on Four-and-a-half street, Seventh street, and Twelfth street, across the plat of earth described in the plan of the city as reservations numbers two and three, commonly known as the Mall	$6,400 00

By the act providing for the payment of the expenses of investigating committees of the House of Representatives.

For the payment of the expenses of the several investigating committees of the House of Representatives during the present session, and that the same be added to the miscellaneous item of the contingent fund of said House	$10,000 00

By the act to provide for the payment of the claims of the State of Maine for expenses incurred by that State in organizing a regiment of volunteers for the Mexican war.

For expenses incurred by that State in organizing a regiment of volunteers for the Mexican war, in the year eighteen hundred and forty-six, upon the requisition of the President of the United States	[Indefinite]

By the act to amend an act entitled "An act authorizing repayment for land erroneously sold by the United States."

To authorize the Secretary of the Interior, upon proof being made to his satisfaction that any tract of land has been erroneously sold by the United States, so that, from any cause whatever, the sale cannot be confirmed, to repay to the purchaser or purchasers, or to the legal representatives or assignees of the purchaser or purchasers thereof, the sum or sums of money which may have been paid therefor	[Indefinite]

By the act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and sixty.

For the current and contingent expenses of the Indian department, viz:

For the pay of superintendents of Indian affairs and of the several Indian agents, per acts of fifth of June, eighteen hundred and fifty, twenty-eighth September, eighteen hundred and fifty, twenty-seventh February, eighteen hundred and fifty-one, third March, eighteen hundred and fifty-two, third March, eighteen hundred and fifty-three, thirty-first July, eighteen hundred and fifty-four, third March, eighteen hundred and fifty-five, eighteenth August, eighteen hundred and fifty-six, third March, eighteen hundred and fifty-seven, and twelfth June, eighteen hundred and fifty-eight	$87,750 00
For the pay of the several Indian sub-agents, per act of thirty-first July, eighteen hundred and fifty-four	10,500 00
For the pay of clerk to superintendent at St. Louis, Missouri, per act of twenty-seventh June, eighteen hundred and forty-six	1,200 00
For the pay of clerk to superintendent in California, per act of third March, eighteen hundred and fifty-two	1,800 00
For the pay of interpreters, per acts of thirtieth June, eighteen hundred and thirty-four, twenty-seventh February, eighteen hundred and fifty-one, and eighteenth August, eighteen hundred and fifty six	31,900 00
For presents to Indians	5,000 00
For provisions for Indians	11,800 00
For buildings at agencies, and repairs thereof	10,000 00
For insurance, transportation, and necessary expenses of delivery of annuities, goods, and provisions to the Indian tribes in Minnesota, Michigan, and Wisconsin	30,000 00
For contingencies of the Indian department	36,500 00
For the employment of temporary clerks by superintendent of Indian affairs on such occasions and for such periods of time as the Secretary of the Interior may deem necessary to the public service	5,000 00

For fulfilling treaty stipulations with the various Indian tribes:

Blackfoot Nation.

For fourth of ten installments as annuity, to be expended in the purchase of such goods, provisions, and other useful articles, as the President, at his discretion, may from time to time determine, per ninth article of the treaty of seventeenth October, eighteen hundred and fifty-five	20,000 00
For fourth of ten installments as annuity, to be expended in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children, and promoting civilization and Christianity, at the discretion of the President, per tenth article of the treaty of seventeenth October, eighteen hundred and fifty-five	15,000 00
For expenses of transportation and delivery of annuities in goods and provisions	17,000 00

Calapooias, Molalla, and Clackamas Indians of Willamette Valley.

For the last of five installments of annuity for beneficial objects, per second article of treaty of twenty-second January, eighteen hundred and fifty-five	10,000 00
For last of five installments for pay of physician, teacher, blacksmith, and farmer, per third article treaty twenty-second January, eighteen hundred and fifty-five	$5,700 00

Chasta, Scoton, and Umpqua Indians.

For fifth of fifteen installments of annuity, to be expended as directed by the President, per third article treaty eighteenth November, eighteen hundred and fifty-four	2,000 00
For fifth of fifteen installments for the pay of a farmer, per fifth article treaty eighteenth November, eighteen hundred and fifty-four	1,000 00
For last of five installments for support of two smiths and smiths' shops, per fifth article treaty eighteenth November, eighteen hundred and fifty-four	2,120 00
For fifth of ten installments for pay of physician, medicines, and expense of care of the sick, per fifth article treaty eighteenth November, eighteen hundred and fifty-four	1,500 00
For fifth of fifteen installments for pay of teachers and purchase of books and stationery, per fifth article treaty eighteenth November, eighteen hundred and fifty-four	1,200 00

Chippewas of Lake Superior.

For two thirds of eighteenth of twenty-five installments in money, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four	8,333 33
For two thirds of eighteenth of twenty-five installments for the pay of two carpenters, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four	800 00
For two thirds of eighteenth of twenty-five installments in goods, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four	7,000 00
For two thirds of eighteenth of twenty-five installments for the support of schools, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four	1,333 33
For two thirds of eighteenth of twenty-five installments for the pay of two farmers, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four	666 67
For two thirds of eighteenth of twenty-five installments for the purchase of provisions and tobacco, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four	1,333 33
For fifth of twenty installments in coin, goods, household furniture, and cooking utensils, agricultural implements and cattle, carpenters' and other tools and building materials, and for moral and educational purposes, per fourth article treaty thirtieth September, eighteen hundred and fifty-four	19,000 00
For last of five installments in blankets, cloths, nets, guns, ammunition, and such other articles of necessity as they may require, to the Bois Forte band, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four	2,000 00
For fifth of twenty installments for six smiths and assistants, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four	5,040 00
For fifth of twenty installments for the support of six smiths' shops, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four	1,320 00
For third of twenty installments for the seventh smith and assistant, and support of shop, per second and fifth articles treaty thirtieth September, eighteen hundred and fifty-four	1,060 00
For support of a smith, assistant, and shop for the Bois Forte band, during the pleasure of the President, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four	1,060 00

For support of two farmers for the Bois Forte band, during the pleasure of the President, per twelfth article treaty thirtieth September, eighteen hundred and fifty-four $1,200 00

Chippewas of the Mississippi.

For one third of eighteenth of twenty-five installments in money, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty four 4,166 67

For one third of eighteenth of twenty-five installments for the pay of two carpenters, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four 400 00

For one third of eighteenth of twenty-five installments in goods, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four 3,500 00

For one third of eighteenth of twenty-five installments for the support of schools, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four 666 67

For one third of eighteenth of twenty-five installments for the purchase of provisions and tobacco, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four 666 67

For one third of eighteenth of twenty-five installments for the support of two smiths' shops, including the pay of two smiths and assistants, and furnishing iron and steel, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four 666 67

For one third of eighteenth of twenty-five installments for pay of two farmers, per fourth article treaty fourth October, eighteen hundred and forty-two, and eighth article treaty thirtieth September, eighteen hundred and fifty-four 333 33

For fifth of twenty installments of annuity in money, per third article treaty twenty second February, eighteen hundred and fifty-five 20,000 00

Chippewas, Pillager, and Lake Winnibigoshish bands.

For fifth of thirty installments of annuity in money, per third article treaty twenty-second February, eighteen hundred and fifty-five 10,666 66

For fifth of thirty installments of annuity in goods, per third article treaty twenty-second February, eighteen hundred and fifty-five 8,000 00

For fifth of thirty installments for purposes of utility, per third article treaty twenty-second February, eighteen hundred and fifty-five 4,000 00

For fifth of twenty installments for purposes of education, per third article treaty twenty-second February, eighteen hundred and fifty-five, 3,000 00

For last of five annual installments for the purchase of powder, shot, lead, twine, and tobacco, per third article treaty twenty-second February, eighteen hundred and fifty-five 600 00

For last of five annual installments for the hire of six laborers, per third article treaty twenty-second February, eighteen hundred and fifty-five 3,000 00

For fifth of fifteen annual installments for support of two smiths and smiths' shops, per third article treaty twenty-second February, eighteen hundred and fifty-five 2,120 00

Chippewas of Saginaw, Swan Creek, and Black River.

For fourth of five equal annual installments for educational purposes, under the direction of the President, per second article of the treaty of second August, eighteen hundred and fifty-five, 4,000 00

For fourth of five equal annual installments for agricultural implements and carpenters' tools, household furniture and building materials, cattle, labor, and necessary useful articles, per second article of the treaty of second August, eighteen hundred and fifty-five 5,000 00

For fourth of ten equal annual installments in coin, to be distributed per capita, in the usual manner of paying annuities, per second article of the treaty of second August, eighteen hundred and fifty-five 10,000 00

For fourth installment for the support of one blacksmith shop for ten years, per second article of the treaty of second August, eighteen hundred and fifty-five 1,240 00

Chippewas, Menomonees, Winnebagoes, and New York Indians.

For education during the pleasure of Congress, per fifth article treaty eleventh August, eighteen hundred and twenty-seven 1,500 00

Chickasaws.

For permanent annuity in goods, per act of twenty-fifth February, seventeen hundred and and ninety-nine 3,000 00

Chickasaw Incompetents.

For arrears of interest due January first, eighteen hundred and fifty-nine, on five per cent. bonds of the State of Indiana, held in trust for the Chickasaw Incompetents by the Secretary of the Interior 350 00

Choctaws.

For permanent annuity, per second article treaty sixteenth November, eighteen hundred and five, and thirteen article treaty twenty-second June, eighteen hundred and fifty-five $3,000 00

For permanent annuity for support of light-horsemen, per thirteenth article treaty eighteenth October, eighteen hundred and twenty, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five 600 00

For permanent provision for education, per second article treaty twentieth January, eighteen hundred and twenty-five, and thirteenth article treaty twenty-second June, eighteen hundred and fifty five 6,000 00

For permanent provision for blacksmith, per sixth article treaty eighteenth October, eighteen hundred and twenty, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five 600 00

For permanent provision for iron and steel, per ninth article treaty twentieth January, eighteen hundred and twenty-five, and thirteenth article treaty twenty-second June, eighteen hundred and fifty-five 320 00

For interest on five hundred thousand dollars, at five per centum, for education and other beneficial purposes, to be applied under the direction of the general council of the Choctaws, in conformity with the provisions contained in the tenth and thirteenth articles of the treaty of twenty-second June, eighteen hundred and fifty-five 25,000 00

Comanches, Kiowas, and Apaches of Arkansas river.

For sixth of ten installments for the purchase of goods, provisions, and agricultural implements, per sixth article treaty twenty-seventh July, eighteen hundred and fifty-three 18,000 00

For expenses of transportation of the sixth of ten installments of goods, provisions, and agricultural implements, per sixth article treaty twenty-seventh July, eighteen hundred and fifty-three 7,000 00

Creeks.

For permanent annuity in money, per fourth article treaty seventh August, eighteen hundred and ninety, and fifth article treaty seventh August, eighteen hundred and fifty-six 1,500 00

For permanent annuity in money, per second article treaty sixteenth June, eighteen hundred and two, and fifth article treaty seventh August, eighteen hundred and fifty six 3,000 00

For permanent annuity in money, per fourth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six 20,000 00

For permanent provision for blacksmith and assistant, and for shop and tools, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six 840 00

For permanent provision for iron and steel for shop, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty six 270 00

For permanent provision for the pay of a wheelwright, per eighth article treaty twenty-fourth January, eighteen hundred and twenty-six, and fifth article treaty seventh August, eighteen hundred and fifty-six 600 00

For blacksmith and assistant and shop and tools during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six 840 00

For iron and steel for shop during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty-three, and fifth article treaty seventh August, eighteen hundred and fifty-six 270 00

For wagon-maker during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty three, and fifth article treaty seventh August, eighteen hundred and fifty-six 600 00

For assistance in agricultural operations during the pleasure of the President, per eighth article treaty twenty-fourth January, eighteen hundred and twenty six, and fifth article treaty *twenty*-seventh August, eighteen hundred and fifty-six 2,000 00

For education during the pleasure of the President, per fifth article treaty fourteenth February, eighteen hundred and thirty three, and fifth article treaty seventh August, eighteen hundred and fifty-six 1,000 00

For the third of seven additional installments for two blacksmiths, assistants, shop, and tools, per thirteenth article treaty twenty-fourth March, eighteen hundred and thirty-two, and fifth article treaty seventh August, eighteen hundred and fifty-six 1,680 00

For the third of seven additional installments for iron and steel for shops, per thirteenth article treaty twenty-fourth March, eighteen hundred and thirty-two, and fifth article treaty seventh August, eighteen hundred and fifty-six 540 00

For twenty-ninth of thirty-three installments for education, per fourth article treaty fourth January, eighteen hundred and forty-five, and fifth article treaty seventh August, eighteen hundred and fifty-six $3,000 00

For sixteenth of twenty installments for education, per fourth article treaty fourth January, eighteen hundred and forty-five, and fifth article treaty seventh August, eighteen hundred and fifty-six 3,000 00

For five per centum interest on two hundred thousand dollars for purposes of education, per sixth article treaty seventh August, eighteen hundred and fifty-six 10,000 00

Delawares.

For life annuity to chief, per private article to supplemental treaty twenty-fourth September, eighteen hundred and twenty-nine, to treaty of third October, eighteen hundred and eighteen 100 00

For interest on forty-six thousand and eighty dollars, at five per centum, being the value of thirty-six sections of land set apart by treaty of eighteen hundred and twenty-nine for education, per resolution of the Senate nineteenth January, eighteen hundred and thirty-eight, and fifth article treaty sixth May, eighteen hundred and fifty-four 2,304 00

For sixth of eight equal installments for payment of five chiefs, per sixth article treaty sixth May, eighteen hundred and fifty-four 1,250 00

Iowas.

For interest in lieu of investment on fifty-seven thousand five hundred dollars to the first July, eighteen hundred and sixty, at five per centum, for education or other beneficial purposes under the direction of the President, per second article treaty nineteenth October, eighteen hundred and thirty-eight, and ninth article treaty seventeenth May, eighteen hundred and fifty-four 2,875 00

Kansas.

For interest in lieu of investment on two hundred thousand dollars, at five per centum, per second article treaty fourteenth January, eighteen hundred and forty-six 10,000 00

Kaskaskias, Peorias, Weas, and Piankeshaws.

For last of three installments of nine thousand dollars each, for the years eighteen hundred and fifty-seven, eighteen hundred and fifty-eight, and eighteen hundred and fifty-nine, per sixth article treaty thirtieth May, eighteen hundred and fifty-four 9,000 00

Kickapoos.

For sixth installment of interest, at five per centum, on one hundred thousand dollars for education, per second article treaty eighteenth May, eighteen hundred and fifty-four 5,000 00

For the payment of this sum as the sixth installment upon two hundred thousand dollars, to be paid in eighteen hundred and fifty-nine, per second article treaty eighteenth May, eighteen hundred and fifty-four 9,000 00

Menomonees.

For fourth of twelve installments for continuing and keeping up a blacksmith shop and providing the usual quantity of iron and steel, per fourth article treaty eighteenth October, eighteen hundred and forty-eight, and third article treaty twelfth May, eighteen hundred and fifty-four.. 916 66

For fourth of ten installments of annuity upon two hundred thousand dollars, balance of three hundred and fifty thousand dollars for cession of lands, per fourth article treaty eighteenth October, eighteen hundred and forty-eight, and third article treaty twelfth May, eighteen hundred and fifty-four 20,000 00

Miamies of Kansas.

For permanent provision for blacksmith and assistant, and iron and steel for shop, per fifth article treaty sixth October, eighteen hundred and eighteen, and fourth article treaty fifth June, eighteen hundred and fifty-four 940 00

For permanent provision for miller, in lieu of gunsmith, per fifth article treaty sixth October, eighteen hundred and eighteen, fifth article treaty twenty-third October, eighteen hundred and thirty-four, and fourth article treaty fifth June, eighteen hundred and fifty-four 600 00

For their proportion of nineteenth of twenty installments in money, per second article treaty twenty-eighth November, eighteen hundred and forty, and fourth article treaty fifth June, eighteen hundred and fifty-four 5,636 36

For interest on fifty thousand dollars, at five per centum, for educational purposes, per third article treaty fifth June, eighteen hundred and fifty-four 2,500 00

For last of six equal annual installments to Miamies residing on ceded lands, for purchase of former perpetual and other annuities and relinquishment of claims, per fourth article treaty fifth June, eighteen hundred and fifty-four 31,739 11

Miamies of Indiana.

For their proportion of nineteenth of twenty installments in money, per second article treaty twenty-eighth November, eighteen hundred and forty, and fourth article treaty fifth June, eighteen hundred and fifty-four 6,863 64

For interest on investment of two hundred and twenty-one thousand two hundred and fifty-seven dollars and eighty-six cents, at five per centum, for Miami Indians of Indiana, per Senate's amendment to fourth article treaty fifth June, eighteen hundred and fifty-four.... $11,062 89

Miamies—Eel River.

For permanent annuity in goods or otherwise, per fourth article treaty third August, seventeen hundred and ninety-five..... 500 00
For permanent annuity in goods or otherwise, per third article treaty twenty-first August, eighteen hundred and five..... 250 00
For permanent annuity in goods or otherwise, per third and separate article to treaty thirtieth September, eighteen hundred and nine..... 350 00

Nesqually, Puyallup, and other tribes and bands of Indians.

For fifth installment, in part payment for relinquishment of title to lands to be applied to beneficial objects, per fourth article treaty twenty-sixth December, eighteen hundred and fifty-four..... 2,000 00
For fifth of twenty installments for pay of instructor, smith, physician, carpenter, farmer, and assistant if necessary, per tenth article treaty twenty-sixth December, eighteen hundred and fifty-four..... 6,700 00

Omahas.

For the second of ten installments of this amount, being second of the series, in money or otherwise, per fourth article treaty sixteenth March, eighteen hundred and fifty-four..... 30,000 00
For fifth of ten installments for support of a miller, per eighth article treaty sixteenth March, eighteen hundred and fifty-four..... 600 00
For fifth of ten installments for support of blacksmith and assistant, and iron and steel for shop, per eighth article treaty sixteenth March, eighteen hundred and fifty-four..... 940 00
For fifth of ten installments for support of farmer, per eighth article treaty sixteenth March, eighteen hundred and fifty-four..... 600 00
For keeping in repair the grist and saw-mill provided for by the eighth article of the treaty of sixteenth March, eighteen hundred and fifty-four..... 500 00
For supplying the smith's shop with tools, and keeping the same in repair, per eighth article of the treaty of sixteenth March, eighteen hundred and fifty-four..... 300 00
For an assistant miller..... 300 00
For an engineer and assistant..... 1,800 00

Osages.

For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum, being the value of fifty-four sections of land set apart second June, eighteen hundred and twenty-five, for educational purposes, per Senate resolution nineteenth January, eighteen hundred and thirty-eight..... 3,456 00

Ottoes and Missourias.

For the second of ten installments of this amount, being the second series, in money or otherwise, per fourth article treaty fifteenth March, eighteen hundred and fifty-four..... 13,000 00
For fifth of ten installments for pay of miller, per seventh article treaty fifteenth March, eighteen hundred and fifty-four..... 600 00
For fifth of ten installments for blacksmith and assistant, and iron and steel for shop, per seventh article treaty fifteenth March, eighteen hundred and fifty-four..... 940 00
For fifth of ten installments for farmer, per seventh article treaty fifteenth March, eighteen hundred and fifty-four..... 600 00
For keeping in repair the grist and saw-mill provided for by the seventh article of the treaty of fifteenth March, eighteen hundred and fifty-four..... 300 00
For supplying the smiths' shops with tools, and keeping the same in repair, per seventh article of the treaty fifteenth March, eighteen hundred and fifty-four..... 300 00
For assistant miller..... 300 00
For an engineer and assistant..... 1,800 00

Ottowas and Chippewas of Michigan.

For fourth of ten equal annual installments for educational purposes, to be expended under the direction of the President, according to the wishes of the Indians, so far as may be reasonable and just, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five..... 8,000 00
For fourth of five equal annual installments in agricultural implements and carpenters' tools, household furniture, and building materials, cattle, labor, and necessary useful articles, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five..... 15,000 00
For fourth installment for the support of four blacksmith shops for ten years, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five..... 4,240 00
For fourth installment of principal, payable annually for ten years, to be distributed *per capita*, in the usual manner of paying annuities, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five..... 10,000 00
For interest on two hundred and sixty-six thousand dollars, unpaid part of the principal sum of three hundred and six thousand dollars, for one year, at five per centum per annum, to be distributed *per capita*, in the usual manner of paying annuities, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five..... $13,300 00
For fourth of ten equal annual installments on thirty-five thousand dollars, in lieu of former treaty stipulations, to be paid *per capita* to the Grand River Ottawas, per second article of the treaty of thirty-first July, eighteen hundred and fifty-five..... 3,500 00

Ottawas of Kansas.

For their proportion of the permanent annuities in money, goods, or otherwise, payable under the fourth article of the treaty of third August, seventeen hundred and ninety-five, second article of the treaty of seventeenth November, eighteen hundred and seven, fourth article of the treaty of seventeenth September, eighteen hundred and eighteen, and fourth article of the treaty of twenty-ninth August, eighteen hundred and twenty-one..... 2,600 00

Pawnees.

For second of five installments in goods and such articles as may be necessary for them, per second article treaty twenty-fourth September, eighteen hundred and fifty-seven..... 40,000 00
For second of ten installments for farming utensils and stock during the pleasure of the President, per fourth article treaty twenty-fourth September, eighteen hundred and fifty-seven.. 1,200 00

Pottawatomies.

For permanent annuity in silver, per fourth article treaty third August, seventeen hundred and ninety-five..... 1,000 00
For permanent annuity in silver, per third article treaty thirtieth September, eighteen hundred and nine..... 500 00
For permanent annuity in silver, per third article treaty second October, eighteen hundred and eighteen..... 2,500 00
For permanent annuity in money, per second article treaty twentieth September, eighteen hundred and twenty-eight..... 2,000 00
For permanent annuity in specie, per second article treaty twenty-ninth July, eighteen hundred and twenty-nine..... 16,000 00
For life annuity to chief, per third article treaty twentieth October, eighteen hundred and thirty-two..... 200 00
For life annuity to chiefs, per third article treaty twenty-sixth September, eighteen hundred and thirty-three..... 700 00
For education during the pleasure of Congress, per third article treaty sixteenth October, eighteen hundred and twenty-six, second article treaty twentieth September, eighteen hundred and twenty-eight, and fourth article treaty twenty-seventh October, eighteen hundred and thirty-two..... 5,000 00
For permanent provision for the payment of money, in lieu of tobacco, iron, and steel, per second article treaty twentieth September, eighteen hundred and twenty-eight, and tenth article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six..... 300 00
For permanent provision for three blacksmiths and assistants, per second article treaty twentieth September, eighteen hundred and twenty-eight..... 2,160 00
For permanent provision for iron and steel for shops, per third article treaty sixteenth October, eighteen hundred and twenty-six, and second article treaty, twenty-ninth July, eighteen hundred and twenty-nine..... 660 00
For permanent provision for fifty barrels of salt, per second article of treaty twenty-ninth July, eighteen hundred and twenty-nine..... 250 00
For interest on six hundred and forty-three thousand dollars, at five per centum, per seventh article of the treaty of the fifth and seventeenth June, eighteen hundred and forty-six..... 32,150 00
For arrears of interest, due January first, eighteen hundred and fifty-nine, on five per cent. bonds of the State of Indiana, held in trust for the Pottawatomies by the Secretary of the Interior..... 12,053 20

Pottawatomies of Huron.

For permanent annuity in money or otherwise, per second article treaty seventeenth November, eighteen hundred and seven..... 400 00

Quapaws.

For education during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three..... 1,000 00
For blacksmith and assistant, shop and tools, and iron and steel for shop, during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three..... 1,060 00
For farmer during the pleasure of the President, per third article treaty thirteenth May, eighteen hundred and thirty-three..... 600 00

Rogue Rivers.

For sixth of sixteen installments in blankets, clothing, farming utensils, and stock, per third article treaty tenth September, eighteen hundred and fifty-three..... 2,500 00

Sacs and Foxes of Mississippi.

For permanent annuity in goods or otherwise, per third article treaty third November, eighteen hundred and four..... $1,000 00
For twenty-eighth of thirty installments as annuity in specie, per third article treaty twenty-first September, eighteen hundred and thirty-two..... 20,000 00
For twenty-eighth of thirty installments for gunsmith, per fourth article treaty twenty-first September, eighteen hundred and thirty-two.. 600 00
For twenty-eighth of thirty installments for iron and steel for shop, per fourth article treaty twenty-first September, eighteen hundred and thirty-two..... 220 00
For twenty-eighth of thirty installments for blacksmith and assistant, shop and tools, per fourth article treaty twenty-first September, eighteen hundred and thirty-two..... 840 00
For twenty-eighth of thirty installments for iron and steel for shop, per fourth article treaty twenty first September, eighteen hundred and thirty-two..... 220 00
For twenty-eighth of thirty installments for forty barrels of salt and forty kegs of tobacco, per fourth article treaty twenty-first September, eighteen hundred and thirty-two..... 1,000 00
For interest on two hundred thousand dollars at five per centum, per second article treaty twenty-first October, eighteen hundred and thirty-seven..... 10,000 00
For interest on eight hundred thousand dollars, at five per centum, per second article treaty eleventh October, eighteen hundred and forty-two..... 40,000 00

Sacs and Foxes of Missouri.

For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, under the direction of the President, per second article treaty twenty-first October, eighteen hundred and thirty-seven..... 7,870 00

Seminoles.

For the third of ten installments for the support of schools, per eighth article treaty seventh August, eighteen hundred and fifty-six..... 3,000 00
For the third of ten installments for agricultural assistance, per eighth article treaty seventh August, eighteen hundred and fifty-six..... 2,000 00
For the third of ten installments for the support of smiths and smiths' shops, per eighth article treaty seventh August, eighteen hundred and fifty-six..... 2,200 00
For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article treaty seventh August, eighteen hundred and fifty-six..... 12,500 00

Senecas.

For permanent annuity in specie, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen..... 500 00
For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen..... 500 00
For blacksmith and assistant, shop and tools, and iron and steel, during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one... 1,060 00
For miller during the pleasure of the President, per fourth article treaty twenty-eighth February, eighteen hundred and thirty-one..... 600 00

Senecas of New York.

For permanent annuity, in lieu of interest on stock, per act of nineteenth February, eighteen hundred and thirty one..... 6,000 00
For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per act of twenty-seventh June, eighteen hundred and forty-six..... 3,750 00
For interest, at five per centum, on forty-three thousand and fifty dollars, transferred from Ontario Bank to the United States Treasury, per act of twenty-seventh June, eighteen hundred and forty-six..... 2,152 50

Senecas and Shawnees.

For permanent annuity in specie, per fourth article treaty seventeenth September, eighteen hundred and eighteen..... 1,000 00
For blacksmith and assistant, shop and tools, and iron and steel for shop, during the pleasure of the President, per fourth article treaty twentieth July, eighteen hundred and thirty-one... 1,060 00

Shawnees.

For permanent annuity for educational purposes, per fourth article treaty third August, seventeen hundred and ninety five, and third article treaty tenth May, eighteen hundred and fifty-four, 1,000 00
For six of seven annual installments of money, in payment for lands, per third article treaty tenth May, eighteen hundred and fifty-four.... 100,000 00
For six installments of interest, at five per centum, on forty thousand dollars, for education, per third article treaty tenth May, eighteen hundred and fifty-four..... 2,000 00
For permanent annuity for educational purposes, per fourth article treaty twenty-ninth September, eighteen hundred and seventeen, and third article treaty tenth May, eighteen hundred and fifty-four..... 2,000 00

Six Nations of New York.

For permanent annuity in clothing and other useful articles, per sixth article treaty eleventh November, seventeen hundred and ninety-four, $4,500 00

Sioux of Mississippi.

For interest on three hundred thousand dollars, at five per centum, per second article treaty twenty-ninth September, eighteen hundred and thirty-seven 15,000 00

For ninth of fifty installments of interest, at five per centum, on one million three hundred and sixty thousand dollars, per fourth article treaty twenty-third July, eighteen hundred and fifty-one 68,000 00

For ninth of fifty installments of interest, at five per centum, on one hundred and twelve thousand dollars, being the amount in lieu of the reservations set apart in the third article of Senate's amendment of twenty-third June, eighteen hundred and fifty-two, to treaty twenty-third July, eighteen hundred and fifty-one.. 5,600 00

For ninth of fifty installments of interest, at five per centum, on one million one hundred and sixty thousand dollars, per fourth article treaty fifth August, eighteen hundred and fifty-one... 58,000 00

For ninth of fifty installments of interest, at five per centum, on sixty-nine thousand dollars, being the amount allowed in lieu of the reservation of lands set apart by the third article of Senate's amendment of twenty third June, eighteen hundred and fifty-two, to treaty fifth August, eighteen hundred and fifty one..... 3,450 00

Treaty of Fort Laramie.

For ninth of ten installments in provisions and merchandise, for payment of annuities and transportation of the same to certain tribes of Indians, per seventh article treaty seventeenth September, eighteen hundred and fifty-one, and Senate's amendment thereto..... 70,000 00

Umpquas, (Cow Creek band.)

For sixth of twenty installments in blankets, clothing, provisions, and stocks, per third article treaty nineteenth September, eighteen hundred and fifty-three..... 550 00

Umpquas and Calapooias, of Umpqua Valley, Oregon.

For the last of five installments of annuity for beneficial objects, to be expended as directed by the President, per third article treaty twenty-ninth November, eighteen hundred and fifty-four..... 3,000 00

For fifth of ten installments for the pay of a blacksmith and furnishing shop, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four..... 1,500 00

For fifth of fifteen installments for the pay of a physician and purchase of medicines, per sixth article treaty twenty ninth November, eighteen hundred and fifty four..... 2,000 00

For fifth of ten installments for the pay of a farmer, per sixth article treaty twenty-ninth November, eighteen hundred and fifty-four..... 1,000 00

For fifth of twenty installments for the pay of a teacher and purchase of books and stationery, per sixth article, treaty twenty-ninth November, eighteen hundred and fifty-four..... 1,450 00

Winnebagoes.

For interest on one million one hundred thousand dollars, at five per centum, per fourth article treaty first November, eighteen hundred and thirty-seven 55,000 00

For thirteenth of thirty installments of interest on eighty-five thousand dollars, at five per centum, per fourth article treaty thirteenth October, eighteen hundred and forty-six..... 4,250 00

Miscellaneous.

For insurance, transportation, and necessary expenses of the delivery of Pawnee annuity goods 5,000 00

For the general incidental expenses of the Indian service in New Mexico, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and sustain themselves by the pursuit of civilized life, to be expended under the direction of the Secretary of the Interior..... 75,000 00

For the compensation of three special agents and four interpreters for the Indian tribes of Texas and for purchase of presents..... 15,000 00

For the expenses of colonizing, supporting, and furnishing agricultural implements and stock for the Indians in Texas..... 25,000 00

For the general incidental expenses of the Indian service in the Territories of Oregon and Washington, including insurance and transportation of annuities, goods, and presents, and office and traveling expenses of the superintendent, agents, and sub agents..... 35,000 00

For defraying the expenses of the removal and subsistence of Indians in Oregon Territory to the reservations therein, aiding them in procuring their own subsistence, purchase of provisions, and presents, compensation of laborers and other employés..... 50,000 00

For defraying the expenses of the removal and subsistence of the Indians in Washington Territory to the reservations therein, aiding them in procuring their own subsistence, purchase of provisions and presents, and compensation of laborers and other employés..... 25,000 00

For the Indian service in California, to be expended under the direction of the Secretary of the Interior..... $50,000 00

For the general incidental expenses of the Indian service in California, including traveling expenses of the superintendent, agent, and sub-agents..... 7,500 00

For the Indian service in the Territory of Utah, to be expended under the direction of the Secretary of the Interior..... 45,000 00

For carrying into effect the twenty-fourth section of the civil and diplomatic act of March third, eighteen hundred and fifty five..... 19,045 79

To survey the boundaries of the tract or tracts of land lying on or near the Gila river, in the Territory of Arizona, New Mexico, now occupied by the confederated bands of Pima and Maricopa Indians..... 1,000 00

To enable the Commissioner of Indian Affairs to make suitable presents to the Pimas and Maricopas in acknowledgment of their loyalty to this Government, and the many kindnesses heretofore rendered by them to our citizens... 10,000 00

$1,797,368 48

By the act making appropriations for the consular and diplomatic expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty.

For salaries of envoys extraordinary, ministers, and commissioners of the United States at Great Britain, France, Russia, Prussia, Spain, Austria, Brazil, Mexico, China, Chili, Peru, Portugal, Switzerland, Rome, Naples, Sardinia, Belgium, Holland, Denmark, Sweden, Turkey, Buenos Ayres, New Granada, Bolivia, Ecuador, Venezuela, Guatemala, Nicaragua, Sandwich Islands, Costa Rica, Honduras, Argentine Confederation, and Paraguay..... $204,000 00

For salaries of assistant secretaries of legation at London and Paris..... 3,000 00

For salary of the secretary of legation to China, acting as interpreter..... 5,000 00

For salary of the secretary of legation to Turkey, acting as dragoman..... 3,000 00

For contingent expenses of all the missions abroad..... 50,000 00

For contingent expenses of foreign intercourse.. 60,000 00

For expenses of intercourse with the Barbary Powers..... 2,000 00

For the relief and protection of American seamen in foreign countries..... 150,000 00

For expenses which may be incurred in acknowledging the services of the masters and crews of foreign vessels in rescuing citizens of the United States from shipwreck, to be expended under the direction of the President of the United States..... 10,000 00

For the purchase of blank-books, stationery, arms of the United States, seals, presses, flags, and for the payment of postages and miscellaneous expenses of the consuls of the United States..... 40,000 00

For office rent of those consuls general, consuls, and commercial agents who are not allowed to trade, including loss by exchange thereon, viz: for office rent..... 22,370 00

For salary of minister resident at Japan, from the nineteenth day of January, eighteen hundred and fifty-nine, to the thirtieth of June next... 3,375 00

For salary of minister resident at Japan..... 7,500 00

For salaries of consuls general at Quebec, Calcutta, Alexandria, Havana, Constantinople, Frankfort-on-the-Main; consuls at Liverpool, London, Melbourne, Hong Kong, Glasgow, Mauritius, Singapore, Belfast, Cork, Dundee, Demarara, Halifax, Kingston, (Jamaica,) Leeds, Manchester, Nassau, (New Providence,) Southampton, Turk's Island, Prince Edward's Island, Havre, Paris, Marseilles, Bordeaux, La Rochelle, Lyons, Moscow, Odessa, Revel, Saint Petersburgh, Matanzas, Trinidad de Cuba, Santiago de Cuba, San Juan, (Porto Rico,) Cadiz, Malaga, Ponce, (Porto Rico,) Trieste, Vienna, Aix-la-Chapelle, Canton, Shanghae, Fouchou, Amoy, Ningpo, Beirut, Smyrna, Jerusalem, Rotterdam, Amsterdam, Antwerp, Funchal, Oporto, Saint Thomas, Elsineur, Genoa, Basle, Geneva, Messina, Naples, Palermo, Leipsic, Munich, Leghorn, Stuttgardt, Bremen, Hamburg, Tangiers, Tripoli, Tunis, Rio de Janeiro, Pernambuco, Vera Cruz, Acapulco, Callao, Valparaiso, Buenos Ayres, San Juan del Sur, Aspinwall, Panama, Laguayra, Honolulu, Lahaina, Cape Town, Falkland Islands, Venice, Stettin, Candia, Cyprus, Batavia, Fayal, Santiago, (Cape de Verdes,) Saint Croix, Spezzia, Athens, Zanzibar, Bibia, Maranham Island, Para, Rio Grande, Matamoras, Mexico, (city,) Tampico, Paso del Norte, Tabasco, Paita, Tumbez, Talcahuano, Carthagena, Sabanillo, Omoa, Guayaquil, Cobija, Montevideo, Tahiti, Bay of Islands, Apia, Lanthala; commercial agents at San Juan del Norte, Port au Prince, San Domingo, (city,) St. Paul de Loanda, (Angola,) Monrovia, Gaboon, Cape Haytien, Aux Cayes, and Amoor river.. 235,000 00

For interpreters to the consulates in China..... 4,500 00

For compensation of the commissioner, secretary, chief astronomer and surveyor, assistant astronomer and surveyor, clerk, and for provisions, transportation, and contingencies of the commission to run and mark the boundary line between the United States and the British possessions bounding on Washington Territory, 150,000 00

For compensation and per diem of the commissioner, compensation of the surveyor, and for the payment of all expenses of the commission under the reciprocity treaty with Great Britain..... $23,000 00

To enable the President of the United States to carry into effect the act of Congress of third March, eighteen hundred and nineteen, and any subsequent acts now in force for the suppression of the slave trade..... 75,000 00

$1,047,745 00

By the act making appropriations for the naval service for the year ending the thirtieth of June, eighteen hundred and sixty.

For pay of commission, warrant, and petty officers and seamen, including the engineer corps of the Navy..... $3,930,439 00

For the payment of officers restored to the Navy under the provisions of the act of January sixteenth, eighteen hundred and fifty-seven, during the period of their retirement or suspension..... 62,394 00

For provisions for commission, warrant, and petty officers and seamen, including engineers and marines attached to vessels for sea-service..... 945,840 00

For surgeons' necessaries and appliances for the sick and hurt of the Navy, including the engineer and marine corps..... 35,600 00

For fuel for the Navy, to be purchased in the mode prescribed by law for other materials, and for the transportation thereof..... 600,000 00

For the purchase of hemp and other materials for the Navy..... 300,000 00

For repair, armament, and equipment of vessels..... 1,000,000 00

For ordnance and ordnance stores and small arms, including incidental expenses..... 563,000 00

For contingent expenses that may accrue for the following purposes, viz: freight and transportation, printing and stationery, advertising in newspapers, books, maps, models, and drawings, purchase and repair of fire engines and machinery, repairs of and attending to steam engines in navy-yards, purchase and maintenance of horses and oxen, and driving teams, carts, timber wheels, and the purchase and repairs of workmen's tools, postage of public letters, fuel, oil, and candles for navy-yards and shore stations, pay of watchmen and incidental labor not chargeable to any other appropriation, transportation to and labor attending the delivery of provisions and stores on foreign stations, wharfage, dockage, and rent, traveling expenses of officers and others under orders, funeral expenses, store and office rent, fuel, commissions, and pay of clerks to navy agents and storekeepers, flags, awnings, and packing-boxes, premiums and other expenses of recruiting, apprehending deserters, per diem pay to persons attending courts-martial, courts of inquiry, and other services authorized by law, pay to judges advocate, pilotage and towage of vessels, and assistance to vessels in distress, and for bills of health and quarantine expenses of vessels of the United States Navy in foreign ports..... 896,000 00

For the payment of the charter or purchase of vessels for the Paraguay expedition for nine months..... 289,000 00

MARINE CORPS.

For pay of officers, non-commissioned officers, musicians, privates, clerks, messengers, stewards, and servants, for rations and clothing for servants, additional rations for five years' service, for undrawn clothing and rations, bounties for reënlistments..... 428,937 30

For provisions..... 71,759 00

For clothing..... 73,856 00

For fuel..... 22,342 25

For military stores, viz: pay of armorers, repair of arms, purchase of accouterments, ordnance stores, flags, drums, fifes, and other instruments..... 12,000 00

For transportation of officers and troops, and expenses of recruiting..... 14,000 00

For repairs of barracks, and rent of offices where there are no public buildings for that purpose, 8,000 00

For contingencies, viz: freight, ferriage, toll, cartage, wharfage, compensation to judges advocate, per diem for attending courts-martial, courts of inquiry, and for constant labor, house rent in lieu of quarters, burial of deceased marines, printing, stationery, postage, telegraphing, apprehension of deserters, oil, candles, gas, forage, straw, furniture, bed-sacks, spades, shovels, axes, picks, carpenters' tools, keep of a horse for the messenger, pay of matron, washerwoman, and porter at the hospital headquarters..... 32,600 00

NAVY-YARDS.

For the preservation of works, and for the current repairs at the several navy-yards, viz:

At Portsmouth, New Hampshire..... 10,000 00

At Boston..... 15,000 00

At New York..... 20,000 00

At Philadelphia..... 15,000 00

At Washington..... 10,000 00

At Norfolk..... 20,000 00

At Pensacola..... 10,000 00

At Mare Island, California..... 20,000 00

At Sackett's Harbor..... 1,000 00

HOSPITALS.

For the construction and completion of works, and for the current repairs of the several naval hospitals:

Boston.

For repairs of hospital buildings and fences..... $2,500 00

New York.

For repairs of buildings and fences..... 7,000 00

Naval Asylum.

For paving and curbing on Shippen street, paving sidewalks on Shippen street, painting and repairing buildings, furniture and repairs of same, house-cleaning and whitewashing, furnace, grates, and ranges, and repairs, trees and tree-boxes on Shippen street, gas tax, and water rent tax..... 11,135 00

For support of beneficiaries at the asylum..... 26,680 00

Norfolk.

For repairs of buildings..... 18,270 00

Pensacola.

For general repairs of hospital buildings, and for draining and filling ponds..... 10,500 00

MAGAZINES.

For the construction and completion of works, and for the current repairs of the several naval magazines:

Portsmouth, New Hampshire.

For gun-skids, shot-beds, new powder magazine, and repairs of all kinds..... 46,497 00

Boston.

For repairs of all kinds..... 2,500 00

New York.

For completing armory, and repairs of all kinds.. 8,000 00

Philadelphia.

For repairs of all kinds..... 1,000 00

Norfolk.

For completing stone pier and landing at Fort Norfolk, powder boat, and repairs of all kinds.. 55,960 00

Pensacola.

For repairs of all kinds..... 1,000 00

For pay of superintendents, naval constructors, and all the civil establishments at the several navy-yards and stations.....152,454 00

For the purchase of nautical instruments required for the use of the Navy; for repairs of the same, and also of astronomical instruments; and for the purchase of nautical books, maps, and charts, and for backing and binding the same.. 25,000 00

For printing and publishing sailing directions, hydrographical surveys, and astronomical observations, in addition to the balance on hand.. 7,000 00

For continuing the publication of the series of Wind and Current Charts, and for defraying all expenses connected therewith..... 15,000 00

For models, drawings, and copying; for postage, freight, and transportation; for keeping grounds in order; for fuel and lights; and for all other contingent expenses; and for the wages of persons employed at the United States Naval Observatory and Hydrographical Office, viz: one instrument maker, two watchmen, and one porter..... 6,000 00

For the erection and repairs of buildings, improvement and preservation of the grounds, and for contingencies at the United States Naval Academy..... 50,000 00

For completing seven screw sloops and one side-wheel steamer, authorized by act twelfth June, eighteen hundred and fifty-eight.....674,000 00

$10,527,163 55

By the act making appropriations for fulfilling treaty stipulations with the Yancton and Tonawanda Indians for the year ending June thirtieth, eighteen hundred and sixty, and for other purposes.

Yancton Sioux, or Dacotah Indians.

For the first of ten installments to be paid to them or expended for their benefit, commencing with the year in which they shall remove to and settle and reside upon their reservation, per fourth article treaty nineteenth April, eighteen hundred and fifty-eight.....$65,000 00

For maintaining and subsisting said Indians during the first year after their removal to and permanent settlement upon their said reservation; in the purchase of stock, agricultural implements, or other articles of a beneficial character, and in breaking up and fencing land, in the erection of houses, storehouses, or other needful buildings; or in making such other improvements as may be necessary for their comfort and welfare, per fourth article treaty nineteenth April, eighteen hundred and fifty-eight, 25,000 00

For building a school-house, or school-houses, and to establish and maintain one or more normal labor schools (so far as said sum will go) for the education and training of the children of said Indians in letters, agriculture, the mechanic arts, and housewifery; which school or schools shall be managed and conducted in such manner as the Secretary of the Interior shall direct, per fourth article treaty nineteenth April, eighteen hundred and fifty-eight..... 10,000 00

For providing said Indians with a mill suitable for grinding grain and sawing lumber, one or more mechanic shops, with the necessary tools for the same, and dwelling-houses for an interpreter, miller, engineer for the mill, (if one be necessary,) a farmer, and the mechanics that may be employed for their benefit, per fourth article treaty nineteenth April, eighteen hundred and fifty-eight.....$15,000 00

For the expenses of making this agreement, and of surveying the said Yancton reservation, and of surveying and marking the pipe-stone quarry, per eighth and sixteenth articles treaty nineteenth April, eighteen hundred and fifty-eight..... 12,500 00

Tonawandas.

For payment and investment of this sum for the surrender and relinquishment of lands west of the State of Missouri, per second article treaty fifth November, eighteen hundred and fifty-seven.....256,000 00

Creek Nation.

For payment of the remaining sum of two hundred thousand dollars, retained by the United States until the removal of the Seminole Indians in Florida to the country west of the Mississippi, with interest, at five per centum per annum, from twenty-eighth August, eighteen hundred and fifty-six, the date of the ratification of the treaty, to the third March, eighteen hundred and fifty-nine, per sixth article treaty of the seventh August, eighteen hundred and fifty-six.....225,166 66

Florida Indians, or Seminoles.

For interest on two hundred and fifty thousand dollars at five per centum, to be paid as annuity, per eighth article treaty seventh August, eighteen hundred and fifty-six, they having joined their brethren in the West..... 12,500 00

For payments under existing contracts for carrying the mails as follows, viz:

For the transportation of the mails from Panama to California and Oregon, and back, from July first to September thirtieth, eighteen hundred and fifty-nine..... 87,062 50

For transportation of the mails across the Isthmus of Panama, from July first to September thirtieth, eighteen hundred and fifty-nine..... 25,000 00

For transportation of the mails from New Orleans, via Tehuantepec, to Ventoza, and back, from the first November, eighteen hundred and fifty-eight, to thirtieth September, eighteen hundred and fifty-nine.....229,166 66

$962,395 82

By the act making appropriations for the legislative, executive, and judicial expenses of Government for the year ending the thirtieth of June, eighteen hundred and sixty.

Legislative.

For compensation and mileage of Senators....$338,861 72

For the mileage of members of the House of Representatives and Delegates from the Territories.....200,000 00

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the Senate, viz:

Secretary of the Senate	3,600 00
Officer charged with disbursements of the Senate,	480 00
Chief clerk	2,500 00
Principal clerk and principal executive clerk in the office of the Secretary of the Senate, at two thousand one hundred and sixty dollars each	4,320 00
Eight clerks in office of the Secretary of the Senate, at one thousand eight hundred and fifty dollars each	14,800 00
Keeper of the stationery	1,752 00
Two messengers at one thousand and eighty dollars	2,160 00
One page	500 00
Sergeant-at-Arms and Doorkeeper	2,000 00
Assistant doorkeeper	1,700 00
Postmaster to the Senate	1,750 00
Assistant postmaster and mail carrier	1,440 00
Two mail boys at nine hundred dollars each	1,800 00
Superintendent of the document room	1,500 00
Two assistants in document room, at one thousand two hundred dollars each	2,400 00
Superintendent of the folding-room	1,500 00
Two messengers, acting as assistant doorkeepers, at one thousand five hundred dollars each,	3,000 00
Sixteen messengers, at one thousand two hundred dollars each	19,200 00
Superintendent in charge of Senate furnaces	1,200 00
Assistant in charge of furnaces	600 00
Laborer in private passage	600 00
Two laborers, at four hundred and eighty dollars each	960 00
Clerk or secretary to the President of the Senate,	1,752 00
Draughtsman	1,850 00
Clerk to the Committee on Finance	1,850 00
Clerk to the Committee on Claims	1,850 00
Clerk of printing records	1,850 00

For contingent expenses of the Senate, viz:

For binding	50,000 00
For lithographing and engraving	30,000 00
For stationery	7,500 00
For newspapers	$3,200 00
For Congressional Globe, and binding the same,	49,333 32
For reporting proceedings	18,046 00

For clerks to committees, pages, police, horses, and carryalls..... 35,004 50

For the additional police appointed January twelve, eighteen hundred and fifty-nine, during the present fiscal year..... 1,558 32

For the moiety payable by the Clerk of the House of Representatives, and to form a part of the contingent fund of said House and be disbursed by the Clerk thereof..... 1,549 14

For miscellaneous items..... 20,000 00

For compensation of members of the House of Representatives and Delegates from the Territories.....1,019,000 00

For compensation of the officers, clerks, messengers, and others receiving an annual salary in the service of the House of Representatives, viz:

Clerk of the House of Representatives	3,600 00
Two clerks, at two thousand one hundred and sixty dollars each	4,320 00
Eleven clerks, at one thousand eight hundred dollars each	19,800 00
Principal messenger in the office	1,756 80
Three messengers, at one thousand two hundred dollars each	3,600 00
Sergeant-at-Arms	2,160 00
Clerk to the Sergeant-at-Arms	1,800 00
Messenger to the Sergeant-at-Arms	1,200 00
Postmaster	2,160 00
One messenger in the office	1,740 00
Four messengers, at one thousand four hundred and forty dollars each	5,760 00
Doorkeeper	2,000 00
Superintendent of the folding-room	1,500 00
Fourteen messengers, at one thousand and ninety-eight dollars each	15,372 00
Eleven messengers, at six hundred dollars each.	6,600 00
Messenger to the Speaker	1,756 80
Clerk to the Committee of Claims	1,800 00
Clerk to the Committee of Ways and Means	1,800 00

For contingent expenses of the House of Representatives, viz:

For binding documents	75,000 00
For stationery	15,000 00
For horses	3,500 00
For fuel, oil, and candles, including pay of engineer, firemen, and laborers, and materials for engine room	15,000 00
For newspapers	12,500 00
For engraving, electrotyping, and lithographing,	50,000 00
For Capitol police	8,420 00
For laborers	6,285 00
For pages and temporary mail boys	8,500 00
For folding documents, including pay of folders, wrapping paper, twine, and paste	30,000 00
For cartage	2,000 00
For miscellaneous items	40,000 00

For the compensation of the draughtsman and clerks employed upon the land maps, clerks to committees, and temporary clerks in the office of the Clerk of the House of Representatives, 17,800 00

For two mail boys, at nine hundred dollars each, and the messenger in charge of the south extension..... 3,300 00

Library of Congress.

For compensation of librarian, three assistant librarians, and messenger	9,000 00
For contingent expenses of said library	1,000 00
For purchase of books for said library	5,000 00
For purchase of law books for said library, and pay for binding, labor, and other incidental expenses	2,000 00
For compensation for the Superintendent of Public Printing, and the clerks and messenger in his office	10,515 92
For contingent expenses of his office, viz: for blank books, stationery, postage, advertising for proposals for paper, furniture, traveling expenses, cartage and labor in storing and transportation of paper, and miscellaneous items..	2,850 00
For rent of wareroom	250 00
For paper required for the printing of the first session of the Thirty-Sixth Congress	100,000 00
For printing required for the first session of the Thirty-Sixth Congress	70,000 00

Court of Claims.

For salaries of three judges of the Court of Claims, the solicitor, assistant solicitor, deputy solicitor, clerk and assistant clerk, and messenger thereof..... 27,300 00

For stationery, fuel, lights, books, labor, and miscellaneous items for the Court of Claims.. 4,000 00

For commissioners' fees for taking testimony on behalf of the Government, fees of witnesses, and of agents or attorneys to be appointed by the solicitor to attend to the taking of depositions, under the second and third sections of the act entitled "An act to establish a court for the investigation of claims against the United States," approved the twenty-fourth of February, eighteen hundred and fifty-five, to be disbursed, under the solicitor, by such marshals as he shall direct, or other suitable agent to be appointed by him..... 5,000 00

Executive.

For compensation of the President of the United States	25,000 00
For compensation of the Vice President of the United States	8,000 00

For compensation to Secretary to sign patents for lands $1,500 00
For compensation to the Private Secretary, steward, and messenger of the President of the United States 4,600 00
For contingent expenses of the Executive office, including stationery therefor 350 00

Department of State.

For compensation of Secretary of State, and Assistant Secretary of State, clerks, messenger, assistant messenger, and laborers in his office, 57,800 00

For the incidental and contingent expenses of said Department.

For publishing the laws in pamphlet form, and in newspapers of the States and Territories, and in the city of Washington 9,325 00
For stationery, blank-books, binding, furniture, fixtures, repairs, painting and glazing 10,000 00
For newspapers 500 00
For miscellaneous items 2,500 00
For copperplate printing, books, and maps 2,000 00
For extra clerk hire and copying 2,500 00
For compiling and supervising the publication of the Biennial Register 500 00
To enable the Secretary of State to purchase fifty copies each of volumes twenty-four and twenty-five of Howard's Reports of the Decisions of the Supreme Court of the United States ... 500 00

Northeast Executive building.

For compensation of four watchmen and two laborers of the Northeast Executive building, 3,600 00
For contingent expenses of said building, viz: for fuel, light, repairs, and miscellaneous expenses 4,500 00

Treasury Department.

For compensation of the Secretary of the Treasury, Assistant Secretary of the Treasury, clerks, messenger, assistant messenger, and laborers in his office 45,262 84
For compensation of the First Comptroller, and the clerks, messenger, and laborers in his office 28,340 00
For compensation of the Second Comptroller, and the clerks, messenger, and laborer in his office 26,840 00
For compensation of the First Auditor, and the clerks, messenger, assistant messenger, and laborer in his office 35,940 00
For compensation of the Second Auditor, and the clerks, messenger, assistant messenger, and laborer in his office 35,540 00
For compensation of the Third Auditor, and the clerks, messenger, assistant messenger, and laborers in his office 130,140 00
For compensation of the Fourth Auditor, and the clerks, messenger, and assistant messenger in his office 27,719 36
For compensation of the Fifth Auditor, and the clerks, messenger, and laborer in his office ... 17,840 00
For compensation of the Auditor of the Treasury for the Post Office Department, and the clerks, messenger, assistant messenger, and laborers in his office 172,340 00
For compensation of the Treasurer of the United States, and the clerks, messenger, assistant messenger, and laborers in his office 27,231 30
For compensation of the Register of the Treasury, and the clerks, messenger, assistant messenger, and laborers in his office 51,540 00
For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office, 17,140 00
For compensation of the Commissioner of Customs, and the clerks, messenger, and laborer in his office 20,440 00
For compensation of the clerks, messenger, and laborer of the Light-House Board 9,240 00

Contingent expenses of the Treasury Department.

In the office of the Secretary of the Treasury:
For copying, blank-books, stationery, binding, sealing ships' registers, translating foreign languages, advertising, and extra clerk hire for preparing and collecting information to be laid before Congress, and for miscellaneous items.. 12,000 00
In the office of the First Comptroller:
For furniture, blank books, binding, stationery, public documents, State and Territorial statutes, and miscellaneous items 1,800 00
In the office of the Second Comptroller:
For blank-books, binding, stationery, pay for the National Intelligencer and Union, to be filed and preserved for the use of the office, office furniture, and miscellaneous items 1,200 00
In the office of the First Auditor:
For blank-books, binding, stationery, office furniture, cases for records and official papers, and miscellaneous items, including subscription for the Union and National Intelligencer, to be filed for the use of the office 1,500 00
In the office of the Second Auditor:
For blank-books, binding, stationery, office furniture, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office 1,200 00
In the office of the Fourth Auditor:
For stationery, books, binding, labor, and miscellaneous items 1,000 00
In the office of the Fifth Auditor:
For blank-books, binding, stationery, office furniture, carpeting, and miscellaneous expenses, in which are included two daily newspapers.. 800 00
In the office of the Treasurer:
For blank books, stationery, and miscellaneous items $500 00
In the office of the Register:
For ruling and full binding books for recording collectors' quarterly abstracts of commerce and navigation, and blank abstracts for their use, blank-books, binding, and stationery, arranging and binding canceled marine papers, cases for official papers and records, and miscellaneous items, including office furniture and carpeting, 4,000 00

Light-House Board.

For blank-books, binding, stationery, miscellaneous expenses, and postage 600 00

For the general purposes of the Southeast Executive building.

For compensation of eight watchmen and nine laborers of the Southeast Executive building.. 10,200 00

For the southern extension of the Southeast Executive building.

For compensation of four watchmen and two laborers for the south extension of the Southeast Executive building 3,600 00
For contingent expenses of said building, fuel, and miscellaneous items 3,000 00

Department of the Interior.

For compensation of the Secretary of the Interior, and the clerks, messengers, assistant messengers, watchmen, and laborers in his office, 36,900 00
For compensation of the Commissioner of the General Land Office, and the recorder, draughtsman, assistant draughtsman, clerks, messengers, assistant messengers, packers, watchmen, and laborers in his office 164,690 00
For additional clerks in the General Land Office, under the act of third March, one thousand eight hundred and fifty-five, granting bounty lands, and for laborers employed therein 58,400 00
For compensation of the Commissioner of Indian Affairs, and the clerks, messenger, assistant messenger, watchmen, and laborer in his office 31,940 00
For compensation of five extra clerks employed in the Indian Office, under the act of fifth August, eighteen hundred and fifty-four, and third March, eighteen hundred and fifty-five, and under appropriations made from year to year.. 7,000 00
For compensation of one clerk in the Indian Office, employed to enable the Secretary of the Interior to carry out the regulations prescribed to give effect to the seventh section of the act of third March, eighteen hundred and fifty-five, granting bounty lands to Indians.... 1,400 00
For compensation of two extra clerks in the Indian Office, employed to carry out the treaty with the Chickasaws in the adjustment of their claims 2,800 00
For compensation of the Commissioner of Pensions, and the clerks, messenger, assistant messenger, and laborers in his office 109,340 00
For compensation of the Commissioner of Public Buildings, and the clerk in his office 3,200 00

Contingent Expenses, Department of the Interior.

Office of the Secretary of the Interior:
For books, stationery, furniture, fuel, lights, and other contingencies, and for books and maps for the library 7,200 00
For expense of packing and distributing the congressional journals and documents, in pursuance of the provisions contained in the joint resolution of Congress approved twenty-eighth January, eighteen hundred and fifty-seven.... 6,000 00
Office of Indian Affairs:
For blank-books, binding, stationery, fuel, and lights, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office 5,000 00
General Land Office:
For cash system and military patents, under laws prior to twenty-eighth September, eighteen hundred and fifty; patent and other records; tract-books and blank books for this and the district land offices; binding plats and field notes; stationery, furniture, and repairs of same, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office; also, for contingent expenses in addition, under swamp land act of twenty-eighth September, eighteen hundred and fifty, military bounty acts of twenty-eighth September, eighteen hundred and fifty, and twenty-second March, eighteen hundred and fifty-two, and act thirty-first August, eighteen hundred and fifty-two, for the satisfaction of Virginia land warrants.. 62,000 00
For fuel, lights, and incidental expenses attending the same, including the pay of furnace-keepers 3,000 00
Pension Office:
For stationery, binding books, furniture, and repairing the same, and miscellaneous items, including two of the daily city newspapers, to be filed, bound, and preserved for the use of the office 10,000 00
For contingent expenses in the said office under the bounty land act of third March, one thousand eight hundred and fifty-five:
For engraving and retouching plates for bounty land warrants, printing and binding the same, stationery, blank-books for Register's office, furniture, and miscellaneous items 10,000 00

Surveyors-general and their clerks.

For compensation of the surveyor-general of Illinois and Missouri, and the clerks in his office, $5,820 00
For compensation of the surveyor general of Louisiana, and the clerks in his office 4,500 00
For compensation of the surveyor general of Florida, and the clerks in his office 5,500 00
For compensation of the surveyor general of Wisconsin and Iowa, and the clerks in his office.. 8,300 00
For compensation of the surveyor general of Oregon, and the clerks in his office 7,500 00
For rent of surveyor general's office in Oregon, fuel, books, stationery, and other incidental expenses 1,500 00
For compensation of the surveyor general of California, and the clerks in his office 15,500 00
For rent of surveyor general's office in California, fuel, books, stationery, and other incidental expenses, including pay of messenger.. 7,150 00
For compensation of the surveyor general of Washington Territory, and the clerks in his office 7,000 00
For office rent for the surveyor general of Washington Territory, fuel, books, stationery, and other incidental expenses 2,500 00
For compensation of the surveyor general of New Mexico, and the clerks in his office 7,000 00
For rent of the surveyor general's office in New Mexico, fuel, books, stationery, and other incidental expenses 3,000 00
For compensation of the surveyor general of Kansas and Nebraska, and the clerks in his office.. 8,300 00
For office rent of the surveyor general of Kansas and Nebraska, fuel, and incidental expenses.. 3,000 00
For compensation of the surveyor general of Utah, and the clerks in his office 5,500 00
For rent of the surveyor general's office in Utah, fuel, stationery, and other incidental expenses, 2,500 00
For compensation of the surveyor general of Minnesota, and the clerks in his office 8,300 00
For salary of the recorder of land titles in Missouri 500 00

War Department.

For compensation of the Secretary of War, and the clerks, messenger, assistant messenger, and laborer in his office 22,000 00
For compensation of the clerks and messenger in the office of the Adjutant General 13,640 00
For compensation of the clerks and messenger in the office of the Quartermaster General.... 16,440 00
To enable the Secretary of War to employ temporary clerks in the office of the Quartermaster General, on bounty land service 2,000 00
For compensation of the clerks and messenger in the office of the Paymaster General 12,440 00
For compensation of the clerks, messenger, and laborer in the office of the Commissary General 10,040 00
For compensation of the clerks and messenger in the office of the Surgeon General 5,240 00
For compensation of the clerks, messenger, and laborer in the office of Topographical Engineers 10,640 00
For compensation of the clerks and messenger in the office of the Chief Engineer 8,240 00
For compensation of the clerks and messenger in the office of the Colonel of Ordnance 12,240 00

Contingent expenses of the War Department.

Office of the Secretary of War:
For blank-books, stationery, books, maps, extra clerk hire, and miscellaneous items 5,500 00
Office of the Adjutant General:
For blank-books, binding, stationery, and miscellaneous items 2,000 00
Office of the Quartermaster General:
For blank-books, binding, stationery, and miscellaneous items 1,200 00
Office of the Paymaster General:
For blank-books, binding, stationery, and miscellaneous items 500 00
Office of the Commissary General:
For blank-books, binding, stationery, and miscellaneous items 1,200 00
Office of the Chief Engineer:
For blank-books, binding, stationery, and miscellaneous items, including two daily Washington papers 900 00
Office of the Surgeon General:
For blank-books, binding, stationery, and miscellaneous items 400 00
Office of Colonel of Ordnance:
For blank-books, binding, stationery, and miscellaneous items 900 00
Office of the Colonel of Topographical Engineers:
For blank-books, binding, stationery, and miscellaneous items 1,200 00

For the general purposes of the Northwest Executive building.

For compensation of four watchmen and two laborers of the Northwest Executive building... 3,600 00
For fuel, light, and miscellaneous items 4,000 00

For the general purposes of the building corner of F and Seventeenth streets.

For compensation of superintendent, four watchmen, and two laborers for said building 3,850 00
For fuel, compensation of firemen, and miscellaneous items 4,800 00

Navy Department.

For compensation of the Secretary of the Navy, and the clerks, messenger, assistant messenger, and laborer in his office $29,600 00
For compensation of the chief of the bureau of navy-yards and docks, and the clerks, messenger, and laborer in his office 14,140 00
For compensation of the chief of the bureau of ordnance and hydrography, and the clerks, messenger, and laborer in his office 12,340 00
For compensation of the chief of the bureau of construction, equipment, and repairs, and of the engineer-in-chief, and the clerks, messenger, and laborers in his office 21,340 00
For the compensation of the clerks, messenger and laborer in the bureau of provisions and clothing 8,840 00
For compensation of the chief of the bureau of medicine and surgery, and the clerks messenger, and laborer in his office 9,540 00

Contingent Expenses of the Navy Department.

Office Secretary of the Navy:
For blank-books, binding, stationery, newspapers, periodicals, and miscellaneous items 2,840 00
Bureau of Yards and Docks:
For stationery, books, plans, and drawings 800 00
Bureau of Ordnance and Hydrography:
For blank-books, stationery, and miscellaneous items 750 00
Bureau of Construction, Equipment, and Repairs:
For blank-books, binding, stationery, printing, and miscellaneous items 800 00
Bureau of Provisions and Clothing:
For blank books, stationery, and miscellaneous items 700 00
Bureau of Medicine and Surgery:
For blank-books, stationery, and miscellaneous items 450 00

For the general purposes of the Southwest Executive building.

For compensation of four watchmen of the Southwest Executive building 2,400 00
For contingent expenses of said building, viz:
For labor, fuel, lights, and miscellaneous items.. 3,913 00

Post Office Department.

For compensation of the Postmaster General, three Assistant Postmasters General, and the clerks, messenger, assistant messengers, watchmen, and laborers of said Department 157,800 00

Contingent Expenses of said Department.

For blank books, binding, and stationery, fuel for the General Post Office building, including the Auditor's office, oil, gas, and candles, printing, day watchman, and for miscellaneous items, for repairs of the General Post Office building, for office furniture, glazing, painting, whitewashing, and for keeping the fire places and furnaces in order 15,000 00

General Post Office extension.

For watchmen, engineer, (for steam engines,) laborers, fuel, gas, candles, repairs of furniture, and for miscellaneous items 7,000 00

Printing for Executive Departments.

For paper and printing for the Executive Departments, including the paper, printing, and binding the Biennial Register and the annual statement of Commerce and Navigation of the United States, and the paper and printing of the annual estimates of appropriations 58,500 00

Mint of the United States.

At Philadelphia:
For salaries of the director, treasurer, assayer, melter and refiner, chief coiner and engraver, assistant assayer, assistant melter and refiner, and seven clerks 27,900 00
For wages of workmen and adjusters 74,800 00
For incidental and contingent expenses, including wastage, in addition to other available funds 75,000 00
For specimens of ores and coins to be reserved at the Mint 300 00
For transportation of bullion from New York assay office to the United States Mint for coinage, 10,000 00

At San Francisco, California:
For salaries of superintendent, treasurer, assayer, melter, and refiner, coiner, and five clerks 28,000 00
For wages of workmen and adjusters 165,493 00
For incidental and contingent expenses, including wastage, in addition to other available funds, 58,950 50

Assay Office, New York:
For salaries of officers and clerks 24,700 00
For wages of workmen 45,000 00

At New Orleans:
For salaries of superintendent, treasurer, assayer, coiner, melter, and refiner, and three clerks, 18,300 00
For wages of workmen 34,000 00
For incidental and contingent expenses, including wastage, in addition to other available funds, 26,500 00

At Charlotte, North Carolina:
For salaries of superintendent, coiner, assayer, and clerk 6,000 00
For wages of workmen 2,600 00

At Dahlonega, Georgia:
For salaries of superintendent, coiner, assayer, and clerk 6,000 00
For wages of workmen 2,880 00

Government in the Territories.

Territory of New Mexico:
For salaries of governor, three judges, and secretary $6,000 00
For contingent expenses of said Territory 1,000 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly 10,000 00

Territory of Utah:
For salaries of Governor, three judges, and Secretary 7,000 00
For contingent expenses of said Territory 1,500 00

Territory of Washington:
For salaries of Governor, three judges, and Secretary 12,500 00
For contingent expenses of said Territory 1,500 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly 20,000 00

Territory of Nebraska:
For salaries of Governor, three judges, and Secretary 10,500 00
For contingent expenses of said Territory 1,000 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly 20,000 00

Territory of Kansas:
For salaries of Governor, three judges, and Secretary 10,500 00
For contingent expenses of said Territory 1,500 00
For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly 20,000 00
For deficiencies in the contingent expenses of Kansas, being the amount incurred during the administration of government by J. W. Denver on that account 2,275 22

Judiciary.

For salaries of the Chief Justice of the Supreme Court, and eight associate justices 54,500 00
For salaries of the district judges 110,750 00
For salary of the circuit judge of California 6,000 00
For salaries of the chief justice of the District of Columbia, the associate judges, and the judges of the criminal court and orphans' court 15,750 00

Office of the Attorney General.

For salaries of the Attorney General, one assistant, to be employed in his office, and the clerks and messenger in his office 14,367 00
For contingent expenses of the office of the Attorney General 2,000 00
For purchase of law and necessary books, and binding, for the office of the Attorney General, 800 00
For fuel and labor for the office of the Attorney General 500 00
For furniture and book-cases for office of the Attorney General 500 00
For the purchase of deficient State Reports for the office of the Attorney General 800 00
For legal assistance and other necessary expenditures in the disposal of private land claims in California 10,000 00
For special and other extraordinary expenses of California land claims 40,000 00
For salary of the reporter of the decisions of the Supreme Court 1,300 00
For compensation of the district attorneys 11,700 00
For compensation of the marshals 10,400 00
For defraying the expenses of the Supreme, circuit, and district courts of the United States, including the District of Columbia; also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the fiscal year ending June thirtieth, eighteen hundred and sixty, and previous years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners 785,000 00

Annuities and Grants.

To Elizabeth C. Perry, per act second March, eighteen hundred and twenty-one 312 50

Independent Treasury.

For salaries of the assistant Treasurers of the United States at New York, Boston, Charleston, and St. Louis 16,500 00
For additional salary of the Treasurer of the Mint at Philadelphia 1,000 00
For additional salary of the treasurer of the branch mint at New Orleans 500 00
For salaries of five of the additional clerks authorized by the acts of sixth August, eighteen hundred and forty-six, and paid under acts of twelfth August, eighteen hundred and forty-eight, third March, eighteen hundred and fifty-one, and third March, eighteen hundred and fifty-five 5,700 00
For salary of additional clerk in office of assistant treasurer at Boston 1,200 00
For salaries of clerks, messengers, and watchmen in the office of the assistant treasurer at New York 13,900 00
For salary of clerk of treasurer of the branch mint, at San Francisco, California, as depositary 2,500 00
For contingent expenses under the act for the safe-keeping, collecting, transfer, and disbursement of the public revenue, of sixth August, eighteen hundred and forty-six, in addition to premium received on transfer drafts 5,000 00
For salaries of nine supervising and fifty local inspectors, appointed under act thirtieth August, eighteen hundred and fifty-two, for the better protection of the lives of passengers by steamboats, with traveling and other expenses incurred by them $80,000 00

Expenses of the Collection of the Revenue from Lands.

To meet the expenses of collecting the revenue from the sale of the public lands in the several States and Territories:
For salaries and commissions of registers of land offices and receivers of public moneys 277,700 00
For expenses of depositing public moneys by receivers of public moneys 35,800 00
For incidental expenses of the several land offices 43,300 00

Penitentiary.

For compensation of the warden, clerk, physician, chaplain, assistant keepers, guards, and matron of the penitentiary of the District of Columbia 13,860 00
For compensation of three inspectors of said penitentiary 750 00
For the support and maintenance of said penitentiary 7,920 00
For compensation of the messenger to the office of the Commissioner of Public Buildings, and for his services in attending to the main furnace in the Capitol, which shall be in lieu of all other compensation 1,000 00
For stationery, blank-books, plans, drawings, and other contingent expenses of the office of the Commissioner of Public Buildings 250 00
For compensation to the laborer in charge of the water-closets in the Capitol 438 00
For compensation to the public gardener 1,440 00
For compensation of twenty-two laborers employed in the public grounds and President's garden 13,200 00
For compensation of the keeper of the western gate, Capitol square 876 00
For compensation of two day watchmen employed in the Capitol square 1,200 00
For compensation of two night watchmen employed at the President's house 1,200 00
For compensation of the doorkeeper at the President's house 600 00
For compensation of the assistant doorkeeper at the President's house 600 00
For compensation of one night watchman employed for the better protection of the buildings lying south of the Capitol, and used as public stables and carpenters' shops 600 00
For compensation of four draw-keepers at the Potomac bridge, and for fuel, oil, and lamps .. 3,266 00
For compensation of two draw-keepers at the two bridges across the eastern branch of the Potomac, and for fuel, oil, and lamps 1,180 00
For compensation of the auxiliary guard, and for fuel, and oil for lamps 19,400 00
To repay to the corporation of Washington the compensation of twenty policemen from the thirteenth day of July, eighteen hundred and fifty-eight, to the thirtieth day of June, eighteen hundred and fifty-nine 12,530 52
For the compensation of twenty policemen in the city of Washington, to be appointed in the same manner as the auxiliary guard are now appointed 13,000 00
For furnace-keeper at the President's house 600 00
For deficiency in printing for the first session of Thirty-Fifth Congress 38,579 13
For deficiency in paper for second session of the Thirty-Fifth Congress 78,849 00
For deficiency in printing for the second session of the Thirty-Fifth Congress 62,250 00
For deficiency in the appropriation for the compensation and mileage of Senators during the present Congress 6,263 88

$6,946,335 97

By the act making appropriations for light-houses, light-boats, buoys, &c., and providing for the erection and establishment of the same, and for other purposes.

New Hampshire.

For a fog bell, to be rung by machinery, at Whale's Back light-house $1,000 00

Massachusetts.

For rebuilding the two light-house towers on Thatcher's Island, Cape Ann, and for fitting them with first-order illuminating apparatus, as per detailed estimate I, page 102, (estimates of appropriations for eighteen hundred and fifty-eight and eighteen hundred and fifty nine,) 81,417 60

Connecticut.

For a fog bell, to be rung by machinery, at the New Haven (Five Mile Point) light-house 1,000 00

New York.

For a beacon-light on one of the Sister Islands, in the St. Lawrence river, below Alexandria bay 4,000 00
For repairing and securing the pier connected with the light house at Oswego, New York, so as to prevent the destruction of said light-house 10,000 00

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Michigan.

For a light-house on the north point of the peninsula dividing Grand Traverse bay..... $6,000 00
For a light-house on the east side of Middle Island harbor, West Marquette..... 5,000 00
To repair the light-house pier at Vermillion, Ohio, 5,000 00

Wisconsin.

For a light-house on Green Island, or one of the adjacent Islands, Green bay..... 6,000 00
For a light-house on Raspberry Island, one of the Apostle Islands, Lake Superior..... 6,000 00
For a light-house at the mouth of Kewanee river, Lake Michigan 6,000 00

Minnesota.

For a light-house at or near the mouth of Two Island river, Lake Superior..... 5,000 00

North Carolina.

For a beacon-range light at Ocracoke..... 750 00

South Carolina.

For two range beacon-lights (in place of the "Overall beacon-lights") for the beach on Sullivan's Island channel..... 4,000 00

Georgia.

For a light at a proper point in St Andrew's sound and for one in St. Catharine Sound, Georgia.. 20,000 00

Florida.

For rebuilding the light-house at Cape Canaveral, and fiting it up with a first-order catadioptric illuminating apparatus, (as per detailed estimate *H*, page 99, general estimates of appropriations for eighteen hundred and fifty-eight and eighteen hundred and fifty-nine)..... 68,751 10

Louisiana.

For the commencement and completion of an iron screw pile light-house, at or near the entrance to the channel of the Mississippi river, at the Southwest Pass, authorized August three, eighteen hundred and fifty-four, in addition to the former appropriation, as per estimate J, page 103, (general estimate of appropriations for eighteen hundred and fifty-eight and eighteen hundred and fifty-nine)..... 69,900 00

Texas.

For the erection of range beacons for crossing the bar and entering Galveston bay, in place of the present light-vessel at that place..... 1,700 00
For a light house at San Luis Pass, and at the mouth of Brazos river..... 20,000 00

California.

For a light-house on Mare Island, San Francisco bay..... 9,989 00
For a light-house at Point Lobos, provided the United States has a perfect title to the site of said light-house..... 6,000 00
For a light-house half way between Cape Henry and Body's Island..... 25,000 00
For a light to mark the entrance to the Cone and Yeocomico rivers, Virginia..... 5,000 00

$367,507 70

By the act making appropriations for sundry civil expenses of the Government for the year ending the thirtieth of June, eighteen hundred and sixty.

Survey of the Coast.

For continuing the survey of the Atlantic and Gulf coasts of the United States, (including compensation to superintendent and assistants, and excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy employed on the work..$250,000 00
For continuing the survey of the western coast of the United States 130,000 00
For continuing the survey of the Florida reefs and keys, (excluding pay and emoluments of officers of the Army and Navy, and petty officers and men of the Navy employed on the work,)..... 40,000 00
For running a line to connect the triangulation on the Atlantic coast with that on the Gulf of Mexico, across the Florida peninsula..... 5,000 00
For publishing the observations made in the progress of the survey of the coast of the United States..... 5,000 00
For repairs of steamers and sailing schooners used in the coast survey..... 10,000 00
For pay and rations of engineers for seven steamers used in the hydrography of the coast survey, no longer supplied by the Navy Department..... 12,800 00
To supply deficiency in the fund for the relief of sick and disabled seamen..... 125,000 00
For preserving the extension of the Treasury building..... 50,000 00
For completion of the Indianapolis court-house and post office..... 40,000 00
For completion of the Detroit custom-house.... 30,000 00
For repairing the damage occasioned by the recent fire at the Mobile custom-house..... 10,000 00
For annual repairs of custom-houses..... 15,000 00
For annual repairs of marine hospitals..... 15,000 00

Light-house Establishment.

For the Atlantic, Gulf, and Lake coasts, viz:
For supplying the light-houses and beacon-lights with oil, glass chimneys, wicks, chamois skins, polishing powder, whiting, and other cleaning materials, transportation and other necessary expenses of the same, repairing and keeping in repair the lighting apparatus..... 132,000 00
For repairs, and incidental expenses, refitting and improving all the light-houses, and buildings connected therewith..... $110,000 00
For repairing the works and piers, in order to preserve and secure the light-house at Chicago, Illinois..... 87,000 00
For repairs and incidental expenses to the light-house at Oswego, and the buildings connected therewith..... 30,000 00
For salaries of six hundred and two keepers of light-houses and light-beacons, and their assistants 193,309 59
For salaries of fifty-two keepers of light-vessels, 27,458 73
For seamen's wages, repairs, supplies, and incidental expenses of fifty-two light-vessels..... 166,618 13
For expenses of raising, cleaning, painting, repairing, remooring, and supplying losses of buoys and day beacons, and for chains and sinkers for the same, and for coloring and numbering all the buoys..... 100,000 00
For commissions, at two and a half per centum, to such superintendents as are entitled to the same under the proviso to act third March, eighteen hundred and fifty one, on the amount that may be disbursed by them, in addition to available balance 1,816 67
For the coasts of California, Oregon, and Washington:
For expenses of raising, cleaning, painting, repairing, remooring, and supplying losses of buoys and day beacons, and for chains and sinkers for the same, and for coloring and numbering all the buoys..... 10,000 00
For continuing the construction of the light-house on Minot's Ledge, one of the Cohasset rocks, Boston bay, Massachusetts, being one half of the amount remaining to be appropriated to complete the work according to the original estimate..... 47,090 36
For commutation of fuel and quarters for officers of the Army serving on light-house duty, the payment of which is no longer provided for by the quartermaster's department..... 2,367 41
For compensation of two superintendents for the life-saving stations on the coasts of Long Island and New Jersey..... 3,000 00
For compensation of fifty-four keepers of stations, at two hundred dollars each..... 8,463 43
For the best life-boat, to be placed at each of the twenty-eight life-saving stations on the coast of New Jersey..... 6,440 00
For repairing the life-saving stations on the coasts of Long Island and New Jersey..... 2,000 00

Survey of the Public Lands.

For surveying the public lands, (exclusive of California, Oregon, Washington, New Mexico, Kansas, Nebraska, and Utah,) including incidental expenses and island surveys in the interior, and all other special and difficult surveys demanding augmented rates, to be apportioned and applied to the several surveying districts, according to the exigencies of the public service, including expenses of selecting swamp lands and the compensation and expenses to survey or to locate private land claims in Louisiana, in addition to the unexpended balances of all former appropriations.. 60,000 00
For surveying the public lands and private land claims in California, including office expenses incident to the survey of claims, and to be disbursed at the rates prescribed by law for the different kinds of work..... 43,000 00
For continuing the survey of base, meridian, standard parallels, township, and section lines in New Mexico..... 20,000 00
For surveying the necessary base, meridian, standard parallels, township, and section lines in Kansas and Nebraska, also outlines of Indian reservations, including liabilities incurred in the years eighteen hundred and fifty-five, eighteen hundred and fifty-six, eighteen hundred and fifty-seven, and eighteen hundred and fifty-eight..... 40,000 00
For preparing the unfinished records of public and private surveys to be transferred to the State authorities, under the provisions of the act of twelfth June, eighteen hundred and forty, in those districts where the surveys are about being completed..... 10,000 00
For resurveys and examinations of the surveys of the public lands in those States where the offices of the surveyors general have been or shall be closed, under the acts of the twelfth June, eighteen hundred and forty, and twenty-second January, eighteen hundred and fifty-three, including two thousand dollars for the salary of the clerk detailed to this special service in the General Land Office..... 2,000 00
For surveying the public lands in Oregon, to be disbursed at the rates now authorized by law, 20,000 00
For running and marking that part of the western boundary of Minnesota which is not defined by the natural landmarks, estimated distance one hundred and thirty miles..... 5,000 00
For binding field-notes, plats, and records of surveys in the office of the surveyor general of Kansas and Nebraska..... 1,000 00
For preservation of the collections of the exploring and surveying expeditions of the Government..... 4,000 00
For collection of agricultural statistics, investigations for promoting agriculture and rural economy, and the procurement of cuttings and seeds..... 40,000 00
For drawings to illustrate the mechanical report of the Commissioner of Patents for the year eighteen hundred and fifty-eight..... $6,000 00
For support, care, and medical treatment of forty transient paupers, medical and surgical patients, in Washington infirmary..... 6,000 00
For purchase of manure for the public grounds.. 1,000 00
For hire of carts on the public grounds..... 1,095 00
For purchase of trees and tree-boxes to replace, when necessary, such as have been planted by the United States, and the repair of pavements in front of the public grounds..... 3,000 00
For annual repairs of the Capitol, water-closets, public stables, water pipes, pavements, and other walks within the Capitol square, broken glass and locks, and for the protection of the building..... 5,000 00
For annual repairs of the President's house and furniture, improvement of grounds, purchase of plants for garden and making hot-beds therein, and contingent expenses incident thereto, 3,000 00
For fuel, in part, of the President's house..... 1,800 00
For lighting the Capitol and President's house, the grounds around them and around the executive offices, and Pennsylvania avenue, and Bridge and High streets in Georgetown..... 43,000 00
For lighting with gas Four-and-a-half, Seventh, and Twelfth streets, across the public mall... 4,000 00
For purchase of books for library at the Executive mansion, to be expended under the direction of the President of the United States.... 250 00
For repairs of the Potomac, navy-yard, and upper bridges..... 3,000 00
For repairs of Pennsylvania avenue..... 3,000 00
For taking care of the grounds south of the President's house, continuing the improvement of the same, and keeping them in order, 1,000 00
For the payment of laborers employed in shoveling snow from the walks to and around the Capitol, the President's house, and the pavements along the Government reservations on Pennsylvania avenue..... 500 00
For repairs of water pipes..... 500 00
For casual repairs of the Patent Office building, 1,500 00
For cleaning out the sewer traps on Pennsylvania avenue..... 300 00
For completing the erection of the north front of the Patent Office building, grading and paving streets around the same, inclosing front yards, and improving court yard..... 50,000 00
To enable the Secretary of the Interior to purchase of Messrs. Little, Brown & Co. two thousand copies of the eleventh volume of the United States Statutes at Large for distribution, agreeably to act of Congress directing the distribution of the other volumes..... 7,000 00
For public reservation number two and La Fayette square..... 2,000 00
For making cases and fitting up rooms in the Patent Office building to receive copyright books, charts, and other copyright matter, and for transferring, arranging, and taking care of the same..... 3,600 00

Government Hospital for the Insane.

For continuation of wall inclosing the grounds, 3,500 00
For furnishing the present hospital continuation, comprising the center and three sections of the wing..... 14,300 00
For fire apparatus..... 900 00
For painting and sanding battlement and window heads and frames, and tracing window sash of the five west sections of the hospital edifice erected..... 800 00
For grading and planting trees about the hospital edifice and upon the approaches thereto within the grounds..... 1,000 00
Towards the completion of the four eastern sections of the east wing, which will complete the hospital edifice..... 40,000 00
For the support, clothing, and medical treatment of the insane of the District of Columbia, and of the Army and Navy, at the asylum in said district 24,500 00
For salaries and incidental expenses of the institution of the deaf, dumb, and blind in the District of Columbia..... 3,000 00
For expenses to be incurred preliminary to taking the eighth census 15,000 00
For United States Capitol extension..... 400,000 00
For extension of the General Post Office..... 150,000 00
For payment of the mortgage and interest on property in Pine street, in the city of New York, belonging to the United States, and purchased under authority of the act of fourth August, eighteen hundred and fifty-four, or so much thereof as may be necessary for that purpose..... 11,000 00

Botanic Garden.

For procuring manure, tools, fuel, and repairs, purchasing trees and shrubs for botanic gardens, to be expended under the direction of the Library Committee of Congress..... 2,300 00
For pay of horticulturist and assistants in the botanic garden and green-houses, to be expended under the direction of the Library Committee of Congress..... 5,121 50
For deficiency in the executive extraordinary expenses in Kansas Territory during the administration of Governor John W. Geary..... 690 40
For introducing the Potomac water into the botanic garden, and building a cistern therein... 1,000 00
For completing certain volumes of the Exploring Expedition now nearly finished, and pay of superintendent..... 8,220 05

To enable the Secretary of War to pay for the purchase of stores furnished for the use of volunteers engaged in suppressing Indian hostilities in the Territory of Washington during the late Indian hostilities in that Territory, seven thousand dollars, with interest from the time the money was advanced by Governor Douglass for said purchase.....[Indefinite.]

For the payment of volunteers employed in Florida during the years eighteen hundred and fifty-seven and eighteen hundred and fifty-eight, and who were called into service by requisition of the President on the Governor of that State, or so much thereof as may be necessary to pay the amount found due for the time said troops were actually in the service of the United States.....$413,600 00

For repairs of the Long Bridge over the Potomac at Washington, to be expended under the direction of the Commissioner of Public Buildings..... 5,000 00

To enable the Commissioner of Public Buildings to pay to John F. Callan for stone taken from square number five hundred and sixty-two, in Washington city, and used in paving New Jersey avenue..... 162 00

For the purchase of the first lot west of the custom-house, commonly known as the Levy corner..... 75,000 00

For the purchase of the next adjoining lot west, known as the Bailey lot..... 86,000 00

For the construction of a building on the said Levy and Bailey lots suitable for a post office and court-house.....[Indefinite.]

$3,318,003 27

By the act making appropriations for the support of the Army for the year ending the thirtieth of June, eighteen hundred and sixty.

For expenses of recruiting, transportation of recruits, three months' extra pay to non-commissioned officers, musicians, and privates on reënlistment..... 89,999 00

For pay of the Army.....3,091,784 00

For commutation of officers' subsistence..... 998,434 50

For commutation of forage for officer's horses.. 104,128 00

For payments to discharged soldiers for clothing not drawn..... 50,000 00

For payments in lieu of clothing for officers' servants..... 39,890 00

For subsistence in kind.....1,969,540 00

For clothing for the Army, camp and garrison equipage, and iron bedsteads for barracks...1,129,809 78

For the regular supplies of the quartermaster's department, consisting of fuel for the officers, enlisted men, guard, hospitals, storehouses, and offices; of forage in kind for the horses, mules, and oxen of the quartermaster's department at the several posts and stations, and with the armies in the field; for the horses of the two regiments of dragoons, the two regiments of cavalry, the regiment of mounted riflemen, the companies of light artillery, and such companies of infantry as may be mounted, and for the authorized number of officers' horses, when serving in the field and at the outposts, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank-books for the quartermaster's department, certificates for discharged soldiers, blank forms for the pay and quartermaster's departments, and for the printing of division and department orders and reports.....1,440,000 00

For the incidental expenses of the quartermaster's department, consisting of postage on letters and packets received and sent by officers of the Army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation of judges advocate, recorders, members, and witnesses, while on that service, under the act of March sixteenth, eighteen hundred and two; extra pay to soldiers employed under the direction of the quartermaster's department in the erection of barracks, quarters, storehouses, and hospitals; in the construction of roads, and on other constant labor, for periods of not less than ten days, under the acts of March second, eighteen hundred and nineteen, and August fourth, eighteen hundred and fifty-four, including those employed as clerks at division and department headquarters; expenses of expresses to and from the frontier posts and armies in the field; of escorts to paymasters and other disbursing officers, and to trains where military escorts cannot be furnished; expense of the interment of officers killed in action, or who die when on duty in the field, or at the posts on the frontiers, and of non-commissioned officers and soldiers; authorized office furniture; hire of laborers in the quartermaster's department, including the hire of interpreters, spies, and guides for the Army; compensation of clerks of the officers of the quartermaster's department; compensation of forage and wagon-masters, authorized by the act of July fifth, eighteen hundred and thirty-eight; for the apprehension of deserters, and the expenses incident to their pursuit; and for the following expenditures required for the two regiments of dragoons, the two regiments of cavalry, the regiment of mounted riflemen, and such companies of infantry as may be mounted, viz: the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named.....$450,000 00

For constructing barracks and other buildings at posts which it may be necessary to occupy during the year; and for repairing, altering, and enlarging buildings at the established posts, including hire or commutation of quarters for officers on military duty, hire of quarters for troops, of storehouses for the safe-keeping of military stores, and of grounds for summer cantonments, and for temporary frontier stations.....300,000 00

For mileage or the allowance made to officers of the Army for the transportation of themselves and their baggage, when traveling on duty, without troops, escorts, or supplies.....125,000 00

For transportation of the Army, including the baggage of the troops, when moving either by land or water; of clothing, camp, and garrison equipage from the depot at Philadelphia to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and of subsistence from the places of purchase and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms, from the founderies and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; for the purchase and hire of horses, mules, and oxen, and the purchase and repair of wagons, carts, and drays, and of ships, and other sea-going vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters; transportation of funds for the pay and other disbursing departments; the expense of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific; and for procuring water at such posts as from their situation require that it be brought from a distance; and for clearing roads and removing obstructions therein to the extent which may be required for the actual operations of the troops on the frontier.....3,000,000 00

For the purchase of horses for the two regiments of dragoons, the two regiments of cavalry, the regiment of mounted riflemen, and the companies of light artillery.....200,000 00

For contingencies of the Army..... 15,000 00

For the medical and hospital departments..... 91,000 00

For contingent expenses of the adjutant general's department at department headquarters..... 500 00

For compensation of the clerk and messenger in the office of the commanding general..... 2,000 00

For contingent expenses of the office of the commanding general..... 300 00

For armament of fortifications, out of which fifty thousand dollars are to be used for experiments on heavy ordnance.....200,000 00

For ordnance, ordnance stores, and supplies, including horse equipments for the mounted regiments.....200,000 00

For the current expenses of the ordnance service, including experiments in arms and ammunition, not otherwise provided for.....100,000 00

For the manufacture of arms at the national armories.....250,000 00

For the Allegheny arsenal..... 5,000 00

For the Benicia arsenal..... 50,000 00

For Fort Monroe arsenal..... 14,000 00

For New York arsenal..... 3,000 00

For North Carolina arsenal..... 2,235 00

For Texas arsenal..... 21,000 00

For Washington arsenal..... 2,500 00

For Watertown arsenal..... 1,000 00

For Watervliet arsenal; a part of which sum may be applied to the purchase of a piece of ground adjoining the arsenal on the south side east of the Erie canal..... 25,000 00

For contingencies of arsenals..... 20,000 00

For surveys for military defenses, geographical explorations and reconnoissances for military purposes, and surveys with armies in the field, 50,000 00

For purchase and repairs of instruments..... 10,000 00

For printing charts of lake surveys..... 10,000 00

For continuing the survey of the northern and northwestern lakes, including Lake Superior, 75,000 00

For defraying the expenses of the recovery and the restoration to their homes of the children surviving the massacre by Indians of the emigrant trains from Arkansas, in the fall of eighteen hundred and fifty-seven..... 10,000 00

For the payment to the State of Minnesota for expenses incurred by Captain James Starkey's company of Minnesota volunteers, called out by the Governor of the Territory of Minnesota, in eighteen hundred and fifty-seven, to protect the settlers of the valley of Sunrise river against the Chippewa Indians, or so much thereof as may be necessary..... 2,639 00

For the removal of the Court Orielle band of the Chippewa Indians, on the Red Cedar and Menomonee rivers, in Wisconsin, and providing a permanent home for them among the Chippewas of Lake Superior or the Upper Mississippi..... 10,000 00

For repairs and improvements and new machinery at Springfield Armory, Massachusetts..... 53,910 00

For repairs and improvements and new machinery at Harper's Ferry armory..... 55,000 00

For printing a revised edition of the system of instruction for field artillery, horse and foot, to be stereotyped, with engraved plates, now ready for the press, and for procuring for distribution to the militia of the United States books of tactical instruction.....$10,000 00

For the construction of a military road from Fort Benton to Walla-Walla..... 100,000 00

To repay the State of Texas moneys advanced by that State for the payment of six companies of mounted volunteers called into service by General Persifer F. Smith on the first of November, eighteen hundred and fifty-four, for three months.....[Indefinite.]

For the purpose of executing a resolution approved May fourteenth, eighteen hundred and thirty-six, entitled "A resolution to authorize the Secretary of War to receive additional evidence in support of the claims of Massachusetts and other States of the United States for disbursement services, and so forth, during the late war," the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Massachusetts the sum reported under said resolution to be due to said State by J. R. Poinsett, late Secretary of War, in a report dated the twenty-third of December, eighteen hundred and thirty seven, made to the House of Representatives the twenty-seventh of December, eighteen hundred and thirty-seven.....227,176 48

For the following fortifications:

For fort at Hog Island ledge..... 40,000 00

For Fort Knox, Penobscot bay..... 20,000 00

For Fort Schuyler, East river, New York..... 20,000 00

For Fort Richmond, Staten Island..... 15,000 00

For Fort Carroll, Sollers' Point..... 40,000 00

For Fort Montgomery, Lake Champlain..... 10,000 00

For Fort Delaware, Delaware river..... 75,000 00

For Fort Calhoun, Hampton Roads, Virginia.... 75,000 00

For Fort Sumpter, Charleston, South Carolina.. 25,000 00

For Fort Clinch, Florida..... 50,000 00

For Fort Point, California..... 50,000 00

For Fort Alcatraz, California..... 30,000 00

For Fort Jefferson, Tortugas, Florida..... 95,000 00

For Fort Taylor, Key West..... 70,000 00

For continuing the construction of the works at Fort Gaines..... 30,000 00

For contingent expenses of fortifications and repairs..... 30,000 00

$15,279,845 76

By the act making an appropriation for the payment of the expenses of investigating committees, and for other purposes.

For the payment of expenses of the several investigating committees of the House of Representatives during the present Congress, and that the same shall be added to the miscellaneous item of the contingent fund of said House with whatever now remains of the appropriations "for the engraving of maps, charts, and other plates accompanying documents ordered to be printed at the first session of the Thirty Fourth Congress," contained in "An act to supply deficiencies," approved May fifteenth, eighteen hundred and fifty six.....$10,000 00

By the act making appropriations for the payment of invalid and other pensions of the United States for the year ending the thirtieth of June, eighteen hundred and sixty.

For invalid pensions under various acts.....$430,000 00

For pensions under acts of the eighteenth March, eighteen hundred and eighteen; fifteenth May, eighteen hundred and twenty-eight; and seventh June, eighteen hundred and thirty-two.. 40,000 00

For pensions to widows of those who served in the revolutionary war, under the third section of the act of fourth July, eighteen hundred and thirty-six; the act of seventh July, eighteen hundred and thirty-eight; third March, eighteen hundred and forty-three; seventeenth June, eighteen hundred and forty-four; second February and twenty-ninth July, eighteen hundred and forty-eight; and second section act of third February, eighteen hundred and fifty-three.....214,000 00

For pensions to widows and orphans, under first section act fourth July, eighteen hundred and thirty-six; act of twenty-first July, eighteen hundred and forty-eight; first section act of third February, eighteen hundred and fifty-three, and under special acts..... 50,000 00

For navy invalid pensions..... 2,000 00

For navy pensions to widows and orphans, under act of eleventh August, eighteen hundred and forty-eight.....115,000 00

For privateer invalids..... 1,000 00

$852,000 00

By the act to carry into effect the convention between the United States and China, concluded on the eighth of November, eighteen hundred and fifty-eight, at Shanghai.

For salaries of two commissioners, who shall form a board in China, to receive and examine all claims which may be presented to them, under the said convention, according to the provisions of the same, the principles of justice, and international law.....[Indefinite.]

For contingent expenses of said board.....[Indefinite.]

By the act for the relief of Joseph Hardy and Alton Long.

For the amount of rent exacted by the United States agents of lead mines from Joseph Hardy, for lead mined and smelted upon the lands of the Ottowa, Pottawatomie, Chippewa, Winnebago, or other tribes of Indians, prior to the purchase thereof by the United States..[Indefinite.]

By the act for the relief of Elias Hall, of Rutland, Vermont.

For the balance due him for his services as superintendent of repairs of small arms and for subsistence, expenses, and losses while engaged in the service of the United States during the last war with Great Britain....$516 52

By the act for the relief of Thomas Laurent, surviving partner of the firm of Benjamin and Thomas Laurent.

For the amount paid by the said firm to Major General Winfield Scott, in the city of Mexico, for the purchase of a house, in said city, out of the possession of which they were since ousted by the Mexican authorities.....[Indefinite.]

By the act for the relief of C. Edward Habicht, administrator of J. W. P. Lewis.

For the balance of his accounts as United States agent for the construction of a light-house on Sand Key, in the State of Florida, as stated by the accounting officers of the Treasury $2,238 47

By the act for the relief of Henry Hubbard.

For his services as United States agent charged with the safe-keeping of the public property at the harbor of Ashtabula, in the State of Ohio, as certified by the bureau of topographical engineers, with interest, at the rate of six per centum per annum, from the eleventh of June, eighteen hundred and fifty six, from which time payment is shown to have been delayed for want of appropriation.....[Indefinite.]

By the act for the relief of Captain Douglas Ottinger.

In full compensation for the use of his invention of the life or surf-car by the United States, and also to enable him further to test the practicability of adapting such car to the rescuing of passengers and crews during violent gales at sea.....$10,000 00

By the act for the relief of A. Baudouin and A. D. Robert.

For the damages sustained by them arising from the sinking of a flat boat of ice, at New Orleans, by a steamboat in the service of the United States.....$2,000 00

By the act for the relief of Dinah Minis.

To pay to Dinah Minis, or her legal representatives, the sums due on loan office certificates—number ninety-three, for thirty-seven dollars and twenty-seven and two thirds cents; number ninety-four, for seventy-four dollars and fifty-five and one third cents; and number one hundred and four, for eighty-one dollars and sixty-six cents; all dated August nineteen, seventeen hundred and ninety-one, and signed by Richard Wylly, commissioner of loans—on the surrender of the said original certificates at the Treasury Department.....[Indefinite.]

By the act for the relief of Robert A. Davidge.

For his services as a temporary clerk in the office of the First Comptroller of the Treasury, from March twenty-sixth to April thirtieth, eighteen hundred and fifty-seven $118 90

By the act for the relief of Samuel A. Fairchilds.

For expenses and services in arresting and bringing to trial certain persons charged with robbing the mails of the United States, and to pay to the said Samuel A. Fairchilds whatever sum the said Fairchilds may show, by proper evidence, he expended in arresting and securing the said parties and delivering them to the authorities of the United States.....$802 50

By the act for the relief of the representatives of Henry King, deceased.

For the services of the said Henry King in the third Maryland regiment, and in the commissary department, during the revolutionary war.....$1,817 36

By the act for the benefit of the captors of the British brig Caledonia, in the war of eighteen hundred and twelve.

To pay to the captors of the British brig Caledonia, on the eighth of October, eighteen hundred and twelve, on the Niagara river, near Fort Erie, [or to] the widows of the captors if any, and if none, then to their children or grandchildren, but not to collateral heirs $25,000 00

By the act for the relief of William H. Russell.

For his salary as collector of the port of Monterey, in California, from the thirteenth day of March to the twenty-third day of June, eighteen hundred and fifty-one.....$839 66

By the act for the relief of Captain A. W. Reynolds.

To pay the amount of the award of the arbitrators, R. T. Matthews, Charles I. Biddle, and Rush Van Dyke, in the case of the United States against A. W. Reynolds, with legal interest from the fourth day of September, eighteen hundred and fifty-seven, till paid; and to pay to the parties legally entitled the costs, as stated in the said award, upon the presentation of the proper evidence and certificates from the district court of the United States .....[Indefinite.]

By the act for the relief of William Rich.

For the difference between the compensation allowed to a secretary of legation and that to a chargé d'affaires, for the period during which he acted in the latter capacity.....$830 00

By the act for the relief of Frances Ann McCauley.

To pay to Frances Ann McCauley, widow of Daniel S. McCauley, deceased, late consul-general of the United States at Alexandria, in Egypt, the sum of four housand two hundred dollars, for compensation for judicial services performed by her said husband while holding said office, from the fourteenth day of August, eighteen hundred and forty-eight, to the twenty-sixth day of October, eighteen hundred and fifty-two, under the act of Congress entitled "An act to carry into effect certain provisions in the treaties between the United States and China and the Ottoman Porte, giving certain judicial powers to ministers and consuls of the United States in those countries," approved August eleventh, eighteen hundred and forty-eight, at the rate of one thousand dollars per annum.....$4,200 00

By the act for the relief of Eli W. Goff.

For damages and losses sustained by his efforts faithfully to execute the revenue laws of the United States, $5,000 00

By the act for the relief of Edward Ingersoll.

For the amount of a judgment with cost against him for the hire of carriages used by the board of commissioners (appointed under the act of third March, eighteen hundred and fifty three) while in the discharge of their duties at Springfield armory.....$335 75

By the act for the relief of James Collier.

For the amount (with its interest at the rate of six per centum per annum) found due from the United States to said Collier in a certain action tried and determined in the circuit court of the United States for the southern district of New York, second circuit, held on the thirtieth day of November, anno Domini eighteen hundred and fifty-five, wherein the United States was plaintiff and said James Collier was defendant, and in which action said court, upon the verdict of a jury, certified that there was then due from the United States to said Collier, the sum of eight thousand one hundred and ten dollars and twenty-nine cents, and which proceedings of said circuit court were afterwards affirmed by the Supreme Court of the United States at its December term, anno Domini eighteen hundred and fifty-seven.....[Indefinite.]

By the act for the relief of the assignees of Hugh Glenn.

For the balance of a judgment certified by the United States district court for the district of Kentucky, at the December term, eighteen hundred and twenty-two, in favor of the said Hugh Glenn, in a suit wherein the United States was plaintiff and the said Hugh Glenn was defendant; the said sum having been assigned by the said Hugh Glenn, the said assignees filing with the said Secretary good and sufficient evidence of said assignment and of present subsisting title thereto.....$6,971 26

By the act for the relief of Enoch B. Talcott, late collector of customs at Oswego, New York.

For the amount lost by him by the robbery of the custom-house at Oswego, New York, on the night of December ninth, eighteen hundred and fifty-seven, whilst he was the collector of customs for that district.....$452 97

By the act for the relief of Ferdinand Coxe.

For his salary as chargé d'affaires at the court of Brazil, from the twelfth day of May, eighteen hundred and fifty-three, to the sixteenth day of August, eighteen hundred and fifty-three, inclusive; the said sum being the difference between said Coxe's salary as secretary of legation and the full salary of chargé d'affaires.....$662 69

By the resolution for the relief of William Hazzard Wigg.

To examine and readjust the accounts of William Hazzard Wigg, stated under authority of the act of Congress for his relief, approved on the third of March, eighteen hundred and fifty-three, and ascertain the alleged clerical error whereby the sum of one thousand five hundred and sixty dollars is supposed to have been withheld, $1,560 00

RECAPITULATION.

Legislative, executive, judicial, civil, and miscellaneous	$10,932,369 50
Diplomatic and consular	1,047,745 00
Indian department, revolutionary, invalid, and other pensions	3,270,535 14
Army, fortifications, and Military Academy,	15,248,657 28
Naval service	10,527,163 55
Ocean steam mail service	341,229 16
Total	$41,367,699 63

II.—OFFICES CREATED AND THE SALARIES THEREOF.

By the act (chap. 1) to continue the office of register of the land office at Vincennes, Indiana.

One register, who shall perform the duties of register and receiver, at a compensation of five hundred dollars per annum, and fees.

By the act (chap. 74) supplemental to an act for the admission of the State of Minnesota into the Union.

One clerk of the district court of the United States, compensation not stated.

By the act (chap. 75) making appropriations for the consular and diplomatic expenses of the Government for the year ending June 30, 1860.

One minister resident at Japan, salary seven thousand five hundred dollars per annum.

By the act (chap. 77) to carry into effect the convention between the United States and China, concluded on the 8th November, 1858, at Shanghai.

A depositary of debentures or duty receipts, to be appointed by the minister or chief diplomatic officer of the United States in China, compensation not stated.

Two commissioners, at a compensation of three thousand dollars per annum each.

By the act (chap. 80) making appropriations for the legislative, executive, and judicial expenses of Government for the year ending June 30, 1860.

One assistant attorney general, at a compensation of three thousand dollars per annum.

Twenty policemen in the city of Washington, to be appointed in the same manner as the auxiliary guard, at a salary of six hundred and fifty dollars each per annum.

One clerk to the treasurer of the branch mint at San Francisco, California, at a salary of two thousand five hundred dollars per annum.

By the act (chap. 84) to provide for the care and preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all governmental purposes, and for the uses and benefits of the inhabitants of the said cities.

An engineer of the Potomac water-works, to be appointed from the United States corps of engineers, to receive for his services no more than his regular pay as an officer of that corps.

By the act (chap. 85) to provide for extending the laws and judicial system of the United States to the State of Oregon, and for other purposes.

One judge of the district court of the United States, at a compensation of two thousand five hundred dollars per annum.

One attorney,

One marshal,

who shall receive the same compensation as the attorney and marshal for the district of Iowa.

By the resolution (No. 12) conferring the rank of senior flag-officer on the active-service list of the United States Navy on Captain Charles Stewart.

One senior flag-officer of the United States Navy on the active-service list. No compensation fixed by the resolution.

III.—THE OFFICES THE SALARIES OF WHICH HAVE BEEN INCREASED, WITH THE AMOUNT OF SUCH INCREASE DURING THE SAME PERIOD.

None.